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HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 1977*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My Father worketh hitherto and I work.—John 5: 17.

Eternal Father, we pray for Your guidance and help in these decisive days of our natural life. You are ever near providing us with the resources we need for each day. As we open our hearts to You, grant unto us light to guide us, strength to sustain us, wisdom to make us wise, and faith to hold us steady that we may think clearly, act courageously, and live cleanly for the highest good of our beloved land.

Be graciously near the Members of this body and those who labor with them, give to them energy for the day's work and rest at eventide. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3314. An act for the relief of Tri-State Motor Transit Co.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1340. An act to authorize appropriations to the Energy Research and Development Administration for energy research, development, demonstration, and related programs in accordance with section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 92-484, appointed Mr. HATCH to be a member, on the part of the Senate, of the Technology Assessment Board, in lieu of Mr. SCHWEIKER, resigned.

AMENDING THE AGE DISCRIMINATION ACT OF 1975

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6668) to amend the Age Discrimination Act of 1975 to extend the date upon which the U.S. Commission on Civil Rights is required to file its report under such act, and for other purposes, with a Senate amendment thereto, and that the House recede from its disagreement to the Senate amendment and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That section 307(d) of the Age Discrimination Act of 1975 (42 U.S.C. 6106(d)) is amended—

(1) by striking out "eighteen months" and inserting in lieu thereof "two years"; and

(2) by adding at the end thereof the following new sentence: "The Commission is authorized to provide, upon request, information and technical assistance regarding its findings and recommendations to Congress, to the President, and to the heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.".

SEC. 2. (a) Section 707(a)(4) of the Older Americans Act of 1965 is amended by striking out the word "and" following "1976," and by inserting after "1977" a comma and the following: "and 30 cents per meal during the fiscal year ending September 30, 1978".

(b)(1) Section 707(d)(1) of such Act is amended by striking out "in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such" and inserting in lieu thereof the word "a".

(2) The second sentence of section 707(d)(2) of such Act is amended by inserting "only" after "shall".

The Clerk read the amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That section 307(d) of the Age Discrimination Act of 1975 (42 U.S.C. 6106(d)) is amended—

(1) by striking out "eighteen months" and inserting in lieu thereof "two years"; and

(2) by adding at the end thereof the following new sentence: "The Commission is authorized to provide, upon request, information and technical assistance regarding its findings and recommendations to Congress, to the President, and to the heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.".

SEC. 2. (a) Section 707(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3045f(a)(4)) is amended by striking out "and" following "1976," and by inserting after "1977" a comma and the following: "and the fiscal year ending September 30, 1978".

(b)(1) Section 707(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3045(f)(1)) is amended by striking out "in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such" and inserting in lieu thereof "a".

(2) The second sentence of section 707(d)(2) of the Older Americans Act of 1965 (42 U.S.C. 3045f(d)(2)) is amended by inserting "only" after "shall".

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, I wonder if the gentleman could explain his request and whether or not the minority approves of this?

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, there is no objection to this action on the part of the ranking minority member of the Committee on Education and Labor.

The matter to which the gentleman from Maryland refers is the Age Discrimination Act. The language on this point in the Senate bill is identical to the language in the House bill, and so is not a matter of controversy.

The particular action I take today runs rather to the extension of the commodities provision of the Older Americans Act of 1975 which requires the Secretary of Agriculture to maintain an annual program level of assistance of 15 cents a meal in fiscal year 1976 and 25 cents a meal in fiscal year 1977. The legislation allows the Department thereafter to adjust the cost per meal in order to reflect changes in the Consumer Price Index. The donated food level for title VII, the Nutrition for the Elderly Act, the current fiscal year is based on 27.25 cents per meal. The Senate bill would have allowed 30 cents per meal, but the Senate has agreed to the House position at 27.25 cents.

The other matter to which this action today runs is the difference between the two bills in that the Senate bill, unlike the House bill, would allow for the acceptance of cash as distinguished from commodities. In this respect we would agree with the Senate position.

I may say to the gentleman from Maryland (Mr. BAUMAN) that the administration supports both of the agreements to which I have alluded, and, to reiterate, there has been agreement on the part of the majority and minority members of our committee on this matter.

Mr. BAUMAN. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs may sit during the 5-minute rule today to continue consideration of energy legislation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISCHARGING COMMITTEE ON INTERNATIONAL RELATIONS FROM FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 249, BELGRADE RESOLUTION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on International Relations from further consideration of the concurrent resolution (H. Con. Res. 249) relating to the preparatory meeting at Belgrade for the upcoming meeting of the Conference on Security and Cooperation in Europe, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 249

Whereas the 1977 conference in Belgrade of the 35 states participating in the Conference on Security and Cooperation in Europe presents all the signatory states of the 1975 Helsinki accords with an unprecedented opportunity to improve East-West relations and to broaden the area of their cooperation; and

Whereas progress toward such improvement and cooperation within the framework of the Helsinki accords cannot develop without a thorough and candid exchange of views of the two-year record of implementation of those accords; and

Whereas such a review requires that specific practices of the participating states and their impact on specific individuals be constructively analyzed and discussed even when that discussion touches such matters of serious East-West contention as the application of the Final Act pledge to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief"; and

Whereas representatives of the participating states will meet in Belgrade, beginning June 15, 1977, to "decide on the date, duration, agenda, and other modalities" of the substantive review meeting to be held in 1977: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the United States delegation to the preparatory Belgrade meeting should make every effort to insure that the agenda adopted for the subsequent meeting provides for proper straightforward, and serious exchange of views among the participating states on the application of the principles of the Final Act as well as on compliance and noncompliance with all of its provisions, including the presentation and thorough discussion of all violations of the Final Act, especially those related to universal humanitarian ideals.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. DERWINSKI. Reserving the right to object, I do so, Mr. Speaker, to give the gentleman from Florida the opportunity to explain this resolution.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, the purpose of this resolution is to express the sense of Congress that the U.S. delegation to the preparatory Belgrade meeting for the subsequent substantive review session of the Conference on Security and Cooperation in Europe should make every effort to insure that the agenda adopted for the substantive meeting provides for proper, straightforward, and serious exchange of views among the participating states on the application of the principles of the Helsinki accords as well as on compliance and noncompliance with the provisions of the accords, including the presentation and discussion of all violations of the accords, especially those related to universal humanitarian ideals.

The text of the resolution was approved by the Committee on International Relations yesterday and introduced by myself and 14 cosponsors.

As the Members will recall, the Commission on Security and Cooperation in Europe was established last year to monitor compliance with the provisions of the Helsinki accords. To date, the joint Congressional-Executive Commission has received two reports from the President on the signatories' compliance with the accords and on U.S. activities in the areas covered by the agreement. In addition, the Commission has also held a series of hearings on the implementation of the agreement in the areas of East-West trade, human contacts, cultural exchange, and religious freedom.

The Commission has adopted a statement directed toward the preparatory meeting which begins today in Belgrade urging that our delegates there insure that the agenda for the later substantive review provide for full discussion and analysis of compliance and noncompliance with all of the principles and provisions of the Helsinki accords. House Concurrent Resolution 249 is based on the Commission's statement and represents an endorsement of the policy it advocates.

Mr. Speaker, I urge the adoption of the resolution.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, as a member of the Commission and of the International Relations Committee, I want to commend the gentleman from Florida for his leadership as chairman of the subcommittee and the Commission and to say that while this is a noncontroversial and nonpartisan resolution, I think it does have importance.

Our country is going to have to be sure all baskets are reviewed in the Belgrade Conference. There will be conflicting views in the preliminary conference now proceeding and therefore, while this resolution is noncontroversial, I think it is important.

Therefore I commend the gentleman from Florida.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to take this opportunity to express my support for the passage of House Concurrent Resolution 249, introduced by our respected colleague from Florida, DANTE FASCELL, and which has the support of Members from both sides of the aisle.

In passing this resolution, the Congress will go on record expressing its intent that consideration of violations of the Final Act of the Helsinki Agreement dealing with human rights must be a priority item at the upcoming Belgrade Conference. It directs our delegation to the preparatory meeting now being held, to work toward the accomplishment of this goal.

Since the adoption of the Helsinki Agreement in 1975, the Soviet Union has been reluctant to discuss its role in complying with the human rights provisions of this treaty. There is a calculated move on the part of Soviet authorities to crack down on the activities of dissidents. It is my belief that there has actually been a deterioration in the plight of Soviet Jews. Not only has there been a drop in the number of emigration visas granted, but in recent months, there seems to be an effort by Soviet authorities to step up the harassment of Soviet Jews and their supporters. Many are being charged with petty crimes; many are being jailed; while at the same time, communication with supporters in the West is being severely curtailed. With the charge of treason placed against Anatoly Schransky, the Soviets have added an alarming dimension to the already complex problem.

All of us who are involved in the issue of human rights now have an opportunity to express our concern over recent developments in the Soviet Union by voting in favor of this resolution and directing the efforts of our delegation to put the matter of human rights on the agenda.

Mr. DERWINSKI. Mr. Speaker, the gentleman from Florida is performing a very great public service by bringing this resolution to the floor, and consistent with the feeling here and in the conference and the position of the administration, the past administration as well as the present administration, I have no reservations and therefore withdraw my reservation of objection.

Mr. Speaker, I am pleased to support House Concurrent Resolution 249, which emphasizes the ongoing and intense interest of the Congress in the human rights questions involved in the Belgrade Conference.

The conference commences today, and it is obvious that the Soviet Union and a number of their satellites will use delaying tactics and divisionary tactics to deemphasize the question of human rights in the Soviet Union and Eastern Europe.

I urge complete support of House Concurrent Resolution 249. I believe that it accurately reflects opinion in the House and public opinion across the country.

Mr. BROOMFIELD. Mr. Speaker, it was nearly 2 years ago that then President Ford joined 34 other heads of state in signing the Helsinki Agreement on European Security and Cooperation. Since that time, there has been considerable debate as to what effect, if any, it has had upon the behavior of the signatories. Cynics have contended it is nothing more than a nonbinding statement of principles that has been conveniently ignored whenever any party to the accord has seen fit to do so. Others, on the other hand, have looked upon it more positively and view it as a vehicle for not only developing closer, social, cultural, political, and economic relations between East and West, but also as a means of forcing some of the more dictatorial cosigners to improve their performances on the human rights front.

Admittedly, the jury is still out on which of the above viewpoints is closer to the truth, but the outcome of the conference convened in Belgrade today should give us some real clues. This historic parley—called for the express purpose of reviewing how well each signer of the Helsinki document has complied with its provisions—provides the Carter administration with a fortuitous and ready-made foreign policy opportunity that I am confident will be exploited to the maximum. As the Washington Post put it in a thoughtful editorial today—

> Belgrade offers a useful forum for an administration wishing to make good on its pledge to make national values an integral part of international policy. Enough experience has been accumulated, moreover, for balance to replace impulse as the basis of human rights policy.

Mr. Speaker, as you well know, I have consistently espoused a bipartisan foreign policy, and it is in the spirit of that advocacy that I pledge my unqualified support of the U.S. delegation to the Belgrade meeting. Moreover, in this context, I would like to commend my colleague, Mr. FASCELL, who has so ably chaired over the past year our own Helsinki monitoring mechanism, and join him today in backing his resolution (H. Con. Res. 249) concerning the Belgrade Conference.

I find House Concurrent Resolution 249 to be not only timely, but also a precise summation of what should be placed and emphasized on the Belgrade agenda. In short, it sends all the right signals to our Belgrade conferees.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on House Concurrent Resolution 249, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CARTER SUGAR SUBSIDIES ON SHAKY LEGAL GROUND

(Mr. MADIGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADIGAN. Mr. Speaker, the administration's announced sugar subsidy plan rests on very shaky ground.

When the Office of the Special Trade Representative at the White House announced 6 weeks ago that "The President has instructed the Secretary of Agriculture to institute an income support program for sugar producers," they apparently were not aware that producer payments for sugar were not authorized by existing law.

Later, the U.S. Department of Agriculture sources were reported in the press as saying that 90 percent of the proposed payments would be channeled to producers through processors, who would then keep the remaining 10 percent.

The USDA, however, on Monday said in a news release that processors would be required to "pay producers the full amount of the price support payment after deduction of actual administrative expenses incurred in carrying out their obligations under the program." This new provision makes the plan even more illegal than past proposals.

The legal fact is, Mr. Speaker, that the Secretary does not have authority to make producer payments under existing law. His own lawyers have told him so.

The USDA General Counsel, in a memorandum dated April 8, 1977, stated that the phrase "other operations" in section 301 of the Agricultural Act of 1949 would not—and I quote—"authorize direct payments to producers by the Secretary, since such payments would not support the price which the producers received in the market place for their sugar. This conclusion is supported by extensive legislative history."

The administration thus is trying to do indirectly what it cannot legally do directly. That seems to me to put sugar subsidies on very shaky ground, and I would hope that either Congress or the courts put a stop to this plan which violates both existing law and legislative intent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION BILL, 1978

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

Resolved, That during the consideration of the bill (H.R. 7554) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clauses 2 and 6, rule XXI, are hereby waived: beginning on page 2, line 4 through page 5, line 20; beginning on page 6, line 16 up to the proviso on page 7, line 13; beginning on page 7, line 19 through page 8, line 5; beginning on page 8, line 20 through page 9, line 4; beginning on page 9, line 16 through page 10, line 2; beginning on page 12, line 7 through page 14, line 2; beginning on page 16, line 15 through page 18, line 17; and beginning on page 19, line 1 through page 21, line 24.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

I now yield myself such time as I may consume.

Mr. Speaker, this is an appropriation bill. House Resolution 624 from the Committee on Rules provides for the consideration of H.R. 7554, the Department of Housing and Urban Development—independent agencies appropriation bill for fiscal year 1978.

Now, appropriation bills are privileged and ordinarily come to the floor for immediate consideration without a rule. In this case, however, the Appropriations Committee has sought a rule granting waivers of points of order which could be raised against the bill because certain sections of the bill do not comply with clause 2 and clause 6 of rule XXI. These clauses in rule XXI prohibit appropriation of funds for expenditures not yet authorized by law and prohibit reappropriations of unexpended balances.

Mr. Speaker, the requested waiver is a usual one that has been granted before to facilitate the appropriations process and is designed to meet the deadlines imposed by the Congressional Budget Act. I know of no objection to its consideration.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the state-

ments just made by our chairman. I would like to point out, there was some controversy about granting this rule.

The appropriation bill contains the following proviso on page 7, lines 13 through 18:

Provided, That none of the funds in this paragraph shall be made available directly to cities having populations of more than 50,000, or to urban counties as defined by 42 U.S.C. 5302(a)(6), which receive grants pursuant to section 103(a) (1) of the Housing and Community Development Act of 1974, as amended.

Originally, the Appropriations Committee had requested a waiver to cover this proviso. Then the Appropriations Committee withdrew this request.

The Rules Committee, without my vote, granted a rule which fails to provide a waiver as to this clause. The proviso clause may become important as it limits the $50 million for comprehensive planning grants in the bill to cities with a population of under 50,000.

Mr. Speaker, after considerable reflection, it is now my present thinking that this proviso is not subject to a point of order, because it is not legislation on an appropriation bill, but instead, merely a limitation on an appropriation and not subject to a point of order.

As for the bill itself, Mr. Speaker, it appropriates a total of $70,230,183,000 for fiscal year 1978. By way of comparison, at a time when we are talking about, and I stress the words "talking about," balanced budgets sometime in the future. The 1977 appropriation for these same purposes is $67,099,764,000. The 1978 appropriation represents an increase of $3,130,419,000 over the amount in the 1977 appropriation bill.

Mr. Speaker, in looking over the additional views, I might point out to the membership that Messrs. COUGHLIN, MCDADE, YOUNG of Florida and CEDERBERG, stated that in the long run, section 8 new construction costs about the same as conventional public housing. They also object that the standard-setting process of the Consumer Product Safety Commission is too lengthy.

In conclusion, I would like to refer to some additional views by my colleague, the gentleman from Ohio (Mr. MILLER) objecting to the section 8 housing program. The gentleman points out that a New York City family under this legislation could receive a housing subsidy of $1,049 a month. Where I come from, Mr. Speaker, this is clearly execssive and should not be allowed.

Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 20, not voting 43, as follows:

[Roll No. 340]

YEAS—370

Abdnor	Devine	Kasten
Addabbo	Dickinson	Kastenmeier
Akaka	Dicks	Kazen
Alexander	Dingell	Kelly
Allen	Dodd	Kemp
Ambro	Downey	Ketchum
Ammerman	Drinan	Keys
Anderson, Calif.	Duncan, Oreg.	Kildee
	Duncan, Tenn.	Koch
Anderson, Ill.	Early	Kostmayer
Andrews, N. Dak.	Edgar	Krebs
	Edwards, Ala.	LaFalce
Annunzio	Edwards, Calif.	Lagomarsino
Applegate	Eilberg	Le Fante
Archer	Emery	Leach
Armstrong	English	Lederer
Ashbrook	Erlenborn	Leggett
Ashley	Ertel	Lehman
Aspin	Evans, Colo.	Lent
AuCoin	Evans, Ga.	Lloyd, Calif.
Bafalis	Evans, Ind.	Lloyd, Tenn.
Barnard	Fary	Long, La.
Baucus	Fascell	Long, Md.
Beard, R.I.	Fenwick	Lott
Beard, Tenn.	Findley	Lujan
Bedell	Fish	Luken
Benjamin	Fisher	McClory
Bennett	Fithian	McCloskey
Bevill	Flood	McCormack
Bingham	Florio	McDade
Blanchard	Flowers	McEwen
Blouin	Flynt	McFall
Boggs	Foley	McKay
Boland	Ford, Tenn.	Madigan
Bolling	Forsythe	Maguire
Bonior	Fountain	Mahon
Bonker	Fowler	Mann
Bowen	Fraser	Markey
Brademas	Frey	Marks
Breaux	Gaydos	Marlenee
Brinkley	Gephardt	Martin
Brodhead	Giaimo	Mathis
Brooks	Gibbons	Mattox
Broomfield	Ginn	Mazzoli
Brown, Mich.	Gonzalez	Metcalfe
Brown, Ohio	Goodling	Meyner
Broyhill	Gore	Michel
Buchanan	Gradison	Mikulski
Burgener	Grassley	Mikva
Burke, Calif.	Gudger	Milford
Burke, Fla.	Guyer	Miller, Calif.
Burleson, Tex.	Hagedorn	Miller, Ohio
Burlison, Mo.	Hall	Mineta
Burton, John	Hamilton	Minish
Burton, Phillip	Hammer-schmidt	Mitchell, Md.
		Mitchell, N.Y.
Butler	Hanley	Moakley
Byron	Hannaford	Moffett
Carney	Harkin	Mollohan
Carr	Harrington	Montgomery
Carter	Harris	Moore
Cavanaugh	Harsha	Moorhead, Calif.
Cederberg	Hawkins	
Chappell	Heckler	Moorhead, Pa.
Chisholm	Hefner	Motti
Clay	Heftel	Murphy, Ill.
Cleveland	Hightower	Murphy, Pa.
Cochran	Hillis	Murtha
Cohen	Hollenbeck	Myers, Gary
Coleman	Holt	Myers, Michael
Collins, Ill.	Holtzman	Myers, Ind.
Conable	Horton	Natcher
Conte	Howard	Neal
Conyers	Hubbard	Nedzi
Corcoran	Huckaby	Nichols
Corman	Hughes	Nix
Cornell	Hyde	Nolan
Cotter	Ireland	Nowak
Coughlin	Jacobs	O'Brien
Cunningham	Jeffords	Oakar
D'Amours	Jenkins	Oberstar
Daniel, Dan	Jenrette	Obey
Daniel, R. W.	Johnson, Calif.	Panetta
Danielson	Johnson, Colo.	Patten
Davis	Jones, N.C.	Patterson
de la Garza	Jones, Okla.	Pattison
Delaney	Jones, Tenn.	Pease
Derrick	Jordan	Pepper
Derwinski	Kasten	Perkins
Dingell	Kastenmeier	Pettis
Dodd	Kazen	Pickle
Downey	Kelly	Pike
Drinan	Kemp	Pressler
Duncan, Oreg.	Ketchum	Preyer
Duncan, Tenn.	Keys	Price
Early	Kildee	Pritchard
Edgar	Koch	Pursell
Edwards, Ala.	Kostmayer	Quayle
Edwards, Calif.	Krebs	Quie
Eilberg	LaFalce	Quillen
Emery	Lagomarsino	Rahall
English	Le Fante	Railsback
Erlenborn	Leach	Rangel
Ertel	Lederer	Regula
Evans, Colo.	Leggett	Reuss
Evans, Ga.	Lehman	Rhodes
Evans, Ind.	Lent	Richmond
Fary	Lloyd, Calif.	Rinaldo
Fascell	Lloyd, Tenn.	Risenhoover
Fenwick	Long, La.	Roberts
Findley	Long, Md.	Robinson
Fish	Lott	Rodino
Fisher	Lujan	Rogers
Fithian	Luken	Roncallo
Flood	McClory	Rooney
Florio	McCloskey	Rose
Flowers	McCormack	Rostenkowski
Flynt	McDade	Rousselot
Foley	McEwen	Roybal
Ford, Tenn.	McFall	Rudd
Forsythe	McKay	Runnels
Fountain	Madigan	Ruppe
Fowler	Maguire	Russo
Fraser	Mahon	Santini
Frey	Mann	Sarasin
Gaydos	Markey	Satterfield
Gephardt	Marks	Sawyer
Giaimo	Marlenee	Scheuer
Gibbons	Martin	Schroeder
Ginn	Mathis	Seiberling
Gonzalez	Mattox	Sharp
Goodling	Mazzoli	Shipley
Gore	Metcalfe	Shuster
Gradison	Meyner	Sikes
Grassley	Michel	Simon
Gudger	Mikulski	Sisk
Guyer	Mikva	Skelton
Hagedorn	Milford	Skubitz
Hall	Miller, Calif.	Slack
Hamilton	Miller, Ohio	Smith, Iowa
Hammer-schmidt	Mineta	Smith, Nebr.
	Minish	Snyder
	Mitchell, Md.	Solarz
Hanley	Mitchell, N.Y.	Spellman
Hannaford	Moakley	Spence
Harkin	Moffett	St Germain
Harrington	Mollohan	Staggers
Harris	Montgomery	Stangeland
Harsha	Moore	Stanton
Hawkins	Moorhead, Calif.	Steed
Heckler		Stockman
Hefner	Moorhead, Pa.	Stokes
Heftel	Motti	Stratton
Hightower	Murphy, Ill.	Studds
Hillis	Murphy, Pa.	Stump
Hollenbeck	Murtha	Taylor
Holt	Myers, Gary	Thompson
Holtzman	Myers, Michael	Thone
Horton	Myers, Ind.	Thornton
Howard	Natcher	Treen
Hubbard	Neal	Trible
Huckaby	Nedzi	Tsongas
Hughes	Nichols	Tucker
Hyde	Nix	Udall
Ireland	Nolan	Ullman
Jacobs	Nowak	Van Deerlin
Jeffords	O'Brien	Vander Jagt
Jenkins	Oakar	Vanik
Jenrette	Oberstar	Vento
Johnson, Calif.	Obey	Volkmer
Johnson, Colo.	Panetta	Waggonner
Jones, N.C.	Patten	Walgren
Jones, Okla.	Patterson	Walsh
Jones, Tenn.	Pattison	Watkins
Jordan	Pease	Waxman
Kasten	Pepper	Weaver
Kastenmeier	Perkins	Weiss
Kazen	Pettis	Whalen
Kelly	Pickle	White
Kemp	Pike	Whitehurst
Ketchum	Pressler	Whitley
Keys	Preyer	Whitten
Kildee	Price	Wilson, Bob
Koch	Pritchard	Wilson, C. H.
Kostmayer	Pursell	Wilson, Tex.
Krebs	Quayle	Winn
LaFalce	Quie	Wirth
Lagomarsino	Quillen	Wolff
Le Fante	Rahall	Wydler
Leach	Railsback	Wylie
Lederer	Rangel	Yates
Leggett	Regula	Yatron
Lehman	Reuss	Young, Alaska
Lent	Rhodes	Young, Fla.
Lloyd, Calif.	Richmond	Young, Mo.
Lloyd, Tenn.	Rinaldo	Young, Tex.
Long, La.	Risenhoover	Zablocki
Long, Md.	Roberts	Zeferetti
Lott	Robinson	
Lujan	Rodino	
Luken	Rogers	
McClory	Roncallo	
McCloskey	Rooney	
McCormack	Rose	
McDade	Rostenkowski	
McEwen	Rousselot	
McFall	Roybal	
McKay	Rudd	
Madigan	Runnels	
Maguire	Ruppe	
Mahon	Russo	
Mann	Santini	
Markey	Sarasin	
Marks	Satterfield	
Marlenee	Sawyer	
Martin	Scheuer	
Mathis	Schroeder	
Mattox	Seiberling	
Mazzoli	Sharp	
Metcalfe	Shipley	
Meyner	Shuster	
Michel	Sikes	
Mikulski	Simon	
Mikva	Sisk	
Milford	Skelton	
Miller, Calif.	Skubitz	
Miller, Ohio	Slack	
Mineta	Smith, Iowa	
Minish	Smith, Nebr.	
Mitchell, Md.	Snyder	
Mitchell, N.Y.	Solarz	
Moakley	Spellman	
Moffett	Spence	
Mollohan	St Germain	
Montgomery	Staggers	
Moore	Stangeland	
Moorhead, Calif.	Stanton	
	Steed	
Moorhead, Pa.	Stockman	
Motti	Stokes	
Murphy, Ill.	Stratton	
Murphy, Pa.	Studds	
Murtha	Stump	
Myers, Gary	Taylor	
Myers, Michael	Thompson	
Myers, Ind.	Thone	
Natcher	Thornton	
Neal	Treen	
Nedzi	Trible	
Nichols	Tsongas	
Nix	Tucker	
Nolan	Udall	
Nowak	Ullman	
O'Brien	Van Deerlin	
Oakar	Vander Jagt	
Oberstar	Vanik	
Obey	Vento	
Panetta	Volkmer	
Patten	Waggonner	
Patterson	Walgren	
Pattison	Walsh	
Pease	Watkins	
Pepper	Waxman	
Perkins	Weaver	
Pettis	Weiss	
Pickle	Whalen	
Pike	White	
Pressler	Whitehurst	
Preyer	Whitley	
Price	Whitten	
Pritchard	Wilson, Bob	
Pursell	Wilson, C. H.	
Quayle	Wilson, Tex.	
Quie	Winn	
Quillen	Wirth	
Rahall	Wolff	
Railsback	Wydler	
Rangel	Wylie	
Regula	Yates	
Reuss	Yatron	
Rhodes	Young, Alaska	
Richmond	Young, Fla.	
Rinaldo	Young, Mo.	
Risenhoover	Young, Tex.	
Roberts	Zablocki	
Robinson	Zeferetti	
Rodino		
Rogers		
Roncallo		
Rooney		
Rose		
Rostenkowski		
Rousselot		
Roybal		
Rudd		
Runnels		
Ruppe		
Russo		
Santini		
Sarasin		

NAYS—20

Badham	Edwards, Okla.	McDonald
Bauman	Frenzel	Marriott
Caputo	Glickman	Ottinger
Clawson, Del	Hansen	Steiger
Collins, Tex.	Kindness	Symms
Crane	Latta	Walker
Dornan	Levitas	

NOT VOTING—43

Andrews, N.C.	Evans, Del.	Murphy, N.Y.
Badillo	Flippo	Poage
Baldus	Ford, Mich.	Roe
Bellenson	Fuqua	Rosenthal
Biaggi	Gammage	Ryan
Breckinridge	Gilman	Schulze
Brown, Calif.	Goldwater	Sebelius
Burke, Mass.	Holland	Stark
Clausen, Don H.	Ichord	Steers
	Krueger	Teague
Cornwell	Lundine	Traxler
Dellums	McHugh	Wampler
Dent	McKinney	Wiggins
Diggs	Meeds	Wright
Eckhardt	Moss	

The Clerk announced the following pairs:

Mr. McHugh with Mr. Andrews of North Carolina.

Mr. Dent with Mr. Evans of Delaware.

Mr. Baldus with Mr. Gilman.

Mr. Cornwell with Mr. Steers.

Mr. Wright with Mr. Ryan.

Mr. Traxler with Mr. Meeds.

Mr. Teague with Mr. Goldwater.

Mr. Rosenthal with Mr. Wiggins.

Mr. Fuqua with Mr. Krueger.

Mr. Ford of Michigan with Mr. Wampler.

Mr. Biaggi with Mr. McKinney.

Mr. Badillo with Mr. Bellenson.

Mr. Burke of Massachusetts with Mr. Don H. Clausen.

Mr. Murphy of New York with Mr. Schulze.

Mr. Moss with Mr. Breckinridge.

Mr. Stark with Mr. Diggs.

Mr. Roe with Mr. Sebelius.

Mr. Flippo with Mr. Holland.

Mr. Brown of California with Mr. Gammage.

Mr. Eckhart with Mr. Ichord.

Mr. Dellums with Mr. Lundine.

Messrs. OTTINGER, KINDNESS, and DORNAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7554) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 1½ hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. COUGHLIN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7554, with Mr. LEVITAS in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 45 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN), will be recognized for 45 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring before the committee today the HUD-independent agencies appropriation bill for 1978. The bill provides funding for 16 independent agencies and the Department of Housing and Urban Development. Before I get into the details of the bill, there are one or two points of general interest that I want to touch on.

As you all know, this is the second year we have fully operated under the new budget procedures. Last week, this week and for the next 2 weeks the House will consider the regular appropriation bills for 1978. I know there has been some concern expressed here in recent days that the appropriation bills are moving forward without regard to the authorization process. Certainly, the new Budget Act has crystalized the problems of getting the authorization and appropriation processes to properly dovetail. The problems and conflicts are largely brought on by the rigorous schedule imposed by the Budget Act. Those problems will have to be dealt with in a different forum—but one thing is very clear—the appropriations process is the key to the success of the new budget procedures. Why, because if there was no appropriations committee to meld the incredibly complicated funding mechanism of the Federal Government into 13 appropriation bills, then it would require annual House action by roughly 25 subcommittees just to produce this one single appropriation bill we are considering today.

So without an appropriations process available to meet the rigorous deadlines incorporated in the Budget Act, there is simply no way that the House could satisfy that tough schedule.

While on the subject of the budget process, let me take just a minute to bring you up to date on a zero-base budget experiment that this subcommittee conducted for fiscal year 1978. We picked two agencies with which to conduct the experiment—the Consumer product Safety Commission and one account in NASA—research and program management. Mr. BAUCUS originally suggested that we undertake this experiment and with his help and excellent cooperation we asked the Congressional Budget Office to prepare a zero-base budget for the Consumer Product Safety Commission that would duplicate as closely as possible the use of ZBB in Georgia. I do not want to get into the details of the experiment at this point, but let me just say a few words about some of the benefits and weaknesses that we uncovered in this test.

First, I do not think there is any doubt about the fact that ZBB will generate an enormous amount of material. I also believe it could be cut down with experience over time. But, it will be naturally instinctive for the bureaucrats to generate a great deal of paper. The regular CPSC justifications, for example, are 72 pages long. The ZBB justifications for the same agency filled a 3-inch binder and totaled 362 pages.

Second, given the enormous amount of paper that can be generated in this process, an important question is what resources are available to review the ZBB submissions. Clearly, without the help of the Congressional Budget Office we could not have handled the expanded volume of these ZBB justifications. Unless some system can be worked out that structures the level of the decision point high enough before it is submitted to the legislative body, I do not believe that the ZBB process will be of much benefit to the Congress—at least not in terms of the raw data. Of course, it could be extremely beneficial to us if we can see the priority rankings of decision units and packages that each agency sends to OMB. But even on that point I would venture a guess that the executive branch may want to rank those programs we are interested in as a low priority and those programs they are interested in as a much higher priority.

I think that running this experiment was useful. It was useful to the subcommittee because it gives us a better understanding of the problems and benefits that can accrue from ZBB. And it was useful to the agencies because it gave them a clear picture of their own activities and it caused them to make a fairly intense self-examination of their own programs. But I cannot stress too much the point that we make in our report in cautioning the OMB that by requiring a ZBB submission for the entire Government, it is biting off a very big chunk of work. I hope that approach does not drown the process because it does have some potentially good benefits.

Mr. Chairman, turning to the specifics in the bill, in summary, the committee recommends a total of $70,230,183,000 in new obligational authority for the agencies covered by the bill for fiscal year 1978. That is $487,529,000 below the budget request for these activities.

Let me in turn now discuss the individual programs—beginning with the Department of Housing and Urban Development.

Mr. Chairman, last year in these remarks I indicated that I could not think of any legislation that consumed more of our time, to which we had devoted more discussion and thought and which had produced more frustration than our efforts in this House to find a workable subsidized housing solution. The section 8 low-income housing assistance program is the current principal vehicle available for providing housing subsidies. When that program was first proposed, the committee raised a number of questions concerning its ultimate cost and workability. Those concerns were well founded. Both the General Accounting Office and the Congressional Research Service have independently concluded that section 8 new construction is more expensive than conventional public housing.

In an effort to try and get some feeling for "Where do we go from here with subsidized housing" the committee asked the Congressional Research Service to prepare a major study targeted at what kind of a program we should be funding in the coming years. That report offered some very thought-provoking observations.

To begin with, the Nation must be concerned with adequate housing services over time. Producing a given number of new or rehabilitative housing units in any one year is only the beginning of the process. The structures must be properly occupied, operated, and maintained.

Location of housing is central to its long-term value. Poor sites have been a principal reason for the failure of a number of subsidized developments.

Also, HUD cannot afford subsidized housing programs that permit developers or sponsors to build and run. Rental housing for lower income households, especially families with children, is difficult to operate and maintain. Experienced and committed sponsors are an absolute necessity.

Finally, a strong case can be made for local participation in sharing the cost of federally assisted programs. A local contribution demonstrates the locality's commitment and promotes closer supervision and better management.

What these observations suggest is the need to expand the public housing program—and that is precisely what the

committee recommends. The fact is that when all expenses are considered, both direct and indirect, new construction of projects under the conventional public housing program is still the least expensive approach to housing large, low-income families. To help strengthen the public housing program, the committee shifted 25,000 units from section 8 new construction to public housing new construction.

We made the shift for three basic reasons.

We continue to be concerned about the cost of section 8 new construction. The average per unit Federal subsidy of a new section 8 unit ranges from $3,900 to $4,150. The comparative cost of direct subsidy paid under the traditional public housing program is $2,750 annually.

Second, we have become increasingly concerned that section 8 construction is not meeting the needs of the large low-income families. In fact, the most recent figures indicate that 64% of new construction and substantially rehabilitated units approved under the section 8 program are for the elderly.

Finally, in addition to providing more large family units, public housing does afford an opportunity for more local participation.

Mr. Chairman, the bill includes funding for 400,000 subsidized housing units in 1978. It also includes $750,000,000 to support approximately 26,000 section 202 housing for the elderly and handicapped units. The bill also includes $5,000,000 for a continuation of a substantially increased housing counseling assistance program; $50,000,000 for comprehensive planning grants; $51,000,000 for housing research and technology; and $665,000,000 for public housing operating subsidies.

Finally, under HUD, we are recommending $4,000,000,000 for the first year of the next three year phase of the community development block grant program. That recommendation is contained in two appropriation accounts—$3,600,000,000 for community development grants under the entitlement program—and $400,000,000 for the new urban development action grants program which is intended primarily to help revitalize this Nation's most economically distressed cities.

Turning to the Veteran's Administration, the committee recommends a total of $17,660,056,000 in new budget authority for veterans programs for fiscal year 1978. I should point out, however, that this includes no money for anticipated increases in cost of living payments under the various benefit programs. When those are finally enacted, we expect the bill for veterans benefits will be at least $800,000,000 to $1,000,000,000 higher than is recommended in this appropriation bill.

The funds in this bill will provide benefits and services to 29,800,000 veterans, to 63,000,000 members of their families, and to 3,800,000 survivors of deceased veterans. More than 94,000,000 people, comprising about 44 percent of the total population of the United States, are potential recipients of benefits provided through the Veterans' Administration by the Federal Government.

In addition, the bill includes more than $4,723,000,000 to continue the operation of the largest health care system in the country. The VA operates 172 hospitals and numerous nursing homes and outpatient facilities. The amount recommended for medical care in 1978 is an increase of $350,119,000 above the 1977 level.

With respect to some of the other agencies in this bill, for the National Aeronautics and Space Administration, we are recommending a total of $3,948,540,000 to carry out the Nation's space program. This is $29,549,000 below the budget request and about $130,000,000 above the amount appropriated in the current fiscal year.

We are deferring funding on one item within NASA totaling $56,700,000 which represents the balance of the funds required to begin production of the fourth and fifth Space Shuttle orbiter vehicles. We are deferring these funds pending the final report of a comprehensive study on the current status of the Shuttle system. I want to make clear that this deferral of funding for orbiter production is done without prejudice. The committee supports a full five-orbiter Shuttle fleet. In fact, it is unlikely that a three-orbiter concept would be economically viable in that such a fleet could not assure launch capability to all users from both the western and eastern test ranges.

The National Science Foundation requested a total of $885,000,000 for 1978. This bill provides $843,930,000, which is an increase of $68,019,000 above the level provided in 1977. The report accompanying the bill explains in detail the reasons for the increase, and I urge you to take a moment to examine them.

For the programs of the Environmental Protection Agency we are recommending a total of $838,045,000. Again, we deferred action on the budget request of $4,500,000,000 for the next phase of the wastewater treatment construction grants program. We are deferring these funds to support the House position through the Public Works and Transportation Committee which continues to seek a compromise water bill with the other body. If these funds were provided in this bill, we feel it could undercut the House's position in those negotiations. But I can assure my fellow colleagues that the committee will act on the budget recommendation when a new construction grants program has been fully authorized.

Finally, Mr. Chairman, the bill also includes $6.8 billion for the entitlement requirements of the general revenue sharing program; $1.4 billion for the countercyclical revenue sharing program; $40.1 million for the Consumer Product Safety Commission; and $2.8 million for the President's Office of Science and Technology Policy.

Mr. Chairman, I would like to compliment all the members of this subcommittee, who have been diligent in their appearances at the subcommittee's hearings. I would like to compliment the distinguished gentleman from Pennsylvania (Mr. COUGHLIN) whose expertise and knowledge and cooperation have benefited this committee greatly. I want to compliment the staff of the subcommittee, particularly Dick Malow, Paul Thomson, Steve Virbick, and Mary Chezmar.

Thank you, Mr. Chairman.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, as the gentleman knows, I testified before the subcommittee requesting that $6 million be added to fund a demonstration project on Mingo Creek in Tulsa under the authority of section 1362 of the 1968 Flood Insurance Act. Essentially, this would enable the FIA to negotiate purchases of homes and structures which are covered by Federal flood insurance and which have been substantially damaged by flooding, to remove those structures and to turn that property over to local government for a park or a similar purpose which could be used as an excess water retention area in times of flooding. This 1362 demonstration project was not funded by the gentleman's subcommittee.

Mr. BOLAND. Mr. Chairman, first, let me commend the gentleman from Oklahoma for his industrious and innovative approaches to a very difficult flooding problem in his district. From what I can tell, the gentleman is the first and perhaps the only public official in his area who has consistently worked to solve the metropolitan flooding problem in Tulsa.

The primary reason for not including funding for a demonstration project in this bill was that HUD officials told us that they are just now beginning a comprehensive study of the feasibility of implementing section 1362 as a solution to metropolitan flood problems. We felt that we should have some results of that study before appropriating funds.

I can assure the gentleman that we are aware of the flooding problems in his district because the gentleman made us aware. But under our procedures, we refrain from funding projects when we do not know the full national implications.

Mr. JONES of Oklahoma. I appreciate the Chairman's explanation and understanding. The Mingo Creek flood problem is perhaps the most serious and persisting problem in my district. I would ask the chairman to join me in asking HUD to expedite its 1362 study and to ask HUD to give us some results early this fall so that this matter can be resolved before too many more flood seasons pass us by and inundate more homes.

Mr. BOLAND. I will be happy to urge that the study proceed as quickly as possible so that we can take another look at the gentleman's proposal at the earliest opportunity.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. BINGHAM. The chairman will recall that last year, in the consideration of this bill, we had some discussion about the activities of the urban reinvestment task force, which carries on an extremely successful demonstration program under

the heading of "Neighborhood preservation projects." These are relatively small projects, amounting to $30,000 to $70,000 for each grant. There is one such project that has been carried on in the neighboring community to mine, in Yonkers, N.Y., and is doing a very good job of bringing government, banks, and community together in attempting to preserve a neighborhood.

I was gratified that the appropriation last year was increased to $4.5 million for the task force, but I am concerned to note that none of that increase went to the neighborhood preservation program. In fact, only about 10 percent of the total of task force funds are going to the neighborhood preservation projects and almost 90 percent to the neighborhood housing services. These may be fine, but they do not help in multiple-dwelling type areas such as I represent.

I wonder if the chairman would comment on the possibility, under the presently proposed appropriation, which I understand to be also $4.5 million, of seeing to it that more emphasis is put on the NPP part of the program.

Mr. BOLAND. I am delighted that the gentleman raises the point, and I think he has a legitimate concern over the vast difference in the ratio for spending the dollars between the neighborhood housing service organizations and the neighborhood preservation projects. The gentleman last year, when this bill was on the floor, I think made a good case for both of the programs being operated under the urban reinvestment task force—which incidentally, in my judgment, is a rather unique and marvelous institution.

Last year, the gentleman from New York sought more funds in the bill, and we suggested that with the $2.5 million in the bill, if it went to conference and if more money was needed, that we would agree, and we did. There is $4.5 million in the 1977 budget and a similar amount in the 1978 budget.

I would say to the gentleman that this committee will express its concern over the fact that 90 percent of the moneys have been used for NHS rather than NPP. We think that the preservation program is just as important, or equally important, as the NHS.

It does preserve and save neighborhoods and that is one of the purposes of the program. If the split of 90 percent of the funding for one program and 10 percent for the other is not fair, is not inequitable, then we will see if it can be corrected. We would suggest to the Department that it ought to be corrected.

Mr. BINGHAM. I very much appreciate the chairman's statement, and I will express the hope further that it will be possible for one of those NPP programs to be located in my district, where I think it can be extremely useful.

Mr. BOLAND. I am sure it can. I thank the gentleman for his remarks.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I have a great concern, Mr. Chairman, about the way HUD has sometimes handled the rehabilitation projects. It does not encourage the small firms and, in many cases, the small minority firms, to take part in this program.

For example, there were 39 houses to be rehabilitated under the HUD program, and instead of dividing them up into 39 projects, which would have allowed small minority contractors to undertake each one separately—this was in Harlem—they were lumped as one project. Therefore, the 39 had to be undertaken by a contractor with a large capacity for handling rehabilitation funds and projects of this kind.

I wonder if we could put in the RECORD that this is the intention of Congress, that HUD should consider, in arranging these contracts, how it can best serve small businesses, minority businesses, and those who have not perhaps had an opportunity to do this kind of work and use as much of the funds as we would like.

Mr. BOLAND. I thank the gentlewoman for raising the question. I am sure that, concerning the very problems the gentlewoman mentions and about which she has expressed such a deep and valid concern, we would suggest to the Department that it ought to take a closer look at the way these moneys are to be spent. We would cooperate with the gentlewoman if she wants to give some specific instances. We would be delighted to bring them to the attention of the Department, to see if they cannot be corrected.

Mrs. FENWICK. I thank the gentleman.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the subcommittee, the distinguished gentleman from Massachusetts (Mr. BOLAND), has given a very thorough statement about the contents of the bill before us. I might say that the gentleman has conducted fair and thorough hearings on this bill, and he is tough. He has brought before us a good bill. He has brought a bill which I think merits support. He has made very hard decisions, and there are some hard decisions which are involved in this bill. The chairman has really toughed those out.

I do want to compliment the minority staff, as well, who spent a great deal of time working on this bill.

Mr. Chairman, I just want to highlight some of these things. The bill, as the chairman so ably pointed out, contains $70 billion in new budget authority for the Department of Housing and Urban Development and 16 independent agencies and offices. It is $487 million below the budget request and $3,130 million above comparable amounts for fiscal year 1977.

We have deferred $4,500 million for the Environmental Protection Agency, for waste treatment facilities construction grants, $56,700,000 for NASA, the space shuttle program, as well as $139 million for the Veterans' Administration replacement hospital in Portland, Oreg.

In the field of housing, the chairman of the subcommittee points out that the level of funding will support 400,000 additional rental units. Included there are 75,000 units of new construction public housing, and that provides an increase of 25,000 units in the level authorized in the bill that was before the House.

The committee points out—and this is factually correct—that new section 8 housing is more expensive than public housing. As we point out, however, in the minority views, when we take into consideration the local property taxes that are foregone in terms of public housing, when we take into consideration the subsidy payments that are required for public housing, and when we take into consideration the necessity for modernizing public housing, the cost comparisons are not necessarily so clear. The minority feels that if we are to have this additional public housing, it is important that a majority of that fund be earmarked for the elderly, and at the appropriate time we will offer an amendment to that effect.

We have two different kinds of housing programs and that we have two different kinds of people we want to house. We have grouped housing generally in the public housing field, and we have dispersed housing under section 8. We have two different kinds of people that we want to house; we have low-income families that we want to help to house, and we have elderly and handicapped people that we want to house. The program works today in just the reverse, compared to the way it should work. The result is that low-income families are grouped in public housing, and elderly and handicapped persons are covered under section 8 housing. The amendment that will be offered will attempt to rectify that situation. It would encourage public housing and grouped housing for elderly people and handicapped people, and encourage more dispersed housing for low-income families.

In the area of community development, there are $3,600 million included for community development grants. In the report language we have urged that special consideration be given to hold-harmless communities of over 50,000 in population whose funding will be substantially reduced by the phase-down as well as hold-harmless communities below 50,000 in population which will be phased out completely under the new formula.

We have also stated in the report—and this is very significant—that a reasonable proportion of the funds should go to applicants who are not seeking a comprehensive community development program. Many of the small communities are not in a position to have such comprehensive programs, and yet they deserve consideration and their problems deserve attention.

In the new urban development action grant program, I think it is important that we call a spade a spade. This is a new layer of funding; this is a new program. It is a new grant area. We have directed that consideration be given to cities of all sizes in administering the urban development action grant program. This is not just for the larger cities; it is for the small cities as well.

In the area of comprehensive planning grants, we have in the bill language di-

recting that these funds go to cities having populations of less than 50,000. Cities having larger populations have community development funds under the formula from which they may draw to meet their necessary planning needs.

The report also speaks in terms of funds for research, technology, and development, and directs that research be directed toward lowering the cost of housing. It seems to the minority that it is significant that, although we spend a great deal of time and effort in providing assistance to people to acquire expensive housing, we do very little in our research and development afterwards to try to lower the cost of housing so that people in the middle-income area especially can afford it.

Concerning the Consumer Product Safety Commission, the chairman of the subcommitee pointed out that we did a zero-based budget test. In the additional views, the minority points out that it is important that this commission really set its sights on determining standards on products that are inherently dangerous and require some warning instructions on products that are not inherently dangerous, rather than getting into a nitpicking operation and regulating products in situations where we are trying to protect people from themselves.

As to the Environmental Protection Agency, we have report language directed to the appropriate level of funding for the potable re-use demonstration program. We also have report language directing the Environmental Protection Agency to reexamine the mileage estimates that it attributes to cars.

As my colleagues, I am sure, know, these standards are held out as being the standards as to mileage that the consumer will get upon buying a car, and actually there are test figures that are derived pretty much in a vacuum and do not in many cases reflect the mileage a consumer will get in average driving. We have asked the EPA to examine that standard so it will reflect what mileage the consumer will get, we preserve the credibility of Government and we are not in a position of being critical of automobile manufacturers when it is our own tests which are at fault.

In NASA we provided full funding for the space telescope and at the same time denied funding for the Jupiter Orbiter Probe, strictly on a budget priority basis. It is something that can be deferred. It is a very expensive program, and I think it is an important step that we have taken there.

In the National Science Foundation, under the research applied to the national needs program, the committee report directs that these projects be made more realistic in terms of things that really do have applicability, so that we will not have to proceed with uncoordinated projects that are duplicative of those of other agencies in that area.

In the Antirecession Financial Assistance Fund, it is important to point out that we have provided the funding for this program. However, there is little evidence that this program has had the effect of increasing employment. There is little evidence that this is anything more than just an additional revenue-sharing program, and it is going to be very difficult in the long range to discontinue it.

In the Veterans' Administration part there is $17 billion in new budget authority. The VA, of course, administers benefits for almost 29 million veterans, 63 million family members of living veterans and 3,800,000 survivors of deceased veterans.

Mr. Chairman, it is significant to note and call attention to the fact that the number of positions in the Department of Housing and Urban Development—independent agencies appropriations bill—is consistently growing. There were 264,969 authorized positions in 1977, and 268,978 positions are provided in this bill. This is an increase of 4,009 positions over the last year. The administration wanted an increase of 4,791 positions. Only NASA and Selective Service have taken a reduction of personnel. Others have increased or stayed the same.

Mr. Chairman, I again compliment the distinguished gentleman from Massachusetts (Mr. BOLAND) for the very able job that he always does and has done, in particular, on this bill.

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Louisiana (Mrs. BOGGS), a very valuable member of our subcommittee.

Mrs. BOGGS. Mr. Chairman, I thank the chairman, the gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, I would like to take a moment to address a few remarks to the able chairman of the HUD-Independent Agencies Subcommittee, Mr. BOLAND.

As a new member of the House Appropriations Committee I consider it a privilege to serve on this subcommittee, under the outstanding leadership of the chairman. Despite the enormous and diverse scope of the jurisdiction—the Department of Housing and Urban Development, and 16 independent agencies and offices—the chairman has brought these divergent interests together, reflecting thoughtful consideration of all areas, and has forged a comprehensive, well-managed bill. I commend the chairman, and the fine staff of the subcommittee, for an excellent job.

Chairman BOLAND has recognized that housing should not be a countercyclical tool, and to that end, this bill moves our housing industry forward. The urban development action grant program, for instance, is an excellent step toward putting into our urban centers the kind of tax and employment base upon which their survival depends, and which is an essential component of the revitalization efforts the Congress has made through the community development bloc grant program.

We have again endorsed the vital provision of housing for the elderly and handicapped through the only program available for these deserving people. This 202 program is one of the few to which this Nation can point with pride—both for its operations and for its benefits. And we have considered the need for more and better counseling services, so that people can keep the homes of their dreams and the homes of their hard-earned income.

Congressman BOLAND and the committee and staff have produced a housing bill that is both fiscally responsible and morally responsible about our housing goals.

I particularly wish to comment on the forethought and leadership of the subcommittee in serving as a pathfinder of the zero-based budgeting concept. The findings of the subcommittee will, I am sure, serve as a helpful guide to the Congress in considering the various ramifications of the adoption of this management technique, and I invite the Members of the House to review the experimental procedures which were utilized by the subcommittee in considering the fiscal year 1978 budget for the Consumer Product Safety Commission, and NASA.

The NASA budget this year also reflects a landmark decision by the subcommittee to go forward with the space telescope program. The scientific community has strongly supported the space telescope as the No. 1 astronomy project in the 1980's.

It is a vital component part of the Space Shuttle program. We in New Orleans are proud of our involvement with this outstanding program through the production of the Space Shuttle drop-tanks at the Michoud assembly facility.

The forward thrust of knowledge which is anticipated through the utilization of the space telescope both by our scientists and members of the European Space Agency, which is joining us in this project, is enormous. We hope for advances in physics and a better understanding of the energy sources of the universe. This is the first long-term space facility, and marks the continuation of the leadership of the United States in the space sciences.

Mr. Chairman, I urge the adoption of H.R. 7554.

Mr. BOLAND. Mr. Chairman, I yield myself 1 minute. I take this time to say that I appreciate very much the very generous comments of the gentlewoman from Louisiana. I would say to the gentlewoman that she should have taken 10 minutes instead of 5 minutes.

At this time, Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I want to extend my appreciation to the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) for yielding me this time. I wish to say at the very outset that I am so deeply impressed by the work that the gentleman from Massachusetts and the subcommittee did that I would normally not be appearing here to discuss an item on which I will offer an amendment which involves some 15.2 million dollars in a bill which encompasses approximately 70 billion dollars. Indeed, just the NASA part, to which I address myself, involves approximately $4 billion.

I do so, however, in spite of the appreciation and recognition of the work that was done by the chairman and the subcommittee because there is a very important principle involved.

In 1971 this Congress, after years of public debate, and indeed national debate as well as debate in this Congress, voted to terminate the commercial supersonic transport program after an expenditure of some $1 billion.

Sometime this spring, at the time that the NASA authorization request came before us, I discovered, almost by accident, in reading the report accompanying the NASA authorization bill, that there was an item in there mandating NASA to come forward with a detailed plan for the development and completion of commercial supersonic transport plane readiness by the early 1980's.

At that time I pointed out that there was no mention of the proposal in the bill itself. I subsequently inquired of NASA as to whether this was the first time that there had been an authorization or an appropriation and I got a letter back from Dr. Fletcher, who was then head of NASA. The letter arrived in my office on April 28 of this year. In his letter Dr. Fletcher responds to me by pointing out that starting in fiscal year 1973, and this was barely within a year after Congress had terminated the supersonic transport program, and continuing in each fiscal year since then, this Congress has appropriated a total of $54 million for the resurrection of the SST—although it is now called the AST or advanced supersonic technology program.

The proposal this year is to appropriate another $15.2 million, although, try as I may, I have not been able to find any reference at all in the bill that came out of the Committee on Appropriations to this particular program. There is in the subcommittee's report, I know, mention of the AST program. But I think that this is really the wrong way to go about the resurrection of this program or the appropriation of moneys, even though the Members may agree or disagree with the program itself. It seems to me that, given the history of this measure, there ought to be a full and open public national debate as well as congressional debate as to whether the Congress ought to resurrect this program, and then let the decision be made on that basis.

For the reasons I have cited and because of the background of this measure—because I do not think the Congress is really acting as open and up-front as it ought to be—I will offer an amendment later today which will prohibit the expenditure of any money at all for the development or research of an advanced commercial civilian supersonic transport program.

Again I want to extend my appreciation to the Chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), for his graciousness in yielding to me.

Mr. Chairman, I yield back the remainder of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill. Like most any legislation of this type that comes before the House, there are areas of agreement and disagreement. There are some programs, and especially some of our housing programs, that, in my opinion, have some serious problems. But I think all in all we have a good bill.

I would like to pay special tribute to this subcommittee for its work in the past several years, to make section 202, the senior citizens housing program, a very permanent part of our housing picture. It has been very, very effective. Those projects that I have had an opportunity to review and to become knowledgeable, have been very impressive. I think the Congress has done a good job there. Relative to NASA we have not done as much as some would prefer, but we have done a good job, I think, to keep the programs we need. The large space telescope that we are funding in this bill promises to give us knowledge of our universe that maybe we have not even dreamed of. All in all, I think the Members of this House can easily support this bill, and I offer my personal support for it.

Mr. BOLAND. Mr. Chairman, I am delighted to yield such time as she might consume to the gentlewoman from California (Mrs. BURKE) who served with distinction on this committee for some four years. She left us to go to some more exciting responsibilities on other committees. We really miss her presence and her knowledge and her ability.

Mrs. BURKE of California. I thank the gentleman very much. I would like to join in commending the gentleman from Massachusetts (Mr. BOLAND) for the outstanding job he has done on this bill in considering a new direction in housing. I do miss and regret that I am no longer on that subcommittee because I think this is a very important time for us to move into an affirmative housing policy.

There is one point that I do wish to raise, and that is the question of the use of comprehensive planning in developing a housing program. We have had a great deal of discussion in this House on the issue of energy and how we can conserve energy. One of the ways that we can most effectively utilize and conserve our energy resources is by developing comprehensive planning to bring together housing patterns, industry patterns, and transportation patterns. How do we do that? Unfortunately, usually when we have a transportation grant, it affects planning of that transportation system. If we have a housing program grant, it will usually affect only a single housing project. But to bring all of these components together across city and county lines takes comprehensive planning. It takes studying of where people are moving and where they should be moving and how we can best use our resources.

The 701 comprehensive planning grant has sought to do that in so many instances. Today one of the things that concerns me about this bill, and I will introduce an amendment to address it, is the question of where that comprehensive planning money will go.

The authorizing committee in considering the authorizing legislation, I think quite wisely, allowed 20 percent of that money to be earmarked for communities of 50,000 or more, but unfortunately in this appropriation bill that amount which was earmarked is negated because in this bill there is a total elimination from participation in the 701 grant of any city of 50,000 or more or an urban county of 50,000 or more.

People immediately say: "Why do you not introduce some point of order?" But a point of order is not appropriate in view of the fact that the authorizing legislation has not become law.

So certainly I would like to urge this House to realize that there are communities that are in a very difficult position. Some will say those are not the big cities. Maybe they are not. I represent one city, Los Angeles, that does have problems but not necessarily the kinds of problems that other cities I represent have. Those are cities of 50,001, which are often hold-harmless cities, and the hold-harmless cities are now going into an era where they will receive a reduction in community development grants. The amount of money those cities of 50,000 or more that are hold harmless will receive will decrease each year until about 1981 when they will be phased out completely. So, the cities of 50,001 say: "We are going to have a tough time next year."

In addition, we are saying they will not be eligible to apply for a 701 planning grant. I have found these grants are very helpful in solving many of the problems of the small cities that are the ones who will not be able to participate. For this reason, I would certainly urge this House to carefully consider whether or not we would put an additional burden on those cities by saying they can no longer apply for those grants.

I have one more question I would like to address to the chairman of the subcommittee, because I am not certain of how the 701 money would be used. In particular, my question goes to the question of areawide organizations. It is my understanding that those funds will be available for the organizations.

Mr. BOLAND. Yes; the gentlewoman is correct.

Mrs. BURKE of California. If a city is over 50,000 or an urban county is over 50,000 and it is part of that areawide organization, will it still be eligible through the areawide organization?

Mr. BOLAND. The answer again is yes, it would be.

Mrs. BURKE of California. All right. I am glad to know that at least there will be some opportunity for funds to go to them indirectly if not directly, but I do urge the subcommittee chairman to reconsider the burden that is going to be placed on some of these cities, and especially since there is often such uncertainty by the administration as to whether or not the community development funds can be used at all for comprehensive planning.

I thank the gentleman for yielding. I know he is very sympathetic to the problem of housing, particularly in small cities, so I would hope he would address this point.

Mr. BOLAND. I thank the gentlewoman from California.

Mr. HAMMERSCHMIDT. Mr. Chairman, I am concerned about the reduction in the appropriations for the Veterans' Administration, and especially

those relating to medical care and facilities. I understand that the distinguished chairman of the Veterans' Affairs Committee shares my concern.

This proposed appropriation is $169 million shy of what the Veterans' Affairs and Budget Committees determined would be the minimum amount necessary to provide for our veterans. We on the Veterans' Affairs Committee worked very hard to reach the figures that were recommended to the Appropriations Committee, and I might add that there are few members on this committee who could be termed liberal spenders.

While I recognize that all of the funded agencies are being asked to "bite the bullet," I would suggest that Veterans' Administration funding is somewhat distinct. We know that there can be no cuts in our budgeting for compensation, pension, or readjustment benefits, since eligible persons are entitled to certain amounts by law. The same is true for insurance and indemnities. This leaves, for the most part, medically-related expenses.

As a result, we who spend a great portion of our time dealing with veterans' affairs now find ourselves in the ironic position of maintaining that the Congress believes that veterans' medical facilities should be second to none, and then having to explain cuts in the medical portion of the Veterans' Administration budget that run to hundreds of millions of dollars. I believe we should spend this money where it was originally allocated after the careful consideration of both the Veterans' Affairs and the Budget Committees.

Mr. CEDERBERG. Mr. Chairman, the bill H.R. 7554 that we are considering would provide $70.2 billion in new budget—obligational—authority for the programs of the Department of Housing and Urban Development and independent agencies in fiscal year 1978. This is a reduction of $448 million below President Carter's budget request, and $3.1 billion more than what has been appropriated for the current fiscal year. I must point out however that the committee is deferring a total of $4,695,800,000 for a later supplemental. This consists of $4.5 billion for EPA construction grants, $56.7 million for the NASA Space Shuttle program and $139.1 million for a VA replacement hospital in Portland, Oreg.

It is important to note the effect that the new budget authority in this bill will have on the impact on the Federal deficit in future fiscal years. The outlay figures over the next 5 years as estimated by CBO are: $28.1 billion for fiscal year 1978, $6.6 billion for fiscal year 1979, $2 billion for fiscal year 1980, $6 million for fiscal year 1981 and $39.9 billion for fiscal year 1982 and beyond. The large increase in 1982 as shown in the report is misleading. Actually this outlay figure will be spread over 40 years; and is the result of HUD's housing programs.

I would like to highlight several parts of this bill.

The bill provides $1.2 billion in contract authority which has a potential run-out cost of $32.6 billion over a 15-to-40-year period. A minimum of $206 million is earmarked for low-rent public housing. This earmark will provide for 75,000 units and is an increase of 25,000 above the level requested by the Department and authorized in the House passed Housing and Community Development Act of 1977 on May 11. Mr. Coughlin, the ranking minority member on the HUD Subcommittee intends to offer an amendment requiring not less than 75 percent of this earmark be applied only to the elderly and handicapped. I intend to support this amendment and would call to my colleagues' attention the additional views attached to the committee report on H.R. 7554 which were signed by myself and all of the minority members on the HUD subcommittee.

The bill provides $665 million for operating subsidies associated with public housing. This is an increase of $53 million over the Ford request due largely to the elimination of both a proposal that public housing authorities absorb a portion of the impact of inflation through more efficient management and a proposal that all tenants be charged a rent based on 25 percent of their adjusted income. I am alarmed as I am sure many of my colleagues are by the recent steep rise in appropriations for this account. Indeed, HUD Secretary Patricia Roberts Harris has said that she expects to need $749 million in public housing operating subsidies in fiscal year 1979. This will be an increase of $84 million over fiscal year 1978 to cover continued rising costs and the additional units which will be coming under assistance. I urge the Carter administration to reconsider its decision to delete the Ford budget proposals, and to develop new methods to check this growing subsidy.

The bill provides $3.6 billion for community development grants. This program was created by title I of the Housing and Community Development Act of 1974 and provides assistance to units of general local government and States for the funding of local community development activities.

The report contains a long discussion on zero-based budgeting—ZBB—which I would like to call to my colleagues' attention. Last October the committee asked NASA and the Consumer Product Safety Commission to prepare appropriation justification materials in a pilot test of ZBB techniques for fiscal year 1978. The major concern expressed by the committee is in relation to the great deal of paper generated by ZBB. For example, the Consumer Product Safety Commission material filled a 3-inch binder. I hope that President Carter will profit by this experience as he implements ZBB next year.

I am happy to see that the committee has decided to recommend full funding for the large space telescope in the NASA budget. The telescope has the total backing of the entire scientific community. It has the potential of unlocking some of the basic secrets of energy, and could very well have a dramatic impact on our world energy problem.

The bill provides $17.7 billion for the Veterans' Administration. Among other things, the funds recommended provide for service-connected compensation payments to an estimated 2,619,238 beneficiaries; pension payments to another 2,289,004 beneficiaries for nonservice connected disabilities; and educational assistance to 1,760,000 veterans and 148,000 sons, daughters, wives, and widows of deceased veterans or seriously disabled veterans. The committee is also recommending $4.7 billion to provide for medical care and treatment of eligible beneficiaries.

Finally, the bill provides 200 additional positions—a total of 800 new positions counting the 600 approved for fiscal year 1977—for the Environmental Protection Agency.

My colleagues are well aware that the ever increasing number of authorized permanent positions in the executive branch is a matter which concerns me a great deal. The Carter budget requests approved in the Supplemental Appropriations Act of 1977 provided an additional 1,492 positions. This was in addition to the Carter increase of 1,007 permanent positions in the Economic Stimulus Appropriation Act. In the bill currently before us, the original Ford budget proposed an additional 3,943 permanent positions; Carter's revisions increased this request to 4,791 positions; and the committee's recommendation should result in a total increase of 4,009 positions. At this pace I shudder to think of what the Federal bureaucracy will look like 4 years from now.

Mr. BINGHAM. Mr. Chairman, earlier today I engaged in a colloquy with the distinguished chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, about a relatively small but important program funded under the policy development and research section of the HUD budget. It is called the Urban Reinvestment Task Force, sponsored jointly by HUD and all the Federal Government's financial regulatory agencies. The task force operates two distinct programs—neighborhood housing services and neighborhood preservation projects. Both programs enlist the support and direct involvement of community residents and organizations, local businesses and credit institutions, and local governments in combating the decline of neighborhoods in our Nation's cities.

Neighborhood housing services is the larger of the two programs, accounting for $4 million of the $4.5 million task force budget. NHS projects are targeted toward declining urban communities in which single family housing predominates. The staff of NHS joins with neighborhood residents, businesses, and local government officials in developing a plan to improve the housing in the community. After a plan is designed, a high risk revolving loan fund of at least $300,000 must be created to help fund the rehabilitation of housing that might not otherwise qualify for loans. The loan fund is formed by contributions from community businesses, local government, foundations, and task force grants. The size of the task force grant usually ranges from $80,000 to $100,000. There are currently 30 NHS projects in operation in cities around the country, with 17 more in the planning stage.

Neighborhood preservation projects are generally smaller in scale than NHS

projects, and deal with a wider range of problems. The projects may seek to attract business into the community, as well as to improve the quality of housing. NPP's are intended for neighborhoods with multi-family dwellings. Unlike NHS projects, NPP's require that the neighborhood develop a plan on its own, which must be operational at the time task force funds are applied for. Task force grants for NPP's range from $30,000 to $75,000. There are presently 16 neighborhood preservation projects in existence, with a total of 30 planned for the future.

Both the NHS and NPP programs have met with exceptional success. For example, since the first NHS project was started 8 years ago in the central northside of Pittsburgh, home improvement lending in that area has increased 97 percent, building permits have gone up 245 percent, code violations have been removed from more than 1,200 homes, and real estate values have increased by 60 percent. Neighborhood preservation projects in Yonkers, N.Y., and Berkeley, Calif., have met with such approval that the task force plans to replicate these projects in other cities in the coming year.

The great strength of these programs is that they use relatively small amounts of Government funds to attract increased private investment into a declining neighborhood. The projects are locally run, with a minimal amount of Government involvement and bureaucratic redtape. Perhaps most importantly, the projects bring together all the actors in a community, residents, business, and Government officials, into the working partnership essential for a neighborhood to survive. There can be no better approach to combating such problems as redlining, which destroy strong urban neighborhoods.

It is rather remarkable that such a small program with such modest funding could be so successful, belieing the common assumption that stabilizing and rehabilitating our older cities will cost untold billions. In those many areas of our cities where decay is not yet rampant, the urban reinvestment task force sponsored programs can have a significant impact. My major criticism, and I have offered it as a respectful admirer of the task force, is that it should be less cautious and more aggressive in expanding its programs, particularly the neighborhood preservation projects. NPP's have been receiving only about 10 percent of the task force's funding, and Chairman BOLAND has indicated that he shares my conviction that this imbalance should be corrected. I also feel certain that the task force could successfully double or even triple the scale of its operations, both by increasing the level of support provided to individual projects and by initiating new ones. Obviously there are more than 30 areas in our hundreds of large cities which could immediately use an NPP, but 30 is at the moment the maximum number of projects the task force plans to implement. Even worse, if it sticks by its original plans, the task force will begin to fold up after 1979, having demonstrated that its programs work, but leaving it up to someone else to continue to provide the necessary support. I must point out that the task force is uniquely able to engage the influence and persuasive powers of the Federal financial regulatory agencies in order to encourage local financial institutions to provide the necessary mortgage and development funds which are the real muscle of these projects. If the task force does in fact leave the field, I fear there will be no successor operation and a promising approach to urban conservation and rehabilitation will have been lost.

In the fiscal year 1977 appropriations for HUD, Senator PROXMIRE was successful in increasing the budget of the URTF from $2.5 million to $4.5 million. I hope the Senate will continue to be generous in the level of support it provides and that these effective coalitions will continue to flourish and expand.

Mr. ROBERTS. Mr. Chairman, I rise to state my objections to the reduction in the various appropriations of the Veterans' Administration in H.R. 7554. While I am concerned about all the cuts, I am most concerned about the reduction in the operating appropriations for the VA medical programs by some $15,955,000 and 508 employees below the President's budget request.

The Committee on Veterans' Affairs fully justified to the Budget Committee an increase in the operating appropriations of the VA medical program by $130 million and 2,573 employees over and above the President's budget request.

This the committee unanimously agreed was the absolute minimum to maintain the quality of medical care the people of the United States believe the veterans of this Nation's wars are entitled to and should receive. To provide less is a breach of faith with these special Americans who have given so much to maintain the freedom of this great republic.

The recommendation to the House by the Appropriations Committee is not just a cut of $15,955,000 and 508 employees, but a cut of $145,955,000 and 3,081 employees below the level the Committee on Veterans' Affairs unanimously agreed upon and the Budget Committee concurred with as the absolute minimum to maintain quality medical care in the VA medical program.

I understand the rationale for the cut of 508 employees and $12 million in direct medical care. This is because the VA diverted funds for the employment of 2,000 employees in fiscal year 1976 and 1977 for other purposes.

This should not have been done, but I do believe that if one looks behind this it will be found that it was forced on the VA by the policies of the Office of Management and Budget to require the agency to absorb increased costs. What I am saying is that the VA had no alternative but to take these funds to pay for increased costs in salaries, Federal health programs, utilities, raw food, drugs and medication, and so forth, rather than hire all of the employees for which funds were appropriated. approximately 85 percent of the operating costs of the VA medical program are in salaries and therefore, any other item of expenditure has little, if any, flexibility to absorb additional costs. The only item of expenditure which can be found to provide these funds, when forced into the position of absorbing increased costs, is the area of employment.

Mr. Speaker, I strongly urge the restoration of the $15,955,000 and the 508 employees to the VA appropriation. In addition I seek the cooperation of the Appropriations Committee with the Veterans' Affairs Committee to find ways of preventing this deporable situation from jeopardizing the high quality of medical care rendered to veterans in the future. This Nation owes its very existence to these veterans, and their medical care cannot be permitted to become threatened by budget and appropriations brinkmanship.

I know the American veteran feels threatened by it. I do not believe the American people will ever permit it to be so threatened for this relatively small but vital amount of money.

Mr. HIGHTOWER. Mr. Chairman, while I will certainly support the VA appropriations measure before us, I want to point out its deficiency in that it does not contain a project I requested to construct a clinical building addition to the Amarillo VA Hospital in my district.

The population of Amarillo and the Panhandle is increasing faster than the average. I have received numerous complaints from concerned citizens and hospital administrators that our small hospital is unable to accommodate the increasing number of veterans in our area, especially those who are quite ill and require long-term care.

Recently, the hospital requested a 30-bed nursing home which was denied by the VA. It was pointed out that 10 of the beds are constantly tied up by patients who could be cared for in a nursing home. In this small facility with the considerable demand for beds, this causes a drag on its efficiency and hinders the number of patients treated. Unfortunately, this year the hospital was only able to contract with one nursing home in the area in an effort to alleviate the problem.

Even the Chief Medical Director of the VA has advised me that the VA recognizes the need for expansion of our Amarillo hospital. Accordingly, I want to emphasize here my commitment and future efforts to obtain funding to construct an addition to our VA hospital in Amarillo.

Mr. McDADE. Mr. Chairman, I want to take this opportunity to express my support for H.R. 7554, the HUD and independent agencies appropriations for fiscal year 1978.

I also want to commend HUD Subcommittee Chairman, Mr. BOLAND, for his calm and fair approach during the very technical and often complex deliberations over the budget requsts for HUD, NASA, EPA, and the other agencies.

One of the more difficult matters before the committee this year was resolution of the administration's budget request for the community development bloc grant program while the Housing and Community Development Act of 1977 was under consideration by the authorizing committee.

I am pleased that our committee report includes the clearly expressed intent that in administering the community development program and the phase-out of hold harmless, HUD give special attention to communities losing hold harmless funding. While the intent of the 1974 act that hold harmless would be phased out has been clear to HUD officials and Members of Congress, it has been less apparent to those living in hold harmless communities who have relied on the community development program for needed community improvements. It is important for communities losing this source of funding to know that in the administration of the discretionary balances for both nonmetro and metro communities their ongoing needs for community development funds will receive attention.

It is also important for residents of cities over 50,000 population to be assured that in administration of the new dual formula and the hold harmless phaseout that their needs will continue to be fairly addressed by HUD.

The committee report also requires special consideration be given small communities in the administration of the new action grant program. The committee's intent follows the concern of the House in passing the Grassley amendment to the authorizing legislation earmarking 25 percent of action grant funds for small communities.

Those of us who represent small cities know that their development problems and need to leverage private investment can be just as severe and even more so than the problems of large cities. I know the committee will keep a close watch on the Department to assure that the Congress intentions are complied with in the administration of this program.

Another matter which concerns me greatly is HUD's approach in allocating the additional section 8 funds made available under the general fiscal year 1977 supplemental. I am particularly distressed over reports which I have received that HUD is withholding approximately $4 million in section 8 funds allocated to the Philadelphia area office for piggybacking with 202's which it has substantial reason to believe will not be processed or constructed until after the end of the fiscal year. I have long been a staunch supporter of the 202 program for the elderly and handicapped and I want to make it clear that my enthusiasm for that program continues.

However, I fail to understand why the Department is reserving section 8 units for 202's, which cannot be approved and under construction this year.

It is my understanding that there are approximately 20 projects requiring section 8 approval which have been awaiting funding for 16 to 24 months in the Philadelphia area office alone. These are projects which could be underway to provide critically needed housing in my district tomorrow. I urge the Department to evaluate its needs for this reservation of section 8 funds and go ahead with housing which can be constructed this year. I hope we are not going to lose an entire construction season and then be told these reserved units will be turned back this fall.

Our objective in this bill is to provide the funds for housing for people who need it. I urge the Department not to lose sight of this goal.

Mrs. HOLT. Mr. Chairman, I rise to commend the Appropriations Committee, and particularly its HUD-Independent Agencies Subcommittee, for conducting pilot tests of zero-base budgeting.

The subcommittee used zero-base techniques to deal with the budgets of the Consumer Product Safety Commission and the research and program management account of the National Aeronautics and Space Administration. The agencies deserve our commendation for cooperating fully with the subcommittee and using the zero-base technique in preparing their budgets.

I have been an enthusiastic supporter of the zero-base budgeting concept, and I am most interested in the subcommittee's analysis of benefits and weaknesses.

I am delighted at the subcommittee's finding that—

> The pilot test clearly had beneficial results. Both agencies indicated that they had a better picture of their own activities as a result of the intense self-examination the process engenders, and both agencies seemed to indicate that the process would be easier the scond time through.

However, it is interesting that the subcommittee also discovered a problem that could be very serious. The extraordinary documentation required by the zero-base process makes it improbable that we could employ the technique every year for every agency. It seems necessary that zero-base analysis be conducted according to a cycle of years.

The subcommittee had this comment:

> Unless the OMB can legitimately review and digest what will be an enormous amount of documentation, the entire ZBB concept could collapse under the weight of its own paper.

The subcommittee said that if all agencies were to submit zero-base documentation in a single year, the congressional subcommittees would find it impossible to meet the budget deadline fixed by law.

However, the experiment with zero-base budgeting was so successful that the House Appropriations Committee wants to continue implementing this process.

I believe the most important concept brought out by the committee is that "one of the tenets of zero-base budgeting is to involve managers at all levels in the budget process. Thus, a zero-base budget is designed to be a management tool."

The essential element is incentive to managers to use zero-base methods in formulating budgets.

We should be delighted at the prospects. I believe there will be significant savings of tax dollars if we really try to make this system work.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. BOLAND. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations acts, is increased by $1,203,370,000 of which not more than $35,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations acts by $32,580,000,000: *Provided further*, That of the total herein provided, excluding funds for modernization, not less than $206,250,000 shall be used only for contracts for annual contributions to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies other than under section 8 of the above Act, and shall be used only for projects on which construction or substantial rehabilitation is commenced or which are acquired after the effective date of this Act, except in the case of amendments to existing contracts: *Provided further*, That of the amount set forth in the second proviso, not less than 15 per centum shall be used only with respect to new construction in non-metropolitan areas: *Provided further*, That not more than $82,000,000 shall be used only for contracts in excess of 30 years with State housing finance or development agencies as defined in section 802(b)(2)(A) of the Housing and Community Development Act of 1974: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1977 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1978 except that unutilized balances of set-asides contained in previous appropriations acts to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies other than under section 8 of the above Act shall remain in effect during fiscal year 1978.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. COUGHLIN: On page 3, line 3 after the colon insert the following: "*Provided further*, That of the amount set forth in the second proviso, not more than 25 per centum shall be used only with respect to housing for low income families."

Mr. COUGHLIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

In the interest of conserving time, the Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call

will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 341]

Andrews, N.C.	Edgar	Roe
Annunzio	Fish	Roncalio
Badillo	Flippo	Rosenthal
Baldus	Fountain	Santini
Beard, Tenn.	Fraser	Scheuer
Bellenson	Fuqua	Schulze
Bingham	Gibbons	Sebelius
Brown, Calif.	Goldwater	Shuster
Buchanan	Harris	Steed
Burke, Mass.	Harsha	Steers
Burton, John	Hefner	Teague
Clausen, Don H.	Holland	Traxler
	Kemp	Udall
Conyers	Lundine	Waxman
Cornwell	McEwen	Wiggins
Crane	McHugh	Wydler
Dent	McKinney	Young, Alaska
Diggs	Murphy, N.Y.	
Drinan	Poage	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEVITAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7554, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 379 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the intentions are to rise at 6:30 p.m. today and would appreciate the Members staying in the Chamber so that we may complete our business for today.

The Committee resumed its sitting.

The CHAIRMAN. The pending business is the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, the amendment which is before the Committee at this time is the amendment I described during general debate and that is described in the additional views of the gentleman from Michigan (Mr. CEDERBERG), the gentleman from Pennsyvania (Mr. MCDADE), the gentleman from Florida (Mr. YOUNG), and myself.

The effect of this amendment, Mr. Chairman, is to earmark 75 percent of the public housing that is provided in the bill for the elderly and handicapped. Why do we need the amendment? As the Members know, the amount of public housing in the bill is substantially increased over the original recommendations, and at the present time our housing programs end up working in many communities exactly in reverse. We end up putting elderly people in dispersed housing under section 8, and we end up putting poor families in grouped housing in our public housing. This amendment is an attempt to rectify that situation. The elderly like to live together for reasons of companionship and of safety. They also have special needs that can often best be met in a group situation, such as community dining and centralized medical service. Communities will accept public housing for the elderly where it is very difficult to get them to accept public housing for low-income families. The elderly make less demand on municipal services because they do not have school age children. Therefore, public housing payment in lieu of property tax goes further to compensate the community. At the same time, by earmarking 75 percent of the public housing in this bill for the elderly, we will relieve pressure on the section 8 housing, the dispersed housing for poor families.

One of the major goals of the section 8 housing was the dispersal of low-income families. This helps to promote upward mobility and responsibility. It also prevents large concentrations of poor families in a single area which rapidly deteriorates and is considered unwelcome by the community. It helps prevent that kind of a centralization of poor and low-income families which are a drain on the tax base.

This amendment is essentially an amendment which would help change the thrust of our housing program so that we would put the elderly where they belong in grouped housing, living together, and we would put low-income families where they belong in dispersed housing under section 8.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

About 10 years ago or so I was a member of the public housing authority in my own community, and chairman for 4 years. We built such a project as the gentleman describes for the elderly only. It was one of the finest things that took place in our community, and the gentleman is so right that communities will accept this type of project. They not only will accept it; they will welcome it; and it provides a means to provide very good housing for elderly people at rents that they can pay.

I just want to commend the gentleman so much for the amendment. I have seen it work. This type of thing works well. We need to be doing more of it, and I wholeheartedly support the gentleman in his effort here.

Mr. COUGHLIN. I appreciate the gentleman's comments.

Let me make very clear that this amendment has nothing to do with and has no effect on section 202 starts, which is a very popular program for the elderly. The section 202 starts provided in this bill would continue and that housing would be provided. All this amendment does is to try and change the thrust of the bill. We would have the elderly living together as they like to live, as they want to live, and as they need to live and have low-income families dispersed throughout the community as they should be, providing them with upward mobility and better housing.

Mr. Chairman, I yield back the remainder of my time.

Mr. GIAIMO. Mr. Chairman, the HUD-independent agencies appropriations bill for 1978, as reported by the Committee on Appropriations, is well within the suballocations of budget authority and outlays made to the subcommittee by the full Appropriations Committee pursuant to section 302 of the Budget Act, and is consistent with the amounts included in the first budget resolution for 1978.

The bill would provide budget authority of $70.230 million, $7,220 million less than the section 302 allocation, and outlays of $28,094 million, $2,170 million less than the allocation. The balances available in both budget authority and outlays are sufficient to fund anticipated requirements for certain programs and activities deferred by the Appropriations Committee for subsequent action, including $4.5 billion for EPA construction grants, $1.6 billion for various veterans programs, and such funds as may be later recommended for the Jupiter orbiter program of NASA, following completion of a subcommittee study of this project.

One significant aspect of the pending bill, from the viewpoint of the requirements of congressional budget control, is the language which would return HUD's section 202 housing for the elderly loan program from off-budget status to full inclusion in the unified budget. The Budget Committee has twice recommended that all off-budget agencies be returned to and included in the unified budget—first in a special report issued at the end of last session and later in the report on this year's first budget resolution. The Budget Committee's most recent recommendation was that all off-budget programs return to the unified budget at the beginning of fiscal year 1979, in order to provide for consistency between Presidential recommendations and congressional action—particularly in the sensitive area of the amount of unified budget outlays and deficit. However, it seems to me that taking action on the section 202 program would be a desirable forward step at this time. The Appropriations Committee has rearranged priorities within the overall allocation under the Budget Act in order to permit accomplishing this desirable end within the funds previously made available.

Mr. Chairman, I would also recommend to all Members the report of the Appropriations Committee on this bill, particularly pages 2 through 11. The HUD-Independent Agencies Subcommittee undertook a pilot experiment in zero-base budgeting in considering two appropriation requests this year. These tests addressed the specific question of the usefulness of zero-base budgeting techniques for budgetary decisionmaking by Congress; it is one thing to maintain that zero-base budgeting techniques are a valuable tool in the executive branch and quite another to suggest that they could be of equal value to congressional review of the budget. As might be expected, the pilot test is not fully conclusive; however, the valuable work done by this subcommittee under the leadership of its chairman, the gentleman from Massachusetts (Mr. BOLAND), will help us better understand what zero-base budgeting is and what it may hope to accomplish.

Accordingly this bill represents dedicated work by the Appropriations Committee in forwarding the congressional

budget process and the goal of enhanced budget control. I urge adoption of the bill as reported by the committee.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment. It pains me to oppose my distinguished colleagues and the ranking Republican member on this committee, but if this amendment were adopted I think that pain would be aggravated. I opposed this amendment when it was offered during the subcommittee's markup and nothing really has happened to change my opinion since that time.

As the gentleman from Pennsylvania has explained, this amendment would earmark 75 percent of newly constructed public housing for the elderly. In other words it would take 56,250 of the 75,000 units that we provide for construction of public housing and reserve them for the elderly. The gentleman contends that this earmarking would shift low-income elderly people from section 8 subsidized housing to public housing and thus free section 8 for low-income nonelderly families.

That reasoning simply will not wash. It will not work that way. No matter how many units we reserve for the elderly in public housing, it will not change the economic facts of life for section 8. To be perfectly blunt, and I think all Members are familiar with this, private developers are going to continue to avoid large low-income families, with all the social problems presented to be connected with them, in favor of building subsidized housing for the "untroublesome" elderly families. This is an economic fact of life and the amendment is not going to clear it up or change it.

Let me come back to why we shifted 25,000 units of section 8 housing to public housing. We did it because public housing costs less: $2,750 per year compared to $3,900 to $4,150 per year, and because public housing is by far the best method of providing housing for large low-income families. There is no doubt about it. The history of public housing has proved it. Finally, housing families of this type in section 8 is very difficult and very expensive. That is why we transferred those units for the large low income families.

We are presently providing substantial subsidized housing for the elderly. Listen to these statistics. Elderly and handicapped persons now make up 43 percent of public housing residents; 40 percent of the persons benefiting from the rent supplement program; 26 percent of those in the section 236 program; 38 percent of the section 8 units now under payment are occupied by the elderly; and 64 percent of those units approved for new construction under section 8 are for the elderly.

I am not opposed to providing housing for the elderly. No one on this floor is opposed to that.

This subcommittee kept the section 202 elderly and handicapped housing program alive when there was an effort to kill it a few years ago.

This amendment should be defeated because it compounds the problem for the low income families. I oppose the amendment.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment would have a disastrous impact upon two of our most essential housing programs—public housing and housing for the elderly.

It is true that the section 202 program for the elderly and handicapped may be the only such program for these people, but it has worked to the pride and benefit of all of us, and with the facilitating language that is expected to be contained in this year's Housing Authorization Act, we can look forward to an even greater success with it.

Perhaps the most crucial aspects of this program are the fact that the majority of projects are sponsored by nonprofit organizations which are daily involved with the lives of the elderly and handicapped and know their needs and desires well, and the fact that it is a revolving fund that neither costs nor experiences default.

Today there are more than 3 million elderly—13 percent of all older Americans—in need of assisted housing, and the number continues to grow as the number of people over the age of 65 continues to grow. In the next 50 years, there will be 51 million elderly, or 17 percent of the total American population.

Compounding the housing problem is the fixed income of the elderly—in 1974 about 16 percent of our elderly were living below the low-income level. And, over 6 million elderly live in delapidated, deteriorating, and substandard housing.

The 202 program will genuinely meet these needs. Public housing will not. The gentleman from Pennsylvania argues that the elderly "like to live together in such complexes and public housing projects provide the ideal environment." Nothing could be further from the truth.

Public housing projects do not address the needs of the elderly and handicapped. Public housing projects do not provide for communal dining areas, for instance, or communal rest areas. Public housing projects do not provide for access by the less than fully ambulatory. Public housing projects are not erected in neighborhoods that provide quiet residential living, protection and access to shopping and medical facilities. Public housing projects do not address the construction or social needs of the elderly and handicapped.

And what will happen to the only program which provides decent housing for our Nation's poor if we adopt this amendment? The average conventional rental in this country in major urban centers is well over $200 for a 2-bedroom unit, and our only low-income housing purchase assistance program—section 235—is only available to persons with incomes well over $10,000 per year. Public housing is the only way millions of Americans can obtain decent, sanitary, and safe housing. Instead of gutting this program, perhaps we should concentrate our efforts toward changing the "tenement mentality" which has characterized the public housing program and certainly helped neither the communities nor the residents.

I urge the defeat of this amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I want to emphasize, this amendment does not affect 202 housing, which is the gentlewoman's concern.

Mrs. BOGGS. It does have an affect on it, if the gentleman would like an answer, because if we add the 202 projects that are addressed to the elderly and already are a successful ongoing program, we are going to have a very disastrous effect upon that, as well as public housing for other people, if we try to place the elderly, try to meet the needs of the elderly and the growing numbers of handicapped persons in public housing, that does not address their needs effectively.

Mr. COUGHLIN. Mr. Chairman, if the gentlewoman will yield further, it does not affect the 202 program. I just want to repeat that.

Mrs. BOGGS. But it does take away from the 202 program to meet the needs of another program.

Mr. COUGHLIN. But it takes nothing away from the 202 program.

Mrs. BOGGS. It does not take the funding away, but it would try to put people into public housing and take care of the elderly in that fashion, instead of having their needs addressed by the 202 program.

Mr. BOLAND. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I am happy to yield to the distinguished gentleman.

Mr. BOLAND. Mr. Chairman, I think the gentlewoman from Louisiana states it correctly. I think what the gentlewoman is really saying, and I agree, is that in effect this amendment would draw people away from the 202 program. So, in my judgment, it does indirectly affect the 202 program.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am very reluctant to be on the opposite side of the amendment of my good friend and chairman of the subcommittee.

I would have to concede that my interests may be somewhat parochial, because I represent a district that has a great many elderly people and one of the great needs in my part of Florida, is adequate housing for the elderly.

Mr. Chairman, I have watched and observed these housing programs and I note that the housing programs for the elderly under whatever section they might be functioning at the time are working and they are effective and efficient.

As to some of the other Federal housing projects in the country, this subcommittee held public hearings last year on the housing problem in Detroit, Mich., where there are many Government-financed and now Government-owned houses sitting vacant, and falling apart, a real eyesore to the community and a real financial burden to the American taxpayer. When I look at the failure of some of those kinds of programs, I believe we ought to have as much empha-

sis as we can on those programs that do work.

As to some of the other housing projects we have, rental subsidy programs, et cetera and I acknowledge this is not what this amendment speaks to, but some of these rental subsidy programs, where a taxpayer in St. Petersburg, Fla., who is making $11,000 or more is not eligible for help under the program, but he is forced to contribute his tax dollars to a worker in New York City who can earn nearly $20,000 per year and be eligible for a subsidy.

Mr. Chairman, I think we should put our emphasis on programs that have proved they are working and where there is a real need.

There is definitely, Mr. Chairman, a real need in the field of providing more adequate, low-cost, safe and secure housing for senior citizens. I believe this amendment will do just that, and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The question was taken; and on a division (demanded by Mr. COUGHLIN) there were—ayes 18, noes 31.

RECORDED VOTE

Mr. COUGHLIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electonic device, and there were—ayes 183, noes 214, not voting 36, as follows:

[Roll No. 342]

AYES—183

Abdnor	Edwards, Okla.	Long, Md.
Ambro	Eilberg	Lott
Ammerman	Emery	Lujan
Anderson, Calif.	English	McClory
	Ertel	McDade
Andrews, N. Dak.	Evans, Ga.	McDonald
	Evans, Ind.	Madigan
Applegate	Findley	Marks
Archer	Flood	Marlenee
Armstrong	Flynt	Marriott
Ashbrook	Forsythe	Martin
Badham	Frenzel	Mattox
Bafalis	Frey	Michel
Bauman	Gephardt	Miller, Ohio
Beard, Tenn.	Gilman	Minish
Blanchard	Glickman	Mitchell, N.Y.
Brinkley	Goldwater	Montgomery
Broomfield	Goodling	Moore
Brown, Mich.	Grassley	Moorhead, Calif.
Brown, Ohio	Guyer	
Broyhill	Hagedorn	Mottl
Buchanan	Hammer-schmidt	Murphy, Pa.
Burgener		Murtha
Burke, Fla.	Hannaford	Myers, Gary
Butler	Hansen	Myers, Michael
Byron	Harkin	Myers, Ind.
Caputo	Heckler	Nedzi
Carr	Hillis	Nix
Carter	Hollenbeck	O'Brien
Cederberg	Holt	Oakar
Clawson, Del	Ichord	Panetta
Cleveland	Jeffords	Patterson
Cochran	Jenrette	Pepper
Cohen	Johnson, Colo.	Pettis
Collins, Tex.	Jones, Okla.	Pike
Conable	Kasten	Pressler
Conte	Kelly	Pritchard
Coughlin	Kemp	Pursell
Crane	Ketchum	Quayle
Cunningham	Keys	Quie
Daniel, Dan	Kildee	Quillen
Davis	Kindness	Regula
Delaney	Kostmayer	Rhodes
Derwinski	Lagomarsino	Rinaldo
Devine	Latta	Risenhoover
Dickinson	Leach	Robinson
Dornan	Lederer	Rogers
Duncan, Tenn.	Lent	Rousselot
Edwards, Ala.	Levitas	Rudd
Ruppe	Stanton	Watkins
Russo	Steiger	Wilson, Bob
Santini	Stockman	Winn
Sarasin	Stump	Wirth
Satterfield	Symms	Wolff
Sawyer	Taylor	Wydler
Scheuer	Thone	Wylie
Shipley	Treen	Yatron
Shuster	Vander Jagt	Young, Fla.
Skubitz	Vanik	Young, Mo.
Smith, Nebr.	Walgren	Young, Tex.
Snyder	Walker	Zeferetti
Spence	Walsh	
Stangeland	Wampler	

NOES—214

Addabbo	Ford, Tenn.	Moss
Akaka	Fountain	Murphy, Ill.
Alexander	Fowler	Natcher
Allen	Fraser	Neal
Anderson, Ill.	Gammage	Nichols
Andrews, N.C.	Glaimo	Nolan
Ashley	Gibbons	Nowak
Aspin	Ginn	Oberstar
AuCoin	Gonzalez	Obey
Barnard	Gore	Ottinger
Baucus	Gradison	Patten
Beard, R.I.	Gudger	Pattison
Bedell	Hall	Pease
Benjamin	Hamilton	Perkins
Bennett	Hanley	Pickle
Bevill	Harrington	Preyer
Biaggi	Harris	Price
Bingham	Harsha	Rahall
Blouin	Hawkins	Rangel
Boggs	Hefner	Reuss
Boland	Heftel	Richmond
Bolling	Hightower	Roberts
Bonior	Holtzman	Rodino
Bonker	Horton	Rose
Bowen	Howard	Rostenkowski
Brademas	Hubbard	Roybal
Breaux	Huckaby	Runnels
Breckinridge	Hughes	Ryan
Brodhead	Hyde	Schroeder
Brooks	Ireland	Seiberling
Burke, Calif.	Jacobs	Sharp
Burleson, Tex.	Jenkins	Sikes
Burlison, Mo.	Johnson, Calif.	Sisk
Burton, John	Jones, N.C.	Skelton
Burton, Phillip	Jones, Tenn.	Slack
Carney	Jordan	Smith, Iowa
Chappell	Kastenmeier	Solarz
Chisholm	Kazen	Spellman
Clay	Koch	St Germain
Coleman	Krebs	Staggers
Collins, Ill.	Krueger	Stark
Corman	LaFalce	Steed
Cornell	Le Fante	Stokes
Cotter	Leggett	Stratton
D'Amours	Lehman	Studds
Daniel, R. W.	Lloyd, Calif.	Thompson
Danielson	Lloyd, Tenn.	Thornton
de la Garza	Long, La.	Trible
Dellums	Luken	Tsongas
Derrick	McCloskey	Tucker
Dicks	McCormack	Udall
Dingell	McFall	Ullman
Dodd	McKay	Van Deerlin
Downey	Maguire	Vento
Drinan	Mahon	Volkmer
Duncan, Oreg.	Mann	Waggonner
Early	Markey	Waxman
Eckhardt	Mathis	Weaver
Edgar	Mazzoli	Weiss
Edwards, Calif.	Meeds	Whalen
Erlenborn	Metcalfe	White
Evans, Colo.	Meyner	Whitehurst
Evans, Del.	Mikulski	Whitley
Fary	Mikva	Whitten
Fascell	Milford	Wilson, C. H.
Fenwick	Miller, Calif.	Wilson, Tex.
Fisher	Mineta	Wright
Fithian	Mitchell, Md.	Yates
Florio	Moakley	Young, Alaska
Flowers	Moffett	Zablocki
Foley	Mollohan	
Ford, Mich.	Moorhead, Pa.	

NOT VOTING—36

Annunzio	Diggs	Roe
Badillo	Fish	Roncalio
Baldus	Flippo	Rooney
Beilenson	Fuqua	Rosenthal
Brown, Calif.	Gaydos	Schulze
Burke, Mass.	Holland	Sebelius
Cavanaugh	Lundine	Simon
Clausen, Don H.	McEwen	Steers
	McHugh	Teague
Conyers	McKinney	Traxler
Corcoran	Murphy, N.Y.	Wiggins
Cornwell	Poage	
Dent	Railsback	

The Clerk announced the following pairs:

On this vote:

Mr. Sebelius for, with Mr. Annunzio against.

Mr. Schulze for, with Mr. Fuqua against.

Mr. McEwen for, with Mr. Diggs against.

Mr. Wiggins for, with Mr. Lundine against.

Mr. Fisk for, with Mr. Burke of Massachusetts against.

Mr. Railsback for, with Mr. Teague against.

Mr. Traxler for, with Mr. McHugh against.

Mr. Cornwell for, with Mr. Badillo against.

Mr. MATTOX changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to this paragraph? If not, the Clerk will read.

The Clerk read as follows:

COMPREHENSIVE PLANNING GRANTS

For comprehensive planning grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $50,000,000, to remain available until expended: *Provided,* That none of the funds in this paragraph shall be made available directly to cities having populations of more than 50,000, or to urban counties as defined by 42 U.S.C. 5302(a)(6), which receive grants pursuant to section 103(a)(1) of the Housing and Community Development Act of 1974, as amended.

AMENDMENT OFFERED BY MRS. BURKE OF CALIFORNIA

Mrs. BURKE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BURKE of California: Page 7, line 13, strike out ": *Provided,*" and all that follows through "amended." on line 18 and insert in lieu thereof a period.

Mrs. BURKE of California. Mr. Chairman and members of the committee, store comprehensive planning grants for communities of 50,000 and over and bring this appropriation bill in line with the position we voted on a month ago in the Housing and Community Development authorization bill.

First, Mr. Chairman, let me explain what a comprehensive planning grant is and exactly why the authorizing bill earmarked 20 percent of that money for communities of 50,000 and over.

Comprehensive planning is to coordinate planning from one community to another in a comprehensive fashion, which takes into consideration a variety of socio-economic and physical planning needs.

So, cities and urban communities apply for these grants to try and coordinate transportation and housing, or energy needs. Or, as I say, because we do not want housing and community development activities to develop in a vacuum without attempting to tie in with transportation, energy, and other considerations.

Over the years, these 701 comprehensive planning grants, have been available to all cities and have been of great assistance, in particular, to cities of 50,000 and over.

As I mentioned, earlier, as a result of the authorizing bill, 20 percent of this

money was reserved for cities of 50,000 and over population. Unfortunately in this appropriation bill, cities of 50,000 and over will be excluded from participating in those grants unless this amendment I am offering is adopted.

I am very much concerned about those cities that are just a little over the 50,000 population limit. They are the ones that are really having the problem. Those cities are labeled "hold harmless" cities.

These hold harmless cities will receive less money beginning this year from their community development grants. They will be phased out in a few years and will receive nothing for community development activities.

These cities especially need planning monies. They are the ones who will not only lose the planning monies that they have had a chance to apply for in the past, but will also lose part of their comprehensive planning grants starting with this year. So it is very important that we give some consideration to them.

We have already voted on this, at the time that we agreed that 20 percent of those planning grants should be available in communities of 50,000 or more, in the authorizing bill, H.R. 6655. I would emphasize now that we should not change that position. We should make those grants available especially at this time when we are all talking about the energy crisis, at a time when we are trying to not waste money, at a time when we should be approaching neighborhoods and bringing the kind of planning to them that will make them viable and to do that this will require this specific kind of money.

One of the other things I would like to emphasize, is that I seriously question whether or not the administration will even allow community development money to be used for comprehensive planning. In the past the administration has been very clear that it cannot be used for comprehensive planning, it has to be used for functional planning, although the authorizing committee takes a position that this money can be used. So, at a time when we are involved in this debate as to whether or not community development money can be used, it is inequitable to deny 701 monies to cities and counties over 50,000.

I ask support for this amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California, Mrs. BURKE.

Mr. Chairman, I want to commend the gentlewoman from California (Mrs. BURKE) for taking the leading role in this. I joined the gentlewoman from California in a letter to the Congress, alerting the Members to this problem which affects many cities in this country.

What I find regrettable is that the Subcommittee on Appropriations has said that the cities in question—those whose populations are greater than 50,000—should use their community development funds for comprehensive planning, while the cities in question believe that those funds should be used for low and moderate income community and housing development, not for comprehensive planning. As the gentlewoman from California (Mrs. BURKE) has already said, there is some legal question as to whether community development funds can be used for comprehensive planning purposes. It is not as though this were a new matter. We have already voted on this, when the House considered the Housing and Community Development Act last month. The authorizing committee—which, after all, is the legislative committee and which makes the determination as to how these funds should be used, and which also should know that there are less funds appropriated this year than last year—has said that 20 percent of these planning funds should be used for cities of populations over 50,000, and the House approved that. So it is with a certain amount of distress and at the same time understanding of the Committee on Appropriations—because the chairman and the members of the committee are such hard working people and good friends, and I know dedicated to the public weal—that I must say I think they have made a mistake. This amendment will cure that error.

Mr. Chairman, I urge support of the amendment.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly and regretfully oppose the amendment offered by the gentlewoman from California (Mrs. BURKE), and supported by the honorable gentleman from New York (Mr. KOCH). If the gentleman from New York becomes His Honor next year, then perhaps we will reverse our opinion on this program.

Let me give the Members a little history of the comprehensive planning grant program. The 701 program was authorized in the Housing Act of 1954. That was 23 years ago. Through fiscal year 1977 about $816 million has been provided to States, large cities, small cities, urban counties, areawide plannnig organizations, and Indian tribes. Eight hundred million dollars is a great deal of money for planning, but it does not begin to represent all planning money made available from Federal funds. There is also, and as the gentlewoman from California (Mrs. BURKE) pointed out, functional and project planning coming from 23 spigots, for a total of—and listen to this—$780 million each year. That is what we spend each year on functional and project planning. So I do not think the Federal Government has been lax in making money available for planning.

My problem with the 701 program is—and I have held this position for the last 3 years, and my city participates in the community development block grant program and this would deny them 701 planning grants—that those communities that participate so handsomely in the block grant program ought to be able to use some of these funds for comprehensive planning. Clearly—under the law that established the community development program in 1974—they can use community development funds for that very purpose, and a great number of communities in the Nation that participate in the block grant program do use community development block grant funds for comprehensive planning.

When this program was first put in place back in 1954, interestingly enough, it was reserved only for communities under 50,000. Think of it. There have been a lot of amendments since 1954. We have a lot of planning organizations—and probably some of the best lobbyists in the Nation belong to planning organizations that have been formed since 1954.

All I am saying is that a community like my community of Springfield, that received something like $26 million in block grants in a 3-year period, should be able to find $30,000 each year for comprehensive planning. The city of New York will receive something like $229 million in 1978, and $246 million in 1979, and $258 million in 1980 should be able to find $400,000 of that money for comprehensive planning. I believe that this is a place where we can save some money.

That is all we are asking here. No more and no less.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to my friend, the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, the chairman of the committee has stated the case very eloquently and adequately. I simply concur and hope the amendment will be defeated.

Mr. BOLAND. Mr. Chairman, let me conclude by saying that it is true that the authorizing committee did provide that 20 percent of the funds for comprehensive planning be used for cities over 50,000 and urban counties, but this Committee of the Whole House does not have to adhere to that particular mandate. It can use its own judgment.

We have used our own judgment in the subcommittee and in the full committee, and it is the judgment of the majority of members on the subcommittee and the vast majority of members on the full committee that we ought to keep this limitation.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill, H.R. 7554, and to commend the chairman and my colleagues from the Appropriations Committee for their hard work on it. I think that it is very important, in particular, that the Federal housing programs which have proved effective in many localities be continued at adequate levels in the coming fiscal year. While debate continues over the success of specific programs, such as section 8, I think that the committee's bill generally provides an adequate basis for successful implementation of the programs by communities with responsible, provident, housing assistance plans and agencies.

I would especially like to reaffirm the committee's comments on the scheduled phase out of hold-harmless funding. As the committee has noted in its report—page 17—the Housing and Urban Development Department should "give special consideration to hold-harmless communities over 50,000 in population whose funding will be substantially reduced by the phase down, as well as hold-harmless communities below 50,000 in popula-

tion which will be phased out completely."

This is a very real and imminent problem, Mr. Chairman. Cities like Portsmouth, Va., with highly ambitious housing programs marked by achievement in past years, stand to lose, in that example, over $1.5 million under any of the community development formulas presently under discussion. This drastic cut, over a mere 3-year period, in housing and community development funds could have devastating effects despite the proven abilities of the Portsmouth redevelopment and housing authority. Many smaller cities, like Franklin, Va., are in an analogous situation, standing to lose thousands of dollars abruptly.

I second the committee's hopes that the secretary distribute her discretionary balances with an eye toward mitigating the damage to such communities, particularly communities with demonstrably successful histories in this field. I also hope that, for the sake of many of these same communities, Mr. Chairman, the House will eliminate the prohibition on the use of comprehensive planning grants by large cities through the passage of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. BURKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. BURKE of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that, pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentlewoman from California (Mrs. BURKE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 248, not voting 29, as follows:

[Roll No. 343]

AYES—156

Addabbo	Blanchard	Carney
Ambro	Blouin	Carr
Anderson, Calif.	Boggs	Cavanaugh
	Bonior	Chisholm
Ashley	Breaux	Clay
Aspin	Brinkley	Coleman
AuCoin	Brodhead	Collins, Tex.
Badillo	Brown, Calif.	Conyers
Barnard	Brown, Mich.	Corman
Beilenson	Buchanan	Daniel, R. W.
Benjamin	Burke, Calif.	Delaney
Bennett	Burton, John	Dellums
Biaggi	Burton, Phillip	Dicks
Bingham	Caputo	Dornan
Downey	Le Fante	Rostenkowski
Drinan	Lederer	Roybal
Early	Lehman	Russo
Eckhardt	Levitas	Satterfield
Edgar	Lloyd, Calif.	Sawyer
Edwards, Calif.	Maguire	Scheuer
Eilberg	Markey	Schroeder
Erlenborn	Marks	Seiberling
Evans, Ind.	Martin	Shipley
Fary	Metcalfe	Slack
Fascell	Mikulski	Solarz
Fish	Mikva	Spellman
Fisher	Miller, Calif.	Stanton
Flood	Mineta	Stark
Florio	Mitchell, Md.	Stokes
Ford, Tenn.	Mitchell, N.Y.	Stratton
Fowler	Moakley	Studds
Fraser	Moorhead, Calif.	Trible
Gephardt		Tsongas
Gibbons	Moorhead, Pa.	Tucker
Gilman	Murphy, Ill.	Udall
Gradison	Myers, Michael	Van Deerlin
Hannaford	Nix	Vento
Harrington	Nowak	Walgren
Harris	Oakar	Walsh
Hawkins	Ottinger	Waxman
Hollenbeck	Patterson	Weiss
Holtzman	Pattison	Whalen
Horton	Pepper	White
Howard	Pickle	Whitehurst
Jacobs	Pritchard	Wilson, C. H.
Johnson, Calif.	Rangel	Wolff
Jordan	Reuss	Wydler
Kastenmeier	Rhodes	Wylie
Kemp	Richmond	Yates
Kildee	Rinaldo	Young, Mo.
Koch	Rodino	Zablocki
Kostmayer	Rooney	Zeferetti
LaFalce	Rosenthal	

NOES—248

Abdnor	Edwards, Ala.	Krebs
Akaka	Edwards, Okla.	Krueger
Alexander	Emery	Lagomarsino
Allen	English	Latta
Ammerman	Ertel	Leach
Anderson, Ill.	Evans, Colo.	Leggett
Andrews, N.C.	Evans, Del.	Lent
Andrews, N. Dak.	Evans, Ga.	Lloyd, Tenn.
	Fenwick	Long, La.
Applegate	Findley	Long, Md.
Archer	Fithian	Lott
Armstrong	Flowers	Lujan
Ashbrook	Flynt	Luken
Badham	Foley	McClory
Bafalis	Ford, Mich.	McCloskey
Baucus	Forsythe	McCormack
Bauman	Fountain	McDade
Beard, R.I.	Frenzel	McDonald
Beard, Tenn.	Frey	McFall
Bedell	Gammage	McKay
Bevill	Gaydos	Madigan
Boland	Giaimo	Mahon
Bolling	Ginn	Marlenee
Bonker	Glickman	Marriott
Bowen	Goldwater	Mathis
Brademas	Gonzalez	Mattox
Brooks	Goodling	Mazzoli
Broomfield	Gore	Meeds
Brown, Ohio	Grassley	Meyner
Broyhill	Gudger	Michel
Burgener	Guyer	Milford
Burke, Fla.	Hagedorn	Miller, Ohio
Burleson, Tex.	Hall	Minish
Burlison, Mo.	Hamilton	Moffett
Butler	Hammer-schmidt	Mollohan
Byron		Montgomery
Carter	Hanley	Moore
Cederberg	Hansen	Moss
Chappell	Harkin	Motti
Clawson, Del	Harsha	Murphy, Pa.
Cleveland	Heckler	Murtha
Cochran	Hefner	Myers, Gary
Cohen	Heftel	Myers, Ind.
Conable	Hightower	Natcher
Conte	Hillis	Neal
Corcoran	Holt	Nedzi
Cornell	Hubbard	Nichols
Cotter	Huckaby	Nolan
Coughlin	Hughes	O'Brien
Crane	Hyde	Oberstar
Cunningham	Ireland	Obey
D'Amours	Jeffords	Panetta
Daniel, Dan	Jenkins	Patten
Danielson	Jenrette	Pease
Davis	Johnson, Colo.	Perkins
de la Garza	Jones, N.C.	Pettis
Derrick	Jones, Okla.	Pike
Derwinski	Jones, Tenn.	Pressler
Devine	Kasten	Preyer
Dickinson	Kazen	Price
Dingell	Kelly	Pursell
Dodd	Ketchum	Quayle
Duncan, Oreg.	Keys	Quie
Duncan, Tenn.	Kindness	Quillen
Rahall	Skelton	Vander Jagt
Railsback	Skubitz	Vanik
Regula	Smith, Iowa	Volkmer
Risenhoover	Smith, Nebr.	Waggonner
Roberts	Snyder	Walker
Robinson	Spence	Wampler
Rogers	St Germain	Watkins
Rose	Staggers	Weaver
Rousselot	Stangeland	Whitley
Rudd	Steed	Whitten
Runnels	Steiger	Wilson, Bob
Ruppe	Sullivan	Wilson, Tex.
Ryan	Stump	Winn
Santini	Symms	Wirth
Sarasin	Taylor	Wright
Schulze	Thompson	Yatron
Sharp	Thone	Young, Fla.
Shuster	Thornton	Young, Tex.
Sikes	Treen	
Sisk	Ullman	

NOT VOTING—29

Annunzio	Flippo	Poage
Baldus	Fuqua	Roe
Breckinridge	Holland	Roncalio
Burke, Mass.	Ichord	Sebelius
Clausen, Don H.	Lundine	Simon
	McEwen	Steers
Collins, Ill.	McHugh	Teague
Cornwell	McKinney	Traxler
Dent	Mann	Wiggins
Diggs	Murphy, N.Y.	Young, Alaska

The Clerk announced the following pairs:

Mr. Annunzio for, with Mr. Cornwell against.

Mr. Diggs for, with Mr. Baldus against.

Mr. McHugh for, with Mr. Fuqua against.

Mr. Murphy of New York for, with Mr. Burke of Massachusetts against.

Mr. Lundine for, with Mr. Teague against.

Mrs. Collins of Delaware for, with Mr. Traxler against.

Messrs. BLOUIN, FISH, and LEHMAN changed their vote from "no" to "aye."

Mr. RUPPE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the paragraph?

If not, the Clerk will read.

The Clerk read as follows:

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $263,647,000, to remain available for obligation until September 30, 1979.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 13, line 4, strike "$263,647,000" and insert in lieu thereof "$273,647,000".

Mr. BROWN of California. Mr. Chairman, the purpose of this amendment is quite simple. I seek by the amendment to add $10 million to the appropriation for the Office of Research and Development of the Environmental Protection Agency. I would like to explain briefly the urgency of this amendment.

I recognize, of course, that most Members feel that they can improve upon the work of the Committee on Appropriations as it relates to their own areas of

concern. We will see many efforts at doing this during the course of consideration of these appropriation bills.

I want to pay tribute to the work of the Committee on Appropriations and the subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND) and the ranking minority member of the subcommittee, the gentleman from Pennsylvania (Mr. COUGHLIN). I know they labored long and diligently on this bill. I know that the subcommittee listened to me attentively when I came before them for the purpose of attempting to justify a larger figure for the work of the Office of Research and Development of EPA, which is within the jurisdiction of the Subcommittee on the Environment and the Atmosphere on which I serve as chairman of the Committee on Science and Technology.

Our subcommittee has devoted considerable time and energy over the past few years to examine the reliability, comprehensiveness, and validity of EPA's research programs to insure that the results of these activities are supportive of our regulatory scheme and of the enforcement actions taken by the Environmental Protection Agency. If we were to point to one major area of concern about our entire environmental program, it would have to be the concern for a credible research effort by the Agency and other organizations to support the environmental regulations which have been adopted by this Congress to insure a safe, clean, and healthful environment. If we want to assure that such research is reliable, objective, and believable, we must act to provide reasonable support for these research activities.

Specifically, the EPA Research and Development Office conducts a health and ecological effects program aimed at providing fundamental scientific basis upon which to establish and continually evaluate both primary and secondary ambient air quality standards. The health effects research program uses toxicological studies of targeted populations to address health research questions. The ecological effects research focuses upon the effects of air pollutants on the structure and function of ecosystems. Laboratory and field studies are conducted to support the establishment and scheduled reevaluation of air quality research area in the health and ecological effects program to expand the studies of health effects of sulfates, and emissions from three-way auto catalysts necessary to achieve statutory standards, and to initiate an investigation of chlorinated hydrocarbons which are suspected of being carcinogenic.

In addition, an expanded program would help to determine sources and causes of sulfates so that effective control strategies can be designed and adopted. In the water quality research area, this amendment would restore cuts in the health and ecological effects work so that an important study on the ultimate fate of oil spills can be initiated as planned, studies on the effects of ocean dumping can move forward, and water quality criteria studies for nonpoint sources can be pursued to aid in meeting the 1983 water quality goals. Further, it would allow work on sound disposal techniques for sewage sludge and alternative treatment systems to go forward.

This amendment contains resources which would also insure that the Toxic Substances Control Act, which puts new responsibilities on the EPA research program, to develop new and simple laboratory techniques for screening and assessing carcinogenicity, and for research to develop correlations between laboratory tests and clinical effects. Without these additional appropriations for the Toxic Substances Control Act, moneys will be reprogramed at the expense of other important research work—an example of robbing Peter to pay Paul.

Finally, the additional appropriation contained in this amendment would provide resources for EPA's Office of Research and Development to carry out several studies recommended by EPA's Science Advisory Board. Perhaps the most important of these recommendations addressed the long-term effects of man's activities on the total ecosystem. The proposed long-term studies will provide valuable information relative to the natural variability that occurs within these systems allowing criteria and regulations to be ungraded where necessary.

Mr. Chairman, we have all heard floor debate over the past few weeks stressing the importance of having accurate and reliable backup data to support our environmental standards. We have been confronted with a need to be as certain as possible that we are protecting our environment and our health through the most effective means possible. The best insurance we can buy to provide this protection is a sufficient and adequate and reliable research and development program. Moreover, it is within the health and ecological effects program for which the amendment today has been offered that the long-term research may provide the important answers for evaluating the effectiveness of our environmental programs and regulations, and to develop an adequate program to avoid, not merely react to, future environmental crises.

I might say that my subcommittee has had before it requests from many of the Members of this House; for example, Members from the great State of Texas, who would like to see even more added to this amount in order to look at some of the regional problems that affect air and water quality in Texas as a result of its status as one of the great oil and gas-producing States of this Nation. Yet, even with my amendment, we will have the resources for only a beginning, a very modest beginning of the kind of program that is really necessary in order to establish the data base required to correct the problems or to remedy the faulty regulation which may have developed in the State of Texas. So I am asking the Members to support this $10 million increase to acquire the kind of data that we need to give us better regulation in the future, to correct bad regulation that we may have had in the past, and I assure the Members that this will do more to help us solve some of the problems that have come to everyone of us as a result of the activities of the Environmental Protection Agency than any other single thing that we can do.

Mr. Chairman, I ask for the Members' support of this amendment.

Mr. BOLAND. Mr. Chairman, I reluctantly rise in opposition to this amendment. The total amount of money reserved for the Environmental Protection Agency in this bill is $838 million. In 1 or 2 years this will be well over $1 billion, not including the $4.5 billion requested for the waste water treatment facilities which will be considered when the authorizing legislation is enacted.

For research and development, and that is the particular activity over which the subcommittee of the gentleman from California has jurisdiction, the request was for $263,047,000. In this bill we provide $263,647,000. We added $600,000 for the Ames, Iowa, solid waste resources recovery facility which was authorized by his committee. We are funding it in this particular bill.

I know, as do Members who have served on the Science and Technology Committee, that as chairman of the Subcommittee on Environment and the Atmosphere, the distinguished gentleman from California has carefully scrutinized the EPA research budget. He wants to insure, as do all of us, that EPA has an effective research program. And, while I sympathize with his goal, I regret that I cannot accept this amendment.

While it may be true that the EPA research program could use additional resources, I fear that it is also true that millions of dollars of funding already made available to the Agency have not been wisely used. Those really are not my words. In fact, the gentleman's own subcommittee pointed to a $22 million EPA study that was worthless. That report got a lot of publicity in the Washington papers. The subcommittee's report indicated that:

> In the drive for results the study did not adhere to standards of quality control.

It also stated that the study was of virtually no quantitative value. Well, if the EPA is conducting those kinds of studies and is in that kind of thicket, I think it would be well for us to be sure that we keep their feet to the fire.

Research and development is something that we can spend zillions on and we are doing it. We are spending billions on research and development throughout the Federal establishment. If we are going to be really sure that we are not going to get these kinds of research results, we ought not to be pouring money into them.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman. I want to certify to the accuracy of what the gentleman has said. Our subcommittee has issued reports critical of the research being conducted by the Research Development Office of EPA. But the gentleman should have quoted more from the results and recommendations from that study because it was not our finding that we can correct this $20 million waste by not spending any more money but by spending more money for improved equipment and laboratories and research in order to avoid having that kind of waste and accumulation of data which are not useful.

I think that the gentleman and I would research fundamental agreement on the importance of improving it, but whether we starve them or provide them with adequate funds is the basic question, and I think the gentleman is seeking to cure it by starvation.

Mr. BOLAND. In response to the gentleman, if $263,647,000 is starvation for just one activity of the EPA, well, so be it. I guess that might be starvation, but I think a lot of people around here who are looking at and passing upon these programs and upon the appropriations would probably come to the conclusion that in this one activity alone this is not starvation.

It would seem to me that $263 million is a good deal of money. I am sure the gentleman knows more about it than I do, but the fact of the matter is: we do provide the budget request—$263 million, plus $600,000—and it would occur to me that we ought to vote against this amendment.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I reluctantly join in opposing the amendment. This account is already $600,000 over the budget request. I just register that objection.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words. I rise in favor of the amendment.

Mr. Chairman, the distinguished chairman of the subcommittee that deals with considering research and development in the Committee on Science and Technology is absolutely correct, that there should be some additional money for various research problems that had not been fully anticipated at an earlier date. Of course, this bill waives points of order in order that the gentleman's committee may complete their authorization bill.

Mr. Chairman, there is one matter that was not considered prior to the establishment of this figure. This matter came before us in connection with the Clean Air Act amendments. At that time, as you may recall, some of my colleagues were pointing out the difficulty in the Houston area, which is not unique amongst coastal areas of a situation that exists where chemical manufacturing occurs on the seacoast. That is the question of oxidants. Some of my colleagues wanted to strike or to exempt from the bill the requirement that certain oxidant levels be met at a given period of time. We compromised that by somewhat relaxing the period of time in which oxidant levels could be met, but we do not know much about oxidants. We do know that certain substances entering the air, like aerosols and fine particulate matter, react with certain natural releases into the air and with moisture to cause a certain type of pollution called oxidants.

Now, we very much need a study in the gulf coast area of this difficult question. Senator BENTSEN offered an amendment which was accepted by the committee and the Senate to increase the appropriation by $5 million in order to meet that question.

The expenditure that the gentleman from California (Mr. BROWN) is calling for will ultimately be a saving, because it will permit us to know with greater exactitude what the levels of various pollutants may reasonably be in areas like my district.

Now, this is not a very large increase in the appropriation. I think one must recognize that Mr. BROWN's subcommittee is doing careful and diligent work in this field.

Mr. Chairman, I would urge the committee to vote favorably for this amendment. It is a badly needed amendment for the gulf coast area, and the entire Nation. I would urge its acceptance.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, the remarks of the gentleman from Texas (Mr. ECKHARDT) are very interesting to me, because we have a similar problem in the State of Ohio. I spent all day Saturday touring electric power generating plants on the Ohio River with the regional director of the EPA and representatives of the Ohio Edison Co. My objective in doing so was to try to come to a better understanding of a problem that is very complicated and highly technical, namely, how to resolve the conflict between controlling power plant emissions under the Clean Air Act and protecting the economy of our State and region. Part of the problem has been that the original studies, on the basis of which EPA promulgated a proposed clean air program for Ohio were so superficial that the program had to be radically revised, but not until the commencement of litigation and considerable confusion and embarrassment. As a result, we still do not have an SO_2 stationary source emissions control program in effect in the State of Ohio. Both literally and figuratively, the whole thing is still up in the air.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for an additional 2 minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Now, Mr. Chairman, EPA came out with a second plan for Ohio last year. But that too was full of errors and erroneous assumptions. So, in the last few weeks they have come out with a third revision, because they admit their earlier program was based on inaccurate or inadequate information.

I do not know how much of this could have been corrected if EPA had had more funds for research, but I do know this: To do the job right, to conserve energy, protect the economy, and to preserve jobs and at the same time provide healthy air for people to breathe, is going to require far more precision and sophistication, based on far more profound studies, than have been always available in the past. The old "broad brush" approach won't do. If we are going to solve these twin, conflicting problems, we should err on the side of providing more than enough research funding rather than too little. It is not fair to industry and not fair to people who have to live in industrial areas to do anything less.

Mr. ECKHARDT. The gentleman has put his finger right on the point. The thing is, in our present state of knowledge, we may either put a lid on growth in the nonattainment areas, or else we may permit excessive pollution which may be dangerous to the people. Because we do not now have sufficiently precise information about the cause and nature of certain pollutants, $10 million is a small amount to obtain this necessary information.

Mr. SEIBERLING. Particularly when an error may cause the utility companies and other industries to spend tens of millions of dollars, as they are now doing, in order to comply with the EPA clean air regulations. If we are going to require industry to come up with these huge amounts of money to meet clean air standards, the least we can and should do is to provide EPA with the funds to make sure that the standards are only as stringent as is absolutely necessary.

Mr. ECKHARDT. The gentleman has stated the question extremely accurately.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to commend the distinguished chairman of the HUD Subcommittee and my colleague from Pennsylvania who serves as the ranking minority member of that subcommittee. It is a rare treat to see an appropriations bill which is more than $337.5 million below the budget request in new budget authority, and $162.5 million below the budget in actual appropriations. I can assure the gentlemen that I look forward to seeing more of this in the future.

Mr. Chairman, my colleague on the Environment and Atmosphere Subcommittee, Mr. BROWN of California, who serves as our chairman, has offered a modest amendment which would add $10 million for several areas of crucial health and ecological research and development being conducted by the EPA.

One of the most basic problems we must face is that as Congress mandates various environmental standards, while failing to provide adequate funding to accomplish sufficient research to validate those standards, we are placing the American businessman in a totally untenable position.

If Congress must charge ahead and set standards without regard to their attainability, then we in good conscience force the cost of that onto the business community. Today the average businessman is inundated with Federal regulations ranging from minimum pay to maximum hours. OSHA standards have driven countless small businessmen to the brink of bankruptcy. Now new environmental standards are to be imposed without sufficient research to accurately determine the environmental and economic impacts involved.

There is a growing sense of understanding in this Nation that we must take immediate steps to reverse earlier trends with adverse environmental impacts. It is generally accepted that new

policies bring new problems. The President's new energy policy already has been the subject of serious questions regarding the long-term effects of coal dependence which may be more adverse to the environment than an equal level of nuclear generation. We still cannot say with certainty what the long-term effects of oil spills will be, or what the ultimate effects of ocean dumping will do to fragile aquatic ecosystems.

The Brown amendment provides necessary funding to conduct essential research in these areas. This research will give both EPA and the business community accurate baseline data on problem areas. As a result of estabilshing such reliable data upon which to base standards EPA will be able to set standards and monitor compliance with a high degree of certainty. Equally important is the fact that the business community will be able to clearly assess the costs of compliance and make the necessary decisions to either adopt new techniques or acquire new equipment to assure compliance, or to cease operations.

There is little doubt, Mr. Chairman, that our best investment in the future is the dollar spent in R. & D. today. The funds in this amendment will generate the data which will provide accurate and reliable standards, insure long-term compliance monitoring against verified baseline information, and finally, give the business community the opportunity to make crucial economic decisions based on comprehensive research.

Mr. KRUEGER. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in support of the amendment.

Mr. Chairman, this is a good amendment. It is a good amendment because it addresses ne of the real needs of our society, both with regard to how to best structure our future economic development and how to do so with a clean environment.

Currently, some 90 percent of the areas that the Environmental Protection Agency has surveyed with regard to our Clean Air Act standards are found to be in violation of some of those Clean Air Act standards. The principal violations are of so-called oxidant levels. Eighty-nine percent of all of the areas reviewed are in violation of oxidant level standards. If we are going to understand more fully where oxidants come from, we are going to need some fuller research with regard to them. We know that hydrocarbons are one of the causes. The city of Houston, for example, reduced one-half of its total hydrocarbon emissions, and it still found that the oxidant level was not reduced. Recently the Environmental Protection Agency sponsored a meeting of experts in North Carolina and they concluded that, basically, they did not know very much about oxidant levels, and that much fuller research was required.

We are also looking toward a new energy program. A keystone of that program would be massive conversion to coal. If we substitute coal for just 1.5 trillion cubic feet of natural gas, which is about 7½ percent of what we now use each year, and if that coal has only a 4-percent sulfur content, if we then use the best available control technology, which would remove 90 percent of the sulfur, we still would put into our atmosphere 4 pounds of sulfur for every man, woman, and child in America. We would, further, if we built a 1,000-megawatt electric powerplant that is coal-generated, put into the atmosphere more nitrous oxides than 850,000 cars, under the best proposed scenario for new auto emissions. Thus we can foresee some of the environmental problems that our society faces in the years immediately ahead.

Mr. Chairman, my point is, simply, that we need a large amount of research into the area of air pollution if we are shifting to large-scale coal conversion. We need research if we wish to complete those dual goals of an improved environment and coal conversion.

For that reason, I think that the amendment offered by the gentleman from California (Mr. BROWN) is a very good amendment, and it should be supported.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman can tell me anything about a machine that we need but must buy from Britain, because we do not make it. Ohio originally burned coal, then was told to burn oil, so oil was burned; now Ohio must go back to coal. But in order to clean up that coal, one must use a certain machine, and the only one is manufactured in Britain. We are importing the machine from Britain. Does the gentleman know anything about any ERDA or EPA plans for the development of such machines?

Mr. KRUEGER. Mr. Chairman, I regret I am not able to respond to the gentlewoman's question with regard to that particular machine. I do know that we have some very substantial supply constraints with regard to coal facilities. I know, for example, there are only two places in the United States of America where so-called coal mills are available which will pulverize coal in order for this particular coal to be used, for boiler fuel use; but I am not familiar with the particular problem the gentlewoman poses.

I do know we need a very large amount of research if we are going to undertake the wholesale conversion our society demands.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I am sure it would interest the gentleman to know that I believe there is pending now, in the Office of Management and Budget, a $50 million-plus amendment for the very thing that the gentleman from Texas talks about, and it will probably take care of some of the problems that he has detailed.

If we get that amendment, I can say to the gentleman from California that I would be delighted to consider it.

Mr. GAMMAGE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I will be very brief. When the Committee on Science and Technology was working on the authorization for this appropriation, this very question was raised, as the question was raised a few moments earlier by my colleague, the gentleman from Texas (Mr. ECKHARDT), regarding the lack of a data base for the imposition of standards and the establishment of criteria for compliance with clean air standards, particularly in the gulf coast region of the United States.

I am vitally concerned about my constituents and my district, of course, but the problem is much greater than that because it encompasses the entire gulf coast region. We have in that area some conditions that apparently do not relate directly to those standards and criteria imposed by EPA and by his Congress. No matter how much we reduce the emission of particulates and hydrocarbons, as well as a variety of other materials, somehow we do not seem to be able to overcome some of the other criteria bases that have been established. We do not seem to be able to comply with some of those standards.

In response to questioning, EPA indicates that it does not have a data base for that area to provide them with information for the imposition of realistic, adequate, or appropriate criteria so that the standards can be met. They do not know where the problem comes from, they do not know what causes it, and they do not know how to correct it.

Therefore, there was language that was put in our committee report expressing the committee's intent to have EPA conduct such a study along the gulf coast of the United States, particularly in the area of aerosol haze and fine particulates.

I would hate to see, particularly in view of the standards regarding clean air that we established in this House the week before last, unrealistic standards imposed without an adequate data base and then a failure of compliance, through no fault of the people involved, through no fault of the industries involved, and through no fault of the economies or the communities involved in that area.

All we are asking is that the information required be made available so we can do what we should be doing, so that the standards are clear and realistic, so that the technology can be developed to make it possible for us to comply, and so that we can all breathe clean air. Until that study is conducted and until the money is made available to that agency to conduct the study, we will never know where we are going or how we are supposed to get there, and in all likelihood we never will. Without this action we will continue fighting unecessary battles leading to nowhere for time immemorial.

We have to start at the bottom; we have to establish a base. First we must

get the information. EPA does not have the information now, and Congress does not have the information.

If the Members are looking for this language in the committee report, it is on page 42, in the last paragraph, in the portion relating to authorization.

Mr. Chairman, we need the study, and we need the data. We need that before we can develop the technology establishing real, meaningful criteria and establishing real, meaningful and attainable standards. I ask the Members of the Committee to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. BROWN of California) there were—ayes 30, noes 28.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; to remain available for obligation until September 30, 1979, $425,573,000.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 13, lines 16 and 17, strike out "$425,573,000" and insert in lieu thereof "$428,073,000, of which $2,500,000 shall be available for grants under section 4008(e) of the Solid Waste Disposal Act".

Mr. FLORIO. Mr. Chairman, the amendment is self-explanatory and deals with the provisions of the Resource Conservation and Recovery Act that was passed last year.

I am a member of the authorizing committee. The abatement and control section, section 408, is the specific section we are talking about.

Mr. Chairman, one of the main thrusts of the act that was passed last year and for which we are appropriating money today is to provide for the elimination and the gradual phasing out of open dumps and landfill operations. It is one thing to order that such dumps and landfill operations be closed. It is another thing to see that that is done without some secondary impacts upon municipalities that can be harmful.

Mr. Chairman, we have had numerous incidents whereby such facilities are inappropriately closed. We have had sanitary water systems that have been infiltrated by hazardous wastes that have been dumped into the facilities and have just not been disposed of entirely.

We have had landfills and dumps built, only to find out a few years later that methane gas is coming up through the parking lot of the shopping center or through the parking lot of a particular facility.

Mr. Chairman, in effect, what we are saying is that there are hazard problems associated with the closing of landfill operations that are almost as dangerous as the continuation of such landfill operations and open dumps. The large municipalities have the resources or the technological know-how to cope with such problems. However, our small municipalities that have landfills being ordered to be closed are not able to deal with these problems.

Mr. Chairman, this Congress, in passing the authorizing legislation, took into account that fact and incorporated a section, section 408(e), that would provide for funding of projects for small municipalities associated with problems that flow directly from the passage of this bill, the authorizing legislation.

Mr. Chairman, it has been brought to my attention that EPA has no intention of allocating any of the $425 million for abatement and control under section 4008(e).

In essence, what this amendment does is to insure that the authorizing legislation will be carried out, that there will be the money appropriated for the authorization, and that the money will be spent in accordance with the desires of the Congress, as opposed to the desires of the EPA.

In essence, what I am asking for is the support of the integrity of the legislative process. I direct this statement particularly to my friends on the other side of the aisle who have made reference on numerous occasions to the fact that the legislature, the Congress, makes the law and that it is not for the administrative agency or the department to be implementing or substituting their own version of what they think should be the law.

Likewise, Mr. Chairman, with respect to those who are concerned about the problems associated with small municipalities of under 25,000 in population, this bill will specifically address those needs and provide the needed money to address those needs.

For all those reasons, Mr. Chairman, I would urge support for my amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I wonder if the gentleman from New Jersey would consider changing that to say "of which not less than $3 million shall be applied to the provisions of section 4008(e)"? In other words, simply to make sure it does not fall into the $425 million and that $3 million is used for that sole item?

Mr. FLORIO. In response to the inquiry of the gentlewoman from New Jersey, let me say I would have no difficulty with that, except that it has been reported to me that the $425 million has been already allocated under "abatement and control." That would mean no program would be diminished. I believe that this $2½ million as provided in the authorization should be added to this provision so as to make sure that the authorization is carried out the way that the Congress directed it be done.

Mrs. FENWICK. Does the gentleman mean that the money has been allocatetd even before the House has had a chance to say where it wanted it placed?

Mr. FLORIO. In the authorization bill there was specifically $2½ million that it said should be provided for the funding of section 4008(e). The difficulty we have now is that the Committee on Appropriations has not allocated it in a mandatory way, so that we have a lump sum of $425 million for the entire abatement and control section.

Mrs. FENWICK. Yes, but why can we not go back to that which was intended by the committee insofar as that $425 million is concerned?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

As the gentleman from New Jersey (Mr. FLORIO) has already pointed out, this amendment would appropriate the full authorization—$2,500,000—for grants to communities having a population of less than 25,000 persons for the conversion, improvement, or consolidation of existing solid waste disposal facilities, for the construction of new solid waste disposal facilities, or for both.

This program comes about as result of the passage of the Resource Conservation and Recovery Act of 1976. The EPA solid waste program totals $15,700,000 for 1977 and the 1978 budget proposes a program level of $36,500,000. That is more than a 100-percent increase. We have increased that amount by $600,000 for the Ames, Iowa, solid waste resources recovery facility. We have also provided for additional positions for the solid waste program.

I know that some Members would like to fully fund every program that is authorized. But, the fact is that EPA considers this program a lower priority. I believe the gentleman from New Jersey (Mr. FLORIO) has also pointed that out. It has not even included this program in the recently published interim rules and regulations for the Resources Conservation and Recovery Act of 1976.

That is what zero-based budgeting, which the administration is going to implement next year, is all about. It is choosing the highest priority programs from limited dollars available. That is what EPA has done here.

I ask that the amendment be defeated.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I suppose that we are coming down to a fairly fundamental question, and that is as to who is in charge of the legislative process. That is, if the Congress in its wisdom decides to consider a program of sufficient importance that it specifically allocates $2½ million for the program that was designed to assist the small communities in coping with the problem that will flow from the enactment of this law, and we now have an agency that says that they do not regard this as of such importance so as to allocate any of the

$425 million from the abatement and control section, and we cannot rely on a small amount for the smaller municipalities, then I think we have gotten to the point where we have got to change the procedure as to who passes the law and who is to carry out the mandate of the legislative process. Accordingly, I am in favor of giving the Congress, when they speak with such particularity and with such a clear voice in authorizing a specific amount of money for a particular problem, for providing the capability to handle that problem for a rather important segment of our population in large sections of the municipalities of this country, that then the Congress should speak and the Congress should be listened to.

Mr. BOLAND. Mr. Chairman, in response to the comment of the gentleman from New Jersey, I would suppose that the agencies responsible for the implementation of the laws that Congress passes ought to have some input, too. I would think, after looking at some of the authorizations that have been made by some of the legislative committees of the Congress, that these agencies ought to have the authority and right to look at these programs. EPA does not give it as high a priority as the gentleman from New Jersey gives it. So on that basis, we ask for the defeat of the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and second what the chairman of the committee has stated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The question was taken; and on a division (demanded by Mr. FLORIO) there were—ayes 9, noes 24.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments? If not, the Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109 and reimbursement for the Government Printing Office for distribution of free consumer information, $3,200,000.

AMENDMENT OFFERED BY MR. EVANS OF COLORADO

Mr. EVANS of Colorado. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. EVANS of Colorado: Page 16, line 9, strike out "$3,200,000" and insert in lieu thereof $4,700,000.

Mr. EVANS of Colorado. Mr. Chairman, this is a small amount that I am bringing in here to take care of an oversight that took place in estimating the amount of publications that the people of this country want to get from the Consumer Information Center. They grossly underestimated the number of publications that the public would want. The early estimate was made last August. The experience that has occurred since then in terms of the public's request for these publications shows that we have underestimated the cost involved. This is an attempt to bring it up to the current estimates of their obligations.

I have checked this with the chairman of the committee and the ranking member, and I think I have the approval of both sides.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

We have looked over the gentleman's amendment, and as I indicated when this bill was before the full committee, if we had further justification for the tremendous increase in the number of publications that will be distributed by the Consumer Information Center, we would be willing to adjust this figure. We have looked at that. The 18 million publications figure is an estimate. We think it is a little bit too high, but we do know that there is a requirement for millions of additional publications. Insofar as this item is concerned, we are willing to accept the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

The gentleman did go over the amendment with me earlier. It does appear to be entirely justified, and we have no objection.

Mr. EVANS of Colorado. I thank the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Pennsylvania (Mr. COUGHLIN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. EVANS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,943,600,000, to remain available until expended.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Page 17, before the period in line 2, insert the following: "*Provided*, That no part of the appropriations made by this Act shall be available to the National Aeronautics and Space Administration for the preparation of an overall program plan relating to technology for Civilian Advanced Supersonic Transports, or for any other study, analysis, planning, research, or development relating to such transports."

Mr. WEISS. Mr. Chairman, I spoke to this amendment during the course of the general debate and I want to make some points I made at that time in the light of the history of this particular item.

I should start out by saying I appreciate the courtesy of the subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND), and his subcommittee for the opportunity they gave me to testify before the Subcommittee on Appropriations on this matter.

This is an amendment which allows us to actually cut some money from an appropriation measure. Everything else I have been hearing so far today, in fact the last few days, have been suggestions to add. Here is an occasion to delete in essence $15.2 million.

It ought to be done not just because we are opposed to the development of an advanced supersonic transport but because in principle the way this appropriation came about ought to make Congress and this House stand up and say we will not have it that way.

I want to remind my colleagues that in 1971 after some 10 years of heated national public debate the Congress, both the House and the Senate, vote to terminate the commercial supersonic transport program after the expenditure of $1 billion. And yet sometime this spring, when the authorization measure for NASA came before us, almost by accident I discovered in the report—not in the bill but in the report appended to the authorization measure—that there was a mandate on NASA to develop and have ready for flight by sometime in the early 1980's a commercial supersonic transport called now an advanced supersonic transport.

Subsequent to that I wrote to Dr. Fletcher, who was the head of NASA, and asked: "Have you had prior occasion to spend moneys on this program?" And much to my shock, and it should be to the shock of the Members as well, I learned that within a year after the Congress terminated that $1 billion boondoggle, NASA began spending additional moneys without the knowledge, I would suspect, of 95 percent of the Members of this House or 99 percent of the American public.

In fiscal year 1973 there was an expenditure of $11.7 million. Through 1977 the total amount of $54 million was spent, unknown to just about anybody, for a resurrection of the SST.

We are now being asked for another $15.2 billion, although we will not find one word about it in the bill or in the report appended to the bill.

It seems to me whether one is for the SST or against the SST we ought to have Congress dealing with this kind of measure very straight up front, telling one another what we are about, and more importantly telling the American public what we are about.

So I urge the Members not only on the merits of the SST but on the basis of the procedures that have been followed for the course of the last 4 or 5 years that this is an item that ought to be deleted; NASA ought to come before us and justify this expenditure. If Congress decides that it wants to resurrect the SST, let us do it, but let us do it

openly and candidly and let us not sneak it through the back door.

Mr. MILFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to say that I sympathize with several of my colleagues from New York. I realize that they have a serious aircraft noise problem.

However, let us not be scared by "Bugger Bears." The term SST simply stands for a transport aircraft that flies at a speed greater than sound.

We are not dealing here with a noise problem nor are we dealing with the flight of the Concorde. As a matter of fact, we are not dealing with the flight of any airplane—SST or otherwise.

The subject at hand is "technology development." The bill before you has in no way authorized NASA to design an SST, or to build an SST, or even to plan an SST. The bill in no way commits this Congress, or this Nation, or NASA to an SST program.

As much as I love aviation, I would never propose that this Nation spend one thin dime building an SST that is anything like the Concorde. The Concorde is not economically viable.

In the bill before you, this Government would continue its effort to develop new technology in aeronautics, as it has in one form or another since 1915.

The amendment, offered by the gentleman from New York virtually would wipe out all advanced aeronautical research being conducted by NASA. I do not believe that the gentleman intended for this to happen, but if his amendment should pass, NASA would virtually be out of business insofar as advanced aeronautical technology development is concerned.

Here is why. The wording of the gentleman's amendment would prohibit research on any aircraft that flies faster than the speed of sound. Our present generation jet transport aircraft regularly cruise at about 600 miles per hour. At their normal cruise altitude the speed of sound is from 650 to 700 miles per hour. In other words, if our present jet aircraft should travel from 50 to 100 miles per hour faster, they would then be supersonic.

Quite obviously, our next generation aircraft may very well be supersonic. Parenthetically, our next generation aircraft would definitely not be a Concorde type of airplane. The mandate given to NASA is to continue basic research into all flight regimes.

Instead of a mandate to develop an SST—of the Concorde type—NASA is doing research in such fields as a variable cycle engine, that would be more fuel efficient and quieter than our most modern day fanjet. Their work would deal with such new technology developments a laminar flow dynamics to produce less drag and composit materials to produce less weight. This work will apply to all aircraft, whether hypersonic, supersonic, transonic, or subsonic.

In short, NASA has been directed to continue basic research designed to produce next generation airplanes that are quieter than today's best, more fuel efficient than today's best and also more environmentally compatible than today's best.

Since today's aircraft are now routinely flying only 50 to 100 miles below supersonic speed, we are now on the very edge of the supersonic range. Almost any advancement in speed in next generation aircraft will make then supersonic. If this Nation does not make that advancement, our foreign competitors will.

If the amendment, offered by the gentleman from New York, should be adopted, the jobs of nearly 2,000,000 Americans employed in our aviation industry would be endangered. This Nation builds and sells over 85 percent of the free world aircraft. This is so because we have always produced superior airplanes. Ours have always been faster, quieter and more economical.

Down the line, this Nation must build an advanced supersonic transport. Not an SST like the Concorde, but an advanced supersonic transport that will operate with the efficiency of a fully loaded wide-bodied fan jet and with less noise and less pollution.

Surely no Member of this body would object to such an airplane.

As I stated in the beginning, I sympathize with the gentleman from New York and with all of our colleagues that have noise problems. However, the gentleman himself seeks better, quieter and more efficient airplanes. That is exactly what NASA is trying to accomplish.

If you really want quiet airplanes, vote down this amendment.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is $15 million in this bill for the continuation of a relatively constant budget level to maintain the Nation's technological capacity for future supersonic cruise aircraft.

The effect of the amendment of the gentleman from New York would be to prohibit the use of these funds for a purpose that has been outlined by the House Committee on Science and Technology and also by the National Aeronautics and Space Administration. The amendment does not reduce the dollar figure in this bill for NASA by $15 million. It does not reduce it by any amount.

Mr. Chairman, in echoing what the gentleman from Texas (Mr. MILFORD), who sits on the Committee on Science and Technology said, this in no way, shape or form is related to development of an American SST. This very low level of funding, will maintain the Nation's technological ability. I think that is what we ought to do. That is what NASA's predecessor—NACA, the National Advisory Committee on Aeronautics—was engaged in and that is what we are telling NASA to do. In no way are they to develop a prototype SST. As a matter of fact, this committee has and will monitor carefully the expenditure of funds in this area to insure that this does not happen.

So, I oppose the amendment.

Mr. WEISS. Mr. Chairman, will the distinguished chairman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. WEISS. It is a fact, though, is it not, that in the report that was affixed to the NASA authorization measure about March 17, there was a direct and clear and absolute mandate to the Director of NASA from the Committee on Science and Technology that, in fact, they undertake a series of studies and be ready to report back by October 1, 1977, with a detailed plan for a commercial supersonic transport, flight ready, by the early 1980's. Is that not an accurate representation?

Mr. BOLAND. I am not sure that is an accurate representation.

Mr. WEISS. I assure my good friend and colleague that it is.

Mr. BOLAND. Let me quote from a letter that was sent to the gentleman from New York by Dr. Fletcher, Administrator for NASA. The gentleman got the letter on April 28, 1977. In the second paragraph, it says, "It is not NASA's view that the preparation of a plan for technology is in any way a mandate to build an advanced supersonic transport—AST—by the early 1980's."

Mr. COUGHLIN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

The chairman, as usual, has stated the case very well. There is no reason to eliminate these research funds. We can always use new technology in this country. This is very important technology, and is an area in which we have a great deal of expertise. I would oppose the amendment.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

First, I would like to inquire of the gentleman from Texas with regard to the statements, or some of the statements, he made in the well. Perhaps, if he is accurate in his statements, we can alleviate some of the concerns of some of the other Members of Congress; concerns as to where we are going in technology as far as supersonic transports.

Do I understand—perhaps it is a misunderstanding—but do I understand there is no direction to NASA as far as development of a supersonic transport, or is there direction to NASA?

Mr. MILFORD. If the gentleman will yield, there are directions to NASA to develop technology for next-generation aircraft. As I pointed out, some of our present jets are within 50 miles per hour of being supersonic, and if we are to have next-generation aircraft, some of them may very well become supersonic. We have no particular Bugger Bear about going supersonic. If we can have supersonic aircraft that fly quieter and more efficiently than the best jets we have today, then I am all for those. I think everyone in this hall would be for those.

Mr. VOLKMER. The gentleman is saying that all they are supopsed to do is develop, investigate, and gain scientific knowledge as much as possible on future ability to do so; we are not going to have a mockup of a plane built in the future, and testing procedures and everything of that nature, or are we just using wind tunnels and things of that sort?

Mr. MILFORD. NASA's charter specifically prohibits the agency from building prototype aircraft. NASA might build an aircraft to test a particular concept, but it would in no way be a

prototype. For example, they are at the present time developing, with the Army, a tilt rotor aircraft. This is to prove a particular concept of flight, but it is not a prototype. NASA would be strictly prohibited by policy and even by its charter from building a prototype aircraft.

Mr. VOLKMER. Or attempting to construct one.

The next question I have is, What experimentation or technology are they attempting to determine, as the gentleman says, to determine types of engines and so forth? These are basically all model-type programs.

Mr. MILFORD. They may be either of three types. They may be a theoretical study; it may be a contract let to industry to develop a piece of hardware.

It may be a combination of the two, or it may be wind tunnels studies. They do all of these.

Mr. VOLKMER. But none of this money would be used to promote a supersonic transport as we knew it as an SST or as we know it as the Concorde; is that correct?

Mr. MILFORD. The gentleman is correct.

Mr. VOLKMER. It would be a type of aircraft which presently exists but which may fly faster and quieter, and so forth, with less weight?

Mr. MILFORD. Again, it may not be an aircraft at all, because NASA develops technology and one could utilize that technology to build an aircraft.

Mr. VOLKMER. In other words, that technology would be disseminated to the aircraft manufacturers; is that correct?

Mr. MILFORD. That is correct.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New York (Mr. WEISS).

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEISS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEISS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore (Mr. FOWLER). One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New York (Mr. WEISS) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk continued to read the bill.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order to the remainder of the bill?

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 37, after line 16, insert the following:

SEC. 409. No contract or budget authority provided in this Act for Annual Contributions for Assisted Housing, and no funds appropriated in this Act for Housing Payments, shall be subject to the Federal regulation defining the conditions under which two or more persons shall be eligible for admission to public housing as a family, which was promulgated by the Department of Housing and Urban Development on May 9, 1977, at 24 CFR § 812.2(d)(1).

Mr. BOLAND. Mr. Chairman, I believe that this amendment can be referred to as the "stable family amendment." This amendment addresses a situation created by the promulgation of regulations by HUD which sought to define eligible family groups for assisted housing. The amendment would nullify the Department of Housing and Urban Developments attempt to establish a Federal definition of the conditions under which two or more persons shall be eligible for admission to public housing as a family. In 1959 Congress committed determination of the eligibility of two or more persons for admission to public housing units operated by local housing authorities to the discretion of local housing authorities.

As I understand it, the Department wished to make accommodations for unmarried couples who, in the determination of the local housing authorities, evidenced a so-called stable family relationship. HUD has found that many such couples, who might not necessarily be considered common-law man and wife for a number of reasons, can create a family situation for children. It would be wrong to deny public housing to such couples. Unfortunately, since promulgation, these regulations have given rise to other interpretations of "stable family relationships," namely homosexual couples. This development was not contemplated by the Department and poses an issue which it is unprepared to deal with at this time. It is my understanding that the Department would like to reconsider these regulations for that reason. The committee can accept this approach. The issues of homosexual marriage and rights are issues just too emotional and sensitive to be thrust upon local public housing authorities without proper consideration by HUD. I believe the Department ought to have an opportunity to reconsider those regulations and I urge passage of the amendment.

In effect, the amendment would restore the situation with respect to the conditions under which two or more persons shall be eligible for admission to public housing to the situation which prevailed immediately before the effective date of the regulations of the Department of Housing and Urban Development published on May 9, 1977.

So, Mr. Chairman, I urge support of the amendment.

Mr. COUGHLIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND). The minority thoroughly supports this amendment. The way to change a dictionary definition of family is not through a regulation of HUD. I do understand that HUD is going to reconsider that definition themselves.

Mr. HAGEDORN. Mr. Chairman, I wish to commend the distinguished gentleman from Massachusetts (Mr. BOLAND) for offering this amendment, one very similar to one which I had planned to offer. The purpose of the amendment is simply to deny funding for the implementation of new regulations by HUD concerning public housing eligibility. As a result of the Housing Authorization Act of 1976, HUD was charged with developing regulations to open up public housing, for the first time, to single persons, with a 10-percent limitation to be placed on the number of spaces available to this group.

On May 9, HUD published its final regulations on this matter but was apparently not satisfied to limit their scope to what was required of them by the 1976 act. In addition, they took it upon themselves to totally redefine the meaning of the term "family," including within that definition for the first time unmarried individuals of whatever sex. The only requirement that such newly recognized "families" have to meet in order to be eligible for a variety of public housing programs is to have evidenced a "stable family relationship," a rather circuitous requirement.

Despite the inevitable libertarian objections to this amendment, I believe that the central question is one of priorities. So long as there are limited resources available for HUD programs, and so long as there are more aid applicants than there is aid available, it is Congress prerogative to make reasonable distinctions in how the aid is to be apportioned. I do not think that it is unreasonable to suggest that priority should not be given to two nonhandicapped, nonelderly, single persons who are presumably better capable of earning an income between themselves and paying for their own housing than are families and individuals more traditionally eligible under HUD programs. This amendment would do nothing to affect the eligibility for public housing of disabled, displaced, handicapped, or elderly persons. The only group that would be affected would be two healthy, nonelderly, single people, of whatever sexual preference, or "sexual affinity" as it is now popularly termed.

Admittedly, the amendment makes

what some may consider unfair distinctions between couples simply because they are married or unmarried, or because they are heterosexual or homosexual. Like it or not, I believe there are important social and moral distinctions that have always been made between such types of conduct in our civilization. If Congress desires to eliminate all legal distinctions between these forms of conduct, and asume an official policy of indifference, it has the power to do this, at least at the Federal level. I believe, however, that the reversal of important social mores in as radical a manner as is achieved by these regulations ought to be done by this body itself, and not by a group of unaccountable bureaucrats.

On December 16, HUD originally published its proposed regulations in the Federal Register. Judging by HUD's comments upon publication of the final regulations, nearly 5 months later, not one individual commented upon the aspect of these regulations that have become so controversial. This is perhaps explained in the comments of the author of the new regulations. She was quoted in the Washington Post:

The expanded concept of the family is very brand-new and liberalizes the country's housing policy . . . I kind of held my breath, and I didn't really expect it would go through. I don't know whether it snuck through or what.

The author further indicated that the rule was needed because people had complained that, simply because they were unrelated by marriage, blood, or common law, they did not fit HUD's definition of "family". "These people were being discriminated against, for no reason," the author concludes.

Mr. Chairman, I believe that the groups which HUD has excluded in the past from the term "family" were properly excluded by any common-sensical definition. While I firmly believe in the adage "live and let live," and do not much care what sort of lifestyle that anyone wants to pursue on his own time and at his own expense, I believe that the decision by HUD to institute an official policy of indifference to these lifestyles is a decision of far greater magnitude than HUD should be permitted to make without congressional direction. For better or worse, such a decision will inevitably have implications far beyond HUD housing programs and will be establishing a precedent certain to be referred to in other contexts. It is, in short, a decision that ought to be made openly by Congress with full opportunity for debate. It should not be made a bureaucrat "holding her breath" lest someone catches on to what she is doing.

The article follows:

[From the Washington Post]

HUD To Allow Gays, Unmarried Couples

(By Judy Burke)

The federal government has opened the doors of public housing to unmarried couples living together and to homosexual couples.

All they have to do, if they meet public housing income limitations, is show a "stable family relationship."

The new policy is subject to approval of local housing authorities.

The action was taken by the Department of Housing and Urban Development under a new package of public housing regulations, which quietly became effective May 9.

Priscilla Banks, the HUD housing program specialist who wrote the new rules expanding the government's definition of the family, expressed surprise that there was so little public outcry when the regulations were first published and the government sought comment.

Public housing aid has traditionally gone to low-income, married and heterosexual couples with families, to single-parent families or to those with a common-law relationship that met state tests.

The expanded concept of the family is "very brand new" and liberalizes the country's housing policy, according to Banks, who said she wrote the rule to eliminate discrimination against unmarried persons who live together.

Banks said the new rule of eligibility will cover men and women who don't get married, or homosexual men and women, as long as they have pooled their resources and have lived together for a long time. "Why exclude those persons?" she said.

Approximately 1.3 million adult men and women lived together as unmarried heterosexual couples in 1976, according to the Census Bureau. The number doubled from 1970, when 654,000 unmarried men and women shared households.

Banks said she had to fight for the new rule within the department, and she was surprised that it took effect with little public reaction.

"I kind of held my breath, and I didn't really expect it would go through. I don't know whether it snuck through or what," she said.

She said the rule was needed because people were complaining that they'd been denied assistance because they didn't fit the department's concept of a family as a group tied by marriage, blood or common law.

"These people were being discriminated against, for no reason," she said.

Under the new regulation, a family consists of "two or more persons, sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship."

One of the 2,800 local public housing authorities or the private housing owner who rents to a subsidized family under "Section 8" of the federal housing program will determine in each case what is a "stable family relationship."

Banks said, "we're hoping that the PHAs [public housing authorities] out there are liberal enough to interpret it generously." An applicant who is denied eligibility may appeal the local decision to the department, she said.

The department got very little response to its new concept of the family, which covers family units among 1.5 million public housing apartments and 333,000 private housing units for which the federal government may pay rental subsidies in fiscal 1977.

Out of 49 letters commenting on the Dec. 16 recommendations, only six mentioned the new definition of the family.

Two correspondents thought the family definition was unclear, two approved of it, and the final two disliked it.

Joseph F. Laden, executive director of the Albany Housing Authority, thought HUD should specifically exclude from its definition of the family two adults of the same sex.

Robert L. Shirer, of Shirer and Associates, Inc., which manages housing projects in St Petersburg, Fla., explained his displeasure on March 13, two months after the official comment period ended.

He said the ambiguity and permissiveness of the definition would cause legal disputes, undermine the stability of the community and make it difficult to collect proper rents, because family income and membership would change frequently.

"Does a month or six months constitute a stable relationship? Does the word of the resident suffice?" Shirer wrote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Boland).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEARD OF TENNESSEE

Mr. BEARD of Tennessee, Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment refers is as follows:)

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

The Clerk read as follows:

Amendment offered by Mr. Beard of Tennessee: On page 30, after line 2, add the following:

No part of the foregoing appropriation shall be used for the adjudication of claims or the payment of benefits for any individual who was discharged from the military under less than honorable conditions, and who received an honorable or general discharge as the result of revised standards for review of discharges as implemented April 5, 1977, by the Department of Defense's special discharge review program.

Mr. BEARD of Tennessee. Mr. Chairman, let me just briefly go over the major points of my amendment. My amendment will prohibit the use of VA funds in this particular bill for benefits for individuals whose discharges have been upgraded as a result of the Carter special discharge program announced by the Department of Defense on April 5, 1977. Let me make it clear that this amendment will not in any way, shape, or form affect benefits for those whose discharges are upgraded through normal existing channels. In effect, this amendment deals directly and exclusively with the automatic entitlement to VA benefits that is provided to those who qualify under the relaxed standards of the Carter upgrading program. Allegations by the Carter administration that the upgrading program is merely an acceleration of the current program I feel is misleading and blatantly not true. First of all, the Carter program makes the assumption that the undesirable and general dis-

charges given by the Armed Forces are invalid. It shifts the burden of proof for upgrading applications from the individual to the Review Board.

Second, the Carter upgrading program does not provide for an individual review with each case considered on its own merits. It is, in other words, an automatic upgrade with full benefits—full benefits provided to those individuals who fall into one of the six categories of the program.

One of the categories in the Carter program that I find most objectionable is the category that allows automatic upgrading for servicemen as long as they serve 24 consecutive months. To me this is a slap in the face to the thousands who have lived up to their full military commitments with honor. This category would blanket in and include thousands of servicemen who received undesirable discharges for willful misconduct or desertion and other absence-related offenses. Of the 161,000 undesirable discharges eligible for upgrading under the Carter program, more than 40 percent fall into the category of deserters. Of these, 4,000 are still at large.

It is one thing to provide for the removal of the stigma associated with undesirable discharges, but it is an altogether different matter to provide a reward of benefits for these individuals. Aside from the principle involved, this program is going to be costly. The administration has estimated a cost of $100 million for the program, but even a rough estimate of actual costs reveal two or three times that amount in VA benefits alone over the next few years, and these do not include associated costs to the Department of Defense and the GSA not considered in this bill before us.

My amendment has the full support of the American Legion and the VFW. I have letters here from the national organizations of the American Legion and the VFW stating their total support. The VFW letter states:

> Rest assured, Mr. BEARD, that the more than 1.8 million members of the Veterans of Foreign Wars of the United States and 580,000 members of the Ladies Auxiliary fully support your amendment.

This reemphasizes the support of the American Legion and the VFW, too, because of the many aspects of this bill.

I totally reject the argument that this amendment is an attempt to circumvent the full legislative process. This is, no doubt, a highly controversial amendment. Yet President Carter announced his program without consulting Congress and with total disregard for the legislative process.

My amendment is simply a temporary restraining order against the warding of full benefits to those who have already been upgraded and who are being upgraded right now until such time as the Congress does have an opportunity to consider the question of benefits. Let me say my amendment is simply a temporary restraining order for those to receive benefits who have already received them. Those are people who have received the benefits or have been upgraded only under the Carter special discharge programs.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I appreciate the gentleman's yielding.

I have three questions that I would like to ask the gentleman specifically. The first question is this: How many persons are covered under the President's amnestry program who were separated for reasons involving violence, criminal intent, or other use of force?

Mr. BEARD of Tennessee. I believe that his discharge petition or program does exclude those crimes or discharges related to violence.

Mr. EDGAR. The answer to that question is: None.

Mr. BEARD of Tennessee. That is correct.

Mr. EDGAR. The second question is: Is a deserter from the combat zone eligible for the Presidential discharge?

Mr. BEARD of Tennessee. Under this program at this particular time he would not be if he is rated as a deserter and he received an undesirable discharge.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

(On request of Mr. EDGAR, and by unanimous consent, Mr. BEARD of Tennessee was allowed to proceed for 2 additional minutes.)

Mr. BEARD of Tennessee. Let me expound on that thought. He would be eligible if he went through the normal channels, which have not been cut off as a result of this amendment. He can still go through the normal channels and under extenuating circumstances receive an upgrading and benefits.

Mr. EDGAR. But the question is: Under the President's program a deserter who deserts in the combat zone is in fact ineligible.

Mr. BEARD of Tennessee. In the combat zone, yes. I am sorry I misunderstood.

Mr. EDGAR. The third question I would like to ask is: Is it correct to say that the six categories of automatic discharge to be upgraded read as follows—and I raise this question because of this comment which the gentleman made, that one of the categories of the Carter program he finds most objectionable is the category which allows upgrading for a sufficient reason to upgrade with 24 consecutive months. I think it reads, and I need the gentleman's help on this:

> Having had a record of satisfactory military service 24 months prior to discharge . . .

Mr. BEARD of Tennessee. That is one of the criteria but I do not think that is a sufficient reason to ugrade with 24 months when many of the men had a commitment of 4 years.

Mr. EDGAR. The point I am asking is: Does not the language say "satisfactory active military service"?

Mr. BEARD of Tennessee. Certainly it says that.

Mr. EDGAR. I thank the gentleman.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, as the gentleman knows, I serve on the Veterans' Affairs Committee and I will serve on the special committee, which the gentleman from Texas, Chairman ROBERTS, has appointed, which will look into the question of the upgrading of discharges and how much of this money will be taken away from the veterans who truly deserve these funds and will be given to those upgraded under the Carter program.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

(On request of Mr. MONTGOMERY, and by unanimous consent, Mr. BEARD of Tennessee was allowed to proceed for 2 additional minutes.)

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield further, this is a temporary restraint. Is that correct?

Mr. BEARD of Tennessee. That is correct. The select committee will be meeting I believe on the 20th of this month and will hold hearings on a very controversial issue, one that has complications, and at that time they will come forward with recommended legislation or procedures.

Mr. MONTGOMERY. As I understand the gentleman's amendment, it would not affect the regular process of looking at discharges by a board or a legal group and upgrading them, and if they are eligible to come under veterans' benefits the veterans would get those. Is that correct?

Mr. BEARD of Tennessee. Exactly. They still have the normal procedures to go through to have their discharges upgraded. This in no way affects that procedure.

Mr. MONTGOMERY. I really do not have any problem with the gentleman's amendment. I think probably we should have had the amendment several months ago to find out what the Carter program does, and I support the gentleman.

Mr. BEARD of Tennessee. I thank the gentleman from Mississippi.

I think it is tragic that the Veterans' Affairs Committee received notification of this plan only several hours before the press release went out so they would have no possibility of input.

Mr. MONTGOMERY. I think the gentleman's amendment has a lot of merit and I support the gentleman's amendment.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

(At the request of Mr. HILLIS, and by unanimous consent, Mr. BEARD of Tennessee was allowed to proceed for an additional 2 minutes.)

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield.

Mr. HILLIS. Mr. Chairman, I also rise in support of the amendment. I serve on the same Veterans Special Committee that my colleague from Tennessee serves.

I think, as I understand the amendment, it will just hold things in place or in abeyance until the committee can meet and make recommendations and go through the regular legislative process to determine the question on the floor; is that correct?

Mr. BEARD of Tennessee. It will hold it in abeyance until Congress comes up with legislation that they feel is a fair and viable piece of legislation, taking into consideration cost and other things that have not been taken into consideration today.

Mr. HILLIS. That is what the Special Oversight Committee has been created for on the Veterans' Administration.

Mr. BEARD of Tennessee. Exactly.

Mr. HILLIS. Mr. Chairman, I commend the gentleman.

Mr. Chairman, I rise in support of the amendment. On April 12, 1 week after the Pentagon announced President Carter's special discharge review program, Peter Ognibene wrote an editorial for the Washington Post entitled: "A Fair Lottery Can't Change an Unfair Draft." In that editorial, Ognibene bases an argument against the draft system on the premise that "any selection process that inducts some young men into the military but requires nothing of others is by its nature unfair." I agree with Mr. Ognibene's premise, even though I disagree with some of his conclusions. It is never fair, to those who are drafted, that others were able to avoid induction.

The inherent unfairness of our Selective Service System can be used as an argument to support veterans' benefits. It is through these benefits that the U.S. Government compensates those who were selected to serve in the military. Beyond that, veterans' benefits act as an expression of appreciation for a job well done, not only to the draftee, but to the career officer, or enlisted man, as well.

Whatever they are, veterans' benefits are not a tool to be used to solve social ills, which is precisely what the President is attempting to do through his discharge review program. A program which is designed to grant veterans' benefits to deserters, and other military misfits, who for one reason or another, could not, or would not, live up to their responsibilities to their country. President Carter is trying to address the problems of unemployment, poverty, and institutionalized racism through the use of veterans' benefits. Consider for a moment some of the factors which the Department of Defense has determined should be taken into consideration in determining whether or not a veteran qualifies to have his discharge upgraded. These factors are: the veteran's education level at the time of discharge; if he entered the service from a deprived background; or if he entered the service upon a waiver of normally applicable entrance standards.

The President, according to the Department of Defense press releases, wishes to act in a compassionate and forgiving manner. He seems to feel that opposition to the Vietnam war justified taking illegal actions. Something which sociologists like to refer to as situation ethics. If all the President wanted to do was to forgive offenders for past mistakes, he could have pardoned them, as he did in the case of draft dodgers. However, the President obviously did not feel that such an action went far enough. Therefore, he not only in effect pardoned all deserters and less-than-honorably discharged veterans, but gave them full entitlement to VA benefits. I suspect that there was more to the President's actions than just compassion for military misfits. I suspect that there were political considerations involved. However, the President is listening to the wrong advisers, because giving VA benefits to military deserters is bad politics. I do not think the American people believe that we should terminate any, and all, distinctions between the veteran who served honorably and the one who did not serve honorably.

If the draft system is unfair because some were selected while others were not—it is even more unfair to those who were selected, who would have avoided the draft, if it were not for the draft dodgers and military deserters. The military deserter made a voluntary decision to shun his responsibilities, break the law, and leave it to others to do the job he was selected to do. The President would have us believe that the social background from which a deserter comes can justify acts of cowardice, irresponsibility, and dastardness. However, there were thousands of veterans who came from deprived backgrounds who served honorably and defended this country's position. Are we to tell them that they are no better than the deserter? I do not think we should. I do not think our constituents will allow us to do such a thing.

I would like to make one last point. While past Presidents have granted amnesties, or pardons, to deserters and draft dodgers, President Carter is the first to ever advocate the granting of VA benefits to those who did not serve honorably. We must not, we cannot, allow him to proceed with this program. If we do, a great injustice will be done to thousands of men who fought and died in Vietnam, many of whom did not support American involvement there, but understood the importance of their responsibility to this Nation and its people.

I urge all of my colleagues to consider the sacrifices of these men and support this amendment.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I am very disappointed at the thrust of this particular amendment. I called yesterday and talked to the liaison office that is handling these cases. They tell me that there have been, in fact, 40,000 people apply for this important program, that there have been 26,000 out of the 40,000 eligible for the program and there have only been 6,500 upgraded.

Now, I talked to corporals, sergeants, and a major and all of them agreed that they felt this important program was expediting the paperwork and that each particular case was being reviewed individually.

Let me tell this House something. I served on the ground in Vietnam. I saw the criticism in this Congress. I saw the criticism in this country. I saw these young fellows, not understanding, but they went as they were sent and the people in this House appropriated the money to fund them and they sent them to fight on the ground and in the mud to their knees, in water up to their waists. They did not question it. They worked. They fought and died.

I had a young fellow in my district. That young fellow was in combat for over 13 months. He came back home. His father was dying of cancer. The young man had a very serious wound in Vietnam. He deserted, in technical sense of the military. He never came back. He only had 30 days to serve. He went back into the service after 7 years. He was put into the brig. He had been decorated, wounded, and was kept in the brig and given an undesirable discharge. His discharge will be upgraded.

Nobody who sat in this House served in Vietnam. They cannot tell me that this young man should not get his proper benefits and should have to wait 2 or 3 years. All we are saying is to expedite the benefits.

This Congress should not sit here and say because we did not think of the program, it is a bad program, and because we did not have an opportunity to evaluate it, that it is a bad program.

These fellows have had as much as they can stand. Everybody thought the criticism was not directed at them. This is another slap in the face of this young fellow.

Mr. Chairman, I do not in any way condone desertion or those on AWOL. This is merely upgrading an undesirable discharge of a fellow who has this type of discharge.

I think if we pass this amendment, we are slapping the man in the face who has served in combat, been wounded in combat, and is going to have his discharge upgraded. I do not know that there is any circumstance. I do not know that there is one other person in this House that has served with the ground forces in Vietnam and saw the tragedy and suffering these young fellows went through, while everybody back here in this Congress were in their air-conditioned offices telling these soldiers what to do.

Now we are making a decision on the young fellows that did the fighting. I think that is wrong. I think we should defeat this amendment and if the Congress wants to hold hearings, they should hold those hearings next year.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

First, let me commend the gentleman from Pennsylvania for his contribution. I think the gentleman states it very well.

I have looked at the amendment offered by my friend, the gentleman from Tennessee (Mr. BEARD). It is a little different from the amendment that I thought the gentleman was going to offer and which was reported, I think, in the CONGRESSIONAL RECORD. That amendment, the original amendment that the gentleman from Tennessee was to offer, had an exception. That amendment said as follows:

None of the funds appropriated under this Act may be obligated or expended by the Veterans Administration, pursuant to the Special Discharge Review Program established by the Secretary of Defense on April 5, 1977 for individuals who served in the armed forces of the United States during the Vietnam era, except that the Administrator of Veterans Affairs may exercise his existing authority to determine eligibility for benefits

in accordance with sections 101(2), 3103, and 210 of title 38, United States Code.

That is somewhat different from the amendment that has been offered today. The amendment the gentleman offers today states:

No part of the foregoing appropriation shall be used for the adjudication of claims or the payment of benefits for any individual who was discharged from the military under less than honorable conditions, and who received an honorable or general discharge as the result of revised standards for review of discharges as implemented April 5, 1977, by the Department of Defense's special discharge review program.

Under current law—and the gentleman from Tennessee knows it, and I think everyone else on this committee knows it—the VA has the authority to review the eligibility for benefits of veterans with discharges that are less than honorable. This amendment would prevent the Administrator from exercising his authority for the limited cases addressed by this amendment.

It is clearly discriminatory. It does not permit the VA to adjudicate the claims. I think the amendment is an indirect way of minimizing, if not eliminating, the benefit of the program—a program that was fostered in the spirit of compassion and forgiveness. Under present law and regulations, veterans with general, undesirable or clemency discharges are already eligible for possible upgrading of their discharges. Persons with dishonorable discharges are barred from the special program and from receiving benefits. All the President's program does, in essence, is speed up these processes for a certain, well defined group of veterans. That is what the President's program does.

And what this amendmnt seeks to do is to cut off any expedited extension of veterans benefits to any veteran who receives an upgraded discharge under the President's program. In essence, it removes one of the principal features of the special discharge review program, compassion. This amendment is clearly not compassionate and clearly not forgiving, and it ought to be defeated.

Mr. BEARD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Am I not correct in stating that if the Veterans' Administration receives the name of a young man who has a general or an honorable discharge, are they not required to provide benefits to that individual? That is what we were told by the VA.

Mr. BOLAND. Will the gentleman state the question again?

Mr. BEARD of Tennessee. When the VA Administrator receives a young man's name, and he has next to it a general or honorable discharge, anything that is more than undesirable, they have to administer benefits to that individual?

Mr. BOLAND. Yes.

Mr. BEARD of Tennessee. I do not understand. I am not eliminating that program. I am not being uncompassionate. It destroys me to hear about my being uncompassionate. What about the young man that did not go to Vietnam or is going to fall within the five or six criteria that are going to be upgraded?

I think I am being a little more sympathetic toward the guy that did serve his country, and he has got a better chance of getting those benefits than the kid that cut out at stateside or anywhere else.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I opposed the blanket amnesty. I felt that it should be on an individual case. This is being handled by individual cases. I think every fellow who is eligible under this program should receive benefits.

If the Veterans' Affairs Committee wants to look into those cases, that is one thing, but I think it is a serious mistake to withdraw these benefits for fellows who have served in combat, who have been wounded, who have been decorated.

Mr. BEARD of Tennessee. Why do we not give the Veterans' Affairs Committee a chance to look into this right now? What about the deserters who could come back under this program and be upgraded and be eligible for benefits? I think we should talk about the shame on the men who did serve their country admirably. There are a lot of those also.

Mr. MURTHA. There are a lot of fellows who did not serve, who went to college and avoided it because their parents had a lot of money. Do not talk about the people who deserted.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when will we finally bring the Vietnam war which has divided this country for so long to a close? Surely, not until amendments such as the one before us are either not offered or overwhelmingly rejected.

The amendment was somewhat different from that which we had been told would be offered. The original, we were told, would have prevented the use of funds in this bill for the purpose of upgrading discharges under the program initiated by President Carter and announced by the Department of Defense on April 5, 1977. However, instead of taking the original tack the amendment now offered would now bar benefits to those whose discharges have been upgraded under the program and who thereby become eligible for various veteran's benefits. I reject both approaches.

I cannot add to the enormously exciting and moving speech just made by my good friend, JACK MURTHA, the gentleman from Pennsylvania, who asked us to unequivocally reject this amendment. And so I will not even try to evoke in this House the same sense of outrage which I feel along with him at the thought that this House might lend itself to another vindictive act against so many of our young men who served in the war in Vietnam and lived, and have been nearly destroyed by that immoral war. Today an overwhelming majority of the American citizens would agree that we never should have been in that war and that our involvement was unjust, indeed immoral. To punish the young men whose lives have already been so severely damaged when President Carter is seeking to ameliorate the damage and end the divisiveness in our country simply makes no sense. The servicemen who are eligible under the April 5 special discharge review program are for the most part the poor, the uneducated, and the marginally qualified because the selective service system of deferments and exemptions favored the rich, the educated and the well-counseled. And it is these servicemen who did the fighting who also received a disproportionate share of undesirable discharges.

So many of our Vietnam veterans today are without jobs and have been unable to obtain jobs because of their stigmatizing discharge papers. And do remmember that this program is not an amnesty program since it is on a case-by-case basis. Regrettably, we have not yet put the war behind us as we should. But let us not add to the divisiveness with this amendment.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Does the gentleman from Tennessee indicate that there ought to be hearings on this matter by the Veterans' Affairs Committee?

Mr. BEARD of Tennessee. No, I indicated that there should be special hearings.

There is a special select committee, if I am not mistaken, which is set up, which will be conducting extensive hearings on this particular issue. I will yield to my colleague the gentleman from Arkansas (Mr. HAMMERSCHMIDT) if he wishes to give the details.

Mr. BOLAND. If the gentleman will yield, my understanding is that hearings will be held by the Committee on Veterans' Affairs on June 20 and 21. The gentleman from Arkansas (Mr. HAMMERSCHMIDT) can correct me if I am wrong.

Mr. HAMMERSCHMIDT. If the gentleman will yield, that is correct. I believe the hearings are on the 20th.

Mr. BOLAND. It occurs to me that at least we ought to have hearings on it because this is serious and impacts so many people. That is another reason why we ought to reject the amendment offered by the gentleman from Tennessee (Mr. BEARD). Let us at least give the Legislative Committee an opportunity to hear both sides of the argument and report its recommendations to the House.

Mr. BEARD of Tennessee. If the gentleman will yield, why did we not reject what the President sent down here without any hearings and without having the courtesy to contact the Veterans' Affairs Committee? It seems to be a one-way street, that I offered the amendment and all of a sudden that is circumventing the legislative process. What has the President just done? He has not given this House any input at all.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, President Ford informed the Congress of the

United States on the part of Richard Nixon, and this Congress was rather liberal in making sure President Nixon received his retirement benefits. If you ask me, he has done a lot more to disgrace this country than some of these poor fellows have done.

Mr. KOCH. Mr. Chairman, I want to make it clear that I am opposed to the amendment offered by the gentleman from Tennessee (Mr. BEARD).

Mr. HAMMERSCHMIDT. I move to strike the requisite number of words.

Mr. Chairman, I strongly support the amendment offered by the gentleman from Tennessee (Mr. BEARD).

The Veterans' Affairs Committee and subsequently the Congress has used its very best judgment in allocating funds which many of us consider to be insufficient, in the first place. A number of worthy programs designed to help those who have served our country honorably and well were cut or limited under the President's proposed budget.

It would be an injustice to dilute what funds there are by awarding benefits to individuals who are, on the whole, undeserving under traditional standards. I think it should be emphasized that the Carter program singles out Vietnam-era bad papers without a rational basis that would distinguish them from bad discharges of any other era. A discharge for desertion or willful misconduct given in 1949 is now to be treated differently than a discharge given in 1969 for the same reasons. Those discharged in 1949 do not rate a discharge upgrade, nor do they rate veterans' benefits, while a 1969 case, purely because of the timing of the discharge, presumably will. Similarly, while the burden used to be on the individual to prove that his case was an exception to the generally fair system, the administration program has caused the burden to shift to the Discharge Review Boards, to show compelling reasons why an individual's case should be denied an upgrade. I believe it should also be pointed out that we are spending an inordinate amount of time on a group of nonproducers who, while numbering well over a hundred thousand, still comprise little more than 2 percent of the number of men and women who served during the Vietnam era. More than 97 percent of the people who served during that period did so under honorable conditions and thus earned full veterans' benefits. This alone is testimony to the fairness of the system. I doubt there is another system in this country that has successfully matriculated such a high percentage of personnel as our military.

This administration has failed to draw the line in a way that preserves the dignity of those who served honorably and well, and I believe it is time the Congress does so. This amendment will not preempt the legislative process, as some have suggested. Rather, it will preserve existing standards during the time the Congress pursues the normal legislative process. This amendment will benefit the Veterans' Affairs Committee, in my opinion, by allowing us to explore all of the avenues involved without having to be concerned over the numbers who have filed a Veterans' Administration claim for benefits they may not be entitled to.

Veterans' benefits have traditionally been awarded for valuable and honorable service. It is wrong and insulting to reward service that was not of the quality of others who exhibited the maturity and self-sacrifice that has been the historical mark of American servicemen. More than 97 percent of our Vietnam era servicemen and women met these standards. It would be an injustice to their efforts to reward those who did not.

Mr. Chairman, I fully appreciate the remarks of the gentleman from Pennsylvania, who served so well himself as a ground soldier.

I would not belittle his remarks in any way, but I also know that under what he is suggesting, men who are so discharged can present their credentials to the Defense Department and subsequently to the Veterans' Administration and receive full consideration without this blanket treatment that would be imposed under the Carter program.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, the gentleman has in my opinion made a very strong point. The gentleman suggests that there is a possibility that under the Carter program we could change a number of discharges, and that this would upgrade a number of discharges and make a number of veterans eligible for veterans benefits and would cost additional funds.

There is also a good possibility that those who served with honor and who are totally disabled would be affected because we would have to take some of these funds away from the totally disabled veterans and give them to these new so-called honorably discharged veterans. That does not seem at all fair to me, and perhaps we should wait until we find out exactly how much it is going to cost and how many of these discharges are going to be upgraded.

Mr. HAMMERSCHMIDT. Mr. Chairman, I agree fully with the gentleman.

Mr. BEARD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Chairman, knowing something of the gentleman's background, I know he is aware that there have been some reasons that have been given for upgrading discharges of the Vietnam era veterans because of the special circumstances the Vietnam war provided. I wonder, however, if there is any real reason to totally single out the Vietnam era veteran who received bad discharges, as opposed to veterans of previous wars—the Korean war, for example—who are in the same category.

Mr. HAMMERSCHMIDT. Mr. Chairman, I would say to my distinguished colleague, the gentleman from Tennessee (Mr. BEARD), that there is nothing in the percentage of bad discharges that should single out Vietnam era veterans for special discharge treatment. As a matter of fact, Vietnam era discharge percentages compare quite favorably with those of previous years.

During the Vietnam era 97.02 percent of the 8½ million discharges awarded were either honorable or general discharges, thus qualifying the recipient for full veterans' benefits. And 93.13 percent were honorable. These percentages compare favorably with the pre-Vietnam decade.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. HAMMERSCHMIDT) has expired.

(By unanimous consent, Mr. HAMMERSCHMIDT was allowed to proceed for 1 additional minute.)

Mr. HAMMERSCHMIDT. Mr. Chairman, if I may continue, these percentages compare favorably with the pre-Vietnam decade, during which 96.82 percent of the discharges were honorable or general, 93.17 being honorable. If I may repeat that, during Vietnam we had 93.13 percent of the discharges as honorable, and in the pre-Vietnam decade we had 93.17 as honorable.

There was 2.56 percent undesirable discharges during Vietnam, while 2.57 percent of the discharges were undesirable discharges prior to Vietnam.

So this is a clear indication that there were no general "repressive measures" for supposed political dissidents, nor was there a higher percentage of people unable to cope with the military as a result of the Vietnam era draft laws.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Tennessee. The amendment seeks to deny veterans' benefits to individuals who have their military discharges upgraded under the President's Special Discharge Review program.

I feel strongly that this amendment would completely undermine the benefits of the President's program—a program which is a sincere and responsible approach to the problem caused by a disproportionate number of Vietnam veterans who received general or undesirable discharges.

The President's program is not an automatic upgrading process. Cases are considered on an application only basis. Each applicant's case is thoroughly reviewed on the evidence of record. In instances where certain criteria are met, an undesirable discharge must be upgraded, providing there are no compelling reasons to the contrary. However, these criteria for providing a mandated upgrade are ones which have always been taken into account by the Discharge Review Boards in rendering their decisions. In fact, a great number of the applicants who meet these criteria would most likely have been upgraded even without the President's special program.

Under the program, a veteran with an undesirable discharge would receive an upgraded discharge if the veteran: First, was wounded as a result of military action; second, received a military decoration, other than a service medal; third, successfully completed an assignment in Southeast Asia or in the Western Pacific in support of operations in Southeast Asia; fourth, received an honorable discharge from a previous tour of military service; or fifth, had a record of 24 months of satisfactory active service in

the period for which the discharge was given.

These criteria clearly indicate service which would have to be classified as honorable, regardless of subsequent difficulties which the veteran might have encountered with his military service. It would be unfair to arbitrarily deny veterans under these categories the opportunity to receive veterans benefits.

Even when an applicant meets one of these criteria, the Discharge Review Board does have the authority to reject a request for an updated discharge when there are compelling reasons for such action. It has been estimated that one-fourth of the applicants under the President's program will meet one or more of these criteria, and that three out of four will receive some form of relief.

Vietnam era veterans who do not meet these specific criteria standards but who received undesirable or general discharges may also apply to have their discharge upgraded under the special program. The Discharge Review Board considers the applicant's military record and his civilian record since military service to determine whether a case has mitigating or extenuating circumstances which merit an upgraded discharge. Estimates are that only one out of four applicants in this group will get some form of relief and that three-fourths of the applicants will be in this category.

Many of the veterans in this group possibly should not have been accepted into military service in the first place. They are undereducated, from broken homes, from poverty backgrounds; many had problems with civilian law enforcement authorities prior to entering the service.

This group of veterans faces the most serious difficulties in being fully participating and productive citizens. Perhaps more than any other group of veterans, they need the readjustment benefits which the VA provides to assist them in becoming productive citizens. The amendment being offered today would place one more obstacle in the path of these veterans. I do not think Congress should be responsible for denying these veterans the chance for a better life and the opportunity to be contributing members of society.

This is a sensitive and emotionally charged issue. It should not be dealt with by a floor amendment. It deserves careful consideration and thorough deliberation. As my colleagues know, the House Committee on Veterans' Affairs has already scheduled hearings to study this issue and to consider the testimony from concerned groups and individuals. The House should not act on this before the matter has been fully examined. To do so would be highly irresponsible. I urge my colleagues to defeat this amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has expired.

(On request of Mr. DOWNEY and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I think it is important to also understand who, in fact, endorses this program. This is not only the President's program. The Joint Chiefs and the various service Secretaries, including the Secretary of Defense, have endorsed this plan.

Would the gentleman from California (Mr. EDWARDS) not agree with me that if we were to pass the amendment of the gentleman from Tennessee (Mr. BEARD), veterans who would, under the normal course of events, absent the President's program, have their discharges upgraded, in any case, will now not be able to receive benefits in a timely manner because the gentleman attempts to preclude them from this action because they also happen to fall into this expediting category that the President has asked for?

Mr. EDWARDS of California. That is exactly correct. Great numbers of veterans who would ordinarily have gotten the veterans' benefits will now be precluded.

Mr. DOWNEY. Is the gentleman also aware that the categories and the criteria he mentioned before with respect to upgrading are categories that the Department of Defense has used for years in upgrading prior discharges, so, in effect, all this program does is expedite a program of upgrading for various categories, as well as recognizing some of the additional problems that have been created by the war in Vietnam?

Mr. EDWARDS of California. That is exactly right. The categories which I outlined are being used on a day-by-day basis by the discharge board now.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. BEARD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Chairman, let me say very quickly that the impression left by that last colloquy is absolutely, totally inaccurate.

My amendment will not prohibit the awarding of benefits to young men, who, through extenuating circumstances, go through the normal procedures and are awarded an upgraded discharge. They will receive benefits. As a matter of fact the VA has to react to the DOD. If the DOD's review board, as set up, says, "Yes, this man should be upgraded," the VA has to respond with benefits.

If the Department of Defense Review Board, as set up, says yes, this man should be upgraded, then the VA has to respond. My amendment deals only with the Carter program creating a special discharge procedure. It would not have anything to do with preventing a young man going through normal channels.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. DOWNEY. I would like to direct a question to the gentleman from Tennessee. That individual who would normally be able to receive an upgraded discharge, if he goes through the Carter program, gets it done in an expedited fashion; would the gentleman agree with that?

Mr. BEARD of Tennessee. Certainly, by the criteria as established, it will be.

Mr. DOWNEY. So, as a matter of fact, the gentleman from Tennessee then would agree that this would allow a veteran, who would normally have an upgraded discharge through the normal process, to apply for the Carter program and get it done a little faster?

Mr. BEARD of Tennessee. What the gentleman from New York is suggesting is that should that person be able to do that under normal procedures?

Mr. DOWNEY. That is correct, if he is entitled to an upgrade under normal procedures, and he goes through the Carter program, he will not be eligible under the gentleman's amendment, for immediate benefits, because the gentleman seeks to delay the process.

All I am suggesting is that there are a great number of veterans in this program who could, under normal circumstances, get their discharges upgraded, anyway, but that the Carter program provides them an opportunity to do this quickly, No. 1, and, No. 2, without the additional stigma?

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. DOWNEY. I would like to finish my statement.

Mr. COUGHLIN. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I just wanted to straighten out the thinking of the gentleman from New York on this program.

Mr. DOWNEY. Please do.

Mr. HAMMERSCHMIDT. The gentleman is suggesting these are the same criteria that would be used by the Department of Defense and the VA in their regular program and that this is merely an expediting process. That is not so. They have some very select criteria with some five or six points that are not involved by Korean veterans, or World War II veterans.

So, I just wanted the gentleman from New York to understand the difference between the two of them.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I was under the impression that the amendment offered by the gentleman from Tennessee, Mr. BEARD, merely delays or temporarily withdraws the benefits. It does not permanently take anything away, only until the committee meets and decides how things should be done, is that correct?

Mr. BEARD of Tennessee. Mr. Chairman, if the gentleman will yield further, my amendment at this particular time would not allow veterans who go through the so-called Carter discharge program to receive the benefits.

Mr. GOODLING. Until the Foreign Service Committee meets and makes a determination?

Mr. BEARD of Tennessee. That is not in the language. They still have the normal procedure to go through.

I look at this amendment as a temporary restraining order until they do have the opportunity to hold hearings and to set the ground rules down, to establish guidelines, as to who should be properly upgraded. Certainly there is a certain group that are desirous of upgrading their discharges, but I think we should also be cognizant of the fact that there are a great many who are not or should not receive veterans benefits. We are talking about the taxpayers' dollars. We are also talking about young men who would like to receive benefits, who honorably served their country. I am not trying to complicate the problem for people who get their discharges upgraded, and I am not by this amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Ohio.

Mr. REGULA. Would the gentleman permit me to address a question to the gentleman from Tennessee on the gentleman's time?

Mr. COUGHLIN. Certainly.

Mr. REGULA. Mr. Chairman, would someone who got an upgraded discharge under the Carter program, if this amendment were to pass, not be eligible for veterans benefits, and would he be able to, even though he had this upgraded discharge under the Carter program, go through the regular program?

Mr. BEARD of Tennessee. Oh, yes, there is nothing to prevent him going through the regular normal channels of the VA, and have his discharge upgraded.

Mr. REGULA. In the interest of time, and he wanted to expedite the program, he could go through the Carter program and then go again through regular channels to the VA, in which case he would get the VA benefits, even if this amendment were to pass, is that correct?

Mr. BEARD of Tennessee. That is an administrative situation that would have to be examined. I am not positive how that would be handled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRINKLEY. Mr. Chairman, I rise in support of the amendment.

In my judgment, the most important thing of the Carter program is the restoration of the good name of the individual who is involved. That is the key thing. It is major. It is significant. We can do that with humanity and compassion. But what we had better be careful about today, and the days that are to follow relates to the benefits that we pay to these individuals which might go to the dilution of the benefits which others have earned and are entitled to receive. That is about all I wanted to say, Mr. Chairman. I support the gentleman's amendment, and I think we ought not ever lose sight of the fact that we are being most helpful to the people who are in this category by restoring their good name. But we had better be very, very careful and very, very prudent when we begin to include another big bracket of Americans with benefits which will diminish the benefits which others receive from World War I right up until the present time.

Mr. ABDNOR. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from South Dakota.

Mr. ABDNOR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Tennessee, Mr. BEARD. He is offering an amendment which is very similar to bills I have cosponsored. In the last few days we have heard cries from every side of the question. I can say that I have agreed with those who have opposed the discharge upgrade, and I have not been one to hide my sentiments. I have read several articles and heard several comments that our position is appalling and disgusting. Unfortunately, the reasons that have been cited for our position have missed the point completely. I hear that we should be compassionate toward those who failed to serve our country. How about those who did? What are our priorities?

Do we owe anything to those who served honorably. Listening to those detractors, we hear that they are no different than those who qualify for an upgraded discharge. I beg to differ. We have always had a system that reviewed less than honorable discharges. It works.

President Carter's program works all right, too, but what it works for is disgraceful. Have you read the criteria that qualifies one for an automatic upgrade? Why have any criteria at all; let us take everyone. I stand very strongly in support of this amendment.

I would like to return to a point that I alluded to earlier. We provide veterans benefits to those veterans who have honorably served this Nation. In effect, those benefits are supposed to be compensation for services rendered. To my way of thinking, providing assistance to these people is a very small token of appreciation for a job well done. To provide veterans' benefits to those individuals who worked hard enough to qualify them for Mr. Carter's program is preposterous. We might as well open the coffers at Treasury and start handing out the dollar bills. Who really cares? I darn well do, and I will do all within my power to make sure that the efforts made by the valiant men and women who have faithfully served this Nation for the past 200 years will not be tarnished by even talking about these people in the same breath.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

I rise in support of the amendment, and I want to associate myself with the remarks of the gentleman from Georgia. This country will forgive, but I do not think it is ready to reward a person who turned his back on her in the same way that she rewards one who served honorably and well.

Mr. JOHN T. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Indiana.

Mr. JOHN T. MYERS. I thank the gentleman for yielding.

I, too, rise in strong support of this amendment, but one thing we have not really considered in depth here is the precedent we are establishing here if we reward those who have violated the laws. I think everyone here is in agreement that they have violated a law when they deserted. If we are going to reward them the same as the rewards for those who have fought, served, and abided by the laws, if we are going to reward them with the same benefits, what is there left in the future if we need them or they become dissatisfied with existing conditions or displeased with some laws.

We hope in the future we never have another war. We hope and pray this never happens. But should there come a time when we need people to stand up and defend this Nation, if we are going to reward those who do not stand up, who take the cowardly way out—if we are going to reward those who do not serve with the same benefits, how are we going to get people to serve?

Mr. BRINKLEY. I thank the gentleman for his comments.

Mr. Chairman, I yield back the remainder of my time.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment offered by Mr. BEARD, Republican of Tennessee. As a member of the Committee on Veterans' Affairs, I recognize, No. 1, that next Monday we begin a series of hearings to analyze the opportunities that the President has provided for young men and women who served in the Vietnam era to be discharged and to have their discharges upgraded. I would like to have us focus for a minute on just whom we are talking about. From some of the comments that have been made, it sounds like we are talking about people who have deserted in combat situations, or it sounds like we are talking about persons who have committed violent crimes, who have criminal intent, and who have used force to get out of the service. But, in fact, the President's program specifically states that people who have left the service under conditions of violence or criminal intention, or use of force, or who have deserted in combat zones, are excluded from the categories of the President's program. It specifically states in a press release released by Defense Secretary Harold Brown on March 28, 1977, the following:

> Persons eligible under the program will have six months in which to apply for review of their discharges.
>
> The program will not apply to those who were separated for reasons involving violence, criminal intent, or the use of force.

It further states in that press release:

> Those who deserted from a combat zone are not eligible.

Mr. Chairman, I would submit that the average person whose discharge we are talking about will be upgraded because he entered the service as a volunteer at age 18½, and had a 10th grade education, came from a broken home, had prior involvement with civilian law en-

forcement authorities, and was economically deprived. That does not sound like the same average person that I have heard being discussed.

I would also like to point out to the House a comment that was made in a very important document that is "A Background Paper on the Question of Less Than Fully Honorable Military Discharges Issued During the Vietnam War," by David F. Addlestone, deputy director of litigation, national military discharge review project at the Georgetown University Law Center.

I would like to quote from that document which states that during the Vietnam war years there was a marked trend toward the use of administrative process as opposed to court-martial process which had been intended by Congress to be the primary tool for desertion in the armed services:

> The use of the administrative process was in effect a wholesale circumvention of the military courtroom process. As a result 540,484 soldiers were given stigmatizing administrative discharges, which can amount to a life sentence of unemployment, from fiscal year 1964 through fiscal year 1974, while only 40,271 soldiers were given punitive discharges during the same period. In the years 1964 to 1969 general and undesirable discharges made up 4.1 percent of all discharges, but by 1972 they amounted to 9.7 percent.
>
> The general public, the employers in particular more often than not make no distinction between the different categories of discharges and only those with fully honorable discharges are employed.

Mr. Chairman, I would like to make one other point which happens to focus in on the process by the administrative discharges and discharges due to courts-martial. We are talking about some individuals who may in fact have served an active tour of duty in Vietnam over a 24-month period, who have come home from a satisfactory service of duty to our country and who in the waning months of that service may have in fact picked up one joint of marihuana and were arrested.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, this individual who has served his country well has come back and has been, in fact, arrested on a first charge with one marihuana and was, in fact, given an administrative discharge or a general discharge and will not be provided the opportunity to receive any upgrading or the ability once he is upgraded to receive any benefits.

I would also suggest if Members read further this document they will discover that administrative discharges were given for some unusual things: Alcoholism, bed-wetting, and a whole series of other problems in character behavior, many of which were present before the person entered the military service.

I am going to submit this document for the RECORD today. I hope the Members of the House will read it and I hope that those who come to the hearing that the Veterans' Affairs Committee will be holding will listen very carefully to some of the very articulate spokesmen in the military department who have indicated their approval of this program.

Mr. BEARD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Chairman, let me, first of all, try to bring things back into perspective. The gentleman has hit at the point several times about the exemption of combat zone deserters. They are not included in this bill.

Does the gentleman not have any sort of feeling about awarding college benefits, awarding all the benefits eligible to young men that might have been down at Camp Lejeune that cut out to desert?

I do not understand. Forty percent of the 161,000 men that could be eligible for the automatic upgrading are deserters, were listed as deserters.

Mr. EDGAR. Mr. Chairman, let me answer the gentleman's question specifically on my time.

I would agree with the gentleman that automatic discharges should not be given to people who fall outside the six criteria that were presented. I think those six criteria are carefully drawn, satisfactory 24 months' service and those other four or five that I think are important and have been in effect since 1944 during World War II.

The only difference in the Carter program is that they are now automatic, rather than being on a case-by-case review.

Second, I would say to the gentleman that those who fall outside those six automatic categories fall into a case-by-case analysis by the review boards that have been in effect since 1944 and have administered discharges after World War II, Korea, and other benefits. There are people receiving benefits under the Veterans' Administration who were discharged because of bedwetting or alcoholism or character disorder, since World War II.

Mr. DOWNEY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, it is pretty clear that 4 years after the termination of the war in Vietnam that emotions run pretty high with respect to this particular facet of that war.

Let me read the crucial portion of the press release that the Secretary of Defense sent out to explain this program, which is the crux of our discussion today:

> This program is being implemented in the spirit of forgiveness and compassion in which the President has sought to bind up the divisions of the Vietnam era.

Now, I suppose there are those of us who are not interested in being either compassionate or forgiving with the taxpayers' dollars when it concerns some of the horror stories about individuals that may receive benefits.

The gentleman from Pennsylvania (Mr. EDGAR) rather eloquently quoted a legal document that we were privy to in the Personnel Subcommittee of the Committee on Armed Services when we held extensive hearings 2 years ago on the question of administrative discharges. At that time we found that from service to service, different criteria were used for the administrative separation of servicemen from the service.

During my brief period in private employment, when I graduated from college, I had an opportunity to serve as the personnel interviewer and hirer for a major corporation in New York City. It happened to be a retail firm. We were privy, and I do not know how we were, to all the information that was listed on a serviceman's separation record, DO214. We could tell from the spin numbers, which were little numbers on the part of the separation record, which were little numbers on the part of the separation record, that, if he had been honorably discharged, under what circumstances his honorable discharge was given, what personality factors, if any, he had exhibited during his period of service. We knew, and it was a company policy not to hire anyone except those who had honorable discharges, thereby stigmatizing forever any individual who had committed a minor transgression during his service life, from ever getting employment in this corporation and, I daresay, in any other corporation that has this information.

What the President of the United States has attempted to do with this program is look, by a case-by-case basis, at problem individuals who have been discharged under other than honorable conditions. He has attempted to, in a rather expeditious, fair, and compassionate way, upgrade those discharges of those individuals.

Once again, the gentleman from Pennsylvania has been eloquent in describing those who would be affected by the President's action.

I suspect that there are thousands of cases throughout the Federal Government where people have received benefits, who, in retrospect probably did not deserve them. The fact is that this program attempts to rectify the problems of the Vietnam era, which are different than World War II, which was far different from Korea. It was a war that half the people in this country did not want it and worked hard to try to end it, and where the other half strongly supported it. Emotions ran high.

What Members have to understand is that what the gentleman from Tennessee seeks to do is to abrogate the President's program, undermine the whole purpose of the compassion and the intent of the President's program. I think, as far as this committee is concerned, with the hearings being held, that it would be not only unfair to the individuals who would so be discriminated against, but we would have opened up once again, in a rather insidious way, the wounds of Vietnam, which should long ago have been healed.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. I thank the gentleman. I would like to ask the gentleman from New York (Mr. DOWNEY) a question—I do not expect an answer.

I do not see the difference between the Vietnam war, the Korean war or World War II. They are all bad wars. The persons fighting the wars cannot tell any difference. I cannot see why the amendment discriminates. It says that in the Vietnam war we should not reward those persons who got a less than honorable discharge. I just cannot find the difference.

Mr. GOODLING. Mr. Chairman, first, I would like to point out that my very distinguished colleague, the gentleman from Pennsylvania, who spoke first, and whose only fault I find is that he is not registered in my party, I think the case he mentioned certainly should have been handled by his Congressman and handled by the Red Cross; and had it not been handled by either, it certainly could have been, and should be handled now, in a compassionate manner.

But, for the other gentleman from Pennsylvania to stand up here to get veterans benefits available to these people simply because they were 18½ years old and committed crimes before they went into the service, I do not see where that compassion comes into argument at all at this time. I certainly want to save that money for those people the first gentleman from Pennsylvania was talking about. I would much rather see that those people who were in combat, as a matter of fact, which he said is not covered in the President's proposal and could not take any more of it—I would rather reimburse them in any way I can than the people who were discussed by the last gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to my distinguished colleague from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I would like to associate myself with the remarks of my colleague from Pennsylvania, because it seems to me that if we take the logic that has been expressed by some of those Members opposing this amendment the gentleman is talking about, we would be turning the veterans program into just another welfare program.

We could, it seems to me, from the discussion we have heard today, ignore the fact that there are many people who spent time in the military, at least 6 years in the military, and who had completely honorable discharges, and yet who are not eligible for some of these benefits which we want to turn over to people who did not serve honorably. They are the people in the National Guard and the Reserves who are not eligible, in most cases, for any of these benefits; yet, what some of my colleagues are suggesting today is that we should take money that should be going to veterans who served honorably and turn it over to people who served dishonorably.

Mr. GOODLING. I certainly have all the compassion in the world for the gentleman my distinguished colleague from Pennsylvania talks about. We should do everything possible to take care of him. I do not have that same compassion, from a G.I. benefit standpoint, for people just because they were 18½ years of age and were in trouble with the law before they went into the service.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I yield to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, one of the preceding gentlemen said that he did not see the difference between the war in Vietnam and the wars in Korea and World War II, and he could not see the difference in the fighting itself.

Let me tell the men and women in this Chamber that there was a difference. I remember a young fellow, who was from Texas. This fellow extended by 1 month his tour of duty in Vietnam. He said he wanted to be with the troops on this one last operation. He had completed his tour of duty successfully. He had been out in the field. He was due to come out, and he would not have had to go on this operation. He went on the operation. I happened to be in the CP, when this young man stepped on a mine. We heard a loud explosion, and he said over the radio, "Skipper, I am going to have to give up my command because I just lost both of my legs." I went in, the next day, to see this fellow, and he said to me, "Mayor, am I going to be able to stay in the Marine Corps?" I said, "No, you are not, Bobby." He said, "Do you know what I am going to do? I am going to go back home and I am going to tell the people what a good job these fellows are doing in Vietnam, what great marines and what great soldiers they are, how hard they fought and how much they believed in what they were doing."

I will tell the Members the differences between what went on in World War II and Korea. There was tremendous criticism at home, and many of the men slinked back home, ashamed to wear their uniforms. They were embarrassed to admit they served in Vietnam.

It is a terrible feeling for a man who served his country to come back here and receive criticism for fighting. There was a tremendous difference.

What we are doing in this program is expediting the procedures. We are handling it individually. The board, made up of military officers, is making a decision individually on each case. There are 26,000 eligible under the present program, and only 6,500 have been upgraded. Those fellows should be considered expeditiously, and I believe very strongly that the individuals who are upgraded should receive the benefits.

I very strongly oppose this amendment.

Mr. KAZEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not believe that the gentleman from Pennsylvania was inferring that, in the case he was talking about, that young man would not be eligible for benefits, is he?

Mr. MURTHA. If the gentleman will yield, I was explaining the difference between World War I, World War II, Korea, and Vietnam.

Mr. KAZEN. The gentleman is not telling this committee that the young man he spoke of would not be entitled to benefits, is he?

Mr. MURTHA. If the gentleman will yield, the question was raised or the statement was made that there is no difference between the war in Vietnam, World War II, and Korea. I am telling the Members that there was a substantial difference. The people who were in Vietnam felt this criticism severely. They felt that the people at home were not supporting them, that the people from World War II and Korea came home as heroes and the men from Vietnam came back and felt they were not heroes.

Mr. KAZEN. I understand what the gentleman is saying. But we are talking about benefits. I do not believe that there is a single person in the United States who would deny the young man that you described any benefits whatsoever. But there are men in this Chamber and there are women in this Chamber who would deny rewards to one who was called upon to serve and who deserted, who did not serve—that, possibly, had he been there, that young man and many more like him might not have been hurt—we do not want to reward that person for not doing the job that other young men did and who served honorably and well. I am not here to reward that type of individual.

Mr. DORNAN. Mr. Chairman, would the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Chairman, I associate myself with everything that the gentleman from Pennsylvania just said. However, this courageous young officer that you identified only as Bobby, can you call him, if you still know where he is located, ask him his opinion on the amendment offered by the gentleman from Tennessee (Mr. BEARD), I can tell the gentleman—and I learned this in seven or eight trips to Vietnam—that your courageous friend would probably vote for the Beard amendment as would about 99.8 percent of the veterans who served in Vietnam and would say: "If you must upgrade some of these dishonorable and bad conduct discharge people, for God's sake don't make me and my friends and my children, through our tax dollars, reward these people who were kicked out of the service with full veteran monetary benefits." I join the honorable veterans, the Legion, and the VFW in supporting the amendment of the gentleman from Tennessee.

Mr. KAZEN. Mr. Chairman, I just want to make one other comment.

Another one of my friends who was speaking against this amendment was talking about some of these servicemen having made mistakes, and I agree that they did make mistakes. I think the word he used was "transgressions."

I do not believe that failure to serve one's country when called upon or turning one's back on his country is a slight transgression, and I am not about to reward that type of a transgression, if that is the description the gentleman wants to give it.

Mr. Chairman, I yield back the balance of my time.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have listened closely to this debate. It has gone on now for over an hour, and the tone of voice that has been exhibited here is disappointing to me. This troubles me deeply.

As I understand the amendment offered by the gentleman from Tennessee (Mr. BEARD), it would do two things: It would stand in the way of recertifying these people or it would make it more difficult to recertify these people and give them better discharge papers; and it would also stand in the way of their getting benefits if they have been recertified.

How many years has it been since we concluded the Vietnam war? Several years have elapsed, and yet a subject like this still tears our guts.

We talk about the First World War, the Second World War, the Korean war, and the Vietnam war, but let me speak of another war. In terms of tearing our Nation apart, the war I speak of was more horrendous than any that have been mentioned. That is the Civil War. That was a war in which American young men were killing other American young men.

Yet after that war was settled, within a shorter time than it takes us to forget our woes and ills that came from the Vietnam war, we forgave each other. Perhaps those who are from the South will say the reconstruction era was a tough period, and that is true. But in terms of Americans coming back together again, it took us less time then to forgive one another than it does now. I am terribly disappointed that that seems to be the situation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I rise in order to try to get a limitation of debate on this amendment. We have spent about an hour on the amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. JOHN T. MYERS. Mr. Chairman, reserving the right to object, may I make this inquiry of the Chair: How is the time going to be allocated?

The CHAIRMAN. The Chair will state that it depends on how many Members seek to be recognized.

Mr. JOHN T. MYERS. Further reserving the right to object, Mr. Chairman, let me state this in the nature of a parliamentary inquiry:

Will the time be allotted among all the Members standing?

The CHAIRMAN. In answer to that question, the Chair will state that it will depend on the number of Members requesting time.

Mr. JOHN T. MYERS. Then, Mr. Chairman, I object.

Mr. BOLAND. Mr. Chairman, may I inquire, did the gentleman withdraw his reservation, or did he object?

Mr. JOHN T. MYERS. Mr. Chairman, if I may repeat, I do object to the request if we are not going to allocate time to all Members standing.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. JOHN T. MYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I shall not take my full time, and I rise only to ask a question of the author of this amendment.

Have any veterans' organizations expressed any interest in your amendment which definitely would be of concern to their memberships?

Mr. BEARD of Tennessee. Mr. Chairman, if the gentleman will yield, I received a resolution from the VFW, specifically the national leadership representing the VFW, as well as one from the American Legion, stating that they totally support my amendment. We received those communications yesterday after they found out that my amendment would be forthcoming.

Mr. JOHN T. MYERS. Mr. Chairman, I thank the gentleman.

Mr. BEARD of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. JOHN T. MYERS. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Chairman, I would just like to say very quickly to the chairman of the subcommittee that I think a limitation of debate would be appropriate at this point. I would like just to reemphasize the fact that this amendment does not exclude the eligibility for a young man to go ahead and pursue the right through normal channels to receive benefits.

Mr. Chairman, rather than going through the whole argument again, I will simply say that I urge support for this amendment.

Mr. JOHN T. MYERS. Mr. Chairman, in closing, let me say that I do think the record ought to be clear, and I am sure that the gentleman from Pennsylvania (Mr. MURTHA) did not mean to leave the impression that every young man who served in Vietnam and who was in uniform was ashamed of his uniform and embarrassed of his service. I am sure he did not mean that because most who did serve honorably were proud of their service and proud of the uniform during that period of time including the gentleman (Mr. MURTHA), himself. Some Members of the Congress, because of some of their statements and actions, should have been ashamed.

If we are going to reflect on the popularity of that war and excuse desertion because of the unpopularity, I hope we never see a popular war and hope we never have to fight one again. However, if we are going to compare percentages of popularity, this Congress is not too popular with the American people back home, but I have not seen any defectors going back home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BEARD).

The question was taken; and on a division (demanded by Mr. BEARD of Tennessee) there were—ayes 49, noes 31.

RECORDED VOTE

Mr. BOLAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 136, not voting 24, as follows:

[Roll No. 344]

AYES—273

Abdnor	Flood	Martin
Akaka	Flowers	Mathis
Alexander	Flynt	Mattox
Allen	Foley	Mazzoli
Ambro	Fountain	Michel
Anderson, Calif.	Fowler	Milford
Andrews, N.C.	Frenzel	Miller, Ohio
Andrews, N. Dak.	Frey	Minish
Applegate	Gammage	Mitchell, N.Y.
Archer	Gephardt	Mollohan
Armstrong	Gilman	Montgomery
Ashbrook	Ginn	Moore
Ashley	Glickman	Moorhead, Calif.
AuCoin	Goldwater	Mottl
Badham	Gonzalez	Murphy, Ill.
Bafalis	Goodling	Murphy, N.Y.
Barnard	Gradison	Murphy, Pa.
Baucus	Grassley	Myers, Gary
Bauman	Gudger	Myers, Michael
Beard, R.I.	Guyer	Myers, Ind.
Beard, Tenn.	Hagedorn	Natcher
Bennett	Hall	Neal
Bevill	Hammer-schmidt	Nedzi
Blanchard	Hanley	Nichols
Boggs	Hannaford	O'Brien
Bonker	Hansen	Perkins
Bowen	Harkin	Pettis
Breaux	Harsha	Pickle
Brinkley	Hefner	Pike
Brooks	Heftel	Pressler
Broomfield	Hightower	Preyer
Brown, Mich.	Hillis	Price
Brown, Ohio	Holland	Pritchard
Broyhill	Hollenbeck	Pursell
Buchanan	Holt	Quayle
Burgener	Horton	Quie
Burke, Fla.	Hubbard	Quillen
Burleson, Tex.	Huckaby	Rahall
Burlison, Mo.	Hughes	Railsback
Butler	Hyde	Regula
Byron	Ichord	Rhodes
Caputo	Ireland	Rinaldo
Carr	Jenkins	Risenhoover
Carter	Jenrette	Roberts
Cederberg	Johnson, Calif.	Robinson
Chappell	Johnson, Colo.	Rogers
Clawson, Del	Jones, N.C.	Roncalio
Cleveland	Jones, Okla.	Rooney
Cochran	Jones, Tenn.	Rostenkowski
Cohen	Kasten	Rousselot
Coleman	Kazen	Rudd
Collins, Tex.	Kelly	Runnels
Conable	Kemp	Ruppe
Corcoran	Ketchum	Russo
Cotter	Kindness	Santini
Coughlin	Krebs	Sarasin
Crane	Krueger	Satterfield
Cunningham	Lagomarsino	Sawyer
Daniel, Dan	Latta	Schulze
Daniel, R. W.	Le Fante	Shipley
Davis	Leach	Shuster
de la Garza	Lederer	Sikes
Delaney	Lent	Skelton
Derwinski	Levitas	Skubitz
Devine	Lloyd, Calif.	Slack
Dickinson	Lloyd, Tenn.	Smith, Nebr.
Dicks	Long, La.	Snyder
Dornan	Long, Md.	Spellman
Duncan, Tenn.	Lott	Spence
Edwards, Ala.	Lujan	Staggers
Edwards, Okla.	Luken	Stangeland
Eilberg	McClory	Stanton
Emery	McCormack	Steiger
English	McDade	Stratton
Erlenborn	McDonald	Stump
Ertel	McEwen	Symms
Evans, Del.	McKay	Taylor
Evans, Ga.	Madigan	Thone
Evans, Ind.	Mahon	Thornton
Fary	Mann	Treen
Fish	Marks	Trible
Fithian	Marlenee	Tucker
	Marriott	Van Deerlin

Vander Jagt	Whitley	Yatron
Volkmer	Whitten	Young, Alaska
Waggonner	Wilson, Bob	Young, Fla.
Walker	Wilson, C. H.	Young, Mo.
Walsh	Wilson, Tex.	Young, Tex.
Wampler	Winn	Zablocki
Watkins	Wolff	Zeferetti
White	Wydler	
Whitehurst	Wylie	

NOES—136

Addabbo	Ford, Mich.	Oakar
Ammerman	Ford, Tenn.	Oberstar
Anderson, Ill.	Forsythe	Obey
Aspin	Fraser	Ottinger
Bedell	Gaydos	Panetta
Beilenson	Giaimo	Patten
Benjamin	Gibbons	Patterson
Biaggi	Gore	Pattison
Bingham	Hamilton	Pease
Blouin	Harrington	Pepper
Boland	Harris	Rangel
Bolling	Hawkins	Reuss
Bonior	Heckler	Richmond
Brademas	Holtzman	Rodino
Brodhead	Howard	Rosenthal
Brown, Calif.	Jacobs	Roybal
Burke, Calif.	Jeffords	Ryan
Burton, John	Jordan	Scheuer
Burton, Phillip	Kastenmeier	Schroeder
Carney	Keys	Seiberling
Cavanaugh	Kildee	Sharp
Chisholm	Koch	Simon
Clay	Kostmayer	Sisk
Conte	LaFalce	Smith, Iowa
Conyers	Leggett	Solarz
Corman	Lehman	St Germain
Cornell	Lundine	Stark
D'Amours	McCloskey	Steed
Danielson	McFall	Stokes
Dellums	Maguire	Studds
Derrick	Markey	Thompson
Dingell	Meeds	Tsongas
Dodd	Metcalfe	Udall
Downey	Mikulski	Ullman
Drinan	Mikva	Vanik
Duncan, Oreg.	Miller, Calif.	Vento
Early	Mineta	Walgren
Eckhardt	Mitchell, Md.	Waxman
Edgar	Moakley	Weaver
Edwards, Calif.	Moffett	Weiss
Evans, Colo.	Moorhead, Pa.	Whalen
Fascell	Moss	Wirth
Fenwick	Murtha	Wright
Findley	Nix	Yates
Fisher	Nolan	
Florio	Nowak	

NOT VOTING—24

Annunzio	Dent	Rose
Badillo	Diggs	Sebelius
Baldus	Flippo	Steers
Breckinridge	Fuqua	Stockman
Burke, Mass.	McHugh	Teague
Clausen, Don H.	McKinney	Traxler
Collins, Ill.	Meyner	Wiggins
Cornwell	Poage	
	Roe	

The Clerk announced the following pairs:

Mr. Annunzio for, with Mr. McHugh against.

Mr. Cornwell for, with Mr. Baldus against.

Mr. Teague for, with Mr. Diggs against.

Mr. Fuqua for, with Mr. Badillo against.

Mr. Rose for, with Mr. Burke of Massachusetts against.

Messrs. LONG of Louisiana, COTTER, LE FANTE, AKAKA, HANNAFORD, KRUEGER, BLANCHARD, JOHNSON of California, ASHLEY, MAZZOLI, DICKS, BAUCUS, and HARKIN changed their vote from "no" to "aye."

Mr. MOAKLEY and Mr. WALGREN changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Ohio: On page 37 after line 16 insert the following:

SEC. 410. Of the total budget authority provided in this Act for payments not required by law, 1 per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 5 per centum.

Mr. MILLER of Ohio. Mr. Chairman, I am always a little reluctant to offer an amendment which would reduce a bill because of the hard work that has gone into it, in this case, by the chairman of the committee, the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Pennsylvania (Mr. COUGHLIN), the ranking minority member. I know that they have held hearings and I know that they feel that the dollars that are in the bill should be spent.

But, by the same token, we have money problems today. We have a national debt that is second to none. We have a national debt that will be over $800 billion. We will be paying something around $49 billion annual interest on that national debt, and if Members will sharpen their pencils, they will find that this is about $129 million per day. This, and other bills like it, increase that national debt every year. And mortgage the future of our children and grandchildren.

The amendment that is being offered is not the 5-percent amendment that I introduced last year. The amendment that is being offered today is a 1-percent reduction. With this bill, 71 percent of the appropriation is nonmandatory spending. That 1 percent reduction of the nonmandatory spending amounts to $501 million.

President Carter has said that he wants to reduce spending, and I have seen press releases by people from both sides of the aisle that say they want to reduce spending. Now, we have an opportunity to vote for a 1-percent reduction.

We are spending so many dollars in so many places that we are even finding that some of the governments around the world that have accepted our foreign aid now are loaning money to us. We are borrowing money from them to meet our daily expenses. In the case of West Germany, they have loaned us over $22 billion. Part of that $129 million per day interest we are paying on our debt goes to West Germany. In the case of Japan we owe them over $12 billion. They are loaning us money for the deficit spending that we are causing today in this House of Representatives.

In this bill, the maximum amount of money that will be paid by HUD in rent subsidies to any one family, that is, the highest amount for a family in New York City in a four-bedroom, high-rise, elevator unit comes to $1,049 a month of taxpayers' dollars. That could be paid as a subsidy to one family under section 8 of the HUD bill that we have up right now.

We better face reality as to where we are going. In the case of this amendment, it says this: that it will reduce the nonmandatory spending.

Oh, we will hear that the bill is below the budget.

But the bill is above 1977 spending.

And we will hear many things as to why we should not reduce.

It is very important, because only the nonmandatory spending will be reduced. All of the mandatory spending that the law demands be spent will be spent. Veteran's pensions will not be touched. All pensions will be intact. Only the new programs and increases for old programs about which I have heard so many comments, will be reduced.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

I will not spend much time in speaking in opposition to the amendment. All I can say is that this is the amendment that the gentleman from Ohio has offered many times, except it now cuts the directed reduction from 5 percent to 1 percent for nonentitlement programs. With reference to nonentitlement programs, this amendment would cut $40 million from the Community Development Block Grant program, and it would cut the veterans' medical care by almost $50 million. There are many other examples I can go through, Mr. Chairman, but from the two I have stated, I believe it is clear that the amendment should be defeated.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, so that my colleague, the gentleman from Ohio (Mr. MILLER), can have adequate time to respond, I will ask the gentleman this: Does this in fact make a major cut from the veterans' medical program?

Mr. MILLER of Ohio. If the gentleman will yield, no. As a matter of fact, if it is mandatory spending; it will not.

Mr. Chairman, I would like to read the amendment again.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. First of all, let the gentleman read the amendment.

I yield to my colleague, the gentleman from Ohio, to read that portion of the amendment.

Mr. MILLER of Ohio. Mr. Chairman, the amendment states:

Of the total budget authority provided in this Act for payments not required by law, one per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed five per centum.

Mr. ROUSSELOT. And in most cases, it would be items that are not mandated by the law?

Mr. MILLER of Ohio. In all cases, it will be items that are not mandated by the law.

Mr. ROUSSELOT. I thank the gentleman for his remarks.

So that Members can vote for the gentleman's amendment, being assured there will not be heavy slashes in any of these sacred areas?

Mr. MILLER of Ohio. That is correct.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I want to correct the gentleman from Ohio (Mr. MILLER). The fact of the matter is that medical care is not mandatory. It is not an entitlement program. Medical research is not an entitlement program. The only entitlement programs under the Veterans' Administration's budget are compensation and pensions and readjustment benefits and that is all.

Mr. ROUSSELOT. But it could not exceed 5 percent.

Mr. BOLAND. It could not exceed 5 percent, that is true.

Mr. ROUSSELOT. And it may only be 1 percent as an overall figure.

Mr. BOLAND. But it could be a $48 million cut for VA medical care.

Mr. ROUSSELOT. It may be only 1 percent, is that not true?

Mr. BOLAND. It may be only 1 percent.

Mr. ROUSSELOT. Mr. Chairman, as the gentleman knows full well, and as we found in the housing bill, there is always a little fat or a little slush in a bill of this type and that means in all categories. We have found that to be true from time to time, and I think 1 percent is a reasonable amount of fat to cut out of this bill.

Mr. BOLAND. Mr. Chairman, will the gentleman yield further?

Mr. ROUSSELOT. I will be delighted to yield to my colleague, the gentleman from Massachusetts.

Mr. BOLAND. The gentleman, I am sure, applauds this committee for its action in cutting this budget by $487 million, does he not?

Mr. ROUSSELOT. Absolutely.

Mr. BOLAND. Then why does the gentleman not let it go at that? That would be a nice way to settle this matter.

Mr. ROUSSELOT. Mr. Chairman, I think when we find that the overall level of spending in this bill is $3 billion over last year's very high total, that is excessive, period. I support the amendments and urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—aves 169, noes 237, not voting 27, as follows:

[Roll No. 345]

AYES—169

Abdnor	Burgener	Dornan
Anderson, Ill.	Burke, Fla.	Duncan, Tenn.
Andrews, N. Dak.	Burleson, Tex.	Edwards, Okla.
Applegate	Butler	English
Archer	Carter	Erlenborn
Armstrong	Cederberg	Ertel
Ashbrook	Clawson, Del	Evans, Ga.
Badham	Cochran	Evans, Ind.
Bafalis	Coleman	Fenwick
Barnard	Collins, Tex.	Findley
Bauman	Conable	Fish
Beard, Tenn.	Corcoran	Fithian
Bennett	Coughlin	Flynt
Broomfield	Crane	Forsythe
Brown, Ohio	Cunningham	Fountain
Broyhill	Derwinski	Fowler
Buchanan	Devine	Frenzel
	Dickinson	Frey
Gammage	Levitas	Rogers
Gibbons	Lloyd, Calif.	Rousselot
Ginn	Lloyd, Tenn.	Rudd
Glickman	Lott	Runnels
Goodling	Lujan	Ruppe
Gore	McClory	Russo
Gradison	McDonald	Ryan
Grassley	Maguire	Santini
Guyer	Mann	Sawyer
Hagedorn	Marks	Schroeder
Hall	Marlenee	Schulze
Hamilton	Marriott	Sharp
Hannaford	Martin	Shuster
Hansen	Mathis	Skelton
Harkin	Mattox	Skubitz
Harsha	Michel	Smith, Nebr.
Holt	Milford	Snyder
Hubbard	Miller, Ohio	Spellman
Huckaby	Montgomery	Spence
Hughes	Moore	Stangeland
Hyde	Moorhead, Calif.	Steiger
Ichord	Motti	Stump
Ireland	Myers, Gary	Symms
Jacobs	Myers, Ind.	Taylor
Jenkins	Neal	Thone
Johnson, Colo.	O'Brien	Treen
Jones, N.C.	Panetta	Vander Jagt
Jones, Okla.	Pettis	Volkmer
Kasten	Pike	Waggonner
Kelly	Pritchard	Walker
Kemp	Pursell	Watkins
Ketchum	Quayle	Whitley
Keys	Quie	Wilson, Bob
Kindness	Quillen	Wilson, Tex.
Krueger	Railsback	Winn
Lagomarsino	Regula	Wydler
Latta	Rhodes	Wylie
Leach	Robinson	Yatron
Lent		Young, Alaska

NOES—237

Addabbo	Dellums	Leggett
Akaka	Derrick	Lehman
Alexander	Dicks	Long, La.
Allen	Dingell	Long, Md.
Ambro	Dodd	Luken
Ammerman	Downey	Lundine
Anderson, Calif.	Drinan	McCloskey
Andrews, N.C.	Duncan, Oreg.	McCormack
Ashley	Early	McDade
Aspin	Eckhardt	McEwen
AuCoin	Edgar	McFall
Baucus	Edwards, Ala.	McKay
Beard, R.I.	Edwards, Calif.	Madigan
Bedell	Eilberg	Mahon
Bellenson	Emery	Markey
Benjamin	Evans, Colo.	Mazzoli
Bevill	Evans, Del.	Meeds
Biaggi	Fary	Metcalfe
Bingham	Fascell	Mikulski
Blanchard	Fisher	Mikva
Blouin	Flood	Miller, Calif.
Boggs	Florio	Mineta
Boland	Flowers	Minish
Bolling	Foley	Mitchell, Md.
Bonior	Ford, Mich.	Mitchell, N.Y.
Bonker	Ford, Tenn.	Moakley
Bowen	Fraser	Moffett
Brademas	Gaydos	Mollohan
Breaux	Gephardt	Moorhead, Pa.
Breckinridge	Giaimo	Moss
Brinkley	Gilman	Murphy, Ill.
Brodhead	Gonzalez	Murphy, N.Y.
Brooks	Gudger	Murphy, Pa.
Brown, Calif.	Hammer-schmidt	Murtha
Brown, Mich.	Hanley	Myers, Michael
Burke, Calif.	Harrington	Natcher
Burlison, Mo.	Harris	Nedzi
Burton, Phillip	Hawkins	Nichols
Byron	Heckler	Nix
Caputo	Hefner	Nolan
Carney	Heftel	Nowak
Carr	Hightower	Oakar
Cavanaugh	Hillis	Oberstar
Chappell	Holland	Obey
Chisholm	Hollenbeck	Ottinger
Clay	Holtzman	Patten
Cleveland	Horton	Patterson
Cohen	Howard	Pattison
Collins, Ill.	Jeffords	Pease
Conte	Jenrette	Pepper
Conyers	Johnson, Calif.	Perkins
Corman	Jones, Tenn.	Pickle
Cornell	Jordan	Pressler
Cotter	Kastenmeier	Preyer
D'Amours	Kazen	Price
Daniel, Dan	Kildee	Rahall
Daniel, R. W.	Koch	Rangel
Danielson	Krebs	Reuss
Davis	LaFalce	Richmond
de la Garza	Le Fante	Rinaldo
Delaney	Lederer	Risenhoover
		Roberts
Rodino	Stanton	Waxman
Roncalio	Stark	Weaver
Rooney	Steed	Weiss
Rosenthal	Stokes	Whalen
Rostenkowski	Stratton	White
Roybal	Studds	Whitehurst
Sarasin	Thompson	Whitten
Satterfield	Thornton	Wilson, C. H.
Seiberling	Trible	Wirth
Shipley	Tsongas	Wolff
Sikes	Tucker	Wright
Simon	Udall	Yates
Sisk	Ullman	Young, Fla.
Slack	Van Deerlin	Young, Mo.
Smith, Iowa	Vanik	Young, Tex.
Solarz	Vento	Zablocki
St Germain	Walgren	Zeferetti
Staggers	Walsh	

NOT VOTING—27

Annunzio	Flippo	Scheuer
Badillo	Fuqua	Sebelius
Baldus	Goldwater	Steers
Burke, Mass.	Kostmayer	Stockman
Burton, John	McHugh	Teague
Clausen, Don H.	McKinney	Traxler
Cornwell	Meyner	Wampler
Dent	Poage	Wiggins
Diggs	Roe	
	Rose	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. McKinney against.

Mr. Don H. Clausen for, with Mr. Annunzio against.

Mr. Goldwater for, with Mr. Fuqua against.

Mr. Stockman for, with Mr. Baldus against.

Mr. Wiggins for, with Mrs. Meyner against.

Mr. Rose for, with Mr. McHugh against.

Mr. WAGGONNER changed his vote from "no" to "aye."

Mr. HAMMERSCHMIDT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments? If not, the Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEVITAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7554) making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the

engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 32, not voting 27, as follows:

[Roll No. 346]

YEAS—374

Abdnor	Delaney	Hyde
Addabbo	Dellums	Ichord
Akaka	Derrick	Ireland
Alexander	Dickinson	Jacobs
Allen	Dicks	Jeffords
Ambro	Dingell	Jenkins
Ammerman	Dodd	Jenrette
Anderson, Calif.	Downey	Johnson, Calif.
	Drinan	Johnson, Colo.
Anderson, Ill.	Duncan, Oreg.	Jones, N.C.
Andrews, N.C.	Duncan, Tenn.	Jones, Okla.
Andrews, N. Dak.	Early	Jones, Tenn.
	Edgar	Jordan
Applegate	Edwards, Ala.	Kasten
Ashley	Edwards, Calif.	Kastenmeier
Aspin	Edwards, Okla.	Kazen
AuCoin	Eilberg	Kemp
Bafalis	Emery	Ketchum
Barnard	English	Keys
Baucus	Erlenborn	Kildee
Beard, R.I.	Ertel	Koch
Beard, Tenn.	Evans, Colo.	Krebs
Bedell	Evans, Del.	Krueger
Beilenson	Fary	LaFalce
Benjamin	Fascell	Lagomarsino
Bevill	Fenwick	Le Fante
Biaggi	Findley	Leach
Bingham	Fish	Lederer
Blanchard	Fisher	Leggett
Blouin	Fithian	Lehman
Boggs	Flood	Lent
Boland	Florio	Levitas
Bolling	Flowers	Lloyd, Calif.
Bonior	Flynt	Lloyd, Tenn.
Bonker	Foley	Long, La.
Bowen	Ford, Mich.	Long, Md.
Brademas	Ford, Tenn.	Lott
Breaux	Forsythe	Lujan
Breckinridge	Fountain	Luken
Brinkley	Fowler	Lundine
Brodhead	Fraser	McClory
Brooks	Frenzel	McCloskey
Broomfield	Frey	McCormack
Brown, Calif.	Gammage	McDade
Brown, Mich.	Gaydos	McEwen
Brown, Ohio	Gephardt	McFall
Broyhill	Giaimo	McKay
Buchanan	Gibbons	Madigan
Burgener	Gilman	Maguire
Burke, Calif.	Ginn	Mahon
Burke, Fla.	Glickman	Mann
Burlison, Mo.	Goldwater	Markey
Burton, John	Gonzalez	Marks
Burton, Phillip	Goodling	Marlenee
Butler	Gore	Marriott
Byron	Gradison	Martin
Caputo	Grassley	Mathis
Carney	Gudger	Mattox
Carr	Guyer	Mazzoli
Carter	Hagedorn	Meeds
Cavanaugh	Hamilton	Metcalfe
Cederberg	Hammer-schmidt	Michel
Chappell		Mikulski
Chisholm	Hanley	Mikva
Clay	Hannaford	Milford
Cleveland	Harkin	Miller, Calif.
Cochran	Harrington	Mineta
Cohen	Harris	Minish
Coleman	Harsha	Mitchell, Md.
Collins, Ill.	Hawkins	Mitchell, N.Y.
Conable	Heckler	Moakley
Conte	Hefner	Moffett
Conyers	Heftel	Mollohan
Corcoran	Hightower	Montgomery
Corman	Hillis	Moore
Cornell	Holland	Moorhead, Calif.
Cotter	Hollenbeck	
Coughlin	Holt	Moorhead, Pa.
D'Amours	Holtzman	Moss
Daniel, Dan	Horton	Mottl
Daniel, R. W.	Howard	Murphy, Ill.
Danielson	Hubbard	Murphy, N.Y.
Davis	Huckaby	Murphy, Pa.
de la Garza	Hughes	Murtha
Myers, Gary	Rogers	Thornton
Myers, Ind.	Roncalio	Treen
Natcher	Rooney	Trible
Neal	Rosenthal	Tsongas
Nedzi	Rostenkowski	Tucker
Nichols	Roybal	Udall
Nix	Runnels	Ullman
Nolan	Ruppe	Van Deerlin
Nowak	Ryan	Vander Jagt
O'Brien	Santini	Vanik
Oakar	Sarasin	Vento
Oberstar	Satterfield	Volkmer
Obey	Sawyer	Waggonner
Ottinger	Scheuer	Walgren
Panetta	Schroeder	Walker
Patten	Seiberling	Walsh
Patterson	Sharp	Watkins
Pattison	Shipley	Waxman
Pepper	Sikes	Weaver
Perkins	Simon	Weiss
Pettis	Sisk	Whalen
Pickle	Skelton	White
Pike	Skubitz	Whitehurst
Pressler	Slack	Whitley
Preyer	Smith, Iowa	Whitten
Price	Smith, Nebr.	Wilson, Bob
Pritchard	Snyder	Wilson, C. H.
Quayle	Solarz	Wilson, Tex.
Quie	Spellman	Winn
Quillen	Spence	Wirth
Rahall	St Germain	Wolff
Railsback	Staggers	Wright
Rangel	Stangeland	Wydler
Regula	Stanton	Wylie
Reuss	Stark	Yates
Rhodes	Steed	Yatron
Richmond	Steiger	Young, Alaska
Rinaldo	Stokes	Young, Fla.
Risenhoover	Stratton	Young, Mo.
Roberts	Studds	Young, Tex.
Robinson	Thompson	Zablocki
Rodino	Thone	Zeferetti

NAYS—32

Archer	Derwinski	Miller, Ohio
Armstrong	Devine	Pursell
Ashbrook	Dornan	Rousselot
Badham	Evans, Ga.	Rudd
Bauman	Evans, Ind.	Russo
Bennett	Hall	Schulze
Burleson, Tex.	Hansen	Shuster
Clawson, Del	Kelly	Stump
Collins, Tex.	Kindness	Symms
Crane	Latta	Taylor
Cunningham	McDonald	

NOT VOTING—27

Annunzio	Flippo	Rose
Badillo	Fuqua	Sebelius
Baldus	Kostmayer	Steers
Burke, Mass.	McHugh	Stockman
Clausen, Don H.	McKinney	Teague
	Meyner	Traxler
Cornwell	Myers, Michael	Wampler
Dent	Pease	Wiggins
Diggs	Poage	
Eckhardt	Roe	

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Don H. Clausen.
Mr. Baldus with Mr. Steers.
Mr. Fuqua with Mr. Roe.
Mr. Teague with Mr. Kostmayer.
Mr. Diggs with Mr. Sebelius.
Mr. Burke of Massachusetts with Mr. Rose.
Mr. Cornwell with Mr. McKinney.
Mr. McHugh with Mr. Flippo.
Mr. Badillo with Mr. Michael O. Myers.
Mr. Dent with Mr. Wampler.
Mr. Eckhardt with Mr. Pease.
Mrs. Meyner with Mr. Wiggins.
Mr. Traxler with Mr. Stockman.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include tables, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. HOWARD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5646, TO AMEND THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–414) on the resolution (H. Res. 632) providing for consideration of the bill (H.R. 5646) to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5798, TO AMEND THE INTERSTATE COMMERCE ACT TO AUTHORIZE APPROPRIATIONS FOR THE OFFICE OF RAIL PUBLIC COUNSEL FOR FISCAL YEAR 1978

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–415) on the resolution (H. Res. 633) providing for consideration of the bill (H.R. 5798) to amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for the fiscal year 1978, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7558, MAKING APPROPRIATIONS FOR AGRICULTURE AND RELATED AGENCIES PROGRAMS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1978

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–416) on the resolution (H. Res. 634) providing for consideration of the bill (H.R. 5798) making appropriations for agriculture and related agencies programs for the fiscal year ending September 30, 1978, and for other purposes, which was referred to the House Calendar and ordered printed.

REPORT ON H.R. 7797, MAKING APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1978

Mr. LONG of Maryland, from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–417)

on the bill (H.R. 7797) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. YOUNG of Florida reserved all points of order on the bill.

CONFERENCE REPORT ON H.R. 6823, COAST GUARD AUTHORIZATION, 1978

Mr. BIAGGI submitted the following conference report and statement on the bill (H.R. 6823) to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 95-418)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6823), to authorize appropriations for the United States Coast Guard for fiscal year 1978, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That funds are hereby authorized to be appropriated for necessary expenses of the United States Coast Guard for fiscal year 1978, as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: $887,521,000;

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: $330,300,000, to remain available until expended;

(3) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: $19,100,000, to remain available until expended; and

(4) For research, development, test, and evaluation: $25,600,000, to remain available until expended.

SEC. 2. For fiscal year 1978, the Coast Guard is authorized an end strength for active duty personnel of 39,145: *Provided*, That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

SEC. 3. For fiscal year 1978, average military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training: 3,872 students;

(2) flight training: 109 students;

(3) professional training in military and civilian institutions: 415 students; and

(4) officer acquisitions: 1,110 students.

SEC. 4. Title 14, United States Code, is amended—

(1) by adding a new section to chapter 17, after section 658, as follows:

"§ 659. Merger of obligated balances with current appropriations

"Amounts equal to the obligated balances against appropriations for 'Operating expenses' and for 'Reserve training', for the two fiscal years preceding the current fiscal year, shall be transferred to and merged with current fiscal year appropriations for 'Operating expenses' and 'Reserve training', respectively. The obligated balances for the period commencing on July 1, 1976, and ending on September 30, 1976, may be merged into the respective accounts for fiscal years 1977 and 1978. Such merged appropriations shall be available as one fund, for the payment of obligations properly incurred against such prior year appropriations and against the current fiscal year appropriations. Coast Guard accounting shall reflect year identity of the merged obligated balances until such obligated balances are transferred to a consolidated account as prescribed in section 1 of the Act of July 25, 1956, as amended (31 U.S.C. 701)." and

(2) by amending the analysis of chapter 17 by inserting at the end thereof the following item:

"659. Merger of obligated balances with current appropriations.".

SEC. 5. Notwithstanding the provisions of any other law, available funds appropriated to or for the use of the Coast Guard for "Acquisition, Construction, and Improvements" may be used to pay for part of the construction and other capital costs of a sewage treatment plant to be built, operated, and owned by the North Marin County Water District (California) and to be used by Coast Guard facilities located in the vicinity of Point Reyes Station, California.

SEC. 6. The Coast Guard is authorized to accept and retain funds from the city of Baltimore, Maryland, in payment for Coast Guard facilities to be removed by the city incident to the improvement of Hawkins Point Road, the funds to be available, until expended, for the construction of replacement facilities. Any funds not obligated by the end of fiscal year 1980 shall be paid into the Treasury of the United States.

SEC. 7. (a) The last sentence of section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by striking out "July 11, 1978" and inserting in lieu thereof "January 1, 1983".

(b) The first section of the Act of June 20, 1936 (relating to certain seagoing vessels) (46 U.S.C. 367), as amended, is further amended by striking out "July 11, 1978" and inserting in lieu thereof "January 1, 1983".

(c) Subsection (b) of the first section of the Act of August 27, 1935 (relating to load lines for certain vessels) (46 U.S.C. 88(b)), as amended, is further amended by striking out "July 11, 1978" and inserting in lieu thereof "January 1, 1983."

SEC. 8. (a) The Commandant of the Coast Guard is authorized to assist the Department of Health, Education, and Welfare, in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Commandant of the Coast Guard deems appropriate and shall be subject to the following specific limitations:

(1) Assistance may be provided only in areas where the Coast Guard units able to provide such assistance are regularly assigned, and Coast Guard units shall not be transferred from one area to another for the purpose of providing such assistance.

(2) Assistance may be provided only to the extent that it does not interfere with the performance of the Coast Guard mission.

(3) The provision of assistance shall not cause any increase in funds required for the operation of the Coast Guard.

(b) No individual (or his estate) who is authorized by the Coast Guard to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services.

And the Senate agree to the same.

JOHN M. MURPHY,
MARIO BIAGGI,
GERRY STUDDS,
JAMES L. OBERSTAR,
BARBARA A. MIKULSKI,
PHILIP E. RUPPE,
DAVID C. TREEN,

Managers on the Part of the House.

WARREN G. MAGNUSON,
DANIEL K. INOUYE,
RUSSELL LONG,
THEODORE F. STEVENS,
ROBERT P. GRIFFIN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6823), to authorize appropriations for the United States Coast Guard for Fiscal Year 1978, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck all of the text of the House bill after the enacting clause and inserted a substitute text. The House disagreed to the Senate amendment.

The Committee of Conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the language of the House bill and the Senate amendment.

The provisions of the substitute text recommended by the Committee of Conference are set forth below in a manner sufficiently detailed and explicit to inform the House and the Senate as to the effect of the substitute amendment.

SUMMARY AND DESCRIPTION

The purpose of the Committee of Conference substitute text is to authorize appropriations for Fiscal Year 1978 for the use of the Coast Guard for the operation and maintenance of the Coast Guard; for the procurement of vessels and aircraft; for the construction and improvement of shore and offshore facilities; for the alteration or removal of obstructive bridges; and for research, development, test, and evaluation. It also provides authorization for a Fiscal Year 1978 end-strength for active duty personnel and for average military student training loads. It further includes provisions to place into positive law existing accounting procedures, an authorization for the necessary utilization of funds in connection with a project involving a sewage plant in California, an authorization to utilize certain funds for replacement of facilities at the Coast Guard yard, an extension of existing exemptions from certain Coast Guard inspection laws of fishing tender, cannery tender, and fishery processing vessels, and an authorization for the Coast Guard to assist the Department of Health, Education, and Welfare by providing medical emergency helicopter transportation services to civilians.

SECTION-BY-SECTION ANALYSIS

Section 1—Authorization of Appropriations:

The Committee of Conference substitute text follows the format of the House bill but authorizes specific funding levels as outlined in the following discussion. The section consists of authorizations for four categories of funding, to wit:

(1) The operation and maintenance of the Coast Guard, including expenses related to the Capehart debt reduction;

(2) The acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto;

(3) The alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation; and

(4) Research, development, test, and evaluation.

OPERATIONAL EXPENSES (OE)

The Committee of Conference substitute text adopts the level of authorization, contained in the Senate amendment, of $887,521,000 for necessary expenses for the operation and maintenance of the Coast Guard. These funds are utilized to employ multipurpose vessels, aircraft, and shore units, strategically located along the coast and inland waters of the United States and in selected areas overseas. Operating expenses are used to defray the cost of rebuilding through the use of replacements, alterations, and restorations when they involve less than 75% of the original facility. They are also used to defray expenses of improvements through modification, addition, or expansion when the estimated cost of a project is $75,000 or less. The Committee of Conference substitute text provides for an authorization of $12,260,000 above the Administration request and $4,700,000 above the level of the bill as passed by the House.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENT (AC&I)

The Committee of Conference substitute text adopts a level of authorization, between the level contained in the bill as passed by the House and that contained in the Senate amendment, of $330,300,000 for the acquisition, construction, and improvement of vessels, aircraft, and shore and offshore facilities. The level contained in the substitute text represents an increase of $103,700,000 above the Administration request, $15,800,000 above the level contained in the bill as passed by the House, and $1,900,000 below the level contained in the Senate amendment.

The substitute text provides $92,876,000 for the procurement of aircraft, consisting of 12 medium-range surveillance aircraft and 12 short-range recovery helicopters. Of the 12 helicopters, 10 have previously been authorized and will be procured through the use of deferred funds.

The substitute text provides $168,506,000 for vessels, including $152,095,000 for the procurement of 10 port safety boats, 2 medium-endurance cutters, and 1 operational trainer, 3 large tugs with icebreaking capability, 30 search and rescue boats, and 1 large icebreaker; $11,411,000 for the repair, renovation, or improvement of existing vessels and small boats; and $5,000,000 for the reactivation, as provided in the Senate amendment, of 2 Coast Guard cutters to be used as backup vessels for the enforcement of the Fishery Conservation and Management Act of 1976.

The substitute text provides authorization of $21,603,000 for the repair, replacement, renovation, or improvement of existing shore facilities. The increase of $1,800,000 above the Administration request was contained in the Senate amendment for the construction of a shelter-barracks for two helicopters at Cordova, Alaska Station.

The substitute text provides an authorization of $27,308,000 for the procurement and improvement of aids to navigation. Specifically included are Phase II of the vessel traffic services at New Orleans, Louisiana; Phase I of the radio beacon system; the repair, replacement, renovation, or improvement of the waterways aides to navigation project; the Lighthouse Automation and Modernization Program; Loran-C National Implementation Plan; the procurement of radar and other equipment for the installation of vessel traffic services at various locations, and the installation of a Loran-C collision avoidance system for the Lake Ponchartrain Causeway, over Lake Ponchartrain in Louisiana.

The substitute text also provides an authorization of $8,600,000 for abatement of pollution on Coast Guard vessels; $1,311,000 for public family quarters at various locations; and $10,096,000 for property acquisition, design, and administration.

ALTERATION OF BRIDGES

The Committe of Conference substitute text adopts the level of authorization, contained in the House bill, of $19,100,000 for the alteration or removal of bridges which obstruct the free movement of navigation on navigable waters of the United States. This represents an increase of $4,000,000 above the Administration request and above the level of the Senate amendment. The increased amount is to provide for the initiation of removal of the Central Railroad of New Jersey bridge over Newark Bay, New Jersey, and to provide an authorization for funding of approximately $375,000 for the alteration of the Port Terminal Railroad Association bridge crossing Green's Bayou in the Houston, Texas area, the latter authorization to be contingent upon the enactment of pending legislation which will make that bridge eligible under the Truman-Hobbs Act for Federal funding assistance in its alteration, an order for which has already been issued.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (RDT&E)

The Committee of Conference substitute text adopts the level of authorization contained in the Senate amendment, of $25,600,000 for necessary expenses, not otherwise provided for, for research, development, test, and evaluation. The level is $2,800,000 above the Administration request and $800,000 above the level authorized in the bill as passed by the House. The increased authorization level is intended to support a more concentrated effort in the development of oil pollution response capability.

Summary of actions under section 1

[In thousands of dollars]

	Administration request	House bill	Senate amendment	Conference substitute
OE	$807,261	$882,821	$887,521	$887,521
AC&I:				
Vessels	85,506	158,306	168,506	168,506
Aircraft	89,076	89,076	94,876	92,876
Shore estmts	19,803	19,803	21,603	21,603
Aids to Nav	12,208	27,308	27,208	27,308
Miscellaneous	20,007	20,007	20,007	20,007
Total AC&I	226,600	314,500	332,200	330,300
Alteration of bridges	15,100	19,100	15,100	19,100
RDT&E	22,800	24,800	25,600	25,600

Section 2—Authorization of Year-end Strength for Active Duty Personnel:

The Committee of Conference substitute text follows the Senate amendment, by authorizing a year-end strength for Fiscal Year 1978 of 39,145 active duty personnel. This represents an increase of 299 above the Administration request and 136 above the level authorized in the bill as passed by the House. The increased authorization level involves an additional 120 personnel for the enforcement of the 200-mile fishery conservation zone, and an additional 150 personnel for the increase of environmental protection and marine safety personnel, including expanded pollution strike forces, for boarding and inspection of oil tankers entering United States ports, and for the implementation of the program announced by the President for dealing generally with the oil pollution problem. Additionally, it will authorize 13 personnel to increase the search and rescue capability at the Portage, Michigan Station, and 16 personnel to maintain and operate 2 short-range recovery helicopters at the Cordova, Alaska Station.

By following the level of the Senate amendment, the managers also adopt the Senate rationale authorizing the increase. The managers agree that, in order for the Coast Guard to perform effectively the many vital functions with which it has been charged by the Congress, it is obligatory upon the Congress to furnish it with the necessary personnel to meet its responsibilities.

Included among the new duties of the Coast Guard, which must result in an increase of necessary personnel, are the Fishery Conservation and Management Act of 1976, the recent Presidential proposals for dealing with oil pollution, and the Deepwater Port Act of 1974, with the impending construction of offshore ports for the reception of imported oil. In addition, there are still new responsibilities envisioned, such as those imposed under the Tanker and Vessel Safety Act of 1977, which has already been passed by the Senate and is now pending in the House. In order to carry out the various functions of the Coast Guard adequately and effectively, the authorized personnel levels under this bill must be adhered to as closely as possible, in order to insure that the Coast Guard has the capability promptly to execute its assigned missions.

Section 3—Authorization of Average Military Training Student Loads:

The Committee of Conference substitute text adopts the level of the bill as passed by the House, by increasing the Administration request and adding 20 students for special training in oil pollution response. In other respects, the authorization level reflects the Administration request.

Section 4—Merger of Obligated Balances with Current Appropriations:

This section authorizes the Coast Guard to continue its present accounting procedure of merging obligated balances of prior year "Operating Expenses" and "Reserve Training" appropriations with current year appropriations for those same purposes. The practice simplifies accounting and eliminates unnecessary paperwork. This authorization applies only to obligated balances from the two years immediately preceding the current fiscal year. Older obligated balances are already merged into a special account. The provision takes the form of an amendment to Title 14, United States Code, by adding a new section, 659, which will permanently authorize the present accounting procedures.

Section 5—Availability of Appropriated Funds for Participation of Local Sewage Treatment Project:

This section authorizes the Coast Guard to contribute funds to the North Marin County Water District (California) which will be used, along with other funds, for the construction of a sewage treatment plant. The sewage treatment plant will be locally owned

and operated and will serve both the local community and the Coast Guard facilities in North Marin County. The Coast Guard, after conducting a study, has concluded that joining with the local community is the least expensive and the most environmentally sound method to dispose of the sewage generated by its facilities in the area.

Section 6—Use of Funds for Replacement of Coast Guard Yard Facilities:

This section authorizes the Coast Guard to accept money from the City of Baltimore, Maryland, and use it to replace the Coast Guard facilities which will be removed by the City incident to a road improvement project. The United States granted the City of Baltimore an easement in perpetuity of a strip of land running the length of the northern boundary of the Coast Guard Yard, for consideration of $1.00. Located on the strip of land are Coast Guard facilities to be removed by the City. The City has agreed to pay for the construction of replacement facilities. The funds accepted and retained are to be designated for the replacement of these facilities. Any funds not obligated, for this purpose, by the end of Fiscal Year 1980 shall be paid into the miscellaneous receipts of the United States Treasury.

Section 7—Exemption of Certain Vessels Engaged in the Fishing Industry from the Requirements of Certain Laws:

In this section, the Committee of Conference substitute text adopts language contained in the Senate amendment to reextend an exemption for fishing tender and cannery tender vessels, in the States of Alaska, Oregon, and Washington, from Coast Guard inspection. In 1967, the Coast Guard attempted to inspect these vessels under authority of existing laws which had not been enforced until that time. The Congress, at that time, proposed to permanently exempt those vessels from the inspection laws. The Coast Guard proposed instead, and the Congress approved, a five-year exemption. This exemption was extended for five years, from 1973 to 1978, in 1973. Presently, the Coast Guard and the National Marine Fisheries Service are supporting a joint effort to encourage regional fishing industries to develop voluntary fishing tender and cannery tender vessel safety standards for their individual fishery. Accordingly, the Coast Guard offered no opposition to this extension of the five-year exemption to those vessels. The extension of the exemption is in the form of amendments to sections 88(b), 367, and 404 of Title 46, United States Code.

Section 8—Medical Emergency Helicopter Transportation Services to Civilians:

In this section, the Committee of Conference substitute text adopts language of the Senate amendment in authorizing the Commandant of the Coast Guard to assist the Department of Health, Education, and Welfare in providing medical emergency helicopter transportation services to civilians. To provide such services is entirely within the discretion of the Commandant. It specifically provides: that the assistance shall not cause any increase of funds required for the operation of the Coast Guard; that assistance may be provided only to the extent that it does not interfere with the performance of the Coast Guard mission; and that assistance may be provided only in areas where the Coast Guard units able to provide such assistance are regularly assigned.

JOHN M. MURPHY,
MARIO BIAGGI,
GERRY STUDDS,
JAMES L. OBERSTAR,
BARBARA A. MIKULSKI,
PHILIP E. RUPPE,
DAVID C. TREEN,
Managers on the Part of the House.

WARREN G. MAGNUSON,
DANIEL K. INOUYE,
RUSSELL LONG,
THEODORE F. STEVENS,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1978

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7555, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1 hour, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill which we bring to the Members today—and I do not think this will come as very much of a surprise—is the largest Labor-HEW appropriation bill ever considered by the Congress. It contains $61 billion in direct—I hope the Members get that word, "direct"—appropriations, together with limitations on trust fund expenditures totaling over $4 billion.

As I have pointed out time and time again here, this is only the tip of the iceberg as far as the Federal budget for Labor-HEW programs is concerned. I think we all know that very well.

I will ask you to look at that small table that you find at the top of page 4 of the report. The report is available here, or the Members can get it at their offices. If you do not have it, you can make a note that this is found at the top of page 4 of the report. You will see that if the trust funds are included, the total 1978, budget authority for the agencies covered in this bill is $190 billion. That is about 37 percent of the total Federal budget for 1978.

The recommendations in the bill and the report are based on information developed during the course of daily hearings that went on for 3, 4, 5, and 6 hours a day, and sometimes at night. The hearings began back in February, and they continued all through February, all through March, and all through April.

I am sure that every Member of this House has received thousands of communications from constituents and various interest groups of all kinds about the various programs funded in this bill.

I myself have received hundreds of letters and telephone calls and have had meetings on the floor with many of my colleagues here in the House of Representatives.

Mr. Chairman, I have said this often and I say it again: This bill touches the lives, directly or indirectly, of every man, woman, and child in this Nation.

The communications we receive, which I have been talking about, are requests for additional support for one or the other of these hundreds of programs which are funded in this bill.

Needless to say, Mr. Chairman, we cannot possibly agree to all of these requests or even to most of them. Certainly the members of our committee are concerned about fiscal responsibility and about holding down Federal expenditures, and that is why we rejected a great number of these proposals for increased funding of a whole catalog of health, education, rehabilitation, and human development programs. You name them, and here they are.

Mr. Chairman, we could easily have raised this bill another billion or two without any trouble at all. As a matter of fact, we could have done so if we just followed the suggestions of Members of this House alone.

Many of the programs that are funded in this bill are at or below the current level. We provided increases for those programs which our Members felt have a high priority, and we restored some proposed reductions in programs which Congress has repeatedly and repeatedly, time and time again, stated, in the very clearest terms, that it wishes to continue.

Mr. Chairman, the total amount recommended by the subcommittee for fiscal year 1978, a round figure, is $61.3 billion. That is a net increase of $740 million over the President's budget request. The net increase over the President's budget results from gross increases of $2.1 billion and gross decreases of $1.4 billion.

I will explain that.

Our recommendations are almost $11 billion less than the appropriation for fiscal year 1977. These figures are a little misleading. Let me explain why.

The fiscal year 1977 economic stimulus appropriation bill—the Members recall that; they voted on it—included very large amounts which are really advance appropriations for fiscal year 1978. In the 1977 Labor-HEW bill, last year's bill, we had $5 billion for advances to the unemployment insurance trust fund, and much of that carries over to 1978. Therefore, we believe a fair comparison would show that this bill represents an increase

of about $4.3 billion or 7.5 percent over the comparable bill for fiscal year 1977.

As usual, most of that increase is what we call mandatory or uncontrollable items. These are programs where we are simply paying the bills for entitlements created by the law. They can be controlled by Congress, but only by changing the basic law.

Mr. Chairman, these so-called uncontrollable programs make up a very large portion of this whole bill—as a matter of fact, over 60 percent; keep that in mind—and the net increase of these so-called uncontrollable programs is $2.7 billion or 7.8 percent. The increase over 1977 in these major uncontrollable items is for unemployment benefits and allowances, $340 million; public assistance, and that includes medicaid, $1.3 billion; payments to the social security trust fund—we have heard a lot about that—$1.2 billion.

The increase over the current year for what we call the controllable programs, that which the Committee on Appropriations has something to say about, is about $1.6 billion, or 7 percent. That certainly does not seem excessive in view of the current rate of inflation, and I think the Members will agree with me.

Mr. Chairman, it is important to note here that in spite of the fact that this bill contains substantial increases over both the 1977 appropriation and the 1978 President's budget request, it is well within the targets established by Congress in the first concurrent resolution on the budget.

I would like to turn now to what must necessarily be a highly abbreviated summary of just what is included in the bill. The time limitation simply will not permit me to go through, item by item, because this would go on like Tennyson's Brook, forever. Fortunately, it is all laid out in great detail in this very excellent report that the Members have and that has been available since the committee acted on May 26.

For the Department of Labor, the bill includes $7.1 billion. This is below the 1977 appropriation and the 1978 budget request.

I have already mentioned to you about the advance funding for the Public Service jobs and for the new youth programs, on which we just recently acted. Do not forget these new youth programs and the Public Service jobs program, that we have heard so much about, are fully funded through September 30 of 1978. I repeat, they are fully funded. So there are no funds for them in this bill.

We have additional funds in this bill for the summer youth employment programs, for the community service employment, that is for the older Americans, and for the State employment offices. For OSHA, the Occupational Safety and Health Administration program, we have recommended to continue that language relating to farms and nonserious violations which were included in the act of 1977.

Turning to the Department of Health, Education, and Welfare, for health programs, excluding medicare and medicaid, the bill includes $6 billion, which is $366 million or 6.5 percent over the 1977 appropriation, $496 million over the latest budget request.

Mr. Chairman, we are providing relatively modest increases here over the current level for a series of health services, research, demonstration, and training programs which the Congress clearly wishes to support. Here are a few of them:

Community health centers, $32 million.

Family planning services, $10 million.

National health service corps, $17 million.

Migrant health services, $4.5 million.

Home health services, $5 million.

Venereal disease control, $2 million.

Immunization, $5 million.

Health education, $2.5 million.

Occupational health, $5.4 million.

Here is something you will want to hear; the total NIH, or the National Institutes of Health, close to $198 million. That is an increase of about 8 percent. We had a lot of questions about that.

The community mental health centers—I know you have great interest there—$33 million.

Alcoholism, we have been driving at that for 3 or 4 years, $3 million.

Our increase over the budget request for the health programs falls primarily into the following areas:

Biomedical research, $166 million.

Training of health manpower—you have been asking about that—$191 million.

Mental health—that is a big thing for us, especially the last 4 or 5 years—$43 million. The health services programs, $43 million.

As we all know, the President's budget would cut many of these programs below the current funding levels, and we restored many of these cuts and provided some increases which, as I have already mentioned, now are in the aggregate of about 6.5 percent above the current appropriations.

For the education programs we recommend a total of $10.2 billion. That is an increase of $1.3 billion or 15 percent over the comparable appropriation for fiscal year 1977. That is an increase of $1 billion over the budget request. The major programs which account for that increase over the current year are—and the Members know these—grants for disadvantaged children—that is title I of the Elementary and Secondary Education Act, $450 million; State grants for education of the handicapped, $150 million. You acted and voted on that here. Higher education student assistance, $671 million. The increase over the budget for education programs is primarily in the following programs: Title I of the Elementary and Secondary Education Act, $100 million; education for the handicapped, $100 million; impacted area aid, $405 million; vocational and adult education, $48 million; higher education, $449 million.

As we indicate in our report, we are quite concerned about the apparent unfairness with which middle- and lower-middle-income families facing the high cost of college education are treated under the BEOG program, which is now one of our most important vehicles for student assistance. As we say in the report,

> Eligibility regulations have been so tight that some families living on considerably less than what the Labor Department describes as a modest but adequate income qualify for no assistance whatever in meeting college expenses that may run well over $3,000 per year per child. If a family has more than $12,500 equity in a small home the chances of qualifying are further reduced, and for the children of small businessmen and farmers the chances of qualifying are even smaller, regardless of income, simply because of the way the program deals with farms and business assets. In many instances the program has made it easier for the very low income to attend school than those from working- and middle-class families.
>
> The committee therefore feels that the additional money provided in this bill should be used primarily for alleviating these inequities and extending eligibility requirements. It will still be possible to provide an increase in the size of the maximum grant to cover the anticipated annual increase in the cost of attending college.

The chief reason, Mr. Chairman, for our large increase over the budget for education programs is that the budget proposes a drastic cutback in the impacted area aid and in direct student loan programs. We know from years and years of experience that Congress simply will not accept cutbacks in those programs. Our recommendation just restores them to the current level. There are a great many programs in addition to the areas I have mentioned that are funded in the Labor-HEW appropriation bill. I will just mention some of the key ones: Head Start, $595 million. That is an increase of $120 million over 1977 for a very successful program. Programs for the aging, $507 million. That is an increase of $102 million over 1977. Vocational rehabilitation, $868 million. That is an increase of $23 million over 1977. The Community Action Agencies, $363 million, an increase of $33 million over 1977.

As we state in the report, a portion of the increase for vocational rehabilitation recommended by the committee is to expand projects with industry, a program which has shown excellent results in providing job opportunities for the handicapped in the private sector. We expect that a portion of these funds will be used for continued support of projects sponsored by labor organizations, as well.

Let me assure you, Mr. Chairman, that the bill is not all increases. Many programs are held at or below the 1977 level. Many authorized programs are not funded at all. As I said at the beginning, we have made reductions from the President's budget request totaling almost $1.4 billion.

Mr. Chairman, the recommendations of our committee as usual will seem too high to some and too low to others. It is always like that. As usual, the bill represents a compromise, and that is the art of legislation—compromise. I believe that our recommendations are both fiscally responsible and responsive to human needs, and I urge the members of

the committee to suport the bill when it is read for amendment.

Mr. Chairman, we have a very, very detailed table here showing the amounts of this bill in each of these hundreds of programs that I have talked about, and I intend to ask unanimous consent to insert the table at the proper point in the RECORD.

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in view of the fact that probably we will be just having general debate today and reserve the reading of the bill until tomorrow, I would like to make some preliminary remarks here so that some of the Members who may be reading the RECORD tomorrow morning may know at the outset that I intend to offer a significant amendment that will aggregate some half billion dollars-plus in savings. The reason I mention that is to dispel if I might at the very outset the fears that Members may have that we are going to touch impacted aid. Let me allay those fears, because not one dime of impacted aid would be reduced in the amendment I am going to offer.

Unfortunately the educational community in this country has been sending out and lobbying and making trips to Washington and mailing and making phone calls. If we would take all the money they are spending lobbying against my amendment, I would not be surprised but that we would have all the money we need for some of these programs they are interested in.

But the thing that disturbs me most is it is the educational community above all where one would think their research would be accurate and what they say to Members would be accurate and well reasoned and well thought out, but such is not the case.

They do not know what is involved in my amendment. The erroneous information that is being sent to the Members is astonishing. I had, for example, to write three college presidents this morning to set the record straight with them because of the phony information they had with respect to what I propose to do with this bill.

I think next year when the appropriation bill comes up I am going to offer a Michel amendment and increase the funding in the bill on 10 or 11 items and see what kind of reaction we get from the education community and see whether they are reading the amendment or whether, as the pattern has been, they will just send out telegrams to oppose this guy MICHEL and to oppose his amendment.

Now, Mr. Chairman, I would like to speak about the 11 items to which we will address ourselves in the package of amendments with the hope that every Member who then has some reservations or doubts will realize what is in the amendment.

There is a reduction from the bill of $563.5 million, and that will result, even if the amendment is adopted, in our spending just for these 11 items $819 million over the funding level for 1977 and $478 million over what President Carter's budget has called for. So there are not any cuts from the Carter budget or cuts in last year's spending. There are reductions in increases, unconscionable increases that our subcommittee has written into this bill.

I am inserting at this point in the RECORD a table showing the items in my amendment and the appropriate dollar comparisons:

PACKAGE REDUCTION AMENDMENT

Items	Committee bill	Amendment funding level	Reduction from bill	Amendment versus 1977	Amendment versus Carter
Health capitation grants	$144,000,000	$134,000,000	$10,000,000	+$9,000,000	+$19,500,000
ESEA title I	2,735,000,000	2,635,000,000	100,000,000	+350,000,000	
Education for handicapped	619,925,000	569,925,000	50,000,000	+100,565,000	+50,000,000
BEOG's	2,300,000,000	2,069,000,000	231,000,000	+377,000,000	
SEOG's	270,093,000	250,093,000	20,000,000		+10,000,000
Direct loans	310,500,000	288,000,000	22,500,000	−22,500,000	+288,000,000
Special programs for disadvantaged	125,000,000	100,000,000	25,000,000	+15,000,000	+30,000,000
Head Start	595,000,000	535,000,000	60,000,000	+60,000,000	+50,000,000
Aging (area planning and services)	153,000,000	133,000,000	20,000,000	+1,000,000	+11,000,000
Aging (senior centers)	40,000,000	25,000,000	15,000,000	+5,000,000	+5,000,000
Corporation for Public Broadcasting	145,000,000	135,000,000	10,000,000	+14,800,000	+14,800,000
Total			563,500,000	+819,865,000	+478,300,000

On the surface the $61.3 billion in this bill represents an increase of $917 million over the Carter budget and a decrease of $10.8 billion from the 1977 level. I say on the surface, because both of these figures are totally misleading. The appropriation for the current fiscal year is artificially high because it includes several large items included in the fiscal year 1977 supplemental which covers fiscal year 1978 as well as 1977. These include public service jobs, and the various youth training and employment programs.

The effect of this not only makes the current level appear artificially high but also shows an artificially low level for the year 1978.

In addition, the 1977 appropriation contains such one shot items as that $200 million for fuel subsidies, the $227 million in initial advance funding for the Corporation for Public Broadcasting, and that $612 million in additional advance funding for vocational education.

If we make adjustments for these various factors as well as unemployment benefit moneys appropriated in 1977 but projected for expenditure in fiscal year 1978, we find that the actual appropriation level for 1978 provided for in the bill is in the neighborhood of $5 billion above the spending level for 1977, not $11 billion below it.

Similar adjustments are necessary in order to get a true picture of the relationship of this bill to the Carter budget.

The Carter budget provided $834 million in advance 1979 funding for the new youth training and employment program. This amount is not included in the bill because of delays in implementing the programs and in enacting the authorizing legislation and not because of any intention on our part not to provide the funds.

In addition, the medicaid appropriation has been reduced by $351 million below the budget request, because of new estimates as to what it will take to fund the program. If these estimates prove valid, then the budget request will be revised downward. If they are not, we will have to come up with additional funds in a supplemental; but whatever the case, the budget at the end will line up with our allocation; so when we eliminate these two reductions, we end up with a bill that is not $917 million over the budget, but is $2.1 billion over. Of this $2.1 billion by which it exceeds the Carter budget, $1 billion of it is concentrated in five programs; ESEA, title I, impact aid, education for the handicapped, direct student loans and Head Start. The remainder is scattered among the various other programs.

I suggest that a bill this much over the President's budget is not going to assist him to redeem his pledge to balance the budget by 1981.

I should also call attention to the recent press reports that the President claims he may be forced to veto this bill if it exceeds the budget by this large a margin. I should not think those in the majority, particularly, would want to put their President in that type of box the first time around, but I am going to try to bail both of them out in this respect by proposing, as I said, an amendment at the proper time providing for some modest and very reasonable reductions.

Mr. Chairman, before concluding, I want to call attention to a couple of items in the report.

The first is some language on zero-based budgeting, on page 108, which basically calls on the administration to make available to us the information developed during this process, particularly the priority evaluations and packages supporting alternative funding levels. This language was necessary because of published reports quoting administration officials to the effect that such information would not be available to Congress, but would be retained solely for administration use in putting its own budget together. If we are providing funds for this new endeavor, I think we have a right to the information developed, and I think

it is also important to good government that we see that information.

The other item has to do with the so-called inflationary impact statement found on page 105. It states that the bill "would have little overall inflationary impact on prices and costs in the operation of the economy." Mr. Chairman, I fail to see how a bill that involves $64 billion of expenditures directly, and $190 billion indirectly, would have "little" inflationary impact, particularly when the amount exceeds the Carter budget by $2.1 billion, and the level of spending projected in the form budget by $11 billion. What we also fail to take into account is the level of spending these increases are building into expenditure levels of future years. This is all the more important when we see the rate of inflation is headed back up to a double-digit range.

Mr. Chairman, I think the funding level in this bill is clearly too high, and if the President is serious in his expressed concern over excessive spending, he should veto the bill if it reaches him in its current state. In an effort to bring the bill more in line with available revenues and to avoid a possible veto, I will as I mentioned earlier, be offering an amendment to reduce the total by $563 million, and I hope it will be adopted.

Mr. Chairman, I normally would discuss a number of specific items in the bill, but since there are not many more than the members of our subcommittee, who know the items, still here in attendance, I will simply insert the remainder of my comments at this point in the RECORD.

LABOR DEPARTMENT

The total in the bill for Labor is $5.5 billion. This is $14 billion under the 1977 appropriation and $680 million under the budget request, but as mentioned earlier, this great variation is in the main due to advance appropriations and delayed appropriations. We get a better picture of Labor Department spending if we look at actual outlays, and in terms of outlays, the Department will be spending $14 billion in 1978 compared with $12.6 billion in fiscal year 1977.

EMPLOYMENT AND TRAINING ADMINISTRATION—PROGRAM ADMINISTRATION

1977 appropriation	$108,456,000
1978 budget request	125,301,000
Amount in bill	124,466,000
Decrease from budget	835,000
Increase over 1977	16,010,000

This account provides the necessary Federal staff support to carry out the Department's responsibilities in administering National, State, and local training programs, the State employment security systems, a national apprenticeship expansion effort, and various other employment and training programs.

The change from the budget reflects essentially the deletion of 43 new positions requested.

EMPLOYMENT AND TRAINING ASSISTANCE

1977 appropriation	$5,889,830,000
1978 budget request	4,072,030,000
Amount in bill	3,237,930,000
Decrease from budget	834,100,000
Decrease from 1977	2,651,900,000

The employment and training assistance account provides needy individuals with various types of occupational training, employment assistance, and related support services. The misleading nature of these figures was referred to and discussed in the opening summary.

TITLE I—COMPREHENSIVE EMPLOYMENT AND TRAINING SERVICES

This title authorizes grants to State and local governments to provide training, education, and the development of job opportunities to those judged most in need by State and local officials. Services provided may include institutional and on-the-job training work experience, vocational education, job placement services, and transitional public service employment.

The bill provides $1.8 billion for this program, the same as last year. It is appropriate that we did not raise this funding level, because frankly I am concerned about the actual accomplishments of the program in terms of job preparation. For instance, almost half of the enrollees are in what is referred to as a "work experience" program, which involves mostly performing tasks for local governments and very little actual training. Another $184 million of the program funds is being used for public service jobs rather than training. The result is that only 29 percent of the enrollees end up in jobs after completion of the program. Clearly something needs to be done to make the program more effective, and I hope the Education and Labor Committee will act accordingly.

TITLE II—PUBLIC SERVICES EMPLOYMENT

This title provides grants to State and local governments in areas having an unemployment rate of 6.5 percent or above for 3 consecutive months for the purpose of supplying transitional public service employment. The services are provided to unemployed and underemployed persons in jobs furnishing needed public services.

Funding provided in fiscal year 1977 will carry over through fiscal year 1978, and will provide a total of 125,000 jobs.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

This title assures that particular target groups will receive adequate employment and training services through nationally administered projects. The group includes Indians, migrants and seasonal farmworkers, and youth. The title also authorizes program support for the employment and training assistance effort through research, development, and evaluation; labor market information; and technical assistance and training.

Most of the administration's youth jobs and training program funds are under this title, some of the funds for which carry over from fiscal year 1977.

TITLE IV—JOB CORPS

This title provides for an intensive program of employment and training assistance for low-income, disadvantaged young men and women in residential and nonresidential centers. Program efforts include education, vocational training, work experience, counseling, and support services.

The amount in the bill, $417 million, represents an increase of $142.9 million over last year and will provide 44,000 training slots.

SUMMER YOUTH EMPLOYMENT

The $595 million in the bill for this program is equal to last year's level, and will provide 1,000,000 summer jobs for youth in 1978.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1977 appropriation	$150,000,000
1978 budget request	22,650,000
Amount in bill	180,400,000
Increase over budget	157,750,000
Increase over 1977	30,400,000

The community service employment for older Americans account contains funds for contracts with national organizations and grants to States to provide part-time work opportunities in community service activities for unemployed low-income persons aged 55 and over who have poor employment prospects.

The $180 million in this bill will provide for 45,000 jobs from July 1, 1978, through June 30, 1979. This represents a 300-percent increase over the current level, and another 20-percent increase over the increase previously provided but not taking effect until July 1 of this year. I can't quarrel with the idea of providing employment for older Americans, but I have to question the idea of providing such sharp and substantial increases. It seems to me we would be doing a better job of insuring that tax dollars are well spent if we would wait and see how the big increase already provided is implemented before increasing the program even further. This is particularly true since most of the funds will be going to a few national contractors who to date have not equitably covered all States.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

1977 appropriation	$860,000,000
1978 budget request	1,200,000,000
Amount in bill	1,200,000,000
Increase over budget	----------
Increase over 1977	340,000,000

This account provides for the payment of benefits to former Federal employees, including ex-servicemen and ex-Postal Service employees. It also provides for weekly benefit payments and allowances to workers totally or partially separated from employment due to foreign trade agreements. In addition this appropriation provides for payment of special unemployment assistance to unemployed individuals, not otherwise covered, who are affected by adverse economic conditions, as authorized by the Emergency Jobs and Unemployment Assistance Act of 1974.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

1977 appropriation	$1,501,800,000
1978 budget request	1,566,100,000
Amount in bill	1,582,600,000
Increase over budget	16,500,000
Increase over 1977	80,800,000

This account provides funds for the administration of State unemployment insurance programs which collect unemployment insurance taxes from employers and pay unemployment compensation to unemployed workers. This account also pays for the administration of payments to former Federal employees,

workers adversely affected by foreign trade agreements, and other unemployed individuals qualified under the special unemployment assistance program. In addition this account provides for the administration of the employment service system. This system provides labor market information, placement services, counseling and testing for jobseekers, assistance to employers in job modification, and the provision of other information on subjects such as manpower development, personnel practices, and training.

Of the total in the bill, $53,600,000 represents the appropriation and the remainder, $1,529,000,000, is to come from the unemployment trust fund.

The increase over the budget is designed to continue the current unemployment insurance staffing level.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

1977 appropriation	$5,000,000
1978 budget request	----------
Amount in bill	----------

The advances to the unemployment trust fund appropriation provides general revenue advances to several unemployment compensation accounts for the purpose of paying unemployment compensation to individuals. Repayable advances are made to the extended compensation account of the unemployment trust fund, to pay the Federal share of extended benefit programs, and to the Federal unemployment account of the unemployment trust fund to pay regular State unemployment insurance benefits. Nonrepayable advances are made to the Federal benefits and allowances account to pay unemployment benefits under Federal unemployment compensation laws.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

1977 appropriation	$50,754,000
1978 budget request	56,199,000
Amount in bill	55,961,000
Decrease from budget	238,000
Increase over 1977	5,207,000

The reduction from the budget request results from a denial of a study of the collective bargaining process and 5 of 64 new positions requested to enforce the pension law.

EMPLOYMENT STANDARDS ADMINISTRATION—SALARIES AND EXPENSES

1977 appropriation	$99,312,000
1978 budget request	109,545,000
Amount in bill	109,045,000
Decrease from budget	500,000
Increase over 1977	9,733,000

The reduction in the budget results from a cut of $500,000 in the requested $750,000 for pilot projects for joint Federal-State administration of similar labor standards.

Most of the increase over 1977 is of a mandatory nature, such as salary increases.

EMPLOYMENT STANDARDS ADMINISTRATION—SPECIAL BENEFITS

1977 appropriation	$336,949,000
1978 budget request	319,360,000
Amount in bill	319,360,000
Increase of budget	----------
Decrease under 1977	17,589,000

The bill includes the amount of the budget request. This category includes payments for Federal Employees' Compensation Act benefits, black lung benefits, and Longshoremen's and Harbor Workers' Compensation Act benefits.

The estimated decrease from 1977 will more than be made up by increases in reimbursements from Federal agencies.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

1977 appropriation	$130,333,000
1978 budget request	134,640,000
Amount in bill	136,640,000
Increase over budget	2,000,000
Increase over 1977	6,307,000

The increase over the budget will provide additional education and training of workers and employers.

The bill also retains language adopted last year restricting application of OSHA standards in cases of farmers and small businessmen.

BUREAU OF LABOR STATISTICS

1977 appropriation	$75,617,000
1978 budget request	84,366,000
Amount in bill	80,857,000
Decrease from budget	3,509,000
Increase over 1977	5,240,000

The reduction in the budget request results from the approval of only 22 of the 76 new positions requested. Those 22 positions along with $1 million are earmarked for the job vacancy survey initiated in 1977.

DEPARTMENTAL MANAGEMENT

1977 appropriation	$53,318,000
1978 budget request	63,094,000
Amount in bill	61,889,000
Decrease from budget	1,205,000
Increase over 1977	8,571,000

The reduction in the budget request results from the approval of only 43 of the 127 new positions requested.

Most of the increase over 1977 is due to mandatory items.

SPECIAL FOREIGN CURRENCY

1976 appropriation	$70,000
1977 budget request	70,000
Amount in bill	70,000

The committee recommends $70,000, the same as the 1977 allocations and the budget request. This program provides for payments in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States. While constituting no dollar outflow, this appropriation contributes toward international labor activities, such as overseas conferences.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

For the Department of Health, Education, and Welfare, the total figure is $54.5 billion, an increase of $3.7 billion over the current level and $1.45 billion over the budget. If you eliminate last year's double appropriation for vocational education to initiate advance funding, the bill is actually closer to $4.5 billion over the current level.

HEALTH SERVICES ADMINISTRATION

1977 appropriation	$1,089,391,000
1978 budget request	1,144,315,000
Amount in bill	1,187,571,000
Increase over budget	43,256,000
Increase over 1977	97,640,500

A breakdown of the programs under the Health Services Administration:

COMMUNITY HEALTH CENTERS

The bill contains $247,000,000, an increase of $17,852,000 over the budget and $31,852,000 over 1977.

The primary purpose of this program is to develop health service delivery capacity in medically underserved areas and to provide high quality health services in such areas. Also, these projects integrate a broad range of health and social services into a single organization predicated on total family health care.

The Federal Government is picking up about 69 percent of the costs of the centers. Twenty percent is covered by third party reimbursement and 11 percent by State and local sharing.

The Federal Government has been funding these centers for almost a decade now, and consideration should be given to reducing the increase, exerting greater efforts toward eliminating the least productive centers and increasing third party and local financing.

COMPREHENSIVE HEALTH GRANTS

The bill includes $90,000,000 for comprehensive health grants to States, an amount equal to the 1977 level and the budget request.

This program is a formula grant program to the States to assist them in meeting the costs of providing comprehensive public health services in accordance with priorities and goals established by the States.

This program has long been primarily an underwriting by the Federal Government of the overhead costs of State departments of health. It can thus be asked as to whether this is a high priority responsibility of the Federal Government.

MATERNAL AND CHILD HEALTH

A total of $345,424,000 is provided in the bill, an amount equal to the 1977 level and the budget request. The purpose of this program is to extend and improve services for promoting the health of mothers and children, reduce mortality and prevent morbidity primarily through formula grants to States, but also through research and training.

This program has been in existence for a very long time. It was enacted in response to the special needs of low-income children and mothers. While certain of the services provided are unique to this program, low-income individuals are eligible for many of the same services under medicaid. In recent years there has been a tremendous expansion, under medicaid, of early and periodic screening, diagnosis, and treatment services—EPSDT—for children. These types of activities have, in the past, been a major part of the maternal and child health—MCH—program. Under medicaid and title XX social services there has been increased emphasis on the provision of family planning services, again an activity included in the MCH program.

FAMILY PLANNING

The bill contains $123,615,000, an amount equal to the budget request and $10 million over 1977. The goal of this program is to provide a full range of high quality family planning services to people who want such services but for financial or other reasons do not have access to them.

Family planning services are supported by other programs besides the one under

this account, and when these are all added up, a total of $342 million in fiscal year 1978 will be allocated by HEW for family planning.

MIGRANT HEALTH

The bill provides $34,500,000, an increase of $4,500,000 over both the budget and 1977.

This program provides project grants to public and private organizations for the delivery of outpatient health care services to migrant and seasonal farmworker families. These clinics are scattered throughout the country in an attempt to respond to the migratory patterns of these agricultural workers.

Most of the increase over the budget would be used to target efforts on high impact migrant areas, with particular emphasis on child health care.

HEMOPHILIA PROGRAM

The sum of $3,000,000 is provided for this program, an amount equal to the 1976 level and the budget. The program involves project grants for demonstration treatment centers and blood separation centers.

HEALTH MAINTENANCE ORGANIZATIONS

The bill includes $21,000,000, an increase of $3,000,000 over both the budget and the 1976 level.

By means of project grants, contracts, and loans to public and private nonprofit agencies, this program promotes the development of prepaid comprehensive health care delivery systems. HMO's are thought to be one of the more effective ways of inhibiting rapid increases in medical costs and putting more emphasis on preventive health.

HYPERTENSION

The sum of $10,000,000 is included for this program, a $1,250,000 increase over 1977 and the budget.

The program involves formula grants to the States. It should also be noted that the National Heart and Lung Institute will spend in excess of $45,000,000 for hypertension research, education, and control programs.

MEDICAL CARE STANDARDS

The bill provides $5,665,000, equal to the budget request and $1,450,000 over 1977. This program is responsible for the professional health aspects in carrying out the quality assurance provisions of the medicare and medicaid programs.

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

The committee provides $72,234,000 for the PSRO's, the same amount as the budget request and $11,109,000 over the 1976 level. The purpose of the program is to assure that the service provided by the medicaid, medicare, and maternal and child health program conform to appropriate professional standards for the provision of health care and promote the efficient, and economical delivery of health care services of proper quality for which payment may be made.

PATIENT CARE AND SPECIAL HEALTH SERVICES

The bill contains $137,352,000, essentially for the continued operation of the Public Health Service hospitals. This represents an increase of $4,705,000 over 1977 and is equal to the Budget request.

Patient care activity provides funding for the eight Public Health Service hospitals, PHS outpatient clinics, the National Leprosarium, and several other activities. This program provides direct and contract health care to 500,000 beneficiaries who are primarily American seamen, personnel and dependents of the Coast Guard, and Public Health Commissioned Corps and Federal employees' compensation cases.

CENTER FOR DISEASE CONTROL

1977 appropriation	$191,773,000
1978 budget request	186,926,000
Amount in bill	209,426,000
Increase over budget	22,500,000
Increase over 1977	17,653,000

Among the individual programs, $27,000,000 is included for venereal disease, $22,000,000 for immunization, $13,000,000 for rat control and $8,500,000 for lead-based paint poisoning prevention. The bill contains $55,107,000 for disease surveillance and control, an increase of $1,007,000 over 1977 and $1,500,000 over the Budget.

The Center for Disease Control maintains surveillance over diseases of public health significance occurring in this country or presenting a threat of introduction, conducts clinical and epidemiological investigations of selected diseases, and carries out Federal responsibilities of controlling the spread of diseases and providing assistance to States and communities in the conduct of their public health programs.

The bill includes $17,490,000 to improve the capability and upgrade the quality of the more than 14,000 clinical laboratories. This represents an increase of $4,462,000 over the 1976 level.

The committee has again provided a substantial increase for occupational health—increasing the budget request by $7,000,000 to $56,177,000. This also represents an increase of $5,408,000 over 1976.

The National Institute for Occupational Safety and Health uses these funds to provide the basic Federal research effort to assure healthful and safe working conditions.

NATIONAL INSTITUTES OF HEALTH

1977 comparable appropriation	$2,544,014,000
1978 budget request	2,567,371,000
Amount in bill	2,742,402,000
Increase over budget	166,031,000
Increase over 1977	198,388,000

The basic goal of NIH is developing knowledge of the biological bases of health and disease and of safe and effective interventions to prevent, detect, diagnose, and treat disease. In particular, NIH has responsibility for five interdependent types of activities: expanding understanding of diseases through biomedical research in laboratories and clinics; developing application of research findings to solutions of health care problems and measures for the diagnoses and prevention of disease; testing and evaluating applications through mechanisms such as controlled clinical trials; facilitating the transfer of the results of NIH findings to individuals and organizations responsible for health care and prevention through a range of measures, including control and demonstration programs like those in the National Cancer Institute and the National Heart and Lung Institute; and developing the manpower, biotechnology, communications, data, and other support resources needed to maintain the above-listed activities.

There is little question about the vital need for health research, but there does appear to be room for tightening up within this overall allocation, thus enhancing the actual research effort. For instance, the average grant length is 3.2 years. When that period is up, upward of 80 percent of these recipients apply for renewal, and 90 percent of these renewals are approved. The tendency, in other words, is to keep funding the same people, and the question must be asked as to whether this condition is conducive to the introduction of new ideas and/or whether any special games of favoritism are being played.

Another concern is the high salaries accruing to researchers in many instances, which are being charged to the grants. For instance, in certain sample universities, the average salary for principal investigators 3 years ago was $54,000. Obviously, the higher the cost per grant, the fewer the number of grants that can be funded.

Then, finally, there is the problem of indirect costs. The indirect cost rate for NIH is now up to 37 percent of direct costs, which means that over $450 million of the funds ostensibly appropriated for health research are being siphoned off for nonresearch purposes. The National Advisory Neurological and Communicative Disorders and Stroke Council observes that full recovery of indirect costs result in the Government "supporting less research with more public dollars." A lower indirect cost rate would enable us to fund substantially increased research and still live within the budget perimeters.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

1977 appropriation	$950,085,000
1978 budget request	947,212,000
Amount in bill	1,001,776,000
Increase over budget	54,564,000
Increase over 1977	51,691,000

The basic mission of the Alcohol, Drug Abuse, and Mental Health Administration—ADAMHA—is to develop knowledge, manpower, treatment, and services, to assist the Nation in understanding and addressing the continuing phenomena of mental illness, the abuse of drugs, and the misuse of alcohol.

GENERAL MENTAL HEALTH

Funds included for general mental health support the programs and operations of the National Institute of Mental Health—NIMH. NIMH provides leadership, policies, and goals for the Federal effort in the promotion of mental health and the prevention and treatment of mental disorders. In carrrying out these responsibilities, NIMH: First, conducts and supports research on the biological, psychological, sociological, and epidemiological aspects of mental health and mental illness; second, supports the training of professional and paraprofessional personnel in the promotion of mental health and prevention and treatment of mental disorders; third, conducts and supports research on the development and improvement of

mental health services delivery, administration, and financing, and supports mental heath service programs and projects; fourth, collaborates with, and provides technical assistance to, State authorities and regional offices, and supports State and community efforts in planning health programs; fifth, collaborates with, provides assistance to, and encourages other Government agencies and institutions to promote mental health programs; and sixth, provides information on mental health and mental disorders to the public and to the scientific community.

The sum of $496,824,000 is included in the bill for the general mental health programs, an increase of $42,775,000 over the budget and $40,490,000 over the 1976 level. Included within this total is $116,908,000 for research and $86,600,000 for training, both equal to the 1976 levels, but $12,908,000 and $55,100,000 over the budget respectively.

The manpower training programs in this and other areas under ADAMHA were established many years ago to meet a pressing need, and that need has been substantially met on a nationwide basis.

The essential problem now is maldistribution, but you do not deal with that problem by continued funding of a general program. The fact is that many of those trained with Federal funds do not go into community mental health centers, State Hospitals, or other areas where the needs are most pressing. For example, 62 percent of the psychiatrists and 55 percent of the psychologists go into private practice or teaching. Any Federal assistance here should for the most part come from the regular student assistance programs, where these individuals would compete equally with everybody else.

Also included under mental health is $265,621,000 for community mental health centers, an increase of $32,775,000 over the budget and $33,297,000 over 1977. The amount in the bill would provide for the establishment of at least 35 new centers.

DRUG ABUSE

The Alcohol, Drug Abuse, and Mental Health Administration conducts a full range of drug abuse prevention activities through the Agency's National Institute on Drug Abuse—NIDA. In carrying out these responsibilities, NIDA: First, supports a wide range of research programs to gain new knowledge on the cause and effects of narcotic addiction and drug abuse, from fundamental research on the basic chemistry of abused substances to applied research and development activities having direct impact on treatment services; Second, supports training programs to insure the availability of qualified manpower in drug abuse treatment, prevention and research programs; Third, assists communities to maintain treatment programs for drug abusers, providing direct project grant and contract support for a fully utilized national treatment system; Fourth, demonstrates new and/or more effective methods for drug abuse treatment and prevention services; and Fifth, collects and disseminates scientific, technical, and programmatic information on drug abuse from Federal, State, and local prevention activites.

The total in the bill for drug abuse activities is $262,072,000, an increase of $1,386,000 over 1977 and equal to the budget.

ALCOHOLISM

The National Institute on Alcohol Abuse and Alcoholism, established by law in 1970, serves as the focal point for Federal activities in the area of alcoholism. The Institute has responsibility for formulating policies and carrying out a national program aimed at: First, accumulating and disseminating knowledge to increase the level of awareness regarding the risks and dangers associated with irresponsible drinking; and second, building the capacity of the States and communities to establish and sustain viable programs of alcoholism prevention, treatment, and rehabilitation. In support of these broad objectives, the NIAAA administers: a program of research on the biological, psychological, and social aspects of alcohol use and abuse; a program of training in alcoholism research, prevention, and treatment for a variety of persons, including professionals, paraprofessionals, and others who deal with present and potential alcohol offenders; a program of State and community support to stimulate organized service and prevention activities which meet specific local needs; and a program to disseminate a wide range of scientific and public information.

The total for alcoholism is $164,655,000, an increase of $10,589,000 over the budget and $3,301,000 over 1977.

ST. ELIZABETHS HOSPITAL

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. The committee provides the budget request of $68,746,000, an increase of $4,232,000 over 1977.

HEALTH RESOURCES ADMINISTRATION

1977 appropriation	$811,374,000
1978 budget request	588,211,000
Amount in bill	797,711,000
Increase over budget	209,500,000
Decrease from 1976	13,663,000

The mission of the Health Resources Administration is to identify and correct current and anticipated imbalances, inefficiencies, and deficiencies in the distribution, supply, equal access, utilization, and costs of the health care resources and services. This is done through measurement and analyses of current status and trends; definition, testing, and evaluation of ways to solve health resource problems; and promotion of innovative strategies, and development of those resources, such as health manpower, which will improve areas of imbalance and inefficiency.

The programs unauthorized, and thus unfunded, are the health professions institutional, student, and special educational assistance programs.

The decrease in funding from 1976 is more than accounted for by a reduction in funding for the health facilities construction program.

NATIONAL HEALTH STATISTICS

The National Center for Health Statistics gathers information about the health status of the American people and the resources which are available to deliver this health care. In addition, the national center continues a moderate expansion in the number of developmental and implementation contracts associated with the cooperative health statistics system. Emphasis is placed on building each State's capacity to collect and process data on health manpower, facilities, utilization of services, health status of the population, and vital events so that comparable statistics are produced on an economical and timely basis for use at Federal, State, and local levels. This system is also capable of meeting the data needs of such new Federal health programs affecting local areas as professional standards review organizations and the new health systems agencies.

The bill provides $35,278,000, an increase of $500,000 over the budget and $5,929,000 over 1977.

HEALTH PLANNING

The Health Planning and Resources Development Act of 1974 authorizes a federally financed nationwide health planning structure consisting of: 213 health systems agencies—HSA's; 56 State health planning and development agencies; 56 State health coordinating councils—SHCC.

These organizations are responsible for: First, developing areawide and statewide health plans; second, coordinating health resources development; third, reducing duplication and underutilization of services and facilities; fourth, addressing problems of medical maldistribution; and fifth, improving access to health care.

The bill contains $140,000,000 for health planning, an increase of $15,000,000 over the budget and $10,000,000 over the 1977 level.

HEALTH SERVICES RESEARCH

The National Center for Health Services Research is authorized under the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (Public Law 93-353). The Center has identified a number of research areas where answers are needed on how more equitably and effectively to finance and manage the Nation's health care system. Specifically, these include the development of new approaches to increase productivity, equal access, and reduce costs, improving the technology for planning and regulation, greater emphasis on the labor market behavior of nonprofessional manpower, and integrating chronic illness and long-term health care more effectively and efficiently into the rest of the health delivery system.

The bill provides $33,542,000, an increase of $3,100,000 over the budget and $3,408,000 over 1977.

HEALTH MANPOWER

The bill includes $144,000,000 for health professions capitation grants, and a total of $71,500,000 for health professions student assistance. Another $116,600,000 is included for health professions special education assistance.

The bill includes $119,500,000 for nursing assistance, $4,500,000 under the 1977 level, but $95,500,000 over the budget.

The institutional assistance activity

provides financial assistance to nursing educational institutions or other entities to improve the quality of nursing education and to prepare the numbers and types of nurses needed to provide nursing care for the health delivery system.

The nursing student loan and scholarship programs provide financial aid to needy students, particularly those from disadvantaged and minority groups. The traineeships program assists registered nurses to obtain the necessary knowledge and skill to become academically prepared for positions as teachers, administrators, supervisors, and clinical specialists. These grants cover costs of tuition, stipends, and dependency allowances. The loan repayment program provides for the repayment of outstanding educational loans for students who agree to practice in a shortage area and for those who are financially disadvantaged.

The budget proposes a phasing out of these programs because, in the words of the American Nurses Association itself, "the supply of nurses appears to be approaching demand." The problem is again one of maldistribution rather than an overall shortage. Regular student assistance programs are available in ever increasing amounts to those interested in pursuing a career in nursing.

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

This appropriation provides support for the administrative staff required to administer the PHS health programs in the regional offices, staff for the Assistant Secretary for Health, staff for the coordination of the overall national efforts to assure the quality of the development of health care standards and resources necessary for the continuation of the national physical fitness and sports program. Also included in this category is the retirement pay and medical benefits for commissioned officers program and the scientific activities overseas program.

A total of $91,513,000 is included in the bill, an amount equal to the budget and $14,484,000 over 1977.

EDUCATION

1977 appropriation	$9,566,231,000
1978 budget request	9,133,775,000
Amount in the bill	10,232,122,000
Increase over budget	1,098,347,000
Increase over 1977	665,891,000

A breakdown of the various education programs follows:

ELEMENTARY AND SECONDARY EDUCATION

1977 appropriation	$2,731,717,000
1978 budget request	3,072,550,000
Amount in bill	3,173,550,000
Increase over budget	101,000,000
Increase over 1977	441,833,000

TITLE I (GRANTS FOR THE DISADVANTAGED)

Grants are made to local educational agencies to help them improve their educational programs in order to meet the special educational needs of educationally deprived children. In addition, grants are made to State education agencies for handicapped children, dependent and neglected children and orphans and delinquents in State institutions and for children of migratory workers. The program is advance funded and funds appropriated in 1978 will support the program during the 1978–79 school year.

President Carter proposed a $350 million increase as basically a tradeoff against his recommended cuts in the impact aid program. The bill, however, not only rejects those cuts, but goes a step further and adds $450 million for title I. Viewing the title I program on its merits, there is questionable justification for even a $350 million increase. For instance, a recent study for NIE shows that each title I dollar actually increases education expenditures by only 67 cents, because States and localities reduce their own expenditures by 35 cents per each title I dollar received. In addition, only 73 percent of the title I funds is spent on instructional services. The remainder goes for such things as medical and dental services, nutrition, counseling, clothing, transportation, social work, and so forth.

There still is very little evidence that title I is improving the education of disadvantaged children for the Nation as a whole. HEW continually cites one recent study that shows some reading gain during the school year, but not necessarily on a lasting basis. There have been other studies showing no gain. The evidence, in other words, is still out. Most importantly, the way title I is operating, it is not a very cost effective program. The budget projects an average cost of $417 per child. Yet, it was brought out in subcommittee hearings that two projects or approaches which the Office of Education classifies as exemplary because they have been successful cost only $75 and $150 per pupil, respectively. If these approaches were used nationwide, it would be possible to both substantially increase the number of disadvantaged pupils served and reduce the overall cost. For instance, the budget request would serve about 5.4 million children out of about 8 million who are eligible. If the cost per child were to average $150 nationwide, we could serve all 8 million children and still reduce the budget request by a billion dollars.

The point is, that instead of simply adding more and more dollars, there ought to be greater concentration on trying to make the program work more effectively and efficiently.

SUPPORT AND INNOVATION GRANTS

This program represents the consolidation of Federal categorical efforts in the areas of strengthening State departments of education, dropout prevention, supplementary educational services, and nutrition and health. It allows State and local education agencies more flexibility to tailor new educational approaches to their own needs and circumstances. The program is advance funded and grants are provided to States on a formula basis.

The bill contains $194 million, equal to both the budget and 1977 levels.

BILINGUAL EDUCATION

In order to provide equal educational opportunities for children of limited English-speaking ability, this program encourages the establishment and operation of educational programs at the elementary and secondary levels which employ bilingual education practices, techniques, and methods. The program is forward funded, and grants are awarded on the basis of national competition.

The bill provides $135 million, an amount equal to the budget request and $20 million over the 1977 level.

The Supreme Court called for the provision of bilingual education services, but this responsibility was placed on the States, not the Federal Government. The Federal Government should assist the States in developing and setting up programs, but should not expand itself into the overall financing of these programs. It should also be noted that the Federal Government is providing bilingual assistance in 15 other programs for a total commitment, including this item, of more than $170 million.

It should also be noted that HEW has just completed an evaluation of this program which is quite critical in nature, and found among other things that this special education has not helped to improve reading or vocabulary skills and that less than one-third of the students enrolled in federally financed bilingual classrooms were of limited English speaking ability. We thus ought to retain funding at the current level, at least until the authorizing committees have had a chance to review the program, rather than provide the $20 million increase contained in this bill.

RIGHT TO READ

The purpose of this program is to stimulate educational institutions, governmental agencies, and private organizations to improve and expand their activities related to reading. Discretionary grants and contracts are awarded to State and local education agencies, institutions of higher education, and other public and private nonprofit agencies.

The bill contains $27 million, an increase of $1,000,000 over both the budget and 1977 levels. Six million dollars is earmarked for the reading is fundamental program, which involves the distribution of inexpensive books.

FOLLOW THROUGH

This is an experimental compensatory education program designed to develop and test various models for educating disadvantaged children in the early primary grades. The goal of the new educational models is to equip these children with the skills and concepts upon which later learning is dependent. Financial assistance, not to exceed 80 percent, is awarded to local educational agencies and other public and nonprofit organizations for the purpose of developing, testing, and evaluating educational models.

The bill contains $59 million, equal to 1977 and 1978 budget levels.

This was designed as an experimental program to develop models for educating disadvantaged children in the early primary grades. It is now nearly 10 years old, and the results of a national, longitudinal study showing which models are effective will be available this year. The program has, in other words, completed its mission, and now is clearly the time to begin phasing it out.

DRUG ABUSE EDUCATION

In order to foster drug and alcohol abuse education demonstration projects

in schools and communities, their validation and dissemination throughout the country, and leadership training for school and community personnel and parents, grants and contracts are awarded to public and private educational and community agencies. The funds are awarded on a forward funded basis at the Commissioner's discretion and priority is given to programs and projects in schools.

The bill contains $2,000,000, equal to 1977 and the budget. This program has successfully carried out its role of demonstrating new approaches in the area of drug abuse education, and continued funding is thus no longer justified.

ENVIRONMENTAL EDUCATION

The goal of this program is to assist in the development of basic resource materials and effective teaching approaches for environmental education. The development of these materials and approaches will enable citizens, particularly educators, to be environmentally aware and will stimulate States, local educational agencies, and others to support environmental education.

The 1977 level of $3,500,000 is included in the bill, an amount equal to the budget. This is another one of those temporary demonstration programs which has completed its mission.

ELLENDER FELLOWSHIPS

To assist the Close Up Foundation of Washington, D.C., in carrying out its program of increasing the understanding of the Federal Government among secondary school students, teachers, and the communities they represent, an annual appropriation of up to $500,000 is authorized.

Funds are awarded to the Foundation which then awards fellowships to secondary students and their teachers. These students and teachers spend 1 week in Washington meeting with leaders from the three branches of Government.

The bill includes $750,000, equal to 1977 and the budget. This is a very low priority program which should not be funded.

ETHNIC HERITAGE STUDIES

This program awards grants and * * * for curriculum materials development, dissemination, training, and community activities related to ethnic heritage studies. Awards can be made to public and private nonprofit educational agencies, institutions, and organizations. The program is conducted with the assistance of a 15-member National Advisory Council that provides guidance concerning general policies and priorities for the program.

The bill contains the 1977 and the budget level of $2,300,000, an amount unjustified because funds provided under other educational authorities may be used for programs related to ethnic studies.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

1977 appropriation	$793,000,000
1978 budget request	395,000,000
Amount in bill	800,000,000
Increase over budget	405,000,000
Increase over 1976	7,000,000

The objective of the maintenance and operations activities of the Impact Aid program is to help compensate school districts for the cost of educating children where enrollment and the availability of revenues from local resources have theoretically been adversely affected by Federal activities.

The amount in the bill would fully fund tiers I and II of categories A and B. In an effort to enhance the understanding of this program and the categories and tiers described above, a descriptive chart follows.

The budget request was based on revising the impact aid law by eliminating payments for category B and low-rent public housing. There are a variety of opinions on all sides about the validity of funding for category B—parents who work in, but do not reside on, Federal facilities—but there is very little justification for the funds relating to public housing. Direct funding for public housing pupils is up to $73 million and rising. Most of this overlaps ESEA title I funding, but this item is another one of those tied into a triggering device that most Members apparently feel ties our hands as far as appropriations are concerned.

IMPACT AID PROGRAM

Categories	Payment levels (percent of entitlement, cumulative) Tier I	Tier II	Tier III
"a" children (those children whose parents reside on and work on Federal property)	25	88–100	100
"b" children (those children whose parents either work or reside on Federal property, but not both)	25	53–60	100
"c" children (those children whose parents reside in federally subsidized public housing)	25		100

Tiers—payment levels. According to the authorization statutes, all categories are to be funded under Tier I before any can be funded under Tier II. A and B categories also are to be *fully* funded under Tier II or else none of them can receive funding under that Tier. Category C is not funded under Tier II.

Entitlement—the maximum authorized amount a school district may receive, and which is based on average per pupil expenditures in generally comparable school districts in the same State.

EMERGENCY SCHOOL AID

1977 appropriation	$292,200,000
1978 budget request	294,700,000
Amount in bill	294,700,000
Increase over budget	
Increase over 1977	2,500,000

Under this appropriation support is provided to local education agencies and nonprofit organizations to assist in meeting problems incident to desegregation. The budget and the bill provide for a program of Federal desegregation assistance by increasing the resources available to local education agencies undergoing new desegregation which require immediate assistance.

EDUCATION FOR THE HANDICAPPED

1977 appropriation	$469,360,000
1978 budget request	519,925,000
Amount in bill	619,925,000
Increase over budget	100,000,000
Increase over 1977	150,565,000

Public Law 94–142 (S. 6), enacted on November 29, 1975, completely revised the State grant program for education of handicapped children. Beginning with the advance funding included in the 1977 budget for school year 1977–78, the formula for determining State grants is computed by multiplying the number of handicapped children aged 3–21 in the State by a rising percentage—5 percent in 1978, 40 percent by 1982—of the average national per pupil expenditure. The fiscal year 1978 (school year 1977–78) authorization is $387 million, increasing to $3.2 billion in fiscal year 1982. The law sets forth additional Federal requirements for State and local programs designed to insure, among other things, that all handicapped children will receive an appropriate free public education by September 1978.

The bill provides $620 million for this program, an increase of $100 million over the budget. When coupled with the $200 million allocated for education of the handicapped under other programs, this results in a total for this purpose of $820 million.

All of the increase falls in the State grant program, where $465 million is provided. Last year, we provided a substantial 55 percent increase for the State grant program, and now HEW tells us that the States will not be spending $70 million of those funds. Language is thus included in this bill allowing these funds to be spent along with the funds appropriated in this bill for school year 1978–79. This means that a total of $535 million will be available, well over twice the $245 million from last year's appropriation to be spent starting this fall.

I have to again question the size of the increase. I think the budget level was far more realistic, and would still have provided an 80-percent increase. We should also ask ourselves as to whether we intend to go along with the suggested levels of Federal support provided for in the authorizing legislation, which would increase in increments from the present 5 percent of the average per pupil expenditure to 40 percent by fiscal year 1982. The amount in this bill in effect represents acceptance of the second stage 10-percent Federal support level. If we are stating by this bill that we are going along with these percentage increases, we will be facing an expenditure in excess of $3 billion a year by 1982. I certainly hope we are not contemplating expenditures of that magnitude.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

1977 comparable appropriation	$702,662,000
1978 budget request	667,412,000
Amount in bill	725,750,000
Increase over 1978	58,338,000
Increase over 1977	23,088,000

Federal vocational education funding assists the States in providing vocational educational services—the States provide the bulk of the resources. Funding is provided through the basic State grant program and several categorical activities.

For adult education, the bill provides $90,000,000, an increase of $10,250,000 over the budget and equal to 1977. This program is forward funded.

Its purpose is to eliminate functional illiteracy among the Nation's adults 16 years of age and older to enable them to become employable, productive and responsible citizens. The law requires that not more than 20 percent of the funds appropriated be made available for high school equivalency programs. The institutionalized adult population is to be served and special assistance is to be given to the needs of persons with limited English speaking ability.

HIGHER EDUCATION

1977 comparable appropriation	$3,214,338,000
1978 budget request	3,288,509,000
Amount in bill	3,738,003,000
Increase over budget	449,494,000
Increase over 1977	523,665,000

The bill contains $725.7 million for vocational education, an increase of $58 million over the budget.

Under higher education, a total of $3.4 billion is included for student assistance, a net increase of $630 million over the current level and $375 million over the budget. This represents a 23 percent increase despite the absence of any increase in student enrollment and in the face of a college scholarship service survey that costs are rising at only a 4 percent annual rate. There has got to be some point where we call a halt to these substantial yearly increases. There would be a basis for increases when enrollment is on the rise or where there are significant cost increases, but when neither occurs, why do we continue in the same direction, totally oblivious to the changing picture? It does not make sense.

This bill provides increases over last year's level in every single student aid category. The largest is $396 million for basic opportunity grants, which in reality is actually a $627 million increase because part of the 1977 allocation was used to meet the previous year's shortfall. The total for basic grants of $2.3 billion was the administration's estimate of the amount needed to fund the program at a $1,600 maximum grant per student level. New estimates, however, have reduced the amount needed by $231 million, but this bill still retains the higher level, with the apparent intent of funding the program at an $1,800 ceiling. The administration's recommendation of a more gradual increase makes sense.

President Carter wanted to discontinue new capital contributions for the direct loan program, because of the existence of a substantial revolving fund, but this recommendation was ignored and the bill funds the program at last year's level of $310.5 million. This actually represents a $24 million increase, because of an increase in the revolving fund by that amount. It should also be noted that there are $150 million in outstanding uncollected loans. A better job of collecting on the part of the schools would result in even more funds being available.

In other student assistance programs, $270 million is included for supplemental opportunity grants, $420 million for work-study, and $63.7 million for State scholarship incentive grants; $125 million is in the bill for the so-called TRIO programs—upward bound, talent search, and special services—an increase of $40 million over the current level and $54.7 million over the budget. I really do not see how we can justify a 47 percent increase over the current program level, particularly in the face of mixed reviews from the various evaluations of the program that have been undertaken. For instance, in the special services program no clear evidence was found showing that the services offered were related to college success. For upward bound, there has been an increase in the percentage entering college, but the net cost per upward bound enrollee is a substantial $7,400. If any increase is to be provided for the TRIO, certainly a more gradual one would seem to be in order.

The various institutional assistance programs would receive a total of $213,750,000. Several of these programs are low priority items that have essentially accomplished their purpose and in my opinion would not need the additional funding we are giving them in this particular bill. These include aid to land-grant colleges, which has been going on at a fairly consistent figure now for about the last 40 years, university community services, and State postsecondary commissions.

The veterans' cost of instruction program is another one. It was brought out in our hearings that the veterans' representative program of the VA is now present on all the campuses around the country while the cost of instruction program is on about 1,000 campuses. So there is an overlapping of personnel in 1,000 schools. Additionally, there is an overlapping of functions, with both programs providing informational and counseling assistance as well as some tutorial help. With a reduction in the size of the Armed Forces and thus a lesser number leaving the armed services, it seems to me we could eliminate this overlapping and save some money without reducing significantly the actual services received by these students.

This aid does not go to the veteran. It goes to the institution, and but only if the institution increases the enrollment of veterans 10 percent over that what it was last year or has a basic veteran complement of 10 percent, something which they ought to be doing anyway. Frankly, if more Members were aware that it is not aid to a veteran, the Members would be more inclined to knock out the program rather than automatically supporting it simply because the title has the name "veteran" in it. Who wants to be against veterans these days? Nobody. But the moniker has no relationship to where the aid actually goes, and it goes to the institution rather than to the individual.

LIBRARY RESOURCES

1977 appropriation	$238,042,000
1978 budget request	235,542,000
Amount in bill	246,712,000
Increase over budget	13,170,000
Increase over 1977	8,670,000

The committee provides $60,237,000 equal to 1977 and the budget request for public libraries, to promote the extension and improvement of public library services in areas without such services or with inadequate services, to improve State library services for the physically handicapped and institutionalized, to improve public library services for disadvantaged persons; strengthen State library administrative agencies; and to strengthen metropolitan libraries which serve as regional resource centers.

For school libraries and instructional resources, the bill provides $160,000,000, a $5,670,000 increase over both the Budget and 1977 levels. The Education Amendments of 1974 consolidated school library resources, equipment and minor remodeling, and the guidance, counseling, and testing portion of the supplementary services program into this single program which provides grants to States for school library and instructional resources. The program is advance funded. Included is $3,000,000 for guidance, counseling, and testing.

SPECIAL PROJECTS AND TRAINING

1977 comparable appropriation	$92,911,000
1978 budget request	98,908,000
Amount in bill	96,543,000
Decrease from budget	2,365,000
Increase over 1977	3,632,000

This account contains both the Special Projects Act programs and the educational personnel training programs.

The Special Projects Act was enacted in 1974 as a replacement for the former Cooperative Research Act. It authorizes several legislatively mandated programs, such as metric education, community schools, career education, women's educational equity, et cetera. In addition, it provides authority for programs, established at the Commissioner's discretion, which antedate the new act. These programs include the packaging and field testing activity, which disseminates the results of OE demonstrations, and educational TV programing, such as "Sesame Street" and the "Electric Company."

The legislatively mandated programs are of a low priority in terms of overall educational funding needs.

The bill includes $10,000,000 for packaging and field testing to continue substantial Federal funding for the national diffusion network.

ASSISTANT SECRETARY FOR EDUCATION

1977 comparable appropriation	$33,682,000
1978 budget request	40,599,000
Amount in bill	37,379,000
Decrease from budget	3,220,000
Increase over 1977	3,697,000

The Office of the Assistant Secretary for Education is responsible for both the direction and supervision of the Education Division and also for coordination and general supervision of educational activities performed elsewhere in the Department.

This appropriation provides funds for administrative expenses associated with the development and communication of education policy and for the administration of two operational programs housed in the office: The fund for the Improvement of Postsecondary Education and the National Center for Education Sta-

tistics. In addition, this activity provides for continued contractual support of policy analysis activities relevant to the Office's role of developing educational policy.

SOCIAL AND REHABILITATION SERVICE-PUBLIC ASSISTANCE

1977 appropriation	$19,266,047,000
1978 budget request	20,963,800,000
Amount in bill	20,600,350,000
Decrease from budget	363,450,000
Increase over 1977	1,334,303,000

Grants to States for public assistance are made for the Federal share of State expenditures for maintenance assistance, medical assistance, social services, State and local training, and child welfare services. In addition, assistance is provided for repatriated U.S. nationals.

The sum of $6,605,000,000 is provided for AFDC, an increase of $279,370,000 over the current level. The $11,816,000,000 included for medicaid represents an increase of $1,235,000,000 over the current level; $2,401,300,000 is included for the title 20 social services program.

The bill provides $56,500,000, equal to the budget and 1977 levels, for child welfare services. This program, authorized under title IV, part B of the Social Security Act, provides each State with a uniform grant of $70,000 and an additional grant which varies with child population under 21 and inversely with average per capita income. The purpose of this program is to provide funds to States to establish, extend, and strengthen the delivery of child welfare services.

The bill also restores the 1976 level of $8,150,000 for training projects, which the budget proposed to discontinue. Social service training grants are authorized under section 426 of the Social Security Act. Training grants, including teaching grants, traineeship grants for student support, and short-term training grants are made to public and nonprofit institutions of higher learning. This program concentrates on training personnel in the field of child welfare services.

The need, however, for such a specially focused program to stimulate the production of child welfare service workers is long since past. Since the inception of this program other sources of Federal assistance for this type of training have been created. These include the guaranteed student loan and basic opportunity grant programs administered by the Office of Education. In addition, many professionals in the social service field believe that the problem is not a need for an increased supply of child welfare service workers, but rather one of improving the skills of those workers now delivering services. For that purpose the States have available $80 million in Federal funds in the State and local training program.

Work incentives

1977 appropriation	$370,000,000
1978 budget request	365,000,000
Amount in bill	365,000,000
Increase over budget	
Decrease from 1977	5,000,000

The work incentive program is designed to encourage and assist recipients of aid to families with dependent children—AFDC—to achieve self-support through a program of training, work experience, employment, child care, and other supportive services. Funds are appropriated directly to the Department of Health, Education, and Welfare, which provides WIN participants with supportive services including child care, family planning, counseling and vocational rehabilitation services, and medical, remedial and health-related care services, to enable them to accept work and training.

In addition, the Department of Health, Education, and Welfare transfers to the Department of Labor sufficient funds to carry out the training and incentives portion of the WIN program in 54 States/jurisdictions including over 300 local projects. The manpower agencies provide for the registration of individuals, program orientation, testing, counseling—including the development of an employability plan for each WIN participant—job referral services, job development, direct job placement, and follow-up of all employed participants. The manpower agencies also negotiate subcontracts with local employers and education and training facilities, who provide on-the-job training, subsidized public service employment, work experience and institutional training. Funds for overall program development, evaluation, research and administration are retained at the national office level.

SOCIAL SECURITY ADMINISTRATION—PAYMENT TO SOCIAL SECURITY TRUST FUNDS

1977 comparable appropriation	$6,713,902,000
1978 budget request	7,955,144,000
Amount in bill	7,955,144,000
Increase over budget	
Increase over 1977	1,241,242,000

This appropriation request covers four Federal fund payments to the social security trust funds. Three of the four payments are to put the trust funds in the same financial position they would have been had they not borne the cost of benefits chargeable to Federal funds. The fourth payment effectuates Federal fund matching of premiums paid by or for aged and disabled individuals enrolled in the voluntary supplementary medical insurance program—medicare.

Most of the sharp increase over 1977 is due to increased costs for health costs, such as higher physicians' fees, hospital charges, et cetera, and increased utilization of health services.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

1977 appropriation	$961,965,000
1978 budget request	967,623,000
Amount in bill	967,623,000
Increase over budget	
Increase over 1977	5,658,000

Funds the committee provides are used to provide monthly benefits to coal miners who are totally disabled due to black lung disease, to the widows of miners whose deaths were due to this disease, to dependents, to orphaned children of miners, and to certain dependent parents, brothers, and sisters of miners.

The Social Security Administration is responsible for the processing and payment of claims for miners' benefits through June 30, 1973, and for survivors' claims through December 31, 1973. SSA now takes applications for the Department of Labor on a reimbursable basis.

The Social Security Administration will continue to pay benefits and maintain the beneficiary roll for the lifetime of all persons who filed during its jurisdiction.

SOCIAL SECURITY INCOME (SSI)

1977 comparable appropriation	$5,895,122,000
1978 budget request	5,750,000,000
Amount in bill	5,750,000,000
Increase over budget	
Decrease from 1977	145,122,000

This appropriation provides for the Federal supplemental security income program for the aged, blind, and disabled. This appropriation covers: First, the Federal benefit payments to aged, blind, and disabled recipients; second, the amount of Federal hold harmless payments; third, the cost of vocational rehabilitation services provided by State agencies to blind and disabled SSI beneficiaries; fourth, payments to the social security trust funds for the administration of the program; and fifth, Federal fiscal liability settlement costs.

The SSI program was effective on January 1, 1974, and replaced State and locally administered programs of aid to the aged, blind, and disabled, formerly financed in part by Federal grants from the Social and Rehabilitation Service.

In addition to the basic Federal benefit, States are required to maintain the December 1973 income level of all recipients who received assistance payments for December 1973 under State programs through mandatory State supplementation payments. Also, those States wishing to pay an aged, blind, or disabled person additional amounts, may make optional State supplementation payments. If a State chooses Federal administration of its supplementation payments programs, the Federal Government pays all associated administrative costs. In addition, under the hold harmless provision for those States choosing Federal administration of their supplements, the Federal Government makes contributions toward State supplementation—hold harmless payments. This insures that States do not incur costs in excess of those incurred in 1972 for assistance payments to the aged, blind, and disabled, unless the State chooses to do so through optional supplementation.

The law requires that blind or disabled persons who receive SSI payments be referred to State agencies for vocational rehabilitation services. Payments for providing these services are made to the States from Federal funds through the Rehabilitation Services Administration. In addition, any disabled SSI recipients who are also drug addicts or alcoholics are subject to having their treatment monitored. The cost of monitoring treatment is included in the appropriation request.

The law also allows the use of the trust funds for financing administrative costs in the SSI program with reimbursement

from this appropriation including any interest lost to the trust fund.

In addition, the appropriation is used to cover Federal fiscal liability settlements with States due to Federal errors in federally administered State supplementation payments.

SPECIAL INSTITUTIONS

1977 appropriation	$15,578,000
1978 budget request	163,222,000
Amount in bill	163,222,000
Increase over budget	
Increase over 1977	17,644,000

The bill provides the same amount as requested for the American Printing House for the Blind, $3,498,000; the National Technical Institute for the Deaf, $14,630,000; Gallaudet College, $45,976,000; and Howard University, $99,118,000.

The American Printing House for the Blind, located in Louisville, Ky., prepares and disseminates educational materials and aids to elementary and high school age blind students. Nearly 29,000 students benefit from these services at a per capita rate of $93.

The National Technical Institute for the Deaf, located on the Rochester Institute of Technology campus in New York, provides postsecondary technical education to deaf students in order to prepare them for successful employment. This is the only institution of its kind in the United States.

Gallaudet College, located in Washington, D.C., provides undergraduate and graduate liberal arts academic education to deaf students. It also administers on its campus two national demonstration schools for elementary and high school age deaf students.

Howard University, with an enrollment of 9,000 full- and part-time students, located in Washington, D.C., offers a comprehensive undergraduate and graduate academic program, including professional training.

The Howard University Hospital provides a full range of inpatient and outpatient medical care serving the Greater Washington area.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

1977 comparable appropriation	$1,907,597,000
1978 budget request	1,950,178,000
Amount in bill	2,155,978,050
Increase over budget	205,800,050
Increase over 1977	248,381,050

The Office of Human Development provides services to special populations including children, youth, older Americans, the physically and mentally handicapped, the developmental disabled, and Native Americans.

HEADSTART

Headstart is a preschool program which serves primarily poor children. Ten percent of the enrollment is nonpoor, and another 10 percent is handicapped. The Federal Government pays 80 percent of the cost of these project grants.

The bill provides $595,000,000 an increase of $110,000,00 over the budget and $20,000,000 over the 1977 level.

This higher funding level represents a 25 percent increase in 1 year's time. This is a good program, but an increase of this magnitude is simply out of line with reason and commonsense.

CHILD DEVELOPMENT RESEARCH

This program provides support for research project grants principally in the areas of child welfare, child development and day care. The Federal Government pays 95 percent of the costs of these grants.

The bill contains $14,700,000 equal to 1977, but $2,000,000 under the budget.

CHILD ABUSE

The bill provides the same amount as requested and appropriated in 1977 for child abuse prevention—$18,928,00.

YOUTH DEVELOPMENT

The bill provides the 1977 level of $9,000,000 to the youth development program, which is equal to the budget.

These programs to assist runaways are designed to create safe and secure environments conducive to addressing the crisis situations which precipitate the act of running away.

AGING PROGRAMS

The purpose of special programs for the aging is to develop and strengthen at the substate level systems of coordinated and comprehensive services for older persons enabling them to secure and maintain maximum independence and dignity in a home environment of older persons capable of self care with appropriate supportive services and to remove individual and social barriers to economic and personal independence.

A total of $506,750,000 is included in the bill for these programs, compared with the 1977 appropriation of $404,300,000 and the budget request of $423,450,000.

Among the various subcategories is the community services program, for which $186,000,000 is included, an increase of $32,300,000 over 1977 and $35,000,000 over the budget.

Community services programs include: First, formula grants to States to provide administrative support for State Agencies on Aging; second, formula grants to States to support area agencies on aging which pay 90 percent of the cost of a variety of social services for the elderly within the geographic areas served by the area agencies; and third, project grants for model projects which show innovative ways to provide services to the elderly.

A part of the committee increase for community services is for the model project program. This program, originally authorized to show new and innovative ways to provide services to the elderly, has now existed for several years. The demonstration phase on the title III community services program is now over. The States and HEW have already learned what they need know to provide these services. In fact, the States have the authority to provide all of the services offered by the model projects program within their area agency program. Thus, the increase proposed for model projects by the committee is superfluous.

The nutrition program for the elderly provides formula grants to States which operate projects serving meals to persons over 60. Most meals are served in congregate settings while about 12 percent are delivered to the residences of homebound persons. There is no means test for eligibility, although priority, is placed on low income and minority persons. Since the program started in fiscal year 1974, the program has been forward funded to some degree at the Federal level; that is, funds appropriated in 1 year were obligated by HEW late in the year for use by the States and local projects in the succeeding fiscal year.

The committee proposes that allotments to the States for nutrition be increased $250,000,000 in fiscal year 1978. This is an increase of $46,475,000, or 23 percent, over the current level year 1977.

A total of $28,300,000 is included for aging research, an increase of $3,300,000 over 1977 and $1,800,000 over the budget.

There is a limit to the amount of research and demonstrations needed to provide the necessary services. At some point, we ought to cut back the increases in this regard, and concentrate more on services. Additionally, it should be noted that training funds are being provided here to train "advocacy" lawyers, who seem to end up bringing suits against the very government which sponsored their training.

For multipurpose senior citizens centers, a total of $40,000,000 is included, a $20,000,000 increase over both the budget and 1977. Funds for such centers are also available under the HUD community development program, and are, in fact, being spent for this purpose. Consequently, there is little justification for such an increase of expenditures here.

VOCATIONAL REHABILITATION

Vocational rehabilitation—VR—programs provide vocational services to physically and mentally handicapped persons to enable them to achieve gainful employment. These services are provided through a variety of formula grant and project grant programs. The largest program is the basic State formula grant program for which the committee has provided $760 million in 1977. There are also a number of support programs such as VR research, $30 million; VR training, $30 million; innovation and expansion grants, $18 million; and training and facilities grants, $7 million.

The bill provides a total of $868,200,050, an increase of $16,500,050 over the budget request and $23,741,050 over the 1977 level, for these activities. Many of the support programs duplicate what the States are already authorized to do with their basic State grant. For example, the innovation and expansion grant program, whose purpose has been to show the States new ways to provide VR services, no longer offers anything that cannot be done under the basic State grant program. The States have already learned new ways to provide such serv-

ices from the several years this program has been funded.

Similarly, the training services and facility improvement grants program and the special projects programs duplicate what the States can already do with their basic State grant. If the committee wishes to increase the amount of the basic grant to the State, it should recognize that that increase—and any part of the basic State grant—can be used to carry on the several VR support programs for which the committee has increased the budget.

The long-term training grant program provides assistance that, in most cases, can already be provided by the general student assistance programs in the Office of Education.

DEVELOPMENT DISABILITIES

A total of $59,125,000 is included for these State grant and special project programs, an increase of $1.2 million over the budget and $15 million over 1977.

These programs are designed to assist in providing services needed in the case and treatment of the developmentally disabled. Developmental disabilities are disabilities such as mental retardation, cerebral palsy, epilepsy, acitism, dyslexia, and other neurological conditions, which continue indefinitely and constitute a substantial handicap to the affected individual.

NATIVE AMERICANS

The bill provides $33,000,000 for special programs for Native Americans the same as 1976 and the budget. The Native American program develops innovative approaches for dealing with the special needs of American Indians, Alaskan Natives, and Native Hawaiians and provides technical and financial assistance to enable them to move toward economic and social self-sufficiency.

OFFICE FOR CIVIL RIGHTS

1977 appropriation	$28,851,000
1978 budget request	35,547,000
Amount in bill	33,307,000
Increase over 1977	4,456,000
Decrease from Budget	2,240,000

The Office for Civil Rights is responsible for the enforcement of title VI of the Civil Rights Act of 1964, Executive Order 11246, as amended, title VII and IX of the Education Amendments of 1972, the antisex discrimination provisions of the Comprehensive Health Manpower and Nurse Training Acts of 1971 and section 504 of the Rehabilitation Act of 1973.

Title VI prohibits discrimination with regard to race, color, or national origin in programs and activities receiving Federal financial assistance. The Executive orders on equal employment opportunity prohibit discrimination with regard to race, religion, color, sex, or national origin by employers holding Federal contracts. Title IX prohibits sex discrimination in educational programs or activities receiving Federal financial assistance as do the Comprehensive Health Manpower and Nurse Training Acts with regard to medical and nursing schools. Title VII (the Emergency School Aid Act) also requires compliance monitoring by the Office for Civil Rights. Section 504 prohibits discrimination on the basis of handicap by any recipient of Federal financial assistance.

GENERAL DEPARTMENT MANAGEMENT

1977 appropriation	$74,286,000
1978 budget request	84,877,000
Amount in bill	81,877,000
Decrease from budget	3,000,000
Increase over 1977	7,591,000

The general departmental management appropriation supports two basic categories of activities: First, those closely associated with the Secretary's roles as policy officer and general departmental manager; and second, specialized staff services which are performed for the operating agencies on a central basis to achieve economy of scale and eliminate duplication of effort.

OFFICE OF THE INSPECTOR GENERAL

1977 appropriation	$23,548,000
1978 budget request	25,343,000
Amount in bill	25,343,000
Increase over 1977	1,795,000

This is a new agency which brings together under one roof the various investigative activities designed to root out fraud and abuse in the Department.

POLICY RESEARCH

1977 appropriation	$20,000,000
1978 budget request	22,400,000
Amount in bill	40,000,000
Increase over budget	17,600,000
Increase over 1977	20,000,000

The policy research activity consists of special purpose studies, social experiments, models, and surveys housed within the Office of the Assistant Secretary for Planning and Evaluation. This appropriation request is authorized under two separate acts, section 232 of the Community Services Act of 1974, and section 1110 of the Social Security Act.

The amount in the bill will continue most of the experiments, studies, and statistical survey activities from fiscal year 1977. Income maintenance experiments, the health insurance experiment, small studies in the area of long-term care, delivery of services at the State and local government level, and statistical data activities supporting in-house policy analysis continue to be the main project areas in this program.

The $20 million increase over 1977 is for a demonstration program on the use of monthly retrospective reporting in the administration of AFDC. Tests in Colorado show that moving to monthly retrospective reporting, which involves requiring a recipient to file a report of his income and circumstances each month rather than semiannually or annually as at present, would save between 8 to 10 percent of AFDC costs, or in the neighborhood of one billion dollars. It also has the potential for major savings in medicaid and food stamps.

Before we can move ahead with this nationwide, and the President is seriously considering that we do so as part of his welfare proposal, it needs to be tested in other types of areas, such as large cities, and small, medium sized, and large states to see whether it works out there and can be effectively administered without substantial increases in administrative costs. That is what this demonstration program will do, and we have included $20 million so that it can be undertaken and completed as soon as possible. The sooner it is done, the quicker we can realize some significant potential savings.

RELATED AGENCIES

A total of $1,301,619,000 is included for the various related agencies, an increase of $150,553,000 over the budget and a decrease of $413,575,575 under the 1977 level.

The agencies follow:

ACTION

1977 comparable appropriation	$109,110,000
1978 budget request	116,860,000
Amount in bill	117,260,000
Increase over budget	400,000
Increase over 1977	8,150,000

ACTION, the Federal agency for volunteer service, was established on July 1, 1971. Legislative authority for the Agency is provided by the Domestic Volunteer Service Act of 1973. The Agency brings together a number of volunteer programs including the Peace Corps, volunteers in service to America—VISTA—foster grandparents—FGP—retired senior volunteers program—RSVP—and university year for ACTION—UYA.

COMMUNITY SERVICES ADMINISTRATION

1977 appropriation	$713,500,000
1978 budget request	380,500,000
Amount in bill	482,500,000
Increase over budget	102,000,000
Decrease from 1977	231,000,000

The Community Services Administration was created January 4, 1975, as the successor to the Office of Economic Opportunity. The authorizing legislation recognizes previous delegations of certain programs, such as Head Start and comprehensive health to other agencies, while continuing program authorities exercised by OEO since 1974. The authorizing legislation continues economic opportunity programs through 1977, with provision for extension through 1978, if no congressional action occurs to end the program.

The decrease in funding from 1977 reflects the one-shot appropriation in 1977 for fuel bill subsidies, and increased funds for weatherization that this year are partly being allocated under the Federal Energy Administration.

Of the increase over the budget, $33 million is allocated for Community Action Agencies, bringing the total to $363 million, and $45 million takes place in the energy conservation or so-called winterization program. The budget did not request any funds for this winterization program under CSA, preferring instead to fund it under the Federal Energy Administration. The budget request under FEA is $65 million, and this coupled with the $45 million included in this bill will bring the total allocation for winterization up to last year's level of $110 million. I still have to question the wisdom of administering the same program under two different agencies and under two different accounts. I cannot imagine the President would find this consistent with his desire for a more streamlined and efficient Government.

CORPORATION FOR PUBLIC BROADCASTING

1977 appropriation	$330,350,000
1978 budget request	120,300,000
Amount in bill	145,000,000
Increase over Budget	24,800,000

The corporation is the parent agency for public television and radio. The bill includes advance funding, in accord with a commitment made when the law was passed last year. Last year, funding for 3 years was included which accounts for the artificially high figure. This year's allocation represents advance funding for fiscal year 1980. A sizable percentage of the funds will go to local stations, under the matching provisions which require 2½ local dollars for every Federal dollar.

FEDERAL MEDIATION AND CONCILIATION SERVICE

1977 appropriation	$21,177,000
1978 budget request	21,932,000
Amount in bill	21,932,000
Increase over 1977	755,000

The mission of the Service is to prevent and to minimize labor-management disputes throughout the Nation, both in the private and public sectors of the economy, excepting the railroad and airline industries. In particular, the agency objective is to prevent work stoppages and to reduce their duration when they occur.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

1977 appropriation	$4,007,575
1978 budget request	563,000
Amount in bill	563,000
Decrease from 1977	3,444,575

The National Commission on Libraries and Information Science—NCLIS—a permanent, independent agency in the executive branch, is charged with the responsibility for advising the President and the Congress on the development and implementation of national policy, developing overall plans for meeting national library and information needs, and coordinating activities at the Federal, State, and local levels in meeting those needs.

NATIONAL LABOR RELATIONS BOARD

1977 appropriation	$80,908,000
1978 budget request	88,520,000
Amount in bill	88,520,000
Increase over 1977	7,612,000

The purpose of the Board is to deal with unfair labor practice and representation cases.

NATIONAL MEDIATION BOARD

1977 appropriation	$3,660,000
1978 budget request	3,703,000
Amount in bill	3,703,000
Increase over 1977	43,000

The National Mediation Board administers the Railway Labor Act governing labor relations in the railroad and airline industries. These general purposes are implemented through the activities of the National Mediation Board, Arbitration and Emergency Boards, and the National Railroad Adjustment Board.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

1977 appropriation	$6,607,000
1978 budget request	7,150,000
Amount in bill	7,150,000
Increase over 1977	543,000

The Occupational Safety and Health Review Commission—OSAHRC—was established on April 28, 1971, pursuant to the Occupational Safety and Health Act of 1970 (Public Law 91-596). The agency adjudicates issues in dispute between the U.S. Department of Labor's Occupational Safety and Health Administration—OSHA—and employers—or their employees—to whom OSHA has issued citations charging a violation of the act.

RAILROAD RETIREMENT BOARD

The Railroad Retirement Board administers a regular railroad retirement system which provides monthly benefits to employees who retire because of age or disability, and to the eligible wives of such employees. The Board also administers a program for the payment of supplemental annuities under certain conditions to career railroad employees awarded retirement annuities.

The bill also contains $50,000,000, the amount of the budget request for the payment of separation and displacement allowances for employees covered under the Regional Rail Reorganization Act of 1973.

SOLDIERS' AND AIRMEN'S HOME

1977 appropriation	$16,099,000
1978 budget request	16,356,000
Amount in bill	16,356,000
Increase over 1977	257,000

The funds come from the home's permanent fund to finance operation of the home, located in Washington, D.C.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GRADISON).

Mr. GRADISON. Mr. Chairman, I thank the gentleman for yielding. As the gentleman will recall, I testified before the Subcommittee on Labor-HEW appropriations, which the gentleman chairs, regarding the high, overall incidence of cancer in industrialized urban areas.

Mr. FLOOD. Mr. Chairman, I recall that.

Mr. GRADISON. The National Cancer Institute's Atlas of Cancer Mortality shows that most northeastern and midwestern cities are cancer "hotspots." Although much important research is in progress, no cancer study, focusing on a specific industrialized area, utilizes the combined resources of the various Federal agencies with responsibilities in the cancer field, the local boards of health, and university research facilities. In my opinion, such a comprehensive study, which would focus on one urban area with a high cancer rate, should take place.

Cancer experts estimate that 60 to 90 percent of all cancer is related to environmental factors. But without solid evidence of specific cancer-causing factors, remedial action is virtually impossible. I would appreciate the gentleman's thoughts on the idea of requesting HEW to provide the Subcommittee on Labor-HEW appropriations with information on the possibility of a study along the lines I suggest.

The study, as I envision it, would include both statistical and clinical research and would coordinate the work of all the Federal agencies with responsibilities in this field, such as NCI, EPA, and NIOSH, in cooperation with the local boards of health and university researchers. The study's goal would be the identification of specific aspects of drinking water, air, diet, and/or occupation, which contribute to high cancer incidences in industrialized, urban areas. Such a project, it seems to me, offers tremendous potential benefit to the residents of industrialized, urban areas throughout the country.

Mr. FLOOD. I thank the gentleman for restating his interest in cancer research. As he well knows, the subcommittee has been concerned about cancer hotspots, and I would hope that HEW will look into the possibility of the study he suggests.

Now, because of the gentleman's eloquence and great interest, I hope the gentleman will support the bill before the committee.

Mr. GRADISON. Mr. Chairman, I thank the distinguished subcommittee chairman.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from California.

Mr. STARK. Mr. Chairman, I would like to compliment my colleagues of the Appropriations Committee for their work on the Labor-HEW appropriations.

Specifically, I am in accord with their recommended funding level of $573,853,000 for the Community Services Administration.

Over the last 4 years, CSA has funded a very constructive demonstration program for the educationally disadvantaged. The LULAC National Educational Service Centers has provided recruiting, counseling, and placement services in the area of post secondary education to over 45,000 educationally disadvantaged youth during this time period. It is currently the only nationwide effort of its kind, and I wholeheartedly support the continuation of this successful demonstration activity. I would hope that the chairman shares a similar interest in this approach.

Mr. FLOOD. I can say to the gentleman that we are aware of this successful activitiy within CSA, and it certainly appears to be a worthwhile effort.

Mr. STARK. I thank the gentleman for his work and for his effort.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I am pleased to offer my support for the passage of H.R. 7555, which provides appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal year 1978.

As always, this bill is of immense importance to me. It contains funding for most of the major domestic social programs—the Comprehensive Employment and Training Act, AFDC, Federal Aid to Education, and ACTION programs, to cite only a few examples.

But this year, Mr. Chairman, marks the first occasion on which I will be debating the Labor-HEW appropriations

bill in my position as chairman of the House Select Committee on Aging. This new perspective imposes on me a responsibility to scrutinize with even more vigor than in the past, the funding provided for those programs in this bill affecting older Americans.

From the standpoint of those concerned with the well-being of America's elderly, H.R. 7555 is landmark legislation.

I would like to take this opportunity to congratulate the gentleman from Pennsylvania (Mr. FLOOD), who chairs the Labor-HEW Subcommittee; the gentleman from California (Mr. ROYBAL), who serves both on that subcommittee and as the ranking Democrat on the Select Committee on Aging; and the other members of the Appropriations Committee. They have brought to the floor today a bill that reflects the high level of concern those Members have for the welfare of America's older citizens.

I and other senior members of the Aging Committee made a number of recommendations to the gentleman from Pennsylvania and his colleagues. I do not wish to imply that the gentleman from Pennsylvania acceded to every request we made, or that we on the Aging Committee were happy with every decision made by his subcommittee, but the sensitivity of the subcommittee chairman (Mr. FLOOD), and the very able members of his staff, was evident as the contours of the bill emerged. As far as aging programs are concerned, I am pleased to say that H.R. 7555 represents the highest level of commitment to the elderly ever made by this House in an appropriations bill.

Later today, as most of my colleagues are aware, an attempt will be made to weaken that commitment, by reducing, among others, the appropriation for two aging programs. I will have more to say about that amendment at the appropriate time.

At this point, however, I believe it would be useful to review briefly the major aging programs contained in H.R. 7555 and the need for funding levels at least as high as those contained in the bill as reported.

OLDER AMERICANS ACT: STATE AND COMMUNITY PROGRAMS

Title III of the Older Americans Act, State and community programs, is the cornerstone of the program of service delivery to America's elderly.

Of the $186 million contained in the bill for title III activities, the largest share, $153 million, is directed to area planning and social services.

These funds go to area agencies on aging. These local agencies—some 545 of them across the country—are charged by law with being focal points of coordination and services to the elderly. If older persons need home care, area agencies are the first place to turn.

If transportation or counseling services are needed, the area agency should be seeing to it that they are provided. And in dozens of areas that is what is happening. But the need is staggering, and the area agencies are often merely shells. I am told that almost all of them are inadequately staffed, and often can not do more than manage the Federal funds directly allotted to them. There is not time for coordinating other sources, no time for adequate planning.

One set of figures, developed by the Commissioner of the Pennsylvania Office for the Aging, is revealing. He estimates that creation of a truly comprehensive services system for the elderly would have cost $150 million in 1976 in his State. Actual outlays in 1976 were only $44 million—and only one-fourth of that was Older Americans Act money.

Mr. Chairman, we have a long distance yet to go. Every dollar of the $153 million already in the bill is sorely needed.

OLDER AMERICANS ACT: TRAINING, RESEARCH AND GERONTOLOGY CENTERS

H.R. 7555 as reported contains $28.3 million for training, research and multidisciplinary centers of gerontology funded under title IV of the Older Americans Act.

There is a particular need to expand training opportunities in the field of aging, and a need to see that a fair share of those opportunities go to older persons themselves. The amounts contained in the bill will go a long way toward meeting those needs.

OLDER AMERICANS ACT: SENIOR CENTERS

Title V of the Older Americans Act authorizes money for renovation, alteration and acquisition of multipurpose senior centers. The bill as reported recommends $40 million for this purpose in the coming fiscal year.

The Select Committee on Aging is especially interested in assuring an adequate appropriation for this new program. The demand for the limited funds provided last year has been overwhelming. In addition, at the urging of the Select Committee on Aging and others, the administration is about to implement the two programs still dormant in title V, providing mortgage guarantees and interest subsidies. Therefore, $40 million will not begin to meet the need for funds for senior centers.

OLDER AMERICANS ACT: NUTRITION

The nutrition program funded under title VII of the Older Americans Act is perhaps the most successful program in the entire act. The suggested appropriation for fiscal year 1978 is $250 million compared to the $225 million operating level for fiscal year 1977; such an increase will barely permit the program to keep up with rising costs of food and other items. Yet the number of older persons actually being served is miniscule, perhaps less than 5 percent, compared to those in need of a nutritious meal in an acceptable social setting.

I take this opportunity, Mr. Chairman, to reiterate a point that has been made during previous appropriations debates. It is crucial that title VII funds be both obligated and expended during the year for which they are appropriated. As many of the Members of the House know, past delays in using title VII funds have resulted in fewer older persons having the benefit of the nutrition program than Congress intended. As chairman of the Select Committee on Aging, and as one of the principal authors of the title VII nutrition program, I believe it is crucial that these funds be both obligated and expended during the year for which Congress appropriates them. Title VII is no longer a forward-funded project, and this fact should be reflected in the actions of the Administration on Aging, State offices of aging, as well as local nutrition projects.

OLDER AMERICANS ACT: COMMUNITY SERVICE EMPLOYMENT

The bill as reported includes $180.4 million for part-time employment for older Americans under title IX of the Older Americans Act. This is expected to provide jobs to some 45,000 persons age 55 or over. I am pleased to note that the Appropriations Committee is concerned that the amount appropriated would actually fund the number of jobs estimated, and will reexamine program costs as the year goes along to assure that level of employment.

ACTION

For older Americans volunteer programs, the bill includes $62 million. This total is comprised of $34.9 million for foster grandparents, $20.1 million for the retired senior volunteer program—RSVP—and $7 million for the senior companions program.

The $7 million for senior companions is of particular interest, Mr. Chairman, because it reflects the recommendation by the Select Committee on Aging that additional funds above the budget request—in this case $400,000 above the request—be devoted to senior companion projects oriented toward delivering home health services.

Having older Americans help serve the needs of other older Americans exemplifies the fine work being carried out by the ACTION programs, and utilizing these older persons in the home health field addresses one of the most vital needs of all senior citizens.

HOME HEALTH DEMONSTRATIONS

The Appropriations Committee has recommended $8 million to fund demonstrations of home health projects under the Public Health Service Act.

This is an important step toward the goal our committee is pursuing, that is, opening up alternatives to warehousing our older citizens in costly, often depressing nursing homes.

NATIONAL INSTITUTE ON AGING

The bill recommends $39 million for the activities of the National Institute on Aging, a substantial increase over the $30 million provided last year.

The Institute has recently completed its first research plan for the elderly, which represents the best judgment of the Institute and those it consulted on the proper priorities in conducting this kind of research. It is entitled, appropriately enough, "Our Future Selves," which indicates the universality of the phenomenon of aging.

The Select Committee on Aging is very impressed with the quality of work being done at the National Institute on Aging, with the qualifications and performance of its Director, Dr. Robert Butler,

and with the substantial amount of work remaining to be done in the field. The $39 million in the bill as reported represents a sound investment in our current and future society.

COMMUNITY SERVICES ADMINISTRATION: SENIOR OPPORTUNITIES AND SERVICES

Among the several programs within the Community Services Administration which affect older Americans, I would like to single out for special attention the program of senior opportunities and services—SOS, for which H.R. 7555 provides $10 million. This $10 million is the same as the appropriation for the last several years, and is one of the best investments in the elderly made by the Federal Government.

According to a 1975 study, the $10 million in SOS funds generated more than $40 million in non-CSA funded services from Federal, State, local, public and private sources. These funds were used to generate new employment and volunteer opportunities for older persons; to finance more effective referral to existing health, legal, transportation and other services; to stimulate new or expanded efforts to remedy gaps and deficiencies in existing programs; and develop all-season senior-controlled service centers.

There are, of course Mr. Chairman, a number of other specific items in H.R. 7555 of interest to older Americans. These include funds for the National Institute of Mental Health Center on Aging, and funds for enforcement of the Age Discrimination in Employment Act by the Department of Labor, among others.

I believe that the levels of funding included in the bill approved by the Appropriations Committee, especially in those areas directly affecting America's elderly, are both responsible in these troubled fiscal times, and responsive to the growing needs of America's older citizens.

I urge the passage of H.R. 7555.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, the Subcommittee for the Departments of Labor and Health, Education, and Welfare and Related Agencies appropriations once again brings to the floor of the House for your approval the annual appropriation bill for fiscal year 1978.

For a great many years this bill has been referred to as "the people's bill". As you know, the bill now before the committee contains recommendations for funding of the Department of Labor and for the Department of Health, Education, and Welfare. For fiscal year 1977, we appropriated the total sum of $72,163,116,575. The bill now before the committee contains funds totaling $611,334,089,550. The overall amount recommended in the bill is $10,829,027,025 less than the amount approved for fiscal year 1977.

The amount that we recommend, Mr. Chairman, is $917,469,550 over the budget estimates.

Including the trust funds which are authorized for expenditure under this bill we have a total of $138,570,291,000. This is a net increase of $15,203,398,000.

Mr. Chairman, the bill before us today contains our recommendations for funding for elementary and secondary education, higher education, the National Institutes of Health, Social and Rehabilitation Services, Social Security Administration authorization funding, Community Services Administration, Corporation for Public Broadcasting, National Labor Relations Board, Soldiers' and Airmen's Home and a great many other Departments and related agencies.

Since the year 1969, the Departments of Labor and Health, Education, and Welfare and Related Agencies appropriations bill has been vetoed seven times. Four of the vetoes, according to my recollection, were overridden and two were sustained. Mr. Chairman, if my recollection is correct, one was a pocket veto and of course, we were not in a position to contest this veto and as pointed out by my chairman during the hearings, in one instance the actual veto took place on national television in prime time. Down through the years our Presidents have cut back on the HEW budget for programs such as impacted aid, elementary and secondary education, higher education, library services, cancer, heart and stroke research and for the National Institutes of Health generally. Again, Mr. Chairman, the reason why this bill is known as "the people's bill" is because all of the programs that are so close to the hearts of the majority of our people are funded in this legislation. Those who write the history of this country many years from now will have difficulty in my opinion, in trying to explain why it was that the Presidents of this country vetoed this bill up to this time on seven different occasions.

It requires as a general rule about 10 weeks to complete hearings on this bill and we hear hundreds and hundreds of witnesses. Not only departmental witnesses, but outside witnesses who are interested in education, welfare, health and manpower training. When the bill is submitted to the full Committee on Appropriations in the House, where all appropriation bills have to originate, and is then turned over to the subcommittee headed by my chairman, the distinguished gentleman from Pennsylvania (Mr. FLOOD) we then proceed to hold hearings and to weigh carefully all increases and deductions and all of the amounts recommended to be included in our annual appropriation bill. When we carefully examined the amounts requested for the National Institutes of Health and after hearing the department witnesses, along with a great many outside witnesses who are experts in the field of health, we determined that it was necessary that we increase the amounts for the National Institutes of Health $166,031,000 over the budget request. Of this amount $91,158,000 is for new and competing research grants which are essential at this time. The action of our subcommittee in making recommendations for this increase is proper at this time and the recommendations that we make should be approved.

Mr. Chairman, this bill includes $754,119,000 for Health Resources. This is an increase of $209,500,000 over the budget and a reduction of $22,255,000 below the comparable 1977 appropriation. As you know, Mr. Chairman, the mission of the Health Resources Administration is to identify health care resources problems and maintain or strengthen the distribution, supply utilization quality, and cost effectiveness of these resources to improve the health care system and individual health status. Mr. Chairman, our greatest asset is our children. We must educate the children in our country. We live in the greatest country militarily, spiritually, and economically and the amount contained in this bill for the Federal share for education is not large when you consider the fact that we have nearly 70 million students in our schools and the total amounts appropriated by the States, local communities, cities, and counties amounts to nearly $100 billion. This bill includes $3,173,550,000 for elementary and secondary education. This is an increase of only $101 million over the budget request and $441,833,000 over the comparable amount available for fiscal year 1977. For title I grants for disadvantaged children we recommend $2,000,735,000 in advance funding for fiscal year 1979 which is an increase of $100 million over the budget request and $450 million over the amount available for the previous year. This level of funding in 1979 will provide compensatory educational services to 5.6 million children in local school districts including Bureau of Indian Affairs schools and over 800,000 children in State agency schools. Our committee has approved and we recommend $194 million for advance funding for fiscal year 1979 for support and innovation programs which is the same amount that was appropriated in 1977.

Mr. Chairman, a great many of our boys and girls in this country cannot read. Tests are being made now in a great many of our large cities and much to the amazement of some of our people we find that high school seniors are having all kinds of trouble reading. For the right-to-read program, the bill before us today includes $27 million, an increase of $1 million over the budget and over the amount available for fiscal year 1977. This program as you know, is designed to help eliminate functional illiteracy by providing services and resources to help educational institutions, governmental agencies, and private organizations improve and expand their activities related to reading.

The bill before us, Mr. Chairman, includes $59 million to continue the follow-through program at the same level as in fiscal year 1977.

We recommend the sum of $800 million for school assistance in federally affected areas. This is an increase of $405 million over the budget request and $7 million over the 1977 appropriation. Several of our Presidents have, through the Office of Management and Budget, submitted budgets to the Congress recommending category A funds but have deleted category B funds. As you know, Mr. Chairman, category B children are the children whose parents work on Federal property but live in the community. Elimination of category B funds would

result in substantial cutbacks in funds for operating local school districts. According to the testimony presented to our subcommittee, almost 1,500,000 children are eligible under category B and over 4,000 school districts receive funds under this category. An abrupt elimination of payments would impose a burden on our local school budgets which would be terrific and in case after case teachers would have to be dismissed and school programs generally reduced with the category B children penalized.

Mr. Chairman, when Dr. Herman R. Goldberg, the Acting Deputy Commissioner for Elementary and Secondary Education appeared before our subcommittee, I discussed with him generally the matter concerning the deletion of category B funds in the impacted aid program. This appears on pages 119–122 of part 5 of the hearings. During the hearings I inquired of Dr. Goldberg as to how many school districts currently participating in Public Law 874 Impact Aid Program would be eliminated if funding in fiscal year 1977 under this budget proposal were approved. Dr. Burns, the Associate Commissioner for State and local education programs stated that about 2,700 of the 4,400 would be eliminated. Certainly, Mr. Chairman, this Congress would not approve of such action. For that reason, as I have previously stated, we recommend appropriations in the sum of $800 million for school assistance in federally affected areas. We have restored on our subcommittee and the full Committee on Appropriations the amount deleted for category B children. We respectfully request approval of this action.

Mr. Chairman, this bill includes $247,712,000, an increase of $13,170,000 over the budget request and $8,670,000 over the amount appropriated for 1977 for library resources. For public libraries, we recommend $60,237,000 to continue the program under existing authorization. An amount of $160 million is included for title IV–B of the Elementary and Secondary Education Act which authorized grants to States for school library and instructional resources. As you well know, Mr. Chairman, our library resource program is one of the important programs throughout this country.

By way of summary, Mr. Chairman, we recommend in this bill $3.237 billion for training programs and summer youth jobs under the Comprehensive Employment and Training Act. In addition, we recommend $247 million for community health centers. For biomedical research, we recommend $2.7 billion for the National Institutes of Health. This is $166 million over the budget and includes funds to continue the biomedical research grant program. For mental health we recommend $496.8 million which is an increase of $42.7 million over the budget and will include $22.7 million for new community mental health centers. For health manpower, we recommend $521.6 million, which is an increase of $191 million over the budget. For elementary and secondary education we recommend $3.173 billion, which is $100 million over the budget. For impacted aid, we recommend $800 million, which is an increase of $405 million over the budget to restore funding for category B and public housing children. For education for the handicapped, we recommend $619.9 million, which is $100 million over the President's budget. For higher education we recommend $3.7 billion, an increase of $449.5 million over the President's budget. For our aging programs, we recommend $749.1 million for programs authorized by the Older Americans Act. This is $109 million over the budget. For vocational rehabilitation we recommend $868.2 million. For Community Services Administration we recommend $567.8 million, which is an increase of $125.3 million over the budget. For the Corporation for Public Broadcasting we recommend $145 million for fiscal year 1980, which is an increase of $24.8 million over the President's budget.

These are only a few of the main requests that are included in the bill that we present today.

Mr. Chairman, if there are substantial increases by way of amendments, in my opinion, the President will not sign this bill. There are strong indications today that our President will sign the bill as reported by our committee.

Mr. Chairman, this is a good bill and our Committee on Appropriations recommends it to the Members of the House.

Mr. Chairman, I would like to say at this time that it has been a distinct honor and a privilege for me to serve on this subcommittee with our distinguished chairman, the gentleman from Pennsylvania (Mr. FLOOD). I do not know of a chairman of a subcommittee in this Congress who spends any more time on his bill, who is more diligent, energetic or able in handling his bill. It has been a distinct privilege and honor for me to serve on this subcommittee with our subcommittee chairman.

I would like you to know, Mr. Chairman, that it is a distinct honor and a privilege for me to serve on the subcommittee with my good friend, the gentleman from Illinois (Mr. MICHEL), one of the able Members of this House. Mr. Chairman, I think I am going to disagree a little bit with him on some of his amendments, but he is still an able Member of the House and he is a fine member of this subcommittee.

Mr. Chairman, it is also a distinct honor and a privilege for me to serve with the other members on this subcommittee.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal year 1978. We have reported out a bill which responds to the human resource needs of the people of this Nation, and I urge its adoption.

I would like to make some remarks about some of the programs funded in this bill which are of special interest and concern to me.

In the Department of Labor, under employment and training assistance, we have provided $3.2 billion in addition to the nearly $4.7 billion of 1978 advance funding provided in the 1977 Economic Stimulus Appropriations Act. This money is for employment programs administered under the Comprehensive Employment and Training Act—CETA. I was disappointed when we simply passed a 1-year extension of CETA this year, because I believe that there are some major problems with the program, and some major improvements that can be made in it. I hope that the authorizing committee will be disposed to deal with this problem in the coming months, so that we can really make these employment programs work.

For community health centers, we have included $247 million, which is $31.8 million above last year's appropriation. At my request, we included report language requesting an examination of allocation formulas for this program, in order to insure that regions which are currently underserved by community health facilities, such as New England, do not continue to be shortchanged in the distribution of funds.

For the National Institutes of Health, we have provided $2.7 billion, which will provide support for ongoing biomedical research efforts. I was especially pleased to cosponsor, with my good friend and colleague from Massachusetts (Mr. EARLY) an amendment in subcommittee to provide for the present level of $85 million for the National Eye Institute. This major increase will permit greatly expanded efforts to find cures for eye disease and blindness.

Under the National Heart, Lung, and Blood Institute, we have requested NIH to conduct a comprehensive study of Cooley's Anemia. This debilitating blood disease, which affects children whose ancestors were from the Mediterranean area, is presently incurable. The study we requested will survey the work on treatment and disease control presently underway, and will explore the extent and impact of the disease itself. We hope this will result in a better directed approach to finding a cure.

Following up on our work of last year in requesting a study of current research and treatment efforts underway for cystic fibrosis, we are looking forward to receiving the results of that study, and hope that NIH is providing adequate resources so that the study will both be completed in time for consideration in our 1979 hearings, and will cover all of the areas which we requested.

For the National Cancer Institute, we provided $832 million—only a 2-percent increase above last year's level. I do not believe that this is sufficient, and I may have some additional remarks on this subject when we begin reading the bill for amendments.

We provided $497 million for mental health programs, including $22.7 million for new starts of community mental health centers. This amount, which is all that is currently authorized by the House, should be increased once the final authorization figure has been determined.

For higher education, we have included

$3.7 billion, including nearly $3.4 billion for student assistance. This includes funding to permit the full funding of the basic education opportunity grant—BEOG—program with a maximum grant of $1,800. This is especially important in light of the tremendous increases which have occurred in tuition rates in recent years

For programs for the aged, we have provided about $107 million above the amounts requested. These include the elderly nutrition program, community aging centers, and special employment and volunteer programs for our senior citizens.

Finally, we have included $145 million for the Federal share of public broadcasting activities in fiscal year 1980, an amount which will stimulate greater local fundraising efforts in order to match this amount. As my colleagues may know, every Federal dollar must be matched by $2.50 in non-Federal funding. And if the matching amounts do not materialize, only those Federal funds which are matched appropriately will result in outlays.

In summary, Mr. Chairman, this bill represents a carefully considered package of programs for affecting the lives of nearly every person in this country. It deals with the basic human needs of our people—health care, education, jobs, economic security. I urge the approval of this bill.

Mr. BROWN of California. Mr. Chairman, I am deeply concerned about the need for improved understanding of how man's environment affects his health and the related need to train environmental health scientists. As you know, the Committee on Science and Technology has jurisdiction over environmental research and development under the rules of the House. Under this jurisdiction, we share responsibility with the Interstate and Foreign Commerce Committee for certain biomedical research programs of the National Institutes of Health which deal with environmental research, specifically with how man's health is affected by the various environmental contaminants to which he is exposed.

Pursuant to this responsibility, in March of this year the Subcommittee on the Environment and the Atmosphere, which I have the honor to chair, held hearings on the National Institutes of Health environmental research budget. We learned that there are critical shortages of environmental health scientists, especially epidemiologists and toxicologists, who have the special training necessary to conduct research in this area. These hearings thus corroborated earlier testimony at which we also heard of this critical shortage of specially trained environmental health scientists. We had heard this at several of our hearings, especially hearings on the Environmental Protection Agency's research budget and a comprehensive set of hearings on "The Effects of Chronic Exposure to Low Level Pollutants," held in the last Congress. Thus, this shortage is certainly well known to the administration and I was therefore very surprised to find that the administration had requested cuts in the training programs of the National Cancer Institute of Environmental Health Sciences, which would have developed exactly the personnel needed to address environmental health problems. As a result of our findings, the Committee on Science and Technology recommended to the Budget Committee that these cuts be at least partly reinstated by a modest increase in training for epidemiologists and toxicologists; specifically, we recommended a $2 million increase over the administration budget request.

I understand that your committee has added funds totaling $6 million in the training area, and I want to express my strong support of this action and my support for the bill, H.R. 7555. I commend the committee and the chairman for the good work that they have done in this area, and I hope that my esteemed colleagues will also support this bill.

Mr. HARRIS. Mr. Chairman, as the school year comes to a close, I am pleased to cast my vote today for American education. I oppose the Michel amendment which would cut funds for programs for handicapped children, disadvantaged students, preschool children, and college students. Our children's education should not become a battleground for political assaults and meat-ax answers to the Nation's fiscal ills. The one area we cannot shortchange is education.

IMPACT AID CRITICAL TO SCHOOL BUDGETS

I am especially pleased that the committee has fully funded the impact aid program which provides funds to local governments that lose local property taxes because of tax-exempt Federal property in the locality. I hope the Congress will follow the committee's lead and put to rest forever the anti-impact aid campaign conducted by the Nixon-Ford budget cutters. On March 22, I wrote the Labor-HEW Appropriations Subcommittee urging restoration of the $395 million that was cut by both the Ford and Carter budgets; 100 Members of the House joined me in signing the letter, representing a bipartisan coalition from 36 States.

Unlike most Federal education programs which are categorical—that is, they are designed for special purposes—impact aid is general assistance and goes to the heart of our schools' operating budgets. Impact aid helps pay salaries and heating bills and buys supplies. Over 4,300 school districts in every State receive impact aid to compensate them for the local property taxes lost by tax-exempt Federal property such as military bases and social security offices.

These districts range from Los Angeles, Calif. to Lawton, S. Dak.; from New York to Okaloosa, Fla. In small school districts particularly, impact aid funds are a significant part of the school budget. In Fairfax County in my district, the impact aid cuts proposed represented 5 percent of the school system's budget. This is an important 5 percent: these funds equal the school system's total utility bill for a year. They would provide 867 teachers.

CUTTING INTO THE FAMILY BUDGET

If programs such as impact aid are reduced, we would be cutting into the family budget because property taxes would have to be increased. Since local property taxes are a major bulwark of school finance, we can only maintain high standards of education by raising property taxes, if we curtail Federal support for education. In my district, cutting the impact aid program in half, as was proposed, would raise property taxes by $68. Do we want to tell our families that we are pulling the rug out from under our schools and adding $68 plus to the family tax bill?

SETTING HIGH STANDARDS AND PAYING FOR THEM

In recent years, State legislatures and court decisions have placed on local schools certain standards of quality. The 94th Congress too has mandated certain high standards. We required that all handicapped children from age 3 to 21 should be provided a free, public quality education. Our schools cannot meet these high standards without resources. We have to follow up our dictates with dollars.

COLLEGE COSTS ESCALATING OUT OF REACH

I am pleased that the committee has provided funds to assist students in getting a college education. Under the basic educational opportunity grants program, the maximum grant to a student for 1978–1979 is authorized at $1,800 rather than $1,400 that was available in fiscal 1977. The committee's actions will mean that more than 400,000 students with family incomes of $13,000 to $17,000 will be able to take advantage of the program. This is an important step forward which I hope will help alleviate the cruel cut of inflation on our middle-income families.

I also support the funds for the college work study program which will assist 850,000 students. Today's students are willing to help their families foot the bill at a time when the average cost of obtaining a college education at a 4-year public institution has climbed to $2,790 per year and to $4,568 at a 4-year private school.

In my district, 75 percent of Fairfax County's graduates continue their education. In Alexandria 67 percent and in Prince William 41 percent of the students go on after high school. Food prices have jumped 50 percent in the last 5 years for families. Gasoline prices have doubled and energy costs have skyrocketed, climbing 50 percent in 3 years. We cannot have a system that provides education only for the wealthy. The elitist tradition in this country has long passed.

There is no finer goal than helping students pursue their goals and dreams. I am pleased to cast an "aye" vote today for education.

Mr. PANETTA. Mr. Chairman, I compliment the members of the Appropriations Committee for their fine work in preparing the Labor-HEW appropriations bill before us today. I am particularly pleased that the committee reinstated section 3B, impact aid to education, which is vitally important to the support of public education throughout the country.

As you know, this aid helps pay for the education of students whose parents work on Federal property but live in the community. As much as 50 percent of the enrollment in Monterey Peninsula schools which are in my district consists of students from military related families. In addition, there is a severe shortage of on-base family housing at nearby Fort Ord, home of the Army's 7th Infantry Division. It would be difficult to devise a program better suited than this one is to meet the needs of public schools in the 16th Congressional District.

Last year 27 school districts in the four county area I represent received a total of $4,442,140.00 in impact aid for education. The bulk of that aid was paid to school districts in Monterey County. And most of Monterey County's share went to the Monterey Peninsula Unified School District which encompasses Fort Ord, the Naval Postgraduate School, and the Defense Language Institute. Impact aid comprised 18 percent of the total budget of this one school district. Needless to say, its termination would spell disaster for the children of Monterey County.

I am certain it came as no surprise to the Members of the House when the administration requested a cut in the impact aid program. For years different administrations have targeted it for reduction and Congress has managed to reinstate it every time. This year's scenario promises to be no different than before. We should not have to go through these motions.

I believe it is time for us to recognize that the Federal Government must play a far greater role in the support of public education. In California we have learned that we cannot continue to rely on the property tax to fund public education any longer. In accepting the committee's balanced decision to retain impact aid, we should look to the future and begin to redefine the Federal role in public education.

I again praise the committee for its wisdom in reinstating impact aid to education. I urge my colleagues to support the committee's actions.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7555, and to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE—SUBPENA DUCES TECUM AND FINDING OF U.S. DISTRICT COURT FOR DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 15, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER. On July 1, 1977 I was served with the attached subpoena duces tecum issued by the United States District Court for the District of Columbia together with the attached finding of the Court concerning the materiality and relevancy of the subpoenaed materials.

Pursuant to the provisions of House Resolution 10, I am transmitting said subpoena and finding of the Court for the consideration of the House.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 10, the subpena duces tecum and finding of the court will be printed in the RECORD at this point.

The subpena duces tecum and finding of the court follow:

[In the U.S. District Court for the District of Columbia, Misc. 77-120]

SUBPENA DUCES TECUM

In re possible violations of 18 U.S.C. §§ 1341, 1001.

To: Hon. Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Washington, D.C., or his authorized representative.

Bring with you: All original and official payroll, tax and personnel documents, records and materials whether maintained by the Finance Office, the Committee on the District of Columbia, or any other internal House of Representatives body, relating to Jean G. Stultz, Social Security Number 579-36-3408, and Felix Matlock, for the period beginning January 1, 1972 through the present, such documents and materials to include all applications for employment, W-4 and W-2 Federal Tax Forms (or their equivalents), clerk-hire forms, personnel files, payroll ledgers or journals, and House of Representatives records reflecting all United States Treasury checks, by number, issued during that period which reflect payroll payments to Jean G. Stultz and Felix Matlock and any evidence of the method by which those checks were transmitted to the payees, their banks, or their representatives.

You are hereby commanded to attend before the Grand Jury of this Court on Thursday the 16th day of June, 1977, at 9:30 a.m. to testify and produce the aforesaid documents on behalf of the United States, and not depart the Grand Jury without leave of the Court or United States Attorney.

Witness: this 1st day of June, 1977.

FINDING OF COURT

Upon consideration of in camera disclosures made by representatives of the Office of the United States Attorney for the District of Columbia, it is this 1st day of June, 1977,

Found that the documentary evidence and materials subpoenaed under the subpoena duces tecum dated June 1, 1977 and addressed to the Honorable Edmund L. Henshaw, Clerk of the House of Representatives, or his authorized representative, a facsimile of which is attached hereto, are necessary material and relevant to a pending Grand Jury Investigation in this Judicial District.

Wherefore, the court desires that the documentary evidence or certified true copies thereof which are the subject of the subpoena duces tecum be supplied to its authorized representative, James F. Davey, accompanied by Assistant United States Attorney Eric B. Marcy and Robert W. Ogren as representatives of the proper party to this proceeding, to wit: the Federal Grand Jury of the United States District Court for the District of Columbia.

WILLIAM B. BRYANT,
Chief Judge.

HELSINKI'S UNFULFILLED PROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLLENBECK) is recognized for 5 minutes.

Mr. HOLLENBECK. Mr. Speaker, June 12 marked our annual observance of World Day for Solidarity with Soviet Jewry. On this day people throughout the world express their concern for Soviet Jews. It was just over 2 years ago that Russia joined the United States and 33 other nations in signing the Helsinki Final Act.

The Soviet record clearly shows that it has failed to comply with this agreement's provisions for free emigration. Instead, the recent past shows evidence of a dramatic regression; from a high of 34,000 emigrees in 1973 the total dropped to 14,000 in 1976.

I feel the United States has an obligation to pressure the Soviet Government to comply with this agreement. We must impress upon Russia our determination to provide all people with the most basic of human rights.

The Soviet Union deprives its citizens of many basic human rights. Repression is particularly severe for those individuals with a Jewish background. It is with this knowledge that I extend my concern for Yuri Berkovsky and his family.

Life was never easy for the Berkovskys but their present existence is as bleak as ever. Their trouble started in early 1972 when Yuri and Anna Berkovsky and their young daughter Rina applied for exit visas to leave the Soviet Union. Immediately after their application was received, Yuri lost his job as a teacher in the Noviosibirsk Politechnical Institute, and Anna was fired from her position as a lecturer in philology. This action was taken despite the fact that Yuri had

served his country well as a naval commander in the military.

The situation worsened for the Berkovskys as time passed. On April 12, 1974 they were both arrested and charged with engaging in activities "against the interest of the state." They were tried in June and eventually served 2 years as laborers in lumber and cement plants.

During this time, both were allowed to visit home individually for 2 days at a time. As a result of the strenuous conditions, their health deteriorated. Yuri developed a case of severe bronchitis while Anna experienced a long and complicated recovery from surgery.

The Berkovskys have but one wish and that is to emigrate to Israel. However, after filing seven applications and receiving seven refusals from the Soviet Government, they are still determined to try again and again.

The Berkovskys have demonstrated an admirable persistence in their struggle to emigrate. I only hope that we can demonstrate the same determination in our efforts to secure Soviet compliance with the Helsinki accords. World Solidarity Day represents the perfect setting from which to publicize our goals. In our observance of this day, we should reinforce our own dedication to the cause of fundamental human rights. We must continue to speak out against any acts of repression and pressure the Soviet Union to comply with the Helsinki agreement. In so doing, we can put an end to the misery suffered by people such as the Berkovskys.

It is indeed a tragedy that the Berkovskys are not allowed to emigrate. It is even more deplorable that they must surrender the basic human rights afforded them by the Helsinki agreement. It is essential that Congress continue to raise its collective voice and protest such violations of human rights. It is time for the Soviet Union to honor its promise that today stands unfulfilled.

"THE MANN ACT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

Mr. GOLDWATER. Mr. Speaker, today I have introduced a bill to amend chapter 117 of title 18 of the United States Code, commonly referred to as the "Mann Act" to make its prohibitions apply equally with respect to males and females, and to increase the penalties for violations.

I believe it goes without saying that we are all concerned with the immoral practices that are so predominant today, especially among the very young. The Mann Act is in a sense outdated and needs to be brought into focus for today's problems. My bill, of course, is not the answer to the problem but, it is a long overdue step in the right direction. Even though the pressure is mounting for stern remedies and we could legislate until we are blue in the face—we might ask ourselves where should the remedies begin, at home, the community, the seller, the purchaser?

Needless to say, we need strong penalties and also to make it increasingly hard for the abuser to seek out pleasures that harm the innocent. Something needs to be done to protect our children and the defenseless without violating the first and fifth amendments. However, when the Founding Father's wrote the Constitution I am sure they did not have child abuse and immorality in mind.

THE NATIONAL HISTORIC PRESERVATION ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I have today introduced H.R. 7796, the National Historic Preservation Act of 1977.

Many communities are interested in preserving the buildings and structures which reflect the architectural and social history of their region. A common problem, however, is the lack of available financing for rehabilitation efforts. Local lending institutions generally express less interest in providing loans for restoration or renovation than they do for new residential construction.

People throughout the country concerned with historic preservation were encouraged by the establishment of the historic preservation loan program enacted in 1974. This program benefits large numbers of historic property owners by authorizing FHA title I home improvement loan insurance for individual properties.

The National Historic Preservation Act of 1977 is designed to substantially augment the existing loan insurance program and broaden the scope of other housing programs to place increased emphasis on historic properties. The act amends title I of the National Housing Act in three areas. First, under the historic preservation loan program, the maximum insured loan amount is only $15,000 per unit. Given the soaring costs of rehabilitation, this limitation severely restricts the applicability of the program. The National Park Service estimates that the average cost of preservation projects, which they have funded, is well over the $15,000 limit allowed under the existing program. While some restorations can be accomplished within the $15,000 limit, the cost of materials and the expense of skilled craftsmen will, in a large number of cases, more than double the rehabilitation cost. Accordingly, it would seem only reasonable to raise the insured loan limit to $30,000.

Second, the existing title I home improvement loan insurance program, under the Department of Housing and Urban Development, is available for both residential and commercial structures. However, historic preservation loans under that program are limited to structures, exclusively or primarily devoted to residential uses. To make the historic preservation program compatible with other parts of the title I program, and to provide appropriate support for commercial properties having historic value, the restrictions on commercial properties should be removed. In many rural towns and inner-city areas two and three story commercial buildings are the backbone of neighborhoods, yet there is little incentive to improve their architectural appearance. The removal of current restrictions would provide this incentive.

To further historic preservation objectives in neighborhoods where properties are largely owned or occupied by persons of limited means, the National Historic Preservation Act of 1977 amends section 312 of the Housing Act of 1964 to provide incentives for rehabilitation of historic properties without limitation as to location or use. In addition, the act authorizes a 20 percent increase in maximum loan amounts, above current limitations, where such added amounts will be used to restore or maintain the architectural value of older structures. Without such assistance, many valuable historic properties will deteriorate and become unnecessary victims of the bulldozer.

Finally, the National Historic Preservation Act of 1977 removes the prohibition against the use of certain Federal programs as matching funds for grants received under authority of the Historic Preservation Act of 1966. Since the National Park Service grant-in-aid program is the primary Federal program concerned with providing grants for the preservation of historic structures, it is important to make it as widely available and as useful as possible. To encourage State, local, and private participation in historic preservation, the grant program now requires a 50-percent match. Regrettably, federally guaranteed loans under title I cannot today be used to match National Park Service grants.

This situation should be changed. Since loans contemplated under title I are privately originated with insurance premiums paid by the borrower, it would seem only reasonable to allow these privately derived funds to serve as matching contributions for National Park Service grants.

Mr. Speaker, preservation of our national heritage is deserving of dedicated support at the Federal level. I urge support for this worthy effort.

Included herewith is the bill and a section-by-section analysis:

H.R. 7796

A bill to provide for additional assistance for the preservation of historic structures under title I of the National Housing Act, section 312 of the Housing Act of 1964, and the Act of October 15, 1966 (80 Stat. 917)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—ASSISTANCE FOR THE PRESERVATION OF HISTORIC STRUCTURES UNDER CERTAIN HOUSING LAWS

SEC. 101. (a) The first paragraph of section 2(a) of the National Housing Act is amended (1) by striking out "residential" after "the term 'historic structure' means" and (2) by inserting after the word "criteria", the following "or which are listed in a state inventory of historic places or which are

designated historic either individually or as part of a district under a statute of the appropriate state or local government".

(b) Subparagraph (1) of the last paragraph of section 2(b) of such Act is amended by striking out "$15,000 per family unit" and inserting in lieu thereof "$30,000 per unit".

SEC. 102. (a) Section 312(a)(1) of the Housing Act of 1964 is amended by inserting "or" after the semicolon at the end of subparagraph (D), and by inserting the following new subparagraph after subparagraph (D):

"(E) the rehabilitation is made for the purpose of the preservation of a historic structure;"

(b) Section 312(b) of such Act is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and by inserting the following new paragraphs after paragraph (4):

"(5) the term 'historic structure' means any structure which is registered in the National Register of Historic Places or which is certified by the Secretary of the Interior to conform to National Register criteria or which is listed in a state inventory of historic places or which is designated historic either individually or as part of a district under a statute of the appropriate state or local government; and

"(6) the term 'preservation' means restoration or rehabilitation undertaken for such purposes as are approved by the Secretary in regulations issued by the Secretary, after consulting with the Secretary of the Interior."

(c)(1) Section 312(c)(4)(A) of such Act is amended by inserting the following after "property" the last time it appears therein: ": *Provided further*, That the amount of a loan to be used to finance the preservation of a historic structure may be increased up to 20 percent of the amount of a loan which could be insured under such section 220(h), if such increase is necessary to retain, restore, or otherwise rehabilitate architectural aspects of the structure which pertain to its historical significance".

(2) Section 312(c)(4)(B) of such Act is amended by inserting the following after "property" the last time it appears therein: ": *Provided*, That the amount of a loan to be used to finance the preservation of a historic structure may be increased up to 20 percent of the amount otherwise available under this subparagraph, if such increase is necessary to retain, restore, or otherwise rehabilitate architectural aspects of the structure which pertain to its historical significance".

TITLE II—AUTHORIZATION OF MATCHING ASSISTANCE FOR THE PRESERVATION OF HISTORIC STRUCTURES UNDER CERTAIN HOUSING LAWS AND THE ACT OF OCTOBER 15, 1966

SEC. 202. Section 104(a) of the Act entitled "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes," approved October 15, 1966 (80 Stat. 917), is amended by inserting the following before the period at the end thereof: "; except that Federally insured or guaranteed loans and direct loans shall not be considered "financial assistance" for the purposes of this Act.

TITLE III—SHORT TITLE

That this Act may be cited as the "National Historic Preservation Act of 1977".

SECTION-BY-SECTION ANALYSIS—NATIONAL HISTORIC PRESERVATION ACT OF 1977

TITLE I

SEC. 101. (a) This section amends Section 2(a) of the National Housing Act by striking out the word "residential." Currently Section 2(a) provides financing for the preservation of "historic structures." The term "historic structures" is defined as residential structures which are registered in the National Register . . . This amendment would permit funds distributed through the Historic Preservation Loan Program to be used for the preservation of commercial as well as residential property. This section also expands the definition to include those structures which are listed in a state inventory of historic places or which are designated historic either individually or as part of a district under a statute of the appropriate state or local government.

(b) Under the Emergency Home Purchase Act of 1974, FHA insured loans financing the preservation of historic structures shall not exceed $15,000 per family unit. This amendment makes two substantive changes. It increases the maximum loan amount from $15,000 to $30,000 and it strikes the phrase "family unit" and inserts in lieu "unit." It would permit these funds to be used in the preservation of a unit of property whether it be a family or commercial unit.

Sec. 102—

(E) Adds rehabilitation loans made for the purpose of the preservation of a historic structure to the list of eligible programs under Section 312.

312(b)(5) Adds a new paragraph which defines the term "historic structure" for the purposes of Section 312 to mean any structure which is registered in the National Register of Historic Places or which is certified by the Secretary of the Interior to conform to National Register criteria or which is listed in a State inventory of historic places or which is designated either individually or as part of a district under a statute of the appropriate state or local government.

312(b)(6) Defines the term "preservation" to mean the restoration or rehabilitation undertaken for such purposes as are approved by the Secretary in regulations issued by the Secretary after consultation with the Secretary of the Interior. The terms found in both Sections 312(b)(5) and 312(b)(6) are defined so as to conform with the definitions used in Section 2(a) of the National Housing Act.

(c)(1) Amends Section 312(c)(4)(A) to add a criterion that loans received under this Section are used for the preservation of historic residential structures only and may exceed the maximum amounts authorized under Section 220(h) of the National Housing Act up to 20 percent of the amount of the loan if such increase is necessary to retain, restore, or otherwise rehabilitate architectural aspects of the structure which pertain to its historical significance.

(c)(2) Increase by 20 percent the amount otherwise authorized under Section 312(c)(4)(B) for the rehabilitation of nonresidential property. This section currently provides that a loan may not exceed whichever of the following is the least: $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that the Secretary determines could be reasonably secured by a first mortgage on the property.

TITLE II

SEC. 202. This section amends the "Historic Preservation Act of 1966" to authorize matching assistance for the preservation of historic structures under certain housing laws.

Currently the Historic Preservation Act of 1966 precludes the awarding of grants-in-aid by the Secretary of Interior for any survey or project under the Act if financial assistance has been given or promised under any other Federal program or activity. Thus funds which have been awarded under various housing programs (whether a guarantee or insurance for mortgage under the National Housing Act, or through a loan from the Secretary of HUD) would disqualify the property from Federal assistance under the Historic Preservation Act grant program.

This section amends the Act by specifically exempting federally insured, guaranteed, or direct loans as types of "financial assistance" which would disqualify preservation projects from receiving historic preservation grants-in-aid.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAPUTO) is recognized for 5 minutes.

Mr. CAPUTO. Mr. Speaker, I was necessarily absent from the Chamber May 26, 1977, during rollcalls Nos. 288, 289, and 290.

Had I been present for rollcall No. 288, a procedural vote on going into committee for consideration of H.R. 6161, I would of course have voted "aye."

On rollcall No. 289, a vote on the substitute by Mr. PREYER for the amendment of Mr. DINGELL, I would have voted "no."

And on the vote on the so-called Dingell-Broyhill amendment, taken by rollcall No. 290, I would have voted "yes."

And also on June 3 at the time rollcalls Nos. 304 and 305 were called I was necessarily absent.

Had I been present for roll No. 304, an amendment to H.R. 6804 that terminates the provisions of the act on December 31, 1982. I would have voted "yes."

On rollcall No. 305, H.R. 6804, to establish a Department of Energy in the executive branch, I would have voted "no."

SUGAR, SUGAR, WHO GETS THE SUGAR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 3 minutes.

Mr. CONTE. Mr. Speaker, on May 4, 1977, the President announced several sugar policy actions he hoped would lead to a viable domestic sugar industry. He stated that "in the long run, implementation of a workable international sugar agreement provides the best means for achieving this end." Despite the honeyed, sweet words from our State Department spokesman, the following May 27, 1977 headline from the reputable Journal of Commerce tells the true story, "The Sugar Talks Collapse." Fundamentally, this means that the very foundation upon which the administration made its decision to make these payments to sugar producers is in ruin.

I believe that beyond this erosion of the foundation of the sugar policy, it is vital that we and the public understand the other structural weaknesses of the administration's poorly thought out sugar policy. For the benefit of my colleagues, I would like to list them.

First, the payment proposal is supposed to benefit consumers. But what are the real facts. First, about 80 percent of the sugar consumed in this country is not bought by housewives, but by the soft drink manufacturers, confectioners,

bakers, restaurants, institutions, et cetera.

Second, the administration's position discriminates against domestic competitors of the sucrose industry, especially corn growers and manufacturers of corn sweeteners. This is of no benefit to the U.S. consumers.

Third, the soon-to-be released Federal Registrar announcement will have the effect of appointing sugar processors as the Governments' payment agents to producers. Thus, the Agriculture Department hopes to accomplish by regulation what it cannot by law.

Fourth, as the present law reads, this is not a price support program, it is an income support program. Today, the 2-cent payment limit will provide producers a return of less than 13.5 cents per pound. If prices drop further, the difference between the promise and the fact will widen.

Finally, who are the real beneficiaries of this misguided program? It is not the consumer, not the taxpayer, and not the producers. The bottom line of this program is that the Government will be spending $240 million to save the consumer a possible $90 million. To me, this does not justify the funding of such a wasteful program.

THE NEED FOR ADVANCE APPROPRIATIONS FOR LIBRARY PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida, Mr. SIKES, is recognized for 5 minutes.

Mr. SIKES. Mr. Speaker, for years I have been proud to support the Library Services and Construction Act. Its contributions to the establishment and improvement of library services and facilities in this country have already been recorded in the reports issued by the Committee on Education and Labor. At this time I wish to focus attention on the need for advance appropriations for this important legislation.

LSCA is a State formula grant program in which Federal funds are allocated to the States and the States, in turn, allocate some of these funds to other units of Government. The use of all LSCA funds is based on each State's long-range plan for library development and an annual program which details the activities to be undertaken during the fiscal year for which the appropriation is made. Our new budget procedures do not provide adequate lead time for the States to develop sound annual programs and to obtain required approvals.

The Committee on Education and Labor has heard testimony on the need for advance appropriations for LSCA and observed the necessary authorization for advance appropriations for this and other Office of Education administered programs exist in section 411 of the General Education Provision Act. Several programs are already benefitting from this authority, including school media programs under title IV of the Elementary and Secondary Education Act.

Unfortunately, it is too late to provide advance appropriations for LSCA for fiscal year 1978. My point in discussing this issue now is to alert my colleagues of the need to give this matter positive action in subsequent budget considerations for the U.S. Office of Education. When supplementary USOE appropriations for fiscal year 1978 are considered, I would propose including the fiscal year 1979 appropriation for LSCA. This would gain a year of needed useful programing. The funds would not be made available for release until October 1, 1978, the beginning of fiscal year 1979. It would, however, permit the States to know the dollar allotment for which they could qualify in time to secure necessary matching, to do more adequate planning with local libraries, to obtain more input from the Statewide Library Advisory Councils—⅓ consumers—to consult with the Office of Education in a more timely manner, to prepare necessary documentation for submission and clearance at State and local levels, to transmit documentation to the Office of Education through Regional OE offices, to secure required U.S. Commissioner's approval, to complete any further negotiations in time to qualify for available funds, and to initiate annual programs at the beginning of each new fiscal year.

Advance appropriations can improve the use of the LSCA dollars by eliminating crisis planning, limited involvement from library community, late beginning of projects, interruptions of multi-year demonstrations, curtailment of services, and delayed reporting. Administration of the program can be improved at each governmental level when timely information on funding is available on a continuing basis.

Advance appropriations should be provided as soon as possible and I urge my colleagues to join me in this endeavor.

BALTIC STATES FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, Mr. ANNUNZIO is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, in June of 1940 the Russians overran Lithuania, Latvia, and Estonia, and conducted a mass deportation to Siberia which caused the death of thousands of innocent people. All over the world on June 15 the peoples of the Baltic States will be commemorating the 37th anniversary of this tragic event.

The unfortunate plight of the Baltic Republics has long been a matter of profound concern to me. It was for this reason that I introduced House Concurrent Resolution 5 at the beginning of the 95th Congress expressing the sense of Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics. The text of that resolution follows:

H. CON. RES. 5

Whereas the Government and the people of the United States of American have maintained and enjoyed excellent and friendly relations with the Governments and peoples of the Baltic States Republics of Latvia, Lithuania, and Estonia, during the years of independence of these Republics; and

Whereas the concept of liberty and freedom of choice of government is still alive in this country, as it has been constantly since the Declaration of Independence; and

Whereas the evidence produced at the hearings of the select committee of the House of Representatives to investigate the incorporation of the Baltic States into the Union of Soviet Socialist Republics overwhelmingly tends to prove that the actions of the Union of Soviet Socialist Republics in relation to these free and independent Baltic Republics were contrary to the principles of international law and the principles of freedom; and

Whereas the people of this Nation have consistently shown great sympathy for the peoples of these three Republics, especially as a result of their enslavement and as a result of the inhuman exile and deportation of great numbers of law-abiding persons from their native lands to imprisonment in slave labor camps in the Union of Soviet Socialist Republics: Now, therefore, be it.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President of the United States of America should continue the American policy of nonrecognition of the unlawful absorption of the Baltic States Republics of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics, and continue the recognition of the diplomatic and consular officers of these Republics as the lawful representatives of these three nations in the United States of America; and

(2) the President should take such steps as may be appropriate, through the United States delegation to the United Nations, to raise in the United Nations the question of the forced incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics and request the United Nations to conduct an investigation of conditions in the said Baltic Republics to the intent and purpose that Soviet armed forces, agents, and colonists be withdrawn therefrom, and that the exiled peoples of these Republics be returned thereto in freedom, and that free plebiscites and elections be held therein, under the supervision of the United Nations, to let the people, in freedom, make their own election and choice as to government.

We in the free world enjoy all the benefits of political and economic liberty—yet how can we fully enjoy our liberties while millions of our fellow human beings are brutally deprived of the most fundamental human rights? According to the Lithuanian-American Community of the U.S.A.:

Lithuanians have not suffered in silence. The Western World has seen and hears of the many sacrifices of Lithuanian patriots for human rights, despite attempts by the Soviet Union to suppress all such communications with the Western World. The underground publications, 'The Chronicle of the Lithuanian Catholic Church' and Ausra (The Dawn), are published and disseminated by Lithuanians, in spite of the constant threat of arrest and imprisonment by their Russian occupiers. Indeed, Russian prisons are filled with such prisoners of conscience.

The Latvian News Digest, published by the American Latvian Association in the United States, reports:

Four former members of the underground Estonian Democratic Movement, who had been arrested and sentenced in October of 1975 to a prison camp, classified as one with 'severe regime,' for asking freedom for Estonia, have recently, together with eleven other prisoners, issued an appeal addressed to 'World Public Opinion, to People of Good Will, and to All Who Cherish the Principles of Democracy, Liberty and Human Rights.

The Latvian News Digest also reports:

Baltic Appeal to the United Nations reports that a letter addressed to the various Latvian Soviet Government organs, and signed by Juris Upmanis, head of Latvia's Democratic Youth Committee, has reached the West. The letter, dated Riga, June 17, 1976, marks the 36th year of the forceful occupation of Latvia by Soviet troops. In this letter the authors 'remind' the Soviet Government of the fate of 34,250 Latvians who as a result of the Moscow-ordered purges on June 13–15, 1941, were either deported to Siberia, imprisoned, or killed. The two leaders also protest against the cultural and demographic russification that is taking place in Latvia under the present government policy. They stress that while endorsing a policy of peace, freedom and friendship among nations, they consistently support the efforts of Soviet-dominated nations to gain self-determination, as well as national and human rights.

Mr. Speaker, because we ourselves are free, we have a compelling obligation to our fellow human beings trapped behind the Iron Curtain. It seems to me that this obligation lies particularly heavily on our own country, for as a leader in the free world, the United States must help to keep the light of liberty burning brightly in order to remind those who look to the West for inspiration that they are not forgotten.

Thirty-seven years have passed since the Baltic States were overrun by the communists and thousands of these innocent people were inhumanly exiled, deported, and murdered. The sad fate and memory of these victims are very much alive today, and the attempts to destroy Estonian, Latvian, and Lithuanian culture, language, and religion, to say nothing of human freedom, continue. On the observance of Baltic States Freedom Day we pay tribute to the blessed memory of these victims, while praying for the freedom of the Baltic peoples from communist totalitarian tyranny.

On the 37th anniversary of Baltic States Freedom Day, it is particularly fitting that we remember the courageous Estonians, Latvians, and Lithuanians. I urge, therefore, that my colleagues join in support of my resolution in order that our belief in the fundamental rights and inherent dignity of mankind may be reaffirmed to all nations.

PUBLIC ENERGY COMPETITION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am introducing today a bill entitled, "Public Energy Competition Act." I know that many of my colleagues share my concern about the lack of competition in the oil industry, and I want to share with them this proposal to limit the role of the major oil companies in developing the energy resources of the public lands.

The Subcommittee on Energy and the Environment shall hold hearings on June 21 and 22, beginning our investigations into promoting competition in the leasing of the publicly-owned energy resources. The bill that I am introducing today pinpoints some of the difficulties we see with the present leasing system. This bill would prevent the major oil companies from obtaining leases of Federal energy resources and therefore would create an opening in the market for energy supplies.

I am concerned about the control large oil companies maintain over the whole process of oil production, pipeline transportation, refining, and marketing. This legislation will create a market for the sale of oil and other energy sources and begin to make the oil industry feel the rigors of good old-fashioned market forces.

H.R. 7816

A bill to amend the Mineral Leasing Act of 1920, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Energy Competition Act".

SEC. 2. Section 27 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437; 30 U.S.C. 184), is amended by adding at the end thereof the following new subsection:

"(m)(1) After December 31, 1979, no person, association, or corporation which, together with its affiliates, produces, refines, transports or markets at retail a daily worldwide average of at least one million six hundred thousand barrels of crude oil or the equivalent natural gas or products of petroleum refining, shall directly or indirectly take, or acquire control of, any lease, whether acquired directly from the Secretary under this Act or otherwise, under the provisions of this Act or the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351 et seq.), the Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001 et seq.), or the Act of August 7, 1953 (67 Stat. 29; 43 U.S.C. 1331 et. seq.); or locate or record any mining claim under chapter 6 of title XXXII of the Revised Statutes, as amended (30 U.S.C. 22 et. seq.), and the Secretary shall not issue any such lease or recognize any such claim by any person, association, or corporation if such person, association, or corporation—

"(A) controls, or as a result of such lease or claim, would control, mineral deposits in two or more of the following classes—

"(i) coal, including hydrocarbons associated with coal, but excluding coal found as a small fraction of a deposit containing coal and other marketable minerals;

"(ii) oil or natural gas;

"(iii) geothermal steam; and

"(iv) uranium and other fissionable material; or

"(B) engages in two or more of the following—

"(i) owning or controlling deposits of, or producing petroleum or natural gas;

"(ii) refining petroleum;

"(iii) transporting by pipeline petroleum, products of petroleum, or natural gas; or

"(iv) marketing petroleum, products of petroleum refining, or natural gas; or

(C) enters or participates in a joint venture with any other person, association, or corporation, which, with its affiliates, produces, refines, transports by pipeline, or markets at retail a daily worldwide average of at least one million six hundred thousand barrels of crude oil or the equivalent in natural gas or products of petroleum refining, unless such joint venture has been specifically approved and authorized by the Secretary of notice published in the Federal Register and is operated in accordance with such regulations as the Secretary may promulgate to insure, protect, and promote competition.

"(2) The Secretary, in consultation with the Federal Trade Commission and the Attorney General, may conduct such hearings and require the submission of such information as he deems necessary to determine compliance with subsection (m) by any person, association, or corporation.

"(3) For purposes of this subsection—

"(A) the term 'control' includes having or acquiring effective power or influence to deny to others the acquisition or use of a substantial portion of the materials or facility, whether such power or influence is actual or legal, and whether such power or influence may be exercised directly or indirectly, through ownership or control of stock or other securities, through affiliates, through representation on a board of directors or similar body, through interlocking directorates, through election of one or more officers, or through any stockholder, agency, trust, joint venture, lease, or contractual agreement or arrangement, or otherwise, but the fact that a contractual arrangement provides for the supply of all or a portion of the requirements of a person, association, or corporation for a material or a reasonable time period shall not, in itself, be deemed to constitute control. Control shall be presumed to exist whenever any person, association, or corporation owns 10 per centum or more of the outstanding voting securities of another corporation or association.

"(B) the term 'affiliate' means another person, corporation, or association which controls, is controlled by, or is under common control with, such person, corporation, or association.".

SEC. 3. Nothing in section 2 of this Act shall be construed to limit, restrict or otherwise prohibit or preclude any person, association or corporation holding, prior to December 31, 1979, a valid existing lease or valid existing mining claim from exercising any right to extend such lease or from perfecting such mining claim.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, I was unable to be present for the following votes. If I had been present, I would have voted as indicated.

Rollcall 16, "nay."
Rollcall 50, "nay."
Rollcall 84, "aye."
Rollcall 85, "aye."
Rollcall 135, "aye."
Rollcall 191, "nay."
Rollcall 192, "nay."
Rollcall 193, "aye."
Rollcall 194, "nay."
Rollcall 195, "aye."
Rollcall 222, "nay."
Rollcall 223, "aye."

UNITED STATES AND MEXICO EXCHANGE TERRITORY WITHOUT FANFARE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. DE LA GARZA) is recognized for 15 minutes.

Mr. DE LA GARZA. Mr. Speaker, the United States gained some territory—and lost some territory—on the United States-Mexican border—and while this is a highly unusual situation the United States and Mexico completed the trans-

fer of territory without any cymbals being sounded or voices raised in protest.

Two of the tracts involved, Mr. Speaker, are in my district—the Horcon tract opposite Mercedes, Tex., and Beaver Island near Roma, Tex.

In taking this action the Government of Mexico transferred to the United States 481.68 acres of land about 4.5 miles upstream from Hidalgo, Tex.—Reynosa, Tamaulipas, in exchange for sovereignty transferred to Mexico over the Horcon tract and Beaver Island located south of the Rio Grande and having a combined area of 481.68 acres, thus resolving the problem of Horcon tract and of Beaver Island, and restoring the Rio Grande as the international boundary in that area. The lands thus received by the United States will be turned over to the U.S. Fish and Wildlife Service, Department of the Interior, for development as a part of the National Wildlife Refuge System which will enhance the natural wildlife of this beautiful area of south Texas.

Secretary Cyrus Vance and Mexican Foreign Secretary Santiago Roel approved the transfer on May 26, 1977—interestingly enough on the very day that the U.S. delegation to the United States-Mexico Interparliamentary Meeting left for Hermosillo, Sonora. It was, indeed appropriate, Mr. Speaker, that this agreement should be signed on the eve of the XVII United States-Mexico Parliamentary Meeting. It was at such a meeting that the first mention was made of the Chamizal dispute. Through subsequent meetings of the interparliamentary group the impetus and guidance for the executive branches to act, not only on the Chamizal—but on the treaty which was to follow—to prevent any future Chamizals.

By virtue of the approval by the U.S. Secretary and the Mexican Foreign Minister, jurisdiction over some 2,340 acres has been transferred between the two countries, and for the first time since soon after the United States-Mexico boundary survey of 1853, the Rio Grande marks the undisputed international boundary at all points on its entire international reach from El Paso, Tex., to the Gulf of Mexico.

Possibly the best way to describe this action authentically and accurately is to use the Department of State's press release issued May 26, 1977—the day of the transfer:

In the Boundary Treaty of 1970, the two governments resolved all pending boundary differences, and agreed to restore the Rio Grande as the international boundary in the reaches where that character had been lost. The pending boundary problems included: (1) The problem created by two tracts under U.S. sovereignty but located on the Mexican side of the Rio Grande—the Horcon Tract opposite Mercedes, Texas, and Beaver Island near Roma, Texas; (2) A major territorial dispute outstanding since 1970 over a part of the lands in the Presidio, Texas-Ojinaga, Chihuahua Valley; and (3) The question of sovereignty over 319 islands and former islands created and moved by the Rio Grande.

The two Governments agreed in the 1970 Treaty to relocate the river channel in three areas so as to place north of the river all territory to belong to the United States, and south of the river all territory to belong to Mexico. Transfer of jurisdiction over this territory was to occur when the two Governments had expressed approval of the Commission's report confirming that it had completed the relocations. It is that approval that has been given today.

The Government of the United States transferred to Mexico 1,606.19 acres upstream from Presidio-Ojinaga, in settlement of Mexico's claim to some 2,200 acres in that area, which had been cut from its territory by river movements after 1852, when the river moved from the north side to the south side of the valley.

The Government of Mexico transferred to the United States 252 acres of land downstream from Presidio-Ojinaga in compensation for Mexico's having received under the Treaty a somewhat greater number and acreage of the islands and former islands in the Rio Grande.

In accordance with the 1970 Boundary Treaty, the cost of the changes in the location of the channel of the Rio Grande was divided equally between the two Governments.

As a separate project but concurrently with the river relocation in the Presidio-Ojinaga Valley, each Government has constructed levee protection works for the lands on its side of the valley under an internationally coordinated project to control future river floods in the area.

I am happy and proud of the leadership given by the legislative branches of both our countries in this endeavor. I might add that this is also an example of the tremendous efforts of the International Boundary and Water Commission, the U.S. section led by our good and able friend, Commissioner Joe Friedkin, who should be given great credit for his personal leadership and superior guidance. Commissioner Friedkin, acting in cohesion with his counterpart in Mexico—David Herrera Jordan—has been instrumental over the years in strenthening the bonds existing between the two nations and solving the problems that have plagued the nations for many years.

Mr. Speaker, there is something beautiful about two nations—friends and neighbors—being able to handle a situation like this. It is my prayer that all our differences and all our mutual problems be handled in the same excellent manner.

PANAMA CANAL: MORE PANAMANIAN LAWLESSNESS AND DISORDER, JUNE 6, 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in the forenoon of Monday, June 6, 1977, I received a report that a group of Panamanian students estimated at 1,000 had invaded the Canal Zone at Shaler's Triangle where since 1960 the flags of both Panama and the United States have been displayed. They proceeded to demonstrate, pulled down the American flag and then returned to Panama.

Later, I learned that a similar disturbance by Panamanian students occurred about the same time at the Atlantic end of the Canal Zone in the Port of Cristobal.

Although this information became widely known in official circles in Washington, with the exception of brief mention in the Washington Post and Wall Street Journal on June 7, no adequate news stories have yet appeared in our major news media. I have requested full information on the incidents from the Secretary of the Army.

This latest mob insult to the flag of the United States by citizens of a country that has been the largest beneficiary of the Panama Canal enterprise supports the stand of those dedicated to preventing any dilution of U.S. sovereign control over either the canal or its indispensable defensive strip of the Canal Zone.

Mr. Speaker, I here repeat what I have said on numerous occasions that the realistic issue involved on the isthmus is not between the United States and Panama but between the United States of America and the Havana-Moscow axis for which Panama is only the "tip of the iceberg" for the June 6 demonstrations were organized by Victor Navis, a known and dedicated Communist.

Such "peaceful" invasions of the Canal Zone as those on June 6 clearly suggest that something larger could well be in store for which our authorities have now been warned and should be prepared to meet with firmness and courage.

The indicated news stories together with one from a leading Panamanian newspaper follow:

[From the Washington Post, June 7, 1977]

DEMONSTRATION IN PANAMA

PANAMA CITY—Several thousand students demonstrated against the United States at two rallies, replaced the U.S. flag with a Panamanian flag and stopped a canal company train by lying across the railroad tracks.

A U.S. embassy spokesman said authorities had expected some kind of demonstration to mark the anniversary of the 1966 death of a young leftist whom the students claim was killed by the Central Intelligence Agency.

There were no injuries and the demonstrators dispersed peacefully.

[From the Wall Street Journal, June 7, 1977]

WORLD-WIDE

About 6,000 Panamanians marched on the Canal Zone demanding that the U.S. get out of Panama. The demonstration was peaceful. U.S.-Panamanian negotiations on a new canal treaty are said to be making progress.

[From Panama (R.P.) Star and Herald, June 7, 1977]

PANAMA STUDENTS PULL DOWN U.S. FLAG AT SHALER TRIANGLE

Thousands of students demonstrated yesterday on both sides of the Isthmus in observance of the anniversary of the 1966 killing of a leftist student whose body was found in the Colon corridor On June 1 of that year.

On the Pacific side a student climbed one of the two flagpoles at Shaler Triangle on the Canal Zone side of the border and brought down the U.S. flag, substituting it for a Panamanian flag. The U.S. flag was turned over the members of the National Guard to deliver to Brig. Gen. Omar Torrijos as a display of nationalist sentiment.

On the Atlantic side, hundreds of students

delayed a southbound passenger train from Cristobal for about one hour when about 20 of them placed themselves across the tracks while others climbed up on the train and painted "Yankee go home" and other slogans on the sides of the passenger cars. A Panama flag also was planted on the engine and at the train station.

The body of Juan Navas pajaro, the student whose death the demonstration called by the Panama Students Federation (FEP) was commemorating, was found on June 1 hidden in the bushes along the Canal Zone corridor leading into the city of Colon.

Felix E. Dixon, Rolando Sterling and Alberto Granados were later arrested and charged with the killing. They were tried on July 8, 1969 and Dixon and Sterling were found guilty of involuntary manslaughter and sentenced to three years in prison. Granados was acquitted. The sentences of Dixon and Sterling were later increased to five years by the second Superior Tribunal.

At first the killing of Navas Pájaro had been blamed on the National Investigation Department (DENI) and later on a feud between Pro-Peking and Pro-Moscow communist groups. Signs carried by the students during yesterday's demonstrators blamed the death on the U.S. Central Intelligence Agency (CIA).

Navas Pájaro had returned from Moscow where he had been submitted to surgery for head injury received during the 1964 clashes at the Panama-Canal Zone border, only a few days before his body was found.

Following the switching of the flags at Shaler Triangle, the Panama City student demonstrators moved to Fifth of May Plaza where a few speeches were made against the U.S. presence in the Canal Zone, and signs were painted on walls in the area.

The demonstrators then disbanded at the request of the speakers after several hours during which they tied up the morning traffic between suburban areas and the center of the city.

At approximately 12:45 p.m. Monday, four members of the National Guard and four U.S. soldiers met at the Triangle and ran down the two flags, leaving the flagpoles bare.

THE ECUMENICAL INSTITUTE BOSSEY: SYMBOL OF DIALOG AND UNITY

The SPEAKER pro tempore. Under a previous order of the House. the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, recently I had the privilege of joining the distinguished bishop of the United Methodist Church of the Washington, D.C. area. Bishop James K. Mathews, in hosting a breakfast in the Capitol which was attended by a number of Members of Congress and several church leaders from throughout the United States.

Those of us who were present at this meeting had the opportunity to hear a discussion of a most significant and unusual institution, the Ecumenical Institute Bossey, which is located in Switzerland and which has played a most important role as part of the World Council of Churches and the ecumenical movement in Christendom generally.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the text of the remarks made on this occasion by Dr. Paul A. Crow, Jr., president of the Council on Christian Unity of the Christian Church—Disciples of Christ—in the United States and Canada. Dr. Crow is moderator of the board of the Ecumenical Institute Bossey.

The text of Dr. Crow's statement follows:

THE ECUMENICAL INSTITUTE BOSSEY: SYMBOL OF DIALOG AND UNITY

(By Dr. Paul A. Crow, Jr.)

For thirty-one years the Ecumenical Institute Bossey has played a vital and unique role within the World Council of Churches and the worldwide Ecumenical Movement. It was established in 1946 by the vision of prominent WCC leaders W. A. Visser 't Hooft, Hendrik Kraemer, and Suzanne de Diétrich, and through the generosity of the Rockefeller brothers in the U.S.A. Located in the Swiss village of Céligny, twelve miles from Geneva, the Ecumenical Institute—or its more ancient name, Château de Bossey—has been a place where Christians have met each other across all sorts of boundaries and divisions and have been opened to fresh perspectives about the Church and the world situation.

Bossey's uniqueness can also be translated into the urgent needs of the churches and the world today. Indeed, its primary functions are as crucial as when Bossey was founded.

(1) The Ecumenical Institute of Bossey is a center for ecumenical and international understanding. Its program is organized each year to include the Graduate School—which offers a five-month theological course taught in cooperation with the University of Geneva—as well as an impressive list of briefer conferences, consultations, and seminars. Men and women from all countries and continents, all races, all languages, and all churches worship together, study, converse, and probe the meaning of Christian witness and service amid the challenge of our times.

There Protestants, Eastern Orthodox, and Roman Catholics encounter each other and share life together. In recent years a majority of these students and participants are from Asia, Africa, and Latin America, thus giving the occasion for the hurts, and problems, and spiritual gifts of those churches to make an impact on the rest of the world. Across political and economic boundaries the unity of the Church—which is a clue for the unity of the whole human race—is experienced.

(2) Bossey is a place where future Christian leaders are trained. It is amazing to note how many persons in strategic church leadership positions around the world studied or participated at Bossey.

For example, I recently did a personal survey of African leaders in which I discovered that ten of the top Christian leaders of Christianity in that continent are products of Bossey. One of them wrote, "All our graduates of Bossey have come back with a comprehensive picture of the Church in the world. In the dialogue that normally takes place, one captures a better concept of the history of Christianity in the world and is confronted by the 'real Church'—which is of such immensity that it is awe-inspiring."

In light of the pivotal place Africa represents in the future of world politics and peace, the role of Bossey and the World Council of Churches can only be taken with deeper seriousness. We need leaders—in churches and governments—who are conscious of the Church as a truly universal fellowship and who are committed to transcending the barriers that divide Christians, nations, and all humanity.

In an important way Bossey has focused upon the role of lay people as well as clergy. It was not accidental that Hendrik Kraemer, its first director, was a lay person. Its conferences and consultations are designed to help lay men and women to see their daily work—as scientists, lawyers, psychiatrists, artists, journalists, industrialists, farmers, and the like—as a service offered to God and their fellowmen.

(3) The WCC's Ecumenical Institute has been, and continues to be, a pioneer in reflecting upon critical issues. As one reviews the themes of conferences held at Bossey in recent years, one can observe a fascinating panorama of the Christian and human agenda. The Gospel and international life, the authority of Scripture for Jews and Christians, law and justice, the peaceful use of nuclear energy, economic order and human development, the needs of refugees, the church's responsibility for development, family life, the meaning of worship in a secular society, prospects of a just and sustainable society, theology in Asian and African contexts—are topics which reveal a prophetic involvement in the problems of our times.

Bossey, like other forums, is committed to enabling Christians and others to grasp more fully the relevant issues of our times, but more—to train leaders who will assume responsibility for a ministry of understanding, caring, and reconciliation in a world which lives under the threat of poverty, political hostility, and destruction.

I believe it is significant that American churches have played a major role in the guidance and support of Bossey. My own church, the Christian Church (Disciples of Christ), has as have other churches contributed annually to its budget and sent some of its most promising students and leaders there to learn and be shaped for wider service. The time has come for American Christians to know more about the work of the World Council of Churches and its valuable Ecumenical Institute at Bossey. We need to support by our gifts these programs which bring our people and society into a deeper awareness of our global community and universal faith. We desperately need leaders—in churches and nations—who value the dignity of human life and who understand that our future and destiny are inter-related. We are one people living under the judgment and promise of God. Only so can we live in hope.

SOLAR ENERGY FOR OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House. the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, I have today introduced a bill, H.R. 7800, the Solar Energy Bank Act, for the purpose of providing long-term, low-interest loans for the installation of solar energy equipment in commercial and residential buildings.

The intent of this legislation is to provide extra impetus to the development and utilization of solar energy, giving to solar energy a similar boost as that we have provided for other prime sources of energy, such as petroleum, nuclear, electricity, et cetera. This incentive is necessary, Mr. Speaker, because of the impending crisis we face as world supplies of petroleum are depleted; and because solar energy is seen as one of the most promising alternatives.

The development of solar technology already is far advanced and lacks only a market which would permit further sophistication and a reduction in the cost of individual units. With such a market, I am convinced that industry will respond with practical solar equipment which would reduce our reliance on fossil fuels and provide many bene-

fits and advantages to the purchasers of such equipment. My bill helps generate that market.

My bill would create a Solar Energy Development Bank, with authorized capital stock of $5 billion, as a corporate instrumentality of the U.S. Government. The Solar Bank would be authorized to make loans directly, or through banks and other lending institutions, to organizations, corporations, partnerships, and individuals to purchase solar equipment and for related purposes at interest rates of not more than 3 percent and for periods not exceeding 30 years. Loans would be properly secured and both equipment and utilization would be required to meet standards established by the Solar Bank. Loan repayments would be retained by the Solar Bank as a revolving loan fund. Participating banks and lending institutions would be compensated for originating and servicing the loans. The Solar Bank would be self-sustaining, deriving its income from interest on loans and investment of uncommitted capital and would eventually return all of its original capital to the Government.

In the best traditions of the private enterprise system, the Solar Bank would benefit business, industry, builders, and homeowners without imposing upon them, or burdening the taxpayers with, another cumbersome bureaucracy. The Solar Bank's board of directors would consist of only seven members. Its staff would be minimal. It would relegate administration to private enterprise.

It would not tell industry what kind of product to build; nor would it tell the people what kind of product to buy. Rather, it would say to industry: "Here is a $5 billion market. Build the product it demands." To the public it would say: "Here is $5 billion worth of credit. Go buy the product of your choice."

Mr. Speaker, I confess that the Solar Energy Bank Act at this point, is conceptual and somewhat imprecise. But as we take it through committee, it can be perfected to meet the exigencies, without sacrificing the concept or its goals.

The concept, I might add, is not without precedent. It is found in the Small Business Administration, the Farmers Home Administration, and other agencies which have operated in a self-sustaining way to the great benefit of the Nation.

Further, the concept directly addresses three important considerations: First, it moves us more rapidly toward energy independence by reducing our demand for foreign oil; second, it lessens the rate of inflation by reducing the huge energy bill; and third, it reduces unemployment by providing jobs in industry, business, and the construction trades.

Moreover, it would enable the homeowner and commercial establishment a source of energy which is safe, clean, nonpolluting, relatively endless, and potentially more economical, which fact the borrower could determine by comparing his Solar Bank payments to his current monthly utility bills.

Best of all, Mr. Speaker, this bill would accomplish the goal of solar development and utilization at far less cost than any impetus provided through tax credits or other nonrepayable incentives because the revolving loans would be recovered by the Government.

Finally, I believe that solar energy is a necessary ingredient in any package of alternative energy sources and I believe that the Solar Energy Bank is the most practical, the less expensive, and the most productive way to hasten its development and utilization. I urge my colleagues to support my bill to create a Solar Energy Development Bank.

FREEDOM FOR LITHUANIA: PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. STRATTON) is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, delegates from the United States, Canada, the Soviet Union, and 33 European nations are gathering today in Belgrade, Yugoslavia, to lay the groundwork and to set the agenda for a full-scale assessment later this fall of the progress made, or lack of it, in implementing the Final Act of the Helsinki Accord on European Security and Cooperation that their governments signed on August 1, 1975, relating to the matter of human rights. High on this agenda must be the issue of the fate of the people of the captive nations of Lithuania, Latvia, and Estonia, whose people have been exiled to the Soviet wastelands, and whose liberty was expunged by the Soviet imperialists during World War II.

Thirty-seven years ago this same day, on June 15, 1940 to be precise, Soviet troops invaded and occupied these nations; and subsequently 300,000 freedom-loving Lithuanians were deported to Siberian labor camps. Later that same week 15,000 Latvians and 10,000 Estonians met similar barbaric fates. In fact by 1959 the populations of these Baltic States had declined to a point one-sixth below prewar levels. In fact, in the Lithuanian capital city of Vilnius, native Lithuanians actually became a minority.

In recognition of this genocide thousands of hard-working Lithuanian-Americans across the United States have set aside June 15th of each year to remember this infamous deed and to renew their hope and faith that Lithuania may one day be free again.

Mr. Speaker, I take this opportunity to reaffirm my own commitment to the legitimate freedom aspirations of these Lithuanian patriots, and I call on our American delegation now in Belgrade to raise this matter with the Soviet delegation there, and to emphasize to them in the strongest possible terms that the United States does not, and never will, recognize the illegal seizure and incorporation into the Soviet Union of these captive nations and their people and deeply deplores the fate of those 300,000 Lithuanian patriots who became prisoners of conscience 37 years ago today.

MILITARY AID TO NICARAGUA TERMINATED BY HOUSE APPROPRIATIONS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, yesterday Secretary of State Cyrus Vance made an eloquent and forceful statement in support of the U.S. human rights policy at the opening session of the annual conference of the Organization of American States. Because his speech is of such great importance, let me quote from it:

> Respect for the rule of law will promote justice and remove the seed of subversion. If terrorism and violence in name of dissent cannot be condoned, neither can violence that is officially sanctioned. Such action perverts the legal system that alone assures the survival of our system.

If one reads Secretary Vance's statement, one cannot doubt the sincerity of the Carter administration's commitment to human rights worldwide.

Interestingly, while Secretary Vance was pressing this issue with the Latin nations, the House Appropriations Committee thwarted a fierce effort to restore military aid to Nicaragua. The Subcommittee on Foreign Operations, of which I am a member, had recommended a termination of military aid to the repressive Somoza regime in Nicaragua after extensive hearings on human rights in Nicaragua clearly demonstrated a "consistent pattern of cross violations of internationally recognized human rights." Certainly the most damaging evidence against the Somoza regime in Nicaragua is the pastoral letter issued by the Catholic bishops of that country, which charged the Nicaraguan Government and National Guard with "inhuman and humiliating treatment" of peasants ranging from "torture to rape to summary execution."

What troubles me about the effort to restore the military aid is that it did not originate in the State Department, but rather from the Nicaraguan Government Information Service. Before the full committee met, I was advised that the State Department was not lobbying to restore the aid. In fact, I must state that the position of the State Department has been quite reasonable. In earlier hearings, for example, Assistant Secretary of State for Security Assistance Lucy Benson advised the subcommittee that repression did indeed exist in Nicaragua. When asked what would be lost to the United States in terms of our security were the subcommittee to end U.S. military aid to Nicaragua, she replied that "I cannot think of a single thing." Deputy Assistant Secretary of State for Inter-American Affairs Charles Bray later testified that the State Department considered the human rights situation in Nicaragua so grave that it was withholding 1977 military assistance funds that had already been appropriated. While the State Department has stated that it would like the 1978 funds appropriated for Nicaragua, I have never

sensed that the Carter administration was eager to support the Somoza regime. On the contrary, I interpret the State Department's reticence with regard to restoring military aid to Nicaragua as an indication that the Department does not wish to be put in the position of defending the Somoza regime.

The lobbying effort to restore the aid is coming from the Nicaraguan lobby, and the arguments put forth in the debate reflect that estimation. Opponents of the military aid cutoff referred to Nicaragua as "a great friend of the United States," and even advanced the position that the human rights situation in Nicaragua is really not that bad. I am troubled by this line of argument, and am concerned that there will be another effort to restore the military aid for Nicaragua when the foreign assistance appropriations bill reaches the floor next week. I am concerned because now that the military aid cutoff has been approved by both the subcommittee and full committee, if the military aid is restored for Nicaragua, we will be sending the completely wrong message to President Somoza of Nicaragua. If the Congress restores the military aid for Nicaragua now, Somoza will not take seriously the sincere declarations made by the administration. Somoza will feel that he can successfully lobby Congress, and will continue to use repressive tactics to maintain himself in power. Such a prospect must concern all of us.

I am hopeful that the Carter administration will agree with this cutoff of military aid to Nicaragua, as it agreed to the cutoff of military aid to Uruguay which the Congress enacted last year. In my opinion the House Appropriations Committee decision to ban military aid to Nicaragua is very much in the spirit of the Carter administration. Only a very forceful message such as this action will put President Somoza on notice that the United States no longer blindly supports his family's 40-year-old regime.

The question arises, why Nicaragua? The answer is that the United States has a special responsibility to end our support for the Somoza regime. The United States created the Nicaraguan National Guard in the 1920's, which Anastasio Somoza then used to seize power in Nicaragua. Ever since, the United States has trained and equipped that national guard, which is responsible for so much repression, and ever since the Somoza family has maintained itself in power. That support must be ended.

I am appending a Washington Post article on Nicaragua:

[From the Washington Post, June 13, 1977]

NICARAGUAN BISHOPS DECRY TERROR

(By Penny Lernoux)

ZELAYA, NICARAGUA.—More than 200 peasants have been killed in Nicaragua's northern jungles in a "reign of terror and unjust extermination," according to the country's Catholic bishops.

Most of the victims, including women and children, were killed by Nicaragua's National Guard, which doubles as army and police, following charges of collaboration with a guerrilla band of 50 leftist university students operating in the area around the Wasiala River in the western part of the department of Zelaya, the bishops say.

Zelaya's priests, schoolteachers, peasants and even some local sheriffs claim that the collaboration charges are a pretext to seize the peasants' land and other spoils of war, including cattle and household goods, and to rape peasant women. Capuchin friars from the U.S. who are in charge of the Vicariate of Zelaya, report that 26 rural chapels have been converted into barracks and torture centers by the National Guard.

The guerrillas appear to get little support from the peasants. The Sandinista Front of National Liberation, named for a popular nationalist guerrilla of the 1920s has been reduced to a small hit-and-run campaign aimed primarily at attracting international publicity. The group's goals are to overthrow the Somoza family that has ruled Nicaragua for 41 years and end what they consider U.S. domination of the country.

After congressional hearings on the reported abuses by the Nicaraguan National Guard, the State Department announced that it would withhold military assistance funds for 1977. The Department asked for a 1978 appropriation, however, in case the situation improves. In 1975, the National Guard received $1 million worth of arms and training assistance from the United States.

Zelaya is a primitive land of rain forests and mountains where the only means of communication is a decrepit DC-4 that hops between dirt runways. It is almost totally isolated from the more prosperous western half of the nation.

Until recently, it was the last frontier for the country's land-starved peasants who migrated from central and southwestern Nicaragua because of the spread of large cattle ranches and rural violence.

Many of Zelaya's peasants were born in the neighboring department of Matagalpa, which experienced similar violence in the early 1970s.

Migration has increased Zelaya's population by 47 percent in the past decade. Now the same pattern of land takeovers and violence is being repeated in Zelaya.

A January pastoral letter by Nicaragua's Catholic bishops denounced "arbitrary detentions, torture, rape and executions without previous trial" in the northern jungles, which include much of Zelaya, and Matagalpa. The letter emphasized "the increasing concentration of land and wealth at the expense of humble peasants who have been dispossessed of their fields."

The process already is well advanced, with 1,800 ranches occupying 50 percent of Nicaragua's cultivated land, while 96,000 small farms occupy the rest. President Anastasio Somoza and his family own 8,260 square miles, an area approximately the size of nearby El Salvador.

As a result of this skewed distribution, 200,000 peasants are without land, although the country has more than enough to go around. Unlike tiny El Salvador, with its teeming population, Nicaragua has only 2.2 million people in an area the size of England and Wales combined. Yet half the population ekes out a subsistence living of about $120 per year on small plots of land or work as peons on large ranches.

In the more populated areas, such as Leon, a cotton-growing department in southwestern Nicaragua, 80 per cent of the peasants own no land, and their mud-and-cane shacks literally lean on the roads.

In contrast, the average peasant's farm in Zelaya is 250 acres.

"But this is only because nobody else wanted the land," explained a rural teacher. "Now that there are some roads under construction, the large ranches are moving into the southern and western areas of Zelaya."

"Whole districts have been wiped out by the National Guard on the pretext of guerrilla collaboration, yet there was no evidence of any support for the guerrillas," said another source, adding that in several cases the land of murdered peasants was redistributed among the National Guard or turned over to the large ranchers.

According to informed sources, some 1,200 acres along the Iyas River in the Sofana district of western Zelaya were ceded to the local military chief, Col. Gonzalo Everts, last year, after the National Guard shot 40 Sofana peasants, including the family who owned the land.

Everts' successor, Col. Gustavo Medina, recently authorized the takeover of lands south of the Dudu River by a large cattle rancher with adjacent holdings along the Matagalpa-Zelaya frontier, informed sources said. Of the 100 peasant families living on these lands, only 18 are left, the rest having fled or "disappeared," meaning they probably were shot by the military.

Sources who know the area well said a similar process has occurred in the nearby Varrilla district, where 44 men, women and children were killed by the military in January after the local sheriff accused the head of the Gonzalez family of collaborating with the guerrillas. Although there was no evidence to support the sheriff's charge, the National Guard slaughtered the entire Gonzalez family, their married daughters and their families, including 29 children, burying the bodies in a common pit, the sources said.

Local military commanders take the attitude that every peasant is a potential guerrilla, but the peasants themselves insist that they want nothing to do with the guerrillas.

"We are like the meat in the middle of a sandwich," explained one farmer. "If we don't give the guerrillas food, they threaten to kill us. If we give them food, then the military kills us.

"All we want is to be left alone."

SOVIET OPPRESSION IN LITHUANIA

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, it is with great dismay to me that the oppressive situation in Lithuania still exists today. To assume that religious and political freedom has been attained is a fallacy. Political repression, religious persecution, and the denial of basic human rights are all evident. The image of harmony which Moscow emanates cannot disguise the actual indignities suffered by the Lithuanian people.

The Soviet Union has blatantly ignored the human rights provision of its own constitution, the provisions for human rights in the United Nations Charter, and most recently it has ignored the implementation of the provisions of the Final Act of Helsinki.

On June 15, Lithuanian Americans will join with Lithuanians throughout the free world in commemorating the military occupation and forcible incorporation of Lithuania into the Soviet Union.

This summer, the United States will be attending the Belgrade Conference on European Security and Cooperation. It is at this conference that world opinion and diplomatic power of the Western world can attempt to rectify the onslaught of oppression existing in Lithuania.

These violations of human rights will continue until the Soviet Union is confronted with the documented facts. When this is done, the Lithuanian people will be instilled with new hope of emancipation from Soviet domination. We must show that the free world does sympathize with the plight of these people and will forge ahead in a positive direction to insure human rights for all. A demand for compliance with the provisions of the Final Act of the European Security and Cooperation Conference of Helsinki can only lead to a better existence for the Lithuanian people. With our support the Lithuanian cause will remain strong.

POSTAL SERVICE CURTAILMENT

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, a great deal has been heard recently about possible cutbacks in the number of days of mail delivery and the possible closing of small, rural post offices. As you know, I have been most vocal in my opposition to these suggestions.

Last week, I, along with my colleague from California (Mr. WILSON), introduced legislation which would mandate maintenance of 6-day-a-week delivery, and would provide an extensive appeal process before any post office could be closed.

Last year, the Congress passed a resolution making it quite clear that it opposed the wholesale closing of small, rural post offices. Yet, the Postmaster General continues to advocate just such a move.

Needless to say, this talk has upset residents of many small communities whose lifeblood depends on their post offices and their 6-day delivery. Many newspaper editorials are being written in these communities, alerting citizens to take action before it is too late. A fine example of these appears in the May 26, 1977, issue of the Marathon Independent, published in Marathon, N.Y., by an outstanding newspaper man, Walter W. Grunfeld.

I would like to share this article with my colleagues:

POSTAL SERVICE CURTAILMENT

We trust our readers are keeping apprised of what's happening with the United States Postal Service. If not, it's time to take a look at the prospects that may well be ahead for us all; those of us who depend so heavily on the mail we receive each day.

In our column this week, we attempt to describe a visit we had in Washington earlier this week where postal service and the future of the service was uppermost in our conversation. The future does not appear bright at all.

We have heard a great deal about the cutback of service from six days to a five-day delivery. Such a move could save millions, according to the postal service but when the public was recently asked what they preferred: higher first class postage rates or five-day delivery, the answer was in favor of higher rates.

We are also beginning to find out—those of us on the grass roots level—that the postal service has other plans for the smalltown post office. These would include the total closing of small offices such as our own, in an effort to again save huge sums to make the post office self-sufficient. This is the overall goal of the present postmaster general and his board of governors. Can you imagine our town without a post office?

Would you benefit and what would this elimination of a public service do to your life style?

Is it good for the economy of our town and are we not being used as victims of an ailing government service because we choose to live in rural America?

In our case, it would mean that Cortland or Syracuse or Binghamton would be the central postal centers, for the usual services offered by a post office.

It would be an outrage and we should begin to think in terms of mounting an all-out attack on Washington, or, in particular, the post office department which is proposing such an eventual move.

What should be done at this point of the proposal?

To begin with, we should pay attention to announcements and discussion on the proposal.

We should ask our congressman to furnish us with information on the exact plan of the United States Postal Service and we should begin to write letters and gather information why we believe the five-day cutback and the total closing of offices is not in the interest of the public in rural America.

You can be assured that if the public does not respond and act passively, the department will show little interest or mercy for our interest.

Public agencies, and politicians in particular, respond the best when the public is aroused and if any Washington action can arouse the American people, it is the postal service and all we hear about it.

Let's be clear, to, that postal employees on the local level, particularly in small towns, have tried their very best for years to give us good service. We think of the rural mail carriers who know no barrier to their responsibilities and get the mail to us, no matter what the weather conditions might be.

We shall never be able to afford the rates needed to make the service self sufficient. It was never intended to be that way when our Founding Fathers established the service.

This is one government agency that should receive all the help from Congress (public appropriations) it can possibly give.

Nothing, from government, affects quite so many of us as the post office. If you really think the problem out, we feel you will agree that the reaction and strongest protest must come from the grassroots where the pain and inconvenience will be felt the strongest.

MEDICARE BILLINGS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on March 14, the Health Care Financing Administration in the Department of Health, Education, and Welfare issued a list naming 409 physicians, 1,752 group/clinics, and 58 independent laboratories whose medicare billings generated more than $100,000 in income during 1975. Now, that sounds like a fairly straightforward attempt to identify those individuals and groups of physicians receiving a large amount of money from medicare. However, given the special nature of the bureaucracy, it hardly ever performs as expected. Using computers instead of brains, the folks at the Health Care Financing Administration managed to come up with a report replete with errors, causing severe and sustained damage to the reputations of hundreds of physicians throughout the country.

To illustrate what I am talking about, observe Dr. William J. Williams, the highly respected chairman of medicine at the prestigious State University of New York Upstate Medical Center. Dr. Williams picks up his local paper one morning, and finds out that, according to the Department of Health, Education, and Welfare, he pocketed $138,210 in medicare health payments during 1975. Perplexed at the report, he soon establishes that the $138,210 HEW is talking about is the medicare payments generated by the 37 physicians of Upstate Medical Center's Medical Service Group, Department of Medicine. That averages out to about $3,700 per physician, a far cry from the $138,210 accredited to Dr. Williams. Of course, his colleagues soon understand what has happened, but what sort of opinion do the thousands upon thousands of central New York residents draw from this article? Do they perhaps mistakenly infer that the chairman of medicine of a major medical treatment and research center is enriching himself on taxes designed to provide low-cost medical care for the poor and elderly?

Certainly, we all value our reputation, but we are all aware of just how vital a physician's reputation is in dealing with the sick and infirm. Multiply Dr. Williams' case nationwide, and we begin to see the full extent of the damage created by the incompetence displayed in the issuance of this report.

The outcry from aggrieved physicians, the American Medical Association and many Members of Congress was immediately forthcoming. Advised of its boner, we would expect immediate action at HEW to correct the situation. However, this did not come to pass. Fifteen days after writing to HEW about Dr. Williams, I received a telegram acknowledging receipt of my letter. Follow-up phone calls elicited the information that the physicians were being individually contacted, and an errata sheet was being issued shortly. After further hemming and hawing, a formal response was finally issued on June 8, almost 3 months after the list was originally released. I thought, here at last is the long overdue apology and correction. Not so. What HEW proposes is a "clarification—which should be ready in the next few weeks." Never let it be said that bureaucrats rush in when they can walk, or crawl, as the case may be.

When Dr. Williams originally wrote me about this problem, he stated, "I think it is entirely appropriate to release information regarding the expenditure of public funds, but I also think it is the responsibility of the agency releasing the information to be sure it is accurate." Apparently, the Health Care Financing Administration has a very relaxed attitude about its responsibilities in this area, and has only a cursory knowledge

of the principle of owning up to your mistakes and apologizing for them.

Today we consider the Labor and Health, Education, and Welfare appropriations bill for fiscal year 1978. There are about $25 to $30 million in direct administrative costs for the Health Care Financing Administration included in this bill, and you can be sure that if there is a repetition of this gross incompetence when this list is next issued, I will be seeking a reduction of funds and personnel for this agency. To assure the agency does not again commit such an error I have written to the General Accounting Office requesting they investigate how this agency list was prepared, the total cost to the taxpayers in preparing the list and in correcting the errors in it, and what suggestions they have to prevent such a boondoggle in the future.

CRIME RESISTANCE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I would like to call the attention of my colleagues to the June 1977 edition of the FBI's Law Enforcement Bulletin. In it, there is an outstanding article written by a truly outstanding American, chief of police of the city of Syracuse, N.Y., Thomas J. Sardino. Chief Sardino was ably assisted by Officer Rodney J. Carr.

Chief Thomas Sardino is widely recognized as one of this Nation's finest law enforcement officers. He has been Syracuse's police chief since 1970. He is president of the New York State Chiefs of Police, and he is a member of the executive board of the International Association of Chiefs of Police.

Chief Sardino's article pertains to an issue which affects all citizens of our country, crime prevention. It is entitled "Crime Resistance—An Alternative to Victimization." There is no one better qualified to write on this subject than Chief Sardino. I commend the FBI for its wisdom in including this article in its publication.

I would like to share this article with my colleagues.

The article follows:

CRIME RESISTANCE—AN ALTERNATIVE TO VICTIMIZATION

(By Thomas J. Sardino, chief and Rodney W. Carr, officer, Police Department, Syracuse, N.Y.)

For more than 200 years America has been a land where men and women have willingly opposed aggression; and this spirit of independence—the realization that each citizen has a vital role in upholding the law—is just as important now as it was on July 4, 1776. Self-reliance is a time-tested and indispensable American virtue; and it is not surprising that this same citizen willingness to become involved has become the keystone of one of the most formidable weapons police administrators can deploy to deescalate the spiraling crime rates reported in communities of every size from coast-to-coast—the crime resistance program.

Nearly 1 year ago the Syracuse, N.Y., Police Department implemented what has become an extremely successful crime resistance program. Police officers assigned to it are known as members of the Crime Prevention Unit. Their motto is "Help us to serve you!" and their goal is to increasingly educate and motivate the public in respect to countering the criminal element. The program has brought to the attention of the citizen the measures he or she can take to make it more difficult for the criminal to operate.

Of course, the traditional role of law enforcement agencies, both large and small, has been the investigation of crimes and the apprehension of perpetrators. But this approach by itself is no longer sufficient. Citizens must be made aware that crime is not merely a police problem, but rather a community problem. As FBI Director Clarence M. Kelley stated succinctly in his February 1976 Message in the FBI Law Enforcement Bulletin, we have "a national commitment . . . to resist crime, as individuals, families, and communities." Getting the crime resistance message to the residents of our community is the basic purpose of the Syracuse program.

The Crime Prevention Unit is comprised of three teams of two officers each. The unit is supervised by a sergeant, and it functions as a body within the department's Community Relations Section. The officers assigned there have all received training on the fundamentals of crime resistance. Crime Prevention Unit officers have been instructed by lock specialists, referral agency personnel, and command officers, and they have received additional training from the National Crime Prevention Institute at the University of Louisville in Kentucky.

After the unit was organized in 1975, it began operating under the auspices of a grant from the Law Enforcement Assistance Administration. This grant made possible the procurement of a 55- by 12-foot mobile trailer which team members now take into various neighborhoods in the city. When they arrive in the neighborhood, the officers conduct a canvass of the area and distribute informative crime resistance literature to both residential and commercial occupants. In the evening, community meetings are held at the trailer, which is equipped to receive electric power supplied by a department-owned generator truck. There, basic crime resistance information is presented in various ways—motion pictures, 35-millimeter slides, and oral discussions. The equipment used in the audiovisual presentations was also purchased as part of the grant package.

Following this initial presentation, local residents and business owners are encouraged to request security surveys, and appointments for these services are made. Officers subsequently conducting the surveys record their recommendations on a carbonized form, a copy of which is then provided to the home or business owner. The officer's copy is filed, and a followup visit is conducted several months later to determine if the citizen requires additional advice or assistance. In almost every case to date, the individual requesting the survey has carried out, and in many instances exceeded, the recommendations of the officers.

During the first visitation, the Crime Prevention Unit officer will also, at the owner's request, inscribe any valuables with the owner's social security number. The discovery of such an identifying number by a would-be thief can, in itself, have a deterrent effect. A description and the serial number of the property, the owner's name and address, and his social security number are entered into the Onondaga County Law Enforcement Information System (OLEIS) computer for identification purposes in the event the articles are later reported stolen or recovered. This information has been extremely important to both the Syracuse Police Department and other law enforcement agencies within the county participating in this local shared-information system—a system programed to accommodate the social security number as an identifier.

One of the very first priorities of the Crime Prevention Unit was to create public awareness of its existence. This was accomplished through the generous cooperation of the printed and broadcast news media in the area. The new unit was initially announced in the Sunday supplement magazine of a local newspaper. This was followed by a series of public-service announcements featured on all three Syracuse commercial television stations and on many of the local commercial radio stations. Crime Prevention Unit members have also been highly conspicuous on a number of local radio and television "talk shows." This extensive media coverage has continued and has appreciably increased citizen interest in the Syracuse program. It is not unusual for each team to make at least one crime resistance presentation every night of the week.

In the interest of additional public exposure, May 14—during National Law Enforcement Week—was selected as a date to portray the role of this and other specialized units within the department. It was decided that this would take the form of a public display of personnel and equipment. The block-long layout included the Crime Prevention Unit's trailer complete with security displays, literature, film presentations, and individualized crime resistance discussions. This exhibit was one of the most popular that day. Also included among the specialized items of equipment were the department's helicopter, bomb truck, emergency van, mobile crime laboratory van, motorcycle squad, and the recently organized Mounted Horse Patrol Unit.

In addition to informing local citizens how the Crime Prevention Unit can help them deter crime in Syracuse, the Crime Prevention Unit officers and trailer have been displayed at the New York State Fair and the Spring Home Show, both of which are held annually in Syracuse at the State Fair Grounds, thereby reaching a diverse and greatly expanded audience.

Once public acceptance and appreciation of this new program was recognized, crime prevention officers were called upon to instruct other departmental personnel regarding the fundamentals of crime resistance and the goals of the Crime Prevention Unit. This is accomplished in part through in-service rollcall training and through the utilization of these officers as instructors at the police academy.

The department recently began another phase of training when the Syracuse Housing Authority agreed to provide at least six qualified senior citizen volunteers to undergo crime resistance training by Crime Prevention Unit officers. These volunteers, who are at least 60 years of age, will pass on crime resistance information to other senior citizens who occupy high rise apartments in the buildings in which the volunteers live. We believe that these volunteers will provide a direct liaison between their peers and the department and will be able to convey valuable information in a direct and productive manner.

While the Syracuse Police Department's crime resistance program is relatively young, the impact it has had on residents of this community has already been felt. More people have become interested in what they can do to resist crime and reduce the opportunities available to the criminal in their neighborhoods. Police personnel have also heard more than one suspect in custody state that he was not at all anxious to enter a home identified by a crime resistance window decal. Actually, the many citizens who have become interested in this concept have by their actions become participating crime resistance team members themselves. The goal of the Syracuse Crime Prevention Unit is to reach everyone with the same

message, "Harden the target, don't become the next victim!"

COMPETITION IN THE ENERGY INDUSTRIES

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, while pledging to monitor competition in the energy industries, President Carter's energy plan contains no specific legislative recommendations to deal with existing and potential anticompetitive conditions in the energy industries. Instead, the administration's plan assumes that conventional antitrust remedies—such as litigation by the Justice Department under existing laws—will adequately protect competition.

Unfortunately, several decades of governmental failure to effectively enforce the antitrust laws in the energy industries have helped create serious antitrust problems which conventional remedies can no longer solve. Largely because of the pervasive network of joint ventures, most petroleum companies all too often act in concert with each other rather than competitively. In addition, the creation and development of dominant energy conglomerates—petroleum companies acquiring control of alternative energy resources and industries—is well underway, and it is already too late to stop that trend through conventional litigation. Complex antitrust litigation frequently takes 10 years to conduct, but the urgent energy needs of the Nation cannot wait that long.

New remedies are needed to promote and protect competition in the energy industries, and to prevent the excessive concentration of economic power in the hands of energy conglomerates acting in concert with each other. As Congress analyzes President Carter's energy proposals, it should also examine competition in the energy industries. Since the administration's energy bill is devoid of provisions to permit such an examination, I have introduced the following package of bills to help achieve the major goals of the President's plan:

H.R. 7780

The Energy Technology Availability Act: This bill would prohibit the suppression of essential nonnuclear energy technology, by requiring that the owners of such technology make it available at reasonable rates to all qualified applicants. The bill would prevent the kind of technology suppression which is now possible under the patent code—which currently would permit an oil company which makes a major breakthrough in technology to use a patent to prevent the development, demonstration or commercial application of that technology—a possibility whenever the company concludes that the technology's availability may decrease its overall profits. The Justice Department endorsed a similar proposal in 1973–74.

H.R. 7781

The Federal Coal Lease Preference Act: This bill would establish two classes of bidders for the acquisition of new Federal coal leases. The first class would comprise all companies except petroleum companies and electric utility companies, while the second class would comprise petroleum companies and electric utility companies. Under the bill, a company in the second class could not obtain a particular coal lease if there were a company in the first class which made an acceptable bid on the lease. The purpose of the bill is to help maintain a healthy coal industry as a competitor—rather than as a puppet—of the petroleum industry, which currently owns 5 of the 7 largest coal companies and over 35 percent of the Nation's privately held coal reserves.

H.R. 7782

The Federal Energy Leasing Limitations Act: This bill would, starting in 1980, prohibit any company from acquiring the right—through leases or mining claims—to produce more than one major energy resource—petroleum, coal and uranium—on Federal lands. Most of the increased domestic energy production over the next quarter-century will be from Federal lands. The purpose of this bill is to insure that Federal resources are not produced in a manner which contributes to the development of monopoly power in the hands of the energy conglomerates.

H.R. 7783

The Federal Uranium Leasing Act: Under existing law, the mining of uranium on Federal lands is in a "mining claim and location/patent system," under which the Government gets no royalties and virtually no compensation from the companies producing Federal uranium. The FTC staff has concluded that the current system "could provide a comparatively easy means of tying up potentially competitive resources at low cost." The bill would shift Federal uranium mining to the "leasing system," under which coal and petroleum are produced from Federal lands. In addition, the bill would require competitive bidding for almost all uranium leases and it would require the payment of royalties to the Government.

H.R. 7784

The Petroleum Industry Pipeline Divestiture Act: This bill would prohibit any company from transporting petroleum it owns through pipelines it owns. In this respect, it is based upon the Interstate Commerce Act, which prohibits railroads from transporting goods they own. The Justice Department has recently reported that petroleum company ownership of pipelines creates the opportunity and incentive for monopoly power and monopoly prices. According to the Justice Department, the rate of return of many pipelines owned by petroleum companies is "significantly above what is encountered in many other regulated industries." In Senate hearings several weeks ago, Attorney General Bell endorsed the principle of petroleum industry pipeline divestiture.

H.R. 7785

The Horizontal Divestiture in the Energy Industries Act: This bill would prohibit any company from engaging in more than one of the three major energy industries—petroleum, coal, and uranium—after 1982. Its purpose is to guarantee the independence of the coal industry and the uranium industry from the petroleum industry on both Federal and non-Federal lands. By already controlling over 35 percent of the privately held coal reserves and well over 50 percent of the privately held uranium reserves, the petroleum companies have probably reached the point where they can make fundamental decisions about the prices and production levels of coal and uranium. Unless independence can be restored to the coal and uranium industries, the petroleum companies will have the capability—and perhaps the incentive—to manipulate the prices and production levels of all energy resources in order to maximize their overall profits. Throughout last year, Jimmy Carter endorsed such "legal prohibitions against ownership of competing types of energy." Horizontal divestiture legislation is probably the only way to restore interfuel competition in the next quarter-century.

The texts of the energy competition bills I introduced yesterday follow these remarks:

H.R. 7780

A bill to amend the Clayton Act to prohibit the suppression of certain technology, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Technology Availability Act".

SEC. 2. The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 27. It shall be unlawful for any person owning any nonnuclear energy technology to refuse or fail to make it available to any qualified applicant at reasonable rates and on reasonable and nondiscriminatory terms, for use in the development, demonstration, or commercial application of any nonnuclear energy process or system. As used in this section—

"(1) the term 'technology' means any invention or discovery (whether patented or unpatented), patent (including background patent), trade secret, know-how, or proprietary information; and

"(2) the term 'nonnuclear energy technology' means any technology relating to the production, preparation, use, or conservation of energy or energy sources, other than technology relating solely to (A) design, manufacture, or utilization of atomic weapons, (B) the production of special nuclear material, or (C) the use of special nuclear material in the production of energy.".

H.R. 7781

A bill to establish classes of bidders for the acquisition of new Federal coal leases, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Lease Preference Act".

SEC. 2. Section 27 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437; 30 U.S.C. 184), is amended by adding at the end thereof the following new subsection:

"(m)(1) There are hereby established two classes of bidders for coal leases. The first class contains all applicants for coal leases except petroleum companies and electric utility companies. The second class contains

all applicants which are either petroleum companies or electric utility companies.

"(2) The Secretary may not issue a coal lease to an applicant in the second class if there is a qualified applicant for such lease in the first class.

"(3) All joint applications for coal leases shall be considered as applications from applicants in the second class unless every applicant would be in the first class if applying alone.

"(4) The Secretary may by regulation establish priority categories within either class.

"(5) For purposes of this subsection (m)—

"(A) the term 'company' means any person, corporation, association, joint venture or other entity, and all affiliates thereof;

"(B) the term 'affiliate' of a company means any other company which controls, is controlled by, or is under common control with, such company;

"(C) the term 'petroleum company' means any company which engages in the production, refining, transportation, or retail sales of oil or natural gas;

"(D) the term 'electric utility company' has the meaning used in section 2(a) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b);

"(E) control shall be presumed to exist whenever one company owns 10 per centum or more of the outstanding voting securities of another company."

H.R. 7782

A bill to amend the Mineral Leasing Act of 1920 to prohibit any company from acquiring control over more than one major energy resource on Federal lands after 1979, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Energy Leasing Limitations Act".

SEC. 2. Section 27 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437; 30 U.S.C. 184), is amended by adding at the end thereof the following new subsection:

"(m)(1) No company may, directly or indirectly, under this Act or any other law, acquire control after December 31, 1979 over any commercially-recoverable deposits on or in Federal lands in two or more of the following classes—

"(A) coal;

"(B) uranium or other fissionable minerals;

"(C) oil or natural gas.

"(2) For purposes of this subsection—

"(A) the term 'control' includes having or acquiring effective power or influence to deny to others the acquisition or use of a substantial portion of the materials or facility, whether such power or influence is actual or legal, and whether such power or influence may be exercised directly or indirectly, through ownership or control of stock or other securities, through affiliates, through representation on a board of directors or similar body, through interlocking directorates, through election of one or more officers, or through any stockholder, agency, trust, joint venture, lease, or contractual agreement or arrangement, or otherwise, but the fact that a contractual arrangement provides for the supply of all or a portion of the requirements of a person, association, or corporation for a material or a reasonable time period shall not, in itself, be deemed to constitute control. Control shall be presumed to exist whenever any person, association, or corporation owns 10 per centum or more of the outstanding voting securities of another corporation or association.

"(B) the term 'company' means any person, corporation, association, joint venture or other entity, and all affiliates thereof;

"(C) the term 'affiliate' of a company means any other company which controls, is controlled by, or is under common control with, such company."

H.R. 7783

A bill to place the mining of uranium on Federal lands under the Mineral Leasing Act of 1920, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Uranium Leasing Act".

SEC. 2. (a) All rights to mine uranium on Federal lands under the Mining Law of 1872, as amended and supplemented (30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) shall expire on December 31, 1979, unless such rights—

(1) are held under a mining claim which has been patented; or

(2) are held under a mining claim for which an application for a patent has been filed on or before such date and is pending with the Secretary of the Interior.

(b) With respect to the mining of uranium on Federal lands, any mining claim which has not been patented shall be conclusively presumed to have been abandoned and shall be deemed void.

SEC. 3. The Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437, 30 U.S.C. 181 et seq.), is amended as follows:

(1) in the first section, after "coal" each place it appears, insert ", uranium";

(2) in the heading to section 2, after "COAL", insert "AND URANIUM";

(3) in section 2, after "coal" each place it appears, insert "or uranium";

(4) in section 2(a)(2)(A), after "1975", insert ", with respect to coal leases, and prior to the date of enactment of the Federal Uranium Leasing Act, with respect to uranium leases,";

(5) in section 6, after "coal", insert ", uranium,";

(6) in section 7, after "coal" each place it appears, insert "or uranium";

(7) in section 8, after "coal" each place it appears, insert "or uranium";

(8) in section 8A, after "coal" each place it appears, except the second place it appears in section 8A(a)(3), insert "and uranium";

(9) in section 8B—

(A) after "coal" each place it appears, insert "and uranium"; and

(B) strike "or energy industry", and insert in lieu thereof "and other energy industries";

(10) in the heading to section 26, after "COAL,", insert "URANIUM,";

(11) in section 27, after "coal" each place it appears, insert "or uranium";

(12) in section 27(1)(2), strike the word "not" the second place it appears;

(13) in section 37, after "coal" the first place it appears, insert ", uranium"; and

(14) in section 39, after "coal", insert ", uranium".

H.R. 7784

A bill to amend the Clayton Act to prohibit restraints of trade in the transportation of petroleum, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Petroleum Industry Pipeline Divestiture Act".

SEC. 2. The Clayton Act (15 U.S.C. 12 et seq.) is amended as follows:

(1) after section 7A, insert the following new section:

"SEC. 7B. (a) After December 31, 1980, it shall be unlawful for any person engaged in commerce, who owns or controls any pipeline described in subsection (b), to transport by such pipeline any petroleum which such person owns or controls or has owned, controlled, produced, or refined.

"(b) This section applies to every pipeline with an internal diameter of six inches or more, which—

"(1) is operated as a common carrier;

"(2) is in or crosses any navigable water;

"(3) is on or crosses any Federal land;

"(4) crosses any State border; or

"(5) crosses any highway, the construction or operation of which is or has been funded in whole or part by the United States:

Provided, however, That this section shall not be deemed to apply to any pipeline operated within a single petroleum field, within a single refinery complex, or within a single storage facility.

"(c) Every person engaged in commerce, owning or controlling any pipeline described in subsection (b), who between the date of enactment of this section and December 31, 1979, transport by such pipeline any petroleum which such person owns or controls or has owned, controlled, produced, or refined, shall submit plans for compliance with this section to the Attorney General of the United States not later than December 31, 1979. The Attorney General of the United States may conduct such hearings and require the submission of such information as he deems necessary to determine compliance with this section by any person.

"(d) For purposes of this section—

"(1) the term 'control' includes having or acquiring effective power or influence to deny to others the acquisition or use of a substantial portion of the materials or facility, whether such power or influence is actual or legal, and whether such power or influence may be exercised directly or indirectly, through ownership or control of stock or other securities, through affiliates, through representation on a board of directors or similar body, through interlocking directorates, through election of one or more officers, or through any stockholder, agency, trust, joint venture, lease, or contractual agreement or arrangement, or otherwise, but the fact that a contractual arrangement provides for the supply of all or a portion of the requirements of a person, association, or corporation for a material or a reasonable time period shall not, in itself, be deemed to constitute control. Control shall be presumed to exist whenever any person owns 10 per centum or more of the outstanding voting securities of a corporation or other entity;

"(2) the term 'affiliate' of a person means another person which controls, is controlled by, or is under common control with, such person;

"(3) the term 'petroleum' means oil, natural gas, or the products of petroleum refining.";

(2) in section 11(a), immediately after "sections 2, 3, 7," insert "7B,";

(3) in section 11(b)—

(A) immediately after sections "2, 3, 7,", insert "7B,"; and

(B) immediately after "sections 7", insert ", 7B,"; and

(4) in section 16, strike sections two, three, seven, and eight", and insert in lieu thereof "sections 2, 3, 7, 7B, and 8".

H.R. 7785

A bill to amend the Clayton Act to maintain competition among the energy-producing industries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Horizontal Divestiture in the Energy Industries Act".

SEC. 2. The Clayton Act (15 U.S.C. 12 et seq.) is amended as follows—

(1) at the end of the first section (15 U.S.C. 12), insert the following new paragraph:

"'Control', as used in section 7B, includes having or acquiring effective power or influence to deny to others the acquisition or use of a substantial portion of the materials or facility, whether such power or influence is actual or legal; and whether such power or influence may be exercised directly or indirectly, through ownership or control of stock or other securities, through affiliates, through representation on a board of directors or similar body, through interlocking directorates, through election of one or more officers, or through any stockholder, agency, trust, joint venture, lease or contractual agreement or arrangement, or otherwise, but the fact that a contractual arrangement provides for the supply of all or a portion of a corporation's or association's requirements for a material for a reasonable time period shall not, in itself, be deemed to constitute control. As used herein, the term 'affiliate' of a corporation or association means another corporation or association which controls, is controlled by, or is under common control with, such corporation or association.";

(2) after section 7A, insert the following new section:

"SEC. 7B. (a) It shall be unlawful after December 31, 1982, for any corporation or association affecting commerce to control mineral deposits in two or more of the following classes—

"(1) coal, including hydrocarbons associated with coal, but excluding coal found as a small fraction of a deposit containing coal and other marketable minerals;

"(2) petroleum and natural gas;

"(3) uranium and other fissionable minerals.

"(b) Each corporation or association which would be in violation of subsection (a) except for the effective date of such subsection shall, not later than December 31, 1980, submit to the Federal Trade Commission plans for compliance with such subsection. The Federal Trade Commission may conduct such hearings and require the submission of such information as it deems necessary to determine compliance with this section by any such corporation or association.";

(3) in section 11(a), after "2, 3, 7," insert "7B,";

(4) in section 11(b)—

(A) after "sections 2, 3, 7," insert "7B,"; and

(B) after "sections 7" insert ", 7B"; and

(6) in section 16, strike "two, three, seven, and eight" and insert in lieu thereof "2, 3, 7, 7B, and 8".

NATURAL GAS UTILITY REGULATION

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, as the Members of the House know, the Subcommittee on Energy and Power is proceeding to markup portions of the President's National Energy Act. We are currently commencing consideration of chapter 5, part E, title I, dealing with natural gas utility regulation. Hence I include the new committee print entitled "Public Utility Regulatory Policies Continued" in the RECORD at this point:

[Committee Print]

[Public Utility Regulatory Policies Continued]

Chapter 5—NATURAL GAS UTILITIES

SUBCHAPTER A—GENERAL PROVISIONS

FINDINGS

SEC. 561. The Congress finds that improvements in gas utility rate design and other improvements in the policies applicable to such utilities have great potential for reducing the cost of gas utility services to consumers and current and projected shortages of capital, and for encouraging energy conservation.

DEFINITIONS

SEC. 562. (a) As used in this subpart:

(1) The term "gas consumer" means any person, State agency, or Federal agency to which natural gas is sold other than for purposes of resale.

(2) The term "gas utility" means any person, Federal agency, or State agency which sells natural gas.

(3) The term "natural gas" shall have the same meaning as such term has uuder section 2 of the Natural Gas Act.

(4) The terms "State regulated gas utility," "nonregulated utility", "nonregulated public system", "nonregulated cooperative", "rate", "rate schedule", "sale", and "State regulatory authority" shall have the same meaning as such terms have under section 502; except that the term "gas" shall be substituted for "electric" and "electric energy" wherever those terms appear in section 502.

COVERAGE

SEC. 563. The requirements of this subpart apply only to sales of natural gas by a gas utility for purposes other than resale in a calendar year beginning two or more years after the date of the enactment of this Act; except that such requirements shall not apply to a gas utility in any calendar year unless such sales by such utility during the second preceding calendar year (or any prior year after 1975) exceeded ten billion cubic feet of gas.

GAS UTILITY RATE DESIGN PROPOSALS

SEC. 563. (a) The Administrator shall develop proposals to improve gas utility rate design. Such proposals shall be designed to encourage energy conservation, and shall include (but not be limited to) proposals with respect to—

(1) summer-winter rate differentials,

(2) rates for interruptible service,

(3) master metering, and

(4) declining block rates.

(b) The proposals prepared under subsection (a) shall be transmitted to each House of Congress not later than twelve months after the date of enactment of this Act for review and such further action as the Congress may direct by law. Such proposals shall be accompanied by an analysis of—

(1) the projected savings (if any) in consumption of natural gas, and other energy resources,

(2) changes (if any) in the cost of natural gas to consumers, which are likely to result from the implementation nationally of each of the proposals published under this subsection, and

(3) the effects of other provisions of this Act on gas utility rate structures.

MINIMUM STANDARDS RESPECTING ADVERTISING

SEC. 564. (a) RECOVERY OF EXPENSES.—For purposes of rate determinations, no rate of a State regulated gas utility which makes sales of natural gas subject to this chapter shall be determined to be in compliance with this subchapter if such utility recovers through such rate from its natural gas consumers any direct or indirect expenditure by such utility—

(1) for promotional advertising, or

(2) for political or institutional advertising.

(b) CERTAIN ADVERTISING NOT COVERED.—Subsection (a) shall not apply to—

(1) advertising which informs natural gas consumers how they can conserve natural gas,

(2) notices required by law or regulation,

(3) public information regarding service interruptions, safety measures, or emergency conditions,

(4) advertising concerning employment opportunities with such utility, and

(5) public distribution or explanation of existing or proposed rate schedules, or hearings thereon.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "advertising" means the commercial use, by a gas utility, of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to such utility's electric consumers.

(2) The term "institutional advertising" means any advertising which is designed to create, enhance, or sustain a gas utility's public image or goodwill with the general public or such utility's electric consumers.

(3) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to any legislative, administrative, or electoral matter, or with respect to any controversial issue of public importance.

(4) The term "promotional advertising" means any advertising for the purpose of inducing the public to select or use the service or additional service of a gas utility or to select or install any appliance or equipment designed to use such utility's service.

MINIMUM PROCEDURES FOR TERMINATION OF GAS SERVICE

SEC. 565. No State-regulated gas utility which makes sales of natural gas subject to this chapter may terminate natural gas to any consumer of natural gas except pursuant to procedures prescribed by the State regulatory authority (or the Commission, in any case in which such authority has not assumed responsibility as provided in section 573). Such procedure shall—

(1) provide that no electric consumer may be terminated until reasonable prior notice has been given to such consumer and such consumer has had a reasonable opportunity to contest such termination.

(2) take into account the need to continue service to individuals if abrupt termination of such service would result in death or serious injury, and

(3) shall be prescribed by such authority (or Commission) within thirty days following assumption of enforcement responsibility.

SUBCHAPTER B—ADMINISTRATION, ENFORCEMENT, REVIEW

PROHIBITIONS

SEC. 571. (a) STATE REGULATED UTILITIES.—No State-regulated gas utility subject to this subchapter may increase any rate at which it sells natural gas unless such utility has been determined to be in compliance with the requirements of subchapter A. Such determination shall be made as provided in section 573 at the proceeding at which such rate is fixed, modified, or approved by the State regulatory authority (or by the Commission after such proceeding in any case in which the State has not assumed responsibility as provided in section 573).

(b) NONREGULATED UTILITIES.—(1) No nonregulated public system (as defined in section 567) may increase any rate at which it sells natural gas unless such system has

determined that it meets the requirements of subchapter A.

(2) No nonregulated cooperative (as defined in section 561) may violate the requirements of subchapter A.

ENFORCEMENT

SEC. 572. (a) INJUNCTIONS.—Upon petition of any Federal agency or affected State agency, the appropriate United States district court shall have jurisdiction to enjoin a gas utility from violating any prohibition contained in section 571. Each natural gas consumer of a gas utility (1) who may not maintain an action against such utility in a State court or (2) who is a consumer of a nonregulated public system which is a Federal agency may petition the United States district court to enjoin such utility from violating any such prohibition.

(b) NONREGULATED COOPERATIVES.—Any person who is a member of a nonregulated cooperative may bring a civil action in the appropriate United States district court against such cooperative for purposes of obtaining enforcement of the requirements of the prohibition contained in section 571 if such action may not be brought by such person against such cooperative in a State or local court.

COMPLIANCE DETERMINATION AUTHORITY FOR STATE REGULATED GAS UTILITIES

SEC. 573. (a) DETERMINATION BY STATE.—A State regulatory authority which has ratemaking authority with respect to a gas utility may determine whether or not such utility is in compliance with the requirements of section 571 if—

(1) such authority notifies the Commission (at such time, and in such manner, as the Commission shall prescribe by rule) that such authority assumes such responsibility with respect to such utility,

(2) such authority makes such determination in an evidentiary hearing (within the meaning of section 502(17)), and

(3) complies with the requirement contained in subsection (c)(1).

(b) DETERMINATION BY COMMISSION.—If such State regulatory authority has not complied with paragraphs (1) through (3) of subsection (a) with respect to any utility or any determination or if such authority withdraws its assumption of responsibility under subsection (a), the Commission shall, upon the application of any State-regulated gas utility, determine in an evidentiary proceeding whether or not such utility is in compliance with such requirements until such time as such State regulatory authority notifies the Commission that it assumes such responsibility.

(c) COMMISSION REVIEW OF ENFORCEMENT.—(1) Not later than two years after the date of enactment of this Act (and every two years thereafter), each State regulatory authority which has assumed responsibility under this chapter shall submit to the Commission a report (containing such information as the Commission by rule may require), describing the extent to which such authority has implemented the requirements of this part.

(2) If upon complaint to the Commission, or upon the Commission's own motion, and after notice and an evidentiary hearing, the Commission finds that any utilities regulated by a State regulatory authority that has assumed responsibility pursuant to subsection (a) hereof exhibit a pattern of noncompliance with subchapter A, the Commission shall publish such finding which shall be prima facie evidence in any court that the rates of such utilities are not in compliance with section 571.

(3) The fact that the Commission does not make the finding specified in paragraph (1) shall not be treated as evidence of any finding in any court or administrative hearing that the rates of any utility regulated by any State regulatory authority are in compliance with section 571.

JUDICIAL REVIEW

SEC. 574. (a) STATE OR FEDERAL AGENCIES.—Any Federal agency or affected State agency may obtain review of any determination referred to in section 571 made by a State regulatory authority or a nonregulated public system by commencing a civil action in the United States court of appeals for any circuit in which such authority or system is located. Such court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code.

(b) UTILITIES AND CONSUMERS.—(1) Any electric utility or electric consumer of an electric utility with respect to which a determination referred to in section 571 has been made may obtain review of such determination by commencing a civil action in the United States court of appeals for any circuit in which such authority or system is located if such determination was made by a State regulatory authority in a review proceeding in which—

(A) the Commission may not intervene as a matter of right, or

(B) the court does not treat any finding under section 573(c) as prima facie evidence of noncompliance with the provisions of section 571.

Such court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code.

(2) Except as provided in subsection (c), nothing in this subsection or section 572 shall be construed to prohibit any consumer from obtaining review in any State court of competent jurisdiction in the case of any determination referred to in section 571 made by a State regulatory authority or nonregulated public system which is a State agency, or to affect the jurisdiction of the United States Supreme Court to review any decision of a State court on writ of certiorari in accordance with section 1257 of title 28, United States Code.

(c) REMOVAL.—In the case of an action brought by a State or Federal agency under subsection (a), the court may order that any action respecting the same matter brought by any electric consumer in a State court shall be removed to, and consolidated with, the action brought under subsection (a) where such removal and consolidation will result in a more expeditious determination of such actions.

(d) FEDERAL COURTS.—Notwithstanding any other provision of law, no opportunity for review in the courts of the United States shall be available except as provided in this chapter.

DATA ON PURCHASE AND SALE OF ICC CERTIFICATES

(Mrs. FENWICK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. FENWICK. Mr. Speaker, in addition to the statement I submitted for the RECORD yesterday, I would like to submit for the RECORD a list of transactions of the purchase and sale of ICC certificates. This information was supplied to me by the Interstate Commerce Commission as a result of my correspondence with them. These figures are quite significant in reflecting the cost and effect of the present ICC regulations. The Council on Wage and Price Stability analyzed this data and concluded in its June 9, 1977 report that—

If the ICC did not tightly control entry into the business, competitive forces would push rates down and the certificates would have little, if any, value.

The Council also concluded that the ICC regulations "contributes to higher freight rates for the consumer and windfall profits for truckers."

I feel it is important that this information is made known to the public and so am placing these transactions in the RECORD.

ATTACHMENT A—OPERATING AUTHORITY, SALES PRICE DATA—SELECTED TRANSACTIONS, JANUARY 1, 1973 TO PRESENT

EXPLANATORY

The following sales price data for carrier operating authorities embraces 267 of the 1,153 Section 5 applications filed by ICC regulated motor carriers during the period January 1, 1973 to September 30, 1976. Data has not been included for 938 applications for the following reasons:

(1) 215 of the 1,153 applications represent control transactions which do not directly involve the purchase of operating authorities.

(2) 671 applications pertain to: (a) transactions which the carriers have elected not to consummate for one reason or the other; and (b) cases which are still pending final action by the Commission.

The data compiled and reported herein represents the actual purchase price of the authorities transferred. In accordance with ICC accounting rules, the amounts so recorded as intangibles cannot be amortized and charged off to income as a cost of service element. Also, these intangibles are excluded from the carriers' net investment base for ratemaking purposes.

ATTACHMENT A.—*Operating authority sales price data*

Date	MC–F	Vendee	Transaction	Actual consideration
1973	11767	J.V. Motor Lines, Inc...	Purchase ------	31,070
1973	11768	Lee Way Motor Freight,, Inc.	Control and merger.	1,061,228
1973	11769	Peoples Express Co------	Purchase ------	104,870
1973	11770	Resort Bus Lines, Inc----	Purchase (portion).	25,850
1973	11771	Universal Transport, Inc-	Purchase (portion).	5,284
1973	11776	Redwing Refrigerated, Inc.	Purchase (portion)	191,[illegible]36
1973	11778	T.I.M.E.-D[illegible], Inc--------	Control and merger.	367,617
1973	11780	Great Coastal Express, Inc.	Purchase ------	14,111
1973	11782	Krevda Bros. Express, Inc-	Purchase (portion).	36,440

ATTACHMENT A.—*Operating authority sales price data*—Continued

Date	MC–F	Vendee	Transaction	Actual consideration
1973	11783	Matlack, Inc	Merger	638, 391
1973	11784	Hilldrup Transfer & Storage, Inc.	Purchase (portion).	13, 504
1973	11785	Nilson Van & Storage	Purchase (portion).	18, 125
1973	11786	Continental Van Lines, Inc.	Purchase	21, 023
1973	11788	West Farms Express, Inc	Purchase	30, 931
1973	11790	Mashkin Freight Lines, Inc.	Purchase	58, 234
1973	11794	Tredways Express, Inc	Purchase	176, 072
1973	11797	Truck Transport, Inc	Purchase	4, 835
1973	11798	H&W Motor Express Co	Purchase	83, 200
1973	11800	Glenn H. Bower	Purchase	6, 837
1973	11801	Interstate Dress Carriers, Inc.	Purchase (portion).	65, 000
1973	11802	West Coast Truck Lines, Inc.	Purchase (portion).	316, 695
1973	11803	F–B Truck Line Co	Purchase (portion).	714, 318
1973	11805	Quick Air Freight, Inc	Control and merger.	55, 418
1973	11806	Hagen, Inc	Purchase	12, 578
1973	11810	K–Lines	Purchase (portion).	10, 040
1973	11812	Queensway, Inc	Purchase	89, 940
1973	11815	Anderson Truck Service, Inc.	Purchase (portion).	26, 749
1973	11816	Capitol Bus Co	Purchase	37, 654
1973	11821	Lombard Brothers, Inc	Purchase	45, 149
1973	11824	Cape Cod Overland Express, Inc.	Purchase (portion).	57, 486
1973	11825	B&T Transportation Co	Purchase (portion).	98, 459
1973	11826	Meadows Van & Storage, Inc.	Purchase	19, 247
1973	11828	Caudell Transport, Inc	Purchase	29, 425
1973	11830	Freeport Transport, Inc	Purchase (portion).	8, 000
1973	11836	Delaware Express, Co	Purchase	23, 185
1973	11840	Consolidated Freightways Corporation of Delaware.	Purchase	585, 446
1973	11845	IML Freight, Inc	Control and merger.	593, 258
1973	11849	Briggs Transportation Co.	Purchase	105, 143
1973	11853	Lee Way Motor Freight, Inc.	Purchase (portion).	983, 984
1973	11854	Smithway Motor Express, Inc.	Purchase	35, 100
1973	11855	Maislin Transport Corp	Merger	1
1973	11856	Anniston Motor Express, Inc.	Purchase	46, 475
1973	11865	Consolidated Freightways Corporation of Delaware.	Control and merger	63, 176
1973	11867	Ross Neely Express, Inc	Purchase	40, 230
1973	11868	Russell Transfer, Inc	Purchase (portion)	27, 857
1973	11869	Crouse Cartage Co	Purchase	185, 576
1973	11870	Overnite Transportation Co.	Purchase (portion)	105, 959
1973	11877	Campbell Sixty-Six Express, Inc.	Merger	340, 152
1973	11880	Reddaway's Truck Line	Purchase (portion)	35, 931
1973	11884	Overnite Transportation Co.	Purchase	32, 000
1973	11886	Preston Trucking Co., Inc.	Purchase	86, 025
1973	11889	Navajo Freight Lines, Inc.	Purchase (portion)	57, 436
1973	11892	S. T. L. Transport, Inc	Purchase	68, 750
1973	11894	R. M. Sullivan Transportation, Inc.	Purchase	121, 300
1973	11898	J. V. NcNicholas Transfer Co.	Purchase (portion)	47, 500
1973	11900	Courier-Newsom Express, Inc.	Purchase (portion)	551, 610
1973	11901	All-American, Inc	Purchase (portion)	56, 397
1973	11903	Briggs Transportation Co.	Purchase (portion)	24, 854
1973	11914	North East Express, Inc	Purchase (portion)	22, 070
1973	11919	Morrison Motor Freight, Inc.	Purchase	271, 628
1973	11920	Yale Transport Corp	Purchase	272, 000
1973	11921	Dart Transit Co	Purchase	33, 339
1973	11922	Ecklar-Moore Express, Inc.	Purchase (portion).	47, 744
1973	11925	Central Motor Lines, Inc.	Merger	17, 945
1973	11927	Parcel Dispatch, Inc	Purchase (portion).	18, 888
1973	11928	Dearborn's Motor Express, Inc.	Purchase	30, 900
1973	11930	Anderson Trucking Service, Inc.	Purchase (portion).	11, 302
1973	11931	Schuster Express, Inc	Purchase	132, 812
1973	11933	Refrigerated Transport, Inc. (Ky.)	Purchase (portion).	62, 360
1973	11937	Meat Dispatch, Inc	Purchase	45, 760
1973	11938	Schanno Transportation, Inc.	Purchase	10, 532
1973	11941	Ringle Express, Inc	Purchase (portion).	75, 000
1973	11943	Fred Olson Co., Inc	Purchase (portion).	1, 680
1973	11944	Mistletoe Express Service	Purchase	18, 620
1973	11945	G&H Transportation, Inc.	Purchase	37, 500
1973	11947	Interstate Motor Freight System.	Purchase	38, 433
1973	11948	Wills Trucking, Inc	Merger	92, 881
1973	11949	Boss-Linco Lines, Inc	Control and merger.	181, 237
1973	11952	Paramount Movers, Inc.	Purchase (portion).	33, 700
1973	11953	Carolina Freight Carriers Corporation.	Purchase	185, 476
1973	11958	Machise Interstate Transportation Co.	Purchase (portion).	1, 154
1973	11963	Churchill Truck Lines, Inc.	Purchase	243, 568
1973	11966	New England Motor Freights Inc.	Purchase	29, 640
1973	11967	Creger Freight Lines, Inc.	Control and Merger.	6, 029
1973	11968	Salt Creek Freightways	Purchase	83, 169
1973	11971	Roadway Express, Inc	Purchase	580, 629
1973	11972	Murphy Motor Freight Lines, Inc.	Control and merger.	2, 216, 311
1973	11973	Terminal Transport Company, Inc.	Purchase (portion).	197, 634
1973	11974	Chemical Express Carrier, Inc.	Merger	259, 062
1973	11975	Food Transport, Inc	Purchase	4, 844
1973	11978	Smith's Transfer Corp	Purchase (portion).	524, 478
1973	11983	McLean Trucking Co	Purchase (portion).	225, 000
1973	11984	Fore Way Express, Inc	Purchase (portion).	103, 596
1973	11985	Arrow Motor Freight Line, Inc.	Purchase (portion).	50, 000
1973	11987	Oliver Trucking Company, Inc.	Purchase	15, 943
1973	11991	Roadway Express, Inc	Purchase (portion).	580, 629
1973	11992	Yellow Freight System, Inc.	Purchase	268, 846
1973	11994	Sorensen Transportation Co., Inc.	Purchase (portion).	43, 760
1973	11996	Perkins Trucking Co., Inc.	Merger	0
1973	11999	Freiler Industries, Inc	Purchase	13, 200
1973	12004	Grant Trucking, Inc	Purchase	60. 400
1973	12005	Navajo Freight Lines, Inc.	Purchase (portion).	268, 864
1973	12010	Curry Motor Freight Lines, Inc.	Merger	1, 761
1973	12011	Blue Bird Coach Lines, Inc.	Purchase	76, 000

ATTACHMENT A.—*Operating authority sales price data*—Continued

Date	MC–F	Vendee	Transaction	Actual consideration
1973	12013	Carolina Freight Carriers Corp.	Purchase	178,007
1973	12014	B.T.L., Inc	Control and merger.	35,000
1973	12015	Illinois–California Express, Inc.	Control and merger.	10,970
1973	12016	New England Motor Freight, Inc.	Purchase	11,357
1973	12017	Rio Grande Motor Way, Inc.	Merger	17,500
1973	12019	New Penn Motor Express, Inc.	Purchase	52,780
1973	12020	Dodds Truck Lines, Inc	Purchase	47,290
1973	12021	Baker Hi-Way Express, Inc.	Purchase	48,600
1973	12026	Fore Way Express, Inc	Purchase	21,913
1973	12027	Jenkins Truck Line, Inc. (Indiana).	Merger	619
1973	12032	Dorn's Transportation, Inc.	Purchase (portion).	25,760
1973	12033	Lee Way Motor Freight, Inc.	Merger	1,013,710
1973	12037	Butler Trucking Co	Purchase (portion).	4,000
1973	12038	Arrow Motor Freight Lines, Inc	Control and merger.	40,251
1973	12039	Transport Motor Express, Inc.	Purchase	16,000
1973	12046	Fogleman Truck Line, Inc.	Purchase (portion).	27,949
1973	12053	Inland Express, Inc	Purchase	71,926
1973	12059	Winters Truck Line, Inc.	Purchase	25,350
1973	12062	Lyons Transportation Lines, Inc.	Control and merger.	887,172
1973	12063	Roadway Express, Inc	Purchase	35,821
1973	12066	Central Freight Lines, Inc.	Purchase	105,475
1973	12069	Senn Trucking Co	Purchase	4,323
1973	12075	Thompson, Inc	Purchase (portion).	127,230
1973	12078	Yellow Freight System, Inc.	Purchase	354,952
1973	12079	Dayton Transport Corp	Purchase (portion).	6,156
1973	12081	Denny Motor Freight, Inc.	Purchase (portion).	2,300
1973	12091	Transcon Lines	Purchase	172,293
1974	12092	Lincoln Moving & Storage Co., Inc.	Purchase	48,538
1974	12095	Graham Ship By Truck Co.	Purchase	22,322
1974	12096	Van's Auto & Air Express Inc.	Purchase	3,000
1974	12097	Wills Trucking, Inc	Purchase (portion).	40,000
1974	12098	Truck Transport, Inc	Purchase (portion).	4,065
1974	12099	W.J. Casey Trucking & Rigging Co., Inc.	Purchase	45,000
1974	12101	E.K. Motor Service, Inc	Control and merger.	9,720
1974	12102	Wallace-Colville Motor Freight, Inc.	Purchase (portion).	79,205
1974	12105	AAA Trucking Corp	Purchase (portion).	368,390
1974	12106	Dewey Freight System, Inc.	Purchase (portion).	11,433
1974	12108	Glosson Motor Lines, Inc.	Merger	179,857
1974	12109	Coastal Tank Lines, Inc	Merger	10,000
1974	12110	Arkansas-Best Freight System, Inc.	Purchase	40,045
1974	12112	Hermann Forwarding Co.	Purchase	58,805
1974	12114	Preston Trucking Co., Inc.	Purchase (portion).	35,000
1974	12118	Food Haul, Inc	Purchase	4,266
1974	12119	Norton-Ramsey Motor Lines, Inc.	Purchase (portion).	65,430
1974	12125	Minnesota-Wisconsin Truck Lines, Inc.	Purchase	43,213
1974	12128	Gateway Transportation Co., Inc.	Purchase (portion).	1,457,193
1974	12129	Roadway Express, Inc	Purchase	555,912
1974	12133	L&B Express, Inc	Purchase	14,665
1974	12135	Wilson Freight Co	Purchase	110,000
1974	12137	Miller Transfer & Rigging Co.	Purchase	30,000
1974	12138	Osborn Transportation, Inc.	Purchase (portion).	330,271
1974	12142	Roadway Express, Inc	Purchase (portion).	76,809
1974	12146	Novel Truck Lines, Inc	Purchase	108,134
1974	12149	Glennon Transports, Inc.	Purchase	352,241
1974	12152	Central Oklahoma Freight Lines, Inc.	Purchase	25,000
1974	12158	Matson Truck Lines, Inc.	Purchase	21,628
1974	12161	Rozay's Transfer	Purchase (portion).	31,860
1974	12169	Howard Hall Company, Inc.	Purchase	70,700
1974	12170	The Santa Fe Trail Transportation Co.	Purchase (portion).	565,040
1974	12177	Bekins Moving & Storage Co.	Purchase	17,541
1974	12178	Dattco, Inc	Purchase	5,000
1974	12180	Tri-State Motor Transit Co.	Purchase (portion).	350,000
1974	12186	Roadway Express, Inc	Purchase (portion).	328,040
1974	12188	J. B. Montgomery, Inc	Control and merger.	22,095
1974	12189	I-5 Freightline, Inc	Purchase (portion).	18,764
1974	12197	Penn-Mar-Va Transportation Corporation.	Merger	38,195
1974	12198	Beaufort Transfer Co	Purchase	20,003
1974	12202	C. W. Transport, Inc	Control and merger.	1,130,789
1974	12211	Stevens Van Lines, Inc	Control and merger.	23,175
1974	12113	C&H Transportation Co., Inc.	Purchase (portion).	45,090
1974	12220	Dohrn Transfer Company	Purchase	407,880
1974	12230	Plymouth Rock Transportation Corp.	Purchase (portion).	174,285
1974	12236	Roadway Express, Inc	Purchase (portion).	305,775
1974	12242	R&G Airfreight, Inc	Purchase	32,400
1974	12247	Briggs Transportation Co.	Purchase	91,852
1974	12253	Vallerie's Transportation Service, Inc.	Purchase (portion).	32,060
1974	12256	Froehlich Transportation Co., Inc.	Merger	279,000
1974	12261	Kitchell Express, Inc	Purchase	63,591
1974	12266	Neuendort Transportation Co.	Purchase	21,390
1974	12269	R–W Service System, Inc	Purchase (portion).	984,113
1974	12270	Terminal Warehouse Co	Purchase (portion).	1,743
1974	12272	Kenan Transport Co	Control and merger.	606,288
1974	12278	Takin Bros Freight Lines, Inc.	Merger	81,597
1974	12280	Don-Dee Trucking Corp	Purchase	50,000
1974	12283	Fiderak Trucking, Inc	Purchase (portion).	4,800
1974	12284	Arkansas Transport Co	Purchase (portion).	26,441
1974	12286	Sanborn's Motor Express, Inc.	Purchase (portion).	57,739
1974	12287	O.N.C. Freight System	Purchase	116,296
1974	12288	Alleghany Corporation d/b/a Jones Motor	Merger	400,677
1974	12291	Nick Strimbu, Inc	Control and merger.	65,151
1974	12293	Trans-National Truck, Inc.	Purchase (portion).	26,450
1974	12298	Petroleum Carrier Corporation of Florida.	Merger	14,914
1974	12308	Transcon Lines	Purchase (portion).	454,973
1974	12313	Wells Cargo, Inc	Purchase	56,000
1974	12314	The O.K. Trucking Co	Control and merger	74,282
1974	12315	Motor Freight Express	Purchase	101,565
1974	12324	Gariebaldi National Transporters Co., Inc	Purchase	61,592
1974	12328	Pace Motor Lines, Inc	Purchase	48,260

Date	MC–F	Vendee	Transaction	Actual consideration
1974	12335	Roy A. Gerner & Sons., Inc	Purchase	104,274
1974	12344	Fuller Transportation, Inc.	Purchase	140,600
1974	12346	Cook Motor Lines, Inc.	Purchase (portion).	10,000
1974	12353	Fleet Transport Co., Inc.	Merger	15,620
1974	12362	IML Freight, Inc.	Merger	270,283
1974	12370	North Park Transportation Co.	Purchase	12,150
1974	12374	Reinhart Mayer D/B/A Mayer Truck Line.	Purchase (portion).	9,966
1974	12381	Arrow Trucking Co.	Purchase (portion).	82,373
1974	12389	Southwest Equipment Rental, Inc. d/b/a Southwest Motor Freight.	Purchase (portion).	31,029
1974	12401	Infinger Transportation Co., Inc.	Purchase (portion).	1,993
1974	12403	Western Transportation Co.	Purchase	16,681
1975	12392	C and R Transfer Co.	Purchase	20,000
1975	12402	The Pittsburgh and Weirton Bus Co.	Purchase (portion).	100
1975	12412	Salt Creek Freightways.	Purchase	79,882
1975	12420	Wayne Daniel Truck, Inc.	Purchase (portion).	60,989
1975	12423	Union Bus Lines, Inc.	Merger	6,200
1975	12426	Salter's Express Co., Inc.	Purchase	9,557
1975	12427	Clairmont Transfer Co.	Merger	4,688
1975	12429	Carrano's Express, Inc.	Purchase (portion).	15,000
1975	12439	Carolina Freight Carriers Corp.	Purchase (portion).	350,000
1975	12446	Milton Transportation, Inc.	Purchase (portion).	17,316
1975	12447	Tri-State Motor Transit Co.	Purchase (portion).	12,000
1975	12450	Robco Transportation, Inc.	Purchase (portion).	57,597
1975	12452	Petruzzello Transport, Inc.	Purchase	52,900
1975	12454	W. D. Kbler Trucking Co.	Purchase	5,000
1975	12457	Air Van Lines	Purchase (portion).	3,851
1975	12465	C&J Commercial Driveway, Inc.	Purchase (portion).	1,955
1975	12468	Sheehan Carriers, Inc.	Purchase	30,257
1975	12472	Spector Freight System, Inc.	Merger	2,896,764
1975	12474	Berry Transportation, Inc.	Purchase (portion).	77,850
1975	12476	Gordons Transports, Inc.	Purchase (portion).	250,000
1975	12477	New York-Massachusetts Motor Service, Inc.	Purchase (portion).	37,500
1975	12481	Navajo Freight Lines, Inc.	Merger	237,458
1975	12497	Consolidated Freightways Corp. of Delaware.	Purchase (portion).	952,000
1975	12500	Caravan Tours, Inc. D/B/A Caravan Towne Cars.	Purchase	10,000
1975	12509	Warn Bros., Inc. D/B/A Crescent Truck Lines.	Purchase	27,565
1975	12518	Brada Miller Freight System, Inc.	Purchase	30,000
1975	12523	DeFazio Express, Inc.	Purchase	11,761
1975	12524	Silvey Refrigerated Carriers, Inc.	Purchase (portion).	29,169
1975	12528	Robert N. Toomey D/B/A Robert N. Toomey Trucking Co.	Purchase (portion).	12,246
1975	12533	De-Pen Line Inc.	Purchase	11,000
1975	12539	Mainliner Motor Express, Inc.	Purchase (protion).	31,303
1975	12549	G.C.T., Inc.	Purchase	21,310
1975	12550	Bray Lines Inc.	Purchase (portion).	101,447
1975	12551	Hennes Erecting Co., Inc.	Purchase (portion).	43,668
1975	12552	D&L Transport, Inc.	Purchase	11,765
1975	12561	Illinois California Express, Inc. D/B/A ICX.	Purchase (portion).	163,466
1975	12564	Tucker Freight Lines, Inc.	Control and merger.	785,426
1975	12575	Salt Creek Freightways.	Purchase (portion).	90,000
1975	12600	Crouse Cartage Co.	Purchase (portion).	10,501
1975	12602	Takin Bros. Freight Line, Inc.	Purchase (portion).	125,000
1975	12616	Continental Trailways, Inc.	Merger	3,509
1975	12625	Graver Trucking, Inc.	Purchase	3,097
1975	12629	W&L Motor Lines, Inc.	Purchase (portion).	25,000
1975	12640	Thurston Motor Lines, Inc.	Merger	3,480
1975	12649	Budig Trucking Co.	Purchase	706,635
1975	12658	Curtis Transport, Inc.	Purchase	10,765
1975	12681	Kroblin Refrigerated Xpress, Inc.	Purchase (portion).	5,000
1975	12701	Diamond Transportation System, Inc	Purchase	50,000
1975	12702	Gulf Coast Motor Line, Inc.	Merger	3,582
1975	12712	Colonial Fast Freight Lines, Inc.	Purchase (portion).	50
1975	12716	McVey Trucking, Inc.	Purchase (portion).	10,960
1975	12775	National Transportation, Inc.	Purchase	2,918
1975	12779	Chippewa Motor Freight, Inc.	Purchase	22,846
1975	12780	Gross Common Carrier, Inc.	Purchase	203,000

NOTE.—Four types of transactions result in the recordation of intangibles on the vendee carrier's books: purchase transactions in which all of the authorities of the vendor company are purchased; purchase (portion) transactions where the vendee carrier buys only a segment of the vendor carrier's franchise; control & merger transactions where the vendee company purchases the stock and merges the assets of the transferor company into itself; and merger transactions where the transferee company merges its wholly-owned subsidiary into itself. The intangible value that is recorded in merger and control & merger transactions arises when the stock purchase price exceeds the value of the tangible net assets (tangible assets minus debt) transferred.

ATTACHMENT B—PROFITABLE TRANSACTIONS

MC–F–10704: Rights purchased in 1966 for $18,000 and sold in 1969 for $50,000—Profit $32,000.

MC–F–10744: Rights purchased in 1953 for $13,500 and sold in 1969 for $85,000—Profit $71,500.

MC–F–10766: Rights purchased in 1941 ($5,200) and 1952 ($16,762) for a total of $21,962 were sold in 1969 for $90,000—Profit $68,038.

MC–F–10902: Rights purchased in 1954 for $2,750 and sold in 1970 for $45,000—Profit $42,250.

MC–F–11084: Rights purchased in 1969 for $29,376 and sold in 1970 for $151,627—Profit $122,251.

MC–F–11016: Rights purchased in 1961 ($4,822) and 1965 ($5,000) for a total of $9,822 were sold in 1970 for $275,000—Profit $265,178.

MC–F–10919: Rights purchased in 1967 for $10,000 and sold in 1970 for $40,000—Profit $30,000.

MC–F–10912: Rights purchased in 1946 for $16,000 and sold in 1970 for $100,000—Profit $84,000.

MC–F–11049: Rights purchased in 1969 for $3,000 and sold in 1970 for $23,000—Profit $20,000.

MC–F–11204: Rights purchased in 1970 for $16,825 and sold in 1971 for $22,500—Profit $5,675.

MC–F–11212: Rights purchased in 1960 for $13,000 and sold in 1970 for $55,000—Profit $42,000.

MC–F–11497: Rights purchased in 1964 for $8,773 and sold in 1971 for $80,000—Profit $71,227.

MC–F–11716: Rights purchased in 1961 for $10,950 and sold in 1972 for $350,000—Profit $340,050.

MC–F–11700: Rights purchased in 1971 for $30,000 and sold in 1972 for $31,864—Profit $1,864.

MC–F–11667: Rights purchased in 1953 for $5,500 and sold in 1971 for $340,000—Profit $334,500.

MC–F–11678: Rights purchased in 1971 for $3,000 and sold in 1972 for $15,000—Profit $12,000.

MC-F-10731: Rights purchased in 1964 for $1,100 and sold in 1969 for $40,000—Profit $38,900.

MC-F-11384: Rights purchased in 1965 for $32,820 and sold in 1971 for $175,000—Profit $142,180.

MC-F-10735: Rights purchased in 1969 for $2,500 and sold in the same year for $17,700—Profit $14,500.

MC-F-10779: Rights purchased in 1943 ($350) and 1949 ($9,000) for a total of $9,350 were sold in 1970 for $59,035—Profit $49,685.

MC-F-11291: Rights purchased in 1958 ($7,325) 1963 ($13,000) and 1965 ($5,000) for a total of $25,325 were sold in 1971 for $50,000—Profit $24,675.

MC-F-10840: Rights purchased in 1958 for $2,500 and sold in 1970 for $20,000—Profit $17,500.

MC-F-10910: Rights purchased in 1963 for $10,809 and sold in 1970 for $35,000—Profit $24,191.

MC-F-10871: Rights purchased in 1953 for $2,500 and sold in 1970 for $30,000—Profit $27,500.

MC-F-10870: Rights purchased in 1959 for $10,000 and sold in 1970 for $25,000—Profit $15,000.

MC-F-10950: Rights purchased in 1952 for $4,075 and sold in 1970 for $23,000—Profit $18,925.

MC-F-10943: Rights purchased in 1942 for $6,168 and sold in 1970 for $50,000—Profit $43,832.

MC-F-11440: Rights purchased in 1947 ($15,000), 1952 ($1,500), and 1953 ($8,150) for a total of $24,650 and sold in 1971 for $75,000—Profit $50,350.

MC-F-10944: Rights purchased in 1966 for $10,000 and sold in 1970 for $400,000—Profit $390,000.

MC-F-10987: Rights purchased in 1953 for $105,000 and sold in 1970 for $113,500—Profit $8,500.

MC-F-11148: Rights purchased in 1957 ($16,000) and 1968 ($9,800) for a total of $25,800 were sold in 1970 for $300,000—Profit $274,200.

MC-F-11224: Rights purchased in 1969 for $20,159 and sold in 1971 for $50,800—Profit $30,641.

MC-F-11322: Rights purchased (no date) for $15,265 and sold in the same year for $100,000—Profit $84,735.

MC-F-11330: Rights purchased in 1960 for $2,300 and sold in 1971 for $10,000—Profit $7,700.

MC-F-9975: Rights purchased in 1966 for $17,500 and sold in 1967 for $50,000—Profit $32,500.

MC-F-10856: Rights purchased in (year not shown) for $102,741 and sold in 1970 for $349,425—Profit $246,684.

MC-F-11752: Rights purchased in (year not shown) for $26,000 and sold in 1972 for $65,000—Profit $49,000.

LOSS ON SALE

MC-F-9944: Rights purchased in 1965 for $25,600 and sold in 1967 for $20,000—loss $5,600.

MC-F-11012: Rights purchased in 1963 for $5,000 and sold in 1970 for $1,000—loss $4,000.

NO GAIN OR LOSS

MC-F-1023: Rights purchased in 1969 for $10,000 and sold in 1969 for $10,000—no gain or loss.

MC-F-10982: Rights purchased in 1957 for $15,000 and sold in 1969 for $15,000—no gain or loss.

MC-F-10907: Rights purchased in 1946 ($1,100) 1963 ($2,500) and 1967 ($34,400) total $38,000 and all sold in 1970 for $38,000—no gain or loss.

MC-F-9955: Rights purchased in 1938 for $14,000 and sold in 1967 for $14,000—no gain or loss.

MINES AND MINING AND PUBLIC LANDS COMMITTEES HARD AT WORK OUT WEST

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, last week the House Interior Committee's Subcommittee on Indian Affairs and Public Lands, together with the Mines and Mining Subcommittee chaired by my colleague, ABRAHAM KAZEN, of Texas, completed hearings throughout the Rocky Mountain West that were of considerable importance.

On Thursday, June 9, in Cheyenne, Wyo., in a combined meeting of the Mines and Mining and the Indian Affairs and Public Lands Subcommittees, a full day was devoted to field hearings regarding H.R. 1609, the coal slurry bill, introduced by my colleague from Texas, Mr. BOB ECKHARDT, who was also present at Cheyenne.

On Friday, June 10, the Subcommittee on Indian Affairs and Public Lands met at Creede, Colo., with our colleague from Colorado, FRANK EVANS, for a full day of oversight hearings regarding the proposed promulgated rules of the BLM regarding their effect on the minerals industry and also regarding H.R. 3454, calling for inclusion of certain areas in the Rio Grande National Forest as a part of the wilderness system. More than 60 witnesses were heard there in a 1-day hearing.

On Saturday, June 11, morning hearings were held by my subcommittee, with the gentleman from Nevada, JIM SANTINI, present at Rock Springs, Wyo., with about 12 witnesses testifying on BLM oversight. In the afternoon the committee adjourned to Saratoga, Wyo., a distance of about 130 miles from Rock Springs, to continue on hearings regarding Savage Run Wilderness Area in the Medicine Bow National Forest. At Saratoga better than 85 witnesses were heard in one afternoon's hearings.

Sunday was a day of rest for me at my home in Cheyenne.

On Monday, June 13, hearings resumed at Elko, Nev., on the BLM management as it affects mining in the Nevada area and the livestock industry using the public domain.

Mr. Speaker, on those days, the following votes were missed by me, and I indicate on each particular vote how I would have voted had I been present on the floor for those votes.

The list follows:

HOW I WOULD HAVE VOTED

WEDNESDAY, JUNE 8

(1) Vote on Koch amendment to Department of Transportation Appropriations. (128 ayes to 274 noes) No. The amendment was to prevent the use of any funds for air traffic control in connection with SST's at JFK airport, unless in compliance with subsonic aircraft noise standards. (Amendment failed).

(2) Vote on final passage of Department of Transportation Appropriations. (391 yeas to 11 nays) Yes.

THURSDAY, JUNE 9

(1) Vote on resolution to consider Interior Appropriations. Yes.

(2) McCormack amendment to Interior Appropriations which sought to increase ERDA operating expenses by 39.8 million dollars. (Amendment failed) (145 ayes to 251 noes) No.

(3) Passage of Interior Appropriations. (395 yeas to 7 nays) Yes.

(4) H. Res. 617—to consider Legal Services Corporation Amendments Act of 1977. Yes.

(5) Amendment to Legal Services Corporation Amendments. Amendment would prohibit staff attorneys from becoming candidates for partisan political office. (Amendment adopted) Yes.

FRIDAY, JUNE 10

(1) Vote on Conference Report on H.R. 5840, the Export Administration Amendments of 1977. (306 yeas to 41 nays) Yes.

(2) Burgener Amendment to State, Justice, Commerce, & Judiciary Appropriations. (139 ayes to 206 noes) No. Would prohibit use of any funds for salaries or expenses of any diplomatic personnel assigned to Cuba or Swiss Embassy in Cuba. (Amendment failed).

MONDAY, JUNE 13

(1) Motion to move into the Committee of the Whole. Yes.

(2) Amendment by Holtzman to State Justice & Related Agencies Appropriations, to increase expenditures for LEAA. Defeated: 172 to 210. Yes.

(3) Cederberg motion to recommit above Appropriations Bill. Defeated 353 to 42 No.

INLAND ENERGY DEVELOPMENT IMPACT ASSISTANCE ACT OF 1977

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, in this Congress we have considered legislation to assist areas with high unemployment legislation to assist urban areas, and legislation to assist foreign nations. Out of the many domestic programs administered by HUD, EPA, EDA, and other departments and agencies; there is no program to assist the ever-burgeoning communities impacted due to energy resource development.

Senator HART has introduced a fine piece of legislation specifically designed for impacted communities. I am delighted to introduce that legislation into this body, and hope that we will be prompt in acting upon it.

One of our most important tasks today is to increase domestic energy production. Unfortunately, this is a task which has many adverse side effects; and it is time to make an effort to mitigate them. Much of the present and future mineral development is on public lands, but there are no Federal programs to provide financial or planning assistance to the areas experiencing rapid population growth.

A "boom town" is not a pleasant place to live, lacking many of the most basic facilities, but there are many of them in Wyoming. There is a demand for public facilities, housing, roads, and social services. Children and young adults have no recreational outlets, so drug abuse and alcoholism are rampant.

Each time a new program is instituted, Wyoming communities try to get funding, but rarely qualify. Many communities lack the expertise and manpower to fill out applications and analyze the re-

quirements. Most communities and counties do not have the planning capabilities that larger cities have and oftentime lack sufficient information on the anticipated rate of growth. And adding to the difficulty in obtaining help, their problems are unique to what is provided by existing programs.

The bill which I am introducing today would enable impacted communities to apply for grants, loans, loan guarantees, and technical assistance for healthy development of these communities. At long last they would have someplace to turn. The bill provides for the coordination of assistance to States. It provides for planning grants to communities involved in energy development activity and emergency grants to impacted communities as a result of energy development initiated within a 5-year period preceeding the date of enactment of this act.

I hope that my colleagues will react favorably to this bill, and move with it quickly. It is only fair to help provide decent living conditions for those people who are sacrificing their way of life to provide the Nation with the energy resources so desperately needed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BADHAM) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes, today.
Mr. HOLLENBECK, for 5 minutes, today.
Mr. GOLDWATER, for 5 minutes today.
Mr. LEACH, for 5 minutes, today.
Mr. CAPUTO, for 5 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. CONTE, for 30 minutes, today.
Mrs. HECKLER, for 10 minutes, today.

(The following Members (at the request of Mr. AKAKA) to revise and extend their remarks and to include extraneous material:)

Mr. SIKES, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. DODD, for 5 minutes, today.
Mr. CARR, for 60 minutes, today.
Mr. UDALL, for 6 minutes, today.
Ms. HOLTZMAN, for 15 minutes, today.
Mr. DE LA GARZA, for 15 minutes, today.
Mr. FLOOD, for 15 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Mr. NEAL, for 5 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Mr. SOLARZ, for 10 minutes, on June 16.
Mr. SIKES, for 5 minutes, on June 16.
Mr. KOCH, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. FENWICK, and to include extraneous matter, nothwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,207.50.

Mr. BROWN of California, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $966.

Mr. GIAIMO, to revise and extend his remarks immediately following the remarks of Mr. COUGHLIN.

Mr. HAGEDORN, immediately preceding voice vote on the Boland amendment to H.R. 7554 in the Committee of the Whole today.

(The following Members (at the request of Mr. BADHAM) and to include extraneous matter:)

Mr. MILLER of Ohio in four instances.
Mr. LENT.
Mr. SARASIN in two instances.
Mr. HYDE in two instances.
Mr. COUGHLIN.
Mr. GOODLING.
Mr. GILMAN.
Mr. VANDER JAGT.
Mr. DERWINSKI in two instances.
Mrs. PETTIS.
Mr. RHODES.
Mr. LAGOMARSINO in two instances.
Mr. CORCORAN of Illinois in two instances.
Mr. RINALDO.
Mr. BURKE of Florida.
Mr. HILLIS.
Mr. FRENZEL in three instances.
Mr. FINDLEY.
Mr. SYMMS in two instances.
Mr. MCCLORY.
Mr. CRANE in two instances.
Mr. BADHAM.
Mr. ASHBROOK in two instances.
Mr. DEL CLAWSON.

(The following Members (at the request of Mr. AKAKA) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. LEDERER.
Mr. HARRIS.
Mr. NOLAN in two instances.
Mr. ADDABBO.
Mr. MINISH.
Mr. SIKES.
Mr. CARNEY.
Mr. FARY.
Mr. JACOBS in two instances.
Mr. STOKES in five instances.
Mr. RODINO.
Mr. FITHIAN.
Mr. BLANCHARD.
Mr. TEAGUE in six instances.
Mr. HAMILTON.
Mr. MIKVA in two instances.
Mr. MCDONALD in six instances.
Mr. DINGELL in two instances.
Mr. BAUCUS in two instances.
Mrs. CHISHOLM.
Mr. SANTINI.
Mr. AMBRO.
Mr. PATTEN.
Mr. ROE.
Mr. BLOUIN.
Mr. HANNAFORD.
Mr. BURKE of Massachusetts.
Mr. RUSSO.
Mr. PEPPER in two instances.
Mr. EILBERG in two instances.
Mr. HARRINGTON.
Mrs. SCHROEDER.
Mr. WHITE.
Mr. EDGAR.
Mr. BROOKS.
Mr. ICHORD.
Mrs. SPELLMAN.
Mr. WEISS.
Mr. WAXMAN.
Mr. BRECKINRIDGE.
Mr. KOSTMAYER.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3416. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year.

ADJOURNMENT

Mr. AKAKA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, June 16, 1977, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1701. A letter from the Chairman, Resource Conservation Committee, transmitting the committee's implementation plan, pursuant to section 8002(j)(3) of the Solid Waste Disposal Act, as amended (90 Stat. 2833); to the Committee on Interstate and Foreign Commerce.

1702. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Rio Hondo-Rio Felix Basins, Roswell, N. Mex., in response to resolutions of the House and Senate Committees on Public Works adopted July 12, 1954, and November 9, 1954; to the Committee on Public Works and Transportation.

1703. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Osage River Basin, Mo. and Kans., in response to resolutions of the Senate and House Committees on Public Works adopted March 25, 1961, and June 7, 1961; to the Committee on Public Works and Transportation.

1704. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Sand-Transfer Plant, Lake Worth Inlet, Palm Beach County, Fla., in response to a resolution of the House Committee on Public Works adopted October 19, 1967; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on allocation of budget

totals by program (Rept. No. 95–413). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 632. Resolution providing for the consideration of H.R. 5646. A bill to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization (Rept. No. 95–414). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 633. Resolution providing for the consideration of H.R. 5798. A bill to amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978 (Rept. No. 95–415). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 634. Resolution waiving certain points of order against H.R. 7558. A bill making appropriations for agriculture and related agencies programs for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95–416). Referred to the House Calendar.

Mr. LONG of Maryland: Committee on Appropriations. H.R. 7797. A bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95–417). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York. Committee of conference. Conference report on H.R. 6823 (Rept. No. 95–418). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEACH:

H.R. 7796. A bill to provide for additional assistance for the preservation of historic structures under title I of the National Housing Act, section 312 of the Housing Act of 1964, and the act of October 15, 1966 (80 Stat. 917); to the Committee on Banking, Finance, and Urban Affairs.

By Mr. LONG of Maryland:

H.R. 7797. A bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes; to the Committee on Appropriations.

By Mr. BARNARD:

H.R. 7798. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWEN (for himself and Mr. O'BRIEN):

H.R. 7799. A bill to delay for 1 year the effective date of the changes made by the Tax Reform Act of 1976 in the minimum tax on individuals; to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 7800. A bill to establish a Solar Energy Development Bank to provide long-term low interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CORMAN (for himself, Mr. DOWNEY, Mr. GEPHARDT, Mr. HILLIS, Mr. IRELAND, Mr. KOSTMAYER, Mr. LONG of Louisiana, and Mr. STANGELAND):

H.R. 7801. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DRINAN:

H.R. 7802. A bill to amend the Immigration and Nationality Act to establish a uniform procedure for the admission of refugees as immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 7803. A bill to establish a Small Business Administrative Review Court; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 7804. A bill to amend chapter 117 of title 18 of the United States Code, commonly referred to as the Mann Act, to make its prohibitions apply equally with respect to males and females, and to increase the penalties for violations; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 7805. A bill to amend section 709 of title 32, United States Code, to provide increased job protection for certain civilian National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Ms. OAKAR (for herself and Mr. OBERSTAR):

H.R. 7806. A bill to amend the Public Health Service Act to provide assistance for counseling of, and preparation and distribution of information for pregnant women; to the Committee on Interstate and Foreign Commerce.

By Mr. PANETTA (for himself, Mr. BADILLO, Mr. BEILENSON, Mrs. COLLINS of Illinois, Mr. CORMAN, Mr. EDWARDS of California, Mr. GILMAN, Mr. HANNAFORD, Mr. HARRINGTON, Mr. HAWKINS, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. LEGGETT, Mr. LLOYD of California, Mr. MAZZOLI, Mr. McCORMACK, Mr. McHUGH, Mr. NOLAN, Mr. OTTINGER, Mr. PATTERSON of California, Mr. ROYBAL, Mr. SANTINI, Mr. STARK, Mr. WAXMAN, and Mr. CHARLES H. WILSON of California):

H.R. 7807. A bill to amend the Disaster Relief Act of 1974, and for other purposes; jointly, to the Committees on Public Works and Transportation, Agriculture, Education and Labor, Interior and Insular Affairs, and Small Business.

By Mr. PEPPER:

H.R. 7808. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans Affairs.

By Mr. RODINO (by request):

H.R. 7809. A bill to make the excuse of prospective jurors from Federal jury service on the grounds of distance from the place of holding court contingent upon a showing of hardship on an individual basis; to the Committee on the Judiciary.

H.R. 7810. A bill to amend chapter 121 of title 28, United States Code, by revising the section on fees of jurors and by providing for a civil penalty and injunctive relief in the event of a discharge or threatened discharge of an employee by reason of such employee's Federal jury service; to the Committee on the Judiciary.

H.R. 7811. A bill to improve the administration of the Federal Magistrates System, and for other purposes; to the Committee on the Judiciary.

H.R. 7812. A bill to enlarge and amend the trial jurisdiction of U.S. magistrates in misdemeanor cases; to the Committee on the Judiciary.

H.R. 7813. A bill to amend chapter 121 of title 28, United States Code, to provide in civil cases for juries of six persons and to clarify the procedures for the selection and qualification of jurors, and to amend chapter 81 of title 5, United States Code, to extend the coverage of such chapter to all jurors in U.S. district courts; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. SOLARZ (for himself, Mr. BAUCUS, Mr. DOWNEY, Mr. DRINAN, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FRENZEL, Mr. GEPHARDT, Mr. HAWKINS, Mr. HUGHES, Mrs. MEYNER, Mr. RYAN, Mr. SCHEUER, Mr. SIMON, Mr. STEERS, Mr. WAXMAN, Mr. WEISS, and Mr. WIRTH):

H.R. 7814. A bill to authorize Federal agencies to experiment with flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

By Mr. BRODHEAD:

H.R. 7815. A bill to provide for judicial review of administrative determinations made by the Board of Veterans Appeals; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself, Mr. SEIBERLING, Mr. VENTO, and Mr. WEAVER):

H.R. 7816. A bill to amend the Mineral Leasing Act of 1920, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RONCALIO:

H.R. 7817. A bill to amend the Public Works and Economic Development Act to establish a comprehensive program to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development, and for other purposes; jointly, to the Committees on Public Works and Transportation, Banking, Finance and Urban Affairs, and Interior and Insular Affairs.

By Mr. HYDE (for himself and Mr. CORCORAN of Illinois):

H.J. Res. 520. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. HARRIS, Mr. EDWARDS of Alabama, Mr. FLIPPO, Mr. BREAUX, Mr. PEPPER, Mr. BURLESON of Texas, Mr. JONES of North Carolina, Mr. SATTERFIELD, Mrs. LLOYD of Tennessee, Mr. MAZZOLI, and Mr. FREY):

H.J. Res. 521. Joint resolution to restore posthumously full rights of citizenship to Jefferson F. Davis; to the Committee on the Judiciary.

By Mr. RUPPE:

H.J. Res. 522. Joint resolution relating to the regulation by the States of certain Indian hunting and fishing rights; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H. Con. Res. 251. Concurrent resolution to express the commitment of the American people to human rights and a thorough discussion of all violations of the Helsinki Final Act at the Belgrade Conference on European Security and Cooperation; to the Committee on International Relations.

By Mr. HARRINGTON:

H. Res. 635. Resolution to direct the Committee on Interstate and Foreign Commerce to make an investigation and study of telecommunications policy; to the Committee on Rules.

By Mr. MARKS:

H. Res. 636. Resolution to establish a Select Committee on Welfare Reorganization for the purpose of studying the problems which arise in the interaction of programs dealing with welfare benefits and of formulating new legislation to restructure the present welfare system in light of such problems, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

189. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to Federal supervision of public retirement systems; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Ms. KEYS:

H.R. 7818. A bill for the relief of Ernest E. Thompson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

126. By the SPEAKER: Petition of the Lawyers' Committee for Civil Rights Under Law, Washington, D.C., relative to funding levels for education programs; to the Committee on Appropriations.

127. Also petition of the Asian Peoples' Anti-Communist League, Taipei, Taiwan, Republic of China, relative to U.S. foreign policy; to the Committee on International Relations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5023

By Mr. COHEN:

On page 1, line 5, strike "eleven years" and insert "more than eleven years after the right of action accrued".

On page 1, lines 5 and 6, strike "twenty-one years" and insert "after July 18, 1979".

On page 1, lines 8 and 9, strike "eleven years" and insert "within eleven years after the right of action accrues".

On page 1, lines 9 and 10, strike "twenty-one years" and insert "on or before July 18, 1979".

H.R. 7555

By Mr. GLICKMAN:

On page 22, line 20, after the word "Act.", add the following: "The sums available under section 708(a) of the Emergency School Aid Act which may be used for providing compensatory services to students who had previously received such services funded in whole or in part by title I of the Elementary and Secondary Education Act Amendments of 1965, but who are no longer receiving such services as a result of attendance changes under a desegregation order or plan, may, notwithstanding any provisions of Sec. 704 (a) of such Act be used for providing services to such students in any case where such order or plan was formally approved after February 13, 1973."

By Mr. JEFFORDS and Mr. DODD:

On page 35, insert the following new paragraph on line 20:

"COMPLIANCE ASSISTANCE

"For carrying out the provisions of section 504 of the Vocational Rehabilitation Act of 1973, as amended, $240,000,000."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House Rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 25, 1977 (page 16700).

H.R. 2001. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $7,500 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such Title.

H.R. 2002. January 19, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of a Federal felony and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate and foreign commerce during the commission of such crime.

H.R. 2003. January 19, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of a Federal felony and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate or foreign commerce during the commission of such crime.

H.R. 2004. January 19, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of a Federal felony and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate or foreign commerce during the commission of such crime.

H.R. 2005. January 19, 1977. Education and Labor. Establishes a Construction Industry Bargaining Commission within the Department of Labor. Requires the Commission oversee establishment of National Craft Bargaining Boards.

Sets forth procedures for determining the bargaining framework in the construction industry whereby the Commission, subject to Secretary of Labor review, is to determine the desirability of multicraft bargaining and approve multicraft and/or single craft geographic bargaining areas.

Directs the Commission to establish regulations for the selection of bargaining committees by contractors and labor organizations. Stipulates that collective bargaining agreements negotiated under this Act shall govern employment at all worksites of those crafts included within geographic bargaining areas.

H.R. 2006. January 19, 1977. Judiciary. Amends the Hobbs Act to impose penalties for interfering with commerce by willfully causing property damage of at least $2,000 at or near a factory, construction site, or other place where work or business of an employer or owner is carried on or where such employer or owner transports, stores, or maintains property.

Stipulates that a violation of such provision or of the provision prohibiting interference with commerce through robbery, violent acts, or extortion shall not be nullified or mitigated by certain factors.

H.R. 2007. January 19, 1977. Judiciary. Amends the Voting Rights Act of 1965 to repeal the prohibitions against voting qualifications, prerequisites, tests, or devices which abridge the right of a citizen to vote who is a member of a language minority.

Repeals the requirement that States and other political subdivisions make available registration and voting materials and voting assistance in languages other than English.

H.R. 2008. January 19, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 2009. January 19, 1977. Judiciary. Permits the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries conducted by a nonprofit organization and authorized by State law.

Defines "nonprofit organization" as any religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organization or association not organized for profit and none of the net income of which inures to the benefit of any private individuals.

H.R. 2010. January 19, 1977. Agriculture. Requires, under the Federal Meat Inspection Act, that imported meat and meat food products in whole or part from imported meat be labeled "imported" or "imported in part" at all stages of distribution until reaching the ultimate consumer.

Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Health, Education, and Welfare.

H.R. 2011. January 19, 1977. Armed Services. Authorizes appropriations in specified amounts for fiscal year 1978 for the procurement of naval vessels for the armed forces. Prohibits the obligation of funds authorized under this Act for a certain guided missile destroyer program for material or components which are not suitable for use in a nuclear powered strike cruiser until the President has made certain determinations and has reported them to Congress.

H.R. 2012.—January 19, 1977. Banking, Finance and Urban Affairs. Prohibits Federal assistance to (1) rental housing projects where tenants are not allowed to have pets, and (2) local governments which do not permit pets in rental housing.

H.R. 2013.—January 19, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 2014.—January 19, 1977. Rules. Terminates budget authority for all Federal programs. Requires Congress to consider whether any such programs merit continuation on the same, a greater, or a lesser level, or termination.

Requires the Comptroller General to identify inactive or inefficient programs.

H.R. 2015.—January 19, 1977. Armed Services. Directs the Secretary of Defense to take measures to insure that military discharges do not indicate the conditions under which separation from the armed forces occurred and to maintain the confidentiality of all records pertaining to the reason for such separation. Sets forth the conditions under which a less than honorable discharge may be given. Sets forth procedures for the es-

tablishment of review boards to determine whether a member should be given less than an honorable discharge and appeal boards and regional boards of review to review military discharges.

H.R. 2016. January 19, 1977. Interior and Insular Affairs. Establishes the Connecticut Historic Riverway in Massachusetts.

H.R. 2017. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 2018. January 19, 1977. Ways and Means. Directs that no repayment of advance made under Title XII (Advances to State Unemployment Fund) of the Social Security Act to the unemployment account of the State of Michigan which were outstanding on November 15, 1976 shall be required.

H.R. 2019. January 19, 1977. Interstate and Foreign Comerce Amends the Natural Gas Act to direct the Federal Power Commission to exempt from regulation certain sales of natural gas to interstate pipelines where natural gas shortages exist.

H.R. 2020. January 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 2021. January 19, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 2022. January 19, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to prepare a one-year feasibility study of a National Museum of Afro-American History and Culture in Los Angeles, California. to be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

H.R. 2023. January 19, 1977. Banking, Finance and Urban Affairs. Establishes in the Department of Housing and Urban Development a direct low-interest loan program to assist homeowners and other owners of residential structures in purchasing and installing more effective insulation and heating equipment.

H.R. 2024. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow the taxpayer either a tax credit or deduction for certain improvements in the thermal design of his principal residence.

H.R. 2025. January 19, 1977. Veterans' Affairs. Provides that the fees payable to agents or attorneys who represent veterans in allowed claims under the veterans laws shall be paid by the Administrator of Veterans' Affairs rather than deducted from amounts awarded under the claims.

H.R. 2026. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that attorneys' fees allowed in administrative or judicial proceedings under that program or under Title XVIII (Medicare) of such Act, in cases where claimants are successful. shall be paid by the Secretary of Health, Education, and Welfare rather than deducted from the amounts awarded claimants.

H.R. 2027. January 19, 1977. Public Works and Transportation. Prohibits Federal agencies from building, altering, acquiring, or leasing any building for office or storage space within a 50-mile radius of the Capitol Building between October 1, 1977, and September 30, 1987.

H.R. 2028. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to change the tax exemption for wine produced for personal consumption to allow an adult to produce: (1) 200 gallons of wine for personal consumption per year if there are two or more adults in the household; or (2) 100 gallons for such consumption if there is only one adult in the household. Allows a tax exemption for beer produced by an adult for personal consumption in the amounts set forth above.

H.R. 2029. January 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to establish a Long-Term Care Services program to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 2030. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development. Requires applying schools to demonstrate that there is a reasonable indication that non-Federal financial resources for development will be available and that Federal assistance will accelerate the date on which the school will be able to begin its teaching program.

H.R. 2031. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development. Requires applying schools to demonstrate that there is a reasonable indication that non-Federal financial resources for development will be available and that Federal assistance will accelerate the date on which the school will be able to begin its teaching program.

H.R. 2032. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development. Requires applying schools to demonstrate that there is a reasonable indication that non-Federal financial resources for development will be available and that Federal assistance will accelerate the date on which the school will be able to begin its teaching program.

H.R. 2033. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development. Requires applying schools to demonstrate that there is a reasonable indication that non-Federal financial resources for development will be available and that Federal assistance will accelerate the date on which the school will be able to begin its teaching program.

H.R. 2034. January 19, 1977. Judiciary. Stipulates that the United States shall pay reasonable litigation costs, including attorney's fees, to any defendant in a Federal criminal case who is not convicted after trial, whose prosecution is dismissed with prejudice, or whose conviction is ultimately vitiated other than by pardon on grounds other than innocence.

H.R. 2035. January 19, 1977. Judiciary. Directs the United States to pay reasonable litigation costs, including attorney fees to prevailing defendants in civil actions in which the United States is a plaintiff.

H.R. 2036. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to limit the application of the Tax Reform Act's elimination of the sick pay exclusion for persons who have not retired on total disability, to taxable years beginning after December 31, 1976.

H.R. 2037. January 19, 1977. Post Office and Civil Service. Amends the Legislative Reorganization Act of 1946 to repeal automatic cost-of-living adjustments for Members of Congress. Abolishes such adjustments for: (1) certain executive and judicial employees and officials; (2) the vice president; and (3) referees in bankruptcy.

H.R. 2038. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 2039. January 19, 1977. Armed Services. Requires the Secretaries of the various armed forces to establish regional boards and panels to review discharges from the armed services under less than honorable conditions. Specifies certain mitigating and extenuating factors which such boards and panels are to consider. Authorizes the issuance of honorable discharges (limited to individuals whose post-service behavior has been exemplary). Sets forth the procedures which the boards and panels are required to follow regarding applications for review.

H.R. 2040. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to substitute a health protection tax on cigarettes manufactured in or imported into the United States for the present tax. Sets forth graduated tax rates based on the tar and nicotine content of each cigarette. Directs the Federal Trade Commission to determine the tar and nicotine content of each brand of cigarettes manufactured in or imported into the United States.

H.R. 2041. January 19, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to review the standards promulgated under that Act to insure that such standards are effective and capable of being implemented; to authorize the Attorney General to enforce such standards, and to permit consultative inspections of work sites by the Secretary.

H.R. 2042. January 19, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to set the statute of limitations with respect to actions brought by the Attorney General or the Equal Employment Commission under the equal employment opportunities provisions thereof at two years after 30 days following the expiration of certain reference periods.

H.R. 2043. January 19, 1977. Interstate and Foreign Commerce. Increases from three to five years the term for which a license to operate a radio broadcasting station may be issued, and for which such licenses may be renewed under the Communications Act of 1934.

Establishes procedures to be followed for the renewal of broadcasting licenses.

H.R. 2044. January 19, 1977. Interstate and Foreign Commerce. Amends the Clean Air Act to require consideration of total environmental, social, and economic impact in the implementation of clean air standards. Includes provisions to allow individual sources to petition the Administrator of the Environmental Protection Agency for variances where environmental benefits do not justify economic and social costs imposed by environmental controls.

H.R. 2045. January 19, 1977. Ways and Means. Amends title IV (Child Support and Establishment of Paternity) of the Social Security Act to limit to 50 percent the

amount of an individual's wages which is subject to garnishment under such title.

H.R. 2046. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for the current fair market value of charitable contributions of literary, musical or artistic compositions created by the taxpayer, without any reduction for appreciation.

H.R. 2047. January 19, 1977. Merchant Marine and Fisheries. Amends the Commercial Fisherman Research and Development Act of 1964 to: (1) change the yearly date on which apportionment to the States of funds available under the Act must be made; and (2) revise the formula used for calculating such apportionment under the Act.

H.R. 2048. January 19, 1977. Ways and Means. Amends the Tariff Schedules of the United States to reduce the customs duty for fish netting or fish nets of fabric other than cotton or vegetable fibers.

H.R. 2049. January 19, 1977. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, a specified number of additional district judges to the United States District Court for the Southern District of Florida.

H.R. 2050. January 19, 1977. Banking, Finance and Urban Affairs. Requires that all paper money of the United States shall bear a designation in braille indicating the denomination of the bill.

H.R. 2051. January 19, 1977. Judiciary. Amends the Immigration and Nationality Act to change the status of Indochinese refugees who entered the United States after March 31, 1975, to that of permanent resident alien. Permits the Attorney General, at his discretion, to change to the status of permanent resident alien specified Indochinese who entered the country prior to such date and children and spouses of persons receiving permanent resident status under this act.

H.R. 2052. January 19, 1977. House Administration. Designates all accredited law schools depositories to receive Government publications subject to the depository laws. Requires that such schools be given a complete set of the Congressional Record.

H.R. 2053. January 19, 1977. Interior and Insular Affairs. Terminates all mineral leasing rights with respect to leases in the Osceola National Forest in Florida.

H.R. 2054. January 19, 1977. Judiciary. Transfers Madison County, Florida, from the middle to the northern judicial district of Florida.

H.R. 2055. January 19, 1977. Judiciary. Repeals the Gun Control Act of 1968. Reenacts the Federal Firearms Act. Makes use of a firearm to commit a felony a Federal crime.

H.R. 2056. January 19, 1977. Merchant Marine and Fisheries. Authorizes appropriations for the fiscal year ending September 30, 1977, for the repair of a portion of a State road which passes through Saint Marks National Wildlife Refuge in Florida.

H.R. 2057. January 19, 1977. Public Works and Transportation. Directs the Administrator of General Services to construct a public building for the housing of Federal employees in Tallahassee, Fla.

H.R. 2058. January 19, 1977. Education and Labor. Requires employers to provide workmen's compensation benefits in accordance with the minimum standards set forth in this act.

Permits compensation claims to be brought in Federal courts where both State law and the decision of the appropriate State agency fail to meet such minimum standards. Requires employers in States whose laws are not certified by the Secretary of Labor as complying with such standards to maintain evidence of financial ability to pay benefits in compliance with this act.

Authorizes grants to States for improving workmen's compensation programs.

Establishes the National Worker's Compensation Advisory Commission.

H.R. 2059. January 19, 1977. Education and Labor. Directs the Secretary of Labor to enter into a contract with Opportunities Industrialization Centers, Incorporated, in order to provide comprehensive employment services and jobs for unemployed persons through such centers.

Requires the head of each Federal agency administering programs under specified Federal acts to make arrangements with local agencies to assure that special consideration will be given to Opportunities Industrialization Centers for the provision of comprehensive employment services and job opportunities for the unemployed pursuant to such program.

H.R. 2060. January 19, 1977. Education and Labor. Amends the Federal Metal and Nonmetallic Mine Safety Act to authorize additional standards to protect the health and safety of miners. Includes provisions to authorize inspections by Federal officials, to require reporting of major accidents, and to establish procedures for enforcement of standards and emergency relief.

Establishes the Office of Assistant Secretary for Mine Safety and Health in the Department of Labor. Transfers regulatory and enforcement authority from the Secretary of the Interior to the Secretary of Labor to the Secretary of Health, Education, and Welfare, and to the newly established Federal Metal and Nonmetallic Mine Safety and Health Commission.

H.R. 2061. January 19, 1977. Education and Labor. Amends the act which established the Youth Conservation Corps to direct the Secretaries of Agriculture and Interior to jointly extend the Youth Conservation Corps so as to make possible the year-round employment of young adults.

H.R. 2062. January 19, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 2063. January 19, 1977. House Administration. Directs that the President and Vice President, and the respective candidates for such offices, be selected by a direct vote of the people of the States and the District of Columbia.

Sets forth the participation and qualification requirements for candidates and political parties for the national Presidential primary election. Establishes criminal penalties for violations of this act.

H.R. 2064. January 19, 1977. International Relations. Restricts payments of the United States to the United Nations to the ratio of the population of the United States to the total population of member nations.

H.R. 2065. January 19, 1977. Interstate and Foreign Commerce. Prohibits the importation of any product manufactured or assembled outside the United States unless the product bears a label indicating country of origin. Prohibits the sale of a product assembled from components manufactured outside the United States without a label indicating imported components. Prohibits the advertisement of such products which do not bear required labels. Makes a violation of such prohibitions an unfair or deceptive practice in violation of the Federal Trade Commission Act. Directs the Federal Trade Commission to prescribe rules to carry out this act. Directs the Commission to prevent violations of this act.

H.R. 2066. January 19, 1977. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934: (1) to prohibit persons who are not citizens of the United States from acquiring more than five percent of the voting securities or 35 percent of the nonvoting securities of any issuer whose securities are registered under the act; (2) to prohibit any person not a citizen who now owns securities in greater percentages than stated above from acquiring any more of such securities; and (3) to direct the Securities and Exchange Commission to require the registration of persons not citizens before their acquisition of securities registered under the Securities Exchange Act of 1934.

H.R. 2067. January 19, 1977. Post Office and Civil Service. Authorizes the mailing of letter mail at no cost to the sender if mailed by a citizen to the President or to the Members of Congress from such citizen's State.

Requires the Secretary of the Treasury to transfer to the Postal Service the amount of postage due for letter mail sent under this act.

H.R. 2068. January 19, 1977. Post Office and Civil Service. Abolishes the Commission on Executive, Legislative, and Judicial Salaries established by the Federal Salary Act of 1967.

H.R. 2069. January 19, 1977. Education and Labor; Banking, Finance and Urban Affairs. Amends the Fair Labor Standards Act of 1938 to authorize the Secretary of Labor to investigate any proposed business closing or relocation and to provide assistance to certain employees and local governments affected by such action.

Denies specified tax benefits to a business closing or transferring an operation upon certain findings by the Secretary.

Establishes a National Employment Relocation Administration within the Department of Labor and a National Employment Relocation Advisory Council.

H.R. 2070. January 19, 1977. Rules; Government Operations. Terminates budget authority for all Federal programs. Requires Congress to consider whether any such program merits continuation on the same, a greater, or a lesser level, or termination.

Requires the Comptroller General to identify inactive or inefficient programs.

Establishes the Citizens' Bicentennial Commission on the Organization and Operation of Government to study Federal agencies and to recommend measures to increase their efficiency.

Requires review of all preferential tax provisions to determine the merits of such provisions.

H.R. 2071. January 19, 1977. Post Office and Civil Service; House Administration. Reduces retirement benefits for Members of Congress by ten percent for every year they remain in office after attaining 70 years of age.

H.R. 2072. January 19, 1977. Veterans' Affairs. Provides that recipients of Veterans' pensions and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 2073. January 19, 1977. Ways and Means. Amends the Internal Revenue Code by entitling persons owning a homestead, having low income, and being 65 years of age and over to be reimbursed for property taxes accrued for the taxable year.

H.R. 2074. January 19, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 2075. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $8,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such title.

H.R. 2076. January 19, 1977. Post Office and Civil Service. Amends the Former Presidents Act of 1958 by requiring each former President to fix the basic rates of compensation for staff in accordance with specified levels of the Executive and General Schedules.

H.R. 2077. January 19, 1977. Education

and Labor. Amends the Occupational Safety and Health Act of 1970 by directing the Secretary of Labor to: (1) render on-site consultation and advice to any employer, upon request of such employer, concerning compliance with the act; and (2) establish programs for the education and training of employers and employees concerning hazards in particular industries.

H.R. 2078. January 19, 1977. Judiciary. Directs the Secretary of the Treasury to pay a certain sum to the city of Cape May, New Jersey, in full settlement of its claims against the United States arising out of the erosion of beaches caused by the construction of jetties by the Federal Government.

H.R. 2079. January 19, 1977. Appropriations; Armed Services. Amends the Department of Defense Appropriation Act, 1977, to repeal the prohibition of expenditure of funds for claims for nonemergency inpatient hospital care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) when such care was available at a facility of the uniformed services within a 40-mile radius of the patient's residence

H.R. 2080. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 2081. January 19, 1977. Merchant Marine and Fisheries. Amends the Fishery Conservation and Management Act of 1976 to: (1) waive congressional oversight of any governing international fishery agreement entered into on or before February 15, 1977; (2) set the effective date of any such agreement, with respect to the United States, on the day on which it was entered into; (3) waive certain requirements with respect to applications for foreign fishing permits, made pursuant to any such agreement, which authorizes fishing in the fishery conservation zone during 1977; and (4) waive until May 1, 1977, the requirement that foreign fishing vessels have on board a permit issued under an application submitted pursuant to specified international fishery agreements.

H.R. 2082. January 19, 1977. Merchant Marine and Fisheries. Revises existing laws relating to the management of the National Wildlife Refuge System. Establishes a Bureau of National Wildlife Refuges in the Department of the Interior.

Establishes a system of classification of component units within the National Wildlife Refuge System. Designates certain lands in Alaska for inclusion in the system as national wildlife refuges or wildlands.

Directs the Secretary of the Interior to establish the J. Clark Saylor II National Wildlife Refuge Training Academy.

H.R. 2083. January 19, 1977. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to authorize a program of grants to States for preschool educational programs for migratory children.

H.R. 2084. January 19, 1977. Veterans' Affairs. Provides for the payment of pensions to certain veterans of World War I and their widows.

H.R. 2085. January 19, 1977. Interstate and Foreign Commerce; Judiciary. Amends the Federal Trade Commission Act to prohibit the application of a per se rule of illegality under the antitrust laws in the case of territorial market allocation agreements made as part of a licensing agreement: (1) for the manufacture, distribution and sale of a trademarked soft drink product; or (2) for the distribution or sale of a trademarked private label food product.

H.R. 2086. January 19, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 2087. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide that taxpayers shall not be required to pay the principal or interest for underpayments of taxes for any period prior to April 16, 1977 (March 16, 1977 in the case of a corporation), nor penalized for any failure to withhold and deduct taxes on remuneration paid before 1977, to the extent that such failures or underpayment are attributable to new or increases tax liabilities imposed by the Tax Reform Act.

H.R. 2088. January 19, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to terminate Federal Power Commission authority to regulate sales of new natural gas and sales of natural gas to certain high priority customers.

Directs the Commission to prohibit the curtailment of natural gas supplies for essential agricultural purposes. Restricts the use of natural gas as a boiler fuel.

H.R. 2089. January 19, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to terminate Federal Power Commission authority to regulate sales of new natural gas and sales of natural gas to certain high priority customers.

Directs the Commission to prohibit the curtailment of natural gas supplies for essential agricultural purposes. Restricts the use of natural gas as a boiler fuel.

H.R. 2090. January 19, 1977. Ways and Means. Amends the Internal Revenue Code and Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide coverage of such program to all officers and employees of the United States other than those in the judicial branch.

H.R. 2091. January 19, 1977. Ways and Means. Amends the Internal Revenue Code and Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to include within the coverage of such program all Members of Congress and officers and employees in the legislative branch of the Government.

H.R. 2092. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to 150 percent of poverty level the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such Title.

H.R. 2093. January 19, 1977. House Administration. Directs the Comptroller General to conduct annual audits of any financial transaction of each Member, officer, and standing committee of the House of Representatives involving the contingent fund of the House retroactive to 1973. Requires that each annual report be submitted to the Speaker of the House of Representatives and be available for public inspection.

H.R. 2094. January 19, 1977. Banking, Finance and Urban Affairs. Repeals the Council on Wage and Price Stability Act.

H.R. 2095. January 19, 1977. Ways and Means. Increases to $5,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 2096. January 19, 1977. Banking, Finance, and Urban Affairs. Amends the National Flood Insurance Act of 1968 to extend certain rates on insurance to communities which are in the process of constructing flood protection systems to be completed by December 31, 1984.

Amends the Flood Disaster Protection Act of 1973 to repeal requirements making flood insurance and/or participation in the national insurance program a prerequisite to certain Federal or federally supervised financial assistance.

H.R. 2097. January 19, 1977. Public Works and Transportation. Authorizes the construction of such facilities as are deemed necessary by the Secretary of the Army, acting through the Corps of Engineers, in the vicinity of Logan and Nelsonville, Ohio, to provide adequate flood protection for these communities.

H.R. 2098. January 19, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in social security benefits.

Applies to annual income determinations made for calendar years after 1976.

H.R. 2099. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to exempt farming vehicles from the highway motor vehicle excise tax, excepting vehicles owned by corporations with gross annual receipts exceeding $950,000, or which derive more than 50 percent of their gross receipts from nonfarming activities.

H.R. 2100. January 19, 1977. Banking, Finance, and Urban Affairs. Amends the Council on Wage and Price Stability Act to require each Federal agency to prepare an economic impact statement for each rule it proposes that will have a significant impact on prices and employment. Requires such statement to be published in the Federal Register along with comments thereon made by the Director of the Council of Wage and Price Stability.

H.R. 2101. January 19, 1977. Judiciary Permits an employer to claim exclusive right to an invention made by an employee during the employee's term of employment which either grew out of the type of work performed or is derived from experience gained on the job.

Directs payment of adequate compensation to the employee.

Establishes an Arbitration Board in the Patent and Trademark Office to arbitrate disputes relative to the rights created in this Act.

H.R. 2102. January 19, 1977. Veterans' Affairs. Increases the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons.

H.R. 2103. January 19, 1977. Veterans' Affairs. Provides that veterans with disabilities rated 10 through 100 percent shall receive from the Veterans' Administration additional compensation for dependents.

H.R. 2104. January 19, 1977. Interstate and Foreign Commerce. Authorizes the award of attorney's fees and other costs of public participation in specified administrative and judicial proceedings under the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the National Traffic and Motor Vehicle Safety Act of 1966.

H.R. 2105. January 19, 1977. Interstate and Foreign Commerce. Amends the Investment Advisers Act of 1940 to authorize the Securities and Exchange Commission to prescribe standards of qualification and financial responsibility for investment advisers.

H.R. 2106. January 19, 1977. Government Operations; Rules. Requires the President to report to the Congress yearly suggestions for the reform of independent regulatory bodies in order to decrease their inflationary effects and to increase competition.

H.R. 2107. January 19, 1977. Rules; Government Operations. Terminates budget authority for all Federal programs. Requires Congress to consider whether any such program merits continuation on the same, a greater, or a lesser level, or termination.

Requires the Comptroller General to identify inactive or inefficient programs.

Establishes the Citizens' Bicentennial Commission on the Organization and Operation of Government to study Federal agencies and to recommend measures to increase their efficiency.

Requires review of all preferential tax provisions to determine the merits of such provisions.

H.R. 2108. January 19, 1977. Public Works and Transportation. Amends the Local Public Capital Development and Investment Act of 1976 to revise the formula for allocation of grants to States and localities by giving greater priority to areas of higher unemployment. Increases the amount authorized to be appropriated under such Act.

H.R. 2109. January 19, 1977. Education and Labor. Amends the Older Americans Act by establishing in any State real property tax relief programs by the Secretary of Health, Education, and Welfare for qualifying persons age 65 or older.

H.R. 2110. January 19, 1977. Agriculture; Ways and Means. Amends the Social Security Act by authorizing the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for the elderly.

H.R. 2111. January 19, 1977. Agriculture. Amends the Consolidated Farm and Rural Development Act to reduce the interest rates on emergency agricultural loans, to prohibit credit tests, and to increase the loan repayment term.

H.R. 2112. January 19, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing penalties for the use of a firearm during the commission of certain crimes to: (1) cover the commission of specified felonies with the use of any firearm which has been transported in commerce rather than only the commission of Federal felonies; (2) increase terms of imprisonment; and (3) prohibit suspended and probationary sentences for first convictions.

H.R. 2113. January 19, 1977. Banking, Finance, and Urban Affairs. Amends the Housing and Community Development Act of 1974 to revise the allocation formula for community development assistance to metropolitan cities and urban counties in order to insure that the areas of greatest need will receive the most assistance. Increases the amount of funds authorized to be appropriated for grants to States and local governments.

H.R. 2114. January 19, 1977. Veterans' Affairs. Provides that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a service pension or a nonservice-connected disability pension paid by the Veterans' Administration.

H.R. 2115. January 1, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 2116. January 19, 1977. Agriculture. Authorizes, under the Agricultural Adjustment Act of 1938, the lease and transfer of burley tobacco from marketing quotas to farms in any county within the same State. Directs the Secretary of Agriculture to conduct a referendum of burley tobacco producers to determine their approval or opposition to such lease and transfer program.

H.R. 2117. January 19, 1977. Veterans' Affairs. Provides that monthly social security benefit payments and annuity payments under the Railroad Retirement Act of 1974 shall not be included as income for the purpose of determining pensions and dependency and indemnity compensation paid by the Veterans' Administration.

H.R. 2118. January 19, 1977. Interstate and Foreign Commerce. Establishes an Office of Rural Health within the Department of Health, Education, and Welfare to be headed by a Director who shall be a qualified health care professional, appointed by the Secretary. Authorizes the Director to make grants, contracts, loans, and loan guarantees for projects to examine existing models of rural health care delivery, to determine their applicability and transferability to other rural areas, and to assist in the study, planning, development, experimentation, and demonstration of rural health care delivery models.

H.R. 2119. January 19, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay a pension to veterans of World War I. Establishes maximum annual income limitations.

H.R. 2120. January 19, 1977. Veterans' Affairs. Provides that monthly social security benefit payments and annuity payments under the Railroad Retirement Act of 1974 shall not be included as income for the purpose of determining eligibility for certain veterans' and widows' pensions and indemnity compensation paid by the Veterans' Administration.

H.R. 2121. January 19, 1977. Veterans' Affairs. Removes the time limitation within which programs of education for veterans must be completed.

H.R. 2122. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to increase each of the standard personal exemptions to $1,200.

H.R. 2123. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax deduction for retirement savings by persons who are active participants in other retirement benefit plans qualifying for special tax consideration.

H.R. 2124. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to limit the application of the Tax Reform Act's elimination of the sick pay exclusion for persons who have not retired on total disability, to taxable years beginning after December 31, 1976.

H.R. 2125. January 19, 1977. Banking, Finance, and Urban Affairs. Amends the Housing and Community Development Act to provide that units of general local government receiving grants under the hold-harmless provisions of such Act, shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled.

H.R. 2126. January 19, 1977. Government Operations. Amends the Public Works Employment Act of 1976 to extend the authorization for financial payments to States and localities under such Act for an additional five calendar quarters. Increases the total amount authorized to be appropriated for such purposes.

H.R. 2127. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to restrict the tax exclusion of proceeds on industrial development bonds to certain types of issues, the proceeds of which will be used within economic development areas. Allows national banks to deal in, and underwrite, such bonds.

H.R. 2128. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that whenever cost-of-living increases are made in benefits, such amounts shall be further increased for individuals residing in high cost areas by a formula set forth in the Act.

H.R. 2129. January 19, 1977. Public Works and Transportation. Directs the President or his delegate to prepare a comprehensive program of public works, to make grants to States to aid in the financing of any public works project included in the program, and to develop a formula for determining the Federal contribution to each such project based, in part, on National, State, and local unemployment rates.

H.R. 2130. January 19, 1977. Post Office and Civil Service. Designates the anniversary of Martin Luther King's birth, January 15, as a legal public holiday.

H.R. 2131. January 19, 1977. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Agriculture.

H.R. 2132. January 19, 1977. Agriculture. Establishes in the Department of Agriculture a Bureau of Agricultural Statistics under the direction of a Commissioner appointed by the President. Directs the Bureau to obtain information about prices received by producers and processors of agricultural commodities used for food, and wholesale and retail food prices. Requires the Bureau to make recommendations to Congress twice a year regarding legislative action to lower retail food prices when such prices increase while the prices received by producers drop or remain constant.

H.R. 2133. January 19, 1977. Agriculture. Authorizes the Secretary of Agriculture to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of animal health research at eligible institutions. Authorizes the Secretary to allocate any funds appropriated by Congress for such animal research programs.

H.R. 2134. January 19, 1977. Agriculture. Amends the Federal Laboratory Animal Welfare Act to: (1) include certain common carriers and retail pet stores within the definition of "dealer" for purposes of the Act; (2) include certain animals and birds within the definition of "animal" under the Act when used in connection with a retail pet store or zoo; and (3) make humane standards applicable to specified facilities of persons and common carriers licensed under the Act.

H.R. 2135. January 19, 1977. Armed Services. Prohibits the military departments from using dogs in connection with any research, development, test, or evaluation relating to biological or chemical warfare agents.

H.R. 2136. January 19, 1977. Education and Labor. Amends the Education of the Handicapped Act to authorize the Commissioner of Education to make grants to State educational agencies for the development and operation of tutorial and instructional agencies for the development and operation of tutorial and instructional programs for homebound handicapped children.

Stipulates that: (1) Special consideration should be given to handicapped veterans and handicapped students in selecting tutors; (2) the Federal funds should be used to help the handicapped child be assimilated into society; and (3) the Federal funds should only be used to supplement State, local, or private funds.

Directs the Commissioner to offer technical assistance to a State to aid such State in receiving funds under this Act.

H.R. 2137. January 19, 1977. Education and Labor. Amends the Domestic Volunteer Service Act of 1973 to permit any developmentally disabled child receiving services under the foster grandparent program to continue to receive such services as an adult if such services are mutually beneficial to such child and grandparent.

H.R. 2138. January 19, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to establish, through the making of grants or entering into contracts for, a national summer youth sports program.

H.R. 2139. January 19, 1977. Government Operations. Establishes within the Executive Branch the Agency for Economic and Natural Resources Planning to report annually to the President and Congress and each instrumentality of the Executive Branch on the status and long-range outlook for economic and

natural resources and goals for better utilization of resources. Transfers to the Agency from the Departments of Agriculture, Interior, Commerce and each other Executive agency all functions and duties of long-range planning of our natural resources.

H.R. 2140. January 19, 1977. Government Operations. Expands the Advisory Commission on Intergovernmental Relations from 26 to 28 to include the elected school board officials selected by the President from a list submitted by the National School Boards Association.

H.R. 2141. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 2142. January 19, 1977. Government Operations. Permits the donation of surplus supplies and equipment to State and local recreation agencies by authority of the Federal Property and Administrative Services Act of 1949.

H.R. 2143. January 19, 1977. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to permit the transfer or sale to specified entities of surplus property, including real property, to help meet State, multistate, and local special needs arising out of the actual or threatened severe unemployment arising from the closing of Federal facilities.

H.R. 2144. January 19, 1977. Government Operations. Allows the Administrator of the General Services Administration to donate surplus property to rescue squads whose primary functions is to provide emergency medical transportation or related services.

H.R. 2145. January 19, 1977. Interior and Insular Affairs. Directs the Nuclear Regulatory Commission to prohibit the licensing of certain activities involving plutonium until expressly authorized by Congress. Authorizes a comprehensive study of potential dangers to public health and safety resulting from the recycling of plutonium.

H.R. 2146. January 19, 1977. International Relations. Prohibits the settlement of a debt owed to the United States by a foreign country in an amount less than the full value of the debt, unless approved by Congress by concurrent resolution.

H.R. 2147. January 19, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit United States exporters from furnishing certain information to foreign agents and from participating in foreign boycotts. Requires exporters to report requests for participation to the Office of Export Administration. Authorizes the Secretary of Commerce to revoke the export licenses of violators of this Act. Authorizes civil actions based upon violations of this Act. Directs the Secretary of Commerce to report violations to the Equal Employment Opportunity Commission.

Amends the Civil Rights Act of 1964 to require the EEOC to report complaints against exporters under this Act to the Department of Commerce.

H.R. 2148. January 19, 1977. International Relations. Prohibits the sale, shipment, or transfer of nuclear source or special material, equipment, or technology to any country which has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons. Permits such a transaction if the President determines that it is essential to national security and reports such determination to Congress. Requires such determinations to be approved by Congress and printed in the Federal Register.

H.R. 2149. January 19, 1977. Interstate and Foreign Commerce. Creates the National Power Grid Corporation to operate a national power grid system consisting of electric power generating facilities and a system of high voltage transmission lines, with priority given to environmental protection and land use research.

Transfers certain existing Federal power facilities to the national grid system. Defines rights, powers, and duties of national and regional corporations and employees. Requires compliance with environmental standards.

H.R. 2150. January 19, 1977. Interstate and Foreign Commerce. Establishes a national health insurance program under the Social Security Act. Authorizes the Secretary of Health, Education, and Welfare to reinsure insurance carriers participating in federally approved State health insurance plans. Directs the Secretary to establish standards for coverage and premiums. Directs the Secretary to establish and operate Federal plans in noncooperating States.

H.R. 2151. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require the Director of the National Institute of Child Health and Human Development to plan and develop a coordinated autism research program. Authorizes the Secretary of Health, Education, and Welfare to make grants, loans, and loan guarantees to public or private nonprofit residential or nonresidential centers with education programs for autistic children.

H.R. 2152 January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants and enter into contracts for projects to provide Huntington's disease screening, and in the diagnosis, treatment, and prevention of Huntington's disease. Directs the Secretary to disseminate information on Huntington's disease and to provide voluntary screening, counseling, and treatment therefor within the Public Health Service.

H.R. 2153. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare, to carry out a program to develop information and educational materials relating to the skin disease known as vitiligo. Authorizes the Secretary to make grants and enter into contracts with public and nonprofit private entities for projects for research and training in the diagnosis, treatment, and control of vitiligo.

H.R. 2154. January 19, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development. Requires applying schools to demonstrate that there is a reasonable indication that non-Federal financial resources for development will be available and that Federal assistance will accelerate the date on which the school will be able to begin its teaching program.

H.R. 2155. January 19, 1977. Interstate and Foreign Commerce. Prohibits refiners or distributors of petroleum products from cancelling franchises without prior notice. Prohibits refiners or distributors from cancelling petroleum franchises without cause.

H.R. 2156. January 19, 1977. Interstate and Foreign Commerce. Stipulates that as a condition to the abandonment of any railroad line, the owner of such rail line must give the State in which the line is located a preemptive option to purchase the line during a one-year period for transportation and public utility purposes. Stipulates that acquisitions of such lines shall be projects eligible for grants under current Federal financial assistance programs for transportation and public utility purposes.

H.R. 2157. January 19, 1977. Interstate and Foreign Commerce. Prohibits the shipment in interstate or foreign commerce of any fur or leather, raw or in finished form, from animals trapped in any State or foreign country which has not banned the manufacture, sale, or use of such traps.

Directs the Secretary of Commerce to publish a list of such States and foreign countries.

H.R. 2158. January 19, 1977. Judiciary. Grants a Federal charter to the National Ski Patrol System.

H.R. 2159. January 19, 1977. Judiciary. Grants a Federal charter to the Italian American War Veterans of the United States.

H.R. 2160. January 19, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to prohibit any air carrier from discontinuing any service provided under its certificate of public convenience and necessity unless after notice and hearing the Civil Aeronautics Board finds that such discontinuance is in the public interest.

H.R. 2161. January 19, 1977. Small Business. Amends the Small Business Act to provide that the term "small business concern" shall include a nonprofit organization the purpose of which is to provide economic benefit or valuable service to its members and which possesses such financial structure and prospects as would reasonably assure that it is able to meet financial obligations.

H.R. 2162. January 19, 1977. Veterans' Affairs. Establishes a mortgage protection life insurance program for veterans unable to acquire commercial life insurance because of service-connected disabilities.

H.R. 2163. January 19, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to make grants to States, upon approval of their applications, to assist them in establishing, expanding, or improving veterans cemeteries owned by the State; to pay a portion of the cost of interment for each eligible person and the cost of perpetual care maintenance; and to pay the cost of transportation of a deceased veteran's body for burial in a national cemetery.

H.R. 2164. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for new investments in the taxpayer's trade or business. Limits the deduction to $40,000 or 20 percent of the business' net income, whichever is less.

H.R. 2165. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 2166. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property to amortize expenditures for the restoration of rental housing.

H.R. 2167. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide an additional income tax exemption for each taxpayer, spouse, or dependent who is suffering from a mental or physical disability which constitutes a substantial handicap to employment or education.

H.R. 2168. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 2169. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes. Amends the Public Health Service Act to authorize the appropriation of additional amounts so raised to the National Heart and Lung Institute.

H.R. 2170. January 19, 1977. Ways and Means. Amends the Internal Revenue Code

to allow the taxpayer either a tax credit or deduction for certain improvements in the thermal design of his principal residence.

H.R. 2171. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to deny foreign tax credits, DISC benefits, and other tax benefits to companies cooperating with countries demanding that such companies boycott Israel, Israeli clients or companies owned or managed by Jewish individuals.

H.R. 2172. January 19, 1977. Education and Labor; Post Office and Civil Service. Amends the Rehabilitation Act of 1973 to set forth a grievance procedure for handicapped individuals who believe that they have been discriminated against in any federally assisted program or by any Federal agency.

Amends the Civil Rights Act of 1964 to make it unlawful for any employer to discriminate in his employment practices against any individual because of such individual's handicap.

H.R. 2173. January 19, 1977. Education and Labor; Ways and Means. Establishes a national program of child adoption and care services.

Directs the Secretary of Health, Education, and Welfare; (1) to establish a National Registry of Adoptable Children; and (2) to establish a National Data Bank of Adoption Information and Resources for the purpose of disseminating information on sources of funding for prospective adoptive parents and on adoption agencies.

Sets forth requirements for all State child welfare organizations which receive Federal assistance.

H.R. 2174. January 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to specifically include under the supplementary medical insurance program of such Title payment for wheelchairs and other durable medical equipment which are furnished on a lease-purchase basis.

H.R. 2175. January 19, 1977. Ways and Means. Authorizes a taxpayer, under the Internal Revenue Code, to elect to treat qualified architectural and transportational barrier removal expenses which are paid or incurred during the taxable year as expenses which are not chargeable to capital account. Deems such expenses so treated as allowable tax deductible expenditures.

H.R. 2176. January 19, 1977. Government Operations. Amends the Accounting and Auditing Act of 1950 to direct the Comptroller General to make audits of the Federal Reserve Board, all Federal Reserve banks, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency.

H.R. 2177. January 19, 1977. Ways and Means; Interstate and Foreign Commerce; Post Office and Civil Service; Agriculture. Replaces the Supplementary Security Income program with a completely federally funded and administered program of guaranteed minimum annual income for the aged, blind and disabled under the Social Security Act.

Revises eligibility requirements for coverage and benefits, and the method of calculating the primary insurance and monthly benefit amounts under the Old-Age, Survivors, and Disability Insurance program.

Revises eligibility requirements for coverage and benefits under the Medicare program and items and services covered by Medicare.

Authorizes the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for specified elderly persons.

H.R. 2178. January 19, 1977. Banking, Finance, and Urban Affairs. Requires the developers of all condominium projects to disclose specific information on proposed new construction or conversion of existing structures to any federally regulated financial institution and any prospective purchaser as a prerequisite for the granting of a construction or purchase loan.

Establishes the Office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development.

Sets forth regulations to protect the rights of tenants of multifamily rental housing which is to be converted to condominiums.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 2179. January 19, 1977. Interstate and Foreign Commerce. Requires manufacturers to display on conspicuous label on each item of durable goods sold to consumers the performance life of such product. Declares the National Bureau of Standards to have final authority over the designation required by this Act, and requires the Federal Trade Commission to enforce the provisions of this Act.

H.R. 2180. January 19, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act to require full disclosure of pertinent data on labels of foods and food products. Prohibits misleading brand names under the Federal Trade Commission Act.

H.R. 2181. January 19, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act to require full disclosure of pertinent data on labels of foods and food products. Prohibits misleading brand names under the Federal Trade Commission Act.

H.R. 2182. January 19, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require that in the labeling and advertising of drugs sold by prescription, the established name of such drugs must appear each time the drug's proprietary name is used.

Permits a pharmacist to fill or refill a prescription for a drug, identified by its proprietary name, with any lower cost and suitable substitute drug under specified circumstances.

H.R. 2183. January 19, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require that in the labeling and advertising of drugs sold by prescription, the established name of such drugs must appear each time the drug's proprietary name is used.

Permits a pharmacist to fill or refill a prescription for a drug, identified by its proprietary name, with any lower cost and suitable substitute drug under specified circumstances.

H.R. 2184. January 19, 1977. Interstate and Foreign Commerce. Requires posting of the selling price and unit price on or near consumer products displayed for retail sales.

Transfers authority to promulgate rules under the Fair Packaging and Labeling Act to the Federal Trade Commission from the Department of Health, Education, and Welfare.

H.R. 2185. January 19, 1977. Interstate and Foreign Commerce. Requires posting of the selling price and unit price on or near consumer products displayed for retail sales.

Transfers authority to promulgate rules under the Fair Packaging and Labeling Act to the Federal Trade Commission from the Department of Health, Education, and Welfare.

H.R. 2186. January 19, 1977. Interstate and Foreign Commerce. Requires manufacturers to display on conspicuous label on each item of durable goods sold to consumers the performance life of such product. Declares the National Bureau of Standards to have final authority over the designation required by this Act, and requires the Federal Trade Commission to enforce the provisions of this Act.

H.R. 2187. January 19, 1977. Interstate and Foreign Commerce. Requires manufacturers to label products as to month and year of manufacture for those goods whose design and performance features change at such a frequency as to make its date of manufacture part of its relevant description.

Empowers the Federal Trade Commission to enforce this Act.

H.R. 2188. January 19, 1977. Interstate and Foreign Commerce. Requires manufacturers to label products as to month and year of manufacture for those goods whose design and performance features change at such a frequency as to make its date of manufacture part of its relevant description.

Empowers the Federal Trade Commission to enforce this Act.

H.R. 2189. January 19, 1977. Interstate and Foreign Commerce. Requires the prominent labeling of prescription and over-the-counter drugs and pharmaceuticals whose effectiveness or potency become diminished after storage as to the date beyond which the product shall not be used.

Authorizes the Food and Drug Administration to establish the "beyond use" dates for all applicable products, and the manner in which they shall be labeled.

H.R. 2190. January 19, 1977. Interstate and Foreign Commerce. Requires the prominent labeling of prescription and over-the-counter drugs and pharmaceuticals whose effectiveness or potency become diminished after storage as to the date beyond which the product shall not be used.

Authorizes the Food and Drug Administration to establish the "beyond use" dates for all applicable products, and the manner in which they shall be labeled.

H.R. 2191. January 19, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs for the general public.

Empowers the Secretary of Health, Education, and Welfare to enforce the provisions of this Act.

H.R. 2192. January 19, 1977. Judiciary. Empowers the Federal Trade Commission, after a patent on a drug is more than one year old, to review complaints made to it by a qualified applicant for a license under a drug patent, and, upon a finding that the price of the patented drug charged to druggists by the patentee is more than five hundred percent of the cost of production, to order such patentee to grant an unrestricted patent license to any qualified applicant to make, use, and sell such drug.,

H.R. 2193. January 19, 1977. Post Office and Civil Service. Requires the Civil Service Commission to establish a Special Cost-of-Living Pay Schedule for Federal employees located in any city or metropolitan area having a population of 500,000 or more, such schedule to contain special rates of basic pay representing increases in comparable rates provided by the General Schedule, for the purpose of setting the increased cost-of-living of such employees.

H.R. 2194. January 19, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize free or reduced transportation rates for persons over 65 and handicapped individuals and their attendants. Amends the Urban Mass Transportation Act of 1964 to give funding priority under such Act to public bodies which offer reduced rates to such individuals. Authorizes the Secretary of Transportation to prescribe standards for facilities funded under such Act to insure ready access to such facilities by these individuals. Amends the Older Americans Act of 1965 to authorize a grant program for special transportation research and demonstration projects for such individuals.

H.R. 2195. January 19, 1977. Public Works and Transportation. Amends the Federal

Aviation Act of 1958 and the Interstate Commerce Act to authorize free or reduced transportation rates for persons over 65 and handicapped individuals and their attendants. Amends the Urban Mass Transportation Act of 1964 to give funding priority under such Act to public bodies which offer reduced rates to such individuals. Authorizes the Secretary of Transportation to prescribe standards for facilities funded under such Act to insure ready access to such facilities by these individuals. Amends the Older Americans Act of 1965 to authorize a grant program for special transportation research and demonstration projects for such individuals.

H.R. 2196. January 19, 1977. Public Works and Transportation. Establishes the Airport Noise Curfew Commission to study and make recommendations to the Congress regarding the establishment of curfew on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours.

H.R. 2197. January 19, 1977. Ways and Means. Amends the Social Security Act to assure a minimum annual income to all elderly residents of the United States.

H.R. 2198. January 19, 1977. Government Operations; Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to make grants to States and units of local government to assist in the execution of consumer protection plans.

H.R. 2199. January 19, 1977. Government Operations; Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to make grants to States and units of local government to assist in the execution of consumer protection plans.

H.R. 2200. January 19, 1977. Ways and Means. Amends the Social Security Act to prohibit the reduction in benefits, aid, or assistance because of post-1974 cost-of-living increases in monthly social security benefits in any aid or assistance program in any form under a Federal program, or a State or local program financed in whole or in part with Federal funds.

Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) to exclude cost-of-living increases in any retirement or disability benefits received from a public agency from consideration in determining income for purposes of such Title.

H.R. 2201. January 19, 1977. Interior and Insular Affairs. Creates the Puerto Rico Statehood Commission to educate the people of Puerto Rico concerning the issues and implications of a change from commonwealth to State. Requires a referendum on the question of Puerto Rico's admission to the Union to be submitted to the Puerto Rican people. Provides for the formation, ratification and Federal approval of a State constitution. Mandates a general election for the purpose of choosing U.S. Senators and Representatives.

H.R. 2202. January 19, 1977. Interstate and Foreign Commerce. Amends the Toxic Substances Control Act to include a representative of the Department of the Interior on the advisory committee on priority designation of chemical substances established pursuant to such Act.

H.R. 2203. January 19, 1977. Merchant Marine and Fisheries. Amends the Great Lakes Fishery Act of 1956 to: (1) increase the number of Commissioners representing the United States on the Great Lakes Fishery Commission to four; and (2) require that three of such Commissioners be residents of the Great Lakes States.

H.R. 2204. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 2205. January 19, 1977. International Relations. Prohibits the settlement of a debt owed to the United States by a foreign country in an amount less than the full value of the debt, unless approved by Congress by concurrent resolution.

H.R. 2206. January 19, 1977. Judiciary. Increases the minimum and maximum penalties which may be imposed for certain explosives related offenses. Requires the imposition of the death penalty if as a result of a violation of such offense a death occurs.

H.R. 2207. January 19, 1977. Post Office and Civil Service. Prohibits collective bargaining agreements between the United States Postal Service and labor organizations recognized as exclusive bargaining representatives for their respective postal employee units from containing procedures which would preclude employees from being represented in grievance and adverse actions arising under such agreements by representatives of their own choosing.

H.R. 2208. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide for the tax exclusion of interest on industrial development bonds for the construction of hospitals.

H.R. 2209. January 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI (General Provisions) of the Social Security Act to abolish the Professional Standards Review organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 2210. January 19, 1977. Public Works and Transportation. Designates a Federal building in Grand Rapids, Michigan, as the Gerald R. Ford Building.

H.R. 2211. January 19, 1977. Agriculture. Amends the Watershed Protection and Flood Prevention Act to direct the Secretary of Agriculture and any other appropriate Federal officials to complete action on funding requests within one year of the completion of local participation requirements by applicants for such assistance.

Establishes procedures for exempting small watershed projects from the requirement of filing an environmental impact statement under the National Environmental Policy Act. Stipulates that the status of such exemptions shall be monitored by the Council on Environmental Quality.

H.R. 2212. January 19, 1977. Ways and Means; Agriculture; Interstate and Foreign Commerce. Amends the Social Security Act in order to replace all existing Federal public assistance and welfare programs with a guaranteed annual income program.

H.R. 2213. January 19, 1977. Ways and Means; Interstate and Foreign Commerce; Amends Title IV (Aid to Families with Dependent Children), Title XVIII (Medicare), and Title XIX (Medicaid) of the Social Security Act to provide that the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance shall be set at 75 percent. Requires that the non-Federal share of such aid be paid from State (rather than local) funds.

H.R. 2214. January 19, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to allow any Piscataway Indian Chief, who dies after enactment of this Act, to be buried at Piscataway Park, in Oxon Hill, Maryland.

H.R. 2215. January 19, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing penalties for the use of a firearm during the commission of certain crimes to (1) permit Federal courts to impose an additional term of imprisonment upon anyone using or carrying a firearm during the commission of a felony which may be prosecuted in a Federal court, (2) require Federal courts to impose such a sentence for a second or subsequent such conviction, and (3) classify felons using or carrying firearms as dangerous special offenders.

H.R. 2216. January 19, 1977. Post Office and Civil Service. Declares that, under the Legislative Reorganization Act, cost-of-living pay adjustments for Members of Congress may take effect no earlier than the beginning of the Congress next following the Congress in which they are proposed.

H.R. 2217. January 19, 1977. Government Operations. Establishes the Department of Education within the Executive branch of the Federal Government to take over specified functions of the Department of Health, Education, and Welfare and all of the functions of the United States Office of Education.

H.R. 2218. January 19, 1977. Armed Services. Authorizes additional retired or retainer pay for members of the armed forces who have been credited with extraordinary heroism in the line of duty.

H.R. 2219. January 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an individual may become entitled to child's insurance benefits on the basis of disability even though married if his or her spouse is also under a disability. Directs that any individual entitled to such benefits shall not lose his or her entitlement by reason of marriage to another disabled person whether or not such person is also entitled to social security benefits.

H.R. 2220. January 19, 1977. Science and Technology. Authorizes appropriations to the Energy Research and Development Administration for fiscal year 1977 for nonnuclear and environmental research programs.

Establishes an Energy Exension Service in the Energy Research and Development Administration to assist in the development of energy conserving practices.

Establishes criteria for the development of State energy conservation implementation plans. Directs the Administrator of Energy Research and Development to develop energy conservation plans for Federal programs.

H.R. 2221. January 19, 1977. Science and Technology. Authorizes the appropriation of designated sums to the National Aeronautics and Space Administration for research and development programs, construction of facilities including land acquisition, and research and programs management.

Sets forth guidelines with respect to the use and availability of funds appropriated to this Act.

Expresses Congressional findings relating to aeronautical test facilities and to application of the Administration's expertise to ground propulsion systems research and development.

H.R. 2222. January 19, 1977. Education and Labor. Amends the National Labor Relations Act to revise the definition of "professional employees" for the purposes of such Act.

H.R. 2223. January 19, 1977. Agriculture. Designates the Department of Agriculture as the lead agency of the Federal Government to coordinate all agricultural research activities in other Federal departments and agencies, the land grant colleges, the State agricultural experiment stations, and research in the private sector.

Establishes, to assist the Secretary of Agriculture in the administration of research and grant programs, the (1) Agricultural research and Education Policy Advisory Committee; (2) Agricultural Research Policy Analysis Institute; (3) Committee on Agricultural Research Facilities; and (4) the Animal Health Science Research Advisory Board. Establishes grants and fellowships for various purposes, including a National Agricultural Research Award.

H.R. 2224. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to authorize the Secretary of the Treasury to prescribe regulations to require disclosure, with individual income tax returns, of all information concerning foreign financial accounts and trusts which he determines is necessary to fulfill the purposes of the recordkeeping provisions of the Currency and Foreign Transactions Reporting Act. Allows

the Secretary to provide such information to other Federal departments and agencies.

H.R. 2225. January 19, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a Violent Crimes Reimbursement Board within the Department of Justice.

Directs the Board to compensate victims of, or intervenors in, violent Federal crimes or, in the case of death, surviving dependents thereof.

Establishes: (1) a Criminal Victim Indemnity Fund; and (2) an Advisory Council on the Victims of Crime to review the administration of the Federal compensation program and of State compensation programs.

Authorizes the Law Enforcement Assistance Administration to make grants to States to defray the costs of compensation programs substantially comparable to that established by this Act.

H.R. 2226. January 19, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce. Authorizes the Secretary of the Interior to make grants to assist in the development of State land resource programs for non-Federal lands. Directs the President to establish guidelines for the administration of land resource programs and planning activities.

Establishes an Office of Land Resource Planning and Assistance in the Department of the Interior. Requires that States establish an energy facility plan as part of an eligible land resource program. Authorizes the Secretary of the Interior to assist Indian tribes in inventory and planning activities relating to tribal lands.

H.R. 2227. January 19, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to specify when an adjustment in the rate of pay for Members of Congress proposed during any Congress shall take effect.

H.R. 2228. January 19, 1977. Merchant Marine and Fisheries. Creates a Federal Zoological and Aquarium Board as an independent agency in the executive branch. Requires the Board to establish and revise standards for the national accreditation of zoos and aquariums. Authorizes the Board to: (1) give technical assistance to zoos and aquariums; (2) make grants to nonprofit zoos, aquariums and organizations for specified purposes; and (3) guarantee loans to zoos and aquariums.

H.R. 2229. January 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for State and local taxes paid or incurred for the furnishing of public utility services.

H.R. 2230. January 19, 1977. Armed Services. Makes it unlawful for any individual or entity to solicit to enroll or enroll any member of the armed forces in any labor organization or for any member of the armed forces to join, or encourage others to join any labor organization. Sets forth penalties for violations of this Act.

H.R. 2231. January 19, 1977. Veterans' Affairs. Permits acceleration of monthly educational assistance payments made by the Veterans' Administration to eligible veterans and dependents. Provides alternative financial and educational assistance to peacetime post-Korean veterans affected by the expiration of their delimiting period. Provides for a conditional extension of the delimiting period for certain Vietnam era veterans. Provides for the development of additional educational, employment, and readjustment assistance programs for veterans, and for protection against abuses and misuse of veterans benefits. Revises the criteria for nonaccredited courses.

H.R. 2232. January 19, 1977. Judiciary. Permits the Attorney General and the Secretary of State to jointly waive the visa requirements for aliens visiting Guam for not more than 15 days. Prohibits any extension of stay, change in classification, or adjustment of status for such aliens.

H.R. 2233. January 19, 1977. Ways and Means. Provides for the payment of unemployment compensation to individuals residing in Guam on the basis of service as a Federal employee, provided that such employee is not entitled to unemployment compensation based upon other service and wages.

H.R. 2234. January 19, 1977. Judiciary. Establishes two divisions within the eastern judicial district of New York.

H.R. 2235. January 19, 1977. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to extend for one year the emergency compensation program thereunder so as to permit benefits to be paid with respect to weeks ending before March 31, 1978.

H.R. 2236. January 19, 1977. Education and Labor. Amends the Age Discrimination in Employment Act of 1967 to make the provisions, formerly applicable to persons between 40 and 65 years of age, applicable to anyone 40 years of age or older.

H.R. 2237. January 19, 1977. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 2238. January 19, 1977. Post Office and Civil Service. Designates Flag Day, June 14 of each year, as a legal public holiday.

H.R. 2239. January 19, 1977. Public Works and Transportation; Interstate and Foreign Commerce. Directs the Secretary of Transportation to prescribe regulations requiring specified air carriers, railroads, and common carriers by motor vehicle to designate a portion of their seating capacity for passengers who do not smoke.

H.R. 2240. January 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) and Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 2241. January 19, 1977. Education and Labor. Amends the National Labor Relations Act and the Railway Labor Act to repeal provisions allowing an employer and a labor organization to enter into an agreement to require membership in such organization as a condition of employment.

H.R. 2242. January 19, 1977. Judiciary. Makes it unlawful for a person to knowingly: (1) attach any flag of the United States to his body or clothing in a manner degrading to such flag as an enblem; (2) alter the shape, design, or additional methods of display of any flag of the United States for personal, political, or monetary gain; or (3) cast contempt upon any flag of the United States by using it for the purpose of causing an individual to commit a Federal crime.

H.R. 2243. January 19, 1977. Judiciary. Allows a certain individual to retain accumulated sick leave, and requires the Federal Government to pay for his moving expenses.

H.R. 2244. January 19, 1977. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

H.R. 2245. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2246. January 19, 1977. Judiciary. States that, for the purpose of naturalization, a certain individual is deemed to have been in the United States at the time of his enlistment in the armed forces.

H.R. 2247. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2248. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2249. January 19, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 2250. January 19, 1977. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2251. January 19, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 2252. January 19, 1977. Judiciary. Allows a certain individual to sue under the Federal Tort Claims Act notwithstanding the statute of limitations of that Act.

H.R. 2253. January 19, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2254. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2255. January 19, 1977. Interior and Insular Affairs. Validates the conveyance of certain land in California by a certain corporation.

H.R. 2256. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2257. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2258. January 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2259. January 19, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2260. January 19, 1977. Judiciary Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2261. January 19, 1977. Judiciary. Deems a certain individual eligible to receive a survivor annuity, and directs the Civil Service Commission to pay her the amount of that annuity.

H.R. 2262. January 19, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 2263. January 19, 1977. Armed Services. Authorizes the Secretary of the Navy to convey specified lands at the Naval Air Station, Lakehurst, New Jersey, to the Airship Association, a nonprofit organization, as a site for an airship museum.

H.R. 2264. January 19, 1977. Judiciary. Confers jurisdiction on a certain United States district court to hear the claims of certain individuals.

H.R. 2265. January 19, 1977. Armed Services. Authorizes the President to appoint a certain retired naval officer to rear admiral on the retired list.

H.R. 2266. January 19, 1977. Judiciary. Permits a certain individual to file a claim for credit or refund of Federal estate tax overpayments.

H.R. 2267. January 20, 1977. Ways and Means. Amends the Tariff Schedules of the United States to increase for a five-year period the customs duty on specified hand tools.

H.R. 2268. January 20, 1977. Post Office and Civil Service. Subjects all activities of the United States Postal Service which involve the management and/or disposal of surplus and excess Government property, held by the Postal Service at the time of its establishment, to the appropriate provisions of the Federal Property and Administrative Services Act of 1949.

H.R. 2269. January 20, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) to allow Federal officers and employees to elect coverage under such Title.

H.R. 2270. January 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 2271. January 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 2272. January 20, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing additional sentences on persons committing Federal felonies while carrying, or with the use of, a firearm to (1) increase the penalties thereunder, (2) encompass State crimes, and (3) prohibit a suspended, probationary or concurrent sentence with respect to a first conviction.

H.R. 2273. January 20, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to make grants to States, upon approval of their applications, to assist them in establishing, expanding, or improving veterans cemeteries owned by the State; to pay a portion of the cost of interment for each eligible person and the cost of perpetual care maintenance; and to pay the cost of transportation of a deceased veteran's body for burial in a national cemetery.

H.R. 2274. January 20, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Housing and Urban Development to make loans to homeowners and builders to assist them in purchasing and installing solar heating or solar heating and cooling equipment, and directs the Secretary to provide individuals with all current information on such equipment upon request.

Directs the Energy Research and Development Administration to: (1) establish procedures for inspecting and evaluating solar heating and cooling equipment; (2) review new equipment as developed; and (3) periodically review certifications of such equipment for validity.

H.R. 2275. January 20, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to establish a national adoption information exchange system.

H.R. 2276. January 20, 1977. Interior and Insular Affairs. Redesignates the Indiana Dunes National Lakeshore as the Paul H. Douglas National Lakeshore.

H.R. 2277. January 20, 1977. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to establish a system of administrative and judicial review of claims which arise under the supplementary medical insurance program.

H.R. 2278. January 20, 1977. Judiciary. Makes it unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any handgun. Authorizes the Secretary of the Treasury to exempt certain handguns from this prohibition.

H.R. 2279. January 20, 1977. Judiciary. Grants a Federal charter to Recovery, Incorporated.

H.R. 2280. January 20, 1977. Public Works and Transportation. Prohibits commercial flights by supersonic aircraft within the navigable airspace of the United States until the Congress, by law, approves findings by the Administrator of the Environmental Protection Agency that the operation of such aircraft will not have detrimental effects on persons on the ground or the environment and the Secretary of Transportation has found and reported to the Congress that such aircraft meet all noise and safety standards at least equal to those for other aircraft.

H.R. 2281. January 20, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction by individuals who rent their principal residence for their proportionate share of the real property taxes and interest on certain types of indebtedness paid by their landlords.

H.R. 2282. January 20, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns.

H.R. 2283. January 20, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $7,500 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such Title.

H.R. 2284. January 20, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax credit for funds expended for the payment of public transit fares between their residences and places of employment.

H.R. 2285. January 20, 1977. Ways and Means. Amends Title XVIII (Medicare) and Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 2286. January 20, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Security Act to decrease from 20 to 5 the number of years a divorced woman must have been married to an insured individual in order for her to qualify for wife's or widow's benefits on his wage record.

H.R. 2287. January 20, 1977. Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries; Science and Technology. Amends the Outer Continental Shelf Lands Act to establish a policy for the development and management of oil and natural gas in the Outer Continental Shelf designed to protect the marine and coastal environment.

Directs the Secretary of the Interior to establish a comprehensive exploratory program to develop potential oil and gas leases. Directs the National Oceanic and Atmospheric Administration to assume lead responsibility in preparation of environmental impact statements.

Revises bidding and lease administration procedures.

Authorizes the Secretary of Transportation to report on pipeline safety and operation on Federal lands and in the Outer Continental Shelf.

H.R. 2288. January 20, 1977. Ways and Means; Veterans' Affairs; Interstate and Foreign Commerce. Amends Title II (Old-Age, Survivors, and Disability Insurance), Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act and the Railroad Retirement Act of 1937 to provide that whenever an individual is determined to be permanently and totally disabled for the purpose of establishing eligibility for benefits under such Acts or for purposes of veterans' benefits such determination shall be considered as a finding of disability under any of such programs.

H.R. 2289. January 20, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2290. January 20, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2291. January 20, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 2292. January 20, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 2293. January 20, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual representing such individual's entitlement to death pension benefits.

H.R. 2294. January 24, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require air carriers to provide half-fare air transportation on a space-available basis to disabled veterans.

H.R. 2295. January 24, 1977. Veterans' Affairs. Extends outpatient dental services and treatment to any veterans who has a service-connected disability rated 60 percent or more.

H.R. 2296. January 24, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) to allow Federal officers and employees to elect coverage under such Title.

H.R. 2297. January 24, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to: (1) extend the termination date of the national insurance development program, so as to maintain the Federal riot insurance program and the Federal crime insurance program; (2) continue reinsurance; and (3) extend the date by which the Secretary of Housing and Urban Development must submit to Congress a plan for the liquidation and termination of the reinsurance and direct insurance programs.

H.R. 2298. January 24, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 2299. January 24, 1977. Agriculture. Amends the Federal Laboratory Animal Welfare Act to: (1) subject the intrastate transportation of animals in commerce to the regulations of the Act; and (2) add "intermediate handlers" and "common carriers" to the class of persons or entities subject under the Act to certain licensing requirements, vicarious liability rates, recordkeeping procedures, investigations, and inspections.

Requires the Secretary of Agriculture to promulgate standards governing the treatment of animals transported in commerce.

Prohibits the use of interstate commerce or the mails for activities involving animal fighting.

H.R. 2300. January 24, 1977. Interstate and Foreign Commerce. Requires no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways.

H.R. 2301. January 24, 1977. Judiciary. Requires specified organizations which em-

ploy lobbyists to register and file quarterly expense reports with the Comptroller General. Makes such reports available to the public. Establishes civil and criminal sanctions to enforce this Act.

H.R. 2302. January 24, 1977. Merchant Marine and Fisheries. Directs the Secretary of the Interior to regulate the trapping and capture of mammals and birds on Federal lands. Establishes an advisory commission to recommend to the Secretary acceptable methods for trapping and capture of mammals and birds.

Prohibits use of unacceptable traps in interstate or foreign commerce. Prescribes regulations to prohibit the interstate shipment of hide, skin, feathers, or resulting products of the use of unacceptable traps.

H.R. 2303. January 24, 1977. Post Office and Civil Service. Entitles Federal employees retiring with accrued sick leave to elect to receive a lump-sum payment for such leave equal to the amount such employees would have received had they remained in the service until expiration of the period of sick leave. Specifies that if such election is made, the accrued sick leave may not be used in determining total service or retirement annuities.

H.R. 2304. January 24, 1977. Post Office and Civil Service. Requires the Postal Service to issue a commemorative stamp in honor of the Jews killed by Nazi Germany during World War II.

H.R. 2305. January 24, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide chiropractic care to any eligible veteran for outpatient medical treatment upon the request of the veteran.

H.R. 2306. January 24, 1977. Judiciary; District of Columbia. Empowers a judicial officer of a Federal or District of Columbia court to deny pretrial release to a person charged with a violent crime upon finding that no conditions of release can reasonably assure that such person will not flee or pose a danger to any other person or to the community.

H.R. 2307. January 24, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title II (Old-Age, Survivors, and Disability Insurance) and Title XVIII (Medicare) of the Social Security Act to provide full benefits at age 60 when based upon the attainment of retirement age. Allows reduced benefits at age 57. Sets the minimum primary benefit rate for old-age, survivors, and disability benefits at $150 a month.

H.R. 2308. January 24, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, and physical examination, and related routine laboratory tests.

H.R. 2309. January 24, 1977. Judiciary; Rules. Requires any rule proposed by any Government agency to be submitted to Congress with a full explanation of such rule. States that such rule shall become effective no later than 60 days after submission to Congress unless either House adopts a resolution disapproving such rule.

H.R. 2310. January 24, 1977. Judiciary. Revises the penalty for conspiring to defraud or to commit an offense against the United States to: (1) increase the maximum fine; (2) set forth a separate maximum fine for corporations; and (3) repeal imprisonment as a possible punishment.

H.R. 2311. January 24, 1977. Judiciary. Amends and recodifies Title 18 of the United States Code (Crimes and Criminal Procedure).

Revises the Federal Rules of Criminal Procedure and the Rules of Procedure for the Trial of Minor Offenses before United States Magistrates.

H.R. 2312. January 24, 1977. Judiciary. Establishes within the judicial branch a United States Commission on Sentencing to promulgate sentencing guidelines.

Specifies factors to be considered by a sentencing court in imposing a term of imprisonment.

Sets forth guidelines for court of appeals review of sentences.

H.R. 2313. January 24, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing penalties for the use of a firearm during the commission of certain crimes to (1) permit Federal courts to impose an additional term of imprisonment upon anyone using or carrying a firearm during the commission of a felony which may be prosecuted in a Federal court, (2) require Federal courts to impose such a sentence for a second or subsequent conviction, and (3) classifies felons using or carrying firearms as dangerous special offenders.

H.R. 2314. January 24, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize and direct the Secretary of Health, Education, and Welfare to make grants to designated State agencies to meet part of the costs involved in planning, establishing, maintaining, coordinating, and evaluating programs for comprehensive services for school-age girls, their infants and children.

Specifies the requirements for State plans to qualify for Federal aid under this Act.

H.R. 2315. January 24, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 2316. January 24, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 2317. January 24, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Administrator of the Environmental Protection Agency to make grants under the Safe Drinking Water Act to public water systems to clean and update water lines for purposes of meeting requirements under such Act.

H.R. 2318. January 24, 1977. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to include a segment of Soldier Creek, Alabama among those rivers to be considered for inclusion in the Wild and Scenic Rivers System.

H.R. 2319. January 24, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 to make any recommendations of the President relating to the salaries of Members of Congress purely advisory.

Amends the Legislative Reorganization Act of 1946 to require that the annual rate of pay for Members of Congress and the House and Senate leadership be the rate payable for such positions on the date of enactment of this Act unless otherwise established by law.

H.R. 2320. January 24, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 65 or more an income tax deduction for nonrefundable social security taxes paid from their income.

H.R. 2321. January 24, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $5,200 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such Title.

H.R. 2322. January 24, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for two physical checkups a year under the supplementary medical insurance program.

H.R. 2323. January 24, 1977. Judiciary. Directs the Attorney General to make grants to qualified State programs for the compensation of victims of crime.

Establishes an Advisory Committee on Victims of Crime to advise the Attorney General with respect to the administration of such grant program and to the compensation of victims of crime.

H.R. 2324. January 24, 1977. Public Works and Transportation. Entitles States having any portion of a free or toll highway, bridge, or tunnel which is part of the Interstate Highway System to receive additional Federal funds if such States make such highways toll free. Reduces Federal-aid highway apportionments for States not electing to eliminate such tolls.

H.R. 2325. January 24, 1977. Judiciary. Requires candidates for Federal Office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2326. January 24, 1977. Judiciary. Requires candidates for Federal Office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2327. January 24, 1977. Agriculture. Permits marketing orders under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to include provisions concerning marketing promotion, including paid advertisement, of raisins. Authorizes distribution among producers of the pro rata costs of such promotion.

H.R. 2328. January 24, 1977. Armed Services. Removes the requirement that a dependent of, or a member of, the uniformed services go to a nonprofit medical facility to receive institutional care in order to be eligible for medical benefits. Allows pregnant wives of members who died while eligible for hostile fire pay to receive medical care for that pregnancy on the same basis as prescribed for dependents of members who are on active duty.

H.R. 2329. January 24, 1977. Merchant Marine and Fisheries. Specifies that only Department of the Interior scientific personnel may participate in fish and wildlife cooperative units assistance programs. Authorizes the Secretary of the Interior to give financial compensation for certain research work.

Sets forth the authorities of fish and wildlife law enforcement personnel.

Authorizes the Secretaries of Commerce and the Interior to establish training programs for State fish and wildlife law enforcement personnel, and to enter into cooperative agreements with Federal and State agencies.

Amends specified laws relating to fish and wildlife protection to revise the administration of certain programs.

H.R. 2330. January 24, 1977. Ways and Means. Amends Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to allow a State to terminate social security coverage for policemen and firemen without affecting the coverage of other public employees.

H.R. 2331. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 2332. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 2333. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

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H.R. 2334. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

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H.R. 2335. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 2336. January 24, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 2337. January 24, 1977. Interior and Insular Affairs; International Relations. Amends the Mineral Leasing Act of 1920 to prohibit exports of domestically-produced and pipeline-transported crude oil to foreign nations, with the limited exception of exchanges or temporary exports for convenience or increased efficiency of transportation.

H.R. 2338. January 24, 1977. Rules. Amends the Rules of the House of Representatives and the Standing Rules of the Senate to require that the majority of the membership of the Committees on Government Operations of both Houses shall be composed of members of a major political party of which the President is not a member.

H.R. 2339. January 24, 1977. Judiciary. Amends provisions of Federal law setting forth penalties for interstate or foreign commerce in stolen cattle to include stolen swine, sheep, fowl, insects, horses, mules, or carcasses thereof.

H.R. 2340. January 24, 1977. Judiciary. Renders survivors of rescue squad members killed in the performance of duty eligible for public safety officer death benefits under the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 2341. January 24, 1977. Judiciary. Directs the President, by and with the advice and consent of the Senate, to appoint an additional judge to the United States District Court for the Middle of North Carolina.

H.R. 2342. January 24, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 2343. January 24, 1977. Agriculture. Directs the Secretary of Agriculture to provide financial assistance through loan guarantees and interest payment reimbursement to farmers for loans to restock their livestock herds and for meeting operational expenses in the event of a natural disaster or emergency. Authorizes the Secretary to make loans to farmers in areas which have been declared natural disaster or emergency areas two or more times since January 1, 1971.

H.R. 2344. January 24, 1977. Banking, Finance and Urban Affairs. Amends the Housing Act of 1937 to require that before any tenant is evicted from a low-rent housing project, such tenant be afforded a hearing before the public housing agency to determine whether the eviction is legally justifiable.

H.R. 2345. January 24, 1977. Banking, Finance and Urban Affairs. Establishes a National Rebuilding and Development Bank to assist in the construction of housing and community facilities. Authorizes the Bank to make loans and guarantees for such construction under a National Rebuilding and Development Program.

H.R. 2346. January 24, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States for the establishment of vision screening programs for public school students.

H.R. 2347. January 24, 1977. House Administration. Establishes a Voter Registration Administration within the Bureau of the Census to formulate and administer a voter registration program for all Federal elections.

Requires each State to make provisions for the registration and voting in Federal elections of its eligible citizens who have writing, vision, or limb handicaps or who speak a language other than English as their major tongue.

H.R. 2348. January 24, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and local communities to pay for the cost of glaucoma detection eye examinations administered by nonprofit or public agencies to residents who are at least 65 years of age.

H.R. 2349. January 24, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act by directing the Secretary of Health, Education, and Welfare to establish a National Sickle Cell Anemia Institute for the diagnosis, treatment, and prevention of sickle cell anemia.

H.R. 2350. January 24, 1977. Judiciary. Requires that, whenever a Federal district judge, a United States magistrate, or referee in bankruptcy located in a district in which at least four percent or 40,000 of the residents do not speak or understand English determines that a party or a witness does not speak or understand English, such proceeding or appropriate portion thereof shall be: (1) simultaneously translated through an interpreter certified by the Director of the Administrative Office of the United States Courts; and (2) recorded verbatim.

H.R. 2351. January 24, 1977. Ways and Means. Authorizes the Secretary of Health, Education, and Welfare to formulate and administer a clothing stamp program for eligible households to obtain an adequate supply of clothing through the issuance to such households of a coupon allotment.

H.R. 2352. January 24, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to authorize the issuance of duplicate supplemental security income benefit checks to individuals whose original benefit checks are lost or delayed and who are faced with financial hardship as a result.

H.R. 2353. January 24, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) to allow Federal officers and employees to elect coverage under such Title.

H.R. 2354. January 24, 1977. Veterans' Affairs. Provides for the payment of pensions to certain veterans of World War I and their surviving spouses.

H.R. 2355. January 24, 1977. Public Works and Transportation. Designates a Federal building in Grand Rapids, Michigan, as the Gerald R. Ford Building.

H.R. 2356. January 24, 1977. Post Office and Civil Service. Extends to former employees of county soil conservation committees who are employed by any Federal agency, specified civil service compensation, leave, and seniority benefits afforded to former employees of such county committees who are employed by the Department of Agriculture.

H.R. 2357. January 24, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to make grants to health agencies of States or their political subdivisions, or to any qualified nonprofit agency for programs of prenatal health care for adolescents, health care for infants or adolescent mothers, family planning services, social services and funds to purchase adoption services for adolescent mothers.

H.R. 2358. January 24, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to make grants to health agencies of States or their political subdivisions, or to any qualified nonprofit agency for programs of prenatal health care for adolescents, health care for infants of adolescent mothers, family planning services, social services and funds to purchase adoption services for adolescent mothers.

H.R. 2359. January 24, 1977. Interstate and Foreign Commerce. Amends the Clean Air Act to authorize the Administrator of the Environmental Protection Agency to make grants to municipalities for the alteration or replacement of certain municipal waste incinerators.

H.R. 2360. January 24, 1977. Merchant Marine and Fisheries. Amends the Maritime Academy Act of 1958 to increase the subsistence payments to students at State maritime academies.

H.R. 2361. January 24, 1977. Post Office and Civil Service. Increases to 60 days the period before an election during which a Member or Member-elect of Congress may not make a mass mailing as franked mail if such individual is a candidate in such election.

H.R. 2362. January 24, 1977. Ways and Means. Amends title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $7,500 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such title.

H.R. 2363. January 24, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the customs duty imposed on articles assembled abroad with components produced in the United States.

H.R. 2364. January 24, 1977. Merchant Marine and Fisheries; Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 2365. January 24, 1977. Merchant Marine and Fisheries; Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 2366. January 24, 1977. Interstate and Foreign Commerce. Authorizes the President to declare natural gas emergencies within interstate pipeline service areas. Directs the Federal Power Commission to order transfers of natural gas supplies to such areas where necessary to alleviate shortages.

H.R. 2367. January 24, 1977. Judiciary. Directs the Secretary of the Treasury to pay a reasonable sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 2368. January 24, 1977. Judiciary.

Provides that, with respect to a certain individual's claim for underpayment in retirement pay, the statutes of limitation shall have no effect.

H.R. 2369. January 24, 1977. Judiciary. Authorizes classification of certain individuals as children for purposes of the immigration and Nationality Act.

H.R. 2370. January 24, 1977. Judiciary Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

H.R. 2371. January 24, 1977 Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2372. January 24, 1977 Judiciary Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2373. January 24, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2374. January 24, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2375. January 26, 1977. Judiciary. Amends the Miller Act which requires performance bonds on specified Federal construction contracts by increasing the dollar amount of contracts to which such Act applies from $2,000 to $25,000.

H.R. 2376. January 26, 1977. Public Works and Transportation. Authorizes and directs the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, to make grants under the Airport and Airway Development Act of 1970 to hospitals nearest to air carrier airports for the acquisition of medical equipment and supplies necessary to treat burn victims injured as a result of aircraft accidents.

H.R. 2377. January 26, 1977. Small Business. Permits the Administrator of the Small Business Administration to permit small businesses to receive subcontracts for the construction, alteration, and repair of any public building or public work without the condition of providing performance or payment bonds when the Administration determines that such amount is inappropriate.

H.R. 2378. January 26, 1977. Small Business. Amends the Small Business Act to restrict the authority of the Small Business Administration to deny financial assistance to small business concerns solely because the primary business operation of such concern is publication or distribution of published materials; broadcasting; instruction or tutoring academic subjects; or any other similar operations.

H.R. 2379. January 26, 1977. Small Business. Amends the Small Business Act to require the utilization of small business as a condition of receiving Federal financial assistance for the procurement of articles, equipment, supplies, or construction work.

H.R. 2380. January 26, 1977. Interstate and Foreign Commerce. Amends the Clean Air Act to postpone until model year 1982 the imposition of certain motor vehicle emission standards. Deletes the requirement of a 90 percent reduction in emissions of nitrogen oxides from light-duty motor vehicles.

Directs the Administrator of the Environmental Protection Agency to study emissions of sulfur-bearing compounds from motor vehicles and aircraft. Directs the Administrator to establish railroad locomotive emission standards.

Authorizes non-disclosure of emission data to the public where deemed necessary to preserve trade secrets. Establishes procedures for public vehicle emission standards.

Authorizes appropriations to carry out the Act through fiscal year 1980.

H.R. 2381. January 26, 1977. Agriculture. Amends the Agricultural Marketing Agreement Act of 1937 to restrict the importation of filbert nuts, whenever the Secretary of Agriculture issues a marketing order, to those filbert nuts that comply with the grade, size, quality, and maturity provisions of the order.

H.R. 2382. January 26, 1977. International Relations; Ways and Means. Requires the President to consult Congress prior to imposing a trade embargo against any country. Terminates such embargo 60 days after its imposition, unless terminated sooner by the President or by the Congress through concurrent resolution.

H.R. 2383. January 26, 1977. Government Operations. Requires the Office of Management and Budget to study the efficiency and effectiveness of each Federal agency every ten years and to recommend to the President and Congress reorganization or abolition of each such agency as may be necessary to improve such efficiency and effectiveness. Abolishes each such agency upon the due date of such report unless during the ten-year period since the last report Congress has passed legislation continuing such agency.

H.R. 2384. January 26, 1977. Ways and Means. Amends the Internal Revenue Code to exempt aircraft used primarily for agricultural operation from the excise tax imposed on the use of civil aircraft.

Provides for the refund of the tax on gasoline and aircraft to the aerial applicator who is the ultimate purchaser thereof.

H.R. 2385. January 26, 1977. Armed Services. Makes specified pay and eligibility adjustments in the Retired Servicemen's Family Protection Plan and the Survivor Benefit Plan of the armed forces.

H.R. 2386. January 26, 1977. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1954: (1) to require the filing of certain information regarding purchasers of equity securities with the Securities and Exchange Commission; and (2) to make unlawful acquisition by a foreign investor of more than five percent of the equity securities in a United States company with assets exceeding $1,000,000. Authorizes the President to prohibit such acquisition. Authorizes civil actions to enjoin such acquisitions made in violation of the requirements of this Act. Authorizes revocation of voting rights or creation of a trusteeship for acquisitions made in violation of this Act. Imposes a penalty for violation of the filing requirements of this Act.

H.R. 2387. January 26, 1977. Post Office and Civil Service. Upgrades the offices of Director of the Office of Management and Budget and Chairman of the Board of Governors of the Federal Reserve System from position II to position I of the Executive Schedule and the offices of Deputy Director of the Office of Budget and Management and Members of the Board of Governors of the Federal Reserve System from position III to position II of the Executive Schedule.

H.R. 2388. January 26, 1977. Judiciary. Amends the Immigration and Nationality Act to provide for the deportation of any alien who receives public assistance benefits within three years after entering the United States or becomes a public charge within five years of such entry from causes not affirmatively shown to have arisen after entry.

H.R. 2389. January 26, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to direct the Federal Power Commission to exempt from regulation certain sales of natural gas to interstate pipelines where natural gas shortages exist.

Directs the President to designate an Emergency Coordinator of natural gas to order transfers of natural gas from one interstate pipeline to another on a short-term basis in order to alleviate the effects of natural gas shortages.

H.R. 2390. January 26, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to direct the Federal Power Commission to exempt from regulation sales of natural gas to interstate pipelines where such natural gas was not committed to interstate commerce prior to promulgation of such regulation and where the pipeline company is curtailing deliveries of natural gas supplies.

H.R. 2391. January 26, 1977. International Relations. States that, at the request of an individual issued a United States passport, the place of birth of such individual shall not be disclosed in the passport.

H.R. 2392. January 26, 1977. Science and Technology. Directs the President to establish an earthquake hazard reduction program.

Establishes a National Advisory Committee on Earthquake Hazard Reduction to review and advise the President on matters regarding the earthquake hazard reduction program.

H.R. 2393. January 26, 1977. Interstate and Foreign Commerce. Amends the Federal Power Act to direct the Federal Power Commission to require utilities to file curtailment plans to meet anticipated power shortages.

Requires public hearings on proposals for utility rate increases. Authorizes the Commission to take additional measures to eliminate discriminatory and anticompetitive practice by utilities.

H.R. 2394. January 26, 1977. Ways and Means. Amends the Social Security Act with respect to Old-Age, Survivors, and Disability Insurance by directing the Secretary of Health, Education, and Welfare to establish procedures for expediting (1) replacement of lost, stolen or misdelivered benefit checks; (2) initial benefit payments; (3) hearings on eligibility; and (4) final determinations of eligibility.

H.R. 2395. January 26, 1977. Post Office and Civil Services. Review provisions prohibiting Federal, Postal Service, and District of Columbia employees from engaging in political activities.

Establishes the Board on Political Activities of Federal Employees to decide cases regarding violations of this Act. Sets forth procedures to be followed in such cases.

Directs the Civil Service Commission to conduct a continuing program to inform all employees of their rights of political participation under the Act and to educate employees with respect to those activities which are prohibited.

Creates a specific criminal offense for extorting political contributions from Federal personnel.

H.R. 2396. January 26, 1977. Post Office and Civil Service. Revises provisions prohibiting Federal, Postal Services, and District of Columbia employees from engaging in political activities.

Establishes the Board on Political Activities of Federal Employees to decide cases regarding violations of this Act. Sets forth procedures to be followed in such cases.

Directs the Civil Service Commission to conduct a continuing program to inform all employees of their rights of political participation under the Act and to educate employees with respect to those activities which are prohibited.

Creates a specific criminal offense for extorting political contributions from Federal personnel.

H.R. 2397. January 26, 1977. Post Office and Civil Service. Revises provisions prohibiting Federal, Postal Service, and District of Columbia employees from engaging in political activities.

Establishes the Board on Political Activities of Federal Employees to decide cases regard-

ing violations of this Act. Sets forth procedures to be followed in such cases.

Directs the Civil Service Commission to conduct a continuing program to inform all employees of their rights of political participation under the Act and to educate employees with respect to those activities which are prohibited.

Creates a specific criminal offense for extorting political contributions from Federal personnel.

H.R. 2398. January 26, 1977. Education and Labor. Amends the Higher Education Act of 1965 to require recipients of Federal Aid to higher education to give senior citizens access, on a space available basis, to scheduled courses and programs.

H.R. 2399. January 26, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $5,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under such Title.

H.R. 2400. January 26, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to allow medical facilities to be reimbursed by the Federal Government for emergency medical treatment given aliens unlawfully in the United States if such aliens are unable to pay the cost of such treatment or can pay only a part of the cost and the aliens or medical facilities which provided such treatment are not eligible under any public assistance program for payment of or reimbursement of such cost.

H.J. Res. 241. February 7, 1977. Post Office and Civil Service. Designates the second Sunday in August of each year as "My Brothers and Sisters Special Day."

H.J. Res. 242. February 7, 1977. Judiciary. Constitutional Amendment—Prohibits the President from granting a pardon to a person for a Federal offense for which such person has not been convicted, unless the granting of such pardon has been approved by a majority vote of the members of each House of Congress.

H.J. Res. 243. February 7, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits abortion except in an emergency when a reasonable medical certainty exists that continuation of the pregnancy will cause the mother's death. Requires that every reasonable effort be made to preserve the life of the fetus.

H.J. Res. 244. February 7, 1977. Interior and Insular Affairs. Establishes, under the Foreign Claims Settlement Commission, the Commission on Postwar Land Takings on Guam for the purpose of compensating those whose land on Guam was acquired by the United States between July 21, 1944, and August 23, 1963. Provides for the appointment, term of office, and compensation of the members of the Commission. Limits the duration of the Commission. Outlines the procedure for adjudicating claims. Provides for a final report of the Commission actions.

H.J. Res. 245. February 8, 1977. Judiciary. Constitutional Amendment—Deems every human being to be a person from the moment of fertilization.

H.J. Res. 246. February 8, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 247. February 8, 1977. International Relations. Calls for the President to seek a treaty or international agreement establishing a wildlife preserve for humpback whales in the West Indies.

H.J. Res. 248. February 8, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits abortion except in an emergency when a reasonable medical certainty exists that continuation of the pregnancy will cause the mother's death. Requires that every reasonable effort be made to preserve the life of the fetus.

H.J. Res. 249. February 9, 1977. Judiciary. Constitutional Amendment—Declares that the term of office of Members of the House of Representatives shall be four years. Requires the election of one-half of all Representatives every two years.

Limits to three the number of consecutive terms which Representatives and Senators may serve.

H.J. Res. 250. February 9, 1977. Post Office and Civil Service. Designates the week ending March 19, 1977, as "National Community Health Week."

H.J. Res. 251. February 9, 1977. Rules. Creates a Joint Committee on Intelligence to exercise exclusive legislative jurisdiction with respect to : (1) any intelligence activity conducted by any agency or department of the Federal Government; and (2) the authorization of funds in connection with intelligence activities conducted by special agencies and departments.

H.J. Res. 252. February 9, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate September 8 of each year as "National Cancer Day."

H.J. Res. 253. February 9, 1977. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 254. February 9, 1977. Judiciary. Constitutional Amendment—Declares that the term of office of Members of the House of Representatives shall be four years. Requires the election of one-half of all Representatives every two years. Limits the length of service of Representatives to three complete terms and of Senators to two complete terms.

H.J. Res. 255. February 9, 1977. Post Office and Civil Service. Designates February, 1977, as "Black History Month."

H.J. Res. 256. February 9, 1977. Post Office and Civil Service. Authorizes the President of the United States to annually proclaim April 22 as "Queen Isabella Day."

H.J. Res. 257. February 8, 1977. International Relations. Designates the week of September 18–24, 1977, as "National Lupus Week."

H.J. Res. 258. February 16, 1977. Judiciary. Restores posthumously full rights of United States citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 259. February 16, 1977. Post Office and Civil Service. Designates the week beginning with the third Monday in February as "National Patriotism Week."

H.J. Res. 260. February 16, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with repect to due process and and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits abortion except in an emergency when a reasonable medical certainty exists that continuation of the pregnancy will cause the mother's death. Requires that every reasonable effort be made to preserve the life of the fetus.

H.J. Res. 261. February 16, 1977. Post Office and Civil Service. Designates the third week in April of each year as "National Private Property Week."

H.J. Res. 262. February 17, 1977. Judiciary. Constitutional Amendment—States that, whenever the Senate finds upon a two-thirds vote of its Members that a Supreme Court justice is unable to discharge one or more of his duties by reason of permanent disability, including habitual intemperance, such justice shall be removed from office upon concurrence of the House of Representatives.

H.J. Res. 263. February 17, 1977, Post Office and Civil Service. Authorizes and requests the President to designate the second day of December of each year as "Honor Thy Parents Days."

H.J. Res. 264. February 17, 1977. International Relations. Requires the President to seek a treaty or other arrangement with Canada calling for an immediate moratorium on the killing of the eastern timber wolf.

H.J. Res. 265. February 17, 1977. Post Office and Civil Service. Designates the second week in May of each year as "Municipal Clerks' Week."

H.J. Res. 266. February 21, 1977. Post Office and Civil Service; Interstate and Foreign Commerce. Designates October 10, 1977, as "Energy Conservation Day."

Directs the Administrator of the Federal Energy Administration, in cooperation with other Federal agencies, to prepare estimates of the total annual energy and financial savings that America could achieve by voluntary conservation measures.

H.J. Res. 267. February 22, 1977. Judiciary. Constitutional amendment. Provides that the President and Vice President shall be chosen by popularly elected electors.

H.J. Res. 268. February 22, 1977. Post Office and Civil Service. Designates the second week in August of each year as "Better Water for People Week."

H.J. Res. 269. February 23, 1977. Appropriations. Appropriates for fiscal year 1977, $200,000,000 for the President's use for disaster relief to remain available until expended.

H.J. Res. 270. February 23, 1977. Judiciary. Constitutional amendment. Prohibits persons over the age of 65 years from taking office as a Member of Congress or continuing in office as a judge or magistrate in a lower court or as a Justice of the Supreme Court.

H.J. Res. 271. February 23, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning November 6, 1977 and ending November 12, 1977 as "National Volunteer Firemen Week."

H.J. Res. 272. February 23, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning November 6, 1977 and ending November 12, 1977 as "National Volunteer Firemen Week."

H.J. Res. 273. February 23, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning November 6, 1977 and ending November 12, 1977 as "National Volunteer Firemen Week."

H.J. Res. 274. February 23, 1977. Post Office and Civil Service. Designates and adopts the American marigold as the national floral emblem of the United States.

H.J. Res. 275. February 23, 1977. Judiciary. Constitutional Amendment—Extends the term of office of the President and Vice President to six years and prohibits any person from being elected to such offices more than once.

Establishes three year terms of office for Members of the House of Representatives.

H.J. Res. 276. February 23, 1977. Judiciary. Constitutional Amendment—Limits members of the House of Representatives to four consecutive terms and Senators to two consecutive terms.

H.J. Res. 277. February 23, 1977. Post Office and Civil Service. Designates the week of March 6–12, 1977 as "Girl Scouts of America Week" and requests the President to issue an appropriate proclamation.

H.J. Res. 278. February 23, 1977. Judiciary. Constitutional Amendment—Deems every human being to be a person from the moment of fertilization.

H.J. Res. 279. February 23, 1977. Judiciary.

Constitutional Amendment—Prohibits a justice of the Supreme Court or a judge of any inferior court established by Congress from holding office for more than six years after (1) taking office, (2) the Senate last consented to his continuance in office, or (3) the ratification of this amendment, whichever last occurs, unless the President nominates and the Senate consents to a continuance in office.

H.J. Res. 280. February 23, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to organize an international conference on heart disease, cancer, and stroke.

H.J. Res. 281. February 24, 1977. Judiciary. Constitutional Amendment—Provides for the direct election of the President and Vice President of the United States.

H.J. Res. 282. February 24, 1977. Judiciary. Constitutional Amendment—Prohibits the President from granting a pardon to a person for a Federal offense for which such person has not been convicted, unless the granting of such pardon has been approved by a majority vote of the members of each House of Congress.

H.J. Res. 283. February 24, 1977. Post Office and Civil Service. Designates the week starting with the third Monday in February of each year as "National Patriotism Week."

H.J. Res. 284. February 24, 1977. International Relations. Proposes that the President seek a treaty or appropriate international agreement to establish crtieria for tanker safety and to take whatever other steps may be necessary to protect international waters from further pollution.

H.J. Res. 285. February 24, 1977. Interstate and Foreign Commerce. Reaffirms competition as the best means of serving the American Consumers' telecommunications needs, except where there is clear and convincing evidence that such competition would produce unreasonably higher costs or poorer service for the American consuming public.

H.J. Res. 286. February 28, 1977. Post Office and Civil Service. Designates the period March 1, 1977 through March 7, 1977 as "National Weights and Measures Week."

H.J. Res. 287. February 28, 1977. Post Office and Civil Service. Designates the week starting with the third Monday in February of each year as "National Patriotism Week."

H.J. Res. 288. March 1, 1977. Post Office and Civil Service. Authorizes and requests the President to designate October 15 of each year as "National Poetry Day."

H.J. Res. 289. March 1, 1977. Post Office and Civil Service. Designates a National Day of Atonement and requests the President to issue an appropriate proclamation.

H.J. Res. 290. March 2, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 291. March 2, 1977. Post Office and Civil Service. Designates the week ending March 19, 1977, as "National Community Health Week."

H.J. Res. 292. March 2, 1977. Post Office and Civil Service. Designates the week ending March 19, 1977, as "National Community Health Week."

H.J. Res. 293. March 2, 1977. Judiciary. Constitutional Amendment—Limits to six the number of consecutive Congresses in which Senators and Representatives may serve.

H.J. Res. 294. March 2, 1977. Judiciary. Constitutional Amendment—Provides that the term of office of the President and Vice President shall be six years, and no person shall be elected to the office of President more than once.

H.J. Res. 295. March 2, 1977. Judiciary. Constitutional Amendment—Provides for a single six-year term for the President and Vice President. Limits to six the number of consecutive Congresses in which Senators and Representatives may serve.

H.J. Res. 296. March 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 297. March 2, 1977. Post Office and Civil Service. Authorizes and requests the President of the United States to designate April 22 of each year as "Queen Isabella Day."

H.J. Res. 298. March 2, 1977. Judiciary. Constitutional Amendment—Permits any State to allow, prohibit, or regulate abortion.

H.J. Res. 299. March 2, 1977. Judiciary. Constitutional Amendment—Prohibits assignment of public school students to a particular school based upon their race, creed, or color.

Grants Congress the power to enforce this amendment by appropriate legislation.

H. Con. Res. 121. February 22, 1977. Interstate and Foreign Commerce. Expresses the sense of the Congress that every individual who has undergone extensive radiation treatment for tonsil, adenoid, thymus, or similar problems should be made aware, of the potential risk of developing cancer because of such treatments, and of the need for regular physical checkups as a result of the risk.

H. Con. Res. 122. February 22, 1977. Budget. Sets forth the congressional budget for the United States Government for fiscal year 1977. Specifies the appropriate level of new budget authorities and the estimated budget outlays for each major functional category.

H. Con. Res. 123. February 22, 1977. International Relations. Declares it the sense of Congress that it shall be the policy of the United States to require repayment of delinquent debts of foreign nations. Declares it the sense of Congress that the Department of the Treasury shall submit a list of such debts to the Congress and make arrangements with foreign nations for such repayment.

H. Con. Res. 124. February 22, 1977. Interstate and Foreign Commerce. Expresses the sense of the Congress that the United States should adopt "911" as the nationwide, uniform, emergency telephone number.

H. Con. Res. 125. February 23, 1977. Banking, Finance and Urban Affairs. Expresses the sense of Congress that business and labor should support President Carter's efforts to control inflation by voluntarily agreeing to provide him with advance notification of any proposed wage or price increases and by joining with him in exploring other cooperative approaches.

H. Con. Res. 126. February 23, 1977. Judiciary. Expresses the sense of Congress that the Department of Justice and the Federal Bureau of Investigation should proceed with any appropriate investigation or prosecution relative to acceptance by Members of Congress, their families, or their associates of anything of value from the Government of the Republic of Korea or its representatives, notwithstanding any Congressional investigation into the matter.

H. Con. Res. 127. February 23, 1977. International Relations. Declares it the sense of Congress that the President seek a multilateral treaty to deny sanctuary to international terrorists.

H. Con. Res. 128. February 24, 1977. International Relations. Declares it the sense of Congress that the President should convene a meeting of the heads of appropriate governmental departments and agencies to counteract Arab discriminations against American businesses which have Jewish individuals in responsible positions or which do business with Israel.

H. Con. Res. 129. February 24, 1977. Ways and Means. Declares the sense of Congress that there should be no 1976 rebate of individual income taxes, nor any future rebate of individual income tax which would cause an increase in the Federal Budget.

H. Con. Res. 130. February 24, 1977. Science and Technology. Declares it the sense of Congress that the Federal Government should develop research methods which complement or eliminate current methods involving the use of animals and that no Federal funds should be granted for research projects involving the use of animals if other methods can be successfully substituted.

H. Con. Res. 131. February 28, 1977. Judiciary. Establishes a Commission on Legislative-Judicial Relations to conduct a study of Article III, section 2, of the Constitution relating to the authority of Congress to limit the appellate jurisdiction of the Supreme and inferior courts and other related issues.

H. Con. Res. 132. March 2, 1977. International Relations. Declares it the sense of the Congress that the President will take steps to: (1) call upon the Soviet Union to resurrect the Ukrainian Orthodox and Catholic Churches; (2) contract the officials of the Soviet Union to secure freedom of worship in the Soviet Union and Eastern Europe; and (3) raise the question of Stalin's liquidation of such churches in the United Nations.

H. Con. Res. 133. March 2, 1977. International Relations. Declares it the sense of Congress that the President take the steps necessary to place the question of human rights violations in the Ukraine on the agenda of the United Nations.

H. Con. Res. 134. March 2, 1977. International Relations. Urges President Carter to request the Soviet Union to release Valentyn Moroz from prison and to permit his immediate family to emigrate.

H. Con. Res. 135. March 2, 1977. Judiciary. Establishes a Commission on Legislative-Judicial Relations to conduct a study of Article III, section 2, of the Constitution relating to the authority of Congress to limit the appellate jurisdiction of the Supreme and inferior courts and other related issues.

H. Con. Res. 136. March 2, 1977. Ways and Means. Expresses the disapproval of Congress with respect to the action taken by, or the determination of, the President (under the authority conferred by the Trade Act of 1974 to adjust customs duties to prevent serious injury to an industry) transmitted to the Congress on August 28, 1976.

H. Con. Res. 137. March 3, 1977. International relations. Pledges the support of the Congress to advance human rights. Urges the President to inform other nations that the United States will consider human rights protection in evaluating its relations with other nations.

H. Con. Res. 138. March 4, 1977. International Relations; Public Works and Transportation. Declares it the sense of Congress: (1) that the President prohibit foreign assistance and suspend air services to countries granting sanctuary to terrorists; (2) that the President seek formation of an international Commission to study terrorism; (3) that the President renew efforts to establish an international convention sanctioning countries which grant sanctuary to those committing unlawful acts against civil aviation; (4) that the President seek compliance with the Convention for Suppression of Unlawful Seizure of Aircraft; and (5) that the President should seek an international convention for the prevention and punishment of the taking of hostages.

H. Con. Res. 139. March 4, 1977. International Relations; Public Works and Transportation. Declares it the sense of Congress: (1) that the President prohibit foreign assistance and suspend air services to countries granting sanctuary to terrorists; (2) that the President seek formation of an in-

ternational commission to study terrorism; (3) that the President renew efforts to establish an international convention sanctioning countries which grant sanctuary to those committing unlawful acts against civil aviation; (4) that the President seek compliance with the Convention for Suppression of Unlawful Seizure of Aircraft; and (5) that the President should seek an international convention for the prevention and punishment of the taking of hostages.

H. Con. Res. 140. March 4, 1977. Interstate and Foreign Commerce. Expresses the sense of the Congress that every individual who has undergone extensive radiation treatment for tonsil, adenoid, thymus, or similar problems should be made aware, of the potential risk of developing cancer because of such treatments, and of the need for regular physical checkups as a result of the risk.

H. Con. Res. 141. March 7, 1977. Interstate and Foreign Commerce. Declares it the sense of the Congress that the President should establish a special task force to develop reliable information to determine whether the price of natural gas in interstate commerce should be deregulated.

H. Con. Res. 142. March 8, 1977. International Relations. Urges the Canadian government to reassess its present policy of permitting the killing of newborn harp seals in Canadian waters.

H. Con. Res. 143. March 8, 1977. International Relations. Recognizes the right of the Irish people to control the political destiny of Ireland.

H. Con. Res. 144. March 9, 1977. District of Columbia. Disapproves the Retail Service Station Act passed by the Council of the District of Columbia.

H. Con. Res. 145. March 9, 1977. Interstate and Foreign Commerce. Declares it the sense of the Congress that the President should establish a special task force to develop reliable information to determine whether the price of natural gas in interstate commerce should be deregulated.

H. Con. Res. 146. March 9, 1977. Veterans' Affairs. Expresses the sense of the Congress in favor of eliminating the reduction in veterans' pensions which results when cost-of-living increases in social security or railroad retirement benefits occur.

H. Con. Res. 147. March 9, 1977. International Relations. Declares that the United States should effect a regional conservation treaty for the protection of northern hemisphere pinnipeds.

H. Con. Res. 148. March 9, 1977. Government Operations. Requests the Administrator of General Services to study the impact that the presence of any real property owned by the United States has on the units of general local government within whose jurisdiction such property is located. Exempts from the scope of such study specified real property including that within the National Park System, the National Wilderness Preservation System, or the National Forest System. States that such study should include an examination of any financial loss suffered by such local government as a result of the tax-exempt status of such real property.

H. Con. Res. 149. March 10, 1977. Ways and Means.

Declares the sense of Congress that there should be no 1976 rebate of individual income taxes, nor any future rebate of individual income taxes which would cause an increase in the Federal Budget.

H. Con. Res. 150. March 10, 1977. International Relations. Expresses the sense of Congress that Gunars Rode, a Latvian political prisoner, should be released from imprisonment and that the Government of the Soviet Union should allow him and other political prisoners within its borders to be released due to provisions of the United Nations Covenant on Civil and Political Rights.

H. Res. 190. January 26, 1977. Judiciary. Expresses the sense of the House of Representatives that the incumbent Director of the Federal Bureau of Investigation be retained in that office and that the Directorship be viewed as a professional position untainted by political considerations.

H. Res. 191. January 26, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 192. January 26, 1977. Judiciary. Express the sense of the House of Representatives that the United States should formally endorse the United Nations Standard Minimum Rules for Treatment of Prisoners and that the Attorney General should take steps to implement such rules where they do not conflict with the Constitution of existing statutes and do not fall short of desirable higher or more exacting standards.

H. Res. 193. January 26, 1977. International Relations. Condemns all terrorist activities. Declares that terrorists should be brought to justice. Deplores the release of Abu Daoud by France if such actions have allowed him to escape with impunity. Supports international agreements to deter and to punish terrorism.

H. Res. 194. January 26, 1977. Judiciary. Expresses the sense of the House of Representatives that the President should appoint a special prosecutor to investigate the provision of gifts and other favors by agents of foreign governments to Federal officials for the purpose of buying influence.

H. Res. 195. January 26, 1977. Appropriations. Expresses the disapproval of the House of Representatives of proposed deferral D77–51 withholding funds appropriated for operating expenses for Program Support-Community Operations for certain communities associated with facilities of the Energy Research and Development Administration.

H. Res. 196. January 26, 1977. Rules. Creates a select committee to conduct an investigation of the circumstances surrounding both product liability and professional liability insurance rate increases and any related issues the committee shall determine.

H. Res. 197. January 26, 1977. Post Office and Civil Service. Disapproves, that part of the recommendations transmitted by the President to Congress, pursuant to the Federal Salary Act of 1967 which recommend rates of pay for Members of Congress and the Resident Commissioner from Puerto Rico.

H. Res. 198. January 27, 1977. Elects Members to specified standing committees of the House of Representatives.

H. Res. 199. January 27, 1977. Rules. Amends rule X of the Rules of the House of Representatives to create a Select Committee on Energy.

Directs the Speaker to refer first to the Select Committee all bills, resolutions and other matters relating to: (1) energy resources, regulation, conservation, and allocation; and (2) energy power administration.

H. Res. 200. January 27, 1977. Interstate and Foreign Commerce. Declares that it is the sense of the House of Representatives that further investigation of the correlation between the level of violence depicted on television and aggressive and violent behavior in children and adults should be pursued.

H. Res. 201. January 27, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 202. January 27, 1977. Rules. Establishes a 12-member select committee in the House of Representatives to conduct an investigation of all acts of any agency, official, employee, or agent of the Government of the Republic of Korea or any representative of a business interest carried on in such Republic to influence any present or former Member of the House in his or her official capacity through bribery, campaign contributions, gift giving or otherwise.

H. Res. 203. January 27, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 204. January 31, 1977. Rules. Establishes within the House of Representatives a Select Committee on Intelligence to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the House appropriate proposals for legislation.

Sets forth procedures whereby the Committee may disclose publicly information in its possession. Authorizes the House to approve disclosure of certain classified information over the objection of the President.

Prohibits the appropriation of funds for specified intelligence activities unless authorized by a House bill or joint resolution.

H. Res. 205. January 31, 1977. Interstate and Foreign Commerce. Declares that it is the sense of the House of Representatives that further investigation of the correlation between the level of violence depicted on television and aggressive and violent behavior in children and adults should be pursued.

H. Res. 206. January 31, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 207. January 31, 1977. Rules. Amends rule XI of the Rules of the House of Representatives to eliminate proxy voting in committees and subcommittees.

H. Res. 208. January 31, 1977. Rules. Amends rule XI of the Standing Rules of the House of Representatives to require committee approval of travel proposals.

H. Res. 209. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 210. January 31, 1977. Rules. Amends Rule XXII of the Rules of the House of Representatives to remove the 25-member limit to the number of sponsors of any House of Representatives bill. Permits the addition or deletion of any Member's name as the sponsor of any legislation by a request made by a Member to the Speaker on behalf of such Member.

H. Res. 211. January 31, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the

Board of Governors of the United States Postal Service.

H. Res. 212. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 213. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 214. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 215. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 216. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 217. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soivet Union for major reductions in atomic weapons.

H. Res. 218. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 219. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 220. January 31, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 221. January 31, 1977. House Administration. Authorizes the expenditure of funds for the expenses of investigations and studies by the House Committee on Ways and Means.

H. Res. 222. February 1, 1977. Rules. Creates a Select Committee on Assassinations to investigate the circumstances surrounding the deaths of John F. Kennedy and Martin Luther King, Jr.

Directs such committee to evaluate the laws relating to the protection of the President, and to the deprivation of civil rights and conspiracies thereto.

Directs the committee to determine whether there was full disclosure of information and evidence among the Governmental agencies and departments investigating such assassinations.

H. Res. 223. February 1, 1977. Rules. Amends Rule XXII of the Rules of the House of Representatives to remove the 25-member limit to the number of sponsors of any House of Representatives bill. Permits the addition or deletion of any Member's name as the sponsor of any legislation by a request made by a Member to the Speaker on behalf of such Member.

H. Res. 224. February 1, 1977. House Administration. Requires any proposal by the Committee on House Administration of the House of Representatives to fix or adjust any allowance payable out of the House contingency fund for Members of Congress to be submitted to the entire House for approval by resolution.

H. Res. 225. February 1, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Services.

H. Res. 226. February 1, 1977. International Relations. Declares the support of the House of Representatives for the President's intentions: (1) to proceed with a comprehensive nuclear test ban treaty; (2) to seek ratification of the SALT II agreement; and (3) to seek an agreement with the Soviet Union for major reductions in atomic weapons.

H. Res. 227. February 1, 1977. Rules. Creates a House select committee which shall conduct an investigation of all records, memorandums, papers, documents, books, and other information of any standing or select committee of the House or officer of the House respecting expenses incurred by or on behalf of any such committee or its members or employees.

H. Res. 228. February 1, 1977. Government Operations: Ways and Means. Declares that it is the sense of the House of Representatives that the Federal Budget must be brought into balance and outlines steps which must be taken to achieve such a budget by 1980.

H. Res. 229. February 1, 1977. Rules. Creates a House Select Committee to investigate and study the nationalization of the oil industry.

H. Res. 230. February 1, 1977. Sets forth the rule for the consideration of H. Res. 222.

H. Res. 231. February 2, 1977. Sets forth the rule for the consideration of S. 474.

H. Res. 232. February 2, 1977. International Relations. Condemns terrorists activities. Declares it the sense of the House of Representatives: (1) that terrorists should be punished; (2) that the release of Abu Daoud by France was premature and unjustified; and (3) that such release should be condemned.

H. Res. 233. February 2, 1977. House Administration. Authorizes the expenditure of funds by the House Committee on Standards of Official Conduct.

H. Res. 234. February 2, 1977. House Administration. Stipulates that effective January 3, 1977, all of the expenses of the Committee on Standards of Official Conduct shall be paid from the contingent fund of the House of Representatives upon vouchers signed by its chairman and ranking minority member.

H. Res. 235. February 2, 1977. Rules. Directs the Committee on Standards of Official Conduct to determine whether Members of the House of Representatives, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or its representatives. Directs the committee to report any findings with respect to the adequacy of present regulations to protect the House against the exertion of improper influence on behalf of foreign governments.

H. Res. 236. February 2, 1977. International Relations. Declares it the sense of the House of Representatives that the United States should seek an agreement with other members of the United Nations to prohibit research, experimentation, or use of weather modification as a weapon.

H. Res. 237. February 2, 1977. Appropriations. Expresses the disapproval of the House of Representatives of proposed deferral D77-51 withholding funds appropriated for operating expenses for Program Support-Community Operations for certain communities associated with facilities of the Energy Research and Development Administration.

H. Res. 238. February 2, 1977. Ways and Means. Declares it the sense of the House of Representatives: (1) that the President should obtain removal of the trade impairments placed on dried prunes by the European Economic Community and should seek agreement with the European Economic Community that similar restrictive measures will not be imposed in the future; and (2) that the European Economic Community should be placed on notice that retaliatory measures will be taken if restrictive import regulations are placed on walnuts.

H. Res. 239. February 2, 1977. Rules. Creates a select committee to conduct an investigation of the circumstances surrounding both product liability and professional liability insurance rate increases and any related issues the committee shall determine.

H. Res. 240. February 2, 1977. House Administration. Directs the printing of 4,500 additional copies of the subcommittee print of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance and Urban Affairs entitled "Give Yourself Credit: Guide to Consumer Credit Laws," for the use of the subcommittee.

H. Res. 241. February 2, 1977. Rules. Creates a Select House Committee on Population to conduct an investigation and study of world population growth, its effects, and methods to reduce such growth.

H. Res. 242. February 2, 1977. Rules. Creates a Select House Committee on Population to conduct an investigation and study of world population growth, its effects, and methods to reduce such growth.

H. Res. 243. February 2, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress pursuant to the Federal Salary Act of 1967 recommending rates of pay for: (1) Members of Congress and the Resident Commissioner from Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; and (4) certain positions under the executive schedule.

H. Res. 244. February 2, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress pursuant to the Federal Salary Act of 1967 recommending rates of pay for: (1) Members of Congress and the Resident Commissioner from Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; and (4) certain positions under the executive schedule.

H. Res. 245. February 2, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress recommending rates of pay for the: (1) Speaker of the House; (2) President pro tempore of the Senate; (3) majority and minority leaders of the Senate and House of Representatives; (4) Members of Congress; (5) Delegates to the House of Representatives; and (6) the Resident Commissioner from Puerto Rico.

H. Res. 246. February 2, 1977. House Administration. Directs that there be printed as a House document the report by the Subcommitte on Oversight and Investigations of the Committee on Interstate and Foreign

Commerce entitled "Federal Regulation and Regulatory Reform."

H. Res. 247. February 3, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the executive schedule; and (5) the Board of Governors of the U.S. Postal Service.

H. Res. 248. February 3, 1977. House Administration. Authorizes the expenditure of funds for the expenses of investigations and studies to be conducted by the House Committee on Education and Labor.

H. Res. 249. February 3, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress pursuant to the Federal Salary Act of 1967 recommending rates of pay for: (1) Members of Congress and the Resident Commissioner from Puerto Rico; (2) certain positions in the legislative branch ; (3) specified judicial personnel; and (4) certain positions under the Executive Schedule.

H. Res. 250. February 7, 1977. Post Office and Civil Service. Disapproves that part of the recommendations transmitted by the President to Congress, pursuant to the Federal Salary Act of 1967 which recommend rates of pay for Members of Congress and the Resident Commissioner from Puerto Rico.

H. Res. 251. February 7, 1977. Rules. Amends rule XI of the Standing Rules of the House of Representatives to require committee approval of travel proposals.

H. Res. 252. February 7, 1977. Rules. Directs the Committee on Standards of Official Conduct to determine whether Members of the House of Representatives, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or its representatives. Directs the committee to report any findings with respect to the adequacy of present regulations to protect the House against the exertion of improper influence on behalf of foreign governments.

H. Res. 253. February 7, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 254. February 7, 1977. Post Office and Civil Service. Disapproves that part of the recommendations transmitted by the President to Congress, pursuant to the Federal Salary Act of 1967, which recommend rates of pay for the Members of Congress and the Resident Commissioner from Puerto Rico.

H. Res. 255. February 7, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 256. February 7, 1977. House Administration. Authorizes expenditures for investigations and studies to be conducted by the House Committee on Post Office and Civil Service.

H. Res. 257. February 7, 1977. Standards of Official Conduct. Amends rule XLIII of the Rules of the House of Representatives to prohibit Members of Congress from using funds other than those specifically appropriated by Congress for the purpose of fulfilling their activities as Federal office holders.

H. Res. 258. February 7, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 259. Feburary 7, 1977. Post Office and Civil Service. Disapproves that part of the recommendations transmitted by the President to Congress, pursuant to the Federal Salary Act of 1967, which recommend rates of pay for the Members of Congress and the Resident Commissioner from Puerto Rico.

H. Res. 260. February 7, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 261. February 7, 1977. House Administration. Declares that the expenses of investigations and studies to be conducted by the Committee on House Administration, within certain limitations, shall be paid out of the contingent fund of the House.

H. Res. 262. February 8, 1977. Public Works and Transportation. Expresses the sense of the House of Representatives that the Architect of the Capitol should take steps to reduce that consumption of energy resources used in the provision of heat and light to House offices and facilities.

H. Res. 263. February 8, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch: (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 264. February 8, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted by Congress recommending rates of pay for the: (1) Speaker of the House; (2) President pro tempore of the Senate; (3) majority and minority leaders of the Senate and House of Representatives; (4) Members of Congress; (5) Delegates to the House of Representatives; and (6) the Resident Commissioner from Puerto Rico.

H. Res. 265. February 8, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted by Congress recommending rates of pay for the: (1) Speaker of the House; (2) President pro tempore of the Senate; (3) majority and minority leaders of the Senate and House of Representatives; (4) Members of Congress; (5) Delegates to the House of Representatives; and (6) the Resident Commissioner from Puerto Rico.

H. Res. 266. February 8, 1977. Rules. Amends the Rules of the House of Representatives to change the name of the Committee on International Relations to the Committee on Foreign Affairs.

H. Res. 267. February 8, 1977. Rules. Established in the House of Representatives the Commission on South Korean Influence in Congressional Affairs to make a complete investigation of all attempts by the South Korean Government or its representative to illegitimately influence present and former Members of Congress, through bribery or other means.

Requires the Commission to report its findings and recommendations to the House no later than one year after all the members of the Commission take office.

H. Res. 268. February 8, 1977. Armed Services; International Relations. Declares it the sense of the House of Representatives that the President declare a moratorium on United States manufacture of chemical weapons, lethal and incapacitating nerve and mustard agents and "binary agents" and order the destruction of certain United States stockpiles of such weapons. Urges other nations to destroy their stockpiles. Urges the Conference of the Committee on Disarmament to conclude a treaty banning the manufacture and possession of such weapons.

H. Res. 269. February 8, 1977. House Administration. Authorizes the expenditures for the expenses of investigations and studies to be conducted by the House Select Committee on Narcotics Abuse and Control.

H. Res. 270. February 8, 1977. Sets forth the rule for the consideration of H.R. 692 (Small business assistance).

H. Res. 271. February 9, 1977. Elects specified Members of Congress to the District of Columbia and the Post Office and Civil Service Committees.

H. Res. 272. February 9, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, puruant to the Federal Salary Act of 1976, recommending rates of pay for: (1) the Vice President, Members of Congress and the Resident Commissioner from Puerto Rico; (2) specified positions in the legislative branch; (3) specified judicial personnel; (4) specified positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 273. February 9, 1977. Rules. Amends the Rules of the House of Representatives to remove the 25-member limit to the number of sponsors of any House of Representatives bill. Permits the addition or deletion of any Member's name as the sponsor of any legislation by a request made by a Member to the Speaker on behalf of such Member.

H. Res. 274. February 9, 1977. Judiciary. Impeaches Paul Rand Dixon, a Commissioner of the Federal Trade Commission, of a high misdemeanor in office.

H. Res. 275. February 9, 1977. House Administration. Declares that further expenses of investigations and studies to be conducted by the House Committee on Public Works and Transportation shall be paid out of the contingent fund of the House.

H. Res. 276. February 9, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 277. February 9, 1977. Post Office and Civil Service. Disapproves that part of the recommendations transmitted by the President to Congress, pursuant to the Fed-

eral Salary Act of 1967, which recommend rates of pay for Members of Congress and the Resident Commissioner from Puerto Rico.

H. Res. 278. February 9, 1977. Post Office and Civil Service. Disapproves the recommendations of the President transmitted to Congress, pursuant to the Federal Salary Act of 1967, recommending rates of pay for: (1) Members of Congress and the Resident Commissioner of Puerto Rico; (2) certain positions in the legislative branch; (3) specified judicial personnel; (4) certain positions under the Executive Schedule; and (5) the Board of Governors of the United States Postal Service.

H. Res. 279. February 9, 1977. House Administration. Authorizes for the expenses of a special study of welfare and pension plans to be conducted by the House Committee on Education and Labor.

H. Res. 280. February 9, 1977. House Administration. Directs that the expenses of studies and investigations to be conducted by the House Committee on Banking, Finance and Urban Affairs, be paid out of the contingent fund of the House.

SENATE—*Wednesday, June 15, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the 34th Psalm, 3d verse:

"O magnify the Lord with me, and let us exalt His name together."

O Living Lord, we thank Thee for protection and rest through the night and for the blessing of a new day. Guide us through all its hours, early and late, giving us grace to do Thy will.

Grant us Thy grace in moments of stress and times of contention as well as in times of serenity and quietness. Help us to learn patience and self-control and to reveal magnanimity and considerateness. Keep us from hasty, thoughtless, and unkind words and from misunderstanding and judging others. Bind us one to another in the fraternity of those whose vocation is to serve others and to lift life into the higher order of Thy kingdom.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Flag Day, June 14, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I have no need for my time under the standing order, and I yield it back.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time, also.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with statements therein limited to 2 minutes each.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF VARIOUS SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the prayer and the disposition of the approval of the Journal, the following Senators be recognized each for not to exceed 15 minutes and in whatever order they themselves wish: Mr. JAVITS, Mr. BAKER, Mr. GRIFFIN, and Mr. STEVENS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE WEEK

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time to state that I think the Senate has made excellent progress this week. The leadership hopes that we can continue to make such progress.

Today the Senate will have before it S. 1520, a bill to amend the Foreign Assistance Act of 1961. That is to be followed by S. 1160, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act. It is hoped that the Senate can complete action on both those bills today, which could mean a late session.

Then those two bills would be followed by H.R. 6689, under the order as presently constituted. That is an act to authorize fiscal year 1978 appropriations for the Department of State. That bill is to be followed by H.R. 6179 under the present order, which is an act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978.

The leadership hopes and intends to complete action on all these measures this week. Hopefully action on at least one appropriation bill can also be concluded this week. This might necessitate a Saturday session in order to achieve the goal, but I believe that, with the kind of cooperation the joint leadership has been receiving from both sides, it is conceivable that all of this can be done by Friday night by continuing to come in early and staying late daily.

I say this at this point so that all Senators may be apprised of the work load we have for the rest of the week.

EXPRESSION OF APPRECIATION TO THE MINORITY LEADER

In this regard, let me express my appreciation to the distinguished minority leader for the excellent cooperation and understanding that I have received from him and from his colleagues on his side of the aisle in regard to moving the work load and considering it expeditiously and carefully at the same time. I think the Senate has been doing a thorough and a fine job of workmanship on the measures.

Mr. BAKER. Mr. President, I thank the majority leader for his kind remarks, and I thank my colleagues on this side of the aisle for permitting me to enter into time limitations and unanimous-consent agreements to help expedite the han-

dling of the legislation that has been before us.

I especially wanted, Mr. President, to commend those of our colleagues who, yesterday, were agreeable to very substantial reductions in the time allocations that had been made for their several amendments. I think without that we would have been here even much later than we were. As I recall, we adjourned at 8:35 last night; and had we consumed all of the time that had been allocated for the amendments involved, we would probably have been here until close to 11 or 12 o'clock. So I am especially grateful to those who saw fit to abbreviate the time for their presentation. I do not think any amendment or any outcome was prejudiced or changed by the foreshortened time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader. I agree with him; and I think it all demonstrates the fine spirit of accommodation and willingness to work together to do the people's business.

AUTHORITY TO CALL UP INTERIOR DEPARTMENT APPROPRIATIONS MEASURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the majority leader, who happens to be the chairman of the Appropriations Subcommittee on Interior, may be authorized to call up at any time the Interior Department appropriations bill following its reporting from the Appropriations Committee.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I am happy to say we have been able to clear this request on our side of the aisle.

The matter of waiving the 3-day rule with respect to reports and granting unanimous consent to proceed at discretion to the consideration of a particular matter is one that is carefully checked on both sides of the aisle, because it involves so many Senators. So I am particularly glad that by careful checking on our side we were able to clear that, and there is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPRESSION OF THANKS TO THE ASSISTANT MINORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, I want to thank the distinguished minority leader on this occasion especially, and I also owe a special debt of thanks, and I want to express that here, to the assistant Republican leader, Mr. STEVENS, for the unstinting support he has given me throughout the years.

He is the ranking Republican member on the Senate Appropriations Subcommittee on Interior.

He is a very knowledgeable Senator in that whole area. His previous experience, his experience before coming to the Senate, has equipped him to deal with this area of appropriations in a way that I think is incomparable, and I want to thank him for his support during the years in conducting the hearings—and many times I have had to depend upon him to conduct the hearings—and for his support in the markup, for his support in the conferences, and for his help in arranging for this particular waiver of the 3-day rule.

Mr. BAKER. Mr. President, I thank the majority leader for his remarks about the distinguished Senator from Alaska. I share his evaluation of his abilities generally. In that particular respect I know Senator STEVENS shares the same respect for the majority leader that I do, and would reciprocate in kind.

I would only add to it, Mr. President, since we have just a moment in that regard, that it has been a distinct pleasure to work with Senator STEVENS as Republican whip or assistant minority leader. He is not only capable, but he is also a delight to work with, and I many times have been thankful to the people of Alaska for giving us the opportunity to serve together. I thank the majority leader for his remarks.

The ACTING PRESIDENT pro tempore. Is there further morning business?

RECESS FOR 1 MINUTE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 minute.

There being no objection, the Senate, at 9:58 a.m. recessed until 9:59 a.m.; whereupon, the Senate reassembled when called to order by the acting President pro tempore (Mr. LEAHY).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of the secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:30 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3416. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year.

The enrolled bill was subsequently signed by the President pro tempore.

At 11:15 a.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the following bill and agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H.R. 7606. An act to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon; and

H. Con. Res. 248. A concurrent resolution requiring an investigation by the Joint Economic Committee of certain economic changes.

At 2:00 p.m., a message from the House of Representatives delivered by Mr. Berry announced that:

The House passed the following bills in which it requests the concurrence of the Senate:

H.R. 7200. An act to amend the Social Security Act to make needed improvements in the programs of supplemental security income benefits, aid to families with dependent children, child welfare services, and social services, and for other purposes; and

H.R. 7553. An act making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes.

The House recedes from its disagreement to the amendment of the Senate to the bill (H.R. 6668) to amend the Age Discrimination Act of 1975 to extend the date upon which the U.S. Commission on Civil Rights is required to file its report under such act, and for other purposes, and concurs therein with an amendment in which it requests the concurrence of the Senate.

At 6:28 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House has agreed to the concurrent resolution (H. Con. Res. 249) with respect to the preparatory meeting in Belgrade of the Conference on Security and Cooperation in Europe, in which it requests the concurrence of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

With amendments:

S. Res. 194. A resolution to express the sense of the U.S. Senate regarding the detention and interrogation of Mr. Robert C. Toth by the Government of the Union of the Soviet Socialist Republics. Considered and agreed to.

By Mr. EASTLAND, from the Committee on the Judiciary:

With amendments:

S. 555. A bill to establish certain Federal agencies, effect certain reorganizations of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes (Rept. No. 95-273).

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 63. An original joint resolution to amend the Federal Home Loan Bank Act. Considered and passed.

THE COAST GUARD AUTHORIZATION, 1978—CONFERENCE REPORT (REPT. NO. 95-272)

Mr. INOUYE submitted a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6823) to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Patrick H. Molloy, of Kentucky, to be U.S. attorney for the eastern district of Kentucky.

Virginia Dill McCarty, of Indiana, to be U.S. attorney for the southern district of Indiana.

James C. Murphy, Jr., of Georgia, to be U.S. marshal for the southern district of Georgia.

James G. Barton, of Texas, to be U.S. marshal for the eastern district of Texas.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation:

Robert Alan Frosch, of Massachusetts, to be Administrator of the National Aeronautics and Space Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 7200. An act to amend the Social Security Act to make needed improvements in the programs of supplemental security income benefits, aid to families with dependent children, child welfare services, and social services, and for other purposes; to the Committee on Finance.

H.R. 7553. An act making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH (for himself, Mr. ABOUREZK, Mr. BAYH, Mr. BURDICK, Mr. GRAVEL, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. METCALF, Mr. MUSKIE, Mr. RIBICOFF, Mr. STAFFORD, and Mr. WILLIAMS):

S. 1695. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Human Resources.

By Mr. HELMS:

S. 1696. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Finance.

By Mr. ANDERSON (for himself and Mr. HUMPHREY):

S. 1697. A bill to amend the Wild and Scenic Rivers Act by designating portions of the Upper Mississippi River in Minnesota as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1698. A bill to clarify permanently the application of section 117 of the Internal Revenue Code of 1954 to certain education programs for members of the uniformed services; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. MCCLURE, and Mr. STONE):

S. 1699. A bill to provide energy conservation by alleviating current and continuing fuel waste, to reduce empty vehicle movements, and to increase efficiency in transporting goods by motor carriers which will ultimately benefit consumers, and for other purposes; to the Committee on Energy and Natural Resources; and, if and when reported, to the Committee on Commerce, Science, and Transportation, by unanimous consent.

By Mr. CHURCH:

S. 1700. A bill for the relief of Hugh J. Hyde, Alfred C. Peck, and Haven L. Berg; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1701. A bill for the relief of Narciso Michelina; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. CLARK, and Mr. HUMPHREY):

S. 1702. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of services rendered by a nurse-midwife under the medicare and medicaid programs; to the Committee on Finance.

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 63. An original joint resolution to amend the Federal Home Loan Bank Act. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH (for himself, Mr. ABOUREZK, Mr. BAYH, Mr. BURDICK, Mr. GRAVEL, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. METCALF, Mr. MUSKIE, Mr. RIBICOFF, Mr. STAFFORD, and Mr. WILLIAMS):

S. 1695. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Human Resources.

SENATOR RANDOLPH INTRODUCES RADIATION HEALTH AND SAFETY ACT OF 1977

Mr. RANDOLPH. Mr. President, today I introduce a measure which is important to every citizen who has, or will have, an X-ray examination of any kind. It is a bill which I have proposed in several previous Congresses.

It is my conviction that the need for this bill, the Radiation Health and Safety Act of 1977, continues. Its principal thrusts are two: To require the establishment of minimum Federal standards for the licensure of persons who operate machines used for diagnostic or therapeutic purposes which emit ionizing radiation, and for accrediting educational institutions which conduct training programs for such persons.

Mr. President, although the essential role of radiologic services for modern medicine is well recognized, there is evidence that current procedures result in a greater risk to consumer-patients than necessary.

Concern for the public health implications of present practices has spurred no less than seven national bodies between 1966 and 1974 to recommend that the qualifications of the operators of radiological equipment be upgraded through mandatory State or Federal licensure.

Since 1967, legislation has been under consideration by the Congress to provide for State licensure of the users and operators of medical radiologic equipment, such as X-ray equipment. An initial proposal was contained in the Senate-passed version of the Radiation Control for Health and Safety Act of 1968. The provision was dropped in the House-Senate conference.

During the last four Congresses, I have introduced similar legislation. The Radiation Health and Safety Act of 1977 would provide for Federal minimum standards for use in Federal and State licensure of radiologic technologists. It also provides for accreditation of schools training such allied health professionals.

It has been 7 years since I first introduced the Radiation Health and Safety Act. Since that time, extensive correspondence and conferences have been instrumental in perfecting this measure. In addition, hearings were held in June 1974 by the Senate Subcommittee on Health.

The bill which I introduce today is identical to the measure passed by the Senate on July 1, 1976, as title XVI of H.R. 5546, the Health Professions Educational Assistance Act of 1976. As in the previous Congress, the title was dropped in conference.

Mr. President, I request unanimous consent that following my remarks there appear in the RECORD a description of the need for this legislation to extract from Senate Report No. 94–887, a section-by-section analysis of the measure, and the text of the Radiation Health and Safety Act of 1977.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEED FOR THE RADIATION HEALTH AND SAFETY ACT OF 1977

The general public's exposure to radiation sources in medicine and dentistry is, next to natural background, the largest contributor to the consumer's radiation exposure in the United States. Medical and dental sources of radiation currently account for over 90 percent of all human exposures to man-made ionizing radiation. In contrast, normal operation of nuclear power plants account for less than 1 percent of the consumer's exposure to ionizing radiation.

The attendant benefits from the use of radiation for medical and dental diagnosis and for radiation therapy are well recognized for their essential role. Moreover, the risks associated with undergoing an efficacious X-ray examination needed for proper medical care are less than the risks which would be incurred without the examination.

However, as observed five years ago by Dr. Donald Chadwick, then Director of the U.S. Public Health Services' Division of Radiological Health and past Executive Secretary of the former Federal Radiation Council:

"Our knowledge of the biological effects of radiation has many gaps, but enough is known that practitioners of medicine, dentistry, and public health should make every feasible effort to prevent or reduce all unnecessary radiation exposure. The size of the population at risk and the possible consequences of failure to take appropriate action are too great."

Potentially the whole United States population is at risk. For example, in 1970 alone (according to the Food and Drug Administration/Bureau of Radiological Health publication, "Population Exposure to X Rays, 1970") some 129 million people (or 63 percent of the population), received 210 million medical diagnostic radiologic examinations

(or 681 examinations per 100 persons). In the process, an estimated 8 million pregnant women and their yet unborn children were placed at risk. Selected population segments such as the elderly experienced even greater incidence of examinations.

In addition, in 1970, some 4 million individuals were administered radio-pharmaceuticals in the diagnosis or treatment of disease. Concurrently, the use of microwaves and ultrasonics for therapeutic purposes also has emerged as a significant potential source of consumer radiation exposure, often without any medical supervision.

Dental radiography also is increasing—amounting in 1970 to 67 million examinations, averaging about 4 films each. Involved were over 150,000 dental X-ray units being operated by about 89,000 dentists and their 130,000 dental assistants.

The need for prudent use of potentially hazardous radiation such as X-rays and, although less well understood, ultrasound is generally recognized. Standard-setting bodies such as the National Council on Radiation Protection and Measurement, the International Commission on Radiological Protection and the Federal Radiation Council (whose authority now resides in the Environmental Protection Agency), have warned that any exposure to ionizing radiation carries with it some risk of adverse public health effects. As expressed by the International Commission on Radiological Protection—

"The cautious assumption (is) that any exposure to radiation may carry some risks for the development of somatic effects including leukemia and other malignancies and of hereditary effects. The [A]ssumption is made that down to the lowest levels of dose the risk of inducing disease or disability increases with the dose accumulated by the individual. This assumption implies that there is no wholly safe dose of radiation."

Using data from the 1972 report of National Academy of Science-National Research Council on The Biological Effects of Ionizing Radiation (BEIR Committee), mentioned subsequently, the Environment Protection Agency verified earlier estimates that medical radiation exposures alone to the U.S. population is leading to (1) between 660 and 14,000 serious disabilities, congenital abnormalities, constitutional diseases and deaths per year; (2) between 1,800 and 9,000 cancer deaths per year; and (3) from 0.7 to 7 percent of all ill health in the United States.

These radiologic services are ordered by some 230,000 physicians, approximately 10,000 of whom are radiologists with specialized expertise in the use of radiation for diagnostic and therapeutic purposes. With the exception of California, there is no requirement for training of physicians—96 percent of these physicians—in the medical uses of radiation. However, because of the growing availability of radiologists and the increasing sophistication of diagnostic examinations now possible in modern medicine, there is a trend toward concentration of the performance of more and more of these examinations in the hands of radiologists.

The actual performance of medical radiologic services, however, is now for the most part delegated by physicians to an estimated 130,000 to 200,000 equipment operators, of which approximately 50,000 may be part-time operators. Since some 73,000 of these operators are voluntarily certified, between one-half and two-thirds of the operators of medical X-ray equipment have not demonstrated their competence to perform these services to the extent required for certification by the American Registry of Radiologic Technologists (who amount to some 35,000 to 40,000 radiologic technologists). Evaluation of the competence of these radiation equipment operators for the most part is left to the 230,000 physicians in the United States, among whom are about 10,000 radiologists.

Historically, the American Medical Association (AMA), the American College of Radiology (ACR), and the American Hospital Association (AHA) have argued that the physician has the basic responsibility for exposing the consumer to potentially hazardous radiation— no one also can bear this responsibility. Even accepting this premise, while a non-radiologist physician may know best when to prescribe radiologic services, it does not necessarily follow that he also knows best how to administer the radiologic procedures himself, or that he knows when the patient should be sent to someone else and what qualifications that someone else should possess. Acceptance of the above premise, perhaps more than any other factors, is the reason the safety and efficacy of current radiologic practices still remain a major public health issue.

The United Nations Scientific Committee on the Effects of Atomic Radiation in 1972 stated: "The awareness of the radiological staff of the importance of the protection of the patient is probably the greatest factor in the control of population exposure." Moreover, a significant portion of present consumer-patient exposures can be avoided without a decrease in benefits by improvements in training, equipment, techniques, and procedures in administering radiation to patients, particularly the application of X-rays in diagnostic procedures.

When X-ray examinations are prescribed for a patient, the logical assumption is that the radiation procedures are being performed in a professional manner. Moreover, when consumer-patients present themselves for radiologic services their assumption is that—

Only licensed medical practitioners will actually order the radiologic examinations;

The medical practitioner will order radiographs only when absolutely necessary to confirm a preliminary diagnosis;

The practitioner will order only the minimum number of radiographs necessary for clinical diagnosis;

The practitioner will elicit information from a potentially pregnant woman taking this into consideration in ordering radiologic services;

The radiation risk to the individual patient and the clinical benefits to be achieved can be and will be evaluated by the practitioner in the best medical interests of the patient;

The benefit-risk evaluation will be provided to the concerned consumer-patient in a way that can be reasonably understood;

The patient can request that radiologic services can be deferred;

Non-practitioner (technologist) who takes radiographs are sufficiently trained to obtain the quality of image necessary for the practitioner to obtain the clinical data required;

The technologist knows how, for a given patient, to achieve the best possible radiographs for the particular diagnosis of interest to the ordering practitioner with the lowest possible radiation exposure;

The technologist will supply appropriate gonad shielding when the gonad area is not the specific subject of the radiograph but may receive radiation exposure or when the patient so requests;

The technologist who does the positioning, the setting of machine controls, the activating the actual exposures, and the development of any films is competent to provide the necessary data for the practitioner in the finished picture as quickly as possible, minimizing prolonged patient discomfort and anxiety;

The practitioner who reads the radiographs is sufficiently expert through training and experience to read and interpret them in terms of the patient's individual needs; and

If the above cannot be carried out properly, the patient will be informed and be referred to a qualified radiologist or medical center who in turn will employ qualified technologists and expertly interpret the finished radiographs.

In summary, the patient assumes a "Consumer Bill of Rights for Radiation," when agreeing to undergo radiologic services. While these assumptions can be assured by qualified radiologic technologists working with an equally qualified practitioner, there is ample evidence to suggest that this is not the present situation; National surveys by the Public Health Service indicate that current radiologic practices are not being now routinely performed in efficacious ways, at maximum benefit and minimum risk for the consumer-patient.

For example, a 1972 survey in Suffolk County, New York, concluded that the four most common causes for unnecessary consumer-patient radiation exposure are:

"Lack of training or inadequate training of the equipment operators;

"X-ray machines that do not comply with applicable standards;

"Inadequate positive shielding for patients and operators; and

"Lack of concern of the operators for good X-ray protection procedures."

Many of the owners and operators did not even know if their X-ray equipment is functioning according to State regulatory requirements. Consequently, the patient, the doctor's office staff, and often the operator, all were unsuspectingly being exposed to unnecessary radiation.

The FDA's Bureau of Radiological Health has initiated programs to control unnecessary consumer radiation exposure from electronic products under authority contained in the Radiation Control for Health and Safety Act of 1968. Performance standards for diagnostic X-ray equipment intended to reduce unnecessary exposures have been promulgated pursuant to Public Law 90–602 by the Bureau of Radiological Health with an effective date of August 1, 1974. This statute does not provide complementary authority to establish qualifications for the operators of these potentially hazardous radiation devices such as those employed in providing medical and dental health care services. However, general authority does exist under the Public Health Services Act (Sections 356 (2) and (5)) to establish guidelines, although a mechanism for enforcement does not exist to assure adoption of such guidelines.

Dr. Karl Z. Morgan, a founder and past president of the American Health Physics Society, has demonstrated that—

"An unqualified operator of radiological equipment inadvertently can overturn any benefits derived from equipment performance standards established pursuant to Public Law 90–602; the outcome is unnecessary consumer hazards. This is true irrespective of whether the operator is a poorly trained physician or radiological technologist."

Like many other extremely useful and even necessary technologic advances, radiologic techniques can be misused through ignorance, neglect, carlessness, and lack of appropriate education and training; in this case, the principal concern is training in the fundamentals of radiation protection.

Although the critical factors affecting consumer-patient exposure are quality and continuing education, the quality of present radiologic technologist graduates appears to warrant improvement. For example, annually there are some 5,000 to 6,000 graduates from AMA accredited schools the majority of whom go directly into practice without seeking voluntary certification by examination. Results for those who take the examination of the American Registry of Radiologic Technology cast doubts on the quality of their training. For example, out of some 3,000 students who

graduated from AMA accredited schools who took the examination in 1971 some 500 did not pass and out of some 1,000 who failed the year before, one-half failed again to achieve the passing grade of 59, itself a compromise reflecting the prevailing low quality of the training and indicating the measure of corrective actions that have to be taken.

There is limited information available on the role of the radiologic technologist in reducing patient exposure; however, FDA/BRH data shows that while credentialed (registered) operators performing chest X-ray examination fails to restrict the X-ray beam to the size of the film 43 percent of the time, non-credentialed individuals fail to do so 63 percent of the time.

This would indicate that while some improvement in reduced patient risks is achieved through credentialing, the performance of voluntarily credentialed individuals remains far from adequate. Thus continuing education would appear warranted.

Presently the American Society of Radiologic Technologists, in collaboration with the American College of Radiology and the Council on Medical Education of the American Medical Association, establish the accreditation standards and curricula, along with a syllabus, for radiologic technologists. Such minimum requirements, known as "Essentials," are then subject to adoption by the House of Delegates of the American Medical Association.

Actual accreditation is performed by the AMA's Council on Medical Education—the largest specialized allied health accreditation body in the country—which is recognized by the Office of Education for this purpose. Accredited institutions for the training of radiologic technologists—1,276 programs, involving 1,884 sites—are surveyed and evaluated at least every five years by the Joint Review Committee on Education in Radiologic Technology, which was established in 1970 and relies on voluntary services from radiologists and technologists across the country. A similar Joint Committee on Education Programs in Nuclear Medicine Technology exists for this specialty. Recommendation of these two Committees are forwarded to the Council on Medical Education for further action.

The need to improve on the efficacy of radiologic services has spurred no less than seven national or Federal bodies between 1966 and 1974 to have recommended licensure of radiologic technologists. For example, the National Advisory Committee on Radiation in April 1966 advised the Surgeon General: "minimum legal standards of education, training, and experience for (radiologic) technologies appear to be necessary to bring about (an) increase in effectiveness with which radiologic services are delivered to the public."

Some fourteen months later, in June 1967, Secretary John W. Gardner's Task Force on Environmental Health and Related Problems—charged with recommending the goals, priorities, and strategy for the Department of Health, Education, and Welfare to cope with environmental threats to man's health and welfare—concluded that "radiation hazards, in spite of the amount of public sensitivity to the subject during the past quarter century are still in need of improved control. Clearly more protection is needed." The Task Force observed that, even with widespread concern about the danger of X-rays, many Americans are overexposed in diagnostic and therapeutic practice." The Task Force went on to recommend that, "all persons using X-ray equipment should be licensed to do so, after fulfilling written examinations as to their competency."

The same year, in October 1967, further support was forthcoming from the Surgeon General's Medical X-Ray Advisory Committee on Public Health Considerations in Medical Diagnostic Radiology in their report entitled, "Public Health Considerations in Medical Diagnostic Radiology (X-Rays)." The report observed that, "prime consideration should be the total public health interest and that the stage has been reached when mandatory requirements of examination, training, and experience are appropriate."

In the words of the Surgeon General's Medical X-Ray Advisory Committee, this recommendation was warranted despite the fact that "the voluntary procedures of certification by the American Registry of Radiologic Technologists (ARRT) set a general high level of such assurance" that medical X-ray equipment operators are knowledgeable and competent. Nevertheless, the Committee concluded that instruction for general purpose technologists was "usually insufficient for more than sketchy coverage of radiation safety and efficiency . . ."

While the Committee held no brief for licensure *per se*, it recognized that licensure "may be the best mechanism for assuring the fulfillment of minimum requirements" for proficiency. The licensure could be accomplished gradually "with a transition period to avoid the disruption of vital radiological services if such programs are put into effect. Uniformity in standards for each actions would be highly desirable."

The fourth point of support was the Department of Health, Education, and Welfare, itself, in its August 1970 Annual Report to the Congress pursuant to the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602). The report recommended that—

"The Public Health Service should vigorously promote licensure or certification of users of radiation sources in the healing area. Licensure or certification should be uniformly applied at Federal and State levels. Full use should be made of model regulations to assure compatibility between states."

Similar suport was expressed in May 1971 in their 1971 Annual Report (pursuant to Public Law 90–602) which recommended that, "P.H.S. should vigorously promote State licensing or certification of users of radiation sources employed in the healing arts which are not subject to A.E.C. (now Nuclear Regulatory Commission) control."

During this period, in 1970, as Chairman of the then Federal Radiation Council, the Secretary of Health, Education, and Welfare instituted a review and evaluation of the relevant scientific information on the potential hazards of ionizing radiation in the environment. The evaluation was undertaken by the Committee on the Biological Effects of Ionizing Radiation (BEIR Committee) of the National Academy of Sciences—National Research Council. Their review, which was completed in November 1972 after the FRC function was transferred to the Environmental Protection Agency, is entitled "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation."

The BEIR Committee declared "the use of ionizing radiation in medicine is of tremendous value," nevertheless, "it is essential to reduce exposures since this can be accomplished without loss of benefit and at relatively low cost." And, concluded the BEIR Committee, it is precisely because "medical radiation exposure can and should be reduced considerably by limiting its use to clinically indicated procedures utilizing efficient exposure techniques and optimal operation of radiation equipment" that consideration should be given to appropriate training and certification of involved personnel.

According to the BEIR Committee and others, "the aim is not only to reduce the radiation exposure to the individuals, but also to have procedures carried out with maximum efficiency so that there can be a continuing increase in medical benefits accompanied by a minimum radiation exposure."

In this regard, the BEIR Committee concluded ". . . that it appears reasonable that as much as a 50 percent reduction in the genetically significant dose from medical radiology might be possible through improved technical and educational methods." Even greater reductions in unnecesary medical radiation exposure have been estimated by Dr. Karl Z. Morgan, founder of the American Health Physics Association. Dr. Morgan believes that medical reduction exposures can be reduced to 10 percent of present values through "(1) improved equipment; (2) education, training, and certification of all who prescribe or apply medical ionizing radiation to man; and (3) better techniques and a proper motivation on the part of all medical men to reduce patient exposure to a level as low as practicable."

More recently, the National Conference of Radiation Control Program Directors in May, 1974, adopted a resolution urging the Congress and State legislatures to adopt "such legislation as is presently before them to assure the continuation or implementation of programs for licensure of operators of medical diagnostic X-ray equipment."

The resolution urged the Congress and the Food and Drug Administration to adopt a public policy supporting such legislation" and urged further that "the Food and Drug Administration actively assist states in drafting state legislation and organizing an effective implementation of present and future operators licensing legislation."

A unanimity of support for mandatory licensure of radiologic technologists is apparent among public health specialists, including environmental health and radiological health experts. Similar resolutions have been adopted by such organizations as the American Public Health Association, the Conference of State Sanitary Engineers, and the American Association of State and Territorial Health Officers.

Although these professional organizations, which include State officials, support mandatory Federal minimum standards for the licensure of radiologic technologists, the Department of Health, Education, and Welfare's official position is that the licensure and credentialing of allied health professionals and health professionals generally is a legitimate State responsibility, perhaps under a non-Federal national framework of common policies and approaches. Moreover, it is the Department's opinion that there is no case for singling out radiologic technologists for Federal licensure. The Department deems current programs being carried out on a voluntary basis as adequate.

Although this position is endorsed by the American College of Radiology, the American Medical Association, and the American Hospital Association, the Council of The American College of Radiology—in recognition of the public health implications of unnecessary radiation exposure—resolved in 1973 "that the College seek the assistance of the AMA in drafting appropriate legislation for regulating technologists, and that this legislation should embody requirements that radiologic technologists operate X-ray equipment for medical purposes only under the direct supervision of physicians . . ."

Moreover, in recognition of the implication of a proliferation of State licensure programs, the American College of Radiology stated in a letter to the Committee that the College would favor "the concept of federally mandated consistency over the uncoordinated development of 50 separate and incompatible state programs."

This situation is further complicated by the Department of Health, Education, and Welfare's position advocating continuance of a general moratorium until December 1975 on the licensure of all allied health person-

nel, including radiologic technologists. This position also is endorsed by the American Medical Association, the American College of Radiology, and the American Hospital Association as well as other professional organizations in the field other than many of the organizations representing allied health professionals themselves.

This moratorium originates from a 1971 report by the Secretary of Health, Education, and Welfare to the President and the Congress entitled, "Report on Licensure and Related Health Personnel Credentialing"; the report concludes that "at a time when the education and training of health professions is undergoing rapid change, when the organization of health care is being modified, and when the functions of health workers in the various service settings are being revised and broadened, it would be unwise to develop new statutes that define functions narrowly and that establish rigid requirements for education and training."

At the time, the Secretary recommended that State observe a two year moratorium on enactment of new licensure statutes. Subsequently, in June, 1973, a further extension of the moratorium was advocated until December 1975.

When the moratorium ended draft recommendations of the Department advocated certification be further developed, as an alternative to State licensure. In addition the Department advocated proficiency and equivalency measures as alternatives to formal educational requirements for credentialing be adopted by certification, licensure, and accrediting bodies.

However, the Committee notes that in preparation of these moratorium reports the licensure of radiologic technologists or any other profession was not specifically considered although this is the largest specialty group among allied health professions. Moreover, the Committee observes that the initial moratorium report was prepared by an intra-Department task force, which did not include a representative for radiological health interests, and that the Government Advisory Committee mailing list of 62 members contains only one representative of radiological health interests, the Director of the FDA's Bureau of Radiological Health. The June 1973 interim report received even less widespread circulation for review and comment.

While this moratorium was intended to provide a holding action to provide time to develop long-term solutions toward improving the quality of health care services, it must be emphasized that the moratorium does not also apply to hiring of people. A more consumer oriented approach, particularly with regard to radiologic technologists, might well have been to also consider a similar moratorium on hiring.

The concept of national standards of radiologic technologists was endorsed over 50 years ago by the American Medical Association which undertook to develop an approval system for schools of radiologic technology and undertook establishment of the American Registry for Radiologic Technologists to provide examinations for the graduates of the AMA schools. This is now the largest allied health professional program approved by the American Medical Association.

However, the United States is presently faced with the situation where the competence of between one-half and two-thirds of the practicing radiologic technicians for the most part are unknown. Two approaches are taken in the Radiation Health and Safety Act of 1976, intended to upgrade the quality of consumer-patient radiologic services: First, a control mechanism is provided over admission into the profession by means of licensure; and Second, control is provided over the quality and content of educational curriculum by means of accreditation.

SECTION-BY-SECTION ANALYSIS

Amends Part F of title III of the PHS Act by adding Subpart 4.—Radiologic Technologists."

DECLARATION OF PURPOSE

New sec. 360G. States the findings and declarations of Congress that:

(a) consistent with the recommendations of the National Council on Radiation Protection and Measurement and the International Commission on Radiological Protection, it is in the national interest and in the interest of public health and safety to minimize expcsure of the public to potentially hazardous radiation from all sources;

(b) while the operation and use of radiologic equipment and methods is essential in modern medicine, even the most advanced radiologic equipment and procedures will not adequately protect the health and safety of either the consumer-patient subjected to radiologic procedures or the individuals performing such radiologic procedures, including their progeny, unless the individuals performing radiologic procedures are fully qualified by reason of training and experience in the operation of radiologic equipment or in the performance of radiologic procedures so as to avoid unnecessary exposure to radiation and to assure efficacious consumer-patient radiologic services.

(c) it is the overall public health interest to have an adequate and continuing supply of well-trained radiologic technologists and that any person who operates radiologic equipment or administers radiologic procedures to consumer-patients should be required to demonstrate competence by training, experience, and examination;

(d) the protection of the public health and safety from unnecessary exposure to potentially hazardous radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal Government; and

(e) consistent with the recommendations of (1) the National Advisory Committee on Radiation to the Surgeon General in 1966, (2) the Secretary's Task Force on Environmental Health and Related Problems in June 1967, (3) the Surgeon General's Medical X-ray Advisory Committee on Public Health Considerations in Medical Diagnostic Radiology in October 1967, (4) the 1970 Report of the Secretary to the Congress pursuant to the Radiation Control for Health and Safety Act of 1968, (5) the National Academy of Sciences-National Research Council's Advisory Committee on the Biological Effects of Ionizing Radiations in November 1972, and (6) the Conference of Radiation Control Program Directors in May 1974, it is in the national interest and in the interest of public health and safety to provide for mandatory licensure of persons administering potentially hazardous radiations to consumer-patients.

RECOMMENDED CRITERIA AND STANDARDS

New section 360H(a). Requires the Secretary to develop criteria and minimum standards (1) for use in the accreditation of educational institutions which conduct training programs for radiologic technologists and (2) for use in the accreditation of educational institutions conducting programs to train medical and dental practitioners, dental hygienists, and dental assistants. Requires the Secretary to issue such standards and such criteria within one year after the date of enactment of this subpart and update periodically. Requires that such criteria and standards be published in the Federal Register.

New Section 360H(b)(1). Requires the Secretary to develop criteria and minimum standards for the licensure of radiologic technologists. Requires the Secretary to issue such criteria and standards to the States within one year after this subpart is enacted. Requires that such criteria and standards issued by the Secretary distinguish between the following categories of specialization: senior radiologic technologies, medical radiologic technologists, dental radiologic technologists, radiation therapy technologists, nuclear medicine technologists, photoroentgen technician, and technologists in training. Requires such criteria and standards to be published in the Federal Register.

Permits the Secretary to designate other categories of specialization or levels of competence for the purpose of licensure if he finds that such additional categories are required to assure adequate protection of public health from unnecessary radiation exposure or to assure efficacious consumer-patient radiologic services.

The Secretary is provided discretionary authority to provisionally license as a "technologist-in-training" graduates of training programs accredited pursuant to the Act. Such provisional licenses are to be conditioned on fulfillment within one-year of the requirements for licensure in an area of specialization, including that of "technologists-in-training," as provided for by the Secretary.

New section 360H(b)(2). Requires the Secretary, when developing the criteria and standards required under this section, to review and evaluate voluntary certification programs which exist on the date of enactment of this subpart. Permits him, upon his determination that such program meets the criteria and standards issues in accordance with this section, to license within one-year individuals who have been certified under such voluntary programs in these specialty categories established under this section.

New section 360H(c). Requires the Secretary, when developing criteria and minimum standards under this section to consult with the Environmental Protection Agency, State health departments, and appropriate professional organizations.

New section 360H(d). Requires the Secretary to give the States advice and assistance to foster enactment and enforcement of appropriae laws and standards. Specifies that such assistance could include model laws, training curriculums, and training aids.

New section 360H(e). Requires the Secretary to periodically revise the criteria and standards issued under this subpart.

ACCREDITATION AND LICENSURE

New section 360I(a). States that the training and licensure of radiologic technologists intending to apply radiation to humans for diagnostic or therapeutic purposes in any State or States are subject to the provisions of this subpart.

New section 360I(b). Specifies that State and local governments are to be encouraged to minimize exposures of the public to potentially hazardous radiation from all sources and are not to be displaced by Federal action except as otherwise provided under section (I)(c) or (d).

New section 360I(c). Permits a Governor of a State to file a letter of intent with the Secretary stating that such State will adopt the minimum standards for the training of radiologic technologists as issued by the Secretary, within two years after such standards and criteria have been issued. If, after two years, the State has not adopted such standards, then the minimum standards developed by the Secretary are to go into effect in that State. Specifies that State standards adopted pursuant to this Act may apply if (i) consistent with the Secretary's criteria and standards developed and issued under this subpart, (ii) the State can adequately enforce its standards; and (iii) the State program is consistent with the purposes of this subpart.

New section 360 I (d). Permits the Secretary to grant a State an extension of the two year development period if he determines the State is making good faith efforts to develop

and implement an effective program consistent with the purposes of this subpart.

New section 360 I (e)(1). Permits a Governor of a State to file a letter of intent with the Secretary stating that such State will adopt the minimum standards for the licensure of radiologic technologists, as issued by the Secretary, within two years after such standards and criteria have been issued. If, after two years, the State has not adopted such standards, the minimum standards developed by the Secretary are to go into effect in that State. Specifies that State standards adopted pursuant to the Radiation Health and Safety Act of 1976 shall apply unless (i) they are inconsistent with the Secretary's criteria and standards developed and issued under this subpart; (ii) the State cannot adequately enforce its standards; and (iii) the State program is inconsistent with the purposes of this subpart.

New section 360 I (e)(2). States that State standards and criteria for the accreditation and licensure of radiologic technologists which are in effect prior to the effective date of minimum national standards and criteria issued under this subpart, are deemed to be in compliance with this section if the Secretary determines, after a hearing, that such standards and criteria meet the Secretary's minimum standards and the conditions specified under this subpart.

New section 360 I (f). Permits the Secretary to authorize appropriate professional organizations to provide accreditation or licensing under this section, if he determines that such organizations will adhere to the criteria and minimum standards issued under this subpart. Requires the Secretary, to the maximum extent practical, to use the organizations recognized by the Commissioner of Education for purposes which would be consistent with the provisions of this subpart.

New section 360 I (a). Authorizes the Secretary to make grants to States or professional organizations designated pursuant to section 360 I (f) for planning, developing, and establishing programs to carry out the purposes of this subpart. Limits the amount of a grant to two-thirds of the costs of such a program in the first year and one-third in the second year.

New section 360 I (h). Authorizes the Secretary to make grants to educational institutions under Title VII of the PHS Act to carry out the purposes of this subpart.

New section 360 II (i). Requires the Secretary to review annually programs established under this subpart. Requires the Secretary to suspend any accreditation of licensure standards or regulations of a State or certified professional licensing organization, if he determines that the administration of any State or organization's program is inconsistent with the purposes of this subpart or with revised criteria and minimum standards issued pursuant to subsection 360 II (e).

PROHIBITED ACTS

New section 360 J (a). Upon the effective date of Federal criteria and standards the lawful administration of potentially hazardous radiation to humans for diagnostic or therapeutic purposes will be restricted to, first, licensed medical practitioners, dentists, or dental hygenists; second, licensed radiologic technologists; or third, licensed photoroentgen technologists or technologists-in-training who are under the immediate supervision of a radiologist of a more specialized radiologist.

The Committee intends that the term "licensed medical practitioner" shall include, for the purposes of this Act, licensed practitioners of the healing arts such as licensed doctors of medicine, licensed doctors of osteopathy, and licensed doctors of chiropractic. In addition, the Committee intends that, for purposes of this Act, this Federal definition of "licensed medical practitioner" shall not be restricted by virtue of definitions pursuant to State law.

New section 360J(b). Specifies that the U.S. district courts have the jurisdiction, for cause shown, to restrain violations and enforce provisions of this section.

New section 360J(c)(1). Specifies that violations of subsection 360 J(c) by an individual applying potential hazardous radiation to human beings for diagnostic or therapeutic purposes shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

New section 360J(c)(2). Permits the Secretary, upon application, to remit or mitigate any civil penalty levied in accordance with the provisions of subsection 360 J(c)(1). Requires consideration of the size of the business of the person charged and the gravity of the violation when determining the amount of the penalty or whether such penalty should be remitted or mitigated, and in what amount. Permits the amount of the penalty to be deducted from any sums owed by the U.S. to the person charged.

New section 360J(d). Specifies that actions taken under this section can be brought in the U.S. district court for the district in which the violation occurred or in such court where the defendant is found, or transacts business. Process in such cases may be served in any other district where the defendant resides or is found.

New section 360J(e). States that the provisions of this subpart do not require the Secretary to report minor violations, if he believes that the public interest will be adequately served by suitable written notice or warnings.

New section 360J(f). States that the remedies provided under this section are in addition to and not a substitution for any other remedies provided by law.

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiation Health and Safety Act of 1977".

SEC. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technologists by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technologists;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technologists; and

(c) provide for State adoption and administration of programs for the accreditation of education institutions training radiologic technologists and programs for the licensure of radiologic technologists, with authority for the Secretary to take necessary action in the absence of State action.

SEC. 3. Title III of the Public Health Service Act is amended by inserting after part F, subpart 3, sction 360F, the following:

"SUBPART 3.—RADIOLOGIC TECHNOLOGISTS

"DECLARATION OF PURPOSE

"SEC. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the National Council on Radiation Protection and Measurement and the International Commission on Radiological Protection, it is in the national interest and in the interest of public health and safety to minimize exposure of the public to potentially hazardous radiation from all sources;

"(b) while the operation and the use of radiologic equipment and methods is essential in modern medicine, even the most advanced radiologic equipment and procedures will not adequately protect the health and safety of either the consumer-patient subjected to radiologic procedures or the individuals performing such radiologic procedures, including their progency, unless the individuals performing radiologic procedures are fully qualified by reason of training and experience on the operation of radiologic equipment or in the performance of radiologic procedures so as to avoid unnecessary radiation and to assure efficacious consumer-patient radiologic services;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technologists and that any person who operates radiologic equipment or administers radiologic procedures to consumer-patients should be required to demonstrate competence by training, experience, and examination;

"(d) that the protection of the public health and safety from unnecessary exposure to potentially hazardous radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal Government; and

"(e) that, consistent with the recommendations of (1) the National Advisory Committee on Radiation to the Surgeon General in 1966, (2) the Secretary's Task Force on Environmental Health and Related Problems in June 1967, (3) the Surgeon General's Medical X-ray Advisory Committee on Public Health Considerations in Medical Diagnostic Radiology in October 1967, (4) the 1970 report of the Secretary to the Congress pursuant to the Radiation Control for Health and Safety Act of 1968, (5) the National Academy of Sciences-National Research Council's Advisory Committee on the Biological Effects of Ionizing Radiations in November 1972, and (6) the Conference of Radiation Control Program Directors in May 1974, it is in the national interest and in the interest of public health and safety to provide for mandatory licensure of persons administering potentially hazardous radiation to consumer-patients.

"RECOMMENDED CRITERIA AND STANDARDS

"SEC. 360H. (a) The Secretary shall, as soon as practicable but not later than one year after the date of enactment of this subpart, develop and issue criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic technologists and for use in the accreditation of education institutions conducting programs for the training of medical and dental practitioners, dental hygienists, and dental assistants. Such criteria and standards shall be published in the Federal Register.

"(b)(1) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of this subpart, develop and issue to the States criteria and minimum standards for licensure of radiologic technologists, and provide such other advice and assistance to the States as he deems necessary for the effective implementation of this subpart. Such criteria and minimum standards shall distinguish between the following categories of specialization: senior radiologic technologists, medical radiologic technologists, dental radiologic technologists, radiation therapy technologists, nuclear medicine technologists, photo-roentgen technician, and technologist-in-training. The Secretary may provide in such criteria and minimum standards that graduation from an educational institution for the training of radiologic technologists accredited pursuant to this subpart satisfies the requirements for a provisional license as a technologist-in-training conditioned on licensure within one year in one or more categories of specialization. Such criteria and standards shall be published in the Federal Register. The Secretary may designate other categories of spe-

cialization or levels of competence for the purpose of licensure if he finds that such additional categories are required to assure adequate protection of public health from unnecessary radiation exposure or to assure efficacious consumer-patient radiologic services.

"(2) The Secretary shall, concurrent with the development and issuance of criteria and standards under paragraph (1) of this section, review and evaluate any voluntary certification programs in existence on the date of enactment of this subpart, and he shall, based on such review and evaluation, determine whether such programs meet the criteria and standards issued pursuant to this section. If he is satisfied that a program meets such criteria and standards he shall, within one year thereafter, license those individuals who have been certified under such programs in the appropriate categories of specialization established pursuant to paragraph (1) of this subsection.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with the Environmental Protection Agency, State health departments, and appropriate professional organizations.

"(d) The Secretary shall give to the States such other advice and assistance as will foster enactment and enforcement of appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, revise the criteria and standards issued by him pursuant to this subpart.

"ACCREDITATION AND LICENSURE

"SEC. 360I. (a) The training and licensure of radiologic technologists who intend to apply radiation to humans for diagnostic or therapeutic purposes in any State or States shall be subject to the provisions of this subpart.

"(b) Consistent with the policy declaration of this subpart, State and local government shall be encouraged to minimize exposures of of the public to potentially hazardous radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsection (c) or (d).

"(c) Upon issuance of the criteria and minimum standards pursuant to section 360H for the accreditation of educational institutions, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum, the standards of accreditation of educational institutions issued by the Secretary. If, after two years, a State fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this subpart, such State standards shall be the standards applicable in such State.

"(d) Upon application of a Governor, the Secretary may grant an extension under subsection (c) for not more than two years if after review the Secretary determines that good faith efforts have been made by the State and reasonable assurance is provided that an effective program to implement the purposes of this subpart will be provided by the State within the period of the extension.

"(e)(1) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technologists, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologic technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this subpart, such State standards shall be the standards applicable in such State.

"(2) Notwithstanding any other provision of this section, in the case of a State which has, prior to the effective date of standards and criteria promulgated pursuant to this subpart, established standards for the accreditation or licensure of radiologic technologists, such State shall be deemed to be in compliance with this section unless the Secretary determines, after notice and hearing, that the standards of such State do not meet the minimum standards prescribed by the Secretary pursuant to this section or the conditions for approval of a State program set forth in paragraph (1) of this subsection.

"(f) The Secretary may authorize appropriate professional organizations to provide accreditation and licensing under this section if he determines that such organization will adhere to the criteria and minimum standards issued pursuant to section 360H. For the purposes of accreditation, the Secretary shall, to the maximum extent practicable, consistent with the purposes of this subpart, utilize organizations recognized by the Commissioner of Education for such purposes.

"(g) The Secretary may make grants to States or professional organizations designated pursuant to subsection (f) of this section in an amount up to two-thirds of the first year and one-third of the second year costs of planning, developing, or establishing programs to carry out the purposes of this subpart.

"(h) The Secretary may make grants to educational institutions under title VII of this Act to carry out the purposes of this subpart.

"(i) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization designated pursuant to subsection (f) when he determines that the program of any State or organization is inconsistent with the purposes of this subpart or with revised criteria and minimum standards issued pursuant to subsection 360H(e).

"PROHIBITED ACTS

"SEC. 360J. (a) Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for an individual to apply potentially hazardous radiation to humans for diagnostic or therapeutic purposes unless he is a licensed medical practitioner (including licensed chiropractors and licensed osteopaths), a licensed dentist, a licensed dental hygienist, or holds a valid radiologic technologist license issued in accordance with standards promulgated pursuant to section 360H, except, for a licensed pohto-roentgen technologist or a licensed technologist-in-training who must be under the supervision of a radiologist or a more specialized radiologic technologist as provided for in section 360H.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c)(1) Any violation of this subsection by an individual applying potentially hazardous radiation to human beings for diagnostic or therapeutic purposes shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

"(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.".

By Mr. HELMS:

S. 1696. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Finance.

Mr. HELMS. Mr. President, the bill I am introducing today amends the Internal Revenue Code to simplify a complicated procedure used to determine the tax basis for inherited property.

Prior to the Tax Reform Act of 1976, an heir or devisee took property from a decedent with a tax basis equal to the market value of the property at the date of the decedent's death. The 1976 Tax Reform Act abolished the market value method of setting the tax basis of inherited property and instituted what is known as the "carryover basis." In computing the carryover basis, the decedent's original purchase price of the inherited property and the year the property was purchased by the decedent must be determined for each place of real and personal property before the tax basis can be computed.

Mr. President, you can readily see that the new tax law will be an administrative nightmare. Often property that passes under a will or by intestacy has been held by the decedent for many years and may have been passed from generation to generation. It may be literally impossible to determine the date of purchase and purchase price for each piece of real and personal property in the decedent's estate.

This legislation would repeal the carryover basis embodied in the Tax Reform Act of 1976 and require that a bene-

ficiary's tax basis be the fair market value of the property at the date of decedent's death which was the procedure used to compute the tax basis prior to the 1976 law.

Mr. President, the carryover basis has only been in effect since January 1, 1977, but I am already receiving complaints from my constituents about the new law. Mr. R. F. Landis, II of the law firm Wallace, Langley, Barwick, Llewellyn and Landis wrote me the following letter:

DEAR SENATOR HELMS: Being a practicing attorney with a specialization in Estate Administration, Estate Planning, and Income Tax matters, I have done a considerable amount of research into the 1976 Tax Reform Act as that Act affects the general estate tax provisions, and of course, their relation to income tax planning.

Recently, there has been introduced into the House of Representatives and to the Senate a bill in modification of the 1976 Tax Reform Act as that Act affects what is known as "Carryover Basis". Under the law as it existed prior to the Tax Reform Act of 1976 upon the death of a decedent, his basis in assets was the value at his date of death and hence his executor, administrator, or heirs or his devisees could turn around and sell the assets after the death at the death tax value without incurring any gain for income tax purposes. The Tax Reform Act of 1976 sought to eliminate this law and provide that carryover basis in the hands of the estate heirs or devisees would be the same basis as the decedent's immediately prior to his death. In essence they were trying to adopt the same rule as they have always adopted in the treatment of gifts, i.e., for gift tax purposes the basis in the hands of the donee was the same as the basis in the hands of a donor immediately prior to the gift.

The difficulty in administering the new carryover basis provisions for decedents' estates lies in the fact that it is almost impossible to determine the cost basis of a decedent for all the assets which may have been involved in his estate. It has become exceedingly difficult for not only the lawyer to make these determinations as to the decedent's basis, but it is almost impossible for a layman who wishes to handle his own estate because of the extrinsic requirements set up by the new Tax Reform Act. A layman attempting to handle his spouse's or his father's etc., estate would find that he faces an impossible task in light of all the adjustments to be made to determine the basis (adjustment for estate and succession taxes paid, the fresh-start rules). The problem is even magnified when you start trying to value antiques which have been passed down for generations, stamp collections, coin collections, or lots of stock which may have been purchased at several times over the years. In very few cases will persons keep adequate records showing every stock transaction and the administration of the carryover basis rules will at best result in mere guess work which in my opinion will considerably thwart the intentions of Congress in originally passing the bill.

Another problem which compounds the problem is that many states will not pass their own laws adopting the carryover basis rules of the 1976 Tax Reform Act which will require every attorney, bank, or individual acting as a fiduciary in the administration of estate to make individual basis computations for both the state inheritance tax and the federal estate tax.

These are a few of the problems involved in the carryover basis rules, and I am sure you will be made aware of many of the other problems when the proposed bill meets the discussion and debate stages.

I sincerely solicit your concern for the problems now facing the legal profession and the layman who will be involved in the administration of estates and trust that you will pay particular attention to this matter when it comes before you. I have talked with many attorneys, CPA's, life insurance salesmen, estate planners, and banking personnel who express my views, and I assure that there is a very widespread belief that the repeal of the carryover basis provisions would remove a tremendous amount of confusion and complexity from the Tax Reform Act.

Should you have any questions, do not hesitate to call me.

Again, I appreciate any consideration you might give in this matter.

With kindest personal regards, I remain

Sincerely,

R. F. LANDIS, II.

President Carter has pledged on several occasions to simplify our tax system. I suggest, Mr. President, repealing the new carryover basis would be a good place to start.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1696

A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CARRYOVER BASIS PROVISIONS.

(a) REPEAL.—Section 2005 of the Tax Reform Act of 1976 (providing for carryover basis) is hereby repealed.

(b) REVIVAL OF PRIOR LAW.—Notwithstanding section 108 of title 1 of the United States Code, the Internal Revenue Code of 1954 shall be applied as if section 2005 of the Tax Reform Act of 1976 (and the changes made by such section) had not been enacted.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on October 4, 1976, the date of the enactment of the Tax Reform Act of 1976.

SEC. 2. ALLOWANCE OF DEDUCTION FOR STATE ESTATE TAXES IN THE CASE OF INCOME IN RESPECT OF A DECEDENT.

(a) GENERAL RULE.—Subparagraph (A) of section 691(c)(2) of the Internal Revenue Code of 1954 (relating to deduction for estate tax in case of income in respect of decedents) is amended to read as follows:

"(A) The term 'estate tax' means—

"(i) the tax imposed by section 2001 or 2101, reduced by the credits against such tax, and

"(ii) any estate, inheritance, legacy, or succession taxes, for which the estate is liable, actually paid by the estate to any State or the District of Columbia.".

(b) AMOUNT OF DEDUCTION.—Subparagraph (C) of section 691(c)(2) of such Code is amended to read as follows:

"(C) The estate tax attributable to such net value shall be an amount which bears the same ratio to the estate tax as such net value bears to the value of the gross estate.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in respect of decedents dying after December 31, 1976.

SEC. 3. TECHNICAL AMENDMENTS TO CONFORM TO REPEAL OF CARRYOVER BASIS.

(a) BASIS OF PROPERTY TO WHICH SPECIAL VALUATION APPLIES.—Section 1014 of the Internal Revenue Code of 1954 (relating to basis of property acquired from a decedent) is amended by adding at the end thereof the following new subsection:

"(e) PROPERTY VALUED UNDER SECTION 2032A.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if property is valued under section 2032A with respect to any decedent, then the value of such property in the hands of a person acquiring such property from the decedent or to whom the property passed from the decedent shall be the value of such property determined under section 2032A.

"(2) BASIS WHERE ADDITIONAL TAX HAS BEEN IMPOSED UNDER SECTION 2032A.—In the case of any portion of an interest in property described in paragraph (1) with respect to which an additional tax has been imposed by section 2032A(c) the basis of such portion in the hands of a person acquiring such portion from the decedent or to whom the portion passed from the decedent shall be the fair market value of such portion which would have been taken into account under chapter 11 for purposes of valuing the gross estate of the decedent but for the application of section 2032A.

"(3) RULES FOR THE APPLICATION OF PARAGRAPH (2).—For purposes of paragraph (2)—

"(A) paragraph (2) shall be applied immediately before the transaction which gives rise to the additional tax imposed by section 2032A(c),

"(B) if the full recapturable amount for any interest has already been imposed with respect to prior transactions, each remaining portion of such interest shall be treated as if an additional tax had been imposed with respect to such portion, and

"(C) if the transaction giving rise to the additional tax occurs during the phaseout period provided by paragraph (3) of section 2032A(c), the increase in basis by reason of paragraph (2) shall be such increase multiplied by the fraction applicable to such transaction under such paragraph (3)."

(b) BASIS OF PROPERTY ACQUIRED IN A GENERATION-SKIPPING TRANSFER.—Subsection (a) of section 2614 of such Code (relating to basis adjustment) is amended to read as follows:

"(a) BASIS ADJUSTMENT.—

(1) TRANSFERS BEFORE DEATH OF DEEMED TRANSFEROR.—If property is transferred to any person in a generation-skipping transfer which occurs before the death of the deemed transferor, the basis of such property in the hands of the transferee shall be increased (but not above the value of such property determined for purposes of this chapter) by an amount equal to the tax imposed by section 2601 with respect to such transfer.

"(2) TRANSFERS AFTER DEATH OF DEEMED TRANSFEROR.—If property is transferred in a generation-skipping transfer subject to tax under this chapter which occurs at the same time as, or after, the death of the deemed transferor, the basis of such property in the hands of the transferee shall be the value of such property determined for purposes of this chapter.".

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply in respect of decedents dying after December 31, 1976.

(2) The amendments made by subsection (b) shall apply to property transferred in any generation-skipping transfer (as defined in section 2611(a) of the Internal Revenue Code of 1954) made after April 30, 1976.

By Mr. ANDERSON (for himself and Mr. HUMPHREY):

S. 1697. A bill to amend the Wild and Scenic Rivers Act by designating portions of the upper Mississippi River in Minnesota as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ANDERSON. Mr. President, I am today introducing legislation on behalf of myself and my colleague, Mr. HUMPHREY, to authorize the first of Presi-

dent Carter's proposed additions to the National Wild and Scenic Rivers System. The 353 miles of wild and beautiful upper Mississippi River would be protected from further development as a result of this legislation.

Anyone who has the good fortune to follow this mighty river to its source understands the love and respect Minnesotans feel for this scenic area. The Mississippi River, the Father of Waters and the backbone of our national riverways, has contributed more than any other single natural geophysical structure to the development of our Nation. The river serves as a source of water, food, transportation, and recreation for millions of Americans. The Mississippi River has served this Nation well and it is fitting that the segment of the Mississippi that remains basically wild and underdeveloped should be so preserved for future generations.

S. 1697 would establish 12 river segments on the Upper Mississippi to be added to the national system beginning at the northwest boundary of Anoka, Minn., and running to the upstream boundary, of the outlet at Lake Itasca, the source of the Mississippi River. The upper 10 segments, totalling 300.3 miles, would be administered through the Secretary of the Interior by the National Park Service. The lower two segments, totaling 53 miles, would be administered through the State of Minnesota's Wild and Scenic Rivers program. The State program has worked well and has protected 145 miles of riverways over the past 2½ years. Should the State so desire, S. 1697 provides for the Governor of Minnesota to request that this segment be included in the national program. Lands which border on the Mississippi River which belong to the Chippewa Indian Tribe could be included should the tribal governing body so decide. Lands within the Chippewa National Forest will continue to be administered by the Secretary of Agriculture.

The proposed riverway will be protected under three classifications: 41.2 river miles qualify as wild, 207.7 miles qualify as scenic, and 104.4 miles will be protected as recreational lands.

The action which Senator HUMPHREY and I take today in introducing this legislation in fact began in 1975 when legislation introduced by Vice President MONDALE and Senator HUMPHREY was enacted authorizing a study of this section of river for possible inclusion in the scenic rivers program. The bill which we introduce today implements the results of that study which supported inclusion of the Upper Mississippi in the National Wild and Scenic River System.

S. 1697 authorizes the appropriation of $15,000,000 for acquisition of scenic easements for the 13,800 acres adjoining the Upper Mississippi. An additional $2,849,000 will be included in this amount for development of recreational facilities.

Mr. President, I ask unanimous consent that the text of S. 1697 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

A bill to amend the Wild and Scenic Rivers Act by designating portions of the Upper Mississippi River in Minnesota as a component of the National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271 et seq.), as amended, is further amended as follows:

In section 3(a) after paragraph (15) insert the following new paragraph:

"(16) Upper Mississippi, Minnesota.—Those segments of the river qualifying for designation and totaling 353.3 miles from the northwestern corporate boundary of Anoka upstream to the outlet of Lake Itasca, as generally depicted and classified on the stream classification map dated April 1977. The upper 10 segments totaling 300.3 miles shall be administered by the Secretary of the Interior, and the lower two segments totaling 53 miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governor of Minnesota. The Secretary may designate lands owned by the Chippewa Indian Tribe as part of the Upper Mississippi component only with the consent of the tribal governing body. The Secretary, in consultation with the Secretary of Agriculture and appropriate officials of the State of Minnesota and its political subdivisions, shall take such action as is provided for under subsection (b) of this section within two years after the date of enactment of this paragraph."

The development plan required by said subsection shall be construed to be a comprehensive master plan which shall include, but not be limited to, the delineation of detailed boundaries for the Upper Mississippi component, and specific plans for its acquisition, development, and management, including provision for continued administration by the Secretary of Agriculture of lands within the Chippewa National Forest. For the purposes of this river, there are authorized to be appropriated not more than $15,000,000 for the acquisition of lands and interests in lands and not more than $2,849,000 for development.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1698. A bill to clarify permanently the application of section 117 of the Internal Revenue Code of 1954 to certain education programs for members of the uniformed services; to the Committee on Finance.

Mr. HUDDLESTON. Mr. President, our Nation's defense establishment is faced with ever-increasing difficulties in recruiting and retaining qualified medical personnel. There is a growing shortage of military doctors. Only recently cutbacks in medical services were announced affecting numerous installations across the country, indeed around the world.

This situation was most dramatically brought to my attention when it was announced some 6 weeks ago that Ireland Army Hospital at Fort Knox would reduce the number of services available to military retirees and their dependents. The understandable public outcry which has ensued has caused me to take a very close look at both the short-term solution for the particular problems at Fort Knox and the long-range outlook for an adequate supply of military doctors.

The legislation I introduce today is an effort to speak to the long-range problem. Very simply my bill would remove the requirement that amounts received by health professions scholarship program—HPSP—students be subject to income tax. HPSP was created on September 21, 1972, under Public Law 92-426. Under this program the uniformed services pay tuition, educational expenses, and a $400 monthly stipend to health professions students in exchange for an agreement to serve not less than 1 year for each year of support. In early 1973 IRS ruled that amounts received by HPSP students were subject to income tax. The basis for this decision was section 117 of the Internal Revenue Code which states that amounts received as scholarships are taxable if they represent compensation for future employment services, in this case the obligated service.

Income tax exemptions for amounts received during calendar years 1973, 1974, and 1975 have already been granted by the Congress. However, these relief measures all expired on December 31, 1975, and the services began withholding in March of 1976. Needless to say this has caused a severe morale problem among students.

This morale problem added to the already many frustrating situations which face doctors in the military, has caused the Department of Defense even more difficulty in recruiting qualified medical personnel. Thus the reason for my introducing this legislation today. Either we repair the damage which has been done to the HPSP program now or I am certain we will face very adverse conditions during future recruiting efforts. I must make it clear that HPSP is expected to supply over one-half of defense health professionals in fiscal year 1978 and beyond. This relief legislation is needed now. I therefore urge my colleagues to support this legislation and I welcome their comments and cosponsorship.

My bill is by no means an easy solution to the overall problem of maintaining adequate medical personnel in the military. Nor will my bill solve the immediate problems which exist at Fort Knox Ireland Army Hospital. However, I do believe that this legislation is part of the complex equation which must be developed if we are to find an answer to meeting military medical manpower needs.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. MCCLURE, and Mr. STONE):

S. 1699. A bill to provide energy conservation by alleviating current and continuing fuel waste, to reduce empty vehicle movements, and to increase efficiency in transporting goods by motor carriers which will ultimately benefit consumers, and for other purposes; to the Committee on Energy and Natural Resources; and, if and when reported, to the Committee on Commerce, Science,

and Transportation, by unanimous consent.

Mr. JOHNSTON. Mr. President, today, on behalf of myself and Senators BUMPERS, MCCLURE, and STONE, I introduce S. 1699, the "Diesel Fuel and Gasoline Conservation Act of 1977."

Dr. John T. Dunlop, when he was Chairman of the National Commission of Productivity and Work Quality, wrote in 1975:

> Distribution has been described as the "wasteland" of our economy. Despite considerable progress in the past 25 years, parts of the distribution system have continued to exhibit low rates of productivity improvement compared to other sectors of the economy. If wasteful practices that contribute to higher costs can be eliminated, a much more efficient system can be achieved that will benefit suppliers, distributors, and particularly the consumer, who in the final analysis, pays the bill.

The words of former Secretary of Labor Dunlop ring with even more truth today because of the national importance recently attached to energy conservation. The distribution of goods is based of course on our transportation system, which is a primary user of petroleum.

It comes as no stretch of logic to see that energy is wasted if trucks carrying cargo are returning empty—deadheading—from their deliveries when they could otherwise be filled with cargo on the return trip. Every year thousands of trucks travel empty and as a result millions of gallons of fuel are wasted.

Specifically, many food distribution companies have trucks that carry food products over 130 miles from their warehouses to their retail store outlets and, after the store deliveries are completed, return to their warehouses empty. This occurs even though the trucks may pass on the way back to their warehouses, suppliers who are scheduled to deliver a truckload of those goods to the retailer's warehouse the same day.

Backhaul is simply a method to avoid this type of "deadheading," and the using of the distributor's truck to pick up his own supplies, which he has ordered, wherever possible, on his way back to the plant.

It is now estimated that 30 to 40 percent of the trucks used in the food distribution industry are presently hauling nothing but air. This is a luxury our energy shortage and, moreover, our constituents can no longer afford.

The legislation I am introducing today aims to reduce a portion of this energy waste my removing some restrictions on backhauling.

There are many reasons for deadheading in the trucking business and I will be the first to admit that some of it is unfortunately necessary, such as when specialized tank trucks transport unique liquids to a general area where there is no similar product to be backhauled.

There are also ICC regulations that restrict backhauling in certain instances. The legislation I am proposing would not alter this situation.

The general problem of deadheading is a serious enough waste of energy that President Carter made reference to it in a press conference earlier this year in Clinton, Mass.:

> In the energy considerations, it's obviously a gross waste to have trucks required to haul a load a long distance and then, because of unnecessary constraints by the Government bureaucracy, have to come all the way back home empty. I think that we need to do away with that particular requirement, at least.

Furthermore, in May of 1975 the Transportation Task Force—Food Service Advisory Committee of the Federal Energy Administration estimated that the removal of backhaul barriers would have the potential to reduce fuel consumption within the food industry alone by 100 million gallons annually. "Deadheading," or having trucks return empty, would be reduced by 500 million miles annually and the overall reduction in the cost of food distribution would be approximately $330 million annually, a cost borne largely by the consumer.

As indicated above, President Carter recognizes the adverse effects in terms of fuel economy of some present Federal rules and regulations. However, we must also recognize that altering this present general situation would require delving into the heart of a complex set of laws and regulations on commerce. I do not propose to do this.

The legislation that I am introducing focuses on a very limited market and on a very restricted situation. In other words, I am not opening up the general backhauling issue.

For many years in this country a wide assortment of products have been distributed and sold in what is called a "uniform delivered zone pricing system." That is, the supplier divides his market up into zones and within each zone he offers to supply a product delivered to any customer within that zone for a fixed price, regardless of what it actually costs the supplier to deliver to that particular customer. The food distribution industry is a good example of this kind of market and there are other such industries.

This legislation I propose would affect distribution of goods only in uniform delivered zone pricing markets. Furthermore, this legislation aims at encouraging backhauling only among persons who are backhauling goods which they already have purchased and for which they are taking delivery at the supplier's warehouse. One carrying his own goods is not a common carrier and the ICC regulations do not apply to this backhauling situation.

I have singled out these circumstances because in this situation backhauling is already permitted, just the nature of the permissible incentive to backhaul needs clarification through legislation.

The only impediment to unfettered backhauling among purchasers of goods in the uniform delivered zone pricing market is an ambiguity in the interpretation of the Robinson-Patman Act. As my colleagues know, this act prohibits pricing discrimination.

Logically, the supplier would be smart to give an allowance to the backhauler in some amount up to the actual cost of delivery that the supplier is saved by the backhauling. And of course that allowance would vary from customer to customer depending on how far the customer backhauls.

However, according to the FTC this would represent a violation of the Robinson-Patman Act because it would constitute price discrimination. The latest FTC clarification on this matter of October 8, 1975, said that the seller has two choices. He can offer all his customers in the zone the zone-delivered price or he can offer them all an f.o.b. price—buyer takes delivery at the seller's warehouse—but the price offered cannot be different for different customers.

Thus, the difference between the zone-delivered price and the f.o.b. price is in essence a backhaul allowance. Because the seller must recover his costs of delivery to the zone in his zone-delivery price, that price must contain an average transportation cost. Theoretically, the seller can set his f.o.b. price below the zone-delivered price by as much as that average transportation cost and not suffer a loss. At first glance that fact would seem to eliminate the problem. After all an allowance equal to the zone's average transportation cost would be a sizable incentive for backhauling. And in fact the FTC saw that as the solution to the problem. However, in practice the manufacturers who offer backhaul allowances at all are offering no more than the actual cost of delivering goods to the nearest customer. This is not an adequate incentive for backhauling.

There appear to be two reasons why the full incentive is not being offered. First, the legal counsel for suppliers are urging caution with respect to this ambiguity in the application of the Robinson-Patman Act. Second, and most important, the suppliers fear that close-in customers will all backhaul and get the average transportation cost as an allowance, which is greater than the actual transportation cost saved to the supplier. Meanwhile, distant customers will probably demand delivery, requiring the supplier to incur a delivery cost in excess of the average transportation cost for the zone. The upshot is that the suppliers would lose money.

Consequently, the potential for fuel savings through backhauling is not being met in the uniform zone delivered pricing markets.

The legislation I am proposing will clear up the ambiguity and create a logical and sensible opportunity for backhauling in the limited circumstances I have described. The act merely says that it is not unlawful to grant a backhaul allowance to the buyer where the allowance is no greater than the actual cost of delivery that he saves the supplier. Distant customers will be offered larger backhaul allowances than close-in customers, reflecting the true economics of delivery costs. And the requirement of nondiscrimination among buyers

is still retained in that while the backhaul allowance may be a function of the distance to deliver, the formula must otherwise be the same for all other customers in the zone.

I want to emphasize to my colleagues that this bill does not require anyone to do anything. And it does not in any way alter the wording of the Robinson-Patman Act. Its effects are limited to a very precise set of circumstances—where a buyer is hauling his own goods in a uniform zone delivered pricing market. in the past the removal of backhaul restrictions imposed through ICC regulation. And it does not alter the status of common or contract carriers. What it does do is permit rational compensation as an incentive for energy conservation through backhauling.

In 1974, the National Commission of Productivity and Work Quality recommended an end to backhaul restrictions, saying "Backhauling can cut waste, build profit and benefit the consumer."

This position was reinforced by the Federal Energy Administration which in August 1975 requested that the FTC lift its restrictive interpretations regarding backhauls. In addition, the Council on Wage and Price Stability has supported in the past the removal of backhaul restrictions.

This legislation is strongly supported by trade associations representing food chains, food wholesalers, and independent retailers—including the Food Marketing Institute, the National American Wholesale Grocer's Association, and the Cooperative Food Distributors of America.

Mr. President, this impediment is common in many other marketing and distribution industries. The FEA cited a conservative figure of 100 million gallons of potential fuel savings several years ago just for the food distribution industry, but this energy savings could be multiplied enormously as other industries enjoy the benefits of backhauling.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Diesel Fuel and Gasoline Conservation Act of 1977".

SEC. 2. Section 382 of the Energy Policy and Conservation Act of 1975 (42 USC 6201) is amended by adding a paragraph (d) to read as follows:

"(d) It shall not be unlawful for a seller of goods, wares or merchandise pursuant to a uniform zone delivered pricing system to grant backhaul allowances to a buyer where the backhaul function is actually performed by the buyer or an authorized carrier serving the buyer, where the allowance is no greater than the actual savings in delivery costs to the seller and where the allowances are available to all the seller's customers on a non-discriminatory basis".

Mr. STONE. Mr. President, I join with Senator JOHNSTON in introducing S. 1699, the Diesel Fuel and Gasoline Conservation Act of 1977. This bill would make an important contribution to fuel conservation by encouraging food distributors to backhaul their own products.

Presently, many a food distributor has his truck return empty to the warehouse after making a delivery to a retailer, even though on the return trip the truck may pass very near to one of the distributor's suppliers who has merchandise ready for delivery to the distributor. It would certainly make sense, from the standpoint of both fuel conservation and reduction of unnecessary highway traffic, for the distributor to pick up his own goods on the return trip, instead of returning empty and having the supplier deliver. It would make sense economically, too, for the distributor would save the cost of the delivery charge.

The distributor, in many cases, does not "deadhead"—return empty—because he wants to do so. He does it because he cannot get a full allowance for the transportation costs he has saved the supplier. The Federal Trade Commission has said that where the supplier operates under a zone delivered price system, backhaul allowances must be the same for all customers within the zone buying the same quantity and quality of goods, regardless of how near or far the customer is from the supplier. Zone delivered pricing is a uniform price, charged by the supplier to all distributors in a given geographic area, which reflects the average cost of delivering within that area.

The FTC has determined that backhaul allowances which are equal to the actual cost of delivery may violate the Robinson-Patman Act, which prohibits discrimination in price between purchasers of goods of identical quantity and quality. By saying that backhaul allowances must be the same for every distributor in a zone, the FTC has forced suppliers who give backhaul allowances to charge a uniform price that is either the same as or lower than the zone delivered price; to do otherwise could result in the supplier losing money on the arrangement. A backhaul allowance that is equal to or lower than the average delivery price discourages the more distant distributors from backhauling, because their transportation costs would be greater than the average.

As the National Commission on Productivity and Work Quality pointed out in its pamphlet "Backhaul in Food Distribution," approximately 500,000 trucks are used in the transportation of processed foods. These trucks use 1 billion gallons of fuel a year. Due to deadheading, anywhere from 30 to 40 percent of those trucks are running empty. With the country facing an energy shortage of crisis proportions, this represents a waste of fuel that we cannot afford.

The nature of the trucking industry makes some deadheading unavoidable. The Diesel Fuel and Gasoline Conservation Act of 1977 only applies to a very limited set of circumstances—where a zone delivered price system is in effect and the distributor is backhauling his own goods. Nevertheless, reducing this type of deadheading will result in significant savings in fuel, highway use, and cost to consumers.

Mr. ROBERT C. BYRD, subsequently said: Mr. President, today, Mr. JOHNSTON, on behalf of himself and Messrs. BUMPERS, MCCLURE, and STONE, introduced S. 1699, the Diesel Fuel and Gasoline Conservation Act of 1977. I ask unanimous consent that S. 1699 be sequentially referred first to the Committee on Energy and Natural Resources and then to the Committee on Commerce, Science, and Transportation. Mr. President, this request has been cleared by the chairman and the ranking minority member of the Committee on Energy and Natural Resources and by the chairman and the ranking minority member of the Committee on Commerce, Science, and Transportation, and has also been cleared by the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. INOUYE (for himself, Mr. CLARK, and Mr. HUMPHREY):

S. 1702. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of services rendered by a nurse-midwife under the medicare and medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, I am introducing a bill today which would provide for the independent reimbursement, under the Medicare and Medicaid Acts, for the services of professional nurse-midwives. This bill identifies and lists the services provided by nurse-midwives as a separate reimbursable category in the Medicare and Medicaid Acts; separate statutory recognition is needed to rectify the present situation, where the services of highly qualified and increasingly necessary health practitioners are not reimbursable except under direct supervision of a physician.

A nurse-midwife is a registered nurse who has completed post-R.N. or master's degree level studies, recognized by the American College of Nurse-Midwives, which qualify her to practice the management of care of mothers and infants throughout the normal maternity cycle. Her services are numerous and valuable: Care of the mother during pregnancy, evaluation and management of labor and delivery, immediate care of the newborn infant, and education and support in helping the mother to care for herself and her child, to adjust home conditions to accommodate the new child, and to build a healthful foundation for further pregnancies. The nurse-midwife is trained to provide physical, emotional, and instructional support throughout the normal maternity cycle, and to refer any case to the obstetrician with whom she is associated the moment progress becomes abnormal.

And finally, nurse-midwives fulfill the increasing demand among mothers today for closer and more personal meaning to the birth experience. Because of the very nature of the role of the nurse-midwife, and because of the tendency of these health practitioners to favor natural childbirth methods, pregnancies managed by them are devoid as much as possible of the "high technology" of advanced obstetrics, which is often char-

acterized by practices such as fetal monitoring and delivery by Cesarean Section. Only 4 to 7 percent of the deliveries managed by nurse-midwifes in the United States are by Cesarean Section, as compared to 15 to 20 percent in our large university hospitals.

Professional nurse-midwifery enjoys a long history of successful service in the United States, beginning with the establishment of the Frontier Nursing Service some 50 years ago. Today there are 1,500 to 2,000 professional nurse-midwives and 18 institutions, Yale, Johns Hopkins, and Columbia among them, which offer accredited nurse-midwifery programs. I might add that the U.S. Air Force maintains a nurse-midwifery program at the Malcolm Grow USAF Medical Center at Andrews Air Force Base, Md.

Nurse-midwives today deliver 80 percent of the world's babies. In the United States, the demand for their services in the past 5 years has risen incredibly, and is reflected in some rather startling statistics. Approximately 50 percent of all nurse-midwives living or educated in the United States graduated from their nurse-midwifery programs since 1970. Since that time, when the last survey by the American College of Nurse-Midwives was conducted, 9 of the 18 certificate or master's-level programs have been instituted and 21 States have effected legislation permitting or facilitating the practice of nurse-midwifery, bringing the total number to 48.

I would like to emphasize the mutually complementary nature of the obstetrician-nurse-midwife system. In the United States, a nurse-midwife always is associated with a medically directed health service. She is not an independent practitioner, but a vital and highly capable component of a quality health care team. The question at hand is not the competence of the obstetrician versus that of the nurse-midwife; they are recognized as equally competent in the care and management of normal pregnancies. In abnormal or high risk cases, the nurse-midwife consults the obstetrician with whom she is affiliated, and if necessary transfers her patient to the physician's care.

I might add from personal experience that the vast majority of the physicians I have had contact with personally share my confidence in the skill and dedication of our Nation's nurse-midwives. They readily acknowledge the necessity of utilizing nurse-midwives to expand the availability of health care in a system already severely taxed.

It has been determined that 30 percent of the nurse-midwives in the United States work in communities with populations under 30,000; they fill the gap left by obstetricians who tend to locate in large population centers because of the necessity for a sizable service area to support an obstetrical service. The primary reason for the establishment of the Southeast Regional Council on Development of Nurse-Midwives was to combat the tragically high levels of infant mortality in our rural areas, and to answer the pressing needs created by the closing of obstetrical services in smaller hospitals across the country.

Additionally, in our large inner-city public hospitals, nurse-midwives have alleviated the huge patient loads which would without question become unmanageable without their services. This bill is designed to afford even further utilization of such an important health resource by allowing independent reimbursement for services provided by nurse-midwives.

I also believe that making this change in the Medicare and Medicaid Acts would contribute to the containment of health care costs in the United States. Hospital obstetrical services utilizing nurse-midwives are able to provide complete care through the birth cycle for one-third to one-half of the costs of the same care provided by obstetricians. Furthermore, elimination of physicians' fees, which in most cases are paid presently only for supporting the claims for payment, would effect a reduction in costs.

I believe that the need for and benefits of inclusion of nurse-midwifery services under the Medicare and Medicaid Acts are more than apparent. This bill would serve to improve our Nation's health care system by expanding the availability of a very valuable health resource, while at the same time helping to contain the spiraling health care costs plaguing the country. I hope that my colleagues will join me in moving for action on this legislation.

I would like to add that I was delivered by a midwife and I can assure you that I have no complaints. I am still functioning pretty well.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of services rendered by a nurse-midwife under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by adding the word "and" at the end of subparagraph (D); and

(3) by adding at the end thereof the following new subparagraph:

"(E) services furnished by a nurse-midwife (as defined in subsection (aa)) which he is legally authorized to perform under State law or State regulatory mechanisms;".

(b) Section 1861 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"NURSE-MIDWIFE

"(aa) The term 'nurse-midwife' means a Registered Nurse who has successfully completed a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary, and performs services in the area of management of the care of mothers and babies (throughout the maternity cycle) which he is legally authorized to perform in the State in which he performs such services.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16);

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) services furnished by a nurse-midwife (as defined in section 1861(aa) of this Act) to the extent recognized by State law or State regulatory mechanisms; and".

(b)(1) Section 1902(a)(13)(B) of the Social Security Act is amended by striking out "clauses (1) through (5)" and inserting in lieu thereof "clauses (1) through (5) and (17)".

(2) Section 1902(a)(13)(C)(i) of such Act is amended by striking out "clauses (1) through (5)" and inserting in lieu thereof "clauses (1) through (5) and (17)".

(3) Section 1902(a)(13)(C)(ii) of such Act is amended by striking out "(1) through (16)" and inserting in lieu thereof "(1) through (17)".

(4) Section 1902(a)(14)(A)(i) of such Act is amended by striking out "clauses (1) through (5) and (7)" and inserting in lieu thereof "clauses (1) through (5), (7) and (17)".

SEC. 3. (a) The amendments made by this Act shall be effective with respect to payments under title XVIII of the Social Security Act for calendar quarters beginning after the date of enactment of this Act.

(b) The amendments made by this Act shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 120 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. MCINTYRE, the Senator from Oregon (Mr. HATFIELD) has been added as a cosponsor of S. 19, the Fair Marketing of Petroleum Products Act.

S. 123

At the request of Mr. INOUYE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 123, to amend the Social Security Act.

S. 368

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 368, to amend title II of the Social Security Act.

S. 418

At the request of Mr. BAYH, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 418, the Displaced Homemakers Act.

S. 780

At the request of Mr. CLARK, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 780, to amend title II of the Social Security Act.

S. 915

At the request of Mr. MCCLURE, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 915, relating to sugar import restrictions.

S. 1310

At the request of Mr. DOLE, the Senator from Michigan (Mr. RIEGLE) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1310, providing the installation of a teletypewriter in the Capitol.

S. 1405

At the request of Mr. MCINTYRE, the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1405, the Customs Paperwork Simplification Act.

S. 1526

At the request of Mr. BARTLETT, the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Mr. RIEGLE), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1526 to provide an associate administrator for women's business enterprise.

S. 1567

At the request of Mr. HELMS, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 1567, relating to desegregation plans for public schools.

S. 1571

At the request of Mr. MCINTYRE, the Senator from Oregon (Mr. HATFIELD), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1571, a bill to incorporate the national ski patrol system.

S. 1607

At the request of Mr. MATSUNAGA, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1607, relating to Junior Reserve Officers' Training Corps.

S. 1636

At the request of Mr. ABOUREZK, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1636, to amend the American Folklife Preservation Act.

S. 1652

At the request of Mr. HUMPHREY, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1652, the National Climate Program Act of 1977.

S. 1675

At the request of Mr. HATHAWAY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1675, the Social Security Act Amendments of 1977.

S. 1683

At the request of Mr. HELMS, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1683, the Medical Freedom of Choice Act.

SENATE JOINT RESOLUTION 35

At the request of Mr. INOUYE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 35, to designate Municipal Clerks Week.

SENATE JOINT RESOLUTION 56

At the request of Mr. HUMPHREY, the Senator from North Dakota (Mr. YOUNG) was added as cosponsor of Senate Joint Resolution 56, the rural telecommunications policy resolution.

AMENDMENT NO. 369

At the request of Mr. HELMS, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of amendment No. 369, to be proposed to S. 717, the Mine Safety Act.

SENATE RESOLUTION 194—SUBMISSION OF A RESOLUTION REGARDING THE ARREST OF A NEWSMAN IN RUSSIA

(Referred to the Committee on Foreign Relations.)

Mr. DOLE (for himself, Mr. HUMPHREY, and Mr. CASE) submitted the following resolution:

Whereas, the Soviet Union recently arrested Robert C. Toth, an accredited United States reporter completing a three year assignment in Moscow;

Whereas, the Soviet Union has rejected an official U.S. protest and has refused Mr. Toth permission to leave the Soviet Union; and

Whereas, both of these actions are a gross violation of the Helsinki Final Act which states clearly that "the participating states reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them": Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(1) The Government of the United States should continue to press for a complete accounting from the Soviet Government of the circumstances which precipitated the arrest of Robert C. Toth; and

(2) Every legal means should be expended to obtain the immediate release and safe return of Mr. Toth to the United States; and

(3) The Secretary of the Senate is hereby directed to provide a copy of this resolution to the President for transmittal to appropriate officials of the Soviet Union.

AMENDMENTS SUBMITTED FOR PRINTING

RIVERS AND HARBORS PUBLIC WORKS—S. 1529

AMENDMENT NO. 415

(Ordered to be printed and to lie on the table.)

TRIMBLE WILDLIFE AREA

Mr. DANFORTH. Mr. President, the Flood Control Act of 1965 (P.L. 89-298) authorized the construction of the Smithville Lake project in northwest Missouri. The lake, when flooded, will inundate a major part of a wildlife management area, owned and operated by the Missouri Department of Conservation. The area, known as Trimble Wildlife Area, will be made unusable for the purposes for which it was established some 28 years ago. As part of the Smithville project, the Corps of Engineers was required to replace the Trimble Wildlife Area.

The Trimble Wildlife Area was purchased in 1949. It was one of the first major wildlife areas purchased and constructed by the Missouri Department of Conservation, the cost of which took over 50 percent of the Department's total capital improvement budget for several years.

The area consists of 1,209 acres with a 160-acre lake and 189 acres of marsh. The lake furnishes water for the marsh pools and serves as a refuge and open water area for migrating and resident waterfowl. The lake is a popular fishing site for many people, with more than 25,000 fishing trips recorded during recent years.

Over 700 acres within the area are intensively cultivated and managed to sustain the resident goose flock and provide resting and feeding areas for large numbers of migrating waterfowl.

The area was originally planned to provide a much-needed migratory waterfowl area for the region, but from the chain of events that followed, the area became of special importance in Missouri waterfowl management efforts. These events are recorded in the U.S. Department of Interior's Fish and Wildlife Service, 1970 publication, "Home Grown Honkers," as follows:

Trimble is important in the history of Missouri goose management because it was here that the resident goose program was started. The flock has been closely studied and many management plans were conceived and tested here.

In January, 1952, the flock was started with 24 pinioned Canada geese obtained by the Department of Conservation from two small mid-Missouri flocks. The exact history of these birds prior to this is uncertain. The flocks reportedly date back to the 1920's and are referred to in early records as the "Ballard" and "McDonald" flocks but little else is actually known about their origin.

The geese at Trimble were later identified by Harold C. Hanson, one of the country's foremost authorities on geese, as *Branta canadensis maxima*, the giant Canada goose which was thought to have been extinct by many authorities.

The Trimble area has developed into a production area for the reestablishment of Missouri's native maxima goose flock. A number of private landowners adjacent to the area are cooperating in the program by providing nesting sites and protection for maxima geese furnished by the State.

To date, maxima geese from Trimble have been transported to the Missouri Department of Conservation's Schell-Osage Wildlife Area, James A. Reed Memorial Wildlife Area, Duck Creek Wildlife Area, Pony Express Area, Hunnewell Wildlife Area, and the Corps of Engineers' Bull Shoals Lake. Geese have also been furnished to other States for propagation. Not all of the stocking efforts have been successful, but enough has been done to prove that this rare bird can once again become a part of the life cycle of Missouri's ponds, rivers, lakes, and marshes.

The lake and marsh, while serving as a refuge for waterfowl, also provide for public fishing. The wildlife area itself is open for hunting waterfowl, upland game and deer. In addition to fishermen and hunters, the area is used by nat-

uralists, picnickers and campers at an annual visitation rate of 54,000 people.

Flooding of the Smithville Reservoir is scheduled to begin in mid-1978. At that time, a major portion of the Trimble Wildlife Area will be inundated. Therefore, the Corps of Engineers recommended in its September 1976, feasibility report that Congress authcrize acquisition of approximately 2,500 acres at a site known as Jackass Bend on the Missouri River and turn such land over to the State of Missouri as replacement for Trimble Wildlife Area. The Corps of Engineers, U.S. Fish and Wildlife Service, and the Missouri Department of Conservation considered 30 potential sites before choosing Jackass Bend as the replacement for Trimble. In addition to the land acquisition, the corps would reimburse the Missouri Department of Conservation for the value of capital improvements at Trimble and expenses involved in loss of hunting and fishing fees, loss of giant Canada goose production and outlays for moving the giant Canada geese.

The amendment which I am introducing today to S. 1529, sponsored by myself and Senator EAGLETON, is not for the authorization of any new water project, but merely to preserve 28 years of dedicated conservation and wildlife research effort in Missouri. I would hope that this amendment will receive the unanimous backing of my colleagues within the Senate.

AMENDMENT NO. 416

(Ordered to be printed and to lie on the table.)

Mr. JOHNSTON (for himself and Mr. LONG) submitted an amendment intended to be proposed by them jointly to the bill (S. 1529) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

STATE DEPARTMENT AUTHORIZATIONS, 1978—H.R. 6689

AMENDMENT NO. 417

(Ordered to be printed and to lie on the table.)

Mr. DOLE. Mr. President, I am today introducing an amendment to H.R. 6689, the State Department authorization bill, so that it may be printed in advance of Senate consideration of that measure.

The language of this amendment is virtually identical to that of Senate Resolution 182, which I introduced on June 6, and which is cosponsored by Senators HELMS, HAYAKAWA, GOLDWATER, HANSEN, STEVENS, YOUNG, SCOTT, CURTIS, THURMOND, SCHMITT, MCCLURE, GRIFFIN, and BARTLETT.

This amendment would express the sense of Congress that there should be no U.S. diplomatic recognition of Cuba, and no partial or complete lifting of the trade embargo against Cuba, until certain conditions are met. Those conditions include the withdrawal of Cuban military forces from Africa, compensation for U.S. property confiscated by the Cuban Government, and release of American political prisoners held in Cuban jails.

Mr. President, I ask unanimous consent that the full text of my amendment be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 417

On page 51, lines 12 through 25, strike section 453, "Certain Trade With Cuba", continued on page 52 strike lines 1 through 13, and insert in lieu thereof the following:

"SEC. 453. It is the sense of the United States Congress that there should be no United States diplomatic recognition of the Government of Cuba, and no partial or complete lifting of the United States trade embargo against the Government of Cuba, until such time as the Cuban government has:

(a) provided compensation for United States property expropriated in 1959;

(b) released from prison and repatriated those United States citizens held on political charges, and demonstrated significant progress toward observance of the human rights of its own citizens;

(c) withdrawn Cuban military troops and advisers from the African continent; and

(d) agreed to renew the 1973 anti-hijacking accord with the United States, and provided assurances on the future security of the United States Naval Base at Guantanamo Bay."

AMENDMENT NO. 418

(Ordered to be printed and to lie on the table.)

Mr. BAKER. Mr. President, I have spoken earlier of my concern over the administration's plan to withdraw U.S. ground forces from Korea and of my belief that the Senate, by virtue of section 454 of H.R. 6689, is rushing to judgment on this critical national security matter. I indicated my intention to offer an amendment to H.R. 6689 which would delete congressional affirmation of the President's policy of withdrawing ground troops from Korea over the next 4 to 5 years.

Mr. President, I send to the desk to be printed and lie at the desk my amendment which deletes section 454 of H.R. 6689, the Foreign Relations Authorization Act; and I ask unanimous consent that the amendment be printed and appear in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 418

Beginning on page 52, line 14, strike out all through line 7 on page 53.

AMENDMENT NO. 419

(Ordered to be printed and to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 6689) to authorize fiscal year 1978 appropriations for the Department of State, and for other purposes.

AMENDMENT NO. 420

(Ordered to be printed and to lie on the table.)

Mr. PELL (for himself and Mr. JAVITS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 6689), supra.

AMENDMENT NO. 421

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (H.R. 6689), supra.

AMENDMENT NO. 422

(Ordered to be printed and to lie on the table.)

Mr. CASE (for himself, Mr. HUMPHREY and Mr. CRANSTON) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 6689), supra.

NOTICES OF HEARINGS

COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 22, 1977, at 9:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

John M. Rector, of Virginia, to be Assistant Administrator of Law Enforcement Assistance vice Milton L. Luger, resigned.

Any persons desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

This hearing will be before the full Judiciary Committee.

SUBCOMMITTEE ON LABOR

Mr. WILLIAMS. Mr. President on behalf of the Committee on Human Resources I would like to announce that the Subcommittee on Labor will hold hearings on the problems of occupational disease in our Nation. The inquiry will focus on occupational hazards in our workplaces, what we can do to regulate the workplace environment in order to reduce occupational health risks, and on providing compensation to the victims of occupational diseases. These hearings will be held on Tuesday, Wednesday, and Thursday, June 28, 29, and 30, 1977, commencing at 9:30 a.m. each day. The hearings will be held in room 4232 of the Dirksen Senate Office Building. Anyone requiring further information should contact Mike Goldberg or Darryl Anderson of the Labor Subcommittee staff, room G-237, Dirksen Senate Office Building, Washington, D.C. 20510, or telephone (202) 224-3674.

SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Government Regulation and Small Business Advocacy of the Select Committee on Small Business will hold a public hearing to review a yearlong study of small business problems which was released by the Small Business Administration. The hearing will be held on June 29, 1977, beginning at 9 a.m. in room 424 Russell Senate Office Building. The Senator from New Hampshire (Mr. MCINTYRE) will be chairing the hearing.

Further information can be obtained from the committee office, room 424 Russel Senate Office Building, telephone 224-5175.

S. 1306

Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold a public hear-

ing on S. 1306, a bill to provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought. The hearing will be held on June 23, 1977, beginning at 9:30 a.m. in room 424 Russell Senate Office Building. The Senator from Colorado (Mr. HASKELL) will be chairing the hearing.

Further information can be obtained from the committee office, room 424 Russell Office Building, telephone 224–5175.

SMALL BUSINESS INVESTMENT POLICY

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Government Regulation and Small Business Advocacy of the Select Committee on Small Business and the Subcommittee on Economic Growth and Stabilization of the Joint Economic Committee will hold a joint hearing on advocacy and small business investment policy. The hearing will be held on June 29, 1977, beginning at 10 a.m. in room 424 Russell Senate Office Building. The Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Minnesota (Mr. HUMPHREY) will cochair the hearing.

Further information can be obtained from the committee office, room 424 Russell Senate Office Building, telephone 224–5175.

PROJECTED REVENUE GAINS, BENEFICIARIES, AND CHIEF SPONSOR OF S. 1538

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Finance Committee will hold hearings on June 17 on S. 1538, the Black Lung Benefits Reform Act.

The bill would impose a tax on the production of coal, based on its rated Btu content. The staff of the Joint Committee on Taxation estimates that this tax would produce revenues of approximately $160 million for fiscal 1978, $180 million for fiscal 1979, $185 million for fiscal 1980, $195 million for fiscal 1981, and $205 million for fiscal 1982.

The tax would be imposed upon producers of coal. It is expected that some—or all—of the tax would be passed through to ultimate users of the coal.

The revenues produced under the bill would be transferred to a trust fund, to be used for the payment of benefits under the black lung benefits program; that program would be expanded by other provisions of the bill.

The chief sponsor of the legislation is Senator JENNINGS RANDOLPH.

ADDITIONAL STATEMENTS

THE ELECTIONS IN SPAIN

Mr. CHURCH. Mr. President, today the Spanish people will take a major step along the precarious path toward the restoration of democracy in their country. For the first time in 41 years Spaniards will vote to choose their government in a free general election—a most welcome development which has been long overdue.

Thanks largely to the energetic efforts of Premier Adolfo Suarez Gonzalez, the principal architect of King Juan Carlos' program of democratization, the legacy of authoritarian rule bequeathed the Spanish Republic by the late Francisco Franco has steadily eroded leaving a nation where freedom of expression and political participation are assuming renewed meaning.

In the months since Franco's death, a series of major reforms have been taken by the Spanish Government including legalizing political parties, granting limited amnesty and pardons to political prisoners, liberalizing labor laws, and gradually restoring civil liberties. These are encouraging indications that despite its checkered history of recent decades, Spain today appears to be headed toward a revitalization of the democratic process.

Despite these auspicious developments and an announcement by Spanish Foreign Minister Marcelino Oreja that Spain would honor the United Nations Declaration of Human Rights, only slow progress has been made in the restoration of human rights. In particular, while Spain's traditionally oppressed minority, the Basques, now enjoy considerably greater freedom than they did previously, the Spanish government has fallen short in guaranteeing them full political and civil rights.

Positive steps have been taken recently to ameliorate the plight of these proud and courageous people, but traces of governmental suppression persist. Reports continue that Basque prisoners are beaten and tortured while in custody despite assurances from the government that such abuse is not allowed. Furthermore, Spanish officials have refused to release all Basque political prisoners being held, many of whom have not yet stood trial or have been convicted under summary procedures.

Therefore, Mr. President, even as we in the United States wish Spain well as it embarks upon its experiment in democracy, we hope that the government which emerges from today's elections will move quickly to restore to all its citizens those basic human freedoms of a true democratic society.

POSTAL SERVICE

Mr. McCLURE. Mr. President, for most citizens, their daily contact with the Postal Service is their only contact with a Government agency. They use that association to form their impressions of all Government operations. Is it any wonder then, when the Postal Service continues to function inefficiently that all Government is held in such low esteem? Or that the public has little confidence in Government employees?

A member of my staff recently had the following experiences:

April 23—Received two letters: One postmarked November 10, 1976, mailed from Kendrick, Idaho, one postmarked November 15, 1976, mailed from Washington, D.C.

April 25—Received two Christmas cards both postmarked December 11, 1976, and both mailed from Washington.

April 26—Wrote letter of complaint to Postal Service.

May 16—Received letter from Postmaster Gordon stating:

We feel that this irregularity was an isolated incident that will probably not occur again.

May 24—Received two letters: One postmarked December 5, from Coeur D'Alene, Idaho, and one postmarked December 9 from Boise, Idaho.

While I have never been in favor of selling the Postal Service to private business, the above experience causes me to reconsider my position.

GOVERNMENT DESTRUCTION OF THE SMALL AIRLINE INDUSTRY

Mr. ABOUREZK. Mr. President, this month's issue of the Washington Monthly contains an illuminating article on the way in which the Government drove small airline companies out of business over the last 25 years. The article was written by a member of my staff, Corey Rosen.

Last October, I chaired hearings on this subject, and was presented with convincing testimony and evidence that demonstrated how the Civil Aeronautics Board, the Central Intelligence Agency, and the Department of Defense all took actions which severely discriminated against small airline companies. These actions were not only unfair to the small companies, but to the consumer and taxpayer as well. These airlines pioneered low-cost air transportation both through the development of economy fares and charter flights. Their fares were one-third to one-half lower than the major scheduled carrier fares. The gradual destruction of these companies—there were once 142—removed a major competitive spur to lowering prices in the airline industry.

Recently, in fact, the GAO has reported that consumers could have saved billions if the airline industry were truly competitive. I am very pleased that my colleagues, Senators CANNON, KENNEDY, STEVENS, and PEARSON, are now reaching a final agreement on a bill which would substantially help to restore competition to the airline industry. As an original cosponsor of airline reform legislation, I fully expect to support this new initiative. I hope that my colleagues will join me.

The hearings and the article raise larger questions as well, however. The actions of the Government with respect to the small airlines differs very little from similar Government actions with respect to other innovative small businesses. All too often the Government is in a position of supporting lethargic, uncreative giant corporations with vastly overpaid and overstaffed executive and management departments, while simultaneously doing everything possible to destroy their small but often efficient and innovative competitors. In part, this stems from a desire to prevent large companies from suffering financial problems, which in turn can cause major problems in employment and investment, as well as the provision of necessary services.

This dependence on large enterprises, for this reason, often makes the Government regulators merely the servants of those they are supposed to regulate. Until we begin to give serious thought to the means of decentralizing these large enterprises, tragedies such as that depicted in this article will continue to occur.

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Washington Monthly, June 1, 1977]

HOW THE GOVERNMENT DROVE THE SMALL AIRLINES OUT OF BUSINESS

(By Corey Rosen)

In the Smithsonian's National Air and Space Museum, there hangs a 30-seat DC-3—the venerable mainstay of commercial aviation in America for decades. Until recently, an aggressive, abrasive, Californian named Richard Neumann was trying to assemble an entire fleet of these planes and fly them coast-to-coast. He would have charged $119 each way for the 14-hour trip, and his passengers would have had to bring their own food. Regular flights on scheduled jets make the trip in less than six hours, cost $206 (economy fare), and provide free meals. Neumann was sure that thousands of people would gladly bear the inconveniences to save $83—he was saying, in fact, that he already had names of enough interested people to fill six months of flights. This spring, when the major airlines, partly in response to the plans of people like Neumann, started extra-low "super-saver" coast-to-coast prices on a one-year experimental basis, Neumann cut his proposed fare to $80 one-way and changed his proposed carriers to jets. He is nothing if not determined that he can make money on cut-rate airline service.

Still, he's not optimistic about his chances. The Civil Aeronautics Board has harassed him and other small airline operators for years, and despite some signals from Jimmy Carter and others that things might change, past experience does not bode well for them.

The federal government makes a great show of supporting the American free-enterprise spirit generally and small business in particular. There is a Small Business Administration and corresponding committees in Congress. But the fact is that the government neither encourages small business nor even leaves it alone; often it is actively hostile to entrepreneurs and concentrates on protecting huge, stultified corporations to small business' great disadvantage. The airline industry is an especially egregious case of the government's harassing entrepreneurs and acting precisely counter to the innovative spirit it says it's trying to promote.

Neumann's problems with the CAB go back to the 1950s. He was one of a large group of true entrepreneurs, men and women who took tremendous financial risks to develop small, innovative businesses. These people were the owners of the so-called nonscheduled airlines—mostly small companies that flew a variety of low-cost operations outside the scheduled air transport system. After World War II, there were 142 such airlines. Largely due to CAB regulations, there are now only six, and none of the survivors—now called supplementals—are small businesses. The best known is World Airways, whose flamboyant president, Ed Daly, is best remembered for his role in the Vietnam evacuation.

In contrast to the carnage among the nonskeds, as they're called, no major airline has ever gone out of business, although some have merged. It is not surprising, however, that non-skeds have been largely or solely responsible for the development of such low-cost innovations as domestic and international charters, all-cargo flights, and economy fares (in the early fifties, the major carriers considered flying as strictly first-class affairs).

At the end of World War II many returning veterans were interested in continuing to fly. Because the government wanted to sell its surplus equipment, it created a program to meet the demand. In a very short period of time, this resulted in 142 airline companies, the majority of them very small. These companies were given the status of non-scheduled carriers, meaning they could perform any irregularly scheduled air transport functions. Although they flew less than five per cent of the total passenger miles, the non-skeds proved to be a dynamic force in the industry. Their main attractions were low price and a willingness to explore new markets. Generally, they charged one half to two thirds the scheduled carriers' fares. In the Korean airlift, for instance, one non-sked charged 1.17 cents per ton mile, while the scheduled carriers charged between 1.6 and 1.75 cents. In carrying freight to Alaska, which was very costly, the non-skeds averaged 23 cents per ton mile, compared to Pan Am's 89 cents. United States Overseas Airlines started freight service to Okinawa at one third to one half of Pan Am's cost.

The non-skeds expanded their low-cost concept into major markets with irregularly scheduled coach flights. These low-cost flights had been shunned by the scheduled carriers as unprofitable—for them and travel was a luxury item only. As the non-skeds expanded this service, however, their flights became more and more regular, and the major airlines and the CAB became increasingly concerned. A secret Board memorandum in the late 1940s detailed a plan to eradicate the non-skeds under the cover of legitimate regulation:

"Either procedure [certification hearings or denying letters of registration] has the advantage of affording means for ultimately terminating the operations of this group of carriers. A second reason in favor of either proposal is that it should not lay the Board open to criticism for stamping out, without due process, these carriers which they have permitted to come into being. Accordingly, termination of such carriers' letters of registration would appear a fair and natural conclusion."

Apparently this plan was put into effect, for by 1953 the Senate Small Business Committee had concluded that the entire non-sked industry was on the verge of being wiped out by the CAB. The committee strongly denounced the Board, and called on it to create a place for the non-skeds.

A SLOW DEATH

What in fact happened was a slow rather than a quick death. The Board issued a series of Catch-22 regulations that made it impossible for all but a few carriers to remain in business. Michael Levine, a former CAB staffer who is now Luce Professor of Law at the University of Southern California and the California Institute of Technology, told the Small Business Committee last October, "The Board was attempting to create conditions, in my opinion that made [the non-skeds] operations economically non-viable, in the hopes that they would go away." Non-skeds were restricted at one point, for instance, to ten trips per month between any two points on an irregular basis. Rules for determining regularity were exceptionally complex: one carrier testified that his operations were temporarily suspended because he submitted his proposed tariffs in the wrong kind of binder.

If carriers stayed within the regulations they could not make money, so their operating rights were revoked for financial insufficiency (the Board feared that economically weak carriers would cut corners on safety, although the non-skeds had an exceptional safety record during this period). If the carriers found ways to evade the regulations, they had their rights revoked for "willful violations."

Former CAB commissioner General Joseph Adams testified that when it found a violation, the Board was prone simply to put the carrier out of business, rather than issue a cease and desist order. Scheduled carriers have been guilty of substantial violations of the law, but the thought of revoking their operating rights has been unthinkable to the CAB. Richard Neumann's California Air Charter was one of the casualties of the "willful violator" approach. Neumann tried again in the sixties, but the CAB would not allow him a certificate, because he was a past violator.

At the same time, the Board was conducting a lengthy investigation into the entire question of non-scheduled carriers, with an eye towards granting formal certificates of operating authority to at least some of them. The hearings lasted several years, however, and the uncertainty of the carriers' status during this time made it extremely difficult for them to attract credit. Investigators naturally shied away from business whose right to exist could be taken away at any moment. As a result, many of the non-skeds, unable to buy new equipment because they had no capital, simply folded. One cannot even imagine the CAB allowing major carriers to go out of business because it was unable to decide what to do about a pending case. Small businesses are apparently expendable; large businesses, no matter how well or poorly managed, are apparently not.

By 1959 Board regulations and rulings—as well as poor management and a lack of market in some cases—had reduced the number of non-skeds to about 25. During the late fifties and early sixties there were a series of court cases and finally a comprehensive federal statute on the subject of non-scheduled carriers. The term "non-scheduled" was replaced by "supplemental." The CAB interpreted the new law as restricting supplementals to charter service only, and in the sixties it issued extraordinarily restrictive rules for operating those charters. One set of regulations allowed affinity-group charters only if the carrier made three stops and to be an organization of some sort, thus restricting the benefits of charter travel—to a tiny fraction of the flying public. Later, the Board allowed other charters, too, but only if the carrier made three stops and charged 110 per cent of the scheduled fare—a deal that is hard to imagine anyone wanting.

The only other source of revenue for the supplementals during the sixties was military business. The military contracts with commercial carriers for a number of its air transport needs. Until 1960 this was done on a competitive-bid basis. The competition for the contracts was severe, and some carriers lost money performing them. After 1960, however, the Department of Defense and the CAB began a new policy that replaced competitive bids with long-run, minimum-rate contracts. As part of their contract obligation, airlines had to pledge to commit a certain number of their planes to the military in case of an emergency. Only a small number of carriers received the contracts. Among the supplementals, the few carriers receiving military contracts profited significantly, but those left out collapsed.

The owners of the airlines that folded during this time are bitter about the choice of carriers for military business. They point out that one carrier, Southern Air Transport, was owned by the CIA and that four others were represented by a law firm whose senior partner, Eugene Zuckert, had been an Assistant Secretary of the Air Force in the early fifties and became Secretary of the Air Force around the time the contracts were awarded. Zuckert, now a Washington lawyer, has vigorously denied any effort on his behalf to influence the decisions, and the committee staff could neither confirm nor repudiate them.

PLENTY OF TROUBLE

The sixties, then, were trying times for the supplementals. The seventies have brought liberalized charter rules (still restrictive by European standards), but the CAB has lim-

ited the number of carriers it allows to fly those charters. Even the few that are certified have a hard time competing against the scheduled carriers, whose size and advertising make them seem more reliable to potential customers—even though they are no safer and no cheaper. The major airlines are also flying charter trips on their own, so they dominate the supplementals' turf as well as their own. And the CAB continues to give the supplementals plenty of trouble.

Daly's World Airways, for instance, had a long-standing application to fly a scheduled coast-to-coast service for less than one-half the scheduled rate. Daly would have used the old nonsked approach—nearly full planes (the low fares would assure that), less busy airports, and innovatively, Ticketron outlets for sales. The plan is widely regarded as very practical. The CAB, however, after refusing to hear the matter for years, dismissed it as stale, saying that the law did not permit it to grant scheduled authority to supplementals. A recent ruling by a federal appeals court concluded that the CAB was wrong and directed the Board to hear the case.

Universal Airlines was another supplemental that suffered a fate that could not have been allowed to strike a large corporation. Universal had very limited operating rights and found that it was unable to make money. It could not get the CAB to expand its authority, so in 1971 it purchased, with CAB approval, a failing supplemental, American Flyers, which had the transatlantic rights Universal wanted. While delays in CAB approval caused Universal to lose much of the summer tourist business it needed, it still cornered a good share of the transatlantic market. By 1972, however, when it was in the midst of purchasing a 747, the CAB revoked Universal's transatlantic rights. As a result, Universal went out of business. The CAB had determined that there were too many carriers in the market.

Aside from the question of why the CAB should concern itself with making sure every existing airline can make a profit, this case reveals a disturbing situation: the CAB approved Universal's purchase of the debt-ridden American Flyers—a purchase whose sole purpose was the acquisition of transatlantic rights—at the same time it was deciding to restrict the number of carriers in that area. American Flyers' transatlantic authority was, under the rule being developed, an almost certain casualty.

Not only has the CAB put supplementals out of business by the dozens, it has also ignored some seemingly well-qualified applicants and set up obstacles so difficult that many would-be carriers are discouraged from even thinking about applying. Many small airline company owners would like to operate as supplementals, but they see no chance of their applications being approved and they cannot afford to waste the hundreds of thousands of dollars that filing an application would cost.

American supplementals are not the only small carriers that have suffered. One of the most bizarre cases ever involved Air Europe, which in 1973 planned to fly from Tijuana to Luxembourg for 33 to 55 per cent less than scheduled rates. All of the proper arrangements had been made with Mexico and Luxembourg. Since the flights would cross the U.S., the Federal Aviation Authority approved those safety aspects of the operation that concerned the U.S. The CAB had no authority to regulate the flights, but it saw the Air Europe approach as a way of avoiding U.S. regulations—which, of course, it was. Lacking authority, the CAB resorted to leaking reports to the press that it would find a way to stop the operation. One report even suggested boarding the planes with federal air marshals. With all this uncertainty, many travel agents and passengers who had flocked to the low rates decided not to risk being skyjacked by the federal government. Air Europe never took off. The company could not even sue the CAB, since the CAB had taken no official action.

NEVER A THREAT

All this strict regulation stands in sharp contrast to the CAB's attitude towards scheduled carriers. While supplementals have been put out of business after violating CAB regulations once or twice, scheduled carriers have been found to have engaged in massive rebates and kickbacks on tickets in the North Atlantic market; have been found guilty of violating campaign finance laws; have recently been indicted for price-fixing; and have been sued for overbooking passengers. Yet they have never been threatened with an alteration of their operating rights. Nonskeds and supplementals have frequently been forced to shut down by the CAB if they were found to be financially shaky, yet when major carriers are on the verge of bankruptcy, as some have been recently, the CAB and the government scratch their heads to find ways to save them.

The loss at government hands of the entrepreneurs who run small businesses is a tragedy for this country. Men like Richard Neumann are a vital national resource. Neumann will take enormous risks in terms of finances, reputation, and ego. If there were free entry into the airline industry, I suspect he would be one of the first in line. His is an entrepreneurial spirit we cannot afford to destroy.

ITALY DISASTER RELIEF EFFORTS

Mr. BROOKE. Mr. President, on May 6, 1976, the Friuli area of northern Italy was devastated by an earthquake which left hundreds dead and 100,000 people homeless. In a matter of seconds, homes, shops, and factories were leveled. Cities were reduced to rubble, and many priceless art treasures were lost forever. Then, on September 11 and 16, two new earthquakes multiplied the enormity of the catastrophe, destroying many buildings which were weakened by the earlier tremors.

Americans responded quickly to the suffering of the Friuli people. Immediately after the May earthquake, Congress authorized $25 million in emergency relief aid. These funds provided emergency humanitarian relief and are paying for the construction of schools and old age centers. Thanks to this assistance, many urgent needs of the Friuli people have been met, but life in the Friuli is still one of hardships and austerity for many. In light of this reality, I introduced, in April of this year, a bill to authorize an additional $25 million in disaster assistance for Italy. The Senate Foreign Relations Committee has seen fit to include my proposal as well as an additional $10 million in its recommendations contained in S. 1520. I am grateful for this and commend the committee for their action. While ours is only a small contribution to the estimated $4 billion plus needed for reconstruction in the Friuli, it is a significant indication of the bonds of friendship that tie the two countries and peoples together.

The reconstruction stage is underway. One effort in this regard is the work of repairing and conserving the damaged art of the area. The Friuli Arts and Monument—Italian Emergency Relief Committee, FRIAM, is organizing in America and Italy to offer financial and technical assistance to the Italians. Working with local authorities and international organizations, FRIAM is organizing to restore damaged buildings, murals and other works of art. For example, the medieval walled city of Verzone, which was devastated by the earthquakes, is today receiving significant amounts of aid. Soon, its unique historic and artistic resources will again be available as a modern city and living museum. I wish to bring this and other FRIAM efforts to the attention of the Senate and, therefore, I ask unanimous consent that the first issue of the FRIAM News be printed in its entirety in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROOKE. Mr. President, no one could prevent the disasters which struck the Friuli region in 1976. When they occurred, however, the American people responded quickly and generously. As the example of FRIAM indicates, America is aware of its resources and its responsibilities toward others, and I believe all Americans can be proud of our efforts to relieve the suffering of the Friuli people. Our assistance will remain as a lasting symbol of solidarity between the American people and the people of Italy.

EXHIBIT 1

[From FRIAM News, Winter 1977]

THE EARTHQUAKES

On 6 May 1976, northern Italy's greatest natural disaster in modern times struck the region of Friuli. One hundred thousand people were rendered homeless within a single minute. The suffering was indescribable. On 11 May and 15 September, the already devastated area was hit by more tremors.

Friuli, northeastern most province in Italy, has a history of seismic activity at intervals of approximately fifty years (the last previous earthquake occurred in 1928). Evidence of periodic repair of earthquake damage is apparent in buildings throughout the area. The strength of the 6 May earthquake, however, is unparalleled in the modern history of the region: it levelled the most vulnerable buildings and killed nearly a thousand people. Moreover, the recurrence of strong tremors in September severely damaged those structures weakened four months earlier.

Seismic activity in Italy is generally attributed to the stresses associated with Africa subducting Eurasia, i.e., the rigid lithospheric plate on which Africa is located is pushing under the edge of the plate on which Europe and Asia are located. One theory purports that as Africa pushes against Italy, the weakness lies essentially along the valley between the Alps and Appenines; therefore, seismic activity is likely to occur where the valley abuts the mountains. The epicenter of the most recent earthquakes in Friuli was beneath Mount San Simeone.

Not only proximity to an earthquake epicenter accounts for damage: it is affected by topography as well. In the quaternary age glaciers cut through the Alps and descended onto the plain. The glacial pathway is marked by the river Tagliamento. The glacier's withdrawal in three phases left residue in the form of three lines of hills which are called the "morainic amphitheatre" of Friuli. In the Middle Ages the towns located on

these hills became populous because they were suitable for fortification and healthier than the marshy plain. But the hills provided no shelter from earthquakes. On the contrary, damage to the hill towns, although many were not close to the epicenter, was exacerbated by the unstable composition of the moraine.

I.E.R.C. CHANGES FOCUS TO ART

The Formation of the Italian Emergency Relief Committee was announced in the office of Vice President Rockefeller shortly after the U.S. government granted $25 million to Friuli. The Vice President became Honorary Chairman; Senator Claiborne Pell and John Train became Co-Chairmen. Mr. Train is also Treasurer.

The Committee appealed to the American business community and others for funds to be granted to artisans, farmers and small businesses. The chief criterion in selecting recipients has been that each grant should have a "multiplier effect" by enabling the recipient to return to work and employ others. The Committee has also collaborated with other groups having similar objectives.

After the appeal for humanitarian purposes had been completed, Ambassador John Volpe encouraged the Committee to shift its emphasis to Friuli's need for help in restoring art works and monuments damaged by the earthquake. The Committee's name was modified (FRIAM for Friuli Arts and Monuments) to reflect this orientation. Professor Henry Millon, Director of the American Academy in Rome, was appointed to coordinate operations in Italy. Ambassador Volpe joined Senator Pell and Mr. Train as a Co-Chairman. Additional members, of distinction in their appropriate fields, are being invited to join and work with the Committee.

In October President Leone of Italy received Co-Chairman John Train to express support for FRIAM's work and gratitude to its members and donors, both personally and for the Italian Government.

A.I.D FUNDS FRIULI

Shortly after the 6 May earthquake the the U.S. Congress voted $25 million as aid to the stricken population to be used for humanitarian purposes. The fund was to be administered by the Agency for International Development (AID). Arturo Costantino has been charged with overseeing the expenditure of funds.

At a meeting held in the Palazzo della Provincia di Udine on 29 September, Costantino announced that ten of the twenty-five million would be used to construct schools and centers for the elderly. The structures will be built in Buia, Faedis, Gemona, Maiano, Osoppo, and San Daniele. Before drafting of plans for the buildings is begun, a seismologist from California, Jerry Eaton, will study the sites selected. The buildings will be designed to be earthquake resistant. M. M. Vogler, a civil engineer with experience in building in earthquake areas, will be a consultant on structure. It is expected the architects' and engineers' plans will be completed in sufficient time to allow for construction (which will take at least 18 months) to begin in the spring.

FRIAM ORGANIZES TO SAVE ART

With at least some of the immediate medical, educational, and housing needs attended to, FRIAM is collecting funds to assist with the salvage, protection, and restoration of the severely damaged artistic patrimony. Henry Million, the Director of the American Academy in Rome, will supervise activities in Italy and administer the expenditures in Italy of funds received in the U.S. The Committee has established administrative procedures and a working organization with liaison (as described below) for the supervision of the expenditure of funds for salvage and restoration.

Liaison has been established with the UNESCO-sponsored International Centre for Conservation (ICC) in Rome, which has made a survey of the damage to architecture and has worked with the Istituto Centrale del Restauro (ICR) to make a survey of endangered mural paintings.

Liaison has also been established with the local Soprintendenza of Galleries and Monuments in Friuli, which is responsible for movable paintings, sculpture and objects, as well as buildings and h'storic centers. Priorities for salvage and projects for restoration of paintings, sculpture, objects, and buildings have been established by these groups. FRIAM will respect those priorities.

To insure that its funds are well spent, FRIAM has secured the services (for reimbursement of expenses only) of U.S. architects, engineers, and conservators resident and working in Italy, who have agreed to supervise work that may be periodically undertaken by U.S. or other conservators or architects.

FRIAM is seeking support from American individuals and organizations concerned with saving this important part of the Italian cultural heritage, either by adopting a specific conservation project, or else through a contribution.

Unrestricted cash contributions should be sent to the Treasurer at FRIAM's New York office: Suite 4100, 345 Park Avenue, New York, New York 10022. Institutions interested in adopting projects by providing personnel or financial support are urged to contact Resident Director Millon in Rome, with a copy to New York.

EMERGENCY HOUSING

After the initial shocks, the national and regional governments desperately tried to help the victims. Mobile clinics were rushed to the area, and sound buildings were converted to hospitals. The army provided tents to shelter the homeless from the heavy rains that followed the quakes. These grew into complete tent villages (tendopoli), which now house tens of thousands of those rendered homeless.

Later, prefabricated houses were erected in Moggio and Gemona. Everywhere one sees trailers, confiscated or on loan. Railroad cars have also been assigned to those who could help maintain productivity, such as workers, artisans and farmers. Others, including thousands of children and aged citizens, have moved to resort centers on the Adriatic, such as Lignano, that were vacated by fleeing tourists yet proved safe for the emigrées.

Some 20,000 people left between 6 May and 14 September. The second series of quakes and the now total destruction of Gemona and the levelling of Venzone provoked debate about abandonment of towns in the region. But, although many fled, some have already returned, and new towns are growing only yards from the rubble of old homes, streets, and churches. With survival needs met, the first priority has become rebuilding factories, farms and workshops so Friuli can again be economically viable.

AMERICANS RESCUE FRIULIAN ART

Americans who took an early interest in the problem of Friuli, were Prof. Henry Millon, an architectural historian and Director of the American Academy in Rome; John Train, Co-Chairman of the Italian Emergency Relief Committee, which had raised several hundred thousand dollars for humanitarian needs; Travers Newton, a graduate student at the Istituto Centrale del Restauro (ICR); and Paul Schwartzbaum, a conservator and coordinator of the mural painting conservation course at the UNESCO-sponsored International Central for Conservation (ICC) in Rome.

Prof. Millon and Mr. Train studied the need for stabilization and consolidation during visits to Friuli. It became clear that American assistance could make a significant contribution. The idea for FRIAM evolved.

Mr. Newton was among the first Americans to work on art salvage in Friuli after the disaster, helping the Gruppo Archaeologico Italiano remove works of art from damaged churches. The importance of this work became clear during the earthquake of September, when many of the remaining churches collapsed entirely.

Early in July, Mr. Schwartzbaum of the ICC initiated a survey of the earthquake damage suffered by the wall paintings. The ICC study, undertaken in collaboration with the ICR, was released as part of an official report of the Ministero per i Beni Culturali of the Italian Government. American participants included Elizabeth Schwartzbaum, a doctoral candidate in art history at the Institute of Fine Arts, New York University; Andrea Lidgerwood, a student at the ICR; and Constance Silver, a student of mural painting conservation at the ICC.

Ms. Silver decided to stay on in Friuli and has acted as a special assistant to Ispettore Dottore Alberto Rizzi, Soprintendenza ai Monumenti, Friuli /Venezia Giulia, since late July, helping coordinate the effort to save the wall paintings.

Another American student at the ICR, Carol Grissom, is preparing an inventory of objects which will be worked on by the FRIAM Associates when they arrive.

AMERICAN ARTISTS DONATE WORKS

Inspired by sculptor Carl André's appeal to his colleagues, over one hundred prominent American artists donated works to Friuli. The art was to be given to Friuli or "sold to raise funds as lasting symbols of soladarity among artists and people".

Among those donations exhibited at NYU's Grey Art Gallery from 11 to 27 August were paintings, sculptures, prints, and drawings by Carl André, Allan D'Arcangelo, Norman Bluhm, Mark Di Suvero, Donald Judd, Alex Katz, Ellsworth Kelly, Seymour Lipton, Brice Marden, Tony Rosenthal, Saul Steinberg, Marjorie Strider, Christopher Wilmarth and Jane Wilson. In addition, works have been promised by Willem DeKooning, Roy Lichtenstein, Isamu Noguchi, Pavia, Robert Rauschenberg, George Segal, and Frank Stella. Thomas Hess volunteered to direct the administration of the project. Assisting him are Carl André, Milton Gendel, Robert R. Littman (the Director of the Grey Art Gallery), Camilla McGrath, Barbara Rose and Maria Laura Vinci, the wife of the Italian Ambassador to the United Nations.

FRIAM is arranging benefit exhibitions in the principal museums of modern art in a number of Italian cities before the works go on permanent exhibition in Udine.

WORK TO DATE—ARCHITECTURE

The enormous damage to architecture resulting from the earthquake demanded all the outside help available. Local architects and engineers, aided by the Italian army and special detachments from the German, Austrian, and Canadian armies, worked to clear the rubble and to shore up the buildings still standing. Even so, many monuments of artistic and historic value remained in danger of imminent collapse. Indeed, without knowledgeable supervision, many were under the threat of total annihilation by bulldozers.

In order to protect the architectural patrimony of the Friuli, Dottore Antonio Mancini, Director of the Ministry of Scientific and Technological Research, requested the aid of the UNESCO-sponsored International Centre for Conservation (ICC) in Rome. The Centre dispatched to Friuli a group of architects, participants in its course on architec-

tural restoration, led by Donald del Cid, an assistant, who participated in the UNESCO mission in Guatemala after the February 4, 1976, earthquake. Mr. del Cid and his team began work as honorary inspectors of the Soprintendenza ai Monumenti on 18 May. For three weeks they collaborated with local volunteers to compile an inventory of damaged buildings which included a proposed treatment. Where possible, they also administered first aid, which consisted mainly of bricking in windows and doors, bracing walls and arches with wooden propping and counterforms, and covering roofless buildings with temporary roofing, usually sheets of polyethylene.

A number of structures were consolidated and protected from further deterioration which might otherwise result from subsequent shocks and the rigors of the harsh Friuli winter. When funds are eventually made available for restoration, the inventory and report completed by the Centre's team and updated after the second series of shocks will provide necessary priorities and proposals for the work to be undertaken.

In addition to the information provided by the architects' inspection tour, there exists for much of Venzone and part of Gemona further documentation in the form of photogrammetric recordings. The photogrammetry procedure employed entails the simultaneous photographing of three-dimensional objects by two cameras set at a fixed distance apart. Both images are projected on a single sheet where the variations in plane are recorded as on a topographical map. The resulting relief map of the object or monument photographed can then serve as a guide for reconstructing the original structure.

At a Symposium of Architectural Photogrammetry held in Bonn, Germany, 10–13 May, 1976, it was decided to send a mission to the Friuli earthquake zone to make photogrammetric recordings of the monuments. The mission was sponsored jointly by the ICC of Rome and the Photogrammetrische Abteilung der Bundesdenkmalamt (BDA) of Vienna, with the cooperation of the Italian government, which provided technicians and instruments.

The mission, directed by Ingeniere Sergio Lucarelli of the ICC and Hans Foramitti of the BDA, set off for Friuli on 3 August. During the next 12 days, the team took 600 pairs of photographs in Venzone and Gemona.

In view of the massive destruction caused in Venzone and Gemona by the September earthquakes, the photogrammetric recordings, already valuable at the time of their execution in August, have now become extremely precious documents of a state which no longer exists.

WALL PAINTINGS

Since damage to mural paintings in the region was so severe and widespread, it was imperative to assess the damage sustained, the treatment required, and, most important, to establish priorities for intervention.

From 1 to 9 July, a joint team sent by the International Centre for Conservation (ICC) and the Istituto Centrale del Restauro (ICR), both based in Rome, compiled an inventory of the mural paintings damaged by the May earthquake. The team was composed of restorers, art historians, and an architect. It was led by Paul Schwartzbaum, American conservator, coordinator of the mural painting conservation course of the ICC, and Michele Cordaro, art historian of the ICR. During the eight days in Friuli they visited over 100 sites, making detailed notes of the damage incurred, and proposing the type and extent of treatment required for each mural painting. Also included in the joint report submitted by this team is a list of priorities for the work to be done. At the request of the Soprintendenza's office, a second mission of the ICC went to Friuli 24–30 November to bring the inventory up-to-date after the violent September tremors.

The ICC–ICR team also applied first aid treatment (mainly application of protective facings) to paintings that might otherwise have been lost. In several cases, the protective facings managed to hold together elements of a painting which would have fallen in fragments to the ground if left exposed.

By early September the Italian government had made funds available to the ICR for organized first aid intervention. Accordingly, on 8 September, Giovanni Urbani, Director of the ICR, sent to Friuli an expedition of 31 people: restorers, student restorers, and carpenters, under the leadership of Michele Cordaro and chief restorers Paolo and Laura Mora. This expedition was to consolidate and protect damaged mural paintings before winter.

They had hardly begun applying protective facings, reattaching plaster and preparing for removal of certain frescoes when the second severe earthquake struck on 11 September. Work continued until 15 September. On that day the third of the major earthquakes caused such devastation and chaos that the expedition, unable to work, retreated to Rome.

On 5 October, a second expedition of restorers from the ICR departed from Rome with an increased allotment of funds for the conservation of works of art in Friuli. The second expedition spent 20 days in Friuli.

Immediately following the earthquake on 6 May, official depositories for portable objects were set up in the Friuli region. Located outside the most heavily hit areas, the depositories were ready to receive the objects as soon as they were brought in from the churches and monuments which no longer provided shelter.

At Udine the church of San Francesco (one of a number of such depositories) contains approximately 1500 objects. Paintings on panel and canvas, sculptures in wood and stone, even a few mural paintings, removed from the now condemned walls on which they were originally executed, are arranged in serried rows about the floor and along the walls. Homeless objects also cover a temporary second floor supportd by scaffolding.

Giancarlo Menis, Director of the Rezional Center for the Cataloguing of Cultural Works, supervised the art-salvage project in Udine. He states his goals as threefold: to prevent further deterioration of the art, to repair damage, and eventually to return the works to the villages from which they came.

VENZONE RECONSTRUCTION PLAN

Venzone, a small walled medieval city dating from about the 11th century, contains significant examples of Friulian art, sculpture, and architecture. Located very close to the epicenter of both earthquakes, the city was almost completely destroyed.

A plan for its reconstruction is being developed by Robert Mangurian, a Fellow in Architecture at the American Academy, with a group of seven graduate students from his design studio at the UCLA School of Architecture and Urban Planning. The project is being done with the approval and cooperation of the Mayor and the Ufficio Tecnico.

No habitable buildings remain, and the complete restoration of the city as it was is impossible. The reconstruction plan being developed aims at reconciling current practical construction methods with a strong physical image of the past Venzone. The plan will respect the medieval street plan of the city and its surrounding wall. As many key monuments as possible will be put back in position. New buildings will be earthquake resistent. By these means the planners hope to enable Venzone to revive both as a modern city and a living museum for its art treasures.

Preliminary phases of the project are being conducted at the American Academy in Rome from January through March. The completion of the design work will take place in the Spring quarter at UCLA, which is partially funding the project.

"A CULTURE TO BE SAVED" EXHIBITION AT VILLA MANIN

The vast eighteenth-century Villa Manin, located west of Udine at Passariano, has been a regional museum and art center since 1969. A special exhibition of Friulian art and architecture entitled "Una cultura da Salvare" (A Culture to Be Saved), was assembled and mounted last September, prior to the second series of quakes, by Director Aldo Rizzi and his staff.

The three-volume exhibition catalogue surveys the history of art in Friuli; catalogues the displayed works, which included painting, sculpture, and decorative arts of the Middle Ages through the Renaissance (Domenico da Tolmezzo, Andrea Bellunello, Pordenone, Sebastiano Ricci, G. B. Tiepolo, etc.) to the present (Afro, Mirko); and outlines the damage to Friulian art resulting from the earthquake of 6 May. The juxtaposition of intact works against works damaged by the earthquake and the provision of supplementary photographs of demolished or damaged houses, villas, castles, and churches, stresses the profound artistic loss and the importance of salvage and conservation.

AMERICAN BAR ASSOCIATION MEMBER REITERATES SUPPORT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in a June 10 letter to the New York Times, Bruno Bitker of the American Bar Association urged the Senate to give its advise and consent to the International Convention on the Prevention and Punishment of the Crime of Genocide. He reminded the Nation that although the United States led in drafting and securing adoption of the convention in the United Nations in 1948, the Senate consistently has failed to ratify it.

As Mr. Bitker points out, the American Bar Association overwhelmingly endorsed this agreement, which declares genocide a crime under international law, last year. It has been reported favorably by the Senate Foreign Relations Committee four times. Every President since Harry Truman has supported the convention as well. However, the United States remains the only major nation, except for the People's Republic of China, that has failed to sign it.

Mr. Bitker writes that "the United States now seeks to reestablish its moral leadership." He submits that "ratification of this convention would be evidence of its claim to that leadership." We cannot continue to criticize human rights violations in other nations while refusing to ratify this agreement. Almost 30 years have passed since it was formulated. More than 80 nations have given it their support. It certainly is time that this Nation condemn the most vicious crime that man can commit.

In his letter, Mr. Bitker quotes the late Chief Justice, Earl Warren, who stated that—

> We as a nation should have been the first to ratify the Genocide Convention. * * * Instead we may be the last.

It increasingly appears that Mr. Bitker may be correct when he concludes that—

Although it would be a national disgrace, it is conceivable that instead of last it could be never.

I ask unanimous consent that Mr. Bitker's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENOCIDE CONVENTION: OUT OF THE "DEEP FREEZE"

To the Editor:

Emil Lengyel's May 29 letter about the failure of the United States to ratify the Genocide Convention strikes a sympathetic chord. Our country led in drafting and securing adoption of the convention in the United Nations in 1948. President Truman sent it to the Senate in 1949; it has been pending there ever since. It is now eligible for a place in the Guiness Book of World Records as the oldest treaty awaiting Senate action.

For many years, the Senate opponents cited the negative position of the American Bar Association as justifying failure to act. But in 1976, by an overwhelming vote, the association recommended ratification. As chairman of its Section's Committee on International Human Rights, I testified in behalf of the association's support of ratification at the May 24 hearings before the Senate Foreign Relations Committee. Thus, the matter now is again before the Senate. But unless indifferent senators sense public support, it could go back into the deep freeze.

Unfortunately, memories of the holocaust that brought the convention into being have faded. The treaty has no active constituency. As Chief Justice Earl Warren said: "We as a nation should have been the first to ratify the Genocide Convention. . . . Instead we may well be the last. . . ." Although it would be a national disgrace, it is conceivable that instead of last it could be never.

The United States now seeks to reestablish its moral leadership in the world. Ratification of this convention would be evidence of its claim to that leadership. The American Bar Association urges the Senate to give its advice and consent.

BRUNO V. BITKER.

Milwaukee, June 2, 1977.

AIRLINE DEREGULATION

Mr. GOLDWATER. Mr. President, the importance of a viable commercial airline industry to the economic and social welfare of the Nation cannot be overemphasized. And today we are hearing a great deal about the current status and the future possibilities of this industry in light of suggestions for deregulation. In this connection, it is important for all of us to understand the history of Federal regulation of air carriers, which began with the enactment of the Civil Aeronautics Act of 1938.

Mr. President, one of the most incisive discussions of the airline deregulation question and its attendant problems that I have yet seen was delivered May 11 by my colleague, the Senator from Hawaii, Mr. INOUYE, to the Airline Pilots Association in Arlington, Va. Because of its importance to our deliberations, I ask unanimous consent that this address by Senator INOUYE be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR DANIEL K. INOUYE

I wish to thank Captain O'Donnell and the members of the Airline Pilots Association Executive Board for the opportunity to share my views on deregulation with you this afternoon.

As the senior Senator of a State which is separated from the mainland by over two thousand miles, and as chairman of the Senate Subcommittee responsible for tourism, as well as ranking member on its aviation Subcommittee, I am well aware of how important a viable commercial airline system is to the economic and social welfare of our Nation.

I am therefore committed to assuring its continued viability, expansion, and improvement.

The first serious Federal economic regulation of air carriers came with the enactment of the Civil Aeronautics Act of 1938, which established the civil aeronautics authority, whose regulatory functions were subsequently transferred to a Civil Aeronautics Board in 1940.

In 1958, Congress created what is the present C.A.B., and charged it, among other things, with the economic regulation of U.S. commercial aviation, including jurisdiction over routes, rates, and fares, and certain business practices of the airlines. The Board was also empowered to authorize air carriers to provide service between city pair markets (e.g. Chicago to Detroit) by issuing certificates of public convenience and necessity.

Over the years, the level of criticism of C.A.B. regulatory policies has ebbed and flowed.

It is, I believe, accurate to say that this criticism mainly holds that the CAB's route awards policy is too restrictive; and that its fare policies seek levels which are too high and fail to allow cost-service options to passengers.

In the last two years, criticism of the CAB's policies has become increasingly more severe, and resulted in several bills before Congress proposing regulatory reform. The Senate Aviation Subcommittee is currently considering two of them—S. 689, the Cannon-Kennedy bill, and S. 292, the Pearson-Baker bill.

As a member of the United States Senate and ranking on its Aviation Subcommittee, I believe my responsibility is to ensure adequate commercial air service at the lowest possible air fares consistent with maintaining a healthy U.S. commercial aviation industry.

In evaluating S. 689, which is the principal bill under consideration, I believe therefore it is necessary to consider its potential long range effects on three broad areas of your industry—fares; quality of service; and stability of the industry. To be sure there are other provisions in the bill relating to such important matters as charters, air line agreements, and entry into the cargo industry, but the three broad areas I have mentioned go to the very heart of the bill. And it is on their merits S. 689 must stand or fall, in my judgment.

FARES

The proponents of S. 689 maintain that the present CAB regulation which controls entry into airline markets results in higher fares. They contend that the airlines serving a particular market tend to channel their energies into "service competition" rather than "price competition". That is, they offer greater flight frequencies, more convenient departure times, movies, food, etc. Rather than lower fares.

On the basis of the committee hearing record to date, however, it appears to me that these claims rest more on hypothesis than fact.

How, we might legitimately ask, will deregulation bring down the cost of borrowing money; make Arab oil less expensive; or reduce the price of new equipment.

These and many other items are, of course, part of the overall air industry cost index.

Moreover, under S. 689 as presently drafted, fares could be raised up to 10 percent until December 31, 1979, and up to 20 percent thereafter, without CAB approval.

Many, including the CAB, and consumer groups are concerned that carriers would automatically take the increase, especially on monopoly or near monopoly routes.

I understand, however, the sponsors of the bill are re-drafting? The provision which permits fare increases without CAB approval.

In this connection, I also do not believe that S. 689 adequately safeguards against the possibility that due to excessive competition, a few of the stronger carriers would ultimately dominate various markets and raise fares to monopoly levels.

In any event, it seems much more likely to me that whether deregulation occurs or not, our normal inflationary spiral will prevent any major price cuts.

Finally, with respect to our present system of price/entry regulation, a study by Robert R. Nathan Associates found that "Fares on equidistant routes carrying approximately the same number of passengers are substantially lower in the U.S. than in Western Europe."

QUALITY OF SERVICE

I am also greatly concerned that under S. 689. there may be a deterioration in the domestic air line service we enjoy today. This deterioration could range from outright abandonment of routes to reduction in the frequency of service.

S. 689 makes it much easier to abandon markets which generate little passenger traffic. Under the bill, a Federal subsidy program would assure continuation of service to smaller communities which are the most vulnerable in this regard.

At the outset I should note that the exact form of the subsidy program is not yet known. I understand, however, it is in the drafting stage, and will be completed shortly.

Even if such a program were able to assure continuation of service to smaller communities—and until I have an opportunity to analyze it I will reserve judgment—there is still a grave danger, in my opinion, that service to medium-sized cities will be seriously curtailed.

I share the concern of your association with respect to most of these medium-sized cities which are tied into the Nation's commercial and vacation centers with convenient one-stop or connecting service on the trunk and regional airline systems.

As the opportunities for entry into major markets become available—and they would under S. 689—carriers in these systems may very likely shift their resources from these one and two stop markets and concentrate on larger non-stop markets where the profit potential is greater.

Finally, while on the subject of service deterioration I would like to say a word about the very real possibility that deregulation might result in a reduction in the frequency of service.

The proponents of deregulation rest their argument against a reduction in frequency of service on the assumption that lower air fares will stimulate so much new traffic that the number of flights in a given market will increase rather than decrease.

Even they, however, must concede that if only small price decreases occur as a result of deregulation such decreases would not be a sufficient stimulus to have much impact on traffic volume.

If therefore, as I believe, air fares will rise regardless of deregulation, we could look forward to a reduction in the frequency of service.

STABILITY OF THE INDUSTRY

The final effect which I feel must be considered in assessing legislation such as S. 689 relates to stability in the airline industry; and conversely, the threat of instability if S. 689 were enacted.

My concern on this point is two fold.

First, the kind of increased competition which S. 689 would encourage may well induce bankruptcies among the financially weaker air carriers, and thus cause service disruptions.

Significantly, the eight trunk carriers voiced their concern before the committee that only a few could survive a market free-for-all.

Moreover, given the choice of serving a market and the freedom to raise and lower fares, as S. 689 would do, the integrated airline network developed since the inception of regulation could very well be destroyed.

My second concern stems from the first, and relates to the impact of deregulation on airline industry employees, as well as others.

According to statistics, during the Arab oil embargo in 1973–74 airline employees suffered mass furloughs (10,000–12,000), and some of these people are still on layoff.

Your own association testified before my Tourism Subcommittee on an energy resolution at that time, and I well remember Captain Bonner's testimony that 2,000 pilots were furloughed within a 5-month period.

Some sources maintain that the hardship and tragedy of that period would pale before the consequences of the instability which would occur if S. 689 were enacted.

The subcomittee has testimony that predicts expected layoffs of 50,000–70,000 if S. 689 becomes law.

Moreover, I believe even proponents of deregulation would concede that substantial adverse changes in the fortunes of a given airline would cause severe labor dislocation.

Since airline employee practices are characterized by strong seniority benefits, it would be difficult for a laid-off senior employee to find employment with comparable benefits from another airline.

I note that in its 1975 report on regulatory reform the CAB implicitly concedes this possibility by pointing out that the relative positions of the leading companies have been more stable over time than one would expect without regulation. (CAB, regulatory reform, pp. 55 M.1 (1975)).

If S. 689 causes the instability many including myself fear it will, its impact will not only be felt by airline industry employees.

In addition to pilots, flight attendants, dispatchers, mechanics, ticket agents, and clerical workers, others will suffer as well.

Most assuredly there will be a domino effect, and jobs will be lost in such support industries as airports, manufacturers, suppliers, and the multitude of industries which make up the $100 billion tourism industry.

To me these risks are simply unacceptable. And they are especially so when we are asked to take them on the basis of hypothesis at a time when the unemployment rate is 7 percent.

CONCLUSION

On the matter of deregulation President Carter has said the government must be careful to protect "the legitimate interests" of the industry and its employees.

For the reasons I have outlined, I simply do not believe S. 689 does this.

I am aware that certain key provisions are currently being re-drafted, and it is always possible my reservations will be laid to rest.

I do not hold out much hope for this, however, because my misgivings go to the very heart of the bill, and it seems unrealistic to expect that its proponents would change it that significantly.

Although my remarks so far have been mostly negative, I much prefer to think affirmatively and act constructively.

I would therefore like to end my talk on a positive note.

There is room for improvement in your industry, and in the very valuable service it offers.

I believe there should be more responsive administration of existing law. It seems to me that there is a general regulatory lag at the CAB, and that the board could act faster on route cases. In the regulatory process, justice delayed is truly justice denied.

I also believe a case can be made for some degree of pricing flexibility.

I believe we should seriously consider allowing airlines to offer lower fares in individual markets to attract passengers during periods of low traffic demand, and to raise fares with sudden cost increases.

Such flexibility should, of course, have a specific ceiling and floor above and below a base fare level in order to prevent destructive competition or price gouging.

Such pricing flexibility might be one technique which would enable the air carriers to move progressively in the direction of greater reliance on competition to provide even better and cheaper air service to the American public.

I am therefore committed to improvements within our present regulatory structure, even alterations in it, if demonstrably necessary.

Whatever its shortcomings, however, we have the finest commercial air transportation system in the world. As we proceed to remedy these shortcomings—and remedied they must be—I do not believe we should "throw the baby out with the bathwater."

Again, I wish to thank you for the opportunity to share my views with you.

A DECENT RESPECT FOR FUTURE GENERATIONS

Mr. GRAVEL. Mr. President, our Ambassador to Italy, Richard N. Gardner, addressed the NATO Defense College in April on the eve of a study tour of the United States by the officers there. Mr. Gardner talked about the foreign policy of the United States under the Carter administration, and I would like to call attention to his remarks.

Mr. Gardner pointed out the way in which President Carter, while appearing to make some changes in foreign policy tactics, is in fact proceeding in a policy direction whose roots are as deep as those of the republic itself.

The Ambassador drew attention to this fact by drawing the first words of his title, "A Decent Respect for Future Generations," from the Declaration of Independence.

He identified seven major themes of President Carter's foreign policy and came to this conclusion:

Whether we like it or not, the world of the 21st century in which our children and our children's children will live is being shaped irrevocably by what we do or fail to do today. This is true whether the issue is "domestic," the crisis of the cities, the environment, public education, or "international," the arms race, world economic development, the energy crisis, or the strengthening of international institutions.

It is this desire to balance the legitimate claims of the future with those of the present, in my view, that helps explain President Carter's special emphasis on the seven themes I have discussed with you today. Some of these themes, to be sure, may complicate our relations with other governments. Our stress on human rights and nonproliferation of dangerous nuclear technology may have already done so.

But I would remind you that the aim of foreign policy is not to minimize disagreement with other governments at any cost. The fundamental aim, as President Carter has emphasized, is to build a world "more responsive to human aspirations." This means, at a minimum, a world of peace and security, of justice and human rights, of economic and social progress.

Mr. President, I was very impressed by Ambassador Gardner's remarks, and I wish to share them with my colleagues. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A DECENT RESPECT FOR FUTURE GENERATIONS

(Reflections on the First Ninety Days of the Foreign Policy of President Carter)

General Heslinga, distinguished members and guests of the NATO Defense College:

I am delighted to be back at this important institution—one that serves so well the common purposes of the NATO countries.

The last time I had the privilege to speak here it was as a private citizen, as a university professor, during a sabbatical year in Rome in 1967–68. Then I still enjoyed "the leisure of the theory class" (if I may be permitted this inversion of the title of the famous book by Thorstein Veblen). As I thought about what I might say to you today I realized how much easier it was to talk as an academic—with no one to call me to account for what I might say—then to address this group as the representative in Italy of the President of the United States.

I had the good fortune to get to know Jimmy Carter four years ago during our common service on the Trilateral Commission. I came to know him better and admire him more during the remarkable campaign that transformed him from "Jimmy Who?" into the President of the United States. Working with him during those exciting months of the campaign and the transition period that followed his victory, I came to have some understanding of his view of the place of the United States in the world.

On the eve of your departure on a study tour to the United States, I think I can be most useful to you if I direct my remarks today to answering the question: What are the distinguishing characteristics of the foreign policy of the Carter Administration?

Before trying to answer that question, however, I do want to emphasize the essential continuity in American foreign policy as it has evolved since World War II under six Administrations of both American political parties. There has been a substantial consensus between our political parties, for example, on the importance of NATO and the need to maintain an open international trading system.

The elements of the foreign policy of a country are shaped by many objective factors. Our national interests, history, traditions and institutions help determine the framework of American foreign policy. As a result, the foreign policy of the United States over the past thirty years has been remarkably consistent, though of course it has reflected the priorities and style of quite different leaderships.

The Carter Administration brings a clear set of priorities to American foreign policy, a sharp focus on the issues, and a perspective that permits the long view—both backward toward our national roots and forward to the generations to come.

It would be impossible in one hour to give a comprehensive account of every aspect of the Carter Administration's foreign policy. Instead, this presentation will offer a personal view of what seems to me to be the main characteristics or points of special emphasis. Let me stress that each of these points

has its antecedents in previous Administrations, but they are now being brought into sharper focus.

I would add that each of the major themes I will mention were clearly identified by President Carter in his major foreign policy statements during the 1976 primary and election campaigns—for example, to the Chicago Council on Foreign Relations on March 15, to the United Nations on May 13, to the Foreign Policy Association in New York on June 23, and to the B'nai B'rith Convention in Washington, D.C., on September 8.

I would summarize as follows the major themes of President Carter's foreign policy:

1. The foreign policy of the United States must be based on a strong domestic foundation.

2. The foreign policy of the United States must reflect fundamental American values—and therefore must emphasize basic human rights.

3. The first priority in United States foreign policy must be the relationship with our friends and allies in Europe, North America and Japan.

4. United States foreign policy must seek a detente relationship with the Soviet Union that is both more comprehensive and more reciprocal.

5. United States foreign policy must be more responsive to the legitimate aspirations of the peoples of the developing world.

6. United States foreign policy must focus more urgently on controlling the arms race and seeking genuine disarmament.

7. United States foreign policy should emphasize the building of international institutions needed for the solution of global problems.

Let me say something about each of these seven foreign policy themes.

1. The foreign policy of the United States must be based on a strong domestic foundation.

This concept has several obvious implications. One is that our foreign policy can only be successful if it is understood and supported by the American people and the American Congress. Another is that our influence in the world will be shaped in the long run by the quality of our domestic society—by our success in coping with our main domestic problems: the economy, the energy crisis, the environment, the revitalization of our democratic institutions, and many others.

Let me give some specific examples of what is implied by these broad generalizations. Last August I had the privilege of participating in a five-hour economic discussion with President Carter in Plains, Georgia, which was attended by several people who now hold key positions in the Administration—Secretary of the Treasury Michael Blumenthal, Under Secretary of State for Economic Affairs Richard Coper, Assistant Secretary of the Treasury Fred Bergsten, and Domestic Policy Adviser Stuart Eizenstat. The dominant theme of this five-hour discussion was the intimate interrelationship betwen domestic and international economic policy. This was the centerpiece of Mr. Carter's briefing to the press at the conclusion of the meeting.

The same view was reflected in two important decisions taken by the President shortly after the election.

First, the President decided to consider his appointments to the top domestic and international economic policy positions in his Administration in terms of one compatible group of individuals. He did this because he recognized that these individuals would have to work very closely together and would have to give special emphasis to the interrelationship of domestic and international economic policy. The President proceeded to choose not only a distinguished group of economic officials but also a compatible one. These officials knew each other and had worked together before joining the Administration. Moreover, the fact that the Secretary of the Treasury and his two senior officials dealing with international affairs had served in previous Administrations in the State Department has contributed to the development of an unusually harmonious relationship betwen these two key Departments.

Second, the President established an Economic Policy Group as the main institution for the formulation of the administration's economic policy. The membership and methods of work of the group assure that foreign economic considerations are present in domestic economic policymaking and vice-versa. The State Department is represented by Richard Cooper, a distinguished and widely respected economist, who participates directly in the formulation not only of foreign economic policy but domestic policy as well.

In this respect the approach of President Carter is quite different from that of some previous administrations. Perhaps the clearest example of the contrast is the fact that no State Department representative participated in the deliberations at Camp David leading to President Nixon's "New Economic Policy" of August 15, 1971, when the United States instituted price controls, suspended dollar convertibility, imposed an import surcharge, and adopted a "Buy American" tax credit—even though those measures had a direct effect upon our foreign relations.

The interrelationship between foreign and domestic economic policy is perhaps most clearly seen in the Administration's efforts at the coordinated stimulation of the world's economies. President Carter's economic recovery program is not viewed by the Administration only in domestic terms. Rather, it is a part of an overall plan in which those countries in a strong financial position expand as rapidly as they can, consistent with sustained growth and control of inflation, thereby stimulating growth in other Western economies and in the world as a whole. This interrelationship between domestic and foreign economic policy was brought home by Vice President Mondale's trip to Europe and Japan immediately after the Inauguration, in part of which I had the privilege of participating. The striking feature to me was that the item that received the most attention from world leaders was that of domestic economic management.

Another example of President Carter's emphasis on the domestic basis of foreign policy is energy. Here our past record, quite frankly, has not been good. The United States played the leading role in the establishment of the International Energy Agency, designed to coordinate the policies of oil-consuming countries and provide mutual benefits. These efforts, however, were not supplemented by an adequate domestic commitment to energy conservation and development of new sources, with the result that progress in the Agency has been impeded through inaction of its main promoter. The Carter Administration is acutely aware of our previous shortcomings in this respect and plans to rectify the situation, starting with its new energy policy to be announced on April 20.

2. The foreign policy of the United States must reflect fundamental American values—and therefore must emphasize basic human rights.

Our strength as a nation, it seems to me, is rooted in the shared philosophy of the nature of man and the purpose of government which inspired our Founding Fathers in the creation of the Republic 200 years ago. These remarkable personalities believed that the state exists to serve the needs of the individual, not vice-versa. They asserted principles of self-government and human liberty that they believed were the birthright of "all men" everywhere.

A significant element in the present mood of the American people is the desire to return to these fundamental concepts of liberty and morality that inspired the birth of our nation. I believe that Jimmy Carter was elected President because the American people see in him the personification of that deep desire.

In our international relations, the real strength of America endures only so long as the common people of the world see our country as a force for good. As the President said in his Inaugural Address:

"We will not behave in foreign places so as to violate our rules and standards here at home, for we know that this trust which our nation earns is essential to our strength."

And he added:

"Because we are free we can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clear-cut preference for those societies which share with us an abiding respect for individual human rights."

There is a certain irony in the reaction that the President's statements on human rights have caused in the Communist world. The Soviet leaders have always had their own ideology, have promoted it around the world, and have never hesitated—indeed have never ceased—to criticize what they point to as the evils of Western society. Now they complain when we assert our own values—our commitment to basic human rights. Perhaps they see all too clearly that this gives free men everywhere an unassailable platform to resist totalitarianism.

But the fact is that the President's emphasis on human rights is not a "cold war" maneuver or a device to attack the Soviet Union. It is a return to the very roots of our Western civilization, to the ideals of ancient Greece and Rome. The best proof is that our human rights concerns are being applied not just to dissidents in Eastern Europe but to repression in every part of the world.

As Americans, we do not and cannot complain when other peoples of the world—including citizens of the Soviet Union—criticize us for our shortcomings. We admit them, we publish them, we make movies about them. But no one should feel provoked if we continue to make our own observations regarding conditions that prevail elsewhere. We must be what we are, we must reflect our own traditions and values. And if this is uncomfortable for others, we can only regret this discomfiture and hope that changes eventually ensue.

As the President said, our moral sense dictates for us a clearcut preference for truly democratic societies—those societies that share with us an abiding respect for the rights of the individual. We have no desire to dictate or to impose our will on others, but we are going to express our values and act in accord with our own principles.

It has been said of our new emphasis on human rights that it represents illegal intervention in internal affairs, that it is one-sided and self-serving, that it is rigid and unrealistic, that it is unilateral and nationalistic, and that it is endangering practical accommodations on arms control and other essential measures.

Quite frankly, I believe that all of these criticisms are ill-founded:

The Charter of the United Nations and a host of other international agreements (including the Helsinki accord), freely entered into by the Soviet Union as well as other governments, specify that how a nation treats its own people is now a matter of legitimate international concern.

President Carter has specifically called for a review of American policies and practices, including those, for example, on freedom to travel in the United States, to insure that we are fully complying with the international standards we apply to others.

We are applying a rule of reason in our human rights concerns, emphasizing that a flexible approach stressing the human rights impact of U.S. actions is better than mandatory cutoffs of bilateral and multilateral aid.

In applying human rights considerations to bilateral relationships we are employing internationally accepted human rights standards and we are seeking new measures of multilateral implementation in the United Nations and regional organizations.

Our new emphasis on human rights will not interfere with strategic arms control negotiations because in these and other urgent matters there is an overriding self-interest on both sides in reaching agreement.

3. The first priority in U.S. foreign policy must be the relationships with our friends and allies in Europe, North America and Japan.

It was no accident that Vice President Mondale's trip to Europe and Japan took place immediately after the inauguration and that the first heads of state that the President met were those of Canada and Mexico.

Our relations with these key areas of world influence and leadership have first priority in the Administration's policy. We regard our East-West relations and the North-South dialogue as essential elements of policy that will also be actively pursued. Nevertheless, it is upon the well-being of the industrialized democracies that all else depends.

These industrialized democracies are the vital center of the world's economy, technology, military strength, and commitment to freedom. It is from them that the world's leadership must come. If progress is to be made on the major global problems facing us, it can only be made through the close cooperation of these countries.

That is why the Carter Administration gives such full support to progress in the European Community, to strengthening NATO, and to increasing the effectiveness of the OECD.

The Carter Administration is deeply conscious that allied cooperation is also a prerequisite for the pursuit of an easing of tensions—both in global trouble spots and with Eastern Europe. President Carter and Secretary Vance see continuing consultations with our allies, at all levels, as an integral part of our foreign policy.

We do not want consultations with our allies on our various initiatives in SALT, the Middle East, and Southern Africa to be simply after-the-fact briefing sessions. They must be genuine consultations in which the interests of our allies are taken into account in the formulation of American policies—and vice-versa.

The purpose of Vice President Mondale's trip to Europe and Japan in the first days of the Administration was to convey the President's intention to work closely with our friends. Secretary Vance met with the NATO Council on our SALT proposals before he went to Moscow. The allies were also fully briefed following Secretary Vance's return from Moscow.

Responsible officials who have been engaged in our efforts in the Middle East and Southern Africa have periodically met with our allies to discuss our initiatives and to invite allied comment.

In this spirit, the President has announced his intention to attend the two important meetings scheduled for May—the London Summit and the Ministerial Meeting of the NATO countries.

These conferences will be a test of our common resolve to accomplish a number of vital tasks:

To undertake mutually-reinforcing measures toward accelerating growth and slowing inflation;

To strengthen our cooperative action in international trade and finance;

To respond creatively on urgent global problems such as economic development and nuclear proliferation;

And to strengthen Western defenses in the face of the build-up of Warsaw Pact military forces.

4. U.S. foreign policy must seek a detente relationship with the Soviet Union that is both more comprehensive and more reciprocal.

A peaceful, stable, and cooperative relationship with the Soviet Union is an essential goal of our foreign policy. We seek to restrain military competition between East and West, encourage responsible behavior toward crisis areas and enlist Soviet cooperation in international efforts to deal with global issues.

Our relations with the Soviet Union have both competitive and cooperative elements. We have no illusions that we can suddenly eliminate the competitive aspects of the relationship or transform the Soviet system. We will try to expand areas of cooperation wherever possible, but we will not shrink from differing with the Soviet Union when necessary.

President Carter has called for a detente relationship that is both more comprehensive and more reciprocal.

Detent must be more comprehensive in the sense that it cannot be solely a bilateral relationship but must involve the behavior of both the US and USSR toward the rest of the world. There must be basic ground rules limiting Soviet and US intervention in third countries.

The Soviet Union must be persuaded to accept the principle that one country can not impose its own social system upon another through direct military intervention or through the use of a client state's military force—as with the Cuban military intervention in Angola.

Moreover, the Soviet Union must be encouraged to play its full part in dealing with global problems such as the non-proliferation of nuclear weapons, conventional arms transfers, and the economic development of developing countries.

Detente must be more reciprocal in the sense that the West must get as much as it gives. If the USSR wants continued access to Western food, technology and credits, it should be willing to provide an adequate quid pro quo. It must, for example, be willing to play a responsible role in a system of international food security, stabilizing its purchases and holding stocks of its own rather than disrupting world price stability by buying massively when its own crops fall short. It must also be willing to provide essential information on its harvests, stocks, and food needs.

5. U.S. foreign policy must be more responsive to the legitimate aspirations of the peoples of the developing world.

Clearly a major issue in foreign policy today is the economic development of the more than 100 countries which are in the process of development. And there is the directly related problem of the relationship between these developing countries and the developed world. This is the heart of the North-South dialogue.

This problem cannot simply be measured by comparing per capita GNP among countries. The problem is far more complex. Indeed, it must take into account the disparity in income that exists in many of the developing countries themselves. President Carter emphasized this point in his election campaign when he said: "We are not interested in taxing the poor people in the rich countries for the benefit of the rich people in the poor countries."

What we seek are arrangements which will have a direct impact on poverty and productivity in the developing countries. The aim of the Carter Administration is to assist the poorest people in meeting their basic human needs in such areas as food and nutrition; health—including family planning services; education and skills; and productive jobs.

The policies of the Administration aim to make the poor more productive rather than simply supporting them in the limbo of welfare programs. This is a central theme of our economic policies both at home and abroad.

In the economic development process, the Administration believes the international financial institutions must play a key role. These institutions have achieved a high level of technical competence as well as of freedom from political influence.

President Carter's commitment to international development is reflected in his recent proposal for a $1.5 billion increase in development assistance for the coming year. This proposal was politically courageous, since it was taken in the face not only of the general lack of enthusiasm for foreign aid—and the lack of a strong pressure group to support it—but also in the context of very strenuous efforts by the Administration to limit the growth in government expenditures.

Beyond the question of the forms and purposes of foreign assistance lie a host of vital issues affecting the developing countries which are now under discussion in several multilateral institutions. We believe that this North-South dialogue, like the East-West dialogue, must be a two-way street. We should emphasize those issues where all countries can derive benefit.

While we seek to assist the developing countries, we will also expect them to undertake certain obligations. Negotiations on a new international economic order will not lead to desired results unless the developing countries move toward a new internal economic order that rewards productivity, uses capital and human resources effectively, and reduces inequalities of opportunity.

These various efforts to assist the developing countries will come to naught if they are not undertaken in the context of an open international trading system. We have extended duty-free treatment to many products from the developing countries, and we have offered substantial trade concessions to these countries on goods of primary interest to them in the present round of trade negotiations.

It is essential that the United States, Western Europe and Japan all do their fair share to absorb the agricultural and manufactured exports of the developing world. In declining to adopt the restrictive recommendations on shoes recently put to him by the U.S. International Trade Commission, President Carter demonstrated his commitment to maintain an essentially liberal trade policy in the face of domestic demands for protection.

6. U.S. foreign policy must focus more urgently on controlling the arms race and seeking genuine disarmament.

These are, in fact, three separate arms races:

The competition in nuclear arsenals between the U.S. and the U.S.S.R.,

The proliferation of nuclear weapons to those countries that do not now have them, and

The flow of conventional weapons to the trouble spots of the globe.

In order to halt the nuclear competition, President Carter seeks a more comprehensive and more reciprocal arms limitation and reduction agreement with the Soviet Union than we now have. SALT I was a useful step and opened the door to further cooperation between the two countries in arms control. But the Vladivostok accord set numerical ceilings that were much too high—2,400 strategic delivery vehicles, of which 1,320 could be MIRVed—and set no meaningful limits on qualitative improvements.

Vladivostok, to be frank, was just a framework for continued arms competition. By building up to its ceilings and continuing to substitute new, more dangerous and more destructive weapons for old ones, we and the Soviet Union could spend a total of $500 billion on additional armaments between now and the year 2000 and both end up less secure than we are now. Needless to say, both countries would be better off spending that money on pressing domestic and international human needs.

Our proposals in Moscow were designed to accomplish two basic purposes:

To give both sides the political and the

strategic parity to which each of them is entitled, and

To seek an agreement which would provide to both sides political and strategic stability.

We are trying to move toward genuine disarmament. We want to achieve a stable balance of strategic forces at the lowest possible level. We therefore proposed a comprehensive disarmament agreement, reducing delivery vehicles on both sides to 1,800–2,000 and MIRVed vehicles to 1,100–1,200, with significant limitations on the development of new weapons systems.

As you know, SALT I expires in October. Secretary Vance's trip to Moscow was the opening move in negotiations to reach a second SALT accord which we expect to accomplish before the deadline. We believe the Soviet Union will gradually come to accept the comprehensive approach to arms reduction as a basis for negotiations in the same way that Brezhnev eventually accepted the ban on defensive missiles proposed to him in 1968.

While this is our primary objective, we also indicated to the Soviet Union that if it could not accept a comprehensive accord immediately we would be willing to accept an agreement on the basis of the Vladivostok accord, leaving to one side the disputed questions of the Backfire bomber and the cruise missile.

Because our nuclear arms proposal had clear political as well as strategic goals in view, it was accompanied by a series of other proposals designed to place the American-Soviet relationship on a more stable basis. These included:

A comprehensive ban on nuclear testing;

The desirability of achieving mutual restraint in regard to our respective military presence in the Indian Ocean;

Mutual restraint on conventional arms transfers to third parties;

Controls on anti-satellite capabilities; and

Meetings on non-proliferation.

In my view, it is clearly wrong to regard the Moscow negotiations as a failure. What we are trying to achieve is vitally important and very ambitious. The negotiations will continue. Cautious optimism is in order because both sides have a clear interest in a successful outcome.

The danger to world peace from the second arms race, i.e., the spread of nuclear weapons, is no les serious than that stemming from the US–USSR nuclear weapons competition. The more countries that possess nuclear weapons the greater is the risk that nuclear warfare might erupt in local conflicts which could trigger a major nuclear war.

The Non-Proliferation Treaty was an important move toward containing the diffusion of atomic weapons, but we must go further. The international community needs to take measures to limit, not just the spread of nuclear weapons, but the spread of nuclear weapons capabilities.

The United States is particularly concerned about the spread of sensitive technologies which entail direct access to plutonium, highly enriched uranium or other weapons grade material. By 1990, the developing nations alone will produce enough plutonium in their reactors to build 3,000 Hiroshima-size bombs a year.

It is absolutely essential, in the opinion of the Carter Administration, to halt the export of enrichment and reprocessing plants, which represent a world-wide security risk. Unlike nuclear reactors, such sensitive nuclear facilities provide nations with direct access to nuclear weapons material. They also represent a target of opportunity for criminals and terrorist groups.

On the other hand, the President recognizes that the energy needs of the non-nuclear weapons states must be taken into account. We will therefore seek new international arrangements to limit the spread of weapons-grade material while making peaceful nuclear power benefits available to the non-nuclear weapons states under an international safeguard system.

Specifically, the President has recently decided that:

We will defer indefinitely the commercial reprocessing and recycling of plutonium in the United States. The plant at Barnwell, South Carolina, will receive neither Federal encouragement nor funding for its completion as a reprocessing facility.

We will restructure the U.S. breeder reactor program to give greater priority to alternative, less dangerous designs of the breeder (for example, the thorium breeder instead of the plutonium breeder) and we will defer the date when breeder reactors will be put into commercial use.

We will redirect funding of U.S. nuclear research to accelerate our research into alternative nuclear fuel cycles which do not involve direct access to materials usable in nuclear weapons.

We will increase U.S. production capacity for enriched uranium to provide adequate and timely supply of nuclear fuels for domestic and foreign needs.

We will propose the necessary legislative steps to permit the U.S. to offer nuclear fuel supply contracts and guarantee delivery of such nuclear fuel to other countries.

We will continue to embargo the export of equipment or technology that would permit uranium enrichment and plutonium processing.

We will explore new measures of international cooperation, including international study of safer, alternative nuclear fuel cycles, as well as international agreements to assure guaranteed access to nuclear fuel supplies and spent fuel storage facilities.

Our purpose in this program is not to gain commercial advantages or to disrupt the efforts of our friend and allies to deal effectively with their energy problems. Our purpose is rather to prevent additional countries from gaining access to weapons-grade material while assuring that all countries are given an opportunity to meet their energy needs.

In considering the third arms race—the transfer of conventional arms throughout the world—we Americans must first recognize our own responsibilities. Between 1968 and 1975 U.S. arms transfers rose from $1 billion to over $11 billion per year. We are now the largest seller of arms in the world. Obviously continued military support to our allies is necessary. Some arms sales to certain friendly countries cannot be precluded without damage to our relations with these countries and to our non-proliferation objectives. But excessive military transfers to third world countries fuel regional arms races and divert essential resources from urgent development needs.

There is another aspect to the conventional arms race that presents serious threats to international security. Many of these mobility and high destructive capability. Their proliferation increases the likelihood that they will fall into the hands of terrorists. There they bring a new dimension of instability and menace to private and public security that no civilized society is prepared to accept.

To implement new restraints in U.S. arms sales, the President has established the policy that each transfer will be undertaken only when it clearly promotes U.S. national security. We will not make arms sales solely for commercial or balance of payments reasons.

The President recognizes, however, that unilateral restraint on our part will not solve the problem and we will be talking to the Soviet Union, as I noted earlier, and our allies to seek a common approach to the reduction of conventional arms transfers.

7. U.S. foreign policy should emphasize the building of international institutions needed for the solution of global problems.

Today, more than ever, it is clear that the national security of countries requires stronger international agencies to perform vital functions that no nation can perform alone—conducting international peacemaking and peacekeeping missions, promoting international trade and investment programs, protecting the global environment, assuring a rule of law for the oceans, implementing world-wide human rights standards and combatting international terrorism.

In none of these areas has the United Nations lived up to all our expectations, and in some of them it has performed poorly. But in some it has clearly helped to make the world a better place. And let us remember that the UN can only do what its members want it to do—its frustrations mirror the frustrations of a badly divided world.

In recent years the United States and many of our allies in the developed world have had ambivalent feelings toward the United Nations. Certainly few advanced industrial democracies have made the strengthening of global institutions an important element of their foreign policies.

President Carter believes the time has come to change this state of affairs. It is no accident that he has made his Ambassador to the UN an important part of the foreign policy-making process or that his first foreign policy address was made before the United Nations.

During his primary campaign President Carter promised to supplement "balance of power politics" with "world order politics." This means taking such measures as the following:

Trying to end the past diplomatic isolation of the United States in multilateral forums by consulting more closely with friendly nations.

Relating bilateral diplomacy more closely to multilateral diplomacy so that other countries will know the importance the United States attaches to their behavior in the UN and other international agencies.

Working harder to take positions of principle and comply with our legal obligations (e.g., President Carter pressed successfully for repeal of the Byrd Amendment which had put us in violation of the Security Council's embargo on trade with Rhodesia).

Joining with others to reform and restructure the United Nations system so that it can serve its members more effectively.

Having served as the U.S. member of the Group of Experts on UN Restructuring appointed by Secretary-General Waldheim I confess to having a particular interest in this last point. One central aspect of UN reform should be greater emphasis on consultative procedures to encourage consensus rather than meaningless voting on contested issues.

I have attempted to summarize seven elements of special emphasis in the foreign policy of President Carter. But, you may ask, is there some unifying theme that explains the emphasis on these seven elements and that distinguishes the Carter Administration's foreign policy from that of its predecessors?

I believe that there is such a theme—and that it can be defined as a special concern for the interests of future generations.

The political leaders of all nations, whether they work within four to seven year election cycles or five year plans, are under enormous pressures to deliver short-term benefits to their peoples while passing on the costs to future generations. But as all our countries have learned, shortsighted policies today can lead to insuperable problems tomorrow. Many of our difficulties today stem from yesterday's errors and omissions.

It is understandable that a political leader should try to avoid addressing hard problems and pass these on to his successors. It is always more difficult to deal with a problem

than to shove it under the rug. But for most of the vital issues facing our countries today, there is no room left under the rug.

Obviously no political leader can be expected to disregard the claims of the present in favor of those of the future, but there must be a reasonable balance of intergenerational responsibility.

The lead times between action and result are now so long—the future consequences of current mistakes are now so great—that responsible leaders must take decisions within a framework of planning for ten, twenty or even thirty years.

Whether we like it or not, the world of the twenty-first century in which our children and our children's children will live is being shaped irrevocably by what we do or fail to do today. This is true whether the issue is "domestic" (the crisis of the cities, the environment, public education) or "international" (the arms race, world economic development, the energy crisis, or the strengthening of international institutions).

It is this desire to balance the legitimate claims of the future with those of the present, in my view, that helps explain President Carter's special emphasis on the seven themes I have discussed with you today. Some of these themes, to be sure, may complicate our relations with other governments. Our stress on human rights and non-proliferation of dangerous nuclear technology may have already done so.

But I would remind you that the aim of foreign policy is not to minimize disagreement with other governments at any cost. The fundamental aim, as President Carter has emphasized, is to build a world "more responsive to human aspirations." This means, at a minimum, a world of peace and security, of justice and human rights, of economic and social progress.

Such a world will not be achieved by traditional methods, which have brought us into the grave difficulties in which we find ourselves today. The hour is now too late for politics as usual, for business as usual, or for diplomacy as usual. As President Carter said during his campaign, an alliance for survival is now required, transcending regions and ideologies, if we are to assure mankind a safe passage to the twenty-first century.

Two hunderd years ago the American founding fathers spoke in our Declaration of Independence of "a decent respect to the opinions of mankind." President Carter now adds another dimension to that moral imperative—a decent respect for the interests of future generations.

In suggesting this theme to you today, I do not imply any claim to American moral superiority. What I do imply is that the United States, favored by history and nature with a greater ability than most countries to take the long view, does have a special responsibility.

In any event, I do believe the unifying theme I have identified explains much of what President Carter has done in his first ninety days. It is a theme that is not unworthy of our country as it embarks upon the third century of its history.

COMMEMORATING THE 37TH ANNIVERSARY OF THE OCCUPATION OF LITHUANIA BY THE SOVIET UNION

Mr. BROOKE. Mr. President, in June 1940, elements of the Soviet Army crossed the border of Lithuania and illegally occupied that country. Today marks the 37th anniversary of that invasion. In union with Lithuanians throughout the free world, I ask that we remember the thousands of patriots, living and dead, who deeply love their Lithuanian homeland.

The nationalist struggle against the Soviets which claimed the lives of 30,000 Lithuanian patriots at the close of World War II is a vivid memory, as is the deportation of 300,000 Lithuanians to exile in Siberia. And the struggle for national and personal freedom continues in the hearts of the Lithuanian people. Their deep yearning for freedom is presently manifested in courageous calls for Soviet compliance with the Helsinki agreements. Though harassed and persecuted by the government, courageous editors of "underground journals" and other Lithuanian intellectuals have boldly challenged Soviet authorities. Many have joined together to monitor Soviet compliance with the spirit and letter of the Helsinki agreements regarding freedom of movement of peoples and ideas across borders. Together with a similar body established in Moscow in May 1976, these dissidents by their actions in face of growing Soviet repression have called attention to the continued Kremlin denial of basic human rights to so many of the peoples ruled by Moscow. Their courage and determination are brilliant testimony to the indomitable spirit of human freedom.

The people of Lithuania have lost more than just their political freedom—they have suffered religious persecution, the debasement of their ancient culture, and the dissolution of their native tongue. It is hard for us who stand in this Chamber, who enjoy daily the rights which many Lithuanians have never known, to realize that there is a point beyond which the demoralization of a people becomes irreparable. Such, however, is always the danger in Lithuania. As a freedom-loving people, we are compelled, at a minimum, to voice our opposition to the new wave of Kremlin intimidation of Lithuanians seeking greater respect for basic freedoms and national ideals.

Mr. President, let us all hope and pray together for the day when the Lithuanian people, and all peoples, can breathe the clean fresh air of freedom for which they yearn.

OUR NATIONAL ENERGY CONSERVATION EFFORTS

Mr. LEAHY. Mr. President, we are now at a crucial crossroads in the making of our National energy policy. I am reminded of the TV commercial in recent months extolling the virtues of a particular oil filter. The gist of the message is that dirty engine oil can lead to expensive engine repairs.

The punch line of the commercial is "You can pay me now—or pay me later."

The same message can be applied to our national energy conservation efforts.

In the 3 years since the 1973 embargo, our petroleum imports have actually increased from 33 percent of total consumption to 42 percent, and are still rising. Domestic oil production has fallen to 8 million barrels a day, its lowest level in 10 years. And as the commercial says, sooner or later we are doing to have to pay the piper.

What are we going to do about it?

First, we must recognize that the problem will not go away, but will be with us for decades to come.

Second, we must commit ourselves to serious energy conservation now.

Third, we must begin to develop alternative, renewable energy sources that will not be subject to the whims of a foreign government, or pollute our air, or require a faustian bargain that could haunt future generations. Wind power should be one of the prime candidates.

As far back as 1951, only a few years after the ill-fated experience at Grandpa's Knob in Vermont, representatives of the Federal Power Commission and the Interior Department backed a scheme to develop large scale windpower. They argued even then that the expolitation of wind energy was vital to energy conservation.

It is unfortunate that the idea died for lack of enthusiasm, and the belief that cheap atomic power was just around the corner.

The experience at Grandpa's Knob did prove, however, that wind power could work on a large scale. That wind generator, which remains the largest ever built, was able to feed more than 1,200 kilowatts of electric power into the lines of the Central Vermont Public Service Co. But the experience also proved that much is still needed to make wind energy a viable energy alternative.

Mr. President, I am happy and proud to report that wind power is still very much alive and well in Vermont. Thanks to the efforts of an industrial arts teacher, his students and a supportive principal, a working windmill will soon appear on the roof of Richford High School. The students designed and built the wind generator themselves, and plan to use it to generate electricity for the school's biology laboratory.

Mr. President, I ask unanimous consent that a copy of an article from the Burlington Free Press describing this unique project be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOL TO TRY STUDENT-BUILT WINDMILL; SOLAR POWER NEXT

(By Linda Collins)

RICHFORD.—Very shortly, a windmill will appear on the Richford high school roof. A working one, at that.

Industrial art students, under the direction of their teacher, Blair Smith, have constructed a windmill that will generate electricity for the biology laboratory.

"We hope to use the generator in the biology lab to power aquariums and heaters and next year we hope to get into some solar heat," said Principal Carroll Hull. "The purpose of the project is to get the people and the students to accept that this could be a feasible type of energy source in certain areas."

The 13-foot-high generator has 14-foot spruce blades attached by a three-quarter-inch bolt to the differential of an automobile transmission and uses an automobile alternator.

Smith said on a windy day the blades go too fast.

"It's too big a blade for such a small alternator," he said. "We are planning to replace the alternator with a three-horsepower motor that can be rewound and made into a generator."

Plans are to put the windmill on the top of the school after it has been on display for a few days.

Students have designed other wind generators on a smaller scale and with different blade designs. Smith said students have been working on aspects of wind power all year.

"We went on a field trip to Phillip Ploof's in Georgia," Smith said. Ploof works with wind generators and when the students got back, they drew up blueprints and tried to design one after his, Smith said. Students Jim Comings, Joel Clark and Debbie Gross drew up a lot of the original plans and the rest of the class improved on them during the year, according to Smith.

Seventh graders Daniel O'Connell and Mark Fournier made a generator with airfoil blades.

"There are four blades on a bicycle hub," O'Connell said, "and when the wind is strong, a kickoff mechanism stops the air flow and slows it down."

The approximate cost of the generator was $700.

THIRTY TONS OF PAPER TO HANDLE JUST ONE FEDERAL CONTRACT?

Mr. HELMS. Mr. President, I would like to share with my colleagues a thoughtful memorandum which I received sometime back from a very fine lady from my State, Mrs. Murray Hollyday of Asheville. She makes the interesting point—one that is frequently overlooked here in Congress—that unnecessary Federal regulations are in part responsible for today's energy shortages.

Consider, for example, the demands that are placed on our paper supply because of bureaucratic paperwork. We do not know for certain exactly how much paper is wasted every day to satisfy the whims of the many Federal agencies, but we do know that these requirements are a substantial drain on our natural resources.

In this regard, Mrs. Hollyday, who is a member of the Buncombe County, N.C., Board of Social Services, makes a persuasive case for a more efficient use of our time and energy. I ask unanimous consent that her memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

To: Senator JESSE HELMS.
From: Mrs. Murray Hollyday.
Date: May 6, 1977.

MEMORANDUM

We have just seen the budget for our department. Our county has a population of approximately 157,000 people. Our total budget is $12,427,166 of which $6,831,990 is for Medicaid This total budget does not include our Food Stamp Program.

In addition to the budget, we have also been privileged to vote in Title XX Contracts. We were given seven contracts to consider. These contracts weighed in on our postage scale at two pounds, six ounces! There are five members on our board, each one gets a copy (we will forget the many other copies produced for our office and the Regional and State offices). Now, let's consider this—five members in our county and there are 100 counties in North Carolina. If you multiply the weight by 500 members, you get approximately 1,187 pounds of contracts for North Carolina. Multiply that by fifty states and you have almost thirty tons of paper for seven Title XX Contracts.

I would like to suggest to the President, House and Senate that there is reason for concern over energy shortages, inasmuch as they may be creating the shortage by the use of paper alone. Begin with the tree in the forest (which might interest the environmentalists). It must be cut down with a gasoline powered saw, hauled out with a gasoline powered truck to a pulp plant which would probably use electricity and natural gas, then from there to who knows where? I believe that if we would dispense with several of the Title Programs we would perhaps feel the impact as the shortage of fuel improved instantly.

WALKABOUT

Mr. HUMPHREY. Mr. President, in Australia the "walkabout" is a rite of passage from adolescence to adulthood. It has been practiced for centuries by the aborigines who inhabit the semi-desert wilderness of Australia's outback.

At age 16 many aborigine boys are sent into the wilderness alone—to undergo an endurance test lasting 6 months. During the course of his walkabout, the emergent adult must build his own shelters, find and prepare his food, maintain both his physical and mental health, and cope with the dangers of a hostile environment. In short, the walkabout is a period of testing under real-life conditions.

Maurice Gibbons, a professor of education at Simon Fraser University in Burnaby, British Columbia, has written a fascinating article on the prospects of adopting this rite, with great modifications, for young people in this part of the world.

For the young person who has just finished the 12th grade, Dr. Gibbons suggests that a graduation ceremony in the "walkabout" mode might include demonstrations of competence in five basic challenge categories: adventure, creativity, service, practical skill, and logical inquiry.

Examples of the experiences providing these challenges to young people could include volunteer work with the old, ill, infirmed or retarded; sailing adventures and other expeditions; a conservation program to save a locally endangered species; or stock market trend analyses.

Mr. President, I ask unanimous consent that the article, which appeared in the May 1974 issue of the Phi Delta Kappan, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WALKABOUT: SEARCHING FOR THE RIGHT PASSAGE FROM CHILDHOOD AND SCHOOL

(By Maurice Gibbons)

A year ago I saw an Australian film called *Walkabout* which was so provocative—and evocative—I am still rerunning scenes from it in my mind. In the movie, two children escape into the desert-like wilderness of the outback when their father, driven mad by failure in business, attempts to kill them. Within hours they are exhausted, lost, and helpless. Inappropriately dressed in private school uniforms, unable to find food or protection from the blazing heat, and with no hope of finding their way back, they seem certain to die. At the last moment they are found and cared for by a young aborigine, a native Australian boy on his walkabout, a six-months-long endurance test during which he must survive alone in the wilderness and return to his tribe an adult, or die in the attempt. In contrast to the city children, he moves through the forbidding wilderness as if it were part of his village. He survives not only with skill but with grace and pride as well, whether stalking kangaroo in a beautiful but deadly ballet, seeking out the subtle signs of direction, or merely standing watch. He not only endures, he merges with the land, and he enjoys. When they arrive at the edge of civilization, the aborigine offers—in a ritual dance—to share his life with the white girl and boy he has befriended, but they finally leave him and the outback to return home. The closing scenes show them immersed again in the conventions of suburban life, but dreaming of their adventure, their fragment of a walkabout.

The movie is a haunting work of art. It is also a haunting comment on education. What I find most provocative is the stark contrast between the aborigine's walkabout experience and the test of an adolescent's readiness for adulthood in our own society. The young native faces a severe but extremely appropriate trial, one in which he must demonstrate the knowledge and skills necessary to make him a contributor to the tribe rather than a drain on its meager resources. By contrast, the young North American is faced with written examinations that test skills very far removed from the actual experience he will have in real life. He writes; he does not act. He solves familiar theoretical problems; he does not apply what he knows in strange but real situations. He is under direction in a protected environment to the end; he does not go out into the world to demonstrate that he is prepared to survive in, and contribute to, our society. His preparation is primarily for the mastery of content and skills in the disciplines and has little to do with reaching maturity, achieving adulthood, or developing fully as a person.

The isolation involved in the walkabout is also in sharp contrast to experience in our school system. In an extended period of solitude at a crucial stage of his development, the aborigine is confronted with a challenge not only to his competence, but also to his inner or spiritual resources. For his Western counterpart, however, school is always a crowd experience. Seldom separated from his class, friends, or family, he has little opportunity to confront his anxieties, explore his inner resources, and come to terms with the world and his future in it. Certainly, he receives little or no training in how to deal with such issues. There are other contrasts, too, at least between the Australian boy and the urban children in the movie: his heightened sensory perception, instinct, and intuition, senses which seem numbed in them; his genuine, open, and emphathic response toward them in saving their lives, and their inability to finally overcome their suspicions and defensive self-interest to save his. And above all there is his love and respect for the land even as he takes from it what he needs; and the willful destruction of animals and landscape which he observes in disbelief during his brushes with civilization.

Imagine for a moment two children, a young native looking ahead to his walkabout and a young North American looking ahead to grade 12 as the culminating experiences of all their basic preparation for adult life. The young native can clearly see that his life will depend on the skills he is learning and that after the walkabout his survival and his place in the community will depend upon them, too. What meaning and relevance such a goal must give to learning! What a contrast if he were preparing to write a test on survival techniques in the outback or the history of aboriginal weaponry. The native's Western counterpart looks forward to such abstractions as subjects and tests sucked dry

of the richness of experience, in the end having little to do directly with anything critical or even significant that he anticipates being involved in as an adult—except the pursuit of more formal education. And yet, is it not clear that what will matter to him—and to his community—is not his test-writing ability or even what he knows about, but what he feels, what he stands for, what he can do and will do, and what he is becoming as a person? And if the clear performative goal of the walkabout makes learning more significant, think of the effect it must have on the attitude and performance of the young person's parents and instructors, knowing that their skill and devotion will also be put to the ultimate test when the boy goes out on his own. What an effect such accountability could have on our concept of schooling and on parents' involvement in it!

For another moment, imagine these same two children reaching the ceremonies which culminate their basic preparation and celebrate their successful passage from childhood to adulthood, from school student to work and responsible community membership. When the aborigine returns, his readiness and worth have been clearly demonstrated to him and to his tribe. They need him. He is their hope for the future.

It is a moment worth celebrating. What, I wonder, would an alien humanoid conclude about adulthood in our society if he had to make his deductions from a graduation ceremony announcing students' maturity: speeches, a parade of candidates—with readings from their yearbook descriptions—a formal dinner, expensive clothes and cars, graduates over here, adults over there, all-night parties, occasional drunkenness and sexual experience or flirtation with it, and spray-painting "Grad '74" on a bridge or building. For many it is a memorable occasion—a pageant for parents, a good time for the students. But what is the message in this celebration at this most important moment of school life and in this most important shared community experience? What values does it promote? What is it saying about 12 years of school experience? The achievement of what goals is being celebrated? What is it teaching about adulthood? How is it contributing to a sense of community? What pleasures and sources of challenge and fulfillment does it encourage the young to pursue? And if our alien humanoid could look into the students' deepest thoughts, what would he conclude about their sense of readiness to live full and independent lives, to direct their own growth, to contribute to society, and to deal with the issues that confront us as a world—perhaps a universe—citizenry? I think his unprejudiced conclusions would horrify us.

In my opinion, the walkabout could be a very useful model to guide us in redesigning our own rites of passage. It provides a powerful focus during training, a challenging demonstration of necessary competence, a profound maturing experience, and an enrichment of community life. By comparison, preparation and trial in our society are incomplete, abstract, and impersonal; and graduation is little more than a party celebrating the end of school. I am not concluding that our students should be sent into the desert, the wilderness, or the Arctic for six months—even though military service, Outward Bound, and such organizations as the Boy Scouts do feature wilderness living and survival training. What is appropriate for a primitive subsistence society is not likely appropriate for one as complex and technically sophisticated as ours. But the walkabout is a useful analogy, a way of making the familiar strange so we can examine our practices with fresh eyes. And it raises the question I find fascinating: *What would an appropriate and challenging walkabout for students in our society be like?* Let me restate the problem more specifically. What sensibilities, knowledge, attitudes, and competencies are necessary for a full and productive adult life? What kinds of experience will have the power to focus our children's energy on achieving these goals? And what kind of performance will demonstrate to the student, the school, and the community that the goals have been achieved?

The walkabout model suggests that our solution to this problem must measure up to a number of criteria. First of all, it should be experiential and the experience should be real rather than simulated; not knowledge about aerodynamics and aircraft, not passing the link-trainer test, but the experience of solo flight in which the mastery of relevant abstract knowledge and skills is manifest in the performance. Second, it should be a challenge which extends the capacities of the student as fully as possible, urging him to consider every limitation he perceives in himself as a barrier to be broken through; not a goal which is easily accessible, such as playing an instrument he already plays competently, but a risky goal which calls for a major extension of his talent, such as earning a chair in the junior symphony or a gig at a reputable discotheque. Third, it should be a challenge the student chooses for himself. As Margaret Mead has often pointed out—in *Growing Up in Samoa*, for instance—the major challenge for young people in our society is making decisions. In primitive societies there are few choices; in technological societies like ours there is a bewildering array of alternatives in life-style, work, politics, possessions, recreation, dress, relationships, environment, and so on. Success in our lives depends on the ability to make appropriate choices. Yet, in most schools, students make few decisions of any importance and receive no training in decision making or in the implementation and reassessment cycle which constitutes the basic growth pattern. Too often, graduation cuts them loose to muddle through for themselves. In this walkabout model, teachers and parents may help, but in the Rogerian style—by facilitating the student's decision making, not by making the decisions for him. The test of the walkabout, and of life, is not what he can do under a teacher's direction, but what the teacher has enabled him to decide and to do on his own.

In addition, the trial should be an important learning experience in itself. It should involve not only the demonstration of the student's knowledge, skill, and achievement, but also a significant confrontation with himself; his awareness, his adaptability to situations, his competence, and his nature as a person. Finally, the trial and ceremony should be appropriate, appropriate not as a test of the schooling which has gone before, but as a transition from school learning to the life which will follow afterwards. And the completion of the walkabout should bring together parents, teachers, friends, and others to share the moment with him, to confirm his achievement, and to consolidate the spirit of community in which he is a member. Keeping these features of the walkabout analogy in mind, let us now ask the question, What might a graduation ceremony in this mode be like in a North American high school?

The time is September. The place, a school classroom somewhere in the Pacific Northwest. Margaret, a student who has just finished grade 12, is making a multimedia presentation to a number of relatives, over 20 of her classmates, several friends from other schools, some teachers, the mayor, and two reporters she worked with during the year. Watching intently are a number of younger students already thinking about their own walkabouts. Margaret has been thinking about this moment since grade 8 and working on her activities seriously since the night the principal met with all the grade 10 students and their parents to outline and discuss the challenges. Afterwards she and her mother sat up talking about her plans until early morning. She is beginning with the first category, *Adventure*, which involves a challenge to her daring and endurance. The film and slides Margaret is showing trace her trip through the Rockies following the path of Lewis and Clark in their exploration of the Northwest. Her own journal and maps are on display along with a number of objects—arrowheads and the like—which she found enroute. The names of her five companions—he is required to cooperate with a team in at least one, but no more than two, of the five categories—are on display. In one corner of the room she has arranged a set of bedroom furniture—a loft-desk-library module, a rocking chair, and a coffee-table treasure-chest—designed, built, and decorated as her work in the *Creative-Aesthetic field*. On the walls are photographs and charts showing pollution rates of local industries which she recorded during the summer and used in a report to the Community Council. The three newspaper articles about the resulting campaign against pollution-law violators, and her part in it, are also displayed to give proof that she has completed the third category, *Community Service*.

Margaret, like many of the other students, engaged in a *Logical Inquiry* which related closely to her practical work. Her question was, What structural design and composition has the best ratios of strength, ease of construction, and economy of materials? Using charts of the various designs and ratios, she describes her research and the simple experiment she developed to test her findings, and she demonstrates the effectiveness of the preferred design by performing pressure tests on several models built from the same material. After answering a few questions from a builder in the crowd, she shows how the problem grew out of her studies in architecture for the *Practical-Vocational* category. Passing her sketch books around and several summer-cabin designs she drew up, she goes on to describe her visits to a number of architects for assistance, then unveils a model of the summer camp she designed for her family and helped them build on their Pacific Coast property. Slides of the cabin under construction complete her presentation. A teacher asks why she is not performing any of the skills she developed, as the challenge requires, and she answers that her committee waived that requirement because the activities she chose all occurred in the field.

As Margaret's friends and relatives gather around to congratulate her, down the hall Ken is beginning his presentation with a report on his two-month *Adventure* alone in a remote village in France where he took a laboring job and lived with a French family in which no one spoke English. The idea arose during a discussion of his proposal to travel when the teacher on his committee asked him to think of a more daring challenge than sight-seeing in a foreign country. A professor in modern languages has been invited by the school to attend the presentations, converse with him in French, and comment in his mastery. Later, with his own guitar accompaniment, Ken will sing a medly of three folk songs which he has composed himself. Then, to meet the requirements of the *Community Service* category, he plans to report on the summer-care program which he initiated and ran, without pay, for preschool children in the community. The director of the local Child Health and Welfare Service will comment upon the program. Finally, Ken will turn to the car engine which stands, partially disassembled, on a bench at the back of the room. His *Logical Inquiry* into the problem, "What ways can the power output

of an engine be most economically increased?" is summarized in a brief paper to be handed out and illustrated with modifications he has made on the display engine with the help of a local mechanic and a shop teacher. He will conclude his presentation by reassembling the engine as quickly as he can.

If we entered any room anywhere in the school, similar presentations would be underway; students displaying all kinds of alternatives they selected to meet the five basic challenges:

1. *Adventure:* a challenge to the student's daring, endurance, and skill in an unfamiliar environment.

2. *Creativity:* a challenge to explore, cultivate, and express his own imagination in some aesthetically pleasing form.

3. *Service:* a challenge to identify a human need for assistance and provide it; to express caring without expectation of reward.

4. *Practical Skill:* a challenge to explore a utilitarian activity; to learn the knowledge and skills necessary to work in that field, and to produce something of use.

5. *Logical Inquiry:* a challenge to explore one's curiosity, to formulate a question or problem of personal importance, and to pursue an answer or solution systematically and, wherever appropriate, by investigation.

We should learn about such *Adventures* as a two-week solo on the high river living off the land, parachute drops, rock climbing expeditions, mapping underground caves, an exchange with a Russian student, kayaking a grade three river to the ocean, scuba-diving, exploits, sailing ventures, solo airplane, and glider flights, ski-touring across glaciers, a month-long expedition on the Pacific Crest trail, and some forms of self-exploratory, meditative, or spiritual adventures.

We would see such *Aesthetic* works as fashion shows of the students' own creations, sculpture and painting, jewelry, tooled leather purses, anthologies of poetry, a humor magazine, plays written and directed by the author, a one-man mime show, political cartoons, a Japanese garden featuring a number of home-cultivated bonsai trees, rugs made of home-dyed fibers, illuminated manuscripts, gourmet foods, computer art, a rock-group and a string quartet, a car-body design and paint job, original films, a stand-up comic's art, tapes of natural-sound music, and a display of blown-glass creatures.

In the *Service* category students would be reporting on volunteer work with the old, ill, infirm, and retarded; a series of closed-circuit television hookups enabling children immobilized in the hospital to communicate with each other, a sports program for the handicapped, a Young Brother program for the retarded, local Nader's Raiders kinds of studies and reports, construction of playgrounds, hiking trails and landscaped parks, cleanups of eyesore lots, surveys of community needs and opinions, collecting abandoned cars to sell as scrap in order to support deprived families abroad, shopping and other trips for shutins, and a hot-meals-on-wheels program for pensioners. In the *Practical* realm we might see demonstrations of finely honed secretarial skills, ocean-floor plant studies, inventions and new designs of many kinds, the products of new small businesses, a conservation program to save locally endangered species, stock market trend analyses and estimates, boats designed and built for sale, a course taught by computer-assisted instruction, small farms or sections of farms developed and managed, a travel guidebook for high school students, a six-inch telescope with hand-ground lenses and a display of photographs taken through it, a repair service for gas furnaces and other home appliances and a collection of movie reviews written for the local suburban newspaper. And we would hear about *Logical Inquiries* into such questions as, How does a starfish bring about the regeneration of a lost arm? What does one experience when meditating that he doesn't experience just sitting with his eyes closed? What is the most effective technique in teaching a dog obedience? How do you navigate in space? Does faith-healing work, and if so, how? How many anomalies, such as the ancient Babylonian battery, are there in our history and how can they be explained? What folk and native arts and crafts have developed in this area? What are the 10 most important questions man asks but can't answer? What is insanity—where is the line that separates it from sanity? and, What natural means can I use to protect my crops most effectively from disease and insects? All day long such presentations occur throughout the school, each student with his own place and time, each demonstrating his unique accomplishment, each with an opportunity to be successful in his own way.

At the end of the day the families, their children, and their friends meet to celebrate this moment. The celebration takes a variety of forms: picnics, dinner at a restaurant, meals at home—some cooked by the graduating students—and buffets which all guests help to provide. In some instances two or three families join together. The ceremonies are equally varied, according to taste and imagination; some are religious, some raucous, some quite quietly together. In each the student is the center of the occasion. Parents and guests respond to the graduate's presentation. Teachers drop by to add their comments. And the student talks about his plans for the future. Some may find ways to announce the young person's entry into a new stage of independence and responsibility, helping him to clarify and pursue his next life goal. To conclude, there may be a school or community celebration to which all are invited for music, singing, and dancing. The only formal event would be a presentation of bound volumes of the student's reports on their accomplishments to the principal and mayor for the school and the community libraries. My own preference would be to include, also, some ritual experience of the family being together at the moment of its coming apart, or some shared experience of life's mystery; perhaps a midnight walk or coming together to watch the dawn—the world beginning again, beginning still.

Far-fetched? I don't think so. It is true that Margaret and Ken appear to be exceptional students. So many colleagues identified them as atypical that I almost added a Charlie and Lucy of much more modest accomplishment. But it seems to me that our expectations are conditioned by student performance in courses. In fact, we have no idea what they may be capable of when the same energy and ingenuity that has gone into our system for teaching them subjects is transformed into a system for supporting their own development of their own potential. How far they can and will go along any particular path they choose may be limited, over the years, only by their ability to conceive of it as possible and our ability to confirm it. Besides, we are concerned here as much with depth as with range, as much with the quality of the students' experience as with the manifest products of their effort. One experience of true caring for another without expectation of reward, one experience of breaking through the confines of one's own believed limitations, one mystery unraveled, are the seeds of all later commitment and growth, and are worth cultivating with everything at our disposal. The purpose is not just to stimulate an impressive array of accomplishments, but to enable students to find out who they are by finding out what they can do, and to confirm the importance of that most essential human work.

Nor is it far-fetched to think of schools adopting a program to accomplish these ends. The concept is flexible. Any school or community may adapt this proposal to its own circumstances by choosing different categories of achievement, different plans for preparation in school time, a different manner of demonstrating accomplishment, and a different kind of ceremony.

The basic principles—personal challenge, individual and group decision making, self-direction in the pursuit of goals, real-world significance in activity, and community involvement at all stages of preparation and conclusion—can be accomplished in a variety of ways. It is true that a decade ago such a proposal was unthinkable. The importance of grades and the singular pattern of schooling for achieving them were so general it appeared impossible and impractical to break out of the system. Since the educational troubles of the sixties, with the rise of a responsible radicalism and the appearance of a number of technological and humanistic alternatives, many schools have successfully broken from old patterns to search for forms of education more appropriate for our times.

Some innovators, however, have merely put old content into new programs—for instance, by translating courses into assignment sheets and letting the student work through them at his own pace. Some changes—in the freest of free schools, for example—eliminate all content and directive instruction, relying instead on the student's discovery of his own program. Unfortunately, such laissez faire approaches too often create a leadership and authority vacuum in the classroom, one that students are unable to fill. The approach suggested here reflects what many innovative teachers and administrators have pointed out to me: that real change does involve new freedom for students, but that independence must be combined with a vivid personal goal and a framework within which the student can pursue it. If we remove the structure of subjects, disciplines, courses, lessons, texts, and tests, it is essential that we develop superstructures which will support the student's efforts to create a structure of his own. Autonomy, like maturity, is not a gift but an accomplishment of youth, and a difficult one to attain. This walkabout proposal describes one possible superstructure. For students who are already developing elements of their own programs—in open area elementary schools and interdisciplinary secondary humanities programs, for example—an appropriate walkabout would provide a clear, long-term goal and open the way for the school and community to develop a support structure as the student's need for assistance in pursuing his goal intensifies.

Preparation for the walkabout challenge can be provided in various degrees of intensity, depending upon how committed the school staff is to creating a curriculum which focuses upon personal development.

1. It can be an extracurricular activity in which all planning and work is done during out-of-school time.

2. It can be one element of the curriculum which is included in the schedule like a course, giving students time for planning, consultation, and training.

3. It can be the core of the grade 12 program, one in which all teaching and activity is devoted to preparing for trial.

4. It can be the goal around which a whole new curriculum is designed for the school, or for a school-within-the-school staffed by interested teachers for interested students.

If the school is junior secondary—this concept can readily be adapted to elementary schooling, too—students and parents should be notified of the graduation trial upon entry in grade 8, perhaps by a single announcement with an accompanying descriptive brochure. Trial committees—including the student, the parents, and a teacher—should be organized for meetings, likely as early as

grade 9, to guide the student's explorations of possible challenges, so that serious planning and the preparation of formal proposals can begin in grade 10. To make the nature of the walkabout vivid, the committee should involve students in a series of "Experience Weeks" during which they would be out of school pursuing activities, first of the school's design and later of their own design, as trial runs. During these early years the student could also benefit from association with "big brothers" in the school, older students in more advanced stages of preparation who can help their younger colleagues, with considerable benefits for themselves as well. The committee would also be responsible for helping the student make his own choices and find the resources and training necessary to accomplish them; and by their interest, they would also help the student to develop confidence in his decisions and commitment to his own goals. A survey of student plans during any of the senior years would give the staff the information necessary to plan the most useful possible training, which could be offered in minicourses—one day each week, for instance—or in a semester or year-long curriculum devoted to preparation for trial. If students were required to write a two-page report on each challenge, a collection of these reports could provide an accumulating resource for younger candidates as well as a permanent "hall of accomplishment" for graduates. In such ways the walkabout challenge could also become a real focus for training in such basic skills as speaking, writing, and use of the media. These are only a few of the ways this proposal can be implemented and integrated with other aspects of school life.

But colleagues and parents with whom I have discussed the idea raise a number of problems potential in the walkabout challenge. What about the inequality that exists between students who have great resources for such walkabout activities at home and students who have few resources at their disposal? What about the risks involved for students on their own in the city and the wilderness? What if competition among students to outdo each other drives them to traumatic extremes or failure? On the other hand, what if students don't want to be bothered? How can we account for differences in ability; that is, how can we distinguish the apparently modest accomplishment that is a severe challenge for one student from the apparently grand accomplishment which is actually a modest challenge for another? These are not fantasy what-ifs, but the real concerns of those who want to anticipate and eliminate as many liabilities as possible. They deserve consideration.

Such questions point to basic issues; motivation, risk control, support, and assessment. In each case resolution depends upon close communication and cooperation among students, parents, teachers, and other members of the community. Students will be motivated by the personal challenge, but it will be essential for all the adults to confirm the importance of these challenges by their interest, concern, and involvement. Counseling by the parent/teacher committees will be essential to help students to clarify their personal goals and to help them decide on activities which stretch, but do not threaten to break, their spirit. But, since this walkabout is a growth experience, I must emphasize that appropriate counseling must help the student to clarify his goals and should not be advice giving or demand making. Failure, except where health and safety are seriously threatened, can also be a growth experience for persons who have accepted responsibility for their decisions and actions.

When risk is involved, as in the Adventure Challenge, communication and cooperation between home and school will be extremely important. The risk and liability must clearly be the student's, accepted as such by him and his family. But the adults should then help the students to eliminate all unnecessary dangers from the adventure and to develop the knowledge and skills which will make him the master of the dangerous situation he is planning to enter. If his challenge involves scuba diving, for instance, they should be sure that his equipment is adequate, that he has received professional training and certification for free diving, and that he has arranged for a skilled companion to accompany him. The adult committee can also be of assistance in helping students to arrange for necessary resources, such as scuba-diving equipment, in order to equalize the support each of them has available. However, the student with too many readily available resources is as much a problem as the student with too few—in terms of this proposal, at least. A more appropriate solution to the support issue would make the acquisition of matter how much was available to him from parents—earning money for equipment and courses, scrounging materials, finding economical ways to travel—so that any achievement is more clearly and completely his own.

A spirit of competition among students attempting to outdo each other could easily emerge. Of course, competition is already a driving force in schooling. The difference is that there is only one kind of contest and one way to win in school competition, and the basic finishing order is quite clearly established after 12 years—usually, after the first year. In the walkabout experience proposed here each student chooses goals and activities which are important to him. Each will be different.

Comparison will be difficult and somewhat pointless, particularly if the adult/style student committees maintain focus on the student's personal growth through challenging himself rather than others. Everyone can be successful. To be an appropriate part of this learning/growing experience, any assessment must be the student's own judgment of the quality and importance of what he has done. The responses of many people during trial will provide participants with feedback on their progress, as will the audience at their final presentations and the guests at the evening ceremonies. Marks, grades—any comparative evaluation—would be disastrous. The competition is with one's self, not others. The pride is in the confirmation of competence, not superiority. The satisfaction is in the recognition by others of what one has proven to one's self: "I can accomplish. I can become. And therefore I can look forward with hope and anticipation." In these ways the issues of motivation, risk, support, and assessment can be converted from potential problems to beneficial elements of the program.

If there are problems to overcome, the effort required will be repaid by a number of benefits for the student and for the school. The school—any concerned adult—can have no higher aspiration for young people than assisting them to develop a profound sense of their own worth and identity. To reach this state, the young must find their way through the stormy clouds of self-doubt until they win the higher ground of confidence where greater clarity is possible. Getting there requires autonomy, initiative, and industry; three aspects of competence essential in the quest of identity—personal accomplishments which cannot be given or demanded, only nurtured. I believe the trial described here provides a framework for nurturing such development. The individual can clarify his own values and his goals. He can make decisions about his own directions and efforts. He can explore his personal resources by testing them in action. Curiosity, inquiry, and imagination will take on new significance. He will see the uniqueness of his emerging accomplishments and abilities gain greater recognition than his adaptation to the norms of school and peer behavior. The student can learn to work intimately with a small group on a real and significant task, and can learn from them how his contributions are perceived. With goals clearly in mind, he will be encouraged to initiate his plans and see them through to fulfillment even though obstacles challenge his resourcefulness. And having reached these goals, he may take justifiable pride in the competencies he has developed as well as the things he has achieved. In schools, where students are directed, dependent, and utlimately have no personal rights, such an opportunity to earn respect and dignity on their own terms would be a significant advance.

Most important, the student will not only have begun to clarify his life goals through these challenges, he will have experienced the cycle by which life goals are pursued. His graduation can thereby be transformed from a school ceremony marking the end of one self-contained stage to a community celebration marking his transition to an independent, responsible life. It can be a celebration of a new stage in the flow of his becoming a person. The school also seems likely to reap a number of benefits from the walkabout challenge program: a boost to school spirit; an opportunity to establish a new, more facilitative relationship between staff and students; a new focus for cooperation with parents and the rest of the community; a constant source of information about what is important to students—and parents; a means of motivating and focusing learning for everyone, particularly younger, beginning students; a constant reminder of the relationship between education and living; and a device for transforming the nature of schooling to combine freedom and responsibility, independence and clearly directed effort. And most important, it will enable us to communicate to our younger generation how important their growth and accomplishment is to us. In fact, the success of this concept depends on that communciation.

I am interested in the walkabout challenge because it promises what I most want for my own children. No one can give life meaning for them, but there are a number of ways we can help them to give life meaning for themselves. Central to that meaning is their sense of who they are in the scheme of things and their confidence that, no matter what the future holds, they can decide and act, that they can develop skills to be justifiably proud of, that they can cross the most barren outback with a certain grace and find even in simple moments a profound joy. I hope that by exploring what they can do and feel they will come to know themselves better, and with that knowledge that they will move through today with anticipation. I think a challenging walkabout designed for our time and place can contribute to that kind of growth.

HOSPITAL COST CONTAINMENT ACT

Mr. HATCH. Mr. President, President Carter has sent Congress a proposal, S. 1391, to impose Federal controls on hospital revenues and capital expenditures, as a means of restraining increases in the cost of hospital services.

Unquestionably, this proposal focuses on an important question of public policy, because all of us in Congress want to promote Government policies that help our citizens to receive high quality health care at affordable cost. Therefore, President Carter's proposal deserves our close attention.

I am pleased to note that the appropriate committees of both House and Senate have begun hearings on this

bill, yet it seems clear from the testimony to date, by a wide variety of witnesses, that S. 1391 is fundamentally deficient.

Indeed, it is difficult to correlate the complex, confusing provisions of S. 1391 with the soothing statements by administration officials who seek to portray this bill as a simple, workable, and equitable plan. A careful examination of S. 1391 exposes this measure as inequitable, and, if enacted, dangerous to our Nation's health care system.

The bill's principal flaw is that it would impose controls on only one segment of the health care field, ignoring the reasons why hospital costs have increased. Moreover, the very magnitude of hospital cost increases has been misrepresented, by use of the Consumer Price Index—CPI—which does not measure increases in the price of goods and services that hospitals must buy. If one is to consider a list of usual hospital purchases, one finds those items increasing much more than the CPI.

The Administration also has ignored the fact that the CPI measures the price performance of goods that are kept at a constant unit of measurement, whereas hospital care has been evolving into a more intense operation that provides a patient with more service in each day of hospitalization. Each day's stay in a hospital therefore should be expected to cost more as a result of increased intensity of care.

When one examines the price performance of those goods and services comprising a hospital's "market basket," one finds the recent annual inflation rate to have been about 10 percent. This factor, taken together with increased intensity of hospital services results in a much different explanation of hospital cost increases than is presented by the supporters of S. 1391.

My concern is increased by a careful review of the bill itself. Title I would impose an arbitrary 9 percent ceiling on the fiscal year 1978 annual increase—less in future years—in each hospital's revenues, administered through a complicated formula that is described as an equitable approach. In fact, the complex calculation as applied to a hospital, would have to be based on data that simply are not available in time to permit the institution to avoid a serious risk of payback and deficit financing. The first year of the bill's proposed system would be retroactive for most hospitals, since only a few institutions' fiscal years coincide with the Federal fiscal year.

The exceptions procedure in title I is a travesty of logic, requiring a series of approvals, which in effect ensure that virtually all requests for adjustment in the ceiling will be denied, even in the most merited cases. Moreover, if a hospital were to be granted an exception, the bill would allow added revenue only to the point of keeping the institution on the brink of insolvency. Surely this is not the way to preserve quality health care.

The other major component of S. 1391 is a permanent nationwide annual ceiling of $2.5 billion on hospital capital expenditures. The ceiling would be apportioned among the States according to population, without regard to the current deficiency or adequacy in hospital physical plant. The obvious flaw of this provision is that it would impose some of the deepest cuts in hospital construction precisely in areas of the country that most need better health care facilities.

On a national basis, the $2.5 billion ceiling would cut in half the amount of capital expenditures now projected for hospitals in the coming year. Since the ceiling would not be adjusted for future years, according to provisions of the bill, the effect of inflation would effectively reduce the ceiling in subsequent years. Because in the present year depreciation in hospital plant amounts to $2.1 billion, in my judgment this ceiling would produce a continuing decline in the ability of our health care institutions to maintain their facilities and keep up with safety standards, and not allow at all for increases or aging in the population, or for improvements in health care technology.

Simply in terms of legislative draftsmanship, title II of this bill is faulty, because there is no relationship between the revenue controls in title I and the capital expenditure controls in title II. It is conceivable, under this bill, that a hospital could secure approval for a capital expenditure, but not be eligible to increase revenues under title I to maintain or operate the new facility. Further, title II would induce some hospitals to close, but title I would penalize hospitals that accepted the added patient loads that otherwise would have been served by the closed institutions.

Aside from specific provisions of S. 1391, the proposal taken as a whole raises disturbing questions regarding the Federal Government's policy in regard to our Nation's health care system. For a number of years, Congress has encouraged expansion of the system through construction assistance, manpower training subsidies, reimbursement for care provided to the elderly and poor, and assistance aimed at problems in health care, as well as support for research in improvements in care.

Moreover, Congress has acted in recent years to build into our health care system several cost restraining mechanisms, as part of the National Health Planning and Resources Development Act, and in the Social Security Amendments of 1972. Yet, we now find a new administration, and some Members of the Congress, unwilling to pay the cost of the system that has been produced, and unwilling to wait for the application of past cost containment efforts. There is no proposal by the administration to deal with manpower and research policy in a fashion coordinated with cost containment plans. To me, this is a mindless approach.

Further, I find missing from the administration's position any consideration of the efforts by hospitals to control costs on their own. Only HMO hospitals are treated as efficient, and exempted, as though there are no others of the same caliber. Hospitals support rational planning for health facilities, to avoid unneeded capacity. Hospitals have undertaken shared service activities to achieve economies of scale and to better utilize existing facilities. Yet, nowhere in the administration's proposal is there encouragement of these efforts, and there certainly is no recognition of them in HEW's attack on hospitals. A 9-percent cap across the board penalizes the efficient hospital more than the inefficient.

As a legislator, I am in the position of searching for a rational solution to rapidly rising health care costs. I am convinced that a solution is not possible unless the Congress and the executive branch are willing to work with our Nation's hospitals in devising a rational plan. I also am convinced that the solution does not lie in the direction taken by the administration's bill. I urge my colleagues to look at S. 1391 carefully, then to discuss the issue with informed leaders in the health care field. After that kind of review, I feel certain Congress will reject the administration's proposal and will move on to work on a reasonable, workable measure that will help hospitals, not hurt them.

LOCKS AND DAM 26

Mr. DANFORTH. Mr. President, I feel it important to inform my colleagues as to why Congress must move now to authorize replacement of Locks and Dam 26 at Alton, Ill. As you are aware, this country has an inland waterway system of approximately 25,500 miles. The Ohio River, Lower Mississippi River, and Gulf Intercoastal Waterway and the Upper Mississippi River and Illinois River are major components of that system. Products shipped between the Ohio, Lower Mississippi, and Gulf Intercoastal Waterway and the Upper Mississippi and Illinois Rivers must pass through Locks and Dam 26. Last year, approximately 59 million tons of freight passed through these locks. This freight represented over 10 percent of the total tonnage moved on the entire 25,500-mile system.

Locks and Dam 26 has become the primary "bottleneck" on this inland waterway system. The present structure, completed in 1938, is deteriorating and faces the danger of collapse. The 600-foot lock—and companion 360-foot lock—cannot effectively serve current traffic on that waterway, let alone the expected increases. Typical delays at Locks and Dam 26 are up to 18 hours. During harvest and planting season, delays range up to 72 hours. It has been estimated that each 1-hour delay of a towboat costs its operator $200. The consumer, as always, absorbs the costs for these delays at Locks and Dam 26.

There are two principal reasons that Locks and Dam 26 is in need of replacement now. First, the structure is deteriorating and faces the danger of collapse. The present structure, almost 40 years old, is founded on wood friction piles driven into sand. This structure has a history of excessive deflection, settlement, underseepage, undercutting river current scour, and loss of foundation material. The overwhelming majority of studies on replacement of this structure conclude that the costs of maintenance of Locks and Dam 26 is growing rapidly and that the locks must be replaced.

Over $11 million has been expended on these studies. Some have concluded that Locks and Dam 26 can be repaired, but the preponderance of evidence supports the conclusion that repair would not solve long range structural problems and that reconstruction is necessary. A Corps of Engineers study concluded that repair under proper safety conditions would cost as much as reconstruction, nearly $400 million.

The importance of these studies is that Congress has been provided the facts from which a choice can be made between repair and reconstruction. From these facts, both the Senate Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works agreed that the present structure should be replaced with a new dam and a single 1,200-foot lock, with contingencies for a second lock. I concur in this conclusion.

The second reason which necessitates immediate replacement of Locks and Dam 26 is that the present 600-foot lock and its companion 360-foot lock cannot effectively serve current river traffic, let alone expected increases. The present capacity at Alton is an average 73 million tons yearly. Last year, 59 million tons passed through the locks. At a projected growth rate of 4.7 percent yearly—a 10-year compounded average for 1966–76—maximum capacity will be reached by 1980. Assuming only a 2-percent growth rate, however, the maximum capacity will be reached by 1988. The Department of Transportation concluded that the maximum capacity of the present locks could be exceeded by as early as 1990. While Locks and Dam 26 is struggling to handle its present traffic, Locks and Dam 27—a 1,200-foot long lock downstream—operates at only 35 percent capacity.

The Corps of Engineers has estimated that replacement work will take between 8 to 10 years and this does not include time for congressional authorization, obtaining bids, letting contracts, and preparations for initial work. Therefore, if reconstruction of Locks and Dam 26 begins now, there is a strong possibility that the present structure will exceed maximum capacity before the reconstruction is completed.

A final point needs to be made that the present structure has become a serious "bottleneck." During April 1976, the worst traffic jam in Mississippi River history occurred at Alton, Ill., because Locks and Dam 26 experienced a partial collapse. The 110-foot wide by 600-foot long main lock was shut for a week. The companion 110-foot by 300-foot long lock was capable of handling river traffic at only six tows per day. As a result, almost 100 towboats and over 1,000 barges were caught above and below the dam. These barges were carrying 800,000 tons of commerce, or as one commentator explained, one-third of the total tonnage moved during the 11-month Berlin blockade. The total value of this cargo was estimated at $225 million.

A few isolated examples will explain the effect of this barge jam. Gasoline suppliers in Chicago and other northern communities in Iowa, Wisconsin, and Minnesota found themselves cut off from a number of major refineries located on the Mississippi River below locks and dam 26. In New Orleans, 14 ships waited for midwestern grain, anxious to receive their cargo and leave port by the start of the upcoming World Trade Week. The cost to these waiting ships was $20,000 a day per ship. The Grain Terminal Association in Minneapolis-St. Paul reported that the association lost some 20 barges carrying over 1 million bushels of corn at a $3 million cost. But the greatest of all possible calamities did not occur. Upper Mississippi River power companies which were dependent on coal shipped by barge had their fuel supply caught below the dam and locks. The power companies feared that if the locks were not reopened within a week, they would either have to curtail power usage or use an alternative fuel—oil—which would have not only brought higher prices, but would have depleted supplies of this already scarce fuel.

As I have previously pointed out, it has been estimated that a normal 1-hour delay for a towboat costs its operator $200. During this barge jam in April of 1976 at locks and dam 26, the 24-hour cost of this barge holdup amounted to $480,000. Indeed, it is the American consumer who suffers, because of unnecessary barge delays.

Mr. President, the present structure at locks and dam 26 at Alton, Ill., must be replaced now with a new dam and 1,200-feet long lock. The need is now and the need is urgent.

GREETINGS TO THE U.S. BICENTENNIAL, LONG LIVE SINO-AMERICAN FRIENDSHIP

Mr. GOLDWATER. Mr. President, it seems to have become almost a question of national policy these days to ignore the Republic of China and to overlook the great strides made by the regime on Taiwan, in the hopes of furthering a drive toward normalization of relations with Red China. I have long deplored this tendency to try to pretend that Taiwan is not important to the United States; that it will somehow go away if we just continue to ignore it, its existence, its accomplishments, and its importance as a staunch friend of American democracy.

Mr. President, I believe that it behooves us to pay more attention to our friends on Taiwan and to acknowledge the great progress made by the Republic of China in the field of democratic principles and human rights.

In this connection, I recently came across an excellent address by Dr. T. S. Lin, leader of the Economic Good Will Mission of the Republic of China to the United States. It was delivered April 26, 1976, at a luncheon given at Twin Oaks in Washington, D.C., by Ambassador James C. H. Shen of the Republic of China to the United States. I ask unanimous consent that Dr. Lin's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GREETINGS TO THE U.S. BICENTENNIAL, LONG LIVE SINO-AMERICAN FRIENDSHIP

(Address to the Lunch Meeting given by Ambassador James C H. Shen of the Republic of China to the United States of America, at Twin Oaks, Washington, D.C., April 26, 1976)

(By Dr. T. S. Lin, Leader of the Economic Goodwill Mission of the Republic of China to the United States of America)

I very much appreciate the thoughtful arrangements made by Ambassador Shen so our delegation can meet so many distinguished friends from the White House, The Congress, U.S. Department of Commerce, U.S. Treasury, U.S. Department of State, Office of Management and Budget, Georgetown University, University of Maryland, The Brookings Institution, Professors, industrialists, bankers, publishers and other friends in the private sectors. We are most appreciative of the great support and assistance you have been extending to the government and people of the Republic of China.

I would like to express our highest respect and admiration for the remarkable achievements made by you. On behalf of the people of the Republic of China, I also wish to thank you for the long cordial friendship and assistance that you have given us which enabled us to build a free and open society enjoying advances in democracy, freedom and steady economic development.

This is an auspicious year for many, the 200th year of the birth of the greatest country of liberty and of justice on earth. We are privileged to be here, representing the people of the Republic of China, to join you in the Bicentennial Celebration, and to pay tribute to our American friends.

Many Americans have described the economic reality in the Republic of China on Taiwan as a "miracle". Frankly, it depends very much on the very generous friendship and aid given by the people of your great country.

I would like to briefly describe the traditional friendship between our two nations for nearly two hundred years.

Since a vessel flying the Stars and Stripes first cast anchor at Canton in 1784, the relationship between the United States and China has been a friendly and cordial one. The first Minister of the United States to China was Caleb Cushing, who received his commission on May 8, 1843.

In 1899, when the imperialistic design of the major powers culminated in melon-cutting China into spheres of influence, the United States proclaimed the "Open Door" policy which saved China from being colonized by major countries such as Great Britain, France, Germany, Russia and Japan.

In 1900, China was encumbered with indemnities amounting to 333 million dollars after being defeated by the combined forces of the eight countries involved in the Boxer Incident. In 1908, the United States returned her portion of this war reparation to China of her own accord. Part of the returned indemnity was designated as the scholarship fund for sending Chinese students to the United States for various advanced studies. The rest was dedicated to the establishment of Tsing Hua College in Peiping. Tsing Hua College, now the National Tsing Hua University in Taiwan, is one of the Republic of China's high education and research centers of scientific development symbolizing the good will of the people of the United States toward the people of the Republic of China.

As the first republic in Asia, the Republic of China was born in 1911. Due to the confidence in our Government and the traditional friendship with our people, the United States recognized the Republic of China on May 2, 1913, and diplomatic relations have not been interrupted since then. Since her very birth, the Republic of China underwent

a series of turbulences, imperialistic invasions, civil war among warlords, Japanese invasion and communist subversion. During World War II, the Republic of China and the United States fought as comrades shoulder to shoulder against invasions. At the end of World War II, Taiwan was restored to the Republic of China. Chinese started coming to Taiwan some 1,400 years ago. Dutch and Spanish came in the 17th Century. Formosa means "beautiful island". Taiwan was under Japan's occupation from 1895 to 1945. Japan tried to develop Taiwan as her granary.

In 1949, the Central Government of the ROC moved to Taiwan. I would like to describe the rebirth of the Republic of China on Taiwan.

From 1951 through 1965, the United States provided us with 1.5 billion dollars worth of economic aid and gave us nearly double that amount in military aid. During the 15 years, our people and government made utmost efforts to utilize these aids to reconstruct our country. We improved government management. That is, every individual is allowed by law to secure and enjoy his own fruit of labour. We have made efforts to eliminate our government's losses and help our government to establish a financial system. That is, the system did not depend upon printing bank notes but depended upon tax revenues through establishing a sound tax system. We made monetary reform, carried out land reform. We established basic industries to substitute for imports. In 1949, nearly all of our necessary clothing and fertilizer were imported, so we first developed our electric power, and then used this power to make fertilizer. Therefore, we could produce food sufficient for our own use and export. With this we developed our basic industrialization.

After 15 years of combined efforts, our increased production made self-sufficiency; our foreign trade increased about 40 times. This increased production reduced our foreign exchange from an 80% deficit. In 1965, the year U.S. aid was terminated, the deficit of foreign exchange was only 20%.

We transformed the policy of protection of infant industry, and made efforts to be self-standing industries. So in addition to substitution of imports, we developed more export-oriented industries. Under the free trade policy, each industry has to improve its quality, delivery and costs to meet the keen competition. With these three factors, each industry has to make their utmost efforts through the competition with both domestic competitors and foreign competitors. For example, you can see General Motors, General Electric, Zenith and R.C.A. products such as color television sets and home appliances displayed in shops all over the Republic of China while you cannot see this in Japan.

At the same time, we accepted foreign private investments. Since the adoptation of overseas Chinese and foreign investment, we have about 3000 investors amounting to US$1.5 billion, among which 300 are U.S. investors, including many organizations represented by guests today. The total U.S. investment is some 500 million U.S. dollars and represents about half of the total foreign investment. We have 13 foreign banks that have branches in Taipei. Among them, eight are U.S. banks. Now these 8 banks and other banks in the United States have loaned more than 2 billion U.S. dollars to many companies in the Republic of China. Though so huge amount of foreign funds flew into the Republic of China, our capital formation was done mainly by our own national savings. Foreign funds only occupied about 10% of the whole capital formation.

Besides these kinds of physical investments, we have made great investments in developing human capabilities. Free basic education was extended from 6 years to 9 years in 1968, raising the level of skill and knowledge of the younger generation. Many graduates of eminent universities in the United States have come back to the Republic of China and have contributed substantially to the great task of the reconstruction of their mother country. At present, we have 30 times as many university and college students as we had in 1951. We have more than 40 public or private universities and colleges that are making great improvement in teaching and learning as well as in developing the research of science and technology. We also have cooperative programs between education and industry.

In the Republic of China, the Confucian philosophy, such as faithfulness, benevolence, industry and frugality still continue to influence our way of life. According to Confucious, we have an obligation to share our knowledge and to assist in the advancement of the well-being of other nations and peoples. These ancient Confucius beliefs, clearly, match closely the more modern concepts of "social responsibility" and the obligation of the industrialized nations to share with the developing countries. So far we have received some 13,000 persons from Asian, African, South American and Mid-East developing countries to be trained in agricultural and industrial know-how.

We have over half a million self-standing and well-trained troops defending the Republic of China and also securing the mutual security and peace in the West Pacific Area. These military forces are supported by our government's budget and our Chinese people.

Four years ago, Premier Chiang Ching-kuo started his vigorous and highly effective Administration. He has made every effort to improve the management of our government rendering better services to our people. Because of our rapid economic growth, Taiwan is confronted with many new problems and challenges. Premier Chiang launched 10 major projects in 1973 to replenish the delay and shortage of the public investments, such as harbor, highway, railroad and airport. We are also building 6 nuclear and some other power generators, and a petro-chemical complex. We are building an integrated steel mill and a large shipyard. From this year we have six-year economic plan aiming to have double national income in 6 years. We need more than 10 billion U.S. dollars funds for these constructions. Although we are supporting so huge investments, our government budget still can keep 10 percent of surplus in these years. We are able to control the inflation very well. Before the oil crisis, our price of commodities was so stable that inflation scarcely existed, sometimes only one percent or 0.5 percent a year. Even after the oil crisis and worldwide recession, we had earlier recovery and also controlled inflation very well. We have enough business and are very busy, even our teen-agers. We expect to control the inflation under 4 percent for this year. And we think we will have only 2 percent inflation next year.

As a whole result of our construction and good government, people are happy and our average life expectancy has been elongated more than ten years in these years. At present, our average life expectancy is about 75 years.

We traded 12 billion dollars with free countries in 1975. Among the hundred or so members of the International Monetary Fund (IMF), we ranked 20th in exports. And we kept a favorable balance of trade with about two billion dollars of our foreign exchange reserves.

The trade between the Republic of China and the United States was US$3.5 billion in 1975. Now you are our No. 1 trading partner, whereas we are your No. 8 trading partner. Compared to Chinese Communist regime, in 1975 they had only about 550 million U.S. dollars worth of trade with you, which is less than one sixth of the trade between the Republic of China and the United States.

There is still a little imbalance of trade between our two countries. So we have launched "Buy American" campaign. At present, most people and industries in the Republic of China prefer to buy more materials, components, instruments, machines, equipments and technology from the United States. The U.S. Trade Center was established in Taipei in 1973, we are told, which is doing very well with great achievements superior to the U.S. Trade Center in Paris.

I have described a brief history of the Sino-American relations for nearly two hundred years. It proved your cordial friendship with us and your assistance given to us from time to time. The late president Chiang Kai-shek led the people of the Republic of China to make sound economic development, to make the Chinese Cultural Renaisance, and to establish our self-standing, democratic country of liberty and of peace, and to be worthy of your friendship, to be a staunch ally of the United States, and to reciprocate friendship of fidelity and decency. It is, therefore, a great privilege for me to lead the Goodwill Mission to join you in celebrating your Bicentennial, to report you what we did in the past, and to invite you to the Republic of China on Taiwan to see what we are doing and what we are prepared to do.

Under the prominent leadership of President Yen Chia-kan and Premier Chiang Ching-kuo, we the people of the Republic of China have succeeded and inherited the spirit of the late President Chiang to continue making efforts to advance our economic development, to build a sound, steady, prosperous and open society, to be a constructive member of the free countries, and to be a loyal friend of the United States.

The American Revolution of Independence was really a most significant event to the people of the world, not only to the people of your country, but to the people of the whole world. You Americans indeed shared your spirit of 1776 with us in pursuit of liberty, justice and peace. The free countries followed and learned what you did, and built up your allied free countries.

At present, we are facing the communist invasions which have been destroying and will expand to destroy all values we have in the free world.

We believe your same spirit of 1776, which built the greatest country of liberty and justice on earth, and also built your allied free countries, will continue to lead, to cherish, to help preserve, to prosper human dignity, free enterprise, and government of the people, by the people, for the people, so that these will not perish from the earth.

May I propose a toast on this very happy occasion, "God bless America" and long live China and the United States of America.

SCIENTISTS QUESTION AND ARE QUESTIONED ON NSF GRANTS POLICY

Mr. HATCH. Mr. President, the Senate recently passed the authorization for the National Science Foundation. At that time I offered an amendment to the bill which would have insured the integrity of the peer review/merit selection process used to award research funds available through the National Science Foundation.

In view of the fact that the House-Senate conference is currently considering this measure and the Senate Appropriations Committee is soon expected to take up the matter of funding, I wanted to submit for the RECORD some interest-

ing information contained in an NSF press release.

As part of an extensive survey undertaken by NSF for the National Science Board and the House Subcommittee on Science, Research and Technology, questionnaires were distributed to 4,808 NSF applicants and reviewers. I think it is important to note the recommendations and observations of the 3,752 respondents to questions under the topic of "fairness." First, applicants favored establishing some formal means for appeal in the case of an adverse funding decision. Second, a substantial majority of both applicants and reviewers answered that given two equally good proposals, reviewers automatically favored a well-known institution over a lesser-known institution, an older, more established applicant over a younger not-established one, and a proposal which did not deviate from the mainstream of scientific thought over one which challenged it.

Also, I have received a very kind letter from Dr. John P. McKelvey, head of the department of physics and astronomy at Clemson University, which I would like to call to the attention of my colleagues in the Congress. Dr. McKelvey's letter is particularly significant because he asserts that the scientific community is cognizant of the workings of NSF's grants management system, both in theory and in practice, and is willing to work actively to achieve fairness within that system. I commend these dedicated scientists for their efforts to promote effectiveness and integrity in the merit selection process, a concept worthy of our concern for its preservation. I ask unanimous consent that Dr. McKelvey's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLEMSON UNIVERSITY,
May 10, 1977.

Sen. ORRIN G. HATCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATCH: I am writing to express my appreciation, and that of the faculty of this department for your action in sponsoring the "fair shake" amendment to the NSF authorization bill. We in the southeast are not among your local constituents, but we are nevertheless grateful for your help in bringing our facts and figures to the attention of the Senate.

The fact that the amendment was defeated does not discourage us. The mere fact that it was proposed and received so much support in the Senate will make NSF much more conscious of its mandate to distribute its support with some regard to reasonable geographical distribution. It also provides a powerful impetus to scientists in this part of the country to cooperate more fully in asserting their claim to more generous NSF funding for this area. Your actions are all the more statesmanlike in view of the fact that your own state does not stand to benefit by the proposed action.

You have performed a service of lasting importance to scientists in this region, one that was more far-reaching than anything I envisioned when I first approached Senator Thurmond with some of our problems. It has done much to restore my faith in the democratic process, which I must admit had been flagging recently. Again, please accept our sincerest thanks for your recent actions.

Sincerely,

JOHN P. MCKELVEY,
Head, Department of Physics and Astronomy.

S. 790—THE VIEWS OF JAMES J. KILPATRICK ON THE NEED FOR WATERWAY USER CHARGES

Mr. BAKER. Mr. President, the Portland, Maine Press Herald this morning carried the column by James J. Kilpatrick that analyzes S. 790 and the need for waterway user charges. The column entitled "Barge Bilge"—makes it abundantly clear that user charges are justified now. I believe as the Senate prepares to consider user charges within the next few days, that each of my colleagues should read Mr. Kilpatrick's views. Mr. President, I ask unanimous consent that a copy of Mr. Kilpatrick's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

BARGE BILGE

(By James J. Kilpatrick)

WASHINGTON.—Victor Hugo is authority for the political truism that no army can overcome an idea whose time has come. Under that guiding principle, the Senate should vote overwhelmingly this month for the imposition of user charges on the nation's barge operators. After 200 years, that sound idea is long overdue.

You can search all day and all night, through the whole range of federal activities, and find nothing that even remotely compares with the lush bonanza the taxpayers have provided the barge men. It is incredible. One looks at the figures in disbelief.

At a cost of some four billion dollars, the taxpayers have provided 25,000 miles of inland canals, locks, dams and waterways. Another four billion dollars have been spent on maintenance and operation of the system. And toward this monstrous cost, the barge operators have contributed not one red cent in direct user payments.

Today the barge industry collects annual revenues in the neighborhood of one billion dollars. The taxpayers provide subsidies estimated at $400 million a year to keep the system going—40 per cent of total revenues. This contrasts with subsidies of one per cent for truckers and air carriers, and three per cent for railway freight. The barge companies are resisting the payment of even one thin dime toward the $400 million burden on the general public.

What unconscionable arrogance is this. The opponents' arguments boil down to four contentions: No user charges ever have been imposed; therefore they ought not to be imposed now. User charges would raise the cost of barge-transported goods to consumers. User charges would divert some barge traffic to competing trucks and railways, thereby causing unemployment among the poor little barge operators. Finally, the question is so complex that it ought to be studied for another 18 months, at the very least, before congressional action is taken.

Humbug! There might have been some feeble justification, a century ago, for providing a "free" competitive service as a check against the railroad barons. That justification, if it ever existed, has no meaning today.

Yes, user charges presumably would be passed on to consumers, but the costs are fair and their burden would be infinitesimal. On barge-transported coal, for example, we are talking about 11 cents a ton. There is no reason under sun or moon why coal consumers should not pay this charge.

As for the poor, pathetic little barge operators: A handful of giant corporations control much of the waterway traffic. Let us shed a tear for the poor little Texas Gas Transmission Company and the Eastern Gas & Fuel Associates. Their corporate revenues annually run to $1.5 billion, over $200 million of which is in barge revenues. Together they own 3,000 barges and carry about half the coal traffic on the inland waterways. Or let us weep for U.S. Steel, Ashland Oil, Central Soya, and Dravo Corporation. Their collective sales exceed $16 billion a year. How do their spokesmen keep a straight face in opposing fair user charges for the facilities the taxpayers now provide them for nothing?

The question of user charges has been studied, and studied, and studied, ad nauseam and ad infinitum. Every president since Roosevelt has recommended a system of user charges. Thousands of pages of congressional testimony have been accumulated. Under the cynical orthography of politics, the word study is spelled s-t-a-l-l. That is all this amounts to.

Nothing that I have said should be construed as criticism of the inland waterway system as such. Barge operations are an essential part of a comprehensive transportation program. But it violates every elementary concept of fairness to argue that the barge lines should get a free ride at the taxpayers' expense, while the railways go broke. That proposition is simply bilge—and the barge boys know it.

INTERNATIONAL MEDIA QUESTIONS

Mr. McGOVERN. Mr. President, societies of the world that we traditionally have considered to be "closed" and many emerging nations that call for a "new international information order" have attempted to stem the free flow of news.

Last week, as part of a series of hearings on international communications and information issues, the Foreign Relations Committee's Subcommittee on International Operations invited five leading U.S. media executives to appear and discuss the current situation and suggest future policies.

We in the Senate actually are rather dependent upon the media for much of our information about the world. Therefore, I believe many, if not all, members of Congress might find the media views of the situation to be of particular interest.

I ask unanimous consent that the opening statement and the prepared statements from the Thursday, June 9 hearing be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY SENATOR GEORGE MCGOVERN, CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

This is the second of three days' hearings on international communications and information issues. Our aim is to find out what the Congress, the Administration and the public should be aware of—or as the optimists say—what the problems and the opportunities are, as we enter the so-called "Information Age." We want to know what international implications this nation must consider.

Yesterday's panel of four outstanding

witnesses discussed several economic matters, but mostly the national security, governmental organization and human rights issues we should know about. In addition, a considerable amount of time was spent on media matters setting the stage for today's hearing.

Tomorrow banking, business and labor executives will provide us with yet another viewpoint.

One factor quite evident yesterday was that the international media situation has reached a crossroads of sorts. The world is becoming more dependent on credible, accurate information in almost every international activity. Much—if not most—of our current information comes from the media.

We in the United States—and to a great extent we in the Senate—make decisions based upon what we read, hear and see in the media. We seem to be a society that is a prime consumer of media messages. It affects our bodies—for instance how we dress and even what we eat or don't eat—and it affects the body politic.

But, the outcome of a number of issues coming to a head throughout the world could affect those messages we receive.

For very different reasons the Socialist countries and many developing nations want more control over what the media say about them.

So this morning we will get a report on the present situation, and, hopefully, look into the crystal ball at what might be ahead for us and the media. We also will get a few ideas about actions we might consider.

Today's lead-off witness will be Andrew Heiskell, Chairman of Time, Incorporated. He will be followed by Otis Chandler, the publisher of the Los Angeles Times; William Sheehan, Senior Vice President for News of the American Broadcasting Company; and Jack Valenti, President of the Motion Picture Association of America and the Motion Picture Export Association of America (who I understand spends about two-thirds of his time dealing with international problems). Our final witness is John Reinhardt, USIA Director and head of the U.S. delegation on the 1976 UNESCO conference in Nairobi, Kenya where media matters probably took more of the delegate's time than any other topic.

Each witness will make a short oral presentation. At the conclusion of all statements we will open up the questioning.

STATEMENT BY ANDREW HEISKELL, CHAIRMAN OF TIME INC.

Time Incorporated publishes five magazines, of which two—Fortune and Time—circulate internationally, Time in very significant numbers. We also publish books, in 8 different languages ourselves and in 18 other languages through licensing agents. We produce and distribute films for television and our most popular series has shown in 47 countries. Still another of our communications activities, though not international, has pioneered the use of satellites for full-time television operations, so we are keenly interested in international frequency allocations and spectrum management.

We have, therefore, a considerable interest in these hearings and appreciation of your initiative in seeking to establish an international communications policy for the United States. In addition, I have served as Chairman of the Inter-American Press Association, established to further a free press in Latin America, and I have been a member of the IAPA for 25 years. So personally as well as corporately, I am deeply interested in these hearings.

Last year the international edition of Time magazine was banned in 18 countries. In one of them, South Korea, it was banned 13 different weeks, or one issue out of four. In a number of other countries, our distribution was and is severely limited or completely prohibited.

The international edition of Time magazine, published in English and basically differing little from the U.S. edition, is in itself a large publishing enterprise with revenues greater than Redbook or Cosmopolitan. In many countries of the world, quite possibly in most countries of South America, Time International is the most important news publication that is not state-controlled. In those countries a great many civic, political and business leaders depend upon it as their sole unbiased source of international news and one which frequently affects their decisions.

Time International is an important part of our publishing business and when it is banned or its distribution interfered with, that hurts our overall business. But beyond that, banning and censorship impede the free flow of information—the right to know which, together with most Americans, we regard as one of the fundamental human rights. Not incidentally, it is a right clearly spelled out in the Charter of the United Nations and in the Covenants of UNESCO.

That kind of interference by banning or exclusion is one side of the coin. More serious is the problem of access to the news, getting the information which in Time magazine—domestic and international—reaches 20 million or so Americans as well as 5 million largely non-American readers abroad.

Since little more than one-third of the world's population lives in a free society—and that fraction was only one-fifth until the election in India this past March—our difficulties in gaining access to the news is not surprising. What is ominous is the way in which these difficulties are growing.

One of our senior correspondents, who was recently in Africa, finds a great difference in covering African news today compared to the late '50s when he was based there. The African nations' post-independence flush of eagerness to tell everything has been largely replaced by an unwillingness to tell anything. The trend seems to be toward no dissemination of news unless it is originated by a country's own journalists. Frequently these so-called journalists are really no more than government employees or propagandists. One knowledgeable Western journalist working in Africa recently told us that he did not exclude a boycott of the Western press. Such a boycott could eventually extend to total banning and prohibition of advertising sales.

The problem of access is not, of course, limited to Africa. Very few countries of Latin America, perhaps three or four, have what we would call a free press, which usually goes with free access. Many countries of Asia are equally difficult to cover. One of them has a predilection for putting distributors of offending magazines in jail Others will not give our correspondents visas.

India, even before the recent authoritarian rule of Indira Gandhi, has given us special difficulties. For example, nearly three years ago, India attempted to tax our foreign news-gathering operation and a tax claim was filed against us in the Indian courts. We have fought the claim and with the change in India's government we feel we may be successful. But the application of such a principle of taxation could make news-gathering prohibitive for outside correspondents. Ordinarily this kind of levy is barred by tax treaties between nations. Unfortunately, we have not concluded tax treaties with many third-world countries.

We have developed, of course, various ways of breaking down the access barriers, at least some of them. One is to use "pigeons," not our feathered friends but non-journalist friends who can fly our correspondents' files out of a particular country We also have one or two mythical correspondents in foreign countries to whom our correspondents abroad can telex messages that might be censored if they were telexed directly to the United States. Such messages can then be relayed to us in New York. Occasionally, as in a recent Time cover story on torture, we make it clear to certain countries that we are not using or even asking for reports from our correspondents or our stringers there. It would be too dangerous for them.

The problem for stringers can be especially severe. A stringer, as you may know, is generally a top-notch, full-time journalist in his own country who moonlights for certain foreign press or broadcast media. Because stringers are usually citizens of the countries in which they work, they are even more vulnerable than foreign correspondents. They are subject to intimidation, dismissal, violence and frequently indirect attack through harassment of their families. If that makes you think of Eastern Europe, you will have to expand your horizons. Such a situation is now worldwide and the number of countries where it happens is increasing.

I call your attention to these problems of Time, shared of course by other news media, because I feel they are also your problems and a fundamental problem of the American people as well. As Senators and lawmakers, you cannot consider coherent policies involving India, Ethiopia or Chile, for example, if you are working from ignorance. Nor can the American people intelligently analyze or support your policy-making out of the depths of ignorance. The information we fail to get, they fail to get.

I am well aware that our government has many channels of information outside the media. I believe, however, that first-rate journalists often can tell you things that other channels will not produce. I think, too, that foreign correspondents, under certain circumstances, can produce more information, at least certain kinds of information, than can local reporters.

I also suggest that governments from time to time are more sensitive to what is said about them outside their countries than within and that sensitivity is an additional reason why you should be concerned with our freedom of access to news and our ability to transmit it. By "our" I mean not just Time Inc., but all media that provide meaningful information and observe high professional standards.

Where information does not exist rumor very often fills the vacuum. All of us, I'm sure, know how insidious such rumor can be. If a little knowledge is a dangerous thing, an unfounded rumor can be even more destructive.

I mentioned at the outset that Time Inc.'s international operations also include books, films and—tangentially—satellite communications. For our book operations, censorship and access have been less of a problem. We have concluded book licensing agreements with Moscow and with Eastern European countries which have gone remarkably smoothly, primarily because local publishers have taken care of the multitude of clearances and possible hindrances. We are fortunate that the titles which we are licensing deal primarily with such subjects as nature or science, cooking or art, so that political considerations rarely enter these agreements. Nonetheless, we are concerned that growing restrictions on the hard news side could easily spill over and damage as well this area of our operations. The urge to high-handed nationalism frequently feeds on itself.

Our sales of TV films abroad run into varying forms of censorship and surveillance. If the existence of the Soviet Union is even suggested in one show, it becomes a no-show in certain countries. Other countries feel the same way about the Vatican. In Sweden one of the two national networks shows most episodes of a Time-Life animal series to

children. Episodes with too much violence, animal violence, are refused—and shown on the other Swedish network. But overall in the television area we have for the moment no great problems. Once again we are fortunate because our programs, designed to enlighten or educate, are seldom political or controversial. But, once again we can sense that countries which turn in upon themselves with respect to news access are more likely to become increasingly insular and could eventually turn us out, in all communications areas.

Finally, I do not want to leave you with the idea that all our problems are with developing nations or in exotic places. We have been the victim of high nationalism right next door in Canada, where a discriminatory tax device—only a little less flagrant than the one I mentioned in India—forced us to suspend publication of our special Canadian edition. It is a device which unfortunately could be used against Canadian publications as well. And Canada is currently considering a law that would in effect be a 15 percent tax on non-Canadian produced pay-cable TV programming. Turning south, we find Brazil proposing a law that would require 70 percent of all broadacst programming, radio and TV, to be domestically produced.

Communications have always played a shaping role in society. The printing press helped topple feudalism and prepare the way for an industrial revolution which rose to its zenith with inexpensive paper, telephone and telegraph. Television, by raising expectations to a historic flash point, is pushing some of the more developed countries towards post-industrial society.

And while this power of communications is nothing new, the immensity of its power due to modern technology certainly has no precedent. I believe the ways in which this new communications power is wielded will play a large role in determining how nations will evolve and how they will live with one another. If the power is used narrowly, for paternalistic or jingoistic ends under the disguise of "developmental journalism" or "national identity," democracy will be the poorer and the more imperiled.

This does not mean that developing nations do not have special problems to which we should be sympathetic. They have, and we need to be sympathetic, understanding and helpful. But the rhetoric of development like the litany of Marxism should not be allowed to serve as a screen for narrowness, obfuscation and paranoia.

If this Committee, if our Government can help formulate policies that will employ positively the immense power of modern communications and their free flow across boundaries and barriers, it will be taking a giant step for the well-being of our nation and of the world.

TESTIMONY BY OTIS CHANDLER

Gentlemen: I am honored to be here and to have the opportunity to share with you some of my concerns over United States news media problems abroad.

That these concerns are close to me is indicated, perhaps, by the fact that the Los Angeles Times maintains 18 overseas news bureaus, a significant commitment of our resources. Dispatches from our foreign correspondents reach not only our readers but the readers of some 300 newspapers that subscribe to the Los Angeles Times-Washington Post News Service. Obviously, coverage of foreign news is among our top priorities.

Of all the problems associated with gathering foreign news, the two problems most distressing to me are:

First, the intensifying hostility of many Third World nations toward the western media and the barriers some of these nations are erecting against the legitimate process of reporting the news.

Second, the continuing restrictions on United States correspondents in the Soviet Union and the continuing total exclusion of United States resident correspondents from the People's Republic of China.

In a way, these problems meld, resulting as they do from the philosophy and approach of authoritarian regimes of all kinds toward press freedom. Some developing countries appear even to be patterning their information policies after those of Moscow and Peking. With the possible exception of a few Marxist-inclined Third World states, I do not mean to suggest collusion or conspiracy. For a variety of reasons other than ideology, certain Third World countries choose to seclude themselves from outside observation.

In terms of impediments, intimidation and exclusion of western correspondents, a few African, Arab and Asian states have gone even further than the Soviet Union did under Josef Stalin to isolate their societies from outside scrutiny. Others are nearly as seclusive.

To cite only a few examples, is is virtually impossible to report anything meaningful on a sustained basis about Guinea, Nigeria, the Congo, Mozambique or Angola in Africa; about Cambodia, Laos or Burma in Asia; or about Iraq, South Yemen or Saudi Arabia in the Middle East. The list goes on. With the exception of Cuba, we have no such problem in Latin America.

There is irony—and perhaps a lesson—in the fact that over the past decade or so, the Soviet Union somewhat has eased restrictions on foreign correspondents based in Moscow, in no small part as a result of diplomatic pressure and world opinion. Over the years, the State Department has viewed United States press representation in Moscow as an important element in our relations with the Soviet Union.

In this same period conditions have worsened for the western media in the Third World, where diplomatic efforts on behalf of foreign correspondents have been minimal, where publicity about the problems also has been minimal.

I attribute the lack of publicity in part to a general perception until now that these problems constituted a strictly professional dilemma to be solved, as other problems have been solved, by the news media alone, through patience, the ingenuity of reporters and persistence. The solution has not been forthcoming.

Yet today, in my opinion, the problem of obtaining pertinent information about Third World nations has assumed dimensions of such national importance that it should have the attention of everyone. This is because the energy crisis plus recognition that accommodation must be reached with the Third World have impelled the United States to formulate new policies toward non-aligned areas of the world.

Thus the question arises: How can the government formulate and the public pass judgment on a sensible policy toward a country about which we know little or nothing beyond information supplied by the government's own agencies?

If it is deemed to be in the national interest of the United States to cooperate in building a new international economic system to assist the Third World, another question must be asked: can the American taxpayer be expected to support policies benign toward nations secluding themselves behind malignant walls of secrecy?

These questions thrust the Third World coverage dilemma into the public domain. Already in the public domain, of course, are the matters of coverage in the Soviet Union and the People's Republic of China, subjects of diplomatic exchange Washington has with Moscow and Peking.

Since the Third World and the Communist world together embody some 80% of the world's population, we are confronting a very serious problem indeed. If there is to be international understanding, the flows of information must not continue to be impeded or to be damned altogether.

From my own vantage point, the problems in covering much of the Third World are similar to those involved in reporting the Communist nations. These problems range from restrictions on visas and in-country travel, to reaching a spectrum of sources, to harassment and threats of expulsion.

Boiled down, what I am speaking of is *access:* access to information. With very minor exceptions, direct, prior censorship has been discarded universally as a press control. Far more effective for any nation seeking to control the flow of news to the outside world is simply to restrict or to deny access to information.

It is too easy to write off as paranoia or xenophobia the reasons why certain nations wish to limit the access of western media to their societies. Some regimes genuinely seem to believe that western reporters are spies threatening their national security. Others label the western press in general as a monolithic, sensation-seeking, capitalist institution controlled or influenced by ruling "establishments", multinational corporations and monopolists. Not a few of them simply are sensitive over corruption, scandal, social injustice, inefficiency and dissident movements; they wish to avoid the publicity.

Whatever the reasons, the end result is an American public—in fact, a world public—that does not know all that it should know and *needs* to know about its neighbors in a shrinking world. Although the situation is bad now, it will grow worse if present trends continue.

For a closer look at the problems, let us first consider the developing nations of Africa.

Among African countries that rarely if ever allow a western journalist to visit are Uganda, Somalia, the Congo, Malawi, Guinea and Equatorial Guinea. Nigeria is very difficult to enter.

In some countries that readily grant visas—Ethiopia is a case in point—a western reporter is not allowed outside the capital except under highly controlled conditions, thus making it most difficult to make an accurate assessment in many areas. In other nations, a foreign journalist needs a travel permit to go beyond the capital—and a government escort may be assigned.

The recent events in Zaire's Shaba Province provide a good example of the difficulties a journalist encounters. No reporter was allowed to travel to Shaba except in closely escorted groups. Thus, they saw only what the government wanted them to see and none of them—or the outside world—had an accurate picture of what was happening. No journalist even heard a shot fired.

A western journalist is always aware that his first visit to an African country may be his last if he writes something offensive to a particular government. We ask our correspondents not to let this affect their reportage. As a consequence, one of our former correspondents in Africa requested a transfer: in four years, he had been blacklisted in Nigeria for having covered both sides of the Biafra civil war, in Ethiopia for reporting on dissident students and in Zambia and Zaire for reasons never ascertained.

After a correspondent enters an African country, his problem is reaching prime sources of information. On the government side, he generally is out of luck unless he gets to the very top—a minister; lesser officials seem either afraid to talk or uninformed. But persons in authority are often inaccesible. As a result, there is a tendency among western correspondents to rely too

much on western diplomats for information on these countries.

This leads to problems for everyone, including the "host" country. As an example, Ethiopia complains that journalists ignore the government's point of view. Yet at the same time it restricts their travel and access to knowledgeable officials, making it almost impossible to get the government viewpoint in the first place. Ethiopia grumbles that a penetrating look at land reform, the heart a penerating look at land reform, the heart of the two-year-old revolution. But the government permits them to travel only to model government villages in the presence of a government civil servant.

In the Arab world, the picture is mixed. Some of these nations are among the most inaccessible and unfriendly in the world for an American correspondent. Getting a visa to Iraq is almost as difficult as getting one to South Yemen, which refuses to let anyone from the American press cross its borders. Saudi Arabia, too, presents problems.

Yet accessibility to prime sources is improving slightly in some Arab countries, notably Egypt and Syria. While it is still next to impossible for a reporter to interview a member of the Kuwaiti ruling family, authoritative sheiks in Saudi Arabia—once a visa is granted—and the United Arab Emirates are increasingly accessible.

While leading Egyptian and Syrian officials have opened their doors slightly to the press, they appear to prefer as a matter of policy to see visiting reporters and editors rather than resident Middle East correspondents who naturally are better informed on day-to-day developments and might be better equipped to ask deeply penetrating questions.

On the whole, official access to news sources is still very limited. But as it is with most business and diplomatic endeavors in the Arab world, a journalist's fact gathering depends heavily upon unofficial access to information—that is, close personal relationships and contacts. There are implicit dangers in this kind of news gathering, not the least of which is protective self-censorship. An open official information system would be far better but it is not now foreseeable.

Throughout Southeast Asia, life became more difficult for foreign correspondents following the defeat of non-Communist governments in Indochina in 1975. In Cambodia, Vietnam and Laos, foreign correspondents were virtually banished—and still are. In the non-Communist states of Thailand, Indonesia, Singapore and the Philippines, American correspondents felt themselves under increased pressure.

In various degrees, the governments of the non-Communist states were all authoritarian except Thailand, which was soon to revert to military rule, and they generally viewed the role of the western press in neighboring Indochina with scarcely concealed distaste. More deeply, they held a distrust of western journalists that began with the emergence of nationalist attitudes after World War II.

These attitudes were present but generally subdued through the Vietnam years when the United States presence was strongly felt in the area and served as something of a protective umbrella. United States influence is now low throughout Southeast Asia and these governments feel they have more latitude in dealing with correspondents, who are primarily American or working for American organizations.

It should be emphasized that despite increasing pressures upon them, foreign correspondents can and do move with relative freedom through the non-Communist states of Southeast Asia. The welcome varies from country to country and depends a great deal on the immediate domestic situation at the time; it is seldom warm but neither is it actively hostile.

In this area, too, there are the usual problems: occasional expulsion, the sensitive subject, red tape and bureaucracy, difficult access to good sources. At best, contacting responsible officials has always been an imprecise process in Southeast Asia, complicated as much by bureaucracy, perhaps, as by intent.

Special mention should be made of India. In the twenty-one months of Mrs. Gandhi's emergency rule, New Delhi expelled a number of western correspondents, imposed censorship and "guidelines" for the press, denounced the western media with vicious rhetoric, and intimidated correspondents with threats of expulsion. In this period, sources dried up; Indians from all walks of life were frightened of contact with foreign correspondents. It was a classic case of an uncertain government using totalitarian means again the media.

With the March elections, a new government ended all this and the biggest problem a foreign correspondent has today is coping with the red tape so common among the bureaucracy-obsessed nations of the Third World.

The basic situations for western correspondents in the Soviet Union and the People's Republic of China are well known.

In the Soviet Union, the number of American newsmen is determined by the number of Soviet journalists assigned to Washington in a reciprocal understanding. Although the State Department monitors the treatment accorded to Americans in Moscow, and probably has assisted in improving working conditions, United States newsmen still are subject to harassment, limitations on travel and access to information, and other restrictions. In fairness, however, it should be pointed out that the trend in information availability has been positive over the past decade. To cite the most obvious improvement, it is inconceivable that a Sakharov or any other dissident ten years ago could have held an open press conference. In the wake of the Helsinki Accords, travel restrictions have eased—a bit. The fundamental difficulty is still the same: so much information is branded secret.

The People's Republic of China still prohibits American journalists from residing there and says it will continue to do so until Washington and Peking establish full diplomatic relations. Even so, with the encouragement of our diplomats, Peking has permitted a number of United States reporters to visit China for limited periods.

I would like to suggest that only to an extent can the news media on their own, individually and collectively, press forward their message to the non-aligned world. If our experience with the Soviet Union is applied, diplomatic support is essential, too.

There was a lesson during India's emergency rule, when New Delhi threatened to expel West German correspondents as it was expelling some Americans. After the threat, I am told, German officials let it be known that expulsion of German correspondents would be so unpopular at home that foreign aid might be stopped. The Indians relented and the German reporters stayed.

I believe it is self-evident that the interests of the public would be served by dissolution of the roadblocks to information throughout so much of the world. And in the longer term, a free flow of information also would serve the interests of the nations that now impede it. If the American people are to be expected to support programs assisting developing nations, an early requisite is that they receive the information from those nations essential to forming prudent judgments.

In addition to improving the accessibility of American newspapers to genuine news sources in the Soviet Union, there is need for the United States government to assist American book publishers to reach those authors who are writing interestingly of life in the Soviet Union, in both fiction and nonfiction.

The Soviets claim there are many such talented, non-dissident writers in the USSR American book publishers are eager to test this claim, but direct access remains a problem. There have been "seminars" and an exchange of visits by Russian and American publishers. While these contracts have enabled American publishers to obtain some limited direct access to Russian authors, this has been confined to the non-controversial fields of the sciences, and all negotiations have been conducted in the offices of Soviet Union state agencies.

Conversely, the Soviet state-supported publisher has free access to the entire spectrum of United States publishing, subject only to satisfactory commercial terms.

A protocol on mutual cooperation is currently being negotiated between the Association of American Publishers and the Soviet State Committee on Publishing, Printing and Book Trade. This may lead to more systematic relations and thus to improved American access to Soviet authors, but improvement is most likely to be limited to the sciences and other "non-controversial" subjects.

A critical difference in the position of the parties is that the Soviet agency for publishing has the policy advice and economic resources of its government, while the American publishers operate individually and within their own economic resources and largely without government guidance or support.

Official United States efforts to obtain freer access to information sources in countries like the USSR should accordingly extend to book publishing, and the current independent efforts of American publishers to obtain direct access to authors and books of potential interest to American readers should be vigorously supported by the State Department.

There is a need for a higher and more sustained level of officially supported programs that can expand the flow of information beyond technical areas into wider and more critical areas of exchange.

A broad cultural exchange between the two countries has been and should continue to be a part of the overall United States-Soviet relations.

Thank you, Senators.

TESTIMONY OF WILLIAM SHEEHAN

My name is William Sheehan and I am senior vice president of ABC News. I am grateful for the opportunity to be present today to give you my views concerning some of the problems that United States television news-gathering organizations face in covering international news.

I am including in my remarks the concensus of our most experienced correspondents and producers who regularly work outside the United States and face on a story-by-story basis some of the problems around the world.

There is nowhere in the world where press freedom and an unimpeded free flow of information and the right of access to that information is comparable to the United States

The opposite end of the spectrum can be found in the Soviet Union and in many of the underdeveloped countries of the world where news is a guarded commodity and where information unattractive to the sensitivities of the government and bureaucracy is kept out of sight. In these areas, the reporting of bad news is considered subversion and even practicing journalists subscribe to the theory that what's bad for the government is best left unsaid.

Clearly our system of freedom of the press is a minority view in the world, a system not honored or emulated. This, I believe, is a fact of life that is not likely to change. And a fact that our government must be aware of

and that our readers, listeners and viewers must be aware of as they form their perceptions of the world through news reports.

Our greatest problem in covering international news is censorship. The degree of censorship we face abroad varies. Generally, the more democratic a country is, that is the greater the degree of personal and political freedom enjoyed by its own citizens, the less onerous are the restrictions the American journalist confronts.

Censorship takes many forms. The old-fashioned censor with the snipping scissors often appears in more sophisticated disguises today. Thus, we have censorship by visa, censorship by facilities, censorship by filming permits, censorship by customs officials, and, in at least one instance, censorship by excessive hospitality.

Television and radio reporting, while not basically different than print in the information it requires, does have some technical complications that open up avenues of censorship outside the traditional stream.

Our reporting teams travel with more manpower and more equipment than our colleagues in print, and this raises the potential of additional obstacles to the flow of information. We depend on satellites and radio circuits and film laboratories and the use of technicians in the host country in many instances. We need export licenses to send film and tape. Television teams are a most conspicuous presence.

Many countries, particularly the third-world countries, demand a list of topic areas or subject matters to be covered before issuing visas to a television news team. Then if a subject on the list appears to present even the slightest prospect for embarrassing the government in power, the visas never arrive. They are never overtly refused, they just never arrive at the Embassy where the application was made.

In other instances, we might find that the local television facilities, almost always government-dominated and usually government-owned, are faulty or unavailable for satellitting if the story doesn't please the government. For example, satellitting is fairly routine out of Bangkok unless the story involved meets government disapproval: then the facilities inevitably break down just prior to the satellite deadline.

Similarly, customs officials are in a position to block the shipment of news. The technology of television translates into a range of paraphernalia which arouse greater suspicion than the notes a print reporter can easily conceal.

There is no government censor sitting in our Bureau in Moscow, but anything beyond the most casual street-scene filming requires a tortuous trip through the bureaucracy to obtain permission to visit a farm or travel to Leningrad or whatever The permission never comes in any instance where the Soviets even suspect they might not be presented in any but the most flattering light.

In Egypt, the suspicion of foreign journalists is so prevailing that ordinary citizens will interfere with filming on the street if they feel their nation might be embarrassed by the story. They have harassed camera crews shooting innocuous standuppers because the background just coincidentally showed the filth of Cairo.

Israel is an example where censorship is of the old-fashioned kind. Technically, all our scripts must be seen and rubberstamped by the government censor, as must our film. The Israeli government justifies censorship as necessary to the nation's security and survival. Whether the censorship rules are fair depends upon your side of the fence, and also depends upon how the rules are administered from one occasion to the next. We can all appreciate that there will be military information which the Israeli Government, or any government for that matter, will want to keep secret. However, Israelis themselves have criticized their government on the grounds that this principle has been abused and used for political reasons in some instances.

In Angola, an ABC team was greeted at the border and assured that it was most welcome—so welcome that the crew certainly need not stay in a hotel but rather in a suburban guest house. The crew was also told they need not rent cars because a government chauffeur and car were always available. This was censorship by hospitality, excessive hospitality. Obviously the crew was under close supervision in the guest house and the chauffeured car and not permitted to wander from either, lest they shoot film the government did not want exposed.

Often this dread of our reporting is unnecessary and self-defeating, even for the government practicing the censorship. Often the stories to be shot would not show the government in a bad light, and often they would lead to a better understanding of the people and government involved.

But the concept of a free flow of news is so foreign to many governments that they have a pathological fear of any reporting which they do not directly control.

It would be ideal, from our point of view, if these nations could adopt the concept of a free flow of news. There is indeed a fraternity of television news people worldwide which produces an almost instant common understanding when not discouraged by politics or politicians. The technical facilities worldwide are remarkably compatible for an exchange of news, and the techniques even journalistically are often quite similar when it comes to reporting a story which has no political implications.

Having catalogued our problems, I would like to close with my personal opinion regarding the government's role in these matters. I do not believe that the Senate or the Government at any level should directly take up the problems that news gathering organizations have and intercede with other governments. I feel that the first amendment precludes such action, that the Government's role should neither be in support nor opposition to the press. With the best of intentions and motivation, it seems to me that a precedent would thus be established whereby restrictions could be imposed in some future circumstance. If this Government can ask another country to ease the coverage of news in one instance, why cannot the other country ask for restrictions in some delicate situation in the future?

Obviously it is to everyone's advantage that the facts and circumstances be known. But I feel that having stated the problem, it is best that the Government not set any agenda to attempt to find solutions on behalf of the American free press.

Thank you for the opportunity to appear before this subcommittee. I will be happy to deal with any questions you may have.

REMARKS BY JACK VALENTI, PRESIDENT, MOTION PICTURE EXPORT ASSOCIATION OF AMERICA

Mr Chairman, and members of the Committee:

Your inquiry into international communications including motion pictures and television programs has consummate interest for me as a citizen and as president of the Motion Picture Export Association of America. This area needs the earnest attention of us all and I appreciate your inviting me to appear on the panel this morning.

My name is Jack Valenti. The address of the Export Association (MPEAA) in Washington, D.C., is 1600 Eye Street, N.W. This Association is one of three separate but related organizations of which I am president. The other two are the Motion Picture Association of America, the domestic arm, also located at 1600 Eye Street in Washington, and the Association of Motion Picture and Television Producers in Hollywood.

The Export Association is a Webb-Pomerene association which is engaged exclusively in foreign trade in behalf of its members. As you know, the Export Trade Act of 1918 grants limited immunity from the antitrust law to American companies for the purpose of enabling them to compete more fairly in promoting American exports. The nine members of MPEAA, comprising leading distributors of motion picture and television programs around the world.

Allied Artists International Corporation, Avco Embassy Pictures Overseas Corporation, Columbia Pictures International Corporation, Metro-Goldwyn-Mayer Inc., Paramount Pictures Corporation, Twentieth Century-Fox International Corporation, United Artists Corporation, Universal International Films, Inc., Warner Bros. International, a division of Warner Bros. Inc.

The MPEAA must handle all over the world a wide and diverse range of foreign activities—diplomatic, economic, commercial, political, social. It must deal with foreign governments as well as with private interests. The member companies distribute abroad films for teachers and non-theatrical showings, and films and tapes for television.

The motion picture—in the theater and on television—is first among the international entertainment-communications media. It is sought after by the public; it is sometimes encouraged but more often thwarted and impeded by governments. I must devote at least two-thirds of my time and effort on problems in the foreign field.

American motion pictures occupy perhaps half of the screen time of theaters of the world, and are shown in almost all countries with which the U.S. has diplomatic relations.

Nearly half the theatrical revenues of MPEAA members is derived from foreign showings, and as a consequence we make a favorable annual contribution in excess of $400,000,000 to the U.S. balance of trade.

To carry out its manifold responsibilities in the foreign arena, the Association maintains offices in Washington and New York, and in seven areas throughout the world. The foreign offices are located in London, Manila, Mexico City, New Delhi, Paris, Rio de Janeiro, and Rome. There are in addition 43 film boards through which MPEAA works with representatives of member companies.

Let me indicate the scope of our foreign operations with a few highlights of the global business of the American theatrical and television film as it travels abroad.

In 1976, the gross foreign billings of our members from theatrical films and television programming came to approximately $700,000,000, with theatrical movies accounting for a little more than two-thirds. The foreign theatrical market represented 49.5 per cent of total film rental grosses. For television the foreign market accounted for 23.4 per cent of grosses.

It costs much more to do business for theatrical than for television films and tapes because there are many thousands of theater buyers to be sold and thousands of prints to be delivered. Most television abroad is controlled by government and the number of buyers is far more limited, with selling costs relatively less.

The top markets for theatrical film sales in 1976 were Canada, Japan, France, Italy, West Germany, United Kingdom, Spain, Australia, Brazil, and Mexico.

The principal geographical areas for sales of theatrical movies were western Europe, the English-speaking countries, Latin America, Asia, and Africa.

For television sales the top countries were Canada, Japan, Australia, United Kingdom, and Brazil.

In our business we are dedicated to open international trade. We believe it is the only salvation for producers and distributors of films. No film producing business of any size can exist on the domestic market alone, certainly not without subsidy and other financial support from government. The United States does not subsidize films. It has no protective quotas or other restrictions, and we want none.

We subscribe to the aim set forth by the recent Downing Street Summit in seeking in 1977 to achieve progress in these areas:

(1) A tariff reduction plan of broadest possible application designed to achieve a substantial cut and harmonization and in certain cases the elimination of tariffs;

(2) Codes, agreements and other measures that will facilitate a significant reduction of non-tariff barriers to trade and the avoidance of new barriers in the future and that will take into account the structural changes which have taken place in the world economy.

The goal, and we hope the promise, of the seven nations at the London Summit is not what prevails in the international motion picture and television trade today. In the larger western industrial countries trade conditions are generally moderate and workable. In much of the rest of the world the film is singled out for discriminatory treatment and can only reach theater and television screens over a wide variety of duties, imposts and other impediments. Let me cite these just as summary examples:

Five countries impose higher admission taxes on foreign films than on domestic pictures, either directly or through rebates to exhibitors when domestic films are shown.

Six countries through direct government edict, and eight countries by indirect pressures applied by local cartels with government support, impose disadvantageous film rental terms or other restrictive conditions on our film sales.

These are illustrative examples but the American film is confronted with a whole wall of additional barriers, including screen quotas, import quotas, discriminatory censorship, remittance restrictions, local printing decrees, local dubbing requirements, exorbitant income and special tax levies, production subsidies to domestic films financed by taxes or other imposts on foreign imports, mainly American.

Hardly a day passes that I don't receive a cable or telephone call about a new or aggravated problem some place in the world. My quiet days are few in the intensely competitive domestic and international sphere of movies.

While in this area I want to dwell a little longer on a disturbing development of recent times. This has been the establishment by several countries of government monopolies for importing and distributing films. This pattern, an obvious characteristic in communist countries, is now spreading outside that world sealed off to private trading.

Government enforced film import monopolies exist today in Iraq, Libya, Madagascar, Sri Lanka, Syria, Tanzania, and Indonesia.

The purpose of such monopolies is to force down the purchase prices of films and to divert earnings of films into the government organizations, and also may be to apply ideological as well as commercial considerations to film buying. To do business in such circumstances would be to undermine the basic financial structure of the American film business, and thus our members feel that they have no choice other than to stop sending motion pictures to countries where monopolies exist.

There is also a stoppage of exports to Thailand. The Thai government raised import duties by 1500 per cent and this has forced us out of the country until more reasonable tariffs are restored.

To provide an assured supply of films to audiences in west African countries where it is not economically feasible for member companies to maintain separate offices, we have established two Webb-Pomerene associations to handle joint sales and distribution of motion pictures.

The American Motion Picture Export Company (Africa), with offices in Nigeria, services English-speaking territories, and Afram Films, with offices in Senegal, performs the same functions for French-speaking territories. The arrangement has proved beneficial to the new independent African nations and the the American companies.

The Export Association was incorporated in 1945 to distribute films of its members in The Netherlands, The Netherlands East Indies, all territories occupied by U.S. armed forces, and in the countries of Eastern Europe. There was no other way that American movies could have been returned to these areas, as high American officials urged, to these war-devastated places. Facilities did not exist for individual companies. Gradually, as the economies revived, the Export Association withdrew and the individual companies took over.

The Association and the companies strive to go it alone to the fullest extent possible and succeed most of the time. There are occasions, though, when we need the strength and support of the U.S. Government, not for any special favors but for the kind of assistance we believe it is proper for the Government to provide to all American industries doing business overseas.

Governments can speak to governments in those areas beyond the reach of private interests, such as on tariffs and taxes and unfair and discriminatory competitive practices. The U.S. Government urges American business to operate abroad in the national interest and we consider it has an obligation to be of help whenever assistance is open and proper.

The State Department has generally supported us whenever we have turned to it to lend a hand on a hard and delicate problem created by a foreign government. I must travel overseas a great deal in pursuit of Association affairs and I have found U.S. ambassadors and American missions, with only occasional exceptions, to be understanding and supportive.

Many times our ambassadors have accompanied me to conferences with heads of state and with leading cabinet officials to express the concern of the United States in a successful outcome. American embassies have become more knowledgeable on motion picture and television problems in their areas. We don't always get what we ask for but it is only rarely that we are coldly turned away by an American diplomat.

The cooperation is not one-sided. Many American embassies look upon the American film as an "ambassador of good will", and are anxious to show some of our films at representational screenings to leaders of the country where they are located. Not once but numerous times American ambassadors have told me they send invitations to receptions and dinners and other occasions at the embassy and receive declinations. When an invitation goes out to attend an American film, then, as one said: "The place fills up and top officials we rarely see at the embassy come out to enjoy a movie. It provides an evening of common interest and good will."

Our Association, with the cooperation of the companies, makes it a regular practice to provide, free of charge, films requested by ambassadors for private representational showings. We like to think it is a useful contribution in the national interest. At least ambassadors and the State Department tell us so.

American film companies, moreover, carry on promotional activities for American motion pictures around the world and provide for American participation in the numerous international festivals and other cultural events. In other film producing countries such activities are mostly carried out by government agencies at public expense—frequently out of tax revenues obtained from imported films.

STATEMENT OF JOHN E. REINHARDT, DIRECTOR, USIA

Mr. Chairman, Members of the Committee: I am pleased to be here this morning at your invitation to participate in your discussions of international communications questions. For most of my career I have been personally interested in this field and officially involved in the practice and the theory of international communications.

In thinking about how to start my presentation I recalled a few sentences from the speech the Soviets did not allow Aleksandr Solzhenitsyn to deliver several years ago when he was awarded the Nobel Prize He said: "Mankind has become one . . . not steadfastly one as communities or even nations used to be, not united through years of mutual experiences . . . not yet through a common native language . . . but surpassing all barriers, one nevertheless through international broadcasting and printing." At the same time, he continued, we know that "suppression of information leads to atrophy and total destruction."

I quote these few lines because to me they epitomize the challenge for the future and, at the same time, the threat facing us if we do not meet this challenge. Certainly we agree that the continuing free flow of information and the potential of today's communication revolution to serve the needs of humanity is a matter of utmost urgency and importance. So I am extremely pleased at this Committee's initiative, and I am pleased as Director of the Agency charged with explaining abroad the policies and culture of the United States, to participate in these discussions.

Since the very beginnings of our history as an independent nation we have had the strongest commitment to the maintenance of the right of free speech for all And we continue to follow most fervently this commitment to the fundamental right of every individual to seek, receive, and impart information and ideas through any medium and regardless of frontiers. Today more than ever before, this reaffirmation is important because, on the one hand, the major developments in communication technology have produced an information explosion the potential of which is dazzling and, on the other hand, because we are encountering unprecedented attacks on this basic philosophy.

Some of the dimensions of the revolution in technology are almost beyond comprehension. Coaxial cables capable of 10,800 channels each are soon to be replaced by millimeter waveguide systems of ultra-short frequency which will carry up to 250,000 channels. Compounding the increase in the number of channels with the increase in the capacity of each channel means that the capacity to transmit "bits" of information per second per channel will jump from 648 million in a coaxial cable to 15 billion in new systems. And when laser systems now on the drawing board or already in preliminary testing come into operation, the figure may jump to 100 billion.

These technologies enable the mass of human knowledge to be indexed, stored, retrieved, transmitted and shared by people all over the world. Wisely used, such information systems can accelerate development in the poorest countries. Potentially, today's technology can afford new levels of educational and cultural enrichment to the earth's inhabitants. More profound and widespread understanding among peoples

must inevitably flow as another consequence of the fulfillment of this communication revolution.

With this enormous potential so obvious to us, with our background, education and traditions of free speech going back to Thomas Jefferson and the Bill of Rights, with the United Nations incorporating commitments on the free and open exchange of ideas in its Universal Declaration of Human Rights, it is difficult for Americans to comprehend, let alone be concerned with the mounting criticism of these concepts in recent years. Yet these criticisms are coming from several quarters and are based on different arguments.

From our ideological adversaries has come the argument that information and communication are not only "sovereign rights," but monopolies of the state. They hold this position, we believe, because they recognize the power of information in maintaining control over their populations, and contrariwise the power of outside, uncontrolled information. From their beginnings, they have been unaware of the importance of mass media abroad, they have intensified their internal struggle against what they choose to label "reactionary bourgeois ideology" but which, in effect means the Western ideal of freedom of thought, freely expressed. This, despite the solemn pledge of all signatories to the Final Act at Helsinki, in 1975, to "facilitate the freer and wider dissemination of information of all kinds." As we believe that free speech is democracy's chief weapon against tyranny, so do the leaders of these totalitarian states believe that control of free speech is a vital weapon in preserving their structure.

In promoting this objective the Soviets and their allies have taken full advantage of the recent flood of conferences dealing with international communications. In the past year or so there have been such meetings of the Non-Aligned countries in Tunis, in Mexico City, in Delhi and in Colombo; there was a series of regional UNESCO meetings and the UNESCO General Conference at Nairobi, the meeting in Geneva of the World Administrative Radio Conference (WARC) of the International Telecommunications Union, and the continuing discussions of subgroups of the United Nations Outer Space Committee. This rapid conjunction of meetings has brought into urgent focus the need for the United States to examine this issue carefully and comprehensively and to formulate a policy and an agenda for addressing it in the months ahead.

The Soviet concept of "sovereign rights" has been supported at some of these international meetings by non-communist states for non-ideological reasons. Thus, at last January's WARC meeting, Western European, African and Asian nations voted with the Soviet bloc to allocate fixed frequency and orbital slots for each ITU member nation outside the Western Hemisphere. The United States argued unsuccessfully that satellite technology was new and that any proposal for developing firm allocations now would freeze technology too soon. The net effect of this action everywhere except in the Western Hemisphere will be to deny the use of satellites for international television transmissions unless prior consent is given by the intended recipient and by all other countries that may be affected technically.

The reason for the positive vote by the Soviet orbit countries was, without doubt, ideological; some other nations, particularly in Western Europe, simply needed right now a rational plan for the efficient use of frequencies because of the technical problems they were facing. And still other nations—those in the Third World—used this forum, as they have been using every other one, to battle against what they have begun to call the "cultural imperialism" of the developed world.

Leaders and intellectuals in these Third World countries have indicated they recognize the pitfalls of government control of information media, and that the Soviet Union may be exploiting the legitimate complaints of the Third World for its own ideological ends. These leaders are, nevertheless, disturbed by and angry at the near monopoly the developed world has in supplying the books they read, the TV and movie films they watch, the news stories they read, and even the foreign universities they must attend for much of their higher learning. In such a situation, according to the ministers of information of the non-aligned countries meeting in New Delhi last year, "freedom of information really comes to mean the freedom of these few to propagate information in the manner of their choosing."

This imbalance exists and because we are concerned that all peoples should have the opportunity to share in the potential benefits of modern mass communication, we have pledged our determination to help develop and increase two-way communication among peoples. This must be done in a way that preserves the independence and fruitful diversity of sources of all information. Let us not fool ourselves, however, into thinking that we can ever completely effectuate a balance. But we can understand, we can sympathize and we can take action.

The most effective way to reduce this imbalance in the two-way communication flow is not to choke off with control the communications capacity of some, but to increase the communications capacity of all.

I said this last year at the UNESCO Conference in Nairobi, Kenya, where I had the honor to head the American delegation. I was speaking to a resolution which would have had the effect of sharply curtailing the international flow of news. Eventually enough nations came to realize that passage of this resolution might not be in their long-term interest and so, instead, they voted to call for strengthening the information and communications systems of the developing world. The United States and other nations pledged assistance to help the developing world in this endeavor. These pledges helped gain passage of the resolution. Now we must make good on these pledges—because the ideological offensive has only been blunted, not broken, and other nations may look more favorably on these ideas unless they see real progress toward redressing the imbalance. More important, however, than simply winning a point ideologically is the need to keep faith with our own basic morality and principles. We must act if we are serious about the importance of utilizing communications resources to their potential, if we believe that what we are doing for mankind is the measure of our endeavor in human rights and the legacy we will enhance for future generations.

Actually the process of bridging the communications gap has already begun and in some areas is advancing at a rapid rate. For example, more than half the Non-Aligned countries have Intelsat earth stations. Many of them are connected by telex. India lists 71 non-aligned with which it can communicate and Kenya lists 67.

At the Nairobi UNESCO meeting, I repeated the willingness of the United States to continue to share its knowledge and expertise regarding communication facilities available for experimental undertakings. For example, as a result of our supplying India with the use of the U.S. ATS–6 (Applications Technology Satellite) communications system, India was able to conduct a year-long program on agricultural techniques, family planning and hygiene, instruction, and occupational skills.

India is now planning to build its own satellite. Indonesia plans to use satellites to connect its 50 major islands and 20 Arab nations hope to establish a satellite network. Brazil has plans to link 1,000 of its widely scattered communities by space satellites. But despite these developments, many nations are just entering the twentieth century in communications terms. At Nairobi, I further stated that the United States and other nations with highly developed mass media should endeavor to make available, through bilateral and multilateral channels, both governmental and private assistance to other states in helping to develop their mass media. We suggested that UNESCO itself should join in these efforts.

In fact, the United States Government and private groups in this country have been engaged in journalism training programs for some years. Between 1970 and 1974, some 1,137 media specialists from Africa, the Near East, East Asia and Latin America have come to America for training under grants provided by the State Department's Bureau of Educational and Cultural Affairs. The Department of Agriculture has sponsored an annual program to bring 40 specialized journalists to the United States for training which includes on-the-job experience on newspapers in the mid-west. At Macalester College in St. Paul, Minnesota, the World Press Institute has trained over 200 foreign journalists and many Third World journalists have studied at Harvard University under the Nieman Fellowship program. My own Agency, USIA, which administers the State Department Educational and Cultural programs abroad, maintains a press center in New York and another here in Washington to assist foreign newspeople, many of them from the developing area.

I am pleased to be able to report to you that just a few weeks ago America's leading newspaper executives began translating the U.S. pledge of assistance to developing nations into action. At the April meeting of the American Newspaper Publishers Association, Mr. Clayton Kilpatrick, editor of the Chicago Tribune and a valued member of the American delegation to the Nairobi UNESCO meeting, announced formation of a World Press Freedom Development Committee to bring news media people from developing countries into closer contact with newsmen in developed countries. Among special goals of the new group is creation of a manpower pool of experts in all phases of publishing and broadcasting who would be available to assist press and electronic media in Third World countries. The Committee also plans to assess the technical needs of developing media and to channel to them available equipment.

And just two weeks ago the UPI Broadcasting Advisory Board resolved at its annual meeting to participate in any professional effort to insure the free flow of news, including technical and editorial assistance.

The effectiveness of this kind of action might be inferred from the sharp attack on the Press Freedom Committee just a few weeks ago by the official Soviet TASS news agency. In response, Mr. George Beebe, associate publisher of the Miami Herald said: "The Soviet Government has shown once more that it is fearful of any challenge between a free press and a controlled press such as exists in Russia."

The formation of the World Press Freedom Development Committee is the kind of positive action we favor—a happy augury, I hope, of the balanced and principled approach that will be taken to address these problems. There are many other possibilities for helping redress the imbalance. My colleague at Nairobi and here today, William Harley, and one of my predecessors as head of the United States Information Agency, Leonard Marks, have proposed a number of exciting activities and projects in this context which I am sure you will want to hear about and discuss.

Suffice it to say, there is need for the United States to continue to enunciate its basic policy in favor of the free flow of informa-

tion to people the world over, to illustrate the dangers of government control of information and to take positive action to help those with legitimate grievances. We cannot relax.

I was asked this morning specifically to address two subjects in my presentation—the Third World News Agency and international radio. At Colombo, Sri Lanka, last year some 85 nations formally agreed to a three-year-old proposal to form a News Agencies Pool wherein they would share selected news items from each other's national news agencies. The objective, in their words, was to "achieve the broad and free circulation among themselves of news, information reports, features and photographs about each other, and also provide objective and authentic information relating to Non-Aligned countries to the rest of the world." It is too early to evaluate where the Pool is going but if I may, I would like to summarize for you a few conclusions drawn from a survey of this subject just completed by a USIA officer at the Senior Officers Seminar.

The political declaration which led to formation of the News Agencies Pool referred to the fact that the majority of the Non-Aligned countries are now "passive recipients of biased, inadequate and distorted information." The survey looked at the news distribution patterns of the three leading international news agencies. They show that some three-quarters of all the developing countries, rather than being passive recipients, are in a position to screen news items before relaying them to end-users. And even in some of the remaining countries, where news services are sold directly to the media, there are press controls of one kind of another. The survey also shows that while there may be an imbalance in the news flow, the charge that international news agencies are biased in favor of their home governments and serve their political and economic aims is debatable. In regard to the Pool itself, the survey found it to be operating reasonably well, although just seven nations were contributing most of the Pool's content. The survey noted that almost half the Pool's output had high or medium potential for placement in Western media and that the Pool's contents contained "surprisingly little overt bias as far as the United States is concerned. Even more surprising is that of the nine percent of the stories found to have a bias, four percent were in favor of the United States."

In addressing the subject of international radio broadcasting, may I start with a few statistics: Well over one hundred million people around the world listen daily to broadcasts emanating from a foreign government radio station. Other statistics on international broadcasting are of similar breathtaking magnitude. Some 80 countries broadcast to the people of other countries daily and they transmit over 21,000 hours of broadcasting weekly. Some 17 nations each broadcast over 300 hours weekly.

The Soviet Union is the world's most prolific international broadcaster. It transmits beyond its borders almost 2,000 hours of programs each week in 84 languages. The USSR is followed by the Peoples Republic of China, Egypt and then the Voice of America, which broadcasts 788 and a half hours of programming each week in 37 languages. (If one includes Radio Free Europe and Radio Liberty this total is 1,809 hours weekly.) We are followed closely by the Federal Republic of Germany, the Republic of China, the BBC, North Korea and Albania. The six other Warsaw Pact nations are broadcasting almost 1,500 hours each week.

It can thus be seen that international broadcasting has become an important element in foreign policy implementation by many nations. The United States has long felt that it is of vital importance to our security and to the structure of peace to be able to continue communicating our policies, ideals and traditions of free information to the peoples of the world. The Voice of America, operating under a Congressionally approved mandate, broadcasts international news comprehensively and objectively, tells the story of American society and culture in all its diversity and explains U.S. foreign policy with a non-polemical approach. Particularly important is our broadcasting to the USSR and Eastern Europe where censorship and controlled media give the peoples of the area distorted or inadequate views of the United States, of crucial events within their own countries and in the world.

Whereas totalitarian leaders can in one way or another either stop at their borders, or selectively admit or control, other media of communication, international radio, unless it is jammed, goes directly into a listener's home. There is heavy jamming in the USSR and in certain East European countries of Radio Liberty and Radio Free Europe. Broadcasts by the Voice of America, however, seem at this time to be reluctantly accepted by these governments as an official activity of the American Government.

This does not prevent them from sharply attacking all three organizations. What has particularly irked the Soviet and East European leaders is coverage of news developments regarding human rights and dissident activities in their countries. They have construed this coverage—in which the United States has been joined by other Western radios—as an ideological attack on their system, interference in their internal affairs and an attempt to embarrass them at the upcoming meetings in Belgrade dealing with implementation of the Final Act of the 1975 Helsinki meeting. In considering these charges, I would like to quote that section of the Final Act covering radio. It says: "The participating States note the expansion in the dissemination of information broadcast by radio and express the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth by this conference." We believe that our broadcasts have been and are fully consistent with the spirit and the letter of this statement.

As you know, President Carter recently publicly enunciated his support for the VOA, Radio Liberty and Radio Free Europe by asking Congress to appropriate funds for increasing their transmitter capacity. At the time he made his request, the President said these stations have been for many years a vital part of the lives of the people of the Soviet Union and Eastern Europe. While no reliable figures are available—since no surveys in these communist countries can be taken—our estimate is that VOA listenership in this area is in the tens of millions daily. An interesting sidelight to this issue is the number of listeners in the United States to Radio Moscow broadcasts. An American social scientist estimated several years ago in the magazine *Public Opinion Quarterly* that despite an excellent signal throughout the evening hours, Radio Moscow has an audience of only two million listeners in the United States.

In terms of comparative worldwide listening, survey data in those areas where we have been able to take surveys, plus well-informed estimates, place total Soviet international radio listenership in the range of 15 to 24 million. Data and estimates put VOA's weekly listenership at perhaps 70 million. RFE and RL listenership is estimated to be similarly impressive, perhaps as many as 50 million listeners weekly.

In terms of VOA's impact there are many illustrations I might cite: Visitors to major USIA exhibits in the Soviet Union frequently report learning about them only through VOA promotional broadcasts, which often led them to travel thousands of miles to the exhibit site. Letters sent to Willis Conover who has been Master of Ceremonies for VOA's "Jazz USA" program for many years indicate he is as well known in the USSR as any other single American. When VOA broadcast the complete Charter 77 text, listeners in Czechoslovakia wrote to say that they had learned what the Charter contained only from hearing it on VOA.

The normal conduct of international affairs, President Carter told the Organization of American States last April, requires communication with all countries of the world.

Whether it is to these people in the Soviet Union and Eastern Europe, or the leaders of nations around the globe and their peoples, the VOA is a most effective element in America's public diplomacy, a channel through which we can not only tell our story but also can speak freely about human rights and American values directly to the people of the world. It is a vital instrument in the conduct of American foreign policy.

NATIONAL POLICY ON CARCINOGENS

Mr. PEARSON. Mr. President, Commissioner Barbara Franklin, of the U.S. Consumer Product Safety Commission, recently called for a national policy to deal with the hazards of carcinogens.

In a speech delivered before the Chemical Week Federal Regulation Briefing, Commissioner Franklin indicated that industry and Government share a responsibility "to make the Nation more fully aware that there are certain chronic hazards before us which are both complex and controllable." She said that—

A Federal policy on identifying and regulating carcinogens is essential "as a major first step toward providing a national focus and developing a coordinated strategy to deal with the full range of chronic hazards.

Mr. President, we must begin to address the issues raised with respect to the hazards of carcinogens. Commissioner Franklin provides one approach which we may wish to consider. Therefore, I ask unanimous consent that her speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE BARBARA HACKMAN FRANKLIN

There are several schools of thought on the job of the luncheon speaker.

Some believe it is to provide a total of pace from the heavy technicality of the day's working sessions. Others believe such a speech should seek to synthesize, to nudge, and to suggest some new and higher ground. Still others believe that it doesn't really make much difference what the speaker says—the main purpose of a luncheon is to greet old and new friends and, obviously, to eat.

So that no one is totally disappointed, I'm planning to take my cues over the next 15 minutes from all three philosophies. If, at the conclusion of my remarks, you believe they fall short of your particular expectations, let me simply offer the advice of the Arctic expert who, at the end of a 45-page description of how to build an igloo, said, "If this doesn't work, use common sense."

I am pleased to have this opportunity to be with you today, because I share the growing concern about chronic hazards associated with chemicals and the need to find a more

rational, responsible way to deal with them in pretty short order.

In terms of the U.S. Consumer Product Safety Commission, I am hard pressed to suggest another broad issue in which the factors involved are more complex and interdependent, the scientific knowledge less certain and the need to take the *right* action at the *right* time more compelling.

Our particular concern at CPSC is protection of the public from unreasonable risks of injury, illness and death associated with consumer products, excluding items such as automobiles, food, drugs and cosmetics.

It should come as no surprise that the bulk of our emphasis and energy over the first four years has been targeted at acute hazards, such as poisonings from household chemical substances, burn injuries related to flammable fabrics, fractures, lacerations and electric shock. In directing the Commission to look at illnesses and death as well as injuries and deaths, however, Congress thrust the Commission into the area of chronic hazards and the full range of challenges associated with this kind of public policymaking.

For a $40 million/890-person agency with jurisdiction over the safety of 10,000 consumer products, our responsibility is significant, even awesome at times. For us and for most other agencies represented at this conference, this is especially so with respect to the long-term harmful effects of some chemicals.

We have, on the one hand, a society whose reliance on and benefit from the $100-billion-dollar-a-year chemical industry is indisputable. And yet the very real possibility is that some chemical hazards may constitute the major health and safety problem of the 70's unless there are adequate safeguards to protect the consumer, the worker and the environment.

We recognize the odds are that only a fraction of the 30,000 chemicals in commercial production cause cancer or have other serious effects. On the other hand, some chemicals can cause cancer and other serious illness, death and genetic damage, sometimes, we are told, after only limited exposure.

There are formidable difficulties associated with all decisionmaking in this area superseded only by the limited state of the art. As a nation, we are short on screening tests and testing protocols that are reliable, fast and cheap. We are short on the methodology to more precisely pinpoint the linkage between chemicals and human health and environmental concerns. We even lack trained personnel in some of the highly critical fields.

Federal interest and involvement in chemical hazards spans many different agencies, all with their own statutory authorities and priority concerns.

And yet despite passage of the Toxic Substances Control Act last fall, we still lack a national focus and a coordinated strategy on how best to protect the public without undue delay and without crippling industry's ability to develop and market new and useful products and to improve older ones.

Nowhere, however, have the chronic hazards of chemicals been more disconcerting than to the American public.

To most people, the fact that some substances rather suddenly surfaced in the morning newspaper or on the evening news as threats to human health and the environment came as a shock. Many still are not sure that what they are reading is true, what it means one way or another or who to believe.

For me, the events leading up to the CPSC decision 12 days ago to ban production and the sale of Tris, one of the chemicals used to make children's sleepwear flame resistant, provides a recent case in point.

The study and debate over Tris prompted considerable press coverage as well as calls and letters from anxious parents almost from the day the Environmental Defense Fund sounded the first formal alarm to the Commission.

Steadily, over the year, I heard from the consumers only the toughest questions about Tris. And, since our work leading to the April 7 decision was still in process, some of the answers I had to supply were neither comforting to me nor to the callers.

Sound public policy on issues like this demands time, thoughtful analysis and full and fair consideration of all points of view, as should always be the case in matters of this magnitude. You know it, and I know it.

But how much confidence and guidance it provides to a mother who wants to know "now" if her child is endangered, if the child's particular garment contains a cancer-causing chemical and what steps she should take is quite another matter.

Beyond this, there are the worldwide implications of what we do or don't do with respect to certain chemical hazards.

The most prominent example is the fluorocarbon/ozone controversy. It surfaced at several agencies, including CPSC, about three years ago and moves forward shortly with proposed U.S. regulations leading to an eventual ban on certain nonessential uses of fluorocarbons as spray can propellants.

The plain truth of the matter is that hazards affecting global resources such as the stratosphere cannot be effectively dealt with over the long term on a national basis. The problems stretch beyond geographic borders, and so do the solutions.

It is in this spirit that I particularly welcome next week's international conference on the fluorocarbon/ozone issue here in Washington. To be attended by officials from 13 countries, the conference, in my judgment, is a general recognition of the interdependence of nations concerned with issues such as this and the need for interaction and coordinated strategies to begin to resolve them.

Where do we go from here?

I cannot speak for other agencies, although they probably share many of the same concerns I've raised in the past few minutes. Nor, as a matter of fact, can I speak for CPSC, since I am one of the five Commissioners, who, together, are charged with making decisions which we hope are in the best interests of all concerned.

I do speak, however, as one regulator who is particularly concerned about the future of health and safety regulation in this area and as a realist, who takes the advice of the Arctic expert—use common sense—more and more seriously with every passing day.

Thus, in my opinion, amid all of the unknowns and complexities, there are certain realities about regulatory decisionmaking in this area which stand out.

First, the concern over chemical hazards, indeed the product safety issue generally, is not going to fade from the news in the very near future.

A Harris poll several months ago underscores the point. The need to make products safer was cited by 70 percent of those surveyed, up five percent in less than a year. A *Washington Post* editorial last Wednesday sums it up more prophetically, "The Tris case," according to the editorial, "illustrates a problem that will probably be with us for as long as new technologies continue to create new products—and new hazards."

Add to this the staggering increase in the case load and costs of product liability suits in recent years, and the very real challenges we face come into even sharper focus. Further, it appears courts and juries are more and more apt to agree with the plaintiffs—that the manufacturer is liable to pay for any damages, even in cases where accidents result from misuse of a product.

Second, all of us who are regulators would do well to constantly remind ourselves of one fundamental truth—there is no absolute safety.

I hesitate to single out this point since it seems so obvious. However, I feel strongly that some of the past criticism concerning regulatory excesses and abuses stems from the possibility that decisionmakers may have lost sight of the fact that there are degrees of risks, and therefore, degrees of safety.

What it is we must deal with—and deal with aggressively and appropriately—are the unreasonable risks products may pose to human health and the environment.

Third, optimal protection of the public interest implies rigorous assessment and attention to safety factors long before products reach the retailer's shelves or the hands of the consumers.

This, I think, was the heart of the message from Congress when CPSC was created four years ago and even more recently, when the Toxic Substances Control Act was passed. Clearly, it is in the public interest and industry's own economic self-interest to consider and take any precautionary steps which may be needed before products are marketed, not afterwards.

Putting it another way, the point is this: It's wiser and cheaper to design and build safer products or locate and correct defects early than to be the defendant in product liability suits, mount expensive recall campaigns and endure the sales-wrecking publicity and weakening of customer confidence. However, if voluntary action doesn't work, the government is empowered to step in and mandate remedial strategies to protect the public.

Fourth, adequate and reliable information is an essential prerequisite of sound public policy, but the stark reality is that there will never exist an iron-clad data base in the view of everyone concerned. This is one of the most challenging, even agonizing, tasks confronting regulators.

We must exhaust available research and data resources, subject the information to rigorous scrutiny by sources inside and outside the government and act on the basis of as much certainty as possible. At the same time, it is an inescapable fact that there always comes a point when society's best interests are not served by further delay and when tough decisions must be made.

Fifth, the costs and benefits of any proposed regulation must be factored into the decisionmaking process.

Rigid cost/benefit analysis is difficult to apply in many areas of health, safety and environmental regulation. Some things are difficult to quantify—most importantly, the value of human life. But I am not among those who advocate scrapping the cost/benefit approach altogether, as a result.

On the contrary, I believe cost/benefit thinking requires us to ask hard questions—and that exercise provides a useful framework in which to look at the real-life considerations, resource constraints and regulatory tradeoff's involved.

The government, in other words, has an obligation to take a comprehensive look at what it is we are proposing and provide some assurance that it does not violate the delicate borders beyond which regulation or reluctance to act may be self-defeating.

Sixth, the public interest is best served when the regulatory process is open and accessible to public participation to the fullest extent practicable.

It is axiomatic that issues which impact on the public should have full benefit of their comments and involvement throughout the process. Full and fair consideration of all views must be accorded, and due process must be assured.

As I see it, the future can be hopeful—in terms of reducing the threat of long-term harmful effects of some chemicals.

But I believe, equally, that this goal cannot be achieved if we pursue the ad hoc approach which characterizes so much of our effort, both public and private.

The challenge—and I believe, the opportunity—is to develop nothing less than a strong, sustained and coordinated national commitment to find better ways to bring the hazards down to much smaller size without unnecessarily burdening or inhibiting industry.

With this in mind, I would suggest immediate attention on two fronts which, admittedly, will not lead to easy or overnight answers but should help pave the way.

At the top of the list is the need for a Federal policy on identifying and regulating carcinogens.

Whatever it takes to bring such a policy on carcinogens into being—even leadership from the White House and Congress—is not too much to ask or to give at this point, in my opinion. Such a policy deserves high priority attention and since it must reflect the developing state of the art and diverse concerns of many agencies, it must be reviewed regularly with this in mind.

But the basic point is that it is critically needed, and it is needed now—as a major first step toward providing a national focus and developing a coordinated strategy to deal with the full range of chronic hazards.

Beyond this, industry and government must seek to make the nation more fully aware that there are certain chronic hazards before us which are both complex and controllable.

Here, I am not calling for slick, superficial public relations campaigns—but for more candid communications backed up with real effort. To the maximum extent possible, we must level with the public by admitting that while we do not have all the answers at this point, we are trying hard to find them and are taking a full range of precautionary steps along the way.

In this room, we have the leadership potential to do just this—to wage a new, intensive attack on a number of problems that serves the public interest and is, at the same time, good business.

GRAIN DUST EMISSION STANDARDS

Mr. CULVER. Mr. President, on January 13 of this year, the Environmental Protection Agency—EPA—published in the Federal Register regulations to govern dust emissions from grain elevators. A number of Iowa grain elevator operators and others quickly brought to my attention many problems and deficiencies in the published regulations. I alerted EPA to these concerns.

One of the major defects of these regulations was their application to many small country elevators. These elevators are in no position to absorb the large financial burden that would be required in order to comply with the proposed standards, nor do the elevators pose any serious air quality threat to the communities in which they are located. The desirability and the need to exempt these elevators from the proposed dust emission control requirements is widely recognized by agricultural and nonagricultural experts and by the Environmental Protection Agency.

After receiving the initial comments and after meeting with a number of congressional offices, EPA extended the deadline for the comment period for 60 days, moving it from March 14 to May 14. In addition, EPA has exhibited a willingness to accommodate the needs of the country elevator operators both by going into the field on several occasions to view conditions first hand and by numerous assurances that their intent is not to impose unrealistic and unnecessary requirements on grain elevator operators.

The most recent assurance that EPA will write final regulations balancing the importance for clean air with legitimate economic needs of elevator operators was provided last week by EPA Administrator, Douglas Costle. Mr. Costle said:

I have reviewed the proposed regulations and the public comments and have concluded that, in general, country elevators are not appropriate for inclusion under the new source performance standards.

Mr. Costle went on to point out that certain of the largest country elevators may need to be included under these standards. Unfortunately, he was not able to specify exactly what standard would be applied in making this determination. He made it clear, however, that, based on the evidence presented by elevator operators and others, a factor criterion such as that of storage capacity or receiving capacity would not be appropriate.

The Environmental Protection Agency is currently working on a detailed definition, based on various factors such as storage capacity, receiving capacity, and possibly, facilities to receive rail shipments, to identify those elevators that should and should not be subject to the dust emission standards.

Given the assurances by Mr. Costle, and the fact that EPA's criteria will be based on the comments and information provided by thousands of elevator operators and other experts, I would hope that the final regulations issued in this matter will effectively serve the needs of both the elevator operators and the general public. In the meantime, however, the uncertainties that have arisen within the grain elevator industry have imposed a heavy burden on many operators.

In an effort to reduce these uncertainties, while leaving EPA the flexibility to continue to work with the industry in developing effective regulations, the U.S. Senate recently amended the Clean Air Act to exempt from regulation country elevators with storage capacity of less than 2.5 million bushels. This measure provides small country elevator operators the assurance that they will not be covered by the final dust emission standards and, at the same time, leaves the Administrator of EPA the necessary authority in identifying borderline cases as to "country elevator" status. I believe that this combined approach of administrative and congressional action will help bring this matter to an early solution and I commend all those who have contributed to this effort to reconcile the potentially conflicting needs of agriculture and the environment.

ARIZONA BECOMES 20TH STATE TO URGE ADOPTION OF BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. GOLDWATER. Mr. President, I have had a growing feeling that Congress lacks the will to propose changes that are drastically needed if our free society is to survive. I am speaking in the context of changes to the basic charter of Government under which we operate, the Federal Constitution.

One of the primary requirements for preserving freedom in this country has to be putting a stop to deficit spending by the Federal Government.

There are other recommendations I have for curbing the power of the central Government over the individual, but I think this one—checking the spending power of the Government—is right at the top of needed reforms.

The trouble is that I can not see Congress doing the job. Even with the new Budget Act, I do not see Congress being willing to make the hard decisions that are required in order to balance the budget. For example, the budget resolution that Congress adopted last month for fiscal year 1978 projects a deficit running into tens of billions of dollars. The actual total is $64.65 billion in the red, which is $6.9 billion higher than even the President had estimated. Accordingly I can not see either the executive branch or Congress being fiscally responsible.

Mr. President, there is a solution, however. It lies in the Constitution itself.

We might remember that the Constitution is not embedded in stone, totally free of reasonable change. The Founding Fathers knew that change would be necessary. To this end, they provided two separate methods of proposing amendments to the Constitution. Under article 5 of the original Constitution, amendments can be initiated by Congress itself or "on the application of the legislatures of two-thirds of the several States."

The second method of proposing amendments has never been used, although it is specifically provided for in the Constitution.

Yet, the alternative method of State initiative was conceived as one of the fundamental checks and balances of our form of government. Madison's original draft provided for amendment only at Congress initiative, but his fellow Virginian, George Mason, objected to the lack of a role for the States in the amendment process. Therefore, the second method of amendment was added to the Constitution.

One unique feature of the alternative, State-initiative amendment route is that it triggers the calling of a Constitutional Convention for the purpose of acting on the proposed amendment. This is different from the method to which we are accustomed, by which proposed amendments are sent directly from Congress to the several States for possible ratification. In fact, the last Constitutional Convention we ever had in the United States occurred in 1789, with the grand convention that proposed the original Constitution.

Now, Mr. President, I believe the American people and the several States must turn to this alternative method of amending the Constitution if we are ever to achieve the requirement that the Federal Government live under a balanced budget. Indeed, 20 different States have passed resolutions urging Congress to call a Constitutional Convention for exactly this purpose.

Mr. President, I am pleased to announce that Arizona became the 20th such State on May 19, when it adopted a concurrent memorial asking that Congress call a Constitutional Convention to prepare and submit a balanced budget amendment to the Constitution.

This is getting close to the 34 out of the present 50 States which must apply to Congress to call a convention, and I expect that it will not be very long into the future before 14 other States join the first 20 in calling for the necessary Constitutional Convention. I have an abiding faith that most Americans still revere freedom and will see the need for making such a change in the Constitution.

Mr. President, I ask unanimous consent that a copy of House Concurrent Memorial 2003 of the Legislature of the State of Arizona, urging an amendment to the Constitution to require that Federal appropriations not exceed estimated Federal revenues, except in an emergency be printed in the RECORD.

There being no objection, Memorial 2003 was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT MEMORIAL 2003

A concurrent memorial urging an amendment to the Constitution of the United States to require that Federal appropriations not exceed estimated Federal revenues except in an emergency

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation; and

Whereas, constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend; and

Whereas, under article V of the Constitution of the United States, amendments to the constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the states the Congress shall call a constitutional convention for the purpose of proposing amendments.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States prepare and submit to the several states an amendment to the constitution requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of the estimated federal revenues, excluding any revenues derived from borrowing, for that fiscal year.

2. That, in the alternative, the Congress of the United States call a constitutional convention to prepare and submit such an amendment to the constitution.

3. That this application continue in effect until the will of the Legislature of Arizona to the contrary is communicated to the Congress of the United States.

4. That the Secretary of State of Arizona transmit certified copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the Arizona delegation to the United States Congress and to the presiding officers of each house of the legislature of each of the other states of the union with the request that it be circulated among leaders in the executive and legislative branches of the state governments.

ON THE OCCUPATION OF THE BALTIC STATES

Mr. WILLIAMS. Mr. President, today marks the 37th anniversary of the brutal Russian occupation of the Baltic States. After they had enjoyed 22 years of independence, the Baltic nations were forcibly annexed in 1940 to the Soviet Union. When these lands were invaded and declared Soviet Socialist Republics, over 300,000 innocent Lithuanians were deported to labor camps deep in Siberia.

Today's commemoration is designed to remind us of what happened then and to alert the entire world to the continuing political repression, religious persecution, cultural genocide, and repeated denial of basic human rights that are conditions of everyday life for the Lithuanian people.

Lithuanians have not suffered in silence. We have seen and heard of the many sacrifices of Lithuanian patriots for human rights, despite the attempts by the Soviet Union to suppress such information.

We now have a unique opportunity to demonstrate to the Soviet Union our deep commitment to upholding human rights throughout the world. This week marks the opening of the Belgrade Conference to review the European Security and Cooperation Accords signed in Helsinki 2 years ago. These accords pledged all signers, including the Soviet Union, to respect human rights, fundamental freedoms, and freer movement of people and ideas. This Conference must be used to bring the weight of world public opinion to bear on the Soviet Union's disregard for the rights of Lithuanians, Latvians, Estonians, and the people of the other captive nations, as well.

The demoralization and humiliation heaped upon these people because of their religious and cultural convictions clearly illustrate continued Soviet noncompliance with the Helsinki agreements. We must insist that this issue be dealt with at the Belgrade Conference. We must also insist on more than just a promise of Soviet compliance. We must stand with the freedom-loving patriots of the Baltic States in their struggle to regain the liberty they so desperately desire.

REMOVING POLITICS FROM THE SELECTION OF FEDERAL JUDGES

Mr. HEINZ. Mr. President, the cover story in the most recent edition of Juris Doctor discusses the politics of picking Federal judges. The article's conclusion, simply put, is that "even under Carter's merit plan, your best bet is still to be pals with a Senator." That conclusion is justified in too many cases, and points out the need for continuing reform of the judicial selection process.

Federal judges should be appointed on the basis of their competence, their experience and their integrity. They should not be appointed on the basis of political convenience. The criterion we should use in selecting Federal judges is what an individual knows—not who he knows. The "old boy network" is an inefficient and often unfair means by which to choose our judges. Only by relying on the standard of personal merit can we assure the highest quality in the judicial branch and avoid undue political injustice.

President Carter deserves considerable credit for the leadership he has shown in seeking to remove politics from judicial appointments. His decision to create a merit selection commission to help fill vacancies on the Federal appeals courts represents a significant step toward improving judicial selection. Reform, however, needs to be more comprehensive, and several Senators have already responded to this challenge by initiating merit selection systems for the Federal district courts in their own States. President Carter and Attorney General Bell have invited other Senators to initiate similar reforms where they have not yet taken place.

Mr. President, I am pleased to report to my colleagues that Senator SCHWEIKER and I have recently established a merit selection commission to screen candidates for the Federal district courts in Pennsylvania. The Federal Judicial Nominating Commission is a bipartisan body with 14 members from a variety of professions and from all parts of our State. Senator SCHWEIKER and I have each appointed six members, and the deans from five Pennsylvania law schools have collectively appointed two commission members of their own.

I would like to take this opportunity to thank the Pennsylvanians who have joined in working to make this project a success. The Pennsylvania Bar Association, along with a number of local bar groups, has done an excellent job in preparing draft rules of procedure for the commission, and I sincerely appreciate both their cooperation and their expertise. Of course, I especially want to thank the 14 men and women who have selflessly agreed to give of their time to assure that Pennsylvania is served by the best people possible on the Federal bench.

Mr. President, I ask unanimous consent that the charter of the Federal Judicial Nominating Commission of Pennsylvania, the statement I made upon the

commission's establishment, and a press release on the commission's membership be printed in the RECORD. I also ask unanimous consent that the article from Juris Doctor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL JUDICIAL NOMINATING COMMISSION OF PENNSYLVANIA

Consistent with the provisions of the constitution and the requirements of 28 U.S.C. 133, Richard S. Schweiker and H. John Heinz, III, as United States Senators from the Commonwealth of Pennsylvania, do hereby establish the Federal Judicial Nominating Commission of Pennsylvania.

SEC. 1. Purposes. The Federal Judicial Nominating Commission (hereinafter referred to as the "Commission") is established to

(a) assist the United States Senators from the Commonwealth of Pennsylvania in faithfully fulfilling their Constitutional and statutory obligation to provide advice and consent to the President in appointing federal district judges;

(b) help insure that only the most qualified, conscientious and dedicated individuals of those available are appointed to serve the public as judicial officers; and,

(c) protect and preserve the independence and integrity of the judicial branch of government.

SEC. 2. *Functions of the Commission.* Whenever a vacancy occurs in a judicial office within the jurisdiction of the Commission, the Commission shall

(a) affirmatively seek out highly qualified candidates for appointment to the Federal district courts of Pennsylvania;

(b) consider all applications for appointment to the Federal district courts in Pennsylvania; and,

(c) recommend the nomination of those individuals who are most qualified to serve with intelligence, competence and integrity as a Federal district court judge.

SEC. 3. *Appointment of Members.* (a) The Commission shall consist of fourteen members—

(1) six of whom shall be appointed by the "Class I" United States Senator from Pennsylvania;

(2) six of whom shall be appointed by the "Class III" United States Senator from Pennsylvania; and,

(3) two of whom shall be appointed collectively by the deans of all accredited schools of law located in the Commonwealth of Pennsylvania.

(b) In making appointments under subparagraphs (1) or (2) of paragraph (a) of this section, a United States Senator—

(1) shall appoint two Commission members from each Federal judicial district specified in 28 U.S.C. 118; and,

(2) shall not appoint more than three members of the legal profession.

(c) An individual with appointive authority under subparagraph (3) of paragraph (a) of this section may be appointed to the Commission under the authority of such subparagraph.

(d) No more than seven members of the Commission shall belong to the same political party.

SEC. 4. *Terms of Membership.* (a) In making initial appointments to the Commission under subparagraphs (1) and (2) of paragraph (a) of section 3, each United States Senator shall appoint

(1) two members for a term of one year;

(2) two members for a term of two years; and,

(3) two members for a term of three years.

(b) In making initial appointments to the Commission under subparagraph (3) of paragraph (a) of section 3, the appointing authorities shall appoint

(1) one member for a term of two years; and,

(2) one member for a term of three years.

(c) When a vacancy occurs on the commission due to the resignation, disability or death of a member, a successor shall be appointed by the original appointing authority to serve the duration of the unexpired term.

(d) Vacancies which shall exist by reason of the expiration of the term of any Commission member shall be filled by appointment of the original appointing authority for a term of three years.

SEC. 5. *Restrictions on Members.* (a) No judge or justice shall be a member of the Commission.

(b) No member shall seek or accept appointment to federal judicial office during a term of service on the Commission or for one year thereafter.

(c) No member shall be an officer of a political party or a political action committee.

(d) No member who has served a full three-year term shall be reappointed to a consecutive term on the Commission.

SEC. 6. *Recommendation Process.* (a) Within ten days after learning of any vacancy or prospective vacancy on a Federal district court for the Eastern, Middle or Western districts of Pennsylvania, the Commission shall begin seeking nominees and accepting applications to fill such vacancy. Among the steps that the Commission shall initiate to fulfill the requirements of this paragraph are—

(1) notification of the Pennsylvania Bar Association and such other bar and citizens organizations as the Commission deems appropriate of the existence of such vacancy;

(2) requesting the Pennsylvania Bar Association and such other bar and citizens organizations as the Commission deems appropriate to submit the names of individuals believed to be highly qualified to fill such vacancy; and,

(3) establish and release publicly in an appropriate manner a mailing address to which applications for appointment to such vacancy may be sent.

(b) Within 45 days after learning of any vacancy or prospective vacancy, the Commission shall evaluate the qualifications of all candidates for appointment to fill such vacancy and by majority vote, the Commission shall designate not more than five but not fewer than three individuals whom it considers best qualified to serve on the federal district court. No candidate may be designated as qualified for appointment under this paragraph unless the Commission determines that

(1) the candidate possesses all the qualifications provided by law for the judicial office involved; and,

(2) the candidate possess the personal qualities and attributes of character, experience, judicial temperament, professional competence and other characteristics necessary to fully qualify a person to serve the public as a federal judicial officer.

SEC. 7. *Transmittal of Recommendations.* (a) Within two days after the Commission has designated not more than five candidates as best qualified to fill a judicial vacancy, the Commission shall transmit by letter the names of such candidates and any appropriate commentary on their qualifications to hold judicial office to the United States Senators from Pennsylvania.

(b) Upon receipt of the Commission's letter of recommendation, the United States Senators from Pennsylvania, without prejudice, shall advise the President of the Commission's conclusions.

SEC. 8. *Commission Organization.* (a) The members of the Commission shall select a chairman and vice-chairman, who will serve in such position for one year.

(b) At least once every year, the Commission shall adopt rules of procedure by which it shall operate. Such rules shall be made available to the public.

SEC. 9. *Actions of the United States Senators* (a) In no event shall either United States Senator from Pennsylvania seek to influence or predetermine the outcome of the Commission's substantive deliberations.

(b) By mutual consent, the United States Senators can extend the time in which the Commission must issue its recommendations, but in no event shall such extension exceed 30 days.

SEC. 10. *Constitutional Prerogatives.* Nothing contained herein is intended in any way to impair or delegate the Constitutional and statutory powers, duties, or prerogatives of the President of the United States or the United States Senate.

STATEMENT BY SENATOR JOHN HEINZ, PRESS CONFERENCE, MARCH 9, 1977

By mutual agreement, Senator Schweiker and I are today establishing an independent, nonpartisan commission to screen and select candidates for appointment to the Federal District Courts in Pennsylvania.

We are taking this initiative because we believe the public is best served when judges are appointed solely on the basis of personal merit—and not on the basis of political convenience."

For my own part, the action we take today fulfills a pledge I made to the people of Pennsylvania during my campaign for the Senate.

During my campaign, I knew that if I was elected to Senate I would have the prerogative to pass judgment on numerous judicial appointments. I knew that I could exercise the prerogative with little accountability to the voters who elected me.

When I was campaigning for the Senate, I didn't think the system was fair or right—and I said so. Now that I am a Senator, I still believe the judicial selection process should be protected from the whims of politics. Today, Senator Schweiker and I are taking the first step in protecting the consumers of justice from the perversion of justice.

The time is ripe for reform of the judicial selection process.

Because of legitimate public concern, Congress has begun moving to create fail-safe mechanisms to preserve the integrity of the executive and legislative branches of government. It is appropriate for us to act with equal vigor in preserving the independence of the judicial branch.

From a practical standpoint, this is a good time to act because we have strong indications that the administration will be respective to the reforms we propose. As you know, President Carter has already issued an order creating a merit selection process for the federal appeals court. Attorney General Bell has told me and other members of the Senate that the administration favors similar initiatives on a state-by-state basis for the federal district courts.

The commission we are establishing today will consist of fourteen members.

Senator Schweiker and I will each appoint six members of the commission, and the deans of the Pennsylvania law schools have graciously agreed to appoint the remaining two members.

We have taken steps to ensure that no one political party will dominate the commission, and we have taken added precautions by excluding party officials as members

In designing the commission, we have been careful to promote both geographical and professional diversity among the commission's membership. The eastern, middle and

western regions of the state will each be represented by at least four individuals—and because we believe that the courts belong to all the people and not just the practitioners of the law, we have limited the number of lawyers who can serve at one time.

Senator Schweiker and I both appreciate the support and advice we have gotten from numerous individuals in planning and carrying out this project. We are especially pleased that the Pennsylvania Bar Association has accepted our request to work with local bar groups in drafting proposed rules of procedure for the commission.

Right now, there are already three vacancies on the Federal District Court for Western Pennsylvania that need to be filled. Legislation working its way through the Judiciary Committee may create other openings in other districts. It is our hope and expectation that members of the commission can be appointed promptly so that the commission can get right to work with the business at hand.

It goes without saying that we believe the work of the commission is vitally important. The people of Pennsylvania deserve the best judges we can find. They deserve judges that are politically beholden to no one. That is the goal and hope we have in taking this action today.

WASHINGTON.—Senator John Heinz (R-Pa) today announced the appointment of six people to serve on the Federal Judicial Nominating Commission of Pennsylvania.

Together with Senator Schweiker's six appointments and two by the Deans of Pennsylvania's law schools, the 14 member commission is now complete and will hold its first meeting on May 25th in Harrisburg.

The six Heinz appointees are:

Dr. Herman Branson, President of Lincoln University, Chester County, registered Independent.

Nancy Neuman, President of the Pennsylvania League of Women Voters, Lewisburg, registered Democrat.

Fred Speaker, Esq., a senior partner in the law firm of Pepper, Hamilton and Scheetz, Harrisburg, former Attorney General of Pennsylvania and former Director of Legal Services, registered Republican.

Jane Theurekauf, President-elect of the Pennsylvania Realtors Association, Erie, registered Democrat.

Alexander Unkovic, Esq., a senior partner in the firm of Meyer, Unkovic and Scott, Pittsburgh, and a former President of the Pennsylvania Bar Association, registered Republican.

Lewis H. Van Dusen, Jr., a senior partner in the law firm of Drinker, Biddle & Reath, Philadelphia, and a former President of the Pennsylvania Bar Association, registered Republican.

The deans of five Pennsylvania law schools have designated as their two appointees J. Willard O'Brien, Dean of the Villanova Law School, and Edward Sell, Dean of the University of Pittsburgh Law School.

Senator Schweiker has appointed the following six members: Doreen Boyce, Provost, Chatham College, Pittsburgh, registered Independent; Maggie Kuhn, The Gray Panthers, Philadelphia, registered Democrat; Edward Piszek, President Mrs. Paul's Kitchens, Philadelphia, registered Independent; Evans Rose, Jr., Esq., a senior partner in the law firm of Rose, Schmidt, Dixon, Hasley & Whyte, Pittsburgh, registered Republican; Moses K. Rosenberg, Esq., partner in the law firm of McNees, Wallace & Nurick, Harrisburg, registered Democrat; and Harold Rosenn, Esq., senior partner in the law firm of Rosenn, Jenkins & Greenwald, Wilkes-Barre, registered Republican.

The Commission will screen and select candidates for appointment to the Federal District Courts in Pennsylvania. Senators Heinz and Schweiker announced the formation of the Commission on March 9, 1977 and Heinz declared: "We are taking this initiative because we believe the public is best served when judges are appointed solely on the basis of personal merit—and not on the basis of political convenience."

The Commission will designate from three to five candidates it considers most qualified for Federal District Judgeships. The two Senators are then bound to forward the Commission's recommendations to the President "without prejudice." Neither Senator may "seek to influence or predetermine the outcome of the Commission's substantive deliberations."

"The people of Pennsylvania deserve the best judges we can find," Heinz said. "They deserve judges that are politically beholden to no one. That is the goal and hope we have in taking this action today."

[From the Juris Doctor magazine, June 1977]

THE POLITICS OF PICKING FEDERAL JUDGES

(By James Goodman)

Jimmy Carter's recent order creating citizen panels for appointment of federal judges to the 11 U.S. circuit courts of appeals is a first. Never before has a president attempted so boldly to remove federal judge selection from political backrooms. Never before has a presidential candidate's talk about merit selection been backed up by action. But President Carter's order is also a serious retreat from the merit selection he campaigned for last year. Then, Carter was holding up the Georgia merit plan for picking State judges as his model for Federal judge selection.

That plan, created by Carter, applies to trial as well as appellate judgeships. Yet Michael J. Egan, a Republican who worked closely with Carter on the Georgia plan before he was appointed to his current position as associate attorney general in the Justice Department, says the president has "no present plans" to set up a merit system for federal district judgeships. The administration's strategy, according to Egan, is to see how the circuit merit plan works out before deciding to push merit selection of district judges on a reluctant U.S. Senate.

Surely, White House Press Secretary Jody Powell's "you-can't-always-do-everything-immediately" defense of the president's backstepping on his campaign promise must have left senators smirking. The old way of handing out the 398 U.S. district judgeships—the heart of senatorial patronage—was unshaken by the president's order. And the "blue-slip" system, which enables one senator to blackball a nominee, seems to have survived intact.

Under the president's order, one of 13 citizen panels is "activated" whenever an opening exists for one of 97 circuit judgeships. (The number of circuit and district judges would increase substantially if a bill currently being considered by Congress passes.) The panels, all appointed by the president, match up with the 11 circuit courts of appeals. The geographically large fifth (deep South) and ninth (far West) circuits each have two panels.

The president notifies the appropriate panel of any vacancy. Within 60 days the panel must recommend to the president, in confidence, the five persons it considers best qualified to fill the vacancy. While not bound to do so, the president makes his nomination from this list and then sends it to the Senate for confirmation.

While Carter's merit plan is new to the federal judiciary, on a state level—where it has been most difficult to separate the courts from politics—merit selection has a much longer history. Beginning with Missouri in 1940, 25 states, the District of Columbia, Guam, and Puerto Rico have adopted merit systems for state judge selection, says the American Judicature Society, a leading proponent of merit selection. Generally speaking, these merit systems rely on a commission, drawing from nonlawyers and lawyers alike, to submit a list of nominees to the governor for final selection. After a fixed time, the voters decide whether or not to keep the judge for another term.

Article II, Section 2 of the Constitution empowers the president to "nominate, and by and with the advice and consent of the Senate," to "appoint" federal judges. But behind the antiseptic sounding "nominate" and "appoint" is a mire of political push-and-pull. As Attorney General Griffin Bell told The Washington Post, "becoming a federal judge wasn't very difficult." The former fifth circuit court of appeals judge explained: "I managed John F. Kennedy's presidential campaign in Georgia. Two of my oldest and closest friends were the two senators from Georgia. And I was campaign manager and special, unpaid counsel for the governor."

Although the Constitution leaves the impression that presidents choose federal judges, Attorney General Bell was much closer to the truth when he said during his confirmation hearings that "selection" of district judgeships is in the hands of the senators. Joe Dolan, an assistant deputy attorney general (1961–1964) under Presidents Kennedy and Johnson, similarly told an American Bar Association conference last March that if one or both senators of a state come from the same political party as the president, the Constitution reads backwards. It should say: "the senators shall nominate, and by and with the consent of the president, appoint judges. . . ."

Actually, federal judge selection is more complicated than senators simply deciding who should get the political plum. Presidents also try to take advantage of the political buying power of a judgeship. Throughout the nation's history, about nine of every ten judges appointed by the man in the White House have come from his own political party—a clear indication that presidents are not passive partners.

And the power of appointment has been used—or abused—by presidents of all parties. A disillusioned James Farley, the former postmaster general, quoted President Franklin Delano Roosevelt as saying: "We must hold up judicial appointments in states where the delegation is not going along. We must make appointments promptly where the delegation is with us. Where there is a division we must give posts to those supporting us. . . ."

Federal judgeships were part of Lyndon Johnson's political wheeling and dealing, too. In *Judges*, Donald Dale Jackson tells of the time Johnson, as Senate majority leader in 1959, held up the confirmation of 13 judges until President Dwight Eisenhower okayed Johnson's candidate for a Texas vacancy. As president, Johnson kept federal judgeships close to his side. Unwilling to delegate authority even to his own Justice Department, he had White House staffer John Macy keep voluminous files to be used for presidential appointments, including judgeships.

Not surprisingly, President Richard Nixon had a highly politicized view of federal judgeships. This became most apparent when the Senate rejected his Supreme Court nominations of Clement Haynsworth and Harrold Carswell. As if Haynsworth's conflicts-of-interests and Carswell's segregationist past had nothing to do with it, Nixon lamented that "the real issue" behind the rejections was his nominees' "philosophy of strict construction of the Construction," a philosophy the president said he shared.

In a subsequent letter to then Ohio Senator William Saxbe, Nixon further implied that the Senate had denied him the chief executive's right to choose Justices of his liking. He ignored the fact that the Senate

has rejected almost one of every five Supreme Court nominees since 1789.

California Democratic Senators John Tunney and Alan Cranston found the Nixon Justice Department equally politicized when they approached Deputy Attorney General Richard Kleindienst in 1971 about resubmitting Cecil Poole's name for a California judgeship. Poole had been held in disfavor by conservatives because, as a U.S. attorney in 1967, he had persuaded a federal grand jury to drop charges against five anti-war demonstrators arrested for not having draft cards in their possession; Poole said the arrests were improperly authorized.

When Poole was considered for federal judge in 1968, and again in 1969, California Republican Senator George Murphy was able to stop the nomination. With Murphy gone in 1971 Poole backers thought he might make it through. But this time Kleindienst reportedly told Senator Tunney: "Poole said things about the administration which were unkind to the point where the attorney general [John Mitchell] just would not give a recommendation."

Not until Gerald Ford was in the White House did Cecil Poole finally make it to the federal bench. Yet there is a footnote to this eight-year struggle. On May 5, 1976, less than six weeks before Poole was nominated for a district judgeship and scarcely a month before Tunney's Senate primary against Tom Hayden, Tunney reported receiving a $200 campaign contribution from Poole, who was then a practicing attorney. Tunney, by the way, was a member of the Senate Judiciary Committee, which handles all nominations for the federal bench.

During the Nixon years, even moderate Republican Senator Clifford Case ran into trouble when he sent the name of liberal Charles Clyde Ferguson to the Justice Department for possible nomination to the federal bench. By not acting on the New Jersey senator's recommendation—Case's office merely received a formal acknowledgment that Ferguson's name was received—the Justice Department made it clear that it did not want the former dean of Howard University Law School to be a federal judge. Senator Case submitted a new name.

President Gerald Ford did not use the Justice Department to block judicial appointments. On the other hand, twice during last year's heated campaign for the Republican nomination, Ford enhanced his political position in a state by making a timely judicial appointment. Hardly two weeks before the May 1 Texas primary, Ford nominated a member of John Connally's law firm, Ross N. Sterling, to the U.S. district court in Houston. At the time of the Sterling appointment, President Ford and challenger Ronald Reagan were vying for Connally's support. And sure enough, Connally shortly thereafter announced he favored Ford.

Then, in July, Ford nominated Donald Broztman for a district court opening in Colorado. Brotzman had previously been appointed by Ford, his old congressional friend, to be an assistant secretary of the Army following his defeat in Colorado's 1974 Democratic landslide. More significant, among Brotzman's biggest backers for the federal bench was William Armstrong, an uncommitted delegate to the Republican convention.

It seemed that Armstrong was leaning towards Ford. Still, most of Armstrong's conservative colleagues, led by Joseph Coors of Coors beer, were in the Reagan camp. So Ford tapped Brotzman to be a federal judge and Armstrong finally committed himself to the president. Ford got what he wanted, but another Republican, Colorado Supreme Court Justice William Erickson, was generally considered better qualified than Brotzman for the judgeship. Colorado's Democratic senators Floyd Haskell and Gary Hart were not receptive to Ford's choice, especially since a Democratic victory in November would increase their say in judge selection. When neither Colorado senator returned his "blue slip," the Brotzman nomination was killed.

While it has no statutory basis, the blue-slip system has managed to institutionalize sentaorial patronage. Once the president formally nominates someone, the Senate Judiciary Committee sends each of the senators from the nominee's state a blue sheet of paper asking his "opinion and information concerning the nomination." In fact, the blue slip is asking whether the president's formal choice is the person the senator wanted or, in some cases, agreed to. If the senator approves, he returns his blue slip. If he disapproves, he holds on to the blue slip. Says a former congressional aide who worked close to this process, a withheld blue slip amounts to "a one-person veto," ending the nominee's chances.

If both blue slips are returned, confirmation hearings are scheduled. An informal subcommittee of the Senate Judiciary Committee, which until recently usually consisted of Senators James Eastland, John McClellan, and Roman Hruska (now retired), convenes for 15 or 20 minutes to ask the nominee a handful of perfunctory questions. Recommendation for approval is then sent to the full Senate, where confirmation is almost certain. But if the FBI's report on the nominee is negative, or if a bloc of senators, the ABA, or other outside groups oppose the nomination, it might be bottled up in the Senate Judiciary Committee.

In his studies of the appointment process to the federal bench, University of Minnesota Professor Harold W. Chase tells how conservative opposition nearly stopped liberals George Clifton Edwards and Thurgood Marshall from confirmation to U.S. circuit courts of appeals. Edwards, a former police commissioner of Detroit, had the support of both his Michigan senators and the Republican governor. Nevertheless, he faced stiff opposition because of his activist past and the fact that this father was a socialist. Even a representative from the Tennessee bar testified against the Michigan nominee. Despite that, Edwards still managed to win confirmation.

In Marshall's case, his long association with the NAACP Legal Defense Fund and the civil rights movement led the Judiciary Committee to drag its feet for almost a year. Because of a good deal of outside pressure, Marshall was finally confirmed.

At the other end, author Joseph Goulden (*The Benchwarmers*) found that the quickest confirmation was that of Richard McLaren, President Nixon's assistant attorney general in charge of antitrust. As White House tapes show, Nixon didn't want McLaren in the Justice Department ("Get the son of a bitch out of here"), and a federal judgeship seemed like the most graceful exit. Yet the White House did not want McLaren's confirmation hearings to provide a forum for critics to question administration antitrust policies—especially since the ITT case was beginning to make news. By floating the inaccurate story that Illinois District Judge Julius Hoffman (the Chicago Seven judge) wanted immediate senior status, the White House managed to rush McLaren's name through the Senate Judiciary Committee without confirmation hearings. In record time, on December 2, 1971, McLaren was nominated and confirmed to the Illinois district bench.

Honorable as a federal judgeship might be, it is often difficult to fathom the politics behind a nomination. It has been suggested, for example, that Herbert J. Stern was nominated to the federal bench because as U.S. attorney in New Jersey he was going after corrupt politicians regardless of their political stripe and consequently stepping on too many toes.

Veteran Washington watcher George Reedy, Lyndon Johnson's former press secretary, says that "all the bitter divisions of a state come out during the selection of a federal judge." As Reedy sees it, internally divided states, such as Wisconsin, California, and Pennsylvania, are the most difficult for presidents to deal with.

The home of Robert LaFollette and Joe McCarthy, Wisconsin is a classic case. Twice in the past 15 years the state's conflicting traditions have clashed over federal judgeships. In September 1963, President Kennedy nominated labor lawyer David Rabinovitz to the federal bench in Wisconsin. Aligned with the liberal wing of the Democratic party since 1942, Rabinovitz had political roots going back to LaFollette's Progressive movement. He was instrumental in securing Wisconsin for John Kennedy in his drive for the 1960 Democratic nomination. This work had won Rabinovitz the favor of Attorney General Robert Kennedy, who pushed for his nomination to a Wisconsin district judgeship.

But Rabinovitz's labor background, particularly his representation of striking workers in the United Auto Workers' six-year strike against Kohler Plumbingware of Kohler, Wisconsin, aroused strong local opposition.

Despite added negative comments from the ABA, President Kennedy stood by Rabinovitz ("I'm for David Rabinovitz all the way") So did President Johnson, who appointed Rabinovitz on an interim basis minutes before the second session of the 88th Congress began in January 1964. Though Wisconsin's Democratic senators, Gaylord Nelson and William Proxmire, did not push the Rabinovitz nomination, both returned their blue slips. Still, the Senate Judiciary Committee stalled in holding confirmation hearings. So Rabinovitz temporarily sat as a district judge in Wisconsin while his name was once again submitted to Congress.

In August 1964, without hearings, the Senate Judiciary Committee finally polled its members. The result: five to one against Rabinovitz. When Congress adjourned without taking further action on the nomination, Rabinovitz had to step down from the bench—this time for good.

The second Wisconsin controversy surfaced in 1971, when President Nixon nominated Wisconsin Congressman Glenn Davis to a district judgeship. Well-known for his conservatism, Davis is quoted as saying "every red-blooded American is for Joe McCarthy," and he once referred to George Wallace as "a socialist." Liberals were not enthused about the choice, and Davis ran into strong opposition from minority groups because of a number of remarks he had made with anti-Semitic overtones. The ABA also came out against him, reportedly because he lacked sufficient trial experience.

The nomination dragged on for almost three years. Finally Senator Nelson revealed that he would oppose Davis, and the congressman withdrew. Interestingly enough, Senator Proxmire, the state's other liberal senator, said he would not stand in Davis' way.

If a senator is on an important congressional committee, his bargaining power with a president increases markedly—and more so if he is chairman. During the Kennedy administration, for instance, Oklahoma Senator Robert Kerr was able to push through Luther Bohanon for the federal bench despite widespread opposition. The reason was simple: As chairman of the Senate Finance Committee, the Oklahoma senator was in a position to block Kennedy's tax legislation.

Similarly, Mississippi Senator James Eastland, longtime chairman of the Senate Judi-

ciary Committee, cleared the way for his law school roommate, W. Harold Cox, to wield a gavel in federal court. Eastland may well have more say than any other senator in judge selection. Besides Cox, four other judges with poor civil liberties records made it to the federal bench in Eastland's fifth circuit during the Kennedy years. While the Carter administration is reportedly about to change all this, Senator Eastland has hardly taken the lead in integrating the federal bench in the South, where not a single black judge sits.

How a senator's political affiliation matches that of the president and the other senator from a state is crucial in determining his influence in federal judge selection. California, for example, had two Democratic senators under a Republican president for the past six years. An informal arrangement was worked out. One of every three nominations to the federal bench in California would go to Democrats—though the nominee could not be too strongly identified with the Democratic party.

Now, with Republican S. I. Hayakawa having taken John Tunney's senate seat and a Democrat in the White House, the matrix has shifted and Democratic Senator Alan Cranston has the most say in California judge selection. But in an effort, according to a Cranston aide, "to remove politics and cronyism" from the selection process, Cranston has helped set up a nine-member commission to screen choices. Four commissioners are appointed by Cranston, three by the California state bar, and two by Senator Hayakawa.

Chaired by San Diego businessman Richard Silberman, the commission has been in existence only three months, has met only a few times, and has yet to choose anyone. But after screening possibilities, will submit a list of three to five names to both senators, who will in turn designate their personal preferences. The complete report then will go to the White House for the final nomination.

Until President Carter's recent order, judges for the 11 U.S. circuit courts of appeals were usually selected by informal arrangements set up by the states in a given circuit. For the nine-judge second circuit, for example, New York was given six seats, Connecticut two, and Vermont one. In other situations, where the arrangements were less defined, the president had a greater say.

The success of different circuit court arrangements varied with the political situation. In *The Federal Courts as a Political System*, Sheldon Goldman and Thomas Jahnige tell of the time, in 1956, when Indiana's two Republican senators, Homer Capehart and William Jenner, could not agree on Indiana's choice for the U.S. court of appeals for the seventh circuit. Meanwhile, Indiana Congressman Charles Halleck, in high standing with the Eisenhower administration, pushed for his own choice. Both Republican senators considered this move an infringement on their patronage. Halleck was also aided by Robert Grant, a former congressman, who lined up eight Indiana Republican congressmen behind Halleck's choice.

The situation stalemated. And Illinois Senator Everett Dirksen was waiting in the wings with his own candidate. But a compromise was worked out.

Senator Capehart, up for re-election, had the chairman of the Citizens Committee for Capehart appointed to the circuit court opening; the next vacancy on that court went to Halleck's choice; and the nominee of Indiana's other senator, as well as Grant, received district-court appointments.

A more recent "package" helped former Connecticut Governor Thomas Meskill to the federal bench First nominated by President Nixon on the eve of his resignation, Meskill was part of a three-judge deal put together by Connecticut's two senators, Republican Lowell Weicker and Democrat Abraham Ribicoff. Since a Republican was in the White House, Weicker got two choices to Ribicoff's one.

The package fit together as follows. Several years earlier, Ribicoff had supported Weicker's choice of Chief U.S. District Judge William Timbers for a circuit court of appeals appointment. Weicker in turn backed Ribicoff's choice of Jon Newman, a former Ribicoff aide and later U.S. attorney, for Timbers' vacant district court spot. When a circuit-court opening next came up, it was Ribicoff's turn to back Weicker in his choice of Meskill over the protests of Connecticut liberals and the ABA.

Since 1948, the ABA has consulted the Senate Judiciary Committee on federal judge selection. And beginning with Eisenhower, presidents have established a working relationship with the ABA.

Though it has no statutory authority, the ABA has more say about who will sit on the federal bench than anyone outside government. Its Standing Committee on the Federal Judiciary gives every nominee one of four ratings: "exceptionally well qualified," "well qualified," "qualified," and "not qualified." The standing committee does not like to recommend anyone over 63 and if over 60, the nominee should have a "well qualified" rating. The most common reason for a "not qualified" is lack of trial experience.

Last August, the ABA's governing House of Delegates expanded the standing committee from 12 to 14 members—one from each of the 11 U.S. circuits, a chairman, and the two new members from the large fifth and ninth circuits. All are selected by the ABA president, and no one on the standing committee can serve more than two successive three-year terms.

The standing committee has earned the reputation of representing only the elite of the legal profession. Not until last September was a black appointed to it, and there is not a single woman on it.

The standing committee functions on two levels. On the official level, it rates the nominee based on his or her answers to a lengthy questionnaire and telephone interviews.

But equally important are the informal contacts the president establishes with the ABA. Because it is bad politics to nominate people with low ABA ratings, presidents develop extensive contacts with the standing committee to head off embarrassing nominations. (Joe Dolan recalls that one year, while he was judge-scouting for President Kennedy, he spent 1,600 hours on the telephone with Bernard Segal, then standing committee chairman.)

Contacts between the ABA and the White House can backfire, as *The New Republic*'s John Osborne reported in 1970, following the Haynsworth-Carswell fiasco. Attorney General John Mitchell, trying to prevent future public confrontations over Nixon Supreme Court nominations, entered into an agreement with the ABA. All Supreme Court prospects would be reviewed by the standing committee before the attorney general sent them to the president. But when the ABA "pilloried" a list of nominees, Nixon exclaimed, "——— the ABA!" And so went the agreement.

With mixed success, a number of states have tried merit systems of their own for nominating federal judges. Democratic senators Lawton Chiles and Richard Stone of Florida established an independent nine-member judicial nominating commission. Each senator picks three members, as does the Florida bar. The commission publicizes a vacancy, screens and interviews 15 to 20 candidates, and presents a list of five in alphabetical order to the Florida senators. The senators then designate one candidate as their top choice.

Florida Republicans claimed this merit system was nothing more than a "power grab" by two Democratic senators seeking patronage during a Republican presidency. In any event, the effectiveness of the Florida system has been hampered by political infighting and, before January 20, direct dealings between Florida Republicans and President Ford, who did not feel bound by the recommendation of the Florida Democrats.

Illinois has been more successful in its move toward merit selection. Impetus for reform came from the 1,200-member Chicago Council of Lawyers. The council was formed in the late 60s because the Chicago Bar Association was so entrenched in local politics.

Although his influence will diminish considerably with a Democrat in the White House, Republican Senator Charles Percy, the mainstay of Illinois' merit system, brought the state and local bar associations into the selection process. Basically, Percy began choosing his nominees from a list of a half dozen candidates who had been selected and ranked by the bar associations.

But as the McLaren rush nomination indicates, it would be misleading to say politics has been removed from federal judge selection in Illinois. Since Percy became senior senator in 1969, only three of the 21 judicial appointments he has been involved in have been Democrats, and many of the Republicans Percy appointed, including the last two, had close ties to either the Republican party or Percy himself.

The argument has been made that improvement of the quality of our federal judges will require more than a system of merit selection. Salaries have to be raised, it is suggested, so that the best private lawyers will have an incentive for serving on the federal bench—or at least will not be financially penalized for doing so.

The recent rise of circuit court salaries from $44,600 to $57,500 and district court salaries from $42,000 to $54,500 should be seen in this context—though 44 judges who brought suit a year ago against their "compensation" being "diminished during their continuance in office" argued that the raise was only for cost-of-living.

Certainly, most federal judges could make substantially more as private attorneys. But that in itself raises another set of questions. As ACLU National Staff Counsel Richard Larson remarked in a paper prepared before the recent pay hike, "Judicial salaries, which have not been increased since 1969, have been frequently cited by the ABA and by the Justice Department as a deterrent to attracting qualified judicial candidates. If the marketplace is limited to the private corporate bar and to highly paid United States attorneys, that claim may have some merit. If the marketplace were expanded to include the public bar, however, the claim would be false. Many of the best lawyers in our country, practicing with civil rights and civil liberties organizations or teaching in our law schools, would receive substantial salary increases upon appointment to the federal judiciary."

The relationship between federal judge selection and money is a curious one, since most judges are not really in it for the money. Nor, for that matter, is the federal bench simply an outpost for Wall Street. Although a corporate lawyer is more likely to make it to the federal bench than a poverty lawyer, a study by Professor Sheldon Goldman indicates that a prosecutorial background might well be the outstanding characteristic of federal judges. Nearly half of the judgeships Goldman examined during the Johnson and Nixon presidencies went to onetime prosecutors.

But any attempt to diversify the background of federal judges, or to improve their quality, might become a futile exercise as long as political patronage continues to skew selections. President Carter has pointed in the right direction. But much more must be done, if judge selection is to be made responsive to the democratic process.

TAKEOVER OF UNITED NATIONS BUILDING IN SANTIAGO, CHILE

Mr. ABOUREZK. Mr. President, I have just learned that several Chileans have taken over a United Nations building in Santiago, Chile. From the information that is available at this moment, it seems that the 20 or 30 people involved are women whose sons and husbands have disappeared at the hands of the Pinochet junta. These people, I know, have been trying to get information regarding the fate of their loved ones, with no success. "Disappeared" is the word that the Pinochet regime has given to people who have in fact vanished from their homes or places of work under suspicious circumstances, never to be seen again.

The takeover may well be a cry to the world from a group of people pushed to the limits of endurance and forced into an extreme act precisely because their human rights have been denied. These Chileans have no other means to press for their right to know the fate of their relatives, or even to protect themselves from the wrath of the brutal regime that rules Chile.

I speak out at this time because I fear that unless the leaders of the junta know that the world is watching their actions, the people who dare to speak in any way will be silenced.

I understand that Secretary Waldheim has already moved to investigate the situation, and that the Chileans are asking for a United Nations Commission to come in and help them find out what has happened to their relatives. I would urge the creation of such a Commission, as well as the need for concerned people all over to express their concern in order that retaliation will not be taken against those who have spoken in this desperate way.

PRINCETON, W. VA., HIGH SCHOOL RECEIVES 36TH NATIONAL BELLAMY AWARD IN RECOGNITION OF ACADEMIC EXCELLENCE

Mr. RANDOLPH. Mr. President, we are told of the supposedly sorry state of public education in America. We read horrifying stories about dwindling test scores, vandalism, teacher assaults, and drug abuse. Such a concerted barrage of bad news on schools is likely to blur our perspective. It is a fact that, over the past 6 weeks, there have been many thousands of young men and young women graduated from our public schools. Many of them earned academic distinction, many more never wrecked a classroom, beat up a teacher, or participated in a drug orgy.

In a vast majority of our schools, teaching is taking place; knowledge is being gained; and young people are alert, interested, and eagerly striving to prepare for adulthood and a productive livelihood. Today I had the privilege of counseling with 17 teachers from West Virginia. I was impressed with the earnestness of this group.

It is in recognition of this fact that the annual Bellamy Award is given. As a West Virginian, it is with satisfaction that I learned recently that the 36th annual Bellamy Award has been placed in our home State.

Francis Bellamy wrote the Pledge of Allegiance to the flag in 1892, when he was 37 years old. This national award honors Bellamy and recognizes quality education in the Nation. Annually, the award is presented to different States. Last year, the State of Montana received the honor.

The 1977 recipient is Princeton High School, in Mercer County, W. Va.

The National Francis Bellamy Award makes no pretense at selecting the best school in a State. It selects a school representative of all fine public high schools in a chosen State. Princeton High School has been chosen and designated as the standard bearer for West Virginia schools. It will retain that honor for a 50-year period in the group of outstanding secondary schools throughout the Nation.

Mr. President, it is reassuring to remind ourselves that across this Nation our youth are being prepared for later life in an atmosphere of involved learning, and that the results of this effort will benefit our society in future years. I ask unanimous consent that the official announcement of the Bellamy Award, detailing the reasons for the selection of Princeton High School as its recipient, be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

THE 1977 NATIONAL BELLAMY AWARD WINNER

The 36th annual Bellamy Flag Award, which identifies Francis Bellamy as the author of the author of the Pledge of Allegiance to the Flag of the United States of America, and honors quality public schools of the nation, will be presented to the Princeton High School in October. Princeton High School has been designated as the standard bearer and representative of all secondary schools in the state of West Virginia for a fifty year period for these specific reasons—

1. The proficient performance of duty by the administration—George W. Keatley, principal, is cited by his staff as "an active and involved educator," and is recognized in his state as "an aggressive, forward-looking leader in education." His top priority is his devotion to his students' welfare.

Dave McGlothin, assistant principal, was named this year by the Mercer County Jaycees as "Young Educator of the Year."

State presidential roles from each educational administrative area: Robert Walthall is president of the West Virginia Board of Education; Clinton Lilly is president of the West Virginia Superintendents' Association; and George W. Keatley is president of the West Virginia Principals' Association.

2. A capable and dedicated faculty absorbed with the traditions of the American Way of Life—Two fifths of the faculty hold Masters degrees and an average experience of 18 years. The teacher-student ratio is 1:23. Faculty encouragement, support and instruction in patriotic effort is prominent—large student participation in the "Voice of Democracy" contest. Excellent student-teacher rapport and appreciation is demonstrated with the inauguration of "Teacher of the Month" by school newspaper staff.

3. A student body that excels in academics, the arts and in athletics—Recent local and North Central evaluations, interspersed with student evaluations through student questionnaires, indicate that 92% of the students agreed that a friendly relationship between parents and the school exists; 90% of the students have become more aware of their responsibilities as citizens because of their school experience; 89% stated that their teachers have made them aware of goals and objectives in specific courses; and 88% believe that Princeton High School has helped them develop to their maximum potential as individuals, and they have received the proper guidance.

4. A curricula that meets the needs and benefits all students—"The Princeton High School curricula and programs are designed to develop techniques of thinking, judging, and self expression in students so that they may make constructive use of their leisure time, as well as contribute to great social, moral and cultural causes."

Praise-worthy courses are: phase elective courses; girls are given the opportunity to participate in athletics bringing their activities on a par with those of the boys (co-educational physical education classes); innovative maintenance classes which result in students doing much of the repair and maintenance work on the school building and grounds (having tangible value in providing care and upkeep of the school, facility by the young people who daily carry out last year's American Education Week theme: The Schools Are Yours; Help Take Care of Them.").

5. The Tiger Tribune, a school newspaper with large concern for meaningful issues in daily living—outstanding coverage on the many facets of school life; creative writing as well as news reporting; a publication that dealt fairly with both political parties in the presidential and gubernatorial campaigns.

6. An excellent vocational center—housed in a separate facility, Princeton High School students are offered technical training in approximately 20 areas. Last year 80 percent of the West Virginia State Fair awards went to the vocational school students.

7. An accomplished and distinguished alumni—which is prominent in all fields of endeavor, among them: athletics, the arts, banking, journalism, medicine, the ministry and sciences.

8. A strong link between school and community—A positive approach and a concentrated concern for others; the Humane Society effort, a proposed youth center, and local as well as national politics.

The Key Club this year was commended by the City Council for its far-reaching service to the community: raising funds for the Bicentennial and for the Mercer County disabled citizens, and donating time weekly in assisting the Glenwood Park Methodist Home. The Princeton High School Key Club, at the annual state convention, won the "Improved Club Award"; was presented a blue ribbon for its membership growth; and students were honored with the "Individual Leadership" award and the office of State Key Club Lieutenant Governor.

9. Princeton High School maintains a cordial relationship with parents—The band parents work hard staffing concessions at athletic functions and support the band annually with special productions; the Boosters Club lends support primarily to the Athletic Department.

10. A highly competent and conscientious Board of Education—which "members give generously of their time and ability in formulating policies and evaluating the effectiveness of the educational program as it relates to the present and future needs of youth as individuals, and as citizens of the community, state and nation."

THE DROUGHT IS A CHALLENGE

Mr. HART. Mr. President, those of us who represent the Western States are especially conscious these days of the crucial role that water plays in our eco-

nomic development. Without water, crops cannot grow, cities cannot prosper, and factories cannot operate.

As the great drought of 1977 continues into the long, hot summer months, the need to husband this precious resource becomes ever stronger. In several cities of California, mandatory water rationing is now in effect. The winter wheat crops in the Midwest were disappointingly small. And concern is widespread that the situation may get worse before it gets better.

Last month, my distinguished colleague from California (Mr. CRANSTON) addressed the 97th annual convention of the American Water Works Association in Anaheim, Calif. His speech calls attention to the problems of water, not only in the Western United States, but worldwide. He suggests that a global water crisis may be developing that could rival the energy crisis and that "in this global context, the drought is a challenge—a test of our determination and ingenuity to live in a world of shrinking resources and growing needs."

Mr. President, I believe Senator CRANSTON'S remarks are worthy of my colleagues' attention. I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE DROUGHT IS A CHALLENGE

Good morning.

I'm delighted to join all of you on the occasion of the 97th Annual Convention of the American Water Works Association.

Ninety-seven years of meetings must make you all old friends.

And it is always nice to be in the company of old friends.

And it is always nice to be in California, even if I can't get a glass of water or take a shower.

Indeed, water is the topic of growing interest, not only to you professionals who must worry about delivering sufficient quantities of good quality water to your customers.

Water is also of critical concern to families throughout the west who, in the face of the most severe drought on record, no longer take water for granted.

I'd like to take just a few moments to discuss what I see as signs of a developing global water crisis.

And then I'd like to highlight briefly some of the issues which are of more immediate concern—the drought, President Carter's position of Federal Water Projects, and New Drinking Water Standards, to name a few.

Water has always been a capricious resource.

Whether they have been drought-stricken or snowbound, inundated by floods or sickened by contaminated reservoirs, people around the world have long been struggling against water crises.

Recently, however, experts are beginning to be concerned that changes in the world's population—as well as basic changes in nature itself—may be precipitating a water crisis of global proportions.

Our burgeoning world population, demanding more food and more living space, is moving into arid lands which require new technologies for human survival.

And some climatologists suggest that the planet may be moving into an ERA of unstable weather patterns that could deprive our well-established agricultural regions of rainfall that used to be reliable.

Of course, we all hope and pray that the rains will return to the west this winter—that our reservoirs will be restored so our thirsty lands can drink their fill.

But even if providence smiles upon us next year, the fact remains that a global water crisis may be developing that could rival the energy crisis.

This issue was addressed at the recent United Nations water conference in Argentina.

Like previous conferences on food, environment and population, this meeting attempted to achieve a global perspective on our world's shrinking resources.

Incredibly, 80 percent of the world's population has no access to tap water, but must rely on water taken directly from streams and wells.

These are often contaminated with human wastes.

It is estimated that five million people die each year of water-borne disease.

Clearly, if we are to conquer disease and alleviate human misery, we must develop methods for providing clean, safe drinking water.

Agriculture currently uses about 80 to 90 percent of all available ground water.

Virtually all of that water is used for irrigation.

Since nearly all the useable cropland that gets adequate rainfall is already under plow, the increased food production needed to feed the world's growing population must come from new irrigated lands.

In fact, if we are going to feed all the people who will be living on this planet in the year 2000, we will have to virtually double the amount of water now used for irrigation.

That's the prediction of the United Nations Food and Agriculture Organization.

A third significant—and growing—demand for water comes from industry.

Producing a ton of steel requires 150 tons—or 40,000 gallons of water.

Refining a ton of oil uses 180 tons of water.

And making a ton of paper takes 250 tons of water.

Clearly, growing needs for water over the next 25 years will compel the best efforts of hydrologists, agronomists, meteorologists, water supply engineers, pollution control specialists and many others to find and make significant new supplies of clean, fresh water.

In this global context, the drought is a challenge—a test of our determination and ingenuity to live in a world of shrinking resources and growing needs.

In California—as you know better than most—the effects of the drought are increasingly visible.

Mandatory rationing is in effect in many areas.

In the Marin municipal water district, domestic users are limited to slightly more than 40 gallons per person per day.

San Francisco has mandated water reductions of 25% and the East Bay municipal utility district will require cutbacks of 35%.

And here in southern California a voluntary rationing program has been initiated to cut consumption by 10 percent.

It will be made mandatory if necessary.

The drought has also had a severe effect on power users.

Northern California, which relies heavily on hydroelectric energy, will have to purchase high-priced steam-generated electricity from other utilities.

And this will require increased burning of fossil fuels.

That in turn will add to our air quality problems.

The California Department of Water Resources estimates that the loss of hydroelectric power will cost consumers an additional $500 million this year.

Central Valley farmers, who must pump underground water to supplement the lost supply of surface water, will pay an additional $25 million this year for electricity.

As you probably know, Congress and the President are working on legislation to alleviate the financial burdens imposed by the drought.

The so-called water bank bill has been enacted to provide the Bureau of Reclamation with the funds and the authority to assist water users who are afflicted by severe water cutbacks.

And the Senate is just completing action on the Community Emergency Drought Relief Act of 1977 (S. 1279), which would give the Economic Development Administration similar emergency authority.

I am pleased to report that I have worked out an amendment that makes absolutely clear that funds made available under this act can be used to assist communities that have already incurred drought-related expenses.

My amendment has been agreed to by the Carter administration.

And now a few bulletins on matters of concern to you:

BULLETIN 1. FEDERAL WATER PROJECTS

You are all aware of President Carter's actions to eliminate certain Federal water projects, including Auburn Dam here in California.

I agree with the President's overall objectives for future projects—they must be safe, environmentally-sound, economically feasible, and the beneficiaries must repay their equitable share.

I believe that Auburn is a good project, that should be built if it is possible to build it to withstand earthquakes. The seismic studies are still underway at this time, with the first report expected in June.

President Carter has indicated to me that he will support funding for Auburn if the seismic studies conclude that the dam can be built safely.

Incidentally, it is worth noting that people who live east of the Mississippi River sometimes miss an important point—Federal reclamation projects in the West are not pork barrel projects.

Many Federal projects, like the central Arizona project, are 80 percent reimbursable.

The cost of Auburn, which will provide new water for the cities served by the East Bay Municipal Utilities District, will be repaid with interest.

And the reimbursable costs don't take into account other indirect benefits of reclamation projects.

For example, the Federal Government has spent a total of 7.2 billion on reclamation projects over the past 74 years.

Yet the Government has collected between 15 and 20 billion in taxes attributable to reclamation projects over the last 36 years alone.

That's a pretty good return on the taxpayer's investment.

BULLETIN 2. INDIAN WATER RIGHTS

The Senate Select Committee on Indian Affairs will hold hearings this month on S. 905, introduced by Senator Edward Kennedy.

This bill would authorize the Secretary of the Interior to purchase or exchange lands in Arizona that have water rights attached, and transfer the water to Indian reservations.

Most of the land would be in the Wellton-Mohawk division near Yuma.

While the bill is bound to face opposition from non-Indian Arizonans, the concept of the bill—that is, the purchase of water rights at a fair price—may be one possible way to settle Indian claims.

BULLETIN 3. DRINKING WATER STANDARDS

The interim primary drinking water standards mandated by the safe drinking water act take effect next month.

This will surely mean increasing costs especially for many small communities throughout the nation.

A 1970 Federal survey indicated, for example, that one third of the community systems examined did not have good quality water, 75 percent of the plant operators needed training in chemistry and bacteriology, and that 80 percent of the systems had not been inspected by state or local health officials.

As these increasing costs become more apparent, I except great pressures on the Congress to provide money to bring small communities up to date.

I realize your association has long had a policy of not seeking federal grants to construct municipal water systems.

I commend you for this policy.

But I suspect that you will be under pressure to alter your policy in the next few years as the cost of meeting federal drinking water standards goes up.

BULLETIN 4. RISING ENERGY COSTS

There is a lot of attention these days in Washington on proposals to solve the energy crisis.

But one thing is clear—the cost of energy is only going to go up.

And that means increasing costs for water users.

In southern California, for example, the cost of pumping water from the Owens Valley, the Colorado River and northern California will rise dramatically in the next decade.

The metropolitan water District of Southern California estimates that the cost of pumping northern California water over the Techachipis will jump from 3 cents per 1,000 gallons to 25 cents per 1,000 gallons in 1983—an eightfold increase!

Most of your municipal systems have pump lifts that are less dramatic, but no one will escape the rising costs of energy.

BULLETIN 5. RISING LIABILITY INSURANCE COSTS

Liability insurance premiums in California for owners and operators of dams have escalated 200 to 500 percent in the past two years!

Apparently, one reason for this dramatic increase in insurance premiums is the failure of Teton Dam in Idaho.

Whatever the reason, the problem is serious.

I understand for example, that the Nevada irrigation district in northern California found itself priced out of the market, and thus has no liability insurance.

Liability insurance premiums are rising in other parts of the nation as well, and I urge your association to take the lead in trying to develop a solution to this problem.

One idea would be to establish Federal dam safety standards and then tie some Federal insurance system to a certification that the standards have been met.

The solution to these and other problems will occupy our attention and time in the coming months. I trust that—working together—we can rise above these difficulties. I will look forward to our continuing liaison to develop sensible solutions both here and abroad to foster worldwide economic prosperity, alleviate human suffering and achieve a lasting peace.

CHILD PORNOGRAPHY MUST BE CURBED

Mr. ALLEN. Mr. President, former Senator Frank Lausche of Ohio, who is one of the ablest and most distinguished men ever to serve in the U.S. Senate, resides in the Washington area but divides his time between Washington and Cleveland, Ohio, carrying on an active law practice. Long before I came to the Senate, I became a great admirer of Senator Lausche and greatly value his friendship and his character and high ideals and lofty principles. Senator Lausche is a regular attendant at the Senate Prayer Breakfast and this has allowed me to carry on a much valued friendship with him. I have just received in the mails from Senator Lausche an article on child pornography which appeared in the April 4, 1977, issue of Time. In sending me the article he branded it as shocking and sickening, with which assessment I certainly agree. He suggested I send it to the other Members of the Senate Prayer Breakfast Group. I feel that it would be of interest to all Senators to be acquainted with the tragic facts of what is taking place in the area of child pornography in order that some action might be taken that would put an end to this evil practice. I ask unanimous consent that a copy of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILD'S GARDEN OF PERVERSITY

Lollitots magazine is one of the milder examples. It features preteen girls showing off their genitals in the gynecological style popularized by Penthouse and Playboy. Other periodicals, with names such as Naughty Horny Imps, Children-Love and Child Discipline, portray moppets in sex acts with adults or other kids. The films are even raunchier. An 8-mm. movie shows a ten-year-old girl and her eight-year-old brother in felatio and intercourse. In another film, members of a bike gang break into a church during a First Communion service and rape six little girls.

These and a host of other equally shocking products are becoming increasingly common fare at porn shops and sex-oriented mail-order houses across the nation. They are part of the newest growth area pushed by the booming, billion-dollar pornography industry: child porn.

"I just found out about these magazines and films this summer, and I've become a raving banshee over it," says Dr. Judianne Densen-Gerber, a Manhattan psychiatrist who has been barnstorming around the country in a crusade against this abuse of minors. Her effort is only one part of a new campaign against child porn. New York City has cracked down, and police have at least temporarily forced kiddy-sex periodicals and films out of the tawdry Times Square area. Some twenty states are considering child-porn laws. Last week the Illinois house of representatives approved a bill setting stiff penalties for producing and selling child porn. The bill is expected to pass the senate and become state law.

Child porn is hardly new, but according to police in Los Angeles, New York and Chicago, sales began to surge a year or two ago and are still climbing. Years ago much child pornography was fake—young-looking women dressed as Lolitas. Now the use of real children is startlingly common. Cook County State's Attorney Bernard Carey says porno pictures of children as young as five and six are now generally available throughout Chicago. Adds Richard Kopelkin, a state's attorney investigator: "They are even spreading to the suburbs, where they are now considered rare items, delicacies."

Among recent developments:

Underground sex magazines are heavily stressing incest and pedophilia. One current West Coast periodical ran ten pages of photos, cartoons and articles on sex with children.

In San Francisco hard-core child-porn films were shown in a moviehouse for five weeks before police seized the films last February. Even San Francisco's Mitchell brothers, the national porn-film kings, were outraged. Says Brother Jimmy: "We think obscenity laws should start with child porn."

An Episcopal priest, the Rev. Claudius I. Vermilye Jr., who ran a farm for wayward teens in Winchester, Tenn., is awaiting trial on charges that he staged homosexual orgies with boys on the farm and mailed pictures of activities to donors around the country.

Until recently, much child porn sold in America was smuggled in from abroad. Now most of it appears to be home grown, with the steady stream of bewildered, broke runaways serving as a ready pool of "acting talent" for photographers. Pornographers who stalk children at big-city bus stations find many victims eager to pose for $5 or $10—or simply for a meal and a friendly word. Says Lloyd Martin, head of the Los Angeles police department's sexually abused child unit: "Sometimes for the price of an ice-cream cone a kid of eight will pose for a producer. He usually trusts the guy because he's getting from him what he can't get from his parents—love." In many cases, the porn is a byproduct of child prostitution. Pimps invite children to parties, photograph them in sex acts, and circulate the pictures as advertisement to men seeking young sex partners. Frequently, the pictures are then sold to porn magazines.

Even worse, some parents are volunteering their own children to pornographers, or producing the sex pictures themselves. Last year a Rockford, Ill., social worker was sent to jail for allowing his three foster sons to perform sex acts before a camera for $150 each. In January, a couple in Security, Colo., was charged with selling their twelve-year-old son for sexual purposes to a Texas man for $3,000.

Some children in porn photos are victims of incest. Parents will have intercourse with a son or daughter, then swap pictures with other incestuous parents, or send the photos to a sex publisher. Sex periodicals, particularly on the West Coast, publish graphic letters on parents' sexual exploits with their own children. Says Los Angeles' Martin: "We had one kid in there the other day who is eleven years old. His father started on him when he was six, then sold him twice as a sex slave. The kid had been in movies, pictures, magazines and swap clubs. After a while, he broke down and cried and said how grateful he was to have been pulled out of it."

Such experiences can of course scar a child for life. Warns New York Psychoanalyst Herbert Freudenberger: "Children who pose for pictures begin to see themselves as objects to be sold. They cut off their feelings of affection, finally responding like objects rather than people." Some psychiatrists believe that children who pose in porn pictures are often unable to find sexual fulfillment as adults. Another danger, says Los Angeles Psychiatrist Roland Summit, "is that sexually abused children may become sexually abusing adults."

Child porn poses fewer hazards for the pornographers. Producers of child porn can be prosecuted for sexual abuse of children, but the children are hard to identify and locate. So are the producers, who often hide behind a welter of dummy corporations. Thus most prosecutions are under the obscenity laws, which generally make no distinction between children and adults as porn models. One result: many lawyers believe that the genital pictures in Lollitots, however offensive, might be judged no more obscene under the law than similar photos of adult women routinely published in most men's magazines.

To make prosecutions easier, angry legis-

lators in several states and Congress are proposing a kind of end run around the obscenity laws a ban on sexually explicit pictures of children, whether legally obscene or not. One bill introduced into the House of Representatives by Democrats John Murphy of New York and Dale Kildee of Michigan already has 103 co-sponsors. It would make any proven involvement with the production and sale of explicit sex pictures of children a felony. Says a Kildee aide: "Our bill is clearly enough directed toward child abuse so that the First Amendment should not arise. This is why we defined child pornography as a form of abuse, rather than a form of obscenity."

Under this approach, a salesman in an adult bookstore could be prosecuted as an active participant in the crime of sexually exploiting the children pictured in the store's magazines. New York Lawyer Charles Rembar, who successfully defended Lady Chatterley's Lover and Fanny Hill against obscenity charges, thinks the seller of child porn is a suitable target: "It is totally unrealistic to say that the people who sell these magazines and films are not involved in the act themselves." Yet other lawyers consider a broad child-abuse law a form of backdoor censorship. Says Ira Glasser of the New York Civil Liberties Union: "I assume if you put your mind to it, you could come up with an acceptable statute prohibiting adults from using children in explicit sex films and photos, but controlling what people see or read is another matter. Everything published ought to be absolutely protected by the First Amendment."

Despite First Amendment problems, public pressure for some kind of law is likely to grow. Many Americans battling against child porn view their efforts as a last stand against the tide of pornography. Says California State Senator Newton Russell: This is a reflection of the social and spiritual morality of this nation. If there is to be any reversal in the trend, the place to start is child porn."

BEVERLY FIORELLA, PRESIDENT OF THE AMERICAN SOCIETY FOR MEDICAL TECHNOLOGY

Mr. PERCY. Mr. President, I would like to call attention to one of my constituents—Miss Beverly Fiorella of Oak Park—who has served with distinction as 1976-77 President of the American Society for Medical Technology—ASMT.

ASMT is a national, professional organization representing nearly 29,000 individuals engaged in the practice of clinical laboratory science. The society has had a successful year under Miss Fiorella's leadership and she will continue to serve the society for an additional year in the capacity of past president.

Climaxing her year in office, Miss Fiorella will preside over ASMT's annual meeting to be held in Atlanta, Ga. from June 19 to 20. The theme of this year's conference "Accept the Challenge," is most appropriate as a charge to each of the 7,000 conference participants and the society at large for the year ahead. ASMT will continue its efforts to improve the quality of our Nation's health care and to make health services more accessible to people throughout the country.

Miss Fiorella began her year as president of ASMT with many achievements to her credit. She has served as an associate professor of medical laboratory sciences at the University of Illinois School of Associated Medical Sciences and as section head for immunohematology and assistant director for curriculum in the medical laboratory sciences. Miss Fiorella has also served State and local professional societies as an officer and active member. She served last year as a member of a congressional advisory panel on national health insurance, as a consultant to the Illinois State Department of Public Health, and as vice president of the Chicagoland Blood Bank Society.

Mr. President, I commend Miss Fiorella for the outstanding leadership she has demonstrated during her term as ASMT president and I trust she will continue to be active in the future.

THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

Mr. PELL. Mr. President, as cochairman of the Commission on Security and Cooperation in Europe, I would like to note that today a preparatory meeting opened in Belgrade, Yugoslavia to decide on questions of agenda and procedures for a later meeting, expected to take place this fall, to review compliance and noncompliance with the Helsinki accords of 1975. Last week, the Commission on Security and Cooperation in Europe issued a statement outlining its views on the preparatory conference. The Washington Post this morning also ran two perceptive editorials on the Belgrade meeting.

Mr. President, I ask unanimous consent that the text of the statement issued by the Commission on Security and Cooperation in Europe, and the Washington Post editorials be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE BELGRADE REVIEW CONFERENCE BY THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Belgrade Conference on the 1975 Helsinki Accords offers the 35 participating states in Europe and North America an unprecedented opportunity to improve East-West relations and broaden the area of their cooperation. The negotiations which will follow the June 15 preparatory session on questions of agenda and procedure should stimulate fresh efforts to translate the Helsinki promises into actual practice and produce a strengthened international commitment to the Helsinki code of conduct.

Those negotiations must begin with a thorough and candid review of the two-year record of implementation of the Accords. The value of the Helsinki process lies in such full and frank discussion. Through it, the participating states can identify both the progress they have made toward common goals and, just as importantly, the profound, ideological and political differences which continue to limit the prospects for detente.

Such a review requires that specific practices and their impact on specific individuals—be constructively analyzed and discussed. Even when such discussion touches matters of serious East-West contention, it enables the participants to move toward better mutual understanding. It can open possibilities for reconciling differences. Without such discussion, confidence and cooperation cannot develop as they should.

The Commission on Security and Cooperation in Europe therefore urges that the preparatory Belgrade meeting make all necessary provisions for an exhaustive exchange of views at the subsequent review conference both on application of the Final Act's principles and on compliance and noncompliance with all of its provisions. The Commission further urges the participants to arrange that their exchange of views be conducted in public, to the maximum feasible extent. The Commission believes that the conclusions to be drawn from the review must form the basis for the participants' discussion of proposals for further implementation of the Final Act. There is no advantage to be gained from arousing fresh hopes about the future without careful examination of the past.

[From the Washington Post, June 15, 1977]

BELGRADE: THE HELSINKI PRINCIPLE . . .

At Belgrade today, the 35 countries that signed the 1975 Helsinki agreement on European security and cooperation will start reviewing how it has worked. For the United States, the question is what this review can reasonably be expected to produce. The answer starts with an understanding that the basic Helsinki principle—fresh and formal acceptance by each signatory that its internal practices are of international concern—is absolutely sound. No matter that the Russians may have signed at Helsinki cynically. No matter that no one expected the commitment would play so quickly into the next American President's particular, worldwide preoccupation with human rights. Helsinki added legitimacy and currency to any effort that free nations might undertake to lower walls between nations and to deepen concern for the way individuals are treated by the state. Helsinki also added a procedural vehicle—the review process opening today.

Early on, it seemed that Mr. Carter's approach to Soviet human-rights violations could produce a Soviet backlash damaging to other Americans interests. But the administration has been at pains to show that Russia is not its only target and to pursue those other interests. The Russians, though obviously irritated enough to criticize Mr. Carter rudely and personally for his policy, seem prepared to negotiate on the other matters. Belgrade may even lend itself to a further separating out of rights issues.

More troubling in another sense is Kremlin retaliation against the intended beneficiaries of American political intervention, especially would-be emigrants and dissidents. This is a real danger and one that compels tact. It compels, too, some historical perspective. Current Soviet crackdowns come against a backdrop of relative liberalization. The flow of Jewish emigration slowed by political tensions was itself an unprecedented flow; substantial German emigration from the Soviet bloc goes quietly on.

Individual cases are inflammatory: The phony (by Mr. Carter's say-so) treason charges brought against Anatoly Scharansky and the harassment of American diplomats and correspondents are ugly in themselves and in their anti-Semitic overtones. Such steps constitute a gross but predictable effort to isolate Jews and dissidents, who pass to foreign correspondents information that embarrasses the Kremlin abroad and that comes back into the Soviet Union by foreign radio broadcasts.

The Kremlin can't be expected to like this joint effort by foreigners and its own boldest citizens to expand the scant room available for individual choice or expression in Russia. Careful international pressure at Belgrade, however, can help teach the Kremlin that the effort is at least worth tolerating.

In sum, Belgrade offers a useful forum for an administration wishing to make good on its pledge to make national values an integral part of international policy. Enough experience has been accumulated, moreover, for balance to replace impulse as the basis of

human-rights policy. It promises to be a disorderly conference. The Russians will have their own complaints about American "violations" in unemployment and the like. But the process could help produce collective pressure to accord more respect for human rights, and that is the main point.

. . . AND THE SOVIET PRACTICE

It is a calculated and crude decision the Kremlin has taken, on the eve of the Belgrade conference, to pick up Los Angeles Times correspondent Robert Toth in an obvious KGB entrapment, to question him on grounds that he collected "secret information . . . over a period of time" and to compel him to remain in Moscow (he was planning to end his three-year assignment on Friday) while the KGB investigation goes on. Obviously, the Soviet authorities wish to use the Toth case to make the point that the United States' Helsinki-blessed demand for freer journalism, and by extension the whole range of Western demands on human rights, is merely a cover for subversion and espionage. The tactic is brazen and if it is continued it cannot fail to chill the East-West air.

Moscow should understand that the responsibility for such a turn would be its and its alone. Not one whiff of evidence has been produced to show that Mr. Toth, an experienced and respected journalist, has been doing anything in Moscow except carrying out his professional duties. He was arrested in the act of receiving a scientific paper on a topic, parapsychology, which Mr. Toth, a former science correspondent, was well equipped to write about and which is regarded nowhere outside the KGB as "secret."

We prefer to think that the Toth affair represents no more than a temporary and perhaps not unanimous Kremlin answer to the familiar question of whether to meet foreign human-rights criticism by defiance or compromise. If this is so, then cooler Kremlin heads can be expected to prevail and it will not be necessary for the United States to take other steps to protect from arbitrary treatment its nationals who are journalists.

WE SHALL NEVER FORGET THEM

Mr. PERCY. Mr. President, each year at this time we recall the tragic events of June 1940 when the Baltic States were occupied by Soviet troops and—within 40 days—forcibly incorporated in the Soviet Union.

The national sovereignties of Lithuania, Latvia, and Estonia were trampled. The peoples of these nations were subjected to foreign domination. Atheism was extolled, religion attacked, agriculture collectivized, private property and industry nationalized, large numbers of inhabitants deported, non-Baltic peoples brought in.

But through all of this, and for the 37 years since, the peoples of Lithuania, Latvia, and Estonia somehow, with God's help, have maintained their national identities, their national cultures, their religious beliefs, and their self-respect. They deserve our continuing admiration. They deserve our continuing concern. We shall never forget them.

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business is closed.

INTERNATIONAL DEVELOPMENT ASSISTANCE ACT OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of S. 1520, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1520) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Time for debate is limited to 4 hours, to be equally divided and controlled by the Senator from New Jersey (Mr. CASE) and the Senator from Minnesota (Mr. HUMPHREY), with 1 hour on any amendment in the first degree—except an amendment by the Senator from Idaho (Mr. MCCLURE), on which there shall be 1½ hours; two amendments by the Senator from North Carolina (Mr. HELMS), on each of which there shall be 1½ hours; and two amendments by the Senator from Virginia (Mr. HARRY F. BYRD, JR.), on each of which there shall be one-half hour—with 30 minutes on any amendment in the second degree, debatable motion, appeal, or point of order, and with 1 hour under the bill being in the control of the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. JAVITS. Mr. President, I ask unanimous consent that Frank Ballance may have the privilege of the floor during the debate on the bills before the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged against both sides on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

(At this point, Mr. PELL assumed the chair as Presiding Officer.)

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Douglas Racine, of my staff, be allowed the privilege of the floor both during the debate and votes on all actions today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same conditions as previously.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, so that staff members may be on the floor during the consideration of this measure, I ask unanimous consent that the following persons from the staff of the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and from Senator HUMPHREY's staff as well as my own staff, have the privilege of the floor during the consideration and voting on S. 1520: Norvill Jones, Constance Freeman, Rudolph Rousseau, Gerald Decker, Richard McCall, Thomas Saylor, Pauline Baker and Bruce Van Voorst.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, S. 1520, the International Development Assistance Act of 1977, authorizes appropriations of slightly more than $1.6 billion for bilateral development assistance, disaster relief, voluntary contributions to international organizations, and other programs.

Key provisions in the bill include:

The sum of $550 million for food and nutrition programs of the Agency for International Development. These programs are geared to assisting small farmers in developing countries to increase their food production in an effort to combat current and future world hunger problems. The title XII provisions, funded in this section, provide the formal mechanism to utilize the expertise of U.S. land and sea grant universities in working with AID to address food production needs in developing countries.

The sum of $160 million for population planning activities.

The sum of $109.5 million for health programs to assist developing countries in providing health services to their poor—85 percent of whom lack access to even minimal health care.

The sum of $84.4 million to support formal and nonformal education programs in developing countries.

The sum of $100 million for technical assistance, energy, and other development projects including labor-intensive programs of light capital technology. These funds assist in strengthening technical programs of U.S. private, voluntary organizations who make such an indispensable and unique contribution to development activities. Funds are also used to reimburse the PVO's for ocean freight costs of shipping privately donated commodities to rural poor throughout the world. In addition, $10 million has been earmarked to assist U.S. credit, farm, and rural electric cooperatives.

The sum of $200 million, with a limitation of $50 million in fiscal year 1978, for U.S. participation in the long-term multidonor effort for the economic development of the Sahel region in Africa

which has experienced one of the worst droughts in modern history.

The sum of $20 million for American schools and hospitals abroad.

The sum of $262 million for U.S. voluntary contributions to international organizations. A breakdown of these contributions can be found on page 40 of the committee report.

The sum of $220.2 million for the operating expenses of AID. This is the first year the committee has recommended a seperate line-item authorization for operating expenses. In approving the administration's full request for operating expenses, the committee based our decision on the premise that operating expenses should be adequate to implement the foreign assistance programs authorized by the Congress.

The sum of $25 million for international disaster relief programs. In addition, the bill establishes a permanent international disaster relief authorization. The committee believes such a permanent authorization would permit the President to have sufficient funds available at all times to meet the relief and rehabilitation needs that may arise from disasters which cannot be foreseen. By making the authorization permanent, the President will still be required to seek appropriations but not new authorizing legislation to replenish the fund as it is drawn down.

The sum of $35 million for a special contribution for relief, rehabilitation and reconstruction assistance to the victims of earthquakes which hit Northern Italy.

Other new policy initiatives contained in S. 1520 include the following:

Require AID to review all programs to identify their impact on population growth, particularly those factors which motivate people to limit family sizes.

Assist developing countries to protect and manage their environment.

Provide that aid to the relatively least-developed countries be in the form of grants, to the maximum extent possible.

Require AID to identify factors measuring the progress of development programs.

Assist cooperative programs with developing countries in energy production and conservation.

Mr. President, the International Development Assistance Act of 1977 continues the "New Directions" development assistance policies which the Congress initiated in 1973. These policies require that our development aid be channeled directly to help the poor majority of people in developing countries by providing funds for projects targeted on critical human needs: food production and nutrition; population planning and health; education and human resources.

The "New Directions" mandate represented a fundamental change in the bilateral aid programs from those being undertaken by the United States in the 1950's and 1960's. We have shifted from the trickle-down, capital intensive programs, to people-oriented, grassroots development strategies.

We are beginning to make considerable headway in the reorientation of our development strategies. Generally good harvests in 1975 and 1976, and an expected good harvest this year, have improved the short-run world food situation to the point where there is now more discussion of surpluses than of shortages.

However, substantial obstacles remain in the way of building long-term food security and meeting minimum nutritional needs of some 500 million people who live on the brink of starvation in the world. Major obstacles to increased food production in developing countries include artificially low prices for producers, insufficient capital and credit for small and moderate-sized farmers, inadequate on-farm or locally available storage facilities and lack of accessible markets.

Our bilateral food and nutrition programs are addressing these problems. For example, these programs are oriented toward—

The development and transfer of technologies adapted to the problems of small farmers;

Improving access by small producers to inputs, credit, and markets;

Facilitating the development of rural infrastructure and of institutions to serve the rural poor; and

Facilitating the development and improved utilization of land and water resources.

Specific examples of AID projects include:

The production and multiplication of improved seeds in Rwanda, Tanzania, Cameroon, Nepal, and Morocco;

Credit programs geared to small farmers in Tanzania, Ghana, Bangladesh. Pakistan, Bolivia, and El Salvador;

Small scale irrigation in Bangladesh, Indonesia, and the Philippines;

Production of labor-intensive, high value, nutritious commodities such as vegetables in Mauritania and Central America, and fish in Sierra Leone and Jamaica;

Improving marketing systems for small farmers in Rwanda, Tanzania, Botswana, Haiti, and Central America; and

Supporting the development of cooperatives and other small farmer organizations in Liberia, Bolivia, Paraguay, and Honduras.

It is estimated that by only 23 years from now—in the year 2000—6 billion people will be trying to survive on this planet, which has difficulty supporting a current population of 4 billion. This is a frightening prospect which has grave implications for the kind of world in which we live. Unless the rate of population growth is reduced, the economic and social progress which poor nations may make will be, quite literally, devoured by an additional 2 billion people. Uncontrolled population growth is a destabilizing factor in global politics. It means more and more people competing for fewer and fewer resources. It also represents a direct threat to the quality of life in our own country.

The 1974 World Population Conference in Bucharest helped to create an international consensus concerning the interactions between population growth and the social and economic policies and planning of governments, in rich and poor nations alike. With respect to the demography of poorer nations, it was generally agreed that not only do population variable influence, development, but also development achievements affect population growth. Moreover, a more adequate understanding of those development variables which are most integrally related to the lowering of fertility rates is now emerging.

There remains, however, continued uncertainty about the relative impact on fertility rates of programs to reduce infant mortality rates, to include women in the development process, and to provide greater employment opportunities and greater economic stability for the poorest in a society. These and other development features, allied with good family planning and health services, are known to contribute to a lowering of fertility rates and in turn of population growth rates.

Despite the magnitude of the problem confronting us, Members of the Senate might think it a little incongruous that the Foreign Relations Committee recommended a reduction of $7 million in the authorization request for population programs. At the same time, the committee added $4.1 million to the health account. The shift in funds from population to health programs was intended to encourage AID to integrate population planning and health programs to the maximum extent possible. The committee also believed that population planning activities cannot be conducted apart from other developmental activities and that closer attention should be paid to the impact of these other activities on population growth rates.

AID's health programs cover a broad spectrum of projects ranging from malaria control to improved sanitation. In the developing world, less than half of the urban families and only 5 percent of the rural families have access to safe water and adequate waste disposal facilities. In the developing world, malaria now threatens 1.2 billion people. In the developing world, the effects of malnutrition are intensified by the presence of intestinal parasites and other disease.

AID is affecting nutritional well-being through the low cost provision of health services now being implemented or planned in 23 countries. Many programs are concentrating on women of childbearing age and children under the age of 5. These preventive health systems improve nutrition by reducing systemic, enteric, and parasitic infection, in turn reducing nutrient losses and improving appetites.

Specific examples of AID health projects include:

The development of a prototype project in Thailand for the development and evaluation of a low-cost system for the delivery of integrated health, population, and nutrition services;

The development of a health delivery system in Panama which includes kitchen gardens, potable water, and integration of health services for appropriate training for paramedic and auxiliary personnel; and

A program in the Philippines to provide basic sanitation, clean water, and basic health services through locally trained personnel supported by village governments.

AID's education programs are designed to extend basic formal and nonformal overseas education projects to improve literacy by strengthening rudimentary school systems in developing countries. Some 40 percent of the funds will be used for this purpose which is directed at rural primary school systems. Another 43 percent of the funds will be used to develop learning programs directed at achieving functional literacy among the millions in the developing countries who can neither read nor write.

The remainder of the funds will be used to train badly needed administrators and managers who will be responsible for insuring that essential and basic Government services are delivered to the people.

While AID concentrates 90 percent of its development resources in food and nutrition, population planning, health and education, selected development activities complement these core programs.

Selected development activities include assistance to private and voluntary agencies who comprise a vital element in our overseas people-to-people programs. Other programs in this account include economic development research, small self-help community projects, energy research and development, and reconstruction assistance for victims of disasters.

This legislation also contains a major new policy initiative launched by this administration. The President has requested an authorization of $200 million in "no-year" funds as the initial U.S. contribution to the Sahel development program. Only $50 million of this amount may be appropriated in fiscal year 1978.

Americans remember only too well the devastating drought which hit the Sahelian region of Africa between 1968 and 1973. As many as 100,000 people may have died. Some 8 to 9 million people were directly affected through loss of their livestock and their livelihoods. The United States provided $230 million of more than $1 billion made available for emergency assistance by the donor community.

The Sahel development program is really an initiative of the Congress. In 1973, the Congress urged that the United States, in concert with other donors, develop a long-term development program for the Sahel. This directive was reaffirmed once again in 1975.

A three-phase development program is planned for the Sahel. In the near-term, 1978–82, activities will be designed to use existing resources and technology for crop production, protection, and storage. Integrated rural development projects and broad approaches to rainfed agriculture, range management and livestock production programs, feeder roads, and specific health care programs will be undertaken. In the medium and long term, education, family planning, and river basin development efforts will be undertaken.

The administration is firmly committed to this program. On May 19, the President sent a message to the second meeting of the donor and recipient countries who gathered in Ottawa, Canada. He stated in that message:

> Your goal of long term development of the Sahel is farsighted and ambitious; your approach of unprecedented multilateral cooperation merits wide support . . . The United States is pleased to participate in this effort.

During the Ottawa conference the following donor commitments were publicly made in support of the first phase of the Sahel development program:

Canada: $700 million over the period 1977–85; forgiveness of outstanding loan debt in the Sahel, and for all LDC's.

Germany: An increase to approximately $110 million per year for the Sahel from 1978 to 1982.

France: Approximately $1.2 billion over the same 5-year period.

UNDP: Approximately $200 million over the next 5 years.

The United States: $200 million over the next 2 years. Future participation will be requested of the Congress.

World Bank: Will continue to expand its Sahelian program with an ultimate goal of $200 million per year.

Arab Bank for African Development: Will participate, but specific amount not yet committed.

Islamic Development Bank: Will participate, but no specific amount yet committed.

European Development Fund: Approximately $150 million per year over the next 5 years.

Switzerland: $10 million per year over the next 5 years.

The Sahel program represents one of the most unique development efforts undertaken by the donor community. A rational and realistic program for the region has been developed within the context of the capabilities of each donor—bilateral and multilateral. Since this is a multidonor effort working in close concert with the recipient countries, duplication, overlap, and waste can be eliminated. Potentially, the Sahel program could serve as a model for development, insuring that adequate planning and resources are made available to overcome significant human problems of hunger, illiteracy, disease, and population growth.

S. 1520 also authorizes $20 million for the American schools and hospitals abroad. These funds are provided for assistance to schools, hospitals, and libraries outside the United States which are demonstration centers for American ideas and practices.

The International Development Assistance Act makes three important modifications on the housing investment guaranty program through which U.S. savings and loans and other institutions may participate in housing investment programs in less developed countries.

First, the bill combines the Latin America and worldwide housing guaranty programs. Currently, these programs have separate guaranty authorities. Second, the bill adds $200 million to the combined guaranty authority for a total of $1.23 billion. Third, the bill extends the housing guaranty program through September 30, 1979.

The committee also recommends an authorization of $262 million for contributions to the international organizations programs. These represent our voluntary contributions to United Nations programs and the Organization of American States. The largest of these contributions go to the United Nations development program, $140 million; the United Nations Relief Works Agency, $42.5 million; and the United Nations Children's Fund, $25 million. A detailed explanation of each of the programs for which contributions are recommended may be found in the committee report on this bill.

The committee recommendation is $8 million above the administration request of $254 million. But that recommendation reflects a program-by-program examination by the committee. The recommendation includes increases in some programs and reductions in others.

In particular, the committee recommends a $9.5 million reduction in the U.S. contribution to UNRWA, because of our concern over operations of this organization. We have received reports that programs are not administered effectively. The committee will review the UNRWA program and if additional funds are warranted, the committee will recommend additional authorizations in fiscal year 1978.

Our voluntary contributions to international organizations represent an important part of our overall development assistance effort. They are designed to complement bilateral aid programs as well as the programs of the international financial institutions such as IDA and the World Bank.

In addition, these programs provide a means for other countries to contribute their resources to the worldwide development effort. I am pleased to say that the $262 million contribution to U.N. programs which the committee recommends is less than 24 percent of the total contributions—far below the percentages of our contributions in previous years.

Mr. President, I am not here to tell the Senate that every one of our aid projects accomplishes its objectives or that every aid program is properly administered. We have room for improvement and we have a commitment from the new leadership of the Agency for International Developent that the programs and their management will be imoroved and strengthened.

But I am here to tell the Senate that for the first time in more than two decades, the Committee on Foreign Relations has unanimously recommended this bill to the full Senate for consideration. That unanimous vote reflects how much our aid effort has improved from the days when the bilateral aid bill was reported from the committee by narrow margins and with little enthusiasm.

I am often asked by my constituents—and I might add by my own colleagues—why do we spend money overseas for education, health, and nutrition when we have such urgent, unmet needs at home.

Yet, the answer to that question becomes more apparent with each passing year. The most fundamental national

reality of our time is that we live in an era of international interdependence—an era in which domestic and global distinctions have become blurred. And we are fast approaching the time when domestic and foreign policy concerns will be inseparable.

In particular, the importance of our economic relations with developing nations is rapidly increasing. The United States sells more of its goods to developing countries than to the European Community, Eastern Europe, and the Soviet Union combined. And developing countries provide us with both critical raw materials and essential consumer goods.

The impact of developing nations on our national security is also growing. When we examine the political areas of the world, we find that tensions in and among developing nations all too often affect our own interests.

Setting economic and security concerns aside, we must remember that we 216 million Americans live among 4 billion people on this small planet and that one of every four of those people lives in abject poverty. One of every four of us on this Earth does not have the resources to secure the most basic of human needs—adequate food, shelter, clothing. Whether the condition of that one-fourth of humanity improves will have the most profound impact on our Nation and its future.

Mr. President, the answer to the question of why we provide resources for education, health, agriculture, and family planning in poor countries is that these funds represent an investment in our own future. Foreign aid will not accomplish miracles in development or improvement in standards of living. That burden falls on the poor people in poor countries. But our assistance is a vital part of that effort.

President Carter expressed this concept when he observed:

> One of the greatest challenges before us as a nation and therefore one of our greatest opportunities is to participate in molding a global economic system which will bring greater prosperity to the people of all countries.

President Kennedy said it another way:

> If we cannot help the many who are poor, we cannot save the few who are rich.

Interdependence has become the catchword of the 1970's. And, while it is all too commonly used, it is all too little understood.

The post-World War II foreign policy of this Nation has focused on the maintenance of the balance of power between the United States and the Soviet Union. As we enter our third century, protection against military threats still remains a major foreign policy focus of our Nation.

However, our national security also is endangered by events outside the political-military sphere of major powers. The advances of modern technology have reduced the time and spatial distances between peoples and nations to relative insignificance. In so doing, it has increased the magnitude and importance of interaction among nations—and we are no longer immune from this interaction.

The problems of energy, material resources, environment, employment, inflation, population, hunger, disease, and illiteracy; the question of the uses of space and the seas; and the trends in nuclear proliferation and terrorism—all these issues threaten the national security of our country as much as the possibility of nuclear confrontation with the Soviet Union.

The fact is that the balance of this century will continue to be a period of incredible, massive change in political, economic, and social institutions. The question is, will we, by our positive efforts, help to direct and effect this global upheaval in a direction consistent with our values and beliefs? Or will we merely resist it? Will we design our future, or will we simply resign ourselves to it?

Today, there are 700 million adults in the world unable to read or write.

Today, there are 1.5 billion people in the world without effective health care.

Today, more than 500 million people in the world suffer from severe hunger and malnutrition.

And, without a major effort by the international community, some 800 million of the world's poorest cannot expect any improvement in their condition of life for the rest of the decade.

These are some of the facts of our time. And these cruel, ugly facts are as threatening to our future as an uncontrolled arms race. These are time bombs which threaten global peace.

As Pope John XXIII so dramatically emphasized:

> In a world of constant want, there is no peace . . .

Therefore, we must be as willing to respond to these threats as we are willing to face those of military aggression.

Last year the development assistance programs of the entire free world to the developing countries totaled only $17 billion. In the same time span, more than $285 billion was spent in the world for guns, bombers, and missiles.

The question we must decide is whether or not the conditions of social and economic injustice—poverty, illiteracy, and diseases—are a real threat to our security. I think they are.

And they require the same commitment of policy, will, and resources as our so-called conventional national defense.

World hunger cannot be solved merely by American charity, but by technology and improved production of food and fiber on a worldwide basis. It can be done.

Disease can be conquered or at least its ravages minimized. The modern world knows how to do this if we have the will and provide the means.

The basic changes in our international financial institutions, which were designed for a world of yesterday, can provide much of the capital which is needed for development.

A war torn Europe was rebuilt by the Marshall plan. Yes, planning, resources, and management accomplished its goal.

A highly nationalistic Europe was brought together in the European Economic Community by strong political leadership, motivated by economic necessity.

It is possible to make changes. We have demonstrated there are few, if any, physical or technological barriers that this country is incapable of overcoming, provided that we are willing to make a national commitment to do so.

And, remember, we are not alone.

There is a whole world of skill, talent, and resources that must be called to the task.

What is needed is American leadership that understands and proclaims interdependence—the simple fact that we need each other; that no one is safe until all are secure.

The frontiers of science and technology are always being pushed forward. But it is in the political, economic, and social fields where mankind's ingenuity and inventiveness must now be directed.

Mr. President, the International Development Assistance Act of 1977 authorizes the appropriation of $1.6 billion. That sum amounts to three-tenths of 1 percent of the Federal budget authority which President Carter has requested. I repeat that—three-tenths of 1 percent. All of our foreign aid programs—bilateral and multilateral, economic, and security—are 1.6 percent of the Federal budget.

I do not believe that three-tenths of 1 percent of our Federal budget is an excessive amount to invest in foreign assistance in fiscal year 1978. However, I recognize and the committee recognizes that we must balance this priority against others. And I think that we have struck a good balance. And I am confident that the full Senate will agree with its affirmative vote in support of the committee's recommendations in S. 1520.

Mr. CASE. Mr. President, the Senator from Minnesota has explained the provisions of the International Development Assistance Act of 1977 with his usual eloquence and persuasiveness. I associate myself with his remarks and call attention to two provisions of S. 1520 which I believe are of particular significance.

I am pleased that this bill strengthens the existing human rights provisions of the Foreign Assistance Act by providing an improved means of coordinating human rights policies as they affect our foreign aid program.

Under the provisions of this bill, before the Administrator of AID determines whether a country is eligible to receive U.S. assistance, he is required to consider specific actions which have been taken by the President or the Congress relating to multilateral assistance or security assistance because of human rights practices or policies. If our human rights policies are to be clearly defined and effectively implemented, they must be carefully coordinated. This bill with its mandatory consultation and reporting requirements will help to provide us with more effective human rights poli-

cies—policies which achieve their objectives and reflect the deeply held values of our Nation.

Mr. President, another provision of this bill concerns an issue of importance to developing and developed nations—the cost of oil. Developing countries were particularly hard hit by the OPEC oil price increases. The cost of petroleum and petroleum products had a devastating impact on the development prospects of many developing nations—especially the poorest. Money which would have been used for development efforts went instead to the oil producers.

S. 1520 includes a provision which is intended to reduce the dependency of developing countries on imported oil through the development of new energy technologies. This provision, which I sponsored, authorizes the President to provide aid for cooperative programs with developing countries in energy production and conservation. The main emphasis of these programs will be on the development and utilization of energy technologies which are environmentally acceptable, require minimal capital investment, and which are simple and inexpensive to utilize. These technologies will be particularly important in rural areas where the need for energy is great, but the cost of rural electrification is high.

We have seen the beginnings of the development of new energy technologies in our own country—and we are rediscovering the value of some old technologies such as the power of the wind. This new program will provide a means of encouraging the development of solar, wind, and other unconventional energy technologies in developing countries, and it will provide developing countries with an alternative to oil imports. This new program is both necessary and timely and I believe that it will be a welcome addition to our foreign assistance effort.

Mr. President, from the Marshall plan to point 4—the new directions, development assistance programs have been an important part of the foreign relations of the United States. Through their impact on the pace and course of economic and social progress in poor countries, these programs can help to shape the future condition of our increasingly interdependent world—and with that the future of our own Nation.

Today, our aid programs help the poor majority—those people upon whom the burden of poverty falls most heavily and for whom the opportunity for development arises most directly. Our programs are focused on the critical development problems of food production, health, population, and education. Mr. President, after many years of concern about the objectives and effectiveness of our bilateral aid programs, I believe that we are back on course and on target. The unanimous vote of the Foreign Relations Committee in reporting this bill is a reflection of the growing consensus about effectiveness and importance of our aid effort. The funds authorized in this bill are an important investment in our own future and I urge my colleagues to support its passage.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator withhold that request?

Mr. CLARK. Yes.

Mr. JAVITS. Let us have a quorum without charging the time.

Mr. ROBERT C. BYRD. Mr. President, could we charge the time equally on the bill? We have 4 hours on the bill.

Mr. JAVITS. Four hours.

Mr. ROBERT C. BYRD. We really have a tough situation today. Could we charge the time equally, if the Senator will not object?

The PRESIDING OFFICER. Is there objection to a quorum call with the time to be equally divided between both sides?

Mr. ROBERT C. BYRD. On the bill?

The PRESIDING OFFICER. On the bill.

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from New York.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that Gene Larimore of Senator THURMOND's staff be given the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same conditions as previously.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 430

Mr. EAGLETON. Mr. President, I have an amendment which I send to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an unprinted amendment No. 430.

The legislative clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 19, add the following:

PROHIBITION ON USE OF FUNDS FOR INVOLUNTARY STERILIZATIONS

SEC. 13. Section 114 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Abortions.—" and inserting in lieu thereof "Abortions or Involuntary Sterilizations.—(a)"; and

(2) by adding at the end thereof the following:

"(b) None of the funds made available to carry out this part shall be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce, or provide any financial incentive to, any person to practice sterilizations.".

Mr. EAGLETON. Mr. President, I offer an amendment to the International Development Assistance Act of 1977 which would prohibit the use of International Development Act funds for involuntary sterilizations. My amendment is identical to the language in the amendment adopted by the House by a voice vote on May 12, 1977.

My language would clearly prohibit involuntary sterilizations. It would also prohibit payments, any kind of financial incentives, to any person to participate in a sterilization program. It would also prohibit coercion in any form; but, nevertheless, it would not prohibit a country, in good faith and with good standards and regulations, from carrying out a totally voluntary sterilization program.

Mr. President, Dr. R. T. Ravenholt, Director of the U.S. Office of Population, was recently quoted in the St. Louis-Post Dispatch as saying that family planning programs promoted by American agencies could result in the sterilization of 100 million women around the world. The Director was further quoted as saying that one reason for such programs is to maintain "the normal operations of U.S. commercial interests around the world." As might be expected, these statements have alarmed many people across the country. In all fairness to Dr. Ravenholt, I must inform the Senate that he has denied making these statements and other State Department officials have strongly indicated that the United States is not pursuing these goals. In fact, the State Department has assured Congress that the philosophy of the Agency for International Development is fully in accord with the principles of voluntary acceptance of family planning.

Mr. President, the law needs to be clear on this matter. It is not good enough to let the State Department establish our national priorities on this important matter by issuing regulations and guidelines. The law should clearly state that Federal funds cannot be used to force someone to become sterilized.

Mr. President, I have been informed that the Agency for International Development supports my amendment, and I, therefore, urge the adoption of this amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a communication I received today from the Department of State, AID Agency, concerning voluntary sterilizaton be made a part of the RECORD.

I also ask that the AID policy guidelines on voluntary sterilization also be made part of the RECORD. These two communications refer to the Eagleton amendment and its application.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., June 15, 1977.

Hon. HUBERT H. HUMPHREY,
Chairman, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Since you are about to take up A.I.D. authorization legislation for FY 1978, I want to provide the Agency's views concerning voluntary sterilization, particularly since voluntary sterilization programs were the subject of a floor amendment during the recent consideration of the bill in the House.

The population policies of A.I.D. are founded on the interests of human beings as individuals, not as numbers on any chart. These policies must reflect the right of each couple to space and plan their families on a voluntary basis. They must also reflect the impact that population growth can have on the overall economic and social development of a particular nation. The provision of family planning services by A.I.D. is intended to respond to the welfare of the indivdual and the prosperity of his or her own country, certainly not the commercial interests of this country.

A.I.D.'s population assistance program supports training activities through major universities, such as Johns Hopkins University, the University of Pittsburgh and Washington University, St. Louis, and private organizations such as the Pathfinder Fund, the Association for Voluntary Sterilization, Family Planning International Assistance, and the International Planned Parenthood Federation. Such programs provide for the training of physicians from developing countries in the latest obstetrical and gynecological (OB/GYN) technology, including sterilization techniques. But these training programs do not emphasize sterilization as a method of family planning. Rather they cover a broad scope of training in OB/GYN practice including endocrinology, health aspects of pregnancy, the identification of cancerous conditions and the management of infertility as well as of fertility through techniques of family planning, including sterilization.

Over the past several months, we have made a concerted effort to complete work on the elaboration of guidelines which will govern all A.I.D.-funded voluntary sterilization programs. These guidelines, which were recently approved by Governor Gilligan spell out detailed provisions relating to informed consent to ensure that the acceptance of sterilization as a method of family planning through any program supported by A.I.D., whether bilateral or through private organizations, is truly voluntary in all respects. Moreover, these guidelines emphasize the general health and human factors governing such programs.

These guidelines will be sent to A.I.D. Missions and private organizations which receive A.I.D. funds for the support of any aspect of voluntary sterilization programs. The enclosed copy of the approved guidelines may be of interest to you and other Members of Congress when considering our legislation.

Finally, I wish to assure you and other Members of Congress that the philosophy of A.I.D. is fully in accord with the principles of voluntary acceptance of family planning which you believe have guided and should guide our actions in this vital area of mutual concern.

Sincerely yours,

ROBERT H. NOOTER,
Acting Administrator.

A.I.D. POLICY GUIDELINES ON VOLUNTARY STERILIZATION

I. OVERVIEW

The World Population Plan of Action of the World Population Conference of 1974 observed that: "All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children, and to have the information, education and means to do so . . ."

The Foreign Assistance Act (FAA) of 1961 (as amended) reflects additional considerations:

(1) the process of economic and social development and is in turn affected by the pace, magnitude and direction of population growth; and,

(2) in many LDCs high rates of population growth limit attainment of broader development goals, contribute to economic hardship and hazardous health conditions, and deny opportunities for improved quality of life for many parents and their children.

In carrying out a comprehensive population assistance program authorized by the FAA, A.I.D. has responded to the growing number of LDC requests for assistance and has helped to make the various methods of family planning permitted by our legislation available on a broader scale to the rural and urban population for use on a strictly voluntary basis.

More recently, LDC governments and non-government organizations have requested assistance to extend the availability of voluntary sterilization services.* Such requests are partially in response to the preparatory work conducted by various organizations which have received A.I.D. support, including the Association for Voluntary Sterilization (AVS), the Pathfider Fund, the International Fertility Research Program (IFRP), and the Johns Hopkins University Program for International Education in Gynecology and Obstetrics (PIEGO) as part of its broad program of advance training in obstetrics and gynecology. These organizations have contributed to significant advances in the development of new surgical techniques which make sterilization safer, simpler and less expensive as an outpatient procedure. They have developed specialized equipment and given LDC medical personnel specialized training in the practice of obstetrics and gynecology, including endocrinology, identification of cancerous conditions, maternal care, and the management of infertility and fertility, including sterilization procedures.

In providing support for sterilization services, A.I.D. must reaffirm its long-standing and complete commitment to the basic principle of voluntary acceptance of family planning methods and determine basic conditions and safeguards within which A.I.D. support for sterilization activities can be provided. These conditions and safeguards are needed because of the special nature of sterilization as a highly personal, permanent surgical procedure and to ensure that the needs and rights of individuals are scrupulously protected.

The official positions of national governments are mixed. While voluntary sterilization has become a basic part of comprehensive family planning services in many countries, in some there is only unofficial approval for action by non-government agencies while in other countries there is opposition to the method. A.I.D. staff and A.I.D.-funded grantees and contractors must be fully aware of national sensitivities and must receive AID/W and mission approval before making any commitments on commencing support for sterilization activities in any context.

In summary, this message is to acquaint missions with current policy concerning A.I.D.-support for voluntary sterilization activities. A subsequent message will deal with the resources and procedures to be used in developing sterilization programs where such programs are feasible and desirable.

II. GENERAL GUIDELINES

A.I.D. acknowledges that each host country is free to determine its own policies and practices concerning the provision of sterilization services. However, A.I.D. support for VS program activities can be provided only if they comply with these guidelines in every respect.

A. Informed Consent.—A.I.D. assistance to VS service programs shall be contingent on satisfactory determination by the USAID (bilateral programs) and/or A.I.D.-funded grantees or contractors that surgical sterilization procedures, supported in whole or in part by A.I.D. funds, are performed only after the individual has voluntarily presented himself or herself at the treatment facility and given his or her informed consent to the sterilization procedure.

Informed consent means the voluntary, knowing assent from the individual after he or she has been advised of the surgical procedures to be followed, the attendant discomforts and possible risks, the benefits to be expected, the availability of alternative methods of family planning, the purpose of the operation and its irreversibility, and his or her option to withdraw consent anytime prior to the operation. An individual's consent is considered voluntary if it is based upon the exercise of free choice and is not obtained by any special inducement or any element of force, fraud, deceit, duress or other forms of coercion or misrepresentation.

Further, the recipient of A.I.D. funds used all or in part for performance of VS procedures must be required to document the patient's informed consent by (a) a written consent document in a language the patient understands and speaks, which explains the basic elements of informed consent, as set out above, and which is signed by the individual and by the attending physician or by the authorized assistant of the attending physician; or (b) when a patient is unable to read adequately a written certification by the attending physician or by the authorized assistant of the attending physician that the basic elements of informed consent above were orally presented to the patient, and that the patient thereafter consented to the performance of the operation. The receipt of the oral explanation shall be acknowledged by the patient's mark on the certification and by the signature or mark of a witness who shall be of the same sex and speak the same language as the patient.

Copies of these informed consent forms and certification documents for each VS procedure must be retained by the operating medical facility, or by the host government, for a period of three years after performance of the sterilization procedure.

USAID Missions should note their responsibility to monitor A.I.D.-assisted VS programs—whether such programs are funded bilaterally or by A.I.D.-funded grantees or contractors—to ensure continuing adherence to the principle of informed consent. In order to carry out this monitoring function effectively, all proposed programs—either bilaterally funded or funded by A.I.D.-supported intermediaries—shall be approved by the mission and AID/W prior to any commitment of funds or promise to commit funds for VS

*VS service programs include those activities which are primarily intended to provide voluntary male and female sterilizations to persons requesting this type of contraceptive procedure. For purposes of this discussion, however, VS training programs are included, since training generally requires that trainees conduct supervised procedures on patients who have voluntarily presented themselves at a service/training facility for sterilization.

activities. In carrying out this responsibility, USAID staff should be thoroughly familiar with local circumstances and government administrative patterns and be able to communicate effectively with host country representatives.

B. Ready Access To Other Methods.—Where VS services are made available, other means of family planning should also be readily available at a common location, thus enabling a choice on the part of the acceptor.

C. Incentive Payments.—No A.I.D. funds can be used to pay potential acceptors of sterilization to induce their acceptance of VS. Further, the fee or patient cost structure applied to VS and other contraceptive services shall be established in such a way that no financial incentive is created for sterilization over another method.

D. Quality of VS Services.—Medical personnel who operate on sterilization patients must be well-trained and qualified in accordance with local medical standards. Equipment provided will be the best available and suitable to the field situations in which it will be used.

E. Sterilization and Health Services.—To the fullest possible extent, VS programs—whether bilaterally funded or conducted by A.I.D-funded private organizations—shall be conducted as an integral part of the total health care services of the recipient country and shall be performed with respect to the overall health and well-being of prospective acceptors. In addition, opportunities for extending health care to participants in VS programs should be exploited to the fullest. Consideration must also be given to the impact that expanded VS services might have on existing general health services of the recipient country with regard to the employment of physicians and related medical personnel and the use of buildings or facilities.

F. Country Policies.—In the absence of a stated affirmative policy or explicit acceptance of A.I.D. support for VS activities, USAIDS should take appropriate precautions through consultation with host country officials in order to minimize the prospect of misunderstandings concerning potential VS activities. In monitoring the consistency of A.I.D.-supported VS programs with local policy and practice, USAIDs and A.I.D.-funded donor agencies shall also take particular note of program activities among cultural, ethnic, religious or political minorities to ensure that the principles of informed consent discussed under "A" above are being observed and that undue emphasis is not given to such minority groups.

Mr. CLARK. Mr. President, the committee is prepared to accept the amendment. The Senator from Missouri has accurately stated the policy of the Agency for International Development, namely, that they follow a policy of not permitting involuntary sterilization. There is no reason why that policy should not be written into law. It has been passed by the House. The Agency for International Development approves it and the committee approves it.

I yield to the Senator from New Jersey.

Mr. CASE. The minority concurs.

Mr. EAGLETON. Mr. President, I thank my colleagues from Iowa and New Jersey. I am prepared to yield back the remainder of my time.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CLARK. I ask unanimous consent that the time be taken equally from both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT 431

Mr. McGOVERN. Mr. President, I have an amendment at the desk. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes unprinted amendment No. 431.

Mr. McGOVERN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 20, strike out the quotation marks and the second period.

On page 13, between lines 20 and 21, insert the following:

"SEC. 122. INFANT NUTRITION.—The President is authorized and requested to devise and carry out, in partnership with developing nations, a strategy designed to promote breast-feeding of infants, within the context of integrated programs of nutrition and health improvement for mothers and children, and to provide technical, financial, and material support to individuals or groups at the local level for such purposes.".

PRIVILEGE OF THE FLOOR

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that Glenn Tussey, a member of the staff of the Senate Committee on Agriculture, be granted the privilege of the floor during consideration of and debate and voting on S. 1520.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. The President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, will unanimous consent that Michael R. McLeod, Henry J. Casso, Carl P. Rose, Thomas R. Saylor, and Dale Sherwin be granted privilege of the floor during consideration of this bill and all votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, briefly, the problem which this amendment addresses is the increased use of infant formula in developing countries as a substitute for natural, nutritional feeding—in other words, breast feeding.

The introduction of the commercial formulas in the poor countries has had the effect of increasing malnutrition and mortality among infants.

I do not mean to imply by that that these formulas, as such, are dangerous, but the problem is that when they are incorporated with water in many of these poor countries where they do not have sanitary drinking water, where there is no refrigeration, where it is very easy in the mixing of formulas under primitive conditions for germs and bacteria to be introduced, and where contamination frequently takes place; several things happen.

We get a higher infection rate among infants. Obviously, we add to the cost factor when we substitute commercial formulas for natural feeding methods, for the mother's milk. We have the problem in some cases of illiteracy, where it is impossible for mothers even to follow the instructions in the mixing of infant formulas.

For all of these reasons, child care experts, including the International Pediatrics Association, have come to a concern about the replacement of breast-feeding methods by these commercial formulas.

What this amendment does is to simply call on the Senate to adopt language that has already been approved in the House of Representatives calling upon AID through its educational programs to, wherever feasible, encourage the use of natural feeding methods.

Members of the Senate, of course, understand that the commercial companies are carrying on advertising campaigns in the developing countries that are designed, very frankly, to convince mothers that commercial formulas are superior to natural breast-feeding methods. That is not a scientific fact. The contrary is the case.

So this amendment, which contains no mandatory language, but simply calls on the administration through AID to make a reasonable effort through educational methods to encourage breast feeding as against the commercial formulas, would be made a part of the program.

I am hoping that the distinguished Senator from Minnesota, who is an expert in this whole field of development and who has been very close to the whole technical and economical assistance program, would see fit to adopt this language, which, as I say, has already been adopted in the House bill.

Mr. HUMPHREY. Mr. President, the amendment of the Senator from South Dakota is a good amendment. Speaking for the majority of the committee, I am more than pleased to support the amendment and have it adopted. I believe that the Senator from New Jersey, the ranking minority member, would feel likewise, but I want him to speak for himself.

Mr. CASE. The minority concurs.

Mr. HUMPHREY. The minority concurs, so it becomes a unanimous feeling on the part of the committee. Let us move to adopt it.

Mr. President, I yield back the remainder of my time.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. All re-

maining time has been yielded back. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 370

Mr. TALMADGE. Mr. President, I call up my amendment No. 370 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

THE SENATOR FROM GEORGIA (MR. TALMADGE) PROPOSES AMENDMENT NO. 370

The amendment is as follows:

On page 1, between lines 4 and 5 insert "TITLE I".

On page 1, line 6, strike out "2" and insert in lieu thereof "101".

On page 13, line 22, strike out "3" and insert in lieu thereof "102".

On page 14, line 19, strike out "4" and insert in lieu thereof "103".

On page 16, line 2, strike out "5" and insert in lieu thereof "104".

On page 16, line 15, strike out "6" and insert in lieu thereof "105".

On page 17, line 2, strike out "7" and insert in lieu thereof "106".

On page 17, line 22, strike out "8" and insert in lieu thereof "107".

On page 18, line 8, strike out "9" and insert in lieu thereof "108".

On page 18, line 11, strike out "10" and insert in lieu thereof "109".

On page 18, line 21, strike out "11" and insert in lieu thereof "110".

On page 19, line 4, strike out "12" and insert in lieu thereof "111".

On page 19, immediately after line 18, insert a new title II as follows:

"TITLE II

"REPEAL OF PROHIBITION ON FINANCING OF TITLE I SALES MADE BY EXPORTERS TRADING WITH NORTH VIETNAM

"SEC. 201. Section 102 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out ': *Provided*,' and all that follows through the end of the section and inserting in lieu thereof a period.

"CONFORMING AMENDMENT; REPEAL OF PROHIBITIONS ON TITLE I SALES TO COUNTRIES WHICH TRADE WITH CUBA OR NORTH VIETNAM AND ON TITLE I SALES TO THE UNITED ARAB REPUBLIC

"SEC. 202. Section 103 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended as follows:

"(1) by striking out 'and in section 106(b)(2)' in subsection (b) and inserting in lieu thereof ', title III, and section 112'; and

"(2) by striking out ', or (3)' and all that follows through 'United Arab Republic under title I of this Act' in subsection (d).

"CONFORMING AMENDMENT

"SEC. 203. Section 106(b)(2) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended as follows:

"(1) by inserting ', pursuant to the provisions of title III of this Act, for,' in the first sentence thereof immediately after 'carry out programs' and striking out the word 'of' before 'agricultural development'; and

"(2) by inserting immediately after 'section 103(b) of this Act,' the following: 'when specifically provided for under a food for development program pursuant to title III of this Act,'.

"ALLOCATION OF TITLE I AGREEMENTS

"SEC. 204. Section 111 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended—

"(1) by striking out the first three sentences and inserting in lieu thereof the following: 'Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those meeting the poverty criterion established for International Development Association financing and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless (1) the Secretary of Agriculture certifies to the Congress that the use of such food assistance is required for humanitarian food purposes, or (2) the Secretary of Agriculture certifies to the Congress that the quantity of commodities which would be required to be allocated under this section to countries which meet International Development Association poverty criterion could not be used effectively to carry out the humanitarian purposes of this title. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries meeting International Development Association poverty criterion and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section.'; and

"(2) by striking out 'President' in the last sentence and inserting in lieu thereof 'Secretary of Agriculture'.

"FACILITIES TO AID DISTRIBUTION AND CONSUMPTION OF UNITED STATES FARM COMMODITIES; HUMAN RIGHTS

"SEC. 205. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof new sections 112 and 113 as follows:

"'SEC. 112. From the sales proceeds and loan repayments under this title not less than the equivalent of 5 per centum of the total value of all agreements shall be set aside and made available to the Secretary of Agriculture to finance projects, in cooperation with other appropriate agencies, that will aid in the utilization, distribution, storage, transportation, or otherwise increase foreign consumption of and markets for United States agricultural commodities: *Provided*, That the Secretary of Agriculture may release such amounts so set aside as he determines cannot be effectively used to carry out the purposes of this section.

"'SEC. 113. (a) No agreement may be entered into under this title to finance the sale of agricultural commodities to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such agreement will directly benefit the needy people in such country. An agreement will not directly benefit the needy people in the country for purposes of the preceding sentence unless either the commodities themselves or the proceeds from their sale will be used for specific projects or programs which the President determines would directly benefit the needy people of that country. The agreement shall specify how the projects or programs will be used to benefit the needy people and shall require a report to the President on such use within six months after the commodities are delivered to the recipient country.

"'(b) To assist in determining whether the requirements of subsection (a) are being met, the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on International Relations of the House of Representatives may require the President to submit information demonstrating that an agreement will directly benefit the needy people in a country.

"'(c) In determining whether a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

"'(d) The Secretary of Agriculture shall transmit to the Speaker of the House of Representatives and the President of the Senate, in the annual presentation on planned programing of assistance under this Act, a full and complete report regarding the steps taken to carry out the provisions of this section.'

"MODIFICATION OF TITLE II MINIMUM QUANTITY REQUIREMENT

"SEC. 206. Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended to read as follows:

"'(b) The quantity of agricultural commodities which shall be available under this title for fiscal year 1978 shall not be less than one million five hundred thousand metric tons, of which not less than one million three hundred thousand metric tons shall be made available to nonprofit voluntary agencies and the World Food Program and such quantities shall be increased by fifty thousand tons for each subsequent fiscal year through 1982, unless the President determines and reports to Congress, together with the President's reasons, that such quantities cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantities shall not exceed the total quantities of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantities of commodities required to meet famine or other urgent or extraordinary relief requirements.'.

"REIMBURSEMENT OF TRANSPORTATION COSTS

"SEC. 207. Section 203 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended as follows:

"(1) by striking out ', or, in the case of landlocked countries,' and inserting in lieu thereof a semicolon; and

"(2) by inserting immediately after 'points of entry abroad' the following: 'in the case of (a) landlocked countries, (b) where ports cannot be used effectively because of natural or other disturbances, (c) where carriers to a specific country are unavailable, or (d) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports'.

"SALE OF TITLE II COMMODITIES TO INCREASE PROGRAM EFFECTIVENESS

"SEC. 208. Section 206 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out 'purposes specified in section 103 of the Foreign Assistance Act of 1961' and inserting in lieu thereof 'increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries'.

"FOOD FOR DEVELOPMENT PROGRAM

"SEC. 209. Title III of the Agricultural Trade Development and Assistance Act of 1954, as

amended, is amended by (1) redesignating sections 301, 302, and 303 as sections 308, 309, and 310, respectively, and (2) inserting immediately before section 308 the following new sections:

"'SEC. 301. (a) In order to establish a strong relationship between United States food assistance and efforts by developing countries to increase the availability of food for the poor in such countries and improve in other ways the quality of their lives, the President is authorized to encourage the use of the resources provided by the concessional financing of agricultural commodities under this Act for agricultural and rural development, including voluntary family planning, health, and nutrition programs, by permitting the funds accruing from the local sale of such commodities which are used for such purposes to be applied against the repayment obligation of governments receiving concessional financing under this Act. The agreements between the United States Government and an eligible developing country government which provides for repayment of the obligation to the United States accruing from the concessional sale of United States agricultural commodities by the use of funds from the sale of such commodities in the participating country for specified development purposes shall be called a Food for Development Program.

"'(b) The overall goal of assistance under this title shall be to increase the access of the poor in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the well-being of the poor in the small farm and rural sector of the recipient country. Assistance authorized under this title shall be used for activities which effectively assist small farmers, tenants, sharecroppers, and agricultural laborers, by expanding their access to the rural economy through services and institutions at the local level, including integrated health delivery systems, increasing employment opportunities, spreading productive investment and services to small towns and outlying rural areas, and otherwise providing opportunities for the poor who are dependent on agriculture and agriculturally related activities to better their lives through their own efforts.

"'SEC. 302. (A) Whenever the President, in consultation with the government of a developing country, determines that such developing country meets the criteria specified in subsection (b) of this section and could usefully benefit from the sale of United States agricultural commodities (including processed and blended foods) for the purposes of generating funds or distributing such commodities for agricultural and rural development, and improving food distribution and use within such country, the President may designate such country as eligible for a food for development program.

"'(b) In order to be eligible for a food for development program under this section, a country must (1) have a need for external resources to improve its food production, marketing, distribution, and storage systems; (2) meet the criterion used to determine basic eligibility for development loans of the International Development Association of the International Bank for Reconstruction and Development; (3) have the ability to utilize effectively the resources made available by the sale of food commodities under this section for the purposes specified in section 301 of this Act; and (4) indicate the willingness to take steps to improve its food production, marketing, distribution, and storage systems.

"'SEC. 303. (a) A country designated as eligible and wishing to participate in a food for development program shall formulate, with the assistance (if requested) of the United States Government, a multiyear proposal which shall be submitted to the President. Such proposal shall include an annual value or amount of agricultural commodities proposed to be financed under the authority of title I of this Act pursuant to the provisions of this title, and a plan for the intended uses of commodities or the funds generated from the sale of such commodities, on an annual basis for each year such funds are to be disbursed. Such proposal shall also specify the nature and magnitude of problems to be affected by the effort, and shall present targets in quantified terms, insofar as possible, and a description of the relationships among the various projects, activities, or programs to be supported.

"'(b) The multiyear utilization proposal for any food for development program shall include, but not be limited to, a statement of how assistance under such a program will be integrated into and complement that country's overall development plans and with other forms of bilateral and multilateral development assistance, including assistance made available under section 103 of the Foreign Assistance Act or under any other title of this Act.

"'(c) Prior to implementing any utilization proposal for a food for development program, it must be shown to the satisfaction of the President that such assistance is intended to complement, but not replace, assistance authorized by the Foreign Assistance Act of 1961, or any other program of bilateral or multilateral assistance, or under the development program of the country desiring to initiate a food for development program.

"'SEC. 304. (a) Whenever a utilization proposal has been agreed upon by the President and the participating country, the Commodity Credit Corporation is authorized to furnish credit under the authority of title I of this Act to the participating country for the purchase of a specific annual value of agricultural commodities to be delivered over a period of from one to five years, subject to the availability of commodities under section 401 of this Act.

"'(b) Notwithstanding any other provision of this Act, no payment except as provided for under this title shall be required of the recipient government as a part of any agreement to finance the sale of agricultural commodities pursuant to a food for development program.

"'SEC. 305. Funds generated from the sale of agricultural commodities by any participating country under this title shall be held in a special account, where practicable, to be disbursed for the purposes described in the approved food for development program of such country. The amount of funds disbursed for such purposes and in accordance with the agreement, shall be deemed payments for the purposes of section 103(b) of this Act.

"'SEC. 306. Not more than one year after the initial delivery of commodities to any country under this title and each year thereafter for the period of agreement, the government of the participating country, with the assistance (if requested) of the United States Government, shall submit a comprehensive report to the President on the activities and progress achieved under the food for development program for such country, including, but not limited to, a comparison of results with projected targets, a specific accounting for funds generated, their uses, and the outstanding balances at the end of the most recent fiscal year. Such annual report may also include recommendations for modification and improvement in the food for development program of such country. The President may suspend shipments under a food for development program if the President finds that the terms of the agreement are not substantially being met.

"'SEC. 307. Each year the President shall review the disposition of all agreements providing for the use of the proceeds from the sale of agricultural commodities pursuant to this title for which such funds were not fully disbursed the preceding year. The results of such review shall be included in the annual report to the Congress required under section 408(a) of this Act.'.

"ADEQUACY OF FACILITIES TO STORE PUBLIC LAW 480 COMMODITIES AND EFFECT OF SHIPMENTS ON AGRICULTURAL PRODUCTION IN RECIPIENT COUNTRY

"SEC. 210. Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting '(a)' after 'SEC. 401'. and adding at the end thereof a new subsection (b) as follows:

"'(b) No agricultural commodity shall be financed or otherwise made available under the authority of this Act except upon a determination by the Secretary of Agriculture that (1) adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity and (2) the distribution of the commodity in the recipient country will not result in a disincentive to domestic production in that country.'.

"REVISION OF REPORTING REQUIREMENTS; PROGRAM EVALUATION REPORTS

"SEC. 211. Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by amending subsections (b) and (c) to read as follows:

"'(b) No later than the beginning of each fiscal year, the Secretary of Agriculture shall submit to Congress a global assessment of food production and needs, and planned programing of food assistance under title I for the coming fiscal year. The Secretary shall submit, at the beginning of each subsequent quarter, a report showing the current status of planned programing of food assistance under title I for the current fiscal year.

"'(c) Beginning October 1, 1978, and at each five-year interval thereafter, the President shall submit to Congress a comparative cross-country evaluation of programs conducted under titles II and III. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the impact, achievements, problems, and future prospects for programs under these titles.'.

"PROHIBITION AGAINST FURNISHING ASSISTANCE

"SEC. 212. Section 410 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out 'under title I of this Act' and inserting in lieu thereof 'under this Act whether such assistance is given directly to any country or indirectly to it through any nonprofit voluntary agency or the World Food Program: *Provided*, That the President may waive this restriction with respect to assistance given under title II to meet urgent humanitarian relief requirements as a result of natural disasters in such countries but such assistance may not be extended beyond ninety days following such determination'.

"EFFECTIVE DATE

"SEC. 213. The provisions of this title shall become effective October 1, 1977.".

MR. DECONCINI. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. TALMADGE. I am happy to yield to my distinguished friend.

Mr. DECONCINI. I thank the Senator.

Mr. President, I ask unanimous consent that Art Chappa, Karen Kreuger, and Romano Romani of my staff be granted privilege of the floor during consideration of S. 1520 and all votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, on May 16, 1977, the Committee on Agriculture, Nutrition, and Forestry reported a bill, S. 275, which, in addition to extending and amending the farm and domestic food programs, would provide for extensive changes in Public Law 480. Some of these amendments were considered with and passed the Senate as a part of S. 275. However, a number of these amendments were deleted from S. 275 at my request to be considered with S. 1520.

As I pointed out at that time, this procedure was necessitated by the very complicated jurisdictional arrangement for Public Law 480 in the House of Representatives. Unlike the Senate, where jurisdiction for Public Law 480 lies solely within the Committee on Agriculture, Nutrition, and Forestry, jurisdiction for this law is shared by the Agriculture Committee and the International Relations Committee of the House of Representatives. Therefore, after conversation with Representatives of each of the committees involved, I proposed that the Senate agree to strike those amendments which could be expected to fall under the jurisdiction of the House International Relations Committee from the farm bill, S. 275. I now offer these amendments to be considered as a new title II to S. 1520.

Over the past several years, the Committee on Agriculture, Nutrition, and Forestry, and its Subcommittee on Foreign Agricultural Policy has spent considerable time reviewing the operations of Public Law 480. As a result of this review, several members of our committee have offered a number of amendments designed to strengthen and improve the effectiveness of this program. Many of these amendments were incorporated in the farm bill when it was considered by our committee.

Public Law 480, our food for peace program, remains one of the strongest international programs conducted by the U.S. Government. Not only do needy people in foreign countries benefit through the distribution of agricultural commodities under this act but it permits producers to enjoy the benefits of expanded markets for U.S. agricultural trade.

It is this multiplicity of objectives and benefits which provide the basis of support which spans the political spectrum.

In general, the amendments that I am offering on behalf of the Committee on Agriculture, Nutrition, and Forestry, are directed to strengthening the economic development and trade expansion aspects of Public Law 480 and clarifying the humanitarian intent of this program.

A number of restrictions on title I sales would be modified under the amendments reported by the Committee on Agriculture, Nutrition, and Forestry. Presently, countries or exporters which trade with Cuba or North Vietnam are excluded from participation in the program. Of course, it is very difficult to monitor the flows of world trade to insure that there are no commercial contacts with either of these countries.

These provisions have been viewed as difficult or impossible to administer with any degree of accuracy. Therefore, their continuation only represents additional regulatory and paperwork responsibilities which do not effectively respond to the original intent.

An amendment proposed by the Committee on Agriculture, Nutrition, and Forestry would also remove the restrictions on title I sales to the United Arab Republic. Currently, Egypt is our largest recipient of food aid under Public Law 480. It would seem contradictory that the requirement for a presidential waiver on sales to the United Arab Republic be retained under such circumstances. In view of the changing political relationships between the United States and Egypt, the committee felt that this restriction had become somewhat anachronistic and therefore should be deleted.

Presently, concessional financing under title I of Public Law 480 is allocated among countries on the basis of a formula which was included in the act of 1975. Under this formula no more than 25 percent of the food aid commodities provided under title I in each fiscal year may be allocated to countries other than those with a per capita gross national product of $300 or less. Since the enactment of that provision, United States and world supply conditions have improved markedly and excess stocks of agricultural commodities are being accumulated in this country and other exporting countries around the world. Furthermore, most of the major Public Law 480 recipient countries have also experienced favorable crop and supply conditions. Finally, the very high rate of inflation around the world has eroded the $300 per capita GNP figure substantially since its inclusion as an allocation criterion for title I of Public Law 480.

In order to restore the flexibility necessary to meet humanitarian and developmental needs around the world, the Committee on Agriculture, Nutrition, and Forestry proposes that the title I allocation formula be modified in the following ways. First, the poverty criterion would be changed from $300 per capita, gross national product to the criterion established for the International Development Association financing, which is currently $520 dollars per capita gross national product. Second, the committee proposes that the Secretary of Agriculture be permitted to reallocate some portion of the title I financing if he certifies to the Congress that the quantity of commodities that would be required to be allocated under this provision to specific countries could not be used effectively to carry out humanitarian purposes of title I.

I would like to include a letter and table which were sent to me by Mr. Harry Wilhelm, Deputy Assistant Secretary of Agriculture. In his letter, Mr. Wilhelm points out that current circumstances make it impossible to meet the requirements of the title I allocation formula. He points out that bumper harvests and large food grain stocks in the Indian continent have sharply reduced grain import levels below those initially anticipated. He indicates that "our first priority has been to increase programs for other countries in the 75 percent category." However, he indicates that they have reallocated, "to the fullest extent possible at this time, available commodities, including a portion of the reserve allocation, in accordance with section 111." In addition, Mr. Wilhelm points out that certain countries in the 25 percent category are facing serious economic and food supply problems.

This situation should make it clear that any formula to allocate title I financing must be adaptable to changing United States and world supply and demand conditions. It would be neither humanitarian nor wise to pressure countries in the 75-percent category such as India who do not have the need for additional food aid to accept a larger volume simply because our allocation formula requires us to do so.

The single most important contribution to increased market development emphasis for Public Law 480 is a new provision which would permit the Secretary of Agriculture to finance projects to aid in the utilization, distribution, and storage of U.S. agricultural commodities. As markets for U.S. farm commodities move to developing countries, one of the most important constraints will be the inadequacy of marketing and storage infrastructure. To the extent that we can assist developing countries to improve their transportation handling, storage, and distribution facilities, the potential for U.S. agricultural exports will be increased.

An amendment adopted by the Committee on Agriculture, Nutrition, and Forestry, would increase the minimum of agricultural commodities to be shipped annually under title II of Public Law 480 from 1.3 to 1.5 million metric tons. Of this quantity, the portion which would be distributed through the U.S. voluntary agencies and the world food program would be increased from 1 to 1.3 million metric tons. Title II grants move through a system which requires a substantial commitment of personnel and facilities. This program is particularly vulnerable to swings in commodity availability, since the voluntary agencies and other program sponsors must be assured of a reasonable supply of agricultural distribution before they find it prudent to commit their own resources for a project. This provision would assure such supply continuity.

The core of the changes proposed by the Committee on Agriculture, Nutrition, and Forestry, is a new food for development program. This provision would expand and refine the "grantback" authority which was provided under the 1975 amendments to Public Law 480. It would permit the President to waive the repayment of title I loan obligations under a carefully developed plan for utilization of the proceeds raised by the recipient government from the sale of title I commodities upon its own market. The funds raised in this manner would then be used for agricultural and rural development and to in other ways improve the lives of individuals in developing countries.

Another constraint upon the expansion of U.S. agricultural exports is in the level of income of the majority of individuals in the developing world. Per capita consumption of food commodities in developed countries can be expected to

remain somewhat stable into the years ahead. But in the developing world, the potential for expanded per capita consumption is enormous. Therefore, to the extent that these countries can raise the level of income of its citizens, they will be able to raise their level of food consumption. As the world's most important supplier of food commodities, the U.S. should increase its exports substantially. It is the hope and intention of the committee that this provision would be a contribution toward increased income for the people in developing countries and ultimately would result in expanded demand for agricultural exports.

Other amendments proposed by the Committee on Agriculture, Nutrition, and Forestry would address specific operational problems which have been encountered in the administration of Public Law 480. Under one proposed amendment, transportation costs for commodities distributed under title II of Public Law 480 could be paid to points of entry other than seaports in the recipient country when such an arrangement would result in substantial savings in time or cost.

Another amendment proposed by the committee would insure that adequate storage facilities are available in the recipient country and that the distribution of commodities would not result in a disincentive to agricultural production before commodities could be made available under Public Law 480.

A committee amendment would streamline and improve the reporting requirements currently provided for the Public Law 480 and provide for a periodic cross-country evaluation of programs conducted under title II and title III. Finally, the prohibition of assistance to countries which have expropriated U.S. property currently covering title I would be extended to title II by an amendment adopted by the Committee on Agriculture, Nutrition, and Forestry.

Mr. President, I am pleased to lay before my colleagues the amendments which have been reported by the Committee on Agriculture, Nutrition, and Forestry. I strongly believe that these amendments would go far in strengthening and improving benefits of our food for peace program. I would like to point out to my colleagues as I did during the consideration of S. 275, that the handling of Public Law 480 in conference with the House of Representatives would be greatly facilitated if the amendments which might be proposed during the floor consideration of S. 1520 be limited to those generally falling under the international operations of Public Law 480. An opportunity was provided to deal with those amendments relating to the domestic aspects of Pubic Law 480 when S. 275 was before the Senate.

Finally, I would like to point out to my colleagues that the materials relating to the amendments I am offering were contained in the report of the Committee on Agriculture, Nutrition, and Forestry on S. 275. This material has been reprinted and should be available to each of you on your desk as background for floor consideration of these provisions.

Mr. President, I ask unanimous consent that a letter and table from the Deputy Assistant Secretary of Agriculture, Mr. Harry E. Wilhelm, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 13, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The purpose of this letter is to transmit a table indicating revised country/commodity allocations which reflect "significantly changed circumstances" that have occurred within the meaning of Section 111 of P.L. 480 since the initial allocations were made at the beginning of the FY 1977 programing year. The Executive Branch currently believes that it will not be possible to meet the 75 to 25 programing ratio established by Section 111 for the reasons explained below. I am sending a similar letter and table to Chairman Thomas S. Foley and the Agency for International Development is informing the Chairman of the Foreign Affairs Committees.

Last September, in our transmittal of the initial commodity and country allocation table, we informed the Committee of the Executive Branch's intention to assure that not less than 75 percent of food programing would be allocated in accordance with Section 111 of the Act. We also presented an initial allocation under Title I of P.L. 480 for FY 1977; that table reflected a 75.1 to 24.9 ratio. Since that time, excellent harvests in the Indian subcontinent have created relatively large foodgrain stocks there and sharply reduced grain import requirements below levels initially anticipated. For example, the September allocations called for 1,250,000 tons of foodgrains for India. Bangladesh and Pakistan. In our judgment, current requirements for those countries are 350,000 tons and we are carefully monitoring the situation.

Our first priority has been to use this shortfall to increase programs for other countries in the 75 percent category. For example, we have successfully reallocated nearly all of the 900,000 tons to several countries including Haiti, Sri Lanka, Indonesia and Egypt with the largest portion going to the last two. This reallocation effort is consistent with the terms of Section 111 and the Executive Branch's policy of programing food aid to the neediest countries where practicable. We have reallocated, to the fullest extent possible at this time, available commodities, including a portion of the reserve allocation, in accordance with Section 111.

Meanwhile, we have received a number of food aid requests from food deficit countries in the 25 percent category. We plan to act on some of the more pressing requests soon. Several of these countries, such as Jordan, Morocco and Tunisia, have experienced serious economic and food supply problems and are in need of food assistance. We should accommodate part of these requests as further delay could only worsen the situation.

The status of approved programs as of May 26, 1977 reflects a ratio of 75 to 25. The inclusion of additional allocations for countries in the 25 percent category will bring the ratio to 71 to 29 percent, excluding the program for Lebanon approved for humanitarian purposes. It should be noted that not all of the individual programs have been approved by the Interagency Staff Committee on Public Law 480, and do not represent either final United States Government approval or agreement with participating governments for the programs outlined.

We are also maintaining a reserve of about 200,000 tons to meet possible additional needs during the next few months. In utilizing the reserve, first priority will, of course, be given to meeting emergency or unexpected needs of countries in the 75 percent category—i.e., to the maximum extent practicable the reserve will be used for these countries. To the extent that the reserve cannot be used for such requirements, allocation would be made to food-needy countries in the 25 percent category.

It is, of course, my intention to transmit a final report to you on the status of P.L. 480 Title I allocations for FY 1977.

Sincerely,

HARRY E. WILHELM,
Deputy Assistant Secretary.

PUBLIC LAW 480, TITLE I ALLOCATIONS, FISCAL YEAR 1977, REVISED AS OF MAY 26, 1977

[Commodities: thousand metric tons/bales]

Country	Signed/ISC approved to May 26, 1977		Total (millions)	Wheat	Rice	Corn/gs	Vegoil	Total food	Cotton	Tobacco
	Amount (millions)	Total food								
$300 or less GNP:										
Bangladesh	$52.6	350	$61.0	275	75		10	360		
Egypt	197.2	1,604	197.2	[1] 1,400		[2] 204		1,604		5.00
Ethiopia			2.5	25				25		
Guinea	2.4	10	2.4		10			10		
Haiti	11.3	55	11.3	30	10	10	5	55		
India	26.0	50	34.4				50	50		
Indonesia	124.1	585	124.1	[3] 235	350			585		
Pakistan	37.1	70	37.1				70	70		
Sierra Leone			1.5	5				5		.25
Sri Lanka	39.9	287	39.9	[4] 267	20			287		
Sudan	4.8	40	5.8	50				50		
Tanzania	8.0	50	8.0		20	30		50		
Zaire	14.9	9	18.9	10	14	5		29		3.00
Subtotal	518.3	3,110	544.1	2,297	499	[1] 249	135	3,180		8.25
Percent		(74.6)						(71.1)		

Footnotes at end of table.

PUBLIC LAW 480, TITLE I ALLOCATIONS, FISCAL YEAR 1977, REVISED AS OF MAY 26, 1977—Continued

[Commodities: thousand metric tons/bales]

Country	Signed/ISC approved to May 26, 1977		Total (millions)	Wheat	Rice	Corn/gs	Vegoil	Total food	Cotton	Tobacco
	Amount (millions)	Total food								
Over $300 GNP:										
Chile	$15 0	103	$15. 0	103				103		
Israel	7. 4	70	7. 4	70				70		
Jamaica			12. 0	25	6	66	1	98		
Jordan	5. 5	50	10. 4	100				100		
Korea	79. 1	558	79. 1	513	45			558	30	
Morocco			4. 9	50				50		
Philippines	13. 2		13. 2							3. 00
Portugal	50. 0	155	50. 0	60	70	25		155	20	3. 30
Senegal	6. 9	25	6. 9		25			25		
Syria	15. 0	35	15. 0		35			35		1. 20
Tunisia	4. 8	40	8. 7	80				80		
Zambia	5. 4	21	5. 4	16			5	21		
Subtotal	202. 3	1, 057	228. 0	1, 017	181	91	6	1, 295	50	7. 50
Percent		(25. 4)						(28. 9)		
Lebanon [5]	7. 2	55	7. 2	50	5			55		
Total allocated	727. 8	4, 222	779. 3	3, 364	685	340	141	4, 530	50	15. 75
Reserve			20. 7							
Total	727. 8	4, 222	800. 0							

[1] Includes 250,000 metric tons flour (333,000 W/E).
[2] Includes 4,000 metric tons of dry beans.
[3] Includes 50,000 metric tons bulgur (55,000 W/E).
[4] Wheat equivalent of flour.
[5] Allocated for humanitarian purposes upon appropriate notification to the Congress.

Mr. President, this amendment is offered on behalf of the Committee on Agriculture, Nutrition, and Forestry. It was reported unanimously as a title of our omnibus farm bill.

The problem arises in that jurisdiction is divided between several committees on Public Law 480. In the House of Representatives, part of that jurisdiction lies with the Committee on International Relations. In the U.S. Senate, the jurisdiction lies solely with the Committee on Agriculture, Nutrition, and Forestry.

It has been the practice of our committee heretofore to consider any legislation containing amendments to Public Law 480; then conferees representing the Committee on Agriculture, Nutrition, and Forestry would go to conference on the material relating to Public Law 480. The House International Relations Committee has reported and the House has passed foreign assistance legislation which includes amendments to Public Law 480 which our commitee would expect to consider. The Senate Committee on Foreign Affairs would consider the other aspects thereof.

I stated for the RECORD on June 8 in great detail the substance of the amendments which were reported by the Committee on Agriculture, Nutrition, and Forestry. I see no reason for going into any great detail and repeating what I stated at that time.

I am sure the amendment is agreeable to the distinguished floor manager of the bill. He helped write it. I hope it is equally agreeable to the distinguished ranking minority member of the committee.

I feel it is a vast improvement on the public law. I would, therefore, ask, Mr. President, that it be adopted and be considered as an original text for the purpose of further amendment.

Mr. HUMPHREY. Mr. President, I just want to say that I fully concur in the procedure which the Senator from Georgia just announced. I think we should proceed along those lines.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, and that they be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. TALMADGE. I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Without objection, it is so ordered.

The amendment (No. 370) was agreed to en bloc.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I do not believe we have any amendments to this particular section. This is subject to amendment, but I do not believe there are any.

Mr. TALMADGE. I understood that the distinguished Senator from Iowa would have an amendment and that the distinguished Senator from Oregon might have an amendment.

Mr. HUMPHREY. We can come to that at a later time.

Mr. TALMADGE. Yes.

Mr. HUMPHREY. Mr. President, I was looking for the able Senator from Colorado; and I believe he will be here in a moment.

I suggest the absence of a quorum, and I ask that the time be taken out of the time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 432

Mr. DECONCINI. Mr. President, I have an unprinted amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an unprinted amendment numbered 432:

On page 16, line 7, strike "$262,000,000" and add in lieu thereof: "$252,000,000, none of which shall be expended for contributions to the United Nations University."

Mr. DECONCINI. Mr. President, I offer this amendment, not to have it interpreted that I oppose the U.S. contribution to the United Nations. I have been a member of the United Nations Association for nearly 12 years and have strong support for many of the programs.

I will support increased appropriations in the food for peace area. I am pleased to support the other increases provided here in the U.N. development program of some $10 million above what the administration has offered and in the U.N. Children's Fund some $5 million above what the executive branch has offered.

I object, however, to the U.N. University and the participation and the contribution of $10 million that is offered by the bill before us today.

This university is similar to the Brookings Institute; it would be located in Tokyo. It is to select scholars and train people in a university environment of an institute type to study worldwide problems, such as social and human development and management resources.

No one will argue that these are not very beneficial programs, and certainly Japan should be given credit and should be applauded for moving forward in these very vital areas.

Japan has pledged a contribution of $100 million and so far actually has con-

tributed close to $60 million. Other non-European countries have contributed in excess of $3 million.

In 1975, legislation presented before the U.S. Congress suggested that the United States contribute $50 million. Testimony before the Foreign Relations Committee indicated that the United States was committed at least tentatively to a contribution of nearly $100 million, but it was subsequently amended to some $10 million for this year.

Congress approved an authorization of $10 million for fiscal 1977, and the President signed the measure into law, but it was specifically stipulated at that time that the President had to request the appropriation from Congress. The President now has requested the money for fiscal 1978.

I find it difficult for the United States to justify building a technological university for the nation of Japan. This is a close ally of ours and, needless to say, our economic benefits run both ways. It is a highly developed country and has the ability, in my opinion, to sustain this type of technological institute on its own. It is not proper for the United States to spend $10 million in this effort, in promoting a technological university for the nation of Japan.

I do not believe that we will lose any face internationally or with the Japanese by not contributing in this area. If there are needs for funds for capital improvement and advancement, I think there are organizations and financial institutions that would be eager to lend money to the nation of Japan for such a promotion as this.

I strongly urge the Senate to adopt my amendment to reduce this amount by $10 million for the total appropriation of $262 million.

Mr. President, I reserve the remainder of my time.

Mr. HUMPHREY. Mr. President, the Senator from Arizona proposes a very difficult problem for me on this amendment, because our Government has made some rather strong representations to the Government of Japan in support of the United Nations University.

When the Vice President of the United States visited Japan shortly after taking office—the Vice President visited several Western European countries and subsequently visited Japan—it will be recalled that he talked with the Japanese representatives and indicated the strong support of the Carter administration for this contribution to the U.N. University.

In fact, Vice President MONDALE, in a letter to the former staff director of the Foreign Relations Committee, Mr. Carl Marcy, who has had a deep interest for many years in this university, says as follows, on March 17, 1977:

Many thanks for your letter of February 7, 1977 concerning the possibility of a contribution by the United States to the United Nations University.

As you know, President Carter did include a request for a contribution of $10 million for the UN University's endowment fund in his revision to the 1978 budget. The Secretary of State and I had both expressed to the President our firm support for this revision. During my visit to Tokyo, I was personally impressed by the Japanese Government's commitment to the UN University and with the importance they attach to a contribution by the United States.

Our support for United Nations University is particularly relevant to the Administration's foreign policy goals, and we are hopeful that Congress will approve the President's request.

Mr. President, it should be noted that a number of nations already have made substantial contributions to the endowment fund that will provide the resources for the United Nations University. That is an endowment fund that, hopefully, will be $500 million. Out of that endowment fund will come all the income for the conduct of the programs of the U.N. University. I will discuss the nature of those programs in a moment.

For example, there have been the following contributions:

Austria, a little country, has pledged $470,588; Cyprus, $1,282; Ghana, in Africa, $2.5 million. Greece has already paid in $20,000. The Libyan Arab Republic has paid $100,000; Netherlands, $100,000; Norway, $180,000; Saudi Arabia, $5 million. Senegal has paid in $22,000. The Sudan, a country in Africa that does not have all the wealth we would like to see for a struggling country, has pledged $5 million; Sweden, $231,000; Venezuela, $10 million.

So there are a number of contributions. Venezuela pledged $10 million; Japan, of course, I mentioned, $100 million; Sudan and Saudi Arabia each $5 million; Ghana $2.5 million. Those are substantial contributions.

Mr. President, the United Nations University was created as an autonomous body under U.N. General Assembly auspices in 1972. It became operational in 1975 with the appointment of the Rector and the establishment of the University Center in Tokyo.

It provides a new mechanism on a technical, nonpolitical level, to promte collaborative research and intellectual cooperation in seeking practical solutions to pressing global problems. The United Nations University is not a traditional university but rather consists of worldwide networks of advanced research and training institutions. Financed entirely by voluntary contributions, the University relies almost entirely upon income derived from its endowment fund. It is giving special attention to research program priorities of developing countries. To date, agreements have been reached with three institutes engaged in applied research programs in nutrition and post-harvest food conservation to enable them to serve as centers for establishing networks for collaborative research with other facilities in Africa, Asia, and Latin America.

Mr. President, from the outset Japan has taken the lead in supporting and promoting the UNU. Since we have long encouraged Japan to take on greater responsibility in multilateral affairs, as it is now doing with the United Nations University, a U.S. contribution would demonstrate our active interest in the University and our endorsement of Japan's leadership role in its program. I want to note that the United Nations University was an important topic during recent discussions between the President, Vice President, and Japanese leaders.

The University provides a mechanism for the American academic and research communities to collaborate with and assist advanced research and training institutions in other nations. The University's American Rector has already involved American experts and institutions such as MIT in the UNU.

The American Council on Education, a leading professional association, sees the UNU playing an important role in "promoting transnational collaborative research on major human problems" and has strongly recommended U.S. support. I want to emphasize that UNU efforts that enhance the capability of institutions engaged in applied research on problems of world significance benefit the United States, as well as developing countries.

Mr. President, I emphasize that the United Nations University will not be run by the United Nations General Assembly. It will not be just another forum for political debate. It is an international learning center. The University endowment fund will be controlled by the University and for the University.

As I say, I am particularly pleased that 13 other nations have already pledged $123 million toward the goal of a $500 million endowment. Our pledge of $50 million over the next 5 years will be an investment in education and learning multiplied 10 times by the contributions of other nations.

In closing, I ask unanimous consent to have printed in the RECORD a table containing the pledges of those nations. I have already read the letter from Vice President MONDALE which discusses the importance which the United States and the Government of Japan attach to the United Nations University.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Contributions to the UNU endowment fund

	Pledged	Paid
Austria	[1] $470,588	$235,294
Cyprus	1,282	
Ghana	2,500,000	529,540
Greece		20,000
Japan	100,000,000	60,000,000
Libyan Arab Republic	[2] 100,000	50,000
Netherlands	[1] 100,000	100,000
Norway		180,018
Saudi Arabia	5,000,000	
Senegal		22,087
Sudan	5,000,000	
Sweden		231,215
Venezuela	10,000,000	2,000,000
Total	123,171,870	63,368,154

[1] Contributor indicated intention to make at least one additional payment.
[2] For 1977.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, will the Senator yield for a request for the yeas and nays at 12 o'clock?

Mr. HUMPHREY. Yes, indeed.

Mr. DECONCINI. Mr. President, I now ask unanimous consent for the yeas and nays on the amendment to be held at 12 o'clock.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request for a vote at 12 noon?

Mr. CASE. I assume, Mr. President, reserving the right to object, that we do not have to wait and do nothing until 12.

Mr. HUMPHREY. We have other amendments we can dispose of.

Mr. CASE. We can put other amendments in and consider and deal with them before that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. PERCY. Mr. President, I rise to oppose this amendment. As a matter of record the Senator from Iowa (Mr. CLARK) has been a distinguished leader of the concept of the U.N. University.

The Foreign Relations Committee has considered this matter very carefully, and I think we must take particular account of the fact that we have one of the most prestigious groups of business leaders from Japan ever to visit the United States here with us today, and they will be visiting Members of the House and Senate. A number of us had breakfast with them this morning. Although we did not discuss this particular subject at the breakfast, on occasion heretofore with Japanese delegations, and while in Japan, we have had from them a very, very strong indication of their support for this entire concept.

(At this point Mr. HART assumed the Chair.)

Mr. PERCY. We are seeking ways to continue strengthening our relationships with Japan. They have been fine, solid allies of ours, and in developing a policy for the Middle East and a foreign policy position in all of Asia, we work hand in hand with the Japanese.

We have worked with them in goals and objectives to strengthen and improve the quality of the United Nations, and the U.N. University concept is a step in that direction.

Japan has pledged $100 million and has already paid in $60 million. As our distinguished floor manager, Senator HUMPHREY, has indicated, pledges have come in from many other countries, and they have so far amounted to over $123 million.

Therefore, Mr. President, this is not an American operation. The university will be financed by nations, organizations, and individuals, but its principal source of funds will be income from an endowment which will provide the university with financial and political independence.

It is important to stress its political independence. The U.N. University is not an instrument for the politics of the General Assembly. It is an autonomous institution with academic freedom guaranteed under its charter. It is, therefore, hoped that some of the problems we have experienced with other U.N. institutions can be avoided.

The University is not repetitious of other universities. Rather it will be a worldwide research and training network of institutes which will focus the best thought throughout the world on such problems as world hunger, management of natural resources, and human and social development. From this standpoint it will help strengthen our ties at a very modest cost in the North-South confrontation that we are all aware of and that has been discussed so many times on this floor. There simply has to be some community of thought between the developed nations, the so-called have nations, and the have-not nations, the developing countries; and the U.N. University is one means of bringing us together to work in a research atmosphere on common problems that we share. There is not any question about the dedication of this Nation to finding and helping the rest of the world find answers to the problems of world hunger, the management of our natural resources, and human and social development that is so important to the stability and peace of the world as well as peace for the American people.

The Director of the U.N. University, Dr. James Hester, formerly president of New York University, is a man in whom we can all have the greatest confidence. He is one of our most distinguished educators and, after thorough analysis, he has determined that U.N. University would warrant his leadership.

To have an American leader designated for the University and not have financial backing and support by the United States in a modest amount as against total amounts being pledged by other nations would, to me, be a great setback in our relationships with all other countries.

I urge my colleagues not to demonstrate any concern they may have about other organs of the U.N. by crippling this very constructive effort to seek solutions to the urgent problems of mankind.

Mr. CASE. Mr. President, does the Senator from Arizona wish further time?

Mr. DECONCINI. Just a couple of minutes.

Mr. President, just to respond briefly, I do not think we are talking about purely a $10 million contribution. That alone is a lot of money to me, and I think to every Member of this body. But we are talking about a minimum of $50 million and, perhaps, $100 million. The testimony before the Committee on Foreign Relations indicated the maximum contribution could be, and probably would be, $100 million.

To me that is a lot of money to commit to this type of institution in a country that is highly industrialized, that has a large gross national product, that has the ability to provide financing either out of its own taxpayers' sources or from other institutional finances.

I do not argue with the importance of our economic relationship with Japan, as stressed by the Senator from Illinois. Indeed, it is important; and we have proven time and time again just how good a friend Japan is and how important its people are to us. We have special trade agreements with that country; we offer them security protection in that part of the world; we spend billions of dollars in support of maintaining a friendly relationship with the Japanese Government and the people of that country.

I just do not think that it is in the best interests of the United States to contribute to this type of university when it is a technological institute that is something that could be financed by the Japanese. At least, we have no indications that the Japanese Government could not finance it themselves. In fact, they have already financed $60 million and obviously are going to continue with their commitment to $100 million.

Mr. President, I yield back the remainder of my time.

Mr. CASE. Mr. President, shall we yield back our time on this amendment and finish with it?

Mr. HUMPHREY. Yes; I am prepared to yield back the remainder of our time and have our vote at noon. Is that time correct?

Mr. DECONCINI. That is correct.

I thank the floor leaders for their indulgence.

The PRESIDING OFFICER. Is all remaining time yielded back? If so, the bill is open to further amendment.

Mr. HAYAKAWA addressed the Chair.

Mr. CASE. Mr. President, I am sorry. Senator HAYAKAWA wishes to address himself to this amendment.

Mr. HUMPHREY. We will withhold then and take some time for the Senator from California.

The PRESIDING OFFICER. Without objection, the Senator from California is recognized.

Mr. HUMPHREY. Mr. President, how much time does the Senator want?

Mr. HAYAKAWA. Not more than 10 minutes.

Mr. HUMPHREY. What is the time situation?

The PRESIDING OFFICER. The Senator from Minnesota has 17 minutes remaining.

Mr. HUMPHREY. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. HAYAKAWA. I thank the Chair, and I thank the distinguished Senator from Minnesota for yielding the time.

I feel entitled to speak on this subject, although I am not prepared for it because I did not realize this was coming up this morning.

But on the basis of my lifelong experiences as a professor, and knowing the ambitions, weaknesses, and strengths of the professorate, I am very suspicious of this United Nations University as one vast international academic boondoggle.

The reason I say this—and when I speak of professors I speak of myself, among others—is that one of our ambitions as professors, to prove ourselves to be really professors of great distinction, is to have jobs where we do not have to teach; and a research institute is an ideal institution in which to get such a position.

Indeed, there is among a number of

professors of world renown a whole class of them who do very, very little teaching or no teaching at all, and very little research, because their principal function in life is to attend international conferences, and they belong to a worldwide network of so-called research institutes. And with your professorial title and your connection with something as magnificent-sounding as a United Nations University you have enormous amount of prestige. You wander around from Mexico City to Paris to Tokyo to Jakarta and claim yourself to be a person of enormous importance working for problems of world peace.

I have known many of those professors myself. I have tried to become one, because it is such a nice cushy job. I came to the Senate instead, Mr. President.

However, one important fact stands out in my mind. Last night I had the pleasure of attending a dinner in honor of former Ambassador Reischauer, who has written a new book on Japan. During the question period, Mr. Reischauer was asked how much of a contribution the United Nations University was going to make to the problems of education in Japan. Prior to that we had been discussing education in Japan for some 15 or 20 minutes. And the Ambassador smiled, seemed a little shy about answering, and finally said:

No contribution at all. It is totally irrelevant to the problems of Japanese education.

I think this is probably very much the case. It does nothing for Japanese education. And when you say "research institute," Japan has research institutes of her own, so does the United States, technological institutes of all kinds in order to research the problems of world hunger, world technology, and world need.

What then does the United Nations University do that other universities cannot do?

One very important reason for Japan to want a United Nations University, and this bespeaks what I am afraid is one weakness of the Japanese academic character, which is not unlike the American academic character in this respect, is that they like prestige institutions, and the United Nations University sounds like something of world prestige. It has little teaching to do, and no research to do that other institutions are not already engaged in, but "university" sounds so important.

When Japan gets a United Nations University it seems to accept responsibility for the whole world in this respect. I think that Japanese scholars are very, very much attracted by it, and therefore they will pressure their government for support of such a project.

But I maintain, Mr. President, that all of you outside of academic life must look at us professors with more suspicion than you do. We get away with an awful lot of pompous nonsense, and this strikes me as one more example of that pompous nonsense that we professors get away with.

Finally, I shall point to the problem of responsibility. To whom is this university responsible? If it is responsible to anyone it might be responsible to UNESCO or to the United Nations General Assembly. But it is going to claim absolute academic freedom and not be responsible to anyone.

It is not responsible to the Japanese Government because it is a part of the U.N. It is not responsible to any national government, American, French, German, or Somolian, because of the claim of academic freedom.

And I must warn my distinguished colleagues that academic freedom, much as I respect it and desire it, is also often a cover for academic irresponsibility. Unless I know to whom that university is going to be responsible, who can order research done, what will be done with that research, and so on, I feel that again I am back to the concept that I am afraid this whole thing is a vast boondoggle, and I myself want nothing to do with it.

What will they do? All right. They will hold these world conferences of distinguished scholars. They will give papers at each other. They will get their expenses paid. They will publish expensively bound proceedings and they will send them around to each other, and those proceedings will go into libraries. And who is going to read them? On the basis of my long experience in academic life, I will tell you very few people are going to read them except someone who is going to write a Ph.D. thesis which again no one else will read.

So it seems to me, in support of our distinguished colleague from Arizona, that this is not going to do any good. It is simply a waste of money, and it is a very pretentious kind of waste of money; and not only a waste of current money but money coming ahead in future years.

The PRESIDING OFFICER (Mr. DE CONCINI). The Senator's time has expired.

Mr. HAYAKAWA. Mr. President, I am not going to support the United Nations University, and I am very much in support of the distinguished Senator from Arizona in his position in the matter.

I thank the chair.

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes.

Mr. HUMPHREY. Mr. President, I yield back the remainder of our time.

Mr. DOLE. The President, will the distinguished Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. DOLE. Will it be possible to have 5 minutes of that time reserved on behalf of each side immediately before the vote, 2½ minutes on a side, at 5 minutes to 12?

Mr. HUMPHREY. Yes, of course, if it is agreeable with the Senator from Arizona to reserve 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. That will be at 11:55. We will reserve the 5 minutes to be equally divided.

Mr. DOLE. Is the bill now open to further amendment, Mr. President?

The PRESIDING OFFICER. The bill is open to further amendment.

UP AMENDMENT NO. 433

Mr. DOLE. Mr. President, I send to the desk an unprinted amendment for myself, Senator MCGOVERN, Senator PEARSON, and Senator TALMADGE, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, Mr. MCGOVERN, Mr. PEARSON, and Mr. TALMADGE, proposes an unprinted amendment numbered 433.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At appropriate place in the bill, insert a new section as follows:

"SEC. . Title I of the Agricultural Trade and Development Act of 1954 is amended by adding the following section:

"SEC. 112. (a) The Congress hereby declares it to be the policy of the United States to assist developing countries in the transition from food assistance recipients to full trading partners fo the United States and to assist those nations which have been recipients of enriched flour or high protein, blended or fortified foods or peanut products under title II of this Act to continue to combat hunger and malnutrition among the lower income segments of their population, especially children, through the continued provision of these foods under title I of this Act.

"(b) The President, in entering into agreements for the sale of enriched flour or high protein, blended or fortified foods or peanut products under this title with countries which (1) give assurance that the benefits of any waiver under this section will be passed on to the individual recipients of such foods, and (2) have a reasonable potential for transition to commercial purchasers of such foods, may make provisions for a waiver of repayment of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

Mr. DOLE. Mr. President, this amendment has the support of the distinguished Senator from Minnesota (Mr. HUMPHREY), and Senators PEARSON, TALMADGE, and MCGOVERN, as well as this Senator from Kansas.

I will state very briefly that the distinguished chairman of our committee, the Senator from Georgia, has suggested that we add, in addition to enriched flour, high protein, and processed foods, the words "or peanut products". I have no objection to that and I do not believe the distinguished manager of the bill has any objection to that.

I do not believe the amendment is controversial.

Mr. President, this amendment is intended to help tide over developing countries which have been receiving food aid in the form of title II grants under Public Law 480 in making the transition from food aid recipients to full trading partners and commercial purchasers of nutritious U S. foods under title I concessional sales. The amendment adds to title I of

the Agricultural Trade and Development Act of 1954 a new section 112.

Subsection (A) of this section declares it to be U.S. policy to assist those title II food aid recipients of enriched flour, high protein, blended or fortified foods or peanut products to combat hunger and malnutrition among lower income population groups, especially children, through the continued provision of these nutritious foods in title I. Toward that end, subsection (B) provides the President the authority in entering into agreements for the sale of nutritious commodities of this nature to waive title I repayment obligations of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

Put another way, this amendment permits the exportation of enriched flour, or high protein, blended or fortified foods or peanut products under the title I program at the cost of the raw material ingredients. In other words, the Public Law 480 recipient countries could obtain these nutritious food products at prices which they could more readily afford—prices which would cover the cost of the raw material ingredients whether that be wheat, soybeans, milk, peanuts, corn, or other coarse grains, leaving the cost of processing to be borne by the Commodity Credit Corporation.

It is not envisioned that all enriched flour, or high protein, blended or fortified foods or peanut products to be programed under title I would be financed at ingredient material prices. It would only be done when it was determined that so doing would:

1. Enhance the transition from donations to concessional sales:

2. Help meet competition from subsidized flour in world markets:

3. Further market development objectives: and

4. Help meet humanitarian needs or otherwise would serve useful program purposes.

Additionally, the granting of such waiver will be contingent upon reasonable assurance both that these benefits will be passed on to the individual recipients of the foods and that the nations involved have a reasonable potential for transition to commercial purchasers of the foods. Commodity agreements in which the waiver is exercised are expected to consist of a combination of enriched flour, whole grains, high protein blends and peanut products, as is common under title II grants.

Multiple benefits will accrue from the adoption of this amendment and the costs are projected to be modest in relation to the benefits to needy individuals. The report on a similar amendment in the other body indicates costs amounting to perhaps $5 million in the first year of operation and no more than a small percentage of the title I total. Also, the use of the waiver for any particular country is intended to be of limited duration, reflecting the country's potential to become self-sufficient. In the meantime, the disadvantaged in recipient countries will be able to maintain the necessary protein and caloric dietary balance for healthy development while the U.S. develops a more solid relationship with its trading partners.

Mr. HUMPHREY. Mr. President, the amendment is a very useful amendment in our overall nutritional effort in the foreign aid bill. I believe it will be of great help. I do not believe there is objection from the other side of the aisle. Hearing none, I suggest we adopt it.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. I concur in the statements of our distinguished colleague from Kansas and our distinguished colleague from Minnesota. I think it is a worthy amendment, and I hope the Senate will agree to it.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 434

Mr. DOLE. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment No. 404.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert a new section as follows:

SEC. —. Section 403 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ":*Provided*, That expenditures under this Act attributable to the financing of the ocean freight differential between United States-flag rates and foreign-flag rates, when United States-flag vessels are required to be used in accordance with section 901(b) of the Merchant Marine Act, 1936, as amended, (the Cargo Preference Act) (46 U.S.C. 1241(b)), shall be classified as expenditures for maritime purposes and the Commodity Credit Corporation shall be reimbursed for such costs from funds made available to the Department of Commerce for such purposes, for which the appropriation of necessary amounts for payment of such costs incurred or to be incurred is hereby specifically authorized."

Mr. DOLE. Mr. President, it might be well if I explain this amendment briefly. It would require, if adopted, the Department of Commerce to reimburse the Department of Agriculture for certain expenditures for maritime purposes made in connection with the Public Law 480 program. Let me explain briefly why we believe it is a proper amendment.

The Cargo Preference Act (Public Law 664) requires that at least 50 percent of Public Law 480 commodity shipments be carried on U.S.-flag vessels. U.S.-flag rates are usually higher than foreign-flag rates. The Public Law 480 recipient countries pay the transportation cost of title I commodities at the foreign-flag rates. CCC has been paying the differential between U.S.- and foreign-flag rates.

Since these are expenditures for maritime purposes resulting from the Cargo Preference Act, such expenditures should be charged against the Commerce Department's appropriation. The amounts are about $70 million annually for title I shipments, plus up to $10 million for title II.

This amendment provides for reimbursement of these costs to the USDA by the Department of Commerce from its appropriation.

This amendment does not quarrel with the purposes or requirements of the Cargo Preference Act. Under this amendment it is anticipated that those requirements would be strictly adhered to. However, it seems only fair to me that the costs incurred by the U.S. Department of Agriculture associated with Cargo Preference Act requirements be reimbursed by the Department of Commerce, since these costs are, in fact, assistance to the maritime rather than to agriculture. In other words, the $70 million in the USDA's fiscal year 1978 budget for ocean freight differential for movement of Public Law 480, title I commodities on U.S. flag vessels, plus up to $10 million for the differential on shipment of donated commodities under title II should be recovered from the Department of Commerce and used for the purchase of additional food exports to meet the needs of these programs.

We are criticized for exceeding budget targets in our farm bill. Careful attention to recovery for the agricultural budget of these kind of expenses, which are not related to agriculture, will help contain the cost outlays of the farm bill.

Mr. President, I am not certain there is any objection. As I understand it, there has been notification to the members of the committee.

Mr. HUMPHREY. May I say that Senator TALMADGE had just asked that the Commerce Subcommittee chairman in this area (Mr. INOUYE) be notified. He is on his way to the Chamber. Before we take any action, I will suggest the absence of a quorum so we can clear it. Has the Senator completed his statement?

Mr. DOLE. I might say to the Senator from Minnesota, it is simply a bookkeeping transaction.

Mr. HUMPHREY. I understand. I am for the amendment. But here we have a jurisdictional problem between committees.

Mr. DOLE. I understand the problem. I want the Commerce Committee to be heard. I am prepared to wait until they arrive.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum with the time to be charged to neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 432, AS MODIFIED

Mr. HUMPHREY. Mr. President, earlier, the Senator from Arizona, now the Presiding Officer, presented his amendment which would make a $10 million cut in the overall account of the United Nations activities.

The language reads:

On page 16, line 7, strike "$262,000,000" and add in lieu thereof: $252,000,000, none of which shall be expended for contributions to the United Nations University."

I make this suggestion to the Senator: The administration's actual request for total funds was $254 million. If the Senator would modify it to make that figure $254 million and keep his proviso in about the U.N., we could have an acceptable amendment.

The PRESIDING OFFICER. The Senator from Arizona will agree to that.

The amendment is not pending at the moment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the amendment of the Senator from Kansas be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. It is agreeable with him.

Mr. President, I ask unanimous consent that the Senator from Arkansas be permitted to modify his amendment to the figure of $254 million.

The PRESIDING OFFICER (Mr. ZORINSKY). Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 16, line 7, strike "$262,000,000" and add in lieu thereof: "$254,000,000, none of which shall be expended for contributions to the United Nations University."

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that the request for the rollcall vote at 12 o'clock be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, we have discussed this amendment with the Senator from Arizona and the amendment speaks for itself, leaving the account in the U.N. at $254 million. But it says:

None of which shall be expended for contributions to the United Nations University.

Mr. President, we are prepared, the ranking member of the minority and the manager of the bill, to accept that.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona, as modified.

The amendment, as modified, was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I thank the Senator from Arizona for his accommodation. I appreciate the work he has put into this bill as a member of the Appropriations Committee.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Kansas.

Mr. HUMPHREY. Mr. President, the Senator from Kansas is still awaiting, I believe, the report from the Commerce Committee.

Mr. President, if the Senator from Iowa is prepared, I ask unanimous consent that the amendment of the Senator from Kansas still remain set aside and that the Senator from Iowa be recognized, and that we return afterwards to the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

UP AMENDMENT NO. 435

Mr. CLARK. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. CLARK), for himself and Mr. HUMPHREY, Mr. KENNEDY, and Mr. PERCY, proposes an unprinted amendment numbered 435:

On page 17 of Amendment No. 370 added to the bill by the Senator from Georgia (Mr. TALMADGE), strike out lines 1 through 13.

On page 17, line 15, strike out "213" and insert in lieu thereof "212".

Mr. CLARK. Mr. President, I offer this amendment to strike the language of section 212 of S. 1520, which has the effect of restricting the use of title II of the food for peace program. I offer this amendment also for Senators HUMPHREY, PERCY, and KENNEDY.

These are restrictions which are being applied to title I, the commercial segment of the program, and have been applied to them for some time. That title authorizes a sales program, although there are a wide range of concessions which are available to benefit recipients under that program, including long-term repayment terms in local currencies. Title I of the act authorizes sales to governments of recipient countries. The purchasing government moves the products into consumption, usually through sales in its domestic markets. Even though major concessions are involved in these sales, this title of the act is basically a commercial operation involving the Government—and that is the key point—of the United States and the government of a recipient nation. Restrictions placed on the program in terms of circumstances under which countries may not be eligible for these concessional sales are placed directly on the government involved.

Title II of the food for peace program is an entirely different kind of program. In it, food is generally moved directly to poor and needy people rather than to other governments. Voluntary U.S. agencies provide the mechanism—usually church organizations from this country. It is a humanitarian program, and not a commercial program in any sense of the word.

S. 1520, as it stands, would place on title II the restrictions that now relate only to title I with respect to eligibility of nations which have expropriated property of U.S. firms. This attaches a political restriction to this strictly nonpolitical program—title II—by limiting its use in countries where expropriations have occurred without adequate restitution.

Certainly, I do not condone expropriation. In fact, I have never opposed refusing concessional sales to countries which expropriated under title I. I believe the United States should take appropriate measures to counteract that.

However, I do not believe that retaliation through restriction of this humanitarian food aid program is an appropriate or effective means to this end.

Such a step—in my judgment—clearly punishes the wrong people. The hungry individuals of nations which have expropriated U.S. property are not to blame for what their governments have done. Most are dictatorships. They have had no choice in whether or not property should have been expropriated. Indeed, several of these are several dictatorships back. Making them accountable for those actions would be seen appropriately as a callous act.

In addition, building retaliatory steps of this kind into this section of the act moves the food for peace program in exactly the wrong direction, in our judgment. The program's title II is intended to be an entirely humanitarian effort, devoid of political considerations. Its purpose is simply to provide food to those who need it. Making governments "qualify" in terms of their responsiveness to U.S. demands—however justified those demands may be—changes the very nature and essence of this title.

The State Department estimates that this restriction—currently contained in the bill—could eliminate approximately 31 countries from title II aid consideration—a very serious limitation for the program. The list of countries included nations such as Bangladesh, India, and Honduras—nations which have some of the poorest populations in the world, and which can hardly be considered enemy states. It is difficult to imagine a more crippling amendment for the food for peace program if this is left in.

I will quote a couple of paragraphs from an organization called Church World Service and Lutheran World Relief. This is from the office of the consultant on world hunger. He says:

The vast bulk of Title II goes directly to benefit needy people. Title II food aid goes primarily for mother and child health programs, for food-for-work development projects, and for disaster relief. Governments are generally little involved other than to give general approval for projects and to provide some local support. Stopping Title II food aid because of actions taken by governments

would in effect be to punish the poor for the actions of their governments.

(2) The activities of both private voluntary organizations and World Food Program could be severely disrupted by the Talmadge amendment.

That is the amendment that was adopted in the committee:

If negotiations between a U.S. business which had had property expropriated and a foreign government were to break down at any point, Title II aid would be stopped. Since the planning, gearing up, and administration of Title II programs at the country and local level is complex and time-consuming, the uncertainty injected by the Allen amendment would be damaging.

* * * * * *

In addition to politicizing a humanitarian program, the Allen amendment would doubtless create additional problems of implementation. An Administration would need to determine what constitutes adequate compensation and/or good faith bargaining towards compensation. There were no fewer than 85 unsettled disputes between U.S. companies and foreign governments as of January 31, 1975. At least 39 countries, of which 31 are current Title II recipients, are involved in such disputes.

The Church World Service and Lutheran World Relief conclude their comments with this paragraph:

Furthermore, it is questionable whether the U.S. government should be in the position of having to give unqualified endorsement to the claims of U.S. businesses. A recent State Department study notes: "It is important to keep in mind that most disputes involving U.S. foreign investment are resolved without the active participation of the U.S. Government, and that frequently firms negotiating with foreign governments hold closely any information about the value of their investments. Data, therefore, are readily accessible only for the most controversial cases, investments which have carried OPIC insurance, and those few disputes about which Embassy reporting officers have personal knowledge."

Finally, Mr. President, the administration supports the pending amendment to remove this restriction. I hope that the Senate will join me in support of this amendment to remove the language from an otherwise very strong and very necessary foreign aid bill.

I hope the committee may be able to accept this amendment. If not, I will ask later for the yeas and nays.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 20 more minutes.

Mr. CLARK. I reserve the remainder of my time.

Mr. HUMPHREY. Mr. President, as a sponsor of this amendment to strike section 212 to the Public Law 480 act, I want to discuss my reasons for opposing linking grant food aid under Public Law 480, title II to the issue of expropriation of U.S. property in recipient countries.

If enacted into law, this section would apply the provisions of section 620(e) of the Foreign Assistance Act to title II of Public Law 480. The effect of section 620 (e) is to prohibit U.S. foreign assistance to any country which has nationalized, expropriated, or otherwise taken control of property which is at least 50 percent owned by U.S. citizens or corporations, and which has not made full compensation for such property. If the President is satisfied that appropriate steps, which may include arbitration, are being taken to satisfy the claims of U.S. investors, assistance may continue. However, the so-called Allen amendment would allow title II to continue only for 90 days at most. Some 31 countries could be affected if negotiations for settlement broke down for any reason. New disputes could arise from time to time, and title II aid could be terminated with little or no notice as a result.

Mr. President, I want to emphasize to my colleagues that title II of Public Law 480 has historically been a nonpolitical people-to-people program. Under title II, U.S. food aid is channeled predominantly through U.S. private and voluntary organizations and the U.N.'s world food program. Small amounts of title II commodities are also shipped through government-to-government channels, mainly for disaster relief.

The vast bulk of title II goes directly to benefit needy people. Title II food aid goes primarily for mother and child health programs, for food-for-work development projects, and for disaster relief. Governments are generally little involved other than to give general approval for projects and to provide some local support. Stopping title II food aid, because of actions taken by governments would in effect be to punish the poor for the actions of their governments, not the governments themselves.

The activities of both private voluntary organizations and the world food program could be severely disrupted if this provision was enacted into law. If negotiations between a U.S. business which had been properly expropriated and a foreign government were to break down at any point, title II aid would be stopped.

United States PVO's have over the years developed high quality programs to meet human needs in LDC's. Congress has in recent years moved to legislate a more humanitarian, human needs-oriented title II program through guaranteeing certain mandatory minimum annual tonnages for title II and through concentrating on the neediest nations. Section 212 would be a step in the opposite direction.

The world food program has also maintained a reputation for nonpolitical humanitarian assistance. Unilaterally imposed sanctions prohibiting U.S. contributions to the world food program from being used in such countries would represent a serious politicizing of an international organization. Since the United States is the single largest commodity contributor to the world food program, such a policy would wreak considerable havoc.

Section 212 certainly will not deter expropriation of U.S. property. The amounts of U.S. food aid under title II are so modest and in many cases minuscule in comparison with the budgets of developing countries that it is highly unlikely that this could be used as a serious lever in deterring recipient countries from expropriating U.S. property.

There are clearly more appropriate and more practicable channels for settling investment disputes with developing countries than through the granting or withholding of food aid. A recent State Department study, in fact, concludes that—

The time may be opportune for developing new international approaches to investment disputes.

The report points out that the International Center for Settlement of Investment Disputes already exists, although little use has been made of it.

Therefore, I believe section 212 should be overturned and the amendment being offered by Senators DICK CLARK, EDWARD KENNEDY, CHARLES PERCY and myself be accepted.

Mr. President, it would be a very serious mistake to tamper with title II. That title has been a working feature in our food for peace program which has brought great comfort and help and service to millions of people through the American voluntary agencies.

Title II, as Senators know, is the section of Public Law 480 that relates to our food contributions through our churches, through our voluntary agencies, and through our civic organizations. To deny the use of those resources to the people and to our own voluntary agencies, because of an expropriation act of a government in any particular country would be a serious mistake.

I understand and fully support the provision relating to expropriation on title I, concessional sales. That is a different matter. That refers to Government sales, the sale of our commodities to governments. With respect to those governments that have taken action to expropriate American property, I do not believe that we should honor them by concessional sales.

However, I do believe that it would be contrary to the morals and the standards of the American people, the millions of people who attend their church services and their synagogue services year in and year out, who are deeply committed to the voluntary action program under title II, for us in any way to impair that program, to burden it with legalisms that would make it inoperative. I believe there would be a tremendous reaction in this country.

Therefore, Mr. President, I hope that the provision in the committee bill will be repealed and that the proposal of the Senator from Iowa and others will be acted upon favorably.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. The amendment of the distinguished Senator from Iowa, as the distinguished Senator from Minnesota knows, would strike a modified version of the amendment proposed by the distinguished Senator from Alabama.

Mr. HUMPHREY. That is correct.

Mr. TALMADGE. This amendment proposed by the Senator from Alabama was adopted in committee. So I suggest to the distinguished floor manager that time in opposition thereto be yielded to the distinguished Senator from Alabama.

Mr. HUMPHREY. Without objection at all, I am glad to do so. The Senator from Alabama, obviously, should handle the opposition.

Mr. ALLEN. I thank the Senator from Georgia and the Senator from Minnesota.

Mr. President, the text of the Talmadge amendment provides that no goods or products under Public Law 480 should be given or contributed to the people of any nation which has expropriated American property in that country.

The distinguished Senator from Minnesota has said that, as to title I, which refers to the concessional sales, no sales can be made, under existing law, to governments which have expropriated American property. Apparently, he is satisfied with that provision. However, the text of the Talmadge amendment provides that the benefits of the Public Law 480 program cannot be given to those countries that have expropriated American property since sometime in 1962.

In other words, the Senator from Minnesota would say, "You can't sell to countries that have expropriated, but you can give away to countries that have expropriated." What sense does that make? I would much rather they sell to countries that have expropriated than to give away to countries that have expropriated.

The amendment which is sought to be changed by the Clark amendment provides that no products under the Public Law 480 program can be given or sold. Title I says "sold"; title II says "given." You cannot do it in either country unless—and there is a proviso in the bill that the President may waive this restriction with respect to assistance given under title II, to meet urgent humanitarian relief requirements as a result of natural disasters in such countries. but such assistance may not be extended beyond 90 days following such determination.

In other words, in the committee the thought was advanced that if they did have an earthquake or calamity, they ought to be able to bring in food and other supplies. The bill does make provision for that. But what the bill does is to make the same rule apply as to goods that are given away that applies to countries to whom goods are sold.

Now, for the life of me I cannot see why you would say that they cannot even carry on sales to countries that have expropriated, but they can give it away. All this does is to make the same rule apply to property that is given that applies to property that is sold.

There is a way out of this for countries that do want to receive the benefits of the 480 program. What is that? Let them make restoration of the property that has been expropriated or give adequate compensation for it.

This amendment, as written, would encourage these countries that have taken American property to return that property or pay for it to get under the provisions of the Public Law 480 law.

If they are not allowed to sell food to countries under title I where they have expropriated, they should not be allowed to give it away unless the country makes an effort to and does restore the property that has been expropriated.

I hope the amendment of the distinguished Senator from Iowa will be rejected; and when time has been yielded back I will make a motion to table his amendment.

Mr. CLARK. Mr. President, I will just take a couple of minutes more.

The Senator from Alabama has suggested that the amendment which was adopted at his suggestion in committee really makes more sense even than the title I restriction because, after all, title II is a title with respect to gifts, and title I a title with respect to concessionary sales.

I think that may sound good on the surface, but if one looks beyond the surface and realizes the nature of these sales, he will quickly see a vast difference, a significant difference.

The difference is simply this: Under title I of the food for peace program our Government sells to another government. It is a government-to-government transaction, and since we give concessional sales, the thought in the past has been we should not give concessional sales to other governments where expropriation is involved.

Title II is a totally different matter. It does not involve any sales, it does not involve any concessional sales. It involves rather in almost all cases the question of our Government operating through church organizations, CARE, all of the various voluntary agencies that deliver this food directly to people, to hungry people in schools, in feeding programs, and in maternal care programs. So there is a vast difference between the humanitarian program of title II and the sales program under title I.

Let me just conclude by saying that there have to be more effective ways to deal with expropriation than simply attaching it to a humanitarian food program.

The Allen amendment will not deter expropriation of U.S. property, in my judgment. The amount of U.S. food aid under title II is so modest and, in many cases, minuscule in comparison with the budgets of developing countries, that it is highly unlikely that these donations could be used as a significant lever in deterring recipient countries from expropriating U.S. property or in hastening adequate compensation.

It becomes extremely complicated for our Government, that most often that is not even involved in these expropriation considerations and negotiations, suddenly to cut off food aid where these disagreements occur.

Let me conclude, Mr. President, by reading the conclusions from the Church World Service and Lutheran World Relief, that are involved with these voluntary agencies. They say:

> The Allen amendment should be overturned on the Senate floor. An amendment to accomplish this is expected . . . and the Interreligious Task Force on United States Food Policy, the American Council of Voluntary Agencies in Foreign Service, and various individual United States private and voluntary organizations strongly support this amendment to eliminate the Allen amendment from the existing legislation.

I reserve the remainder of my time, but I am prepared to relinquish that time.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, this section amends section 410 of the Agricultural Trade Development and Assistance Act of 1954, as amended, by striking out "under Title I of this Act" and inserting in lieu thereof "under this Act whether such assistance is given directly to the government of any country or indirectly to it through any non-profit voluntary agency or the World Food Program, provided, however, that the President may waive this restriction with respect to Title II to meet urgent humanitarian relief requirements as a result of natural disasters in such countries but such assistance may not be extended beyond ninety days following such determination."

This amendment, if enforced to the maximum, could eliminate approximately 31 countries from the title II food aid program if the recipient cannot demonstrate that an effort is being made toward restitution. The country programs affected would include nonprofit voluntary agency programs, humanitarian and development programs through the world food program and direct government-to-government programs.

While it is unlikely that all the countries on the attached table would actually be terminated, ongoing voluntary agency programs and world food program projects could be interrupted while a determination is being made that a country has acted or will act in good faith to make restitution.

The inclusion of title II under this section of the act causes concern. Would the threat of terminating a donation program force governments into agreeing to negotiate restitution? It is unlikely. The restriction would also punish the most needy groups, not the entities responsible for acts against U.S. property.

Mr. President, I ask unanimous consent that a table on categories of unsettled disputes involving U.S. investments be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Figures in parenthesis are in percent]

	Fiscal year 1978 budget			Categories of unsettled disputes involving U.S. investments.[2]				
	Recipient (thousands)	Pounds (thousands)	Amount.[1]	I	II	III	IV	V
Africa:								
Angola				X				
Benin	43.0	5,772	$599.4		X			
Central African Republic	26.2	4,414	389.0	X				
Congo (Brazzaville)	41.5	4,229	435.9	X				
Ethiopia	234.6	37,835	3,509.6	X				
Ghana	313.5	31,596	4,282.3				X	
Kenya	86.0	8,871	1,613.5					X
Malagasy Republic	46.8	2,162	508.7	X				
Nigeria	16.7	5,386	500.5					X
Somalia	33.0	3,902	558.8	X	X			
Tananzia	293.0	21,521	3,853.1	X				
Zaire				X				
Zambia	84.0	2,020	149.8			X	X	
Subtotal	1,218.3	127,708	16,400.6					
Asia:								
Bangladesh	7,365.0	201,442	11,149.1	X	X			
Burma				X				
India	19,662.5	1,118,803	107,639.5	X				
Indonesia	470.8	38,285	3,948.2	X				
Pakistan	205.3	31,393	2,792.6		X			
Subtotal	27,703.6	1,389,923	125,529.4					
Grand total	35,478.9	2,001,905	205,726.8					
Recipient (thousands)				29,326.1	8,845.9	1,853.0	1,783.2	1,332.8
Pounds (thousands)				1,561,899.0	326,010.0	149,175.0	113,236.0	101,640.0
Amount (thousands)				$147,131.7	$22,701.9	$20,368.5	$15,543.1	$13,104.3
Near East:								
Afghanistan	104.7	10,431	948.7		X			
Algeria	850.0	28,223	2,861.6		X			
Iraq					X			
Libya				X	X		X	
Lebanon						X		
Morocco	601.0	89,445	12,460.3			X		
Syria	244.9	44,847	3,791.7	X	X			
Turkey	104.6	12,249	693.5	X				
Yemen (South)	180.3	32,249	2,762.1	X				
Subtotal	2,085.5	217,444	23,517.9					
Latin America:								
Argentina				X			X	
Bolivia	906.2	37,578	5,791.7				X	
Chile	979.0	40,932	5,736.2			X		
Ecuador	76.7	3,597	426.2	X			X	
El Salvador	189.0	16,778	2,022.2			X		
Guatemala	525.5	43,525	7,775.5			X		
Haiti	384.0	37,772	4,822.6				X	X
Honduras	362.2	26,080	5,658.1	X				
Jamaica	18.8	673	70.5				X	
Panama	184.0	10,284	1,808.2	X				
Peru	846.1	49,611	6,167.7					X
Venezuela				X				X
Subtotal	4,471.5	266,830	40,278.9					
Total, fiscal year 1978 country approvals [3]	51,826.3	2,794,411	303,572.8	(56.0)	(17.0)	(4.0)	(3.0)	(2.0)
				(56.0)	(12.0)	(5.0)	(4.0)	(4.0)
				(48.0)	(7.0)	(7.0)	(5.0)	(4.0)
Percentage affected countries of total country approvals	(68.0)	(72.0)	(68.0)					

[1] Apr. 15, 1977 USDA/OGSM season average prices.
[2] Description of categories.
[3] Does not include emergency unallocated reserve.

Definitions of Categories of Unsettled Disputes Involving U.S. Investments.

Category and description of category qualification:

I—Companies with majority U.S. ownership interest which have been formally expropriated or nationalized.

II—Companies with minority U.S. ownership interest which have been formally expropriated or nationalized.

III—Companies with majority or minority U.S. ownership interest which have been interveined or requisitioned.

IV—Companies with majority or minority U.S. ownership interest whose contracts or concessions have been cancelled or are under renegotiation.

V—Companies with majority or minority U.S. ownership interest which have miscellaneous disputes.

SOURCE.—Department of State, Bureau of Intelligence and Research.

Mr. HUMPHREY. Mr. President, if it would be agreeable, might I suggest to the Senator from Iowa and the Senator from Alabama—and I understand the Senator from Alabama would like to have a visit with the Senator from Iowa for a moment—could we temporarily, for just a minute or two, set this amendment aside and then take the amendment of the Senator from Colorado, which will be accepted by the committee, and then come back to this?

Mr. President, I ask unanimous consent that we momentarily set aside the amendment of the Senator from Iowa.

The PRESIDING OFFICER. Is there objection? Does the amendment of the Senator from Kansas also——

Mr. HUMPHREY. That amendment is still set aside.

The PRESIDING OFFICER. Without objection, it is so ordered, and both amendments will be temporarily set aside.

Mr. HUMPHREY. The Senator from Colorado has an amendment which the committee would be prepared to accept.

UP AMENDMENT NO. 436

Mr. HART. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. HART) proposes an unprinted amendment number 436.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, add the following new section after line 18:

COORDINATION

SEC. 13. Section 640B of the Foreign Assistance Act of 1961 is amended—

(1) by inserting in the second sentence of subsection (a) immediately before the period the following:

"and advise him concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition, population planning and health; and education, public administration, and human resource development."

(2) by adding at the end of subsection (a) of Section 640B of the Foreign Assistance Act of 1961 the following subsections:

"(e) The head of any of the departments or agencies in subsection (a) may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

"(f) To carry out the purpose of subsection (a), the Committee shall—

"(1) prepare studies on various development problems;

"(2)devise implementation strategies on developmental problems appropriate to each such department or agency;

"(3) monitor and evaluate the results of the development activities of each such department or agency; and

"(4) arrange for the exchange of information and studies between such agencies and departments.

(g) In its annual report to the Congress, the Committee shall also report in its operations referred to in subsection F above."

Mr. HART. Mr. President, I ask unanimous consent that Mr. Howard Sharlach of my staff be accorded floor privileges during the consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I have introduced on behalf of Senator BUMPERS, Senator DECONCINI, and myself an amendment to the Foreign Assistance Act, S. 1520, to further evidence congressional intent to have our foreign aid programs directly benefit the poor majorities in the countries of the underdeveloped world. Under the leadership of the distinguished senior Senator from Minnesota, Mr. HUMPHREY, the Foreign Relations Subcommittee has done an admirable job in converting AID's bilateral, economic assistance program so that it is responsive to needs of the poorest people in the poorest countries.

Unfortunately, these new directions only apply to a small portion of our foreign development efforts. Now that we have had some successful experience in implementing the New Directions in the AID program, it is time to expand this congressional mandate, as much as possible, to our other development programs.

Legislation by the committee to improve coordination among the various departments and agencies was enacted in 1975. However, it did not specifically attempt to make all U.S. efforts in foreign assistance conform to the New Directions mandate to the extent feasible. The purpose of our amendment today is to correct the legislation so that it will more accurately reflect congressional intent and to set up certain mechanisms to insure that this intent is carried out.

NEW DIRECTIONS IN FOREIGN AID COORDINATING COMMITTEE

If there is any truth to the old maxim that too many chefs spoil the broth, it could well be applied to our executive branch's management of our various foreign aid programs. There are today too many independent voices—too many uncoordinated spheres of interest. The knowledge gained in one agency is not easily and regularly transmitted to the offices in other departments. Responsibilities are divided and coordination is on an ad hoc rather than systematic basis. The purpose of this amendment would be not to create a new interagency committee, but to charge an existing group with the responsibility for preparing indepth studies, devising implementation strategies appropriate to each agency and monitoring and evaluating the results. Its primary responsibility would be to spread the application of the new directions in foreign aid mandated by the Congress to all foreign aid programs under the executive branch's control.

Four years ago the Congress mandated a major change in the emphasis of U.S. bilateral assistance. This policy represented a congressional determination that it is in the U.S. national interest to shift U.S. bilateral assistance away from macroeconomic approaches which focused on expanding GNP and toward a grassroots, people-oriented strategy that would provide benefits directly to the poorest people in the poorest developing countries. AID has made considerable progress in implementing these new directions. It is now time that this mandate was expanded to the rest of the executive branch's foreign development programs.

Because of the oil price increases and the worldwide recession, there has been a severe decline in the growth rates of developing countries. Between 1973 and 1975 the poorest countries experienced an average of 2.8 percent, a growth almost completely offset by population increases. Average per capita income of this billion people living in the poorest nations of the world from 1970 to 1980 will increase by only $3 from $105 to $108. Given the worldwide inflation of the 1970's, this really means a significant decline in standards of living. As President Carter said in his Notre Dame speech, a peaceful world cannot long exist if one-third are rich and two-thirds are hungry.

To meet this challenge the United States needs to have better coordination among its foreign aid spigots. We must have a regular mechanism for transferring knowledge from one part of the Government to another. There must be a consistent strategy if we are to have the New Directions applied to all of our programs.

To achieve these objectives, the Congress should direct that the President give responsibility to the Development Coordination Committee, DCC, an existing group, to coordinate foreign development programs. There is currently no mechanism for studying development programs in depth, assuring that strategies are worked out so that all agencies carry out New Directions projects and share the knowledge learned from evaluations with the other agencies.

There are mechanisms already in existence which deal with individual country issues or with global, strategic issues. Yet, when it comes to a coordinated strategy for dealing with food production problems, the worldwide trend of rural to urban migration, massive unemployment, lack of improvement in the lives of the rural poor or growing national income disparities, no regular mechanism exists for addressing these problems.

For example, the National Security Council is the President's chief tool in preparing studies on matters of strategic interest. While it might, on an ad hoc basis, confront a question such as the population crisis, it cannot and should not devote its limited staff time on developmental issues.

Another key interagency organization is the Senior Interdepartmental Group. The primary interest of this group has been the analysis of individual country situations and the development of a U.S. role in relation to specific countries.

The National Advisory Council is an interagency committee which reviews the proposed loans by the international financial institutions prior to a final vote. Unfortunately, by the time a loan is ready to go to a board of directors for approval, 2 to 3 years of work have already been undertaken to structure the project. At that stage, little can be done to make changes assuring that the program directly reaches the poor majority of a country.

The only existing organization which might appropriately assume this function is the Development Coordination Committee, DCC, which was established by Congress in 1975. Under the previous administration the DCC was not very active in delineating and discussing major issues. The new administration has decided on a more significant role for the DCC but its attention is still spread over many areas including trade investment, monetary relations and export earnings stabilization. While it could, it does not now have a focus on shifting U.S. development efforts to new directions-type programs. This amendment would make this committee responsible for this shift, since DCC could adequately perform this function as well as carry out its other responsibilities.

Other coordinating mechanisms do exist such as the Development Loan Staff Committee or the OPIC Board, but they are either largely moribund or primarily interested in the financial credit worthiness of any single project.

What is needed is for the DCC to share the concern of Congress in such areas as intermediate technology, labor-intensive enterprises, hospital and health delivery systems, cooperatives, rural infrastructure, positive interest rates, rural management development, and applied agricultural research. It makes no sense for Congress to have mandated that our aid be designed to reach down to the people

in the areas of food production, nutrition, population planning, health, education, and human resources and then not have this apply to the majority of our foreign development dollars.

Only with better coordination, planning and monitoring will we avoid having our funds used to build superhighways, fostering luxury hotel complexes, or huge agro-industrial plantations. The DCC focus would not be on strategic matters or country specific issues. Rather, it would focus on function problems endemic to the underdeveloped world and on methods to get those agencies currently not bound by the Congress new directions to start shaping their programs to the extent possible to meet the mandate.

The members of the committee would be of the rank of Assistant Secretary, Assistant Administrator, or their equivalent. The membership could come from, but not be restricted to: AID, Commerce, Treasury, State, Agriculture, Defense, the Peace Corps, the Export-Import Bank, OPIC, the Inter-American Foundation and OMB.

No new personnel slots would be authorized by this act. All members of the committee, any subcommittee, or supporting staff would have to come from existing personnel ceilings.

In addition to the responsibility of the chairman to appear before the appropriate committees of Congress, the committee itself would have to annually prepare a report of its operations for the Congress.

Mr. HUMPHREY. Mr. President, just very briefly, the amendment is a modification of the original amendment presented by the Senator from Colorado. I think it does help us in taking this coordinating committee and giving it more responsibility for looking into all aspects of the aid program and doing a better job of coordination.

I support the amendment and, on behalf of the committee, will accept the amendment. Therefore, I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. HART. Mr. President, I thank the Senator from Minnesota, the manager of the bill on the floor, for his cooperation. The amendment does seek to continue and expand the work that he has done. I am gratified that the committee finds it acceptable. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY addressed the Chair.

Mr. HUMPHREY. Mr. President, I believe that we now move back to the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Iowa (Mr. CLARK).

Who yields time?

Mr. HUMPHREY. Mr. President, the Senator from Iowa has the time for the amendment and the Senator from Alabama the time in opposition.

I believe the Senator from Illinois wishes to speak.

Will the Senator from Iowa yield him some time?

minutes to the Senator from Illinois.

Mr. CLARK. Mr. President, I yield 5

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. CRANSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PERCY. I am happy to yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Allyn Kreps, Bill Jackson, and Christie Cohagen have the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the privilege of the floor be accorded Matthew Slater of the staff of the Select Committee on Nutrition and Human Needs during discussion and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I rise in support of this amendment of which I am pleased to be a cosponsor. The amendment would delete a provision adopted in committee that would cut off aid under title II of the Public Law 480 food for peace program from any recipient country which expropriated U.S. property without just and speedy compensation. This is commonly known as the Hickenlooper amendment. The effect of the amendment would be to remove the possibility of grant food being used as a bargaining chip in the arbitration of expropriation claims. The health and welfare of poor people overseas, who are the prime recipients of title II aid, must not be made targets in political disputes. Extending the provisions of the Hickenlooper amendment to title II of Public Law 480 works in the exact opposite direction of this tenet.

The majority of title II aid is distributed through private voluntary organizations and the United Nations World Food Programme. The nature of most of their projects is people to people: food for work, child and maternal health and disaster relief. In a word, we are talking about humanitarian aid going to very needy people. Forcing these voluntary organizations to cut off their assistance programs, as section 212 would do under some circumstances, would jeopordize the organizations' apolitical nature and thus their ability to carry out programs in foreign countries. And who would be hurt? Poor, powerless, hungry people, not governments. Whether or not the provision is ever exercised, it will introduce an element of uncertainty in these aid programs. There is a good bit of planning time involved in establishing a title II project and the uncertainty brought on by the possible implementation of the Hickenlooper amendment could well make such preparations, and hence projects, impossible and imprudent. Once again, poor, hungry powerless people are the ones who would be hurt as a result.

Indeed, it is ironic that the Senate should be considering a provision that would constrain and unsettle title II aid at the same time that we are expanding and stabilizing title II by increasing the volume both of overall title II shipments and of the portion to be distributed through the voluntary organizations and the World Food Programme.

Philosophy aside, serious scholars of international law, and foreign investment have found the Hickenlooper amendment to be ineffective. Prof. Richard B. Lillich of the University of Virginia, writing in 1975, said:

> Despite the early expectations of the business community, the amendment, for a host of reasons, never has proved a sound or effective method of protecting foreign investment. Its effects actually have been counterproductive.

Nevertheless, he continues:

> It has remained on the statute books, playing into the hands of nationalist leaders anxious to score anti-Yankee points by proclaiming that the United States extends foreign aid only to protect its private foreign investments.

If this provision has been impotent as it bears on government to government economic and military assistance, then there seems no point in acceding to the nationalist sentiments expressed in the Hickenlooper amendment and extending its provisions to grant food aid under title II of Public Law 480.

Without the proposed Clark amendment we would be undercutting every possible effect that we would be gaining. I cannot imagine any greater weapon we would hand anti-American leaders abroad to chop us up with than this measure which would once again allow them to say that we are only using food aid in order to buy votes, or buy influence, or protect American private corporation investments.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PERCY. Mr. President, will the Senator yield me 1 additional minute?

Mr. CLARK. Mr. President, I yield the Senator from Illinois 1 additional minute.

Mr. PERCY. Mr. President, I emphasize again: The vast majority of title II aid goes to humanitarian, people-to-people projects. Applying the Hickenlooper amendment here would only penalize poor people for the actions of their country's government, a government that they have virtually no control over at all, a government which they may well not support and may be powerless to affect. Pricking the poor to draw blood from the rich is not something this Nation supports, and this certainly is neither the time nor circumstance to adopt such a policy.

Mr. ALLEN. Mr. President, will the Senator yield for a question on my time?

Mr. PERCY. I am happy to yield.

Mr. ALLEN. Will the Senator explain his rationale in supporting a concept, as provided in the present law, that Public Law 480 sales cannot be made to countries that have expropriated American property, but in supporting an effort to

provide that food can be given away in countries that have expropriated American property?

Mr. PERCY. I think the distinguished Senator knows the answer of the Senator from Illinois is that I have long opposed any attempt to use our food and our sales of food or gifts of food as bargaining chips for anything. I certainly have violently opposed uncompensated expropriation. As a congressional delegate to the United Nations I fought for 4 months up there against the Charter of Economic Rights and Duties that in a sense invited foreign governments to expropriate property without compensation for a long litany of alleged crimes a nation may have committed. But I certainly do not think we should use our farmers, impair the export markets that we have, and jeopardize the $23 billion export sales we enjoyed last year, which was the very money we needed to pay for the petroleum products we brought in, by using them as bargaining chips to protect some company.

Why not then just cut off all exports, cut off all sales? I just do not think we should tamper with embargoes or threats of embargoes on food.

Mr. ALLEN. In other words, the Senator says the Government cannot sell the food to other countries but it can give it away. Is that right?

Mr. PERCY. No. The Senator is saying he does not approve of interfering with the sale of food to countries for hard cash on the barrelhead or gifts of food. I do not want to use food in that way; nor do I feel that we should penalize the poor people for whom Public Law 480 food is designed for the actions of their government. In fact, I think it is counterproductive, and the studies on the Hickenlooper amendment to date have shown virtually no results from it, other than the fact that for years it has been used to whip up anti-American sentiment in some of these countries.

Mr. ALLEN. This amendment, though, does not attack the provision that Public Law 480 food cannot be sold to countries that have expropriated. Is that right?

Mr. HUMPRHEY. That is correct.

Mr. PERCY. I have to ask the manager of the bill.

Mr. HUMPHREY. That, of course, is correct, but may I say candidly and respectfully to the able Senator from Alabama that it is one thing to have a sale to a government of Public Law 480 food which may be used for economic structured budget purposes and anti-inflation purposes, and so forth. The governments use this food in many different ways. But to say to the Church World Service, the Catholic Relief, and Lutheran World Relief that you cannot go into a country and feed children, you cannot have a school milk program, or you cannot have a program in there because the government of that country some years ago expropriated a canning factory, or something, I think is wrong.

There is a great deal of difference between what I call the hand of charity and the hand of commerce.

The hand of charity ought to be there for people. Title I relates to concessional sales to governments. Title II relates to charitable contributions to individuals in country after country. I do not want to find myself having to go home and explain to the bishop in our archdiocese that we decided to cut off all the help that was going into a particular country because somebody down there expropriated a bubblegum factory.

Mr. ALLEN. The Senator is not saying that any food that comes into a country that has expropriated American property is going to be handled in any way that is not satisfactory with the dictator or ruler of that country, is he?

Mr. HUMPHREY. May I say most respectfully, we have had some experience in this. In years gone by, when I first came to the Senate, we had a program of food aid to Yugoslavia. We had title II. There was an argument as to how that should be handled. The food aid program was handled by the CARE program and by the church program on their terms.

In other words, obviously a host government must be willing to accept these missionaries of American compassion and charity. There is a great deal of difference between a salesman going out there and selling wheat, cotton, corn, or soybeans, and having somebody from the Lutheran World Relief or from the Catholic Relief Service going out there and saying, "Dear Friends, in the name of Judeo-Christian compassion we are going to provide you with a little lunch."

I am not going to be a part of that.

Mr. ALLEN. The Senator is talking on his time, I trust.

Mr. HUMPHREY. No, I do not have any time. I thank the Senator very much.

Mr. ALLEN. I appreciate the Senator using some of my time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. May I at this time request a division of the amendment in order that I may offer a substitute to the first part of the amendment at the end of the allotted time?

The PRESIDING OFFICER. The Senator can demand a division.

Mr. ALLEN. I call for division, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes remaining.

Mr. CLARK. Mr. President, I would inquire of the Chair where the division in the amendment would occur.

The PRESIDING OFFICER. (Mr. HOLLINGS). Between the "strike" of the first part and the "strike and insert" of the second part.

Mr. CLARK. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that Lewis Ashley and Richard Fitzsimmons of my staff be granted the privileges of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the same request for Christopher Lehman and Jack Brooks of the staff of Senator BYRD of Virginia, Jim Hinish, of Senator SCHMITT's staff; Kay Davies of Senator DOMENICI's staff, and Mark Edelman of the staff of Senator DANFORTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I make the same request with respect to Michael Kraft, of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. CASE. Before the Senator does that, I wonder if he can explain what the issue is going to be on this first part.

Mr. CLARK. It is my understanding that the Senator from Alabama is prepared to offer an amendment to part of the division. That is why I am yielding back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

UP AMENDMENT NO. 437

Mr. ALLEN. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an unprinted amendment No. 437.

On page 17 strike all of line 1 through line 13 and insert the following in lieu thereof:

"PROHIBITION AGAINST FURNISHING ASSISTANCE

"SEC. 212. Section 410 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out 'under title I of this Act' and inserting in lieu thereof 'under this Act whether such assistance is given directly to any country or indirectly to it through any nonprofit voluntary agency or the World Food Program: *Provided*, That the President may waive this restriction with respect to assistance given under title II to meet urgent humanitarian relief requirements.

Mr. ALLEN. Mr. President, I yield myself such time as I may require. How much time is allowed for this amendment?

The PRESIDING OFFICER. Fifteen minutes on each side.

Mr. ALLEN. I thank the Chair.

Mr. President, amendment 370, which the distinguished Senator from Iowa seeks to amend, makes the same rule apply to goods that are given away which applies to goods which are sold to countries that have, since a date in 1962, expropriated American property and made no compensation therefor. In other words, the same rule would apply to property given away which applies to property which is sold. On exception is provided by the bill:

Provided, That the President may waive this restriction with respect to assistance given under title II to meet urgent humanitarian relief requirements as a result of natural disasters in such countries but such assistance may not be extended beyond ninety days following such determination.

The amendment which I have offered to Senator CLARK's amendment would

leave it wide open for the President to waive this prohibition against giving property away in nations which have expropriated American property. It wipes out the limited nature of the right to waiver. Under the bill, the President could waive this right to give the property away where they had a natural disaster.

What my amendment does is to follow the exact language of amendment 370 down through the word "requirements" on line 10.

In other words, the President has the right to waive this prohibition with respect to assistance given under title II to meet urgent humanitarian relief requirements.

The Senator from Iowa says the administration is for his amendment. That being true, he should have no difficulty in getting them to waive this prohibition. But it does say, "to meet urgent humanitarian relief requirements." What if a nation had a civil war and the President did not think it was wise for our people to go into the country and become involved, possibly because casualties of that civil war? He would, in the exercise of his discretion, fail to waive this prohibition. In the instance where he wanted to waive it, he would have the perfect right to do so.

So it leaves it entirely up to the President. As we do with so many of our laws, in the execution of our laws, we leave the matter in the discretion of the President. If the President feels that it is in furtherance of American policy to allow the giving away of food, then he could waive this requirement. It does away with this limitation on the President's waiver.

The bill says he cannot waive it except to give goods to meet humanitarian needs as the result of a natural disaster. My amendment says he can waive it to meet urgent humanitarian requirements. I assume that is what we are talking about, urgent humanitarian relief requirements. My amendment would leave it squarely up to the President. If we trust the President in this regard, I see no problem in it. I feel that he could.

Mr. CLARK. Will the Senator yield long enough for me to ask for the yeas and nays on this amendment?

Mr. ALLEN. Yes.

Mr. CLARK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. I submitted this to the distinguished Senator from Iowa and the distinguished Senator from Minnesota in the hope that they would accept it. They are unwilling to do so. I believe it would be a fair resolution of the problem.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. Yes.

Mr. LONG. Mr. President, I must say that I agree with the general argument being made by the Senator from Alabama. It has been my pleasure, down through the years, to offer and support amendments which say that people who confiscate and steal American property cannot get the benefits of American giveaways or American loans or favored trading conditions. I agree that the time may come in the Senate when we may have to contest that principle. I thought we had settled it.

I can recall the days, when I had the privilege of serving on the Committee on Foreign Relations, when we agreed to an amendment saying a country would not get foreign aid if it steals American property, or if it confiscates American investments. The committee supported the provision at that time. It was modified somewhat to take care of the most sophisticated forms of confiscation of American property. It was known as the Hickenlooper amendment.

Subsequently, we applied the same condition in the Committee on Finance and said a country could not get a sugar quota if it confiscates American investments. It can take them, but it just has to pay a fair value for them when it seizes them. If they want to do that, just pay us something of fair value for it.

I am amazed to find that people find that the interests of this Nation are served by encouraging people to steal the billions of dollars that Americans have invested in businesses around the world. If Congress will not support Americans who have invested literally hundreds of billions of dollars around this world against those who want to steal or confiscate it, what can people expect of Congress?

It seems to me that it is a difficult thing to make an argument to encourage people to rip off this country by confiscating and taking, without giving any value, Americans' property.

Is this something to pacify Castro, or is it a move to waive all the confiscations and give away something to gain favor with Castro? Could that be what the purpose of it is?

Mr. ALLEN. I do not know the logic of the position of the Senator from Iowa in this regard. My amendment would provide that the same rule would apply on property given away as applies on property that is sold; namely, that there cannot be such a transaction if the American property has been expropriated by a foreign country. But I leave a great big loophole here, big enough for a truck to go through, by saying that if the President wants to waive the requirements of this bill to meet urgent humanitarian relief requirements, he can do so. But it is not just a giveaway program, without any check whatsoever.

If the President wants to waive the requirement, he can do so. It seems to me that would be very, very generous. I think in most cases, the President would waive the requirement, but in some cases, he might not.

Mr. LONG. If the purpose here is to appease Castro, I submit that people are going to find Castro a difficult man to appease. He is a rather opinionated person, and tends to insist on having his own way. I noticed that just recently he expressed disdain for American efforts to pacify and please him.

Mr. ALLEN. I am satisfied that it would please him, all right, to have the distinguished Senator's amendment adopted, because it does open up the way for giving food away in Cuba, even though Cuba has expropriated our property.

Mr. CLARK. Will the Senator yield?

Mr. ALLEN. Well, if the Senator will wait a minute. Mostly he is going to say it does not apply unless we have diplomatic relations.

Mr. CLARK. That is right.

Mr. ALLEN. Anybody who has read the newspapers in recent days has read that we are exchanging missions. If that has not been put into effect by now, it will be long before this bill becomes law.

Mr. LONG. If I understand it, the Senator would permit, under his amendment, in the position that the Senator from Alabama is taking, gifts to Mr. Castro or any other nation that has seized our property if there is a disaster or a tidal wave or a hurricane or earthquake, or something. If there are a lot of people in dire distress, the type of humanitarian thing America has been known to do, even for people who are unfriendly, would be available.

Mr. ALLEN. Yes. That was permitted under the bill itself. But to meet the objections of the distinguished Senator from Iowa, I amended my amendment to eliminate this limitation and say that it applied only where it was needed as a result of a natural disaster and made it applicable to any humanitarian relief situation, provided the President waives the requirements of the bill. So it is wide open if the President wants to avail himself of this opportunity to waive the requirements of the bill.

Mr. LONG. I thank the Senator.

Mr. HUMPHREY. Mr. President, will the Senator from Iowa yield to me?

Mr. CLARK. Yes.

Mr. HUMPHREY. I think we ought not to confuse the issue here, first of all. Without this language in current law, we do not have any major programs in countries that have engaged in expropriation of American property.

Mr. ALLEN. What is the objection to the amendment?

Mr. HUMPHREY. Second, any program under title II has to be approved by the AID administration. It does not just automatically go in.

Third, title II is not a sales program. Title II is a charitable program. I recognize that the Senator's amendment, with his waiver provision, is a much more desirable amendment than his original amendment. I told him so. But it requires a great deal of use of the Presidential waiver power, which I think is overdone here in the Congress of the United States.

There is not any record of abuse. There is a marvelous record of the service of our voluntary agencies. I say to my good friend from Louisiana that I am opposed to the U.S. Government making concessional sales to governments that have expropriated American property.

But I am not opposed to the U.S. Government under public law permitting our respective churches and voluntary agencies, if they get the approval of the Government of the United States and the host country, to go in and help feed hungry people on a charity basis that has nothing to do with the budget deficit of a country or its balance of payments, or

the policies of the government one way or another.

Just as we, for example, recently provided a substantial amount of aid for earthquake victims in different countries. I believe we provided some in Romania. I am glad; I think it is a fine country, though a different social system than ours. Obviously, a great deal of expropriation took place there at one time, because it is a totally Socialist-Communist state.

But we did the right thing. We helped people.

That is provided for, of course, in the Allen revision. It does not leave him in any puritanical stance about expropriation. It simply says that if they expropriated and the President says it is all right to go in, we go on in.

I simply say that the present law, in substance, does that, because the present law permits title II activities in a country only if there is a working relationship and an agreement between the administrating instrumentality and AID in the State Department.

So we are not talking here about benefiting governments. We are not talking about that at all. We are talking about how we help certain people.

By the way, the Hickenlooper amendment we have heard so much about—I will be careful of my language—has not been used very much. I believe it was used.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. Yes.

Mr. LONG. The reason we had not heard much about it, is that the people who were confiscating our property have stopped doing that.

Mr. HUMPHREY. Yes. Most of it had already been confiscated. There has not been any particular type of revolution engaged in confiscating American property in recent years as they have not been taking place.

Do not misunderstand; I voted for the Hickenlooper amendment. It came out of the Foreign Relations Committee. But I do not tie that at all to this type of activity any more than I would say we should not help people in China, for example, if they had a famine.

I think we should help them. I think if they have a humanitarian need in any country and we can help, we ought to help them. It is not a question of helping their government. It is not a question of approving of their social system.

It is a fact that we are all God's children. It is a fact we are all a part of the Family of Man. It is a fact we are fortunate in the United States. It is a fact we have some great religious and charitable institutions willing to take the message of American compassion and charity to hundreds of thousands and millions of people.

I do not think we ought to put any roadblock on that. I think we ought to have an agreement between the Government of the United States and the administrating agency and have terms and standards that are fair.

Mr. CLARK. Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes remaining. The Senator from Iowa has the floor.

Mr. INOUYE. Mr. President, will the Senator yield for a minute for a conference report?

Mr. CLARK. I will yield for 1 minute.

COAST GUARD AUTHORIZATIONS, 1978—CONFERENCE REPORT

Mr. INOUYE. Mr. President, I submit a report of the committee of conference on H.R. 6823 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HOLLINGS). The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6823) to authorize appropriations for the United States Coast Guard for the fiscal year 1978, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today.)

Mr. INOUYE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

INTERNATIONAL DEVELOPMENT ASSISTANCE ACT OF 1977

The Senate continued with the consideration of the bill (S. 1520) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. CLARK. Mr. President, let us be very clear that none of the money that is used under title I or title II can be used in countries with whom we do not have diplomatic relations. I think there are 14. So I think it is somewhat unfair to label this the Castro amendment.

The fact that we are going to exchange some representatives does not constitute diplomatic recognition. I think the Senator from Alabama is overly optimistic, or pessimistic, depending on how he terms it, in assuming before the President signs this bill, which will probably be some time in the next 3 or 4 weeks, that we will have diplomatic relations with Cuba. But it does not include any government with which we do not have diplomatic relations.

I am particularly interested in the fact that the Senator from Alabama, when he submitted his amendment, did not strike the word "urgent" in line 12. So, in effect, he is not really giving the President a waiver of the title II programs except in those cases which he determines to be of urgent humanitarian relief requirements.

I am somewhat surprised that Senators are concerned about the urgent hunger problems of people, but not concerned about the people who are simply starving, those people who do not have enough food to eat to stay alive.

Mr. ALLEN. Will the Senator yield?

Mr. CLARK. I will not yield until the end of my statement.

Mr. President, it seems to me that we are talking about people who suffer malnutrition. By the way, the estimates are that one out of every eight people on this globe, 500 million people, suffer so severely from hunger that they suffer permanent damage, either physically or mentally—one out of every eight in the world on a regular basis, not due to earthquakes, not due to some natural catastrophe as described in the colloquy a moment ago.

That is due to a shortage of food and the inability to get food to people.

We have had this discussion three or four times about whether this is a gift or a sale. Why should we not sell to another country? Why do we agree that there should be a restriction on countries that expropriate for purposes of concessional sales, but not gifts?

Let me say again one more time, they are very different. It is one thing to have a government-to-government relationship on the basis of concessional sales. It is another thing to have voluntary church organizations delivering food to maternal programs, school programs, and feeding program—to people.

That is what this amendment would ask. It does not deal simply with government to government. It is not simply sales or gifts. It is a question of whether we are going to penalize a government for expropriating property under title I, and whether we are going to penalize people whose government expropriated property.

As the State Department has pointed out, it is going to be very difficult to administer a program of this kind.

If any U.S. business claims it did not receive adequate recompensation, it is then going to be up to judgment by the State Department as to whether we have to cut off their humanitarian food programs.

That is what is at issue. Are we going to cut off every country that has a contest, a disputed claim, between an American business and that government?

That is the kind of administrative nightmare we would create.

I agree that the Senator from Alabama's amendment is an improvement over his previous amendment adopted in committee. But it simply does not go far enough.

It would create, I think, a bureaucratic nightmare to require the President in every case to look at each of these and get the Agency for International Development to come in with a separate waiver. He suggested he expected the President to do this in most cases.

If the Department agrees on that, it does not seem to me we ought to go through the bureaucratic problems of waiving each of these cases individually by the President of the United States.

If we adopt the Allen amendment, whom are we penalizing, after all? Not the people of influence. The fact that we are no longer going to allow church organizations to deliver food to the people is not going to hurt the people in power. They are going to get their food. We are talking about actions which will affect school children. They make up the majority of those to whom this assist-

ance goes, in terms of people and food. We are not talking about penalizing the dictatorships. Certainly, they are going to eat all right. This would penalize the people, and that is why title I makes sense. If we say that we are not going to give concessional sales to governments that expropriate, that is one thing. It is a different thing, in my judgment, to talk about cutting off food programs to people.

For those reasons, I hope that the Allen amendment will be defeated.

Mr. President, I would be happy to yield to the Senator.

Mr. ALLEN. I will speak on my own time. I thank the Senator.

Mr. President, the Senator from Iowa draws a rather strange line here when he says that it is all right to forbid the sale of goods to countries that have expropriated American property but that we should not prohibit giving it away. He draws some line of distinction there.

I assume that if countries bought products or goods, they would not just buy them to store in a warehouse. They would buy them for distribution to the same people about whom the Senator says he is concerned.

So, really, there is no difference at all, except that it presents the anomalous situation—if the Senator were to have his way—of forbidding sales to countries and at the same time permitting gifts to countries.

The Senator says that this will not apply to Cuba because we have not yet established diplomatic relations with Cuba. Well, I do not know what diplomatic relations are. I would think that the exchange of diplomats would be some measure of diplomatic relations. If we send a diplomat to Cuba and Cuba sends a diplomat to the United States, have we not established diplomatic relations?

He says that we cannot give this food to Cuba because we have not established diplomatic relations. Perhaps I misread the articles and failed to interpret what I saw on TV, but I understood that the President was exchanging diplomats with Cuba. I do not suppose they are commercial attachés. because we do not have commercial relations with them, but we do have exchange of diplomats. It seems to me that that is establishing diplomatic relations.

The Senator seems worried about the use of the word "urgent"—urgent humanitarian needs. He says that if people are hungry, that is not urgent. The Senator, I am sure, never has been hungry in his life, except along about mealtime. I feel that if people are hungry, it is urgent that they get food. So I see no harm in the word "urgent" that is in the bill, and I have not stricken that. However, under my amendment, it would strike out the requirement that this assistance be given only in case of a natural disaster.

My amendment would permit assistance to be given to any country if the President approves it. That is all there is to it.

I hope the Senate will agree to the amendment I have offered.

I reserve the remainder of my time. I am willing to yield back the remainder of my time if the other side is willing to do so.

Mr. CLARK. Mr. President, I have two comments, briefly.

Once again, I think the Senator from Alabama misses the point of the deliveries of food under title I and title II. As I have said, under title II, this food is delivered by voluntary agencies, in most cases, to individual people who need food.

Under the title I program, the concessional sales program, it is not only sold to the government; in most cases the government, in turn, sells it to the people who receive it. They sell it almost always on the open market. So it is not a comparable situation of simply selling it to a government that in turn gives it to people, or of going to the voluntary agencies to give it to people.

Mr. President, my reading of the newspapers is different with respect to the recognition of Cuba. I do not think that the exchange of Foreign Service Officers constitutes full diplomatic relations with Cuba. In fact, I am quite sure that it does not, any more than it does in the case of Peking. We have an exchange of officers with Peking; but, as the Senator knows, we have not recognized the government in Peking as the government of China. We still recognize Taiwan.

So under no circumstances that I can see, unless there were full diplomatic relations at some future point, could the funds involved here in title II apply to Cuba.

I am prepared to yield back the remainder of my time, if the Senator from Alabama is.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time is yielded back. The yeas and nays have been ordered.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry. On what will the Senate be voting?

The PRESIDING OFFICER. A motion to strike the language proposed to be stricken by the Clark amendment and insert new language therefor.

Mr. HUMPHREY. On that question, Mr. President, those who are in favor of the Clark amendment would vote "no"?

Mr. ALLEN. I object.

The PRESIDING OFFICER. The Chair does not interpret amendments.

Mr. HUMPHREY. Someone had better interpret it. Will the Senator from Iowa interpret it? This is a very tricky business that we are into here.

Mr. CLARK. In effect, the amendment the Senator from Alabama has offered takes precedence, as I understand it, over my amendment. So a "yes" vote would be in favor of the position he describes, and a "no" vote would be in favor of the position I describe.

Mr. ALLEN. I believe Senators understand this.

Mr. HUMPHREY. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON of California. I announce that the Senator from Arkansas (Mr. McCLELLAN), the Senator from Colorado (Mr. HASKELL), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from Georgia (Mr. NUNN) is absent because of a death in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—34

Allen	Hansen	Schweiker
Bartlett	Hatch	Scott
Byrd, Harry F., Jr.	Hayakawa	Sparkman
	Helms	Stafford
Byrd, Robert C.	Laxalt	Stennis
Cannon	Long	Stevens
Curtis	Lugar	Talmadge
Dole	Melcher	Thurmond
Domenici	Morgan	Wallop
Eastland	Randolph	Young
Garn	Roth	Zorinsky
Goldwater	Schmitt	

NAYS—58

Abourezk	Ford	McIntyre
Anderson	Glenn	Metzenbaum
Baker	Gravel	Moynihan
Bayh	Hart	Muskie
Bellmon	Hatfield	Nelson
Bentsen	Hathaway	Packwood
Biden	Hollings	Pearson
Brooke	Huddleston	Pell
Bumpers	Humphrey	Percy
Burdick	Inouye	Proxmire
Case	Jackson	Ribicoff
Chiles	Javits	Riegle
Church	Johnston	Sarbanes
Clark	Kennedy	Sasser
Cranston	Leahy	Stevenson
Culver	Magnuson	Stone
Danforth	Mathias	Weicker
DeConcini	Matsunaga	Williams
Durkin	McClure	
Eagleton	McGovern	

NOT VOTING 8

Chafee	Heinz	Nunn
Griffin	McClellan	Tower
Haskell	Metcalf	

So Mr. ALLEN's amendment to division 1 of Mr. CLARK's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GRAVEL). The question now recurs on agreeing to division 1 of the Clark amendment.

Division 1 of the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to division 2 of the Clark amendment.

Mr. ALLEN. Mr. President, I assume there is time on this. I assume there is time on the second part.

The PRESIDING OFFICER. There is no remaining time on either division.

Mr. ALLEN. Mr. President, I ask unanimous consent that I might proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized for 2 minutes.

The Senate will be in order and Senators will clear the well so that the Sena-

tor from Alabama may be heard on this subject.

The Senate will be in order.

The Senator from Alabama.

Mr. ALLEN. Mr. President, what my amendment did, for the information of Senators who were not in this Chamber——

Mr. TALMADGE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from Alabama will withhold.

We will have order in the Senate. Senators please take their seats or retire to the cloakroom.

Mr. ALLEN. Mr. President, what my amendment sought to do was to make the same rule apply to gifts under title II of Public Law 480 that applies to sales of goods under title I.

We have the anomalous situation that you cannot sell to countries that have expropriated American property but you can give the goods away, and this amendment would have made the same rule apply, that you could not give the property away in a country where they have expropriated American property. But it had the proviso that the President, in order to meet urgent humanitarian relief requirements, could waive that provision so that the goods could be given away if it were in accord with American foreign policy.

I did not request a rollcall vote on Senator CLARK's motion to strike out this entire provision because I felt the Senate had spoken by a rather large margin and I felt that the issue had been decided; so I did not not request the rollcall vote.

The PRESIDING OFFICER. The question now recurs on division 2 of the Clark amendment.

Division 2 of the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 434

The PRESIDING OFFICER. We now move to the Dole amendment which was laid aside. It is an unprinted amendment No. 434, and there are 25 minutes per side allotted.

Who yields time?

Mr. HUMPHREY. Mr. President, I shall take time on the bill. I do not see the Senator from Kansas, even though I understand the amendment that he was offering has now been worked out to the satisfaction of the Commerce Committee. There was a jurisdictional problem here earlier that we were trying to resolve.

If my colleagues on the other side can help me to ascertain where the Senator from Kansas is we could dispose of that amendment very promptly because as it is currently written, from what I have been told, we are prepared to accept it, and I would think we would surely expedite action here and then we could get to the amendment of the Senator from Oregon.

Mr. President, while we try to clarify this, may I suggest the absence of a quorum, and ask unanimous consent to have it not charged to either side? It will be very brief.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that three members of my staff, Greg Doublestein, Lon Fendall, and Jack Robertson, be permitted the floor privilege during the consideration and voting on this next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that Douglas Jackson of my staff be granted the privileges of the floor during the discussion of the pending business and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Also Caroline Randel of the staff of Senator HANSEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that William Seale of the staff of Senator HUDDLESTON be granted the privileges of the floor during the consideration of this bill and on votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. John Carbaugh of my staff be granted the privileges of the floor during the consideration of this measure and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 398

Mr. HATFIELD. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Dole amendment will be set aside. The amendment of the Senator from Oregon will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment No. 398.

At the end of the bill add the following:

TOBACCO AND TOBACCO PRODUCTS

SEC. 13. The proviso of section 402 of the Agricultural Trade Development Assistance Act of 1954 is amended by striking out "for the purposes of title II of this Act,".

Mr. HATFIELD. Mr. President, the purpose of the amendment that I am calling up today is to strike tobacco and tobacco products from the definition of "agricultural commodity" under Public Law 480, the food for peace program.

Over the years, Mr. President, I have been dissatisfied with many of the features of our food for peace program. While its name suggests a humanitarian effort aimed at relieving human suffering with the products of our country's bountiful harvests, it has not lived up to its expectations. Time after time, we have seen the commodities being shipped with little regard to the countries with greatest needs. The priority has instead been given primarily to those nations we happen to be courting for various political, economic, and strategic reasons.

Beyond the misdirected emphasis of the food for peace program and its prostitution to power politics, the inclusion of tobacco products in a food assistance program has been one of the tragic ironies of American foreign policy.

No one quarrels with the established connection between cigarette smoking and lung cancer. We in the Congress are generous in our spending for cancer research. We have spent some $5 billion since 1965. Yet we have no qualms about exporting tobacco and its grave health hazards under the guise of food for peace.

It is my understanding, Mr. President, that the manager of the bill (Mr. HUMPHREY) even this morning testified on behalf of funds for cancer research.

During the current fiscal year, some $66 million is being spent under title I of Public Law 480 to provide long-term credit for the sale of tobacco. That represents 8 percent of the total title I sales of all agricultural products. Projections for fiscal year 1978 are estimated to be somewhat lower—$24 million. However, I should point out that projections for fiscal year 1977 were only $18 million and ended up being 2.5 times as much in actual outlays by the end of the fiscal year. Such statistics reveal the extent of the misplaced priorities of what we must somewhat shamefully call the food for peace program.

It is not surprising to see my colleagues from the major tobacco-growing States rising in opposition to my amendment.

However, it is disturbing to me that

some of the arguments raised do not clearly speak to the question before us. I want to take this opportunity to address several of those points.

First, my amendment need not in any way restrict the "specified intent of the (Public Law 480) program to expand international trade," as claimed. The amendment would leave untouched those exports which make up 98.9 percent of all U.S. tobacco exports. The amendment would merely prohibit the tobacco presently financed through the food for peace program. Other programs for expanding overseas markets do exist. In recent years, most federally sponsored export market development for tobacco took place through the Commodity Credit Corporation's export credit sales program, not food for peace. While not offering quite as lucrative terms as the Public Law 480 program, the CCC program offers a reasonable alternative to concessionary sales under food for peace for the purpose of "expanding international trade."

Second, I must respectfully disagree with my colleagues from the tobacco-producing States on statements made about the title I program. They contend that "It is not a food aid program in a sense that (it) provides food to those people who cannot meet their needs in the commercial marketplace." While there is no question that commodities shipped under title II have a much greater chance of reaching those most in need, this does not deny the importance of title I sales to those countries requiring food imports. Clearly, over the past few years, the intent of Congress has been to move Public Law 480 progressively toward becoming a truly needs-oriented program. Let me remind my colleagues that we issued a mandate that 75 percent of all title I commodities must be sent to the poorest countries of the world. Furthermore, this point was again addressed as the Congress moved last year to pass the "right to food" resolutions.

Third, I agree with my colleagues that changes in the programing of title I commodities to exclude tobacco will not, in themselves, make any more food available to needy people. However, given that we live in a world where over 1 billion people are chronically hungry, and where the grain import needs of developing countries are projected to amount to between 50 million and 150 million tons per year by 1985, it would clearly be a case of mistaken priorities to continue to ship tobacco under Public Law 480. The fact is that funds which ordinarily would be programed for tobacco sales could potentially be used instead for increased food sales.

I am aware of the fact that title I financing is based upon the availability of commodities in the United States and the requests by the recipient country; however, I do not believe that it is prudent to encourage, through concessional financing, developing countries to spend scarce resources on a commodity which has been proven to be dangerous to human health, and contributes nothing to the nutritional requirements of its country's population.

Finally, it has been stated that passage of my amendment will limit the economic development uses of the food for peace program. Opponents of my amendment hold that the loss of revenues generated by the sale of tobacco under title I will force a developing country's government to divert scarce resources from economic development projects to meet import requirements. Inferred, and only inferred, in this proposition is that developing countries are in fact using the funds generated by title I, tobacco sales for development purposes. This cannot be substantiated. In fact, the evidence suggests that neither the United States nor the recipient countries take the development or self-help provisions of the program seriously. For the last 2 years, countries receiving title I commodities have had the option of undertaking development programs as a method of "repaying" the United States for agricultural products purchased. None has yet taken advantage of this grant-back provision. Moreover, monitoring of the development provisions of title I sales has been ineffective, relying almost totally on the recipient government's word that agreements entered into have, in fact, been carried out.

The evidence is clear that the United States has little, if any, influence over the direction of funds generated by the sale of title I commodities. We have even seen that a country participating in the program—South Vietnam—used its revenues as an additional source of financing for military purposes during the war years.

It should be added that, even if the United States were serious about the developmental aspects of title I sales, many other crops beside tobacco also generate potential economic development moneys.

I contend that the tobacco industry will not be substantially affected by the loss of a mere 1.1 percent of its total exports—the amount presently shipped under the food for peace program. Statistics from the USDA publication Tobacco Situation show that, and I quote:

> Domestic consumption and exports of U.S. cigarettes reached new highs in 1976.
>
> U.S. tobacco exports rose 16 percent in value to a record $1.46 billion in calendar 1976.
>
> The volume of U.S. exports of cigarettes in 1976 rose 23 percent to another record * * * Higher prices have not blunted the rising overseas demand for U.S. cigarettes.

I could go on with other statistics.

Mr. President, the American public has become cynical of U.S. foreign aid programs in recent years. One certainly can understand their disenchantment when one looks at such disgraces as the shipment of a nonfood, nonclothing, physically harmful commodity such as tobacco under the food for peace program.

We have never allowed tobacco or tobacco products to be a part of our domestic food aid program—food stamps—and for good reason. Can you imagine the public outcry were such products allowed to be purchased under the program?

I ask Mr. President, if we cannot justify the purchase of tobacco or its products under our domestic aid program, how can we justify it under our foreign food assistance program?

What is the justification for assisting in the export of a commodity that is damaging to public health, particularly through a program such as food for peace whose goal, in part, is the preservation of life?

Mr. President, the House passed an identical amendment to mine as part of their International Development and Food Assistance Act by a vote of 229 to 178. I ask that my colleagues join me in protecting the integrity of one of our most potentially significant contributions to mankind—the food for peace program.

I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, on behalf of the distinguished floor manager of the bill, I yield myself such time as I may need.

Mr. President, the purpose of the amendment of the distinguished Senator from Oregon is to prohibit sales of tobacco under title I of Public Law 480, the Agricultural Trade Development and Assistance Act of 1954. This act is popularly called the "food for peace" program.

First, let me explain what Public Law 480 really is. It consists of two operating titles. Under title I, this Government makes loans on highly favorable terms to finance the sale of U.S. agricultural commodities to developing nations. The law authorizes commitments of up to $1.9 billion per year plus carryover from previous years.

Since 1972, these sales agreements have been negotiated only for long-term credit repayable in dollars or in currencies convertible to dollars.

Dollar credit agreements require repayment in approximately equal annual installments over a period of up to 20 years. These agreements may also include a grace period of up to 2 years during which principal repayments are not required.

Convertible local currency agreements require repayment in dollars or, at the option of the United States, in convertible foreign currencies. But, the maximum term available under this type of financing is 40 years, including a grace period of up to 10 years.

Interest rates under both types of financing are set by law at minimums of 2 percent during a grace period and 3 percent thereafter.

Agricultural commodities purchased by less developed countries under title I are in turn sold to their people by those countries through their normal commercial channels.

Title II, on the other hand, authorizes the donation of agricultural commodities on behalf of the people of the United States of America, to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing areas; and for needy persons in maternal/child health, school feeding, and for food-for-work programs outside the United States.

Title II of Public Law 480 enables the United States to share on a people-to-people basis its food with underfed, malnourished, unemployed, underemployed, and disaster-stricken populations of developing nations around the world.

The legislation authorizes title II donations up to $600 million annually, plus carryover from previous years.

Food donations may be made available to friendly governments, intergovernmental organizations such as the world food program, and American nonprofit voluntary agencies such as CARE, Catholic Relief Services, Church World Services, and the American Joint Jewish Distribution Committee. In addition, food is contributed to the United Nation's Relief and Works Agency, UNRWA, and to UNICEF in support of child feeding programs, and other intergovernmental organizations.

The amendment of the Senator is aimed only at the sales program authorized by title I, since tobacco is already prohibited under title II

I am sure the author means well by offering this amendment, but the fact is that it is extremely harmful. Mr President, it is harmful not only to the less developed nations of the world which receive loans under title I, but also to the United States

It is harmful to the recipient country because the internal proceeds generated from the sale of title I tobacco received by that country must be used in that country for the purposes stated in title I contract agreements

Mr President, I read from a summary of a recent agreement under title I with the Government of the Republic of the Philippines for the purchase of tobacco which I would like to place in the RECORD at the conclusion of my remarks.

This agreement states that, and I quote

The Government of the Philippines will continue to place specific emphasis on actions contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture

Then the agreement goes on in greater detail as to the agricultural and rural development effort the Government of the Philippines must make in order to qualify for a title I loan.

These efforts include, research and extension programs, irrigation, rural service centers, improved storage facilities, marketing activities, expanded fish production, increased land ownership by small farmers, food and nutrition, family planning, rural development, and other efforts to improve the lives of the poorest of the poor

So, Mr President, we see that the sale of tobacco under title I of Public Law 480 makes a substantial contribution to the well-being of the recipient country, particularly to the poorest of the poor

To eliminate sales of tobacco under title I of Public Law 480 serves no useful purpose whatever It would not make one dime's more food available. Title I financing is based upon the availability of commodities in the United States and the needs of the recipient country Food requirements are met to the extent that the economy of the receiving country is not injured There is no known case where sales of tobacco displaced sales of food commodities And there is no assurance that additional food commodities will be programed if tobacco is eliminated.

Therefore, if tobacco sales are prohibited, we will, in effect, be reducing our help to needy persons, especially the poorest of the poor. That helps nobody.

Further, the elimination of tobacco from Public Law 480 sales would also be most harmful to our own economy.

In addition to its economic and humanitarian purposes which serve the interest of the importing country, Public Law 480 is also used for the development of new markets for our agricultural commodities. Tobacco exported under Public Law 480, while a very small portion of the total, also contributes to expanding commercial markets. In 1976 exports of U.S. tobacco totaled $1 46 billion and imports totaled $439 million for a balance of trade surplus of about $1 billion for tobacco products alone. We must continue to nurture our foreign markets; they are not self-sustaining. And Public Law 480 helps us to do this.

Furthermore, to adopt this amendment would be the first step toward the elimination of the tobacco price-support program itself.

Mr President, at the present time there are about 600,000 farm families who depend upon tobacco for a major source of their farm income.

The average size of a tobacco allotment is slightly less than 2 acres. And yet, tobacco is one of the few crops that can still utilize family labor and provide a reasonable income on a small farm. Thus it represents the strongest bastion of the small family farm concept.

Without the price support program these families would be devastated. Many would turn to welfare and others would be injured beyond repair.

And finally, Mr President, the tobacco program serves the financial interest of this Nation, States, and local governments. In 1976, a total of $6.1 billion was collected in excise taxes. This adds materially to the tax base, particularly of State and local governments.

Mr President, it would be idiotic for this Congress to prohibit sales of tobacco under title I in the face of the good that comes from it. Particularly Mr President, since the people in Public Law 480 countries would continue to smoke, but instead of using the economic benefits of Public Law 480 these underdeveloped countries would have to use their own precious foreign exchange to buy tobacco. That is ironic.

Mr President, I hope the amendment is defeated. I must point out that the Department of Agriculture is opposed to

This agreement states that, and I June 10, 1977. Acting Secretary of Agriculture John C White indicates that the amendment would have serious effects on the tobacco program and upon the farm families who depend upon tobacco for their livelihood as well as upon the capability of this Government in meeting the needs of developing countries.

I ask unanimous consent that the letter and attachment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 10, 1977.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate

DEAR MR. CHAIRMAN: During debate on the House floor May 12 on H.R. 6714, International Development and Food Assistance Act, an amendment was adopted which would eliminate tobacco as a farm commodity from Title I of Public Law 480.

This Department does not support such an amendment.

It has come to our attention that a similar amendment may be offered when S. 1520, International Development Assistance Act, a bill like H.R. 6714, is debated in the Senate. S. 1520 may be brought up for Senate floor action sometime during the week of June 13.

As you know, the passage of such an amendment would have serious effects on the tobacco program and, in turn, upon the several hundred thousand farm families who depend on tobacco for a significant part of their livelihood. In addition, removing tobacco from eligibility under Public Law 480 programs would reduce the capability of the United States Government in meeting the needs of developing countries through Title I assistance.

We would be glad to furnish additional information should it be requested.

Sincerely,

JOHN C. WHITE,
Acting Secretary.

U.S DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,
Washington, D.C., December 20, 1976.

TITLE I, P L 480 AGREEMENT WITH THE GOVERNMENT OF THE REPUBLIC OF PHILIPPINES

SUMMARY

Date Signed:

1 Commodity Table:

Commodity· Tobacco.

Supply Period (United States Calendar Year): 1977

Approximate Maximum Quantity (Metric Tons): 3,000

Maximum Export Market Value: $13.2 million.

Estimated CCC Cost: $13.2 million.

Ocean Transportation (Estimated Differential) $0.0.

2. Payment Terms: Dollar Credit (DC).

a. Initial Payment—Ten (10) percent.

b. Currency Use Payment—Twenty (20) percent for 104(a) purposes.

c. Number of Installment Payments—Nineteen (19)

d. Amount of Each Installment Payment—Approximately equal annual amounts.

e. Due Date of the First Installment Payment—Two (2) years after the date of the last delivery of commodities in each calendar year

f Interest Rate Throughout Period of Agreement· Three (3) percent.

3 Usual Marketing Table:

Commodity Tobacco.

Imported Period (United States Calendar Year) 1977

Usual Marketing Requirement: 6,000 metric tons of which at least 4,500 metric tons shall be imported from the United States of America

4 Export Limitations:

a Export Limitation Period: The export limitation period shall be the United States Calendar Year 1977 or any subsequent U.S. Calendar Year in which commodities financed under this agreement are being imported or utilized

b Commodities to which Export Limitations Apply For the purposes of Part I, Article III A (4) of this agreement, there are no commodity export limitations.

5 Self-Help Measures The Government of

the Philippines will continue to place specific emphasis on actions contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture. The GOP intends to:

a. Continue efforts to achieve progress in agricultural production through:

(1) An integrated agricultural production and marketing program including research, training, and improvement of extension programs.

(2) Improvement and expansion of small-scale irrigation projects.

(3) Establishment of rural service centers including equipment pools.

(4) Production and distribution of improved seeds.

(5) Analysis of agricultural policies from the standpoint of their effect on production incentives and rural income.

b. Identify needs for increased or improved storage facilities for food grains and develop plans to meet such needs, giving separate consideration to port areas, other terminal locations, and market towns.

c. Improve the marketing system for farm products and production inputs to insure market outlets, reduce costs, reduce product waste, and insure that inputs are available on a timely basis Marketing activities will include efforts to establish sound farmer cooperatives through provision of credit and through training.

d. Continue efforts to expand fish production in inland and coastal areas.

e. Continue programs to broaden the ownership of land by actual tillers, with coordinated actions to ensure that production is maintained or increased following transfer to tillers.

Item VI. Economic Development Purposes for which Proceeds Accruing to the Importing Country are to be Used:

a. The proceeds accruing to the importing country from the sale of commodities financed under this agreement will be used for financing the self-help measures set forth in the agreement and for the following economic development sectors: food and nutrition, family planning and rural development as they appear in the Philippine Development Program.

b. In the use of proceeds for these purposes emphasis will be placed on directly improving the lives of the poorest of the recipient country's people and their capacity to participate in the development of their country.

Mr. TALMADGE. Mr. President, I say in conclusion, that while the amendment is well meaning, it would help no one and would hurt everyone. It would hurt the recipient country. It would hurt the people of this country. It would hurt the taxpayers of this country. It would serve no purpose whatsoever.

I thank the distinguished Senator from Minnesota for yielding, and I yield back to him the remainder of my time.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I commend the able Senator from Georgia for his excellent statement. He has cleared up a great deal of obfuscation in connection with the pending amendment. In addition, he has always been a stout defender of the tobacco growers who are so important to his State and to mine. I thank him, and I commend him.

Mr. TALMADGE. I thank my distinguished colleague.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, a parliamentary inquiry. What is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 17 minutes remaining, and the Senator from Minnesota has 18 minutes remaining.

Mr. HATFIELD. I thank the Chair.

Mr. President, we have heard the arguments made this morning that the proceeds from the sales of tobacco products are helpful to the development programs undertaken by the various recipient countries. No one has addressed the fact that sales from other commodities would also be equally helpful under the title I portion of the Public Law 480 program.

Be that as it may, whether they are selling tobacco products or other commodities, it should be pointed out again that we have no hard, empirical evidence that the countries which have been recipients of title I commodities have embarked upon any great economic development programs. We must look to the countries themselves for verification of fulfilling contract obligations. Our present procedures for judging the extent to which development objectives are being carried out in the various developing countries are inadequate.

If we are truly interested in economic development, let us add the necessary dollars under the International Development Assistance Act for a given country, instead of providing tobacco in hope that it will use the funds generated for development programs. We are scheduled to program $100 million for the Philippines in economic aid under the International Development Assistance Act. If its people require more money for development objectives, let us add the amount necessary under the International Development Assistance Act. It does not make sense to subject people to the danger of cancer as a prerequisite to obtaining increased development moneys.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent that Margo Carlisle and Jim Streeter, of my staff, have the privilege of the floor at all stages of the proceedings in this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HAYAKAWA. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that John Backer, a member of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Mishoe, a member of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, we have also heard, this morning, that my amendment would not provide more food to hungry people. I have never claimed that there would be a direct transfer of funds from tobacco sales to food sales. As I underscored earlier, my amendment would simply provide the potential for additional food sales should additional funds be available as the result of a prohibition on tobacco exports under the Food for Peace program.

I really cannot whip up any crocodile tears as I listen to the woes of the industry. We hear that, somehow, my amendment would be harmful to the U.S. tobacco industry. Last year, the American people smoked more than 600 billion cigarettes. Last year, the American people, through the tobacco industry, exported more than $1.4 billion worth of tobacco products.

We are talking about 1.1 percent of that total export. How can we become concerned about the fact that this is going to break the back of the industry, destroy the small farmer, or have any significant impact on U.S. balance of payments. We are talking about the integrity of the Food for Peace program. My amendment would have minimal impact on the industry. I indicated earlier, tobacco is being exported under the Commodity Credit Corporation's Credit Sales program, with U.S. Government financing assistance.

When we are talking about hurting everyone, we certainly are. It is hurting those who are in hospitals today, suffering from lung cancer. It is hurting those who cannot pay their doctor bills. It is hurting others who perhaps are in the process of developing this kind of disease.

When we talk about hurt, we ought to consider more than the hurt arising from the economic concerns of a few.

We heard the same arguments from the poppy growers of Turkey. If we put on the heat and the hard lid about opium imports, we would hurt the small farmers of Turkey.

The question here is not simply economics. The economic argument does not hold, because it touches on a very small part of the total industry.

According to the manager of this bill, Senator HUMPHREY, before a House committee this morning, it is now known that 70 to 90 percent of all cancer is caused by environmental conditions such as sunlight, smoking, and industrial chemicals.

I further quote Senator HUMPHREY when he said:

There is no doubt whatsoever that prevention always is preferred to cure.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr HATFIELD I yield.

Mr FORD What percentage did the good Senator from Minnesota give as it related to these various components that supposedly cause cancer?

Mr HATFIELD The news report did not include the breakdown.

Mr FORD Is the Senator talking about health care or economics?

Mr HATFIELD The point is, Mr President, that we have spent, as I indicated earlier more than $5 billion for cancer research It is inconsistent to export a major cause of cancer to our trading partners while spending such large sums on finding cures to the disease.

What we are considering here is the removal of tobacco exports under the food for peace program. It is ridiculous to export the raw materials for products that supposedly will be some kind of asset to the recipient country or to the recipient who uses it.

I am not here this morning to try to put a ban on smoking, but it is ridiculous for this country to export this kind of product under food for peace. I only ask for its elimination under this program

Mr HUMPHREY Mr President, how much time do we have?

The PRESIDING OFFICER. The Senator from Minnesota has 18 minutes, and the Senator from Oregon has 10 minutes.

Mr HUMPHREY Senator HUDDLESTON had asked for time first.

Mr HUDDLESTON I should like a few minutes

Mr HUMPHREY I yield first to the Senator from Kentucky, then to the Senator from South Carolina, then to the Senator from North Carolina.

Mr HUDDLESTON I thank the distinguished Senator

Mr President, Congress enacted Public Law 480, the Agricultural Trade Development and Assistance Act, in 1954. As the title indicates, the law has two basic purposes. The first is to expand U.S. trade. The second is to use U.S. abundance to assist other nations in developing their economies.

The goals of Public Law 480, which are clearly stated in the act, are to develop new markets for American farm products, to expand export markets, to combat hunger, and promote the foreign policy of the United States. The act authorizes the sale of agricultural commodities for local currency and the donation of surplus commodities for emergency relief

Since Public Law 480 was enacted, we have extended economic assistance totaling $26 billion to over 100 countries through its provisions. Many nations that required massive aid in the early years of the program have become major cash customers of U.S. farm products. This success is best illustrated by the fact that 14 developing nations which received aid in the 1950's have become cash customers in the 1970's.

The amendment we are currently considering would prohibit the financing of tobacco exports to developing nations under title I of Public Law 480. In my judgment, if it is adopted, this amendment would not only restrict the specified intent of the program "to expand international trade" but would inadvertently limit the humanitarian and economic development purposes of the act.

Mr. President, I emphasize that voting against this amendment is not voting against humanitarian food aid. This amendment affects only the title I program. And title I is not a food aid program in a sense that it provides food to those people who cannot meet their needs in the commercial marketplace. Title II provides direct food aid to the needy in developing countries. And, I hasten to point out that tobacco is not permitted under title II.

There are those Senators who have been led to believe that voting to eliminate the eligibility of tobacco under title I will make more food available to needy people. This is simply not true. Title I sales are based upon the availability of commodities in the United States and upon the needs of the recipient country.

There has never, to my knowledge, been a case where sales of tobacco displaced sales of food commodities. And it cannot be assumed that more food commodities will be programed as a result of eliminating tobacco.

Mr. President, there is nothing "wrong" with being a tobacco producer. Tobacco production is not illegal, and tobacco producers should be accorded the same opportunities to sell their products and develop foreign markets as the producers of other farm commodities.

In the United States tobacco is normally the fourth or fifth most valuable crop in terms of cash receipts. We have over 500,000 tobacco farmers. And the vast majority of these are small farmers. Farmers to which, many times, the income from an acre or two of tobacco means the difference between staying on the farm or leaving the farm for the urban areas and the welfare rolls.

Furthermore, Public Law 480 is a trade program. Sales of U.S. tobacco under title I are only made at the request of the foreign government. We do not say to our Public Law 480 customers that for every so many bushels of wheat they have to take a pound of tobacco.

Public Law 480 tobacco earns "hard currency" for the recipient nation. Public Law 480 tobacco generates employment for the recipient nation.

No other type aid offered can as effectively serve as a revolving fund to generate hard currency and stimulate the economy as tobacco. Failure to supply tobacco to eligible foreign customers under Public Law 480 will result in these countries purchasing their tobacco needs from other sources. And this means lost sales now and later to our tobacco farmers.

Mr. President, the recipient country of title I aid enters into an agreement with the United States to implement certain self-help measures. For example, the self-help measures agreed to by Egypt, which receives title I tobacco, state:

B. The Government of Egypt agrees to undertake the following activities and to provide adequate budget support for their implementation:

1. Expand its program of water and land management, including tile drainage, water usage and water control.

2. Develop scope of work or study program for determining actual magnitudes, and identify actions which would bring about improvement in the marketing of fruits and vegetables

3 Identify needs for increased or improved storage facilities for edible oils and grains, including specific quantity targets for port areas, inland terminal locations, market towns, and farm storage. Initiate timely actions to meet these needs

4. Strengthen systems for collection, computation and analysis of agricultural data and information including import, export and other related trade data for use in determining production, pricing, and marketing policies.

5. Strengthen the national program for making available to all levels of society information on the effect of rapid population growth on the family unit, the village and the nation.

6. Strengthen outreach capabilities for the delivery of social services such as health, nutrition and family planning to rural areas.

Another title I tobacco recipient is Portugal. The contract with Portugal states:

B The Government of Portugal agrees to:

1 Construct bulk grain handling facilities at an appropriate deep water port and continue construction of inland grain handling facilities.

2. Construct wholesale fruit and vegetable markets near population centers as marketing aid to small growers and distribution aid to all consumers including the lowest income sectors of the urban population.

3. Develop the capability of collecting and analyzing agricultural data necessary for the formulation of rural and agricultural development policies, including the development of an adequate market news service.

4. Develop an area sample frame to provide estimates for production for all major crops grown within the country

5. Increase the level of credit and the means of making it more readily available for private agri-businesses and privately organized cooperatives.

6. Establish a nationwide service to provide farmers with frequent, current market information.

7. Develop the fishing fleet.

8. Create a special line of credit for farmers, private entrepreneurs, and privately-organized cooperatives to finance medium and long-term investments in production, processing, and marketing facilities, with special emphasis on the development of the crop and cattle production.

Mr. President, I ask unanimous consent that the summary of the title I agreements for Egypt, Portugal, Syria, the Philippines, and Zaire be printed in the RECORD at the conclusion of my remarks. These are the countries which will purchase tobacco during fiscal year 1977 under title I.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUDDLESTON. Mr. President, I commend the distinguished chairman of the Committee on Agriculture, Nutrition and Forestry, Senator TALMADGE, for the very thorough manner in which he indicated the true issues that are involved here.

I say to the Senator from Oregon, who is relying heavily on the health issue as support for his amendment, that nothing we could do here relating to this amendment would have anything at all to do with smoking and with whether or not individuals in this country or anywhere else in the world would continue

to smoke. This is also true as to attacks on the tobacco price-support/production-control program. Eliminating the tobacco program is not going to eliminate smoking.

This is a trade issue. The name of the act to which we refer constantly as the food-for-peace program—which is a misnomer—is the Agricultural Trade Development and Assistance Act. To call it a food-for-peace program, as it relates to title I, is totally inaccurate. Title I of Public Law 480 is a trade development program. Perhaps food for peace could be applied to title II, but nowhere in title II is tobacco an issue, nor is it considered.

Mr. President, it is proposed that we do something here that could have a very detrimental effect on the United States and, even more important, on the developing countries which seek and ask for this commodity and use it in developing their local economies. Tobacco has been important to them. Tobacco is important to them.

The objectives of the Public Law 480 are outlined in section 2 of the act itself. They are:

First. Expanding international trade;

Second. Developing and expanding overseas markets for American farm products;

Third. Preventing or alleviating malnutrition and hunger throughout the world;

Fourth. Encouraging economic development and improving food production in less developed countries;

Fifth. Providing an additional outlet for the products of American farms and ranches, especially in times of surplus; and

Sixth. Advancing the objectives of U.S. foreign policy.

Has the policy of the Congress changed?

Total U.S. tobacco exports exceed $1 billion a year. Why do we want to jeopardize the future of this highly important farm commodity?

I therefore urge my colleagues to defeat this amendment.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,
Washington, D.C., March 29, 1977

TITLE I, P.L. 480 AGREEMENT WITH THE GOVERNMENT OF PORTUGAL

SUMMARY

Date Signed: October 22, 1976.

I. Commodity Table:

[Dollar amounts in millions]

Commodity	Supply period (U.S. fiscal year)	Approximate maximum quantity (metric tons)	Maximum export market value	Estimated CCC cost
Rice	1977	70,000	$18.2	$18.2
Wheat	1977	60,000	7.2	7.2
Corn/grain sorghums	1977	25,000	3.0	3.0
Upland cotton	1977	[1] 20,000	7.6	7.6
Tobacco	1977	3,300	14.0	14.0
Ocean transportation (differential)				1.6
Total			50.0	51.6

[1] Bales.

II. Payment Terms: Dollar Credit—

1. Initial Payment—5 percent.

2. Currency Use Payment—10 percent-Section 104(a).

3. Number of Installment Payments—15.

4. Amount of Each Installment Payment—approximately equal annual amounts.

5. Due Date of First Installment Payment—2 years from date of last delivery of commodities in each calendar year.

6. Interest Rate—4½ percent.

III. Usual Marketing Table:

Commodity	Import period (U.S. fiscal year)	Usual marketing requirement (metric tons)
Rice	1977	29,000.
Wheat	1977	280,000.
Corn/grain sorghum	1977	897,000.
Cotton	1977	480,000 bales of which 30,000 should be from the United States.
Tobacco	1977	7,627 (of which 1,329 should be from United States).

IV. Export Limitations:

A. The export limitation period shall be U.S. Fiscal Year 1977 or any subsequent U.S. fiscal year during which commodities financed under this agreement are being imported or utilized.

B. For the purpose of Part I, Article IIIA (4) of the agreement, the commodities which may not be exported are: for rice—rice in form of paddy, brown or milled; for wheat/wheat flour—wheat, rolled wheat, semolina, farina or bulgur (or the same product under a different name); for corn/grain sorghums—corn, grain sorghums, barley, oats, and rye including mixed feed containing such grains; for cotton—cotton and cotton textiles (including yarn and waste); and for Tobacco—none.

C. Permissible Exports:

Commodity: Cotton Textiles.

Quantity and Conditions: Exports of cotton textiles in raw cotton content equivalent in weight to 345,000 bales (480 pounds net) during U.S. FY 1977. If this export quantity is exceeded, the raw cotton equivalent in weight of such cotton textile exports will be imported from the U.S. to Portugal and paid for with the resources of the importing country, but such offset purchase requirement need not to exceed the level of total Title I, P.L. 480 imports during the supply period.

Period Export Permitted: During U.S. FY 1977 and any comparable supply period during which cotton purchased under this agreement is being imported or utilized.

V. Self-Help Measures:

A. In implementing these self-help measures specific emphasis will be placed on contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture.

B. The Government of Portugal agrees to:

1. Construct bulk grain handling facilities at an appropriate deep water port and continue construction of inland grain handling facilities.

2 Construct wholesale fruit and vegetable markets near population centers as marketing aid to small growers and distribution aid to all consumers including the lowest income sectors of the urban population.

3. Develop the capability of collecting and analyzing agricultural data necessary for the formulation of rural and agricultural development policies, including the development of an adequate market news service.

4. Develop an area sample frame to provide estimates for production for all major crops grown within the country.

5. Increase the level of credit and the means of making it more readily available for private agri-businesses and privately organized cooperatives.

6. Establish a nationwide service to provide farmers with frequent, current market information.

7. Develop the fishing fleet.

8. Create a special line of credit for farmers, private enterpreneurs, and privately-organized cooperatives to finance medium and long-term investments in production, processing, and marketing facilities, with special emphasis on the development of the crop and cattle production.

VI. Economic Development Purposes for which Proceeds Accruing to Importing Country are to be Used:

A. The proceeds accruing to the importing country from the sale of commodities financed under this agreement will be used among the reporting country's major regional subdivisions to the extent possible, approximately in proportion to the geographical distribution of its population and for financing the self-help measures set forth in the agreement and for the following economic development sectors: Agriculture and all fishing.

B. In the use of proceeds for these purposes emphasis will be placed on directly improving the lives of the poorest of the recipient country's people and their capacity to participate in the development of their country.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,
Washington, D.C., April 11, 1977.

TITLE I, P.L. 480 AGREEMENT WITH THE GOVERNMENT OF ZAIRE

SUMMARY

Date signed: May 24, 1977.

1. COMMODITY TABLE

Commodity	Supply period (U.S. fiscal year)	Approximate maximum quantity (metric tons)	Maximum export market value (millions)	Estimated CCC cost (millions)
Rice	1977	4,000	$1.0	$1.0
Corn/grain sorghums	1977	5,000	.6	.6
Tobacco	1977	3,000	13.8	13.3
Ocean transportation (differential)				.2
Total			14.9	15.1

II. Payment Terms: Dollar Credit (20 years credit):

1. Initial Payment—5 percent.

2. Currency Use Payment—10 percent for Section 104(a) purposes.

3. Number of Installment Payment—19.

4. Amount of Each Installment Payment—Approximately equal annual installments.

5. Due Date of First Installment Payment—two years from date of last delivery of commodities in each calendar year.

6. Interest Rate—3 percent.

III. Usual Marketing Table:

COMMODITY. IMPORT PERIOD (U.S. FISCAL YEAR), USUAL MARKETING REQUIREMENT (METRIC TONS)

Rice: 1977, None.

Corn/Grain Sorghums: 1977, 95,000.

Tobacco: 1977, None.

IV. Export Limitations:

A. The export limitation period shall be U.S. Fiscal Year 1977 or any subsequent U.S. fiscal year during which commodities financed under this agreement are being imported or utilized.

B. For the purpose of Part I, Article III (4)(a) of the agreement, the commodities which may not be exported are: for rice—rice in the form of paddy, brown or milled; for corn/grain sorghums—corn, grain sor-

ghums, barley, oats, and rye including mixed feed containing such grains; for tobacco—none.

V. Self-Help Measures:

A. In implementing these self-help measures specific emphasis will be placed on contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture.

B. The Government of Zaire agrees to:

1. Continue to provide budgetary support of Agricultural Service and Staff, vocational schools and training, the framework for on-the-job training and upgrading, and agricultural credit efforts.

2. Further support the agricultural research programs (distribution to farmers) which emphasizes testing and multiplication of improved seeds.

3. Address transportation problems as they relate to farmer-to-market roads, their repair and maintenance.

4. Place particular emphasis on improvement of data gathering utilization as it relates to agricultural statistics.

5. Strengthen data gathering programs for sub-sector studies (small farmer) to evaluate provisioning, product disposition and production.

VI. Economic Development Purposes for which Proceeds Accruing to Importing Country are to be Used:

A. The proceeds accruing to the importing country from the sale of commodities financed under this agreement will be used for financing the self-help measures set forth in the agreement and for the following economic development sectors: Agriculture.

B. In the use of proceeds for these purposes emphasis will be placed on directly improving the lives of the poorest of the recipient country's people and their capacity to participate in the development of their country.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,
Washington, D.C., May 12, 1977.

TITLE I, P.L. 480 AGREEMENT WITH THE GOVERNMENT OF THE REPUBLIC OF PHILIPPINES

SUMMARY

Date Signed: May 12, 1977.

1. Commodity Table:

Commodity: Tobacco.

Supply Period (United States Calendar Year): 1977.

Approximate Maximum Quantity (Metric Tons): 3,000.

Maximum Export Market Value: $13.2 million.

Estimated CCC Cost: $13.2 million.

Ocean Transportation (Estimated Differential).

2. Payment Terms: Dollar Credit (DC).

a. Initial Payment—Ten (10) percent.

b. Currency Use Payment—Twenty (20) percent for 104 (a) purposes.

c. Number of Installment Payments—Nineteen (19).

d. Amount of Each Installment Payment—Approximately equal annual amounts.

c. Due Date of the First Installment Payment—Two (2) years after the date of the last delivery of commodities in each calendar year.

f. Interest Rate Throughout Period of Agreement—Three (3) percent.

3. Usual Marketing Table:

Commodity: Tobacco.

Import Period (United States Calendar Year): 1977.

Usual Marketing Requirement: 6,000 metric tons of which at least 4,500 metric tons shall be imported from the United States of America.

4. Export Limitations:

a. Export Limitation Period: The export limitation period shall be the United States Calendar Year 1977 or any subsequent U.S. Calendar Year in which commodities financed under this agreement are being imported or utilized.

b. Commodities to which Export Limitations Apply: For the purposes of Part I, Article III A (4) of this agreement, there are no commodity export limitations.

5. Self-Help Measures: The Government of the Philippines will continue to place specific emphasis on actions contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture. The GOP intends to:

a. Continue efforts to achieve progress in agricultural production through:

(1) An integrated agricultural production and marketing program including research, training, and improvement of extension programs.

(2) Improvement and expansion of small-scale irrigation projects.

(3) Establishment of rural service centers including equipment pools.

(4) Production and distribution of improved seeds.

(5) Analysis of agricultural policies from the standpoint of their effect on production incentives and rural income.

b. Identify needs for increased or improved storage facilities for food grains and develop plans to meet such needs, giving separate consideration to port areas, other terminal locations, and market towns.

c. Improve the marketing system for farm products and production inputs to insure market outlets, reduce costs, reduce product waste, and insure that inputs are available on a timely basis. Marketing activities will include efforts to establish sound farmer cooperatives through provision of credit and through training.

d. Continue efforts to expand fish production in inland and coastal areas.

e. Continue programs to broaden the ownership of land by actual tillers, with coordinated actions to ensure that production is maintained or increased following transfer to tillers.

6. Economic Development Purposes for Which Proceeds Accruing to the Importing Country Are to Be Used:

a. The proceeds accruing to the importing country from the sale of commodities financed under this agreement will be used for financing the self-help measures set forth in the agreement and for the following economic sectors: food and nutrition, family planning and rural development as they appear in the Philippine Development Program.

b. In the use of proceeds for these purposes emphasis will be placed on directly improving the lives of the poorest of the recipient country's people and their capacity to participate in the development of their country.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,
Washington, D.C., March 3, 1977.

P.L. 480 TITLE I AGREEMENT WITH THE SYRIAN ARAB REPUBLIC

SUMMARY

Date Signed: March 3, 1977.

I. Commodity Table:

Commodity	Supply period (U.S. fiscal year)	Approximate maximum quantity (metric tons)	Maximum export market value (millions)	Estimated CCC cost (millions)
Rice	1977	35,000	$9.7	$9.7
Tobacco	1977	1,200	5.3	5.3
Ocean transportation (estimated differential)	-	-	-	1.0
Total	-	-	15.0	16.0

II. Payment Terms: Dollar Credit.

a. Initial Payment—5 percent.

b. Currency Use Payment—2 percent for Section 104(A) purposes.

c. Number of Installment Payments—19.

d. Amount of Each Installment Payment—approximately equal annual amounts.

e. Due Date of First Installment—two years after date of last delivery of commodities in each calendar year.

f. Initial Interest Rate—2 percent.

g. Continuing Interest Rate—3 percent.

III. Usual Marketing Table:

Commodity	Import period (U.S. fiscal year)	Usual marketing requirements (metric tons)
Rice	1977	30,000
Tobacco	1977	[1] 2,750

[1] Of which 1,500 metric tons shall be imported from the United States.

IV. Export Limitations:

A. The export limitation period shall be United States Fiscal Year 1977 or any subsequent U.S. Fiscal Year during which commodities financed under this agreement are being imported or utilized.

B. For purposes of Part I, Article III A(4) of the agreement, the commodities which may not be exported are for rice—rice in the form of paddy, brown or milled, except for aromatic (Basmati type) rice; and for tobacco—none.

V. Self-Help Measures:

A. In implementing these self-help measures specific emphasis will be placed on contributing directly to development progress in poor rural areas and on enabling the poor to participate actively in increasing agricultural production through small farm agriculture.

B. The Government of the Syrian Arab Republic agrees to:

1. Emphasize increased production of food grains and livestock by giving budgetary priority to these goals.

2. Expand and improve its system of grain storage facilities in order to provide for orderly marketing and to prevent losses due to insects, rodents, etc.

3. Strengthen its agricultural education and training institutions, including its extension service.

4. Expand applied research on food crops and livestock. In the case of livestock, emphasis should be given to increasing production from arid lands while at the same time improving pasture conditions.

5. Continue to expand the area of irrigated agriculture, emphasizing those crops most needed by the Syrians.

6. Improve the agricultural infrastructure of the country, especially marketing facilities and farm to market roads.

VI. Economic Development Purposes for which Proceeds Accruing to Importing Country are to be Used:

A. The proceeds accruing to the importing

country from the sale of commodities financed under this agreement will be used for financing the self-help measures set forth in the agreement and for agricultural and economic development purposes.

B. In the use of proceeds for these purposes emphasis will be placed on directly improving the lives of the poorest of the recipient country's people and their capacity to participate in the development of their country.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL SALES MANAGER,

Washington, D.C., April 18, 1977.

AMENDMENT TO THE TITLE I, P.L. 480 AGREEMENT WITH THE GOVERNMENT OF EGYPT

SUMMARY

Date signed: April 18, 1977 (Second Amendment to the October 26, 1976 Agreement)[1 2]

1. Commodity Table:

[Dollar amounts in millions]

Commodity	Supply period (U.S. fiscal year)	Approximate maximum quantity (metric tons)	Maximum export market value	Estimated CCC cost
A. Second amendment:				
Feedgrains[1 2]	1977	100,000	$10.0	$10.0
Ocean transportation (estimated differential)				1.4
Total			10.0	11.4
B. Cumulative program (2d amendment plus Oct. 26, 1976 agreement):				
Wheat/wheat flour[1 2] (grain equivalent basis)	1977	1,400,000	155.3	155.3
Feedgrains[1 2]	1977	200,000	20.2	20.2
Dry beans[1]	1977	4,000	1.4	1.4
Tobacco[1]	1977	5,000	20.3	20.
Ocean transportation (estimated differential)				19.6
Total			197.2	216.8

[1] The amendment of Feb. 14, 1977, provides for 100,000 metric tons of feedgrains with a value of $10,200,000 and 4,000 metric tons of dry beans with a value of $1,400,000; increases the quantity of wheat/wheat flour by 400,000 metric tons to 1,400,000 metric tons and the value by $44,000,000 to $165,300,000 and increases the quantity of tobacco by 1,000 metric tons to 5,000 metric tons and the value by $4,400,000 to $20,300,000. The total export market value of the title I agreement is increased from $137,200,000 to a new total of $197,200,000 in fiscal year 1977. Usual marketing requirements and export limitation provisions are applicable for dry beans and feedgrains. All other terms and conditions of the title I agreement remain the same.

[2] The amendment of Apr. 18, 1977 (A) decreases the export market value of wheat/wheat flour from $165,300,000 to $155,300,000, and (B) increases the quantity of corn from 100,000 to 200,000 metric tons and the export market value from $10,200,000 to $20,200,000. The total export market value of the title I agreement remains unchanged at $197,200,000 for fiscal year 1977. All other terms and conditions of the title I agreement of Oct. 26, 1976, as amended Feb. 14, 1977, would remain the same

II. Payment Terms: (Dollar Credit).

1. Initial Payment—5 percent.

2. Currency Use Payment—None.

3. Number of Installment Payments—19.

4. Amount of each Installment Payment—Approximately equal annual amounts.

5. Due Date of First Installment Payment—Two years after date of last delivery of commodities in each calendar year.

6. Initial Interest Rate—2 percent.

7. Continuing Interest Rate—3 percent.

III. Usual Marketing Table:

Commodity	Import period (U.S. fiscal year)	Usual marketing requirements (metric tons)
Wheat and/or wheat flour (grain equivalent basis)	1977	2,600,000
Feedgrains[1]	1977	320,000
Dry beans[1]	1977	None
Tobacco and/or tobacco products	1977	[2] 17,800

[1] The amendment of Feb. 14, 1977, provides for 100,000 metric tons of feed grains with a value of $10,200,000 and 4,000 metric tons of dry beans with a value of $1,400,000; increases the quantity of wheat/wheat flour by 400,000 metric tons to 1,400,000 metric tons and the value by $44,000,000 to $165,300,000 and increases the quantity of tobacco by 1,000 metric tons to 5,000 metric tons and the value by $4,400,000 to $20,300,000. The total export market value of the title I agreement is increased from $137,200,000 to a new total of $197,200,000 in fiscal year 1977. Usual marketing requirements and export limitation provisions are applicable for dry beans and feedgrains. All other terms and conditions of the title I agreement remain the same.

[2] Of which 860 metric tons shall be imported from USA.

IV. Export Limitations: [1]

A. The export limitation period for wheat/wheat flour and tobacco and/or tobacco products, shall be fiscal year 1977 and for feedgrains and dry beans shall begin on the date the agreement is signed and continue through fiscal year 1977 or any susbequent fiscal year during which commodities financed under this agreement are being imported or utilized.

B. For the purpose of Part I, Article III A4 of the agreement, the commodities which may not be exported are: for wheat/wheat flour—wheat, wheat flour rolled wheat, semolina, farina or bulgur (or the same product under a different name); for tobacco and/or tobacco products—none; for dry beans—dry beans; and for feedgrains—corn, cornmeal, barley, grain sorghum, rye, oats and any mixed feeds containing predominately such grains.

V. Self-Help Measures:

A. In implementing these self-help measures specific emphasis will be placed on contributing directly to development progress in poor rural areas and enabling the poor to participate actively in increasing agricultural production through small farm agriculture.

B. The Government of Egypt agrees to undertake the following activities and to provide adequate budget support for their implementation:

1. Expand its program of water and land management, including tile drainage, water usage and water control.

2. Develop scope of work or study program for determining actual magnitudes, and identify actions which would bring about improvement in the marketing of fruits and vegetables.

3. Identify needs for increased or improved storage facilities for edible oils and grains, including specific quantity targets for port areas, inland terminal locations, market towns, and farm storage, initiate timely actions to meet these needs.

4. Strengthen systems for collection, computation and analysis of agricultural data and information including import, export and other related trade data for use in determining production, pricing, and marketing policies.

5. Strengthen the national program for making available to all levels of society information on the effect of rapid population growth on the family unit, the village and the nation.

6. Strengthen outreach capabilities for the delivery of social services such as health, nutrition and family planning to rural areas.

VI. Economic Development Purposes for Which Proceeds Accruing to Importing Country Are To Be Used:

A. The proceeds accruing to the importing country from the sale of commodities financed under this agreement will be used for financing the self-help measures set forth in the agreement and for the following economic development sector: Agricultural and rural development.

B. In the use of proceeds for these purposes emphasis will be placed on directly improving the levels of the poorest of the recipient country's people and their capacity to participate in the development of their country.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able and distinguished Senator from Georgia, the chairman of the Committee on Agriculture, for the outstanding leadership he has shown in this matter.

Mr. President, I rise in vigorous opposition to the Hatfield amendment, which would prohibit the financing of tobacco exports to developing nations under title I of Public Law 480.

It simply is not true, as some seem to believe, that by not shipping tobacco under title I of Public Law 480 we would enable the poor in other countries to be better fed or clothed.

Mr. President, we must keep the issues separate and clear. Under title II of Public Law 480, the President of the United States is authorized to determine requirements and furnish agricultural commodities, on behalf of the people of the United States, for humanitarian needs abroad. This could include needs to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing areas; and to provide food for needy persons, nonprofit school lunch programs, and preschool feeding programs. Tobacco products are not exported to any countries under title II of Public Law 480.

However, under title I, the President is authorized to negotiate and carry out agreements to provide for the sale of agricultural commodities on credit terms for dollars, or for currencies convertible to dollars, at a minimum interest charge of 2 percent. Tobacco is exported under title I of Public Law 480, but we must remember that it is exported only under this title.

As I understand it, current legislation requires that Public Law 480 recipient countries must maintain their commercial purchases from the United States and other "friendly countries" while they are receiving and utilizing Public Law 480 title I commodities. Consequently, in some cases these countries cannot utilize additional quantities of food because of these marketing requirements. Additional factors, such as a lack of storage capacity, inadequate port handling facilities, food purchase from other countries, may dictate the composition of a Public Law 480 agreement. When these situations exist and the recipient country requests tobacco, it seems to me to

be quite appropriate to include tobacco. The effect on the budget of a developing country of the funds generated by the sale of tobacco will be just as beneficial as the funds generated by some other commodity.

It is also recognized that those repsenting the small tobacco farmers were among the designers of the original Public Law 480 legislation and have been strong supporters since the beginning. Mr. President, we must remember that we are discussing the Agriculture Trade and Assistance Act, and I do not believe that any farm commodity produced in sufficient quantities to qualify under section 401 of the act should be precluded from program consideration. Public Law 480 has proven to be a valuable program in the past, and it will need supporters in the years to come, just as it has in the past. Elimination of tobacco from title I sales would not only frustrate the specified intent of the program, but also limit the humanitarian and economic development purposes of Public Law 480.

It is well known that agricultural commodities have in recent years greatly strengthened our balance-of-payments position. Tobacco ranks fifth in total U.S. agricultural exports and contributes annually over $1 billion in net favorable trade balance. Mr. President, the tobacco included in the Public Law 480, although a relatively small amount, helps to produce this favorable balance of payments for agricultural products. I fear the elimination of tobacco from eligibility for sales under Public Law 480 will lead to attempted elimination of the eligibility of other nonfood products under Public Law 480.

Mr. President, I believe the elimination of the eligibility of tobacco to be sold under title I of Public Law 480 would benefit no one. It would not benefit the recipient country which requested this tobacco and which would most likely just get the tobacco from some other country. It would not benefit the 600,000 small farm families who depend on tobacco for their livelihood. The elimination of tobacco from the Public Law 480 program would add still further to our trade deficit payments.

Mr. President, I urge my colleagues to look beneath the surface of this amendment and join me in defeating it.

Mr. HUMPHREY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. HUMPHREY. I yield the Senator from North Carolina 5 minutes if he needs it.

Mr. HELMS. I thank the Senator.

Mr. President, there is no Member of this body for whom I have greater respect than the able Senator from Oregon. He is a courageous man, he is a sincere man. I happen to believe he is sincerely wrong in this case because the passage of his amendment would accomplish only two things, both of them undesirable. First, it would decrease U.S. agricultural exports, thus adversely affecting U.S. balance of payments. Second, it would decrease the demand for American-produced tobacco thus decreasing income to tobacco farmers and this, of course, as the Senator knows, is of enormous importance to my State of North Carolina.

The Senator's amendment would not increase the amount of grain exported under the Public Law 480 program. He has already discussed that point. He has said he has not contended that.

The proponents of this amendment contend that this nonfood agricultural commodity should be eliminated from the Public Law 480 program. Mr. President, let us read the declaration of policy of the Agricultural Trade and Development Assistance Act of 1954 as amended, which is taken from 7 USC 1691:

1691. Declaration of policy: The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

Let me emphasize the first two purposes stated in the declaration of policy section, "to expand international trade; to develop and expand export markets for United States agricultural commodities." If the Senator from Oregon desires to repeal one of the two basic purposes of the program and eliminate the market promotional aspect of the law which is basically title I, then he should introduce legislation to that end and hearings should be held to determine if the market promotion part of the program has become outdated.

An article in the May 1977 edition of Successful Farming clearly points out the benefits of the market promotional aspects of the so-called food for peace program. The article is entitled "Taiwan Next $1 Billion Farm Customer?"

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAIWAN NEXT $1 BILLION FARM CUSTOMER?

Taiwan bought only $114 million worth of U.S. farm products in 1970. That figure now approaches $600 million. By 1980, it will be $1 billion—perhaps higher (see table below).

Only four countries—Japan, West Germany, Canada and The Netherlands—now regularly buy $1 billion or more in U.S. farm goods per year.

Also known as Formosa, Nationalist China or Republic of China, tiny Taiwan is a rapidly growing market for U.S. wheat, corn, soybeans, cattle hides, cotton and tobacco. These items made up over 90% of last year's farm imports from the U.S.

"Our exports to Taiwan could hit $1 billion in 1980 or even earlier," predicts Amjad Gill, USDA foreign demand specialist.

Industrial growth. Taiwan's economy has been booming the past decade. Until the mid-1960's, she got U.S. farm commodities under foreign aid programs. Since then, all her purchases have been on a commercial basis.

"Industrialization is the driving force behind Taiwan's expanding economy," explains Gill. "By grabbing up prime land, it reduces crop production while simultaneously raising demand for farm products."

Long-term commitment. Taiwan recently signed a five-year deal with private U.S. grain firms to guarantee a steady and reliable source.

Included are agreements to buy at least 118 mil. bu. of soybeans, 108 mil. bu. of corn, 105 mil. bu. of wheat and 64 mil. bu. of barley. "These are minimum targets; actual amounts may be higher," says Gill.

While soybeans are important in their diets, Taiwanese produce only 10% of their needs. They import the rest, nearly all from the U.S.

Corn imports are expected to rise sharply in the years ahead. Big gains will largely result from a government program to increase livestock and poultry production.

Millions of dollars in U.S. farm exports to Taiwan

1969–70	$114
1970–71	$170
1971–72	$169
1972–73	$244
1973–74	$518
1974–75	$410
1975–76	$562
1979–80	($1,000)

Mr. HELMS. This is a prime example of how the United States has developed a commercial cash export market through our foreign aid programs. If American agricultural commodity sales are going to keep pace with increasing agricultural productivity, then it is essential that foreign markets continue to be developed.

Tobacco is the most important agricultural commodity in North Carolina. It is a major crop in no less than 15 other States and is produced in small amounts in 7 additional States. Over 600,000 farm families depend upon tobacco for their livelihood.

One-third of the total U.S. tobacco production is dependent on export markets; 40 to 50 percent of the Flue-cured tobacco, which is my State's major crop, is exported.

Although less than 2 percent of our tobacco export sales are financed through the Public Law 480 program, these sales are especially important because historically they have developed new markets for tobacco.

Mr. President, during the hearings the Senate Agriculture Committee held on extension of the Public Law 480 program earlier this year, I do not recall one single witness suggesting that tobacco be eliminated from the program. I am not aware of any foreign country that has asked that tobacco be eliminated so that it can buy more grain under title I.

In fact, as I stated earlier, I do not believe that the amount of grain shipped under the Public Law 480 program would be increased if tobacco were eliminated from title I sales. First, USDA officials have informed me that most countries take care of their food needs before requesting Public Law 480 credit to purchase tobacco. I want to emphasize that the receipient country, not the United States, selects the U.S. commodity they need. Secondly, the title I sales are financed through Commodity Credit Corporation funds. In most fiscal years, such as this fiscal year, the OMB-imposed

lending ceiling on title I sales is not reached. If the administration-imposed ceiling is reached and eligible countries are in need of food, historically this ceiling has been raised by the OMB or the President. Accordingly, Mr. President, I suggest that the passage of this amendment would not increase the amount of food grains exported through the Public Law 480 program.

Tobacco was the first crop exported by our forefathers and today it has remained an important agricultural commodity export. Foreign countries desire our unmanufactured tobacco because it provides their people with employment and their governments with tax revenue. Eliminating tobacco from the list of agricultural commodities eligible for Public Law 480 sales is not in the United States' best interest. Passage of this amendment would only hurt our balance of payments and decrease income to tobacco farmers. I strongly urge my colleagues to defeat this amendment.

I thank the distinguished Senator from Minnesota for yielding to me.

Mr. HUMPHREY. Mr. President, I yield 2 minutes to the Senator from Kentucky.

Mr. FORD. Mr. President, I, too, would like to compliment the distinguished chairman of the Committee on Agriculture, the senior Senator from Georgia, my colleague, Senator HUDDLESTON, Senator HELMS, and others who articulated the opposition to this amendment.

I want to just endorse what they have said and to suggest to the distinguished Senator from Oregon that tobacco is requested; the countries ask for it.

I think the Senator made a mistake a few moments ago when he said, "Sending these little white items overseas." I think the Senator was referring to cigarettes. Well, the Senator has not investigated what is done. It is unmanufactured tobacco that is sent, and increases and helps the economy which is part of the purpose behind this legislation.

Tobacco is a good trade item. It helps the small farmer. I cannot understand how the Senator can call 1.1 percent insignificant. 1.1 percent of improvement in the farm economy would be tremendous. Here the Senator is trying to take 1.1 percent away from them.

I am very hopeful that colleagues will exercise good judgment in opposition to this amendment.

I thank the chairman.

TOBACCO AND PUBLIC LAW 480

Mr. MORGAN. Mr. President, I appreciate the argument of those who oppose export of our tobacco products, if it were, indeed, the case that we were about to send tobacco to people starving for food. There are more than a hundred thousand tobacco farmers in North Carolina, and I do not believe any one of them would want to profit by sending tobacco to needy people, if what they need is food. But that is not the issue here.

It is true we are considering amendments to the Foreign Assistance Act. But this amendment actually pertains, not to the Foreign Assistance Act—and thus to our humanitarian aid—but to the Agricultural Trade Development Assistance Act. And that is a very different law, with very different aims and methods.

The objectives of the law we are really talking about amending here—Public Law 480—are multiple. They are not limited to what we do for the truly needy people of the world. The objectives of the law are humanitarian food aid, and two other things: Development assistance and trade expansion. Let me emphasize those words, "trade expansion," for that is where our support of tobacco exports comes in.

Title I of the Agricultural Trade Development Assistance Act does not have to do with humanitarian food aid. It has to do with export market development, and the financing provisions for it are based on the availability of commodities in the United States, in no small measure. To be sure, the needs of the importing nations are considered, but need is defined broadly. This aspect of our agricultural trade development efforts is a two-way street.

The point must be made, loud and clear, that in taking this opportunity to revise the Agricultural Trade Development Act, we would be going counter to the intent of that act. And it ought to be pointed out, as well, that we would in no way be enlarging the funds available for humanitarian food aid under title II of that act, or under the Foreign Assistance Act, which is what we are supposed to be debating today. Export development under title I of Public Law 480 simply does not displace the funds appropriated for food aid under title II. It is not the either or situation we have heard argued.

In summary, Mr. President, I want to make the point that we are not choosing here between food and tobacco. All we will do if we pass this amendment is deny our tobacco farmers a market of perhaps $30 million in 1977, and a market which traditionally has provided the basis for strong commercial relationships of far greater scale. We would not, in passing the amendment, free up funds for food aid.

I am afraid this amendment is not so much antihunger as it is merely antitobacco, and I have to oppose it on those grounds.

Mr. President, I ask unanimous consent that a "dear colleague" letter signed by Senators HUDDLESTON, TALMADGE, MORGAN, FORD, HELMS, HOLLINGS, THURMOND, STENNIS, EASTLAND, STONE, SPARKMAN, ALLEN, CHILES, NUNN, BAKER, DOLE, HARRY F. BYRD, JR., HUMPHREY, and SASSER, in relation to the Hatfield amendment, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
June 10, 1977

DEAR COLLEAGUE It is our understanding that Senator Hatfield intends to propose an amendment which would prohibit the financing of tobacco exports to developing nations under Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) during the consideration of S 1520, the Foreign Assistance Act Amendments We feel that such an amendment, if passed, would not only restrict the specified intent of the program "to expand international trade" but would inadvertently limit the humanitarian and economic development purposes of Public Law 480.

Title I of Public Law 480 authorizes the President to enter into long term concessional loan agreements with foreign governments to finance the sale of United States agricultural commodities. This arrangement not only helps develop foreign markets for U.S. farm commodities but relieves the recipient government from diverting scarce resources which might otherwise be devoted to public services such as economic development in order to meet commercial commodity import requirements.

We would like to emphasize the following points:

Voting against the Hatfield amendment is not voting against humanitarian food aid The amendment only affects the Title I concessional financing program. Since the purpose of the Title I program is to provide assistance to developing countries to meet commodity import requirements, it is not a food aid program in a sense that provides food to those people who cannot meet their needs in the commercial marketplace. Only Title II directly provides food to the needy in developing countries and tobacco is not permitted under this Title.

Voting for the Hatfield amendment will seriously undermine the market development aspects of the program. The multiple objectives of Public Law 480—humanitarian food relief, development assistance and trade expansion—provide a base of support enjoyed by few other international programs If the market development uses of Public Law 480 are restricted, this broad base of support will be seriously eroded.

Voting for the Hatfield amendment will not make any more food available to needy people Title I financing is based upon the availability of commodities in the United States and the needs of the recipient country Only about five percent of the financing available under Public Law 480 is used to sell tobacco. We have heard of no case where sales of tobacco displaced sales of food commodities and it cannot be assumed that more food commodities will be programmed as a result of eliminating tobacco.

Voting for the Hatfield amendment will limit the economic development uses of the program. To the extent that tobacco will not be replaced by other commodities in the use of Public Law 480, financial resources of the developing country's government will have to be diverted to meet import requirements. The self-help actions which might be encouraged by Title I agreements will also be restricted

Public Law 480 has been a strong and sound program for over 25 years. Help us to continue the strength this program enjoys. We urge you to join us in voting against the elimination of tobacco from the Title I commodity financing program.

Sincerely.

Walter D. Huddleston, Herman E. Talmadge, Robert Morgan, Wendell H. Ford, Jesse Helms, Ernest F Hollings, Strom Thurmond, John C. Stennis, James O. Eastland, Richard (Dick) Stone, John Sparkman, James B. Allen, Lawton Chiles, Sam Nunn, Howard H. Baker, Robert Dole, Harry F Byrd, Jr., Hubert H. Humphrey, and Jim Sasser

Mr DOLE. Mr. President, I want to speak in opposition to the amendment to eliminate tobacco from the Public Law 480, title I program. Since President Eisenhower signed the initial Public Law 480 legislation in 1954, there have been many amendments, and many new supporters of Public Law 480 have emerged as the success of the program has grown.

The tobacco industry, representing small family farmers who produce this commodity in 18 different States, were among the architects of the first Public Law 480 legislation and have been strong supporters of the program since its inception. I do not favor precluding from program consideration any farm commodity produced in the United States which is grown in sufficient quantity to satisfy the requirements of section 401 of Public Law 480 legislation concerning the availability of commodities for programing. To "drum" any commodity group out of the program arbitrarily after years of support in defending Public Law 480 from its detractors, not only disturbs my sense of fair play, but also seems unwise in looking toward the future. The Public Law 480 program will need friends and supporters in the years to come, just as it has in the past.

While I think it would be a mistake to eliminate tobacco from consideration for financing under title I of Public Law 480, I do have some thoughts on the priority that should be accorded tobacco in relation to food. I believe that in considering the overall program request for farm commodities from a Public Law 480 recipient country that first priority should be given to food and then to nonfood items.

Frequently, there are solid reasons as to why only a given quantity of food can be financed to a particular country under title I. Current legislation requires that commercial purchases by Public Law 480 recipient countries from the United States and "friendly countries" be maintained while they are receiving and utilizing Public Law 480 title I commodities. Therefore, sometimes additional quantities of food cannot be provided to a country, because of these "usual marketing" requirements. In other cases, storage capacities, port handling facilities, or food arrivals from other countries may dictate the commodity composition of a Public Law 480 agreement with a country. In such cases it seems quite appropriate to include tobacco, taking into account these factors. The funds generated by tobacco by its inclusion in a Public Law 480 program are just as useful for budget support in a developing country or for economic or agricultural development as they would be if generated by any other commodity.

In developing title I programs for recipient countries this year that included tobacco, inquiry will confirm that tobacco was included for reasons such as those I have mentioned, including financial support levels agreed to by our Government for foreign policy reasons.

The largest component of tobacco in any country was 5,000 tons to Egypt. I understand that tobacco was included to supplement the grain component of that program which could not be increased without violating the "usual commercial purchases" required by section 103(c) of Public Law 480. Yet the need was there to give the Egyptian Government badly needed budget support in the interest of peace in the Middle East. I further understand that the Egyptian Government needed to save foreign exchange normally spent on tobacco imports and made a special plea for Public Law 480 tobacco, citing the fact that their revenue from taxes on tobacco imports and cigarettes produced from such imports generates more revenue in support of their budget than those received from the operation of the Suez Canal.

I agree with Senator TALMADGE, chairman of our Committee on Agriculture, who has often expressed concern for the very small family tobacco farms—about 600,000 in number—which depend on tobacco production as their major source of income; income which cannot be replaced by the returns from any other commodity on such small acreages. The average tobacco allotment is only 2 acres.

Now, I am not claiming that whether these small farms survive depends on Public Law 480 programs. However, the modest amounts shipped under Public Law 480 do give access to some markets that our producers would not otherwise get and is helpful, especially considering the export problems currently facing tobacco.

In fiscal year 1976, only 5,400 tons of tobacco were exported under title I, Public Law 480. This tobacco valued at $20.6 million represented just 2.2 percent of the value of all title I commodities.

In fiscal year 1977, planned tobacco programing has increased because many Public Law 480 countries have had excellent food crops and are building stocks or their facilities will not accommodate additional grain without risk of spoilage. Consequently, because of the difficulty of placing additional foodstuffs, more tobacco requests have been honored in order to meet the overall commodity needs of Public Law 480 countries. Yet the tobacco program in fiscal year 1977 is only $50 to $60 million out of $800 million, allocated for title I commodities. I am told that no country has been "shorted" on food to accommodate tobacco programing.

If we were to cancel all tobacco programs in fiscal year 1977 we would not gain additional grain or other food exports under Public Law 480, because of the conditions that I have cited which affect the movement of grains this year.

In summary, I believe that producers of all U.S. farm commodities have the right to have their commodities considered for programing by those who administer the program. However, I would suggest to program administrators that the request for commodities of each Public Law 480 recipient country be reviewed with first priority assigned to food.

Mr. HUMPHREY. Mr. President, does the Senator from Oregon wish to say any more on his amendment?

Mr. HATFIELD. It depends on what the parliamentary situation is.

Mr. HUMPHREY. I was prepared to yield back whatever time I had remaining.

Mr. HATFIELD. I am ready to yield back the time I have remaining if the Senator is willing to yield back his remaining time.

Mr. HUMPHREY. Yes, I am.

Mr. President, I yield back my remaining time.

Mr. HATFIELD. Mr. President, could I have just 1 minute?

Mr. HUMPHREY. Yes, of course.

Mr. HATFIELD. Mr. President, I emphasize again that my amendment has little to do with our trade situation. It does not in any way affect the opportunity for the industry to continue to export as it has. For those who feel that a 1.1-percent reduction in tobacco exports is going to cripple the industry, I only indicate that the trend of increased consumption certainly would not indicate in any way that this industry is in financial difficulty.

I think that the upward trend in tobacco consumption will certainly compensate for whatever 1.1-percent reduction in the food for peace program we eliminate.

Mr. President, one final point. I think we must recognize that there is both title I and title II to Public Law 480. Tobacco products are not included under title II and for good reason. I think the same reasoning can and should be applied to title I. I urge the Senators to vote "aye" on this amendment.

At this time I say to the chairman of the committee I am ready to yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, we are prepared to yield back the remainder of our time on this side. The Senator from Oregon has done so.

UP AMENDMENT NO. 438

Mr. President, I have at the desk an amendment in the nature of a substitute, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ANDERSON). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes unprinted amendment numbered 438 in the nature of a substitute for amendment number 398 to S. 1520,

In lieu of the language proposed to be inserted, insert the following.

"SEC. 214. The Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end of title I the following new section:

" 'SEC. 114. In the allocation of funds made available under this title, priority shall be given to financing the sale of food and fiber commodities.'."

Mr. HUMPHREY. Mr. President, that amendment states what is the priority under Public Law 480. The emphasis for the utilization of the funds appropriated by Congress for Public Law 480 shall be upon food and fiber, and they will have the priority claim upon the appropriations.

There are many arguments that have been stated here today in reference to the amendment of the Senator from Oregon.

I simply add one point. We need broad support for Public Law 480. By not restricting it, I think that we broaden that base of support.

I for one am not a smoker. I once was, but I am not now. I do not look upon the issue involved, however, as whether or not you smoke cigarettes. I think it is to be looked upon, basically, as a part of the economic development program. The sale of unprocessed tobacco is related to title I. Title I, as the Senator

from Georgia pointed out in the agreements for the purchase of title I products and the use of the funds generated therein, provides for certain developments in countries that are the recipients of title I commodities.

Therefore, I beleive that the proposal that I have offered as a substitute places the proper emphasis. It says in just simple terms that on the funds appropriated by this Congress or any other Congress there shall be a priority in the allocation of such funds to the sale of food and fiber products.

Mr. President, I have nothing more to say. I think the amendment is brief and speaks for itself.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, a preliminary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. What time situation are we in at this point?

Mr. HUMPHREY. Fifteen minutes, I think, on each side.

The PRESIDING OFFICER. There are 30 minutes on the amendment, 15 minutes per side.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I always admire and respect our colleague from Minnesota for his effort to mediate, conciliate opposing viewpoints, and bring resolution to a problem.

But I have to say to my friend from Minnesota that this proposal reminds me of something similar to pregnancy in that there is no such thing as a little bit. You are either committed or you are not.

The whole thrust of my amendment was to remove tobacco products from the Public Law 480 program title I.

Mr. HUMPHREY. That is correct.

Mr. HATFIELD. The substitute amendment of the Senator from Minnesota in no way speaks to that objective.

The Senator offers this at this time to say that food shall have priority, but food already has priority. There is nothing new about that. You look at the total sales under title I and you look at the relationship of tobacco products to food. Food already enjoys a priority role.

Again, I emphasize that we are talking about 1.1 percent of the total tobacco exports of this country of over $1.4 billion. We are talking about a mere $16 million of sales. It is the principle that we are really trying to get at, and that principle is: Does it really help the recipient nation to import cancer-producing commodities? That is the question.

I cannot accept the proposition that somehow we can resolve this problem by keeping tobacco in the Public Law 480 program when the thrust of my effort has been to remove it entirely.

It is not going to hurt the industry. As to the idea that it has economic development potential for the recipient nation, we have an authorization act on international development assistance pending in this Chamber of $1.6 billion. I suggest that this is the correct, honest way to get at economic development and economic aid. Rather than having them smoke their way into economic aid, provide it through various other less questionable means.

Let me say that in gaining such economic benefits as might be determined from the sale of tobacco under Public Law 480—and I question the ability to determine them—they are giving a lot as well.

How many millions of dollars are these countries having to add to their health care and their hospitalization programs for people who have become addicted to this particular product?

I have a statement from the CONGRESSIONAL RECORD that quotes the National Center for Health Statistics as estimating that $11.5 billion is spent annually on health care to repair the damage caused by smoking. Yet we come up here and hear that food for peace program is needed to help some recipient nations get a little dribble of economic aid, and to bail out an industry that is crippled. The tobacco industry is a healthy industry, unfortunately, at least from the standpoint of the health of the people.

I, therefore, urge colleagues to vote down this substitute amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, this is indeed not a very happy occasion on either side, but it is my judgment that the program we have had, which, as the Senator from Oregon has indicated, is not a large program but is a modest program, does have some economic and health benefits to it.

It has also been noted here that whether we have it under Public Law 480 or not, regrettably, or however you might look at it, people are going to buy tobacco. We are not exporting the cigarette. We are not exporting a processed product. It is an export of an unprocessed product.

If we really wanted to strike a blow for public health, I suppose, in the light of what has been said, we would ban the export of all tobacco; but we do not do it. The reason we do not do it is because we know we cannot do it. The amendment I have offered does place in public law, not administrative practice, the fact that there shall be priority in the use of the funds that are appropriated by the Congress for food and fiber. They get the first claim. That is not in current law. It may be in part in current practice, but it is not in current law. I think it is a reasonable proposal in a very touchy and difficult situation. Therefore, I offer it. I am ready to yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I just want to emphasize one statistic. We are talking only about 8 percent of the total title I sales for fiscal 1977—8 percent. So when we look at the so-called priority thrust of this substitute amendment, we must remember that the program has 25 percent food and cotton, 8 percent tobacco.

Whether it is written into law or not, we have it in practice. The amendment will not really change the role of tobacco under the food-for-peace program situation as I understand it. I believe we should reject this amendment and move to a vote on the original amendment.

Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Minnesota. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr ABOUREZK), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from Georgia (Mr. NUNN) is absent because of a death in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE and the Senator from Michigan (Mr GRIFFIN) are necessarily absent.

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—56

Allen	Hansen	Moynihan
Anderson	Haskell	Muskie
Baker	Hayakawa	Pearson
Bentsen	Helms	Riegle
Bumpers	Hollings	Sarbanes
Byrd, Harry F., Jr.	Huddleston	Sasser
Byrd, Robert C.	Humphrey	Scott
Cannon	Inouye	Sparkman
Chiles	Jackson	Stennis
Cranston	Javits	Stevens
DeConcini	Johnston	Stone
Dole	Laxalt	Talmadge
Durkin	Long	Thurmond
Eagleton	Magnuson	Tower
Eastland	Mathias	Wallop
Ford	Matsunaga	Weicker
Glenn	McGovern	Williams
Gravel	McIntyre	Young
	Morgan	Zorinsky

NAYS—37

Bartlett	Garn	Packwood
Bayh	Goldwater	Pell
Bellmon	Hart	Percy
Biden	Hatch	Proxmire
Brooke	Hatfield	Randolph
Burdick	Hathaway	Ribicoff
Case	Heinz	Roth
Church	Kennedy	Schmitt
Clark	Leahy	Schweiker
Culver	Lugar	Stafford
Curtis	McClure	Stevenson
Danforth	Metzenbaum	
Domenici	Nelson	

NOT VOTING—7

Abourezk	McClellan	Nunn
Chafee	Melcher	
Griffin	Metcalf	

So the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon (Mr. HATFIELD) as amended.

The amendment as amended was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT 439

The PRESIDING OFFICER. The question occurs on agreeing to the amendment of the Senator from Kansas (Mr. DOLE), which has now been modified as unprinted amendment No. 439, which the clerk will state.

Mr. HUMPHREY. May we have order?

The second assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes unprinted amendment No. 439. It is a modification in the nature of a substitute to UP amendment No. 434.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. The Departments of Commerce, Agriculture and State shall jointly conduct a comprehensive study of payment of ocean freight differentials between United States flag rates and foreign flag rates, when United States flag vessels are required to be used in accordance with section 901(b) of the Merchant Marine Act of 1936, as amended, and shall recommend possible changes in the method of reimbursement of these costs which are now borne by the Commodity Credit Corporation and in the administration of such program.

Such study shall be completed within 180 days of enactment of this section and submitted to the following committees of the Congress: in the Senate, the Committees on Agriculture, Nutrition and Forestry, and Commerce, Science, and Transportation; in the House of Representatives of the Committees on Agriculture and Merchant Marine and Fisheries.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate with be in order.

Mr. DOLE. I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Casimir Yost, of my staff, be granted the privilege of the floor during the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I shall be very brief. As I have indicated earlier, I believe the Department of Agriculture should be reimbursed for the maritime costs incurred as a result of the Cargo Preference Act. Recovery of these funds would provide financing for additional farm commodities under Public Law 480. However, since that amendment was introduced, we have had some discussion. Some of my colleagues felt we ought at least to take a harder look at it. Because of that concern among my colleagues on the Commerce Committee, I have modified my amendment to require a study on this matter, with a report to Congress within 180 days after enactment of S. 1520.

I think this is agreeable. It has been cleared with the distinguished Senator from Hawaii (Mr. INOUYE) and the ranking minority member, Mr. STEVENS, of Alaska.

Mr. HUMPHREY. Mr. President, as the Senate knows, earlier today there was some problem with this amendment, because of the concern over jurisdiction between the two committees. But as I understand it now those difficulties have been ironed out and the modified amendment has the support of the Senator from Hawaii (Mr. INOUYE), the chairman of the subcommittee, and Senator STEVENS. Also, may I say, of the Senator from New Jersey (Mr. CASE).

Mr. President, on behalf of the committee, we accept the Senator's amendment.

Mr. DOLE. I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas, as modified.

The amendment, as modified, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 440

Mr. McCLURE. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Idaho (Mr. MCCLURE) proposes an unprinted amendment No. 440.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 18, following the semicolon add the following:

"For purposes of this section, the term 'human rights' includes but is not limited to . . .

"(1) consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hindrance;

"(2) the rule of law (freedom from government terror, especially as signified by the ability of the courts to decide against the government and the absence of imprisonment or torture for political reasons);

"(3) individual freedom, including freedom of religion, freedom of speech, independence of the media from governmental control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, and freedom to join private organizations of choice; and

"(4) majority rights (the right of ethnic, linguistic, religious and other groups to preserve traditional values and culture).".

Mr. McCLURE. Mr. President, because the issue of human rights has become a dominant theme of American foreign policy, it is critically important that we state clearly and simply what this country believes to be the basic components of a political system that respects human rights. No political position that I can recall has enjoyed as much popular support as this renewed emphasis on morality in foreign policy. But there is a nagging fear by many that a double standard will prevail, that certain countries will be singled out for condemnation while tyranny in other—perhaps more dictatorial countries—will be condoned.

There is, I believe, justification for this fear. The U.N. Commission on Human Rights, for example. Has adamantly refused to look into the heinous violations of human rights in Uganda while almost gleefully condemning the far milder violations in rightist countries. In the May issue of Commentary, Walter Laquer has written:

The real problem is that in most member states of the UN, elementary civil liberties do not exist, and, more important still, there has been little if any progress in that direction. In theory such states subscribe to principles of human freedom and civil liberties as outlined in the United Nations conventions and their own constitutions, but too often in reality the practice is oppression, persecution, and the violation of basic human rights. A new unholy alliance has come into being at the United Nations, one that has a vested interest in the denial, not the promotion, of human rights, and one that shows a great deal of solidarity in pursuit of that interest.

The bill before us for consideration requires an annual report from the Secretary of State on status of human rights in each country we aid.

My amendment requires that report to include information on the following basic political principles and civil rights which any fully free society should seek to achieve:

Consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hindrance.

The rule of law. Freedom from government terror especially as signified by the ability of the courts to decide against the government and the absence of imprisonment or torture for political reasons.

Individual freedom, including freedom of religion, freedom of speech, independence of the media from government control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, freedom to join private organizations of choice.

Minority rights. The right of ethnic, linguistic, religious, and other groups to preserve their traditional values and culture.

I realize that few governments in the world today respect in actual practice these basic human rights. These standards are high, but they are not trivial. They appear in the U.N. Declaration of Human Rights and in the constitutions of most countries.

My amendment is not an attempt to impose our system on others. The law requires of the State Department an annual evaluation of the human rights practices of foreign governments, and in fairness we ought to set forth clearly what this term means.

The consent of the governed is the basis of governmental legitimacy—and fair elections are the truest test of that consent. Surely, no report on human rights can ignore this basic issue.

The rule of law, by which we mean due process and fair trials by an independent judiciary which is able to decide against the government is the strongest instrument for protection against arbitrary imprisonment and torture. The rule of law is the antithesis of rule by terror. This too must be included in any report on human rights.

The extent of individual freedom, including freedom of religion, freedom of speech, independence of the media from government control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, and freedom to join private organizations of choice is itself a measure of how much freedom a government allows its citizens, and must be emphasized in any report on human rights.

Minority rights, the right of ethnic, linquistic, religious and other groups to preserve their traditional values and culture must also be assessed. These are the standards by which human rights should be measured. They are the basis of the U.N. Declaration of Human Rights which was unanimously adopted. They are very close to the standards used in the Freedom House survey of human rights which the State Department relied upon in last March's report. The standards are high and I have no illusion about the way the world is run. But these ideals are inescapably the standards by which to judge human rights.

Mr. President, this is an amendment that deals with a fundamental proposition that is critically important to U.S. policy today. I have discussed it with the managers of the bill, and I understand it is acceptable to the committee. But let me very briefly summarize what I intend to do with the amendment, because it deals with the issue of human rights.

There is nothing more critically important, nothing more central to our foreign policy today, than the issue of human rights. The legislation before us requires that the Secretary of State submit a report to the Congress annually on the issue of the observance of human rights, but nowhere do we in any of the legislation define what we mean by that term.

I do not intend, nor do I attempt, by this amendment to define the entire meaning of the term "human rights." But it seems to me there are some baselines from which we could judge whether human rights are being observed or whether they are being violated.

I borrowed heavily from the United Nations Declaration on Human Rights and Standards by which Freedom House makes its observation of human rights in various countries that are recipients of our aid. They very briefly refer to four major areas.

The PRESIDING OFFICER. Is this the amendment on which the Senator asked for an hour and a half on?

Mr. McCLURE. Yes, it is.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. McCLURE. One. The consent of the government: Is it a freely elected government?

Two. Does that government rule by law, so that the citizens of the country are free from terror? Are they subjected to police harassment or torture in the jails?

Three. The area of individual freedoms including freedom of religion, freedom of speech, independence of the media from government control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, freedom to join private organizations of choice.

Four. Finally, the issue of minority rights: Will minorities, ethnic minorities and others within that category, be given the opportunity to preserve their traditional values and culture?

These, I think, are basic to our understanding of the term "human rights."

I hope when the Secretary files his report he will include some other matters in addition, but I believe these are beyond dispute.

They have international recognition. They have the support of the United Nations in the declaration of human rights. I think they ought at least to be included in this report filed by the Secretary of State.

Mr. HEINZ. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLURE. I am happy to yield to the Senator for that purpose.

Mr. HEINZ. I thank the Senator.

Mr. President, I ask unanimous consent that a member of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, what is the name? I ask the Chair to allow the Senator to make his request.

Mr. HEINZ. Mr. President, it is Bill Reinsch of my staff, that he be granted privilege of the floor during consideration of this measure.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I believe the amendment as offered by the Senator from Idaho is a very constructive proposal and it fits in very well with section 7 in this bill on human rights.

It further defines and puts human rights in a positive position.

Yesterday, we were discussing this matter with the Senator from New York (Mr. MOYNIHAN) and this is an appropriate followup.

HUMAN RIGHTS

Mr. President, section 116 of the Foreign Assistance Act currently prohibits assistance under part I of the act to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights unless such assistance will directly benefit the needy people in the country. Section 116 specifies that in determining whether this standard is being met the Committee on Foreign Relations or the Committee on International Relations of the House may require the Administrator of AID to submit in writing information demonstrating that such assistance will directly benefit the needy people in the country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of the act. These provisions are not modified by S. 1520.

The act also provides that in determining whether a government is violating human rights, consideration shall be given to the extent of cooperation of the government in permitting an unimpeded investigation of alleged violations by international organizations. S. 1520 retains this provision, and adds to it provisions which require the Administrator of AID to consider specific actions which have been taken by the President or Congress relating to multilateral assistance or security assistance because of human rights practices or policies. The bill also requires the Administrator of AID to consult with the Department of State Coordinator for Human Rights and Humanitarian Affairs before determining whether a country is eligible to receive U.S. assistance.

The Foreign Assistance Act currently requires the President to transmit an annual report regarding the steps the Administrator has taken to carry out the provisions of the section. S. 1520 expands this reporting requirement. The bill requires that the Secretary of State transmit by January 30 of each year a full and complete report regarding: First the status of basic human rights in countries that receive assistance under part I of the act; and second, the steps the administration has taken to alter U.S. programs in any country due to human rights considerations.

The human rights provisions of S. 1520 will improve coordination between our bilateral and multilateral aid policies and improve the information available to Congress concerning those policies.

Mr. President, the Senator from New Jersey may have some comment on this matter because he has been so much involved with this whole area.

Mr. CASE. I thank the Senator.

Mr. President, I support the position of the chairman of the committee. I want to particularly point out that this is not put forward as an exclusive definition of human rights, but, rather, that these things cannot be limited to those words that are inserted into an amendment.

It is illustrative, to insure that these things and any others, perhaps, are included in what we mean by the term "human rights."

Mr. McCLURE. The Senator is correct. This is not intended to be an exclusive

list. There may be other matters which the Secretary would desire. as well.

Let me state further that this amendment is, as the Senator from Minnesota characterizes it, a positive one, because it does not seek to impose our standards upon other people, it does not seek to withhold anything. It seeks only to raise the issue so that our country before the world is judging its actions and judging the actions of other countries based upon these basic values.

It does not intrude into the internal affairs of foreign countries.

It simply seeks to send a report to Congress on the evaluation of the conduct of foreign governments in dealing with situations in their own countries.

Mr. HUMPHREY. Mr. President, I am prepared to accept the amendment.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask unanimous consent that two members of my staff, Leonard Bickwit and Roy Werner, be granted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I make the same request for Jerry Tinker.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 441

Mr. HUMPHREY. Mr. President, on behalf of the Senator from New Jersey and myself, we offer an amendment which would coordinate in the AID Administration the efforts made by that administration or that agency in the field of energy.

There is a considerable amount of activity between the AID Administration and ERDA, and we felt it ought to be properly pulled together with an appropriation board, and to establish an International Energy Institute that would serve to stimulate as a focal point and catalyst the development and use of solar and conventional geothermal energy in the less developed countries.

This does not cost any money. It is a reorganization effort, and the funding is already provided for in the sums that are in this bill.

I send the amendment to the desk, Mr. President, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY), for himself and Mr. CASE, proposes an unprinted amendment numbered 441.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 19, add the following:

THE INTERNATIONAL ENERGY INSTITUTE

SEC. 13. Part VI of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"CHAPTER 2—THE INTERNATIONAL ENERGY INSTITUTE

"SEC. 921. Findings and Purposes.—(a) The Congress finds and declares that—

"(1) there is a worldwide shortage of depletable energy sources which has significantly restricted the capability of developing nations to increase health and living standards;

"(2) such shortage will grow more severe and can only be rectified by the development, demonstration, and application of renewable and unconventional energy sources to developing nations;

"(3) due to limited power grids, the most readily applicable and economical energy forms for developing nations are renewable and unconventional energy;

"(4) the development, demonstration, and application of renewable and unconventional energy to developing nations by the United States does not have a high priority or a central institutional point of focus; and

"(5) the rapid extension of renewable and unconventional energy to developing nations is an essential component in their efforts to increase health, food, education and living standards.

"(b) The purpose of this Chapter is to establish the Institute whose purpose shall be to—

"(1) raise the health and living standards of developing nations by stimulating the application of renewable and unconventional energy to such nations;

"(2) serve the United States to stimulate and assist in the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations;

"(3) serve as a catalyst alone and in partnership with the private sector, agencies of other governments, labor unions, trade associations, and international institutions in international efforts to direct resources toward the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations;

"(4) serve as the agent of the United States in joint efforts with other governments, the agencies of such governments, international institutions, and the private sector to stimulate and conduct the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations; and

"(5) develop a coordinated effort by the Department of State and the Department of Energy to utilize the resources of the United States for the demonstration and application of renewable and unconventional energy sources and forms to developing nations.

"SEC. 922. Definitions.—As used in this Act, the term—

"(1) 'renewable energy' means geothermal and solar energy (including wind, ocean thermal gradients, photovoltaic, biomass conversion and solar thermal radiation);

"(2) 'unconventional energy' are energy technologies which are environmentally acceptable, require minimal capital investment, and transferable from one region of the world to another, are most acceptable to the sociocultural groups who will utilize them, are simple and inexpensive to utilize, will reduce oil import dependency and are most susceptible to the development of American and foreign manufacturing industries.

"(3) 'Department of Energy' means the Federal Energy Administration and the Energy Research and Development Administration until such time as such Administrations are replaced by the Department of Energy; and

"(4) 'Secretary of Energy' means the head of the Federal Energy Administration and the head of the Energy Research and Development Administration until such time as a Secretary of Energy is appointed.

"SEC. 923. FUNCTIONS AND COORDINATION.—(a) To carry out the purposes of section 921, the Institute shall—

"(1) undertake or sponsor appropriate research, development, and demonstrations and plan, initiate, assist, finance, administer and execute programs and projects designed to promote the achievement of such purposes;

"(2) the Institute shall conduct an analysis of overall energy positions and alternatives for the developing nations;

"(3) provide energy-related training, as appropriate, to managers and technicians in government in developing nations;

"(4) assist developing nations in the discovery and development of new energy resources; and

"(5) facilitate the transfer of existing technology and the development of new technologies suited to the needs of developing nations.

"(b) In carrying out its functions under subsection (a), the Institute shall, to the maximum extent possible, coordinate its undertakings with private sectors, with other agents and agencies of the United States Government, with international organizations, with foreign governments seeking to apply renewable energy in developing nations, and with other entities engaged in promoting the development of renewable energy in developing nations.

"(c) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall provide such assistance and resources as are appropriate and necessary for the Institute to manage and coordinate United States Government efforts to promote renewal energy applications in developing nations.

"(d) At the request of the Institute, the Secretary of State, the Secretary of the Treasury and the Secretary of Energy shall have authority to detail employees of any agency under their jurisdiction to the Institute under such terms and conditions as they and the Institute shall jointly determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

"SEC. 924. Establishment and Termination.—(a) There is established as a body corporate the International Energy Institute (hereinafter referred to as the 'Institute'). The Institute shall have its offices in the United States and shall not have permanent representation in any other country.

"(b) The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall insure to the benefit of its directors, officers, and employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes set forth in this Act.

"(c) Upon termination of the corporate life of the Institute its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

"SEC. 925. Management.—(a) (1) The management of the Institute shall be vested in a Board of Directors (hereinafter in this Act referred to as the 'Board') composed of nine members, two of whom shall be appointed by the President of the Senate, two of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President, by and with the advice and consent of the Senate. A Chairman and Vice-Chairman shall be elected by the Board from its membership.

"(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, four shall be appointed for terms of three years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, but upon the expiration of his term of office such member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

"(b) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for transportation expenses, while engaged in their duties on behalf of the Institute.

"(c) A majority of the Board shall constitute a quorum.

"(d) The Board may appoint such committees for carrying out the work of the Institute as the Board finds is in the best interests of the Institute. Each such committee shall consist of not less than two members of the Board. The Board may delegate any part of the management of the business of the Institute to such committees.

"(e) (1) The Board of Directors shall appoint a president of the Institute on such terms as the Board may determine. The president shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed by the Board as authorized by section 3109 of title 5, United States Code.

"(3) Upon approval by the Board, the officers and employees of the Institute may accept and hold offices or positions with governments or governmental agencies of foreign countries to which no compensation is attached.

"(f) (1) There shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals who are knowledgeable about development activities and solar and unconventional energy.

"(2) The Board shall consult the Council concerning the objectives and activities of the Institute at least once each year.

"(3) Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

"SEC. 926. Powers.—The Institute—

"(1) shall have perpetual succession unless dissolved by an Act of Congress;

"(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

"(3) may adopt, alter, and use a seal, which shall be judicially noticed;

"(4) prescribe, amend, and repeal by its Board of Directors such rules and regulations as may be necessary for the conduct of the business of the Institute;

"(5) may make and perform contracts and other agreements with any individual, corporation, or other entity however designated and wherever situated, or with any government or governmental agency, foreign or domestic;

"(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not to exceed $10,000 in any fiscal year;

"(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(8) may accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in furtherance of the purposes of this Act; and

"(9) shall have such other powers as may be necessary and incidental to carrying out its powers and duties under this Act.

"SEC. 927. Government Corporation Control Act.—The Institute shall be subject to title I of the Government Corporation Control Act.

"SEC. 928. Authorization of Appropriations.—Of funds authorized to be appropriated under part I of this Act, not to exceed $10,000,000 shall be available for the fiscal year 1978 to carry out the purposes of this chapter, to remain available until expended.".

Mr. HUMPHREY. Mr. President, I have explained what the amendment is. It is, essentially, as I pointed out, an effort to properly organize the activities of the AID Agency in this field.

This amendment establishes an International Energy Institute.

The Institute's purpose is to stimulate—to serve as a focal point and catalyst—for the development and use of solar unconventional and geothermal energy in less developed countries.

Its charter will enable it to work with private industry, with international organizations such as the World Bank and U.N., and with other countries that is, the $50 million joint United States-Saudi program for solar energy in less developed nations proposed last month by Saudi Arabia.

It will have an autonomous, independent board of directors appointed by Congress—one Senator and one Congressman—and the President—three members subject to confirmation—able to conduct its work without the drag of a large bureaucracy.

It will fill a gap in both our solar energy and our foreign aid programs. Neither program focuses on solar or unconventional energy applications in less developed nations.

Yet, that is where no large electric grids exist—where a decentralized energy system for which solar energy is ideally suited and needed. Solar energy uses include irrigation, electricity for medical refrigerators, and crop drying.

There is a clear need for an American solar and geothermal energy program to help less developed nations.

The United Nations and the World Bank have met a stone wall seeking assistance from our Government in developing these energy forms in developing nations.

In fact, ERDA just turned down a U.S. request for a puny 6 kilowatts of solar cells for Senegal and Sri Lanka this March, enough for six refrigerators—saying that the agency gives a low priority to demonstrating the applicability of solar energy in developing countries. In addition, they have no funds for international projects. AID is not much better off.

As a nonprofit corporation, the Institute will, through its demonstration activity, help American industry find markets and compete with other firms in other nations for solar energy markets.

The potential market for solar energy in less developed countries is enormous. For solar cells alone right now, NASA and MIT estimate the market to be as large as 5 to 10 nuclear powerplants—5 to 10 gigawatts.

The World Bank recently estimated that developing countries themselves will spend $10 billion just on new energy projects by 1985.

NASA data show that the World Bank, the Inter-American Development Bank, AID and the Asian Bank lent $3.5 billion on such projects just from 1971 to 1974.

In fiscal year 1976, the World Bank alone made loans totaling $1.2 billion for power installations.

The French, the Russians, and the Japanese know this and they know how to go after these export sales.

Many of these funds will be for remote village power systems—there are 3 million isolated villages worldwide—and solar energy is a viable and frequently cheaper alternative if properly demonstrated to oil generators.

In addition to creating jobs in this country, development of export markets in developing countries for solar energy will promote conservation of premium oil sources, reduce the risk of nuclear proliferation, and improve our balance of payments.

In summary, then, as an agent of the United States, a nonprofit corporation has unique capabilities:

It can work with and accept grants from private industry;

It can work with international institutions, accept funds from them, and work well with other governments, as well;

It can work with AID and ERDA to accelerate and coordinate their efforts to develop, demonstrate, and apply solar and unconventional energy to less developed nations.

Its mandate is patterned after the Inter-American Institute—a $50 million organization conducting grassroots economic and social development programs in Latin America. That institute has been a strong force in promoting friendlier U.S.-Latin relations at the grassroots level.

The International Energy Institute will have the capability and the autonomy to mobilize all our national resources, public and private, and international resources, as well. There will not be three or four U.S. bureaucracies or agencies involved in every little effort—no interagency task forces.

It will have the capability, the autonomy, and the flexibility to get the job done.

To hold the line on the budget this year, my amendment sets aside $10 million of the $100 million AID technical assistance fiscal year 1978 budget for the

Institute. In future years, I expect to see the Institute, however, have its own authorization. In conjunction with private funds and funds from activities involving other nations, I would expect the Institute to participate in projects totaling $25 or $30 million this year.

Mr. CASE. Mr. President, as a cosponsor of the amendment offered by Senator HUMPHREY creating an International Energy Institute, I call attention to the suggestion that the United States work with other governments on solutions to the efficient utilization of solar energy.

I know of the interest of Saudi Arabia in getting outside help in its solar energy development, and I think we all know that much progress has been made by the State of Israel in solar energy research and the practical application of solar heating and solar energy production.

It seems to me that it would be a creative contribution if the United States could help facilitate the transfer of technology and products between the nations of the Middle East and would help them demonstrate the constructive steps that could be taken leading to normal relations between those countries. Both Senator HUMPHREY and I encourage such developments.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 442

Mr. GLENN. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an unprinted amendment numbered 442.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add a new section to read as follows:

"LIMITATION ON USE OF FUNDS

"SEC. 14. None of the funds authorized to be appropriated under this Act may be used for assistance to or reparations for the Socialist Republic of Viet Nam, Cambodia or Laos. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Viet Nam."

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GLENN. Mr. President, this amendment is submitted on behalf of myself; the floor manager of the bill, Mr. HUMPHREY; the chairman of the Committee on Foreign Relations, Mr. SPARKMAN; and the Senator from Kansas, Mr. DOLE.

At the end of the bill, we propose adding a new section. The title would be "Limitation on Use of Funds." Section 14, at the end of the bill, would provide as follows:

None of the funds authorized to be appropriated under this Act may be used for assistance to or reparations for the Socialist Republic of Viet Nam, Cambodia or Laos. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Viet Nam.

Mr. President, I submit this amendment on behalf of myself and my colleagues, for the following reasons:

Yesterday afternoon and early last evening, when we were considering international financial institutions, a number of statements were made in the debate which I think put a wrong impression on the votes of many of us who opposed that amendment because we thought it might interfere with MIA efforts now underway. Further, we thought there was a possibility that those international financial institutions could be shortchanged, since the amendment required the withdrawal of funds from them. The result then might not be the prevention of funds arriving in Vietnam, which was the purpose of the amendment, but an equally or possibly even more devastating effect of ultimately reducing funds to other nations of Southeast Asia that we want to help: The Association of Southeast Asian nations.

In other words, we opposed that measure because we felt that it could hurt our friends in a very measurable way while it performed its function of opposing funding for Vietnam.

Statements are in the RECORD before that vote, which indicate that if we vote down the amendment, we were suggesting that it is all right to go ahead and extend credit to Vietnam, Cambodia, and Laos. This was not my intent in voting as I did.

Another statement was made that those who want to vote to help Vietnam would vote against the amendment. Once again, that did not express my intent on that amendment.

The amendment I offer today does have the support of the State Department; they checked its language. The intent is to make very, very clear that we in the Senate and in Congress support what is already presidential policy, so that there can be no possible misunderstanding. The President and the Congress are in full agreement regarding aid to these three nations.

The amendment provides, as I said a moment ago, that none of the funds authorized to be appropriated under this act may be used for assistance to or reparations for the Socialist Republic of Vietnam, Cambodia or Laos. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

Mr. President, judging from calls I have received today, I think there was considerable misunderstanding of some of the voting yesterday afternoon and early last evening.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. I do not know whether anyone else wishes to speak in support or in opposition. I have nothing else to say, unless in response to other comments.

Mr. HUMPHREY. Mr. President, we are prepared to yield back the time, so that we can move on this amendment.

Mr. DOLE. Mr. President, will the Senator withhold that for a moment?

Mr. HUMPHREY. I withhold it, Mr. President.

I yield back our time.

Mr. GLENN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from Georgia (Mr. NUNN) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. GRIFFIN), and the Senator from California (Mr. HAYAKAWA) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. HAYAKAWA) would vote "yea."

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—90

Abourezk	Garn	Nelson
Allen	Glenn	Packwood
Anderson	Goldwater	Pearson
Baker	Hansen	Pell
Bartlett	Hart	Percy
Bayh	Haskell	Proxmire
Bellmon	Hatch	Randolph
Bentsen	Hatfield	Ribicoff
Biden	Heinz	Riegle
Brooke	Helms	Roth
Bumpers	Hollings	Sarbanes
Burdick	Huddleston	Sasser
Byrd, Harry F., Jr.	Humphrey	Schmitt
	Inouye	Schweiker
Byrd, Robert C.	Jackson	Scott
Cannon	Javits	Sparkman
Case	Johnston	Stafford
Chiles	Kennedy	Stennis
Church	Laxalt	Stevens
Clark	Leahy	Stevenson
Cranston	Long	Stone
Culver	Lugar	Talmadge
Curtis	Magnuson	Thurmond
Danforth	Mathias	Tower
DeConcini	Matsunaga	Wallop
Dole	McClure	Weicker
Domenici	McIntyre	Williams
Durkin	Metzenbaum	Young
Eagleton	Morgan	Zorinsky
Eastland	Moynihan	
Ford	Muskie	

NAYS—2

Hathaway	McGovern

NOT VOTING—8

Chafee	Hayakawa	Metcalf
Gravel	McClellan	Nunn
Griffin	Melcher	

So Mr. GLENN's amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, the Senator from Massachusetts has one or two amendments that I believe we have worked out.

UP AMENDMENT NO. 443

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. RIBICOFF). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) proposes unprinted amendment No. 443.

Mr. BROOKE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 18, add the following new section:

The penultimate paragraph of Sec. 625(d)(2) is hereby amended by deleting the semicolon and the words "however, the authority contained in this proviso may not be exercised with respect to the assignment to such duty of more than fifty persons at any one time"

Mr. BROOKE. Mr. President, I know the Senator shares my view that AID needs an infusion of new blood—of young people, full of energy and ideas, willing to work on these programs for the poor abroad.

Curiously, the Foreign Assistance Act puts a tight lid on the number of young people just entering AID. Section 625(d)(2), enacted in the early 1960's, says that no more than 50 foreign service officers just hired by AID may serve in Washington, and for a period not to exceed 2 years. This was intended in 1961 to put a limit on AID's desire to hire new top level people. It now serves to obstruct AID's efforts to hire young people at the bottom.

Over a year ago, AID resumed hiring young people in an international development intern program. It had over 1,500 applications, many with masters degrees, Peace Corps experience, et cetera. Only 35 were accepted. The law sets a limit of 50.

There is no similar limit in the law on the number of established, senior foreign service officers who may serve in Washington or how long. I am told that at least one top grade officer has been assigned to Washington for the last 10 years. The law restricts only those entering the agency, and at this time that means the lower level, the new blood the agency needs.

I suggest we strike these restrictive provisions. We should tell AID to get on with hiring and training young people in a reasonable fashion to meet the needs of the future. The committee can exercise to oversight function to see that this is done and not abused; perhaps a report 6 months from now would be useful.

AID is planning to request such a change for fiscal year 1979, when the Foreign Relations Committee will be reexamining the entire act. Why wait for over a year to hire the needed new blood?

The amendment would strike from section 625(d)(2) the provision restricting the number to 50.

I have discussed this with the distinguished floor manager of the bill, the distinguished Senator from Minnesota, and the distinguished ranking minority member, the distinguished Senator from New Jersey, and it is my understanding that they are willing to accept the amendment.

Mr. HUMPHREY. It is a very helpful amendment, and I think it will be extremely helpful to AID.

I commend the Senator. So far as I am concerned I accept the amendment, and I understand the Senator has cleared this with the Senator from New Jersey.

Mr. CASE. The minority concurs.

Mr. HUMPHREY. Therefore, Mr. President, I am prepared to yield back the remainder of our time.

Mr. BROOKE. I yield back the remainder of our time.

The PRESIDING OFFICER. All remaining time is yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROOKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 444

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) proposes unprinted amendment numbered 444.

Mr. BROOKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 19, add the following:

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES

SEC. 13. (a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act, a detailed plan for the establishment of a section on minority business within such agency.

(b) Such plan to be submitted to the Congress shall include, but shall not be limited to, the following—

(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase the participation in a rational and effective manner by minority business enterprises in activities funded by such agency;

(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

(4) a proposed reporting system that will permit objective measuring of the degree of participation by minority business enterprises in comparison to the total activities funded by such agency;

(5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and

(6) a detailed set of objectives criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

Mr. BROOKE. Mr. President, I am proposing an amendment to S. 1520 that will instruct the Administrator of the Agency for International Development to submit to the Congress a detailed plan to establish an organized section on minority business within that agency. The purpose of such a section would be to open up the contractual process at the agency to much greater involvement of minority and small businesses in the agency's endeavors. This is needed because, at present, too little emphasis is given by AID to fulfilling the spirit of the general equal opportunity principles that the Congress has agreed should characterize our society.

The plan to be submitted by the agency is to include but is not to be limited to the following:

First, a descripton of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

Second, a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase the participation in a rational and effective manner by minority business enterprises in activities funded by such agency;

Third, a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

Fourth, a proposed reporting system that will permit objective measuring of the degree of participation by minority business enterprises in comparison to the total activities funded by such agency;

Fifth, a detailed projection of the administrative budgetary impact of the establishment of the section on minority business;

Sixth, a detailed set of objective cri-

teria upon which determinations will be made as to qualifications of minority business enterprises to receive contracts funded by such agency.

Mr. President, my staff is in the process of a detailed review of AID contracting procedures. While that review is far from complete, it is at a stage that justifies the action proposed by this amendment. By requiring the submittal of a plan to establish the minority business section, rather than instructing the agency to set up such a section immediately, the amendment allows sufficient time to work out the details needed to ensure that the section will be effective in achieving its goal.

In order to assist the relevant committees in their evaluation of the plan to be submitted by the agency, I ask unanimous consent that a letter I addressed to Governor Gilligan, the AID administrator, asking various questions and the replies I have received thus far be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. BROOKE. Mr. President, Section 602 of the Foreign Assistance Act of 1961, as amended, instructs the Executive to seek greater involvement of small businesses in the contractual arrangements provided for under the act. It is my belief that the Congress has the responsibility to make sure that this policy directive is carried out. Passage of my amendment will provide a vehicle to do so.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., April 5, 1977.

GOV. JAMES GILLIGAN,
Administrator Designate, Agency for International Development, Department of State, Washington, D.C.

DEAR GOVERNOR GILLIGAN: I have long been interested in the subject of minority business participation in government programs. My work on the Foreign Operations Subcommittee of the Senate Committee on Appropriations has made me particularly sensitive to this issue as it relates to the undertakings of the Agency for International Development. In this regard, I was successful in 1976 in convincing my colleagues on the Committee to request a report from AID on its efforts to increase minority business involvement in its programs. I have had the chance to review the response to our request and find that while it is informative in a general sense, it is inadequate in the details needed to judge the adequacy of AID's efforts. Therefore, I am submitting herein a detailed list of questions that I would appreciate receiving answers to at an early date, certainly no later than May 1, 1977.

Two general comments will indicate the context for my questions. First, the information supplied by AID was not sufficiently descriptive of the quality of the Agency's efforts to obtain increased participation. It contains no informaion on existing or proposed incentives or sanctions within the Agency to assure the greater success of the program.

Secondly, no comparative figures were provided with the figures on the 8(a) program to enable the Committee to assess relative significance vis-a-vis the total AID contract awards. Nor was there a breakdown of the figures in sufficient detail to distinguish technical service contracts from commodity procurements. Moreover, no attempt was made to provide figures allowing a comparison of the relative performance of the several bureaus of the Agency to which the minority program is relevant.

The specific questions flowing from these general comments are as follows:

PART A

1. The criteria for selecting contractors rely heavily on "previous AID experience", "the dollar value of previously executed contracts with AID", "Financial Capacity", "the contractor's ability to perform with his own personnel", and "familiarity with the overseas locality", among others. What data does the Agency rely on to validate the relevance of these restrictive criteria to a contractor's capacity to perform?

2. Is it not the case that certain contractors hired on an indefinite quantity basis to assist in the design of technical assistance projects make recommendations that allow their own inclusion in project implementation?

3. If so, how is this conflicting interest controlled so that "insider firms" are not able to perpetuate their privileged status?

4. Under current AID Procurement Regulations, the Small Business Office is charged with maintaining a program to locate minority business sources. How many such firms have been identified and what methods were followed in their identification?

5. Under current AID Procurement Regulations, the Small business Office is charged with determining if a procurement can be fulfilled by a minority small business. What means are utilized in meeting this requirement and how many procurements have been so identified and with what results?

6. Why should contracts for less than $500,000 not be covered by the minority and small business subcontracting requirements of the Federal Procurement Regulations?

7. Why should these provisions be withheld in contracts to be performed overseas?

8. Why should these provisions be withheld from non-profit institutions or 211(d) grantees?

9. What machinery and procedures does or should the Agency maintain to monitor the application of the subcontract provisions for small and minority businesses?

10. Why should these same procedures not attach to borrower/grantee contracts?

PART B

1. In the Report prepared pursuant to our request on Minority Small Business, it was indicated that such efforts as have been made were largely in the "service contracts" area. What is the number of contracts and dollar volume of the commodity purchases and what is the number of contracts and dollar volume of those going to minority vendors?

2. How many firms are in the present Contractor Index for the Agency as commercial and noncommercial sources and how many of these are minority owned by major categories such as Architectural, Engineering, Management, etc.?

3. How many procurement requisitions or projects implementation orders, other than those relating to participant training, were processed in the most recent fiscal year?

4. How many of the total number of such requisitions were accompanied with recommended source lists containing at least one minority source when forwarded to procurement for action?

5. How was the 8(a) set aside goal for minority business involvement in AID procurement arrived at for fiscal years '75 and '76 and the transitional quarter?

6. How many minority bidders responded to publicly advertised requests for proposals? How many such requests were made? And in how many competitive instances were the minority bidders successful?

In addition to the answers to these questions, I would appreciate it if you would supply me with the following information:

1. Provide a copy of any reports prepared for transmission to the Office of Minority Business Enterprise describing the volume of minority business contract activity resulting from Agency procurements for each of the past two fiscal years.

2. Provide information on the number of instances in which the Small Business Advisor recommended 8(a) set asides; annotated to indicate how many of these resulted in actual 8(a) awards during each of the past two fiscal years.

3. Provide information on how many of the Small Business Advisor's 8(a) recommendations during the same period had to be appealed to the head of the procuring activity for resolution and with what results in each case.

4. Provide a listing of all the minority commercial and non-commercial recipients of Agency contracts and grants with the dollar amounts involved during the past two fiscal years.

5. Provide statistics on the total AID funds expended for technical service contracts and grants in the past two fiscal years and transitional quarter.

6. Provide a copy of any special studies completed in the past three fiscal years by inhouse personnel or through contractors to identify problems and/or solutions in relation to the underutilization of minority vendors and non-profit institutions in AID procurement and grant activity.

7 Provide statistics on the total AID funds expended for the procurement of commodities a) for technical service contract support, b) through loans to LDC's and c) for AID/Washington operations for the past two fiscal years and transitional quarter.

8. Provide the percentages and dollar amounts of the AID funds spent with minority firms and institutions in each of the above enumerated categories in fiscal years '75, '76 and the transitional quarter.

9. Prepare a summary total for each bureau within the Agency, which gives the total number and dollar volume of that bureau's grants and contracts, as well as the total number and dollar volume of those it awarded to minority firms or institutions.

Should you or your staff have any questions concerning the above, please contact Mr. David Rossiter of my staff. Mr. Rossiter can be reached at 224-5183.

Sincerely,

EDWARD W. BROOKE.

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., May 18, 1977.

HON. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for your letter of April 5, 1977, concerning the participation of minority businesses and institutions in A.I.D. programs. We appreciate your interest and assistance in our efforts to increase the participation of minority businesses and institutions in A.I.D. programs.

The answers to your questions and the additional information you requested are provided as enclosures to this letter. The Agency's contract data collection system is not comprehensive enough to provide all the detailed information you requested. We have provided you what we have been able to obtain from the system and have identified those areas in which the data you wanted is not available.

If we can be of further assistance, please let us know.

Sincerely yours,

JOHN J. GILLIGAN.

QUESTIONS AND ANSWERS

Question. The criteria for selecting contractors rely heavily on "previous A.I.D. experience", "the dollar value of previously executed contracts with A.I.D."; "financial capacity", "the contractor's ability to perform with his own personnel", and "familiarity with the overseas locality," among others. What data does the agency rely on to validate the relevance of these restrictive criteria to a contractor's capacity to perform?

Answer. A.I.D. procedures provide for a representative of the referring office to chair the panels that evaluate contractors' technical qualifications. Twenty A.I.D. bureaus and offices which generate contract requirements were canvassed for the criteria they use in evaluating and ranking contractors. Qualifications of contractor's professional personnel were identified as a matter of primary importance in selection as was also contractor understanding of the objectives and requirements of the proposed contract. The data used is that available in A.I.D. files or submitted by a contractor in its proposal. Audit evaluations and Dun & Bradstreet inputs are both used to judge financial capacity and for adequacy of accounting systems.

A.I.D.'s Office of Engineering addressed itself to the specific criteria set forth in parentheses in this question. Their response to the criteria is set forth below:

(a) Previous A.I.D. Experience—Not a factor in evaluation of offerors of A&E services.

(b) "dollar value of previously executed contracts with A.I.D."—offerors are requested to enumerate previous contracts with A.I.D. as a part of their response to an invitation or solicitation of proposals. Any who have such previous contracts are reviewed against A.I.D.'s records. The purpose is to, where possible, spread the work around among qualified firms.

(c) "Financial Capacity"—the capacity to finance the work which an offeror wishes to undertake (in addition to any contingent liabilities represented by work in process and other demands upon his liquid assets) would seem to be as necessary as any other factor of production required for completion of the work. A.I.D. customarily requests, as a part of any technical proposal, sufficient data on capital structure, lines of credit and uncompleted contracts to evaluate the financial capacity of firms proposing.

(d) "the contractor's ability to perform with his own personnel"—this criterion intends to examine the contractor's capacity to field a well qualified team leader and a "team" accustomed to working together, the key members of which are familiar with the company's policies and procedures and able to successfully complete assignments geographically distant from the home office without unreasonable cost or delay. Data is obtained by A.I.D. through commitments of the offeror in his proposal.

(e) "familiar with the overseas locality"—years of experience have shown that a knowledge of; social patterns, local customs, living conditions, political stability, acquaintanceship with host country officials, laws and business practices, climate and many similar factors permit a contractor to perform the work at hand in less time and at lower cost. Data regarding offerors experience in a given country is supplied by the offeror in his proposal and verified by A.I.D.

These criteria are not thought of as particularly restrictive but as important assets which an offeror brings to bear in the performance of the work at hand.

In addition to verification of data included in proposals, such as mentioned above, the Agency frequently visits the facilities of short-listed firms before preparing an order of preference list of such firms. Additionally, a pre-contract audit of selected firms is routinely conducted as a part of each contract negotiation.

The Agency's criteria are not designed, nor we believe used, as restrictive but rather for the purpose of objectively evaluating proposals to select the firm best qualified and having an understanding of the task to be performed. They are patterned clearly upon those employed by other U.S. government agencies in evaluating and selecting contractors.

Question. Is it not the case that certain contractors hired on an indefinite quantity basis to assist in the design of technical assistance projects make recommendations that allow their own inclusion in project implementation?

Answer. The A.I.D. Indefinite Quantity Contracts (IQCs) for project design include the following provision:

"The Contractor may be declared ineligible to participate in any subsequent A.I.D. contract or in any subsequent A.I.D.-financed project or work which constitutes a further implementation of work first developed under a Work Order issued hereunder."

Question. If so, how is this conflicting interest controlled so that "insider" firms are not able to perpetuate their privileged status?

Answer. As the provision in the answer to question 2 immediately above indicates, A.I.D. intends that no contractor working under a project design IQC shall gain privileged or favored status as a result of that work performance. A.I.D. personnel exercise careful surveillance over project design indefinite quantity contractors to insure that they enjoy no unfair competitive advantage in any implementation requirements resulting from their earlier efforts in project design activities.

Question. Under current aid procurement regulations, the Small Business Office is charged with maintaining a program to locate minority business sources. How many such firms have been identified and what methods were followed in their identification?

Answer. The A.I.D. Small Business Office locates minority business sources by participation in congressionally sponsored Business Opportunity/Federal Procurement Conferences, attendance and participation in special functions such as the annual meeting of the National 8(a) Contractors Association, review of the awards section of the *Commerce Business Daily*, and by solicitation of expressions of interest in specified program disciplines. The A.I.D. Small Business Office is also open to the "walk-in-trade," i.e., those firms which have heard of Agency programs and which call on the Small Business Office, either in person, by telephone, or by mail for additional information.

A total of 128 minority firms have been identified and registered in the A.I.D. Contractor's Index. Our index files are not annotated, however, to record which of the methods described above was used to identify the minority business source.

As an example of a solicitation of minority business interest in specified program areas, a recent request for expression of interest for Indefinite Quantity Contracts for Agriculture/Rural Development, Public Health/Nutrition, and Human Resources identified 32 minority firms, 15 of which were certified as 8(a) eligible by the Small Business Administration. Seven Indefinite Quantity Contracts were awarded to 8(a) eligible firms as a result of this solicitation.

Although limitations on travel funds have prevented the Small Business Office from sending a representative to all of the Business Opportunity/Federal Procurement Conferences or Minority Association sponsored conferences from which invitations have been received, staff members from the Small Business Office have participated in a dozen such conference during Calendar years 1975 and 1976.

Question. Under current aid procurement regulations, the Small Business Office is charged with determining if a procurement can be fulfilled by a minority small business. What means are utilized in meeting this requirement and how many procurements have been so identified and with what results?

Answer. Under the A.I.D. procurement regulations, the Small Business Office shares the responsibility for determining if a procurement can be fulfilled by a minority small business with A.I.D. project officers and contracting officers. The Small Business Office does not keep records on the number of minority firms it has determined can fulfill an A.I.D. procurement as compared to the number determined by project officers or contracting officers. With only rare exceptions, such determinations are the result of informal cooperative efforts between the Small Business Office and the contracting officers. The number of contract awards to minority firms during the last two fiscal years totaled 21. During the same period there were 30 work orders issued to minority contractors holding Indefinite Quantity Contracts (IQCs) with A.I.D.

The first phase of the Small Business Office screening process for small and minority business opportunities is an informal review of an advance copy of procurement request in excess of $5,000. The Small Business Advisor discusses the procurement action with the Contracting Officer, recommending, as appropriate, a small business set-aside or a Section 8(a) award through the Small Business Administration. The recommendation is made after review of qualifications of firms listed in the A.I.D. Contractor's Index. The Contracting Officer may accept this informal recommendation or may provide additional background information/documentation as to why the procurement should not be set-aside for the exclusive participation of small business or for award to the Small Business Administration under the Section 8(a) program.

The formal review process begins when the contracting officer submits to the Small Business Advisor a "Small Business/Minority Business Enterprise Procurement Review" form. This form is the contracting officer's official recommendation to set aside, or not set aside, a procurement for award to a Section 8(a) eligible firm or for the exclusive participation of small business firms.

The Small Business Advisor either accepts the contracting officer's recommendation or rejects it and offers a counter-recommendation. The contracting officer must then accept or reject the Small Business Advisor's counter-recommendation.

In the final step of this process, the Small Business Advisor either accepts the contracting officer's final rejection or appeals to the head of the procuring activity to overturn it. In practice, it has seldom been necessary to do this.

Question. Why should contracts for less than $500,000 not be covered by the minority and small business subcontracting requirements of the Federal procurement regulations?

Answer. The Contracting Officer may urge a prime contractor to accept in his contract the minority and small business subcontracting program clauses in the Federal Procurement Regulations (1–1.1310.2 and 1–1.710.2 respectively) in contracts for less than $500,000 if such contracts offer, in the opinion of the procuring activity, substantial subcontracting possibilities. As the government-wide regulations currently stand, the Contracting Officer cannot force the prime contractor to accept these clauses in contracts under $500,000 but must rely on persuasion during the negotiation process.

Mandatory inclusion of the clauses in contracts for less than $500,000 would require a change in the Federal Procurement Regulations issued by the General Services Administration.

Question. Why should these provisions be withheld in contracts to be performed overseas?

Answer. These provisions are not currently included in contracts to be performed overseas because the Federal Procurement Regulations permit their exclusion from contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions and Puerto Rico.

The possibility of including the provisions in future contracts to be performed overseas will be examined by A.I.D. as a potential means of expanding the participation of small and minority businesses in its overseas programs.

Question. Why should these provisions be withheld from non-profit institutions or 211(d) grantees?

Answer. These provisions should not be withheld and are not withheld from contracts with non-profit institutions if, in the opinion of the procuring activity, the contracts offer substantial subcontracting opportunities. The provisions have been withheld from A.I.D. grants because the Federal Procurement Regulations make them applicable only to government procurement contracts but not to grants. A.I.D. will examine their possible inclusion in A.I.D. grants as a potential means of expanding the participation of small and minority businesses in its overseas programs.

PART B

Question. In the report prepared pursuant to our request on minority small business, it was indicated that such efforts as have been made were largely in the "service contracts" area. What is the number of contracts and dollar volume of the commodity purchases and what is the number of contracts and dollar volume of those going to minority vendors?

Answer. A.I.D. collects information on the total dollar volume of A.I.D.-financed commodity purchases made by government purchasing agencies in the less developed countries and private importers licensed by the governments of such less developed countries. A.I.D. itself procures no commodities except those in support of the operation of A.I.D./Washington bureaus and offices and A.I.D. overseas missions. The commodity procurement data collected by A.I.D. includes only dollar volumes and not the number of contracts.

A.I.D. records of the dollar volume of commodity transactions distinguish 3 categories of suppliers under commodity import programs financed by the Agency. The categories are large, small, and unclassified. The "unclassified" category is used to describe suppliers not identified as either large or small. A.I.D. has no information as to which suppliers of commodities, if any, are minority businesses since the minority business provisions of the Federal Procurement Regulations are not applicable to A.I.D.-financed foreign government commodity import programs.

The total dollar volumes for commodity expenditures in CY 1975 and CY 1976 break down among large, small and "unclassified" suppliers as follows:

Question. What machinery or procedures does or should the agency maintain to monitor the application of the subcontract provisions for small or minority businesses?

Answer. Other than the reporting requirements in the minority and small business subcontracting program clauses themselves, A.I.D. has no machinery or procedures for monitoring application of the subcontract provisions dealing with small and minority businesses. The Agency is currently exploring methods for more effective monitoring of contractor compliance with the provisions of these subcontracting program clauses.

The fact is, however, that very little subcontracting actually takes place under A.I.D.'s comparatively small technical services contracts. A typical contract is with a firm, a university or other non-profit organization for a two or three person professional team to work for two or three years to implement a project in a less developed country. The average value of the contract is $400,000 and there are few opportunities for subcontracting. Thus, any system to locate or monitor subcontracts may prove more costly than it is worth.

Question. Why should these same procedures not attach to borrower/grantee contracts?

Answer. The small business and minority business subcontracting provisions in the Federal Procurement Regulations implement United States statutes. These U.S. statutes are not applicable to the contracts or foreign sovereign states using A.I.D. loan or grant funds.

	CY 1975	CY 1976
Large suppliers	$205, 932, 624	$198, 548, 721
Small suppliers	102, 184, 674	174, 667, 761
Unclassified suppliers	133, 068, 053	321, 046, 583
Total	441, 185, 351	694, 263, 065

In calendar year 1975 there were $337 million worth of Israeli commodity transactions which were not broken down according to the three categories described above. The Israeli transactions were carried out on a direct reimbursement basis and this resulted in their exclusion from the categorized reporting system.

Question. How many firms are in the present contractor index for the agency as commercial and noncommercial sources and how many of these are minority owned by major categories such as architectural, engineering, management, etc.?

Answer. The breakdown of firms in the present A.I.D. Contractor's Index is as follows:

Category of contractor:	Total registrations (all commercial)	Minority
Architect-engineer	1,372	56
Management-consultant	511	66
Urban and regional planner consultant	105	6
Total	1,988	128

All contractors registered in the Index are Commercial firms. The Management Consultant Questionnaire and Urban and Regional Planner Questionnaire have no designation for the Minority area. A.I.D. is preparing to ask OMB to approve redesign of these two questionnaires to include provisions for designation of minority businesses.

Any commercial firm desiring to do business with A.I.D. is encouraged to be listed in the Index. None that apply are rejected. Qualifications are checked and evaluated only in connection with specific procurements.

Question. How many procurement requisitions or project implementation orders, other than those relating to participant training, were processed in the most recent fiscal year?

Answer. In FY 1976 there were 4,678 project implementation orders for technical services (PIO/Ts) processed in the Office of Contract Management. An additional 1,486 PIO/Ts were processed during the transition quarter.

Question. How many of the total number of such requisitions were accompanied with recommended source lists containing at least one minority source when forwarded to procurement for action?

Answer. Although there is no record of the number of minority firms or institutions which are included in source lists forwarded to the Office of Contract Management for procurement action, the number of such recommended minority sources is known to be small. From a canvass of twenty A.I.D. bureaus and offices which generate contract requirements, only two reported including minority firms in their recommended source lists. Neither of these reporting organizational elements included minority sources in source lists on more than three occasions.

Question. How was the 8(a) set aside goal for minority business involvement in A.I.D. procurement arrived at for fiscal years '75 and '76 and the transitional quarter?

Answer. A.I.D. 8(a) award goals for minority business involvement in A.I.D. procurement for FYs '75, '76 and the Transitional Quarter were established by the Special Assistant for Small Business in consultation with the Head of the Procuring Activity. They were based in mutual judgment of what A.I.D. could realistically expect to achieve in view of past trends and expected requirements. These goals were promulgated throughout the Agency by a Memorandum for all Assistant Administrators for each fiscal year. A copy of each memorandum is included as Attachment B-5(1).

Question. How many minority bidders responded to publicly advertised requests for proposals? How many such requests were made? And in how many competitive instances were the minority bidders successful?

Answer. Neither the A.I.D. bureaus and offices which generate contract requirements nor the Office of Contract Management keep records on the minority bidders who respond to publicly advertised requests for proposals.

During FY 1976 A.I.D. publicly advertised 33 of its procurement actions for a total dollar value of $3,144,000. During the same period, 174 contracts with a total dollar value of $26,643,201 were awarded non-competitively to educational instiutions, private and voluntary organizations and non-profit organizations. In this same period there were 53 contracts amendments processed for a total dollar value of $2,291,409.

The involvement of educational institutions and private and voluntary organizations is growing all the time and is likely to continue to do so in view of recent foreign assistance legislation such as Title XII.

Mr. BROOKE. Mr. President, I have discussed this amendment with the distinguished floor manager and the distinguished ranking minority member, and it is my understanding that they are prepared to accept it.

Mr. HUMPHREY. Mr. President, just

so the record may be clear, the Senator from Massachusetts did discuss this amendment with the senior Senator from New York (Mr. JAVITS). Am I correct?

Mr. BROOKE. Yes, the Senator from Minnesota is correct. It has been discussed with him, cleared with him, and the amendment as presently drawn meets with his approval.

Mr. HUMPHREY. The Senator from New Jersey is fully familiar with this amendment.

Mr. CASE. I am familiar with it. The Senator from Massachusetts with his customary indulgence and flexibility has made certain changes in procedural matters, and so forth. Everyone of whom I know is fully satisfied, and we are very happy to accept it.

Mr. HUMPHREY. The Senator is correct. And I thank him.

Mr. President, I am prepared to yield back the remainder of our time.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROOKE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I believe the Senator from North Carolina, my very patient and good friend, has an amendment.

Mr. MUSKIE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HELMS. I yield, gladly, to my good friend.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Madeleine Albright of my staff may be granted the privileges of the floor during the consideration and votes on this bill and the following bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 445

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment No. 445.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 7, strike out "$262,000,000." and insert in lieu thereof the following:

"$261,500,000 except that no part of such amount shall be available to the Namibia Institute."

Mr. HELMS. I have discussed this matter privately with the able manager of the bill, my good friend from Minnesota. Perhaps we can resolve it without a vote. We will see.

Mr. President, this amendment would delete an authorization of $500,000 for the Namibia Institute.

AID officials tell me that AID made no request for funds for this project. I understand that the funds were added by the Foreign Relations Committee. Similar funds, AID tells me, were not included in the House bill.

Furthermore, AID now has in the pipeline $250,000 for the Namibia Institute; this money, AID officials report, is from AID discretionary funds. This is in addition to $250,000 which was donated to the institute in 1976.

Mr. President, I am told by AID officials that two members of the 11-man governing board of the Namibia Institute are members of SWAPO, one of the several factions vying for control of Namibia once the territory, now called Southwest Africa, achieves its independence.

In fact, information provided by AID states that there are only two Namibians on the 11-man governing board so, presumably, SWAPO is the only group represented at the Namibia Institute.

Mr. President, I simply do not think that the United States should take a one-sided approach to a solution of the delicate situation in Southwest Africa. SWAPO is but one of several groups on the political scene in that area. From all reports, SWAPO is a small faction, and one that has consistently used terrorism and indiscriminate murder as its principal means of achieving power. I am sure that many of us recall reading about SWAPO's recent recruitment activities—the kidnaping of potential recruits for its guerrilla bands, dragging them across the border into Angola, and forcing them to join SWAPO or die.

That is a pretty tough choice to give a potential recruit, Mr. President.

Mr. President, is this the kind of training for democracy that the United States as a nation wants to promote with its assistance and money? Do we not condone SWAPO by aiding the Namibia Institute, which appears to be little more than a SWAPO educational body?

Does the United States want to give what amounts to its endorsement to SWAPO, which was described by a Washington Post reporter as a "guerrilla movement increasingly dependent on the Soviet Union for arms and training?"

Mr. President, this body refused to allow the United States to get involved with one faction of the power struggle in Angola with the adoption of the so-called Tunney amendment. I might add, parenthetically, that I supported that amendment.

Today, I urge those who voted with me for that amendment to vote for my amendment, and state again that the United States will not give support, either direct or indirect, to one faction vying for power in Namibia.

Again, Mr. President, AID has not requested these funds. Furthermore, AID is giving $250,000 from its discretionary funds to the Institute. I ask unanimous consent that a document provided to me by AID announcing this allocation of funds be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

AGENCY FOR INTERNATIONAL DEVELOPMENT: ADVICE OF PROGRAM CHANGE

Program: International Organizations and Programs.

Project Title: United Nations Institute for Namibia.

FY 1977 CP Reference: International Organizations and Programs.

Appropriation Category: International Organizations and Programs.

Intended Obligation: $250,000.

This is to advise you that we intend to obligate $250,000 for contribution to the United Nations Institute for Namibia at Lusaka, Zambia. This amount is available from funds already appropriated, but not specifically allocated, in FY 1977 for voluntary contributions to International Organizations and Programs.

The proposed amount will constitute a significant United States contribution to the Institute's 1977 budget of approximately $2.5 million. Begun in September 1976 and now training about 100 students, the Institute's purpose is to teach young Namibians, through a two year course in basic administrative skills, to become mid-level civil servants when Namibia achieves independence.

This program was not included in the FY 1977 request because the Institute had not yet begun actual operation at the time of that submission.

The only United States contribution to date has been $250,000 from FY 1976 funds as directed by the Congress in Section 313 of Public Law 94–161. The proposed contribution will further demonstrate American support for United Nations jurisdiction over Namibia and for eventual majority rule in the territory.

Although experiencing problems normally expectable during the formative period of any institution, detailed information available indicates that the Institute's program is well underway and that it has the potential to contribute significantly to Namibia's transition to independence.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina amends a figure already amended. Therefore, it is not in order, except by unanimous consent.

Mr. HELMS. I ask unanimous consent that it be in order.

Mr. CLARK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, in view of the objection registered by the distinguished Senator from Iowa (Mr. CLARK) I have no opportunity to have the Senate consider an outrageous waste of the taxpayers' money.

So be it. The Senator from North Carolina goes by the rules of the Senate. The Senator from Iowa has objected to my unanimous-consent request. As a result, a half million dollars of the American taxpayers' money may be squandered. I simply reiterate that there is no reason under the sun for Congress to authorize an additional $500,000 for the Namibia Institute, especially when the implication is clear that in doing so, Congress is placing its imprimatur on only one of the factions seeking political control of Namibia. Furthermore, this is an outfit that demonstrably is guilty of terrorist activities and indiscriminate murder.

The Senator from North Carolina is precluded from trying to save the taxpayers several hundred thousand dollars in that regard, but that is a fait accompli. The Senator from Iowa (Mr. CLARK) has exercised his right under the rule. But I do wish he had permitted the Senate to vote on this matter.

Mr. HARRY F. BYRD, JR. Mr. President, I want to say that the Senator from North Carolina finds himself in the same position the Senator from Virginia now finds himself.

This morning, while the Senator from Virginia was presiding over a meeting of the Finance Committee hearing administration witnesses on tax matters, an amendment dealing with two amendments that I have had printed and were on the desk, and which were put in the CONGRESSIONAL RECORD last night, was taken up on the floor and agreed to. This now precludes my taking up my amendment and the Senator from North Carolina taking up his amendment.

When we are not in the Chamber, I believe those who are handling the legislation should protect us on amendments which have been printed and placed in the CONGRESSIONAL RECORD.

Action was taken on an amendment this morning which precludes my utilizing unanimous consent time that I received last night. I might say to the Senator from North Carolina that we both find ourselves in the same position. The amendment which was passed by the Senate, and I am glad it was, did not go as far as my amendment, and yet it precludes me, and it precludes the Senator from North Carolina, from attempting to reduce this swollen, bloated foreign aid bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. If the Senator will yield, first of all may I say I did not know, when I talked to the Senator from North Carolina, that he would be precluded. I want him to know that.

Mr. HELMS. I understand that.

Mr. HUMPHREY. This morning, Mr. President, the Senator from Arizona, standing back there at his desk, offered this amendment. I did not know he was going to offer this particular amendment. I knew he had an amendment, as did the Senator from Colorado. That amendment was called up and debate was held. It was agreed that we would vote at 12 o'clock, with 5 minutes of time to be divided equally between the proponents of the amendment and the opponents of the amendment prior to the 12 o'clock vote.

It was then agreed, because frankly we felt it was going to pass, that we would vote it on a voice vote. That amendment reduced the funds for the United Nations activities by $8 million and precluded any funds for the United Nations University.

Frankly, it is very difficult to tell a Senator who is in the Chamber, who has an amendment—and I did not even know what the text of his amendment was when it was called up—that he should not offer his amendment.

Mr. HARRY F. BYRD, JR. May I say to the Senator from Minnesota, he knew what the text was when the vote was held. The Senator from Virginia had no opportunity to ask for a yea-and-nay vote, and had no opportunity to present his views on this amendment.

Mr. HUMPHREY. May I say, this amendment is similar to the amendment of the Senator from Virginia.

Mr. HARRY F. BYRD, JR. But I did not have the opportunity to state my views on the amendment.

Mr. HUMPHREY. I will say I will give the Senator time on the bill for that. Frankly, it is my fault. I did not review the Senator's amendment. I knew it was an amendment reducing U.N. activities.

When this amendment on the United Nations University came up, and I have always felt it was difficult for us to pass funds for the United Nations activities—it was defeated last year—I talked to my colleagues and frankly said:

I do not think we have the votes. I think we better take it on a voice vote.

We did that. We learned then that it would preclude any further amendments. It cuts it back from $262 million to $254 million.

Mr. HARRY F. BYRD, JR. And precluded me from asking for a rollcall vote on the essence of my own amendment.

Mr. HUMPHREY. The essence of the Senator's amendment is the DeConcini amendment. The Senator has what he wanted.

Mr. HARRY F. BYRD, JR. I partially obtained what I wanted. I favored the DeConcini amendment. It did not go as far as my amendment. That action simultaneously prevented me from introducing the second amendment. On top of that, it prevented me from asking for a rollcall vote, which I had intended to do.

UP AMENDMENT NO. 446

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes unprinted amendment No. 446.

At the bottom of page 19, add the following:

PROHIBITION OF ASSISTANCE TO THE CENTRAL AFRICAN EMPIRE

SEC. 13. No funds authorized to be appropriated under this Act shall be available for the Central African Empire.

Mr. HELMS. Mr. President, this amendment seeks to delete the authorization for U.S. assistance to the Central African Empire.

There was a time when the Central African "Empire" was more modestly called the Central African Republic. But no more. Since December 4 of last year, the ruling leader of the country, one Jean-Bedel Bokassa, gave up any pretense that the nation which he rules was a Republic—not that anyone who cared to pay attention to what is going on there would have argued otherwise in any event.

Now former "President" Bokassa is addressed as His Imperial Majesty, Jean I—get that, Mr. President: Imperial Majesty Jean I. What royalty he proclaims himself to be. Is it not a great thing that millions of dollars of the American taxpayers' money are sent to people like this?

But specifically, as to Imperial Majesty Jean I and his Central African Republic, which is now an empire by his declaration—not since the time of Napolean has the world seen such a self-proclaimed emperor.

Emperor in fact before he became emperor in name, Bokassa heads 14 of his empire's 16 ministries. Since Bokassa has the power to dissolve the so-called national assembly, he effectively rules by decree. Since breaking relations with Peking after coming to power, Bokassa has moved progressively into the camp of the Soviet Union.

Mr. President, I emphasize to the people of this country that this is all too typical of where foreign aid money, forcibly extracted by taxation from their pocketbooks, is going. That is why the Senator from North Carolina is so adamant in his opposition to this sort of thing, and resents it.

There are reports that chattel slavery exists in the country. There is no doubt that even the most fundamental and basic rights are not observed; indeed, they are flagrantly violated. In this regard, I quote a recent story from the New York Times, December 4, 1976, page 15, entitled "Central Africans Lose a Republic, Gain an Empire:"

BEATING OF PRISONERS

Four years ago, General Bokassa led a detachment of soldiers armed with wooden clubs to the jail in the capital of Bangui and ordered them to beat 45 men imprisoned for theft. Three of the convicts died and others were seriously injured. The next day the corpses and the injured men were displayed on a platform in the center of Bangui, and the general joined thousands of his countrymen in viewing the spectacle.

"As long as there are thieves, the army will administer beatings to the guilty parties," he said. "All thieves must die. There will be no more theft in the Central African Republic."

Mr. President, the bill before us has a proposal that a total of $1,710,000 in economic assistance be given to this tyrant. We are not dealing with violations of human rights in a civilized country; we are dealing with some of the worst brutality imaginable.

Not only are human rights involved, but civil and political rights of the most fundamental nature. We are asked to sanction the regression of what was once at least nominally a "Republic" into a personal and private, self-proclaimed "Empire." I do not believe even the human rights sections of this bill or the Foreign Assistance Act deal adequately with the likes of His Imperial Majesty, Jean I.

Mr. President, I urge my colleagues to reaffirm all that is right and decent, indeed, the promotion of our very form of government, by condemning this tyrant and denying him any more American money.

Mr. HUMPHREY. Mr. President, will the Senator yield there?

Mr. HELMS. Yes, sir. I am happy to yield.

Mr. HUMPHREY. I must say to the Senator that in some of these matters, as to some of the countries he is talking about, I find myself in sympathy with his case. I have often felt, and have so indicated, that we would be better off, in our foreign assistance program, if we concentrated our attention on certain areas so that we would have a proper administrative setup, one that does not eat up all of our funds. When we go into one country after another with small programs, we spend so much for administrative costs that we diminish the impact of the use of the money.

Second, I am not so sure that we really do very much good. I have told the Senator privately, and I want to say publicly, that I feel, as chairman of one subcommittee, and I have talked to my esteemed colleague from New Jersey about this, that we should send a letter over to AID, suggesting that they take a look at the matter and saying that, so far as we are concerned, we see no merit to it and hope that they will not do it.

I think that is the best way to do it, after our debate and discussion. What we have done here is take a country and examine what is going into it, and the Senator makes a strong case. I want to be helpful. I really do. I think this is the best way we can be helpful, and I shall work with the Senator on it and get a report back. I just feel we have to make these programs be more efficient in their operation and have a bigger impact. I think by some consolidation, possibly, we can do it.

Mr. HELMS. In addition to accepting his proposal, Mr. President, let me say that I know the distinguished Senator from Minnesota well enough to be absolutely confident that he has no stomach for the kind of activities I have discussed here.

Mr. HUMPHREY. That the emperor has done?

Mr. HELMS. Yes; Emperor Jean I, or whatever he calls himself.

Mr. HUMPHREY. He was not satisfied with being president. He wanted to be emperor.

Well, I guess if you are going, you ought to go first class.

Mr. HELMS. The Senator makes a reasonable proposition.

Mr. HUMPHREY. I shall follow up on it and report back to the Senator.

Mr. HELMS. I know the Senator will.

With that colloquy as legislative history, Mr. President, I withdraw my amendment.

The amendment was withdrawn.

Mr. HELMS. I thank the Senator, very much.

Mr. HUMPHREY. Mr. President, are there further amendments?

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum on my time. I have time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MUSKIE). Without objection, it is so ordered.

AMENDMENT NO. 412, AS MODIFIED

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk an amendment and ask that it be stated.

Mr. ROBERT C. BYRD. And, Mr. President, I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. HARRY F. BYRD, JR.) proposes an amendment No. 412, as modified:

On page 16, line 7, strike out "$254,000,000" and insert in lieu thereof "$252,000,000".

Mr. HARRY F. BYRD, JR. Mr. President, this reduces a vastly swollen foreign aid bill by $2 million. I would like to reduce it a great deal more.

I see no justification for the Foreign Relations Committee to bring in a bill which is 19 percent greater in amount than is the amount being spent on these same bilateral items during fiscal year 1977. The amendment I have just presented would reduce the total bill by $2 million.

It previously was reduced by $8 million, and this would bring about a reduction of a total of $10 million in the international organizations area.

Mr. HUMPHREY. Mr. President, the Senator is correct. This reduces the line item on the U.N. activities from $254 million which was decided this morning on the DeConcini amendment to $252 million. This is $2 million below the administration's request.

We will have to go to conference with the House, as the Senator knows, as I have indicated to him privately. The House has a figure of $246 million. The Senator has been in conference enough times with the House to know they are not pushovers, but very difficult.

I know how the Senator feels about that.

Mr. HARRY F. BYRD, JR. If the House is trying to save taxpayers' money, I hope they stand firm and I will support them.

Mr. HUMPHREY. They will get the Senator's message in neon lights. I know that.

Bless the Senator's heart. I love to see that smile on my friend's face. This makes my day better.

Mr. HARRY F. BYRD, JR. I am always in good humor.

Mr. HUMPHREY. Bless the Senator's heart.

Mr. President, I think we should accept this amendment. I have discussed it with the Senator from New Jersey. If the Senator from New Jersey concurs, we will yield back our time and we will accept the amendment.

The Senator from Virginia has done better than a full day's work.

Mr. HARRY F. BYRD, JR. I have earned it.

Mr. CASE. The Senator from New Jersey concurs, Mr. President.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time and request that my statement on U.N. programs be entered into the RECORD at this point.

UNITED NATIONS PROGRAMS

Mr. President, how does the U.N. affect each and every one of us? Its activities contribute to our good health. Preventive health care has always been a major concern of public health authorities. To most Americans, this means a series of shots beginning in infancy. Among the first used to be a smallpox vaccination; now, thanks to new techniques and a worldwide campaign by the U.N.'s World Health Organization, smallpox has been almost completely wiped out. Routine smallpox vaccinations have not been given in the United States since 1971. The savings to the United States in production of vaccine and allied medical services is estimated at over $150 million a year.

The flu shots now taken regularly by many Americans are partly the result of the World Health Organization's epidemic warning system. The virus that caused the Asian flu was first identified in its laboratories. The information was then passed on to national health services and used as a basis for the production of flu vaccine.

The search for the causes of and cures for cancer is now a major international effort. The International Agency for Research on Cancer acts as a clearinghouse for information where statistics can be compared, techniques evaluated, and theories proved or disproved. Clues from another part of the world someday may save your life.

Vaccines and needles supplied by the United Nations Children's Fund—UNICEF—during its first 25 years have protected nearly 400 million children against tuberculosis and many millions more against diphtheria, tetanus, typhoid, measles, and other child-killing diseases.

Our supermarket shelves are filled with frozen, canned, and dried foods from all over the world. To keep them free of contamination, a special U.N. program has developed a series of hygienic standards for food processing. Participating governments are required to maintain these standards—in the United States through the Food and Drug Administration, and to be responsible for all food exports. The program also monitors additives and pesticide residues in your food for acceptable daily intake.

You may have to purchase new medication or have a prescription refilled while traveling abroad. Thanks to an international listing of 500 medications and their uses, a pharmacist in one country can understand the instructions from another; and you, the patient, are assured of receiving the right medicine in the right dosage.

The narcotics sold on the streets of U.S. cities often have their origins in other countries. To help curtail the illicit traffic in addictive drugs and other harmful substances, the U.N. Division of

Narcotic Drugs works closely with Interpol, the international police network. The U.N. laboratory in Geneva can determine the place or origin of captured narcotics—information which is then passed along to Interpol and to the appropriate national authorities.

The U.N. Fund for Drug Abuse Control tries to stop the traffic at its source. In Turkey, where opium cultivation is legal and under government control, the fund is helping the authorities see that the opium becomes codeine and morphine for medicine and not heroin for the streets.

National efforts alone are not enough to control pollution of air and water. Environmental problems must be attacked on a global basis. Through the U.N. environmental program, a worldwide surveillance system called Earthwatch is using a network of national and international programs to check on conditions and changes in our environment. The environment program has authorized about 250 projects in less than 3 years. Among its accomplishments is a 16-nation agreement on long-term efforts to protect the Mediterranean.

At the rate we are going, the world's population will double in just over 30 years, which means that we will need twice as much of everything: water, food, power, schools, doctors. Even now, if all the world's available food were distributed equally, everyone would be hungry. If our natural resources are used up by demands of an excessive population, our grandchildren may find it difficult to survive on this planet. The U.N. is working to prevent this.

The U.N. Fund for Population Activities is now conducting about 1,200 projects in over 90 countries—all at the request of their governments. U.N. population projects include training of personnel, assistance to family-planning clinics, family-counseling services, and even census-taking—an essential part of population planning.

Food shortages in other countries mean high food prices here at home. The U.N. is working on increasing the quantity and nutritional quality of food in the developing countries, which have almost half the world's population and the greatest food shortages. The "Green Revolution" of the 1960's, with its high-yield miracle grains, was the result of a cooperative effort among several U.N. agencies, national governments, and private foundations.

Now, after 20 years of experimentation, scientists in these same institutions have developed a high-protein corn that can grow almost anywhere and at any altitude, from the tropics to arid lands. It is now being introduced to farmers around the world through agricultural training programs.

The International Fund for Agricultural Development, proposed by the World Food Conference, will tackle other food problems: Spoilage, inefficient land use, soil erosion, and lack of irrigation—to name just a few.

Some land is unused because of pests. The desert locust destroyed crops from North Africa to Southwestern Asia since biblical times. Swarms of up to a billion insects had been known to black out entire cities. In 1958 alone, the locusts ate 167,000 tons of grain—more than enough to feed a million people for a year.

In 1960, several U.N. agencies joined with the 42 nations in the locust area in a massive attempt to wipe out the species. After 9 years of search and destroy operations, not a single swarm has been reported, nor has one been seen since. Should one reappear, an international network is ready to predict it 3 weeks in advance, in time to mobilize the equipment and manpower needed to destroy it.

Even though 70 percent of the Earth's surface is covered with water, shortages of fresh water are rapidly reaching crisis proportions, including some areas of the United States. Within 20 years, we will have to double the world's supply of water for irrigation alone, and we will need still more for drinking.

The U.N. has been actively working on the problem through its research and assistance programs. A 10-year project has been measuring the Earth's water budget, and how best to conserve it. A U.N. team has pioneered ways to use saline water for irrigation—and save the pure water for drinking.

We need over a million new jobs every year, just to maintain stable employment levels in the United States. This means finding new markets. U.N. economic assistance in developing countries is creating a potential 2 billion new customers for American products. In the past 15 years alone, our exports to these countries have increased by more than 80 percent. Even before the developing countries themselves become paying customers, U.S. firms supply about one-third of the equipment used by the U.N. in preliminary development projects.

U.N. development projects also create demand for followup investment capital. Some of this comes from the U.N.'s World Bank. Almost 40 percent of the Bank's outstanding debts are held in U.S. dollars, and through interest payments, the American economy has gained over a billion dollars.

With just 6 percent of the world's population, Americans consume 40 percent of the world's natural resources. We are rapidly using up our own supplies and importing larger amounts each year. We now depend on other countries for almost all—98 percent—of the manganese for the steel in our cars and refrigerators, and for 85 percent of the bauxite for aluminum in our pots and pans, and in high powerlines that deliver our electricity.

But new mineral deposits must be found to meet our future needs. Most of these untapped resources are in the developing countries. United Nations development program surveys have already helped to locate mineral deposits worth over $20 billion—including 100 million tons of bauxite in the South Pacific, a copper belt stretching from Yugoslavia east to Pakistan, and over 40 billion tons of iron ore in the mountains of Bolivia. More explorations are currently under way.

The U.N. is helping with resources, too, by finding things like new sources of wood for paper, and for homebuilding. UNDP surveys have uncovered valuable timberlands from Argentina to India—and have helped to conserve them through reforestation and forestry manpower training programs.

Some other examples of what the U.N. accomplishes:

UNICEF has helped set up 220 milk processing plants in 45 countries for cheap and sanitary distribution of this important source of protein.

The United Nations High Commissioner for Refugees has helped 200,000 displaced persons resettle in Africa, and 216,000 in Asia. His office also raised $190 million to aid 10 million refugees fleeing the civil war that gave birth to Bangladesh.

Since 1963, the world food program projects have helped bring under cultivation, or have helped to improve the condition of, some 5 million acres of agricultural soil; 22 million trees have been planted, more than 1 million of them fruit trees; 600,000 housing units, 6,600 schools and more than 13,000 public buildings of other kinds have been built or improved; and 109,000 kilometers of roads, 3,000 kilometers of railroad, and more than 1,100 small bridges have been built or improved.

By supplying high-dose Vitamin A capsules, UNICEF has safeguarded some 23 million children from trachoma, a major cause of child blindness.

The United Nations Educational, Scientific and Cultural Organization has trained more than 64,000 teachers and educational planners in low-income countries. UNESCO has also helped to set up over 50 engineering colleges and technical institutes in the developing countries—present enrollment is more than 50,000 and over 16,000 have already graduated.

The Food and Agricultural Organization—FAO—wiped out tick fever in Kenya—a major cattle killer.

The U.N. has helped settle disputes in almost 50 countries during its first 30 years—through the Security Council, the General Assembly, and the behind-the-scenes efforts of the Secretary-General. Today blue-helmeted U.N. soldiers are trying to keep the lid on ceasefires in Cyprus and the Middle East. Both these cases involve highly charged issues that arose long before the founding of the U.N. But the U.N. was still able to provide the only mutually acceptable peacekeeping mechanism. It has been the indispensable safety valve for all concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Virginia.

The amendment, as modified, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, do I have time on the bill?

Mr. HUMPHREY. The Senator is correct.

Mr. HARRY F. BYRD, JR. I want to

make a request now that on any bills reaching the floor of the Senate where foreign aid is involved, I would appreciate being consulted on time limitations—which I have been on this bill and I am not indicating that I have not been—but for the future, I want to be consulted on time limitations on any foreign aid bills.

I will probably seek to reserve time, as I have done on this particular bill.

UNITED NATIONS PROGRAMS

Mr. HUMPHREY. Mr. President, the Committee on Foreign Relations has carefully considered each of the United Nations programs for which it has recommended the authorization of voluntary contributions. President Carter requested an appropriation of $246 million for voluntary contributions, but has subsequently submitted a budget amendment increasing this request by $8 million. He has requested an additional $5 million for the United Nations Children's Fund and $3 million for the first U.S. contribution to the United Nations Decade for Women. The total executive branch request now stands at $254 million.

The Senator from Virginia will notice that the committee recommends reductions in some programs and increases in others. Specifically, the committee recommends a reduction in the U.S. contribution to the United Nations Relief and Works Agency—UNRWA—because the committee has serious reservations about the effectiveness of UNRWA's programs.

At the same time, after consideration of the President's request and the merits of each agency, the committee recommends increases in several of the administration's requests for contributions. The $262 million included in the bill is $8 million more than the administration's request. The table on page 40 of the committee report lists each of the committee's recommendations and I will submit that for the RECORD.

Mr. President, strong U.S. support for multilateral humanitarian, development and technical assistance is a key element in a positive policy toward the 2 billion people and approximately 110 countries in the developing world. U.S. financial contributions to and support for these United Nations programs are an important sign of American leadership in the achievement of constructive North/South relations.

These programs affect the welfare of the American people and serve U.S. foreign policy interests by supporting progress toward global economic stability and growth; by sustaining international technical cooperation; and by contributing to efforts toward majority rule in Africa, a Middle East settlement and reliable international nuclear safeguards.

Moreover, they strengthen the developing nations' own efforts to help themselves; focus increasingly on the problems of the poorest people in the poorest countries; and, because they are largely apolitical, have the confidence of developed and developing countries alike.

The United States led the establishment of many of these programs, believing strongly that they would help meet some of the most urgent global challenges: Abject poverty and the growing gap between developed and developing nations; overpopulation; malnutrition and periodic famine; unemployment and low productivity; and the need for multilateral attention to special regional and technical problems.

Mr. President, as a principal contributor, the United States participates actively in evaluating and determining the policies and programs of these organizations. Moreover, American support strongly influences other donors. If U.S. contributions decrease, other countries may follow suit. In turn, some countries may try to expand multilateral assistance based on assessed contributions set by majority vote. The United States would have less chance to judge the programs on their merits and to determine accordingly the level of its voluntary contributions.

These organizations are improving their management and efficiency. In the UNDP a new chief executive, former Congressman Brad Morse, is working to increase their effectiveness.

The recommended fiscal year 1978 contribution level of $262 million reflects a careful assessment of the real needs and capacities of each organization, taking into consideration the growing demand for their programs and the heavy adverse impact of global inflation on their finances.

Finally, Mr. President, I want to close on a note which will please the Senator from Virginia. If the committee's recommendations are adopted and the $262 million is appropriated for these voluntary contributions, the U.S. share would be 23 percent—and that compares to the days when our share was 40 percent in the case of many of these programs.

Mr. President, I urge the Senate to retain the $262 million authorization recommended by the Foreign Relations Committee.

I ask unanimous consent to have a table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS

[In millions of dollars]

International organization/program	Executive branch authorization request	Committee recommendation	Difference
UNITED NATIONS			
U.N. Development program	130.0	140.0	+10.0
U.N. Relief and Works Agency	52.0	42.5	−9.5
U.N. Children's Fund	20.0	25.0	+5.0
International Atomic Energy Agency, Operational program	10.0	10.0	0
U.N. University	10.0	10.0	0
U.N. Revolving Fund for Natural Resources Exploration	2.0	2.0	0
World Meteorological Organization, voluntary assistance program	2.0	2.0	0
U.N./Food and Agricultural Organization, world food program	1.5	1.5	0
U.N. Institute for Training and Research	.5	.5	0
U.N. Educational and Training program for Southern Africa	.5	.5	0
U.N. Namibia Institute		.5	+.5
U.N. Decade for Women		2.0	+2.0
U.N. Capital Development Fund		2.0	+2.0
U.N. Associate Experts program		2.0	+2.0
W.H.O.		1.5	+1.5
Organization of American State voluntary programs	17.5	20	+2.5
Total International organizations and programs [1]	[1] 246.0	[1] 262.0	16.0

[1] The total does not include funds for the U.N. environment program, for which $40,000,000 was authorized by the U.N. Environmental Program Participation Act of 1973. Of that amount, $30,000,000 has been appropriated, and the executive branch has requested that the final $10,000,000 be appropriated for fiscal year 1978.

Mr. HARRY F. BYRD, JR. Now, the Senator from Minnesota has submitted a statement in regard to United Nations activities?

Mr. HUMPHREY. Basically, it was a display of the items we had approved. That is all.

Mr. HARRY F. BYRD, JR. That is fine.

Mr. HUMPHREY. For the record.

Mr. HARRY F. BYRD, JR. I am just seeking information.

Mr. HUMPHREY. Yes.

Mr. HARRY F. BYRD, JR. Would the Senator from Minnesota tell the Senate the total amount of money which the U.S. Government contributes to the United Nations?

My figure is $462 million. I am taking that from memory. But if the Senator from Minnesota will do so as the manager of the bill, for the record, I would like to know the total amount in all areas, all categories, voluntary assessments, the total amount of money our Government spends a year for United Nations activities.

Mr. HUMPHREY. It is my judgment that the figure of the Senator from Virginia is correct. It most likely is correct. I have the U.S. contributions for fiscal 1978. Total U.S. contributions are $238.5 million. There is the Organization of American States, which is another item. $17.5 million. But this does not include our assessment for such things as peacekeeping operations and the General Assembly.

Mr. HARRY F. BYRD, JR. But the taxpayers pay for all that.

Mr. HUMPHREY. The Senator is absolutely right. There is no question about it. The United Nations, as an instrumentality, has our support. We are most likely called the father of the U.N. By and large, I think it has served our Nation well.

So I agree with the Senator's figure.

Mr. HARRY F. BYRD, JR. The Senator agrees with my figure.

Mr. HUMPHREY. The figure of the Senator from Virginia, so far as I know, is correct.

Mr. HARRY F. BYRD, JR. The American taxpayers are financing the United

Nations to the extent of $462 million a year.

Mr. HUMPHREY. That includes, as I said, peacekeeping operations that we have had in the Middle East. It includes the peacekeeping operations in Cyprus. It includes a number of the programs that relate, for example, to vaccinations, the world food program—programs of humanitarian assistance—and the operation of the U.N. itself, the administrative expenditures of the U.N. However, our percentage of voluntary contributions, as the Senator knows, is about 19 percent.

Mr. HARRY F. BYRD, JR. The Senator from Minnesota has established the fact I want to establish—namely, that the American taxpayer, the American working man, is contributing, through his taxes, some $462 million to finance the United Nations.

Mr. President, now to get to the bill before the Senate, this bill, if passed, would authorize $1.6 billion for multilateral foreign aid programs. This represents an increase of nearly $300 million over the amount appropriated for fiscal 1977 bilateral assistance—an increase of almost 19 percent.

However, this is only one in a series of bills dealing with foreign aid.

Yesterday, the Senate passed a measure authorizing $5.2 billion to the international financial institutions, the international banks. One day later, we come back with a bill for $1.6 billion for bilateral foreign aid. All this money comes from the pockets of the taxpayers.

In these times of inflation and deficit spending, Congress must get its financial house in order and fund only those programs which are necessary. In my judgment, foreign aid should be reduced, not increased.

I shall vote against this bill.

It is very foolish, in my view, to increase foreign aid by 19 percent.

How can the Members of Congress justify voting to take more and more out of the pockets of the working people for a 19-percent increase in foreign aid programs at a time when we have 10- to 11-percent inflation?

Just this morning, administration witnesses testified before the Senate Finance Committee and admitted—it took a little time to draw it out of them—but they admitted that our country today has 10-percent inflation. Yesterday, two economists testified that it is 11 percent.

In any case, it is double digit inflation.

I submit that this totally reckless spending by Congress is a major cause of the inflation—these smashing deficits are a major cause of inflation.

This bill, Mr. President, as reported by the Foreign Relations Committee, is $61 million more than President Carter has asked for. I see no justification for the Senate to increase President Carter's request in the foreign aid field by $61 million. I shall vote against the proposal.

This bill is only one of a series which the Senate will be considering this year which contain authorizations for foreign aid programs.

Aside from this bill which would authorize bilateral aid at a cost to the taxpayers of over $1.6 billion, there is the multilateral aid bill which passed the Senate yesterday at a total cost of $5.2 billion.

Further, there is the Public Law 480 authorization now added to this bill at approximately $1.2 billion for the food for peace program, and following that will come other bills which contain some form of aid to other countries.

In total, the Carter administration request for foreign aid will amount to over $10 billion for fiscal year 1978, and will add to the approximately $200 billion which the American taxpayers have already paid out in loans and grants since 1945.

I should like my colleagues to pause for a moment and contemplate the magnitude of that dollar figure—$200 billion.

The Congress has become quite used to these kinds of figures in recent years with Members rounding figures to the nearest hundred million when negotiating over an amount of funding for some favored project or program. Yet, each and every dollar which goes into that hundred million that is so casually rounded, comes out of the pocket of some taxpayer.

It may be from the pocket of a middle income taxpayer or it may be from a clerk earning the minimum wage, but every dollar that this Congress spends comes from somebody's pocket.

Now, I would like to ask each Member of the Senate if he could honestly say to that taxpayer that his money has been well spent on foreign aid.

Could any Senator here assure that taxpayer that the dollar he worked so hard for has reduced appreciably the level of poverty in the third world? Could any Senator assure him that his dollar was not wasted? Not mismanaged? Not sitting in the Swiss bank account of some dishonest politician?

I am afraid this Senator could not make those assurances.

The case for continuing foreign aid at these high levels has not been adequately made.

We are told by advocates of foreign aid that it feeds the starving children, that it helps better the lives of millions of people. In fact, to vote against foreign aid is very difficult in view of the emotionalism surrounding the issue.

Yet, I do not believe that a convincing case has been made that our foreign aid program effectively meets these problems.

Somehow, the burden of proof has been residing with the opponents of foreign aid when it should be the other way around.

A Member of Congress should not vote approval for spending billions of dollars of tax funds on the promise that it feeds starving children. He should have the facts. He should be sure the very laudable goals ascribed to the current foreign aid program are in fact being achieved.

A clear and convincing case should be made that the program is of value to the taxpayers and that the program itself is effectively managed.

I submit that these requirements have not been met in the case of foreign aid and, in fact, I believe there is substantial evidence that our foreign aid program has not been effective.

An example of how the real effect of our foreign aid program can be very much different than that intended can be seen in the conclusions of a GAO report dated November 26, 1975.

That report points out how American food aid has, in fact, restricted increases in food production in less developed countries and has aggravated the food shortages in those countries.

To quote from that GAO report:

> Bulk quantities of food on concessional terms (such as the $27 billion worth provided by the U.S.) have adversely affected production in recipient countries by keeping down prices and by permitting governments to postpone needed agricultural reform.

The report goes on to state that:

> Leading world authorities now indicate that such food assistance by the United States and other countries has hindered developing countries in expanding their food production and thus has contributed to the critical world food situation.

I would like to emphasize that last phrase—food assistance by the United States has contributed to the critical world food situation, according to the General Accounting Office.

Our food aid program has aggravated the problem rather than helping it, yet a Senator who questions the wisdom of continuing our current foreign aid program is considered callous and insensitive to the problems of the Third World.

I believe it is time for the Congress to get the facts.

It is time for the Congress to meet its responsibility for spending the taxpayers dollars wisely and this will require a complete review of our foreign aid program—past and present.

We need to know, after 30 years of foreign aid, how our aid has been used and to whom it has gone.

Mr. President, aside from the question of the overall effectiveness of our foreign aid, there is the important issue of fiscal responsibility.

This bill would authorize an increase of 19 percent in our bilateral aid program over the moneys appropriated last year.

How can the Congress justify a 19-percent increase?

It would fund programs that the President did not request such as the U.N. Namibia Institute, the U.N. Decade for Women, the U.N. Capital Development Fund, and the U.N. associate experts program for an increase of $8 million.

It would add additional funds to programs included in the President's budget such as the U.N. development program, the World Health Organization, and the U.N. Children's Fund.

I believe these increases proposed by the committee are unnecessary and are not appropriate at a time when this year's deficit is projected to be $49 billion, rising to $65 billion for fiscal year 1978.

I believe that the Senate should support President Carter in his announced goal of a balanced budget and that we should not be adding millions of dollars beyond the President's request to each of the bills coming before us. Instead,

we should be searching for economies and unnecessary items in the bills before us.

The Congress cannot continue to fund every conceivable project and we especially cannot do this without raising taxes.

We should be heeding the words which President Carter spoke last month in a speech before the United Auto Workers. The President said that "we cannot afford to do everything" and he is right.

In these times of inflation and deficit spending the Congress must get its financial house in order and fund only those programs which are necessary and which have a clear return to the taxpayer.

In my judgment, foreign aid should be reduced—not increased.

As I say, I shall vote against this bill. It is very foolish in my view, to increase foreign aid by 19 percent.

What better dramatizes reckless spending than a 19-percent increase in foreign aid?

Mr. HUMPHREY. Mr. President, I believe there are no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

ADDITIONAL STATEMENTS SUBMITTED ON S. 1520
HUMAN RIGHTS AND HUMAN NEEDS

Mr. KENNEDY. Mr. President, I want to add my voice in strong support of the pending bill, which will significantly advance the process Congress has undertaken over the past several years to provide increased support and priority to the humanitarian and developmental aspects of our foreign assistance program.

I commend the distinguished Senator from Minnesota, Senator HUMPHREY, who has guided this bill as chairman of the Subcommittee on Foreign Assistance. The bill both reflects and strengthens the new directions which Congress has established to guide our foreign assistance effort, and it provides increased support for essential developmental programs in the areas of food and nutrition, agricultural and rural development, and health and family planning. It also provides increased U.S. support for the important work of the specialized agencies of the United Nations.

In this connection, Mr. President, I am delighted especially that this legislation provides an additional $1.5 million for a voluntary contribution to the WHO's 5-year program for research on tropical diseases. I had the privilege of attending the recent general assembly meeting of the World Health Organization, and the tropical disease research program is at the very heart of that organization's efforts to bring health care to the 1 billion men, women, and children at risk from these diseases.

Three hundred million people throughout the world suffer from filariasis. In Africa, 1 person in 10 will be affected by the "river blindness" form of this disease.

Malaria affects 200 million people. Schistosomiasis affects hundreds of millions more. The list of diseases is long. The number of victims is staggering.

The Senate Health and Scientific Research Subcommittee is committed to expanding this Nation's efforts in tropical diseases. I have personally met with the pharmaceutical industry in this country and challenged them to do the same.

The added U.S. contribution to the WHO tropical disease research effort is vitally needed if the organization is to successfully implement its program targeted at citizens in developing nations. And I want to thank Senator GLENN for his addition of this amendment in committee.

Mr. President, this bill is further recognition that our country is ending an era of neglect which for too long characterized our foreign aid priorities and porgrams. Our preoccupation with worldwide military aid is giving way to a new concern for human aid—to the less privileged people and nations of the world. Our preoccupation with the East-West power balance is yielding to a new concern for North-South issues.

Last month Secretary of State Vance made clear to the Conference on International Cooperation, meeting in Paris, the commitment of our Nation to bridge North/South differences and help meet basic human needs worldwide. He stated:

At this meeting, and at this moment, I want the policy of the United States to be understood. There should be a new international economic system. In that system there must be growth; but, above all, there must be justice. We are prepared to help build that new system.

I strongly welcome the initiatives of the Carter administration at CIEC. And I believe that this bill moves us closer to meeting the development objectives set forth in Paris last month.

This bill also recognizes what we have known for many years—that threats to the peace and our own national security can come from more than just arms races or military confrontations. We know that famine can be a threat to peace and stability. We know that refugee movements can unbalance the peace, and that natural disaster can create upheavals worse than war.

Mr. President, I am also pleased that this bill incorporates several amendments I offered prior to markup, and it includes a number of provisions I have recommended over the years as chairman of the Subcommittee on Refugees and of the Subcommittee on Health.

First, I want to commend the committee for acting on the amendments I proposed to provide additional rehabilitation and reconstruction assistance to earthquake victims in Italy and Turkey. The amounts authorized reflect a concern for the continuing needs resulting from the tragic earthquakes which struck both nations last year.

In this connection, I want to commend the committee's action in establishing a permanent international disaster relief authority in the law. I believe that this action is long overdue, and I am hopeful the House conferees will be persuaded as to its wisdom. In recent years, the authorizing language for international disaster assistance, contained in chapter 9 of the act, has been sufficiently tightened so that the abuses of the past, in distorting the humanitarian purposes of the account, can be avoided. I believe permanent authority in the law will permit greater flexibility in America's participation in and response to international disaster relief efforts around the globe.

Second, I strongly support the provisions in the bill that relate to the role of the voluntary agencies in our programs overseas. I have seen firsthand the pioneering work of America's voluntary agencies.

All over the world, representatives of the voluntary agencies are in the field, working at the grassroots level, alleviating the suffering of the poorest of the poor, offering America's helping hand to those in need. Often, they are the first to reach the scene when disaster strikes. They point the way for government. They educate Congress to the needs in the field. And they demand action by their example.

I commend the committee for the clarifying words contained in the report, and in supporting the role of the voluntary agencies as a crucial link in our developmental and humanitarian programs abroad.

Third, I am pleased that the committee and Senator HUMPHREY have acted to give greater support to the important work of the United Nations specialized agencies. Often we hear criticism about the United Nations—but that criticism is largely based on a narrow view of the political conflicts in the organization and the debates in the General Assembly. Unseen and unsung are the humanitarian and developmental efforts of the special United Nations agencies—such as the World Health Organization, the Food and Agriculture Organization, the U.N. development program, the U.N. High Commissioner for Refugees, and UNICEF, to name just a few.

These agencies of the United Nations have contributed immensely over the years to worldwide efforts to deal with humanitarian emergencies and to help third world nations improve the lives of their citizens. Having observed the work of these agencies in the field, I believe no American dollar is better spent than when it is directed for the kind of work they perform so well all around the globe. And I commend the committee for going beyond the initially hesitant approach of the administration in providing additional resources to these agencies—especially to WHO, UNICEF and the UNDP.

Fourth, I strongly support the bill's provisions relating to the Sahel development program, and the authorization of $50 million for the first phase of the comprehensive plan now being developed within the multidonor meeting in Ottawa last month. It is important that Congress act to indicate its strong support for this post-drought developmental effort. However, as I noted last year, in releasing one of the first AID reports to Congress on plans for the Sahel, we must be alert to the dangers of massive, multibillion dollar schemes for the area. And we should support small,

well-planned agricultural and water resources projects to help small farmers increase food production and better their lives now, without waiting for massive dams and irrigation schemes proposed by some for the future. I am pleased that the AID plan, to date, has placed priority on these types of projects—in the health and nutrition field, in training, in family planning, and in the agricultural sector. Nowhere are the new directions established by Congress more relevant and appropriate than in the Sahel today—and nowhere should we be more cautious in funding large-scale projects than in the Sahel, with its meager infrastructure and capacity to absorb outside assistance.

Finally, I am pleased that the committee has taken action to recognize the need to restore some direct assistance to India, and to earmark at least $60 million to help India meet the foreign exchange costs of urgently needed grain storage facilities. Over recent years, there has been a maturing of relations between our two countries, and a recognition by both that old aid arrangements and relations must be changed. Now, with a change of governments in both countries, I am hopeful that we can once again look forward to ways in which America might work with India in support of its efforts to better the lives of its people. I commend the committee for taking the first step in this direction.

In conclusion, Mr. President, I want to state again my strong support for this bill, and for the new directions guiding our foreign assistance program—thanks to the leadership of Congress, and to the support of the new administration. Together, we can work to redress the past imbalances in our foreign aid program, and to make clear once again that the well-being of people, the hope for better and healthier lives among the vast majority of the people of this Earth, are the primary concern directing our Nation's foreign assistance efforts.

The basic issues of human rights and human welfare have once again become a focus of attention and concern. And in the proper recognition of human rights—of individual and constitutional rights—we must never lose sight of the larger issue of human needs. For there is no more basic human right than the right to the essentials of life. The right to a future of hope, rather than despair—the right to food and to health and to well-being—these are the birthright of all people. Yet, for two-thirds of mankind these rights are daily lost in the battle for mere survival.

It is in recognition of these human rights that I strongly support the passage of this bill.

NAMIBIA INSTITUTE

Mr. CLARK. Mr. President, I rise to address the provision in S. 1520 pertaining to the Namibia Institute, for which the Senate Foreign Relations Committee recommended an authorization of $500,000.

The primary objective of the Namibia Institute is to train Namibian students in practical fields of education in order to be of service to their country after independence. It is not an organization that is devoted to political education or to the creation of guerilla fighters. To the contrary, the activities of the institute would have just the opposite effect—the creation of a class of civil servants, managers, and technicians whose role after independence would be to contribute to stability, growth, and development. There is a desperate shortage of skilled manpower in Africa, particularly in Namibia, whose present administration in nonclerical ranks is almost entirely white.

This institute has been established under the auspices of the United Nations and in cooperation with the black African States in the area and other nongovernmental organizations, including American agencies. It has international backing, the support of the black African States, and the endorsement of the Organization of African Unity.

The institute is well managed, academically recognized, and development-oriented. The curriculum stresses practical fields of education ranging from constitutional law to crop management. It includes field training and demonstrations. It receives its accreditation from the University of Zambia which lends the institute its research facilities and resources.

The institute has only been in operation for 1 year. Yet it is already working within its budgetary guidelines. The current annual costs of the institute are slightly more than $2 million. Its expenditures for 1977 are approximately three quarters of a million dollars less than was estimated last year due to savings gained, in part, by contributions by the Zambian Government for student hostels.

The U.S. contribution to the Namibian Institute would represent roughly 25 percent of yearly costs and double our contribution made last year.

I should also point out that I visited the Namibia Institute last year during my visit to Africa. I was most impressed by the quality of the staff and their work. I saw many worthy causes in Africa. But if I had only one of them to choose from, it would be the Namibia Institute.

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on S. 1520 by the Senator from Rhode Island (Mr. CHAFEE), who is necessarily absent today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHAFEE SUPPORTING LONG-TERM DROUGHT RELIEF PROGRAMS TO CAPE VERDE AND OTHER NATIONS

In this debate on the "how's" and "where's" of American foreign assistance, let us not forget the "why's".

One of the fundamental purposes of American aid to foreign nations is to help those less blessed with abundant natural resources to at least survive while they try to develop their own capabilities. Particularly pressing, however, is the need to help those afflicted by natural disaster.

When a natural catastrophe devastates a region of the world, the United States provides reconstruction aid to help return the area to its feet. People in need have come to count on the United States for humanitarian assistance when disaster strikes.

Less well known are the prolonged natural disasters of long-term drought. Just as devastating as an earthquake or a flood in its crippling effect, long-term drought has no single cataclysmic moment which focuses world attention on the plight of those affected. Rather, its stranglehold grips more tightly day-by-day as water disappears.

It is good to see that by instituting the Sahel Development Program, the United States is moving to help combat the slow and silent disaster of long-term drought.

Between 1968 and 1973, the Sahel in central Africa was plagued by a severe drought causing an estimated 100,000 deaths. Another example has been the more prolonged problem afflicting the residents of the Cape Verde Islands, 400 miles off the coast of Africa, who have seen nine consecutive years of drought. As a result, Cape Verde has been able to produce only 5–10 percent of the food needed to feed its citizens. The rest must come from outside.

While food has been sent on an on-going basis, I am particularly pleased to note that by Cape Verde's participation in the Sahel Development Program, and other aid programs, Cape Verde can begin to work toward long-term solution to the chronic water shortage. While we continue to provide needed food for the short-term, American aid must also be used over the longer term to help make developing nations like Cape Verde more independent in their food production. The desalination project on the island of Sal and water resources project on Santiago Island are examples of the way American aid can be used to give Cape Verdeans the tools they need to be more self-sufficient. I am told by the State Department that Cape Verde is one of the very efficient recipient nations to whom we give aid.

As we consider the many facets of this complex Foreign Assistance Act, I would like to especially support the Sahel Development Program since in addition to other provisions of this bill which alleviate immediate needs, it prepares for a future when today's young nations such as Cape Verde can develop more independently and enable them to cope with the natural hardships that have occurred in their infancy.

This, to me, is a fundamental "why" of American foreign assistance and I urge your support in this end.

TRAINING STUDENTS FROM SOUTHERN AFRICA

Mr. CLARK. Mr. President, I would like to comment on the southern African training program provided for in S. 1520. As we all know, the administration is currently engaged in new political initiatives to bring about a peaceful resolution to the problems of southern Africa, leading to majority rule in 1 or 2 years in Namibia and Rhodesia.

Manpower training is greatly needed all over Africa, but it is especially urgent in the region of southern Africa as it approaches majority rule and multiracial government. There is perhaps no better way to contribute to smooth and gradual change in these new states than to train and educate the elite that will be running the country after independence.

The African-American Institute started a program in this direction last year. Over the past 23 years, it has run other similar programs, drawing more than 10,000 students from countries throughout Africa into training activities of various kinds. Approximately 250 American universities have been associated with AAI programs.

The southern African student program begun last year was supported by AID for a projected intake of 120 students over a 2-year period, at a cost of approx-

imately $1.5 million. Thus far, $617,000 has been spent for 96 awards, leaving roughly $904,000 left for the remaining 24 awards for the remainder of this year, and all of next year. AAI requested an additional $1.6 million to meet the estimated budget costs for another 250 students they want to add to the program.

I feel that this program should be strongly supported. Since the AAI has an ongoing program, we based our estimates on their current needs. However, the bill does not designate a particular contractor.

Mr. President, I strongly urge my colleagues to support this authorization. It will go a long way toward contributing to lasting stability in a continent that is desperately short of trained manpower and in a region of that continent which is undergoing rapid social and political change.

Mr. PERCY. Mr. President, a great deal of progress has been made with restructuring the Public Law 480 program over the past several years. In 1974 and subsequent years we have directed that the majority of title I aid go to the poorest countries in the world. We helped strengthen and stabilize the title II program by guaranteeing that a minimum volume be distributed by private voluntary aid organizations. We have mandated that emphasis in the program be placed on increasing foreign rural agricultural development; and in part as a vehicle for that goal, we established in 1975 a modest grant-back provision which allowed funds generated through sale of title I commodities which are used for specified development projects to be counted as if repaid to the United States. These actions firmly committed the United States to a needs-oriented aid program which has as its goal rural agricultural development aimed at producing greater food self-sufficiency in the developing world.

Among the amendments reported by the Agriculture Committee this year which will strengthen and advance this commitment are the following: expansion of the grant-back provisions in a new title III food for development program; allocation of 5 percent of U.S. receipts for port and storage facilities development in recipient countries, which has the bonus of also facilitating commercial exports to these countries; raising the minimum volume levels in title II for next year and adding an automatic escalator of 50,000 tons to these levels; and assuring that recipient countries have the facilities to receive our food aid and that receipt of food aid will not act as a disincentive to their own domestic agricultural production.

There is one change which somewhat disturbs me, however, and that is raising the $300 per capita GNP figure governing the distribution of 75 percent of the title I aid. This administration, as did its predecessor, claims that it needs more flexibility in allocating title I aid, that severe needs are going unmet unnecessarily. I am somewhat skeptical about this need for flexibility in light of the fact that the waiver provisions in the existing law have never been exercised. Moreover, only 13 of the 49 countries eligible for the 75 percent portion currently receive title I aid. I realize that there are good reasons why many of these countries do not receive aid; I merely point out that a certain degree of flexibility exists in the program that has not been taken advantage of.

The administration also expressed their dismay that several countries would become ineligible for a part of their title I aid if the $300 figure were not changed, because inflation raised their per capita GNP's above $300 without any change in real income or wealth in the country. This then, would seem to justify some increase in the cutoff level.

My concerns are the following. I question the wisdom of raising the level to as high as $520. I am not convinced that such a great relaxation of a provision designed to minimize the political use of food aid is necessary or wise. It could be that this relaxation may in some way be a response to pressures to "move commodities," to dump our surpluses overseas, which would be a terrible step backwards. Last, should world food supplies get tight during the life of this bill, this relaxation may tempt the administration to use this flexibility to use food aid for political purposes, despite its commitment to human rights.

These problems notwithstanding I am willing to place my faith along with the Agriculture Committee in the administration. However, I feel that at this juncture it is important that Congress vehemently reaffirm its intent that aid should go to those with the greatest food needs, and not necessarily to political friends. I hope my friend from Minnesota agrees with me and joins me in putting the administration on notice that we will be asking questions at regular intervals as to how effective this relaxation was and if and how it has helped the administration to direct aid to food needy countries and populations within those countries.

U.N. VOLUNTEERS

Mr. President, I was pleased that the committee has recommended U.S. participation in the associate experts program.

As we know, the U.N. associate experts program takes young professionals and gives them field training in various U.N. development programs with the eventual aim of bringing them in as U.N. staff members. Other countries—especially Western European—have used associate expert programs quite successfully to do this. The Government Operations Committee report on International Organizations endorses the need to increase the numbers of Americans in the U.N. system.

In line with this, the U.N. volunteers program—the U.N.'s Peace Corps—provides another approach to increasing U.S. presence in the U.N. system. Even though just volunteers, their performance record has been so good that they make excellent candidates for junior professional posts within the U.N. system after their field experience. In fact, several ex-U.N. volunteers have been recruited into the U.N.

Total annual costs for one volunteer is about $9,500 as compared to about $30,000 for an associate expert.

Thirty U.N. nationals now serve in the U.N. volunteers—10 percent of the total.

So as not to take up more time of my colleagues, I would like to submit for the record a fact sheet providing more complete background information on the U.N. volunteers program. It also suggests one funding mechanism, but I would urge the executive branch to consider others.

I would hope to have the support of the distinguished Senator from Minnesota in proposing to the executive branch that in planning their next budget request, they consider seriously increasing U.S. participation in the U.N. volunteers program. In this way we would be providing a two-pronged approach to increasing U.S. presence in the U.N. system.

UNITED NATIONS VOLUNTEERS, FACTSHEET

The United Nations volunteers which began as a small program in 1971 has now expanded to the point where as of March 31, 1977, 296 volunteers were serving in 52 developing countries, by far the largest number—67 percent—being in the poorest countries of the world located at the grassroots level where the greatest impact can be made. The U.N. volunteers program has become an important source of multilateral technical assistance by providing young technically qualified persons of many nationalities willing to serve and share their experience and expertise with others. Areas of activity are far reaching and include agricultural development and extension service, agricultural research and demonstration, veterinary services, fisheries, forestry development, urban planning and housing development, natural resources development, community development, education and teacher training, vocational training, rural crafts, health manpower training and supervision, nutritional care, rural water supply, and so forth.

While there can be no denying the interest and effect generated by U.N. volunteers over the last few years, it is nonetheless obvious that the program has not yet succeeded in meeting its potential, or even the minimum goal of 500 set by the UNDP Governing Council. The major reason for this is one of money. Unlike the bilateral volunteer sending organizations and associate expert programs which cover both in country and external costs, in-country costs of fielding a U.N. volunteer must be borne by U.N. resources, usually from the U.N. budget allocated to the country to which the volunteer is assigned. This is especially hard on the least developed countries whose already limited U.N. resources have little or no room for bearing the additional costs of U.N. volunteers. Extra funds are therefore needed to bear the in-country and other related costs of U.N. volunteers. An increase in the contribution of the United States to the special voluntary fund of the U.N. volunteers would give a much needed shot in the arm to the program. It would also serve U.S. interests in that an increase in the number of volunteers serving in the program as a whole would be matched by a corresponding increase in the number of young U.S. nationals participating.

The United States plays a leading role

in the U.N. volunteers program by contributing to the special voluntary fund—currently running at about $200,000 a year—and providing just over 10 percent of the volunteers who serve in the program. While the United States is a major contributor to the program it is worthwhile noting that in-country costs of U.S. citizens serving in U.N. volunteers which are borne entirely by U.N. funds exceed the U.S. contribution to the U.N. volunteers special voluntary fund.

DECADE FOR WOMEN

As we know, the Senate Foreign Relations Committee included in its authorization for voluntary contributions to International Organizations and Programs $2 million for the very worthwhile U.N. Decade for Women program.

Since that time, the executive branch has submitted an amended budget request which includes $3 million for the Decade for Women. I would like to have on the record my understanding from the distinguished manager of this bill that although the authorization for international organizations has been reduced, it will still be possible for the $3 million to be expended for the Decade for Women program.

The U.N. Decade for Women was established at the 1975 International Women's Year Conference.

The United States was a leader in establishing the program, but has not contributed anything to the IWY fund for the Decade for Women since then.

Over 25 countries have already contributed to the fund—about $2 million. More has been pledged by other countries, so there is no question that the U.S. share is to be matched by other countries.

I would briefly like to outline the purposes of the fund:

First. The program was established because of an acknowledged urgent need to provide the means for enabling women to participate effectively in the development process.

Second. By the addition of relatively little money from the fund, women can be included or their role enhanced in projects funded or about to be funded by other U.N. agencies, thereby achieving a "multiplier effect" from existing programs.

Third. Some of the money will go for the U.S. share of start-up costs for an international women's training and research institute—probably in Tehran—and some for already-existing regional training centers for women in Africa, Asia, and Latin America.

Fourth. Priority will be placed on the creation of employment opportunities so that women will play a vital role in their national economies.

Funds are desperately needed. Many planned programs have not been put into effect because of a lack of funds, and our contribution is vitally needed.

Mr. HUMPHREY. This is correct and I hope that AID will make such an allocation.

(End of additional statements.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the House bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I believe nothing more needs to be said on this bill.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6714, that the bill be considered as having been read twice, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives on H.R. 6714, an act to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that act, and for other purposes.

The PRESIDING OFFICER. Without objection, the several requests of the Senator from Minnesota are agreed to.

Mr. HUMPHREY. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the text of S. 1520 as amended by the Senate.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER) is absent on official business.

I also announce that the Senator from Georgia (Mr. NUNN) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Hawaii (Mr. MATSUNAGA) would vote "yea."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 59, nays 32, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—59

Abourezk	Ford	McIntyre
Anderson	Glenn	Metzenbaum
Baker	Gravel	Moynihan
Bayh	Hart	Muskie
Bellmon	Haskell	Nelson
Bentsen	Hatfield	Packwood
Biden	Hathaway	Pearson
Brooke	Heinz	Pell
Bumpers	Huddleston	Percy
Case	Humphrey	Ribicoff
Chiles	Inouye	Riegle
Church	Jackson	Roth
Clark	Javits	Sarbanes
Cranston	Kennedy	Schweiker
Culver	Leahy	Sparkman
Danforth	Long	Stafford
DeConcini	Lugar	Stevenson
Dole	Magnuson	Stone
Durkin	Mathias	Williams
Eagleton	McGovern	

NAYS—32

Allen	Goldwater	Randolph
Bartlett	Hansen	Schmitt
Burdick	Hatch	Scott
Byrd, Harry F., Jr.	Hayakawa	Stennis
	Helms	Stevens
Byrd, Robert C.	Hollings	Talmadge
Cannon	Johnston	Thurmond
Curtis	Laxalt	Tower
Domenici	McClure	Wallop
Eastland	Morgan	Young
Garn	Proxmire	Zorinsky

NOT VOTING—9

Chafee	McClellan	Nunn
Griffin	Melcher	Sasser
Matsunaga	Metcalf	Weicker

So the bill (H.R. 6714), as amended, was passed as follows:

That this Act may be cited as the "International Development Assistance Act of 1977".

TITLE I

DEVELOPMENT ASSISTANCE

SEC. 101. Chapter 1 of part 1 of the Foreign Assistance Act of 1961 is amended—

(1) in section 102—

(A) by inserting in the seventh paragraph of subsection (a) "environment and natural resources," immediately after "decent housing,";

(B) by inserting in subsection (b)(2) "environment and natural resources;" immediately after "health;";

(C) by redesignating subsection (d) as subsection (e) and inserting immediately after subsection (c) the following new subsection:

"(d) For the purpose of promoting economic growth in the poorest countries, the President is authorized, notwithstanding any other provision of law, to make available to the relatively least developed countries assistance under this chapter on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives."; and

(D) by amending subsection (e), as redesignated, to read as follows:

"(e)(1) Development assistance furnished under this chapter shall be increasingly concentrated in countries which will make the effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance). In order to make possible consistent and informed judgments concerning which countries will make the most effective use of such assist-

ance, the President shall propose appropriate factors to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In developing such factors, the President shall specifically take into account their value in assessing countries' actions which demonstrate genuine concern and effective action for materially improving the lives of the poor and their ability to participate in development, including but not limited to efforts to—

"(A) increase agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

"(B) reduce infant mortality;

"(C) control population growth;

"(D) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

"(E) reduce rates of unemployment and underemployment.

A report on such proposed factors shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives by December 31, 1977.

"(2) The President shall endeavor to bring about the adoption of similar factors by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection.";

(2) in section 103—

(A) by striking out in the second sentence of subsection (a) all after "for such purposes," and inserting in lieu thereof "$745,000,000 for the fiscal year 1977, and $550,000,000 for the fiscal year 1978, which amounts are available until expended."; authorized to remain and

(B) by adding at the end thereof the following new subsection:

"(h) Of the funds authorized to be appropriated under this section, the President is requested to commit up to $60,000,000 for the purposes of assisting India with foreign exchange costs incurred in connection with the construction of grain storage facilities or other purposes specified under this section.";

(3) (A) by striking out section 104:

(B) by renumbering sections 105, 106, 107, 108, 109, 110, and 111 as sections 106, 107, 108, 109, 110, 111, and 112, respectively; and

(C) by inserting immediately after section 103 the following new sections:

"SEC. 104. POPULATION PLANNING.—(a) In order to increase the opportunities and motivation for family planning, and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for population planning. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $275,600,000 for the fiscal year 1977 (which shall also be available for the purposes of section 105), and $160,000,000 for the fiscal year 1978, which amounts shall remain available until expended.

"(b) Assistance under this section shall be furnished in accordance with the applicable provisions of section 105(b).

"(c) Assistance under this chapter shall be administered so as to give particular attention to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this chapter shall be designed to build motivation for smaller families in programs such as education in and out of school, nutrition, disease control, maternal and child health services, agricultural production, rural development, and assistance to the urban poor.

"SEC. 105. HEALTH.—(a) In order to prevent and combat disease, and to help to provide health services for the great majority, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health, disease prevention, and environmental sanitation. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $109,500,000 for the fiscal year 1978, which amount shall remain available until expended.

"(b) Assistance provided under this section and, where applicable, under section 104 shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor.";

(4) by striking out, in the second sentence of section 106(a), as renumbered by paragraph (3), all after "for such purposes," and inserting in lieu thereof "$101,800,000 for the fiscal year 1977, and $84,400,000 for the fiscal year 1978, which amounts are authorized to remain available until expended.";

(5) by inserting in section 106(c), as renumbered by paragraph (3), "for the fiscal year 1977, and not less than $1,647,000 shall be available for the fiscal year 1978," immediately after "shall be available";

(6) in section 107, as renumbered by paragraph (3)—

(A) by striking out in subsection (a) "and 105" and inserting in lieu thereof "105, and 106"; and

(B) by striking out in the first sentence of subsection (b) all after "for such purposes," and inserting in lieu thereof "$104,500,000 for the fiscal year 1977 and $100,000,000 for the fiscal year 1978, which amounts are authorized to remain available until expended.";

(7) in section 110, as renumbered by paragraph (3)—

(A) by striking out "108" and inserting in lieu thereof "109"; and

(B) by inserting immediately before the period in the last sentence a comma and the following: "except that the authority of such sections may be used to transfer for the purposes of section 667 not to exceed 5 per centum of the amount of funds made available for section 667(a)(1)";

(8) by striking out "No" in section 111(b), as renumbered by paragraph (3), and inserting in lieu thereof "Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries', no";

(9) by striking out the last sentence of section 112, as renumbered by paragraph (3), and inserting in lieu thereof the following new sentence: "Not less than $10,000,000 of such funds shall be used only for technical assistance to carry out the purposes of this section during the fiscal year 1978.";

(10) by amending section 116 (c) and (d) to read as follows:

"(c) In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assistance programs under part I, the Administrator shall consider, in consultation with the Department of State Coordinator for Human Rights and Humanitarian Affairs—

"(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States; and

"(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of human rights practices or policies of such country.

"(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 30 of each year, a full and complete report regarding—

"(1) the status of basic human rights in countries that receive assistance under part I; and

"(2) the steps the Administrator has taken to alter United States programs under part I in any country due to human rights considerations. For purposes of this section, the term 'human rights' includes but is not limited to—

"(A) consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hindrance;

"(B) the rule of law (freedom from government terror, especially as signified by the ability of the courts to decide against the government and the absence of imprisonment or torture for political reasons);

"(C) individual freedom, including freedom of religion, freedom of speech, independence of the media from governmental control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, and freedom to join private organizations of choice; and

"(D) minority rights (the right of ethnic, linguistic, religious and other groups to preserve traditional values and culture).."; and

(11) by adding at the end thereof the following new sections:

"SEC. 117. SAHEL DEVELOPMENT PROGRAM PLANNING.—The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

"(b) The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

"(c) In developing this long-term program, the President shall—

"(1) consider international coordination for the planning and implementation of such program;

"(2) seek greater participation and support by African countries and organizations in determining development priorities; and

"(3) begin such planning immediately.

"(d) There is authorized to be appropriated to the President, to carry out the purposes of this section, in addition to funds otherwise available for such purposes, $5,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. The President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives not later than

April 30, 1976, a comprehensive proposal for carrying out the provisions of this section which shall include budget materials relating to programs for the fiscal year 1977.

"SEC. 118. SAHEL DEVELOPMENT PROGRAM—IMPLEMENTATION.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term development of the Sahelian region. Assistance furnished under this section shall be in accordance with a long-term, multidonor development plan which calls for equitable burden-sharing with other donors, and shall be furnished, whenever appropriate, in cooperation with an international coordinating mechanism.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, for use beginning in the fiscal year 1978, $200,000,000, which shall remain available until expended, but of which not to exceed $50,000,000 shall be available for use in the fiscal year 1978.

"SEC. 119. (a) UNCONVENTIONAL ENERGY TECHNOLOGIES.—In order to alleviate energy problems through the development and utilization of unconventional energy technologies and to otherwise carry out the purposes of this section, the President is authorized to furnish assistance under this part for cooperative programs with developing countries in energy production and conservation. The emphasis of these programs shall be on the earliest practicable development and utilization of energy technologies which are environmentally acceptable, require minimal capital investment, are appropriate for decentralized and rural applications, are transferable from one region of the world to another, are most acceptable to the sociocultural groups which will utilize them, are simple and inexpensive to utilize, reduce oil import dependency, and are most susceptible to the development of a mass market and to early development of American and foreign manufacturing industries.

"(b) In furtherance of the purposes of this section, the President is authorized to carry out studies to identify the energy needs, uses, and resources which exist in developing countries. The results of the studies conducted under this subsection shall be reported to the Congress by July 1, 1978. Such report shall identify the most promising energy systems and technologies available for cooperative projects and shall recommend modifications in the overall United States energy plan in order to incorporate the findings of the studies conducted under this subsection into our national planning processes.

"SEC. 120. ENVIRONMENT AND NATURAL RESOURCES.—(a) The President is authorized to furnish assistance under this part for developing and strengthening the capacity of less developed countries to protect and manage the environment and natural resources of such countries.

"(b) Of the funds authorized to be appropriated under this part, the President is authorized to commit up to $5,000,000 for the fiscal year 1978 to carry out the purposes of this section.

"SEC. 121. NOTIFICATION OF PROGRAM CHANGES.—None of the funds authorized to be appropriated to carry out the purposes of this Act (except for programs under title III or title IV of chapter 2 of part I, chapter 5 of part I, and programs of disaster relief and rehabilitation), shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the Congress for obligation under this Act for the fiscal year 1978 unless the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Appropriations Committee of both Houses of the Congress are previously notified fifteen days in advance.

"SEC. 122. INFANT NUTRITION.—The President is authorized and requested to devise and carry out, in partnership with developing nations, a strategy designed to promote breast-feeding of infants, within the context of integrated programs of nutrition and health improvement for mothers and children, and to provide technical, financial, and material support to individuals or groups at the local level for such purposes.".

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 102. Section 214 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out in subsection (c) all after "President" and inserting in lieu thereof "$25,000,000 for the fiscal year 1977, and $20,000,000 for the fiscal year 1978, which amounts are authorized to remain available until expended.";

(2) by striking out in subsection (d) "1974" and all that follows through "1977" and inserting in lieu thereof "1976 through 1978"; and

(3) by adding at the end thereof the following new subsection:

"(f) Notwithstanding the provisions of subsection (b), not less than $800,000 of the funds authorized to be appropriated for any fiscal year pursuant to this section shall be available solely for furnishing assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that no such funds shall be available for the domestic operations of any such center located in the United States, its territories, or its possessions.".

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by—

(1)(A) striking out the second sentence of section 221; and

(B) striking out in the last sentence of section 221 "section 222(b) and section 223" and inserting in lieu thereof "sections 222(b), 222(c), and 223";

(2)(A) inserting in section 222(c) "or under section 221," immediately after "1969,"; and.

(B) striking out in section 222(c) "$600,000,000" and inserting in lieu thereof "$1,230,000,000 through the fiscal year 1979";

(3) striking out in section 222A(h) "December 31, 1977" and inserting in lieu thereof "September 30, 1978";

(4)(A) striking out in section 223(b) "hereunder," and inserting in lieu thereof "under section 221 or 222 or under prior housing guaranty authorities,"; and

(B) adding at the end of section 223(b) the following new sentence: "Fees collected in connection with guaranties issued under section 222A shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized under section 222A.";

(5)(A) striking out in section 223(j) "1977" and inserting in lieu thereof "1978"; and

(B) striking out in the last sentence of section 223(j) "$50,000,000,", "$20,000,000,", and "$15,000,000." and inserting in lieu thereof "$75,000,000,", "$30,000,000,", and "$30,000,000.", respectively.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 104. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out in the first sentence all after "for such purposes," and inserting in lieu thereof "for the fiscal year 1977, $219,900,000, and for the fiscal year 1978, $252,000,000, none of which shall be expended for contributions to the United Nations University."

(2) by adding at the end thereof the following new sentence: "Of the funds authorized to be appropriated under this subsection, not to exceed $42,500,000 shall be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.".

PERMANENT INTERNATIONAL DISASTER RELIEF AUTHORITY

SEC. 105. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out the first sentence and inserting in lieu thereof the following new sentence: "In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President from time to time such amounts as may be necessary to carry out the purposes of section 491, except that availabilities of funds which have not been previously obligated shall at no time exceed $25,000,000.".

ITALIAN RELIEF, REHABILITATION, AND RECONSTRUCTION

SEC. 106. Section 495B of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsection (b) as (d); and

(2) by inserting immediately after subsection (a) the following new subsections:

"(b) There are authorized to be appropriated to the President, in accordance with the provisions of section 491 and on such terms and conditions as he may determine, $35,000,000 for the fiscal year 1978, which amount is authorized to remain available until expended, for relief, rehabilitation, and reconstruction assistance for the people who have been victimized by the recent earthquakes in Italy.

"(c) Not later than ninety days after enactment of appropriations to carry out subsection (b), and on a quarterly basis thereafter, the President shall transmit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and to the Speaker of the House of Representatives on the programing and obligations of funds under subsection (b).".

TURKEY RELIEF, REHABILITATION, AND RECONSTRUCTION

SEC. 107. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section;

"SEC. 495D. TURKEY, RELIEF, REHABILITATION, AND RECONSTRUCTION.—The President is requested to use up to $10,000,000 of the funds available under section 492 of this Act to provide relief, rehabilitation, and reconstruction assistance to the victims of the recent earthquakes in Turkey.".

SAHEL DEVELOPMENT PROGRAM

SEC. 108. (a) Section 494B of the Foreign Assistance Act of 1961 is repealed.

DOUBLE DIPPING

SEC. 109. Section 626(b) of the Foreign Assistance Act of 1961 is amended by striking out "sections 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5 of the United States Code" and inserting in lieu thereof "section 3323(a) of title 5 of the United States Code".

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 110. Section 661 of the Foreign Assistance Act of 1961 is amended by striking out "up to $1,000,000" and all that follows through "1977," and inserting in lieu thereof "$2,000,000 of the funds made available for the purposes of this Act in the fiscal year 1977, and $2,000,000 for the fiscal year 1978.".

OPERATING EXPENSES

SEC. 111. Section 667 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 667. OPERATING EXPENSES.—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for the purposes of this section, for the fiscal year 1978:

"(1) $220,200,000 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and

"(2) such amounts as may be necessary for increase in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

"(b) Amounts appropriated under this section are authorized to remain available until expended.".

PROHIBITION ON USE OF FUNDS FOR INVOLUNTARY STERILIZATIONS

SEC. 112. Section 114 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "ABORTIONS.—" and inserting in lieu thereof "ABORTIONS OR INVOLUNTARY STERILIZATIONS.—(a)"; and

(2) by adding at the end thereof the following:

"(b) None of the funds made available to carry out this part shall be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce, or provide any financial incentive to, any person to practice sterilizations.".

COORDINATION

SEC. 113. Section 640B of the Foreign Assistance Act of 1961 is amended—

(1) by inserting in the second sentence of subsection (a) immediately before the period the following: "and advise him concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries' food production; rural development and nutrition, population planning and health; and education, public administration, and human resource development".

(2) by adding at the end of subsection (a) of section 640B of the Foreign Assistance Act of 1961 the following subsections:

"(e) The head of any of the departments or agencies in subsection (a) may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

"(f) To carry out the purposes of subsection (a), the Committee shall—

"(1) prepare studies on various development problems;

"(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

"(3) monitor and evaluate the results of the development activities of each such department or agency; and

"(4) arrange for the exchange of information and studies between such agencies and departments.

"(2) In its annual report to the Congress, the Committee shall also report in its operations referred to in subsection (f) above."

THE INTERNATIONAL ENERGY INSTITUTE

SEC. 114. Part VI of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"CHAPTER 2—THE INTERNATIONAL ENERGY INSTITUTE

"SEC. 921. FINDINGS AND PROPOSALS.—(a) The Congress finds and declares that—

"(1) there is a worldwide shortage of depletable energy sources which has significantly restricted the capability of developing nations to increase health and living standards;

"(2) such shortage will grow more severe and can only be rectified by the development, demonstration, and application of and the conventional energy sources to developing nations;

"(3) due to limited power grids, the most readily applicable and economical energy forms for developing nations are renewable and unconventional energy;

"(4) the development, demonstration, and application of renewable and unconventional energy to developing nations by the United States does not have a high priority or a central institutional point of focus; and

"(5) the rapid extension of renewable and unconventional energy to developing nations is an essential component in their efforts to increase health, food, education, and living standards.

"(b) The purpose of this chapter is to establish the Institute whose purpose shall be to—

"(1) raise the health and living standards of developing nations by stimulating the application of renewable and unconventional energy to such nations;

"(2) serve the United States to stimulate and assist in the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations;

"(3) serve as a catalyst alone and in partnership with the private sector, agencies of other governments, labor unions, trade associations, and international institutions in international efforts to direct resources toward the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations;

"(4) serve as the agent of the United States in joint efforts with other governments, the agencies of such governments, international institutions, and the private sector to stimulate and conduct the development, demonstration, and application of renewable and unconventional energy sources and forms in developing nations; and

"(5) develop a coordinated effort by the Department of State and the Department of Energy to utilize the resources of the United States for the demonstration and application of renewable and unconventional energy sources and forms in developing nations.

"SEC. 922. DEFINITIONS.—As used in this Act, the term—

"(1) 'renewable energy' means geothermal and solar energy (including wind, ocean thermal gradients, photovoltaic, biomass conversion and solar thermal radiation);

"(2) 'Unconventional energy' are energy technologies which are environmentally acceptable, require minimal capital investment, are transferable from one region of the world to another, are most acceptable to the sociocultural groups who will utilize them, are simple and inexpensive to utilize, will reduce oil import dependency and are most susceptible to the development of American and foreign manufacturing industries;

"(3) 'Department of Energy' means the Federal Energy Administration and the Energy Research and Development Administration until such time as such Administrations are replaced by the Department of Energy; and

"(4) 'Secretary of Energy' means the head of the Federal Energy Administration and the head of the Energy Research and Development Administration until such time as a Secretary of Energy is appointed.

"SEC. 923. FUNCTIONS AND COORDINATION.—(a) To carry out the purposes of section 921, the Institute shall—

"(1) undertake or sponsor appropriate research, development, and demonstrations and plan, initiate, assist, finance, administer, and execute programs and projects designed to promote the achievement of such purposes;

"(2) the Institute shall conduct an analysis of overall energy positions and alternatives for the developing nations;

"(3) provide energy-related training, as appropriate, to managers and technicians in government in developing nations;

"(4) assist developing nations in the discovery and development of new energy resources; and

"(5) facilitate the transfer of existing technology and the development of new energy technologies suited to the needs of developing nations.

"(b) In carrying out its functions under subsection (a), the Institute shall, to the maximum extent possible, coordinate its undertakings with private sectors, with other agents and agencies of the United States Government, with international organizations, with foreign governments seeking to apply renewable energy in developing nations, and with other entities engaged in promoting the development of renewable energy in developing nations.

"(c) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall provide such assistance and resources as are appropriate and necessary for the Institute to manage and coordinate United States Government efforts to promote renewable energy applications in developing nations.

"(d) At the request of the Institute, the Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall have authority to detail employees of any agency under their jurisdiction to the Institute under such terms and conditions as they and the Institute shall jointly determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

"SEC. 924. ESTABLISHMENT AND TERMINATION.—(a) There is established as a body corporate the International Energy Institute (hereinafter referred to as the 'Institute'). The Institute shall have its offices in the United States and shall not have permanent representation in any other country.

"(b) The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes set forth in this Act.

"(c) Upon termination of the corporate life of the Institute its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

"SEC. 925. MANAGEMENT.—(a) (1) The management of the Institute shall be vested in a Board of Directors (hereinafter in this Act referred to as the 'Board') composed of nine members, two of whom shall be appointed by the President of the Senate, two of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President, by and with the advice and consent of the Senate. A Chairman and Vice Chairman shall be elected by the Board from its membership.

"(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, four shall be appointed for terms of three years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, but upon the expiration of his term of office such member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

"(b) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for

transportation expenses, while engaged in their duties on behalf of the Institute.

"(c) A majority of the Board shall constitute a quorum.

"(d) The Board may appoint such committees for carrying out the work of the Institute as the Board finds is in the best interests of the Institute. Each such committee shall consist of not less than two members of the Board. The Board may delegate any part of the management of the business of the Institute to such committees.

"(e)(1) The Board of Directors shall appoint a president of the Institute on such terms as the Board may determine. The president shall receive compensation at a rate not to exced that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed by the Board as authorized by section 3109 of title 5, United States Code.

"(3) Upon approval by the Board, the officers and employees of the Institute may accept and hold offices or positions with governments or governmental agencies of foreign countries to which no compensation is attached.

"(f)(1) There shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals who are knowledgeable about development activities and solar and unconventional energy.

"(2) The Board shall consult the Council concerning the objectives and activities of the Institute at least once each year.

"(3) Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

"SEC. 926. POWERS.—The Institute—

"(1) shall have perpetual succession unless dissolved by an Act of Congress;

"(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

"(3) may adopt, alter, and use a seal, which shall be judicially noticed;

"(4) prescribe, amend, and repeal by its Board of Directors such rules and regulations as may be necessary for the conduct of the business of the Institute;

"(5) may make and perform contracts and other agreements with any individual, corporation, or other entity however designated and wherever situated, or with any government or governmental agency, foreign or domestic;

"(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not to exceed $10,000 in any fiscal year;

"(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(8) may accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in furtherance of the purposes of this Act; and

"(9) shall have such other powers as may be necessary and incidental to carrying out its powers and duties under this Act.

"SEC. 927. GOVERNMENT CORPORATION CONTROL ACT.—The Institute shall be subject to title I of the Government Corporation Control Act.

"SEC. 928. AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated under part I of this Act, not to exceed $10,000,000 shall be available for the fiscal year 1978 to carry out the purposes of this chapter, to remain available until expended.".

LIMITATION ON USE OF FUNDS

SEC. 115. None of the funds authorized to be appropriated under this Act may be used for assistance to or reparations for the Socialist Republic of Vietnam, Cambodia, or Laos. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

FOREIGN SERVICE OFFICERS

SEC. 116. The penultimate paragraph of section 625(d)(2) of the Foreign Assistance Act of 1961 is hereby amended by deleting the semicolon and the words "however, the authority contained in this proviso may not be exercised with respect to the assignment to such duty of more than fifty persons at any one time".

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES

SEC. 117. (a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall prepare and transmit to the Congress, not later than thirty days after the date of enactment of this Act, a detailed plan for the establishment of a section on minority business within such agency.

(b) Such plan to be submitted to the Congress shall include, but shall not be limited to, the following—

(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase the participation in a rational and effective manner by minority business enterprises in activities funded by such agency;

(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

(4) a proposed reporting system that will permit objective measuring of the degree of participation by minority business enterprises in comparison to the total activities funded by such agency;

(5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and

(6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

TITLE II

REPEAL OF PROHIBITION ON FINANCING OF TITLE I SALES MADE BY EXPORTERS TRADING WITH NORTH VIETNAM

SEC. 201. Section 102 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out: "*Provided,*" and all that follows through the end of the section and inserting in lieu thereof a period.

CONFORMING AMENDMENT; REPEAL OF PROHIBITIONS ON TITLE I SALES TO COUNTRIES WHICH TRADE WITH CUBA OR NORTH VIETNAM AND ON TITLE I SALES TO THE UNITED ARAB REPUBLIC

SEC. 202. Section 103 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended as follows:

(1) by striking out "and in section 106(b)(2)" in subsection (b) and inserting in lieu thereof ", title III, and section 112"; and

(2) by striking out ", or (3)" and all that follows through "United Arab Republic under title I of this Act" in subsection (d).

CONFORMING AMENDMENT

SEC. 203. Section 106(b)(2) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended, as follows:

(1) by inserting ", pursuant to the provisions of title III of this Act, for," in the first sentence thereof immediately after "carry out programs" and striking out the word "of" before "agricultural development"; and

(2) by inserting immediately after "section 103 of this Act," the following: "when specifically provided for under a food for development program pursuant to title III of this Act,".

ALLOCATION OF TITLE I AGREEMENTS

SEC. 204. Section 111 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended—

(1) by striking out the first three sentences and inserting in lieu thereof the following: "Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those meeting the poverty criterion established for International Development Association financing and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless (1) the Secretary of Agriculture certifies to the Congress that the use of such food assistance is required for humanitarian food purposes, or (2) the Secretary of Agriculture certifies to the Congress that the quantity of commodities which would be required to be allocated under this section to countries which meet International Development Association poverty criterion could not be used effectively to carry out the humanitarian purposes of this title. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries meeting International Development Association poverty criterion and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section."; and

(2) by striking out "President" in the last sentence and inserting in lieu thereof "Secretary of Agriculture".

FACILITIES TO AID DISTRIBUTION AND CONSUMPTION OF UNITED STATES FARM COMMODITIES; HUMAN RIGHTS

SEC. 205. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof new sections 112 and 113 as follows:

"SEC. 112. From the sales proceeds and loan repayments under this title not less than the equivalent of 5 per centum of the total value of all agreements shall be set aside and made available to the Secretary of Agriculture to finance projects, in cooperation with other appropriate agencies, that will aid in the utilization, distribution, storage, transportation, or otherwise increase foreign consumption of and markets for United States agricultural commodities: *Provided,* That the Secretary of Agriculture may release such amounts so set aside as he determines cannot be effectively used to carry out the purposes of this section.

"SEC. 113. (a) No agreement may be entered into under this title to finance the sale of agricultural commodities to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or

punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such agreement will directly benefit the needy people in such country. An agreement will not directly benefit the needy people in the country for purposes of the preceding sentence unless either the commodities themselves or the proceeds from their sale will be used for specific projects or programs which the President determines would directly benefit the needy people of that country. The agreement shall specify how the projects or programs will be used to benefit the needy people and shall require a report to the President on such use within six months after the commodities are delivered to the recipient country.

"(b) To assist in determining whether the requirements of subsection (a) are being met, the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on International Relations of the House of Representatives may require the President to submit information demonstrating that an agreement will directly benefit the needy people in a country.

"(c) In determining whether a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

"(d) The Secretary of Agriculture shall transmit to the Speaker of the House of Representatives and the President of the Senate, in the annual presentation on planned programing of assistance under this Act, a full and complete report regarding the steps taken to carry out the provisions of this section.".

UNITED STATES POLICY TO ASSIST DEVELOPING COUNTRIES

SEC. 206. Title I of the Agricultural Trade and Development Act of 1954 is amended by adding the following section:

"SEC. 114. (a) The Congress hereby declares it to be the policy of the United States to assist developing countries in the transition from food assistance recipients to full trading partners of the United States and to assist those nations which have been recipients of enriched flour or high protein, blended or fortified foods or peanut products under title II of this Act to continue to combat hunger and malnutrition among the lower income segments of their population, especially children, through the continued provision of these foods under title I of this Act.

"(b) The President, in entering into agreements for the sale of enriched flour or high protein, blended or fortified foods or peanut products under this title with countries which (1) give assurance that the benefits of any waiver under this section will be passed on to the individual recipients of such foods, and (2) have a reasonable potential for transition to commercial purchasers of such foods, may make provisions for a waiver of repayment of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

"(c) Notwithstanding any other provision of this Act, the amount of the repayment waived under this section shall not be considered a cost of the Commodity Credit Corporation reimbursable under the provisions of section 403 hereof.

"(d) In implementing this section due care shall be taken to minimize the impact of these provisions on other commercial and concessional sales of whole grains and that, where feasible, agreements under this Act utilizing the authority contained herein will provide for sales of these commodities.".

MODIFICATION OF TITLE II MINIMUM QUANTITY REQUIREMENT

SEC. 207. Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended to read as follows:

"(b) The quantity of agricultural commodities which shall be available under this title for fiscal year 1978 shall not be less than one million five hundred thousand metric tons, of which not less than one million three hundred thousand metric tons shall be made available to nonprofit voluntary agencies and the World Food Program and such quantities shall be increased by fifty thousand tons for each subsequent fiscal year through 1982, unless the President determines and reports to Congress, together with the President's reasons, that such quantities cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantities shall not exceed the total quantities of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantities of commodities required to meet famine or other urgent or extraordinary relief requirements."

REIMBURSEMENT OF TRANSPORTATION COSTS

SEC. 208. Section 203 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended as follows:

(1) by striking out ", or, in the case of landlocked countries," and inserting in lieu thereof a semicolon; and

(2) by inserting immediately after "points of entry abroad" the following: "in the case of (a) landlocked countries, (b) where ports cannot be used effectively because of natural or other disturbances, (c) where carriers to a specific country are unavailable, or (d) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports"

SALE OF TITLE II COMMODITIES TO INCREASE PROGRAM EFFECTIVENESS

SEC. 209. Section 206 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "purposes specified in section 103 of the Foreign Assistance Act of 1961" and inserting in lieu thereof "increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries"

FOOD FOR DEVELOPMENT PROGRAM

SEC. 210. Title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by (1) redesignating sections 301, 302, and 303 as sections 308, 309, and 310, respectively, and (2) inserting immediately before section 308 the following new sections:

"SEC. 301. (a) In order to establish a strong relationship between United States food assistance and efforts by developing countries to increase the availability of food for the poor in such countries and improve in other ways the quality of their lives, the President is authorized to encourage the use of the resources provided by the concessional financing of agricultural commodities under this Act for agricultural and rural development, including voluntary family planning, health, and nutrition programs, by permitting the funds accruing from the local sale of such commodities which are used for such purposes to be applied against the repayment obligation of governments receiving concessional financing under this Act. The agreement between the United States Government and an eligible developing country government which provides for repayment of the obligation to the United States accruing from the concessional sale of United States agricultural commodities by the use of funds from the sale of such commodities in the participating country for specified development purposes shall be called a Food for Development Program.

"(b) The overall goal of assistance under this title shall be to increase the access of the poor in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the well-being of the poor in the small farm and rural sector of the recipient country. Assistance authorized under this title shall be used for activities which effectively assist small farmers, tenants, sharecroppers, and agricultural laborers, by expanding their access to the rural economy through services and institutions at the local level, including integrated health delivery systems, increasing employment opportunities, spreading productive investment and services to small towns and outlying rural areas, and otherwise providing opportunities for the poor who are dependent on agriculture and agriculturally related activities to better their lives through their own efforts.

"SEC. 302. (a) Whenever the President, in consultation with the government of a developing country, determines that such developing country meets the criteria specified in subsection (b) of this section and could usefully benefit from the sale of United States agricultural commodities (including processed and blended foods) for the purposes of generating funds or distributing such commodities for agricultural and rural development, and improving food distribution and use within such country, the President may designate such country as eligible for a food for development program.

"(b) In order to be eligible for a food for development program under this section, a country must (1) have a need for external resources to improve its food production, marketing, distribution, and storage systems; (2) meet the criterion used to determine basic eligibility for development loans of the International Development Association of the International Bank for Reconstruction and Development; (3) have the ability to utilize effectively the resources made available by the sale of food commodities under this section for the purposes specified in section 301 of this Act; and (4) indicate the willingness to take steps to improve its food production, marketing, distribution, and storage systems.

"SEC. 303. (a) A country designated as eligible and wishing to participate in a food for development program shall formulate, with the assistance (if requested) of the United States Government, a multiyear proposal which shall be submitted to the President. Such proposal shall include an annual value or amount of agricultural commodities proposed to be financed under the authority of title I of this Act pursuant to the provisions of this title, and a plan for the intended uses of commodities or the funds generated from the sale of such commodities, on an annual basis for each year such funds are to be disbursed. Such proposal shall also specify the nature and magnitude of problems to be affected by the effort, and shall present targets in quantified terms, insofar as possible, and a description of the relationships among the various projects, activities, or programs to be supported.

"(b) The multiyear utilization proposal for any food for development program shall include, but not be limited to, a statement of how assistance under such a program will be integrated into and complement that country's overall development plans and with other forms of bilateral and multilateral development assistance, including assistance made available under section 103 of the Foreign Assistance Act or under any other title of this Act.

"(c) Prior to implementing any utilization

proposal for a food for development program, it must be shown to the satisfaction of the President that such assistance is intended to complement, but not replace, assistance authorized by the Foreign Assistance Act of 1961, or any other program of bilateral or multilateral assistance, or under the development program of the country desiring to initiate a food for development program.

"SEC. 304. (a) Whenever a utilization proposal has been agreed upon by the President and the participating country, the Commodity Credit Corporation is authorized to furnish credit under the authority of title I of this Act to the participating country for the purchase of a specific annual value of agricultural commodities to be delivered over a period of from one to five years, subject to the availability of commodities under section 401 of this Act.

"(b) Notwithstanding any other provision of this Act, no payment except as provided for under this title shall be required of the recipient government as a part of any agreement to finance the sale of agricultural commodities pursuant to a food for development program.

"SEC. 305. Funds generated from the sale of agricultural commodities by any participating country under this title shall be held in a special account, where practicable, to be disbursed for the purposes described in the approved food for development program of such country. The amount of funds disbursed for such purposes and in accordance with the agreement, shall be deemed payments for the purposes of section 103(b) of this Act.

"SEC. 306. Not more than one year after the initial delivery of commodities to any country under this title and each year thereafter for the period of agreement, the government of the participating country, with the assistance (if requested) of the United States Government, shall submit a comprehensive report to the President on the activities and progress achieved under the food for development program for such country, including, but not limited to, a comparison of results with projected targets, a specific accounting for funds generated, their uses, and the outstanding balances at the end of the most recent fiscal year. Such annual report may also include recommendations for modification and improvement in the food for development program of such country. The President may suspend shipments under a food for development program if the President finds that the terms of the agreement are not substantially being met.

"SEC. 307 Each year the President shall review the disposition of all agreements providing for the use of the proceeds from the sale of agricultural commodities pursuant to this title for which such funds were not fully disbursed the preceding year. The results of such review shall be included in the annual report to the Congress required under section 408(a) of this Act.".

ADEQUACY OF FACILITIES TO STORE PUBLIC LAW 480 COMMODITIES AND EFFECT OF SHIPMENTS ON AGRICULTURAL PRODUCTION IN RECIPIENT COUNTRY

SEC. 211. Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting "(a)" after "SEC. 401." and adding at the end thereof a new subsection (b) as follows:

"(b) No agricultural commodity shall be financed or otherwise made available under the authority of this Act except upon a determination by the Secretary of Agriculture that (1) adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity and (2) the distribution of the commodity in the recipient country will not result in a disincentive to domestic production in that country.".

REVISION OF REPORTING REQUIREMENTS; PROGRAM EVALUATION REPORTS

SEC. 212. Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by amending subsections (b) and (c) to read as follows:

"(b) No later than the beginning of each fiscal year, the Secretary of Agriculture shall submit to Congress a global assessment of food production and needs, and planned programing of food assistance under title I for the coming fiscal year. The Secretary shall submit, at the beginning of each subsequent quarter, a report showing the current status of planned programing of food assistance under title I for the current fiscal year.

"(c) Beginning October 1, 1978, and at each five-year interval thereafter, the President shall submit to Congress a comparative cross-country evaluation of programs conducted under titles II and III. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the impact, achievements, problems, and future prospects for programs under these titles.".

FINANCING THE SALE OF FOOD AND FIBER COMMODITIES

SEC. 213. The Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end of title I the following new section:

"SEC. 115. In the allocation of funds made available under this title, priority shall be given to financing the sale of food and fiber commodities."

STUDY OF PAYMENTS OF OCEAN FREIGHT DIFFERENTIALS

SEC. 214. The Departments of Commerce, Agriculture, and State shall jointly conduct a comprehensive study of payment of ocean freight differentials between United States-flag rates and foreign flag rates, when United States-flag vessels are required to be used in accordance with section 901(b) of the Merchant Marine Act, 1936, as amended, and shall recommend possible changes in the method of reimbursement which is now borne by the Commodity Credit Corporation and in the administration of such program.

Such study shall be completed within one hundred and eighty days of enactment of this section, and submitted to the following committees of the Congress; in the Senate, the Committee on Agriculture, Nutrition, and Forestry, and Commerce, Science, and Transportation; in the House of Representatives, the Committees on Agriculture and Merchant Marine and Fisheries.

EFFECTIVE DATE

SEC. 215. The provisions of this title shall become effective October 1, 1977.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 6714.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the consideration of S. 1520 be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MUSKIE) appointed Mr. SPARKMAN, Mr. HUMPHREY, Mr. CHURCH, Mr. CLARK, Mr. BIDEN, Mr. TALMADGE, Mr. MCGOVERN, Mr. ALLEN, Mr. CASE, Mr. JAVITS, Mr. PERCY, Mr. DOLE, and Mr. BELLMON conferees on the part of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HARRY F. BYRD, JR. When the bill is brought back from conference, will the Senator from Minnesota be willing to ask his staff to notify the Senator from Virginia when it comes up?

Mr. HUMPHREY. The Senator may be assured that the Senator from Virginia will be notified as soon as the conference report is completed and when it comes to the floor.

Mr. HARRY F. BYRD, JR. I thank the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator.

Mr. President, I believe that completes action.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, during the vote on H.R. 6714 I was unduly detained right here in the reception room. Had I been present I would have voted "yea." I ask unanimous consent that the record so show.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator from Hawaii.

Mr. MORGAN. Mr. President, I voted against the foreign aid bill, knowing that it would pass, largely to register my protest against increasing spending, even for a basically worthwhile program, in time of deficit.

My position on foreign aid is similar to that on domestic programs. I believe Americans are generous toward the truly needy. I believe we want to feed the hungry, clothe and house those who are without basic needs, take care of those who must depend on the rest of us, and take care of the sick and the old when necessary.

But I believe just as strongly that Americans want to pay for these items as they go, and not put off the cost to future generations. Nor, Mr. President, do they wish to double the cost of these services by paying for them with borrowed money on which interest will accrue.

The interest on the national debt will be in the neighborhood of $50 billion a year by the early 1980's. The deficit itself, this year, will be more than $60 billion. In light of this, I feel it would be irresponsible for me to vote for large increases, even for programs I basically support.

I am no isolationist, and no enemy of our humanitarian aid. But I have voted against some worthwhile domestic programs, and yesterday against doubling our contribution to international finan-

cial institutions, because we do not appear willing to pay as we go.

It behooves us, as citizens of the world, to be as generous as we can toward those without our economic blessings. But we have no right to limit the freedom of future generations of taxpayers by borrowing money, on their account to support our own generosity. I must therefore vote "no," once again, on the issue—not of foreign aid itself—but of increased spending at a deficit.

DETENTION AND INTERROGATION OF ROBERT TOTH BY U.S.S.R.

Mr. DOLE. Mr. President, on behalf of myself, the distinguished Senator from Minnesota (Mr. HUMPHREY), the distinguished Senator from New Jersey (Mr. CASE), the distinguished Senator from Colorado (Mr. HART), and the distinguished Senator from Massachusetts (Mr. BROOKE), I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 194) to express the sense of the United States Senate regarding the detention and interrogation of Mr. Robert C. Toth by the Government of the Union of the Soviet Socialists Republic.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with amendments.

Mr. DOLE. Mr. President, this resolution was introduced earlier this morning by the Senator from Kansas, the Senator from Minnesota, and the Senator from New Jersey. It has cleared the Foreign Relations Committee. The identical language is now contained in a resolution just sent to the desk.

It is a sense of the Senate resolution which addresses the recent detention and interrogation of Mr. Robert C. Toth, a respected Los Angeles Times staff member who was about to complete a 3-year tour of duty in Moscow.

The Soviet action is clearly an unwarranted interference with the legitimate pursuit of a professional activity which the Helsinki Final Act, signed by the Soviet Union, recognizes in clear and unmistakable language.

The treatment accorded Mr. Toth is the latest in a series of violations of the Helsinki Final Act perpetrated by the Soviet Union. All of them have very ominous overtones. Given the fact that the Belgrade Conference begins this morning, the U.S. Senate cannot remain silent.

Yesterday, we passed an amendment which called for a strong U.S. posture at Belgrade. Today, we must ask for:

A complete accounting from the Soviet Union of the circumstances which led to the detention and subsequent interrogation of Robert C. Toth,

The use of every appropriate means to obtain his safe return to the United States,

The referral of this resolution, which underscores Senate concern, to the President for transmittal to appropriate officials of the Soviet Union.

The amendments have been discussed and cleared all the way around.

I think the distinguished Senator from Minnesota or maybe the distinguished Senator from New Jersey may have something to say.

Otherwise, I am prepared to proceed on the resolution.

Mr. HUMPHREY. Mr. President, only may I say that I think it is a very worthwhile endeavor on our part. It puts this Senate on record, and in these sort of situations we should be on record. I am happy to be a cosponsor.

Mr. CASE. Senator CASE concurs.

SOVIET ARREST OF AMERICAN JOURNALIST ROBERT TOTH

Mr. PELL. Mr. President, the KGB has been interrogating an American journalist in Moscow for being curious. Robert Toth, the distinguished Moscow bureau chief of the Los Angeles Times for the last 3 years, was pushed into a police car last Saturday after he had received a Soviet researcher's paper on parapsychology from its author on a public street near Mr. Toth's apartment. He has since been interrogated almost daily at the forbidding KGB Lefortovo investigative prison, where two well-known Soviet human rights activists—Prof. Yuri Orlov and Anatoli Scharansky—are being held. And Soviet officials have warned Mr. Toth, whose tour in Moscow was due to end this week, not to leave the Soviet Union.

The KGB's efforts to intimidate Robert Toth strike at the provisions of the Helsinki accords guaranteeing an improvement in journalists' working conditions abroad. Those provisions specify that the signatories will "increase the opportunities for journalists * * * to communicate personally with their sources" and "reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them." The unwarranted police interference with Mr. Toth's reporting of an intriguing area of scientific speculation violates the letter of the Helsinki accords and assaults the spirit of openness the accords were meant to foster.

If the harassment of Bob Toth were an isolated incident, it would still be a repugnant one. But his detention is clearly part of a concerted campaign to isolate Western correspondents from all data about Soviet society other than that which is served up in approved form in the pages of the Soviet press. The campaign began in May of 1976 with gross slanders against three U.S. correspondents in Moscow, press accusations that they were CIA agents hiding under journalistic cover. Since then, similar charges—equally unjustified—have been made against a number of other past and present Western reporters in Moscow. Other reporters have had their tires slashed while their cars were parked near the homes of dissenters they were interviewing. One reporter in Leningrad found the wheels on his car so loosened that his safety would have been endangered if he had driven the car without spotting the tampering.

The purpose of this Soviet effort is obvious: to scare Western reporters out of doing any investigative reporting and to frighten Soviet citizens away from contact with foreign journalists. The campaign gives us renewed evidence of the morbid fear Soviet officials feel toward all kinds of free inquiry about their society. It should give us, as well, renewed resolve to promote our belief that free inquiry—on an international as well as a domestic level—is essential to public and diplomatic trust.

Robert Toth deserves the full support the American Government is giving him in this ominous hour. The cause of good journalism deserves our support at all times.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas the Soviet Union recently detained Robert C. Toth, an accredited United States reporter completing a three-year assignment in Moscow;

Whereas the Soviet Union has rejected an official United States protest and has refused Mr. Toth permission to leave the Soviet Union; and

Whereas both of these actions are a gross violation of the Helsinki Final Act which states clearly that "the participating states reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them": Now, therefore, be it

Resolved, that it is the sense of the Senate that:

(1) The Government of the United States should continue to press for a complete accounting from the Soviet Government of the circumstances which precipitated the detention of Robert C. Toth; and

(2) Every appropriate means should be taken to obtain the safe return of Mr. Toth to the United States; and

(3) The Secretary of the Senate is hereby directed to provide a copy of this resolution to the President for transmittal to appropriate officials of the Soviet Union.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1160, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1160) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. CRANSTON. Mr. President, will

the Senator yield for a unanimous-consent request?

Mr. HUMPHREY. I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Mr. Larry Groner of Senator NELSON's staff may have the privilege of the floor throughout the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I also ask unanimous consent that Allyn Kreps, Bill Jackson, and Christie Cohagen, of my staff, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HATCH. Mr. President, I ask unanimous consent that Peter Rinfret and Charles Moser be accorded the privilege of the floor during the consideration and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Mark Edelman, of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HUMPHREY. I yield.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Jim Reinsch, of my staff, be accorded the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the legislation before the Senate is the third and final major foreign assistance authorization bill to be considered this year. Unlike the International Financial Institutions omnibus bill and the International Development Assistance Act, this bill does not provide resources to meet our general obligations to the poorest nations, but rather it provides aid for specific foreign policy purposes. S. 1160 authorizes appropriations of $3,192.7 million for the international security assistance programs in fiscal year 1978, about 37 percent of the total Foreign Relations Committee recommendation for foreign aid.

In addition, the bill:

Continues the orderly phase-out of the grant military assistance program and military assistance advisory groups;

Prohibits military aid and sales to Ethiopia because of human rights violations, and deletes military credits to several South American countries that rejected such assistance;

Provides specific policy guidance for assistance to Greece, Turkey, and southern Africa;

Provides general policy guidance for all supporting assistance programs;

Requires an executive branch study of the economic aid program in Egypt;

States congressional policy on arms sales to Israel;

Tightens existing aid prohibitions relating to plutonium reprocessing and nuclear detonations;

Provides $275 million in stockpiling authority for South Korea—no appropriations are required;

Refines several provisions of the Arms Export Control Act; and

Requires a study of the impact of U.S. arms sales on U.S. defense readiness.

During its deliberations on S. 1160, the Committee on Foreign Relations and its Foreign Assistance Subcommittee held 11 hearings and 3 markup sessions on wide-ranging issues including human rights, arms sales policy, nuclear proliferation, the Middle East, southern Africa, Cyprus, Portugal, and Pakistan. My colleagues on the subcommittee spared no effort in fulfilling their oversight responsibilities. The committee's consultations with the executive branch were conducted in a cooperative atmosphere, and it is my understanding that the administration supports or accepts all the provisions of the committee bill.

A fundamental decision concerning the Arms Export Control Act was made by the committee when it became apparent that the President's new arms sale policy would not be available to the public until after the May 15 reporting deadline for authorization legislation. The committee decided to withhold any significant amendments to that act until the new arms sale policy was released and additional hearings could be held. S. 1160 includes only five provisions relating to the Arms Export Control Act and they are intended to fine tune last year's landmark legislation. On May 19, the President did announce his new arms sale policy and the committee soon expects to receive an extensive report providing greater details on the policy as well as an administration analysis of the impact of last year's legislation. The committee plans to hold hearings to review the entire Arms Export Control Act later this summer.

The committee, therefore, focused most of its attention on the international security assistance programs for 1978 which in many instances determine U.S. foreign policy toward recipient countries. It did so with the full realization that as the Congress increasingly shares foreign policymaking functions with the President, it also increasingly shares the responsibility for the impact of its decisions.

The 1978 $3.2 billion budget authority recommendation will provide a $4.7 billion security assistance program effort which encompasses eight programs in about 60 countries. The recommendation represents a program reduction of about $120 million and a budget authority reduction of $36.3 million from the President's request.

The 70 percent of the total security assistance budget authorization consists of economic-oriented rather than military-oriented aid. Security-supporting assistance alone represents 59 percent of the total budget authority. Budget authority of $678.5 million for foreign military sales credits does, however, allow a $2.1 billion aid program.

The budget authority recommendation for military programs in this bill is consistent with the assumptions of the first concurrent budget resolution. Taking into account Export-Import Bank downward reestimates, the economic programs in this bill are also within the targets set for the first budget resolution.

Although security assistance is destined for about 60 countries around the world, about 92 percent of the program, or $4.1 billion, will be provided to four critical troubled areas—the Middle East, southern Europe, southern Africa, and South Korea:

About $1.8 billion of the $2.8 billion recommended for the Middle East would provide Israel with balance of payments support to stabilize her economy and military aid to maintain her deterrent strength. The remainder consists of $750 million in economic aid for Egypt, $225 million in military and economic aid for Jordan, $90 million in economic aid for Syria, and $20 million in refugee relief funds for Lebanon;

The sum of $897 million is recommended for southern Europe, primarily to help stabilize Portugal's economy, smooth Spain's transition into NATO, and help settle the Greek-Turkish disputes;

The sum of $123 million is recommended to help bring a peaceful transition to majority rule in southern Africa and to stabilize the current situation in Zaire;

The sum of $275 million is recommended for foreign military sales credits to South Korea in an effort to help keep peace on that divided peninsula.

As my distinguished colleagues can judge, security assistance funds in some instances could mean the difference between war and peace in several crucial areas of the world.

While these remarks highlight S. 1160, I will now turn to a more detailed analysis of the 10 most significant provisions of the bill.

GRANT MILITARY ASSISTANCE AND ADVISORY GROUPS

The committee recommends $230 million for grant military aid to eight countries in 1978. These eight are Greece, Portugal, Spain, Turkey, the Philippines, Jordan, Indonesia, and Thailand. The first five have base agreements with the United States which require such grant aid. The sixth is important to a Middle East settlement. The last two programs—Indonesia and Thailand—will be eliminated next year in favor of sales credits. The 1978 committee recommendations also phase out current programs for Korea and Ethiopia.

In addition, $230 million provides funds for military assistance advisory groups. Twenty-five such groups were requested for 1978, and the committee recommends that authorization be granted for 17. This would continue the phasedown of this program from last year's total of 34 groups. A worldwide personnel ceiling of 900 would be established.

FOREIGN MILITARY SALES CREDITS

Budget authority of $678.5 million is recommended in 1978 to finance foreign military sales credits up to a ceiling of $2.1 billion. Only two programs are recommended for direct credits in 1978—in Israel and Zaire. Loans to 27 other countries are financed through the Federal Financing Bank with interest usually charged at cost of money to the United States. Funds provided in this bill are used to guarantee these loans. Except in the case of Israel, the concessional element for these loans is low. Unlike some similar programs, where guarantees require full appropriation, budget authority of only 10 percent is required for these loan guarantees.

MILITARY EDUCATION AND TRAINING

The international military education and training program provides career military officers and men from 45 foreign countries the opportunity to study military affairs in the United States and the Panama Canal Zone; $30 million is recommended for 1978 to carry out these activities. This represents an increase of $5 million from last year's level, but a reduction from the $35 million request. The recommended $30 million should enable the program to continue at about last year's pace while encouraging increased reimbursements from foreign countries.

SECURITY SUPPORTING ASSISTANCE

The recommended $1,875 million 1978 security supporting assistance program would provide economic assistance for 15 countries. The types of programs financed vary greatly, from balance-of-payments support in Israel to development projects in Syria. There are virtually no guidelines to govern the use of supporting assistance funds. This year, the committee recommends new guidelines for supporting assistance which will, to the maximum extent feasible, subject development projects to the "New Directions" criteria in part I of the Foreign Assistance Act.

In addition to these funds, an additional $37.2 million is recommended for 1978 to continue the Middle East special requirements fund.

AID TO PORTUGAL

Thus far Portugal is a success story for democracy. During the past 3 years, she has shed a right-wing dictatorship as well as attempts to subvert democracy from the left. The final outcome may well depend on Portugal's economic situation. Loss of her colonies, refugees returning from Africa, worldwide economic recession, domestic political turmoil, tourist slump, and increased oil prices all have contributed to Portugal's large balance-of-payments deficit. The United States, along with other allies, now has a chance to help win a final victory for democracy in Portugal by providing her with a $300 million balance-of-payments loan. Promise of this 10-year market rate loan has already attracted similar pledges from other countries, and a multilateral rescue effort is underway. The U.S. loan is the keystone for that effort.

INTERNATIONAL NARCOTICS CONTROL

The bill before you further authorizes $37 million for international narcotics control programs in nine countries. This recommendation increases last year's level by $3 million in an effort to continue the fight against the illegal import of drugs which take such a high toll on our society.

ASSISTANCE AND SALES TO GREECE AND TURKEY

On April 21, the executive branch submitted a draft amendment on Greece and Turkey to S. 1160 which: First, included an increase in the FMS sales/credit ceiling imposed on Turkey under section 620(x) from $125 million in fiscal year 1977 to $175 million in fiscal year 1978; and second, granted authority which would have had the effect of excluding the purchase of already approved F–4's from these FMS ceilings.

Based on extensive deliberations with the executive branch, the committee recommended approval of the $175 million authorization ceiling in FMS sales and loan guaranties to Turkey and disapproval of the exemption from this ceiling.

There has been some misunderstanding of the committee's actions with regard to the F–4 sales. Our recommendation, which was accepted by the administration, would neither prohibit the F–4 sales nor would it alter the administration's request for cash financing of these planes. It would simply require that the F–4's be sold via commercial channels rather than government-to-government. Commercial sales are not subject to the $175 million FMS ceiling. The Defense Department would provide technical assistance to Turkey in finalizing these commercial transactions.

In addition, the committee approved authorization of "such sums as may be necessary" to implement the Greek and Turkish Defense Cooperation Agreements once they are approved by Congress. Finally, the committee added a provision stating that grant military aid and training remains subject to the provisions of section 620(x).

The committee believes that this aid package provides balanced incentives which can be used by the President in his search for a solution to the problems of that area.

AID TO SOUTHERN AFRICA

In reviewing Administration security assistance requests for Africa, the committee took the view that U.S. policy toward Africa should be guided in two general directions. First, it was felt that the U.S. role in Africa should place more emphasis on economic assistance and diplomatic initiatives rather than military involvement. Second, it was felt that more attention should be directed to the needs of southern Africa, especially to countries experiencing economic hardships as a result of conflicts in that region.

Accordingly, the committee decided to reduce arms sales to countries in the Horn of Africa and to Zaire, to increase security supporting assistance to Zaire, Zambia, Botswana, Lesotho, and Swaziland, to approve funds for regional development projects in southern Africa administered by AID, and to authorize funds for a development study for southern Africa. Further, it approved a sense of the Congress provision in support of a $100 million authorization for the Zimbabwe Development Fund when an internationally recognized settlement of the conflict in Rhodesia is more fully defined. Finally, it authorized $1 million for a study concerning the development needs of the area.

ARMS SALES TO ISRAEL

During the committee's consideration of the administration's new arms sale policy, it became clear that U.S. policy on arms sales to Israel needed to be reaffirmed. On May 12, Senators JAVITS, SPARKMAN, STONE, CHURCH, and I met with the President and substantially agreed on the following language which was added to the bill:

In accordance with the historic special relationship between the United States and Israel and previous agreements and common understandings, the Congress joins with the President in reaffirming that a policy of restraint in U.S. arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East.

This historic reaffirmation of our policy was approved by the committee on a vote of 16 to 0.

NUCLEAR TRANSFERS

The committee added a section proposed by Senator GLENN which would toughen prohibitions on assistance to States: First, delivering or receiving plutonium reprocessing equipment; and second, detonating nuclear devices for the first time.

In closing, I call upon the Members of the Senate to join me in supporting S. 1160 as reported by the Committee on Foreign Relations.

Mr. CASE. Mr. President, I join with the chairman of the Foreign Assistance Subcommittee in commending the International Security Assistance and Arms Export Control Act of 1977 to my colleagues. It is balanced legislation covering the most sensitive aspect of our foreign policy relating to financial grants and credits for military sales. It is in line with actions taken by the previous Congress on these same matters.

There are three areas covered in this legislation which, I believe, should be expanded on at this time. The first involves legislation which Senator HUMPHREY and I proposed indicating it was the sense of the Congress that Israel should be permitted to coproduce, consistent with our national security requirements, military equipment. Senator HUMPHREY and I found that specific action taken by the President in Policy Review Memorandum No. 12 and in a letter the President sent to the chairman of the Foreign Assistance Subcommittee made it unnecessary for us to include a special amendment. The background on this matter and the President's letter are included in the committee report.

I ask unanimous consent that the excerpt be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION 20. POLICY STATEMENT ON U.S. ARMS SALES TO ISRAEL

On April 28, Secretary of State Vance consulted with the Committee in closed session on the emerging Administration arms sale

policy as discussed in Presidential Review Memorandum 12 and a subsequent draft Presidential Directive. During the consultations, the Committee expressed its concern that the new policy would discriminate against the state of Israel and thereby weaken its deterrent capability. Accordingly, Senators Humphrey and Case introduced and the Subcommittee on Foreign Assistance approved an amendment which would:

(a) State the finding of Congress that an expanded Israeli domestic defense production capability would: Enhance Israel's confidence in its own survivability, benefit U.S. foreign policy, national security and economic interests; and help to reduce future Israeli foreign aid requirements.

(b) Implement this finding by urging sympathetic consideration of requests by Israel for: Licenses to produce U.S. designed military equipment for use by the Israeli armed forces; coproduction of military equipment with Israel; contracts with Israel to produce parts for U.S. military equipment; and equal status with NATO in evaluating bids for repair and overhaul of U.S. military equipment.

On the morning of May 12, President Carter met with Senators Humphrey, Javits, Sparkman, Stone, and Church to discuss the amendment. In response to a letter from President Carter to Senator Humphrey, outlining the Administration's arms sale policy to Israel, the sponsors agreed to withdraw the amendment. Senator Humphrey called the letter (below) a "historic document."

Later, in open session, Senator Case commented that Congress and the President are "together" and the outcome concerning Israel's request for coproduction and advanced technology is "American policy." In addition to accepting the President's stated policy, Senators Javits and Church offered an amendment, cosponsored by Senators Humphrey, Case and Stone, which states:

"In accordance with the historic special relationship between the United States and Israel and previous agreements and common understandings, the Congress joins with the President in reaffirming that a policy of restraint in U.S. arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East."

The agreements referred to include the Sinai agreement and its various annexes and memoranda of agreement between the U.S. and Israel, the Joint Statement of the U.S.-Israel Joint Committee for Investment and Trade relating to expansion of Economic Cooperation, other agreements, memoranda and understandings, and Chapter 1, Section 1 of the Foreign Military Sales Act.

Major pertinent sections of the September 1, 1975 U.S.-Israeli Memorandum of Agreement and its Addendum referred to by Section 20 are quoted below.

"The United States government will make every effort to be fully responsive within the limits of its resources and congressional authorization and appropriation, on an ongoing and long-term basis to Israel's military equipment and other defense requirements . . .

"The United States is resolved to continue to maintain Israel's defensive strength through the supply of advanced types of equipment . . ."

The amendment was approved by the Committee by a vote of 16–0.

The Committee expects the Department of State and the Department of Defense to move promptly to implement the President's policy.

THE WHITE HOUSE,
Washington, May 12, 1977.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

TO HUBERT HUMPHREY:

I am grateful to you and your colleagues for meeting with me today. Your views and wise counsel are invaluable. Let me review our discussion and reiterate our basic agreement.

I understand that your Subcommittee of the Senate Foreign Relations Committee is considering putting into law several aspects of the Administration's proposed arms transfer policy which has been the subject of consultation with the Congress. In that consultation, concern has been expressed that Israel was not placed in "the excepted" category of nations such as NATO members.

Let me speak frankly in saying that Israel was not placed in that category simply because we believe it goes without saying that the United States will do everything necessary to insure Israel's security. In my view, this is essential not only to deter war but to make progress toward peace, as well as to insure whatever settlement we can achieve.

I recognize the special responsibilities the United States has toward Israel in this regard and the particular consideration that therefore must be given to our military arms and coproduction arrangements with Israel. Our appreciation of that responsibility and our actions that are based upon it will not be diminished by the arms transfer policy which I plan to adopt.

Accordingly, I have inserted explicit language which acknowledges our special security relationship with Israel. The restraints I am imposing will apply except where I determine that countries friendly to the United States must depend on advanced weaponry to offset quantitative and other disadvantages in order to maintain a regional balance.

By discussing my arms transfer policy with Congress, I believe I made clear that I intend to consult with the Congress quite closely on this issue. Legislation including specific exceptions for Israel would have very unfortunate consequences. It would jeopardize the delicate role we have in the Middle East as a firm friend of Israel and yet the honest broker between Israel and the Arabs with whom we also hope to have better relations in the future. I believe this role is essential to achieving peace in the Middle East.

Secondly, I believe such legislation will lead to other countries insisting on an exception status for themselves. It therefore runs a serious risk of taking the guts out of an arms restraint policy that I believe the American people strongly support and which the Congress has long urged.

Let me conclude by saying that I believe there is no difference between my view and that of the Congress on the substance of the issue. We both want to restrain arms. We both recognize our unique responsibilities with regard to Israel's security. I am determined that, in accordance with the historic relationship between the United States and Israel and previous and continuing understandings, my policy of restraint in U.S. arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength nor undermine the military balance in the Middle East. It is my view that whatever differences we may have relate to the form in which this shared position is expressed. I would urge that you not codify this in legislation because of the risks that I have described.

Sincerely,

JIMMY CARTER.

Mr. CASE. It is important to emphasize that the President's policy on coproduction for Israel and on the restatement of the special historical relationship with Israel is shared fully in the Congress. I believe it can be said it is clearly American policy that Israel should be allowed to coproduce military equipment and to buy U.S. components, and ought to be permitted to bid on NATO contracts which are made available to foreign bidders.

The reason why coproduction and the sale of military equipment is essential for Israel ought to be clear to any observer of the defense problems Israel as a nation faces. Moreover, Israel is a valuable defensive asset for the United States. Our strategic and tactical planning for NATO relies on the Israeli capability to hold the balance of power in the Middle East and not to require the massive input of American forces in that area. It is essential that Israel can rely on itself and at the same time can perform an essential balancing role in the Middle East which includes holding off the most advanced Soviet type weapons which could be rushed into the area in great quantities at any time.

To stay in good defensive posture and maintain her defense capabilities in this time of rapidly developing sophisticated technology Israel must have assistance from the United States. This assistance cannot be in the form of grants and credits alone, since these are inadequate to finance the huge costs associated with Israel's defense requirements. She has to be able to manufacture a good part of what she needs because this is a financially sounder approach and because it allows Israel to tailor her military equipment to her specific needs.

The President's stated policy encourages such coproduction and adapts the policy review memorandum to attain this end. It is our hope and belief that the administration will now move rapidly to clear up the backlog of dozens of requests by Israel for coproduction which have been held up or blocked by bureaucrats in the Department of Defense and in the State Department. It is my belief the White House will make it clear that the President and the Congress have set a policy which is intended to be carried out. I know the Foreign Relations Committee will continue to keep a close and careful eye on the specific implementation of this new policy.

Another aspect of the Security Assistance and Arms Export Act requires, I believe, additional elaboration. This is the creation of a special interagency task force with a congressional advisory board to review and prepare a study on the security supporting assistance program for Egypt. We have made available to Egypt over $4 billion in assistance since 1974. There has been little in the way of concrete economic improvement in that country. Instead, Egypt's economic difficulties have multiplied and foreign donors—including Saudi Arabia—have grave doubts about the usefulness of further investments in Egypt.

One important area which must be improved within Egypt is the private economic sector which, under former President Nasser, was gutted on the recommendation of the U.S.S.R. If the private sector is revitalized this would give real hope and encouragement to Egypt's middle class. Moreover, it would also produce tangible benefits for the whole country. So far, the U.S. program has been directed at improving the public as opposed to the private sector. In addition, the capital projects we have undertaken are massive in scale and will require years to complete. While they are for the most part projects that will help

in the long run they do little to bring improvements in the near term.

The task force report should be ready in 6 months. It will include specific recommendations, including legislative and administrative remedies where required. It is in the interest of all parties to work diligently and quickly to develop a plan of action that will bring real benefits to the Egyptian people.

A third aspect of the pending International Security Assistance and Arms Export Control Act affects the administration proposal for a development fund for Rhodesia. The administration requested a U.S. contribution of $100 million and suggested that other nations would also make pledges to a Zimbabwe development fund. While it is not at all certain that other nations would put up significant moneys for such a fund, the main issue was on the timing and appropriateness approval of such a fund in advance of the successful conclusion of negotiations. The committee believed it was inappropriate to do more than state a willingness to consider a fund at the appropriate time.

I want to comment on the process now going on that is intended to lead to a settlement in Rhodesia. There is no doubt that Rhodesia by itself cannot continue indefinitely to maintain its position through military means. Eventually an agreement will have to be reached which gives to Rhodesia's black citizens a leading position in that country. On the other hand, I do not go along with those who see the white population of that country as irrelevant or expendable.

A number of worthwhile improvements have been made in Rhodesia, including the repeal of a good many of the most repressive racial laws. These are recent developments which the present government implemented in spite of stiff opposition in the Rhodesian Parliament. In addition, Rhodesian defense is not a "whites only" affair. The army is increasingly integrated and black officers for the army are being trained on a rapid basis.

Any settlement for Rhodesia will have to include a place for white citizens in the country and it will have to be moderate enough and internally strong enough to prevent the radicalization of the country by outside forces. It is my belief the United States can play an active and useful role in such a settlement drawing on our own unique civil rights experience. A fair settlement in Rhodesia could be a model for the rest of southern Africa. A brutal Rhodesian settlement could raise a terrible specter in Africa and around the world, injurious to American principles and ideals.

I am not at all pleased that so far we have left the negotiating in the area largely to surrogates or to third parties. I have suggested and continue to encourage active American participation in a settlement process in Rhodesia, including direct relationships inside Rhodesia between American representatives and the different parties to the conflict. The U.S. Government has not yet moved this far, though some tentative steps have been taken. The sooner we get some kind of mission into Rhodesia talking to all the parties within the country the sooner a settlement may be worked out.

These points of discussion do not cover all the elements of the legislation before the Senate. But the matters I have reviewed indicate the importance of the pending bill and the need to enact it promptly.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McGOVERN). Without objection, it is so ordered.

Mr. CRANSTON. I ask unanimous consent that Bruce VanVoorst, of Senator CLARK's staff, be granted the privileges of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Jan Kalicki be granted the privileges of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 413

Mr. KENNEDY. Mr. President, I call up my amendment No. 413 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. CHURCH, Mr. ABOUREZK, Mr. McGOVERN, and Mr. ANDERSON, proposes amendment No. 413.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be dispensed with, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 25, insert the following:

SEC. 620B. PROHIBITIONS AGAINST MILITARY ASSISTANCE, SALES AND SALES CREDITS TO ARGENTINA.—(a) No military or security-supporting assistance and no military education and training may be furnished under the Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina.

(b) No deliveries of any such assistance credits or guarantees may be made to Argentina on or after the date of enactment of this section.

(c) No sales (including cash sales) may be made and no export licenses to the military and law enforcement entities may be issued under the Arms Export Control Act with respect to Argentina on or after the date of enactment of this section.

Mr. KENNEDY. Mr. President, this amendment is offered in behalf of myself and Senators CHURCH, ABOUREZK, McGOVERN, and ANDERSON. I believe a time agreement has been reached on this amendment.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, there is no time agreement on this bill. Will the Senator enter into a time agreement on his amendment?

Mr. KENNEDY. I would be glad to, for 1 hour of time to be equally divided.

Mr. ROBERT C. BYRD. Then, Mr. President, I make that request, in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to pay tribute to the effective work of the Senator from Minnesota (Mr. HUMPHREY) and his colleagues, who have produced a bill with important provisions for assistance to many of our closest friends and allies. I welcome, in particular, the provisions enabling Israel to better defend itself; the committee's approval of $15 million for refugee housing and relief in Cyprus under an amendment I introduced in behalf of myself and Senator PELL; and the $300 million balance of payments authorization for Portugal, so crucial to that country's continued stable development.

On behalf of myself and the Senator from Idaho, Mr. CHURCH, I call up our amendment prohibiting U.S. military assistance, cash sales, and sales credits to Argentina. This would include $700,000 in military training allocated under S. 1160 to Argentina.

Mr. President, last year we incorporated a key provision in the Foreign Assistance Act. It stated that it is the policy of the United States not to provide military assistance to "any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."

Of all the countries which have enjoyed military relationships with the United States, one must surely rank Ethiopia, Chile, and Argentina as among the most consistent and blatant violators of human rights.

I welcome and support section 620B of the current bill, which prohibits military assistance and sales credits to Ethiopia.

Last year, as a result of similar amendments which I had introduced both in 1975 and in 1976, the Congress succeeded in prohibiting military assistance, sales, and sales credits to Chile. That is provided for in section 406 of the International Security Assistance and Arms Export Control Act of 1976.

The language in this bill is the same as in section 406. Taken together, these measures will insure that the worst human rights offenders do not enjoy military assistance from, or military commerce with, the United States. They will insure that we no longer rely on intimate association with the oppressive military and police apparatus to achieve our foreign policy objectives.

I welcome the positive moves already

taken by the Senate Foreign Relations Committee wtih respect to Argentina. It deleted $15 million in foreign military sales credits requested by the administration, because of its view of Argentina's "poor" human rights performance. For the same reason, the committee "directed the preparation of a plan to phase out military training programs for Argentinians in fiscal year 1979."

These are welcome and significant moves, Mr. President. I believe that it is now time for us to complete the process of military disassociation from Argentina which the committee has begun—to bring to an end our remaining military training and arms sales relationships with that repressive regime.

We have heard time and again the argument that denial of assistance will impair our ability to bring effective influence to bear on other states. We heard this argument last year in the case of Chile, and we hear it again in the case of Argentina.

This argument deserves fair and serious hearing, on the merits. But it becomes discredited when it is applied indiscriminately, or simplistically.

There are countries and institutions where we can and do have substantial influence, and where flexibility is translated into effectiveness. But there are also countries in which any limited influence we might have is dwarfed by systematic violation of basic human rights. Argentina is in the second category, not the first.

In our relations with nations, there are backwaters where our policies are dominated by military relationships with military regimes, similar to the Argentine junta. In other cases, we either have access or are broadening our access to political and economic sources of influence. Argentina should be in this second category, not the first.

In the face of terror and oppression in Argentina, how can we justify any kind of military assistance to that country? This is not merely an abstract issue; it is one which involves the gross maltreatment of individual citizens by a government structure in collusion with rightwing terrorist groups. It also involves outrages committed by leftwing terrorists, who have had their share of bombings, kidnapings, and assassinations. But that fact simply cannot justify either the extreme actions of the Argentina Government or the continuation of U.S. military aid to the regime.

We should condemn the violence in Argentina unequivocally, whether it comes from the left or the right, and we should have no part of it.

The Argentine Commission for Human Rights has estimated that since the military coup of March 1976, 5,000 people have been killed and thousands arrested or abducted in Argentina. Last November an Amnesty International mission to Argentina compiled chapter and verse on such human rights violations, including deeply disturbing cases of official torture. I am convinced that the mission's conclusions were not exaggerated, when it stated that "no one can rely on legal protection," "no one is safe from abduction and torture," and—

> There is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed. The actions taken against subversives have therefore been self-defeating; in order to restore security, an atmosphere of terror has been established; in order to counter illegal violence, legal safeguards have been removed and violent illegalities condoned.

Just last month, the Assembly of Argentine Bishops protested "the fact that many prisoners have been subjected to tortures which are certainly unacceptable for any Christian, and which degrade not only those who suffer them but those who carry them out."

The list of such unacceptable tortures, Mr. President, is almost endless. Amnesty International indicates that "the para-police groups often operate in broad daylight and are never interfered with by the public authorities. They use vehicles of the same make and type as the police and military. In 1974 alone, there was strong evidence to show that these groups were responsible for over 300 murders. During 1975 and 1976 the activities of these groups increased; in the last quarter of 1976 reliable sources indicate that they were responsible for approximately 15 abductions a day." In addition to this disheartening information, my colleague from Massachusetts, Father DRINAN, has received documentation from Amnesty International on 142 further cases of disappearances in Argentina since the publication of its November report. At the same time, the Argentine Government continues to refuse to release a full list of the thousands of prisoners it is holding without charge or trial for political reasons.

Nor is Argentine repression merely an "internal" matter. On the contrary, the Argentine security forces have increased their cooperation with the internal security forces of such countries as Uruguay, Paraguay and Chile in the persecution of political exiles. For example, more than a hundred Uruguayan exiles have "disappeared" in Buenos Aires, since the time when, 1 year ago, two prominent Uruguayan opposition leaders, Hector Gutierrez Ruiz and Zelmare Michelini, were assassinated in that same city. Of some, nothing more is known; others, however, are now found officially detained in Uruguay.

A few months ago, a prominent conservative journalist of one of Uruguay's traditional parties, Enrique Rodriguez Larreta, visited the United States; his son, also a Uruguayan, disappeared in Buenos Aires on July 1, 1976. He had traveled to Argentina to take every legal recourse to find his son. On the night of July 13, when Mr. Rodriguez was visiting his daughter-in-law, a group of armed persons dressed as civilians forcibly entered the apartment, put sacks over his and his daughter-in-law's heads, and kidnaped them both. They were then taken to a private house, which held more than 100 prisoners—all of them Chileans, Uruguayans or Bolivians. At that place, all were brutally tortured and some murdered. Officials of the Uruguayan and the Argentine Army conducted these torture sessions. On July 26, they were taken by military truck to an army base in Buenos Aires, where they were transported in a Uruguayan military plane to Montevideo, where they are detained.

In circumstances such as these, there is simply no justification for military training expenditures which include urban counterinsurgency and psychological warfare.

It is no surprise that, in light of all these chilling reports, both the National Council of Churches and the U.S. Catholic Conference have expressed opposition to military support of the Videla regime. Last month in the House, my colleague from Massachusetts, Mr. STUDDS, was joined by 186 other Members in an effort to cut off assistance on those very grounds.

In the face of this record of systematic oppression, I believe there is no honorable alternative for the United States but to disassociate itself militarily from the Videla regime. To maintain a military relationship in these circumstances is to compromise our good name and standing, not only with the Argentine people but around the world.

The United States should not compromise itself in this manner. Rather, it should seek potentially vaster sources of political and economic leverage—rallying countries both in the hemisphere and in the international lending institutions to require responsible behavior by the Videla regime in exchange for continued support.

Mr. President, I welcome the reports of Secretary of State Vance's strong emphasis on human rights at the ministerial meeting of the Organization of American States in Granada, particularly his statement that—

> If terrorism and violence in the name of dissent cannot be condoned, neither can violence that is officially sanctioned. Such action perverts the legal system that alone assures the survival of our tradition.

It is precisely with these considerations in mind that I advocate termination of military assistance to Argentina, whose government figures persist in their official sanction of violence.

Nor should we ignore the importance of symbolic gestures, such as the administration's meetings with Eduardo Frei and Clodomiro Almeyda of Chile. These can be critical in identifying this country with the forces of democratic change. We should look for similar opportunities with Argentina, for example receiving former Senator and exprisoner Hipolito Solari Yrigoyen as recommended by the Argentine Commission for Human Rights to President Carter.

Mr. President, the current administration deserves to be applauded for all it has already done to bridge the divide with the Congress and the American people, which prevailed in the past over human rights. We are now united in our purposes. It remains for us to bring consistency to our efforts by precluding military assistance to Argentina as we have done to Chile and Ethiopia.

I do not believe for a moment that the people of the United States want to be implicated in any way in the Argentina junta's repression of basic human rights. Nor do I agree with those who say our influence depends on maintaining our

military relationship. The standing and influence of this country will be enhanced, not impaired, by moving from military to political and economic channels for pursuing our objectives.

I therefore urge the adoption of my amendment.

Mr. President, I ask unanimous consent that a recent letter to the President on these issues, from the Argentine Commission on Human Rights, be placed in the RECORD, along with the text of the concluding section of the November 1976 Amnesty International report on Argentina.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 1976 AMNESTY INTERNATIONAL REPORT ON ARGENTINA

CONCLUSION

In view of the current turmoil in Argentina, a report concerned with human rights must conclude by asking two basic questions. First, to what extent are human rights respected and defended by the government and to what extent are they violated? Secondly, to what extent are the violations explicable or necessary? On both of these questions, the assertions of the government are not supported by the facts available to Amnesty International.

After the coup in March 1976, General Videla stated that the military government had come to power "not to trample on liberty but to consolidate it, not to twist justice but to impose it". But legislation passed since the coup has progressively eroded the individual's liberty and numerous members of the security forces have trampled on that which remains. Justice has been perverted twice—by the imposition of laws which contravene the Constitution, and by the reluctance of the security forces to acknowledge any laws at all.

The state of martial law which is currently in force deprives all the citizens in Argentina of the most fundamental civil and political right, their constitutional guarantees. What it means in practice is that merely on suspicion of subversion, a citizen may be arrested or abducted, held for a long period incommunicado, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress.

Fundamental constitutional guarantees have been suspended since the coup, including the important Right of Option, which is now—unconstitutionally—at the discretion of the Executive Power. Military tribunals have been set up for all crimes pertaining to subversion; sweeping powers of arrest and detention have been conferred on the police. Furthermore, many of the decrees of the military junta free the police and the armed forces from any legal liability in the event of persons innocent of any subversive involvement or intention being detained, injured or killed.

The official suspension and unofficial neglect of fundamental legal rights has had alarming results. Since the coup, the number of political prisoners has increased—and more than three-quarters of these persons are detained at the disposal of the Executive Power: they have never been charged, have never been tried, and may be held indefinitely. Although, according to the Constitution, such prisoners are not supposed to be punished, they are held in punitive conditions. There is evidence that many have been maltreated during transfers and that the majority of them have been tortured as a matter of routine. Frequently, torture has been inflicted on people who have not been officially arrested but merely unofficially abducted. The number of abductions has increased since the coup. Friends and relatives find it all but impossible to ascertain the whereabouts of disappeared persons, though in many cases they eventually discover that the disappeared person is dead.

The neglect of human rights in Argentina is all the more alarming in that it has no foreseeable end. According to provisions in the Constitution, the State of Siege may be declared only for a specified period of time; but no limit has ever been fixed by the present or the previous government. The citizens of Argentina therefore face an indefinite period without constitutional guarantees; prisoners in preventive detention face indefinite incarceration. There is no limit to the duration of the military government, no limit to the period a prisoner may be held incommunicado and no limit to the time that may elapse before he is brought to trial.

The current legislation in Argentina, together with the latitude allowed to various security forces, has then quite definitely led to gross violations of basic human rights. According to the government, the draconian legislation has been necessary to "restore full legal and social order" and to implement the required program of "national reorganization". A government official explained to the Amnesty International delegation:

"Systematic subversion and terrorism have cost the lives of many police and military and have compromised the security of the Argentine people. These activities have been repudiated by all citizens. If anybody violates human rights in Argentina, murdering, torturing and bombing, it is undoubtedly the terrorists. These people use violence for its own sake or to create chaos and destruction. We understand that the state has a right to defend itself, using whatever force is necessary."

It is true that any impartial observer must condemn the outrages committed by left-wing extremist groups: they have detonated bombs in barracks and police stations, have kidnapped and assassinated members of the military and business executives. However, it does not seem to Amnesty International that terrorist violence may be held to justify the extreme, and extensive, measures taken since the coup by the government. Firstly, it is doubtful whether these measures are in fact entirely defensive, no more than what is necessary to contain guerrilla violence. The military itself admits that this violence has been greatly reduced*—yet abductions, torture and executions apparently committed by the security forces continue unabated. In 1976, left-wing extremists were allegedly responsible for some 400–500 deaths; the security forces and parapolice groups for over 1,000. Secondly, even if these measures were justifiable as a counter-response to extremist provocation, the undeniable fact would remain that they also strike at innocent citizens. Given the present legislation, no one can rely on legal protection, and in view of the practice of the security forces, no one is safe from abduction and torture. Amnesty International believes there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed. The actions taken against subversives have therefore been self-defeating: in order to restore security, an atmosphere of terror has been established; in order to counter illegal violence, legal safeguards have been removed and violent illegalities condoned.

*Speech of General Menendez in Famailla in the Province of Tucuman to celebrate the "Day of the Flag" (20 June 1976): "Subversion is generally in retreat and on the way to collapse."

ARGENTINE COMMISSION FOR HUMAN RIGHTS,
Washington, D.C., June 3, 1977.

President JIMMY CARTER,
White House,
Washington, D.C.

DEAR PRESIDENT CARTER: Your Administration is currently facing some critical decisions with respect to the relationship the United States will have with the military regime currently ruling the Republic of Argentina.

We shall not detail at this time the countless examples indicating that the Argentine military regime has gone out of control in its futile attempt to liquidate all opposition forces regardless of how moderate these might be. These examples have been thoroughly listed and documented in the international press and the reports of international investigative teams.

However, certain recent developments merit a focus at this time. General Iberico Saint Gean, Governor of Buenos Aires province where half of the Argentine population and most of the country's productive resources are located, was quoted by the New York Times as saying: "first we will kill all the subversives; then we will kill their collaborators; then . . . their sympathizers; then . . . those who remain indifferent; and finally, we will kill those who are timid." There are unmistakable signs pointing to the current predominance in the government of the military sector led by General Saint Gean, a sector which was also described by the New York Times as "fascists". These hardline generals had increasingly displaced General Videla in exercising effective control over key sectors of the armed forces and the government. In the words of the New York Times editorial, "these generals will further disrupt Argentina's economy, deal an even more disastrous blow to the cause of human rights and raise the chances of a full scale civil war."

Influential individuals within your Administration in the State Department and the Department of Defense, on the other hand, maintain an outdated interpretation of the Argentine situation. In their view, President Videla is still in control of the situation, and is attempting to stave off and moderate the influence of the hardliners. Therefore, they argue, the current military government headed by General Videla should be supported by the United States.

We believe there is no evidence to substantiate such a characterization of General Videla as a moderate. He has shared responsibility and often stated his personal agreement and support for the repressive measures and excesses sometimes attributed to the "hardliners". In short, there is no basis for distinguishing the politics of the government from General Videla himself.

In recent weeks the spokespersons for your Administration have become active executive lobbyists, attempting, successfully so far, to prevent the enactment of any legislation which would further limit or terminate the continuing US security assistance program to Argentina. In the eyes of those concerned with human rights, both in the US and elsewhere, these officials of your Administration have become mere apologists, in the name of the President of the United States, for the crime of the Argentine military. On May 23rd on the floor of the House of Representatives, a strong amendment to terminate all military aid to Argentina was defeated by only 13 votes, 200–187. The closeness of the vote clearly indicates that there is a strong support in Congress for the disassociation of the United States from the Argentine military regime.

Current US policy towards Argentina will surely be challenged again in Congress in the coming weeks. Mr. President, your Administration now has two clear options with

respect to Argentina. It can "give the devil his due" by continuing to defend and support the regime of General Videla, or it can clearly disassociate from the Argentine military regime as a whole. For these reasons we urge you to make two important symbolic steps with respect to Argentina.

First, join the US Congress on this issue and support its initiatives to terminate all forms of military aid to Argentina. We believe this will signal the Argentine military that the US government is *united* in its repudiation of their human rights practices.

Second, an initiative with regard to Argentina similar to recent steps on Chile would be in order. We believe that the meetings held by your Administration with Mr. Eduardo Frei and Mr. Clodomiro Almeyda were a significant demonstration of your attitude toward the regime of General Pinochet, and made a positive contribution to the restoration of constitutional rule in Chile. Along these lines therefore, we recommend that your Administration invite to the US and meet with prominent democratic political figures from Argentina and from other Latin American countries ruled by repressive military regimes. In particular, we recommend that your Administration meet with former Argentine national Senator Hipolito Salori Irigoyen who was recently released from prison as a result of international pressure, including that of members of the United States Congress. Senator Solari Irigoyen is currently residing in Venezuela where he has received political asylum.

Hoping that these thoughts may contribute to the respect of human rights, and the prompt restoration of democratic liberties in Argentina, we remain.

Sincerely yours,

OLGA TALMANTE,
Representative.
HORACIO D. LOFREDO,
Representative.

Mr. CHURCH. Mr. President, my friend and colleague, Senator KENNEDY, has ably reviewed the reasons why we believe this amendment is worthy of passage. The time has come to signal clearly to the rest of the world that the Congress does care about the kind of government to which she tenders military assistance. Those governments practicing torture against political prisoners, and other forms of repression, should recognize that they can no longer take American aid for granted.

Certainly the evidence is strong that Argentina is one of the worst torture chambers in Latin America, rivaling Chile and Uruguay—countries to which the Congress has already prohibited military assistance. According to the State Department Report on Human Rights Practices, "both the current and predecessor administrations [in Argentina] have evidently looked the other way with regard to violations attributable to persons associated with the government. Rightwing terrorism or counterterrorism has been carried out by vigilante squads operating with apparent impunity. Active duty and retired military and police personnel are reportedly members of such squads."

The individual victims of this repression who have come to my attention have been many. Earlier this year a witness of events in Argentina came to Washington to give extraordinary testimony about the present political situation in Argentina. Neither politician nor student of political affairs, the witness—a young Argentine scientist by the name of Dr. Cora Sadovsky—had no partisan ax to grind, no ideology to defend, no speeches to make. She came rather to talk in simple terms about basic human freedoms. She spoke calmly, as one might expect of a mind kept cool on a diet of mathematics, but her words were strong and disturbing.

Dr. Sadovsky left Argentina in fear last year following the military coup d'etat. She now lives in exile in Venezuela. During her visit to America, she came to the Washington Office on Latin America to relate a shocking story of the deteriorating human rights situation in Argentina. According to Dr. Sadovsky, over 2,000 people have been victims of political murder since the coup in March 1976, and another 25,000 people have been jailed or are unaccounted for. Six hundred scientists have been banned from government work, which in the Argentine system is tantamount to complete expulsion from scientific research. Astonishingly, 26 of Dr. Sadovsky's personal friends—not acquaintances, but close friends—were murdered in the past year. Few had expressed any political views publicly, let alone joined political movements.

This tragic story from Argentina lies closer to Washington than the thousands of miles between our countries would suggest, for in plain truth the military equipment used to suppress the citizens of Argentina comes directly from our military assistance programs. One elderly Argentine scientist, who was educated in the United States and who—like so many of his countrymen—once looked upon us as a shining beacon for the free world, recently had a letter smuggled out of Argentina to Dr. Sadovsky in Venezuela. "The Americans are killing us," he wrote in anguish to her, referring to the weapons we have placed in the hands of the Argentine regime.

Yesterday a young woman, Patricia Ann Erb, visited my office, accompanied by Mr. Delton Franz, Washington representative of the Mennonite Central Committee. She spoke movingly of the terrible torture she had personally experienced at the hands of the Armed Forces of Argentina. According to her testimony, she witnessed various forms of torture: beating with clubs, fists, kicking, immersing in water or fecal material almost to the drowning point, and applying electrical prongs to sensitive parts of the body. Rape of the prisoners was commonplace in the compound where she was kept.

Ms. Erb is an American citizen from Pennsylvania. So, too, is Gwenda Lopez of Minnesota, who was arrested in 1976 for distributing political literature. She was interrogated and brutally tortured. Olga Talamante of California experienced comparable treatment and has returned to bear witness of the widespread repression in Argentina.

And the terrible list goes on. The conclusion is clear: Torture has replaced the constitution and the law in Argentina as a means for providing order.

Mr. President, we may not be able to persuade Argentina and other morally bankrupt regimes to respect the rights of their citizens; but let us not train their soldiers, who then direct their new skills against innocent citizens within their own country. And let us not supply them with a steady flow of arms and ammunition—especially when they say they do not want our military assistance anyway.

Through this amendment let us show other lands that America stands for human dignity. As President Carter has said: If other nations "want our friendship and support, they must understand that we want to see basic human rights respected." Let us put this good principle into practice with Argentina, by all accounts the most repressive nation receiving our military aid.

Mr. HELMS. Mr. President, I am greatly concerned because the amendment of the distinguished Senator from Massachusetts fails to take into consideration the fact that the Argentine nation is in a state of war—a state of war with a well-organized and well-financed group of terrorists financed and directed from outside the country. It is impossible to wage war under the same conditions which obtain in peacetime.

I was in Argentina during the tenure of the unfortunate Mrs. Peron, and I returned last year under the present government. Both trips were privately financed, no Government funds were involved. I spent many hours there conferring with our Embassy officials, with our distinguished Ambassador Robert C. Hill, and with prominent Argentines in both private and public life. There is universal agreement that the human rights of Argentines have improved immeasurably under the present government.

There is also no doubt that the military assumed charge of the government reluctantly only because of the rapid breakdown of social and economic order. The Communist terrorists had been acting with impunity. Their goal was to subvert the social order of the nation. They almost succeeded.

But now there is still the effort to root out the intimidation which the underground guerrillas have spread throughout the nation. Can we ask judges to issue warrants, for example, when any judge that does so might be marked for extermination? How does a judge know whether or not his secretary or his clerk is a member of a secret terrorist group or not? This kind of terrorism is very debilitating to a democratic society, and it must be stopped at any cost.

Such was the message which appeared in the Washington Post editorial today about the use of force against the terrorist Moluccans who had seized hostages aboard the train in the Netherlands. As the Post said:

> Despite the most unhappy death of two of the hostages, there is no doubt that the Dutch government was right to call in the marines . . . Answering force with greater force is always the last resort. But the Dutch authorities had the courage to recognize that they had arrived at that last resort. The dawn attack was dangerous. But it was less dangerous than any alternative.

These are the choices which responsible governments must face. As the Post went on:

> In a democracy, seizing hostages is not a tolerable recourse. Grabbing people at random and threatening to blow their heads off is not justifiable by any grievance.

In Argentina, the situation is analogous, but on a massive scale. Through the use of kidnappings and hostages, the Communist guerrillas had amassed a fund amounting to more than $60 million. Innocent people as well as officers of the law were being murdered on a systematic basis. Argentina was a whole nation being held hostage.

The Foreign Relations Committee report quoted by the distinguished Senator in his "Dear Colleague" letter seems to be, at least in the opinion of the Senator from North Carolina, a mixed report of a nation in crisis. The report fails to distinguish between the period in which Argentina was in the process of disintegration, and the period in which responsible government took over.

For example, the Senator's letter quotes a passage alleging that right-wing terrorism has been carried out with impunity. But he omits the statement a few lines down that—

It should be noted that reported instances of rightist violence declined toward the latter half of 1976.

I have talked to President Videla in privacy and at great length. He has assured me of his commitment to restore order no matter what the source of violence.

I have seen the statement of the Catholic bishops of Argentina. Unfortunately, because of the short notice which the Senator from Massachusetts gave, I do not have a copy with me. But as I recall, a careful reading indicates only cautions by the bishops, not condemnations; and indeed, even the mild statement of the bishops has been criticized by the Argentine press as going too far.

What we need to do is to give the new government time to reestablish public order and peace.

Mr. HUMPHREY. Mr. President, I had to be out of the Chamber for a few minutes, as the Senator from Massachusetts knows, while the Senator made his statement on his amendment. Do I understand correctly that he cut out the training and FMS cash sales in his amendment?

Mr. KENNEDY. The Senator is correct. The $700,000 that would be used for the training and the sales component as well.

Mr. HUMPHREY. In our report language, as the Senator knows, we directed the executive branch to phase out the training programs in Argentina for fiscal year 1979.

Mr. KENNEDY. If the Senator will yield, I commended the committee for the work it had done in this particular area. I thought it was very strong action and I support it strenuously.

I commended the chairman and members of the committee for the shaping of this legislation. It did seem to me, however, that in this area of sales, as well as in the training program, there really was no further justification for their being authorized in this legislation.

I took note of the action that has been taken by the committee itself and applauded that, as well as other provisions of the bill.

UP AMENDMENT 447

Mr. HUMPHREY. I have an amendment here which we have worked up at the staff level, as well as just now at the subcommittee level, that relates to the Senator's endeavor. Let me tell him what we have in mind.

The amendment that I am contemplating would prohibit military assistance, foreign military sales credits, and training by September 30, 1978; and foreign military sales, cash and commercial sales. Cash and commercial sales would be permitted if the President determines that the human rights situation has improved in Argentina. My amendment would not affect pipeline deliveries.

It is my judgment that this provision more clearly meets the intent and the approach of the committee, the State Department, and some of my distinguished colleagues who are involved in this issue of human rights.

I wonder whether the Senator would give consideration to the proposal which I have to offer.

Mr. KENNEDY. As I understand it, the Senator's amendment would be effectively the same kind of language that now applies to Ethiopia. Is that correct?

Mr. HUMPHREY. Yes, that is correct to a certain degree.

Mr. KENNEDY. Is it identical?

Mr. HUMPHREY. Not quite. It is not identical, but quite similar. My substitute amendment on Argentina is as follows:

(a) No military or security supporting assistance may be furnished under the Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina; no military education and training may be furnished under the Foreign Assistance Act of 1961 to Argentina after September 30, 1978.

(b) No foreign military sales authorized by the Arms Export Control Act and no export licenses may be issued to Argentina on or after the date of enactment of this section.

(c) Subsection (b) may be waived if the President determines that significant human rights improvements have taken place in Argentina and reports such determination to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

Mr. KENNEDY. Mr. President, it seems to me that would be satisfactory. It effectively applies the ban and makes a positive finding by the President essential.

Mr. HUMPHREY. That is correct.

Mr. KENNEDY. It would give a report to Congress on the reasons and the justification for it. Of course, then we would be free, if we made an independent judgment or decision that we differed with it, to move ahead at any other time to follow our initial language.

Mr. HUMPHREY. That is correct.

Mr. KENNEDY. As I understand it, that is substantially the same language which has been applied in terms of Ethiopia.

Mr. HUMPHREY. That is right.

Mr. KENNEDY. That seems to me to be a satisfactory way of meeting this particular problem.

Mr. HUMPHREY. I ask the Senator if I may offer this amendment in his behalf and my behalf.

Mr. KENNEDY. I should welcome that. That would include also the Senator from Idaho (Mr. CHURCH), and I have some other cosponsors.

Mr. HUMPHREY. Yes; I shall offer it as a substitute.

Mr. President, I ask that the clerk state it.

The PRESIDING OFFICER. The Senator's amendment will not be in order until the time has been yielded back on the previous amendment.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. HUMPHREY. I am prepared to yield back my time. I offer this as a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes unprinted amendment numbered 447.

Mr. HUMPHREY. I ask unanimous consent, since I have read the text of the amendment, that it not be read again.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Foreign Assistance Act of 1961 is amended to add a new Section 620B.

SEC. 620B. Prohibition Against Military Assistance and Sales Credits to Argentina—

(a) No military or security supporting assistance may be furnished under The Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under The Arms Export Control Act with respect to Argentina; no military education and training may be furnished under The Foreign Assistance Act of 1961 to Argentina after September 30, 1978.

(b) No foreign military sales authorized by The Arms Export Control Act and no export licenses may be issued to Argentina on or after the date of enactment of this section.

(c) Subsection (b) may be waived if the President determines that significant human rights improvements have taken place in Argentina and reports such determination to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

Mr. HUMPHREY. Mr. President, I am prepared to yield back my time.

Mr. BAKER. Mr. President, I do not have the distinguished manager of the bill on this side present. I do not have anyone here who is familiar with it. Can we put in a quorum call, just for a short time?

Mr. HUMPHREY. Mr. President, before we have the vote, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that my amendment

in the nature of a substitute be set aside temporarily, in order to take up the Nelson amendment.

The PRESIDING OFFICER. The Chair advises the Senator that it would take unanimous consent to set aside both amendments.

Mr. HUMPHREY. What are both amendments?

The PRESIDING OFFICER. The Humphrey amendment to the Kennedy amendment and the Kennedy amendment.

Mr. HUMPHREY. There is no problem. I ask unanimous consent to set aside temporarily the Kennedy amendment, and the Humphrey amendment, so that we may take up the Nelson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 448

Mr. NELSON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes an unprinted amendment numbered 448.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 32, add the following new section:

GREATER EXECUTIVE BRANCH JUSTIFICATION FOR SUBMISSION OF PROPOSED LETTERS OF OFFER

SEC. 21. Section 36(b)(1) of the Arms Export Control Act is amended—

(1) by amending so much of the second sentence as precedes subparagraph (A) to read as follows: "In addition, if the letter of offer is to be issued to a country which is not a member of the North Atlantic Treaty Organization or is to be issued to an international organization other than the North Atlantic Treaty Organization, the President shall transmit to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate a statement setting forth—"; and

(2) by inserting the following new sentence:

"If the letter of offer is to be issued to a country which is a member of the North Atlantic Treaty Organization or is to be issued to the North Atlantic Treaty Organization, the President shall, upon the request of either the Committee on International Relations or the Committee on Foreign Relations, transmit promptly to both such committees a statement setting forth, to the extent specified in such request, the information described in subparagraphs (A) through (M)".

Mr. NELSON. Mr. President, this amendment speaks only to the insufficiency of information the executive branch provides Congress for its consideration of foreign military sales proposals.

This amendment simply requires that the executive branch shall submit to Congress, as a matter of course, with each proposed letter of offer to sell arms, the information contained in section 36(b)(1) (A) through (M) of the Arms Export Control Act. Under the current law, all this information is available upon request. This amendment simply provides that it shall be furnished automatically by the administration to the Committee on Foreign Relations at the time the administration sends down the proposed letter of offer to sell arms.

Mr. President, in 1973 I first introduced legislation giving Congress a voice in controlling the burgeoning U.S. arms trade. Passed by Congress in 1974 and enacted in 1975, this measure gave Congress the opportunity to consider—and if necessary, reject—any proposed foreign military sale of $25 million or more by concurrent resolutions of each House. Strengthened in 1976 with passage of the Arms Export Control Act—Public Law 94-329—congressional review now extends to the proposed sale of any major defense equipment or arms over $7 million. Congressional oversight has been further improved by the addition of more stringent reporting requirements. There remain obstacles, however, to the establishment of a truly comprehensive congressional oversight capability with regard to U.S. foreign military sales policy. It is with the intention of removing one of these barriers that I offer this amendment.

One lesson learned in the closing days of the last Congress—when President Ford dumped on Congress a $6 billion plus package of proposed arms sales on the eve of the Labor Day recess—was that Congress should have at its disposal greater Executive justification for the arms sales the executive branch proposes to Congress for approval. Current law does not require enough information about a proposed sale upon which to base an intelligent, reasoned judgment. As it stands now, the law requires only that the Congress be told what country is involved, the total estimated value of the transaction, a description of the articles and services offered, which U.S. military service is involved, and the sales commission being paid in connection with the sale. This information is insufficient and in the past at least has appeared to be sketchy and lacking in consideration of the full range of the implications of a given sale.

Such bits and pieces are clearly not adequate to reach any sort of responsible judgment as to the ramifications and advisability of an arms transfer. What is even worse, frequently such little data as is transmitted is classified in the actual notification to Congress.

Pursuant to section 36(b)(1) (A) through (M) of the Arms Export Control Act, more detailed and analytical information is available to Congress upon its request. This includes data outlining the impact of the proposed sales on U.S. foreign policy, on regional balances and arms races, on arms control policies and negotiations, on the military preparedness of U.S. Armed Forces, and on war reserve stocks. But Congress is allowed only 30 calendar days to act on a proposed arms transfer. Notification, hearings, consideration, and any legislative initiatives must all be completed within this time, which has proved inadequate. The 30-day clock, moreover, begins ticking the moment notification is transmitted to Congress. Clearly, Congress has not the time—once notification is given—to wait for the Executive to formulate responses on request to submitted questions on complicated issues. There is no mechanism in the Arms Export Control Act to produce necessary supplementary information automatically or even quickly. Although the information outlined in Section 36(b)(1) (A) through (M) should be in the Executive's hands before any decision to make an arms transfer is made, experience has shown at least that this is not always the case.

The legislation I am introducing today supplies that missing mechanism. It requires simply that this comprehensive analytical information, now available only on request, be transmitted as a matter of course at the same time as notification is given. This provision would not apply to NATO or its member countries.

This amendment, then, would not only benefit the Congress in its deliberations on arms sales. It would in addition effectively insure thoughtful consideration on the part of the executive branch—before the fact—of the wide-ranging ramifications of foreign military sales.

In his May 19 policy paper on arms export control, and in many other statements during his 6 months in office, President Carter has made clear and convincing his strong commitment to reversing the spiraling arms trade. In an early interview, the President suggested a welcome new direction in U.S. policy:

The Secretary of State will be more hesitant in the future to recommend to the Defense Department the culmination of arms sales agreements. I have asked that all approval of arms sales, for a change, be submitted to me directly before the recommendations to Congress.

Last month's position paper embodied several specific principles to guide U.S. foreign military sales policy, with the overall effect of rather sharply limiting the permissible grounds for approving a sale. Signaling a clear break with past practice, Mr. Carter asserted that in his administration the burden of persuasian will fall on those advocating a sale; rather than indiscriminate encouragement of arms sales for short-term political gains or maintenance of defense industry production lines as in the past, the presumption will be against sales. The President said that—

The United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests.

Mr. President, I am encouraged by President Carter's forthright stance stemming the heavy flow of U.S. arms abroad. His administration reflects a clear departure from those past in weapons export policy.

This is not a partisan issue, however. It is a question of the constitutional need for substantive, informed input by the legislative branch into the process by which this country relates to others. This requirement speaks to the proper congressional role, and is independent of Executive intent.

The Congress should take pride, more-

over, in the fact that it was the legislative branch which first recognized and focused on the significance of U.S. arms transfers, and brought the issue into the public forum. Foreign military sales constitute major foreign policy decisions involving the United States in military activities and potential de facto commitments without sufficient deliberation or participation by those outside the confines of the executive branch. These matters require serious consideration by the Congress in an institutionalized fashion, and should not be within the exclusive domain of the executive branch.

If Congress is serious about exercising its full constitutional duty in the formulation of U.S. foreign policy, it must clearly fashion substantive tools with which to forgo a responsible arms control policy.

Mr. HUMPHREY. Mr. President, we have discussed this amendment at the staff level and the subcommittee level and at the full committee level with the Senator from Wisconsin. It is a good amendment. It fills in a void in the present Arms Export Control Act, and I recommend that we adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Minnesota, which would amend the amendment of the Senator from Massachusetts.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the amendment I presented be modified as I have noted.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Will he please send the modified amendment to the desk?

The modified amendment is as follows:

The Foreign Assistance Act of 1961 is amended to add a new Section 620B.

SEC. 620B—Prohibition Against Military Assistance and Sales Credits to Argentina.

(a) No military or security supporting assistance may be furnished under The Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under The Arms Export Control Act with respect to Argentina; no military education and training may be furnished under The Foreign Assistance Act of 1961 to Argentina after September 30, 1978.

(b) No foreign military sales authorized by The Arms Export Control Act and no export licenses may be issued to Argentina on or after September 30, 1978.

(c) Subsection (b) may be waived if the President determines that significant human rights improvements have taken place in Argentina and reports such determination to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

Mr. HUMPHREY. Mr. President, do we have a time limitation on this amendment?

The PRESIDING OFFICER. There is no time limitation.

Mr. KENNEDY. Mr. President, will the Senator explain the amendment?

Mr. HUMPHREY. We have changed the date to September 30, 1978, so that it is uniform throughout the bill.

Mr. KENNEDY. Does it conform now with the date as to Ethiopia?

Mr. HUMPHREY. No. I am told by the staff that it does not.

Mr. KENNEDY. But it would apply by September 30?

Mr. HUMPHREY. That is correct.

Mr. KENNEDY. Will the Senator explain why it conforms by putting in September 30 and not the time as to Ethiopia?

Mr. HUMPHREY. I will have to check the language of the bill as to Ethiopia. It has been about a month since the committee reported the bill.

In the instance of Ethiopia, it is effective immediately upon date of enactment; but the President may waive the prohibitions in sections (b) and (c), which deal with deliveries of military equipment financed by military credits or guarantees, and may also waive on military sales authorized under the Arms Export Control Act after the date of enactment.

So the waiver clause on Ethiopia is broader than it is in this amendment.

Mr. KENNEDY. If we are going to move on the time, I would be glad to eliminate the other waiver language and terminate it as of September 1978.

Mr. HUMPHREY. Because this is a 1-year bill, I see no reason why we should not do that. There is no need for the waiver, because it is a 1-year authorization.

Mr. KENNEDY. Which would include the training sales, the cash sales?

Mr. HUMPHREY. That is correct; for September 30, 1978.

Mr. KENNEDY. Mr. President, as explained by the Senator from Minnesota, I think that is satisfactory.

Mr. HUMPHREY. So this measure applies for the period between now and September 30, 1978.

Mr. KENNEDY. That is my understanding. It is terminated.

Mr. HUMPHREY. Yes.

Mr. KENNEDY. It is terminated in all categories. Am I correct in that understanding?

Mr. HUMPHREY. That is right. It is to be terminated in all categories.

Mr. CHURCH. As of September 1978.

Mr. HUMPHREY. As of September 30, 1978, unless Congress takes action in the meantime.

Mr. KENNEDY. That seems to be satisfactory.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Massachusetts for proposing this amendment. I am happy to be a cosponsor of it. I believe it is in line with the effort that this administration is making to emphasize the importance of human rights.

There is no other country in this hemisphere where the application of such a prohibition is more justified than is the case in Argentina. Congress already having prohibited military aid in Chile and in Uruguay, it certainly would be failing in its duty not to accord similar treatment to Argentina.

So I am happy to be a party to the amendment, to cosponsor the amendment. I congratulate the manager of the bill for his accommodating spirit, because I know he shares with us the same objective.

Mr. HUMPHREY. That I surely do.

Mr. President, I ask unanimous consent that the section that relates to the waiver be removed from the amendment because it is redundant, unnecessary.

The PRESIDING OFFICER. The amendment will be so further modified.

The amendment, as further modified, is as follows:

The Foreign Assistance Act of 1961 is amended to add a new Section 620B.

SEC. 620B—Prohibition Against Military Assistance and Sales Credits to Argentina.

(a) No military or security supporting assistance may be furnished under The Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under The Arms Export Control Act with respect to Argentina; no military education and training may be furnished under The Foreign Assistance Act of 1961 to Argentina after September 30, 1978.

(b) No foreign military sales authorized by The Arms Export Control Act and no export licenses may be issued to Argentina on or after September 30, 1978.

Mr. HUMPHREY. Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. The question now is on agreeing to the amendment, as modified, of the Senator from Minnesota.

The amendment, as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. I thank the Senator from Massachusetts for his leadership once again.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Massachusetts as amended.

Mr. HUMPHREY. Is all time yielded back?

The PRESIDING OFFICER. All time is yielded back.

The amendment, as amended, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I believe we have other amendments here ready to be considered.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Hawaii.

Mr. MATSUNAGA. I have an amendment.

Mr. HUMPHREY. On behalf of the Senator from Texas?

Mr. MATSUNAGA. Yes.

The PRESIDING OFFICER. The Senator from Hawaii.

UP AMENDMENT NO. 449

Mr. MATSUNAGA. I have an amendment at the desk which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) for himself and Mr. BENTSEN, proposes an unprinted amendment numbered 449.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, between lines 3 and 4, insert the following:

PROHIBITION AGAINST SALES, CREDITS, OR GUARANTIES TO COUNTRIES WHICH GRANT SANCTUARY TO INTERNATIONAL TERRORISTS

SEC. 19. Section 3 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(f)(1) The President shall terminate all sales, credits, or guaranties under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism, and the President may not thereafter make or extend sales, credits, or guaranties to such government until the end of the one year period beginning on the date of such termination, except that—

"(A) if during its period of ineligibility for sales, credits, or guaranties under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group; and

"(B) where the President finds national security to require otherwise.

"(2) If the President finds that national security justifies a continuation of sales, credits, or guaranties to any government described in subsection (a), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.".

Mr. MATSUNAGA. Mr. President, I am pleased to join the Senator from Texas (Mr. BENTSEN) in introducing an amendment to the Arms Export Control Act relating to international terrorism and nations which aid and abet international terrorists.

I am pleased that the Congress has enacted legislation, authored by the Committee on Foreign Relations, to deny economic and military assistance to countries which encourage and protect international terrorists. Our amendment, Mr. President, would simply extend that language to the Arms Export Control Act which governs military sales, credits, and guarantees. Our amendment would require the President to suspend sales under this act to those nations which he determines aid and abet international terrorism by granting sanctuary from prosecution to international terrorists. I see no reason to deny military and economic assistance while continuing to make arms sales. If, however, the President should determine that it is in the national interest to continue such sales, he may do so by simply notifying the Congress of his intent.

I am sure my colleagues in this body share my concern over continuing international terrorist incidents. In spite of increased efforts in recent years by certain nations to crack down on terrorist organizations, terrorism has widened in scope and there is growing evidence of cooperation among international terrorist groups. Examples of terrorism are becoming an unfortunate feature of our daily news. Since 1968, approximately 800 people have been killed and 1,700 injured in international terrorist incidents. One hundred fourteen U.S. citizens have been involved and 24 of them killed.

In spite of the fact that international terrorism has continued to grow, however, no legal solutions are in sight. Many nations, particularly those in the Third World, are unwilling to cooperate in efforts to combat terrorism which, they say, can be justified under certain circumstances. Therefore, sources report that almost half of those terrorists captured in the last 5 years have been released. These nations' unwillingness to bring the full force of the law to bear against these international outlaws threatens the safety and peace of all nations.

I believe U.S. policy of no-negotiation with terrorists is a correct one. But I believe we must do more in an effort to meet the problem of those foreign governments which continue to harbor terrorists. The amendment, which the Senator from Texas (Mr. BENTSEN) and I offer, together with the legislation drawn up by this committee and already enacted into law, will serve notice to all nations that the United States will not countenance acquiescence to terrorism and will take whatever action is necessary to deal with this problem. The enactment of punitive measures against nations which aid and abet international terrorism will strengthen the President's hand in dealing with those who would undermine the very basis of civilized society.

It is my understanding that the floor manager is prepared to accept the amendment, and that the minority floor leader is prepared to accept the amendment.

Mr. HUMPHREY. That is our understanding.

Might I announce that the Subcommittee on Foreign Assistance has scheduled hearings on international terrorism in September. Senator JAVITS, Senator CASE, and others brought this matter to our attention, and we have a very good series of hearings scheduled on it.

I compliment the Senator from Hawaii and I also compliment the Senator from Texas. We accept the amendment.

Mr. MATSUNAGA. I yield back the time.

Mr. CASE. The Senator is a very valuable member of the Senate.

Mr. HUMPHREY. Absolutely.

Mr. CASE. One of democracy's great contributions to that organization.

Mr. MATSUNAGA. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

UP AMENDMENT NO. 450

Mr. HATCH. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an unprinted amendment numbered 450.

Mr. HATCH. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 13, insert the following:

"(e) None of the funds made available under this section may be allocated to Jamaica."

Mr. HATCH. Mr. President, in the committee report for S. 1160, the International Security Assistance and Arms Export Control Act of 1977, we are told that the administration has requested $10 million for military supporting assistance for Jamaica. I rise to move that this authorization be deleted. This amendment would accomplish that because it would prevent the giving of any moneys pursuant to this particular bill to Jamaica.

All too many of us are unaware of what is transpiring in this island country about the size of Connecticut, located in the Caribbean south of Cuba. It is time that we paid more attention to this. If we do, we will certainly not agree to the allocation of these moneys to the support of a repressive and hostile government.

Last December, Prime Minister Michael Manley won reelection with 58 percent of the vote, although this, strangely enough, translated into an 80-percent majority for his party in the Parliament. On the surface, this seemed perhaps fair enough, but we need to know more about how even this narrow victory was engineered.

In June of 1976, Prime Minister Manley invoked a state of emergency in the island. Subsequently, the Government issued 599 detention orders, of which a substantial number were later revoked. Many of these people were detained without any charges, and those taken in included a great many more members of the opposition JLP than of Manley's own ruling party. The state of emergency was declared, because a number of people had died in the political violence engulfing the island: More than 150 in the first 6 months of 1976, for example. In particular, the head of the opposition party was detained under house arrest, and was not permitted to function freely.

The state of human rights in Jamaica today may be judged from the comments of the Minister of Justice, who has been candid enough to speak of the "confusion that exists in the mind of the public that people who are detained should be charged," and he has acknowledged that the state of emergency was declared to allow the detention of "persons against

whom evidence to a standard required by criminal law is not available." In other words, the Manley regime admits freely that it is holding a number of individuals on purely political grounds.

The leader of the opposition, Edward Seaga, has charged that Manley manipulated the emergency decree to "set the stage for immediate manipulated bogus elections," and the attempt to construct "nothing short of a Marxist police state."

On March 7, 1977, New York Post Columnist Max Lerner wrote in a way which confirms this general impression of the overall situation in Jamaica. He writes:

The state of emergency in Jamaica, first declared early in June, has just been renewed. A number of opposition deputies are still in jail. The "commanding heights" (a favorite Manley phrase) of opinion forming are held today by left-wingers.

Indeed, Mr. President, we are not talking here only of leftwingers. Mr. Manley himself considers himself a Marxist. He has praised the Soviet economic and social system, and reportedly he returned from a visit of 1975 to Cuba quite entranced with Dictator Fidel Castro. In a Newsweek interview, for instance, Manley commented rather curiously that—

The Cubans are . . . creating a democratic structure within a one-party state with primaries, democratic opportunities for defeating candidates and so forth.

Of course, if you jail the opposition candidates, it is much easier for the democratic process to yield the sort of results the government desires.

It is also worth noting, Mr. President, that the Committee on Foreign Relations approved the administration request for funds for Jamaica with some reluctance. It pointed out, among other things, that a $10 million grant would have little effect in an economy which is running an annual balance-of-payments deficit of $300 million.

In order to finance his grandiose programs, Manley has also imposed exceedingly high taxes of 60 percent on incomes above $12,500. As a result of these radical policies, the economic situation in Jamaica has become very difficult, and unemployment has reached epidemic proportions, even though Manley initially won election on the basis of a promise to cure unemployment.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, the Jamaican regime of Michael Manley has, in my opinion, displayed a consistent pattern of gross violations of human rights, especially in the suppression of its citizens' political freedoms. The Manley government is basically hostile to our economic system, and is aligning itself with our adversaries in the world arena. There is absolutely no reason why we should subsidize that government's ability to oppress its own people. If this body takes the issue of human rights seriously, it will vote basically to delete the $10 million which is not named but is actually provided in this bill for Jamaica by deleting Jamaica as a recipient of funds under this particular bill.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. HATCH. I am happy to yield to my friend and colleague.

Mr. CURTIS. I commend our distinguished colleague for his presentation. What he has said conforms to everything I have read about what is going on in Jamaica.

The very idea that the American taxpayers should send $10 million or any amount of money down to support such a government is—well, it is worse than ridiculous. It really challenges the judgment and almost the integrity of this country.

They have a government down there that totally disregards civil rights and human rights and has no respect for private property. The head of the government freely admits being a Marxist. And instead of serving the purposes of the United States, it is serving purposes contrary to the interests of the United States to support such a government.

I do not know how the vote on the distinguished Senator's proposal will come out, but he is right, and I commend him for it.

I am thoroughly satisfied that on the issue of human rights we have to be consistent or lose our credibility around the world. We cannot say here is someone we are critical of and we will punish him because of his violations of human rights, and then close our eyes to other nations and groups where they flagrantly violate human rights.

Our stand against human rights violations should be based upon principle, and if it is, it has to be consistent so far as all men everywhere on the globe are concerned.

I commend the distinguished Senator.

Mr. HATCH. I certainly appreciate the Senator's remarks.

Let me just say this: If we can except Argentina, a member of our own hemisphere and a great country, because they have some difficulties there, my goodness, it seems to me it is about time we start standing up to these Marxist dictators, and that is what they are, in this hemisphere, who are continuously flounting human rights and, it seems to me, grinding people under their heels.

I think it is hypocritical if we do not agree to this particular amendment. What bothers me is we talk about human rights but all over the world those who have been friendly to us are the people we are taking actions against.

I do not think we can impose our folkways and mores on all types of societies all over the world in the name of human rights and ignore the fact that we have all types of societies that are violating human rights that we continuously support through legislation like this. This is one reason why I brought this particular amendment to the floor.

Let me cite Newsweek. Newsweek, in an article written on February 28, 1977, reported that—

Manley's triumph was made possible, in part, by the direct support of Cuba's secret service, the Direccion General de Intelligencia . . .

The DGI, it is called—

And by some help from Philip Agee . . . the former CIA man who has become one of the agency's—

Former employees, I guess it says here. And it goes on to outline some of the ways that this man has taken over, and the sources that they take this from say and claim that—

Fidel Castro's grand design calls for a Marxist axis running across the Caribbean from Guyana to Jamaica to Havana. Along with the talk of reapproachment with the U. S., Castro's agents are steadily building their influence in Kingston. Cuba has the biggest embassy in town, and two-thirds of its staff are said to be DGI—

Or Cuban secret service agents:

Cuban airlines shuttle in and out at all hours, loading and unloading crates and people with no questions asked and no records kept. And now members of the Jamaican Special Branch are being trained in Guyana by DGI officers.

Even since Manley returned starry-eyed from a 1975 visit to Cuba, he has relied heavily on Castro's aid and advice. Under Cuban guidance he has moved to reduce the role of private enterprise and drive Jamaica's pro-Western middle class into exile. His plan to institute "participatory democracy" is directly modeled on Cuba's example. And my sources charge—

This is Arnaud de Borchgrave:

And my sources charge that during the election, Manley followed a Cuban-designed strategy to undercut the opposition Jamaica Labor Party (JLP) with a combination of violence and mudslinging charges that it was linked to a CIA "plot" against Jamaica.

I think this is not the type of man whom we wish to support. This is not the type of activity we wish to support in this hemisphere.

I for one am dog-tired of sending our money to these people, and I think it is time for us to stand up, and if we are going to have a reaction against Argentina, then let us have it against people who we know are enemies of this Nation, or at least are avowed enemies of this Nation.

I just wish I could include Cuba and a few others in this particular amendment, but we will limit it right now to Jamaica, and I think it would be hypocritical for us not to vote for the amendment.

I certainly vociferously urge that all of our colleagues vote for the amendment at this time.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. HATCH. I am happy to yield.

Mr. CURTIS. It makes one wonder about the basic foreign policy of our country when Congress is asked to give military support to someone who grossly violates human rights, admits to being a Marxist, is an enemy of private enterprise, and is hostile toward the United States and a collaborator with Fidel Castro.

Mr. HATCH. And forcing other people who are pro-Western, pro-United States into exile.

Mr. CURTIS. Yes.

If this money is granted it makes the United States a party to all of the injustice and all of the pro-Marxist activity of the recipient.

I again commend my distinguished friend for his able presentation. I am sure if the Senate were managed so that we had Senators here to carry on as a deliberative body the Senator would have persuaded them. I hope it will come out that way anyway. I support the amendment.

Mr. HATCH. I appreciate the Senator's comments.

Mr. RANDOLPH. Mr. President, will my able colleague from Utah yield?

Mr. HATCH. I yield to our distinguished colleague from West Virginia.

Mr. RANDOLPH. Mr. President, when the Castro regime came into power in Cuba I remember the experience of a very cherished friend of mine by the name of Col. James McCauley, an American citizen and manufacturer, who had a plant in the Kingsport-Johnston City-Bristol, Tennessee area, who was asked to go into Cuba and establish a plant there also.

Incidentally, he was one of the first men to hold a pilot's license in this country.

Mr. McCauley was giving employment to some 200 Cubans in the plant. It was a productive enterprise.

As he drove his car—and he spent a portion of his time in Cuba though mostly in this country—the police forces, or whatever we desire to call them, stopped the car, had the car moved over to the side of the highway, and he was thrown out of the car into a ditch. The car was burned before his eyes. His plant was expropriated. I remember the many times that he came to my office and talked about this shocking, traumatic experience for him, a good man, a citizen of the United States of America. Never was he able, I will say to my colleague from Utah, to have any reparation funds come to him from any source, not from the United States of America and certainly not from Cuba.

I am sorry to say he died a very broken man, discouraged, disillusioned.

I give only this one example. I presume the same thing has occurred in hundreds of cases.

When we hear amendments offered here today, we sometimes remember the personal experiences which are part of the determination of our votes on matters which are presented in amendments. I shall support the amendment offered by the Senator.

Mr. HATCH. I am glad to have my distinguished colleague, Mr. RANDOLPH, support me.

Somebody has to start standing up against dictators in our hemisphere, and especially, it seems to me, against the great Cuban influence which is occurring in many countries and causing distress all over this hemisphere. Jamaica has become almost a captive through the type of leadership it now has.

Mr. CASE. Mr. President, the administration believes that the $10 million for Jamaica in the present bill is an important instrument for the conduct of our policy in that part of the world.

This year the United States provided $10 million for Jamaica. It was provided as development assistance, the so-called economic development part of foreign aid.

This year it is requested as security supporting assistance. This is not military aid. Supporting assistance is a category of assistance which I think is a more honest way of handling such assistance. It is given for political purposes, frankly. It is not given under the cover of humanitarian aid; it is not given under the cover of development assistance. It is given, because American political strategy is helped by such payments.

Mr. HATCH. Will the Senator yield for a question at this time?

Mr. CASE. Yes.

Mr. HATCH. The Senator stated that it is for purely political purposes that we are giving $10 million to Jamaica, or primarily political purposes.

Mr. CASE. Perhaps political is not the best term. It is strategic purposes. It is in the broad interests of the United States.

Mr. HATCH. That is where the distinguished Senator from New Jersey and his colleagues may vote against my amendment. I disagree. I believe we have continuously lost ground in this hemisphere, because of these so-called strategic or political purposes.

This is not true. In the committee report on this, even the committee recognized that $10 million has almost meant nothing. Frankly, the exact language from the committee report is:

> The administration also requested $10 million in fiscal year 1978 for Jamaica. The Committee recommended $10 million for Jamaica but expressed concern over this request because (1) in 1977 the U.S. operated a similar sized development assistance program in Jamaica and the committee objects to shifting aid programs from development to supporting assistance, (2) with the Jamaican balance of payments deficit of $300 million, the $10 million budget support contribution will have virtually no impact, and (3) the program should be seen in the larger context of a Caribbean development program. The committee urges the administration to consider these concerns in developing next year's program.

Is that not the committee's language.

Mr. CASE. The Senator can read very well. I commend him.

Mr. HATCH. So the Senator agrees that is the committee language.

Mr. CASE. The committee said exactly that. That is our view.

Mr. HATCH. My point is that particular type of program has never benefited America and it will not benefit it now. It is not going to benefit those poor people who are suffering from civil rights atrocities in places like Jamaica, Cuba, and elsewhere, and yet all of a sudden we have, in essence, agreed to censure Argentina, which I consider to be a much greater friend than Jamaica will ever be.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. HATCH. I yield.

Mr. KENNEDY. As the author of the amendment on Argentina, I maintain there is absolutely no comparison in the areas of violations of human rights between Jamaica and Argentina.

If the Senator will let me continue, by any international standards—by Amnesty International, by the Inter-American Commission on Human Rights, by any of the international standards—the contrast is absolutely notable. I do think that is important. If the Senator's amendment is bent upon trying to make some kind of comparison between Jamaica and Argentina on the basis of human rights, first of all the earlier amendment offered was only directed at military aid and assistance, not economic assistance. That is a basic and fundamental point.

Those of us who have tried to terminate military assistance have not reached the particular issues of economic aid and assistance even though in many instances they have been used to increase the strength of existing regimes. The amendment was solely military.

The contrast between Jamaica and Argentina in this area of human rights is notable. The Senator may have other good arguments.

Mr. HATCH. Let me answer that particular question. I do not know whether the Senator was here when I made my statement, but Jamaica right now is becoming a logical extension of Cuba. Will the Senator show me one nation, one country in this hemisphere—and I lump them together because Jamaica's alter ego right now under its leader plainly is Fidel Castro—which stoops to the depths that Cuba does? Argentina does not. I am not advocating for Argentina. I am pointing out if we can censure Argentina we should surely censure Cuba and Jamaica.

In this case, Jamaica is receiving a great deal of advice, political strategy, Marxist information and materials from the most atrocious country in this particular Hemisphere, Cuba.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HATCH. Yes.

Mr. CASE. I am sorry. The Senator from New Jersey has the floor, I believe.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. CASE. The Senator from New Jersey wants everyone to have a good crack at this argument. He is not trying to stifle any discussion but trying to put it in order and have a chance to present his 2 cents' worth.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. CASE. I yield.

Mr. ROBERT C. BYRD. Could we get a time limitation of 10 minutes? This amendment has been pretty well discussed.

Mr. HATCH. As long as the Senator from North Carolina has the chance to say what he wants to say.

Mr. ROBERT C. BYRD. Fifteen minutes, with 5 minutes to Senator Helms.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Does the Senator want to yield to me?

Mr. CASE. I shall be happy indeed to

yield, after I say this: We may disagree in the end, after all our discussion. I have no particular sympathy for the Government of Jamaica, for the Prime Minister, or for his conduct. But it is a matter of judgment whether continuing a $10 million aid program is a good idea for 1 year or whether it would be better to cut it off.

There is no question about what it is. It is aid to a staggering economy. It may or may not be useful; it may or may not be the best thing to do. Maybe we would be better off cutting it off. I come down on the side that I do not find the same kind of human rights violations, at least proved, in Jamaica as have been demonstrated, by a number of competent authorities, to exist elsewhere.

That is not the reason, I think, for this. The reason is that we think this country is going the wrong way, and so we will cut off assistance. I do not find that compelling, myself.

I shall be happy, having said that, to point out that, in our report, as this Senator read it, we say the administration should come up with some pretty good discussion as to whether this kind of assistance is really going to help make a stable situation in the whole Caribbean area and whether we should not have a development program that does make sense for this and the rest of the countries of that area so that we can be dealing with it—not on a catch-as-catch-can or patchwork basis.

I fully agree that the Senator is leaning in the right direction in urging that we take those words of our own very seriously. But I do not think, as a matter of judgment, that I can recommend that we cut it off at this time without giving a chance for such a recommendation and such a consideration, such a report by our responsible State Department people to come back to us, to see whether they can do better than they have done in the past.

Now I am happy to yield such time as may be desired.

Does the Senator from Utah have some time?

Mr. HATCH. Yes.

Mr. CASE. That is fine.

Mr. HATCH. I shall be happy to yield to the Senator from North Carolina, and then I should like to make a statement.

Mr. HELMS. I thank the Senator.

Does it ever occur to the Senator from Utah that it is odd that we almost never hear any condemnation on this floor of Communist countries in terms of violations of human rights?

Mr. HATCH. Let me give a good illustration. We used to purchase chrome from our good friends and allies, the Rhodesians. Admittedly, there is going to have to be majority rule in Rhodesia. So what do we do? We revoke the Byrd amendment right here in the Senate Chamber. Now we purchase our chrome from Russia. That does not seem sensible to me.

Mr. HELMS. It is always the anti-Communist countries that get it in the neck when certain Senators get up and begin orating about human rights. I am fascinated by so many experts on this floor in terms of Argentina. I ask the Senator this: Can the Senator name one Member of the U.S. Senate who has been in Argentina in the past 10 years?

Mr. HATCH. No, I cannot.

Mr. HELMS. I can tell the Senator one: I have.

Mr. KENNEDY. I can tell the Senator another: I have.

Mr. HELMS. When was the Senator there?

Mr. KENNEDY. I was there twice. I spent 2 weeks on one occasion; on another occasion, I spent 5 days.

Mr. HELMS. When was that?

Mr. KENNEDY. In the mid-sixties.

Mr. HELMS. That was over 10 years ago.

Mr. KENNEDY. The Senator asked a question. I was answering the question.

Mr. HELMS. The Senator did not answer the question. I said in the last 10 years. If the Senator doubts it, we can have the clerk read the record back to us.

Mr. KENNEDY. I stand corrected, it was not in the last 10 years. The Senator is correct on that particular point.

Mr. HELMS. I have been to Argentina twice in the past 10 years.

Mr. KENNEDY. When was that?

Mr. HELMS. I do not yield to the Senator. I did not interrupt him.

I have been to Argentina twice in the past 10 years. I have walked the streets there at night, without any security guards, and the only provable violence that I know anything about was perpetrated by Communists.

There is constant oratory in this Chamber about political prisoners in Argentina. Let me tell about one political prisoner they are crying so copiously about.

A young woman walked into a Buenos Aires police precinct last year with a box. She left it there and walked out. Five minutes later, it exploded and, if I recall the figure correctly, 23 employees and visitors to the police precinct were killed. The young woman was jailed. Now it is being resoundingly proclaimed with propaganda all around the world that this is a political prisoner.

Mr. President, I say to you that she is a criminal, a murderer, not a political prisoner.

We are being fed propaganda, day after day, on this floor, by some of the major news media, by people who cannot, in any way, substantiate by their own knowledge what they are talking about.

Mr. HATCH. May I add another thing?

Mr. HELMS. If the Senator will forebear.

Mr. HATCH. Yes.

Mr. HELMS. This Senator, while in Latin America, met with labor union groups, with schoolteacher groups, with farm groups, and with business groups. I was given no guided tour. I would not accept one, even if offered—either by our Government or any other. I set my own schedule. I was allowed to go anywhere I wanted to go and to ask anybody anything I wanted to ask. Could this happen in the Soviet Union, or in Cuba? Of course not.

I will say, Mr. President, that the people of Argentina know that Marxist terrorists are the problem in Argentina. The people of Chile plead with us to recognize that communism was the problem in Chile. But we ignore their pleas. We condemn them. If we continue this insanity of constantly kicking our anti-Communist friends in the teeth all around the world, how can we expect to have any friends?

I have the deepest respect for Members of the Senate, including those with whom I disagree, but the time has come for us to put up or shut up on the question of communism. We dole out money by the millions and billions to regimes hostile to freedom and to America. If anyone doubts it, look at the votes in the United Nations. Yet, day after day, I hear condemnations of Chile and Argentina, Rhodesia, South Africa. Then I hear glowing words about Mr. Castro and how we hope we can reach conciliation with that tyrant.

Now, Mr. President, we had better get our priorities straight in this country or our very survival is in serious danger.

I thank the Senator from Utah for yielding to me.

Mr. HATCH. I would like to confirm what the Senator has said. I know of hundreds of missionaries down there in Argentina. I just entertained two of them and they confirmed every word that the Senator from North Carolina has just said. They have been there working with the people, not with a bunch of reporters looking at some Communist atrocities that occurred.

This is a precisely important and good point. I am glad the Senator from North Carolina made it.

I think that, regardless of what the President wants or the State Department—we have done this for years. We have continued to foster communism in this hemisphere. Now we are talking about turning around and giving aid to Cuba, helping them, pulling them out of their problems, and solving that three-quarters of a billion dollar drain on the Soviet Union that they can then put into new missiles and new arms technology.

I think it is time that we start waking up in this country and start standing up against these people.

I, for one, take that position here, especially since the committee recognized this problem, especially since they felt basically the same way, and especially since it is pretty tough to argue with.

I am not saying that Jamaica is as bad as Cuba, but I am saying it is an extension of Cuba, and I am saying that they are doing the same things as Cuba. And I am saying that it is not going to take too long until they are just like Cuba. That will be part of that axis that they are trying to establish across this particular hemisphere.

I think it is wrong and we have to take a stand; we have to let people know that we are going to stand up for morality, regardless of what the State Department wants. I do not think the State Department is God and I do not think they are right. I, for one, am going to strike out against it. That is why I am against this amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Nebraska.

Mr. CURTIS. If we give our substance to a government such as that of Jamaica, what does that do to other governments throughout the Western Hemisphere that remain steadfast and loyal to the United States?

Mr. HATCH. It says we are hypocritical and we reward those who are our enemies, rather than helping those who are our friends. That is what it says to me. It says that to our friends all over this hemisphere.

Mr. CURTIS. The biggest impact of this $10 million is not on Jamaica.

Mr. HATCH. That is right.

Mr. CURTIS. It will not be a drop in the bucket in saving them from their deficit down there. But it will send out notice to countries all over the world as to where we stand and whom we are willing to support and reward.

Mr. HATCH. I appreciate the noble remarks of the Senator from Nebraska.

Mr. President, I am prepared to yield back my time if the Senator is.

Mr. KENNEDY. Will the Senator yield me 3 minutes?

Mr. HATCH. I may want to add something.

Mr. HUMPHREY. Yes. But may I make a request of the distinguished Senator, that after the Senator from Massachusetts has made his comment, we have two amendments we could accept readily without any further debate.

Mr. HATCH. On mine?

Mr. HUMPHREY. No, two other amendments. We could just set the Senator's amendment aside for 2 or 3 minutes and then come back to it.

Mr. HATCH. Yes.

Mr. KENNEDY. Mr. President, I appreciate the Senator's yielding 3 minutes.

Mr. President, I listened with great interest, but without much persuasion, to the comments of the distinguished Senator from North Carolina in speaking about the reign of terror which either did or did not exist.

He reviewed how he walked down the streets and did not see any terror except for the Communists and the Communist terror.

Come with me to Clinton, Mass., and meet Father James Weeks, a Catholic priest who has worked in Argentina for 11 years, whose only offense was working in the poor areas in Cordoba. He was picked up with five other priests of the Catholic faith in an action that has been condemned by the Protestant and Catholic churches and every other international group that traveled there, and he was investigated and held for 10 days incommunicado and without charges. I am not talking about an Argentinian regime against an Argentinian, but about a Facist regime against an American citizen of my own State.

If the Senator wants to spend all his time at his own expense trying to travel, going to Argentina to find violence, let him come to Massachusetts and spend an evening with this man of the cloth who can give instance after instance where other men, Catholic, Protestant, and Jewish clergymen who can trace their ancestry to Massachusetts and these United States, have been brutally beaten.

How the Senator from North Carolina can possibly suggest that he is unfamiliar with news stories of subsequent killings of Argentine priests, that appeared in every major newspaper of this country, and is unfamiliar with the organizations that speak for the Judeo-Christian tradition. His is just a complete misrepresentation of that.

No one is denying the Communists commit violence—no one who has supported the elements of military aid and assistance, military training, where they train Argentinians to go back and brutalize their own society.

The PRESIDING OFFICER. All time has expired——

Mr. KENNEDY. Two more minutes.

The PRESIDING OFFICER. All time of the Senator from Minnesota has expired. The Senator from Utah has 1 minute and the Senator from North Carolina has 1 minute.

Mr. HATCH. Mr. President, let me just say this. I have deep regard for the Senator from Massachusetts. It is nice to be on the same side on that one particular issue. But the point I make is that Jamaica has become the captive of Cuba. Whatever the Senator thinks about the one isolated case he is talking about, there may also be others.

As I say, I have respect for the Senator's feelings in this matter. If he thinks that is bad in Argentina, he should see what is going on in Cuba. I suggest to the Senator——

Mr. KENNEDY. Is this——

Mr. HATCH. I suggest he read—I suggest he read the——

Mr. KENNEDY. Is this for the record?

Mr. HATCH [continuing]: OAS report on Cuba.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I simply say in response to the distinguished Senator from Massachusetts, my friend, that I can match him clergyman for clergyman, story for story, on the truth in Argentina.

I simply say that he has not been there and I have. I do not claim to be an expert on Argentina, but I do know, having talked with the people there in all walks of life, that the trouble in Argentina is the infiltration of Communists, and we better face up to that fact.

I thank the Chair.

The PRESIDING OFFICER. All time has expired. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, before we have the vote. I suggest we might accommodate two or three of our colleagues that have some other matters to take up.

Mr. HATCH. Surely.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that prior to the vote on the amendment of the Senator from Utah, we set aside temporarily the amendment of the Senator from Utah and proceed to the consideration of the amendment of the Senator from Maine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UP AMENDMENT NO. 451

Mr. HATHAWAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY), for himself and Mr. MUSKIE, proposes an unprinted amendment No. 451.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 15, immediately after "overseas." insert the following new sentence:

"The report shall also include an analysis of United States foreign arms sales and transfers which have involved agreements entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of any foreign country or international organization in connection with or as considered for, such United States foreign arms sales and transfers, including an analysis of the impact such agreements have had upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs incurred by the United States in connection with such agreements compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which have resulted from entering into such agreements and an analysis of whether such costs and such domestic economic impact have justified entering into such agreements."

Mr. HATHAWAY. Mr. President, this amendment modifies section 16 of the pending bill to add an additional requirement to the report mandated therein. That section requires the President to prepare a report, due March 15, 1978, "on the impact of U.S. foreign arms sales and transfers on U.S. defense readiness and national security. The report should focus on arms sales since 1972 and include the impact of sales on U.S. troops stationed overseas."

The pending amendment would simply add an additional sentence as follows:

The report shall also include an analysis of U.S. foreign arms sales and transfers which have involved agreements entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of any foreign country or international organization in connection with or as considered for, such U.S. foreign arms sales and transfers, including an analysis of the impact such agreements have had upon U.S. business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs incurred by the United States in connection with such agreements compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which have resulted from entering into such agreements and an analysis of whether such costs and such domestic economic impact have justified entering into such agreements.

This sentence would require that the report focus as well on the impact which foreign military sales, particularly so-called "quid pro quo" deals, necessarily have upon our domestic economy and overall defense mobilization base. In this regard, I am particularly concerned that the United States, in its desire to assist the security needs of foreign nations, not be willing to trade away domestic jobs or manufacturing capacity.

My goals are parallel and complementary to those of Senators NUNN and BARTLETT who brought to the attention of the Committee on Foreign Relations the grave danger to our defense readiness which could arise from overzealous pursuit of foreign sales.

Mr. President, in this regard, I ask unanimous consent that the relevant portion of the committee report, on pages 33 and 34, detailing the goals of section 16 as reported, be printed in the RECORD at this point.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

SECTION 16—ARMS SALES AND U.S. DEFENSE READINESS

Section 16 deals directly with a concern which has been expressed from time to time by the Congress, including this Committee, over the possibility of adverse impact upon the readiness of U.S. forces stemming from U.S. arms sales and transfers. On January 24, 1977, Senators Sam Nunn and Dewey F. Bartlett of the Committee on Armed Services of the United States Senate issued a report on a November, 1976 visit to NATO forces which included the following observation and comment:

"The state of USAREUR's war reserve and pre-positioned equipment is appalling. . . . Yet, current shortfalls in both types of stocks are of such magniture that deployed USAREUR combat units and initial reinforcements might not be able to sustain more than a few days of high intensity combat. . . .

"The principal cause of these shortfalls is a comparatively low production base in the United States for many items of equipment *coupled with transfers and foreign military sales to other countries* (emphasis added). The present shortages in stock of such high technology weapons as improved HAWK air defense missiles, AIM-7 and AIM-9 air-to-air missiles, and TOW and Dragon antitank missiles could be eliminated with a small percentage of these weapons the United States has recently sold (or undertaken to sell) to a handful of Middle Eastern countries. In some cases, equipment already authorized by the Congress for the Army and the Air Force has been abruptly siphoned off the production line by one foreign military sale or another deemed critical to the national interest.' We wonder what national interest could be more critical than that of supplying U.S. fighting men with equipment sufficient to survive on the battlefield. We wonder who has higher claim on America's arsenal, our own forces or those of the Middle East? ('NATO and the New Soviet Threat,' Report of Senator Sam Nunn and Senator Dewey F. Bartlett to the Committee on Armed Services, United States Senate, January 24, 1977.)"

These observations by two distinguished members of the Committee on Armed Services highlight an aspect of U.S. arms exports and transfers that must not be lost sight of either by those who propose and administer plans in the Executive Branch or those who must authorize and monitor them in the Congress. The Committee found the observations both provocative and disturbing. Reflecting this concern the Committee in this section requests a report on this issue from the Executive Branch by March 15, 1978, in time for the Committee's consideration in connection with next year's legislation. It is the Committee's desire that the report be thorough and factual and not be limited solely to our NATO forces or to the specific weapons systems cited in the Nunn-Bartlett report. It should cover air, ground, and naval weapons as appropriate, stocks of ammunition, missiles, spare parts levels and similar categories as appropriate, and be related to standard logistics planning factors for D-day required levels, D+30, etc., as necessary to an adequate understanding of such shortfalls as may be found to exist. Personnel problems, if any, associated with the provision of training teams of U.S. military personnel in connection with sales programs should be noted and described. Should the detail required to respond to this section require a classified report, it is the desire of the Committee that an unclassified version as complete as possible accompanying the report.

Mr. HATHAWAY. Mr. President, I share the concerns of Senators NUNN and BARTLETT and the distinguished members of the Committee on Foreign Relations, and am wholeheartedly in agreement with the principle that our foreign military sales ought not impair the readiness of our own combat troops. It is indeed extremely dangerous and foolhardy from a strategic point of view to deplete our own arsenal to the extent that our security is potentially threatened. I trust that this report by the President and the continued scrutiny by the Committees on Foreign Relations and Armed Services will prevent such unfortunate events from occurring in the future.

At the same time, I believe the pending amendment is critically important to insure that the President's report give a full picture of the dangers inherent in overly aggressive pursuit of foreign military sales.

This amendment would require that the President analyze any and all quid pro quo agreements entered into since 1972 which involved commitments by the United States to purchase foreign-made goods or services, military and nonmilitary, in connection with, or as consideration for, such countries agreeing to buy U.S.-made weapons. This amendment is consistent with the provisions of existing law, as contained in section 36(b)(1)(M) of the International Security Assistance and Arms Export Control Act of 1976, Public Law 94-329, which became law on June 30, 1976.

Subsection (M) was included in that law as a result of an amendment I offered, along with Senator MUSKIE, which the Senator approved on June 11, 1976.

Mr. President, to further clarify the need for this amendment, I ask unanimous consent that the relevant portions of the Senate debate on June 11, 1976, be printed in the RECORD at this point.

There being no objection. the material was ordered to be printed in the RECORD, as follows:

Mr. HATHAWAY. Mr. President, in explanation of this amendment, I would state that it adds one more item to the laundry list of considerations that must be made with respect to certain Government transactions on military equipment which appears on page 33 in the bill and runs over to pages 34 and 35. This would simply add another consideration, namely, whether or not there was any agreement between this Government and any foreign government with respect to a quid pro quo—that is, if we sell them one article, they will sell us another article—so that we may be able to know what that agreement contains, the economic impact upon other companies or industries of this country which might be able to provide what the foreign government is going to provide, what the unemployment impact might be, and so forth.

Section 36, as included in section 211 of S. 3439, requires that the Speaker of the House of Representatives and the chairman of the Senate Committee on Foreign Relations be kept informed of sales of U.S. weapons and defense equipment to foreign countries and international organizations on an ongoing basis.

In cases involving a proposed sale of defense articles or services for $25,000,000 or more, or defense equipment for $7,000,000 or more, the new section 36 (b) requires that the President, before issuing a formal letter of offer, must submit to the Speaker and the chairman of the Senate Committee on Foreign Relations a numbered certification describing the country or organization to which the proposed sale is to be made, the dollar value of the sale, a description of the goods to be sold, and the entity of the Federal Government which proposes to make the sale.

Upon request, the President must supply to the Senate Committee on Foreign Relations and the House International Relations Committee a variety of additional information describing the proposed transaction in more detail, including the number of U.S. employees required to carry out the sale, the name of each contractor likely to be involved, an analysis of the sale in terms of arms control, the proposed use of the items to be sold by the foreign country, the impact such sale would have on U.S. preparedness, the impact such sale would have upon the relative military strengths of the countries involved, and so on. The House and Senate committees are authorized to request such information in such detail as needed to analyze the proposed sale.

The formal letter of offer may not be issued to the foreign country or organization if Congress adopts a concurrent resolution stating its objections within 30 calendar days after having first received the certification. Thus, the Congress may in effect issue a veto to any proposed sale over the required dollar amount if it is not satisfied that such a sale is in the best interests of the U.S. foreign policy based on the information supplied to it by the President. Consideration of a proposed concurrent resolution of objection is to be on an expedited basis, as outlined in section 601 of S. 3439.

These provisions are sound ones, and I wholeheartedly support the concept of Congress being informed of significant foreign military sales proposals before they take effect, and before it becomes too late for Congress to exercise its constitutional duty with respect to foreign policy. If Congress is ultimately charged under the Constitution with the responsibility to declare war, it makes sense that Congress be involved along the way with decisions which could contribute to future wars. Any proposed decision on the part of the Executive which involves the sale of large amounts of U.S. weaponry or other defense related equipment to foreign nations has a direct impact upon the possibility of wars in other parts of the world which could lead to our own involvement. The still recent national tragedy of Vietnam offers ample evidence of the need for more congressional involvement in this sort of decisionmaking.

While the new section 36(b) authorizes the Senate and House committees to request

a wide variety of information in connection with such proposed sales, this section does ignore one critical aspect which may be involved in such sales—namely, the possibility that a "package deal" or "quid pro quo" may be involved in such sale by the United States to foreign country whereby U.S. officials of the various armed forces or departments might agree to purchase foreign made goods or services as an inducement to the foreign country to participate in the sale.

In other words, there may well be an offset agreement whereby the foreign countries may agree to buy our weapons if we agree to buy theirs.

Such agreements, if entered into, raise a number of policy questions which appropriately ought to be considered by Congress in connection with its veto power over large sales. For example, by participating in such a package deal, the U.S. officials, whether they realize it or not, are acting for the benefit of the manufacturer of the goods to be sold and to the detriment of domestic producers who might otherwise have provided the Armed Forces with the goods now to be purchased from the foreign countries.

Further, such agreements, if entered into, raise fundamental questions of business ethics. The promise by the United States to purchase the foreign made goods, unless fully disclosed and considered on its merits, should be viewed as a payoff of sorts to the foreign country for their "privilege" of doing business. This issue is not that different from the consideration raised by the cash payments allegedly made by certain manufacturers to foreign governments as "bribes" to purchase the U.S.-made goods.

Such agreements, if not disclosed, could lead to the U.S. purchase and utilization of goods and services from the foreign country which may not be of the highest quality, or the most cost-effective. In their zeal to close large weapons deals, U.S. officials may be tempted to engage in such horse trading, but I would submit that these deals may not be in the best interests of our national security and defense posture.

It could be argued that these deals are now or soon will be an international fact of life and that we will have to play the game in order to reap the benefits. I would disagree and argue that these deals lower the level of our international relations. But, rather than engage in an extensive dispute over this, I would ask simply that Congress be informed of these deals and thereby be able to judge them on a case-by-case basis. In this way Congress can approve package sales it considers appropriate and veto those it considers improper.

Package deals are objectionable from another standpoint; carried to an extreme, they run counter to over 40 years of Federal law and regulation concerning procurement procedures.

Under existing law, the Buy American Act ordinarily requires that goods to be used by the armed services be acquired domestically unless there are overriding cost or quality considerations or other overriding public interest considerations. Federal procurement statutes and regulations in almost all instances require formal advertising, firm specifications, and competitive selection of the procurement contractor.

To instead give a foreign country the exclusive and immediate right to provide such goods to the United States in connection with a package deal is contrary to this structure and may well be illegal.

My amendment, therefore, would require that in addition to the information which may be requested by the congressional committees under section 36(b), these committees also be given a detailed description of the nature and substance of any "quid pro quo" agreement proposed to be entered into by the United States whereby it agrees to purchase or otherwise acquire the goods or services of a foreign country in connection with that country's commitment to purchase U.S. arms.

Included in this disclosure requirement would be an analysis of the impact such a "quid pro quo" agreement would have upon domestic U.S. manufacturers which might otherwise have provided the goods and services now to be procured from foreign countries. The committees could request, and the President would be required to furnish, an estimate of the domestic economic impact such an agreement might have, including the unemployment which could result.

Furnished with this information, Congress would then be equipped to reach an informed conclusion concerning the propriety and desirability of such agreement, approving those it considered appropriate and disapproving those it did not.

In this way our domestic manufacturers will know that their interests are not being ignored in the conduct of international diplomacy and our Armed Forces will be provided with the best quality goods and material which we are able to procure within our national budget priorities.

I point out that on May 26, 1976, the Senate approved a similar amendment I offered to H.R. 12438, the so-called military procurement authorization bill. That amendment required disclosure of agreements entered into in connection with weapons authorized to be procured under title I of that legislation.

I offered that amendment and I now offer this one because of a concern which has arisen regarding the Army's recently announced tentative decision to purchase an armor machinegun, the MAG–58 from a Belgian manufacturer in preference to the domestically produced machinegun the M–60E2, manufactured in Saco, Maine. There have been suggestions in the press that the Army's decision to consider the Belgian weapon resulted from an agreement between Secretary Schlesinger, and the Belgian Defense Minister Van Boynants as part of an exchange, or "package deal" for the Belgian purchase of the F–16 fighter aircraft.

My amendment to the procurement bill requires that such an alleged deal, if made, must be disclosed to Congress within 30 days of enactment of that legislation.

This amendment is consistent with my previous one, but would have broader applicability to future package deals and would provide such disclosure in connection with the congressional veto power of foreign military sales included in the legislation now under consideration.

Mr. HUMPHREY. Mr. President, we have looked this amendment over. The Senator was kind enough to let us know about it early. It is the view of the subcommittee which handles this legislation, and I think I can speak for the full committee, that is a desirable amendment and we are ready to accept it.

Mr. HATHAWAY. I thank the distinguished Senator from Minnesota, and I appreciate his accepting the amendment.

Mr. JAVITS. Mr. President, this amendment is acceptable on our part.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATHAWAY. I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Thus, section 36 dealt with the types of information which the committees of Congress could request with regard to a proposed letter of offer in order to determine whether such letter of offer ought to be subject to a veto by either House of Congress pursuant to the provisions of Public Law 94–329, and prior existing law.

This section did not, however, require the detailed retrospective analysis and report mandated in section 16 of this bill, and unless section 16 is amended to be consistent with section 36(b)(1)(M), quid pro quo deals may continue to be made in a helter skelter fashion without any comprehensive examination of their implications for our domestic economy or our defense posture.

The executive branch must face up to this issue on a formalized basis and must be required to issue firm and predictable policies in this area, which Congress can then reexamine and determine whether any additional statutory safeguards are necessary and if so what shape they should take.

As I indicated in my remarks on June 11 of last year, my interest in this area and my continued pursuit of a more definitive policy has been prompted by my personal knowledge and experience with respect to the treatment received by Maremont Corp., New England Division, of Saco, Maine. Maremont was, in my opinion, unfairly and unlawfully deprived of an Army machinegun contract which went, instead, to Fabrique Nationale of Belgium. It has been widely suspected, and reported in the press, that the reason this Belgian firm received the machinegun contract was its relationship and connection with the agreement by Belgium and three other NATO countries to purchase the American-made F–16 fighter plane in lieu of the French-built Mirage.

In a June 6, 1976, issue brief of the Congressional Research Service, IB-75063, the following statement was made:

> After intensive negotiations with the Belgian government, which was under considerable pressure to purchase the French Mirage, Belgium agreed in June 1975 to buy the F–16, which the other three NATO countries had selected in the months following its selection by the U.S. Air Force. A last-minute DOD commitment to use Belgian MAG 58 machine guns instead of American M–60s on U.S. tanks in Europe, ostensibly in the interest of standardizing NATO equipment, was viewed as a special inducement to Belgium.

Based on these press reports and analyses, as well as a conviction that Maremont had been unfairly and unlawfully treated throughout the procurement process, the Maine Congressional Delegation and Maremont filed suit in U.S. District Court seeking that the final contract to Belgium be enjoined.

On July 2, 1976, Judge June L. Green of the U.S. District Court for the Dis-

trict of Columbia, issued a preliminary injunction enjoining the issuing of a contract to the Belgian firm, pending receipt of a report from the General Accounting Office on the matter.

I ask unanimous consent that Judge Green's memorandum order of July 2, 1976 be printed in the RECORD at this point.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

[Civil Action No. 76-895]

MAREMONT CORPORATION, ET AL PLAINTIFFS v. DONALD H. RUMSFELD, ET AL. DEFENDANTS

MEMORANDUM ORDER

This matter is before the Court of plaintiffs' motion for a preliminary injunction which seeks to enjoin the defendants from awarding a Department of Army contract for the purchase of machine guns to Fabrique Nationale ("Fabrique"), a foreign manufacturer located in Herstal, Belgium, pending the final determination of plaintiff Maremont's protest to the General Accounting Office (GAO).

Plaintiffs allege that the defendants' decision to award contract at issue to Fabrique is violative of the "Buy American Act", 41 U.S.C. 10a *et seq.*, the 1976 Department of Defense Appropriation Act, P.L. 94-212 (Feb. 9, 1976), the military procurement statutes, 10 U.S.C. 2304, and the regulations thereunder and the Fifth Amendment to the United States Constitution. The ultimate relief sought by the complaint herein is a permanent injunction against the defendants restraining the awarding of the contract to Fabrique.

Briefly, stated, the defendants have opposed the preliminary injunction by arguing that the Belgium guns are 3.5 times as reliable as plaintiffs' model and that the Secretary of Defense seeks to purchase the best weapon quickly to assure the maintenance of a strong defense posture. Argument was heard before the Court on July 1, 1976.

Plaintiffs in this action are the Maremont Corporation, a Chicago based concern, Senators Edmund S. Muskie and William D. Hathaway, and Congressmen William S. Cohen and David F. Emery, all of Maine, who are bringing this action on their own behalf and on behalf of the citizens of Maine who are adversely affected.

Maremont Corporation operates a New England Division which manufactures machine guns, other weapons and automobile shock absorbers. According to the plaintiffs, Maremont employs approximately 1,200 workers in Saco, Maine, is responsible for nearly 11% of the taxes collected in Saco and is the largest private employer in York County. Maremont's Saco factory is the only non-governmental production facility in the United States currently manufacturing machine guns.

From 1959 to present, the United States Army (Army) has used the M219 machine gun on its tanks. Because of the M219's unreliability, the Army, in late 1973, began giving serious thought to replacing it, and in 1974 made plans to conduct comparison tests of potential replacement guns by United States and foreign candidates. (Domestic makers were subjected to field tests, the foreign models to laboratory tests.)

The tests were conducted from November 1974 through February 1975. As a result of the tests done on the United States competitors, it was tentatively decided that the Army should purchase Maremont's modified version of the M60 (M60 MOD coaxial gun) as the replacement for the M219. Final tests were to be performed after certain corrections were made to alleviate problems which were discovered.

Maremont has alleged that during the period of November 1974 to February 1975, it worked closely with the Army to develop the gun to fit specified needs. Maremont claims that it refrained from making changes in design which would improve performance and reliability because the Army stressed the importance of interchangeability of parts between the M60 and M219. The defendants have not rebutted this allegation.

During late 1974 and early 1975, laboratory tests were also conducted on foreign-made machine guns. The Belgian MAG58 proved to be the superior[1] of these weapons.

The M60 (MOD) was then modified and designated M60E2 and field tests were performed in April 1975. The report recommended purchasing the M60E2.[2]

Up until March 28, 1975, when the Army Headquarters Officials were briefed on the U.S. test results, the M60E2 was strongly favored. However, defendants claim that around this time the MAG58's performance became known and it was decided to introduce it as a contender. Thus, in April 1975, plans were made to conduct a side-by-side competitive test between the M60E2 and the MAG58. Plaintiffs contend that this decision and the decision to purchase the MAG58 were based upon an agreement by the Secretary of Defense with the Belgian government that the quid pro quo for Belgium's purchase of the F-16 aircraft made by a United States concern would be the Army's selection of the Belgian MAG58. The defendants state that plaintiffs' allegations are not supported by evidence, and that the Secretary of Defense is merely looking for the best weapon. A GAO report indicates that in January 1975 the F-16 was picked by the Air Force as the winner of the U.S. competition and subsequently, five concerned nations (Belgium, Denmark, Norway, the Netherlands and the United States) negotiated four preliminary contracts to produce the F-16. The MAG58 was not brought into the discussion until June 1975 when the Secretary of Defense indicated the Army was impressed by its performance and would give the MAG58 due consideration after tests. The GAO said it could not find the charge substantiated from "available documents".

Because of his suspicion about this quid pro quo, plaintiff Muskie wrote the Comptroller General and asked that the GAO oversee, review and report on the Army's comparative testing of the M60E2 and MAG-58, which tests were conducted from October through December 1975. The Comptroller General's report (GAO report), mentioned previously, was issued March 23, 1976.

As to the cost of the two items, the MAG-58 has a quoted figure of $1,517 per unit; the M60E2 of $707, or, if purchased with the bolt assembly replacement unit recommended by Maremont of $922 per unit. The total cost of 18,191 guns would be $55,466,000 for the MAG58 and $41,817,500 for the M60E2 (with the bolt assembly).

The results of the side-by-side tests as primarily indicated by the aforementioned GAO report, are as follows:

(a) Reliability:

(i) During the first 15,000 rounds fired, the malfunctions in the MAG58 and the M60E2 were few and "nearly equivalent". (*Id.* at 18);

(ii) Between 15,000 rounds and 50,000 rounds, malfunctions increased slowly in the MAG58 although the MAG58 suffered extremely serious problems with rivets which required maintenance at a higher organizational level than any M60E2 malfunctions. (*Id.* at 18-19);

(iii) Between 15,000 rounds fired and 50,000 rounds, malfunctions increased to a greater degree in the M60E2 than the MAG-58, but the Army did not utilize Maremont's recommended bolt assembly replacement procedure. (*Id.* at 18, 21). The major problems suffered by the M60E2 were related to the bolt mechanism. (*Id.* at 19);

(iv) The Army concluded after the tests that the MAG58 was 3.5 times as reliable as the M60E2. (*Id.* at 18);

(v) If the Maremont bolt assembly replacement procedure had been utilized when bolt malfunctions began to appear (after approximately 15,000 rounds had been fired), a new bolt assembly would have been inserted and the Maremont gun would have continued to operate at the same level of efficiency as it did during the first 15,000 rounds;

(vi) If the Maremont bolt assembly replacement procedure were followed, the M60E2 and the MAG58 would be comparably reliable;

(vii) The Army agrees that Maremonth's bolt assembly replacement proposal would significantly improve the reliability of the M60E2. (*Id.* at 21). However, the Army indicated its procedure for making repairs is under a "piece-part basis". By this method the Army would seek to find the particular malfunctioning part and replace it.

(b) Durability: All the M60E2's tested were fired successfully to 100,000 rounds as required by the testing procedure. All the MAG58's suffered cracked receivers between 66,000 and 75,000 rounds and only two of the five tested were fired to 100,000 rounds. (Id. at 20). Accordingly, the M60E2 has an expected life cycle of 15 years while the Belgian MAG58, absent a rotation system, has an expected life cycle of only 11 years. (d. at 28). Because of the shorter life cycle of the MAG58, up to $18 million could be added to the cost of the MAG58 (Id.).

(c) Rate of Fire: The Army specified that rate of fire be between 400 and 650 rounds per minute with the lower limit preferred. (Id. at 19). The M60E2 average 570 rounds per minute while the MAG58 averaged 820 rounds per minute. (Id. at 19).

(d) Standardization: The contribution that either the MAG58 or the M60E2 would make to NATO standardization of equipment appears marginal. It would, therefore, appear that this would not be a major factor influencing the selection of either gun. (Id. at 11).

(e) Interchangeability: Selection of the M60E2 would contribute significant benefits to interchangeability of parts within the United States Armed Forces since 63 percent of the M60E2 parts are interchangeable with the M60 infantry machine gun. (Id. at 10). By choosing the M60E2, there would be less discord within the Army weapon inventory. (Id.). The MAG58 would contribute no benefits to interchangeability of parts within the United States Armed Forces.

On March 29, 1976, the Army indicated its intention to award the contract to Fabrique for the MAG58. On April 7, 1976, Maremont submitted its formal protest. Although the Army's response was due twenty-five working days later, it was not filed until June 30, 1976, the evening before the hearing on the instant motion.

The Army's present supply of M219's will be exhausted in December 1976; however, plaintiffs have indicated their ability to provide any necessary replacement weaponry during the pendency of this action.

A stipulation was entered into by the parties extending the time for the hearing on the instant motion from June 4 to July 1, 1976, with defendants further agreeing not

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[1] The performance was so superior that speculation arose as to whether the gun was assembled from specially selected parts rather than coming from the production line. Subsequent engineering tests did not show the previous high performance of firing 30,000 rounds without a stoppage.

[2] In July 1975, the Army awarded a contract to Maremont for the purchase of M60E2's for use on specified Marine Corps tanks.

to award the contract for the production or purchase of the MAG58 until July 7th, or until the Court ruled on the motion for preliminary injunction, whichever occurred first.

In *Wheelabrator Corporation* v. *Chafee*, 455 F. 2d 1306, 1316 (D.C.Cir. 1971), the Court endorsed the philosophy that in cases where a GAO determination on a bid protest was pending, the district court, under the doctrine of primary jurisdiction, could issue a preliminary injunction limited in time to the period of the GAO determination to preserve the status quo and to secure the expertise of the GAO. Additionally, Wheelabrator indicated that the Court must make a considered judgment as to the probability of success on the merits. *Wheelabrator, supra*, at 1317.

The plaintiffs have raised serious questions as concerns defendants' compliance with the Armed Services Procurement Act and the regulations thereunder. The defendants have acknowledged that they are awarding the contract on the basis of negotiation for a sole source procurement of the MAG58's as opposed to the route of formal advertising. When proceding by the sole source method, the procuring agency must make a written Determination and Findings which "clearly and convincingly establish . . . that formal advertising would not have been feasible and practicable". 10 U.S.C. 2310. This is to be "signed by the appropriate official prior to issuance of a request for proposals or quotations". Armed Service Procurement (ASPR) §3-306. The required Determinations and Findings were not issued prior to the active negotiations with Fabrique or prior to March 1976 when the Army announced its intention to award the contract for the MAG58.

Secondly, the plaintiffs have made a showing that the Army violated ASPR § 3-501 by failing or misrepresenting the nature of the significant evaluation factors and the relative order of importance the government attached to price relative to other factors.

In view of the Court's conclusion with respect to the Army's conduct under ASPR, we need not reach plaintiffs' other arguments which might indicate a probability of success on the merits.

In closing, the Court notes that a representative of GAO's General Counsel's Office addressed the Court and indicated that GAO could reach a determination in twenty-five days. Consequently, any delay of the contract award is brought on only by the defendants, for had the Army responded to the protest in a timely manner the GAO review might well have been concluded. Additionally, the public interest is served by assuring proper compliance with the letter and spirit of the laws and irreparable injury will befall plaintiffs without the injunction since they would lose the contract award which might well result in loss of jobs in Saco, Maine.

In accordance with the foregoing, it is by the Court this 3rd day of July 1976,

Ordered that plaintiffs' motion for a preliminary injunction should be and the same hereby is granted; and it is further

Ordered that the defendants should be and the same hereby are enjoined from issuing the contract for production and/or purchase of the MAG58 machine guns from Fabrique Nationale until five (5) days after the GAO isues its ruling with respect to plaintiff Maremont's bid protest.

JUNE L. GREEN,
U.S. District Judge.

Mr. HATHAWAY. Mr. President, this injunction was subsequently dissolved by Judge Green shortly after the GAO decision was rendered on August 20, 1976.

The GAO decision basically determined that the selection by the Army of the Belgian gun was a matter within its discretionary authority and the Buy American Act, and other relevant procurement provisions, were inapplicable.

Based on Judge Green's opinion and my own study of the law and knowledge of the facts, I found the GAO decision to be most disappointing and disturbing. But, because the courts are loathe to overturn the determinations of the GAO under applicable law and precedent, there was no promising avenue of appeal.

The most disturbing element of the GAO decision, however, was its grossly inadequate attention to the matter of the alleged secret deal between the Belgian Government and the U.S. Government—the quid pro quo deal on which the unfair treatment of Maremont was based. On page 45 of the GAO decision, the following statement appeared:

IV. ALLEGED SECRET DEAL

Maremont has alleged to the court that a secret deal may exist between DOD and Belgium, whereby the MAG58 was to be selected as quid pro quo for the Belgian selection of the F-16 aircraft. We refer to B-156500(5), supra, at 1, where we summarized the results of our investigation into this particular matter as follows:

"• • • GAO found nothing to indicate that a purchase commitment had been made, but the Belgians were assured the MAG58 would be favorable considered if it proved itself in the tests."

Also, see B-156500(5), supra, at 9, 11. We also refer to the transmittal letter to the Chairman of the Committee on Appropriations, United States Senate, summarizing our Staff Study on Multinational F-16 Agreements, ID 76-12, B-152600, September 2, 1975 (Staff Study itself is classified). In that letter we summarized our findings with regard to the relationship of the F-16 purchase and the MAG58 as follows:

"The Secretary of Defense had promised to give favorable consideration if the weapon met the U.S. Army's requirements and if it was competitive in price."

We are unaware of any further uncovered documentation which would support Maremont's contentions in this regard.

The GAO determination, therefore, was not one of a fact-finder which was determined to get at the truth, but rather as a clearinghouse for existing documentation, in which it found no conclusive evidence of a deal.

I would submit to my colleagues that the type of evidence it did find among existing documents was highly corroborative of a deal and that in international diplomatic circles, it was highly unlikely that the kind of "smoking gun," which GAO apparently required, was in existence.

Nonetheless, Maremont, the Nation's only private manufacturer of machine guns, lost this contract under highly unusual and suspicious circumstances. As a result, Maremont's economic well-being as a key element of our defense mobilization base has been damaged and its future in this capacity has been threatened.

Mr. President, I do not cite these conclusions solely out of concern for the jobs and economy of my own State, though I am deeply concerned, but more importantly, for the benefit of my colleagues in this body, to demonstrate that this is but one example of a pattern which is likely to repeat itself with increasing regularity in the future unless we take positive action today. We cannot afford to procure our basic weaponry from foreign sources if it will mean that our domestic capacity to produce these same weapons is eroded or destroyed. To do so would not only be robbing Peter to pay Paul, but cutting off our own defense arm as well.

This amendment would force the executive branch to face up to these issues. The President would be required to report back to the Congress on any and all quid pro quo agreements, understanding, or de facto, connected weapons transactions which have occurred since 1972. It is carefully worded not to require the burden of proof apparently demanded by the GAO in my one experience in this area. Rather, the de facto relationship between our sale of weapons to a given foreign nation and a concurrent, or closely related in time, purchase by us of that same foreign nation's weapons or other services, would be a sufficient connection to require that the overall transaction be analyzed in the context of the amendment.

The analysis for each such transaction requires a three-part examination of its implications.

First, the Executive should consider whether there were domestic concerns which, but for the quid pro quo transaction, might otherwise have produced the goods or services to be purchased from the foreign nation.

Second, the Executive should examine whether domestic purchase would have led to higher or lower costs than the foreign procurement. This envisages a broad view of cost criteria, with emphasis on cost-effectiveness.

Third, the Executive should consider, with reference to these transactions, the broader social and economic considerations necessarily entailed. This involves a view of our mobilization base, and the need to maintain necessary domestic capacity lest that base be impaired. Also, it would require a comprehensive view of the consequences which could result from unemployment in terms of governmental, private, and human costs.

As a retrospective view of these transactions over the last 6 years, this report will furnish to the Committee on Foreign Relations, as well as to Congress in general, a sound basis for determining our future policy in this area.

Mr. President, I understand the manager of the bill has no problem with the amendment.

Mr. HUMPHREY. Mr. President, I have no objection to this amendment. I have consulted with the Senator from New Jersey who is the ranking minority member. I move the Senate accept the amendment of the Senator from Maine.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HATHAWAY. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATHAWAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, we have one other amendment, requiring just about the same amount of time it is from the Senator from Arizona.

The PRESIDING OFFICER. It can be considered only by unanimous consent.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that we temporarily lay the amendment aside.

Mr. HANSEN. Mr. President, reserving the right to object, and I do not intend to object.

Mr. President, I do not object.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the amendment of the Senator from Utah be temporarily set aside—the Senator has been most courteous in this matter—and that we proceed to the consideration of the amendment of the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 452

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an unprinted amendment numbered 452:

On page 11, line 24, strike "$37,000,000 for the fiscal year 1978." and add in lieu thereof: "$39,000,000 of which not less than $12,500,000 will be expended for narcotics control programs in Mexico for the fiscal year 1978."

Mr. DECONCINI. Mr. President, I rise on this occasion to request the Senate to increase the amount of money presently under the authorization in this bill for drug control.

The House has approved and appropriated in their bill $39 million. The administration has asked for this amount.

In this particular legislation, I have asked that $12.5 million be used for narcotics control in Mexico, and it is based on a severe problem that this whole United States faces.

Coming from Arizona, I have first-hand knowledge of the tremendous amount of heroin and other contraband in the drug area that is imported from our neighbors to the south.

It is estimated that close to 80 percent of the heroin that comes into the United States now comes from Mexico. The Drug Enforcement Administration, together with the State Department, has recently had some effect through various spray operations. The good news is that the price of heroin is going up in some cities. The bad news is that tons of it still is coming across the border—an amount estimated in excess of 7 tons last year of brown Mexican heroin.

I hope the floor managers of the bill can see fit to accept this amendment. It is truly a need, and to me is something that is a line of defense.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. DECONCINI. I yield.

Mr. RANDOLPH. I will not take more than 2 minutes, but I do so at this point because the Senator is calling attention to drugs brought into the United States, not only in the State he ably represents but also in other States. Let us take the illustration of Florida.

What happens? The cocaine and heroin move into the United States, brought here largely by aliens, as the Senator knows.

Then, the judges in our own country, knowing that the market value of the cocaine or the heroin may be $10 million, $15 million, or $20 million—the sales value—set the bond at $25,000, $15,000, or whatnot. And that is the end of the case.

What has happened that allows this sort of situation to take place? That is but an iota, I say to the Senator, of the cost of doing business. We never hear from the person who brought it in. That is the last of it.

Does the Senator have a comment on that situation?

Mr. DECONCINI. Mr. President, the distinguished Senator from West Virginia is correct in saying that the level of bail not only in the Federal courts but also in numerous State courts is not high enough. In some instances, it should be mandatory in drug cases, particularly as to non-American citizens—mules, as they are called—who are used to bring in this contraband.

I would welcome an opportunity to address that particular problem in this body as time permits, through the Judiciary Committee and other committees.

I thank the Senator for making that statement. It is long overdue. I hope to echo that with some demonstrative legislation in the future.

Mr. RANDOLPH. I thank my colleague.

Mr. HUMPHREY. Mr. President, it is the feeling of the members of the committee that this amendment can be accepted, and I am prepared to do so. I think there are some questions about the need for this sum, but we are prepared to accept the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. Mr. President, I am glad that the Senator said what he did. This is an important allocation. It is being upped $2 million.

Heroin is not only the problem of my colleague; it is my problem. Fifty percent of the heroin addicts in the country are said to be in New York City.

I am very sympathetic and strongly support the amendment. I think we need to double check whether there is the ability in Mexico under present circumstances to use the extra money to the greatest advantage. I am more than willing to go along with the amendment now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 450

Mr. HUMPHREY. Mr. President, I wonder whether my esteemed friend from Utah will permit me to ask unanimous consent for 1 minute, in order to make a comment on his amendment, simply because I was not here, only to provide certain economic data for the RECORD.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the United States and Jamaica share close ties and a high degree of economic interdependence.

Jamaica produces and provides 51 percent of U.S. bauxite and 23 percent of U.S. aluminum requirements. The United States provides nearly 40 percent of all Jamaica's imports. U.S. private investment in Jamaica exceeds $1 billion. More than 500,000 Jamaicans have migrated to the United States. A large number of American tourists visit Jamaica each year.

So our effort here—this amount of $10 million in economic assistance—is only a part of a package that is indeed larger from Canada and Trinidad and Tobago, who have given assistance to Jamaica during a time when this little country suffers from 25 percent unemployment and a real decline in its GNP. In addition, Mr. President, Mrs. Carter recently visited Jamaica as part of her recent tour of Latin America. She apparently did a magnificent job on her trip, and Jamaica was her first stop. My understanding is that she had very constructive conversations with Prime Minister Manley. I would hate to have the Senate detract from Mrs. Carter's positive contributions with Jamaica by adopting this amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may make a brief statement, for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am opposed to this amendment, for the reasons so eloquently set forth by my colleague. I believe we have an opportunity to work more harmoniously with Jamaica in the economic realm. Jamaica was represented at the CIEC conference in Paris, earlier this month, where I was a delegate. On some key issues Jamaica reportedly took a moderate and constructive stance within the G–19 caucus against some of the more radical and anti-West positions voiced by others. Also, Prime Minister Manley has reportedly expressed himself at the London Commonwealth Conference as being critical of the activities of President Idi Amin of Uganda. This is noteworthy because it was open and public criticism.

I have received reports that the Jamaican Government desires to have cooperative economic relations with the United States and to provide a mutually satisfactory climate for U.S. private investment there. I oppose the amendment.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in accordance

with rule V of the Standing Rules of the Senate, that the Senator from Texas (Mr. BENTSEN) be granted a leave of absence for the remainder of the day and until such time as it is possible for him to be able to return to the Senate. His absence is necessitated by virtue of the critical illness of his mother.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. MOYNIHAN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 30, nays 57, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—30

Allen	Glenn	Roth
Bartlett	Hansen	Schmitt
Burdick	Hatch	Schweiker
Byrd, Harry F., Jr.	Hayakawa	Scott
	Heinz	Stone
Chiles	Helms	Thurmond
Curtis	Laxalt	Tower
Danforth	Lugar	Wallop
Dole	McClure	Zorinsky
Domenici	Morgan	
Garn	Randolph	

NAYS—57

Anderson	Gravel	Metzenbaum
Baker	Hart	Muskie
Bayh	Haskell	Nelson
Bellmon	Hatfield	Nunn
Biden	Hathaway	Pearson
Brooke	Hollings	Pell
Bumpers	Huddleston	Percy
Byrd, Robert C.	Humphrey	Proxmire
Cannon	Inouye	Ribicoff
Case	Jackson	Riegle
Church	Javits	Sarbanes
Clark	Johnston	Sasser
Cranston	Leahy	Stafford
Culver	Long	Stennis
DeConcini	Magnuson	Stevens
Durkin	Mathias	Stevenson
Eagleton	Matsunaga	Talmadge
Eastland	McGovern	Williams
Ford	McIntyre	Young

ANSWERED "PRESENT"—1

Goldwater

NOT VOTING—12

Abourezk	Kennedy	Moynihan
Bentsen	McClellan	Packwood
Chafee	Melcher	Sparkman
Griffin	Metcalf	Weicker

So Mr. HATCH's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 453

Mr. HASKELL. Mr. President, I send to the desk an amendment to S. 1160, the Foreign Assistance Act and Arms Export Control Act amendments, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HUMPHREY. Mr. President, may we have order so we can hear the Senator from Colorado?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUMPHREY. Let us get the Senate in order so that we can go ahead with this bill.

The PRESIDING OFFICER. The clerk will suspend until the Senate is in order.

Will Senators in the aisle please clear the aisle and take their seats?

Mr. HUMPHREY. Senators are hard of hearing tonight, Mr. President.

The PRESIDING OFFICER. Will Senators in the aisle please clear the aisle and take their seats, or hold their conversations elsewhere?

The clerk will proceed.

The legislative clerk read as follows:

The Senator from Colorado (Mr. HASKELL) proposes unprinted amendment No. 453.

Mr. HASKELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 20, insert the following:

POLICY ON ZAIRE

SEC. 21. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, on which would have the effect, of promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

Mr. HASKELL. Mr. President, this amendment simply adds to the Senate bill policy language on Zaire adopted by the House Committee on International Relations and approved by the full House in passing H.R. 6884.

The amendment merely states that no American assistance may be furnished to Zaire which "would have the effect of promoting or augmenting, directly or indirectly, any military or paramilitary operations" in that country unless the President determines that such assistance is in "the national security interests of the United States," and so certifies to the Congress in a report detailing the amounts, specific kinds of assistance proposed to be furnished, the purposes of such assistance, and a detailed unclassified statement of the reasons for determining such assistance to be in the American national interest.

I think it is important that the Senate also explicitly endorse this provision as an expression of congressional concern about recent events in Zaire and the possibility that a recurrence of such events might precipitate demands on the part of some individuals for further U.S. involvement. It simply sounds a note of caution.

In March of this year Katanganese "gendarmes"—exiles from previous fighting—entered Zaire's Shaba Province, formerly called Katanga, from Angola. The Senate will recall that newspaper accounts reflected the considerable confusion which prevailed about the basic nature of the conflict and those participating in it. Many informed observers contended the fighting represented a renewal of the old regional animosity which erupted some time ago in Katanga. They argued that the so-called invaders were really just "coming home" since they were almost entirely Lunda people from Shaba district who had been forced to flee to Angola because of their opposition to the Mobutu government in Zaire.

The American response to this event was to utilize funds in the pipeline for Zaire to dispatch two planeloads of supplies, including rations, load-bearing equipment, aircraft spare parts, parachutes, and communications to Zaire. In so doing the administration consulted with Congress. The United States also encouraged France and Morocco to dispatch assistance, including Moroccan troops, which appeared to be instrumental in turning the tide in favor of the central government forces. Many observers further contend that this continuing regional animosity is likely to erupt in fighting again at some point.

I am thus very concerned that the United States not become unwisely involved in such a local or regional conflict via our sizable military and economic assistance. As the report of the Committee on Foreign Relations notes, this bill contains a sizable amount of assistance to Zaire, including direct foreign military sales credits, of which our long-time friend Israel is the only other recipient.

I have great qualms about the wisdom of this policy direction. I very seriously question whether Mobutu is the kind of leader with whom we should closely aline ourselves. I question the whole trend, in fact, of more intimate involvement in the growing confrontation in southern Africa.

But this amendment does not attempt to prejudge our relationship with Zaire. Rather it attempts to guarantee that we will not wake up one morning to read in the newspaper that congressionally approved assistance is being used to involve our country in hostilities there. This amendment guarantees, without tieing the President's hands unreasonably, that the highest officials of the executive branch will have to give very serious

thought to our course of action should similar fighting occur again in Zaire, and that Congress will have to be kept fully informed prior to the fact. It underscores the need to proceed with great caution.

The sizable amount of funding in the pipeline for Zaire in addition to the large amounts of assistance contained in this bill make such a provision very desirable. The adoption of this language by the House was thus a very responsible action, and I urge the Senate to follow suit.

Mr. President, it is my understanding that the amendment is acceptable to the distinguished managers of the bill.

Mr. HUMPHREY. I certainly feel that it is an acceptable amendment, and I gather that our colleague from New Jersey agrees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Mr. HUMPHREY. Mr. President, may I suggest that there be instituted a quorum call?

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. What matter is the subject before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the committee amendment in the nature of a substitute for S. 1160.

Mr. GOLDWATER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 454

Mr. HUMPHREY. Mr. President, I believe our colleague, the Senator from Alabama, has an amendment which he wishes to offer.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an unprinted amendment numbered 454:

Amend S. 1160 as follows: At the end of the bill add the following new section:

"SEC. . No assistance may be furnished under this bill to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines (and so reports to the Congress) that furnishing such assistance to that country would further the foreign policy interests of the United States."

Mr. ALLEN. Mr. President, this language is in the House bill. It gives some little protection as to excluding certain nations from the benefits of the bill—Mozambique, Angola, Tanzania, and Zambia—except that the President can waive that requirement according to the House language if he feels that furnishing such assistance to that country would further the foreign policy interests of the United States.

That is not in the Senate bill, and in order that we may be certain this provision will be in the conference report, I suggest that it be put in the Senate version of the bill. Then there will be no question on this in conference, I assume.

I believe the amendment is acceptable to the manager of the bill.

Mr. HUMPHREY. Mr. President, we discussed this matter in considerable detail, as the Senate knows. The distinguished Senator from Iowa, the chairman of the African Subcommittee who has given so much of his time to this area of the world, while not happy with the amendment, I understand is willing to go along with it.

That being the case, I suggest that we proceed to vote favorably on this amendment.

Mr. HELMS. Mr. President, if we give any aid to Angola and Mozambique, we are helping to deliver all of southern Africa into Soviet hands. There is no question in the minds of any independent military strategists that the Soviets are most anxious to control the sea lanes around the Cape, which carry 70 percent of the strategic materials required by NATO countries. By controlling Angola and Mozanbique, the Soviets already have an arm-lock on the sub-Saharan continent, ready for such adventures as the incursions into Zaire and Rhodesia.

The issue in these countries is not racism; the issue is communism. In Angola, particularly, the evidence is that the Angolan MPLA does not represent the black people of that nation today and never has. It imposes its will by force of arms, by the Cuban military presence, and by terror. The distinguished British journalist, Robert Moss—foreign editor of the Economist—made an extensive tour of southern Africa early this year, and reported the following in the Sunday Telegraph:

To this day, three anti-Soviet guerrilla movements are continuing the struggle in Angola: UNITA in the south and centre of the country, the FNLA in the north, and the secessionists of FLEC in the Cabinda enclave. Unlike Left-wing revoluntionaries from other countries who fly off to university sinecures or their Swiss bank accounts after suffering defeat on their home ground, Jonas Savimbi is carrying on the battle deep inside Angola.

He has claimed that UNITA has 22,000 armed supporters, although Western intelligence sources believe that the figure is probably no more than 6,000. It is virtually impossible to get reliable information on the guerrillas' military capacities, but one index of UNITA's ability to harass the regime is the fact that no train has been able to cover the whole length of the Benguela railway—from the Zambian border to the coast—since the beginning of the war. UNITA's political base is largely intact, and the MPLA has had little success in building up support among . . . UNITA's sympathizers.

This means that it might well be possible for UNITA and the other anti-Soviet groups to inflict a serious humiliation on the Cubans and the MPLA—if they could count on effective outside support.

Mr. President, it would be tragic if the United States contributed economic assistance either directly or indirectly to the Angola regime when there is still hope for the Angolan people of armed resistance to communism.

And even if there were no hope, it would make a mockery of our pretensions to support of human rights or even to looking out for our own best interests. Let me quote a few more sentences from the article by Robert Moss:

Angola today cannot be objectively described as an independent country. Control of its armed forces, its secret policy, its economy, its civil administration and its educational system is in the hands of Russians, Cubans and East Europeans, and the MPLA itself is being remoulded into an orthodox Communist party. The Cuban garrisons are the basic guarantee that the regime will not only survive but toe the line.

The Cubans have divided Angola into six military regions, with garrisons in the major towns. Five major mopping up operations have been launched against the anti-Communist forces since the South Africans withdrew, but despite the savagery with which the Cubans and the MPLA have dealt with the civil population large swathes of Angola are still contested zones.

The continued flight of refugees over the 1,200 mile border of South-West Africa is an eloquent comment on the way the people of southern Angola regard their new masters. Some 10,000 have been absorbed into South-West Africa.

Mr. President, the situation of Mozambique is hardly different. Indeed, Mr. Moss writes:

It is perhaps a toss-up whether the MPLA in Angola or FRELIMO in Mozambique has gone further towards achieving Sovietisation. The MPLA does not seem, as yet, to have matched FRELIMO's regulations that dictate the maximum thickness of the soles (and the heels) of shoes, according to the age and sex of the wearer.

Both President Podgorny and Leonid Brezhnev are expected to visit Africa this year. Their main ports of call will be Maputo and Dar-es-Salaam. The message could be that the West is on the retreat and that Russia is becoming the dominant power in Africa. Their strength is that they are acting according to a global strategy—While Western leaders are not.

Mr. President, since Mr. Moss' article appeared, Podgorny did visit Mozambique, and signed a treaty of friendship and cooperation with the Soviet Union, similar to the one signed last year with Angola. The Washington Post, in an article about the treaty, said:

The treaty marks in a dramatic manner the consolidation of Soviet influence in southern Africa.

Mr. President, I ask unanimous consent that the entire article from the Washington Post of April 1, 1977, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Under such circumsances, the provision to Angola and Mozambique of any hard-earned money taken from the taxpayers of the United States would be a cruel joke. Indeed, even

the black nations of Africa, particularly those which are Western-oriented, such as the Ivory Coast and Senegal, are deeply disturbed by the Soviet influence, and welcomed the initiative of other African countries such as Morocco and Saudi Arabia in supporting Zaire's resistance to the Angolan-trained and supported Katangese invaders in Shaba province.

I therefore urge my colleagues to vote for the amendment of the distinguished Senator from Alabama.

EXHIBIT 1

MOZAMBIQUE SIGNS PACT WITH SOVIETS
(By David B. Ottaway)

MAPUTO, MOZAMBIQUE, March 31.—Mozambique tonight signed a treaty of friendship and cooperation with the Soviet Union, making it only the third black African nation to establish such close formal ties with Moscow.

The terms of the treaty were not immediately made known but they were presumed to be similar to those contained in the one signed last year between Angola and the Soviet Union. The only other black African country to have concluded such an accord with Moscow is Somalia, where the Soviets have made their largest military and economic investment in Africa.

The treaty marks in a dramatic manner the consolidation of Soviet influence in southern Africa, particularly since it has been signed with a country that borders directly on white-ruled South Africa.

At the signing ceremony at the presidential palace, Mozambican President Samora Machel said, "Today we are mixing the blood of the Soviet people with that of the Mozambican people.

"The signing of this document not only satisfies the desire of our two peoples but it will also be a contribution to humanity and above all to the socialist world," he added.

Visiting President Nikolai Podgorny, who signed for the Soviet Union, replied that relations between the two countries had now reached "a very high level. If the text of this agreement is completely carried out we can say that the friendship between our two peoples, parties and governments will be one of steel."

The signing of the treaty is bound to shake Mozambique's relations both with South Africa and China. South African leaders have been looking with increasing apprehension at the development of Marxist-Leninist governments with close ties to the Soviet Union in southern Africa even while continuing to provide massive indirect aid to the one here in Mozambique.

China, which was regarded as the most favored Communist nation here immediately after Mozambique's independence in June 1975, now appears to have lost out heavily to the Soviet Union.

Whether the treaty will result in any policy changes toward Mozambique in Pretoria and Peking remains to be seen.

Even before it was disclosed that the two countries intended to sign the treaty, Mozambican officials were cautioning Western journalists against interpreting Podgorny's visit here as an indication that Mozambique was becoming a Soviet "satellite."

President Machel had earlier spoken of his desire to establish an "exemplary relationship" with the Soviet Union, which he termed a "natural ally" of his Marxist government."

Still, the decision by Machel to identify Mozambique so closely with the Soviet Union is certain to come as a surprise to many Western and nonaligned diplomats.

The prevailing view in Western diplomatic circles has been that Mozambique is intensely nationalistic, determined to maintain its independence and unlikely to provide naval bases or other facilities to any of the major powers. Whether this view will hold after the signing of the friendship treaty with Moscow is another question.

The announcement that the two governments were planning to sign a friendship treaty came only a few hours before at a public rally here in honor of Podgorny.

Speaking from the balcony of city hall where Portuguese colonial leaders once made speeches, Podgorny declared his country's solidarity with the African struggle for the "definitive liquidation" of the white racist regimes of southern Africa and said it would oppose any attempt to maintain the present white governments.

"Let nobody be under the illusion that there can ever be conciliation with racists," he said. "Brother of mine," he said to Machel, "you will not be alone in the struggle."

Podgorny also hailed Mozambique's decision in February to establish a Marxist-Leninist party as a "historic event."

Machel praised the Soviet Union for its support to the Front for the Liberation of Mozambique during its 12-year struggle against Portugal and hailed the developing relationship between his country and Moscow.

The public rally, the only one held for Podgorny on his two-week tour of southern Africa, was attended by about 10,000 people, who took the lead from Machel in repeatedly cheering the Soviet leader.

Across the false Greek facade of the city hall building was strung a huge red banner with the words, "Workers of the World Unite," and two big portraits of Machel and Podgorny.

Friday, Podgorny leaves for northern Tanzania where he will tour game parks for a day before departing Sunday for Moscow.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HUMPHREY. I do not believe we had any time limitation.

The PRESIDING OFFICER. No time limitation.

The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. ALLEN. Mr. President, we are working on another amendment. I think we will have it in a short while, and I believe it will be accepted.

Mr. HUMPHREY. Mr. President, I ask whether the Senator from Georgia has completed the text of his amendment. If not, I have a couple of amendments of a technical nature which I wish to offer.

Mr. NUNN. I need a few more minutes.

Mr. HUMPHREY. If the distinguished Senator from Alabama will permit, I will offer a few technical amendments.

Mr. ALLEN. Yes.

UP AMENDMENT NO. 455

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an unprinted amendment numbered 455.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) Lines 6 & 7 on page 20 of S. 1160 shall be changed to read:

(c) Of the funds authorized in subsection (a), not to exceed $1,000,000 may be used by the President for the preparation of a . . ."

(b) The third word in line 11 of page 32 of S. 1160 shall be deleted and replaced by the word "on."

(c) The fourth word in line 16 of page 32 of S. 1160 shall be deleted and replaced by the word "in."

Mr. HUMPHREY. Mr. President, this is merely to correct errors in the bill. There is no substantive matter to it, except for a correction of a printing error.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

OMNIBUS MULTILATERAL DEVELOPMENT INSTITUTIONS ACT OF 1977

Mr. HUMPHREY. Mr. President, yesterday, a mistake was made in the figures in an amendment, in which a figure should appear two times. It appeared one time one way and a second time a different way, and they have to be the same.

I ask unanimous consent that, notwithstanding the third reading and passage of H.R. 5262, section 212(b) of title VI thereof be amended to read "$50,000,000" in lieu of $150,000,000.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1977

The Senate continued with the consideration of the bill (S. 1160) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

UP AMENDMENT NO. 456

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an unprinted amendment numbered 456.

Mr. HUMPHREY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

A new section shall be added to S. 1160:

SEC. 21. Iran and Saudi Arabia Arms Sale Report. The President shall prepare a report on the current and future status of U.S. arms sales to Iran and Saudi Arabia. The study shall assess the validity of and need for past, current and anticipated future levels of U.S. arms sales to Iran and Saudi Arabia. The study should consider (a) Iran and Saudi Arabia's defense requirements, (b) the regional power balance, (c) direct U.S. participation in the introduction and operation of weapons systems and the associated question of Iran's and Saudi Arabia's absorptive capacity for advanced weapons systems, (d) the current and long-term foreign policy implications for the United States of an Iranian and Saudian defense establishment closely linked to U.S. support, and (e) such other aspects of the on-going U.S.-Iran and U.S.-Saudi arms sales relationship as may be pertinent to such a review.

The results of the study shall be submitted

to the Chairman, Senate Committee on Foreign Relations and to the Speaker of the House of Representatives by February 15, 1978.

Mr. HUMPHREY. Mr. President, this amendment merely provides that the President, through the appropriate agencies of the executive branch, produce a study on several questions relating to U.S. arms sales to Iran and Saudi Arabia. There is a need to thoroughly examine these sales.

During the markup, the full committee expected that an administration study on arms sales in the Persian Gulf would be available for our consideration by July 1, 1977. It appears that this study will not be forthcoming. It now appears that a detailed study focusing on the problem of such arms sales in the Perisan Gulf, particularly in Iran and Saudi Arabia, is not being worked on by the executive branch; we think it should be. This amendment would order such a study to be completed by February 15, 1978.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 457

Mr. HUMPHREY. Mr. President, I have an amendment that will correct an inequity, and I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an unprinted amendment No. 457.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

A new section shall be added to S. 1160:

SEC. 22. Piaster Conversion. No provision of law shall be construed to prevent payment of claims of former and present Vietnamese employees of the Agency for International Development, who presently reside in the United States, for the conversion of Vietnamese piasters to dollars because such conversion cannot take place in the territory of the former Republic of Vietnam or because the official with whom such piasters were deposited was not a United States disbursing officer.

Mr. HUMPHREY. Mr. President, this amendment takes care of a situation which the Agency for International Development has informed us about. By some quirk in the law, a commitment that was made by the U.S. Government was not able to be fulfilled. Due to a legal technicality, the U.S. Government has been unable to live up to its promise to convert to U.S. dollars certain amounts of currency held by Vietnamese AID employees. The amount of the conversion per person was $2,000.

I have a letter from Governor Gilligan, addressed to the Senator from Hawaii (Mr. INOUYE).

What is asked for is authority to fulfill a commitment and what AID thought it had authority to do under the law—namely, for Vietnamese employees of the U.S. Government who were being paid in Vietnamese currency to have the opportunity, up to $2,000, to convert that currency into U.S. dollars.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Governor Gilligan addressed to the chairman of the Subcommittee on Foreign Operations, together with a second letter which explains the need for this amendment in more detail.

There being no objection, the letters were ordered to be printed in the Record, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington.

HON. DANIEL K. INOUYE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR INOUYE: Thank you for your letter of May 16, 1977 concerning the piaster conversion problem of Ms. Chau Thuan Anh who is claiming U.S. dollars for the piasters she left with U.S. officials in Saigon.

Upon initial review, the Department of Treasury reached the decision not to honor such claims. On October 29, 1976 however, we appealed to the Comptroller General of the United States for a favorable decision which would enable former employees such as Ms. Anh to receive U.S. dollars for these piasters.

The GAO forwarded our October 29, 1976 appeal to the Department of Treasury who subsequently returned it to the GAO with their comments. We have followed up periodically and our latest contact with the GAO was on April 25, 1977. On that date the GAO informed us that after receiving Treasury's comments the issue had been examined by a GAO lawyer, then by a GAO review committee and currently is under examination by the GAO Assistant General Counsel. We were informed that a decision would be forthcoming within a few weeks.

Should the GAO rule unfavorably we will continue our search for other authority or legislation which would permit settlement of these claims.

In addition to this letter, we will reply directly to Ms. Anh.

We appreciate your interest. Please let us know when this office may be of further assistance.

Sincerely yours,

JOHN J. GILLIGAN.

ALEXANDRIA, VA.
May 13, 1977.

HON. DANIEL K. INOUYE, *U.S. Senator, room 442, Russell Building, Washington, D.C.*

DEAR SENATOR INOUYE: This is to request your assistance in getting the Agency for International Development to return my $2,000.

While in Vietnam, I was employed by the U.S. Agency for International Development as a secretary from September 14, 1974 to April 30, 1975. Prior to our emergency evacuation from Vietnam on April 29, 1975, the USAID Mission advised that local employees were allowed to convert up to US $2,000 from local currency to U.S. dollars.

Consequently, on April 28, 1975, between 4–5 p.m. about -- local employees including myself turned in local currency at the exchange rate of VN 755 to US 1 to Mr. William A. Rice, Associate Director for Financial Management, USAID/Vietnam. We were told that we would receive U.S. dollars when we reached U.S. territory. In Guam, however, we were told that there was not sufficient money available to cover our claim. Since then, we still have not received our funds.

I have followed up with AID officials on about ten occasions. The most recent discussion with persons on the Indo-China Task Force indicated that there were three groups of people involved in the local currency conversion transaction:

1. Those persons who turned in their piasters to the U.S. Disbursing Officers; they have received their checks from the U.S. Department of Treasury.

2. Those persons who turned in their piasters to someone other than the U.S. Disbursing Officers; their claims are being evaluated by the U.S. Department of Treasury as to whether or not the Department of Treasury will acknowledge the act of a person other than the U.S. Disbursing Officers or a U.S. Department of State official (My case is in this category).

3. Those persons who were not able to make the transaction in Saigon because they were guards, etc. and subsequently had to bring the piasters out of Vietnam; their claims are now being accepted by the U.S. Treasury.

We appreciate your past support in assisting in the relocation and placement of the Indo-China refugees and would like to request your assistance again in urging the U.S. Treasury to render favorable consideration to those of us who are in the second category. We turned in our Vietnamese currency in good faith and were assured by U.S. officials that we would receive U.S. currency.

Your attention to this matter will be greatly appreciated.

Sincerely,

(Ms.) CHAU THUAN ANH.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT HOUSE CONCURRENT RESOLUTION 248—INVESTIGATION BY JOINT ECONOMIC COMMITTEE OF ECONOMIC CHANGES—BE HELD AT THE DESK

Mr. HUMPHREY. Mr. President, I ask unanimous consent that House Concurrent Resolution 248, as passed by the House of Representatives yesterday, which is now at the desk, continue to be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, there is no objection on this side to holding House Concurrent Resolution 248 at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE—HOUSE CONCURRENT RESOLUTION 249

Mr. HUMPHREY. Mr. President, House Concurrent Resolution 249 relates to the Helsinki accords and the conference in Belgrade. I understand that it was reported unanimously by the House of Representatives, and I ask unanimous consent for its immediate consideration. I believe that the minority leader concurs in this matter.

Mr. BAKER. Mr. President, that is correct.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 249) with respect to the preparatory meeting in Belgrade of the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 249) was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the text of the resolution and its preamble be printed in the RECORD.

There being no objection, the resolution and its preamble were ordered to be printed in the RECORD, as follows:

H. CON. RES. 249

Whereas the 1977 conference in Belgrade of the 35 states participating in the Conference on Security and Cooperation in Europe presents all the signatory states of the 1975 Helsinki accords with an unprecedented opportunity to improve East-West relations and to broaden the area of their cooperation; and

Whereas progress towards such improvement and cooperation within the framework of the Helsinki accords cannot develop without a thorough and candid exchange of views of the two-year record of implementation of those accords; and

Whereas such a review requires that specific practices of the participating states and their impact on specific individuals be constructively analyzed and discussed even when that discussion touches such matters of serious East-West contention as the application of the Final Act pledge to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief"; and

Whereas representatives of the participating states will meet in Belgrade, beginning June 15, 1977, to "decide on the date, duration, agenda, and other modalities" of the substantive review meeting to be held in 1977: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the United States delegation to the preparatory Belgrade meeting should make every effort to insure that the agenda adopted for the subsequent meeting provides for proper, sraightforward and serious exchange of views among the participating states on the application of the principles of the Final Act as well as on compliance and noncompliance with all of its provisions, including the presentation and thorough discussion of all violations of the Final Act, especially those related to universal humanitarian ideals.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1977

The Senate continued with the consideration of the bill (S. 1160) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Is the Senator from Georgia about ready to offer his amendment?

UP AMENDMENT NO. 458

Mr. NUNN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN) proposes an unprinted amendment numbered 458.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. —. In defining and providing regulations for the control of exports of major defense articles and significant combat equipment and defense articles the President shall in categorizing such exports consider whether the subject items are lethal or nonlethal, and the President shall develop methods and procedures for the expeditious consideration of request for exports of items determinated to be non-lethal. The President shall submit to the appropriate committees of the House and Senate within 120 days on date of enactment of this Act a report setting forth the procedures and regulations that shall be applied to those systems determined to be non-lethal.

Mr. NUNN. Mr. President, this amendment relates to the defining of major defense articles, significant combat equipment, and so-called defense articles under the Export Act of 1976.

The amendment provides as follows:

In defining and providing regulations for the control of exports of major defense articles and significant combat equipment and defense articles the President shall in categorizing such exports consider whether the subject items are lethal or nonlethal, and the President shall develop methods and procedures for the expeditious consideration of requests for exports of items determined to be nonlethal.

The President shall submit to the appropriate committees of the House and Senate, within 120 days, a report of his deliberations on this subject.

This amendment, Mr. President, would focus on the key question of whether particular items or types of equipment are lethal or nonlethal. This matter is not now part of the law, but it is nonetheless a very important consideration when you consider that at this time, for instance, cargo aircraft are considered major defense articles, and many other items I could name which are very injurious and lethal, are not categorized at all.

There are some important refinements that need to be made in this regard, and this amendment will get the subject in conference where it can be considered in more detail at the appropriate time.

Mr. HUMPHREY. Mr. President, this amendment relates to a section in the bill as passed by the House, section 21. The Senator's amendment is a little more precise. It will be a matter in conference, as I indicated to him. I see no reason why we should not accept this amendment, and I am prepared to do so.

Mr. NUNN. I thank the Senator from Minnesota.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. BELLMON. Mr. President, the bill before us is the third major authorization measure for function 150, international affairs. Earlier in this sequence I discussed the relationship between the authorization bills in this function and the targets set by Congress in the first budget resolution. As I explained at that time, the sum of all the authorization bills, if fully funded, plus the other components in the function would push function 150 over the targets set by Congress by $0.5 billion in budget authority and $0.3 billion in outlays. I expressed my serious concern over this situation and my belief that we should try to hold expenditures to the target levels through a combination of Appropriation Committee actions and careful reductions to low-priority authorizations.

The bill before us, Mr. President, contains some of those low-priority items. Let me describe in detail only one example of such items: Excess security supporting assistance for sub-Saharan African countries. After wisely sidetracking the administration's imprecise and questionable proposal for a $100 million Zimbabwe Development Fund, the Foreign Relations Committee then added $64 million in unrequested security supporting assistance for 5 countries in southern Africa. This is an expensive political gesture which will waste the taxpayers' money. The Senate should not allow funds to be spent on such low-priority items.

Some would have us believe that this is the first year the United States has considered doing much to help the nations of Africa. This impression is just not true. Let us take a look at what the United States has been doing to aid African countries south of the Sahara. The International Development Association—IDA, the major source of "soft" loans for developing countries, has loaned an estimated $1.2 billion to sub-Saharan African countries in the period from 1975 through 1977. This is about 27 percent of IDA's total loan commitments over this time period. Since the United States subscribed to one-third of these IDA funds, this source alone channeled about $400 million in U.S.-originated aid to these countries. The United States also contributed $15 million directly to the African Development Fund, which makes soft loans just to African countries. In addition to these international channels, U.S. aid has come from bila-

teral loans and grants, Food for Peace, Security Supporting Assistance, Peace Corps, et cetera. Together these bilateral sources provided over $900 million during the past 3 years. Thus, the total U.S. aid to Africa in the 3-year period has been over $1.3 billion.

Now if we consider the number of people living in these American countries, we find that on a per capita basis, aid to Africa originating from U.S. sources is greater than that to Latin America or Asia. This is hardly a picture of gross neglect. Moreover, the trend in U.S. aid clearly favors Africa. In fiscal year 1976 and 1977 U.S. bilateral economic assistance to Asia and Latin America declined in absolute amounts while African aid significantly increased. Indeed, last year's levels saw sub-Saharan Africa move ahead of Latin America in dollars of U.S. bilateral aid despite Africa's slightly smaller population.

In addition, the United States is certainly not these countries's only source of aid. In fact the major European donors tend to give to African countries a higher proportion of their total aid than does the United States.

Finally, significant aid increases are already programed for Africa in the near future. The negotiated fifth replenishing to IDA's resources amounts to an increase of over 70 percent. There is also pressure to increase the proportion of IDA money going to Africa. As mentioned above U.S. bilateral aid to Africa continues to increase significantly.

In light of these facts, Mr. President, we have to ask: What is the ability of these African countries to absorb such amounts of aid and to use them in a productive manner? In many cases, poor roads and port facilities limit the ability of these countries to absorb a rapid influx of imports and to make effective use of unexpected funds.

It is appropriate to ask another question before adding to the administration's request for assistance to African countries: What is the record on human rights of many of these countries? The widely respected private organization, Amnesty International, has listed several of the African countries as gross violators of their citizens' human rights.

Mr. President, I want it to be clear that I am not against lending a helping hand to the nations in Africa, nor to those in other developing areas of the world. But this addition of $10 million here and $15 million there as a political gesture is not the way to do it! In this time of tight budgets at home, we must be sure the money we spend abroad meets the strictest tests of efficiency and productivity. As I have shown, a great deal is already being done in this part of the world. We should not add more until there are carefully worked out programs, which the administration is willing to stand behind, to assure Congress the money will be put to good use.

I have gone into some detail, Mr. President, because I wanted to show how authorizations which might seem acceptable in one bill often cannot stand the scrutiny of a broader perspective. In the context of the whole International Affairs function this political gesture is unnecessary and wasteful. In order to stay within the budget resolution targets set by Congress and to move toward our goal of a balanced budget, we must eliminate such items.

I carefully considered offering an amendment to delete the security supporting assistance which exceeds the President's request. However, that would have required me to specify a number of small cuts to a number of different countries. Rather than engage in this kind of line item cuts on the floor, I decided to express my concerns now and to work closely with my colleagues on the Appropriations Committee to see that this bill, and the other authorization bills in function 150, are rigorously reviewed to reduce enough low priority items to meet the functional targets. With these caveats in mind I will support the bill before us.

UP AMENDMENT NO. 459

Mr. HUMPHREY. Now, Mr. President, I am looking over the happy countenances of my colleagues, most of them a little unhappy and weary at this late hour, but I see now my friend from Alabama is putting his pen into his pocket, and has lifted his countenance to the Senate and even to the gallery. Is the Senator ready?

We could have the amendment reported and then have it Xeroxed.

Mr. President, the Senator from Alabama may want to call up his amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I will be glad to cosponsor the amendment with the Senator from Minnesota [Laughter.]

Mr. HUMPHREY. I will tell the Senator I want him to have all the honor. I have been too greedy. [Laughter.]

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Alabama.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an unprinted amendment numbered 459:

On page 19 between lines 10 and 11 strike the following:

"Zaire $20,000,000; Zambia, $20,000,000; Swaziland $17,500,000; Botswana $20,00,000; and Lesotho, $15,000,000."

and insert in lieu thereof the following words and figures immediately before line 11

"And that not more than the following amounts shall be available for the following countries:

Zaire, $10,000,000.
Zambia, 17,500,000.
Swaziland, 17,500,000.
Botswana, 17,500,00.
Lesotho, 12,500,000."

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, over the last few months we have witnessed an interesting transformation in a proposal initially advanced by Secretary of State Kissinger in his efforts to resolve the conflict in southern Rhodesia. The Kissinger initiative, which was accepted by Ian Smith of southern Rhodesia, embodied among its provisions the establishment of an international fund to underwrite losses which might occur should a transition to majority rule in Rhodesia result in expropriation of property without compensation. The Kissinger plan alluded to a $2 billion international fund and a vast underwriting based on the number of years the property holder remained in Rhodesia after the attainment of majority rule. The thought was that if a property holder departed Rhodesia after 1 year, less than full compensation would be received for the value of property lost, but that if departure did not occur until a second, third, fourth, or fifth year, that an increasingly greater percentage value would be paid for losses incurred. The Kissinger plan would have thus encouraged doctors, lawyers, engineers, technicians, and others forming the backbone of the Rhodesian economy to remain in the nation to insure economic stability and to contribute to political stability.

But, Mr. President, we have witnessed a remarkable transformation in the original Kissinger proposal. I frankly had grave doubts even at the outset that the Kissinger proposal was fully feasible, but I never imagined that its original intent would have been perverted to the extent we have seen in this Congress.

In the House of Representatives, Mr. President, the initial $100 million Rhodesian insurance fund became in the first instance a development fund for southern Rhodesia to be utilized upon the attainment of majority rule and by strange metamorphosis lost its character as a fund for underwriting losses sustained and became instead a fund for direct development aid to the new government. I would point out in this connection to Senators that southern Rhodesia—with the possible exception of the Republic of South Africa—has the strongest economy in Africa, the highest per capita income, and the best standards of health. Our object should be to preserve that economy notwithstanding a transition to majority rule by encouraging those individuals essential to the maintenance of an advanced economy to remain in the region. Direct aid after massive flight of such individuals will be a poor investment indeed and one which will merely parallel similar unsuccessful efforts at assistance in other less developed nations. In short, the House assumes the destruction of the existing economy and prepares for the assistance that will be required to rebuild from the rubble.

Mr. President, the metamorphosis incredibly continued further. On the floor of the House of Representatives, Representative DIGGS of Michigan introduced an amendment which further modified the use of the funds authorized. Representative DIGGS' plan entirely diverted the money from Rhodesia and distributed it instead to those nations now directly engaged in aggressive war against Rhodesia. Apparently Representative DIGGS disagrees with my own view that

the United States ought not to give financial assistance to terrorist movements—either directly or indirectly. Others in the House of Representatives must have felt as I do on this subject, however, because a provision was adopted prohibiting the use of the funds, involved in Mozambique, Angola, Zambia, or Tanzania. Each of these countries is a Marxist dictatorship—or, in the case of Zambia, a one-party, one-man ruled state with pro-Marxist inclinations. Each of these countries is either directly or indirectly involved in assisting terrorists inside Rhodesia who are killing men, women, and children of both races indiscriminately and with no regard for the rules of war or even borderline civilized standards. So I was pleased, Mr. President, that the House did put that prohibition at least on the funds authorized, but unfortunately the amendment was virtually emasculated by a further proviso allowing the President absolute discretion to ignore the prohibition if he thought that step to be warranted. Obviously, if there were a reversal in the attitudes and actions of the countries involved, I can see that Congress might wish to consider extending security supporting assistance to them, but I believe that question ought to be decided at such time as there is a change in attitude and actions and it ought to be decided by the Congress.

So that is the history of the strange metamorphosis that occurred to the Rhodesian insurance fund in the House of Representatives. Equally strange is the action taken here in the Senate by our distinguished Committee on Foreign Relations. The Committee on Foreign Relations determined that it would be inappropriate to authorize the $100 million sought by the Department of State until such time as a comprehensive plan for its use had been developed and until events in Rhodesia and southern Africa indicated that the time was propitious for the establishment of the fund. I do not quarrel at all with the position taken by the Committee on Foreign Relations in that regard, but I believe in ascertaining substance rather than being beguiled by form. Mr. President, the Committee on Foreign Relations states in its report that accompanies S. 1160, and I will quote from the report:

> There was no intention, however, to substitute the final sum of $100 million for southern Africa for the Administration's proposed $100 million Zimbabwe Development Fund.

Now I find that comment very curious indeed. For some reason the committee wished to disclaim that it clearly appears to me they actually did. Mr. President, the committee deleted the $100 million Rhodesian insurance fund but they took $65 million from that $100 million and distributed it again to countries surrounding Rhodesia, some of whom are unfriendly to Rhodesia or by the use of this money perhaps can be persuaded to be unfriendly to Rhodesia or to other stable pro-Western governments in the area.

A $34 million of the $65 million bite out of the $100 million fund goes to Botswana, Swaziland, and Lesotho. The increased totals for those countries are thus made to be $20 million for Bostawana, $15 million for Lestotho, and $17.5 million for Swaziland. We are used to dealing with very large figures anytime we see a foreign aid bill, but, Mr. President, these are enormous funds to be given to these three sparsely populated nations, and I greatly question the propriety of the massive increases in prior levels of support. For example, Lesotho and Swaziland in 1977 received not 1 penny from the United States in the category security supporting assistance. Why are we now considering giving those two tiny enclaves within the Republic of South Africa a total of $32.5 million? I am not sure of the reason, Mr. President, but I am very suspicious that the reason may be to buy disaffections in those two small countries to create problems between those countries and the Republic of South Africa rather than to aid in resolving any differences they may have. I emphasize that I do not know that that will be the result or that that is the attempt, but I find it passing strange indeed that these massive sums would be pumped at this time into these small black republics which have always existed on very good terms with the Republic of South Africa. Perhaps we have been struck with a feeling of great altruism after years of giving these countries very little assistance, but I suspect rather that our new found altruism is, in fact, motivated strictly from a desire to influence the internal policies and politics of the Republic of South Africa.

Mr. President, the same argument exactly can be made with respect to the increased sums voted for Botswana. In 1977 Botswana received $10 million in security supporting assistance. In that year Botswana was reluctant to provide a sanctuary to terrorists operating against Southern Rhodesia, but it did provide sanctuary to those terrorists and, in fact, assisted in the abduction of schoolchildren from Rhodesia into Botswana by looking the other way while those children were held hostage and made to join the terrorist forces. So our $10 million given in 1977 has not done much to keep Bostwana from aiding terrorists, and an argument could be made that it has in fact encouraged Botswana to aid terrorists by reimbursing the economic losses suffered in Botswana as a result of its participation in the terrorist war against Rhodesia. In fact, the program must have worked so well that certain members of the Committee on Foreign Relations felt that the administration's request of $3 million for security supporting assistance in fiscal year 1978 for Botswana was woefully inadequate and that security supporting assistance for Botswana should be more or less arbitrarily increased $17 million to a total of $20 million, thus doubling last year's expenditure. This $20 million is a lot of money to a country as small as Botswana. It only has a few towns of any significant size and the largest part of it is an arid desert region, so $20 million will go a long way to underwriting the cost of engaging in another year of de facto warfare against Botswana's neighbor—Southern Rhodesia.

So we see that $34 million of the $65 million diverted is slated to go to Botswana, Swaziland, and Lesotho. Other beneficiaries of the diversion of the Rhodesian money are Zaire, slated to receive an additional $10 million for a total of $20 million, and Zambia, slated to receive $20 million in lieu of nothing.

Mr. President, Zaire is well known to be one of the countries in Africa on the verge of bankruptcy, being held up only by the aid of the International Monetary Fund and other international financial institutions, and it is also a country heavily overlent by U.S. banks. Zaire is also a country which has been invaded by Cuban-led forces attacking its most rich province, and I do not therefore find great concern that the committee did see fit to increase security supporting assistance from the $10 million administration request to the $20 million level in last year's budget. But I do find it very alarming that Zambia would be slated to receive $20 million in lieu of nothing since Zambia's behavior during the last year has made clear that Zambia is not a country which will in any way follow a path of reasonableness in dealing with Southern Rhodesia. Zambia has been a principle supporter of terrorists operating in the northern region of Rhodesia and has played an active role in supporting the efforts of terrorists operating in those regions who, among other acts, were responsible for the murders of Bishop Adolf Gregor Schmitt, Father Possenti, and Sister Maria Frances van den Berg.

To help the Senate to get a flavor of the attitude of Zambia toward people in Southern Rhodesia, I would like to call to the attention of the Senate the April 1976, edition of the Zambian magazine YOUTH. YOUTH magazine, and I quote from the publication itself, is published by the youth wing of the United National Independence party in Lusaka, Zambia. Senators are of course aware that the United National Independence party is the ruling party and effectively the only party in Zambia. It is the party of Zambia's president, Kenneth Kaunda, and YOUTH magazine is printed by the official government printer in Lusaka and is published by the Kenneth Kaunda Foundation. So, Mr. President, YOUTH is in effect an official publication of the Government of Zambia. Now, Mr. President, I would like to read this passage from an article in YOUTH which describes acts which should be taken against individuals in Rhodesia.

I will only read part of the article and ask unanimous consent that the balance be inserted in the RECORD because frankly, it is distasteful to me to read this out loud. The article entitled "Highway Massacre" urges its readers to take, for example, the following action, and I am quoting, Mr. President, from this official government publication:

> Even in offices clerks must sharpen pencils and gouge out the eyes of the racists, while the farm labourers use axes to chop out the entrails of the farmers, their wives and the youngest of their babies.

Mr. President, there is much more of that vein in the article, and I do ask unanimous consent that it be inserted in the RECORD along with another article in

the same issue entitled ironically, "Zambian Humanism."

So why are we giving an additional $20 million in security supporting assistance which is supporting barbaric conduct of that sort? There is no reason, and it is the duty of the Senate to support the position of the administration advanced with respect to aid to Zambia in terms of security supporting assistance—a form of military aid—by backing the administration's request for Zambia and giving that country nothing. I am sure that there are those of my colleagues who can figure out by some form of torture logical reasons for donating this money to the Zambian regime, but at a time when our own people are at the breaking point from excessive Federal taxation, I daresay that a very difficult discussion would ensue if my colleagues favoring this aid were required to explain it in detail to the voters and taxpayers of the United States.

So, Mr. President, the $100 million insurance fund for Rhodesia may or may not have been a good idea. It certainly needs the further study called for in the Senate provision on the subject, but in any event, certainly it is clear that the Rhodesian insurance fund should not be used as an excuse for unwise—indeed, almost perverted—expenditures in countries where there is either no need for the funds in the first instance or in which the funds will be misused to make up the expenses of terrorist warfare against a neighbor state.

Mr. President, events in Africa have indeed moved rapidly in the last months and years. A new imperial power has risen to the fore in Africa, a power which has paraded as the enemy of imperialism but which is in the process of achieving imperial domination of the entire continent of Africa. That country is of course the Soviet Union, and the Soviet Union is achieving its imperial status in Africa not by friendly competition with the West in these developing nations but by the firepower of the Cuban army. Marxist dictatorships throughout the continent are underpinned by Cuban military forces who have not hesitated to intervene to protect pro-Soviet dictators. I have a series of articles from the press detailing the massive nature of Cuban military intervention in Africa as surrogate for Soviet imperial expansion. I will go into some of those articles here in a moment in some detail, but to put this entire matter in perspective, I believe a brief overview can be obtained from an article which appeared in the Washington Post on February 18, 1977. The article gives an analysis of Cuban and Soviet military forces in the countries of Africa, and I would note in that connection that Soviet or Cuban ground military forces are present in a total of 12 different countries strategically located throughout the continent. Notably, in Angola there are at a minimum 170 Soviet troops and 11,400 Cuban troops. Similar conditions are developing in Mozambique. Somalia has at least 1,000 Soviet soldiers. Cubans are present in substantial numbers in Guinea-Bissau, Guinea, Ethiopia, and Uganda. The figures contained in the Washington Post article are based on data which is now outdated, and I am sure individual Senators have received briefings on this subject as I have and are more currently aware of the actual figures involved, but nevertheless, the article is of value in giving an overview of the extent of Soviet military domination of the continent, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CUBAN INTERVENTION IN ANGOLA INTRIGUES WORLD CAPITALS

(By Don Oberdorfer)

Early last September five merchant ships loaded with Cuban troops, weapons and ammunition sailed from Cuban ports on a 6,000-mile voyage across the equatorial Atlantic to the continent of Africa. Their mission: to tip the scales of civil war in Angola.

Three weeks later, around the first of October, some of the ships arrived in the old coffee port of Porto Amboim south of the Angolan capital. Others landed at the Congolese port of Pointe Noire to the north. About the same time Cuban Airlines planes began ferrying Cuban army "volunteers" across the Atlantic on their way to battle in Angola.

By the end of October at least 4,000 Cuban troops had landed or were on their way in a steady stream of ships and planes, according to U.S. estimates. By the end of the year the number had grown to 7,500. Last week the Cuban troop commitment to Angola—no longer growing but not yet diminishing either—was estimated at 12,000 men, about one-eighth of Cuba's standing army.

The Cuban intervention, which turned the tide of battle in Angola, is an extraordinary event in postwar history. Seldom has a military operation involving a limited number of regular troops raised so many questions in world captials about motive, intentions and potential consequences.

Until recent weeks the circumstances and significance of the Cuban intervention was overshadowed in this country by the bruising debate between the executive branch and Congress on Angolan aid. Moreover, President Ford and Secretary of State Henry A. Kissinger placed most of their emphasis on condemning the Soviet Union with lesser emphasis on the Cuban "proxy army."

Though the Soviet role in supplying military equipment and some troop transportation remains important, there is growing attention in Washington to the role of the Cubans. State Department officials in the Latin American field now argue that the impetus for the Angolan intervention came more from Cuba than from Russia. Kissinger is reported to accept this view in private.

The theory of Cuban initiative is backed up by a report that a mission from the Moscow-oriented PMLA (Popular Movement for the Liberation of Angola) was given a chilly reception in the Soviet capital last June in its search for military help. Some versions of the report say the PMLA was referred to the Cubans for possible help. In any case, American officials familiar with the available evidence do not believe that the Cubans were "pressured" by Moscow into furnishing men for the Angolan battlefields.

Silent about Cuban intervention during its many months Premier Fidel Castro has become increasingly vocal as his troops met with battlefield success. In an interview with an Italian journalist Jan. 16, Castro was quoted as saying his troops will continue to fight "as long as the government of the People's Republic of Angola wants this."

An official Cuban note to the United Nations in late January maintained its troops were sent only after South African forces launched a major drive into the heartland of Angola Oct. 23. Castro reportedly gave this version to visting Canadian Prime Minister Pierre Elliott Trudeau in Havana recently. The chain of events as reconstructed by American officials contradicts this explanation, however.

The Cuban intervention surprising as it was to most of the world, arose from a long background of involvement with Africa. As Castro has noted, African blood runs abundantly through the veins of many Cubans. Cuba has provided advisers and small-scale assistance for more than a decade to a variety of African countries and in independence movements. In 1965 the guerrilla hero, Ernesto (Che) Guevara reportedly fought for a time with insurgents in the Congo.

In his Jan. 16 interview with Milan's Corriere Della Sera, Castro said Cuba had been aiding the Angolan "liberation movement" for 10 years. Indications are this aid included instructors in Communist organization and tactics, Cuban style, and training of a few Angolan leaders in Cuba.

The Soviet Union had been supplying some arms to Angola PMLA since 1957, according to U.S. reports. China began supporting a rival independence faction, the FLNA (National Front for the Liberation of Angola), in 1973 with military advisers and some equipment. The United States had given secret subsidies since the early 1960s to FLNA leader Holden Roberto. As Portugal prepared to pull out of its Angolan territory by last Nov. 11, the struggle between international backers intensified.

Fighting broke out between rival groups last March, becoming more serious in the spring and summer. According to Cuba's deputy prime minister, Carlos Rafael Rodriguez, Cuba sent 230 military advisers late last spring at the request of the PMLA leader, Dr. Antonio Agostinho Neto. They put up four military camps for Angola's fighters, Rodriguez said.

It was in early June, according to U.S. sources, that the PMLA delegation visited Moscow in an unsuccessful attempt to obtain direct Soviet involvement in the Angolan struggle. Sometime the same month a Cuban mission including a member of the Communist Party central committee with military responsibilities met the PMLA's chief, U.S. reports said. It is surmised—but not established—that Cuban intervention was discussed.

In Washington about the same time the United States sharply increased support to its insurgents. The report of the House Intelligence Committee said the CIA prepared a proposal last June for $6 million to pro-American elements in Angola, which was approved in revised form as a $14 million program by President Ford and the Forty Committee of the National Security Council in July.

The timing of Castro's decision to send ground troops to Angola is not definitely known, and is the subject of some debate in U.S. government circles. Working back from the departure of ships in the first week of September it seems likely that Castro's decision could not have been later than late July or early August. By mid-August, accordingly to a U.S. report, Angolan troops for Cuba were being canvassed for volunteers willing to fight in Angola.

The midsummer of 1975 was notable as the high point of a developing rapprochement between Cuba and the United States. In late July the United States had voted with the majority in the Organization of American States to lift the political sanctions against longstanding economic and political sanctions against Cuba. Cuba responded by returning $2 million in ransom paid for a hijacked airliner three years be-

fore. The United States in late August lifted a ban on exports to Cuba for foreign subsidiaries of U.S. firms. There was widespread talk of further moves leading to restoration of relations.

Within months this movement would be stopped short by the Angolan intervention. Some State Department experts believe Castro may not have been ready for full bilateral relations, including the risks accompanying a U.S. presence. Others believe a desire to improve U.S. relations was outweighed by an allegiance to the Communist camp, dependence on the Soviet Union, aspirations as leader of the Third World and longstanding ties to the Angolan insurgents.

Castro himself later declared that the possibility of full relations with the United States never did exist because Washington's asking price was too high. In the Italian interview he said "Cuba is asked to renounce its foreign policy" to mend relations. He said it is "impossible" for Cuba to refrain from aid to countries such as Angola which are attacked by "Fascism, racism and imperialism."

In view of the situation on the ground in Angola, Castro's decisions to intervene—like those of the United States in Vietnam—may have been taken step by step rather than all at once. While the flow of Cuban troops reportedly did not slacken once it had begun, some U.S. officials believe Castro may not have intended initially to send 12,000 men, but was led by circumstance to increase his investment.

Sometime in August, South African troops crossed the Angolan border to protect power plants serving South African-controlled Namibia. Late in October the South Africans intervened on a full-scale basis, moving into south central Angola. They soon clashed with Cuban regulars in a series of pitched battles. The United States then increased its covert aid to pro-U.S. Angolan factions. The Soviet Union redoubled its sharply increasing supply of military equipment.

U.S. officials said the Cubans brought some of their equipment with them by sea and air, and acquired other gear—including most tanks, 122mm rockets and other heavy weapons—from Soviet supply lines in Africa. The American belief is that Russia agreed to replenish any weapons, ammunition or other supplies expanded from Cuban stocks.

The turning point of the Angolan civil war came Dec. 19 in Washington, when the U.S. Senate voted to bar further covert aid to American-backed factions. China had already begun to withdraw its aid evidently on grounds that the anti-Soviet forces could not win.

A month after the U.S. decision, South African troops began to pull back, leaving the Cubans free to move against the remaining African forces and groups of mercenaries with relative impunity.

Early in January, following the U.S. congressional decision, Soviet IL-62 transports with Russian pilots began ferrying additional Cuban troops nonstop across the Atlantic to Angola. This airlift became necessary as the United States managed to deny Cuban planes the use of most of the third-country refueling points which previously had been used by the short-range Cuban airplanes.

Some 4,500 Cuban troops are reported to have been sent to Angola during January. At the same time, the Russians augmented $200 million in military equipment with $100 million more, according to an estimate made public by Kissinger. "Cuba wanted a military victory, backed by the Soviet Union. Almost all of the fighting was done by Cuban forces," Kissinger said last week.

As of late last week, there was no indication that the Cubans had begun to withdraw from the Angolan battlefield, and there was increasing speculation in Washington about the future. Having installed the PMLA as winner of the Angolan civil war, Cuban forces may find it difficult to withdraw quickly. Some American officials believe Cuba is likely to leave large numbers of advisers and a substantial military presence. But if Cuban regulars remain to hold the cities and strategic points, they may well become objects to ambush and attack from guerrillas of rival African factions who are regrouping in the bush.

A possibility of growing concern is that Cuban forces now in Angola might be used elsewhere in Africa—perhaps against neighboring Zaire or Zambia, in the French-Somalian dispute in Djibouti, or the little desert war between Algeria and Morocco in the Spanish Sahara.

A likelier possibility might be a Cuban-backed move against South Africas Namibia colony just across the Angola border, leading to eventual assault on South Africa itself.

The intervention in Angola is not universally approved in Cuba, where reports of casualties have seeped through censorship and media control. The idea that tiny Cuba has undertaken a job as a world policeman—whatever the rhetoric of the government and party—might not be popular with the Cuban masses. There is no hint from Castro that he plans to continue military actions in Africa, but neither is there a promise to withdraw.

Some 25,000 Brazilian troops joined the allied fight in Italy in World War II and a 1,000-man Colombian battalion showed the flag with the U.S. side in Korea. Otherwise Latin Americans have not fought and died on other continents. There is no precedent for Latin forces undertaking an overseas fight on their own initiative. Nor is there a precedent for a meshing of Soviet equipment and national Communist fighters in major battle thousands of miles from the territory of either one.

Whatever its future, the Cuban intention in Angola is the object of intense interest on several continents. In a world beset with conflict, it is something new under the sun.

Mr. ALLEN. So, Mr. President, the effect of much of our misdirected efforts in Africa seems to me to have been to assist the Soviet Union in its plan for gaining full control of the continent. The history of recent years would make naive indeed anyone who did not doubt the ultimate Soviet design in its policy toward Africa and would be even more naive if unable to see that tacit U.S. support for repressive Marxist regimes in Africa will not woo them to us as friends but will make them not even respect or fear us as our potential enemies should.

I am concerned ultimately, Mr. President, that the foreign assistance package we seem bent on adopting in this Congress does actually do something to further the human rights of the destitute and downtrodden of Africa and other less developed regions, but I am interested as I said at the outset in substance rather than form. Military security supporting assistance going to one-party, one-man ruled repressive regimes in Africa is no more justified than it is in South America or in any other region in the world where a particular government might be sent to suppress the rights of its people. A concentration camp in Mozambique—and they are there, Mr. President—is no different than a slave labor camp in the Siberian region of the Soviet Union. Terrorism supported by Kenneth Kaunda is no different than terrorism supported by Yasir Arafat. The dead make little distinction between the ideologies or purposes of the killers, and I suggest that the Senate ought not to make any distinction either.

I would like to have a colloquy, if I might, with the distinguished Senator from Minnesota as to the effect of the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, this amendment would strike $20 million from the bill for amounts going to a total of five South African nations. Is that correct?

Mr. HUMPHREY. That is correct.

Mr. ALLEN. As I understand the administration proposal in the House of Representatives was that a $100 million fund be established for the purpose of aiding in the transition of Rhodesia to a majority rule. The Senate committee did not make that authorization, but instead adopted a sense-of-the-Senate resolution that at the proper time Congress would set up such a fund.

Mr. HUMPHREY. Congress would give consideration to such a fund if the executive branch can document the need for it.

Mr. ALLEN. They gave the indication that that was the sense of Congress.

Mr. HUMPHREY. That is correct, but the Senator from Iowa and others insisted that there needed to be specific information as to the need and as to how it would be used.

Mr. ALLEN. But that $100 million then was not used, but instead of that the committee divided up a certain amount of money among the South African nations which are antagonistic to Rhodesia and South Africa. Is that correct?

Mr. HUMPHREY. Initially the administration asked for $135 million. One hundred million dollars was, as the Senator indicated, in the special fund and $35 million was earmarked for several countries.

Mr. ALLEN. But the committee, including the set-aside of the $100 million, decreased it only $62 million counting the $100 million. Is that not correct?

Mr. HUMPHREY. I believe that is correct.

Mr. ALLEN. So really there was an increase, if you set aside the $100 million that was not used for the fund. That is correct, is it not?

Mr. HUMPHREY. Yes. There were moneys allocated to certain countries that came to the sum total of $100 million as compared to the $135 million request.

Mr. ALLEN. What we are doing by the amendment is cutting $10 million from Zaire, $2.5 million from Zambia, $2.5 million from Swaziland, $2.5 million from Botswana, and $2.5 million from Lesotho, making a total of $20 million.

Mr. HUMPHREY. That is correct.

Mr. ALLEN. And it stipulates further that these will be the maximum amounts available to these countries, the amounts listed in the amendment.

Mr. HUMPHREY. That is correct.

Mr. ALLEN. The Senator knows that the State Department is very adept at finding various provisions in a bill that would allow them to spend money that is not apparent in the language of the bill. But this amendment would set that at rest and these would be the maximum amounts spent under this bill. Is that correct?

Mr. HUMPHREY. In terms of this bill. May I say, however, there may be some Public Law 480. I thought I should be frank and candid.

Mr. ALLEN. I am talking about the under the bill.

Mr. HUMPHREY. That is correct, under this authorization bill.

Mr. ALLEN. Under this bill only amounts set in the amendment could be made available to these countries.

Mr. HUMPHREY. For direct economic aid as provided for in this bill.

Mr. ALLEN. Yes. And we have then the House language on the forbidding of funds under the bill to Mozambique, Angola, Tanzania, and Zambia.

Mr. HUMPHREY. That is correct. We accepted that with a waiver.

Mr. ALLEN. That has already been adopted.

Mr. HUMPHREY. I believe the Senator has consulted on all these matters with the chairman of our subcommittee, Mr. CLARK.

Mr. ALLEN. This was cleared with him. Then there would be a $20 million reduction from the committee's figures; is that correct?

Mr. HUMPHREY. The Senator is right.

Mr. ALLEN. I thank the Senator.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I am sure the Senator wishes to table that motion.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I do not believe there are additional amendments. Let us have third reading.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6884, Calendar Order No. 215.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. HUMPHREY. Mr. President, I move to strike all after the enacting clause of H.R. 6884 and to substitute therefor the text of S. 1160, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, no one has asked for the yeas and nays. If Senators do not wish the yeas and nays, we can have a voice vote on the bill.

The PRESIDING OFFICER. Is anyone asking for the yeas and nays?

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

Mr. HUMPHREY. I thought that might bring a response.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), the Senator from New York (Mr. MOYNIHAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Michigan (Mr. RIEGLE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The result was announced—yeas 67, nays 18, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—67

Anderson	Gravel	Nelson
Baker	Hart	Nunn
Bartlett	Haskell	Pearson
Bayh	Hathaway	Pell
Bellmon	Hayakawa	Percy
Biden	Heinz	Ribicoff
Brooke	Hollings	Roth
Bumpers	Huddleston	Sarbanes
Cannon	Humphrey	Sasser
Case	Inouye	Schmitt
Chiles	Jackson	Schweiker
Church	Javits	Stafford
Clark	Johnston	Stennis
Cranston	Leahy	Stevens
Culver	Long	Stone
Danforth	Lugar	Talmadge
DeConcini	Magnuson	Tower
Dole	Mathias	Wallop
Domenici	Matsunaga	Williams
Durkin	McIntyre	Young
Eagleton	Metzenbaum	Zorinsky
Ford	Morgan	
Glenn	Muskie	

NAYS—18

Allen	Garn	McGovern
Burdick	Hansen	Proxmire
Byrd, Harry F., Jr.	Hatch	Randolph
	Hatfield	Scott
Byrd, Robert C.	Helms	Thurmond
Curtis	Laxalt	
Eastland	McClure	

NOT VOTING—15

Abourezk	Kennedy	Packwood
Bentsen	McClellan	Riegle
Chafee	Melcher	Sparkman
Goldwater	Metcalf	Stevenson
Griffin	Moynihan	Weicker

So the bill (H.R. 6884), as amended, was passed, as follows:

That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1977".

CONTINGENCY FUND

SEC. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $5,000,000".

INTERNATIONAL NARCOTICS CONTROL

SEC. 3. Section 482 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $39,000,000 of which not less than $12,500,000 will be expended for narcotics control programs in Mexico for the fiscal year 1978. Amounts appropriated under this section are authorized to remain available until expended.".

ASSISTANCE TO PORTUGAL

SEC. 4. Chapter 10 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 497. BALANCE OF PAYMENTS LOAN FOR PORTUGAL.—(a) In recognition of the established interest of the United States in fostering a democratic government in Portugal, in maintaining the strength of the NATO alliance, and in supporting European economic recovery, the purpose of this section is to provide essential balance of payments assistance to Portugal.

"(b) The President is authorized to make balance of payments support loans to Portugal as part of a special international effort to assist that country in the development and implementation of a program to gain financial stability and economic recovery.

"(c) There is authorized to be appropriated to the President not to exceed $300,000,000

for the fiscal year 1978 to carry out the purposes of this section, which amount is authorized to remain available until expended.".

MILITARY ASSISTANCE

SEC. 5. (a) Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 504. AUTHORIZATION.—(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $230,000,000 for the fiscal year 1978. Not more than the following amounts of funds available for carrying out this chapter may be allocated and made available for assistance to each of the following recipients for the fiscal year 1978:

"Recipient:	*Amount*
Greece	$33,000,000
Portugal	25,000,000
Spain	15,000,000
Turkey	48,000,000
Jordan	55,000,000
Philippines	19,600,000
Indonesia	15,000,000
Thailand	8,000,000

The amount specified in this paragraph for military assistance to any such recipient for the fiscal year 1978 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.

"(2) Except with respect to costs incurred under the authority of section 516(b) or as otherwise specifically authorized by law, none of the funds available for assistance under this chapter may be used to provide assistance to countries or international organizations not specified in paragraph (1).

"(3) The authority of sections 610(a) and 614(a) may not be used to increase any amount specified in paragraph (1), or to waive the limitations of paragraph (2).

"(4) Amounts appropriated under this subsection are authorized to remain available until expended.

"(5) Assistance for Turkey under this chapter or under chapter 5 shall be provided pursuant to the requirements of section 620(x) of this Act.".

(b) Section 516(b) of the Foreign Assistance Act of 1961 is amended by striking out "paragraph (2) and (3)" and inserting in lieu thereof "paragraph (2)".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 6. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977" and inserting in lieu thereof "$270,000,000 for the fiscal year 1978".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 7. (a) Section 515 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 515. OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS.—(a) In order to carry out his responsibilities for the management of international security assistance programs in accordance with the provisions of this Act and the Arms Export Control Act, the President is authorized to assign members of the Armed Forces of the United States to serve under the direction and supervision of the Chief of the United States Diplomatic Mission in any foreign country to perform necessary functions with respect to military assistance and military education and training under this part, and with respect to sales, credits and guarantees under the Arms Export Control Act. Members of the Armed Forces may be so assigned for such purposes only in accordance with the provisions of this section, and shall have as their primary functions procurement, logistics management, transportation, fiscal management and contract administration of country programs with respect to military assistance and military education and training under this part, and foreign military sales, credits and guarantees under the Arms Export Control Act. It is the sense of the Congress that advisory and training assistance overseas shall primarily be provided by personnel not assigned pursuant to this section and who are detailed for limited periods to perform specific tasks.

"(b) During the fiscal year 1978, only the following countries may have more than six members of the United States Armed Forces assigned there under the authorization in subsection (a): Brazil, Greece, Indonesia, Iran, Jordan, Korea, Kuwait, Liberia, Morocco, Panama, Philippines, Portugal, Saudi Arabia, Spain, Thailand, Turkey, and Zaire. The total number of personnel so assigned for each country listed in this subsection may not exceed the number justified to the Congress in the congressional presentation material, unless the appropriate authorizing committees are so notified.

"(c) Not to exceed three members of the Armed Forces may be assigned under this section to any country not specified in subsection (b), except that not to exceed three additional such members may be so assigned to a country when specifically requested by the Chief of the Diplomatic Mission as necessary to the efficient operation of the Mission.

"(d) The total number of United States Armed Forces personnel authorized in subsections (b) and (c) may not exceed nine hundred in the fiscal year 1976.

"(e) Members of the Armed Forces assigned under this section may not serve concurrently as defense attachés. Defense attachés may not perform security assistance function under this section except in countries where the President determines that the performance of such functions by defense attachés is the most economic and efficient means of performing such functions. The President shall promptly report each determination under this subsection to the Speaker of the House of Representatives and to the chairmen of the Senate Committees on Foreign Relations and Armed Services. The number of defense attachés authorized for assignment pursuant to a Presidential determination under this subsection shall not exceed the number authorized to be assigned to that country on December 31, 1976.

"(f) The entire costs (including salaries of United States military personnel) of overseas management of security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, including such costs which are reimbursed from charges for services collected from foreign governments pursuant to sections 21(e) and 43(b) of the Arms Export Control Act. The numerical limitations contained in subsections (b), (c), and (d) shall not apply to personnel performing services for specific purposes and periods of time on a fully reimbursable basis under section 21 of the Arms Export Control Act.".

(b) Section 516(a) of the Foreign Assistance Act of 1961 is amended by striking out "515(b)(2)" and inserting in lieu thereof "515".

(c) Section 631(d) of the Foreign Assistance Act of 1961 is amended as follows:

(1) by striking out "this Act" and inserting in lieu thereof "part I of this Act"; and

(2) by striking out all that follows immediately after "economic officer of the mission" before the period.

(d) Section 43(b) of the Arms Export Control Act is amended to read as follows:

"(b) Charges for administrative services calculated under section 21(e)(1)(A) of this Act shall include recovery of administrative expenses incurred by any department or agency of the United States Government, including any mission or group thereof, in carrying out functions under this Act when—

"(1) such functions are primarily for the benefit of any foreign country; and

"(2) such expenses are not directly and fully charged to, and reimbursed from amounts received for, sale of defense services under section 21(a) of this Act.".

SECURITY SUPPORTING ASSISTANCE

SEC. 8. (a) Section 531 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out in the last sentence thereof "The" and inserting in lieu thereof "Except for programs in southern Africa, the"; and

(2) by adding at the end thereof the following new sentence: "In planning security supporting assistance programs intended for economic development, the President shall take into account to the maximum extent feasible the policy directions set forth in chapter 1 of part I of this Act.".

(b) Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 532. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1978 not to exceed $1,875,000,000. Of this amount, not less than the amounts listed shall be available for the following countries:

"Israel	$785,000,000
Egypt	750,000,000
Jordan	93,000,000
Syria	90,000,000
Lebanon	20,000,000
Cyprus	15,000,000

Amounts appropriated under this section are authorized to remain available until expended.

And that not more than the following amounts shall be available for the following countries:

"Zaire	$10,000,000
Zambia	17,500,000
Swaziland	17,500,000
Botswana	17,500,000
Lesotho	12,500,000

"(b) It is the sense of the Congress that the United States should support an internationally recognized constitutional settlement of the Rhodesia conflict leading promptly to majority rule based upon democratic principles and upholding basic human rights. The Congress declares its intent to support United States participation in a Zimbabwe Development Fund as a means of promoting these objectives, with the understanding that the initial United States contribution to this Fund will be $100,000,000. The Congress intends to authorize the necessary appropriation when progress toward such an internationally recognized settlement would permit establishment of the Fund.

"(c) Of the funds authorized in subsection (a), not to exceed $1,000,000 may be used by the President for the preparation of a comprehensive analysis of the development needs of Southern Africa to enable the Congress to determine what contribution United States foreign assistance can make.

"(d) None of the funds made available under this section for countries in Southern Africa may be used for military, guerrilla, or paramilitary activities in any country.".

(c) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by inserting at the end thereof the following new section:

"SEC. 534. REVIEW OF SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT.—(a) It is the sense of the Congress that the security supporting assistance program for Egypt plays

an important role in the Middle East peace effort and that the executive branch should concentrate its efforts in order to make the program a success.

"(b) To carry out the purposes of subsection (a), the Secretary of State shall convene a Special Interagency Task Force (hereafter in this section referred to as the "Task Force") to review and prepare a study on the security supporting assistance program for Egypt. The Task Force may employ consultants for the purpose of carrying out such study.

"(c) There is established an Advisory Board (hereafter in this section referred to as the "Board") for the purpose of advising the Task Force and reviewing the results of such study. The Board shall be composed of four Members of the Congress, two of whom shall be Members of the Senate and shall be appointed by the Committee on Foreign Relations, and two of whom shall be Members of the House of Representatives and shall be appointed by the Committee on International Relations.

"(d)(1) The Task Force shall review the planned economic assistance of the United States to Egypt and shall suggest alternatives to such assistance. In carrying out the provisions of this paragraph, the Task Force shall consider—

"(A) the interrelationship of United States and Egyptian economic and political interests:

"(B) the possibility of emphasizing programs designed to enhance the opportunities in the Egyptian private business and agriculture sectors, with special emphasis on low-cost approaches to expedite development; and

"(C) to the extent appropriate, the views of Egyptian economists and government officials.

"(2) Based on an analysis of the considerations in paragraph (1) and on such other considerations as may be relevant, the Task Force shall develop a plan for the use of future United States economic assistance to Egypt. Such plan shall include, where necessary, suggestions for revising legislation, for specific development projects, and for the staff requirements of the agency primarily responsible for administering part I of this Act. The Task Force shall transmit such plan to the Board not later than February 15, 1978.

"(e) Not to exceed $1,000,000 of the funds authorized and earmarked for security supporting assistance to Egypt in the fiscal year 1977 shall be available to carry out the purposes of this section.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 9. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977" and inserting in lieu thereof "$30,000,000 for the fiscal year 1978".

ASSISTANCE AND SALES TO GREECE AND TURKEY

SEC. 10. (a) In addition to any amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1978 to carry out international agreements relating to defense cooperation with Greece and Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any agreement described in subsection (a) until legislation has been enacted approving such agreement.

(c) The proviso to section 620(x)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "for the fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977," and inserting in lieu thereof "for the fiscal year 1978";

(2) by striking out "(A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000, and (B) during the fiscal year 1977" and inserting in lieu thereof "during the fiscal year 1978"; and

(3) by striking out "$125,000,000" the second place it appears and inserting in lieu thereof "$175,000,000".

PROHIBITION AGAINST MILITARY ASSISTANCE AND SALES TO ETHIOPIA

SEC. 11. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620B. PROHIBITIONS AGAINST MILITARY ASSISTANCE AND SALES CREDITS TO ETHIOPIA.—(a) No military or security supporting assistance or military education and training may be furnished under the Foreign Assistance Act of 1961 for Ethiopia, and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Ethiopia.

"(b) No foreign military sales authorized by the Arms Export Control Act may be made with respect to Ethiopia, on or after the date of enactment of this section.

"(c) No deliveries of any military equipment financed by military assistance, credits, or guaranties may be made to Ethiopia on or after the date of enactment of this section.

"(d) The President may waive the prohibitions in subsections (b) and (c) if he determines that such sales and deliveries are in the national interest. The President shall transmit such determination to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

"SEC. 620C. PROHIBITION AGAINST MILITARY ASSISTANCE AND SALES CREDITS TO ARGENTINA.—(a) No military or security supporting assistance may be furnished under the Foreign Assistance Act of 1961 for Argentina; and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina; no military education and training may be furnished under the Foreign Assistance Act of 1961 to Argentina after September 30, 1978.

"(b) No foreign military sales authorized by the Arms Export Control Act and no export licenses may be issued to Argentina on or after September 30, 1978.".

NUCLEAR ENRICHMENT AND REPROCESSING TRANSFERS; NUCLEAR DETONATIONS

SEC. 12. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 669 and inserting in lieu thereof the following new sections:

"SEC. 669. NUCLEAR ENRICHMENT TRANSFERS.—(a) Except as provided by subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of—

"(1) providing economic assistance;

"(2) providing military or security supporting assistance or grant military education and training; or

"(3) extending military credits or making guarantees to any country which on or after the date of enactment of the International Security Assistance and Arms Export Control Act of 1977—

"(A) delivers nuclear enrichment equipment, materials, or technology to any other country; or

"(B) receives such equipment, materials, or technology from any other country;

unless before such delivery—

"(i) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

"(ii) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under paragraph (1), (2), or (3) of such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

"(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

"(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

"(2) Any joint resolution which would terminate or restrict assistance described in paragraphs (1) through (3) of such subsection (a) with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"SEC. 670. NUCLEAR REPROCESSING TRANSFERS AND NUCLEAR DETONATIONS.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of—

"(1) providing economic assistance;

"(2) providing military or security supporting assistance or grant military education and training; or

"(3) extending military credits or making guarantees; to any country, which on or after the date of enactment of this section—

"(A) delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country except for the transfer of reprocessing technology associated with the investigation of technologies which are alternatives to pure plutonium reprocessing under international evaluation programs with United States participation; or

"(B) is not a nuclear-weapon state as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons and which detonates a nuclear explosive device.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under paragraph (1), (2), or (3) of such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the cessation of such assistance, training, credits or guarantees would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(2) Any joint resolution which would terminate or restrict assistance described in paragraphs (1) through (3) of such subsection (a) with respect to a country to which

the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.".

MIDDLE EAST PEACE

SEC. 13. Section 903 of the Foreign Assistance Act of 1961 is amended as follows:

(1) in subsection (a), by striking out "for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $37,200,000"; and

(2) in subsection (e), by striking out "1977" and inserting in lieu thereof "1978".

REPEAL OF PROHIBITIONS RELATING TO THE TWELVE-MILE FISHING LIMIT

SEC. 14. Section 3(b) of the Arms Export Control Act, as amended (22 U.S.C. 2753(b)), is repealed.

TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES FOR MAINTENANCE, REPAIR, MINOR MODIFICATION, AND OVERHAUL

SEC. 15. Section 3(d) of the Arms Export Control Act is amended by adding at the end thereof the following new sentence: "This subsection shall not apply—

"(1) to transfers of maintenance, repair, minor modification, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services;

"(2) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, minor modification, or overhaul; or

"(3) to cooperative cross servicing arrangements among members of the North Atlantic Treaty Organization.".

ARMS SALES AND UNITED STATES DEFENSE READINESS

SEC. 16. Section 21(h) of the Arms Export Control Act is amended at the end thereof by adding the following new paragraph:

"(3) The President shall prepare a report due March 15, 1978, on the impact of United States foreign arms sales and transfers on United States defense readiness and national security. The report should focus on arms sales since 1972 and include the impact of sales on United States troops stationed overseas. The report shall also include an analysis of United States foreign arms sales and transfers which have involved agreements entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of any foreign country or international organization in connection with or as considered for, such United States foreign arms sales and transfers, including an analysis of the impact such agreements have had upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs incurred by the United States in connection with such agreements compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which have resulted from entering into such agreements and an analysis of whether such costs and such domestic economic impact have justified entering into such agreements.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 17. Section 31 of the Arms Export Control Act is amended as follows:

(1) in subsection (a), by striking out all in the first sentence after "not to exceed" the first time it appears and inserting in lieu thereof "$678,500,000 for the fiscal year 1978.";

(2) in subsection (b), by striking out all after "shall not exceed" the first time it appears and inserting in lieu thereof "$2,104,500,000 for the fiscal year 1978, of which not less than $1,000,000,000 shall be available only for Israel."; and

(3) in subsection (c), by striking out in the first sentence "the fiscal years 1976 and 1977" and inserting in lieu thereof "the fiscal year 1978", and by striking out in the last sentence "each" immediately after "so financed for".

LICENSES FOR THE EXPORT OF CERTAIN MAJOR DEFENSE EQUIPMENT

SEC. 18. Section 38(b)(3) of the Arms Export Control Act is amended by adding at the end thereof the following new sentence: "The prohibition contained in the first sentence of this paragraph shall not apply to the issuance of licenses under this section for the export of major defense equipment to Australia, Japan, or New Zealand, or major defense equipment sold commercially in implementation of an agreement between the United States Government and the government of a foreign country for the production of major defense equipment to which such licenses relate if the President has submitted a certificate with respect to such proposed agreement, prior to its signature, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate in the same form as the certification required under section 36(b) of this Act and subject to the requirements of such section.".

PROHIBITION AGAINST SALES, CREDITS, OR GUARANTIES TO COUNTRIES WHICH GRANT SANCTUARY TO INTERNATIONAL TERRORISTS

SEC. 19. Section 3 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(f)(1) The President shall terminate all sales, credits, or guaranties under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism, and the President may not thereafter make or extend sales, credits, or guaranties to such government until the end of the one year period beginning on the date of such termination, except that—

"(A) if during its period of ineligibility for sales, credits, or guaranties under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group; and

"(B) where the President finds national security to require otherwise.

"(2) If the President finds that national security justifies a continuation of sales, credits, or guaranties to any government described in subsection (a), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.".

STUDY OF THE EFFECTS OF ARMS EXPORT CONTROL PROVISIONS

SEC. 20. Section 218(b) of the International Security Assistance and Arms Export Control Act of 1976 is amended by striking out "within one year after the date of enactment of this section" and inserting in lieu thereof "not later than January 15, 1978".

POLICY STATEMENT ON UNITED STATES ARMS SALES TO ISRAEL

SEC. 21. In accordance with the historic special relationship between the United States and Israel and previous agreements and continuing understandings, the Congress joins with the President in reaffirming that a policy of restraint in United States arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East.

IRAN AND SAUDI ARABIA ARMS SALE REPORT

SEC. 22. The President shall prepare a report on the current and future status of United States arms sales to Iran and Saudi Arabia. The study shall assess the validity of and need for past, current and anticipated future levels of United States arms sales to Iran and Saudi Arabia. The study should consider: (a) Iran's and Saudi Arabia's defense requirements, (b) the regional power balance, (c) direct United States participation in the introduction and operation of weapons systems and the associated question of Iran's and Saudi Arabia's absorptive capacity for advanced weapons systems, (d) the current and long-term foreign policy implications for the United States of an Iranian and Saudian defense establishment closely linked to United States support, and (e) such other aspects of the on-going United States-Iran and Saudi Arabia arms sales relationships as may be pertinent to such a review.

The results of the study shall be submitted to the Chairman, Senate Committee on Foreign Relations and to the Speaker of the House of Representatives by February 15, 1978.

PIASTER CONVERSION

SEC. 23. No provision of law shall be construed to prevent payment of claims of former and present Vietnamese employees of the Agency for International Development, who presently reside in the United States, for the conversion of Vietnamese piasters to dollars because such conversion cannot take place in the territory of the former Republic of Vietnam or because the official with whom such piasters were deposited was not a United States disbursing officer.

POLICY ON ZAIRE

SEC. 24. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1977

SEC. 25. In defining and providing regulations for the control of exports of major defense articles and significant combat equipment and defense articles, the President shall in categorizing such exports consider whether the subject items are lethal or nonlethal, and the President shall develop methods and procedures for the expeditious consideration of request for exports of items determined to be nonlethal. The President shall submit to the appropriate committees of the House of Representatives and Senate within one hundred and twenty days

on date of enactment of this Act, a report setting forth the procedures and regulations that shall be applied to those systems determined to be nonlethal.

GREATER EXECUTIVE BRANCH JUSTIFICATION FOR SUBMISSION OF PROPOSED LETTERS OF OFFER

SEC. 26. Section 36(b)(1) of the Arms Export Control Act is amended—

(1) by amending so much of the second sentence as precedes subparagraph (A) to read as follows: "In addition, if the letter of offer is to be issued to a country which is not a member of the North Atlantic Treaty Organization or is to be issued to an international organization other than the North Atlantic Treaty Organization, the President shall transmit to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate a statement setting forth—"; and

(2) by inserting the following new sentence immediately after subparagraph (M) and before the third sentence: "If the letter of offer is to be issued to a country which is a member of the North Atlantic Treaty Organization or is to be issued to the North Atlantic Organization, the President shall, upon the request of either the Committee on International Relations or the Committee on Foreign Relations, transmit promptly to both such committees a statement setting forth, to the extent specified in such request, the information described in subparagraphs (A) through (M)".

MOZAMBIQUE, ANGOLA, TANZANIA, OR ZAMBIA ASSISTANCE CONDITIONS

SEC. 27. No assistance may be furnished under this act to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines (and so reports to the Congress) that furnishing such assistance to that country would further the foreign policy interests of the United States.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further consideration of S. 1160 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments of H.R. 6884.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. SPARKMAN, Mr. HUMPHREY, Mr. MCGOVERN, Mr. CHURCH, Mr. BIDEN, Mr. CLARK, Mr. CASE, Mr. JAVITS, and Mr. PERCY conferees on the part of the Senate.

Mr. HUMPHREY. Mr. President, I want to take just a brief moment to express my thanks to the staff of the Senate Committee on Foreign Relations, particularly the Subcommittee on Foreign Assistance. Mr. Hans Binnendijk and Mr. Bill Richardson are here with me. These two gentlemen have worked long and hard and effectively in making this legislation possible. I express to them, along with Dick McCall of my own staff, who has been of tremendous help, my thanks and appreciation.

Earlier today, we passed H.R. 6714, the bilateral economic assistance bill. I expressly thank Rudy Rousseau, who was the staff man assigned to this bill, and Connie Freeman, who on this bill, as on the International Financial Institutions Act, was of tremendous help; Mr. Frank Ballance of Senator JAVITS' staff, who has been working with our subcommittee staff; and above all, Norvill Jones, the staff director of the Senate Committee on Foreign Relations. He is a most remarkable man and a source of strength to all of us.

For my Republican counterpart, the Senator from New Jersey (Mr. CASE), who had to leave, I want the record to show my profound and sincere appreciation for his cooperation and his leadership. He has been a tower of strength in every bit of the work of our committee. So also, have Senator JAVITS and Senator CLARK, just to mention two others. These gentlemen were very helpful to me today and to the committee.

Of course, to all of my colleagues, I express my thanks for their cooperation. We moved two important pieces of legislation in 1 day, legislation which, I might say, in other years took 2, 3, or 4 days, and sometimes longer. I am particularly appreciative of those who did not see the issue as I did but, nevertheless, were willing to cooperate. I thank them very much.

Mr. ROBERT C. BYRD. Mr. President, I shall not unduly delay the distinguished Senator from South Dakota (Mr. MCGOVERN). Let me just add my commendations.

Anent the distinguished Senator from Minnesota, he has performed a most extraordinary feat. Yesterday and today, he has stood here on the floor and diligently applied his incomparable talents to three most difficult bills. I never expect to see a more remarkable display of skill, patience, equanimity, even-handedness, fairness, good humor, and astuteness than has been shown by the great Senator from Minnesota, Senator HUBERT HUMPHREY—a man whose heart is as stout as the Irish oak and as pure as the lakes of Killarney. The leadership is in his debt and the Senate is in his debt.

I want also to express gratitude on behalf of the leadership to Mr. CASE, who has stood side by side with Mr. HUMPHREY throughout these long hours and rendered great assistance in the enactment of these measures.

The distinguished Senator from Minnesota has thoughtfully mentioned the staff. I shall not go into that except to add that the Senate, and I am sure the Senator from Minnesota, would want me to say that the Senate is in debt also to the members of the Policy Committee staff.

Mr. HUMPHREY. Oh, yes.

Mr. ROBERT C. BYRD. Mr. President, Tom Hart and Lee Williams, especially, have assisted in getting Senators notified as to when their amendments would be ready for floor action, and as to when the managers of the bill would be ready to take their amendments. They have helped in a tremendous way to expedite the floor action on these three measures. I highly commend them.

I thought the record ought to show that.

Mr. HUMPHREY. May I ask the Senator to yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HUMPHREY. Forgive me for my failure to make proper commendation of our staff from the Policy Committee. I say to them: I am indebted to you, gentlemen. You have both been exceedingly helpful. You really have been the movers and the shakers around here today.

I thank you, not only for today but for other days.

Mr. Majority Leader, I thank you very much for your gracious comments.

Mr. ROBERT C. BYRD. I thank the Senator. They were not undeserved.

Mr. MCGOVERN. Mr. President, I think the distinguished majority leader has spoken for us all in the well-deserved commendation that he has just offered to the Senator from Minnesota for the skill and judgment with which this legislation has been handled the last 2 days.

FOREIGN RELATIONS AUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider Calendar No. 168, H.R. 6689, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 6689) to authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Services personnel system, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment in the nature of a substitute.

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be adopted and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGOVERN. Mr. President, because the report of the Foreign Relations Committee on H.R. 6689, which is the Foreign Relations Authorization Act for the fiscal year 1978, has been available for Senators to study for approximately 1 month. I am not going to take the Senate's time today to explain the bill.

The bill's principal purpose is to authorize fiscal year 1978 appropriations for three agencies: the State Department, the U.S. Information Agency, and the Board for International Broadcasting.

In addition, the bill contains a number of provisions which relate to policy and procedure in the conduct of this Nation's foreign relations.

Mr. President, I ask unanimous consent to have printed in the RECORD at

this point selected portions of the committee's report which describe the budgetary and other provisions of the bill.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

AUTHORIZATION OF APPROPRIATIONS

The primary purpose of the bill is to authorize fiscal year 1978 appropriations for the operations of the State Department (including the Office of Foreign Buildings), the U.S. Information Agency, and the Board for International Broadcasting (which makes grants to Radio Free Europe/Radio Liberty). The fiscal year 1978 authorizations approved by the Committee are shown in the following table, together with the fiscal year 1977 appropriation in each category and the Administration's fiscal year 1978 request:

[In thousands of dollars]

	Appropriations for fiscal year 1977	Executive request for fiscal year 1978	Committee recommendation for fiscal year 1978
Department of State:			
Administration of foreign affairs	676,034	741,820	742,279
International organizations and conferences	375,603	400,537	389,462
International commissions	17,399	31,278	21,639
Educational exchange	79,000	83,100	101,100
Migration and refugee assistance	43,770	30,054	64,554
Subtotal, Department of State	1,191,806	1,286,789	1,319,234
U.S. Information Agency:			
Salaries and expenses	256,925	269,286	269,286
Special international exhibitions	4,841	4,360	4,360
Acquisition and construction of radio facilities	2,142	19,872	19,872
Subtotal, U.S. Information Agency	263,908	293,518	293,518
Board for International Broadcasting	53,385	63,985	63,985
Total	1,509,099	1,644,292	1,676,737

OTHER PROVISIONS OF THE BILL

In addition to authorizing appropriations, the bill—

(1) facilitates compliance by the United States with its obligations, as a signatory of the Helsinki agreement, to facilitate the free movement of people and ideas;

(2) diversifies and strengthens the international educational exchange program;

(3) facilitates balanced participation in State Department advisory committees and delegations;

(4) encourages and authorizes the State Department to assist the spouses of Foreign Service personnel in obtaining employment at U.S. Missions and in foreign economies;

(5) encourages the Secretary of State to make greater use of his authority to provide language training to the family members of Foreign Service personnel;

(6) elevates the Coordinator for Human Rights and Humanitarian affairs to the rank of Assistant Secretary of State;

(7) encourages the State Department to make all possible efforts to assist Americans unjustifiably imprisoned abroad;

(8) makes a number of technical amendments to the Foreign Service Act;

(9) strengthens the ability of the Board for International Broadcasting to carry out its responsibilities;

(10) calls for a major diplomatic initiative toward the creation of an international system of nationally held grain reserves;

(11) calls for an energetic U.S. effort to bring about reform of the United Nations in a number of specified areas;

(12) allows the sale to Cuba of medical supplies and agricultural and food commodities;

(13) sets forth a policy with regard to the withdrawal of U.S. ground forces in South Korea;

(14) encourages an active U.S. role in the forthcoming special session of the U.N. General Assembly on disarmament;

(15) requires Congressional committees to budget for their foreign travel;

(16) provides a statutory base for U.S. participation in a new United States-European Community Interparliamentary Group;

(17) comprehensively amends and strengthens U.S. law governing the giving and receipt of foreign gifts;

(18) enunciates broad principles relating to the need for a reorganization of the State Department and USIA in the area of information and cultural activities and requires the President to prepare and submit to Congress a reorganization plan;

(19) provides guidance for U.S. participation in the UN Conference on Science and Technology for Development;

(20) eliminates overtime pay for Foreign Service officers and provides for a compensatory salary increase; and

(21) removes the statutory impediment to the establishment of formal diplomatic relations with the Vatican.

SECTION-BY-SECTION ANALYSIS

TITLE I—STATE DEPARTMENT

Sec. 101. Authorization of appropriations—State Department

This section authorizes fiscal year 1978 appropriations for the State Department in five categories, as follows:

1. *Administration of Foreign Affairs.*—Included in this item are funds for almost all salaries, expenses, and allowances for officers and employees of the State Department, both in the United States and abroad; funds necessary for the acquisition, operation, and maintenance of Foreign Service buildings abroad; and also funds needed for mandatory payments to the Foreign Service Retirement and Disability Fund. The requested increase over 1977 would cover inflation and also support an increase in personnel from 16,672 to 16,789—a slight upward movement after several years of constancy. The following table shows appropriations in this category in fiscal year 1977, the Administration's fiscal year 1978 request, and the Committee's recommendation:

ADMINISTRATION OF FOREIGN AFFAIRS

[In thousands of dollars]

	Fiscal year 1977	Fiscal year 1978 request	Committee recommendation	Difference
Salaries and expenses	548,500	599,500	599,959	+459
Representation allowances	2,000	2,500	2,500	0
Emergencies in the diplomatic and consular service	2,100	2,600	2,600	0
Payment to foreign service retirement and disability fund	25,849	26,599	26,599	0
Acquisition, operation, and maintenance of buildings abroad	67,350	103,101	103,101	0
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	30,235	7,520	7,520	0
Total	676,034	740,820	742,279	+459

The Committee's adjustment in this item resulted from two initiatives. The first, proposed by Senator Pell, was to add $165,000 to provide funds for six additional positions in the Bureau of Oceans and International Environmental and Scientific Affairs (OES) so as to support the creation of a policy assessment group which would give OES a long-range planning capability it now lacks. The second change, proposed by Senator Griffin, was to add $294,000 to provide for the establishment of passport offices in Detroit and Houston.

2. *International Organizations and Conferences.*—Included in this item are funds to pay the regularly assessed U.S. share of contributions to the United Nations, its specialized and associated agencies, and a variety of other international organizations; funds for U.S. contributions to international peacekeeping activities; funds for the expense of U.S. missions to various international organizations and conferences; and funds for the conduct of U.S. trade negotiations. The following table shows appropriations in this category in fiscal year 1977, the Administration's request for fiscal year 1978, and the Committee's recommendation:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

[In thousands of dollars]

	Fiscal year 1977	Fiscal year 1978 request	Committee recommendation	Difference
Contributions to international organizations	325,843	337,104	325,979	−11,125
Contributions for international peacekeeping activities	28,000	41,600	41,600	0
Missions to international organizations	9,550	9,900	9,950	+50
International conferences and contingencies	8,660	8,110	8,110	0
International trade negotiations	3,550	3,823	3,823	0
Total	375,603	400,537	389,462	−11,075

The first and major category within this line-item is "Contributions to International Organizations," for which $337 million was requested to provide for U.S. contributions to the United Nations and its various specialized agencies, to six inter-American organizations, to five regional organizations (including NATO and the OECD), and to a variety of other international organizations. Following is a table detailing this portion of the "International Organizations and Conferences" line-item and comparing fiscal 1977 contributions with proposed contributions for fiscal year 1978:

A. UNITED NATIONS AND SPECIALIZED AGENCIES

	1977	1978
United Nations	$95,477,759	$105,000,000
United Nations Educational, Scientific and Cultural Organization	[1] 46,660,492	28,125,000
International Civil Aviation Organization	5,790,500	5,994,500
World Health Organization	38,934,793	42,561,000
Food and Agriculture Organization	20,796,046	22,875,000
International Labor Organization	17,059,147	----------
International Telecommunication Union	1,625,227	1,723,600
World Meteorological Organization	2,590,200	2,631,260
Intergovernmental Maritime Consultative Organization	259,404	289,372
Universal Postal Union	375,221	391,000
World Intellectual Property Organization	221,524	251,139
International Atomic Energy Agency	10,515,499	11,683,616

B. INTER-AMERICAN ORGANIZATIONS

	1977	1978
Inter-American Indian Institute	87,975	87,975
Inter-American Institute of Agricultural Sciences	5,105,676	5,568,263
Pan American Institute of Geography and History	194,848	200,000
Pan American Railway Congress Association	$15,000	$15,000
Pan American Health Organization	19,009,646	20,720,000
Organization of American States	28,881,000	45,027,000

C. REGIONAL ORGANIZATIONS

	1977	1978
South Pacific Commission	538,951	734,434
North Atlantic Treaty Organization	11,194,600	12,361,100
North Atlantic Assembly	207,691	238,605
Southeast Asia Treaty Organization	250,647	----------
Colombo Plan Council for Technical Cooperation	10,193	10,702
Organization for Economic Cooperation and Development	15,080,600	17,819,023

D. OTHER INTERNATIONAL ORGANIZATIONS

	1977	1978
Inter-parliamentary Union	137,835	151,600
International Bureau of the Permanent Court of Arbitration	2,877	3,168
International Bureau of the Publication of Customs Tariffs	28,485	28,485
International Bureau of Weights and Measures	209,267	234,600
International Hydrographic Organization	24,592	28,280
International Wheat Council	114,381	201,912
International Coffee Organization	360,302	381,919
International Institute for the Unification of Private Law	26,372	29,009
Hague Conference on Private International Law	26,341	28,975
Maintenance of Certain Lights in the Red Sea	$6,260	$7,049
Bureau of International Exhibitions	13,648	14,828
Customs Cooperation Council	922,825	940,759
International Center for the Study of the Preservation and Restoration of Cultural Property	156,190	159,190
International Organization for Legal Metrology	37,893	41,117
International Agency for Research on Cancer	625,773	686,101
General Agreement on Tariffs and Trade	2,053,061	2,250,476
International Office for Epizootics	25,475	25,475
World Tourism Organization	114,204	121,052
International Tin Council	94,782	113,833
International Cotton Advisory Committee	----------	42,000
International Rubber Study Group	----------	19,000
International Seed Testing Association	----------	2,000
Lead and Zinc Study Group	----------	7,000
Total	325,843,000	329,822,417
Plus: Payment of prior year arrearages: World Health Organization	----------	7,281,583
Grand total	325,843,000	337,104,000

[1] Of $72.8 million requested, only $46.6 million was appropriated: $3.5 million to complete the 1974 payment and $43.1 million for the 1975 and 1976 payments. The additional $26.2 million needed for the 1977 payment was not appropriated.

In acting on this proposal, the Committee made one change: the removal of $11.1 million allocated for contribution to UNESCO. The Administration request, which contained $28.1 million for a 1978 contribution to UNESCO, was based upon the assumption that Congress would by now have approved the $69 million necessary for completion of the 1975, 1976, and 1977 payments. This is not, however, the case. In considering H.R. 5040, the fiscal year 1977 State Department Supplemental, the Committee and then the Congress reached a decision to approve a smaller figure: $60 million, to cover the 1975 and 1976 arrearages and only a portion of the 1977 dues. Against this authorization, a sum of $43 million was eventually appropriated—the amount needed for the 1975 and 1976 payments. In considering this bill (H.R. 6689), the Committee decided that the level previously authorized is, for the time being, an adequate contribution, and therefore approved only $17 million (meaning a reduc-

tion of $11.1 million) to allow the same partial payment of 1977 U.S. dues previously approved. In the Committee's view, UNESCO has begun to show some signs of turning away from the highly politicized, and anti-Israel, policies which led Congress to cut off payments to that organization in 1974; and the Committee intends to watch closely for UNESCO's further progress in returning to a less political mode of action (as regards not only the Middle East but other issues as well) which focuses greater attention on the basic educational, scientific, and cultural purposes that UNESCO was created to serve. It will be in light of such progress that the Committee will consider the question of further U.S. payments.

The second category within this line-item is "Contributions for International Peacekeeping Activities," for which $41.6 million was requested and approved: $32 million to support U.N. peacekeeping forces in the Middle East and $9.6 million to support U.N. forces in Cyprus.

The third category within this line-item is "Missions to International Organizations," for which $9.9 million was requested to fund U.S. missions to various international organizations such as the United Nations, the Organization of American States, and the Food and Agricultural Organization, as well as the costs of U.S. participation in interparliamentary conferences. The Committee's one change in this category was to add $50,000 to cover the costs of U.S. participation in a new United States-European Community Interparliamentary Group, for which a statutory base is created by section 457 of this bill.

The fourth category in this line-item is "International Conferences and Contingencies," for which $7.7 million was requested and approved to pay for the expenses (travel, per diem, and support costs) of U.S. participation in multilateral intergovernmental conferences such as the mutual and balanced force reduction negotiations in Vienna; and the upcoming Belgrade meeting of the Conference on Security and Cooperation in Europe.

The fifth category in this line-item is "International Trade Negotiations," for which $3.8 million was requested and approved to pay for U.S. participation in the multilateral trade negotiations being conducted in Geneva under the sponsorship of the contracting parties of the General Agreement on Tariffs and Trade (GATT).

3. *International Commissions.*—Included in this item are funds to pay to U.S. expenses in certain commissions through which the United States cooperates with other nations (principally Mexico and Canada) in efforts to preserve common resources, protect life and property, maintain boundary areas, and preserve and improve fisheries resources. For this item the following table shows fiscal year 1977 appropriations, the Administration's fiscal year 1978 request, and the Committee's recommendations:

INTERNATIONAL COMMISSIONS

[In thousands of dollars]

	Fiscal year 1977	Fiscal year 1978 request	Committee recommendation	Difference
International Boundary and Water Commission, United States and Mexico	9,959	23,333	13,894	−9,439
American sections, international commissions	1,890	2,200	2,200	0
International fisheries commissions	5,550	5,745	5,745	0
Total	17,399	31,278	21,839	−9,439

The first category, "International Boundary and Water Commission, United States and Mexico," provides funds both for salaries and routine expenses of the U.S. section of the Commission and for the U.S. share of Commission projects undertaken to solve problems arising on the United States-Mexico boundary. In this item, the Committee made a technical reduction, eliminating funds for two activities (the Tijuana River flood control project and the 1970 boundary treaty project) which have already been authorized in separate legislation enacted last year.

The second category in this line-item, "American Sections, International Commissions," provides funds for two United States-Canadian commissions: the International Boundary Commission, which maintains markers and clears vegetation along the boundary, and the International Joint Commission, which supervises industrial and commercial activity affecting the quality and level of boundary waters.

The third category in this line-item, "International Fisheries Commissions," provides funds for scientific studies conducted by a number of regional fisheries commissions on the fish resources for which they are responsible. Based on these studies, the various commissions recommend conservation measures to member governments.

4. *Educational Exchange.*—Included in this item are funds for activities conducted under the Mutual Educational and Cultural Exchange Act and for the operation of the Center for Cultural and Technical Interchange between East and West, located in Hawaii. For this item the following table shows fiscal year 1977 appropriations, the Administration's fiscal year 1978 request, and the Committee's recommendation:

EDUCATIONAL EXCHANGE

[In thousands of dollars]

	Fiscal year 1977	Fiscal year 1978 request	Committee recommendation	Difference
Mutual educational and cultural exchange activities	59,000	70,500	88,500	+18,000
Center for cultural and technical interchange between East and West	10,000	12,600	12,600	0
Pan American Games	10,000	----------	----------	----------
Total	79,000	83,000	101,100	+18,000

In the first category, which is administered by the State Department's Bureau of Educational and Cultural Affairs, the major activity is the exchange-of-persons program. This program, which has traditionally received strong support from the Foreign Relations Committee, is focused primarily on bringing to the United States persons who are influential or potentially influential in their own countries. The time spent in the United States ranges from a few weeks to a year, with the grantee participating in a seminar program or a university year. The program also provides for the sending of Americans to participate in reciprocating countries. In addition to the exchange program, this category also includes funds for aid to American schools abroad, American cultural presentations abroad in the area of the performing arts, and American liaison with UNESCO.

This year, in considering educational and cultural exchange activities, the Committee decided that the time had come to give new emphasis to this area of American diplomacy. Therefore, at the initiative of Senator Pell, the Committee added $18 million to the Administration request, earmarking the additional funds for use in the exchange-of-persons program. This increase in exchange-of-persons activities from a planned level of $57 million to $75 million, although sizable, would still leave the program below its level of ten years ago, in terms of real dollars. In addition, at the initiative of Senator McGovern, the Committee mandated a diversification of educational exchange activities (see sec. 106) to provide new opportunities for purposeful work under the program.

In addition to the legislative measures described above, the Committee wishes to encourage the Department to make broader use of its authority under the Mutual Educational and Cultural Exchange Act [section 102(a)(2)] to assist visits to the United States of foreign groups and individuals representing the arts, sports, and other forms of cultural attainment. While such visits should in most cases have foreign or private U.S. sponsors, the Committee believes that this authority can occasionally be used effectively in the national interest, particularly when relations between the United States and a foreign country are not extensive.

5. *Migration and Refugee Assistance.*—Included in this item are funds for a variety of programs which assist international refugees and migrants. Some of these funds are used for contributions to standing agencies, namely the International Committee of the Red Cross, the Intergovernmental Committee for European Migration, and the U.N. High Commissioner for Refugees. Other funds, carried under the general heading of the U.S. refugee program, are used to support a variety of voluntary agncies and religious and ethnic groups engaged in refugee assistance. Funds provided under this item are administered by the Coordinator for Human Rights and Humanitarian Affairs. The following shows the fiscal year 1977 appropriation in this category, the Admnistration's fiscal year 1978 request, and the Committee's recommendation:

Migration and refugee assistance

Fiscal year 1977 appropriation	$43,770,000
Fiscal year 1978 request	30,054,000
Committee recommendation	64,554,000
Difference	+34,500,000

The $34.5 million increase approved by the Committee consists of three parts. The first, initiated by Senator Pell, raised the planned $500,000 contribution to the International Committee of the Red Cross to $1 million. The second, initiated by Senators Clark and Kennedy, added $14 million for assistance to African refugees, earmarking $8 million for contribution to the U.N. High

Commissioner for Refugees and to other international agencies to assist displaced persons and refugees in Africa and $6 million for assistance to refugees resettling in the United States. The third increase, initiated by Senator Javits, added $20 million to continue a program begun in fiscal year 1973 which assists the resettlement in Israel of refugees from the Soviet Union and Eastern Europe.

In addition to the funds authorized in the five categories described above, section 101 authorizes the appropriation of such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

Sec. 102. Transfer Authority

This section provides the State Department a limited transfer authority between line-item authorizations, such that any unappropriated portion of one budget item may be considered an authorization for another of the Department's budget items, provided that no item is increased by more than 10 percent.

Sec. 103. Contribution to the World Health Organization

Of the amount authorized in section 101 for "International Organizations and Conferences," some $7.3 million is allocated to complete payment of the 1977 assessed U.S. contribution to the World Health Organization (WHO), an amount which would be in excess of the 25 percent ceiling on U.S. payments of assessed contributions specified in Public Law 92-544. Although WHO has accepted the principle of 25 percent U.S. payment, it has been unable to place this into practice for the calendar years 1974 through 1977 without raising the projected assessments of other members Because WHO is, however, scheduled to reduce the U.S. assessment rate to 25 percent in 1978, the Committee approved this final payment in excess of the 25 percent limit. This section authorizes an exemption from Public Law 92-544 for that purpose.

Sec. 104. Contribution to the ICRC

This section, initiated by Senator Pell, repeals the 1965 act authorizing an annual appropriation of $500,000 for contribution to the International Committee of the Red Cross, and places into law a new provision authorizing an annual contribution to the ICRC of up to $1 million, subject to the regular authorization-appropriation process. This provision complements the Committee's action, described in the analysis of section 101, raising the authorization for "Migration and Refugee Assistance" to allow an increase in the fiscal year 1978 U.S. contribution to the ICRC from a planned level of $500,000 to $1 million.

Sec. 105. Certain Non-Immigrant Visas

Under the provisions of the Immigration and Nationality Act of 1952, there are 32 categories of aliens who are ineligible to receive U.S. visas. The various categories involve disease, moral character, physical capabilities, criminal convictions, sexual habits, and so on. Inadmissibility under some categories can be waived to allow a nonimmigrant visa if the Secretary of State so recommends to the Attorney General, who actually grants the visa.

One such category of inadmissibility subject to a waiver is No. 28, which relates to aliens who have been or are members of proscribed organizations. The principal purpose, and effect, of this section is to exclude Communists from the United States. Although in many cases the waiver procedure has been followed to allow Communists to visit the United States, the presumption of inadmissibility creates the need for a decision—usually routine, sometimes controversial—for each case.

The purpose of this section, which was initiated by Senator McGovern and agreed to by the Committee without dissent, is to eliminate the need for a decision on the part of the Secretary by mandating that he will make the recommendation in such cases except in the unlikely event that the prospective visitor would constitute a threat to U.S. security. (The Secretary would then so certify in writing to the chairmen of the two Congressional foreign affairs committees.)

One effect of the provision would be to open the way to visits by Eurocommunist leaders and to Communist labor leaders without the executive branch having to make the politically difficult individual decisions which might imply a change in overall U.S. policy toward Communism. This would, as the provision states, serve to facilitate "satisfactory U.S. compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe"—the Helsinki Agreement—which called for a reduction in barriers to the free movement of people and ideas.

Sec. 106. Strengthening Educational Exchange Programs

The purpose of this section, which was initiated by Senator McGovern, is to diversify and thereby strengthen the educational exchange program. The provisions of the section are self-explanatory:

(a) The Congress finds—

(1) That for over 30 years the U.S. program for the international exchange of teachers and scholars, begun by the Fulbright Act of 1946, has contributed significantly to the free flow of knowledge and to greater understanding between the United States and other nations;

(2) That it is in the interest of the United States that this program be strengthened; and

(3) That a still stronger educational exchange program can be attained by—

(i) Diversifying exchange opportunities so as to assist persons from professional and public life to spend time in an academic setting and to assist teachers and scholars to spend time in professional and other pursuits in the public arena;

(ii) Providing sharper focus to exchange activities by bringing selected grant recipients together for joint work on themes and problems identified as having current significance in international affairs; and

(iii) Lengthening the period of some scholarships to allow work by grant recipients to be phased over more than one location.

(b) Not later than September 30, 1977, the Secretary of State shall transmit to the chairman of the Senate Committee on Foreign Relations and the chairman of the House Committee on International Relations a report on measures the Department of State has taken to strengthen educational exchange activities in accordance with subsection (a) of this section.

Sec. 107. Public Participation in State Department Proceedings

The purpose of this provision, which was initiated by Senators Biden and Case and which adds a new section to the basic authority of the State Department (Public Law 84-885), is to lower the financial barrier to effective public participation in certain aspects of the State Department policy-making process. The new section would authorize the Department of State to finance the participation of public interest groups in Department proceedings, advisory committees, or delegations when:

(a) The group represents an interest which can reasonably be expected to contribute substantially to a fair determination of the issue before the Department;

(b) That interest would not otherwise be adequately represented; and

(c) The group seeking to represent that interest is not able to participate effectively without financial assistance.

The total of such compensation paid to various organizations or individuals in a single year would be limited to $250,000; and any such compensation would be drawn from the State Department's operating budget.

It should be emphasized that this is not a requirement, but rather an authority to be exercised by the Secretary of State at his discretion. Examples of groups which might be assisted are consumer groups with respect to commodity and trade negotiations; environmentalists with respect to shipping, fishing and law of the sea issues; and unorganized labor groups with respect to trade decisions.

Sec. 108. Employment of Foreign Service Spouses

The purpose of this section, which was initiated by Senator Biden, is to assist Foreign Service spouses and other family members in obtaining employment at U.S. missions abroad and in foreign economies. The provisions of the section are self-explanatory:

(a) The Secretary of State shall, when employing persons to fill jobs outside the United States to which career Foreign Service personnel are not customarily assigned, including temporary and local hire jobs, give equal consideration to employing qualified family members of United States Government employees (including family members of Foreign Service personnel) assigned to duties outside the United States. Such employment shall not be used to avoid fulfilling the need for fulltime career positions.

(b) To facilitate the employment by the Department of State or by other employers of the spouses of Foreign Service personnel, the Secretary may—

(1) provide regular career counseling for such spouses;

(2) maintain a centralized system for cataloging their skills and the various governmental and nongovernmental overseas employment opportunities available to such spouses; and

(3) otherwise assist such spouses in obtaining overseas employment.

(c) Any member of a family of Foreign Service personnel may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the United States Ambassador accredited to such country, damage the interests of the United States.

(d) Not later than September 30, 1977, the Secretary shall transmit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report on actions the Department of State has taken pursuant to the provisions of this section.

Sec. 109. Language Training for Foreign Service Spouses

The purpose of this amendment, which was sponsored by Senator McGovern, is to encourage the Department of State to provide additional language training opportunities to the family members of Foreign Service personnel. In the Committee's view, the entire Foreign Service family plays an important role in U.S. diplomatic representation abroad, and it follows from this that it is in the national interest not only for a Foreign Service official but also his family to have fluency in the language of the country to which he is assigned. The provisions of this section are self-explanatory:

(a) It is the sense of Congress that, in order to increase the effectiveness of the United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section

701 of the Foreign Service Act of 1946, as amended, in order to increase the language training opportunities available to the family members of Foreign Service personnel.

(b) Not later than September 30, 1977, the Secretary of State shall transmit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report discussing—

(i) action he has taken pursuant to subsection (a) of this section; and

(ii) any budgetary or other obstacles which prevent the Department of State from making available a complete language training program for the families of Foreign Service personnel.

Sec. 110. Assistant Secretary for Human Rights and Humanitarian Affairs

This section, initiated by Senators Case and Humphrey, has the effect of elevating to the level of Assistant Secretary the existing portion of State Department Coordinator for Human Rights and Humanitarian Affairs. Human rights issues, and also refugee matters, have clearly acquired an increased importance in the conduct of U.S. foreign policy, and this provision will serve to give additional stature to the State Department official charged with primary responsibilities in this area. The Committee would expect this new Assistant Secretary to be supported by such Deputy Assistant Secretaries and staff as are commensurate with the rank of Assistant Secretary.

Sec. 111. Americans Incarcerated Abroad

The purpose of this provision, which was sponsored by Senator Church, is to encourage the State Department to assist Americans incarcerated abroad, particularly those imprisoned in circumstances and conditions which are incompatible with American concepts of justice. The provisions of the section are self-explanatory:

It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning on September 30, 1977, the Secretary of State shall transmit annually to the chairman of the Senate Foreign Relations Committee and chairman of the House International Relations Committee a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals.

Sec. 112. Death Gratuities for Foreign Service Alien Employees

This section, which was requested by the Administration, amends the basic authority for the State Department (Public Law 84–885) to authorize a gratuity for the survivors of alien Foreign Service employees killed in the line of duty (similar to the gratuity already authorized for survivors of American employees of the Foreign Service).

TITLE II—USIA

Sec. 201. Authorization of Appropriations—USIA

Included in this section are funds for all of the activities of the United States Information Agency, a total authorization of $276 million.

The "Salaries and Expenses" item contains funds for almost all of USIA's programs and activities: press and publications, motion pictures and television, centers and related activities, and radio broadcasting by the Voice of America. Because many Agency personnel are engaged in activities supporting more than one function, it is not possible to assign exact expenditure levels to any one functional area. A rough estimate, however, would show the following break-down of the $269 million "Salaries and Expenses" item:

Press and publications would receive $58 million, for activities which include the production and dissemination of agency publications and the effort to encourage accurate and favorable coverage of the United States in the foreign press.

Motion pictures and television would receive $26 million, principally for the production and acquisition of a variety of films which are made available to various groups and television stations around the world.

Centers and related activities would receive $109 million, for the operation of overseas information centers, libraries and reading rooms, support for binational centers (which are cultural institutions sponsored jointly by USIA and local groups) the dissemination of books about American life, and overseas support for the State Department's cultural exchange program.

Radio broadcasting would receive $76 million, to be used for all activities, other than broadcast facility construction and maintenance, surrounding the operation of the Voice of America broadcasting system.

The following shows the fiscal year 1977 appropriation for this item, the Administration's fiscal year 1978 request, and the Committee's recommendation:

Salaries and expenses (USIA)

Fiscal year 1977 appropriation	$256,925,000
Fiscal year 1978 request	269,286,000
Committee recommendation	269,286,000
Difference	0

In the "Special International Exhibitions" item are funds for various international exhibitions undertaken by authority of the Mutual Educational and Cultural Exchange Act. Funds for the program are appropriated to the agency on a no-year (available until expended) basis and may be allocated in part to other agencies for the conduct of collateral activities. The current program focuses on Eastern Europe, the Soviet Union, and Berlin, where exhibitions are conducted featuring various aspects of American life and culture:

Special international exhibitions (USIA)

Fiscal year 1977 appropriations	$4,841,000
Fiscal year 1978 request	4,360,000
Committee recommendation	4,360,000
Difference	0

In the "Acquisition and Construction of Radio Facilities" item are funds appropriated on an available-until-expended basis for use by the Agency in maintaining, and when possible improving, the capabilities of the worldwide VOA broadcasting system. The sizable increase over 1977 is largely attributable to the long-planned construction of new facilities in the Philippines (to replace those no longer available in Okinawa) and newly planned construction of eight new transmitters in Liberia and the United Kingdom (which were just approved by the President in a budget amendment as a consequence of the needs revealed by a Congressionally-mandated transmitter study recently completed by the executive branch).

Acquisition and construction of radio facilities (USIA)

Fiscal year 1977 appropriation	$2,152,000
Fiscal year 1978 request	19,872,000
Committee recommendation	19,872,000
Difference	0

This section also authorizes (a) limited transfer between line-items, as authorized for the State Department in section 102; and (b) the appropriation of such sums as may be necessary for increases in salaries, retirements and other benefits authorized by law, and for other nondiscretionary costs.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

Sec. 301. Authorization of Appropriations

This section authorizes an FY 1978 appropriation for the Board for International Broadcasting of $63,985,000, as well as such additional sums as may be necessary for increases in salaries, retirements, and other benefits authorized by law, and for other nondiscriminatory costs. Included in this item are funds for the BIB itself and for its annual grant to RFE/RL, Inc. The increase over 1977 is attributable entirely to inflationary increases and to transmitter construction (much of it resulting from the Congressionally-mandated transmitter study just completed by the executive branch, which also led to additional construction of VOA transmitters). The RFE/RL personnel level is being held essentially constant, down two positions from 1,816 to 1,814.

	Fiscal year 1977 appropriation	Fiscal year 1978 request	Committee recommendation
1. Board for International Broadcasting	$640	$615	$615
2. Grant to RFE/RL, Inc	52,745	63,730	63,370
Total	53,385	63,985	63,985

Sec. 302. Amendment to the Board for International Broadcasting Act

The purpose of this section, which was initiated by Senators Pell and McGovern pursuant to hearings by the Subcommittee on International Operations, is to clarify and strengthen the oversight authority of the Board for International Broadcasting (a Federal entity) over the operations of Radio Free Europe/Radio Liberty, which for historical reasons is organized as a non-profit corporation although it is entirely dependent on Federal funding.

This section makes it a condition of further Federal grants to RFE/RL that the Presidentially-appointed members of the BIB, and no other members, serve as the Board of Directors of RFE/RL, Inc., the intent being to enable BIB members to exercise the necessary authority to meet their responsibilities under the Board for International Broadcasting Act for "the quality, effectiveness and professional integrity" of RFE/RL broadcasting and "the most efficient utilization of available resources," i.e., Federal funds. At the same time, the journalistic independence of RFE/RL broadcasters would be protected by (a) the institutional fact that, once appointed and confirmed, BIB members serve fixed terms, and (b) the geographical fact that the BIB is located in Washington while RFE/RL operations are concentrated in Munich.

When RFE and RL were created, sponsored and funded covertly by the CIA, the U.S. Government appointed the members and directors of the radio corporations, as well as managerial officers. There were thus firm institutional links between the sponsor and the radios. Under the subsequent arrangements for public funding through the BIB, however, these links appear to have been (perhaps inadvertently) eroded. Funds are appropriated to the BIB, which in turn makes grants to RFE/RL, Inc. But radio management considers itself primarily responsible to the corporate directors (who are also the corporate members), a self perpetuating group

with no defined responsibility to the U.S. Government. The only authority the BIB has to correct abuses or expedite constructive change is the ability to threaten to withhold funds—which, on an operational basis, is wholly impractical since the BIB members and staff are committed to the mission of the radios.

The Eisenhower Commission report, on which the BIB Act was largely based, made no mention whatever of the corporate boards. Instead it stated clearly that the BIB should "serve as a nexus between the public, Congress, the executive branch and the stations." Once the BIB was formally constituted in April 1974, it was widely assumed that the corporate boards would either disappear or assume a subsidiary, supportive role; indeed most members of the RFE Board resigned on or before June 30, 1975, precisely because they saw no further role for private boards once Federal funding and oversight were openly acknowledged. However, the remaining members and new members coopted by them have subsequently claimed authority to be the principal governing body of RFE/RL while acknowledging no responsibility to the Federal board created by Congress. It is highly questionable whether such a result was intended either by the Eisenhower Commission or by the Congress when it enacted the BIB Act in 1973.

Certainly three years of experience, and testimony before this and other committees of Congress, have demonstrated that the BIB lacks a sufficiently clear mandate for effective oversight of RFE/RL management and activities. The BIB was endowed by the Act of 1973 with full responsibility for the Radios' performance, yet has lacked the authority to enforce its judgments. In 1975, for example, Radio management failed by more than $1 million to meet a commitment by the BIB to Congress to reduce payroll by $6.1 million. In 1976, management expended most of some $3.8 million gained through favorable foreign-exchange transactions although the BIB had expressly counseled husbanding at least $2 million against foreign-exchange losses anticipated in 1977. In neither case was the BIB capable of insuring fiscal responsibility and fulfillment of Congressional intent.

The BIB's untenable position of responsibility without authority was exacerbated by the new RFE/RL corporate charter and bylaws promulgated in September 1976, which made management solely accountable to a self-appointed and self-perpetuating board of corporate directors without reference to the BIB. Although the Chairman of the Foreign Relations Committee, Senator Sparkman, warned in writing at the time (a warning reiterated by Senator Percy) that these documents "should explicitly acknowledge the accountability of corporate officers" to the BIB, no such action ensued. Thus, while the BIB is responsible under the law to the President and the Congress, RFE/RL management is at present accountable solely to a corporate board which in turn is responsible to no one.

This section is designed to remedy this situation by establishing a clear line of authority from the BIB to the Radios. Technically speaking, two boards—the BIB and the corporate board—would continue to exist. However, the membership of the two boards would become identical: those appointed and confirmed to the BIB would ipso facto become members of the corporate board, and would in the latter capacity make the major policy and personnel decisions of RFE/RL, Inc. (without, however, becoming involved in daily RFE/RL management).

The Committee recognized that the current membership of the corporate board includes individuals of great distinction and accomplishment (including a former Under Secretary of State, distinguished former Ambassadors, educators, and communications executives), and it therefore provided in this section for an expansion of the BIB from five to nine voting members. This will enable the President to appoint four such distinguished individuals to the additional positions, thus ending the jurisdictional confusion of two competing boards, while concentrating experience, wisdom, and devotion to the Radios' mission in the single statutory Board chosen by Constitutional process.

By endowing BIB members with the ability (in their corporate capacity) to appoint—and, if necessary, remove—corporate officers, this provision establishes the full accountability of RFE/RL management to the members of the Federal oversight agency—which is reasonable, if not essential, in view of the total dependence of Radio operations on Federal funding. At the same time, in recognition of the need to preserve the journalistic independence and professionalism of RFE/RL broadcasts, the provision expresses the sense of the Congress that those corporate directors of RFE/RL, Inc. who have not been appointed to the expanded BIB should be invited to serve on a citizens advisory group, which would assist the BIB in reviewing RFE/RL program content and broadcast policy. This combination of an enlarged, fixed-term Federal Board with an experienced advisory group will provide RFE/RL broadcasters with the necessary buffer against Executive Branch interference in day-to-day programing while assuring effective long-term control of the Radios in compliance with legislative requirements.

It should be emphasized that this provision in no way—either by intent or effect—"Federalizes" the Radios. The private status of the RFE/RL corporation will remain intact, as will the private status of Radio employees and existing collective-bargaining relationships.

In acordance with this provision, the Committee believes that the broadcast effectiveness and administrative efficiency of RFE/RL would be enhanced if top Radio management, much of which is now located in Washington, were concentrated in Munich (where 90 percent of programs originate). Necessary government liaison activities in Washington could be conducted by the BIB's executive staff According to a recent study by an independent public accounting firm, such a redeployment of senior Radio executives would eliminate considerable administrative duplication and effect substantial economies. In addition, the move would facilitate continuous personal supervision of RFE/RL programs by the Radio's chief operating officer, who would remain an ex-officio member of the BIB, attending its regular meetings and in the interim communicating with and being responsible to the Board through its executive director in Washington.

TITLE IV—GENERAL

Sec. 401–409. Routine Administrative Amendments

These sections, requested by the executive branch, contain a number of provisions of a generally routine administrative nature, such as:

1. authorizing the payment of compensation to alien employees of the United States (or former employees) who have been incarcerated as a result of their employment by the United States;

2. deleting the current ten-year citizenship requirement for the appointment of Foreign Service officers and the five-year citizenship requirement for the appointment of Foreign Service Reserve officers (to conform with recent judicial rulings); and

3. establishing procedures by which aspirants for a Foreign Service officer career would be tested on the job prior to the award of career status.

Sec. 410. Ambassadors for Special Missions

At present, by provision of the Foreign Service Act, the President has the authority to confer the rank of Ambassador upon an individual for up to six months without Senate confirmation. Section 410, which was sponsored by Senator Biden, does not change that authority but requires that, before exercising it, the President transmit to the Senate Foreign Relations Committee notice of his intent along with all materials relating to financial interests, political contributions, and so on, that would be submitted in connection with a nominee requiring confirmation.

Sec. 451. International Food Reserve

This section, which was initiated by Senator McGovern, is self-explanatory:

(a) The Congress finds and declares that—

(1) Half a billion people suffer from malnutrition or undernutrition;

(2) Very modest shortfalls in crop production can result in widespread human suffering;

(3) Increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) The World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) The nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

(6) The Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) Little progress has resulted from the initial multilateral discussions toward the negotiation of an international grain reserve system;

(8) This lack of progress is caused, in part, by lack of leadership in such discussions; and

(9) The United States is in a unique position as the world's most important producer of foodstuffs to provide such leadership.

(b) It is therefore the sense of the Congress that the President should initiate a major diplomatic initiative toward the creation of an international system of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

Sec. 452. United Nations Reform

This section, which was initiated by Senators McGovern and Baker, is self-explanatory:

(a) The Congress finds that—

(1) The United Nations has the obligation and the opportunity to deal comprehensively with international problems regarding peace enforcement and disarmament, food and population, economic policy, the environment, and human rights;

(2) Steps to assure that its processes more accurately reflect world realities can make the United Nations General Assembly and its several conferences and agencies more effective both as forums for raising these issues and as vehicles for achieving the international consensus necessary for their resolution;

(3) The United Nations has established a Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization with a mandate to consider proposals for United Nations reform; and

(4) The President has indicated his support for a major effort directed toward reforming and restructuring the United Nations system.

(b) This section is enacted because the Congress desires to join with the President in supporting proposals to make the United Nations more responsible and more effective.

(c) The United States should have a position on, and give appropriate consideration to, various possible proposals for reforming the United Nations, including but not limited to proposals which would—

(1) Adjust decisionmaking processes in the United Nations by providing voting in the General Assembly weighted according to population and contributions and by modifying veto powers on certain categories of questions, such as membership recommendations, in the Security Council;

(2) Foster greater use of the International Court of Justice by the United States and other members of the United Nations;

(3) Supplement United Nations finances through contributions from commerce, services, and resources regulated by the United Nations;

(4) Improve coordination of and expand United Nations activities on behalf of human rights;

(5) Establish more effective United Nations machinery for the peaceful settlement of disputes, including means for the submission of differences to mediation or arbitration; and

(6) Adjust assessment scale calculations to reflect more accurately the actual ability of members nations to contribute to the United Nations and its specialized agencies.

Accordingly, the President shall report to the Congress as soon as possible, but no later than January 31, 1978, on his recommendations for reform of the United Nations.

The report shall also include a description and schedule of activities undertaken or planned to be undertaken by the executive branch to encourage the adoption and implementation of United Nations reform proposals.

Sec. 453. Certain Trade With Cuba

This section, initiated by Senator McGovern and modified during Committee consideration, would permit a partial resumption of trade between the United States and Cuba—specifically, the sale and transfer from the United States to Cuba of medical supplies and agricultural and food commodities. The sale to Cuba of other commodities would remain prohibited, as would all Cuban sales to the United States.

Subsection (a) states that "no law or regulation may be construed to prohibit the sale and transfer from the United States to Cuba of medical supplies and agricultural and food commodities," and amends Section 620(a)(1) of the Foreign Assistance Act with conforming language which makes clear that this section keeps intact the export control authority delegated to the President by the Export Administration Act of 1969.

Subsection (b) contains technical language designed to bring a number of Executive regulations into conformity with the provisions of subsection (a). Specifically, subsection (b)—

(1) Derogates Presidential Proclamation Number 3447, on Cuba Trade Embargo, of February 3, 1962, to permit U.S. exports of medical supplies and agricultural and food commodities;

(2) Derogates Section 385.1 of the Export Control Regulations administered by the Commerce Department to permit U.S. exports of medical supplies and agricultural and food commodities to Cuba without requiring the Department's approval;

(3) Derogates the Cuban Asset Control Regulations administered by the Treasury Department to permit transactions which are necessary or incident to exports of medical supplies and agricultural and food commodities; and

(4) Derogates the Commodity Credit Corporation's regulations in order not to penalize vessels carrying medical supplies and food and agricultural commodities to Cuba; such vessels would otherwise be prohibited from carrying CCC-financed commodities.

A majority of the Committee views this measure as a modest but affirmative indication of the U.S. desire to move toward normalizing relations with the Government of Cuba—a step in keeping with measures recently taken by President Carter's Administration, which interposed no opposition to the Committee's action. Like the Administration, however, the Committee believes that the next step toward the normalization of relations must come from Havana. Indeed, if Cuba authorities had taken such a step in response to the Administration's initiatives on lifting the travel ban on U.S. citizens going to Cuba or on the maritime boundaries and fisheries agreements, the Committee might well have gone even further on the embargo issue. In the absence of such a response by Cuban authorities, the Committee felt that this limited measure was all that could be justified without running the risk of damaging the Executive's negotiating position regarding the outstanding issues which remain to be resolved in the course of a full normalization of United States-Cuban relations

While the Committee cannot be definitive with respect to each and every product encompassed by the terms "medical supplies and food and agricultural commodities," the following product categories taken from the Standard International Trade Classification provide reasonable guidelines for defining the products to be included:

0—Food and Live Animals
1—Beverages and Tobacco
4—Animal and Vegetable Oils and Fats
54—Medicinal and Pharmaceutical Products
86—Scientific, Medical, Optical, Measuring and Controlling Instruments and Apparatus.

Sec. 454. U.S. Policy Toward Korea

The purpose of this section, which was initiated by Senator McGovern, is to establish an overall policy with regard to U.S. ground forces in South Korea. The provisions of the section are self-explanatory:

Congress affirms—

(1) That as its policy in South Korea, the United States should seek to accomplish, in accord with the President's announced intention, a complete withdrawal of United States ground forces from the Korean peninsula within four or five years;

(2) That this policy should be implemented with a careful regard to the interest of the United States in continuing its relationship with the people and Government of Japan, in fostering democratic practices in South Korea, and in maintaining stable relations among the countries of East Asia; and

(3) That these interests can be served most effectively by a policy which involves consultations by the United States Government as appropriate with the governments of the region, particularly those directly involved.

Sec. 455. UN Special Session on Disarmament

The purpose of this section, which was initiated by Senator McGovern, is to encourage active U.S. preparation for and interest in the special session of the U.N. General Assembly which will be held next spring to discuss disarmament. The provisions of the section are self-explanatory:

Noting the decision of the General Assembly to convene a special session on disarmament in the spring of 1978, knowing of the important role that comprehensive disarmament could play in securing world peace and economic development, and being cognizant of the agreement by the signatories of the Limited Test Ban Treaty who stated in signing that Treaty that "their principal aim is the speediest possible achievement of an agreement on general and complete disarmament which would put an end to the armament race and eliminate the incentive to produce and test all kinds of weapons, including nuclear weapons," the Congress requests that the President, not later than January 31, 1978, submit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report, under appropriate classification if necessary—

(a) outlining procedures, including consultation with civic groups, which the executive branch is following in preparing for the special General Assembly session on disarmament; and

(b) the likely United States positions to be tabled at the special session, including their relationships to the strategic arms limitation talks and the negotiations on mutual and balanced force reductions in Europe.

Sec. 456. Reimbursement for Congressional Travel

At present the per diem expense allowance received by Congressional Members and employees traveling abroad is drawn by the State Department from a special account in the Treasury Department (labeled the 19FT510 amount). These funds are not appropriated but rather directly disbursed from the Treasury. In fiscal year 1976 a total of $1.7 million was expended in this way.

The purpose of this section, which was initiated by Senator Pell, is to require Congressional committees to reimburse the State Department (which in turn would reimburse Treasury) for these funds, thus requiring Congressional committees to budget for their own travel. Assuming the fiscal year 1976 level, this would mean a collective increase in Congressional committee budgets of $1.7 million. The provision would take effect beginning in fiscal year 1979, thus allowing time for committees to budget as needed.

Sec. 457. US–EC Interparliamentary Group

Since 1972, Members of the House, occasionally accompanied by Senators, have been meeting with members of the European Parliament (the parliamentary body of the European Community) to discuss issues of joint interest. A total of ten meetings has occurred, the most recent in December 1976. Each has been well attended and resulted in a substantial report.

The purpose of this section, which was initiated by Senator Biden, is to institutionalize what is already becoming a tradition by establishing a statutory base for a "U.S.–EC Interparliamentary Group." The language is similar to the statutes underlying the North Atlantic Assembly, the IPU, and the Mexico-U.S. and Canada-U.S. groups.

The provision is intended to give recognition to what is arguably becoming, from the U.S. perspective, the most important other parliamentary body in the world, and also to encourage Senate involvement in future U.S.–EC parliamentary conferences. No costs would be involved beyond those now being incurred during the ad hoc meetings.

Against its normal reluctance to establish additional interparliamentary activities on a regular basis, the Committee approved this section in recognition of the very considerable and growing importance of the European Parliament. In so doing, however, Committee members voiced their concern over the inadequacies in current procedures and attitudes surrounding Congressional participation in those parliamentary conferences already established on a regular basis: the Mexico-U.S. and Canada-U.S. groups, the Interparliamentary Union, and the North Atantic Assembly. Citing the problem of inadequate staffing for such participation, which in part is responsible for inadequate attendance on the U.S. side, the Committee agreed that the creation of the new U.S.-E.C. group should provide the occasion for a thorough review of Senate and House procedures for selecting and staffing U.S. delegations. The Committee expressed its strong interest in having the Committee's leadership join with the Senate leadership to confer together and to meet with their counter-

parts in the House to discuss this entire problem. Committee members agreed that U.S. participation in parliamentary conferences can, if properly conducted, produce great practical benefits in terms of both diplomacy and education, and that potential value of such participation can be more fully realized if procedures are developed which foster increased and more effective attendance. In regard to the criticism sometimes leveled at Senators and Congressmen who attend such meetings abroad, the Committee agreed that Congress as a whole ought to be prepared to affirm the value of such meetings and to participate in them actively and without apology.

Sec. 458. Foreign Gifts and Decorations

The purpose of this section, which was initiated by Senator Biden, is to strengthen the provisions of the Foreign Gifts and Decorations Act of 1966.

The U.S. Constitution does not prohibit the acceptance of gifts and decorations under all circumstances but does require that Congress consent to their acceptance. In the Act of 1966, Congress consented to U.S. Government employees retaining foreign gifts of minimal value and also decorations for outstanding and meritorious service. Concerning a gift of more than minimal value, however, the Act made acceptance permissible only if refusal would likely cause embarrassment or adversely affect the foreign relations of the United States. Such gifts, according to the Act, are to be considered the property of the United States and to be used or disposed of according to regulations issued by the President.

In 1974 the Foreign Relations Committee requested the General Accounting Office to review the administration of the 1966 Act, and after a year-long study the GAO issued a report pointing out a number of deficiencies in the Act and its implementing regulations:

"Records GAO has examined indicate that some Government officials may have received gifts which, up to the present, have not been reported to the Chief of protocol. GAO was unable to ascertain whether these were isolated instances or representative of a more general problem of a lack of reporting.

"The reporting system under the Act relies heavily on voluntary compliance by the recipient. Neither the Act nor its regulations requires that gifts be reported within a specific time, nor is there an effective penalty for noncompliance.

"Individuals receiving gifts often are in the higher civil service grades or hold elective or high appointive positions. GAO noted a reluctance on the part of the Office of Protocol to approach such individuals concerning requirements of the Act.

"Regulations do not explain that the Act applies to gifts given by officials of any foreign governmental subdivision, not solely national governments.

"Regulations fail to explain that all gifts, whether given as a personal or state gift, are under the provisions of the law.

"Neither the regulations nor the Act state whether or not gifts from foreign quasi-government organizations or multinational organizations need to be reported.

"Neither the Act nor its regulations requires an independent appraisal of the gifts. The burden of determining a gift's worth—'minimal value' defined as $50 or less—rests with the recipient.

"Once a gift is reported to the Chief of Protocol, he may permit its use for official purposes or declare it excess personal property and transfer it to the General Services Administration for disposition. The Chief of Protocol was unable to locate all gifts, indicative of inadequate control.

"The Act does not apply to experts and consultants hired by the Government."

The GAO concluded that the Act should be strengthened and submitted to the Foreign Relations Committee draft legislation which provided the basis for this section. In amending the 1966 Act, this section provides as follows:

That gifts of more than minimal value must be reported by the recipient to his employing agency and deposited with the U.S. Government within 60 days of receipt;

for penalties for failure to report and deposit such gifts (up to $1,000 fine or one year in jail);

for coverage of per diem experts and consultants;

for the application of the Act to foreign quasi-governmental and multilateral organizations;

for independent appraisal of gifts and for their disposal by (a) return to giver, or (b) donation, transfer, or sale in accordance with existing law (including negotiated sale, perhaps to the original recipient);

for the acceptance of intangible gifts from foreign governments (travel, housing, etc.) of more than minimal value when the benefit accrues to the United States Government;

for the acceptance of decorations or awards for meritorious performance, subject to the approval of the employing agency;

for a change in the definition of minimal value to $100 to reflect inflation (the current law is silent but present regulation set minimal value at $50);

for an annual publication in the Federal Register of all gifts registered to the various branches of Government;

that no gifts of more than minimal value shall be given by the U.S. Government using appropriated funds unless specifically authorized by Congress or unless purchased from a specified State Department account;

that all such gifts of more than minimal value purchased using appropriated funds, and also any gifts which did not involve the use of appropriated funds, shall be annually reported to the Senate Foreign Relations Committee and the House International Relations Committee; and

for the Secretary of State, through U.S. embassies, to inform foreign governments "that it is the general policy of the U.S. Government to prohibit U.S. Government employees from receiving foreign gifts or decorations of more than minimal value."

In approving these new and more stringent rules and procedures governing the giving and receiving of gifts, the Committee emphasized several points:

(1) Gifts of more than minimal value which have been deposited with the various "employing agencies" should where possible be officially used or displayed, and the sale of such gifts should in most cases be the last recourse. If a gift is to be displayed, priority should be given to display by governmental agencies, including state and local, and also by municipal museums.

(2) For gifts forwarded to the General Services Administration for disposal, procedures should insure an evaluation at fair market value and not below.

(3) The Committee strongly disapproves of an officer or employee of the U.S. Government giving to any foreign recipient any gift which has been provided by a private U.S. citizen or business firm. Through the annual report required by this section, the Committee intends to determine the extent and nature of this practice, and to take corrective action as appears necessary.

Sec. 459. Strengthening Information, Cultural, and Radio Activities

The purpose of this section, which was initiated by Senator Percy, is to establish certain broad principles which should govern a reorganization of the State Department and USIA in the area of information and cultural activities, and to require the President to prepare and submit to Congress by October 31 of this year a reorganization plan taking into account the findings of recent studies on this subject.

The section draws a distinction between two foreign policy functions: (1) "policy articulation," which is the explanation and defense of U.S. foreign policy in this country and abroad; and (2) "cultural activities," which involve a variety of programs and activities designed to foster understanding of the United States on a more general, long-term basis. Both functions are now being performed in both State and USIA.

The underlying premise of the section is that the two functions are best performed separately, and that this can be brought about through a reorganization which places all "policy articulation" responsibilities in the State Department and responsibility for the administration of "cultural activities"—such as the exchange-of-persons programs, libraries, information centers, exhibitions, magazines, and motion pictures and television activities—in a new agency based upon what is now USIA.

In addition, the section states that radio broadcasting by the Voice of America is actually a combination of three functions: the transmission of objective, reliable news and also the two functions cited above—policy articulation and the promulgation of general information about American society in its diversity and as a whole. The section states that these potentially (and sometimes actually) conflicting functions can best be reconciled—and the stature and credibility of VOA enhanced—if the Voice of America has a clear mandate to broadcast accurate, objective, and comprehensive news, to represent American society in its totality, and to provide such air time as is necessary for the articulation by executive branch spokesmen of official United States policy. The section also calls for a strengthening of VOA broadcasting, in terms of both transmitter power and number of languages broadcast.

The overall approach to State-USIA reorganization set forth in this section is consistent with—but less specific in detail than—the conclusions drawn by the "Stanton" Panel on International Information, Education, and Cultural Relations (a privately-funded study), and the "Murphy" Commission on the Organization of the Government for the Conduct of Foreign Policy (which was a Government-funded study mandated by the Congress). The Committee intends—and this section instructs—that in the preparation of the Administration's plan, consideration be given to the reports of both groups and also to the reports, completed and published just this month, of the General Accounting Office and the U.S. Advisory Commission on Information.

Although this section calls for the President to submit his plan to the two foreign affairs committees by a specified date, the Committee—and particularly the Subcommittee on International Operations—anticipates consulting regularly with Administration officials, both formally and informally as the plan is being prepared. Exactly what procedure the Committee will follow once the plan is submitted will be determined by these consultations and the plan which results.

Sec. 460. U.N. Conference on Science and Technology for Development

This section, which was initiated by Senator McGovern, is self-explanatory:

(*a*) The President shall take appropriate steps to insure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies, especially in agriculture, in industry, and in the production, conservation, and use of energy.

(*b*) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant, the purpose being to insure

that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

Sec. 461. Compensation for Junior Foreign Service Officers

The United States Code (Title 7, Sections 5541–3) requires the payment of overtime pay for federal employees of GS–10, or equivalent, and below when directed to work such overtime. Several categories of employees (e.g. policemen) are excluded from this provision, but Foreign Service officers are not. The purpose and effect of this section, which was initiated by Senator Pell, is to include FSO's among the categories of employees not eligible for overtime pay.

The Foreign Service is, in many regards, analogous to the military services, which do not pay overtime. Like the military services, the Foreign Service enjoys special benefits and status under legislation tailored to its needs (principally, the Foreign Service Act of 1946); and as a result, Foreign Service officers should not expect, as a matter of principle, to benefit from Civil Service as well as Foreign Service legislation. In order to compensate for the elimination of overtime income, this section provides for a slight upward adjustment in the relevant salary grades. As well as can be calculated with existing data, the end result would be no loss of collective income of junior FSO's and no additional cost to the government.

Sec. 462. United States-Vatican Diplomatic Relations

At present, the United States does not maintain formal diplomatic relations with the Holy See, and relations between the United States and the Vatican are conducted by means of a small temporary mission established in 1970 and headed by Henry Cabot Lodge, who visits Rome semiannually. Mr. Lodge holds no diplomatic appointment or title and receives no salary, but is assisted by one mid-grade Foreign Service officer and a secretary who occupy a small office in Rome separate from the U.S. Embassy. This separation is maintained because the Vatican deals only with missions which are distinct from diplomatic missions accredited to Italy.

In the 19th century, the United States had a more formal relationship with the Vatican, maintaining both a charge d'affaires and minister resident there. Relations were discontinued, though never formally severed, because of misunderstandings which led to the enactment in 1867 of a U.S. statute prohibiting the expenditure of any appropriated funds "for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven."

The purpose of section 462, which was initiated by Senator Stone, is to repeal the legal impediment to the establishment of formal U.S. diplomatic ties with the Vatican. The provision does not mandate the establishment of such ties, but will permit the Administration to exercise its discretion in determining whether U.S. interests would at some time be served by formal diplomatic relations.

Mr. McGOVERN. Mr. President, with that, I yield the floor. It is my understanding that this bill we have now laid down will be the pending business on tomorrow.

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia.

ORDER FOR RECESS UNTIL 8:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:15 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF Mr. GOLDWATER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the prayer and the disposition of the approval of the Journal on tomorrow, the Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 15 minutes immediately preceding the four Senators for whom orders have previously been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 6689 ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the completion of those five special orders on tomorrow, the Senate resume consideration of H.R. 6689.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

TIME LIMITATION AGREEMENT—H.R. 6689

Mr. ROBERT C. BYRD. Mr. President, with respect to H.R. 6689, this agreement has been cleared on the other side of the aisle, I believe—the distinguished assistant Republican leader is here to verify that—and with other Senators.

I ask unanimous consent that there be a time limitation for debate on the bill of 4 hours to be equally divided between Mr. MCGOVERN and Mr. CASE; that there be a time limitation on any amendment of 1 hour; a time limitation on any amendment in the second degree of 30 minutes; a time limitation on one amendment by Mr. MCCLURE of 1½ hours; a time limitation on each of two amendments by Mr. HELMS of 1½ hours; a time limitation of 1½ hours on each of two amendments by Mr. ALLEN; that Mr. DOLE also be allotted 2 hours, Mr. BAKER 2 hours, and Mr. STONE 2 hours; that Mr. HARRY F. BYRD, JR., be allotted 1 hour; and that the agreement be in the usual form.

Mr. STEVENS. It is my understanding that that is the agreement, Mr. President.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. STEVENS. No; I do not object.

The PRESIDING OFFICER. Does the Senator wish time for debatable motions and appeals?

Mr. ROBERT C. BYRD. I thank the Chair. I ask that there be a time limit of 20 minutes on debatable motions or appeals, or points of order, if such are submitted to the Senate for discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Thursday, June 16, 1977, when the Senate resumes consideration of H.R. 6689 (Order No. 168), an act to authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Service personnel system, and for other purposes, debate on any amendment in the first degree (except an amendment by Mr. McClure, on which there shall be 1½ hours; two amendments by Mr. Helms, on each of which there shall be 1½ hours; two amendments by Mr. Allen, on each of which there shall be 1½ hours; one amendment by Mr. Dole, on which there shall be 2 hours; one amendment by Mr. Baker, on which there shall be 2 hours; and one amendment by Mr. Stone, on which there shall be 2 hours) shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, with debate on any amendment in the second degree limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and with debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Senator from South Dakota (Mr. McGovern) and the Senators from New Jersey (Mr. Case): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order: Provided further, that one hour under the bill be under the control of the Senator from Virginia (Mr. Harry F. Byrd).

TIME LIMITATION AGREEMENT—H.R. 6179

Mr. ROBERT C. BYRD. Mr. President, H.R. 6179 which will follow the disposition of H.R. 6689. I ask unanimous consent that on H.R. 6179, an act to amend the Arms Control and Disarmament Act, there be a time agreement as follows:

A limitation of 4 hours on the bill, to be equally divided between Mr. PELL and Mr. CASE; that there be a time limitation of 1 hour on any amendment in the first degree; a time limitation of 30 minutes on any amendment in the second degree, debatable motions, or appeals; a limitation of 20 minutes on any points of order, if such are submitted to the Senate for consideration; that there be a time limitation of 1½ hours on an amendment by Mr. MCCLURE; that there be a time limitation of 1½ hours on each of two amendments by Mr. HELMS; and that there be a time limitation of 1½ hours on each of two amendments by Mr. ALLEN; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the Senate proceeds to the consideration of H.R. 6179 (Calendar No. 167) an act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes, debate on any amendment in the first degree (except an amendment to be offered by Mr. McClure on which there shall be one and one-half hours, and two amendments to be offered by Mr. Helms and two amendments to be offered by Mr. Allen on which there shall be one and one-half hours each) shall be limited to one hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree, debatable motion or appeal shall be limited to thirty minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any point of order which is submitted shall be limited to twenty minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of FINAL PASSAGE of the said bill, debate shall be limited to four hours, to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Case): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order. (June 15, 1977)

TIME LIMITATION AGREEMENT—H.R. 7636

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as the Interior appropriation bill (H.R. 7636) is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between the distinguished assistant Republican leader (Mr. STEVENS) and myself; that there be a time limitation on any amendment of 30 minutes; and a time limitation on any debatable motion, appeal, or point of order of 20 minutes; and that the agreement as to the division and control of time be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That during the consideration of H.R. 7636, the Interior Appropriation bill, debate on any amendment shall be limited to 30 minutes, and on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours divided and controlled, respectively, by the Senator from West Virginia (Mr. Robert C. Byrd) and the Senator from Alaska (Mr. Stevens): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

TRANSFERRAL OF CERTAIN MEASURES TO THE UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are three measures on the General Orders Calendar that are ready for passage by unanimous consent. They are Calendar Orders 251, 252, and 253. I ask that the clerk transfer those to the Unanimous Consent Calendar.

The PRESIDING OFFICER. The measures will be so transferred.

ORDER THAT H.R. 7606 BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 7606 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 63—FEDERAL HOME LOAN BANK ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PROXMIRE, I send to the desk a joint resolution and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 63) to amend the Federal Home Loan Bank Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the joint resolution be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the Federal Home Loan Bank Board consists of three members. There is one vacancy on the Board and the term of a second member expires on June 30. Although nominations for these positions may be imminent, they have not yet been transmitted to the Senate. Unless a nominee can be approved by the Senate and formally sworn in by June 30, the possibility exists that the Board will consist of only one member by that date.

A legal opinion from the acting general counsel of the Board indicates that at least two members of the Board must be present and voting before the Board can exercise its legal powers including the filing of a cease and desist order, the approval of a branch, or charter application, a change in liquidity requirements, the approval of a conservator, and the like.

The proposed joint resolution would prevent any lapse in the Board's legal authority by providing that the present member whose term expires can serve for an additional 30 days or until his successor is appointed, whichever occurs first.

This resolution was approved without objection by the Senate Committee on Banking, Housing, and Urban Affairs and is noncontroversial.

The joint resolution (S.J. Res. 63) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 63

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(a) of the Federal Home Loan Bank Act, 12 U.S.C. 1437, as amended, is amended by adding the following immediately at the end thereof:

"Upon the expiration of the term of office of a member of the Federal Home Loan Bank Board, such member shall continue to serve until a successor is appointed and has qualified, but not to exceed thirty days."

SEC. 2. The last sentence of section 17(a) of the Federal Home Loan Bank Act is repealed, effective August 1, 1977.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Frank M. Tuerkheimer, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. CRANSTON. Mr. President, I ask unanimous consent that all the other nominations be considered en bloc.

Mr. STEVENS. Mr. President, that concerns the Civil Service Commission, the Department of State, the International Bank for Reconstruction and Development. There is no objection.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc.

The nominations considered and confirmed en bloc are as follows:

CIVIL SERVICE COMMISSION

Julie M. Sugarman, of Georgia, to be Civil Service Commissioner for the remainder of the term expiring Mar. 1, 1981.

Ersa H. Poston, of New York, to be Civil Service Commissioner for the term of 6 years expiring Mar. 1, 1983.

DEPARTMENT OF STATE

Richard M. Moose, of Arkansas, to be an Assistant Secretary of State.

Wilbert John Le Melle, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Joseph Collidge Wheeler, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Goler Teal Butcher, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Alexander Shakow, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Edward R. Fried, of Maryland, to be U.S. Executive Director of the International Bank for Reconstruction and Development.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. CRANSTON. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 8:15 tomorrow morning.

Immediately after the prayer and the disposition of the approval of the Journal, five Senators, beginning with Mr. GOLDWATER, will be recognized, each for not to exceed 15 minutes.

At the conclusion of those special orders for the recognition of Senators, the Senate will resume consideration of H.R. 6689, an act to authorize fiscal year 1978 appropriations for the Department of State, and so forth, under a time-limiting agreement. Rollcall votes will occur on amendments and motions in relation to the measure on final passage.

Upon the disposition of the bill tomorrow—hopefully—the Senate will then proceed to the consideration of H.R. 6179, an act to amend the Arms Control and Disarmament Act, to authorize appropriations for fiscal year 1978, under a time agreement. Again, votes will occur on amendments and motions in relation to that bill.

On Friday, if the Senate has not completed action on those two measures, it will continue its work. I anticipate that the Senate will complete action on one or both of those measures tomorrow.

On Friday, the Senate will take up the Interior appropriation bill and will clean up any other matters that remain to be disposed of. If the Senate is able to complete this ambitious schedule by the close of business Friday, there will not be a Saturday session this week.

Mr. President, while on the subject of Saturday sessions, I am constrained to state that if the Senate has not completed action on all of the foregoing measures on Friday, there will be a Saturday session.

Continuing on that unhappy subject, I am constrained to think that the likelihood of a Saturday session on June 25 is quite strong. I say this for the simple reason that the July 4 nonlegislative day period will begin the next weekend. Several appropriation bills will be reported, beginning with tomorrow. We also have mine safety, the omnibus rivers and harbors measure, the mass transit measure, the authorization for the Intelligence Committee and other measures. All these we would hope to have completed by the July 4 holiday. This, I think, will necessitate our having a Saturday session on the 25th, if we are fortunate enough to escape having such this coming Saturday.

Now that the Senate has moved as it has yesterday and today on these foreign aid bills, and in view of the Senate having disposed of the ERDA authorization bill on Monday, I think the chances are improving for a day off on Saturday, with Father's Day occurring the next day—Sunday. Most of us here are familiar with Father's Day. I hope we may experience the continued progress we have been making, plus a little luck, which I always like to count on.

I think that about sums it up, Mr. President.

Does the distinguished Republican leader have anything to add?

Mr. STEVENS. No. We support the majority leader's ambitious aproach to this schedule.

RECESS UNTIL 8:15 A.M. TOMORROW

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:15 tomorrow morning.

The motion was agreed to; and at 7:50 p.m., the Senate recessed until tomorrow, Thursday, June 16, 1977, at 8:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1977:

DEPARTMENT OF THE TREASURY

Robert H. Mundheim, of Pennsylvania, to be general counsel for the Department of the Treasury, vice Richard R. Albrecht, resigned.

IN THE NAVY

Vice Adm. Robert L. J. Long, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085.

Vice Adm. Robert L. J. Long, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Thomas Matthew Rienzi, xxx-xx-xxx..., U.S. Army.

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Paul Shepard Oliver, Jr., xxx-xx-xxx...

Brig. Gen. Donal Lloyd Turkal, xxx-xx-xxx...

To be brigadier general

Col. Martin George Drinka, xxx-xx-xxxx
Col. Robert Coombs Gardner, xxx-xx-xxxx
Col. John Edward Gecks, xxx-xx-xxxx
Col. Robert Bruce Golbey, xxx-xx-xxxx
Col. Willard Eugene Hanshew, xxx-xx-xxxx
Col. Richard Moss Laskey, xxx-xx-xxxx

The Army National Guard of the U.S. officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Fletcher Clement Booker, Jr., xxx-xx-xxxx
Brig. Gen. James Arthur Daley, xxx-xx-xxx...
Brig. Gen. Herman Tenkin, xxx-xx-xxxx

To be brigadier general

Col. Horace Leighton Cheek, Jr., xxx-xx-xxx...
Col. Joseph Levy Dabadie, Jr., xxx-xx-xxxx
Col. William Sinclair Frye, xxx-xx-xxxx
Col. Phillips Nason Gordon, xxx-xx-xxxx
Col. Henry Bramlette Gray III, xxx-xx-xxx...
Col. Julian Milledge Marchant, xxx-xx-xxx...
Col. James Quimby Simmons III, xxx-xx-xxx...
Col. Ralph Taylor Tice, xxx-xx-xxxx
Col. Robert Warren Westphal, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment as Reserved Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Claude Willis Biehn, xxx-xx-xxxx
Col. Lloyd Mortimer Price, xxx-xx-xxxx
Col. Gene Hal Williams, xxx-xx-xxxx
Col. William Rex Wilson, xxx-xx-xxxx

IN THE NAVY

The following named chief warrant officers, W-2 of the United States Navy for temporary

promotion to the grade of chief warrant officer, W–3, pursuant to title 10, United States Code, section 5787c, subject to qualification therefor as provided by law:

Addison, Leroy E., II
Adkins, James M., Jr.
Albury, Merrill C.
Aldaz, Edmundo
Alexander, Jose A.
Amrowski, Ted A.
Anderson, Kenneth S.
Armes, Bobby D.
Austell, Theodore, Jr.
Bain, Charles L.
Baker, Robert D.
Baldwin, William J.
Bampfield, James R.
Barnett, Dale E.
Beadle, Gerald E.
Beatty, Jonathan T.
Beauchamp, James, Jr.
Beavers, James E.
Behymer, Charles E.
Bennett, Rex G.
Beyer, Donald J., Jr.
Black, Gerald R.
Blankenship, Hubert B.
Blausey, Arthur E.
Bocchino, Alfred J.
Boley, James M.
Bond, David L.
Bonnette, John E.
Borszich, Everett P.
Bradsher, Robert L.
Bregg, Gerald B. W.
Breland, Don
Browning, Harold D.
Bryce, Francis P.
Buckbee, John C.
Buckley, Darrell R.
Budway, Edward J.
Bullock, Lawrence G.
Burdette, William M., Jr.
Burke, Virgil G., Jr.
Butler, Dorniece
Cagle, Donald J.
Cain, James M.
Caley, James D. C.
Callaway, James R.
Callaway, Ralph F.
Callejas, Ruben
Campbell, David B.
Campbell, John J.
Carpenter, William A.
Casteen, John D., Jr.
Clapham, Charles W.
Clark, James W.
Clark, Robert L.
Coarsey, John R., Jr.
Cornwell, William J.
Costa, Joseph E.
Cox, Jack W.
Craig, Lewis J.
Creighton, Clarence W.
Crenshaw, David C.
Crist, Howard R.
Crossland, Joseph L., Jr.
Crowe, Curtis W.
Cutter, Arthur E., Jr.
Daharsh, Robert E.
Dalrymple, John E.
Dasher, Joseph G.
Datson, Dick
Davis, Clayton R.
Davis, Gerald W.
Davis, Raymond E.
Deasy, Ray R.
Delorme, John M.
Demarmels, Frank S.
Deutsch, John T.
Devine, Arthur W.
Dorsha, Richard B.
Downs, Joseph O.
Drewes, Kenneth N.
Dudley, Leon
Dungca, Patricio P.
Dzergoski, Leonard T.
Edwards, James H.
Elliott, Boyce W.
Elliott, James A.
Elrod, Albert W., Jr.
Ephraim, Richard
Fahrenkrug, Thomas P.
Farley, Harold, Jr.
Fiery, John M., Jr.
Fisher, Michael J.
Fleming, Kenneth R.
Flint, Robert C.
Foley, Lee M.
Foreman, Hennin D.
Foster, John W.
Fowler, Gene G.
Fowler, William B.
Francis, Clayton A.
Francis, Sidney K.
French, Richard D., II
Gallagher, Robert T.
Gardner, Timothy L.
Garrison, John W.
Gatewood, Larry E.
Gearo, Benjamin A.
Gieck, Marc D.
Gilbert, Willie D.
Gimenez, Bienvenido B.
Glencoe, Thomas M.
Gosselin, Charles L., Jr.
Graham, Michael G.
Grant, Joseph
Gravely, Robert O.
Greenawalt, James R.
Greer, Bernard
Griffin, James K.
Groover, Vincent A.
Gunn, Kent H.
Hadel, Paul J., Jr.
Hainzle, Ronald J.
Hale, Dudley R.
Haluza, Jerome J.
Hamilton, Edward P., Jr.
Hammack, Howard L., Sr.
Hampton, Gary
Hand, James R.
Hanley, Robert I.
Hansen, Gary M.
Harris, Glover L.
Hartman, Thomas T.
Harvey, Gaylord L.
Hawkins, Billy R.
Hawver, Lee A.
Hayes, Edward D.
Hejduk, Harold J.
Hildreth, Billy J.
Hillyard, Michael L.
Hoag, Arthur B.
Holkum, John V.
Hollaway, Billy D.
Hornaman, David H.
Howard, William J.
Hughes, Charles K.
Hulsing, Russell D.
Hummel, Robert W., Jr.
Iliff, John C.
Ingram, Ronald W.
Jemison, Walter L.
Jenkins, Marion R.
Jobb, Francis E., Jr.
Johnson, Lynn N.
Johnson, Warren P.
Jolly, Edward G.
Jones, William P.
Jordan, Austin T.
Jury, Clifton E.
Kantirakis, Johnnie N.
Kelly, James R.
Kennedy, Claybourne A.
Kessens, Gerard R.
King, Robert E.
Knox, Lawrence H., Jr.
Knutson, Thomas E.
Komzelman, Edward E.
Kroll, Robert J.
Kulhanek, Darrell L.
Laird, William R., Jr.
Lane, Benjamin C.
Law, Roger D.
Lawrence, Paul L.
Lecompte, Timothy E.
Leonard, Richard L., Jr.
Lichty, Gary L.
Lively, Ronnie W.
Locke, Dudley B., Jr.
Loomis, Larry L.
Loveless, Paul F., Jr.
Lucas, Earl E.
Ludwig, James W. S.
Mackie, James P.
Mallard, Frederick L.
Malone, Lawrence P.
Mammen, Lesley F.
Mangel, Michael E.
Manuel, Donald R.
Mariani, Stephen R.
Martin, Brian J.
Martin, Cecil H.
Martin, Philip L.
Martin, Richard M.
Martin, Richard E.
Martin, Ronald N.
Matthews, Ernest G.
Matzke, William A., Jr.
May, Philip J.
McAvoy, Arthur R.
McCarthy, James V., Jr.
McDonald, Ronald G.
McGuire, Eldon K.
McGuire, Thomas J.
McHenry, Morgan P.
McLamb, Thomas E.
McLauchlan, George C.
McLeod, Mason M.
McNeil, Robert M.
Metheny, Marvin D., II
Michaelson, John D., II
Mikesell, Richard N.
Milan, Frederick T.
Miller, Charles R.
Milne, George G., III
Mitchell, Fred A., Jr.
Moon, Edward M., Jr.
Moore, Milton E., Jr.
Morse, Richard B.
Morton, George W.
Moulis, Charles L.
Murdoff, Gerald D.
Nashif, Ronald A.
Newman, James S.
Newton, James A.
Noell, Harold L.
Nunnink, Leo A.
Nuss, Jimmie L.
Oberst, Alan P.
Odoski, Ronald V.
Ohara, Vincent B.
Oliver, Ronald C.
Orrick, Clarence W.
Outten, Kenneth T., Jr.
Patchin, Stephen D.
Payne, Robert R.
Pehl, Thomas L., Jr.
Peitzmeyer, Kenneth D.
Pettis, David D.
Phillips, Donald E., Jr.
Pitcher, Gary L.
Plaza, Edward J.
Porter, Hager A., Jr.
Poutree, Douglas R.
Powell, Bobby K.
Pryor, Monte E.
Pudsey, William E.
Pulley, Alvin B.
Queck, Ernest E., II
Quigley, Michael E.
Raley, James R.
Ramstad, Lawrence M.
Rathbun, Dewitt
Redman, Henry C.
Renggli, Gerald A.
Richards, Ronald R.
Risk, Jerry D.
Rivera, James P.
Robbins, Johnny G.
Robinson, Gerald L.
Robles, Joe L.
Robuck, Tyrone A.
Rohlf, Dale M., Jr.
Roles, James R.
Rosenboom, Roger D.
Rushing, Harry F.
Samples, Jackie D.
Satterwhite, Lonnie G. J.
Sattler, William A.
Schafer, Thomas R.
Schlatter, Ronald K.
Schmidt, George W.
Schmidt, Stanley L.
Schnautz, William A.
Schneider, Norman N. J.
Schultz, John J., Jr.
Scott, Daniel D.
Scott, Phillip C.
Sexton, Paul D.
Sherman, John A.
Singer, Larry
Slater, Michael W.
Smiley, Dalbert F.
Smith, George W.
Smith, Karl D.
Smith, Malcolm E.
Somogyi, Michael R, III
Sorensen, Barry D.
Sorensen, Robert E.
Sowers, Ersul E.
Spoor, Allan K.
Sprys, James M.
Squier, David W.
Steele, Kerry D.
Steely, Herbert E.
Steffens, Bobby D.
Steiner, Michael B.
Stephens, Arnold D.
Stiles, Kenneth R.
Sturm, John R.
Swecker, Joseph B., Jr.
Taylor, Robert S.
Taylor, Virgil L.
Temer, Paul L.
Terry, James M.
Thompson, Robert V.
Thornton, Francis F.
Tinney, Thomas G.
Tomlinson, Von P.
Topping, Robert M.
Trout, James M.
Turner, Raymond T., Jr.
Underwood, Foy C.
Vanhook, Keith C.
Verhage, Lloyd K.
Vick, Roger L.
Wall, Floyd A.
Waters, Allan R.
Weber, John W., III.
White, William R.
Wickliffe, Charles T.
Wilde, James E.
Wildey, Gary R.
Williams, Charles O.
Williams, Thomas J.
Williams, John P.
Winter, Daniel R.
Wilson, Thomas R.
Wright, David J.

The following named chief warrant officers, W–3 of the United States Navy for temporary promotion to the grade of chief warrant officer, W–4, pursuant to Title 10, United States Code, Section 5787c, subject to qualification therefor as provided by law:

Abele, Robert
Ackerman, John W.
Adams, Dale D.
Adams, Raymond H.
Akins, Olen C.
Albright, William C.
Alexander, Robert T. Jr.
Allen, Chester L., Jr.
Allen, Dale J.
Allen, Kenneth W.
Ames, Lloyd M.
Anderson, Donald E.
Anglehart, Gary L.
Anthony, Patrick L.
Archer, William B.
Arnold, Earl D.
Award, David P.
Bailey, James P.
Baker, Donald D.
Baker, Gene M.
Banks, Paul E.
Barber, Theodore, Jr.
Barnes, Donald A.
Baron, Gilbert H.
Bartyzal, Edward T.
Bassett, William T.
Bauer, Edward A.
Beasley, Roy W.
Beatty, Ralph L.
Beck, Wayne A.
Beckum, Cecil R., Jr.
Bednore, Clark O.
Bedrosian, Jack A.
Beer, Bill E.
Belanger, Paul G.
Beller, Merle L.
Bellinger, Richard A.
Bemenderfer, John A.
Berdeski, Phillip R.
Best, Jackie H.
Bethune, Gordon M.
Beutelspacher, James R.
Beyer, Richard A.
Bichard, Homer R.
Bilodeau, Ronald L.
Bingham, Harold E.
Bishop, Emory L.
Bissette, Joseph E.
Blackshear, Arlie R.
Blackstock, John R.
Bliven, Robert P.
Bollinger, George E.
Bolton, Dwight E.
Borowski, Frank M.
Bowen, Vernon R.
Bowman, Jerry W.
Bowser, Glenn L.
Boyar, John A.
Braswell, Norvin G.
Braswell, Wallace E.
Brennan, Thomas H.
Brigman, William M.
Brooks, Guy R.
Brosh, Lawrence D.
Brouse, Robert A.
Brown, Harold M.
Brown, John W.
Brown, Joseph M.
Brown, Lovell H.
Brown, Rex
Brown, Roger J.
Buck, Wayne E.
Bullis, Richard A.
Bulmer, William R.
Burbach, Donald E.
Burgess, Carl H.
Burns, Daniel P.
Burrows, Hoyt N.
Busch, Danny G.
Butler, Samuel G.
Butswinkas, Joseph T.
Butters, Joseph K.
Butz, John E.
Cadora, Vincent J.
Caldwell, Ralph S.
Calveard, Samuel R.
Canfield, Frank L.
Carlton, Curtis W.
Cart, Harold E.
Casey, Daniel P.
Castellano, Paul M.
Catlett, Howard L.
Chandler, Frank L.
Chapin, Ronald C.
Chaudoin, Thomas J.
Chisum, Ronald L.
Clemens, Paul D.
Coffman, Bert U.
Collard, Raymond H., Jr.
Collins, James E.
Collins, Richard W.
Collins, Wyndolin G.
Comfort, Terrence J.
Conger, Cary A.
Coons, Joseph D.
Cowan, Jack W.
Craddock, Twiman J.
Crawford, Robert C.
Crawford, William D.
Crumley, James J.
Culberson, Edward M., Jr.
Culberson, Jerome J.
Culberson, Arthur L.
Curry, Raymond M.
Curry, Ronald K.
Dahlman, Carl E.
Daub, Nevin E.
Davis, Arthur A., Jr.
Davis, Jerrie W.
Dean, Charles M.
Dean, William W.
Decker, Charles E.
Devries, Harold M.
Dickherber, Irby J.
Dickie, Robert W.
Dilick, Gregory F.
Dill, Walter H.
Dills, William J.
Dimare, Joseph J.
Dinnel, David L.
Dixon, James A.
Donahue, Charles R.
Donnellon, Earl F.
Dooley, John P.
Doornbos, Robert L.
Doyle, Harlon F.
Dufford, Robert H.
Duncan, Robert A.
Dunn, Robert K.
Duren, James R.
Duryea, George W.
Easterling, James T., Jr.
Eberle, Richard R.
Edwards, Robert A.
Ekstrom, Russell C.
Ellery, George G.
Ellig, Jack L.
Evans, George P.
Evans, Roy J.

Evergin, James F., Jr.
Fagan, Joseph T.
Farwell, Gary L.
Faulk, James R.
Fenton, Don J.
Ferguson, Derrel E.
Fernandez, Anthony P.
Fike, Delmas G.
Finley, Charles C.
Finnis, Richard A.
Fish, George W.
Fisher, Glen A.
Flamboe, Edward E.
Flinner, William W
Fluker, James A.
Foreback, Richard F
Foreman, John E.
Fox, Jerry W.
Freegard, Sidney B., Jr.
Fuller, Carroll A.
Galen, Howard E., Jr.
Gann, James W.
Garcia, Leon T., Jr.
Garrett, Harold L.
Gaut, Leon W., Jr.
Gay, Donald L.
Gilbert, John B.
Gladding, Raymond G., Jr.
Glynn, William G.
Godwin, Jackie E.
Goins, Donald R.
Goodwin, George M.
Gorans, Larry D.
Gossett, William D.
Grace, Robert M.
Grampp, Gordon D.
Greene, Montie R.
Grigg, Richard
Groshel, Lyle R.
Gulbrandson, Charles R.
Gustafson, Orville L.
Haack, Howard E.
Hafner, Kenneth D.
Hahn, Kurt R.
Hale, Nathaniel
Hall, Jackie R.
Halman, Charles R.
Halpin, Thomas F.
Hamblin, Gayle L.
Hamilton, Robert E., Jr.
Hamilton, Walter W.
Hammerle, Gerald T.
Hanon, David L.
Hanson, Clark R.
Haraldson, Ronald F.
Harker, Ralph J.
Harris, Leslie A.
Harwell, Michael A.
Haskell, Brian S.
Hawkins, Larry
Hawkins, Robert F.
Heckhaus, Richard
Heeger, George F.
Hendrix, Bobby E.
Henley, Ronald W.
Hennessy, Raymond M.
Hendrikson, Donald E.
Henry, James, III
Henry, James P.
Hess, Harvey L.
Highlands, William H.
Hill, Donald W., Jr.
Hinnant, Hobbie L.
Hinton, Herbert R.
Hite, Ralph E.
Hoff, Edward A.
Holden, John P.
Holland, Richard A.
Holzworth, James E.
Hormuth, Thomas P.
Horn, William J.
Houston, Cornell
Howard, William J.
Hoyt, William H.
Hudson, Thomas G.
Huff, David G.
Huffman, Frank A.
Hunston, Larry A.
Hunt, Alan A.
Hurst, Ernest W.
Husted, George G.
Husted, Harry R.
Hyatt, Jerry O.
Ingram, Walter S.
Jackson, Charles W.
Jackson, James M.
James, Dempsey D.
James, Richard H.
James, William B.
Jecusco, Mark A.
Jensen, Charles L.
Jewah, Joseph H.
Johnson, Curtiss L.
Johnson, David P.
Johnson, Gary M.
Jones, Douglas W.
Jones, Stephen R.
Jones, Walter L.
Jordan, Edwin M.
Jordan, Theodore J.
Kadlecik, Ronald M.
Kamienski, Jerald P.
Kangas, Carl D.
Kaplan, Donavan V.
Katschke, William R.
Keller, Burlyn L.
Kelley, Thomas F.
Kellogg, James L.
Kennedy, Charley H.
Kilby, William G.
Kilmer, Harold B., Jr.
King, Howard N.
King, James F.
Kinney, Paul C.
Koenig, Bernard J.
Kohn, Walter
Korbelik, Oakley A.
Kostich, Michael E.
Krygier, Thomas J.
Lacava, Louis R., Jr.
Lake, James R.
Lamont, Jerry E.
Lane, Dennis L.
Lankford, Roger L.
Larson, Duane M.
Lasky, Ralph C.
Latham, Buford E.
Lay, Robert E.
Leavings, William A.
Leblanc, Albion C.
Lewis, Ira J.
Lindsay, Howard B.
Little, David E.
Little, Thomas R.
Logan, James R.
Long, Raymond M.
Loonam, John F.
Lose, Jay D., Sr.
Loss, William J.
Lott, Richard A.
Love, Odell G.
Lovett, Harry L.
Lovitt, Roger A.
Lucas, Ronald E.
Lueck, Wallace R.
Lundby, Neil W.
Lutes, Jack
Lutz, Philip E.
Lynch, Daniel S.
Lynch, Norman W.
Lyon, John D.
Macdonald, Richard C.
Macdonald, Donald J.
Madson, Jerome W.
Malich, Thomas C.
Mancini, Dante R.
Manjuck, George E.
Mares, Joe N.
Marshall, James F.
Marshall, Rudy F.
Martin, Marion L.
Marttila, Elmer E.
Massey, Don R.
Masson, Donald G.
Matthews, Julian T.
Matura, Adolph R., Jr.
Maudlin, Robert E.
May, Bobby E.
McAllister, Robert A.
McCarthy, Edward J.
McCoy, Charles K.
McCoy, Ernest V.
McCulley, George F., Jr.
McDermott, James T.
McGinnis, Daniel C.
McGowan, Kenneth A.
McGuire, Robert L.
McInnis, Brady D.
McKinney, Terry L.
McLaughlin, Delmer D.
Mercado, Daniel M.
Meyers, Orville L.
Milam, Richard B.
Miller, Clyde D.
Millsap, Dewey J.
Minor, Donald A.
Mitchell, Kenneth R.
Mitchell, Roger E.
Mitzel, John T.
Moatz, Charles H.
Moloney, Rodger T.
Moody, Paul L., Jr.
Moreau, James F.
Moreland, David R.
Morin, John E.
Morris, Homer V.
Morrissette, Robert
Morrow, Robert E.
Mummey, Ralph P.
Munson, Bruce R.
Murner, William D.
Murphy, William D., Jr.
Murray, William H.
Muse, Paul R., Jr.
Nadeau, James C.
Naron, Harold F.
Neasham, Edwin L.
Nededog, Jose T.
Neidlinger, Gary T.
Nelson, Alfred D.
Nice, Dan E., Jr.
Nims, George E., Jr.
Nolan, Carl W.
Oakes, Delbert, Jr.
O'Donnell, Edward J. Jr.
Ogle, James R.
Ohlemacher, Richard C.
Oliver, Julian D.
O'Riley, William T.
Orr, Tommy D.
O'Sullivan, Patrick L.
Othmer, John A.
Othus, Ross B.
Overall, Gerald W.
Owens, Raymond P.
Owens, Richard A.
Oxford, Russell D.
Parks, Clarence W.
Partridge, Arthur J.
Patterson, Dale F., Jr.
Payden, Bryant L.
Pease, Milton L.
Pedersen, Kurt H.
Pereira, Raymond C.
Perez, Roy
Perkins, Philip E.
Perks, Thomas W.
Peters, Kerry A.
Peterson, John E.
Petty, William M.
Petzold, Clarence H.
Pfeifer, Paul
Phillips, Kenneth W.
Phillips, William E.
Pichardo, Fortunato
Pierce, John W., Jr.
Poch, Henry W., Jr.
Poffinbarger, James C., Jr.
Porter, Robert L.
Postel, Keith E.
Potter, David L.
Poulin, Donald R.
Powell, Ronald D.
Powers, John P., Jr.
Preckwinkle, Stanley E.
Prestidge, Ronald O.
Preti, Wilfred J.
Prior, Melville E., Jr.
Pruter, Thomas J.
Ptacek, Russell G.
Pugliese, Ronald F.
Querry, Calvin H.
Rader, Samuel W.
Rand, Larry L.
Ratte, Richard A.
Ray, Marcus D.
Reagle, Robert M.
Redding, Hugh K.
Reece, William P.
Reed, Charles L.
Reed, Jerry L.
Reed, Raymond L.
Reep, Earl L.
Reese, James G.
Rehill, Peter J.
Reilly, William V., Jr.
Rentner, Richard J.
Reynolds, Lyndel L.
Ritchie, Freddie W.
Robertson, William R.
Rohrbacher, Richard K.
Roof, Carl G., Sr.
Roper, Thomas W.
Rose, Joseph P.
Royal, Robert L.
Rudden, Francis A.
Runyan, Charles E.
Ruth, Charles M., Jr.
Rutkowski, Robert B.
Sarkisian, Manoog
Sauer, Daniel M.
Saye, William A.
Schaefer, Michael R.
Scheine, Murray
Schleichert Kurt M.
Schlotterer, John C.
Schmidt, Allen J.
Scott, Charles R.
Seedorf, Ronald F.
Settje, Larry A.
Sheffield, Robert C.
Shields, Gerald T.
Shirley, Tommy F.
Shoop, Ronald A.
Shriver, John M.
Sidner, William H., Jr.
Simoneaux, Ramon J.
Simpson, Neal L.
Smith, Billy T.
Smith, Howard P.
Smith, Kenton L.
Smith, Lance N.
Smith, Wayne O.
Smith, William S.
Sorensen, John C.
Spencer, Richard A.
Sronce, Frank T.
Stapp, Clyde K.
Stephenson, Luther G., Jr.
Stewart, James R.
Stewart, James H.
Stikeleather, Thomas G.
Stokes, Jerry V.
Stonecipher, William B.
Stott, Michael
Strackbein, Edward M.
Stroman, Joe E.
Strusinski, John R.
Sullivan, Alan B.
Swanlund, Donald F.
Sweeney, Robert L.
Szucs, John H.
Talbot, Ronald E.
Tate, Freddie V.,
Thiebaud, Robert R.
Thomas, Edward W.
Thomas, Francis F.
Thomas, Larry R.
Thomas, Richard A.
Thompson, Billy R.
Thomson, Francis S., Jr.
Thyfault, Marion E.
Tibbetts, Joel F.
Timms, Terry W.
Tolison, Robert A.
Toombs, Jon L.
Toomey, Terrance A.
Touchon, Andrew
Townsend, James L.
Trimble, Richard M.
Truelove, Joseph A.
Truitt, William G.
Tschiltsch, Godfrey J.
Tucker, William T.
Turner, Howard W.
Turriff, David J.
Udell, Stephen M.
Ussery, Herman R.
Valenta, David M.
Vandenburg, Richard J.
Vanvleet, Barry L.
Vassar, William L.
Vonkapff, Achim
Walker, Alvin R.
Wall, John
Wallace, Robert E.
Walthall, James E.
Warner, Charles R.
Webber, Thomas C.
Wegiel, John A.
Weiss, Harlan E.
Weller, Wayne L.
Werther, Joseph N.
Westfall, Donald L.
Westphal, Warren R.
Whalen, Regis E.
Wharton, Charles E.
Whipple, James F.
Whitaker, Joe D.
White, Frank H., Jr.
Whitaker, Jesse L.
Whitlow, Bobby R.
Whitlow, John N.
Wickliffe, Charles D.
Williams, Don R.
Willson, Harold A.
Willison, Herman T., Jr.
Wilson, Francis G., Jr.
Witting, Glenn D.
Wollam, Neil R.
Wood, Ray B.
Worsham, Allen A.
Worwetz, Harry J.
Wright, Douglas W.
Wright, James H.
Wright, Randolph W.
Wright, Roger G.
Yarmy, William J. Jr.
Young, David W. Jr.
Zell, Ronald J.
Zimmerman, James H.
Zingale, James C.
Zumbaugh, Charles A.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1977:

DEPARTMENT OF JUSTICE

Frank M. Tuerkheimer, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

CIVIL SERVICE COMMISSION

Jule M. Sugarman, of Georgia, to be a Civil Service Commissioner for the remainder of the term expiring March 1, 1981.

Ersa H. Poston, of New York, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1983.

DEPARTMENT OF STATE

Richard M. Moose, of Arkansas, to be an Assistant Secretary of State.

Wilbert John Le Melle, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Joseph Coolidge Wheeler, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Goler Teal Butcher, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Alexander Shakow, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Edward R. Fried, of Maryland, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

STILL MORE INFORMATION OF AMERICAN AIRMEN POSSIBLY HELD IN U.S.S.R.!

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. McDONALD. Mr. Speaker, in 1975, on two previous occasions I inserted in the CONGRESSIONAL RECORD items on the missing crewmen of a U.S. plane shot down by the Soviet Union in the Baltic in 1950. These two items are found on pages 34535–34536 of the October 30, 1975 RECORD and on page 35011 of the November 4, 1975 CONGRESSIONAL RECORD. At numerous times information has come out of the U.S.S.R. from persons who were in the forced labor camps that these and other Americans were still being held in the U.S.S.R. In support of this thesis I recently was given the declassified text of a State Department message dated June 20, 1956 sent to Moscow and Tokyo for comment as to how best to approach the Soviet Government relative to the fliers from the 1950 incident in the Baltic, as well as the B–50 plane destroyed by Soviet fighters off Hokkaido in 1952, since there were indications of survivors in both cases.

Navy and CIA messages recently declassified also bolster the case that these men were prisoners. Since these and other Americans have never been accounted for by the Soviet Union, it seems to me that we ought to continue to ask and that the Soviets be required to render a full accounting of these incidents, because obviously some of these men were prisoners at one time. It is my intention to contact the Department of State to ask what followup measures were taken and with what results. Whether they are alive now is difficult to say but detente notwithstanding, we owe it to their families. The text of the State Department message follows:

[Department of State Instruction, CA–10165, June 20, 1956]

SOVIET DETENTION OF UNITED STATES AIRCRAFT INCIDENT SURVIVORS

To: The American Embassy, Moscow. American Embassy, Tokyo.

Reference is made to the Department's Airgram A–785 of April 16, 1954 to the American Embassy, Tokyo on the subject "Aircraft Incidents-Survivors" and related telegraphic correspondence, including Section 2 of Moscow's Telegram to the Department No. 944 of February 1, 1954, final paragraph.

The Department is considering whether it has become appropriate as well as desirable at this time to question the Soviet Government specifically with reference to the detention of American fliers whose presence has been reported by repatriates from Soviet prison camps and detention places, even though the basic information received in the Department is not as specific as that which has underlain the representations made to the Soviet Government in other cases.

The Soviet Government has already denied knowledge of the whereabouts of any crew members of the B–29 destroyed by Soviet fighters off Hokkaido on October 7, 1952 and the B–50 destroyed by Soviet fighters over the Sea of Japan on July 29, 1953. This Department, however, made no specific inquiry with respect to the detention of survivors of the United States Navy Privateer shot down by Soviet fighters over the Baltic Sea on April 8, 1950, nor with respect to the B–29 missing over the area of the Sea of Japan on June 13, 1952; nor has it made specific representations with respect to the reported detention of United States aviation personnel who may have come into Soviet custody during the Korean hostilities. There have been reports mentioned in the communications under reference, from American, Japanese and other sources indicating specifically the detention of American aviation personnel since 1949 and the possibility that among them are included crew members of such lost or destroyed aircraft. The Embassies are, of course, aware of the widely publicized allegations of the repatriate, John Noble, which have been corroborated in part by other repatriates, concerning the Navy Privateer crew. It is believed that the information may be specific enough to justify a departure from the existing practice of identifying by name individual survivors held in detention; and publicity to the request may encourage other repatriates to come forward with information.

Moscow's and Tokyo's comments are requested on the general desirability of such action and particularly on the following proposed note.

VERBATIM TEXT

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to refer to the question of the detention of United States military personnel in the Soviet Union. The United States Government has for some time received, from persons of various nationalities freed from Soviet Government imprisonment during the last several years, reports that they have conversed with, seen or heard reports concerning United States military aviation personnel, belonging either to the United States Air Force or to the United States Navy Air Arm, in actual detention in the Soviet Union. The United States Government has sought in all such cases to obtain, if possible, precise identification of American nationals detained by the Soviet Government, although it notes that by international law and international practice the Soviet Government is obliged to inform the United States Government first of any American nationals whom the Soviet Government holds in custody or to permit such nationals to communicate with the proper United States authorities. The reports concerning such personnel have now become so persistent and detailed, and so credible, that, although the United States Government is not able to identify by name these American nationals now detained by the Soviet Government, it requests the Soviet Government to inform the United States Government in detail concerning each American military person who has been detained in the Soviet Union at any time since January 1, 1949 of whom the United States Government has not heretofore been informed by the Soviet Government, giving in each case the name of the person and the circumstances underlying his detention.

Specifically, the United States Government is informed and is compelled to believe that the Soviet Government has had and continues to have under detention the following:

1. One or more members of the crew of a United States Navy Privateer-type aircraft which came down in the Baltic Sea area on April 8, 1950. The United States Government has since that time received reports that various members of the crew of this United States aircraft were, and are, detained in Soviet detention places in the Far Eastern area of the Soviet Union. In particular, it is informed, and believes, that in 1950 and in October, 1953 at least one American military aviation person, believed to be a member of the crew of this United States Navy Privateer, was held at Camp No. 20 allegedly near Taishet, and Collective Farm No. 25, approximately 54 kilometers from Taishet, said to be under sentence for alleged espionage. This American national was described as having suffered burns on the face and legs in the crash of his aircraft and using crutches or a cane.

Reports have been received from former prisoners of the Soviet Government at Vorkuta that in September, 1950 as many as eight American nationals, believed to be members of the crew of the United States Navy Privateer to which reference is made, had been seen in the area of Vorkuta and specifically, that one person who was interned at Vorkuta in September, 1950 stated that he was serving a twenty-five year espionage sentence and had been a member of a down United States aircraft.

For the information of the Soviet Government, the crew of the United States Navy Privateer when it departed for its flight over the high seas of the Baltic consisted of the following United States Navy personnel, all nationals of the United States:

NAME, RANK AND SERIAL NUMBER

Fette, John H., Lt., 320676 USNR.
Seeschaf, Howard W., Lt., 264095 USN.
Reynolds, Robert D., Lt. jg, 368573 USN.
Burgess, Tommy L., Ens., 506762 USN.
Danens Jr., Joe H., AD1, 3685438 USN.
Thomas, Jack W., AD1, 2242750 USN.
Beckman, Frank L., AT1, 2799076 USN.
Purcell, Edward J., CT3, 2540438 USN.
Rinniar Jr., Joseph Norris, AT3, 2542600 USN.
Bourassa, Joseph Jay, AL3, 9539864 USN.

2. One or more members of the crew of a United States Air Force B–29 which came down on June 13, 1952, either over the Sea of Japan or near the Kamchatka area of the Soviet Union. An officer, believed by the United States Government to have been a member of this crew, was observed in October, 1953 in a Soviet hospital north of Magadan near the crossing of the Kolyma River between Elgen and Debin at a place called Narionburg. This officer stated that he had been convicted, wrongfully, under Item 6 of Article 58 of the Soviet Penal Code.

For the information of the Soviet Government, the United States Air Force personnel on board the B–29 which has been missing since June 13, 1952 were as follows:

NAME, RANK AND SERIAL NUMBER

Busch, Samuel N., Major, AO 733811.
Sculley, James A., 1st Lt., AO 693414.
Service, Samuel D., 1st Lt., AO 752509.
McDonnell, Robert J., 1st Lt., AO 2222264.
Homer, William B., M/Sgt., AF 7025704.
Moore, David L., M/Sgt., AF 15229915.
Blizzard, William A., S/Sgt., AF 19244175.
Monserrat, Miguel W., S/Sgt., AF 13164064.
Berg, Eddie R., S/Sgt., AF 17281746.
Bonura, Leon F., S/Sgt., AF 18359162.
Becker, Roscoe G., S/Sgt., AF 19391813.
Pillsbury, Danny H., A/1C, AF 18245964.

3. While the foregoing specific cases involve the crew members of two aircraft, it may well be that the Soviet Government has in its custody members of the crews of other United States aircraft, particularly crew members of aircraft engaged on behalf of the United Na-

tions Command side of the military action in Korea since 1950.

The United States Government desires that the Soviet Government make its inquiry on the foregoing subject as thoroughly as possible, but that it keep this Embassy informed of progress as soon as possible.

An early response as to the Soviet Government's intentions with respect to the present request will be appreciated.

End of Verbatim Text.

TO AID ELDERLY AND HANDICAPPED PERSONS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BRADEMAS. Mr. Speaker, elderly and handicapped people in this country are often isolated and homebound because public transportation is not accessible to them. Urban mass transit buses present barriers to disabled individuals and the elderly who cannot board easily or without assistance.

To enable more Americans to use public transportation, the distinguished Secretary of Transportation, the Honorable Brock Adams has recently announced that all new public buses purchased with Department of Transportation grants will be designed with low floors and ramps for easy access by older people and handicapped individuals. This new program, Transbus, will increase the opportunities of disabled and elderly individuals to lead lives of greater independence.

Mr. Speaker, I commend Secretary Adams warmly for his decision to mandate the Transbus program. At this point I insert in the RECORD his statement on that decision, and the text of the decision of Secretary Adams:

STATEMENT OF U.S. SECRETARY OF TRANSPORTATION BROCK ADAMS AT PRESS CONFERENCE ON TRANSBUS, MAY 19, 1977

I am announcing today my decision to require all new public buses purchased with Department of Transportation grants to be designed for easy access by elderly and handicapped persons.

ACCESSIBLE URBAN BUSES

I am directing the use of a new bus specification, requiring all buses offered for bid after September 30, 1979, to have a floor height of not more than 22 inches capable of kneeling to 18 inches above the ground and be equipped with a ramp for boarding.

This decision is based on a public hearing held by this department on March 15 and my review of the information and views submitted by bus manufacturers, groups representing the elderly and handicapped, the American Public Transit Association, and others.

A review of the history of the Transbus program convinces me that simply encouraging Transbus may not result in its introduction now or in the future. Even after this department invested about $27 million in the Transbus program, all serious efforts toward producing Transbus stopped when the Urban Mass Transportation Administration announced in July, 1976, that it would not be mandated.

MANDATE TO DEVELOP TRANSBUS

As most of you are aware, the Transbus program enlisted the aid of the three major domestic bus manufacturers to produce prototype buses that would attract greater ridership, be accessible to all passengers, including the elderly and physically handicapped.

I am aware that many who are opposed to mandating Transbus argue that it is not now within our ability to produce a low-floor, ramped bus which can operate safely and efficiently in day-to-day transit service. These objections are discussed in detail in the decision document and are, in my judgment, satisfactorily refuted.

Additionally, a Transbus mandate does not, in my judgment, interfere with the responsibility of local officials to plan for and implement mass transportation projects. Transbus, in fact, will permit faster and more efficient bus service by minimizing the time required to take on and discharge all passengers, including those who are elderly or handicapped.

I believe it is my responsibility to insure to the extent feasible that no segment of our population is needlessly denied access to public transportation. It is now within our technological capability to insure that elderly and handicapped persons are accorded access to urban mass transit buses. This access is fundamental to the ability of such persons to lead independent and productive lives. We cannot deny them rights that so many others enjoy, when it is within our ability to accord them such rights.

PRODUCTION OF TRANSBUS

A review of the record convinces me that, at a minimum, the three major domestic bus manufacturers could begin Transbus deliveries within 3½ years. This date allows almost 2½ years for development before bidding would begin, and approximately 15 months thereafter before the buses are actually delivered.

As I said in my opening remarks at the Transbus hearing, we have a very competent bus manufacturing capability in this country as well as abroad, and I believe competition, as well as innovation, must be encouraged. I am certain that these manufacturers can meet the challenge of producing Transbus. Additionally, I believe the pressure of effective competition among the manufacturers will result in a prompt introduction of this needed improvement. If one manufacturer substantially beats the effective date of the mandate, we will consider sole source procurements to get Transbus on the streets as soon as it is available.

Further, I have decided to leave in effect the interim policy on accessibility for the elderly and handicapped. That is, manufacturers must continue to offer optional wheelchair lifts and local transit authorities must either purchase buses with lifts or provide special services for elderly and handicapped passengers.

SECRETARY OF TRANSPORTATION,
Washington, D.C., May 19, 1977.

DECISION OF BROCK ADAMS, SECRETARY OF TRANSPORTATION, TO MANDATE TRANSBUS

INTRODUCTION

The question before me is whether to mandate or encourage the acquisition of a low-floor, ramped bus ("Transbus") by all local transit authorities seeking federal assistance for the purchase of standard-size mass transit buses, after a certain date. Further question include: if Transbus is mandated, what should be (i) the effective date of the mandate; (ii) the design of the bus; (iii) the federal role in introducing the bus; and (iv) the interim bus acquisition policy.

In 1971, the Urban Mass Transportation Administration ("UMTA") of the Department of Transportation ("DOT") initiated a major research project to develop an improved transit but that would attract mass ridership, be accessible to those elderly and handicapped persons for whom the high floors and stairs of current buses provide serious obstacles and encourage continued competition among the manufacturers of transit buses. UMTA enlisted the aid of the three major domestic bus manufacturers, AM General, General Motors and the Flexible Co. (a wholly-owned subsidiary of Rohr Industries), to supply prototypes of such a bus for testing. Prototypes were built by all three manufacturers, tested by UMTA contractors and demonstrated in actual service in four cities. This process enabled the development of draft specification for production of Transbus.

In July 1976, Robert E. Patricelli, who was then UMTA Administrator, announced that DOT would not mandate Transbus. Instead, the agency would permit the introduction of an advanced design bus ("DB"), would mandate requirements for making buses accessible to elderly and handicapped passengers (to become effective on February 15, 1977) and would provide funds for research and development of under-the-floor componenets that would be needed by a low-floor bus in the future. This decision generated considerable public discussion. Many elderly and handicapped groups asserted that the bus accessibility requirements were unsatisfactory. Litigation was initiated challenging UMTA's authority to fund acquisition of ADBs. Work on developing Transbus came to a virtual halt.

Shortly after I was sworn in as Secretary of Transportation in January, I took several steps to address these issues. First, I announced that the decision against mandating Transbus would be reconsidered and a public hearing on the matter would be held on March 15. Second, I waived that portion of the regulations on accessibility for the elderly and handicapped that might have been inconsistent with a future decision on Transbus, until after that decision was made. Third, I initiated new policies and procedures for the interim acquisition of ADBs. A decision on Transbus was promised by May 27.

In reviewing this matter I have had available to me the record on which former Administrator Patricelli based his decision, the transcript of the March 15 public hearing, written material subsequently submitted for the record, summaries of staff discussions with interested parties, also in the record, and, of course, the relevant statutes I am responsible for administering.

THE DECISION

After carefully weighing the data and views submitted by manufacturers, the American Public Transit Association ("APTA"), individual transit authorities, groups representing the elderly and handicapped and others, I have decided, for the reasons stated below, to mandate Transbus. This mandate will take the form of requiring the use of a Transbus specification for all standard-size buses acquired with UMTA assistance. The mandate will apply to all procurements containing vehicle specifications approved by UMTA, issued for bid after September 30, 1979. The specifications already developed after consultation with APTA and others will be used with some minor modifications. The specifications include a requirement for a stationary floor height of not more than 22 inches, for an effective floor height including a kneeling feature of not more than 18 inches, and for a ramp for boarding and exiting.

Additionally, I have decided that DOT should encourage the formation of groups of purchasers to make the initial purchases of Transbus through advertised, low-bid competitions. Progress payments will be permitted for these initial purchases. Finally, I have decided to leave in effect the interim policy on accessibility for the elderly and handicapped. That is, manufacturers must continue to offer optional wheelchair lifts,

and local transit authorities must either purchase buses with lifts or provide special services for elderly and handicapped passengers. Each of these decisions is discussed more fully below.

THE STATUTORY FRAMEWORK

In 1964, Congress responded to a growing pattern of declining ridership and increasing financial difficulties in the Nation's mass transportation systems by enacting the Urban Mass Transportation Act of 1964 (UMT Act). There have been several major amendments since 1964, and, as amended, it continues to provide the legislative basis for the federal role in urban mass transportation. Section 2 of the UMT Act states that its purposes are: to assist in the development of improved mass transportation facilities, equipment, techniques, and methods; to encourage the planning and establishment of areawide mass transportation systems needed for economical and desirable urban development; and to provide assistance to State and local governments and their instrumentalities in financing such systems.

To accomplish these purposes, sections 3 and 5 of the UMT Act authorize grants to State and local public bodies to assist in the financing of mass transportation related capital facilities including standard-sized transit buses. The federal share of a capital facilities grant under section 3 is 80 percent of net project cost. Under section 5, which also authorizes payments for operating assistance, the Federal share of a capital facilities grant is a maximum of 80 percent of net project cost.[1]

Section 6 of the UMT Act, under which the Transbus research activities were funded, authorizes research, development and demonstration projects in all phases of urban mass transportation. Section 9 authorizes grants for urban mass transportation planning and technical studies.

A 1970 amendment to the UMT Act declared the mass transportation needs of elderly and handicapped persons to be of national importance and required DOT to exercise a special leadership role to insure that their rights were protected. This 1970 amendment added section 16 to the Act to read, in part, as follows:

SECTION 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy."

Equally important, section 504 of the Rehabilitation Act of 1973 established the right of every handicapped person to be free of discrimination in any federally-assisted program. Section 504 reads:

"No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Shortly after the adoption of section 16, DOT began implementing the legislative mandate requiring special federal leadership in the area of mass transportation for elderly and handicapped persons through written guidelines for UMTA grantees. UMTA also financed research and studies in the area. In April 1976, the earlier guidance to grantees was formalized and strengthened by the publication of UMTA's regulations on transportation for elderly and handicapped persons. These regulations set forth a comprehensive scheme of planning, service and design requirements.

DOT has long recognized that a low-floor, standard-size bus that provides access for nonambulatory and wheelchair-bound passengers would be an effective means to accommodate these several statutory mandates. The Tranbus program was initiated, at least in part, to test the feasibility of such a bus. Of the methods of accomplishing accessibility that were studied and demonstrated in the Transbus program, UMTA acknowledged that the ramped Transbus emerged as the most desirable. The ramp was nonetheless not required in the specifications that were subsequently developed. The existing statutory mandates regarding transportation for the elderly and handicapped and the proven feasibility of a low-floor, ramped Transbus that will result in substantial benefits to the able-bodied as well as the disabled, argue convincingly for a Transbus mandate.

Section 16 of the UMT Act, section 504 of the Rehabilitation Act and other statutory provisions have resulted in a number of lawsuits brought by elderly and handicapped persons. Although DOT has generally been successful in that litigation, litigation success alone provides no reason to avoid or defer a federal mandate of technological improvements as they become available, especially when, as here, those improvements significantly advance the mass transportation interests of all persons, including the elderly and handicapped, and when the improvements are quite unlikely to be introduced without a federal mandate.

There is one additional statutory reason, apart from improved accessibility, for mandating Transbus. First, DOT has a statutory obligation to assist in the development of improved mass transportation facilities and equipment. Until the recent introduction of ADB's there had been essentially no change in bus design since the advent of the "new look" bus in 1959. The advanced designs presently being offered are logical intermediate steps on the way to the introduction of Transbus, and in fact, they are in part outgrowths of the Transbus program. Yet these advanced designs fall short of accomplishing one of the major goals of the Transbus program—a low-floor with attendant benefits in boarding and existing for all passengers. Thus, a Transbus mandate will bring to fruition the full benefits of federally-assisted research and development in the area of standard-size buses.

Finally, as the transit bus market has moved to new levels of product improvement, it has become increasingly difficult to fashion procurement methods since ADB's are of somewhat different designs, with different levels of performance and, quite naturally, different prices. A Transbus mandate will provide the necessary federal leadership in the marketplace to allow transit bus manufacturers to plan investments and tooling costs around certain required minimum performance and design characteristics. This, in turn, will permit low-bid procurements that will assist in the maintenance of a viable and competitive bus manufacturing industry based upon a predictable federal policy.

THE NEED FOR A MANDATE

A review of the history of the Transbus program convinces me that simply encouraging Transbus will not result in its prompt introduction and may not result in its introduction even in the long-run. Even after approximately $27 million of UMTA investment, all serious efforts toward producing Transbus stopped when UMTA announced in July 1976 that it would not be mandated. The history of change in bus design is not one of constant innovation. As noted earlier, the so-called "new look" bus, the one currently in use, was introduced in 1959.[2] ADBs will not be in the streets for another year and do not offer the advances of Transbus.

A review of the statutes that guide this decision suggests strongly that any inclination to postpone a mandate further would thwart the intent of the Congress. A review of recent litigation suggests equally strongly that the courts are also not prepared to countenance needless delay in making urban mass transit vehicles accessible to the elderly and handicapped.

Even if the Congressional and judicial concerns were not as clear as they are, I believe it is my responsibility to insure to the extent feasible that no segment of our population is needlessly denied access to public transportation. It is now within our technological capability to insure that elderly and handicapped persons are accorded access to urban mass transit buses. This access is fundamental to the ability of such persons to lead independent and productive lives. In my view, a decision assuring that access could have been made some years ago.

Today, the ADB represents the state-of-the-art in bus design from the floor up. But their floor height (even with a kneeling feature) does not make them accessible to the elderly and handicapped without a wheelchair lift. The lift is an expensive piece of hardware, principally benefiting those in wheelchairs. Many of those individuals, however, regard the lift as degrading and have expressed concern about the difficulty and safety of using it. In addition, use of the lift slows bus operations since it takes time to deploy and other passengers cannot board or exit during that time.

The low-floor Transbus can, on the other hand, accommodate a ramp. The ramp is swift to deploy and can be used beneficially by many passengers, including most categories of mobile elderly and handicapped. A low-floor, ramped bus will decrease the loading and unloading time for all passengers.

It is important to keep in mind that in discussing bus accessibility for the elderly and handicapped we are not concerned only with those confined to wheelchairs. We are concerned as well with any mobility-impaired person, a group which numbers at least 10 million. At any time there may be many other riders who are at least temporarily disabled. We cannot deny these people the rights that so many others enjoy when it is within our ability to accord them such rights.

I am acutely aware that many who are opposed to Transbus argue that it is not now within our ability to produce a low-floor, ramped bus which can operate safely and efficiently in day-to-day transit service. These objections are discussed in detail below and, in my judgment, satisfactorily refuted.

Further, a Transbus mandate does not interfere with the traditional responsibility of local officials to plan for and implement mass transportation projects. Routes, schedules and fares continue to be matters of local decision and State and local officials retain the

[1] The Federal-Aid Highway Act of 1973 also authorizes capital assistance to mass transportation including assistance to acquire standard size transit buses.

[2] The lack of innovation in bus design prompted a study by the National Academy of Engineering (NAE) documenting the need for an improved transit bus. The NAE study concluded that a low-floor bus was: "The most desirable means—within the existing state of the art—for improving bus transportation." The low-floor, the NAE noted, would result in a bus that was "not only . . . easy and comfortable to use, but usable readily and without embarrassment by the physically and economically handicapped, the aged, the pregnant woman, the businessman, and the young adult."

authority to plan for and implement all transit services including specialized services where these can contribute to overall mobility needs. For those communities utilizing standard-size bus service over fixed routes, the Transbus will permit faster and more efficient bus service by minimizing the time required to take on and discharge all passengers, including those who are elderly or handicapped. Better accessibility, new styling features and a better ride will attract and retain new ridership, and to the operating revenue of transit operators and enhance the image of mass transportation in every community. Moreover, testimony at the publice hearing, as well as a number of comments on the Transbus question, indicate that several communities have been and continue to be vitally interested in obtaining low-floor standard-size buses, but have been unable to do so because of the commercial unavailability of Transbus. A Transbus mandate will permit DOT to be responsive to these locally conceived mass transportation objectives, as contemplated by the UMT Act.

THE EFFECTIVE DATE OF THE MANDATE

The record of the March 15 hearing (and the hearing conducted by UMTA in 1976) contains conflicting projections of when Transbus could be ready for production. AM General indicates that Transbus could be available approximately 34 months from the date of a mandate. Flexible says 36–60 months, and General Motors says five years. These manufacturers have different views about the desirability of Transbus and the adequacy of ADBs, and their existing investments reflect these judgments.

My analysis of the entire record convinces me that all three current manufacturers could begin deliveries in 3½ years. This date allows almost 2½ years for development before bidding would begin, and approximately 15 months thereafter before the buses are actually delivered.

As I said in my opening remarks at the Transbus hearing, we have a very competent bus manufacturing industry and I believe competition, as well as innovation, must be encouraged. I am certain that these manufacturers can meet the challenge of producing Transbus. Additionally, I believe the pressure of effective competition among the manufacturers will result in a prompt introduction of this needed improvement. If one manufacturer is ready substantially before the effecive date of the mandate, we will consider sole source procurements to get Transbus on the streets as soon as it is available.

Accordingly, as I stated above, I am ordering that all bus procurements utilizing UMTA capital assistance funds must use the Transbus specifications after September 30, 1979. I urge those manufacturers who can to make Transbus available voluntarily at an earlier date.

THE DESIGN OF TRANSBUS

In connection with the research effort to develop Transbus. UMTA developed a complete procurement document—the Transbus Procurement Requirements (TPR)—for use by local transit authorities in buying Transbuses. The document contains four parts:

Part I: Bid Requirements/Contractual Provisions. Provides legal and other instruments for procuring coaches;

Part II: Technical Specifications. Specifies the buses being procured;

Part III: Quality Assurance Provisions. Specifies the minimum quality control requirements in the manufacture of the buses; and

Part IV: Warranty Provisions. Describes the warranty coverage on the buses after their acceptance by local transit authorities.

The TPR was developed for DOT by Booz-Allen Applied Research with full participation by the APTA Bus Technology Committee, AM General, General Motors, Flexible, and UMTA. It was designed to be used by procuring agencies in competitive procurements of Transbuses under the UMTA Capital Grants Program.

It was originally intended that the Transbus prototypes developed by each manufacturer would be tested and evaluated and a winning design selected for use by all manufacturers. However, while the three Transbus manufacturers met the performance requirements for Transbus prototypes, all three used different approaches based on their individual body styling, construction and manufacturing techniques. UMTA concluded that to require all three manufacturers to build buses around one manufacturer's design would put two of the manufacturers at an unnecessary competitive disadvantage and would stifle innovation. Thus, the design specification approach was abandoned on January 8, 1975, when UMTA announced a policy which would permit all three designs to qualify for production if they met a performance specification to be developed by UMTA as a result of testing and evaluation of the prototype vehicles.

The specifications that were developed as a result of this decision nevertheless include certain design requirements such as floor height, door width, step riser height and tread depths intended to insure that accessibility goals are met. The specifications include options for features such as power plant size, air-conditioning, bus width, bus length, etc. The TPR requires every manufacturer to be able to bid on any specified combination of options in direct cost competition. The specifications are intended to be modified, from time to time, as improved components or designs are developed.

I am today adopting, with some modifications, the specifications developed and set forth in the TPR. The most important modification is the one which makes the ramp a mandatory feature of the bus. The TPR, as modified, will be available from UMTA on June 13.

In my judgment, use of this specification will promote the earliest availability of Transbus without stifling innovation in manufacture and design.

THE FEDERAL ROLE IN INTRODUCING TRANSBUS

As I indicated above, DOT has already invested approximately $27 million in the Transbus program. As a result of that investment we have learned what is and is not technologically feasible in connection with development of a low-floor, ramped bus. We have identified the problems of the prototype buses as well as solutions to them. We have determined which components need further development, and which are presently able to be produced. In my judgment, the $27 million was well spent.

I am aware that costs remain in connection with going to production models of Transbus. I am convinced, however, that this type of cost should properly be borne by the manufacturers. Direct federal funding for tooling and start-up costs is not appropriate given the knowledge and experience already gained through the DOT investment. Product quality, production methods and related matters are and should be uniquely the responsibility of the manufacturer.

This would not be the case had the federal investment not already proven the underlying feasibility of Transbus. We could not reasonably require manufacturers to invest in a wholly unproven technology. But, as discussed more completely elsewhere, I am convinced the technology for Transbus is proven and consequently I believe it appropriate to require the manufacturers to put that technology into production.

There is, however, another important responsibility for the government to undertake in introducing Transbus into the marketplace. We should, I believe, do everything feasible to assure early purchases of substantial numbers of the first production Transbuses. To this end, we will encourage formation of purchaser groups to make initial procurements of Transbuses from each manufacturer through advertised, low-bid competitions. While I do not think it is appropriate to allocate the market in an effort to guarantee that each manufacturer's bus will be bought, we will permit each consortium to make initial Transbus purchases from more than one manufacturer if the consortium members so desire.

Additionally, we will agree to make progress payments in connection with these initial purchases to help defray start-up production costs. As I have already stated, we will also consider making sole source procurements of any manufacturer's Transbus which is available substantially earlier than the others.

I believe that these steps represent the maximum necessary federal role in introducing Transbus.

INTERIM ACCESSIBILITY POLICY

I am aware that even after Transbus is mandated purchases of conventional buses will continue, with UMTA financial assistance, for slightly more than two years. Inasmuch as these newly purchased buses will continue in operation for 12 or more years, I believe it is necessary to announce the policy that we will follow concerning accessibility of mass transit for elderly and handicapped in the period before the introduction of Transbus. I have decided that our existing policy in this matter should be continued.

That policy is based on requirements that all manufacturers offer optional equipment (*e.g.*, lifts) for loading wheelchair-bound and other handicapped passengers, and that local transit authorities must either purchase accessible buses, or provide special services suitable for transporting elderly and handicapped passengers.

Many handicapped passengers have expressed concern about the operation and safety of the lift. Additionally, the lifts are cumbersome and time-consuming to operate and will become entirely outmoded by the Transbus ramp. They do, however, make buses accessible to mobility-impaired passengers. On the other hand, many elderly and handicapped representatives oppose special services since they require advance notification or have other disadavantages not associated with regular scheduled bus service. These representatives argue that "separate but equal" transit services are inherently unequal and do not enable elderly and handicapped persons to lead the most fully integrated lives possible.

Accordingly, I believe it appropriate to allow local governments to decide how best to serve their elderly and handicapped populations until Transbus is ready for production. Those who purchase lift-equipped buses will thereby offer substantially enhanced accessibility to their elderly and handicapped citizens. Those offering special services will provide valuable experience for the period after Transbus is introduced since even fully accessible fixed route buses will not meet the transportation needs of all elderly and handicapped. DOT will carefully monitor the activities of grantees of UMTA funds to be certain that the transportation needs of elderly and handicapped citizens are being addressed.

THE TECHNOLOGICAL FEASIBILITY OF TRANSBUS

A critical factor in determining the desirability of a Federal mandate of Transbus is technological and economic feasibility. I find that a bus that meets the existing Transbus specifications, as modified to require a ramp,

serves the needs of the elderly and handicapped, can be produced in a reasonable period of time and would be operationally acceptable.

Axles, tires and brakes are the most unique components of the Transbus. These components do not require technological breakthroughs, but merely enough time for proper development. The Transbus prototypes, manufactured by AM General, General Motors and Flexible, showed that in at least one instance the new axles were lightweight, used many existing internal subcomponents and can accommodate the current design automatic transmission.

Similarly, Transbus will probably require tires which are substantially smaller than those presently available. Such tires have been undergoing development for some time and could be put into production in time for Transbus deliveries. While I understand that these tires will have shorter lives than current tires, estimates of Transbus operating costs, as discussed later, include an assumption that the smaller tires will be used. In my view, any problems that the tires may cause are more than offset by the greater accessibility of the Transbus.

Transbus brakes will also be somewhat different than existing bus brakes, yet will utilize essentially the same technology. Despite the smaller diameter wheels, the Transbus specification provides for more brake area per pound of vehicle weight than on current buses. Since this specification can be met using conventional drum brakes, very little development will be required.

Several Transbus operating issues have arisen. These include road clearance, problems associated with the kneeling feature and the appropriate width of the front door. Because the Transbus prototypes experienced minor road clearance problems, the final Transbus specifications require additional road clearance. After the prototypes were tested, every observed ground clearance problem was carefully analyzed and the final specifications written so as to eliminate those problems within the limits of the prototype technology. The specifications call for road clearance equivalent to or better than that attained by all three current model buses.

Some problems have been experienced in the past with the kneeling feature found on ADBs, some current buses and Transbus. First, the earliest kneeling devices did not always operate properly. This was found to be a result of corrosion within electrical components. When greater protection for that system was provided, the problem was solved. Further, there were complaints of drivers not kneeling the bus when passengers needed it. While this remains a potential problem, it can be overcome by proper driver training. A bus that can kneel to at least 18 inches will benefit all passengers, not just those who need the ramp. These benefits far outweigh the difficulties.

The front door width called for in the specifications is 44 inches. This is wide enough to allow room for wheelchair-bound passengers or to allow for a double stream of ambulatory passengers. This feature is desired by many operators because it allows an inbound and outbound stream at the same time, thus shortening the loading and unloading time. Some operators prefer a narrow (24") door making a double stream impossible and, therefore, fares easier to collect. The productivity improvements stemming from the wide door and consequent reduced loading time should more than offset any occasional inconvenience in fare collection, and the wide door is a prerequisite to achieving accessibility. For these reasons, the narrow door option has been dropped from the specifications.

The record of the public hearing and studies done for UMTA demonstrate the efficacy of the ramp in providing access for those with mobility impairments. The Transbus specifications call for a ramp that will yield the full benefit of this technology. The specifications provide that the maximum ramp angle on a level street with no curb must not be more than 14 degrees. This means that on a level street with a six-inch curb, the ramp angle will be less than ten degrees; even with a typical crowned street and no curb, the ramp angle would be approximately 15 degrees. This is within the range in which most wheelchair-bound persons can be expected to make unassisted entry although in some cases those in wheelchairs may need assistance in exiting. These angles can be accommodated with a ramp not more than 6 feet long and a slight incline where the ramp meets the bus floor. This type of technology has already been utilized by at least one of the prototype manufacturers.

Probably the most complex feasibility questions with respect to Transbus involve its economic viability. The Transbus prototypes included spacious seating arrangements with seating capacity for 42 to 43 people as compared to the maximum seating capacity of current production buses of 51 to 53. Actually, Transbus could have a seating capacity of 47 if it is designed with that goal in mind. ADBs seat between 43–47 passengers, depending on their seat design. Therefore, I do not believe that there will be a serious loss of seating capacity. Moreover, full load capacity is more relevant in determining transit system revenues, and Transbus will have a full load capacity comparable to current buses.

A similar situation exists with regard to weight and fuel economy. The Transbus specifications require that curb weight not exceed 26,000 pounds. This weight is about 1,000 to 2,000 pounds more than current production buses but is the same as the ADB specifications. The added weight is a reflection of the need for an additional axle and related components. Transbus reliability and maintainability have become issues as a result of the greater complexity of Transbus prototypes, especially as compared to current buses. The low-floor of the Transbus necessitates greater mechanical complexity in the running gear of the bus, but does not necessitate new or unique technology. It is important to remember that there has been no significant change in bus design in almost 20 years. It is not surprising, therefore, that those with responsibility for maintaining buses are concerned. Experience and familiarity with these changes and good product design will remedy this problem. I am, therefore, convinced that bus maintainability and reliability will not be seriously affected. Above the floor, Transbus will be similar to ADBs. We will have had considerable experience with ADBs before Transbuses are actually on the street.

Because of its greater complexity, smaller diameter tires and slightly increased weight, the Transbus will cost more than the current bus. The most reliable cost estimates indicate that, while the initial cost of Transbus will be approximately 15 to 18 percent more than current buses, this is only about five percent more than ADBs. A comprehensive analysis of cost estimates showed that the Transbus would have operating costs only about one percent higher than current buses. I conclude that these added costs are not unreasonable in light of the substantial benefits to all bus riders which Transbus will provide.

BROCK ADAMS,
Secretary of Transportation.

BALTIC STATES GENOCIDE DAY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. CORCORAN of Illinois. Mr. Speaker, during the night of June 14, 1941, hundreds of Soviet Secret Police swept through the three tiny Baltic States of Latvia, Estonia, and Lithuania. These "merchants of terror" arrested thousands of citizens, dragging them from their beds to be transported to the horrors of slave labor camps in the far reaches of the Soviet Union. Many of these people were never heard from again.

This despicable act ended the brief reign of liberty in the Baltic States, which had begun only two decades earlier.

Since then, the tribulations of the Baltic people read like a modern day Book of Job. They have suffered the collectivization of their farms and the nationalization of their industry. They have endured religious persecution and their children have endured brainwashing at the hands of Communist teachers.

Hundreds of thousands of Latvians, Estonians, and Lithuanians have been deported—scattered to the far corners of the Soviet Union—to be replaced by usurpers from other parts of the Communist confederation. The reason for this wholesale forced migration is simple: the Communist masters wish to destroy the national identity of the Baltic people. They know that the surest way to conquer a people is to destroy their identity as a nation.

Try as they might, though, the masters of the Kremlin have not been able to extinguish the "Light of Liberty" completely. It is only a dim glow, but it is there. And like a smoldering ember in a forest, it waits only for a fresh breeze to burst into life.

The Baltic people in this country nurture that tiny glow. They continue to maintain their national traditions—religious, civic, and cultural—and to work in behalf of their countrymen, who are pinned beneath the boot heels of their Russian oppressors.

These people have not given up, and neither should we. So long as the Soviet Union continues to treat the Baltic people as conquered subjects; as long as the Russians treat the Baltic people like cattle, to be shipped wherever it pleases the Moscow regime; in short, as long as the Russians continue their program of national genocide, we in the United States must continue to refuse to recognize the illegal Soviet domination of the Baltic States.

Furthermore, if President Carter is sincere in his desire to promote human rights throughout the world, he must continue to make clear to the Soviets that the United States will always support the aspirations of people in the Baltic States to regain their freedom.

It is my belief, Mr. Speaker, that the will of the Baltic people, and their commitment to liberty, will ultimately prevail over the bayonets of the Communist invaders.

POPULAR SUPPORT FOR STRONG NUCLEAR NONPROLIFERATION MEASURES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BINGHAM. Mr. Speaker, each year the Foreign Policy Association conducts a poll on a number of key foreign policy issues. The results of the "Great Decisions '77 Opinion Ballots" are in and indicate wide support for strong nuclear nonproliferation efforts by the U.S. Government: 72 percent of the poll's respondents gave "first priority in our foreign policy agenda to controlling the spread of nuclear weapons: 64 percent of the respondents urged the United States to "seek agreement with all other nuclear exporting nations to ban the sale of sensitive nuclear technology and fuel to nonnuclear weapons states.

I believe that the Foreign Policy Association's poll offers the Congress a significant indication of how informed Americans feel about the proliferation issue.

The Great Decisions poll, as noted in the Foreign Policy Association's June 1977 newsletter excerpted below, involved more than 60,000 Americans in discussion groups throughout the Nation:

The 1977 program—23rd in an annual series begun by FPA in 1955—involved an estimated 60,000 Americans in discussion groups across the nation. Participants are not a national cross-section such as is used in a Gallup poll. Their participation indicates that, on the average, they have more education than most Americans and take a more lively interest in foreign affairs. This is probably still more true of those who took the trouble to fill out ballots. Moreover, those responding are more inclined than the average citizen to make their views known. To a question whether the participant had, in the past year, "communicated with some official or representative in Washington (by letter, telephone, etc. or in person) on some foreign policy matter," some 15% said yes, a figure far above the national average. Surveys have indicated that even at the height of the Vietnam War, fewer than 3% of the population communicated with officials in Washington regarding foreign affairs.

Great Decisions participants thus represent an important minority of the electorate—one which is above average in interests, knowledge and activity in regard to foreign policy.

Participants were polled on a number of key foreign policy issues including Middle East policy, conventional arms control issues, and the nuclear proliferation dilemma. The results in the latter area outlined below, give a strong indication of the depth of concern held by the American people on the proliferation crisis:

	+ Pro	Go along without enthusiasm	Con	No opinion
With regard to the problem of nuclear proliferation, the U.S. should—				
(a) Give 1st priority in our foreign policy agenda to controlling the spread of nuclear weapons	72	14	8	6
(b) Unilaterally ban the sale of sensitive nuclear technology and fuel to nonnuclear weapons nations	43	20	22	15
(c) Seek agreement with all other nuclear exporting nations to ban the sale of sensitive nuclear technology and fuel to nonnuclear weapons nations	64	13	9	14
(d) Give priority to developing nonnuclear energy sources even if this means a slower rate of economic growth for the United States	51	17	18	14

MS. HELEN E. MURRAY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. RUSSO. Mr. Speaker, I would like to congratulate a distinguished citizen of Illinois and of my district on the occasion of her leaving her post as Calumet City city clerk.

For 38 years, Ms. Helen E. Murray has been an effective, dedicated, and courteous public servant, and on June 24, the people of Calumet City will honor her at a testimonial dinner. How many contributions she has made during these years.

During World War I, from 1941 to 1946, Ms. Murray was the price clerk on Calumet City's Ration Board. She was assistant city clerk from 1946 until 1957 and was elected city clerk three times, serving from 1965 until the spring of this year.

In the 12 years Ms. Murray served as city clerk, she set a standard of performance and respect for the office which will be difficult to match. City residents knew her as the gracious lady in the city hall who offered the services of her office with such efficiency and courteousness and who insisted that her staff do the same.

During these years, she made major changes in the office of clerk, such as updating the bookkeeping records, updating city sticker lists, getting plans adopted for recodifying ordinances and, because of such efforts, Calumet City was named the No. 1 city in Cook County in special assessments, bookkeeping, and bond payments. Her administration of the clerk's office and its employees won acclaim throughout the State of Illinois.

But her contributions and impressive record do not end with the clerk's office. She is active in the Calumet City Chamber of Commerce and, in addition to being the first woman elected as city clerk, Ms. Murray was the first woman elected as city clerk, Ms. Murray was the first woman to be elected president of the Calumet City Chamber of Commerce. She also has served as the chamber's secretary and vice president. To those privileged to know her personally, she is a devoted friend, church worker, and respected community member.

I know my colleagues join with me and the people of Calumet City and Thornton Township in commending Ms. Murray for her years of service.

WORLD WAR I VETERANS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. PEPPER. Mr. Speaker, truly, the forgotten man in America is the veteran of World War I. His average age is now 81. Only 850,000 of them survive today out of a mighty horde of 4,750,000 who turned the tide in favor of the Allies who were face to face with defeat when the first Americans entered the trenches. Seventy-five percent of today's living Americans were not yet born at that time.

For his sacrifice and efforts that culminated in victory, the World War I veteran, upon discharge, was given train fare home and the princely sum of $60 cash to buy civilian clothes and get a new start in life.

Sixty dollars.

No GI education bill, no GI housing loans, no VA hospitalization—except for service-connected disabilities—no veterans' employment services. And he came into a civilian economy on a downward plunge following the war boom years.

Very many could not find jobs. Many could not adjust adequately to a non-war environment. Many had mental scars from the shocks of war.

Within 10 years came the great depression and many of those who were beginning to get their feet on the ground found their economic base swept away from under them.

Even a march on Washington was of little avail. Congress, in the early 1930's, did issue an "adjusted service certificate" based on the length of time the veteran served, but again, it was woefully inadequate, it averaged only $547.50 per veteran.

Other efforts were made to more adequately compensate World War I veterans, but most of this legislation was based on need. Increases in personal income, social security benefits, and others all too often nullified the payments veterans were meant to receive.

The ranks of those veterans are thinning rapidly. Only 1 in 5 survive today.

Mr. Speaker, we have delayed long enough. We have side-stepped justice long enough. While there is yet time, while some of these veterans still live, this Congress must act to express a small measure of our Nation's gratitude to

those valiant men who saved our Nation's honor in World War I.

I am today introducing legislation to pay service pensions to veterans of World With I, their surviving spouses, and children.

THE CASE FOR THE B–1

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. LAGOMARSINO. Mr. Speaker, a decision on the future of the B–1 bomber is expected soon. As an advocate for continuing the program, I would like to call to the attention of my colleagues the Los Angeles Times editorial of June 10, 1977. I believe the editorial explains concisely and forcefully the reasons for continuing the B–1 bomber program:

THE CASE FOR THE B–1

It appears that President Carter will soon announce a decision to go ahead with the B–1 bomber program. The decision would be controversial—especially in view of the President's preelection skepticism toward the project.

But, in view of the nature of the Soviet Union's growing strategic arsenal and the likely shape of an eventual strategic arms limitation agreement, we believe that a decision to proceed with the new bomber would be sound.

Opposition to the B–1 has centered on its cost—$102 million per plane, according to the latest estimates—and on the argument that manned bombers aren't necessary in an era when nuclear missiles can reach anyplace on earth in less time than it takes to drive to the office. Neither point is persuasive.

U.S. defense strategy is based on the thesis that this country must maintain strategic forces that, even if hit by a surprise nuclear attack, will be capable of retaliating with enough force to destroy the attacking nation. The American posture in the SALT negotiations assumes that the Russians are entitled to the same assurance.

The American nuclear deterrent now rests on a triad of B–52 strategic bombers, land-based Minuteman missiles and submarine-launched missiles. If the Russians' new Backfire bomber is deployed as a strategic weapon, Soviet forces will constitute a similar triad.

However, the aging B–52s are increasingly incapable of penetrating Soviet air defenses, and the Minuteman ICBMs are growing more and more vulnerable as the Soviet Union builds up a fleet of superheavy offensive missiles.

The sea-based leg of the American triad is still in good shape, and will be in even better shape when subs equipped with larger, longer-range Trident missiles go on station.

No President, though, can feel comfortable about depending too heavily on a sea-based deterrent. Deep-cruising nuclear submarines are out of dependable radio contact for hours at a time. And there is always the possibility of a breakthrough in Soviet antisubmarine warfare capabilities.

Two corrective options are available. It is possible to reduce, at least for awhile, the vulnerability of this country's land-based deterrent by building new, semimobile MX missiles that would be harder for the Russians to hit. And existing B–25s could be converted to carry long-range cruise missiles that could be fired at Soviet targets from well outside Russian borders.

Leaving aside the cost and effectiveness controversies that surround each of these options, both will be ruled out anyway if the Kremlin ultimately accepts the strategic arms control package proposed by the President, which would forbid deployment of new land-based ICBMs and place range restrictions on the cruise missile.

Strategic bombers have some special characteristics in their favor.

Bombers, unlike ballistic missiles, take several hours to reach their targets and can be called back. This is a comforting thought to Presidents, who don't like the idea of ordering Armageddon on 15 minutes' notice; it is an important consideration for the rest of us, too.

The B–1 is designed for high-speed, low-level penetration of Soviet air defenses. But it would be too slow for use as a surprise-attack weapon. Thus the B–1 would appear less threatening than the same number of missiles to any potential adversary who thinks that a surprise U.S. attack is a serious possibility.

Finally, because bombers can easily be dispersed among many airfields and can be airborne on short notice, they are relatively invulnerable to surprise attack themselves.

The B–1 bomber is costly. So, unfortunately, are all modern weapon systems. But the B–1 would greatly enhance this country's security—and do it in a way that would least interfere with efforts to interest the Russians in reducing the strategic arsenals on both sides.

LITHUANIAN OCCUPATION REMEMBERED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. COUGHLIN. Mr. Speaker, for Lithuanians, June 15 is a sad reminder that the right of all men to rule themselves should not be taken for granted. On this day in 1940, the independent Republic of Lithuania was invaded by Soviet forces, occupied, and forcibly annexed to the Union of Soviet Socialist Republics.

Although Lithuania revolted in 1941 and mounted a guerrilla war from 1944 to 1953, the nation has not been able to free herself from Soviet domination. Lithuania has paid dearly for its fight to regain independence. Thousands of Lithuanians died in the resistance to Soviet annexation and hundreds of thousands more were imprisoned or deported to Siberian prison camps and exiled. To the people of Lithuanian descent throughout the world, the sorrow that has afflicted their homeland has not been eased by the years which have passed since World War II.

Despite the recent Soviet signing of the Final Act at Helsinki, documented reports of ruthless Soviet oppression of Lithuanians continue to reach the west. Yet in spite of political and cultural repression and religious persecution, the Lithuanians' gallant spirit continues to flourish. Dissidents continue to battle for their basic human rights at great personal risk and struggle to keep communications open to the west.

As a Nation which was founded on the primacy of individual liberties and rights basic to all men, the United States must not forget the plight of Lithuanians and the millions of others silenced by Soviet oppression. The United States must never allow its dedication to human rights to diminish.

With the support and cooperation of millions throughout this country and other nations, we can urge the Soviet Union to comply with the human rights provisions of the Helsinki Final Act and ensure that the just cause of Lithuanian self-determination will not be abandoned.

SPRING QUESTIONNAIRE RESULTS

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. LLOYD of California. Mr. Speaker, I would like to share the results of my spring questionnaire which was sent to every household in the 35th District.

Energy, the size of the Federal Government, and crime are recognized as prime concerns of the Nation. Congress is responding to these problems and recently passed legislation which would create a department of energy to consolidate and focus our energy effort. Other proposals, such as taxes on gasoline and gas guzzlers, are the subject of intense study and will be ready for a vote within the next few months.

The administration has accelerated congressional efforts to cut back on the size and cost of the Federal Government, beginning with zero-base budget studies of the Executive Office and major agencies. My regulatory reform proposal, which requires an agency's "self-destruction" after a set number of years, is part of the proposed Federal Energy Administration's charter and, hopefully, will become a requirement for all regulatory agencies whose continued existence should be periodically justified.

In response to national fears about crime, Congress has drafted and passed a number of bills in such areas as juvenile delinquency and law enforcement assistance to local police departments. The recodification of public laws now in process will include a recommendation for mandatory sentencing for convictions of certain Federal crimes. Mandatory sentencing, if it passes the test of the courts, will expedite due process and solve the problem of persons committing additional offenses while awaiting sentencing for a previous violent crime.

The House has passed the Water Pollution Control Act and the Clean Air Act Amendments, which continue and expand Federal efforts to protect the public from pollutants and, at the same time, assist industry in the cost of cleaning up. The Clean Air Amendments, which keep existing auto emission control requirements in the interests of energy conservation and employment, exempt California from the act, allowing our State to set the highest standards in the Nation.

Aside from its effort to cut the cost of Government, Congress furthered its stimulus to business by the passage of the Tax Reduction and Simplification Act, which provides hiring incentives and

continues certain tax cuts for small businesses.

More than two-thirds of the questionnaire respondents indicated that insufficient retirement income was the greatest problem facing our senior citizens. Financing the social security system is the subject of committee hearings now. While social security, from its inception, was meant only to supplement regular retirement income, Congress has recognized that many persons are not eligible for pensions because of their particular job, mobility, or inability to contribute financially. Generous tax deductions now provide an incentive to persons setting up individual retirement accounts.

I think the 95th Congress, only 6-months old, is meeting its responsibilities head on, and I would like to share with my colleagues the opinions of my constituents:

(1) In your opinion, what is the most pressing problem before Congress?
Energy, 31 percent.
Unemployment, 17 percent.
Big Government, 27 percent.
Crime, 21 percent.
Other, 4 percent.

(2) The Defense budget has been steadily increasing. Do you favor:
Continuing increases, 36 percent.
Holding the line, 46 percent.
Cutting back, 18 percent.

(3) Do you favor the death penalty?
Yes, 84 percent.
Don't know, 1 percent.
No, 15 percent.

(4) Air and water pollution controls should be:
Continued, 45 percent.
Relaxed, 12 percent.
Strengthened, 43 percent.

(5) Business can be stimulated best by:
Cutting regulations, 32 percent.
Providing tax incentives, 25 percent.
Balancing the budget, 43 percent.

(6) What do you see as the major problem facing senior citizens?
Health and nutrition, 13 percent.
Retirement income, 68 percent.
Housing, 10 percent.
Other, 9 percent.

PHILADELPHIA YEARLY MEETING OF RELIGIOUS SOCIETY OF FRIENDS SPEAKS OUT ON HUMAN RIGHTS ISSUE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. EILBERG. Mr. Speaker, the Philadelphia yearly meeting of the Religious Society of Friends—Quakers—has spoken out in a very forthright and commendable manner on the issue of human rights around the globe.

As a long-time supporter of efforts to secure for all peoples the basic right to which, as human beings, they are entitled, I am proud to place in the RECORD the following text of the resolution which they have adopted:

Holding that U.S. trade and aid policies should be in harmony with a deep concern for the observance of human rights throughout the world:

Philadelphia Yearly Meeting of the Religious Society of Friends calls on elected officials:

To act under existing legislation to end all aid, credits, and guarantees to any government which practices torture or prolonged detention without charges or other flagrant denials of life, liberty, or security of the person, unless such aid directly benefits needy persons;

To amend the Food for Peace Law to assure that U.S. food aid is sent to countries with such repressive governments only if it directly benefits needy people;

To direct U.S. representatives to international lending institutions to vote against economic aid to repressive governments unless such aid directly benefits needy people.

ANNIVERSARY OF LITHUANIAN OCCUPATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. RINALDO. Mr. Speaker, I have requested this time today to join with my colleagues and Americans of Lithuanian descent in observing the 37th anniversary of the occupation of Lithuania by Soviet troops.

The fate of Lithuania provides us with living testimony of the worthlessness of Soviet promises. Though the Soviet consitution provides for individual liberties and the Soviet Union has agreed to the Final Act at Helsinki, the Communist dictatorship in Moscow has steadfastly denied independence to Lithuania. Instead, it has engaged in systematic persecution of dissidents and a totalitarian repression of religious, political, and civil rights to the Baltic nations. From 1944 to 1952, over 50,000 Lithuanian freedom fighters lost their lives trying to return freedom to Lithuania.

The Helsinki accord does not legitimize the annexation of Lithuania. The United States has consistently refused to recognize the overthrow of the legitimate Lithuanian Government, and we should continue to support Lithuanians in their efforts to throw off the shackles of communism.

I have introduced legislation—House Concurrent Resolution 235—which calls upon U.S. representatives to the Belgrade conference to confront the Soviet Union with its noncompliance with the Helsinki accord. As one of the most important foreign policy issues facing up today, I urge my colleagues to join with me in pressing for adoption of my resolution.

Mr. Speaker, the United States cannot afford to be passive in its relations with the Soviet Union: we must forcefully support the captive nations and apply pressure to Russian leaders to live up to the Helsinki pact.

I would like to include with my remarks a copy of a position paper I have received from the Lithuanian-American Community of the United States. This document succinctly and forcefully expresses the views of Americans of Lithuanian descent, and I agree wholeheartedly with their goals. I look forward to the day when there will be "rebirth of freedom in Lithuania, and Lithuanians will again be a part of the free world.

The text of the resolution follows:

PRISONERS OF CONSCIENCE PATRIOTS FOR HUMAN RIGHTS

Political repression, religious persecution, cultural genocide, deportation to Siberia and the denial of basic human rights—these are the indignities suffered by the Lithuanian people over the last 37 years at the hands of their Communist occupiers, the Soviet Union.

Lithuanians have not suffered in silence. The Western World has seen and hears of the many sacrifices of Lithuanian patriots for human rights, despite attempts by the Soviet Union to suppress all such communications with the Western World. The underground publications, "The Chronicle of the Lithuanian Catholic Church" and "Ausra" (The Dawn), are published and disseminated by Lithuanians, in spite of the constant threat of arrest and imprisonment by their Russian occupiers. Indeed, Russian prisons are filled with such prisoners of conscience.

The Soviet Union has blatently ignored the human rights provision of its own constitution, the provisions for human rights in the United Nations Charter, and most recently it has ignored the implementation of the provisions of the Final Act of Helsinki.

Lithuania, a sovereign nation since 1251, established its independence on February 16, 1918, but was invaded and occupied by the Soviet Union on June 15, 1940, and subsequently, more than 300,000 freedom-loving Lithuanians were deported to Siberian forced-labor camps. These tragic events are commemorated by Lithuanians throughout the Free World on June 15th.

This summer, the United States will be attending the follow-up Conference on European Security and Cooperation in Belgrade, Yugoslavia. The people of Lithuania are anxiously awaiting the outcome of the Belgrade Conference, because it represents the only foreseeable means for them to benefit from the provisions of the Final Act of the European Security and Cooperation Conference in Helsinki.

There is world-wide concern for Soviet Jewry, and justly so, however, Lithuanians, Latvians, Estonians and the people of the other Captive Nations also deserve our concern, and action.

The Belgrade Conference presents a unique opportunity to bring the force of world public opinion and the diplomatic power of the Western World to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. The Commission on Security and Cooperation in Europe, established by the United States Congress last year, has documented evidence of the Soviet Union's non-compliance with these provisions.

We urge the President of the United States, and the Secretary of State to direct our representatives to the Belgrade Conference to confront the Soviet Union about their noncompliance and evidence of bad faith. Since the Soviet Union seeks better relations with the Western World for its own purposes, let us make compliance with the Final Act of Helsinki a condition on which those relations depend.

LITHUANIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. DINGELL. Mr. Speaker, today, Lithuanian-Americans join in com-

memorating the military occupation and forcible incorporation of Lithuania into the Soviet Union in 1940. It is a most timely observation in that worldwide attention is focusing on the issue of human rights. At this moment, a meeting is convening in Belgrade for review of the Helsinki Accords, pledging respect for fundamental human rights.

The tragedy of suppression of independence and expression of individual rights is well recorded in Lithuania's history. The brutal occupation of the 1940's inflicted indelible scars on a proud and once free people. The indignities were immense and the suffering immeasurable. People were gagged, dragged in chains, and separated from loved ones. Churches and schools were transformed into concentration camps and many died or were maimed both physically and emotionally.

But, despite this travesty of justice and its perpetuation over many years, the Lithuanian people have remained strong in their determination for a free tomorrow. Theirs remains a vision of hope—a hope for freedom denied a great nation far too long.

The cause of human rights will not rest until it is realized by all peoples. It is symbolic in this commemoration for Lithuanian nationhood, which is observed throughout the free world.

ON SACCHARIN BAN

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HILLIS. Mr. Speaker, I am submitting today a copy of a letter which I have received from Dr. John A. Galloway concerning another one of the problems which will be present if saccharin is banned as an artificial sweetener in soft drinks. I wanted all of my constituents to be able to have the benefit of Dr. Galloway's opinion on this matter:

AMERICAN DIABETES ASSOCIATION,
INDIANA AFFILIATE, INC.
May 10, 1977.

Hon. ELWOOD H. "BUD" HILLIS,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. HILLIS: I was pleased for the opportunity of discussing with you a number of issues on the occasion of the kick-off breakfast for the Kokomo fund-raising drive for the Indiana Affiliate of the American Diabetes Association on Saturday, April 30. I am writing now to state the specifics of my concern about the effect of banning saccharin from use in soft drinks. The starting point for the views stated below is the fact that there are no data whatsoever to demonstrate that saccharin is carcinogenic in humans.

In the discussions on saccharin which have been reported in the news media, little or no attention has been given to the plight of the diabetic of school age should saccharin be removed from soft drinks. According to the report of the National Diabetes Commission there are nearly 100,000 children of school age in the United States who have diabetes. As you know, the ingestion of soft drinks is a key element of the life-style of youngsters in the U.S.A. today. If saccharin is removed from soft drinks, then diabetic children will be tempted to practices which will have a very adverse effect on their blood sugar control. This concern can be appreciated if one recognizes that a normal person whose blood sugar is 100 mg. per 100 ml. of blood has a total blood glucose of about 20 grams. An 8-ounce soft drink contains about 30 grams of sugar. A normal child has the insulin secreting capacity to metabolize this sugar load. A diabetic child clearly does not and the ingestion of one Coke, for instance, carries with it the acute risk of marked increases in the blood sugar and a resurgence of the signs and symptoms of poor blood sugar control. The chronic effects of several soft drinks per week may have disastrous consequences in terms of mobidity and mortality for the juvenile-type diabetic.

For the nondiabetic the ingestion of one 8-ounce sugar containing drink daily consists of a caloric load of about 120 calories with the potential for the gain of one pound every month or ten to twelve pounds per year. If we really are concerned about the $140 billion that is spent annually for health care, and recognize that over half of this expenditure is to treat life-style related disorders of which obesity, alcohol abuse, and cigarette smoking account for the major portion, the Congress will rescind the Delaney Amendment and give its attention to the real hazards to the health of Americans.

I trust these comments will be of value in your deliberations.

Sincerely,

JOHN A. GALLOWAY,
M.D., F.A.C.P., Associate Professor of Medicine, Indiana University School of Medicine; Member Board of Directors, American Diabetes Association; Immediate Past President, Indiana Diabetes Association.

CARTER'S EMERGING FOREIGN POLICY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column by my constituent, Gen. Henry Huglin. General Huglin is a retired Air Force brigadier general and syndicated columnist. He comments on the questions of idealism versus pragmatism in President Carter's foreign policy.

The article follows:

CARTER'S EMERGING FOREIGN POLICY

(By Henry Huglin)

To the surprise of most people, President Carter has devoted a great deal of attention and action to foreign affairs. This is good, as foreign and domestic policy and action are increasingly two sides of the same coin of our national well-being.

What is emerging is a Carter foreign policy based on an unusual amount of idealistic moralism, which needs to be tempered with more pragmatism.

In some areas, such as our alliances with Japan and with our NATO partners, Mr. Carter has wisely emphasized continuity, renewal, and strengthening. In other areas, such as southern Africa and the Mideast, he has made changes in emphasis as well as major modifications in previous basic policy.

In a speech on May 22nd, in which he dealt broadly with foreign policy, he set forth these "five cardinal premises:"

"First, our policy should reflect our people's basic commitment to promote the cause of human rights.

"Next, our policy should be based on close cooperation among the industrial democracies of the world—because we share the same values and because together we can help to shape a more decent life for all.

"Based on a strong defense capability, our policy must also seek to improve relations with the Soviet Union and with China in ways that are both more comprehensive and more reciprocal. Even if we cannot heal ideological divisions, we must reach accommodations that reduce the risk of war.

"Also, our policy must reach out to the developing nations to alleviate suffering and to reduce the chasm between the world's rich and poor.

"Finally, our policy must encourage all countries to rise above narrow national interests and work together to solve such formidable global problems as the threat of nuclear war, racial hatred, the arms race, environmental damage, hunger and disease."

This all sounds fine. But implementation is, of course, the crucial test.

Although, almost instinctively, most Americans like Mr. Carter's primary emphasis on human rights, adverse reactions have come from friend and foe.

In some European countries, government officials have expressed concern that the strong public drumming on human rights will cause more harm than good for the people under authoritarian regimes in general and in eastern Europe in particular.

And governments which have long been especially friendly with our country, such as Brazil, have turned critical or reacted harshly to the Carter Administration's public castigating of them over human rights.

The Soviets, particularly, have responded sharply. They have stepped up their propaganda against our government's policies and against President Carter personally. They have also increased their repression of dissidents in Russia. And they have been especially hard-nosed in strategic arms negotiations.

Now this Soviet reaction may not be bad. For one thing, it is causing a more serious look than has been recently taken by most of us at the nature of the Soviet regime and the implications of their on-going heavy arms buildup.

In the broader world context, though, Secretary of State Vance wisely said in April: "In pursuing a human rights policy, we must always keep in mind the limits of our power and of our wisdom. . . . A sure formula for defeat of our goals would be a rigid, hubristic attempt to impose our values on others."

Yet, our government's policies relative to southern Africa, in particular, seem to fly in the face of Mr. Vance's sensible points.

In Africa, the Administration is certainly selectively intruding into the internal affairs of Rhodesia and South Africa and trying to impose our values on them. But the Administration is not paying much attention to the grave human rights violations in some of the other African nations—or in China, or Cuba, or Vietnam.

President Carter and his Administration still have a way to go to sort out feasible foreign affairs policies and actions that will be most effective.

Over-zealousness on such areas as human rights and control of nuclear weapons and

nuclear energy can lead to unfortunate consequences for our basic national interests and the best interests of other peoples of the world as well.

But the President has sometimes shown a strong streak of tough-minded pragmatism. This will likely come to the fore as he has to deal with hard foreign affairs choices.

So, for all the idealistic moralizing, President Carter will probably ease into a middle-of-the-road position in the implementation of his foreign policy, as have all Presidents since World War II—generally applying the adage President Theodore Roosevelt recommended: "Speak softly and carry a big stick." Let's hope so.

THE 37TH ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA—WHY?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BURKE of Florida. Mr. Speaker, right now the United States is participating in a conference at Belgrade, to establish an agenda for a serious discussion of the results of the Helsinki accords. There are so many individual and group concerns about denial of human rights by the Soviet Union which could be discussed, violations of Basket III of the accords which could be raised, with the Soviets, that I hesitate to single out any person or group for particular attention. Yet every case like Anatoly Scharansky is a painful example of what the accords were supposed to accomplish and did not. Every time we recall the brave peoples who live under Soviet rule, denied self-determination, we are clearly reminded that there is a shameful gap between Soviet law and practice.

In this connection, Mr. Speaker, I cannot fail to join in commemoration of a day of infamy, June 15, 1940, when the sovereign State of Lithuania was invaded by the Soviet Union. Lithuania's position as an unwilling part of the U.S.S.R. is a modern monument to that day 37 years ago. Lithuania does not suffer alone, Mr. Speaker; Latvia and Estonia also wait patiently for a day when they can enjoy the rights guaranteed by a constitution which the Soviets imposed by force, or those called for in the accords reached by the Conference on Security and Cooperation in Europe at Helsinki. But today is Lithuania's infamous anniversary. And how ironically apt that preparations are underway for a discussion of those accords, while thousands of Lithuanians throughout the free world are joining in spirit with their relatives and friends in their Soviet-dominated homeland to remember how the long night of oppression began.

Mr. Speaker, this body went on record on December 2, 1975, with H.R. 864, as clearly refusing to recognize the forceable incorporation of the Baltic Republics into the Soviet Union. I take this highly appropriate opportunity today to urge the President and the Secretary of State to press vigorously in all current and forthcoming talks with the signatories of the Helsinki accords for continued improvement in the political and human rights of all unjustly repressed persons and groups in the Soviet Union. On this 37th anniversary of the Soviet Union's brutal attack on Lithuania, it is perhaps the most fitting tribute that I can pay.

A REVIEW OF THE FORD/MITRE STUDY ON NUCLEAR POWER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BROWN of California. Mr. Speaker, the debate over the Clinch River fast breeder reactor project has frequently focused on the fact that President Carter's position is a reversal of President Ford's position. This is not significant in itself, given the nature of politics, but the focus on President Carter's decision to defer the Clinch River breeder reactor project obscures the fact that many other groups and individuals have also reconsidered their earlier, short-lived support of this phase of the fast breeder reactor research, development, and demonstration program.

One of the reports which supports the President's position is the Ford/Mitre study, "Nuclear Power: Issues and Choices." I have previously placed some of the findings of this study in the CONGRESSIONAL RECORD, and would strongly recommend to my colleagues that they take time to read this report. However, knowing that most of my colleagues will not have time to do so, I would like to recommend that my colleagues at least take the time to read a recent book review of this Ford/Mitre study. This review summarizes the key points of this study, which the reviewer claims "provides some intellectual underpinning for Carter's energy program."

Mr. Speaker, since the Committee on Science and Technology has rejected the position of the administration, I will be offering an amendment on the House floor supporting President Carter's position on the Clinch River breeder reactor project. The review, which I will insert in the RECORD, explains some of the background of this debate:

[From the Bulletin of the Atomic Scientists, June 1977]

A STRATEGY TO BUY TIME—NEW POLICY STUDY PROVIDES SOME INTELLECTUAL UNDERPINNING FOR CARTER'S ENERGY PROGRAM

(Reviewed by John P. Holdren)

Nuclear Power: Issues and Choices, Report of the Nuclear Energy Policy Study Group (Spurgeon M. Keeny, Jr., Chairman; Seymour Abrahamson, Kenneth J. Arrow, Harold Brown, Albert Carnesale, Abram Chayes, Hollis, B. Chenery, Paul Doty, Philip J. Farley, Richard L. Garwin, Marvin L. Goldberger, Carl Kaysen, Hans H. Landsberg, Gordon J. MacDonald, Joseph S. Nye, Wolfgang K. H. Panofsky, Howard Raiffa, George W. Rathjens, John C. Sawhill, Thomas C. Schelling, and Arthur Upton) sponsored by the Ford Foundation and administered by the MITRE Corporation (Ballinger Publishing Company, 1977, 418 pages).

Even if several of this book's 21 authors had not accepted influential positions in the Carter administration since completing their work on the project, and even if the principal recommendations made in the book had not become presidential policy within weeks of the book's publication, it would still be required reading for anyone with a serious interest in U.S. energy policy. As it is, NPIC (to which the acronym-addicted energy policy community doubtless will compress the book's unwieldy title) commands immediate attention beside Amory Lovins' "Energy Strategy: The Road Not Taken" as one of the new local points of The Great Energy Debate.

Like the President's energy plan itself, the book contains so much more that is reasonable and right than is questionable or objectionable, and represents so substantial a step forward in what for want of a better term I will call "establishment analysis" of the energy problem, that I am almost reluctant to make any criticisms at all. Better a loud hurrah for both the book and the President's energy plan, so that no one may suppose that progress is unappreciated. In this spirit, I shall begin by recording some of the book's considerable merits.

The authors of NPIC obviously were aware that the issues surrounding nuclear power are woven tightly into the fabric of the broader energy situation, and that it would not be possible to carry out their stated task of taking a "fresh and independent look at the role nuclear power should play in the United States and the rest of the world in this century" without looking at oil, coal, conservation, and a good many other things as well. The pitfall that accompanies this recognition is that the scope of such a study may expand out of control—everything being connected to everything else—until it encompasses the entire indigestible corpus of the human predicament. These authors, however, avoided the pitfall with grace and dexterity, managing in a book of 400 pages to illuminate most of the essential threads of the nuclear debate while avoiding matters of marginal relevance and not belaboring some others that are relevant but too clouded by uncertainties to repay exhaustive treatment.

The organization of the book is excellent. It begins with a lucid overview of about 40 pages, summarizing all of the Study Group's principal conclusions on the issues relevant to policy. The remainder of the book is divided into four parts.

Part I, Energy Economics and Supply, covers the relation between energy and economic prosperity, the supplies of uranium and fossil fuels, the comparative economics of light water reactors and coal-fired power plants, and an introduction to alternatives to fossil fuel and nuclear fission, including solar energy, fusion, and energy conservation.

Part II, Health, Environment and Safety, covers nuclear accident risks, radioactive-waste management, and routine risks to health and environment posed by generation of electricity with uranium and coal.

Part III treats Nuclear Proliferation and Terrorism.

Part IV, Issues for Decision, applies the information developed in Parts I to III, plus additional descriptive material, data, and argumentation as needed, to develop recommendations on what the U.S. policy should be concerning plutonium reprocessing and recycle, breeder reactors, uranium enrichment, and exports of nuclear technology.

The book evidently was written to be understandable to intelligent lay persons, and in this respect I suspect it has succeeded admirably. There is a compact appendix introducing the elementary technology and terminology of the nuclear fuel cycle for those without prior exposure to it, and the authors have done an uncommonly thorough job of providing concise definitions of needed technical terms and concepts as they arise in the development of the argument. (Explanatory footnotes as well as those supplying references are at the bottoms of the pages, sparing the reader a constant scramble for the end of the chapter of the back of the book.)

The reader will discover the meaning of "forward cost" of uranium resources, the difference between "fault trees" and "event trees" in analysis of reactor-accident probabilities, and the much-abused subleties in the definition of "capacity factor" of nuclear and coal-fired power plants, for example, much more quickly and surely here than in the original literature.

In fact, the clarity of the exposition and the extensive use of recent relevant data would make this a better book from which to teach an introductory course about contemporary energy problems than most texts designed for that purpose. At the same time, the pedagogical material has been introduced with sufficient grace and economy of style that it does not seem overly intrusive to the specialist reading the book for its policy content. In all, this is the best written book I have ever encountered that was produced by a committee.

The deliberations of the Nuclear Policy Study Group and the production of this book were sponsored by the Ford Foundation through a grant to the MITRE Corporation, which managed the project. The work was carried out, according to the author's preface, without the intervention or influence of either organization in matters of intellectual substance. The 21 participants were chosen, writes McGeorge Bundy in his foreword, as individuals "highly qualified in their own fields of investigation and analysis" and "essentially open-minded on the general debate raging around nuclear power."

No one is likely to argue much with the first of these assessments, although some may question whether the national distribution of highly qualified people really is such as to require naming Harvard professors to fully a third of the 21 slots.

Institutional affiliations other than universities include the International Bank for Reconstruction and Development, the Brookings Institution, and Resources for the Future. The breakdown by disciplines was: economics, law, and policy studies, 14; physics, 4; environmental and life sciences, 3. As for openmindedness, environmentalists will probably find a pro-high-technology if not a pro-nuclear leaning in prior position taken by members of the Study Group, and analysts of military nuclear policy will certainly find a pro-arms-control, anti-proliferation leaning.

CONCLUSIONS OF STUDY GROUP

What, then, were the conclusions of this body? On a variety of important points, the conclusions are not new but are nevertheless of great significance because their endorsement here by authors of such impeccable credentials will do much to remove them from the realm of controversy. For example:

On the relation of energy and GNP (p. 14): "Although there has been historical correlation between energy and economic growth, there is no reason to believe that the same relationship will hold under conditions of rising rather than falling energy prices."

On energy prices and employment (pp. 48–49): "For the long run, we can only say with confidence that there is no direct relationship between energy costs and the number of jobs . . . The same processes that have adjusted the economy to technological change should respond to energy scarcities without significant increases in unemployment."

On Conservation (p. 147): "Conservation is one of the most effective means of making available additional energy to produce desired goods and services."

On nuclear power as insurance against supply disruptions (p. 15): "While substantial changes in energy prices can be accommodated in the long run, sudden stoppages or sharp increases can indeed force temporary cutbacks in industiral operations with attendant unemployment and hardship . . . . The amount of nuclear power available will have little to do with the cause, severity, or duration of such events."

On the Rasmussen report (p. 18): "Although WASH–1400 is a valuable resource for the study of the safety problem, we believe that it seriously underestimates uncertainties and has methodological flaws that are discussed in our report."

On the usability of plutonium from light water reactors for weapons (pp. 331–332): "Earlier, it was believed that reactor-grade plutonium would be unsuitable for weapons because of the presence of the isotope plutonium-240. This isotope, which can potentially lead to disruptive preinitiation of a weapon, is now not regarded as a prohibitive barrier to successful weapons production."

On existing safeguards against nuclear terrorism (p. 302, p. 311): "As presently operated, the security system even in the American nuclear industry does not appear adequate to meet the potential threat of terrorism . . . . The federal government appears to be poorly prepared to respond to an act or threat against a reactor or the theft of nuclear materials."

On the coal-nuclear comparison in terms of health, environment, and safety (p. 17): "The range of uncertainty in social costs is so great that the balance between coal and nuclear power could be tipped in either direction with resolution of the uncertainties."

On the economic benefits of nuclear power (p. 15): "Even with assumptions favorable to nuclear power, the benefits from the continued growth of light water reactors and the early introduction of the breeder are very small in this century (a small fraction of 1 percent of GNP), and only 1 or 2 percent in the next century."

On the timing of decisions about nuclear power (p. 4): "While nuclear power is one of the options that should be pursued, it is not as critical to future economic development as it advocates claim. There is therefore time to assess carefully the potential risks as well as the benefits of nuclear power and to avoid hasty and uncritical decisions."

The central issues in U.S. nuclear policy, as the Ford/MITRE Study Group sees them, involve proliferation of nuclear weapons and the potential influences of U.S. decision-making on that process. (Proliferation in this context means the spread of nuclear-weapons capability among nations; the acquisition of such weapons by subnational groups is also given considerable attention in the book, but the emphasis on the international dimension is much greater.) Based mainly on proliferation considerations, the authors suggest that the United States should:

Defer indefinitely domestic reprocessing of spent reactor fuel and the recycling of plutonium and, more specifically, not supply federal assistance for the completion and operation of the Barnwell (South Carolina) reprocessing plant;

Postpone beyond the end of the century any decision to commercialize the plutonium breeder reactor, and probably cancel the Clinch River liquid metal fast breeder reactor demonstration project;

Call for a two to three year moratorium by all nuclear-supplier nations on exports of technology for enrichment of uranium and for reprocessing of reactor fuel, during which time an intensive reexamination of proliferation risks could take place;

Expand domestic uranium-enrichment capacity, partly to help the United States contribute to the establishment of a stable and reliable world market in low-enriched uranium for use in light water reactors (on terms attractive enough to discourage adoption of indigenous reprocessing and enrichment capacity in nations not now possessing it);

Develop technology for interim management and then permanent storage of unreprocessed radioactive wastes (that is, spent fuel), and, if it seems necessary to serve nonproliferation objectives, offer to take back spent fuel from other nations for storage;

Seek a 15-year moratorium on the use of "peaceful nuclear explosives," which pose proliferation problems far out of proportion to their potential benefits;

Urge our industrialized allies, insofar as possible, to adopt similar policies.

It is important to emphasize that the Study Group does not recommend abandoning the breeder option (nor does President Carter in his proposed energy program). NPIC argues, and President Carter does not appear to disagree, that it is conceivable this country and the world will need plutonium breeders eventually as a long-term energy source, and that the option should be kept alive for now as a hedge against the possibility that more agreeable long-term sources turn out not to be adequate.

The recommendations are based on the view, however, that neither Clinch River nor early plutonium recycle are needed to keep the breeder option alive, and that a decelerated and more diverse breeder program has few costs and many benefits (especially for proliferation) compared to the path the country has been on until now.

In putting forward their proposals, the Ford/MITRE authors make it perfectly clear that they are aware proliferation is a complex political problem—one for which there can be no solution through technical fixes alone, or through unilateral action by the United States, and indeed for which there is no complete solution at all. They discuss the alternative pathways to nuclear-weapons capability outside commercial nuclear power, and they describe some political initiatives unrelated to nuclear power that the United States might take to relieve international tensions in general and incentives toward proliferation in particular.

Their position is therefore not that manipulating nuclear power is the only way to influence proliferation, nor that stopping the spread or the evolution of nuclear power would stop proliferation. It is rather that slowing the spread of the most "sensitive" technologies (enrichment, reprocessing, breeders), and slowing the evolution of commercial nuclear power toward plutonium-based systems, can slow proliferation down. Theirs is, in other words, a time-buying strategy, and in a sensible world the time that is bought will be used to implement political measures that can reduce more permanently the chance that nuclear weapons will be used. (If statesmen cannot or will not use the time this way, we are all dead no matter what else happens.)

Two questions about this sort of strategy come immediately to mind. How much time can really be bought thereby? How expensive is the time that is bought? The NPIC authors admit the answer to the first question is somewhat uncertain. Countries that want

nuclear bombs badly enough will get them by an alternative route—production reactors or indigenous enrichment facilities specifically for this purpose, for example. But these routes are expensive, slow, and obvious, magnifying a government's vulnerability to internal dissent, external censure; or even preemptive action.

Possessing the appropriate indigenous nuclear-power technologies, by contrast, legitimates the development of a bomb-relevant technological base, greatly shortens the time between a decision to make bombs and actually having them, and increases the number of bombs that can be produced in a short time. It is these "attractive nuisance" characteristics of enrichment and reprocessing technologies that suggest that slowing their spread will slow proliferation significantly.

It is often argued that the United States can no longer have much influence over the spread and character of nuclear power abroad, because other industrial nations will sell what the United States will not, and because the incentives for developing countries to buy are so strong. The Ford/MITRE group, and evidently President Carter, reject that view. The Study Group puts great weight on the potential influence of the United States setting an example in deferring its own reprocessing and breeder-deployment programs. They write (p. 357):

"The United States has played a major role in shaping world expectations regarding breeders and indeed, inspired many of the foreign breeder programs now underway. Reexamination of U.S. needs and estimates of what it is possible to do at economic advantage or low cost in delaying commitment to a plutonium economy can still have an impact on decision processes in other countries."

And on p. 381:

"Any U.S. proposal for international reexamination of the fuel cycle could hardly be credible if the United States were forging ahead with its own plans for reprocessing fuel for LWSs and with its program for early commercialization of the breeder reactor. . . . Other countries may not follow the U.S. lead, but most would at least reassess their own plans in the face of U.S. restraint."

The authors recognize that some countries have stronger incentives than others to proceed with plutonium recycle and breeder reactors and, although they argue that the rationale for developing countries to move in these directions is especially thin, they concede that a strong U.S. example may not be as effective as they hope. Their position, then, is not that the strategy they propose is a foolproof means of buying time against proliferation, but rather that it will probably work to some extent and that the cost of finding out is low.

The Study Group's view of the low cost of time bought by their prescriptions is based largely on an economic analysis of the benefits of early breeder-reactor commercialization, described in Chap. 12. The conclusion of that analysis that the benefits (and hence the costs of delay) are small rests, in turn, on three propositions:

That enough uranium is available in the United States at reasonable cost to support expanded domestic reliance on light water reactors and a significant quantity of low-enriched uranium for export;

That the coal alternative to nuclear power can not only be relied upon but can be expanded rapidly;

That economic, price-induced energy conservation can reduce the growth of demand for energy in general and electricity in particular to well below traditional "business as usual" forecasts.

It is on these three points that the main substantive attacks on the study by the nuclear community probably will focus.

URANIUM RESOURCES

With respect to uranium resources, the supplies assumed in the economic model's "base case" were 2.5 million tons of uranium oxide at a production cost of $30 or less per pound and 5.5 million tons at a production cost of $100 or less per pound. These numbers are roughly consistent with those developed to date in ERDA's National Uranium Resource Evaluation Program (NURE), which include actual plus potential reserves of 3.7 million tons at "forward costs" below $30 per pound. Much lower estimates have been put forward by some other analysts, and it is fair to say that the question of uranium supply remains one of the most controversial ingredients of the breeder debate.

I believe the situation reflects a classic confrontation of the geologist's versus the economist's approach to resource estimation, the geologist deriving low figures from the tangible but limited geologic evidence in hand and the economist deriving much higher estimates from extrapolation and the expectation that higher prices will stimulate new discoveries.

My own view is that the economist's view is more reasonable early in the development history of a given mineral (as I would argue is the case for uranium), while the geologist's view is more realistic late in the development history (as I think is the case for oil). This view puts me in sympathy with the NPIC position (known to rest mainly on the analysis of Study Group member and Resources for the Future economist Hans Landsberg). At the same time, I think the Study Group can fairly be faulted for not exploring more explicitly the sensitivity of their conclusions to the real uncertainty about who is right concerning uranium.

I do not accept the view, put forward by some breeder proponents, that the most prudent course is always to formulate policy on the basis of the minimum resource estimate. If the policies responsive to that minimum estimate have very high costs associated with them, it is not at all obvious that this is a prudent course. The saving grace in the present case is that a good deal more could be learned about uranium supply, by means of a vigorous program of research and exploration, in the space of perhaps five years—not a crucial loss even if the low estimates turned out to be more nearly correct.

The coal alternative, too, is controversial. The Study Group envisions the possibility of a quadrupling of 1975 U.S. annual production of 600 million tons by the year 2000, a prospect that makes many other analysts queasy. The authors concede that such a role for coal would require "more efficient mining technology, improved transportation systems, better control of sulfur oxides and other emissions, radically improved long-distance electrical transmission, and development of more efficient, lower cost synthetic gas and oil conversion." While admitting this is a big order, they suggest that according coal research and development a national priority equivalent to that which nuclear power has enjoyed could probably accomplish it. They may be right, but I am personally nervous that we may get the coal without getting the environmental-control improvements needed to go with it.

I also believe the Study Group has understated the carbon-dioxide-and-climate problem, in concluding (p. 20): "Whether the impacts of carbon dioxide will combine with natural changes in climate to the net disadvantage or advantage of mankind or to particular regions cannot be judged at this time."

The first-order effects of both natural climatic change and change induced by carbon-dioxide build-up would not be the alteration of mean global surface temperature but, rather, more complicated associated changes in patterns of circulation and precipitation. Expecting these to cancel when natural and anthropogenic influences are superimposed would be a bit like expecting two random malfunctions in the innards of a watch to counteract each other in a way that left its timekeeping ability unchanged. The short-term effect on mankind of any non-cancelling perturbations, moreover, is overwhelmingly likely to be negative, owing to the adaption of existing agricultural systems to existing climatic conditions.

ENERGY CONSERVATION

In the event that the Study Group is judged to have overestimated uranium resources, or to have been too sanguine about the prospects for expanding the use of coal, it has left itself a comfortable, compensating cushion in its analysis of conservation.

It assumed that energy use would increase in direct proportion to income if energy prices stayed constant, probably an overly cautious assumption, in my view, in the face of trends toward miniaturization, toward more efficient industrial processes, and from manufactured goods toward services (all of which were underway before real energy prices started to rise).

It assumed a "base case" price elasticity of demand for energy of 0.35—a reasonable figure but one likely to prove low as more experience with higher prices accumulates.

It assumed that only 3 percent of society's capital stock can be adjusted each year to respond to energy-conserving opportunities. And it gave little credit to energy conservation induced by factors other than price.

The Study Group explicitly acknowledged that these assumptions tended to understate the potential of energy conservation; the authors chose not to take a stronger position on conservation because their conclusions all seemed robust enough with a moderate one. Critics inclined to claim that the study's assumptions were biased against nuclear power will have trouble with this point. I believe there is enough slack on the conservation side to sustain the study's main conclusions even with a considerable reduction in the assumed capabilities in uranium and coal.

My own principal criticism of NPIC is that it does not pursue its antiproliferation argument quite far enough. I find very compelling the arguments adduced in NPIC and elsewhere about the unsuitability of nuclear power for meeting the energy needs of most developing countries. Nuclear power, even light water reactors using low-enriched uranium with no reprocessing, is economic only in large units, demanding of indigenous technical sophistication, vulnerable, unforgiving, and produces only electricity. Most needs in the developing countries are for nonelectric energy and, whether electric or not, for technologies that are sturdy, easily repaired by local talent, and deployable in dispersed units of modest size.

I would therefore rather have seen the Study Group explore more thoroughly the merits of a U.S. position against export of nonbreeder reactors as well as against that of more "sensitive" technologies. Such a position would have compelled more attention to the important question of what technical assistance better suited than nuclear reactors to the needs of developing countries the United States might be able to provide. And it would have

confronted more squarely what I think may be the real Achilles heel of the Ford/MITRE position—namely, that developing countries are unlikely to be more enthusiastic about dependence on industrial nations for enriched uranium than they are about dependence on OPEC for oil, and that possession of light water reactors will therefore prove to be a strong inducement to develop indigenous enrichment capacity as soon as they are able.

Some may also argue that NPIC should have explored the implications for the United States of centralized versus decentralized and electric versus nonelectric patterns of domestic energy development. I think this would be carping; the study was supposed to draw conclusions from available information and analysis, not explore entirely new ground. There is always more to do.

The book contains remarkably few factual errors; I found only two. The statement (p. 201) that "the amount of solar energy intercepted by the entire earth's surface and returned to the atmosphere averages 341 watts per square meter" is incorrect. The figure given is the average short-wave energy incident at the top of the atmosphere, and only about half as much penetrates clouds, dust, and atmospheric gases to reach the surface. The five-year Non-Proliferation Treaty Review Conference (p. 288) was held in 1975, not 1973.

• • • • •

Nuclear Power; Issues and Choices is, by any yardstick, a major contribution to the energy debate. I think it has irreversibly moved the middle-of-the-road position, in the spectrum of views about nuclear energy policy, a large step to the left. And one does not have to agree with all its conclusions to recognize that the document is painstakingly researched, superbly organized, cogently argued, lucidly written. It, and the presidential energy plan for which it provides much intellectual underpinning, will be much debated in the coming months, including, unfortunately, by people who have read neither. Read them both. It is time well spent.

JUSTICE TOM C. CLARK

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BROOKS. Mr. Speaker, last Sunday night, Justice Tom C. Clark died. His death marked the end to a legal career that may well be unmatched in our history.

Justice Clark came to Washington in 1937 after having engaged in private practice in Texas. Throughout his years of legal practice he always combined a calm dignity with a profound sense of practical reality. In his public life, as Assistant U.S. Attorney General, as U.S. Attorney General, as Associate Justice of the Supreme Court, and finally as a senior judge, he was totally dedicated to the law, to justice, and to his country.

Those of us who had the good fortune to know him personally can testify to the depth of feeling he had for the two overriding interests of his life—the law and his family. We also were aware of the great satisfaction he derived from both of those interests. With all of their accomplishments he and his lovely wife, Mary, took the greatest pride in the accomplishments of their children, Mildred and Ramsey.

His family have our condolences, but I know they derive great comfort out of the achievements of his remarkable career. We, his friends, his fellow Texans, and all Americans share their grief and their pride as we reflect on the life of Justice Tom C. Clark.

NEW YORK AND ALABAMA: PARTNERS IN POVERTY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HARRINGTON. Mr. Speaker, over the past several months we have witnessed a growing interest in, and sensitivity to the special economic difficulties of particular regions of the country. To a large degree, the debate over regional economic trends has been constructive, for it has focused attention on deeply rooted economic problems which, until now, this body has failed to address. There has, however, been a negative side effect as well. Some of the debate has descended into an atmosphere of regional mistrust and competition. Each group has armed itself with a new battery of selective and sometimes erroneous statistics to defend its own interests. Perhaps, more than anything else, these squabbles have underscored our current inability to accurately measure economic need.

In the fray, the essential concern which motivates the regional spokespeople of the Northeast and Midwest has been lost. That motivation is a deep commitment to a healthy and balanced national economy—one in which each geographical area of the United States participates fully, both by making its own contribution and deriving its particular benefits.

Over the past year or so, leaders in the Northeast and Midwest have attempted to demonstrate that their regions no longer enjoy the economic stability which once allowed for a generous exportation of their development capital. In fact, ample evidence exists to support the contention that the chief capital exporters of the past are now in serious need of the very same economic assistance they once provided the less developed regions of the South and Southwest.

The most recent and disturbing evidence of this economic reversal can be found in a report on geographic shifts in income issued by the First National Bank of Chicago and summarized in the June 10 issue of the American Political Report. This report, written by bank economist Alan Reynolds underscores the need for a major reevaluation of our Federal funding formulae and their reliance upon a simplistic interpretation of existing income data. The message in Mr. Reynolds' analysis is clear: Adjustments for regional cost of living are absolutely essential if we are to truly target Federal funds to areas of need.

For the benefit of my colleagues, the American Political Report's summary of Mr. Reynolds' report follows:

BUSINESS POLITICS: THE IMPLICATIONS OF SHIFTING U.S. INCOME GEOGRAPHY

New state-by-state income data suggests that politicians and businessmen can look for more actions like the Senate's June 7 vote to tilt federal urban aid to the Northeast and Midwest. Meanwhile, though, this same data—drawn from analyses by Chicago Bank economist Alan Reynolds in the "First Chicago World Report"—shows just how much ground the old Northern industrial states have been losing.

The stunning message of Reynolds' South versus North figures lies in how the Northern lead in nominal (unadjusted) per capita income fades to nothing or a deficit when adjusted for the purchasing power impact of local living costs, state and local taxes and (nominal income-related) federal tax brackets.

Real disposable income by State (1975)

Snow Belt:	*Income* [1]	*Income* [2]
Connecticut	$6,973	$4,254
Massachusetts	6,114	3,166
Rhode Island	5,841	3,535
Maine	4,786	3,244
New Hampshire	5,315	3,293
Vermont	4,960	3,132
New York	6,564	3,493
New Jersey	6,722	4,062
Pennsylvania	5,943	3,870
Ohio	5,810	3,973
Illinois	6,789	4,404
Indiana	5,653	3,834
Michigan	6,173	3,945
Wisconsin	5,699	3,670
Florida	5,638	4,122
Georgia	5,086	3,795
N. Carolina	4,952	3,738
S. Carolina	4,618	3,530
Virginia	5,785	4,105
Kentucky	4,871	3,692
Tennessee	4,895	3,704
Alabama	4,643	3,566
Mississippi	4,052	3,109
Arkansas	4,620	3,745
Louisiana	4,904	3,663
Oklahoma	5,250	4,015
Texas	5,631	4,313

[1] Per capita, unadjusted.

[2] Per capita, adjusted for local taxes, differences in cost of living and per capita federal taxes.

Reynolds bluntly says "Our calculations indicate that real, after-tax incomes are now significantly lower in New York and Massachusetts, than in, say, Arkansas and Alabama." With local cost-of-living and tax factors the principal culprits, though, federal aid shifts may not have much impact . . . welfare state economics (the Britainization of New England and New York) appear more critical.

Some other implications for business . . . a larger-than-expected shift of real disposable income to the South and West; further reinforcement of anti-welfare state business relocation factors (Northeast and Great Lakes states constitute the bulk of those where taxes are "high and rising" per the Advisory

Commission on Intergovernmental Relations); and growing need to watch out for federal legislation like the just-introduced "National Employment Priorities Act" (see Christian Science Monitor, 6/7) designed to force relocation-minded corporations to submit to investigation, hearings and possible tax benefits loss.

INFAMOUS ANNIVERSARY OF LITHUANIAN REPRESSION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. RHODES. Mr. Speaker, 37 years ago the Russians overran and conquered Lithuania. Since that time, the people of that land have suffered repression and violation of their human rights. Many have been deported to Siberian labor camps. All have felt the deprivation of basic human rights and the loss of the freedom that we here take so much for granted.

June 15 is a day which Americans of Lithuanian descent observe in memory of the little nation that once enjoyed an independent government. They have never given up hope that one day the scourge of communism will be lifted from all the oppressed nations of Middle Europe and freedom once again will bless the citizens of those countries.

I am hopeful that the plight of Lithuania will be brought forcefully to the attention of the Soviet delegation at the forthcoming Belgrade Conference, and that we will predicate our future cooperation with the Russian Government on their fulfilling the pledges they made at Helsinki.

It is fitting that we recall the demise of the free government of Lithuania and resolve that we will continue our efforts to secure and maintain freedom wherever it exists in the world today.

June 15 is the anniversary of an infamous takeover of a small country and a reminder that communism represents repression for all who fall under its mantle.

WILDERNESS STUDY LEGISLATION

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BAUCUS. Mr. Speaker, I would like to share today with my colleagues some observations regarding our national forest public lands policy. During this Congress, we will consider various proposals which, if enacted, will set aside areas for wilderness study and possible inclusion into the National Wilderness System.

I am keenly interested in these wilderness study proposals because many of the potential study areas are in the congressional district which I represent. For the benefit of my colleagues, I include the following information which I hope will be of assistance as the House considers various wilderness study area proposals.

The House Subcommittee on Public Lands will mark up H.R. 3454 on Thursday, June 23. This bill will designate three study areas in Montana. The same subcommittee will conduct a field hearing in my district on Saturday, June 18, dealing with S. 393, the Montana Wilderness Study Act, sponsored by Montana's senior Senator, LEE METCALF. This legislation proposes nine areas in Montana for wilderness study. S. 393 passed the Senate in late May. In addition, H.R. 1907 would designate the Spanish Peaks and the Beartooth-Absaroka areas for wilderness study. The President, in his environment message, recommended an expansion of the proposed Beartooth-Absaroka Wilderness Study area.

Congress must begin to do some long-range thinking about the ultimate size and location of the Wilderness Study System. The current practice of area-by-area classification obscures the need for a comprehensive view of the national system envisioned in 1964, when the Wilderness Act became law.

I have compiled data regarding the proposed wilderness study areas in Montana. Looking at the various proposals comprehensively, I hope the Congress will be better able to assess the effect of the legislation upon the National Wilderness System and other public land uses.

I enclose for the RECORD copies of letters which I have sent to Assistant Secretary Cutler, his response, and supporting materials:

Wilderness statistics

	Acres
NATIONAL	
Total wilderness now in system	14,903,690
MONTANA	
Total wilderness now classified in Montana	1,966,968
Anaconda Pintlar	159,086
Bob Marshall	950,000
Cabinet Mountains	94,272
Gates-of-the-Mountains	28,562
Mission Mountains	75,500
Scapegoat	240,000
Selway-Bitterroot (Montana only)	419,648
Total wilderness study areas in Montana	1,823,370
Selected during RARE	1,353,024
Great Bear	393,000
Elkhorn	77,346
Wilderness study legislation in 95th Congress	2,118,502
H.R. 3454:	
Endangered American Wilderness Act	139,900
Mount Henry	22,000
Thompson-McGregor	89,000
Welcome Creek	28,900
S. 393:	
Montana Wilderness Study Act	952,000
Mount Henry	22,000
West Pioneers	151,000
Taylor-Hilgard	289,000
Bluejoint	61,000
Sapphire	94,000
Ten Lakes	34,000
Middle Fork Judith	81,000
Big Snowies	91,000
Hyalite-Porcupine-Buffalo Horn	151,000
H.R. 1907: Spanish Peaks Study Area	113,102
S. 1671: Beartooth Study Area	913,500

	Forests									
	Kootenai	Flathead	Beaverhead	Bitterroot	Custer	Helena	Deerlodge	Lolo	Gallatin	Total
Average cut, last 5 yr	177.6	134.2	18.5	35.6	2.1	18.3	26.5	131.3	17.7	561.8
High year	(1971) 205.7	(1972) 156.4	(1973) 23.9	(1972) 45.6	(1972) 4.7	(1974) 25.8	(1971) 39.2	(1972) 158.1	(1972) 24.6	
Low year	(1975) 142.3	(1975) 114.6	(1975) 12.4	(1975) 24.4	(1973) .3	(1975) 10.1	(1975) 15.6	(1975) 110.2	(1975) 11.6	
Latest year	(1975) 142.3	(1975) 114.6	(1975) 12.4	(1975) 24.4	.7	(1975) 10.1	(1975) 15.6	(1975) 110.2	(1975) 11.6	
Industry trend	(1)	(1)	(2)	(1)	(2)	(2)	(1)	(1)	(2)	
Potential yield	239.8	146.3	58.9	63.7	10.4	29.9	64.0	188.8	44.7	846.5
Potential yield in roaded areas only	199.9	119.0	24.5	34.8	10.3	22.2	55.3	151.1	41.0	658.1
Classification	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	
Relief available if roadless areas reserved	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	
Other considerations	(8)							(9)		

[1] Declining.
[2] Stable.
[3] Downward.
[4] Potential yield exceeds industrial needs. Some marginal lands may be needed; costs may be high.
[5] Potential yield in roaded areas only is smaller than industrial use. Thus, if all roadless area were reserved, industry would have to be reduced.
[6] Potential yield exceeds industrial consumption. No marginal lands would need to be used.
[7] None necessary.
[8] 89 pct could be maintained.
[9] Added pressure in roaded areas is possibility.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 13, 1977.

Hon. M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY CUTLER: I am writing to request your immediate assistance in connection with two wilderness bills that directly affect my legislative district. Last week you testified before a House Interior Subcommittee in connection with H.R. 3454, the Endangered American Wilderness Act of 1977. In that testimony, you expressed the Administration's support for instant wilderness designation for the Mt. Henry and McGregor-Thompson areas. I would like to have the opportunity to discuss with you in some detail the rationale that the Department followed in making this recommendation.

In this discussion, I would like to consider a number of items, many of which you can assist me substantially in obtaining background information. First, I am particularly intrigued by a statement made to me the other day by a friend of mine from the Wilderness Society, Bill Cunningham. Bill said that on a sustained-yield basis, the U.S. forests in Montana could provide an annual allowable cut equal to that for the average annual cut over the past five years. If this is so, it would seem to me that the Forest Service can provide enough timber to the Montana forest products industry to meet our state's employment needs without sacrificing any further intrusion into roadless areas.

I am intrigued by this notion, primarily because almost every time I talk with somebody from the forest products industry in Montana, I am told that it is necessary to go into new land if the industry is to sustain itself at current levels.

Perhaps you can help me address this question by providing information on a forest-by-forest basis on the following items. For the past five years and for the next five years on a projected basis, what is the forest sustained yield, its allowable cut, the amount of board feet actually placed on bid, the amount of board feet actually purchased, and, finally, the amount of board feet actually cut? If there is a way to disaggregate that information to relate it directly to the wilderness areas, that would be helpful, but it is not necessary.

My suspicion is that currently roaded areas may not be able to provide enough in the way of allowable cuts to sustain Montana's forest products industry at existing levels unless more intensive forestry practices are used than are currently provided by the U.S. Forest Service. This is not intended as a criticism of the Forest Service. Rather, the intensity of forestry practices is largely a function of budget. Fortunately, the Interior Appropriations Committee has seen fit to recommend nearly a $200 million increase in the Forest Service budget for reforestation. How much impact that will have on Montana now and in the future is something I do not know. However, you may have information on that particular item, and if so, I would certainly like to know your views.

Perhaps it would be possible to provide me actual and projected data on existing allowable cuts and projected allowable cuts given various hypothetical increases in funds available for intensive management practices. For example, in your estimation, how much would Montana's allowable cuts be affected by national increases in reforestation budgets in increments of $100 million?

One final note on reforestation. A good bit of my thinking of late in this area was prompted by a passage from your testimony before Mr. Roncalio's subcommittee when you stated that, "I can assure the Committee that I will be coming back to you and to your colleagues in the Appropriations Committee to request the funds needed to enhance production of both public and private lands of the needed balance of both goods and services."

Another area I would like to explore with you in our meeting is the extent to which roadless areas have been studied by the Forest Service. In your prepared testimony submitted to Chairman Roncalio, you noted that the Forest Service has carefully considered the status and condition of variety of wilderness areas. As you know, there are currently twelve prospective wilderness areas now being considered by Congress. Three of those are in H.R. 3454. Nine others are in S. 393, but there is one area, Mt. Henry, that is included in both bills. The twelfth wilderness prospect is the Beartooth-Absaroka proposal that Senator Metcalf plans to submit legislation for soon.

For those twelve areas, I am particularly interested in the following information. What is the status of the wilderness studies done on them by the Forest Service? How long have those studies taken, and how much longer is it expected before they are completed? Roughly, what does it cost to prepare those studies? Has the public been involved in the studies, and if so, to what degree? Finally, are there reports available on these studies, and, if so, how long are they and are they immediately available to my office?

I would like to sit down with you and discuss some of the questions I have raised in this letter. Ideally, I would like to meet with you on these matters within the next two weeks because I would like to be able to make my recommendation to Chairman Roncalio on or before June 1.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 15, 1977.

Hon. MAX BAUCUS,
House of Representatives,
Washington, D.C.

DEAR MR. BAUCUS: This letter will supplement our acknowledgment of June 1 to your letter of inquiry seeking information about timber data and roadless areas in Montana. The following information is provided for your review.

We believe the enclosed Tables 1 through 4 will provide you with the specific timber resource data you requested. Also enclosed is a Supplemental Statement for all areas in S. 393. This provides a short summary for each area including data for commercial forest lands and potential annual yield.

You have asked us to furnish an estimation of harvest level increases which might be achieved through increased intensive forest management in Montana. We do not have information which is specific for Montana, but we have the following estimates for the Northern Region as a whole. By 1980, the annual potential yield (maximum allowable harvest) can be increased from 1.7 billion to 1.8 billion board feet and the annual sell program increased from 1.1 billion to 1.3 billion board feet. This is based on: (1) the assumption that the commercial forest land base will not be decreased more than 1.9 million acres or below 10.8 million acres, (2) that biological and economic problems involved in operating in marginal areas can be overcome, and (3) investments in funding and manpower for intensive practices are available in a timely fashion now, and in the future.

In 1980, timber management funding in the amount of approximately $35.6 million will be required to maintain the 1.1 billion board feet program level. In order to achieve a program offering the full potential yield (maximum allowable harvest) level of 1.8 billion board feet, timber management funding would need to be increased approximately $14.4 million to a level of about $50 million.

You inquired about the status of wilderness studies for areas in H.R. 3454 and S. 393—11 areas in total. Of the 11 areas, only two involve Forest Service designated wilderness study areas. In 1973, we designated the Hilgard Wilderness Study Area (79,000 acres) and the Hyalite Wilderness Study Area (22,300 acres). S. 393 would designate for wilderness study 289,000 acres in the Taylor-Hilgard area and 151,000 acres in the Hyalite-Porcupine-Buffalo Horn area.

Land management planning now underway proposes to designate a 93,450-acre West Pioneer Wilderness Study Area (vs. 151,000 acres in S. 393), and a 10,856-acre wilderness study area (vs. the 94,000 acre Sapphire area in S. 393). Land management planning has been completed for the Mt. Henry, Ten Lakes, McGregor-Thompson, and Bluejoint areas and decisions made heretofore to manage them for other than wilderness purposes. Planning is incomplete for the Welcome Creek, Taylord-Hilgard and Hyalite-Porcupine-Buffalo Horn areas, and has not been started for the Big Snowies and Middle Fork Judith areas.

Studies have not been started for the two designated wilderness study areas. Other than the H.R. 3454 and S. 393 areas, Montana has 25 wilderness study areas designated by the Forest Service and two designated by the Congress—the Great Bear and the Elkhorn. First priority for completion is mandated by those congressional studies.

Generally speaking, a wilderness study takes 2–3 years and costs about $3 to $4 per acre. We also request a minerals study from the U.S. Geological Survey and the U.S. Bureau of Mines, both U.S. Department of the Interior agencies. Their field work and report preparation usually takes 2–3 years. We do not have cost data for their work. The size of the area, amount of resource information available, degree of public involvement, and other factors determine the length and cost of the wilderness studies. The public is invited to participate in the study. They have an opportunity to present their views on a proposal at a public hearing and to comment on the environmental statements. We intend to devise means to streamline the wilderness study process making it less costly in funds and time.

The twelfth area is the proposed Beartooth Wilderness. The Wilderness Act of 1964 (P.L. 88–577) directed that all primitive areas be studied and reported on within ten years. The Absaroka (64,000 acres) and the Beartooth (230,000 acres) primitive areas were reviewed concurrently. Numerous public meetings were held between May 1968 and the public hearing in March 1974. The proposed Beartooth Wilderness (542,437 acres) was forwarded by the President to the Congress in December 1974. A copy of the proposal and the final environmental statement is enclosed for your use. The Beartooth Wilderness proposal will be reexamined in light of the President's recent environmental message.

We will be pleased to answer any questions you may have after review of this data. Your interest in the administration of the National Forests is very much appreciated.

Sincerely,

JOHN R. MCGUIRE,
Chief.

TABLE I.—MONTANA NATIONAL FORESTS

[In millions of board feet]

Forest	Programed allowable harvest						Projected programed harvest [1]				
	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982
Beaverhead	59	28	19	30	4	18	42	29	32	32	32
Bitterroot	58	36	39	46	53	45	42	38	38	38	38
Custer	3	1	2	4	5	5	6	5	4	5	5
Deerlodge	42	37	19	21	36	25	30	25	30	32	32
Flathead	184	119	112	135	150	104	136	116	105	105	105
Gallatin	18	15	19	28	27	16	22	16	16	16	16
Helena	18	12	8	14	10	12	18	16	16	16	16
Kootenai	242	184	192	209	184	187	207	190	185	185	195
Lewis and Clark	10	10	9	15	16	10	15	13	13	13	13
Lolo	187	88	130	150	150	126	153	135	125	125	130
Totals	821	530	549	652	635	548	671	583	564	567	582

[1] Furnished by region—midpoint of range.

TABLE II.—MONTANA NATIONAL FORESTS

[In millions of board feet]

Forest	Potential yield (allowable cut)—sawtimber					Projected potential yield—sawtimber [2]					
	1972	1973	1974	1975 [1]	1976	1977	1978	1979	1980	1981	1982
Beaverhead	65	65	60	59	59	59	59	45	45	45	54
Bitterroot	53	53	53	64	64	64	50	50	50	50	05
Custer	10	10	10	10	10	10	10	8	8	8	8
Deerlodge	49	49	49	64	64	64	64	40	40	40	40
Flathead	182	182	170	146	146	146	146	120	120	120	120
Gallatin	48	48	38	45	45	45	45	25	25	25	25
Helena	33	33	32	30	30	30	30	21	21	21	21
Kootenai	234	234	233	240	240	287	287	230	230	230	230
Lewis and Clark	40	40	37	23	23	23	23	15	15	15	15
Lolo	192	192	184	189	189	189	189	150	150	150	150
Total	906	906	866	870	870	917	903	704	704	704	704

[1] Old allowable cuts recast to include marginal component; allowable cut term expanded to potential yield fiscal years 1975 to 1982.

[2] Furnished by region.

TABLE III.—MONTANA NATIONAL FORESTS

[In millions of board feet]

Forest	Offered for sale					Volume purchased					Volume actually cut				
	1972	1973	1974	1975	1976	1972	1973	1974	1975	1976	1972	1973	1974	1975	1976
Beaverhead	15	26	20	13	1	1	16	20	13	1	16	24	22	12	11
Bitterroot	30	32	36	45	34	30	32	35	25	25	46	39	23	24	24
Custer		10	2	2	5			1	2	2	5		4	1	1
Deerlodge	23	43	19	22	15	23	37	13	22	11	30	27	21	16	19
Flathead	132	121	113	149	125	132	120	111	148	117	156	118	133	115	110
Gallatin	16	10	19	19	18	8	5	5	12	12	25	13	16	12	5
Helena	3	8	10	12	10	2	6	6	12	7	16	25	26	10	8
Kootenai	137	162	167	210	183	137	162	162	201	171	198	172	170	142	152
Lewis and Clark	8	4	10	5	16	6	3	4	5	16	12	19	7	11	8
Lolo	85	90	116	104	104	85	69	102	85	87	158	130	114	110	107
Totals	449	506	512	581	511	424	450	459	525	449	662	567	536	453	445

TABLE IV.—COMMERCIAL FOREST LAND AND ESTIMATED POTENTIAL YIELD IN NONSELECTED ROADLESS AREAS AND UNDEVELOPED AREAS INCLUDED IN THE CALCULATED POTENTIAL YIELD

Forest	Total CFL (thousand acres)	CFL in nonselected roadless areas (thousand acres)	Total potential yield (million board feet)	Estimated potential yield from nonselected roadless areas (million board feet)
Beaverhead	935.5	448.7	59	28.3
Bitterroot	625.4	395.6	64	40.5
Custer	291.9	8.4	10	.3
Deerlodge	782.0	126.6	64	10.4
Flathead	971.4	315.9	146	47.5
Gallatin	502.6	167.4	45	15.0
Helena	597.7	140.4	30	7.1
Kootenai	1,599.3	345.7	287	62.0
Lewis and Clark	696.7	479.7	23	15.8
Lolo	1,423.2	479.6	189	63.7
Total	8,425.7	2,908.1	917	290.6

Note: furnished by region-phone request.

FREEDOM FOR LITHUANIA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HYDE. Mr. Speaker, 37 years ago today—on June 15, 1940—the Soviet Union invaded Lithuania, even though an agreement between the U.S.S.R. and Lithuania signed on October 10, 1939, stipulated:

The realization of this Treaty must not infringe the sovereign rights of the contracting parties, especially the structure of their State, their economic and social systems, military instruments and altogether the principle of non-intervention of one State in the internal affairs of the other State.

There is no denying the fact that Lithuania was illegally annexed and remains so to this day. During the 83d Congress, in 1954, a House Select Committee to investigate Communist aggression reported:

The evidence is overwhelming and conclusive that Estonia, Latvia and Lithuania were forcibly occupied and illegally annexed by the U.S.S.R.; that the elections conducted in July, 1940, were free and voluntary or that the resolutions adopted by the resulting parliaments into petitioning for recognition as Soviet Republics were legal, are false and without foundation in fact.

And former President Ford stated on the eve of the Helsinki Summit, July 25, 1975:

. . . the United States has never recognized the Soviet incorporation of Lithuania, Latvia and Estonia and is not doing so now.

On May 5, 1976, the U.S. Senate joined this Chamber in passing a resolution stating the sense of Congress:

(1) that there has been no change in the longstanding policy of the United States on nonrecognition of the illegal seizure and

annexation by the Soviet Union of the three Baltic nations of Estonia, Latvia and Lithuania, and (2) that it will continue to be the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

Furthermore, President Carter stated in his campaign literature:

Today, when we look at the list of countries in an atlas or an almanac, the name of Lithuania is generally missing. But no atlas or almanac can wipe out the memory of the illegal way in which the Soviet Union occupied Lithuania and the other Baltic states in 1940. . . . I would continue the long-standing bipartisan policy of non-recognition of the Soviet annexation of Lithuania, Latvia, and Estonia.

I remind my colleagues of all of this today because we in Congress, representing the American people, must continue to voice our strong opposition to the Soviet Union's illegal and hostile acts of aggression. Members of Congress have repeatedly done so. And President Carter obviously concurs and he has declared on numerous occasions that the issue of human rights is of the utmost concern to him and members of his administration.

Thus, I believe it is imperative that our U.S. Representatives who are attending the followup Conference on European Security and Cooperation in Belgrade at the present time confront the representatives of the Soviet Union concerning their blatant disregard of, and noncompliance with, the Final Act of Helsinki.

We share with the Lithuanian people a passion for freedom. Were our homeland to be invaded today and occupied for the next 40 years, I know that we Americans would still be fighting as determinedly to win back our freedom and independence 40 years from now as we would be tomorrow. And we would be passing on to our children and grandchildren the same yearning for freedom and the same determination to fight.

Such are the feelings of the Lithuanian people; how can we not sympathize with such emotions? The American people will never forget their plight and we will continue to pray for the day when Lithuanians can celebrate their renewed independence, rather than commemorate the day of their homeland's invasion.

HON. EDWARD CLARK, OF TEXAS, SPEAKS OUT ON THE PRESIDENT'S ENERGY PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. TEAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include a copy of a letter I have received from the Honorable Edward Clark, a member of the board of regents of the University of Texas system. Mr. Clark, a former Ambassador and a longtime public servant, discusses the President's energy proposals in great depth and I commend his letter to my colleagues:

JUNE 9, 1977.

Re The President's Energy Proposal.

Hon. OLIN EARL TEAGUE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN TEAGUE: In some quarters, I am sure that this letter I write today will be characterized as parochial. It is not so intended, but if it sounds that way, it is only because I sincerely believe that the highest and best interests of The University of Texas parallel the highest and best interests of the State of Texas and our Nation.

Neither is my letter intended to suggest that our esteemed President had anything less than the highest and best interests of the Nation in mind when he came forth with his recent energy proposal. Indeed, as any chief executive, he is largely the captive of the ideas of his advisors, unless he has taken the time necessary to explore their notions in depth, and determine whether or not their motives stem entirely from good faith, whether or not their assumptions are specious, whether or not their order of priorities is politically motivated, and, basically, whether or not the conclusions drawn by his advisors are based on misinformation or something less than all the facts and logic.

Surely our President has done at least that, and consequently, I must say that if his energy proposal has errors and omissions, they were honestly made.

I will not dwell on the fact that an energy crisis exists, nor will I dwell on the contributions of indecision, wrong decisions, and refusal to face reality, beginning some 20 years ago, made by our federal government (e.g., natural gas control, oil import program, east coast off-shore drilling delay, Alaska pipeline delay stemming from the National Environmental Policy Act, and the Clean Air Act amendments), nor on the highly complex matrix of problems involving alternate energy sources, enlightened tradeoffs between energy needs and environmental costs, the source of investment capital, and the federal tax structure.

All of these matters have been treated at great length in the media and professional journals, seminars, speeches, etc., etc. Those interested have a mass of material on which to base their own conclusions. So I will not speak to those points.

Instead, I would like to focus on what all of this means to the University of Texas, and to other landowners, present and prospective royalty owners, and taxpayers of this great State of ours.

The primary point of impact on the University of Texas is the income from the 2.1 million acres of University Lands, part of which is under oil and gas leases, which constitutes, in my view, a very attractive oil and gas prospect for those who seek to find those hydrocarbons. It should be noted that Texas A&M University receives one-third of the net income from University Lands, and, while I do not and cannot speak for that great institution, its interests are also at stake under the proposed National Energy Plan.

The President's Plan, basically, is a program which, in effect, deals with only one side of the energy problem—demand. Although demand spawned by wasteful use of energy is important, and needs to be addressed, the proposed program fails wholly to tackle the other, and much more significant side—new supply.

The well founded materials I have read seem to agree that the basic problem is one of supply of energy, even when taking account of reasonable conservation measures to reduce demand. Demand will continue to increase, even though the rate of increase will be lower. Indeed, there are solid opinions that even if the consumption of oil is only one-half of what it has been, the United States will still need almost 21 million barrels of oil a day in 1984, which is about 4 million barrels a day more than it did in 1974.

And there seems to be agreement among the experts that we will have to rely on oil and gas, coal and nuclear power for most of our energy supply over at least the next 10 years—with oil and gas bearing the largest burden. [It has been estimated that the energy supply during that time will be 52% from oil and gas, 33% from coal, and 14% from nuclear power under the goals set by the President's National Energy Plan.]

Production from existing oil and gas fields is declining—with a resulting increasing gap between production from presently proved reserves and total demand. How do we close this gap?

As recently stated by Dr. W. L. Fisher, Bureau of Economic Geology, the University of Texas at Austin:

"Under the production requirements, as opposed to the pricing policy of NEP, these declines in the producing areas, including Texas, must be reversed. Assuming finding rates as a function of exploratory drilling, and total reserve additions as a function of total drilling, we must steadily increase drilling to a level about twice that of last year. If this doubling is achieved by the early 1980's, production declines possibly could be arrested, and restored to last year's level by 1985, and meet the NEP requirements."

In other words, we close the gap by new supply, and new supply of oil and gas depends on potential supply (which is worthless in the ground) and someone who will explore for new supply.

The potential supply is undoubtedly there; but where are the oil and gas finders?

Drilling rates have moved somewhat upward, but by and large, most of those thousands of independents who drill at least 80% of all wells and 90% of the wildcat wells, as well as the majors, are out there waiting for a reasonable economic opportunity to buy leases, to explore and drill—so they can run the 1 to 20 risk of finding oil and gas and make new discoveries. In short, they are waiting for price incentives which will let them realize a reasonable rate of return on a high risk investment, and furnish them the retained earnings necessary to generate risk capital, either by direct use, or as a basis to convince lenders of capital that loans to them are sound.

Some would say that the proposed National Energy Plan provides those incentives for increased activity by those who seek oil and gas. But not so.

According to Dr. Stephen McDonald, professor of economics of the University of Texas, except for incremental tertiary recovery, stripper oil, and Alaska oil, the program would:

"1. Allow the price of newly discovered oil to rise over a three year period to the 1977 world price adjusted for inflation, and thereafter permit further adjustments for inflation.

"2. Continue indefinitely the regulated effective prices to producers of $5.25 for old oil and $11.28 for old 'new' oil (1973–77 vintage), with adjustments for inflation.

"3. By means of a tax on $5.25 and $11.28 oil, bring their market prices (including tax) to the world price level by 1980, and thereafter adjust the tax upward for inflation.

"4. Use the proceeds of the tax to compensate the public, by means of tax credits or direct payments on a per capita basis, for the increased price of oil."

Faced with the fact that drilling is in the doldrums under present price controls, which generate only minimal earnings available for retention, it is simply incredible to me that anyone would think that continuation of price controls would encourage a significantly higher rate of domestic drilling activity.

It is even more incredible to me that anyone would think that domestic production would be encouraged by taking potential in-

come from the oil finders, and giving it away to the public—thereby, in effect, redistributing risk capital from those who will use it to find oil and gas, to those who won't use it for that purpose.

I suppose that some additional leasing and drilling activity could result in Texas from the permitted graduated increase in the price of oil produced from wells drilled under permits issued on or after April 20, 1977, if (as defined in the NEP) the oil and gas finders can find locations which are at least 2.5 miles from the location of any producing well, or which will have a "depth of production of which 1,000 feet or more is in excess of the depth of production of any well which produced or was capable of producing on April 20, 1977"—whatever that last condition means.

But I don't see how that would be much encouragement, and I don't think that it would be much incentive to those in the oil and gas business, especially in view of the cloudy tax picture most of them now have by virtue of the Tax Reduction Act of 1975, which substantially repealed percentage depletion for nearly 85 percent of domestic oil and gas, and changes in tax consequences in typical farm-out transactions under a recent IRS ruling.

Indeed, as said by one editorial writer, it makes about as much sense as a program to stimulate peanut production by putting "a lid on prices for all peanuts except those produced in fields plowed for the first time after April 20, 1977, located no closer than 2½ miles to any other field existing on that date, and planted at least 1,000 feet deeper."

I would respectfully submit, therefore, that the President's NEP does not provide the necessary price for increased leasing, drilling and development activity, either in this state or the United States.

The same type of comments can be made with respect to natural gas under the proposed National Energy Plan.

The Plan would expand natural gas price controls over the intrastate market, with rollbacks of intrastate gas prices.

With respect to NEP pricing policies for natural gas, I would quote from a recent joint statement by Dr. W. W. Rostow, Professor of Economics, Dr. William Fisher, Professor of Geological Services, and Dr. George Kozmetsky, Dean of the Graduate School of Business, and Professor of Management (all of The University of Texas at Austin):

"Under NEP a lid of $1.75 per mcf for intrastate and $1.45 per mcf for interstate would apply to gas. Current contracts, both interstate and intrastate, above those levels would be rolled back at time of expiration; contracts below those amounts could rise to the ceiling upon expiration. This is lower than the price permitted for new oil. It is approximately the BTU equivalent of the average refiner acquisition cost (before tax) of all domestic crude oil. Because of its role as a premium fuel in industry, the correct price for BTU for gas should at least equal that for oil. In the short term, the NEP policy will, in fact, reduce average unit value of produced gas; but over a longer term, it will mean a gradual rise in unit value of produced gas. On this issue, we would merely agree with the objective judgment of the London Economist of April 23rd: '[President Carter's] hope to extend federal price controls on natural gas from gas traded interstate (that is between states) to gas traded intra-state (within its state of origin) is folly. The intra-state free market has provided a good barometer to the price that should be paid for gas. By eliminating it, Mr. Carter will not merely lose a useful indicator. He will ensure that the same old bad habit of price control recurs, only more widely, when the natural gas price starts bumping up against its new, higher ceiling in a few years' time.'

"We have no doubt in our minds that the correct policy for the nation is to face reality and let the gas price throughout the nation find its competitive level, as it now does within gas-producing states. This would provide the most effective lever for the switch to coal from inappropriate uses of natural gas, as well as the working capital for intensified gas exploration. As those who live within gas-producing states know well, that price is not a pleasant fact of life, but it is not catastrophic."

I fear that if the President's NEP is adopted, we can never expect to realize the income from University Lands that we should be able to forecast under ordinary free market conditions, either from bonuses, delay rentals, or royalties. Moreover, royalties from existing production from those Lands will not keep pace proportionately with free market prices.

I further fear that producers would be discouraged from making development investments, engaging in secondary recovery operations, reworking wells, etc., all to the detriment of University Land production and income.

In answer to the proposed National Energy Plan, I would agree that a "free market" is the answer. I believe in a "free market," especially where the interests of The University of Texas are concerned, and more especially where the interests of the State and Nation are concerned.

Based on projected production numbers, let's see what fiscal year 1976–1977 would have brought to the fund of income from University Lands under (1) free market conditions, (2) present controls, and (3) the President's proposed National Energy Plan:

1. *Without price controls,* oil royalties would amount to $63 million, gas royalties would amount to $46 million, and projected bonuses would amount to $25 million—an aggregate amount of $134 million.

2. *Under present price controls,* oil royalties would amount to $37 million, gas royalties would be $36 million, and expected bonuses $13.3 million—a total of $86.3 million.

3. *Under the President's Plan,* oil royalties would be $37 million, gas royalties $33.5 million, and bonuses $12 million—a total amount of $82.5 million.

Thus, present controls will cost University Land income $47.7 million, and the NEP would cost even more—$51.5 million.

It seems to me that facts do indeed speak louder than words.

The facts say that price controls impact heavily on University Lands income, and that the proposed National Energy Plan severely increases that impact.

The facts say that the National Energy Plan incentives for increased oil and gas production are illusory.

And I say that until reality is recognized by the Administration, and the true incentives of an unfettered market are provided, the University, the State and the Nation will continue to suffer.

With kindest regards and all good wishes, I remain,

Sincerely yours,

EDWARD CLARK,
Chairman, Investments, Trusts and Lands Committee, Board of Regents, the University of Texas System.

TO ASIANS, THE AMERICANS ARE INSCRUTABLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. DERWINSKI. Mr. Speaker, one of the most important foreign policy questions facing this country today concerns President Carter's proposed withdrawal of American ground forces from Korea. There is very serious ground for concern, from the evidence we have today, that inadequate planning has gone into this potentially momentous decision. The administration has up to now been unable to demonstrate that this withdrawal is part of a rationally calculated or clearly articulated policy, or that it has given due consideration to the effects this withdrawal might have on America's friends and allies in Asia. This latter point is particularly important, since the importance of America's presence in Korea is psychological as much as military. This latter point is the subject of an excellent column from the Los Angeles Times which I strongly recommend to the Members. I include it in the RECORD:

TO ASIANS, THE AMERICANS ARE INSCRUTABLE—ABSENCE OF RATIONALE FOR KOREA PULLBACK RISKS CONFUSION OVER INTENT

(By Sam Jameson)

TOKYO.—Maj. Gen. John K. Singlaub, ordered home from Korea for publicly questioning the military wisdom of President Carter's troop-withdrawal plans, was speaking subjectively when he said the pullback would lead to war in Korea.

But Singluab was speaking objectively when he pointed out the absence of a reasonable rationale, in terms of Asian diplomacy, for the removal of U.S. ground combat forces over the next four or five years.

Singlaub said none had been offered to the military commanders in Korea. Neither, apparently, had any been offered to the U.S. diplomatic missions in the region.

Whether they support or oppose the pullback in military terms, American military commanders and diplomats in Asia alike find that the absence of a convincing diplomatic explanation risks misinterpretation of U.S. intent. They fear that Asian nations, particularly Japan and China, might launch new policies, some of which could be detrimental to America, based on such misinterpretations.

Carter gave his most elaborate public explanation to date for the cutback in a news conference in Washington on May 26, after Singlaub's reassignment to a U.S. command.

He reiterated the American treaty commitment to South Korea's defense. He said "adequate" American forces, including the U.S. Air Force, would remain after removal of combat troops. He said better U.S. relations with both China and the Soviet Union, Communist North Korea's major allies, had changed "overall strategic considerations" from the cold-war days of 1950 when north invaded south. And then he cited the economic progress of South Korea and "the deep purpose of the South Koreans to defend their own country" as additional justification.

But he also said in the same statement that "many leaders . . . in the Republic of Korea have advocated complete removal of ground troops from Korea. . . . President Park (Chung Hee) himself, the president of the Republic of Korea, has called for the removal completely of American troops."

A Korea foreign military spokesman promptly corrected Carter, stating bluntly: "There have never been any Korean leaders who advocated the pullout of U.S. armed forces from our country. It was a proposition initiated by the United States, not by us."

Even South Korean dissidents who otherwise oppose Park have spoken out against any American withdrawal. The closest thing to Carter's claim that Park himself had advocated "complete removal" of American troops was an interview that the South Korean president gave to a foreign correspondent several years ago. In that interview, Park said only that American troop removals

might be considered after—but not before—South Korea completed a military buildup program in 1981.

Even without this conflict, Carter's "rationale" appeared lacking to Asians. They saw nothing to answer their doubts that the troop withdrawal was further evidence that the United States is gradually turning its back on Asia.

Japan's Prime Minister Takeo Fukuda expressed that misgiving publicly when he visited Washington in March. He said leaders of the Philippines, Indonesia, Singapore, Malaysia and Thailand had asked him to relay it to Carter. The Japanese reaction to Carter's explanation as to why he was ordering combat troops removed from South Korea is best expressed by a Japanese foreign ministry diplomat, who said: "All he (Carter) could tell us was that it was a campaign promise he made last year." The diplomat implied that the campaign pledge was the only portion of Carter's explanation that was comprehensible to Japanese minds.

Lee Kuan Yew, prime minister of Singapore, said plainly during a visit here that he did not view the removal in the terms in which Carter explained it. He called it "a momentous decision with profound long-term consequences for the security of Northeast Asia and probably for the rest of Asia." He also said it was too early to predict how Japan and the rest of Asia would react—and thereby made it clear that he believed there would be a reaction.

Philippine President Ferdinand Marcos, visiting here in April, said with a distinct tone of sarcasm that Carter's overall Asian policy was "just a repetition of the same old pledges to commitments they (the Americans) say they will live up to in Asia."

A highly placed American general in South Korea—not Singlaub—expressed the same idea in relation to South Korea: "I think the Koreans listen to our words about our commitment to their defense, and then they look at our actions—and find a little difficulty rationalizing the two."

The economic reasons cited by Carter, including South Korea's 15% real-growth rate last year, is particularly dumbfounding to Asians who wonder why Korea, still a developing nation, should be considered more capable of "self-reliant defense" than America's allies in NATO, where Carter has pledged to keep all of the American forces intact.

Americans respond to such Asian reaction by saying that NATO is more important than Korea—which is exactly what the Asians are concerned about in the first place.

One of President Park's advisers expressed the feeling this way: "Why is the United States so anxious to pull out? Sen. (Mike) Mansfield (now ambassador to Japan) made proposals for years to withdraw troops from Europe, yet nothing has been withdrawn at all. In Asia, you pulled out of Vietnam. You were thinking of pulling out of the Philippines. You pulled out one division from Korea in 1971, and now the last division is going. What you see is the decline of American involvement in Asia.

"We wonder if U.S. involvement with Asia isn't a freak, one-shot affair—historically speaking—that occurred as a result of Pearl Harbor. We wonder whether there aren't cultural and ethnic reasons why the United States cannot be a partner of Asia. We are not convinced this is true, but we are not convinced it is untrue, either."

Some Washington officials, at least in the past, have recognized the psychological aspects of the problems that stood beyond Korea itself.

Morton Abramowitz, now deputy assistant secretary of defense for Eastern affairs, wrote in 1971: "Korea cannot be treated in isolation . . . Korea is intimately bound up with the whole structure of peace in East Asia, and cannot be viewed in isolation from that structure. What happens in Korea is crucial to the development of U.S.-Japanese relations, U.S.-Chinese relations and, perhaps most important for Asia in the long run, to China-Japan relations."

Now that the policy of withdrawing ground combat troops from Korea has been made final, the need to explain that policy in a diplomatic context, reaching beyond the confines of Korea itself, appears more pressing than ever.

SECRETARY VANCE URGES TERMINATION OF CLINCH RIVER BREEDER REACTOR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BINGHAM. Mr. Speaker, in the next few weeks, the House will be voting on one of the most important issues we will face this year, the ERDA authorization bill. When this bill comes to the floor, an amendment will be offered to cut funding for the Clinch River Breeder Reactor back to the levels proposed by President Carter. At this time the key question will be "Is the Congress going to give the President's nonproliferation policy a chance to work? Or are we going to undercut our new policy before it is tried and tested by voting to commercialize the plutonium fueled breeder reactor?"

Two days ago, Secretary of State Cyrus Vance shared his concerns on this issue with the House of Representatives in a letter addressed to the Speaker which has been referred to the Committee on International Relations. Secretary Vance stressed the fact that "if we were to proceed towards the early commercialization of the breeder at this time, by funding the Clinch River Breeder Reactor, it would undermine our credibility and call into question our motives in calling for a joint reassessment of the problems associated with early entry into a plutonium-based economy."

I share Secretary Vance's concerns and feel very strongly that this Congress should not act rashly where such action will clearly serve to undermine a major, ongoing United States foreign policy initiative.

Mr. Speaker, I am submitting for the RECORD the complete text of Secretary Vance's letter:

THE SECRETARY OF STATE,
Washington, June 14, 1977.

DEAR MR. SPEAKER: I wish to provide you and your colleagues in the House of Representatives with some additional views concerning recent Administration decisions on nuclear energy policy, in particular, the termination of the Clinch River Breeder Reactor (CRBR) project.

The President's April 7 and April 27 statements on non-proliferation and nuclear power established for the first time a realistic basis for controlling the spread of nuclear weapons capability abroad. One of the crucial elements of this policy is a clear and unambiguous decision by the United States to cancel all construction and licensing of the Clinch River Breeder Reactor project. It is our recommendation that we pause before commercializing this next generation of nuclear technology which in its current form would greatly increase the risk of nuclear weapons proliferation.

We have launched a major diplomatic effort to persuade others to similarly avoid premature commercialization, and to join us in an international Nuclear Fuel Cycle Evaluation Program in which we would jointly explore ways to make future breeders more proliferation-resistant or find other alternatives that would satisfy our collective energy and national security concerns. I am encouraged by the initial responses of the countries which have been invited to join the Evaluation Program. This effort was one of the key topics for discussion at both the London Economic Summit and the Salzburg Conference on Nuclear Power and its Fuel Cycle. Following up the Economic Summit, a group of experts is now working on the terms of reference for the Evaluation, and will report its results by July 7.

If we were to proceed towards the early commercialization of the breeder at this time, by funding the Clinch River Breeder Reactor, it would undermine our credibility and call into question our motives in calling for a joint reassessment of the problems associated with early entry into a plutonium-based economy. I must emphasize that this Administration has not ruled out a long term breeder option. Indeed, the President's proposed budget for the 1978 ERDA authorizations contains $483 million in R&D for the Fast Flux Test Facility and the base breeder reactor program. But I believe that to proceed with the Clinch River Breeder Reactor would adversely affect the chances of success of the Evaluation Program by sending precisely the wrong signal abroad at this time.

Sincerely,

CYRUS VANCE.

THE STRATEGIC SIGNIFICANCE OF RUSSIA'S BAYKAL-AMUR RAILROAD—BAM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. McDONALD. Mr. Speaker, the Western press appears to have almost completely ignored the military significance of this large railroad construction project presently taking place in the USSR. In reality, it is the single most important military construction project to take place in Siberia since the trans-Siberian railroad was double tracked. The Soviets themselves term it the "project of the century." In size and scope it recalls earlier gigantic undertakings such as the "Dnepr" dam, the White Sea Canal, and the Bratsk dam and has received propaganda fanfare appropriate to such undertakings. The young Komsomols go off to Siberia in volunteer groups to assist in the work. Army specialists from the railroad troops are also participating, plus any number of construction organizations of the Ministry of Railroads. As is usual with any such project in the USSR, there are probably a number of "forced laborers" on the scene as unwilling participants. Soviet spokesmen speak of 85,000 workers struggling together, using Japanese, American, and German machinery.

Blueprints for this railroad were first drawn up in 1945. However, only in 1974

did Brezhnev proclaim the start of the railroad. Initially, it will be single tracked, but a roadbed will be prepared for a second track. The line will be more than 1900 miles long, of which 600 miles were scheduled for completion by the end of 1976. Trains are already said to be operating on the first 180 miles of track between Tayshet and Ust Kut. The entire railroad is scheduled for completion by the end of 1982.

The construction of the BAM railroad is usually described as an effort to further open up Siberia in order for the U.S.S.R. to bring raw maetrials out to the Pacific. And this is certainly a logical use of the railroad. However, no one seems to have noticed that the eastern terminus of the line will be a port called Sovetskaya Gavan. Sovetskaya Gavan is a Pacific Fleet naval base for submarines and light surface units. It is not a port open to Western shipping. The new railroad will thus bolster the port's role as a naval base. Recent indications are that the Soviets are moving their main naval activity northward in the Pacific area and placing more reliance on harbors such as Petropavlovk-on-Kamachatka and Sovetskaya Gavan rather than Vladivostok.

The second and more obvious significance of the new railroad is that it will be an alternative to the trans-Siberian line which is too close to the Chinese border at many points and can be easily cut—albeit ever temporarily—by the Communist Chinese Army. The trans-Siberian railroad is presently capable of supplying about 12,000 tons per day, 4,000 tons per day short of estimated needs of the Soviet Far East forces for sustained combat. The addition of BAM would add at least 6,000 tons per day and even provide a small cushion for Soviet military logistic planners. As one Soviet official put it: "How can we hold in the Far East on one slim thread?"[1] Of course, if the Sino-Soviet dispute is ever reconciled, the line could be devoted solely to its publicly announced purpose of bringing coal, oil, gas and other minerals out to the West in exchange for the high technology items the U.S.S.R. continues to buy from the West.

Summing up, the Soviets will have an enhanced ability to fight a war with Red China, support expanded operations of her Pacific Fleet and indirectly to support new wars of "national liberation" in the Far East with the completion of BAM in 1982.

LITHUANIAN STRUGGLE FOR SELF-DETERMINATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. CARNEY. Mr. Speaker, today I join my colleagues and Americans of Lithuanian descent in observing the tragic anniversary of an offense against a fiercely independent and freedom-loving people—the Lithuanian people. On this date 37 years ago, the Soviet Union commenced military occupation of Lithuania, thus violating not only the sovereignty, but also the independent tradition of the Lithuanian nation.

This tradition began when Lithuania's first king, Mindaugas, in defense against Russian aggression in the 13th century, united the Lithuanian tribes into a nation. In an alliance with Poland, which lasted from 1350 to 1795, Lithuania helped to protect Europe from such threats as German expansionism, and invasions by the Tatars and the Mongols. Its internal policies were characterized by an unusual degree of freedom for its subjects.

After Poland was partitioned, Russia gained possession of Lithuania's territory. Mere territorial control of a nation, however, does not insure the loyalty of its people, and the Lithuanians made several attempts at revolt. After the third attempt, the tsarist government tried to crush Lithuania's national identity and impose Russian language and culture. Steadfast opposition by the Lithuanian people to Russification of their culture forced the tsars to abandon those policies.

Lithuania announced the reestablishment of its territorial independence in 1918, following World War I and the Bolshevik Revolution. When the Red Army attempted to place Lithuania under Russian domination again, Lithuanian fighting units, with the aid of the Polish army, repelled the Soviet invaders. As a result, the U.S.S.R. signed a treaty on July 12, 1920, which recognized Lithuania's autonomy and sovereignty, and Lithuania was admitted to the League of Nations in 1921. The newly established republic made significant progress in advancing agricultural modernization, industrialization, educational and cultural development, and social and labor reform.

Despite its progress Lithuania soon saw the specter of Russian domination rise anew. Imposed installation of Russian military bases in Lithuanian territory preceded the actual occupation on June 15, 1940. The Soviets quickly established a puppet government which "requested" admission into the U.S.S.R. as a nominal republic. As before, popular resistence persisted despite foreign occupation, and Moscow responded by deporting more than 30,000 members of the intelligentsia, and driving another 15,000 dissidents to flee the country. But not even these measures could break the spirits of the courageous Lithuanians, and opposition is voiced today through such underground publications as "Ausra"—The Dawn—and "The Chronicle of the Lithuanian Catholic Church." They continue to dissent despite threats of arrest and other methods of repression. The severity of this repression is documented not only by Lithuanian expatriates, but also by the Commission on Security and Cooperation in Europe.

While remembering this dark day in Lithuania's history, we must not neglect whatever action we can take to aid this Nation in its struggle to maintain its national identity. The people of Lithuania ask for no material support, but they expect the United States to apply pressure at the upcoming Belgrade conference and direct the force of world opinion to the Soviet Union's continued suppression of Lithuanian dissent in violation of the Helsinki accord. In this way, Moscow might be induced to loosen its tyrannic grasp around the Lithuanian people, and allow them to preserve their national identity.

Although this commemoration of a nation's heroic striving for freedom will end within hours, our remembrance of it must not cease. Rather, this anniversary should be prominent in our minds as the Belgrade conference and other diplomatic opportunities to support the Lithuanian people present themselves.

[1] As quoted in the Christian Science Monitor, March 30, 1970.

IN SUPPORT OF THE LITHUANIAN-AMERICAN COMMUNITY IN BOSTON

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BURKE of Massachusetts. Mr. Speaker, the Lithuanian-American community of Boston has asked that we join them today, June 15, in commemoration of the 37th anniversary of the subjugation and forcible incorporation of Lithuania into the Soviet Union. I am proud to join in that commemoration.

It is especially fitting that today also marks the convention of the Belgrade conference wherein 35 cosignatories of the Helsinki Accords are beginning a comprehensive review of the Helsinki Agreement of 1975.

Just as the Soviet Union committed the ultimate act of repression in 1940, that of dominating an entire nation, so today there is hope that the Belgrade Conference will once again raise the issue of human rights to international scrutiny. I sincerely hope that the United States along with our Canadian and Western Europe allies takes advantage of this singular opportunity to document and admonish other governments' repressive tactics where human rights are concerned. Recent actions by Soviet authorities against Valentyn Moroz and Mykola Rudenko in Kiev, and Orlov, Sakharov, Schransky, and Ginzburg in Moscow for their efforts to evaluate Russian observance of the Helsinki Accords are just a handful of examples of how the U.S.S.R. handles such efforts at sincere implementation of the European Security Conference's 1975 agreement.

Moreover, these tactics are by no means limited to the Soviet Union. Intense government pressure on dissidents in Poland led by Mr. Jerzy Andrzejewski and the signers of the charter 77 in Czechoslovakia indicate that a cohesive campaign is being conducted by the socialist states to undermine if not openly contravene those provisions of the Helsinki Final Act that advocate real attempts to secure individual liberties.

Cognizant of present hopes and mindful of past aggressions against a proud and fiercely independent Lithuanian people, we memorialize the sacrifices made by those freedom-loving individuals who sought to preserve their fledgling democracy armed with their deeply rooted cultural and religious faith. Unfortunately history has not dealt kindly with Lithuania. Her domination by the larger nations which surround her has extracted a great deal of lifeblood and talent. We know all too well the manner in which many Lithuanians were uprooted from their homes, families and friends and sent off to work in the Soviet "gulags" masterfully described by Mr. Solzhenitsyn. Many have been imprisoned and countless others deprived of their rights. But the spirit of the Lithuanian people endures and indeed thrives today amidst new atttempts to stamp out the civil liberties that we, as Americans, take for granted.

Indicative of the deep affection for their homeland, Lithuanian-Americans have not forgotten their brothers. And so today all Americans join the Lithuanian-American community in recognition of their invaluable contributions to freedom.

In concert with the President's renewed focus on human rights throughout the world, let us commit ourselves to supporting those efforts by Lithuanians to secure the rights entitled to them when the Soviet Union acceded to the Final Act of the 1975 Helsinki Accords.

May the Congress deep commitment to human liberties reinforce the unceasing efforts of thousands of Lithuanians in their struggle for human dignity and freedom.

SECRETARY CALIFANO ADDRESSES WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BRADEMAS. Mr. Speaker, in April the Department of Health, Education, and Welfare Secretary Joseph A. Califano, Jr., signed the regulations implementing section 504 of the Rehabilitation Act of 1973. His action marks the beginning of a new era of civil rights for handicapped people. It is a strong demonstration of President Carter's desire to afford handicapped Americans their legal rights.

Recently, Secretary Califano addressed the White House Conference on Handicapped Individuals in Washington, D.C. I am pleased to place in the RECORD his remarks made at that time:

WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

Good evening, and a very warm welcome to the White House Conference on Handicapped Individuals.

A White House Conference is a catalytic event—one that focuses concerns and develops an agenda for action on matters of the greatest national importance.

WHITE HOUSE CONFERENCE GOALS

Tonight you embark on this Conference with three vital goals:

First, to provide a national assessment of the problems and the potentials of individuals with mental or physical handicaps;

Second, to generate a national awareness of these problems which have meant that handicapped individuals have in the past been an oppressed minority, subject to unconscionable discrimination, beset by demoralizing indignities, detoured out of the mainstream of American life and unable to secure their rightful place as full and independent citizens; and

Third, to make recommendations to the President and to the Congress which, if implemented, will enable individuals with handicaps to lead proud and productive lives, despite their disabilities.

Too often, however, the promise of a White House Conference has not been realized after the hotels have emptied and the media have carried away their cameras and typewriters.

But I know that this Conference will be different.

I know it will be different, in part, because of the fine leadership provided to you by Henry Viscardi, Jr., Chairman of the White House Conference, and by Jack F. Smith, Executive Director of the Conference. They, and their many co-workers, have been sensitive to the strong demands from all of you here tonight—and from the millions of handicapped citizens whom you represent—that the Conference emphasize practical, substantive issues that directly affect the lives of Americans with disabilities.

But the promise of this Conference will be realized for another, more profound reason.

RIGHTS OF HANDICAPPED INDIVIDUALS

We are now entering a new era of civil rights for the handicapped individuals of America.

And we will not turn back.

For too long, America's handicapped individuals have been victimized by demeaning practices and injustices. But now there is recognition that unjust obstacles to self-determination and fair treatment must fall before the force of law—an understanding that the nation as a whole must end the shameful neglect of handicapped children and help translate many of their legitimate needs into legal rights and meaningful programs.

Last month, I signed a regulation implementing Section 504 of the Rehabilitation Act of 1973. As you know well, Section 504 prohibits discrimination solely on the basis of handicap against otherwise qualified handicapped individuals, in programs receiving federal financial assistance.

SECTION 504 REGULATIONS

The 504 regulation is a landmark in the quest of handicapped citizens for equal treatment, and it will be a fundamental guidepost to the new era of civil rights for the handicapped. It calls for the following dramatic changes in the actions and attitudes of institutions and individuals who are recipients of funds from the Department of Health, Education, and Welfare:

All new facilities must be barrier-free, i.e., readily accessible to and useable by handicapped individuals.

Programs or activities in existing facilities must be made accessible to the handicapped within 60 days, and, if no other alternatives—such as reassignment of classes or home visits—will achieve program accessibility, structural changes in the facilities must be made within three years. No exceptions to the program accessibility requirement will be allowed.

Employers may not refuse to hire handicapped persons, if reasonable accommodations can be made by them to an individual's handicap and if the handicap does not impair the ability of the applicant or employer to do the specific job.

Employers may not require pre-employment physical examinations and may not make a pre-employment inquiry about whether a person is handicapped, or the nature or severity of a handicap, although employers may make a pre-employment inquiry into an applicant's ability to perform job-related functions.

Every handicapped child will be entitled to free public education appropriate to his or her individual needs, regardless of the nature or severity of the handicap. In those unusual cases where placement in a special residential setting is necessary, public authorities will be financially responsible for tuition, room and board.

Handicapped children must not be segregated in the public schools, but must be educated with the non-handicapped in regular classrooms to the maximum extent possible.

Educational institutions and other social service programs must provide auxiliary aids, such as readers in school libraries or interpreters for the deaf, to ensure full participation of handicapped persons.

All recipients of HEW funds must complete within one year a self-evaluation process, in consultation with handicapped individuals and organizations, to determine which of their policies and practices need to be changed to assure equal opportunity for handicapped Americans.

Section 504 and the 504 Regulation constitute a striking recognition of the civil rights of America's handicapped citizens, just as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, and their companion regulations, are critical elements in the structure of law protecting the civil rights of racial minorities and women.

ENFORCEMENT OF SECTION 504

But we must now begin the process of making the new regulation a reality for handicapped Americans.

I pledge that this process will be monitored forcefully, fairly and expeditiously by HEW. There are firm timetables in the regulation. We should stick to them.

Let me briefly share with you some of the steps we have taken or will take to assure compliance with the 504 regulation.

We have an outstanding new team of leaders in HEW's Office for Civil Rights, headed by David Tatel, a distinguished attorney with broad civil rights experience.

We have begun work with the other Federal agencies and departments which will be issuing regulations similar to the 504 regulation and that will apply to all recipients of federal funds.

We have already begun last week to mail out 36,000 assurance of compliance forms to HEW recipients. These are due back on July 5th. And, if we do not get a timely and adequate response, we will move immediately to enforce this requirement.

We will be ready to begin processing complaints brought under Section 504 by June 1st. Over 200 complaints have been filed with the Department.

We have prepared, and begun to distribute, braille and recorded copies of the 504 Regulation so that handicapped citizens can learn firsthand of their rights.

VOLUNTARY COMPLIANCE

We have planned—and will soon begin—a major public awareness campaign that will inform handicapped individuals of their rights, recipients of their obligations, and the American people, including business and labor, about the striking new change in law.

Schools should understand mainstreaming; colleges should learn about the program accessibility requirements; other recipients should understand how to structure jobs; and myths about handicapped and disabled people must be dispelled. A manual explaining 504 will soon be ready for wide distribution.

We will develop a technical assistance unit to assist recipients in complying with important requirements like mainstreaming and program accessibility.

We have established a new position in the Office for Civil Rights—the Deputy for Program Review—who will work directly with the other divisions of HEW so that program officers include civil rights compliance requirements in their basic operations.

Through these and other measures, the Section 504 regulation can work.

But voluntary compliance, aided by deep involvement of handicapped citizens and groups, will make the regulation work far more quickly. If handicapped individuals, recipients, leaders in public and private life, and the Federal government can be guided by sensitivity, fairness and common sense, then the regulation can immediately become a charter of equal opportunity, not an invitation to litigation.

But ending discrimination is only the first step in assuring that handicapped citizens can assume their rightful role as participants, to the fullest extent possible, in American society.

ECONOMIC SECURITY FOR THE DISABLED

As the next three days will demonstrate, the task of guaranteeing that handicapped individuals have equal opportunities in fact, and not just under the law, will require initiatives in many facets of our social and economic life.

For example, the Disability Insurance program, part of HEW's Social Security Administration, faces serious financial problems.

The program provides monthly cash payments to severely disabled adults who have work experience covered by Social Security. Four million disabled individuals and their families receive benefits from the Disability Insurance program. More than $7 billion is paid out annually to these beneficiaries.

As you know, President Carter has recently sent Congress a proposal for restoring the sound financial status of the social security system, and the most urgent priority in that package is restoring the fiscal integrity of the Disability Insurance program. Without the legislation which we are sending to Congress, the Disability Insurance Trust Fund would be in default in 1979, bankrupting the Disability Insurance program.

President Carter plans to correct the deficit in the Disability Trust Fund, not by adding to the tax burdens of the low-income worker, but by raising the wage base for employers and more equitably spreading the costs.

With your support, President Carter's proposals can ensure that disabled individuals covered by Social Security continue to receive cash benefits. Millions of handicapped Americans deserve to have their confidence in the Social Security system restored.

During the next few days, you will discuss and debate many issues that, like the health of the Disability Insurance program, are of great significance to handicaoped Americans.

On Thursday, I hope to return to you and discuss the work of the Conference and where we go from here.

But for now I just want to stress the warmth of my welcome to you, to echo President Carter's strong words of support, and to thank you—for the wisdom you will share with us and for the courage you have shown us, and all the American people.

THE SILENT INVASION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for June 15, 10977, into the CONGRESSIONAL RECORD:

THE SILENT INVASION

Illegal aliens are presenting the United States with a giant-sized problem.

It is a silent invasion. Authorities now estimate that there are 6 to 10 million illegal aliens in the United States. They come by boat across the Rio Grande River, by ferry into Detroit, and by plane from South America and the Caribbean. The United States, which accepts about 350,000 legal aliens each year, is trying to figure a way to hold immigration to legal levels.

Some groups, of course, do not want to stop the illegal flow of immigrants. Some employers want cheap labor, and some families want to welcome their foreign kin. The migrants themselves want to come because they are poor and the United States is rich. The long borders are undefended and relatively open, and entrance into the U.S. is one of the easiest crimes to commit and one of the least punished. Once here, the immigrants can find work as long as they are not too fussy about what they do. But as social problems have grown here, especially unemployment and welfare, the problem of illegal aliens has become important and the search is on for ways to stem the tide of illegal immigrants.

A solution is not easy for a nation of immigrants, who are reluctant to reject other immigrants. Many immigrants come because they are anxious to make a living and to better their own lives, motivations which Americans understand very well. But something must be done. The Immigration and Naturalization Service (INS) estimates that these illegal aliens cost the American taxpayer $13 billion a year in social services and they aggravate the already unfavorable balance of payments by sending home each year $3 million or more. INS also figures that one million jobs held by illegal aliens could be switched to Americans, enough to reduce the unemployment rate a full percentage point.

Moreover, the problem could get worse. The populations of the countries that supply most of the illegal aliens are growing rapidly and, as those countries become more crowded, the pressures to emigrate will increase.

A number of approaches to the problem are under consideration. One includes tighter border policing, more border guards, and fencing in critical areas with spotlights and sensors. Another approach, issuing identity cards to legal aliens, meets with opposition from civil libertarians. Still another approach is a bill now before the House which would prescribe fines and imprisonment for employers who hire illegal immigrants. Spanish-speaking workers claim that this approach invites discrimination against them and employers claim such a law would place a difficult screening burden on them.

Most students of the issue favor some kind of amnesty. Amnesty would conserve time, money and manpower and avoid hardships for those who are here illegally and their families. Amnesty does reward lawbreaking, but rooting out the illegal aliens would be very hard to do and socially disruptive. Encouraging job creation and population control in the countries of origin is a long-term solution, but even with technical assistance programs, is pretty much out of the control of the United States. More vigorous efforts at arrest and deportation are popular approaches, but the limitations of these approaches are apparent. (900,000 persons were arrested in 1975, and there were insufficient facilities to hold them.) Rather than apprehending and deporting aliens, a better approach would be to halt illegal entry in the first place. Each approach has its difficulties, but the greatest difficulty will come if the United States does nothing. The crush of illegal aliens will only increase unless the Congress starts considering these proposals with the utmost care.

Some combination of these approaches could probably drastically reduce the number of new illegal aliens, but most of the experts agree that the flow cannot be stopped entirely.

The problem of stopping the entry of illegal aliens also has foreign policy implications. Diplomats are beginning to ask about the effects of controlling immigration. One expert, for example, sees chaos in Mexico if emigration to the United States from that country is shut off. Other experts see drastic effects on the U.S., with the probable development of an underground labor market where all the usual protections for workers would be ignored. Mexican-American relations are already badly strained because of the 2000 mile border's openness, and a new era of tension and hostility between these two countries is possible unless steps are taken to deal with the problem.

So the movement of people into the United States is out of control. Many of these people are wanted, even needed, in the U.S. to do work that Americans are reluctant to do. But the manner in which the nation handles this problem is important. It will affect the future of America's relations with its neighbors, the source of its immigrants, the integrity of its laws, the future of its own economy, and the image the world has of the United States as a generous and open nation.

The problem of illegal aliens goes to the very nature of America. Now to stem the tide presents Washington policymakers with one of their stiffest challenges.

THE UNITED NATIONS, FOREIGN POLICY AND THE CARTER ADMINISTRATION

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BLOUIN. Mr. Speaker, at the invitation of the Campaign for U.N. Reform, I had the honor to address the Campaign's national convention in St. Louis this weekend. Because I am very optimistic about the role which the United Nations can play in the development of a more peaceful and constructive world, I welcomed the opportunity to discuss with convention participants my impressions of the prospects for improving the United Nations and the impact of the Carter administration's foreign policy approach on those prospects.

If there is no objection, Mr. Speaker,

I would like to enter the text of my prepared remarks for the RECORD:

PREPARED REMARKS DELIVERED BEFORE THE NATIONAL CONVENTION OF THE CAMPAIGN FOR U.N. REFORM ST. LOUIS, MO., JUNE 10, 1977

It is my impression that the American people are not totally ignorant about foreign affairs, nor are they totally oblivious to the fact that much of the time and effort of government are consumed in developing, maintaining—and from time to time, repairing—those affairs.

The average citizen, if he has any contact with the world around him at all, cannot escape an awareness of the interplay between domestic and foreign affairs in a time when foreign events have virtually overwhelmed domestic affairs and occupied hour after hour of media attention—a time of periodic warfare in the middle east, of a long, controversial and ultimately disasterous intervention in Southeast Asia, of grand and sometimes grandiose excursions into foreign affairs by National Leaders (the President's trip to China, the International Summits).

I see this growing awareness most vividly I think within my own district in northeast Iowa, among farmers who have in recent years grown increasingly dependent on a vigorous foreign trade and, consequently, increasingly dependent on relatively stable and friendly international relations. They perceive, more so than ever before, the importance of foreign affairs and the inherent interdependence of foreign and domestic affairs. They do not always perceive the relationship between that necessary role of international relations and the importance of the United Nations, but the public opinion polls, if you examine them over the past few years, reveal that the American public in general is not as violently anti-U.N. as we sometimes imagine—or as some activist groups would have us believe. The public is not always enthusiastic about the UN or about how successful the UN is at the job it does, but the polls show that overall, less than 15 percent of the public thinks we ought to abandon the United Nations a consistent 3 out of 4 Americans are committed to U.S. participation and U.S. membership in the United Nations.

If you're choosing sides, put me in the column under optimists—the people who believe that most Americans understand and accept the importance of our role in the world and the importance of the United Nations, even when they do not thoroughly perceive the implications that foreign affairs and the U.N. have in our daily lives. And even when they do not fully grasp the profound changes which are taking place in United States policy toward other nations—including, as that does, our attitude toward and activity within the United Nations organization.

There have been a number of developments in recent years which I think will contribute to an even better awareness among the American people of the importance and the value of the United Nations.

Most of those developments relate to one of two factors: efforts, either internally or externally, to improve the United Nations itself, and efforts particularly by our government, to reserve for the UN a more distinguished and more significant role in the formulation and implementation of U.S. foreign policy.

Both efforts, I think, contribute to a much more effective United Nations, and at the same time to a stronger public endorsement of the U.N.

Within the administration, the State Department has established a Task Force on United Nations Reform and Restructuring.

In Congress, Senators Baker and McGovern have successfully introduced an amendment to State Department auhorizations which would require the department to formulate specific reform proposals by January 30th next year. Both are encouraging developments because they are first of a sort and long overdue.

Within the United Nations, itself, there is evidence that for the first time in 47 years, the organization is moving seriously to make some changes. The "Special Committee on the Review of the Charter for Strengthening the Role of the Organization" has before it now a series of reform proposals by 12 nations (including Mexico, the Philippines, Colombia and Romania).

These proposals reflect many of the same concerns which member nations have expressed, suggestions made by knowledgeable observers both within and outside the organization itself, and many of the recommendations being made by people in this country.

Those concerns reflect the need:

For a more effective approach in solving third party disputes and the need for more specific arbitration procedures;

For improved peace-keeping machinery and the need for a standing, permanent peace-keeping force;

For modifications in the voting system, the need to de-emphasize votes in favor of some type of consensus mechanism which does not so clearly polarize the membership, for modifications in the use of the Security Council veto, and, perhaps, for the introduction of some kind of weighted voting procedure on budget matters which more clearly reflects the level of support which the member nations provide.

Those proposals, reflect, as well, the need:

To develop a greater role for the International Court of Justice, to repeal the Connally amendment, to establish some type of international criminal court to deal with cases of international hijacking or terrorism, and to strengthen the organization's human rights machinery;

And to restructure the U.N.'s economic and social sections in order to strengthen the General Assembly's role as the principal forum for negotiation and policy-making on international economic problems and trade policies.

These are all important and encouraging developments. But in terms of public attitudes toward the United Nations, and in terms of whether these proposals will ever see their way to implementation, nothing in recent years is more encouraging than the attitude and approach of the Carter administration.

The Carter approach to foreign policy—and in particular, Ambassador Young's approach at the United Nations—will redeem the efforts in recent years by this Government to ignore the United Nations as an effective and meaningful forum for international discussion and foreign policy development.

It is an approach which recognizes that the time has come, as the President said in his recent speech at Notre Dame, to abandon foreign policies which confined us to "almost exclusive alliance(s) among non-Communist nations."

Such alliances in the past, the President explained, "led us to embrace any dictator who joined us in our fear." Within the confines of such policy, there was little room for a discussion of human rights. As columnist Joseph Harsh has recently remarked, "a country or government or dictatorship had merely to present anti-Communist credentials to get American help. Violation of civil rights was immaterial."

"For too many years," the President said, "we have been willing to adopt the flawed and erroneous tactics of our adversaries, sometimes abandoning our own values for theirs. We have fought fire with fire, never thinking that fire is better quenched with water."

It was to be sure a different time and, perhaps, a different world. But in today's world, as the President said, "we can no longer separate the traditional issues of war and peace from the new global questions of justice, equity and human rights . . . we can no longer have a policy solely for the industrial nations . . . We can no longer expect that the other 150 nations will follow the dictates of the powerful. . . ."

Instead, we can only renew our efforts "to inspire . . . to persuade and to lead. Our policy must reflect our belief that the world can hope for more than simple survival, and our belief that dignity and freedom are man's fundamental spiritual requirements. Our policy must shape an international system that will last longer than secret deals. . . . Our policy must be open and candid; it must be one of constructive global involvement . . ."

Ambassador Young, both in his actions and in the nature of his relationship to the President—a relationship which is, by all accounts, a very close, personal and influential friendship, embodies and accentuates the President's commitment to a new, more dynamic, and certainly more realistic partnership with the world around us.

Mr. Young has made it clear, I think, that the administration—and certainly the Ambassador himself—envisons the United Nations as a forum which contributes in a meaningful way to the development and refinement of American foreign policy. He has described U.N. debate as "an exploration of possibilities;" as a "place to allow our thinking on the issues to evolve."

"I think we have to have the kind of mission that is willing to hear the needs and the problems of other nations," Mr. Young told the Senate confirmation hearings, "and assure them that they are getting serious consideration by this administration."

At another point he explained to the Senate committee his conviction that "a great deal can be done through talking out the problems of the world." He said: "I look at the U.N. as being successful because of its talk. Whether I agree with its talk, the fact that people are talking and not killing is an indication of the success of the United Nations."

That, if I may say so, seems to me to be a rather dramatic departure from the attitude that we became accustomed to in recent years. Previous administrations seemed to reject the possibility that the United Nations could be used as a positive, constructive and effective international forum for settling disputes, discussing problems, and developing meaningful international agreements—for simply talking, Ambassador Young would say—and for listening.

Too often they chose to fight fire with fire, rather than water. In the end they could only say that the U.N. had become a theatre of the absurd.

Obviously, we have encountered problems in recent years. The U.N. has not always worked as well as it might. Debate sometimes has evolved into angry, unruly—even irrational—harangues, designed not so much to achieve a constructive solution, but merely for the sake of propaganda or posturing. At times that offends our pride and riles our anger, and such is human nature. But on such occasions I am reminded of Charles Yost's comments in his preface to the Atlantic Council's Task Force Report on the U.N.

"A global organization, embracing all or most nations, even though inevitably im-

perfect and often ineffective, is . . . more indispensable than it ever was," Yost wrote.

"Its imperfections, derive, moreover, not primarily from the organization itself but from the world it reflects, a world of nation-states jealous of their sovereignty and fearful of their neighbors, a world threatened by nuclear weapons, exploding populations, deepening poverty and deteriorating environments." But at the same time, Yost wrote, "only the boldest international cooperation and the strongest possible family of international institutions can control and avert these threats". These, he said, are the objectives of the United Nations.

As I said earlier, I think a series of recent events, not all welcome in themselves, have helped to sharpen the public's awareness of that fact.

For some, the Vietnam experience was a catalyst; for others, recent economic trends (the Arab oil boycott, for instance) highlight the need for international cooperation and understanding, sometimes in sharp and dramatic contrast to the independence and self-sufficiency exhibited in the past.

There is a growing awareness among us that we are a minority in the world today: a minority because we are rich, a minority because we are technologically advanced, and for a large majority of Americans, a minority because we are white. And, at the same time, there is a growing—perhaps, in many cases, a subconscious—awareness that we are no longer able to boss people around, even if we are rich and powerful.

Professor Norman Palmer of the University of Pennsylvania, writing last year in the foreign policy research institute's "orbis" journal, made a very interesting observation and I think it bears repeating.

He warned that Americans did not seem to realize that we are living in a world revolution; that we seem impervious to the basic trends and forces that are shaping the world in which we live.

And then he went on to say: "There is a grave danger that we shall be cut off from the mainstream of contemporary life, that we shall be separated by our own affluence from the rest of mankind, that our desire to cling to what we have will prevent us from taking a broad conception of the national interest that will win the cooperation and not the enmity of other nations and peoples, and that we will have an increasingly unreal image of the world and in consequence an increasingly unreal image of ourselves."

It would be premature to say that we have changed so much that Professor Palmer's fears are over. They linger, surely. But it seems to me that we must add to the evaluation a new administration, a new U.N. Ambassador, and a new approach to foreign affairs.

And perhaps even more important, we must now consider the encouraging fact that the American people are responding to that foreign policy approach in a way which was, quite frankly, unthinkable a year or two ago.

I believe that. I feel that when I talk to people. It's not an overwhelming thing. It's not some kind of miraculous conversion. But there is a change.

And there is a growing sense of confidence, of self-respect, a willingness to exert our power, influence and affluence on behalf of virtues and values which have shaped the American character.

Although we are "as diverse as the world has ever known" as the President said last month, "what draws us together perhaps more than anything else is a belief in human freedom. We want the world to know that our Nation stands for more than financial prosperity."

And while he recognized the fact that there are limits to moral persuasion, Mr. Carter reminded us "that it is a mistake to undervalue the power of words and of the ideas that words embody. . . ."

"In the life of the human spirit," the President said, "words are action, much more so than many of us may realize who live in countries where freedom of expression is taken for granted."

Perhaps the President's popularity and the public's response to his foreign policy approach is only temporary. But we should hope that is not the case. His leadership and the moral authority he seems to impart, are an invaluable asset to efforts in the Congress and among the public to reshape the direction and the content of American foreign policy, to redefine our role—and it should necessarily be an important, an agressive, and constructive role—in the world community.

The United Nations must necessarily be a pivotal factor in shaping and playing that role. We have, to date, no better alternative and no better substitute.

The efforts on your part, and at every other level, to reform the U.N., to make it more effective and less devisive, will help at the same time to strengthen public support for the United Nations and for U.S. participation in the United Nations.

Obviously, the American people will not get too enthused about being involved in an organization where they are regularly attacked or embarrassed. They will not look kindly on our involvement in an organization which regularly and deliberately blames America for everything that goes wrong in the world.

But at the same time, an approach to diplomacy and international affairs which helps the American people understand our role in the world is also an approach which reduces the likelihood that we will invite by our own actions the bitter and sometimes unfair accusations of other nations.

In President Carter, the Nation has elected a very unusual global statesman, clearly different in style, attitude and ultimately I think, in policy, than we were accustomed to before. The success or failure which he has will determine more so than anything you or I do the success which organizations like yours will have in electing other individuals who share that global perspective which I know you find so important and which I think is very critical.

In closing, I want to share with those of you who may not have seen it yet, a statement which Robert Hutchins wrote shortly before he died on May 14th.

In a short and very simple statement Mr. Hutchins wrote: "We have to have in the United States . . . a strong commitment to the United Nations. If the United Nations is not in a condition to justify such a commitment, then we have to have a commitment to changing that condition."

Nothing, I think, summarizes better the task which you have chosen for this organization. Nothing better states so simply—and yet so profoundly—the task which faces those of us who share, if only in a small way, the responsibility for formulating and implementing American policies in a world we now call "The Global Village."

LITHUANIA

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. VANDER JAGT. Mr. Speaker, as so many freedom-loving people are aware, today commemorates the 37th anniversary of the military occupation of the sovereign state of Lithuania by the Soviet Union. This tragic event and the subsequent forcible incorporation of Lithuania into the Soviet Union are a constant reminder of the true attitude of the Soviet Union toward basic human rights.

I would hope that this statement and statements of other Members of the House of Representatives would furnish support to our representatives at the Belgrade Conference this summer for a strong position in condemnation of the Soviet Union for its disregard of the human rights provision of the Helsinki Accords.

While I share with other Members a great desire for good relations with the Soviet Union, basic human rights transcend any other measure of the intent of the Soviet Union to reciprocate this desire. Until political repression, religious persecution and cultural genocide end in that nation, there is little hope for a relationship in keeping with the traditions of freedom which are so firmly embedded in our own history and culture.

CONFERENCE IN BELGRADE ON FINAL ACT OF HELSINKI AGREEMENT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. MINISH. Mr. Speaker, very shortly, an international conference will convene in Belgrade, Yugoslavia. The purpose of those assembled will be to review the progress made in implementing the Helsinki agreement reached 2 years ago.

At the time that the Final Act of the Helsinki Conference on Security and Cooperation in Europe was completed, the people of Europe held great hope that the conference's mandates would be fulfilled.

The conference agreed on several policies vital to the survival of Europe. These included political-military security for the continent; economic, scientific, technological, and environmental cooperation; cultural and humantarian cooperation and the consideration of a future conference.

As we are all aware, it is the third facet of the agreement—cultural and humanitarian cooperation—that remains a pertinen. item of international concern.

There has been widespread publicity given to the numerous violations of human rights in the Soviet Union. Even now, 37 years to the day since the U.S.S.R. ended free government in Lithuania, dissenters throughout Russia are being harassed, arrested, and otherwise abused.

Because of the probability of daily infringement upon even the most basic human rights, I feel it is of the utmost importance that America's representatives at Belgrade take a firm stand. We must reassure the world that there is still meaning to the principles upon which this Nation was founded.

I, with several of my colleagues, have

introduced legislation, House Concurrent Resolution 247, which would instruct our delegates to express the U.S. firm commitment to worldwide human rights. This issue is one of nonpartisan interest and deserves the complete and immediate support of this group.

For the people of Lithuania, as well as those of Estonia, Latvia, and for Soviet Jews, the followup conference in Belgrade stands as the only hope that they ever will benefit from the advancements agreed upon in the Final Act at Helsinki. It is a unique opportunity to bring the force of world public opinion and the diplomatic power of the West to bear on the Soviet Union's disregard for the human rights provisions of the Final Act of Helsinki.

ANNIVERSARY OF TWO TRAGIC EVENTS

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. LEDERER. Mr. Speaker, today commemorates the anniversary of two tragic events for the Baltic States of Estonia, Latvia, and Lithuania.

On June 15–17, 1940, the Soviet Union invaded and occupied these freedom-loving nations, subsequently forcing their annexation into the Soviet Union. Unable to deal successfully with the resistance of these native patriots, the Soviets carried out mass deportations of the Baltic peoples to Siberia, 1 year later in 1941.

This year, the commemoration of this tragedy can also be a time of hope. President Carter's human rights policy, which has rekindled the fire of freedom for the peoples of Estonia, Latvia, and Lithuania, can make giant strides toward its implementation during the upcoming Belgrade Conference.

I urge our representatives at this Conference to keep in mind the tragic events which have triggered this commemoration and to scrutinize the sharp inconsistencies between Soviet statements regarding the freedom of their nationals and their repressive treatment of these nationals.

Since V. I. Lenin, architect of the modern Soviet state and its nationality policy, wrote the thesis "On the National Question and Proletarian Internationalism," Moscow has boasted that the Soviet Union is an amalgam of independent republics coexisting in harmony with the ruling European Russian population. However, does past Soviet actions reflect this theory? The Soviet Government began planning for the mass extermination of these non-Russian Baltic peoples soon after signing the Hitler/Stalin Pact of 1939. According to data collected by the Lithuanian Red Cross, 34,160 persons were deported from Lithuania, 32,102 from Latvia, and 33,500 from Estonia. These people were loaded into cattle cars with the windows boarded shut. Husbands were separated from wives and children from parents. This tactic of separating families, and thus attempting to weaken that natural human bond, has transcended many totalitarian regimes, today evidenced in reports from Cambodia and other places having undergone "socialist transformation." The only change in Soviet actions have been the evolution of more sophisticated means of eradicating national identification through political repression, religious persecution, cultural genocide, and the denial of basic human rights.

The Belgrade Conference presents a unique opportunity to bring the force of world public opinion and the diplomatic power of the Western world to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. Allowing the Soviet Union to take away the freedom of the Estonians, Lithuanians, and Latvians to insist on compliance by the U.S.S.R. with the Helsinki Agreement, is to relegate the importance of that treaty to that of an empty scrap of paper.

The Soviet Union is now engaging in the harshest type of repression, with the hope of silencing the voices of dissent being shouted by the patriots of Lithuania, Estonia, and Latvia.

I urge our representatives at this Conference not to turn a deaf ear on these cries of freedom.

LITHUANIA ANNIVERSARY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HUGHES. Mr. Speaker, as we prepare to celebrate another year of independence and freedom on July 4th, and with the festivities of the Bicentennial still fresh on our minds, I suggest that we pause to remember some of those not as fortunate as we—the people of Lithuania. I join with my colleagues in commemoration of a sorrowful day in the history of the Lithuanian people. Today, June 15 marks the 37th anniversary of the invasion and subjugation of Lithuania by the Soviet Union, and the exacerbation of their plight by the subsequent deportation of 300,000 Lithuanians to Siberian concentration camps.

Recent suppression and domination have not quelled the desire for freedom in the hearts of these brave people, nor arrested their prodigious efforts for independence. The Lithuanian people have contended with domination throughout their history. Russian domination marked the years from 1795 until 1915. Russian domination was succeeded by German occupation during World War I. Two decades of independence were brought to an end by Russian incorporation during World War II, followed by a brief period of German reoccupation until the Soviet Union again took control in 1944.

The U.S. Government has consistently denounced the aggression by the Soviet Union and has refused to recognize the incorporation of Lithuania. Today in Belgrade representatives of the signatory countries will gather for the Helsinki Review Conference. I view this occasion as an opportunity for my colleagues, some of whom will be in attendance as members of the Commission on Security and Cooperation in Europe, to not merely reflect upon the past and present status of those under the yoke of oppression, but to renew and strengthen our conviction to secure for all mankind their basic inalienable rights.

BALTIC STATES FREEDOM DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. RODINO. Mr. Speaker, I rise today to commemorate both the bright brief freedom and the unfortunate forceable annexation of the three Baltic States of Lithuania, Latvia, and Estonia. It is very significant that we do so now for at this time 37 years ago, the free and independent people of these countries were involuntarily subjugated to both Soviet domination and the consequent denial of their human liberties.

Before the conquest of these three nations, there was a short yet great moment of free government. After World War I, Latvia, Lithuania, and Estonia all declared their independence and installed and enjoyed democratic government until 1940. With the advent of the Second World War, Estonia, Latvia, and Lithuania lost their freedom when they were, in accord with a Nazi-Soviet pact, "allocated" to the U.S.S.R. Thousands of Latvians, Estonians, and Lithuanians suffered religious persecution and other denials of their individual freedoms. Many were removed from their homelands because of their resistance to such subjugation or because of their differing political opinions.

Such events deserve our observance for the American and Baltic peoples share a double bond: a cultural or almost familial bond exists between our two societies; America, a land composed of immigrants, derives from Lithuania, Latvia, and Estonia some of our finest and most talented citizens. People of Baltic heritage have made many great contributions to American society and culture. Our two peoples also share a philosophical link as well—the American and Baltic peoples both possess the same ideals of liberty, freedom, and self-determination.

In recognizing these common ties, Americans of all descent sympathize with and acknowledge the suffering and hardships the people of Latvia, Lithuania, and Estonia endure in their continuing resistance to political oppression.

Moreover, in supporting these peoples' rights to fundamental dignity and freedom, Americans acknowledge that all people possess the same basic rights as expressed in the United Nations' Universal Declaration of Human Rights and the Helsinki Final Act: freedom of religion, conscience, and expression, the rights of

due process, to emigrate freely, and to govern themselves.

It is particularly fitting that the Belgrade Conference on the Helsinki Accord, so concerned with this issue of human rights, convenes today. We hope that the delegates to this important conference recognize and remember this anniversary of Baltic States' freedom in their deliberations on human rights.

It is in this spirit, then, that I join my colleague from New Jersey, Mrs. FENWICK, in introducing a companion to House Concurrent Resolution 221 which affirms the commitment of the American people to human rights as guaranteed in the Helsinki Final Act and in the U.N. Universal Declaration of Human Rights.

LITHUANIAN TRIBUTE

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. FITHIAN. Mr. Speaker, I rise in tribute to the great nation and people of Lithuania, now suffering under Soviet occupation. For 37 years Lithuania has been brutally occupied and subjugated by its perfidious former ally, the Soviet Union. Yet, despite Russification, collectivization, antireligious propaganda, and deportation, Lithuanians remain as committed to independence for their nation as their ancestors were 800 years ago.

On February 16, 1918, the Lithuanian Nation declared its independence. This was a goal for which the Lithuanian people had been striving throughout a long period of Russian domination, 1795–1915, followed by German occupation during the First World War. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red army in the Second World War. It was invaded and occupied by the Soviet Union on June 15, 1940, and subsequently, more than 300,000 freedom-loving Lithuanians were deported to Siberian forced-labor camps. These tragic events are commemorated by Lithuanians throughout the free world on June 15.

I believe that it is fitting that the United States, a country which values so highly human rights and freedoms, devote time to remind the world that Lithuania and its people will continue to fight for the reestablishment of complete independence and self-government. The United States has never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

The Lithuanian people were, indeed, able to prosper under independent rule as they progressed in social, cultural, and economic life. The industrial growth was equally great, as the output of Lithuanian industry grew nearly three times more quickly than that of the world's. The agricultural interests of this nation grew so that Lithuania became one of the agricultural leaders of the world. With the Soviet takeover, Lithuanian progress was destroyed.

Today, Soviet oppression has destroyed freedoms of the press, speech, and religion. The spirit of freedom is still strong in Lithuania despite some efforts to destroy the cultural heritage, and human rights.

The people of Lithuania have maintained a devout belief that they will one day regain the independence that is rightfully theirs. The nation's flag of yellow, green, and red indicates freedom from want, devout hope, and love of country that is deep in the hearts of all Lithuanians. These people continue to strive for self-rule and refuse to accept foreign domination. I am happy to join the loyal Americans of Lithuanian descent in the hope for the freedom of the Lithuanian people and their homeland.

MARYLAND'S TAX ON CONGRESS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. ICHORD. Mr. Speaker, I want to share with my colleagues, and particularly those who live in Maryland, a recent letter I wrote to the chief of the collection and compliance division of the Maryland Department of Treasury. I am incensed by Maryland's attempt to collect income tax and set forth in this letter my intent to fight a matter which I find not only unconstitutional but wrong as a matter of principle. Should any colleagues similarly affected wish to join in this effort, I welcome your participation. My letter follows:

JUNE 10, 1977.

GEORGE F. SMITH,
Chief, Collection and Compliance, Comptroller of the Treasury, State Income Tax Building, Annapolis, Md.

DEAR MR. SMITH: This is to acknowledge receipt of your letter of June 2, 1977, in which you state that if you do not hear from me within ten days you will proceed to collect any income tax which you allege to be owing to the State of Maryland for the years 1972, 1973, 1974 and 1975 in excess of the income tax I have paid to the State of Missouri.

This letter is to further advise you that I intentionally ignored your letter of April 6, 1977, as I consider your attempt to collect any income tax from me unconstitutional and wrong as a matter of principle. I note that you cite no court decision as authority for any such liability on my part but only the opinion of your chief attorneys, Mr. George H. Spriggs and James T. Swisher.

As an attorney also, I would advise you that I am neither a domiciliary or a resident of the State of Maryland. I am both a domiciliary and a resident of the State of Missouri where I pay income taxes as well as personal property taxes and real property taxes. I own my home in Missouri. I license my automobiles in Missouri. My children attend school in Missouri and I naturally vote in Missouri. It is true that I own a house in Maryland where I sleep when I am attending congressional sessions but I do not sleep in Maryland more than 6 months out of the year. Of course, I pay real estate taxes to which I do not object. (However, I would note that they are approximately three times as high as Missouri real estate taxes and I receive very little governmental service. For example, the house has been burglarized three times.)

I have not earned one dime in Maryland and as a matter of principle I will not pay one dime of taxes to Maryland until the highest court decides that I must pay such taxes if any are owing in excess of my Missouri income taxes. On the other hand, if I earned my income in Maryland, I would be agreeable to paying such taxes. In addition, there are several other reasons why I will not pay any such taxes which I will raise later in the proper forum.

If the highest court decides that I owe any taxes I shall dispose of or lease my property in Maryland and begin sleeping in the District of Columbia as I would consider any such decision wrong in principle. If that event should occur I would gladly pay any such income taxes as the District of Columbia may levy on my earnings in excess of my Missouri taxes as the District of Columbia is the place where I earn my money.

It appears to me that if you are correct, then I should as a matter of principle introduce on your behalf a bill to tax the income of Maryland residents who earn their living in the District of Columbia. As you are probably aware, the District of Columbia is hard pressed for funds to meet its budget. If you are going to proceed against me, neither a resident of the State of Maryland or a domiciliary of the State of Maryland, why should I not try to persuade the Congress and why will you not support me in levying earnings or income taxes against Maryland residents who earn all their money in the District of Columbia. The principle appears to me to be the same. I would be happy to receive your views about such an effort on my part.

Sincerely yours,

RICHARD H. ICHORD,
Member of Congress.

BALTIC STATES FREEDOM DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BLANCHARD. Mr. Speaker, yesterday and today mark the 36th anniversary of the mass arrest and deportation of thousands of people from the Baltic States of Lithuania, Latvia and Estonia to Siberia by the Soviet Union.

In commemoration of that event, June 15 has been designated as Baltic States Freedom Day.

Next month, the signatories to the Helsinki Accord will meet in Belgrade, Yugoslavia, to review the results of the accord since its signing.

On at least one point, the record will be clear: the Soviet Union has failed to live up to the human rights provisions of Helsinki, as it has consistently failed to abide by similar agreements since World War II.

From the recent announcement that Jewish dissident Anatoly Shcharansky will be charged with the crime of treason, to the arrest of the four Ukrainians who led the Kiev Public Group To Promote the Implementation of the Helsinki Accords, to the continuing persecution of Nijole Sadunaite and others in the Baltic States, the U.S.S.R.'s record has been one of shameful betrayal.

It is betrayal fully in accord with the events of June 14–16, 1941, when 100,000 persons in Lithuania, Latvia, and Estonia were rounded up without warning, loaded into freight cars, and shipped to Siberia.

In the months that followed, the mass deportations continued, until ultimately, over a million people were deported from the Baltic Republics.

Mr. Speaker, it is a most unfortunate truth that these events still have meaning for us today, 1 month from Belgrade. I think we can all agree that the change of policy which many hoped for after Helsinki has not occurred.

It is my hope that President Carter, in a manner consonant with his forceful positions on human rights to date, will direct our representatives to the Belgrade Conference to press the Soviet Union strongly about its violations of the Helsinki agreements.

In view of the long and tragic history of repression in that country, we can do no less.

THE CASE AGAINST THE B–1

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BINGHAM. Mr. Speaker, on Monday I inserted into the RECORD part of an analysis of the case against the B–1 bomber prepared by the staff of Members of Congress for Peace Through Law. I think many of my colleagues will be interested in reading the final part of that analysis.

A delegation of Members of the House and the Senate met with President Carter on June 10 and presented much of this case personally. The President welcomed their views and promised a careful and "lonely" decision by the end of the month. I hope and trust that he will find the case against this unnecessary and incredibly expensive weapon system a compelling one, and that we will waste no more money on this project.

The material follows:

SALT AND THE B–1 BOMBER

IMPACT OF SUCCESSFUL SALT ON B–1

Capping the arms race should mean eventual acceptance of the kind of limits and disarmament cuts represented by the Administration's comprehensive SALT proposal offered to the Soviet Union in Moscow by Secretary Vance earlier in the year. Whether this kind of agreement is reached in a SALT II or a SALT III treaty is still unresolved, but this is clearly the direction we and the Soviets ought to travel.

If the Administration's Comprehensive SALT Proposal were to be accepted, both the United States and the Soviet Union would maintain between 1800 and 2000 strategic delivery vehicles. The present B52 bomber force should be structurally sound into the 1990's and should be able to successfully penetrate Soviet air defenses until at least 1990. There are now 419 U.S. SAC bombers in the active force. In order for the U.S. to get down to the overall launcher limit, most of the U.S. bombers now still good until the 1990s will have to be scrapped, especially if they are to be replaced by the B–1 bomber. The U.S. has 2129 strategic delivery vehicles already (419 bombers, 1054 ICBMs, 656 SLBMs) in its force. Drastic cuts would have to be made in the present forces to get down to the 1800 figure called for in the Comprehensive SALT proposal. Even more drastic cuts would have to be made to allow the B–1 bomber to enter the force. By the time the 329 most obsolete strategic systems were retired, the U.S. would have to scrap first-line weapons such as the B52G/Hs in order to phase in the B–1 bombers.

Clearly, the achievement of the Administion's comprehensive SALT program would make the B–1 an impractical purchase until at least the late 1980s or early 1990s when the B–52 force was no longer useful.

Even if the U.S. and the Soviet Union agreed upon the more modest Vladivostok guidelines instead of the Comprehensive U.S. proposal, the B–1 program would force out many capabl and useable B52G/Hs from the U.S. arsenal long before their useful life. So added to the cost of the B–1 should be the lost benefit of the B52 force that had to be prematurely scrapped, a force that cost billions to build and modernize. If 2200 strategic delivery vehicles were permitted under the revised Vladivostok kind of agreement in SALT II, then there would be room for just 71 additional missiles or bombers beyond the current force before any retirement could take place. Also, if the Administration aim is to reduce strategic delivery vehicles still further beyond the very high Vladivostok limits, then it makes little sense to phase new delivery systems into the arsenal on top of those like the current B52G/Hs that are good for more than another decade.

If the U.S. wishes to reduce the overall numbers of strategic delivery vehicles through disarmament negotiations, it makes little sense to increase the numbers of strategic delivery vehicles now by adding B–1 bombers. The way to achieve meaningful disarmament is to set limits at present forces levels, and then reduce from those levels. Artificially high limits act as magnets and goals rather than as limits, and the Administration should resist the temptation to produce up to such limits, when doing so will thwart future disarmament.

BARGAINING CHIPS

Far too much has been made also of the B–1's value as a SALT bargaining chip. First, the U.S. does not have to go into full production on the B–1 to credibly threaten the Soviets with full production if concessions are not made at SALT. Already some $3 billion and 7 years of research and development have gone into the B–1 bomber. The Soviets are well aware that the U.S. can go ahead with this kind of technology should SALT fail to cap the arms race.

Second, finding a suitable bargaining chip is a fundamental problem. It is hard to think of any weapons program that simultaneously is good enough to worry an opponent and bad enough for the military to be willing to give it up in negotiations. Once the full production decision is made, stopping the B–1 becomes a difficult political ordeal, even if at some future date the SALT negotiations succeed in banning the B–1.

Finally, weapons systems ought to be purchased solely on their own merits, rather than as SALT bargaining chips. The United States and the Soviet Union have already built billions of dollars worth of such "chips." No more are required. Pouring billions into weapons that you plan to abandon at the table makes little sense.

ECONOMIC EFFECTS OF THE B–1 BOMBER PROGRAM

TOTAL COSTS OF THE B–1 PROGRAM

According to the latest official Selected Aquisition Report, research & development and procurement of the entire planned fleet of 244 B–1 bombers is estimated to cost $22.8 billion, or $93.6 million for each aircraft.

However, Senator Culver has recently cited internal Air Force estimates made to the Senate Armed Services Committee which indicate that total B–1 R&D and production costs may reach $28.5 billion, or $117 million per plane.

If appreciably fewer than the presently planned 244 aircraft are built, of course, the unit cost of the B–1 bomber could skyrocket.

According to the Center for Defense Information, the 30 year lifecycle cost of the B–1 fleet could approach the $100 billion mark. In addition to R&D and production costs, C.D.I. estimates expenditures of $7.9 billion for two lifetime buys of offensive weaponry, $63 billion on operation and maintenance of the B–1 and supporting tanker squadrons, and $2.8 billion for production of a new wide-bodied tanker.

All these costs are in addition to the operation, maintenance and, perhaps, upgrading of 300 B–52's which the Air Force says it plans to keep in its active inventory for the rest of the century, even if the B–1 is fully deployed.

Even the above estimates may be low considering the tremendous growth in B–1 costs experienced by the program already. Current estimates are nearly triple the original official estimate of $9.8538 billion for the fleet, or $40.1 million per plane. Despite Air Force claims to the contrary, Senate Armed Services R&D Subcommittee Chairman McIntyre has stated: "The net growth in projected costs for the B–1 cannot be explained in terms of inflation, but is real cost growth." All this growth has occurred despite numerous major degradations in B–1 performance capabilities (e.g.—lower top speed, below supersonic on the deck; weight-range-payload decrease; take-off distance increase; crew escape capsule elimination; avionics reduction; reduction of R&D models, stretch-out in R&D schedule).

B–1 CONSTRUCTION WOULD HAVE AN ADVERSE EFFECT ON OVERALL EMPLOYMENT

B–1 spending would create far fewer jobs than would spending an equal amount on nearly any other government program.

For example, based on statistics provided by Rockwell International, the prime B–1 contractor, and the U.S. Bureau of Labor Statistics, the following comparison can be made:

Number of jobs per $1 billion expended in 1980 (Peak B–1 produc. yr.):

B–1 production—22,000 jobs;

Housing construction—36,000 jobs;

Health, Welfare and Sanitation—46,000 jobs;

Education—52,000 jobs.

The "Jobs Bill" signed May 13 by President Carter will produce even more jobs per $1 billion expended. By the Administration's own estimates, the Public Service Jobs Bill will create 92,000 jobs for each $1 billion spent; the Public Works Jobs Bill, 150,000 jobs per $1 billion.

According to a Rockwell-commissioned study by Chase Econometrics Associates, even a taxcut would create virtually the same number of jobs (as well as the same increase in GNP) as would the B–1 program.

B–1 CONSTRUCTION WOULD BE INFLATIONARY AND INCREASE THE DEFICIT

B–1 spending is inherently inflationary in times of chronic deficits because it creates demand in the marketplace without creating any offsetting supply.

The B–1 also creates an inflationary pull on the tons of scarce metals it requires—titanium, magnesium, aluminum and others—and, in turn, on the vast amounts of energy needed to produce these metals.

The amounts by which B–1 spending would increase the deficit in the next few years are

considerable. In 1975, with an estimated program cost of only $20.6 billion, the following B–1 expenditures were forecast by the Ford Administration:

Fiscal year 1978—$1.95 billion;
Fiscal year 1979—$2.62 billion;
Fiscal year 1980—$3.19 billion;
Fiscal year 1981—$2.83 billion;
Fiscal year 1982—$2.55 billion;
Fiscal year 1983—$2.34 billion; and
Fiscal year 1984—$ .51 billion.

LIMITED GEOGRAPHICAL DISTRIBUTION OF ECONOMIC BENEFITS

From 1970–1975 four states received over 85 percent of total B–1 expenditures; ten states received over 94 percent. Over the life of the R&D and production program (1970–1985) forty-one states will pay more in federal taxes to support the B–1 program than they will receive back in contracts and subcontracts, according to the figures of Rockwell International (only Cal., Ga., Kan., Md., Okla., Ohio, Tenn., Vt. and Wash. will experience a net financial gain if the B–1 is produced).

EFFECTS OF PROGRAM CANCELLATION ON B–1 WORKERS

The jobs impact of a decision to cut the B–1 program now would be far less than it will be in a year or two. In fiscal year 1976 Rockwell International employed 8,700 workers on the project. By the end of this fiscal year it will be employing 13,000, and by fiscal year 1981, if the program continues as scheduled, the number will reach 28,000. Proportional increases can be expected for the many other employers involved.

Congressman Jonathan Bingham has recently introduced legislation which would aid B–1 workers in case of program cancellation through monetary payments, relocation aid and job retraining assistance.

SOCIAL, EDUCATION, HEALTH AND HOUSING TRADE-OFFS WITH THE B–1 BOMBER*

The thirty year life cycle of the B–1 bomber will cost approximately 100 billion dollars; this 100 billion dollars could also fund the federal energy program for approximately 11.5 years.

Fiscal year 1978 budget authority for Solar Energy Research and development is equal to 3.75 B–1 bombers; 5.25 B–1s are equal to FY 1978 budget authority for coal conversion.

The fiscal year 1978 program for the prevention and control of health problems is equal to approximately 10 B–1 bombers.

According to Congressional Budget Office estimates a Premium Financed National Health Insurance plan would require an additional 20 billion dollars of federal expenditures per year, if the plan were initiated in FY 1978. The plan could be funded for 5 years by 100 billion dollars, the life cycle cost of the B–1 program. A Catastrophic Health Insurance plan would require an additional expenditure of only 10–11 billion federal dollars a year; the B–1 program could alternately fund this program for approximately 10 years.

The procurement cost of the B–1 bomber fleet (assuming that 240 are built) of 24.2 billion dollars could finance federal expenditures on Mass Transit for 10 years.

Payments for the operation of low income housing projects (based on Budget Authorization, FY 1978) could be financed for 40 years by funds that might otherwise purchase 240 B–1 bombers.

The cost of the B–1 bomber life cycle could fund federal outlays for education for 10.4 years.

POLITICS AND THE B–1 BOMBER

The President and the Administration will get the overwhelming support of these who have opposed the B–1 Bomber, if the B–1 is stopped. Conversely, the decision to produce the B–1 will produce a very strong reaction in Congress, among the various groups arrayed against the B–1, and in public opinion.

The B–1 issue is seen as a litmus test of the Administration's good faith by those that followed defense issues in the campaign. In a message to the Democratic platform committee the President wrote that "Exotic weapons which serve no real function do not contribute to the defense of this country. The B–1 is an example of a proposed system which should not be funded and would be wasteful of taxpayers dollars." (June 12, 1976 message) Many voted for the President and the Democratic ticket thinking that that pledge was solid and would be carried out. To reverse on the B–1 issue would disillusion many who thought this administration was cutting out wasteful and exotic programs such as the B–1 Bomber.

Overall public opinion also is against the B–1 bomber. In the last Harris poll on the subject (January 1977) the American people were recorded as being 42% against the B–1, with 33% for the B–1, and the rest undecided.

Moreover, the Anti-B–1 Coalition is well-organized and vocal. Some 34 national organizations are formally organized in the National Campaign to Stop the B–1 Bomber. These include:

American Baptist Churches
American Friends Service Committee
Americans for Democratic Action
Business Executives Move for New National Priorities
Camaign for a Democratic Foreign Policy
Catholic Peace Fellowship
Church of the Brethren
Clergy and Laity Concerned
Common Cause
Congress Watch-Public Citizen
Environmental Action
Episcopal Peace Fellowship
Federation of American Scientists
Friends Committee on National Legislation
Friends of the Earth
Gray Panthers
International Longshoremans and Warehousemans Union
Jesuit Conference
National Association of Social Workers
National Coalition to Fight Inflation and Unemployment
National Organization for Women-Labor Caucus
National Student Association
National Taxpayers Union
NETWORK
Oil, Chemical, and Atomic Workers Union
SANE
Southern Christian Leadership Conference
Textile Workers Union of America
Unitarian Universalists Association
United Church of Christ
War Resisters League
Women's International League for Peace and Freedom
Women's Strike for Peace

Other Anti-B–1 Groups outside the official coalition include:

AFSCME—American Federation of State, County, & Municipal Employees
National Farmers Union
National Council of Churches
Menonite Church Conference
Presbyterian Church
National Council of Senior Citizens
Coalition for a New Foreign and Military Policy
Locals of the United Auto Workers Union
Locals of the United Steelworkers of America Union
Locals of Amalgamated Clothing and Textile Workers Union
Locals of Service Employees International Union
Locals of United Electrical, Radio, and Machine Workers
Locals of United Shoe Workers of America
Council for a Liveable World

These groups will strongly support stopping the B–1 and condemn production. These lists do not include the millions of other Americans who also have an opinion that the B–1 bomber should not be built.

Within the Congress, those who would support an Administration effort to drop the B–1 from production will win out over those who would seek to impose this aircraft on the Administration, provided the President and his administration come out strongly against a B–1 production decision.

Opponents of the B–1 see no new arguments for the B–1 that have been generated since last year when President Carter made his campaign pledge to not fund the B–1. Indeed, the only new arguments that have been generated are negative ones. The Democratic Administration won office on an anti-B–1 campaign. The American people reiterated their sentiment last January in a poll on the B–1 where they came out against it. The only things that have changed are the growing costs of the B–1 bomber, now over $101 million per aircraft, and the increased modernization of other components of the U.S. strategic forces, including some secret breakthroughs which favor U.S. offensive capabilities even further over Soviet air defense capabilities, making the B–1 even less necessary and cost-effective. The only new developments related to strategic forces favor cancellation of the B–1 bomber.

* The life cycle and procurement costs of the B–1 are adjusted upwards for anticipated inflation; the extrapolations from the FY–1978 proposed budget are not. These expenditures are also assumed to remain constant in the future.

OCCUPATION OF LITHUANIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. LENT. Mr. Speaker, today marks a sad occasion in the history of the world. For 37 years ago today, the proud and independent nation of Lithuania was forcibly annexed by the Soviet Union.

In that annexation, numerous atrocities were committed: families split, refugees banished to Siberia to perish in the cold, young men who might oppose the annexation summarily executed.

And 37 years later, the repression continues. It continues despite the ratification by the Soviets of the Helsinki accords and the provisions of that treaty calling for the guaranteeing of basic human rights.

The Soviet regime, however, has touted the provisions of the Helsinki pact recognizing the borders they seized after the war, while ignoring the human rights provisions of the treaty.

Today also marks the opening of the Belgrade Convention on the review of the Helsinki agreement, and the timing of this convention is most appropriate. As the delegates come together today in Belgrade, let us remember the Soviet action 37 years ago, and the atrocities committed on the Lithuanian people. Let our Nation's review of the Soviet's contempt for the human rights provisions of the Helsinki pact be conducted with

the clear recognition that the Soviet Government's contempt for people has not changed since that sad day 37 years ago.

PATRICIA JOAN THOBEN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BRADEMAS. Mr. Speaker, last week we lost a determined advocate for the rights of handicapped individuals. Patricia Joan Thoben devoted most of her life to guaranteeing opportunities for the disabled.

For many years, Ms. Thoben held positions at the Civil Service Commission and the Department of Health, Education, and Welfare in which she worked to insure that handicapped people receive equal treatment in employment practices. She was an effective leader on behalf of the legal rights of disabled people. Her dedication will be remembered by all those who knew her and benefited from her efforts.

At this point, Mr. Speaker, I place in the RECORD an article about Patricia Thoben from the Washington Post.

[From the Washington Post, June 9, 1977]

PATRICIA THOBEN, ADVOCATE OF HANDICAPPED, DIES

(By Jean R. Hailey)

Patricia Joan Thoben, 44, who devoted most of her life to working for equal rights for the handicapped, died of cancer Tuesday at Georgetown University Hospital.

For the last three years, Miss Thoben, a paraplegic who had to use a wheelchair, was a senior program assistant in the office of selective placement programs of the Civil Service Commission.

Before that, she had worked in the same area for 13 years in the Department of Health, Education, and Welfare.

In 1974, Miss Thoben made news when two airlines refused to accept her as a passenger on their flights to Philadelphia on the grounds that she would be unable to leave the plane by herself if an emergency should occur.

The Federal Aviation Administration was called upon to draft regulations after the action aroused heavy criticism. Formal regulations approved by the FAA this April and effective May 16, require all airlines to accept as passengers as many physically handicapped persons as possible and to establish procedures for handling such passengers in case of emergencies.

In the CSC, Miss Thoben played an important role in the overall administration of federal policies, practices and procedures for the hiring, placement and advanment of handicapped persons.

She also worked to develop a proposal for an appeals system to hear discrimination complaints from handicapped federal employees and applicants.

Miss Thoben had come to Washington in 1961 to work with the division of mental retardation of the Public Health Service and later with the Rehabilitation Services Administration in HEW.

She coordinated liaison throughout HEW and with other federal programs and consumer groups concerned with health services, mental health and mental retardation. She also worked on national and international grants and on a national mental retardation information center.

In 1973 and 1974, Miss Thoben directed and monitored all employment actions for disabled employes in the Social and Rehabilitation Services of HEW.

Although disabled, she traveled extensively, representing the federal government at national and international meetings on employment of the handicapped and rehabilitation services.

Miss Thoben wrote extensively and was cited for her "Civil Rights and Employment of the Severely Handicapped" article, published in the Rehabilitation Counseling Bulletin in June, 1975. She also held many professional honors and commendations.

Born in Anderson, Ind., Miss Thoben had been paralyzed from the waist down since birth. She graduated from St. Mary's College in Notre Dame, Ind., and earned a master's degree in clinical psychology from DePaul University in Chicago.

Miss Thoben, who lived in Arlington, had been a caseworker, providing services for handicapped patients and families in the Illinois Department of Public Welfare, before coming here in 1961.

She is survived by her mother, Florence Louise Thoben, of Arlington; her father, Robert H. Thoben, of Anderson; four sisters, Cynthia Kathlerine Huber and Sue Anne Spatz, both of Bowie, Phyllis Jean Hasiak, of Munster, Ind., and Karen Elizabeth Thoben, of Indianapolis, and three brothers, Gregory K. Thoben, of Washington, and Richard J. and Phillip Michael Thoben, both of Indianapolis.

The family suggests that expressions of sympathy may be in the form of contributions to the National Children's Medical Center.

NAUGATUCK HIGH SCHOOL—CLASS L BASEBALL CHAMPS

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. SARASIN. Mr. Speaker, recently, the Naugatuck High School baseball team with a 3–1 victory over Foran of Milford, Conn., clinched the CIAC Class L State Championship. Congratulations are in order for this group of young men and their coaches who have given to the community of Naugatuck and to the State of Connecticut a tremendous sense of spirit and pride.

Throughout the season, the Greyhounds have displayed an enormous quantity of strength, determination and skill having all the characteristics which make up a true championship baseball team. For the playoffs, they relinquished their new uniforms in favor of donning the older pinstripe uniforms worn by the teams that compiled the fantastic 64-game consecutive win streak in the early 1970's. This year's team has carried on that tradition of winning baseball in a manner which is surpassed by none.

However, tradition should not be allowed to overshadow the accomplishments of these athletes. They have played an aggressive brand of baseball and are competitors in the true sense of that word. In addition, their sense of sportsmanship and teamwork has played a major role in their success. Truly, the Greyhounds have exhibited the style of play that has made baseball our national pastime.

To these young men and their coaches I offer my congratulations for a job well done, my best wishes for success in the future.

LITHUANIA

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. ADDABBO. Mr. Speaker, on this day Lithuanian-Americans will join with Lithuanians throughout the free world in commemorating the military occupation and forcible incorporation of Lithuania into the Soviet Union 37 years ago. Subsequent deportation of 300,000 freedom-loving Lithuanians to Siberian labor camps was undertaken by the Soviets.

The Lithuanian-American community of the United States of America under the direction of Stanley A. Gecys has outlined the violations of human rights that have taken place in Soviet-occupied Lithuania throughout the years. It documents the oppressive measures and denial of basic human rights by the Soviet people against that people of Lithuania.

Lithuanians have not suffered these diminution of human rights in silence. Europe and America has seen and it hears the many sacrifices that Lithuanian patriots have made for human rights despite lasting attempts of the Russians to suppress all communication with the western world. A number of documents have been published and disseminated by Lithuanians despite the constant threat of arrest and imprisonment. When we speak of human rights we must remember that Russians prisons are filled with such prisoners of conscience.

The Soviet Union has blatently ignored the human rights provision of its own constitution, the provisions for human rights in the United Nations Charter and most recently, it has ignored the implementation of the provisions of the Final Act of Helsinki.

Lithuania was a sovereign nation since 1251 and it established its independence on February 16, 1918. It was invaded and occupied by the Soviet Union on June 15, 1940 and these tragic events are commemorated by Lithuanians throughout the Free World on this date.

This summer, the United States will be attending the followup Conference on European Security and Cooperation in Belgrade, Yugoslavia. The people of Lithuania are anxiously awaiting the outcome of the conference, because it represents to them the only foreseeable means to benefit from the provisions of the Final Act of the European Security and Cooperation Conference in Helsinki.

There is world-wide concern for Soviet Jewry and the oppression that is taking place in Russia. That this is so is just and correct, but we must remember always

the Lithuanians, Latvians, Estonians, and all the other people of the captive nations who also deserve our concern and action.

I urge not only the Congress but the President and his entire administration to consider well what has happened in Lithuania over the last 37 years. And we would call upon the Soviet Union to release these people who for 37 years have been subjected to the indignity of having their land occupied by a foreign ruler.

We would all hope that a year from today we might again celebrate the independence of Lithuania. It is perhaps unrealistic to think this will happen, but it is in the spirit of human rights everywhere that we seek this goal.

SOVIET AGGRESSION AGAINST LITHUANIA

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. SARASIN. Mr. Speaker, it is quite appropriate that on this day, June 15, the Belgrade Conference on Cooperation and Security in Europe will convene to begin the process of examining the compliance of signatory nations with the Helsinki Document. For it was on June 15, 1940 that the Soviet Army invaded the sovereign nation of Lithuania and subsequently incorporated the small country by force into the Soviet Union. Thus, this date should serve as a reminder to all the delegates to the Belgrade Conference that far from recognizing the legitimacy of this takeover, the Helsinki Document demands that the Soviet Union abide by its humanitarian provisions and grant basic human rights to the people of Lithuania.

The Helsinki Document has been important in providing freedom-loving Lithuanians with a tool to prod the Soviet Government to acknowledge what it has signed and therefore to live up to the provisions of the agreement. Last December, five Lithuanians announced in Moscow that they had set up a group to monitor observance of the Helsinki Declaration in their Baltic Republic. They also charged that repressive measures were being taken against the Lithuanian Catholic Church. At their press conference, Lithuanian religious activist Viktoras Petkus read a statement asking that signatory countries to the Helsinki Agreement remember that the modern status of Lithuania as a Soviet republic was established as a result of the entry of Soviet troops onto its territory on June 15, 1940. Petkus asked that the countries therefore pay special attention to the observation of human rights in Lithuania.

It is a well known fact that basic human rights, especially the right of religion, continue to be violated in Lithuania, although these rights are guaranteed by the final act of the Helsinki Conference, and ironically enough, by the Soviet Constitution itself. The Belgrade Conference will serve an important function if it focuses worldwide attention on the basic lack of respect for human rights so flagrantly displayed by the Soviet Government, particularly with regards to its captive nations like Lithuania.

I have joined my colleague, NEWTON STEERS of Maryland, in sending a letter to the President supporting his stand on human rights and expressing the importance of raising these human rights concerns at the Belgrade Conference. Recent events in the U.S.S.R. have caused many of us here in the Congress and among the general public to doubt whether the Soviet Union is committed to complete implementation of the Helsinki final act. Thus, we are in full support of these review conferences in order that the world might know the state of human rights in the individual signatory nations.

I am hopeful that transgressions against the republic of Lithuania will be brought before the conference, and that the Soviet Union will be compelled to defend its record on human rights. Thus, the significance of June 15 will not be lost.

LITTON CASE SHOWS NEED FOR GRAND JURY REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. EILBERG. Mr. Speaker, I would like to call to the attention of my colleagues two recent court cases which point up the need for reform of the Federal grand jury system.

Both cases demonstrate how grand juries and grand jury procedures can be totally dominated by prosecutors. I will present the details on one case, United States against Litton, today, and information on the second case, involving the indictment of a New York City judge, on a subsequent day.

In United States against Litton, a Federal District Court in Alexandria, Va., noted the use by the prosecutor of the grand jury to improperly secure a civil remedy against a company. Specifically, the court stated that:

> This (case) is further evidence of a cynical view that . . . the grand jury . . . (is) a mere echo of the Office of the United States Attorney."

The House Judiciary Subcommittee which I chair, Mr. Speaker, is in the process of holding hearings on H.R. 94, which would provide badly needed reform in the Federal grand jury system. I commend to the attention of my colleagues the following materials regarding one case I have cited:

[From the Washington Post, May 26, 1977]

FRAUD CHARGE AGAINST LITTON DISMISSED BY FEDERAL JUDGE

(By Jane Seaberry)

A federal judge in Alexandria yesterday dismissed an indictment charging fraud against Litton Industries, ruling that U.S. prosecutors abused the grand jury system in threatening Litton with the indictment if the company did not agree to government proposals.

The order of U.S. District Court Judge Albert V. Bryan Jr. also prohibits prosecutors from reindicting Litton on the charge because "prosecutorial discretion" [was] abused.

Litton, a major defense contractor, was indicted April 6 on a charge of fraudulently overcharging the Navy $37 million for building three nuclear attack submarines between 1968 and 1971.

This indictment came after an attempt to indict Litton in 1975 failed when the term of the special grand jury called in March of that year solely to investigate Litton, expired.

But in April, 1976, the Armed Services Board of Contract Appeals awarded a $17.3 million judgment to Litton from the Navy in connection with the contract.

Bryan said in his opinion that after the 1975 attempt to indict Litton failed, prosecutors, in an attempt to get the award revised, continued to threaten to indict Litton if it did not agree to reopen the appeals board proceedings.

"What is reprehensible here is the threat to use, as well as the actual use of, the grand jury as a bargaining tool in an effort to upset the final civil award to which Litton was entitled," Bryan said.

Prosecutors also had two FBI agents summarize evidence to the April 6 grand jury rather than formally present information and witnesses as in the previous grand jury, which did not indict Litton, Bryan said.

"This is further evidence of the cynical view that has been taken of the grand jury in this case, namely, as a mere echo of the voice of the U.S. attorney," Bryan said.

"I think the court misread our action," said U.S. Attorney William B. Cummings, who, with the Justice Department, headed the two-year investigation of Litton.

Bryan "assumed that there were motivations, a desire on our part to get this thing back to the [appeals] board and use the grand jury to bludgeon them. Nothing could be further from the truth," Cummings said.

[In the United States District Court for the Eastern District of Virginia, Alexandria Division—Criminal No. 77–70–A]

UNITED STATES OF AMERICA VERSUS LITTON SYSTEMS, INC., d/b/a INGALLS NUCLEAR SHIPBUILDING DIVISION, DEFENDANT

MEMORANDUM OPINION AND ORDER

On April 6, 1977 a grand jury of this district, Alexandria Division, returned a one-count indictment charging the defendant with presenting a false and fraudulent claim to the United States Navy on or about May 26, 1972, in violation of 18 U.S.C. § 287.[1] That claim arose from a contract awarded the defendant, Litton Systems, Inc., d/b/a Ingalls Nuclear Shipbuilding Division (Litton) by the United States Navy in June, 1968, for the construction of three nuclear attack submarines. The defendant has filed, among others, a motion to dismiss the indictment on the ground of governmental misconduct in connection with the grand jury proceedings preceding the indictment.

During the course of performance of the contract there were certain delays which resulted in increased costs of construction. After some preliminaries, on May 26, 1972, Litton forwarded to the Navy data supporting a previously submitted price proposal (the claim) to recover that portion of the cost increase attributable to the government. When no resolution of the matter could be reached, Litton appealed to the Armed Services Board of Contract Appeals (ASBCA) claiming a total reimbursement of approximately $30,000,000. The hearing before the

Footnotes at end of article.

ASBCA began in October 30, 1973, and concluded on March 7, 1974. On April 16, 1976, the ASBCA issued its decision awarding Litton over $16,000,000 on its claim. It is the May 26, 1972 claim which was the subject ultimately of the proceedings before the ASBCA and which the present indictment charges violated 18 U.S.C. § 287.

On March 17, 1975, after the conclusion of the hearing before the ASBCA but over a year prior to the time that body issued its decision, a grand jury was impanelled by this Court to investigate whether a crime had been committed by Litton in the submitting of the claim. After eighteen months this grand jury expired by operation of law [Fed. R. Crim. P. 6(g)] on September 17, 1976, without having returned an indictment against Litton. The decision of the ASBCA in the meantime had been filed on April 16, 1976, and Litton and the government on or about May 14, 1976 jointly agreed not to file motions for reconsideration of that decision.

On September 9, 1976, just prior to the expiration of the grand jury's term, at a meeting between the Assistant United States Attorney in charge of the case and attorneys for Litton, the former offered to terminate the investigation and not seek an indictment if Litton would agree to allow the proceedings before the ASBCA to be reopened and to permit evidence gathered by the grand jury to be presented to the ASBCA. A similar offer was made on September 14, 1976. Litton rejected the offer on both occasions and subsequently by letter dated November 1, 1976.

The government characterizes the overtures in this way:

On September 7, 1976, AUSA Dunham initiated contact with Vincent Fuller, then representing Litton, and suggested a meeting which occurred on September 9, 1976 in the offices of the United States Attorney. At this meeting, Fuller was advised that the Grand Jury investigation indicated that the claim had been premised on an erroneous basis and decided by the ASBCA without benefit of all the facts. Fuller was further advised that, although the Grand Jury was expiring, further investigation would be required to determine whether Litton or any officer or employee of the company had deliberately allowed the claim to be premised on a factually erroneous basis, that is, it was made clear to Fuller that the primary open avenue of inquiry was the issue of criminal intent.

Dunham explained to Fuller that he saw a possible way to resolve the intent issue in Litton's favor and thus eliminate further expenditure of resources by both Litton and the Government. Dunham stated he was reluctant to discuss it without assurances first being made that the discussions would not be taken as a threat or treated as other than a good faith attempt to resolve the intent question. Fuller agreed with the ground rules laid out and encouraged the dialogue to ensue. He said he would terminate the talks at any time he deemed them inappropriate or improper. The suggestion was then made by the Assistant United States Attorneys that, assuming all the details could be worked out, the ASBCA hearing be reopened with both sides having access to the investigation materials.

* * * * *

The suggested meeting commenced on September 14, 1976. Present were Lintz, Fuller, and Wilson, another retained criminal counsel, and Dunham, Fisher and Kibby, Assistant United States Attorneys. It was again unequivocably stated at the meeting's outset that before any discussion could ensue, there had to be assurances from Litton's side of the table that, at some later point in time, the discussions would not be used as a basis for an allegation of duress, threat, intimidation or other intimation of improper conduct on the part of the prosecution. Fuller, Wilson and Lintz all indicated they understood that the discussions were being had only with this mutual understanding. The Government then fully outlined the evidence developed during the Grand Jury investigation establishing that Litton's claim was false. This was followed by an indepth discussion participated in by all persons present on the mechanics that would be utilized to get a 6(a) Order and reopen the ASBCA proceedings. The meeting terminated on a cordial note.—Government's Response, pp. 4–6.

Following the expiration of the grand jury's term, the United States continued its own investigation of the matter and it asserts that this investigation revealed evidence of criminal intent which had been unavailable to the eighteen-month grand jury. Consequently, according to the government, it presented evidence to an existing grand jury which had been impanelled on July 19, 1976 in connection with inquiries of other matters. This evidence was presented at various times during the period February 28, 1977 through March 10, 1977.

On March 11, 1977, perhaps sensing an impending indictment, Litton offered by letter to do what had been suggested the previous September by government counsel. By then, however, the matter had progressed too far. Deputy Attorney General Thornburg had requested on January 17, 1977, that the matter be presented to a new grand jury for the purpose of seeking an indictment, and on February 7, 1977 the Attorney General personally approved prosecution of the case. Before the grand jury two special agents of the FBI summarized the matters that had been presented to the previous grand jury. Counsel represented at argument on this motion that the summary and presentation of additional evidence took approximately six days. The previous grand jury, during its eighteen month tenure, had considered the matter for a total of approximately twenty-five days.

It appears from the uncontroverted affidavit of defense counsel that at a meeting held on April 19, 1977, the Assistant United States Attorneys stated that there had been no requirements of the two agents:

1. To read and review all of the matters occurring before the eighteen month investigating grand jury;

2. To restrict their summary presentations to those matters occurring before the eighteen month grand jury;

3. To distinguish between hearsay and personal knowledge; and

4. To distinguish between matters occurring and not occurring before the eighteen month investigating grand jury.

At the same meeting, one of the Assistant United States Attorneys involved in the case stated to counsel for the defendant that "Litton bought this indictment."

* * * * *

No matter how benign a view of the matter is urged by the government, the truth of it is that the government wanted a "second bite at the apple" in its controversy with Litton over the issue of reimbursement; that it used the implied threat of indictment in an effort to obtain reconsideration of what Litton, presumptively innocent, was otherwise entitled to; and that when Litton, as was its right, refused to forego that entitlement, namely, the finality of the civil award, the government retaliated—made good its threat—by producing an indictment. This is a serious abuse of prosecutorial power.

The government's position is that during the investigation before the first grand jury incriminating evidence was uncovered which led the prosecutors to believe that the claim as submitted to the ASBCA was false, although there was no evidence before the grand jury of criminal intent; that their attempt to resolve the matter without an indictment was motivated by a desire to see that the ASBCA had the entire picture—to let Litton prove its innocence if it had nothing to hide; and that the deal had many attractive features from Litton's point of view.[2] This misses the point of its misconduct. Had the bargain been proposed *after* indictment it arguably could be justified, but what is reprehensible here is the *threat* to use, as *well* as the actual use of, the grand jury as a bargaining tool in an effort to upset the final civil award to which Litton was entitled.[3] Rather than ". . . security against hasty, malicious and oppressive prosecution; . . . standing between the accuser and the accused . . . ." *Wood* v. *Georgia*, 370 U.S. 375, 390 (1962), the grand jury here was used to formulate a ". . . charge . . . dictated by an intimidating power . . ." *ibid.*

The government's analogy of the procedure followed here to that followed in a Pretrial Diversion Program is misplaced. The Pretrial Diversion Program is a judicially sanctioned plan designed for rehabilitation of persons *who admit their guilt*, without formal charges being brought. Here, not only at a time when the defendant was protesting its innocence, but at a time when the government, according to its brief,[4] had no evidence of criminal intent, the investigating grand jury was used as a bargaining tool to effect a reopening of the matter before the ASBCA.

Nor does the claim of waiver by the United States validate its conduct in this case. One need only put himself in the shoes of counsel for a putative defendant being investigated by a grand jury to recognize how little choice such counsel would have when approached by an Assistant United States Attorney with a proposition contemplating termination of the investigation. What prudent lawyer would not have acceded readily to the stipulation that any discussion would not be considered fraud or coercion? But the exaction of such a condition does not make the circumstances less coercive, and it is no comfort to the government here.

At least one circuit court of appeals, in the exercise of its supervisory power, has directed a dismissal of an indictment returned solely on hearsay testimony in an extreme case, e.g., *United States* v. *Estepa*, 471 F. 2d 1132 (2nd Cir. 1972). This Court, however, is unwilling to dismiss the indictment on that ground in view of the unequivocal and as yet unrepudiated language in *Costello* v. *United States*, 350 U.S. 359 (1956), especially since here there was evidence other than the summary presented to the indicting grand jury. In the case of *In re Grand Jury Investigation of Banana*, 214 F. Supp. 856 (D. Md. 1963), cited by the defendant, the Court condemned the practice followed here, but the action there was the prohibition of future conduct rather than a dismissal of the indictment.

The appearance and summation testimony before the grand jury of the two agents is relevant, however, to the issue of the misconduct of the United States Attorney's Office. One need not be a skeptic to question the impartiality of a presentation which persuaded a grand jury that neither had heard nor seen the previous witnesses or documents to do within ten days what the prior grand jury had not seen fit to do after twenty-five days of evidentiary hearing over an eighteen month period. This is further evidence of the cynical view that has been taken of the grand jury in this case, namely, as a mere echo of the office of the United States Attorney.

The government's suggestion to *reopen* the matter before the ASBCA ominous when considered with the fact that after the Board's decision was rendered but while the

Footnotes at end of article.

first grand jury was still in existence and prior to the September overtures to the defendant by the United States Attorney's Office, the government caused subpoenas to be served on the judge who presided at the ASBCA hearing, and the Chairman of the ASBCA (who was one of the four concurring judges in the ASBCA decision). They did not actually testify before the grand jury, but on or about May 21, 1976, a Special Assistant United States Attorney, and on or about July 21, 1976 two FBI agents interviewed the presiding judge relative to whether and to what extent matters disclosed before the grand jury had been considered by the ASBCA in its decision. The extent to which such matters were revealed in the interview is not shown by the record; however no order allowing disclosure was obtained as provided for by Fed. R. Cr. P. 6(e). Such activity could only carry the potential for depreciation of the ASBCA's impartiality and vitiation of its decisions in any reopened claim or in future claims involving the defendant.[5]

It is entirely possible that upon trial Litton would be found guilty of presenting a false or fraudulent claim; however, when prosecutorial discretion is abused, as here, dismissal of the indictment as a prophylaxis is warranted. *Cf. United States* v. *DeMarco*, 550 F.2d 1224 (9th Cir. 1977). While the circumstances here do not carry the procedural "due process implications" found to support the dismissal in *DeMarco*, the Court has no difficulty discerning abridgment of the defendant's substantive due process rights in permitting the government's conduct. The determination and review of civil disputes such as the one at the core of this prosecution is governed by an established statutory and regulatory scheme. Allowing the government to circumvent the finality otherwise accorded the administrative resolution of contract disputes by threatening criminal prosecution in substance abrogates the private party's right to hold the government to its own rules. At the very least the Court is warranted in exercising its supervisory power over federal prosecutors where there is present deliberate and disingenuous conduct.

The foregoing resolution of the matter renders it unnecessary to face the issue presented by the other motion on which the Court reserved decision, namely, the defendant's motion for a change of venue under Fed. R. Cr. P. 21(b). Should the Court now or in the future be required to face the issue it would be inclined to grant the motion. The indictment was presented in this district because the allegedly false claim was presented to the contracting officer whose office by mere happenstance is located here. The failure of Litton to request an on-site hearing in the civil administrative appeal proceeding which it initiated ought not to foreclose it from asserting its right to be tried criminally elsewhere if the requirements for a 21(b) transfer otherwise exist. And they do. *Platt* v. *Minnesota Mining & Manufacturing Co.*, 376 U.S. 240 (1964). The defendant's offices and shipyard, where the work which formed the basis of the claim was performed, are located in Mississippi. The numerous (approximately 69 according to the defendant) defense witnesses for the most part are located there, and the inconvenience inherent in requiring them to come to Virginia for what may be a lengthy trial is readily apparent. The events likely to be in issue also occurred in Mississippi and the documents and record involved in the case are there. Some disruption of Litton's business is bound to take place if its witnesses have to be this far from its place of business. While the Court cannot at this time determine whether a view of the location is necessary, this has been done in ASBCA proceedings other than those involved here and that body apparently found it helpful in its resolution of the matters in controversy. The expense of the trial for the defendant undoubtedly would be greater if the trial was conducted in Virginia rather than Mississippi; such expense would include, among other things, the employment of local counsel as well as payment for travel and maintenance for defendant's Mississippi counsel[6] and witnesses. The only factor weighing in favor of retaining the case in this district and division is convenience for the Department of Justice. This is not entitled to a great deal of weight. The presumption that the proper location for trial is the place of indictment and of the technical commission of the alleged fraud has been overcome. The above discussion illustrates that for the convenience of the parties and witnesses and in the interest of justice, the case most appropriately should be prosecuted in the Southern District Mississippi. The latest statistics from the Director of the Administrative Office of the United States Courts show that district as having a much lighter criminal docket than this district, an expeditious handling of its criminal docket and a docket no more congested than the one here.

Since argument on May 20, 1977 of the motions discussed in this Memorandum, the Court has received daily and sometimes twice daily communications from counsel on both sides in the form of letters and affidavits. The Court has examined and considered the matters raised in these addenda and believes them to be irrelevant to its decision. They do not alter the Court's judgment.

For the foregoing reasons the indictment is dismissed; and it is so ordered.

_____,
U.S. District Judge.

Alexandria, Va., May 25th, 1977.

FOOTNOTES

[1] "§ 287. *False, fictitious or fraudulent claims*

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

[2] The government points out that the bargain as offered could possibly have resulted in Litton's obtaining a higher award and the government could not assert fraud as a defense to the claim before the Court of Claims. The "bargaining," however, was hardly at arm's-length. With a grand jury investigation in the background, the United States enjoyed substantial leverage in making its proposal.

[3] The perception of the grand jury as an intimidatory device was implicit in the Assistant United States Attorney's statement at the April 19, 1977 meeting. In his opinion, by refusing to agree to a reconsideration of the award it had gained through the ASBCA, Litton had brought the indictment upon itself.

[4] "The investigation had established beyond peradventure of a doubt that the claim was false. The only remaining issue was the presence or absence of criminal intent. Although the net effect of what was done in the company's name was egregious, the evidence of wrongdoing by particular individuals was not then of a character to convince the Department of Justice that any *individuals* should be indicted, although certain individuals were being considered as possible targets. The individuals considered as potential defendants with the exception of shipyard president, Ned Marandino, were low to middle level management, people in positions sufficiently significant enough to bind the corporation with their conduct but as to whom no direct benefit could be discerned as having been derived from participating in the assembly of a false claim. The only direct beneficiaries of the wrongful conduct, assuming intent could be established, was the company and the highest echelons of its management. But there was no evidence that these individuals had ever read what had been submitted in Litton's name. After review of the matter in the Department of Justice, the company itself appeared to be the foremost criminal target assuming that additional evidence on willfulness could be developed and obtained through further investigation." Government's Response, pp. 3, 4.

[5] It is represented that Litton has pending before the ASBCA claims totaling in excess of $900,000,000.

[6] A transfer would not decrease all expenses for counsel in view of the appearance of attorneys from Philadelphia, but it would eliminate some publication of travel expenses.

IN REMEMBRANCE OF A REMARKABLE NEVADAN

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. SANTINI. Mr. Speaker, my dear colleagues, not long ago I was notified of the passing of a truly distinguished Nevadan by the name of Helene A. Batjer.

Sister of Nevada Supreme Court Chief Justice Cameron Batjer, Helene was a remarkable person who served her State and country unselfishly and with distinction.

The following is a fitting tribute to Helene authored by one of her peers, James G. Lowenstein, Acting Assistant Secretary for European Affairs.

Mr. Lowenstein sums up the feelings of many Nevadans toward this great woman, and I would like to share his thoughts with you at this time:

REMEMBERING HELENE BATJER

Helene Batjer was an uncommon person. When she joined the State Department in 1945, she had two disadvantages. In those days it was a strong disadvantage to be a woman in the foreign service. Helene had to succeed in a bureaucracy in which there was a great deal of ingrained prejudice. Moreover, she chose as her area of concentration the Balkans—a region where societies and governments have been extremely conservative, patriarchal and male-oriented.

Neither of these liabilities seemed to bother Helene. She was not one to shrink from a challenge. And she liked to explode myths and puncture shibboleths. So it came as no surprise to her friends that she became one of the foremost experts in the Foreign Service on the Balkans, serving in Sofia, Athens, Belgrade, Zagreb, and—her last post—as Consul General in Istanbul.

Perhaps it was her love of history that drew Helene to the Balkans, which has for centuries been a crossroads between East and West. The Yugoslav Writer Milovan Djilas, in one of his short stories, captured this sense of history. He wrote as follows:

"Ours is only one of the ways of life that have been and that will be. Those who came before us knew that and those who come after us will know it. To reopen that way anew each time is to live—to create one's own world."

Helene certainly created her own world. It was a world that all who knew her felt privileged to inhabit. She gave to the Foreign Service what one thinks of as the best qualities of the American West, where she was born and schooled—independence, directness, energy, and a spirit of adventure. She was an articulate—and sometimes a fierce—defender of American interests. She could be argumentative and combative, and she brought to her job a healthy skepticism and an acid honesty.

Yet she was always fair. She had a remarkable capacity to see the other point of view. And she had great humor and compassion. Even her adversaries respected her. When she returned to Istanbul after first learning she had cancer, she found waiting for her a tin of caviar from the Soviet Consul General.

Helene was often at the center of things. She was the desk officer for Czechoslovakia in the summer of 1968, when the Soviets invaded. She brought to the confusion and frenzy of those days tirelessness, calm, assurance, and—more than that—a clear insight into the Soviet motivation and mentality and a deep compassion for the Czechoslovak nation and people.

Last summer, when she had been in Istanbul only a month, Libyan terrorists attacked the Istanbul airport and killed four passengers boarding an El Al flight, one of them an American. Helene sent complete and accurate reports during a chaotic situation. She saw that the injured were cared for. And she personally visited those hospitalized and tirelessly consoled and counselled those stranded. The State Department received a profusion of letters from U.S. passengers on the El Al flight and their relatives as well as from many members of Congress, all of them commending Helene. Typically, she didn't see anything exceptional in what she had done. Instead she took great pains to praise the other members of her staff.

This morning we received a telegram from Helene's colleagues at the Consulate General in Istanbul. It reads:

"We who had the good fortune of knowing and working with her quickly came to appreciate her fine qualities. She combined a keen mind and broad vision with a deep sense of compassion for her fellow man. Helene Batjer reflected in every way the highest ideals of the Foreign Service; we are proud to have served with her. Her courage and good cheer in facing her long and difficult illness were an inspiration to all of us.

"There is a 500-year-old legend from Helene's beloved Yugoslavia, which describes the eve of the epic battle of Kossovo in 1389, when the Serbs lost their independence to the Turks. According to the legend, a gray falcon flew to Kosovo from Jerusalem to announce to the Serbian ruler, Tsar Lazar, that not only would his soldiers lose the battle but he himself would die. I don't know when Helene first saw her gray falcon. But I do know that she faced death—as she faced everything—with directness, dignity, and grace. We who survive, whose lives she graced, will always remember her.

JAMES G. LOWENSTEIN,
Acting Assistant Secretary of State for European Affairs.
MAY 10, 1977.

ELIMINATE FUNDING FOR ABORTIONS-ON-DEMAND

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. NOLAN. Mr. Speaker, I would like to take this opportunity to make known my heartfelt support for the language in the Labor-HEW appropriations bill being considered today—language which eliminates funding for abortions-on-demand.

I believe the issue we are discussing is not one of pro-life or pro-abortion but one of Government spending of taxpayers' money. I respect the great number of my constituents who for moral and/or religious reasons feel it is wrong to take the life of an unborn child through abortion and do not want in any way—via their tax dollars or other means—to participate in such actions.

Therefore, I support the retention of the language prohibiting the use of Federal funds to pay for abortion—except to save the life of the mother—and encourage the research, introduction, and passage of legislation which provides funds for educational, health care and other related measures, thus making the question of funding for abortions an unnecessary one.

COMMEMORATIVE SALUTE TO THE VALIANT PEOPLE OF LITHUANIA, ESTONIA, AND LATVIA ON THE 37TH ANNIVERSARY OF THE SOVIET ANNEXATION OF THE BALTIC STATES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. ROE. Mr. Speaker, I wish to join with all Americans, and particularly the Lithuanian, Latvian, and Estonian communities throughout our Nation in observance of a most solemn occasion, the 37th anniversary of the forcible occupation and incorporation of the Baltic States into the U.S.S.R. and the subsequent deportation of hundreds of thousands of Lithuanians, Latvians, and Estonians to Siberian concentration camps.

During the last Congress we recorded our denunciation of the Soviet annexation of the Baltic area in the passage of the resolution which I had joined with many of our colleagues in sponsoring expressing the sense of the House of Representatives in the nonrecognition of the Soviet Union's annexation of the Baltic nations. The unanimous vote on December 2, 1975, of 407 Members of the House with no one dissenting strongly affirmed our agreement for the adoption of this resolution on behalf of the just cause of the Lithuanians, Estonians, and Latvians in the U.S.S.R.

The enactment into Public Law 94-304 on June 3, 1975, of the legislative measure which I also sponsored establishing a Commission on Security and Cooperation Europe to monitor international compliance with the Helsinki accord also reaffirms our fullest dedication to seeking international communion and international understanding of the plight of these oppressed people to help restore their basic human rights to freedom of thought, conscience, and religion.

Mr. Speaker, I along with many of our colleagues have received several communications requesting our participation in today's congressional commemoration in observance of this most despicable government act of tyranny. My constituents urge that the House of Representatives insist that the U.S. representatives to the Belgrade conference confront the Soviet Union with the violations of human rights in Soviet-occupied Lithuania and demand compliance with the provisions of the Final Act of the European Security and Cooperation Conference of Helsinki.

In observing this 37th anniversary let us reflect upon the criminal degradation, despair, pain and anguish suffered by the victims of senseless cruel Government action on June 15, 1940, which were most poignantly portrayed by four young Lithuanian girls in their secret writings smuggled out of their imprisonment in Siberia. With your permission, I would like to insert at this point in our historical Journal of Congress their beseeching prayer for help, as follows:

MARY SAVE US

The day has closed its eyes.
Fatigue closes my eyes.
My feelings have dried up.
My strength has left me.
With icy lips, with tear-filled eyes,
Tormented by despair,
We fly to your straw-covered crib, O Holy Babe.
We are drained of strength
Our feelings have faded away.
Our hearts are benumbed thoughts we cannot control.
Jesus, help those who die in foreign lands
Without consolation of the Church or their dear ones,
Without the comfort and aid of their friends.

Mr. SPEAKER. It is indeed a privilege to participate in today's commemorative salute to the oppressed people of Lithuania, Estonia, and Latvia. We have made some strides in our search for remedial action but there is still much to be done.

Hopefully, the prayer of these young people will not be just a voice crying in the wilderness and, God willing, will be answered by the viable force of world opinion that we are attempting to muster in achieving global agreement on basic human rights principles that will eliminate government controls that dominate the personal freedoms of the individual to live and worship in the land of his or her choice. In the Baltic States we trust that they will soon regain their independence and sovereignty as a nation of people, that the exiled of Lithuania, Estonia, and Latvia will be returned in freedom, and that they will be able to hold their own elections as a free people in the choice of their government.

MICHAEL CRISTOFER WINS TONY AWARD AND PULITZER PRIZE FOR HIS PLAY "THE SHADOW BOX"

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. ANNUNZIO. Mr. Speaker, Michael Cristofer is the only Italian-American this year who has won both the Pulitzer prize and the Tony Award for the best

play, entitled "The Shadow Box," and I extend to Mr. Cristofer my congratulations and warmest best wishes for many more years of success as an actor and a playwright.

Mr. Speaker, a biography of Michael Cristofer follows from the May 1977 edition of Playbill, as well as an article on his play "The Shadow Box" from the April 24 edition of the Washington Post:

[From Playbill, May 1977]

Michael Cristofer (*Author*) is both a playwright and an actor and has, for the past several years, been practicing both his crafts at the Mark Taper Forum in Los Angeles. It was there that *The Shadow Box* received its world premiere. This season, another of his plays, *Ice*, was included in the Taper season. His earlier produced works include *Plot Counter Plot* at St. Clements Space in New York, *The Mandala* at Philadelphia's Theatre of the Living Arts Workshop and *Americommedia*, a revolutionary street theatre production that traveled the East Coast in the midst of the 1972 presidential campaign. As an actor, he has played major roles in several Mark Taper Forum productions, among them *Savages*, *Ashes* and *The Tooth of Crime*, *Ajax* and *The Three Sisters*. His TV appearances include "Sandburg's Lincoln," "The Entertainer" with Jack Lemmon and Ray Bolger and George Schaefer's production of "The Last of Ms. Lincoln" by James Prideaux and "The Andras Targets." He will be seen in a featured role in the forthcoming film of *An Enemy of the People* with Steve McQueen and Bibi Anderson. His repertory credits include major roles at the Arena Stage in Washington, ACT in Seattle, Theatre of the Living Arts in Philadelphia, the Beruit Repertory Company in Lebanon and, during the 1970–1971 season the American premiere of *Yegor Bulichov* at the Long Wharf. Most recently, Mr. Cristofer appeared in the New York Shakespeare Festivals production of Chekhov's *The Cherry Orchard*. Mr. Cristofer won the 1977 Pulitzer Prize for *The Shadow Box*.

[From the Washington Post, Apr. 24, 1977]

AN ELOQUENT EXPRESSION OF REGIONAL RICHNESS

(By Richard L. Coe)

"The Shadow Box," which last week won the Pulitzer prize for the best American play of 1976–77, is an eloquent and exuberant drama about the dying and those they are soon to leave.

Quite apart from the rich textures of Michael Cristofer's script and the uniformly expressive cast of director Gordon Davidson, the Pulitzer also recognizes the new American theater.

"The Shadow Box" was introduced a year ago by Davidson in the Mark Taper Forum in Los Angeles. Last fall Davidson again staged it at New Haven's Long Wharf Theater, and it is substantially this cast which opened at Broadway's Morosco Theater the night before the April 1 Pulitzer deadline. It is a product of American's regional theater.

This recognition has occurred only once before in the past decade, with "The Great White Hope," which was introduced by Washington's Arena Stage the year before it won the '68–'69 Pulitzer. In these 10 years, three winners have come from Joseph Papp's Public Theater—"No Place to Be Somebody," in '70; "That Championship Season" in '73 and "The Chorus Line" in '76.

One was Orin Lehman's independent off-Broadway offering, Paul Zindell's "The Effect of Gamma Rays on Man-in-the-Moon Marigolds" of '70–'71. One was a Broadway production, Edward Albee's "Seascape" of '74–'75.

There were no Pulitzers for three seasons, '67–'68, '71–'72 and '73–'74.

Had "The Shadow Box" not come along, the judges would have chosen another regional creation to win this year's Pulitzer. "A Texas Trilogy." While there have been 12 years of no awards during the 61 years the prize has been offered, the Pulitzer regulations are very clear. The judges are not commanded to find a timeless work of art. They are simply asked what they consider to be the best play presented between April 1 and March 31 of a given year. This is what the Pulitzer is all about.

"The Shadow Box" came into New York with admiring respect from both Los Angeles and New Haven as well as encomiums from several New York critics, who proved rather less enthusiastic at its Broadway opening. In its first New York week, the box office was frail but the theater's best friend, word-of-mouth, has been helpful and now, perhaps, the Pulitzer will push it to the audience success it deserves.

Superficially, this sounds like a forbidding play to many who find life depressing enough anyway. But such is Cristofer's view of the joys of mere living that the play creates a sense of celebrating life. The stings of humor and irony quicken what might have been lugubrious sentimentality.

In the play, there are three cottages on the grounds of a large California hospital. When the wife and son of the occupant of Cottage One arrive, we are uncertain what is troubling her. Have they separated? Is this an attempt at reunion? Whatever, there is something the wife avoids talking about, and she finds endless excuses to keep from entering the cottage.

The patient in the second cottage seems to be an intellectual cared for by a young man. They are expecting the older man's divorced wife, and after she arrives, we realize that the wife, who flaunts jewels she has picked up as "your average tramp," is not needed and that the youth is the husband's lover.

The third patient is a testy old woman in a wheelchair who seems to be waiting the arrival of a loved, glamorous daughter, a lively contrast, we assume, to the plain, older daughter who looks after her. In time we will learn that the beloved daughter has long been dead and that the scorned one has been faking letters from her dead sister who seems to be so busy traveling and enjoying life. To reveal this would ease the scorned sister's present life but deprive the old woman of her desire to live for reunion with her other daughter.

In the first situation, the wife's fear of death deprives her of enjoyment of life. In the second, however fake the intellectual may be, he has enriched the life of a youth who previously had been a drifting, ignorant hustler. In the third situation, the mere idea of life's enjoyments, which she cannot now share, feeds the mother's life-hunger.

What Cristofer is really discussing, then, is the ecstacy of living, the carelessness with which we take the gift of life and the overpowering importance of the "now." There is a beautiful sense of formal ritual that Davidson devises for the final scene. All these people, who do not know the people in the other cottages, turn to the audience and assert "this moment."

Through Cristofer's restrained impartiality and Davidson's sensitive staging, the characters simultaneously achieve universality and individuality, roles with which actor-playwright Cristofer rewards fellow actors. Joyce Ebert's troubled, fussing wife is a memorable drawing of muted heartbreak opposite Simon Oakland's calm but desperate husband. As their boy, Vincent Stewart strums his guitar with Davidson letting us see him as the 16-year-old probably feels, removed from the two who created him.

Patricia Elliott brings glittery precision to the intellectual's vivid wife, and Mandy Patinkin's explosive but controlled Mark shows the growth this association has given to the hustler, an immensely provocative performance. Laurence Luckinbills' intellectual suggests terror through his armor of words.

Geraldine Fitzgerald's old woman is that actress finer than she's been in years; her scenes with Josef Sommer, as the hospital interviewer, indicate the woman she once was. As the scorned daughter, Rose Gregario's superbly understated revelation scene is the play's finest.

While some of these exceptionally fine players have been on New York's stages before, for the most part they are regulars of the regional theaters from Olney and New England to the Midwest and California.

At Catholic University, where "That Championship Season's" playwright, Jason Miller, also was a student, author Cristofer was known as Michael Procaccino, the name he used as an actor with Arena Stage, the Garrick Players, Wayside Theater, Olney and the Washington Theater Club.

It could not be said during its first 50 years, but now the Pulitzer is recognizing that our theater is becoming national and is not limited to New York.

LITHUANIANS DENIED RELIGIOUS FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. DERWINSKI. Mr. Speaker, as we note the 36th anniversary of the genocide of the Baltic States by the Soviet Union and the convening of the Belgrade Conference, I would like to bring the attention of the Members to another case of denial of human rights and violation of the Helsinki agreement by the Soviet Union.

Miss Nijole Sadunaite, a 39-year-old Lithuanian national, like so many other prisoners of conscience, has been repeatedly harassed and persecuted, and ultimately incarcerated simply for her religious beliefs.

Miss Sadunaite was accused of being involved in the publishing and distribution of an underground paper, the Chronicle of the Catholic Church in Lithuania. On June 17, 1975, she was sentenced to 3 years of compulsory labor and 3 years in exile by the Supreme Court of the Lithuanian Soviet Socialist Republic.

For 5 years, Nijole had nursed her mother who died in 1970. Her father had died in 1963, so that she and her brother John are now the only living members of her family.

Both of her parents were deeply religious people. Before the Soviet annexation of Lithuania in 1940, 90 percent of the population of Lithuania were Catholics. Now in Lithuania, as in other countries under Soviet domination, religion is subject to persecution.

The Chronicle of the Catholic Church in Lithuania began to be published clandestinely in Lithuania in 1972. It was intended primarily to keep Lithuanian Catholics informed of the religious situation in the country by recording the details of all instances of religious per-

secution that came to be known to those working on the Chronicle.

On November 14, 1973, a decision was made by the State Security Committee—the Soviet secret police in Lithuania—to organize a large-scale search to find out how and where the Chronicle was being published, and of course, to stop it. Several persons were arrested, tried, and sentenced for their involvement, including Nijole Sadunaite.

During her preliminary hearing Nijole refused to reveal anything to her interrogators, who then threatened to have her put into a psychiatric hospital.

Not until June, 1975 was she brought to trial. She would not answer any of the questions put to her and explained:

I am not a criminal, but you who are conducting this trial are the criminals because you are disregarding elementary human rights protected by the laws of the land, by the (Soviet) Constitution and by the Bill of Human Rights. You are condoning lies, brute force and violence because you have condemned innocent people and are torturing them in prison and in concentration camps.

Her sentence of 3 years of harsh regime in a labor camp, is representative of religious persecution, political repression and the denial of basic human rights suffered by the Lithuanian people and of those in the other Captive Nations at the hands of their Communist occupiers.

Miss Sadunaite and other Lithuanian patriots for human rights have not suffered in silence. The Western World has seen some of the communications such as the Chronicle, despite attempts by the Soviet Union to suppress these publications.

The people of Lithuania are anxiously awaiting the outcome of the Belgrade Conference, because it represents the only foreseeable means for them to benefit from the provisions of the Final Act of the Helsinki Conference.

It is my hope that Miss Sadunaite and others imprisoned in Russian labor camps will someday see the fruits of their efforts by the restoration of basic human rights to their people and homelands, and their freedom from Soviet bondage.

COMMENCEMENT ADDRESS OF JOSEPH A. CALIFANO, JR., SECRETARY OF HEALTH, EDUCATION, AND WELFARE, COLLEGE OF NEW ROCHELLE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BRADEMAS. Mr. Speaker, I wish to insert at this point in the RECORD the text of a most thoughtful commencement address delivered by the Honorable Joseph A. Califano, Jr., the distinguished Secretary of Health, Education, and Welfare, at the College of New Rochelle on May 22, 1977.

Secretary Califano's address, which touches on the important role that private colleges and universities play in our system of education, follows:

COMMENCEMENT ADDRESS OF JOSEPH A. CALIFANO, JR.

Here and across our nation, this is the season in which we celebrate the ancient ritual of commencement.

For each of you, that ritual has enormous personal meaning. But it has a larger meaning too: What you have achieved in your years here is important, not only to you as individuals, but also to your nation.

Why? For two significant reasons:

First, because the College of New Rochelle has given you that sense of moral discipline essential to the enjoyment of true freedom. In an increasingly libertine society, where individual goals are often so self-centered that they border on total self-indulgence, you have been educated in a tradition of social justice and moral duty. That education will strengthen and support you throughout your life; and your nation will be stronger for it.

Second, and equally important, this college has etched in you the intellectual discipline that distinguishes the truly educated person. If we are to meet and master the perverse problems that baffle us today—problems of energy supply, of social welfare, of maldistribution of national and world resources—if we are ever to master those problems, we must do it with trained intelligence.

These two qualities—moral and intellectual discipline—distinguish the educated citizen. Their presence in our society is essential if we are to have the collective trust on which a democratic nation thrives. That is why, a decade ago, President Lyndon Johnson called education "the first work of the Nation."

And that is why President Carter is so deeply committed to the enterprise of education.

Constitutional democracy cannot survive without an educated citizenry. In a world that moves at jet speed, a world of ever more complex problems, an ignorant populace is likely to be a bewildered and impatient populace. And such a populace, confused and anxious, would be easy prey to the siren-songs of demagogues who tempt us with cheap and facile solutions; or those who put the virtues of efficiency above the values of liberty.

In the face of bewildering problems, the lure of the quick fix can be irresistible. In the face of a growing reluctance to commit adequate resources to public needs, uniformity and cold-blooded efficiency could become as tempting to our society as making trains run on time was to Mussolini's Italy. With techniques of persuasion as pervasive, sophisticated and subtle as today's, a widely and diversely educated citizenry is essential to the health of democratic government.

So, first of all today, I bring you firm assurance of your government's strong commitment to education at every level—and to higher education in all its rich diversity: a diversity which includes private institutions like the College of New Rochelle.

VALUE OF INDEPENDENT INSTITUTIONS

All across America, colleges like this one—small, independent liberal arts colleges—have played a role far out of proportion to their size or numbers. They have been a powerful force in the intellectual life of the nation. They have educated distinguished men and women. These colleges were founded to train ministers, lawyers and statesmen—and for many years they also educated most of our greatest teachers, scholars, scientists and writers.

While training so much talent for the development of our democratic tradition, independent institutions like this one have given us more—much more:

They have been seedbeds not only of intellectual endeavor, but of deep religious and cultural values;

They have been guardians of independent thinking and academic freedom, enjoying a bit more insulation from the whims and pressures of politics than their tax-supported sisters.

Perhaps the greatest contribution of these private institutions, beyond training talent for the nation, has been diversity; the rich variety that colleges like this lend to the American educational landscape. What an incredibly rich resource: Hundreds of institutions, each independent; each solving its problems in its own way; each a vital center of innovation and experiment; each with its own special commitment to cultural and moral values.

It is this diversity that gives American higher education and American life so much of their vitality. It is this diversity that your national government is pledged to nourish and safeguard.

NATIONAL COMMITMENT TO EDUCATION

We are committed to the continued health and stability of private colleges and universities in America. And we intend, within the limits of Constitutional law, to help these institutions as much as we can.

That commitment is something rather new in the history of American education. For most of our nation's history, institutions like this one worked their educational miracles with scant support from their government beyond their tax exempt status. Only in the last few years has the Federal government come to play a more significant role in support of private higher education.

I think it is fair to say that this recent national commitment, expressed in programs of help to institutions and to individual students, has been crucial to private higher education in America. For this support has guaranteed financial survival and stability to many institutions, at a moment when economic pressures threatened their future.

Sister Dorothy Ann tells me that many of you who will receive degrees today are here in part because of one or more programs of Federal assistance: basic grants, student loans, or work-study programs.

That is a measure of our national commitment to higher education: Our goal is to expand opportunity for higher education to the point where any student can rise to an educational level that matches and fulfills his talent—regardless of income; regardless of race; regardless of age; regardless of sex.

Achieving that goal will not be quick or easy. But I look out today at these 450 faces of men and women who are graduating from the College of New Rochelle—and I can see that we are making progress, as a nation, toward that goal.

For here I see men and women; an impressive percentage of minority citizens; working people, mothers of small children, people whose income might once have barred them from college. And here I see older graduates, too: some in their sixties, some in their seventies, and Mrs. May Dobson, 81 years old.

This, my fellow citizens, is the evidence—you are the evidence—that this nation we love is on the right course.

I have understood your government's pledge to safeguard the precious diversity of American higher education; our commitment also to safeguard the health of private colleges to the fullest extent of our limited economic and Constitutional power.

Let me add one more commitment today.

We intend to demonstrate our trust in the educational community of this nation by working to free it from the snarl of government red tape. Our colleges complain of too many regulations; too many forms that are complicated and repetitive; too much bureaucracy; too much government involvement; a failure by government to understand the difference between prudent monitoring of our financial support and unwarranted intrusion into academic institu-

tions. We agree. We intend to demonstrate that we trust higher education to do its work effectively and use federal resources wisely—without undue interference from Washington.

We will, of course, be vigilant about how the taxpayers' money is spent. We care deeply about excellence and equal opportunity. But we must be wise enough as a nation and trusting enough as public servants to recognize that over regulation squanders the taxpayers' money, and that red tape can strangle excellence.

In the end, of course, dollars alone cannot guarantee the vigor of institutions like this one. Dollars can pay bills, and that is important—but they cannot produce ideas. Dollars may guarantee the survival of a college or university—but they can never guarantee its success.

COMMITMENT TO EXCELLENCE

What counts, in the end, is the institution itself: the leaders and talent it attracts and produces; their energy; their zest and determination; their appetite for innovation; their conscience—and their willingness to engage their institution in the world, with people and problems beyond the campus. It is these qualities, not budgets or endowments, that measure the true strength of any institution.

And these qualities, I'm happy to say, are in rich abundance at the College of New Rochelle.

Virtually every graduate program offered here is one that engages the College and its graduates in the quest for social justice: community school psychology; remedial reading; special education. That one fact speaks volumes.

And consider the recent history of this college:

Faced with the necessity to change simply to survive, you chose to renew this institution. This small and quiet woman's college transformed itself by founding a new institution called the School of New Resources. And in so doing, you engaged yourselves in the world—with rich and enduring rewards for the hundreds of new students you found.

Without forsaking your central mission of educating young women, you reached out to educate others—people who once stood outside the gates of higher education.

In this act of self-renewal, this college became an instrument of personal renewal for thousands of people. And by extension, you are helping to intensify our national effort to renew ourselves: to solve our myriad problems and to recover our national self-confidence.

That is a prodigious accomplishment. It reflects great credit—and should inspire great pride—in every one of you who has played a part in the drama: Particularly you who graduate today.

To you, I would say simply this: The qualities that mark this college—its passion for excellence, its courage to engage the world, its capacity for self-renewal—these are qualities that distinguish individuals as well as institutions. Nourish these qualities, live by them—and you will enrich your world.

Permit me now one parochial comment.

Christian charity—God's love incarnate, the force that created this college—is not the stuff of flower girls. It finds enduring strength only in intellectual and moral discipline—discipline that has made possible the kind of self-confident social engagement that characterizes this college. Let that same sense of energized charity mark your lives.

For as Teilhard de Chardin wrote:

"Some day after mastering the winds, the waves, the tides and gravity, we shall harness for God the energies of love.

"And then, for the second time in the history of the world—man will have discovered fire."

THROUGH THE LOOKING GLASS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. SYMMS. Mr. Speaker, for 7 years now the United States has experienced a combination of inflation and relatively high unemployment levels. Once there was a time, according to the Keynsian doctrines, when planned currency inflation would reduce the unemployment rate temporarily. Such planned inflations with false and temporary boosts to the economy were used by politicians and governments in power to preserve their political positions during election years.

But now, Mr. Speaker, we have the combination of high rates of inflation and high rates of unemployment. The artificial Government pump priming, in an attempt to create jobs, does not work anymore. For the last few years we have had Federal Government deficits in excess of $50 billion per year but unemployment will not come down. Some of the reasons for this, in my opinion, are that: First, the consistent inflation during the last 10 years has so seriously eaten away investment capital that the private sector has lacked the necessary capital for expansion; second, higher and higher taxes have confiscated more and more capital from the private sector; and third, excessive Government regulation of the economy has reduced efficiency and created many uncertainties and lack of investor confidence.

Mr. Speaker, some of the serious effects of inflation are described in an article from the Wall Street Journal dated April 13, 1977, by Vermont Royster entitled "Through the Looking Glass." I commend it to my colleagues in Congress:

THROUGH THE LOOKING GLASS

(By Vermont Royster)

"Now, now!" cried the Red Queen. "Faster! Faster!"

"Well, in *our* country," said Alice, still panting a little, "you'd generally get somewhere else—if you ran very fast for a long time as we've been doing."

"A slow sort of country!" said the Queen. "Now *here*, you see, it takes all the running *you* can do to keep in the same place. If you want to go somewhere else, you must run twice as fast as that!"

If Alice were to come back now to her own country, Great Britain, she might think she was still on the other side of the looking glass. For in a country where inflation runs at a rate of 16 percent and upwards those who labor and those who save have to run faster and faster just to stay in the same place. They never seem to get ahead.

How fortunate are we then, are we not, to live in a country where the inflation is promised to be only about 6 percent? We have, to be sure, had our experience with double-digit inflation, it having hit 12 percent in 1974. But now it has been cut in half.

As to what it will be—so many economists, so many opinions. Federal Reserve Chairman Arthur Burns sees worse omens in the sky: "I think inflation is raging in our country." Walter Heller, economic adviser to Presidents Kennedy and Johnson, think it wouldn't rage if "Arthur Burns didn't keep scaring people." Maurice Lee, at the University of North Carolina in Chapel Hill, thinks it will side below 5 percent. Roger Keith, director of research for the Securities Industry Association, talks about its rising to 7 percent or 8 percent next year.

PRICES HAVE RISEN

In the past decade wholesale prices have risen 92 percent, or at an annual rate of 6.7 percent. And while they are momentarily rising at an annual rate of 13 percent, equivalent to a drop of 11.5 percent in the purchasing power of the dollar for wholesale goods, Treasury Secretary Blumenthal doesn't believe "inflation is about to take off." And President Carter vows to at least hold the line.

So let's be moderately cheerful and assume that the dollar's purchasing power isn't going to decrease by any more than 6 percent, which would be the case if prices generally rose about 6.4 percent. Six percent is a nice round figure and certainly better than 12 percent or 16 percent. In fact, by comparison it doesn't seem like much at all. Until, that is, you do some arithmetic.

You might suppose, for example, that if you had $1,000 tucked away in U.S. savings bonds earning 6 percent compounded annually, or in some other similar investment, you would at least stay even. The 6 percent lost in purchasing power, it might seem, would be offset by the 6 percent earned.

Not at all. To see why, consider that 1977 dollar bill presently in your wallet. If its purchasing value this year loses 6 percent, or six cents worth, at the end of the year it will buy only 94 cents of equivalent goods and services.

Should the dollar depreciation continue at 6 percent in 1978, the shrinkage would be 6 percent of 94 cents, or 5.64 cents, leaving you with 88.36 cents worth of purchasing power in terms of that original 1977 dollar bill. If you will continue this reverse arithmetical progression for, say, 14 years, you will find that your dollar bill will have shrunk to the equivalent of 53.86 cents, barely more than half. Left in your wallet, or under a mattress, it would have lost 46 percent in value.

Now let's go back to that $1,000 invested at 6 percent compounded annually. In that case your $1,000 would have grown to $1,790.85, a tidy gain in dollars.

But what would those dollars buy 10 years later? If the dollar has depreciated by 6 percent, no more, those $1,790 will then buy only $964.55 worth of equivalent goods because each of those dollars is worth only 53.86 cents in terms of the 1977 dollars with which you started.

In reality, then, while you may think you have gained $790 in earned interest you will have lost ground. The dollars you get back will buy $35.45 less than the dollars you originally invested.

Nor is that all. Had there been no inflation, that $1,790 would of course have bought $1,790 worth of goods and services 10 years hence as well as now. But since 10 years hence, they will buy only $964 worth, the inflation has really robbed you of some $826, the difference between what the dollars would otherwise have bought and what they will in fact buy.

And this is not counting taxes. For if you have that $1,000 in savings bonds or other taxable investment, you will have lost far more because you would have had to pay taxes on the interest at whatever your own tax rate is.

If you change the assumptions you get different figures, but the principle remains the same. At any inflation rate—be it 12 percent or 16 percent—the interest earned in your savings must exceed the depreciation of the dollar for you to even stay in the same place. This explains why inflation tends to

push interest rates well above the dollar depreciation.

Yet a 7 percent interest yield will barely hold your own in purchasing power against a 6 percent dollar depreciation. If you can get 8 percent compounded you'll earn a lot of dollars in 10 years, accumulating $2,159 for each $1,000. But—surprise—your true rate of interest will be only about 1.5 percent compounded because those $2,159 will buy the equivalent of only $1,163 of goods the original 1977 dollars bought. And that's ignoring taxes.

Furthermore, it's not only the thrifty and other capitalistic types who will find they have to run faster and faster just to stay in the same place as the dollar depreciates at "only" 6 percent.

Consider, merely for illustration, someone with a 1977 taxable income of $25,000, a sum these days not beyond the reach of college professors, plumbers and truck drivers. If he's married, his federal tax would be $6,020, leaving him $18,980 after taxes to buy goods and services.

At a 6 percent depreciation rate on the dollar, a decade hence he would need an after-tax income of $35,240, or an increase of more than $16,000, just to buy the same things with those 53.88-cent dollars.

But to get an after-tax income of slightly more than $35,000, his taxable income—hold your breath—must leap to $55,000! That's because under the progressive tax scale his federal taxes are now $19,650.

In short, he would have to more than double his income to stay right where he was. To get ahead thereafter he'd have to earn $212.77 additional for each $100 he'd get to keep, because now he's in the 53 percent tax bracket. For bachelors and single women, who pay higher rates, the treadmill would spin even faster.

The theory of those who reconcile themselves to (and sometimes even encourage) a "little" inflation is that wages and salaries will rise sufficiently to offset the inflation for those who are working. In fact, as the arithmetic shows, just to keep up, the increase in nominal earnings would have to far exceed the depreciation of the purchasing power of the dollar, especially when combined with progressive tax rates. As Alice would find in Britain, that isn't apt to happen.

UNDERFUNDED SOCIAL PROGRAMS

But even if those still in the work force could—miraculously—keep up with the depreciating dollar, there would be other social and economic woes. Each $100 of Social Security, for example, would have to be increased by 85 percent just to maintain the present level of benefits, and that from a Social Security fund already trillions of dollars underfunded. The same would be true for Medicare, unemployment payments or any other form of welfare.

The consequences would be especially cruel for those not on any cost-of-living escalator. A worker retiring this year on a pension of $10,000 (or anyone with a like annuity) would find it worth only $5,386 in purchasing power if he or his wife had the misfortune to live 10 years longer, a bleak prospect for anybody's old age.

Indeed, everything would be affected. A business that increased its earnings 6 percent every year might have the illusion of prosperity but it would be slowly going backwards. The simple truth is that with eroding dollars everyone would have to run faster to stay in the same place, twice as fast to get ahead.

Could anybody run that fast? Possibly the clever and sophisticated, financial wizards, and wheeler-dealers might outrun the treadmill; a few always do. But never the rest, trusting their passbook savings or U.S. savings bonds, dependent upon a simple wage or salary. The lesson elsewhere is that as the people's money erodes the erosion works its way through the whole economy and, if long continued, tears at the social fabric.

The effect is much worse, of course, the faster the erosion. If, perchance, the depreciation of the dollar should be 8 percent instead of 6 percent, then in a decade your dollar would be worth only 43 cents, at 10 percent worth only 35 cents. That would make even the Red Queen turn white.

So let us be grateful if, as it turns out, we escape double-digit figures over the coming decade. But that little 6 percent, if that's what we have to get used to, isn't exactly innocuous. If you do your sums it can be pretty scary on the other side of the looking glass.

HEARING ALL SIDES ON THE HEALTH CARE ISSUE

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HARRIS. Mr. Speaker, the health care cost and delivery crisis is one this Congress cannot dodge. There are many proposals before Congress to restrain costs and improve the delivery of services and many divergent points of view. On the issue of national health insurance especially, it is important, in fact vital, that all opinions be heard, particularly those of experienced health care providers.

I am pleased to share with my colleagues a recent article written by Dr. Richard E. Palmer, current president of the American Medical Association, which appeared in the June 6 issue of Newsweek magazine.

Dr. Palmer resides in Alexandria, which is in my district. His views, representing the medical profession, will provide an essential perspective, to Members of Congress as we develop a national health care policy.

[From Newsweek, June 6, 1977]

THE AMA'S HEALTH PLAN

(By Richard E. Palmer, M.D.)

Of all the items on the pubic agenda, none deserves a harder-eyed look than national health insurance. Not only is the term fuzzily defined—it means one thing to Senator Kennedy, for example, something quite different to the American Medical Association—but the public has not yet focused on the costs or the tough questions that might clarify the goals being sought.

For example:

Will national health insurance improve health? Not to any miraculous extent, most medical experts and economists agree. Among them is Karen Davis, a former Brookings fellow and now a top adviser at HEW. In her recent book, "National Health Insurance," Davis identifies three major goals that might be accomplished by such legislation. But improvement in health statistics is not among them.

Aaron Wildavsky, dean of the Graduate School for Public Policy at Berkeley, cites the reason. "According to the Great Equation," he writes in the Journal of the American Association of Arts and Sciences, "Medical Care Equals Health." "But the Great Equation is wrong," he says. "More available medical care does not equal health.

"The best estimates are that the medical system . . . affects about 10 percent of the usual indices for measuring health . . . The remaining 90 percent are determined by factors over which doctors have little or no control."

Physicians maintain that more sensible personal health decisions—on smoking, drinking, exercise, proper diet and such—offer a better hope for a healthier America than a sweeping restructuring of the medical system.

Some of the more shrill advocates of national health insurance have been proclaiming a health-care "crisis" for nearly ten years. Yet the system shows scant signs of falling apart. Since 1970, infant mortality has dropped 25 percent, life expectancy has risen by a year and a half, and nine of the ten leading causes of death have declined. Those are hardly the elements of crisis.

Are patients themselves dissatisfied? Quite the contrary. Poll after poll shows that people—who see doctors at the staggering rate of 2.9 million visits per day—are largely content. Eighty to 85 percent say they are either satisfied or even well satisfied with the care they now receive.

Do the poor have access to the present medical system? HEW figures indicate they do. People with incomes under $3,000 per year now see physicians with greater frequency than anyone else, about six times a year. People with incomes between $3,000 and $7,000 are the next most frequent users. Another HEW study tells us that Americans are an average of 17.2 minutes away from a doctor's office, a clinic or a hospital. The U.S. now has more physicians per capita than Canada, England, Sweden or virtually any other Western European country except West Germany.

Is the public clamoring for national health insurance? There is hardly a ground swell. Put it the way Senator Kennedy puts it in support of his bill, "No American will ever again have to pay a doctor's bill or a hospital bill," and you get a positive response. Who after all spurns a free lunch? But when the question is asked as NBC did last fall, the answer is different. The NBC survey asked: "Do you favor or oppose a national program of health insurance paid by the government through increased taxation?" Only 36 per cent said Yes. Forty-eight per cent said No; 16 per cent said Don't Know.

Will national health insurance control costs? There is sobering reason to distrust the argument that it will. "Far from curing the inflation," the February issue of Fortune maintains, "national health insurance could well have the unpleasant result of aggravating the problem. The combination of private and government insurance that now covers 92 percent of the population has itself been a major inflationary force."

Those who look to a "free" but frighteningly expensive Kennedy-style bill to cool inflation in medical costs, as the senator's Committee for National Health Insurance does, are really saying that the way to extinguish a fire on a tank farm is to spray, the flames with more oil.

Yet there are gaps in the present system that should not exist and should be filled. In essence, the AMA legislative proposal, H.R. 1818 (S. 218 in the Senate), will make available to some 15 million to 20 million people who do not now have it—or cannot obtain it—private health insurance of the same general sort most working Americans enjoy now. AMA's bill would also insure everyone against the threat of financial catastrophe from a major illness or accident, an almost universal worry.

Benefits include hospital services, physician services, emergency care, home health services, lab and X-ray services and extended care. To discourage overuse, the bill calls for

a sliding scale of co-insurance payments. People would pay a share of their expenses, the poor very little or nothing, the affluent more.

For the employed population, most people would be covered as they are at present—through employer-employee group insurance. Employers would be required to offer an employee health plan that would meet U.S. standards, with the employer to pay at least 65 per cent of the cost. Government subsidy would be made available to smaller employers to help them in the financing of such plans.

MINIMIZING INTERVENTION

The unemployed eligible for unemployment compensation would have their employee insurance continued, the U.S. picking up the premiums. Welfare families would have private health insurance plans available to them, the premiums paid for by the government. The self-employed, depending on ability to pay, would receive government contributions toward private health insurance. Medicare would continue, with Federal assistance (depending on income) to build benefits up to levels equal to those for the rest of the population.

The AMA bill minimizes Federal intervention, thereby encouraging the responsiveness and innovativeness of the private sector. Only from that quarter may we reasonably expect constructive change and improvement in medical care, plus what is needed most of all: a tighter grip on costs.

LITHUANIA REMEMBERED

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mrs. SPELLMAN. Mr. Speaker, on this day, 30 years ago, the forces of the United Soviet Socialist Republics invaded Lithuania with the declared intent of protecting those innocent citizens from the Nazis. In fact, we know today that there was no such intention. The Germans had signed a pact with the Soviets to permit them to gobble up this small and helpless nation. The Lithuania citizens' protection was provided by means of deporting some 300,000 Lithuanians to Siberian forced-labor camps—those same camps we learned so much about from Mr. Solzhenitsyn.

At the end of the Second World War, the Soviets chose to maintain their self-styled liberation of Lithuania, denying the basic human rights and freedom to those peoples just as harshly as the Nazi machine had. Today, no less than then, and despite the Basket III agreements of the Helsinki Commission, Lithuania is still a captive nation.

In our search for human rights, we have often looked to the Soviet Union to permit greater emigration for Soviet Jews. We have always noted most strongly the abuses which are perpetrated on this group of Soviet citizens.

But, in remembering all Lithuanians—those still in prison camps in Siberia, and those imprisoned in what used to be their own country—we must commemorate today a people imprisoned in their own nation. The Soviet Union aspires to present itself to the world as the spokes-nation of triumph over colonialism. Yet, that same nation has become millions of peoples in small nations such as Lithuania.

Today, we should speak with one voice against this hypocrisy and tyranny. The denial of human rights to an entire nation should be pointed out to every nation on Earth, just as the suffering of the Lithuanians should be made known.

I ask, Mr. Speaker, that we urge our representatives to this summer's Belgrade conference to confront the Soviet Union with its continued noncompliance and denial of basic human rights to Lithuania and Lithuanians. We must not forget their burden, and we must not allow the Soviet Union to perpetrate this crime against humanity any longer.

THE CASE FOR MEDICAID ABORTIONS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mrs. CHISHOLM. Mr. Speaker, the questions presented before this body today initiated by consideration of the Hyde amendment are complex and present a moral dilemma for many of my colleagues. And we certainly will not end the national debate on the abortion question by our decisions here today. I think we must consider, however, that the initial and total effect of limiting the use of medicaid funds for poor women who want abortions would disproportionately penalize the low-income; and in the process we would be faced with a national situation in which the wealthy could get abortions, while the poor cannot.

Dr. Louis Hellman wrote an insightful article which appeared in yesterday's Washington Star on this topic, and I would like to share it with my colleagues:

[From the Washington Star, June 14, 1977]

THE CASE FOR MEDICAID ABORTIONS

(By Louis Hellman)

The right to choose whether to continue a pregnancy, guaranteed to American women without regard to marital status, race or economic position by the Supreme Court in 1973, is in jeopardy for poor women. During the next two weeks the House and Senate will vote on the 1978 Labor-HEW Appropriations bill which now contains a provision barring use of federal funds for abortion unless the life of the mother is threatened.

The issues involved are so charged with emotion that many facts about abortion have been ignored or misrepresented. Thus, the rights of the consumer to safety, information and free choice have been increasingly abridged. Nonconsumers decide the pros and cons of what is best for her.

I, obviously, can never be a consumer of abortion services, but as a physician I have been a dispenser of these services. It is to the medical facts that I wish to speak.

Legal restriction on abortion came about in the last century not for moral reasons but rather because abortions performed under unsanitary conditions by unskilled operators were particularly hazardous. Before legalization the operation was restricted in most states to saving the mother's life. In recent years, however, many in the medical profession have come to believe that safeguarding the mother's life requires protection of mental and social health as well. Now, too, some congenital diseases and abnormalities can be diagnosed long before birth. Certainly the right of the mother to share in this advanced knowledge and to choose whether or not to bear a deformed child is hard to deny.

I have seen too often pregnancies result from rape and little girls carrying the bastard children of their fathers, uncles or brothers. Increasingly, humane and law-abiding physicians were forced to violate restrictive abortion laws that ran contrary to compassion and medical obligations. As public awareness grew, so did the realization that restrictive abortion laws are simply never enforced.

The cheapest abortion technique employed illegally was to initiate vaginal bleeding, sometimes with a rubber shod coat hanger, and then to send the patient to a hospital, most often at public expense. At King's County Hospital in Brooklyn, one of the largest in the country and whose maternity service was my responsibility for more than 20 years, we reserved 30 beds for these patients, completing their abortions at a special operating schedule, often taking place well past midnight. About three in 1,000 of such admittances died. Nobody seemed to care.

The liberalization of abortion laws brought great changes. No longer are those 30 specially designated beds at King's County. Illnesses from abortions are extremely rare now and the special midnight operationg schedule is a thing of the past.

Before liberalization, there were about 8,000 legal and an estimated 1,000,000 illegal abortions in the United States annually. Now illegal abortion has virtually disappeared, replaced by legal abortion.

There were 200,000 legal abortions in 1970, 1,115,000 in 1976. Striking is the marked decrease in deaths. In 1960 there were about 250 deaths from illegal abortions. In 1975, the Center for Disease Control in Atlanta was able to identify only five nationwide. That year there were 27 deaths from legal abortion for a rate of 2.6 per hundred thousand operations. The comparable death rate from childbirth was 12.6 per hundred thousand.

Somewhere between 20 per cent and one third of all abortions occur among Medicaid-eligible women. Thus between 250 and 350,000 women avail themselves of these services, at a cost of 40 to 50 million dollars. If these payments became unavailable to the poor there would be more unwanted children, plus an increase in illegal abortion and in the cost to the federal government for delivery of those who carry their pregnancies to term. It is wishful thinking to believe that the federal cost will be reduced if Medicaid abortions are eliminated.

It has been estimated that pre-natal care, delivery and the first year of the baby's life costs approximately $2200. The cost of raising a child to 18 years of age in a low income family has recently been estimated at $35,261.

A portion of the nation's consumers may be about to lose their freedom of choice and their right to safety in abortion. It would be regrettable if the Congress decides the issue without knowing the facts.

PERSONAL EXPLANATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. MIKVA. Mr. Speaker, I was in my district on Friday at some long-scheduled meetings, and missed two recorded votes. Had I been present, I would have

voted "yes" on roll No. 331, the conference report on H.R. 5840, the Export Administration Amendments of 1977. I would have cast a "no" vote on roll No. 332, the Burgener amendment to the State-Commerce-Judiciary appropriations bill.

COMING TO OUR SENSES ABOUT THE B–1 BOMBER

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. WEISS. Mr. Speaker, I recently voted against a defense spending authorization bill which I viewed as far too costly to meet our military needs.

Included in this package—and a major reason for my vote against it—was another $1.2 billion appropriation for development of the B–1 bomber weapons system.

As President Carter so aptly observed last June, "The B–1 bomber is an example of a proposed system which should not be funded and would be wasteful of the taxpayers' dollars."

President Carter's statement indicated his understanding of the essential misspending of our revenues which the B–1 bomber represents. While many domestic programs are starved for adequate funding, Congress continues to contemplate appropriating billions of dollars for a weapons system which has been shown to be wholly unnecessary.

The Congressional Reference Service, for example, has found that the United States already possesses 6,842 ballistic missile-launched reentry vehicles while the Soviet Union has 2,415 models of this type of weaponry. The B–1 would be a vast duplication of existing systems and would in no way provide the United States with a strategic advantage it now lacks.

This still undeveloped weapons system has already cost our Nation $4.3726 billion. The $1.2 billion recently authorized will pay for construction of five B–1 aircraft. The system, should it ever be completely developed, would cost at least $26 billion. It would be the most expensive weapons system in world history.

We have already seen how the B–1's predecessor, the B–70, failed to prove its alleged potential at a cost of more than $1 billion.

Must we continue to invest billions of dollars in a new project that may very well duplicate the failures of its forerunner?

The district which I represent in New York City could desperately use just a fraction of the funds being misspent on the B–1. Youth employment programs, welfare reform, national health insurance, urban redevelopment all cry out for Federal attention while Congress continues to consider squandering our national resources on a weapons system that may prove obsolete before it is even completed.

President Carter will decide in the coming weeks whether to approve additional research and development of the B–1 bomber. I strongly urge him to reflect on the statement he made last June. Circumstances have not changed since then. In fact, the B–1 has, if anything, been shown to be even more of a misappropriation of our funds.

I will continue to oppose the B–1 bomber each time it is raised for a vote in the House. I sincerely hope that the occasions to do so will be eliminated as President Carter moves to cancel this program.

A TRIBUTE TO LITHUANIA

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. FARY. Mr. Speaker, June 15, 1940, is a day of sorrow and tragedy in the history of the people of Lithuania.

Thirty-seven years ago today, the sovereign homeland of the Lithuanians was invaded and occupied by the Soviet Union.

Seven centuries of history reveal that the Lithuanian people have had to struggle time and time again against overwhelming oppression from without. Yet throughout it all, these people retained their native language and culture. Their national character was never eliminated in the past and the Soviet Union has so far failed to accomplish it after 37 years of occupation.

The 1940 U.S.S.R. invasion was soon followed by the Nazi occupation, only to be followed again by the Soviet occupation forces. In the 9-year guerrilla was that followed, over 30,000 Lithuanians were killed and about 350,000 others were exiled before the Soviet Union was able to assume total control.

The 1922 Constitution of the Republic of Lithuania granted to its citizens the basic freedoms of religion, speech, communication, and assembly. Since 1940, these rights and freedoms have been nonexistent for the Lithuanian people.

Today, the Soviet Union's policy in Lithuania has been one of political repression, religious persecution, as well as concentrated programs of Russification, colonization, and ethnic dilusion. A few examples will help make the picture clear.

At least several thousand Lithuanians, who after World War II participated in the partisan resistance against the Soviet Union and served prison sentences in camps, are still being punished by not being allowed to settle in their native homeland.

Many Lithuanian citizens are brought to trial for the mere expression of their views, and at the present time are imprisoned, usually outside of Lithuania. People are even subjected to forcible treatment in psychiatric hospitals—often for writing complaints about the abuses by the local authorities.

Total religious freedom is not a reality. Instances are reported of pressure being placed on priests who fulfill their pastoral obligations. In synagogues it is forbidden to commemorate those who died in the Arab-Israeli war.

Emigration from Lithuania in the context of reunification of separated families is also extremely difficult.

These are but a few examples of the current situation in Lithuania in 1977. The U.S.S.R. has blatantly ignored the human rights provisions of the United Nations Charter, violated similar guarantees in their own constitution, and never honored the humanitarian articles of the Helsinki agreement.

If past history is to be a guide, the Lithuanian people are not about to let their dream die of seeing their homeland take its rightful place among the nations of the world—standing proudly as a nation once again, a nation free, sovereign, and independent.

The United States, who has enjoyed its independence for 201 years as a free and sovereign nation should not, and must not, forget those nations who once enjoyed their independence and lost it to others. If we forget the captive nations, like Lithuania, we will be contradicting our own heritage.

BIASED COVERAGE OF ERA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. ASHBROOK. Mr. Speaker, the controversy surrounding ratification of the equal rights amendment—ERA—continues. I opposed the amendment when it was in the House of Representatives. Both the Ford White House and the Carter White House have tried to get States to ratify the amendment.

The pro-ERA story has been carried by newspapers, radio and national television. One would think that no strong and organized opposition to this amendment exists or when the opposition is given coverage, it is done in a prejudiced manner. Moreover, the Congress voted several million dollars for Women's Year which has ended up promoting ERA and radical feminist propaganda.

The fact is that there is widespread opposition to this proposal. This opposition deserves fair coverage. It is raising many of the problems with the amendment that its proponents wish to ignore.

Recently, Phyllis Schlafly in Eagle Forum discussed the lack of balance in coverage. At this point I include the text of that discussion entitled "The Scandal of Media Coverage on ERA":

THE SCANDAL OF MEDICAL COVERAGE ON ERA

The biased media coverage of ERA is so blatant that it imperils the whole concept of a free press in America. Everyone who is concerned about freedom of the press should be shocked at the abuse of power displayed by large segments of the national media. There are, of course, a few parts of the media that have shown objectivity in reporting, but here are some recent examples of extreme bias:

1. The ABC–TV "documentary" aired in Jan. gave only 20 percent of the hour to the cons and 80 percent to the pros, and pieced the show together in a highly prejudicial way

that permitted the pros to answer the cons arguments, but did not allow the cons to answer the pro arguments. The IWY Commission is now using this "documentary" in its campaign to ratify ERA.

2. When the Nevada Senate passed ERA, network TV gave it prime-time coverage, even though passage by one House has NO constitutional effect whatsoever. When the Nevada House defeated ERA 3 days later, it was a non-event in the news. (For weeks, I received calls and letters saying, "too bad we lost in Nev." The fact is, of course, we won. But it wasn't reported that way.

3. In Florida, the pros and the cons each scheduled a rally on the Capitol steps. The pros had 12 people, the cons had 2,500 people. TV news gave equal time to both events and showed NO pictures of our crowd. The newspaper printed NO pictures of our crowd, only a picture of a few discarded signs.

4. When the Florida Senate defeated ERA, network TV interviewed the proponents, who lost, and did not air a single interview with the opponents, who won.

LITHUANIAN CAPTIVITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. MICHEL. Mr. Speaker, the long and lamentable catalogue of tyranny that constitutes the history of communism in our time is filled with horror and tragedy. One of the most tragic examples of Communist tyranny occurred exactly 37 years ago today, when the Soviet army forcibly incorporated then-independent Lithuania into the Soviet Union. Within 24 hours the Soviets began to deport the first of what eventually would be 300,000 Lithuanians to the death camps of Siberia.

Political repression, religious persecution, cultural genocide deportation, denial of basic human rights—these are the sufferings visited upon the Lithuanian people by the Communist rulers of the Soviet Union. And yet these same rulers, with monumental hypocrisy, signed the Helsinki accord guaranteeing human rights to all peoples.

It is fashionable today for the media and politicians to talk of human rights. But apparently it is not fashionable to dwell on the systematic denial of human rights in Lithuania. Can anyone recall the last time he read an editorial or heard a speech exclusively documenting the denial of human rights in Lithuania and the other small nations of Eastern Europe that have been crushed by communism? No, insofar as the opinionmakers are concerned the Lithuanians are expected to suffer in silence, for the sake of détente.

But Lithuanians have courageously protested and continue to protest their treatment. In the face of cruel repression Lithuanians have continued to fight for their right to worship God and to be free.

So, today, let us remember the Lithuanian people. Let us remember their almost 40 years of suffering. And, during the forthcoming followup Conference on European Security and Cooperation in Belgrade, let us make certain that the American representative officially presents to the Soviet Union the well-documented record of denial of human rights in Lithuania.

We should do this for the Lithuanians and for Americans of Lithuanian ancestry. But we should also do it for ourselves. If we cannot trust the Soviets to honor a treaty they willingly signed how can we trust them in anything? That may not be the kind of questions one asks in diplomatic circles, but I believe it is one that needs asking.

THE STRATEGIC BALANCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. CRANE. Mr. Speaker, since the outright rejection by the Soviet Union of President Carter's recent proposal for a SALT II agreement, it has become fashionable in some circles to question both the fairness of the U.S. position and the openness with which it was presented. Many media commentators have spent hours trying to analyze why the Soviets would be so quick with their rejection, so harsh with their accusations about U.S. objectives and so disinclined to offer a counterproposal—without even questioning the fairness of the Soviet position or the possible reasons why the Soviets would want the negotiations kept secret. It was almost as if the Soviets were presumptively accorded the right to criticize while that same right was denied the United States—a situation remarkably analagous to the SALT I agreement itself where the United States was not permitted to challenge the Soviets lead in numbers of missiles while the Soviets were permitted to challenge the U.S. lead in quality of missiles without restriction.

Recently, however, a column appeared in some of the major papers around the country which sheds some badly needed light on the true nature of the Soviet position and why they rejected President Carter's proposal. As one can see from the facts and figures contained therein, the Soviets are far from being at a disadvantage now. What concerned them was not that they would be put in a position of inferiority but that they would not be able to maintain a growing superiority. President Carter's proposal would have required them to cut back to strategic levels more comparable to those the United States has achieved and that quite obviously is the last thing they want to do.

Buttressing that analysis and the one given in the aforementioned column by Pat Buchanan are estimates to the effect that, if the current trend continues, the Soviet Union will have a 4-to-1 advantage in nuclear throwweight, a 10-to-1 advantage in megatonnage, a 2-to-1 advantage in missiles and bombers, and a 3-to-1 lead in net destructive potential. All that, coupled with the differences in attitude and civil defense procedure Mr. Buchanan mentions, leads one to conclude that our next SALT II proposal should be far tougher on the Soviets than the last one was, if for no other reason than the Soviets, according to former Chief of Air Force Intelligence, Gen. George Keegan, USAF, retired, are already well on the way to having a laser weapon, or "death ray," capable of knocking out our missiles. If so, the "age of terror" Mr. Buchanan is concerned about may be closer than any of us would like to believe.

Mr. Speaker, I include Mr. Pat Buchanan's column which appeared in the May 1, 1977, issue of the Chicago Tribune, in the RECORD at this time:

AN AGE OF TERROR IS APPROACHING

(By Patrick J. Buchanan)

WASHINGTON.—Thirty-five years ago last month, Lt. Col. James Doolittle, flying off the carrier Hornet, led 16 B–25s in a daring daylight raid on Tokyo. The few tons of bombs dropped on the capital of Imperial Japan did little physical damage. The injury inflicted upon Japanese morale and the consequent boost given reeling allied forces, however, were immense. Adm. Yamamoto was so stricken with shame, he retired to his room, refusing to emerge.

Before his historic Thirty Seconds Over Tokyo, which he believed must surely end in capture or death for many of his men, Doolittle vowed never to be taken alive: "I'm going to bail my crew out and then dive it full throttle into any target I can find where the crash will do the most good. I'm 46 years old and have lived a full life."

Doolittle did not die in the raid. Yet his act of intrepidity and courage raises questions for his own country a quarter of a century later. Is Mother Russia possessed of pilots of similar kidney, willing to risk their lives in one-way nuclear kamikaze missions? The answer has to be yes.

Which brings me to the subject of this column. Last week two Russian patrol bombers, based in Cuba, reportedly flew almost undetected to within 60 miles of the South Carolina coast, overflying an American naval task force on maneuvers. So doing, they exposed the terrible vulnerability of the United States to nuclear attack from every medium and heavy bomber in the Soviet air fleet.

Not only is the continental United States defenseless against the more numerous and giant Soviet missiles, but also we have—for all practical purposes—no defense against bomber attacks. Those who have controlled American defense policy for more than a dozen years have, deliberately and consciously, left American naked to enemy attack. Why? Because they believed that providing this country with an air and missile defense would rattle the Soviets. If, however, the Russians can rest assured we are defenseless to rocket and air attack, they can rest confident we would never launch a surprise attack upon the Soviet Union. The doctrine is known as Mutual Assured Destruction—MAD, for short.

The Soviets, however, do not see matters the same way. Assuming the possibility of conflict, they have chosen not to leave their military bases and civilian population exposed to the U.S. Strategic Air Command, or U.S. bombers based in Europe and Asia, the Pacific, and the Mediterranean.

They have built 12,000-surface-to-air missile sites; we have not a single SAM system operational. They have an additional 2600 fighter-aircraft to deal with our aging and dwindling bomber fleet of 421 planes. We have 315 interceptors to defend the continental U.S. against a Soviet medium and heavy bomber force three times that size. As a gesture of good will, we scrapped our embryonic missile defense. The Soviets have kept theirs operational.

Equally significant, the Russians have spent tens of billions of rubles dispersing their population and factories, building vast and deep underground shelters, storing food for a national emergency.

In short, Russian strategists are thinking the unthinkable, preparing for Armageddon. They are determined that in the terrible eventuality of nuclear war the Soviet Union will survive, and that the United States will cease to exist.

Watching McNamara and other U.S. strategists deliberately leaving their homeland more vulnerable to nuclear attack than Hanoi was to conventional air attack, the Russians realize we have surrendered the option to strike first. That would, quite candidly, be national suicide.

So today in the Kremlin the following thought must be recurring: Since we Soviets have superior striking power, superior defense against any remaining U.S. forces, superior dispersal of people and machinery, capability to survive a nuclear counterblow, superior ability to follow up with a second strike, as well as the option to launch the first blow, why should we be the one to back down in any future crisis?

In 1962, the U.S. had an eight-to-one advantage in both bombers and missiles over the Russians. The U.S.S.R. was defenseless against both. Now, they hold the advantage in striking power, and they have a credible defense against manned bombers, while ours is almost nonexistent.

Should the Soviets achieve two technological breakthroughs, [1] the ability to track and target our 41 missile-firing submarines, and [2] a credible laser-type defense against missiles, the "balance of terror" will cease to exist. The age of terror will begin.

ANTIOCH HONORS RED MURRIE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. McCLORY. Mr. Speaker, I am most pleased and proud to bring to the attention of my colleagues in the U.S. House of Representatives an event being sponsored by the Antioch, Ill.. Township Men's and Women's Republican Clubs known as Red Murrie Day to be celebrated on Wednesday, June 22, at the Antioch Country Club.

His distinguished service as the Antioch Township supervisor for 22 years as well as dedicated service on the Lake County Board where he continues to serve as the dean of the board certainly attest to the appropriateness of this honor which is being paid to Lloyd E. (Red) Murrie.

Mr. Speaker, as Representative in Congress for the 13th District of Illinois, I have been privileged to work closely with Red Murrie to promote improvements in Antioch Township and Lake County. During this association I have become increasingly aware of the effective manner in which Mr. Murrie carries out his responsibilities and the high regard in which he is deservedly held by the citizens of Lake County.

It is with deep regret that I find myself unable to personally attend the festivities on Red Murrie Day. However, I know that my colleagues join with me in extending this tribute through these remarks in the CONGRESSIONAL RECORD.

Accordingly, I take this occasion to express my warmest congratulations to Red Murrie and his devoted wife Louise. Red Murrie and Louise are longtime and cherished friends. My wife Doris and I extend to them every good wish for continued good health and happiness together. Our respect and affection for this hard-working and exemplary team fully justify this public expression.

CALLS FOR CONGRESSIONAL HEARING—ASKS GAO TO RULE ON LEGALITY OF ADMINISTRATION'S SUGAR PAYMENT PROGRAM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. FINDLEY. Mr. Speaker, the Department of Agriculture's proposed sugar regulations are a classic example of an administrative agency of Government trying to do indirectly what it legally cannot do directly. For example, the current law, as interpreted by Federal courts, does not permit direct payments to sugar producers. Here is how the administration plans to get around the law; and I am quoting its own regulations:

> The total price support payment will be made to the processor. . . . The processor shall pay the producer the full amount of the support payment received after deduction for administrative expenses.

The sugar plan is of dubious legality for another reason. The current law requires that any payments shall be for the purposes of price support rather than income support, and this is what the Department of Agriculture's regulations claim to do. But, it is not what the regulations do in fact. Instead they establish a sliding floor which will in effect provide income assistance rather than price support assistance. The payments will not increase, support or stabilize market prices in any way. They will be income support pure and simple. Let me quote again from the Department of Agriculture's proposed regulations:

> If the average price received from the sale of sugar in the marketplace is less than 11.5 cents per pound, the level of support will be less than 13.5 cents. This is due to the limitation of 2 cents per pound placed on the price support payments.

Besides being of questionable benefit to sugar producers, this approach sets a dangerous precedent for other commodity programs.

The administration's regulations will be carried out through back door spending. To prove the point, let me quote from them once again:

> Payments under this program will be made from the statutory borrowing authority of Commodity Credit Corporation (CCC). Losses incurred by the CCC are restored by request for appropriations from the general funds of the treasury in subsequent years.

In effect, the Department is telegraphing Congress that it intends to go off and inaugurate its own program—without benefit of public hearings or the consideration of legislation—and then submit the bill to Congress after the fact.

Finally, there is absolutely no provision to stop—or even reduce—the huge payments that inevitably will occur under this program. A USDA specialist has been quoted as saying that 47 growers and processors could receive payments of a million dollars or more. It has been estimated by the Congressional Research Service that one huge grower-processor alone will receive over $14 million. There is nothing in the administration regulations that would halt this flagrant abuse or in any other way limit the blatant discrimination against the corn industry that is inherent in its program.

For all of these reasons, I am requesting GAO immediately to examine the legality of this procedure, and I am urging Secretary Bergland to withhold implementation until the GAO report is complete. In addition, I am again, as I did several weeks ago, asking the Chairman of the House Agriculture Committee to hold hearings as soon as possible on the USDA proposal. In the meantime, it would be unwise for the House to go ahead and provide money for the new sugar program. It makes no sense for Congress to give tacit support to a proposal which is of such dubious legality.

THE LONG WAIT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. MIKVA. Mr. Speaker, in recent weeks the Soviet Union has increased its harassment of Jews who have spoken out against repressive government policies. Accusing them of heinous crimes and detaining them for trumped-up reasons, the Soviet government has continued its campaign against those Jews who yearn for the freedom to practice their religion, and to live with their brethen in Israel and elsewhere.

The Hess family of Minsk was "adopted" by a group in my district in 1974, and they have followed the desires and despairs of the Hess family for the past 3 years.

Many Americans, as well as Members of Congress, have expressed their concern for the human rights of those people detained against their will in the Soviet Union.

Today, I would like to call the attention of my colleagues to an article in the Christian Century, written by a constituent of mine and a good friend, Shirley Friedman, which expresses eloquently the situation of the Hesse family, and their hopes and fears for the future:

THE LONG WAIT: A STUDY IN DETERMINATION

In October 1972 in Minsk, a populous city in that part of Russia which had once been Poland, Grigory Hess applied to the Soviet government for an exit visa which would permit him, his wife, Elena, and their two daughters to emigrate to Israel. Once there they planned to join Elena's parents, who had recently been allowed to leave Russia.

In 1977 the young family still waits for the

exit visas. The past five years have not been easy. An electrical engineer, Hess was dismissed from his job immediately following his application to leave the U.S.S.R. In December 1972 the Hesses received the first of many refusals for exit permits. The official reason given was Grigory's possession of "military secrets," dating from one year of service as an army officer in 1965–66. This denial was accompanied by his arrest on charges carefully triumped-up to fit a nonexistent crime. After spending one brutal year in a bleak Russian prison, Grigory Hess was released, filled with renewed determination to get himself and his family to Israel.

Since his release, Hess works whenever and at whatever he can. The Hesses have been subjected to continual surveillance and harassment by the KGB, the Soviet secret police. They have been arrested many times; their flat is regularly searched, their telephone disconnected. Elena and Grigory have been threatened with severe reprisals if they do not desist in their efforts to emigrate.

The Hesses hold fast to their dream of one day living in Israel, leaving behind a world in which they are denied the right to express their religious, cultural and national yearnings. In Minsk the synagogues have been forcibly closed; Hebrew and Yiddish cannot be taught; Jewish theaters, books and newspapers are not to be found. Unable to provide their children with a Jewish education, the Hesses know how difficult it will be to perpetuate Jewish beliefs and Jewish identity. Thus, risking everything, they persist.

In 1974 a Chicago group "adopted" the Hess family as part of a national program of letter-writing to Russian Jewish families and to U.S. and Soviet officials on their behalf. The correspondence has been marked by vivid and moving letters written by Elena Hess in a painstaking self-taught English. There have been periods of silence, some lasting for months, when the mail has been stopped by the Russians. Those letters that have come through are a stirring testament to the human desire for freedom and a steadfast faith in God.

With an English dictionary at her side, translating her thoughts word for word from Russian to English, Elena Hess writes to her American friends:

"We thank you very much for your letter. It is a big support for us. . . . Write, please, about your family, about your children, about the life of American and Jewish people. It is very interesting for us. . . . We are not despondent and go on with our struggle for our wish to come true."

December 1975 found Elena replying to a couple who had recently visited Israel:

"Your postcard from Israel reached us. . . . We sincerely envy you that you may go anywhere you want, you can see Israel when you want, you can even go there on vacation—it's remarkable! Our life is very alarming now. Nothing comes of our dreams. We hope only of God and you."

In 1976 Elena expressed a sense of despair: "It became very cold in Minsk. Our mood is as cold as the winter. We see that nobody can help us." But at the end of the year she wrote:

"We aren't sorry that such a destiny falls to our lot. . . . During these long years of struggle for returning to our homeland we are more convinced that our aspiration to unite with our people is the only right way, and we are ready to make more sacrifices in order to realize our dream."

This year finds the Hesses optimistic, buoyed by President Carter's recent statements. "All our hopes are for this year. We believe President Carter is a great struggler for human rights and he will help us to become free." There is also hope that worldwide public opinion may force the Russians to some compliance with the Helsinki Accords concerning reunification of families.

Whatever the future holds for the Hesses, one fact is known: nothing will daunt them in their determination to live one day as Jews in freedom in the holy land of their ancestors.

—SHIRLEY FRIEDMAN.

ISRAEL AT 29: IN TRANSITION

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. AMBRO. Mr. Speaker, if definable transition periods exist in history—as historians so often tell us they do—the State of Israel may be in the midst of one. A new Prime Minister representing a new political coalition is about to assume office. The "shuttle" diplomacy of the early 1970's is but a memory and the Carter administration's peace initiatives are just beginning.

But, as she enters her 29th year of independence and as she commemorates the 10th anniversary of the Six Day War, Israel still is unrecognized by many nations of the world and, therefore, imperiled. While often the focus of world diplomacy, Israel paradoxically remains outside the mainstream of international politics. This is especially ironic since she ranks as one of the world's most industrialized and civilized countries.

Indeed, it was only 1½ years ago that the United Nations General Assembly tragically voted to equate Zionism with racism. I condemned that farcical resolution then, and my outrage continues to smolder at this and similar mindless actions by what is supposed to be the world's chief peacekeeping institution.

In the face of much hostile world opinion, however, the United States fortunately has always been Israel's staunchest supporter. That support was dramatically demonstrated earlier this year when Congress passed a law prohibiting American firms from participating in the Arab nations' boycott of Israel—an action I favored. This was one of Congress finer moments as it went explicitly on the record in defense of Israel. More such tangible and unequivocal support must be forthcoming if Israel is to keep prospering.

Just as crucial is the steadfast support of Israel by the American people. Last week, for example, nearly a half-million New Yorkers paraded up Fifth Avenue in tribute to Jerusalem's reunification 10 years ago.

It is my firm hope that the Carter administration—in its search for a permanent and just settlement—will continue unflagging U.S. support of Israel and not sacrifice its interests under pressure from Arab oil interests or Palestinian terrorism.

Israel, with American aid and a firm commitment from Jews everywhere, has developed the only democratic government in the region as well as an educated, stable society. She has become a model of growth and achievement for many other emerging nations. In meeting seemingly insurmountable geopolitical hurdles, the Israelis has displayed an energy and initiative reminiscent of the pioneering spirit that invigorated early America.

Because of our long-standing political obligations and because of vital national interests, we must not yield in our protection of Israel. In doing so, we will not only be doing what is moral. In a larger sense, we will be reaffirming those cherished American ideals of justice and liberty on which our Nation was founded.

ENOUGH ROPE TO HANG US?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. McDONALD. Mr. Speaker, the subject of East-West trade is a much neglected item by the Congress in particular and the American Government in general. Neglected, in my view, in that all the possible dangers in this trade appear to have been swept under the rug. A recent reminder of the real issues involved appeared in U.S. News & World Report for June 20, 1977, in an editorial by Marvin Stone. I commend the editorial to the attention of my colleagues:

ENOUGH ROPE TO HANG US?

(By Marvin Stone)

The unseemly haste with which the new Administration is moving to restore relations with Cuba and North Vietnam suggests that we will soon be falling all over ourselves to sell them whatever it is they ask for.

Will it be oil from Alaska's North Slope? Metallurgical coal from Virginia mines? Rich phosphate from Florida? Perhaps advanced computers from Minnesota?

Why not? Other Communist countries are getting just about all they ask for. Whether we will pay dearly in the end seems to make little difference.

What is surprising is how few Americans are raising the questions of whether we really know what we are doing—or why.

Some are still boiling mad over the grain sales to Russia, which left farmers dissatisfied, consumer advocates aghast and economists shaking their fists. Now we are bearing about all sorts of new deals. It is hard on the nerves to watch American salesmen crisscrossing the Communist world to sell off our dwindling resources to potential foes.

Somebody is supposed to be protecting us against being our own worst enemy. The trouble is that the safeguards have become diffuse. With such a variety of agencies participating as the Department of Commerce, State and Defense and the Energy Research and Development Administration, Congress, Presidents and dispensers of foreign aid, it is clear that we may be letting things slip through a crack.

The argument is raised that an excess of caution could be bad. A long-term objective of recent U.S. Administrations has been to increase trade with Eastern Europe, in the conviction that this would foster a plural society—in other words, loosen the solidity of the Communist bloc. You can't fault the idea in theory.

But these considerations do not mean that we should deal off things we may urgently

require in return for goods that are not at all vital to us, or sell valuable technology that can be used against us. One report tells us that Russia offered low-cost mules and cheaper vodka as bait for computers. It was not seriously considered, but it serves as a horrible example.

We mentioned phosphates. Under an arrangement made three years ago, we are now preparing to send superphosphoric acid from Florida mines to Russia. It means the opening of new scars in an already violated landscape, and may well raise the price. Both the price and the long-range supply are of vital interest to farmers and to people who eat the products of the farms. So when we now also talk to the Rumanians about developing similar sources for them, we raise prospects that need to be examined closely.

And a deal to supply Rumania's steel plants with coking coal from Virginia may not stir any immediate misgivings by Americans in general; still there's more than just a hint here and there that the over-all effect bears scrutiny.

Technology is something far more frightening. It concerned many in the Pentagon when sale of an ultasophisticated computer, the Cyber 76, came up for approval. Advanced computer capability is one prime military advantage the U.S. still holds over the Soviet Union, and we should be thinking hard about handing over computers of any kind for any amount of dollars. Quality of long-range missiles is among the stakes here.

Arguments were made that Russia can be prevented from copying the Cyber 76 or applying it to military uses. These arguments were disputed. In cases like these, the public is given little choice except to go with the Administration's judgment, hoping that wisdom prevails.

No one is suggesting that we shut off *all* trade with the Communists. But it is something else to ignore the words of Lenin. In effect, he predicted that the West itself would one day supply Russia with the rope with which it would hang the West.

Has anyone been paying attention?

RABBI HYMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. WAXMAN. Mr. Speaker, it is a privilege granted only to a fortunate few, to publicly pay tribute to a dear friend and former teacher. Rabbi Harry Hyman, retiring from 20 years of service to the Jewish community as director of the Chaplaincy Service of the Board of Rabbis of Southern California, will be honored at a farewell luncheon on June 16. His many years of devotion to his community have earned for him the respect and admiration of countless beneficiaries.

But for me, Rabbi Hyman has played a significant role in a more personal way. As my Rabbi at Huntington Park Hebrew Congregation. he officiated at the bar mitzvah service on my 13th birthday, thus ushering me into adulthood according to the Jewish tradition. During his years as spiritual leader of the Huntington Park Hebrew congregation, he also confirmed my sister, Miriam.

Rabbi Hyman, who holds a Ph. D. in psychology and philosophy, was graduated from the Hochschule—Academy for the Science of Judaism—held pulpits in Germany and New Jersey, and is a member of the Rabbinical Assembly of America.

I take much pride and pleasure in joining those many others paying tribute to Rabbi Hyman, and ask my fellow members to note the lifelong accomplishments of a compassionate and loving man.

FUTURE FARM POLICY

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. NOLAN. Mr. Speaker, for too long U.S. agricultural policy has been weighted in favor of the largest producers who need Government assistance the least. I am submitting for the RECORD two recent Washington Post articles which reveal the shortcomings of farm policy over the last 40 years.

Criticisms such as those raised in the articles have been used, unfortunately, as a rationale for the wholesale junking of New Deal-type farm policy in favor of returning to the so-called market-oriented approach to agriculture. In the last 4 years, however, the Agriculture Act of 1973 has treated farmers and consumers to a market-oriented farm program which has caused severe gyrations and distortions in the price of agricultural commodities. Continuing such policies will further jeopardize the livelihood of the small farmers described in the articles.

The farm program that originated with the New Deal ceased to function properly because Congress and succeeding administrations, influenced by big agricultural interests, lost sight of the original farm policy goals: parity prices, conserving allotments, a reserve program, international commodity agreements, and programs aimed at assisting small farmers, such as the Resettlement Administration and the Farm Security Administration.

Returning to the basic principles of New Deal farm policy and gearing farm programs toward family farm-size producers will do more to help medium and smaller family farmers and to restore economic and social well-being to rural America than the erratic market-oriented farm policy embraced by the Carter administration.

The article follows:

[From the Washington Post, May 31, 1977]

BIG-FARM BIAS OF U.S. POLICY FAULTED

(By Bill Curry)

U.S. agriculture policy, in the pursuit of possibly mythical efficiency, has driven thousands of small farmers off the land and stranded them in urban misery or rural poverty, according to a major study conducted in part by Labor Secretary Ray Marshall before he joined the Cabinet.

This decades-old policy, practiced in Republican and Democratic administrations alike, has exacted a disproportionately harsh toll on small farms in the South, particularly black-owned ones, the study says, as farm, tax, credit and research programs advanced large and corporate farms.

"The present agricultural system is dominated by certain actors who attempt to maintain control primarily for their benefit," conclude Marshall and Allen Thompson, an economics professor at the University of New Hampshire.

"The controlling figures in this system (large farmers and their organizations, the U.S. Department of Agriculture, the land-grant college system, food processors, agricultural equipment dealers, key congressional equipment dealers, key congressional representatives and senators) share certain values about how the system should operate and for whose benefit."

The basic premise that large-scale farming is more efficient in that it produces more low-cost goods is challenged by the two. They say the traditional view has avoided the costs of research, lost taxes, energy consumption and environmental damage in determining efficiency, and has over-looked the costs of welfare, unemployment, crime and the urban decay resulting from a displaced population.

"One of the greatest tragedies in the past several decades," Marshall and Thompson say, "was the large-scale displacement from agriculture of people ill-prepared by education, training or experience for nonfram jobs. Clearly this has resulted in increased urban congestion, with all its associated problems and costs, as well as widespread poverty and unemployment in rural areas."

Their report, "Status and Prospects of Small Farmers in the South," was prepared for the Southern Regional Council, a private organization seeking to eliminate racism and poverty.

The study was completed late last year while Marshall was director of the Center for the Study of Human Resources and professor of economics at the University of Texas in Austin. It was released last week.

Small farms are considered to be those selling $5,000 or less in farm goods a year. Nationally, 966.631 such farms accounted for 26 per cent of the 3,704,912 farms in 1959. By 1969 they accounted for about 21 per cent (587,668) of the nation's 2,728,139 farms. More than one-half of the small farms are in the South.

"Small farmers have borne the major brunt of the changes in the farming sector," Marshall and Thompson write, and thus "the South has experienced a major displacement from farms and can be expected to experience future changes if past trends continue . . . Without significant changes, few nonwhite farmers are likely to survive in Southern agriculture."

They recommend a series of major changes in U.S. farm policy, but so severe is their view, they say, that "since the U.S. Department of Agriculture shows so little interest in small farmers, all federal programs designed to improve the conditions of small farmers should be removed from the department and placed in a separate agency . . ."

Specficially, they criticize:

Farm research, much of it carried on at land-grant schools with public money, that has focused on crops, livestock and machinery not geared to small farms, but which instead increased the acreage required for optimal operation.

Credit practices, even among such federal agencies as the Farmers Home Administration and the Bank for Cooperatives as well private banks that have been reluctant to make loans to small-scale, more marginal farms.

Technical services that have been provided to larger farmers by county agents but not to smaller ones, who have. Marshall and Thompson say, met with hostility at worst and lack of concern at best. (They note that Mississippi got its first black county agent

in 1975 and only as the result of a court suit.)

Tax policies that have, in effect, provided land and equipment subsidies to well-heeled nonfarmers seeking tax write-offs and to large farms able to carry expenses or buy land at inflated values.

Marketing trends that have seen the emergence of fewer but bigger purchasers of farm goods, thus leaving small, independent farmers at a "severe competitive disadvantage when dealing with the large agribusiness concerns."

Marshall and Thompson claim that the federal programs since the New Deal that were intended to help small farmers with limited resources have been twisted to enhance bigness. "The banks for cooperatives," they write, "established in 1933 because established cooperatives were having difficulty obtaining credit from traditional sources, continued to benefit wealthier co-ops by providing both credit and technical services, but have not proved to be a ready source of credit to low-income co-ops."

[From the Washington Post, June 6, 1977]

SMALL FARMERS DRIVEN FROM LAND

(By Jack Anderson and Les Whitten)

Bovina is a sleepy Texas town that rises out of the grain fields and quickly slumps back into them. The wheat is waist high, the corn knee high this time of year. The fields stretch from horizon to horizon in endless green waves, with an occasional island of locust and elm trees.

Vernon Estes has farmed this land for over 30 years. He lives with his wife, Ellen, in a modest brick house in Bovina. It's an adequate home, he'll tell you, to shelter them from the fierce winter winds that howl on cold nights. They enjoy the simple life in the West Texas panhandle, although Vernon swears he'll leave on the day the first traffic light is installed in Bovina.

Sometimes in the late evenings, when the call of the crickets rises and falls, the oldtimers will join Estes to complain about the lot of the small farmers. They are the traditional guardians of American values. Yet they are being driven off their land by their inability to compete against the agricultural giants.

Their harvest in the fall should be bounteous, the panhandle farmers agree, if their fields aren't hit by late summer hailstorms. The surplus will be shipped overseas; net agricultural sales brought back $12 billion to the United States last year, wiping out a $9 billion trade deficit in other products.

But there is no rejoicing in Bovina. Vernon Estes and his neighbors have watched desperately as the price of wheat has plummeted from $4.41 to $2 a bushel in less than four years. At the same time the price of the flour they buy at the local market has soared from 69 cents to $1.09 for a five-pound sack.

The hardy folk who farm the panhandle are dedicated to the soil. They labor from dawn to dusk for meager returns. Estes averages a scant $2.89 an hour for his working time, slim pickings from a half-million investment in 880 acres of farmland. The farmers' return on the $1.09 sack of flour has dwindled to a mere 18 cents.

Their costs, meanwhile, have skyrocketed. Irrigation water is vital to raise wheat in the hot, dry climate of the panhandle. Yet the price of natural gas for fueling the irrigation pumps has tripled while the value of the wheat has been reduced in half. The cost of farm acreage and equipment is out of the reach of young families who want to stay down on the farm.

Bovina's harassed banker, Jack Kaashin, told us that "farm deposits have declined as much as 30 per cent" and the demand for loans has gone up in the past year. This may compel the Bovina bank to cut off credit to many farmers.

Vernon and Ellen Estes now watch the farm foreclosure notices with the same apprehension that they read the obituary columns. Those who are losing their farms are proud people who demand little from life. All they ask in return for their hard work is just a fair return.

EDUCATION: NEW VICTIM OF REGULATORY OVERKILL?

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mrs. PETTIS. Mr. Speaker, as a member of the House Education and Labor Committee, I am extremely concerned about the increasing amount of Federal regulation which America's colleges and universities are facing. Therefore, when I came across the following article in the June 9, National Association of Manufacturers Enterprise magazine entitled: "Education: New Victim of Regulatory Overkill?", I thought it most important to share it with my colleagues.

The article follows:

EDUCATION: NEW VICTIM OF REGULATORY OVERKILL?

(By Sheldon Elliot Steinbach)

During the past decade, America's colleges and universities have faced an increasing amount of federal regulation. Federal support for various student financial aid and grant and contract programs has expanded, along with the demand for implementation of accountability mechanisms that have placed academia under growing federal supervision. Concurrently, the higher education community has become involved with the federal government through congressional actions to rectify abuses in society as a whole—not as a result of findings that higher education is itself in need of regulation or reform.

Federal bureaucrats now supervise programs that monitor an institution's salary and wage administration, equal opportunity efforts, retirement benefits, health and safety regulations, expenditure audits, rules on accounting, general and student recordkeeping, human subject research, and reporting on commercial transactions. The list seems to grow by the week as additional initiatives are sought in the Congress to regulate other aspects of employment or society, e.g. proposed maternity care and lobbying reform legislation. Thus, although not immediately perceived as such by a majority of higher education administrators, colleges and universities have become substantially like private industry.

ECONOMIC IMPACT

Federal regulations, devised and carried out by bureaucrats under what they perceive to be the requirements of congressionally mandated policy, have caused substantial economic impact on some institutions. A recent study by Carol VanAlstyne and Sharon Coldren looked at *The Costs of Implementing Federally Mandated Social Programs at Colleges and Universities*. The study found that 12 federal employment-related programs are costing institutions as much as 4 per cent of their total operating budgets—a large percentage "relative to income from endowment and gifts, to the deficits suffered by some institutions in recent years, and to the budgets of some departments that face extinction because of shifts in institutional budget priorities." The study constituted the first systematic attempt to quantify and explore the costs of federally mandated programs. Its findings will help the higher education community document its case as to the economic impact of federal regulations on higher education.

HEW, recognizing the growing amount of federal paperwork on colleges and universities, created a panel last fall to assess its impact. The report of the group noted that unless there is a greater awareness of the individual motivations of several federal agencies which demand detailed accountability from colleges and universities, there will continue to be a strained relationship between the government and institutions of higher education.

Existing and proposed federal legislation that expand recordkeeping and reporting requirements places additional financial burdens on higher education. Congress must be made aware that unlike private industry, often able to pass on the costs of compliance or deduct them as business expenses, colleges and universities must absorb the entire cost thereby reducing the resources available for their primary purposes of teaching, research, and community services.

ACADEMIC IMPACT

Several recent federal initiatives illustrate the existence of possible threats to academic freedom.

Recently signed regulations under the Rehabilitation Act of 1973 include a mandate that institutions adjust academic programs to accommodate handicapped individuals. Even before the enactment of the statute, institutions of higher education sought to provide handicapped students with a flexible, individual educational setting that would enable them to obtain a sound education.

The regulations encouraged institutions to review course requirements that have disproportionate discriminatory impact on a particular handicapped group and to take appropriate corrective action. Based on prior experience with the enforcement activity of HEW's Office for Civil Rights, however, the higher education community is concerned that the right of institutions to make final judgments on academic requirements will be subject to second guessing by enforcement personnel unqualified to make judgments on the issue.

Recently issued regulations by the Veterans Administration—which seeks to control award of course credits and attendance and graduation requirements for recipients of VA benefits—demonstrate against federal intervention into matters best reserved to the judgment of the institutions. On the issue of awarding credits, for example, there is a widespread practice of academic integrity which assigns four credit hours to a course where there are only three contact hours for each week of a term.

NEEDED CHANGES IN FEDERAL PROCEDURES

The burden falls on Congress to ensure that future legislation creates the least possible economic impact on colleges and universities. Greater consultation with the higher education community by both congressional staffs and federal officials before enactment of legislation and promulgation of regulations would lead to a greater understanding of potential impact on individual institutions.

Greater efforts also should be made to iron out differences among federal agencies. For example, many colleges and universities now find their retirement plans (in existence for more than 60 years) in some cases comply with Department of Labor regulations but violate EEOC guidelines—since female employees with the same salary history as male employees receive smaller monthly retirement benefits because their life expectancy is actuarily greater. This kind of conflict aids

neither the affected groups nor the institutions in achieving equitable solutions.

Higher education has no claim to immunity from the general thrust of legislation devised to improve the lot of society. It does have, however, an obligation to seek to harness untrammeled administrative discretion and a right to oppose legislative initiatives that impair the quality of academic programs and the financial health of the institution. Institutions, therefore, have a responsibility to monitor legislative and regulatory developments to ensure that their interests are being adequately represented.

Increasing sophistication in both the legislative and regulatory processes is essential if higher education is not to be continually subject to regulation by inadvertence.

An example of such regulation is one proposed by OMB that prohibits federal contractors from soliciting or accepting gratuities from subcontractors. The higher education community told OMB that the suggested policy may restrict normal fundraising activities by colleges and universities. It is not unusual for corporations to finance chairs or special programs at an institution, enter into matching arrangements, or make outright voluntary gifts to colleges and universities. This is a classic case of proposed regulation by inadvertence as noted by the higher education community, and appropriate commitments were extracted from OMB that the policy would not apply to bona fide academic institutions.

PUTTING OUR OWN HOUSE IN ORDER

In the final analysis, higher education as it deals with the federal government is not essentially different from the American business community. If one were to calculate the regulations and governmentally prescribed procedures established for American industry, one would find that colleges and universities are as badly smitten and that the burden falls even harder on these nonprofit entities. One way of dealing with government regulations in the future is to ensure that our own house is in order with regard to growing societal concerns. With appropriate self-regulation established, higher education will be able to establish with certainty that the federal dollars invested in colleges and universities are being efficiently spent and that the greater national goals are being achieved.

As noted recently by Stephen K. Bailey, an astute observer of the government-higher education scene: "The future of government regulation—its pervasiveness and its severity—will be mightily conditioned by what higher education itself determines to do about the issues enveloping it. If we in the academy do in fact look around in awareness . . . and above all, if we demonstrate by our behavior that we can regulate ourselves in the public interest, the parade of terrors conjured by the term 'government regulation' will largely disappear. The real question is whether we can learn to internalize John Gardner's precept: "Self-discipline is the yoke of free men.'"

FACTS AND FIGURES

Colleges and universities currently spend more than $2 billion annually to comply with regulatory requirements. This equals approximately the estimated value of annual giving to all institutions of higher education.

Even fairly small institutions have reported 3000 per cent (and more) incrases in annual costs of compliance over the past decade.

Colleges and universities are now subject to at least 12 major pieces of federal regulatory legislation affecting their freedom of operation.

Higher education must comply even with such extraneous laws as the Employees Retirement income and Security Act, designed to correct abuses of private pension funds. Higher education has its own distinct pension plans.

(Data from a speech by E. Bartell, president, Stone-hill College.)

AARON E. HENRY HONORED FOR OUTSTANDING ROLE IN THE CIVIL RIGHTS MOVEMENT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. STOKES. Mr. Speaker, I rise on this occasion to bring to your attention and to the attention of my colleagues in the U.S. House of Representatives the outstanding career of Dr. Aaron E. Henry of Coahoma County, Mississippi.

The name of Aaron Henry is indelibly written across the annals of the modern civil rights movement in the United States. Under the auspices of the National Association for the Advancement of Colored People, Mr. Henry has waged a consistent and courageous battle against discrimination and racial injustice in his native Mississippi. During the darkest days of the civil rights struggle in the South with its bombings, beatings, shootings, lynchings, and jailings, Aaron Henry remained a tower of strength and hope.

Mr. Speaker, on Wednesday, June 22, 1977, friends of Aaron Henry will gather for a testimonial dinner in his honor at the Shoreham Americana Hotel in Washington, D.C. This evening was planned by the National Black Veterans Organization of which Mr. Henry is chairman of the board. So that my colleagues can acquaint themselves with Dr. Henry's outstanding contributions, I would like to take this opportunity to share with you some biographical information on this dedicated and committed individual.

Mr. Speaker, Aaron E. Henry was born on July 2, 1922, in Coahoma County, Mississippi. Educated in the Mississippi public school system, he later attended Xavier University in New Orleans, receiving a pharmaceutical degree in 1950. After his graduation, Mr. Henry began his life-long affiliation with the organized civil rights movement by helping to organize the Coahoma County branch of the NAACP, a position he holds to this day. Mr. Speaker, I ask my colleagues to take a moment to consider the amount of courage it took to be a black man in Mississippi in the 1950's and to head up a major branch of the largest civil rights organization in the country. Imagine the dangers to which he and his family were subjected. Despite these hardships, Aaron Henry persisted in his commitment to the movement.

In 1960, he became president of the Mississippi State Conference of the NAACP, a position he maintains today. Additionally, Mr. Speaker, he has served as State president of the Mississippi State Conference of the NAACP and was a close associate of the late Medgar Evers. Aaron Henry has worked with all of the major civil rights organizations including CORE, SNCC, and SCLC in fighting racial injustice and brutality in Mississippi. He was also chairman of the Freedom Democratic Party, a Mississippi-based movement that challenged the National Democratic Party to initiate its present reform movements aimed at including youth, blacks, women and other minorities on an equal basis in the party.

In the political realm, Mr. Henry has a notable record of influencing crucial legislation for the social and economic advancement of minorities. He worked to secure congressional support for the passage of the Office of Economic Opportunity Act which later instituted such programs as headstart, basic adult education, and community action programs.

Currently, Mr. Henry is a member of the national board of directors of the NAACP, the Southern Christian Leadership Conference, and the Southern Regional Conference. Other board memberships are as follows: Mississippi Council on Human Relations, Mound Bayou Community Hospital, Mississippi Action for Progress, Coahoma Opportunities, Inc., the Medgar Evers Memorial Fund, and the National Council on Aging. Chairmanships include the National Black Caucus on the Aging, National Rural American Inc., and the National Rural Housing Coalition.

Mr. Henry is married to the former Noelle Michael of Jackson, Miss. and the father of Rebecca Henry who is the plaintiff of record of the civil rights action "Henry versus Clarksdale City School Board," a case which has opened opportunities for black students in Clarksdale and other school districts in the State. He is the owner and operator of the Fourth Street Drug Store in Clarksdale.

Mr. Speaker, a man of Mr. Henry's stature is certain to have received numerous awards during his career. To name but a few, he has been the recipient of:

Office of Economic Opportunity Certificate of Appreciation, 1973.

Rosa Parks Award, 1964.

Mississippi State Conference Award for service as a front-line freedom fighter, 1970.

Man of the Year, Mississippi State Association of Elks, 1971.

Roy Wilkins Award, 1975.

NAACP Award in recognition of courageous dedication to racial justice in Mississippi, 1970.

Omega Man of the Year, Omega Psi Phi Fraternity, 1971.

Nat Turner Award, 1971.

Sigma's Man of the Year, Phi Beta Sigma Fraternity.

Gulfort NAACP Freedom Award, 1970.

Honorary Doctor of Humanities Degree, Mississippi Baptist Seminary, 1975.

At this time, Mr. Speaker, I would like to call on my colleagues in the House to join me in honoring Aaron E. Henry for a quarter of a century of service to the citizens of Mississippi and the United States. Into every generation, there are those individuals who by their forward vision, courage and strong sense of purpose ar chosen to lead. Aaron Henry is such a man. Yet, Mr. Speaker, if he were present in these Chambers today, he

would tell me not to talk too long about his past accomplishments. He would remind us all that there are too many battles as yet unfought in the ongoing struggle for equal opportunity in this country—that black people, poor people, and disadvantaged minorities remain at the bottom of the social and economic ladder despite the gains of the last decade. Until that time comes, Mr. Speaker, Aaron E. Henry will be out battling on the front lines until the last vestiges of inequality are eradicated from this land.

STATEMENT ON LITHUANIA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. GIAIMO. Mr. Speaker, it is a privilege for me to join Lithuanian-Americans throughout our country to commemorate the 1940 military occupation and forcible incorporation of Lithuania into the Soviet Union.

This is a sad anniversary for all of us who cherish the independence that Lithuania once had and hopes to have again some day. An independent Lithuanian culture and people go back to the Middle Ages. In modern times, this little country tragically was subjugated in succession by tsarist Russia. Germany, and then Soviet Russia. Stalin's armies overwhelmed Lithuania during the worst days of World War II and subsequently ordered the deportation of 300,000 freedom-loving Lithuanians to Siberian labor camps.

While the Soviet Union has succeeded in extinguishing temporarily the flames of political freedom in Lithuania, the fires of liberty continue to burn in the hearts of the Lithuanian people and of people everywhere who cherish their heritage and independence.

I know that every American of Lithuanian descent feels the same pride I do at the determination and courage shown by the Lithuanian people in their struggle for liberty and independence. It is important that all Americans remind themselves on this anniversary that the struggle goes on and will continue to do so until the aspirations for individual and religious freedoms finally are realized.

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. CORCORAN of Illinois. Mr. Speaker, due to a commitment to meet with constituents today, I was unable to be present when the vote was taken on the Coughlin amendment to H.R. 7554, HUD-independent agencies appropriations for fiscal year 1978. If I had been present, I would have voted "yea" in support of the amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 16, 1977, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

7:00 a.m.

Energy and Natural Resources
To resume hearings on part D (natural gas pricing) of S. 1469, the proposed National Energy Act, and on a study by ERDA on Market Oriented Planning Programs System.
3302 Dirksen Building

9:00 a.m.

Energy and Natural Resources
To hold hearings on the nomination of Esther C. Wunnicke, of Alaska, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1538, proposing reform in the administration of the black lung benefits program.
2221 Dirksen Building

9:30 a.m.

Energy and Natural Resources
To receive testimony from Department of the Interior officials on their Department's perceptions of Alaska natural resource issues, including proposed disposition of certain public lands in Alaska.
3110 Dirksen Building

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on the implementation of the Disaster Relief Act (Public Law 93-288).
4200 Dirksen Building

Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on veterans' employment-unemployment situation.
Until 12:30 p.m. 6226 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To resume hearings on S. 1594 to revise and extend for 5 years the Renegotiation Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building

10:30 a.m.

Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 1391, Hospital Cost Containment Act of 1977.
Until 1 p.m. 4232 Dirksen Building

11:00 a.m.

Appropriations
To mark up proposed appropriations for fiscal year 1978 for the Departments of Labor and Health, Education, and Welfare.
S-128, Capitol

1:00 p.m.

Judiciary
To hold hearings on the nominations of John M. Harmon, of North Carolina, and James W. Moorman, of California, each to be an Assistant Attorney General.
2228 Dirksen Building

JUNE 20

7:00 a.m.

Energy and Natural Resources
To hold hearings on S 499, 500, and 1500, proposed Alaska National Interest Lands Conservation Act.
3110 Dirksen Building

9:30 a.m.

Finance
Energy and Foundations Subcommittee
To hold hearings on Federal incentives for developing new energy sources.
2221 Dirksen Building

Human Resources
Handicapped Subcommittee
To hold hearings on proposed extension of the Rehabilitation Act of 1973 and Education of the Handicapped Acts.
Until 1 p.m. 4232 Dirksen Building

Judiciary
Criminal Laws and Procedures Subcommittee
To resume hearings on S. 1437, Criminal Code Reform Act of 1977, and the following criminal sentencing bills: S. 31, 45, 181, 204, 250, 888, 979, and 1221.
2228 Dirksen Building

Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building

10:00 a.m.

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the success of the Drug Enforcement Administration in the enforcement of Federal narcotics laws.
Until 1 p.m. 3302 Dirksen Building

10:30 a.m.

Commerce, Science, and Transportation
To resume hearings in S. 687, 121, 1187, 182, and 898, proposals to establish a system of liability and compensation for oilspill damage.
235 Russell Building

11:00 a.m.

Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on S. 1664-1669, relating to financial institution reform.
5302 Dirksen Building

JUNE 21

7:00 a.m.

Energy and Natural Resources

Energy Conservation and Regulation Subcommittee
To receive testimony on proposals embodied in parts A, B, C and G of S. 1469, the proposed National Energy Act.
3110 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. 1664–1669, relating to financial institution reform.
5302 Dirksen Building

Finance
Energy and Foundations Subcommittee
To continue hearings in Federal incentives for developing new energy sources.
2221 Dirksen Building

Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Rehabilitation Act of 1973 and Education of the Handicapped Acts.
Until 1 p.m. 4232 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume hearings in S. 1391, the proposed Hospital Cost Containment Act.
Until 1 p.m. 1202 Dirksen Building

Judiciary
Criminal Laws and Procedures Subcommittee
To continue hearings on S. 1437, Criminal Code Reform Act of 1977, and the following criminal sentencing bills: S. 31, 45, 181, 204, 260, 888, 979, and 1221.
2228 Dirksen Building

Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the safety and effectiveness of over the counter sleep-aids.
6202 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building

Select Small Business
To hold hearings on alleged late payments by Government agencies to small business contractors.
424 Russell Building

JUNE 22

7:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To receive testimony on proposals embodied in parts A, B, C, and G of S. 1469, the proposed National Energy Act.
3110 Dirksen Building

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on the effectiveness of VA programs on mental health, alcohol and drug abuse, readjustment counseling, and health.
Until 2 p.m. 6226 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. 1664–1669, relating to financial institution reform.
5302 Dirksen Building

Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Rehabilitation Act of 1973 and Education of the Handicapped Acts.
Until 1 p.m. 4232 Dirksen Building

Select Nutrition and Human Needs
To hold hearings on nutrition as it relates to mental health and development.
Until 1 p.m. 6202 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Rural Development Subcommittee
To resume oversight hearings on the implementation of the Rural Development Act.
322 Russell Building

Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building

Joint Economic
Subcommittee on Economic Growth and Stabilization
To hold hearings to receive testimony from public pollsters on the current status of and future conditions affecting the economy.
1202 Dirksen Building

Select Small Business
To continue hearings on alleged late payments by Government agencies to small business contractors.
424 Russell Building

10:30 a.m.
Judiciary
To hold a business meeting.
2300 Dirksen Building

1:00 p.m.
*Judiciary
Constitution Subcommittee
To resume hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building

JUNE 23

7:00 a.m.
Energy and Natural Resources
To continue hearings on part D (natural gas pricing) of S. 1469, proposed National Energy Act, and S. 256, proposing deregulation of the wellhead price of natural gas.
3110 Dirksen Building

9:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. 1664–1669, relating to financial institution reform.
5302 Dirksen Building

9:30 a.m.
Select Small Business
To resume hearings on S. 1306, authorizing $50 million through October 1, 1977, for emergency drought assistance loans to small businesses.
424 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture provisions.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1188, to create expeditious and fair claims—settling procedures for loss and damage sustained in the interstate transportation of property.
5110 Dirksen Building

Energy and Natural Resources
To consider pending calendar business.
3310 Dirksen Building

Finance
Social Security Subcommittee
To resume hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

Judiciary
Antitrust and Monopoly Subcommittee
To hold hearings on the President's proposed energy programs.
2228 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
1202 Dirksen Building

JUNE 24

9:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1185, to regulate interstate commerce with respect to parimutuel wagering on horseraces.
5110 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture provisions.
235 Russell Building

Finance
Social Security Subcommittee
To continue hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

JUNE 27

9:30 a.m.
Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To hold hearings on methods to improve shareholders' participation in corporate decisionmaking.
2228 Dirksen Building

Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed legislation to amend the Veterans' Physician and Dentists' Pay Comparability Act.
Until noon 6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1381, to provide basic standards for State no-fault benefit plans for the rehabilitation and compensation of motor vehicle accident victims.
235 Russell Building

JUNE 28

9:00 a.m.

Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6202 Dirksen Building

9:30 a.m.

Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To continue hearings on methods to improve shareholders participation in corporate decisionmaking.
1202 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To continue hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings in S. 491, 1045, 1104, 1326, 1505, and H.R. 2437, bills dealing with National Historic sites.
3110 Dirksen Building

Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Retirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on a report of the Commission on Postal Service.
3302 Dirksen Building

JUNE 29

9:00 a.m.

Select Small business
Government Regulation and Small Business Advocacy Subcommittee
To review an SBA study of small business problems.
424 Russell Building

Veterans' Affairs
Health and Readjustment Subcommittee
To resume hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To continue hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To receive testimony on a report of the Commission on Postal Service on recommendations with regard to electronic mail.
3302 Dirksen Building

Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To hold hearings jointly with the Economic Growth and Stabilization Subcommittee of Joint Economic Committee on small business investment policy.
424 Russell Building

JUNE 30

9:00 a.m.

Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To continue hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6226 Dirksen Building

9:30 a.m.

Select Small Business
To resume hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business developemnt centers.
424 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To mark up H.R. 5294, S. 918, and S. 1130, to amend the Consumer Protection Act so as to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building

JULY 6

10:00 a.m.

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 7

10:00 a.m.

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 8

10:00 a.m.

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 11

10:00 a.m.

*Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

JULY 12

9:30 a.m.

Human Resources
Health and Scientific Research Subcommittee
To hold hearings to evaluate information upon which the FDA based its decision to ban Laetril from interstate commerce.
Until noon 4232 Dirksen Building

10:00 a.m.

*Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Foreign Relations
To hold hearings on the Vienna Convention on the Law of Treaties (Exec. L, 92d Cong., 1st sess.).

JULY 13

10:00 a.m

*Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To hold hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 14

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the cost of drugs.
Until noon 4232 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To continue hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 15

10:00 a.m.

Finance
Social Security Subcommittee
To resume hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 18

10:00 a.m.
Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Retirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building

JULY 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To review a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax rebates: Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 20

10:00 a.m.
Commerce, Science, and Transportation
Communication Subcommittee
To hold hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the interrelationship among communications common carriers providing international record services.
235 Russell Building

Foreign Relations
To hold hearings on the following five tax treaties: Convention with Israel (Exec. C, 94th Cong., 2d sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 21

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the interrelationship among communications common carriers providing international record services.
235 Russell Building

JULY 26

10:00 a.m.
Foreign Relations
To hold hearings on protocol to the Convention on International Civil Aviation (Exec. A, 95th Cong., 1st sess.), and related protocols (Exec. B, 95th Congress, 1st sess.).
4221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 1977*

The House met at 10 o'clock a.m.

Rev. Joseph F. X. Cevetello, pastor of Our Lady of Mount Virgin Church, Garfield-Lodi, N.J., offered the following prayer:

God our Father, Creator of the world, Your wisdom establishes the order which governs all ages. Hear our prayer and give us peace in our time that we may rejoice in Your mercy with unending praise. You reveal that those who work for peace will be called Your sons. Help us to work without ceasing to secure justice which brings true and lasting peace.

Guide and assist the President of the United States and all Federal, State, and other officials, especially the Members of this House of Representatives. Let the light of Your divine wisdom enable them to discharge their duties with honesty, justice, and ability so that peace, equality, harmony, and happiness may reign throughout our land. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 249. Concurrent resolution with respect to the preparatory meeting in Belgrade of the Conference on Security and Cooperation in Europe.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6823) entitled "An act to authorize appropriations for the United States Coast Guard for fiscal year 1978, and for other purposes."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5262. An act to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5262) entitled "An act to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. HUMPHREY, Mr. MCGOVERN, Mr. CHURCH, Mr. BIDEN, Mr. CLARK, Mr. CASE, Mr. JAVITS, and Mr. PERCY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 422. An act for the relief of the First Baptist Church of Paducah, Ky.;

S. 760. An act for the relief of Duane G. Wegner; and

S.J. Res. 63. Joint resolution to amend the Federal Home Loan Bank Act.

CONSIDERATION OF THE FAST-BREEDER REACTOR AND THE PRESIDENT'S PURSUIT OF PEACE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the House will soon be confronted with one of the most important issues of the session, and that is the question of whether or not we are going to proceed to the commercialization of the fast-breeder reactor by voting funds for the Clinch River breeder project.

What is at stake here is not just the Clinch River project itself. What is at stake is whether or not the Congress will give the President the opportunity to pursue an objective we all agree is vital, the objective of preventing nations and terrorist organizations from acquiring the capacity to make nuclear weapons quickly and relatively easily.

The supporters of the Clinch River project—and they represent a powerful lobby as was noted in a front page story in Wednesday's Washington Post—have made clear that they are unalterably opposed to the President's nonproliferation program and that they do not want to give him the chance to make it a success.

Members have been bombarded with industry propaganda, most of it misleading. In addition, the American nuclear industry has been actively encouraging foreign opposition to the Carter program, though this opposition is beginning to give way to cooperation.

The vote on Clinch River funding will not be a vote for or against the use of nuclear power as an energy source. It will not even be a vote for or against further development of breeder reactors; even with the administration-supported cuts in the ERDA authorization, we will be spending more than $500 mil-

lion in fiscal year 1978 to research and develop alternative breeder reactor designs. The real issue is simply whether we want to proceed with commercialization of one particular reactor design and thereby say to the world that the Congress rejects the President's ongoing foreign policy initiative designed to combat nuclear proliferation. I strongly urge my colleagues on both sides of the aisle to support the President in his nonproliferation efforts by voting to curb funding for the Clinch River project.

PERMISSION FOR SUBCOMMITTEE ON THE CITY OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE, AND PERMISSION FOR THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON JUNE 17, 1977, DURING 5-MINUTE RULE

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on the City of the Committee on Banking, Finance and Urban Affairs may sit during the 5-minute rule today, and that the Committee on Banking, Finance and Urban Affairs may sit during the 5-minute rule on Friday, June 17, 1977, to mark up energy legislation.

The minority members of the committee are in agreement with this request.

The SPEAKER. Is there objection to the gentleman from Michigan?

There was no objection.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1978

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7555) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 4, not voting 87, as follows:

[Roll No. 347]

YEAS—342

Abdnor	Anderson, Ill.	Ashbrook
Akaka	Andrews, N. Dak.	AuCoin
Alexander	Annunzio	Badham
Allen	Applegate	Bafalis
Ammerman	Archer	Barnard
Anderson, Calif.	Armstrong	Bauman
Beard, Tenn.	Gudger	O'Brien
Benjamin	Guyer	Oakar
Bennett	Hagedorn	Oberstar
Bevill	Hall	Obey
Biaggi	Hamilton	Ottinger
Bingham	Hammer-schmidt	Panetta
Blanchard	Hannaford	Patten
Boland	Hansen	Pattison
Bolling	Harrington	Pease
Bonker	Harris	Pettis
Bowen	Harsha	Pickle
Brademas	Hawkins	Pike
Breckinridge	Heckler	Pressler
Brinkley	Heftel	Preyer
Brodhead	Hightower	Price
Brooks	Hillis	Pritchard
Broomfield	Holtzman	Pursell
Brown, Mich.	Horton	Quayle
Brown, Ohio	Howard	Quie
Broyhill	Hubbard	Quillen
Buchanan	Huckaby	Railsback
Burgener	Hyde	Rangel
Burke, Fla.	Ichord	Regula
Burleson, Tex.	Ireland	Reuss
Burlison, Mo.	Jeffords	Rhodes
Burton, Phillip	Jenkins	Richmond
Butler	Jenrette	Rinaldo
Byron	Johnson, Calif.	Risenhoover
Caputo	Jones, N.C.	Roberts
Carr	Kasten	Robinson
Carter	Kazen	Rodino
Cederberg	Kemp	Roncalio
Chisholm	Ketchum	Rosenthal
Clawson, Del	Kildee	Rostenkowski
Clay	Kindness	Rousselot
Cochran	Koch	Roybal
Cohen	Kostmayer	Rudd
Coleman	Krebs	Runnels
Collins, Ill.	Krueger	Ruppe
Collins, Tex.	LaFalce	Russo
Conable	Lagomarsino	Ryan
Conte	Latta	Santini
Conyers	Le Fante	Satterfield
Corcoran	Leach	Schroeder
Corman	Lederer	Schulze
Cotter	Leggett	Sharp
Coughlin	Lehman	Shipley
Crane	Lent	Shuster
Cunningham	Levitas	Sikes
D'Amours	Lloyd, Calif.	Simon
Daniel, Dan	Lloyd, Tenn.	Sisk
Daniel, R. W.	Long, La.	Skelton
Davis	Long, Md.	Skubitz
de la Garza	Lott	Slack
Delaney	Lujan	Smith, Iowa
Derwinski	Luken	Smith, Nebr.
Devine	Lundine	Snyder
Dickinson	McClory	Solarz
Dingell	McCloskey	Spellman
Dodd	McCormack	Spence
Dornan	McEwen	St Germain
Downey	McFall	Stangeland
Drinan	McKay	Stanton
Duncan, Oreg.	Madigan	Stark
Duncan, Tenn.	Maguire	Steed
Early	Mahon	Steiger
Edgar	Mann	Stockman
Edwards, Ala.	Markey	Stokes
Edwards, Calif.	Marks	Stratton
Emery	Marlenee	Studds
Erlenborn	Marriott	Stump
Ertel	Martin	Symms
Evans, Colo.	Mathis	Taylor
Evans, Del.	Mattox	Thompson
Evans, Ga.	Mazzoli	Thone
Evans, Ind.	Meeds	Thornton
Fary	Metcalfe	Traxler
Fascell	Michel	Treen
Fenwick	Mikulski	Trible
Findley	Mikva	Tsongas
Fish	Milford	Tucker
Fisher	Miller, Calif.	Udall
Fithian	Miller, Ohio	Ullman
Flood	Mineta	Van Deerlin
Flowers	Minish	Vander Jagt
Foley	Mitchell, N.Y.	Vanik
Ford, Mich.	Moakley	Volkmer
Ford, Tenn.	Moffett	Waggonner
Forsythe	Mollohan	Walgren
Fountain	Montgomery	Walker
Fowler	Moore	Walsh
Fraser	Moorhead, Calif.	Wampler
Frenzel	Mottl	Watkins
Frey	Murphy, Ill.	Waxman
Fuqua	Murphy, N.Y.	Weaver
Gaydos	Murphy, Pa.	Weiss
Gephardt	Murtha	Whalen
Giaimo	Myers, Gary	White
Gibbons	Myers, Michael	Whitehurst
Gilman	Myers, Ind.	Whitley
Ginn	Natcher	Whitten
Gonzalez	Nedzi	Wilson, Bob
Goodling	Nichols	Wilson Tex.
Gore	Nix	Winn
Gradison		Wirth
Grassley		Wright
Wydler	Yatron	Young, Tex.
Wylie	Young, Fla.	
Yates	Young, Mo.	

NAYS—4

Hefner	Jones, Okla.	Mitchell, Md.
Holland		

NOT VOTING—87

Addabbo	Dicks	Moss
Ambro	Diggs	Neal
Andrews, N.C.	Eckhardt	Nolan
Ashley	Edwards, Okla.	Nowak
Aspin	Eilberg	Patterson
Badillo	English	Pepper
Baldus	Flippo	Perkins
Baucus	Florio	Poage
Bedell	Flynt	Rahall
Beilenson	Gammage	Roe
Blouin	Glickman	Rogers
Boggs	Goldwater	Rooney
Bonior	Hanley	Rose
Breaux	Harkin	Sarasin
Brown, Calif.	Hollenbeck	Sawyer
Burke, Calif.	Holt	Scheuer
Burke, Mass.	Hughes	Sebelius
Burton, John	Jacobs	Seiberling
Carney	Johnson, Colo.	Staggers
Cavanaugh	Jones, Tenn.	Steers
Chappell	Jordan	Teague
Clausen, Don H.	Kastenmeier	Vento
Cleveland	Kelly	Wiggins
Cornell	Keys	Wilson, C. H.
Cornwell	McDade	Wolff
Danielson	McDonald	Young, Alaska
Dellums	McHugh	Zablocki
Dent	McKinney	Zeferetti
Derrick	Meyner	
	Moorhead, Pa.	

Mr. AMMERMAN changed his vote from "present" to "yea."

Mr. BURLESON of Texas changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7555, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, June 15, 1977, all time for general debate on the bill had expired, and the Clerk had read through line 25 on page 2.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I thank the subcommittee chairman for yielding.

Mr. Chairman, I would like to bring your attention to the need for funding of the genetics diseases title of Public Law 94-278, Title IV of the Health Research and Health Services Amendments of 1976. Title IV would provide resources for the conduct of genetic services such as prenatal diagnosis, early treatment, screening, and counseling. I see that your subcommittee reviewed the genetics research and programs conducted under appropriations for the National Institute of General Medical Sciences, the National Heart, Lung, and Blood Institute, and th National Institute of Arthritis, Metabolism, and Digestive Diseases.

However, recognizing that these programs may not sufficiently address the possibilities for preventative health care through comprehensive genetics screening, your subcommittee report directed the Assistant Secretary for Health at HEW to conduct a study to determine

current and future needs of genetic services, to be completed by February 1, 1978. Let me ask you this: If the Assistant Secretary completes this report or if data assessing the need for genetic services is available earlier than February 1978, will the subcommittee be in a position to schedule consideration of the results of the study, and make recommendations for funding to implement title IV before the next fiscal year?

Mr. FLOOD. Yes, if we receive an acceptable report which informs us about the genetics programs now in place, and if the report identifies the best way to deliver these services, I believe the subcommittee will give consideration to funding this program—along with others—in a 1977 supplemental appropriation bill.

Mr. KOCH. Will the chairman join me in urging the Assistant Secretary to complete this study with all due speed, so that we can obtain the necessary data and that implementation of title IV might progress as quickly as possible.

Mr. FLOOD. Yes, I would be happy to join with my good friend from New York in trying to speed up the preparation of the report.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–49n; 39 U.S.C. 3202(a)(1)(E); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2001–2013); title III of the Social Security Act, as amended (42 U.S.C. 501–503); sections 312 (e) and (g) of the Comprehensive Employment and Training Act of 1973, as amended; and necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, 19 U.S.C. 1941–1944, 1952, and chapter 2, title II, of the Trade Act of 1974, including, upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, $53,600,000, together with not to exceed $1,529,000,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $174,400,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increased salary costs resulting from changes in surance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That none of the funds appropriated or otherwise made available in this paragraph shall be obligated or expended to pay Federally funded unemployment compensation to an individual who refuses employment which pays at least the prevailing wage and which meets the labor standards specified in section 3304(a)(5) of the Internal Revenue Code of 1954, as amended, after having received unemployment compensation for 26 or more consecutive weeks, unless such individual is enrolled in a training program under the Comprehensive Employment and Training Act of 1973, as amended.

POINT OF ORDER

Mr. CORMAN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CORMAN. Mr. Chairman, I make a point of order with respect to the proviso on page 5, beginning with the words "Provided further" on line 6 and continuing through line 16. This proviso is in violation of clause 2 of rule XXI, of the Rules of the House.

Clause 2 of rule XXI provides that no provision in an appropriation bill that changes existing law will be in order.

The proviso on page 5 would prohibit the use of these appropriated funds for any administrative costs associated with the payment of federally funded unemployment compensation benefits to an individual who had refused a job paying the prevailing wage, after that individual had collected 26 or more weeks of unemployment compensation.

In order to be in compliance with this proviso, unemployment compensation agencies will have to either deny benefits to such individuals, or pay for the administrative costs associated with the payment of benefits to such individuals out of State or other Federal funds. Either alternative will impose new duties and require additional determinations, not required under present Federal law, on the part of the administrators of the unemployment compensation program.

Specifically, both of these alternatives would require the administering agency, with regard to every claimant who had collected 26 or more weeks of unemployment compensation, to determine whether or not the individual had refused a job paying prevailing wages. This determination would have to be made either for the purpose of denying benefits to such individuals or to identify that portion of a State's administrative costs that could not be paid out of Federal funds provided in this appropriation bill.

Such a determination is not required under present Federal law. This proviso changes present law in that it requires this new and costly determination on the part of UC administrators. Furthermore, there are no funds provided to cover the costs associated with this additional determination and responsibility.

It has been argued that this proviso requires no new duties or determinations beyond those required under section 3304(a)(5) of the Internal Revenue Code. This argument is incorrect.

Section 3304(A)(5) prohibits a State from denying benefits to an individual who has refused a job that pays less than prevailing wages. This section of present law, in other words, prohibits a State from taking certain actions. It does not require a State to do anything, unless a claimant appeals a prior State action. In fact, a State can comply with this section of present law by never denying UC benefits to anyone on grounds of a refusal to accept work.

The proviso on page 5 of the appropriation bill before us is just the reverse. It requires unemployment compensation administrators to make certain determinations and take certain actions based on those determinations. Specifically, for every claimant who has collected 26 or more weeks of UC benefits, the administrator must determine whether or not he has refused any job that paid prevailing wages, and, if so, the administrator must either deny him any additional benefits or recover costs associated with the processing and payments of additional benefits from a new source of funds.

Furthermore, the proviso is in conflict with the work requirement provisions of the Emergency Unemployment Compensation Act of 1977, Public Law 95–19, as it applies to individuals who apply for or are collecting Federal supplemental benefits. This law, enacted in April of this year, prohibits the payment of Federal supplemental benefits to an individual who refuses a job, if the job:

Is within his capabilities;

Pays the minimum wage and gross wages equal to the individual's unemployment benefits, including any supplemental unemployment benefits for which the individual is entitled because of agreements with previous employers;

Is offered in writing or listed with the employment service;

Meets other requirements of Federal and State law pertaining to suitable or disqualifying work that are not inconsistent with the three conditions just stated.

The effect of the proviso would be that, in the 20 States where Federal supplemental benefits are presently being paid, there will be two different and inconsistent Federal work requirements for claimants of Federal supplemental benefits who have collected 26 or more weeks of benefits.

Present Federal law pertaining to the Federal supplemental benefits program denies supplemental benefits to an individual who refuses a job paying the minimum wage, and provides a number of carefully worked out conditions, protections, and procedures necessary for the proper and effective administration of this kind of a Federal standard. Whereas, the proviso on page 5 of the bill before us refers to "prevailing" rather than "minimum" wages, which can be substantially different. Also the proviso would appear to negate all the other conditions, procedures, and protections contained in present law and carefully developed by the Committee on Ways and Means. This clearly constitutes a change in present Federal law pertaining to the Federal supplemental benefits program.

As I have explained, the proviso on page 5 imposes a new responsibility on the part of the agencies that administer the unemployment compensation program. It requires a costly determination not required under present law and provides no funds to cover the costs of this additional determination.

With respect to the Federal supplemental benefits program, it changes, or is in conflict with, a provision that, over a period of many weeks, was very carefully formulated and specified.

Consequently, this provision is in violation of clause 2 of rule XXI of the Rules of the House.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard on the point or order?

Mr. FLOOD. I do, Mr. Chairman.

We believe that this language is simply a limitation on the use of the appropriated funds in the bill. It gives no affirmative direction to the executive branch, in

our judgment. It imposes no new or additional duties and requires no determination that would not normally be made.

Therefore, Mr. Chairman, we ask the Chair to overrule the point of order.

The CHAIRMAN. Does the gentleman from Illinois (Mr. MICHEL) desire to be heard on the point of order?

Mr. MICHEL. Yes, Mr. Chairman, I would like to be heard on the point of order.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, . . .

This appears to be the real question involved in the point of order raised by the gentleman from California (Mr. CORMAN). But I would like to ask the present occupant of the Chair, who is so well skilled in the rules and parliamentary procedures and the precedents of the House, to examine the rest of that clause.

Historically this provision has been amended many times. At one time the Committee on Rules could not agree as to the proper position after questions arose of increased power which some said would come to the Committee on Appropriations.

I mention this for a special reason. Our appropriations process has now been modified by enactment of the Budget Act and is constantly challenged, as we will no doubt find during consideration of the present bill. The challenge to the appropriation process is currently in the form of limitation amendments such as the one on this subject, and upon which the Chair is constantly being called upon for a ruling as to whether it is a proper limitation under this rule and the existing precedents and statutes.

Having said that, the question again is whether the language does in effect change the existing law. I contend it does not change existing law and does not place an additional duty upon the executive officer as a result of this position. I do not believe that the gentleman from California (Mr. CORMAN) has adequately demonstrated that the language does change existing law.

The rationale behind the precedent on the rule for limitations in appropriation bills, is that this body has the right to decline to appropriate for any purpose which they deem improper, although that purpose may be authorized by law. Based on this premise, there are many rulings that if the House has the right not to appropriate funds for a specific purpose authorized by law, then it has the right to appropriate for only a part of that purpose and prohibit the use of money for the rest of the purpose authorized by law.

This language, I contend, is not a change of law but rather a restriction on the use of funds to pay federally funded unemployment compensation to those who do not meet certain qualifications.

If the Chair will indulge us a few further moments, specifically, as the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) has said, the language is simply a limitation. It was written as such. It is limited to the funds appropriated in this bill. It does not change existing law. It is very similar in nature to the Findley OSHA limitation 3 years ago and to the OSHA and busing limitations we considered in connection with the Labor-HEW bill last year, all of which were subject to points of order and overruled then by the Chair.

This limitation, like the others, is simply a negative restriction on the moneys contained in this bill.

As to those supposedly additional duties imposed upon the executive branch that my friend the gentleman from California (Mr. CORMAN) alludes to, let me say:

Prevailing wages are already determined by the Labor Department. They are determined under Davis-Bacon for construction jobs, under the Service Contracts Act for jobs involved in such contracts, as part of the certification process for the employment of aliens, and for in-season agricultural jobs. In addition, and most importantly, when an employer lists a job with the Employment Service, the Employment Service must determine whether or not the wages paid are "substandard." The Employment Service considers standard wages as prevailing wages and substandard wages are thus those wages falling below prevailing wages. If substandard wages are paid, the job listing is so designated, and the Employment Service does not refer applicants to such jobs.

We can refer further for authority to the employment security manual on that item. Furthermore, under the requirements of the Federal Unemployment Tax Act, an individual cannot be recruited for employment, and unemployment benefits cannot be denied to an individual who refuses to accept work, "if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality."

On that we have authority again from the head, Mr. Weatherford, of the Unemployment Compensation Office in the Department of Labor. Both of these last two standards, in other words, require the Employment Service to determine the prevailing wage in order to carry out the standards, and this is being done. Under regulations prescribed by the Secretary of Labor, individuals receiving unemployment benefits are required to register with the Employment Service. The limitations in the bill thus apply to individuals registered with the Employment Service and jobs listed with the Employment Service. Since a determination of the prevailing wage is made for the jobs listed and to which individuals are referred, there will be no extra effort required on the part of the Department then to carry out the limitation language.

Let me address myself now to the 26 weeks the gentleman referred to. The limitation does not apply to any benefits until after an individual has received benefits for 26 weeks. The Unemployment Insurance Office keeps track of how long each individual has received benefits. In addition, when a recipient of unemployment benefits registers with the Employment Service, the Unemployment Insurance Office tells the Employment Service the date when the individual started receiving benefits. So the information as to the length of time benefits have been received and, thus, the point when 26 weeks have passed is readily available and will not require any extra effort.

As to when the Federal benefits begin, after the State has concluded its obligation or there is a shared benefit, the Unemployment Insurance Office retains separate accounts for benefits paid by different sources of funds, so that when there is a change in the source of funding for an individual's benefits such as after 26 weeks when the Federal Government in most cases pays half, a new bookkeeping transaction takes place. It is a simple matter for the unemployment insurance arm to notify the Employment Service arm of this without any increased effort, since both are part of the same State employment security agency and most of the time are located in the same suite or facility around the country.

I think there are some other specific points to which we might make reference, but I think that pretty well ought to give the Chair good grounds upon which he could overrule the point of order raised by the gentleman from California.

The CHAIRMAN Does the gentleman from California (Mr. CORMAN) desire to be heard further?

Mr. CORMAN. I would like to be heard for just a moment. There seems to be some confusion in some minds about how unemployment compensation works. The first 26 weeks is not necessarily the State program. The first half of one's entitlement is that. We have just spelled out in substantial detail the work requirements under FSB. About 25 percent of those who draw FSB draw it within the first 26 weeks in which they work. After that period of time we would have legislated to separate inconsistent work requirements, and that is clearly legislation on an appropriation bill. It would be next to impossible for an administrator to administer because the job requirements would be inconsistent.

The CHAIRMAN. The gentleman from California has made a very scholarly and thorough point of order, and he has received a very scholarly and thorough reply. This is a very complicated matter and a difficult one for the Chair to rule on.

The Chair feels that the crux of the matter lies in whether or not the Federal officials who now process unemployment compensation claims are presently required to make a judgment with regard to the refusal of work paying the prevailing wage.

The Chair does not believe that the arguments on either side have done anything to demonstrate that this would not be an additional duty for those particular officials. Therefore the Chair feels that on this ground and some that he would like to read the point of order is valid and the Chair will sustain the point of order at the conclusion of his statement.

The gentleman from California makes a point of order against the proviso in the bill on the grounds that it constitutes legislation on an appropriation bill.

The proviso prohibits the use of funds in the bill for processing of unemploy-

ment compensation benefits after 26 weeks to individuals refusing work which pays the prevailing wage. As indicated by the argument of the gentleman from California, the executive officials administering the program are not under a responsibility as they process claims pursuant to existing Federal law, to make case-by-case determinations as to the prevailing wage for positions of employment. The proviso in the bill would place affirmative duties on persons whose salaries are paid by funds in this bill to make such determinations.

Despite the excellence of the argument of the gentleman from Illinois, the Chair still feels that the weight of the argument lies on the side of the gentleman from California, and therefore the Chair, for those reasons and the reasons that he has suggested, sustains the point of order and the proviso is stricken.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair feels that under the circumstances he must recognize the gentleman from Illinois.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 5, line 6, after "derived", strike the period and insert in lieu thereof, ": *Provided further*, That none of the funds appropriated or otherwise made available in this paragraph shall be obligated or expended to pay federally funded unemployment compensation to an individual who refuses employment which pays the higher of the minimum wage or the average unemployment benefit in a state and which meets the labor standards specified in Section 3304(a)(5) of the Federal Unemployment Tax Act after having received unemployment compensation for 26 or more consecutive weeks, unless such individual is enrolled in a training program under the Comprehensive Employment and Training Act of 1973, as amended."

Mr. CORMAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California has reserved a point of order, and the gentleman from Illinois is recognized for 5 minutes.

Mr. MICHEL. Mr. Chairman, in view of the ruling by the Chair, I am offering amended language which seeks to overcome the point of order problem. Instead of using the prevailing wage as the standard, I am using the minimum wage or the average State unemployment benefit payment level, whichever is higher.

This is the language which is already in the law for recipients of Federal supplemental benefits. That standard applies to recipients after 39 weeks of benefits, and I am simply proposing to extend it to all Federal benefits after 26 weeks of having received unemployment benefits. This standard is consistent with the authorizing legislation, and certainly does not result in any additional effort because it is already determined by the Department of Labor.

I offer this amendment because I believe it is particularly important that we zero in on the problem whereby many of the long-term unemployed seem to find it more comfortable to continue to receive unemployment benefits rather than take a job that may be a couple of cuts below what they may desire.

That this is a real potential problem is indicated by results of a recent Labor Department survey of the long-term unemployed which showed that only 31 percent would be willing to take public service jobs paying $8,000 a year and only 11 percent would be willing to take such jobs paying the minimum wage.

This latter figure represents statistical evidence of what many have felt is a general attitude in this country toward lower paying jobs on the part of those receiving unemployment compensation or other forms of Government benefits. Media reports frequently cite cases where people prefer the "free money" or unemployment compensation to jobs, and a HEW study on income maintenance programs shows that people with lower paying jobs were more likely to leave these jobs when they receive income maintenance payments.

Under present law, as I mentioned previously, there are tighter requirements governing the suitability of jobs after 39 weeks of receiving unemployment benefits, but 39 weeks or three-quarters of a year is simply too long of a time frame to allow people the luxury of receiving benefits while waiting for a job that suits them, particularly when there are lower paying jobs or jobs in other fields that are going begging. Under most criteria, long-term unemployment is defined as beginning after 15 weeks, and I had seriously considered using 15 weeks in this limitation. In the interests of compromise, though, I am going with 26 weeks, and this is a good benchmark, because after 26 weeks, the Federal Government begins sharing with the States the cost of financing unemployment benefits.

I should reiterate that this limitation does not pertain to State-financed benefits, nor does it require anybody to take a particular job. It simply says that after 6 months, the prospects are limited that an individual will be rehired or will find a job to his liking, and that if he wants to continue his search for a job in his field or income range, that he do so without Federal support if he chooses to turn down a job in another field or lower income range that becomes available.

This language is designed to zero in on an overall problem we have in this country, and that is that we have got to provide an incentive to people to seek out and take some of the lower paying jobs in the private sector rather than remaining on Government benefit rolls. The costs are simply too high in terms of the cost of unemployment and welfare benefits to permit people to languish in these positions while thousands of private sector jobs go unfilled.

You know, the Washington Post now has a special section under classified advertising headlined "employment," in which all the help wanted ads are contained. Last Sunday, this section contained 22 solid pages, 10 columns each, of such ads.

Based on some limited surveys, there may be as many as 1.5 to 2 million jobs available but unfilled in the private sector. Many of these are low paying jobs. A Labor Department official told this subcommittee a year ago that almost anybody on the unemployment rolls could be placed in these types of jobs if that were the desire. The problem is that too many Americans, including those on unemployment, on welfare, or in public service jobs, view these lower paying private sector jobs as demeaning and beneath their dignity. This is one of the explanations offered for the high number of illegal aliens in this country—that they are filling many jobs American citizens do not want.

The point is that these are jobs which involve work that has to be done. The jobs ought to be filled by Americans out of work and living off the tax dollars of others. The language I am proposing will help to provide an inducement in this regard.

This fits right in with and is particularly important to the welfare changes President Carter is apparently contemplating. His welfare proposal is expected to emphasize jobs, particularly jobs in the private sector because they obviously would be much less costly than Government jobs. To accomplish this, we need a framework that encourages people to take jobs, particularly private jobs, and that is what this limitation seeks to accomplish. We must establish a system oriented toward using up all private sector jobs, lower paying as well as higher paying, before relying on Government public service jobs, and when relying on public service jobs, a system which insures that people will continually seek private sector jobs even while holding these public service jobs.

In this connection, I also offered an amendment in committee which would have placed a lower ceiling on the amount of wages that can be paid for public service jobs.

The present ceiling is $10,000, but this is really too high to serve as a sufficient incentive for people to continually search for jobs in the private sector. It is important that we provide an incentive for this search, because, according to the Labor Department, only 24 percent of the PSE jobholders end up in other jobs when they leave their PSE jobs.

That amendment lost in committee, and I would not offer it here on the floor because of the press of business, but I do think that at some point we have to seriously address this problem.

With 13 million Americans currently working full time on a year-round basis and earning less than $7,000 annually, and with another 7.6 million working full time for 27 to 49 weeks and earning less than $7,000, it is clearly unfair to these people to have individuals collecting Government benefits, at sometimes even higher levels, without working, or to have individuals in public service jobs receiving pay at higher rates. We simply must make sure that we do not create an attitude on the part of these millions of working Americans in lower paying jobs that it is better or more advantageous to rely on the Government for their livelihood than on their own initiative. The language I am proposing is designed to help overcome at best one aspect of the problem, and I fervently hope it will be accepted.

The CHAIRMAN. Does the gentleman from California make the point of order and insist on the point of order?

Mr. CORMAN. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair will listen to the gentleman, of course, to make the point of order and the argument for it; but the Chair, while no expert on unemployment, is concerned about having the argument go to the question of when the Federal official, who must make a determination on the payment of unemployment compensation, has to make a determination with regard to a job that has been refused, that pays a certain level of wage. The Chair is interested in knowing the timing on that in the discussion that will come forth.

Mr. CORMAN. Mr. Chairman, I thank the chairman for that guidance.

There is considerable confusion as to what periods of time, which programs pay an unemployed worker. Those who are entitled to the maximum period of unemployment insurance have 26 weeks of regular insurance paid for out of State employer taxes, the administration for which is paid for out of Federal employer taxes.

At the end of that 26 weeks, if he has not been employed, he has an additional 13 weeks called extended unemployment benefits. That is paid, one-half out of State employer tax, one-half out of Federal employer tax, and the administration for which is paid out of Federal funds. During all of that period of time the suitability of work requirement is based on State law, with a Federal minimum below which suitability may not fall.

After that 39-week period there is a Federal supplemental benefit program which has been triggered in some 22 States. In those States where the unemployment rate is over 6 percent, one draws an additional 13 weeks financed totally out of the Federal Treasury. For that 13 weeks, there is a Federal suitability of work requirement which was adopted by this House this year. It is a reasonably good one; it is not the one read by the gentleman from Illinois; it is very different from that.

Now, the dilemma is that about a third of the employees who are drawing benefits do not draw the maximum benefit, and so in that first 26 weeks some would be totally under the State program; some for a portion of the time would be under State and State/Federal; and some would be under State, State/Federal and totally Federal. There is nothing that can disclose at what period of time one triggers in, because whatever his entitlement may be, it is one-half State, a quarter State/Federal, and a quarter Federal.

The greatest problem of all for the administrator would be attempting to apply suitability of work requirement, which is totally inconsistent, but was the direction of the Congress for those people drawing FSB within the first 23 weeks. There is no question but that there would be an additional requirement on administrators to ascertain the suitability of work inconsistent with and different from their own State requirements and the recently-passed Federal requirement. That is my point of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. MICHEL. Only to say, Mr. Chairman, that what the gentleman is saying about what conditions do prevail, other than the wage, after 39 weeks, we are simply seeking to impose at the expiration of the 26 weeks. All that information is at hand, and there are absolutely no additional duties required. We are simply tightening up 13 weeks on what the gentleman's position is with respect to what flows after 39 weeks.

It is perfectly in order that what we are doing here again, I say, is a limitation. Under chapter 25, section 10, Deschler's Procedure, it is not in order in an appropriation a bill to insert by way of amendment a proposition which places additional duties on the executive officer, but the mere requirement that the executive officer be the recipient of information is not considered as imposing upon him any additional burdens, and is in order. There are, of course, ample precedents for that. I rest my case.

Mr. CORMAN. I may just respond to the one point, Mr. Chairman, by saying that the amendment proposed is not consistent with the Federal supplemental benefit requirements. Even if it were, I believe a point of order would lie, but it is not consistent.

The CHAIRMAN. The Chair will state again that this is a very difficult and complicated problem. The Chair feels that, although the gentleman from Illinois has made a strong argument, that the Chair is required by the precedents to construe limitations strictly. The weight of the argument, in the Chair's opinion, falls on the side of the gentleman from California, and the Chair, for the reasons stated in his prior ruling and after hearing the additional argument made by the gentleman from California, sustains the point of order against the amendment.

The Clerk will read.

The Clerk read as follows:

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Funds provided under this head in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1977, shall be available for the payment of advances to the Unemployment Trust Fund for emergency compensation as authorized by section 104 of the Emergency Unemployment Compensation Act of 1974, as amended.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to insert into the RECORD, under leave previously granted, letters written to Secretary Califano by the chairman of the Committee on Education and Labor, by the chairman of the Committee on Appropriations, by the appropriate subcommittee chairmen, and one reply from Secretary Califano, addressed to the Honorable DANIEL J. FLOOD, Chairman of the Subcommittee on Labor-Health, Education, and Welfare of the Committee on Appropriations. The letter to Secretary Califano requests a study of the program of aid to schools in federally impacted areas and a study of methods to streamline and improve administration of all programs of Federal student assistance. That letter is dated June 13, 1977. A letter dated June 15, 1977, from Secretary Califano, replies that the Secretary will conduct the studies requested as expeditiously as possible and report the recommendations after consultation with the appropriate committees.

Mr. Chairman, under leave previously granted, I insert these into the RECORD at this point.

The letters are as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 13, 1977.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare, Independence Avenue, S.W., Washington, D.C.

DEAR MR. SECRETARY: We are writing to you to request that you undertake the following two studies:

1. A study of the program of aid to schools in Federally impacted areas. There has been much controversy over this program, particularly part B, and we need to study and develop alternative ways of providing assistance to elementary and secondary education.

2. A study of methods to streamline and improve administration of all programs of Federal student assistance.

We believe that actions must be taken in both these areas in the near future.

With best wishes.

Sincerely,

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

FRANK THOMPSON, Jr.,
Chairman, Subcommittee on Labor-Management Relations.

JOHN BRADEMAS,
Chairman, Subcommittee on Select Education.

WILLIAM D. FORD,
Chairman, Subcommittee on Postsecondary Education.

GEORGE H. MAHON,
Chairman, Committee on Appropriations.

DANIEL J. FLOOD,
Chairman, Subcommittee on Labor-Health, Education, and Welfare.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 15, 1977.

Hon. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor—Health, Education and Welfare, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of June 13 requests that I undertake a study of the program of impact aid, noting that there has been much controversy over that program, particularly Part B, and that we need to study and develop alternative ways to provide assistance to elementary and secondary education. Your letter also requests that I conduct a study to streamline and improve all programs of federal student assistance.

As you know, the President's budget recommended elimination of the Part B impact aid program and reorientation of the student assistance programs.

I will conduct the studies you request as expeditiously as possible and report our recommendations to you after consultation with the appropriate committees and the leadership of the House.

We too believe action must be taken in both these areas in the near future.

Sincerely,

JOSEPH A. CALIFANO, Jr.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration,

$136,640,000, of which not to exceed $9,000,000 shall be available for reimbursement to States under section 7(c)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(c)(1)) for the furnishing of consultation services to employers under section 21(c) of such Act (29 U.S.C. 670(c)): *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for 10 or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation and employs 10 or fewer employees.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: On page 8 line 6, strike "$136,640,000" and insert in lieu thereof "$130,333,000".

Mr. SYMMS. Mr. Chairman, this amendment is very easily understood and it is very simple. We are simply going to cut $6,307,000 for the Occupational Safety and Health Administration from what the committee had determined was the proper amount to give them. So it is not a big cut. We are simply going to hold OSHA to the level of where they were last year. I offer this amendment for several reasons. I think I would just like to go into it very briefly and we can, hopefully, get a vote on the amendment so that people can register their feelings toward this agency.

Mr. Chairman, I think it would be nice if, for all Federal agencies, every time the Federal Register is written, they always put at the bottom line of whatever the regulations are that when all else fails commonsense will prevail. However, in OSHA this has not happened. There has never been a Federal agency which has aroused the ire of the American people more than OSHA.

There are several court rulings. I know my colleague from the other half of my State of Idaho will be offering an amendment which will stop warrantless searches. But the problem is, all of these amendments which we try to get in, either because of a point of order or something like that, for one reason or another we cannot seem to get the amendment voted on. If the Congress will refuse to spend the amount of money usually given to any agency, the gentlemen on the Committee on Appropriations will really gain the respect of the bureaucrats downtown. They will come to the Committee on Appropriations next year on bended knee. They will come to the Members of Congress, and then they can be told to stop doing things like issuing a statement that the best way to not have an accident is to prevent it; be careful around the farm; hazards are one of the main causes of accidents; manure is slippery, keep a good house; put tools away. There are some things here about old boards and junk in feedlots and that people and cattle can be hurt by glass, cans, old machines, and other junk; these are ridiculous type publications produced by OSHA bureaucrats.

Mr. Chairman, I think that this campaign that was produced by OSHA in 1976 is nitpicking, and that is what is making the American people mad. A very light, moderate cut, holding that agency to last year's funding, will have a bigger impact on the sensitivity of this agency toward the American people than anything else that the Congress can do with respect to OSHA.

I have long said that one of the best safety programs the Federal Government ever ran was the "Smokey the Bear" program run by the U.S. Forest Service. That program was based on the idea that "Only you can stop forest fires." The Forest Service does not have a program where they are going out and harassing people about stopping forest fires; they are simply running a commonsense program, and they say that "Only you can stop forest fires." This program places the responsibility for fire prevention on individual action and I support its thrust.

The same thing could be true here: That "Only you can stop accidents."

OSHA has always been very punitive in its nature. It is very un-American in its approach to solving problems.

I think we should look at the record of mine safety, for example, specifically, the hard rock mine safety program versus the coal mine safety program. The hard rock mine safety program is run on a cooperative basis, and the coal mine safety program is run on a punitive basis. I think the record shows the hard rock mine safety program is working out much better.

So I would encourage the Members to support my amendment. Let us hold OSHA to last year's funding. The new Director under the new administration has already stated that they are going to stop the nitpicking of OSHA and direct their efforts toward major health hazards. This will have a supportive action from the Congress, and with this amendment they will not have as much money to spend. We can cut some of their money back, and then they will not have to hire as many people.

That is the only way we as Congressmen can send a message downtown. This involves their funds, their money. That is the only clout we have, and it is our responsibility to exercise some control in this way.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

As I understand it, all this amendment does, then, is to keep the level of expenditures for fiscal year 1958 at OSHA at the same level it has been in 1977?

Mr. SYMMS. The gentleman is correct. This bill includes $136,640,000 for OSHA. That means an increase of $2 million over the budget, and it is $6,307,000 over the amount for fiscal year 1977. My amendment simply returns the funding to last year's level.

I think this is a very moderate cut, and I hope the committee members on the majority side will accept the amendment.

Mr. ROUSSELOT. Mr. Chairman, the gentleman's amendment does not assure that those very ridiculous things that have been done in the way of issuance of memorandums or orders will be lessened on the part of this agency, but the gentleman is merely trying to use this amendment to send some strong messages to OSHA so they will discontinue these obviously bad practices.

Mr. SYMMS. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. SYMMS) has expired.

Mr. SYMMS. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 1 additional minute.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I said the other day that I would object unless we can be assured that every Member would get a chance to speak. I am serious about this, and I am in fact doing this on a request of my very best friend.

Will my friend, the gentleman from Pennsylvania (Mr. FLOOD), indicate whether debate will be cut later on?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I am not sure about that. It is a little early in the day to make a statement on that.

Mr. ASHBROOK. Mr. Chairman, further reserving the right to object, it is going to be a long day, and if we are going to establish the tradition early in the day that all Members will get all the time they want and then at the end of the day they will not get any time because we have a limitation, I will object to these requests all day long.

I do not think that on this occasion there will be a cutting of debate, so I will not object now, but I will on every other occasion unless we are assured that we can have debate and will not have it cut off for Members who want to speak later.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

swer to my friend, the gentleman from Idaho (Mr. SYMMS) is recognized for 1 additional minute.)

Mr. SYMMS. Mr. Chairman, in answer to my friend, the gentleman from California (Mr. ROUSSELOT), I would say to the gentleman that this amendment does not guarantee that the nitpicking and the harassment will stop. It does not guarantee that the fines and some of these other things are going to stop. What it guarantees is that the Congress

is expressing the fact that it is displeased with the agency.

Whichever side of the aisle we are on, from whatever part of the country we come, what we want to do in the House of Representatives is to try to direct these agencies to take care of the interests and the sensitivities of the American people instead of running roughshod over them and issuing bureaucratic edicts and dictatorial orders. The only way we can give the message to them is not to give them all the money they ask for. That is the one thing bureaucrats understand. That is the only way we can get to them; any other way is superficial.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I will ask the gentleman this question: Who was responsible for all this action? Which administration was handling OSHA ever since the passage of the act?

It was the gentleman's administration.

I hope that my good friend has been listening attentively to what the new Under Secretary or Assistant Secretary, Eula Bingham, has been saying?

The CHAIRMAN. The time of the gentleman from Idaho (Mr. SYMMS) has again expired.

(On request of Mr. GAYDOS and by unanimous consent, Mr. SYMMS was allowed to proceed for 1 additional minute.)

Mr. GAYDOS. Mr. Chairman, will the gentleman yield further?

Mr. SYMMS. Mr. Chairman, let me make one observation, and then I will yield to the gentleman.

Mr. Chairman, I will just say to the gentleman first that I congratulate Eula Bingham for this position. Let me say also that I am not proud of the administration of OSHA, and I am not proud of the fact that OSHA was signed into law by a Republican President.

Mr. Chairman, I now yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I think the gentleman in the well should be proud because I think there is a change of direction in this act. It is going to become popular, through the new concept, to support something as humane as protecting a person at his place of work.

It is not going to be similar to the situation during the last 4 or 5 years, when it was popular to slam OSHA. I think the American people's conscience has now been awakened, and we are going to have a whole new era.

Mr. Chairman, I think the gentleman in the well, being a fair individual, should give this Administration a fair chance. If the Administration does not meet the challenge, then I will join the gentleman in criticizing this Administration.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for his comments.

His comments give me more enthusiasm as to why my amendment should be supported. We are going to help the new Administrator in understanding that the Congress wants cooperation.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, under all of the circumstances, this amendment could clearly be classified as an amendment in the so-called mischievous class.

I am not quite sure what purpose it is supposed to serve. The increase over the current year in OSHA's budget is $6.3 million. That is about 4.5 percent, no more; and a large portion of that increase, $2.8 million, is for expenses that are generally considered mandatory, no matter what the Department might be. Any Government agency, no matter which one we talk about, has increases of this kind in its budget every year.

For example, let us take a look at rental costs. There has been an increase for rental of office space by GSA. Let us remember that.

Mr. Chairman, this money must be paid. There is no question about it and no choice with respect to it. Let us take utilities. We have heard enough about that subject. They go up continuously.

By the way, let us consider all Federal employees. They received a pay increase last fall. That causes an automatic increase in personnel costs for the next fiscal year.

There are additional small increases that were requested by the administration totaling $1.5 million. Of that increase, $500,000 is to renovate the OSHA training facility, about which everybody has expressed such great interest all during the year. It is to improve the training that we are all talking about, to improve the training of the OSHA inspectors. Further, there is $1 million to allow the Secretary to evaluate the whole OSHA setup and, hopefully, come up with some better ways of running the entire operation.

The committee added $2 million to allow OSHA to increase its efforts to provide additional education, additional training of the workers and employers, particularly small businessmen.

We had an extended discussion about that. It is important to make all people aware of the workplace hazards so that voluntary steps can be taken to eliminate them. I emphasize "voluntary steps."

Mr. Chairman, I want to make it very clear that the committee added no new positions for inspectors or anything else, absolutely none. The number of people is exactly the same as it was last year.

So the increase over last year is very small. We think that there are valid reasons for that. This approach has been called a meat-ax approach, the old meat-ax approach. There is no real logic to that kind of thinking with regard to a complicated measure like this one.

Mr. Chairman, I urge all the Members to be reasonable and to reject this amendment.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the distinguished chairman for yielding.

I just want to say that it may be a meat-ax approach; but there is a simple solution to this question, and that is that they do not hire any new people for a while until they achieve this balance.

Once they have earned the right to have the increases that the other agencies of the Government have, then we can give an increase to them.

I offered the same amendment back in the 93d Congress, and we did not pass it.

Mr. FLOOD. I understand that very well.

Mr. SYMMS. However, they got the message, even though it may have been slight, because 179 Members voted in support of that amendment.

Mr. FLOOD. The gentleman's position is very clear. We understand what he has in mind.

It is still a meat-ax approach. It is not the way to handle action on an appropriation bill. It never was, and it never will be.

Mr. SYMMS. Mr. Chairman, if the gentleman will yield further, how are we ever going to get the agencies of the Federal Government and the budget under control if we do not take a broad approach?

Mr. FLOOD. Oh, we have done that many times indeed, as the gentleman knows.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Idaho (Mr. SYMMS).

Mr. Chairman, I would like to address the issue of this amendment by Mr. SYMMS being a meat-ax cut. That is just not true. Six million dollars out of an OSHA budget as large as this substantial amount, almost $136.6 million, is no big meat-ax cut.

Also, Mr. Chairman, I would like to point out to my colleagues that in most States the State governments have entered this field very aggressively. When the Occupational Safety and Health Act was originally considered in 1970, we were told that its purpose was to encourage State governments to provide safety and health in the field of employment and that we would slowly turn this responsibility over to them.

I believe Mr. SYMMS' amendment is a very reasonable request because it merely puts the appropriation for the Occupational Safety and Health Administration at the same level as last year. Certainly, President Carter himself has said, and has pledged to this country, that we will cut back on Federal Government and return it to the local level. I know all of my colleagues on the other side of the aisle are eager to support him.

We do not have to recount the various ways OSHA unnecessarily harasses the businesses of this country, and we do not have to recount the safety record of this agency which is abysmal. There has not been an improvement in the safety of workers as a result of OSHA. For example, estimates by the National Safety Council are that there were 2.2 million

industrial injuries in 1975 compared with 2.3 million injuries in 1974. Taking into consideration the decrease in the employment population in 1975, this poll translates into an increase from 10.2 injuries per million man-hours in 1974 to 13.1 injuries per million man-hours in 1975. Whatever improvements there have been are due to other reasons, and not because of OSHA.

I thank my colleague, the gentleman from Iowa (Mr. SYMMS) for offering the amendment. This merely is a simple restraint. This is to say this agency will only spend what it spent last year. It will not cut out their ability to train and do all the other things. It is clearly not a meat-ax cut. That is just an inappropriate term to apply to this simple restraint through a 4.8 percent across-the-board decrease in OSHA's fiscal year 1978 appropriation.

I know some Member is going to get up and say we spill that much money on the floor every day here, however, I do not believe that is a good excuse for not restraining an agency that every one of us knows has had a terrible record in its ability to implement ideas and to educate employers and workers in using safety standards. It just simply has not done its job.

My colleague's amendment to H.R. 7555 will help the States in assuming their responsibility. That is what the authors of the 1970 act told us when they originally brought this legislation to the floor that, yes, this will basically be a temporary thing. The Federal Government will only get it started and when the States can do the job then we will relieve the Federal Government of its oversight responsibility.

I think this is a reasonable amendment. I repeat, it is not a meat-ax cut. Those who may not be for the amendment are shutting their eyes to the terrible record of this agency, regardless of the new Administrator's statement that she will eliminate unnecessary paper work. I believe we can help her by the passage of this amendment.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I will be delighted to yield to the distinguished gentleman from Texas.

Mr. MAHON. Mr. Chairman, I believe that all of us have had a problem with OSHA. The operation of OSHA has been notoriously bad.

Mr. ROUSSELOT. What did the gentleman from Texas say, notoriously bad?

Mr. MAHON. Notoriously bad; inexcusably bad.

Mr. ROUSSELOT. Inexcusably bad?

Mr. MAHON. I have appealed to OSHA officials from time to time over the years in an effort to get better administration of the law and better treatment for American citizens. I have tried to indoctrinate officials of OSHA into the idea that they are the servant of the people and not the master of the people.

Mr. ROUSSELOT. How is the gentleman from Texas doing on that indoctrination?

Mr. MAHON. I am not doing so well.

But, Mr. Chairman, I believe under the new administration OSHA will do better. I went to my district where we had a meeting with OSHA officials on this matter. Following that meeting the Director of OSHA came to my office and in effect said that OSHA was determined to do a better and more realistic job in dealing with the problems of occupational safety and health. Reference was made in the meeting to seeking better relations and going after whales, not minnows.

Mr. ROUSSELOT. I agree with the gentleman from Texas, I believe the new Administrator, Dr. Elva Bingham, can do many of the things she has stated.

Mr. MAHON. Yes, and a great deal can be accomplished within the agency. I think we all believe in health and safety. We believe in safety everywhere.

Mr. ROUSSELOT. Absolutely.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. MAHON, and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. MAHON. If the gentleman will yield further, I am just hoping we can do something to get this organization on the right track and that the American people may get the type of service they are entitled to get from the Occupational Safety and Health Administration.

I thank the gentleman for yielding.

Mr. ROUSSELOT. I appreciate my colleague's comments. In conclusion, I think the comments of the gentleman from Texas illustrate very clearly why it would be a good idea to send OSHA a heavy signal and just continue the agency's appropriation at the same level we had last year—$130 million—and give the new Administrator a chance to eliminate some of the paperwork. That might eliminate the necessity for the $6 million that my colleague wishes to cut. Let us keep it at last year's level of expenditures.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

If I could have the attention of the subcommittee, Mr. Chairman, I listened to the statements made by my chairman, the gentleman from Texas. This week I met, too, with the head of OSHA and other representatives of that agency. As the gentleman from Pennsylvania, my friend, will recall, when this appropriation bill was before the Committee on Appropriations, I asked at that time if efforts would be made to see that we got a more sensible approach to many of the problems that OSHA deals with.

Mr. FLOOD. If the gentleman will yield, I recall that.

Mr. WHITTEN. At that time I did not offer an amendment—I shall not at this time—but I did want to point out here that the pinch at the moment has to do with cotton ginning.

I have a highly diversified district from Arkansas to Alabama, but the rules as they were directed would prevent the processing of cotton. If one is not in the cotton business, he might not think that would make much difference. But if we prevent the harvesting or processing of agricultural commodities, or even the production, somebody is going to go hungry. I was assured in the meeting I had that OSHA realized many of these problems and that they were going to go to work to correct its excesses; that it would probably be beyond the new harvesting season before they issued anything on ginning and that they would go into these matters and see that the agricultural commodities were produced, harvested, and were processed without harassment and were handled so that people of this country would not go hungry and the economy be wrecked. I am relying on that, and I just want my colleague to give us such assurance as he feels he can that a new attitude of sensibility will apply in this agency.

May I add one statement. My experience here is there is not much way to make anybody do anything. Certainly that has been true of every other activity I have seen. So I think to penalize them at a time when they have assured us they are going to restudy these matters and make sure they do not work undue hardships, not just on individuals but on companies, would be unwise. I think I am going to go along with the chairman of the subcommittee and my friend and give them a chance, with the understanding that they will take this money and get back on a sensible track.

Mr. FLOOD. If the gentleman will yield, I am glad to hear my friend say that. I might say that we have been informed by OSHA that this proposed cotton dust standard that my friend is talking about is still at the public comment stage, and it definitely will not be in effect during the coming—what the gentleman calls—ginning season. It will not be. They tell us there is no way it could could be in effect this year.

Mr. WHITTEN. I thank my friend. May I say further that cotton ginning is altogether different from cotton milling.

Mr. FLOOD. I understand.

Mr. WHITTEN. A mill may run all the year round, and a cotton gin may run for only 2 or 3 months. There is quite a distinction, and those in the cotton ginning business have assured me that under the regulations I have discussed they just simply could not operate, so I appreciate this resassurance.

Mr. FLOOD. That is our understanding.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, I certainly understand the frustration about OSHA expressed by the gentleman from Idaho because I have felt it myself. I have an awful lot of farms in my district, and I have an awful lot of small businessmen. None of them are especially happy with the overly nitpicking Government regulation, and I have gotten more than my share of very angry comments from both farmers and small businessmen as far as OSHA is concerned.

I daresay no one in this House has tried to do more to change the way that OSHA has run its shop the last 2 years than the members of this subcommittee because we all feel those same pressures and I think those pressures are legitimate. But let me just point out why, if we want to change the way OSHA does things, it would be wrong to support this amendment. The largest amount in the budget increase is for an item to add

to the ability of OSHA to train workers, employers, and small businessmen so that they can understand what some of the most serious worker health problems are so that they can deal with those problems on a voluntary basis.

I have talked to the new Director of OSHA, Dr. Eula Bingham, a number of times. She has made one thing very clear to me; that is, that she believes if we can obtain compliance through voluntary means it is much preferable to obtaining compliance through bludgeoning techniques.

Let me just point out what some of the problems have been with OSHA. We all hear these arguments about these terrible nitpicking standards that OSHA uses. Do the Members know where they came from? OSHA inherited, when it was created a number of years ago, ream after ream of consensus standards which were suggested by the advisory bodies, people who came from the very businesses being regulated. That is where those standards came from. They were not standards in the main that were dreamed up by some bureaucrat. They were standards that were inherited.

The problem has been that we have not had enough sensitivity at the top of OSHA in the past to recognize the need to knock out half those nitpicking standards and to bring onboard the kinds of people who understand what is important and what is not in the protection of worker health.

If Members will look at the inspectors, they will see that in the past we had over 80 percent of the inspectors who have been trained in safety matters as opposed to health matters, yet the fact is 9 out of every 10 deaths in the workplaces occur because of health and not safety problems. What we have tried to do in this bill and the last two the subcommittee has brought forward is to redirect OSHA into hiring different kinds of people, hiring inspectors in health rather than safety areas.

Let me point out just one statement by Dr. Bingham in an article which appeared in the Washington Star:

> Beginning this year 95 percent of OSHA's inspectors will be devoted to those industries with the most serious problems, such as construction manufacturing, transportation and the petrochemical industries.
>
> . . . new inspection priorities would mean 80 percent of small businesses can count on their likelihood of being inspected dropping by nearly two-thirds—from 1 in 500 to 1 in 1,300.
>
> Penalties for violations that have no impact on employee health or safety will be eliminated entirely.

I think that indicates the new Director has her head screwed on right. She understands what priorities ought to be.

I would like to explain something of a personal nature, to explain why I think it is necessary to support this budget level recommended by the subcommittee. For 6 years in high school and college I spent a lot of time sanding asbestos floors. It would have been kind of nice if I had been told that asbestos was a cancer causing agent. It would have been kind of nice had I known that 40 percent of British workers who worked with asbestos in World War II contracted cancer.

The major increase in this budget is to inform workers and businessmen of the kinds of dangerous chemicals they are working with at the workplace. That is what we would be cutting out, if we cut out the increase in the budget. I do not think we should do that.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(At the request of Mr. MAHON, and by unanimous consent, Mr. OBEY was allowed to proceed for an additional 2 minutes.)

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, is the gentleman aware of the idiotic study and proposal made by OSHA last year with respect to farming operations and how to deal with cattle and manure—to be careful if one works on a farm not to step into manure?

Mr. OBEY. Yes. I certainly am.

Mr. MAHON. And they say they have to build more ranch toilets and so forth; it is a most impractical and outrageous proposal.

Mr. OBEY. I certainly am aware and I agree with the gentleman.

Mr. MAHON. Mr. Chairman, if the gentleman will yield further, when we get back into the House, I am going to ask unanimous consent to insert into this RECORD a few mild remarks that I made at an earlier time in regard to these ridiculous proposals.

Mr. OBEY. The remarks I made were not quite so mild, as I am sure the gentleman understands.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I would like to share in the gentleman's views and join in the comments.

Mr. Chairman, also, I rise in opposition to the amendment.

I think the gentleman has very carefully pointed out that it is rather important that we not go back and that Dr. Bingham has carried on a tradition started by Dr. Moran, that is, to shift the agency from business to health. It is important that we recognize this problem. The worst thing we could do is to cut these funds back.

I think the comments made by the chairman of the committee and other references to the book on beef cattle was thoroughly argued last year and it is ridiculous. I use it to get a laugh when I talk about the Occupational Safety and Health Act; but we have to remember it was written for a specific group of people, not farmers in general, but for people who are not good readers. It was put out by one of the colleges in the country and was poorly done.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. SARASIN, and by unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. SARASIN. Mr. Chairman, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman.

Mr. SARASIN. Mr. Chairman, so while we can all have fun with that document, we have to remember it was written for a very specific group of people and for a specific purpose. I wish it had not been done, but the gentleman has very carefully pointed out why this amendment should not be passed.

Mr. Chairman, I thank the gentleman for his contribution.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to become involved in this debate, but the gentleman from Wisconsin made one statement that I would like to ask about. The gentleman indicated these recommendations came, for the most part, from businessmen and people in the field who had, in fact, written them.

To my understanding, that is not correct. What usually happens is that commissions are set up to give advisory opinions. The bureaucrats reject them and then they use the ruse and say this regulation was written by teachers or this was written with the help of businessmen or this was written by the help of people in the fisheries industry. We have all seen that happen. It happened in OSHA.

I hope the gentleman is not trying to indicate that the OSHA regulations were written, for the most part, as the gentleman suggested, by businessmen and people actually working in the field.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I am glad to yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Chairman, is the gentleman yielding on this side or that side?

Mr. ASHBROOK. In this case, I would say to my friend on my side of the aisle, since I directed the question to the gentleman from Wisconsin (Mr. OBEY), I think it is proper to yield to him first.

Mr. OBEY. Well, Mr. Chairman, I stick by the statement that most of the standards still in force in OSHA were inherited when OSHA was created in legislation sponsored by the other gentleman from Wisconsin. That agency did inherit ream after ream of old consensus standards which were prepared and made by groups on which representatives of the industries sat.

I am not saying OSHA has not done some pretty dumb things on its own. It certainly has.

Mr. ASHBROOK. Mr. Chairman, of course, my friend is saying, and I make this observation somewhat facetiously, that OSHA did not engage in zero-based regulations.

Mr. STEIGER. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I would yield. I do not know how, in a friendly way, to refer to the father of OSHA, but I will yield. The adjective has never quite come across

my mind to properly describe that agency.

Mr. STEIGER. Yes, I understand that.

The point of this is that when we passed the Occupational Safety and Health Act in 1970, the Congress authorized the Department of Labor to adopt two kinds of standards. One of those was where existing Federal standards had been used previously under the old Walsh-Healey Act, which has been around since 1938. The others were the consensus standards developed by such consensus standards organizations as American National Standards Institute—ANSI—the National Fire Protection Association, the National Electrical Code.

I must say in all honesty to my friend from Ohio that were I to ever find myself—God forbid it should happen—but find myself in the position I found myself in 1970, I would not authorize the establishment of consensus standards without having them gone through public hearings. I think the Congress made a mistake.

The only group, interestingly enough, that raised the issue about consensus standards was the AFL–CIO. They cautioned us on that point. All business groups, and the gentleman can go back to the testimony—the gentleman serves on the committee—from which this bill came, look at the Chamber of Commerce, the NAM, the business groups that testified, all kinds, big and small, and they all said, "We use consensus standards; we understand them; we think they are good."

In hindsight, we now know that they did not know them, they did not understand them, and it is not a good idea. The gentleman from Wisconsin (Mr. OBEY) was absolutely right. Those standards were, in fact, developed by business, Government, and labor through the consensus mechanism. All three were represented.

One of the criticisms made recently is against the Ladden standard. I criticize business, because business developed that standard, and if they did not like it, what did they do about it? I think they had a responsibility prior to its promulgation by OSHA.

Mr. ASHBROOK. The only thing I disagree with, I think, is the interpretation of how this happened. There is a difference between tolerating and accepting a standard developed by someone else and promulgating it. In this case I believe it was not promulgated by businessmen, but they acquiesced all too readily with there standards. I agree that the AFL–CIO is far more perceptive, far more involved than any of the business organizations my friend has mentioned, but I do not think it is quite accurate to say that businessmen developed those standards.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, along, I think, with all my colleagues, I have been concerned about the image of the Congress in the eyes of the people. We have lost a lot of ground with the rank-and-file citizen, and if we give thought to why this has come about, we may conclude that in some instances we have passed legislation that we should not have passed.

But mainly Congress has been brought into contempt and the Government has been brought into contempt by illogical, amateurish, indefensible, inexcusable efforts, and actions by employees of the executive branch of the Government; not necessarily by Cabinet members, not by elected people, but by people in the bureaus who sometimes are grasping for more and more power, and who are not acquainted with the facts and with reality and who may, with the best intentions, make impracticable decisions.

I think the time has come for Congress to call a halt to the actions of the employees of the Government who bring about situations that bring us into disrepute with the citizens, bring the Government into disrepute. This Government needs to have the support and confidence of the American public, but when people in the various echelons of the executive branch issue statements and regulations that make no sense, they can sit back and laugh, if they want to, while Members of Congress squirm, because these Government employees are free from the ballot box; they are untouchables. I believe the time has come that the people in the agencies who are responsible for the issuance and for the promulgation of these regulations be named publicly and that they be called to account. The Cabinet member or the President must see to it that there is more commonsense and reason, old-fashioned country gumption, with the people who are administering the programs.

Mr. Chairman, under leave to revise and extend my remarks and insert extraneous material, I insert in the RECORD the following statement which I made in regard to OSHA on July 30, 1976.

BUREAUCRATIC HARASSMENT AND BUNGLING CONDEMNED

Mr. MAHON. Mr. Speaker, the Federal Government increasingly has become the object of contempt in the eyes of the American people. I speak of the executive branch, the judicial branch, and the legislative.

Mistakes have been made in all three branches and there are numerous examples of wrongdoing. This is not unique. We have had such examples since the founding of our Government, but it seems to me we have reached an acute stage of discontent over the performance of our Government.

In these remarks I am not speaking of illegal acts, as serious as they are, but of harassment by Government personnel of the citizen and foolish and indefensible actions of Government employees charged with the administration of the laws. I am thinking at the moment of the interpretation and administration of the laws by personnel in the executive branch.

Congress must legislate in a general way in many fields, and it is not possible for Congress to enact legislation setting forth every rule and regulation. This must be done by the executive branch—the branch charged with the administration of our laws. And it is here that so much criticism arises.

Too often one sees examples of foolish and ridiculous rules and regulations which are invented by impractical Government personnel. When a foolish outrage is publicized, the culprit is often an obscure bureaucrat in the executive branch. His name is not on the ballot at election time, and he can sit back and laugh, if he will, at the discomfort which is caused for the administrataion or the Congress. Some way must be found to call a halt to the present intolerable situation.

In a recent visit to the district which I have the honor to represent, I was confronted with two such examples of outrageous and intolerable activities on the part of OSHA, the Occupational Safety and Health Administration.

SAFETY WITH BEEF CATTLE

The first concerned a booklet entitled "Safety With Beef Cattle" which OSHA issued. The second concerned proposed OSHA regulations about field sanitary facilities on farms and ranches. Both, in my opinion, are examples of Government personnel taking a law, and by the manner in which they implement it, making fools of it and themselves, and in the process discrediting the entire Government.

The "Safety With Beef Cattle" booklet contains such startling statements as "When floors are wet and slippery with manure, you could have a bad fall," "Bare feet or sneakers aren't safe around cattle," "Be careful when you are handling animals," "You can get too tired when working with cattle," and "Be careful that you do not fall into manure pits."

Most of the people in my area who work with beef cattle that have been or heard of this booklet think it is utterly absurd and that someone who did not know such things as I listed above should not be around a cow in the first place. They do not like to see their tax money used in the publication of such trash.

In fact, in my opinion, the most untutored child or farmworker who could not read or write knows far more about cows than was exhibited by the writer of this booklet.

The time has come to cease tolerating such ineptness. We must declare war on this kind of practice if respect for government is to be restored and maintained.

I am presenting the names of the people who appear to have been responsible for this booklet and the way it was distributed and calling on their employers—ultimately the Secretary of Labor—to review their performance and determine what may best be done by way of corrective action. Concerning personnel at Purdue University, who actually prepared the booklet, I am calling on OSHA to review its contract and determine if Purdue and particularly those involved with this booklet should continue to receive funds from the Federal Government.

I am formally making this request and have so notified the Secretary of Labor. According to information presented to me, those OSHA officials directly involved in the preparation of the beef cattle booklet are as follows:

Earl D. Heath, Director of the Office of Training and Education.

David Martin, Officer of Training and Education.

Daniel Murphy, Contracting Officer for the Department of Labor.

Purdue officials are as follows:

John B. Liljedahl, Purdue Research Foundation.

Wayne L. Singleton, Purdue Extension Animal Scientist.

Kenneth M. Weinland, Purdue Extension Veterinarian.

Gay F. White, Purdue Information Specialist.

Clearly the beef cattle booklet is ridiculous and a waste of the taxpayers' money. And without doubt it has increased citizens' contempt of their Government. But fortunately, it has caused no physical harm and has not interfered with the actual production of beef cattle.

SANITATION STANDARDS ON FARMS AND RANCHES

The field sanitation standards, however, are a different matter. They have caused

great consternation and agitation among farmers and ranchers throughout the Nation.

The standards as published would require toilet and handwashing facilities to be available within a 5-minute walk of the workers. Some might contend that such standards on a 10-acre farm or ranch would be appropriate, but on a large operation, such requirements would be absolutely ludicrous. And if they were implemented as proposed, they would probably become one of the greatest monuments to bureaucratic foolishness and ineptness known to man.

Mr. Speaker, after looking at the proposed standards, it becomes obvious that they are totally unworkable and in fact ridiculous.

During our discussion on this matter, Dr. Corn, director of OSHA, stated that these proposed standards were never meant to be a final product, but only a vehicle to which people could react and make proposals.

That is slight consolation. The real issue is why a Federal agency would issue standards in the first place that were not intended to be implemented and would obviously have to be changed.

Such actions cause untold concern and consternation among people affected by them, in this case the Nation's farmers and ranchers.

In my opinion, this is an outrageous situation and one that the Department of Labor should not tolerate.

Increasingly, we are confronted with situations of this nature. Congress passes a law that outlines in realtively broad detail what is to be done. It is then up to the executive branch to implement the law. And it is here that the problems arise. While many congressional laws are far from perfect, they generally are not patently ridiculous and absurd as are many of the rules and regulations that are promulgated by various personnel in the executive branch.

And of course these people do not have to answer to the public for outrages they perpetrate in the name of administering the law.

By their actions they bring contempt on the Government. If there is to be a free democratic society the people must support and believe in their Government. Without this trust, government breaks down.

I repeat again, a major effort must be made to halt foolishness and waste in the Federal Government. We must find a way to instill in the Federal worker that he is a servant of the people and that he holds a public trust.

Mr. Speaker, many great American thinkers have noted that our system of government is probably not the most efficient way to run a nation, but that it is probably the fairest and most just.

I fear for our future—if Government employees continue without reprimand or admonition to harass needlessly our citizens and to make a mockery of programs that are intended to help people, rather than hinder them.

We must stop such actions and we should do it now.

Mr. GAYDOS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me first say that I agree with the chairman in one respect and I disagree in another respect. My good chairman said that the reputation of Congress is at stake. Yes, I agree with that. But I disagree when he raises the question as to whether this Congress should have passed this legislation some years ago. I completely disagree with him.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the gentleman for yielding.

Mr. Chairman, I voted for the legislation. I believe in occupational health and safety and I want to be helpful in the legitimate work that should be done. What I am complaining about is the administration of a program that has brought the Government into disrepute. That is my point.

Mr. GAYDOS. Mr. Chairman, then I apologize to the gentleman. I understood him to make reference to the initial enactment of the legislation. I know the gentleman is in support of the legislation.

Mr. MAHON. If the gentleman will yield further, in 1970, the Congress passed the bill with about 5 votes against it in the House and about 3 votes against it in the other body, I believe. So, an overwhelming majority of the Congress supported the creation of OSHA.

Mr. GAYDOS. Let me state that I agree with the gentleman. But let me respond to my good friend, the gentleman from California. He raises the question whether the States are doing what they want to do. That is the States' rights theory. We had long and hard debate and discussion in the committee and among the witnesses who appeared before our committee which involved this point. In the hearings we had testimony generally regarding this act, and in particular the concept of States' rights versus the Federal Government. I direct the gentleman's attention to the inclusion of the provision in the existing act in section 18, which clearly provides that the States can adopt their plans, and get support from the Federal Government. If the States have reasons best known to themselves to decide not to take advantage of that provision, not to enter this very, very sensitive field, we cannot force them to do it. We have done everything possible. We have allowed them and encouraged them to follow a plan. We have made the investigation concerning the plan, the review and approval very, very liberal. We are allowing Federal funds. So everything is there for the States to use to further their philosophy insofar as the 10th amendment is concerned.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I appreciate the gentleman yielding.

Mr. Chairman, the point I was trying to make, and I am sure my colleague understood, is that the original intent of the legislation was to encourage State governments to assume responsibilities, and pass OSHA laws, which many of them have now passed, as a followup to that legislation. In some cases those laws are far more strict and demanding than the Federal law. So my point was that this $6 million that my colleague, the gentleman from Idaho, is asking not be added on to next year's appropriation was a reasonable request because the State governments are now assuming their proper role. That was my point. I think they have done it properly.

Mr. GAYDOS. Mr. Chairman, let me address myself to that point for one moment. In 33 States which have some semblance of a plan, some approved and some not, the facts and statistics do not indicate that the States are very anxiously taking unto themselves the adoption of State plans.

Mr. ROUSSELOT. If the gentleman will yield, one reason they are not hurrying into writing laws in some cases is that they know of the horrible mistakes, some of which the gentleman from Texas referred to, that OSHA has made. The States want to make sure they do not repeat those same mistakes. I think that is a prudent thing to do.

Mr. GAYDOS. That is an assumption of fact which the gentleman is attributing to the actions of the States. It is a matter of his own imagination. I do not know if that is true. If the gentleman can show me statistics fortifying his position, I will accept it very gladly; but I do not think he is accurate.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GAYDOS) has expired.

(By unanimous consent, Mr. GAYDOS was allowed to proceed for 5 additional minutes.)

Mr. GAYDOS. Mr. Chairman, let us talk about OSHA for just a second. Ever since the original enaction of OSHA, there has been a scheme—obvious at times and exhibiting at other times a clear subterfuge and devious tactics—all for the purpose of making sure OSHA would not work. Every conceivable approach to discounting OSHA was tried.

We went through this in our committee. We called in the administration. The Administrator's witnesses we called did not respond to interrogation, and we could not get adequate statistics from the administration.

In the area of occupational disease alone, 12,000 toxic substances have been discovered to date, and there are more to come. If that is not a sensitive area and one which this body should address and legislate in, then we do not have any business in any areas throughout the whole country.

Every family breadwinner has to go to work in a place that can possibly be his death trap. We are all familiar with kepone and the James River. We have all been reading accounts of asphalt and asbestos. They are actually tearing up asphalt-asbestos mixtures that have been used on playgrounds in which small children play. I could go into example after example justifying the original necessity of passing this legislation.

Admittedly, throughout the past 4 or 5 years, we have had trouble with the act. We had a recalcitrance on the part of the administration, I repeat again, to give us statistics and provide encouragement for enforcing the act.

But now things have changed. We have as a matter of record in our files—and this may be in the file of every individual Member—the statement by the new Secretary of Labor and the statement from Eula Bingham, the Assistant Secretary heading OSHA, to the effect that there will be a new procedure and a new approach to the problem and a whole new era in providing a half-decent safe working place for the working men and women of this country. We believe these

objectives are going to be accomplished. Eula Bingham and others in the Department are practical and reasonable in the way they are approaching the subject.

Mr. STEIGER. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Chairman, I appreciate the gentleman's yielding.

I have from the very beginning been hesitant to even get into this whole debate. I would simply say that I believe the amendment that is pending would not be the right approach.

There are two simple reasons for that. Dr. Bingham has properly said that she has two desperate needs: One is the upgrading and retraining of inspectors and compliance officers. If we were to take this money out, it would inhibit the Department's ability to do that. If these things are accomplished, that will make the compliance officer more professional, and I think it would reduce friction.

Second, Dr. Bingham has also said properly that one of the weaknesses under the old budget was the fact that they did not have enough money for education, education for workers and education for employers.

Mr. Chairman, these goals would be inhibited if the amendment is accepted, so I hope the amendment is rejected.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. Mr. Chairman, let me finish my statement first, and then I will be glad to accommodate the gentleman from Califorinia (Mr. ROUSSELOT).

Let us look at these statistics and try to determine whether this amendment is a proper amendment or not. In the first 6 months of fiscal year 1977 OSHA had made 27,283 inspections. That was accomplished with roughly 1,300 inspectors. That is the number of inspections these 1,300 inspectors made.

What about these people who have been saying that every time they turn around they have an inspector at their door, that the inspectors are doing things that are improper, and that they are swooping down on them like a swarm of locusts and making all kinds of unreasonable reports and levying all kinds of fines?

That simply is not true. We had some of the opponents of the bill testifying, and there were individuals in particular from the State of Kansas, as I recall.

I asked three farm women several questions.

First I asked, "Were you inspected?" The answer was, "No."

I asked, "Do you know whether anybody was inspected?" The answer was, "No."

"Do you know whether anybody in your county was inspected?" The answer was, "No."

They only said they had heard that an inspector had gone through the county.

Yes, there is improper enforcement at times. However, we got the word of the new Secretary of Labor. He said it publicly, in a news release, that he is going to start the new approach to solving this problem.

Mr. Chairman, I would like to call this matter to the attention of the Members. I am now holding hearings as the chairman of the Subcommittee on Compensation, Health, and Safety.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GAYDOS) has expired.

(By unanimous consent, Mr. GAYDOS was allowed to proceed for 2 additional minutes.)

Mr. GAYDOS. To continue, Mr. Chairman, we are having difficulties, and I want the Members to be cognizant of the fact that we have very serious difficulties with the workmen's compensation payments as they pertain to the Federal employees of the whole country and to the longshoremen and harbor workers, which legislation pertains also to the District of Columbia and generally throughout the country in all 50 States and territories.

Why do I say it is a serious problem under these circumstances? Because OSHA is inextricably connected with workmen's compensation insurance premiums and with safety at the place of work.

Mr. Chairman, we cannot escape it. We are going to leave for the west coast next week. The subcommittee is going en masse—five are already committed—to hold hearings involving the Longshoremen and Harbor Workers Compensation Act. No insurance company wants to provide any type of coverage as provided by State and by Federal law; simply because the cost has become confiscatory. They cannot operate their insurance businesses at a profit, and that is a matter of fact.

Mr. Chairman, let me conclude by saying that the emphasis the Secretary has indicated she is going to place on the health aspect as distinguished from the injury aspect is, I think, long-awaited and overdue.

We have now discovered about 12,000 toxic substances. There are estimates that 100,000 workers die yearly because of exposure to various toxic substances. The emphasis is going to be in that area.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

For about 5 years, Mr. Chairman, I have been the author of various restrictive amendments aimed at exempting from the application of OSHA certain small employers.

I take this time to congratulate the subcommittee for placing in the bill now before us what I think is a very responsible, acceptable restriction upon the first-instance violation citations which can be made by OSHA and also language which exempts all farmers who employ 10 or less.

Mr. Chairman, it seems to me that this is the responsible way to go; and I congratulate the subcommittee.

I am impressed also with the statement that the Secretary of Labor has made about avoiding harassment of small business firms.

In that spirit, Mr. Chairman, I oppose this amendment and any other amendments that may tend to restrict OSHA still further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and on a division (demanded by Mr. SYMMS) there were—ayes 25, noes 34.

RECORDED VOTE

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 231, not voting 40, as follows:

[Roll No. 348]

AYES—162

Abdnor	Fuqua	Myers, Ind.
Alexander	Gammage	Neal
Andrews, N.C.	Ginn	Nichols
Andrews, N. Dak.	Goldwater	O'Brien
	Goodling	Panetta
Archer	Grassley	Pettis
Armstrong	Gudger	Pickle
Ashbrook	Guyer	Pressler
Badham	Hagedorn	Preyer
Bafalis	Hall	Quayle
Barnard	Hammer-schmidt	Quillen
Bauman		Rhodes
Beard, Tenn.	Hanley	Roberts
Bennett	Hansen	Robinson
Bowen	Harsha	Rogers
Brinkley	Hefner	Rose
Brooks	Hightower	Rousselot
Broomfield	Hollenbeck	Rudd
Brown, Mich.	Holt	Runnels
Brown, Ohio	Huckaby	Santini
Broyhill	Ichord	Satterfield
Burgener	Ireland	Sawyer
Burke, Fla.	Jacobs	Schulze
Burleson, Tex.	Jenkins	Shuster
Butler	Jones, Okla.	Sikes
Byron	Kasten	Skelton
Caputo	Kazen	Smith, Nebr.
Carter	Kelly	Snyder
Cederberg	Kemp	Spence
Chappell	Ketchum	Stangeland
Clawson, Del	Krebs	Stockman
Cochran	Lagomarsino	Stratton
Coleman	Latta	Stump
Collins, Tex.	Leach	Symms
Conable	Lent	Taylor
Corcoran	Levitas	Thone
Crane	Lloyd, Tenn.	Traxler
Cunningham	Long, La.	Treen
Daniel, Dan	Lott	Trible
Daniel, R. W.	Lujan	Vander Jagt
de la Garza	McClory	Volkmer
Derwinski	McDonald	Waggonner
Devine	McEwen	Walker
Dickinson	Mahon	Walsh
Dornan	Marlenee	Wampler
Duncan, Tenn.	Marriott	White
Edwards, Okla.	Martin	Whitehurst
Emery	Mathis	Whitley
English	Michel	Wilson, Bob
Evans, Del.	Milford	Winn
Fish	Miller, Ohio	Young, Alaska
Flowers	Mitchell, N.Y.	Young, Fla.
Forsythe	Montgomery	Young, Tex.
Fountain	Moore	
Fowler	Moorhead, Calif.	
Frey		

NOES—231

Addabbo	Bonker	Dellums
Akaka	Brademas	Derrick
Allen	Breckinridge	Dingell
Ambro	Brodhead	Dodd
Ammerman	Buchanan	Downey
Anderson, Calif.	Burke, Calif.	Drinan
	Burlison, Mo.	Early
Anderson, Ill.	Burton, John	Eckhardt
Annunzio	Burton, Phillip	Edgar
Applegate	Carney	Edwards, Ala.
Ashley	Carr	Edwards, Calif.
Aspin	Cavanaugh	Erlenborn
AuCoin	Chisholm	Ertel
Baucus	Clay	Evans, Colo.
Beard, R.I.	Cohen	Evans, Ind.
Bedell	Collins, Ill.	Fary
Bellenson	Conte	Fascell
Benjamin	Conyers	Fenwick
Bevill	Corman	Findley
Biaggi	Cornell	Fisher
Bingham	Cornwell	Fithian
Blanchard	Cotter	Flood
Blouin	Coughlin	Florio
Boggs	D'Amours	Foley
Boland	Danielson	Ford, Mich.
Bolling	Davis	Ford, Tenn.
Bonior	Delaney	Fraser

Frenzel	Maguire	Rodino
Gaydos	Mann	Roncalio
Gephardt	Markey	Rooney
Giaimo	Marks	Rosenthal
Gibbons	Mattox	Rostenkowski
Gilman	Mazzoli	Roybal
Glickman	Meeds	Ruppe
Gonzalez	Metcalfe	Russo
Gore	Mikulski	Ryan
Gradison	Mikva	Sarasin
Hamilton	Miller, Calif.	Schroeder
Harkin	Mineta	Seiberling
Harrington	Minish	Sharp
Harris	Mitchell, Md.	Shipley
Hawkins	Moakley	Simon
Heckler	Moffett	Sisk
Heftel	Mollohan	Skubitz
Hillis	Moorhead, Pa.	Slack
Holland	Motti	Smith, Iowa
Holtzman	Murphy, Ill.	Solarz
Horton	Murphy, N.Y.	Spellman
Hubbard	Murphy, Pa.	St Germain
Hughes	Murtha	Staggers
Hyde	Myers, Gary	Stanton
Jeffords	Myers, Michael	Steed
Jenrette	Natcher	Steiger
Johnson, Calif.	Nedzi	Stokes
Jones, N.C.	Nix	Studds
Jones, Tenn.	Nolan	Thompson
Kastenmeier	Nowak	Thornton
Keys	Oakar	Tsongas
Kildee	Oberstar	Tucker
Kindness	Obey	Ullman
Koch	Ottinger	Van Deerlin
Kostmayer	Patten	Vanik
Krueger	Patterson	Vento
LaFalce	Pease	Walgren
Le Fante	Pepper	Waxman
Lederer	Perkins	Weaver
Leggett	Pike	Weiss
Lehman	Price	Whalen
Lloyd, Calif.	Pritchard	Whitten
Long, Md.	Pursell	Wilson, C. H.
Luken	Quie	Wirth
Lundine	Rahall	Wolff
McCloskey	Railsback	Yates
McCormack	Rangel	Yatron
McDade	Regula	Young, Mo.
McFall	Reuss	Zeferetti
McKay	Richmond	
Madigan	Risenhoover	

NOT VOTING—40

Badillo	Flippo	Scheuer
Baldus	Flynt	Sebelius
Breaux	Hannaford	Stark
Brown, Calif.	Howard	Steers
Burke, Mass.	Johnson, Colo.	Teague
Clausen, Don H.	Jordan	Udall
Cleveland	McHugh	Watkins
Dent	McKinney	Wiggins
Dicks	Meyner	Wilson, Tex.
Diggs	Moss	Wright
Duncan, Oreg.	Pattison	Wydler
Eilberg	Poage	Wylie
Evans, Ga.	Rinaldo	Zablocki
	Roe	

Mr. RUSSO and Mrs. SCHROEDER changed their vote from "aye" to "no."

Mrs. LLOYD of Tennessee changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN: On page 9, line 2, delete the following: "employees," and add the following new language in lieu thereof: "employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for any inspection conducted by the Occupational Safety and Health Administration without a search warrant based on probable cause as authorized by law."

And renumber the succeeding lines accordingly.

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD. Mr. Chairman, this, in our opinion, is clearly legislation again upon an appropriation bill. It imposes additional duties upon the executive branch, because it requires OSHA to obtain a search warrant before an inspection. The basic law does not now require this. This amendment goes beyond the basic law.

Also, Mr. Chairman, this amendment is what we refer to as a double negative, and therefore gives affirmative direction.

The CHAIRMAN. Does the gentleman from Idaho desire to be heard?

Mr. HANSEN. Yes, I do desire to be heard.

Mr. Chairman, regarding the double negative, I have checked this thoroughly with parliamentary procedure under Legislative Precedents, chapter 25, section 13, in which "Deschler's Procedure" states:

An amendment to a general appropriation bill, providing that no funds therein may be used for the seizure of mail (in connection with income tax investigations) without a search warrant, was held to be a limitation and in order.

We checked this language out, and we find the language used in my amendment is directly parallel to the language that was used in the precedent cited in "Deschler's Procedure." So, I think that this answers the problem there.

As far as legislation, Mr. Chairman, this is not legislation. I can tell the Chair that the courts across the land—and there have been 15 court cases in the past few months in a row—have decided against warrantless searches, and they have decided this in a situation where they could not interpret the will of the Congress. I think it is time that the will of the Congress is expressed, so what we are doing here is stipulating something that ought to be apparent in the first place. That is, these searches ought to be conducted with a search warrant, properly procured, with due reason, before a magistrate.

So, I think it is entirely in order as far as procedure is concerned, and as far as philosophy and content is concerned.

The CHAIRMAN. The Chair is prepared to rule. The Chair would first like to acknowledge that this is a difficult question. The Chair has not only examined the citations to previous rulings, but he had thought about the Constitution and examined a series of other rulings, one of which he will cite at the end of his statement.

There is a difference in the kind of warrant required in the pending amendment and the one in the ruling cited which dealt with a Treasury and Post Office appropriation bill, and provided no funds were to be used for seizure of mail without a search warrant as authorized by law. That search warrant apparently was an administrative warrant. The warrant required in the case is a judicial warrant based on probable cause. It applies also to any inspection in the United States, whether it is voluntarily agreed to by the proprietor or not.

On that basis, it appears to the Chair that the precedent which appears on page 678, volume 7, Cannon's Precedents, section 1686, "A limitation upon an appropriation must not be accompanied by provisions requiring affirmative action by an executive in order to render the appropriation available" should prevail.

The Chair, therefore, sustains the point of order, for the reasons cited.

PARLIAMENTARY INQUIRY

Mr. HANSEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, based on the facts that Circuit Judge Thomas Gibbs Gee, spokesman for the three-judge court in Brennan against Gibson's Products, Inc., in a case in Dallas, Tex., recently held that neither the fourth amendment nor OSHA sanctioned the warrantless search contemplated by the Secretary of Labor, and the court found that the OSHA Act attempted "a broad partial repeal of the fourth amendment," and this is "beyond the powers of Congress," and further stipulated that, however, because the statute did not explicitly authorize warrantless searches and because the legislative history did not evidence such a design, Judge Gee reasoned that the Congress had intended to condition valid OSHA inspections upon the obtainment of a warrant or upon consent of the proprietor to be searched, my inquiry is, Mr. Chairman, that on the basis of stipulations found by the court, can the Chair then hold beyond the powers of the court that this House is not able to decide exactly what is meant, when the court cannot even determine it and when the Constitution itself stipulates that you cannot search without a warrant?

The CHAIRMAN. The Chair does not feel that he or any other person acting in this capacity is required to be bound by decisions made in the courts. The Chair is required to follow precedents. The Chair will, however, point out that this matter has not been adjudicated at the highest level of the courts of the land and that the citation that the gentleman from Idaho (Mr. HANSEN) makes is from one of the circuits. Therefore, the Chair feels, both on practical grounds and on grounds of separation of powers between the courts and the legislative body, that he need not take that into account. Those court decisions are not now the law in all of the United States and are not applicable to every OSHA inspection.

Mr. HANSEN. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, in one other case, Barlow's, Inc against the Secretary, it was ruled that section 8(a) of the law is unconstitutional and void in that it directly offends against the prohibitions of the fourth amendment of the Constitution, and the Court stated:

Certainly, Congress was able, had it wished to do so, to employ language declaring that a warrant must first be obtained, the procedures under which it is to be obtained, and other necessary regulations—

And went on to say:

Congress did not do so and we refuse to accept that duty.

What I am saying is that there appears to be great confusion, and there is great confusion in my own State, in which there has been a declaration of the unconstitutionality of the act. It is causing great problems and discomfort to many of my constituents as to what is legal and what is not legal. It seems to me that the procedures of this House should enable the Congress to clarify something which it has not previously clarified before spending money for it.

The CHAIRMAN. The Chair will state his sympathy for the gentleman's problem and state also that the court's decision in that jurisdiction prevails there, but the Chair has no responsibility for widening or narrowing that decision during consideration of a general appropriation bill. The House, of course, is a proper forum for dealing with the question in accordance with its rules.

The Chair persists in its ruling, and that is a final answer to the parliamentary inquiry.

Mr. HANSEN. I thank the Chair.

Mr. SKUBITZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express to the chairman of the committee, Mr. MAHON, and the subcommittee chairman, Mr. FLOOD, and all the other members of the committee, my appreciation and the appreciation of thousands of small farmers and small businessmen who will not have to be troubled by the "friendly" OSHA inspector, because of the action taken by the committee.

The language which exempts small farmers—those employing 10 or fewer employees—is identical to the language which I offered last year and was enacted in the 1977 Labor-HEW Appropriations Act. It is my hope that all the Members of the Congress will support the OSHA exemption for small farmers.

Like many of my colleagues I would prefer to have a permanent change in the 1970 Occupational, Safety, and Health Administration Act that would exempt small farmers from the OSHA Act. To provide for such a permanent change I have introduced legislation—cosponsored by 104 of my colleagues—that would redirect OSHA away from the small farms and the businessman.

I want to set the record straight on my feelings toward OSHA. I do not want to repeal it. I voted for its enactment in 1970. What I do want to do though is to insure that it concentrates its efforts on big business and the large corporations. These are the segments of the business community which can afford OSHA's rules and regulations and they ought to have to abide by them.

There is a point which needs to be made about the manner in which OSHA has interpreted congressional action on its funding restrictions. I do not believe that OSHA has lived up to the full spirit of congressional intent on this issue.

As an example, the legislation which we passed specifically says that funds shall not be used to enforce rules or regulations against a farming operation having 10 or fewer employees. OSHA, however, has interpreted this to mean that once a farmer reaches the magic number of 11 or more employees, from that time on he is subject to their rules and regulations. They have also interpreted our legislation to mean that if a farmer has at any time within the 12 months preceding the inspection had more than 10 employees he shall then be subject to inspection.

Mr. Chairman, I am not a great authority on the intent behind each piece of legislation this Congress enacts, but I do believe that I can speak with some authority on the intent behind the amendment which I offered and OSHA has so misinterpreted.

The intent behind my exemption for small farmers was that if on the day of inspection a farmer has more than 10 full-time employees only then would he be subject to OSHA inspection. It was never intended that temporary employees for a week or 10 days should be called a full-time employee in determining whether a farmer has in his employment more than 10 employees.

I also want to commend the committee for retaining OSHA exemptions dealing with 10 or fewer nonserious first-instance violations. As many of my colleagues will recall, this measure was enacted largely because of the efforts of the gentleman from Illinois (Mr. FINDLEY). This measure is a fair one. It insures that no worker will have his life endangered because of a violation of an OSHA standard and at the same time it insures that businesses will not be harassed by the petty fines of an OSHA inspector.

I urge my colleagues to concur with the funding limitation contained in the committee bill on OSHA. They are a sound approach to restoring some commonsense to OSHA.

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT: On page 9, line 2, strike the period and add immediately thereafter the following: ": *Provided further*, That none of the funds appropriated or otherwise made available in this paragraph may be obligated or otherwise expended to promulgate regulations, excepting those complying with Executive Order No. 11949.".

Mr. FLOOD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FLOOD) reserves a point of order on the amendment.

The gentleman from California (Mr. ROUSSELOT) is recognized for 5 minutes.

Mr. ROUSSELOT. Mr. Chairman, my amendment to the Labor-HEW appropriations bill, H.R. 7555, is a straightforward one. Simply stated, it prohibits any Federal funds from being used to implement rules and regulations of the executive branch unless those rules and regulations are accompanied by an economic impact statement. In no way does my amendment change existing law or require any additional administrative responsibilities. It merely reaffirms the intent of an executive order already in effect for some 2½ years.

Executive order 11821 was originally issued by President Ford in 1974 and was extended last year (E.O. 11949) to ". . . require that all major legislative proposals, regulations and rules emanating from the executive branch of the government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered." Last year, the word "inflationary" was deleted and the word "economic" substituted. Because the Federal Government imposes many unnecessary rules and regulations upon our people and hidden inflationary pressures upon our economy with little forethought and even less concern or care, economic impact statements have become a necessity.

Among those agencies most directly affected by the two executive orders has been the occupational safety and health administration—and rightly so. Until 1974, OSHA had given little, if any, thought to the economic burden borne by business in trying to meet the myriad standards imposed on it—even though the 1970 act, in section 6(b)(5), clearly mandated that standards be set to the extent feasible. Recent administrative law decisions have interpreted that feasibility to be economic in addition to technological. In Secretary of Labor against Continental Can Co., Inc., administrative law judge Robert Burchmore held that it was senseless to require Continental Can to install $33 million worth of engineering controls to implement a proposed OSHA noise standard. His view was upheld by the OSHA review commission. Consideration of the economic effect of proposed standards on the small employer is essential if OSHA is to build the confidence of employers and employees in its mission.

The agency must realize that a regulation which can be enforced only at the cost of significant losses in jobs and rising inflation is a regulation enforced at the expense of the employees it aims to protect. I urge my colleagues to join me in reaffirming the intent of Executive Order 11949.

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I insist now upon the point of order I reserved on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLOOD. Mr. Chairman, let me state very clearly that we just received this amendment about a minute and a half or 2 minutes ago, and as I read this amendment and as the Chair sees it now, this simply goes beyond the existing law. It does impose a new duty on the Executive.

What does this do? It imposes a duty upon the Executive that is not now in existence; it says he must do a certain thing. It says he must recognize as law the provisions of Executive Order No. 11949.

Therefore, obviously, it goes beyond the existing law. The law does not require this to be done. This amendment involves an Executive order, not the law itself.

The CHAIRMAN. Before the Chair

asks the gentleman from California (Mr. ROUSSELOT) to comment, the Chair would like to ask the gentleman from Pennsylvania (Mr. FLOOD) to tell me, Is this Executive order not already in force as promulgated pursuant to law and is it not already a responsibility of the people involved?

Mr. FLOOD. The Executive order, I say to the Chairman, is in force; but it is not an act of Congress.

The CHAIRMAN. It is not what?

Mr. FLOOD. It is not an act of Congress. It is not a law; it is an Executive order.

The CHAIRMAN. However, the Executive order has legal force; does it not?

Mr. FLOOD. Mr. Chairman, implementation of an Executive order might have; but this is not a law. What this amendment tries to do is to create a law out of something which is an Executive order.

The CHAIRMAN. The question at issue is whether it imposes an additional set of duties not required by law, and the problem that the Chair wishes to reach is whether it does or does not.

The Chair will hear the gentleman from Pennsylvania further.

Mr. FLOOD. Mr. Chairman, it changes the existing law, and that is one of the points I make.

Mr. ROUSSELOT. If I may be heard further, Mr. Chairman, it does not change existing law. Under the law that exists the Executive order was issued. If that Executive order had been illegal, it would have been challenged. It has not been in the 2½ years that it has been on the books. Basically, it is a benefit to the people who are subject to this law; and that is that there must be some kind of economic statement as to what the impact of the issuance of an order will be.

It is something we gave this agency or the President the authority to issue under the law. There are no additional duties because the duties have been there for 2½ years. Therefore, there are, in fact, no additional duties, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard further?

Mr. FLOOD. I do, Mr. Chairman.

I repeat, Mr. Chairman, that it makes a law out of an Executive order. It in effect enacts into law a mere Executive order; and that, of course, is what this amendment would be doing.

The CHAIRMAN. The Chair is ready to rule.

The Chair will state that he feels that the point of order made by the gentleman from Pennsylvania (Mr. FLOOD) does not prevail; that the amendment offered is in order; and that it does not provide additional duties, since the Executive order, having been issued pursuant to law as cited in the Executive order, is already being carried out by the executive branch.

Therefore, the Chair overrules the point of order.

Mr. ROUSSELOT. I thank the Chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $80,857,000, of which $3,600,000 shall be for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: Page 9, line 8, strike out "$80,857,000, of which" and insert in lieu thereof "$105,857,000, of which $25,000,000 shall be for expansion of programs for labor-force statistics, and".

POINT OF ORDER

Mr. ASHBROOK. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ASHBROOK. Mr. Chairman, as I understood the amendment, the gentleman did not strike out the $3,600,000; is that correct?

The CHAIRMAN. Is the gentleman stating a point of order?

Mr. ASHBROOK. Yes; I state a point of order, because I do not believe the amendment reads correctly.

When we compare the wording of the amendment with that in the bill, I think we have both the $3,600,000 and $25 million figure in there.

I wonder whether the drafting of the amendment is correct.

Mr. Chairman, perhaps my question should be in the form of a parliamentary inquiry.

The CHAIRMAN. Without objection, the Clerk will rereport the amendment.

The Clerk reread the Harrington amendment.

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, I think what I really want to do is to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ASHBROOK. Mr. Chairman would it not be correct that if the gentleman's amendment should pass and if we put the text in, the bill would read "$25 million" and then "$3,600,000" would immediately follow that?

The CHAIRMAN. The gentleman reads the amendment correctly.

Mr. ASHBROOK. Mr. Chairman, is it not correct that the gentleman probably wants to strike, "of which $3,600,000," rather than the words, "of which"?

The CHAIRMAN. The gentleman reads the amendment correctly. I am sure that the author of the amendment will be able to explain his intent.

Mr. ASHBROOK. I thank the Chairman.

Mr. HARRINGTON. Mr. Chairman, let me say briefly, in advance, say in response to the point raised by the gentleman from Ohio (Mr. ASHBROOK) by way of my exculpation, that I was under the assumption that the amendment had been prepared with the concurrence of counsel and that parliamentarily it was in order. If there is some concern that this has to be dealt with in a technical way, that I would be prepared to offer any appropriate amendment which would clarify the situation.

My intention in offering the amendment was to correct something that has been the subject of public concern to the State represented by the gentleman from Ohio (Mr. ASHBROOK) and of concern to mine. It is in an effort to correct an increasingly serious problem that I offer the amendment.

As a result of the economic recession of the mid-1970 period, a number of States in the foreseeable future are going to be heavily dependent for economic recovery on a variety of programs which are estimated to range in the $30 billion area. Much of that is in terms of distribution on formulae that are based on unemployment figures.

What we are trying to do in this instance is to insure that in the distribution of the funds for a variety of programs fashioned to deal with the bleak economic realities in a number of industrial States, that there be as much accuracy as possible in the targeting of assistance.

I have had occasion to discuss this with members of the subcommittee and have had a chance to read testimony that was given by Mr. Shiskin detailing some problems of rather wide disparity that exists in unemployment data.

There is obviously a mutual concern on the part of both the executive and the legislative as far as the accuracy of this information.

I have also made it clear to the chairman of the subcommittee that it is not my intention today to press for a resolution of this by this rather clumsy method.

What I am trying to do is to offer for States like Ohio, Pennsylvania, Illinois, New York, Massachusetts, Michigan, and others, to name a few who, for the foreseeable future, are going to be dependent on programs predicated on data that is questionable at best. We are asking for an additional investment of $25 million, where $30 billion at least is at stake. The time is at hand not to defer, or have rosy representation given by the Federal Executive, or to defer to a commission established by this body last year to study the question of the accuracy of the unemployment data.

I think there will be adequate chance in the course of the year to raise this issue. I am hopeful, whether it be the Committee on Appropriations, whether it be the membership from the States that I have spoken of, or whether it be States that are not part of this pattern but which have been systematically underchanged because of the faulty or fraud nature of the data, that we could begin to put forth an effort to prod the Bureau

of Labor Statistics to give us some accurate information and not just give us an explanation. We need to begin, at least, to address the question of what we can do to have far more accuracy than we have in the computation of employment for the purpose of determining the bottom line on where as much as $30 billion will be allocated.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I am happy to yield to my colleague, the gentleman from Massachusetts.

Mr. EARLY. Mr. Chairman, first of all I thank the gentleman from Massachusetts for yielding to me and I congratulate the gentleman for offering his amendment, because it illuminates the problem caused by the Bureau of Labor Statistics in certain States.

During the testimony in the committee hearings, it was brought out how inaccurate the Bureau's statistics were; how inaccurate the method was, using the Bureau's statistics, to determine how much money the States would get on the first round of the Public Works Employment Act.

The State of Massachusetts received $52.3 million for local public works employment under the 1976 act. Had the Bureau of Labor Statistics accurately reflected the rate of unemployment in Massachusetts, the Commonwealth would have received over $90 million in 1976.

I think what the gentleman from Massachusetts (Mr. HARRINGTON) has done is bring out and reemphasize this problem to the subcommittee and to the chairman, who is well aware of it. He has suggested that the committee prod and get more involved in correcting the problems that plague the Bureau of Labor Statistics.

It was 2 years ago that the chairman, Mr. FLOOD, inserted an additional $5 million into the Labor, Health, Education and Welfare appropriations bill to accomplish this goal. As history shows, the $5 million did not achieve the goal. The Congress has since authorized a study of the Bureau of Labor Statistics, in conjunction with the CETA Manpower Training Act, which will directly address the internal problems at the Bureau that have caused such concern throughout the country and in this body. This study will be carried out by the Commission, authorized for this sole purpose, within 18 months after the fifth member of the Commission is named. We have assurance that the fifth member of the Commission will be named within 2 weeks.

But, I think it is good that the gentleman has addressed this problem here. I assure him that the subcommittee will look at the Bureau of Labor Statistics in much further detail in the next year and will try to arrive at the same goal that the gentleman seeks in offering this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. EARLY, and by unanimous consent, Mr. HARRINGTON was allowed to proceed for 2 additional minutes.)

Mr. HARRINGTON. Let me say I do not doubt the sincerity of the gentleman from Massachusetts, having looked at the committee proceedings. I am concerned that literally billions of dollars a year for the next few years are going to ride heavily on getting more accurate data dealing with the unemployment.

Mr. EARLY. If the gentleman will yield further, I agree, but I think an additional $25 million over the $18 million we now have in the bill will not accomplish this goal. It is incompetence in the administration of the Bureau that is at fault in determining these inaccurate figures.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. I thank the gentleman for yielding.

We know, of course, that the local and the State unemployment statistics are certainly far from perfect. There is no doubt about that. The Bureau of Labor Statistics is working very hard on this. They are making progress. This is a very tough business of refining statistics. The gentleman, of course, knows that. It takes time. We agree with the gentleman; there is no question about it. A lot of improvement is needed in all of these figures. We know very well that these Federal moneys are allocated based upon these figures we are talking about. I know, by the way, the Secretary of Labor agrees with us on this, and he told us at the hearings that he placed a very high priority on this sort of thing. But we need a gradual approach to it, and it cannot be done overnight.

I assure the gentleman, as he has asked, that we will give this close attention in the future.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

I would like to inquire of the gentleman does he contemplate that the increased money going to the Bureau of Labor Statistics would address the problem of the uncounted? As the gentleman knows, we have two sets of unemployed—those who are generally known, and then we have somewhere between 5, 8, or 10 million people who do not even count in our statistics. Would these additional moneys address that second part of the problem also?

Mr. HARRINGTON. Yes, it would attempt to address in a comprehensive fashion the problem the gentleman poses. I think, in addition to the concerns expressed this morning that go to the inaccuracy of the data. I am also concerned with the politicization of the issue of unemployment, starting back early in the 1970's. This data is a significant part of the political process of this country, and is something that is inherently a part of what we ought to be addressing here, too. I just hope, although I do not want to disagree with a far more eloquent user of the language, the gentleman from Pennsylvania, as to what "adequate improvement" means, I hope we can see the urgency of dealing with a problem that is going to be literally the difference between an acceptable degree of recovery in States like New York, Massachusetts, and the Midwest industrial States, or the continuation of the kind of bureaucratizing the gentleman from Pennsylvania and the gentleman from Massachusetts (Mr. EARLY) have disclosed this morning in the dialog—something I do not think we ought to stand still for.

Mr. MITCHELL of Maryland. It is an excellent amendment and I think it merits the full support of this House.

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to direct a parliamentary inquiry to the Chair. The Chair I am sure has had time to study the amendment and place it in the context of the language of the bill. My parliamentary inquiry is whether the gentleman's amendment would add $25 million to the committee bill or, in fact, would add $28.6 million. I am asking this question, because I am concerned whether the $3.6 million in the bill may not be a set-aside on the increased amount but rather an increase to the total.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Massachusetts (Mr. EARLY).

Mr. EARLY. Mr. Chairman, I have asked the sponsor of the amendment if he would withdraw the amendment given the assurances he has had from the subcommittee chairman that we would certainly move rapidly to get to the goal the gentleman wishes.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, having had some acquaintance with the procedures and with no pride in the draftsmanship, I have no difficulty and I have no problem with the request made by the gentleman from Massachusetts (Mr. EARLY), a member of this subcommittee, in withdrawing the amendment with the assurance we have this morning that the committee realizes the problem is serious and they will deal with the problem with somewhat more urgency than in the past.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Mr. ASHBROOK. Mr. Chairman, that makes my parliamentary inquiry moot.

The CHAIRMAN. Indeed it does.

Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The clerk will read.

The clerk concluded the reading of the title.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 10, after line 8, insert the following:

SEC. 102. None of the funds appropriated by this title may be used by the Department of Labor to carry out any activity for or on behalf of any individual who is an alien in the United States in violation of the Immigration and Nationality Act or any other law.

convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens."

POINT OF ORDER

Mr. NATCHER. Mr. Chairman, I make a point of order against the amendment offered by the distinguished gentleman from New York.

The CHAIRMAN. The gentleman will state it.

Mr. NATCHER. First, Mr. Chairman, I would like the Chairman to know I hate to find myself in disagreement with my distinguished friend, the gentleman from New York, because I know he is absolutely sincere in offering this amendment.

I know what the situation is in so far as aliens in this country drawing hundreds of millions of dollars in programs for benefits that they are not entitled to and should not receive. But, Mr. Chairman, at the same time I think a point of order should be sustained against the amendment because this amendment places additional duties on the Department of Labor.

The question arises as to who is to make the decision as to who is an illegal alien. As the Chairman well knows, not only the Department of Labor, but also the Department of Justice and the Department of Agriculture have certain duties to perform under the Immigration and Naturalization Act.

The amendment as presented provides:

None of the funds appropriated by this title may be used by the Department of Labor to carry out any activity for or on behalf of any individual who is an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

Now, Mr. Chairman, it clearly places additional duties on the Department and it is legislation on an appropriation bill. For that reason, Mr. Chairman, I think the point of order should be sustained.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BIAGGI. Yes, I do, Mr. Chairman.

Mr. Chairman, I thank the gentleman for his comments. I am distressed the esteemed gentleman and my friend takes an opposing view and understand his reluctance.

Mr. Chairman, all this amendment does is place a limitation. There is sufficient precedent established for limitations on funding. We are talking about a very special problem that has developed in our Nation and is now being addressed, in part. I introduced a similar amendment in the public works bill which imposes a greater responsibility. That amendment imposed a duty on contractors requiring them to certify that they did not employ illegal aliens on any of the jobs contracted from the public works bill. That amendment was passed in the House, passed in the Senate, signed by the President of the United States, and is now, in fact, law. We are now addressing ourselves to the funding in this bill today. The funding in this bill today provides for funds, CETA funds. Those funds and that legislation was enacted to help the lawful residents of this Nation who need employment. We have youth training programs. That legislation was intended to help the lawful residents of this Nation, to help them in their future development.

We have unemployment insurance. That legislation was intended to help those lawful residents of this Nation who are unemployed. Yet, when we look at the facts of life, we find illegal aliens participating in these benefits, with no prohibition as well as funds for the aging.

Mr. Chairman, it was not the intention of Congress, to provide people who are here illegally in the first place and who should be deported, rather than supported, and who have the effrontery to participate in our process and impact upon the taxpayers' dollars, and also deny the lawful residents of our Nation the opportunity that the Congress has provided.

Mr. Chairman, I believe there is sufficient precedent. My comments on the bill itself will be rather limited, because it is a very clearcut issue; but, as far as the point of order is concerned, this is a simple limitation on funding and imposes no additional duties.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard further on the point of order?

Mr. NATCHER. Mr. Chairman, further, I would like to make the point that this amendment would also place upon the Department of Labor the duty of making a determination as to who is an illegal alien. This clearly is under the jurisdiction of the Department of Justice and not under the Department of Labor or under the Department of Agriculture. That further determination would have to be made by the Department of Labor.

Again, Mr. Chairman, I think it places additional duties that clearly make this amendment out of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard further on the point of order?

Mr. BIAGGI. Mr. Chairman, I am glad the gentleman insisted, because it brings to mind another point, another case, another matter that highlights the offense. The fact of the matter is that there was a matter before the National Labor Relations Board which involved six illegal aliens. The National Labor Relations Board, or the Department of Labor, has taken the position that notwithstanding the fact they are illegal aliens, they will appeal the case, using taxpayer dollars.

The Department of Labor is appealing a finding on behalf of illegal aliens who should be processed in a deportation hearing, but no, we are spending taxpayers' money for people who are here illegally, engaged improperly in employment, denying lawful residents employment, and finding a Government agency advocating their cause. That is exactly the point I would like to stress. They have assumed unto themselves a duty.

The CHAIRMAN. The Chair is prepared to rule. In the opinion of the Chair the language of the amendment constitutes a legitimate limitation. The determination as to who is an illegal alien is made by another department of Government, and the information that a person is an illegal alien is thus available to the Department of Labor as the recipient of that information upon request.

Therefore, the Chair believes that this is a proper limitation on the obtaining of benefits, and therefore overrules the point of order.

The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BIAGGI. Mr. Chairman, the amendment I am proposing today is quite basic. It is another in my continuing effort to control the illegal alien employment problem, and is in a similar vein to the amendment I authored barring illegal aliens from gaining jobs under the Public Works Act.

The basis of the amendment is quite clear. At the present time, there are estimated to be some 3 million illegal aliens employed in this Nation. Almost 45 percent of them have jobs which pay above the minimum wage. They are employed in all sectors of the work force; from agriculture to industry. We have no accurate estimates as to how many illegal aliens are employed in federally funded jobs. But, we can assume that since there are no laws prohibiting the hiring of illegal aliens, there may very well be some illegal aliens in government jobs. This amendment is necessary to prevent future hirings.

As the Members know, I, and others in the House, have been working diligently for the past several years on behalf of legislation to make it a crime to knowingly hire illegal aliens. We are expecting a proposal on this subject from the administration. While waiting, we do have an excellent opportunity here today to prevent U.S. tax dollars from subsidizing the employment of illegal aliens.

By prohibiting the use of funds under the Department of Labor for any activity benefiting illegal aliens, we are not only talking about jobs funded under the CETA and youth employment programs, and elderly employment programs but also unemployment benefits which could be provided.

The amendment should be viewed as an important demonstration of our concern about the illegal alien problem. It is a crisis which threatens the economic security of this Nation and our people. Traditionally, employment has been the primary magnet drawing illegal aliens to this Nation. It is incumbent upon us to remove this incentive so we may put a stop to the flood of illegal aliens.

Above all, this amendment is offered for the protection of American workers—both citizens and legal aliens. We take the time and effort to appropriate billions of dollars for public service jobs. The American taxpayer pays for these jobs. Consequently, the jobs provided should only go to American workers. Illegal aliens should not be permitted to compete for the benefits provided by the Department of Labor—nor any other Federal agency.

I will capsule my comment—the program is very specific. We have CETA

that provides for the underprivileged and for those who are unemployed. We have youth training programs that obviously are for the benefit of almost the same people. We have unemployment insurance providing for benefits to lawful residents of this Nation who are unemployed. Now, nobody quarrels with that.

This gentleman has been a strong advocate of those legislative efforts, but on the other side of it we have people who come to this country in direct violation of law—by the millions, and have the effrontery to get involved in the process and take advantage of the benefits that this Nation provides. They are here illegally, should be deported, and once discovered should be immediately processed for deportation. I do not think this amendment requires any more comment. It is as simple as that.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I congratulate the gentleman for his amendment. The only thing I would add is that in some instances which I have investigated, illegal aliens get these benefits within a week or 2 weeks after they come into the country.

Mr. BIAGGI. That only highlights the situation. The fact of the matter is that they burden the services of this Nation. In Los Angeles, there was a suit to recover $48 million. In my district, we have illegal aliens by the carload who are burdening the educational system. It is a problem that requires attention.

There has been a significant first step made in this session of Congress dealing with the public works bill, which states that the contractors must certify that they will not engage illegal aliens. That is a significant first step. This is another. Yes, the administration is looking at the problem and hopefully will submit a comprehensive proposal to the Congress for our consideration. This amendment does not end the problem, but it is a partial solution to what continues to be an offensive situation.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the matter of illegal aliens has been discussed back and forth. It seems to me that almost everyone who gets up to discuss the problem immediately pretends to be an expert in this most complicated problem. The truth of the matter is that there are no experts in this field. No one really knows how many illegal aliens there are in the United States.

When the head of the Immigration Service was asked to comment on that subject matter, he said that anywhere between 1 and 20 million would probably be correct, but the truth of the matter, he said, is that no one has made a study, and therefore, no one really knows. We do know that illegal aliens have been coming to the United States for generations.

It is a guesstimate, that there are approximately 5 million illegal aliens here from the Western Hemisphere and 4 million coming from the Eastern Hemisphere. Those who come in from the Eastern Hemisphere are men and women who come in with a visitor's visa. They have enough money to pay for their air transportation to the United States. They have a working knowledge of the English language. Coming from the middle class of Europe with some education they just become involved and get lost in any community in which they choose to live. But those who come from the Western Hemisphere are the poorest of the poor. They do not come from the middle class of those countries. They come here because they are starving. And they come here to take jobs that most Americans do not want.

It seems to me that such an amendment as is being proposed in this appropriation bill should definitely be defeated for many reasons. First of all, the argument is made that the CETA program is infested with illegal aliens. I would like to challenge anyone to give me a recent study made, particularly in large cities, where the CETA program has a large number of CETA workers who are in the United States illegally.

Mr. Chairman, reference has also been made that they receive unemployment compensation. If they do, they pay for it. Reference was made to Los Angeles by the gentleman from New York just a moment ago, in which he said there is a problem in Los Angeles. Well, there is a problem all over with regard to illegal aliens. But the truth of the matter is that a study which was conducted by the county of Los Angeles showed that out of 27,000 families, there were only 19 persons who were illegally receiving aid from the county of Los Angeles.

The county of San Diego, also conducted a study, and they found that out of 19,000 families there were only 6 illegals who were receiving aid from the county of San Diego, which clearly demonstrates that the illegal alien is afraid to apply for aid because they are afraid of being sent back to their country of origin.

There is one other point which I think is important, and that is that the administration is making at the present time a thorough study of the situation. They are going to bring to Congress within the next few days their recommendations with regard to the problems of illegal aliens. It seems to me that, a subject matter of this magnitude should not be treated lightly in this appropriation bill. It is a subject matter that should be discussed thoroughly by the Congress of the United States. One that should have ample debate so that we know exactly what we are doing instead of having to, in a brief moment's discussion, make a determination that would effect millions of human begins regardless of the circumstances regarding their illegal status.

Mr. Chairman, may I say that I agree with the gentleman from New York in that, the problem does exist. But I also must say that the illegal alien is a human being and entitled to due process like anyone else.

May I also remind the House that the problem of the illegal alien is a problem that we ourselves help create, when we brought the braceros here from Mexico, one and one-half million men between the ages of 17 and 37 who work in our fields for more than 5 years and I suppose we expected them to stay home every night and not go out. What happened was that they got married and they had children. And when we got through with them, we sent them back to Mexico and we forget all about their families that remained in the United States and to whom they came back to almost immediately. These are the people who are here at the present moment. This amendment affects all illegal aliens. It seems to me that some distinction should be made between those who just crossed yesterday and those who came in some time ago, but that the best thing to do is to give this entire subject matter our most careful attention when you have before us the President's program on illegal aliens.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to my friend, the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

I never contended that I am an expert in this field, but I have held many hearings in connection with this problem and have researched it extensively. The fact of the matter is that as the result of a partial investigation we learned in the Department of Social Services in New York City that hundreds of illegal aliens were receiving public assistance.

We have also found that they engage in illegal activities in the sense that they purchase voting registration cards and vote.

I do not quarrel with the comment of the gentleman from California (Mr. ROYBAL) that they are human, but we have human beings all over the world who would like to improve their lot. However, we have a prior obligation to the legal residents of this Nation. Let us not lose sight of the fact that there is a lawful process by which aliens can come into America. We permit some 400,000 each year to enter through the proper process.

The individuals I refer to are here in direct violation of law. Hopefully, consideration will be given to the total complex picture in comprehensive effort, and later this session.

However, we are now talking about current legislation. We are talking about people who would take taxpayers' money and benefits from programs that were enacted for the specific purpose of providing benefits for the needy lawful residents of this Nation. These illegal aliens are not now lawful residents of this Nation. When the Congress acts on a subsequent date to provide them with additional status, and I will support that effort, then they, too, will qualify; at this time they do not.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me just ask the gentleman from New York (Mr. BIAGGI) this question:

Considering the hundreds of illegal aliens who are receiving welfare and aid in New York, what is the State of New York or the city of New York doing about it? Do they prosecute them when they receive this aid illegally? Do they prosecute them when they receive voting certificates illegally? What are they doing with them?

Mr. KETCHUM. Mr. Chairman, if the gentleman will permit me, I will answer that question.

In the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means, we have just had a great dissertation on legal aliens who received SSI. During the progress of these hearings, many of the members had an opportunity to see a segment of "60 Minutes" which addressed this particular problem.

What really happens is that, No. 1, the welfare agency fails to report it, or they say, "Well, that is the problem of the Immigration Service." The Immigration Service says that it is the problem of the Justice Department, and the Justice Department says it is welfare's problem.

That is why this problem has to be solved right here on the floor of this House, and that is why I believe the gentleman's amendment will do something constructive along this line.

We have solved the problem in the Committee on Ways and Means concerning the SSI situation. I am certainly hopeful that we can move forward in affording the benefits to our people, the American citizens who were intended to receive the benefits.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, how does this bill answer that problem? We already have two agencies that are now responsible by law to prohibit this type of aid. What does this provision do that cannot be done under present law?

Mr. KETCHUM. Mr. Chairman, the gentleman is absolutely correct.

We do have the agencies, and the problem we are seeing is that one agency just bounces it off to another agency. That is why we must take the responsibility of doing something about this problem.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I could not agree with the gentleman more.

Actually there are two issues involved in this discussion. One of them is fairness.

Every Member of this Congress has a handful, a dozen or perhaps 20 constituents who have friends, members of family, and others who try legally to come into this country and who may have been waiting in line for years to come in. Sometimes they wait for many years because they are the fifth preference or the sixth preference. Eventually they come in legally.

There is no reason to encourage those who come in illegally.

The second point is the use that is being made of the taxpayers' money. Is it being fairly used when we provide benefits for illegal aliens and when the benefits were meant for American citizens?

The tendency in this country is, if we see somebody leaning up against a wall, to ask them if they want to go on welfare. I think they ought to be inclined to work, and they ought to be inclined to have a little more responsibility for themselves.

Mr. KETCHUM. Mr. Chairman, without particularly addressing any particular ethnic group, in the gentleman's home State, in Yonkers, to be exact, there are legal aliens, most of them Jordanians, who come into this country sponsored by an individual, a relative or what have you, and in 30 days they are going on SSI. Then they are living in a building owned by the relative, and their expenses are being paid with your taxpayers' and my taxpayers' funds. That is simply not proper and not correct, and we should move to correct the problem.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I do not intend to take my entire 5 minutes, but I do want to point out that while I wholly agree with what the gentleman from New York (Mr. BIAGGI) is trying to do, I am not really certain any of us understand the full impact of the amendment. Let us see what the amendment says.

The amendment reads: "None of the funds appropriated by this title may be used by the Department of Labor to carry out any activity for on behalf of any individual" who is an illegal alien.

I want to point out that this amendment is going to affect more programs than just the CETA program.

Mr. Chairman, I am not interested in trying to provide welfare or CETA money to persons who are here illegally; but I would suggest, for instance, that we would not want illegal aliens to be able to undercut legal workers on the minimum wage. The Labor Department does, after all, enforce the minimum wage legislation.

I would also suggest that I do not think we would want to say that just because there is some illegal alien working in a plant, we would not want him subject to the same health protections as any other worker is if he is being exposed to toxic chemicals or anything else of a toxic nature in the plant. I am sure that is not the intent of the gentleman from New York. I think everybody agrees with his intent.

Mr. Chairman, the committee's point is simply that we do not know at this point exactly what the ramifications of this amendment would be. It could affect other programs which would have a snap-back effect on legal workers in this country. I do not think we want to do that.

Therefore, Mr. Chairman, I think, just in the interest of caution and prudence, we ought to forego supporting this amendment at this time and give the administration an opportunity to send down a comprehensive program on illegal aliens.

I agree with what the gentleman from New York is trying to do; but we cannot tell in all instances exactly what it, in fact, will do; and that is the point we ought to keep in mind.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our problem, of course, with the amendment is simply that we just do not know—and we are trying to find out here—what effect the amendment would have.

I do not think this kind of amendment should be in an appropriations bill. As we have heard stated, it is an issue which the administration is studying at the present time and giving a great deal of attention to. We have been reading about this problem and about the fact that it is being given a great deal of attention. As a matter of fact, the President has spoken about this several times.

Mr. Chairman, this is a very important problem. We should not do anything here today which would have the effect of tying the hands of the administration, which is already working on the problem that we are talking about. We should wait, under all of these circumstances, and give the President a chance to present his proposal to the Congress.

Again, Mr. Chairman, we do not know what effect the language will have. It is clearly, we feel, legislation that should not be dealt with in an appropriation bill. This is not the place for this kind of amendment. It never is.

The amendment, by the way, came up literally at the very last minute. It is a very complex subject, as we have heard here in the last part of the debate.

We simply should not try to deal with this kind of problem today in this appropriation bill.

Therefore, Mr. Chairman, I urge rejection of the amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman made reference to the administration's presenting some legislation. Hopefully, that will be presented in the near future; but until that occurs, I think we should be able to deal with the problem.

Furthermore, the administration has already sanctioned the principle because the President signed legislation which contained a similar amendment with relation to public works employment. Therefore, they are aware of the problem.

As I said, Mr. Chairman, I am not suggesting that this is the total answer; but at least it is another step forward.

Mr. FLOOD. Mr. Chairman, that does not follow from what we have done here, in my opinion.

Mr. Chairman, I just do not know what effect the amendment will have. I am sure that my friend, the gentleman from New York (Mr. BIAGGI) does not

either. I am sure he does not know what effect the language will have.

However, the administration, including the President himself, is trying very hard to cope with this problem.

Mr. Chairman, this is not the time and not the place for this amendment.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from New York (Mr. BIAGGI).

I greatly respect the gentleman from Pennsylvania (Mr. FLOOD) and the work of his subcommittee. I am normally one of the people who try to follow what the subcommittee does.

On the other hand, I know of the problems involved in connection with this situation in California and in other areas. I have some of the concerns raised by my colleague, the gentleman from Pennsylvania (Mr. FLOOD) about some of the amendment's possible applications.

On the other hand, I feel that we somehow have to keep the pressure on. I have talked to the administration. I recognize that they are attempting to do something. I have talked to the Attorney General. I have had the opportunity to even discuss the matter briefly with the President and with certain other people. But I do think we need to continue to keep this thing in the forefront and not to leave open any loopholes where illegal aliens will receive any benefits under this legislation inasmuch as our own people need all of the benefits of this legislation, and that they should not also go to people who are in this country illegally.

Therefore, Mr. Chairman, for the time being I certainly am going to support legislation such as this offered by the gentleman from New York (Mr. BIAGGI). I would urge my colleagues to also do so.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield

Mr. SISK. I am happy to yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. SISK) for yielding to me.

Mr. Chairman, I simply take this time to point out to the body that it has been said that there are no experts on this subject in this House. As I mentioned on the floor of the House of Representatives several days ago when we were considering the SSI, that if there is any Member in this body who has worked more diligently and who probably has forgotten more than most of us will ever know, it is the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. KETCHUM) for that tribute. I am not at all sure that it is accurate, but I do appreciate the comment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York. Mr. BIAGGI.

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out titles III, V, X, XI, XII, and XIII of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, title VI of Public Law 94-63, as amended, and titles V and XI of the Social Security Act, $1,187,571,500, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That funds contained herein for carrying out section 1304(k)(2) of the Public Health Service Act which are unobligated on September 30, 1978 shall remain available through September 30, 1979: *Provided further*, That any amounts received by the Secretary in connection with loans and loan guarantees under title XIII and any other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived from the sale of assets, shall be available to the Secretary without fiscal year limitation for direct loans and loan guarantees, as authorized by said title XIII, in addition to funds specifically appropriated for that purpose: *Provided further*, That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses, hereafter incurred, by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health, Education, and Welfare, and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That when the Hatch Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That in addition, $34,934,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein.

Mr. ALLEN. Mr. Chairman, I do not intend to address the matter now, but I do want to reserve a point of order against title II, section 209.

The CHAIRMAN. The Chair will state that the gentleman's request is premature. The bill is being read by paragraph. When that paragraph is reached, the gentleman will be protected.

The Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out, to the extent not otherwise provided, title IV of the Public Health Service Act with respect to cancer, $831,936,000.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I have taken this time to state that I had intended when we reached page 12, line 21, to offer an amendment, but, before I do, I would like to ask my good chairman, the gentleman from Pennsylvania (Mr. FLOOD) a question, because this will have a great bearing on whether I offer that amendment.

As I say, I was going to offer an amendment to increase the funding for the National Cancer Institute by $40.1 million. I had written minority views in the report on this subject. In the meantime I have talked with the chairman. Mr. Chairman, we appropriated $831 million and the Senate appropriated $920 million. Could I receive some assurances from my good chairman who is very good to me and very good to the other members of this committee, that we could reach some kind of a compromise with the Senate on this?

Mr. FLOOD. If the gentleman will yield, it is pretty hard to say what you can do with the other body. Legislation, as my friend the gentleman from Massachusetts knows, is the art of compromise. That is the gist of our whole operation, and insofar as the conferees are concerned, we will be trying to work out something with the other body in the conference. We will try to do the same thing here. We always do.

Mr. CONTE. I thank the gentleman from Pennsylvania. With that assurance. and the gentleman has always been a man of his word, I will not, when we reach the point, offer my amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentleman from Massachusetts for the statement he just made. I think that there are very few people in this House for whom I have more respect than I do the gentleman from Massachusetts. I think those of us who know him know that he is one of the most dedicated, one of the most humane Members of this body and is generally concerned with what happens to people.

I think that the committee's concern, as the Chairman indicated, has been expressed as well. But I do take this time, in spite of the graciousness of the gentleman from Massachusetts, because I do think it is important that Members of the House understand what the case is on both sides of the question in terms of how we deal with the National Cancer Institute budget. I am sure that if I were to allocate health research dollars on the basis of my own personal fears about disease that I would put it all into cancer research because it is one of the most devastating and one of the most fearsome diseases known to human beings. But I think there are several reasons why we must be restrained in the amount of money that we do provide the Cancer Institute. I recognize I am probably in the minority in the House on that, but I do want to express my reservations, nonetheless.

The fact is that if we look at the budget for the National Institutes of Health since 1970, we will find that the budget for the National Cancer Institute has increased by almost 400 percent over that time, whereas the budget for the other Institutes out at NIH has increased only at a rate of about 27 percent—27 percent versus almost 400 per-

cent. That, I think, has had a very damaging effect on the comprehensiveness of medical research in this country, because it has skewed medical research. It has given people the impression that the only way we can effectively attack cancer is by putting money into an institute labeled "Cancer Institute." That institute does a good job in a number of areas, but I think it is important for us to understand that there is much other research going on, both at NIH and at other places, which has a direct bearing on cancer but which is not being conducted at the Cancer Institute itself.

I think it is awfully important for us to understand that the more we concentrate our dollars in one institute, the less likely it is that we will have a balanced medical research effort in human diseases of all kinds, and, I might add, even in terms of cancer itself.

Let me also make one other point. We have had a lot of problems, very frankly, in the management of the Cancer Institute. We are about to have a new director, and I am sure that that new director will direct the Cancer Institute into a much heavier emphasis upon prevention. I think the efforts that we all want to make to provide a cure for cancer are understandable, but I think we have to understand that until such time as we really do understand the mechanism under which cancer is caused in the human body, until we do have much more knowledge about basic science, knowledge needed to understand how to cure cancer, the most important thing we can do is try to prevent it. We have not done very much of that in the last few years, and I am confident that the National Cancer Institute under new leadership will move in that direction. If they do under their new director, then I think we can with very clear conscience provide additional money beyond what we have in the budget this year for all relevant medical research.

But I do think it is important for us to understand that we do not necessarily design the most effective war on cancer merely by putting additional dollars in the Cancer Institute. There are many other techniques we can use to accomplish that purpose and do it more effectively.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may be permitted a temporary digression unique to me in this day, I think the movie that is opening in our city ought not to be "A Bridge Too Far" but "The Longest Day" since tomorrow is my birthday, and before I get to the issue, I have a few acknowledgments I would like to make.

This is the first time I have served on the Appropriations Committee. I certainly respect the help that has been given me on both sides of the leadership, and particularly by the gentleman from Texas (Mr. MAHON), the gentleman from Pennsylvania (Mr. FLOOD), the gentleman from Kentucky (Mr. NATCHER), the gentleman from Illinois (Mr. MICHEL) and the gentleman from Massachusetts (Mr. CONTE). Also I would like to acknowledge the help given me by the staff members, especially Henry A. Neil Jr., and including Nicholas G. Cavarocchi, Robert Knisely, Michael Stephens, and Frederick F. Pfluger, as well as Jimmy R. Fairchild and James A. Morrill of the minority staff, and my assistant Pat Baikauskas, and, particularly Bettylou Taylor and Jeni Leasor. They all have been very attentive to my requests for help, and I appreciate it.

Now, to the issue I would like to address, about 8 weeks ago I had the opportunity to visit at the National Institutes of Health, in particular that Institute dealing with allergies and infectious diseases. I was introduced to that special field of health by an old friend, Dr. Robert Becker of Illinois, national president of the Joint Council of Allergy and Immunology. I had already made the acquaintance of Dr. Donald Fredericksson, Director of all the Institutes of Health, and Dr. Richard Krause, Director of the National Institute of Allergy and Infectious Diseases. I also had come to know Dr. Joseph Bellanti, Director for Interdisciplinary Studies in Immunology of Georgetown Medical School. Certainly they comprised a small group of professionals of remarkable competence.

Having thus name dropped effectively and assumed much knowledge by the use of all those technical terms, let me now refer the Members to page 35 in the report. On that page you will find a little mustard seed that I am convinced will spread and grow. The words I invite attention to are at the top of the page and read as follows:

> The Committee directs the Institute to establish a program for interdisciplinary research in immunology consisting of three pilot centers. These centers should be geographically dispersed and should be university-based. The Committee believes that priority should be given to applicants which have an ongoing interdisciplinary program in immunology, and secondarily to those which show the potential and intent to create an interdisciplinary research program in immunology or allergic diseases. Furthermore, the Committee believes the pilot program should operate for at least 5 years with evaluation after 3 years to ascertain productivity and accomplishments.

The point I make is that I believe this to be the most innovative idea in modern medical care and education in many a year. The particular program that will develop in that area cuts two ways. If Members are familiar with the Institutes they know that the Institutes are vertically structured. There is an Institute devoted to cancer, one to allergies, one to neurological disorders, and on to arthritis to aging and the like. But this particular center does one thing which is singular. It cuts across fields of health care horizontally. It will one day reveal the ways in which the immune systems can deal with cancer, arthritis, aging, and so on.

It also does something else that is especially unique. It tends to bring together research, education and patient care in one area. It probably can boast of the most patient-oriented research being done today in my judgment in any of our institutions of medical learning.

Let me suggest the amount of money being applied to this effort will be approximately $900,000, which is not very much by current standards. But sometimes a great notion develops an ultimately fine result from modest beginnings. I would like to suggest that this particular effort of this particular center will provide a harvest of improved medical care far beyond our present dreams and expectations.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I just want to say that we have had the gentleman on our committee for the first year and it has been a great pleasure to have him. He has been a great help.

I know I speak for all of the members of the subcommittee and in fact all the Members of the House when I say: Happy birthday.

Mr. O'BRIEN. I thank the chairman.

Mr. CONTE. Mr. Chairman, I move to strike out the period after the last word of this paragraph.

Mr. Chairman, at this time I had intended to offer an amendment to increase funding for the National Cancer Institute by $40.1 million. I am not going to offer that amendment, but I would like to make some comments on the need for continued support of cancer research. I would also like to express my hope that we will be able to secure additional funds for the National Cancer Institute in conference, since I understand that the Senate bill is approximately $88 million above the House on this item.

In 1971, Congress enacted the National Cancer Act, which made the conquest of cancer a national priority. I am convinced that our action in 1971 was and continues to express the genuine desire of the American people. In a recent survey, when people were asked what disease they feared the most, 65 percent replied "cancer." The physical, emotional, and financial effects of this dread disease all contribute to making this the No. 1 fear of so many people.

There is hardly a person alive who has not been personally touched by cancer. As the Nation's No. 2 disease killer, cancer strikes one in four persons, affecting two out of every three American families. When a child or young adult becomes a cancer victim, the tragedy of the disease is especially profound. One-half of the Nation's cancer deaths occur in those under age 65, and cancer causes more deaths among children between the ages of 1 and 15 than any other disease.

In addition to the terrible emotional and psychological impact of cancer, this disease may also rank as the most expensive. According to medical economists, some $14.6 billion is spent in the United States for cancer care and treatment alone. When you include work time lost and the financial impact of premature death, the total cost of cancer to the

American economy is conservatively estimated at between $25 billion and $35 billion per year.

In light of such estimates, the $872 million which I had proposed for research on cancer—research that will lead to a reduction in the suffering and sorrow and cost of cancer—is an entirely reasonable investment in the future health of this Nation.

As everyone concerned with biomedical research knows, it is impossible to talk about "curing" cancer unless a patient survives 5 years after treatment begins. It should be apparent that a program enacted in December of 1971, involving over 250 nongovernmental experts in planning, requiring time to develop research protocols, and needing 12 to 15 months after a 5-year experiment ends in which to evaluate research results, cannot be expected to be proven a failure or success by 1977. It is impossible to produce 5-year survival data in 1977 on the basis of studies put into motion in 1972 or 1973.

Yet, that is what opponents of the Cancer Institute program would like to do. They are impatient for results, and want to be able to justify expenditures for cancer research on the basis of demonstrable improvements in cure rates. There have been improvements in many areas, but progress is slow and much remains to be learned. It would be wrong to slacken our efforts now—just at the point when we are beginning to see payoffs on earlier research efforts, and the application of earlier discoveries is really going into full force.

Maybe if we do not see an improvement in 5-year cure rates 10 years from now, it would be justifiable to reduce our support for cancer research, and direct our attention elsewhere. But it certainly does not make sense now, when we are just about to cash in on our capital outlay.

A common criticism is that although 80 to 90 percent of all cancers may be environmentally induced, the National Cancer Institute spends far less than a proportional amount of its budget on prevention. This argument overlooks the realities of cancer prevention.

The National Cancer Institute's assigned task in cancer prevention is the identification of carcinogens. It has no authority to ban the use or sale of carcinogens, to require warning labels, or to inspect chemical plants. It has not the funds for a public relations campaign to urge people to avoid specific items. All of these other actions are assigned to other agencies such as the FDA, Department of Agriculture, OSHA, FTC, EPA, Consumer Product Safety Commission, and so forth.

The National Cancer Institute has done a good job of identifying carcinogens. There is every indication that the major environmental carcinogens that are responsible for most human cancers have been identified. But either through voluntary action—in the case of users of tobacco—or the inaction of other governmental agencies—in the case of most chemical and industrial/environmental carcinogens—people continue to be exposed to the substances which the Cancer Institute has shown causes cancer.

Certainly we need additional research by the National Cancer Institute on environmental causes of cancer—and increased resources for the Institute can be devoted to such purposes. The additional funds which I had proposed could have funded additional work in this area.

A good step would also be to take a small portion of any increases in funds and begin publishing an annual report on environmental and occupational causes of cancer. Although the public's reaction to health warning on cigarettes has not been encouraging, with wider public dissemination of knowledge about proven carcinogens, at least our people will be able to make informed decisions about exposing themselves to dangerous substances.

I believe that a prudent safeguarding of the taxpayers' investment, a better use of appropriations past and present, would require a fiscal year 1978 appropriation of at least $872 million. That would help compensate for inflation, allow half-performed projects to be completed economically, and allow for the application of a few especially promising new ideas.

There are some indications of improvement. Through recent advances in therapy, many persons are being cured today of cancers that were considered hopeless just 5 or 10 years ago—including Hodgkin's disease and acute leukemia in children. There have been recent dramatic advances in curing bone cancer and Wilm's tumor. Using a new type of immunotherapy plus surgery, physicians have been able to produce 71 percent survival rates of victims of colon and rectal cancer, compared to 50 percent with surgery alone.

Many researchers believe that the time is right to take some of the technology learned from studying the rarer cancers in children and young adults under the age of 35, and translate that into better treatment of the more common cancers in adults. I agree with that approach.

The 2-percent increase for the National Cancer Institute would not permit that to happen. The 7-percent increase which I had proposed would.

Let us not lose the momentum we have developed so far. I urge my colleagues to support continued funding for the National Cancer Institute, and to support the increase which I hope will be forthcoming from the House-Senate conference.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For carrying out titles II, VII, VIII, and XV and section 472 of the Public Health Service Act, section 1122 of the Social Security Act and section 222 of the Social Security Amendments of 1972, $754,119,000 of which $1,000,000 shall remain available until expended for carrying out section 305(b)(3) of the Public Health Service Act, without regard to the requirements of section 308 of said Act, $2,000,000 shall remain available until expended for loan guarantees and interest subsidies under Part B of title VII, and $5,000,000 shall remain available until expended for grants under section 720(a)(1) of title VII.

AMENDMENTS OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer several amendments and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The amendments are as follows:

On page 17, line 14, strike "$754,119,000" and insert "$744,119,000".

On page 20, line 7, strike "($2,733,750,000)" and insert "($2,633,750,000)".

On page 20, beginning on line 15 and continuing on line 16, strike "$3,165,550,000" and insert "$3,065,550,000".

On page 20, line 23, strike "($2,733,750,000)" and insert "($2,633,750,000)".

On page 22, line 24, strike "$619,925,000" and insert "$569,925,000".

On page 23, line 1, strike "$465,000,000" and insert "$415,000,000".

On page 24, line 3, strike "$3,738,003,000" and insert "$3,439,503,000".

On page 24, line 3, strike "$326,660,000" and insert "$304,160,000".

On page 24, line 4, strike "$125,000,000" and insert "$100,000,000".

On page 24, line 6, strike "$270,093,000" and insert "$250,093,000".

On page 24, line 12, strike "$2,300,000,000" and insert "$2,069,000,000".

On page 24, line 14, strike "$2,280,000,000" and insert "$2,049,000,000".

On page 34, line 12, strike "$2,155,978,050" and insert "$2,060,978,050".

On page 40, line 24, strike "$145,000,000" and insert "$135,000,000".

Mr. MICHEL. Mr. Chairman, for the benefit of the Members here, we have the amendments all clearly enumerated. It would take some time for the Clerk to read them. I think we can expedite the business of the House this way. I am sure there are no shenanigans taking place.

Mr. BADHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I have some mixed emotions in offering this amendment here today. I have an obligation, as a member of this subcommittee, having served on it for many, many years, to try and make sure that we ap-

propriate funds in an appropriate and responsible manner. During the previous administration I was obligated to defend its budget as best I could and give whatever advice I could from time to time.

With the advent of the new administration, some of us said that we should surely help the new administration ballance the budget and initiate zero-based budgeting.

I remember the President's campaign speeches. I remember the campaign pledges. I listened to his press conferences, particularly in the last few weeks, when he began expressing concern for what was happening up here on the Hill on the farm bill, on the public works bill, and on this labor-health, education, and welfare bill. I took the President at his word. I thought I might be helpful in helping to get a package of reductions, to bring this bill more in line with his professed concern. But I did not get the time of day out of the White House, no help whatsoever from the legislative liaison office. And then I read in the Washington Post this morning about a secret, backroom compromise—apparently agreed to in writing by Mr. Carter and some leaders in the House, something to the effect that we in the House would not accept the amendment offered by the gentleman from Massachusetts (Mr. CONTE) to increase cancer funding by $40 million so long as there were not any reductions made in the bill. And, of course, what we are proposing to do is make some selective reductions that, in the aggregate, do come to better than a one-half billion dollar reduction. But it is somewhat of a farce. Methinks the President does not have too much clout with the Congress, or at least he has not seen fit to exercise it, notwithstanding all of his pious protestations about balancing the budget.

I really wondered whether I should go ahead and put the Members of this House to the test, when the President himself is not willing to lift a hand in his own defense. I am talking about his figures in the budget. I am not saying all of his figures are sacrosanct, but I would give any President, whether of my party or of the majority party here in the Congress, the benefit of the doubt. But at any rate, I did put the package together in good faith. It has broad bipartisan support, as evidenced by the 25 to 24 vote against it in the full Committee on Appropriations, when nine Democrats, including the chairman of our committee (Mr. MAHON), supported it, and that coming only after we had won by one vote only to have one member on the other side reverse his vote.

Obviously a significant number of our membership would like to vote for some reduced figures from those recommended in this bill, whether it is to satisfy their own consciences that they have at least made an attempt to bring the bill more in line with the budget of the President or whether it coincides with their own thinking.

I have no illusions, however, about our having any chance to prevail, in view of the administration's failure to give us any support.

If I might address myself specifically to the amendment, it reduces the amount of this bill by $563.5 million. If the amendment is adopted, it would reduce the amount by which the bill is over the budget to a billion and a half dollars rather than the amount of $2.1 billion or thereabouts.

Mr. Chairman, the reductions I am proposing are really very modest in nature. In no case would I reduce the level of spending below either the current level or the Carter budget. In every instance but one, I would provide for increases over the 1977 level, and in every instance but two, I would establish a spending level in excess of the Carter budget.

If we take all these 11 items together, we will find that my amendment will provide total increases of $919.9 million above the level of spending in fiscal year 1977.

Mind you, here is BOB MICHEL standing here and proposing increases in spending over last year of $919 million in these 11 items. But that is what the fact is, notwithstanding the flimflam information the Members have received from some of the educators around the country who do not know what is actually contained in the amendment. They keep talking about cuts, but the cuts are in reality simply reductions in the increases proposed by the committee, not reductions in current program levels.

In running through the items in the amendment, we would provide $134 million for capitation grants for schools of medicine, dentistry, et cetera. This represents a $19.5 million increase over the Carter budget and a $9 million increase over the current level, but $10 million under the level in the bill.

For ESEA title I, the grants for the disadvantaged program, the amendment provides a reduction of $100 million, but would still establish a funding level of $350 million above last year's appropriation. President Carter proposed this $350 million increase as basically a tradeoff against his recommended cuts in the impact aid program. The bill, however, not only rejects those cuts, but tries to one-up the President by adding $450 million for title I.

For education for the handicapped, my amendment would provide $569.9 million, an increase of $100.5 million over the current level and $50 million over the Carter figure. Because of a carryover of funds, my amendment would in actuality provide a much larger increase over the current level for basic State grants. Even with the $50 million reduction from the bill we are proposing, the States would still receive $485 million, which is almost twice the expenditure from last year's appropriation. As a matter of fact we provided so much money last year that $70 million of last year's appropriation will not be spent by the end of the current fiscal year.

We would reduce the allocation for basic education opportunity grants by $231 million to reflect the Carter recommendation of the amount needed to fund the program at $1,600 maximum grant per student level. This reflects an increase of $200 in the ceiling over the current $1,400 level. The administration originally felt we needed $2.3 billion to fund it at that level, but new estimates have reduced the amount needed, and it has submitted a revised request to this effect. Even with this reduction, we would be providing a $377 million increase over the current level.

We would fund the supplemental opportunity grant program at the current level, which is $10 million above the budget.

The amount we provide for new capital contributions for the direct student loan program is $22.5 million under last year's allocation, but because there is a $24 million increase in the revolving fund, we will actually be making more funds available for student loans than at present. The President, of course, wanted to eliminate this program entirely.

Overall for student assistance, even with these reductions in the committee increases we will still be providing a $357 million increase over the current level, which represents a 13-percent gain. In view of the fact that enrollments are not increasing, and costs of education are increasing at an annual rate of 4 percent, we would be treating student assistance very well. We would be providing some form of Federal assistance to nearly 6 million students, which is over half of the entire student enrollment.

For the special programs for the disadvantaged, or TRIO, we would be providing $100 million, which represents an 18-percent increase over the current level and a 36-percent increase over the budget. The bill provides a 47-percent increase, which is way out of line, particularly in the face of mixed reviews from the various evaluations of the program that have been undertaken.

Head Start is another program where the increase in the bill is more than we can afford. A $120 million increase was included, and what we have done is cut that in half. So we still have a $60 million increase over the current level and a $50 million increase over Carter's budget, and we would fund the program at a level of $535 million. The question is not whether we should increase funding for Head Start, but what is the reasonable amount the increase should be.

For the aging area planning and services program, we provide $133 million, an increase of $11 million over both the current level and the Carter budget. For senior centers, we would provide $25 million, which is a 25-percent increase over the 1977 and budget levels. In addition, the HUD community development program is allocating $20 million for such centers.

The Corporation for Public Broadcasting would receive $135 million through my amendment, an increase of $14.8 million over both the budget and the 1977 level.

Mr. Chairman, there is no question but that a good case can probably be made on behalf of additional increases for each one of these programs. The same is true for many other programs in this bill. The point, however, is that we must look at the whole rather than just the parts. We need to focus on the longrun picture rather than just the short run.

This bill overall is $2.1 billion over

President Carter's budget. To put it in better perspective, we must remember that the Carter budget itself provides substantial increases over the Ford budget, to the tune of some $11 billion in increased spending levels. We are still facing budget deficits in the neighborhood of $60 to $70 billion a year, even at a time of an expansive economy. I do not know how long we can go on at this rate without meeting a day of reckoning.

We heard a number of complaints during the campaign that the Ford administration was not spending everything Congress had appropriated. I submit that this underspending was one of the reasons why the inflation rate rose at a level of only 4.8 percent in 1976. Now that spending is going up, we also see inflation back on the rise again.

President Carter at one time expressed concern over the impact excessive spending by Congress will have on inflation, and he was right. He had also expressed concern over the effect spending increases this year will have on his efforts to balance the budget by 1981, and he was right again, for increases today will build into the budget a level of spending that will result in even greater increases in the years ahead.

The President has apparently pulled another one of his famous flip-flops, but he was right the first time.

The adoption of my amendment will help to put a break on spending increases, and enhance our ability to both control inflation and eventually balance the budget. It will not please the various special interests who may have a vested interest in these various programs, but they are never satisfied. The more you give them, the more they want, and this was never better illustrated than by the fact that even with the reductions in my amendment, virtually all of the programs would still receive significant increases. Neither do these people look beyond their own narrow focus. I hope that we can overcome the representations by the special interests and have the courage to look at the overall picture. Such a focus cannot help but make a case for the adoption of this amendment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. MICHEL. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. MICHEL)?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I merely wish to point out that this appears to be the type of amendment on which we might run into a time limitation at the end of its consideration, and I would hope we would not have too many Members precluded from speaking.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, I am sympathetic with the gentleman's position, and I withdraw my unanimous-consent request.

I do not want to see us talk all day on these individual amendments since the issues are already pretty well drawn, but I would certainly stand here and defend my amendment and answer any questions any Members taking time on their own may wish to propound to the author of the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. MICHEL) withdraws his unanimous consent request.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the gentleman from Illinois (Mr. MICHEL) has stated with regard to the close vote we had in the full committee is correct. However, this was at a time when the President had indicated he wanted a reduction in this particular bill. The situation today is different. The President has already stated that he will support the bill as it now stands without adding any more funds to it.

What this amendment does is that it actually takes en bloc funds from perhaps some of the most important programs in the bill. As one example, it takes health capitation grants, which deal with schools, dentistry and medicine, and reduces that amount by $10 million.

Education for the handicapped is also being reduced by $50 million. We all know that the handicapped at the present time are not being fully served, that only a very small percentage of those who are in need are being served at the present time.

The amendment also reduces by $231 million the basic education grants.

The supplemental opportunity grants are reduced by $20 million.

Direct student loans are reduced by $22.5 million. These are loans made to students in need, making it possible for them to get an education.

The amendment also reduces special programs for the disadvantaged by $25 million.

Head Start, for example, will be reduced under this amendment by $60 million—a program that has a tremendous reputation throughout the United States.

One other program that is being reduced if this amendment is adopted is the program for the aging. This affects the area of planning and services made available to the senior citizens of the United States.

This year alone 600,000 new senior citizens were added to the rolls in the United States, which brings the total at the present time to 32,000,560 senior citizens in this Nation.

This program on aging makes it possible for them to get transporation, for them to get legal and other counseling aids, to get in-house services, and to even have some home repairs. It also reduces by $15 million the multipurpose centers. These are the centers that are definitely needed by the senior citizens throughout the United States. At the present time multipurpose centers are almost nonexistent. At the present time they have to go all over the cities to get some of their basic needs. It is quite possible that something can be designed so that they can go to only one place, and a multipurpose center can well provide for their needs.

Mr. Chairman, the amendment if adopted would delete 833 center projects from this program.

At the present time there are at least 7 million senior citizens who are close to a community center but are unable to use it because that center is too small or substandard. What this money can be used for is to enlarge and bring these centers up to standard so that the senior citizen can use them.

Mr. Chairman, one other thing that bothers me with regard to this amendment is the fact that title I of ESEA is also substantially reduced by $100 million.

While I agree that the committee did increase the amount, one must also agree that the need for title I—for the compensatory education needs of the economically and educationally disadvantaged youth—is greater today than it ever has been at any time in the past. Inflation itself has reduced the moneys used for this program by 30 percent.

In 1968, for example, we were serving 7.6 million children, but today, in 1977, we are only serving 5.2 million children. This is a reduction of 2.4 million children less in 1977 than we had in 1968.

Mr. Chairman, the eligible in the entire country is 9.6 million. The truth of the matter is that with the funding at the present time only 53 percent of those eligible for services under title I are being served, and that the defeat of this amendment would serve 60 percent of those eligible, as provided for in the committee bill.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I rise today to speak against the Michel amendment to the Labor-HEW appropriations bill. This amendment, if passed, will cut into the heart of the social programs the appropriations bill proposes to fund. More accurately described it would be an assassination of the bill.

The Michel amendment would delete $10 million from the health capitation grants which provide money for health professional schools to support their programs, including predominantly minority schools. The Michel amendment would cut $100 million from Title I of the Elementary and Secondary Education Act, a compensatory education program that is a major provider of Federal assistance to educationally and economically deprived schoolchildren. The Michel amendment would expropriate $50 million from our program to deal with special educational needs of handicapped students. The Michel amendment would remove $60 million from the Head Start program, the most successful education enrichment plan into which our Nation has entered. The Michel amendment would cancel $231 million from the basic educational opportunities grant, the Federal Government's major student assistance program providing grants for

economically disadvantaged youngsters to pursue a postsecondary education.

The Michel amendment would revoke $20 million from the supplemental educational opportunity program, which allows colleges and universities to provide grants to their most needy students, and it woud delete $22.5 million from the national direct student loan program which aids students in borrowing money at reduced interest rates. The Michel amendment would cut $25 million from the special programs for the disadvantaged, TRIO, which creates initiatives to increase postsecondary educational opportunities for disadvantaged students, initiatives such as educational opportunity centers, service learning centers, Upward Bound and Talent Search.

The Michel amendment removes $20 million for area planning and service for aging and $15 million for senior centers. In addition, $10 million for the Corporation for Public Broadcasting would be eliminated.

Mr. Chairman, passage of the Michel amendment would be injurious to our young children, to our students trying to get ahead via a college education, and to our senior citizens attempting to live out the remainder of their lives in some degree of dignity. Passage of this amendment would have a devastating impact on the quality of life for those affected. At a time when this Government has an obligation to contribute more in these areas of human concern our colleague, Mr. MICHEL recommends less. I, therefore, adamantly oppose the amendment and ask my colleagues to do likewise.

Mr. OBEY. Mr. Chairman, the gentleman from Illinois (Mr. MICHEL) is one of the most well-liked people in this House.

However, I do want to question the figures he is using in his amendment because it has to be understood, first of all, that this committee bill is not $2 billion over the administration request. We are closer to about $700 million over the administration request. The gentleman from Illinois (Mr. MICHEL) claims to be at the same level as the administration on basic-opportunity grants, for instance, when the fact is that the official request on the part of the administration has never been officially amended. The official administration request is actually $16 million higher than the figure contained in the committee bill.

Let me also point out, Mr. Chairman, that that means the figures of the gentleman from Illinois are off by $247 million in terms of their actual comparison with the figures in the administration bill.

Let me point out that he is using a different standard to describe, vis-a-vis the administration, our aid to the handicapped. The administration has, in fact, accepted the House action on aid to the handicapped, in its statement of effect on the House action which it sent to the Senate committee. But the gentleman from Illinois is ignoring that fact.

So, in terms of where he is, his figures are inaccurate to the tune of $100 million.

Let me just make one observation on the basic opportunity grants program. I am sure the Members get the same objections that I receive in my district about programs that are always meant to help the poorest of the poor—and there is nothing wrong with that—but we get objections from people in the middle-income class area who say, with some legitimacy, that we should not be designing programs, for instance, which do not also help them.

For example, if you are making $12,000 to $14,000 a year, you still have difficulty if you have a kid or two in college.

What we are trying to do in this bill is to provide sufficient funding so as to give everyone who is receiving the maximum grant, on the lowest economic rung, to give them at least a cost-of-living increase in their grant, and then provide enough additional money so that we can increase the eligibilty for the middle income kids.

We have enough money in this bill to increase eligibility by about 400,000 new students, from working or middle-income families.

If you were married rather late in life, you can be in your late 50's, have a kid who is going to college, and if you have managed to almost pay off your home mortgage you can literally, if you are making a modest income, be ineligible for a basic opportunity grant the way it is presently structured.

I do not think we want to continue with that kind of a situation.

If you are a small businessman or a farmer you are also treated inequitably. The way things are handled right now you can, in some instances, if you are a small farmer, have less than $2,000 a year in real income and still be ineligible for the basic opportunity grants.

What we are trying to do here is provide enough money so that in addition to meeting the real needs of the poorest of the poor in his bill, we will have enough money to take care of the real economic problems faced by a great number of the families in this country who are trying to get along financially and send their kids to college at the same time.

I woud urge that the Members support the recommendations of the subcommittee on that point.

Returning to the point of aid to the handicapped, let me say that we have pledged to the States that we would pay 10 percent of the cost of instructing the handicapped children. If we were to adopt the Michel amendment this will drop down to 9 percent.

In fact, in the case of Florida we have one State contemplating withdrawal from the program rather than paying the additional cost. They are saying "we will just not pay any Federal funds for the handicapped through Federal funds." I do not think we want to be in the position of telling the States that we will come to their aid with financial assistance and then not do so.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the author of the amendment, the gentleman from Illinois (Mr. MICHEL) a question. I have received some inquiries from my district, such as from the President of the University of Idaho and others, about the formula. I have read the amendment and I have read the committee report, and I would ask the gentleman if this amendment does affect the problem of eligibility of children to receive the basic opportunity grants who come from rural America and have a father with a cash flow problem but may have substantial assets. Would the gentleman from Illinois address himself to that question?

Mr. MICHEL. If the gentleman will yield, with respect to the previous speaker, the gentleman from Wisconsin (Mr. OBEY) and his comments on the basic opportunity grant program, let me say that in a letter dated May 20, 1977, from Mr. Califano, the Secretary of HEW, he says:

> * * * we are also asking you to decrease our budget request. The budget recommends a maximum award level of $1,600 for the Basic Opportunity Grant program. However, we over estimated the cost of this, and we ask your committee to reduce the amount for this program by $230 million.

That is your own Secretary of HEW, and he is making that request as of May 20.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Not until I make this point. We are continuing the basic opportunity grant program at a maximum grant of $1,400 per student, and with the money we provide in our amendment, we are increasing it to $1,600. There is plenty of money in there, and the gentleman from Wisconsin well knows that.

With regard to the direct loans, my amendment goes well beyond the President, who did not want to appropriate any new capital contributions to this program. I would reduce new capital contributions only slightly from last year's level, so that when coupled with increases in the revolving fund, there will actually be an increase in new loans available.

Mr. SYMMS. But the gentleman does not change any formulation.

Mr. MICHEL. No, and all told we have got over $350 million more in student aid for higher education after my amendment, if it were adopted, than we were spending last year. I think that is a very significant increase, if the gentleman would yield further.

Mr. SYMMS. I would be happy to yield further.

Mr. MICHEL. That is a very significant increase, particularly with respect to the handicapped. The gentleman cannot deny that we poured so much into the handicapped last year that the record shows that $70 million of what we appropriated last year cannot even be spent. We double the amount for State grants in my amendment, and provide a total of $560 million for aid to handicapped kids. When they talk about cutting, it is a reduction from what I consider to be an excessive increase voted by the subcommittee, not from last year's level of spending or even from the budget for that matter, because every item which I have in my amendment is above what the President proposed in the budget. So we are on really good grounds. I do not care what item the gentleman

proposes to choose to pick out to contradict.

There was one here. Let us see, we covered basic supplemental grants, supplemental grants, and, incidentally, that figure for overall student assistance, the figure for student assistance, we provide a $350 million increase over last year, a 13-percent increase, while the student population has stopped increasing. The cost of education on an average for higher education is now going up at a rate of only 4 percent.

In Head Start, we provide an increase; but I do not think we ought to have $120 million. I think $60 million is sufficient. It is the biggest increase we have given Head Start in the life of the program, and I think it is very substantial.

I do not know what other items the gentleman would like to inquire about.

There is one other point, because the gentleman from Wisconsin said my fig- I will tell the Members what the gentleman is calculating. He is saying we are only over the budget by $917 million. He does not take into account the $834 million in deferred Department of Labor training programs that are going to be funded in a supplemental. That is really a phony reduction. And then the bill makes a $350 million reduction in medicaid that we are going to be asked in not even 6 or 7 or 8 months to come in on a supplemental for. We have done that in agriculture bills before, where we have reduced commodity credit to try to make up for other programs. I am simply trying to be honest about this and give you a true perspective.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield for a quick settlement?

Mr. STOKES. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

I simply want to point out to the gentleman from Illinois that only the President can amend the budget. The Secretary of HEW cannot. The administration has not in fact sent down the amended budget amendment referred to by the gentleman from Illinois, and the administration is now in support of this bill.

Mr. STOKES. Mr. Chairman, I rise in support of the fiscal year 1978 Labor, Health, Education and Welfare appropriation bill as reported from committee on June 2, 1977, and I oppose the attempt of the gentleman from Illinois and all other attempts to cut needed funds from this bill.

Mr. Charman, as you know, the comtee has worked long and hard to meet the needs of the young, the old, the disadvantaged and the handicapped. The $61.3 billion included in this bill is neither "too far out of line" nor "quite excesive" as the gentleman from Illinois would have us believe.

Mr. MICHEL. Mr. Chairman, will the gentleman yield on that?

Mr. STOKES. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

It is not a $100 million reduction from our current level of spending, but a $100 million reduction from the $450 million increase that is involved in this bill.

Mr. STOKES. I think I am trying to state it in its proper terms. Rather, this bill represents a moderate attempt to improve the plight of America's needy. Though the package of cuts proposed by the gentleman from Illinois represents a small percentage of the entire Federal budget they do represent major reductions in the most needed and effective human service programs in this Nation. For example, the gentleman from Illinois seeks to cut $100 million from the ESEA title I program. Presently, this program serves less than half of the 10 million needy low-income children who are eligible. Yet, the gentleman from Illinois would have us believe that less money should be spent on the program and greater concentration should be directed at trying to make the program work. Mr. Chairman, the program not only works but is an educational success. A recent review of all title I evaluation studies prepared in HEW and reprinted in the June 3, 1977, CONGRESSIONAL RECORD, page 17477, revealed that children enrolled in title I programs are making significant advancements. It is important to note that contrary to the suggestion of the gentleman from Illinois very few funds are spent on noninstructual costs. In fact, a recent NIE report clearly states that most school districts only spend 5.5 percent of their funds for noninstructual items.

Mr. Chairman, if title I looses $100 million, 240,000 poverty-based children will be deprived of a sound educational start. In the area of education the gentleman from Illinois also seeks to cut the basic opportunity grant program by $231,000,000; the supplemental opportunity grant program by $20,000,000 and direct student loans by $22,500,000, all at a time when the demand for these programs far outweighs the appropriations levels. By illustration, tuition costs alone for a college education have increased by 97 percent in the last 7 years. Moreover, with increased authorization levels for the BEOG program to accommodate middle-income students at least 150,000 new students will be eligible. Likewise, the need for SEOG funds have risen at an increasingly alarming rate. Presently, there are over 700,000 outstanding applications for SEOG funds, yet the committee increase of $20,000,000 would allow for only 30,000 new students. The need is also great for the direct student loan program which currently serves 799,000 persons. Despite this need the gentleman from Illinois proposed to cut this program.

Mr. Chairman, it must be remembered that a student from a low-income background is doubly dependent on the direct student loan program for he must rely on this program to provide the matching funds for a BEOG and SEOG grant. This is because traditionally the parents of a low-income student do not have the credit for a standard bank loan. Thus, if we fail to provide these needed funds many thousands of valuable minds will go to waste for want of money to attend college.

Mr. Chairman, in the area of education the gentleman from Illinois has also proposed a $50 million cut from education for the handicapped. Mr. Chairman, I can think of no more thoughtless reduction in this appropriations bill. For it must be remembered that this line item is being advanced funded for the 1978–79 school year. In that year, pursuant to Federal mandate, school districts will have to provide full services for each handicapped child. Especially in the first year, school districts will be struggling to find funds from their own tax base for such capital outlay startup items as materials, equipment, and in-service training. If the Congress does not meet its commitments at least 4 million handicapped and desperately needy children will remain second class citizens.

Mr. Chairman, the gentleman from Illinois' cuts to the TRIO and Head Start programs would be extremely detrimental. For those of us who have followed the TRIO programs of talent search, upward bound and special services for the disadvantaged we know that these programs have been funded at the same level since their initiation in 1972. In addition, at no time has TRIO served more than 6 percent of the disadvantaged students who are eligible for assistance. If the funds which our subcommittee added are deleted, at least 245,000 students would not receive the remedial assistance to succeed in college.

It is also important that all increases for Head Start remain. Here again, we have a very successful yet underfunded program. Presently, Head Start provides services to 350,000 pre-school children in 1,200 localities. Yet, this program has not been expanded in 9 years and only serves 15 percent of the eligible population. There remain a minimum of 1 million unserved children. This is a national tragedy for there is ample evidence that Head Start produces major gains in intelligence and achievement of its enrollees. If we accept the amendment of the gentleman from Illinois, an additional 40,000 youngsters would not benefit from Head Start. Mr. Chairman, a vote against Head Start is a vote against the children of America.

Mr. Chairman, the gentleman from Illinois has also proposed a $10 million cut in capitation grants to those schools which train our Nation's health professionals at a time when there is not only a maldistribution of health professionals, but a severe shortage of health professionals in the inner cities. For example, there is only one doctor for every 4,100 inner city residents. If the various schools are to begin to correct this problem they must have these funds.

Mr. Chairman, the final area that the gentleman from Illinois proposes to cut would represent the most callous reduction in this appropriations bill. I make specific reference to the total $35 million reduction in the senior centers and the area planning and services for the aged. As one senior citizen who met with me last week stated, "Doesn't Mr. MICHEL know that we depend on these programs?" Mr. Chairman, there are currecently 22 million senior citizens. For

many of them senior centers provide vital direct services, as well as model and innovative approaches to caring for their needs. The area planning and service agencies also provide important supportive services for the aged. Unfortunately, the 600 area agencies which provide the myriad of critically important services are severely understaffed. If we accept the gentleman from Illinois' amendment, they will be crippled.

Mr. Chairman, there is no valid rationale for any of the proposed cuts that the gentleman from Illinois has made. His amendment focuses exclusively on programs serving the most needy segments of society. These are the very same programs that have been underfunded for years. Though the gentleman from Illinois would have us believe that he wishes to balance the budget, I urge you not to balance the budget on the backs of the poor, the young, the disadvantaged, the elderly, and the handicapped, particularly at a time when our national defense budget has increased over $10 billion.

Mr. Chairman and my distinguished colleagues, I urge you to reject the Michel amendment.

Mr. EARLY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I will not repeat the arguments of the gentleman from Wisconsin, the gentleman from California, and the gentleman now leaving the microphone; but I agree with them totally.

Mr. Chairman, I would like to comment on the remarks made by the gentleman from Illinois (Mr. MICHEL) that medicaid is underfunded in this bill. If there is one area in this bill where we have too much money, it is in medicaid. If we were to look at the fiscal year 1977 budget and at the CBO or OMB figures for that year, we would find that we overfunded. We are going to have in the area of $500 million surplus for medicaid in fiscal year 1977. It is estimated by CBO that in this budget there is an excess of $800 million to $1 billion in funds for medicaid.

Mr. Chairman, we could have taken the approach of the other branch and cut this budget beneath the President's request. In fact, being truthful, we did not because it did not really affect how much money we spent; because they are noncontrollable expenditures and no matter what we appropriate, we will have to adjust it later. What the other branch has done is to underfund in the three areas of medicaid, SSI, and AFDC by a total of $1.5 billion and merely carry the surplus for the fiscal year 1977 forward. If this committee had elected to do the same thing, we would be $1 billion under the President's request.

Mr. Chairman, I just want to make that point crystal clear. I think it is important that we reject this amendment and that the bill passes in its entirety.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question of the author of this amendment. I have taken no position on this amendment. I just want to get a clarification.

My legislative assistant was told by a lobbyist for the Ntaional Education Association that this amendment would delete funds for part B of the impact aid funds. We have been told that by the NEA and by people in my own State. I have not seen that in the gentleman's amendment. Would the gentleman clarify that?

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, as I said yesterday in my general debate remarks and what I said prefacing my remarks today, there is not one dime of impacted aid funds involved in my amendment.

Mr. Chairman, did the gentleman say it was the National Education Association that made these statements?

Mr. EDWARDS of Oklahoma. An NEA lobbyist.

Mr. MICHEL. Mr. Chairman, they really ought to know better. The educational community is a profession that really ought to do its research and its homework. I think this organization does a great disservice by attempting to pawn off this false information.

Why cannot they win the argument on the merits?

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thought the problem was that Johnny cannot read, not that the NEA cannot read.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield further, I would like to say with respect to ESEA, title I, the committee added $450 million to title I. All I was proposing to do was reduce it by $100 million thus allowing a $350 million increase.

Mr. Chairman, the average allocation per child in this program is $417. By HEW's own research they state that some of the most exemplary programs to which they can point, cost no more than $75 to $150 per child in the disadvantaged areas. They can do a good job for far less than $417 per child.

If we monitored this program better we could spread our available dollars over a larger number of children. But simply to keep pouring more money into a program—with particularly discredited facets is inexcusable. We are not getting a bigger bang for the buck, and I submit that we ought to.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. The gentleman from Illinois observed a few moments ago that this was the largest increase for Headstart in—I have forgotten how long. Is it not true that, in fact, it is the only increase for Headstart in the last 9 years?

Mr. MICHEL. We have increased it every year. The gentleman is not going to tell me that we have held the line on Headstart for 9 years. I know better than that.

With respect to the medicaid statement, in 24 out of the last 27 years we have had a supplemental for medicaid on public assistance. The last supplemental bill that came before this House was for $29 billion, because we have been engaging in this flim-flam, phony business of cutting out entitlement programs which we have got to come back and eventually fund in a supplemental.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Massachusetts.

Mr. EARLY. Is there a surplus in medicaid? Is there a surplus in SSI? Is there a surplus in AFDC this year?

Mr. MICHEL. I will agree with the gentleman with respect to medicaid that there is a question currently about how valid those particular figures are.

Mr. EARLY. The only real question is how much the surplus is. There is definitely a surplus. We know the other branch has estimated a funding of close to $1 billion in surplus.

Mr. MICHEL. But the truth of the matter is that in this bill, the total for public assistance, medicaid, and all the rest is up to a whopping $20 billion.

Mr. FLOOD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

This amendment has been described two or three times now as a reasonable and moderate attempt to appropriate funds for the major domestic assistance programs of the Federal Government. That is the description. They say that Members can support this amendment with a very clear conscience. Supposedly, no one—no one—is going to be hurt in any way by this amendment.

Well, I think Members should take a much closer look at this amendment before they decide how they are going to vote on it. This amendment will affect the poor, the minorities of all ages, from the preschoolers we were talking about a minute ago to the senior citizens.

Take a look at the list that is going to be reduced: assistance to the health professional schools—ordinarily, that gives me a chance to say to the Members, never turn your back on a nurse. Title I is the aid to the disadvantaged children; education for the handicapped; student aid; Head Start; programs for the aged; cut back on public TV and radio. If that list of programs sounds familiar, it is because it is very, very close to the top of the list of high priority programs for this House and for the entire Congress.

People from all over the country, have contacted you, contacted us, about these programs, and our constituents have told us to expand these things, the health, and the education programs. If we listened to the Members of the House alone, we would be $1 billion over what we are now, just from those suggestions. The committee cannot accept all of these recommendations, of course. We just could not do it. We tried to provide a reasonable increase in those programs which are of a high priority to the Congress. Of course, make no mistake, the committee does provide an increase in funding over last year's programs. I told you that late yesterday afternoon. It is not a standstill bill. Nobody said

that. But look at the number of people who need help, who need education and all of the other human services. Just take a look at them. You will find those amounts in the bill. This bill is very, very short of our total needs. All this talk about title I, of ESEA.

That serves 5 million disadvantaged children. Five million. But there are 10 million disadvantaged children in this country. So 50 percent are not being served. There are 5 million handicapped children in the country. At least 1 million are not getting adequate education. And you here passed a law to provide education for all handicapped children. By the way, the Secretary of HEW wrote a letter to the Senate Appropriations Committee endorsing our increase over the budget, endorsing it. That has already been done. There are 22 million Americans over 65 years of age. Many of them get social security and pension benefits, sure. But many of them need home care and other services. Although the bill is higher than the President's budget requests, it is well within the congressional targets of the congressional budget resolution. Well within that. Do not forget that. It is your budget resolution. This could easily be much higher than it is, of course. But it should not be any lower.

Mr. Chairman, I urge that the Members consider this carefully and defeat the amendment offered by the gentleman from Illinois.

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it appears to me that this is the second test which has been presented to this body in a relatively short time regarding the sincerity of the President's statements, not just in the heat of the campaign last fall, but very recently, expressing his desire to balance the Federal budget by 1981. The gentleman from Illinois referred to the fact that the President, as far as he was concerned, was to be taken at his word. And I am sure the fact that 1981 happens to be in close proximity to a Presidential election has nothing to do with the President's statement. But it seems to me also that we will have to start on President Carter's announced project a little before that magic date of 1981. And so today, on the occasion of the Michel amendment, we have that second chance to approach a balance. Mind you, this amendment only cuts the enormous increases voted by the subcommittee. It does not cut these programs below 1977 authorized levels. If the amendment is adopted, it still allows increases in the programs nearly $920 million over 1977 levels and more than $478 million over President Carter's request. This bill, which is well over the President's budget, as has been indicated, funds programs affecting some of the most disadvantaged people in our society. But it is also true to say that we could never possibly meet the dollar needs for the groups which are covered in this bill. There is no way that this country, within the limits of its resources, even though it is the richest nation on Earth, has the ability to produce a complete cure for all of the problems that this bill seeks to address. It is a calculated disservice, not only to those who would like to bring about some fiscal sanity, but to the people proposed to be served, to argue against this amendment solely on the basis of emotion.

The truth of the matter is that the blind and the halt, the aged, and the retarded, the handicapped children who need assistance also suffer from the constant inflation and destruction of the value of the dollars that are appropriated, however limited they may be.

The old people are suffering today, because of the actions of this committee, this subcommittee, and this Congress over the years of robbing them of the value of their dollars. For that reason the social security system and other programs are now in jeopardy in large part, because of the inflation that Congress has created. And this bill gives us more of the same deficit spending.

We just cannot have both the massive programs we talk so much about and at the same time meet the needs of a sound economy, so we have to draw a line somewhere and create a balance.

As the gentleman from Illinois (Mr. MICHEL) has pointed out, this bill is well beyond what the President requested. It gives me no comfort at all to hear that the congressional budget target is being met, because that is one of the most irresponsible targets I have ever seen drawn. The first budget resolution accepted a massive deficit and national debt as a positive good and with that I cannot agree.

So, Mr. Chairman, I would say, quite frankly, that this particular amendment offers a modest cut, even allows an increase and it should be adopted. What the gentleman from Illinois (Mr. MICHEL) is trying to do is bring this bill into some sort of needed balance.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I am not going to press the point much further. We have had a good debate, and we have covered the subject.

When we take these 11 items into consideration and look at the President's budget, we will see that my amendment is still $478 million over the President's budget.

I am not going to press the point except to say this: What we build into this appropriation now we will have to add in succeeding years. We are not going to level out next year, let us make no mistake about that. If we say we have got to have this increase next year, then we will have to have an increase the next year and the next year. The percentages and the pyramiding continue to build. That is why I am trying to lay a groundwork and help my President and your President to bring this thing in line a little bit before 1981.

What we will do here by rejecting this amendment is make it more difficult to meet the target of balancing the budget on that judgment day in 1981, or whenever the President talked about.

Mr. BAUMAN. Mr. Chairman, I must confess, too, that it seems to me the President's sincerity has to be questioned to some degree when we hear talk about these deals that are made overnight on the eve of the consideration of appropriation bills.

Mr. MICHEL. If that is the way he is going to deal and bargain from this day forward, I hope that in foreign affairs he is going to get a better quid pro quo in his relations with the Congress than he got or stood up for on this one.

In this bill the Congress would not accept the increase of $30 million that was contained in the amendment offered by the gentleman from Massachusetts (Mr. CONTE), and perhaps that is their justification for asking the Members to vote against reducing the amount of the bill by $500 million.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we are all aware that the Government of the United States has many budgetary difficulties and problems, but I would not believe that this House would want to put the burden of bearing those problems primarily upon the disadvantaged children and the senior citizens of this country.

I think we are all aware that to take $563 million away from the programs for the education and aid of the handicapped children of this country would do them a disservice, and that is something with which we do not wish to associate ourselves.

Let me address myself primarily to the $35 million which this amendment would cut from aid to the elderly. This cuts the amount that this able committee has wisely provided as aid to the elderly citizens of this country.

I wish to associate myself with the remarks of the distinguished member of the Select Committee on Aging and of the Committee on Appropriations, the gentleman from California (Mr. ROYBAL), who has already spoken well on this matter. Twenty million dollars of this cut could come from area agencies set up to help the aged, the purpose of which is to coordinate programs for the elderly all over America, provide counseling, and provide inhome service, transportation assistance, home repairs, and other assistance that the elderly need all over America.

There are 8 percent more of these area agencies this year than there were last year, so the need is greater, as was recognized by the Committee on Appropriations.

In addition to that, these area agencies actually generate from other sources $1.20 for every Federal dollar that is spent in the rendering of the services which these agencies provide. So this is a service that is essential to the elderly of this country, and it should not be cut by $20 million as this amendment would do.

There is $15 million which this amendment would cut from another aging program—senior centers—and it would take away from the Government of the United States the ability to aid the aged who

need senior centers and who need other assistance which would be provided to them.

There are 22 million elderly people in this country. Those people need help. Many of them need aid that is not even being provided by this bill. But this wise committee, sensitive to the needs of these senior citizens, has added $92 million to the various programs that affect the elderly of this country.

It has been a salutary, humanitarian advance by this able committee; and I hope that what they have done reasonably and moderately and wisely will not be taken away by this amendment.

Mr. Chairman, I believe that that will be the decision of the Members.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman and Members of the House, the issue has been debated at length; and I certainly do not intend to take my 5 minutes to add on to explaining the technical aspects of the bill.

Rather, Mr. Chairman, I would like to take a few moments just to talk a little bit about what I think this country is all about insofar as the disadvantaged and the poor are concerned.

Like many other Members in this House, I was thrilled when, a few short years ago, America decided that its greatest resource was the individual citizen. At that time this Nation embarked on a program of strengthening the lives of every one of those individual citizens to the extent that they could perform maximum service for the greater good of the Nation.

Mr. Chairman, my concern with the Michel amendment is that in the event it should pass, it would begin to turn back the clock on that commitment; and this is not the time to do that.

I would respectfully suggest to my colleagues on the floor that I believe America does have the capability of providing for all the needs of its citizens. I believe that it does if we prioritize our spending.

It is diffcult for me to understand the gentleman's amendment, for three reasons. I would take the position that we should make cuts providing three conditions are met. The first is if there is overspending, then we should cut. There is not overspending in this bill. The second is if there is excessive service, then we cut. However, the chairman and other members of the committee have clearly demonstrated that we are not even serving 50 percent of the people who need help.

I think a third reason for cutting would be if the Committee on Appropriations has exceeded the target limits established by the House Committee on the Budget, and clearly this condition does not obtain.

Therefore, Mr. Chairman, I would urge the defeat of the Michel amendment because if it should pass, it would be the first step in turning back the clock on a commitment that America made to the most humble, the most disadvantaged, and the most alienated citizens of this country.

I urge the defeat of the amendment.

Mr. Chairman, this amendment strings together seven of this Congress' most vital and nationally prominent education assistance programs—programs targeted principally to help the very poor, the neglected, and the physically handicapped children in our Nation's schools—and asks for half a billion dollars in reductions—$508.5 million. In an effort to achieve academic and economic parity for the educationally and socially deprived, this Congress enacted significant and responsible compensatory legislation into law. The Michel amendment is contradictory to this effort and would diminish the full possibility of that legislation.

It is very difficult to understand the basis of the amendment in question. The gentleman cannot build a case on overspending. The appropriations for the programs which he proposes reductions along with all other items in this bill are well within spending guidelines approved by this House just last month. Nor can the gentleman build a case on excessive service levels. In each and every case there are large numbers of eligible children who are not yet being served.

Members of this House authorized these special education programs at substantially higher levels than they have ever been funded and at substantially higher levels than reflected in this appropriation bill. It is estimated that Congress would have to add $2.8 billion to these programs to achieve the service levels at which they are now authorized.

TABLE I.—COMPARISON OF FISCAL YEAR 1978 HOUSE APPROPRIATION LEVELS TO AUTHORIZATION AND ESTIMATED AUTHORIZATION LEVELS

[In millions of dollars]

Program	Fiscal year— 1977 appropriation	1978 House appropriation bill	1978 authorization level	1978 estimated authorization level	Authorization level difference with bill
Title I	2,285	2,735	(1)	4,400	−1,665
Handicapped (State grants)	315	465	775		−310
NDSL	320	322		543	−221
BEOG's [2]	[3] 1,904	2,316	(1)		
Special programs for the disadvantaged	70	125	200		−75
Head Start	475	595	(1)	785	−200
SEOG	240	270	[4] 200+	[3] 612	−342
Total					[3] −2,813

[1] Such sums.

[2] The fiscal year 1978 BEOG's cost estimate is in flux since cost ties to various economic assumptions regarding changes in personal income, the CPI, and higher education attendance rates. The CBO cost estimate is $2,097,000,000 to fund an $1,800 maximum grant level. However, the administration proposed a cost of $2,316,000,000 to fund only a $1,600 maximum grant level. However, HEW subsequently revised the estimate downward by about the same amount which Michel proposes to reduce basic grants. Accepting the administration's newly revised estimate—or the Michel proposal for basic grants, in effect, shifts the maximum grant policy from the $1,800 level down to the $1,600 level.

[3] Estimate.

[4] Plus such sums.

In effect, the Michel amendment would have these education programs to further fall from an estimated $2.8 billion below the authorized service levels to $3.3 billion below their authorized service levels.

Certainly, my intent in pointing out that these programs even now are appropriated considerably below their authorization levels is not in any way to denigrate the actions of the Labor-HEW Subcommittee. As a matter of fact, I commend their actions. But I remind Members of this House that, despite the progress of that committee, Federal education provisions are still considerably below their full service levels, while the need remains outstanding.

For example, title I currently serves an estimated 5.1 million poor and educationally disadvantaged children. But 4 to 5 million more children who are eligible do not participate in this vital program today. In our major Federal compensatory education program, we meet about half of our commitment. The amounts appropriated in this bill—well within our budget target—would assure that children now served would continue to receive that service, would provide an increase of about $40 more for each child, and could extend these compensatory education services to about 500,000 of those four to six million eligible unserved children.

Another serious problem is that the share of title I grants to local school districts has fallen almost continuously throughout the past 10 years. State education agencies receive 100 percent of their entitlements off the top of each State allocation. What remains is split among some of the eligible local school districts. School districts in New York, Los Angeles, Cleveland, to name a few, have all experienced shrinking grants. The Seattle school plans now include withdrawing all its secondary school services simply to maintain services to its elementary schools.

With States continuing to receive their 100-percent entitlements, and with cost of instruction and equipment steadily

rising, local schools will continue to be faced with the difficult decision to withdraw education services, unless the appropriation level rises sufficiently to offset these and other problems. While the amount appropriated in this bill will not extend service to all children who are eligible, it would reflect the aggressive stance of this Congress to ameliorate the fiscal shock occurring in this Nation's title I schools.

The amendment also proposes to reduce the appropriation for handicapped education by $50 million. Congress estimates that over 7 million handicapped children could be eligible for a Federal supplement, but the amount in the appropriations bill would only service half of these children. Mr. MICHEL proposes to undercut this service further. Members of this Congress approved, in December of 1976, a fiscal year 1978 Federal supplement of $150 per handicapped student for up to 4.5 million of the estimated 7 million students. The Michel amendment would have us rescind this commitment. It would either add to the number of unserved handicapped students, or it would substantially reduce the grants to each handicapped child.

The amendment also proposes that this House cut the appropriations in this bill for the special programs for the disadvantaged by $25 million. It was just this past October that President Ford signed the Higher Education Amendments of 1976—enacting a higher authorization level—from $100 million to $200 million—for the TRIO programs: Upward Bound, Special Services, and Educational Opportunity Centers. The programs have successfully served secondary-level and higher-education students with economic and educational handicaps, as well as those with limited English-speaking ability.

But HEW advises me that the current funds can only stretch across a mere 7 percent of the target population. Yet, the need for the program has been increased by the congressional mandate included in the 1976 amendments to provide additional services to youth "who may be disadvantaged because of rural isolation or who may have delayed in pursuing post-secondary education," exacerabating this fiscal problem that much more. In this case the funding history is already so disproportionate to the target population, many would-be-eligible schools simply do not bother to apply. HEW advises me that they can only fund about half of the proposals which are submitted. The vast majority of eligible students in those eligible schools which request project funds are simply told "no." How in the face of this outstanding need can the Michel amendment be regarded as rational?

Continuing down the list of these proposed reductions, the issue remains precisely the same. In Head Start, the supplemental education opportunity grants program, the national direct student loan program, and even the basic education opportunity grants program; the need and the demonstrated demand for these services to the poor completely outstrips the appropriation provisions. Yet, the Michel amendment would cut back what potential there is for making further progress.

While it is true that the amounts appropriated in this bill for education programs are above the President's request, keep in mind that the President's budget proposed the elimination of major education programs—amounting to reductions of close to $800 million—which this committee simply restored in this bill. This bill is also higher than the President's request because the President almost completely ignored new and existing legislative provisions for basic grants, for special programs for the disadvantaged—TRIO—for handicapped education programs, and for national direct student loans, while the Labor-HEW Subcommittee acknowledged these legislative provisions marking up this bill.

It seems wholly inappropriate to allow the executive branch to set the specific spending guidelines in this House—especially since those guidelines both disregard the legislation of this Congress and would in some cases eliminate services to many needy students or deny others the opportunity to continue at the current level of service.

As you know, Congress is operating under a budget process which includes making responsible overall budget decisions and prioritizing policies. The amounts provided in this bill for all programs including education programs are absolutely consistent with both the Appropriations Committee's allocation to the Labor-HEW Subcommittee, and the House Budget Committee's overall recommended target for education spending.

As my colleague and chairman of the Budget Committee, BOB GIAIMO, just pointed out:

> This bill is within those spending targets which Members of this Congress established just last month in the First Budget Resolution. And this bill merits our support.

I include the following table:

SUMMARY TABLE.—ESTIMATES OF SERVICES FOR PROGRAMS PROPOSED FOR REDUCTION

	Cost per child or per project	Service population estimate	Eligible population estimate	Percentage served of eligible estimate
Title I	[1] [2] $377	5,100,000	9,000,000–11,000,000	46–56
Handicapped	[2] [3] 70	3,500,000	7,000,000	[4] 50
Head Start	[5] 1,341	334,000	1,737,000	19
SEOG's	[2] 525	445,000	1,133,333	18
NDSL	[2] 690	886,000	1,441,818	55
Special programs for disadvantaged	[6] 3,525	(7)	[8] 1,395	[9] 47
BEOG's	[10] 865	1,975,000		83

[1] Fiscal year 1978 appropriation amount in the bill would allow $417 per student to be spent in academic year 1978–79
[2] Fiscal year 1977 appropriation.
[3] Fiscal year 1978 appropriation amount in the bill would allow $150 per student to be spent in academic year 1978–79.
[4] Estimate.
[5] Current years.
[6] Per project.
[7] Funds 54 percent of total proposal costs on 7 percent of target population.
[8] Proposal submitted.
[9] Requested funds available.
[10] Per student.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to commend the chairman of the subcommittee and the subcommittee for reporting a bill which I think is fair and proper and equitable and begins to meet the needs of people, particularly the poor, schoolchildren, and the elderly.

I would just like to try to put some statistics in proper perspective here, as we talk about amounts being over the budget or under the budget.

The charge has been made that the committee came out with a budget $900 million over the President's. That number is incorrect. The correct number is now about $700 million because of a recent budget amendment which the President sent up, requesting almost an additional $200 million—$177 million to be precise—for community service employment for older Americans, which the subcommittee took into account, and which narrows the gap from $900 million over the President's budget to about $700 million over the President's budget.

I would also like to point out that the committee is well within the targets of the first budget resolution adopted by the Congress. The total budget authority targeted in the resolution for function 500—education, training, employment, and social services—is $25.3 billion. The subcommittee appropriated $19.6 billion, deferring consideration of about $4.5 billion for programs currently unauthorized. This $4.5 billion undoubtedly will be considered by the committee in a supplemental. If the entire $4.5 billion is appropriated, we will still be about $1.2 billion below the target set in the first budget resolution for function 500 programs.

Of that $1.2 billion, about $900 million consists mostly of fiscal year 1979 forward funding for certain manpower programs which the committee in its wisdom deleted. That deletion will not affect the fiscal year 1978 program level. The remaining $300 million difference is in the education area.

Let me just say that we still have to negotiate this bill in conference with the Senate and I suspect at that time that some of that $300 million may well be adopted by both the House and the other body.

I believe that the effort that this committee has made is worthwhile. It is very close to the target resolution of the Committee on the Budget and of this House which adopted that resolution. I think this bill comes much closer to an appraisal of the real needs of our people in education, health, social services, and employment and training than the original estimates of the President.

I believe that this bill is not unreasonable in any way. I think it is a very reasoned approach. I believe the President supports this appropriation at the present time. I would urge the defeat of the amendment which would cripple and hinder many of these very worthwhile programs which this Congress time and time again has indicated it wants to see funded.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I would be delighted to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I was interested in the comments of the gentleman from Connecticut that the President has endorsed this bill as is. Is that right?

Mr. GIAIMO. I am informed that the President will support this legislation and will not veto it. He has not told me this, but I have been told this by many of my colleagues on this committee.

Mr. ROUSSELOT. He may be "forced to sign it" as is, even though he may have reservations about the heavy increases over last year?

Mr. GIAIMO. I do not think the President of the United States is going to be forced to do anything.

Mr. ROUSSELOT. That is not my point. My point is that, because there are so many "high and worthy purpose" titles in this appropriation, it may be difficult for even the President to resist these unwarranted increases.

Mr. GIAIMO. I think we can be reasonably assured that he is beyond coercion, certainly President Carter.

Mr. ROUSSELOT. The question I am raising is, Can the gentleman absolutely assure us that the President has endorsed this legislation as is?

Mr. GIAIMO. I do not believe we have to belabor that much longer. I have a great deal of affection for the gentleman from California (Mr. ROUSSELOT) and the gentleman knows full well the President has indicated he will support this bill.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

Mrs. BURKE of California. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Chairman, I am opposed to the Michel amendment. Rising concurrently with the cost of living, the cost of college education has increased from $513 to $549—on an average—per undergraduate student in public institutions and from $2,333 to $2,505 per undergraduate student in private institutions between 1976 and 1977—1 year—according to statistics of the U.S. Department of Health, Education, and Welfare.

In the past, national student assistance programs such as: First, basic educational opportunity grants, second, supplementary educational opportunity grants, and third, national direct student loans have been quite instrumental in defraying the rising cost of college education for students in the lower income levels. As of 1976, 3,949,565 basic opportunity grants, and 7,347,979 national direct student loans had been awarded.

The Michel amendment would mean a serious cutback of $231 million in the BEOG program, a $20 million cut in the SEOG program, and a $22,500,000 cut in the national direct student loan program; cuts which we cannot afford to make. We must be careful that we not underestimate the financial need of students or the number of students in need of assistance.

Many students have suffered in the past because of gross underestimations of funds. Borrowed funds were needed in the past 2 years to cover overruns in the basic educational grants program. During the 1976–77 academic year 74 percent of all eligible students participated in the BEOG program as opposed to a projected 59 percent. As a result, funds were prematurely depleted and students who were promised BEOG's were threatened with the possibility of: First, having financial aid packages readjusted in midyear, second, having to repay grants already spent, third, having the U.S. Government renege on commitments already made to them. Many students faced the problem of not entering school, of dropping out of school, and many suffered in their coursework. This fiasco was allevated by a supplemental appropriation of $180 million, but the adverse effects this situation had on many students could not be reversed.

The $2.3 billion cut in the BEOG program, proposed by MICHEL would: First, deprive an additional 145,546 students of aid, many from lower middle class families living on less than what the Labor Department describes as modest but adequate income who did not qualify under previous regulations and second, deny students an increase in the size of maximum grant to cover the anticipated annual increase in the cost of attending college.

The SEOG program aids many students attending the private institutions and higher cost institutions where basic grants cannot reach more than a floor level of support. A cut of $20,000,000 as proposed by the Michel amendment would: First, possibly make students more dependent on BEOGs, second, deprive students of increased awards, and third, discourage disadvantaged youths from attending higher cost institutions.

The Michel amendment proposes a cut of $22,500,000 from the national direct student loan program. It has been suggested that no new Federal capital contribution is necessary, and that NDSL should begin its revolving operation. However, Office of Education Commissioner Boyer testified before the Education and Labor Subcommittee on Postsecondary Education that only 150 of the 3,167 participating institutions have reached the point at which no new funding is necessary. By cutting loans we might: First, discourage students from attending higher cost institutions, second, force students to go to banks for loans and at present many banks have limited funds for making student loans, some no longer making loans—as is the case in California—and third, cause many students, unable to pay their tuition and without alternative funding sources, to drop out of school.

If the Michel amendment is adopted, approximately 4,000 students will be deprived of basic opportunity grants, 675 deprived of supplemental opportunity grants, and 450 deprived of national direct student loans in the State of California alone during the 1978–79 academic year.

At a time when the costs of college are rising, so that the percentage of youth attending are dropping, even as total enrollments continue to increase, the need for student financial aid is the greatest in history. I am opposed to the recommendations of the Michel amendment; the recommendations are so inadequate as to endanger our national commitment to the extension of postsecondary opportunities.

The Head Start program serves as a prime example of a program whose effectiveness would falter as a result of cuts contained in the amendment. This program stands as a model comprehensive child development program. It provides quality health, nutrition education and family support services to 350,000 young pre-school children in 1,200 localities.

More than 96 carefully conducted studies have shown that Head Start is the impetus for significant gains in intelligence and achievement. New research resulting from long-term study of program participants not only shows lasting gains in IQ, but also indicates less likelihood of participants landing in costly special education classes later in their schooling. Positive impacts on the health and nutritional practices of children and improved social behavior have also been realized.

Despite proven effectiveness, Head Start has not been expanded since 1968. It only serves 15 percent of the eligible population. Many of the operating programs have long waiting lists. The Department of Health, Education, and Welfare indicates that some 1 million children are underserved in Head Start communities.

The House Appropriations Committee proposal of $596 million would allow grantees to lower inflationary costs, provide services to handicapped children and for the first time ever serve an additional 60,000 children.

Reduction of the Head Start appropri-

ation by $60 million via this amendment would curtail the first expansion of Head Start and would prevent 40,000 children from receiving valuable services.

It is important to accept the committee's recommendation. Suggested increases for Head Start were made in direct response to appeals from local communities throughout the country. Time and time again, they have indicated to Members of this Congress the great need for these services on behalf of needy children. The March 1, 1977, Head Start local program survey is evident of this desire. This survey, containing responses from over 200 programs in 34 States, voiced support for expansion in order to help cover those eligible but not currently participating in Head Start. A majority of respondents also projected need for a 15 percent increase in appropriations to cover inflationary expenditures incurred by a 30- to 80-percent rise in utility and transportation costs.

Indeed, Mr. Speaker, cuts proposed by the Michel amendment would depreciate the effectiveness of the Head Start program as well as working against necessary expansion. This proposed cut of $60 million, if realized, could be crucial. I urge my colleagues to vote against this amendment.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Illinois (Mr. MICHEL) should be complimented for, among other things, his tenacity, and his never ending sense of humor. Indeed, it takes a very broad sense of humor to be able to smile and still be able to cut off, through his amendment 3 million of the poorest of the poor children from school, and to kick the older people out of their centers and to deny additional help to the handicapped children. Not many amendments give one an opportunity to catch that many people at the same time.

The gentleman from Maryland says after all we cannot solve all of these problems of these classes of people all of the time so why try to do it at all?

That does not make much sense to me.

Mr. BAUMAN. Will the gentleman yield?

Mr. FORD of Michigan. When I finish my statement.

Mr. BAUMAN. The gentleman has mentioned me. I am not going to hurt him. Will the gentleman yield?

Mr. FORD of Michigan. I did not mention the gentleman's name, but if he identifies himself as the gentleman from Maryland whom I had in mind, it is all right with me.

Mr. BAUMAN. If the gentleman will yield, the gentleman from Maryland will say that he did not say what the gentleman from Michigan attributed to him. What the gentleman from Maryland said was we must have a balance; we should do what we can within our fiscal limitations, but we cannot do everything. So the gentleman is incorrect, as usual.

Mr. FORD of Michigan. That is fine. The gentleman from Marvland and the gentleman from Illinois, I am sure, will be leading the same sort of vigorous fight when we get to other parts of the appropriation process as they do against education. In all of the years that I have been in this Congress, I have watched the gentleman from Illinois—and he has said that he does not really enjoy the role he plays every year. The fact, however, is he plays it every year. He is like the executioner who when asked, "Why do you do a job like this?" says, "Because I am the only one they can get to do it." That is what the gentleman seems to have said a little while ago.

Every year there is a Michel amendment. Every year the Michel amendment puts us into the phony position we are in now. We really ought to be out here on this floor talking about the inadequacies of this bill. Despite the respect I have for the chairman, the gentleman from Pennsylvania (Mr. FLOOD) and the hard work he has done to hold this thing together, it is very clear the Congress has voted for programs that it is not now willing to support. We have said, "We will give you a car to drive from here to the coast, but here is 5 gallons of gasoline, and if it does not work, do not come back to us and ask why it does not work."

The gentleman from Illinois each year gets us into the position where we have to fight to retain the inadequate levels that we have had to fight to get out of committee as an alternative to raising the level of appropriation to something close to the promise that all of us voted for in the programs. And a vote for Michel amendments thereafter is not in keeping with the promise to the people.

I think the education portions of the gentleman's amendment are particularly interesting. He describes, for example, the cut in student loans as something that can be done without hurting anybody. He demonstrated here, as a matter of fact, that he knows as little as the previous administration has demonstrated about how the national direct student loan program is actually working. He indicated that we have enough money in the revolving fund so that the kind of students who are now going to student aid offices and getting student loans will have adequate resources available, because all of this money is coming back in.

As a matter of fact, out of the approximate 3,100 institutions that participate in this program that make loans for education available to low- and middle-income children, only 150 report that they are anywhere close to having a revolving fund that would maintain them close to our present level of lending. There is no question in anybody's mind in the education community that every one of these educational cuts takes us back under the gentleman's amendment to status quo. In fact, in some instances we do not even maintain status quo; we fall below the additional burdens of inflation.

It is suggested here by the other side that the appropriations in this bill for health, for education, and for assistance to people like our aged and handicapped are particularly inflationary. I wonder where that argument is when we get to some of the other types of inflationary expenditures we make in the field of agriculture and in defense. I do not hear the same gentleman talking about all of that inflationary pressure. It seems to me that every year the gentleman from Illinois once again tells us that education expenditures are inflationary.

Mr. Chairman, the major victims of this amendment would be Federal education programs such as title I of the Elementary and Secondary Education Act, basic educational opportunity grants, the Head Start program, the education for the handicapped program, the TRIO programs and two other student assistance programs—supplemental educational opportunity grants and direct student loans. As I stated previously, it is unfortunate that we find ourselves talking about cutting funds for these programs today, because we should really be talking about increasing them.

It is time that we stop making education the favorite whipping boy of the budget cutters and time instead to acknowledge that funds for education represent nothing less than a very sound investment in our Nation's most valuable resource—its people.

Mr. Chairman, as chairman of the Subcommittee on Postsecondary Education, I would like to comment on how the Michel amendment would affect specific programs authorized by the Higher Education Act.

The committee bill recommends $2.3 billion for basic educational opportunity grants. This is the level of funding recommended by the administration and it represents a substantial gain—approximately $360 million—over last year's appropriations.

The additional funds for this program are necessary because the maximum basic grant, which has been held at $1,400 since 1972, was increased to $1,800 by the education amendments of 1976. In 1972, the $1,400 figure represented 56 percent of the average costs of attending college. Since then, these costs have increased by approximately one-third, according to college scholarship service data, and a maximum grant of $1,400 for academic year 1978–79 would meet only 43 percent of average college costs. I might add that an $1,800 maximum grant for the 1978–79 school year would actually have no more impact on a student's budget today than the $1,400 grant had 5 years earlier. This is reason enough to sustain the committee bill.

But there are further reasons why we cannot afford to accept the Michel amendment.

Not only have basic grant awards lagged behind increases in the cost of attending college but the program will aid an increasingly smaller percentage of families with college children unless the maximum grant is funded to its authorized level.

In 1973–74, approximately 46 percent of families with college-age children were potentially eligible for a basic grant. If in 1978–79 the BEOG ceiling remains at $1,400, under the present formula, only 39 percent of such families will be eligible; and if it rises to only $1,600, 41 percent will be eligible. An $1,800 ceiling would aid 45 percent—close, but still short of the population eligible in 1973. As the ceiling rises, so too does the eligible population. Countless middle-income families will be elim-

inated from eligibility if funds are not appropriated to raise the ceiling to its authorized level.

Similarly, we cannot afford to accept the decreases proposed by the Michel amendment for other higher education programs.

The amendment proposes to decrease the $270 million recommended by the committee for supplemental educational opportunity grants by $20 million—to last year's level of $250 million. The additional $20 million is necessary to expand the numbers of participating students from 445,000 to 500,000. Yet even with this increase, the committee bill will meet only approximately 40 percent of the need estimated by the U.S. Office of Education for these funds. I would like to remind my colleagues that, unlike the BEOG program with its standardized national need criteria, the SEOG program can take into account the needs of individual students and provide assistance to many of the students from middle-income families who cannot qualify for the BEOG.

The Michel amendment, as I have already mentioned, would increase funding for the national direct student loan program—from the $310.5 million recommended by the committee to $288 million. Mr. Chairman, as chairman of the Subcommittee on Postsecondary Education, I am certainly aware that this program has its share of critics, but none of the critics has ever been able to tell us where the approximate 850,000 students who receive NDSL loans would go for money if we cut back or abolish this program. And, once again, we are talking about a program which, in addition to helping underprivileged students, is extremely helpful to middle-income students. Almost half of NDSL loans to dependent undergraduates goes to students from families with incomes over $12,000. I commend the committee for its insistence on funding the NDSL, and I feel that the level recommended by the committee is much more adequate than the level proposed by the Michel amendment.

Finally, Mr. Chairman, the Michel amendment proposes to reduce the funding level by 20 percent—from $125 million to $100 million—for the TRIO programs.

The TRIO programs for disadvantaged students have demonstrated their effectiveness in reaching out to needy youth capable of postsecondary education. The TRIO programs assist in overcoming educational inequities by extending access, choice, and retention in higher education for the poor and minorities.

They contribute to national efforts to reduce unemployment and increase earning potential among disadvantaged youth and maximize the effectiveness of student financial aid programs by helping students persist to the completion of their degrees.

Presently, only 266,000 students or about 6 percent of the eligible population, receive TRIO services. A funding increase to the $125 million appropriation would increase the number served to 396,000—still less than 10 percent of the eligible group, but far more than under the amended appropriation.

Mr. Chairman, we must soundly defeat the Michel amendment, and I urge my colleagues from both sides of the aisle to join me in opposing it.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I always enjoy hearing the dulcet voice of our friend, the gentleman from Illinois, but I prefer to hear him sing rather than amend, and I say that because, as other speakers before me have pointed out, year after year he brings to the well of this House amendments to this legislation that, no matter how they are described, seem always to end in reneging on the commitment that we in the House of Representatives and in the Congress generally have made to serving the needs of the young people and the elderly and the poor and the indigent of our society.

I want, Mr. Chairman, to commend warmly the distinguished chairman of the Appropriations Subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), and the members of his subcommittee on having brought forth to this House a responsible bill. As the distinguished chairman of the Committee on the Budget (Mr. GIAIMO) has noted, the bill is within the first concurrent budget resolution approved by Congress.

I would remind my friend, the gentleman from Illinois, when he speaks of the President's budget, that on his inauguration the President had but a few days within which to shape the budget for the Government of the United States. I have every confidence in the capacity of the House of Representatives and the Senate to shape our own budget, to come forth with our own sense of priorities, and then in negotiation and bargaining with the other branch of the Government, which is characteristic of our system, to come to some commonsense accommodation.

The amendment proposed by the gentleman from Illinois would reduce the funding level in the bill by $563.5 million. The cut he proposes in the funding for the Education for the Handicapped Children Act would result in removing Federal support for almost 33,000 handicapped students in this country.

The massive cut in the basic education opportunity grant program that he would impose upon us would foreclose extending this very important program to many more students from middle-income families in the United States.

The proposed cut in funding in ESEA title I that he is insisting we agree to would deny services to nearly a quarter million disadvantaged young people in our country.

The distinguished chairman of the Select Committee on Aging, the gentleman from Florida (Mr. PEPPER), has already told of the regressive and damaging impact that the amendment offered by the gentleman from Illinois would have on the older citizens of our society.

It would seem almost, Mr. Chairman, that the gentleman from Illinois has moved in to make a list of all of those persons within our society who may be described as vulnerable, and he has sought to cripple and damage programs that are vitally needed by them.

It is true we cannot meet all the needs of all the people of our society, but when in the process of their deliberations the Committee on Appropriations and the Committee on the Budget have sought to weigh the demands upon our scarce Federal resources and the other needs of our country and tried to come up with rational, commonsense, human, fiscally responsible judgments, we ought to support those judgments.

I would say, Mr. Chairman, that the amendment before us is an unconscionable retreat from our commitments and our responsibilities. The amendment is certainly not a model of fiscal responsibility. It is a model of insensitivity to the needs of the American people.

The bill before us is a fiscally responsible bill. The bill before us was adopted by the Appropriations Committee. The bill before us does not exceed our congressional budget targets.

Mr. Chairman, I hope very much that the amendment before us will not only be rejected—will not only be rejected—but that it will be opposed by Members on this side of the aisle as well as Members on that side of the aisle, and that it will be overwhelmingly defeated.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. Mr. Chairman, I am glad to yield to my friend, the gentleman from Illinois, the author of the catastrophe before us.

Mr. MICHEL. Mr. Chairman, the gentleman mentioned the handicapped. The record shows we gave them $75 million more last year than we can spend. Does the gentleman think that is responsible?

Mr. BRADEMAS. Gave to whom?

Mr. MICHEL. The handicapped, the item on the handicapped, we gave them $75 million more than they could spend.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

(By unanimous consent, Mr. BRADEMAS was allowed to proceed for 1 additional minute.)

Mr. BRADEMAS. Mr. Chairman, I would simply say in response to that observation that this last Congress made a commitment in the passage of the Education for All Handicapped Children Act to do something to provide a remedy for a right long denied to millions of handicapped children by providing some Federal support to help the States and local communities meet their obligation of educating handicapped children. That program will now begin to go fully into effect in the year upcoming for which this bill makes appropriations.

Therefore, it is quite responsible and reasonable that we should provide more money.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the distinguished gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, is it not true that the Supreme Court of Pennsylvania said handicapped children are entitled to education?

Mr. BRADEMAS. That is exactly correct.

Mr. PATTEN. Mr. Chairman, if the gentleman will yield further, did not the Supreme Court of New Jersey say 3 years ago that the handicapped have a right to be educated?

Talk about a new program, I have got news for the gentleman. This item will be $3 billion in another 2 years.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, the gentleman from New Jersey who just spoke is absolutely correct. It is going to be $3 billion in a few years time.

I am just raising the question, is that an orderly expenditure of funds?

Because the authorizing committee did not have any special expertise when they authorized this legislation, they just picked a figure out of thin air and said, "This is about what we should spend. Oh, boy, it will sound best next year if we did another $50 million."

Whether they go up arithmetically or incrementally $100 million or $150 million or whatnot, if we cannot spend the money we have appropriated with all the effort, I do not think I am pursuing an offensive role on the committee by asking questions. I have taken a good deal of abuse from the Members, and I am good natured about it. Maybe next year we will not have a BOB MICHEL to kick around; but in the course of the debating process, in the hearing process, unless there is somebody there asking some real pointed, critical questions, in these very popular programs, we know that they can just run them right around the mulberry bush with some of these things. I just feel I have a responsibility to do that. If there are some who do not like that kind of service being performed, I can just simply sit there and take what is coming to me day in and day out.

It is like those kinds of secret markups that take place. We have the secret one and every Member gets his little bit. I understand how that works. Then we come out with the official markup and the "Dear Chairman" bit. It is very theoretical. Then there is another $50 million increase. Then we talk about ten minutes and they say, "How about half?"

Then another $100 million comes in and they say, "Where did that come from?"

We have in this bill I would hate to say how much more than the original benchmark that the chairman brings when we started. Those are little private games. We do not talk about them in public, but it is the point I am talking about.

Mr. MILLER of Ohio. Mr. Chairman, I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I want to say something about my so-called insensitive friend from Illinois who has been referred to that way.

I have heard the entire debate. I do not believe I have heard anybody mention the American taxpayer. I say to my friend from Illinois, I think there are some people out there very appreciative of the gentleman's services.

Mr. MILLER of Ohio. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, if the gentleman from Illinois needs a favorable statement, I can tell the whole House we know the gentleman's work. The gentleman knows the subject. The gentleman is a great help to the committee and I would give the gentleman a mark of 99.44 percent.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield further, the gentleman from New Jersey is very kind.

Mr. MILLER of Ohio. Mr. Chairman, while I still have some time left, I would like to convey a message to the House, that the cut that the gentleman from Illinois is requesting would amount to about 4½ days of interest that we pay on the national debt. We are paying about $130 million a day. Now, we have spent that many dollars to require that kind of an interest payment.

The gentleman from Illinois is asking for some small reductions, equal to about 4½ days interest on the national debt. I also heard the gentleman from Connecticut mention the Budget Committee target, the target that we do not want to exceed. But that spending level, we must keep in mind, also has a deficit built into it. We had the amount that we would like to spend. We take in the revenues and put in a rate, we call for a deficit. So, that target is not a balance of income and revenue, but it includes a deficit.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Connecticut.

Mr. GIAIMO. There is no question but that there is a deficit, but what our committee is trying to do is to concern itself—I do not want to demagogue—the function of this subcommittee is to concern itself with education, with old people and with young people. Now, if I heard this concern for the taxpayers' dollars from that side of the aisle as consistently on defense and foreign aid——

Mr. MILLER of Ohio. You have. You have.

Mr. GIAIMO. But the strange thing is, I only hear a great concern for how the taxpayers' money is spent when we get into the area of children and old people.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. GIAIMO and by unanimous consent Mr. MILLER of Ohio was allowed to proceed for 1 additional minute.)

Mr. GIAIMO. Will the gentleman yield further?

Mr. MILLER of Ohio. For 15 seconds.

Mr. GIAIMO. I thank the gentleman. All that I am saying is, do not fault this subcommittee for erring on the side of compassion, perhaps. They are not that far off of the target of the Budget Committee that this House adopted, and they are not that far over the target of the President.

Mr. MILLER of Ohio. The task of the gentleman from Connecticut is to attempt to balance the budget. The budget resolution is for that purpose, but the gentleman has not heard from this gentleman, at least, from this side, about not cutting down. I even offered a 5-percent reduction on the defense budget, and I think I have an opportunity and a right to make the statement I am making now.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Ms. OAKAR and by unanimous consent Mr. MILLER of Ohio was allowed to proceed for 1 additional minute.)

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I would just like to add for not only the gentleman from Ohio, but for other Members who agree with him, that the elderly, the handicapped and those who wish to be educated are taxpayers also. They do not get their fair share historically of tax dollars. They do not get their fair tax dollar, or share of the tax dollar, right now.

The elderly are on the point of revolt, because they have paid their tax dollars all of their lives and have gotten very little in return. This program serves about 5 percent of their needs when it comes to aging centers—5 percent nationally. It does not in any way pretend to serve all of the elderly.

You people want to cut the fund, which is unconscionable, in my judgment, and I think in the judgment of the handicapped, the elderly, and those who wish a decent education.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. DELLUMS and by unanimous consent Mr. MILLER of Ohio was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Will the gentleman yield?

Mr. MILLER of Ohio. I yield.

Mr. DELLUMS. I would just like to correct the gentleman on a factual matter. The gentleman pointed out that the responsibility of the chairman of the Budget Committee is to balance the budget. I would like to take exception to that. That is not the prime responsibility, that is not the responsibility at all of the chairman of the Budget Committee.

Mr. MILLER of Ohio. I would like to take my time back. That was why I voted to establish the Budget Committee. I feel it is important to balance the budget.

Mr. DELLUMS. The charge of the Budget Committee is to establish the priorities, the needs of the American people. It is not to balance the budget. It is to establish the priorities. Our responsibility is to meet the needs of the American people as reflected in our decision to establish priorities, not to balance the budget. I would still insist upon correcting the gentleman on a factual matter.

Mr. MILLER of Ohio. That is the thinking of the gentleman from California, but I hope not the thinking of the majority of the Congress.

Mr. McCLORY. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman. it is my understanding that this amendment does not result in any cut from existing funding of any of the various programs, but it provides

merely for reducing the increases that would otherwise be provided for these programs.

I will ask the gentleman from Illinois (Mr. MICHEL) if that is not correct.

Mr. MICHEL. If the gentleman will yield, that is exactly right. That is what we were talking about earlier. When they talk about cuts, one should ask: Cuts from what?

It is really a reduction from what I consider to be an excessive increase.

Mr. McCLORY. Mr. Chairman, we talk about not wanting to be demagogic on an issue like this. Yet to suggest that some person, some individual in this House, is less compassionate, less understanding, less charitable than some other individual I think is the height of demagoguery. I think that any Member on this side of the aisle or that side of the aisle can stand up to any other Member and embody just as much or more compassion and understanding and interest for the welfare and interest of the handicapped, the young, the old. Is it any great service to the young and to the old to burden them with a national debt—and huge annual deficit which reduces the value of their life savings, their small incomes, on whatever they have in the way of fixed income or value because we act irresponsibly? I think the greatest disservice that we can render to the old or to the young is to overpromise, overspend, and underfund. Nothing is a greater disservice to the American taxpayer, the American individual, than that.

I think the gentleman from Illinois, in addition to having performed a noble and necessary service as a ranking minority member on the Committee on Appropriations, has pointed in the direction or has provided us with opportunities for considering what our responsibilities are as Member of this Congress.

Mr. Chairman, I agree with the intent and the function of the budget process, the congressional budget process, which I have supported as long as I have been a Member of the House. But I do not think we are fulfilling our fiscal responsibility either as Members of Congress or in the executive branch when we come up with budgets which are $68 billion in the hole, in the red.

Mr. Chairman, I am not certain that the reductions included in the amendment offered by the gentleman from Illinois (Mr. MICHEL) are warranted. Perhaps other actions to reduce the budget deficit would be preferable. However, the amendment deserves our earnest consideration without rancor—and without imputing motives which are unrelated to the important budget process with which we are here engaged—today.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. Mr. Chairman, I rise today to voice my opposition to an amendment which I feel would adversely affect a number of American citizens. This amendment, by my colleague from Illinois, would cut $563.5 million from the funds recommended in the Labor-HEW appropriations bill for fiscal year 1978. By adhering to such a cut in funds for these departmental programs, we would deny jobs, education opportunities, appropriate health services, as well as any number of service programs on which our handicapped and elderly have come to rely. I assure you that the needs of the public will not cease if the Federal Government pulls away. We would only shift our responsibility to State and local governments, thereby disturbing the continuity and growth process heretofore established.

I do not disagree with Mr. MICHEL in realizing the need for fiscal responsibility in this body; nor, with the need to work in conjunction with the administration toward this end. I, too, am deeply concerned with the problem of growing inflation, and am willing to strategize and work toward its alleviation. However, I feel that it is wrong and deceitful to work in behalf of all at the expense of many. I am not suggesting that the gentleman discount his thought-out amendment. Rather, that he tack it on to a less service-oriented bill, such as H.R. 7589, the military construction appropriation bill, which would not disturb the lives of the public.

As a member of the Select Committee on Aging, the Ways and Means Committee, and chairman of the Congressional Black Caucus Subcommittee on Aging, I am acutely aware of the needs and dependency of our senior citizens. I am also aware of the emotional, physical and mental relief which has resulted from the implementation of such programs as are proposed for reduction in this amendment. As you may know, the amendment would cut out $35 million from aging programs run under the Older Americans Act. Most importantly, the threatened programs, area planning and social services, and senior centers, are among the most vital.

From area planning and social services come the funds for "Area Agencies on Aging," a network of some 545 in this country. These agencies are the focal points of coordination and services to the elderly and should be the first place of consideration in assisting a senior in distress. Contrary to what we sometimes seem to think, senior citizens are not "old hats" which we discard after their prime. It is our responsibility to return some of the love and care and attention that they gave to us. One of the avenues we have devised to do this is the Area Agencies on Aging which provide, among other things, needed transportation services, counseling, inhome services for frail elderly, and much needed home repairs. My point is that seniors deserve to live and we, at whatever costs, must facilitate this end.

Another cut proposed in the amendment would affect multipurpose senior centers. Many seniors suffer from isolation and fear because they have no one with whom they can freely interact. Multipurpose centers provide a visable, nonthreatening setting in which needed services can be delivered to older persons in a cost-effective, socially acceptable way. To renovate and upgrade these worthwhile facilities, the Appropriations Committee has recommended a funding level of $40 million. The effectiveness of this amount, even, is questionable in that, according to the latest data, of about $5,000 senior centers, three-fourth's occupied inadequate facilities. So you see, the $15 million cut proposed in this unfortunate amendment is unthinkable if we are to fulfill our responsibilities to our precious seniors.

At this time, I appeal to you to join me, and others who have recognized the urgency of this situation, to vote against this dangerous amendment and, thus, help to secure necessary services to our constituency.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, every year when we have this bill up we go through just about this same exercise. I want to compliment the gentleman from Illinois on the amendment that he has offered. He does it every year, as I say, and before he did it there were other Republican members on this subcommittee who did. I remember Melvin Laird having done it many years in a row.

I look at the situation and I say: Why do we do it? Is it not terrible politics for Republicans to do this? It allows my good friend, the gentleman from Indiana (Mr. BRADEMAS) to get up and call us insensitive. It gives my good friend, the gentleman from Connecticut (Mr. GIAIMO) a chance to say that we vote to increase military spending and we vote for foreign aid which is not, incidentally, in accord with the facts, and the gentleman knows it. It gives everybody who wants to spend more funds for these particular items a chance to call all of the rest of us cruel and insensitive. It does not get us any votes out in the huskings, so far as I can tell. And yet I do not believe the time will ever come when somebody like the gentleman from Illinois (Mr. MICHEL) or somebody on this side will not give it a try, because we have to.

Mr. Chairman, I am just as much a believer in the budget process as anybody can possibly be. I was on the original joint committee which dreamed it up. I was on the committee which finally evolved from all of the deliberations. I believe in the process. I do not believe, however, that it is a good idea—and I say this with all regard to my good friend, the gentleman from Connecticut—for the chairman of that committee to eternally be appearing in favor of the increases in the budget when his own committee has not asked for such increases.

In fact, I think that it does a disservice. I think it does a disservice to the budget process when the chairman of the Budget Committee does not stay with as low a dollar as he possibly can.

I think the remarks of the gentleman from California were well taken when he said that the Committee on the Budget was not necessarily set up to balance the budget now; it was set up to establish a set of priorities. But those sets of priorities ought to be established, and they ought to be maintained.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am pleased to yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I just want to say to my good friend, the gentleman from Arizona (Mr. RHODES), that when the committee comes in with amounts over the targets, then I am going to be down in this well screaming and pointing out that they are over the budget targets. But the Committee on Appropriations has been coming in on every bill, and certainly in this bill, with figures well below our budget targets.

So I am very pleased that they are doing their darndest to stay within and below those targets and get the deficit down.

Mr. RHODES. Mr. Chairman, it was my understanding—and I could be wrong about this; if I am, the gentleman can correct me—that some of the elements involved in the Michel amendment would take the amounts for those particular items down to the proposal of the Committee on the Budget.

Mr. GIAIMO. They are under the figures of the Committee on the Budget.

Mr. RHODES. Yes, the total, but I am talking about the various items.

Mr. GIAIMO. The Committee on the Budget does not line-item. The Committee on the Budget just deals with the total function, like education. We would not line-item individually and say whether they should be up or down.

Mr. RHODES. Mr. Chairman, I am sure the gentleman would agree with me on this: that the level of any expenditure, and particularly this type of expenditure, is a matter of opinion. There is not any Member on either side in this Congress that I know of who does not want to have the functions which are the subject of the Michel amendment well handled and well taken care of. The question is whether we need X dollars to do it or whether we need Y dollars to do it.

It just so happens that the Members on this side of the aisle are, I think, more intent on getting us into a situation where we can some day look at a balanced budget than are perhaps the Members on the Democratic side of the aisle. As far as I can tell, this is the main difference between the two parties concerning this particular item.

This is not a matter of insensitivity; it is not a matter of our wanting to do poor people in. Heaven only knows that is not true.

As a matter of fact, the Committee on Appropriations is going to come out with a defense bill which is going to be below the targets, and I am going to support them on that. I think that the cuts are well made in that bill. So it is not a matter of voting for high defense and low HEW items; it is a matter of personal opinion.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield further?

Mr. RHODES. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I just want to say that I certainly do not question the gentleman's motives or the motives of any Member on the other side. All I am saying is that this committee's estimates are more recent than the estimates made not only by President Carter but basically when the budget was put together.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. RHODES) has expired.

(On request of Mr. GIAIMO and by unanimous consent, Mr. RHODES was allowed to proceed for 2 additional minutes.)

Mr. GIAIMO. Mr. Chairman, if the gentleman will yield further, these estimates are more recent and, therefore, more valid, as we look ahead to the coming fiscal year, than those contained in the budget that was put together not only by President Carter but basically by President Ford toward the end of last year. So there should be more validity to the estimates of this committee at this time.

In the area of aid to old people and young people—and again I preface my remarks by saying I do not want to sound like a demagog—I say, let us err on the side of making sure there is enough money.

The fact of the matter is there is not enough money in these programs to do the job, even with everything the committee is giving them.

Mr. RHODES. That, of course, is a matter of opinion, as I am sure the gentleman will agree.

The gentleman from Illinois (Mr. MICHEL) has just mentioned that in one item we overappropriated $75 million last year.

I suppose I would not disagree with the idea that if we are going to take care of a program like this, maybe it is better to overfund it a little bit instead of underfunding it. But I deny the argument that the Michel amendment will have the result of underfunding. I do not think it will.

I think the Michel amendment is a good amendment, and I congratulate the gentleman from Illinois for having brought it to the attention of the House. Again let me say the amendment deals with a very difficult area, and everybody knows that.

If the Members on the other side want us to quit bringing in this type of amendment on this bill, perhaps from a political standpoint, if we would like to have more than 145 Members someday, we ought to consider doing that. But I really do not think the other side wants us to do that. I think the other side likes to have us do this, for two reasons: One is political, and the other is the reason that they know perfectly well it is right for us to make them at least think a little bit about these things.

Mr. CHARLES WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well on this particular issue.

I would also like to point out that I think something has been missed here.

I am not hysterical on this particular amendment one way or the other, although I do support it.

The gentleman in the well does understand that title I, under the Michel amendment, has a 15-percent increase over last year; is that correct?

Mr. RHODES. That is correct.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. RHODES) has expired.

(On request of Mr. CHARLES WILSON of Texas, Mr. RHODES was allowed to proceed for 2 additional minutes.)

Mr. CHARLES WILSON of Texas. Mr. Chairman, will the gentleman yield further?

Mr. RHODES. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Chairman, the gentleman in the well also understands that education for the handicapped is increased 20 percent; is that correct?

Mr. RHODES. Over last year; that is absolutely correct.

Mr. CHARLES WILSON of Texas. Right, and that nothing has been reduced, and that special programs for the disadvantaged have been increased 17 percent and that Headstart has been increased 12 percent under the Michel amendment: is that correct?

Mr. RHODES. Absolutely.

Mr. CHARLES WILSON of Texas. I do not mean under the committee bill.

The gentleman in the well further understands that programs for the aging, including area planning and services, have a 9-percent increase and that senior citizen centers have a 25-percent increase, and there are no reductions over last year, but there are significant increases; is that correct? I think that point should be made.

Mr. RHODES. That is correct; and, of course, the percentages which the gentleman from Texas has given are far and away ahead of the percentage of inflation, the inflator which is built into these things.

Mr. Chairman, I think the gentleman has made a very important point. All of the Michel amendment provisions are greatly in excess of the amount that these activities receive.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it also should be pointed out, in fairness, however, that the amount we provide to the handicapped is that necessary to meet our promised obligations to the States.

I think it is also necessary to point out that we have not had an adjustment in Headstart in the past 8 years.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I would like to address myself to the point that the gentleman from Wisconsin (Mr. OBEY) just made because it is absolutely in error.

I have the figures here in front of me. They have gone up for 7 years in a row, maybe not by $60 million, but we have had increases in every year.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, the point is that there may be an increase over last year percentage-wise, but an increase of what? It has always been totally inadequate when we consider the number of handicapped.

Mr. Chairman, I would like to add my voice to that of my colleagues on the Select Committee on Aging, and oppose Mr. MICHEL's amendment. Not only would his amendment hurt badly needed student loan and grant programs but would seriously affect the operations of multipurpose service centers for senior citizens and the area agencies on the aging.

Let us look first at the multipurpose service centers. Cuyahoga County in Ohio, which encompasses all of my district has 38 of these centers. They perform a variety of services for our older Americans including the serving of nutritious food. In fact, they estimate that they serve some 4,000 meals a day to those who come to the centers. But they do more than just feed the person, they also provide badly needed social programs, transportation to and from shopping centers, personnel to advise and assist seniors in their dealings with programs like medicare. In essence for many of our senior citizens, these centers are the center of their life.

But here is another startling statistic. In Cuyahoga County there are approximately 241,000 people over 60 years of age residing there, and even with these 38 multipurpose centers operating, it is estimated that they serve only 7 percent of these 241,000 older people.

Cuyahoga County Centers serve only 7 percent of the elderly population in that area and nationwide the figure is even lower. It is estimated that these centers only reach about 5 percent of the Nation's elderly population. What about the rest of the people, who we know need the services these centers have to offer? We know from our mail, from talking to our constituents and from witnesses who have testified before the Select Committee on Aging that these centers are needed and if anything their reach has to be extended. We should not be talking about cutting back their funding but of giving them additional money. We spend billions of tax dollars on programs that have no direct benefit for Americans, and programs like those mounted by these centers directly benefit a very vulnerable part of our population.

Another important item at least for the centers in my State of Ohio, is that title XX money that they had been receiving is being drastically curtailed. Thus, this appropriation that Mr. MICHEL wants to reduce is even more vital to these centers.

Second, Mr. MICHEL wishes to reduce the appropriation for the area agencies on the aging. Why? These agencies serve as planners and coordinators of the programs that serve our elderly. They also serve as the conduit for the funds; they monitor the programs and evaluate them. In essence they serve as nerve centers for all the agencies that receive funds through the Older Americans Act.

Too many times programs that are supposed to help people do not because of duplication of effort and subsequent loss of funds. These area agencies on the aging serve a very useful purpose in that they prevent just that kind of thing.

In summary, I believe very strongly that we should not vote for Mr. Michel's amendment because of the harmful effect it would have on several very important programs, not the least of which are the multipurpose service centers for senior citizens, and the area agencies on the aging.

Mr. MAHON. Mr. Chairman, while I am in great sympathy with the amendment by the gentleman from Illinois (Mr. MICHEL) I do not think it is the best course to pursue at this time.

I supported the Michel amendment in the Full Appropriations Committee but now I believe the circumstances warrant voting against it in order to secure support in opposing amendments to increase the funding in the bill.

I say this because it is my understanding that the leadership of the House and the administration have worked out an agreement whereby amendments to add money to the bill before us, as well as amendments to reduce funds, would be resisted.

And while I personally believe this bill should be lower than what it is, I think we must all be realistic enough to understand that amendments adding money are much more likely to be adopted than amendments reducing funds.

Mr. Chairman, if the President is to meet his goal of a balanced budget by 1981, and that is a goal which I certainly support, many of the hard decisions are going to have to be made now. And I would suggest, Mr. Chairman, that not enough hard decisions are being made. Greater fiscal restraint is needed. We must set in motion now the necessary means for meeting our long-range budget goals.

If we wait until 1981, it will be far too late.

Mr. BIAGGI. Mr. Chairman, I rise to express my emphatic opposition to the Michel amendment to H.R. 7555. Passage of this amendment would result in the fiscal debilitation of a number of key programs providing benefits for Americans of all ages, from elementary school children to senior citizens

At the outset, I want it to be known that I support this legislation, at least with respect to funding levels offered for education and elderly programs. I believe the figures proposed are reasonable and are not excessive. Above all, these funding levels are necessary to insure the continued effectiveness of these programs. To apply the sword of economy in such a capricious manner, I find totally unacceptable.

I have the pleasure of serving on both the House Committee on Education and Labor and the Select Committee on Aging. The most savage cuts in the Michel amendment are proposed for programs of prime concern to these committees. For us to approve this amendment would be unconscionable.

We must necessarily deal with dollars and cents in this legislation. We talk about increases in funding from last year's levels. We talk about restoration of cuts from committees. We talk about supporting the administration and its desire to promote economy in spending. All arguments are not without their merit, but, all overlook one essential element—the people. Let us examine who the Michel amendment proposes to injure. The needy college student who with the BEOG or SEOG programs may finally have the opportunity to attend college.

The handicapped child who through specialized education programs, can eventually filter into the mainstream of society. The senior citizen who seeks to participate in activities at senior centers, for companionship and meaning. Let us not only deal in dollars—let us deal with people as well. Most of the programs affected by the Michel amendment have proven effective and should be provided with the means to expand.

I wish to take special exception to the proposed cuts in title III of the Older Americans Act. This title is the very heart of this important act. It is the primary vehicle for the delivery of social services to this Nation's elderly. Under title III, grants are awarded to States to cover part of the costs for the planning and development of social service delivery systems in their various communities. These funds are used to help designate priority areas and insure the prompt delivery of needed social services. Projects under title III provide a myriad of social services on the local levels including home health care, nutrition, transportation, as well as recreational and educational activities.

A cut of $20 million for title III would have a tremendously adverse effect. I have heard reports from various State aging administrators that seniors in their States are not receiving enough in social services. Do we now propose to reduce the availability of these services even more?

There are cost benefit factors to be considered with respect to providing full funding for title III of the act. For many older Americans, the services provided keep them from having to turn to institutions. The President, on numerous occasions, has indicated his desire to promote the deinstitutionalization of our elderly citizens. Funding title III at the full funding level will be consistent with this desire.

Finally, I also wish to note my strong opposition to any cuts in the title V program under the Older Americans Act. Title V provides funds for the establishment of multipurpose senior citizen centers. These centers provide a setting in which needed services can be provided to the elderly while also providing seniors with the opportunity to be among friends. Funds under title V are used primarily for renovation and upgrading of senior centers. A recent survey in-

dicated that more than 75 percent of some 5,000 senior centers are located in facilities which are inadequate. Approving a $40 million figure for title V can help correct this problem.

I, and other ranking members of the House Select Committee on Aging, fought hard to guarantee funds for title V in last year's Labor-HEW appropriations bill. The success of the title V program in its first year is noteworthy. We are back again to fight for title V this year. I hope that we will again be triumphant.

Bluntly stated, support of the Michel amendment is a vote against children—a vote against quality education—a vote against the elderly—and, a vote against people. It cannot be justified. We must insure its defeat for the good of the Nation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 334, not voting 27, as follows:

[Roll No. 349]

AYES—72

Archer	Fenwick	Myers, Gary
Armstrong	Findley	O'Brien
Ashbrook	Flynt	Quayle
Badham	Frenzel	Rhodes
Bauman	Gammage	Roberts
Bennett	Goldwater	Robinson
Broyhill	Gradison	Roncalio
Burgener	Hagedorn	Rousselot
Burleson, Tex.	Hall	Rudd
Butler	Hansen	Runnels
Cederberg	Hightower	Satterfield
Clawson, Del	Ichord	Shuster
Collins, Tex.	Kemp	Skubitz
Conable	Ketchum	Snyder
Corcoran	McDonald	Stockman
Crane	Marriott	Stump
Daniel, Dan	Martin	Symms
Daniel, R. W.	Mathis	Taylor
Derwinski	Michel	Treen
Devine	Milford	Trible
Dickinson	Miller, Ohio	Walker
Dornan	Montgomery	Whitehurst
Erlenborn	Moore	Wilson, Tex.
Evans, Colo.	Moorhead, Calif.	
Evans, Del.		

NOES—334

Abdnor	Blouin	Clay
Addabbo	Boggs	Cochran
Akaka	Boland	Cohen
Alexander	Bolling	Coleman
Allen	Bonior	Collins, Ill.
Ambro	Bonker	Conte
Ammerman	Bowen	Conyers
Anderson, Calif.	Brademas	Corman
	Breckinridge	Cornell
Anderson, Ill.	Brinkley	Cornwell
Andrews, N.C.	Brodhead	Cotter
Andrews, N. Dak.	Brooks	Coughlin
	Broomfield	Cunningham
Annunzio	Brown, Calif.	D'Amours
Applegate	Brown, Mich.	Davis
Ashley	Brown, Ohio	de la Garza
Aspin	Buchanan	Danielson
AuCoin	Burke, Calif.	Delaney
Bafalis	Burke, Fla.	Dellums
Barnard	Burlison, Mo.	Derrick
Baucus	Burton, John	Dicks
Beard, R.I.	Burton, Phillip	Dingell
Beard, Tenn.	Byron	Dodd
Bedell	Caputo	Downey
Bellenson	Carney	Drinan
Benjamin	Carr	Duncan, Oreg.
Bevill	Carter	Duncan, Tenn.
Biaggi	Cavanaugh	Early
Bingham	Chappell	Eckhardt
Blanchard	Chisholm	Edgar
Edwards, Ala.	Le Fante	Reuss
Edwards, Calif.	Leach	Richmond
Edwards, Okla.	Leggett	Risenhoover
Emery	Lehman	Rodino
English	Lent	Rogers
Ertel	Levitas	Rooney
Evans, Ga.	Lloyd, Calif.	Rose
Evans, Ind.	Lloyd, Tenn.	Rosenthal
Fary	Long, La.	Rostenkowski
Fascell	Long, Md.	Roybal
Fish	Lott	Ruppe
Fisher	Lujan	Russo
Fithian	Luken	Ryan
Flood	Lundine	Santini
Florio	McClory	Sarasin
Flowers	McCloskey	Sawyer
Foley	McCormack	Scheuer
Ford, Mich.	McDade	Schroeder
Ford, Tenn.	McEwen	Schulze
Forsythe	McFall	Seiberling
Fountain	McKay	Sharp
Fowler	Madigan	Shipley
Fraser	Maguire	Sikes
Frey	Mahon	Simon
Fuqua	Mann	Sisk
Gaydos	Markey	Skelton
Gephardt	Marks	Slack
Giaimo	Marlenee	Smith, Iowa
Gibbons	Mattox	Smith, Nebr.
Gilman	Mazzoli	Solarz
Ginn	Meeds	Spellman
Glickman	Metcalfe	Spence
Gonzalez	Mikulski	St Germain
Goodling	Mikva	Staggers
Gore	Miller, Calif.	Stangeland
Grassley	Mineta	Stanton
Gudger	Minish	Steed
Guyer	Mitchell, Md.	Steiger
Hamilton	Mitchell, N.Y.	Stokes
Hammer-schmidt	Moakley	Stratton
	Moffett	Studds
Hanley	Mollohan	Thompson
Harkin	Moorhead, Pa.	Thone
Harrington	Moss	Thornton
Harris	Mottl	Traxler
Harsha	Murphy, Ill.	Tsongas
Hawkins	Murphy, N.Y.	Tucker
Heckler	Murphy, Pa.	Udall
Hefner	Murtha	Ullman
Heftel	Myers, Michael	Van Deerlin
Hillis	Myers, Ind.	Vander Jagt
Holland	Natcher	Vanik
Hollenbeck	Neal	Vento
Holt	Nedzi	Volkmer
Holtzman	Nichols	Waggonner
Horton	Nix	Walgren
Howard	Nolan	Walsh
Hubbard	Nowak	Wampler
Huckaby	Oakar	Watkins
Hughes	Oberstar	Weaver
Hyde	Obey	Weiss
Jacobs	Ottinger	Whalen
Jeffords	Panetta	White
Jenkins	Patten	Whitley
Jenrette	Patterson	Whitten
Johnson, Calif.	Pattison	Wilson, Bob
Jones, N.C.	Pease	Wilson, C. H.
Jones, Okla.	Pepper	Winn
Jones, Tenn.	Perkins	Wirth
Kasten	Pettis	Wolff
Kastenmeier	Pickle	Wright
Kazen	Pike	Wydler
Kelly	Pressler	Wylie
Keys	Preyer	Yates
Kildee	Price	Yatron
Kindness	Pritchard	Young, Alaska
Koch	Pursell	Young, Fla.
Kostmayer	Quie	Young, Mo.
Krebs	Quillen	Young, Tex.
Krueger	Rahall	Zablocki
LaFalce	Railsback	Zeferetti
Lagomarsino	Rangel	
Latta	Regula	

NOT VOTING—27

Badillo	Flippo	Rinaldo
Baldus	Hannaford	Roe
Breaux	Ireland	Sebelius
Burke, Mass.	Johnson, Colo.	Stark
Clausen, Don H.	Jordan	Steers
	Lederer	Teague
Cleveland	McHugh	Waxman
Dent	McKinney	Wiggins
Diggs	Meyner	
Eilberg	Poage	

Messrs. SIKES, CAVANAUGH, SANTINI, EDWARDS of Alabama, BAFALIS, and McCLORY changed their vote from "aye" to "no."

Mr. HALL changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. CHAPPELL. Mr. Chairman, I move to strike the last word. I rise to ask a question of the chairman of the committee.

Mr. Chairman, is it the intent of the committee by the bill and report language at page 55 to provide approximately the present level of funding for existing area health education centers and sufficient moneys for initiating some new starts?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I can say to my friend, the gentleman from Florida, yes, it is the intent of the committee to fund on-going projects at approximately the current levels, plus some new starts.

Mr. CHAPPELL. Mr. Chairman, I thank the gentleman.

Mr. CARR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask just a couple of questions to clarify the intent of the bill we are discussing. First, this bill authorizes, as it has in previous years, the funding of an international center for the exchange of information, research, and training with respect to the handicappers. Since HEW-RSA has already established just such a center at Michigan State University, can we assume that this bill—specifically the language contained on page 93 of the report—further justifies the $500,000 which RSA has projected for the funding of the MSU center this next fiscal year?

And would it be possible, Mr. Chairman, to authorize RSA to spend up to $1.5 million in special foreign currency under Public Law 83-480 to help ease the burden of funding for the overseas portion of this project?

Mr. FLOOD. Yes.

Mr. CARR. Thank you, Mr. Chairman. The second point I would like to clarify is the participation of the Bureau of Education for the Handicappers in the MSU project. Since your committee has directed BEH, in the second full paragraph on page 65 of your report, to spend $154.9 million ". . . for a variety of programs designed to improve the quality and availability of special educations programs," could a reasonable amount of this money, say $350,000, be spent at the MSU project to guarantee that handicappers' children also benefit?

Mr. FLOOD. Yes.

Mr. CARR. Thank you, Mr. Chairman, for clarification of these points. Handicappers all over the world, and especially in the United States, are grateful for your support.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than $2,685,951,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay travel expenses either on an actual cost or command basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands to reconsideration interviews and to proceedings before administrative law judges under title II, XVI, and XVIII of the

Social Security Act: *Provided further*, That $25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of title II of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased that the Appropriations Committee has provided a funding increase for the National Institute of Education, a sign of renewed confidence in the mission and program of NIE. I am particularly pleased that the Appropriations Committee has refrained from including in this bill or the committee report any earmarks on the NIE appropriation. Such an earmarking of funds would subvert NIE's function of making independent and professional judgments on our national priorities in educational research and development. I hope that this restraint will be carried forward in the House-Senate conference.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I am delighted to have the support of the Chairman of the Subcommittee on Select Education for our judgments concerning the National Institute of Education. I assure Mr. BRADEMAS that the managers of this bill will seek to include in the conference report recognition that the decisions about support for specific projects by the Institute should be made on the basis of the merits of the projects and their promise for improving American education. We will seek to have the conference refrain from any suggestion of earmarks on this appropriation for NIE.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: On page 55, insert the following new paragraph on line 20:

"COMPLIANCE ASSISTANCE

"For carrying out the provisions of section 504 of the Vocational Rehabilitation Act of 1973, as amended, $240,000,000."

Mr. JEFFORDS. Mr. Chairman, I had initially intended and seriously intended to offer an amendment calling for $2.4 billion in this area. I was going to do that because I wanted to bring to the attention of the Members the cost of the regulations as stated by Secretary of HEW, Mr. Califano, which are now in force pertaining to the area of the handicapped, the 504 regulations.

I reduced the amount of the amendment to $240 million in view of the present fiscal situation.

I also offer this amendment on behalf of the gentleman from Connecticut (Mr. DODD). We reduced the figure because we wanted to be reasonable, but we still want to bring to the attention of the committees the fact that there is a tremendous need for guidance from Congress in this area.

Let me give the Members a little bit of the history of this issue. In 1973 this Congress passed a law, section 504, which prohibits discrimination against the handicapped.

Section 504 was a Senate amendment which was accepted in conference. Not one word of testimony was ever heard for or against the provision before it was added to the Senate bill. Not one word was written in the Senate committee report, spoken on the floor of the Senate or explained in the statement of managers report after the House-Senate conference. It was accepted because on its face Members agreed that discrimination in any form against the handicapped of this Nation should be eliminated.

That is an act with which we can all agree. Later on, because the definition of "handicapped" was somewhat indefinite and the administration was uncertain as to what that definition meant, it was expanded. Congress defined "handicapped" as follows:

A handicapped individual is: any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment.

A Presidential order was issued by President Ford in 1976 ordering the Secretary of Health, Education, and Welfare to come forward with regulations. These regulations were drafted. They are expansive. They include business, they include educational areas, they include all areas that in any way get Federal funds. A court suit was brought to order official issuance. The Court ordered them to be issued. They were in April. They are now in effect. The President has committed himself to enforcement.

This amendment, however, only applies to the areas in the HEW purview. Large sums will be required in other areas.

This is what is going to be required around the country: Expensive modifications of buildings, as well as funds to assist the handicapped in educational, employment, and other areas. The estimates on cost are all over the place. Secretary Califano estimates the cost in the HEW area will be $2.4 billion. However, the Education Commission on the States estimates the cost for them alone will be $3.5 billion.

But what we have not done is to establish any policy or any criteria as to who is going to pay for implementation other than to place the burden on the State and local governments.

I myself have had a plea from the president of my State university, and I have had pleas from members of school boards in communities which are faced with terrible problems of priorities. They are now going to be asked to fund these items, and they are being asked to do some very substantial things.

We think this is wrong. If we in the Congress believe that discrimination against the handicapped is wrong, and we do, and the Federal Government is going to direct how to end the problem, then the Federal Government has an obligation to contribute toward the implementation of this policy.

We cannot shift the burden to State and local taxpayers, State and local governments and every public and private agency or organization who receive Federal funds.

This is not a partisan issue.

This is not a liberal or conservative issue.

This is a fundamental issue of whether the Federal Government is willing to be honest as well as fair with the American people.

I think it is important and critical that this matter be brought to the attention of Congress. We must make some commitment to those communities that the Federal Government is going to participate in the funding of this expansive program to assist the handicapped.

Our amendment, which would appropriate funds equal to 10 percent of the amount HEW has estimated to be the costs of implementing the regulations, would remove any excuse for those on the State and local levels not to begin implementing these regulations immediately. Two hundred and forty million dollars is only a part of the total costs of removing discrimination against the handicapped, but it is an important, good-faith effort that the Federal Government must take, if it intends to back its own words.

Our primary purpose here, however, is to make sure that there will be hearings: That there will be some dialog that takes place in the committees and legislation which will set forth the Federal financial commitment in this area.

In spite of the explicit pleas of both Secretary Mathews and Secretary Califano, there have been no hearings in the past on this issue. This issue has not been faced by the committees, and I think it is extremely important that it be addressed.

Mr. Chairman, I would ask at this time whether the distinguished chairman of the Subcommittee on Select Education would answer me as to whether or not he will carry out hearings on this subject prior to such time as the supplemental appropriation bill comes up.

Mr. BRADEMAS. Mr. Chairman, if the gentleman from Vermont will yield, first of all, I want to commend the gentleman for his concern about this very important question.

The gentleman will not, I know, in view of some of our earlier conversations, be surprised to learn that I have some reservations about his amendment, given the fact that indeed no hearings have been held on it. But I do want to assure the gentleman from Vermont that I should be very pleased as chairman of that subcommittee to conduct some hearings on the implementation of section 504 and to do so before the supplemental appropriations bill is considered later this year.

I would hope very much that on that assurance the gentleman from Vermont would be willing to consider withdrawing his amendment at this time in order that our subcommittee can give this important question the careful attention that it deserves.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman.

Before making the commitment to withdraw my amendment, I will ask the chairman of the subcommittee of the Committee on Appropriations that is dealing with this bill as to whether or not any hearings may be held prior to the supplemental appropriation bill and whether it would be possible for that subcommittee to deal with this issue.

Mr. FLOOD. If the gentleman will yield, yes, I can assure the gentleman, indeed, that in our hearings we will review this matter.

Mr. JEFFORDS. Mr. Chairman, I appreciate that very much. I think it is critical that we do have those hearings.

I know that people around the country are going to insist that Congress deal with this issue of 504 regulations at this time.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I would like to assoicate myself with the remarks the gentleman has addressed to the House. With the assurances that have been stated here, I think there will be a good many of us who will be following up and hoping to see what happens in a constructive way in those hearings that are promised to be conducted.

It is a very serious problem, a problem of serious proportions.

Mr. Chairman, I thank the gentleman from Vermont (Mr. JEFFORDS) for bringing this matter up at this time.

Mr. CONTE. Mr. Chairman, I rise in support of this amendment to provide funds for the implementation of section 504 of the Rehabilitation Act of 1973. As a strong supporter of this act, I am pleased both that HEW has finally issued the regulations for its implementation, and that we have the opportunity today to provide funds to make this legislation work.

This legislation, and the regulations associated with it, prohibit discrimination against the handicapped in programs receiving Federal financial assistance. This includes educational programs, of course—from elementary schools through postgraduate education.

The Department of HEW estimates that it will cost some $2.4 billion to implement this effort, from removing architectural barriers to providing programs adapted for the special needs of the handicapped. The estimate is of course a rough one—but the amendment we are considering today, for only 10 percent of that amount, will by no means be enough.

It would be inequitable to place the burden of compliance totally upon State and local taxpayers. This legislation represents a national commitment to removing discrimination against the handicapped, and it should be financed through the more progressive national—or Federal—tax system.

Mr. Chairman, we dedicated ourselves to eliminating discrimination when we enacted this legislation. I urge my colleagues to adopt this amendment, and show that we are serious about our commitment to its implementation.

Mr. JEFFORDS. Mr. Chairman, I ask unanimous consent to be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intended to offer an amendment today which I am not going to do, but I would like to ask the distinguished subcommittee chairman a question concerning the Emergency School Aid Act and concerning the eligibility of certain school districts for emergency school aid funds.

Currently, due to a linguistic oversight, the statute restricts support to school districts operating under a desegregation order or plan issued after August 21, 1974.

Mr. Chairman, there are certain school districts in this country, for example, the one that I represent in Wichita, Kans., that desegregated pursuant to a HEW Office of Civil Rights plan prior to August 8, 1974. As a part of that desegregation, we have massive busing throughout the entire school district, by which underprivileged children, minorities, are bused all over the city; but because of HEW rules, we are unable to "follow the child," so that those funds must be spent in the areas where the children live as opposed to the areas where the children go to school, which is absolutely absurd and makes no fundamental sense whatsoever.

Mr. Chairman, I had intended to offer an amendment to this section on emergency school aid on page 22 which would bring that date back another 18 months so as to permit those school districts such as Wichita to do the obvious, to follow the child in Federal funds; a necessary compassionate thing, and spend the money where the children are going to school as opposed to where they live, because that is why we bus in the first place.

However, I have talked with members of the staff of the distinguished gentleman and have been advised that HEW is having some problems with my amendment, and also understand that the amendment may not be appropriate for an appropriations bill.

All I ask is—and I see in the language of the report that there is some acknowledgement of this particular problem—whether the Committee on Appropriations has given this issue any consideration?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I can say this in response to the gentleman's question: It is unfortunate that the basic law refers to a specific date, which has an adverse effect on certain school districts, just as the gentleman has described. But the problem is with the basic law, not with the appropriation bill.

I do understand, though, that HEW will be recommending some technical changes in the law; and I think the legislative committee will be looking at the law for possible revisions in or amendments to the law to take care of this kind of problem.

That is the best way, I can assure the gentleman, in which to handle the problem the gentleman mentions.

Mr. GLICKMAN. Mr. Chairman, I appreciate the gentleman's comments. I will be dealing with the legislative committees, too; but I did want to bring this matter to the gentleman's attention.

The Clerk read as follows:

SEC. 208. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with the title VI of the Civil Rights Act of 1964.

AMENDMENT OFFERED BY MR. MOTTL

Mr. MOTTL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTTL: On page 39, strike out lines 18 through 23 and insert the following:

"SEC. 208. (a) None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964.

"(b) None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which, prior to any action after September 30, 1976 involving the merging, clustering, or pairing of said school with any other school, was nearest the student's home, and which offers the courses of study pursued by such student in order to comply with title VI of the Civil Rights Act of 1964."

Mr. MOTTL. Mr. Chairman, this amendment is necessary because once again the powers-that-be over at HEW are doing legalistic somersaults to invent a new position that would permit HEW to use Federal funds to promote the pairing or clustering of local schools as a way of getting around the prohibitions of the Byrd amendment.

This startling new interpretation of the law was revealed last week by HEW Secretary Califano and supported by Attorney General Bell. What this policy amounts to is nothing but a blatant attempt by HEW to circumvent the intent of Congress as it was expressed in last year's HEW appropriation bill. Section 208 of that legislation, widely known as the Byrd amendment, was an express, clear, and open statement of congressional intent to prohibit HEW from using Federal funds to require local school districts to bus their students away from their neighborhood schools.

Yet under the policy of pairing and clustering given the stamp of approval recently by HEW, wide-scale busing of students away from their neighborhood schools could become a reality. Pairing and clustering of schools result in the cross-town busing of vast numbers of children from one neighborhood to another or from one side of town to the other. Even the advocates of busing admit that pairing and clustering of schools are not effective solutions to a segregated school system which has the inevitable result of "white flight" out of the school district resulting in a resegregation of the schools and a substantial drop in school enrollment. Busing either leads to the bankruptcy of the school system or to a drastic reduction of school services. Furthermore, busing consumes vast amounts of gasoline at a time when the present administration is urging the American public to conserve on gasoline.

The previous administration interpreted the Byrd amendment strictly, as Congress intended it to be interpreted, namely, that HEW could not use Federal funds as a means of forcing school districts to bus children away from their nearest school. But the current administration, apparently pursuing a policy of desegregation at any cost and "damn the intent of Congress," has concocted a new interpretation of the Byrd amendment that somehow exempts the pairing and clustering of schools from its prohibitions.

The amendment I am offering today is a reaffirmation of the intent of Congress that HEW should not threaten school districts with the loss of Federal funds in an attempt to ram forced busing down the school districts' throats. Such a policy is tantamount of blackmail. My amendment retains the Byrd language, and further clarifies its intent by stipulating it also applies to any school district where the merging, pairing, or clustering of schools has occurred after September 30, 1976. No student would be able to be bused away from the school nearest to his home that existed prior to the implementation of a desegregation plan involving the merging, pairing, or clustering of schools.

I might also add that this latest HEW policy is but a further continuation of a long line of maneuvers by Federal officials and judges to circumvent the intent of Congress and the will of the vast majority of the American people in regards to the busing of children from their neighborhood schools. I fear that even if my amendment is passed, HEW and the Justice Department will interpret it in some legally twisted manner, declaring it says something entirely different from what it actually does state and thus permitting the busing of students away from their neighborhood schools.

Also, since the amount of Federal assistance covered in this bill amounts to only 6 percent of the total funding of local schools, the amendment I offer today would not be the ultimate solution to the busing controversy.

The only way to halt permanently such shenanigans by Federal officials is a constitutional amendment that would prohibit the busing of children from their neighborhood schools. I have proposed such an amendment, and I would urge that you show your support for it by signing my discharge petition, on which there are already 190 signatures, at the Clerk's desk. By voting for my amendment today and by signing our discharge petition, you can take a definite step toward ending this noble experiment which has resulted in a total disaster for American education.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. MOTTL. I yield to the gentleman from Texas.

Mr. MILFORD. I thank the gentleman for yielding.

As many of the Members know from my "Dear Colleague" letter, I had intended to offer this same amendment. The gentleman's amendment is very similar to the one I was going to offer; therefore, I will not offer mine but instead will support his amendment with vigor.

In 1975 Congress clearly spoke to this situation by saying, "It is illegal to withhold Federal funds from schools under any circumstances relating to busing as a means of desegregation."

However, as a result of recent Justice Department memorandum issued at the request of HEW Secretary Califano, section 208 of this bill is being newly interpreted as meaning that it is legal for the Federal Government to withhold Federal funds from school districts which refuse to use consolidation techniques such as pairing or clustering. Any type of consolidation plan must, of necessity, involve busing of children.

For those of you who are unfamiliar with these terms, pairing involves the consolidation of two comparable schools within a short distance of each other into one unit. For example, one school may offer grades 1 through 3 while the other offers grades 4 through 6. Clustering refers to a similar situation but involving three or more schools so that one may offer grades 1 through 3, another grades 4 through 6, and another grades 7 and 8. Under these consolidation techniques, it is conceivable that a child will have to attend five different schools before he reaches the 12th grade.

As you can see, under any of these plans, a student is forced to transfer to another school after he completes the highest grade level offered in the school he is attending, in order to "pursue his course of study." To reach his new school, he will more than likely, have to be bused. If a school system refuses to consolidate their schools as a part of their desegregation plan, then they—under the new interpretation—run the risk of losing their much needed Federal funds.

It is this circumstance which makes the amendment, offered by the gentleman from Ohio, necessary if we are to prevent HEW from coercing our schools into adopting consolidation plans.

It changes the language of section 208 so that none of the funds in this bill can be used to force schools to use pairing or clustering or any other consolidation technique as a part of their desegregation plan at the penalty of losing Federal funds.

I do not believe that the issue here is desegregation or even busing. The issue is whether or not we want to give the Federal Government the ability to coerce—or blackmail, if you will—our schools into complying with some Government plan by threatening to withhold Federal funds.

It is my hope that this amendment will close this loophole in the present law so that we can proceed with orderly desegregation without further jeopardizing the education of our children and without having to resort to threats or coercion.

Mr. MOTTL. I certainly appreciate the gentleman's endorsement.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ALLEN, and by unanimous consent, Mr. MOTTL was allowed to proceed for 1½ additional minutes.)

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. MOTTL. I yield to the gentleman from Tennessee.

Mr. ALLEN. I thank the distinguished gentleman from Ohio for yielding.

In the metropolitan school system of Nashville and Davidson County we have been under a Federal court order since 1971 to carry out massive crosstown busing under a plan devised by HEW, and that plan is now implemented. Would the gentleman's amendment deny to the metropolitan government of Nashville and Davidson County any compensation whatever for carrying out the court order in accordance with the HEW mandate?

Mr. MOTTL. This amendment that I proposed is strictly in accordance with the Byrd amendment and only goes back to the time of the effective date of the Byrd amendment, which was September 30 of 1976. So regarding any clustering or pairing of schools thereafter, no funds could be used for the forced busing of students after that date.

Mr. ALLEN. But it would not deny to the metropolitan government of Nashville and Davidson County any funds from HEW to carry out the court decision that was made in accordance with the plan devised by HEW? Is that what the gentleman is saying?

Mr. MOTTL. It would only prohibit those funds after the Byrd amendment became effective and exclusively for transportation. Any other Federal funds that the gentleman's community or district is presently receiving from the Federal Government would still be secured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WYLIE. Mr. Chairman, I rise in support of the gentleman's amendment. Last year Congress adopted an amendment to this bill which provided that no Federal money can be used to bus children beyond a neighborhood school to achieve a racial balance. Another amendment was adopted to another bill which would prohibit the use of gasoline or diesel-powered vehicles for busing schoolchildren beyond a neighborhood school. Every time this question has come up the Congress has expressed itself as being in opposition to forced busing; yet the problem seems to keep spreading.

In my own city of Columbus, for example, the Columbus Board of Education

and then school superintendent, Dr. John Ellis, who is now a deputy commissioner of education, came up with a voluntary busing plan which seemed to meet the criteria and the tests. Any youngster in the city of Columbus could be bused to any other school in the city of Columbus to which the parents wanted him to go, and the city of Columbus paid for the busing costs. That seemed to be a happy solution. And many students have been bused across the city to another school. Many of us in Columbus felt that this was sufficient compliance with the busing decision. It did permit some leeway for parental choice and did not require the forced busing of schoolchildren to other neighborhood schools where their parents did not want them to go. Yet the Federal district court said that was not good enough and came up with a court order that the children of Columbus had to be bused and a new busing plan had to be put in effect by the school board and the city schools.

This is an edition of the Columbus Citizen-Journal which I received just today, dated Tuesday. The headline story is about desegregation plans. The issue has put almost everything else off the front page for 2 weeks.

The plan which has been adopted by the Columbus Board of Education and will be implemented apparently by the Federal District Court calls for the closing of a school in my own neighborhood. A school building only 6 years old will be vacant after this plan is put into effect. The Gettysburg school was built 6 years ago. I noticed the little children walking to school 2 weeks ago Friday when I was home and wondered, what is going on?

Under this plan calling for pairing and clustering, Gettysburg Elementary School will be closed and youngsters will be bused on the other side of two highly traveled roads and a railroad track.

Under a previous amendment no Federal money can be used for busing in the city of Columbus—a mandate which was adopted on this House floor. Now through pairing and clustering Mr. Califano, the Secretary of HEW says the Byrd amendment can be circumvented.

The Ford administration had previously ruled the law prevented pairing and clustering, which are common methods of desegregation used in communities across the country. Quoting from a recent newspaper article: Sources in and out of the Government have said the new administration was keeping quiet about its new policy for the time being for fear the publicity would lead to legislation to block that policy.

Well, legislation is before us today in the form of an amendment offered by the gentleman from Ohio (Mr. MOTTL) to block the policy.

I might add polls which have been taken in the city of Columbus show more than a majority of the blacks and the whites in the area are opposed to forced busing to achieve a racial balance, and yet for some reason the problem continues.

And everybody in Columbus who is in public service or public office or seeking public office is not in favor of the new plan. For example, I have a letter to the editor here written by Mr. Bill Moss which says:

> I am not opposed to children riding the bus to get to school. I am very much opposed to any American child being forced by the Government to ride a bus to a school assigned by the Government for racial reasons and against the will of the child's parents and/or child.
>
> Yes, I say that far too many of my people are confused on this issue of "forced busing" because we have had only one side of the story drummed into our heads. And that side of the story says over and over that everything black is inferior. A little research will show that black schools, teachers, and students were doing magnificently the Nation over before all of this race manipulation began.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. Mr. Chairman, the letter continues:

> Another thing, the politicians have very slyly avoided giving the people in this "American Democracy" the opportunity to vote on the issue of "forced busing."

That was written as a letter to the editor by Mr. Bill Moss, a black man, a candidate for the Columbus School Board, who was a candidate for Congress in the last election.

The Ford administration had ruled that it is not legal for the Government to withhold education funds because techniques were not devised to bus children out of their immediate neighborhood through the so-called pairing or clustering process. The Carter administration, the new administration has ruled that Federal money can be used to bus where two or more schools are merged in pairing or clustering, which is in direct contravention to what this Congress has said and what this Congress intended.

I say the amendment before us today is to block what the HEW Secretary, Mr. Califano, has said will be the policy of the new administration. I think we should all work for the gentleman's amendment. I think he is to be complimented and commended for bringing this issue before the House today so we could have a vote on it.

People are frustrated in my area and in my district because they do not have a vote on this issue. By this process I am permitted to speak out for them as their own elected Representative.

Mr. Chairman, I also urge my colleagues to sign the gentleman's discharge petition, so we can have still further debate on the issue.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, I am one who is opposed to busing. I signed the document to bring it out to stop busing; but my schools and my city are heading toward an order where it is going to have to bus in the middle of negotiations.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. PRITCHARD, and by unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. PRITCHARD. Mr. Chairman, if the gentleman will yield further, what I am concerned about, this is not going to lift these court orders. All this is going to do is take away, after we are forced to bus, any help we might get in busing. We are going to have to replace it with local funds.

Mr. WYLIE. This is certainly true. It does say and we are saying right now on this issue that we do not want Federal money to be used to force the busing of schoolchildren across district lines or out of the neighborhood schools. Providing the money from another source is an added problem, that is true.

I might add that the forced-busing plan that the Board of Education had come up in Columbus, Ohio, is estimated at a conservative estimate to cost $23 million. How much better to put that money into upgrading neighborhood schools in areas where they are found. I just think we have to start some place to stop what I regard as an unwise move.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from Washington has put his finger on the one point that cannot be emphasized too often. At least two speakers so far have discussed this amendment in terms of court-ordered busing. The fact is that there is nothing whatsoever that this House can do on this legislation which would limit the ability of courts in any way to require busing, absolutely nothing. This amendment has nothing whatsoever to do with court-ordered busing. It "ain't" going to stop one bus that is court ordered. The only thing that it deals with is cases where HEW itself has gotten into the act. I think we ought to keep that in mind.

If we are against court-ordered busing, the easiest way to get that on record is simply put out a press release saying, "I am against court-ordered busing," but do not pretend by voting for the amendment that we are going to stop court-ordered busing, because we "ain't" going to do it.

The other point I would like to make is simply this: I really think what this amendment does is just push on to poor people the obligation to face school integration, because what it really says is that if we are going to deny to HEW the tools it needs to enforce the law—and that is what we are talking about, enforcing the law, which ought to be pretty important around here—what we are saying is that HEW cannot do anything other than wiggle a few little boundaries. If this amendment passes the intergration we will have, the only kind of busing we will have under the existing Byrd amendment, coupled with this, is the kind of busing that deals with the problem directly around the inner cities. Anybody who lives a substantial distance away "ain't going to have to share that social burden."

We can talk all we want about the wisdom of busing. I think it has been overused in many instances, but I think what we will have done here is not only hem in the blacks, we also will have hemmed in the poor whites who live

around those inner cities and we have made them share exclusively the responsibility for school integration. That is what this amendment does.

Let us not fancy it up with any other talk. If this House wants to vote for it, go ahead, but count me out.

Mr. MOTTL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. MOTTL. Mr. Chairman, I think the gentleman has brought out an important point on this whole issue of forced busing versus the neighborhood school. It is true, it is only the poor white and poor black that will be bused and have been bused, because the wealthier whites fled to suburban communities and those other white families that have stayed in the inner city have sent their children to private schools. Let us not deceive ourselves.

Mr. OBEY. Mr. Chairman, under the gentleman's amendment, we are guaranteeing anybody living in a wealthy suburb will never participate in that burden. For those who do not like busing, go at it directly, but do not say that the only poor suckers who will participate in that process will be those who live near inner cities, because that is what this amendment says.

Mr. MOTTL. The gentleman from Wisconsin further stated that the moneys that they are going to use to carry out the Federal district courts' forced busing orders—is only 6 percent of their total funds used by the local school district.

Mr. OBEY. I did not say anything at all about money. The gentleman is talking about somebody else.

Mr. MOTTL. I wanted to bring out this point, if I may, to the gentleman from Wisconsin. Of the total budget for education in local districts, only 6 percent thereof comes from the Federal Government; 94 percent comes from the State and from the local school district. Real estate taxes, State income taxes, sales taxes are used to pay for most of local education. So, the big burden is on the State and local governments to carry out Federal judges' mandated forced busing.

Mr. OBEY. I am not debating that. My point is that if you think you are going to change the decision of Federal judges, you are dead wrong. There is nothing we can do on court-ordered busing in this bill. What we are doing is dealing with HEW-ordered busing, not court-ordered busing.

Mr. FLOOD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, we have heard this kind of discussion time and time again and year after year. Now, this amendment is simply an attempt to modify the language of section 208 in the bill. Section 208 is the so-called Byrd amendment, and was first adopted by the other body in the 1976 HEW appropriation bill. We had many hours of debate in this House and many hours of debate in conference with the other body.

At that time the House voted 260 to 141 to agree to that provision, which is now section 208 of the bill we are talking about. That provision remained intact in the 1977 HEW appropriation bill, and so the committee agreed to include it in the 1978 appropriation bill. By the way, I personally opposed that provision because I believe, and I continue to believe, that such complicated legislative matters such as the one we are talking about now should not be dealt with in floor amendments to an appropration bill.

Legislation such as we are talking about in this amendment brings confusion and chaos time and time again. The pending amendment also appears to conflict with the Civil Rights Act. It raises constitutional questions—the Members just heard that. It is ambiguous and redundant, because the same things are referred to in sections 206, 207, and 208 in the same bill.

Mr. Chairman, this is a complicated matter. It needs a thorough examination. We certainly cannot do that when we are talking about an amendment on an appropration bill. This is not the time; this is not the place for that kind of thing. I urge the defeat of the amendment.

Mr. ROYBAL. Mr. Chairman, I rise to oppose the amendment before the House because this amendment, as I understand it, would prohibit HEW from merging or consolidating two or more schools in the same area, or from restructuring grade levels among such schools.

The combination of this amendment and the Byrd amendment would in effect, move us a long way toward repealing title VI of the Civil Rights Act of 1964, particularly as it applies to education, and could put the Federal Government in the business of supporting school systems operating in violation of the 14th amendment of the Constitution. The Congress did not intend such a result when it passed title VI of the Civil Rights Act of 1964, and I do not believe that it intends any such result today.

Passage of the Byrd amendment in 1976 severely limited HEW's ability to require desegregation of segregated school systems. That amendment prohibited the Department from requiring that students be transported beyond the school with their grade level that was nearest to their home.

Now, the present amendment to H.R. 7555 would prohibit HEW from merging or consolidating two or more schools in the same area. It would prohibit HEW from pairing or clustering schools in order to desegregate a desegregated school system which in fact would be in violation of title VI of the Civil Rights Act of 1964.

Taken together, the two amendments would cripple title VI of the Civil Rights Act of 1964, and there is no question about that. Under this new amendment, HEW would be required to continue funding discriminatory school systems.

What action would be available to HEW when confronted by a school district operating a discriminatory neighborhood plan? It is quite obvious it could not recognize grade structures. It could not cluster or pair schools, and it could not require transportation beyond the nearest schoolhouse. The school district would simply be able to operate on a discriminatory basis and under the proposed amendment, HEW would be helpless to prevent Federal funds from flowing to that district.

The present amendment would only make a tragic situation worse. It would limit HEW's desegregation activities to neighborhoods immediately surrounding inner city areas. Inequality will compound inequality. Only the residents of these neighborhoods—generally low-income or middle-income—would be affected by any desegregation requirements. Focusing desegregation efforts on small areas would only encourage the public to see the crying need for an integrated society as a narrowly applied standard. White flight may be encouraged by the perception that certain neighborhoods are exempt from desegregation.

This amendment would create and perpetuate past segregation; it would limit desegregation to the ghetto fringe; it would encourage further segregation of the races. It should be resoundingly defeated, and I urgently request that the House defeat this amendment by a great majority.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. MOTTL), to H.R. 7555 the Labor/HEW appropriations bill. The gentleman from Ohio's amendment attempts to further restrict the authority of the Department of Health, Education, and Welfare to bring school districts into compliance with title VI of the Civil Rights Act of 1964 and the Constitution. The amendment says:

(b) None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school pursuant to any plan involving the merger or consolidation of two or more schools in the same area (including any plan for the allocation of grade levels between or among such schools and any plan using any technique commonly referred to as the "pairing" or "clustering" of schools) in order to comply with title VI of the Civil Rights Act of 1964.

This amendment attempts to clarify the legislative history or congressional intent in adopting the Byrd amendment, section 208 of Public Law 94-439—HEW fiscal year 1977 appropriation—which was originally adopted as a part of HEW's fiscal year 1976 appropriation. Senator BYRD's amendment prohibits the use—

of funds contained in this Act . . . to require . . . the transportation of any student to a school other than the one nearest the student's home . . . *which offers the courses of study pursued by such student* . . . (emphasis supplied).

It is clear that Senator BYRD intended to restrict the using of busing, not to impair the Department's statutory and constitutional responsibility to remedy unlawful school segregation. The original Byrd amendment applied only to the use of transportation. The so-called perfecting language offered by my colleague from Ohio is a blatantly unconstitutional attempt to: First, deny HEW the au-

thority to enforce title VI even where a school district is found to have intentionally segregated its schools; second, and to restrict the use of pairing and clustering or relocating of particular grades wherever transportation would be involved. If this amendment is enacted, HEW could not require, incident to desegregation, the restructuring of grades if that grade restructuring necessitated the transportation of students to the nearest school offering the academic curriculum at the child's grade level.

The bottom line on this amendment is to halt the only administrative alternative to what some of my colleagues call "court ordered forced busing." The legislative branch of government will have finally—with one quick brush stroke—removed ourselves and the executive branch from the business of upholding the Constitution and providing equal educational opportunities. We will have abdicated all authority and responsibility to the State and Federal courts.

The genesis of the Mottl amendment is clear, its purpose is equally certain, however those who support this amendment have little, if any, idea of its impact on minority and majority schoolchildren or on the Constitution. We could do little else that would be more damaging to the Nation's future or our system of Government than relinquish our responsibility to insure equal education for all. I urge you to vote against this amendment.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if as in the case described in Columbus the court has or will order cross-town busing in order to implement whatever plan has been devised, does the gentleman understand that this amendment would deny to the school board of Columbus any hope of receiving any assistance whatever from the Federal Government toward paying the extra cost to the school system of carrying out that court order?

Mr. STOKES. I would understand it to be that way.

Mr. ALLEN. Mr. Chairman, I thank the gentleman.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I would just say that I believe the gentleman form Cleveland, Ohio (Mr. STOKES), is absolutely accurate. That is the full intent and import of the amendment, to deny money from the Federal Government to the city of Columbus for the purpose of financing enforced busing.

I say that because there are six school buildings there now in which youngsters go to school that will be empty if this plan is put into effect. Children will be bused across town out of their neighborhoods. I mention one plan, the plan which the board of education has come up with, which, as far as I am concerned, is insane. There will be an empty school building in the area in which I live, for example, and under the busing plan children would be bused away from their neighborhood school to another neighborhood to a paired school.

Mr. Chairman, as I understand it, this amendment would prohibit the use of Federal money for busing in that kind of situation which I believe was the original intent of the Byrd amendment.

Mr. STOKES. Mr. Chairman, does the gentleman also acknowledge that the effect of the amendment would be to effectively destroy both the Civil Rights Act of 1964 and the U.S. Constitution?

Mr. WYLIE. Mr. Chairman, I respectfully disagree with that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. STOKES) has expired.

(On request of Mr. OBEY and by unanimous consent, Mr. STOKES was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, even though this in the minds of some might make the amendment easier to vote for—and in this sense I am arguing against my own position or making it tougher to win others over to my own position—I think it ought to be pointed out once again that we should understand this language does not do what the gentlemen from Ohio (Mr. MOTTL) says it does.

What this language does is simply deal with cases where HEW is trying to push school integration and busing. It does not and it cannot reach a case in which there has been court-ordered busing.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to further strengthen the prohibition of using Federal funds to force local school districts to use busing as a tool in the desegregation of schools.

Mr. Chairman, this body, in connection with the other House, has for many years acted to reflect the view of the people of this Nation that busing is not an appropriate method for eliminating segregation in our schools. It has been the consistent view of the Congress that the achievement of racial balance should be accomplished by other methods and that busing is not an acceptable tool.

The Labor-HEW Appropriations Act for 1969 contained the Whitten amendments, which forbid the use of appropriated funds for busing, or the withholding of appropriated funds to induce busing.

The Education Amendments of 1972 contained similar prohibitions against the use of Federal funds to overcome racial imbalance.

More recently, the Education Amendments of 1974, prohibited any court, department or agency of the United States from ordering the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

In the last Congress, the 94th, the Congress adopted language known as the Byrd amendment to the Labor-HEW appropriations bill.

The Byrd amendment, which is contained as sections 208 in the appropriations bill before us, says:

> None of the funds contained in the Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964.

In other words Mr. Chairman, the people, through the Congress, have spoken clearly to the question of busing for racial balance. Yet, the question does not seem to be resolved. An article in the current edition, June 20, 1977, of the National Observer states:

> Where there is a will, there's a way, the Carter Administration proved last week.

According to the article—

> Joseph Califano, Jr., Secretary of Health, Education and Welfare, has been determined to step up HEW's assault on segregated public-school systems.

The article goes further to say that Secretary Califano has been working with the Department of Justice to review the Byrd amendment and find a way around its busing prohibition. According to the National Observer, the probable first target of the "newly invigorated desegregation drive will be schools in Kansas City, Mo."

The Justice Department has found Secretary Califano a loophole that may allow HEW to reinstitute busing without violating the letter of the Byrd amendment. Instead of taking students past the nearest school, HEW appears to be considering moving the nearest school's curriculum. Then students would attend a different school, but the school would be the one "which offers the courses of study pursued by * * * (the) student," as required by the Byrd amendment.

The various plans to accomplish this goal are known as "pairing" and "clustering." Pairing involves grade reorganization under which one school might only offer first through third grade courses. Clustering is much the same but usually involves three or more schools. In either case, busing becomes a necessary tool to move the students past the school nearest their residence to the school that offers the courses pursued by the student.

This issue is of great significance to people throughout the Nation and particularly to those within the Kansas City area. The plan proposed by the Kansas City School District includes pairing. However, the issue here is not pairing or desegregation. It is whether the Federal Government should have the ability to dictate the terms of desegregation plans by threatening to cut off Federal funding. If we give HEW that power, even though local officials and citizens have joined in a good faith effort to achieve racial balance, they would have no choice but to capitulate to the terms HEW prescribes. In this situation, the power to withhold Federal funding is the power to destroy neighborhood schools.

I do not feel the Secretary of HEW's

latest discovery of the "so-called" loophole in the Byrd amendment can be allowed to go unnoticed by the Congress. The people of this Nation want all children to have a good education. Education is viewed as the hope of the future for all our children regardless of race. But, parents do not favor the busing of their children from one side of town to another, or from one State to another, in an attempt to seek racial balance.

The amendment before us attempts to close the latest busing loophole and once again restate what the Congress has so clearly stated before: that busing is not an acceptable tool in the quest of quality and equality in education.

Mr. Chairman, I agree with what the gentleman from Wisconsin (Mr. OBEY) just said a few moments ago—this is a limiting amendment as far as what HEW can do—I stand here and agree with what he says. But, I will vote in support of the amendment.

The reason I do is based on the reason the amendment was offered. The intent is to not allow HEW to use this as a threat and thus be able to dictate to a local school district exactly what the BYRD amendment was trying to do.

Mr. Chairman, if I may make an inquiry of the sponsor of the amendment, is not the reason why the gentleman is offering his amendment a recent memorandum from the Justice Department to Secretary Califano in which they discuss and interpret the Byrd amendment and find a so-called loophole in it?

Mr. MOTTL. Mr. Chairman, if the gentleman will yield, I certainly appreciate the contribution of the gentleman from Missouri (Mr. COLEMAN) to our effort, and I am glad he has asked me that question.

We have in HEW these social engineers and architects who are trying to circumvent the intent of Congress by coming up with new devices as to how they can use these funds for forced busing.

Their new system is to pair two schools. If there are more than two schools, they cluster them. Then they have the grades, say, from 1 to 3 in one school, and then grades from 4 to 6 in another. This is the way in which they interpret the nearest school in the neighborhood.

Mr. COLEMAN. Let me point out some of the language from a memorandum written by Drew Days, Assistant Attorney General, Civil Rights Division of the Department of Justice, to the Secretary, in which he goes back and discusses the legislative history of the Byrd amendment. He had this to say:

> Although the intent of Senator Robert Byrd, the sponsor of the amendment, is not totally clear from the floor debate, it appears that he intended a broad limitation on HEW's authority to seek to remedy school segregation through the administrative process.

This is the same Assistant Attorney General who is trying to manufacture a loophole so that HEW can go into a community and force them into a busing situation. That is what HEW is doing.

Mr. Chairman, I want to ask the gentleman from Ohio (Mr. MOTTL) another question: What about a community such as Kansas City, Mo., that has submitted to HEW a plan where they will be pairing and clustering and doing this voluntarily in their own school district? Will the gentleman's amendment tell them that they cannot do that if they so desire?

Mr. MOTTL. If the gentleman will yield, Mr. Chairman, anything that is voluntary will still be included for funds.

We are just having hearings now on this particular topic in our Subcommittee on Elementary, Secondary, and Vocational Education.

The community of Shaker Heights, Ohio, is a suburb of Cleveland in Congressman VANIK's district. It has a voluntary plan which will still enable them to secure Federal funds from HEW for their voluntary busing plans.

Mr. COLEMAN. There will not be a loss of funds in that instance, will there?

Mr. MOTTL. No.

Mr. COLEMAN. There would only be a loss of funds if the local school district would not proceed to implement a plan as required by HEW through the so-called loophole in the Byrd amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I am curious about this voluntary statement.

I was president of a school board before I came here. We had a massive amount of busing by reason of a plan entered into between my city and HEW. It was voluntary, but it really was not voluntary because had the city not entered into the plan, we would have had court-ordered busing.

Mr. COLEMAN. But, no one has money cut off in doing that. Let's face it, big brother is here, and it may not be voluntary.

Mr. GLICKMAN. I am not saying that. I am talking about a city which is acting under an HEW plan for several years. Would it face the possibility of title I funding and emergency school aid funds and everything else being cut off because those funds are indirectly being used to perpetuate a busing plan?

Mr. MOTTL. Mr. Chairman, if the gentleman will yield, again, we have the crux of this entire issue. If it is voluntary, they will not prejudice themselves in securing funds from HEW. If there is forced busing, then they will not be able to secure Federal funds.

Mr. GLICKMAN. Required or forced busing is not what I am asking about. That is a term of art.

What worries me is that no school district voluntarily enters into a busing plan. It is always based on compulsion.

Mr. MOTTL. Whether it is based on compulsion or whether by court order or at the direction of HEW, the Federal Government will be able to withhold funds. If it is voluntary, then the Federal Government would not be able to withhold funds to your school district.

Mrs. CHISHOLM. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the amendment is directed at preventing HEW from enforcing title VI of the Civil Rights Act of 1964 by requiring school districts found in violation of the act to desegregate their schools by changing their existing grade structures or by relocating particular grades, wherever transportation would be involved. If the amendment is enacted, HEW would be unable to require desegregation plans involving grade reorganization where the grade reorganization would necessitate transportation of students even to the school nearest to their homes—a practice that is presently allowed under a limitation contained in the fiscal year 1977 Labor-HEW Appropriations Act. In addition, HEW would be unable to recommend to school districts found in violation of title VI any grade reorganization plan involving transportation, even if the students to be assigned or reassigned are presently being transported, and even if the transportation resulting from the grade reorganization plan would be less than that currently provided. The amendment, if passed, would effectively prevent HEW from enforcing title VI in the area of school desegregation.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 4:50 p.m.

The CHAIRMAN pro tempore. (Mr. STUDDS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The Chair will recognize Members who were standing at the time the unanimous consent request was made for approximately 40 seconds each.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I will not even need the full 40 seconds. I oppose this amendment, of course, but this is an excellent time to let 25 million black Americans know that things have not changed, that there are still people in this Congress and in this country who do not like you simply because you are black and they are going to continue eroding all of the gains we have made.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD).

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, let me just say this: I think the best argument in opposition to this amendment is that even the people who are for it do not know what it does. We have people on

the same side providing diametrically opposite interpretations. I really believe, under those circumstances, it is rather irresponsible for us to adopt an amendment when we cannot tell what the effect of it is going to be, and when the authors cannot even tell us what the effect of that amendment is going to be.

So, Mr. Chairman, I would urge, on the quaint premise that we ought to know what we are voting on, that we ought to oppose this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Very briefly, what we are dealing with here is the law, laws contained in the Civil Rights Act and laws contained in the Constitution. It is very basic that one does not have a right unless one has a remedy. Courts have engaged in that remedy. HEW has engaged in that remedy. This amendment seeks to eliminate that. We are dealing with an emotional issue. Let us try to deal with it on a rational basis in accordance with the law.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I only want to make one point. If one examines the record tomorrow, it can be noted that many Members on the other side of the aisle mentioned the Civil Rights Act of 1964 and indicated there were statutory bases for busing. None of them were here when it was passed. I was and heard the entire debate. They obviously have not read the 1964 Civil Rights Act because at that time the clearly indicated intent of the Congress was against busing. I have the 1964 act in front of me. If the Members would only read it, they will see it indicates the Congress will that we oppose forced busing.

We all know HEW, whether in a Republican administration or Democratic administration, has endeavored to have forced busing of students by the back door and circuitous methods. We all know courts have issued orders. On that the rhetoric I have heard is basically correct. But I have continually heard references to statutory intentions of this Congress that we have busing. I challenge any Member of this body to cite one statute where this Congress has either authorized or encouraged forced busing. Quite the opposite, the Congress has repeatedly shown its overwhelming will that forced busing is wrong and improper.

Mr. Chairman, I also have an amendment similar to that of my colleague Mr. MOTTL. My amendment is also designed to reverse what I believe to be an erroneous legal interpretation by the executive branch in the area of school busing. It would prohibit funds in this bill from being cut off to school districts which refuse to pair or cluster schools as a desegregation remedy.

This amendment is necessary because of a recent announcement by Health, Education, and Welfare Secretary Joseph Califano. Mr. Califano stated—and the Justice Department concurred—that the Government could withhold funding from school districts that refuse to use pairing or clustering.

This decision flies in the face of previous congressional action. We have gone on record that HEW may not use funds to force a school district to transport students beyond the school closest to their homes that offers the proper curriculum.

I urge the House to reaffirm its position in favor of the neighborhood school concept by adopting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, this amendment could possibly do nothing but cause a lot of lawsuits. It is certainly a badly thought out amendment. It does not have anything to do with court-ordered busing or forced busing, as the opponents of busing like to describe the desegregation of schools. But what it does is after violations of the law or title VI have been found, then it forbids HEW to comply with the law. We cannot have it both ways. So I strongly urge the amendment be defeated.

Mr. Chairman, I oppose the amendment offered by my colleague from Ohio to prevent HEW from requiring the desegregation of school districts through change of existing grade structures or relocation of particular grades, whenever transportation is involved.

After 14 years in this House, I remain surprised that time after time we are called on to stop Federal agencies from doing precisely what we have directed—enforce the law. And the law is that Federal moneys will not be used to discriminate. Supporters of the proposal contend that the issue is not busing or desegregation but blackmail. The rationale for the law, title VI, however, is simple—tax dollars collected from all of our people should not be used to discriminate against some of our people, be they black, brown, or white. The issue is discrimination and the desegregation required to remedy its past effects.

This vital element appears to be missing from the arguments in support of the proposal. It is only after a finding that a school district is in violation of title VI that HEW may require desegregation plans to "pair" or "cluster" schools and reassign pupils for remedial purposes. If adopted, the amendment would preclude HEW from taking such action where racial disproportions are the result of forbidden discrimination. I believe that a serious question exists that HEW, even in light of the amendment, may be under constitutional compulsion to impose sanctions, since to continue Federal assistance to racially discriminatory programs raises fifth amendment due process issues.

If the amendment is enacted, furthermore, HEW would be unable to require desegregation plans involving grade reorganization where such action would mean transportation of students even to the school nearest to their homes—a practice that is currently allowed under a limitation contained in the fiscal year 1977 Labor-HEW Appropriations Act. In addition, HEW would be unable to recommend to school districts found in violation of title VI any grade reorganization plan involving transportation, even if the students to be assigned or reassigned would experience less transportation under the grade reorganization plan.

Mr. Chairman, this amendment would effectively prevent HEW from enforcing title VI in the area of school desegregation. I agree that the issue is not busing—the issue is whether we will allow HEW to meet its obligations to insure the nondiscriminatory use of Federal funds. I urge my colleagues to join me in opposing this amendment and affirming the concept of equal opportunity we enacted in title VI.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BLANCHARD).

Mr. BLANCHARD. Mr. Chairman, obviously, the debate this afternoon has been more symbolic than perhaps technical. I think the opponents of the amendment are probably accurate. It does not at all deal with court-ordered busing. It does deal with HEW and I am going to vote for the amendment basically because it is the only way I have of protesting HEW's termination procedures. Let me give my colleagues one example. In my congressional district the Ferndale School District was cited for a violation in 1969. After hearings, it had its funds cut off in 1972. The case is still in court now 8 years later. Lately a district court has said that the HEW proceeding which cut off funds was not reliable and they would not accept it in court. I hope that the appropriate committees here in Congress will examine and hold hearings regarding HEW's procedures and that the new administration will also do the same.

Mr. Chairman, I hope that the Members will support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I know what the amendment does. It will prevent the use of Federal funds to purchase 321 new buses to bus 40,000 students in the city of Columbus, Ohio. I have voted for civil rights legislation; I voted for the Equal Employment Opportunity Act; I voted for the Equal Credit Opportunity Act; and I have voted for fair housing legislation; but I cannot for the life of me see how the shuffling of little children around through forced busing will help the cause of civil rights.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, the so-called Byrd amendment which is in the present law is just conceivably constitutional if what it denies is conditioning the distribution of Federal funds

upon insistence upon a school district's engaging in frivolous or unnecessary busing. But if the Byrd amendment is extended by this amendment to apply to any effective method of carrying out the Brown decision, the Byrd amendment becomes unconstitutional. This amendment adds the provision that—

None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which, prior to any action after September 30, 1976 involving the merging, clustering, or pairing of said school with any other school, was nearest the student's home, and which offers the courses of study pursued by such student in order to comply with title VI of the Civil Rights Act of 1964.

There is implicit authority in any agency to deny the use of funds to a recipient when it is clear that that recipient will use such funds in a manner not permitted by law or by the Constitution. HEW would hardly be required to continue to distribute funds to a school district which had undertaken the establishment of a country club in the community to be financed on such successive Federal contributions. When this implicit authority is limited in such a way as to strip the agency of its authority to deny distribution of funds for the single ultra vires purpose of continuing segregation, such limitation singles out for protection a violation of the 14th amendment.

This proposed "closing of the loophole in the Byrd amendment," as proponents call it, makes the intent of the restriction on HEW crystal clear. The debate in support of the amendment makes manifest the fact that the amendment is intended to protect the flow of Federal funds to schools which refuse to take any affirmative act by merging, clustering, or pairing to comply with the Supreme Court's decisions requiring affirmative action to eliminate de jure segregation.

The addition of this amendment will, in my judgment, make the Byrd amendment unambiguous in its intent to affirmatively accomplish the unconstitutional purpose which is so transparent in this amendment and is so clearly revealed in the debate by those favoring it.

Those who would limit busing to the farthest extent permissible under the Constitution would be well advised not to push the Byrd amendment into the realm of unconstitutionality.

The CHAIRMAN pro tempore (Mr. STUDDS). The Chair recognizes the gentleman from Tennessee (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, my concern is simply this. As I understand this amendment, if it is adopted it would in no way relieve the metropolitan school system of Nashville and Davidson County of the impact of the Federal court order on busing under the HEW plan. The only thing it would do would be to deny to our school system one penny in funds from the Federal Government to help defray the cost of that busing.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, the issue before us I think is rather simple. It says: Who is going to run our schools? Our choices are either the Federal bureaucracy or our State and local schools.

I submit that our elementary schools are an extension of the home and a part of the immediate neighborhood. The neighborhood school gives our children a sense of community, which is one of the cornerstones of this Nation.

I urge Members to support this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I just want to submit for the RECORD an article in response to a letter that I wrote to a friend, Tony Brown, executive producer of Black Journal. What Mr. Brown poses is something that is very simple. What he poses is the question that really it is not a racial issue and we have to get over that kind of thing. At least for some of us it is not. It is not for me. But what he says simply is: Is it right or is it helping the children to get a better education and is it really helping them in terms of their motivation, and so forth? This is the question he poses. This is what he said in his letter. I enclose the letter and article at this point:

WNET/13,
New York, N.Y., June 13, 1977.

Hon. MARY ROSE OAKAR,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MARY ROSE: Your letter was very thoughtful and encouraging, not just because you are in general agreement with my views, but because you took the time out of your busy schedule to work in the best interest of *all* of our citizens.

I do look forward to the time when enough Black and White spokespersons will work for the general good, i.e., schools that provide quality education, an economy that provides employment for all who desire it, universities which graduate the same percentage of Blacks as Whites, a mass media open to the views of ethnics, an electoral process in which the best *person* wins, the understanding that America is the greatest country in the world because of ethnic differences and not weak because of it, etc.—in other words, a society in pursuit of simple justice and equality instead of integration for its own sake or race mixing.

There is a growing number of Blacks who have come to these conclusions—painfully. We are now stretching out our hands and hearts to those Whites interested in parity and simple justice.

May we begin the challenge?

Best,

TONY BROWN,
Executive Producer, Black Journal.

EFFECTIVENESS OF BUSING FOR INTEGRATION CHALLENGED BY "BLACK JOURNAL" ON "DOES BUSING WORK?" WEEK OF MARCH 13

Poll: Both Whites and Blacks Against Busing.

NEW YORK.—Buses were bombed, rocks hurled, children taunted—in some places. Busing has taken place peacefully, for the most part, although in many cities there has been violence. But almost everywhere in the country where busing has been ordered to achieve integration in the schools, there has been resentment and questioning among both Blacks and Whites. The debate has boiled down to a single question, "Does Busing Work?"

That's the issue Black Journal will examine on its next edition. Produced by WNET/13, New York, Black Journal will be distributed nationally by the Public Broadcasting Service to its member stations on Monday, March 14, 1977. (Important: Please check your local PBS station for correct area broadcast time. In New York, WNET/Channel 13 will broadcast "Does Busing Work?" one day earlier, Sunday, March 13, 6:00 P.M.)

Hosted by executive producer Tony Brown, Black Journal is produced with the assistance of a grant from Pepsi-Cola Company.

Tony Brown believes that "there is a significant silent Black majority view on busing that is virtually never heard. Because Black leaders are the only members of the Black community who get media exposure, the public only hears their perceptions of busing for integration purposes, and Black leaders are overwhelmingly in favor of busing. This program will depart in that respect."

There is mounting evidence questioning the effectiveness of busing. The United States Civil Rights Commission in a report costing more than a million dollars, cannot substantiate the success of busing for desegregation purposes. Scholars who once supported busing after extensive research have now according to Brown, "documented its failure and point instead to a deterioration of educational achievement and race relations . . . Everyone agrees that the findings to support the success of busing for desegregation purposes are inconclusive. This is really a polite way of saying that it does not work."

Black Journal examines the work of two social psychologists—Dr. Norman Miller of the University of Southern California and Dr. Harold Gerard of the University of California at Los Angeles, authors of the book School Desegregation, a ten-year study of a large scale busing program in Riverside, California. The two scientists conclude that busing caused no real change in achievement, motivation or personality for the Black and Chicano children who participate in the program, and that it was "arrogant" to assume that minority children would assume the values of the middle-class White children with whom they sat in class.

The "Does Busing Work?" edition of Black Journal will also present excerpts from a debate on busing produced last November by public television stations WETA, Washington, D.C., and WGBH, Boston, Mass. Arthur Fleming, chairman of the United States Commission in Civil Rights, and Ms. Frankie Freeman, a member of the commission, argue in favor of busing. Dr. Lino Graglia, a professor of law at the University of Texas, and Dr. Herbert Walberg, of the University of Illinois at Chicago, argue against. They are both representatives of the National Association for Neighborhood Schools, a Denver-based anti-busing group.

Opinions on busing were sharply divided in the Black Journal poll, which consists of two samples—Ebony Magazine's 100 Most Influential Black Americans and another 100 Black leaders selected by Black Journal. Although the Ebony sample responded affirmatively by 93 percent to the question, "Should children be bused to schools outside their neighborhoods to achieve desegregation?" 58 percent of the Black Journal sample does not want busing. A Louis Harris poll shows that 81 percent of the American public is opposed to busing—85–9 among Whites, 51–38 among Blacks.

However, although there is disagreement about busing, both samples agreed that since busing is the law it should be followed—94 percent of the Ebony sample, 77 percent of the Black Journal sample. Likewise, the Lou Harris poll found that by 52–41 percent the public is prepared to live with the rationalization that busing is the law and should be obeyed.

Asked whether or not busing will improve the quality of education for all students, 66 percent of the Ebony sample responded, "Yes," while 74 percent of the Black Journal group said, "No." Both samples, however, believe that busing gives students a chance to get to know other students with different backgrounds.

"Equality—not integration—should be our national objective," Black Journal concludes. "Integration cannot lead to equality, but equality can lead to integration.

". . . Whites who oppose busing must lose their fear of being called racists and Blacks must stop the automatic adoption of integration as a cure-all for the problems of Black children. Both must embrace a higher principle of truth: it is not necessarily good or bad because it is Black or White. It is good or bad because it does or does not work."

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. Mr. Chairman, there are two issues that I think are important that I bring out at this time: Who makes the public policy in this country? Is it HEW or is it the Congress? The Congress has declared its intent and the public policy through the Byrd amendment. We just want to prohibit the architects of social policymaking at HEW from trying to circumvent congressional policy decision.

In every poll in America I have seen, the vast majority of American people both black or white, are opposed to forced busing in the United States.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOTTL. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of this amendment to reaffirm the congressional restriction against using Federal funds to force school districts into compliance with Government desegregation plans that include busing.

Since 1975, with the adoption of Senator BYRD's amendment to the Labor-HEW appropriations bill, the intent of Congress has been quite clear.

Yet, the Department of Health, Education, and Welfare has found a loophole allowing the congressional intent to be circumvented. Under the threat of losing Federal funds, school systems may again be forced to bus their students in order to comply with Federal requirements mandating the use of "pairing or clustering" techniques for desegregation purposes.

It is essential that we pass this amendment to prevent the potential flouting of congressional will.

Mr. Chairman, it is unfortunate that a debate on such an important issue as busing must take place in the context of an appropriations bill.

Twenty-two resolutions have already been introduced that propose a constitutional amendment to limit busing of school children, yet they are held captive in committee. This has been the fate of all such resolutions for the past 5 years.

A discharge petition already bearing 180 signatures is being circulated to bring the antibusing resolutions out of committee and up for consideration by the House. Yet, we must wonder why such extraordinary means must be applied on such an important issue.

Polls throughout the Nation indicate that people of all political, social, economic, and racial groups, by a large majority, oppose the use of busing to achieve desegregation goals. They want their neighborhood schools preserved.

Besides the additional safety hazards involved in busing, the neighborhood school helps provide a sense of community and stability. Extracurricular school activities are in the neighborhood; school friends are neighbors; and parents work with their neighbors on common educational problems.

Yet, because of committee inaction on the busing issue, we must resort to discharge petitions and appropriations bill language to work the will of the people.

Mr. Chairman, no matter how appealing and appropriate is the goal of desegregation, it is clear that busing is not the solution. We govern with the consent of the governed, not despite them.

Thus, until we are allowed to deal directly with the issue of busing, I strongly urge my colleagues to join me in supporting this amendment to prohibit the use of Federal funds to directly or indirectly coerce school districts into busing programs.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. QUAYLE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. MICHEL. Mr. Chairman, I just rise to express my own consternation over legislating particularly in these last couple of years by way of riders on appropriation bills on such an emotional and complex subject as this.

I support the language we have in the bill.

Mr. QUAYLE. Mr. Chairman, I rise in support of this amendment because it is evidently necessary for Congress to think like bureaucrats when drafting legislation.

I had thought it abundantly apparent to all reasonable people that the so-called Byrd amendment, now found as section 208 of this bill, called for no expenditure of funds for forced busing. We all have constituents with strong feelings on this subject; we all know what "forced busing" means. It means forcing a child to attend a school which is not the school at his grade level closest to him. Even proponents of busing can understand this.

Nonetheless, the bureaucrats at HEW have an uncanny ability to confuse the issue to a degree which favors their particular philosophy. They have sought and evidently found a loophole by which they can circumvent the intent of Congress to preclude forced busing. By deciding to implement the Byrd amendment after the initiating of any pairing or clustering programs, HEW has neatly negated the purpose of the amendment. It appears that pairing and clustering programs redefine the concept of "nearest school," so that the school right around the corner is no longer the school nearest the child. Under this bureaucratic interpretation, the "nearest school" at the child's grade level is now across town, perhaps, having been selected to be paired with the actual nearest school to achieve racial balance.

Thus, parents and lawmakers who believed the law stipulated no funds were to be used for forced busing suddenly find children still being bused.

That is why this amendment is necessary. We know what the will of Congress and the people is regarding this matter. Now we must enact legislation which even bureaucrats cannot circumvent.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD) to close the debate.

Mr. FLOOD. Mr. Chairman, the reason I delayed my motion to limit the debate is because I knew what was going to happen is just what has happened. The best reason in the world to vote against this amendment is demonstrated by the discussion which has taken place here today. No one really knows what the effect of the amendment will be. I suggest the best proof of that is the way everybody who is for or against this amendment is confused.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. MOTTL).

The question was taken; and on a division (demanded by Mr. MOTTL) there were—ayes 21, noes 33.

Mr. MOTTL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore. (Mr. STUDDS). One hundred Members have appeared. A quorum of the Committee of the Whole is present.

Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Ohio (Mr. MOTTL for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 157, not voting 51, as follows:

[Roll No. 350]

AYES—225

Abdnor	Fuqua	Murtha
Alexander	Gaydos	Myers, Gary
Ambro	Gephardt	Myers, Michael
Anderson, Calif.	Gibbons	Myers, Ind.
	Ginn	Natcher
Andrews, N.C.	Glickman	Neal
Andrews, N. Dak.	Goldwater	Nedzi
	Gradison	Nichols
Annunzio	Grassley	Oakar
Applegate	Gudger	Pettis
Archer	Guyer	Pickle
Armstrong	Hagedorn	Pike
Ashbrook	Hall	Pritchard
Bafalis	Hammer-schmidt	Pursell
Barnard		Quayle
Bauman	Hanley	Quillen
Beard, R.I.	Hansen	Rahall
Beard, Tenn.	Harsha	Regula
Benjamin	Heckler	Rhodes
Bennett	Hefner	Roberts
Bevill	Hightower	Robinson
Blanchard	Hillis	Rogers
Bonior	Holland	Rooney
Bowen	Hollenbeck	Rousselot
Brinkley	Holt	Rudd
Brodhead	Horton	Runnels
Brooks	Hubbard	Ruppe
Broomfield	Huckaby	Russo
Broyhill	Hughes	Santini
Burgener	Hyde	Sarasin
Burke, Fla.	Jenkins	Satterfield
Burleson, Tex.	Johnson, Calif.	Scheuer
Butler	Jones, N.C.	Schulze
Byron	Jones, Okla.	Shipley
Caputo	Jones, Tenn.	Shuster
Carter	Kasten	Sikes
Cederberg	Kazen	Sisk
Chappell	Kelly	Skelton
Clawson, Del	Ketchum	Skubitz
Cochran	Kildee	Slack
Coleman	Kindness	Smith, Nebr.
Collins, Tex.	Kostmayer	Snyder
Corcoran	Krebs	Spellman
Cotter	Krueger	Staggers
Coughlin	Lagomarsino	Stangeland
Crane	Latta	Stanton
Cunningham	Le Fante	Stockman
D'Amours	Leach	Stump
Daniel, Dan	Lederer	Symms
Daniel, R. W.	Lent	Taylor
Danielson	Levitas	Thone
de la Garza	Lloyd, Calif.	Traxler
Derwinski	Lloyd, Tenn.	Treen
Devine	Long, La.	Trible
Dickinson	Lott	Vander Jagt
Dingell	Lujan	Vanik
Dornan	Luken	Waggonner
Downey	McDade	Walgren
Duncan, Tenn.	McDonald	Walker
Early	McKay	Walsh
Edwards, Ala.	Mahon	Wampler
Edwards, Okla.	Marlenee	Watkins
Eilberg	Marriott	White
English	Martin	Whitten
Erlenborn	Mathis	Wilson, Bob
Ertel	Mattox	Winn
Evans, Del.	Mikulski	Wolff
Evans, Ga.	Milford	Wylie
Evans, Ind.	Miller, Ohio	Yatron
Florio	Moakley	Young, Alaska
Flowers	Mollohan	Young, Fla.
Flynt	Montgomery	Young, Mo.
Ford, Mich.	Moore	Young, Tex.
Forsythe	Moorhead, Calif.	Zablocki
Fountain		Zeferetti
Fowler	Motti	
Frenzel	Murphy, Pa.	

NOES—157

Addabbo	Buchanan	Dicks
Akaka	Burke, Calif.	Dodd
Allen	Burlison, Mo.	Drinan
Ammerman	Burton, John	Eckhardt
Anderson, Ill.	Burton, Phillip	Edgar
Ashley	Carney	Edwards, Calif.
Aspin	Carr	Emery
Bedell	Cavanaugh	Evans, Colo.
Beilenson	Chisholm	Fary
Biaggi	Clay	Fascell
Bingham	Cohen	Fenwick
Blouin	Collins, Ill.	Findley
Boggs	Conte	Fisher
Boland	Conyers	Flood
Bolling	Corman	Foley
Bonker	Cornell	Ford, Tenn.
Brademas	Cornwell	Fraser
Breckinridge	Davis	Gonzalez
Brown, Calif.	Delaney	Gore
Brown, Mich.	Dellums	Hamilton
Brown, Ohio	Derrick	Harkin
Harrington	Moffett	Roybal
Harris	Moorhead, Pa.	Ryan
Hawkins	Moss	Sawyer
Heftel	Murphy, Ill.	Schroeder
Holtzman	Murphy, N.Y.	Seiberling
Howard	Nix	Sharp
Jacobs	Nolan	Simon
Jeffords	Nowak	Smith, Iowa
Jenrette	O'Brien	Solarz
Kastenmeier	Oberstar	Steed
Keys	Obey	Steiger
LaFalce	Ottinger	Stokes
Leggett	Panetta	Stratton
Lehman	Patten	Studds
Long, Md.	Patterson	Thompson
Lundine	Pattison	Thornton
McClory	Pease	Tsongas
McCloskey	Pepper	Tucker
McCormack	Perkins	Udall
McFall	Pressler	Ullman
Madigan	Preyer	Van Deerlin
Maguire	Price	Vento
Mann	Quie	Volkmer
Marks	Railsback	Weaver
Mazzoli	Rangel	Weiss
Meeds	Reuss	Whalen
Metcalfe	Richmond	Whitley
Michel	Risenhoover	Wilson, C. H.
Mikva	Roncalio	Wilson, Tex.
Miller, Calif.	Rose	Yates
Mineta	Rosenthal	
Mitchell, Md.	Rostenkowski	

NOT VOTING—51

AuCoin	Gammage	Poage
Badham	Giaimo	Rinaldo
Badillo	Gilman	Rodino
Baldus	Goodling	Roe
Baucus	Hannaford	Sebelius
Breaux	Ichord	Spence
Burke, Mass.	Ireland	St Germain
Clausen, Don H.	Johnson, Colo.	Stark
	Jordan	Steers
Cleveland	Kemp	Teague
Conable	Koch	Waxman
Dent	McEwen	Whitehurst
Diggs	McHugh	Wiggins
Duncan, Oreg.	McKinney	Wirth
Fish	Markey	Wright
Fithian	Meyner	Wydler
Flippo	Minish	
Frey	Mitchell, N.Y.	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Burke of Massachusetts against.

Mr. Breaux for, with Mr. Badillo against.

Mr. Ireland for, with Mr. Diggs against.

Mr. Gammage for, with Mr. Baldus against.

Mr. Spence for, with Mr. Baucus against.

Mr. Badham for, with Ms. Jordan against.

Mr. Cleveland for, with Mr. Waxman against.

Mr. Fish for, with Mr. AuCoin against.

Mr. Frey for, with Mr. McHugh against.

Mr. St Germain for, with Mr. Koch against.

Mr. Goodling for, with Mr. Stark against.

Mr. Sebelius for, with Mr. Wirth against.

Mr. McEwen for, with Mr. Wright against.

Mr. EVANS of Georgia, Mr. HORTON, and Mr. LE FANTE changed their vote from "no," to "aye."

Mr. O'BRIEN changed his vote from "aye," to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments at this point in the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Mr. EDWARDS of California. Mr. Chairman, I have an amendment to section 208.

The CHAIRMAN. The Chair will state that the Chair had asked if there were further amendments to section 208 and heard none, and asked the Clerk to read, and section 209 has been read.

Mr. LEGGETT. Mr. Chairman, I opposed the Michel amendment, which would reduce the funding level of the Labor-HEW appropriations bill for fiscal year 1978 by $563.5 million. This bill already possesses an overall funding level which is $10.8 billion below fiscal year 1977, and $1.913 billion below the amount targeted in the first concurrent resolution which we recently passed.

I feel that this is both an irresponsible and capricious action. If approved, this amendment would impose substantial cutbacks in programs and areas where very real needs exist, such as Head Start, senior centers for the aging, student financial aid, and education for the handicapped—just to mention a few.

The following table shows the specific implications of this ill-conceived amendment:

[Dollar amounts in millions]

Program	Committee recommendation	Michel amendment	Funding difference	Percent change
Health capitation grants	$144.0	$134.0	−$10.0	−6.9
ESEA title I	2,735.0	2,635.0	−100.0	−3.7
Education for handicapped	619.9	569.9	−50.0	−8.1
BEOG's	2,300.0	2,069.0	−231.0	−10.0
SEOG's	270.1	250.1	−20.0	−7.4
Direct loans	310.5	288.0	−22.5	−7.2
Special program for disadvantaged	125.0	100.0	−25.0	−20.0
Head Start	595.0	535.0	−60.0	−10.1
Aging (area planning and services)	153.0	133.0	−20.0	−13.1
Aging (senior citizens)	40.0	25.0	−15.0	−37.5
Corps for Public Broadcasting	145.0	135.0	−10.0	−6.9

As these figures indicate, the largest reduction in dollar amounts would occur in the basic education opportunity grants, grants for the disadvantaged program—ESEA Title I—and Head Start areas. Similarly, the greatest percent reductions would occur for senior centers and special programs for the disadvantaged—all clearly areas of great need in a society that prides itself on its overall quality of life and standard of living.

In addition, the Committee proposals provide only the increases necessary to offset the effects of inflation. For instance, it is important to recognize that the Federal Government today pays less than 8 percent of all education costs, and that the funding level provided in H.R. 7555 simply maintains this percentage; it does not represent any increase. On the other hand, the Michel amendment reduces funding levels to the extent that inflation will not be offset; and that, in actuality, we will experience reductions in real spending levels in affected areas should this amendment be adopted.

Regarding the adverse impacts that this proposed amendment will have on my own State, the overall educational quality of California community colleges, which comprise fully 10 percent of all 2-year colleges in our 50 States, will be severely impaired if basic opportunity grants, supplemental grants, student loans, head start, and aid to the

handicapped are cut back to levels recommended in this amendment. The potential disruption of this reduction could affect up to 1.4 million students in California community colleges alone. Similarly, up to 600,000 mentally retarded citizens in my State—the great majority of which are children—could suffer adversely as a result of passage of this amendment. Moreover, inflated costs of programs such as ESEA—Title I—bilingual education, education for handicapped, and vocational education—to say nothing of their needed expansion and upgrading—require that the Appropriations Committee's recommendations must not be reduced.

Indeed, without sufficient funding of these programs, it might be necessary for many students to discontinue or postpone their education or be subjected to unreasonable hardships. Students from low-income families could be particularly disadvantaged by reduced funding of educational aid programs as recommended in the Michel amendment.

From a broader perspective, the package of cuts proposed by our colleague from Illinois represents a scant one-tenth of one percent of the Federal budget. Yet, the programs affected are among the very few effective human service programs provided for by the Congress. I find no valid justification for these proposed cuts. In fact, such action can only jeopardize the operation and availability of these essential programs which have been tailored to benefit only the most needy in our society. As for me, I cannot in good conscience justify these arbitrary and ill-conceived cutbacks.

In concluding, I would like to ask just one simple question—should we justify balancing the budget at the expense of the poor? I would hope not, and I urge each of you to reflect for a moment on the great bounty of this Nation, which would not be shared with our most needy if this amendment had been adopted.

Thank you.

Mr. ANDERSON of California. Mr. Chairman, today we are being asked to consider H.R. 7555, the Labor-HEW Appropriations bill for fiscal year 1978.

An amendment which would have reduced spending by $563.5 million was offered by Congressman MICHEL. While I am familiar with all of the arguments calling for reduced spending, and am myself a firm believer in the desirability of a balanced budget, having introduced legislation that would require us, within 4 years, to have total revenue not exceed total expenditures. H.R. 7555 is simply not the vehicle to use in helping us to reach the goal of reduced spending.

Let us attack wasteful programs in the government. Let us attack ineffective programs. The programs Mr. MICHEL would reduce are neither. I have seen first-hand, as a former member of both, the California Board of Regents, and Board of Trustees, the effectiveness of the higher education programs the amendment would have us cut back. Each year, they enable thousands of young students to attend college. Fiscally, what could be a better investment for the Government to make. These are the leaders of our Nation's tomorrow. And, this amendment would reduce by $35 million spending on programs to help our senior citizens, those who brought us through yesterday.

Mr. Chairman, I want to balance the budget, and I certainly want to whip inflation. But, my priorities also include an American system that insures equal opportunity for all people. That is why I will vote for H.R. 7555, and against the Michel amendment.

Mr. DODD. Mr. Chairman, while intending to vote for this appropriations package I am concerned that this year, unlike last, diabetes research money is not specifically earmarked, but given only a "high priority" designation. In last year's legislation, rather than leaving the actual appropriation to Peer Review Boards within the National Institutes of Health, which make their funding decisions based on the arguments of the various disease lobbying groups, because we realized that diabetes research was not receiving its proper share of money, this body specifically directed that certain moneys be allocated for diabetes research.

It is expected that this year diabetes research will be funded at a level of approximately $21 million more than last year. Yet that is still not enough. This disease, which affects every organ of the body, is, depending upon the figures cited, between the third and fifth leading cause of death in America. Yet even with this year's additional funding diabetes research will still be funded for under $100 million, lagging far behind heart and cancer research which are federally supported in the amounts of roughly $800 million and $400 million a year.

I rise today, Mr. Chairman, to ask that the appropriate agencies within NIH be instructed to search for every additional dollar that can be found for diabetes research this year, hopefully above and beyond the anticipated $21 million; and to ask further that, after hearings, a decision be made to specifically earmark a new, higher amount of money for diabetes research in next year's budget.

It is safe to say, Mr. Chairman, that each of us here has friends who, although we may not know it, are diabetics. Some Members of this body may now be, and even more possibly, may one day become diabetics. Within my circle of acquaintances recently, I have become more aware of the problems and tragedies of diabetes.

It is our proper role, Mr. Chairman, as those who legislate toward improving the quality of life for our citizens that our Government underscore our commitment to the people's health, in dollars, to strive toward the day when the diabetic's needles can be left in the medicine cabinets and the entire health of our people will be improved.

Mr. PANETTA. Mr. Chairman, I would like to bring to the attention of the Commitee a very important report by the Comptroller General of the United States concerning the funding level of the Public Health Service. As you know, Senator MAGNUSON's subcommittee has requested a $135 million increase in the Public Health Service section of the Senate's Labor-HEW appropriations bill. I believe that the House conferees should give careful consideration to the findings and recommendations of the Comptroller General and should accept the increase contained in the Senate version of this bill.

The report was undertaken at the request of Senator JOHN L. MCCELLAN, the distinguished chairman of the Senate Committee on Appropriations, to determine whether all services and personnel at the Public Health Service—PHS—hospitals and clinics are operating at the 1973 level as required by section 818 (a) of the Department of Defense Appropriation Authorization Act of 1974, Public Law 93-155.

I would like to cite the findings and recommendations contained in this report that clearly point out the need for increasing the appropriation for this worthy program:

We believe that the PHS hospital system is attempting to maintain a level and range of direct patient care services comparable with 1973. However, in attempting to maintain these services during a period of spiraling inflation and limited budget increases, the PHS hospital system has been unable to—

Prevent a reduction in the level and range of other health-related activities, including training and research;

Maintain authorized staff ceilings;

Maintain adequate inventories of drugs and other supplies;

Maintain an adequate program for replacing obsolete equipment or purchasing new equipment required by advancements in modern medical practice and technology; and

Spend funds needed to maintain and repair existing equipment and facilities, resulting in the continued deterioration of the hospitals.

Most of the hospitals and clinic officials and employees we interviewed expressed concern that, if the current trend continues, it may become necessary to set priorities in patient care and reduce the level and range of service provided. The data we collected indicates that some hospitals and clinics are reducing direct patient care services or are increasing the waiting time to obtain such services.

We believe that our findings raise additional issues that merit Congressional consideration. The data we have obtained indicates that the Federal Government is supporting a hospital system which has not been able to (1) keep pace with advancements in medical practice and technology, (2) comply with minimum safety and professional accreditation standards, and (3) maintain optimum utilization and productivity levels.

We believe that in considering funding for the PHS hospital system, the Congress should address whether or not the United States intends to realize the potential of the PHS hospital system as a resource for medical care at a reasonable, controllable cost. In deliberating on the matter the Congress should consider the following factors:

The potential savings from providing health care service to military dependents and to Medicare and Medicaid beneficiaries in federally controlled PHS hospitals and clinics.

The economics and efficiencies of PHS hospital participation in and cooperation with regional and local health planning and resource allocations. This would include facility and other sharing among the Department of Defense, Veterans Administration, and PHS hospital systems (an area that we are reviewing).

The potential benefits to be derived by developing Federal health care research and health manpower training at the PHS hospitals similar to that conducted by the National Institute of Health.

The potential role of the PHS hospital system as a primary or standby health care provider in any future national health insurance program.

We have discussed the contents of this letter with officials of the Department of Health, Education, and Welfare. They said that the letter is a fair appraisal of the current status of the PHS hospital system.

Mr. Chairman, I also would like to compliment the members of the Appropriations Committee for their fine work in preparing the Labor-HEW appropriations bill that is before the House today. I am particularly pleased that the committee has reinstated section 3B impact aid to education which is vitally important to the support of public education throughout the country.

As you know, this aid helps pay for the education of students whose parents work on Federal property but live in the community. As much as 50 percent of the enrollment in Monterey Peninsula Schools, which are in my district, consist of kids from military related families. In addition, there is a severe shortage of on-base housing at nearby Ford Ord, home of the Army's 7th Infantry Division. It would be difficult to devise a program better suited than this one to meet the needs of public schools in the 16th Congressional District.

Last year 27 school districts in the 4-county area I represent received a total of $4,442,140 in impact aid for education. The bulk of that aid was paid to school districts in Monterey County. And most of Monterey County's share went to the Monterey Peninsula Unified School District which encompasses Fort Ord, the Naval Postgraduate School, and the Defense Language Institute. Impact aid comprised 18 percent of the total budget of this one school district. Needless to say, its termination would spell disaster for the children of Monterey County.

I am certain it came as no surprise to the Members of the House when the administration requested a cut in the impact aid program. For years the different administrations have targeted it for reduction and Congress has managed to reinstate it every time. This year's scenario promises to be no different than before. We should not have to go through these motions.

I believe it is time for us to recognize that the Federal Government must play a far greater role in the support of public education. In California we have learned that we cannot continue to rely on the property tax to fund public education any longer. In accepting the committee's balanced decision to retain impact aid, we should look to the future and begin to redefine the Federal role in public education.

Again, I praise the committee for its wisdom in reinstating impact aid to education. I urge my colleagues to support the committee's actions.

Mrs. COLLINS of Illinois. Mr. Chairman, I wish to express my support, in the strongest possible terms, for the full funding level recommended by the Appropriations Committee for H.R. 7555, funding for fiscal year 1978 the Departments of Labor and Health, Education, and Welfare. The figure set by the committee, $61.3 billion in fiscal year 1978, represents a $917 million increase over the administration's budget request, an amount that I feel is not only justified, but vitally necessary to the maintenance of basic social programs affecting thousands of people in my district.

In particular, I would like to address myself to the funds provided in the education field for such essential programs as impact aid, student loans, elementary, secondary, adult and bilingual education programs.

I am distressed to see that the present administration has chosen to continue the previous administration's efforts to eliminate aid for dependents whose parents work at Federal installations while residing in private communities. The effect of this proposal would be to deny 173 Illinois school districts approximately $20 million in impact aid. Although it is frequently alleged that a Federal payroll is a compensatory bonanza for local communities, it so happens that such communities are actually deprived of a normal tax base because taxes are frequently paid to home States through the Soldiers and Sailors Relief Act. Furthermore, the administration's proposal to substitute title I funds for impact aid will shortchange many school districts, since unlike impact aid, title I funds cannot be used for a school district's operating budget. For these reasons I support the committee's decision to restore $405 million in impact aid to school districts with a high concentraton of Federal installations.

I am also concerned that the Administration is proposing to eliminate the national direct student loan program—NDSL—in favor of increasing funds for the basic and supplementary educational opportunity grant programs—BEOG and SEOG. While I am definitely in favor of the proposed increases in BEOG and SEOG funding, it is important to recognize that the income limitations built into these programs effectively deny its benefits to most middle and lower-middle income families. In my district, 8,031 students are currently receiving $3,257,707 in financial assistance for higher education under the NDSL program. Since most institutions insist that a student must first try to obtain a guaranteed student loan from a private bank before applying for an NDSL, the NDSL program is a last resort for most of the students receiving this form of assistance. Without these funds, many, if not most of the recipients would be forced to drop out of school. This would have serious repercussions, not only on their futures, but also on the financial stability of the colleges they attend, possibly resulting in mass layoffs, tuition increases and a general decline in educational quality. It is, therefore, imperative that the Members of the House agree to support the committee's decision to restore funding for the NDSL program.

For elementary and secondary education the Appropriations Committee has also recommended a justified increase of $101 million over the administration's budget request. Most of these funds would be used to increase grants for disadvantaged students under title I of the Elementary and Secondary Education Act. In Chicago, 42,797 public and 3,710 private school children are being served by this program in 1977. This may appear to be a large number, however, it amounts to only 17 percent of the 261,394 students who have been declared eligible for such assistance on the basis of family income. According to officials of the Chicago Board of Education, our failure to increase title I funds would have a highly detrimental effect upon those children most in need of these kinds of programs. Unless adequate funds are made available, this program will not be able to provide enough help to break through the vicious circle of poverty which surrounds these children's lives.

The same considerations hold for the Head Start program which, under the committee bill, is to receive $110 million more than the administration has requested. Head Start currently serves only 3652 children out of many thousands who are eligible to receive this assistance in the Chicago schools.

For adult education, the bill provides for an increase of $58.3 million over the budget request. The urgent need for these funds is evident in the figures cited by the committee report to the effect that as many as 63.2 million adults lack sufficient educational competency needed to cope adequately with many day-to-day functions in our increasingly complex society. At hearings held in Chicago in March it was revealed that there are over 1 million adults over the age of 25 living in the city who have not completed high school, one-third of whom have not completed the eighth grade. To meet this need, approximately 2,000 teachers are currently employed in remedial adult education programs at 25 institutions in Cook County.

Given the increasing percentage of persons with high school educations who are entering the work force, the adult without a high school diploma is at an increasingly serious disadvantage with respect to finding a job. Under these circumstances, the dollars spent to provide adults with basic skills can certainly be considered well spent when the welfare roles are decreased as students join the ranks of self-sufficient adults.

I am pleased to note that the Appropriations Committee has approved the Administration's proposal to increase funding for bilingual education by nearly $20 million over the fiscal year 1977 appropriation, in order to insure equal educational opportunity for students of non-English speaking backgrounds. The State of Illinois has had a Bilingual Education Service Center in operation since 1972. Since 1975 this center has incorporated, under title VII of the Elementary and Secondary Education Act, the Midwest Resource Center for Bilingual Education in Arlington Heights, Ill., one of 15 such institutions in the United States. Under its direction, the Chicago title VII program, the only one in Illinois, serves 3,233

pupils under a total grant of $2.5 million. This is a modest effort considering that there are over 63,000 students eligible for bilingual education services in the State of Illinois, for whom State funded programs now cover about 28,000. These programs are essential, not only to the advancement of educational opportunities to those for whom English is a second language but also for giving the bilingual student a sense of confidence that is possible only when he is both competent in English and proud of his own heritage.

Along with my support for the increased appropriations recommended by the committee, I am firmly opposed to any and all amendments to this bill that have the effect of reducing funding for these educational programs. I am particularly dismayed by the amendment being offered by my distinguished colleague from Illinois (Mr. MICHEL), which seeks to reduce the total funding level in the bill by $563.5 million. Among the items that would be affected by this amendment are the title I programs of the Elementary and Secondary Education Act, the basic and supplementary opportunity grants, the NDSL loan program and Headstart.

With respect to title I, I strongly take issue with the estimation made by the honorable gentleman from Illinois, in his supplementary views to the committee report, to the effect that there is very little evidence that title I is improving the education of disadvantaged children for the Nation as a whole. I suggest that he investigate the situation in Chicago and other major cities where the title I program has been extremely valuable in providing educational opportunities for children who otherwise would probably remain educationally disadvantaged for the rest of their lives. Most impressive is the evidence of dramatic progress in reducing reading deficiencies, at a time when the general reading level of our public school students has been in serious decline.

In conclusion, I wish to reiterate my support for the full amount of funding for H.R. 7555, as recommended by the Appropriations Committee and my opposition to any amendments that would reduce the level of these appropriations.

Mr. GIAIMO. Mr. Chairman, I rise in support of the bill, H.R. 7555, the Labor-HEW and related agencies appropriation bill for 1978. This bill, like most of the others reported out by the Committee on Appropriations, is consistent with the budget targets established by the Congress in the first budget resolution. It merits our support.

H.R. 7555 includes funds for portions of seven budgetary functions. The major functions represented are function 500, education, training, employment, and social services; function 550, health; and function 600, income security. Relatively small amounts are also included for function 300, natural resources, environment and energy; function 450, community and regional development; function 700, veterans benefits and services; and function 750, law enforcement and justice.

For programs in these seven functions, the bill provides totals of $61.3 billion in budget authority and $45.2 billion in outlays. An additional $25.7 billion in outlays in the Labor-HEW area will occur in fiscal year 1978 from appropriations bills previously enacted by the Congress. In total, therefore, the Appropriations Committee is proposing that we approve outlays of $70.9 billion for programs in the areas of education, jobs, social services, health, and income security.

When these totals are compared to the Labor-HEW Subcommittee's allocation targets of $66.9 billion in budget authority and $71.9 billion in outlays, we find that the bill as reported is $5.6 billion in budget authority and $0.9 billion in outlays below the Appropriations Committee's allocation target for Labor-HEW programs.

Although the total budget authority and outlays in H.R. 7555 are substantially below the allocation targets derived from the First Budget Resolution, I must advise the House that many important legislative items remain to be considered which, if fully funded at the levels projected in the First Budget Resolution, will absorb almost all the funds remaining in the subcommittee's allocations.

The First Budget Resolution assumed the enactment and funding of such legislation as authorization of $3.8 billion to forward fund the public service jobs program, reform of the impact aid education program, expansion of social services and child welfare programs, and modifications in the medicaid, black lung, SSI, and AFDC programs. Should the legislation be enacted for these programs as projected in the First Budget Resolution, then additional funding of $4.9 billion in budget authority and $0.8 billion in outlays will have to be provided.

Subtracting these amounts assumed in the budget resolution and not yet considered from the amounts remaining in the target if H.R. 7555 is passed as reported, we find that the Labor-HEW Subcommittee allocation would not be exceeded. In fact, my projection is that the subcommittee would be under its target by $0.7 billion in budget authority and $0.1 billion in outlays.

It is true that the Labor-HEW bill exceeds the President's budget requests. But, I would suggest, this bill should not be viewed in isolation. It should not be looked at as though it were the only appropriation bill moving through the Congress. That was one of the problems that the Budget Control Act of 1974 was designed to correct. Before enactment of the Budget Control Act, we had no way of knowing how any one bill related to an overall fiscal policy or fiscal strategy which the Congress intended to pursue. We now have that capability. Through the budget resolutions, we can now relate each piece of spending legislation and each appropriation bill to all the spending planned by the Congress for the year. When viewed in that context, the picture looks entirely different than it does from a comparison of an individual bill-versus-Presidential-request basis.

In the First Budget Resolution, the Congress allocated more for manpower training, health, education, and social service programs than the President requested. That is true. But we also allocated less than the President requested in the national defense area, in the foreign aid area, and in other program areas.

In short, Congress devised a set of budget priorities which differed somewhat from those of the President. However, I would point out to the Members that when we compare total estimates of spending for 1978 for all program categories, the President's estimates and the congressional estimates are almost the same. Our first budget resolution estimate of spending is $461 billion. His comparable revised estimate is $461.6 billion.

I can advise the Congress that the statement of priorities which constituted the first budget resolution adopted by this body after extended debate and consideration is being closely adhered to in the appropriations bills coming before you this month. The appropriations bills, in total, are well within the allocation targets. Even when we consider the amounts assumed in the resolution but deferred by the Appropriations Committee because of lack of authorization legislation or for other reasons, we are still between $2 and $3 billion in budget authority below the targets in the resolution.

And when we consider the President's requests considered by the Appropriations Committee—$313 billion—against the amounts recommended by the Appropriations Committee in the 13 appropriations bills, the total is almost $4 billion below the amounts requested by the President.

In short, the Labor-HEW appropriation bill is consistent with the first budget resolution. While it exceeds the President's budget request, the overage in this bill is more than offset by other bills which are well below the President's requests.

Mr. Chairman, I want to congratulate my colleague from Pennsylvania, the chairman of the subcommittee, for the highly responsible job he has done in carefully constructing a most complex bill which is in harmony with both the allocation targets and the spirit of the first budget resolution.

Mr. WON PAT. Mr. Chairman, it has come to my attention that certain of our colleagues may introduce amendments to the fiscal year 1978 Labor-HEW Appropriations bill which would seriously reduce protection afforded possibly millions of our Nation's workers.

The protection exists in OSHA regulations. As I understand the contemplated amendment, basic safety guidelines of OSHA would no longer apply to places of employment with fewer than 25 workers.

Mr. Chairman, I think we are all aware that there are many OSHA regulations which should be drastically modified or even eliminated. However, to contend that workers on small job sites do not require or deserve as much hazard protection as those where there are more employees makes no logical sense at all. All workers are entitled to adequate protection, regardless of the size of the working group.

A vast number of U.S. workers are em-

ployed in potentially dangerous occupations but do not work in groups of 25. To contend they do not need, or deserve, safety protection as much as other workers is fallacious.

The basic principles of OSHA are commendable and necessary. If existing laws and regulations are flawed, let each flaw be corrected or removed on its own merits. To institute a blanket exemption from basic OSHA protection, including the valid and flawed regulations, for just those workers who happen to work where fewer than 25 persons are employed would be misguided. The cure would be as bad, or worse, than the illness.

I strongly urge my colleagues to reject any such arbitrary proposal.

Thank you.

Mr. DICKS. Mr. Chairman, I rise in support of H.R. 7555 as reported by the Appropriations Committee.

I would like to commend the fine work of the Subcommittee on Labor-HEW and its chairman, the gentleman from Pennsylvania, in recommending what I believe to be fair levels of spending for the large number of important programs included in this legislation.

In particular, I am pleased that the committee, in its wisdom, has recommended $800 million, an increase of $405 million over the budget request of the President for school assistance in federally affected areas. Total elimination of payments for category B children as proposed in the administration estimate would result in substantial cutbacks in funds for operating local school districts.

In the Sixth Congressional District of Washington, which I represent, the Federal Government dominates industry and employment and is the major property owner. Our schools could not survive without Federal assistance.

I am also happy to note the $100 million recommended by the committee over the budget estimate for title I grants for disadvantaged children. It is my strong hope that this bill is adopted with these appropriations included.

I was also distressed to hear the proponents of the Michel amendment attack the National Education Association—NEA. It is my opinion that NEA is a highly effective organization that tries to present accurate information to Congress. It has been my experience that NEA presents the facts honestly and in a balanced fashion.

Mrs. HECKLER. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Illinois (Mr. MICHEL).

While I appreciate the intent of Mr. MICHEL's amendment—to reduce the level of spending contained in the Labor/HEW appropriations bill—I take strong exception to his choice of targeted programs. The amendment focuses on programs which impact heavily on the most disadvantaged of our society—the poor, the handicapped, the elderly, and minorities.

Of equal importance is the impact the amendment would have on the students of lower and middle income families. In my district alone, 3,400 economically disadvantaged students would be deprived of basic educational opportunity grants, and 100 students would lose access to the low-interest loans offered through the national direct student loan program. Additionally, the students who live in the 10th Congressional District of Massachusetts stand to lose $26,000 in supplemental educational opportunity grants.

It also seems ironic, Mr. Chairman, that in this time of revitalization of interest in the basic learning skills—the three R's if you will—that we would consider cutting back on the very programs through which such fundamental educational skills are made available. I speak specifically of the programs under title I of the Elementary and Secondary Education Act, and the Head Start program.

The Head Start program, in particular, has been a documented success, but because of underfunding only 15 percent of eligible preschool children are now participating in the program nationwide.

One success story can be found in Fall River, Mass., where over 4,000 children have gone through the Head Start program in the last 12 years. Currently 15 percent of the enrollment is composed of severely handicapped children—youngsters who would not otherwise have access to preschool educational opportunities. The Fall River program, however, not only affects children—it also has an impact on the parents and ultimately on the betterment of the entire community. Parents are brought into the process as volunteers and through a variety of class offerings to improve their role as parents. The program also trains and employs CETA participants and volunteers from throughout the community.

Mr. Chairman, the Michel amendment would have the effect of cutting back the many worthy established programs which have proved workable and beneficial. We have come a long way in providing assistance to those economically incapable of meeting their own educational objectives, but we still have a long way to go .

Mr. Chairman, I urge my colleagues to vote no, and to defeat the amendment offered by Mr. MICHEL.

Mr. DODD. Mr. Chairman, I rise in support of the request of my colleague from Vermont, Mr. JEFFORDS, that hearings be held on the need to provide Federal assistance to help State and local governments in their efforts to comply with the requirements of section 504 of the Rehabilitation Act of 1973.

I strongly urge the gentleman from Indiana (Mr. BRADEMAS) chairman of the Select Subcommittee on Education of the Committee on Education and Labor and the gentleman from Pennsylvania (Mr. FLOOD) chairman of the Subcommittee on Labor-HEW of the Committee on Appropriations to schedule these hearings in the near future in order to determine what are the actual costs of complying with these regulations, what are the appropriate levels for the Federal, State, and local governments to contribute towards the costs of compliance, and what is the best method of allocating these funds to the States.

As you know, my colleague, Mr. JEFFORDS, and I had intended to offer an amendment appropriating $240 million to be used by HEW in helping States comply with the 504 requirements. While I believe that HEW easily will need this amount of money, if it is to provide meaningful assistance to the States in the next fiscal year, I can understand the desire of the administration and my colleagues to hold spending in this bill to already agreed upon levels. As a result, today I will ask only that my colleagues join me in requesting that hearings before the appropriate subcommittees be initiated as soon as possible.

The 504 regulations which became effective on June 3 of this year, will prohibit discrimination against the handicapped in programs receiving Federal financial assistance. According to HEW Secretary Califano, these regulations "will have an impact on virtually every public school system, postsecondary institution, social service agency, and health care provider in this Nation. They are now the law of the land."

Mr. Chairman, for the last 2 years, I worked for the implementation of these regulations which contain vitally important protections for the handicapped. They offer all handicapped Americans hope that they will finally be able to participate fully in our society along with all other citizens. However, I do believe the Federal Government has a responsibility to share with the States the cost of complying with these new regulations which it has issued.

HEW estimates that these regulations will cost State and local governments that must now be brought into compliance with their provisions a total of $2.4 billion. While HEW also has said that already available State, local and Federal funding sources may be available to pay for as much as 50 percent of these costs, we have no real way of knowing whether this figure is high, low or on-target. We do know that it is going to cost a great deal of money to implement these regulations.

For example, a large cost which 504 places on State and local governments is the cost of providing severely handicapped children, including those that are mentally retarded and emotionally disturbed, with appropriate, free residential care as well as educational services. Whereas there are other Federal programs which help States pay for the costs of educating the handicapped, it is not clear that there are any Federal programs which help pay the costs of residential care.

Recent studies have shown that there currently are about 60,000 mentally retarded children of school age now living in residential institutions. While the cost of providing these mentally retarded children with residential care, including food, clothing and shelter, has not been calculated, the costs of providing maintenance care alone is estimated to be $3,500 per year. In addition, the costs of providing educational services to these children is estimated to be $5,000 per year.

Therefore, without even taking into consideration the costs of food, clothing and shelter, it costs $8,500 per year just to provide maintenance care and educa-

tional services for each institutionalized mentally retarded child. If you consider that, based on this estimate, it cost $510 million just to provide maintenance and educational services to these children, it becomes easier to understand why many State and local governments have become very concerned over what they expect to be the substantial cost of providing residential care to mentally retarded children. Of course cost savings could be realized if, through education, these children can be taught to do more for themselves than they are capable of doing now. However, these savings would be long-term, and therefore would not begin to offset the costs for a number of years.

While the Secretary has said that he will vigorously enforce these regulations, he has not requested any new funds to carry them out. I believe this is wrong. The Federal Government has an obligation to contribute toward the implementation of a policy that it has established. I believe this is a basic question of fairness.

Again, I urge the chairmen of the appropriate subcommittees to address this important issue in hearings so that a fair and practical arrangement of sharing the costs of these regulations can be developed.

Thank you.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes; had come to no resolution thereon.

AMENDING CERTAIN FEDERAL LAWS PERTAINING TO COMMUNITY DEVELOPMENT, HOUSING, AND RELATED PROGRAMS

Mr. REUSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6655) to amend certain Federal laws pertaining to community development, housing, and related programs, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman from Wisconsin describe to the House what this does, and what the differences are between the House and the Senate?

Mr. REUSS. Yes, the two bills are eminently workable and negotiable. The Senate's community development block grant formula differs slightly from the House and will need to be discussed. The Senate's version of the so-called Hanley amendment is slightly different and will need to be discussed. The Senate's version also contains a section not contained in the House-passed version relative to the problem of redlining by financial institutions which will also have to be discussed. Basically they are quite on all fours.

Mr. ROUSSELOT. Can the gentleman define that a little better, the redlining provision?

Mr. REUSS. If the gentleman will yield further, yes. The Senate-passed measure contains a provision to the effect that any financial institution which seeks a favorable ruling from a Federal regulatory agency relating, let us say, to a charter, a merger, an acquisition, a holding company addition must as an incident to its presentation in connection with that regulatory matter table before the regulatory body a summation of where it gets its deposits and where it makes its loans.

Mr. ROUSSELOT. So that provision would be subject to a point of order in the House?

Mr. REUSS. That provision will be subject to the usual nongermaneness procedure.

Mr. ROUSSELOT. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. REUSS, ASHLEY, MOORHEAD of Pennsylvania, ST GERMAIN, GONZALEZ, MITCHELL of Maryland, AUCOIN, BLANCHARD, LUNDINE, BROWN of Michigan, STANTON, ROUSSELOT, and WYLIE.

APPOINTMENT OF CONFEREES ON H.R. 5262 PROVIDING FOR PARTICIPATION BY UNITED STATES IN INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTERNATIONAL DEVELOPMENT ASSOCIATION, INTERNATIONAL FINANCE CORPORATION, ASIAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT FUND

Mr. REUSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman from Wisconsin describe to us the differences between the two versions?

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman for yielding.

Mr. Speaker, the important differences are, one, the Senate version does not contain the so-called Harkin amendment language which, as the gentleman knows, puts in irons the United States in these international lending agencies and mandates a "no" vote, and the version as reported out by our Committee on Banking, Finance and Urban Affairs on this side merely asks that the voice and vote of the United States be exercised in favor of human rights.

Secondly, the Senate version contains some language about international lending to Vietnam, Laos, and Cambodia, with the additional provision that if a loan is granted by an international lending agency to any of those three countries, it shall act in diminution of the amount put into the lending institutions by this country.

A third difference, I think relatively minor, has to do with palm oil and certain other agricultural commodities.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, one of the basic differences between the House version and the Senate version is the Harkin amendment which passed rather substantially in the House, so I assume the House conferees will stand firm for the House position.

Mr. REUSS. Mr. Speaker, if the gentleman will yield, we will respect the House position of course.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's remark.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? Hearing none, the Chair appoints the following conferees.

PRIVILEGED MOTION OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. ROUSSELOT of California moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 5262 be instructed to insist on the language of the House as follows:

SEC. 602. (a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation, beginning with the industrialized democracies, designed to develop a viable standard for the meeting of basic human needs and the protection of human rights, and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving toward making them effective in their own systems of governance.

(b) No later than one year from the date of enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section.

Mr. REUSS. Mr. Speaker, a point of order.

The SPEAKER. Under the rules the gentleman from California is entitled to 1 hour.

The gentleman from Wisconsin will state his point of order.

Mr. REUSS. Mr. Speaker, my point of order is that the motion comes prematurely. I do not believe I heard the Speaker complete his listing of the conferees.

The SPEAKER. The motion in the

opinion of the Chair is in order. The conferees have not been named so the motion is in order. The point of order is not well taken.

The gentleman from California is entitled to 1 hour.

It is the hope of the Speaker to follow the plans of the House and adjourn this House at 5:30. Is there any agreement between the gentlemen?

Mr. ROUSSELOT. Mr. Speaker, I would be glad to ask unanimous consent to put the matter over until 10 o'clock tomorrow, or 9 o'clock.

The SPEAKER. It will be on the agenda for tomorrow.

Mr. REUSS. Mr. Speaker, if the gentleman will yield, I have heard a great many words read by the Clerk but I really do not know what it is all about. It may be perfectly dandy.

Mr. ROUSSELOT. It reinforces the House position on the Harkin amendment.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield, is it the gentleman's intention to put it over until tomorrow?

The SPEAKER. The Chair recognizes the gentleman from California (Mr. ROUSSELOT). The gentleman from California is entitled to 1 hour.

In view of the procedures we have been following, the Chair would entertain a unanimous-consent request to put this matter over until tomorrow.

Mr. ROUSSELOT. Mr. Speaker, I would be more than willing to start the 1 hour. I do not believe 1 hour is necessary. The motion is merely to instruct the conferees on the position taken by the House, and if the gentleman from Wisconsin accepts that position, there is no problem.

Mr. REUSS. Again, because I do not know the exact language presented, I think it would be more orderly to go over until tomorrow.

Mr. ROUSSELOT. I would be glad to have it read again.

Mr. REUSS. I think we are intruding on the 5:30 gentleman's agreement as it is. Why does the gentleman not give me a copy and I will study it overnight and if there is no objection we can dispose of it quickly.

Mr. ROUSSELOT. I can assure the gentleman it is nothing more than the Harkin amendment. If the gentleman from Wisconsin wants to accept it tonight, it is all right.

The SPEAKER. Without objection, the gentleman's motion will be the unfinished business tomorrow.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, will it be the first order of business tomorrow?

The SPEAKER. That is right.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2777, MINIMIZING IMPACT OF INFLATION AND ECONOMIC DEPRESSION FOR CONSUMERS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. 95–440) on the resolution (H. Res. 638) providing for consideration of H.R. 2777, to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6683, REDUCING HAZARDS OF EARTHQUAKES

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. 95–441) on the resolution (H. Res. 639) providing for consideration of H.R. 6683, to reduce the hazards of earthquakes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6566, AUTHORIZING APPROPRIATIONS FOR ERDA

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. 95–442) on the resolution (H. Res. 640) providing for consideration of H.R. 6566, to authorize appropriations for the use of the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 6669, TO ESTABLISH A NATIONAL CLIMATE PROGRAM

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–443) on the resolution (H. Res. 641) providing for the consideration of the bill (H.R. 6669) to establish a national climate program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 5023, CLAIMS BY THE UNITED STATES ON BEHALF OF INDIANS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–444) on the resolution (H. Res. 642) providing for the consideration of the bill (H.R. 5023) to amend the statute of limitations provisions in section 2415 of title 28, United States Code, relating to claims by the United States on behalf of Indians, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 5959, TO REVISE AND EXTEND THE RENEGOTIATION ACT OF 1951

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–445) on the resolution (H. Res. 643) providing for consideration of the bill (H.R. 5959) to revise and extend the Renegotiation Act of 1951, which was referred to the House Calendar and ordered to be printed.

INTRODUCING AMENDMENT TO ATOMIC ENERGY COMMUNITY ACT

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, I introduce today a bill to amend chapter 9 of the Atomic Energy Community Act of 1955, as amended. The Community Act was enacted to carry out the Federal Government's policy of terminating Government ownership and management of the wartime communities of Oak Ridge, Tenn., and Richland, Wash.—Los Alamos, N. Mex., was included under the statute in 1967—in a manner which was consistent with the accomplishment of the purpose and programs established by the Atomic Energy Act. To do this the Community Act provided for the maintenance of conditions at the communities which would not impede the recruitment and retention of personnel essential to the atomic energy program and recognized the consequent obligation of the Federal Government to contribute to the financial support of municipal functions to the extent necessary to do this.

This amendment of the Atomic Energy Community Act of 1955, as amended, is necessary to clarify and reaffirm the intent of Congress in originally adopting the statute. It was never, in my opinion, the intent of Congress that a recipient of Federal funds under the Atomic Energy Community Act should be funded by a State or local entity in a different manner from other local entities solely because such recipient receives assistance payments under the Atomic Energy Community Act. Such Federal assistance under the Atomic Energy Community Act is in addition and supplemental to State and local funds which would otherwise be paid to school districts and other recipients of the assistance under the Atomic Energy Community Act and is not intended to be in lieu of or to supplant such State or local funds. I believe that State and local funding for recipients of funds under the Atomic Energy Community Act in a different manner from other school districts and entities solely because the recipient receives such Federal assistance is prohibited.

I believe that this is what Congress intended in adopting the Atomic Energy Community Act. House of Representatives Report No. 1402, dated July 25, 1955, accompanied H.R. 7576, an original Joint Committee on Atomic Energy bill, to facilitate the establishment of local self-governments at the communities of Oak

Ridge, Tenn., and Richland, Wash., and to provide for the disposal of federally-owned properties of such communities. Los Alamos was added to the statute in 1967. The section-by-section analysis in the House report analyzing section 91, the basis of assistance to cities and other State and local entities, very clearly sets forth the intent of Congress that these assistance payments were for the purpose of compensating the local and State entities for the special burdens cast upon the communities by the activity of the Federal Government.

The analysis of section 91 states that:

. . . the only fair principle to consider in arriving at the rate for the assistance is the principle of having the Federal Government pay for those burdens imposed on the City for which the City does not otherwise obtain adequate revenues. Again, That the plants are owned by the Federal Government should not exempt the Federal Government from recognizing the burden which those plants necessarily impose on the local governments and in assisting the governments to the extent that there are not revenues available to meet those burdens.

In my years in Congress, I have understood that the Federal payments under the Atomic Energy Community Act were for the purpose of recognizing the burden cast by the Federal Government upon recipients of that assistance. The Federal Government is given the power to impose a level of services on the communities and the Government in fairness is required to bear the cost of the burden it is imposing. I believe that it never was the congressional intent and is not now the congressional intent that the local entities receiving these Federal funds should be treated differently from any other State or local entity by State or local authorities solely because they receive the Federal pavments.

I think it is important to have this congressional intent reaffirmed at this time because the Los Alamos School Board receives funds from the State of New Mexico under provisions now codified in N.M. Stat. Ann. § 77–6–19(G) (Supp. 1975) expressly because it receives funding from ERDA under the Atomic Energy Community Act. All the other school districts receive State funds under a general "equalization funding formula" in N.M. Stat. Ann. § 77–6–19 (A)–(F) (Supp. 1975). Thus, the Los Alamos School District is singled out for special treatment solely because it receives Atomic Energy Community Act funds.

The Atomic Energy Community Act requires that ERDA in establishing a level of payments take into account the efforts of the school board in seeking and making full use of revenues from all accountable sources. In compliance with such provisions the Los Alamos School Board brought a lawsuit testing the validity of the "Los Alamos Formula." That lawsuit is now proceeding through the courts and a critical issue appears to be Congress' intent in adopting the original legislation and whether Congress in adopting the Atomic Energy Community Act intended to prohibit New Mexico from funding Los Alamos in a different manner from other schools solely because it receives the Federal funding under the Community Act.

I believe the answer to that question is yes; the Congress intended such a prohibition. Of course, the same issue applies to other local entities receiving Federal funding under the Atomic Energy Community Act. That is the city of Oak Ridge, Tenn., Anderson and Roane Counties in Tennessee, the city of Richland, Wash., the Richland School District, and Los Alamos County. The purpose of my amendment to the Atomic Energy Community Act is to reaffirm the congressional intent in this very important matter and to make that intent a matter of statutory record.

LEIB KHNOKH—SOVIET PRISONER OF CONSCIENCE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. SOLARZ) is recognized for 10 minutes.

Mr. SOLARZ. Mr. Speaker, though many of our colleagues are already familiar with the plight of many Jewish citizens of the Soviet Union who have been sentenced to lengthy prison terms in labor camps, the situation remains bleak. The only crime committed by these people was their attempt to freely exercise their religion and to emigrate to Israel. These men and women are barely existing under conditions which frequently defy description. These prisoners of conscience are confined, in many instances, in cells in which they can barely stand upright; are forced to perform hard labor but are poorly fed and clothed; are normally allowed no visitors; and have their mail tightly censored and restricted.

These courageous people must not be forgotten and the free world must be continually made aware of their condition and their desire to be free. In order to focus attention on the status of prisoners of conscience the Greater New York Conference on Soviet Jewry established a program under which a prisoner is adopted by a Member of Congress and other public officials. It has been my honor to adopt Leib Khnokh, a 30-year-old Latvian electrician who is serving a 10-year sentence on a number of trumped-up charges.

Mr. Khnokh was recently transferred to Vladimir Prison, a prison notorious for its abhorrent and pitiful treatment of its inmates. Questions as to Mr. Khnokh's health were raised by his brother, but Soviet prison authorities denied that anvthing was wrong despite an appeal made by the International Red Cross.

I have recentlv received a letter from Mr. Khnokh's brother who resides in Israel. He included excerpts of letters that Leib has written to his family. His comments are very revealing of the conditions he is being forced to endure and I would like to share them with our colleagues in order that thev mav be aware of the actual status of these hapless but valiant men and women.

Mr. Speaker, I insert herewith, for inclusion in the RECORD, portions of letters from Mr. Khnokh's prison cell and some biographical information regarding this brave young man:

PRISONER'S PROFILE—LEIB KHNOKH

Bern: October 4, 1944.
From: Riga.
Marital status: Married; has one son.
Occupation: Electrician.
Arrested: June 1970.
Tried: December 1970 (First Leningrad Trial).
Charges: Article #70—"Anti-Soviet agitation and propaganda . . . of undermining or weakening Soviet authority . . .
Article #72—"Participation in an anti-Soviet organization".
Article #64/15 "Betrayal of the Fatherland".
Article #93/1 "Misappropriation of state or public property on an especially large scale . . ."
Camp: Perm #35.
Camp address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.
Address of Mary Khnokh (wife): Rechov Sharet 25/2 Kiryat Tivon, Israel.
Address of Etta Shvartz: (relative): USSR, Latvian SSR, Rizhsky Rayon, P/O Ulbroke Institut 10/46.

Leib Khnokh was one of the scores of Soviet Jewish activists in cities throughout the Soviet Union who were apprehended on June 15, 1970. In the forest near Priozersk, forty miles from the Finnish border. Khnokh, his pregnant wife Meri, and two friends had gas squirted in their eyes, as they were tied to each other, back to back, bundled into waiting trucks and taken to the Leningrad KGB headquarters.

Khnokh had been trained at the Railway Technical Institute and after completing military services, worked as an electrician. He had applied repeatedly for exit visas since 1968, but his requests were ignored. He helped draft appeals to Soviet and Western officials protesting Soviet violation of human rights.

Brought up in a tradtional, Yiddish-speaking home, Khnokh believed that the future of Jews, as a people, could be realized only in Israel.

One of the eleven Leningrad defendants, Khnokh was accused of planning an attempted escape to Israel. He protested the distortion of his pre-trial interrogation, claiming that it contained statements he had never made and omitted explanations he had given. Having renounced his Soviet citizenship, Khnokh contended that he was no longer under the jurisdiction of a Soviet court. He refused to answer any questions pertainirg to anyone other than the defendants.

The prosecution demanded that Khnokh be given a 13 year term in strict-regime. After world-wide outrage, this harsh sentence was reduced to 10 years.

[Enclosed a postcard, Sept. 3, 1974]

Hello, my dear ones,

Just as before, I get your letters regularly . . . My circumstances have now changed a little, so there are some corrections to make following my requests for parcels. Since I am being transferred to a CTW, which means being kept in special custody . . . please send me a food parcel towards the end of September, what I have asked you for. If there are not enough soyabeans to make a kilogramme, some khalva is also allowed. (Khalva is a pressed mixture of some oily grains, crushed, and sugar—Tr.)

Last week I received a registered parcel from the Wendelevich family; it was in the same state as the previous ones; no pens inside, of course.

Yesterday the news came of Sylva, joyful news for us all. Naturally, we are all glad

for her sake; we should like to hope something of the kind will someday happen to us, too. But in the meantime I cannot, as you see, tell you anything joyful about my situation: there is nothing good waiting for me close at hand. Until the end of the year I shall be able to write only once bi-monthly, so my relatives need not worry.

I hope everything is all right with you all. I. must have joined the college. If so, my congratulations. If not, I can only advise her not to despair. The young ones have everything ahead, as the saying goes.

But we are getting old. I, for one, will soon be thirty. I used to hope to face that milestone in our home, but fate will have it otherwise. However, even now I am not in despair—no, I am full of faith. Some day that, too, will pass, anyway. That is the basis of our lives here.

S. and G. will soon celebrate their twenty years' jubilee. As I will not, under the circumstances, be able to write later, I am offering you my congratulations well in advance.

I will try to use the considerable amount of unoccupied time that will now be at my disposal to read some fiction: usually I have always lacked the time to do that. And I will want to study the language more systematically—or—who knows, I might suddenly be sent home ahead of time and find myself unable to come to terms with my own son.

I have just received a postcard from Mendelevich, containing the news no less striking than before. The papers were processed with lightning speed—and the fact that the boys were brought to Moscow. Fantastic—what else can one say. Things being as they are, one can easily believe anything, even that it may soon happen to all the boys. But even if not so soon—or not at all—I am nevertheless very happy for Sylvia and all their family. Please my congratulations over to them.

That is the way the sad and the glad news intertwine. In this case the latter certainly prevail.

My dear ones, my very best wishes go to you all. Greetings to all our relatives, especially the Mendeleviches . . . Au revoir, kiss—

Yours,

ARIE.

[Letter No. 18, Oct. 2, 1974]

Shalom, mummy dear.

To-day, on my thirtieth birthday, I have felt like writing to you. It certainly is very difficult, almost impossible to carry on a candid conversation (or even this monologue) from the place I am in. So, I am thirty years old today, but, frankly speaking, I have somehow failed to feel that something has been left behind. Probably it is because I have no way of marking this day—or because I do not seem to sense any amount of satisfaction from the fact that I am getting older (in years of experience). After all, when I first came here, I was twenty-five. I do not mean to say I have never had those years. I have lived them through, not without profit for myself in more ways than one. Nevertheless, somewhere in my subconscious, there is an ever-present sensation that I am not so much living as waiting, I have no regrets about anything: what was, was to have been, I think. Pity it has been taking somewhat too long.

We have all had a big holiday recently, the release of Sylvia, who will incidentally, celebrate her thirtieth anniversary in the home. I sent her my congratulations, I hope she received them in time.

The event gives some hopes to the others as well—but the possibility is not excluded that "they" may want to put a full stop after that. S.S. has written to me that you are making some attempts along similar lines. It would be nice to know some details.

I will send this letter out after your next mail comes, as now I am allowed to write only once bi-monthly. The temporary changes in my routine must not worry you. I can assure you things are quite bearable—the other way it is not exactly like a health-resort either . . .

The autumn is uncommonly warm this year, the day temperature has not fallen below 10–15 degrees C. The previous years there was snow at this time.

. . . Almost a week has passed. Every day I was waiting for mail to arrive and then I thought I would go on with this letter. But somehow "they" do not seem to be in a hurry. Nearly a month has passed since . . .

Aunt Emma writes you have been at a sanitarium, I hope it is better for you there, and you will return home quite well. Write about the state of your health in every letter.

I am very grateful to you for mentioning little Igal in each of your letters. I still get too little news of my son. You have not sent me practically any photos of late. But he keeps growing and, surely, is changing fast. And, mum, your pictures, dad's and Aunt Liza's I have not received for as long as a year, I think. Only Pinya keeps sending me photos more or less regularly.

In general, during these months I have received a comparatively small number of letters. Letters from some of my earlier correspondents who used to be so constant, have stopped coming altogether. From Zvi, let us say, for about a year; or from dear Hannah I have not received anything for nearly six months. It is true, two of their letters were confiscated in July. They may have written more.

Oh yes, regarding Karmazin. He writes to me what is an answer to my letter No. 5 which he has read. He believes I concentrate my questions on wrong points. The main thing is the internal problems which are perennially left unsolved; as for the neighbours, it is the easiest thing in the world to reach an agreement with them—provided there is a desire to.

As far as the internal situation is concerned, he quotes abundantly from the "Week" (what is that, by the way?) and frequently refers to it. Me, he advises to realize my earlier transgressions and to repent. A curious letter that, isn't it? Yes, and he also requests that I should answer him. To my regret I cannot answer him personally: strict limit. He lives in Safed, in a Merkaz Klita—at the time of the writing, at least—so please send him my greetings in the meantime, and let him write more—and I shall try to answer him eventually.

Another week passed, and yesterday, at long last, the mail came—the big mail from you all . . . /which included/a congratulatory postcard from Marcus in the Netherlands . . . Yes, and a letter was confiscated from Dukarevich. So I had a big holiday yesterday. I read and then re-read everything over and over again. In general, everything is fine with my correspondents, so I feel fine, too. On a day like that I manage to forget my troubles, and permit my thoughts to carry me over to where they are writing to me from. Our best days here are undoubtedly the mail days.

With the next mail I hope to get news about Sylva, and, possibly straight from herself. Although I realize that, for some time at first, she could not give her attention to us. Please send me her photo. I hope the state of her health is relatively normal. Send her my very best wishes, Mother. . . . And my deep gratitude goes to all of my correspondents. I also got the food parcel yesterday, whatever I had asked for, so everything is all right. . . .

As I have already mentioned, I have learned from S. Z.'s letters that you are taking some concrete steps and, in particular, you are using the services of Mr. Taylor as a lawyer; but I have not learned anything new about it from this mail. . . . So this mail can be said to have caused some disappointment. Which is not the fault of my correspondents by any means. To them I am very grateful, but it is a crime that your letters take so long to reach me.

Mama, tell L. I am grateful to her for her attention. The latest four months have brought me seven letters of hers (out of ten she has sent). Tell her I will write her again as soon as there is a possibility, meantime give her my greetings.

Our dear Sara is also superb, but the rest of them are tired, it seems. Well, that can be understood: time. Now it is the fifth year in progress, four years and almost a half are already behind. I, too, am tired. So there is no one to blame.

Mama, you write Hanna and Zvi come to see you. I have a request to them as well as Sasha. To Bersheva, where they live, Lena has moved; evidently she must be finding things a little difficult in the new place, what with her two children and elderly mother. I ask that they should give her their care; please ask some one of them to tell me of how she is settling down there.

Next day: am going on. What shall I tell you about myself? As I have already written you, my way of life is somewhat different now. Which has its disadvantages—or else they would not put people here. But there are some positive aspects. The chief one is a possibility to read much, and I am fully using it. Of late I have incidentally received a number of books through the "Book by Mail" service, so I have enough reading matter. I am also studying the language, though my progress is as modest as it used to be. But my word stock is nevertheless growing. It may be a good idea to learn with greater intensity now—all of a sudden we may be released, and I am still unable to talk properly. But that is something we can survive all right. I don't mind.

At the same time I am ready (as I was before) to be kept here to the end. But let us trust the better thing will come, and then whatever will be, will be.

As for my health, it is generally fine. Suffice it to say I have never been laid with high fever all these years. Some trifling things may sometimes happen—but then they can happen to anyone and under very different conditions, too, there is no insurance against that. Otherwise all is quite normal, when I come you will see with your own eyes.

I have several times asked Pinya about how he feels, but he writes nothing about that. Mama, please let me know about it.

In my June letter to Sara I asked her a lot of questions, but no answers have come back to any one of them. She may not deserve the reproach, and in her letter (No. 26, confiscated) she may have answered the questions. However that may be, I have not heard her answers to a number of questions that interest me. Let me repeat some. How many settlements are there in the Golans, and how many have sprung up after October? What is the population of the area? How is the construction of the new town going on? And where is it situated? The same about the Rafiakh area? But it must be easier for her to look into my earlier letter, after all.

I have re-read the letter and noticed I am repeating myself towards the end. It means I'd better wind up. It has suddenly become very late these latest days, winter has set in; it has been overdue from the local viewpoint; it is the second part of October. . . . Once again, Mama, please send me stereo—and picture postcards too. How is Dad's health? Is he happy about the change of the residence? . . .

My best wishes to our friends, and in the first place to those who keep writing, who still remember me, too. Mummy dear, don't worry for me. I am being in a "chamber"

("cell"?) room right now, and that seems to be the reason why the letter is what it is. But generally speaking, everything is O.K. and even better. I am eager to believe this will be all over soon. Mummy dear, have the best of treatment, get well and keep writing.

Au revoir—Kiss—Yours,

ARIE.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

Mr. SARASIN. Mr. Speaker, on June 16, 1977, I was absent for part of the morning session of the House. Had I been present, I would have voted in the following fashion:

Rollcall No. 347: H.R. 7555: Labor-HEW appropriations, fiscal 1978—motion to resolve into the Committee of the Whole House for further consideration of the bill, "yea."

LOCAL NIGHTTIME RADIO SERVICE NEEDED IN SMALL TOWNS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, across the Nation, hundreds of local radio stations operating on 1-A and 1-B clear channel frequencies must sign off the air at sundown each day because of antiquated FCC rules. The result is that listeners are often deprived of important local news—such as school closings, weather conditions and notification of disasters and other hazards—because their local radio station has ceased broadcasting and distant stations in large metropolitan areas often do not cover such events.

The FCC rules governing this date back to the beginning days of radio. In those days of few radio stations, in order to provide listeners with at least some access to programs no matter where they lived or how far distant the station, only one station in the entire Nation was assigned to each of the clear channel frequencies. At the time, of course, there were plenty of channels available. For example, WNBC in New York is the only station in the continental United States assigned to 660 kHz during the nighttime hours. Of course, it cannot be heard much beyond a 100-mile or so radius of the city during the daytime or beyond 700 miles at night. Certainly no one living on the West Coast can pick it up. There is no reason why other stations should not be allowed to broadcast at night on that frequency so long as their power is limited to their local service area. This is a typical situation on most of the 1-A and 1-B clear channel frequencies. While class 1-B frequencies permit some multiple assignments, no interference is permitted even in areas where the primary station's signal is so weak that it can be heard only 50 percent of the time. Americans will not listen to such a weak signal as they once might have.

Today, there are hundreds of communities, large and small, served only by daytime radio stations. People living in those communities do not prefer to listen to clear channel stations in New York and other major cities. Instead, they want and deserve meaningful local service from stations within or near their own communities. If such nighttime service were permitted, it would not in any way interfere with the signal heard by listeners in the major metropolitan areas. All it would do is expand the availability of meaningful local nighttime radio service for the millions of people who are currently denied it. That seems like a worthy objective.

To that end, I have drafted the following resolution to urge the FCC to provide such service. The resolution also urges the Commission not to permit any station to exceed the current maximum power of 50,000 watts.

Text of resolution follows:

H. RES. 637

Resolved, That it is the sense of the House of Representatives that the Federal Communications Commission—

(1) in any proceeding respecting the provision of Class I-A and I-B radio service, should maximize local meaningful primary nighttime radio broadcast service, particularly in this nation's vast rural areas, and

(2) notwithstanding House Resolution 714, Eighty-Seventh Congress, Second Session, adopted on July 2, 1962, should not permit operation of a standard broadcast station with power in excess of 50,000 watts.

THE PLIGHT OF THE ALBANIANS IN YUGOSLAVIA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Speaker, the cause of human rights can be served best if we apply the same standard of concern uniformly throughout the world wherever people are oppressed.

Our Government for many years and on many occasions has demonstrated its willingness to speak out forcefully and even to risk other foreign policy objectives in behalf of suffering minorities. Nevertheless, there remain lesser-known groups—equally oppressed—for whom no one speaks.

For 32 years nearly 2½ million Albanians have suffered as an unrepresented and ill-treated minority in Yugoslavia. Today, several hundred of their brethren from the Albanian-American community peacefully spoke out for them at the White House and the Capitol.

Leaders of the group, many of whom are from the Detroit metropolitan area, pointed to the irony which allows this tyranny to continue even as representatives to the conference on the Helsinki agreement are meeting in Belgrade.

They urged the U.S. delegation to the Conference to use the occasion to call attention to the plight of their friends and relatives who continue to suffer under Yugoslav bondage.

Mr. Speaker, I commend the fate of the Albanians in Yugoslavia to the attention of our representatives in Belgrade. The ultimate success of our efforts in behalf of human rights will depend upon their credibility in the court of world opinion. While we may receive high marks for our initiatives in behalf of those minorities with high world visibility, we will be judged in the final analysis by our efforts for those without a voice but who suffer equally.

AMNESTY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, President Carter has taken important and laudable steps toward binding the wounds inflicted on our country by the war in Indochina.

He has acted wisely and compassionately in declaring a pardon for the young men who resisted induction into the Armed Forces as a moral and political protest against what they perceived as an unjust war. His decision to act soon after taking office was welcomed by many Americans who were—and are—anxious to erase the divisions created by the U.S. role in Vietnam, Laos, and Cambodia.

As President Ford once noted, "it is time to put Vietnam behind us." But it is also true, as President Carter has recognized, to stop the lingering suffering caused by the war for so many individuals and families both here in the United States and in Indochina.

We have clearly learned important lessons from that terrible time. We have come to realize that dissent against the war was not necessarily indicative of "disloyalty" to the ideals which should guide our country at home and in the world.

President Carter has begun to act on this realization by greatly improving and expanding his predecessor's pardon program and, more recently, by ordering a review of some 432,000 less-than-honorable discharges handed out during the war.

The discharge review plan, because it begins to deal with the special needs of people who expressed discontent and protest within the Armed Forces, is a most welcome initiative. This review procedure will aid those persons who did not enjoy automatic deferments from military service, who did not perceive the objectionable nature of the war until after their entry into the Armed Forces, and who then acted, often out of conscience and principle, to protest what they could not morally abide.

Those Americans who today bear the stigma of less-than-honorable discharges are generally from low-income families and communities. Many are black, Hispanic, or members of another racial or ethnic minority. They are now vulnerable to a double discrimination in their search for employment and security. Not only are they disadvantaged educationally and economically, but their discharge papers often make them suspect in the eyes of a potential employer.

President Carter's decision to seek a

review of their cases is most commendable.

However, the review program is lacking in some key respects. The National Council for Universal and Unconditional Amnesty notes, for example, that a case-by-case examination of the 432,000 discharges could take up to 20 years to complete.

The review is also limited to the period from August 14, 1964, to March 23, 1973, the timespan defined by the Pentagon as the length of U.S. involvement in the Indochina war. This may, indeed, encompass the period when U.S. combat troops were officially active in Vietnam, but the Armed Forces' role in the hostilities precedes and indirectly extends beyond that period. Opposition to the war within the Armed Forces did not begin on August 14, 1964, nor did it automatically cease on March 23, 1973. Persons whose less-than-honorable discharges date from before or after that period may well have been punished by the military for conduct stemming directly from their views on the war.

The review plan also contains a provision for automatic upgrading of a less-than-honorable discharge, but only if the case under review is that of a veteran who received a medal, was wounded in action, had completed his tour of duty or had a good record 2 years prior to the discharge. Persons who meet one of these requirements need not go through the time-consuming appeal process and are assured of an automatically favorable decision.

Many others in a similar position who lack these qualifications are not as fortunate.

While again commending the President for his expeditious actions, I urge him to consider extending the automatic review procedure to cover all veterans now holding less-than-honorable discharges. I also ask that he consider issuing pardons to those civilians who, because of their antiwar activities, now must contend with the consequences of a "criminal" record.

Many of these civilians protested the war nonviolently and should not be made to suffer for their principled opposition to the war when their counterparts in the armed services are being pardoned for their own acts of opposition.

As the Secretary of State has candidly noted, our involvement in Vietnam was a "mistake." Much has been done by President Carter to rectify this mistake. Let us now act to completely absolve those other Americans of blame for a mistake which they did not commit and which they sought early and earnestly to correct.

These observations, I believe, are especially relevant in view of the incredible action taken by the House today in adopting the Beard amendment which would deny benefits to Vietnam veterans whose discharges have been upgraded.

Obviously, much remains to be done before we have completely corrected this "mistake."

WAYS AND MEANS TRADE SUBCOMMITTEE PLANNING AUTUMN HEARINGS ON IMPLICATIONS OF U.S. $23 BILLION TRADE DEFICITS ON AMERICA'S AND WORLD ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, in 1977, the United States will import approximately $43 billion in oil. Even though the Nation will have a surplus of approximately $20 billion in industrial and agricultural trade, the enormous oil import burden will cause us to have a trade deficit of approximately $23 billion. This oil deficit will grow worse and in response to question from me, the State Department has said:

> We expect oil-importing countries as a group, including the United States, to have trade deficits for the foreseeable future. The sharing of this deficit could certainly be better apportioned than it is now, and we are hopeful that the necessary adjustment will soon be made.

In announcing the size of the recent monthly deficits, the administration has pointed out that such deficits are necessary to help our trading partners and the developing nations of the world who have been even more severely hurt by the rise in oil prices than has the United States. The tone of the administration's announcements on the deficits has been almost congratulatory.

While there is considerable merit in the administration argument, and while in a world of floating exchange rates trade deficits are usually self-correcting, I am not certain that the situation is as simple as the administration believes.

For example, despite these enormous deficits, the State Department reports the trade weighted value of the dollar relative to other currencies has increased during the last year and a half during which our trade deficit has expanded dramatically. This raises a most important question: Is the current system of floating exchange rates adequately protecting the competitiveness of American products? While the administration attributes the trade deficit totally to oil, Federal Reserve Board Chairman Arthur Burns said recently that—

> Troublesome as the oil shock has been, it by no means fully explains the payments stresses that presently exist.

The question arises whether the flood of oil imports is making more serious problems with the American economy and our trading abilities?

In view of the Congressional Budget Office, Library of Congress, and General Accounting Office studies which show that the President's energy conservation proposals will not save as much oil as he has projected and therefore, our oil import bill will continue to soar, how long can we afford these enormous deficits?

What exactly is the United States doing to insure that industrial nations which are running surpluses are making a good faith effort to share the deficit?

What effect will these types of deficits have on our effort to control inflation?

According to news reports, on June 12, the Banks of International Settlements' annual report warned that our growing balance of payments deficit runs the risk of causing new international turmoil and of weakening the dollar. The report states:

> It would be a grave mistake to believe merely because the dollar floats, that the state and structure of the U.S. balance of payments simply do not matter.

Are the Bank's fears justified?

I believe that these and other questions should be explored, and I would like to announce that the Ways and Means Subcommittee on Trade will plan hearings on these issues as soon as possible this autumn. In the interim, I would like to invite comments on these questions—and other questions that should be asked—from the interested public.

Again, I want to stress that I am not overly alarmed by the current deficits and I believe that the world monetary system has responded incredibly well to the enormous strains of the past 4 years. But I do believe that there may be some reason for concern and that we should be studying the situation more closely than we have in the past. It is in this spirit that we invite public comment and ideas.

THE ANNIVERSARY OF LUTHUANIAN INDEPENDENCE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. LE FANTE) is recognized for 5 minutes.

Mr. LE FANTE. Mr. Speaker, in anticipation of the upcoming Belgrade Conference, the week of June 15 is a particularly apropos time to reiterate our commitment to human rights for all nations and all peoples throughout the world. For it was during this month 37 years ago that the annexation of the independent Baltic States of Estonia, Latvia, and Lithuania occurred.

Since their incorporation into the Soviet Union, the Baltic nationalities have suffered not only the loss of their free governments, but the elimination of their sovereignty as well. Among all three peoples, the pattern of occupation has been the same: in each nation, the Soviet authorities have embarked upon a policy of complete and total collectivization, nationalizing both industry and agriculture, conducting mass arrests, and undertaking the deportation of thousands. Yet, despite this subjection to the Soviet central planners, the patriotic and religious tenets and spirit of the Estonians, Latvians, and Lithuanians could not be eradicated.

Today, the experience of the Baltic States is living testimony to the fact that mere administrative control over a nation's political institutions does not necesarily constitute a government to which its people have consented.

I deplore the lack of sensitivity on the part of the Soviet Government and the indifferent attitude which they have taken toward the expressed will of those nations and peoples who have sought to

realize the principles expounded at Helsinki. Yet, I am heartened that it has been the peoples of these very nations themselves who have—in the face of oppression—courageously insisted, by their words as well as by their deeds, on the just implementation of Basket Three, the humanitarian articles of the Helsinki Accord.

Mr Speaker, the Congress and President Carter are keenly aware of the importance of human rights in all parts of the world, and both have taken steps to rectify the intolerable conditions under which so many must suffer. Accordingly on this anniversary of such a memorable date in the history of Estonia, Latvia, and Lithuania, I urge my colleagues and the American people to continue their efforts in this direction until all citizens, everywhere, have been guaranteed the freedom and basic human rights to which all people, in all lands, are entitled.

INCORRECTLY NAMING COSPONSOR

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DERRICK) is recognized for 5 minutes.

Mr. DERRICK. Mr. Speaker, I would like to state that my colleague from Colorado, PATRICIA SCHROEDER, in a conversation with me, had indicated that she would support the Derrick-Conte amendment which was offered for consideration yesterday. In error, her name appeared as a cosponsor of the measure and I regret any inconvenience which she may have been caused.

NEEDLESS ANIMAL SUFFERING MANDATED BY CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, in light of today's consideration of the appropriations bill for the Department of Health, Education, and Welfare, I believe it is time to address an issue which this body has too long avoided—namely, the pain and suffering experienced by countless animals in scientific research and testing which is paid for out of the moneys we are today appropriating and much of which is required by law. Let me make it clear at the outset that I am not an antivivisectionist and that I wholeheartedly support the tremendous amount of research and testing on animals that benefits the health and well-being of people.

There is also, however, a large amount of needless painful experimentation conducted on animals in this country and also much legitimate experimentation involving pain which could be mitigated but is not. This I fervently object to.

To date, all decisions as to whether a given painful experiment is worthwhile are left to the scientific community, but that community has failed miserably in this responsibility. Indeed, there appears to be an unwritten code of silence among scientists on this matter, and there is no mechanism for the policing of research to restrain the overzealous or insensitive experimenter. A number of scientists have complained privately, some to my office, but they are unwilling to be publicly identified for fear of repercussions from their administrators and colleagues.

All laws concerning the treatment of animals destined for scientific research apply only to their procurement, transportation, and housing and not to the actual experiments performed upon them. Moreover, a wide range of painful testing of toxic substances on animals is required by law, yet in many cases the required tests are repetitive or can be replaced by a nonanimal alternative, such as a tissue-culture test. In fact, much evidence is coming to light that many animal tests are meaningless, inaccurate, or improperly performed, giving the illusion of "safety" when none has been proven. And again, many scientists involved in these tests are aware of the failings, yet are unwilling to risk their professional positions by speaking out on so sensitive an issue.

With the passage last fall of the Toxic Substances Control Act, the Congress has massively increased the number of animals that will suffer agonizing deaths to determine the toxicities of virtually every new substance that is developed. The Congress in its wisdom decided that there was a balancing of interests requiring this legislation. Regrettably, there has not been sufficient consideration of the suffering or of the testing procedures involved to determine whether alternatives may be available that would reduce the amount of live-animal testing required. In many cases, alternate tests have already been developed that are faster, cheaper, and more reliable than current procedures.

I have been trying to formulate legislation to do something in this area without interfering with legitimate and beneficial animal experimentation. Needless to say, this task is a difficult one. One step, however, is clear: we need to encourage more research aimed at developing alternatives to animal experimentation—hence my bill H.R. 2448, which would earmark a certain amount of Federal grant money for this purpose. I have inserted a copy of that bill below.

A more difficult step is to eliminate needless experimentation and testing. Toward this end, I have solicited advice from a number of interested parties. Ms. Eleanor Seiling, president of United Action for Animals, sent an excellent letter in response. While I do not necessarily agree with every point made, I do think the letter gets to the heart of the problem, and I am also inserting it, and my letter of inquiry, so that my colleagues can learn more about this distressing issue.

My correspondence with Ms. Seiling and my bill to provide funds for the development of alternatives follow:

UNITED ACTION FOR ANIMALS, INC.,
New York, N.Y., March 21, 1977.

Representative EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Thanks for your letter of March 10, 1977. You have come to the right place; we have more information on what is being done to laboratory animals—and why—and on alternatives to the use of live animals in research than anyone else in the country or in the world.

I can quite understand your having difficulty with the language of a bill to promote the use of alternatives. Up until recently, I thought we had the answer in the proposals outlined in our brochure Replace Them Now, as per the marked place on the enclosed copy. But now we have learned that, as the vivisection lobbies correctly state, alternatives can only be used in addition to experiments on live animals, because the latter are mandated by Congress. We find they are mandated in the Food and Drug law's Regulations, the Federal Hazardous Substances Act's Regulations, the Toxic Substances Control Act, and many sections of the Public Health Service Act, etc. We see now that the problem is not "the vivisectors," as the antivivisection societies here and abroad have proclaimed for 100 years; the problem is Congress. How do you write a bill requiring Congress to stop mandating the extremes of cruelty to laboratory animals and, rather, to allow research and education to advance as other technologies have over the past century? I am now quite baffled as to what a bill ought to say since, no matter how many alternatives are available or developed, the same crimes against laboratory animals will continue to be committed because they are mandated by law—that is, by Congress. They are the intent of Congress.

Without that complication, it might be relatively easy to frame a meaningful bill. It might say, for example, that "Whereas animal experimentation has been a standard research procedure (or research method) for thousands of years, and whereas animal research often causes great pain and/or fear for the animals, and whereas this use of animals causes great concern and anguish to large numbers of citizens, it is the sense of Congress that all available modern, sophisticated alternatives to the use of live animals in research, testing and teaching be encouraged and promoted by the federal government and more such methods developed with all possible speed." (We have prepared a lengthy draft on the History of Vivisection, showing that animal experimentation has been going on since long before the birth of Christ, and that some of the experiments are familiar in that variations of them are still going on today. I would be glad to supply you with a copy of this draft.) Maybe you have a couple of your own whereas's to add.

The bill might go on to say that it is the intent of Congress that education and training in alternative methods be fostered and promoted by the federal government. Then the provisions as outlined in our brochure replace them now could be put into legislative language—something you and your staff undoubtedly could do better than I or even our lawyers, who are trial and tax specialists. A substantial amount of funds, including funds for incentive awards, should be authorized for these purposes. When one considers that the NIH appropriation alone is now over $2 billion, with 57% of that money used for animal experimentation, as we can document, it would be illogical to talk about promoting alternatives with a paltry few million dollars while the combined federal agencies continued to pour billions into animal research, and education and training in animal research.

The need for an unbiased Public Science Council (or any other name) is paramount. I note in the Congressional Record that Congress goes to self-interest lobbies "openly or privately" to write its legislation. This indicates that Congress has had no one to go to for advice on "health" research, research training and teaching other than the self-interest vivisection lobbies that ring Washington. Congress has got to have other sources of input, and not have to rely on

"the experts" who profit, directly or indirectly, from the use and consumption of laboratory animals.

Some people ask us: "Where would you get the kind of people you call for on the Public Science Council"? True, the kind of scientists who would man a Public Science Council are few and far between, but they are available, even among NIH grantees and contractors. They are available at NASA, in the military Establishment, in private industry and in the universities.

In that respect, I enclose a copy of the most recent document to come into our hands, this time from Aviation, Space and Environmental Medicine, Volume 47(11): 1209, 1977. The sponsors of this journal are not "anti-vivisectionists" or "zealots," as you will note from the sheet attached to the article. This is only one piece of a really massive amount of information we have on alternatives. But we have nowhere to go with it.

One of the most fascinating files we have is on modern scanners which can virtually "visually vivisect" the human brain and other organs. In experiments where alternatives for the same kind of experiments do not exist (as they do in toxicity testing, for example), the scanners could be used in a great variety of research that does not use live animals. The prime example that comes to mind is the work being done on cats at the American Museum of Natural History, conducted by Dr. Aronson—experiments with which you are well acquainted. Instead of mutilating cats in what allegedly is research aimed at human sexual abnormalities, Dr. Aronson might come out into the community and, with the scanner, correlate human sexual abnormalities with what he sees with the brain scanner. This would be "non-invasive" research procedure, posing no threat of harm to the research subjects—and from all I am reading, plus knowledge of the work of Johnson and Masters, there must be as many sexually disturbed people as normal ones, all wanting to know what is wrong and what could be done about it. There can be little doubt that such a research project would attract more volunteers than the investigator could handle, and it is much needed.

In toxicity testing, some of the most savagely cruel mandatory tests are the unspeakable LD_{50}'s and the LC_{50}'s. These are the lethal doses from which 50% of the animals must die, and the lethal concentrations of gases and vapors from which 50% of the animals must die in exposure chambers. One of the reasons these "tests" are used is to determine relative toxicitis; that is, how much more poisonous one chemical is compared to another. The same results could be determined in tissue culture within 24–48 hours. Also, in that respect, we recently obtained a technical document describing research conducted by an outside laboratory for the EPA. These scientists showed that, with knowledge of the structure and the physical-chemical properties of chemicals, the LD_{50} for rats could be predicted. They obtained their toxicity data on hundreds of chemicals from NIOSH, and the data on structure and physical-chemical properties from Edgewood Arsenal. Furthermore, they said their work could be extended to cover NEW chemicals and also to other toxicities, such as carcinogenicity.

With this knowledge on the LD_{50}'s in hand, as described above, the same data can be converted to predict the revolting LC_{50}'s for chemicals in the form of gases or vapors and perhaps even dusts. When the Department of Transportation wanted to know the LC_{50} for rats, their researchers couldn't find that data in the literature for several of the chemicals which were to be transported. Lacking the LC_{50} for rats, the researchers used a formula to estimate it from the LD_{50} for rats. Furthermore, they were able to estimate the LC_{50} for other species from the LD_{50} in those species. Thus, despite the self-serving denials of the animal experimenters, structure/physical-chemical properties can be used to predict the LD_{50}'s and the LC_{50}'s.

You are aware, of course, of the current furor over saccharin and the earlier similar hassle about the cyclamates, in which animals were dosed with large amounts of the chemicals to artifically produce cancer. Adequately educated scientists know that large amounts of anything, even water, "overwhelm the metabolic pathways," rendering abnormal results. Why these absurd, animal-consuming methods continue to be used is something Congress ought to have, but doesn't have, interest in. Rather, Congressmen are talking in terms of "reorganizing" the FDA, which has regularly been "reorganized" over the years while the same outdated testing methods continue to be the vogue.

It is interesting to observe in the Federal Register of February 24, 1977, that "Most scientists also agree with the National Cancer Institute that there is no practical scientific method to prove experimentally the safety of any level of exposure to a carcinogen." We appreciate that testing methods must be "practical"—simple—so that any run-of-the-mill research veterinarian or other toxicologist can perform them. While the present crude and "practical" methods generate a lot of heat and little light, we observe that, during hearings on "the environment" in 1975, conducted by Rep. George Brown, Jr., a researcher testified that cancer testing can be done on human cells growing in a "dish" (a Petri dish) where cancer-causing chemicals and drugs transform normal human cells into cancerous ones. The researcher complained: "We don't know what it means." But the researchers don't know what the animal cancers, produced with massive doses of chemicals, mean either, and thus, realistically, more federal money ought to be directed toward research on tissue culture methods, using human cells as surrogates for people (and even immunology can be studied in tissue culture as the FDA admitted in recent hearings), then toward training more toxicologists in the traditional animal-using cancer tests. Of course, we can already hear the screams about "scientific freedom" but, as one scientist has said, anyone who has to be paid is not all that free.

This letter could go on for hundreds of pages, listing alternatives and potential alternatives that we know about, but I will spare you that. Please note, however, that it is not lack of information that perpetuates laboratory animal suffering, but a subservient Congress which has ears only for the vivisection lobbies, such as the American Veterinary Medical Association, and what has been called their "hired guns."

Nevertheless, I would be overjoyed if you would prepare a good replacement bill along the lines I have suggested, and introduce it. I would be glad to assist further in any way I could. Such a bill, formally introduced, would have great impact all over the world in alerting governments and humane citizens alike to the real need. It would enhance your image to heroic proportions. There is no doubt in my mind that Congress would (1) stonewall it, or (2) emasculate it with weakening amendments. But, that, too, would be useful.

Sincerely,

ELEANOR SEILING, *President.*

MARCH 10, 1977.

MS. ELEANOR SEILING,
President, United Action for Animals, Inc., New York, N.Y.

DEAR MS. SEILING: As you know, I am attempting to draft a bill to eliminate pointless experimentation on animals by the federal government. Quite frankly, I am having difficulty formulating language that defines the problem clearly and provides an effective mechanism for solving it. Given your interest in the area, I would welcome any specific suggestion you have for such a bill.

All the best.

Sincerely,

EDWARD I. KOCH.

H.R. 2448

A bill to promote the development of methods of research, experimentation, and testing that minimize the use of, and pain and suffering to, live animals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") is authorized to make grants to public and nonprofit private entities to support research into, and the development of, new methods of research, experimentation, and testing (including computer modeling and analysis of tissue cultures), which methods use no or fewer live animals or produce less pain and suffering in such animals than the methods currently in use.

(b) No grant may be made under this Act unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall prescribe.

(c) The amount of any grant under this Act shall be determined by the Secretary. Grants made under this Act may be paid in advance or by way of reimbursement, at such intervals and on such conditions as the Secretary may find necessary, and with appropriate adjustments on account of overpayments or underpayments previously made.

(d) There are authorized to be appropriated to make grants under this Act $10,000,000 for the fiscal year ending September 30, 1978, and $10,000,000 for each of the following four fiscal years.

LEGISLATION TO IMPROVE THE EARLY, PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Moss) is recognized for 5 minutes.

Mr. MOSS. Mr. Speaker, during the 94th Congress the Subcommittee on Oversight and Investigations issued a report entitled "Department of Health, Education, and Welfare's Administration of Health Programs: Shortchanging Children."

That report found that the early, periodic screening, diagnosis, and treatment—EPSDT—program has extraordinary potential and that the Department's failure to faithfully executive the program results in wasted dollars as well as unnecessary human suffering. The purpose of the EPSDT program is to find low-income children with medical problems and treat them early in order to prevent or minimize long-term chronic ailments. Proper execution of this program would achieve significant savings by reducing future costs of health care and substantially reducing the human tragedy of diseases which could be prevented.

At the subcommittee's hearings, public witnesses described genetic and familial diseases that could be remedied if detected by general screening procedures and treated in time by competent practitioners. For example, the subcommittee received evidence of a family where phenylketonuria, PKU, was undiagnosed

or misdiagnosed for three children. As a result, one member of that family is severely retarded. That child is now institutionalized in the State of Pennsylvania at a cost to taxpayers exceeding $20,000 per year. The cost of detecting PKU in that child would have been less than $10. Even including treatment costs, potential benefits in hard dollars far outweigh the costs of an effective EPSDT program.

The subcommittee also received evidence of cases of medical complications which might have been avoided had early screening, diagnosis, and treatment been available. These included chronic renal disabilities, serious hearing impairments, cases of lead paint poisoning, and vision illnesses.

One of the major issues that was raised by the subcommittee in its evaluation was the fact that the Department has neglected to administer properly the penalty provisions of the EPSDT program. In the process of that analysis it was felt by the subcommittee that there is a need to shift from a punitive approach to consideration of positive incentives to screen and more importantly treat all eligible children. The subcommittee found that such a program would be of relatively moderate cost and would create a positive incentive for States to provide health care to children.

Specifically, the bill that I introduced on May 26, 1977, H.R. 7474, would provide such incentives and would focus on the need for treatment of illnesses uncovered by screening and diagnosis activities.

The basic incentive for this program will be increased Federal participation for those cases that can be demonstrated to be treatment activities that result from screening. The Federal share would increase to 90 percent for early and periodic screening and diagnosis activities and would increase to 100 percent for treatment of defects and conditions that were discovered through such screening and diagnosis.

Another proposed innovation by this bill would be the streamlining of the current cumbersome bureaucratic entanglements concerning eligibility. It is proposed, under this legislation, that a coupon system will be developed. This system will identify the services for which medical assistance is available and will be indicative of a child's entitlement to receive EPSDT services.

One additional section of this bill calls for an annual compilation and publication of a list of providers and institutions that are willing to provide medical services under this program. There has been strong evidence that in some areas of the country only a limited number of providers participate in the medicaid program. As a consequence, this proposal requires that hospitals which receive payments for providing medical services under title XIX of the Social Security Act will agree to the maximum extent feasible to provide services under the EPSDT program.

LITHUANIAN FREEDOM DAY

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, today marks the 37th anniversary of the Soviet Union's brutal takeover of Lithuania. On June 15, 1940, Soviet Forces unlawfully occupied the Baltic States, and as we all know, they are unfortunately still there, having incorporated these once independent countries into the Soviet Union against the will of their native peoples.

Since that fateful day, the Soviet Union has consistently attempted to legitimize its occupation of Lithuania through the artful use of sophisticated propaganda tactics. While publicly minimizing the atrocity of its acts, the Soviet Union has practiced political repression, religious persecution, and cultural annihilation of the peoples of Lithuania—violating their fundamental human rights in every conceivable fashion.

Following the Soviet occupation, all democratic structures were destroyed—including the free press, and the cultural, religious, and political groups which had existed prior to the takeover. To make matters worse, Soviet authorities deported thousands of Lithuanians in 1940, and in the years since then starvation, torture, and other forms of repression have resulted in the death of one-fourth of the Lithuanian people since 1940. While all the other countries of central Europe increased their population by at least 10 percent between 1939 and 1954, Lithuania lost 13.7 of its inhabitants.

Thus, today, I would like to pay tribute to the courage of the Lithuanian people and to their continued commitment to the struggle for freedom despite the merciless treatment they have been victims of for so long. Lithuania was a free country for only 21 years, between the end of the First World War and the Soviet Invasion in 1940, but in that short time Lithuanians developed their land, industry, transportation system as well as their social and educational institutions.

Even though all of this was taken away from them, the Lithuanians have never given up hope and have never stopped fighting for their rights. Despite their hardships, their spirit has remained strong. I join the Lithuanian-American community today in praising this valiant people, and in vowing to continue working for human rights throughout the world so that Lithuanians can one day be free again in a sovereign nation.

PROTECTING FEDERAL EMPLOYEES AND THE PUBLIC

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, I opposed H.R. 10, which would have removed most of the limitations which the Hatch Act places on political activities by Federal employees, because of grave dangers the bill posed to those employees and to the public.

At the outset I think it is important that we understand what political activities are not prohibited by the present Hatch Act. Federal employees are not barred from voting, expressing their political opinions, contributing to candidates, attending meetings, wearing buttons, and the like. Nor are they prohibited from organizing, lobbying, and campaigning with regard to specific public issues. Indeed, I am sure most Members have found, as I have, that Federal employees are among the most active and knowledgeable participants in public debate on matters which affect their interests and the Nation at large. Their involvement is a healthy and valuable aspect of our political process.

The only activities denied to Federal employees concern active participation in political campaigns. While I recognize that even these restrictions are onerous and I would support legislation to modify and clarify them. I believe that the wholesale removal of these restrictions would be contrary to sound public policy. They should not be lifted, as this bill would do, without adequate protection for the public and the Federal employees themselves.

I have, on several occasions, pointed out the problems created by the possible involvement of law enforcement and investigative personnel in politics. The dangers are twofold: That law enforcement and investigative powers will be used to serve political ends, and that law enforcement and investigative offices, which should be wholly merit operations, will instead return to the spoils system.

While to its credit, this bill attempts to deal with these problems, it does not do so adequately. The bill authorizes the Civil Service Commission to designate certain "restricted positions" which would remain subject to limits on political activity. In order to designate such a "restricted position," however, the Commission must determine that the restriction is "justified in order to insure the integrity of the Government or the public's confidence in the integrity of the Government." Because we do not know how the Commission will implement this provision, I do not think we can be assured that the restrictions will be broad enough to cover all critical law enforcement and investigatory personnel. Thus, we cannot be assured, for example, that an IRS agent will not be called upon to audit the finances of a candidate he endorsed or that an FBI agent will not have to investigate a political campaign in which he worked.

The danger is even more severe with regard to Federal employees who are involved in awarding Federal contracts and grants. The power to award a multimillion dollar contract can all too easily be used to extort contributions or political support out of businesses, and when such contracts are awarded for political reasons rather than on the merits, the taxpayer and honest businesses suffer.

Despite this, the bill places no special restrictions on the vast majority of employees involved in awarding Federal contracts. Only supervisory personnel may be subject to limits on political activity by the Civil Service Commission. But the persons involved in negotiating,

in evaluating grant applications, in determining bid specifications and contract compliance are not. The net effect is an open invitation to political corruption in the awarding of Federal grants and contracts.

The problem goes beyond the possibility of actual political influence on law enforcement and other Government actions. As Mr. Justice White pointed out, in the case of Civil Service Commission against National Association of Letter Carriers, it is not only important that the Government and its employees in fact avoid letting politics influence the administration of justice, "but it is also critical that they appear to the public to be avoiding it if confidence in the system of representative Government is not to be eroded to a disastrous extent."

As the opinion polls and our constituents remind us every day, confidence in the Federal Government has already been severely eroded. We in the Congress should be seeking to rebuild public confidence in Federal agencies rather than weakening it by inviting further doubt about their motives and actions.

The Hatch Act not only protects the public; it protects the employees themselves from pressure to campaign for or contribute to a particular candidate. A constituent of mine, Ms. Ida F. Gold, who as a retired Federal employee recalls pre-Hatch Act days, wrote to me about pressures on employees in the Manhattan U.S. Attorney's Office 40 years ago to "volunteer" services and contributions to political campaigns. She said:

> Prior to the Hatch Act, one never felt it would be wise to refuse to 'volunteer,' since promotions in the office did not result from examinations, but were entirely in the hands of superiors who would make the appropriate recommendations to Washington. The mere knowledge of that fact served to prevent any possibility of refusal to do what was requested.

This bill simply does not provide adequate protection against such pressures. The minimum penalty of a 30-day suspension for a supervisor or other employee who misuses his or her official authority for politcal ends seems mild in view of the abuses of power we have seen in the past several years. In addition, it will require a brave employee to confront a superior through the enforcement mechanism provided. Few employees, it would seem, will be willing to risk making a complaint and testifying against a supervisor, who, if the complaint fails—or even if it succeeds—will retain substantial authority over them.

Even when a coerced employee does complain about political pressure from a superior, the fact of such pressure may be extremely difficult to prove. Coercion or retaliation can be as subtle as a leave not granted, a mild rather than enthusiastic recommendation, or a series of unpleasant assignments. In view of the subtlety with which coercion can be exercised, we would be naive to believe that the enforcement mechanism will effectively detect or prevent such violations.

Finally, the employer-employee relationship which exists between Federal elected officials, particularly the Congress, and civil servants would be subject to both the appearance and reality of conflict of interest under this bill. Senators and Members of Congress will, after perhaps having been elected with the contributions and active campaigning of Federal employees, have to vote on pay increases for those employees. Even if a particular Member's vote is not, in fact, influenced by this assistance, it will create considerable suspicion in the mind of the public. As with the executive branch, it is essential that the credibility of the Congress be strengthened rather than eroded.

I would support legislation to ease the current restrictions on political activities by Federal employees, if it were drafted carefully so as to protect the public and civil servants. For the reasons outlined above, however, H.R. 10 did not contain adequate protection and I could not in good conscience support it.

THE HONORABLE ROBERT N. GIAIMO APPEARS ON "MEET THE PRESS"

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, our distinguished colleague, the gentleman from Connecticut, the Honorable ROBERT N. GIAIMO, chairman of the House Budget Committee, appeared on the nationally televised program, "Meet the Press," on June 5, 1977, and discussed a wide range of budget and other national issues. Because of the excellence of Mr. GIAIMO's presentation, I insert into the RECORD the transcript of this interview and commend it to my colleagues who may have been unable to see the telecast.

INTERVIEW WITH CONGRESSMAN ROBERT GIAIMO

("Meet the Press" WRC TV, NBC network)

BILL MONROE. Our guest today on Meet the Press is Congressman Robert Giaimo, Democrat of Connecticut. Mr. Giaimo is the new Chairman of the House Budget Committee. That committee was set up just two years ago to guide the House on spending ceilings and revenue estimates, so it finds itself at the center of controversy over national priorities, which programs should get more money and which less, and in the middle of some arguments between the White House and the Congress.

Mr. GIAIMO. Speaker O'Neill is asking President Carter not to confront Congress by vetoing bills which the President considers holding excessive spending, such as educational impact aid, water projects, and farm subsidies. Now, considering that you have a new Democratic President in Office who is trying to hold down the deficit, why doesn't the Congress avoid the confrontation by restraining itself on spending?

COOPERATIVE EFFORTS

Representative ROBERT GIAIMO. We're going to try, Mr. Monroe. And Speaker O'Neill and the President and members of the Budget Committee, both in the House and in the Senate, have been trying to work on these programs. Senator Muskie, as you know, made a valiant effort on the agriculture program. We're going to try to do the same in the House to try to hold the line, more in keeping with what the President wants, rather than what some of the committee members want.

I believe that what Speaker O'Neill is saying is, "Look, we have differences, we have different points of view as to what our priorities would be. Let's not threaten each other, let's not have confrontations. We've had enough of that over the last eight years. Let's try to work out and compromise out these differences." I think that's what he's really saying.

MONROE. Mr. Giaimo, it does seem clear at this point that the Congress is going to come out with bills exceeding the President's request by some billions of dollars in such areas as farm subsidies and educational impact aid and the water projects. Now, if the President vetoes these three bits of spending, for example, do you expect the Congress will be able to override him on any or all of those?

Representative GIAIMO. I'm not so sure that it will be able to override the President on all of them. I very much doubt that it could override the President on an agricultural veto. In the water projects, I'm not sure about that. In the area of impact aid and education, I suspect that the Congress would be able to override a presidential veto.

MONROE. Do you defend personally the spending now in bills coming up or already approved in these areas: educational impact, farm subsidies, and the water projects?

Representative GIAIMO. Our budget committee opposed impacted aid. We agreed with the President that it should be phased out or terminated and replaced with something which would be more helpful to the school districts that need it. But facing the realities of the Congress and knowing how Congress felt on impact aid, we've decided not to confront Congress at the time of the first budget resolution.

I, and the Budget Committee, I'm sure, will agree with the President on holding the line on the agricultural dollars. And there's a great disagreement among members of the committee on the water projects, also. But certainly on the agricultural issue, the Budget Committee stands very strongly with what the President's trying to do.

MONROE. Thank you, Mr. Giaimo.

Our reporters on Meet the Press today include Martin Nolan of The Boston Globe, John Pierson of The Wall Street Journal, and Irving R. Levine of NBC News.

SUPPORT FOR WATER PROJECTS

MONROE. We'll continue the questions for Congressman Giaimo with Mr. Nolan.

MARTIN NOLAN. Congressman Giaimo, when you were arguing with President Carter over the level of defense spending, you reminded him that the House of Representatives is not the Georgia legislature. But hasn't the House been acting like the Georgia legislature, in the most fiercely parochial way, on these water projects? Surely, every one of them is not essential to the national interest, yet the Eastern congressmen usually vote along with the Western congressmen on a log-rolling basis.

Are these projects really pork barrel or are they essential?

Representative GIAIMO. I don't think there's any question that they're pork barrel, but that doesn't mean that they're not essential. There's great support for many of these water projects. I personally have opposed water projects in the past and most likely would oppose some of these now, and I may well. But as Chairman—that's as an individual. But as Chairman of the Budget Committee, I have to contemplate and estimate what Congress will want as a priority, and there's no question that Congress seems to want these water projects as a priority.

But I certainly don't disagree with President Carter in questioning them and even trying to eliminate some of them. As you know, I've opposed one up in Maine, Dickey Lincoln, for many, many years, and I still think it's a bad project. But there are different points of view in this area.

NOLAN. Well, another bill that's really more national in scope is the Labor-HEW appropriations, which Speaker O'Neill suggests is

one that the House could override. Where do you stand on that? Do you think—aside from the impacted aid, do you think that the Labor-HEW bill is one that the Congress should override?

Representative GIAIMO. Let me say that in the area of education, traditionally Presidents have come in with budgets much below Congress. This is an area that Congress usually puts in more money, facing up to the real crushing needs in the area of education, and health, of course, is involved in there, too. So that in these areas there's great public support and great public interest and demand for additional help from the Federal Government. And it would seem to me that the President would not prevail in a veto of that legislation, and I would certainly hope that he would not do it in that area.

THE REBATE AND THE BUDGET PROCESS

JOHN PIERSON. Mr. Chairman, hasn't Jimmy Carter kicked a great gaping hole in the side of the congressional budget process by changing his mind about the $50 rebate?

Representative GIAIMO. I don't think so. You know, the budget process is a setting of congressional priorities in the budget. The President sends up his budget originally with his priorities, and Congress changes them.

Now, who changed the $50 rebate? Was it President Carter or was it basically the Senate, which acted later in this area when the rigors of the winter were over, when there were indications that the economy might be picking up? And you will recall the Senate indicated to President Carter that they very much questioned whether they had the votes to provide for a $50 rebate. So, it became a question of who ultimately decided whether or not to have the $50 rebate.

This was a give-and-take between the President and Congress, mainly in the Senate, if you will, as to whether or not in fact there should be a tax reduction through the $50 rebate. I think this was a working out of will and a compromising out of differences within—by the President and the Congress as it related to the budget. I think what it means is that setting of priorities and budgets is very much alive and working.

PIERSON. Hasn't—let's go back to what happened. Jimmy Carter came into office last January, he decided the economy needed stimulus, he proposed the rebate. Congress tore up its budget in order to make room for the rebate.

Representative GIAIMO. That's right.

PIERSON. A couple of months later, Jimmy Carter changed his mind about what the economy needed, and Congress meekly killed the rebate and then collapsed its budget in order to take the rebate out of the budget.

You remember when you were growing up the poem about the Grand Old Duke of York who had 10,000 men and marched them up to the top of the hill and marched them down again? I don't think the Grand Old Duke of York had such willing and meek troops as Jimmy Carter had in Congress with that rebate and with the stimulus.

Representative GIAIMO. But that's not exactly the way it happened. Remember, here's what happened: The President sent up a budget message and proposed a $50 rebate in taxes and also about a billion and a half in stimulus programs. Now, the House handled this in the absolute depth of winter, when the economy really was totally slowed down, when the cold weather was tying up and hamstringing most of the United States; and the House changed it around. It accepted the $50 rebate, but the House added significantly; it doubled the jobs programs, for example, and the stimulus program. So, that wasn't rolling over dead; that was changing the President's program.

And then—and then the thaw came along, both in the economy and in the weather, and the Senate began to act on the President's stimulus program, and the Senate changed the $50 rebate, the reduction in revenues very significantly by suggesting strongly to the President that they weren't really sure they were going to go along with it.

So, I think you had a very real give-and-take between President and Congress.

PIERSON. But if Jerry Ford had been President and had proposed the rebate and then changed his mind about it, do you think the Democratic Congress would have killed the rebate and taken the stimulus out of the budget?

Representative GIAIMO. We can play the "if" game. You know, if President Ford had been elected, maybe the economy wouldn't have regained itself, as it seems to be doing under Jimmy Carter. It's hard to play that kind of an iffy game. The fact is that there's a very real give-and-take here in budgetary matters between the President and Congress and very real consultation, let me say. On many occasions, we've been meeting with the President and working out these problems. I think it's healthy, and I think it's totally different from the way it used to be in the Nixon Administration, for example, where there was no consultation, where there was confrontation and where there was impoundment of billions and billions of dollars.

We are getting along. We are working out our differences. This doesn't means that we roll over and play dead, however.

TAX REFORM

IRVING R. LEVINE. Mr. Giaimo, President Carter has undertaken a study of a major tax reform package, which he hopes to have to the Congress sometime in September. Obviously, the contents of that package will have some effect on the budgetary process with which you are concerned in your committee. Do you see any prospect of a tax reduction for most Americans in the next four years?

Representative GIAIMO. They seem to be talking along those lines, Mr. Levine. And I certainly don't want to say, "Yes, I do," now because I have no idea what the President's going to have in that tax-reform package. I would guess that there would be efforts to have some sort of a tax reduction for most Americans.

LEVINE. In your long experience in the Congress in dealing with tax matters, what single reform would you most like to see?

Representative GIAIMO. I think that because of inflation, and therefore the graduation of people, and particularly in lower incomes, up to more progressive, higher rates of pay, it's beginning to take more money out of people in the low and middle-income levels of taxation, and I think that's an area that has to be addressed more than any of the others in tax reform.

LEVINE. Your committee has come up with a budget deficit that's a good deal larger than that anticipated by the President and proposed by the President. How will it be possible for the American people to have the tax reduction to which you've alluded in a hopeful way if you continue to come in with budget deficits larger than that requested by the President?

Representative GIAIMO. Remember that the difference in our budget deficit and the President's, which is about $7 billion, is more apparent than real. Actually, our difference is not that much at all. If anything, we've increased the deficit because of spending by maybe a billion—billion and a half dollars. Mostly, the difference is because we have our economic estimates of what the revenues will be are less than the President's; and also, the Tax Committee's reduced revenues in the recent tax bill that just passed higher than the President estimated in his budget. So that the difference there is really not that much.

Now, for the rest of your question, the way to reduce deficits is going to be to get the economy moving again. If we get the economy moving and get it in a more healthy condition and reduce unemployment, as is happening under President Carter's leadership, then you're going to have reduced deficits. And tax reductions act as a stimulus to the economy to bring this about. That's the purpose and theory of tax reductions; in addition to giving people less taxes to pay, it's the stimulative effect of tax reductions.

IMPROVING ECONOMIC GROWTH

MONROE. Congressman, Alice Rivlin, the Director of the Congressional Budget Office, has talked about the growth rate in the months ahead of somewhere around 4%. Now, many experts say if we have a growth rate, economic growth rate of 4%, or even 4½ percent, or even 5%, we're not likely to be able to balance the budget by the end of 1980. Do you agree on that?

Representative GIAIMO. I believe that we have to get a higher growth rate if we're to balance the budget in 1980 and '81, and President Carter, I'm sure, understands this and has indicated that he's trying to create a climate where the private sector will cooperate better, there'll be greater investment and greater participation, because we recognize in government that if we're to balance the budget, it mandates that we have a healthy economy and low unemployment, and this can only come about in an economy of almost two trillion dollars, this can only come about if the private sector does most of the work and effort that's needed to bring this about.

So, what we're trying to do is to create a healthier climate.

MONROE. Some people feel that we could get a higher growth rate—and this particularly applies to Democratic liberals—or the policies being followed by Dr. Arthur Burns of the Federal Reserve Board. And the question is arising as to whether President Carter is going to reappoint him Chairman a few months from now.

Would you recommend his reappointment?

Representative GIAIMO. I'm not sure that I would, but, of course, that prerogative rests strictly with President Carter. I'm concerned by actions of the Federal Reserve as we're witnessing just now in the past weeks and month, where the unemployment rate is beginning to come down, the inflation rate, on an annualized basis, is coming down, hopefully in the area of about 6½ percent, the economy seems to be picking up, housing starts are coming along well on an annual basis; and yet, all of a sudden, when we feel that the economy is beginning to stir itself and move up—and we're talking now about what we want the economy to do this summer and fall and winter, not just the first quarter—all of a sudden, when this seems to be happening to our economy, here's the good old Federal Reserve beginning to tighten up on interest rates again and on the money supply, which will depress the economy and is of great concern to me.

MONROE. Do you have an opinion which you're willing to give us in public about whether Dr. Burns should or should not be appointed Chairman?

Representative GIAIMO. Well, I don't think I should say that. Let me just say that I don't agree with Dr. Burn's approach to the handling of the economy by the Federal Reserve Board. I think that's as far as I would want to go.

PRESIDENT'S MASSIVE GOODWILL IN CONGRESS

NOLAN. Congressman, politics is often defined as the art of compromise, but President Carter was elected on a tide of antipolitics. Don't you think he has more to gain for himself politically by a confrontation with Congress, by vetoing these bills?

Representative GIAIMO. I don't think so.

I don't think so. President Carter's come along at a period in our history which followed an eight-year period of massive confrontation between the Executive and the Congress, and President Carter wants to cool this, he wants to get a better working relationship so that we can both get on with the necessary reforms that have to take place, both in the economy and in government and in other aspects of our national life, in order to bring us out of the recession, in order to make the living of Americans better, both in their domestic problems and national problems.

Now, President Carter's really committed to this and I want to see him succeed. I think he's going to be a great President, and most of the people in Congress feel this way. And even though they disagree with him on specific things, he has massive goodwill in the Congress.

NOLAN. Well, do you foresee a compromise with both the White House and the Congress by the end of the month, when the showdown will occur?

Representative GIAIMO. I think there can be compromises in many areas, and in some areas there will not be. There'll be a struggle. The agriculture area could be one of them, the water area could be one of them. But that doesn't take away from the basic underlying feeling of cooperation and trust. We can disagree on specific items of legislation and fight to win or lose over them. But it doesn't mean that we will not work with each other on the other 90%, let's say, of governmental activities or of the budget.

BUDGETARY SELF-DISCIPLINE

PIERSON. Mr. Chairman, what evidence has Congress given that it has the self-discipline to balance the budget by the end of this decade? What signs are there?

Representative GIAIMO. Mr. Pierson, you know that Congress is a very difficult body to discipline. For 198 years it did not discipline itself in budgetary matters. It went along in piecemeal fashion and spent as it would. And now, for the first time, in the last couple of years, we've been trying to live with this budget process which imposes a discipline on us.

It's not going to be easy, as you know, and there are going to be great crises in this budget process. But we sense a real will on the part of congressmen, who may disagree with us on specific things, such as the defense fight we had in this first budget resolution, or some of the other items in that resolution. But we sense a real feeling that even though they disagreed on dollar amounts or on principles involved in the legislation, they did not want to jeopardize the budget process.

You'll recall that when we brought our first resolution to the floor, it went down to a crushing defeat. And a week later, we were able to pass it. Now, what brought about this change? I believe that what brought about the change was that many congressmen changed their minds and said to themselves, "While I disagree as to the dollar amounts in the different parts of the budget, the paramount issue is the preservation of the total budget process, and therefore we must compromise our differences, not expect to get our own way, but work out our differences as best we can, and then support the finished product, which is the budget."

PRESIDENT'S ENERGY PROGRAM

LEVINE. Congressman Giaimo, the Congressional Budget Office, which acts as a sort of support agency for your committee, has done a study on President Carter's energy program and came up with some implied criticisms to the effect that it would really not reduce driving a great deal.

Do you consider the President's energy program tough enough?

Representative GIAIMO. I think it's premature and too early to determine whether or not it's tough enough.

LEVINE. Well, it's been presented.

Representative GIAIMO. It's been presented, but let me just say this: We have many committees working on it. We have the Ashley Committee working on it, we have the Jackson Committee in the Senate working on it, we have many other people . . .

LEVINE. But as presented to the Congress.

Representative GIAIMO. As presented, it's—let me just again, and then I'll get to your final question. The judgment of the Congressional Budget Office is one study. There are other studies being made. We're going to have to accumulate all of these facts.

Do I think it's tough enough? Without having heard all of the evidence, I would prefer not to respond. But if you were to ask me directly, as you have, I would say it probably is not the most Draconian or difficult program going. But he's starting it out in this fashion to see how it will proceed.

SALT NEGOTIATIONS

MONROE. Congressman, you've been involved with military appropriations. I wonder if you have any comment on the Communist newspaper Pravda observation that this new Mark–12A warhead which the U.S. is deploying, more accurate than their previous one, might speed up the arms race and interfere with arms negotiations.

Representative GIAIMO. Well, I don't know what I would comment on that. Pravda's—the Soviet Union is concerned about that warhead; they're also concerned about our cruise missile. And I think this is talk on the part of the Soviet Union to try to get some sort of a bargaining advantage as we approach the SALT discussions.

MONROE. We have less than a minute. Mr. Nolan?

WEST FRONT EXTENSION

NOLAN. Do you think there's any budgetary justification for expanding the West Front of the Capitol Building so congressional leaders can have more office space?

Representative GIAIMO. I don't think—that's a double question, Mr. Nolan. I think that the West Front of the Capitol has to be restored, because it is in terrible physical condition and threatens to collapse, and conceivably the dome could come down.

NOLAN. Restored but not expanded, then.

Representative GIAIMO. Now, whether we need that expanded space or not is another question, and we should resolve that one way or another so that we can fix that West Front, because it has to be fixed.

MONROE. Thank you, Mr. Giaimo, for being with us today on Meet the Press.

PRESIDENT OF RANDOM HOUSE CITES SOVIET DISREGARD FOR HELSINKI ACCORDS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the Belgrade Conference on the implementation of the Helsinki accords, which began this week, provides a valuable opportunity for the United States to emphasize anew its interest in the expansion of human rights in the Soviet Union and other nations in eastern Europe.

The Commission on Security and Cooperation in Europe, chaired by our distinguished colleague, the gentleman from Florida, the Honorable DANTE FASCELL, and the distinguished senior Senator from Rhode Island, the Honorable CLAIBORNE PELL, has provided an invaluable forum for monitoring the compliance of these countries with their stated commitment to human rights and greater freedom of expression for individual citizens.

Mr. Speaker, I insert at this point in the RECORD the testimony of Robert Bernstein, chairman of the board and president of Random House, before the Commission. Mr. Bernstein provides a valuable review of problems in promoting literary and other cultural contacts with the Soviet Union, and makes several recommendations for action to encourage the Soviet authorities to live up to their pledges at Helsinki.

Mr. Bernstein's statement follows:

TESTIMONY OF ROBERT L. BERNSTEIN, BEFORE THE HELSINKI COMMISSION HEARINGS

My name is Robert Bernstein, and I am Chairman of the Board and President of Random House.

I first became interested in the Soviet Union when I visited that country in 1971 with four other publishers,[1] on behalf of the Association of American Publishers. Our purpose was to encourage Soviet accession to the Universal Copyright Convention. Before my trip, I tried to learn as much as I could about the country and even took several Russian-language lessons, but I left for Moscow believing that the Soviet Union, despite its well-advertised Communist political and economic system, was not that different from other European countries.

My two-week visit in 1971, and another one-week visit last year, convinced me that the Soviet Union is indeed different; that simple things which are essential for the successful conduct of international publishing, and which we tend to take for granted, present serious if not insurmountable difficulties in our relations with the Soviet Union. I have in mind such basic things as meeting with individual authors and contacting them by phone or mail.

After my return, I continued to follow events in the Soviet Union. When the Soviet Union announced its accession to the Universal Copyright Convention in February 1973, I became Chairman of the Association of American Publishers' Committee on Soviet-American Publishing Relations. Later, in 1975, as our scope broadened, that Committee became the International Freedom to Publish Committee, which I have chaired for the past two years.

SECRET CENSORSHIP

In the fall of 1973, the Soviet Union announced the formation of the All-Union Copyright Agency (VAAP for short) which was granted the exclusive right to license Soviet works for publication abroad and to negotiate contracts for Soviet publication of foreign works. At the time of its formation, VAAP informed foreign publishers and Soviet authors that only contracts made through VAAP would be recognized under Soviet law, and they intimated that Soviet authors negotiating contracts directly with foreign publishers might be subject to criminal sanctions in the USSR. A number of Soviet statements referred to "futher regulations governing publication abroad of works by Soviet authors," but to this time, despite repeated requests, these regulations have never been disclosed to foreign publishers.

This illustrates another problem of doing business with the Soviet Union: the exist-

[1] W. Bradford Wiley, Chairman, John Wiley & Sons, Inc., Edward McCabe, President, Grolier, Inc., Mark Carroll, Director, Harvard University Press, Robert Frase, Vice President, Association of American Publishers.

ence of secret, unpublished regulations in many crucial areas, ranging from the granting of exit visas to licensing foreign publication.

The censorship laws of the Soviet Union have never been published; this is one of the factors which has curtailed American participation in the Moscow Book Fair scheduled for September. We have been told that our exhibits would be subject to Soviet laws, but we have been unable to discover what those laws are.

These laws can also affect American authors directly. In May 1976, we signed Suzanne Massie, wife of Robert Massie who is the author of "Nicholas and Alexandra," to do an art book about a great Soviet collection which would serve as a celebration of the Russian heritage. We consulted with VAAP and told them that we were signing Mrs. Massie to do this book and that she would have to do research in Leningrad and Moscow. VAAP was very cooperative and helped us to arrange appointments. Two days before her scheduled departure, Mrs. Massie's visa was canceled. To this day, after repeated inquiries, neither VAAP nor the Russian Embassy has given us any explanation. We have speculated that perhaps this happened because she wrote a book on Soviet poets, or because she was friendly with the Panovs when they came to the West. We do not know. But an enormous amount of time was wasted setting up the trip, writing the contract, trying to do everything in the right way.

Many of us feared that the Soviet Union would use their accession to the Copyright Convention and the newly-formed VAAP to prevent Western publication of such unofficial Soviet writers as Andrei Sakharov and Vladimir Voinovich. Since 1973, so far as I know, the Soviet Union has not prosecuted any authors simply for publishing their works abroad, and officials have even stated in interviews that they do not object to direct author-publisher negotiations. But the situation remains ambiguous, and a number of authors—Lev Kopelev, Vladimir Kornilov, Vladimir Voinovich—who have published abroad have been expelled from the Writers' Union since the signing of the Helsinki Final Act. It is also ominous to note that many members of the various Helsinki Watch Committees in the USSR have been jailed, prosecuted, or otherwise harassed.

Therefore, my first recommendation to the Commission is that the agenda for the Belgrade Conference should include a request that the Soviet Union state publicly, officially and unambiguously that Soviet authors do enjoy the right to enter into direct contracts with foreign publishers for publication of their works abroad, and that Soviet authors will not suffer expulsion from the Writers' Union or other sanctions on account of foreign publication of their work. This request is based on the Final Act's reference to "facilitating . . . international contacts and communications between authors and publishing houses."

NEED FOR UNIMPEDED COMMUNICATIONS

In 1974, Alfred A. Knopf, a subsidiary of Random House, wished to publish a collection of Andrei Sakharov's essays. Letters sent through the mails did not reach him but, at that time, it was still possible to reach him by phone, and arrangements for the publication of his book were concluded directly. When in July 1975, Dr. Sakharov sent his next book, "My Country and the World," abroad for publication, it was no longer possible to reach him directly by phone—all overseas calls to his number were not put through. In fact, when I had dinner with Dr. Sakharov in his Moscow apartment last September, he told me he had not received an international phone call or letter from abroad for two years. However, some of his friends could be reached by phone, and messages could be exchanged in this cumbersome way. Now, after the signing of the Helsinki Final Act and Dr. Sakharov's receipt of the 1975 Nobel Peace Prize, not only does his phone remain cut off for international phone calls, but the phones of many of his friends have been disconnected (Valentin Turchin, Vladimir Voinovich and Lev Kopelev), or his friends are in jail (Yuri Orlov, Sergei Kovalev and Alexander Ginzburg), or in internal exile (Andrei Tverdokhlebov). So that in the case of Dr. Sakharov—and in the case of other unofficial authors as well—the possibility for direct contacts between authors and publishers has deteriorated since Helsinki from an unsatisfactory state to an impossible state.

I have cited my experience with Dr. Sakharov as an illustration of the vital importance of unimpeded postal and telephone communications for the conduct of publishing business, and for commercial, cultural and scientific exchanges of all kinds. In this country, we tend to take the functioning of the post office and telephone service for granted until a strike or other interruption occurs. But a few moments of reflection will convince you that our civilization depends on the existence of inexpensive, rapid and dependable means of communication. I recommend that securing effective guarantees for the normal delivery of international mail and unimpeded international telephone service should be a high priority for American delegates to the Belgrade Conference. Although there is no explicit mention of telephone and postal communications in the Final Act, such guarantees are obviously essential if we are to realize the human contacts and cultural exchanges called for in that agreement.

After publishing Andrei Sakharov's books, I had the privilege of meeting Mrs. Sakharov at the 1975 Peace Price ceremonies in Oslo—Dr. Sakharov was denied permission to attend—and, in 1976 as I have mentioned, I met Dr. Sakharov himself. I learned from the Sakharovs that a number of their friends were in prison: Vladimir Bukovsky, for sending to the West detailed reports on compulsory confinement of dissenters in psychiatric hospitals; the literary specialist Gabriel Superfin, for sending to the West Edward Kuznetsov's "Prison Diaries"; Sergei Kovalev, for contributing to the samizdat journal "A Chronicle of Current Events."

The Sakharovs told me that their son-in-law, Efrem Yankelevich, had been forced to leave Moscow University, but the authorities had refused him permission to complete his studies at MIT. When I, and other American publishers, have raised such issues with our Soviet counterparts, we have been told by the Soviets—and sometimes by U.S. State Department officials as well—that questions on such subjects represent unwarranted interference in the U.S.S.R.'s internal affairs and could damage Soviet-American relations. In fact, in 1976, just before I visited Moscow with nine other publishers[2] to conduct a seminar on the American publishing industry, Boris Stukalin, Chairman of the State Committee of the U.S.S.R. Council of Ministers on Publishing, Printers, and Book Trade, had an urgent message delivered verbally by messenger to Townsend Hoopes, President of the Association of American Publishers, threatening to cancel the seminar if the Bukovsky case or similar cases involving freedom of expression and human rights were going to be raised. An unsatisfactory compromise was worked out: the American delegation agreed not to mention such issues in their public remarks, but they reserved the right to raise such questions in individual meetings.

REEMPHASIZING HUMAN RIGHTS

Since the adoption of the United Nations Charter, it has been a recognized principle of international law that a State's respect for human rights and fundamental freedoms is a matter of international concern. We must make clear at Belgrade that by signing the Helsinki Final Act and other international agreements containing human rights provisions, the U.S. and the U.S.S.R. have explicitly recognized that "respect for human rights is an essential factor for the peace, well-being and justice necessary to ensure the development of friendly relations among . . . States" and that discussion of human rights issues cannot be evaded by references to "non-intervention in internal affairs." It is not only our right but, in important respects, our duty to strive to secure Soviet compliance with the humanitarian provisions of the international agreements that we have jointly signed.

I am well aware that America's record on human rights is not without flaws. I am prepared, and I trust most Americans are prepared, to listen to Soviet criticism of our record and to take appropriate action when we are at fault. The American delegation to Belgrade must make clear that we consider it our right to speak out publicly and privately on Soviet violations of their international human rights obligations.

Freedom of expression is, of course, intimately connected with the fate of the publishing industry. When freedom of expression is curtailed (and this means the freedom to express unpopular, inconvenient, even outrageous thoughts—for what government or society has ever censored the expression of views echoing the official line?), then publishing becomes merely propaganda. John Steinbeck once gave John O'Hara a silver cigarette case with this inscription: "The lonely mind of one man is the only creative organ in the world, and any force that interferes with its free function is treason." Treason, I believe Steinbeck meant, against our inalienable human rights. Freedom of expression is not a luxury reserved for prosperous states or selected individuals; it is not a privilege to be granted or withheld by governments or parties. Freedom of expression is the *inalienable* right of every man and every woman, and, as a citizen and publisher, I urge that the United States government make plain that it does not condone the denial of this right anywhere, or at any time.

PROBLEMS IN IMPLEMENTING ACCORDS

I want now to mention a fundamental issue that has particular significance for the publishing industry.

Marshall Shulman and Valery Chalidze have called attention to the asymmetry which infects the Helsinki Final Act and other Soviet-American accords. These Helsinki agreements were negotiated and signed on a government-to-government basis with slight or no consultation with publishers or other nongovernmental groups. In the Soviet Union, implementation of commercial, scientific and cultural agreements is the responsibility of—and strictly controlled by—government agencies; in the case of publisher, it is controlled by the State Committee on Publishing, Printers and Book Trade. In the United States, implementation of such agreements depends on many autonomous firms and institutions; the government is only one factor in our pluralistic society. But by

[2] Bradford Wiley, Chairman, John Wiley & Sons, Inc., Mead Stone, President, McGraw-Hill International Book Division, Theodore vadenBeemt, President, W. B. Saunders Company, Leo Albert, Chairman of the Board, Prentice-Hall International, Inc., Lawrence Hughes, President, William Morrow & Co., Inc., Peter H. Neumann, Sr. Vice President, International Publishing Group, Addison-Wesley Publishing, Inc., Chester Kerr, Director, Yale University Press, Donald W. Jones, President & Chairman, Management Committee, Addison-Wesley Publishing Co., Inc., Townsend Hoopes, President, Association of American Publishers, Inc.

signing the Final Act, the U.S. government in effect committed Random House and other independent American publishers to increase their participation in book exhibitions, to improve the quality of translation and to increase the number of translated books published, to exchange on a systematic basis advance publication lists with foreign publishers, and so on. Since signing the Helsinki Final Act, the State Department has furnished little guidance or support to U.S. publishers to help us fulfill these commitments; in fact, we had a difficult time arranging the services of an interpreter for our negotiations of a protocol to cover Soviet-American publishing relations.

I certainly do not want unnecessary government intervention and interference in the publishing industry, but I believe that it is the government's responsibility to provide counsel and support, including financial support in appropriate areas such as book exhibitions, to U.S. publishers who are trying in good faith to honor the commitments assumed on their behalf—if without their consent—by the U.S. government at Helsinki. The State Department may object to my remarks on the grounds that the Final Act is not a legally binding treaty, and that the language of the provisions I have cited is indefinite and subject to interpretation. But I remember when the leaders at Helsinki stated that the success or failure of Helsinki should be judged by the promises that would be kept and not simply by the promises that were made. Unless the United States government takes practical steps to implement the promises we made, what is the point of the Helsinki Final Act? Unless the United States government takes practical steps to implement the promises we made, how can we hold the Soviet Union accountable for the promises they made?

I for one feel that honoring commitments is a serious subject, and I believe that the State Department, together with the Congress, must make a more serious effort than it has to date to help publishers, and other affected nongovernmental institutions, in their efforts to fulfill the commitments made by the U.S. government at Helsinki.

RESTRICTIONS ON WESTERN PUBLICATIONS

I would now like to focus on one very specific provision of the Helsinki Final Act which is, in my opinion, the crucial test for Soviet-American publishing relations and expanded exchange of information. In the Final Act, the participating States committed themselves to "promote, where deemed appropriate, an increase in the number of sales outlets where books by authors from the other participating States, imported in the original on the basis of agreements and contracts, and in translation, are for sale" and to a "gradual increase in the number and diversity of works by authors from the other participating States available in the original and in translation in their libraries and bookshops."

Books published in the Soviet Union are readily available in the United States. The Kamkin bookstore in Washington is almost exclusively devoted to books imported from the Soviet Union, and the similar Four Continents Bookstore in New York has just moved to expanded quarters on Fifth Avenue. What many persons fail to realize is that the Soviet Union publishes an extensive list of English-language books designed for distribution in the American market.

In 1969, for instance, they published 952 new titles in English. Selections range from the works of Marx, Engels and Lenin, and literature by Gorky, Soloukhin and Bondarev, to frankly propagandistic works such as Georgi Arbatov's "The War of Ideas in Contemporary International Relations" and Yuri Ivanov's "Caution: Zionism" All these works, as well as a full range of Russian-language books and periodicals, can be conveniently purchased at low, subsidized prices in New York, Washington and other American cities. In addition, by offering various inducements, the Soviet Union has persuaded major American publishers to bring out a volume of Nikita Khrushchev's speeches, more recently a volume of Brezhnev's speeches, and even an English translation of the multi-volume Soviet encyclopedia.

Such direct arrangements by the Soviet government, by the way, give some publishers an inside track on approved Soviet publications and serve to limit American competition. You may be interested to know that, for this reason, Random House has been trying to arrange to have an editorial scout in Moscow. We have explained to Boris Stukalin that this scout would keep us informed only about books officially published in the Soviet Union, so that we could better decide which of them we might want to publish. After receiving discouraging signs about two interested persons, I finally found an ideal individual, Raya Orlova. Author of a study of Abraham Lincoln called "The Story of John Brown" and an expert on American literature, Mrs. Orlova is well equipped to help determine what would interest American readers. She is the wife of Lev Kopelev, a Soviet author who is not being published in the Soviet Union but has been in Germany and will soon be in the United States by Lippincott. And her stepdaughter lives in the United States with her husband, Pavel Litvinov. I wrote to Mr. Stukalin describing Mrs. Orlova's duties and asking for his help; he responded that it was not under his jurisdiction and he could not advise me. I wrote to Raya Orlova through the mails; the letter was never received. I have written to a friend of mine in the Soviet Union, an American who has spoken with her; I have asked her to clear Mrs. Orlova's taking a job with us, because I do not want inadvertently to place her in a compromising position. It has taken months, and the matter still has not satisfactorily been arranged; we are not writing each other through the mails directly, and we cannot speak on the phone (her husband's phone was removed some time ago). This shows you clearly, I think, how difficult it is to do legitimate business in an open and honest way with the Soviets.

Now, what is the situation in the Soviet Union with respect to Western publications? In 1970, in Moscow Bookstore Number 3, a very limited selection of books published in France, mostly children's books, was on sale to the Soviet public. These were the only books published in the West on sale there. Now, after Helsinki, even this inadequate outpost of Western culture has disappeared with the expiration of the Franco-Soviet cultural agreement. *Nowhere* in the Soviet Union can books published in any Western country be purchased by the Soviet public. They cannot order Western books by mail, allegedly because of foreign exchange problems. And personal copies of controversial Western books are often confiscated from tourists entering the USSR.

The Soviet Union's response to criticism of this total exclusion of Western books—and the situation with respect to newspapers and periodicals is almost as bad—is that they translate an impressive number of Western works into Russian. They are correct. But that response illustrates the Soviet Union's incapacity or unwillingness to understand what cultural exchange means. Every foreign book translated and published in the Soviet Union (just as every book or printed text published in the Soviet Union) is selected and edited by publishers under the direct control of the Soviet government and the Communist Party; is censored by Glavlit under the direct control of the Soviet government and the Communist Party; is printed on presses under the direct control of the Soviet government and the Communist Party; and is sold through bookstores under the direct control of the Soviet government and the Communist Party.

It is true that they publish translations of Mark Twain, Jack London and even J.D. Salinger, but the Communist Party's taste in contemporary non-fiction works is best illustrated by their first purchase from Random House: several chapters of the book, "The CIA and the Cult of Intelligence" by Victor Marchetti and John D. Marks. And it is interesting to note that the Soviet Union is now negotiating with Random House to publish "The American Police State" by David Wise. This concerns us. We do not wish to discourage the Soviets from publishing books critical of the United States, but we do wonder how Soviet citizens can have a fair picture of what life is like in America if such books are the only ones they are allowed to read. This is not right, not honorable. If the Soviets choose to publish only vigorous criticism of the United States, then their sincerity is surely suspect and should be exposed for what it is. If they publish "The American Police State," then they should also publish "Alistair Cooke's America."

This absolute and arbitrary control by the Soviet government and Communist Party of all literature published in the West scarcely satisfies the goals set forth in the Final Act: to promote access by all to respective cultural achievements. I admire Jack London as a writer, but Soviet publication of his tendentiously selected and edited works in Russian translation is not the exchange of information and cultural values necessary to promote peace and mutual understanding; it is the false illusion of detente substituting for real progress.

If the Final Act's provisions on cultural exchange are to have any meaning, the ordinary Soviet citizen must have access to books published in the West. It is naive and utopian to believe that we can persuade the Soviet Union to immediately end all censorship, and I would acknowledge their right to ban from sale or circulation in the U.S.S.R. any books that violate provisions of published Soviet laws. But I believe our delegates at Belgrade must make clear that unless ordinary Soviet citizens can have access in some fashion to current Western books beyond those works selected and edited by Communist Party officials for publication inside the U.S.S.R., then cultural exchange and cooperation is a sham and a deception.

OPENING THE DOORS

There are at least two ways to achieve access by ordinary Soviet citizens to an increased diversity of American publications. First, a special bookstore in Moscow could be devoted to books imported from the countries participating in the European Conference. Soviet citizens could be allowed to order foreign books by mail, with payment in rubles to a central account; the U.S. government could then purchase these rubles from the bookseller and use them to pay the costs of U.S. exhibitions and cultural exchanges in the U.S.S.R. (By the way, when I consider the years when the USIA had an exhibit at the Frankfurt Book Fair, where it was hardly necessary as so many publishers were represented there anyway, it seems to me even more important to aid the proper display of American titles in Moscow next September.) Second, a group of American authors and publishers could pick ten outstanding American books each year to be translated into Russian and printed in the United States for sale in Soviet bookstores (the Soviet censors would have the right to veto any selection that violated Soviet laws).

The practical problems of book exchanges can easily be overcome if the Soviet Union is willing to allow ordinary Soviet citizens access to Western books. Unless the Soviet Union is willing to take some steps in this

direction, we can have only propaganda exchanges, not cultural exchanges, with them.

A closely related problem is the right of American publishers and universities to invite Soviet authors to visit the West. Perhaps the most celebrated cases of Soviet restrictions on foreign travel were the actions which prevented Pasternak, Solzhenitsyn and Sakharov from going to Stockholm to accept their Nobel Prizes. But many lesser known Soviet authors are refused permission to accept invitations from abroad. Perhaps the remarks of the judge who tried Joseph Brodsky for "parasitism" best illustrate the Soviet attitude toward authors: "You are not a poet, because you are not a member of the Writers' Union." And even members of the Writers' Union have been denied permission to travel abroad. Again, we must make clear to the Soviet Union that the cultural exchanges and expanded tourism promised by the Final Act were not meant only for official Party hacks; that a fair proportion of Soviet writers and scholars respected in the West must be included in such exchanges if we are to keep the promises made at Helsinki; and that we should be advised well in advance—as we so often have not been—of who is coming, and when and how they are coming, so they may be properly received and their visit publicized.

Some of my remarks may seem overly critical of the present state of affairs. But that is because I take seriously the Helsinki Final Act and the possibility for real cooperation in the future between Soviet and American publishers, as well as Soviets and Americans in other professions. I endorse President Carter's call for cooperation and not confrontation at Belgrade. That is why I would like to conclude my remarks by underlining the importance I attach to an early agreement that further Conferences will be held at regular intervals to review the status of the Helsinki Final Act. If the forthcoming Belgrade Conference is the last formal opportunity to review the fulfillment of the Helsinki accords, the pressure to cover every point and to attain maximum results will inevitably push the parties into confrontation. The problems which plague U.S.-U.S.S.R. relations cannot be solved in a single meeting; they require an extended process, gradual accommodation. If the parties—and the public—know that future Conferences will occur, there is a greater chance that they will be satisfied by those definite but small steps toward accommodation that can be taken now.

Thank you very much.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SPENCE (at the request of Mr. RHODES), after 3:30 p.m. and until further notice, on account of illness in the family.

Mr. BREAUX (at the request of Mr. WRIGHT), for June 16th and 17th, on account of illness in the family.

Mr. FORSYTHE (at the request of Mr. RHODES), for June 16, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERY) to revise and extend their remarks and to include extraneous material:)

Mr. SARASIN, for 5 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. BROOMFIELD, for 5 minutes, today.

(The following Members (at the request of Mr. DICKS) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. LE FANTE, for 5 minutes, today.
Mr. DERRICK, for 5 minutes, today.
Mr. KOCH, for 5 minutes, today.
Mr. MOSS, for 5 minutes, today.
Mr. DODD, for 5 minutes, today.
Mr. BAUCUS, for 10 minutes, today.
Ms. HOLTZMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BRADEMAS, to extend his remarks in two instances, and to include extraneous matter, in the body of the RECORD, notwithstanding the fact that each exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost in one instance $805 and in the other $966.

Mr. WRIGHT, to revise and extend his remarks, and to include certain extraneous material during debate under the 5-minute rule today.

Mr. CONTE immediately following the remarks of Mr. JEFFORDS on Mr. JEFFORDS' amendment during the 5-minute rule in the Committee of the Whole today on H.R. 7555.

Mr. MAHON to revise and extend his remarks which he made in the House today and to insert extraneous material.

Mr. MAHON to revise and extend his remarks immediately prior to the vote on the Michel amendment.

Mr. OTTINGER in four instances.

(The following Members (at the request of Mr. EMERY) and to include extraneous matter:)

Mr. YOUNG of Florida in five instances.
Mr. ASHBROOK in four instances.
Mr. FISH.
Mr. HANSEN in four instances.
Mr. HAMMERSCHMIDT in two instances.
Mr. COUGHLIN in two instances.
Mr. SHUSTER.
Mr. KEMP in three instances.
Mr. WHITEHURST.
Mr. LAGOMARSINO.
Mr. WALSH.
Mr. DERWINSKI in two instances.
Mr. SARASIN.
Mr. GILMAN.
Mr. STANTON.
Mr. RUDD.
Mr. MCCLORY.
Mr. BROWN of Michigan.
Mr. BROOMFIELD.

(The following Members (at the request of Mr. DICKS) and to include extraneous material:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. MINETA.
Mr. HANNAFORD in two instances.
Ms. OAKAR in two instances.
Mr. SOLARZ.

Mrs. COLLINS of Illinois in two instances.
Mr. BYRON in two instances.
Mr. WEAVER.
Mr. TEAGUE in two instances.
Mr. CORMAN.
Mr. FRASER in five instances.
Mr. LEDERER.
Mr. MCDONALD in three instances.
Mr. WIRTH.
Mr. PEPPER in two instances.
Mr. RANGEL.
Mr. MARKEY.
Mr. ROSENTHAL.
Mr. MOORHEAD of Pennsylvania.
Mr. MILLER of California.
Mr. JENKINS.
Mr. ECKHARDT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 422. An act for the relief of the First Baptist Church of Paducah, Ky., to the Committee on the Judiciary; and

S. 760. An act for the relief of Duane G. Wegner, to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3314. An act for the relief of Tri-State Motor Transit Co.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On June 15, 1977:

H.R. 3416. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year.

On June 16, 1977:

H.R. 3314. An act for the relief of Tri-State Motor Transit Co.

ADJOURNMENT

Mr. DICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, June 17, 1977, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1705. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act by the

Urban Mass Transportation Administration, pursuant to section 3679(1)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

1706. A letter from the Counsel, National Railroad Passenger Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1707. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Herman J. Cohen, and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1708. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Pakistan (Transmittal No. 77–41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1709. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Iran (Transmittal No. 77–44), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1710. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations for fiscal year 1979; to the Committee on Interstate and Foreign Commerce.

1711. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation; to the Committee on Interstate and Foreign Commerce.

1712. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of March 31, 1977, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1713. A letter from the Administrator, Federal Energy Administration, transmitting a report covering the month of February 1977 on gasoline service station market shares, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

1714. A letter from the Chairman of the Board, U.S. Naval Sea Cadet Corps, transmitting the organization's audit report for the year ended March 31, 1977, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

1715. A letter from the Comptroller General of the United States, transmitting a report on the food stamp vendor accountability system (CED–77–76, June 15, 1977); jointly, to the Committees on Government Operations, and Agriculture.

1716. A letter from the Comptroller General of the United States transmitting a report on the defense cost-sharing arrangement with Japan (ID–77–8, June 15, 1977); jointly, to the Committees on Government Operations, and International Relations.

1717. A letter from the General Counsel, National Study Commission on Records and Documents of Federal Officials, transmitting the final version of the alternate report of the minority members of the Commission; jointly, to the Committees on House Administration, and Government Operations.

1718. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the seventh report on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of the Energy Reorganization Act of 1974 (Public Law 93–438); jointly, to the Committees on Interstate and Foreign Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 1550. A bill to reduce the rate of duty on ceramic insulators used in spark plugs; with amendments (Rept. No. 93–419). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 1904. A bill to provide duty-free treatment for intravenous fat emulsions; with amendments (Rept. No. 95–420). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 2692. A bill to suspend for 2 years the duty on wood excelsior imported from Canada; with amendments (Rept. 95–421). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 2849. A bill to suspend for a 3-year period the rate of duty on mattress blanks of rubber latex; with amendments (Rept. 95–422). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 2850. A bill to suspend for a 3-year period the rate of duty on certain latex sheets; with amendments (Rept. No. 95–423). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 2982. A bill to suspend for a 2-year period the duty on synthetic tantalum/columbium concentrate; with amendments (Rept. No. 95–424). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3093. A bill to extend until July 1, 1979, the duty-free treatment on copying lathes used for making rough or finished shoe lasts; with amendments (Rept. No. 95–425). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3373. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk; with amendments (Rept. No. 95–426). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3790. A bill to suspend until the close of June 30, 1980, the duty on concentrate of poppy straw used in producing codeine or morphine; with amendments (Rept. No. 95–427). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3946. A bill to suspend for a temporary period the rate of duty on wool not finer than 46s; with an amendment (Rept. No. 95–428). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 4018. A bill to suspend until the close of June 30, 1979, the duty on certain doxorubicin hydrochloride antibiotics, and for other purposes; with amendments (Rept. No. 95–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 4654. A bill to reduce the rate of duty on unmounted underwater lenses; with amendments (Rept. No. 95–430). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5052. A bill to provide for the temporary suspension of duty on the importation of color couplers and coupler intermediates used in the manufacture of photographic sensitized material (provided for in items 403.60 and 405.20, respectively); with amendments (Rept. No. 95–432). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5146. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of competition bobsleds and luges; with an amendment (Rept. No. 95–433). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5176. A bill to lower the duty on levulose until the close of December 31, 1980; with amendments (Rept. No. 95–434). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5263. A bill to suspend until the close of June 30, 1979, the duty on certain bicycle parts; with amendments (Rept. No. 95–435). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5285. A bill to amend the Tariff Schedules of the United States with respect to the tariff treatment accorded to sheets manufactured from acrylic resin materials; with amendments (Rept. No. 95–436). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5322. A bill to continue for a temporary period the existing suspension of duty on certain istle; with amendments (Rept. No. 95–438). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3387. A bill to continue until the close of June 30, 1980, the existing suspension of duties on synthetic rutile; with amendments (Rept. No. 95–439). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 638. Resolution providing for the consideration of H.R. 2777. A bill to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes (Rept. No. 95–440). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 639. Resolution providing for the consideration of H.R. 6683. A bill to reduce the hazards of earthquakes, and for other purposes (Rept. No. 95–441). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 640. Resolution providing for the consideration of H.R. 6566. A bill to authorize appropriations for the use of the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes (Rept. No. 95–442). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 641. Resolution providing for the consideration of H.R. 6669. A bill to establish a national climate program, and for other purposes. (Rept. No. 95–443). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 642. Resolution providing for the consideration of H.R. 5023. A bill to amend the statute of limitations provisions in section 2415 of title 28, United States Code, relating to claims by the United States on behalf of Indians (Rept. No. 95–444). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 643. Resolution providing for the consideration of H.R. 5959. A bill to revise and extend the Renegotiation Act of 1951 (Rept. No. 95–445). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 5037. A bill for the relief of Jack R. Misner (Rept. No. 95–431). Referred to the Committee of the Whole House.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5289. A bill for the relief of Joe Cortina of Tampa, Fla. (Rept. No. 95–437). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. DIGGS, Mr. BUCHANAN, Mr. FISHER, Mr. WOLFF, Mr. RYAN, Mrs. MEYNER, and Mr. SOLARZ):

H.R. 7819. A bill to complement the Vienna Convention on Diplomatic Relations; to the Committee on International Relations.

By Mr. AKAKA (for himself, Mr. BRODHEAD, Mr. MOAKLEY, Mr. LEHMAN, Mr. WON PAT, Mr. MURTHA, Mr. LENT, Mr. NIX, Mr. GEPHARDT, Mr. EILBERG, Mr. DE LUGO, Mr. SKELTON, Mr. LEDERER, Mr. ERTEL, Mr. CHARLES WILSON of Texas, Mr. MITCHELL of New York, Mr. EVANS of Delaware, Mrs. SPELLMAN, Mr. BAUCUS, Mr. MURPHY of Pennsylvania, Mr. MAZZOLI, Mr. GILMAN, Mr. MICHAEL O. MYERS, Mrs. LLOYD of Tennessee, and Mr. WALKER):

H.R. 7820. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize programs for the provision of escort services to the elderly in high crime areas, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. MURPHY of Illinois, Mr. CORNWELL, Mr. YATRON, Mr. NEAL, Mr. CAPUTO, Mr. GUYER, Mr. PURSELL, Mr. COUGHLIN, Mr. HAWKINS, Ms. MIKULSKI, Mr. CORRADA, Mr. LUKEN, and Mr. OTTINGER):

H.R. 7821. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize programs for the provision of escort services to the elderly in high crime areas, and for other purposes; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 7822. A bill to extend the authority of the Secretary of the Treasury to make loans under the New York City Seasonal Financing Act of 1975 for a period of 3 years; to the Committee on Banking, Finance and Urban Affairs.

H.R. 7823. A bill to establish a National Development Bank to guarantee the payment, in whole or in part, of interest, principal, or both, of obligations of States (including agencies and instrumentalities thereof as described therein) and to provide loans to finance urgently needed public facilities for State and local governments, to help achieve a full employment economy both in urban and rural America by providing loans for the establishment of small and medium size businesses and industries, and the expansion and improvement of such existing businesses and industries, and for the construction of low and moderate income housing projects, and to provide job training for unskilled and semiskilled unemployed and underemployed workers; jointly, to the Committees on Banking, Finance and Urban Affairs, Ways and Means.

By Mr. CHAPPELL (for himself and Mr. COHEN):

H.R. 7824. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 7825. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes, service as an officer or employee of Howard University; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.R. 7826. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

By Mr. CORRADA (for himself and Mr. PHILLIP BURTON):

H.R. 7827. A bill to recognize, confirm, establish, vest and assign all right, title, and jurisdiction and authority of the Commonwealth of Puerto Rico relating to the lands beneath the navigable waters within the boundaries of the Commonwealth, and the natural resources within such lands and waters, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG (for himself, Mr. MCCLORY, Mr. GUYER, Mr. NEAL, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. LENT, Mr. WOLFF, Mr. NOLAN, Mr. BONIOR, and Mr. BAUCUS):

H.R. 7828. A bill to amend title 18 of the United States Code to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 7829. A bill to amend title II of the Social Security Act to liberalize the earnings test, to provide that cost-of-living benefit increases shall be made semiannually (and on the basis of a separate senior citizen price index), and to provide that the remarriage of a beneficiary shall not terminate or reduce his or her benefits; to the Committee on Ways and Means.

By Mrs. HECKLER:

H.R. 7830. A bill to amend section 1951, title 18, United States Code, Act of July 3, 1946; to the Committee on the Judiciary.

H.R. 7831 A bill to amend title 38 of the United States Code in order to make certain improvements in the administration of educational assistance programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7832. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 7833. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HEFNER:

H.R. 7834. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. HEFTEL:

H.R. 7835. A bill directing the Administrator of General Services to convey certain property to the State of Hawaii; to the Committee on Government Operations.

By Mr. KEMP (for himself and Mr. COLEMAN):

H.R. 7836. A bill to provide for permanent tax rate reductions for individuals and businesses; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. COLEMAN, and Mr. SCHULZE):

H.R. 7837. A bill to provide for permanent tax reductions for individuals and businesses in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 7838. A bill to amend the Atomic Energy Community Act of 1955, as amended, to clarify and reaffirm the intent of the Congress that assistance payments provided under the Atomic Energy Community Act of 1955, as amended, are in addition and supplemental to any State and local funds which would, in the absence of assistance payments under the Atomic Energy Community Act of 1955, as amended, be paid to the State, county, or local entities authorized to receive such assistance payments; to the Committee on Interior and Insular Affairs.

By Mr. NICHOLS:

H.R. 7839. A bill to extend the special pay provisions for physicians and dentists in the uniformed services; to the Committee on Armed Services.

By Mr. OBERSTAR:

H.R. 7840. A bill to amend the Railroad Retirement Act of 1974 to eliminate deductions from certain annuities on account of military pensions, disability compensation, and other gratuitous benefits given under other acts of Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS (for himself and Mr. MATTOX):

H.R. 7841. A bill to promote the accountability of the Federal Reserve System; to the Committtee on Banking, Finance and Urban Affairs.

By Mr. RODINO (by request):

H.R. 7842. A bill to amend title 18 of the United States Code, to define and discourage certain criminal conduct by U.S. nationals and certain foreign nations in Antarctica; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. BROOKS, Mr. SEIBERLING, Miss JORDAN, Mr. MAZZOLI, Mr. HUGHES, Mr. MCCLORY, Mr. WIGGINS and Mr. COHEN):

H.R. 7843. A bill to provide for the appointment of additional district and circuit judges, and for other purposes; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 7844. A bill to amend the Public Works and Economic Development Act of 1965 to allow the use of appropriated funds beginning on the date of a disaster declaration; to the Committee on Public Works and Transportation.

By Mr. SMITH of Iowa (for himself, Mr. DUNCAN of Tennessee, Mr. SYMMS, Mr. NEAL, Mr. MCHUGH, Mr. QUIE, Mr. JOHNSON of California, Mr. LOTT, Mr. BROYHILL, Mr. COCHRAN of Mississippi, Mr. GOLDWATER, Mr. SISK, Mr. KETCHUM, Mr. LAGOMARSINO, Mr. LEGGETT, Mr. HARKIN, Mr. BROWN of Michigan, Mr. ICHORD, Mr. STANGELAND, and Mr. BLOUIN):

H.R. 7845. A bill to amend the Internal Revenue Code of 1954 to equalize the treatment of charitable contributions and investment tax credits for certain cooperatives and their members; to the Committee on Ways and Means.

By Mr. SNYDER (by request):

H.R. 7846. A bill to amend section 709 of title 32, United States Code, to provide increased job protection for certain civilian National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. TRAXLER:

H.R. 7847. A bill to amend title 38, United States Code, to provide that a member of a Reserve component of the Armed Forces shall not be denied certain employment because of membership in such Reserve component; to the Committee on Veterans' Affairs.

By Mr. WAXMAN:

H.R. 7848. A bill to establish a U.S. Design Council within the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.J. Res. 523. Joint resolution proposing an amendment to the Constitution of the United States to establish a new procedure for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. FINDLEY:

H. Res. 637. Resolution to maximize local nighttime radio service; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Ohio:

H. Res. 644. Resolution relative to determining a telecommunications regulatory policy; to the Committee on Interstate and Foreign Commerce.

By Mrs. SPELLMAN (for herself and Mrs. HECKLER):

H. Res. 645. A resolution relative to committtee hearings on the Nation's future telecommunications policy; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAUCUS:

H.R. 7849. A bill to provide for the conveyance of certain public lands in Montana to the occupants of the land; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER:

H.R. 7850. A bill for the relief of Sergeant Albin S. Chichlowski, U.S. Air Force; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 7851. A bill for the relief of Thuy Bach Kanter; to the Committee on the Judiciary.

By Mrs. SPELLMAN:

H.R. 7852. A bill for the relief of Peter Chia-Ling Wang; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7555

By Mr. ALLEN:

Delete the period at the end of Section 209 and substitute therefor a comma, followed by additional language, to wit: "or where a physician certifies that he has been presented with proof, supported by a sworn affidavit signed by a pregnant woman or teenager or subteenage child, that the fetus is the result of a rape, or of incestuous relations she was enticed or forced into having with her father, grandfather, brother, uncle or other close male relative, or where a physician has certified that the pregnant woman or child suffers from congenital insanity, or where a physician certifies, and his certificate is supported by a written opinion of a psychiatrist, that the mental or emotional condition of the pregnant woman or child is such as to render the mother incapable of furnishing proper care to a child, or where a physician certifies of his personal knowledge, or upon the written opinion of a psychiatrist, that the mother has demonstrated serious destructive tendencies which would endanger the life, safety and welfare of her child, or where a physician certifies that the mother is physically and/or mentally handicapped to such a severe degree that the pregnancy should be terminated, or where a physician certifies that the mother suffers from any serious disease or defect which would likely be inherited by the child, or where a physician certifies that the mother is suffering from an addiction or a pharmacological imbalance which could be transmitted to the fetus, or where a pregnant teenager or subteenage child presents a birth certificate proving her age to be under 18 years, accompanied by an affidavit in which she attests that she is unmarried and is without help and resources to care for the child, and is unable, physically and/or financially, to support and care for the child.

SENATE—*Thursday, June 16, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 8:15 a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Like as a father pitieth his children, so the Lord pitieth them that fear him.—Psalms 103: 13.

"Our Father, we are all as little children. Sometimes we cannot hear Thee for our own noise, and because we hear Thee not, we are like to think Thou art not there. Like children we rush upon new problems only to find ourselves inadequate; we lift great weights only to drop them again; we come to Thee only as a last resort, who might have learned to 'seek first the kingdom of God.' Teach us afresh our dependence on Thee. In all our perplexities let the steadying tones of Thy voice come through. We are only children, but we are Thy children. There is much in this great world to disturb us and confound us. But Thou, our Father, made it all, and we would not go blundering about without Thee. Anew we look to Thee for the benediction of Thy presence, Thy guidance, Thy sympathy, and Thine aid."

—ROBERT FREEMAN, 1926.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, June 15, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have no requirement for my time under the standing order, and I yield it back.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. GOLDWATER) is recognized for not to exceed 15 minutes.

HUMAN RIGHTS

Mr. GOLDWATER. I thank the Chair.

Mr. President, so far during the debates this week, I have been both shocked and frightened to hear some of my colleagues ask the question, "What Are Hu-

man Rights?" I am amazed that any American with any knowledge of the history of our Republic could fail to remember that, without the original Bill of Rights contained in the first 10 amendments of the Constitution, the ratification of the Federal Constitution would never have been possible and our Republic would not have been born.

What are human rights? Well, in my opinion, the basic human right is freedom and then we can go on from there. It is the freedom to enjoy respect and decency. It is the freedom of speech, press, religion, all these things.

Because President Carter has, in my opinion, in a right way, put human rights as a cornerstone of his administration, I think we should all take a look at human rights in our own country.

Does the working man have the right to work without belonging to a union even though he does not want to belong to that union? In many cases he does not, so he is denied that right.

Freedom of choice. What about the farmer or a large percent of our farmers who have no choice in what they plant, in how much they will plant, or in the prices they will receive? The Government has removed that freedom.

How about freedom of the press? Was it ever the intention of the Founding Fathers that that freedom should go so far as to allow the press to abuse the innocent people in this country? They do. There is another human right that is occasionally tampered with.

How about the right to spend money—the money that each of us has earned? We can spend some of it, but at least 43 percent is taken by the Government, and while it takes some money to run government, I do not think any American will agree that it takes as much as we are forced to pay. Again, freedom of how to spend our own money is being taken away from us.

Now when President Carter speaks of human rights, at one point I think he means all the things I have talked about and many more; but then when he speaks again and finds nothing wrong with a total abuse of human rights in Red China and Cuba, for example, and even wants to go so far as to consider formally recognizing those countries, again, I cannot really see where he is using human rights as a cornerstone of his policy.

When he ignores an Ambassador such as the one from the Republic of China who has never been formally received by him, I think he is abusing the human rights of 16 million people who live in that free country and the many millions more of overseas Chinese who pay allegiance to the Republic.

When he tampers with the right of the man in uniform to speak on a subject he knows, before the President has even announced that subject as a policy, then I think he has abused human rights again.

If this country is going to pursue human rights as a basis from which we make our judgments, then let us pursue it in a fair, honest, equitable way, and let us ignore the Communists who ignore the dignity of man.

Let us not continue to advocate governmental policies that slowly, but surely, attempt at destroying the free fiber of our Republic.

Let us speak with an even tongue and act as a decent, temperate people toward all.

Let us not apply one set of standards to our foreign friends that we might not even have lived up to at all stages of our own history, and then turn around and apply a different and far looser set of standards to our adversaries with whom we are in conflict.

LEAVE OF ABSENCE

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may absent myself from the Senate from 4 o'clock this afternoon until Monday next for family reasons.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I relinquish the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

ALARMING ECONOMIC PORTENTS

Mr. JAVITS. Mr. President, I have come before this body this morning to discuss what is perhaps the most serious problem facing the world today, which is the danger—indeed, I think the imminent danger—of a very serious recession to follow the one which began in 1974, and perhaps a depression, which would have, as we know, in this highly revolutionary world, most portentous social and political results.

I have been moved to make this statement, and I believe will be moved to make succeeding statements, to see if the warning of danger will rouse those, including ourselves, who can do something to head it off.

A conference which just concluded in Paris about a week ago, generally called the Conference on International Economic Cooperation, or CIEC, was held for the purpose of discussions between the developing countries, of which there are, in round figures, some 120, and the developed countries, of which there are some 20 or 30, also in round figures, including the United States and the major industrial countries, the so-called Big Ten, which includes the United States, France, the Federal Republic of Germany, Japan, the United Kingdom, Italy, Canada, the low countries, and others and may include before very long other countries like Brazil and Mexico.

What struck me very seriously in Paris, which was the culmination of activities which I had undertaken since 1974 in this same area, was the deep chasm which separated the developing countries from the developed countries, and, considering the fragile condition of the world monetary system, especially the world's trading system, next in line, in my judgment, which signals, very soon down the road, very serious consequences unless we do a great deal to head off that fateful decree.

Hence I have been speaking out, Mr. President, and while it is early in the morning and there are not many here, this is probably one of the leading fori on Earth, and will continue to be, I hope, long after I am gone. It is the place in which to make my statement, as I went to Paris as a member of this country's delegation and as a member of the Foreign Relations Committee of the Senate.

Why do I say this now? I say it, because I see a certain amount of blindness on both sides, and I have no illusions about being able to smooth the troubled waters. But I do believe that self-interest on our part, and on the part of the developing countries and of the oil-producing countries which still consider themselves a part of the developing countries, has brought about a certain inability or unwillingness to take heed of the tocsin which is sounding. I believe that as many of us as possible must sound this alarm bell if there is to really be action appropriate to the situation.

The executive department, Mr. President, cannot do it. Everything it says and everything it does is carefully weighed, and means a commitment by the United States. We know we do have great power here in Congress over what the Executive does, and that really an Executive cannot do much without us. But to the outside world, when the President of the United States or the Secretary of State says something, that is it. It is often very embarrassing for us to climb down. We take many precautions to surround his statements with warnings, with caveats, as the lawyers say; but we still do have real power, and the executive department finds it difficult to deal as frankly, as decisively, and perhaps as experimentally with matters as we can here.

So I today will do what I can to encourage my colleagues to engage in this debate, because it is probably a most portentous debate in terms of the future peace of the world and in terms of the social structure of the world upon which we depend so very heavily for our own freedom.

In 1974 the developing world called for the establishment of a New International Economic Order—NIEO—in order to increase the flow of real resources to the developing world and to influence the course of policy in international organizations. One result of this call was the establishment, in 1975, of the Conference on International Economic Cooperation—CIEC—to discuss the elements of this new economic order. The week before last I was a member of the U.S. delegation, with Secretary of State Vande, Under Secretary of State Cooper, Under Secretary of the Treasury Solomon, Senator RIBICOFF, and Congressman

BINGHAM to the CIEC meeting in Paris. The congressional Members will report on this trip shortly, but the events in Paris have been a culmination of experiences for me which since 1974 have led me to some disturbing conclusions I wish to share with my colleagues today. For I want to sound a note of alarm with regard to the international monetary system, and the strains on that system which threaten the United States and the world with a deeper recession than 1974 or a full scale depression in 1979–80.

To be sure, it is self interest which prompted the call for the New International Economic Order. However, I have concluded that it is in our self interest to take this call seriously, and also to look pragmatically at the state of the international monetary system, which has been in a state of disrepair since the breakdown of the Bretton Woods arrangement in 1971, and especially since the drastic OPEC price increases. I submit that if we do not do this, the recession or depression we are likely to experience will be brought about by many of the issues which are important to members of the developing world.

The CIEC meeting which convened in Paris consisted of 19 representatives from the developing countries and the so-called Group of Eight representing the industrialized world—1 member of the Group of Eight is the European Economic Community participating as a block; therefore, 16 industrialized countries have participated in CIEC discussions. Let me emphasize at the outset that we were not dealing with irrational demands by a group of insignificant countries. The developing countries contain three-fourths of the world's population and represent the source of many of our raw materials and food stuffs. Private bank loans to these countries total over $70 billion—$42 billion from U.S. banks, and direct private investments are in excess of $30 billion. They owe $80 billion to governments, of which $29 billion is owed to the United States. Trade with these countries is carried on in such useful products as coffee, tea, rubber, jute, tin, bauxite, et cetera.

I must report that the meeting itself showed the abyss of difference between the developing countries and the developed world. The differences center around the policies—including trade policies—for transferring real resources and technology to the developing countries; the indebtedness owed by the developing countries to the developed countries; and the prices of developing world commodities. With regard to trade policy, the developing countries have proposed a generalized system of tariff preferences, the use of export subsidies outside the guidelines of the General Agreement on Tariffs and Trade, and the establishment of an international fund to stabilize commodity prices. These proposals would significantly increase the amount of money, technical assistance, and other real resources flowing to them.

Another major issue presented at the conference was indexation of oil prices, an issue on which the developing countries themselves are not unanimous but which those OPEC members among the G–19, of course, believe to be very important.

Now that is the situation. As I say, it was extremely sobering for two reasons. Again, it showed the depth of difference between the two worlds in the most vivid, dramatic, and deeply concerning way and, second, it demonstrated a refusal by the developing countries to be willing to give anything reciprocally for the very large amounts of aid they were demanding—for example, to comply fully with the position of the G–19 would mean tripling the U.S. aid program.

At Paris, there was no offer to respond to increased aid flows to the developing countries with the production of more commodities, progress on human rights, or the reform of economic policies.

The CIEC meeting has four direct lessons for the American people:

First, I believe the American people need to realize the depth of dissatisfaction in the developing world, which is very great and in some cases very revolutionary. This deeply entrenched dissatisfaction will require enormous patience on our part in future negotiations. Above all, however, this dissatisfaction has some basis in reality, and we need to identify the real economic issues which, in the final analysis, threaten both the developed and the developing world.

Second, the developed world must determine and articulate what we want in return for what we give, since I strongly believe that, as the North-South dialog is continued, we should be striving for mutual benefit.

Third, we must require increased amounts of self-help and mutual cooperation in the Third World, if the aid which we give is going to do any good.

Fourth, there must be an appreciation of the contribution which private enterprise can make to the development of these countries. This requires a receptivity by them and the setting of conditions that are conducive to private enterprise as an aid to development. The needs of developing countries in this regard are very real, both as to the material benefits which private enterprise can bring, and to the need for certain amounts of local control over the activities of foreign business enterprises.

The ACTING PRESIDENT pro tempore. Does the Senator understand that the time of Senators BAKER, GRIFFIN, and STEVENS have been transferred to him?

Mr. JAVITS. I thank the Chair.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. As I was saying, I would say that we are at the beginning of a tense and difficult period with the developing world but that in a sense the American people should welcome this; at last we are going to get down to realities instead of rhetoric. Without purporting to speak for the administration on this issue, I believe the executive branch also understands this point of view, and welcomes the spirit of realism that the Paris Conference provided.

But, even the CIEC meeting has taken place in the larger international setting which I have alluded to earlier as posing very serious consequences for both the developing and developed world.

Not that the international monetary system has served us poorly; it is, in fact, largely responsible for the prosperity of the postwar free world today, and served us well from the time of the Bretton Woods Conference until the mid-1960's, when the system of rigid par values for currencies became incompatible with our burgeoning payments imbalances. The new economic policy of President Nixon symbolized the breakdown of the old Bretton Woods order. The system which replaced it was not a system as such, but merely a set of pragmatic understandings designed to forestall the disaster which could have occurred had Bretton Woods given way to an anarchic series of competitive devaluations, varying exchange rates for each currency and predatory trade policies.

It is fortunate that the post-1971 "system" worked as well as it did. However, the shock of the OPEC oil price increases and the deep imbalances that these price hikes have caused—taking as they do uneconomically so much of the current production and putting it back so haphazardly—give us great cause for alarm. If the developed and developing countries do not act in time, the day of reckoning, as I have said, may come as early as 1979 or 1980, with an economic depression of the gravest consequences as a result. This is the message implicit in the CIEC meeting.

Last month, Federal Reserve Board Chairman Arthur Burns warned the international financial community that the system of lending to developing countries to enable them to cope with payments imbalances must introduce a new scrutiny of these operations. My impression is that the banking community has welcomed the Chairman's remarks, even as they profess to be following orthodox lending policies in their allocation of credit by country and by risk category. But the ominous aspect of this development is that we may find the commercial banking system not being able to take the active role which it has in accommodating the world to the OPEC price increases. For it is a fact that without the resources of our private commercial banks, the payments deficits caused by these price hikes could not have been financed the way they were.

The reasons these conditions must change eventually are twofold: Heavy bank lending to LDC's has, in effect, amounted to balance of payments financing; also, this lending has, in some cases, allowed developing countries to avoid needed economic adjustment policies.

Many countries import virtually all of their energy requirements, and the level of commercial bank lending to oil-deficit countries has climbed sharply to meet their balance of payments needs.

In the 3 years, 1974–76, the deficits of the nonoil countries piled up to $75 billion, making their total outstanding debt a whopping $160 to $180 billion. Much of this debt increase in recent

times was financed through commercial banks, as they sought to recycle the massive amounts of petrodollars through this system: petrodollars deposited short term for loans bound to be long term. Recent statistics published by the Federal Reserve indicate that for the United States alone, bank claims of over 2 years maturity in the nonoil LDC's total over $13 billion.

The aggregate increase of foreign loans by U.S. banks has run higher than U.S. Government estimates, and higher than the predictions of the banks themselves. Net private flows to LDC's increased to $23 billion in 1976, most of this bank financed; and doubtless this is the result not only of the high cost of oil imports, but also the aftereffects of worldwide recession.

This volume of bank lending to the developing world for balance of payments financing has, unfortunately, tended to validate the principle that OPEC countries may deposit their surpluses in the financial intermediaries—banks—of strong industrialized countries, leaving those intermediaries, and their central banks, to bear the risk that comes with the investment of those funds. While I believe that the lending practices of these commercial banks have been conservative, the fact is, nonetheless, that international financing systems have been strained by this arrangement. In some cases, banks are fully "loaned up" in certain countries. We have already seen a debt renegotiation by a foreign government. And, let me remind you, we are dealing with billions of dollars.

As I have stated above, the existence of a sophisticated and resourceful complex of financial intermediaries has given many countries the means for putting off sorely needed economic adjustment policies while having access to credits for financing balance-of-payments deficits. Several of the non-oil-producing developing countries have commercial bank debts of more than $2 billion each. I might point out that certain of the OECD countries which are not members of the Group of 10 have also borrowed substantially from commercial banks; this latter category had combined current account deficits of $20 billion last year. The availability of credit from commercial banks has meant that such countries did not need to avail themselves of the so-called upper credit tranches, or drawings of the International Monetary Fund and this avoided direct supervision of their economic policies by the IMF itself under the lending terms of "conditionality."

How are these massive LDC deficits to be financed? I have seen the arithmetic, and the future does not look good. Current accounts on nonoil LDC's are likely to run at a $30 billion annual deficit level well into the future, net of official donor aid. This is $300 billion in 10 years, with no further oil price increases, and $500 billion if we include non-LDC oil deficit borrowing.

Such aggregate borrowing is seemingly impossible and the unsatisfied demand could cause a breakdown in the world monetary system.

Therefore, I can only conclude that we must maintain and increase bilateral and multilateral aid programs, international institutional lending, direct private investments, and bond financing if we are to accommodate the very real needs of even the category of better off countries. And that multilaterally we must especially equip the international financial organizations to play a much greater role, expand trade, accelerate technology transfer and give greater encouragement to private sector investment on fair terms in the developing countries if we are not to be overwhelmed by this credit stringency.

For example, we are planning to increase the capital of the International Monetary Fund by one-third, to $39 billion. We should be doubling this increase. I am not encouraged by reports among financial experts that the total resources of our international financial organizations will simply not be equal to the task of financing these intractable deficits.

The problem is all the more threatening when one realizes that additional substantial oil price hikes by the OPEC countries could make these conditions infinitely worse. Nor do I find any solace in the fact that these pessimistic estimates of continued deficits by the developing countries assume a healthy world economy, free of recession.

In other words, we must come to grips politically with the fact that the system now requires virtually permanent, and substantially higher levels of capital flows to the developing world. The consequences of failing to recognize these developments could be the major policy mistake of this generation.

Unemployment—especially youth unemployment—is a worldwide phenomenon and imposes the same social strains in every country. The social consequences of being forced to accept lower standards of living can be severe at a time when we generally accept the principle of rising aspirations.These strains have implications for trade as well: concern for unemployment at home could weaken the resolve of countries, including the United States, to pursue more open trade policies.

III. CONCLUSIONS AND RECOMMENDATIONS

First. A new effort is needed to adopt policies somewhat more congenial to the LDC's in respect to debt restructuring and the stablization of commodity prices. But the reciprocity should be their assurances—by effective arrangements—of essential growth of supplies of resources at economically reasonable prices; and nondiscriminatory treatment of foreign investments and property located there in aid of their development and acceptable to them when made.

We must do more with a system of generalized trade preferences for the trade of the LDC's. This, I am convinced, can be done without seriously invoking major protectionist sentiment in the developed countries even as to the trade unions. While it is well known that the LDC's are seeking commodity indexation, this is a subject upon which we cannot yield as it will make a very inflexible world economy. But, we can engage in specified commodity agreements, we can provide for some financing of selected buffer stocks and we can underwrite export earnings through economic schemes—like the Stabex plan under the Lome agreement.

Wet must realize that progress toward freer trade is fragile. With a sluggish international economy, up to now we have become more and more aware of the job implications of imports and exports. Thus, decisions on shoes, television sets, steel, and so forth, become high priority items for decisionmaking, and loaded with domestic political implications. Yet, we cannot let these very legitimate concerns for putting our own labor force back to work becloud the fact that everyone is a loser in a trade war, that our workers have an even greater stake in not bringing one on.

Second, Concentration upon agriculture development is needed, including important aspects of technology and agribusiness—that is, secondary processing, et cetera. The economic development of agriculture through technology represents a critical effort for developing countries to feed themselves. This, in conjunction with the social effort of family planning and population control, can work a revolution in their economies and the living standards of their people.

Third. Major diplomatic efforts are needed to require effective redeployment of the excess resources—over and above the economic price for oil—drained from both the developed and the developing world by the OPEC cartel.

This is probably the most critical immediate item of all and demands a herculean effort by the United States to rally its partners in the developed world. We simply cannot allow these vast sums to be deposited practically on call in developed country banks by the OPEC countries while it is loaned out by such banks on what looks like long term to LDC's which must use them to pay the very same OPEC countries a completely uneconomic price for oil. In the meantime there is an urgent need for the most drastic conservation policy in oil on the part of the United States—the largest importer of oil—to materially reduce the imbalance in international payments resulting from these imports. The danger is so great that even gasoline rationing cannot be ruled out as a last resort.

Fourth. The primary role of the private sector in keeping our international monetary system functioning is vital. Nonoil LDC's received approximately $23 billion net in private capital flows in 1976, compared with $21 billion net in official capital flows. In addition, the private sector is the principal source of advanced technology for the LDC's. The clear recommendation which flows from these observations is that we must not kill the goose that lays this kind of golden egg. Government policies must take note of the factors which foster, and those which threaten, the international business system and insure that it operates—with proper safeguards—at greater levels of efficiency and productivity.

We simply cannot appropriate enough aid under the present programs ourselves in the United States or contribute multilaterally; nor will aid by other nations

appreciably fill the gap which exists today in what is needed for reasonable development by the LDC's. The private enterprise system of the developed world simply must be brought into the picture in a massive way. Our own U.S. private enterprise guarantee operations, through the Overseas Private Investment Corporation—OPIC—which are paralleled by other countries like Britain and West Germany, also need to be matured and developed further for this purpose.

It is essential that the position of the multinational corporations following the excesses and deficiencies which have been revealed should be regularized. They represent probably the biggest single business contribution which can be made to development. They cannot proceed any longer in an unregulated way, but neither can they be put in constant danger of expropriation or political manipulation or prevented from making a fair profit. I believe that we can do a great deal to resolve these issues once we recognize the fact that no real progress in developing the LDC's is possible for the free world without utilizing its business system.

Fifth. Quick action is needed to increase the lending resources of the International Monetary Fund. At a time when commercial bank lending to the LDC's appears to be on the wane, the IMF itself is under some financial strain. The estimated $15 billion which could be included in the so-called Witteveen facility corresponds to the rather meager $3 to $5 billion in the IMF's present readily usable currency holdings, to which will be added the new capital of about $6 billion in usable currencies. Approval of the Witteveen facility would, therefore, give the IMF new resources in the area of $23-plus billion which even then only begin to meet the challenge posed by the massive deficits.

In this regard, I must state that the so-called safety net proposal first made by Secretary Kissinger in 1974 is by no means out of date. On the contrary, it is more needed than ever.

Sixth. One of the largest factors influencing the state of the developing countries is the state of the U.S. domestic economy. For example, the slowdown in commercial bank lending to nonoil LDC's reflects, in part, rising domestic interest rates and the rapid increase in lending opportunities there. On the other hand, the rapid growth in the U.S. economy also provides export markets for the goods of the developing world; thus I note that the U.S. Secretary of the Treasury has recently projected a $25 billion trade deficit—net $9 billion—for the United States this calendar year. By the same token, a too rapid rate of growth in the U.S. domestic economy could hurt the international system as much as it would our own, for, the clear danger here is that we may have to put on the brakes, and the spillover effects of this into the international arena could be grave.

Seventh. A solution to the current dilemma may require the active assistance of the Soviet Union and other Eastern European countries, and we should not rule out their active participation—beyond the present participation of Romania and Yugoslavia—in the World Bank, IMF, and other international financial institutions. Whether the elites of these "Socialist" countries like it or not, their financial systems have become increasingly tied to the capitalist world. Total bank lending to Eastern Europe by banks in the Group of Ten major industrialized countries totals $31 billion of which the U.S. share is $5 billion. Of this amount, $10 billion is outstanding in loans to the Soviet Union, of which the U.S. share is $1.5 billion. There is nothing incompatible with Soviet nationalism and membership in the International Monetary Fund. Indeed, the Soviet Union was to have been a member, and was assigned a quota, at the Bretton Woods Conference.

Eight. It is clear that the issues I have described raise political questions that cannot be resolved by finance ministers or central bank heads alone. For years, these groups have operated smoothly, consulting through such institutions as the IMF, the OECD, et cetera. These kinds of coordination procedures must, of course, be continued. However, only the Summit Conference can validate the principle that today's programs must be dealt with at the highest political level. The new U.S. administration and the leading industrial countries are to be commended for their leadership role in the London Summit Conference; and such summit conferences must be institutionalized and continued annually.

In summary, I would emphasize that the North-South issue poses the major economic and political dilemma of the coming decade. It is a dilemma that must be solved on an equal basis by the industrialized as well as the Third World, by OPEC countries as well as the Eastern bloc. Because it deals so directly with a qualifiable substance—money—it puts into stark reality the fragile balance that is required to maintain the comity of nations. For our part, we must realize our responsibility as a strong nation to maintain substantial aid flows to the Third World. In doing this, we must enforce the reciprocal responsibilities of other countries. In this context the CIEC meeting has come far short of the goal of arriving at a mutual understanding of rights and responsibilities, but it has left us more cognizant of the imminence of the danger and of the size and complexity of the measures needed to head off this dread "spectre of the West."

Mr. President, I yield the floor. I suggest the absence of a quorum.

Mr. ALLEN. Mr. President, will the Senator withhold?

Mr. JAVITS. I withhold.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. ALLEN. I have been very much interested in hearing the distinguished Senator from New York as he analyzes some of our international problems, particularly as involving our own economy and the balance of trade deficit that we have. I was particularly interested in his calling attention to the acute problem resulting from the deposit by the OPEC nations of billions of dollars on short-term CD's in major New York banks, and the lending by those banks—not only New York banks but major banks throughout the country and, possibly, through participation by smaller banks throughout the country—of those funds to the less developed nations, the developing nations, the Third World nations, on long-term loans which are quite hazardous.

I have been reading in the press and in the magazine media the estimate that the American banks, domestic banks, private banks, have lent possibly as much as $200 billion to the developing nations. This is a very hazardous and risky and explosive situation.

If these certificates of deposit are withdrawn and these loans are called or other loans called by these banks, is it not conceivable that default might be made on these foreign loans, and that a real economic and banking crisis might result?

Mr. JAVITS. Well, may I just correct a figure, but it does not matter in my answer—I do think we should correct it. The commercial banks have loaned to the developing countries about $70 billion, of which the share of the U.S. banks is about $42 billion, but that constitutes pretty much the capital and surplus of those banks.

Mr. ALLEN. Yes.

Mr. JAVITS. So it comes to the same thing.

Mr. ALLEN. Yes.

Mr. JAVITS. Second, the Senator said they loaned it to the developing countries on long term. Actually, the terms of the loan are not long term. What I have argued is that the condition of the developing countries is such—it was clearly evidenced in Paris—that the loans have got to be long term. They simply cannot repay on short term. So those facts being clear my answer is a decided yes, and that is exactly what I am pointing out this morning.

Mr. ALLEN. Yes, I understand that.

Mr. JAVITS. Because—and may I just say this to the Senator—what these banks are relying on is the fact that the international financing agencies or the Federal Reserve, or both, will never let them down, they will make them whole.

I say it is one thing to be made whole if the system is organized for the purpose and the bank has the funds and the agreements are made with the commercial banks, and so on.

But it is another thing to be made whole in a rescue party when there is a run on your bank. That is the thing that is worrying me, not that the people are going to line up and run on any one of these major banks.

But the erosion of confidence which results from such an unstable structure is deeply worrying to me. Coupled with all the other things which I have described, including the revolutionary attitude in many of the developing countries, this is the first sign, the first little dark cloud which indicates a very serious economic crisis in this world. And while one often feels discouraged that no one hears you, somehow or another in this world if you keep at it enough and the facts back you up, and they certainly do—and the Senator sees it very clearly, as he has just described—someone ultimately does hear you and

hopefully may hear you in time. Hence the reason for what I said this morning

Mr. ALLEN. I thank the Senator, and I think he has made a real contribution in bringing this situation to the attention of the Senate.

The Senator said that these loans to the developing nations would not necessarily be long-term loans.

I submit that any loan to a developing nation, whether by its terms is long term or not, will in fact be a long-term loan. It might be so long term that it will never be paid back through eternity.

So I think we will have to consider that all of these loans are in fact long-term loans.

I have read that six major banks in the United States have lent to Brazil and Mexico alone an amount equivalent to their entire capital account, and if that is so that is a very dangerous situation. I believe these banks are acting very much like we individuals act from time to time that causes economic collapse of our personal business, and that is borrowing on a short term and having payments to you on a long-term basis. That will bring any business or private individual to economic ruin.

Mr. President, the Senator said something else that somewhat alarmed me that the Federal Reserve System and the international financial institutions would see that these banks were made whole. I understood the Senator to make that statement.

If they have $40-odd billion or $75 billion or $200 billion, as suggested by Time magazine recently, that would be a tremendous amount for the American taxpayer or the international banks which have other contributors, I realize, to take over.

And I am just wondering if the Senator would feel that that would be a likely solution to this problem.

Mr. JAVITS. Obviously, it is not a solution. The solution is to make the debt good. But the possibility of takeover remains. It is contemplated by the banks themselves.

In the final analysis, international agencies or the Federal Reserve will not see them frozen into this particular debt.

But, as I said a minute ago, and I wish to repeat that, because I think it is very important, it is one thing to provide this kind of a backup, which is what it is, by an arrangement and agreement as, for example, adequate capital in the International Monetary Fund or by an agreement by all the central banks, including our own. It is a very different one when you get a 24-hour call "Come to our rescue." That means the world's economic situation is tottering and could collapse, even if the money were forthcoming, and at that point it does become an operation which could be very dangerous to the taxpayers of the country.

For those reasons I believe we have to be forehanded. I assure the Senator that I am not sounding an alarm with no point to it. The point is that we right now are in a recovery phase, and it is a fact that with our economy of $1,650 billion in gross national product, and with many other economies buttressing that laterally, these sums are not impossible. They can be handled. But they cannot be handled in a panic. They cannot be handled when the fire is burning in the house. They can only be handled if we are forehanded now.

And it is my deep conviction that we do not have an appreciation—I am using that word in its military sense, and the Senator has served, as have I—we do not have an appreciation of the danger or the size of the remedies which are required to head off that danger.

Mr. ALLEN. Yes.

Mr. JAVITS. That is my reason for speaking out.

Mr. ALLEN. As I understand it, most of these loans came about as a result of the big private banks lending money to the developing nations to replace or to allow them to handle the tremendous balance of trade deficits that they were encountering partly on account of the high price of oil. I am just wondering why the big banks felt that that was their responsibility to lend billions of dollars overseas. Was that not an international problem and why should the big banks feel that they had to solve the economic problems of these developing nations?

Second, has there been any improvement in the balance of trade of these developing nations? If not, will the banks continue to furnish money to these developing nations to finance the deficits in their balances of trade, or will they call a halt; and if they call a halt, will that not cause the collapse of the economies of those developing nations as well as our own.

Mr. JAVITS. The deficits have been reduced. They are down from roughly about $40 billion in 1974 in deficits to about $26 billion. They still have $26 billion, and that still has to be financed, with this difference: That whereas there was lendable power in the banks in 1974 and 1975, because the banks were not all loaned up, the way the situation stands today it is very doubtful that the banks can muster all that money without putting themselves at undue risk. That is the big issue.

The big issue is not that there has not been some marginal improvement in the developing countries' balance of trade. The big issue is that it is 3 years later, and all that money has been loaned and it is still in there and pretty well frozen, and there must be more put on top of that, and that unless we do the whole thing collapses. This is going to be the hub, that is, the real essence of this situation, that makes it so dangerous.

I really am not here this morning to light a prairie fire—there is no need for that—but to demonstrate that all the material is there, and any careless person dropping a match can really cause a world conflagration. We had better clean it up, and we are not doing it. That is the essence of it. One of the reasons is this deep chasm existing between the developing and the developed countries, which we had better bridge or we will be in deep trouble.

Mr. ALLEN. You know, sometimes we think the presidents and chairmen of the big banks are pretty smart people; but here we find them repeating the errors of past history and making billions of dollars in loans overseas, rather than investing the money here at home, and now they say, "Well, if something is ignited we are an explosive situation, from which the Government must deliver us" in effect.

It seems to me that they have been the authors of their own hurt, and they need to call a halt to the unwise lending that has created this crisis.

Mr. JAVITS. I might say to the Senator, they have not withheld domestic credit. They have made available domestic credit as well as this foreign credit. The difficulty now is, who is going to pay the piper who is still there waiting to be paid after this accumulation of debt, which has pretty much taken up about all they can do? That is what I have been talking this morning.

Mr. ALLEN. The Senator does not recommend that the banks send good money after bad, does he?

Mr. JAVITS. I hope that money is not going to be bad; but I do not see how they can do much more in terms of their own capital and surplus, domestic demand, and the attitude of the Federal Reserve Board. Therefore, I believe the world has to find another way, and that is what I have been talking about this morning.

Mr. ALLEN. Could not the OPEC nations cause a tremendous economic recession if they withdrew their money, and would not some of the major banks be put in danger from that?

Mr. JAVITS. Well, of course, the answer to that argument is that they have no other place to put it.

Mr. ALLEN. They could put it in England, I imagine.

Mr. JAVITS. Well, England is also part of this network of banks which are lending money. So, unless they want to keep it in a mattress, they have no other place to put it.

It is that kind of crazy world we are describing, in which everyone is pretty much in the same box, but still has time to pull himself out, if we act quickly.

Mr. ALLEN. It looks as if we are at the mercy of the OPEC nations; is that not correct?

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator's time has expired.

Mr. JAVITS. I think we have explained the matter pretty well. I thank the Senator from Alabama.

Mr. ALLEN. I thank the Senator from New York for his contribution. I think he has pointed out a serious danger in the world economic situation.

FOREIGN RELATIONS AUTHORIZATIONS ACT, 1978

The PRESIDING OFFICER. Under the previous order, the Senate will now re-

sume consideration of H.R. 6689, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 6689) to authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Services personnel system, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 4 hours, to be equally divided and controlled by the Senator from South Dakota (Mr. McGOVERN) and the Senator from New Jersey (Mr. CASE), with 1 hour on any amendment in the first degree—except an amendment by Mr. McCLURE, on which there shall be 1½ hours; two amendments by Mr. HELMS, on which there shall be 1½ hours each; two amendments by Mr. ALLEN, on which there shall be 1½ hours each; one amendment by Mr. DOLE, on which there shall be 2 hours; one amendment by Mr. BAKER, on which there shall be 2 hours; and one amendment by Mr. STONE, on which there shall be 2 hours—with 30 minutes on any amendment in the second degree, and with 20 minutes on any debatable motion, appeal, or point of order, and with 1 hour under the bill to be under the control of the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

SENATE RESOLUTION 195—CONGRATULATING ROSALYNN CARTER ON HER PERFORMANCE IN LATIN AMERICA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, without any time being charged against either side, the Senator from New Jersey (Mr. WILLIAMS) may be recognized at this time to conduct another type of business for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, I send to the desk a resolution and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S Res. 195) to express the sense of the Senate that Rosalynn Carter be congratulated on her performance as a representative of the American people to Latin America.

Mr. WILLIAMS. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr WILLIAMS. Mr. President, I ask that the clerk read the entire resolution.

The PRESIDING OFFICER. The clerk will read the resolution in full.

The assistant legislative clerk read the resolution and its preamble, as follows:

Whereas the President designated Rosalynn Carter as his personal representative on a recent visit to several Caribbean and Latin American countries;

Whereas Rosalynn Carter's performance of her duties effectively presented the foreign policy concerns of the United States in the countries which she visited and clearly demonstrated her own extensive preparation to act as the personal representative of the President in consultation with leaders of countries in the Caribbean and Latin America; and

Whereas Rosalynn Carter has drawn favorable attention to our national commitments to equal rights for women and basic human rights for all people; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President be congratulated on his selection of Rosalynn Carter as his recent emissary to Latin America and that she be commended on her performance as a representative of the people of the United States.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President.

Mr. WILLIAMS. I offer this resolution in behalf of myself, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from California (Mr. CRANSTON), and the Senator from South Dakota (Mr. McGOVERN).

Mr. President, I wish to take this opportunity to express a deep admiration for the excellent job Rosalynn Carter has done in representing the President in her recent visit in the Caribbean and Latin America.

Often, the spouse of a person in public life is relegated to purely ceremonial functions and noncontroversial speeches. Serious issues have traditionally been left to the diplomats and major political figures. Rosalynn Carter has broken that tradition with a brilliant display of knowledge about sensitive issues and the ability to convey our country's greatest concerns effectively and tactfully.

In discussing human rights, nuclear proliferation, trade and aid, she has demonstrated the formidable depth of her own preparation for her assignment. Her intensive study of the Spanish language has benefited this country with immeasurable good will abroad and deeply impressed everyone who has ever tried to learn a second language, usually with notably less success.

The President has announced a new approach toward our relations with Latin America that will emphasize flexibility and broader understanding of the diversity in that part of the world. This new approach stresses a high regard for the sovereignty and individuality of each Latin American and Caribbean nation. It also emphasizes a strong respect for human rights and individual freedom. Finally, it seeks to take positive action on the issues which affect the relations between developed and developing nations.

Rosalynn Carter has exemplified the essence of the President's new approach superbly. It is especially significant that Rosalynn Carter has so dramatically sharpened international awareness of our national commitment to equal rights for women and fundamental human rights throughout the world. Her performance will mute even the severest critics of the President's decision to have a woman represent the United States in this important mission. She has represented this country in a most splendid fashion.

Mr. President, I believe Rosalynn Carter's performance of her diplomatic duties deserves the tribute of the Senate. Therefore, I am introducing this resolution of commendation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was considered and agreed to.

The preamble was agreed to.

FOREIGN RELATIONS AUTHORIZATIONS ACT, 1978

The Senate continued with the consideration of H.R. 6689.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that during the consideration of this bill, staff members of the Foreign Relations Committee, Norvill Jones, John Ritch, Bruce Van Voorst, and Dave Keaney, be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 460

Mr. McGOVERN. Mr. President, before we get started on the controversial aspects of H.R. 6689, I am sending to the desk an amendment which contains a number of minor provisions which relate to technical or procedural aspects of the bill's provisions. I ask unanimous consent that this amendment be printed in the RECORD, along with a brief explanatory statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McGOVERN. The first part of this amendment involves the provision in the bill authorizing the——

The PRESIDING OFFICER. Will the Senator send the amendment to the desk so it may be stated?

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes an unprinted amendment No. 460.

The assistant legislative clerk proceeded to read the amendment.

Mr. McGOVERN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 12, after the word "State", insert the following: "(or, in the case of an alien employee of the Central Intelligence Agency, the Director of Central Intelligence)".

On page 62, immediately below line 23, insert the following:

"In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described clauses (1) and (3) (except for the name of the foreign government involved) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect U.S. intelligence sources."

On page 37, below line 24, add the following new section:

"INTERNATIONAL BOUNDARY AND WATER COMMISSION AMENDMENTS

"SEC. 113. (a) Section 2 (2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277d–31), as amended, is further amended by inserting immediately after the figure '$25,000' the following: 'based on estimated calendar year 1976 costs plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,'.

"(b) Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d–28), as amended, is further amended by inserting immediately after the figure '$30,000' the following: 'based on December 1975 prices plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,'.

"(c) Section 103 of the Act of September 13, 1950 (64 Stat. 847; U.S.C. 277d–3), as amended, is further amended by striking out '$100 per diem' in the second sentence, and inserting in lieu thereof 'the maximum daily rate for GS–15 of the General Schedule'."

On page 41, after line 16, add the following subsection:

"(d) Section 4(a)(6) of the Board for International Broadcasting Act of 1973 is amended by inserting after the words 'pay rates' the following sentence: 'However, not more than five such appointments may be placed in grades GS–16 through GS–18; and appointments in such grades shall be subject to the procedures prescribed under section 5108 of Title 5 of the United States Code.'"

On page 30, line 8, after the word "grant", insert the following: "approval necessary for the issuance of".

On page 59, line 4, after the word "Senate", add the following: "provided that for the purposes of subsection (c)(2) and subsection (e), the Secretary of the Senate shall carry out the responsibilities of the employing agency;"

On page 60, delete lines 4 through 12 and insert in lieu thereof:

"'(ii) an employee may accept gifts of travel expenses within a foreign country (such as transportation, food, and lodging) of more than minimal value from the government of that country only when the employing agency of the Government determines in advance that such travel is in the interest of the United States and that circumstances and conditions make acceptance of such expenses necessary."

On page 63, line 17, after the word "employee", add the following: "Upon request by another employing agency, the Department of State shall provide a determination as to whether a specified person or organization falls within the definition of 'foreign government' contained in subsection (a)."

Mr. McGOVERN. Mr. President, all of these changes are of a very minor and uncontroversial nature. None of them would cause any change in the bill's basic budgetary or policy provisions. I ask unanimous consent that the Senate agree to these procedural and technical changes in the bill's provisions.

The PRESIDING OFFICER. Is there objection. Without objection the amendment is agreed to.

SEC. 453 RELATING TO CUBA DELETED FROM BILL

Mr. McGOVERN. Mr. President, the first item on the agenda today is Cuba. I was the sponsor of the provision in the bill relating to Cuba. My purpose was to indicate some small step in the direction of improved relations with this country. At this point, however, I do not believe my amendment serves that purpose. Very frankly, the amendment has been watered down to the point of being nearly meaningless, if not meaningless, and I think that a long and vitriolic debate today on its merits would be unproductive.

I ask unanimous consent that that section of the bill relating to Cuba, section 453, be deleted from the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. STONE. Mr. President, yesterday I introduced an amendment to strike section 453 of this bill entitled, "Certain Trade With Cuba," in order to express the concern of many of our colleagues in the Senate with the proposed partial lifting of the U.S. trade embargo against Cuba which this section provides. It is my understanding that the senior Senator from South Dakota, who is managing this bill, has withdrawn section 453 from the bill. I wish to thank him for his action, particularly since the section was reported out of committee by the distinguished senior Senator from South Dakota.

The major reason that I sought to strike this section is that neither the White House nor the State Department has affirmatively indicated its desire to have a congressional, statutory lifting of the trade embargo while sensitive negotiations are proceeding with Cuba. There are significant issues of great importance facing our negotiators: The largest confiscation of U.S. property in modern American history, the ever-expanding Cuban military role in Africa, and the largest per capita number of political prisoners in the world—at least 10,000 to 15,000—held by Castro.

Of great immediate importance, and great concern to me, is the intolerable situation in Cuba which finds 751 U.S. citizens who have made application through the Swiss Embassy to return to the United States and who are unable to do so. For 84 of these people are single-source U.S. citizens and the remaining ones have Cuban families they cannot take with them from Cuba. This is a flagrant denial of the most fundamental of human rights—the right to unification of family and emigration. When they apply for exit permits through the Swiss, they are deprived of their jobs and require U.S. subsistence checks. This is a matter which our State Department is currently negotiating with the Cubans. At this time of great emphasis on human rights, particularly in view of the President's intention to focus upon improvement in human rights in Latin America and the Helsinki Accords Review Conference in Belgrade, it would be extremely inappropriate for us in the Congress to grant such a significant, advance, unilateral trade concession to Cuba—even before American citizens are allowed to leave that island.

Once again, I commend the floor manager for withdrawing section 453. I truly believe that this action will send a clear message from the Congress that human rights is as important in Cuba as anywhere else in the world.

UP AMENDMENT NO. 461

Mr. McGOVERN. Mr. President, I now send an amendment to the desk, which I also think is of a noncontroversial nature, on behalf of Senator KENNEDY and myself. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) for himself and Mr. KENNEDY, proposes an unprinted amendment No. 461.

The assistant legislative clerk proceeded to read the amendment.

Mr. McGOVERN. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, between lines 16 and 17, insert the following new section:

SEC. 202. Notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1461), the United States Information Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services for deposit or use at the John Fitzgerald Kennedy Library in Boston, Massachusetts, copies of the following films and trims and outs:

"President Kennedy Address Canadian Parliament";

"United in Progress";

"America Welcomes Prime Minister Baldewa (Nigeria)";

"U.S. Welcomes Crown Prince Hassan (Libya)";

"America Welcomes Ayub Khan";

"America Welcomes President Aboud (Sudan)";

"Firm Alliance (Iran)";

"American Journey (Ivory Coast)";

"A Welcome Visitor (Nehru)";

"Hailie Selassie (Return Visit)";

"His Majesty, King Hassan (Morocco) Visits U.S.";

"Salute to an African Leader (Bourguiba-Tunisia)";

"Inauguration of John F. Kennedy";

"The Task Begun";
"Progress through Freedom";
"Forging the Alliance";
"Prime Minister of Somali Republic Visits U.S.";
"President Olympio of Togo Visits U.S.";
"Five Cities in June";
"From Uganda to America";
"President Ahidjo Visits U.S.";
"Mrs. Kennedy's Asian Journey";
"Invitation to India"; and
"Invitation to Pakistan".

No commercial use or exploitation shall be made of such film.

Mr. McGOVERN. Mr. President, the purpose of this amendment is self-evident. It would amend the U.S. Information Agency Act so that upon the receipt of full reimbursement for any expenses involved, the Administrator of General Services could make available for use at the Kennedy Library copies of those films which relate to the Kennedy administration.

Under the present law, USIA films cannot be shown for domestic use in this country. This would make an exception in the law for those films which are enumerated in the bill which relate specifically to the history of the Kennedy administration. It would permit them to be shown only at the Kennedy Library in Boston. Any cost involved, any processing, anything involved in the way of expenses to the Government, would have to be fully reimbursed to the Treasury.

Mr. JAVITS. Will the Senator yield?

Mr. McGOVERN. I yield.

Mr. JAVITS. Has this been checked out with the USIA?

Mr. McGOVERN. Yes, it has.

Mr. JAVITS. And it is satisfactory to them?

Mr. McGOVERN. It meets with their approval.

Mr. JAVITS. Also, does the amendment say, and I will read it in a moment, that there is to be no commercial exploitation or charge for showing these films?

Mr. McGOVERN. The amendment does not say that. It does limit the use to the Kennedy Library in Boston, but it does not specifically refer to that.

Mr. JAVITS. I am drawing on my recollection, but I believe that is the way in which we have sought to protect this particular kind of film. Therefore, I believe the amendment ought to say that it will not be in any way subject to commercial exploitation.

Mr. McGOVERN. I believe the Senator is correct. That is further safeguard. I had assumed that was implied by the amendment. As a safeguard, I believe that language should be incorporated. I would ask that the amendment be so modified.

Mr. JAVITS. We will have to rewrite it.

Mr. President, for the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that during the consideration of this bill, including votes, the following may be admitted to the floor: Peter Lakeland of my office; Kay Davies of Senator DOMENICI's office; John Sublett of Senator BARTLETT's office; Caroline Randel of Senator HANSEN's office and Eugene Lawrimore of Senator THURMOND's office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I send to the desk what I believe will be another noncontroversial amendment and ask unanimous consent that it be stated.

The PRESIDING OFFICER. There is an amendment already pending. The one that the Senator submitted on behalf of himself and the Senator from Massachusetts is still pending.

Mr. McGOVERN. Mr. President, I withhold the amendment that has just been sent to the desk and move the adoption of the amendment on behalf of the Senator from Massachusetts and myself.

The PRESIDING OFFICER. Will the Senator yield back his time?

Mr. McGOVERN. Yes, I yield back my time on that amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

UP AMENDMENT NO. 462

Mr. McGOVERN. Now, Mr. President, I ask that the amendment I just sent to the desk be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes unprinted amendment No. 462.

Mr. McGOVERN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, immediately after line 15, add the following:

PROHIBITION AGAINST CIVILIAN MILITARY OPERATIONS

SEC. 463. Section 10(a) of the Neutrality Act of 1939, as amended (22 U.S.C. 450(a)), is amended by adding at the end thereof the following new section:

PROHIBITION AGAINST CIVILIAN MILITARY OPERATIONS

"SEC. 21. It shall be unlawful for any person within the United States who is not legally authorized to knowingly—

"(1) plan, or participate in or carry out, directly or indirectly, any act of sabotage or any military or paramilitary operation or activity, in or against any foreign State with which the United States is not at war or any aircraft or vessel of such foreign State; or

"(2) plan or participate in, directly or indirectly, the assault, kidnapping or killing of any resident of such foreign State.".

Mr. McGOVERN. Mr. President, the purpose of this amendment is simple. It makes it unlawful for any person within the United States who is not legally authorized to do so to plan or participate in any act of sabotage or military or paramilitary activity against a foreign country with which our Nation is at peace.

It also prohibits such activities directed against that country's aircraft and shipping, whether owned and operated by the Government or by private interests.

Finally, it makes it a criminal offense to plan or participate in the assault, kidnapping, or killing of a resident of a foreign country.

The need for this prohibition was forcefully demonstrated in a CBS documentary which appeared on Friday, June 10. CBS personnel interviewed a number of persons who had committed a variety of violent acts against Cuba and its citizens, including the bombing of an Air Havana flight in which 73 innocent people died.

This is terrorism, Mr. President, pure and simple, and people in our country have no business using the United States as a base for terrorist activities against countries with which we are at peace.

It was thought by the producers of the CBS documentary that those activities were prohibited by United States neutrality laws. I suppose it was not unreasonable for them to make that assumption. But, in fact, Mr. President, no provision of present law makes such activities illegal. This amendment would accomplish that purpose.

Let me emphasize that the amendment does not in any way alter the authority of the executive branch or any of its agencies. The provisions apply only to persons not legally authorized to engage in military, paramilitary or other such activities.

Thus, the President's authority to use the Armed Forces and the CIA's authority to conduct covert operations, whatever the scope of those activities may now be, will remain exactly what they were in the absence of this amendment. Nor does the amendment address the question of mercenaries so long as they do not plan military activities in this country. Other statutes already deal with that problem.

All the amendment does is to assure our neighbors that the United States will not be what they do not want other nations to be, a stronghold or a base of operations for terrorists.

I think that is a worthy purpose and I hope the Senate will agree to this amendment.

Mr. JAVITS. Mr. President, I would

like to ask the Senator a few questions about this.

In the first place, what is the penalty for violation and where is the penalty to be found?

Mr. McGOVERN. The penalty, I am advised, is that it is covered under the existing Neutrality Act. The penalty would be $10,000 or imprisonment for not more than 2 years, or both.

Mr. JAVITS. Obviously, therefore, this penalty is not adapted to this serious crime.

In other words, the penalty is just extrapolated for the purpose of including this in the Neutrality Act. It does not measure up to the crime. After all, this crime may involve murder. It speaks of killing. We are not going to fine them $10,000 and send them to jail for 2 years for premeditated murder. So, obviously, this penalty is not apposite to the crime.

Second, I would like to ask, has this been submitted to or in any way considered by the Attorney General of the United States?

My reason for asking that question is that this, obviously, must tie in with some network of law. It is not a matter we can just pluck out of the air.

Mr. McGOVERN. It has not been discussed with the Attorney General of the United States. The amendment was drafted with the assistance of the legal counsel of the Foreign Relations Committee, but it has not been checked with the Department.

Mr. JAVITS. May I suggest to the Senator, I am very sympathetic to this work that the Senator is trying to deal with, what could be an interstice in our law. But I do think we ought to do it properly.

We will be at this for a few hours. May I make the suggestion that the Senator get the Attorney General's people, that they take a look at this and give us their views, and that the question of penalty be considered, because we cannot write it in in conference. We will have to include everything. We can strike things out, but not write them in.

So we will have to consider the penalty and also see what the Attorney General thinks about this only, as I say, from the point of view of a law. We do not have to be bound by his view, but we certainly want to know what they think about it.

Mr. McGOVERN. I think the Senator's request is a reasonable one, and, Mr. President, I, therefore, ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I oppose the language proposed by the Committee on Foreign Relations concerning Cuba. It seems to me both premature and inadvisable that we should consider action by the Congress favorable to Cuba at this time. I am pleased Sen. McGovern decided to strike the language from his bill.

My reasons for opposing allowing trade with Cuba—whether it is "one way trade" as suggested by the committee amendment, or "two-way trade"—is my belief that Cuba remains opposed in practice to American foreign policy in Africa and in the Middle East and that it expresses this opposition by allowing itself to be used as a surrogate for the Soviet Union in these areas.

Were we and Cuba at odds on foreign policy matters without Soviet manipulation, I might take a longer view of Cuban foreign policy activities. But in this circumstance I regard the Cuban operations in these areas as destabilizing on the one hand and as lending legitimacy to Soviet revolutionary aims in these areas.

I also regard these Cuban activities in Africa as destabilizing despite the claims that in some instances the numbers of personnel may be relatively low.

It does not take many men to have a significant impact on logistics or other import support functions in some African military conflicts.

Also, we cannot close our eyes to the Castro government's activities at home—I refer especially to the holding of political prisoners including Huber Matoes.

We cannot ignore these human rights matters in considering the course of our future relations with Cuba.

Further, I think it should be clear to all of us that Cuba remains itself an important Soviet intelligence gathering base which is used against us. There has been no let up to my knowledge of these continuing activities. Apart from giving the Soviets a good spy base, the proximity to the United States and the constant operations are expensive for us in the actions we have to take to thwart their effectiveness.

In all, I cannot see why we should move now to give to Cuba benefits they have not earned. And I do not think the world expects that of us. When we get down to serious business with Cuba and when Cuba decides not to be an active agent for Soviet objectives—in our own hemisphere, in Africa, in the Middle East and elsewhere—then I think the time will be at hand to normalize relations and achieve real agreements with that country. And when that time comes we should act to normalize trade both ways—it is ridiculous to permit the United States to sell to Cuba but refuse to let Cuba sell to the United States.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time will it be?

Mr. McGOVERN. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The time will be equally divided during the quorum call.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that Peter Goldfarb of my office be permitted access to the floor during the discussion of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. Mr. President, I call up——

The PRESIDING OFFICER. On whose time is the quorum call?

Mr. WEICKER. Mr. President, I am not asking for a quorum. I am asking that my amendment be called up.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 410

Mr. WEICKER. Mr. President, I ask that my amendment at the desk be called up at this time and read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes amendment numbered 410.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 19, strike out "$742,279,000" and insert in lieu thereof "$742,426,000".

At the end of section 101, add the following new subsection:

"(e) Of the amount authorized to be appropriated by subsection (a) of this section, not less than $147,000 shall be available for the establishment and operation of a passport field agency in the State of Connecticut.".

Mr. WEICKER. Mr. President, I offer a simple amendment that would authorize funding for the establishment of a passport office in the State of Connecticut.

Over the last 20 years, the demand for passports has increased dramatically from around 700,000 to almost 2½ million a year in 1976. Yet the State Department has allowed only one new agency to be established in that period.

The PRESIDING OFFICER. Will the Senator please use his microphone. I cannot hear up here myself and I doubt if other Senators can hear.

Mr. WEICKER. I would not want to let one of my words of wisdom drop unheeded on the floor of the U.S. Senate.

I thank the Chair.

The bill before the Senate includes authorization for new agencies in Houston and Detroit at $147,000 each. I support the establishment of these agencies, both of which are clearly needed. In addition, Mr. President, I propose that a third agency be established in Connecticut to relieve the pressure on New York and Boston agencies which together handle about 25 percent of all requests. New York is the largest passport agency in the country excluding Washington and has by far the highest

volume of "walkin" requests in the country. The "walkin" requests at this agency cannot be adequately met at present and the result has been long lines stretching out the agency door, excessive delays, frustration and anger by the public and correspondingly declining employee morale at the agency. For almost 10 years the Passport Office has proposed a Connecticut agency to relieve the pressure on New York as well as Boston. This request, based on demographic and other studies by the Passport Office and by an independent firm, has been denied by the State Department each time and as a result, the request was never presented to Congress. The time has come to give the public an efficient passport service.

Even more important in these cost conscious times, passport offices are not loss leaders; they pay for themselves in generating fees in excess of their operating costs, and it is estimated that a new agency will recoup its initial outlay in less than 6 months.

The State Department has argued that these new passport offices should not be authorized and funded in view of the new travel document issuance system currently under development and due for use in the 1980's. Mr. President, we need to expand the present system now to meet a level of demand far in excess of existing facilities. The new travel document system will not be with us for several years at least—more than enough time for the proposed new agencies to recover these initial outlays and still meet the public's demands.

Therefore, I urge the adoption of this amendment. In our preliminary discussions, the committee has indicated no opposition to this proposal.

I hope this would meet with the approval of the committee.

Mr. McGOVERN. Mr. President, I yield myself such time as I require.

What was the estimated cost of the proposed additional passport office?

Mr. WEICKER. $147,000. That is the same for each of the offices, be they in Connecticut or Detroit.

Mr. McGOVERN. Yes. Where did the Senator say the people are now served on passport business in the State of Connecticut?

Mr. WEICKER. The problem right now is that the load from eastern Connecticut goes up to the Boston agency or where the bulk of the population is, in southwestern Connecticut, the New York agency. Both of those agencies are already overloaded and, in effect, I would envisage that probably what will happen with the establishment of an agency, let us say, in central Connecticut, it will not only take the entire population of the State of Connecticut away from Boston or New York but probably will also draw from Rhode Island, draw from Westchester County, New York, again absorbing that traffic and alleviating the pressure on both the New York and Boston agencies.

Mr. McGOVERN. The Senator is obviously talking about a very heavily populated part of the country. I would be inclined to accept the amendment, with the understanding that we should check it out with the Department of State before we go to conference, and we need to do that with regard to the proposals in the bill on Houston and Detroit. But I think the Senator has made a case, and I would be inclined to accept the amendment.

Mr. WEICKER. I appreciate that.

Mr. PERCY. I think for the RECORD—and I have discussed this amendment with the floor manager of the bill, Senator McGOVERN—it might be well to establish a few of the facts that possibly were in the remarks—I did not hear in the remarks—of our distinguished colleague.

How heavy is the pressure in New York and Boston? In other words, is there a waiting period? How long does it take? What inconvenience is experienced by the citizens of Connecticut, and what relief would be provided to all those people from New York and Massachusetts if the people from Connecticut had their own office?

Mr. WEICKER. First off, let me say one thing, because it also partially responds to the distinguished Senator from South Dakota. There is complete support by Miss Frances Knight, the head of the Passport Office, and I met with her in my office several days ago. As a matter of fact, it is something I have been fighting for for 8 years since I first came to the Congress.

Now, the average person who walks into the New York office from the time he is standing there at the door has to wait 4 hours at the door. I am not talking about the person from Connecticut driving down to New York, parking the car, doing all the business and getting to the office, but from the time he is at the office, a 4-hour wait.

Mr. PERCY. That, I think, is very important to establish.

The next question would be, what is the expected traffic in Connecticut? What would be the number of people per year who would be making application in Connecticut and, therefore, would be taken off of the load now exerted on the Boston and New York offices?

Mr. WEICKER. In other words, without any Connecticut office the old split was New York 362,000 and Boston 272,000. With a Connecticut office it would go New York 230,000, Connecticut 215,000, and Boston 220,000. If you had the three offices, this is what the three offices would handle that is now handled in the present two offices. When I say "Connecticut" I again repeat we are including elements probably of a Connecticut office which would come from New York, Rhode Island, and those areas in addition to the people in Connecticut.

Mr. PERCY. So that is per year.

Mr. WEICKER. Yes.

Mr. PERCY. The cost to the taxpayer and the Treasury would be less than a dollar per application.

Mr. WEICKER. Yes, but eventually there would not be any cost at all because they would expect to recoup their additional outlay in a matter of months.

Mr. PERCY. It would really relieve the unconscionable waste of time. That time costs money. With people standing 4 hours, particularly the people from the New York area, Boston area, and Connecticut area, who are business and professional people, trades people, union people going abroad, that is a terribly expensive expenditure of their time.

Mr. WEICKER. Correct.

Mr. PERCY. So this is a cost-effective measure, improving efficiency.

Furthermore, there would be a saving in gasoline. Most of those people who go by automobile to apply are burning up gasoline. They are not group-riding to New York or Boston. They are generally going individually. So there is actually an energy savings as well.

Mr. WEICKER. Very much so, and believe me New York needs no more cars going in New York than it presently has, and it would be well if it could be eliminated. It is, as the Senator says, an individual trip by automobile. Mileagewise from most sections of Connecticut it probably averages out at around a 50- or 60-mile trip, 120-mile round trip.

Mr. PERCY. It is my understanding that the most central location would be in the New Haven area, and that because of traffic conditions it is believed that many would apply in New Haven rather than traveling to New York.

Since the distinguished Senator from Connecticut has been fighting for 8 years for this, it is important that we make this record in the light of existing and present circumstances, and having been in Connecticut a great deal and knowing the problems there, the traffic delays, this might be a minor element but it is an added factor I think that makes it more important, and I certainly join my colleague.

Mr. WEICKER. I appreciate the comments of the distinguished Senator from Illinois.

Mr. PERCY. I accept the amendment.

Mr. WEICKER. Mr. President, I move for passage of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McGOVERN. I yield back the remainder of my time.

Mr. WEICKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McGOVERN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGOVERN. Mr. President, I ask unanimous consent that Pauline Baker, Jerry Christianson, and Mike Lanham be permitted to remain on the floor during the remainder of deliberations on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOREA

Mr. McGOVERN. Mr. President, I ask the Senate now to turn its attention to

the Korea section of the bill now before us.

Mr. President, it is true, as some have stated, that President Carter's policy on Korea represents the fulfillment of a campaign pledge. I hardly think, however, that that qualifies as an argument against it. To be sure, there was a certain political appeal in the Presidential race in advocating a policy of phased withdrawal. But that is simply because the desirability of such a policy has become eminently clear to the American people. Nor is this a matter of indiscriminate isolationism.

I think it is fair to say that advocacy of a similar withdrawal of our forces in Western Europe would have been a net loss in a national campaign.

The charge is now made that the President's policy would tip the balance on the Korean Peninsula, or set off dangerous trends in East Asia. Yet there is in fact little in the way of substantive argument to justify such a fear. South Korea has a powerful military capability which is now supplemented—and, under the President's policy, would continue to be supplemented—by American power. The President's policy is clear and, I believe, highly prudent and responsible: it involves—and I quote the President:

A very carefully, very orderly withdrawal over a period of four to five years, leaving intact an adequate degree of strength in the Republic of Korea to withstand any foreseeable attack.

The President also said:

I am making clear to the North Koreans, the Chinese [and to] the Soviets that our commitment to South Korea is undeviating and staunch.

Indeed, President Carter's plan envisions the continued presence—indefinitely—of a force of 7,000 U.S. military personnel on the Korean Peninsula to provide immediate air support in the event of any aggression by the north.

Mr. President, it is true that by some analyses North Korea today enjoys a marginal superiority over the south in certain weaponry, notably tanks and artillery. But the south has a far larger population and far more men under arms—some 100,000 more to be more specific—than does the north, and it is an explicit part of the President's policy to ensure that these South Korean forces are every bit as well equipped as the forces of the north before the U.S. withdrawal is accomplished.

Mr. President, by no stretch of reason can such a policy be interpreted as a "bugout" from American responsibilities. Nor, it should also be clear, is the United States ignoring legitimate American security interests in an attempt to punish the South Korean regime for violations of human rights. Indeed the President's policy represents a straightforward contribution to American security.

Our 1954 mutual defense treaty with South Korea requires the United States to assist the South in combating aggression. But our treaty obligation does not require the presence in South Korea of American ground forces. Given the uncertainties surrounding the South Korean regime today, it is easy to conceive those American forces becoming involved inadvertently in a violent situation arising from causes other than North Korean aggression. It is therefore the essence of prudence to withdraw those forces, but to do so in such a way—by timing and by the simultaneous modernization of South Korean forces—that our action in no way invites the North Korean aggression we are pledged to resist.

As regards the effect of this withdrawal on the politics of the East Asian region, Mr. President, and most notably Japan, there is also little cause for reasonable concern. Certainly it cannot be argued that the administration has failed to show an adequate interest in the security and sensibilities of Japan. Indeed the President, both before and after his inauguration, has done everything possible to demonstrate respect for Japan's role as an industrial nation and American ally of the first order of importance. To be sure, we have reports that some among Japan's citizens have voiced dismay over the American withdrawal plan. But there are no indications that this concern on the part of some in Japan will result in moves to rearm that nation or to seek a Japanese nuclear capability; and I am fully confident that, in the course of implementing his withdrawal plan, the President will be able, by word and by deed, to reaffirm persuasively America's commitment to Japanese security.

Mr. President, I regret that American politics is now thought to be so short on issues that it is actually necessary to argue that we should not keep 40,000 U.S. forces in South Korea forever. Our forces have now been there for more than a quarter of a century.

I think it would have been inconceivable, at the time they were sent there in 1950, if we had been told at that time that they would still be involved on the Asian mainland some 27 years later—an experience, incidentally, which after the Korean war prompted the late General MacArthur to say that never again should American forces be committed on the ground to a land war in Asia. But in fact, as I say, our forces have now been there for more than a quarter of a century. They have served their purpose. First, they preserved a South Korean nation which without them would have been overrun in the early 1950's by the North. And second, they have in the intervening years served to stabilize the peninsula militarily and thereby to foster a climate in which South Korea has grown to a position of formidable power, both economically and militarily. These purposes have now been served. And it is time to accomplish a responsible phasing down of the American presence.

This we can do. This the President's policy would do.

So I hope that my colleagues in the Senate will support that provision in the bill that sustains President Carter's position.

What the administration has, Mr. President, is a policy which has been soundly conceived and which I am confident will be wisely implemented. What the opponents of the President's policy have is a fear, a specter, useful perhaps for making an issue but consisting in fact of little more than clouds of unsubstantiated and unreasonable fear and apprehension.

So, Mr. President, I think this section of the bill, which upholds the hand of the President, which shows due regard for the concerns of our allies, most particularly Japan, which calls for full consultation with countries with an interest in the area—all of this ought to commend itself to the Senate, and I am very hopeful that, at the appropriate time, that language or something similar to it will be approved.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McGOVERN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Without objection, amendment No. 462 will continue to be laid aside.

UP AMENDMENT NO. 463

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment numbered 463:

Beginning on page 52, line 14, strike out through line 7 on page 53 and insert in lieu thereof the following:

"UNITED STATES POLICY TOWARD KOREA

"SEC. 454. Congress affirms—

"(1) that as its policy in South Korea, the United States should seek to accomplish, in accord with the President's announced intention, a complete withdrawal of United States ground forces from the Korean peninsula within four to five years; and

"(2) that this policy should be implemented with a careful regard to the interest of the United States in continuing its close relationship with the people and Government of Japan, in fostering democratic practices in South Korea, and in maintaining stable relations among the countries of East Asia."

UP AMENDMENT NO. 464

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the amendment, and ask that it be stated.

The PRESIDING OFFICER. Until the time on the amendment in the first degree is yielded back, the amendment will not be in order.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time on the first amendment.

The PRESIDING OFFICER. Does the Senator from South Dakota yield back his time?

Mr. McGOVERN. I yield back my time.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of himself, Mr.

McGOVERN, Mr. HUMPHREY, Mr. CRANSTON, and Mr. PERCY, proposes an unprinted amendment No. 464:

In lieu of the language proposed to be inserted by the unprinted amendment numbered 463, insert the following:

"UNITED STATES POLICY TOWARD KOREA

"SEC. 454(a) Congress affirms—

"(1) that in accord with the President's policy of gradual and phased reduction of United States ground forces from South Korea, the United States should seek to accomplish such reduction in stages consistent with thet security interests of South Korea and United States interests in Asia;

"(2) that this policy should be implemented with a careful regard to the interest of the United States in continuing its close relationship with the people and Government in Japan, in fostering democratic practices in South Korea, and in maintaining stable relations among the countries of East Asia; and

"(3) that these interests can be served most effectively by a policy which involves consultations by the United States Government as appropriate with the governments of the region, particularly those directly involved.

"(b)(1) The foregoing policy shall be implemented in regular consultation with the Congress.

"(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until such phase down is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the forgoing policy."

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment to the amendment as follows: After the word "Asia" at the close of the paragraph numbered (1), strike the semicolon, insert a comma, and insert the words "notably Japan;".

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the language proposed to be inserted by the unprinted amendment numbered 463, insert the following:

"UNITED STATES POLICY TOWARD KOREA

"SEC. 454 (a) Congress affirms—

"(1) that in accord with the President's policy of gradual and phased reduction of United States ground forces from South Korea, the United States should seek to accomplish such reduction in stages consistent with the security interests of South Korea and United States interests in Asia, notably Japan;

"(2) that this policy should be implemented with a careful regard to the interest of the United States in continuing its close relationship with the people and Government in Japan, in fostering democratic practices in South Korea, and in maintaining stable relations among the countries of East Asia; and

"(3) that these interests can be served most effectively by a policy which involves consultations by the United States Government as appropriate with the governments of the region, particularly those directly involved.

"(b)(1) The foregoing policy shall be implemented in regular consultation with the Congress.

"(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until such phase down is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy."

Mr. ROBERT C. BYRD. Mr. President, I have previously stated my support for President Carter's plan for gradual reduction of U.S. ground troops from South Korea.

I recognize that there is room for discussion about the timetable for the reduction and when it should begin.

Certainly it is my view that this reduction should be carried out in a careful and gradual manner. That has been President Carter's position and that is the policy that this bill and my amendment would affirm.

I believe there is a strong justification for the gradual removal of our ground troops from Korea. Such a removal, however, as stated in my amendment, should be in stages consistent with the security interests of South Korea and United States interests in Asia, notably Japan.

As the President has consistently made clear, we would maintain air, sea, and logistical support and a firm commitment to South Korea.

This amendment also takes into account the need for regular consultation with and reporting to the Congress. It specifically provides for annual reports from the President to the Congress. The first of these reports would be due not later than February 15, 1978.

U.S. troops have been in South Korea since the end of the Korean war nearly 24 years ago. There was never any intention that our troops should remain in South Korea forever. During that period large amouns of assistance, equipment, and training have been provided to the South Koreans. Legislation approved by the Senate this week would provide still further assistance.

The South Koreans have an advantage over the north in both manpower and training. I am sure that we will take further steps to increase the firepower of the South Koreans before any complete withdrawal of our ground troops is finalized. Further, we will retain U.S. air squadrons, key support units, and naval units in the area to underscore our intention to maintain our basic commitment to South Korea.

Another important factor is the growing strength of the economy of the Republic of Korea. South Korea has access to Western advanced equipment and technology. Between 1962 and 1976, South Korea's exports grew by an annual average of 40 percent. The gross national product increased by 15 percent in 1976, making it one of the most rapidly developing countries in the world.

The phased reduction plan is being carried out, as it should, in consultation with the Japanese Government. This is an important part of President Carter's overall policy.

Finally, I am assured that the administration will make detailed assessments of every step of the reduction plan and will remain in close consultation with Congress. The timetable must be developed with the utmost care and regard for any factors which could alter the situation in that area.

Mr. President, I believe that President Carter's concept of a gradual reduction is consistent with our own national interest and that of the South Koreans. I would urge the Senate to support the amendment, and in doing so to support the President's policy. I reserve the remainder of my time.

Mr. McGOVERN. Mr. President——

The PRESIDING OFFICER. The Chair would inquire whether the Senator from South Dakota is in favor of the amendment. If so, any opposing time would be under the control of the minority leader or his designee.

Mr. McGOVERN. I am in favor of the amendment. As a matter of fact, I am cosponsor of the amendment.

The PRESIDING OFFICER. Then any opposition to this amendment would be under the control of the minority leader or his designee. The Senator from South Dakota is recognized. There is 15 minutes on each side.

Mr. McGOVERN. It is my understanding, Mr. President, that the opposition time would be under the control of the distinguished minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield myself 5 minutes' time.

Mr. President, I rise simply to explain why I am supporting this amendment. I discussed it with the majority leader early this morning, and it seems to me that it preserves the basic thrust of the language in the committee bill. It does leave out the question of years, but it comes down firmly in support of the President's policy of a systematic reduction of American forces in South Korea, with appropriate consultation with our allies and with other countries which have an interest in the area. It preserves the language in the committee bill which has to do with those consultations, and adds a strengthening feature calling for regular consultation with the Congress.

In my judgment, that is the way major foreign policy and military security policy decisions ought to be made. I believe the Senator from West Virginia has actually strengthened the amendment by these proposed changes.

I believe it is important not that we back the President simply for the sake of backing the administration, but to back that administration when we feel they are on a course which is in the national interest.

I think this amendment, which the distinguished majority leader has drafted in consultation with other Senators, is one which ought to meet with the overwhelming approval of the Senate. I am convinced it would have the strong support of the people of our country and those who share our concerns around the world.

I am very hopeful that the amendment, which I am happy to cosponsor, will be adopted by the Senate.

Mr. BAKER. Mr. President, I yield myself 5 minutes.

Mr. HATCH. Will the Senator yield for a unanimous-consent request?

Mr. BAKER. Yes.

Mr. HATCH. I ask unanimous consent that Eric Hultman, of the staff of the Judiciary Committee, and Charles Moser, Peter Rinfret, and Andrew Grey, of my staff, be granted the privileges of the floor during the consideration of the pending legislation today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I was frankly appalled when I found that the bill reported by the Foreign Relations Committee contained a proviso which stated the sense of the Senate in support of the President's proposal for the withdrawal of troops for Korea.

I was prepared, and I am now prepared, to join issue with that position on the floor of the Senate, not necessarily because I believe we should never withdraw our troops from Korea, but because I believe our efforts in that respect should be done in consultation with the Congress, particularly the Senate, and with our allies, and done in such a discrete and orderly way that it does not send a signal to the world, particularly to the Chinese and the Russians, that we do not want sent, a signal that we may have sent once before when we indicated that Korea was beyond the zone of interest of the U.S. Government.

I do not know when we should withdraw troops. I suspect that issue ought to be discussed thoroughly in public sessions of the Foreign Relations Committee, and no doubt in executive sessions where we have the benefit of briefings of the intelligence community, of the Defense Department, of the executive department, and others who may be available to us to weigh and assess the risk, to help us decide whether the risk is worth the reward.

Clearly, the United States should not have a permanent troop presence anyplace in the world. Just as clearly, the U.S. foreign policy should always be flexible and responsive to the needs of the moment and not responding to the needs of some previous era.

Mr. President, I think we are proceeding at a pace which does not become the Senate. I believe we are passing on this measure notwithstanding that the Foreign Relations Committee of the Senate next week, I believe, is supposed to hear from Admiral Turner, the Director of Central Intelligence, and to hear still further from General Brown, from Secretary Habib, who have all appeared before the committee and whose testimony was incomplete.

There are serious issues here, and there are serious disagreements, not only on how we should withdraw troops from the Korean peninsula but when we should do it.

Mr. President, I think if ever there was a premature issue, this is a premature issue.

The majority leader has proposed an amendment, a substitute for the amendment, the result, of which, of course, is to present this issue to us in a somewhat modified form. I am very frank to say I am pleased that the word "withdrawal" in the third line of the first paragraph of his amendment has been changed to "reduction."

But when we read the language in its entirety it means the same thing, Mr. President.

It starts out by saying:

> Congress affirms that in accord with the President's policy of gradual and phased reduction of the United States ground forces from South Korea, the United States should seek to accomplish such reduction—

"Withdrawal" in the original text.

> in stages consistent with the security interests of South Korea and United States interests in Asia;

I have quarrel with any other language in this substitute amendment. I think the safeguards the majority leader has imposed are good, appropriate. I think they are an improvement. I believe they are a fine step forward. But it does not diminish the fact that we as the Senate are effectively doing the functional equivalent of putting the stamp of approval as a sense of the Senate expression on the President's announced and avowed plans for the Korean Peninsula.

I do not believe we know enough to do that. I think that should be forgone until at least we have finished the hearings we have already begun and scheduled in the Foreign Relations Committee.

Mr. President, I will oppose this substitute. I may have more to say on the matter later. For the moment, I reserve the remainder of my time.

Mr. NUNN. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Will the Senator from Tennessee or the Senator from West Virginia yield a minute so I can ask the Senator from Tennessee a question?

Mr. ROBERT C. BYRD. Yes, I yield a minute to the distinguished Senator from Georgia.

Mr. NUNN. I share some of the apprehensions that the Senator from Tennessee has just outlined a few months ago, to my Subcommittee on Manpower of the Committee on Armed Services, specifically on the question of withdrawal from South Korea, as outlined by President Carter in several of his statements. In that hearing, we had the Commander in Chief of the Pacific appear and we asked him about the administration's policy. This is the only hearing we have had on that subject this year.

At that time, without quoting the Commander-in-Chief in the Pacific directly, he basically said that the administration does not have a policy; that we have statements from President Carter, but there has been no definitive policy outlined as far as South Korea is concerned.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. ROBERT C. BYRD. I yield him an additional minute.

Mr. NUNN. We have not had a chance in the Armed Services Committee, at least, to get a definitive policy from the administration on this point. I am certain that the Armed Services Committee will have hearings on it.

I think it is a little bit premature to be voicing a strong endorsement of a program when I, for one, am not sure what the program is. For that reason, I ask the Senator from West Virginia, if the Senator from Tennessee will give me his attention for just a moment, whether or not we can change the first sentence in this amendment by saying something to the effect that, in accomplishing any reduction decided on by the President and the Congress——

The PRESIDING OFFICER. The Senator's second minute has expired.

Mr. BAKER. Mr. President, I yield a minute.

Mr. NUNN. I can work on this language a little bit, but it could say "in accomplishing any reduction decided on by the President and the Congress in the U.S. ground forces in South Korea." Then the rest of the amendment would read as it does now.

What that would do, Mr. President, is leave this question undecided, because I do not think Congress has decided it. I know the Armed Services Committee has not. We had a hearing and we could not get any testimony. There was not any policy. That was as recently as a few months ago. We had President Carter's intentions, but we did not have an official policy.

I wonder if we should not consider a further modification of Senator Byrd's amendment to let it be known that we are not opposed to the policy, but that we are not endorsing something that we do not know the details of.

The PRESIDING OFFICER. The Senator's third minute has expired.

Mr. BAKER. I yield him 1 minute off the bill. Senator CASE has control of the time under the bill. I assume there would be no difficulty in asserting that option.

The PRESIDING OFFICER. The Chair wishes to be advised if the Senator is yielding the time off the bill.

Mr. BAKER. I yield 1 minute off the bill.

Mr. NUNN. This would make it clear that Congress has the right and authority to participate in this decision. I do not think this is strictly an executive branch decision. Under the War Powers Act, we talked a long time about the commitment of troops abroad. I should think that, by implication, we would have some control over the withdrawal of forces that are in a dangerous spot in the world.

We are getting ahead of ourselves here unless we make it clear that Congress is going to take into consideration the administration position. We are going to look at it very carefully and then we are going to participate in that decision.

Our Subcommittee on Manpower of the Armed Services Committee sets manpower levels for the American forces abroad as well as at home. For us not

to be able to have even an administration witness——

The PRESIDING OFFICER. The Senator's additional minute has expired.

Mr. BAKER. I yield another minute.

Mr. NUNN (continuing). To focus on this question and go into detail, I think, is jumping the gun on the issue.

One other thing that has not been considered: a lot of people are under the impression that we are going to save a lot of money by withdrawal. I can tell everyone that the only way we are going to save money in this area is to take this division out of the force structure. If we bring this division back home, it will probably require expenditures of over several hundred million dollars in military construction. We need to look at the financial aspects.

That should not determine the question. If it is time for us to reduce our forces in South Korea, then the question of money and how much we spend should not determine the question. But it should be considered.

There are a lot of other factors that should be considered. I think we ought to make it clear that we are going to consider these matters before we have an endorsement of a policy that is not, at this stage, definitive.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. BAKER. I yield myself 1 minute.

The PRESIDING OFFICER. Is the time of the Senator from Tennessee on the bill or the amendment?

Mr. BAKER. Since this has to do with another matter, I yield it off the bill.

I think the Senator from Georgia has a good point. I think the best answer I can give him is that I had not fully considered how that might be accomplished, but I would be glad to consider some sort of language in that respect. I hope that while we proceed with consideration of this measure, we might be able to work together on it. But the answer is, yes, I would be willing to discuss something with him.

Mr. NUNN. The language I suggest is basically this, in the first two sentences: "in accomplishing any reduction decided on by the President and the Congress in U.S. ground forces from South Korea" in lieu of the first two sentences. That would be the only two changes I would make. I think the rest of the amendment is excellent.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. Does the Senator want time on the amendment?

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on the amendment.

In paragraph 3(b)(1), the following language appears:

> The foregoing policy shall be implemented in regular consultation with the Congress.

Congress is being brought into the implementation of this policy and it will be fully consulted. This language guarantees that, so that the distinguished Senator from Georgia, with his subcommittee chairmanship, which he handles so skillfully and well, will certainly be consulted. He will have an opportunity for input.

I think every Senator here will agree that if Congress, at some point, determines that the policy of reduction should not go forward further, Congress will have its opportunity to express itself.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. ROBERT C. BYRD. I yield an additional minute.

It can do that in many ways. It can enact legislation to prevent further reduction. Congress will be consulted at every point. It will receive reports as to the implementation of the policy on a regular basis. Congress, at any point, can take whatever affirmative action is necessitated in the light of changing circumstances if it needs to do so.

Mr. PERCY. Mr. President, as I understand it, the distinguished author of this amendment has about 3 minutes left. How much of that time does he care to yield to me in support?

Mr. ROBERT C. BYRD. I yield whatever time the Senator desires.

Mr. PERCY. Mr. President, I shall not only use that 3 minutes, but yield myself whatever time I desire under the bill to support this.

Mr. BAKER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. I do not mean to be contentious.

Mr. ROBERT C. BYRD. I know what the Senator is going to say.

Mr. President, on behalf of Senator McGOVERN, I yield to the Senator from Illinois such time on the bill as he may desire.

Mr. PERCY. I thank my distinguished colleague.

The PRESIDING OFFICER. May the Chair clarify that the Senator from West Virginia yielded the remaining 3 minutes on the amendment?

Mr. ROBERT C. BYRD. I yielded my 3 minutes, and Senator McGOVERN may yield to the Senator on the bill.

Mr. McGOVERN. I yield to the Senator.

Mr. PERCY. I think the colloquy has been very important. The interesting thing and the important thing is that no one thinks we ought to keep the language in the bill as it now stands. We all concur that that language does not reflect the attitude of many of us here on the floor today. So the question is: Do we go stronger than the amendment?

I feel that the Byrd amendment is a good compromise. I am not saying it cannot be improved and possibly can be improved right here on the floor to reflect our attitudes. But I should like to address myself simply to questions we ought to ask ourselves before we establish this particular policy regarding South Korea.

I have a series of questions I think should be raised at this particular time. Some of them will be dealt with in the Armed Services Committee, obviously, later when we go into a fuller exploration of it. But they are the kind of questions I think should be raised right now.

One, what effect will this policy have on our allies, friends, and other nations in the Pacific area, and in Asia; what effect will it have on Japan, the Philippines, Indonesia, Australia, New Zealand, Singapore, Malaysia? What kind of signals will they get from us and should we not have a chance, as this amendment says and as the bill implies, to have full consultation and encourage them to be forthright with us in expressions of their concern?

Because when I was last in Japan, and I talked with the Prime Minister and others at that time, I had a much stronger feeling as to their concern about this policy than I have seen in public statements the Japanese have issued. I think they want to get along with the new administration. I think they do not want to jar relationships.

But I have urged them to speak forthrightly and honestly with us about it because their concerns should be our concerns, and their concern for stability and peace in Asia and the Pacific is important.

So let us look to see honestly what the reactions are in these countries and others that are affected.

The second question we should ask ourselves is: What does this do to the military balance between north and south?

We know both sections of Korea, north and south, are heavily militarized, but what happens, actually, to that balance when our forces are withdrawn?

I particularly mention not just the symbolic number of U.S. forces there and the fact that U.S. forces are in the demilitarized area, but also the presumption that we would withdraw any nuclear capability we have there when we withdraw ground troops because we will not leave nuclear weapons in the hands of the South Korean forces, and is it the nuclear presence we may have there that is the real deterrent, because no one would know whether it would be used or not?

I think the third question we have to ask ourselves is this: Has the North Korean Government changed its intentions? I ask the distinguished author of this amendment whether he has seen an indication that the North Korean Government or its President, Kim Il-song, has at any time disavowed his stated intention to reunify Korea, and to do so by force, if necessary?

Mr. ROBERT C. BYRD. I have never seen any such expression.

Mr. PERCY. The Senator from Illinois has never seen any such indication.

Is there any doubt in anyone's mind that based on past actions, if they saw that the military balance had been materially changed, they would not move? Now, the question would be at what cost, what would be their losses, and obviously what is the present state of the Government in North Korea?

I can only assume—without any other information—that it is alive and well and has those intentions; and, concerning a future government, whether it is led by Kim Chong'l, the son of the President, or whoever may take power, there is no information that would lead this Senator to believe it would have any different intention.

I think we have then to ask ourselves this next fundamental question, which is the question I think I would like to put to a member of the Armed Services Committee. Perhaps the Senator from Georgia can answer this. What is the warning time that South Korea has now if there is an attack by North Korea?

Mr. NUNN. I cannot specifically answer the Senator's question. I have not been briefed on that particular warning time in the last few weeks. I imagine that would be a classified item.

But I can say that the very heart of the South Korean economy and industry is located, of course, in Seoul. Seoul is located very near the North Korean border.

Mr. PERCY. When the Senator says very near, is it about 30 miles?

Mr. NUNN. That is right. Actually, it is almost within range of any of the long-range artillery weapons.

So the warning time there would probably be the shortest warning time of any place or spot I know of where confrontation perhaps could occur in the world.

But I cannot give a specific answer.

Mr. PERCY. That brings the Senator from Illinois to another point.

If the warning time is very short and the distance to Seoul is very short, what would be the effect in South Korea if Seoul fell? Would it be a disastrous effect?

Mr. NUNN. I would say that would be true, yes.

Mr. PERCY. And with the Senator's knowledge of the grouping of forces in the southern sector of North Korea, with the Senator's knowledge of the number of airfields they have to provide air coverage, with the Senator's knowledge as to the number of tanks, artillery weapons, and ground forces in North Korea, how long would it take that force, precipitously moved, to possibly reach Seoul, a distance of 30 miles?

Mr. NUNN. I could not answer the Senator's question in that regard. It would depend entirely on the weapons of the South Korean forces and the American forces. It would also depend on their preparedness and their readiness.

The South Korean forces have made significant improvements in the last few years. They still have a great deficiency in airpower. I think one of the key questions is, Who would have air superiority? That would have great effect on the ground.

It is a complicated question, but a very important one, that I cannot give a definite answer on.

Mr. PERCY. I think that we require the best intelligence we can get which would be provided to us under proper classification.

But let us say it would not be a day; would it be a week, would it be a month, would it be 2 months?

If it were a year, that might make a big difference, because if it took a year to go 30 miles, the larger population and the industrial might of South Korea would be major factors. But if it could be done in a lesser time than, say, a month, the south's population and industrial advantages would not really count for very much. Therefore, a short war would favor the north tremendously.

Probably geographically there are not too many countries where a nation's capital is 30 miles from a hostile border and where the fall of that capital would bring about the collapse, without any question, I think, of the entire country.

Mr. NUNN. If South Korea fell, the heartland, the industrial power, and the GNP growth, and all these signs cited today, would be negated rather quickly as far as what they would be able to do for themselves in terms of their own fighting capabilities and in terms of their economic capability.

Mr. PERCY. I would like to ask the distinguished author of the amendment (Mr. ROBERT C. BYRD) a question as to whether in his judgment—the distinguished Senator has talked with leading representatives of countries such as the People's Republic of China and the Soviet Union—they can be counted upon to be a restraint on the Government of North Korea, because we are obviously expected to provide world stability, to be a restraining force and a moderating force on the Government of South Korea?

Mr. ROBERT C. BYRD. Of course, my viewpoint would be strictly personal. I have a feeling that the People's Republic of China, at this time, would exercise a restraining force upon North Korea. I may be wrong. I do not get that impression from talking with anybody. That is my own view.

Mr. PERCY. But does it also put the People's Republic of China and its government into an unusual position, in which they are in an adversary position, openly and above board, with the Soviet Union? There is no question about their concern about Soviet influence. Also, would not the North Korean Government be able to play one off against the other, so that it would, in a sense, limit the ability of the government of the People's Republic of China to exercise that restraining influence?

Mr. ROBERT C. BYRD. My response is probably arguing against the viewpoint of the distinguished Senator from Illinois, who is supporting my amendment. I think that North Korea might indeed attempt to play off one against the other. But my personal viewpoint is that the People's Republic of China probably would have a greater influence on North Korea than would the Soviet Union. I may be 100 percent wrong.

I do not think that the People's Republic of China—the conditions being what they are between that nation and the Soviet Union at this time—would have any hesitation about maintaining a strong position that would be counter to any viewpoint of the Soviet Union, unless it served the mutual purposes of both countries.

Mr. PERCY. Looking at the history, I believe we would have to say that certainly we do not have the basis for feeling that North Korea, in its relationship to China or the Soviet Union, is anywhere near similar to the relationship of Hungary, Czechoslovakia, and Poland to the Soviet Union. They are not satellites. In fact, they are proud of their fiercely independent stance.

Then, if they have the sustaining power for a week, 2 weeks, 3 weeks, a month, 2 months, to wage their own war, without outside help, this, again, would not give assurance that that government could not and would not move against the south, if it felt that by swift movement it might possibly be successful. Is that correct?

Mr. ROBERT C. BYRD. I think that the Government of North Korea should have some second thoughts about its being successful in such a venture, which, as I understood the distinguished Senator, would be placed in the context of a very short period.

Mr. PERCY. That leads me to another point. What would be the effect, overall, from the standpoint of military strategy and capability, of the total withdrawal of U.S. ground forces and whatever nuclear weapons we may have in South Korea? It is the understanding of the Senator from Illinois that that possibly might tip the balance, that the South might be militarily weaker than the North, and that the chance of success in a short war would be there.

Does the Senator from West Virginia have any feeling that, if all U.S. ground forces and nuclear weapons were withdrawn, as to whether that would make the North stronger than the South?

Mr. ROBERT C. BYRD. Yes, if it were done immediately. But the President's concept is that it will be gradual, that it will be phased, and that the lack of equal firepower on the part of South Korea at this time, as against North Korea, would be made up for in the process of time.

Mr. PERCY. I think that is a very important point.

Mr. ROBERT C. BYRD. The U.S. air arm would remain. The naval arm would be there. The commitment would be there. The phase-down would be gradual. While that phase-down is going on, there will be some American ground force, with its superior firepower. As it is gradually phased out, the South Korean Government would gradually acquire the firepower that would leave it superior to the north in firepower and in other respects. It is already superior with respect to the number of its ground troops. It is superior with respect to its population. It is greatly superior with respect to its economy.

I do not foresee North Korea being in a position of being able to strike because of its superior air and fire power, with the South Koreans being helpless, because the U.S. ground forces still are

going to be there during that critical period, and so will the U.S. air arm.

Mr. PERCY. The question that should be asked of all of us, because we share this responsibility, is this: Does the withdrawal of our forces or the reduction of them in any way change our resolve and our will to see that we will keep the South independent? I believe that the North Koreans and their government should not underestimate the fact that this is an entirely different situation from that in Vietnam; because, after all, the heart and soul of our Pacific policy is in the independence, sovereignty, and security of Japan. South Korea in the hands of a hostile force would be a dagger right at the heart of our strongest ally.

If ever there were a takeover of the South, or the threat of a takeover, would it cause some in Japan to feel that the assurances of the United States had been weakened and that they, therefor, should re-arm?

I ask that question of the distinguished Senator from Georgia, who is a member of the Armed Services Committee.

Mr. NUNN. I answer in the affirmative to that question. Although I would not cite the specifics, I think there already is considerable talk in that direction in some circles in Japan now.

Of course, that does not mean we are about to see a change in policy. However, what we do and how we handle the South Korean situation will have a great impact on the policy in Japan for the next 10 to 20 years and on the stability of that section of the world.

If the Senator will yield to me for a moment in order to ask the Senator——

Mr. PERCY. Because of my use of the time reserved on the bill, could I be certain that I will have a chance to finish my statement on the amendment? How long does the Senator desire?

Mr. NUNN. I ask the Senator from Illinois one question:

Would the Senator from Illinois be able to support a modification of the Byrd amendment—if the Senator from West Virgiina were to agree to the modification—which basically would say, in lieu of the first two sentences of the Byrd amendment, that in accomplishing a reduction of ground forces from South Korea, it be decided by the President and Congress?

Mr. ROBERT C. BYRD. Mr. President, I am just as strong as is the distinguished Senator from Georgia in the belief that whatever reduction is made in South Korea must be made in consultation with Congress. It seems to me that that carries with it the connotation that it is going to be with the approval of Congress; because at any time Congress wants to stop such a withdrawal, Congress has the instruments and the power to do so.

I could not agree to change the verbiage I have in the first two lines as the Senator has suggested.

Mr. NUNN. I would say to the Senator I could certainly understand that position. But basically what the Senator's first paragraph says is that "we are endorsing the President's policy," and then "We hope you will consult with us later," and I do not agree with that. I think we ought to have consultation before we make a decision, and this is a decision, as I read it, by the Senate.

I think the amendment is much improved over the original proposal, but I intend to offer at the appropriate place, and it would not be until after this amendment is disposed of, a simple provision that would say, "Notwithstanding any other provision of this bill, any withdrawal or reduction of ground forces in South Korea shall be decided jointly by the President and the Congress."

I cannot imagine a Congress that passes a War Powers Act a couple of years ago and then that Congress coming back with another President in office and not agreeing that we would have the right to have a joint decisionmaking procedure with the President of the United States on a crucial question affecting the national security of this country and the world.

If I offer this amendment later on and the Senate decides to vote it down, which they may very well do, then I would say we ought to take another look at the War Powers Act. If it works one way, it works the other. Both of them concern the national security of this country. I do not think this Congress or this Senate should turn over the decisionmaking process to the President of the United States alone. By the same token, I might say that I, in all likelihood, may very well support the President's policy. But when I have a hearing and I ask what the administration policy is, as recently as a few months ago, and there is no policy, there are no details, and then we come up without any hearing, without any further opportunity, to analyze the proposals, and then we are endorsing something we do not know anything about, I think that is preposterous.

It puts the Senate in a position of reversing almost everything that has been accomplished in restoring legislative initiative in foreign policy in the last 3 or 4 years. I just believe we had better take a close look at this. I think the Senator from West Virginia's improvement of this amendment is good, but I think the amendment still needs further improvement.

I would serve notice that at the appropriate time I will propose another amendment that will state simply, "Notwithstanding any other provision of this bill, the decision to withdraw or reduce forces in South Korea shall be a joint decision between the President of the United States and the Congress," because I believe that is what it ought to be.

Mr. PERCY. Mr. President, far be it for a member of the opposition party to start speaking up for the President, but the President in this case, in my judgment, is the Commander in Chief, and it would be the hope of the Senator from Illinois that as we bring these facts to bear, as we find answers to the questions the Senator from Illinois has asked, and many other questions that will be raised, that we can work together.

No President, to my knowledge, has ever reached out more than this President to work with the members of the Committees on Foreign Relations and Armed Services of both the House and the Senate on matters affecting national security and our position abroad, with the possible exception that a unilateral decision made in the course of a campaign is standard procedure.

The President in his policy is trying to honor his position in that regard.

But we feel that totally new facts are available now to the President and to many of us since this issue has been raised that could encourage us to work out a joint policy.

I certainly will work with the distinguished author of the amendment in any way he sees fit to modify this to reflect properly the attitude of the Senate. But I think the contributions of our distinguished colleague from Georgia and of the minority leader have been very great in pointing up the concern we have about this particular feature.

Mr. President, I can finish in just a moment or two the other points I wanted to make with respect to this amendment.

Human rights is an identifying symbolic position of the administration. I have visited South Korea, as have other Members of this body—in my case, and I hope in the case of everyone in the Senate, without any assistance or help, financial or otherwise, from the Government of South Korea. In fact, I was highly critical, when I came back from South Korea, of many of the things that were being done, including the censored and controlled press that distorted what I said while I was in South Korea.

But I have also been very concerned about the activities of the KCIA domestically in that country and abroad.

I ask the question again: Will we improve our leverage with the Government of South Korea to ameliorate the human rights situation in South Korea if we withdraw our ground forces totally and completely? Do we not have greater leverage if we are relied upon for support of the defense of the country. In this case, my own answer is that our influence is greater if we have a very gradual phasing-down program so that it gives South Korea sufficient time to rectify the imbalance that might occur.

I would note that opposition personalities think that the presence of U.S. forces gives them more flexibility to express dissent than if the forces were withdrawn.

I do not think the President would envision a drawdown that would in any way endanger the security of South Korea, and I hope he would also take into account our influence with respect to human rights.

I think also we have to ask ourselves this final question: Is this another litmus test, after Vietnam, that might be put to us by many countries in Asia? Are we withdrawing our interest from the Pacific and from Asia? We are not. We know that. We know Vietnam was a

phenomenon of an entirely different character than the situation about which we are now talking. But I think we have to take into account that there are symbols.

If we, for instance, withdraw our support from the Asia Foundation, which we have so consistently and steadily supported for so many years, that would be an important symbol in one way. If we do this, it is an important symbol in another way, and we must do it without alarming or in any way causing our friends and allies in Asia or the Pacific area to believe we are lessening our degree of interest in that area or our commitment to the peace and security of the area.

Finally, I just ask the same question our distinguished colleague from Georgia asked: Where will these troops be put? Are we intending to reduce our military force by that amount? Will it save us money? Would they be in Kansas or Illinois or some other place over here?

The judgment of the Senator from Illinois is that it is less costly for the taxpayers of this country possibly to have some forces remain out there, and I think we should ask the question of the executive branch, and that would be an appropriate line of inquiry, I think, for the Committee on Armed Services to follow up on.

But I think for all of the reasons outlined on the floor today we certainly cannot let the language stand in the bill as it is now reported to the floor. It must be modified and, I think, the Byrd amendment reflects much of the concern that we have expressed here today.

I commend my distinguished colleague, the majority leader, for offering this amendment, which I am pleased to cosponsor.

Mr. BAKER. Mr. President, I understand the distinguished Senator from Arizona has certain remarks he wishes to make in general reference to the bill as well as possibly to this amendment. Therefore, I yield 10 minutes on the bill to the Senator from Arizona.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator from Arizona.

Mr. CRANSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GOLDWATER. I yield.

Mr. CRANSTON. On behalf of Senator LEAHY. I ask unanimous consent that Doug Racine have the privileges of the floor. On behalf of myself that Bill Jackson, Eming Thurber and Alan Kreps have the privileges of the floor during the consideration of this matter and the Arms Control and Disarmament Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that John Holum of my staff be permitted to remain on the floor during all of the deliberations on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the time I have been yielded not be consumed by my yielding the time for these unanimous-consent requests.

Mr. HEINZ. Mr. President, I ask unanimous consent that Mr. Bill Reinsch of my staff be accorded the privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, because there will be a lot of discussion on this matter today, I intend at different times to discuss different aspects with respect to the withdrawal from South Korea.

I am in complete agreement with my colleague from Georgia as he points out the dangers that are enclosed within the President's effort.

I agree with my friend from Georgia, when he pointed out the things that he did, but I want to call attention of this body to the fact that normally when the President establishes a policy involving something that this body has a prerogative in that he announces it by sending it to the Committee on Armed Services, in this case, and also the Committee on Foreign Relations.

Now, so far the President's policy, as far as I know, has been discussed in a press conference and in a promise during his campaign.

Mr. President, slow removal of troops from South Korea is something that we all have an interest in. But I think the bigger interest lies in what is it going to do to the stability of our 100 year old interest in the periphery of the Pacific.

I was in Taiwan during the Easter holidays, and they expressed great concern about the withdrawal of these troops because they are convinced that it can lead to war. I am convinced, also, that this action can lead to war in South Korea.

I shall read what General Stillwell has said about the capabilities of our forces, to point out that withdrawing the ground troops is dangerous to our own situation as well as to the stability of South Korea.

General Stilwell, who was United Nations Commander over there, says that:

The U.S. force structure has been carefully tailored to ensure both internal balance and maximum support to the South Korean armed forces.

Keep that in mind. It has been carefully tailored.

The U.S. Forces complement and reinforce the military capabilities of the South Korean Armed Forces in several important particulars:

I wish my colleagues to remember these.

The tactical fighter squadrons are significant in the on-peninsula air balance.

And the air strength of North Korea is superior to the air strength of South Korea plus our own air forces.

Ground and airborne controllers provide the expertise and communications essential for harnessing airpower to the backs of the defending South Korean ground forces. The South Korean armed forces are developing similar organizations, but they are still skeletal.

These forward air controllers, Mr. President, in a war such as would be fought in Korea are extremely important. They were probably as an important part of our forces in South Vietnam as any units.

Continuing:

Air defense artillery units perform vital and, for some time to come, irreplaceable functions in the defense of South Korean territorial air space. The South Korean Army will, in due course, assume this responsibility but the transfer must be meticulously carried out, for the threat from the North requires that the changeover be effected without any degradation in operational effectiveness.

Again, we are talking about ground troops. But when we withdraw them we are not just withdrawing rifles, ammunition, and artillery; we are withdrawing technical electronic capabilities that are essential in any modern war.

Continuing:

Artillery, antitank, and helicopter assets add substantially to those in the South Korean Army inventory.

Intelligence units assist in providing timely strategic and tactical information to the command echelons of both armed forces.

A support brigade provides the mechanism which would be required to manage the flow of combat supply to the South Korean armed forces from the very outset of hostilities.

The U.S. forces possess a broad spectrum of tactical nuclear delivery systems, and the trained personnel and organizational mechanisms to command control and employ these systems.

Finally, the senior headquarters, with its associated communications and procedures, is the instrumentality through which the commander in chief of the UN Command (CINCUNC) discharges his basic responsibilities—a point which deserves elaboration.

The arrangement, negotiated in the early days of the Korean War, by which the Republic of Korea delegated operational control of South Korean armed forces to General of the Army MacArthur remains in effect. It is codified by a long standing government-to-government agreement which entrusts the defense of Korea from external attack to the American officer who occupies the position of CINCUNC.

There are solid reasons for this command and control arrangement. Quite apart from his contingent wartime mission, CINCUNC is charged with enforcement of the armistice agreement—to which neither the Republic of Korea nor the United States, per se, is party. That responsibility cannot be discharged with a corporal's guard! In the face of North Korea's constant belligerence, encroachments on the DMZ, and forays through that zone, the constant task has been both the positioning and the control of sufficient combat strength to enforce the truce. Indeed, the line between armistic and defense responsibilities tends to be blurred. In Europe, NATO presumably has some reaction time to activate wartime command arrangements.[14] But the compressed geography of Korea and the exceptional state of readiness of forces in the North make an in being structure an absolute necessity. The UN Command has provided precisely that. It has been the glue which has held all together. While preserving U.S. national command lines, it has assured unity of effort, common procedures, common

rules of engagement, fusion of intelligence, and, above all, integration of air defense. Should the UN Command be dissolved or become nonfunctional for other reasons, it will be mandatory to concert new command arrangements which will ensure minimum essential integration and synchronization of action and reaction. With a three-dimensional threat minutes away, the alternative—two sets of forces functioning under separate commanders and separate rules and reacting independently of each other—would be folly.

Mr. President, that comes from the pen of General Stilwell, who had probably more experience in the Korean area than any other man wearing our uniform.

So I think we should pay attention to him.

I suggest, Mr. President, that what we do before we proceed much further in this rather ridiculous Korean withdrawal effort is to ask the President in no uncertain terms that he proclaim officially and formally that troop withdrawal is a policy of this administration and have him do this by sending these requests, as Presidents have always done, to the proper committees of Congress, and then we can hold hearings. We have not held hearings on this in the Armed Services Committee this year. We have held hearings on it every year but this that I can recall. Let the Foreign Relations Committee hold hearings on this. And then let this body inform the President that we can back him or we do not back him in this troop withdrawal.

I think, frankly, the general feeling in this body is to oppose the withdrawal of troops from South Korea at this time, because I think we all tend to agree with the general who was, in my opinion, wrongly reprimanded that withdrawal of American troops and forces will result in a threat of war that I do not think we can take at this time.

We have too many situations around this world, too numerous to mention, that puts the United States in the position of being on the verge of war. We are probably in closer danger of war someplace on this Earth than we have been in many a year.

I am not putting this blame on the President. I think it is an accumulation of mistakes that have been made through administration after administration by allowing this country to become weak and weaker, by allowing this country to renege on its promises and its treaties, by not giving the assurance to our allies that we intend to stand by our agreements.

Now, Mr. President, we see the threat of this administration wanting to formally recognize Red China, probably a country where more human rights have been denied than any other country in the history of the world. We see this administration anxious to resume diplomatic relations with Cuba when the only advantage that can come out of that would be to Cuba.

Mr. President, I will have further to say on this because it is a very, very vital subject, and I will be in the Chamber to participate.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Arizona.

I yield 10 minutes, 5 minutes from the bill and 5 minutes on the amendment, to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, embedded within the State Department authorization bill we find a statement of U.S. policy envisioning the withdrawal of U.S. ground troops from South Korea within 4 to 5 years. I think we should have substituted for that language a statement supporting the maintenance of U.S. ground forces in South Korea for as long as may be necessary to demonstrate the U.S. commitment to the independence of South Korea, and to be of substantial assistance in defending South Korea from external attack.

If we confine ourselves rather narrowly to South Korea iteself, there are a number of arguments to be made against a withdrawal within any stipulated time period.

One argument is a legal one. The Military Armistice Agreement, now in effect and signed in Panmunjom in 1953, was adhered to by only three parties: Gen. Mark Clark as head of the United Nations command, the North Korean commander, and the commander of the so-called "Chinese Peoples Volunteers." South Korea was not permitted to sign the armistice, at the insistence of North Korea, and therefore is not legally responsible for the maintenance of the armistice. If the United Nations command—which is in effect the American command—were withdrawn, the South Korean army would be under the command of an American general with no troops. No country with any respect for its own sovereignty could accept such a situation.

Second, we are told that South Korean forces will be strengthened in order to make up for the reduction in American forces. President Carter may withdraw troops, but he cannot guarantee congressional approval of credit sales or loans for Korean purchases of American equipment. North Korea has large defense industries, whereas the South does not, since it has concentrated more on peaceful economic development than the bellicose North. The most likely development is that South Korea would be forced to undertake an increased militarization of its economy, and perhaps even develop nuclear weapons, if South Korea decides that this is the only way in which it can protect its independence.

President Carter has argued that the American commitment to South Korea will be maintained through air and naval support when our ground forces are withdrawn. But air and naval forces must be based somewhere, and currently there are no U.S. naval installations in South Korea. So we shall either have to strengthen our air and naval base system in South Korea, or expect to defend South Korea from nearby bases. But just where will these bases be located? We have closed down our bases in Thailand, we seem determined to phase out our installations in Taiwan, and are experiencing difficulties in renegotiating our base agreements with the Philippines.

If Japan becomes our primary base, and war should break out, we may imagine that Japan may object strongly to becoming directly involved in another Korean conflict. And if Japan should change governments in the near future, we may find ourselves invited to leave. So from where will that farflung power of ours be exercised in the defense of South Korea? From Guam, or Wake Island, or perhaps even Hawaii? Why do we not fly sorties from California?

Mr. President, I submit that a quick withdrawal of American ground forces from South Korea is an uncomfortably close historical parallel to the action of Secretary of State Acheson so many years ago in placing South Korea outside the U.S. defense perimeter. The results, I fear, will be even more catastrophic for the Free World this time than they were before.

In short, Mr. President, where South Korea itself is concerned, I find myself in substantial agreement with the conclusions of Gen. Richard Stilwell, Commander in Chief of the United Nations Command in Korea from 1973 to 1976. Since General Stilwell is now retired, he has not suffered the repressions visited upon General Singlaub for seeking to tell the American people the truth, but his view is very much the same as General Singlaub's. General Stilwell writes,

> The withdrawal of ground forces from Korea without major countervailing concessions on the Communist side, will undermine the vitality of free Northeast Asia, exacerbate regional tensions, and greatly increase the risk of armed conflict. Thus I contend that the continued forward deployment of those forces is essential to security on the Korean peninsula, to the stability and forward progress of Northeast Asia, and to the maintenance of the U.S. position and credibility as the preeminent world power.

General Stilwell phrases his conclusions in more diplomatic language than General Singlaub, but I believe the message is the same: The withdrawal of U.S. ground forces from South Korea within a stipulated period will lead to war within short time.

Mr. President, it is essential that we view the projected South Korean withdrawal, not as an isolated action, but in the total context of our own position in the world. For the Korean situation is but one part of the global conflict between the Free World and the Communist world. Often writers on foreign policy ask: Why is Vietnam, or Angola, or Cambodia, or Zaire, or Korea crucial to U.S. vital interests? In the narrow view, it may be true that no particular country in and of itself is critical to our vital interests, and so may be safely thrown to the wolves. But, taken all together, these countries form what I may term our "global hinterland," the supporting hinterland without which the capital of the Free World, the United States, cannot long survive. For, when we look at the map over the last three decades, we see that Eastern Europe remains firmly

under Soviet control, while Communist parties are making serious and in some respect unprecedented inroads in Western Europe.

In Africa, one country after another embraces Marxism, and becomes hostile to the interests of the free world. In Asia, after having lost our will in Southeast Asia, we seem to be in precipitous retreat from most of the Pacific basin. In Latin America, despite progress in Chile and Argentina, Cuba remains firmly in place, and Communist ideology is gaining ground rapidly in such countries as Jamaica even as we sleep. And all this occurs against the background of an ominous Soviet military buildup which has, in my opinion, placed the United States in a position of clear military and strategic inferiority. In short, the recent historical pattern has been—with a few small exceptions—the contraction of the free world, led by the United States, and the expansion of Communist power. By now, the loss of our hinterland has reached such dimensions as to pose a greater and greater threat to the security of the United States itself.

Mr. President, aside from the South Koreans themselves, a withdrawal of American ground troops will have profound psychological impact upon millions of people in free Asia. They have seen Cambodia, Laos, and Vietnam abandoned to Communist tyranny, and they have seen this administration seeking to "normalize" relations with Vietnam despite the horrors visited upon its people. Now they see what is obviously the beginning of the abandonment of yet another ally: For if we tire of upholding our commitment to ground troops in Korea, what prudent Asian statesman could avoid concluding that we may very well default on our commitment to defend South Korea with air and naval forces a few years from now? Indeed, in view of the defeats we have suffered in Southeast Asia, if anything we ought to be reinforcing our troops in Korea as an earnest indication of our intention to stay the course. Our withdrawal instead will be a clear signal to the brutal North Korean regime that it can move, probably without any effective American retaliation, against our South Korean ally.

Mr. President, let me conclude with a slice of bitter history. On August 15, 1973, in accordance with a decision of this Congress, President Nixon ordered the cessation of all American air and tactical aid to the embattled Cambodian Republic. That action was instrumental in bringing about the fall of Cambodia to what is probably the most ferociously inhumane and cruel regime in the history of mankind. On that August 15 nearly 4 years ago, here in Washington, the Cambodian Ambassador presented an "open letter" from his nation to the Congress and people of the United States. The "open letter" ended with an appeal which is especially moving to me now:

> We ask then, for ongoing assistance from you, the Congress and people of the United States, for if the United States grows weary of aiding its friends and abandons them, even though they are willing to fight and to continue fighting as long as humanly possible in the defense of their freedom and the freedom of the world, your great country will someday find itself alone.

Mr. President, in my view the abandonment of its moral commitment to Cambodia by the United States was one of the most reprehensible actions on the conscience of this Nation, and of this Congress. "Your great country will someday find itself alone," the Cambodians warned us 4 years ago. Have we learned nothing at all from history? Will South Korea, as a result of our conscious decision, go the way of South Vietnam and Cambodia? If it does, we shall bear a heavy responsibility in the eyes of history.

Mr. President, I think this amendment is an improper one. I think for us to affirm the President's policy here in Congress, and abandon our oversight responsibilities and our obligation to determine, as a Congress, where this country should use its troops, is a dereliction of our duty, and I hope every Member of this body will vote against it.

I yield the floor.

The PRESIDING OFFICER (Mr. RIEGLE). There are 4 minutes remaining on the amendment to the Senator from Tennessee. Who yields time?

Mr. GRIFFIN. Mr. President, a further amendment is not in order until the time on the pending amendment expires or is yielded back; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I yield 2 minutes to the distinguished Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I am very much concerned about the way we handled U.S. policy with respect to South Korea, particularly the President's stated intention of withdrawing our troops.

It is not that troop withdrawals are necessarily, in and of themselves, bad. They could be, however, if their result would be to invite the North Koreans back into South Korea, to invite them across the 38th parallel.

This is something I personally do not ever want to see. What particularly concerns me, and what I fear some of the amendments before us do not sufficiently address, is the attitude the executive branch may have created by its policy.

The administration's heavy handling of South Korea has created in the minds of the North Koreans some doubt about our commitment and our will to live up to our obligations to our friends in Asia, and specifically in South Korea.

I am tremendously concerned that the way a troop withdrawal decision has been imposed, not negotiated, has been handled——

The PRESIDING OFFICER (Mr. DECONCINI). The time of the Senator has expired.

Mr. HEINZ. Will the Senator yield an additional 2 minutes?

Mr. BAKER. I yield.

Mr. HEINZ [continuing]. Has been handled, makes it appear that we are somehow punishing South Korea for human rights violations rather than making a judgment based on our security interests. While I certainly do not condone such violations, I feel nonetheless that we serve no useful foreign policy purpose in making South Korea a whipping boy in the eyes of the North Koreans. This, I fear, is what the impact of the administration's policy has been.

For us to treat South Korea as if we do not give a fig for its independence or continued existence is to invite North Korean aggression.

For that reason, Mr. President, I am hopeful that we will adopt an amendment which will have the effects of nullifying the section in this bill which affirms the administration's policy and the way the administration has handled that policy.

I believe we have to take corrective action here today, and I hope, Mr. President, we will.

Mr. CASE. Mr. President, I am concerned—and I believe the concern is shared widely in the Senate—that any pull back of U.S. ground forces has to be accomplished in a way that is complimentary to the security of the Republic of Korea and which will not lead North Korea or the allies of North Korea to suppose that the United States has taken away its support. That perception may well result in precipitating an attack on Korea by the North.

The United States has a responsibility to Korea which is a serious one and is based on a treaty that obligates us to help to defend that country. Beyond our responsibility to Korea proper, we have obligations to Korea's neighbors—Japan and Taiwan for example—which are politically and economically important to us and to the free world.

The Foreign Relations Committee has asked for materials from the executive branch regarding the proposed phased removal of ground forces from Korea. In particular we have asked for the Defense Intelligence Agency and Central Intelligence Agency evaluations of the capabilities of the Republic of Korea to handle matters on its own at the present time. We do not yet have all the necessary materials—and those we do have are under intense study by the committee. Speaking for myself, I believe it is too early for us to either make any firm conclusions on the matter or to offer specific recommendations to the Congress or to the President.

Our review is planned to continue until the committee is satisfied it has probed the issue thoroughly. For that reason I think the substitute amendment proposed today goes just about as far as it should in setting the parameters of a report we may receive annually from the President without in any way prejudging what our ultimate policy should be. I think it is in our national security interest to oppose any program at this time that would lock us in to a procedure we may come to regret. However, it is in no way damaging or unhelpful to make the suggestion that, under the proper circumstances, a reduction of U.S. forces consistent with South Korea's security may be appropriate.

Mr. GRIFFIN. Is an amendment to the bill now in order?

The PRESIDING OFFICER. All time has been used on the amendment so it is in order.

UP AMENDMENT NO. 465

Mr. GRIFFIN. Mr. President, I send a perfecting amendment to desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. GRIFFIN) proposes an unprinted amendment No. 465.

On page 52, line 15, after "Congress" strike "affirms" and insert:

"shall carefully consider recommendations by the President to the effect"

On page 53, between lines 7 and 8, insert:

"It is the sense of Congress, however, that any such withdrawal of U.S. ground forces from the Korean peninsula should be made only pursuant to a decision made jointly by the President and the Congress."

The PRESIDING OFFICER. There is a time limitation of 1 hour on this amendment, to be evenly divided. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself such time as I may require.

Mr. ROBERT C. BYRD. Will the Senator yield for a parliamentary inquiry?

Mr. GRIFFIN. I yield.

Mr. ROBERT C. BYRD. Mr. President, the amendment by the distinguished Senator from Michigan (Mr. GRIFFIN), as I understood the reading of it, is a perfecting amendment to the language of the bill which is proposed to be amended by my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. PERCY. Will the Senator yield for an inquiry?

Mr. GRIFFIN. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Is it not true that the vote on this perfecting amendment would precede the vote on the substitute pending?

The PRESIDING OFFICER. The vote on this amendment would precede the vote on both amendments of the Senator from West Virginia.

Mr. GRIFFIN. I thank the Chair. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Michael Kraft have access to the floor during the discussion of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. May I ask a question of the distinguished majority leader? If any agreement could be reached on votes, it would be the request of the Senator from Illinois that votes be delayed until 1:45, if possible, and that whatever votes have accumulated be back to back votes beginning at that hour.

Mr. ROBERT C. BYRD. If I may respond to the Senator, Mr. President, I should think there would be no votes before that time by virtue of the fact that the amendment which has just been offered by Mr. GRIFFIN has a time limitation of 1 hour, and there may be perfecting amendments to his amendment.

Mr. GRIFFIN. I believe the Senator from Illinois can assume that the entire 1 hour will be used.

Mr. ROBERT C. BYRD. Mr. President, I would ask unanimous consent—well, I believe as a matter of course there will be no votes before 1:45.

Mr. PERCY. I thank the Senator.

Mr. DOLE. Will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. DOLE. I ask unanimous consent that Bob Downen, of my staff, be granted the privileges of the floor during the consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, this amendment, it seems to me, is as far as the Congress should go at this time.

Obviously, serious recommendations are made by the President of the United States concerning the withdrawal of our troops from the Korean Peninsula and should be carefully considered by the Congress. I would strongly emphasize and point out the Congress, particularly the Senate, which has even a greater responsibility in foreign affairs than the House, has not considered this subject. There have not been extensive hearings. The administration has not come before the Foreign Relations Committee in any definitive or thorough way to present its case.

To my knowledge, and I am a member of the Committee on Foreign Relations, there has only been one session, a rather brief session. There is a great deal more to be learned by the Senate Foreign Relations Committee, and by the Senate, before we would be in a position to affirm a policy as enunciated by President Carter during his campaign.

I will say very frankly I am so concerned about the possible consequences of a withdrawal of our forces from Korea that I considered very seriously offering this amendment in a different form. I considered saying, "Congress does not affirm the policy set forth" by President Carter.

My amendment does not say that. It would not reject his recommendation. It does recognize that he has made it, which is most appropriate, and pledges to him that we will seriously consider it. It adds, however, language to implement the suggestion of the distinguished Senator from Georgia, that so far as this body is concerned, certainly as far as this Senator is concerned, no implementation of such a policy of withdrawal of our forces from the Korean Peninsula should take place in the absence of a joint decision by the President and the Congress.

I commend this language to the Senate as a way out of a parliamentary jungle in which we find ourselves. I would be the first to concede that the language of the distinguished majority leader is somewhat better than the language of the committee bill, but I will not vote for it, because it still leaves the impression that the Senate, impliedly or otherwise, accedes to the policy unilaterally declared by the President of the United States. I think that policy is wrong.

On the basis of everything I know about the situation, General Singlaub was right. President Carter may have been right in disciplining him, but that does not go to the question of whether or not the withdrawal of our troops from the Korean peninsula is likely to lead to war.

The almost unanimous opinion of military experts, to the extent I have been able to gather it, would indicate that General Singlaub was accurate.

Mr. President, for the Senate to go on record in support of President Carter's planned withdrawal of U.S. ground troops would be a tragic abdication of our constitutional responsibilities. No task confronting this body is greater than the challenge of maintaining peace. There are few areas of the world where U.S. military miscalculations could produce more serious consequences than the Korean peninsula.

An error in judgment at this time could also seriously undermine our relations with Japan, the Soviet Union, the People's Republic of China, and, in the long run, our allies in Europe. It poses the danger not only of a new war in Korea, but of a superpower confrontation unparalleled in history.

Whatever the decision that is ultimately reached with respect to the withdrawal of our forces, there is one thing it seems to me we ought all to be able to agree on. Such a decision should not be made in haste, without hearings, as a casual amendment to the Foreign Relations Authorization Act.

Perhaps there are some sound and compelling reasons for withdrawing some of our forces from Korea. If so, they should be presented to the Congress and to the American people by the administration. Thus far, this has not been done.[1] On the contrary, we are left with the impression that a vitally important change is taking place in U.S. foreign policy, largely on the basis of an ill-conceived campaign promise.

I call to the attention of my colleagues the column by Evans and Novak in the May 25, 1977, issue of the Washington Post, which read in part as follows:

When Carter entered office, he did not ask the Pentagon's advice on whether to remove troops from South Korea but merely requested their comments on the best way to do it. . . . The troop withdrawal had been decided on by Carter long before he became President. Admittedly a novice in foreign affairs, candidate Carter based his decision more on the imperatives of Presidential politics than any exhaustive study of the Korean situation.

But that is not the only assessment along that line that has been made by knowledgeable people in the press. An assessment by Don Oberdorfer in the June 12 issue of the Washington Post reads as follows:

. . . [Carter's] campaign stand has been translated directly into U.S. policy with a

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minimum of official review. In order to avoid a battle within the government, a National Security Council study leading to the U.S. withdrawal plan did not question whether American ground troops should be removed but focused instead on how they should be removed. . . . At the explicit instructions of Secretary of State Cyrus R. Vance, . . . the State-Defense-Central Intelligence Agency study accepted as its premise Carter's previously announced conclusion that the troops should be taken out.

This is not, in my view, how important foreign policy decisions ought to be made. For the Congress to casually ratify that decision would be most irresponsible.

LESSONS OF THE KOREAN WAR

About 125 years before the birth of Christ, Polybius wrote that—

History offers the best training for those who are to take part in public affairs.[2]

Certainly even today there is widespread agreement that, while history may not always "repeat" itself, there is much that we can learn from it. Unfortunately, sometimes we fail to learn.

A few years ago, Paul Valéry observed:

All politicians have read history; but one might say that they read it only in order to learn from it how to repeat the same calamities all over again.[3]

Perhaps that observation is too strong. But as I compare President Carter's new Korea policy with the events which led up to the first Korean war, I can not but wonder if Valéry was right.

Last year the State Department published a useful collection of formerly classified telegrams and memorandums pertaining to U.S. policy in Korea during 1949.[4] The documents provide useful and authoritative insight into U.S. policy prior to the outbreak of hostilities in Korea. In a way they are the "Pentagon Papers" of the period.

The parallels between our actions in 1949, and those in 1977, are striking.

Following World War II, the United States had occupied southern Korea to disarm Japanese forces and restore order. In 1948 and 1949, there was a debate within the American Government over the timetable for withdrawing U.S. forces.

One of the strongest proponents of an immediate withdrawal was Army Secretary Kenneth C. Royall, who tried to strengthen his position by asserting in a top secret report that South Korean President Syngman Rhee had stated privately that—

He would have no objections to us getting out at once.[5]

It was 2 weeks later before the record was set straight. U.S. Special Representative in Korea John J. Muccio—who was shortly thereafter named U.S. Ambassador—reported that he had been present at the meeting in question and that President Rhee had not agreed to a U.S. troop withdrawal.[6]

On March 22, 1949, the National Security Council reported to President Truman that an "abrupt and complete U.S. disengagement" from Korea "could be expected to lead directly" to the extension of Soviet-backed Communist control throughout all of Korea. The report, identified as "NSC 8/2," concluded:

Such disengagement would be interpreted as a betrayal by the U.S. of its friends and allies in the Far East and might contribute substantially to a fundamental realignment of forces in favor of the USSR throughout that part of the world.[7]

Two weeks thereafter, the New York Times carried an editorial which concluded:

We cannot precipitately withdraw from Korea with the clear foreknowledge that such a step would mean the immediate inundation of the young republic by the Soviet-armed forces from the north.[8]

Nevertheless, it soon became apparent that the United States had firmly decided to withdraw all of its troops from South Korea by the end of June 1949.

In early May, President Rhee urged that troops not be completely withdrawn "in the near future," and noted the widespread concern in Korea that such a move would be interpreted as a U.S. decision that "it is not worthwhile to try to defend Korea." He expressed particular concern about reports the United States intended to contract its Pacific defense lines to exclude the Korean peninsula.[9]

Finally, on May 7, the South Korean Government went public with its concerns. A statement was released by the Office of Public Information which read in part:

During all the 3 years of American Military Government . . . South Korea was forbidden the right to build up an army for its own defense. . . . We were asked to trust the United States to solve our problems, and to wait patiently until a Russian-American agreement should somehow be reached. Now the United States asks if we are ready and willing for all remaining American troops to be withdrawn. What we want to know is what will be done to protect us from the Communist menace. . . . The United States has left us with a problem too great to be solved by ourselves alone. . . . We do not believe that the United States can or will withdraw its remaining troops until it has answered our question as to what will be done to aid us in the case of a Communist attack from across the 38th parallel line.[10]

In an effort to reassure the South Koreans that a troop withdrawal would not jeopardize their security, Ambassador Muccio called a meeting with President Rhee and some of his senior cabinet members on May 17. In a telegram to Secretary Acheson summarizing that meeting, Muccio said:

I pointed out . . . it [was the] conviction [of] our military experts [that the] Korean Army [was] adequately equipped [to] meet current requirements. I also stressed [that] completion [of the] withdrawal [of] US forces . . . meant no lessening [of] US aid and support [for the] Korean Government.

Rhee and his cabinet colleagues accepted my remarks re withdrawal with some reluctance. However, it was apparent they were resigned to [the] fact [of an] early withdrawal.[11]

Two days later, the Ministers of Defense and Foreign Affairs issued a joint public statement. Noting reports that President Rhee had agreed to the withdrawal, they explained that the Rhee government did not favor any such withdrawal until the United States fulfilled its moral and political responsibility of assuring the adequate defense of the Republic of Korea.[12]

On the same day, the U.N. Commission on Korea passed a resolution disavowing any responsibility "regarding either the timing nor the facilitating of the withdrawal of forces of occupying powers."[13]

South Korea's Ministers of Defense and Transportation called on Ambassador Muccio on May 26—2 days before the withdrawal was scheduled to begin—apparently on the instructions of President Rhee. They pleaded for a 6-month delay, arguing that a withdrawal on schedule would lead to a North Korean invasion. In response, Ambassador Muccio assured them that Pyongyang could not risk an all-out invasion.[14]

Three days after the withdrawal began, Ambassador Muccio cabled Secretary Acheson that the reaction to the withdrawal had "far exceeded" his expectations, and that a "sense of crisis bordering on panic" was spreading from the Government to the people of Korea.[15]

On June 11, Muccio reported to Washington that—

The military situation in Korea has become more critical during the past few months.

He said that—

North Korean military preparations are being appreciably intensified, and that recent reports suggest a strengthening of North Korean military dispositions along and just back of the 38th parallel.[16]

Nevertheless, the United States continued with its plans and by June 30, 1949, all U.S. ground forces had been withdrawn from Korea.

It is perhaps worth recalling that within weeks of the U.S. withdrawal, the South Korean Government began a crackdown on domestic opposition. Several journalists and even legislators were arrested. Only July 23, Ambassador Muccio cabled Secretary Acheson:

I have on several occasions pointed out to Rhee and other responsible Korean officials unfortunate impression made abroad by arrests of newsmen and National Assemblymen, closing of newspapers, etc. In each case Korean officials have defended action taken on grounds of public security and fight for existence against Communist aggression. . . .[17]

The North Korea buildup continued unabated. On August 20, Ambassador Muccio warned Washington that activity had increased above the 38th parallel and serious incidents could break out at any time.[18]

That same day, President Rhee wrote to President Truman in a plea for more U.S. support. His letter read in part:

Some American advisers assure me the Communists will never attack in force, and therefore we may rest easily. . . . But how do these advisers know for certain? We Koreans believe that the Communists, under Soviet direction, intend to attack in force, that they will do so, and, if they do, it is we, the Koreans, civilian and military, who will pay the price, not the goodwilled American advisers. . . . I am convinced that the American advisers are thinking in terms of piecemeal warfare, whereas we Koreans be-

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lieve that when war comes it will be full scale and total.[19]

The American response to the deteriorating situation in South Korea at the end of 1949 is well known by both our friends in Asia and our potential adversaries.

On January 12, 1950, Secretary of State Acheson addressed the National Press Club in Washington on the subject, "Crisis in Asia—An Examination of U.S. Policy."

Toward the end of that speech, he outlined a new U.S. "defensive perimeter" in the Pacific area—a perimeter which carefully excluded South Korea.[20]

History records that on June 25, 1950—less than 1 year after the withdrawal of U.S. forces from South Korea, and only 5 months after Secretary Acheson publicly excluded Korea from the new U.S. defense perimeter—over 60,000 North Korean troops, spearheaded by more than 100 Soviet-built tanks, invaded South Korea.

Before the shooting stopped, nearly 3½ million people had become casualties of that war.[21]

Mr. President, I recount this history to make a vital point.

Today, President Carter appears determined to withdraw all U.S. ground forces from South Korea—apparently without regard for the advice of America's military experts, or the wishes of our Asian allies.

Twenty-eight years ago this month—in the face of a North Korean buildup and against the wishes of the South Koreans and other Asian allies—the U.S. withdrew its troops from Korea. And less than a year later, American assurances that North Korean would not attack across the 38th Parallel were proven false.

It is, therefore, I believe, understandable that many Americans, and many of our Asian allies, are deeply concerned by President Carter's new policy.

They will not be reassured if the Congress, without serious hearings and debate, proffers a rubber stamp approval of that policy.

Clearly, if such a major change is to be made in our Asia policy without jeopardizing the peace and stability of the region, a logical and compelling case for that change must be made.

THE MILITARY PERSPECTIVE

Perhaps there are legitimate military considerations which mandate, or at least justify, the planned withdrawal.

Much has been made of the facts that South Korea has nearly twice the population and nearly 30 percent more people in uniform than its northern neighbor.

But let us look at some other facts:

North Korea has well over a 2-to-1 advantage in tanks, and a similar advantage in armored personnel carriers.[22]

North Korea has a larger Navy, more ships, more patrol craft, and more submarines.[23]

The North Korean Air Force is 80 percent larger in terms of personnel than its southern counterpart, and it has nearly three times as many fighter aircraft.[24]

How do our military experts assess the balance? Consider these statements, all made within the past 6 months:

Four-star Gen. Richard G. Stilwell was commander in chief of all U.N. and U.S. forces in South Korea until his retirement late last year. After retiring, he expressed the view that—

[T]he withdrawal of ground forces from Korea, without major counteravailing concessions on the Communist side, will . . . greatly increase the risk of armed conflict.[25]

General Stilwell was succeeded by Gen. John W. Vessey, who remains today our senior military man in Korea. Earlier this year General Vessey was quoted in the Washington Post as having said that a withdrawal would "increase considerably" the risk of conflict with the Communists.[26]

Last month, General Vessey's Chief of Staff, Maj. Gen. John K. Singlaub, said that—

[I]f we withdraw our ground forces on the schedule suggested it will lead to war.[27]

Perhaps understandably tired of this kind of candor from senior military officials, President Carter ordered General Singlaub relieved of his command and returned to Washington for reassignment.

The President's message was not missed by Singlaub's former colleagues in Korea. John Saar reported to the Washington Post from Seoul:

Maj. Gen. John K. Singlaub's fellow officers here are saying privately that they agree with Singlaub's claim that President Carter's plan to withdraw U.S. troops from South Korea will lead to war.

"Everyone here thinks what he said was right," said one officer at headquarters of U.S. forces in Korea.

But the officers are refusing to make their feelings known publicly for fear they will suffer a fate similar to Singlaub. . . .[28]

President Carter apparently has succeeded in silencing the voices of his military critics [29]—but he has yet to deal with the substance of their concern.

THE ECONOMICS OF WITHDRAWAL

In a conversation with editors of the Washington Post on January 16, 1975—a month after declaring his candidacy for President—Jimmy Carter spoke of the troop withdrawal from Korea largely as a money-saving measure.[30]

To begin with, experience has often shown that gambling with national security in an effort to save a few dollars is often a false economy—paid for with interest in the blood of our youth.

But perhaps equally important in the current instance, the evidence suggests that withdrawing our troops and maintaining them in the United States would actually be more expensive than leaving them in Korea.

In fact, according to figures provided my office by the congressional liaison office of the Department of the Army, it would take between 7 and 17 years following the redeployment of the 2d Division from South Korea to the United military bases prepared to receive and is because at present there are no U.S. States before we would break even. That house another division.[31]

Furthermore, this analysis does not factor in any additional financial assistance given the Republic of Korea, because of the withdrawal, nor the cost of replacing any 2d Division equipment left behind.

Consistent with his overall withdrawal policy, President Carter's economic "savings" justification does not survive an encounter with the facts.

POLITICAL PERCEPTIONS

In this Senator's view, the greatest danger inherent in President Carter's troop withdrawal policy is not the military balance it might create, but the political perceptions it would precipitate among our friends and foes alike in Asia.

Some advocates of a troop withdrawal argue that those forces, in the event of North Korean aggression, would act as a "trip wire" and force the United States into the conflict.

Withdrawing our ground forces and leaving only Air Force units provides greatly increased flexibility. As one observer put it:

War planes are like geese. They can honk and fly away.[32]

Responding to this rationale, General Stilwell noted:

That premise is entirely wrong. Should another war erupt in Korea, the United States *will* be militarily involved, irrespective of the configuration of its force deployments at the time. United States responsibilities for the armistice agreement, the Mutual Defense Treaty, the stakes at issue, and international credibility all assure that. But there is even a more important point. Given the virtually unimaginable consequences of such a war, our single-minded emphasis must be on deterrence.[33]

The United States has a treaty commitment "to act to meet the common danger" in the event of an armed attack against South Korea.[34] That treaty was ratified with the advice and consent of the Senate on January 26, 1954.

If we decide that it is not in our interest to guarantee the security of the Republic of Korea, we can be relieved of our legal obligation by invoking article VI of the treaty.[35]

But until we abrogate that treaty, we must recognize that the United States will be involved in resisting any Communist aggression against the Republic of Korea.

It is that simple.

The issue before us, therefore, is not whether withdrawing our ground forces would keep us out of a war. The issue is whether withdrawing our troops would make war in Korea more or less likely.

Even though every Member of the Congress may be absolutely convinced that President Carter is sincere in his pledge of America's "continuing commitment" [36] to South Korea even after our troops have been withdrawn, we should not be too surprised if some of our Asian friends—and perhaps more importantly,

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our potential adversaries—have their doubts.

First of all, the world has not forgotten our pledge to defend South Korea after we withdrew our troops in 1949.

More importantly, our "commitments" to Vietnam and Cambodia—phrased in language almost identical to that found in our treaties with South Korea and Japan—have not been forgotten. And then there was Angola.

In my view, there is an immense danger that a withdrawal of U.S. forces from Korea under present circumstances—even should such a move be militarily justifiable—would be perceived in Seoul, Pyongyang, Moscow, Peking, Tokyo, and elsewhere, as further proof that the United States has lost the will to assist its friends in the face of aggression. Such a perception would most assuredly not be conducive to international peace and stability.

Let us consider for a moment just how the President's proposed withdrawal would be perceived by Korea and its neighbors—and how those perceptions might affect U.S. foreign policy objectives.

SOUTH KOREA

The Government of the Republic of Korea was greatly upset by the American refusal to come to the aid of South Vietnam in mid-1975.[37] Our backdown in the face of Communist aggression in Angola raised further questions about the credibility of our commitment.[38]

Unfortunately, President Carter's assertion at a recent press conference that many South Korean leaders, including President Park, had called for a complete withdrawal of U.S. troops, further damaged our credibility.[39]

It is not just that the President was wrong.[40]

The similarity between this and similar efforts by advocates of withdrawal in 1949 could hardly have been missed. And when the State Department made a halfhearted effort to "explain" the President's statement, it only made matters worse.[41] A simple apology from the President would have been far more helpful.

As one Korean newspaper observed:

> The truth is that the U.S. forces' phase-out is being imposed on Korea, for there are no Koreans apart from Kim Il-sung and his cronies who advocate it.[42]

In fact, it should be noted that in spite of the strong opposition to the policies of the Park regime by various elements of the South Korean population, a recent Library of Congress study noted:

> [N]o major opposition figure favors a withdrawal of American troops or a suspension of security assistance.[43]

In view of the well-documented abuses of human rights by the Park regime, this may come as a big surprise.

Perhaps part of the answer can be found in this excerpt from the same Library of Congress report:

> [S]outh Korea still is a freer and more open society than North Korea. . . . Whereas the South Korean government allows a political opposition and an independent press to exist, the North Korean government allows neither. The South Korean government allows freedom of religious belief and observance (even though it has restricted the political activities of Christian organizations), whereas the North Korean government effectively bans religious observances and activities. South Korean citizens have much greater freedoms and opportunities in such areas as ownership and utilization of property, physical and occupational mobility, and travel and contacts, both internal and foreign. . . . The South Korean government also ranks as one of the most effective governments in the "third world" in terms of establishing policies and carrying out programs to modernize society and raise the quality of individual life. Since the Korean War, the country has made huge strides in economic growth and development, health, and education. GNP jumped from $2 billion in 1961 to $25 billion in 1976, and per capita GNP went from $83 to $698 during the same period.[44]

This is not to say that the Park regime is undeserving of much of the criticism it has received on human rights grounds. On the contrary, its treatment of domestic non-Communist opposition has been despicable.

I understand and share the concern of my colleagues and constituents who urge U.S. actions to improve the observation of basic human rights in South Korea. But the question at hand is this: Would a withdrawal of U.S. troops further that end? What evidence there is suggests otherwise.

Norman Pearlstine, the managing editor of the Asian Wall Street Journal, recently observed:

> . . . [I]t is very likely that the withdrawal of American troops will prompt President Park to impose additional curbs on personal freedom in South Korea. Park began to impose strict controls in the early 1970s after the U.S. withdrew its 7th Army Division and after President Nixon first espoused his "Guam doctrine," which called for an end to American ground troops on the Asian mainland.
>
> Those controls were increased after the Communist takeover of South Vietnam in 1975. Fark has said that the tighter controls on personal freedom are necessary because America's pullback from Asia has increased the threat of attack from the north.[45]

Indeed, there is evidence that a troop withdrawal will help undermine the Korean human rights movement. Already some opposition leaders are advocating moderation on the grounds that national security will increase in importance following a U.S. withdrawal.[46]

Human rights is not the only U.S. foreign policy goal which could be damaged by President Carter's proposed troop withdrawal.

Since its creation, the Republic of Korea has placed its security in the hands of the United States. In return for providing protection, we have been able to exercise considerable control over the organization and operation of Korean military forces.

If the Koreans perceive a weakening of our will to maintain our commitment, they may find it necessary to explore other options. There has already been talk in Seoul of developing nuclear weapons.[47] Such a move would hardly serve our efforts toward nuclear nonproliferation.

President Carter hinted in a recent U.S. News & World Report interview that the United States would still be able to defend South Korea after our ground forces are withdrawn by using tactical nuclear weapons.[48] But do we really want to limit ourselves to this option by withdrawing the bulk of our conventional war-fighting capabilities? What has become of our desire to maintain a high nuclear threshold in potential world trouble spots?

It is difficult to see how our withdrawal of ground troops from South Korea will serve either specific foreign policy objectives, or our national interest in general.

NORTH KOREA

Perhaps nowhere would the consequences of a U.S. troop withdrawal from South Korea be more dangerous than in North Korea.

Perhaps the most Stalinist of all Communist countries, North Korea has endeavored to export revolution to at least two dozen countries in Africa and Latin America. In the past decade an estimated 5,000 or more potential insurgents from Third World countries have received guerilla training inside North Korea, and thousands more have been trained by North Koreans in other countries.[49]

In recent years North Korean diplomats have been expelled or publicly warned because of their involvement in revolutionary activities in no less than a dozen countries.[50]

Above all, however, Pyongyang's chief foreign policy goal has been to liberate South Korea.

On April 24 of this year, a senior North Korean Communist leader said in an address to party faithfuls:

> Terminating the division of the country and reunifying it is the greatest national duty of all the Korean people and their most important revolutionary task. . . . Since the beginning of our national division as a result of the occupation of South Korea by the U.S. forces, our party and government have advanced reunification of the fatherland as the most important revolutionary task and have persistently carried out struggles for its realization.[51]

Now—in the wake of Indochina and Angola—would be an especially bad time for the United States to begin withdrawing its troops from South Korea.

The lessons of Vietnam did not escape North Korea's Kim Il-sung. Indeed, even before the final collapse of Saigon he traveled to Peking—apparently to seek support for an attack on the South.

Maynard Parker, writing in Foreign Policy in late 1975, concluded that Kim had probably argued that—

> The time was ripe to attack the South at a moment when the United States no longer had the stomach for another war.[52]

Certainly this thesis was supported by the text of Kim's statements in Peking.[53]

Analyzing the lessons Kim Il-sung might draw from a U.S. withdrawal from

Footnotes at end of article.

the South, General Vessey recently reasoned:

You can say that air and naval forces deter also and that's true. But what Kim Il-sung might look at is that we had air and naval forces very close to Vietnam and we did not use them. And Vietnam went down the tube.[54]

Further evidence of Kim's intentions is provided by the alarming military buildup that has occurred north of the 38th parallel since the fall of Vietnam. In the past 3 years North Korea has—

Built more than 800 hardened artillery positions near the DMZ—some of which are capable of shelling the outskirts of Seoul.

Deployed scores of Soviet-made Frog-7 surface-to-surface missiles in hardened sites near the DMZ.

Built several new airfields near the DMZ and improved existing fields. North Korean Migs can reach Seoul within 2 or 3 minutes now.

Built new naval bases near the DMZ.[55]

In addition, of course, are the many elaborate tunnels that have been constructed beneath the DMZ to permit North Korean soldiers to bypass the heavily defended South Korean fortifications behind the DMZ.[56]

Given this record, it would in my view be foolhardy for the United States to withdrawal significant forces from South Korea. If nothing else, we should be deterred by what Kim Il-sung did in 1950 after the U.S. withdrew its forces from the South.

CHINA AND THE SOVIET UNION

It has been suggested that since neither the Soviet Union nor China want a confrontation with the United States in Korea, they will exercise whatever influence is necessary to restrain Kim Il-sung.

This misses the point. It is our presence in South Korea, and the almost certainty that U.S. ground forces would become involved in resisting any North Korean aggression, that motivates Soviet and Chinese restraint. As a recent Library of Congress study observed:

U.S. disengagement . . . would reduce the incentives for the Soviet Union and China to dissuade North Korea from embarking on an aggressive course, for their main incentive for moderation is the effect a North Korean attack would have on their relations with the United States. As the U.S. role in South Korea waned, Korea would become a less important factor in U.S.-Soviet and in U.S.-China relations. Consequently, Soviet and Chinese policies toward Korea likely would increasingly focus on their rivalry for influence with Pyongyang, thus giving the North Koreans greater leverage to extract maximum support from both.[57]

It is apparent that North Korea is interested in "liberating" the South, and recently undergone a major military buildup to prepare for that eventuality. For the United States to withdraw its ground forces from South Korea at this time would provide a powerful incentive to Kim Il-sung to make use of his new arsenal. And at the same time, it would substantially decrease the incentive for the Soviet Union and China to keep Kim under control.

Once again, it is a policy that would hardly serve U.S. objectives or interests.

JAPAN

Even if it did not precipitate North Korean aggression, the Carter troop withdrawal plan could seriously harm our relations with Japan.

For understandable historic and geographic reasons, Japan considers the security of South Korea to be of "vital importance to Japan's security."[58]

But possibly more important that the military implications are the psychological effects of a U.S. withdrawal.

Even more so than South Korea, Japan has depended almost totally for its security, since the end of World War II, on promises of U.S. protection.

The 1960 Treaty of Mutual Cooperation and Security gives the United States a legal obligation to assist in the defense of Japan in the event of armed attack—a commitment in words almost identical to those found in the U.S.-South Korean defense treaty.[59]

The value of that language has already suffered significantly during this decade. It also was found in the 1954 SEATO Treaty,[60] which was cited as one of the "obligations" committing us to the defense of South Vietnam in the 1964 "Tonkin Gulf Resolution."[61]

The day after the fall of Saigon in 1975, Japanese Foreign Minister Kuroda stated that while Indochina did not directly affect Japan's security, South Korea was "a different story," and that the Government of Japan was uneasy about the reliability of the U.S. commitment to Japan.[62]

Should Japan conclude that the U.S. commitment to South Korea is going the way of our commitment to Vietnam, it, too, may feel a need to consider other security arrangements.

One such arrangement—well within the realm of possibility—would be Japanese development of nuclear weapons.

Writing in the fall, 1975, issue of Foreign Policy, Maynard Parker observed:

. . . Japan too was distressed by the fall of Indochina. . . . [which] seemed certain, at best, to lead to a new public discussion in Japan over the advisability of building nuclear weapons (as evidenced in an extraordinary article in the respected *Bungei Shunju* urging Japan to reconsider its nuclear option) . . .[63]

It is worth recalling that Japanese ratification of the Nuclear Nonproliferation Treaty, which had been expected in mid-1975, was delayed for a year in the aftermath of the fall of Indochina.

Assessing the Korean situation, Mr. Parker concluded:

. . . [S]ince Japan believes it has a vital security interest in Korea, any failure by the United States to come to the aid of Seoul could well push Japan into taking the nuclear road.[64]

Such an approach would not only undercut America's effort to limit the proliferation of nuclear weapons—it would also almost certainly create serious concerns in China and the Soviet Union that could further destabilize the East Asia region.

Clearly the United States has a major interest in strengthening its military credibility with Japan. And equally as clearly, President Carter's handling of the Korea troop withdrawal issue has not served that goal.

Same Jameson, of the Los Angeles Times, recently described the Japanese reaction to President Carter's new policy:

Japan's Prime Minister Takeo Fukuda expressed [the misgivings that the United States was turning its back on Asia] publicly when he visited Washington in March. He said leaders of the Philippines, Indonesia, Singapore, Malaysia and Thailand had asked him to relay it to Carter. The Japanese reaction to Carter's explanation as to why he was ordering combat troops removed from South Korea is best expressed by a Japanese foreign ministry diplomat, who said: "All he [Carter] could tell us was that it was a campaign promise he made last year." The diplomat implied that the campaign pledge was the only portion of Carter's explanation that was comprehensible to Japanese minds.[65]

Further insight into the Japanese reaction was reported by the Wall Street Journal:

[Japan's] . . . real feelings were expressed in a recent resolution sponsored by seven Japanese cabinet ministers and more than 235 legislators from the nation's two leading political parties. The resolution declared that a pull-out would be an invitation to instability in the Korean peninsula . . . and northeast Asia as a whole.[66]

Once again—as with the other countries in the region—it is difficult to find much justification for the President's proposed new policy vis-a-vis our relations with Japan.

CONCLUSION

Mr. President, I have spoken at some length today, because in my view this is an extremely important matter.

I have tried hard to be careful and objective. But try as I might, I simply cannot understand the rationale behind the proposed troop withdrawal.

If my analysis of the situation is correct, such a move could be extremely dangerous.

But even if I am wrong about some of the risks, there is one thing about which I am certain.

The issues involved are far too important, and the risks far too great, to pass judgment on in so cavalier a manner.

I, therefore, strongly urge my colleagues to remove from this legislation the language affirming the President's new Korea troop withdrawal policy—section 454.

I am glad to yield to the distinguished Senator from Alabama.

FOOTNOTES

[1] Prior to the reporting of H.R. 6689 by the Committee on Foreign Relations on May 16, the Committee had held no hearings on the proposed troop withdrawal. On June 10, a brief executive session was held with Under Secretary of State Philip Habib and JCS

Chairman General George Brown to hear a report on their mission to Seoul.

[2] Polybius, *Histories*, I.

[3] Paul Valéry, quoted in George Seldes, *The Great Quotations* (New York: Pocket Books, 1967), p. 478.

[4] Department of State, *Foreign Relations of the United States, 1949*, (Washington, D.C.: U.S. Government Printing Office, 1976), Volume VII, Part 2, pp. 940–1114.

[5] *Ibid.* p. 957.

[6] *Ibid.* p. 958–959.

[7] *Ibid.* p. 975.

[8] *New York Times*, April 3, 1949.

[9] Department of State, *Foreign Relations of the United States*, p. 1005.

[10] *Ibid.* p. 1012.

[11] *Ibid.* p. 1029; Compare this assurance with the similar assurance by Under Secretary of State Habib, during his May 1977 Korea visit, of America's "continuing commitment" to South Korea's security. *New York Times*, May 25, 1977.

[12] Department of State, *Foreign Relations of the United States*, p. 1030.

[13] *Ibid.* p. 1033; The resolution was originally introduced by the Philippine delegate to express "the sense of this Commission that the United States may not withdraw unilaterally its troops in South Korea without violating the resolution of the General Assembly. . . ." After discussion, it was modified to disavow responsibility for the withdrawal and passed.

[14] *Ibid.* pp. 1034–1035.

[15] *Ibid.* p. 1035.

[16] *Ibid.* pp. 1042–1043.

[17] *Ibid.* pp. 1065–1066.

[18] *Ibid.* pp. 1068–1069.

[19] *Ibid.* pp. 1075–1076.

[20] *Department of State Bulletin*, January 23, 1950, p. 116.

[21] Information provided by Congressional Research Service, Library of Congress. Includes figures for dead, wounded and missing from all nations involved, including CRS estimates of Communist casualties.

[22] Based upon unclassified estimates provided by Department of the Army, Congressional Liaison Office, June 15, 1977.

[23] International Institute for Strategic Studies, *The Military Balance, 1976–1977* (London, IISS, 1976) p. 57. Given the geographic fact that South Korea must be resupplied either by air or sea, North Korean naval capabilities could play a decisive role in a protracted war.

[24] *Ibid.*

[25] General Richard G. Stilwell, in *AEI Defense Review* (Washington, D.C.: American Institute, 1977), No. 2, p. 15.

[26] *Washington Post*, January 9, 1977.

[27] *Ibid.* May 19, 1977.

[28] *Ibid.* May 21, 1977.

[29] In fact, there is considerable evidence that even within the Administration there is a realization that a withdrawal of U.S. ground forces from South Korea will increase the chances of war. *The Washington Star* (May 27, 1977) quoted "an Administration official involved in Korean policy" as having said: "Nobody in their right mind can claim that a withdrawal improves deterrence. It diminishes deterrence." See also *Washington Post*, June 12, 1977.

[30] *Washington Post*, June 12, 1977.

[31] It currently costs about $320 million each year to operate the Second Division in South Korea. This cost could be reduced to about $250 million if the unit were returned to the United States. (This ignores the expense of the actual move.) However, because no base is at present prepared to receive and house a new division, the Army estimates that it would cost between $500 million and $1.2 billion to construct new facilities or to expand existing ones (depending upon where the unit was assigned).

[32] Quoted in *The Wall Street Journal*, May 31, 1977.

[33] Stilwell, *AEI Defense Review*, p. 23.

[34] *Mutual Defense Treaty Between the United States of America and the Republic of Korea*, (5 UST 2368), Article III: "Each Party recognizes that an armed attack in the Pacific area on either of the Parties . . . would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

[35] *Ibid.* Article VI: "This Treaty shall remain in force indefinitely Either Party may terminate it one year after notice has been given to the other Party."

[36] *New York Times*, May 25, 1977.

[37] Library of Congress, Congressional Research Service, *Republic of Korea. U.S. Commitments and the Question of Human Rights*, Issue Brief Number IB4115, updated May 3, 1977, pp. 12–13: "U.S. policy toward Vietnam in the final days of the Thieu government and U.S. policy in the Angolan civil war have added to these doubts in the South Korean government about the credibility of the American commitment. President Park reportedly was appalled by the failure of the United States to come to South Vietnam's assistance in 1975, and Seoul's foreign minister publicly stated in May 1976 that American policy in Angola cast doubt over the United States' willingness to aid its allies against communist aggression."

[38] *Ibid.*

[39] In his May 26, 1977 press conference, President Carter asserted that "Many leaders . . . in the Republic of Korea have advocated complete removal of ground troops from Korea. . . . President Park himself, the President of the Republic of Korea has called for the removal completely of American troops." (*New York Times*, May 27, 1977.)

[40] As the *Chicago Tribune* observed (May 28, 1977) in an editorial: "Some of those who attended the session at which Park got the word suggested he accepted about as readily as a sailor accepts walking the plank." A spokesman for the South Korean Foreign Ministry called President Carter's statement "contrary to the fact." (*Haptong*, May 28, 1977.)

[41] When asked by the Korean Government to explain the President's remark, a State Department spokesman "said Carter had in mind past statements by Park that South Korea's aim in improving its armed forces was to achieve the means to defend itself against a North Korean attack, without involving the use of U.S. ground forces. The spokesman declined to comment when asked if Carter had spoken incorrectly at the press conference last Thursday." (*Washington Post*, June 2, 1977.)

[42] *The Korean Herald*, May 29, 1977.

[43] Library of Congress, IB14115, p. 13: *The Washington Post* (May 27, 1977) reported that a large group of Christians, representing 19 Protestant denominations, held a prayer meeting in a packed downtown Seoul church and denounced the proposed withdrawal as "an invitation of war."

[44] Library of Congress, IB74115, p. 10.

[45] *Washington Post*, May 24, 1977. We should keep in mind the effect of our 1949 troop withdrawal on human rights.

[46] Library of Congress IB74115, p. 5.

[47] *Washington Post*, May 27, 1977; General Stilwell writes: "South Korea would probably embark on a full-scale program to develop both a nuclear-weapons capability and long-range missiles. Overall, there would be lessened stability and heightened tensions in the entire East Asia region and, essentially, an unbridled arms race on the Korean peninsula itself. Paradoxically, then, a solid U.S. military presence in Korea is an arms control measure. (*AEI Defense Review*, p. 24.)

[48] *U.S. News & World Report*, June 6, 1977, p. 19.

[49] David Rees, "North Korea: Undermining the Truce," *Conflict Studies*, No. 69, March, 1976, p. 8.

[50] *Ibid.*, p. 9–10.

[51] Pyongyang Radio April 24, 1977.

[52] Maynard Parker, "One of Four," *Foreign Policy*, No. 20, Fall, 1975, p. 213.

[53] Robert A. Scalapino, "The Korean Peninsula—Another Vietnam? *Freedom at Issue*, September-October, 1975, p. 15.

[54] *Washington Post*, January 9, 1977.

[55] Rees, *Conflict Studies*, pp. 2–3.

[56] *New York Times*, May 27, 1975.

[57] Library of Congress IB74115, p. 9; Similarly, Norman Pearlstine writes (*Washington Post*, May 24, 1977): "So long as American troops have been in or near the demilitarized zone, which separates the two Koreas, the Chinese and Russians have been unwilling to support such an attack [by North Korea]. But without the troops acting as a 'tripwire' that would automatically involve the U.S., the risk of attack would increase."

[58] Premier Takeo Miki, quoted in *The New York Times*, July 6, 1975.

[59] The *Treaty of Mutual Cooperation and Security Between the United States of America and Japan* (11 UST 1632) reads in part: "Article V. Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes." Compare with note 34, *supra*.

[60] Article IV of the *Southeast Asia Collective Defense Treaty* (6 UST 81) provides in part: "Each Party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes." A Protocol (6 UST 87) agreed to at the time the SEATO Treaty was negotiated provided: "The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purpose of Article IV of the Treaty the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam." The Southeast Asia Resolution (P.L. 88–408) of August, 1964, provided in Section 2: ". . . Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

[61] Library of Congress, IB74115, p. 8.

[62] Parker, *Foreign Policy*, pp. 211–212.

[63] *Ibid.* p. 214.

[64] *Los Angeles Times*, June 8, 1977.

[65] *Wall Street Journal*, May 31, 1977.

Mr. ALLEN. I thank the distinguished Senator. I support the amendment of the distinguished Senator from Michigan. I call his attention to the fact that, even if this amendment should be adopted, it can, of course, be wiped out by the adoption of the Byrd substitute for the Byrd amendment, and then the adoption of the Byrd amendment as amended. So, while it is fine to offer these amendments and possibly get them adopted, in the final analysis, the vote is going to come on the Byrd amendment, and then the Byrd amendment as amended.

The Senate, it would seem to the Senator from Alabama, should have an opportunity to perfect this language. But

we are not given that opportunity, because an amendment was offered by the distinguished majority leader and then a substitute for that amendment, the latter being in the second degree.

It cannot be amended at all. It is sacrosanct language. If that amendment is adopted, then the next step would be to adopt the Byrd amendment as amended, and the Senate would not have had any opportunity whatsoever to shape this legislation.

I feel that the Senate, as a deliberative body, ought to be given that opportunity. I am hopeful that the distinguished majority leader will withdraw his first amendment and then introduce his amendment in the second degree as an amendment in the first degree, which would allow meaningful amendments to be adopted that would shape the final wording of the amendment and of the Senate's position in this regard.

It is somewhat ironic, it seems to me, that, in the years starting in January 1969, many in the Congress and many in the Senate took the position that Congress should have some say in the waging of the Vietnam war. An amendment was offered by the distinguished manager of the bill, Mr. McGOVERN, and Mr. HATFIELD to bring our troops back at a certain time, showing that Congress should have, they felt, some say in the matter of waging war.

The Cooper-Church amendment was on the same theory.

Finally, that sentiment prevailed and the Congress did assert to itself, by controlling the pursestrings, that it had the right to participate in the waging of war.

The issue is exactly the same, even though the positions are reversed, because here we have a situation where under the amendments of the distinguished majority leader he is ruling out the role of the Congress in saying that troops should not be withdrawn, whereas, the Congress asserted this right to say when troops should be withdrawn in the past.

We are turning our backs completely, as I see it, on the principle that was established in the Vietnam war debates, namely, that Congress have a right to participate in decisions regarding the waging of war or foreign policy in general.

But here, we are abdicating our role. A role that was fought for here in the Congress.

I did not always support that. I was not for the McGovern-Hatfield amendments or the Cooper-Church amendments. I thought the President as Commander in Chief of our Armed Forces should have a right to dictate the other policy, but the wisdom of the Congress, in which I now concur, prevailed and Congress did assert unto itself the right to participate in foreign policy decisions.

Here we have an anomalous situation where the Senate is considering this matter without any right whatsoever, any power whatsoever, to amend or shape this amendment. We are frozen off from such an amendment.

I feel it would leave a much better taste in the mouths of the Members of the Senate if this amendment in the second degree would be offered as an amendment in the first degree, and abandon the present amendment in the first degree and leave it open for the considered judgment of all of the Members of the Senate, not just the author of the amendment and the manager of the bill. I do not feel that is bringing the Senate into play here.

I suggest that at some stage of the proceedings the majority leader withdraw his amendment in the second degree, offer it as an amendment in the first degree, and give the Senate an opportunity to participate in the shaping of this legislation.

The PRESIDING OFFICER (Mr. CLARK). Who yields time?

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. McGOVERN. To be taken out of each side equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to permit consideration of a brief amendment by the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection to setting aside the amendment?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 405

Mr. HEINZ. Mr. President, I thank the Senator from New Jersey and I shall be brief.

Mr. President, I call up my amendment which is printed and at the desk, it is No. 405.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 405.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispsensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, lines 4 and 5, strike out "September 30, 1977" and insert in lieu thereof "January 1, 1978".

On page 37, line 10, strike out "." and insert in lieu thereof "," and add the following: "including his assessment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.".

Mr. HEINZ. Mr. President, this amendment is designed to give the Congress the information it needs to make judgments on the performance of our State Department personnel on behalf of Americans incarcerated abroad.

I offer this amendment because of a particular situation that has come to the attention of a number of Senators recently—the tragic situation of Americans imprisoned in Bolivia.

Currently, there are some 42 Americans in Bolivian prisons; some have been there more than 3 years. Of the 42, only 9 have received sentences. Of those, eight had already served all or most of their sentences by the time they received them; yet they have not been released.

In fact, only one American has been released—Michelle Fryer of Pottstown, Pa.—whose release came after considerable pressure on the Bolivians and on our own Government, including a letter signed by 11 Senators from States with prisoners in Bolivia. Michelle was freed, I suspect, in part due to this pressure, and in part due to the complete lack of evidence against her. Tragically, however, all the others, including several arrested and charged with her, similarly without evidence, remain in prison.

Saddled with too few judges, three mandatory levels of review, and an unconcerned attitude about the problem, the Bolivian Government has, until recently, been incapable of dealing with the situation. Progress through the judicial system is snail-like. Cases seem to be averaging 2 to 3 years from time of arrest to time of sentencing. The accused is imprisoned for the entire process. Conditions in Bolivian prisons are appalling. Sanitation and food are poor; prisoners must pay for basic necessities, imposing a serious financial drain on them and their families. Physical abuse at the time of arrest is not unheard of.

In short, the situation is not unlike that in prisons in other lesser developed countries, except that the lack of final disposition of the cases adds a further element of uncertainty and despair to the lives of the prisoners and their families.

Recent developments have led to renewed feelings of optimism in the State Department, though most of us in the Senate familiar with this problem remain skeptical. Motivated by congressional and public pressure, State has in turn pressured the Bolivians to speed up their cumbersome process on the theory agreed to by all that "justice delayed is justice denied." This acceleration appears to be having some effect. New judges have been assigned, and new sentencings recently took place, although the releases predicted by Assistant Secretary Todman upon his return from La Paz last month appear not to be forthcoming.

While this may give some grounds for optimism, the real tragedy in this story is the lack of aggressive State Department action on these cases in the past. The simple fact is that until the prisoners' families went public in early May, little progress was being made, and there was apparently little sympathy for the plight of the prisoners on the part of our Embassy in La Paz.

In that regard, the prisoners' families have made some serious allegations against the Ambassador, and his consular officials, regarding their failure to discharge their responsibilities adequately, their failure to aggressively intercede on the prisoners' behalf, and their lack of sympathy for the prisoners' problems.

These are serious allegations and I, for one, am convinced they have some foundation, though most would agree

that recent Embassy activity, since the families' press conference in May, has been more satisfactory.

The fact remains, however, that past State Department actions were inadequate and that present State Department policy is simply to deny any fault and to defend its employees without exception. This head-in-the-sand approach is not one which benefits either the prisoners, who are not being adequately assisted, or in the long run the State Department, some of whose personnel are not reflecting on it creditably.

It is not my intention in offering this amendment to skewer State Department employees, but I do believe we have to look more carefully at the way our policy is represented and implemented abroad, particularly when our actions are affecting the lives of many Americans, already in tragic circumstances.

This amendment simply makes clear that the reports on Americans incarcerated abroad required by section 111 shall include an assessment of the performance of Embassy and consular personnel in assisting such Americans. The amendment also changes the date of the reports from September 30 to January 1, in order to provide sufficient time to prepare the first one, which will come due at the end of this year. This is a reasonable approach which will encourage the Department of State to focus some of its attention on its own employees and how they are representing and defending us abroad.

Mr. President, further details of this unfortunate situation are made clear in an exchange of correspondence between 11 Senators and Deputy Secretary of State Christopher. I ask unanimous consent that those letters be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 11, 1977.

Hon. CYRUS VANCE,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to express our deep concern over the treatment of Americans imprisoned in Bolivia on narcotics charges, and the inadequate action by the State Department, particularly our representatives in Bolivia, on behalf of the prisoners.

Several facts stand out in what has by now become a long story. There is no question that the 33 prisoners have been denied due process under Bolivian law. Most have been incarcerated for more than a year without any disposition of their cases. Some, when finally convicted and sentenced, had already been jailed longer than their sentences. Others, by the admission of all parties, are clearly innocent and appear to have been arrested only because of their presence in the same room with others who were arrested for possession of narcotics.

Beyond the routinely intolerable conditions of Bolivian prisons, it is clear that some of the prisoners have been subjected to physical abuse, including beatings, and have been denied medical treatment, even when clearly needed.

What is of particular concern, of course, is the apparent failure of our embassy personnel to take action—or display much sympathy—on behalf of these prisoners. The families of those incarcerated, who have met with Ambassador Stedman and the Consul, Mr. Milburne, are bitterly disappointed that they and their staffs have not taken a more active role in seeking the release of the prisoners and in providing aid and comfort to them. These families have charged that the Ambassador and his staff have been deficient in fulfilling their responsibilities and have shown little sympathy for the plight of the prisoners, and they have presented considerable evidence to that effect. For example, they claim that Ambassador Stedman has never sought to visit any of the American prisoners.

Mr. Secretary, it is our firm belief that in this case, our Foreign Service has neglected its obligation to come to the aid of beleaguered Americans. Too much time has already elapsed without effective action. Accordingly, we believe it is now necessary that this situation be given your personal attention and that contact at the highest level of the Bolivian government be initiated.

We would appreciate your earliest possible response.

Sincerely,

John Heinz, Warren G. Magnuson, John Tower, Lowell P. Weicker, Jr., Clifford P. Case, Alan Cranston, Abe Ribicoff, Frank Church, Richard (Dick) Stone, Paul Sarbanes, Lloyd Bentsen.

DEPARTMENT OF STATE,
Washington, D.C., June 1, 1977.

Hon. JOHN HEINZ, III,
U.S. Senate:

DEAR JOHN: Your concern over the Americans imprisoned in Bolivia expressed in your letter of May 11, 1977 is shared by me, by the staff of the Department of State and by the United States Embassy at La Paz. Your letter arrived during the absence of the Secretary, and since I became involved in the problem at that time, the Secretary asked me to follow through.

You may be aware that prior to January of this year there was in effect a Bolivian narcotics law which provided extremely severe sentences for both possession and trafficking. Anticipating a new and less harsh narcotics law most prisoners and their attorneys did not press in 1975–76 for prompt trials.

Upon promulgation of the new law on January 25, the situation changed. Sentences for possession were reduced to a more reasonable 2–8 years and our Embassy began an intensive campaign to expedite the trial hearings for the United States prisoners. Our Ambassador, the Consul and others of the Embassy staff have been involved in intense and constant effort with Bolivian authorities to speed up the trial process. Talks have been held with President Banzer, cabinet members, the Sub-secretary of Justice and others, as a result of which the number and frequency of hearings has been greatly increased.

In one case involving four Americans, sentence has been passed and is being reviewed by the District Court. One American, Michelle Fryer, has been released for lack of evidence, and three or four other cases involving a number of the other United States prisoners are in their final stages.

It is correct that at the time of their arrest, a few prisoners were subjected to mistreatment and beatings. These facts were later made known to the Embassy, and representations were subsequently made to Bolivian officials. Such incidents have not been repeated for many months and we have no indications or complaints that physical abuse is now occurring. Medical and dental treatment in Bolivian prisons is normally deficient or non-existent but we have been able to obtain permission for United States prisoners to leave the prisons for medical and dental treatment when requested by the prisoners. Such permission has been much more readily forthcoming in the past few months as a result of pressure and representation by our Consul and other staff members.

The prisoners are visited regularly, usually twice a week, by consular officers—more often if there are indications that a prisoner is troubled. Prisoners are also able to ask the consuls to come and see them if they have a special request or problem. In addition, other members of the staff and of the English-speaking community in La Paz, such as missionaries and teachers at the American School, visit the prisoners regularly.

During his visit to La Paz, Assistant Secretary Todman discussed this situation with the highest officials of the Bolivian Government and with our Ambassador and members of our Embassy staff. He assures me of his conviction that the Ambassador, the Consul and the Embassy staff as a whole are doing everything within their resources to speed up judicial procedures and to assure the welfare of the prisoners.

We are continuing to give this matter our closest attention and to make every effort toward a prompt resolution of the cases of all the U.S. prisoners. Moreover, in view of the seriousness of the situation, we have undertaken a careful and thorough review of this entire matter with an eye to determining what additional steps we might take in the circumstances.

Sincerely,

WARREN CHRISTOPHER,
Acting Secretary.

Mr. HEINZ. Mr. President, to conclude, this amendment would require that the State Department, when it reports to the Congress, report not only on the actions that have been taken with respect to efforts to support the rights of Americans imprisoned abroad, but also that such report would include an assessment of the performance of embassy and consulate personnel in providing such assistance to our citizens in each foreign country.

I have discussed the amendment with the chairman of the subcommittee (Mr. MCGOVERN) and with Senator PERCY and Senator CASE. I understand they have no objection to the amendment.

I do know there are many Senators who have an interest in the problem of Americans incarcerated in Bolivia which led to this amendment. Senators RIBICOFF, MAGNUSON, CHURCH, STONE, SARBANES, BENTSEN, CRANSTON, WEICKER, TOWER, and CASE also originally joined with me more than a month ago in an effort to try to encourage the State Department to act more aggressively on behalf of Americans held without due process in Bolivian jails.

Mr. President, if there is no objection, I ask for the amendment's adoption.

Mr. MCGOVERN. Mr. President, I think the Senator's amendment is a constructive one. It does make an effort to keep the Congress informed and up to date on these efforts being made on behalf of American prisoners held abroad.

I think the amendment is a compassionate and prudent improvement in the language in the committee bill. I am more than happy to accept it.

Mr. CASE. We accept it on this side.

Mr. HEINZ. I thank the Senators.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MCGOVERN. I yield back the remainder of my time.

Mr. HEINZ. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CASE. Equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask unanimous consent that I might ask for the yeas and nays on the Byrd amendment at this time.

The PRESIDING OFFICER. Is there objection?

Which Byrd amendment?

Mr. ALLEN. The substitute.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, what is it?

Mr. ALLEN. I ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator will not ask for the yeas and nays on that. He knows he will shut out any modification by me if he does that. I hope he will not ask for the yeas and nays at this time.

Mr. ALLEN. Amendments have been shut out.

Mr. ROBERT C. BYRD. A moment ago, the Senator asked me to withdraw it.

Mr. ALLEN. I hope the Senator will.

Mr. ROBERT C. BYRD. If the Senator gets the yeas and nays on it, I cannot even withdraw it.

Mr. ALLEN. I expected unanimous consent to be given.

I withdraw the request.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, on the same basis.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection. it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 2 minutes?

Mr. McGOVERN. I yield 2 minutes to the majority leader.

UP AMENDMENT NO. 464, AS MODIFIED

Mr. ROBERT C. BYRD. Mr. President, I send a modification of my amendment to the desk and ask that the modification be stated.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes a modification to amendment No. 464:

After line 2, insert a new section 1, as follows:

"that U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress."

On page 1, line 5, after the words "South Korea", insert "should" and strike out "the United States should seek to accomplish such" and insert "be implemented".

The PRESIDING OFFICER. The amendment is so modified.

Mr. ROBERT C. BYRD. Mr. President, what this does is to insert a new first paragraph in section 454. The effect is that it wipes out the language in section 454 of the bill and inserts in lieu of that language the amendment in the second degree which I had offered earlier, with the following changes in the amendment in the second degree:

There is a new first paragraph which reads as follows:

that U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress.

In the earlier paragraph, which was numbered 1 but which is now numbered 2 by virtue of the modification, instead of the words "Congress affirms," the modification would read "Congress declines"; and on the first line thereafter, instead of the words "that in accord with the President's policy", the words would read "that in any implementation of the President's policy."

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the bill, while I have the amendment copied, as modified, for all Senators.

Mr. NUNN. Mr. President, will the Senator withhold his request?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield time to the Senator.

Mr. NUNN. Mr. President, I have looked at this amendment; and as I stated earlier, I had reservations about the previous wording. However, this amendment as modified would make it clear that the President and Congress would make joint decisions on matters affecting Korea, including security matters. It also would make it clear that there would not be premature affirmation of a policy we had not scrutinized fully. It sets forth certain criteria if the policy is implemented based on joint decisions of Congress and the President.

So, for my part, speaking only as the junior Senator from Georgia, I think this is a good modification. It cures the problems I had with the amendment; and I intend to support the Byrd amendment, assuming the modification will be agreed to.

Mr. BAKER. Mr. President, I yield myself 1 minute.

I have listened carefully to the description of the modification of the amendment; and I must say that, on first hearing, it has a great deal of appeal. I hope the majority leader will give us a moment to look at a copy of it.

I ask unanimous consent that we have a quorum call now, with the time charged against neither side.

Mr. GOLDWATER. Before the Senator makes that request, if there is time, I should like to ask a question or two of Senator NUNN, who has been instrumental in putting this forth.

Mr. BAKER. I yield 2 minutes on the bill to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was inclined to vote against this amendment. In fact, I really do not believe such an amendment was or is necessary.

Is the Senator from Georgia convinced as to the language in paragraph 3(b)(1): "The foregoing policy shall be implemented in regular consultation with the Congress"? Does he feel that is strong enough, in effect, to tell the President that he has to consult with us?

Mr. NUNN. I say to the Senator from Arizona that what bothered me about the original amendment was that it seemed to imply that we were, first of all, in the first paragraph, affirming the President's policy; and it may well be that the Senator from Georgia will agree with that policy when I know all the details of it. It bothered me that we were, by implication, affirming the policy and then, in the latter paragraphs, asking him to consult with us.

I think that consultation should take place prior to affirmation, not affirmation prior to consultation.

What we did with this modification in paragraph 1—I do not have the exact language before me, so I am paraphrasing—was that any Korean policy shall be the joint decision of both Congress and the President. That is at the very beginning of the declaration, in addition to the consultation provision.

With that addition and with the word "affirm" being stricken, the amendment, in my opinion, fully protects Congress as a participant in the decisionmaking process about any national security decision regarding reduction or withdrawal of our forces from South Korea.

Mr. GOLDWATER. Will the Senator tell me what word has been substituted for "affirm"? Whoever wrote this is a worse writer than I am.

Mr. NUNN. I am glad the Senator from Arizona said that about my majority leader and I did not. [Laughter.]

The majority leader's handwriting is better than that of the junior Senator from Georgia, so I would not have any reason to complain about it.

I would say my recollection is—and I do not have the amendment before me—that the word "concurs" has been stricken and the word "declares" has been substituted for that; is that correct?

Mr. ROBERT C. BYRD. Yes, that is correct.

Mr. GOLDWATER. It starts in paragraph 1, the first, that in any——

Mr. ROBERT C. BYRD. Any implementation of.

Mr. GOLDWATER. I will be darned. [Laughter.]

Does the Senator from Georgia feel better about this amendment?

Mr. NUNN. The amendment is satisfactory to me, and I think it is an improvement. It expresses the rather clear intent that Congress will be included in the decisionmaking process. Then it sets forth, I think, very prudently certain concerns that have to be taken into account in implementing the policy in ac-

cordance with what the President has expressed.

Mr. GOLDWATER. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I think it is obvious the Senator from Arizona has taken a course in fast reading whereas I have taken a course in fast writing.

Mr. GOLDWATER. Maybe the two of us ought to get together.

Mr. GRIFFIN. Mr. President, I yield myself such time as I may need. I want to indicate quite simply that my amendment to the committee bill is pending; that I also believe the modification of the distinguished majority leader is an excellent move, and I believe it may be possible now for us to get together without having a series of rollcall votes.

I will, however, reserve my final judgment until the amendment, as modified, is retyped and made available. I understand that is being done at the moment. In the meantime, if no one else seeks recognition, I will suggest the absence of a quorum.

The PRESIDING OFFICER. Time to be charged to the amendment?

Mr. BAKER. Mr. President, I had previously asked unanimous consent for permission to suggest the absence of a quorum with the time to be charged to neither side. Did the Chair grant that request for me? I ask unanimous consent to that effect.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, may I have the attention of the Senator from Georgia? The new language that has been worked out on the amendment offered by the distinguished majority leader, now reads:

Congress declares that U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress.

I assume that this language does not mean there would have to be a specific statute enacted by Congress concerning any policy change with respect to Korea. I hope that the Senator has in mind the normal consultative arrangements and decisionmaking processes between the Congress and the President whereby the appropriate committees would be kept informed and consulted; would have an opportunity to express their views; and would have the option of enacting a sense-of-the-Congress resolution. I hope that it is not the intention of this amendment to require the passage of a specific statute on each Korean policy change.

Mr. NUNN. That certainly, I will say to the Senator from South Dakota, is the way I would read this. That is the way I intended it in making this suggestion because every year in the Committee on Armed Services we have a process whereby we recommend to the Senate an authorization for the specific number of Army forces that we have in the world. Part of that decision is the question of where they are deployed. We do not specify by statute where they are deployed, but we do consider that. The President and the executive branch know we consider that, and the record is clear we consider that in arriving at total numbers.

The Appropriations Committee does the same kind of thing when they vote money relating to ground forces, and the Committee on Foreign Relations, of course, plays a vital role in this entire area. It would not be my intention that it would have to be a specific statute, but it would be a decision that Congress would reflect through their normal deliberative and authorization process.

Mr. McGOVERN. That was my understanding, and it is important that we make that clear.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. McGOVERN. Yes.

Mr. ALLEN. I disagree with that interpretation that it be by appropriate committees because the wording does not state that. "U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress." But it would not be a decision of the Congress if the President has a breakfast meeting with a couple of committees and, at that meeting, they say they agree to a withdrawal of 10,000 troops from Korea.

Mr. STONE. Mr. President, will the Senator yield?

Mr. ALLEN. I do not have the floor. The Senator yielded to me, and I would like to continue on that line.

If that is the construction that is going to be placed on this—I would agree there are a great majority of the Members of the Senate who are not on the Committee on Foreign Relations or the Committee on Armed Services, and I do not feel that is Congress speaking when committees meet with the President. If that is the construction that is going to be placed on it, the matter will not come to a vote for quite some time.

Mr. McGOVERN. If I may respond, that is not, of course, what I had in mind. But I yield to the Senator from Georgia.

Mr. NUNN. I say to the Senator from Alabama that everything we do has to come through the Senate, has to be approved by the Senate. The committee has no power to set manpower levels. We go to the Senate.

Mr. ALLEN. That is not what the Senator said a moment ago. He said that all that would be required would be for the committees to give their approval.

Mr. NUNN. The Senator misunderstood what the Senator from Georgia said. He said every year we have a normal authorization process whereby the Committee on Armed Services on the Senate side sets the number of ground forces, and we have a specific policy which we set forth in our committee report. The Appropriations Committee does the same thing. Both of those come through Senate action.

Mr. ALLEN. The Senate has to act on it.

Mr. NUNN. It has no validity unless the Senate acts on it.

Mr. ALLEN. The Senator previously said it did not. Now he says it does.

Mr. NUNN. I said it did not take a specific statute on the books. When you talk about statute, I had in mind a statute that said the Congress "hereby declares the President of the United States can withdraw 6,000 troops from Korea." I do not think it takes that kind of a statute.

Mr. ALLEN. Does it take a resolution?

Mr. NUNN. I think it could be done in the authorization process with the appropriate committee language, and if that language is not agreed to on the floor——

Mr. ALLEN. All right. Does it take a vote by the entire Senate and the entire House?

Mr. NUNN. The authorization bills themselves have to have a vote by the entire Senate and the House, so the answer is, "Yes."

Mr. ALLEN. In other words, this action could not take place unless the House and the Senate approved it, which is a far cry from what has been said before, that if the committees agreed to it, then it could be done.

Now it is being said it takes a specific vote by both Houses. If that is the legislative history, that is fine.

Mr. NUNN. It takes a specific vote on the authorization bill. If the Senator from Alabama wants to have an amendment to the authorization bill saying that the President of the United States shall not withdraw troops from South Korea, he can do that. If the committee wants to say that we are setting manpower levels of 790,000, and in that manpower level you have 38,000 troops in South Korea, and the Senator from Alabama does not agree with that, then he can challenge that on the floor.

Mr. ALLEN. It does take definite action by both Houses then.

Mr. NUNN. Any authorization bill takes definite action by both Houses.

Mr. ALLEN. I am not talking about an authorization bill; I am talking about withdrawal of troops. Then it would take definite action by Congress in its authorization process. Is that correct?

Mr. GOLDWATER. Mr. President, if the Senator will yield, I call attention of the Senator from Alabama to the fact that this is a process that the Armed Services Committee goes through regularly every year. We review the status of forces all around the Earth and we decide or suggest force level changes.

We just did this in the last authorization bill on which we are in conference now.

We discuss the matter of troops in Korea, troops in NATO, and then when it comes to the floor it contains any change, and we then vote for that change or we can amend it and amend it out. So we have the process.

Mr. ALLEN. Very well.

It was stated earlier it would just take action by the appropriate committee.

Mr. NUNN. Mr. President, I think if the Senator from Alabama will go back and look at the record he will see that is not stated. The Senator from Alabama misinterpreted the answer of the junior Senator from Georgia to the question asked by the Senator from South Dakota.

I described the authorization process

of the Armed Services Committee and the appropirations proecss of the Appropriations Committee. I did not use the words the Senator from Alabama used in describing it.

Mr. ALLEN. It takes final action by Members of both Houses. Is that correct?

Mr. McGOVERN. Mr. President, if the Senator will permit me, I think maybe the confusion comes from this. Really what we are talking about is how a policy is implemented, and a policy that the President recommends to Congress is implemented, in the first instance, by referral to the appropriate committees. It may be the Foreign Relations Committee dealing with the foreign aid bill and obviously, as we phase down our involvement in Korea, we may have to make certain adjustments in equipment that we will turn over to them or additional aid to help beef up their own military capability.

Those are things that will be passed on by both the Armed Services Committee and the Foreign Relations Committee. They are really implementing measures designed to carry out a policy.

The reason I asked this question, I did not want to leave the impression that we are saying that no policy can be enunciated toward Korea until there is a specific statute outlining the whole policy.

The withdrawal timetable, and all those things, are steps that are taken as the policy is implemented, and they, in the first instance, will be recommended by the appropirate committees.

But the Senator is quite right that in the last analysis none of those things are going to happen until they are voted on by the House of Representatives and the Senate.

Mr. ALLEN. So it does take a vote by both Houses of Congress.

Mr. McGOVERN. In that respect.

Mr. ALLEN. With respect to any policy with respect to Korea and the United States.

Mr. McGOVERN. In the implementing of that policy.

Mr. ALLEN. Very well.

I am glad to get that straight.

Now I wish to ask one further question.

The first paragraph of the modification is that U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress, and it has been established that is going to take a vote of both Houses.

Would the term "U.S. policy" embrace the question of the propriety of withdrawing troops from Korea?

Mr. McGOVERN. Absolutely.

Mr. ALLEN. All right. In other words, that is an all-inclusive term.

Any phase of our relations with Korea, including the advisability of withdrawing of American troops from Korea, would take joint decision of the President and Congress.

Mr. McGOVERN. That is correct.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, is the time running on the amendment I have?

The PRESIDING OFFICER. The Senator is correct. The Senator has 4 minutes remaining.

Mr. GRIFFIN. Is there time remaining on the other side of the amendment?

The PRESIDING OFFICER. Twelve minutes.

Mr. GRIFFIN. There are 12 minutes remaining on that side.

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to get an amendment?

The PRESIDING OFFICER. Will the Senate come to order? Members please take their seats.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute from the bill?

Mr. McGOVERN. I yield 1 minute to the Senator.

The PRESIDING OFFICER. Will Members please take their seats? The Senate will please be in order.

Will the Senate please be in order?

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment in the second degree further by striking the word "should" in the first line of paragraph 1 and inserting in lieu thereof "continue to" so that the language reads that—

U.S. policy toward Korea continue to be arrived at by joint decision by the President and the Congress.

The PRESIDING OFFICER. The amendment is so modified.

Who yields time?

Mr. GRIFFIN. Mr. President, I have had a chance to carefully examine the modified amendment of the distinguished majority leader, and while I recognize that it is a real improvement over the original, I am still not satisfied. I think that the amendment that I have offered is much better.

Let me explain why. Although it says in the first subparagraph that U.S. policy toward Korea should be arrived at by joint decision of the President and the Congress, it then proceeds to recognize the President's policy of reduction of U.S. ground forces from South Korea throughout this amendment.

In subparagraph (3) it says that "this policy should be implemented with a careful regard to the interests of the United States," suggesting that we are going to carry out a policy of withdrawal.

On page 2 it says, "The foregoing policy shall be implemented in regular consultation with Congress."

That is nice, that there is going to be some consultation.

But we are, in effect, again saying that it is going to be carried out. Then in the last paragraph, where, it seems to me, the amendment is subject to the most criticism, we require reports to be made by the President, one on February 15, 1978, and others on February 15 of each year thereafter, until such withdrawal is completed.

Mr. DOLE. It is over then.

Mr. GRIFFIN. I do not know. The amendment reads both ways here.

In one paragraph it says policy should be determined by a joint decision, but the rest of the amendment suggests that the President's policy is going to be carried out.

I am not satisfied myself, and I reserve the right to vote against this amendment if it is not further modified.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GRIFFIN. Yes. I am glad to yield, although there is very little time remaining.

Mr. BAKER. Mr. President, I yield myself 2 minutes off the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I could not agree more with the distinguished Senator from Michigan.

We have a serious problem on our hands in that the amendment as it was originally submitted was far from perfect. As a matter of fact, I expressed rather energetically my objection to it. As a matter of fact, I spoke at some length in my objection to it, as the Senator knows since, I think, he was in the Chamber.

We have tried a number of variants and finally arrived at the proposal that the majority leader has made.

But I think that the Senator from Michigan still has a good point, and he mentioned it to me a little earlier. Before I could get to him to tell him I would have told him that there are two other modifications in it that may make some difference.

First, I do not think that it should be taken as the legislative intent or as a part of the legislative history, and I specifically represent that for my part I do not understand it to mean that this in any way, by implication or otherwise, approves tacitly or directly a policy of withdrawal.

Having said that, the modifications that I have asked for are now received and are the ones that were just made by the majority leader in the first instance. Section 454(a) is changed to read now "that U.S. policy toward Korea should continue to be arrived at."

But more to the point, on page 2, in section (b)(1) it is changed now to read "any implementation of the foregoing policy shall be done in regular consultation with Congress."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAKER. Mr. President, I yield myself 2 additional minutes.

Mr. ROBERT C. BYRD. Mr. President, that has not been done yet.

Mr. BAKER. Mr. President, I was about to say that this proposal was made to the distinguished majority leader and to the distinguished manager of the bill, and it is my understanding that they have found it agreeable.

If I am mistaken about that, I would withdraw that statement.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BAKER. I think that tends to meet the objection of the distinguished Senator from Michigan, as I understood it; that is, that it should be entirely clear that nothing in this amendment implies to any extent that that will be the policy of the Government of the United States.

Rather, it says that if the President and Congress acting together should decide in the future that that is the policy of the United States, these provisions shall be effective.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield the floor for me to obtain time from the manager of the bill, without losing his right to the floor?

Mr. GRIFFIN. Mr. President, I do not know if there is any time remaining; is there, Mr. President, of my time?

The PRESIDING OFFICER. On the pending amendment, there are 2 minutes remaining to the Senator from Michigan and 11 minutes remaining to the Senator from South Dakota.

Mr. GRIFFIN. Could the majority leader take his time from the other side?

Mr. McGOVERN. Yes, I yield the majority leader such time as I have remaining on this amendment.

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment in the second degree as follows: In line 1 of paragraph 1, the words will read "that U.S. policy toward Korea should continue to be arrived at"—putting the word "should" back in—and in the first line of the paragraph numbered (3), which now reads "that this policy should be implemented." to read "that any implementation of this policy should be carried out with careful regard", and so on.

Finally, on page 2, in the first line, insert before the word "the" these words: "Any implementation of", and then, on that same line, strike the word "implemented" and insert the word "done", so that the language would read "Any implementation of the foregoing policy should be done in regular consultation with the Congress".

Mr. McGOVERN. ". . . Should be carried out . . .?"

Mr. ROBERT C. BYRD. Yes. "Any implementation of the foregoing policy should be carried out in regular consultation with the Congress".

Mr. ALLEN. On the question of putting the word "continue"——

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, does the Senator from Alabama have the floor?

Mr. ALLEN. I asked a question; does someone yield me time?

Mr. McGOVERN. The majority leader has the time.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I question the advisability of adding the words "continue to be," because that assumes it is now being followed.

Mr. ROBERT C. BYRD. Yes, and I think it should be.

Mr. ALLEN. Obviously it is not being followed, because this policy was announced before the President was President.

Mr. ROBERT C. BYRD The Senator is talking about a specific policy. We speak here of U.S. policy. That is all-embracing U.S. policy toward Korea should continue to be arrived at by joint decision. If we do not say "continue to be" it appears that this is something brand new, that Congress has never been brought into the act, but from henceforth on it is going to be different.

That is my purpose.

Mr. ALLEN. Yes; but by legislative history we have established that that policy has to do with troop withdrawal as well as other phases of foreign policy, and obviously there has been no consultation with Congress on that. That policy was announced before the President even knew many Members of Congress. I just wonder if we are assuming something there that is not the case.

Mr. ROBERT C. BYRD. Mr. President, I respect the concern that has been expressed by the distinguished Senator from Alabama, but I feel that U.S. policy toward Korea is something that has been carried out by joint decision of the President and the Congress, it is being carried out, and it will continue to be carried out by joint decision of the President and the Congress. If the words "continue to be" were to be omitted, it would look as though, as I say, we have departed upon an entirely new course of action, and would imply that U.S. policy toward Korea has never heretofore been and is not now being arrived at by joint decision of the President and Congress. I think that would be a wrong inference to be drawn.

Mr. ALLEN. Will the Senator yield further?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Following up what the distinguished Senator from Tennessee (Mr. BAKER) said, this substitute, as finally modified, assumes that this policy is to be implemented, and all the Congress would have to say about it would be on the matter of the details. The decision is already made, and the question would involve only the mechanics of putting it into effect.

I think that takes away from the provision and the thought of it being a joint decision, because we are moving inexorably toward final withdrawal of all troops, and Congress gets to consult on, possibly, the details, whether it is 9,000 now or whether it is 10,000; it is some minor detail, leading, though, to the ultimate and unquestioned final withdrawal of all the troops.

Can the Senator from West Virginia disabuse this Senator's mind in that regard?

Mr. ROBERT C. BYRD. I beg the Senator's pardon, I was distracted by an aide who appropriately queried me concerning the amendment I proposed.

The PRESIDING OFFICER. The Senate will come to order.

Mr. ALLEN. The point I was making was that we say in paragraph (1) that U.S. policy toward Korea should be jointly arrived at by the President and Congress, and further on down, it assumes a decision has ben made, and that we are going to support the policy of the President, because it says "this policy should be implemented."

What policy? The President's policy of gradual and phased withdrawal. So the policy has been established by this resolution, and all that would be left would be the matter of details.

Mr. ROBERT C. BYRD. No. No, I do not agree with that at all. It says "any implementation." It does not say "in the implementation"; it says "in any implementation." Such implementation may never be the policy.

Mr. ALLEN. Unless the amendment has been changed from the way I have it, paragraph 3 says "this policy should be implemented".

Mr. ROBERT C. BYRD. No, I made that modification. I will say it again: "that any implementation of this policy should be carried out with a careful regard" and so on.

Mr. GRIFFIN Does the Senator from Alabama have the floor?

Mr. ALLEN. No, I do not.

Mr. GRIFFIN. Will the Senator from West Virginia yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I had the same concern as the Senator from Alabama, but I will say it was my understanding that there was a modification in subparagraph (3).

Mr. ALLEN. That covers the point, then.

Mr. GRIFFIN. But let me call the attention of the Senator from Alabama to the last paragraph, paragraph (b) (2), on page 2, which it seems to me is subject to the same concern.

Mr. ALLEN. Yes.

Mr. GRIFFIN. "Not later than February 15, 1978, and not later than February 15 of each year thereafter until such withdrawal is completed, the President shall transmit a report."

Mr. ALLEN. Yes.

Mr. GRIFFIN. If that were preceded by words like this—and I say this with the suggestion that perhaps the majority leader will accept it—"If Congress should agree to the withdrawal of ground forces from the Korean Peninsula, then, not later than" so and so, which would make it clear that Congress would have to first agree to any withdrawal.

Mr. ROBERT C. BYRD. Mr. President, I think Senators are attempting to nickel and dime the amendment to death.

On page 2 we say, "any implementation of the foregoing policy." On page 1 in paragraph 3 we say, "any implementation of this policy." In paragraph numbered 2 we say, "any implementation of the President's policy." We have not said that that implementation would go forward. We have not said, "In the implementation of the President's policy," thus and so should happen. We said, "in any implementation in." It might be a partial implementation; it might be a full implementation; it might not be any implementation.

I think there are adequate safeguards in here, and we have provided for the consultative process with the Congress.

As to the words, "until such withdrawal is completed," I would hope there would come a time between now and the strike of doom that there would be a withdrawal at some point.

Mr. BAKER. Will the Senator from West Virginia yield to me for a moment on this point?

Mr. ROBERT C. BYRD. We are not saying it is in 4 years, 5 years, or 7. We are saying until such withdrawal is completed. I yield.

Mr. BAKER. Mr. President, I understand the concern of the Senator from Michigan. I share that concern. The concern really is this: We are trying to draw an amendment which states in alternative language that if the Congress and the President should agree, we will do certain things.

It seems to me that the Senator from Michigan is suggesting that we ought to conform this paragraph to that alternative sense.

I have one other suggestion I would

hope the majority leader would listen to, and which possibly might be acceptable to the distinguished Senator from Michigan. In (b)(1) we have changed it now to read, "any implementation of the foregoing policy." Why not change (b)(2) to read, "not later than February 15 and not later than February 15 of each year thereafter until any such withdrawal" and insert the word "any" to preserve the alternative character of that paragraph?

Mr. ROBERT C. BYRD. Mr. President, I believe that is an appropriate suggestion and I so modify my amendment, to insert the word "any" between the words "until" and "such" on line 2 of paragraph numbered 2 of page 2.

Mr. DOMENICI. Will the Senator yield time on the bill?

Mr. BAKER. I yield myself 2 minutes on the bill and I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Let me ask the distinguished Senator from Tennessee a question. I have listened for the last 15 or 20 minutes to his explanation. If I understand correctly, he is saying that the President and the Congress have to decide jointly if there is going to be a withdrawal of troops from Korea. Is that correct?

Mr. BAKER. I am.

Mr. DOMENICI. And I think the Senator is saying we have not yet done that; is he not?

Mr. BAKER. I am saying that.

Mr. DOMENICI. Then it appears to me we are further saying if we are ever going to do it, we ought to do it together. Is that correct?

Mr. BAKER. That is correct.

Mr. DOMENICI. Then why do we have to decide in advance the language contained in (b)(2)? Would that evolve in the legislative-executive process the Senator referred to?

Mr. BAKER. I think it probably would evolve that way. I guess my answer is we do not have to do it but I do not think it does any damage to do it. Since we are providing for alternative courses of action, that is, the Congress and the President may not decide to do that, then this would not matter. But if the Congress and the President did decide to do it, we are putting in place certain reporting requirements and safeguards. I think it is essential, which is the Senator's question, but I do not think it is objectionable.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. I yield an additional 2 minutes, Mr. President.

Mr. DOMENICI. Let me suggest to the Senator that if that paragraph is talking about an approach to the President advising us on a regular basis with reference to the policy of the United States versus Korea, because we are somewhat concerned that he may be going off unilaterally, then a paragraph like that would make sense without referring to withdrawals. But when we say we are not in a consultative posture at this point and this resolution has as its intention that we must be, because Congress wants to have and does have some authority in the area, how can we have the foresight to be talking about reports with reference to withdrawal with certain dates?

Mr. BAKER. Mr. President, let me answer, if I may, and let me yield myself 5 minutes.

I would like to have the attention of the distinguished Senator from New Mexico and others.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BAKER. I am sure the Senator from New Mexico remembers that 2 weeks ago I was the first Member of the Senate, I believe, to suggest that the language in the Foreign Relations Committee bill the language relating to a sense-of-the-Senate resolution approving the withdrawal of troops from Korea ought to be stricken. I said in my remarks this morning that I was appalled that that was included. I thought it was a dreadful mistake.

I prepared and had printed in the CONGRESSIONAL RECORD a motion to strike that whole section.

The parliamentary situation at this point, Mr. President, is simply that in advance of my opportunity to offer my motion to strike the distinguished majority leader offered an amendment to the original text, and then another amendment to it. All we have available to us now is to try either to amend that first amendment or to perfect the language of the original text.

What we are doing here, it seems to me, is simply trying to make the best we can of the language before us as a parliamentary situation.

I want to be entirely clear that this is not my preference. My preference is to strike it altogether. I want to represent to my colleagues on this side of the aisle that we have come a long, long way from a sense of the Senate proposal in that language approving the President's proposal to withdraw troops from the Korean peninsula. We have come a long way from that.

I believe we also have come to the place where we have an acceptable piece of legislation in this amendment. That is not the last word on this subject, but I believe it is acceptable. It is changed from a declarative statement, which says we approve of the President's language, to one where it says we have to have joint consultation, to the place where we say that in the event that joint consultation is in the affirmative and agrees with the President, we have to have certain protections, safeguards, and reporting requirements.

Finally, we have conformed the entire amendment so that there are no unintentional intendments which suggest that this is, by implication, a declarative policy. I believe we have done all we can to this, and I think we ought to go ahead and adopt it.

Mr. DOMENICI. Will the Senator yield 1 minute?

Mr. BAKER. I yield.

Mr. DOMENICI. Concerning his last words, where he said we have come to the point where it ought to be done in joint consultation, I think the Senator would agree that under paragraph 1 the words are "joint decision." Is that correct?

Mr. BAKER. That is correct.

Mr. DOMENICI. Let me say that I in no way disagree with what the Senator said in terms of where we were and where we are. I think it is a valid question if we intend the decision to be made jointly. We are not fortunetellers. There is obviously the option that we may never agree. Why are we, in paragraph 2, attempting to set down some kind of format that calendarizes withdrawal when, if a decision is going to be made in the future, it would appear that that also would be part of the decisionmaking process? It may make no sense in the final analysis to put in that paragraph.

Mr. BAKER. As I said a minute ago, I do not think it is necessary, but I do not think it hurts anything. My preference still would be to strike the whole section, but I do not very often get my preference.

Mr. THURMOND. Will the Senator yield?

Mr. BAKER. I yield.

Mr. THURMOND. I commend our able and distinguished minority leader. I think he has taken the right stand. In the first place, this section should never have been placed in this bill. In the next place, if it is in the bill we ought to amend it to make it clear to show this if there is going to be a withdrawal, and not the assumption that there will be a withdrawal. I think that ought to be made perfectly clear. I wonder if the distinguished Republican leader feels that that is the case.

Mr. BAKER. Mr. President, I do feel that is the case. I think this amendment in its modified form clearly states the alternative possibility that the President may jointly decide with the Congress to reduce troops or they may not. The language of each section of the bill now has been conformed to the alternative character of that position.

Mr. THURMOND. I am wondering if the distinguished Republican leader feels those dates should stay in or, with the concurrence of the majority leader, whether they could be eliminated and that matter clarified.

Mr. BAKER. Mr. President, it is immaterial to me. I think if we decide to go forward we will need reporting requirements. If we decide not to, they do not matter. That would be a matter I would be pleased to pass on to the distinguished majority leader for his remarks.

Mr. THURMOND. Could we leave those dates out?

Mr. ROBERT C. BYRD. The dates of February 15, 1978, and so on?

Mr. THURMOND. Yes.

Mr. ROBERT C. BYRD. No, and these are the reasons: Unless we have some dates by which reporting is required, then we are left without any assurance that we shall have regular reporting. The date of February 15 was put in for this reason: We have other mandated dates by the Budget Reform Act, for example. Under that act, committees are supposed, by March 15 of this year, to submit their proposed ceilings under which they will keep their funding. By May 15 each year, committees have a deadline to meet with respect to the reporting of authorization measures that carry new programs.

I felt, No. 1, that it was a necessity to

have a date to assure orderly, regular reporting, and that that date should come at a time prior to either of these budget reform deadlines to which I referred. This will allow the administration, early in the year, to make its report before the committees are mandated, under the Budget Reform Act, to meet certain other deadlines.

Mr. THURMOND. Mr. President, I understand that the distinguished majority leader feels, for the reasons stated, that the dates should remain in.

Mr. ROBERT C. BYRD. Yes.

Mr. THURMOND. But as I understand, it is clear with him and with the Members of the Senate now that both the President and the Congress will have concurrent jurisdiction in this matter with the current truce on Korea.

Mr. ROBERT C. BYRD. I think the language speaks for itself.

Let me say, first of all, that we have tc begin with the fact that the bill before us has a section 454, in which Congress affirms certain things.

Mr. THURMOND. That has been changed now to declares, I believe is the language.

The PRESIDING OFFICER (Mr. McINTYRE). All time of the opponents on this amendment has expired. The Senator from Michigan has 2 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield myself time on the bill.

Mr. STONE. Will the majority leader yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. Yes.

Mr. STONE. I ask unanimous consent that Jane Matthias, of Senator FORD'S staff, and Barry Schochet, of my staff, have the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Jim Hinish of Senator SCHMITT'S staff have the privilege of the floor.

Mr. ROBERT C. BYRD. Are we getting the requests in so that the Sergeant at Arms will know the names?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Larry Groner of my staff be granted the privilege of the floor during the debate and votes on this pending legislation.

Mr. THURMOND. Mr. President, I make a similar request for Gene Lawrimore of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield time from the bill to myself.

To begin with, I say to the distinguished Senator from South Carolina, we have before us the language from section 454 of the bill. That language appears on pages 52 and 53. That language states that Congress affirms certain things. It makes reference to withdrawal of U.S. ground forces from the Korean Peninsula within 4 to 5 years.

Paragraph 2 and paragraph 3 speak for themselves. Those paragraphs have been included in my amendment in the second degree with only a slight modification.

My modification changes the word "affirms"—"Congress affirms"—to "declares." It states that U.S. policy toward Korea should continue to be arrived at by joint decision of the President and the Congress. That does not appear in the language that is in the bill.

Keep in mind that the language in the bill was reported unanimously by the Committee on Foreign Relations. So my modification has inserted a new paragraph that states that U.S. policy toward Korea should continue to be arrived at by joint decision of the President and Congress. This is to assure Senators that any decision with respect to the withdrawal or reduction of troops in Korea will be arrived at by joint decision of the President and the Congress.

This is not something new. It is something that continues, should continue to be arrived at by joint decision.

Finally, the modification provides for the implementation of the policy in regular consultations with Congress. The committee language does not provide for consultations with the Congress. The modification does so provide. The modification provides for regular reports, and it states dates so that Congress can be assured that such reporting will be made, will be made by certain dates, and in a regular manner. It provides also that the appropriate committees in the Senate—to wit, the Armed Services Committee, the Foreign Relations Committee, and the Intelligence Committee of the Senate—will be supplied with such regular reports, which will assess the implementation of the policy, which, again, as I say, will be arrived at by joint decision of the President and the Congress.

I think that the modifications that have been made have gone a long way, in my judgment, toward allaying the concerns that were appropriately expressed by several Senators on both sides of the aisle. It was my desire to improve upon the language of the committee bill. I desired to assure that Congress would be consulted, to assure that reports would be regularly made to the Congress, and to assure that the policy with respect to withdrawal would be a policy that would be implemented through joint consultation between the President and the Congress.

I think my modification has done that. I think my amendment has done that.

Mr. THURMOND. The majority leader's statement has greatly clarified things. I think it is a blunder to talk about removing troops from Korea with the world situation the way it is today. I think it is a green light to the Communists, maybe, to get prepared, that we are going to withdraw from that part of the world and cause them to have a buildup which could bring on a war. I do not say it would.

Mr. ROBERT C. BYRD. Mr. President, this policy of withdrawal is not mine. The President stated that it would be his intention—he said that during the campaign—something to the effect that it was his intention to phase down the number of American troops in Korea.

Mr. TOWER. Will the Senator yield?

Mr. ROBERT C. BYRD. Since that time, since he became President, he has restated that position.

Now, without some language in the bill, we have nothing. We have nothing to require that the President will consult with Congress. There is nothing to require reporting by the President to Congress. So the committee endeavored to write some language. I have endeavored to improve on that language with my amendment so as to lay down guidelines by which the President may be assisted in any policy with respect to Korea, and those guidelines include the Congress as a partner in the process.

Mr. THURMOND. It is just a pity that the President made such a commitment during his campaign and did not wait until he got the facts so he could make a sound decision.

Mr. TOWER. Will the Senator yield to me?

Mr. ROBERT C. BYRD. I yield to the Senator from Texas.

Mr. TOWER. I ask the majority leader, do we have any formal communication from the President that enunciates this as policy? Is this all we are going on: the campaign promise and the subsequent comment at a press conference? Is that what we consider establishes Presidential policy in the matter?

Mr. ROBERT C. BYRD. Mr. President, I have nothing in writing from the President. All I have is the bill the Senate has before it today. It has certain language in that bill. I have sought to improve upon that language recognizing that it is the intention of the President, from all I can understand, to bring about a phased but gradual withdrawal of ground forces in South Korea, leaving the air units there, leaving naval units there, and having such a phased and gradual withdrawal as to assure the South Koreans that any limitations in firepower and airpower will be phased in as the ground troops are phased out.

All I have before me is the language of the committee which I thought we could improve upon.

Mr. TOWER. We say this is Presidential policy, but we have no formal communication that this is his policy.

During the campaign, for example, he said he would push for deregulation of gas, but he has changed his position on that 180 degrees.

I do not think we can assume it is Presidential policy just based on a campaign statement. I do not know why we have to acknowledge this as Presidential policy when we have had no formal indication from him that this is precisely what he intends to do.

Mr. ROBERT C. BYRD. Mr. President, the President has made statements, though, since he became President that I think make it clear it is his intention to carry out his stated commitment that was made during the campaign.

Mr. BAKER. Mr. President, may I have 2 minutes off the bill?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr President, I respond to my friend from Texas and say that not only do we not have a communication from the President, no message to the Senate, as far as I know, no communication to the Foreign Relations Committee, but we have no exact details.

The problem before the Senate now arises by virtue of the fact that the Foreign Relations Committee reported

in this bill a section in which it proposes to express the sense of the Senate in approval of the stated intentions of the President.

They did that, I might add, without my vote. I stated as soon as I discovered it that I was appalled and I proposed to strike the language.

Mr. TOWER. If the Senator from Tennessee will yield, the distinguished majority leader just said that this was reported by a unanimous vote of the Foreign Relations Committee.

Mr. ROBERT C. BYRD. That was my understanding. Am I wrong?

Mr. BAKER. Unanimous, I am sure, by those who voted. But I want the Record to show I did not vote to include that resolution.

Mr. GRIFFIN. Mr. President, may I have the record show that the committee-transcript will indicate that I registered my opposition to this section during markup of the bill by the committee?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it way my understanding that this——

Mr. GRIFFIN. The bill may have been reported unanimously, but when this section was considered in the committee, I voted against it. It was reported——

Mr. McGOVERN. On Korea?

Mr. GRIFFIN. That is right, and also on Cuba.

Mr. McGOVERN. I think the Senator must have recorded his vote privately after the——

Mr. GRIFFIN. I think the record will show, I say to the Senator.

Mr. McGOVERN. Because there was a rather large attendance the day this matter was debated and both in the subcommittee and in the full committee it went through without objection.

Mr. GRIFFIN. I disagree with the Senator.

Mr. McGOVERN. The Senator may have later recorded his position.

Mr. BAKER. I cannot add to that because I was not present that day. I was otherwise occupied on the floor of the Senate.

I just want the record to show, as well, in concert with my friend from Michigan, I did not vote for this section and protested its inclusion as soon as I discovered it.

Mr. ROBERT C. BYRD. Mr. President, may I say I had no intention of misrepresenting any Senator's vote in the committee. I am not a member of that committee, and I may have misstated the record.

But it was my understanding that the language that appears in the bill was reported out unanimously.

Now, I could be wrong.

Mr. BAKER. I think with the problem, Mr. President——

Mr. DOLE. Will the Senator from Michigan yield to me?

Mr. GRIFFIN. I yield the remaining time I have, which I believe is 2 minutes.

The PRESIDING OFFICER (Mr. STONE). The Senator has 2 minutes.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Would a motion be in order when the time expires on the amendment, on the pending amendment?

The PRESIDING OFFICER. A motion to recommit?

Mr. DOLE. Yes.

The PRESIDING OFFICER. What is the motion?

Mr. DOLE. Well, I have two alternatives, a motion to recommit with instructions that section 454 be stricken and the bill be rereported forthwith.

The PRESIDING OFFICER. Such a motion would not be in order even after the time expires.

Mr. ROBERT C. BYRD. Mr. President, that would be seeking to do indirectly that which the Senator cannot do directly.

The PRESIDING OFFICER. The majority leader is correct.

If the Senator from Kansas will direct his attention to page 686 of the Senate Procedure Manual, the provision at the bottom of the page states:

A motion to recommit with instructions to report back forthwith with an amendment to delete an amendment, and no more, just agreed to by the Senate would not be in order since the Senate would be trying to accomplish indirectly what it could not do directly.

That is what the majority leader just stated.

Mr. DOLE. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. I do not have that before me, but have we agreed on some amendment we are about to strike?

The PRESIDING OFFICER. The point is that the Senator's motion would attempt to do indirectly that which could not be done directly, since an amendment in the nature of a motion to strike is not in order while a motion to strike the same language and insert other language in lieu thereof is pending.

Mr. DOLE. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. In view of the Chair's ruling on the motion to strike with instructions, would the recommittal motion on H.R. 6689 be in order?

The PRESIDING OFFICER. The Senator is correct. That motion would be in order and it would take precedence over the pending amendment.

Mr. DOLE. I send that motion to the desk.

The PRESIDING OFFICER. The motion will be stated.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays at this time?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The motion will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) makes a motion that the bill H.R. 6689 be recommitted.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. The motion to recommit is debatable?

The PRESIDING OFFICER. Under the agreement for 10 minutes to a side, the Senator is correct.

THE ADMINISTRATION'S KOREAN POLICY IS ILL CONSIDERED

Mr. DOLE. Mr. President, I am pleased that Congress has this opportunity to debate the President's proposed withdrawal of U.S. troops from South Korea. The issue is not, I think, whether or not our troops should remain in South Korea forever, but whether President Carter's intent to withdraw all ground forces within 5 years is a sound and reasonable policy.

Just 4 weeks ago, the third-ranking commander of American Military Forces in South Korea declared that the President's policy would probably lead to an outbreak of war in Korea. He was summoned to Washington and transferred to another position by the President. I do not necessarily subscribe to General Singlaub's theory, but neither do I challenge it. The truth of the matter is that we simply do not have enough information at this point to make a definite decision on the proposed troop withdrawal.

The broad range of concern that is being expressed about the President's policy—especially among knowledgeable military sources who are personally familiar with the strategic situation in Korea—convinces me that it would be foolhardy for the United States to pull its forces out of that country until the matter has been more fully explored by Congress and the President.

We must solicit the testimony, and the best advice of all those who are personally familiar with the military situation in Korea before making dramatic reductions in our forces. I believe the Congress can accomplish this within the coming months, and that we may be in a much better position to pass judgment on the issue 6 months, or 1 year from now.

KOREAN WITHDRAWAL SHOULD BE RECONSIDERED

In view of widespread concern among U.S. military officers about the impending withdrawal of 42,000 American ground troops from South Korea, and in light of recent intelligence reports that support such concern, the President should carefully reconsider his pronounced military policy in Korea. Clearly, North Korean aggression has not subsided. Only last August, North Korean troops stationed along the demilitarized zone brutally attacked and murdered two American officers stationed in the area with U.N. forces. That attack, instigated by North Koreans, was in clear violation of United Nations peace-keeping efforts in the demilitarized area between North and South Korea. Currently, there is no military or strategic logic for withdrawal of U.S. troops from the United Nations peace-keeping force, which continues to provide overall stability on the Korean peninsula. The withdrawal of about 40,-

000 U.S. troops within 5 years will unquestionably create a power vacuum in the South that North Korean aggressors cannot ignore. The military situation in Korea today is essentially stable. If U.S. ground troops are withdrawn, I fear we will have another Saigon on our hands.

It is not only a question of military stability, but one of American credibility and resolve as well. The significant reduction of U.S. troops from South Korea will be interpreted by our allies and foes alike as a disengagement of U.S. interests in the area. It will throw into question the whole matter of U.S. defense of the South Pacific region. There is no question that it will be interpreted by the North Koreans as a lessening of our commitment to South Korean sovereignty.

Japanese leaders have already expressed serious concern about the erosion of a U.S. defensive posture in the South Pacific, which has served to counterbalance Soviet and Communist Chinese power. There can, indeed, be no question that the withdrawal of tens of thousands of American troops from Korea will shed doubt on the role of the United States as a trusted ally and as a force for peace in the Pacific. It will most likely require the involuntary remilitarization of Japan as the sole counterbalancing force to Soviet and Chinese expansion in the area, and it may well lead to aggressive initiatives by North Korean troops.

The President's policy decision, as we know, was made not after deliberating on military advice, but to please a particular constituency at a particular point in last year's Presidential campaign. If war should come to Korea following our troop withdrawal, Mr. Carter cannot plead that his best military advice supported the withdrawal policy.

Such a cataclysmic action as the withdrawal of all American ground forces from South Korea should not be instigated on the basis of a superficial campaign commitment. This action has the potential of creating a strategic imbalance on the Korean peninsula that could, indeed, plunge the entire world into war.

I am a cosponsor to the Baker amendment, which would strike language from the bill endorsing the President's policy of withdrawal. I sincerely hope the Senate will reject that policy, so that Congress may exercise its legitimate role in reviewing this critical issue.

Mr. President, I have listened with great care to the arguments. I certainly commend the distinguished majority leader and the distinguished minority leader for trying to work out some accommodation. But it seems to this Senator, having participated in many of the so-called end-the-war amendments, that we are back in that area again, talking about writing language on the Senate floor that perhaps should be either written in the committee or removed in the committee.

I am pleased that we have some opportunity to debate what we really would like to do. I think what most Members would like to vote on in this body is to strike the language. We cannot do that "indirectly," as the Chair ruled, but we can recommit the bill. There should not be any doubt what we are recommiting for, what the purpose of that recommital would be.

I hope that the Senate will face up to the issue, and the issue is whether we should water down or fuzz up the language or strike it out. It seems to me that it should be stricken.

Just 4 weeks ago, the third ranking commander of the American military forces in South Korea declared that the President's policy probably would lead to an outbreak of war in Korea. He was summoned to Washington and assigned to some other station. I do not necessarily subscribe to General Singlaub's theory, but neither do I challenge it.

The truth of the matter is that we simply do not have enough information at this point to make a definitive decision on the proposed troop withdrawal. I think we should solicit testimony and the best advice of all those personally familiar with the military situation in Korea, before making any dramatic reduction in forces. It seems to me that Congress can make this decision.

I have read very carefully the amendment proposed by the distinguished majority leader. He talks about "the foregoing policy." This Senator does not know what the foregoing policy is, unless it is a policy that President Carter adopted when he was candidate Carter, in the campaign last fall. That policy was based, I think, more or less, on pleasing a certain group of constituents or voters than as to whether or not it served the interests of America.

In view of the widespread concern among U.S. military officers about the withdrawal of the 42,000 American ground troops, it seems to me that it would be the better part of wisdom to recommit the bill. The Senator from Kansas would like to recommit the bill with very specific guidelines and instructions to strike out that section and report it back forthwith, and move on to the balance of the bill. Since that is not the ruling of the Chair, and since that is not possible because of the ruling of the Chair, the only other way to get a vote on the direct issue is on the general motion to recommit.

Mr. President, I reserve the remainder of my time.

Mr. BAKER. Mr. President, will the Senator yield me a moment?

Mr. DOLE. I yield.

Mr. BAKER. Mr. President, as I stated earlier, my primary preference in what I stated, as soon as I found this section was included, was that this section be stricken.

I do not know what the Foreign Relations Committee will do if this motion prevails. I am on the Foreign Relations Committee. I am sure of what I will do. What I will do is to vote to strike it.

However, while this is not a complete answer to this question, it is another string on the bow, and I urge my colleagues to give favorable consideration to the motion of the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I urge my colleagues to vote in favor of the motion I shall make to table the Senator's motion to recommit.

I think it would be a mistake to recommit this matter to the committee. All Senators know that the measure has been on the Calendar for several days. They knew the contents of the measure as to its language. They know that the amendment I have offered is an attempt to improve upon that language, in the face of what we were assured would be a motion to strike the language from the bill. I would have had no objection if the language had not appeared in the bill to start with. But, it having appeared, I think I know how a motion to strike that language, if carried, would be interpreted throughout the country.

It is for that reason, plus other reasons, that I sought to improve upon the language.

I hope that the motion I shall make to table the motion to recommit will carry and that the Senate can get on with voting on this amendment and vote on the bill, after further debate, and then get to the next bill, which is already scheduled to follow this measure.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. NUNN. Mr. President, I support the majority leader's statement. I urge that we not recommit this bill.

We spent about 2½ hours this morning ironing the difficulties with the original committee language and some difficulties with the original substitute language.

We have a modified amendment by the Senator from West Virginia with which the Senator from South Dakota agrees, with which the Senator from Georgia agrees, with which many others agree, who originally had reservations. I believe we have something that is acceptable to a great majority of this body, and I urge we not recommit the bill.

Mr. ROBERT C. BYRD. I thank the Senator for his very incisive observation.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. McGOVERN Mr. President, I hope very much that the tabling motion will not prevail.

This measure has been known to Senators for a considerable period of time. We had extensive hearings on all the legislation. The measure before us contains far more than simply a sense of the Senate resolution on Korea. It includes the appropriations for the Department of State for all their operations, the U.S. Information Agency, the Board for International Broadcasting. Approximately 7 days were devoted in the committee to these measures. Practically all of the provisions in H.R. 6689 came out of committee with a unanimous vote and with the support of the administration.

While the Sentaor from Michigan is quite correct that the record indicates that he asked to be recorded in opposition to the provision with respect to Korea, at the time the measure was acted upon by the full committee, it was acted upon in a unanimous-consent procedure, with virtually every member of the committee there, after considerable discussion, and with members of the administration present.

Today, we have conceded one point after another, in the interest of comity and in the interest of arriving at a reasonable compromise.

This amendment, as it now stands, is not anything like the kind of amendment I would like to see the Senate agree to, and which was agreed to by the Foreign Relations Committee. The provision reported by the committee endorsed the very prudent proposal by the President that we carry out the withdrawal of American ground forces in a period of 4 or 5 years. That is the amendment I wish Congress would adopt. But I have been willing, recognizing the temper of the body, to compromise rather extensively.

We are not repudiating the President's position by the amendment as it now stands; neither are we giving it endorsement. We simply are saying that any kind of withdrawal policy should be carried out according to procedures that involve the Congress.

I would very much regret, after all this effort to reach a compromise, to see us reject not only that compromise, but also to report this bill back to the committee.

I hope very much that the tabling motion will prevail.

Mr. GRIFFIN. Mr. President, is there any time remaining?

Mr. DOLE. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas has 6 minutes remaining.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Michael Kraft, of Senator CASE's office; Robert Turner, of my office; and Mark Edelman, of Mr. DANFORTH's office have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Christopher Lehman and John I. Brooks, of my staff, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I think this language should be stricken. The Senator from Kansas has made a very excellent argument. My amendment, which is an alternative and is pending, only tends to confuse the issue; and the best way for the Senate to go is with the motion to recommit. Under the circumstances, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Michigan is withdrawn.

Mr. DOLE. Mr. President, I do not want to delay the Senate, but it seems to me that the only way we can face up to the issue is through the procedure that the Senator from Kansas proposed.

I am a cosponsor with the distinguished leader of the Baker amendment. He has been foreclosed from offering that amendment. The only way we can get a vote on the Baker amendment is through a motion to recommit. We cannot do directly what we would like to do on the Senate floor because of the ruling of the Chair. I do not quarrel with that ruling. We are in the minority here, and we understand how those things happen. We understand that there may be a phased withdrawal on that side of the support of this position. There may be a rapid withdrawal of 5 minutes or 15 minutes and it may be over, so far as the motion to recommit is concerned.

If we really want to be neutral, we strike the language. We do not try to draft language on the Senate floor between quorum calls. We just strike the language, and the bill goes back to the Foreign Relations Committee. There, the distinguished minority leader and others who have a direct interest can draft some language or decide to leave it out altogether. The committee can meet this afternoon or sometime during the evening session of the Senate. So we have many opportunities to come to grips with the problem.

Let me make clear to anyone who may have arrived in the Chamber since the motion was offered, that the Senator from Kansas tried to address the problem directly, through a motion to recommit, with instructions to strike the section and report it back forthwith.

The Chair ruled that was not in order. Then the Senator from Kansas chose the only other course he knows that is available, and that is a general motion to recommit the entire bill.

But make no mistake about it, the proposal for recommital has a single purpose, and that is to strike section 454 from the bill.

It seems to me the way we get back to the original Baker proposal is to vote against the motion to table and then when that motion fails to vote for the motion to recommit.

I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, even if the measure were recommitted, there is no assurance that the Committee on Foreign Relations will report it back as the distinguished Senator from Kansas would hope.

As I have said before, ample time has been spent on this bill in committee; the report has been available before the Senate; a considerable amount of time has been spent today in an effort to hammer out a reasonable amendment to the bill which strikes all of the section and inserts in lieu thereof——

Mr. DOLE. Mr. President, will the Senator yield on that proposition?

Mr. ROBERT C. BYRD. Yes—it inserts in lieu thereof new language.

Mr. DOLE. The Senator from Kansas would be willing to withdraw the motion to recommit if the Senator from West Virignia would permit the Senator from Tennessee to offer his motion to strike.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator I would not have cared if the Senator from Tennessee had offered his motion to strike.

Mr. DOLE. I am willing to accommodate that right now.

Mr. ROBERT C. BYRD. I was earlier, too, but he would not have gained anything because his motion to strike would have been shut out by my two amendments.

Mr. DOLE. That is what I suggest, that maybe now if we unravel all that and put him back in business then I would withdraw the motion to recommit.

Mr. ROBERT C. BYRD. The distinguished minority leader would not have been in business if he had offered his motion to strike. My amendments would have had precedence, and if they carried his motion to strike would have fallen. He knew that.

Mr. DOLE. We could ask unanimous consent now that we vote on the Baker motion.

Mr. ROBERT C. BYRD. Well, the Senator objected to my request for the yeas and nays a moment ago, my unanimous-consent request, and I do not believe he is in position now to ask me.

Mr. DOLE. I am just trying to have harmony.

Mr. ALLEN. Mr. President, will the Senator from Kansas ask for his time back in order that I can ask a question?

Mr. DOLE. I would be happy to.

Mr. ALLEN. I would like to point out to the distinguished Senator and ask his opinion, I have been in opposition to the substitute amendment of the Senator from West Virginia, and I spoke against it and suggested that he make that in the form of an amendment in the first degree rather than one in the second degree in order that we might have an opportunity to amend it.

I spoke in behalf of the Griffin amendment, which has now been withdrawn.

This thought occurs to me, and I would like to ask the Senator's opinion: Without some language in this section, if we strike it out, the President has carte blanche in this area. He can act unilaterally as he sees fit, and I am wondering if the language of the Byrd amendment, the Byrd substitute, as modified, does not put Congress more in the picture and provide more for joint action of Congress and the President in making foreign policy decisions with respect to Korea and, specifically, with respect to the withdrawal of troops from Korea?

We established in the legislative history earlier today that the words "foreign policy" did include the withdrawal of troops. So are we not in better position? I am asking for information.

Mr. DOLE. If I may respond for a few seconds——

Mr. ALLEN. Are we not in better position with the Byrd amendment than without any language at all?

Mr. DOLE. As the Senator from Kansas said, it had better be drafted in the Committee on Foreign Relations rather than through numerous changes on the Senate floor. That is the point made. Maybe there should be better language. I am concerned about the last paragraph where the President talks about withdrawal.

Mr. ALLEN. I am also.

I thank the Senator.

Mr. DOLE. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER (Mr. METZENBAUM). The Senator from West Virginia has 3 minutes.

Mr. ROBERT C. BYRD. I yield that back.

I move to table the motion. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the motion of the Senator from Kansas to recommit.

The clerk will call the roll.

The legislative clerk called the roll.

At this point, the Vice President assumed the Chair.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—68

Abourezk	Glenn	Moynihan
Allen	Hart	Muskie
Anderson	Haskell	Nelson
Bayh	Hatfield	Nunn
Biden	Hathaway	Pearson
Brooke	Hollings	Pell
Bumpers	Huddleston	Percy
Burdick	Humphrey	Proxmire
Byrd, Harry F., Jr.	Inouye	Randolph
	Jackson	Ribicoff
Byrd, Robert C.	Javits	Riegle
Cannon	Johnston	Sarbanes
Case	Kennedy	Sasser
Chiles	Leahy	Scott
Church	Long	Sparkman
Clark	Magnuson	Stafford
Cranston	Mathias	Stennis
Culver	Matsunaga	Stevenson
DeConcini	McGovern	Stone
Durkin	McIntyre	Talmadge
Eagleton	Metcalf	Weicker
Eastland	Metzenbaum	Williams
Ford	Morgan	Zorinsky

NAYS—26

Baker	Griffin	Roth
Bartlett	Hansen	Schmitt
Bellmon	Hatch	Schweiker
Curtis	Hayakawa	Stevens
Danforth	Heinz	Thurmond
Dole	Helms	Tower
Domenici	Laxalt	Wallop
Garn	Lugar	Young
Goldwater	McClure	

NOT VOTING—6

Bentsen	Gravel	Melcher
Chafee	McClellan	Packwood

So, the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on my amendment.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment in the second degree (unprinted amendment No. 464, as modified) of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 79, nays 15, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—79

Abourezk	Hart	Nelson
Allen	Haskell	Nunn
Anderson	Hatfield	Pearson
Baker	Hathaway	Pell
Bayh	Heinz	Percy
Bellmon	Helms	Proxmire
Biden	Hollings	Randolph
Brooke	Huddleston	Ribicoff
Bumpers	Humphrey	Riegle
Burdick	Inouye	Sarbanes
Byrd, Harry F., Jr.	Jackson	Sasser
	Javits	Schmitt
Byrd, Robert C.	Johnston	Schweiker
Cannon	Kennedy	Scott
Case	Leahy	Sparkman
Chiles	Long	Stafford
Church	Magnuson	Stennis
Clark	Mathias	Stevens
Cranston	Matsunaga	Stevenson
Culver	McClure	Stone
DeConcini	McGovern	Talmadge
Domenici	McIntyre	Thurmond
Durkin	Metcalf	Tower
Eagleton	Metzenbaum	Weicker
Eastland	Morgan	Williams
Ford	Moynihan	Zorinsky
Glenn	Muskie	

NAYS—15

Bartlett	Goldwater	Laxalt
Curtis	Griffin	Lugar
Danforth	Hansen	Roth
Dole	Hatch	Wallop
Garn	Hayakawa	Young

NOT VOTING—6

Bentsen	Gravel	Melcher
Chafee	McClellan	Packwood

So Mr. ROBERT C. BYRD's amendment in the second degree (UP amendment No. 464, as modified) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. METZENBAUM). The question is on agreeing to unprinted amendment No. 463, as amended.

The amendment, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. CHURCH may proceed for 2 minutes without the time being charged against the bill, and that I may first proceed for 2 minutes without the time being charged against either side or the bill.

Mr. KENNEDY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Gerald Tinker be granted the privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, will the Senator yield for another unanimous consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. HELMS. Mr. President, I ask unanimous consent that Grace Crews be granted the privileges of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEOTHERMAL EXPLORATIONS IN BULL RUN RESERVE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 7606, a bill to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for 6 months within a portion of the Bull Run Reserve in Mount Hood National Forest in Oregon.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 7606) to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for 6 months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oreg.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to the immediate consideration of H.R. 7606.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HATFIELD. Mr. President, this measure deals solely with a tract of 42,500 acres within the Bull Run Reserve in the Mount Hood National Forest in Oregon. In 1959, by administrative order, this tract was opened for general recreational use. It is now developed with an extensive system of trails, campsites, and other facilities and receives heavy visitor use.

Continued use of the area was enjoined by a U.S. District Court ruling in November of 1976, and the area is now unavailable for this summer's recreational activity. H.R. 7606, which passed the House unapposed, by voice vote, on June 14, would provide a 6-month stay in the court's injunction to permit public access during this summer.

General legislation is being considered to deal with the underlying policy consideration giving rise to the court action. This measure, however, is temporary and confined to this single tract of land. It is not controversial and has been cleared

with the chairmen of Subcommittee and the full Committee on Energy and Natural Resources, Mr. JACKSON and Mr. METCALF.

Mr. President, I move that the Senate enact H.R. 7606.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendments to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7606) was read the third time and passed.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that my staff member, Dr. John Backer, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE NEZ PERCE WAR OF 1877

Mr. CHURCH. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S Res. 196) commemorating the 100th anniversary of the Nez Perce War of 1877.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHURCH. Mr. President, tomorrow, June 17, marks the 100th anniversary of the beginning of the last American Indian war, the Nez Perce war of 1877.

As many of my colleagues know, it was on June 17, 1877, that the band of Indians led by the great Chief Joseph and other nontreaty Nez Perce bands were attacked by U.S. cavalry in the battle of Whitebird, an event which was to be the beginning of a bloody 4-month war.

Now, 100 years later, the present-day Nez Perce are holding a series of ceremonies and other activities to commemorate the heroic efforts and great courage displayed by their ancestors during the 1877 war. The tribe has planned a 3-day festival, which will include a variety of activities such as pipe and seven-drum ceremonies, veteran's memorials, and ceremonial war dances. All in all, it should be an exciting weekend for those who can attend.

Senator MCCLURE and I have discussed these anniversary events and have concluded that a fitting way for the entire Senate to join in the commemoration of this famous war is through passage of this sense of the Senate resolution.

Last year, the Senate passed legislation, which I sponsored, along with several other Senators from the Northwest, to study the feasibility of designating the Nee-Me-Poo Trail, the trail followed by the Nez Perce in their maneuvers of 1877, as a national scenic trail. I plan to introduce legislation in the near future to establish a national historic trails category, and hopefully this route could be included in the national trails system under that new and more appropriate designation. By establishment of the Nee-Me-Poo Trail and through actions such as this resolution, we can help assure that the drums of history continue to tell the story of Chief Joseph and this famous but tragic Indian war.

Mr. President, I ask unanimous consent that a history of the Nez Perce war of 1877, which I prepared in conjunction with my bill on the Nee-Me-Poo Trail, be printed at this point in the RECORD.

I also ask unanimous consent that a brief biography of Chief Joseph, prepared by the Nez Perce history and culture project in 1975, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEZ PERCE WAR OF 1877

In 1863, a treaty was signed by some of the Nez Perce chiefs exchanging then-existing Nez Perce land holdings for a government sponsored reservation at Lapwai. Although several of the Nez Perce chiefs never signed the treaty, it was the U.S. Government's position that since a majority of the Nez Perce chiefs had signed, all were obligated by the terms of the treaty.

Chief Joseph was a leader of a nontreaty band of Nez Perce who made their home in the Wallowa country in northwestern Oregon. Joseph's attitude, so exasperating to the whites, was one of quiet strength and dignity. He felt no awe of any man, red or white, and owed none of them allegiance; he could ignore orders from Government officials, even the President, with clear conscience. To all their arguments, orders, and threats, he simply said no, he did not agree; no, he would not obey; no, he was not afraid. Time and again they insisted that he was bound by the treaty of 1863 because it had been signed by the tribal chiefs but to this he had a very simple and effective reply:

"I believe the old treaty has never been correctly reported. If we ever owned the land we own it still for we never sold it. In the treaty councils the commissioners (U.S. Indian Agents) have claimed that our country has been sold to the government. Suppose a white man should come to me and say, 'Joseph, I like your horses, and I want to buy them.' I say to him, 'No, my horses suit me, I will not sell them.' Then he goes to my neighbor, and says to him, 'Joseph has some good horses. I want to buy them but he refuses to sell.' My neighbor answers, 'Pay me the money, and I will sell you Joseph's horses.' The white man returns to me and says, 'Joseph, I have bought your horses and you must let me have them.' If we sold our lands to the government, this is the way they were bought."

Joseph came to realize that he could no longer hope to retain all the Wallowa country. The rapid influx of white settlers and troops of the U.S. Army pointed to the necessity for some compromise. The troops continued to surround the tribe and Joseph finally convinced his people of the wisdom of moving to the reservation and avoiding bloodshed.

After 2 weeks of exhausting work, the little band of exiles gathered their herds on the west bank of the Snake River at the mouth of Imnaha and faced a swirling yellow flood swollen by spring rains and melting snows from the mountains. Across a quarter of a mile of treacherous currents, the Indians had to transport all their families and possessions with two companies of cavalry at their backs to force them along should they delay.

After the crossing, the group decided to spend the remaining time alloted to them before they were due on the reservation enjoying their freedom. It was during this period that a small group of young men from another band decided to take revenge for previous crimes committed against the Indians. Some 14 or 15 whites were killed in the resulting raids, and the war which the Nez Perce sought to avoid was forced upon them.

The Indian camp at Lake Tolo was shocked at the many killings. Most of the Wallowa band sought refuge with Chief Looking Glass on the Middle Ford of the Clearwater. White Bird and Toohoolhoolzote, with their bands of non-treaty Nez Perce, moved across the ridge to the south, making camp on White Bird Creek. After some delay, Joseph and his brother Ollilku reluctantly followed them. Although none of his band had gone on the raids, Joseph knew that his past defiance would bring blame for the trouble.[2]

The first real battle of the war occurred on June 17 at Whitebird. Captain David Perry, believing the Indians would give up at the sight of troops, staged a frontal assault on the Indian camp. After a brief skirmish and deadly Indian rifle fire, Perry's command was routed. In all, 34 soldiers were killed and several wounded while the Nez Perce suffered only two wounded.[3]

Following this defeat, General Howard assembled a force of some 500 men at Lapwai all equipped for a campaign. In June 22, just 1 week after Captain Perry's departure, Howard's column followed the same route toward the Salmon River.[4]

From a camp near Lake Tolo, Howard led a reconnaissance in force to the White Bird battlefield. There he paused to bury the dead, the bodies lying as they had fallen, fully clothed and unmutilated.

Meanwhile, the Nez Perce nemained in their camp at Horseshoe Bend a few miles up the Salmon from the mouth of White Bird Creek. Here they were joined by several men who had just returned from the buffalo country, among them Five Wounds and Rainbow, both famous warriors. At the news of Howard's approach, a council of chiefs met to plan a course of action.

Rainbow and Five Wounds advised that they wait on the riverbank for the Army to approach, hoping to entice Howard across the river. Once the troops were across to the left or west bank, the Indians could move downstream and cross over to the right or east bank. Then they would have a clear trail across Camas Prairie to the Clearwater River.

The plan worked well. Seeing the Indians almost within rifle range on the opposite bank, Howard rapidly moved to ford the river, a difficult task with the river at flood stage. Then he followed the band for days marching through the rain and mud, up and down the mountainous terrain. The trail led down to the river's edge at Craig's Crossing.

Howard tried to follow the Indians. However, after he had lost a large raft filled with equipment, and several cavalry horses had drowned in the treacherous waters, he abandoned the attempt and led his command back along the dreadful trail to White Bird Crossing, where he had boats to aid him.[5]

Unhampered by the soldiers, the main body of Nez Perce went on east down Cottonwood Creek and camped at its mouth on the South Fork of the Clearwater on the west bank just above the present town of Stites. Here they were joined by Looking Glass and his band and most of the Wallowa band who had remained in the area after Capt. S. C. Whipple had attacked them 5 days before. After this union, the Nez Perce were at their peak strength, with 191 men of all

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Footnotes not included.

ages. About 50 of those took no part in any of the fighting. The women and children numbered about 450.[7]

General Howard returned to Camas Prairies after his futile march across the Salmon River and concentrated all his forces in one command. His troops now numbered about three times the strength of the hostile Nez Perce.

The next major battle took place at the Indian campsite on the Clearwater. Howard found the Nez Perce location by accident and launched a frontal assault. The charge was stymied and the two forces set up defensive positions, dug elaborate rifle pits, and sniped at each other for some 30 hours. By that time, the Nez Perce were tiring of the affair. They were not conditioned mentally for a long battle when they could fight or leave as they chose. They had been forced to fight at first to protect their camp; once the camp was safe, they decided to break off the fighting and leave. By this fight, Howard had pushed the Nez Perce away from the settlements but he had not whipped them nor did he prevent their retreat along the Lolo Trail.[8]

After 5 days of travel over the difficult Lolo Trail, they reached Lolo Hot Springs, the famous "Traveler's Rest" of Lewis and Clark. Here they halted for a time, believing the worst of their troubles to be over. Their enemy, Howard, was far to the rear and could be kept there by the rear guard forces left behind by the Indians. Ahead was familiar country, filled with the friendly people, the Crows, whom they had known for years.

In this frame of mind, they headed down Lolo Canyon from the Bitterroot Valley on July 27. Their route was blocked by Capt. Charles C. Rawn, who had taken all his forces from the work of building Fort Missoula in order to head off the Indians. Supplementing his 30 soldiers were about 200 volunteers, mostly settlers, from Missoula and the Bitterroot Valley. They had erected a line of fortifications, since known as Fort Fizzle, across the narrow way needing only to hold their position to frustrate the Indian retreat.

However, so satisfactory had been the Nez Perce conduct in this region when they came through to hunt buffalo, that the volunteers voted to accept an Indian proposal of free passage in exchange for a pledge not to harm anyone. Captain Rawn stated that he could not accept such terms and ordered the volunteers to stay. After a prolonged debate, the volunteers broke the deadlock by picking up their things and going home. Rawn then withdrew and the Nez Perce chiefs directed their line of march south up the valley and went into camp near Carlton.[9]

After a brief encampment, the Indians moved steadily up the Bitterroot Valley, traveling about 15 miles a day. They climbed the Continental Divide and dropped down to the Big Hole River, where they planned to camp a few days to rest their horses, cut tipi poles, and prepare for the long trek to the Crow country.

Up the Bitterroot Valley, well ahead of Howard, came a new foe. At the news of the approach of the Nez Perce Col. John Gibbon, stationed at Fort Shaw on the Sun River, assembled all the men available at this post, as well as those available at Fort Benton on the upper Missouri and Fort Ellis on the Gallatin near Bozeman. His total command numbered some 198 men.[10]

Gibbon found the Nez Perce slumbering peacefully in their lodges, scattered in a long line on the south bank of the stream. The troops charged across the bordering stream and into the camp, shooting everything that moved.[11]

A few of the warriors had awakened early, perhaps sensing the approach of the enemy. This group, spared from the surprise of the first attack, formed a defense line, then advanced against the soldiers. As their movement grew in strength, they were supported by scattered fire from many of the warriors who had fled but were now returning. Soon the deadly fire of the Indian marksmen forced the soldiers out of the camp, across the creek to the north, and up the slope to the timber line, where Gibson took up a strong defensive position on a wide knoll.

Evening found Gibson in serious trouble. He had lost 29 men killed and 40 more, including himself, wounded. He was surrounded by a force of determined warriors under competent leaders and was short of food, water, and ammunition. Only the timely arrival of General Howard with his cavalry caused the Nez Perce to break off the fighting.[12]

The Nez Perce had lost only twelve fighting men in this battle. Among them were the best: Rainbow, Five Wounds, Red Moccasin Tops, and Wal-lait-its. The loss of these four and several more of nearly equal caliber was to be severely felt in the days to come. The rest of the casualties, some 89 in all, were made up of non-combatants—the old, sick, crippled, women and children.[13]

From the Big Hole battlefield, the band followed the Continental Divide to the south, keeping in the rough country to hinder their pursuers. They crossed the Divide into the valley of the upper Snake River and turned eastward, where Yellowstone National Park had been established five years earlier. The Indians pushed on to Henry's Lake and across Targhee Pass to the Madison Basin without opposition.

While the main body of the Nez Perce was struggling through the rough country east of Yellowstone Park, Chief Looking Glass rode on ahead to confer with the Crow leaders. The Crows, although old friends of the Nez Perce, were in a difficult position since they were allied with both parties in the quarrel. Instead of hoped for aid, Looking Glass returned to the tribe with a promise of Crow neutrality.[14]

The Nez Perce realized that their only possible refuge was to the north. In their path was mountainous country new to them, for they had always kept to the north of the Yellowstone River during their trips to this area to hunt buffalo.

They pushed forward steadily, crossing the Yellowstone River at the old ford near Laurel and following down the north bank. A short distance down the river, they swung to the northwest up the bed of Canyon Creek. The Nez Perce finally slowed their pace as they crossed the Judith Basin and marched on down to the Missouri, nursing their wounded and conserving their horses.

Since crossing the Yellowstone, the Nez Perce were again in familiar country. They headed for the Cow Island crossing on the Missouri, well below Fort Benton and the head of navigation during the low water of late summer. After a brief stop, they proceeded up Cow Creek.

Colonel Nelson Miles heard of the location of the Indians and had his men ferried across the Yellowstone reaching the mouth of the Musselshell just in time to hail the steamship *Benton* to ferry his command to the north bank of the river. From there he continued his pursuit of the Nez Perce.

Rising above the grassy plains north of the Missouri is a small isolated mountain mass known to all the tribes of the region as the Bear Paws. Their southern slopes drop away to the badlands, the "breaks" of the Missouri, but to the north the open range stretches to far beyond the Canadian border. Here, in former days, deer, entelope, and buffalo ranged in abundance.

Several clear mountain streams flow northward to join the waters of the Milk, the main river in this region. On one of these streams, the Nez Perce camped while securing a supply of meat and buffalo robes for the winter, welcoming the chance to relax after months of steady flight. Lulled into a sense of false security, they neglected to scout the neighboring country, and just as at the Big Hole a fresh army crept close for a surprise attack.[16]

On September 29, 1877, the fugitive band was packing and preparing to move across the border to safety. About 100 horses stood ready under their packs, when off to the south a line of horsemen appeared galloping furiously for the camp. Noncombatants took charge of the packed animals, starting at once along the trail to the north, while 50 or 60 braves guarded them. The rest of the men, led by White Bird, grabbed their rifles and crouched just below the knoll south of the tipis to await the attack.[17]

Colonel Miles, like others before him planned on securing a spectacular victory with his first charge. With nearly 600 men, he expected to crush the Nez Perce line, his mounted forces driving in from three sides and cutting off all escape.

To oppose this awesome force, the Nez Perce could muster only about 120 men. As the charging forces neared the camp, a deadly fire from the Nez Perce Winchesters emptied many a saddle, stretching most of the officers dead or wounded on the field and effectually halting the advance. Who ever raised his voice in command became the target of a score of rifles. The rash charge on the open prairie against a hidden foe had accomplished nothing and accounted for most of the losses in the attacking force during the entire 5-day battle.[18]

After another attempt at a frontal assault, Miles decided it would be necessary to besiege the camp, and both sides dug in. The arrival of General Howard and the shelling of the village by cannon, convinced the Nez Perce of the futility of further resistance. Howard promised the Indians that they would be returned to Lapwai in the spring if they would lay down their arms at once.

To this proposal, Joseph and the few remaining Nez Perce chiefs conducted their last war council, Joseph trying to convince the rest that surrender was the only possible course. He made his final speech to his comrades, a speech which was also intended as an answer to General Howard:

Tell General Howard I know his heart. What he told me before, I have in my heart, I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Toohoolhoolzote is dead. The old men are all dead. It is the young men who say yes and no. He who led on the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills and have no blankets, no food; no one knows where they are—perhaps freezing to death. I want to have time to look for my children and see how many I can find. Maybe I shall find them among the dead. Hear me, my chiefs, I am tired; my heart is sick and sad. From where the sun now stands I will fight no more forever.[19]

Two hours later, Joseph rode slowly up the hill, accompanied by five of his warriors on foot. When he reached the group of waiting officers, he dismounted and, with an impulsive gesture, offered his rifle to Howard in token of surrender. Howard stepped back and indicated with his hand that Miles should receive it. Joseph was then put under guard.[20]

It had taken General Howard 4 months to halt the great trek of the Indians. The captives numbered about 418, consisting of 87 men, 184 women, and 147 children. About half the men and many of the women were wounded. Official casualty lists showed that 127 soldiers and approximately 50 civilians had lost their lives; 147 soldiers were wounded; and approximately 151 Indians were killed.[21]

CHIEF JOSEPH NEZ PERCE; 1840–1904

Chief Joseph won fame for his bravery

Footnotes not included.

and humanity, in leading his people in one of the most classical military maneuvers against the United States military forces, during the Nez Perce War in 1877.

Against their will the Nez Perce Indians were forced to enter the reservation boundaries under the Treaty of 1863, thus giving up their homelands, since time immemorial.

His father told him, as a boy, that, "This earth holds the bones of your mother and father. Never sell the bones of your mother and father".

Many refused to recognize such a Treaty and finally, under Joseph, the Indians took active measures of resistance, thus resulting in the Nez Perce War of 1877.

Several severe defeats were inflicted on the United States troops who were sent against the Indians. In their attempt to reach Canada they were finally forced to surrender because of the many wounded, elderly men, women, and children who were freezing and in hunger. On October 5, 1877, at Bear Paw, Montana, Chief Joseph made his now famous surrender speech, thus concluding a 1300-mile retreat, which has been marked by history as one of the most remarkable military classics.

For this the Nez Perce Indians and Chief Joseph have gained national recognition. Joseph was the second American Indian to be placed in the National Hall of Fame of Famous American Indians.

Joseph was born in 1840 near the Wallowas in northeastern Oregon, and he died in Nespelem, Washington, where he was living in exile, in 1904.

Upon their return from "imprisonment", in Oklahoma, in 1884, some of the Nez Perces chose to return to the Nez Perce Reservation, in Idaho; others remained in exile on the Colville Reservation, in Washington State.

Mr. CHURCH. We are very proud of the Nez Perce Indian Tribe in Idaho. As I mentioned earlier, observances will be held, tomorrow and over the weekend, to commemorate the historic maneuvers of Chief Joseph, the great leader of the Nez Perce, a century ago.

I am joined in offering this resolution by my distinguished colleague (Mr. McCLURE). The resolving clause of the resolution states that it is the sense of the Senate that June 17, 1977, is to be a day for the commemoration of the Nez Perce war of 1877 and for the remembrance of the courage and honor of the Nez Perce during the long, tortuous maneuvers of 1877.

I would only add that the resolution has been cleared with the appropriate committees and with the leadership on both sides of the aisle.

I am happy now to defer to my distinguished colleague.

Mr. McCLURE. I thank my colleague for yielding, because the battle of Whitebird, which occurred just 100 years ago, was a highlight in the Nez Perce Indian war of 1877, the last Indian uprising in that part of the United States.

The saga of Chief Joseph and the trail which his weary band wended through what is now Idaho and Montana until their final surrender, just miles short of the Canadian border, is one that has stood out in the annals of the history of this country.

It is also noteworthy, Mr. President, that the Idaho National Guard was born out of that struggle. The Idaho National Guard is also commemorating the birth of the Guard on the same day. My colleague and I have been invited to attend each of those celebrations. I wrote back to the adjutant general of Idaho concerning that and said:

I have been invited to attend the commemoration of the battle of Whitebird, which the Indians very clearly won, and I elect to be with the winners.

That is one instance, I think, when we look back with some pride on the achievements of a very able and very courageous band under the wise leadership of Chief Joseph. I think it is fitting that we should have this resolution.

The PRESIDING OFFICER. The 2 minutes have expired.

Mr. CHURCH. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the resolution passed.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas, June 17, 1977, marks the 100th anniversary of the battle of Whitebird, which was the beginning of the tragic Nez Perce War of 1877; and

Whereas, this war between the non-treaty Nez Perce Indians and the U.S. cavalry was a significant but sad chapter of American history which should not be forgotten; and

Whereas, beginning on June 17, various ceremonies and other activities are planned by present-day members of the Nez Perce tribe to commemorate the heroic efforts of their forbears in the four-month war of 1877;

Now, therefore, be it

Resolved, that it is the sense of the Senate that June 17, 1977, is to be a day for the commemoration of the Nez Perce War of 1877 and for the remembrance of the courage and honor of the Nez Perce during the long, tortuous maneuvers of 1877.

FOREIGN RELATIONS AUTHORIZATIONS ACT, 1978

The Senate continued with the consideration of H.R. 6689.

AMENDMENT NO. 421, AS MODIFIED

Mr. CRANSTON. Mr. President, I send to the desk a modified version of my amendment No. 421 and ask for its immediate consideration.

The PRESIDING OFFICER. I advise the Senator from California that it will take unanimous consent.

Mr. CRANSTON. I ask unanimous consent that it be in order to consider it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, will be stated.

Mr. CRANSTON. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title 2 add the following new section:

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

SEC. 202. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available to the administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Man in the Environment"; and the Administrator shall make copies of such film available for public viewing within the United States. No commercial use or exploitation shall be made of this film.

Mr. CRANSTON. Mr. President, my amendment would permit a particularly excellent film made for the U.S. Information Agency to be available for showing in the United States. This film, "Man in the Environment" is produced by the distinguished California director, Edmund F. Penney, with the narrative done by the well-known naturalist Loren Eiseley and the camera work by Fred Hudson, one of America's leading nature cameramen. It is presently being shown in Europe, Asia, and Africa under the auspices of USIA and has the rare virtue of being not only educational and nonpolitical but an outstanding artistic creation as well.

Although I believe that the general stricture on distribution of USIS products in the United States is a wise one, Congress has been provided with the power to make exceptions in particularly worthy cases, which occasionally, it does. I believe this film deserves wide distribution in our country and hope the Senate will act favorably on my amendment which provides that there may be no commercial use or exploitation of this film. I believe that the distinguished chairman handling the bill is ready to accept the amendment.

Mr. PEARSON. Will the Senator yield?

Mr. McGOVERN. Mr. President, the Senator's measure, in my judgment, is one without controversy. It is simply a practical exception to USIA policy that will permit this very fine, noncontroversial film to be shown to American audiences.

The Senator has taken the precaution of including a proviso that will prevent any commercialization or profitmaking or anything of that kind. I see no objection.

Mr. SCOTT. Mr. President, will the Senator yield? I came in just a little late. I did not hear what this film is. I heard the words that it is a very fine film. What is it?

Mr. CRANSTON. It is called "Man in the Environment." It has a narrative by a very famous naturalist, Loren Eiseley, and camera work by Fred Hudson, an outstanding cameraman. It simply shows man living in this world, in his environment.

Mr. SCOTT. I ask the distinguished Senator this question: Congress, in its wisdom, decided that this should not be done except in exceptional cases. What would distinguish this film and make it an exceptional case?

Mr. CRANSTON. The fact that it is totally nonpolitical, educational, and a very remarkable, artistic creation, showing man in his natural environment.

Footnotes not included.

Mr. SCOTT. Has the Senator seen the film?

Mr. CRANSTON. I have not, but my staff is quite familiar with it, and I have heard great things about it in California, where the basic work was done.

Mr. SCOTT. I say to the distinguished Senator that the staff is not elected to the Senate. I hesitate to have staff making decisions and I shall ask for a rollcall vote.

Mr. CRANSTON. Staff is not making the decision on this. People in California, for whom I have great respect, have recommended this to me.

Mr. PEARSON. Will the Senator yield?

Mr. CRANSTON. Certainly.

Mr. PEARSON. It is not my understanding that the Senator's amendment has been cleared on this side of the aisle. While I do not have, perhaps, the same reservations that the distinguished Senator from Virginia may have, I think it would be the better part of discretion if the Senator would give us time to check this with the distinguished ranking Member, the Senator from New Jersey (Mr. CASE).

Mr. CRANSTON. May I say that was done.

Mr. PEARSON. Then I have no objection, if the Senator from New Jersey has approved it.

Mr. SCOTT. Mr. President, I do not know enough about the film, and since the distinguished Senator himself has not seen it, I think it at least ought to have a rollcall.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficent second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I yield back my time.

Mr. PEARSON. I yield back the time on this side.

The PRESIDING OFFICER. Does the Senator from South Dakota yield back all his time?

Mr. McGOVERN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from California, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. RIEGLE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The result was announced—yeas 74, nays 16, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—74

Abourezk	Ford	McIntyre
Allen	Glenn	Metcalf
Anderson	Gravel	Metzenbaum
Bartlett	Hart	Morgan
Bayh	Haskell	Moynihan
Bellmon	Hatch	Muskie
Biden	Hatfield	Nunn
Brooke	Hathaway	Pearson
Bumpers	Hayakawa	Pell
Burdick	Heinz	Percy
Byrd, Harry F., Jr.	Hollings	Proxmire
	Huddleston	Randolph
Byrd, Robert C.	Humphrey	Ribicoff
Cannon	Inouye	Roth
Case	Jackson	Sarbanes
Chiles	Johnston	Sasser
Church	Kennedy	Schweiker
Clark	Leahy	Sparkman
Cranston	Long	Stennis
Danforth	Lugar	Stevenson
DeConcini	Magnuson	Stone
Dole	Mathias	Talmadge
Domenici	Matsunaga	Thurmond
Durkin	McClure	Wallop
Eastland	McGovern	Weicker

NAYS—16

Baker	Griffin	Stevens
Culver	Hansen	Tower
Curtis	Helms	Young
Eagleton	Laxalt	Zorinsky
Garn	Schmitt	
Goldwater	Scott	

NOT VOTING—10

Bentsen	Melcher	Stafford
Chafee	Nelson	Williams
Javits	Packwood	
McClellan	Riegle	

So Mr. CRANSTON's amendment, as modified, was agreed to.

UP AMENDMENT NO. 462

Mr. McGOVERN. Mr. President, there was an amendment pending earlier, to which I believe we now can turn, with regard to the prohibition against civilian military operations. That amendment was stated earlier and was laid aside temporarily.

The PRESIDING OFFICER (Mr. ANDERSON). The question now recurs on the amendment of the Senator from South Dakota, which will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes an unprinted amendment No. 462.

Mr. McGOVERN. Mr. President, this amendment has been cleared on both sides of the aisle, and it is one that should be approved unanimously.

The purpose of the amendment is simple. It makes it unlawful for any person within the United States who is not legally authorized to do so to plan or participate in any act of sabotage or military or paramilitary activity against a foreign country with which our Nation is at peace. It also would make illegal such activities directed against another country's aircraft or shipping, and it makes it a criminal offense to plan or participate in the assaulting, kidnapping, or killing of a resident of a foreign country.

The amendment carries penalties of a $50,000 fine or imprisonment of 20 years or both. It was that provision of the bill that the Senator from New York (Mr. JAVITS) asked be clarified. We have taken care of his concern on it, and I hope the amendment will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield back the time on this side.

Mr. PERCY. The minority yields back the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

UP AMENDMENT NO. 466

Mr. THURMOND. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself and Mr. ALLEN, proposes an unprinted amendment numbered 466.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, immediately after line 15, insert the following:

"DUAL CAPACITY: ACCEPTING EMPLOYMENT WITH FOREIGN GOVERNMENT OR CONCERN

SEC. 463. (a) The item pertaining to section 1032 in the table of sections for chapter 53 of title 10, United States Code, is amended to read as follows:

"1032. Dual capacity: Accepting employment with foreign government or concern."

(b) Section 1032 of title 10, United States Code, is amended to read as follows:

"§ 1032. Dual capacity: Accepting employment with foreign government or concern.

"(a) Subject to the provisions of subsection (b), the consent of Congress is granted to—

"(1) any retired member of a uniformed service;

"(2) any member of a Reserve component of the Armed Forces; and

"(3) any member of the commissioned Reserve Corps of the Public Health Service;

to accept any civil employment, and compensation therefor from, with respect to which the consent of Congress is required by clause 8 of section 9, article I of the Constitution, relating to the acceptance of emoluments, offices, or titles from a foreign government.

"(b) No individual described in subsection (a) may accept any employment or compensation described in such subsection unless the Secretary concerned and the Secretary of State approve such employment.

"(c) For purposes of this section, the term—

"(1) 'uniformed services' means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration;

"(2) 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard, and

"(3) 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

"(B) the Secretary of the Navy, with respect to retired members of the Navy and Marine Corps, members of the Navy and Marine Corps Reserves, and retired members

of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

"(C) the Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

"(D) the Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

"(E) the Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(F) the Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.".

Mr. THURMOND. Mr. President, I will make a very brief statement on this. The manager of the bill has agreed to accept this amendment, I believe.

Mr. President, retired members of the uniformed services and other Government retirees who work for foreign governments are denied their retired pay. This is due to a questionable interpretation by the Comptroller General of a phrase in the Constitution which I do not believe was intended by the framers of the Constitution 200 years ago. The Constitution also provides for the Congress to modify this phrase contained in article I, section 9, clause 8.

In the foreign relations authorization bill, H.R. 6689, which was forwarded to the Senate, it contained an amendment to allow these Government retirees who work for foreign governments to receive their retired pay under the monitorship of the Secretary of State and the Secretary of the other appropriate department. However, this amendment was deleted by the Senate Foreign Relations Committee.

Mr. President, on April 21, 1977, I introduced S. 1351 which would accomplish the same objective, as the House amendment. In my judgment, I see no reason why a retiree should be denied his retired pay, because he is employed by a foreign government. Our Government is not paying him two salaries to which some people object.

It is my understanding that in addition to the denial of his retired pay, it has been reported that he is also denied his retired pay upon return home. This denial is in effect until such time as his total accumulated retired pay is equal to the total pay received while employed by a foreign government. In other words, it is a dollar-for-dollar equalization which in some cases would deny his retired pay several years after leaving the employment of a foreign county. This is absurd and a gross injustice to military retirees and others in the same category.

Mr. President, I offer an amendment to H.R. 6689 to correct this inequity. I urge my distinguished colleagues to join those in the House who have made an effort to remove this injustice. My amendment will accomplish the same objective, and I strongly recommend approval by the Senate.

I wish to thank the able and distinguished manager of the bill for giving this amendment consideration and agreeing to accept it.

Mr. McGOVERN. Mr. President, the Senator from South Carolina has discussed this matter with me. His amendment, in effect, would make the Senate bill conform to the action taken in the other body. I think it is a reasonable proposal and I would have no objection to it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McGOVERN. Mr. President, I understand the Senator from South Carolina has made some perfecting and legislative drafting improvements in the amendment, but otherwise it conforms to the House language, and I urge its adoption.

I yield back the remainder of my time.

Mr. THURMOND. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

AMENDMENT NO. 420

Mr. PELL. Mr. President, I call up my amendment No. 420.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself, Mr. MOYNIHAN, and Mr. JAVITS, proposes amendment No. 420.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, lines 10 and 11, strike out "ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS" and insert in lieu thereof "ASSISTANT SECRETARIES OF STATE".

On page 35, line 12, immediately after "(a)" insert "(1)".

On page 35, line 19, strike out "(b)" and insert in lieu thereof "(2)".

On page 36, line 1, strike out "(c)" and insert in lieu thereof "(3)".

On page 36, line 7, strike out "(d)" and insert in lieu thereof "(4)".

On page 36, strike out lines 13 through 15.

On page 36, line 16, strike out "(f)" and insert in lieu thereof "(5)".

On page 36, between lines 21 and 22, insert the following:

"(b)(1) Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended—

"(A) in subsection (a)(2), by striking out 'Security and';

"(B) in subsection (b)—

"(i) in the first sentence, by striking out 'Security and' and all that follows thereafter through 'Assistant Secretary of State' and inserting in lieu thereof 'Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs';

"(ii) by striking out the second sentence; and

"(iii) in the third sentence, by striking out 'administrator' and inserting in lieu thereof 'Assistant Secretary of State for Consular Affairs';

"(C) in subsection (d), by striking out 'Security and'; and

"(D) by repealing subsection (f).

"(2) Section 105 of such Act is amended by striking out 'administrator' both places it appears and inserting in lieu thereof 'Assistant Secretary of State for Consular Affairs'.

"(3) Section 101(a)(1) of such Act is amended by striking out 'administrator of the Bureau of Security and Consular Affairs of the Department of State' and inserting in lieu thereof 'Assistant Secretary of State for Consular Affairs'.

"(4) The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.

"(5) Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.

"(c) The first section of the Act entitled 'An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes', approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out 'eleven' and inserting in lieu thereof 'thirteen'.

"(d) Section 5315 of title 5, United States Code, is amended—

"(1) by repealing paragraph (1); and

"(2) by striking out '(11)' in paragraph (22) and inserting in lieu thereof '(13)'.".

Mr. PELL. The House Foreign Relations Authorization Act for fiscal year 1978 (H.R. 6689) provides for the creation of two additional Assistant Secretary positions within the Department of State: the present Coordinator of Human Rights and Humanitarian Affairs is changed to become the Assistant Secretary of State for Human Rights; and the Administrator of the Bureau of Security and Consular Affairs is changed to become the Assistant Secretary of State for Consular Affairs. This House action responds to the current need to provide greater emphasis to and seventh floor access for these statutory programs.

The Senate, however, in its bill provides only for the creation of an Assistant Secretary for Human Rights and Humanitarian Affairs; it is silent with respect to the need for the creation of an Assistant Secretary for Consular Affairs.

The Bureau of Security and Consular Affairs is rooted in the Immigration and Nationality Act of 1952 which stipulates that it will be headed by an Administrator with a rank equivalent to that of an Assistant Secretary of State who shall report to the Deputy Under Secretary for Management. This organization title is an anomaly in the Department of State as well as in the Government as a whole. Positions in the Department having equivalent or lesser responsibilities typically are titled Assistant Secretary and have direct access to seventh floor principals without going through an intervening organizational layer.

The substantive responsibilities of the Bureau of Security and Consular Affairs are laid on the Secretary by law. They include such sensitive areas as the administration of U.S. immigration laws and policies abroad, the protection and welfare of Americans abroad, and the issuance of passports to Americans who wish to travel abroad. The visa-related responsibilities of the Bureau have con-

tinuously been of concern to the administration and the Congress, and particularly the Judiciary Committees. Visa policies are under intensive scrutiny at all times both by the President and the Congress with respect to the flow of undocumented workers into the United States and the exclusion of individuals who might pose a threat to the security or economic well-being of this country.

The protection and welfare of Americans detained and incarcerated in foreign jails is a matter of grave concern to the administration, the Congress and the public. Stepped up drug interdiction programs have resulted in the detention of large numbers of Americans in penal institutions abroad. The Bureau is the focal point for monitoring the treatment and status of such individuals and obtaining relief for them as necessary.

Congress is seeking to clarify the legislative mandate under which consular operations are performed by the Department; one action which may be taken at this time to improve the Department's performance of its statutory consular responsibilities would be to place the function on an equal footing with other responsibilities assigned to the Secretary.

Senate action on the State Department's fiscal year 1978 authorization should include the creation of an Assistant Secretary of State for Consular Affairs just as it provides for the Assistant Secretary of State for Human Rights and Humanitarian Affairs. Similarly, it should delete from the Bureau nomenclature any reference to operating security functions which were transferred from the Bureau to the administrative area of the Department some 15 years ago. Such nomenclature would more accurately reflect the function of the Bureau.

This amendment provides that the administrator for Security and Consular Affairs be called an Assistant Secretary for Consular Affairs. It matches the action the House has already taken in this regard.

It does not provide for an additional cost to the taxpayers of one nickel, it meets with the approval of the administration and with the minority and the majority, and I hope it will be accepted.

Mr. JAVITS. Mr. President, will the Senator yield to me? I think this is thoroughly deserved. There was another lady in the Department named Derian who has a comparable job and was made an Assistant Secretary, and I think the nature of this responsibility is such that it should be similarly recognized.

Mr. McGOVERN. Mr. President, I agree with the observation that the senior Senator from New York has made. I think the amendment is a constructive one, and I hope it will be adopted.

Mr. MOYNIHAN. Mr. President, I am pleased to join with the able Senator from Rhode Island (Mr. PELL) and my cherished senior colleague from New York in supporting this long overdue measure. The work of our State Department's Consular Division has long been of the importance and quality to merit recognition as an equal with the other branches of the Department.

And yet, I must say at once that this amendment is of particular personal significance to me, for its practical effect will be to install, as the first Assistant Secretary of State for Consular Affairs, Miss Barbara Watson. Miss Watson, a distinguished New Yorker—indeed, a member of a distinguished New York family—has shown herself to be one of our most able and perserverant public servant, a public official with rare ability to deal with the complex, the emotionally charged, the deeply sensitive issues with sound and cool judgment.

I applaud Miss Watson for a career already memorable and distinguished, now to assume a new form perhaps, but yet sure to retain its essential qualities.

Mr. PELL. I yield back the remainder of my time.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

UP AMENDMENT NO. 467

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. Mr. President, I have an amendment at the desk which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment No. 467.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 21 and 22, insert the following:

(g) Section 502B(d) of the Foreign Assistance Act of 1961 is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the following:

"(3) the term 'human rights' includes but is not limited to—

"(A) consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hindrance;

"(B) the rule of law (freedom from government terror, especially as signified by the ability of the courts to decide against the government and the absence of imprisonment or torture for political reasons);

"(C) individual freedom, including freedom of religion, freedom of speech, independence of the media from governmental control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, and freedom to join private organizations of choice; and

"(D) minority rights (the right of ethnic, linguistic, religious and other groups to preserve traditional values and culture).".

Mr. McCLURE. Mr. President, this is an amendment I have discussed with the managers of the bill on both sides of the aisle, and I have their assurance it is acceptable. I will not take the time of the Senate to explain it any further except to say it is a definition of minimal standards of human rights which we expect to be considered by the Secretary in the reports to Congress. It is identical to the same language that was adopted on the bill enacted yesterday.

Mr. President, I know of no objection to the amendment, and I assume it need not be discussed any further.

I yield the floor.

Mr. McGOVERN. Mr. President, I have no objection to the amendment offered by the Senator, and I move it be adopted. I yield back the remainder of my time.

Mr. McCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McGOVERN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. McGOVERN. Mr. President, will the Senator from Kansas let me take up a very brief matter which we can dispose of in just about a minute?

The PRESIDING OFFICER. The Senator from South Dakota.

SECTION 456 DELETED

Mr. McGOVERN. One of the provisions of this bill, section 456, relates to congressional travel abroad. Sponsored by Senator PELL, this provision would require congressional committees to budget for their foreign travel, rather than simply drawing upon treasury funds. This was a good provision, but it has now been overtaken by events. The GAO has made certain findings about current procedures which will require a thorough overhaul, and in response to that GAO finding the Senate has passed a resolution under which congressional travel abroad is now being funded. This resolution is a temporary measure pending the development of a new statutorily based system.

Because this situation no longer requires Senator PELL's provision, he has agreed to its being deleted from the bill. I note, however, that Senator PELL has stated his intention—and I commend him for it—to play an active role in the development of a new system which makes Congress financially responsible and accountable for its expenditures.

Under these circumstances I ask unanimous consent that section 456, as it related to congressional travel, be deleted from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I thank the Senator from Kansas.

UP AMENDMENT NO. 468

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) on behalf of himself, Mr. STONE, Mr. BELLMON, Mr. HELMS, Mr. HAYAKAWA, Mr. GOLDWATER,

Mr. HANSEN, Mr. STEVENS, Mr. YOUNG, Mr. SCOTT, Mr. CURTIS, Mr. THURMOND, Mr. SCHMITT, Mr. MCCLURE, Mr. GRIFFIN, Mr. BARTLETT, Mr. DOMENICI, Mr. WALLOP, Mr. SCHWEIKER, Mr. HATCH, and Mr. HARRY F. BYRD, JR., proposes an unprinted amendment numbered 468.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, after line 11, add the following new section:

"SEC. 453. It is the sense of the United States Congress that there should be no United States diplomatic recognition of the Government of Cuba, and no partial or complete lifting of the United States trade embargo against the Government of Cuba, until such time as the Cuban government has:

(a) provided compensation for United States property expropriated in 1959;

(b) released from prison and repatriated those United States citizens held on political charges, and demonstrated significant progress toward observance of the human rights of its own citizens;

(c) withdrawn Cuban military troops and advisers from the African continent; and

(d) agreed to renew the 1973 anti-hijacking accord with the United States, and provided assurances on the future security of the United States Naval Base at Guantanamo Bay."

Mr. DOLE. Mr. President, this amendment is cosponsored by the following distinguished Senators: Senators HELMS, HAYAKAWA, GOLDWATER, HANSEN, STEVENS, YOUNG, SCOTT, CURTIS, THURMOND, SCHMITT, MCCLURE, STONE, BELLMON, GRIFFIN, BARTLETT, DOMENICI, WALLOP, SCHWEIKER, HATCH, and HARRY F. BYRD, JR.

Mr. President, this is a sense-of-the-Congress resolution. It is not an effort to write into statute what we could not properly write into statute. But it does express the sense of the Congress that there should be no formal diplomatic recognition of Castro's Cuban Government and no partial or total lifting of U.S. trade embargoes against Cuba until the Cuban regime has met certain preconditions.

The text of the amendment was sent to the desk is virtually identical to Senate Resolution 182 which the Senator from Kansas introduced on June 6 of this year.

Mr. President, I want to make it clear that this Government does not intend to buckle under to Castro's demands for a lifting of the 1962 trade embargo until we see some tangible concessions on his own part. Bilateral relations are not a one-way proposition. My amendment will place the U.S. Congress squarely on record with respect to this point.

PRECONDITIONS

Before the embargo is lifted, and before the President extends formal diplomatic recognition to the Communist Government of Cuba, the following conditions should be met by the Cuban regime to demonstrate sincere interest in becoming a respectable member of the world community:

First. Cuba must provide compensation for U.S. property confiscated when Castro came to power in 1959. I understand that the U.S. Foreign Claims Settlement Commission has established American losses in Cuba at $1.8 billion.

Second. Cuba must withdraw its military troops and advisers from Africa. If Castro really wants to improve relations with the free world, it is time he stopped trying to export revolution and bloodshed to developing nations.

Third. Cuba must release from its prisons those citizens of the United States who are being held on political charges of a doubtful nature. In addition, we must see some substantial progress in observance of the human rights of Cuban citizens, especially those thousands who are imprisoned because of their political beliefs.

Fourth. Cuba must reverse its stubborn attitude and agree to renew the 1973 antihijacking accord with the United States, which helps to discourage hijackings and to protect the lives of American citizens. On a related note, it is certainly time we are given guarantees on the future security of the U.S. naval base at Guantanamo Bay.

PRESENT CONDITIONS UNACCEPTABLE

On June 3, the Carter administration announced that it would be exchanging middle-level diplomats with the Cuban Government. Yet, nothing has changed. Cuba has made no effort to compensate American citizens for property and assets expropriated by the Cuban Government following Castro's takeover in 1959. The U.S. Foreign Claims Settlement Commission has certified the value of that loss at $1.8 billion and has also ruled that American claimants are entitled to interest on their certified claims at the rate of 6 percent per annum from the date of seizure. It was in response to the confiscation of American property that our own Government imposed a partial trade embargo against Cuba in October 1960, which was followed by imposition of the total trade embargo in February 1962.

In the context of its professed concern about the observance of human rights by governing institutions, the Carter administration should insist upon significant progress in this area by the Castro regime. Credible reports indicate that as many as 15,000 to 20,000 Cuban citizens are imprisoned in Cuba because of their opposition to the Communist government. In addition, I understand that at least 18 American citizens remain imprisoned in Cuban jails, and at least 7 of these are incarcerated on charges of espionage or similar allegations of a political nature. Others are held on charges relating to drug use or hijacking activity. In line with a perfectly natural sense of concern by the United States about repressive actions against our own citizens, as well as Cuban citizens, we must insist that tangible steps be taken by the Cuban regime to resolve that concern. It is vital that U.S. policymakers apply the same human rights criteria to Cuba which have been applied to other nations with whom we maintain friendlier relations. It is nothing short of ironic that the Carter administration proposes to improve relations with Cuba at the same time that it suggests that we reduce or eliminate interaction with traditional allies in Latin America and other parts of the globe.

On Tuesday of this week, Secretary of State Vance told representatives to the Organization of American States, meeting in Grenada, that "cooperation in economic development must not be mocked by consistent patterns of gross violations of human rights." I urge the administration to apply this worthy creed to its Cuban policy, and not just to our relations with traditional allies in the Western Hemisphere.

AGGRESSION IN AFRICA

It should be made absolutely clear—and I would suggest that this is one condition in the sense of the Congress amendment offered by the Senator from Kansas that should be made clear to Castro—there can be no meaningful improvement in American-Cuban relations until he agrees to terminate his active promotion of Communist aggression in Latin America and Africa. It is an insult to the principle of self-determination that Castro still maintains a force of some 10,000 Cuban troops in Angola, 2 years after their strong-arm activities won that country over to the Communists. In addition, Cuban military advisers are being deployed throughout the African Continent—in Ethiopia, Mozambique, and elsewhere—to instigate political turmoil and bloodshed. The Cuban dictator's revolutionary activism has not diminished, despite his earlier promises. It must be halted before we agree to normalize diplomatic relations.

The Cuban Government announced in October 1976 that it would end its antihijacking agreement with the United States. Castro has indicated no willingness to formally renew the agreement, and I fear that this removes a major psychological force to discourage the hijacking of American planes to Cuba. The administration, and Congress, should insist upon a formal renewal of the hijacking accord, along with Cuban guarantees on the future security of the U.S. naval base at Guantanamo Bay. There have been indications that Cuban leadership refuses to provide these assurances until the U.S. trade embargo is lifted. If these reports are accurate, and the Cuban Government attempts to "blackmail" the United States into political and economic ties, it should be clearly understood that the United States does not submit to such techniques. Those who insist that the time is at hand for the United States to demonstrate "good faith" by lifting the trade embargo have not, I suspect, fully considered the lack of good faith by the Cuban Government on these and other issues of importance to the American people.

CUBA—A POOR TRADE PARTNER

Several business groups have recently visited Cuba, and some have come back expressing optimism about potential Cuban markets for American products. Of course, the resumption of exports to Cuba would require the lifting of the 1962 U.S. trade embargo against Cuba.

However, the prospects for significant trade with Cuba in the event that the embargo is lifted are not optimistic. Furthermore, Castro himself belittles

congressional initiatives to partially lift that embargo. In an April interview with the French magazine Afrique-Asie, Castro observed:

> At present, certain U.S. Senators propose a lifting of the blockade with regard to food and pharmaceutical products. Yet, that does not solve the problem. A partial lifting is not sufficient * * * for Cuba, the principal issue is the economic blockade. The question is not how to lift it partially.

There is no doubt in my mind that the resumption of normal trade relations with the United States is important to the Communist dictator. It is the precipitous plunge of world sugar prices which has been among the major factors pushing Castro to the point of expressing interest in improved relations with our Government. But Castro is obstinate, and is unwilling to budge an inch until we have completely and unilaterally lifted our trade restrictions against his government.

To those American businessmen who contemplate major new markets just 90 miles from our shores, I will pass on some rather sobering trade prospects formulated by the U.S. Department of Commerce. Cuba, because it has essentially a one-crop economy, has a very limited hard currency capability for purchasing products abroad. Commerce Department figures suggest that the maximum hard currency import capability of the Cuban Government over the next 2 to 3 years will amount to no more than roughly $800 million to $1 billion. The Department anticipates that under the very best conditions, brought about by a complete lifting of the U.S. embargo, Cuba could afford to import no more than $300 million worth of U.S. products at the most. In relation to our annual trade level of about $100 billion, the Cuban market prospects are relatively insignificant.

It is my understanding that there has been little interest expressed by Cuban officials in future purchases of U.S. wheat. At present, Cuba has been importing about 750,000 tons of Canadian wheat and flour annually on its Soviet account, and there is no reason to believe that they would abandon that source and turn to the United States for grain supplies.

At present, about 60 percent of Cuban trade is with other Communist countries, and Cuba currently owes the Soviet Union about $5 billion. This is in addition to a Cuban hard currency debt to non-Communist countries estimated at $1.3 billion by the Central Intelligence Agency. It is clear the Cuban economy is hard pressed, and I would have to say that the Castro regime would make a poor trading partner at this time.

A FOREIGN POLICY OF PRINCIPLE

On balance, there is little practical reason, from a political or economic standpoint, for the United States to feel compelled to resume ties with the Cuban Government at this point. Indeed, from both a moral and political standpoint, there are many reasons why we should not resume normal relations at this time. As I have said many times before, it is foolish for us to give up what "bargaining chips" we have for encouraging observance of human rights in Cuba, and for promoting the withdrawal of Cuban troops from Africa. If there is to be any principle in American foreign policy, and any rational pattern in our international behavior, then this administration must draw a line on any further concessions toward Cuba until we have seen some sincere efforts by the Cuban regime towards resolving outstanding issues between our two countries.

I sincerely hope that Congress is able to communicate a message to the White House that will be fully heeded, with respect to future U.S. policy toward Cuba. My resolution intends to convey such a message, and I hope my colleagues in the Senate will support it strongly.

Mr. President, let me reemphasize what this amendment does. It simply states that it is the sense of the Congress of the United States that there should be no U.S. diplomatic recognition of the Government of Cuba—that this is the sense of Congress, though we do not control it; it is a matter that the President controls by virtue of the Constitution. It is the sense of this body and the sense of Congress that there should be no U.S. diplomatic recognition of the Government of Cuba, and, in addition, no partial or complete lifting of the U.S. trade embargo against the Government of Cuba, until there is some response in the way of recognizing human rights insofar as American prisoners and Cuban citizens are concerned. Also, some response insofar as renewing the hijacking agreement is concerned, insofar as assurance of the future security of the U.S. Naval Base at Guantanamo Bay is concerned, and, finally and perhaps most important, some indication by Cuba and the Castro government that they are withdrawing troops from Africa, that they are willing to stop exporting communism throughout the world.

Until that is done, I think Congress has some responsibility to reflect the sentiments of the American people—and those of us who are in touch daily with the American people, I think, understand the prevailing mood in this country.

The prevailing mood in this country is not one that would indicate a policy to rush to embrace or to extend the hand of friendship to Communist Cuba, nor to Communist Vietnam, to Communist Laos, or to Communist Cambodia.

Therefore, it is my hope that the amendment might be accepted.

The Senator from Kansas reserves the remainder of his time.

Mr. McGOVERN. Mr. President, I wish the Senator from Kansas had not brought up this amendment on this bill, and I say that for two basic reasons.

First of all, earlier today, in an effort to avoid an inflammatory debate on this question of Cuban relations, I voluntarily withdrew an amendment providing for a partial lifting of the trade embargo on Cuba that had previously been approved by the Committee on Foreign Relations. I do not know whether that amendment of the Foreign Relations Committee would have been sustained or not if it had come to a vote. However, out of respect to those Senators who strongly opposed that provision, and because of a feeling on my part that it would not be productive at this time to take up the Cuban question, I asked that it be withdrawn under a unanimous-consent request, and it was so withdrawn.

The Senator from Florida, who has strong feelings on this matter, expressed his gratitude that I had taken that action. So I regret that the Senator from Kansas, who, also, has strong convictions on this subject, and I respect his sincerity and his convictions, has seen fit to revert to this issue. I thought it had been resolved earlier in the day.

I do not personally object to the points the Senator from Kansas has made as legitimate negotiating points, as we move to establish better relationship with Cuba. I do think we have to discuss the matter of the recompensation for American property. We are concerned about Americans who are being held as political prisoners. We are concerned about the presence of Cuban troops and advisors in Africa, the highjacking accord, and other things the Senator has mentioned. But these are all matters that need to be laid on the negotiating table as we move toward better relations with Cuba. I think it is a mistake for us to put our negotiators in a straightjacket as to what that agenda may be before we ever get to the negotiating table.

For example, is it wise for us to say there will be no move on our part toward a better relationship with Cuba insofar as trade or diplomatic relations are concerned until every last Cuban adviser is off the African Continent? Suppose they were to counter with a proposal that there would be no diplomatic relations until every last American military adviser and every American soldier is out of Korea, or until every American is out of Western Europe?

These are the kinds of points that need to be discussed at the negotiating table, but which ought not to be written into law in such a way that we may never get to negotiations.

I think it is quite possible that the American negotiators, in their approaches to Cuba, may have to make some concessions on our side. There would also have to be concessions on the other side. However, I think the one thing that would prevent any movement toward a better relationship is the kind of rigid requirements proposed in this amendment.

Mr. President, I have listened to the arguments of the Senator from Kansas very carefully. As I say, I do not have any objection at all to the points that he has raised being included in the negotiations. I think the mistake is in trying to legislate on these matters before the negotiations ever really get under way.

So at the appropriate point I intend to move to table this amendment. It is a matter that can be debated at some other time.

Mr. PERCY. Mr. President, will the floor manager yield for just a few moments?

Mr. McGOVERN. I yield.

Mr. PERCY. I only regret that our distinguished colleague from Kansas (Mr. DOLE) is not on the Foreign Relations Committee, and therefore did not have the benefit of hearing the committee de-

bate on this issue. He would have benefited a good deal from that, I am sure, because his point of view and his strong feelings were expressed by many members of the committee. This provision, proposing to be incorporated in the bill, was not looked upon as a very helpful step.

There was consideration given to two-way trade on all products with Cuba. That was rejected.

There was consideration given to two-way trade on food, for instance, or on some other limited range of products. That was rejected.

The final bill as reported by the Foreign Reviews Committee contained a provision allowing only for the sale of agricultural products and medical supplies, for cash on the barrelhead. In order words, one-way trade.

This modest step was only taken after very careful consideration and after the committee had rejected a number of other alternate possibilities.

The Senator from Kansas comes form a State which is tremendously important in export agricultural sales. It is not that we would put moral principles ahead of economics, but the distinguished Senator recognizes that farmers in this country are very sensitive to being used as footballs, having embargoes on agricultural products. I believe this, in a sense, was a reassurance that we were going to give a break to farmers, and that food would be one of those items in a one-way trade which would be approved if sold for cash. Obviously, it would be at world prices and it would be agricultural, products such as possibly corn or others, that today are actually in surplus and sitting in storage bins.

I have just been advised that there was a modification even this morning on this particular measure. I was not aware of that. Working from the committee report which incorporated discussion of the provision we had debated in committee, I did not realize that early this morning the floor manager of the bill had actually withdrawn even the modest provision incorporated.

Mr. McGOVERN. The Senator was tied up in other business at the time we took this action. I felt, as the Senator did, that the action by our committee was a perfectly legitimate and prudent move and one which could have been helpful. But rather than raise the issue at this time and complicate the passage of the bill, and also recognizing the very limited character of what the committee had done, I asked unanimous consent, after discussing it with the leadership on the other side of the aisle, to withdraw even this very minor provision the Senator is referring to.

Mr. PERCY. Though I object in principle, as I would have liked to have gone ahead and taken this very modest step, I can see the problem this provision presented to the bill before us.

Having said that, I think there is all the more reason to take up this matter in full debate on what our relationships with Cuba should be at an more appropriate time and not really do it in this bill. I would hope that the amendment would not be pursued.

Mr. DOLE. Mr. President, I would like to add the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), the distinguished Senator from Utah (Mr. HATCH), and the distinguished Senator from South Carolina (Mr. THURMOND) as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The point this Senator would like to make, and I have no quarrel with my colleagues, is that I would like to say to my distinguished colleague from Illinois that Castro rejected the language in the bill. He said in the French interview:

> At present, certain U.S. Senators propose a lifting of the blockade with regard to food and pharmaceutical products. Yet that does not solve the problem. A partial lifting is not sufficient. For Cuba, the principal issue is the economic blockade. The question is not how to lift it partially.

Fidel Castro rejected the language that was in the bill. I might also say to my distinguished friend from Illinois and my friend from South Dakota, with reference to the argument that we ought to leave everything out of the bill, I tried to persuade the distinguished Senator from West Virginia, the majority leader, a few moments ago to strike out the language with reference to South Korea. By an overwhelming vote of 60-some to 26 he persuaded the Senate that we needed some language in the bill with reference to South Korea and the withdrawal of troops from South Korea.

I cannot subscribe to the argument now advanced, by one who voted for that principle a few moments ago, that we should strike everything, as has been done, and have no language with reference to Cuba. It seems to me there should be some consistency.

I do not suggest this language is perfect, I want to reemphasize, because I believe everyone in this body has some reservations about Cuba. It is only a sense of the Congress resolution. It seems to me that on that basis we can express ourselves.

Maybe some would add conditions. Some want to modify conditions. I cannot think of a single Senator who wants to just give the green light to the administration and say there will be no conditions.

That is the purpose of a sense of the Congress resolution which is now cosponsored by 20-some Senators. It is the hope of the Senator from Kansas that we can reach some accommodation. It is not my intent to try to embarrass anyone or put anyone on the spot with reference to Cuba. It is my intent to try to spell out some concern that we have in the Congress, and I think some justifiable concern that we have in the Congress. For that reason, I am pressing the amendment. I do say we should be consistent. I also say that Castro rejected the language before it was taken out of the Senate bill.

Mr. President, I reserve the remainder of my time.

Mr. GRIFFIN. Will the Senator yield for a comment?

Mr. DOLE. I yield.

Mr. GRIFFIN. I want to associate myself with the Senator from Kansas and indicate my support for his amendment. To keep the record straight, I want to say that I did not vote for this in the Committee on Foreign Relations and was registered as opposed to the language put in by the committee which the Senator from South Dakota has had stricken.

One of the interesting things to me is that if the language in the committee bill had stayed in and we had proceeded to make food and pharmaceutical supplies available directly to the country of Cuba, we would be doing that at the same time that Cuba is maintaining medical teams in some 13 other countries of the world, most of them in Africa.

Recently, Representative DELLUMS disclosed that Mr. Castro intends to send another 311 doctors and technicians to Ethiopia, for example. Of course, they would like to have more pharmaceutical supplies so that they can supply their medical and paramedical teams they have stationed in that country.

I cannot understand for the life of me why we would want to do that. I commend the Senator from Kansas.

Mr. DOLE. The Senator from Kansas does not understand it either, particularly when we read the interview that Castro had, some 20 hours of interview with a French reporter. I would hope I might have time to read the interview. It is a very revealing interview of one of the Communist leaders in the world. He says:

> The possibilities of a fundamental revolution are very substantial on the African Continent.

I assume that is why he is getting his ducks in a row in some 13 countries.

> As far as Southern Africa is concerned, I do not believe that peaceful and diplomatic solutions will persuade the racists and their allies to give up their regime.
>
> Any attack against Angola will be regarded by us as an attack against Cuba. Let there be no mistake about it. Fighting side by side with the Angolan people, we will defend Angola with all the means at our disposal.
>
> This is not a negotiable matter.

That is fine with me. If it is not negotiable, we should stop all talk with Castro and not negotiate. I do not see any great harm in passing a sense of the Congress resolution to let people in the administration know that at least the Congress has another view. We do not quarrel with what they may want to discuss, but I believe we do have a right to set forth some of the things we believe are important.

If someone wants to add to the list, I will be happy to modify the amendment. If someone wants to modify something on the list, they might be able to do that. These are matters that I believe are of great importance and they should be passed upon by this Congress. It should be the sense of this body expressed very strongly.

Mr. President, I reserve the remainder of my time.

Mr. ABOUREZK. Will the Senator from Illinois yield a few minutes to me?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ABOUREZK. Will the Senator from Illinois yield a few minutes to me?

Mr. PERCY. How much time?

Mr. ABOUREZK. Five minutes.

Mr. PERCY. I yield 5 minutes to the Senator from South Dakota.

Mr. HELMS. Mr. President, the Sentor has yielded to me momentarily. I ask unanimous consent that Mr. John Carbaugh and Dr. James Lucier of my staff be accorded the privilege of the floor during discussion of this measure and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, I think it is recognized, as the Senator from Kansas has said a couple of times, that this is merely a sense of the Senate resolution and, as such, has no real power on the conduct for foreign affairs by the President. However, I think it would be a serious mistake for the Senate to adopt this resolution, even though, constitutionally, we cannot affect his conduct of foreign affairs. He has the right, under the Constitution, either to recognize or not recognize a country, as he sees fit.

With regard to the litany of horror stories recited by the Senator from Kansas as reasons in support of this particular amendment, I suppose one could pluck any period of time out of history, out of any country, and virtually recite the same litany.

For example, if he were to be consistent, there would be, probably, 30 or 40 other countries that we not only recognize, but that we do business with and we give money to, that could be added onto this resolution and we ought to break diplomatic relations with those countries—countries such as South Korea, Chile, Uruguay, Brazil, Argentina—a list that goes right on down the line.

However, the Senator from Kansas has not done that, simply because he has directed this amendment toward Cuba itself.

Now, all of the things that he has cited as reasons why we should not recognize Cuba—the payment of compensation, the holding of political prisoners, the adventures of the Castro regime in Africa and what he claims to be other countries of Latin America—all of those things, plucked out of context in this period in history, are probably very legitimate things to be concerned about. But I agree with my colleague from South Dakota when he says that they ought to be negotiable in any kind of negotiation.

I think, also, that the Senator from Kansas and those who support this amendment ought to realize as well that whatever it is that we object to that Cuba is doing at the present time, it is a creation of the foreign policy of the United States.

If we go back to 1959, when the revolution of Castro was completed, in January, and when Batista was eventually thrown out of office by virtue of that revolution, Castro came to the United States shortly afterward. It was a country that had been virtually economically raped by the very small percentage of people who had dominated and controlled Cuba. There was no money left, their resources were virtually nil, they had nothing on which to live or with which to operate at that time.

When Castro came to the United States, he came here with the intention of asking for help from the United States. If one reads the history of that period, the former Ambassador—I think his name was Smith, our Ambassador to Cuba—came back. He was a man who was on the side of the multinational corporations that had been expropriated or that were being threatened with expropriation at the time. He came back and advised the State Department that it would not be in the best interests of the United States to provide any assistance of any kind to Fidel Castro.

So, what happened was that, by virtue of a series of provocations, of escalated moves on both sides, we found ourselves in the position that we now find ourselves in today; that is, the relationship broke off. We drove the Castro regime into the arms of the Russians, where they are now. We have, for the first time in the history of the United States, the presence of such a major foreign power in this hemisphere and very near to our shores.

That could have been avoided with some kind of foresight with respect to our foreign policy at the time.

Then, when we would not provide aid or oil to the Castro regime, they turned to the Russians for oil. Then the American refineries refused to refine the oil. When we refused to refine the oil, the management of the refineries was replaced with Cuban management so that the oil that they needed down there could be refined.

When they did that, we put on, or, rather, we cut out some of the sugar quotas that we had had agreements on with Cuba. When the sugar quotas were cut off, what happened was that all the refineries——

The PRESIDING OFFICER. Who yields time?

Mr. ABOUREZK. May I have 5 more minutes? I shall not use it all.

Mr. PERCY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Forty-six minutes and 3 seconds.

Mr. PERCY. I yield 3 minutes to the distinguished Senator from South Dakota.

Mr. ABOUREZK. When the refineries were expropriated, then the Congress and the administration, both in turn, took additional steps to escalate the animosity further.

Now, there is no question in my mind that, in 1959 and 1960, the United States could have been on good, normal relations with Cuba. There is no question in my mind that Cuba is willing and the U.S. Government, or at least part of it, is willing to renew those relations and, once again, normalize them. But the attitude of this amendment, if it is adopted by the Senate, and if that kind of view prevails upon the President and makes him a little less courageous in moving toward normalization, would do merely one thing, in my view; that is, continue the insanity that we have engaged in over the past 17 years with respect to a neighbor 100 miles away from our shores.

I think that, for those reasons and perhaps many others, the amendment ought to be defeated.

I thank the Senator from Illinois for yielding.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DOLE. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment by the distinguished Senator from Kansas. This amendment provides that there should be no U.S. diplomatic recognition of the Government of Cuba and no partial or complete lifting of the U.S. trade embargo against the Government of Cuba until they have done certain things.

Mr. President, we must remember that Cuba is only about 90 miles from our shore. Someone said that this would affect other countries in the world. But Cuba is very near us, 90 miles from the United States. It is in a different situation from other countries of the world. Why should we not take special precautions?

Why should we establish diplomatic relations with Cuba? The distinguished Senator from Kansas has delineated here that we should not do so until these things are done. What are these things?

First, Castro expropriated property of U.S. citizens in 1959. Why should we cater to Castro until he pays for the property which he confiscated or expropriated in 1959? Who would take any other position? The people of America, I am quite sure, would not.

The next thing is release of U.S. citizens that are being held there on political charges. Castor is holding U.S. citizens there today, this very minute. He has people, citizens of the United States, in his prisons, being held because they do not agree with what he is doing from a political standpoint. Why should we accommodate Castro by giving diplomatic relations so long as they hold citizens of the United States there on political charges?

Why should we also have diplomatic relations with Cuba so long as they persecute their own citizens? Castro has killed thousands and thousands of his own citizens, while we are here debating human rights over the world.

President Carter is talking about human rights in Africa. He is talking about human rights in other parts of the world. Yet, right down here, 90 miles from us, they are not extending human rights. We stand by and do nothing, yet we say let us give diplomatic relations: "Mr. Castro, you're such a nice fellow, we are just going to take you into the family now, and we are going to extend all relations with you."

Mr. President, I do not agree with it. I think this reason is enough even if there were no other: Castro has sent Cuban troops over to Africa. What happened there? Because of the Cuban

troops sent to Angola, the majority of the people there were not able to maintain freedom. Because of the intimidation and coercion and the help of the Cuban troops in Angola, the majority of the people today are serving under a Communist type of government. If those troops had not been sent there, the majority of the people in Angola today would be free. I think that, alone, is enough not to warrant diplomatic relations.

It seems to me we have got to let Mr. Castro know that we stand for something and that we are in favor of human rights, really genuine human rights. He goes to Africa, to another continent, and uses force and deprives the people in Angola from having freedom. I say "No" to diplomatic relations. It does not make any sense to me.

Then, too, he cancelled a 1973 highjacking accord. These highjackers now can take planes to Cuba and get refuge. Why should we renew diplomatic relations as long as he does that? This is just a means of expropriating, again, property of the U.S. citizens.

Regarding Guantanamo Bay, we have an agreement there. We ought to get assurances that we can stay in Guantanamo Bay. We have a right to stay there under our lease, and we ought to stand up to that.

Mr. President, any way we look at it, I say that we should not establish diplomatic relations with Cuba.

I commend the able and distinguished Senator from Kansas and I say to him, "The American people are with you, they are with your sentiments."

Mr. President, I hope this resolution will prevail.

Mr. DOLE. I thank the distinguished Senator from South Carolina.

Mr. President, I would like to add Senator STONE as a cosponsor of the amendment.

Mr. President, I am waiting the arrival of the distinguished Senator from Arizona (Mr. GOLDWATER). I think that I am prepared, after he makes a few statements and I take another minute, to yield back our time and have an up or down vote rather than a tabling motion.

Mr. PERCY. Will the manager yield 5 minutes.

Mr. McGOVERN. Yes, to the Senator from Illinois, 5 minutes.

Mr. PERCY. Mr. President, I do not think there is much disagreement with the goals we want. Most of the goals established in the Dole amendment are goals we would like to see achieved.

We would like to see compensation for U.S. property expropriated. We would like to see prisoners repatriated and released who are incarcerated because of political charges. We would certainly like to see human rights observed among the citizens of Cuba by its own Government. We would like to see military forces and advisers removed from the African continent.

But I think, when looking at this sense of the Senate provision, taking into account the extraordinary power given by the Constitution to the Senate of the United States to advise and consent in connection with the formation of foreign policy with the executive branch of Government, we have to take into account the negative impact of what we would be doing.

We have a highly emotional situation here, but we have to take a look at what precedent we would be establishing.

We also are not talking just about diplomatic recognition of the Government of Cuba. We are talking about even a partial lifting of the U.S. trade embargo.

That option would be prohibited to the executive branch of Government, at least, unless they wanted to go against a sense of the Congress resolution prohibiting them from doing anything with respect to trade, and would in a sense estop Congress from taking any measured steps in this direction to just see whether a new policy would get better results than we had from the old policy.

The old policy has been in effect for many years. Things are getting worse, rather than better.

I would say in light of our failure to date with our present policy, whether we ought not to have the flexibility to try different and new approaches.

Certainly, I would not feel we would want to imply by our actions, that our diplomatic recognition would by any means imply in the slightest that we are countenancing or looking with favor upon many of the policies of governments with which we today have diplomatic relations.

Certainly, we do not support many activities that are carried on in the Soviet Union, yet we have diplomatic relations with them. We certainly do not support many of the things that go on in Eastern European countries, but we have diplomatic relations with them. We do not support everything that goes on in South Africa, but we have diplomatic relations. In fact, it is the very existence of those diplomatic relations that enable us to do something to influence those particular governments.

When we say that we would never have or should not have diplomatic relations so long as Cuba has military advisers anyplace in the entire continent of Africa, that takes away a degree of flexibility and implies, as the distinguished Senator from South Dakota has previously said, that perhaps no government, including ours, should have military missions anyplace in the world.

If there is any government that has military forces and advisers all over the world, it is the U.S. Government. We would not want that standard used against us for the existence of diplomatic relations. It should not be.

It would be a whole new area of diplomacy if we were to confine and lay down such stringent regulations and rules as that.

I, therefore, feel that this amendment wou'd not add to progress in the goals outlined. It would not further the cause of payment for expropriated property or for the release of prisoners. In fact, I think it would set it back. I think it would actually make it more difficult to obtain the release of U.S. citizens held as prisoners in Cuba.

I cannot imagine anything that would hurt them more than to have this laid down as an edict, because we would be prohibited for a long time to come then from having a direct diplomatic relationship and a direct opportunity to negotiate on behalf of these prisoners that are being held.

For those reasons, I simply feel it is not a wise amendment at this particular time. That is why I would be compelled to oppose the amendment as I feel it would be establishing a principle and a policy that would be totally inconsistent with what we have done in diplomacy in this country as long as we have been a republic.

If we start establishing this kind of criteria, I think we would have a very difficult time making any movement in accord with the objectives and goals of the amendment, with which I do not disagree, and I do not think most of us in the Senate would disagree.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Florida (Mr. STONE).

The PRESIDING OFFICER (Mr. HART). The Senator from Florida.

Mr. STONE. Mr. President, I have already expressed my appreciation to the Senator from South Dakota for withdrawing his amendment, which I opposed by my own motion to strike. I feel that was a very constructive step.

I am not going to at this time raise many of the questions which I had prepared in opposition to that amendment and in general. But I would like to add to this debate two factors, two dimensions, which I have not really heard addressed yet.

The first is that there are over 700 U.S. citizens, of which 84 are single-source U.S. citizens—that means they are not citizens of both the United States and Cuba—who have applied to leave Cuba and have been denied, mainly because they wanted to take members of their immediate families out.

That was denied and they lost their livelihood. We have to pay checks to them for them to subsist. That is an outrage.

No U.S. Government of dignity and pride should tolerate that. Yet, in the face of that, we propose to improve our recognition and our economic relationships with that country.

I have two other points. Second, there has already been issued and it will be shortly distributed in this country, a new report of the Organization of American States' Commission on Human Rights documenting multiple, flagrant, awful human rights violations in Cuba not just countries such as Chile. There is one in existence about Cuba. Let the press duly note that that report deserves wide dissemination.

Finally, I am advised—appropriately advised—that, whereas at one point the Cuban forces in Angola were down as low as an estimated 10,000 or even less, there now are at least 15,000 and perhaps as many as 20,000 Cubans in Angola, many of them in combat in the north and in the south.

Far from keeping his commitment to Prime Minister Olaf Palme of Sweden

to withdraw, reduce, and eliminate his presence in Angola, Castor has increased it, and it is increasing, and it is a danger to the peace of Africa and the world.

In the face of that, let us not do anything to reward that type of conduct.

Mr. DOLE. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. I thank the Senator.

Mr. President, I support this amendment. The Members of this body can correctly ask this question: Why should the Senate be putting down conditions for the diplomatic recognition of any country? Actually, we do not have that particular power; but, as I see it, it is the President's duty to handle the foreign policy of this country, with the advice and consent of the Senate.

What we are doing here this afternoon, in my opinion, is showing the President how much strength he might have here if he tried to send us a treaty giving formal diplomatic recognition to Cuba. This vote becomes very important not just to this body, not just to those of us who support the amendment, but also to the President.

Mr. President, it is interesting to me, and has been for many, many years, the way our foreign policy has been conducted through both Republican and Democratic administrations. We are a young country, one of the youngest in the world. We do not seem to have learned much in our 200 years about the successful operation of foreign policy. I think it is mainly because we forget that there are instruments of national policy that can be used short of war. War is the ultimate and last instrument to which we have to resort. We have a political instrument, but the United States never has been politically strong here, because we have not been a country tending toward colonization. Therefore, we did not have lands to swap or other things to give.

However, when it comes to economics, we have been the economic leader of this world, throughout the latter part of our history. I am not standing here saying that we are going to continue to be the leader. In fact, we are in serious condition right now.

However, as we look at Cuba, which now seemingly is very anxious to have us give them diplomatic recognition, I can only see one thing she wants out of it, and that is money.

When we stopped doing business with her, it did irreparable damage to her economy. As I understand, it will take the entire dollar income of her sugar crop this year merely to repay the Russians what the Russians claim Cuba owes.

We have the economic means to have changed things in Cuba by making it even tougher on her, without resorting to some of the questions that have come up. I agree with some of my colleagues who question the propriety. But again I say that if we vote on this measure, the President is going to get a pretty good idea of what kind of support any treaty he sends here is going to to receive.

For example, the Senator from Kansas does not want any recognition until we are provided compensation for U.S. property expropriated in 1959. It used to be that when we had a strong policy relative to countries in our hemisphere, there was no question about expropriation. Our companies were paid or the countries were forced to pay.

We talk about releasing prisoners and having them repatriated to the United States. There is nothing wrong with that. It is something to which I believe the President should give very serious consideration when he thinks of formal recognition of Cuba.

With respect to withdrawing Cuban military troops and advisers from the African Continent, if I were the President of the United States, I certainly would want to know how Congress felt about that; because I have a feeling that the people of the United States resent very strongly the fact that Congress allowed the Soviet Union and Cuba to take over Angola when we were within a very few hours of being able to prevent that.

So I cannot see anything wrong with this amendment. I do not look upon it as something that is going to give great pleasure to those of us who back it. I think it will give the President a very good idea of how any treaty he suggests will be received.

Mr. President, I would take the same attitude if we were talking about Red China, or if we were talking about any country that now denies human rights.

This is a strange thing to me, and I talked about it this morning—human rights. It is probably one of the greatest statements any President of our country has ever made. He has made it the cornerstone of his administration. Yet, here we see countries, particularly in South America, being denied help from our country, while at the same time Communist countries around the world are given almost anything they want.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GOLDWATER. May I have a few more minutes?

Mr. DOLE. I yield.

Mr. GOLDWATER. I read, for example, in our large newspapers in the East about Taiwan. We never hear it called the Republic of China, and that is what it is. They talk about the lack of freedom in Taiwan. We never hear anything said about the 60 million people who were murdered in Red China. Yet, we are trying, as they say, to normalize relations with Red China. I do not think the people of this country want to do business with murderers. I do not think they want to recognize other countries that do these things.

Let me bring this to the attention of my colleagues. I think we overlook it. About 5 years ago, 30 percent of the people in the world lived under some kind of freedom. Today, 17 percent of the people in the world live under some kind of freedom. So, with all our wonderful gestures, all our billions of dollars that have been spread around the world to normalize things, the freedom of the people of this Earth is disappearing.

As I outlined this morning in my discussion, we should look at our own human rights. We should look at our own freedoms in this country, before we start talking about Communist countries and human rights, or fail to talk about Communist countries and human rights.

Let us look in our own country at the rights we once thought were ours. We thought we never would be deprived of them. We thought it would take a foreign invasion to deny us the right of decision, for example. Yet, the decision as to spending 42 percent of the money we make is taken away from us.

I merely cite this, because what we have been talking about all week can be related to what is going on in the United States of America—perhaps not as drastically, but it is going on, and we know it; we should not try to fool ourselves that it is not.

So I am very happy to support this amendment. I see nothing in the world wrong with it. I hope that the leadership will not see fit to try to table it. I should like to see an up-and-down vote occur on this amendment, so that we can tell the President just what his chances are.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr DOLE. Mr. President, in perhaps 2 minutes we will yield back our time, if we can obtain an agreement to do the same on the other side.

First, I thank my colleagues for supporting the amendment.

I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post of June 7, 1977.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT'S MR. CARTER'S CUBA POLICY?

The administration's decision to exchange diplomats now with Cuba, after a 16-year lapse, is puzzling. For although the exchange of diplomats need not connote approval of either government for the other, this step in its political context conveys unmistakably an aura of improving relations. We had thought President Carter was concerned, as he has regularly said he is, about Cuban military intervention in Africa: Last year Havana put 20,000 troops, air-lifted and supplied by the Soviet Union, into Angola. Yet no sooner does the State Department confirm that Cuba has sent military advisers to Ethiopia than the establishment of "interest sections" in Washington and Havana is announced.

Has Fidel Castro been told in effect that he can have the advantages of normalized relations even while continuing unbated the interventionist policy of which the Carter administration officially complains? Is the "real" policy the one spoken by Ambassador Young, who is quoted in Playboy as saying that "a thousand Cubans, or 20,000 Cubans or even 100,000 Cubans anywhere in the world are no threat to the United States"? Has the administration quietly accepted the Castro regime's reported contention that in Cuban dealings with Washington two particular issues are not negotiable—the Cuban military presence in Africa and human rights? Performance on human rights, of course, is the other criterion set by Jimmy Carter for improved Cuban-American ties.

The administration contends that it has lost none of its interest in restraining Cuban activity in Africa. One need not question whether it is losing interest to wonder whether it is losing leverage. The United States has a handful of good reasons, ranging from the strategic to the sentimental to end its debilitating and anachronistic dis-

pute with Fidel Castro. But it cannot blink away the Soviet-Cuban partnership in Africa. In Ethiopia, moreover, the Cubans cannot claim, as they did in Angola, that they are acting to oppose a move by South Africa. In Ethiopia, they are lending themselves to a Soviet power play, pure and simple, and they are doing it, by the administration's own accounting, by a military move that the United States cannot condone.

The administration is provoking more conservative reaction across the board than its diplomacy may be able to sustain. On Cuba, on Vietnam, on South Korea and on Panama, the Carter administration has stirred the American right. The cumulative impact may be most serious on Panama, since the necessary and long-overdue policy change being pursued there will, if all goes well, produce a new canal treaty that must pass through the Senate. Eventual mutually advantageous normalization with Cuba could be undercut, too, if Jimmy Carter's Cuban policy is not made more consistent and clear.

Mr. DOLE. Mr. President, I will read one sentence from the editorial:

The administration contends that it has lost none of its interest in restraining the Cuban activity in Africa. One need not question whether it is losing its interest to wonder whether it is losing leverage.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. ALLEN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it seems to this Senator and many others that that, in essence, is really the argument. I do not suggest that we deprive the President of his constitutional rights. I am not trying to do that. But we in this body have a right to express what we believe to be the sense of the Senate or the sense of Congress, with respect to United States relations with Cuba.

That is all the amendment does.

In a publication issued in January 1977 by Freedom House—I might add that the board of trustees of Freedom House includes both of our distinguished Senators from New York, and Mr. Brzezinski and others—they rate national governments on a scale of 1 to 7 according to political rights, and seventh happens to be the lowest. Cuba ranks seventh. On a rank of nations according to civil rights on a scale of 1 to 7, they rank sixth.

I just suggest that before we shed any tears about Castro, before anyone sheds any tears about Communist Cuba, we ought to take a look at the record. If you are concerned about our lack of diplomatic relations, it should be known that there are about 50 other countries that do not share that concern. They have no diplomatic relations with Cuba. I do not see any rush on the part of these countries in Latin America, the Middle East, Europe, or Africa to "normalize"—whatever that word may mean—relations with Communist Cuba.

Mr. President, I ask unanimous consent that a list of those nations be printed in the RECORD at this point.

NATIONS THAT DO NOT HAVE DIPLOMATIC RELATIONS WITH CUBA

AFRICA

Botswana, Central African Rep., Comoro Islands, Gambia, Ivory Coast, Kenya, Lesotho, Malawi, Rwanda.

Seychelles, South Africa, Rep. of; Sudan, Swaziland, Togo, Zaire, Tunisia.

ASIA

Afghanistan, Bhutan, Burma, China (Taiwan), Fiji, Korea (South), Maldives, Nauru, New Zealand.

Papua New Guinea.

Singapore, Tonga, Western Somoa.

EUROPE

Andorra, Ireland, Liechtenstein.

Monaco, San Marion.

LATIN AMERICA

Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Paraguay, Uruguay.

MIDDLE EAST

Bahrain, Israel, Jordan, Oman, Qatar, Saudi Arabia.

Yemen, People's Dem. Rep. of.

Unfortunately, there will be a motion made to table my amendment and, of course, the public never understands the purpose of such a motion. This is the reason for the motion to table: If you move to table the amendment and you vote "Aye" to table the amendment, you are saying, in effect, that we should not have any concern about Cuba, we should not worry about Castro, we should not worry about Angola. As Senator STONE has so well pointed out, there may be 10,000, 15,000, or 20,000 troops in Angola, yet some suggest that we just ought to, for some reason that I yet fail to understand, embrace Castro and say, "Well, there it is."

Mr. HELMS. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, not only am I honored to join in sponsorship of this amendment, but during the last 2 or 3 years I have sat with a dozen delegations of people representing families of Cuban citizens who have been murdered, imprisoned, tortured, and suffered every other conceivable violation of human rights, and I just wish every Member of this Senate could have heard and seen these people.

I will say to the Senator from Kansas, and all other Senators, that maybe it is time for us in the Senate to bear in mind that we become a part of what we condone.

Here we have a Communist tyrant 90 miles off our own shores, guilty of every conceivable atrocity, and we appease and cajole him. This Senator will not join in that sort of thing.

I am proud to cosponsor the Senator's amendment, and I commend him for the submission of it.

Mr. DOLE. I thank the distinguished Senator.

I ask unanimous consent to place in the RECORD the Washington Post editorial, along with the other material I mentioned in the debate, and I will reserve the remainder of my time but I am prepared to yield it back if the other side is prepared to yield back the time.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from South Dakota.

Mr. McGOVERN. Mr. President, I am not going to delay the Senate any longer. I think we know the merits of this issue.

We are not voting at all on the question of whether we want relations with Cuba or whether we do not. This is not the place to be discussing that matter. There is nothing in the bill as it now stands before the Senate that even mentions the word "Cuba." There was a very minor step in the direction of a partial lifting of the trade restrictions to commit some American sales of agricultural produce and medicine in Cuba this morning that was taken out of the measure by unanimous consent.

I appeal to the Senate not to reinject the Cuba issue into this particular legislation. Senators may feel strongly one way or the other as to whether we should recognize Cuba. But to try to legislate what the negotiating terms ought to be here on the floor of the Senate is a very strange procedure indeed.

What the amendment of the Senator from Kansas does is to spell out all of the terms that have to be met by the other side before our negotiators can do anything.

I would hope that we would not set this very awkward, dangerous, and restrictive precedent in the Senate today, but would give our negotiators an opportunity to see what can be done. Maybe nothing can be done about improving relations with Cuba, but certainly we, the Senate, do not want to try to draft the terms of any treaty that eventually may be worked out here on the Senate floor today.

I might just say it is not our prerogative in any event to pass judgment on diplomatic recognition. It is a prerogative of the executive branch, and certainly we do not want to try to determine the whole negotiating agenda here this afternoon.

I very much hope this amendment will be defeated.

If the Senator from Kansas is prepared to yield back the remainder of his time, I will yield back my time.

Mr. DOLE. I am prepared to yield back.

Mr. GRIFFIN. Mr. President, the committee bill, as reported, would have mandated a further lifting of the U.S. trade embargo against Cuba to allow for the direct sale of food and medicine. This unilateral move has been underway despite information which has come to light indicating that Cuba now maintains medical teams in 13 other countries.

It appears that many of these medical teams have served as the vanguard of the introduction of Cuban troops in other countries, particularly in Africa.

With firefights continuing in Angola, it is known that complete Cuban field hospitals are in place there.

Recently we learned from Representative DELLUMS, as a result of his recent trip to Cuba, that Castro intends to send another 311 doctors and technicians into Ethiopia.

These cricumstances raise serious questions concerning the legitimate need of Cuba for medical and pharmaceutical supplies.

In 1975, the United States did partially lift the embargo against Cuba, hoping that there would be a reciprocal response of good will from Cuba. The only response of Cuba was to send troops into Angola less than a month later.

The fact of the matter is that never once since the earlier partial lifting of the U.S. trade embargo in 1975 have the Cubans attempted to talk about the following problems which continue to pose formidable obstacles to normalization of relations between the two countries:

Over 15,000 political prisoners continue to languish in Cuban jails. Of these, 17 are U.S. citizens, of whom 8 are serving sentences of from 20 to 30 years on political charges.

Some 751 Cubans with valid claims of U.S. citizenship—84 of whom are U.S. citizens—cannot leave Cuba.

Some 5,911 officially determined claims of U.S. private citizens and corporations, totaling $1.85 billion, have not been compensated for as a result of Cuban nationalization of expropriation.

Mr. President, I ask unanimous consent that a table which summarizes claims officially validated by the U.S. Foreign Claims Settlement Commission be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. In addition, the Cuban Government has not paid back such long outstanding debts as:

The sum of $70 million now owed to the United States Export-Import Bank.

The sum of $3.3 million postal debt to the U.S. Government.

Or, $9.9 million claimed as fair compensation for the expropriation of a U.S. Government-owned nickel factory.

In view of this lack of reciprocity and Cuba's continuing aggression abroad, I seriously question that the time is ripe now for the United States to reward Mr. Castro.

EXHIBIT 1

SUMMARY OF CUBAN DECISIONS

	Amount claimed	Amount certified
Religious and nonprofit	$26,297,393	$13,631,212
Corporations	2,505,106,502	1,603,768,829
Individuals	695,228,003	233,657,317
Total	3,226,631,898	1,851,057,358

Source: U.S. Foreign Claims Settlement Commission.

The PRESIDING OFFICER. The Senator from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. President, I move to table this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to lay on the table the amendment of the Senator from Kansas (Mr. DOLE). The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—39

Abourezk	Glenn	Metcalf
Anderson	Gravel	Metzenbaum
Bayh	Hart	Moynihan
Brooke	Haskell	Muskie
Byrd, Robert C.	Hollings	Nelson
Cannon	Humphrey	Pell
Case	Inouye	Percy
Church	Jackson	Ribicoff
Clark	Javits	Riegle
Cranston	Kennedy	Sarbanes
Culver	Leahy	Sparkman
Durkin	Magnuson	Weicker
Eagleton	McGovern	Williams

NAYS—53

Allen	Goldwater	Pearson
Baker	Griffin	Proxmire
Bartlett	Hansen	Randolph
Bellmon	Hatch	Roth
Biden	Hatfield	Sasser
Bumpers	Hayakawa	Schmitt
Burdick	Heinz	Schweiker
Byrd, Harry F., Jr.	Helms	Scott
	Huddleston	Stafford
Chiles	Johnston	Stevens
Curtis	Laxalt	Stevenson
Danforth	Long	Stone
DeConcini	Lugar	Talmadge
Dole	Matsunaga	Thurmond
Domenici	McClure	Tower
Eastland	McIntyre	Wallop
Ford	Morgan	Young
Garn	Nunn	Zorinsky

NOT VOTING—8

Bentsen	Mathias	Packwood
Chafee	McClellan	Stennis
Hathaway	Melcher	

So, the motion to lay on the table was rejected.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 469

Mr. ROBERT C. BYRD. Mr. President, on behalf of myself, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CRANSTON, Mr. CASE, Mr. MOYNIHAN, and Mr. BROOKE, I send to the desk a substitute amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virigina (Mr. ROBERT C. BYRD), for himself, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CRANSTON, Mr. CASE, Mr. MOYNIHAN, and Mr. BROOKE proposes an unprinted amendment numbered 469:

In lieu of the language proposed to be inserted by the Senator from Kansas (Mr. DOLE), insert the following:

It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiations be protected.

Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

The PRESIDING OFFICER. There is a 30 minute time limitation on the amendment, to be equally divided.

Mr. ROBERT C. BYRD. Mr. President, the amendment I have offered would express the sense of the Congress that negotiations toward normalization of relations with Cuba should be conducted in a deliberate manner and on a reciprocal basis.

The important factor here is that the many differences between the United States and Cuba—and there are important differences—cannot be resolved in the absence of direct communication.

It is also important, as this amendment states, that the vital concerns of the United States, with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiations, be protected.

The establishment of a U.S. Interests Section in the Swiss Embassy in Havana and the Cuban Interests Section in the Czech Embassy in Washington is a first step in the possible reestablishment of normal relations between the two nations.

However, as the amendment states, and as I strongly believe, negotiations toward the normalization of relations must be conducted in a careful and deliberate manner with serious attention to the problems which hinder a normal relationship, not the least of which is the continuing presence of Cuban military personnel in Angola and elsewhere in Africa.

I believe that this amendment leaves little doubt about the need for carrying out these negotiations with great care, and keeping in mind the factors that I have clearly delineated in the amendment. The amendment underscores the fact that such negotiations must be reciprocal. There must be quid pro quos. There must be an indication on the part of the Cubans that they are negotiating in good faith. The recent release of some of the Americans being held in prison in Cuba is perhaps a hopeful sign, but there is obviously much more that must be done in this regard.

I would urge the Senate to support this amendment. I believe it reflects a cautious but logical and proper approach to our relations with this neighboring nation.

Mr. DOLE. Mr. President, I rise in opposition to the amendment. I would just say at the outset that not a single sponsor of this amendment voted not to table the previous amendment. It was obviously designed ahead of time, in the event that the Senate should strongly speak its will on the motion to table, as it did—a clear majority of Senators ex-

pressed the will of the Senate in favor of my amendment; so now we are presented with a very much watered-down version of the amendment and we are asked to accept it as a substitute.

Mr. President, I would say that the last line in the Byrd substitute amendment underscores just how weak it is. It says these elements of U.S. concern "must be taken into account." Well, isn't that great?

They must be taken into account, and then what? Who takes them into account?

It just seems to me that, in the first place, we should have been entitled to an up-or-down vote on my amendment. That effort having failed, we now have the watering down process.

We had the same action just about 3 hours ago with reference to Korea. So it has become the "watering down" body. If the Senate expressed its will, some would bring in a watered down version. I would hope the President understands and the American people understand that this is not the will of the Senate.

There is enough escape language there to convert a few people. That is all it needs. Anybody can hide in this language and suggest, "Well, we do not want to negotiate with Cuba unless they cooperate."

The Byrd substitute says it is the sense of the Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders, and its respect for the human rights of individuals, are among the elements to be taken into account.

The Senator from Kansas suggests that says nothing. It applies no pressure to the Communist leader, Fidel Castro. It sends him no message.

I would just suggest—and I am certain it is not going to happen—that we have an up-or-down vote now on the original proposal. At the appropriate time the Senator from Kansas will move to table this amendment.

Mr. SCOTT. Will the Senator yield?

Mr. DOLE. I yield.

Mr. SCOTT. Mr. President, I associate myself with the remarks made by the distinguished Senator from Kansas. I did vote on the other amendment with regard to Korea, the compromise. I fully intend to support the position of the Senator from Kansas on this amendment.

I wonder if the distinguished majority leader might respond briefly to a question or two with regard to his amendment.

Mr. President, I wonder if the distinguished majority leader would tell us whether he is opposed to the sense of Congress resolution?

Might I have the attention of the distinguished majority leader, Mr. President?

Mr. President, I voted with the distinguished majority leader on the Korean compromise, but I do have reservations with regard to the compromise he is now offering.

The Dole amendment indicates it is the sense of Congress that before there is any recognition, Cuba should provide compensation for United States property expropriated in 1959. Is the distinguished majority leader opposed to payment for U.S. property which was expropriated?

Mr. ROBERT C. BYRD. No, indeed.

Mr. SCOTT. Is the majority leader opposed to release from prison and repatriation of American prisoners?

Mr. ROBERT C. BYRD. No.

Mr. SCOTT. Then is he opposed to the Dole amendment?

Mr. ROBERT C. BYRD. I am in favor of the amendment I have offered in preference to the Dole amendment.

Mr. SCOTT. What is wrong with the Dole amendment?

Mr. ROBERT C. BYRD. I believe the amendment I have offered is the better of the two.

Mr. SCOTT. In all candor, Mr. President, I do not believe the amendment by the distinguished Senator from West Virginia says anything. I do not think there is any substance to it. I would submit that the Dole amendment should be agreed to.

Mr. ROBERT C. BYRD. Mr. President, I am having copies of the amendment printed so that all Senators may read what the amendment I have offered says.

Mr. MUSKIE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MUSKIE. As I understand the amendment of the Senator from Kansas it is a sense of the Senate resolution and is no more binding in any way than that of the Senator from West Virginia.

Mr. ROBERT C. BYRD. It is not binding. It has no legal effect whatsoever.

Mr. MUSKIE. It is just a question of how we phrase the Senate sense so that it covers the ground broadly and yet with some sensitivity to the issue. Every Senator could have his own preference as to the language. If this debate were to continue long enough, I am sure the Senator from Maine could phrase a sense of the Senate resolution which would accomplish the same element as that of the Senator from Kansas, the same element as that of the Senator from West Virginia, and we would all be saying the same thing but in our own way. Frankly, this argument of the Senator from Kansas and the Senator from Virginia, that the amendment says nothing, is a criticism of their own formula, which says nothing but what their sense tells them.

Mr. SCOTT. Why not pass both amendments? [Laughter.]

Mr. MUSKIE. One is sufficient. There has already been too much talk on the subject as it is.

Mr. CHILES. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. HART). The Senator from West Virginia.

Mr. ABOUREZK. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ABOUREZK. Mr. President, the amendment of the Senator from West Virginia takes into account in any negotiation all of the things that the Senator from Kansas says he is concerned about. What it does not do is put a complete stop to any negotiations which might take place. After all, how are we going to negotiate the compensation for expropriated property if people will not talk to each other? That is the precise effect of the amendment of the Senator from Kansas.

I know every single one of the supporters of the amendment by the Senator from Kansas is concerned about expansion by Communist nations into the western hemisphere. They have stated it on a number of occasions. We all know exactly how they feel. In fact, I think every Member of this Senate is concerned in the same manner.

If we want to slow down the expansion in this hemisphere, if we want to decrease the influence of Russia on Cuba, on a country in this hemisphere, the way to do it is not to continue the animosity, but to decrease the animosity between the United States and Cuba.

So the effect of the amendment of the Senator from Kansas is to put a stop to any kind of a dialog, to continue the animosity, and to accomplish just what they say they do not want to accomplish. It is the same kind of foreign policy insanity which has governed this country for the last 18 years with regard to Cuba, for the last 30 years with regard to China, and with regard to other countries as well. There is no reason for the Senate to continue that kind of dissent.

Mr. DOLE. Will the Senator yield?

Mr. MOYNIHAN. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MOYNIHAN. I thank the distinguished majority leader.

I rise as a sponsor of this amendment and I wish to state some difference with our distinguished colleague, the Senator from South Dakota. It seems to me that the thrust of the amendment of the Senator from Kansas is clear. It is appropriate. It is a position which, in its intentions, I as someone who has dealt with the Cubans in the United Nations, would certainly support.

I have been appalled by the Cuban disposition not merely to interfere with blood and iron in defenseless countries throughout the world, but their continued and persistent interference in our own country—in the affairs of Puerto Rico, in the lives of the citizens of Puerto Rico.

I believe there should be no mistaking the purpose of this Senate and the regard which the Senate has for the sovereignty of this Nation and the rights of its citizens with respect to our neighbor in Cuba.

However, I would like to state respectfully to Members on the other side of the aisle that the adoption by this body of an amendment of near identical purpose, although of different format, an amendment of the majority leader will have a vastly greater import on world opinion and conceivably could have some effect upon opinions within the Department of State.

It is one thing for the body to be impressed with the views of individual Senators, even one so distinguished as the Senator from Kansas. It is another for this Chamber to say to the executive branch and to the nations of the world

that we have no illusions about the nature of the totalitarian regime in Cuba, a regime which has taken upon itself, alone among the nations of the world, the right to go anywhere on the continent of Africa with officers and European arms, and to murder, kill, burn—to do what even in the worst days of 19th century imperialism were things which brought down governments on the continent of Europe. Yet Cuba does these things. "If you are red, somehow you are black and you can do anything," this is the apparent view of Cuba and it is shameless.

We do not accept that. We do not accept Cuban interference in our Nation. We show no signs of gratitude that Cuba released some of the prisoners it never should have held. We are prepared to be good neighbors with Cuba, but not unless our Government conducts a true negotiation and exacts a true exchange.

The majority leader's amendment states this clearly and, coming from that sponsorship, it will be much more emphatically understood by the world. I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Will the Senator yield?

Mr. ROBERT C. BYRD. I will be glad to yield to the Senator from Florida.

Mr. CHILES. I am not sure the Senator from West Virginia wants to yield to the Senator from Florida.

Mr. DOLE. I will yield.

Mr. CHILES. Mr. President, I wanted to congratulate the Senator from Kansas. I never really felt that a sense of the Senate resolution meant anything before. I always thought it was sort of a piece of paper.

For the first time, I am going to change my mind on that a little bit. It looks like a sense-of-the-Senate resolution has made a little sense with some of the Senators. When I see the second sense-of-the-Senate resolution, it seems to me that there is a little sense coming to this body.

I congratulate the Senator from New York on his speech. I think that is no different from views that he has had for a long time. But I want to congratulate the Senator from Kansas for his sense-of-the-Senate resolution, making a little sense with some of the other cosponsors on here, who I have never heard, of any late date, ever saying anything about the expropriation of U.S. property, $1.8 billion. I have never heard many of them say anything about the political prisoners that were held in Cuba. I have heard about political prisoners in Brazil, Chile, and a lot of other countries. But I have never heard anything about the intrusion into affairs of other countries.

So the Senator from Florida is beginning to think the sense-of-the-Senate resolution may have some effect after all.

Whatever sense of the Senate resolutions we pass, I congratulate the Senator from Kansas for bringing a little sort of sense to the Senate. I hope it continues as we talk about these areas.

The only time that we shall have an opportunity to deal with the people that are being held in the Cuban prisons, the only time that we are going to have an opportunity to deal with whether Cuban-American citizens are going to be allowed to write and travel to Cuba and return—right now, their passports or their American citizenship are not even recognized by that country. It seems to me that, if we are talking about recognition of some country, if they will not recognize our citizens, that is not much in the way of recognition.

The only way we are going to have a chance to deal with whether there is going to be continued intrusion of Cuban troops in Africa and other nations is before we give up trade, before we give up recognition, before we give up those things that Cuba needs.

Once that is done, then there is no bargaining position any longer for this country.

In fact, you can almost talk about two things. You can talk about medicine and you can talk about spare parts. And, of course, they would like to have a market for their produce, which is going to compete with every kind of produce in this country.

Once we really talk about medicine and spare parts, we are talking about prime interest on the part of Cuba.

I say to my distinguished friend from South Dakota, rather than promoting communism, I think the greatest mover today for normalization of our relations with Cuba is Russia, because Cuba is Russia's Vietnam. It is costing them over $2 million a day and they are sick of it. They want to see those relations normalized and they want to be able to withdraw just a little bit of that support, which is bleeding them off.

I think it does make eminent sense for the Senate to be on record as saying there should be preconditions before we say that we are going to give recognition, before we grant trade rights. Let us determine what is in our interest, the interest of our citizens, and in the interest of human rights.

Mr. ABOUREZK. Will the Senator from Florida yield for a question?

Mr. DOLE. I want to see how much time we have left.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Kansas has 5 minutes. The Senator from West Virginia has 8.

Mr. CHILES. I just close by yielding to the Senator from Kansas and saying I agree with his sense-of-the-Senate resolution.

Mr. ABOUREZK. Mr. President, will the majority leader yield for the purpose of my asking a question?

Mr. President, I think he nodded his head yes.

The PRESIDING OFFICER. The Senator from West Virginia gave no visible message to the Chair.

A question has been addressed to the Senator from West Virginia.

Mr. ABOUREZK. Will the Senator from West Virginia yield 1 minute for the purpose of my asking a question?

Mr. ROBERT C. BYRD. I have promised my colleague I shall yield to him first; then I shall be glad to yield to the Senator from South Dakota.

First, let me say a word about my own resolution.

Mr. President, neither of these resolutions, the resolution offered by the Senator from Kansas or the one offered by the Senator from West Virginia, has any legal or binding effect whatsoever. They are merely advisory. These express the sense of the Congress.

Now, I am as opposed to diplomatic recognition of Cuba until such time as the Cuban Government stops its adventurism in Africa as is any Senator in this body. But in order to get Cuba to see the error of its ways, in my judgment, there has to be negotiation. Those negotiations have to be carried on in a patient, orderly, proper manner, and they have to be carried on by the appropriate officials of the two governments.

Now, the resolution by Mr. DOLE, although it has no binding effect, in essence says that before any negotiations can be carried on that might ultimately lead to the diplomatic recognition of the Government of Cuba, then Cuba has to do the following things: Provide compensation for U.S. property expropriated in 1959; release from prison and repatriate those U.S. citizens held on political charges; withdraw Cuban military troops and advisers from the African Continent; and agree to renew the 1973 hijacking accord with the United States.

I am in favor of all those steps. But do we realistically expect to achieve those objectives if we say, at the start, there will be no diplomatic recognition until Cuba has done 1, 2, 3, and 4? Those things that we hope to gain have to be achieved through orderly negotiation. That is what my resolution recognizes.

Mr. DOLE. Will the Senator yield?

Mr. ROBERT C. BYRD. It says it is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis. That means we do not give everything for nothing. We expect quid pro quo.

And it says that the vital concerns of the United States—the vital concerns—with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiation be protected.

What does that mean? That means exactly what it says: that the basic rights and interests of American citizens be protected.

Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of the military and paramilitary personnel bevond its borders and its disrespect for the human rights of individuals are among the elements which must be taken—must be taken; not may be taken, but must be taken—into account in any such negotiation.

Mr. President, if we hope to achieve the goals that the Senator from Kansas hopes to achieve, they have to be achieved through negotiation. My resolution sets up the guidelines, sets up the signposts which will have to be recognized in the course of those negotiations, and those signposts are the interests of the American people with respect to per-

sons and property, the human rights of individuals, and the stopping of military adventurism by Cuba in Africa.

Now I yield to the Senator from West Virginia, my senior colleague.

Mr. RANDOLPH. Mr. President, the intent of the Senate is about to be made clear regardless of whether we support the majority leader (Mr. BYRD) or the Senator from Kansas (Mr. DOLE). I say very earnestly that after hearing the present Presiding Officer (Mr. MOYNIHAN), and after hearing the Senator from Kansas (Mr. DOLE) and also hearing the Senator from Florida (Mr. CHILES) and listening to my colleague from West Virginia (Mr. BYRD) that, at long last, the Congress is ready to act in a realistic and necessary manner. We must cope with our problems with the Castro regime, since the 1959 revolution.

This further evidence: Col. James W. McCauley, my friend, now dead, established a manufacturing plant in Cuba. He was requested to go there. The Castro regime came into being. While visiting Cuba to check on the factory output—this splendid American citizen, and a person providing employment to 200 Cuban workers, met with a traumatic experience.

Police demanded Colonel McCauley drive his automobile to the side of the road. He was thrown from his car and dumped in a ditch. The car was burned before his eyes, and his property, the plant was expropriated.

He never received a single cent from Cuba. He never received a single dollar from the United States of America.

Colonel McCauley, one of the patriotic members of the Air Force in World War II, died a discouraged and disillusioned American because of what happened—and the failure to be helped by reparation.

I shall vote for the majority leader's substitute. I think in voting for it he knows how I feel, as he feels strongly. I think this Senate feels and the Congress feels and the American people feel, that, as I have said, at long last we have come to our senses.

Mr. ROBERT C. BYRD. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DOLE addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from——

[Laughter.]

Mr. ROBERT C. BYRD (continuing). New Jersey.

Mr. CASE. Mr. President, if that little hesitation had any meaning, it was only for the purpose of underscoring the importance of his action and, by inference, I guess, the importance of anything I might say. I hope it will be regarded as important.

I happen to be a member of the committee who voted against the provision in the bill which had been inserted on the initiative of several of our colleagues wanting to open up trade with Cuba. I voted against that. I did not think it appropriate at this time.

So I want everyone to know when I say this that it is not because I am soft about this thing. I am not at all soft about it. But I do think the whole question before us now is: What is the best way to get this job done? That is the question.

In my judgment, the better way is not to use the rather harsh language. And this is harsh, not so much in respect of Cuba—I do not care too much about Cuba—but I am concerned about relations between the different branches of our Government and a proper recognition of the roles of each.

I do think it would be advisable and produce better results if we go about this thing under the Byrd amendment, which I cosponsored, rather than under the Dole amendment. I say that with complete recognition, as Senator CHILES had recognized just now explicitly, of the importance of the Senator's initiative in this matter, and I pay him all respect for that. The committee reported it—I cannot deny that at all—even though I opposed it, a provision saying that it is all right for us to sell to Cuba.

How ridiculous. They defeated a provision that would require us to permit Cuba to sell to us.

That suggests we have in this country elements that would profit by a resumption on a one-sided basis of relationship with Cuba. It almost suggests that there is something in what I think it was that Lenin said, that the capitalist world would sell to Communists the rope with which the Communists would hang us.

We must stop that. We must check that. We must tell the American citizens who would like to make money on trade with Cuba, "OK, when the time comes, yes, but not now."

That is why I support this as the better way to do the job we all want done.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

The Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield for a unanimous-consent request only, I ask unanimous consent that my senior colleague (Mr. RANDOLPH) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the Senator from Kansas has 5 minutes remaining?

The PRESIDING OFFICER. Five minutes remaining.

Mr. DOLE. First, let the Senator from Kansas make it very clear that I am not trying to judge anyone in this body on how they feel about Cuba. I think the feeling is pretty much across the board. Certainly, the distinguished Senator from New Jersey has a very strong feeling, he has expressed it many times to me and to everyone in this body, and so does everyone else who has spoken out for or against my amendment.

So I am not trying to quarrel with or question anyone's motive, or anything.

Having said that, it seems to me what we are, in effect, doing is saying, "Well, we're for all the conditions listed. We think it is an excellent initiative, but maybe it's harsh, maybe it's strong."

Well, I would only suggest, if we go back and read the interview Castro had in the French magazine in April and read some of his comments about some of our efforts, we might not think it was strong enough.

I share the view expressed by the distinguished Senator from New York, who is now presiding, that the majority leader has a great deal of influence and a great deal of power.

We have demonstrated that 53 run-of-the-mill Senators can beat Castro. But I am not certain there are enough Senators who want to take on the majority leader.

That is really the issue. It is an issue of loyalty to the majority leader, not who has the best amendment.

The Senator from Kansas feels it is very clear. I agree with the Senator from Florida who said that maybe the sense-of-the-Senate amendments may come to mean something. I hope they will come to mean something and that we can give notice to this administration, or any administration, about the feelings of the Congress, the feelings of the Senate.

There ought to be some way to work this out, because everybody is now for my amendment or the distinguished majority leader's amendment, so everybody is essentially in agreement. It seems to me, all we need is a strong solution.

Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McGOVERN. Mr. President, I yield myself just a few minutes on the bill.

Mr. President, I do not want my remarks to be interpreted as a reflection on any Member of the Senate, because I do have a high regard for this body and for the Members. But I was in Disneyland with three of my grandsons last weekend and I have had the strong feeling the last couple of days listening to some of the amendments that have been proposed here that I am still in Disneyland and the Mad Hatter is very much present.

The same old rigid assumptions, based on hysteria and fear, that took us into Vietnam, into that disastrous struggle, are behind several of these amendments that have been adopted here in the Senate.

One would think listening to these deliberations that the most powerful countries in the world are Cuba, Laos, Cambodia, and Vietnam. There is almost an assumption that the United States has to cringe before these little countries, that somehow they are the basic threat.

I have been trying to figure out in my own mind why it is that Senators, and I think the overwhelming majority of the American people, are willing for us to carry on relationships with China—the most populous country in the world—with the Soviet Union—the most powerful Communist country in the world—and somehow feel we cannot touch anything that approaches a relationship with a little country like Cuba, that we cannot carry on any kind of commercial

contact with Vietnam, or with Laos, or with Cambodia.

It is almost as though we are conducting ourselves as if we were a third-rate power, fearful of dealing with these tiny little states that pose no real threat to us.

I think it is fair to say if we had not stumbled into Vietnam some 20 years ago, most Americans would never have heard of it. It would have had little or no relevance to us, and 50,000 Americans who are now dead would be alive.

Why do we have to perpetuate this head-in-the-sand policy toward a little country like Cuba?

I had not intended to make any appeal here today for a change in American policy toward Cuba. That is the reason why I suggested that my own amendment, which was already in the committee bill, be withdrawn earlier today, so that we could avoid this kind of irrelevant discussion this afternoon. However, in the interest of sanity and commonsense, at the very least, I hope we will adopt the substitute amendment that has been offered by the majority leader.

That amendment, which not only has his support but the cosponsorship of some of the rest of us, does preserve the integrity of the negotiating process. Yet, it reflects some of the concerns that I think all Senators share.

So I hope very much that, if for no other reason than to protect the good name and the commonsense and the integrity of this body, we will adopt the substitute amendment offered by the majority leader.

FACING REALITY

Mr. President, I want to say a few things about the parade of amendments we have had in recent weeks designed to inhibit and restrict the direction of the Carter administration's foreign policy. That needs to be done because I think these amendments represent something far broader than simply our policy toward Cuba, our relations with Vietnam, or the size of our presence in Korea. On the contrary, I frankly think they constitute an attempt to rekindle a set of foreign policy premises that have produced nothing save disaster for the United States. Beyond that, they amount to a partisan harassment of a Democratic President's conduct of foreign affairs, on the part of some of the same people who were telling us a few years ago—when the issue was a devastating war in Vietnam—that it was not only bad policy but downright unpatriotic to exhibit partisan differences about America's dealings with the rest of the world.

My colleagues are certainly aware that I am no blind defender of a bipartisan foreign policy. I have taken sharp issue with Democratic presidents in the past, and I will not hesitate to do so again. I assume no one doubts that.

But it is worth noting that in his 1976 campaign President Carter was fairly explicit on his foreign policy plans. He spoke specifically about withdrawing American ground forces from Korea. And he was elected. Someone has said it would be unconscionable to phase out those forces on the basis of a campaign promise. I think it is unconscionable that anyone would take a commitment to the American people so lightly, to the point of demanding that it not be fulfilled by the candidate the American people elected. I cannot help but wonder if these same amendments would be pressed so vigorously if it were a Republican president trying to do some of the same things. Or is this simply an attempt to deny the results of the presidential election last year?

This is how the issue can and should be distinguished from our struggles with President Nixon over the war in Vietnam. In 1968 Mr. Nixon was elected with an undisclosed plan to end the war, and he failed to do it. On Korea, at least, President Carter was elected with a public commitment to withdraw our ground forces, and to take steps to at least partially disassociate the United States from one of the most repressive governments in the world. Now some Senators are trying to tell him that he must not carry it out. In either case, I suppose the bottom line is that it is naive to believe what is said in campaigns, and that voting is roughly the same as rolling a pair of dice.

But all of this is only part of the issue. What troubles me even more is that we can detect the outlines, at least, of change in the basic premises of our foreign policy, and that these amendments would derail that process and throw us back into the rigid thinking that prevailed two decades ago.

It frankly horrifies me, and I suspect it would horrify the American people, to think that after all the pain and travail we have endured over the last generation, still nothing of substance has been learned.

One change is a recognition, which ought to be obvious, that military might alone is insufficient to insure the security of the United States. We have the most formidable Military Establishment on the face of the Earth. I think it is flagrantly excessive, even as modestly adjusted by the new administration. But even if we doubled it our military arsenal would not resolve today's real foreign policy challenges. In some cases sheer power may deter war, but it cannot fashion a stable peace. In some cases it may inspire a grudging respect, but it cannot inspire a genuine commitment to shared ideals. And if all we have to offer to a world in social and economic ferment is more force, then I think the United States will ultimately be not a major and positive world influence, but a true "fortress America" that is politically isolated, economically strangled, and possibly even militarily exposed to more and more nuclear weapons in more and more hands.

Obviously we do have much more to offer than that. Indeed, the process of change was already underway long before there was a change in administrations. Where we once operated on the presumption that there was a monolithic international Communist conspiracy, President Nixon had the sense to recognize that it was in our interest to begin normalizing relations with China—that communism is not monolithic after all, and that we are also interested in how countries, as countries, behave in terms of our own foreign policy goals. President Ford had begun some cautious steps toward normal relations with the Government of Cuba. The sense many of us had was that there and elsewhere we were moving to set aside some of the Pavlovian cold war reactions to other countries and other systems, so we could apply reasoned analysis to the problem of serving our own international needs.

In that context, it is plain that it is in our interest to focus on such international challenges as food, population, the environment, energy, and economic reform. It is plain because this is an interdependent world, and we are dependent on it. It is in our interest even if we see the dominant global issue as a contest with the Soviet Union. These ought to be, after all, our strongest suits. Our traditions encompass the same respect for national sovereignty and independence that now moves the third world as no other issue; the Soviet Union cannot match that claim in either principle or practice. We have more capacity than any other nation to help meet the technical challenges of growing more food, of finding and developing new sources of clean energy, or of finding new ways to conserve scarce resources. Beyond that, if we will permit ourselves a faith in our own cherished values, then I think we can both exemplify ourselves and demonstrate elsewhere that there is a way to political liberty and economic justice at the same time.

But we must first reclaim our credentials. We must first overcome the suspicion that has been built up over so many years of militarism, CIA dirty tricks, and identification with even the most disreputable tyrants so long as they flew an anti-Communist banner. And that is where these amendments come in.

Cuba is not the issue. Though we would never have the slightest influence on Cuba's policies—as we have not had over the past 17 years, except to push that country closer to the Soviet Union—we can obviously get along without Cuba. But do we really want to present to the world the picture of a mean and vindictive American giant still punishing a tiny island of 10 million people for a revolution that happened nearly a generation ago? If we fear Castro's influence elsewhere, do we really want to give him such powerful ammunition to use against us among other small nations? Or are we mature enough and sensible enough to take it away, simply by moving toward the same sort of trade and diplomatic relations we have established with almost every other government in the world, including dictators of both the right and the left?

The Korean Peninsula has strategic significance, but, again, the issue is broader. The administration has not been insensitive to the security question. Billions of dollars worth of military aid has gone to South Korea, and more is on the way, to make up deficiencies in that countiry's self-defenses. In land forces the military balance lies with the south, and the committee language says nothing—nor does the administration pro-

gram—about withdrawing American air forces or even nuclear weapons. But what about the conduct of President Park? There are worse governments in the world. But nowhere are we so intimately associated with one so bad. Do we want real credentials on human rights? Or do we want the rest of the world to see that a government can junk human liberties and still be embraced as warmly as ever? Perhaps it will even be read that the way to win favor in the United States is simply to sprinkle money around on Capitol Hill, as the Park regime has been doing.

Vietnam is not the issue. Under any government, Vietnam is an important country in Southeast Asia. It is also a country which by all indications would prefer to hold an independent, nonalined posture in international affairs. Some Members of Congress apparently want to deny them that opportunity to apply a cold war freeze that will inevitably push them closer to the Soviet Union. At bottom it is the same policy that has been such a failure in Cuba.

Nonetheless, again, we can presumably live with such a posture on the part of Vietnam. And what concerns me far more is the spectacle we are making of ourselves.

It was a Republican President, I remind you, who promised them $3.25 billion in grant aid, and another $1 to $1.5 billion in other forms of aid, to get the Paris agreement. There is no danger, of course, that such a program will slip by the Congress unnoticed. The Carter Administration regards the pledge as invalid.

But the Senate, in its wisdom, has now declared that even that position is insufficiently mean-spirited. If an international financial institution votes to assist Vietnam, the Senate has directed that we must pick up an equivalent amount of our own marbles and go home. What a brave position.

Not only that, we now have an amendment which says the administration cannot even talk about any form of payment to Vietnam. That would even preclude an agreement under which we would pay modest sums to help pay for locating missing in action personnel. But whatever its local effect, what this language really says is that there is a small Asian country which was pounded nearly if not all the way back to the stone age with American bombs; that members of the Senate are so terrified that a few American dollars might now go to help the reconstruction of that country that we will not even let the subject be raised.

That is the kind of noble, humane, constructive portrait of America the authors of this language would have us present to the world. Well, I suggest that it is a throw back policy that will bewilder our friends and make those who wish us ill laugh up their sleeves. It demonstrates such a single-minded preoccupation with a worn out, self-defeating relic of a world view that it blinds us to our own real interests and our own real worth.

I know these are hard issues. I know there are vocal individuals and groups throughout the country who demand the most belligerent possible American posture. And I certainly do not deny the right of my colleagues who share that view to attempt to translate it into law.

But let the rest of us recognize that these are not minor mattters—that they are superficial, emotional issues for show off votes to placate the right-wing back home. It is easy to vote against Vietnam and Cuba. It is easy to vote for the image of toughness in Korea. But it is hard on the foreign policy of the United States. And I believe it will come to offend the vast majority of the people of the United States—both because they prefer to believe that this country is better and more sensible than these amendments suggest we are, and because they want a foreign policy that will work.

UP AMENDMENT NO. 470

Mr. ALLEN. Mr. President, I have an amendment at the desk which I offer as a perfecting amendment to the Dole amendment. I offer it on behalf of myself, the distinguished Senator from North Carolina (Mr. HELMS), and the two distinguished Senators from Florida (Mr. CHILES and Mr. STONE).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN), for himself and others, proposes an unprinted amendment numbered 470:

At the end of UP amendment No. 468, by Mr. DOLE, add the following:

It is the further sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiations be protected.

Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

Mr. DOLE. Mr. President, if the Senator will yield, I would be willing to accept the amendment.

Mr. ROBERT C. BYRD. Mr. President, I wonder whether the Senator would agree to a reduction of time on this amendment.

Mr. ALLEN. How much time is there—30 minutes?

Mr. ROBERT C. BYRD. Thirty minutes. The subject has been explored thoroughly. Could we reduce the time to 10 minutes?

Mr. ALLEN. I believe not. Other Senators may wish to speak.

Mr. ROBERT C. BYRD. Could we reduce it to 20 minutes, equally divided?

Mr ALLEN. Thirty minutes, I believe, is reasonable.

Mr. ROBERT C. BYRD. Very well.

Mr. President, who is in control of the time in opposition to the amendment by Mr. ALLEN?

The PRESIDING OFFICER. The Senator from South Dakota, unless he is in favor of the amendment.

Mr. McGOVERN. I do not support the amendment.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Does the Senator from Washington correctly understand that the matter before the Senate is the substitute to the amendment of the Senator from West Virginia?

The PRESIDING OFFICER. The pending question at this point is the perfecting amendment of the Senator from Alabama to the amendment of the Senator from Kansas.

Mr. MAGNUSON. The Senator from Alabama said he had a perfecting amendment to the Dole amendment.

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. Before the Senate is a substitute.

The PRESIDING OFFICER. A perfecting amendment takes precedence over a substitute amendment.

Mr. MAGNUSON. Does that require unanimous consent?

The PRESIDING OFFICER. No, it does not.

Mr. MAGNUSON. We are voting on an amendment, then, to the Dole amendment.

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. And not to the substitute. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. I thank the Chair.

Mr. ALLEN. Mr. President, I yield myself such time as I may use.

Of course, the substitute of the distinguished Senator from West Virginia is nonamendable, being an amendment in the second degree.

The distinguished Senator from Virginia (Mr. SCOTT), a few moments ago, when making some incisive comments with respect to the Byrd substitute and the Dole amendment stated, almost facetiously, that we might adopt both of these amendments. I have always noted that when the distinguished Senator from Virginia—either of the distinguished Senators from Virginia, I might say—speaks to the Senate and makes comments, they are well worth listening to.

We have two amendments here, either of which, I feel sure, would be adopted by the Senate if it were presented on its own, without relation to the other amendment. I think the Senate would support either. The question is, which is the better amendment? I supported the Dole amendment and am proud to be one of the cosponsors. I think it is the better amendment.

The Dole amendment does not rule out negotiations whatsoever. One of the points made by the proponents of the Byrd amendment was that the Dole

amendment apparently did not call for any negotiations. It does not rule out negotiations whatsoever. The Byrd amendment is long on negotiations—that negotiations should take place looking toward certain general principles.

The Dole amendment could well be used as the goal, the necessary ingredients, of any negotiations, the end result of the negotiations. So it is not at all inconsistent to have both amendments—the Byrd amendment, saying, "Let's negotiate in a friendly atmosphere; let's negotiate with certain thoughts in mind, certain general principles"; and then the Dole amendment, enunciating the goals that must be reached: "Go ahead and negotiate all you want, and come up with these conclusions. Until these conclusions are met, until these goals are reached, then there will be no formal recognition of Cuba."

There is a field of operation for both of these amendments, and I think we might solve this impasse by saying that both amendments are good and they can be read in pari materia. There is a function for both amendments.

I hope the amendment will be adopted, that then the motion to lay on the table the Byrd amendment will prevail, and that then we will have a vote on the Dole amendment as amended by the Byrd amendment. In other words, the Byrd amendment will not be substituted for the Dole amendment. It merely will be added as an amendment.

Both these great Senators—the Senator from Kansas and the Senator from West Virginia—would have offered the sense of the Senate. I think they well express the sense of the Senate, saying, "Yes, let us have negotiations in good faith, but we must come up with these end results before there can be any recognition of Cuba."

I hope the amendment will be accepted and that the Byrd amendment will be accepted.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. McCLURE. Mr. President, I ask unanimous consent that Margaret Carlisle and Hugh Streeter, of my staff, may have the privilege of the floor during all stages of proceedings under this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, did I understand the Senator from South Dakota to say that he supported the amendment?

Mr. McGOVERN. No, I oppose the amendment.

Mr. ALLEN. I misunderstood the Senator.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. DOLE. To reinforce a point made by the Senator from Alabama, the word "negotiations" does not even appear in my amendment.

Mr. ALLEN. No, it does not.

I suggest to the Senator from Kansas that if there is any doubt about the adoption of this amendment, the Senator might modify his amendment to add this as a second section.

Mr. DOLE. Mr. President, will somebody yield time? Who has the floor?

Mr. ABOUREZK. Mr. President, will the Senator from Alabama yield for a question.

Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SCOTT. Mr. President, inasmuch as the distinguished Senator from South Dakota (Mr. McGOVERN) indicated he was opposed to the amendment, who controls the time opposite the Senator from Alabama?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Will the Senator from South Dakota yield 5 minutes to me?

Mr. McGOVERN. Yes; I yield.

Mr. ABOUREZK. I want to ask the Senator from Alabama if his amendment he has offered is the same language as the language of the Byrd substitute?

Mr. ALLEN. Exactly, except in one place it adds the word "further." It is the further sense of the Senate.

Mr. ABOUREZK. If it passes, the effect of it would be to have both the Dole amendment and the Byrd substitute all in one; is that correct?

Mr. ALLEN. That is correct. There would be the sense of the Senate. They are not inconsistent. There is an area of operation for both.

Mr. ABOUREZK. If I have a little time left, I want to express my thanks to the Senator from Florida (Mr. CHILES) for the speech he made a few minutes ago in support of both amendments.

He said Cuba is Russia's Vietnam, and that Russia would like to see Cuba normalize relations with the United States because they can start to withdraw from Cuba. That should be——

Mr. CHILES. If the Senator is paraphrasing the Senator from Florida I would like to correct him. I said they might not have to put in as much monetary support. They were putting in over $2 million a day, and they might not have to put in as much monetary support.

Mr. ABOUREZK. I am quoting directly when the Senator said they might have to withdraw, and then he added monetary support, but that should be the objective of our foreign policy, which is to diminish Soviet influence in the Western Hemisphere, and that is precisely, as the Senator from Florida said, what will happen if the administration can continue its negotiations.

Mr. CHILES. No; I think the Senator from South Dakota is again paraphrasing the Senator from Florida——

Mr. ABOUREZK. I do not yield.

Mr. CHILES. Well, if the Senator is going to speak for the Senator from Florida then I think——

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. ABOUREZK. In that respect, I agree with the Senator from Florida, in that respect alone at this time. That is the reason we ought not to try to prevent negotiations with the Cubans so far as normalizing relations are concerned.

Now, the language of the Dole amendment, I have said it and other people have said it here, the effect of it would be to do precisely that, and that is to throw every roadblock they can think of in the process of normalization of negotiation, of talk about political prisoners, expropriation, and other matters that everybody here claims they are interested in.

My colleague from South Dakota stated properly that it has been a policy of the last 17 years of total blindness. It has been a policy of madness that we ought to get over at this time. We ought not to be so insecure in our own power that we have to concern ourselves with whether or not Cuba is going to attack us. It is precisely the reason the Senator from Florida said, we really ought to try to diminish Soviet influence, and that is the reason why we ought to reject the Dole language and accept the Byrd language because it furthers us along that road.

I yield back the remainder of my time.

Mr. ALLEN. I will yield such time as the Senator from Florida wishes.

Mr. CHILES. I thank the distinguished Sneator from Alabama.

I thank my friend from South Dakota for making a good argument—not fair, not following what the Senator from Florida said, but a good argument—and I am delighted to see that he would make that.

I think the Senator from Florida made it abundantly clear that what he was talking about was the amount of monetary support that is now coming from Russia. The Senator from Florida does not know at all whether Russia's influence is going to be diminished by the fact that Cuba would like to get spare parts from this country so that the American equipment they have, that they would be able to run—I think the Russians would like that very much because the Russians do not happen to make Ford equipment.

They do not happen to make the buses, and they do not happen to make the cigar machines that were made in this country which Castro took over a lot of factories in there, and those spare parts Russia would like to see Cuba have because then that would diminish some of the financial drain that Russia is now experiencing. That is the point the Senator from Florida was making. It was very much in Russia's interest to have those spare parts in that trade to be able to come forth from the United States so that Cuba would not be a drain.

It was a nice leap that the Senator from South Dakota made from that to his other argument. If he wants to make that argument that is fine, but he should not attribute it to the Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Is the amendment of the Senator from Kansas' amendment——

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Will the Senator from Alabama yield me some time?

Mr. ALLEN. I will yield time if I have it.

Mr. DOLE. Mr. President, I send a modification to the desk, a modification of my amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. ABOUREZK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UP AMENDMENT NO. 471

Mr. DOLE. Let me point out that the modification was the Byrd amendment. I hoped we might resolve some of the problems by speeding up the process and adding that to my amendment because I think they do complement one another. My amendment talks about specific concerns, and the amendment of the distinguished majority leader talks about negotiations. That is the purpose of the amendment, to add the Byrd amendment to the amendment of the Senator from Kansas, because nearly everyone who has spoken has indicated what great amendments they both are, and I understand who has the greatest force. I do not accept that, but I understand that.

Mr. ABOUREZK. Mr. President, I withdraw my objection.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Kansas may be allowed to modify his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. In the manner he suggests.

The PRESIDING OFFICER. No objection is heard, and it is so ordered.

The amendment, as modified, is as follows:

At the end of Dole UP-468, add the following:

II. It is the further sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiations be protected.

Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

Mr. DOLE. Mr. President, I appreciate the courtesy of the distinguished Senator from West Virginia and the Senator from South Dakota.

The Dole amendment now, as modified, upon which the yeas and nays have been ordered—and, of course, the substitute is pending—has the language of the Dole amendment plus the Byrd amendment, and I would hope we might be able to accept this combination of draftsmanship, and move on to something else in the bill.

Mr. ROBERT C. BYRD. Mr. President, what we have here before the Senate is the following: We have my substitute, which will be voted on first; we have the Dole amendment, as modified by the Allen language, which is, in effect, the language I have in my substitute. If my substitute carries, in effect, the whole amendment by Mr. Dole is wiped out. If my substitute fails and Mr. DOLE's amendment carries we have a combination of apples and oranges. The Dole amendment still carries with it the objectionable language to which I alluded earlier, and which I need not really repeat.

Mr. McGOVERN. Mr. President, will the Senator yield? Would it not be fair to say rather than apples and oranges, a combination of cats and dogs?

Mr. ROBERT C. BYRD. Well, whatever way the Senator wishes to characterize it.

I want to say again if we hope to achieve what the distinguished Senator from Kansas would like to achieve, and what we would all like to achieve, it will have to be through the normal process of negotiations, and in order to have successful negotiations we cannot lay down a fait accompli, to begin with, and say this and this and this, all these things, have to be met before we will even consider diplomatic recognition.

So, Mr. President, the logical, orderly, feasible way to deal with this situation is to vote for the substitute amendment I have offered and that, in effect, will wipe out the Dole amendment and the matter will be settled.

May I say at this point it is in the intention of the leadership to complete action on this bill today. Behind this bill is the fifth and last of the bills that have been reported from the Committee on Foreign Relations which must be dealt with this week. Not only that, but we have an Interior appropriations bill tomorrow on which we have a time agreement, which must be dealt with.

I want to get out of here Saturday. Sunday is Father's Day, and I am a grandfather. And I know that other Senators want to enjoy Saturday as part of the Father's Day weekend.

We cannot stay on this bill interminably without having to be in here Saturday.

So the quick way to settle this whole question fast is to vote for the Byrd substitute.

Mr. STONE. Mr. President, will the Senator yield me 1 minute?

Mr. ROBERT C. BYRD. I yield.

The PRESIDING OFFICER. The Senator will suspend.

The Chair makes a clarifying statement.

The effect of the modification of the amendment of the Senator from Kansas by adding the language of the amendment of the Senator from West Virginia as moved by the Senator from Alabama has the effect of making moot the amendment of the Senator from Kansas.

Therefore, the question now is on agreeing to the amendment of the Senator from West Virginia. It is in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. STONE. Mr. President, I will withhold while the Senator from West Virginia gets the yeas and nays and then I shall proceed for just 1 minute.

The PRESIDING OFFICER. The yeas and nays are ordered.

Who yields time?

Mr. STONE. Mr. President, will the Senator from South Dakota yield me 1 minute?

Mr. McGOVERN. I yield the Senator 1 minute.

Mr. STONE. I thank the Senator from South Dakota.

Mr. President, and colleagues, regardless of which way this Senate votes today on this particular amendment or, lacking that, on the other approach, I think this Senate has done human rights a service today. This Senate has served notice that human rights are just as important in the country of Cuba as they are in the country of Soviet Russia, or anywhere else.

This Senate has made policy today, and the Senator from Florida thanks the Senate.

Mr. DOLE. Mr. President, will the Senator yield to me briefly?

Mr. ROBERT C. BYRD. I yield.

Mr. DOLE. Mr. President, I share the view expressed by the distinguished majority leader, and I would not want the impression left that the Senator from Kansas was engaging in some practice that might deny someone this weekend. It has not been the practice of the Senator from Kansas. In fact, I have tried to cooperate in every way with the distinguished majority leader to have the other impact.

Mr. ROBERT C. BYRD. Exactly.

Mr. DOLE. But having said that, I do believe that this is a very important amendment. I share the view expressed earlier by the distinguished Senator from Florida. This is a sense of the Senate amendment, but it is a very important one.

Mr. CHILES. Mr. President, will the Senator yield for a moment?

Mr. DOLE. I yield.

Mr. CHILES. I thank the Senator from Kansas.

We could have saved a little time. As I recall, the Senator from Kansas had an amendment. There was then a motion to table that amendment. That motion failed. Then there was a substitute to his amendment and all of the ensuing debate on this. So I certainly hope that the Senator from Kansas does not get the blame for any delay. Had his amendment been adopted earlier we would have been well along the way toward final passage of the bill.

Mr. ROBERT C. BYRD. Mr. President, the Senator from Kansas is not to blame. I am to blame.

I hope Senators will vote up my amendment and we can then go off it and go home.

Mr. ALLEN. Mr. President, I move to lay on the table the Byrd substitute and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the substitute amendment of the Senator from West Virginia.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 34, nays 56, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—34

Allen	Goldwater	McClure
Bartlett	Griffin	Roth
Bellmon	Hansen	Schmitt
Byrd, Harry F., Jr.	Hatch	Schweiker
Chiles	Hatfield	Scott
Curtis	Hayakawa	Stafford
Danforth	Heinz	Stevens
Dole	Helms	Stone
Domenici	Huddleston	Thurmond
Ford	Laxalt	Tower
Garn	Long	Wallop
	Lugar	

NAYS—56

Abourezk	Gravel	Nelson
Anderson	Hart	Nunn
Bayh	Haskell	Pearson
Biden	Hollings	Pell
Brooke	Humphrey	Percy
Bumpers	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Robert C.	Johnston	Ribicoff
Cannon	Kennedy	Riegle
Case	Leahy	Sarbanes
Church	Magnuson	Sasser
Clark	Matsunaga	Sparkman
Cranston	McGovern	Stennis
Culver	McIntyre	Stevenson
DeConcini	Metcalf	Talmadge
Durkin	Metzenbaum	Weicker
Eagleton	Morgan	Williams
Eastland	Moynihan	Zorinsky
Glenn	Muskie	

NOT VOTING—10

Baker	Javits	Packwood
Bentsen	Mathias	Young
Chafee	McClellan	
Hathaway	Melcher	

So the motion to lay on the table was rejected.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. What is the status of whatever? [Laughter.]

The PRESIDING OFFICER. The question now is on the amendment by the Senator from West Virginia, which is an amendment in the nature of a substitute for the amendment of the Senator from Kansas.

Mr. DOLE. Would it be in order for the Senator from Kansas to modify his amendment by striking section 2, the modification added earlier?

The PRESIDING OFFICER. That would require unanimous consent.

Mr. DOLE. Mr. President, if there is no objection, I assume I know what is going to happen, but I would like to unclutter my amendment now by striking section 2. I ask unanimous consent that I be permitted to do that.

Mr. ABOUREZK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLEN. Mr. President, I move to strike section 2.

The PRESIDING OFFICER. That would be in order as an amendment.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, the hour is now past 6 p.m. We have gone up and down and around and around. I ask unanimous consent that the Senator be allowed to modify his amendment by striking from it the Byrd language and then I ask unanimous consent that we vote immediately on my substitute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered.

Mr. CHILES. Mr. President, I wonder if it might not be in order to withdraw the yeas and nays on the substitute and ask for a voice vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. Is there a motion to withdraw?

Mr. CHILES. Mr. President, I move that the yeas and nays be withdrawn.

Mr. ABOUREZK. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. ABOUREZK. Is that done by unanimous consent or does it require a motion?

The PRESIDING OFFICER. It requires unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. I object.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 10-minute limitation on the rollcall vote.

Mr. ALLEN. Reserving the rights to object, I think all of us would like to vote for the Byrd amendment eventually. However, I would not vote for it in preference to the Dole amendment. We have to have two votes anyhow. Why not have a voice vote on the first one and then a rollcall on the other, or vice versa?

Mr. ROBERT C. BYRD. No. I will be glad to do it vice versa. [Laughter.] I am perfectly willing to do the first one by voice vote, mine. Mine comes first. Vote on my amendment first. I am just interested in expediting the business of the Senate.

Mr. ALLEN. I want to show my preference for the Dole amendment over the Byrd amendment. The only way I can do that is by voting no on the Byrd amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that each rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER (Mr. MATSUNAGA). Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 54, nays 37, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—54

Abourezk	Glenn	Nelson
Anderson	Gravel	Nunn
Bayh	Hart	Pearson
Biden	Haskell	Pell
Brooke	Hollings	Percy
Bumpers	Humphrey	Proxmire
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Kennedy	Riegle
Case	Leahy	Sarbanes
Church	Magnuson	Sasser
Clark	Matsunaga	Sparkman
Cranston	McGovern	Stennis
Culver	McIntyre	Stevenson
DeConcini	Metcalf	Talmadge
Durkin	Metzenbaum	Weicker
Eagleton	Moynihan	Williams
Eastland	Muskie	Zorinsky

NAYS—37

Allen	Griffin	Morgan
Bartlett	Hansen	Roth
Bellmon	Hatch	Schmitt
Byrd, Harry F., Jr.	Hatfield	Schweiker
Chiles	Hayakawa	Scott
Curtis	Heinz	Stafford
Danforth	Helms	Stevens
Dole	Huddleston	Stone
Domenici	Johnston	Thurmond
Ford	Laxalt	Tower
Garn	Long	Wallop
Goldwater	Lugar	Young
	McClure	

NOT VOTING—9

Baker	Hathaway	McClellan
Bentsen	Javits	Melcher
Chafee	Mathias	Packwood

So the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Dole amendment as amended. The yeas and nays have been ordered.

Mr. DOLE. Mr. President, the yeas and nays have been ordered?

The PRESIDING OFFICER. They have been ordered, yes.

Mr. DOLE. May I have just 30 seconds?

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. Mr. President, we have been all through the wash now, and it seems to me we ought at least to have some expression from the Senate. I intend to vote for the final act.

Mr. ROBERT C. BYRD. I hope all Senators will vote "aye" on this amendment by Mr. DOLE as amended by myself.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. JAVITS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 91, nays 1—as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—91

Abourezk	Goldwater	Muskie
Allen	Gravel	Nelson
Anderson	Griffin	Nunn
Bartlett	Hansen	Pearson
Bayh	Hart	Pell
Bellmon	Haskell	Percy
Biden	Hatch	Proxmire
Brooke	Hatfield	Randolph
Bumpers	Hayakawa	Ribicoff
Burdick	Heinz	Riegle
Byrd, Harry F., Jr.	Helms	Roth
	Hollings	Sarbanes
Byrd, Robert C.	Huddleston	Sasser
Cannon	Humphrey	Schmitt
Case	Inouye	Schweiker
Chiles	Jackson	Scott
Church	Johnston	Sparkman
Clark	Kennedy	Stafford
Cranston	Laxalt	Stennis
Culver	Leahy	Stevens
Curtis	Long	Stevenson
Danforth	Lugar	Stone
DeConcini	Magnuson	Talmadge
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tower
Durkin	McGovern	Wallop
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ford	Metzenbaum	Young
Garn	Morgan	Zorinsky
Glenn	Moynihan	

NAYS—1

McClure

NOT VOTING—8

Baker	Hathaway	Melcher
Bentsen	Javits	Packwood
Chafee	McClellan	

So, Mr. DOLE's amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time to ascertain, if possible——

The PRESIDING OFFICER. Does the Senator move to reconsider?

Mr. ROBERT C. BYRD. I do not think it is necessary on this one, but I will move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time to inquire as to how many amendments remain to be called up and to see if we can secure a reduction in time.

First, let me say this, if I may have the attention of all Senators.

The PRESIDING OFFICER. The Senate will be in order. The majority leader has an important announcement to make. The Senate will be in order.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

Mr. President, as Senators will recall, it was stated several days ago that the leadership intended to complete action on the five bills out of the Foreign Relations Committee this week, plus an Interior appropriations bill, and all Senators were alerted many days ago that there was a very good prospect that the Senate would be in this Saturday and that the prospect for the next Saturday was even more clear.

I think it is necessary that we complete action tonight on the bill we are on at the moment, that we move to the next bill tonight and complete action on it tonight, and we then take up the Interior appropriations bill tomorrow and not have to be in session Saturday. I take it that Senators would rather stay longer tonight, in order to complete our work and not be in Saturday, than to stop our work soon tonight and be in Saturday. My desire is to continue to work and not be in Saturday and get out at a reasonable hour tomorrow.

So, how many Senators have amendments on this bill?

Mr. GLENN, Mr. HUMPHREY, Mr. KENNEDY, Mr. ALLEN, and Mr. McCLURE.

Mr. McCLURE. I think Senator DOLE also has an amendment.

Mr. ROBERT C. BYRD. And Mr. DOLE.

Mr. KENNEDY. Mr. President, the leadership is prepared to accept my amendment, and I will take 30 seconds.

Mr. HUMPHREY. One of my amendments, I believe, is acceptable. On the other, I will be willing to have 15 minutes.

Mr. ROBERT C. BYRD. Fifteen minutes equally divided?

Mr. HUMPHREY. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the amendment by Mr. HUMPHREY, which may require some time, there be a time limit of 15 minutes, equally divided, in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. My amendment may take the whole time. I do not require a record vote, unless someone else requires it. I ask for 30 minutes, equally divided.

Mr. ROBERT C. BYRD. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the leadership is going to accept a noncontroversial amendment, and it will take 30 seconds.

Mr. McCLURE. I say to the majority leader that if I can have an up and down vote on my amendment and not be faced with a motion to table, I will be able to settle on 15 minutes, to be equally divided.

Mr. GLENN. What was the caveat on that?

Mr. McCLURE. That it not be subject to a motion to table, that it be an up and down vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent as to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, what was the time agreed to on the McClure amendment?

The PRESIDING OFFICER. Fifteen minutes, equally divided.

Mr. ABOUREZK. Mr. President, I need 1 minute for a unanimous consent request.

Mr. ROBERT C. BYRD. Will the Senator allow me to proceed first?

Did Mr. ALLEN have an amendment?

Mr. ALLEN. Thirty minutes, equally divided.

Mr. ROBERT C. BYRD. I make that request, Mr. President, on the Allen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I will agree to 30 minutes, if I may have an up and down vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes on the amendment by Mr. HELMS, equally divided and controlled, in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Senator BROOKE has two amendments which will be accepted, but he would like to have 2 or 3 minutes to explain them.

Mr. HELMS. Mr. President, I do not believe the majority leader stated the request. What is the understanding of the Chair as to my amendment?

The PRESIDING OFFICER. That no tabling motion will be in order.

Mr. HELMS. Very well. I thank the Chair.

Mr. ROBERT C. BYRD. On Mr. BROOKE's two amendments——

Mr. CASE. Five minutes all together, and they are acceptable.

Mr. ROBERT C. BYRD. Five minutes on each of two amendments by Mr. BROOKE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. LAXALT told me he had an amendment, and he is not in the Chamber.

Mr. McGOVERN. If the Senator will yield, Senator LAXALT decided to withdraw that amendment.

Mr. ROBERT C. BYRD. I yield to Mr. ABOUREZK.

REQUEST FOR RE-REFERRAL OF S. 1463

Mr. ABOUREZK. Mr. President, S. 1463 was introduced by Senator NUNN and mistakenly referred to the Government Affairs Committee by the Parliamentarian. I have cleared this with Senator RIBICOFF, chairman of the Government Affairs Committee.

I ask unanimous consent that S. 1463 be re-referred to the Judiciary Committee, with sequential referral to the Government Affairs Committee for a period of 30 days following final action by the Judiciary Committee.

Mr. NUNN. Mr. President, reserving the right to object, will the Senator indicate the reasons for that?

Mr. ABOUREZK. It is a bill that traditionally has been—and should have been—in the Judiciary Committee. It is an amendment, as the Senator knows, to the Administrative Procedures Act, which belongs in the Administrative Practices Subcommittee.

Mr. STEVENS. Mr. President, reserving the right to object, I will have to object. As I understand, the matter has not been cleared with the minority so far as the sequential referral is concerned.

The PRESIDING OFFICER. Does the Senator from Alaska object?

Mr. STEVENS. On a temporary basis.

Mr. ABOUREZK. I do not understand the objection.

Mr. STEVENS. We have a standing objection to sequential referrals unless they are cleared with the committee chairman and the ranking Republican Members because of the time factor involved.

Mr. ROBERT C. BYRD. Will the Senator withhold his objection until we can clear this request?

Mr. STEVENS. Yes.

Mr. NUNN. I object, not permanently, but until I have had a chance to focus on it.

The PRESIDING OFFICER. Objection is heard.

FOREIGN RELATIONS AUTHORIZATIONS ACT, 1978

The Senate continued with the consideration of H.R. 6689.

Mr. McCLURE. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the McClure amendment and on the Helms amendment at this time.

Mr. ROBERT C. BYRD. And with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered on the McClure and Helms amendments.

Mr. DECONCINI. Mr. President, I ask unanimous consent that Karen Kruger, of my staff, have the privilege of the floor during the remainder of this debate, including votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I make the same request for Len Bickwit and Roy Werner, of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all remaining rollcall votes today be limited to 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 472

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an unprinted amendment numbered 472.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 21 and 22, insert the following new subsection:

(6) Not later than January 31, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the office of Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of U.S. foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts.

Mr. KENNEDY. Mr. President, this amendment adds a new paragraph to section 110, which elevates the coordinator of the Human Rights and Humanitarian Affairs to the rank of Assistant Secretary of State. The amendment is self-explanatory. It simply requires that the Secretary of State shall prepare "a comprehensive report on the Office of Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of U.S. foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts." The report is to be transmitted to Congress no later than January 31, 1978.

Mr. President, in elevating the Coordinator of Human Rights and Humanitarian Affairs to the rank of Assistant Secretary, section 110 of the bill accomplishes a long sought objective by those in Congress and the private sector who firmly believe in the importance of humanitarian affairs in the conduct of our foreign policy. Over the years a number of bills have been introduced to accomplish this end. As chairman of the Subcommittee on Refugees, and after a comprehensive series of hearings before the subcommittee, I first introduced a bill to create an Assistant Secretary for Humanitarian Affairs in 1967. Two years later a Refugee Subcommittee report strongly supported such legislation, as have other congressional reports over the years. Additionally, the Senate has passed resolutions recommending that the President initiate such reorganization. And a Presidential Commission on Foreign Assistance has supported this objective. And so have the voluntary agencies and others in the private sectors concerned with the humanitarian dimension of our foreign policy. So it is gratifying to see section 110 in the bill.

Mr. President, I first pursued the question of upgrading our Nation's concern for humanitarian issues when I became chairman of the Subcommittee on Refugees in 1965. And over the years, primarily at the initiative of Congress, considerable progress was made in focusing more attention in this important area of public policy and concern. As a result of the subcommittee activities, in 1966 the Department of State began some efforts to bring together in one office various humanitarian affairs, at least in the refugee field, and the Department also sought to raise the level of responsibility for these affairs by creating a special office attached to the Secretary of State. The special office had a broad mandate in refugee and related humanitarian affairs. As the record will indicate, however, this arrangement was not satisfactory, despite many efforts to strengthen the special office and the various ad hoc arrangements available to handle humanitarian emergencies as they occurred.

Finally, in 1975, at the urging of Congress, the Department of State abolished the special office attached to the Secretary of State, and replaced it with a Coordinator for Humanitarian Affairs attached to the Deputy Secretary. In 1976, Congress enacted legislation which, among other things, added the human rights component to the Coordinator's office, and also designated the Coordinator a Presidential appointee subject to confirmation by the Senate. And that brings us to section 110 in the pending legislation.

Mr. President, the American people will expect a great deal from the Assistant Secretary for Human Rights and Humanitarian Affairs.

But given the somewhat confusing administrative and legislative history of the Humanitarian Affairs Office in the Department of State, and the continuing controversies over its mandate and operations and funding, I strongly feel some additional effort should be made at an early date to resolve some existing problems.

I understand the Department of State is working on this matter. But in light of the longstanding interest in Congress, I feel it would also be useful for the Secretary of State to report to Congress along the lines of the amendment I offer today. The intent of the amendment is to foster greater order in the administration of humanitarian affairs and to strengthen the conduct of these affairs in our foreign policy around the world.

Mr. President, I have had an opportunity to talk with the manager, and I believe the minority also are aware of this proposal.

I have talked with the floor manager of the bill. He is prepared to accept the amendment, and I hope we can move to adoption of it.

Mr. McGOVERN. Mr. President, I think this is a worthwhile amendment, and I hope it will be adopted.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McGOVERN. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

UP AMENDMENT NO. 473

Mr. GLENN. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an unprinted amendment No. 473:

On page 69, immediately after line 15, add a new section to read as follows:

"LIMITATION ON COMMITMENTS TO VIETNAM

"SEC. 463. In working towards the establishment of relations with the Socialist Republic of Vietnam, the President shall make no commitment to provide any reparations or aid to Vietnam. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam."

Mr. GLENN. Mr. President, the House version of this bill contained a so-called Ashbrook amendment. That amendment states:

None of the funds authorized to be appropriated in this act shall be used for the purpose of negotiating reparations, aid, or any other form of payment to the Socialist Republic of Vietnam.

Mr. President, this could be interpreted as not even permitting transportation to go and discuss any items—an agenda, for instance, that included reparations as one of those items.

It is the opinion of the Legal Adviser's office of the State Department that that language is unconstitutional. The attempt to prohibit by statute the President's ability to negotiate this or any other pledge is inconsistent with the President's exclusive constitutional power under article II to negotiate with foreign states.

In the case of Curtiss-Wright Corp., going back to 1936, it was held:

Into the field of negotiation, the Senate cannot intrude, and Congress itself is powerless to invade it.

In exercising a proper legislative function, such as the appropriation of funds, Congress may not properly impose conditions which would otherwise be unconstitutional. Any U.S. pledge of assistance to Vietnam could, accordingly, only be made subject to remedial legislative action by the Congress, and this is the normal, proper constitutional allocation of responsibilities and procedure with regard to the negotiation of financial commitments to other countries.

Mr. President, if we had the Ashbrook—so-called Ashbrook—amendment in we would not even be able to go to a conference to say "no" to reparations or requests for aid.

We want to keep discussions going as part of our ongoing MIA efforts. Prohibitions on negotiating flexibility of the President would probably doom any further release of MIA information.

So I am making two points: One is the probable unconstitutionality of the so-called Ashbrook amendment, section 113 of the House bill.

As I said the Legal Adviser's Office of the State Department has given us an opinion that it is unconstitutional. Second, that the language in section 113 of the House bill is likely to be counterproductive to the goal we all share—clarification of the MIA situation.

The amendment that I submit is almost identical; in fact, the language I gave my amendment, which was read by the clerk, is completely consistent with the Glenn-Humphrey-Dole amendment to the Development Assistance Act which was passed yesterday 90 to 2. I think that amendment expressed our support for that type language and that particular approach. Moreover, such action is entirely consistent with the President's position.

My amendment states that in working toward the establishment of relations of whatever kind, the President would make no commitment to provide any reparations or aid to Vietnam and, furthermore, that the President would go ahead and take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

Mr. President, I hope we have the same kind of support we had for the Glenn-Humphrey-Sparkman-Dole amendment yesterday that passed 90 to 2.

I do not require a record vote on this. I would be happy to have a voice vote. I hope we will have acceptance by the floor managers.

I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, in all candor I have to say I was one of the two votes that opposed that amendment. But, I do recognize that the Senator's amendment is an improvement over the language that was adopted in the House, so, with the understanding that it will not be pressed to a rollcall, and in the interest of trying to at least salvage something that is an improvement on the action on the other side, I would be willing to take the amendment to conference.

Mr. DOLE. Mr. President, will the Senator from Ohio yield or will somebody yield time in opposition to the amendment?

Mr. GLENN. There are 15 minutes provided in opposition. Does the Senator wish to speak in behalf of the amendment or in opposition?

Mr. DOLE. I want to see about the amendment. I am not certain I want to be for or against it.

Mr. McGOVERN. How much time does the Senator want?

Mr. DOLE. Five minutes.

Mr. McGOVERN. I yield 5 minutes.

Mr. DOLE. I think we are opening up another problem here because the amendment says "In working toward the establishment of relations with the Socialist Republic of Vietnam," et cetera.

The Senator from Kansas had an amendment prepared which was identical to the one the distinguished Senator from Ohio offered yesterday, which flatly says that "None of the funds authorized to be appropriated under this act may be used for assistance to or reparations for the Socialist Republic of Vietnam, Cambodia, or Laos. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam."

That was the amendment yesterday the Senator from Ohio added to the bill we were considering at that time, and I thought that made a great deal of sense.

But now we are getting into the whole field of normalizing relations with Vietnam, the very thing we have been debating on the floor all afternoon, and I am wondering if we cannot make some modification of the amendment to avoid that area that causes some of us great concern.

Mr. GLENN. Mr. President, if the Senator will yield, I will use my own time on this. I think, perhaps, we could work it out very easily here if the Senator would accept this language. In that first sentence of my amendment, insert, "In discussions with the Socialist Republic of Vietnam the President shall make no commitment." It seems to me that would take care of the objections.

Mr. DOLE. That would take care of my objection. I cannot speak for anybody else.

Mr. GLENN. Mr. President, I request permission to modify my amendment to read as follows:

In discussions with the Socialist Republic of Vietnam,

And then the rest of the paragraph remain the same—

The President shall make no commitment to provide reparations. . . .

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and it is so ordered.

The amendment, as modified, is as follows:

On page 69, immediately after line 15, add a new section to read as follows:

"LIMITATION ON COMMITMENTS TO VIETNAM

"SEC. 463. In discussions with the Socialist Republic of Vietnam, the President shall make no commitment to provide any reparations or aid to Vietnam. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam."

Mr. GLENN. I thank the Senator from Kansas for his comment and his acceptance of the modification.

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

Mr. GLENN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question now occurs on agreeing to the

amendment, as modified, of the Senator from Ohio.

The amendment, as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 474

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an unprinted amendment numbered 474.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and the amendment in its text be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69 after line 15 add the following new section:

"ST. LAWRENCE SEAWAY TOLL NEGOTIATIONS

"SEC. 463. (a) There is established an advisory board (hereafter in this section referred to as the 'Board') to advise the Secretary of State with respect to the negotiations with Canada concerning toll increases on the Saint Lawrence Seaway and the Welland Canal.

"(b) The Board shall consist of 15 members appointed by the President from among representatives of groups in the Great Lakes area which would be affected most directly by increased tolls, including port directors, port authorities, maritime labor, shipping companies, shippers, and consumers.

"(c) (1) Members of the Board shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

"(2) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

"(d) The Board shall cease to exist on the date designated by the Secretary of State as the date on which the negotiations described in subsection (a) are completed or on September 30, 1978, whichever date occurs first.".

The PRESIDING OFFICER. May the Chair inquire whether this is the amendment on which the Senator had requested 15 minutes?

Mr. HUMPHREY. No, this is not. I hope this will take about a minute, and I have the next one coming up.

Mr. President, this amendment merely provides for an advisory board for the United States-Canadian St. Lawrence Seaway toll negotiations. I have spoken to the chairman of the subcommittee, the manager of the bill and this legislation is in the House bill. I have directed a communication to Senator MCGOVERN on it, and I have his response of recent date.

I ask unanimous consent that those two letters be included at this point in the RECORD as part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 3, 1977.

Hon. GEORGE MCGOVERN,
Chairman, Subcommittee on International Operations, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR GEORGE: During consideration by the full Committee of H.R. 6689, the State Department Authorization bill, I was unaware that a provision in the House bill which would establish an Advisory Board for the U.S.-Canadian St. Lawrence Seaway toll negotiations had been dropped by your Subcommittee.

For those of us representing states which have a significant economic interest in the Great Lakes, these toll negotiations are probably the most vital issue to affect the St. Lawrence Seaway. If the Canadians set the tolls too high, and our government agrees, it could very well sound the death knell for the just-emerging container traffic on the Great Lakes and seriously damage general cargo transport, which we are already losing to Canada by rail transshipment or to the Gulf Coast ports via the rails and inland waterway routes.

Those of us in the Minnesota delegation are particularly concerned that the State Department has little or no expertise on the economic impact of Great Lakes commerce, much less the tolls. It is for this reason that the House decided on the Advisory Board course of action, in order to involve in the toll negotiations those people whose livelihoods are most directly affected by tolls: shippers, port authorities, Boards of Commissioners, shipping companies, and maritime labor. In this way, as each new proposal is offered by the Canadians, it can be reviewed by this Advisory Board, which can have instant input into the process rather than having to wait until we are placed in a position which could cause serious economic damage to the Great Lakes states.

Under the House bill's provisions, the Advisory Board will have no staff and will expire at the conclusion of the negotiations. In light of these concerns, I would hope you would agree to accepting an amendment I propose to offer to H.R. 6689, authorizing establishment of the Advisory Board. I would appreciate your views on this matter.

Thank you for your consideration of my request.

With best wishes.

Sincerely,

HUBERT H. HUMPHREY.

U.S. SENATE,
Washington, D.C., June 9, 1977.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR HUBERT: Thank you for your letter of June 3 concerning a provision in the House version of H.R. 6689 that would establish an Advisory Board for the U.S.-Canadian St. Lawrence Seaway.

This provision was not really rejected by the Committee. Rather its removal from the bill resulted from our deleting all of the House provisions and substituting an original Committee bill in their place.

Your description of the proposal Board's desirability is persuasive, and I would, therefore, be happy to do one of two things: to support you in amending H.R. 6689 on the floor or, perhaps a more convenient approach, to take the lead in proposing that the Senate recede on this provision when it comes up during the House-Senate conference.

With all good wishes, I am

Sincerely yours,

GEORGE MCGOVERN.

Mr. HUMPHREY. I believe I am correct in saying the Senator from South Dakota feels he can accept this amendment.

Mr. MCGOVERN. Mr. President, the Senator is right. He has discussed this matter with me, and I think it is a worthwhile amendment. I have no objection to it.

Mr. President, I yield back all my time.

Mr. HUMPHREY. I yield back all my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

UP AMENDMENT NO. 475

Mr. HUMPHREY. Mr. President, I send to the desk a second amendment, and this is the one on which we have the time limitation.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes for himself and Mr. GLENN unprinted amendment numbered 475.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD, and I will address myself to its subject matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, beginning on line 4, strike out all through line 16 on page 41.

Mr. HUMPHREY. Mr. President, my amendment would strike all provisions in title III of H.R. 6689 which, as the legislation presently stands, would drastically restructure the Board for International Broadcasting.

There are two fundamental issues involved in my offering this amendment.

First, President Carter is presently undertaking a review of the operation of the Board for International Broadcasting and its relationship to both Radio Free Europe and Radio Liberty. The President should be given the opportunity to complete his review and make his recommendation to the Congress before we proceed with what I believe to be a precipitous action.

Second, the McGovern-Pell proposal, as contained in H.R. 6689, would end the independent relationship of Radio Free Europe and Radio Liberty and place both radios under closer Government control. This was the reason the Congress enacted Public Law 93–129 more than 3 years ago when it was revealed that the Central Intelligence Agency was the major funding source for the operations of both radios. Congress expressed its intent in Public Law 93–129 that both radios should be independent operations if they were to function with any credibility whatsoever in fulfilling their proper roles.

The President has selected a new Chairman for the Board for International Broadcasting, Ambassador John Gronouski. Ambassador Gronouski has had a distinguished record of public service. He was a member of the Milton Eisenhower Commission, which examined Radio Free Europe and Radio Liberty in 1972–73 and recommended the establishment of the BIB. He has outstanding qualifications for the chairmanship and I do not believe he should have his hands tied in this manner before he has an opportunity to make his judgment as to remedies for problems which do exist.

Shortly, the President will be selecting two more new members of the Board to replace those whose terms have expired. I think we should give these people the opportunity to exercise their own judgment and, along with Ambassador Gronouski, make recommendations to us on whether changes in the Board for International Broadcasting are necessary. The reason we seek highly qualified men and women to serve on the Board for International Broadcasting is to have the benefit of their judgment and experience. To make arbitrary changes in the structure of the Board at the very time when we are appointing new members is not a good way of getting the best returns from the people we appoint.

The Board for International Broadcasting, in the original legislation, was not envisioned as a managerial body. It is a part-time group. The Board, as such, could not be turned into a managerial body without more changes than the McGovern-Pell amendment envisions. Expanding the Board to 10 members does not really expand the Board's capacity to serve as a managerial instrument. I believe the amendment confuses oversight and management—two very different functions. Therefore, there is every good reason to question whether the Board can properly serve as an oversight body and as a managerial body simultaneously.

The Board for International Broadcasting staff, whose role is not clearly defined in the amendment, was envisioned in the original legislation (Public Law 93–129), merely as an administrative adjunct to the Board, not as a managerial entity. The McGovern-Pell amendment would seem to increase the role of the Board staff enormously.

I know the President is concerned that the Board staff would become the management of the radios—a move which would have the effect of limiting the independence of the radios very seriously.

I believe the question of independence of both radios is the central point in the McGovern-Pell proposal. These radios have never operated as official voices of the U.S. Government. They have always been approved and supported by the U.S. Government. But they are not looked upon as organizations which make or define U.S. foreign policy, or reflect the letter of U.S. foreign policy in their day-to-day operations.

The original legislation—Public Law 93–129—defined the role of both radios as "furthering communication," in accordance with the policy of the United States to "seek, receive, and impart information and ideas through any media regardless of frontiers."

This legislation goes on to declare its purpose to be:

> A continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards * * * to encourage a constructive dialog with the peoples of the U.S.S.R. and Eastern Europe.

Through the years, Moscow and Eastern European governments have constantly attempted to bring pressure on both radios by demonstrating direct U.S. Government responsibility for them and pressing the U.S. Government, through official channels, to limit or stop the radios' broadcasts.

It has always been convenient, in light of these tactics, for the U.S. Government to be able to demonstrate that its relationship with the radios has been somewhat of an arms-length relationship as far as the regular policymaking process is concerned. I think the Congress should continue to regard the radios as an example of the kind of freedom that is an essential part of the American system's freedom to exchange information, expound ideas, and to communicate both at home and abroad without rigid control.

And this is an anathema to the Soviets. Moscow is beginning a new campaign now, in light of the Belgrade meeting and discussion of the Helsinki commitments, to label these radios as out of keeping with official U.S. Government positions. If they are actually put under more rigid and direct Government control, if a body of civil servants constituting the Board staff becomes the senior management element for both radios, the U.S. Government cannot credibly maintain distance from them. This means a loss of flexibility and disassociation from the U.S. Government, which has been the major strength of both radios.

My distinguished colleague, the senior Senator from Rhode Island (Mr. PELL), has declared it is his aim to see Radio Free Europe and Radio Liberty ultimately placed under the same management as the Voice of America. His amendment is a step in this direction. I do not think this is desirable and I know the President does not believe it is desirable.

The Voice of America is the official voice of the U.S. Government. Radio Free Europe and Radio Liberty are surrogate, substitute, home-service radio stations for the peoples of the U.S.S.R. and Eastern Europe.

The independent status of both radios has proved its value and their accomplishment of their mission has demonstrably been as effective as, if not more effective than, many instrumentalities under more rigid and direct U.S. Government control. We should not arbitrarily disrupt these arrangements. Improvements in them, if they are necessary, should be made without dismantling the structure.

No one argues that changes in the existing structure of both radios should not be made. No one argues that the Radio Free Europe and Radio Liberty corporate board is untouchable.

The President has already announced his firm commitment to examine the entire Board for International Broadcasting setup.

After more than 3 years of experience with the present arrangement, it is time to see what we have learned.

This is what the President is charging the new appointees to the Board for International Broadcasting to do.

However, I believe the administration should be given a decent period of time to complete its review process.

Congress can then, in cooperation with the President, make those adjustments that promise to improve performance and genuinely further the mission of these important instruments. We should conclude this process with new legislation, if it is needed, not begin with it.

Therefore, I urge my colleagues to support my amendment striking those provisions in title III which would restructure the Board for International Broadcasting and its relationship with Radio Free Europe and Radio Liberty.

Mr. President, since my time is limited, let me simply say this:

My argument for deleting the language in the bill is, first, the President has already undertaken the review of the Board for International Broadcasting.

Second, I do not want us to make a move here which will vitiate what we tried to do 3 years ago.

Third, we have a new chairman of the board, who is a very fine gentleman. He knows very well the work of this board and was a part of the Eisenhower Commission that established this board. I have the feeling that if the members of this Senate understand the language that is in the bill before us relating to the Board for International Broadcasting they will want to delete it and will want to give the President and his review panel the time to come in here with their recommendations because we did not have that time. We simply did not have that time in committee. We cannot do that in 2 or 3 days, or 2 or 3 hours.

I really urge the Senate to join with me now in maintaining what we presently have giving the President the time to present his recommendations, and then we can go on to make whatever changes, if any are required.

I reserve the remainder of my time.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. GLENN. Mr. President, I shall say a couple of short words in support of the views of the President.

When this was in committee, I supported the views of Senator McGOVERN and Senator PELL in committee. I think none of us argues that changes are long overdue. At that time the administration had really not addressed this problem of Radio Free Europe, Radio Liberty, and the Board for International Broadcasting.

So I think, as the Senator very rightly

points out, this Board for International Broadcasting was not set up to provide managerial expertise in this field. I think that is an important thing.

The administration is addressing this. They do not want to get expertise into this. I think if we just expanded the board at the present time it would not necessarily solve the problem that Senator McGOVERN and Senator PELL very rightly addressed as real problems that should be addressed and do need correction.

I think the administration is moving on it and looking into it, and they may well come up with a similar proposal better defining the role of the Board in not only setting overall policy but in the day-to-day management of these broadcasting functions.

GAO, for instance, has come in one of their reports and has recommended that the Chairman of the Board for International Broadcasting develop:

First, a definitive basic agreement defining roles of Board members, staff, radio corporate boards, and corporate leaders in management in carrying out the declaration of purposes of the Board for International Broadcasting Act of 1973.

Second, regulations to govern the implementation of the Board's functions.

As of now, there has been no clear-cut agreement or guidance developed to clarify the respective roles of BIB members and staff and Radio Free Europe and Radio Liberty corporate boards and those entities, management and staff, and the differing views resulted in communications problems and comparatively what could be ineffective performance with the handling of such matters as merging of these two different groups into a single corporation, appointment of a new executive vice president for the Radio Munich operation and the pay increase voted for top radio executives and the negotiation of the new lease in Portugal, as examples.

I think there are many things that have to be considered in this. Just expanding the board without better defining their role will hardly do the job. Their role is a quasi-advisory board now, and they were not intended to be a managerial group.

So I am glad to support Senator HUMPHREY's views on this, and I am with him as I am with Senator McGOVERN.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I appreciate the concerns expressed by the Senator from Minnesota and the Senator from Ohio on this matter, but the amendment which Senator PELL and I have sponsored, and which is now embodied in the bill, was based on very careful consideration of this issue during hearings and before that on an executive analysis and investigation by the committee staff.

What the Senators are proposing that we do here in the Chamber this evening would leave intact the existing structure and unchanged the basic problem of inefficiency and unnecessary complexity and duplication that results when you have two boards essentially doing the same job in overseeing these radio stations.

It hardly seems sensible to go through the exercise of appointing and confirming members of the Board for International Broadcasting if the duties of that board and of those individuals are then going to consist of nothing more than turning around and granting funds to an organization run by another self-perpetuating board that makes broad policy decisions.

Certainly, we have an interest in shaping the broad directions in which the organization evolves and in establishing clear lines of authority and responsibility, and that is what this provision in the bill does.

After the committee took this action, we found it fully supported in a very scholarly 25,000-word study done by a senior Foreign Service officer under the State Department senior seminar program that fully endorses the committee's action.

The same testimony was offered by Mr. John Roche, a charter member of the Board of International Broadcasting and one of the most active members ever to serve on that board, who fully supports the provisions in the legislation offered by Senator PELL and myself and approved by the committee.

And still a final source of support for the committee's action came from the General Accounting Office. The GAO last year prepared a detailed study of problems in Radio Free Europe and Radio Liberty and they developed a small cadre of analysts who were very familiar with both the Board for International Broadcasting and the radio organization. Pursuant to the committee's action I was pleased to note testimony in the House of Representatives by the Comptroller General, Mr. Elmer Staats, in which he stated that the GAO believes that this provision, the one now in the bill, "would effectively resolve the present management problem while at the same time preserving the radio's professional integrity and providing for full congressional oversight," and that, I believe, Mr. President, is as strong and clear an endorsement as we could receive.

Mr. Staats, I should note, did recommend one modification of the provision that Senator PELL and I got adopted in the committee that I think would strengthen it and, incidentally, I say to the Senator from Minnesota it speaks directly to the problem that he raises of some confusion in the oversight and management functions of the board.

I am going to yield to Senator PELL to offer this modification because he is thoroughly familiar with every aspect of this, but I hope that after this modification is heard, perhaps the Senator from Minnesota and the Senator from Ohio may see fit to withdraw their proposal.

I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment indeed emphasizes the very important distinction between oversight and management. It also calls upon the BIB to maintain that distinction through the use of separate staffs, small staffs to perform the oversight function and, of course, a substantially bigger staff to perform the management function for both staffs.

With this modification, I think that the points that have been raised by the Senator from Minnestota and the Senator from Ohio would be covered, and I would hope very much that they would see fit to perhaps cosponsor this amendment. If not, I would propose this amendment as a substitute for the amendment of the Senator from Minnsota.

In suggesting this course to the Senators, I would like to point out that the problem which the provision the bill is meant to address is one that has also been recognized by the House International Relations Committee. They have now planned hearings on this question in the very near future, which will elucidate the matter even more, so that when this provision comes to issue in the conference it will still be possible to make any adjustments indicated as the result of the House hearings.

If Senators will look at the report of the committee, they will see, on pages 22 and 23, the differences in table of organization and structure, the very confused structure on page 22, which is the present administrative setup, and the more simplified and streamlined structure on page 23, and I think they will be more sympathetic to this approach.

One of the problems here is that the present board of directors is self-perpetuating—no one chooses them; they just choose, like a small, private club, who would be a good fellow to bring on board. They have a meeting twice a year, with executive meetings four times a year. They are the ones with the responsibility, but do not really have anyone exercising oversight over them.

What we are trying to do is combine them both, as you would in any normal business organization, with a single board of directors, with advisers, with a single responsibility, with the management in Munich, Germany, where it should be, rather than two managements, one in Washington and one in Munich.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. HUMPHREY. I will not join as a cosponsor because I do not think the amendment does anything to solve the problem. We have taken this action without proper information, without proper studies. The House of Representatives is going to try to obtain that, with its hearings in the near future. In the meantime, the President of the United States is making a review. What is the hurry? It seems to me we have a great body of evidence that shows the programs are working well.

Mr. PELL. If the programs would work even better if this was done, why wait? We debated the matter in the hearings.

Mr. HUMPHREY. But we did not have extensive hearings.

Mr. PELL. We differ in our approach, but the Senator and I have followed the matter for years, and I think we are both familiar with it.

Mr. HUMPHREY. I do not claim to be an expert, but I do say that before we start to tinker with this, we have had for only 3 years, since the 93d Congress, a Board for International Broadcasts. It seems to me we ought to have a review by the committees of Congress and the Board for International Broadcasts.

Mr. McGOVERN. Mr. President, if I may respond on that, the Senator is entitled to his point of view, but it cannot be argued from the standpoint that there have not been hearings. We did have hearings on the proposal, and since that time there have been the three major findings I referred to, including the findings of the General Accounting Office, Mr. Staats' testimony in the House of Representatives, the testimony of Mr. John Roche, all calling for this reorganization.

I hope the amendment will be agreed to.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SASSER). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I offer my amendment as an amendment to the amendment of the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. My amendment strikes the whole section. The amendment of the Senator from Rhode Island is merely an add-on to the section in the bill. I want to know whether or not that can be interpreted as a substitute, or is it a modification?

The PRESIDING OFFICER. The amendment is not drafted as a substitute for the language supposed to be stricken by the Humphrey amendment; therefore it is not in order.

The Chair corrects itself. It is a perfecting amendment to the language proposed. and therefore is in order.

Mr. HUMPHREY. The amendment is in order, but not as a substitute?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. And it is a perfecting amendment, therefore, to the McGovern-Pell amendment in the bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. All right. We will accept the perfecting amendment if I may get a vote on my amendment to strike all after the lines that I have designated in the bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. In other words, we can accept the perfecting amendment by voice vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. And then we have a direct vote on the Humphrey amendment?

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 476

Mr. PELL. I offer the perfecting amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 476:

On page 41, after line 16, add the following new subsections:

(d) It is the sense of the Congress that the functions of oversight and management of Radio Free Europe/Radio Liberty should be performed separately, by separate staffs responsible to the Board for International Broadcasting, each staff having a clearly defined responsibility.

(e) Not later than January 31, 1978, the Chairman of the Board—

Mr. PELL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, after line 16, add the following new subsections:

(d) It is the sense of the Congress that the functions of oversight and management of Radio Free Europe/Radio Liberty should be performed separately, by separate staffs responsible to the Board for International Broadcasting, each staff having a clearly defined responsibility.

(e) Not later than January 31, 1978, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Foreign Relations Committee and the Chairman of the House International Relations Committee a report providing details on new organizational arrangements and the delineation of responsibilities which have been made pursuant to the provisions of this section.

Mr. PELL. Mr. President, this perfecting amendment seeks to combine the managements together. It is generally agreed on and accepted by both sides. I move that the Senate act on it now.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is the question now on agreeing to our amendment? Does the Senate now have before it the Humphrey amendment, which would strike the provisions in the bill as I have indicated, the yeas and nays having been ordered?

The PRESIDING OFFICER. The Chair cannot interpret the amendment. The Humphrey amendment would strike the language proposed to be stricken.

Mr. HUMPHREY. All right; let us have the vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, no Senator having responded, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. GLENN. Is this a quorum call or is this a vote?

The PRESIDING OFFICER. A quorum call is in progress. Debate is not in order, and a parliamentary inquiry is not in order.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. JAVITS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 77, nays 12, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—77

Allen	Curtis	Hayakawa
Anderson	Danforth	Heinz
Bartlett	DeConcini	Helms
Bayh	Dole	Hollings
Bellmon	Domenici	Humphrey
Brooke	Eagleton	Inouye
Bumpers	Eastland	Jackson
Burdick	Ford	Johnston
Byrd,	Garn	Laxalt
Harry F., Jr.	Glenn	Leahy
Byrd, Robert C.	Goldwater	Long
Cannon	Gravel	Lugar
Case	Griffin	Magnuson
Chiles	Hansen	Matsunaga
Clark	Hart	McClure
Cranston	Hatch	Metcalf
Culver	Hatfield	Metzenbaum

Morgan	Riegle	Stone
Moynihan	Roth	Tamadge
Muskie	Sasser	Thurmond
Nelson	Schmitt	Tower
Nunn	Schweiker	Wallop
Pearson	Scott	Weicker
Proxmire	Stafford	Williams
Randolph	Stevens	Young
Ribicoff	Stevenson	Zorinsky

NAYS—12

Biden	Kennedy	Pell
Church	Mathias	Percy
Durkin	McGovern	Sarbanes
Haskell	McIntyre	Sparkman

NOT VOTING—11

Abourezk	Hathaway	Melcher
Baker	Huddleston	Packwood
Bentsen	Javits	Stennis
Chafee	McClellan	

So the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE and Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

UP AMENDMENT NO. 477

Mr. HELMS. I thank the Chair.

Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes unprinted amendment No. 477.

Mr. HELMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, immediately after line 15, add the following:

PROTECTING THE FIRST AMENDMENT RIGHTS OF AMERICANS TO HEAR THE VIEWPOINTS OF ALL PARTIES TO THE CONFLICT IN SOUTHERN AFRICA

SEC. 463. No funds authorized to be appropriated under this Act shall be available to pay salaries or expenses of any kind of any representative, employee or agent of the United States in Cuba or negotiating with Cuba so long as the United States prohibits the use of any funds or the transfer of any funds into or within the United States from Southern Rhodesia, and so long as the United States prohibits the operation of any agent of the government of Southern Rhodesia or of any political party or of any foreign principal located in Southern Rhodesia who is duly registered as an agent of a foreign principal under the Foreign Agents Registration Act (Title 22, United States Code, Sections 611 through 621).

Mr. McCLURE. Will the Senator from North Carolina yield briefly to the Senator from Idaho so he may briefly ask some questions of the managers of the bill on an unrelated subject?

Mr. HELMS. I am happy to yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I wonder if I may have the attention of the Senator from South Dakota, the manager of the bill. If I may direct this question to the manager of the bill, I have some concern about two sections of the bill: Section 452(c)(3), which appears on page 50 of the bill, dealing with the negotiation on terms of membership in the United Nations, and subsection 3 of that section which appears on lines 17, 18, and 19 of page 50.

It says that we should consider proposals for reforming the United Nations, including "supplement United Nations finance through contributions from commerce, services, and sources regulated by the United Nations."

There are some people who raised the question whether or not that is intended to include the authority of the United Nations to impose taxes. My understanding, from an informal discussion with some here today, indicates that it is not intended to include an authority to impose or levy taxes. Would I be correct in that statement?

Mr. McGOVERN. I do not see any basis in this language that gives the United Nations the power to tax in any way.

Mr. McCLURE. So it is not intended to encompass any such proposal?

Mr. McGOVERN. It is not.

Mr. McCLURE. I thank the Senator.

The preceding section, subsection 2 on lines 14, 15, and 16, calls upon us to consider proposals which will foster greater use of the International Court of Justice by the United States and other members of the United Nations.

Again, I have had informal conversations which suggest that that is not intended to be any kind of end run on the Connally reservation, but we ought to be concentrating on using legal forums rather than confrontation.

Mr. McGOVERN. The Senator is correct.

Mr. McCLURE. I thank the Senator.

I thank the Senator from North Carolina for yielding.

Mr. HELMS. Mr. President, I yield myself such time as I may require. Mr. President, my amendment is intended to draw attention to one of the strangest contradictions in our present foreign policy. At the same time that we are sending U.S. diplomats to Cuba—a Communist regime which is not only illegal but tyrannical—we are taking steps to close down the Rhodesian Information Office here in Washington.

The Rhodesian Information Office represents a government which has had de facto control of its territory for 14 years, which has had a peaceful government maintaining law and order without brutality or repression, which had guaranteed the basic human rights of all its inhabitants—black and white—during all that time, and which has been pro-Western in the face of continuous and undeserved provocation. By all standards of international law, it is a legitimate government. But the United Nations, which has no authority over nonmembers, has chosen to call it illegal because of a single element of its constitution; namely, the extent and exercise of the electoral franchise.

Thus we have the anomaly of a government which has basic freedoms almost equivalent to those in the United States being condemned by a group of nations which are notorious for suppressing human rights. It is a well known fact, documented by impartial organizations such as Freedom House that most of the nations of Africa are not free, do not respect basic freedoms such as property ownership, freedom of the press, and truly free elections. By nearly any index of freedom, Rhodesia, with all of its problems and defects, would fare better than 9 out of 10 African nations.

It is no wonder then, that the United Nations, goaded on by the Communists and black African nations envious of Rhodesia's wealth and accomplishments, has taken a position that can only be interpreted as a blow at free speech and the international circulation of ideas. Countries that do not practice the principles of free speech or free press doubtless do not see any reason why they should not hinder the free expression of ideas and the free circulation of information when it furthers their aims.

Thus it was that on May 27, the U.N. Security Council passed a resolution calling upon all member nations—

To prohibit the use or transfer of any funds in their territories by the illegal regime in Southern Rhodesia, including any office or agent thereof, or by any other persons or bodies within Southern Rhodesia for the purposes of any office or agency of this illegal regime that is established within their territories other than an office or agency so established exclusively for pensions purposes.

It reflects everlasting discredit upon the United States and our goals of freedom that we failed to veto this resolution, as was our right and duty. For the fact is that the effect of such action, if taken in the United States, will be to infringe upon the first amendment of our Constitution. The Rhodesian Information Office is a legal entitity, registered according to our law as a foreign agent. It has been a law-abiding agency. There has not been one scintella of suggestion to the contrary. It has not engaged in subversive activity. It is entitled to the protection of our constitutional guarantees.

Moreover, and this is even more important, Mr. President, the American people are entitled to hear the official viewpoint of the Rhodesian Government, even though we have not officially recognized that nation diplomatically. They may not agree with it, or they may agree with it. That is irrelevant. Indeed, we have a huge mission here representing the Communist Government of China. We will soon have a large group of Cuban Communists here in the Czechoslovakian Embassy. Yet we have only two Rhodesians here, who threaten neither our Nation nor our way of life.

Yet the United Nations says, "Close down that dangerous outfit." And what does the puppet mentality in the State Department do? They say, "Close it down."

Indeed, if we are really sincere about imposing a different form of government upon Rhodesia, then commonsense would indicate that we should have a liaison with the present government. But

commonsense does not seem to prevail in this city. It does not seems to prevail in Washington, D.C., Mr. President.

I am informed that subsequent to the passage of the U.N. Security Council resolution, the head of the Rhodesian Information Office, Mr. Kenneth Towsey, called upon the Foreign Assets Control Office of the Treasury Department. There he was told that Foreign Assets Control was going to move to shut up the Rhodesian office immediately, acting solely upon the authority of the U.N. resolution and the executive order already in existence establishing sanctions.

As the Members of this body will recall, that executive order was issued pursuant to the U.N. Participation Act. Now, at the very least, it would seem to this Senator that a second executive order would be required; it seems highly irregular to act upon a U.N. resolution without any domestic authority.

But it seems to the Senator from North Carolina that it would be a grievous breach of our historic sense of fair play and free debate to take any action—whether the issuing of an executive order, an action by the Treasury Department, or even any form of harrassment or pressure.

For it is the American people who will be the losers, not the Rhodesians. It will be the American people who will lack the full and free debate that is guaranteed by the Constitution. It will be the American people who will have denied to them information that is rightfully theirs.

Indeed, I am informed that the American Civil Liberties Union is now looking into the situation and has offered its help to the Rhodesians. I do not always agree politically with the ACLU; but I hope that all Americans of whatever political opinion can agree on free speech and our historic first amendment freedoms. I can understand why the United Nations does not believe in free speech. When we examine the membership of that crowd, that organization, we can easily see it.

I can understand why the dictatorships of Africa do not want free speech. But I cannot understand why the United States does not uphold its constitutional principles.

Now, the administration is evidently determined to open a mission in Havana; but if they are going to do that, then we must at least keep the Rhodesian Information Office here open, U.N. or no U.N.

Mr. President, a number of Members of the House of Representatives on June 2 wrote to Secretary of State Vance on that very subject, and I ask unanimous consent that a copy of that letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1977.

Hon. CYRUS VANCE,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: It is our understanding that the Department of State has under consideration the issuance of an executive order which would terminate the operations of the Rhodesian Information Office located here in Washington. Further, it is our understanding that the basis for this action is the U.S. vote last week in the United Nations Security Council in favor of a resolution prohibiting the member nations from allowing the international transfer or use of any funds of the current Rhodesian government.

All of us fully support the principle of majority rule in Rhodesia as we do for all nations. We believe that majority rule in Rhodesia is inevitable.

However, it seems to us that the difficult transition to majority rule in that nation would not be aided by the closing of the Rhodesian government's Information Office, which at this moment in difficult negotiations could be a valuable vehicle in public as well as governmental communications. We think it logical that emphasis at the present time be on communication rather than suppression of an information source.

In addition, we believe that closing the Office would seem to be an unnecessary step in that it would tend to complicate rather than ease negotiations with the present government. It seems to us that now is the time for more open exchange between Rhodesia and our government and people rather than less as the transition to majority rule continues.

We therefore request that you provide us a full explanation of this reported executive order, its justification, and what policy prompts its consideration.

In view of the imminence of this reported action, we would appreciate a prompt reply to Representative Edward Derwinski, a member of the House International Relations Committee, who in turn will inform us of your views.

David R. Bowen, Guy Vander Jagt, Harold Runnels, Dan Daniel, Robert W. Daniel, Jr., J. Herbert Burke, Trent Lott, Jerry Huckaby, Bill Young, Omar Burleson.

Wm. Broomfield, Ed Derwinski, G. V. Montgomery, Robert J. Lagomarsino, Bob Michel, Bob Bauman, Jim Martin, John H. Rousselot, Mickey Edwards, Jack Kemp, John J. Flynt.

Larry M. McDonald, James M. Collins, Paul Findley, Gene Snyder, Marjorie S. Holt, Del Clawson, Bud Shuster, Tom Hagedorn, Dan Marriott, Clarence Miller, Samuel S. Stratton, David Satterfield.

Philip M. Crane, Eldon Rudd, Steve Symms, Bill Goodling, Robert E. Badham, Bill Ketchum, Bill Armstrong, Dawson Mathis, Tennyson Guyer, Ron Mottl, Henry J. Hyde.

Mr. HELMS. Mr. President, the Wall Street Journal contained an excellent editorial headed "Jumping Through Hoops," and I ask unanimous consent that that editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

JUMPING THROUGH HOOPS

The administration's efforts to force "majority rule" on Rhodesia have taken many questionable forms, from banning the import of Rhodesian chrome to backing a $100 million fund (recently approved by the House) for four black African states that are threatening guerrilla warfare against the white Rhodesian government. These measures have the effect of increasing U.S. dependence on Soviet chrome and earmarking money for the Marxist dictatorships of Mozambique and Angola.

Now, it seems that the administration is also willing to interfere with the free flow of information, throttling Rhodesia's efforts to explain its side of the complicated story. Last week the U.S. joined other members of the UN Security Council in adopting by concensus, without a vote, a resolution sponsored by all 15 members of the council, requiring every nation to ban the use or transfer of any funds by the Rhodesian government for its agents overseas. The purpose is to close down Rhodesian information offices in Washington and Sydney, Australia.

This whole business is reminiscent of the early 1960s, when Washington throttled the Katanga information service at a time when the New Frontier supported the UN military operation aimed at ending Katanga's separation from the Congo. Whatever the merits of the UN Congo operation, it seems pretty clear that the anti-Katangan harassment was not one of our finest hours.

The Rhodesian information office is undoubtedly a lobby, but heretofore the State Department took the position that there was no bar to its existence in Washington, since lobbies do serve an information function. As a practical matter, shutting down the office would likely have little effect on the formulation of congressional or public opinion. We have seen little evidence of a propaganda steamroller stampeding anyone in favor of the Rhodesian regime.

Shutting down the office would, through, do violence to the American tradition of free speech. We are supposed to believe that all sides, even the most unpopular, deserve a fair hearing. We are supposed to believe in an exchange of opinions, in free and open debate. Most members of the UN believe no such thing, of course. It is no surprise to see them sponsoring initiatives that violate the most cherished American beliefs, but it is more than a bit discouraging to see the U.S. administration jumping through the same hoops to please them.

Mr. HELMS. Finally, Mr. President, the distinguished syndicated columnist, Mr. Smith Hempstone, recently wrote a column which is entirely relevant to the point that the Senator from North Carolina is attempting to make.

That column is entitled "A Plan To Earn Distrust" and I ask unanimous consent that that column be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

A PLAN TO EARN DISTRUST

(By Smith Hempstone)

WASHINGTON.—The Carter administration, spurred on by an unholy alliance between businessmen and leftist ideologues, seems intent on improving U.S. relations with Cuba at almost any price.

Recently, the Cuban and American governments, stopping short of resumption of full diplomatic relations, announced an agreement involving an exchange of diplomats for the first time in 16 years. Earlier, the two countries had initialed an agreement on fishing rights and eased travel restrictions.

Since the U.S. recognizes such bastions of democracy as the Soviet Union, there is no objection in principle to warming up relations with Cuba. What does seem curious is the timing.

Cuba is, after all, actively involved in the destruction of American interests in at least seven African countries. It is fomenting rebellion in pro-Western states and fostering tyranny in dictatorial countries.

Fidel Castro's human rights record at

home, something presumably close to President Carter's heart, is atrocious. With something like 20,000 people in jail—a few of them Americans and many of them in poor condition—Cuba has more political prisoners per head of population than any other Western Hemisphere country except Uruguay. And this despite the fact that virtually the entire upper and middle class fled years ago.

Cuba has yet to pay a peso in compensation for the confiscation of more than $1.8 billion worth of American property. And Castro has done such a brilliant job on the Cuban economy that it costs the Soviet Union nearly $4 million a day just to keep his squalid dictatorship financially afloat.

Yet liberal ideologues such as Sen. George McGovern, in expiation for the 1961 abortive Bay of Pigs landing and subsequent CIA plots against Castro, seem determined to reward Cuba for policies that would lead to outraged protests were they implemented by right-wing dictatorships. And many American business firms, eyeing what could be a $750 million market, are lobbying to get the 1962 U.S. trade embargo lifted.

It must be conceded that the past American policy of trying to isolate Castro economically and politcally has failed and therefore ought to be modified. But that does not mean that American sanctions should be lifted entirely or now. Above all, there should be a quid pro quo: Castro, after all, needs access to the American market and to U.S. goods far more than we need cigars, sugar or baseball players.

At a minimum, Castro ought to be compelled to pull his mercenaries out of Africa, ease conditions for political prisoners and pay at least a token compensation for the confiscated American property. The absence of such concessions would amount to a clear signal to the rest of the world that it pays to be beastly to the Americans.

Indeed, it must be hard for most of the world not to come to that conclusion on the face of other evidence.

The day before the projected exchange of diplomats between Washington and Havana was announced, Richard Holbrooke, one of the young liberals appointed to the State Department by Carter, was meeting in Paris with Deputy Foreign Minister Phan Hien in an effort to improve relations with Hanoi. Holbrooke went out of his way to applaud the promised return by Hanoi of the bodies of 20 American MIAs, something that any decent regime would have done long ago.

At the same time that the Carter administration was displaying its spinelessness in dealing with two of this country's enemies, it was being equally unpleasant to a pair of former allies.

On June 4, the Treasury Department informed the Rhodesian Information Office here that it must shut its doors. The crime of the Rhodesians, who on a per capita basis put more men in uniform during World War II than any other Commonwealth country and sent troops to fight alongside our own men in Korea in 1951, is that they don't want to hand over their country to Soviet-financed and Cuban-trained guerrillas.

And on June 5, the administration announced that the U.S. by the end of next year will withdraw 6,000 of the 30,000 American troops serving in South Korea, with more to follow later.

One does not pretend that the records of the Rhodesian and South Korean governments on human rights (if that is the criterion) are without blemish. But they certainly will stand comparison with those of Cuba and Vietnam. Nor are Salisbury and Seoul, in contrast to Havana and Hanoi, pursuing policies that are inimical to U.S. interests.

In short, the grand design of the Carter administration's foreign policy seems calculated to earn for the U.S. the distrust of its friends and the contempt of its enemies.

Mr. HELMS. Mr. President, if I have remaining time, I reserve it.

Mr. McCLURE. Will the Senator yield to me?

Mr. HELMS. I am delighted to yield to the Senator.

Mr. McCLURE. I thank the Senator for yielding because I applaud the Senator for this amendment and the effect those points brought to a matter which I think has received far too little attention.

I am afraid we have looked at the action taken by the United Nations not in the context of concern for human rights, but in a preoccupation with our concern for the racial tensions that do exist within the country of Rhodesia.

But I call the attention of the Senate and I hope the Nation to both the action this body has taken today and yesterday on two occasions in adopting an amendment which I have offered trying to define what it is that we are talking about when we talk about human rights.

There is rather explicit language which has been affirmed today and yesterday about freedom of speech and independence of the media from governmental control which I thought meant something, and I think does mean something.

I call the attention of the Senator from North Carolina to the action taken by the United States in cosponsoring and adopting the Helsinki accords, because at the Helsinki accords these words are written as a part of the condition of that European security agreement. Let me just read two or three sentences:

To encourage cooperation in the field of information on the basis of short- or long-term agreements or arrangements. In particular they will favor increased cooperation among mass media organizations, including press agencies, and so on. They will favor cooperation among public or private, national or international, radio and television, and so on.

The point that I make is that in the human rights sections that we have adopted here in the Senate, and in the Helsinki accords themselves, this Nation has gone on record as favoring the free exchange of information. But it appears that we are afraid to have an information office open when that information office is following a line which is not the official line of the U.S. Government.

I am distressed by the language of our delgate to the United Nations' Mr. James Leonard, in his statement as he cosponsored the resolution calling for the closing of the information office, and in his language he says:

It is with particular satisfaction that my delegation has joined in drafting, cosponsoring and adopting this resolution.

I would have thought a delegate of the United States would be speaking on behalf of free speech and freedom of information. I would have thought the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House would have been speaking out in favor of free information and not the stifling of discussion.

I would think that the Senate would speak where the committees have not and would not join in supporting the amendment offered by the Senator from North Carolina.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. All time of the Senator from North Carolina has expired.

Mr. CLARK. Mr. President, I wonder whether the Senator from North Carolina or the Senator from Idaho would yield to a couple of questions on my time.

Mr. HELMS. Certainly.

Mr. CLARK. Do the Senators favor a Cuban or Vietnamese or Cambodian or Laos Information Office and some kind of foreign service or diplomatic relations for their representatives in the United States?

Mr. McCLURE. I have seen absolutely nothing done in this country to stifle the ability of those countries to present their case to the American people.

Mr. CLARK. That was not my question.

Mr. McCLURE. On the contrary, we have done almost everything we can to make certain that those governments get their message to the American people in whatever way possible.

In this case, because we disagree with a foreign government, as a matter of governmental policy, we seek to stifle their ability to get their case to the American people.

Mr. CLARK. It is my interpretation of the Senator's answer that it is in the affirmative—he would favor an information office of Cuba or——

Mr. McCLURE. I say to the Senator from Iowa that the position of the Senator from Idaho is that we should treat all nations exactly the same.

Mr. CLARK. That would be the affirmative, would it not?

Mr. McCLURE. If, as a mater of fact, the Senator from Iowa is telling me that he would favor rescinding the action or is in opposition to the action of the resolution by the United Nations.

Mr. CLARK. I am not asking that question.

Mr. McCLURE. I noticed that.

Mr. CLARK. I intend to address myself to that, but I ask this question: There has been a strong advocacy here of any nation in the world having the right to an information office in this country, on the basis of free speech. I assume on that basis that the Senator also favors or would favor, if there were a desire to do so, an information office for any nation in the world, whether we recognize them or not. Is that correct?

Mr. McCLURE. I say to the Senator that the questions of diplomatic relationships are somewhat different from the question of free speech. I do not think there is any question concerning that.

So I am not sure that we could interrelate the two things in regard to recognition or approval. Certainly, any government in the world, any group of people in the world, seeking to have access

to our press has it. If they want to publish magazines in this country, they can do so. If they wish to send their publications through our mail at subsidized rates, they do that now—with the single exception, I say to the Senator from Idaho, of the attempted action against the nation of Rhodesia. I think that is unconscionable.

Mr. CLARK. I will take 2 minutes, and I am prepared to yield back the remainder of my time.

No. 1, no action has been taken with regard to the Rhodesian information office, to my knowledge. But it is quite true that in the case of Rhodesia, because of the unique way in which the sanctions came about—namely, the fact that when Great Britain was prepared to give independence to Southern Rhodesia, the Government of Southern Rhodesia was unwilling to accept the condition of majority rule—Great Britain refused to give independence; and Ian Smith and the Rhodesian front declared a unilateral declaration of independence. Rather than landing troops or having a military engagement because of that, Great Britain went to the United Nations and asked for sanctions. In the process of getting those sanctions, it was agreed by unanimous vote that no country in the world would recognize Rhodesia.

Contrary to what some people believe, there has not been a single country in the world, including South Africa, which ever recognized Rhodesia.

Part of that sanction clearly was that the sanction would include every aspect of their trade, including funds.

If the President were to decide at some future point that he wanted to abide by those sanctions by signing an Executive order, he could prevent the transfer of funds into this country for a Rhodesian information office or for any other purpose. That is quite a different thing. I am not suggesting that is a good idea or a bad idea.

I tend to agree with the arguments in favor of free speech for any country. But I think it is a unique situation. It is not a question simply of denying freedom of speech. It is a question of whether we are going to abide by the ruling or by the decision which was unanimously decided and which we voted for, of imposing those sanctions.

Mr. CASE. Mr. President, I think I am going to offer a substitute. I feel one growing.

Will the Senator yield for a moment?

Mr. CLARK. Yes.

Mr. CASE. I have been persuaded that we should not close down the Information Office. We should not do that. I do not like the way the Senator from North Carolina has addressed the problem in his amendment—tying it to operations in Cuba.

I would be willing to offer an amendment making it the sense of the Senate that the Rhodesian Information Office and personnel should be permitted to operate in the United States. If that is satisfactory——

Mr. HELMS. Entirely satisfactory.

Mr. CASE. I cannot offer it until the time is yielded back.

Mr. CLARK. Mr. President, I suggest the absence of a quorum, the time to be taken——

Mr. CASE. Is Rhodesia a foreign country under this substitute amendment? Is it really meant to be included by this proposal?

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

Mr. CLARK. The time to be charged to my amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 478

Mr. CASE. Mr. President, if all time has been yielded back——

Mr. CLARK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CASE. I offer a substitute or a perfecting amendment, or whatever we want to call it.

The PRESIDING OFFICER. The amendment will be stated.

Mr. CASE. This is offered jointly by the Senator from Iowa and me. Is that right?

Mr. CLARK. Yes.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. CASE), for himself and Mr. Clark, proposes an unprinted amendment numbered 478:

In lieu of the language proposed to be inserted by the Helms amendment, insert the following: It is the sense of the Congress that any foreign country should be allowed to maintain an information office in the United States.

Mr. CASE. Mr. President, the purpose of this amendment is to make it clear that we will not sanction a foreign country by closing its information office in this country. This would apply generally. The occasion for offering it here, of course, is the fact that there has been discussion that—under U.N. pressure—this country might close the information office of Rhodesia. It would apply to Rhodesia, but it has general application by its terms and by its intent.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

Mr. CLARK. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the basic amendment, not on the substitute.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment itself be vitiated.

Mr. McCLURE. Will the Senator withhold that until we agree upon the substitute?

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the yeas and nays on the pending amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as amended, of the Senator from New Jersey.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Third reading.

UP AMENDMENT NO. 479

Mr. McCLURE. Mr. President, I have an amendment to send to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) for himself, Mr. BYRD of Virginia and Mr. THURMOND proposes an unprinted amendment numbered 479:

On page 37, immediately after line 24, add the following new section:

SEC. 113. None of the funds authorized to be appropriated in this Act shall be used for the purpose of negotiating reparations, aid or any other form of payment to the Socialist Republic of Vietnam.

Mr. McCLURE. Mr. President, I shall be very brief. I yield myself such time as I may consume.

This is the amendment on which we had previously agreed to a time limit of 15 minutes to be equally divided.

Mr. President, it may be argued that the amendment offered by the Senator from Ohio (Mr. GLENN) will adequately cover this ground, but it does not. The amendment of the Senator from Ohio merely refers to the ultimate act of reparations and not to the negotiations leading to that kind of a condition.

The Senator from Ohio will probably argue, as he argued in chief, that the Ashbrook amendment adopted in the other body, that was offered by the distinguished Congressman from Ohio, Mr. ASHBROOK, which is identical to the language I am now offering, is unconstitutional, and he backs that up by the State Department's Legal Adviser's argument.

The State Department's Legal Adviser says you cannot inhibit the discretion of the President of the United States, and it is, therefore, unconstitutional. Yet that is precisely what the Glenn amendment seeks to do. It says the President shall not. My amendment does not do that. It simply says that no funds under this bill may be used to conduct negotiations leading toward reparations.

I submit that if we indeed mean to send that kind of a signal to the North Vietnamese, this is the way to do it. We ought to remove once and for all the speculation in the mind of some in this country and in Vietnam that there will be reparations. I think it is noteworthy that in spite of the protestations to the contrary by the Secretary of State, Mr. Vance, and by the Assistant Secretary of State, Richard Holbrooke, that the Vietnamese are still talking about reparations due their country from this coun-

try because of the war, and I think we ought to put an end to that speculation. There is one way to put an end to that speculation, and that is to say we are not going to negotiate on the subject of reparations.

It seems to me if we are to do that, this is the clear, the unequivocal, way to accomplish that end and, Mr. President, with that, perhaps, we can proceed to the vote.

There has been a yea-and-nay vote ordered on this, and I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Who yields time?

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McGOVERN. I yield 5 minutes to the Senator from Ohio.

Mr. GLENN. We have a total of what, 7½ minutes?

The PRESIDING OFFICER. Five minutes remaining.

Mr. McGOVERN. I will negotiate, can the Senator do it in 3 minutes? I yield 3 minutes.

Mr. GLENN. Mr. President, all the arguments on this so-called Ashbrook amendment from the House were already made earlier, and I think—I wish all the Senators were here—we already voted on this issue.

I started off my comments earlier on the amendment I put in by saying that the Ashbrook amendment from the House was exactly what we were trying to prevent. It is the amendment the State Department Legal Adviser's office says is unconstitutional. I read those into the RECORD a while ago. I cited the United States Code, the court rulings, and so on, that declared this, that would set the precedents for this being unconstitutional.

I say to the distinguished Senator from Idaho that when we say in there "for the purpose of negotiating reparations," it can cut off even going to any conference where reparations are considered with MIA's and similar things which might be considered, things we find very desirable in this country.

So the Senate has already expressed its will in this regard, and to bring it up again after we already voted on this, when I think everyone already understood it, I do not see the necessity for this. This would even potentially prevent us from going to a conference to say "no" to reparations.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. GLENN. I do not think anyone wants to do that.

Certainly, I yield.

Mr. McGOVERN. The Senator from Ohio is absolutely right. As a practical matter, his amendment, which was adopted here overwhelmingly just a few minutes ago, was really in the nature of a substitute.

Mr. GLENN. Yesterday we passed 90 to 2 almost the identical language.

Mr. McGOVERN. The Senator knows that I am not enthusiastic about either of these amendments, but the proposal he offered here, which we have adopted, at least does not block us from going to the conference table.

This amendment now before us would have the effect of preventing our negotiators from negotiating. It says you cannot even spend money on negotiations. If there is anything that has to do with reparations or aid or anything of that kind, supposing we wanted to make provisions to the North Vietnamese Government to assist in the location and identification of Americans missing in action. This would prevent us not only from doing that but from even talking about it. We could not get to the conference table.

Mr. GLENN. The Senator is absolutely correct.

Mr. McGOVERN. Mr. President, I hope this amendment will be defeated and that we will stay with the position already adopted, the position offered by the Senator from Ohio, which accomplishes the same purpose in terms of the spirit of the amendment without tying the hands of our negotiators.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

Mr. McCLURE. Parliamentary inquiry, Mr. President, how much time remains to the proponents and to the opponents?

The PRESIDING OFFICER (Mr. CANNON). That is not a parliamentary inquiry. However, the proponents have 3½ minutes and the opponents have 2 minutes.

Mr. McCLURE. I thank the Chair for the information even though it is not a parliamentary inquiry.

Mr. President, I will be very brief.

The Senator from Ohio says his brief indicates that the amendment offered by the Senator from Idaho is unconstitutional.

I would invite him to look at his own amendment because the citations given by the Senator from Ohio prove that if either is subject to that criticism it is the one offered by the Senator from Ohio.

It talks about inhibiting the power of the President, which they cannot do under the Constitution. That is precisely what the amendment of the Senator from Ohio does.

The amendment offered by the Senator from Idaho does not do that. It does the one thing which is open to Congress. It deals with the funding. We have that authority. There is no question of our authority on that point.

As far as the question of whether or not it would keep us from even going to negotiations, that is an absurd argument because it simply says we cannot go there for this purpose or to conduct the negotiations on these points. It does not say we cannot negotiate or talk on every other point under the sun.

Mr. President, I reserve the remainder of my time.

Mr. GLENN. Mr. President, will the Senator yield me 1 minute?

Mr. McGOVERN. I yield.

Mr. GLENN. I agree completely with the Senator from Idaho in that my amendment is not unconstitutional. The only unconstitutional part is where we restrict the ability of the President to negotiate on behalf of this Nation. That is the unconstitutional part. And my amendment does not do that in any way, shape, or form. That is the unconstitutional part, and the Legal Advisor's Office of the State Department has indicated that.

All we do in my amendment is say we will not provide reparations or aid whatever he does. That is entirely within the right of the Senate to give our advice to the President in that regard.

I know we are short on time. I have used up my minute here.

I certainly urge colleagues to go along with what we did earlier and vote down this amendment which would change the overwhelming vote we had earlier in this regard.

Mr. McCLURE. Mr. President, the Communist regime in Vietnam continues to raise the issue of U.S. reparations and aid. The Secretary of State has stated that there will be no reparations. The House voted 268 to 131 to remove the issue of reparations and aid from the bargaining table. The Senate today has the opportunity to settle once and for all this matter.

The Vietnamese Communists wave around a secret 1973 letter from President Nixon and claim that we owe them 3 or 4 billion dollars. Perhaps they think they can play off one branch of our Government against the other as they did during the war. They are wrong. There will be no reparations and my amendment says in the clearest and most unmistakable way to the Communists and to the American taxpayer that this Government will not pay one dime of reparations or aid to the Socialist Republic of Vietnam.

It does not restrict negotiations on any other issue. We can talk about trade and diplomatic recognition, about MIA's and UN membership.

It is simple, straightforward, and direct. This amendment removes whatever illusions Hanoi may have about successfully negotiating on the issue of reparations and insures that whatever contacts we have with that regime will be on matters in which the possibility of agreement exists.

Mr. PERCY. Mr. President, I shall vote nay on this amendment simply because it is redundant, as Senator GLENN has pointed out, and because it is considered to be unconstitutional by eminent legal authorities. I, of course, oppose any payment of any kind to Vietnam under present circumstances.

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment of the Senator from Idaho.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 42, nays 44, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—42

Allen	Griffin	Roth
Bartlett	Hansen	Schmitt
Bellmon	Hatch	Schweiker
Brooke	Hatfield	Scott
Burdick	Hayakawa	Stafford
Byrd, Harry F., Jr.	Heinz	Stevens
	Helms	Stone
Case	Laxalt	Thurmond
Curtis	Long	Tower
Danforth	Lugar	Wallop
Dole	Mathias	Weicker
Domenici	McClure	Young
Eastland	Nunn	Zorinsky
Ford	Pearson	
Garn	Randolph	

NAYS—44

Anderson	Hart	Moynihan
Bayh	Haskell	Muskie
Bumpers	Hollings	Nelson
Gravel	Humphrey	Pell
Byrd, Robert C.	Inouye	Percy
Cannon	Jackson	Proxmire
Chiles	Johnston	Ribicoff
Church	Kennedy	Riegle
Clark	Leahy	Sarbanes
Cranston	Magnuson	Sasser
Culver	Matsunaga	Sparkman
DeConcini	McGovern	Stevenson
Durkin	McIntyre	Talmadge
Eagleton	Metzenbaum	Williams
Glenn	Morgan	

NOT VOTING—14

Abourezk	Goldwater	Melcher
Baker	Hathaway	Metcalf
Bentsen	Huddleston	Packwood
Biden	Javits	Stennis
Chafee	McClellan	

So Mr. MCCLURE'S amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

UP AMENDMENT NO. 480

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BROOKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE), for himself and others, proposes an unprinted amendment numbered 480.

The amendment is as follows:

On page 9, line 15, insert the following:

BELGRADE CONFERENCE

SEC. 463. The Congress finds that the Belgrade Conference to review compliance with the Helsinki Accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Scharansky and instructs the U.S. representatives to the Belgrade Conference to express the official concern of the United States over the Scharansky case.

Mr. BROOKE. Mr. President, this amendment states that Congress finds that the Belgrade Conference to review compliance with the Helsinki accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Scharansky and instructs the U.S. representatives to the Belgrade Conference to express the official concern of the United States over the Scharansky case.

I have discussed this matter with the distinguished floor manager of the bill and the ranking minority member, and I understand they will accept it.

Mr. MCGOVERN. Mr. President, I have looked at the amendment, and I would say it is a constructive proposal. We have no objection.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BROOKE. I yield back the remainder of my time.

Mr. MCGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BROOKE. I move to reconsider the vote by which the amendment was agreed to.

Mr. MCGOVERN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 481

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BROOKE. I ask unanimous consent that reading of the amendment be dispensed with.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) proposes an unprinted amendment numbered 481.

The amendment is as follows:

On page 51 after line 4, add the following:

"(7) Provide greater coordination of United Nations technical assistance activities by the United Nations Development Program in contrast to the present practice of permitting various United Nations-affiliated organizations to carry out technical assistance activities independent of adequate coordination by the United Nations Development Program."

The PRESIDING OFFICER (Mr. STONE). The Senate will be order. The Senate will be in order.

The Senator from Massachusetts may proceed.

Mr. BROOKE. Mr. President, this amendment would provide greater coordination of United Nations technical assistance activities by the United Nations development program in contradistinction to the present practice of permitting various United Nations affiliated organizations to carry out technical assistance activities independent of adequate coordination by the United Nations development program.

I have discussed the amendment with the distinguished floor manager and the ranking minority member, and to my understanding they are willing to accept the amendment.

Mr. MCGOVERN. Mr. President, the Senator is correct. We have looked at the amendment and have no objection.

Mr. MORGAN. Mr President, before the Senators yield back their time on their amendments, we are going to have to vote on this proposition. Will the Senator explain it a little more fully?

Mr. BROOKE. Yes, I will be very pleased to. As I say, this amendment would provide for greater coordination of United Nations technical assistance activities by the United Nations Development Program in contradistinction to the present practice of permitting various United Nations affiliated organizations to carry out technical assistance activities independent of adequate coordination by the United Nations Development Program.

In addition, it—

First. Provides for greater centralization of Administration of Technical Assistance by the U.N.;

Second. Conforms to the spirit of the Government Operations Committee report calling for consolidation of U.N. functions; and

Third. Will bring about greater efficiency in the U.N. system and, hopefully, a reduction in the growth of bureaucracies at the United Nations that are siphoning off sorely needed funds for development.

Mr. MCGOVERN. I will say to the Senator from North Carolina that the amendment has no budgetary impact; it is simply an amendment to bring about better coordination of these various technical programs that operate under the United Nations, and contributes to the gradual development of practices to further that coordinating function.

Mr. MORGAN. Mr. President, this is an awfully complicated or complex sounding amendment to be accepted without any debate and without having been printed. This makes it awfully hard to vote for a bill like this, when such amendments are accepted by both sides without any discussion. I am reluctant to call for a rollcall vote. It sounds to me as though the details have been worked out, but it may lead me to vote against the entire bill.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. BROOKE. I yield back the remainder of my time.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. BROOKE. I move to reconsider the vote by which the amendment was agreed to.

Mr. McGOVERN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL STATEMENTS SUBMITTED

Mr. STEVENSON. Mr. President, section 458 of H.R. 6689 amends the Foreign Gifts and Declarations Act to regulate the acceptance of gifts, including travel, food, and lodging, by Members and congressional staff from foreign governments. It applies as well to members of the executive branch.

This section was approved by the Foreign Relations Committee without hearings. It has not been reviewed by the Select Committee on Ethics or the Committee on Rules. Its purpose is commendable, but its methods appear to conflict with rule 43 of the Senate. And, what is more, its provisions could impose requirements upon the Members which are difficult, perhaps impossible, to comply with, and enforcement responsibilities upon the Ethics Committee which would be difficult to carry out.

I had thought to seek the Senate's support of an effort to strike this provision from the bill in order to give us time to work out a sensible solution. But I have discussed it with the distinguished floor manager and he has agreed to drop the matter in conference with the House if by then a satisfactory formulation is not agreed to by the Foreign Relations Committee and the Committees on Ethics and Rules. Between now and the conference, other Members also would be afforded an opportunity to be heard on the subject under this procedure. So, I hope the distinguished Senator from South Dakota will confirm my understanding that he is prepared to drop this section if before the conference we have not agreed upon an acceptable solution to the problem.

Mr. McGOVERN. Mr. President, the Senator from Illinois states the understanding correctly. I agree with him that this complicated matter deserves further attention. Because the House approved a bill containing no provision on this subject, it should be possible for the Senate to recede in conference if by then we have not worked out a solution acceptable to the Committees on Ethics and Rules. I assure the Senator that we understand the problems this provision currently entails for the Members and the committee which he chairs, and I am confident in giving assurance that the Senate conferees on this measure will do all they can to develop with him and other Members a satisfactory solution. I do want to emphasize the committee's interest in finding a solution which can indeed be enacted, so I trust that the Senator and his colleagues and staff will work energetically with the Foreign Relations Committee to find a solution before the conference on H.R. 6689.

As I have indicated to the Senator privately, I believe the Foreign Relations Committee conferees are prepared to accept any reasonable proposal from the Senator, so I believe we should expect that he will direct his staff to prepare recommended changes in the bill's provisions. Failing agreement on such recommendations, of course, we are prepared, as he indicated, to drop the matter in conference, and then the subject would have to be taken up on another bill.

Mr. STEVENSON. Mr. President, I thank the distinguished Senator for his assurance, and relying on it, I will not press the matter at this time. It is my hope that if not before the conference, soon after it will be resolved satisfactorily.

Mr. HATCH. Mr. President, embedded within the State Department authorization bill we find a statement of U.S. policy envisioning the withdrawal of U.S. ground troops from South Korea within 4 to 5 years. My amendment asks that the U.S. Senate go on record as favoring, instead, a policy of maintaining U.S. ground strength on the territory of our South Korean ally as long as this may be necessary. I believe that it is important that a policy decision of this magnitude be openly and freely debated. It is the purpose of my amendment to stimulate such a debate.

President Carter has recently announced his intention to withdraw American troops from South Korea. My amendment would contradict that policy. It will no doubt be objected, that the policy of a phased Korean withdrawal was initiated by the Republican administration of President Nixon. Even if that policy was correct initially, in 1977—after the calamitous fall of our Southeast Asian allies and many other negative occurrences—such a policy is clearly wrong.

In my remarks today I would like first to place this Korean decision in a larger context of the United States' position in the world, and then go on to a more specific discussion of the problems connected with a Korean withdrawal which we do not always seem to consider.

If we are wise, we will not make policy decisions on Korea in isolation from our overall foreign policy. As a matter of fact, we may make that decision without taking other factors into account, but when the decision is implemented, it will necessarily have complex ramifications for our position in the world. And a deliberative body like the Senate is in duty bound to consider all these factors.

In foreign policy, just as in defense, the really crucial matter is not the relative positions of adversaries at any particular time. It is, rather, the vectors of the power relations in the world. And when we look at these vectors over the last three decades or so, it is easy to see that they do not run in our favor.

The Korean situation is part of the overall conflict between the free world and the Communist world, a conflict while Willie Schlamm has very accurately characterized as an "international civil war." It is a war of a relatively new type: Often the front lines run, not between nation-states in the traditional sense, but within nations themselves. We can see this graphically in the present configurations of East and West Germany and North and South Korea. It used to be visible as well in North and South Vietnam before the intensification of the Vietnamese conflict,— a conflict which was initially presented to us as another "civil war."

The arena of the struggle between the free world and the Communist world is all pervasive. Much of the battle is ideological and political; sometimes it is fought at the level of unconventional warfare; sometimes it erupts into conventional conflict, as when South Vietnam fell to naked aggression; and over it all there looms the prospect of nuclear conflict between the superpowers.

When we look thoughtfully at the map we discover that the trend of historical development over the last few decades has been the contraction of the free world and the concomitant expansion of Communist power. With the partial exception of Chile and Portugal, the entire recent development of the world has been in the direction of Communist hegemony, as one country after another has succumbed to Communist tyranny. Soviet power has spread further and further around the globe as we have chosen to retreat. I use the word advisedly: There is virtually no instance—not even in Southeast Asia—where we have been defeated militarily when we decided to stand. Rather, we have ourselves opted for a continuing policy of retreat.

In Europe, Eastern Europe remains firmly under Soviet control, while Communist parties are making serious and in some respects unprecedented political inroads in the Western European countries. In Africa, one country after another embraces Marxism, and turns hostile to the interests of the free world. In Latin America, Cuba remains as intransigent as ever, encouraging terrorist movements throughout the region, and throughout Africa as well; Jamaica is evidently succumbing to the disease, and we are in danger even ourselves of giving up our vital control over the Panama Canal. In Asia, we have departed from almost all of the Southeast, we seem to be intent upon reducing, if not eliminating, our presence on Taiwan, our hold on bases in volatile Japan is somewhat tenuous, and now we propose voluntarily to weaken markedly our commitment to South Korea. And all this occurs against the background of an ominous Soviet military buildup which has—in my judgment—placed the United States in a condition of clear military and strategic inferiority. In addition, through the de-

velopment of its Navy, the Soviet Union has acquired a previously nonexistent capacity to project its power into portions of the globe which before have been inaccessible to it. In short, the recent historical pattern has been—with a few small exceptions—the contraction of the free world, led by the United States, and the expansion of the Communist world. And this is not a situation which should be in any cause for comfort to us.

Mr. President, often enough writers on foreign policy ask: Why is Vietnam, or Korea, or Angola, or Cambodia, or Zaire, crucial to U.S. interests? In the narrow view, it may in fact be true that no particular country is of vital importance to our interests, so that we may safely throw it to the wolves. But taken all together these countries form what I may term our "global hinterland," without which the capital of the Free World—the United States—cannot itself long survive.

I hope I may be forgiven for taking a small excursion at this point into medieval history, but I think a review of the fall of the Byzantine Empire is relevant for our own situation. Anyone who studies the history of that period knows that Constantinople fell to the conquering Turks in 1453. That date has gone down in history as a cardinal date, the year of the collapse of one of the greatest political entities which has ever existed on the face of the globe. But we fail to remember that Constantinople was but a city, the capital of a once powerful empire, and that it was crucially dependent upon its hinterland. And that hinterland had been taken from Constantinople over a period of many years; gradually, little by little, the regions which formed the Byzantine Empire had been taken over by Turkish power until finally virtually nothing was left except the city of Constantinople itself. Then, when the Turks laid siege to the capital, the outcome was a foregone conclusion: The process might be dragged out a bit, the inhabitants of the capital might resist, but before long Constantinople surely would fall, for it had no supporting hinterland.

Mr. President, historical analogies are never exact, and a country the size of the United States is not quite the same as a city like Constantinople, but I suggest that we are now in much the same situation as was Constantinople in the period before 1453. We too face an expansionist enemy, which consistently breaks off bits and pieces of our hinterland, while we consistently comfort ourselves with the argument that no particular bit is really that vital to us.

On August 15, 1973, as the Congress of the United States had decreed, President Nixon ordered the cessation of all American air and tactical aid to the embattled Khmer Republic of Cambodia. We now know that this action was instrumental in the fall of Cambodia to possibly the most incredibly inhumane regime in the history of mankind. On that August 15, nearly 4 years ago, here in Washington the Ambassador of the Khmer Republic, the Honorable Um Sim, held a press conference in which he presented an "Open Letter" from his nation to the Congress and people of the United States. The situation of Cambodia then had some parallels with the proposed situation of South Korea now. That statement ended with an appeal which is especially moving now in view of the bitter history of that country since:

> We ask, then, for ongoing assistance from you, the Congress and people of the United States, for if the United States grows weary of aiding its friends and abandons them, even though they are willing to fight and to continue fighting as long as humanly possible in the defense of their freedom and the freedom of the world, your great country will someday find itself alone.

"Your great country will someday find itself alone," the Cambodians warned us, as we rejected their plea and condemned them to defeat. And that is a warning which bears repeating now.

The question we must face, then, is whether, after the loss of Southeast Asia, we can ourselves afford the further reduction of our hinterland which would follow from our withdrawal of ground troops from South Korea, whether we can ourselves afford to continue abandoning our friends and allies? I say that we must not, for in the end we shall find we have no friends left in our hour of need, as the Cambodians once sought to warn us.

Mr. President, I do not enjoy painting such a pessimistic picture of our situation in the world, but I find it impossible to reach other than pessimistic conclusions when I look honestly and clearly at the course of U.S. foreign policy over the past few decades. It is not easy to warn of catastrophe, especially if it is the sort of catastrophe to which people prefer to close their eyes. Men have discovered this anew all through history. Alexander Solzhenitsyn knows it, for Americans on the whole were unprepared to accept his message seriously, even though he delivered it with unparalleled power. Winston Churchill knew it, too: In a very instructive article in the June issue of Commentary, Edward Luttwak analyzes the parallels between the reception accorded Churchill's warnings about the German peril in the 1930's and the response of the general intellectual community to those who today warn of the Soviet and Communist threat to our freedom and independence.

Luttwak writes in sarcastic vein:

> Churchill simply could not understand that "interdependence" had become the critical fact of international life. He continued to see specters of war, and he continued to oppose the patient diplomacy of his own party leaders that was wholly dedicated to the cause of peace. His reward was a deepening political isolation and a total alienation from the centers of enlightened opinion in his own society. By 1938, his articles were no longer printed by the best newspapers. . . . The Times then, like Foreign Affairs nowadays, would not print articles calculated to incite the worst nationalistic passions, and which might sabotage the policy of accommodation pursued by the government.

But history showed that Winston Churchill was correct in his assessment of the situation, while the "enlightened" opinion leaders were tragically wrong.

Even today witnesses are sent to us, but we will not listen. The New York Times of June 10 reports the melancholy story of Nguyen Cong Hoan, once a leader of the pacifist opposition to the Thieu government, who escaped 2 months ago and found refuge in Japan. Writes correspondent Henry Kamm:

> He is sadder as are his friends, over the spiritual aspect of the exile they found than its material hardships or the uncertainties of the future. They are people who have escaped from their country to tell the world of its present fate and find themselves prevented from giving their testimony or the world unwilling to listen.

Yes, we are very unwilling to listen to those truths which Solzhenitsyn, or Churchill, or Nguyen Cong Hoan risk so much to tell us, because they are very hard and very unpleasant truths. President Carter quite rightly received Soviet dissident Bukovsky in the White House after criticizing President Ford for refusing to receive Solzhenitsyn—but we may wonder about the extent to which he really understood Bukovsky's or Solzhenitsyn's message. Certainly General Singlaub discovered that one pays for bearing witness to hard and unpleasant truths.

But we refuse to heed these truths at our mortal peril. General Singlaub performed an immense public service by telling us the truth about the probable consequences of a Korean withdrawal: That it would almost certainly lead to war. That is a message which we do not wish to hear, and so we punish the messenger. For if we heeded it, "respectable opinion leaders" would have to acknowledge that our initial commitment to the defense of Vietnam and Southeast Asia was absolutely correct, that our defense spending is currently far too small, and that much else of the current conventional wisdom in foreign affairs is—quite simply—wrong. And the intellectual vested interests do not yield ground easily.

Mr. President, I have tried to place the Korean situation in the context of the overall situation of the United States in the world today. Now let me turn briefly to some specific issues having to do with Korea.

I find myself in substantial agreement with an excellent article, "The Need for U.S. Ground Forces in Korea," by Gen. Richard G. Stilwell, retired, who was the commander in chief, United Nations Command in Korea from 1973 to 1976. General Stilwell knows the Korean situation intimately, and his conclusion is as follows:

> I hold that the withdrawal of ground forces from Korea, without major countervailing concessions on the Communist side, will undermine the vitality of free Northeast Asia, exacerbate regional tensions, and greatly increase the risk of armed conflict. Thus I contend that the continued forward deployment of those forces is essential to security on the Korean peninsula, to the stability and forward progress of Northeast Asia, and to the maintenance of the U.S. position and credibility as the preeminent world power.

Among many other points which Gen-

eral Stilwell makes in his excellent treatment, there is one interesting legal detail. The Military Armistice Agreement now in force and signed in Panmunjom in 1953, was adhered to by Gen. Mark Clark as head of the United Nations command; the North Korean commander, and the commander of the "Chinese Peoples Volunteers." South Korea did not sign the armistice, and therefore it is not legally responsible for the maintenance of the armistice. If the United Nations command, which is in effect the American command, were to be removed, the South Korean army would be technically under the command of an American general with no troops.

I might mention in passing that the manner in which we treated our South Korean allies in 1953—when we denied them the opportunity to help negotiate a treaty which affected them directly—is reminiscent of our behavior toward the people of the Republic of South Vietnam in the negotiations leading to the abortive Paris agreements, negotiations conducted between ourselves on the one side and the North Vietnamese on the other. The armistice arrangement in Korea, I dare say, is even less stable than the Paris agreements, and it is at least very likely that the 1953 armistice will go the way of the Paris agreements if and when we withdraw our troops. Indeed, the North Koreans are honest and straightforward enough to have refused to conclude any nonaggression pacts with South Korea. They have consistently held that theirs is the only legitimate government of the Korean people, and that they will simply eliminate the South Korean Government as soon as this becomes feasible.

President Carter has said that when American ground troops are withdrawn the American commitment will be maintained through air and naval support. But air and naval forces must be based somewhere. Either they will be maintained in Korea itself although no naval forces are presently stationed in Korea or they must move to a relatively nearby area. But we have closed down our bases in Thailand, seem determined to phase out our installations in Taiwan, and are experiencing difficulties in renegotiating our base agreements with the Philippines. Japan is, of course, the logical place for air and naval forces to be based. But if there should be a change of government in the future in Japan, we may very well find ourselves invited to leave. The options remaining to us in the Pacific basin are becoming increasingly limited, largely as a result of our own policies.

Also, as General Stilwell points out, a North Korean ground attack on South Korea which had to pass through the American Second Division, blocking the way to Seoul, would automatically commit the United States to the defense of South Korea. The North Korean regime knows this and, therefore, hesitates to attack. If, however, we retained only the power to move in with air and naval forces, we would be required to make a conscious decision as to whether to honor our treaty commitments. Japan would probably not be happy at becoming directly involved in a new Korean conflict, and might very well press us not to enter it. At the least, we would hesitate before entering the conflict.

We are told that South Korean forces will be strengthened to make up for the reduction in American forces. But, though the President may withdraw troops, he cannot always be certain he can provide the resources to enable the South Koreans to strengthen their capabilities. The North has large defense industries, whereas the South does not, for it has concentrated far more than the North on the development of peaceful economic construction. And the President cannot guarantee congressional approval of credit sales or loans for Korean purchases of American equipment. The Vietnamese thought they had binding commitments from the United States in this area also; tragically, they found out otherwise.

Mr. President, the burden of providing for the protection of the free world is not a light one, nor is it one which we have actively sought. But it is one with which history has entrusted us. For nearly a quarter of a century, since the inconclusive conclusion of the Korean conflict, the American commitment and South Korean military strength have kept the peace, however uneasy, on the Korean peninsula. The militarist North Korean regime, founded upon the systematic suppression of all human rights, is at least honest enough to scorn dissimulation as to its purpose in reuniting the Korean peninsula by force of arms. Thus we do not have even the comfortable excuse of thinking that the situation can be resolved peacefully in some fashion.

If we withdraw, the South Koreans will very justifiably feel that we are beginning an abandonment under the guise of "Koreanization." This may lead to the spread of defeatism and the collapse of morale among the South Koreans, and perhaps to that nation's ultimate fall. In the best case, it will probably lead to the increased militarization of South Korea in response to the North Korean threat, and possibly to the proliferation of nuclear weapons if the South Koreans decide that the only way they can protect their independence is by equipping themselves with such weapons.

Aside from the South Koreans, the withdrawal will have a very bad psychological impact on the millions of people in Southeast Asia as they see yet another American ally apparently being abandoned. Not only have they seen Cambodia, Laos, and Vietnam abandoned to tyranny, but they have also watched this administration seek to "normalize" relations with Communist Vietnam. Seemingly, President Carter does not really object to the Communist takeover of Vietnam and the horrors visited upon its people, for he has spoken of the Vietnam war as a "racist" war, and he seemingly has no objection to dealing with the Vietnamese regime as if it were a legitimate government.

Mr. President, I submit that a quick withdrawal of American ground forces from South Korea represents an uncomfortably close historical parallel to the action of Secretary of State Acheson so many years ago in placing South Korea outside the U.S. defense perimeter. And the results, I fear, will be even more catastrophic for the free world, and for us, than were the consequences of Mr. Acheson's pronouncement then.

Mr. President, in view of the recent defeats we have suffered in the Pacific basin, and in view of the uncertainty of our Asian allies as to our future intentions, it seems to me that our policy in South Korea ought to be exactly the opposite of that envisioned in the committee bill. If anything, we ought to be reinforcing our contingents in South Korea, increasing our strength there, as an earnest of our intention to stay the course. I believe that such an action would do more than anything else to bolster the resolve of those allies of ours who remain in that part of the world. At the very least, we should display the resolve to maintain our presence in South Korea undiminished. That is the minimum we can do.

If instead, Mr. President, this body confirms the policy of withdrawal formulated in H.R. 6689, I believe, with Generals Singlaub and Stilwell, that we shall in all likelihood be embroiled in a new conflict in Northeast Asia within the near future. Withdrawal will be an unmistakable signal of weakness to our adversaries and friends alike. Former Secretary of State Kissinger used to talk sometimes about "choreography" in foreign relations and negotiations. Military deployments are an integral part of that "choreography," and the series of steps envisioned by this policy may cripple us drastically.

Mr. CASE. Mr. President, word of explanation is necessary I believe, on the section of the Foreign Relations Authorization Act containing $17 million for the United Nations Education, Social and Cultural Organization—UNESCO.

This money, combined with the $43 million contained in a supplemental approved earlier this year, brings the total to $60 million authorized by Congress to pay our back dues and bring us up to date. In effect, the $60 million provides for 2½ years' payments to the organization.

The $60 million figure was a compromise worked out after the administration sought funding authorization covering 4 years and a Senate Appropriations Subcommittee approved 1 year.

I agreed to the compromise in response to the administration's pleas that UNESCO faced a financial crisis and might have to call a special conference if additional funds were not made available.

As Members may recall, the Case-Bingham amendment to section 9(h) of the 1974 Foreign Assistance Act cut off further U.S. payments to UNESCO until the President certified the organization:

First, has adopted policies which are

fully consistent with its education, scientific, and cultural objectives; and

Second, has taken concrete steps to correct its recent actions of a primarily political character.

The congressional action was in response to the passage by the UNESCO general conference of three resolutions which unjustifiably condemned Israel and, in the instance of one resolution, even sought to bar her participation in the UNESCO European regional grouping.

That particular problem was dealt with at the UNESCO general conference held in Nairobi last November. But the politicization of UNESCO continues. No action was taken on the other two resolutions, and meanwhile new disputes cropped up, one over control of the international media and another aimed at barring Taiwanese scholars from participating in UNESCO activities.

It was hoped that some additional steps might be taken to improve the situation during the recently held UNESCO Executive Board meeting in Paris.

But from the reports I have received of the meeting, it appears that little progress was made.

Indeed, I was greatly concerned to learn that instead of letting lie the issue of Taiwanese participation in UNESCO-related organizations, the matter was brought up in a way which revived the issue.

I also was concerned to learn that our U.S. official representatives to the Paris conference did not make clear in their speeches why Congress was reluctant to appropriate funds for UNESCO. Subsequently, I was advised through the State Department that a tactical decision had been made in advance to raise the matter in informal discussions, "in the corridors."

Despite the efforts by the State Department to win approval of funds for UNESCO, I had not been advised of this decision in advance. I raise it not only because I am concerned about the lack of real consultation but because I believe it is important that the congressional views should have been made part of the RECORD of the proceedings, for the delegates and historians who did not happen to be in the right corridor at the right time.

Therefore, I would like to take this opportunity to make it clear that there is still strong concern in Congress that UNESCO not be used as a forum for blatant political purposes. There is still a strong feeling that more should be done to alleviate the anti-Israeli resolutions, solve the media dispute, end the barring of private citizens from UNESCO activities, because of dislike for their government, and halt any future efforts to politicize UNESCO.

There will be another UNESCO Executive Board meeting in September. I hope that the supporters of UNESCO do not miss the opportunity to help UNESCO in the words of the 1975 Case-Bingham amendment, take concrete steps to correct its actions "of a primarily political character."

The State Department, the UNESCO administration, and the Executive Board should fully understand that the patience of Congress is not unlimited. I hope that the next time administration officials come to Congress and seek UNESCO funds, they will be able to point to actual positive accomplishments in UNESCO.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time on the bill?

Mr. MCGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back his time?

Mr. PERCY. Mr. President, on behalf of the minority, I yield back the remainder of our time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is, Shall the bill pass?

Mr. MCGOVERN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, there will be further rollcall votes tonight.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from New York would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 64, nays 21, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—64

Anderson	Griffin	Muskie
Bayh	Hart	Nelson
Bellmon	Haskell	Nunn
Brooke	Hatfield	Pearson
Bumpers	Hayakawa	Pell
Burdick	Heinz	Percy
Byrd, Harry F., Jr.	Humphrey	Ribicoff
	Inouye	Riegle
Cannon	Jackson	Sarbanes
Case	Johnston	Sasser
Chiles	Kennedy	Schweiker
Church	Leahy	Sparkman
Clark	Long	Stafford
Cranston	Lugar	Stevens
Culver	Magnuson	Stevenson
Danforth	Mathias	Stone
DeConcini	Matsunaga	Tower
Durkin	McGovern	Wallop
Eagleton	McIntyre	Welcker
Ford	Metzenbaum	Williams
Glenn	Morgan	Zorinsky
Gravel	Moynihan	

NAYS—21

Allen	Garn	Proxmire
Bartlett	Hansen	Randolph
Byrd, Robert C.	Hatch	Roth
Curtis	Helms	Schmitt
Dole	Hollings	Talmadge
Domenici	Laxalt	Thurmond
Eastland	McClure	Young

NOT VOTING—15

Abourezk	Goldwater	Melcher
Baker	Hathaway	Metcalf
Bentsen	Huddleston	Packwood
Biden	Javits	Scott
Chafee	McClellan	Stennis

So the bill (H.R. 6689), as amended, was passed, as follows:

That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1978".

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 101 of the Foreign Relations Authorization Act, Fiscal Year 1977 (hereafter in this title referred to as the "Act"), is amended by—

(1) striking out "1977" in subsection (a) and inserting in lieu thereof "1978"; and

(2) striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) for the 'Administration of Foreign Affairs', $742,426,000;

"(2) for 'International Organizations and Conferences', $389,462,000;

"(3) for 'International Commissions', $21,839,000;

"(4) for 'Educational Exchange', $101,100,000;

"(5) for 'Migration and Refugee Assistance', $64,554,000.".

(b) Of the amount authorized by subsection (a) of this section for "Educational Exchange", not less than $75,000,000 shall be available for exchange of persons activities.

(c) Of the amount authorized to be appropriated by subsection (a) of this section for "Migration and Refugee Assistance", $20,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

(d) Of the amount authorized to be appropriated by subsection (a) of this section for "Migration and Refugee Assistance", not less than $8,000,000 shall be available for contributions to the United Nations High Commissioner for Refugees and to other international agencies to assist displaced persons and refugees in Africa, and not to exceed $6,000,000 shall be available for voluntary agencies to assist displaced persons from any country to resettle in the United States.

(e) Of the amount authorized to be appropriated by subsection (a) of this section,

not less than $147,000 shall be available for the establishment and operation of a passport field agency in the State of Connecticut.

TRANSFER AUTHORITY

SEC. 102. Section 102 of the Act is amended by striking out "1977" and inserting in lieu thereof "1978".

CONTRIBUTION TO THE WORLD HEALTH ORGANIZATION

SEC. 103. Title I of the Act is amended by adding at the end thereof the following:

"WORLD HEALTH ORGANIZATION

"SEC. 122. Notwithstanding the proviso in the paragraph entitled 'Contributions to International Organizations', in title I of the Act of October 25, 1972 (86 Stat. 1110), $7,281,583 of the amount authorized to be appropriated by section 101(a)(2) of this Act may be used to pay the unpaid portion of the United States' assessments to the World Health Organization of the calendar years 1974 through 1977.".

CONTRIBUTION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 104. (a) The Act of October 1, 1965 (79 Stat. 901) is hereby repealed.

(b) Not to exceed $1,000,000 shall be contributed annually by the United States to the International Committee of the Red Cross. Such sums as are necessary for this purpose shall be requested annually by the President and made available through the annual authorization and appropriation process.

CERTAIN NON-IMMIGRANT VISAS

SEC. 105. The Act entitled "An Act to provide certain basic authority for the Department of State", approved on August 1, 1956 (Public Law 84-885; 70 Stat. 890), as amended, is amended by adding at the end thereof the following new section:

"SEC. 21. For purposes of achieving satisfactory United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on August 1, 1975, the Secretary of State shall, within thirty days of an application for a non-immigrant visa by any alien excludible from the United States by reason of membership or affiliation with a proscribed organization—

"(1) recommend that the Attorney General grant approval necessary for the issuance of a visa to such alien, if such alien is otherwise admissible to the United States; or

"(2) certify in writing to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee that the admission of such alien would threaten the security of the United States.".

STRENGTHENING EDUCATIONAL EXCHANGE PROGRAMS

SEC. 106. (a) The Congress finds—

(1) that for over thirty years the United States program for the international exchange of teachers and scholars, begun by the Fulbright Act of 1946, has contributed significantly to the free flow of knowledge and to greater understanding between the United States and other nations;

(2) that it is in the interest of the United States that this program be strengthened; and

(3) that a still stronger educational exchange program can be attained by—

(i) diversifying exchange opportunities so as to assist persons from professional and public life to spend time in an academic setting and to assist teachers and scholars to spend time in professional and other pursuits in the public arena;

(ii) providing sharper focus to exchange activities by bringing selected grant recipients together for joint work on themes and problems identified as having current significance in international affairs; and

(iii) lengthening the period of some scholarships to allow work by grant recipients to be phased over more than one location.

(b) Not later than September 30, 1977, the Secretary of State shall transmit to the chairman of the Senate Committee on Foreign Relations and the chairman of the House Committee on International Relations a report on measures the Department of State has taken to strengthen educational exchange activities in accordance with subsection (a) of this section.

PUBLIC PARTICIPATION IN STATE DEPARTMENT PROCEEDINGS

SEC. 107. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved on August 1, 1956 (Public Law 84-885; 70 Stat. 890), is amended by adding at the end thereof the following new section:

"SEC. 22. (a) The Secretary may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

"(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

"(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

"(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed $250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons.".

(b) Subsection (a) shall become effective on October 1, 1977.

EMPLOYMENT OF FOREIGN SERVICE SPOUSES

SEC. 108. (a) The Secretary of State shall, when employing persons to fill jobs outside the United States to which career Foreign Service personnel are not customarily assigned, including temporary and local hire jobs, give equal consideration to employing qualified family members of United States Government employees (including family members of Foreign Service personnel) assigned to duties outside the United States. Such employment shall not be used to avoid fulfilling the need for fulltime career positions.

(b) To facilitate the employment by the Department of State, or by other employers, of the spouses of Foreign Service personnel, the Secretary may—

(1) provide regular career counseling for such spouses;

(2) maintain a centralized system for cataloging their skills and the various, governmental and nongovernmental, overseas employment opportunities available to such spouses; and

(3) otherwise assist such spouses in obtaining overseas employment.

(c) Any member of a family of Foreign Service personnel may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the United States Ambassador accredited to such country, damage the interests of the United States.

(d) Not later than September 30, 1977, the Secretary shall transmit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report on actions the Department of State has taken pursuant to the provisions of this section.

LANGUAGE TRAINING FOR FOREIGN SERVICE SPOUSES

SEC. 109. (a) It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946, as amended, in order to increase the language training opportunities available to the family members of Foreign Service personnel.

(b) Not later than September 30, 1977, the Secretary of State shall transmit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report discussing—

(i) actions he has taken pursuant to subsection (a) of this section; and

(ii) any budgetary or other obstacles which prevent the Department of State from making available a complete language training program for the families of Foreign Service personnel.

ASSISTANT SECRETARIES OF STATE

SEC. 110. (a)(1) Section 624(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384), as amended by section 301(b) of Public Law 94-329 (90 Stat. 750) is amended by substituting "Assistant Secretary for Human Rights and Humanitarian Affairs" for "Coordinator for Human Rights and Humanitarian Affairs" wherever the latter appears.

(2) Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304), as amended by section 301(a) of Public Law 94-329 (90 Stat. 748) is amended by substituting "Assistant Secretary for Human Rights and Humanitarian Affairs" for "Coordinator for Human Rights and Humanitarian Affairs" wherever the latter appears.

(3) Section 505(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314), as amended by section 302(a) of Public Law 94-329 (90 Stat. 751) is amended by substituting "Assistant Secretary for Human Rights and Humanitarian Affairs" for "Coordinator for Human Rights and Humanitarian Affairs" wherever the latter appears.

(4) Section 5 of the Arms Export Control Act (42 U.S.C. 2755), as amended by Public Law 94-329 (90 Stat. 752) is amended by substituting "Assistant Secretary for Human Rights and Humanitarian Affairs" for "Coordinator for Human Rights and Humanitarian Affairs" in subsection (d)(1) thereof

(5) Upon the date of enactment of this section, the incumbent Coordinator for Human Rights and Humanitarian Affairs may assume the duties of the Assistant Secretary for Human Rights and Humanitarian Affairs, and such officer shall not be required to be reappointed by reason of this section.

(6) Section 502B(d) of the Foreign Assistance Act of 1961 is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the following:

"(3) the term 'human rights' includes but is not limited to—

"(A) consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hindrance;

"(B) the rule of law (freedom from government terror, especially as signified by the ability of the courts to decide against the government and the absence of imprisonment or torture for political reasons);

"(C) individual freedom, including freedom of religion, freedom of speech, inde-

pendence of the media from governmental control, freedom to choose among educational systems and occupations, freedom of movement, freedom to obtain private property and operate in the market freely, and freedom to join private organizations of choice; and

"(D) minority rights (the right of ethnic, linguistic, religious and other groups to preserve traditional values and culture).".

(7) Not later than January 31, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts.

(b)(1) Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended—

(A) in subsection (a)(2), by striking out "Security and";

(B) in subsection (b)—

(i) in the first sentence, by striking out "Security and" and all that follows thereafter through "Assistant Secretary of State" and inserting in lieu thereof "Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs";

(ii) by striking out the second sentence; and

(iii) in the third sentence, by striking out "administrator" and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs";

(C) in subsection (d), by striking out "Security and"; and

(D) by repealing subsection (f).

(2) Section 105 of such Act is amended by striking out "administrator" both places it appears and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs"

(3) Section 101(a)(1) of such Act is amended by striking out "administrator of the Bureau of Security and Consular Affairs of the Department of State" and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs"

(4) The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.

(5) Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.

(c) The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "eleven" and inserting in lieu thereof "thirteen"

(d) Section 5315 of title 5, United States Code, is amended—

(1) by repealing paragraph (1); and

(2) by striking out "(11)" in paragraph (22) and inserting in lieu thereof "(13).".

AMERICANS INCARCERATED ABROAD

SEC. 111. It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning on January 1, 1978, the Secretary of State shall transmit annually to the chairman of the Senate Foreign Relations Committee and chairman of the House International Relations Committee a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals, including his assesment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.

DEATH GRATUITIES FOR FOREIGN SERVICE ALIEN EMPLOYEES

SEC. 112. Section 14(d)(1) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a(d)), is amended by—

(1) striking out "national" and inserting in lieu thereof "employee";

(2) striking out "or" immediately after "consular agent,"; and

(3) inserting a comma and the following immediately before the semicolon at the end thereof: "or an alien employee appointed under section 541 of the Foreign Service Act of 1946 (22 U.S.C. 946)".

INTERNATIONAL BOUNDARY AND WATER COMMISSION AMENDMENTS

SEC. 113. (a) Section 2(2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277d–31), as amended, is further amended by inserting immediately after the figure "$25,000" the following: "based on estimated calendar year 1976 costs plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(b) Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d–28), as amended, is further amended by inserting immediately after the figure "$30,000" the following: "based on December 1975 prices plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(c) Section 103 of the Act of September 13, 1950 (64 Stat. 847; U.S.C. 277d–3), as amended, is further amended by striking out "$100 per diem" in the second sentence, and inserting in lieu thereof "the maximum daily rate for GS–15 of the General Schedule".

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Section 201(a) of the Foreign Relations Authorization Act, Fiscal Year 1977, is amended by—

(1) striking out "1977" and inserting in lieu thereof "1978";

(2) striking out in paragraph (1) "$255,925,000" and inserting in lieu thereof "$269,286,000";

(3) striking out in paragraph (2) "$4,841,000" and inserting in lieu thereof "$4,360,000"; and

(4) striking out in paragraph (3) "$2,142,000" and inserting in lieu thereof "$19,872,000"

(b) Section 202 of the Foreign Relations Authorization Act, Fiscal Year 1977, is amended by striking out "1977" and inserting in lieu thereof "1978"

FILMS AVAILABLE TO THE JOHN FITZGERALD KENNEDY LIBRARY

SEC. 202. Notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1461), the United States Information Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services for deposit or use at the John Fitzgerald Kennedy Library in Boston, Massachusetts, copies of the following films and trims and outs:

"President Kennedy Address, Canadian Parliament";

"United in Progress";

"America Welcomes Prime Minister Baldewa (Nigeria)";

"U.S. Welcomes Crown Prince Hassan (Libya)";

"America Welcomes Ayub Khan";

"America Welcomes President Aboud (Sudan)";

"Firm Alliance (Iran)";

"American Journey (Ivory Coast)";

"A Welcome Visitor (Nehru)";

"Hailie Selassie (Return Visit)";

"His Majesty, King Hassan (Morocco) Visits U.S.";

"Salute to an African Leader (Bourguiba-Tunisia)";

"Inauguration of John F. Kennedy";

"The Task Begun";

"Progress Through Freedom";

"Forging the Alliance";

"Prime Minister of Somali Republic Visits U.S.";

"President Olympio of Togo Visits U.S.";

"Five Cities in June";

"From Uganda to America";

"President Ahidjo Visits U.S.";

"Mrs. Kennedy's Asian Journey";

"Invitation to India"; and

"Invitation to Pakistan".

No commercial use or exploitation shall be made of such films.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

SEC. 203. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Man in the Environment"; and the Administrator shall make copies of such film available for public viewing within the United States. No commercial use or exploitation shall be made of this film.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Section 8 of the Board for International Broadcasting Act of 1973 is amended to read as follows:

"SEC. 8. There are authorized to be appropriated and to remain available until expended—

"(1) $63,985,000 for the fiscal year 1978; and

"(2) such additional or supplemental amounts as may be necessary for increases in salary, pay, retirements, and other employee benefits authorized by law, and for other nondiscretionary costs.".

TITLE IV—GENERAL

CHAPTER 1—FOREIGN SERVICE ACT AMENDMENTS

CHIEF OF MISSION

SEC. 401. Section 431(c) of the Foreign Service Act of 1946 (hereinafter referred to as the "Act") is amended by inserting "or Reserve officer" immediately after "officer" each place it appears.

COMPENSATION PLANS FOR ALIEN EMPLOYEES

SEC. 402. Section 444(b) of the Act is amended by—

(1) inserting "and any other establishments of the Government, including those in the legislative and judicial branches," immediately following "Government agencies"; and

(2) adding the following new subsection at the end thereof:

"(c)(1) The head of any agency of the United States, including any agency of the legislative or judicial branch of the United

States, may compensate any current or former alien employee of the Service, including an alien employee who worked under a personal services contract; who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of an alien employee of the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the alien's employment by the United States. Such compensation shall not exceed an amount that such agency head determines approximates the salary and other benefits to which such employee or former employee would have been entitled had he remained employed during the period of such imprisonment, and may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of making payments authorized by this subsection, the head of any such agency shall have the same powers with respect to imprisoned alien employees and such former employees as any head of an agency under the provisions of subchapter VII of chapter 55 of title 5, United States Code, to the extent that such powers are consistent with this paragraph. Any period of imprisonment of an alien which is compensable under this subsection shall be considered for purposes of any other employee benefit to be a period of employment by the United States Government, except that a period of imprisonment shall not be creditable—

"(A) for purposes of subchapter III of chapter 83, title 5, United States Code, unless the individual either—

"(i) was subject to section 8334(a) of such title during the period of his Government employment last preceding the imprisonment; or

"(ii) qualifies for annuity benefits under such subchapter III by reason of other service; or

"(B) for purposes of subchapter I, chapter 8, title 5 of the United States Code, unless the individual was employed by the United States Government at the time of his imprisonment.

"(2) No compensation or other benefit shall be awarded under paragraph (1) unless a claim therefor is filed within three years after—

"(A) the date of the enactment of this subsection;

"(B) the termination of the period of imprisonment giving rise to the claim; or

"(C) the date of the claimant's first opportunity to file such a claim, as determined by the appropriate agency head; whichever is later.

"(3) The Secretary of State may prescribe regulations governing payments under this subsection by any such agency.".

CITIZENSHIP REQUIREMENT—FOREIGN SERVICE OFFICER—TECHNICAL AMENDMENT

SEC. 403. Section 515 of the Act is amended by striking out "and has been such for at least ten years".

CAREER CANDIDATE PROGRAM

SEC. 404. Section 516 of the Act is amended by—

(1) changing the caption to read "Admission to Class 6, 7, or 8";

(2) striking out in the last sentence of subsection (a) "shall" and inserting in lieu thereof "may"; and

(3) adding the following new subsection at the end thereof:

"(c) Foreign Service officer candidates who have passed examinations described in subsection (a) may be appointed by the Secretary, under such regulations as he may prescribe, for a trial period of service as Foreign Service Reserve officers of class 7 or 8. Such appointments shall be limited to a maximum of forty-eight months, but may be extended for not to exceed twelve additional months if the Secretary deems such extension to be in the public interest. Such Reserve officers may receive promotions up to class 6 for satisfactory performance during such trial period. The Secretary shall furnish the President with the names of such Reserve officers who have demonstrated fitness and aptitude for the work of the Service and whom he recommends for appointment as Foreign Service officers in the class corresponding to their Reserve officers at any time as provided in section 638.".

REASSIGNMENT OF CHIEFS MISSIONS; TECHNICAL AMENDMENT

SEC. 405. Section 519 of the Act is amended by—

(1) inserting "or Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System" immediately after "officer"; and

(2) striking out "in accordance with the provisions of section 514" and inserting in lieu thereof "to another position in accordance with this or any other Act".

CITIZENSHIP REQUIREMENT

SEC. 406. Section 522 of the Act is amended by striking out "and who has been such for at least five years".

PRESIDENTIAL APPOINTMENTS

SEC. 407. Section 571(b) of the Act is amended by inserting "or Reserve officer" immediately after "officer" each place it appears.

TECHNICAL AMENDMENTS

SEC. 408. (a) Section 811(d) of the Act is amended by striking out "July 1, 1921" and inserting in lieu thereof "July 1, 1924" in the table therein.

(b) Section 821(g) of the Act is amended by striking out in the first sentence "married" and inserting in lieu thereof "unmarried".

EFFECTIVE DATES

SEC. 409. (a) Subsection (c) of section 444 of the Foreign Service Act of 1946 as amended by this Act shall apply to all past, present, and future qualified employees, but no monthly compensation or annuity payment under title 5, United States Code, that may be approved by reason of the enactment of such subsection shall be effective before the first day of the first month which begins on or after the date of the enactment of this Act, or October 1, 1977, whichever is later. Payments that may be authorized under such subsection (c), other than such annuity or monthly compensation payments, shall be paid from funds appropriated for salaries and expenses after such date.

(b) The amendment of section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a), made by this Act shall apply with respect to deaths occurring on or after August 1, 1974, and any benefits authorized by this amendment shall be paid from funds appropriated for salaries and expenses after the date of the enactment of this Act.

AMBASSADORS FOR SPECIAL MISSIONS

SEC. 410. Section 501(c) of the Foreign Service Act of 1946 is amended by inserting immediately after "not exceeding six months" the following: "if the President, before conferring such rank—

"(1) reports in writing to the Committee on Foreign Relations of the Senate his intent to confer such rank; and

"(2) transmits therewith all materials relating to financial interests, potential conflicts of interest, contributions, security clearance, and other matters relevant to such person which would be transmitted if such person were appointed in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution".

CHAPTER 2—MISCELLANEOUS

INTERNATIONAL FOOD RESERVE

SEC. 451. (a) The Congress finds and declares that—

(1) half a billion people suffer from malnutrition or undernutrition;

(2) very modest shortfalls in crop production can result in widespread human suffering;

(3) increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) the World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

(6) the Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) little progress has resulted from the initial multilateral discussions toward the negotiation of an international grain reserve system;

(8) this lack of progress is caused, in part, by lack of leadership in such discussions; and

(9) the United States is in a unique position as the world's most important producer of foodstuffs to provide such leadership.

(b) It is therefore the sense of the Congress that the President should initiate a major diplomatic initiative toward the creation of an international system of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

UNITED NATIONS REFORM

SEC. 452. (a) The Congress finds that—

(1) the United Nations has the obligation and the opportunity to deal comprehensively with international problems regarding peace enforcement and disarmament, food and population, economic policy, the environment, and human rights;

(2) steps to assure that its processes more accurately reflect world realities can make the United Nations General Assembly and its several conferences and agencies more effective both as forums for raising these issues and as vehicles for achieving the international consensus necessary for their resolution;

(3) the United Nations has established a Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization with a mandate to consider proposals for United Nations reform; and

(4) the President has indicated his support for a major effort directed toward reforming and restructuring the United Nations system.

(b) This section is enacted because the Congress desires to join with the President in supporting proposals to make the United Nations more responsible and more effective.

(c) The United States should have a position on, and give appropriate consideration to, various possible proposals for reforming the United Nations, including but not limited to proposals which would—

(1) adjust decisionmaking processes in the United Nations by providing voting in the General Assembly weighted according to population and contributions and by modifying veto powers on certain categories of questions, such as membership recommendations, in the Security Council;

(2) foster greater use of the International Court of Justice by the United States and other members of the United Nations;

(3) supplement United Nations finances through contributions from commerce, services, and resources regulated by the United Nations;

(4) improve coordination of and expand United Nations activities on behalf of human rights;

(5) establish more effective United Nations

machinery for the peaceful settlement of disputes, including means for the submission of differences to mediation or arbitration; and

(6) adjust assessment scale calculations to reflect more accurately the actual ability of member nations to contribute to the United Nations and its specialized agencies.

(7) provide greater coordination of United Nations technical assistance activities by the United Nations Development Program in contrast to the present practice of permitting various United Nations-affiliated organizations to carry out technical assistance activities independent of adequate coordination by the United States Development Program.

Accordingly, the President shall report to the Congress as soon as possible, but no later than January 31, 1978, on his recommendations for reform of the United Nations.

The report shall also include a description and schedule of activities undertaken or planned to be undertaken by the executive branch to encourage the adoption and implementation of United Nations reform proposals.

NEGOTIATIONS WITH CUBA

SEC. 453. (a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

UNITED STATES POLICY TOWARD KOREA

SEC. 454. (a) Congress declares—

(1) that United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) that in any implementation of the President's policy of gradual and phased reduction of United States ground forces from South Korea, the United States should seek to accomplish such reduction in stages consistent with the security interests of South Korea and United States interests in Asia, notably Japan;

(3) that any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government in Japan, in fostering democratic practices in South Korea, and in maintaining stable relations among the countries of East Asia; and

(4) that these interests can be served most effectively by a policy which involves consultations by the United States Government as appropriate with the governments of the region, particularly those directly involved.

(b)(1) any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.

SPECIAL UNITED NATIONS SESSION ON DISARMAMENT

SEC. 455. Noting the decision of the General Assembly to convene a special session on disarmament in the spring of 1978, knowing of the important role that comprehensive disarmament could play in securing world peace and economic development, and being cognizant of the agreement by the signatories of the Limited Test Ban Treaty who stated in signing that Treaty that "their principal aim is the speediest possible achievement of an agreement on general and complete disarmament which would put an end to the armament race and eliminate the incentive to produce and test all kinds of weapons, including nuclear weapons," the Congress requests that the President, not later than January 31, 1978, submit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report, under appropriate classification if necessary—

(a) outlining procedures, including consultation with civic groups, which the executive branch is following in preparing for the special General Assembly session on disarmament; and

(b) the likely United States positions to be tabled at the special session, including their relationships to the strategic arms limitation talks and the negotiations on mutual and balanced force reductions in Europe.

UNITED STATES—EUROPEAN COMMUNITY INTERPARLIAMENTARY GROUP

SEC. 456. (a)(1) Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the European Parliament as a United States—European Community Interparliamentary Group for a discussion of common problems in the interest of sound relations between the United States and the nations of the European Community. Of the Members of the Congress to be appointed for this purpose (hereafter designated as the United States Group), not to exceed twelve shall be appointed, upon recommendations by the majority and minority leaders of the Senate, by the President of the Senate from Members of the Senate (not less than four of whom shall be from the Committee on Foreign Relations); and not to exceed twelve shall be appointed by the Speaker of the House of Representatives (not less than four of whom shall be from the Committee on International Relations).

(2) Such appointments shall include the designation of a Chairman for the Senate delegation and a Chairman for the House delegation, and shall be made for the period of each meeting of the United States—European Community Interparliamentary Group.

(b)(1) There shall be annually appropriated, subject to the annual authorization and appropriation process, not to exceed $50,000, of which not to exceed $25,000 shall be for the Senate delegation and not to exceed $25,000 for the House delegation to assist in meeting the expenses of the United States Group of United States—European Community Interparliamentary Group for each fiscal year for which an appropriation is made. The Senate and House portions of such appropriation shall be disbursed on vouchers to be approved by the chairman of the Senate delegation and chairman of the House delegation respectively.

(2) The United States Group of the United States—European Community Interparliamentary Group shall submit to the Congress a report for each fiscal year for which an appropriation is made which report shall include a specification of expenditures under such appropriation.

(3) The certificate of the chairman of the House delegation or Senate delegation of the United States—European Community Interparliamentary Group shall be final and conclusive upon the accounting officers in the auditing of all accounts of the United States group of the United States—European Community Interparliamentary Group.

FOREIGN GIFTS OR DECORATIONS

SEC. 457. Section 7342 of title 5, United States Code, is amended to read as follows:

"§ 7342. Foreign gifts and decorations

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title;

"(B) an expert or consultant while under contract with the United States or any agency, department, or establishment thereof pursuant to section 3109 of this title;

"(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the District of Columbia;

"(D) a member of a uniformed service;

"(E) the President;

"(F) a Member of Congress as defined by section 2106 of this title or any Delegate to the Congress; and

"(G) a member of the family and household of an individual described in subparagraphs (A) through (F) of this paragraph:

"(2) 'foreign government' means—

"(A) any unit of foreign governmental authority, including foreign national, State, local, and municipal governments;

"(B) international and multinational organization whose membership is composed of any unit of foreign government authority as defined in subparagraph (A); and

"(C) any agent or representative, whether acting in an official or private capacity, of any such unit or such organization;

"(3) 'gift' means a present or thing, other than a decoration, tendered by, or received from, a foreign government; except as provided in section 108A of the Mutual Educational and Cultural Exchange Act of 1961, as amended by Public Law 94-350 (90 Stat. 825);

"(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

"(5) 'minimal value' means a retail value at the time of acceptance not in excess of $100, except that—

"(A) at intervals of three years after the date of enactment of this section, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services in consultation with the Secretary of State to reflect changes in the consumer price index for the period of the immediately preceding three years; and

"(B) regulations of agencies, offices, and other entities may define 'minimal value' for their employees to be less than the value prescribed under this paragraph;

"(6) 'employing agency of the Government' means—

"(A) the Committee on Standards of Official Conduct, for Members and employees of the House of Representatives;

"(B) the Senate Select Committee on Ethics, for Senators and employees of the Senate: Provided, that for the purposes of subsection (c)(2) and subsection (e), the Secretary of the Senate shall carry out the responsibilities of the employing agency;

"(C) the Administrative Office of the United States Courts, for judicial branch employees; and

"(D) the department, agency, office or other entity in which an employee is employed, for all other legislative and executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, except in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered or received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when it

appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(1) a gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel expenses within a foreign country (such as transportation, food, and lodging) of more than minimal value from the government of that country only when the employing agency of the Government determines in advance that such travel is in the interest of the United States and that circumstances and conditions make acceptance of such expenses necessary.

"(2) Within sixty days of the acceptance of a gift of more than minimal value, the donee shall—

"(A) deposit the gift for disposal with the head of the employing agency of the Government or his delegate; or

"(B) subject to the approval of the employing agency of the Government, deposit the gift with that agency for official use. Within thirty days of termination of the official use, the employing agency of the Government that has retained the gift for official use shall forward the gift to the General Services Administration as hereinafter prescribed.

"(3) When a donee deposits a gift of more than mimimal value for disposal or for official use under paragraph (2), or within thirty days of acceptance of travel expenses as provided in paragraph (1)(B), the donee shall file a statement with the head of the employing agency of the Government or his delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operation or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the donee, within sixty days of acceptance, with the employing agency for official use or forward to the General Services Administration for disposal as hereinafter prescribed.

"(e) Gifts and decorations that have been deposited with the head of the employing agency of the Government or his delegate for disposal shall be (1) returned to donor, or (2) forwarded to the General Services Administration for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal shall be sold without the approval of the Secretary of State or his delegate, who shall have determined that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(f) As soon as practicable after December 31 of each calendar year but no later than January 31 of the succeeding year, the head of each employing agency of the Government or his designate shall compile a listing of all statements filed by employees of his agency in accordance with subsection (c)(3) and transmit such listing to the Secretary of State, who shall consolidate all such listings and shall cause a consolidated listing to be published in the Federal Register. Such listings shall include for each gift reported the following information:

"(1) the name and position of the employee;

"(2) a brief description of each gift accepted;

"(3) the foreign government and the name and position of the individual who presented each gift;

"(4) the date of acceptance of each gift;

"(5) the estimated retail value in the United States of each gift at the time of acceptance; and

"(6) disposition or current location.

In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described clauses (1) and (3) (except for the name of the foreign government involved) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g) No appropriated funds may be used to purchase any gift of more than minimal value for any foreign persons unless such gift has been specifically authorized by Congress or unless such gift has been purchased with appropriated funds from the 'Emergencies in the Diplomatic and Consular Service' account of the State Department. Beginning October 1, 1977, the Secretary of State shall transmit to the chairman of the Senate Foreign Relations Committee and the chairman of the House International Relations Committee a report containing details on (1) any such gifts of more than minimal value purchased during the previous fiscal year using funds from such account; and (2) any other gifts of more than minimal value given by the United States Government which were not obtained using appropriated funds.

"(h)(1) The head of each employing agency or his designate shall, pursuant to guidance provided by the Secretary of State, prescribe regulations to carry out the purpose of this section. These regulations shall be implemented by each of the employing agencies of the Government for their employees.

Upon request by another employing agency, the Department of State shall provide a determination as to whether a specified person or organization falls within the definition of "foreign government" contained in subsection (a).

"(2) The head of each employing agency or his designate shall—

"(A) document cases in which there is reason to believe that an employee has violated this section and refer such cases to the Attorney General;

"(B) establish a procedure whereby an independent appraisal of gifts may be obtained when necessary; and

"(C) take other similar actions necessary to carry out the purpose of this section.

"(i) Any employee who fails to deposit a gift of more than minimal value as required under subsection (c)(2) shall, upon conviction, be punishable by a fine of not to exceed $1,000 or by imprisonment for not to exceed twelve months, or by both such fine and imprisonment.

"(j) The Secretary of State shall direct all chiefs of missions to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving foreign gifts or decorations of more than minimal value.

"(k) Nothing in this section shall be construed to derogate any rule or regulation established by any emoloying agency which provides for more stringent limitations on the receipt of gifts and decorations.".

STRENGTHENING INFORMATION, CULTURAL, AND RADIO ACTIVITIES

SEC. 458. (a) Upon considering the organization of the Department of State and the United States Information Agency for the conduct of international information, cultural and radio broadcasting activities, the Congress finds—

(1) a clear distinction between—

(i) the function of explaining and advocating United States foreign policy, which may be described as "policy articulation"; and

(ii) "cultural activities", which serve to strengthen international understanding in general, and to portray America values and American society in its diversity and as a whole. Such activities include not only exchange-of-persons programs and efforts to convey information about the arts, letters, education, and science, but also efforts to convey information about the American economy and governmental system and even the views of American citizens on international affairs;

(2) that the resposibility for policy articulation abroad should be carried by the Department of State, which already has this responsibility for domestic audiences;

(3) that for purposes of greater efficiency and effectiveness, all cultural activities presently divided between the United States Information Agency and the Department of State should be combined in a single agency, which should operate with a significant degree of autonomy;

(4) that global radio broadcasting by the Voice of America, in addition to constituting a significant international news source, is both a important cultural activity, serving to portray American values and society, and also an important medium for the articulation of official United States policy; and that these potentially conflicting roles can be better reconciled—and the stature and credibility of Voice of America broadcasts enhanced—if the Voice of America has a clear mandate to broadcast accurate, objective, and comprehensive news, to represent American society in its totality, and to provide such air time as is necessary for the articulation by executive branch spokesmen of official United States policy; and

(5) that Voice of America programs should be made available to additional audiences by means of increased transmission facilities and broadcasts in more languages.

(b) Not later than October 31, 1977, the President shall transmit to the chairman of the Senate Committee on Foreign Relations and the chairman of the House Committee on International Relations a plan for reorganization of the Department of State and the United States Information Agency taking into account the findings and reports of the Panel on International Information, Education, and Cultural Relations; the Commission on the Organization of the Government for the Conduct of Foreign Policy; the General Accounting Office; and the United States Advisory Commission on Information.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

SEC. 459. (a) The President shall take appropriate steps to insure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies, especially in agriculture, in industry, and in the production, conservation, and use of energy.

(b) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant, the purposes being to insure that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

COMPENSATION FOR JUNIOR FOREIGN SERVICE OFFICERS

SEC. 410. (a) Paragraph (2) of section 5541 of title 5, United States Code, is amended by adding at the end thereof the following new subclauses:

"(xiv) a 'Foreign Service officer', as provided for by section 401 of the Foreign Service Act of 1946; or

"(xv) a 'Foreign Service information officer', as provided for by the first section of the Act entitled 'An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the United States Information Agency through establishment of a Foreign Service Information Officer Corps', approved on August 20, 1968 (22 U.S.C. 1221).".

(b)(1) The President shall increase the amount of each rate of per annum salary in classes 5 through 8 of Foreign Service officers in the table contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), by $250.

(2) Pay may not be paid, by reason of the increase provided under paragraph (1), at a rate in excess of the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Notwithstanding the provisions of section 414 of the Foreign Service Act of 1946, as amended (22 U.S.C. 869), the rate of per annum salary of a Foreign Service Reserve officer shall not be increased by reason of the increase made by paragraph (1).

(c) The increase made by reason of subsection (b)(1) shall apply with respect to pay periods beginning on or after October 1, 1977, and shall be in addition to any increase or adjustment made under subchapter I of chapter 53 of title 5, United States Code.

UNITED STATES—VATICAN DIPLOMATIC RELATIONS

SEC. 461. The last sentence of the second paragraph of the Act entitled "An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-eight, and for other Purposes", approved February 28, 1867 (14 Stat. 413), is repealed.

PROHIBITION AGAINST CIVILIAN MILITARY OPERATIONS

SEC. 462. Section 10(a) of the Neutrality Act of 1939, as amended (22 U.S.C. 450(a)), is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST CIVILIAN MILITARY OPERATIONS

"SEC. 21. It shall be unlawful for any person within the United States who is not legally authorized to knowingly—

"(1) plan, or participate in or carry out, directly or indirectly, any act of sabotage or any military or paramilitary operation or activity, in or against any foreign state with which the United States is not at war or any aircraft or vessel of such foreign state; or

"(2) plan or participate in, directly or indirectly, the assault, kidnapping, or killing of any resident of such foreign state.".

DUAL CAPACITY: ACCEPTING EMPLOYMENT WITH FOREIGN GOVERNMENT OR CONCERN

SEC. 463. (a) The item pertaining to section 1032 in the table of sections for chapter 53 of title 10, United States Code, is amended to read as follows:

"1032. Dual capacity: Accepting employment with foreign government or concern."

(b) Section 1032 of title 10, United States Code, is amended to read as follows:

"§ 1032. Dual capacity: Accepting employment with foreign government or concern.

"(a) Subject to the provisions of subsection (b), the consent of Congress is granted to—

"(1) any retired member of a uniformed service;

"(2) any member of a Reserve component of the Armed Forces; and

"(3) any member of the commissioned Reserve Corps of the Public Health Service;

to accept any civil employment, and compensation therefor from, with respect to which the consent of Congress is required by clause 8 of section 9, article I of the Constitution, relating to the acceptance of emoluments, offices, or titles from a foreign government.

"(b) No individual described in subsection (a) may accept any employment or compensation described in such subsection unless the Secretary concerned and the Secretary of State approve such employment.

"(c) For purposes of this section, the term—

"(1) 'uniformed services' means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration;

"(2) 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

"(3) 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

"(B) the Secretary of the Navy, with respect to retired members of the Navy and Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

"(C) the Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

"(D) the Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

"(E) the Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(F) the Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.".

LIMITATION ON COMMITMENTS TO VIETNAM

SEC. 464. In discussions with the Socialist Republic of Vietnam, the President shall make no commitment to provide any reparations or aid to Vietnam. Further, the President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

SAINT LAWRENCE SEAWAY TOLL NEGOTIATIONS

SEC. 465. (a) There is established an advisory board (hereafter in this section referred to as the "Board") to advise the Secretary of State with respect to the negotiations with Canada concerning toll increases on the Saint Lawrence Seaway and the Welland Canal.

(b) The Board shall consist of fifteen members appointed by the President from among representatives of groups in the Great Lakes area which would be affected most directly by increased tolls, including port directors, port authorities, maritime labor, shipping companies, shippers, and consumers.

(c)(1) Members of the Board shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-15 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

(2) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) The Board shall cease to exist on the date designated by the Secretary of State as the date on which the negotiations described in subsection (a) are completed or on September 30, 1978, whichever date occurs first.

INFORMATION OFFICES IN THE UNITED STATES

SEC. 466. It is the sense of the Congress that any foreign country should be allowed to maintain an information office in the United States.

BELGRADE CONFERENCE

SEC. 467.—The Congress finds that the Belgrade Conference to review compliance with the Helsinki Accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Scharansky and instructs the United States representatives to the Belgrade Conference to express the official concern of the United States over the Scharansky case.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGOVERN. Mr. President, I would like to take just a moment to thank three members of our Foreign Relations Committee staff who worked very hard on this legislation: Mr. John Ritch; Mr. Norvill Jones, the staff director; and Mr. Dave Keaney on the minority side. I also express my appreciation to the distinguished majority leader for the enormous help that he gave in unraveling some of the knots that otherwise would have tied up this legislation indefinitely.

I also express my appreciation to Senator CASE and Senator PERCY and others on the minority side who were so helpful, both in shaping the legislation and guiding it through passage today.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 6689.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the title will be appropriately amended.

Mr. McGOVERN. Mr. President, I move that the Senate insist upon its amendments, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. SPARKMAN, Mr. McGOVERN, Mr. PELL, Mr. BIDEN, Mr. CASE, Mr. PERCY, and Mr. BAKER conferees on the part of the Senate.

Mr. PERCY. Mr. President, I join my colleague in expressing our appreciation to the majority leader; to Dave Keaney on the minority staff, and Scott Cohen of my office.

As always, I have enjoyed working

with Senator McGOVERN and Senator CASE on this legislation.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider H.R. 6179 which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 6179) to amend the Arms Control and Disarmament Act of 1977 to authorize appropriations for fiscal year 1978, and for other purposes.

The PRESIDING OFFICER. The time for debate on this bill is limited.

Mr. ROBERT C. BYRD. Mr. President, the order is on the calendar. We can dispense with that and let the manager proceed.

The Senate proceeded to consider the bill, H.R. 6179, which had been reported from the Committee on Foreign Relations with an amendment in the nature of a substitute.

Mr. PERCY. Will the Senator yield?

Mr. PELL. Yes.

Mr. PERCY. Mr. President, I ask unanimous consent for Mary Locke of my staff to have the privilege of the floor during discussion and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that, if they have not already received permission, Norvill Jones, George Ashworth, and Geryld Christianson may have the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I make the same request for Steve Byren and Mike Kraft of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, the bill now before the Senate, H.R. 6179, authorizes modest expenditures for the Arms Control and Disarmament Agency in fiscal year 1978. The bill also makes certain other changes in the law which will improve the effectiveness of the Agency.

The Subcommittee on Arms Control, Oceans and International Environment of the Committee on Foreign Relations held a hearing on the Arms Control and Disarmament Agency authorization on April 20, with the Honorable Paul C. Warnke, Director of the Agency. Following that hearing, the subcommittee met in open session to mark up the authorization bill. On May 11, the Committee on Foreign Relations considered the recommendations of the subcommittee and, at my suggestion, approved a further change in the authorization level. The committee then substituted the language of the amended Senate bill for the text of H.R. 6179 and ordered the bill favorably reported by voice vote.

The executive branch requested an authorization of $13,600,000 for the Agency in fiscal year 1978. This compares with a 2-year authorization for fiscal years 1976 and 1977 of $23,400,000. The Agency had planned to spend approximately $11,050,000 for program operations, and $2,550,000 for external research.

At the subcommittee session with Mr. Warnke, there was some discussion of increased funding for public affairs activities and external research. However, the subcommittee decided that, absent justification, it would not recommend an increased amount for research and public affairs. On April 29, Mr. Warnke sent a memorandum discussing possible uses of additional funds. It was stated that an additional $500,000 could be used effectively for public affairs in fiscal year 1978, and that between $1,000,000 and $2,000,000 more than was budgeted could be used for external research. After consideration, the full committee decided to increase the authorization by $1,000,000, to be divided between public affairs and external research.

In addition, the bill earmarks $2,000,000 of the authorization for a broad range of purposes for furtherance of International Atomic Energy Agency safeguards programs and related activities. Appropriate uses might include procurement of safeguard devices, external research projects conducted under the direction of the Arms Control and Disarmament Agency, and technical assistance provided to the International Atomic Energy Agency by Arms Control and Disarmament Agency personnel. With the addition of $1,000,000 for external research and public affairs, and $2,000,000 for furtherance of International Atomic Energy Agency safeguards programs and activities, the total recommended authorization is $16,600,000.

There are other significant provisions in the bill.

Section 2 creates a new executive level IV position in the Agency—that of Special Representative for Negotiations—a position equal in rank to that of the Agency's Deputy Director. The executive branch plans for this official to serve as Alternate Chairman of the U.S. Strategic Arms Limitation Talks, SALT, delegation, but the Special Representative could also serve in other important arms control and disarmament negotiations. Since the Director of the Arms Control and Disarmament Agency, Mr. Warnke, cannot deal exclusively with SALT or other negotiations for protracted periods, this senior deputy can ease the demands upon the Director and provide depth of leadership and continuity to negotiations.

Section 3 removes, at the administration's request, the requirement that all of the Agency's contracts and grants be with U.S. institutions and persons. The Agency cited several instances in which this constraint has interfered with national objectives such as the inability to contract for certain information in regard to Canadian heavy water reactors, and to obtain field testing of safeguard techniques and equipment developed for the Agency. The committee approved this provision on condition that foreign contractors would be used only when there was a clear need to do so. Mr. Warnke agreed to inform the committee and provide an explanation on each occasion when a non-U.S. contractor was used.

Section 4 allows the Agency an exception from the appointment and classification provisions of the competitive civil service system in order to allow the Agency to compete effectively for employees with other executive branch agencies. Similar exceptions have been granted to the Central Intelligence Agency, the Energy Research and Development Administration, and the Nuclear Regulatory Commission. This provision would not deprive involuntarily any present employee of his normal civil service rights.

Section 4 would also permit employees of the Agency to accept reimbursement for travel and expenses. The reimbursement could be retained by the employee or deposited to the credit of the Agency as appropriate. The purpose of this change is to allow the Agency to fulfill requests for speakers to address groups desiring information on arms control and disarmament matters, and to be reimbursed when the requesting organization is able and willing. This reimbursement would cover only costs. There would be not honoraria involved.

Section 5 allows the Arms Control and Disarmament Agency the same access to restricted data as the Department of Defense and the National Aeronautics and Space Administration. The Energy Research and Development Administration, ERDA, objected to this change. I have received further views today from ERDA and the Arms Control and Disarmament Agency. On the basis of this information, I conclude that the best approach would be to continue the present process. I have received assurances from ERDA that every effort will be made to resolve any problems with the clearance processes, so that it can work to the mutual satisfaction of ERDA and the Arms Control and Disarmament Agency. With this understanding, I am offering an amendment to delete section 5 of the bill, which would have changed the current restricted data clearance procedures.

Mr. President, I believe that with relatively small additional expenditures, this bill will enhance certain key activities of the Arms Control and Disarmament Agency. Specifically, this bill will provide adequate funding for the Agency to conduct first-rate public affairs programs. Second, the bill allows the Agency to conduct the kind of external research programs which will be so necessary in this time of interest in arms control limitation. As my fellow Senators know, this administration is exploring a number of new arms control initiatives. A strong external research program will do much to bolster those initiatives. Finally, the Arms Control and Disarmament Agency will be able to give strong support to international safeguards programs, support which doubtless will be extremely valuable. The Subcommittee on Arms Control, Oceans, and International Environment has been conduct-

ing hearings on nonproliferation issues. While there is considerable disagreement as to how best approach the overall problems of nuclear proliferation, there has been virtual unanimity on the importance of a strong effort to help the Agency keep pace with the tremendous growth of nuclear energy.

A strong and effective Arms Control and Disarmament Agency can help find ways to use arms control to ease the burdens of armaments while enhancing the national security of the United States. A combination of sound and comprehensive arms control initiatives and judicious national defense programs can help us insure that the United States remains a strong Nation.

UP AMENDMENT 482

Mr. PELL. Mr. President, I offer the perfecting amendment at this time and ask that it be stated.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes unprinted amendment 482. On page 10, beginning with line 4, strike out all through page 12, line 8.

Mr. PELL. What this bill does is give the Director of ACDA the authority to grant restricted data clearances to employees and contractors. As of now, ERDA grants the clearances requested by ACDA in regard to restricted data access and feels very strongly that it should continue to do so. As I noted earlier, ERDA is willing to amend its procedures so as to avoid the hangups that cause the ACDA to want this change.

For that reason, I move that this particular new provision, section 5, in our bill, be eliminated. I ask that this amendment be approved.

Mr. PERCY. I support the deletion of that section of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT 483

Mr. HUMPHREY. Mr. President, I note that our esteemed colleague (Mr. CRANSTON) had an amendment. I shall, on his behalf, send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. HUMPHREY. I suggest that the amendment be read.

The second assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) for himself, Mr. CRANSTON, Mr. JACKSON, Mr. GRIFFIN, Mr. CASE, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. MCCLURE, Mr. BAYH, Mr. LEAHY, Mr. CHILES, Mr. BENTSEN, Mr. METZENBAUM, Mr. TOWER, Mr. HELMS, and Mr. DOMENICI, proposes unprinted amendment 483.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

VERIFICATION OF ARMS CONTROL AGREEMENTS

SEC. 7. Title III of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"VERIFICATION OF ARMS CONTROL AGREEMENTS

"SEC. 37. (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by the appropriate committee of the Congress—

"(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

"(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

"(3) the number of professional personnel assigned to arms control verification by each department or agency of the Government on a full-time basis; and

"(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

"(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods employed in the verification of compliance with arms control agreements.".

Mr. CRANSTON. Mr. President, I shall speak very briefly on this amendment, which I believe is not at all controversial.

This amendment deals with the verification of arms control agreements, and is jointly introduced by Senator JACKSON, Senator GRIFFIN, Senator CASE, and myself. Senators HOLLINGS, MATSUNAGA, MCCLURE, BAYH, LEAHY, CHILES, BENTSEN, METZENBAUM, TOWER, HELMS, and BROOKE have asked to be added as cosponsors of the amendment and we welcome their support.

Briefly, the amendment does the following. It states the sense of Congress that the ability to adequately verify compliance with the terms of arms control agreements is a very important part of such agreements. Second, it requires the Director of the Arms Control and Disarmament Agency to report to Congress his determinations as to the verifiability—by national technical means—of the components of arms control proposals, and to inform Congress of any changes in our ability to verify arms control agreements.

Third, the Director is to report to Congress on the number of professional personnel within the Government assigned to verification, and the funds allocated to the verification task in the budget of the Arms Control Agency.

These, in brief, are the major provisions of the amendment. But what is its underlying political rationale? What are the reasons for it? And how should its provisions be interpreted?

Most importantly, this amendment—which is very similar to one passed in the House—sends a signal to all interested parties that there is widespread concern in the Senate, and the country, over the verifiability of arms control agreements, especially those dealing with strategic arms. As Paul Warnke stated before the Foreign Relations Committee, in response to Senator GLENN: "Verification is at the very heart of the arms control process." It can serve to enhance the credibility of agreements and, in that sense, our verification abilities are the foundation for the trust that must be established between potential adversaries if arms control is to work. If there are national means to verify aspects of SALT agreements, or MBFR agreements, then the Senate must be aware of them. If there are imperfect means, or no means, to verify some aspects of agreements, then the Senate must know this.

However, Mr. President, I do not mean to suggest—and the amendment does not require—that all aspects of an arms control agreement must be 100 percent verifiable in order to be acceptable. It is likely that, under any agreement, some elements could be fully verified by national technical means, some elements could be partially verified by such means, some might require onsite inspection, and some elements would not necessarily require any verification.

In determining the adequacy of verification, a balance will have to be cast by the Director of the Arms Control Agency and all other responsible officials between the degree of risk posed by possible violation of an agreement and the gains to U.S. security flowing from the restraints imposed by the agreement on other countries. In addition, the Director will need to take into account the risks to a potential violator that a violation could be detected, while assuming that measures of concealment could be employed.

The amendment would require the Director to report to Congress on the verifiability of "significant" arms control proposals. There is no intention here, Mr. President, to unduly involve Congress in the day-to-day details of arms control negotiations. While Congress should be kept abreast of significant developments in the arms talks, the head of the Arms Control Agency is not expected to run to the Hill every time there is some new development across the negotiation table. I am confident that ways will be found for the Director—and for other administration officials—to inform the appropriate committees on a timely basis of the verification problems attending the major "package" proposals of each side.

It seems to me that a reasonable procedure would be for one report to be given to Congress on the verification problems associated with a particular weapon system—for example, cruise missiles—with the understanding that additional reports would not be necessary every time that system was discussed in the ongoing negotiations. The Director rightfully would retain con-

siderable discretion as to how detailed his verification reports would be. The amendment is an effort to make a reasonable request of the Director without imposing a heavy bureaucratic burden and without compromising the security of the country.

This leads to another point. Nothing in this amendment is to be construed as requiring the disclosure of information relating to intelligence sources or methods employed in the verification of compliance with arms control agreements. One of the major deficiencies of the amendment as passed in the House was that it could have compromised sensitive sources and methods. Therefore, our amendment includes the final paragraph (c). While the Arms Control Agency must report to Congress on personnel assignments in the verification area, this is not a public disclosure requirement. I assume that all reports on these matters will be classified.

While it is not intended for the amendment to require the Arms Control Director to reveal national secrets, it would be a positive development—in my view—if the different requirements in the amendment were to result in the Arms Control Agency working more closely with the intelligence community and other departments. For example, the Director is required to report on the number of professional personnel assigned to verification by every department and agency of the Government. And he is required to determine the degree to which arms control agreements can be verified.

As I understand past practice, the Agency itself does not generate arms control verification data and, therefore, it does not know in detail the number of people assigned by specific agencies to verification tasks. If the Arms Control Agency does not know the scope and magnitude of the total U.S. Government effort associated with verification, and is not in a position to make judgments about verification, it certainly should have such knowledge and capability. This amendment may encourage closer consultation between key agencies of the executive branch with different arms control responsibilities. It would be desirable for the Arms Control Agency to become more involved in the formulation of intelligence requirements relating to arms control.

Finally, Mr. President, I wish to commend the new Director of the Agency, Paul Warnke, for his efforts to strengthen the role of verification experts in the policymaking process. By reorganizing the Agency, he has tried to make verification an integral part of all the operations there so that such an important capability would not exist as a cosmetic appendage unrelated to specific problems.

Mr. President, I will not go into further detail at this time, unless that is desired by any Member.

Mr. PELL. Mr. President, I ask the Senator from California if he would accept a slight modification, to insert the word "adequate"?

Mr. CRANSTON. Yes.

Mr. President, I so modify the amendment, in the first line of section 37(a), if there is no objection.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

Mr. HATCH. Will the Senator yield?

Mr. CRANSTON. Certainly.

Mr. HATCH. As I recall Mr. Warnke's statement in the hearing, he said that he would refuse to sign an agreement that did not contain as a minimum visual, onsite inspections and noninterference with the other verification proceedings, is that the Senator's recollection?

Mr. CRANSTON. I do not know exactly what he stated. But he has stated that he fully recognizes the importance of verification. He has indicated he feels there may be the necessity for some onsite inspection.

This is simply an effort by Congress to express its view that verification is very important, and spelling out some of the terms in connection with verification.

Mr. HATCH. Does the Senator feel this particular approach covers that adequately, the verification procedure?

Mr. CRANSTON. Yes.

Mr. HATCH. That he indicated during his interrogation by the Senate Foreign Relations Committee?

Mr. CRANSTON. I think it is quite consistent with all of that.

The PRESIDING OFFICER. Does the Senator modify his amendment?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Is the Senator modifying his amendment?

Mr. CRANSTON. Pardon?

Mr. GRIFFIN. Is the Senator modifying his amendment, is he asking to modify his amendment?

Mr. CRANSTON. I modified the amendment only by inserting the word "adequate" before the word "verification"—at Senator PELL's request.

Mr. GRIFFIN. I wonder if I can ask for the explanation. Verification is verification. When we say "adequate verification" who is going to determine the adequacy then?

Mr. CRANSTON. I think the point is that some matters require verification. There has to be some judgment as to which elements of an arms control agreement must be verified—certainly the central provisions—and where total verification may not be possible or necessary.

That is the view that has been expressed by people in the administration.

Mr. PERCY. Will the Senator yield for a clarification?

Mr. CRANSTON. And the language of the amendment by Senator PELL made that very plain.

Mr. PERCY. I think, if my interpretation is correct, the amendment assures Congress would be kept up to date and with full consultation on this, so that adequate verification, in a sense, could be subject to comment, criticism, and suggestions by Members of Congress.

Mr. PELL. I think with the word "adequate" in there, would mean that I, for one, would be more than glad to accept the amendment.

Mr. PERCY. Mr. President, I congratulate the sponsor of the amendment (Mr. CRANSTON) and the cosponsors.

Verification will be a major element of any new agreement on SALT and of other possible agreements now under discussion in international forums.

This amendment insures that the executive branch will place the necessary emphasis on adequate verification as a critically important ingredient among the advantages and risks that must be weighed in reaching arms control agreements.

The amendment also insures that Congress will be kept up-to-date on verification efforts and that we will have the benefit of full executive branch consultation.

I think it is a good amendment and I am glad to see it being considered here today.

I certainly support it.

Mr. STEVENS. Will the Senator yield for one question?

Mr. CRANSTON. Yes.

I would like to say one further word in response to the question by the Senator from Michigan, who is one of the original architects of this amendment, and whose judgments on these matters are highly valued.

It is likely, under any agreement, that all elements could be fully verified by national technical means. Some could be partially verified by such means. Some might well require onsite inspection, as Mr. Warnke has noted, and some elements would not necessarily require any verification. But that would be, in my judgment, for the administration first and then for the Congress to decide in considering what was occurring in the negotiations on any treaties to be submitted to us.

Mr. STEVENS. I am a little disturbed about requiring that the number of professional personnel assigned on a full-time basis be disclosed.

I note the exception that says that there is nothing to require disclosure of sensitive information relating to intelligence sources or methods.

But the requirement that the professional personnel assigned to any agency or department of the Government, seems to me to run into the question of identification of intelligence agents, or at least a numbering of them.

I ask whether it is intended that paragraph 3 apply to the intelligence agencies of the Federal Government?

Mr. CRANSTON. I think the Senator's concern should be covered by the final section (c) of the amendment which states:

> Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods employed in the verification of compliance with arms control agreements.

Mr. STEVENS. Well, intelligence sources or methods, or persons, employed by intelligence agencies in verification of this, I would agree. We do have a little difficulty, I think, in just saying that intelligence sources or methods that deal with employment.

I think that is extremely sensitive in-

formation, the number of people involved in these security agencies dealing with verification.

Mr. CRANSTON. Of course, the purpose here was to give us assurance that there were an adequate number of people working on this very important matter of verification, but any reports submitted to us would not indicate whether they were intelligence agents or engaged in other related activities.

Mr. PELL. Nor would include those, as I understand it, on national matters of verification.

Mr. STEVENS. I do not wish to pursue the problem to the point of being difficult about it, but some of us have the duty of knowing where these people are and what they are doing.

It would disturb me very much if the Senator is saying they must be disclosed when we have spent a lot of time protecting them.

Mr. CRANSTON. Would the Senator repeat his proposal for adding that?

Mr. STEVENS. I would say, relating to intelligence sources, methods or persons employed in the verification of compliance with the arms control agreements.

That, of course, is all modified relating in sensitive information relating to intelligence sources, methods, or personnel, the intelligence personnel we are referring to.

Mr. CRANSTON. I so modify the amendment.

I thank the Senator.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

VERIFICATION OF ARMS CONTROL AGREEMENTS

SEC. 7. Title III of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"VERIFICATION OF ARMS CONTROL AGREEMENTS

"SEC. 37. (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by the appropriate committee of the Congress—

"(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

"(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

"(3) the number of professional personnel assigned to arms control verification by each department or agency of the Government on a full-time basis; and

"(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

"(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(C) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.".

Mr. JACKSON. Mr. President, the proposed amendment is simple, clear and I believe, likely to meet with the approval of all or nearly all Senators. It requires that the Senate receive, on a timely basis, the assessment of the Director of the Arms Control and Disarmament Agency as to what can and what cannot be verified and to what degree specific elements of proposals made to or by the United States can be adequately verified.

The amendment would cover the verification of all the principal negotiations: SALT, MBFR, nuclear testing and the like. Minor negotiations outside these areas would not necessarily be covered.

The amendment makes it clear that the Director, in discharging his reponsibilities under this act, should refrain from making sanguine assumptions about Soviet readiness to comply with agreements. Rather it requires him to assume, in reporting, that the Soviets will resort to such concealment and such changes in their standard practices as would impede our ability to verify compliance. That they might not actually choose to do so is not the point. The point is that the Senate ought to have the benefit of a clearheaded analysis, as precise, factual, and objective as possible, and it ought to have this well before significant agreements are concluded.

I hope and trust that the administration will understand the seriousness with which the Congress views these matters and the importance that we attach to verification in arms control agreements. One can only agree with the current Director of the Arms Control Agency who said: "An unverifiable agreement is worse than none at all." I urge my colleagues, in a bipartisan spirit, to join with us in approving this amendment.

Mr. CLARK. Mr. President, today we are asked to vote on a measure which it is hoped will strengthen the participation of Congress in the search for a balanced and equitable reduction of strategic arms. In particular, it should permit the Congress to more closely scrutinize the verification aspects of strategic arms negotiations while they are in process, not merely at the end of the line during consideration of a finished treaty.

I shall support this amendment. Nevertheless, I believe we should be aware of some of its implications:

First, the role it tends to establish for congressional oversight of ongoing negotiations could weigh sufficiently heavily upon the negotiations process itself as to severely restrict the free flow of ideas and proposals. Can we expect the Soviet Union, or even our own negotiators, for example, to deal in a flexible and constructive manner with their counterparts when they know that every significant proposal requires immediate accountability? We must not unduly look over the shoulders of the negotiators.

Second, and perhaps more important, this amendment establishes that verification is an indispensible aspect of strategic arms negotiations. I agree. There is no question in my mind that the United States must insure that any treaty that comes into being on the limitation of strategic arms contains provisions for adequate verification of all its elements. Nevertheless, there is a point where the search for perfect verification becomes its own end and agreements which can be adequately verified are lost in the argumentation over how to attain complete, 100-percent compliance.

Finally, it suggests that verification is one of the most important criteria by which to judge a strategic arms agreement. I agree. There are, however, other elements of similar importance: Limitations on counterforce capability, for example; or restraints on the deployment of new and destabilizing technical modifications. This amendment tends to focus the eye on only one aspect of a highly complex subject, where risks must be balanced against advantages and where in the end we must ask ourselves whether, in the absence of perfection, an agreement which provides adequate limitations, adequate safeguards, and adequate verifications, is still better than none at all.

I raise these points, Mr. President, in the hope that they may be taken into account in any future consideration of a subject as sensitive and complex as negotiations on the limitations on strategic arms.

Mr. PELL. Mr. President, I believe that the verification amendment as it now stands could be of value to the Congress as it weighs various arms control proposals. It is clear that adequate verification should be an integral aspect of such agreements if we are to have confidence that the agreements can be accepted without endangering the national security of the United States.

The amendment will apply to any significant arms control proposal made to a foreign country by the United States, or by the United States to a foreign country. A key element here is the word "significant." The Director of the Arms Control and Disarmament Agency is to report on the degree to which each element of such significant proposals can be verified. I believe that to require a report from the Director on all proposals would represent a waste of the limited personnel aspects of the Agency. On the other hand, limitation of the requirement to significant proposals—such as strategic arms limitation proposals, a proposal for a comprehensive test ban, or a proposal in the mutual and balanced force reduction negotiations—could be valuable to the Congress without placing an undue burden on the Agency.

While this amendment can give useful emphasis to the need for verifiable agreements, the amendment should not be interpreted as establishing verification as the sole criterion by which arms control proposals and agreements should be judged. There are arms control agreements now existing, and there may be others in which verification is impossible. Examples are the Biological Weapons Convention, and efforts to stop chemical

weapons. Other proposals may be difficult to verify with complete accuracy such as limitations or bans on mobile intercontinental ballistic missiles and cruise missiles. Yet, we may conclude that some arms control agreements are, on balance, clearly in our national security interest, even though there are problems with verification.

In the instance of any proposed arms control agreement, we are obligated to balance the risks and advantages, and to come to a determination as to what is our proper national security interest. It is within that context that the adequacy of verification should be judged.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. PELL. I yield back the remainder of my time.

Mr. CRANSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California, as modified.

The amendment, as modified, was agreed to.

Mr. CRANSTON. I thank the Senator very much.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 484

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk which I call up and ask it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 484:

On page 8, line 17, "except that the provisions of this paragraph shall be applicable only for a period of not to exceed 1 year."

Mr. HELMS. Mr. President, my amendment simply places a time limitation on the ability of the Director of the Arms Control and Disarmament Agency to add extra personnel to his staff without further congressional approval.

The act as now written gives Mr. Warnke or his successor what amounts to little more than carte blanche to bypass normal civil service requirements as to personnel grades and salaries. While I realize that Mr. Warnke may feel that he is not abusing the privileges given him by Congress in this sweeping measure, as many of us well know, bureaucratic momentum builds up and even the most scrupulous and well-meaning Agency Director can get carried away. After all, what Government bureau or agency chief do not think that he needs just a few more top personnel to get the job done, and a few more, and a few more—until the Agency is topheavy with high salaried bureaucrats.

What my amendment does is ask Mr. Warnke or his successor to come back to Congress next year and show us that he has not abused the special privilege that we have given him. If he has not, and can continue to justify his special requests, then the Congress most likely will go along with him. If he cannot justify his claims and needs, then the Congress may well want to reconsider giving the Arms Control Agency this special waiver.

Mr. President, we simply cannot let the bureaucracy run out of control. Nor can we put ourselves in a position of granting a special exemption for one Agency without being flooded from what will be said to be similar special requests from other agencies.

My amendment is a simple amendment; it is quite reasonable. I urge my colleagues to support it.

Mr. CASE. Mr. President, we have discussed this amendment among ourselves, and I think we have reached a reasonable solution.

If the Senator would be willing to make that 2 years instead of 1 year, I think it probably would be acceptable. It would give a reasonable period for testing the new system of employment and yet give us a chance to have a look at it at the end of that time.

Mr. HELMS. Mr. President, I am perfectly willing to accept the modification, and I send the modification to the desk.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

On page 8, line 17, insert immediately before the semicolon a comma and the following: "except that the provisions of this paragraph shall be applicable only for a period of not to exceed two years."

Mr. PELL. Mr. President, so far as I am concerned, I am willing to accept the amendment as modified.

Mr. CASE. We accept it, also.

Mr. HELMS. I yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PELL. I yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, this will be the last rollcall vote tonight, and I thank all Senators for their splendid cooperation, patience, and courtesy.

The PRESIDING OFFICER. The Chair advises Senators that the yeas and nays have not been requested.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Arkansas (Mr. MCCLELLAN) ar necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr PACKWOOD), the Senator from Virginia (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—82

Allen	Glenn	Muskie
Anderson	Gravel	Nelson
Bartlett	Griffin	Nunn
Bayh	Hansen	Pearson
Bellmon	Hart	Pell
Brooke	Hatch	Percy
Bumpers	Hatfield	Proxmire
Burdick	Hayakawa	Randolph
Byrd, Harry F., Jr.	Heinz	Ribicoff
	Helms	Riegle
Byrd, Robert C.	Hollings	Roth
Cannon	Humphrey	Sarbanes
Case	Inouye	Sasser
Chiles	Jackson	Schmitt
Church	Johnston	Schweiker
Clark	Kennedy	Sparkman
Cranston	Laxalt	Stafford
Culver	Leahy	Stevens
Curtis	Long	Stevenson
Danforth	Lugar	Stone
DeConcini	Magnuson	Talmadge
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tower
Durkin	McClure	Wallop
Eagleton	McIntyre	Williams
Eastland	Metzenbaum	Young
Ford	Morgan	Zorinsky
Garn	Moynihan	

NAYS—0

NOT VOTING—18

Abourezk	Haskell	Melcher
Baker	Hathaway	Metcalf
Bentsen	Huddleston	Packwood
Biden	Javits	Scott
Chafee	McClellan	Stennis
Goldwater	McGovern	Weicker

So the bill (H.R. 6179), as modified, was passed as follows:

SHORT TITLE

That this Act may be cited as the "Arms Control and Disarmament Act Amendments of 1977".

SPECIAL REPRESENTATIVE

SEC. 2. (a) Title II of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"SPECIAL REPRESENTATIVE

"SEC. 27. The President may appoint, by and with the advice and consent of the Senate, a Special Representative for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto.".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(114) Special Representative for Negotiations, United States Arms Control and Disarmament Agency.".

RESEARCH

SEC. 3. Section 31 of the Arms Control and Disarmament Act is amended by striking out "United States" in clause (2) of the second sentence.

GENERAL AUTHORITY

SEC. 4. Section 41 of the Arms Control and Disarmament Act is amended—

(1) by amending paragraph (b) to read as follows:

"(b)(1) appoint officers and employees, including attorneys, for the Agency and fix their compensation. Such officers and employees shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and their compensation fixed in accordance with chapter 51 and with subchapter III of chapter 53 of title 5, except that—

"(A) to the extent the Director deems such action necessary to the discharge of his responsibilities, personnel may be employed and their compensation fixed without regard to such provisions, except that the provisions of this paragraph shall be applicable only for a period of not to exceed two years; and

"(B) no officer or employee employed or compensated under paragraph (1)(A) shall be paid a salary at a rate in excess of the rate payable under such provisions for such positions of equivalent difficulty or responsibility except such officers and employees whose compensation is fixed by law, and scientific and technical personnel at a rate not to exceed the rate of grade 18 of the General Schedule;

"(2) the Agency shall make adequate provision for administrative review of any determination to suspend or dismiss any personnel employed or compensated under paragraph (1)(A);

"(3) any officer or employee of the Agency serving under a career or career conditional appointment on the date of enactment of this section shall not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;";

(2) by redesignating paragraphs (g) and (h) as paragraphs (h) and (i), respectively; and

(3) by inserting immediately after paragraph (f) the following:

"(g) permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, to be retained by such officer or employee to cover the cost thereof, or to be deposited to the credit of the appropriation from which the cost thereof is paid;".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 49(a) of the Arms Control and Disarmament Act is amended—

(A) by inserting in the second sentence thereof immediately after "the sum of $23,440,000'" a comma and the following: "and for the fiscal year 1978, the sum of $16,600,000"; and

(B) by inserting immediately after the second sentence thereof the following new sentence: "Of the sum authorized to be appropriated for the fiscal year 1978, not less than $2,000,000 shall be used only for the purpose of furthering the nuclear safeguards programs and activities of the International Atomic Energy Agency.".

VERIFICATION OF ARMS CONTROL AGREEMENTS

SEC. 6. Title III of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"VERIFICATION OF ARMS CONTROL AGREEMENTS

"SEC. 37. (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by the appropriate committee of the Congress—

"(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foriegn country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

"(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

"(3) the number of professional personnel assigned to arms control verification by each department or agency of the Government on a full-time basis; and

"(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

"(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 6179.

The PRESIDING OFFICER (Mr. ANDERSON). Without objection, it is so ordered.

Mr. PELL. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ANDERSON) named Mr. SPARKMAN, Mr. PELL, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CASE, Mr. PERCY, and Mr. GRIFFIN conferees on the part of the Senate.

Mr. PELL. Mr. President, I would also like to take this opportunity to thank Mr. George Ashworth of the staff of the Committee on Foreign Relations and Mr. Geryld Christianson of my staff for the excellent help and staffing they gave the bill.

I thank the majority leader for scheduling this measure which helped shorten what could have been a long evening.

Mr. ROBERT C. BYRD. I want to congratulate all the Senators, and especially the Senator from Rhode Island, for his splendid work in carrying it to an early conclusion, and getting a perfect score on the final vote.

I also thank the ranking Member, Mr. PERCY, in the same vein.

EXEMPTING MEMBERS OF CONGRESS FOR PURPOSES OF STATE INCOME TAX LAWS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6893.

The PRESIDING OFFICER laid before the Senate H.R. 6893, an act to amend title 4 of the United States Code to make it clear that Members of Congress may not, for purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to its consideration.

Mr. EASTLAND. Mr. President, the bill, H.R. 6893, before the Senate would provide an affirmative declaration by the Congress of existing law, noncodified but constitutionally based, that Members of Congress may not for the purpose of State income tax, be treated as residents of any State other than the State from which they are elected.

This subject is not new to the Congress. The contents of this bill were introduced in the House of Representatives as H.R. 8904 in July 1975, and before the Senate on February 19, 1976. After favorable action by the Committee of the Judiciary in the other body, it was passed after considerable floor debate by the House on July 20, 1976, by an almost 3 to 1 margin.

The Committee on the Judiciary of the Senate acted favorably on the Senate version, S. 2447, and it was approved after debate by the Senate on February 18, 1976. Thereafter, the President on August 3, 1976, vetoed the bill. This year it was passed as H.R. 6893 by the other body on June 6, 1977.

Mr. President, this legislation was introduced because some Members of Congress have found themselves in the difficult position of being subjected to double State income tax liability.

The Founding Fathers, in order to insure that the people were properly represented, constitutionally required that Members of Congress be inhabitants of the State from whence they are elected. Because of this constitutional provision most Members of Congress, unlike other individuals, are legally required to maintain a residence in their home State while at the same time, in view of geographic considerations, find it necessary to establish an abode in or near Washington, D.C.

The purpose of the legislation is to provide for equal State income tax treatment for those Congressmen who are subject to State income tax assessment in their elective State or congressional district and in the place of their Capital abode.

Members of Congress who for reasons of distance are required to maintain an abode near the U.S. Capitol in order to discharge their duties normally do so in the States of Virginia and Maryland or in the District of Columbia.

The District of Columbia and the Commonwealth of Virginia both expressly exempt Members of the Congress under their income tax statutes.

No similar exemption is provided by the State of Maryland.

The Maryland Code provides for an income tax on substantially all the income of "residents" of Maryland.

Only limited tax credits are available to Maryland residents who are entitled to a credit against Maryland tax for tax paid to other States on the income taxable by Maryland.

Maryland also collects income taxes on behalf of its counties as an add-on-percentage of the State income tax. No credit toward this tax is allowed for taxes paid to another State.

The action of the State of Maryland taxing Members of Congress from other States who maintain an abode in Maryland for the purpose of being near the U.S. Capitol raises serious constitutional questions.

First. No State can tax an instrumentality of the U.S. Government (*McCulloch* v. *Maryland*, 4 Wheat. 316 (1819)). Congressmen being the embodiment of the legislative branch of Government are such an instrumentality and immune from taxation by a State.

Second. The Constitution provides that each Senator and each Representative must be an inhabitant of the State he represents when elected (article I, sections 2, 3). Inhabitant and resident are synonymous. This provision implies that the Member shall continue to be an inhabitant to preserve his right to stand for reelection. The ability of any other State to determine that a Member is a resident for any purpose infringes on the constitutional requirement and right of reelection.

Third. Multiple taxation of Senators and Representatives by several jurisdictions, based simply on the fact of physical location necessary to the performance of constitutional duties, violates the due process and equal protection clauses of the 14th amendment.

Approximately 20 Senators and 125 Representatives maintain abodes in Maryland. The bill will insure that these constitutional principles are abided with and prevent needless litigation.

The bill provides that no State or political subdivision thereof in which a Member of Congress maintains a place of abode for purposes of attending sessions of Congress may for State or subdivision income tax purposes treat the Member as a resident or domiciliary or treat any income paid by the United States as income for services performed within or from sources within such State or political subdivision thereof unless such Member represents such State or a district of such State.

The bill also provides equal treatment for delegates from the District of Columbia, Gaum, and the Virgin Islands, and the Resident Commissioner from Puerto Rico. The District of Columbia is included within the prohibitions of the amendment. It is the intention that the bill shall apply to any past accrued tax liabilities of the nature encompassed within this legislation.

Mr. President, for the benefit of my colleagues who wish to acquaint themselves further with this subject and to add substantive legislative history to the Senate's debate of this matter, I ask unanimous consent that an analysis of the Constitutional issues involved here and which appeared in the Senate Judiciary Committee report No. 94–631, 94th Congress, to S. 2447 as it passed the Senate on February 28, 1976, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL CONSIDERATIONS

STATE TAXATION OF INSTRUMENTALITIES OF THE FEDERAL GOVERNMENT

A research of this subject reveals no previous attempt of a state to tax the income of members of Congress because of their physical location incident to service in Congress. Therefore, no direct decisions exist on the question of immunity of Senators or Representatives from income tax of states other than the state that they represent. However, since the time of the inception of the Republic, when Maryland attempted to tax the Federally-created Bank of the United States, it has been established that no state can tax an agency or instrumentality of the United States Government. McCulloch v. Maryland, *supra*.

An agency or instrumentality of the United States Government has, for this purpose, been broadly construed to include not only the departments and regulatory commissions of the Government, but also public corporations such as the Federal Land Bank (see *Federal Land Bank* v. *Bismark Lumber Co.*, 314 U.S. 95 (1941)) and the House Owners Loan Corporation (see *Pittman* v. *Home Owners Loan Corp.*, 308 U.S. 21 (1939)). The states may only tax properties, functions, and instrumentalities of the Federal Government with the express consent of Congress. *Kern-Limerick Inc.* v. *Scurlock*, 347 U.S. 110 (1954); *Reconstruction Finance Corporation* v. *Beaver County*, 328 U.S. 204 (1946).

Until relatively recently, the courts had held that the states cannot levy a tax upon the income of Federal employees because to do so was indirectly a tax by the states on the Federal Government. See *Dobbins* v. *Commissioners of Erie County*, 16 Pet. 435 (1842); *New York ex rel Rogers* v. *Graves*, 299 U.S. 401 (1937). Conversely, the Federal Government could not tax state officials. See *Collector* v. *Day*, 11 Wall. 113 (1870).

In 1938, the Supreme Court decided the case of *Helvering* v. *Gerhardt*, 304 U.S. 405, holding that the Federal Government could tax a state employee, specifically an employee of the Port of New York Authority, even though the Authority itself was not subject to taxation.

In the case of *Graves* v. *New York*, 306 U.S. 466 (1939), the Supreme Court considered again whether a state could impose an income tax upon a Federal employee, in this case, an employee of the Home Owners Loan Corporation. The Supreme Court held that the corporation itself was immune from state taxation, but that the income of an employee was personal and a tax on such income did not impose a burden on the agency. The Court made it clear that no state could tax the agency itself. "[W]hen the National Government lawfully acts through a corporation which it owns and controls, those activities are governmental functions entitled to whatever tax immunity attaches to those functions when carried on by the Government itself through its departments." 306 U.S. at 477. The Court strongly implied that if Congress chose to exempt the incomes of Federal agency employees from state income taxation, the exemption would be effective. See 306 U.S. at 479, 480. In the *Graves* case, however, the Court found that there was no basis for inferring an intention of Congress to exempt the income of employees of the corporation. See 306 U.S. at 485.

The case of a Federal employee is totally different in essence from the situation of a member of Congress. A Federal employee is not constitutionally forced to maintain an abode away from his home state; he may readily become a citizen of the state where he is employed. His employment is not necessarily temporary or uncertain; he has not been chosen to represent citizens as their representative, but is pursuing a personal career. As an employee, he is not an agency of the Government. His employment is not basic to the maintenance of the Government. *Helvering* v. *Gerhardt*, 304 U.S. 405, 418, 424 (1938).

On the other hand, a member of Congress is not engaged merely in the pursuit of his personal career. Being a member of Congress, he is no more and no less than a representative of his constituents. He may run for office, but must be elected by the people. In this basic sense, he cannot select the occupation of Senator or Representative.

Moreover, Congress is not merely a Federal agency or instrumentality; it is a fundamental branch of the Federal Government created by the Constitution directly. Article I of the Constitution provides that all legislative powers of the Federal Government shall be vested in the Congress, consisting of the Senate and House of Representatives. It further provides that the Senate and House shall be composed of members elected by the people of the several states. The Congress, therefore, is simply an aggregation of its members. A tax on the incomes of the Senators and Representatives is a tax on the Congress, as a tax on the income of the Bank of the United States, or the powers or func-

tions of such a bank, would be a tax on a Federal Government agency.

Members of Congress are not Federal employees, and the decision in the *Graves* case, *supra,* allowing a state to tax the salary of an employee of the Home Owners Loan Corporation is not applicable. Under the Public Salary Tax Act of 1939, as amended in 1966, Congress consented to non-discriminatory taxation of the compensation of a Federal "officer" or "employee" by duly constituted taxing authorities "having jurisdiction." 4 U.S.C. Sec. 111.

The terms "officer" and "employee" are not defined for the purposes of the Public Salary Tax Act and there is nothing in that Act to indicate a consent to state taxation of members of Congress. In fact, the terms "officer" and "employee" are not usually defined to include members of Congress. See *e.g.,* 5 U.S.C. Secs. 2104, 2105, and 2106 (providing for different definitions of "officer," "employee," and "Member of Congress" for the purposes of Title 5 of the United States Code).

The conclusion, therefore, is that a tax on a Congressman by a state, based on his compensation for serving in the Congress, is a tax on the legislative branch of the Federal Government—which no state may impose.

Exemption because the Maryland Definition of "Resident" is here invalid

The Constitution provides that a Representative or a Senator must "when elected, be an inhabitant of that state in which he shall be chosen." Art. I, Secs. 2, 3. Although literally these provisions do not require that a Senator or Representative continue to be an inhabitant of the State that he represents *after* his election, there is no question in practice, usage, and construction that Senators and Representatives are deemed to continue to be inhabitants of their respective states during their terms of office. Otherwise, no member of Congress could ever be re-elected, except from the states of Virginia and Maryland. That is, if a Senator from Alaska, who lives in the State of Maryland during his term of office, is deemed to be a resident of Maryland rather than an inhabitant of Alaska, he could not run for re-election.[1] Since the Constitution requires each Senator and Representative to be an inhabitant (*i.e.,* resident) of the state that he represents, it is concluded that no definition in any state statute purporting to make him a resident (or inhabitant) of any other state is constitutionally valid.

Since the Constitution prohibits treating Senators and Representatives as residents (or inhabitants) of any state other than the one they represent, it follows that Maryland lacks the legislative jurisdiction to tax the income of Senators and Representatives other than its own. It has long been established that a state has no authority to tax the income of a nonresident derived from sources outside that state.

Where there is jurisdiction neither as to person nor property, the imposition of a tax would be *ultra vires* and void. If the legislature of a state should enact that the citizens or property of another state or county should be taxed in the same manner as the persons and property within its own limits and subject to its own authority, or in any manner whatsoever, such a law would be as much a nullity as if in conflict with the most explicit constitutional inhibition.

St. Louis v. *The Ferry Company,* 11 Wall. 423, 430 (1870), quoted with approval in *Miller Bros. Co.* v. *Maryland,* 347 U.S. 340, 342 (1954); *accord, Dewey* v. *Des Moines,* 173 U.S. 193 (1899).

The statutory provisions of Virginia and the District of Columbia are regarded as simple recognitions of the fact that each Senator and Representative is in law a resident of the state which he represents, and not any other state. In a basic sense, the location of any Senator or Representative in the jurisdictions adjacent to the Capitol is a necessary incident to the proper carrying on of constitutional duties. Since Senators or Representatives cannot inhabit the air above the buildings of Congress, they are bound to live in one of the surrounding jurisdictions, be it the District of Columbia, Virginia, or Maryland. Their physical presence in one of these jurisdictions does not make them local "residents" in a constitutional sense, and does not give the state wherein they live authority to tax them on their compensation as Federal legislators.[2]

The view set forth here is directly supported by decisions of the former Committee on Elections of the House of Representatives.

In determining whether persons were inhabitants of the states from which they had been elected, that Committee frequently declared that inhabitancy was the equivalent of residence and that two factors—where did he vote and to what state did he pay taxes—were the important determinants of inhabitancy. See *Updike* v. *Ludlow, Cannon's Precedents of the House of Representatives,* Vol. V. Sec. 55; *Beck, id.,* Vol. VI, Sec. 174. To permit Maryland to impose incomes taxes on a non-Maryland Congressman who lives in Maryland in order to attend to his Congressional duties, would be to attach one of the most important indicia of inhabitancy to a state other than the one which he represents. The result could be to bar that Congressman from representing his home state (the representation of which was the very reason for his maintaining living quarters in Maryland). In a case like this, where the provisions of the United States Constitution and a state statute are in conflict, the supremacy clause requires that the state statute give way.

In the *Beck* case, the Committee observed—

We do not think that the framers of the Constitution intended by the use of the word "inhabitant" that the anomalous situation might ever arise that man should be a citizen, a legal resident, and a voter within a given State and yet be constitutionally an inhabitant elsewhere. If any such conclusion could be reached we might have the peculiar result in this country of a man being a resident, a citizen, and a voter in a given State, and yet within the constitutional sense barred from the right of representing a district in that State in Congress, but having the right to represent a district in another State in Congress. No such interpretation can fairly be read into this provision.

Consistently with this view, a member of Congress from another state does not become an inhabitant or resident of Maryland because he lives there during his term of office, even if Maryland statutes purport to say otherwise.

This view receives further reinforcement from the Soldiers' and Sailors' Civil Relief Act of 1940, which in Section 514 provides that military or naval personnel may not, for purposes of state income taxation, "be deemed . . . to have acquired a residence or domicile in, or to have become resident in or a resident of, any other state, territory, possession, or political subdivision . . . or the District of Columbia" by reason of compliance with military or naval orders. This legislation is binding upon the states (including Maryland). If the state could constitutionally determine "residence" as they pleased for tax purposes, the Soldiers' and Sailors' Civil Relief Act would be invalid as an encroachment by Congress on powers of the states. This is not the case. See *Dameron* v. *Broadhead,* 345 U.S. 322 (1953).

Due Process and Equal Protection

To subject members of Congress to local income taxes because of their abode in a state near the Capitol is to subject them, in most cases, to double taxation as a result of their constitutional functions and duties. They are required constitutionally to be and remain citizens of the state they represent, and to be subject to taxes as citizens of their home states. If the Maryland statute were applicable, they would be required additionally to pay taxes to Maryland. In accord with this view, this would deny them due process and equal protection of the laws.

Again, the case of a member of Congress with that of a Federal employee is contrasted. A Federal employee will ordinarily have one domicile and one residence. He will be subject, as a resident or a domiciliary, to income tax in only one state or jurisdiction. Unless the Maryland definition of "resident" is struck down, however, a member of Congress from a state other than Maryland, who lives in Maryland, will automatically be subject to double taxation.

Moreover, this is a classical case of taxation without representation. A Senator from Utah obviously votes in Utah, and cannot vote in Maryland. Although he is not and cannot be a citizen of Maryland, and does not participate in its government, the Maryland income tax law wrongfully purports to tax him.

In this respect, the situation of a member of Congress is unique, and the uniqueness is a direct result of the constitutional requirements for election. The result, if Maryland's right to tax were upheld, would be grossly discriminatory and unfair.

It may be contended that since Maryland recognizes a credit for taxes paid to other states, most of double taxation is obviated. There are several responses to this fallacious argument. First, to the extent that Maryland taxes are at a higher tax rate than home state taxes, there is double taxation in the amount of the excess. Second, the recent Maryland statute indicates an intention to allow only a partial credit. Thus, Maryland's top tax bracket is 5 percent, but county taxes may be an additional 2½ percent. A Senator or Representative from a state imposing a 10-percent income tax will pay an aggregate 12½-percent tax. A Senator or Representative from a home state imposing a 3-percent tax will pay an aggregate tax of 7½ percent. A Senator or Representative from a home state imposing a 6-percent tax will pay an 8½-percent tax.

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[1] The words "resident" and "inhabitant" are for these purposes synonymous or virtually synonymous. The *Oxford University Dictionary* (3d Ed.) defines an "inhabitant" as a human being . . . dwelling in a place, a permanent resident." A "resident" is defined as "one who resides permanently in a place; sometimes spec. applied to inhabitants."

"In its general and popular sense, the word 'inhabitant' is the same as 'resident,' or one who lives in a place." *New Haven* v. *Bridgeport,* 37 A. 307 (Conn. 1897). When employed in statutes, the term "inhabitant" has been held to be equivalent to the word "resident." *E.g., Shaw* v. *Quincy Mining Company,* 145 U.S. 444 (1892); *ARO Manufacturing Co.* v. *Automobile Research Corp.,* 352 F.2d 400 (1st Cir. 1965). In considering qualifications of Congressmen, the former House Committee on Elections defined the term "inhabitant" as it is used in Article I, Sections 2, 3 of the Constitution as follows: "This term is the legal eqivalent of the term 'resident' . . . . *Scott, Hinds' Precedents of the House of Representatives,* Vol. I, Sec. 439, p. 429. See also *Pigott, id.,* Vol. I, Sec. 369; *Bailey, id.,* Vol. I, Sec. 434.

[2] It should be noted that Senators and Representatives are subject to local property taxes, which are inherently *in rem* taxes. They are also subject to a variety of excise taxes, such as sales taxes on transactions. Thus, there is no question that they lend substantial financial support to the jurisdictions in which they live.

Finally, it should be noted that the interstate credit depends on reciprocity, and is, in any event, a matter of grace. As Maryland has recently provided with respect to so-called county taxes, the credit can be partially or wholly eliminated, leading to complete double taxation.

The unfair character of a Maryland tax on out-of-state Congressmen may be illustrated with respect to specific transactions. A Representative from Montana owns a ranch in Montana which he sells at a capital gain of $50,000. Although Maryland has nothing, whatever to do with this transaction, if the Representative maintains premises in Maryland, the State will presumably attempt to tax the Montana gain in its entirety. Yet, the transaction has no Maryland connection in any meaningful sense.

Finally, while the problem we are considering is relatively discrete at the present time because Maryland income taxes are fairly low, nothing prevents the State from increasing its rate to as high a range as it pleases. Under circumstances of very high rates, double taxation of members of Congress could lead to making Congressional positions untenable for persons of limited means. In this sense, a free-handed power to impose double taxes is indeed, as Chief Justice Marshall observed in the *McCulloch* case, the "power to destroy." What would be destroyed, of course, would be the equal opportunity for persons of limited means, as well as those of great means, to become members of Congress. The "door of this part of the federal government" heretofore "open to merit of every description . . . without regard to poverty or wealth" would be closed. *The Federalist*, No 52; *cf Bullock* v. *Carter*, 405 U.S. 134 (1972) (forbidding large filing fees from barring candidates for public office); *Williams* v. *Rhodes*, 393 U.S. 23 (1968).

UP AMENDMENT NO. 485

Mr. EASTLAND. Mr. President, I send to the desk an unprinted amendment and ask the clerk to report it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. EASTLAND) proposes unprinted amendment No. 485:

At the end of the bill insert the following:

(c) The amendments made by subsections (a) and (b) shall be effective with respect to all taxable years, whether beginning before, on, or after the date of the enactment of this Act.

Mr. EASTLAND. Mr. President, the purpose of this amendment is very simple. Its language provides assurance that the terms of this legislation will be completely retroactive in application as well as its present and future applications.

In recent days, there has been some question raised that this legislation, passed in identical language by both the Senate and House last year, does not have retroactive application. In the report of the Senate Judiciary Committee last year, the words said:

It is the intention of the committee that the bill shall apply to any past accrued tax liabilities of the nature encompassed within this legislation not yet paid the State or political subdivision.

It is our judgment that the law, based upon the constitutional duties of a Member of Congress, has always been that Members of Congress cannot be classed as residents of any State other than that from which they have been elected. Our further contention is that same rule applies when another State, the State of Maryland, at present, seeks to collect Maryland State income tax from Members of Congress making their congressional temporary residences there while attending to their constitutional duties here in the Nation's Capital.

This amendment will resolve any question about the retroactive application of this bill before us, a conclusion that the taxing officials of the State of Maryland to this point have chosen not to recognize. Just as the short title of the bill says, and I quote:

. . . To make it clear that Members of Congress may not, for purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected.

Mr. President, I urge the adoption of the amendment in conformity with precisely what the Senate did 1 year ago in approving this bill and the intent for retroactive application contained therein.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. THURMOND. Mr. President, may I rise in support of this bill and reemphasize that almost identical language was approved by the Committee on the Judiciary in its reporting of S. 2447, 94th Congress, in February 1976. This followed the introduction of the bill by the distinguished chairman of the Judiciary Committee (Mr. EASTLAND) and the then ranking minority member (Mr. HRUSKA) on October 2, 1975. It was passed by the Senate on February 18, 1976. The House passed identical language in H.R. 6893 on June 6, 1977.

Therefore, let me make it clear that this bill is not something that the Senate has not seen or considered previously. Senate Judiciary Committee Report No. 94–631 of the 94th Congress examines all aspects of this matter at considerable length. I invite its attention to my colleagues.

Mr. President, it is our judgment, just as the committee report points out, that the language of this bill will provide a codified restatement of what the law is and what the law has been—a conclusion that taxing officials of the State of Maryland have chosen not to recognize. An examination of this matter shows there has been no previous attempt by a State to tax the income of Members of Congress because of their physical location incident to service in the Congress. Consequently, no precise legal decision exists on the question of immunity of Senators or Representatives from income tax of States other than the State they represent.

Since the time this Republic was founded, and during the time that the State of Maryland sought to tax the federally created bank of the United States back in the early 1800's, it has been established law by a now historic precedent that no State can tax an agency or instrumentality of the United States, such principle spelled out in *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819).

The Congress is not merely a Federal agency or instrumentality; it is a fundamental branch of the Federal Government created by the Constitution directly. Article I of the Constitution provides that all legislative powers of the Federal Government shall be vested in the Congress, consisting of the Senate and House of Representatives. It further provides that the Senate and House shall be composed of Members elected by the people of the several States.

Therefore, the Congress is simply an aggregation of its Members. It follows that any tax sought to be imposed on the incomes of Senators and Representatives, whether that income be a Federal salary for service actually rendered within the District of Columbia or a Member's home State or for property sales or other income derived from a Member's home State, cannot be taxed by the State of Maryland. Any effort by the State of Maryland to impose a tax on the income of Members of the Senate and House is a tax on the Congress. It was a tax on the income of the Bank of United States which Maryland was precluded from collecting back in the early 1800's. Therefore, any tax on the income of Members of Congress would be a tax on a Federal Governmental agency and not constitutional.

The mere physical presence of Members of Congress in Maryland for a time each year to permit them to carry on their constitutional duties in the Nation's Capital does not make them local "residents" in a constitutional sense, and does not give the State wherein they have a temporary congressional "live-in" State, authority to tax them on their compensation as Federal legislators. It should be noted that Senators and Representatives are subject to local property taxes, park and recreation taxes, fire protection taxes, sanitary district taxes and the like, which are inherently in rem taxes. Thus, there can be no question that they lend financial support to the jurisdictions in which they make their congressional residence.

Additionally, to subject Members of Congress to local income taxes because of their abode in a State near the Capitol where they must constitutionally be present is to subject such Members, in most cases, to double taxation as a result of their constitutional functions and duties. They are required constitutionally to be and remain citizens of the State they represent and subject to taxes as citizens of their home State. If the Maryland statute were applicable to them, they would be required additionally to pay taxes to Maryland. In our judgment, this would deny them due process and equal protection of the law.

In conclusion, Mr. President, it cannot be logically argued that Members of Congress elected from other States are subject to Maryland income taxes. Therefore, we believe it is most important that this principle be codified in Federal law now that the State of Maryland is seeking to impose such taxation. We urge the Senate to pass this legislation decisively again this year, just as the Senate did 1 year ago.

Mr. GRAVEL. Mr. President, during the last several years when this Mary-

land income tax levy on Members of Congress has been discussed, both on Capitol Hill and in the press, there has been the argument specious in my judgment, that Members of Congress maintaining congressional session homes in Maryland should pay the income tax because they are recipients of fire and police protection, and school, park, roadway benefits, et cetera. The argument continues that by paying such income taxes they become a favored class.

Legally speaking, the mere physical presence of Members of Congress in Maryland for a time each year to permit them to carry on their constitutionally-imposed duties in the Nation's Capital does not make them local "residents" in a constitutional sense. Nor does it give any State or local jurisdiction where they have a temporary congressional "live-in" home, authority to tax them on their compensation paid to them as Federal legislators or on income they receive for example, from the sale of real or personal property in the State from which they have been elected. The sale of such non-Maryland property or the Federal salary has not touched Maryland in any way.

Now, practically speaking, it should be noted that Senators and Representatives maintaining congressional session "live-in homes" in Maryland are subject to and do pay thousands of dollars each year in local property taxes, park and recreation taxes, fire protection taxes, sanitary district taxes and the like, they being inherently in rem taxes.

Thus, there can be no logical or persuasive argument that Members of Congress do not lend their financial support to the State and local jurisdictions in the State of Maryland and its suburban counties adjoining the Nation's Capital City.

Therefore, to subject Members of Congress to local income taxes because of their abode in a State and county near the U.S. Capitol where they must constitutionally be present to carry on their work is to subject such Members to double taxation as a result of their constitutional functions and duties. The legislation before the Senate today is to negate this double taxation.

We believe it cannot logically be argued that Members of Congress elected from other States are subject to Maryland State and county income taxes. And we further believe it is important that this principle be codified in Federal law now that the State of Maryland for the first time is actively seeking to impose such taxation.

Mr. MATHIAS. Mr. President, I have opposed this legislation in the Judiciary Committee. I opposed it on the floor of the Senate when it passed last year, and I oppose it again tonight.

I want to make it clear that we in the State of Maryland are very much honored by the fact that a great number of Members of the Senate and Members of the House of Representatives have chosen to make their homes in Maryland during the period of their service in the Congress, and we welcome them, and we think they have shown good judgment in coming to live with us. We hope that their children will always feel that Maryland is part of their home.

But, Mr. President, this legislation really is directed at the State of Maryland because the District of Columbia, under an act of Congress, has already exempted Members of Congress from taxation, and the State of Virginia, by enactment, has exempted Members. What we are really talking about is a bill aimed at the State of Maryland.

Since I have spread my views on the record so often in the past, I am not going to detain the Senate long tonight because I think they are well-known to most of them, but I think the principle has to remain that there are just no free rides in taxes, and I think we have to face the fact—I certainly face the fact—that there are no free rides for those Members whose home States exact an income tax, and who are not at reciprocity with the State of Maryland and who, therefore, suffer a very serious form of double taxation. On those Members there is a very real hardship.

But it seems to me the remedy is not to provide them with an exemption taxation in Maryland. The remedy is for their home States to work out a reciprocity with the State of Maryland which avoids the double taxation. That is a very real problem with which I can identify and with which I sympathize, but I think this is the wrong remedy for that problem.

I have less concern for those Members whose home States do not exact an income tax because those Members are really getting the free ride. They are not paying an income tax for the kind of services that States provide in their home States, and under this bill they will not be providing it for the State of Maryland where, for a large part of the year, they do enjoy those services.

I think this is simply a question of equity and fairness. I think that Congress does not do itself a favor by passing this bill.

I can read the tea leaves. I know what the vote was last year, and I suspect the vote will be the same tonight. But I want to make it clear that I think it is an inequity against the citizens of the State of Maryland to ask them to assume the burden of public services which are utilized by these families, these congressional families, and I strongly oppose the passage of this legislation.

Mr. SARBANES. Mr. President, I strongly oppose the enactment of H.R. 6893 which would prohibit any State from imposing an income tax on a Member of Congress other than the State which he or she was elected to represent in the Congress. This proposed legislation would in effect establish a special class of people who live in Maryland, Virginia, or the District of Columbia, who use the services of those jurisdictions but will not contribute through the income tax to payment for those services. Since neither the District of Columbia nor Virginia presently tax Members of Congress, this legislation will not result in a loss of tax revenue for either of those jurisdictions. However, the State of Maryland has not chosen to exempt Members of Congress from State and local income taxation. Enactment of this legislation would therefore result in a loss of tax revenues to Maryland and its counties where a number of Members of Congress reside. This loss in tax revenues would result not from an exemption enacted under the applicable legal procedures of a State jurisdiction but as a consequence of an exemption imposed from above by the Congress.

That many Members of Congress choose to live in Maryland is easy to understand. The State of Maryland and its counties adjacent to the Nation's Capital provide excellent services, including outstanding educational opportunities. In addition these jurisdictions provide exemplary police and firefighter services, recreational facilities, as well as such municipal functions as water, street lighting, sewer, and garbage collection. All such services cost money. To pay for them the State of Maryland and its subdivisions have relied heavily upon a graduated income tax system. The more regressive property tax which in the past funded such programs has been deliberately deemphasized. Revenues generated by the income tax pay not only for the many services provided by the State such as State police, roads, and educational aid, but through the so-called local piggyback income tax also generates a substantial part of the revenue of county governments for the many services that are provided for domiciliaries of Maryland, including many Members of Congress.

Some have argued that this legislation is needed to prevent double taxation of Members of Congress who must live in Maryland when Congress is in session while maintaining a residence in their home State. I will point out, however, that the State of Maryland has reciprocity arrangements with many other States so that a Member of Congress receives a credit on his Maryland income tax obligation for the income tax that is paid in other States. As for Members of Congress who come from States that have not established reciprocity with Maryland, special efforts should be made to develop such reciprocity agreements between the two States; the problem should not be addressed by legislation that would establish a special class of residents of Maryland exempted from all State and local income taxation. Members of Congress who send their children to the outstanding public schools of Maryland, who are benefited by myriad costly public services such as police and fire protection, should be expected to contribute their fair share of the cost. We in Maryland are proud that so many Members of Congress choose to live in our State but we believe it only fair for them to pay exactly as other residents do for the public services they receive. To do otherwise is to establish an inequity which justifiably brings severe criticism from the ordinary taxpayer. In view of the unfairness and inequity resulting from their legislation, I am opposed to its enactment.

Mr. TOWER. Mr. President, I think it is proper to enact this legislation. I cannot cry too much for the State of Maryland.

The State of Maryland derives a great deal of revenue from the presence of not only the Federal Government in Washington but also from the many Federal installations that are in the State of Maryland. They get impacted area aid and at the same time levy an income tax on people who live there or at least who have their temporary residences there whose legal residences are someplace else.

When I lived in Maryland I had to pay a Maryland income tax on income I derived from property that I owned in Texas and on which I paid a property tax in Texas, and I cannot see anything equitable about that. The State of Maryland was not protecting my property there.

As to the kind of education they offer in Montgomery County, it was not too bad when the teachers were not on strike. I finally had to send my children back to Texas so they could get an uninterrupted education which I had to pay for, at the same time paying the Maryland income tax.

I paid a substantial property tax in Maryland. I did not realize I was supposed to. But to show how on the ball they are with their goods and services, and everything they produce in Maryland, one day I presented a flag to the Bethesda Elementary School, and it was duly noted in the Bethesda Advertiser that I had done so. A few days later I received a letter from the tax collector. It said:

We note by reading in the Bethesda Advertiser your children are going to Bethesda Elementary School. Therefore, you ought to be paying income tax in the State of Maryland.

I had been on their property tax roll for 3 years. So, this is really an up-to-snuff outfit, I will tell you.

I think it is high time that we rose here in righteous indignation, after their living off the Federal Government, after their impacted area aid, that they collect, and all that, and exempt the people of Congress who live in that area from paying that punitive tax.

We do not have an income tax in Texas, but we have a lot of other forms of taxes that we have to pay as residents there.

So I think this is a great thing that Congress is doing tonight. I could not be more delighted.

SEVERAL SENATORS. Vote! Vote!

Mr. MATHIAS. Mr. President, very briefly, I am sure the Senator from Texas does not want to get into a debate over the quality of education that is provided in Maryland because that would take us a very long time tonight. I think our education is as high or higher than any other State in the Union.

Very briefly, I think there are two alternatives to this proposal.

One is the alternative that I have already suggested, which is in those States where the local tax laws would result in double taxation on Members there is a local remedy which can be worked out with State taxing authorities by providing reciprocity with Maryland.

Second, and I want Senators to seriously consider this, if this bill is adopted and the State of Maryland as a matter of equity assumes a burden here the State should be held harmless for the loss because the money may not be enormous but the appearance of an equitable sharing of the burden is important. It is important to Congress. It is important to the perception of Congress as the public views us.

I will consider framing and offering such legislation to hold the State harmless in the event that this bill is passed by both Houses of Congress and is signed into law by the President.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (H.R. 6893) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there are various nominations that have been cleared on the Executive Calendar beginning with "New Reports."

The PRESIDING OFFICER. May we have order?

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under "New Reports," all of which are cleared on my side, if they are cleared on the side of the distinguished assistant Republican leader.

Mr. STEVENS. Mr. President, will the Senator give me a moment?

Mr. ROBERT C. BYRD. Mr. President, will the Chair momentarily withhold?

Mr. STEVENS. Mr. President, there is no objection to the majority leader's request.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Virginia Dill McCarty, of Indiana, to be U.S. attorney for the southern district of Indiana.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I call up this next nomination at the request of the Senator from Kentucky, Mr. FORD.

The assistant legislative clerk read the nomination of Patrick H. Molloy, of Kentucky, to be U.S. attorney for the eastern district of Kentucky.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of James G. Barton, of Texas, to be U.S. marshal for the eastern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of James C. Murphy, Jr., of Georgia, to be U.S. marshal for the southern district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The assistant legislative clerk read the nomination of Robert Alan Frosch, of Massachusetts, to be Administrator of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I want the record to show that I called up that nomination of Patrick H. Molloy, of Kentucky, at the request of the two Kentucky Senators.

Mr. President, there is a nomination at the desk that has been reported out today. I ask unanimous consent that the Senate proceed to the consideration of that nomination.

The PRESIDING OFFICER. The nomination will be stated.

FEDERAL ENERGY ADMINISTRATION

The assistant legislative clerk read the nomination of Robert R. Nordhaus to be Assistant Administrator for Regulatory Programs.

Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources today approved the nomination of Robert R. Nordhaus to be Assistant Administrator for Regulatory Programs of the Federal Energy Administration.

I ask unanimous consent that the statement of John F. O'Leary, the FEA Administrator, on the nomination of Mr. Nordhaus, be printed in the RECORD. I also ask unanimous consent that Mr. Nordhaus' statement to the committee and his financial statement to the committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN F. O'LEARY, ADMINISTRATOR, FEDERAL ENERGY ADMINISTRATION, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES HEARING ON THE NOMINATION OF ROBERT R. NORDHAUS TO BE ASSISTANT ADMINISTRATOR FOR REGULATORY PROGRAMS

Mr. Chairman and Members of the Committee, it is a privilege to appear before you today in support of the nomination of Robert R. Nordhaus for the position of Assistant Administrator of the Federal Energy Administration's Office of Regulatory Programs. I hope that your examination of Bob Nordhaus' outstanding record will prompt swift and favorable action on his nomination.

Bob Nordhaus has worked over the past 14 years in various energy-related positions for the House of Representatives. From 1963 through 1974 he was the Law Assistant and Assistant Counsel to the House Office of Legislative Counsel. In that capacity, he was responsible for the Office's work on energy, environmental protection, communications and consumer protection legislation.

Subsequently, he was Counsel to the House Committee on Interstate and Foreign Commerce responsible for legislation on electric utilities and energy conservation. Earlier this year, Bob joined Dr. Schlesinger's staff to assist in the formulation of the Administration's energy proposals.

The solution to our energy problems will require a variety of disciplines of those individuals involved in the process. As we must all agree, it is not just a matter of producing more energy. Environmental considerations must be prominent in the development of energy policies; the effects of those policies on individual consumers must be carefully weighed; and conservation must be a key element in our national energy program. These are all areas in which Bob Nordhaus has worked and developed expertise.

In addition, Bob's training at the Yale Law School and his subsequent years of experience as an attorney make him highly qualified to direct the Office of Regulatory Programs. While serving in the Legislative Counsel's Office, he drafted the Petroleum Allocation Act of 1973, the principal statute which that office administers. Later, as Counsel to the Interstate and Foreign Commerce Committee, he had chief staff responsibility for major portions of the Energy Policy and Conservation Act and the Energy Conservation and Production Act, the two other principal pieces of energy legislation passed in recent years.

Also, because the evolution of our energy policies will depend upon cooperative interaction between Congress and the Administration, Bob's long experience in the legislative process will provide an added contribution to the realization of our mutual energy goals.

For these reasons, it is a pleasure to express my strong support for his nomination. Thank you for giving me the opportunity to do so.

STATEMENT OF ROBERT R. NORDHAUS BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Chairman, Members of the Committee, it is a great pleasure to appear before this Committee this morning on the subject of my nomination as Assistant Administrator for Regulatory Programs in the Federal Energy Administration.

During the last several months in the course of my work with the Energy Policy and Planning Staff, I have had an opportunity to familiarize myself with the operations of the Office of Regulatory Programs. The Office administers an extremely complex regulatory program which Congress has directed FEA to carry out. The program involves allocation and pricing of crude oil, the entitlements program, the oil import program, and price control and allocation of certain refined petroleum products, notably motor gasoline and propane.

The basic regulations under which the price control and allocation program operates were drafted in haste at the time of the embargo, and as a result are both complex and not concise on certain key points.

One of our first priorities should be to try to simplify our present regulatory scheme and to redraft the regulations so that they are easier for the industry to understand and for FEA to enforce.

A second priority should be to revamp our compliance program. FEA at present has a pending caseload of 1217 cases for which a Notice of Probable Violation (NOPV) has been issued but for which no final administrative action has been taken. Many of these cases go back for years, to the inception of the program in 1973. In addition, FEA has 2,463 open audit assignments which are likely to uncover further violations. Moreover, FEA has yet to complete an audit of any one major refiner. Early in his tenure, John O'Leary, the Federal Energy Administrator, directed the establishment of FEA Compliance Task Force to examine our present compliance efforts under the Emergency Petroleum Allocation Act, and to recommend legislative and administrative changes designed to make our compliance effort both more efficient and more credible. The Task Force, which is headed by Mr. Stanley Sporkin, Director of Enforcement of the Securities and Exchange Commission, is now operational and is scheduled to issue its report on July 13, 1977. The principal areas on which it will focus will be developing procedures for disposal of our existing backlog, and developing a strategy for dealing with future violations.

The third priority should be to develop a standby allocation system for dealing with future embargoes. Our present allocation regulations, which among other things use a 1972 base period for determining amounts of allocations, must be revised so that they can be quickly implemented in the event of a supply interruption.

Finally, Mr. Chairman, I believe all of us are committed to trying to establish a national energy policy which deals with the pressing problems which we are likely to face in the next two decades. I am looking forward to working with the Committee and the Congress in this respect.

I thank the Committee for its consideration of my testimony and will be happy to respond to questions.

INFORMATION REQUESTED OF PRESIDENTIAL NOMINEES

(U.S. Senate, Committee on Interior and Insular Affairs)

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that at any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS

Cash on hand and in banks	$164,090
Listed securities—add schedule	4,577
Unlisted securities—add schedule	7,600
Real estate interests, including mortgages—add schedule	150,000
Personal property	16,000
Life insurance—cash value	*7,500
Other assets—itemize: Family trust	30,000
Total	378,767

LIABILITIES

Notes payable to others	150
Accounts payable	*500
Real estate mortgages payable—add schedule	54,949
Chattel mortgages and other liens payable	2,950
Total liabilities	58,549
Net worth	320,218

SCHEDULES OF ASSETS AND LIABILITIES

Listed securities: T. Rowe Price	4,577
Unlisted securities:	
Alvarado Realty Co	5,500
Sandia Peak Ski Co	900
Fairlanes	1,200
	7,600
Real estate:	
Home	125,000
Undeveloped land	25,000
	150,000
Real estate mortgages:	
Home (Perpetual Federal Savings)	38,299
Undeveloped land (estate of Monroe Crawford)	16,650
	54,949

*Estimated.

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers.

Civil Service Retirement.

(My wife is entitled to retirement benefits under Teachers Insurance and Annuity Association, and College Retirement Equities Fund.)

2. Are any assets pledged? (Add schedule.) No.

3. Are you currently a party to any legal action? No.

4. Have you ever declared bankruptcy? No.

AFFIDIVIT

District of Columbia: Robert Nordhaus, being duly sworn, hereby states that he/she has read and signed the foregoing Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

ROBERT NORDHAUS.

Subscribed to and sworn before me this 7th day of June, 1977.

CHERYL SLIRRINGTON,
Notary Public.

My Commission Expires November 14, 1979.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Nordhaus, Robert Riggs.

Position to which nominated: Assistant Administrator, Federal Energy Administration.

Date of nomination: May 20, 1977.

Date of birth: 27 March 1937.

Place of birth: Albuquerque, New Mexico.

Marital status: Married.

Full name of spouse: Jean Susan Friedberg Nordhaus.

Name and ages of children: Ronald Edward Nordhaus (11); Hannah Elizabeth Nordhaus (8).

Education:

Stanford University, 1955–1959, BA, 1959.

Yale Law School, 1960–1963, LL.B, 1963.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

State Bar of New Mexico, 1963 to present.

Yale Law School Assn. of Washington, 1963 to present.

Friendship House Community Credit Union, Director, 1972 to 1975.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates:

February 1977 to present: Energy Policy and Planning Staff, Executive Office of the President, White House.

January 1975 to February 1977: Counsel, Committee on Interstate and Foreign Commerce, United States House of Representatives.

September 1963 to December 1974: Office of the Legislative Counsel, United States House of Representatives, Assistant Counsel, 1967–74, Law Assistant, 1963–66.

Summers, 1962–1963: Law clerk, Nordhaus and Moses (present address American Bank of Commerce Building, Albuquerque, New Mexico.).

April-September 1960: Active duty U.S. Army 2nd Lt., U.S. Army Ordnance Corps, Aberdeen, Md.

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions.

Employment by Federal Government since 1963 (see preceding page).

Qualifications: State fully your qualifications to serve in the position to which you have been named.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

No, my present employer is the Federal Government.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. No.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. Sandia Peak Ski Co. stock.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. None.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I intend to dispose of the stock described in Item 2 prior to my Confirmation by the Senate.

Since graduating from Yale Law School in 1963, I have been employed by the Federal Government, first as an attorney with the Legislative Counsel's Office in the House of Representatives, then as Counsel to the House Interstate and Foreign Commerce Committee, and most recently on the staff of the Energy Policy and Planning Office in the Executive Office of the President. While employed with the Legislative Counsel's Office, I was responsible for the Office's work in the areas of energy, environmental, consumer, and safety regulation, and drafted among other statutes, the Emergency Petroleum Allocation Act of 1973, which is the principal statute which the Office of Regulatory Programs administers.

At the Committee on Interstate and Foreign Commerce, I had principal staff responsibility for the portions of the Energy Policy and Conservation Act and the Energy Conservation and Production Act which dealt with conservation, contingency planning, and the International Energy Program.

My work with the Energy Policy and Planning staff under Dr. Schlesinger involved supervision of the drafting of the proposed legislation which the President submitted as part of the National Energy Plan.

Mr. STEVENS. Mr. President, that nomination has been cleared, I am informed. We have no objection.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:45 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the Speaker has signed the enrolled bill (H.R. 3314) for the relief of Tri-State Motor Transit Co.

The enrolled bill was subsequently signed by the President pro tempore.

At 12:41 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 7554. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Intelligence:

Report entitled "Whether Disclosure of Funds for the Intelligence Activities of the United States Is in the Public Interest," (together with additional and minority views) (Rept. No. 95–274).

By Mr SPARKMAN, from the Committee on Foreign Relations:

Without amendment:

S. Con. Res. 30. A concurrent resolution expressing the sense of the Congress with respect to the Final Act of the Conference on the Security and Cooperation in Europe (Rept. No. 95–275).

By Mr. ROBERT C. BYRD, from the Committee on Appropriations:

With amendments

H.R. 7636. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95–276).

By Mr. McGOVERN, from the Committee on Agriculture, Nutrition, and Forestry:

Without amendment:

S. Res. 197. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1420. Referred to the Committee on the Budget.

With an amendment:

S. 1420. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to revise and extend the summer food program, to revise the special milk program, to revise the school breakfast program, to authorize the Secretary of Agriculture to carry out a program of nutrition information and education as part of food service programs for children conducted under such acts, and for other purposes (Rept. No. 95-277).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Robert Riggs Nordhaus, of Connecticut, to be an Assistant Administrator of the Federal Energy Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

James W. Garvin, Jr., of Delaware, to be U.S. attorney for the district of Delaware.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILL REFERRED

The following House bill was read twice by its title and referred as indicated:

H.R. 7554. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. RANDOLPH, Mr. STONE, Mr. DURKIN, Mr. MATSUNAGA, Mr. THURMOND, and Mr. HANSEN):

S. 1703. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TALMADGE (by request):

S. 1704. A bill to provide for two additional Assistant Secretaries of Agriculture and for other purposes; to the Committee on Governmental Affairs.

By Mr. CURTIS:

S. 1705. A bill for the relief of Leung, Janny Chun Lee; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 1706. A bill to regulate and remove certain impediments to the flow of interstate commerce by establishing certain standards for the determination of liabilities arising from product-related injuries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BELLMON:

S. 1707. A bill to amend the Internal Revenue Code of 1954 to provide a wellhead tax on oil; to the Committee on Finance.

By Mr. BARTLETT (for himself and Mr. NUNN):

S. 1708. A bill to amend title 10, United States Code, to prohibit the sale of certain defense articles from the stocks of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. TOWER (for himself and Mr. HANSEN):

S. 1709. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for monthly adjustments to the ceiling prices applicable to first sales of old and new crude oil and to exempt from any price regulation certain domestic crude oil production, in order to overcome the excessive dependence of the United States on foreign nations for energy supplies essential to national security, commerce, and a healthy economy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROOKE:

S. 1710. A bill to authorize the issuance of charters for carrying on the business of insurance, to provide for the guarantee of the insurance obligations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. RANDOLPH, Mr. STONE, Mr. DURKIN, Mr. MATSUNAGA, Mr. THURMOND, and Mr. HANSEN):

S. 1703. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes; to the Committee on Veterans' Affairs.

Mr. TALMADGE. Mr. President, today I am introducing the Veterans' Disability Compensation and Survivors Benefits Act of 1977.

My proposal calls for a cost-of-living adjustment in the disability benefits for veterans with service-connected disabilities. It also provides for the same adjustment in the dependency and indemnity compensation for the survivors of veterans who died as a result of a service-connected disability.

The basic purpose of the disability compensation program has from its inception been to provide relief for the impaired earning capacity of veterans with a service-connected disability. The disability compensation program provides monthly income for 2,242,263 veterans. Of this number, about 45,741 are disabled World War I veterans; 1,271,523 World War II veterans; 239,390 Korean conflict veterans; and 484,165 Vietnam-era veterans. The survivors dependency and indemnity compensation program, DIC, is also designed to compensate for an economic loss as a result of a service-connected disability. In the case of DIC, the economic loss is to the survivors of a veteran who died as a result of a service-connected disability. Their loss is the deprivation of the family breadwinner.

More specifically, my proposal would provide for a 6.3-percent increase in the compensation provided for by these programs. This is slightly above the 6.0 percent approved by the House of Representatives in H.R. 1862, the House companion bill to my proposal. However, I believe that hearings on the veterans' disability compensation and survivor benefits of 1977 will confirm that the 6.3-percent figure is a more current projection. This figure was provided to the Senate Veterans' Affairs Committee by the Office of Management and Budget and the Congressional Budget Office. It has the support of the Veterans' Administration.

As chairman of the Senate Veterans' Affairs Subcommittee on Compensation and Pensions, I am vitally interested in prompt and expeditious hearings on my proposal. I am confident that my subcommittee and the Senate Veterans' Affairs Committee will act in a timely manner, and I trust that action by the full Senate will soon follow.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1977."

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$38" and inserting in lieu thereof "$40";

(2) by striking out in subsection (b) "$70" and inserting in lieu thereof "$74";

(3) by striking out in subsection (c) "$106" and inserting in lieu thereof "$113";

(4) by striking out in subsection (d) "$145" and inserting in lieu thereof "$154";

(5) by striking out in subsection (e) "$203" and inserting in lieu thereof "$216";

(6) by striking out in subsection (f) "$255" and inserting in lieu thereof "$271";

(7) by striking out in subsection (g) "$302" and inserting in lieu thereof "$321";

(8) by striking out in subsection (h) "$350" and inserting in lieu thereof "$372";

(9) by striking out in subsection (i) "$393" and inserting in lieu thereof "$418";

(10) by striking out in subsection (j) "$707" and inserting in lieu thereof "$752";

(11) by striking out in subsection (k) "$879" and "$1,231" each time they appear and inserting in lieu thereof "$934" and "$1,309", respectively;

(12) by striking out in subsection (l) "$879" and inserting in lieu thereof "$934";

(13) by striking out in subsection (m) "$968" and inserting in lieu thereof "$1,029";

(14) by striking out in subsection (n) "$1,099" and inserting in lieu thereof "$1,168";

(15) by striking out in subsections (o) and (p) "$1,231" each time it appears and inserting in lieu thereof "$1,309";

(16) by striking out in subsection (r) "$528" and inserting in lieu thereof "$561"; and

(17) by striking out in subsection (s) "$791" and inserting in lieu thereof "$841".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of

Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out in subparagraph (A) "$43" and inserting in lieu thereof "$46";

(2) by striking out in subparagraph (B) "$72" and inserting in lieu thereof "$77";

(3) by striking out in subparagraph (C) "$92" and inserting in lieu thereof "$98;

(4) by striking out in subparagraph (D) "$113" and "$21" and inserting in lieu thereof "$120" and "$22", respectively;

(5) by striking out in subparagraph (E) "$28" and inserting in lieu thereof "$30";

(6) by striking out in subparagraph (F) "$49" and inserting in lieu thereof "$52";

(7) by striking out in subparagraph (G) "$72" and "$21" and inserting in lieu thereof "$77" and "$22", respectively;

(8) by striking out in subparagraph (H) "$35" and inserting in lieu thereof "$37";

(9) by striking out in subparagraph (I) "$78" and inserting in lieu thereof "$83"; and

(10) by striking out in subparagraph (J) "$66" and inserting in lieu thereof "$70".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a surviving spouse

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$276
E-2	285
E-3	292
E-4	310
E-5	319
E-6	326
E-7	342
E-8	361
E-9	[1]377
W-1	349
W-2	362
W-3	374
W-4	395
O-1	349
O-2	361
O-3	387
O-4	408
O-5	450
O-6	506
O-7	549
O-8	601
O-9	645
O-10	[2]706

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $406.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $757.

"(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $33 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $83 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no surviving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) one child, $139;

"(2) two children, $201;

"(3) three children, $258; and

"(4) more than three children, $258, plus $52 for each child in excess of three.".

SEC. 203. Section 414 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$78" and inserting in lieu thereof "$83";

(2) by striking out in subsection (b) "$131" and inserting in lieu thereof "$139"; and

(3) by striking out in subsection (c) "$67" and inserting in lieu thereof "$71".

TITLE III—CLOTHING ALLOWANCE AND EFFECTIVE DATE PROVISIONS

SEC. 301. Section 362 of title 38, United States Code, is amended by striking out "$190" and inserting in lieu thereof "$202".

SEC. 302. The provisions of this Act shall become effective on October 1, 1977.

By Mr. LUGAR:

S. 1706. A bill to regulate and remove certain impediments to the flow of interstate commerce by establishing certain standards for the determination of liabilities arising from product-related injuries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LUGAR. Mr. President, today I am introducing the Emergency Product Liability Act, in response to the increasing crisis faced by those involved in the production and distribution of all products and the purchasers of those products.

This bill would provide much-needed relief for thousands of businesses, especially small businesses, which are either unable to obtain product liability insurance or are able to obtain it only at exorbitant cost. In meeting after meeting with small businessmen from Indiana, the number one priority is a consideration of products liability law and its consequences. Many of these entrepreneurs express sincere concerns about the substantial increase in premiums and the nonavailability of insurance and have convinced me that this crisis places their continued existence in serious jeopardy.

The burgeoning crisis is also having an exceedingly adverse impact on consumers. At the most visible level, the cost of product liability claims and insurance premiums is being borne directly by consumers. An equally adverse, if somewhat less visible, impact is a reduction in the amount of competition among manufacturers and sellers of various goods. This crisis is also being felt by consumers who seek to recover for injuries sustained due to the absence of insurance coverage and the insolvency of the manufacturer or seller.

Mr. President, some have suggested, and will probably continue to suggest, that no "crisis" exists since most businesses are able to obtain insurance at some price. Increasingly, however, product liability insurance which provides reasonable coverage is becoming impossible to obtain. Those who are able to obtain insurance can do so only by paying premiums which reflect staggering increases from earliest years. One Indiana manufacturer faces a premium which has been increased by 2,300 percent over the previous year, despite the fact that it has never been a party to a product liability suit and its insurance company has paid not $1 in connection with a products liability problem. Many businesses are being forced to consider giving up this coverage altogether, thus exposing themselves to possible insolvency and exposing consumers who have suffered from defective products to uncompensated injuries. Extensive communication with hundreds of my constituents has convinced me that there is a crisis and that it has reached emergency proportions.

This measure would provide critically necessary, immediate relief for those who are facing this problem. Although the provisions of my bill may have to be supplemented eventually by a more comprehensive measure, they will provide a necessary foundation upon which to base further efforts. In fashioning a long-term solution which would incorporate the elements of my bill, there must be careful study and analysis of a broad range of issues, including those involving dispute resolution mechanisms and the desirable parameters of the doctrine of strict liability in tort. Although an excellent response is currently pending in the Senate, due to its comprehensive nature and voluminous length, further hearings and debate will take place. Until more comprehensive approaches can be adopted, a bill which provides immediate relief, and which is consistent with the long-term solution, is necessary.

Mr. President, my bill would provide relief in the three areas which are causing the greatest difficulties.

First, it establishes an absolute statute of limitations which requires that actions must be brought within 2 years from the date of injury or 7 years after the product is first sold or used, whichever is earlier. This provides a reasonable period within which injured users can recover from those who produce defective products without penalizing producers of quality goods which would otherwise remain exposed to claims for decades. Since virtually all consumers goods have a useful life of less than 7 years, the principal impact of this provision will be upon industrial and commercial users.

The bill expressly excludes claims based on warranty theories from the coverage of the act, thus allowing products with longer useful lives to be subject to express warranties of durations agreed to by commercial parties.

The second provision provides a defense against claims when the "substantial cause" of the injury or damage is a

modification or alteration of the product after its manufacture or sale. A defense is also provided when the injury or damage is caused by misuse of a product. In a number of instances, manufacturers have been found liable even though safety equipment has been removed, products have been substantially modified, or the product is used for purposes not contemplated or foreseeable by the manufacturer.

The third provision establishes a defense for manufacturers or sellers who comply with standards and procedures acceptable at the time of manufacture and sale of a product. Current law allows the imposition of standards coming into existence after the date of manufacture. Under existing interpretations, for instance, it is possible for a manufacturer to be found liable on the basis of standards which were established long after the product was manufactured, or which are based upon technology not known at the time of manufacture.

Because of the urgency of this matter, it is necessary to establish at least these three reasonable limitations on the scope of product liability at the Federal level. Were it not for the rapid development of this crisis, these matters would be best handled at the State level. Recognizing that State control is preferable, the bill contains a clear mandate for a total preemption of Federal law by State law when a State acts in this area. Upon the enactment of legislation containing the substance of these three provisions, the Federal law is displaced totally even if the State law is subsequently amended or repealed.

Several other important efforts are presently underway in this area. Legislation which would provide assistance to some small businesses through Federal reinsurance and at least one comprehensive proposal are already pending before the appropriate Senate committees. While it would provide necessary assistance to some small businessmen, the reinsurance proposal does not meet the underlying, substantive problem of product liability. The comprehensive bill discussed above contains innovative proposals which would supplement the provisions of my bill. That measure is certain to be studied and examined at great length and with great deliberation. During the pendency of that measure, however, it is essential that relief consistent with a long-term solution be provided in those areas of most urgent need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Product Liability Act".

TITLE I—GENERAL PROVISIONS

FINDINGS

SEC. 102. The Congress finds that—

(a) it is in the public interest for manufacturers and sellers to remain in competition and to allow consumers to select among a variety of well-designed and properly constructed products;

(b) many persons in the production and distribution system are faced with substantial increases in product liability insurance premiums and, in some instances, with an inability to secure product liability insurance;

(c) consumers are adversely affected since they are required to bear the increased cost of products manufactured and sold by fewer competitors and since they often are, or will be, unable to recover from uninsured producers of defective goods;

(d) the impact on manufacturers and sellers and on consumers impairs and impedes interstate commerce;

(e) to reduce the effects of the product liability crisis upon interstate commerce, it is necessary to provide certain national standards in order to provide stability and predictability in this area; and

(f) consumers, by this greater stability and predictability, will continue to be able to purchase a broader variety of competitively priced products and will enjoy greater certainty that losses caused by defective products will be fully and adequately compensated.

DEFINITIONS

SEC. 103. As used in this Act the term—

(a) "State" means any of the several States of the United States of America and includes any territory or possession of the United States;

(b) "product" means goods, specifically including goods which become affixed to real property, and any other tangible personal property which enters, or affects, trade, traffic transportation or the stream of commerce, between a place within a State and any place without that State or between a State and a foreign nation;

(c) "manufacturer" means the fabricator of any product or the assembler of a number of component products whose product is either a component itself or a final product; and

(d) "seller" means any person who distributes or sells, whether for resale or use or consumption, a product or any component part of a product, and includes lessors and bailors engaged in the business of entering into agreements for the lease or bailment of products.

TITLE II—LIMITATIONS OF PRODUCT LIABILITY LITIGATION

STATUTE OF LIMITATIONS

SEC. 201. (a) No action to recover any damages for an injury to, or the death of, an individual or for damage to real or personal property caused by any product in a defective condition, including actions based upon negligence or strict liability in tort, may be brought later than two years from the date upon which the injury is first sustained, discovered, or in the exercise of reasonable care, should have been discovered; except, that no such action may be brought, in any event, later than seven years after the date upon which the product was first purchased or otherwise acquired for use or consumption.

(b) For the purposes of this section a product is first purchased for use or consumption on the date such product is sold to its initial user or consumer. If the product is the subject of a lease or bailment, the product shall be considered to be first purchased for use or consumption on the date it is produced, manufactured, sold to or otherwise acquired by the initial lessor or bailor.

MODIFICATION, ALTERATION OR MISUSE OF PRODUCT

SEC. 202. No manufacturer or seller of a product shall be liable for any damages arising from personal injury, death or property damage caused—

(1) by reason of an alleged defect in such product, or an alleged failure to warn or protect against a danger or hazard in the use or misuse of such product, or an alleged failure to properly instruct in the use of such product, where a substantial cause of such injury, death or damage was an alteration or modification made subsequent to the manufacture or sale by the manufacturer or seller against whom claim is made or suit is brought, unless such alteration or modification was made with the consent of, and in accordance with, instructions or specifications provided by the manufacturer or seller; or

(2) by reason of the misuse of a product.

STATE OF THE ART DEFENSE

SEC. 203. (a) No manufacturer or seller of a product shall be liable for any damage arising from personal injury, death, or property damage caused by—

(1) the plan or design of such product; or

(2) the methods, standards, or techniques of manufacturing, inspecting or testing of such product;

where such plan, design, methods, standards or techniques were prepared and applied in conformity with the generally recognized and prevailing state of the art applicable or relevant to such product on the date it was manufactured.

(b) The determination as to the state of the art shall be based upon plans, designs, methods, standards and techniques of manufacturing, inspecting, and testing which were prepared, performed, or used in conformity with the generally recognized and prevailing standards and practices in the industry in existence at the later of—

(1) the date that the product was manufactured; or

(2) the expiration of a reasonable period following the development or formulation of improved standards and practices;

except that no such standard or practice shall be considered to conform to the state of the art if it fails to comply with any Federal or State law, or administrative regulation promulgated thereunder, which prescribes standards or practices for the design, testing, labeling, inspection, performance or manufacture of the subject product at the time of its design and manufacture.

APPLICABILITY

SEC. 204. (a) The provisions of sections 201, 202, and 203 of this Act shall not apply to claims or actions arising from or based upon any alleged breach of warranty, but shall apply to all other actions, specifically including those in which the theory of liability is negligence or strict liability in tort.

(b) The provisions of this Act shall apply only to actions which arise with respect to injuries sustained or losses incurred on or after the date of the enactment of this Act.

TITLE III—RELATION TO STATE LAW

PRE-EMPTION OF EXISTING STATE LAW

SEC. 301. Any provision of State law which is inconsistent with this Act is pre-empted by this Act. State law which provides less expsure to product liability for manufacturers and sellers than this Act, shall not be deemed to be inconsistent with this Act.

CONFORMING STATE LAW

SEC. 302. Upon application from the Governor of a State, the Secretary of Commerce shall exempt from the coverage of this Act any State which enacts, in substance, the provisions of sections 201, 202, and 203 of this Act. Upon the granting of such exemption, this Act shall be of no further applicability to that State notwithstanding the subsequent repeal or modification of that State's statutes.

By Mr. BELLMON:

S. 1707. A bill to amend the Internal Revenue Code of 1954 to provide a well-

head tax on oil; to the Committee on Finance.

Mr. BELLMON. Mr. President, the energy problem undoubtedly will be remembered by historians years hence as one of the great challenges in our governmental experience begun 201 years ago.

President Carter has performed a valuable service by convincing a majority of the American people that the energy crisis does exist and by insisting that the problem and its solutions be debated now.

The President's objectives of reducing fuel use, of improving energy efficiency and of avoiding shortages in the future are sound. To obtain these objectives, the President has offered a program based on the conservation of energy by altering fundamental methods used in operating this country and conversion to an alternate fossil coal—which is bountiful, but which is not yet available for use on the grand scale envisioned. His ultimate goal is the development of energy sources which are replaceable or essentially unlimited.

I suggest this general concept; however, I fear that a significant defect of omission in the President's plan will produce the eventful failure of the program.

Recently, Phillips University, near my home in Oklahoma, conducted an energy forum attended by a diverse group of concerned citizens representing varied ideologies. Among those attending was a staff member from the workshop on alternative energy strategies at the Massachusetts Institute of Technology. The staff member, William F. Martin, reported the MIT group had studied the energy situation and ascertained this:

> We conclude that, despite efforts in the next 25 years to reduce energy demand and shift to other fuels, the U.S. will be faced with oil imports of 10 million barrels daily by the year 2000.

This conclusion is basically the same assessment made in May by Dr. Hans H. Landsberg, an economist and senior fellow at Resources for the Future here in Washington. This conclusion is similar to those made by the many analysts of the President's energy package.

The package presented to Congress contains no mechanism that would help to increase domestic production of oil and thereby reduce American purchases of crude oil in the world market. Taking into account the different conversion and conservation proposals forwarded by the President and hoping for their unparalled success, we must still admit that the United States, without increased domestic oil production, will exert a tremendous pressure on the world market price.

If the United States chooses only two of the three strategies it must follow to develop true energy efficiency, then the country will be forced to buy gargantuan volumes of foreign crude, driving the world oil price to new, higher levels and creating disaster for the economies of Western Europe, Japan, and the developing countries.

The current shortage of oil and gas results not from exhaustion of the resource base, but from an economic environment which has been discouraging development for the past 25 years and which encourages consumer waste today and may encourage waste in the future.

The President has proposed returning the cost of oil to its true replacement cost, and I agree with that. He has proposed using tax revenues from his plan for rebates to protect low- and middle-income Americans, and I agree with that.

Using these basic ideas, I introduce a bill to provide an alternative to the President's crude oil equalization tax.

The bill provides that the crude oil equalization tax be applied as a wellhead tax on oil. It further provides that this tax be imposed in the full amount immediately and that its collection be enforced by the Internal Revenue Service.

The tax would be assessed on each producing property and equal the difference—if any—between the current regulated price on a property and the posted stripper oil price for that property. The tax would be collected monthly and be remitted by the purchasers of crude oil. There are 137 purchasers who would remit and approximately 20,000 producers from whom the tax of some $16 billion would be collected.

The tax would be reduced by 2 percent of the original amount each month until it expires at the end of 50 months.

Provisions are made in the law that during these 50 months any of the "released" revenues that are not spent in the energy business—that are not plowed back—would be taxed away.

The tax revenues would be spent selectively to protect Americans from higher energy costs. This protection is designed to reduce domestic energy requirements so that as the transition ends, individual monthly energy bills will be less even though the unit cost of fuel will be greater.

This proposal is meant only as a supplement to the package offered by the President, but I believe it will provide the economic climate to encourage consumers to make rational decisions, cut energy use through the enhancement of the economics of energy saving measures, provide funds to make the transition possible for people who cannot protect themselves, increase supply for the intermediate term before alternate sources become widely available, avoid shortages of conservation materials, get gas guzzlers off the road, and avert worldwide economic tragedy brought on by escalating oil prices.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and supplementary tabular data be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WELLHEAD TAX ON DOMESTIC PRODUCTION OF CRUDE OIL.

(a) IN GENERAL.—

(1) Amendment of subtitle D.—Subtitle D (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"Chapter 45—WELLHEAD TAX ON DOMESTIC CRUDE OIL

"Sec. 4991. Imposition of tax.
"Sec. 4992. Amount of tax.
"Sec. 4993. Plowback requirement.
"Sec. 4994. Definitions and special rules.
"Sec. 4995. Records and information; regulations.

"SEC. 4991. IMPOSITION OF TAX.

"(a) Imposition of Tax.—There is hereby imposed on the domestic production of taxable crude oil removed from the premises during each taxable period an excise tax as provided in this chapter.

"(b) By Whom Paid.—Except as provided in section 4994(f) (relating to production payments), the tax is imposed by this section shall be paid by the purchaser for the person entitled to the deduction under section 611 for depletion with respect to the crude oil, as the case may be.

"SEC. 4992. AMOUNT OF TAX.

"(a) GENERAL RULE.—

"(1) AMOUNT.—The amount of the tax imposed by section 4991 for each of the 50 calendar months beginning after December 31, 1977, is the product of—

"(A) the amount determined by multiplying a fraction, the numerator of which is 50 minus the number of calendar months ending after December 31, 1977, and before the month for which the determination is being made, and the denominator of which is 50, by the lesser of—

"(i) the excess of the posted stripper oil price for the property for the month of April, 1977, over the base price for the property for the month of December, 1977 or

"(ii) the excess of posted stripper oil price for the property for the month for which the determination is being made over the base price for the property for the month of December, 1977,

multiplied by

"(B) the number of barrels of taxable crude oil removed from the property in such month.

"(2) Taxable production.—Paragraph (1) shall be applied separately with respect to the taxable crude oil production from each property.

"(b) Fractional Part of Barrel.—In the case of a fraction of a barrel, the tax imposed by section 4991 shall be the like fraction of the amount of such tax imposed on a whole barrel.

"(c) TAXABLE CRUDE OIL.—

"(1) IN GENERAL.—The number of barrels of crude oil to which the tax imposed by section 4991 applies for any calendar month shall be the number of barrels removed (or deemed removed) from the premises for such month.

"(2) TAXABLE CRUDE OIL LIMITED TO CERTAIN DOMESTIC CRUDE OIL.—For purposes of this subsection, crude oil which—

"(A) is not domestic crude oil, or

"(B) is produced from a property located north of the Brooks Range in, or offshore of, Alaska, shall not be treated as taxable crude oil.

"(d) NEW OIL PRODUCTION.—Subsection (a) shall be applied to taxable crude oil which is new production (within the meaning of section 212.72 of title 10, Code of Federal Regulations, as such section was in effect on April 20, 1977), and which did not exist on April 20, 1977, by treating such oil as if it were taxable crude oil produced from a field which was in production in the month of April 1977, the base price and posted stripper oil price of which were, under regulations prescribed by the Secretary, the prices which would have been the appropriate prices for the location of the field and the grade and quality of the oil.

"SEC. 4993. PLOWBACK REQUIREMENT.

"(a) GENERAL RULE.—The tax liability of a taxpayer under this chapter for a taxable year shall be increased by the amount by which his net qualified investment for the taxable year (adjusted under subsection (d)) is exceeded by the difference between—

"(1) the amount of tax for which he would have been liable under section 4991 for months ending with or within the taxable year if—

"(A) the numerator of the fraction described in section 4992(a) were 50 for each of such months, and

"(B) taxable crude oil which is new production (within the meaning of section 4992 (d)) were not taken into account, and

"(2) the amount of the tax actually paid by the taxpayer for the taxable under such section.

"(b) APPLICABILITY OF REQUIREMENT.—The provisions of this section apply only to the extent that the tax liability of the taxpayer under section 4991 is attributable to an operating mineral interest (as defined in section 614(d)) of the taxpayer. In the case of a taxpayer whose liability for tax under section 4991 is partially attributable to such an interest and partially attributable to a nonoperating mineral interest (as defined in section 614(e)(2)), this section shall be applied, under regulations prescribed by the Secretary, only with respect to such tax liability, such investment items, and such other items as are properly allocable to the operating mineral interest.

"(c) QUALIFIED INVESTMENT.—For purposes of this section, a taxpayer's qualified investment for any taxable year is the amount paid or incurred by such person during such taxable year (with respect to areas within the United States or a possession of the United States) for—

"(1) intangible drilling and development costs, or geological and geophysical costs of oil and gas wells and geothermal deposits or wells,

"(2) the construction, reconstruction, erection, or acquisition of the following items but only if the original use of such items begins with such person:

"(A) depreciable assets used for—

"(i) the exploration for or the development or production of coal, oil, or gas (including development or production from oil shale),

"(ii) converting oil shale, coal, or liquid hydrocarbons into oil or gas, or

"(iii) refining oil or gas (but not beyond the primary product stage),

"(B) pipelines for gathering, transmitting, or distributing oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines,

"(3) secondary or tertiary recovery of oil and gas,

"(4) the acquisition of oil, gas, or coal leases (other than producing leases), and

"(5) the discovery, development, or utilization of any other energy source (including amounts paid or incurred for the acquisition of depreciable assets and for the construction, reconstruction, or erection of facilities in connection therewith)

"(d) NET QUALIFIED INVESTMENT.—For purposes of this section. the term 'net qualified investment' means the amount by which the qualified investment of the taxpayer for the taxable year exceeds the average qualified investment of the taxpayer for the three preceding taxable years.

"(e) ADJUSTMENTS TO NET QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the net qualified investment of the taxpayer for the taxable year shall be increased by the sum of—

"(A) the sum of the additional amounts paid or incurred by the taxpayer as royalty, severance, property, or similar taxes attributable solely to the amount by which the removal price of taxable crude oil removed from the property of the taxpayer during the taxable year exceeded the base price with respect to which the amount of tax for the property for months ending within or with the taxable year was computed under section 4992(a), and

"(B) the product of—

"(i) the number of barrels of taxable crude oil (other than oil which was new production (within the meaning of section 4992(d)) or which was production from a stripper well property (as defined in section 212.54(c) of title 10, Code of Federal Regulations, as such section was in effect on April 20, 1977)) removed from the property during months ending with or within the taxable year, multiplied by

"(ii) the monthly inflation adjustment for the property for the taxable year.

"(2) MONTHLY INFLATION ADJUSTMENTS.—For purposes of this subsection, the term 'monthly inflation adjustment' means—

"(A) with respect to any taxable crude oil which is old crude oil (within the meaning of section 212.72 of title 10, Code of Federal Regulations, as such section was in effect on April 20, 1977), one-third of one percent of the base price for the property, and

"(B) with respect to new crude oil (within the meaning of such section as in effect on such date), one-sixth of one percent of the base price for the property, multiplied by the number of calendar months which have ended since December 31, 1977, and before the month for which the inflation adjustment is being made.

"(f) CARRYOVER AND CARRYBACK OF QUALIFIED INVESTMENT.—If the amount of a taxpayer's net qualified investment (adjusted under subsection (d)) for any taxable year ending after December 31, 1977, and before January 1, 1983, exceeds the amount necessary to reduce his liability for the year under section 4993(a) to zero, the excess shall be—

"(1) a net qualified investment carryback to any preceding taxable year ending less than 24 months before the year in which such excess occurs, and

"(2) a net qualified investment carryover to any subsequent taxable year ending before January 1, 1983. Any such excess shall be carried to the earliest taxable year to which it may be carried, and shall be treated, without further adjustment under subsection (d), as net qualified investment for that taxable year.

"SEC. 4994. DEFINITIONS AND SPECIAL RULES.

"(a) BASE PRICE.—For purposes of this chapter, the term 'base price' means, with respect to any property, the average removal price per barrel of crude oil removed from the property in the month of December, 1977, determined by dividing the total removal price of all crude oil removed from the property in such month by the total number of barrels of crude oil removed from the property in that month. If the removal and sale of crude oil from a property for the month of December, 1977, was de minimus, or otherwise atypical for the property or insufficient for the establishment of a base price for the property, data from the last previous month of normal production and sales shall be substituted for the data from the month of December.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this chapter, the term 'removal price' means the amount for which the barrel is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall be not less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL REMOVED FROM PREMISES BEFORE SALE.—If crude oil is removed from the premises before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PREMISES.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the premises—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) MEANING OF TERMS.—As used in this subsection, the terms 'premises' and 'refined product' have the same meaning as when used for purposes of determining gross income from the property under section 613.

"(c) POSTED STRIPPER OIL PRICE.—For purposes of this chapter the term 'posted stripper oil price' means—

"(1) for purposes of clause (i) of section 4992(a)(1)(A), with respect to a stripper well property (as defined in section 212.54(c) of title 10, Code of Federal Regulations (as such section was in effect on April 20, 1977)), the removal price of crude oil removed from the property on April 20, 1977, or the most recent previous date on which crude oil was removed from the property if none was removed on April 20, 1977, and

"(2) for purposes of clause (ii) of such section, with respect to such a property, the posted stripper oil price as determined under traditional business methods prevailing in the industry.

"(d) OTHER DEFINITIONS.—For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

"(2) DOMESTIC.—The term 'domestic', when used with respect to crude oil, means crude oil produced from an oil well located in, or offshore of, the United States or in, or offshore of, a possession of the United States.

"(3) BARREL.—The term 'barrel' means 42 United States gallons.

"(4) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(5) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(6) OFFSHORE.—The term 'offshore' means the area of the United States, or a possession of the United States, which extends seaward (or into the Gulf of Mexico) from—

"(A) the line of ordinary low water along that portion of the coast which is in direct contact with the open sea (or the Gulf of Mexico), or

"(B) the line marking the seaward limit of inland waters (or such waters' boundary with the Gulf of Mexico).

For purposes of the preceding sentence, the line of ordinary low water shall be such line as heretofore or hereafter modified by accretion, erosion, or reliction.

"(e) MEMBERS OF AFFILIATED GROUP TREATED AS ONE PERSON.—If two or more corporations are members of an affiliated group making a consolidated return with respect to the tax imposed by chapter 1 for a taxable year or years which include any entire month, such corporations shall be treated as one person for purposes of the tax imposed by section 4991, and the plowback requirement of section 4993, for such month.

"(f) LIABILITY FOR TAX IN CASE OF CERTAIN PRODUCTION PAYMENTS.—If a portion of the crude oil removed from a property is applied during the taxable year in partial or com-

plete discharge of a production payment which—

"(1) qualifies as an economic interests in the property, and

"(2) is not limited by time or to a specified number of barrels, but will be fully discharged only when a specified dollar amount (plus interest or other charges, if any) has been received by the holder of the production payment,

then the tax imposed by section 4991 on such portion of the crude oil shall be paid by the operator of the property and not by the holder of the production payment.

"SEC. 4995. RECORDS AND INFORMATION; REGULATIONS.

"(a) RECORDS AND INFORMATION.—Each person liable for tax under section 4991, each partnership, trust, or estate producing domestic crude oil, each purchaser of domestic crude oil, and each operator of a well from which domestic crude oil was produced, shall keep such records, make such returns, and furnish such information with respect to such oil as the Secretary may by regulations prescribe.

"(b) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this chapter.".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D of such Code is amended by adding at the end thereof the following new item:

"Chapter 45. WELLHEAD TAX ON DOMESTIC CRUDE OIL.".

(b) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 164(a) of such Code (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The wellhead tax imposed by section 4991.".

(2) The first sentence of section 613(a) of such Code (relating to percentage depletion) is amended by inserting before the period at the end thereof a comma and the following: "and (in the case of oil wells) reducing such gross income by the amount of the tax imposed by section 4991 (relating to wellhead tax.).".

(c) TIME FOR FILING RETURN OF WELLHEAD TAX.—

(1) Part V of subchapter A of chapter 61 of such Code (relating to time for filing returns and other documents) is amended by adding at the end thereof the following new section:

"SEC. 6076. TIME FOR FILING RETURN OF TAX.

"Each return of the tax imposed by section 4991 (relating to wellhead tax) for any calendar month shall be filed not later than the 45th day following the close of the calendar quarter for such month.".

(2) The table of sections for such part V is amended by adding at the end thereof the following new item:

"SEC. 6076. TIME FOR FILING RETURN OF WELLHEAD TAX.".

(d) CERTAIN INFORMATION REQUIRED TO BE FURNISHED.—

(1) GENERAL RULE.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050B. INFORMATION FURNISHED BY PURCHASER AND OPERATOR REGARDING WELLHEAD TAX ON DOMESTIC CRUDE OIL.

"(a) CERTAIN INFORMATION FURNISHED BY PURCHASER.—Under regulations prescribed by the Secretary, the purchaser of domestic crude oil (within the meaning of section 4994 (d)) shall furnish to the person liable for tax under section 4991 with respect to such oil or gas a monthly statement showing the following:

"(1) the amount of taxable domestic crude oil and natural gas liquids purchased from such person during such month.

"(2) the amount of such person's liability for tax paid under section 4991 with respect to such oil and natural gas liquids, and

"(3) such other information as may be required by regulations prescribed by the Secretary.

"(b) INFORMATION FURNISHED BY OPERATOR.—Under regulations prescribed by the Secretary, if the purchaser of domestic crude oil and the operator of the well from which such crude oil was produced make a joint election under this subsection, the monthly statement required to be furnished by the purchaser under subsection (a) shall be furnished by such operator.

"(c) TIME FOR FILING MONTHLY STATEMENT.—Each monthly statement required to be furnished under subsection (a) or (b) for any month shall be furnished before the first day of the second month which begins after the close of such month.

"(d) CERTIFICATION FURNISHED BY OPERATOR.—Under regulations prescribed by the Secretary, the operator of the well from which crude oil subject to the tax imposed under section 4991 was produced shall certify (at such time and in such manner as the Secretary shall by regulations prescribe) to the purchaser the base price (within the meaning of section 4994(a)) with respect to such crude oil. For purposes of section 6552 (b) (relating to additions to tax for failure to file other returns) such certification shall be treated as a statement of a payment to another person.

"(e) CROSS REFERENCES.—

"(1) For additions to tax for failure to furnish information required under this section, see section 6652(a).

"(2) For penalty for willful failure to supply information required under this section, see section 7242.".

(2) Technical and conforming amendments.—

(A) Subsection (a) of section 6652 of such Code is amended—

(i) by striking out "or" at the end of paragraph (2),

(ii) by inserting "or" at the end of paragraph (3),

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) to furnish a statement, information, or a certification under section 6050B (relating to information furnished by purchaser and operator regarding wellhead tax on domestic crude oil) or section 6050C (relating to information to be furnished to partners and to beneficiaries of estates and trusts), as the case may be,", and

(iv) by inserting after "paragraph (2) or (3)," the following: "or failing to furnish a statement, information, or a certification referred to in paragraph (4),".

(B) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"SEC. 6050B. INFORMATION FURNISHED BY PURCHASER AND OPERATOR REGARDING WELLHEAD TAX ON DOMESTIC CRUDE OIL.".

(e) Criminal Penalty for Failure to Furnish Certain Information.

(1) IN GENERAL.—Part II of subchapter A of chapter 75 of such Code (relating to penalties applicable to certain taxes) is amended by adding at the end thereof the following new section:

"SEC. 7242. WILLFUL FAILURE TO FURNISH CERTAIN INFORMATION REGARDING WELLHEAD TAX ON DOMESTIC CRUDE OIL.

"Any person who is required under section 6050B (or regulations thereunder) to furnish any statement, information, or certification to any other person and who willfully fails to furnish such statement, information, or certification at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.".

(2) CLERICAL AMENDMENT.—The table of sections for such part II is amended by adding at the end thereof the following new item:

"SEC. 7242. WILLFUL FAILURE TO FURNISH CERTAIN INFORMATION REGARDING WELLHEAD TAX ON DOMESTIC CRUDE OIL.".

(f) INFORMATION FURNISHED BY PARTNERSHIPS, TRUSTS, AND ESTATES.—

(1) INFORMATION TO BE FURNISHED TO PARTNERS AND TO BENEFICIARIES OF ESTATES AND TRUSTS.—Subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new section:

"SEC. 6050C. INFORMATION TO BE FURNISHED TO PARTNERS AND TO BENEFICIARIES OF ESTATES AND TRUSTS.

"(a) REQUIREMENT.—Under regulations prescribed by the Secretary, each partnership, estate, and trust required to file a return pursuant to section 4995 for any taxable period shall furnish to each partner or beneficiary, as the case may be, a written statement showing the following:

"(1) the name of such partner or beneficiary,

"(2) information received by the partnership, trust, or estate pursuant to section 6050B,

"(3) such partner's or beneficiary's distributive share of the items referred to in paragraph (2), and

"(4) such other information as may be required by regulations prescribed by the Secretary.

"(b) Time for Furnishing Written Statement.—Each written statement required to be furnished under this section with respect to any month shall be furnished before the first day of the second month following the close of the calendar quarter.".

(2) Clerical amendment.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"SEC. 6050C. INFORMATION TO BE FURNISHED TO PARTNERS AND TO BENEFICIARIES OF ESTATES AND TRUSTS.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1978.

SEC. 2. TERMINATION OF AUTHORITY TO SPECIFY PRICES, OR TO PRESCRIBE A MANNER FOR DETERMINING PRICES FOR CRUDE OIL.

The authority of the President to specify prices or to prescribe the manner for determining prices, for crude oil, residual fuel oil, and refined petroleum products produced in (or imported into) the United States under section 4 of the Emergency Petroleum Allocation Act of 1973 and the authority to establish ceiling prices or the manner for determining ceiling prices for first sales of crude oil produced in the United States under section 8 of such Act may not be exercised after December 31, 1977.

ANALYSIS OF A BILL TO PROVIDE FOR A WELLHEAD TAX ON DOMESTIC PRODUCTION ON CRUDE OIL

(The Bill is an amendment to the Internal Revenue Code of 1954 and the Emergency Petroleum Allocation Act of 1973.)

SECTION 1. WELLHEAD TAX ON DOMESTIC PRODUCTION OF CRUDE OIL.

"SEC. 4491. IMPOSITION OF TAX.—Provides for the imposition of an excise tax at the wellhead for domestic crude oil production.

Tax is imposed on the person entitled to the deduction for depletion.

Tax is to be collected and remitted by the purchaser of crue oil.

"SEC. 4992. AMOUNT OF TAX.—The tax is the lesser of (1) the difference between the current posted stripper oil price and the controlled price on the property, or (2) the difference between the stripper oil price in the month of determination and the current controlled price on the property.

Example:

(1) Current stripper price	12.00
Controlled price	5.00
Indicated tax	7.00
(2) Future stripper price	14.00
Controlled price	5.00
Indicated tax	9.00

Therefore the tax is (1) $7.00/barrel since it is the lesser.

The tax is reduced at the rate of 2% of the original amount each month until it is extinguished in 50 months.

Leases on the North Slope of Alaska are exempt from the tax.

Properties which become productive after the date of this legislation will be treated as though they were "new" properties on April 20, 1977, i.e. priced at about $11.28/barrel, and the tax adjusted according to the phased tax schedule.

"SEC. 4993. PLOWBACK REQUIREMENT.—It is required that the owners of the operating mineral interest reinvest all of the difference between the tax which would have been paid if the tax had not been phased down and the tax actually paid (subject to adjustments for increased royalty payments, taxes, and operating costs) in the development of energy sources. If not so spent the tax is increased by the unspent amount.

A carryforward and carryback provision is provided. The Carryforward cannot extend past January 1, 1983.

If insufficient money was spent in 1978, generating a tax, then that tax could be offset in later years by spending more funds than were required in that year. Carryback.

If too much money was spent in 1978, creating a surplus for the purposes of the plowback, then that credit could be a Carryforward to future years to reduce expenditures in that year and still avoid the Plowback tax.

"SEC. 4994. DEFINITIONS AND SPECIAL RULES.—Section defines: Base Price, Removal Price, Posted Stripper Oil Price, Crude Oil, Domestic, Barrel, United States, Possession of the United States, Offshore, Members of Affiliated Group Treated as One Person, and Liability for Tax in Case of Certain Production Payments.

"SEC. 4995. RECORDS AND INFORMATION; REGULATIONS.—Records and Information must be maintained by the person liable for the tax. Regulations will be established by the Secretary.

"SEC. 6076. TIME FOR FILING RETURN OF TAX.—Quarterly tax return will be filed no later than 45 days following end of the quarter.

"SEC. 6050B. INFORMATION FURNISHED BY PURCHASER AND OPERATOR REGARDING WELLHEAD TAX OF DOMESTIC OIL.—The purchaser of the crude oil is required to furnish information to the owners of the tax collected and paid for the property, the volumes of oil removed from the property, and any other information required by the Secretary. Criminal penalties are provided, for failure to comply.

"SEC. 7242. WILLFUL FAILURE TO FURNISH CERTAIN INFORMATION REGARDING WELLHEAD TAX ON DOMESTIC CRUDE OIL.—Provides penalties for willful failure to provide timely information.

"SEC. 6050C. INFORMATION TO BE FURNISHED TO PARTNERS AND TO BENEFICIARIES OF ESTATES AND TRUSTS.—Requires any necessary information requested by Secretary.

SEC. 2. TERMINATION OF AUTHORITY TO SPECIFY PRICES, OR TO PRESCRIBE A MANNER FOR DETERMINATION OF PRICES FOR CRUDE OIL.—The authority of the President to specify prices or to prescribe the manner for determining prices, for crude oil, residual fuel oil, and refined petroleum products produced in (or imported into) the United States under section 4 of the Emergency Petroleum Allocation Act of 1973 and the authority to establish ceiling prices or the manner for determining ceiling prices for first sales of crude oil produced in the United States under setcion 8 of such Act may not be exercised after December 31, 1977.

ANNUAL FEDERAL TAX REVENUE FROM THE PHASED OUT WELLHEAD TAX

FORMULA

Old Oil Volume (Stripper Price—Old Old Price) (Average Tax Rate) (365 Days) = Tax Revenues from old oil.

New Oil Volume (Stripper Price—New Oil Price) (Average Tax Rate) (365 Days) = Tax revenues from new oil.

	Billion
Year 1:	
3.640×(13.50—5.05) (.88)×365	$9.879
3.500×(13.50—11.25) (.88)×365	2.529
Total	12.408
Year 2:	
3.420×(13.50—5.05) (.64)×365	6.751
3.890×(13.50—11.25) (.64)×365	2.045
Total	8.796
Year 3:	
3.210×(13.50—5.05) (.40)×365	3.960
4.260×(13.50—11.25) (.40)×365	1.399
Total	5.359
Year 4:	
3.020×(13.50—5.05) (.16)×365	1.490
4.610×(13.50—11.25) (.16)×365	.606
Total	2.096
Year 5:	
2.840×(13.50—5.05) (.02)×60 (2 mos.)	.029
4.930×(13.50—11.25) (.02)×60	.013
Total	.042
Total 50 months	28.701

DISPOSITION OF WELLHEAD TAX REVENUES

	Billion
Full home insulation credit	$3.300
Fuel subsidy cost	14.400
Purchase of fuel inefficient autos*	8.000
Transport and foodstuffs subsidy	3.000
Total	28.700

*Assumes purchase of 8 million cars with average 12 mpg, at $1,000 each, with replacement by cars with 22 mpg, both driving 10,000 miles per year.

ENERGY SAVINGS MILLION BARRELS/YEAR

The savings represent the full effect of the program with the understanding that some of the savings would have occurred in any event:

	Millions of barrels/year
Full home insulation credit	180.0
Fuel subsidy cost	0
Purchase of fuel inefficient autos	71.4
Transport of foodstuffs subsidy	0
Total—millions of barrels/year	251.4
Value at $13.50–$ billion	$3.4
Time required to return national investment (years)	8.4

ANALYSIS OF PRODUCTION

[Millions of BOPD]

	1977	1978	1979	1980	1981	1982	1983	1984	198
Administration:									
Old	3.870	3.490	3.130	2.790	2.470	2.180	1.900	1.640	1.390
New	3.090	2.900	2.730	2.570	2.420	2.270	2.130	2.010	1.890
New-New		.400	.760	1.080	1.370	1.630	1.870	2.080	2.270
Stripper	1.000	1.150	1.300	1.450	1.600	1.750	1.900	2.050	2.200
Prudhoe	.500	1.200	1.800	2.000	2.000	2.000	1.900	1.800	1.700
Total	8.460	9.140	9.720	9.890	9.860	9.830	9.700	9.580	9.450
Bellmon amendment:									
Old	3.870	3.640	3.420	3.210	3.020	2.840	2.670	2.510	2.360
New	3.090	3.500	3.890	4.260	4.610	4.930	5.230	5.520	5.790
New-New									
Stripper	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Prudhoe	.500	1.200	1.800	2.000	2.000	2.000	1.900	1.800	1.700
Total	8.460	9.340	10.110	10.470	10.630	10.770	10.800	10.830	10.850
Additional		.200	.390	.580	.700	.940	1.100	1.250	1.400
Annual additional [1] (billions barrels)		.073	.142	.212	.281	.343	.402	.456	.511

	Billion barrels
Total savings 1978–85	2.420
Future savings for discovered reserves	4.600
Total reduction in imports	7.020
Value of imports at $13.50 (in billions)	$94.770
Cost—Assumes all exploration stops at Jan. 1, 1986 (in billions) (cost/barrel = $7.93)	55.650

[1] This represents the daily production increase in the United States from the Bellmon amendment.

By Mr. BARTLETT (for himself and Mr. NUNN):

S. 1708. A bill to amend title 10, United States Code, to prohibit the sale of certain defense articles from the stocks of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. BARTLETT. Mr. President, today, on behalf of Senator SAM NUNN of Georgia and myself, I wish to introduce legislation which would limit, and, in some cases, prohibit the sale of certain war reserve stocks which are vital to our national defense. This bill would give the greatest protection to those prepositioned military stocks which are maintained for the defense of the North Atlantic Treaty Organization and asks the Secretary of Defense to provide a plan for prepositioning more equipment and ammunition in Europe. The desperate need for this legislation was made clear to me when I joined with Senator NUNN in an investigation of the ability of NATO forces to deal with the most immediate threat from the Warsaw Pact; namely, the possibility of a Soviet "Blitzkrieg" attack into West Germany initiated with as little as a few days warning. Our findings were extremely disturbing. The American forces in Europe did not have sufficient supplies, ammunition and equipment to counter the intense combat of the 1973 Middle East war. Worse, stocks prepositioned solely for the use of those U.S. Army divisions which would be immediately airlifted to Europe in the event of war were alarmingly below stated requirements and poorly maintained. Faith that the United States could quickly reinforce NATO in the event of a crisis in Europe lost all credibility in light of inadequate prepositioned equipment and munitions available on the continent. Transferring large amounts of equipment to Europe along with the reinforcing troops is not now possible. The United States does not possess sufficient strategic airlift capability to transfer so much equipment, much of it oversized, in the short time available. Furthermore, unit equipment is not configured for immediate shipment, and war reserve stocks in the United States are at levels well below requirements.

Our Nation's war reserve stocks were not always in such a sad state. Although these military stocks were used during the Vietnam war, the major depletion has been since the end of American involvement in Southeast Asia. Urgent, unprogramed security assistance efforts such as the resupply of Israel in the 1973 Middle East war have placed great demands upon our military reserve stocks, especially that equipment prepositioned in Europe for use by American reinforcements. Furthermore, the expansion of the Active Duty Army to 16 divisions has made it more difficult to replenish our war reserve stocks. As Congress cut back money for the defense budget during and after the Vietnam war, scarce funds were spent on equipment for active units rather than for the war reserve stocks. Procurement of new equipment has also been delayed by the energy shortage and the lack of an adequate industrial base for key items such as tanks.

The Department of Defense is aware of this severe shortage of war materials and munitions and has put forth a plan to replenish the war reserve stocks in Europe and the United States. It is my opinion that this plan does not move rapidly enough. Too often, the effort to improve readiness through the procurement of needed war reserve stocks is delayed in order to purchase more glamorous weapons and to fund defense manpower. However, the legislation I propose today does not require that the Department of Defense expedite its replenishment of important war reserve stocks. While a more rapid replenishment may result from this legislation, the purpose of this bill is to protect equipment already in key military stocks.

The legislation which I am introducing protects three vital military stockpiles from depletion through foreign military sales—FMS: First, decrement stocks—unit equipment stored "in decrement" because it is not immediately needed; second, POMCUS—Prepositioned material configured to unit sets for American reinforcements for NATO; and third, war reserve stocks made up of replacement items and consumables such as vehicles, weapons, ammunition, and other supplies. This bill does not apply to war reserve stocks for allies—WRSA—temporary stockpiles of surplus and obsolete equipment, or special contingency stockpiles which may be established outside the war reserve stocks of the United States.

Decrement stocks consist of equipment which is excess to the immediate needs of a military unit, either because the unit is under-strength or because the unit is located on a permanent base. For example, an armored unit might choose to place a limited number of tanks in storage when the unit has insufficient manpower to operate them or it might choose to put its water trailers in storage when ample water is available from the main water system on the military installation. Because decrement stocks are frequently used by the units which own them, this equipment normally receives more maintenance and is in better condition than other military stocks. During an international crisis, decrement stocks, colocated with other prepositioned war reserve stocks, are among the first stocks rushed foreign governments in need. No equipment placed in decrement storage by an American military unit could be sold to a foreign nation according to the provisions of this bill. Thus, all decrement stocks would be inviolate. It makes no sense for Congress to appropriate funds to maintain the readiness of our active military forces if, periodically, these units are stripped of their equipment to meet the needs of foreign military sales. Foreign military sales are not reduced by this legislation, but the source of equipment to be sold is restricted.

POMCUS stocks—Pre-positioned material configured to unit sets—would also be inviolate under this legislation. The POMCUS stocks are all in Europe at the present time and are intended to equip American Army divisions which would be airlifted to the continent to assist in the defense of Central Europe. POMCUS equipment is not stored by item, but rather is stored by unit so that each platoon, company, and battalion can quickly gather all of the equipment it needs to deploy immediately. After the 1973 Middle East war, the POMCUS stocks were at a small fraction of the stated requirement, and little was done to replenish them for several years. Late last year, Senator NUNN and I inspected these stocks and found that the overall equipment level was well below requirements and that most unit sets were incomplete. If sent to Europe, American combat units would be missing large numbers of radios, generators, radars, fuel tankers, fuel pumps, cargo carriers, and the like. Even more disturbing was the state of maintenance. For example, we saw large numbers of M60 tanks sitting in the mud awaiting long overdue maintenance, and much of the equipment was inoperable or had important parts missing. The Army recognizes that the POMCUS stocks alleviate the problems created by America's inadequate strategic airlift capability and has moved during the last 2 years to replenish the POMCUS stocks. These stocks will have a "get well" date long before other war reserve stocks, but they are still very much incomplete. The Army testified before the Armed Services Committee this year that shortages in the POMCUS stocks presently limit the speed with which American troops can be deployed to Europe. Therefore, these critical stocks should not be used to expedite transfers of equipment to foreign nations. Making the POMCUS stocks inviolate is not too strict a measure when other sources of foreign military sales—FMS—are available.

War reserve stocks contain materials and munitions designed to replace equipment lost in combat and ammunition expended in battle. They insure that, despite attrition on the battlefield, the American soldier in combat will not be short of ammunition or weapons. Nevertheless, America's war reserves today are in shocking condition, and there is little hope that the situation will improve in the near future. Not only is it difficult to fill our present requirements for war reserve stocks, but also, an analysis of the new Soviet threat to NATO and the results of the Yom Kippur War indicate that those requirements will have to be increased. The modern battlefield consumes material at a horrendous rate.

As long as the quantities authorized for our war reserve stocks are based upon the needs of American forces, these stockpiles must be protected from depletion through foreign military sales. Unfortunately, at the present time, the war reserve stocks of the United States are the major source of equipment and ammunition for friends and allies who suddenly come under attack. Also, certain foreign military sales further America's national security interests overseas. For these reasons, restrictions on the sales of war reserve stocks should not now be as strict as those that are placed

upon the sale of decrement stocks and POMCUS stocks.

After September 30, 1980, war reserve stocks would be inviolate, according to the bill I am introducing today, except that the President of the United States may sell 15 percent of any item in storage if:

First, he determines that there is an international crisis affecting the national security of the United States;

Second, that sale does not reduce the quantity of the particular item below 70 percent of the requirement for that item; and

Third, he presents to Congress, not later than 90 days after the sale, a plan to replenish supplies of that item.

These are not unreasonable restrictions. They will not take effect until fiscal year 1981 and, even then, would still permit the President much flexibility. If the Department of Defense should be concerned that these restrictions would inhibit an effective foreign military sales program in the future, there is time provided to increase the percentage of stocks filled, increase the authorized levels for war reserve stocks, or establish other contingency stocks outside the formal American war reserve stocks. The legislation which I am introducing does not apply to war reserve stocks for allies—WRSA, stockpiles of surplus and obsolete equipment, or any other special military stockpiles. I would encourage the Department of Defense to investigate these other sources for foreign military sales.

Because war reserve stocks and POMCUS stocks aid significantly in overcoming shortfalls in America's NATO posture and strategic airlift, the United States should consider propositioning a greater percentage of its military equipment in Europe. In particular, oversized items such as tanks, self-propelled artillery, and armored personnel carriers should be pre-positioned. Therefore, this legislation directs the Secretary of Defense to submit to the Armed Services Committees of the Senate and the House of Representatives, within 1 year of enactment, a plan to increase war reserve stocks and POMCUS in Europe. The Army has testified that it has already begun extensive studies of the proper amount of prepositioned equipment in Europe.

Mr. President, my efforts to encourage the Department of Defense to move quickly to improve the state of our various war reserve stocks will not end with the introduction of this legislation. I expect that the Senate Armed Services Committee will continue to investigate the readiness of our war reserve stocks, and to promote that goal, Senator NUNN and I will shortly submit to that committee a report on the present state of our POMCUS and war reserve stocks. In addition, I have been receiving, on a quarterly basis, a report from the Department of the Army on the actual levels of equipment in the POMCUS stocks and will continue to monitor the Army's efforts to fill those vital stocks until the job is complete. Whether an American tank is in decrement, in the POMCUS stocks, or in the war reserve stocks, it must be protected if it is critically needed from shortsighted raids on the Nation's military readiness. If we wish to retain the ability to assist our friends around the world on short notice, let us increase our stockpiles of military equipment rather than deprive American combat units of equipment they will need in the event of war.

By Mr. TOWER (for himself and Mr. HANSEN):

S. 1709. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for monthly adjustments to the ceiling prices applicable to first sales of old and new crude oil and to exempt from any price regulation certain domestic crude oil production, in order to overcome the excessive dependence of the United States on foreign nations for energy supplies essential to national security, commerce, and a healthy economy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TOWER. Mr. President, I am today introducing the Crude Oil Pricing Reform Act of 1977—a measure which I hope will begin to serve as the focal point for a much-needed reevaluation and redirection of this Nation's policies governing the production and sale of domestic crude oil.

The Crude Oil Pricing Reform Act is based on two primary assumptions; namely, first, that there are substantial quantities of domestic crude oil which can and will be discovered and produced under rational governmental policies which place primary reliance, not on governmental regulation, but on the marketplace; and, second, that the costs of the current oil price control program far outweigh any benefits of the program. Enactment of this bill would put us back on course for phased removal of price regulation, a course which, in my judgment, is absolutely essential if we are to make any significant progress in the resolution of our national energy problems.

I suspect that it will surprise no one to learn that I have vigorously opposed oil price controls from the very start. More important, however, it is becoming increasingly apparent to many of those who have supported the concept of Federal controls on oil that the existing scheme of oil price regulation is, quite simply, a disaster.

Obviously, oil price controls discourage production and encourage wasteful consumption, but the current control scheme, particularly the composite price mechanism, is not even working the way it was supposed to work when it was sold to Congress and to President Ford. In my judgment, the situation has become intolerable.

It is urgent that the domestic production of crude oil be freed from restrictive Federal price controls. There can be no doubt that the current national shortage of natural gas has been the direct and inevitable result of more than two decades of Federal price controls. Although Federal oil price regulation is of more recent origin, continuation of such regulation cannot help but insure a continued and accelerated decline in domestic oil production.

The Crude Oil Pricing Reform Act would reform the oil pricing provisions of the current law to provide for the gradual removal of price controls. Enactment of the bill would:

First. Abolish the complicated composite price mechanism;

Second. Provide for gradual, predictable escalation of price ceilings for current old and new crude oil, aiming at a June 1, 1979, target for total decontrol; and

Third. Expand the categories of oil now exempt from price regulation entirely.

In other words, enactment of this legislation would amount to a fulfillment of the current law's promise of complete decontrol within the 40-month period specified in the Energy Policy and Conservation Act of 1975.

Oil price controls were first instituted in August 1971, when President Nixon imposed the initial 90-day price freeze on wages, prices, and rents. Price controls were then administered by the Cost of Living Council under the authority of the Economic Stabilization Act of 1970. When President Nixon imposed the 1971 wage/price freeze, he stressed two points: That the controls were designed to be temporary and that he intended to avoid permanent, mandatory wage and price controls in peacetime.

Controls have long since been removed from wages and from most products affected by the 90-day freeze. Crude oil, however, remains under restrictive Government price controls—controls which inhibit supply and encourage waste and controls which have evolved into a costly and complicated jungle of Government regulations.

The present oil price control scheme was created by the Energy Policy and Conservation Act of 1975—EPCA. EPCA was a compromise crafted and enacted into law in an effort to resolve the long and bitter energy policy controversies which had followed the Arab oil embargo of 1973. EPCA placed a ceiling price on previously uncontrolled "new oil" at a level substantially below the then-prevailing price, but the law also provided for the phasing out of price regulations over a 40-month period. The conference report on EPCA described it as ". . . a pricing formula for domestically produced crude oil which provides for an initial crude oil price rollback and authorizes gradual increases in the prices received by domestic producers over a 40-month period."

The conference report also said:

> The conference substitute establishes a pricing policy which calls for a continuation of controls on the price of crude oil over the next 40 months. Under the terms of the substitute, the President is to have a substantial measure of administrative flexibility to craft the price regulatory mechanism in a manner designed to optimize production from domestic properties subject to a statutory parameter requiring the regulatory pattern to prevent prices from exceeding a maximum weighted average.

The theory of EPCA was that ceiling prices could then be raised gradually during the 40-month period until the controlled price level would approximate market levels.

That was how the oil price control program was supposed to operate. In

practice, the current program bears little resemblance to the finely-tuned model envisioned by the proponents of the compromise measure. Price ceilings, for instance, have not been raised, gradually or otherwise, rather, they have been rolled back. Under current law, the prospect of decontrol is an illusion. In fact, the current oil price control program is a complicated, costly, and counterproductive bureaucratic nightmare, and one which we simply cannot afford at a time when U.S. crude oil imports are averaging almost 6.5 million barrels per day. The plain fact is that the program is costing all of us money and is clearly impeding private industry efforts to find and produce needed new supplies of petroleum.

Enactment of the Crude Oil Pricing Reform Act would make possible the economic and regulatory conditions necessary to enable substantial additional crude oil production. This bill would provide for monthly adjustments to the ceiling prices for old crude oil and new crude oil and would exempt from any price regulation certain other categories of domestic production.

Under the bill, the price ceilings now applicable to old and new oil would be adjusted upward each month, in equal amounts from month to month, to the greatest extent practicable, such that by June 1, 1979, those ceiling prices would be equal to the price of domestic crude oil production not subject to controls. This would achieve, in a reasonable period of time and through gradual price rises, complete removal of oil price regulation.

The bill would provide for an immediate price control exemption for certain other categories of oil which require exceptional treatment in order to provide the necessary incentives or to compensate for high production costs. The exempt categories are:

First. New crude oil first produced from a property after May 31, 1977;

Second. Stripper well crude oil;

Third. Deep stripper well crude oil;

Fourth. High water ratio crude oil; and

Fifth. Crude oil produced from a tertiary enhanced recovery project.

Stripper well crude oil, deep stripper well crude oil, and high water ratio crude oil are each defined to include lease condensate from nonassociated natural gas wells. The exemption for stripper well oil is contained in present law, but the deep stripper well exemption is an additional exempt category which provides needed flexibility to keep marginally producing wells in production. The new exempt category for high water ratio crude oil is designed to help compensate for the higher costs of production from wells from which oil is produced in association with great quantities of water. Last, the bill contains an exemption for oil produced from a tertiary enhanced recovery project. In defining this term, the bill incorporates the definition contained in the Energy Conservation and Production Act and thus only exempts production from projects utilizing extraordinary and high cost enhancement technologies which would be uneconomical without additional price incentives.

The bill also contains a provision which would require that the President, if he desires to extend price or allocation controls beyond the May 31, 1979, expiration of his mandatory control authority, submit such order or regulation to Congress under the disapproval procedures of section 551 of the Energy Policy and Conservation Act.

Mr. President, I believe that early enactment of a measure of this sort is a necessary ingredient in any truly comprehensive and realistic national energy policy. I urge my colleagues to join me in support of this measure.

Mr. President, I ask unanimous consent that the text of this bill, together with a summary of its provisions, be printed in the RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crude Oil Pricing Reform Act of 1977".

SEC. 2. Section 8 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended to read as follows:

"OIL PRICING POLICY

"SEC. 8. (a)(1) Not later than the first day of the second full calendar month following the date of enactment of this section, the President shall promulgate and make effective an amendment to the regulation under section 4(a) of the Act which regulation, as amended, shall provide for adjustments in equal amounts each month, to the maximum extent practicable, in the ceiling prices applicable to first sales of old crude oil and new crude oil such that the weighted average ceiling price for first sales of old crude oil and new crude oil shall, upon the termination of the period provided in section 18 of this Act for mandatory ceiling prices or the first sale of crude oil produced in the United States, be equal to the weighted average first sale price for crude oil produced in the United States which is exempt from regulation pursuant to subsection (b), (c), or (d) of this section.

"(2) For purposes of this subsection, the terms "old crude oil" and "new crude oil" mean those terms as defined in section 212.72 of title 10, Code of Federal Regulations, as in effect on June 1, 1977.

"(b)(1) The first sale price of new crude oil produced from a property from which new crude oil was first produced after May 31, 1977, shall be exempt from the regulation promulgated under section 4(a) of this Act, as amended.

"(2) For purposes of this subsection, the terms 'new crude oil' and 'property' mean those terms as defined in section 212.72 of title 10, Code of Federal Regulations as in effect on June 1, 1977.

"(c)(1) The first sale price of stripper well crude oil, deep stripper well crude oil, and high water ratio crude oil shall be exempt from the regulations promulgated under section 4(a) of this Act, as amended.

"(2)(A) For purposes of this subsection, 'stripper well crude oil' means crude oil (including lease condensate from nonassociated natural gas wells) produced and sold from a property whose maximum average daily production of crude oil per well during any consecutive twelve-month period beginning after December 31, 1972, does not exceed ten barrels.

"(B) To qualify for the stripper well crude oil exemption under this subsection, a property must be producing crude oil at the maximum feasible rate throughout the twelve-month qualifying period and in accordance with recognized conservation practices. If the production from the property is the first production since December 31, 1972, the property may qualify for the stripper well crude oil exemption under this subsection if the initial producing capability of the property is less than an average of ten barrels of crude oil per day per well.

"(3)(A) For purposes of this subsection, "deep stripper well crude oil" means crude oil (including lease condensate from nonassociated natural gas wells) produced and sold from a property whose maximum average daily production of crude oil per well during any consecutive twelve-month period beginning after December 31, 1972, exceeds ten barrels but does not exceed—

"(i) Fifteen (15) barrels from an average producing depth greater than two thousand (2,000) feet but not greater than four thousand (4,000) feet;

"(ii) Twenty (20) barrels from an average producing depth greater than four thousand (4,000) feet but not greater than six thousand (6,000) feet;

"(iii) Twenty-five (25) barrels from an average producing depth greater than six thousand (6,000) feet but not greater than eight thousand (8,000) feet;

"(iv) Thirty (30) barrels from an average producing depth greater than eight thousand (8,000) feet but not greater than ten thousand (10,000) feet;

"(v) Thirty-five (35) barrels from an average producing depth greater than ten thousand (10,000) feet but not greater than twelve thousand (12,000) feet;

"(vi) Forty (40) barrels from an average producing depth greater than twelve thousand (12,000) feet but not greater than fourteen thousand (14,000) feet;

"(vii) Forty-five (45) barrels from an average producing depth greater than fourteen thousand (14,000) feet but not greater than sixteen thousand (16,000) feet;

"(viii) Fifty (50) barrels from an average producing depth greater than sixteen thousand (16,000) feet but not greater than eighteen thousand (18,000) feet;

"(ix) Fifty-five (55) barrels from an average producing depth greater than eighteen thousand (18,000) feet but not greater than twenty thousand (20,000) feet;

"(x) Sixty barrels from an average producing depth greater than twenty thousand feet.

"(B) To qualify for the deep stripper well crude oil exemption under this subsection, a property must be producing crude oil at the maximum feasible rate throughout the twelve-month qualifying period and in accordance with recognized conservation practices.

"(4)(A) For purposes of this subsection, "high water ratio crude oil" means crude oil (including lease condensate from non-associated natural gas wells) produced and sold from a property, from which the aggregate amount of water produced in association with crude oil exceeds three times the aggregate amount of crude oil produced from such property during any consecutive three-month period.

"(B) To qualify for the high water ratio crude oil exemption under this subsection, a property must be producing crude oil at the maximum feasible rate throughout the three-month qualifying period and in accordance with recognized conservation practices.

"(d)(1) The first sale price of crude oil produced from a tertiary enhanced recovery project shall be exempt from the regulations promulgated under section 4(a) of this Act, as amended.

"(2) As used in this subsection, the term "tertiary enhanced recovery project" means a project for the enhanced recovery of crude oil utilizing extraordinary and high cost enhancement technologies of a type associated with tertiary applications including, to the extent that such techniques would be uneconomical without additional price incentives, miscible fluid or gas injection, chemical flooding, in situ combustion, cyclic steam injection, polymer flooding, and caustic flooding and variations of the same. The President shall have the authority to further define the term by rule."

SEC. 3. Section 18 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding at the end thereof the following: "Any regulations or order issued or promulgated under this Act subsequent to the expiration of the President's mandatory authority which reimpose price or allocation controls may take effect only in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act."

SUMMARY OF THE CRUDE OIL PRICING REFORM ACT OF 1977

Section 1.—provides that the Act is to be known as the "Crude Oil Pricing Reform Act of 1977".

Section 2.—amends Section 8 of the Emergency Petroleum Allocation Act of 1973, as amended by the Energy Policy and Conservation Act of 1975, to provide for monthly adjustments to the ceiling prices applicable to old and new crude oil and to exempt from any price regulation certain domestic crude oil production:

Subsection (a) of the amended Section 8 would require that the President promulgate amended regulations which would provide for adjustments in equal amounts each month, to the maximum extent practicable, in the ceiling prices applicable to old and new crude oil such that by June 1, 1979, those ceiling prices would be equal to the weighted average first sale price for domestic crude oil exempt from price ceilings pursuant to subsections (b), (c), or (d) of Section 8. The terms "old crude oil" and "new crude oil" mean those terms as defined in the Federal Energy Administration regulations contained in Section 212.72 of Title 10, Code of Federal Regulations.

Subsection (b) exempts from any price ceiling new crude oil produced from a property from which new crude oil was first produced after May 31, 1977. The terms "new crude oil" and "property" mean those terms as defined in the Federal Energy Administration regulations, 10 CFR 212.72.

Subsection (c) exempts from any price ceiling stripper well crude oil, deep stripper well crude oil, and high water ratio crude oil:

"Stripper well crude oil" is defined as crude oil (including lease condensate from non-associated natural gas wells) produced from a property whose maximum average daily production per well during any consecutive 12-month period beginning after December 31, 1972, does not exceed 10 barrels.

"Deep stripper well crude oil" is defined as crude oil (including lease condensate from non-associated natural gas wells) produced from a property whose maximum average daily production exceeds 10 barrels but does not exceed—

15 barrels from an average producing depth between 2,000 and 4,000 feet;

20 barrels from an average producing depth between 4,000 and 6,000 feet;

25 barrels from an average producing depth between 6,000 and 8,000 feet;

30 barrels from an average producing depth between 8,000 and 10,000 feet;

35 barrels from an average producing depth between 10,000 and 12,000 feet;

40 barrels from an average producing depth between 12,000 and 14,000 feet;

45 barrels from an average producing depth between 14,000 and 16,000 feet;

50 barrels from an average producing depth between 16,000 and 18,000 feet;

55 barrels from an average producing depth between 18,000 and 20,000 feet;

60 barrels from an average producing depth greater than 20,000 feet.

"High water ratio crude oil" is defined as crude oil (including lease condensate from non-associated natural gas wells) produced from a property from which the aggregate amount of water produced in association with crude oil exceeds 3 times the aggregate amount of crude oil produced during any consecutive 3-month period.

Subsection (d) exempts from any price ceiling crude oil produced from a tertiary enhanced recovery project. "Tertiary enhanced recovery of crude oil utilizing extraordinary and high cost enhancement technologies of a type associated with tertiary applications including, to the extent that such techniques would be uneconomical without additional price incentives, miscible fluid or gas injection, chemical flooding, steam flooding, microemulsion flooding, in situ combustion, cyclic steam injection, polymer flooding, and caustic flooding and variations of the same.

Section 3.—amends Section 18 of the Emergency Petroleum Allocation Act to require that the President submit to Congress under the disapproval procedures of Section 551 of the Energy Policy and Conservation Act any regulation or order which reimposes price or allocation controls subsequent to the May 31, 1979, expiration of the President's mandatory control authority.

By Mr. BROOKE:

S. 1710. A bill to authorize the issuance of charters or carrying on the business of insurance, to provide for the guarantee of the insurance obligations, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

Mr. BROOKE. Mr. President, on October 1, 1976, the day of sine die adjournment of the 94th Congress, I introduced S. 3884, titled the Federal Insurance Act of 1976. At that time, I stated that I was introducing the bill so that it would be in the public domain, available for discussion and comment by those who are interested in the future of our insurance industry.

The bill was not offered as a definitive piece, but as a working document to be studied and criticized. And I continue to view the concepts which are included in the bill I am introducing today in the same way.

Since I introduced S. 3884, I have had an opportunity to meet with a number of insurance executives, insurance agents, and some State regulators. And the discussions which I have had with them have led me to modify the provisions of S. 3884. No doubt this legislation will be further modified as comments are received on the version of the bill which I introduce today.

The bill grew out of my concern about the financial condition of the property casualty insurance business. In 1974 and 1975, property casualty companies experienced the 2 worst years in their history, with combined underwriting losses totaling $7 billion for the 2 years. And there was considerable concern at that time that one or more major insurance companies would be declared insolvent A year ago newspaper headlines were speculating on the possibility of the failure of the Government Employees Insurance Co.—GEICO—and the effect of such a failure on the policyholders of that company. The New York Times on June 11 of last year reported that—

The consensus is that the already strained (guaranty fund) pools could not handle the intense claim activity of a GEICO portfolio.

The weakened financial condition of the property casualty industry and the possibility of a major company failure prompted me to consider what steps might be taken to insure protection for policyholders and to improve the quality of regulation for solvency.

Since last year the outlook for the property casualty industry has improved. Preliminary figures for 1976 indicate that underwriting losses have declined to a level of $2.2 billion, and the GEICO situation appears to have been turned around. But the mere fact that $2.2 billion in underwriting losses can be regraded as an improvement shows how deeply troubled the property casualty industry has been, and still is. Of course, I hope that the worst is over and that the industry will make a strong recovery. But the trauma of the last few years has brought home to me the need to improve the protections available to insurance policyholders before the next brush with disaster.

The May 25, 1977, issue of the Washington Post carries a story titled, "How an Insolvent Firm Keeps Selling Insurance." I am submitting this article for inclusion in the RECORD following the text of the bill which I introduce today. The facts which this article narrates, I believe, provide further evidence of the need to upgrade the quality of solvency regulation in the insurance industry.

Presently, the policyholder obligations of insurance companies are protected by a system of State insurance guaranty funds which were set up in the late 1960's and early 1970's, after a spate of insurance company bankruptcies left insurance companies without insurance protection. These guaranty funds are designed to provide for the payment of claims against covered individuals when their insurer fails, and since 1969 these funds have disbursed about $104 million in 106 insurance company insolvencies. However, the funds have yet to face the collapse of a major insurer, and most knowledgeable observers question their ability to do so. Furthermore, while 46 States have guaranty funds to protect against the failure of property casualty companies, only 18 States presently offer guaranty fund protection against a life insurance company insolvency.

Since each State runs its own guaranty fund, the effort to prevent or control insolvencies is fragmented and ineffective. Uniform standards for guaranty status have not been developed by the States, and the prospect of a number of States scrambling to secure control of the assets of a failed insurer to meet policyholder obligations within their jurisdictions does not present a pretty picture.

Assessments to pay for insolvencies are made after the fact, and they are levied at a time when many companies have troubles of their own, which may be ag-

gravated by the necessity of paying an assessment, thus posing the threat of a domino effect. This threat is somewhat mitigated by the fact that assessments are limited by statute to about 1 percent of a company's premium volume in about half the States and 2 percent in the rest, but this very limitation means that most funds would not be able to deal with a major failure or multiple failures in a timely fashion.

Where State guaranty funds have been operated on a "preassessment" basis, they have proven to be subject to the whims of the State legislature. New York State's fund amassed $240 million through assessments and interest income. However, to help alleviate New York State's fiscal crisis, the New York State Property and Liability Insurance Security Fund switched more than $200 million from bank certificates of deposit and Federal Government securities into New York State obligations. Thus, the New York State fund was illiquid just at the time when it was most likely to be called upon to deal with an insurance company insolvency.

These and other weaknesses in our present system for dealing with insurance company insolvencies have convinced me that it would be desirable to create an alternative system of regulation for solvency purposes.

The bill which I introduce today would seek to improve the quality of insurance company regulation by providing for an alternative system of Federal regulation similar to the Federal regulatory alternative presently available to banks and savings and loan associations under what has come to be known as the "dual banking system." I believe that the existence of such a system of alternative regulation would provide a check against both inadequate regulation and overregulation at either the State level or the Federal level.

The bill consists of two titles. Title I would create a Federal insurance guaranty program similar in concept to the Federal Deposit Insurance program available in the banking field. Title II provides a Federal chartering alternative for insurance companies similar to the Federal chartering alternative presently available to banks and savings and loan associations under the dual banking system.

TITLE I—FEDERAL INSURANCE GUARANTY PROGRAM

Section 101 of the bill would establish a Federal Insurance Commission which would be an independent agency in the executive branch of the Federal Government and would be charged with the administration of both the Federal insurance guaranty program described in title I and the Federal chartering alternative described in title II. The Commission would consist of three members appointed by the President and confirmed by the Senate, and each member would serve for a term of 6 years. The Chairman would be designated by the President, and executive authority within the Commission would be vested in the Chairman.

All of the functions presently administered by the Federal Insurance Administrator at the Department of Housing and Urban Development would be transferred to the Commission, and the Commission would be vested with rulemaking and other powers necessary to carry out its responsibilities.

Section 101 would also create an advisory committee to the Federal Insurance Commission which would consist of consumer and industry representatives, as well as representatives of State regulatory agencies and representatives of the Treasury Department and the Department of Housing and Urban Development.

Section 102 would create a Federal Insurance Guaranty Fund which would consist of fees paid by insurance companies whose obligations are guaranteed by the Federal Insurance Commission. This fund would be authorized to borrow from the Secretary of the Treasury such amounts as are necessary to cover losses which might arise during the early years of operation of the fund or in a crisis situation. However, the fund is expected to operate on a self-sustaining basis, and moneys borrowed from the Treasury would have to be repaid. An annual fee of not to exceed one-fourth of 1 percent per year would be assessed against federally guaranteed insurers.

Under section 103, the Federal Insurance Commission would be authorized to issue a Federal guaranty certificate to any insurer, whether State-chartered or federally-chartered, which meets such financial and other requirements as the Commission may prescribe. The Commission may for cause deny a Federal guaranty certificate to an applicant or may revoke or suspend such certificate, but in taking such action, the Commission would be required to issue a written order specifying the factual conclusions and legal authority on which its action is based.

Section 103 also provides that investments of a federally-guaranteed insurer, other than a federally-chartered insurer, would be regulated in general by the laws and regulations of the insurer's State of domicile, unless the Commission finds that such laws or regulations fail to require the minimal protections necessary for the Federal Insurance Fund, in which case the Commission may issue an order requiring that the insurer bring its investments in compliance with the standards established by the Commission.

A federally-guaranteed insurer would, under the provisions of section 103, be exempt from State insurance guaranty fund assessments.

Section 104 provides that whenever a federally-guaranteed insurer is adjudicated to be insolvent, the Federal Insurance Commission shall satisfy all guaranteed obligations. A "guaranteed obligation" is defined as: First, an insurance obligation to a policyholder, a claimant of an insured, or an assignee of any of them, within the coverage of a policy guaranteed in accordance with the bill; or second, the right of a policyholder, an insured, or the assignee of either of them, for returns of premium due as the result of termination of a policy guaranteed in accordance with the provisions of the bill by reason of an insolvency arising while the insurer is a federally-guaranteed insurer.

Section 105 prescribes procedures available to the Commission to avoid default or to facilitate the merger or consolidation of a federally-guaranteed insurer.

Section 106 describes the procedures available to the Commission for the rehabilitation, reorganization, or dissolution of a federally-guaranteed insurer. The Commission may, after notice to the federally-guaranteed insurer, apply to the appropriate U.S. district court for the appointment of a receiver to administer the affairs of an insurer which is either unable, or reasonably likely to become unable, to fulfill its obligations when due.

Any receiver appointed would be subject to the same duties as a trustee under section 47 of the Bankruptcy Act and would conduct the insurance company's affairs consistent with the provisions applicable to a proceeding of chapter X of the Bankruptcy Act.

Section 107 describes the regulatory authority of the Commission, including authority to establish an "early warning system" to help prevent insolvencies. Such an "early warning system" could be developed either by the Commission itself or by the Commission in cooperation with State regulatory authorities and trade associations.

Section 107 further provides that it would be unlawful for any federally-chartered insurer to refuse to insure any individual or group of individuals solely because of age, sex, race, religion, or national origin, and to classify or charge a rate or premium to such individual or group of individuals with the purpose or effect or unfairly discriminating against them.

Section 108 sets forth the supervisory authority of the Federal Insurance Commission over federally-guaranteed companies. The powers given to the Federal Insurance Commission under this section are parallel to the authorities granted to the Federal Deposit Insurance Corporation in its supervision of federally-insured banks.

Section 109 provides that the Commission shall not adopt any rule or regulation or exercise its authority in such a manner as to impose a burden on competition not necessary or appropriate in the furtherance of the purposes of the bill, and that the Commission shall in all cases adopt the least anticompetitive alternative to protecting policyholders and the public interest. With respect to federally-chartered insurers, this section makes clear that the Federal antitrust laws would be applicable to them. Of course, the bill does not amend the McCarran-Ferguson Act, and State-chartered, federally-guaranteed companies would maintain their current posture vis-a-vis of the Federal antitrust laws.

TITLE II—FEDERAL CHARTERING OF INSURANCE COMPANIES

Section 201 authorizes the Federal Insurance Commission to issue a charter to any stock, mutual, or reciprocal insurer, reinsurer, or surety, the U.S. Branch of Alien Insurer or Surety, or any other alien insurer or surety maintaining in the United States at all times trust funds of

not less than $50 million, or such lesser amount as may be approved by the Commission.

Upon the issuance of a Federal charter, the State charter or similar authority of an insurer which is converting to a Federal charter will be preempted and terminated, except that any such insurer shall be deemed to continue its corporate or other existence for all purposes of Federal and State law.

A federally-chartered insurer shall be deemed to be authorized to do business in any State, except that the appropriate regulatory authority of any State may, for cause and upon a showing to the satisfaction of the Federal Insurance Commission that such action is necessary or justified, revoke the authority of the federally-chartered insurer to do business in that State.

The insurance obligations of all federally-chartered companies will be guaranteed in accordance with the provisions of title I.

Section 201 further provides that a federally-chartered insurer may elect to surrender its Federal charter and return to a State-chartered status.

Except as otherwise specifically provided, a federally-chartered insurer shall have the powers of a business corporation chartered in the District of Columbia under the District of Columbia Business Corporation Act.

Section 202 sets for the procedure for organization of a federally-chartered insurer. It states that in the case of a group or fleet of insurers under common management or subject to the effective control of one person, no one or more of the insurers which are part of such group or fleet shall be federally chartered unless all are federally chartered.

Section 203 sets forth the conditions under which a federally-chartered insurer may commence doing business.

Section 204 provides that a federally-chartered insurer shall be exempt from the provisions of any State law.

First, which requires the establishment and maintenance of reserves;

Second, which requires participation in a State insolvency guaranty plan;

Third, which provides for the regulation of investments; and

Fourth, which provides for the regulation or fixing of rates or premiums, or of classes of risks, except in the case of an assigned risk plan or other residual market mechanism or in the case of any line of insurance in which the Federal Insurance Commission determines that the insurer competes principally for the producer's business rather than the business of the ultimate consumer.

Section 204 makes clear that States may continue to levy taxes on federally-chartered insurers transacting business within their jurisdictions but provides that federally-chartered insurers may not be taxed in an amount which would exceed the amount of tax which would be imposed on the least taxed insurer doing the same type of business and organized under the laws of any State other than the taxing State.

Section 204 also provides, for the purpose of any tax law enacted under the authority of a State, that a federally-chartered insurer shall not be treated as an insurer organized or incorporated under the law of the enacting State. Thus, a federally-chartered insurer would be exempt from State retaliatory taxes. However, for the purposes of any other law enacted under the authority of a State or the United States, a federally-chartered insurer would be treated as an insurer organized or incorporated under the laws of the State in which its principal place of business is located.

Section 205 sets forth the investment criteria for federally-chartered insurers. The objective of this section is to require that a federally-chartered insurer invest funds in an amount equal to the sum of its policyholder obligations and minimum capital and surplus, or guaranty fund required by law, in assets of integrity and stability. With respect to amounts above its policyholder obligations and minimum capital and surplus, or guaranty fund required by law, the insurer is free to invest such funds at its own discretion without regard to the investment criteria set forth in the bill.

Mr. President, it is my hope that the Banking Committee will hold hearings on this bill in the near future. I have discussed this with our distinguished chairman, Senator PROXMIRE, and he has agreed with me that hearings should be held before the first session of the 95th Congress adjourns.

Mr. President, I ask unanimous consent that the text of the bill together with the article to which I referred be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the State and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act, together with the following table of contents, may be cited as the "Federal Insurance Act of 1977":

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Sec. 1. Short title.
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TITLE I—FEDERAL INSURANCE GUARANTY PROGRAM

Sec. 101. Federal Insurance Commission.
Sec. 102. Federal Insurance Guaranty Fund.
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Sec. 104. Satisfaction of guaranteed obligations.
Sec. 105. Procedures to avoid default.
Sec. 106. Procedures for rehabilitation, reorganization, or liquidation of a federally guaranteed insurer.
Sec. 107. Regulatory authority.
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TITLE II—FEDERAL CHARTERING OF INSURANCE COMPANIES

Sec. 201. Chartering.
Sec. 202. Organization.
Sec. 203. Commencing business.
Sec. 204. Applicability of State law.
Sec. 205. Investments.

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "Commission" means the Federal Insurance Commission;

(2) the term "federally chartered insurer" means an insurer or surety chartered under the provisions of this Act to transact an insurance or surety business;

(3) the term "federally guaranteed insurer" means an insurer or surety whose insurance obligations are guaranteed under the provisions of this Act;

(4) the term "State" means any State of the United States and the District of Columbia;

(5) the term "fund" means the Federal Insurance Guaranty Fund established pursuant to section 102;

(6) the term "guaranteed obligation" means (A) an insurance obligation to a policyholder, a claimant of an insured, or an assignee of any of them, within the coverage of a policy guaranteed in accordance with this Act; or (B) the right of a policyholder, an insured, or an assignee of either of them for returns of premium due as a result of the termination of the policy guaranteed in accordance with this Act by reason of insolvency arising while the insurer was a federally guaranteed insurer;

(7) the term "insolvent insurer" means an insurer which has been adjudicated insolvent by a court of competent jurisdiction;

(8) the term "insurer" means any person which is engaged in transacting insurance or suretyship as a principal in interstate commerce or which is reinsured in interstate commerce;

(9) the term "insurance" means a contract whereby one undertakes to indemnify another or pay a specified amount or provide a designated benefit upon a determinable contingency;

(10) the term "interstate commerce" means trade in or affecting commerce between or among the several States;

(11) the term "net direct premiums written" means direct gross premiums written on policies guaranteed in accordance with this Act less return premiums thereon and dividends paid or credited to policyholders on such direct business;

(12) the term "operating expenses" means all administrative expenses of the Commission, including but not limited to salaries, office supplies, and other business expenses, but does not include (A) allocated and unallocated claims and loss expenses arising from payment of guaranteed claims; or (B) interest on any Treasury loans (but does include payment of interest on capital stock advanced);

(13) the term "person" means an individual, corporation, partnership, association, joint stock company, business trust, unincorporated organization, or any other similar entity;

(13) the term "policy" means any contract of direct insurance or surety, including any endorsement, binder (written or oral), cover note, certificate, or other instrument of insurance attached or relating thereto, without regard to the nature or form of the same;

(15) the term "State supervisory authority" means the agency or official of a State having responsibility for regulating the business of insurance within that State;

(16) the term "transacting" with respect to insurance means any of the following:

(A) solicitation and inducement;

(B) preliminary negotiations;

(C) effectuation of a policy; or

(D) transaction of matters subsequent to effectuation of a policy and arising out of it; and

(17) the term "insurance obligation" means any unsatisfied obligation, excluding amounts due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise—

(A) which exists under and within the coverage and limits of insurance policies issued by any insurer adjudged to be impaired or insolvent; and

(B) which has been finally determined administratively or judicially under applicable State law to be valid and certain as to its terms.

TITLE I—FEDERAL INSURANCE GUARANTY PROGRAM

FEDERAL INSURANCE COMMISSION

SEC. 101. (a) There is hereby established a Federal Insurance Commission, which shall be an independent agency in the executive branch and shall have the powers hereinafter granted.

(b) Upon the date of enactment of the Federal Insurance Act of 1977, the Commission shall have power:

(1) To adopt and use a seal

(2) To have succession until dissolved by an Act of Congress.

(3) To make contracts.

(4) To sue and be sued, complain and defend, in any court of law or equity, local, State, or Federal. All suits of a civil nature at common law or in equity to which the Commission shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof, without regard to the amount in controversy; and the Commission may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect. No attachment or execution shall be issued against the Commission or its property before final judgment in any suit, action, or proceeding in any local, State, or Federal court. The Commission shall designate an agent upon whom service of process may be made in any State to which any federally guaranteed insurer is transacting insurance or has its principal place of business.

(5) To appoint and fix the compensation of such officers and employees as it deems appropriate.

(6) To exercise all powers specifically granted by the provisions of this Act, and such incidental powers as shall be necessary to carry out the powers so granted.

(7) To make examinations of and to require information and reports from all federally guaranteed insurers or applicants for a guaranty or charter, their managers and agents, as required in this title.

(8) To cooperate and coordinate with State supervisory authorities and associations thereof on matters affecting the solvency of federally chartered insurers.

(9) To act as receiver, trustee, rehabilitator, or liquidator.

(10) To prescribe such rules and regulations as it may deem necessary to carry out the provisions of this Act.

(c)(1) The Commission shall consist of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the members shall be designated by the President to be the Chairman of the Commission. Not more than two of the members of the Commission shall be members of the same political party.

(2) Each member of the Commission shall hold office for a term of six years. In the event of a vacancy in the office of the Chairman of the Commission, and pending the appointment of a successor, the more senior of the remaining members shall act as Chairman.

(3) The Chairman of the Commission shall have executive authority within the Commission, including the authority to employ and direct the personnel of the Commission.

(4) The members of the Commission shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any federally chartered insurer, except that this restriction shall not apply to any member who has served the full term for which he was appointed. No member of the Commission shall be an officer or director of any insurer or hold stock in any federally chartered or guaranteed insurer; and before entering upon his duties as a member of the Commission he shall certify under oath that he has complied with this requirement and such certification shall be filed with the Secretary of the Commission.

(d)(1) There is hereby established an Advisory Committee consisting of the Special Assistant to the President on Consumer Affairs, ex officio, a representative of the Secretary of the Treasury, ex officio, a representative of the Secretary of Housing and Urban Development, ex officio, and ten members appointed by the Chairman of the Commission of whom four shall be selected from among persons actively employed in the private insurance industry (including one representative of the reinsurance industry), three shall be selected from among persons actively engaged in State supervisory or legislative activities, and three shall be selected as consumer representatives of the general public.

(2) The Chairman of the Commission shall designate a Chairman and a Vice Chairman of the Advisory Committee.

(3) Each member shall serve for a term of two years or until his successor has been appointed and shall have qualified. Members may be reappointed, except that no person who is appointed from among persons actively employed in the private insurance industry or from among persons actively engaged in State supervisory or legislative activities shall serve in such position after he ceases to be so employed, unless reappointed in another capacity.

(4) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

(5) The Vice Chairman of the Advisory Committee shall preside in the absence or disability of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman of the Commission may appoint any member to act as Chairman pro tempore. The Committee shall meet at such times and places as it or the Chairman of the Commission may fix and determine, but shall hold at least four regularly scheduled meetings a year. Special meetings may be held at the call of the Chairman of the Advisory Committee, or any three members of the Committee, or at the call of the Chairman of the Commission. A majority of the members shall constitute a quorum for the transaction of business.

(6) The Committee shall review the procedures, practices, and policies of the Commission and advise the Commission with respect thereto, assist in obtaining the cooperation of insurers, industry groups, and Federal and State agencies, consult with and make recommendations to the Commission with respect to carrying out the purposes of this Act, and render such advice as the Commission may, from time to time, seek. The written reports and recommendations of the Committee shall be made available by the Commission to the public.

(7) The members of the committee shall not, by reason of such membership, be deemed to be employees of the United States, and such members, except the Special Assistant to the President on Consumer Affairs and the representatives of the Secretary of the Treasury and of the Secretary of Housing and Urban Development, shall receive for their services as members the per diem equivalent to the rate for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the performance of their duties, and each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(8) The Committee shall be subject to the Federal Advisory Committee Act.

(e) The Commission shall administer its affairs fairly and impartially and without discrimination. The Commission shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Commission, with the consent of any Federal executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service office, authority or administration in the executive branch of Government, including any field service thereof, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this Act.

(f)(1) There are transferred to the Commission all functions, powers, and duties conferred upon the Secretary of Housing and Urban Development pursuant to title XII of the National Housing Act, title XIII of the Housing and Urban Development Act of 1968, the Flood Disaster Protection Act of 1973, and the Federal Flood Insurance Act of 1956, except that the National Insurance Development Fund shall be kept separate from the fund established under section 4. Any reference to the Secretary of Housing and Urban Development contained in any such statute shall be deemed to be a reference to the Commission.

(2) Section 5315 (91) of title 5, United States Code, is repealed.

(3) The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with, the functions, powers, and duties transferred by this subsection are hereby transferred with such functions, powers, and duties, respectively.

(4) No cause of action by or against any agency whose functions are transferred by this title, or by or against any officer of any agency in his official capacity, shall abate by reason of this transfer. Such causes of action may be asserted by or against the United States, the Commission, or such officer or employee of the Corporation as may be appropriate.

(5) No suit, action, or other proceeding commenced by or against any agency whose functions are transferred by this subsection, or by or against any officer of any such agency in his official capacity, shall abate by reason of the enactment of this subsection. A court may at any time during the pendency of the litigation, on its own motion or that of any party, order that the same may be maintained by or against the United States, the Commission, or such officer or employee of the Corporation as may be appropriate.

(6) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act, by any agency, officer, or office pertaining to any functions, powers and duties transferred by this Act shall continue in full force and effect after the effective date of this Act unless and until modified or rescinded by the Commission.

(g) The Commission shall annually make a report of its operations to the Congress as soon as practicable after the 1st day of June in each year. Such report shall include a statement with respect to the status and

scope of the Federal Insurance Guaranty Fund, together with such recommendations concerning its adequacy or inadequacy as the Commission deems necessary or desirable.

FEDERAL INSURANCE GUARANTY FUND

SEC. 102. (a) The Congress finds and declares that, in order to assure policyholders the protection of insurance policies they have purchased, notwithstanding the insolvency of the issuing insurance company, the United States national policy shall be to facilitate early detection of the financial condition of insurers which, if not corrected, render reasonably probable the insolvency, impairment, or inability of such insurers to fulfill their contractual obligations to policyholders or claimants when due, and to provide for the orderly winding down and liquidation of insolvent insurers by establishing a Federal insurance guaranty program which shall establish uniform standards for guaranty status and shall maximize the efficient utilization of the capabilities and facilities of private insurers in the discharge of policy obligations of private insurers which become insolvent.

(b) There is established in the Treasury of the United States a fund to be known as the Federal Insurance Guaranty Fund (hereinafter referred to as the "fund"). The fund shall contain fees paid by companies whose insurance obligations are guaranteed by the Commission, the proceeds of obligations issued under subsection (d), and receipts from any other source.

(c) Moneys in the fund shall be available to the Commission, without fiscal year limitation, to the extent provided in appropriations Acts, for the purpose of carrying out its obligations under guaranties under this Act and to cover the expenses of carrying out its functions under this Act.

(d) To the extent necessary to cover losses, the Commission is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed such amounts as may be approved in appropriations Acts, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(e) Any insurance obligation incurred or maintained, exclusive of the reinsured obligations of a ceding insurer by a federally guaranteed insurer during a period when such insurer is authorized to do business under this Act is guaranteed and, upon the default of such insurer, such obligation shall be met by the Commission uti izing proceeds contained in the Federal Insurance Guaranty Fund. Any guaranty hereunder is a fu'l faith and credit obligation of the United States. The Commission shall establish and collect from each insurer guaranteed under this Act an annual fee calculated as a percentage of its net direct premiums, and such fee may not exceed one-fourth of 1 per centum per year. The Commission may establish different levels of fees for different types of insurers: *Provided*, That all insurers of the same type shall pay comparable fees and the fees charged each type of company shall be reasonably related to expected losses. In establishing the guaranty fees to be collected pursuant to this Act, the Commission shall attempt to develop and maintain a balance in the Guarantee Fund sufficient to render unlikely any need to borrow from the Secretary of the Treasury. When the balance in the fund reaches such a sufficient level, the fee established and collected under this section may be reduced or suspended.

(f) The Commission shall, to the maximum extent practicable, pay any amount owing under any such guaranty through other insurers to which the policy giving rise to the obligation has been assigned.

FEDERAL GUARANTY CERTIFICATE

SEC. 103. (a) The Commission is authorized to issue a Federal guaranty certificate to any insurer which meets such financial and other requirements as the Commission may reasonably prescribe pursuant to this section.

(b) Any insurer may make application to the Commission for a certificate under this section, which certificate is in force in any line of insurance insuring persons or risks situated in any State, except that no insurer chartered under the provisions of this Act may make, issue, renew, or continue in effect any insurance policy or otherwise transact insurance unless and until it has received a certificate hereunder.

(c) Such application shall be in such form and shall contain such information as the Commission shall, by regulation prescribe, including, but not limited to—

(1) a designation of each State in which the insurer will transact insurance and the lines of insurance to be offered;

(2) a statement of the insurer's capital and surplus, in the case of a stock insurer, or guaranty fund, in the case of an insurer other than a stock insurer.

(d) The Commission shall make such examination of an applicant for a certificate hereunder as it deems necessary to ascertain the financial condition and fitness of the applicant. For this purpose, the Corporation may utilize employees of the Commission, independent contractors, and other agencies of the Federal Government. It may take into consideration reports of independent auditors and reports and certifications by State supervisory authorities.

(e) Any person exercising or possessing effective control of a federally guaranteed insurer shall be subject to the regulatory authority of the Commission.

(f) No insurer whose policyholders are liable to assessment under any policy issued by it shall be granted a guaranty certificate under the provisions of this Act.

(g) Nothing in this Act shall be deemed to prohibit any insurer from engaging in both a life and property and liability insurance business in any State if otherwise authorized to do so.

(h) (1) (A) Unless the application or any part thereof is earlier returned to the applicant by the Commission because of legal insufficiency, the nature of such insufficiency having been stated in writing by the Commission, the Commission shall, not later than ninety days following the filing of the application for a Federal certificate, issue or refuse to issue such certificate: *Provided*, That if a financial examination or audit of the applicant or any affiliated or related person subject to this Act has been commenced by the Commission but has not been completed, the Commission may extend the period for one additional period of ninety days.

(B) The Commission may refuse to issue a certificate hereunder upon its determination that the insurer is not financially safe and sound for any, or any combination, of the following reasons:

(i) assets supportive of the insurer's policyholder obligations fail to provide sufficient integrity and stability for that purpose;

(ii) the insurer's underwriting commitments have consistently been in excess of its capacity;

(iii) in applying for the certificate, the insurer has failed to disclose material facts or circumstances bearing upon its worthiness for receiving a certificate;

(iv) the insurer's reserves for liabilities are materially deficient or its liabilities are materially understated; or

(v) the insurer is effectively controlled by officers, directors, stockholders, or other persons whose conduct has demonstrated such persons to be unworthy of trust or confidence.

Any refusal to issue a certificate hereunder shall be by a written order issued by the Commission, which order shall specify the factual conclusions and legal authority on which the refusal is based.

(2) At any time within the ninety-day period or extension specified in paragraph (1) (A) of this subsection, the Commission may, upon notice of not less than ten days, hold a hearing in the manner provided in section 206(f) not less than thirty days nor more than ninety days after such notice inquiring into the financial condition of such applicant or any affiliated or related person or upon the fitness of such applicant to receive a certificate, and notice of such hearing shall stay the running of the time specified in paragraph (1). Such notice shall specify explicitly the matters to be considered and the persons to be examined at such hearing. Failure of the applicant or any affiliated or related person to whom notice was provided to appear at such hearing may be deemed to be an abandonment of the application for a certificate.

(i) (1) The Commission may revoke or suspend a certificate granted hereunder—

(A) upon the request of the federal guaranteed insurer;

(B) because of the insurer's willful or persistent violation of law or regulation; or

(C) for any reason which, had it existed or been known, would have justified the Commission's refusal to issue the certificate originally.

(2) A revocation or suspension of a certificate shall be effected by a written order issued by the Commission, and served upon the federally guaranted insurer, which order shall set forth the factual conclusions and legal authority upon which the revocation or suspension is based.

(3) The Corporation shall give any federally guaranteed insurer thirty days written notice of its intention to revoke or suspend its certificate and provide an opportunity to correct the deficiencies in its operation which are stated in the notice as grounds for revocation or suspension. Any federally guaranteed insurer, prior to or after revocation or suspension of its certificate, shall upon request, be granted an opportunity for a hearing, which shall be conducted in accord with the provisions set forth in section 206(f), to contest such decision.

(4) (A) Upon the revocation or suspension of a certificate as provided herein, or upon its surrender by a federally guaranteed insurer, all policy obligations of the insurer on policies issued or renewed while the license was in force shall cease to be guaranteed on the earliest of the following dates:

(i) the next renewal date;

(ii) the policy anniversary date;

(iii) the effective date of cancellation of the policy; or

(iv) one year from the effective date of the revocation, suspension, or surrender of the Federal guaranty certificate.

(B) The policyholder of any policy guaranteed hereunder shall be given written notice not less than sixty days prior to the loss of guaranty status on its policy.

(j) Investments of a federally guaranteed insurer, other than an insurer chartered under section 201, shall be regulated, in general, by the laws and regulations of such insurer's State of domicile and the laws and regulations of the States in which it transacts insurance unless the Commission shall determine, after hearing, that the laws or regulations of such State or States fail to require that the minimum policyholders' surplus and reserve liabilities, including the loss reserves, unearned premium reserve, and mortality and morbidity reserve, of such insurer be covered, to a reasonable degree, by admissible assets of sufficient integrity and stability, or that any such insurer is not required to comply with, and does not comply with, the current investment laws or regulations of its State of domicile. Upon making such finding, the Commission shall issue such order as is necessary to bring the insurer's investments into compliance with the standards established by this section within a reasonable length of time or to terminate its status as a federally guaranteed insurer for its failure to do so. For the purpose of carrying out its functions under this section, the Commission is authorized to issue a subpena requiring the insolvent insurer to furnish such books, records, or other materials as it deems necessary, and in the event of a refusal to comply therewith, the Commission may invoke the aid of any United States district court having jurisdiction of a district in which the insurer can be found. Refusal of insurer to obey any court order issued pursuant to any proceeding hereunder may be punished by the court as a contempt thereof.

(k) A federally guaranteed insurer shall be exempt from the provisions of the laws of any State which require the participation of insurers in any State insolvency guaranty plan whereby such insurers are required to assume obligations of other insurers in the event of the insolvency or other financial impairment of such other insurers.

SATISFACTION OF GUARANTEED OBLIGATIONS

SEC. 104. (a) Whenever any federally guaranteed insurer has been adjudicated an insolvent insurer, the Commission shall, through its own facilities, through the facilities of a State supervisory authority or through the facilities of independent contractors retained by the Commission, satisfy all valid guaranteed obligations in the following manner:

(1) The Commission shall investigate, examine, adjust, compromise, or settle all claims arising from guaranteed obligations as quickly as possible in order to provide the public the insurance protection that would have been available but for the liquidation.

(2) Any defense against any claim under this section which was available to the insolvent insurer shall be available to the Commission.

(3) The Commission is authorized to defend any action pending or brought against the policyholder or the insured of the insolvent federally guaranteed insurer for an insurable event occurring before or fifteen days after the date of issuance of the liquidation order.

(b) The Commission shall be entitled to any valid claim against the liquidator up to an amount equal to the liabilities of such insurer paid by the Commission plus the expenses of discharging the federally guaranteed insurer's obligations under guaranteed policies. Payment of such claim shall follow the normal order of distribution of the liquidation laws of the State.

(c) The Commission shall, to the maximum extent practicable, pay any valid guaranteed claim through other insurers to which the policies giving rise to the claim have been assigned.

PROCEDURES TO AVOID DEFAULT OF TO FACILITATE THE MERGER OR CONSOLIDATION OF A FEDERALLY GUARANTEED INSURER

SEC. 105. (a) Whenever in the judgment of the Commission, such action will reduce the risk or avert a threatened loss to the Federal Insurance Guaranty Fund and will facilitate a merger or consolidation of a federally guaranteed insurer with another such insurer, or will facilitate the sale of the assets of the insurer to and the assumption of its liabilities by another such insurer, or will help to avoid the default of such an insurer, the Commission may, upon such terms and conditions as it may prescribe, make loans secured in whole or in part by assets of such insurer, which loans may be subordinated to the rights of policyholders and other creditors, or the Commission may purchase any such assets or guarantee any other such insurer against loss by reason of its assuming the liabilities in purchasing the assets of such insurer. Any such insurer or the receiver thereof is authorized to contract for such sales or loans and to pledge any such assets to secure such loans.

(b) Any agreement entered into by a federally guaranteed insurer which tends to diminish or defeat the right, title, or interest of the Commission in any asset acquired by it under this section either as security for a loan or by purchase shall be valid against the Commission only if such agreement—

(1) is in writing;

(2) was executed by the insurer and the person claiming an interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the insurer;

(3) was approved by the board of directors of the insurer which approval must be reflected in the minutes of such board; and

(4) was continuously, from the time of its execution, an official record of the insurer.

PROCEDURES FOR REHABILITATION, REORGANIZATION, OR DISSOLUTION OF A FEDERALLY GUARANTEED INSURER

SEC. 106. (a) The Commission may institute proceedings under this section to provide for the rehabilitation, reorganization, or dissolution of a federally guaranteed insurer whenever it determines that the insurer is unable or is reasonably likely to become unable, to fulfill its obligations when due. Upon such determination, the Commission may, after notice to the federally guaranteed insurer, apply to the appropriate United States district court for its appointment as a receiver to administer the affairs of the insurer with respect to which the determination was made. If within three business days after the filing of an application under this section, or such other period as the court may order, the federally guaranteed insurer consents to the appointment of a receiver or fails to show why a receiver should not be appointed, the court may grant the application and appoint a receiver to administer the affairs of the insurer in accordance with the provisions of this Act and the charter of the insurer, except that the United States district court may immediately appoint a receiver upon the request of the Commission when the court finds that such action is necessary to preserve the financial integrity of the insurer, but any such insurer may request a hearing, upon a petition filed with the court not later than three days after such an appointment, with respect to such appointment.

(b) Any receiver appointed under this section shall be subject to the same duties as a trustee appointed under section 47 of the Bankruptcy Act, and shall conduct its business and the affairs of the insurer consistent with the provisions applicable to a proceeding under chapter X of the Bankruptcy Act, except that claims of policyholders which arose prior to the insurer's default shall have a priority over all other claims.

(c) If the Commission has issued a notice under this section to an insurer chartered under section 201 of this Act, and has determined at any time thereafter that the charter of that insurer should be revoked, it may, after notice to the insurer, apply to the appropriate United States district court for a decree adjudicating that the charter must be revoked in order to protect the interests of the policyholders or to avoid any further increase in the liability of the Federal Insurance Guaranty Fund. If any receiver appointed under subsection (a) disagrees with the determination of the Commission under the preceding sentence, it may intervene in the proceeding relating to the application for the decree ordering revocation of the charter or make application for such decree itself. Upon the issuance of such a decree, the court shall authorize the receiver (or appoint a receiver and so authorize him, if necessary), to wind up the affairs of the insurer in accordance with the provisions of this section. If the receiver and the Commission agree that the affairs of the insurer should be wound up and the charter surrendered and to the appointment of a receiver without proceedings pursuant to this section (other than this sentence), the receiver shall have the power to take such actions as may be necessary to wind up the affairs of the insurer promptly.

REGULATORY AUTHORITY

SEC. 107. (a) In order to insure the financial stability of federally guaranteed insurers, the Commission is authorized to prescribe such rules and regulations as may be necessary to carry out its responsibilities under the provisions of this Act. Such rules and regulations shall require that—

(1) each such insurer shall pay the guaranty fee established by the Commission under section 102 of this Act or any other applicable fee or charge provided by law or regulation;

(2) each such insurer shall compute and maintain its reserve liabilities as the Commission may, from time to time, provide by regulation;

(3) each such insurer shall not sell, transfer, assign, pledge, or otherwise dispose of or relinquish control over more than 25 per centum of its funds, assets, or investments within any twelve-month period except as provided by regulation unless at least thirty days prior notice has been provided to the Commission and it has not disapproved;

(4) each such insurer shall furnish to the Commission such files, books, reports, documents, or other records of the insurer or any affiliated or related entity as the Commission shall prescribe and shall make available to the Commission at such times and places as the Commission shall reasonably prescribe every such file, book, report, document, or other record for inspection, examination, or audit under the oath or affirmation of the person(s) having custody or control thereof; and

(5) each such insurer shall furnish under the oath or affirmation of its directors, or other members of its governing body, officers, managers, or agents, such financial reports or records and at such times and in such detail as the Commission may, from time to time, prescribe, including tapes, punched cards, or other material processed through an electronic data processing system maintained by the insurer or any affiliated or related entity.

(b) The Commission shall establish and maintain, either directly and solely or wholly or partially by contract with State insurance regulatory authorities or officials or an association made up of such authorities or officials, or with other appropriate organizations or associations, an "early warning system" meaning a system for the early detection of financial conditions of insurers which if not corrected render reasonably probable the insolvency, impairment, or inability of the insurer to fulfill, when due, its contractual obligations to policyholders or claimants. In order to render possible comparison and to make available broad financial and statistical data, any such "early warning system" may include both federally guaranteed insurers and other insurers. Any insurer covered by such system may be required by the Commission to submit its financial reports or records including computer tapes or cards under its electronic data processing system. The system established under this subsection shall contain such criteria and the weight to be accorded such criteria as the Commission, after consultation with the National Association of Insurance Commissioners and such other groups as are considered by the Commission to have experience in these matters.

(c) It shall be unlawful for any federally guaranteed insurer to—

(1) refuse to insure any individual or group of individuals solely because of age, sex, race, religion, or national origin; and

(2) classify, or charge a rate or premium to, any individual or group of individuals with the purpose or effect of unfairly discriminating against such persons on account of age, sex, race, color, religion, or national origin: *Provided*, That such classifications or rates, or premiums shall not be unfairly discriminatory within the meaning of this provision if they can be supported by empirical evidence demonstrating that such classes, rates, or premiums are reasonably predictive of and significantly correlated to loss and expense experience.

SUPERVISORY AUTHORITY

SEC. 108. (a) If, in the opinion of the Commission, any federally guaranteed insurer or any director, officer, employee, agent, or other person participating in the conduct of affairs of such insurer is engaging or has engaged, or if the Commission has reasonable cause to believe that the insurer or any director, officer, employee, agent, or other person participating in the conduct of such affairs is about to engage, in any practice in connection with the affairs of the insurer which violates the provisions of this Act or of the regulations promulgated under this Act, or is violating or has violated, or the Commission has reasonable cause to believe that the insurer or any director, officer, employee, agent, or other person participating in the conduct of the affairs of the insurer is about to violate a law, rule, or regulation, or any condition imposed in writing by the Commission in connection with the granting of any benefit under this Act, the Commission may issue and serve upon the insurer or such director, officer, employee, agent, or other person a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or practice and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should be issued. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of notice unless an earlier or a later date is requested by the party so served and agreed to by the Commission. Failure of the party served to appear at such a hearing shall be deemed to indicate the consent of that party to issuance of the cease and desist order. In the event of such consent, or if, upon the record of any such hearing, the Commission finds that any violation or practice specified in the notice of charges has been established, the Commission may issue and serve upon the insurer, director, officer, employee, agent, or other person an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the insurer or its directors, officers, employees, agents, or other person participating in the conduct of its affairs to cease and desist from the same, and to take affirmative action to correct the conditions resulting from any such violation or practice. An order under this subsection shall become effective at the expiration of thirty days after service, except in the case of a cease and desist order issued upon consent which shall become effective at the time specified therein, and shall remain effective and enforceable as provided therein except to such extent as the order may be stayed, modified, terminated, amended, or set aside by action of the agency or any court.

(b)(1) Whenever the Commission determines that a violation or threatened violation or practice specified in the notice of charges served under subsection (a) or the continuation thereof is likely to cause insolvency or substantial dissipation of assets or earnings of the insurer, the Commission may issue a temporary order requiring the insurer or such director, officer, employee, agent, or other person to cease and desist from any such violation or practice. Such orders shall become effective upon service upon the insurer or such director, officer, employee, agent, or other person participating in the conduct of the affairs of such insurer and, unless set aside, limited, or suspended by a court in proceedings authorized by this subsection, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Commission shall dismiss the charges specified in such notice, or if a cease and desist order is issued against the insurer or such director, officer, employee, agent, or other person, until the effective date of such order. Within ten days after the insurer or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such insurer has been served with a temporary cease and desist order, the insurer or such director, officer, employee, agent, or other person may apply to the United States district court or the United States court of any territory within the jurisdiction of which the principal place of business of the insurer is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the insurer or such director, officer, employee, agent, or other person under subsection (a) of this section, and such court shall have jurisdiction to issue such injunction.

(2) In the case of a violation or threatened violation of or failure to obey a temporary cease and desist order issued pursuant to paragraph (1), the Commission may apply to the United States district court or the United States court of any territory within the jurisdiction of which the principal place of business of the insurer is located, for an injunction to enforce such order, and if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

(c)(1) Whenever, in the opinion of the Commission, any director or officer of a federally guaranteed insurer has committed any violation of law, rule, or regulation or of a cease and desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the insurer, or has committed or engaged in any act, omission, or practice which constitutes a breach of his duty as such director or officer, and the Commission determines that the insurer has suffered or will probably suffer substantial financial loss or other damage or that the interests of its policyholders could be seriously prejudiced by reason of such violation or practice or breach of duty, and that such violation or practice or breach of duty is either one involving personal dishonesty on the part of such director or officer, or one which demonstrates his gross negligence in the operation or management of the insurer or a willful disregard for the safety or soundness of the insurer, the Commission may serve upon such director or officer a written notice of its intention to remove him from office.

(2) Whenever, in the opinion of the Commission, any director or officer of a federally guaranteed insurer, by conduct or practice with respect to any other business concern which resulted in substantial loss or other damage, has evidenced either his personal dishonesty or gross negligence in the operation or management of the business concern or a willful disregard for its safety and soundness, and, in addition, has evidenced his unfitness to continue as a director or officer, and whenever, in the opinion of the Commission, any other person participating in the conduct of the affairs of the insurer, by conduct or practice with respect to the insurer or any other business concern which resulted in substantial financial loss or other damage, has evidenced either his personal dishonesty or his gross negligence in the operation or management of the insurer or concern or a willful disregard for its safety and soundness, and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of such insurer, the Commission may serve upon such director, officer, or other person written notice of its intention to remove him from office or to prohibit his further participation in any manner in the conduct of the affairs of the insurer.

(3) The Commission may, if necessary for the protection of the insurer or the interests of its policyholders, by written notice to such effect served upon a director, officer, or other person referred to in paragraph (1), suspend him from office or prohibit him from further participation in any manner in the conduct of the affairs of the insurer. Such suspension or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by subsection (d) of this section, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraph (1) or (2) of this subsection and until such time as the Commission shall dismiss the charges specified in such notice, or, if an order of

removal or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the corporation of which he is a director or officer or in the conduct of whose affairs he has participated. A notice of intention to remove a director, officer, or other person from office or to prohibit his participation in the conduct of the affairs of an insurer shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after the date of service of such notice, unless an earlier or a later date is set by the Commission at the request of (A) such director or officer or other person, and for good cause shown, or (B) the Attorney General of the United States. Unless such director, officer, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Commission shall find that any of the grounds specified in such notice has been established, the Commission may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the insurer, as he may deem appropriate. Any such order shall become effective at the expiration of thirty days after service upon such insurer and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the agency or a reviewing court.

(d) Within ten days after any director, officer, or other person has been suspended from office or prohibited from participation in the conduct of the affairs of an insurer under subsection (c) of this section, such director, officer, or other person may apply to the United States district court or the United States court of any territory within the jurisdiction of which the home office of the insurer is located, or the United States District Court for the District of Columbia, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, or other person under subsection (c) of this section, and such court shall have jurisdiction to stay such suspension or prohibition.

(e) Any federally guaranteed insurer which violates or any officer, director, employee, agent, or other person participating in the conduct of the affairs of such an insurer who violates the terms of any order which has become final and was issued pursuant to this section, shall forfeit and pay a civil penalty of not more than $10,000 per day for each day during which such violation continues. The Commission shall have authority to assess such a civil penalty, after giving notice and an opportunity to the insurer or officer, director, employee, agent, or other person to submit data, views, and arguments and after giving due consideration to the appropriateness of the penalty with respect to the size or financial resources and good faith of the insurer or person charged, the gravity of the violation, and any data, views, and arguments submitted. The Commission may collect such civil penalty by agreement with the insurer or other person or by bringing an action in the appropriate United States district court, except that in any such action the insurer or other person against whom the penalty has been assessed shall have a right to a trial de novo.

(f) (1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal place of business of the insurer is located unless the party afforded the hearing consents to a hearing in another place, and shall be conducted in a manner consistent with the provisions of chapter 5 of title 5, United States Code, except that any such hearing shall be private unless the Commission after consideration of the views of the party afforded the hearing determines that a public hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Commission has notified the parties that the case had been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Commission may modify, terminate, or set aside any such order with permission of the court.

(2) Any party to the proceeding, or any person required by an order issued under this section to cease and desist from any of the violations or practices stated therein, may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the insurer, director, officer, or other person, or an order issued under paragraph (1) of subsection (c) of this section) by the filing in the court of appeals of the United States for the circuit in which the home office of the insurer is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Commission be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record in the proceeding, as provided in section 2112 of title 28. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of paragraph (1) of this subsection be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Commission. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, subject only to review by the Supreme Court upon a writ of certiorari, as provided in section 1254 of title 28, United States Code.

(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Commission.

(g) The Commission may apply to the United States district court or the United States court of any territory, within the jurisdiction of which the principal place of business of the insurer is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such courts shall have jurisdiction and power to order and require compliance therewith; but except as otherwise provided in this section no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this section, or to review, modify, suspend, terminate, or set aside any such notice or order.

(h) As used in this section—

(1) the terms "cease and desist order which has become final" and "order which has become final" means a cease and desist order or an order, issued by the Commission with the consent of the insurer or the director or officer or other person concerned, or with respect to which no petition for review of the action of the Commission has been filed and perfected in a court of appeals as specified in paragraph (2) of subsection (h), or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in said paragraph, or an order issued under paragraph (1) of subsection (g) of this section; and

(2) the term "violation" includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

(i) Any service required or authorized to be made by the Commission under this section may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Commission may by regulation or otherwise provide.

(j) In the course of or in connection with any proceeding under this section, the Commission, or any designated representative thereof, including any person designated to conduct any hearing under this section, shall have the power to administer oaths and affirmations, to take or cause to be taken deposition, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum; and such Commission is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. Any party to proceedings under this section may apply to the United States District Court for the District of Columbia, or the United States district court or the United States court of any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this section by a corporation or a director or officer thereof, may allow to any such party such reasonable expenses and attorneys'

fees as it deems just and proper; and such expenses and fees shall be paid by the corporation or from its assets.

COMPETITION

SEC. 109. (a) The Commission shall not adopt any rule or regulation or exercise any other authority granted to it under this Act in such a manner as to impose a burden on competition not necessary or appropriate in furtherance of the purposes of this Act, and in all cases shall adopt the least anticompetitive alternative to protecting policyholders and the public interest.

(b) Except as provided herein, nothing contained in this Act shall affect the applicability of the antitrust laws to the business of insurance.

(c) Notwithstanding any other provision of law, the Federal antitrust laws shall be applicable to federally chartered insurers in their conduct of the business of insurance with respect to those activities that are exempt from certain State regulation as specified in section 204 of this Act. For purposes of this section, the Federal antitrust laws shall include the Sherman Antitrust Act (15 U.S.C. 1 and following), the Clayton Act (15 U.S.C. 12 and following), the Federal Trade Commission Act (15 U.S.C. 41 and following).

TITLE II—FEDERAL CHARTERING OF INSURANCE COMPANIES

CHARTERING

SEC. 201. (a) The Commission is authorized to issue a charter to any stock, mutual, or reciprocal insurer, reinsurer, or surety, the United States branch of an alien insurer or surety, or any other alien insurer or surety maintaining in the United States at all times trust funds of not less than $50,000,000 or such lesser amount as may be appproved by the Commission, for the security of policyholders and claimants in accordance with such rules, regulations, and procedures as the Commission may prescribe.

(b)(1) Notwithstanding the provisions of the law of any State, any stock, mutual, or reciprocal insurer, a Lloyds organization, or a surety, organized or incorporated under the authority of State law, having been certified by the Commission as otherwise eligible to become a federally chartered insurer and upon the majority vote of its stockholders, or in the case of a nonstock insurer, a majority of its policyholders or members, voting in person or by proxy at a meeting called for such purpose, shall be issued a Federal charter.

(2) Upon the issuance of the Federal charter—

(A) the State charter or similar other authority of organization of the insurer shall be preempted and terminated, except that any such insurer shall be deemed to continue its corporate or other existence for all purposes of Federal and State law; and

(B) the insurer shall be deemed to be authorized to do business in any State.

(3) Notwithstanding the provisions of paragraph (2), the appropriate authority of a State may, for cause and upon a showing to the satisfaction of the Commission that such action is necessary or justified, revoke the authority of a federally chartered insurer to do business in that State.

(c) Upon the issuance of such a charter, all insurance obligations of the federally chartered insurer shall be guaranteed in accordance with the provisions of title I of this Act.

(d) The Commission may, by rule, prohibit any alien insurer, other than the United States branch of an alien insurer, from transacting an insurance or surety business in any State of the United States unless such alien insurer is chartered under the provisions of this Act, but such prohibition shall not extend to reinsurance other than reinsurance under which the alien insurer assumes reinsurance in excess of a 90 per centum quota share of the ceding insurer's insurance business or any line thereof.

(e) The principal place of business of a federally chartered insurer shall be designated in its charter. The principal place of business of an existing insurer electing to obtain a Federal charter under this Act shall be deemed to be the State in which it was formerly chartered unless it designates at the time of filing its application for a charter or at any time after such a charter is issued another State with the approval of the Commission.

(f)(1) A federally chartered insurer may elect to surrender its Federal charter, together with all right, power, authority, and entitlements granted thereunder or incident thereto, upon the majority vote of its stockholders or, in the case of a nonstock insurer, the majority vote of its policyholders or members, voting in person or by proxy at a meeting called for such purpose. The notice of such meeting shall be given at least thirty days prior thereto and shall contain a certified statement of the Commission, prepared for such purpose and at the expense of the insurer, setting forth the financial condition of the insurer and its ability to meet its insurance obligations. The Commission shall prepare such certified statement within sixty days of a written request therefor from the board of directors or other similar governing body of the insurer.

(2) The election of a federally chartered insurer to surrender its Federal charter may be made upon such terms and conditions, not inconsistent with the provisions of this Act, as the vote authorizing such election may provide. The Commission shall not certify the surrender of the insurer's Federal charter and the date thereof until such terms and conditions have been met.

(g) Except as otherwise specifically provided in this Act, a federally chartered insurer shall have the powers of a business corporation chartered in the District of Columbia under the District of Columbia Business Corporation Act, and shall be subject to the provisions of such Act.

ORGANIZATION

SEC. 202. (a)(1) A federally chartered insurer may be formed by any number of persons, but in no event less than three individuals. Such persons shall transmit to the Commission verified articles of organization in such form and with such content as the Commission may prescribe, including generally, the object for which the insurer is formed, the line or lines of insurance or surety which it intends to transact and the States in which it is currently doing business or proposes to do business within the five-year period following its application for a Federal charter. Such articles of organization shall include, or be accompanied by, the articles of incorporation, charter, or constitution of the organization, the bylaws, and the biographical background of the organizers, directors, and proposed officers of the organization.

(2) The material filed with the Commission shall state the capital and surplus, in the case of a stock insurer, or guaranty fund, in the case of an insurer other than a stock insurer, which shall not be less than such amount as the Commission may, by rule, prescribe. No portion of such capital, surplus, or guaranty fund shall consist of surplus notes or any other form of direct or indirect indebtedness.

(3) In the case of a group or fleet of insurers under common management or subject to the effective control of one person, including, but not limited to, a holding company, no one or more of such insurers (other than alien insurers) constituting such group or fleet of insurers or insurers under common management or control shall be chartered unless all shall be so chartered or a plan for such chartering is filed with the Commission for its approval.

(4) Any person exercising or possessing effective control of a federally chartered insurer shall be subject to the regulatory authority of the Commission including, but not limited to, its powers of examination and audit.

(5) No insurer whose policyholders are liable to assessment under the contract of insurance issued by it shall be chartered under the provisions of this Act.

(b) No Federal charter shall be issued in the name of an insurer whose name is identical with or so similar to the name of an insurer already licensed or authorized in one or more of the United States as reasonably likely to cause confusion or be misleading or deceptive to policyholders or claimants.

(c) Nothing in this Act is intended, nor shall it be deemed, to authorize any insurer to engage in both a life and property and liability insurance business in any State which precludes an insurer from transacting both a life and property and liability insurance business.

(d)(1) Unless the articles of organization or other documents or material filed by the applicant are earlier returned to the applicant by the Commission because of legal insufficiency, the nature of such insufficiency having been stated in writing by the Commission, the Commission shall, not later than ninety days following the filing of the application for a Federal charter, approve or disapprove the issuance of such charter, except, that if a financial examination or audit of the applicant or any affiliated or related person has been commenced by the Commission but has not been completed, the Commission may extend the period for a further period of ninety days.

(2) At any time within the ninety-day period or extension specified in paragraph (1) of this subsection, the Commission may, upon notice of not less than ten days, hold a hearing not less than thirty days nor more than ninety days after such notice inquiring into the financial condition of the applicant or any affiliated or related person or upon the fitness of such applicant to receive a Federal charter, and notice of such hearing shall stay the running of the time specified in paragraph (1) of this subsection. Such notice shall specify the matters to be considered and the persons to be interrogated at such hearing. Failure of the applicant or any affiliated or related person to whom notice was provided to appear at such hearing may be deemed to be an abandonment of the application for a Federal charter.

(e) Upon its approval of the application, the Commission shall issue a charter to the insurer whereupon the insurer shall have the power—

(1) to adopt and use a seal or insigne;

(2) to have perpetual succession until such time as it is dissolved by the act of its stockholders, policyholders, or members, or by law, or until such charter is revoked by the Commission;

(3) to enter into contracts;

(4) to sue and be sued, complain, and defend, in any court of law or equity;

(5) to elect or appoint directors or other members of its governing body, to elect or

appoint officers or managers and to prescribe their duties and compensation;

(6) to prescribe through its governing body bylaws or other code of internal regulation for the conduct of its internal affairs including, but not limited to, the manner in which its shares, or other muniments of ownership, shall be transferred, its governing body elected or appointed, its officers or managers elected or appointed, its property transferred, its general business conducted, and the privileges granted it by law exercised and enjoyed;

(7) to exercise through its governing body, officers, managers, or agents all such powers and authority as may be necessary or appropriate to transacting its insurance business; and

(8) with the approval of the Commission, to conduct any other business which is complementary or incidental to the insurance business or the functions performed therein if any such other business is conducted subject to any limitations the Commission may prescribe for the protection of the interests of policyholders of the insurer, after taking into account the effect of any such other business on the insurer's existing business and its surplus, the proposed allocation of the estimated cost of any such business and the risks inherent in any such business as well as the relative advantages to the insurer and its policyholders of conducting such business directly instead of through a subsidiary.

(f) Every insurer chartered under this Act and every person affiliated with or who effectively controls or is controlled by such insurer shall comply with such rules and regulations as the Commission may prescribe, and shall make such periodic reports in such form and in such detail as the Commission shall prescribe, and shall be subject to examination or audit by the Commission or its delegate.

COMMENCING BUSINESS

SEC. 203. (a) A federally chartered insurer may commence and continue transacting insurance only if it has a certificate under the hand and seal of the Commission certifying—

(1) that its capital and surplus or guaranty fund has been paid in;

(2) that such capital and surplus or guaranty fund has been invested in such assets as are permitted under this Act or the Commission's regulations, or are held in such deposits or custodial accounts as prescribed by the Commission;

(3) that its reserve liabilities meet the standards prescribed by the Commission under section 107; and

(4) that the contracts of insurance or suretyship it proposes to use are in compliance with the provisions of this Act and, with the exception of laws relating to rates or premiums, that such contracts are in compliance with any applicable laws or regulations of the State or States where such contracts are proposed to be issued.

(b) Any such certificate issued by the Commission pursuant to subsection (a) of this section shall continue in effect unless revoked or suspended by the Commission.

APPLICABILITY OF STATE LAW

SEC. 204. (a) A federally chartered insurer shall be exempt from the provisions of the law of any State—

(1) which require the establishment and maintenance of reserves in the business of insurance done in that State;

(2) which require the participation of insurers in any State insolvency guaranty plan whereby such insurers are required to assume obligations of other insurers in the event of the insolvency or other financial impairment of such other insurers;

(3) which provide for the regulation of investments; or

(4) which provide for the regulation or fixing of rates or premiums or of classes of risks established by insurers operating in that State, except regulation of (A) any assigned risk plan or other residual risk market mechanism established under State law, or (B) any line of insurance (other than reinsurance) in which the Commission determines that the insurer competes principally for the producers' business rather than the business of the ultimate consumer.

(b) Nothing in this section may be constructed to deny to any State the right to levy taxes or to require license fees for federally chartered insurers transacting insurance within its jurisdiction except that a federally chartered insurer has no liability to any State for a tax measured by gross premiums or net premiums collected to the extent that the amount of such tax exceeds or would exceed the amount of tax which would be imposed on the same amount of gross or net premiums of the least taxed insurer (other than a nonprofit medical or hospital-type corporation) doing the same type of business and organized under the laws of any State (other than the taxing State). Except as otherwise provided herein, a federally chartered insurer shall for tax purposes be taxed at no higher rate than a foreign insurer doing the same type of business in any State in which it is authorized to do business.

(c) For the purpose of any tax law enacted under authority of a State, a federally chartered insurer shall not be treated as an insurer organized or incorporated under the law of the enacting State. For the purpose of any other law enacted under authority of a State or any law enacted under authority of the United States, a federally chartered insurer shall be treated as an insurer organized or incorporated under the law of the State in which it has its principal place of business, as provided in its charter.

INVESTMENTS

SEC. 205. (a) The purpose of this section is to require that funds of any federally chartered insurer in an amount equal to the sum of its policyholder obligations and minimum capital and surplus, or guaranty fund required by law, shall be invested in assets of integrity and stability, and to provide that funds of such insurer in excess of those required to cover such policyholder obligations and capital and surplus or guaranty fund may be invested at the discretion of the insurer, except that such excess funds shall not be invested in assets prohibited by subsection (g).

(b) As used in this section, the term "policyholder obligations" means those liabilities of the insurer to its policyholders and claimants against such policyholders on account of insurance contracts issued by it and obligations to creditors, and includes the liabilities required to be included in the insurer's annual statement filed with insurance regulatory authorities of the State in which the insurer's principal place of business is located including, but not limited to, the unearned premium reserve, reserve required by applicable mortality or morbidity tables prescribed by the Commission, and claim or loss reserves including reserves for incurred but not reported losses and for loss adjustment expense; but "policyholder obligations" does not include that portion of the insurer's capital and surplus, or guaranty fund, in excess of the minimum capital and surplus, or guaranty fund, required by law for such insurer.

(c) For the purpose of covering its policyholder obligations and minimum capital and surplus or guaranty fund, every federally chartered insurer shall have and maintain investments of the classes described in this subsection to the extent of such policyholder obligations and minimum capital and surplus or guaranty fund less an amount equal to 30 per centum of its surplus as regards policyholders, but in no event shall such insurer have and maintain investments of the character described less than in an amount equal to the sum of 70 per centum of such policyholder obligations, other than its minimum capital and surplus or guaranty fund, and 100 per centum of the minimum required capital and surplus or guaranty fund, except that the investments referred to in this subsection shall be subject to the limitations provided by subsection (d), and the Commission shall disallow any specific investment upon its finding that such investment does not meet the standard of unquestioned integrity and stability for the purposes of this subsection:

(1) cash, cash funds and interest accrued thereon on deposit, or in savings accounts, or under certificates of deposit, or in any other form, in solvent banks or trust companies that have qualified for the insurance protection afforded by the Federal Deposit Insurance Corporation, but such cash or cash funds shall not be limited to, or by, the amount of any such insurance protection;

(2) cash, cash funds, and interest accrued thereon on deposit or in savings accounts, or under certificates of deposit, or in any other form, in solvent building and loan or savings and loan associations that have qualified for the insurance protection afforded by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, but such cash or cash funds shall not be limited to, or by, the amount of any such insurance protection;

(3) premiums in the course of collection, including due and deferred premiums in the course of collection from agencies or general agencies effectively owned or controlled by, or owning or controlling the insurer, not more than ninety days past due, less commissions payable thereon, and installment premiums to the extent of the unearned premium reserve carried on the policies to which such premiums apply, less commissions payable thereon: *Provided*, That premium balances not more than ninety days past due that are due from agencies effectively owned or controlled by, or effectively owning or controlling the insurer, may be deemed assets of the insurer only to the extent that such balances due from the agency or general agency are represented by assets of the kind described in this subsection subject to the limitations mentioned in subsection (d);

(4) reinsurance recoverables not more than ninety days past due from solvent reinsurers, including deposits made with assuming reinsurers or held by ceding insurers under reinsurance agreements but only to the extent that such deposits are available as offsets against liabilities under such reinsurance agreements;

(5) bonds, notes, warrants, and other securities which are the direct obligations of the United States or for which the full faith and credit of the United States is pledged for the payment of principal and interest;

(6) obligations or stock, where stated, of the following agencies or instrumentalities of the United States, whether or not such obligations are guaranteed by the Government:

(A) Commodity Credit Corporation;

(B) Federal intermediate credit banks;

(C) Federal land banks;

(D) Central Bank for Cooperatives;

(E) Federal home loan banks and stock thereof;

(F) Federal National Mortgage Association, and stock thereof when acquired in connection with sale of mortgage loans to the Association;

(G) Government National Mortgage Association; and

(H) other agencies or instrumentalities of the United States as approved by the Commission from time to time;

(7) bonds, notes, warrants, and other securities which are the direct obligations of any State or territory of the United States or of the District of Columbia, or for which the full faith and credit of such State, territory, or District has been pledged for the payment of principal and interest;

(8) bonds, notes, warrants, and other securities that are valid and legally authorized obligations issued, assumed, or guaranteed by any county, city, town, municipality, or district of any State or territory of the United States, or by any political subdivision thereof, or by any civil division or public instrumentality of the United States, any State or territory of the United States or any county, city, town, or district of any such State or territory, if by statutory or other legal requirements applicable thereto, such obligations are payable, both as to principal and interest, from taxes levied, or required by law to be levied, upon all taxable property or taxable income within jurisdiction of such governmental unit, or from special revenues pledged or otherwise appropriated or by law required to be appropriated for the purpose of such payment, but not including any obligations payable solely out of special assessments on properties benefited by local improvements: *Provided*, That obligations payable out of special revenues pledged or otherwise appropriated or required by law to be appropriated for the purpose of such payment, shall be eligible for purposes of this section only if such obligations are eligible for amortization in accordance with standards promulgated in rules or regulations issued by the Commission;

(9) bonds, notes, warrants, or other securities of the Dominion of Canada, or of any Province thereof;

(10) bonds, notes, or debentures of solvent corporations existing under the laws of the United States or any State or territory thereof, the District of Columbia, Canada, or any Province thereof, if such obligations meet such standards of integrity and stability as the Commission may from time to time prescribe;

(11) preferred or guaranteed stocks or shares, other than common stocks, of solvent institutions existing under the laws of the United States or of any State, or territory thereof, or of the District of Columbia, if such obligations meet such standards of unquestioned integrity and stability as the Commission may from time to time prescribe;

(12) if a life insurer, as loans to policyholders upon pledge of the policy as collateral security, amounts not exceeding the cash surrender values of such policies;

(13) if a life insurer, bonds or evidences of debt secured by first mortgages or deeds of trust on improved unencumbered real property or the equity of the seller of any such property in the contract for a deed covering the entire balance due on a bona fide sale of such property located in the United States or any State or territory thereof or the District of Columbia; but no such mortgage loan or investment in the equity of the seller in the contract for deed shall exceed an amount at the time of acquisition 75 per centum of the fair market value of the property. Real estate shall not be deemed to be encumbered within the meaning of this paragraph (13) by reason of the existence of taxes or assessments which are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights-of-ways, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner if in any event the security for the loan or investment is a first lien upon the real estate: *Provided, however*, That the value of any mineral, oil, timber, or similar rights so reserved shall not be included in the fair market value of the property;

(14) if a life insurer, bonds or notes secured by mortgage or trust deed guaranteed or insured as to principal in whole or in part under chapter 37 of title 38, United States Code, or bonds or notes secured by mortgage or trust deed guaranteed or insured under the National Housing Act; and

(15) common stocks of any solvent corporation incorporated under the laws of the United States or any State or territory thereof or the District of Columbia or the Dominion of Canada or any Province thereof, if the stocks of such corporation are listed or admitted to trading on a national securities exchange located in the United States and registered pursuant to sections 6 and 19 of the Securities Exchange Act of 1934.

(d) Investments made by federally chartered insurers for the purpose of covering their policyholder obligations and their minimum capital and surplus or guaranty fund provided by law, as provided in subsection (c), are, with respect to such purpose only, subject to the following limitations;

(1) None of the securities mentioned in subsection (c) shall be eligible for the purposes of that subsection if, within the five years immediately preceding, the obligor shall have defaulted in the payment of principal or interest on any of its bonds, warrants, or other securities.

(2) In respect to investments of the kind described in paragraph (8) of subsection (c) not more than an amount equal to 10 per centum of the insurer's policyholders' obligations shall be invested in the securities of any one such county, city, town, village, municipality, or district of such State or territory of the United States or of any political subdivision thereof, or of any such civil division or public instrumentality.

(3) Investments of the kind described in paragraph (9) of subsection (c) shall not exceed an amount equal to 5 per centum of the insurer's policyholder obligations.

(4) Investments of the kind described in paragraph (10) of subsection (c) shall not exceed an amount equal to 40 per centum of the insurer's policyholder obligations, nor shall more than an amount equal to 5 per centum of the insurer's policyholder obligations be invested in any one such investment.

(5) Investments of the kind described in paragraph (11) of subsection (c) shall not exceed an amount equal to 10 per centum of the insurer's policy holder obligations.

(6) Investments of the kinds described in paragraphs (13) and (14) of subsection (c) shall not exceed in the aggregate an amount equal to 40 per centum of the insurer's policyholder obligations, nor, with respect to investments under any of such paragraphs shall more than an amount equal to 5 per centum of the insurer's policyholder obligations be invested in any one such investment or in any one project, subdivision, or series of related transactions thereunder as determined by the Commission.

(7) Investments of the kind described in paragraph (15) of subsection (c) shall not exceed an amount equal to 10 per centum of the insurer's policyholder obligations.

(8) For the purposes of the limitations contained in this subsection (d), the property and securities enumerated in subsection (c) shall be valued at market value or at cost, less depreciation except that the Commission may, by regulation, authorize valuation of securities in accordance with stated values established for such securities in writing or as published by the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

(e) A federally chartered insurer owning not less than 80 per centum of all classes of the outstanding stock of one or more other federally chartered insurers may, for the purpose of complying with subsection (c) of this section, as limited by subsection (d), so comply on the basis of a consolidated statement.

(f) Any federally chartered insurer not in compliance with the requirements imposed by this section shall within a reasonable time, not to exceed thirty days, notify the Commission of that fact. Upon being so notified, or upon otherwise determining such fact, the Commission shall forthwith order the federally chartered insurer to make good the deficiency within thirty days, and it shall upon a failure of such insurer to make good the deficiency within that period, revoke or suspend the Federal charter of such insurer until the deficiency has been made good: *Provided, however*, That if such noncompliance involuntarily results from the acquisition of the property or security through foreclosure or otherwise results from a default in a loan or other obligation and such acquisition was rendered necessary in order to protect the investment or avoid greater loss, the Commission may further extend such period if the federally chartered insurer establishes that such extension is necessary, that it will not unduly prejudice the policyholders, and that the insurer has, in good faith, entered upon a course of action calculated to terminate such noncompliance on or before the expiration of such extended period.

(g) Notwithstanding any other provision of this section, no federally chartered insurer shall invest any of its funds in or lend any of its funds upon the security of—

(1) issued shares of its own capital stock except with the written permission of the Commission which may be granted at its discretion where the purpose of such acquisition is in connection with a lawful plan for mutualization of the insurer or in furtherance of a retirement, pension, or incentive program for officers or employees of the insurer, which plan has been approved by the stockholders, or if such acquisition is shown otherwise to be for the benefit of all

stockholders; but in no event shall such shares so acquired be admissible as an asset covering policyholder obligations;

(2) securities issued by a corporation which is insolvent at the time of the proposed investment except with the written consent of the Commission pursuant to its determination that such proposed acquisition is pursuant to a reorganization or rearrangement in bankruptcy or some similar proceeding or that such acquisition will not be prejudicial to stockholders, policyholders, or creditors, but no such securities shall be used to cover policyholder obligations;

(3) securities which will subject the insurer to any assessment other than for taxes or wages; or

(4) any investment or security which is found by the Commission to be designed to evade any prohibition of this subsection.

(h) The assets enumerated in subsection (c) and other assets not prohibited under subsection (g) nor required to be scheduled as nonadmitted assets in any annual statement form as prescribed from time to time by the Commission, shall be deemed admitted assets for purposes of determining the solvency of solidity of the federally chartered insurer or any applicant for a Federal charter, and all such assets shall be valued in accordance with the standards prescribed in paragraph (8) of subsection (d).

[From the Washington Post, May 25, 1977]

How an Insolvent Firm Keeps Selling Insurance

(By John F. Berry)

COLUMBIA, S.C., May 24.—Eight years ago Mr. and Mrs. Odell A. Mize made the final payment on a $500 life insurance policy they had taken out 10 years earlier on their son.

The Mizes' policy provided in writing that the company, New South Life Insurance Co., based here in Columbia, would pay on demand the value of the policy in cash or make a loan against that value.

But recently, when the Mizes tried to get money from the company for a down payment on a mobile home for their son's wedding present, they learned that New South was not honoring its commitment.

"We tried two or three times to cash the policy in," Mrs. Mize said. "I guess there's not much we can do."

The reason that the Mizes and about 175,000 other policyholders cannot get their money without dying is that New South has been insolvent since 1971 and the policyholders' money is being used—interest free—to bail out the company and its owners.

What is more, New South salesmen are still peddling policies to unsuspecting buyers who apparently are not aware of the company's financial difficulties

The complex and questionable scheme to bail out New South has been directed by former South Carolina Gov. Robert McNair, the company's counsel. The policyholders' funds are being used to rescue a personal friend and political ally, Lester L. Bates, Sr., chairman and majority stockholder of New South and former mayor of this city.

Most of the New South policyholders do not seem to know what is happening. New South sells a form of coverage known as debit life insurance. The policies are higher-priced than comparable coverage, because salesmen come to the policyholders weekly or monthly to collect premiums. About 90 per cent of New South's policyholders are poor blacks living in rural areas of the state.

Few have contacted the state insurance department since it belatedly—in 1972—made public New South's collapse.

No Federal Standards

There are no federal standards to protect policyholders, and there are no signs that Congress is willing to tackle the problem.

At present, for all practical purposes, small insurance companies that deal only in one state are regulated by that state's insurance department. And many of these departments (there are a few notable exceptions), instead of protecting buyers of insurance, have become extensions of business and political interests.

Federal Magistrate Charles W. Gambrell, one of the former South Carolina insurance commissioners interviewed for this story, blamed the system for the New South affair.

"This whole debacle is the accumulation of 50 years of indifference to insurance regulation," he said. "I'm humiliated that New South's troubles could have been overlooked so long."

In preparing this article, The Washington Post reviewed the sizable accumulation of court documents related to the case and interviewed many of the principals and sources familiar with it. Some refused to talk in detail because of legal implications; others requested anonymity because they feared retribution from powerful state figures involved.

The Establishment

What emerged, however, is the story of how prominent members of South Carolina's business and political establishment joined forces to stave off personal financial and legal liabilities of New South's principal owners.

The 71-year-old Bates founded Capital Life Insurance Co. in 1936. Capital, like his present firm, sold debit life insurance.

Capital seemed to be thriving in the 1930s. But by the late 1940s the company was found by the state insurance department to be short of necessary reserves to pay policyholder claims. (This same problem would crop up two decades later with New South.)

Whether the reserve deficiency was real or imagined, Bates was forced to sell his company to a Chicago outfit called United Life Insurance Co.

To this day, Bates claims he lost nearly $1 million in the forced sale.

In 1955, Bates got back into the debit life insurance business when he founded New South to sell policies within South Carolina.

Bates was active in business and politics and was elected mayor of Columbia in 1958. He ran unopposed two more times before retiring in 1970 on the eve of the New South debacle. He also ran unsuccessfully for governor in 1946 and 1950.

Serious Problems

By then, New South had about 180,000 policyholders and an annual income from premiums of more than $6 million. On paper, the company looked prosperous, and examiners from the insurance department, who went over the company's books every three years, never saw any problems.

But, in fact, there were serious problems at New South. It is a measure of the quality of the state insurance examination system that it failed to discover that, each year, New South was sinking deeper and deeper in red ink. The reason: New South's books and computer printouts were being deliberately altered to make the company look more profitable than it really was.

The man who would later be accused of rigging the records was Louis J. Glaser, a bookkeeper Bates had hired away from United Life. One of the unanswered questions in the whole affair is why, after accusing United Life of cheating him out of nearly $1 million in the sale of Capital Life, Bates hired the man who had calculated the worth of his company for United.

In 1969 Glaser was accused of stealing money from the company by forging loans on insureds' policies. He got the checks, which were cashed by a friendly cashier.

Charges Not Pressed

But Bates did not press charges. Bates' son, Lester L. Bates Jr., who is president of New South, said in an interview that the reason was that Glaser had just had open-heart surgery.

Glaser retired to Clearwater, Fla., where he made a settlement, reportedly in five figures, on unpaid taxes with the Internal Revenue Service.

As it turned out, the revelation of Glaser's admitted caper was small change compared with what was to come.

In the spring of 1971, New South's consulting actuaries made a troubling discovery. They discovered that New South did not have enough financial reserves to meet future policyholder claims.

Reserves are the amounts actuaries calculate that a life insurance company will need to pay policyholders. The ratio of reserves to insurance outstanding is set by state law.

James L. Athearn, an insurance professor at the University of South Carolina College of Business Administration, describes reserves this way: "The reason for establishing reserves is to force a company to recognize it must accumulate assets to pay claims. The function of reserves is to keep a company from frittering away its assets."

It is clear that, when New South was warned by the outside actuaries of the reserve deficiency, the state insurance department should have been notified so it could conduct an audit. But Bates told neither the department nor the company's stockholders.

An Optimistic Report

Indeed, the younger Bates sent an optimistic quarterly letter to shareholders, dated Aug. 9, 1971, several months after the discovery. He told them that the company was following "an extremely good trend."

During a recent interview with a reporter, Lester L. Bates Jr.'s attorney advised him not to discuss the August letter because of possible litigation.

It was not until the fall of 1971 that New South informed the insurance department that it had problems, some six months after they were turned up by the actuaries. And it was not until February, 1972, that the insurance department told the public of the New South situation.

By South Carolina law, an insurance company is required to report any "impairment" to the insurance commission immediately—a fact that Bates should have known, since he was a member of the insurance commission at the time.

Bates in his defense says that he was not aware of the extent of his company's difficulties immediately.

By then, moreover, the groundwork had been laid for the bailout of New South's board members, officers, and stockholders at the expense of its policyholders.

When the truth finally surfaced, it turned out that New South was awash in red ink with liabilities exceeding assets by more than $9 million. The company was legally insolvent, with assets of $14.1 million against liabilities of $23.1 million.

Glaser and the two Bates were indicted by a county court here on criminal charges of conspiracy and filing false financial statements. Glaser was never served with a warrant because of his poor health, and he died a short time later of a heart attack. In February, 1972, the Bates were found not guilty of the complicated charges growing out of the staggering $9 million deficit at New South.

A New Plan

The Bates, who had been on leave from New South during the trial, returned to the company. That same month a rehabilitation

plan was submitted to state Circuit Court Judge John Grimball, who, in June, accepted the unorthodox scheme.

Under the rehabilitation plan:

A lien was put on the company's reserves so that policyholders could not get the cash value provided for in their policy contracts. In short, an insured person had to die to get money that should be rightfully his alive.

Thirteen million dollars of the reserves were put on the asset side of the company's ledger. By the stroke of his pen, the judge erased the $9 million deficit and created a $4 million surplus, allowing the company to continue selling policies.

Stockholders and policyholders were enjoined from suing the management or the board of directors.

Describing the rehabilitation plan in the Business and Economic Review published by the University of South Carolina, Professor Athearn wrote, "In effect, policyholders have made an involuntary loan to the company at a zero rate of interest . . . There is no guarantee when this loan will be paid back, or, in fact, if it will be paid."

Actually, the rehabilitation plan was created by New South's attorneys, former Gov. McNair, whom the company hired, when it learned of its problems, and C. Heyward Belser, another politically connected lawyer.

NO COURT CHALLENGE

South Carolina law stipulates that when a company is insolvent the insurance commission "shall" stop it from doing business. But Chief Insurance Commissioner John W. Lindsay never went to court to challenge the judge, who effectively usurped the commission's authority when he prohibited the commission from "holding any further hearings or revoking or suspending the license" of New South.

The same management that presided over the company's insolvency was left in place, immunized from suit by judicial decree. The elder Bates was quoted in September, 1972, as saying that he knew "not one thing in this world about insurance reserves. My education is limited to about a fifth-grade education."

The principal players in the New South bailout are members of the South Carolina establishment.

For example, McNair and Bates are old political allies, as is the chairman of the insurance department, Claude McCain, who was in the state senate with McNair and was the ex-governor's roommate in college.

Belser, the outside attorney for New South who presented Judge Grimball with the rehabilitation plan, is related by marriage to the judge.

Bates was a member of the five-member insurance commission until December, 1971, well after his company became insolvent.

ON THE BOARD

The New South board—which had been shielded from suit by the judge's order—includes William F. Austin, a former insurance commissioner and a prominent attorney, Edward K. Pritchard, another well-known attorney here, Marshall A. Shearouse, an officer of a leading bank, C. Wallace Martin, a vice president of the University of South Carolina, and David. McLeod, a brother of the state attorney general.

Soon after New South's insolvency was revealed, the legislature moved to create the South Carolina Life and Health Insurance Guarantee Association. Each company must join, and if one fails the others are assessed pro-rata to pay off policyholder claims.

The trouble is that although the failure of New South caused the association to be formed, its policyholders—even its new policyholders—are not covered. The reason: the state supreme court declared in 1976 that the $13 million lien asset created by Judge Grimball was not an asset at all.

Said the court: "The cash value of the life insurance policy is a debt owed to the policyholder and it cannot be transformed into an asset of the company by court decree."

What this means is that New South is right back where it was in 1971, before Grimball's decree. But the high court's decision has not affected Grimball's refinancing decree nor has it stopped New South from busily writing new policies.

MORE NEW POLICIES

Indeed, new policies must be written so the premiums can be used to keep the company afloat and to pay off the death claims of old policyholders. Moreover, premium rates have been boosted as much as 166 per cent to provide more income for the company.

In an interview, Judge Grimball refused to answer when asked if he would buy his life insurance from New South.

Ex-Gov. McNair, for his part, said that he would have no problem buying life insurance today from New South because "I think policyholders are fully protected."

Not everyone here in Columbia has gone along with the scheme, but most critics shy from going on the record.

Howard Clark, who was chief insurance commissioner when the state supreme court said the lien was not an asset, tried to yank New South's license. Judge Grimball, however, blocked him with an unwritten order.

Both Price Waterhouse Co., the major accounting firm, and the American Academy of Actuaries have refused to join Judge Grimball in recognizing the lien as an asset, thus confirming that New South is, in fact, insolvent.

And Joseph Nobeck, an actuary who was an expert witness in hearings against the bail-out scheme, said in a recent interview: "On the New South application form for new policies there should be printed in bold face—perhaps red ink—'You are buying this policy from an insolvent company.' "

ADDITIONAL COSPONSORS

S. 621

At the request of Mr. BUMPERS, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 621, relating to recombinant DNA.

S. 1464

At the request of Mr. THURMOND, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1464, relating to labels of certain bottles.

S. 1526

At the request of Mr. BARTLETT, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1526, to establish an Associate Administrator for Women's Business Enterprise.

S. 1596

At the request of Mr. RANDOLPH, the Senator from Alabama (Mr. SPARKMAN), the Senator from Michigan (Mr. RIEGLE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 1596, to establish a National Center for the Handicapped.

S. 1615

At the request of Mr. JOHNSTON, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1615, to amend the Federal Aid Highway Act.

AMENDMENT NO. 417

At the request of Mr. DOLE, the Senator from Oklahoma (Mr. BARTLETT), the Senator from New Mexico (Mr. DOMENICI), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of amendment No. 417, intended to be proposed to H.R. 6689, authorizing appropriations for the Department of State.

SENATE RESOLUTION 197—ORIGINAL RESOLUTION REPORTED RELATING TO THE CONSIDERATION OF S. 1420

(Referred to the Committee on the Budget.)

Mr. McGOVERN, from the Committee on Agriculture, Nutrition, and Forestry, reported the following resolution:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) are waived with respect to the consideration of S. 1420, a bill to amend the the National School Lunch Act and the Child Nutrition Act of 1966 in order to revise and extend the summer food program, to revise the special milk program, to revise the school breakfast program, to authorize the Secretary of Agriculture to carry out a program of nutrition information and education as part of food service programs for children conducted under such Acts, and for other purposes. Such waiver is necessary to permit consideration of statutory authority to extend and improve, through strengthened administration, the summer food program, to provide for the extension of other expiring provisions of the child nutrition programs, and to provide necessary administrative improvements in the child nutrition programs.

SENATE RESOLUTION 198—SUBMISSION OF A RESOLUTION RELATING TO HUMAN RIGHTS AND BELGRADE CONFERENCE

(Referred to the Committee on Foreign Relations.)

Mr. BROOKE (for himself, Mr. HUMPHREY, and Mr. CASE) submitted the following resolution:

S. RES. 198

Whereas the human rights of individuals is a fundamental concern of the United States; and

Whereas the Belgrade Conference provides the United States an opportunity to express its concern on human rights; and

Whereas basic human rights of Anatoly Scharansky have not been respected by the Soviet Union; and

Whereas Anatoly Scharansky has courageously sought to promote respect for human rights by his participation in the Moscow Group monitoring the compliance of the Soviet Union with the Helsinki Accords; and

Whereas the Soviet Union, without substantive evidence, has sought to intimidate both Anatoly Scharansky and Robert C. Toth, Moscow correspondent for the Los Angeles Times, by alleging their collusion to violate Soviet laws.

Resolved that it is the sense of the Senate that the United States representatives to the Helsinki Accords Review Conference should indicate to the Soviet Union and other states represented at the Conference the official concern of the United States over the treatment of Anatoly Scharansky.

Mr. BROOKE. Mr. President, the world is watching closely the proceedings at the Helsinki Accords Review Conference which opened Wednesday in Belgrade. Recent events in Moscow, particularly the arrest of Anatoly Scharansky on charges of treasonous activities, and the detention and questioning of Robert C. Toth, Moscow correspondent for the Los Angeles Times, have heightened the world's attention to the human rights issue and Soviet implementation of the human rights provisions of the Helsinki Accords.

Mr. Scharansky, a key member of the group in Moscow monitoring Soviet compliance with the accords, was arrested by Soviet secret police on March 15. Evidence to support the charges of espionage and treasonous activities against the Soviet Union which have been leveled against him has been totally lacking. And the release of Mr. Toth after lengthy and intense interrogation by the KGB only serves to strengthen the belief of many that we are witnessing more in a long series of attempts by Soviet officials to discredit the United States and our efforts to help the ever increasing number of Soviet Jews who have suffered gross violations of their human rights at the hands of Soviet officials, in direct defiance of the Helsinki Accords.

Mr. Scharansky is a leading spokesman for numerous Soviet Jews seeking the right to emigrate to Israel. And since he filed his own application for permission to emigrate in 1973, he has been the victim of continued, systematic and unrelenting harassment by Soviet officials and has been under sustained attack in the government-controlled press. His arrest in March followed closely the arrests of two other key leaders of the Moscow monitoring group, Yuri Orlov and Alexander Ginzburg. This group has become the focus of dissident activity in Moscow in the past year, and the arrests of Scharansky and his colleagues make it increasingly clear that the Kremlin has decided to break up the group and stifle those who cry out for Soviet compliance with the accords.

Mr. President, the United States should continue to speak out against denial of universal human rights by the Soviet Government. We should not be intimidated by Soviet statements of displeasure over our humanitarian concern for others. We must live up to our responsibility as a member of the free world and maintain our firm commitment to act responsibly in encouraging respect for human rights and compliance with the Helsinki Accords.

The fundamental concern of the American people for the human rights of individuals around the world is well known. We have expressed this concern time and time again in various pieces of legislation, at numerous international gatherings, and on an individual basis to world leaders who have been less than cooperative in furthering respect for human rights in their countries. And we must continue to do so. The Belgrade Conference now in progress provides the United States with a unique opportunity to again let the world know of our commitment to do all we can to influence other nations to recognize the basic human rights of its citizens. And in particular, the Belgrade Conference is the proper forum to remind the Soviets of our concern for the fate of Anatoly Scharansky and our desire that he be released and permitted to join his wife in Israel.

I am, therefore, introducing a resolution today which expresses the sense of the Senate that the U.S. representatives to the Conference should indicate to the Soviet Union and other states represented at the meeting the official concern of the United States over the treatment of Mr. Scharansky. It is my sincere hope that the Senate will act swiftly to pass this resolution and forward it to the U.S. Delegation in Belgrade.

AMENDMENTS SUBMITTED FOR PRINTING

ARMS CONTROL AND DISARMAMENT AUTHORIZATIONS—H.R. 6179

AMENDMENT NO. 423

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself, Mr. JACKSON, Mr. GRIFFIN, Mr. CASE, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. MCCLURE, Mr. BAYH, Mr. LEAHY, Mr. CHILES, Mr. BENTSEN, Mr. METZENBAUM, Mr. TOWER, and Mr. HELMS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 6179) to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes.

NOTICES OF HEARINGS

FUTURE OF U.S. MAIL SERVICE

Mr. GLENN. Mr. President, the Energy, Nuclear Proliferation and Federal Services Subcommittee of the Governmental Affairs Committee will continue hearings on the report of the Commission on Postal Service and recommendations bearing on the future of the U.S. mail on June 28 and 29. The hearings on both dates are scheduled for 10 a.m. in room 3302, Dirksen Senate Office Building.

Spokesmen for users of the various classes of mail are scheduled as witnesses on Tuesday, June 28. On Wednesday, June 29, the subcommittee will hear additional testimony on the recommended entry of the U.S. Postal Service into the field of electronic communications.

Interested persons should contact the staff of the subcommittee on 224–2627.

VOCATIONAL REHABILITATION (PUBLIC LAW 93–122), EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (PUBLIC LAW 94–142), S. 1596, NATIONAL CENTER FOR THE HANDICAPPED

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I announce that our subcommittee has scheduled hearings on the Vocational Rehabilitation Act (Public Law 93–112), Education for All Handicapped Children Act (Public Law 94–142), and S. 1596, a bill to establish a National Center for the Handicapped. The hearings will be held on Tuesday, July 12, 1977, in 6202 Dirksen Building; Wednesday, July 13, 1977, in 4232 Dirksen Building; and Thursday, July 14, 1977, in 6202 Dirksen Building, starting at 9.30 a.m.

Persons wishing to testify should contact Mrs. Patria Forsythe, staff director, 10–B Russell Senate Office Building, (202) 224–9075.

DISCHARGE UPGRADING

Mr. CRANSTON. Mr. President, on June 23, 1977, beginning at 9 a.m., in room 224 of the Russell Senate Office Building, the Committee on Veterans' Affairs will conduct hearings on S. 1307 and amendment No. 414 to S. 1307. The committee will also examine the special discharge review program. These measures would deny to certain persons entitlement to veterans' benefits based solely on discharge upgrading under the Department of Defense's special discharge review program, as implemented on April 5, 1977.

Persons wishing to testify or submit written statements for the hearing record should contact Ed Scott at 224–9126 by Monday, June 20.

VETERANS' DISABILITY COMPENSATION AND SURVIVORS BENEFITS ACT

Mr. CRANSTON. Mr. President, on June 21, 1977, at 9 a.m., in room 1318 of the Dirksen Senate Office Building, the Subcommittee on Compensation and Pension chaired by the distinguished Senator from Georgia (Mr. TALMADGE) of the Senate Committee on Veterans' Affairs will hold public hearings on S. 1703 introduced today by the Senator from Georgia (Mr. TALMADGE) for himself and the other members of the committee, a bill to provide a 6.3 percent cost-of-living increase to service-connected veterans and their survivors. Testimony is also invited at this hearing on bills to provide a cost-of-living increase in pension, pension reform generally, S. 1141, S. 379, H.R. 1862, and other related bills. Additional information is available from Mary Sears of the Veterans' Committee staff at 224–6262, room 414, Russell Senate Office Building.

ADDITIONAL STATEMENTS

THE GAO'S ASSESSMENT OF THE CLINCH RIVER BREEDER REACTOR

Mr. BAKER. Mr. President, I invite the attention of my colleagues to a letter written to Representative OLIN E.

TEAGUE from the Comptroller General of the United States, Elmer Staats.

This letter summarizes the results of nine reports and various appearances which representatives of the GAO have made before Congress concerning the liquid metal fast breeder reactor. Their investigations have assayed the economic, environmental, and social implications of this project. The conclusions that were reached on the basis of 2 years of study are nicely summarized in the letter.

The GAO's letter states that the President's decision to defer indefinitely the Clinch River breeder reactor is contrary to the conclusions reached by the GAO in the past.

The letter points out that a slowdown in the LMFBR program now, will prevent us from having enough information on the LMFBR to make intelligent decisions on it in the future.

Most importantly the letter states the opinion that our foregoing the development of the breeder reactor could be counterproductive for the control of nuclear proliferation. By losing our role of leadership in nuclear technology, we will leave a vacuum that will be filled by other supplier nations and it will be these nations that determine proliferation and safety policy.

Mr. President, I think this letter is a valuable summary of the GAO's conclusions concerning the LMFBR development and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 14, 1977.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Science and Technology, House of Representatives.

DEAR MR. CHAIRMAN:

This is in response to your inquiry dated June 8, 1977, asking our current views on this Nation's commitment to the development of Liquid Metal Fast Breeder Reactor technology. Over the past two years, we have issued nine reports addressing various aspects of the Liquid Metal Fast Breeder Reactor (LMFBR) program. In addition, we have on a number of occasions testified before various congressional committees on this subject.

On July 31, 1975, we submitted to the Congress the results of an intensive study by our Office of the relevant issues and the Federal Government's role in the development of LMFBR technology (Issue Paper, OSP-76-1). The study went beyond the managerial and technical aspects of the LMFBR program and assayed its economic, environmental, and social implications. We reached a number of conclusions and made several recommendations specifying actions that can be taken on the part of responsible Federal agencies and the Congress to clarify and help resolve key uncertainties.

In developing these positions, we were fortunate to have the expert advice of a number of extremely knowledgeable consultants with a wide range of backgrounds and viewpoints. We did not, however, ask the consultants to comment on the conclusions and recommendations.

The President has recently announced that the U.S. commitment to advance the nuclear fuel technologies based on plutonium should be deferred. To this end, the President is proposing to reduce the funding for the existing LMFBR program—ERDA's top priority research and development project for the past several years—and to redirect these funds toward evaluation of alternative breeders, advanced converter reactors, and other fuel cycles, with emphasis on nonproliferation and safety concerns.

Our July 1975 study focused on identifying and assessing the issues relevant to key questions facing LMFBR decisionmakers.

Does the United States need a LMFBR, and if so, when?

Should the Federal Government continue to develop the LMFBR?

What are the benefits, costs, and risk?

What are the options?

As part of that study, we considered the impact of slowing down the LMFBR program. While we identified a number of uncertainties and problems in developing the LMFBR, we concluded that these uncertainties argue against extreme action to either expand and accelerate or abandon the program. We would like to take this opportunity to reemphasize certain points made in our July 31, 1975, study. Specifically, we are still of the opinion that:

The United States clearly should not abandon the nuclear fission option at this time nor should it abandon the LMFBR research and development effort.

Uncertainties regarding the scientific, technical, or economic feasibility of potential alternative energy sources; the problems of increased reliance on fossil fuels; and uncertainties regarding the ability and willingness of the Nation to conserve fuel—all make these unrealistic courses of action.

The LMFBR program should be clearly identified and recognized for what it is: a research and development program. There has been premature concern and emphasis on commercializing the LMFBR at a time when the Nation is years away from demonstrating that commercial-size LMFBR plants can be operated reliably, economically, and safely.

Given the history of slippage in this program and the likelihood that future experience will be similar, it does not appear reasonable to attempt to accelerate the research and development schedule. It will be difficult to maintain the current schedule.

Whatever action is taken by the United States on nuclear power and the LMFBR, the problems of nuclear safety and safeguards will not go away. Many foreign governments appear likely to rely significantly on nuclear fission power in the future, including LMFBRs. These governments are not concerning themselves initially with commercialization problems but are attempting to demonstrate that LMFBRs can operate reliably, economically, and safely.

A unilateral decision on the part of the United States to abandon nuclear power or the development of the LMFBR will not change this situation.

The most logical course of action is to pursue the LMFBR program on a schedule which recognizes that the program still is in a research and development stage. Not until some point in the future, perhaps 7 to 10 years from now, need a firm decision be made as to whether the Nation will commit itself to the LMFBR as a basic central station energy source. At that time, many of the uncertainties of today should be reduced or eliminated, particularly if priority efforts are made to resolve as many as possible between now and then.

The President's decision to defer indefinitely the Clinch River Breeder Reactor (CRBR) does not coincide with those positions we have taken in the past. In our view, this country should not now abandon the nuclear fission option nor should it abandon the LMFBR research and development effort.

In our view, the most important disadvantage in slowing the present program is that we run the risk of not knowing enough about the LMFBR to make intelligent decisions on it in the near future. This problem occurs in the face of other nations' pursuit of fast breeder technology. This course runs the risk that foreign manufacturers will likely continue to advance the breeder, reaching the market place first, and diluting U.S. ability to influence safety and other features of breeders worldwide. Most inportantly, continuation of research and development on the breeder enhances the U.S. ability to affect discussion regarding nonproliferation in the crucial years ahead. Further, the total research and development costs might end up being higher, and industry might be reluctant to commit its resources should the United States decide to ultimately go with the LMFBR.

Because of the many uncertainties surrounding the LMFBR, we believe alternative nuclear technologies should be explored. However, the Congress and other decisionmakers should recognize that all present alternatives to the plutonium-uranium fuel cycle have some potential for diversion of weapons grade materials. The issues involved are numerous, complex, and controversial. In addition to nonproliferation goals, technical, economic, environmental, timing, and other factors must be determined before decisions can be made on the relative advantages and disadvantages of the various alternatives.

Total abandonment of the CRBR and major cut-backs in breeder research and development will not enhance the Nation's ability to understand the pros and cons of these alternatives.

We appreciate the opportunity to have been of assistance to you in this matter. Copies of this letter are being sent to appropriate Committee Chairmen and will be available to the public.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

MILWAUKEE JOURNAL URGES RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last week, the Milwaukee Journal called on the Senate to support the International Convention on the Prevention and Punishment of the Crime of Genocide. The newspaper argued that—

It's time for this country to join the rest of the world in deploring genocide, one of man's most hideous crimes.

The editorial pointed out that President Truman sent the convention to the Senate for confirmation in 1949. For almost 29 years, however, the Senate has failed to ratify it.

In an earlier article, the Journal noted that the Senate Foreign Relations Committee again has begun hearings on this treaty which has received its support four times in the past. Among the witnesses

who have testified include Bruno Bitker of the American Bar Association who stated that "the failure to ratify borders on a national disgrace." Warren Christopher, deputy Secretary of State, noted that 83 nations have now ratified the treaty.

The Genocide Convention, which declares any act committed with the intent to destroy a national, ethnical, racial or religious group, a crime under international law, was endorsed unanimously by the United Nations in December of 1949. Since then, the article points out, opponents of the treaty have argued that ratification would allow a World Court to intervene in our domestic affairs. State Department officials who have testified before the committee have pointed out, however, that any World Court would have no enforcement powers. Our sovereignty therefore would not be violated.

The Milwaukee Journal article also reports that President Carter has strongly endorsed ratification. He thus becomes the sixth President to support the Convention.

Now that the issue of human rights again has gained the prominence that it so rightfully deserves, it is imperative that this country finally act to guarantee the most basic of human rights—the right of a people to exist.

I ask unanimous consent that the Milwaukee Journal editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RATIFY THE GENOCIDE CONVENTION

President Carter's constant concern for human rights may finally lead to this country's joining formally most of the world in opposing destruction of national, ethnic, racial or religious groups—in essence, opposing genocide.

The United Nations Assembly approved the Genocide Convention in 1948, spurred by the hideous killing of some six million Jews in Nazi concentration camps. President Truman sent the convention to the Senate for confirmation in 1949. But for 29 years the Senate failed to ratify it. In the meantime, some 83 nations, including almost every major country, have ratified the accord. As Milwaukee attorney Bruno Bitker, who appeared before the Senate Foreign Relations Committee representing the American Bar Association, said: "The failure to ratify borders on a national disgrace." The bar association is supporting ratification for the first time.

Constitutional arguments against the convention have been specious. The State Department has so testified. It's time for this country to join the rest of the world in deploring genocide, one of man's most hideous crimes.

S. 790—THE VIEWS OF GOVERNOR THOMPSON OF ILLINOIS

Mr. STAFFORD. Mr. President, recently, a letter from Gov. James R. Thompson of Illinois has come to my attention regarding the issues of S. 790—the reconstruction of locks and dam 26 and the imposition of a system of waterway user charges.

Governor Thompson supports strongly the reconstruction of locks and dam 26, as proposed in S. 790. But he also adds what I believe is an important caveat:

I favor legislation to prohibit an increase in depth of the Mississippi or Illinois waterways from 9 to 12 feet at any point north of Cairo, Illinois. Such a change would be unacceptable from both an economical and environmental standpoint. I also favor legislation to impose reasonable user fees on barge traffic. Both of these legislative proposals should be part of any legislation authorizing construction of a new lock and dam.

Mr. President, I believe that the views of Governor Thompson are important to our debate on S. 790, so I ask unanimous consent that a copy of his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
Washington, D.C., April 29, 1977.
MEMORANDUM

To: Illinois Congressional Delegation.
From: Gov. James R. Thompson.
Re Locks and Dam 26.

There have been few issues that have inspired as much controversy as Locks and Dam 26 have generated in recent years. The evaluations of the problem were probably outnumbered only by the number of different solutions offered. Throughout the entire controversy there are two facts that remain.

The first is that the Locks and Dam are vital to the economic well-being of the entire nation. More than $5 billion worth of goods pass through L.D. 26 each year. The shipment of grain, iron, steel, fertilizer and petroleum products depends to a great degree upon the continued functioning of L.D. 26. The greater reliance upon coal called for recently by President Carter will increase the importance of waterways in America. Locks and Dam 26 are a vital link in this chain. Also, the President's call for reduced energy consumption will undoubtedly result in an even-greater reliance upon water transportation, the most efficient method for transporting bulk cargoes.

The importance of L.D. 26 cannot be disputed. The inadequacy of the present structure also cannot be disputed. It was built in 1933 with a projected life span of 50 years. A lot of things have changed since that time. One of them is the size of the tows that use the rivers. The longest lock in the present L.D. 26 is 600' in length. The trend in the barge industry has been toward larger, more efficient tows than were ever imagined at the time L.D. 26 was built. Because of this, the larger tows must be broken in half and moved through the lock one piece at a time—a complicated, lengthy process that results in delays of 72 hours and more during peak traffic periods such as harvest. A 1200' lock would eliminate much of this tie-up and would be more compatible with future needs.

Another reason the present structure is inadequate is physical deterioration. Shifting and cracking of the dam has been well-documented. This is due in part to the instability of the underlying soil strata.

Many studies have indicated that it might be possible to rehabilitate the existing structure, however, there is a certain amount of risk involved in such an undertaking.

The stakes involved in Locks and Dam 26 are too high for us to take chances with them. There will be problems and risks involved with any plan proposed to date. However, after a careful review of the studies that have been made, I have decided that we must move now to insure the continued operation of this facility. I favor the construction of a new concrete 1200 foot lock and dam at a site downstream from the present one. Of all the alternatives proposed, I think this one represents the minimum amount of expenditure necessary to guarantee the facility can meet the demands of the future with a minimum of maintenance difficulties.

I favor legislation to prohibit an increase in depth of the Mississippi or Illinois waterways from 9 to 12 feet at any point north of Cairo, Illinois. Such a change would be unacceptable from both an economical and environmental standpoint. I also favor legislation to impose reasonable user fees on barge traffic. Both of these legislative proposals should be part of any legislation authorizing construction of a new lock and dam.

Even if approved tomorrow, it would be eight to ten years before a new facility could become a reality. The Lock and Dam 26 question has been treated like a football in the past—it's been kicked at, passed and fumbled. We must act now and pass the legislation that will enable us to begin the necessary construction.

DEPARTMENT OF EDUCATION

Mr. HATHAWAY. Mr. President, earlier this week, I introduced S. 1627, a bill to establish a separate Department of Education and Training. While I generally support the concept of S. 991, another bill to establish a separate Department of Education, it appears to me that since we are going to attempt to create a Department that will be larger in terms than the Departments of the Interior, Commerce, Justice and State and since we are taking the step of consolidating educational programs currently fragmented throughout the Federal structure into a single Department of Education, let us not stop with half measures. Rather, let us address the fact that education is a lifelong process; that we can no more divorce education from training than we can separate the recent history of biology from advances in cellular reproduction.

The artificial dichotomy between school and work should not be reflected in our executive departments. We can use this opportunity for reorganization to restructure the way future generations can relate to the generic process of learning.

Rather than perpetuate new councils and layers of bureaucracy that can become unnecessary in a few short years, the bill I introduced will establish a National Advisory Commission on Education and Training. It is this body which will be charged with advising the Secretary of Education on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Educations Professions Development, the National Council on Edu-

cational Research and other councils as may be appropriate. This body will suggest the optimal structure for the Department.

It is only through careful scrutiny of the educational needs of the Nation and the ability of this new department to relate to learning as a seamless web of experience we can achieve the goal of reform of the system.

Most other advanced industrial nations have a separate department of education as distinct from a Department of Health and Welfare. At a time when American education is faced with crisis of declining quality, declining morale, and declining budgets, the visibility of a Cabinet-level spokesperson for education and training is needed. The crises in education are germane both to the quality of life in this Nation and to the meaning of work. We cannot afford to confound this vital problem of our society with the equally critical issues of health care and welfare reform. The Commission will look at all existing authorities that has a conceptual relationship to education and training.

It is important that any bill purporting to consolidate and focus the effort to educate and train our citizens be lean, flexible, and avoid creating more bureaucracy. For this reason also I have introduced a separate bill. I recall that President Carter during the campaign spoke of both a separate Department of Education and efficiency in government. These are not a mere partisan issues; education and future productivity must concern us all regardless of our political persuasion. Although there will be minor changes, I am convinced this bill is a sound approach to a worthy and timely objective.

CARTER OPPOSITION

Mr. THURMOND. Mr. President, it was with considerable relief that I read in the Washington Post this morning that President Carter is opposing the sale of the Cyber–76 computer to the Soviet Union.

President Carter is to be commended for this decision. Especially noteworthy is the administration's forthright admission that if sold to the Soviets, there is no way to guarantee this computer would not be used for military purposes.

My first knowledge that this sale was pending came several months ago, at which time I spoke out in a speech in South Carolina. I followed this action up with a letter to the President, and since that time about 75 Members of Congress have done likewise.

Although I am gratified at President Carter's action, it remains troubling to me that the sale of such items is a secret procedure. Under the export laws, at no time during the consideration of this Soviet request was this information supposed to be available to the public.

This is a grave mistake to deny the American people knowledge of what their Government is doing until after the fact. Therefore, I shall attempt to bring about legislation designed to make such sales public knowledge from the beginning so that our citizens can participate as appropriate in any democracy.

Mr. President, I ask unanimous consent that an article in the June 15, 1977, issue of the Washington Post, entitled "Carter Opposes Computer Sale," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 15, 1977]

CARTER OPPOSES COMPUTER SALE

President Carter has informed the Commerce Department that he opposes the sale of a sophisticated American computer to the Soviet Union, White House press secretary Jody Powell said yesterday.

Powell confirmed reports that the President's opposition to the sale was expressed in a letter from his national security affairs adviser, Zbigniew Brzezinski, to Commerce Secretary Juanita M. Kreps.

The Commerce Department must grant an export license for the sale before Carter could officially decide whether to allow it.

It is considered unlikely that the Commerce Department will grant an export license. But even if it did, Carter's opposition would kill the sale.

According to administration officials, the President's main objection is that there is no way to guarantee that the computer would not be used for military purposes. The $13 million Cyber 76 computer, manufactured by Control Data, has been ordered by the Soviet Union, for weather studies, but can be used to track missiles and for other military purposes.

There was considerable opposition in Congress to the proposed sale, but Carter may have subdued it with his expressed opposition. Moreover, the letter to Kreps came at a time when there are new tensions between the United States and the Soviet Union over the issue of human rights and political dissent.

SPOLETO FESTIVAL

Mr. HOLLINGS. Mr. President, perhaps the most exciting cultural event of the year occurred recently in Charleston, S.C. I refer, of course, to the Spoleto Festival. For nearly 2 weeks, Charleston gave its attention, and its heart, to as exciting and diverse an array of music, threater, and the arts as any city has ever been privileged to enjoy. But it was more than the act of enjoying. It was first and foremost the act of creating.

Almost 20 years ago, the first Spoleto Festival was held in Spoleto, Italy. The genius who created and inspired it was the world-renowned composer, Gian Carlo Menotti. The festival achieved, in a matter of only a few years, preeminence among the arts festivals of Europe and America. The idea for a similar festival on these shores soon suggested itself to Menotti, and he began the search for its American home. "I fell in love at first sight," he said of Charleston. Judging by the outpouring of support from Charlestonians for the festival, Menotti's love was not unrequited.

All the hopes and dreams which went into preparing the festival have now been realized. Out of the hard work and generous support of hundreds of dedicated people has come a cultural milestone of international importance. "The Festival of Two Worlds" many call it, and even a cursory glance at the cosmopolitan character of the theater and the art and at the backgrounds of those who made it all possible testifies to the accuracy of the observation.

Both the South Carolina and the national media covered Spoleto far more colorfully than I am able to do here.

The June 6 issues of Newsweek and Time discuss some of the operas, concerts, ballets, and other theatrical presentations of the festival.

The June 6 issue of the Charleston News and Courier contains a number of interesting articles on various highlights.

The June 10 News and Courier ran a number of letters from people who were instrumental in making Spoleto the success which it was.

The May 27 number of the Washington Post had another informative discussion of Charleston and the festival.

The opening statement by Gian Carlo Menotti tells his reasons for selecting Charleston over a host of other cities as Spoleto's home. Success and acclaim have more than vindicated his choice. As Newsweek remarks, and as its citizens have always known, Charleston is itself an art form.

And, happy to report, so successful was this first American Spoleto, that the second festival, running 4 days longer than the first, will be held in Charleston next year.

Finally, the official souvenir program of Spoleto Festival U.S.A. lists pages of people without whom the Festival of Two Worlds would never have become a reality. While the entire listing would require a small book, I do want to include from the program some of the groups and individuals who should be singled out for their oustanding contributions.

Mr. President, I ask unanimous consent that the material I have just described be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 6, 1977]

SPOLETO COMES TO CHARLESTON

These days, it takes more than a kiss to wake up Sleeping Beauty. So in Charleston, S.C., last week it was fitting that the opening event of the first Spoleto Festival U.S.A. was a four-hour production of Tchaikovsky's opera "The Queen of Spades." If that didn't galvanize the gloriously beautiful but culturally quiescent Holy City (as Charleston is called locally), it's doubtful that anything would.

The gala audience that almost (but not quite) filled the 2,500 seats of Gaillard Municipal Auditorium was not only enjoying the many splendors of Filippo Sanjust's production, it was also assisting at a cultural event that was fascinating, and perhaps historic, on three levels—local, national and international. Twenty years ago composer Gian Carlo Menotti founded the Festival of Two Worlds in the beautiful but bankrupt Italian hill town of Spoleto. Since then it has become the most comprehensive (and most chic) international arts festival, but it never inhabited two worlds. Now, Menotti has returned to America, where he made his reputa-

tion with the operas "The Telephone," "The Medium," "The Consul" and others.

Two Lungs: "I feel that finally the festival has achieved its true aim," says Menotti. "It was like a creature with only one lung. Now it has two—it can breathe." But many in Charleston were holding their breath. Would the city often called "America's best-kept secret" become the first major cultural center in the South? Would it become a Venus culture-trap for tourists? Would it lose the cloistered magnificence that has been its fetish and its pride since the Civil War?

"The Queen of Spades" is typical of the Spoleto Festival's ability to organize a strong task force from cross-cultural elements. It was sung in English by an excellent cast headed by tenor Jack Trussel and soprano Patricia Craig, both Americans, and Magda Olivero, the legendary Italian soprano. Twenty-one-year-old, American-trained Italian conductor Guido Ajmone-Marsan led a fine orchestra of young Americans plus Princeton's Westminster Choir and children's choirs from Charleston.

Director-designer Sanjust is an Italian who studied architecture at Princeton and started out as a screenwriter before Luchino Visconti brought him into opera. He is superb at integrating music and drama and gave a vivid cinematic drive and color to Tchaikovsky's romanticized version of Pushkin's great story. In the opera, Herman (Trussel) is a poor officer whose Byronic love for the young Lisa (Craig) is destroyed by his even greater lust for the demonic secret of winning at gaming tables held by the witch-like countess (Olivero). The production triumphed over many problems in its transfer from Spoleto, where it was a huge success last year. Built for a raked stage, some of the scenery teetered dangerously on the flat Gaillard stage, and lavish elements like dazzling ballroom chandeliers were scrapped because Sanjust feared that the willing but inexperienced stagehands would kill somebody while rigging them.

"The Queen of Spades" kicked off a twelve-day, round-the-clock whirligig of opera (including a new production of Menotti's "The Consul"), chamber concerts, dance programs by the Ohio Ballet and Eliot Feld companies, a "Scriabin Day" (with orchestral performances and new dance works), and countless "mini-festival" activities such as art shows, jazz, gospel singing and the 15-foot-tall festival puppets. Theater events included "The Green Pond," a new Southern musical by Mel Marvin and Robert Montgomery, and "Molly," the new play by England's Simon Gray, a drama set in the '30s about a fortyish woman, married to an elderly man, whose affair with a hired boy leads to bloody catastrophe.

This bill of fare is like nothing else on the international scene, and Charleston is proud of it. But before it happened there were tensions between the old Italian and new American Spoletos that threatened to wreck the process. "If the Italians weren't worried," says Menotti, "it would be an insult to Charleston. The festival is like a femme fatale. It must awake passion, rivalry and jealousy, and it has—which makes me very happy" But initially these feelings caused the two original leaders of the coordinating committee to resign.

TO THE RESCUE

The situation was saved by Theodore S. Stern, president of the College of Charleston. A twenty-year Navy career officer and a cousin of former superbuilder Robert Moses, Stern is a dedicated problem solver who integrated the college and increased its faculty from 28 to 200 and its student body from 500 to 5,000. Stern took over the committee, met with Socialist Mayor Mario Laureti of Spoleto in Charleston and ironed out all the problems—including convincing the Spoletini that the income generated by the Charleston festival should stay in Charleston. The tough, soft-spoken, 64-year-old Stern intends to make the festival artistically successful, financially sound and "most of all, integrated into the community. This city is an art form in itself," he says, "and the festival has to fit in with that fact."

This is the most interesting angle to the Spoleto-Charleston marriage. Charleston is indeed an art form. Walking in this city (Charleston is blessedly made for walking), you find yourself in an astonishing lotusland. Charleston's marvelous old houses, preserved by stringent local laws, loom on all sides like structures in your deepest dreams. Architectural styles breed lasciviously in a time warp that holds three centuries in its embrace: West Indies houses enfolding the sultry breezes with their piazzas; gam-like New England houses, Greek Revival pastiches flaunting Ionic, Doric and Corinthian columns like sentries guarding the past; early Victorian confections like mad architectural pastries; domestic Gothic houses in which the sacred arch looks positively profane in its languorous arabesque. Charleston's fantastic gardens turn the air into a vast, intoxicating potpourri of blooms: azaleas, oleanders, camellias, hydrangeas, wisteria, snap-dragon, sweet William, dogwood, pigeonberry, Confederate jasmine and a thousand more.

For many, this Arcadian glory is the essence and destiny of Charleston. Others see Charleston at a turning point, when its unique preservation of a historical past must coexist with the creation of a perhaps dangerous present. Charleston was suggested to Menotti by a squad of culture scouts. Chairman Nancy Hanks and music program director Walter Anderson of the National Endowment for the Arts wanted a major cultural beachhead in the South. Christopher Keene, music director of Spoleto, and Countess Alicia Paolozzi, longtime friend and colleague of Menotti, see Charleston as a sleeping beauty stirring restlessly on her antique bed. The colorful countess, 60, is the former Boston socialite Alice Spaulding, who has been almost everything from a pioneer woman racing-car driver to a social activist and art patron. Three years ago, the countess was looking for a place "to spend my doddering years. I had all of America to choose from. It was Barclays Bank that told me: 'You like things happening. The place where things are going to happen for the next 50 years is in the Charleston-Savannah area'."

Cutting Edge: Charleston's Cagney-like mayor, 32-year-old Joseph P. Riley Jr., sees the Spoleto Festival as a chance to restore the city to its status in the eighteenth and early nineteenth centuries—"an open, tolerant city at the cutting edge of everything good happening in the United States." A new Southern politician in the mold of Jimmy Carter, the mayor acknowledges there exist problems of crime, black unemployment and alienation. The population of Charleston, 70,000, is 45 per cent black, and the twelve-member city council is evenly divided between the races. Riley ruefully admits that "some people call me LBJ—Little Black Joe." Christine Reed, the beautiful and gifted musician and administrator who is the director of operations for Charleston-Spoleto, sees "a strong undercurrent of power in young Charleston blacks. These kids aren't about to cook or clean like their parents if they can help it." For them and for younger whites, she sees the festival as a way to "move into the twentieth century."

The paradox of Charleston is that its unique beauty and charm seem to depend on some subtle withstanding of contemporary stress. Even DuBose Heyward, the Charlestonian whose "Porgy," set in the city's still extant Catfish Row, was the basis for Gershwin's "Porgy and Bess," called the town "a land that time forgot." A tempest in a garden has raged around the gadfly presence of Albert Goldman, a New York writer, professor and critic (he wrote the brilliant biography "Ladies and Gentlemen, Lenny Bruce!") who moved to Charleston eighteen months ago. Goldman loves the transcendent charm of the city, but in an article in Esquire he finds it "intellectually and culturally one of the most poverty-stricken of our famous cities." Goldman's pronouncements have set off an almost daily running battle in the local papers. "There's a different kind of culture which I'm afraid many New Yorkers do not understand," wrote Ashley Cooper, columnist of the News and Courier. "That's the art of living a tranquil, gentle, compassionate life."

Brilliant Tapestry: Harry Wagner, a delightful, 80-year-old Vienna-born gentleman who is Charleston's most famous hansom-cab driver, known as "the Wagoner," puts it another way. "I've lived for 28 years in Charleston," he says in his unique blend of Viennese guttural and Southern drawl. "I like it because it's a lot like the old Vienna used to be—a little slow, a little behind everything." But Goldman sees this as decay. "They have stop-time here," he says. "That's no small achievement in America. The big industry here is inheritance. That's why the city is so passive. Everyone's waiting for someone to die. If Dracula lived here, he'd be so laid back he couldn't get out of his coffin." Goldman has become part of a circle of younger Charlestonians who deplore what they see as the boosterism that's creeping into the city and bringing boutiques and fast-food shops to the city's old Market Street Square ("Chachka-land comes South," says Goldman). They are carefully hopeful that the Spoleto Festival will be a means of awakening high culture without destroying the brilliant tapestry of the Holy City.

"I started the festival because I wanted to be needed," says Menotti, now 65. "I didn't want to be the mariginal person, the entertainer. I wanted to be part of the community. That's why I chose Spoleto, a city on the verge of bankruptcy The festival has created a prosperous city—the artist who comes to Spoleto has the dignity of being needed. Charleston doesn't need me financially. But I think Charleston can afford to be awakened culturally quite a bit. Hopefully, the whole city will become involved." Will Sleeping Beauty awake, get dressed and go outside to join a world that's been pretty hard on beauty, asleep or awake? "We'll see," says Menotti.

[From Time Magazine, June 6, 1977]

NEWEST U.S IMMIGRANT: SPOLETO

"I fell in love at first sight. It's the sort of city I'm glad to be married to" The indefatigable Composer-Director-Impresario Gian Carlo Menotti was at it again, in what could be the greatest—and riskiest—romance of his long career in music and the performing arts; launching an American version of Italy's Spoleto Festival in Charleston, S.C. Menotti created the original festival in June 1958, transforming the quiet old Umbrian hill town of Spoleto into an international center of the arts.

Charleston's clean and narrow streets, cloistered gardens and the pastel colors of its colonial houses readily ratify Menotti's sense of what makes a good set. As the twelve-day festival began last week, the question was

whether the exquisitely languid dowager city would prove a worthy audience.

Somewhat hesitantly, it did. Italy's Spoleto title, Festival of Two Worlds, suggests that Menotti had transatlantic ambitions when he moved into Spoleto 20 years ago. The site search for the U.S. half of the enterprise did not begin until 1973, however; New Orleans and San Antonio were among the places considered. Says Conductor Christopher Keene, Spoleto's music director and the first member of the staff to advocate Charleston: "It had a combination of positive and negative values—a highly developed aesthetic and architectural sense combined with a relatively undernourished cultural life."

Charleston also had good performing and tourist facilities. Almost as important, Spoleto U.S.A. received local pledges of $200,000 toward the $850,000 cost of the first season. Many proper Charlestonians, however, had doubts at the beginning, and a few still do. They are fond of their city as it is and well aware that an annual cultural bazaar like Spoleto can overwhelm a small city—the jazz festival engulfed Newport, R.I., for years. Nor were Charlestonians reassured by reports that some money raised in the U.S. was to be set aside for the Italian festival. That was initially a problem, concedes Menotti, but the misunderstanding has been resolved.

Charleston's hotels and inns were less than full on opening day, and the streets were hardly crammed with festival goers. Less than 2,000 paying customers showed up at the 2,700-seat Gaillard Municipal Auditorium for the first big evening event—the four-hour uncut production of Tchaikovsky's opera *The Queen of Spades*, first introduced last year at Spoleto, Italy. But if the variety and excellence of the first week's offerings were fair guides, Spoleto U.S.A. should become a success.

Spoleto U.S.A. is devoted to all the arts. Simon Gray's new play *Molly* was the attraction at the restored Dock Street Theater (*see following story*). Noon at the Dock Street was the hour for a daily series of chamber music programs under the co-directorship of Pianists Peter Serkin and Charles Wadsworth. The first recital consisted of works by Pergolesi, Schubert and Dvorak, and the capacity audience of 463 rose to its feet, applauding at the end.

The dance program began with performances by Heinz Poll's Ohio Ballet and the Eliot Feld Ballet of New York City. At festival's end a daylong celebration of the music of Scriabin will be topped off by premieres of new balletic works by George Balanchine, Sir Frederick Ashton and Glen Tetley.

She-Crab Soup. There was something for everyone and every age, from jazz sets to film screenings. To the delight of children, giant puppets strolled the streets. Free sculpture and art shows blossomed at scenic and historic sites around the city. Charleston's restaurants were ready with that minor art from known as low-country cooking: she-crab soup, sautéed shrimp, fried oysters, Limehouse sausage.

To the relief of the farmers around Charleston, rain began falling the day before the festival, ending a six-week drought. To the relief of Menotti and his colleagues, the rain stopped just before the opening outdoor ceremony at noon the first day. From a temporary stage erected in the courtyard of the two-century-old College of Charleston, a crowd of 3,000 heard the Festival Brass Quintet begin with the *Star-Spangled Banner* and a brief new piece written for the occasion by Menotti, *Fanfare for Charleston*. Earnest speakers followed, talking of "commitment to excellence" and "art must be part of the equation." As the music resumed, the dignitaries marched off the platform, thoroughly distracting the audience from some 16th century music for brass. The next piece had been commissioned by the festival, but Composer Morgan Powell's *Windows* turned out to be a muted, scurrying, atonal work poorly suited for the out of doors. When two military jets droned over during its course, the musical battle was entirely lost.

Matter went more smoothly that evening during *The Queen of Spades* (in English) at the Gaillard auditorium. Backstage facilities are cramped, and the pit holds only 65 musicians. Fortunately, they were 65 of the best young instrumentalists Keene could recruit from around the U.S. Said Keene proudly: "It's the finest orchestra Spoleto has ever had." Leading the players adroitly through the lushly colored Tchaikovsky score, Guido Ajmone-Marsan, the Italian-born conductor, made a brilliant U.S. operatic debut.

Red Tape. The conception by Italian Stage Director Filippo Sanjust was appealingly natural and gimmick free. He does, regrettably, have a tendency to rush his chorus on for its big moments, then get rid of it in a hurry. Despite a few intonation problems in the high range, Soprano Patricia Craig of the New York City Opera made a soulful Lisa. The Italian soprano Magda Olivero brought her legendary stage authority to the role of the Countess, although there is not much left of a once distinctive voice. As the obsessed Herman, Jack Trussel was the highlight of the show. Here is an American singing actor with a riveting, haunting stage presence and a clear, powerful tenor voice to match.

The next night brought a new production of *The Consul*, Menotti's classic statement against fascism, red tape and human indifference. It was a smash hit on Broadway in 1950. Directed again by the composer, with Keene conducting, *The Consul* remains Menotti's most powerful stage work. Any performance of *The Consul* lives by its Magda, the woman who batters her heart and soul day after day at the consul's office in search of a visa, and who in the end commits suicide. Menotti has chosen her wisely. Marvellee Cariaga, of the San Diego Opera, has a lustrous mezzo voice, and her ability to convey Magda's growing agony is harrowing.

Throughout the opening week of his new artisitc love match, Menotti was smiling, intent, actively engaged in trying to wave off the applause that followered him wherever he went in Charleston. The hurly-burly of festival life—speeches, parties, rehearsals, crises, the promoting of funds to pay the bills this year and next—is something that he obviously thrives on. Now 65 and looking 15 years younger, Menotti is one of the great brooding achievers in the field of the performing arts. He can say, and mean it, "I am almost 66, and I have to start fighting the shadow of death." And then he can add with a twinkle in his eye, "When I see darkness coming, I turn on the stage lights and don't worry about the most of electricity." Menotti intends to keep the stage lights on for a long time in Charleston, and he is a man who has obviously never met an obstacle he did not like.

NEW DIRECTION: "MOLLY"

Molly is quite unlike any play that Britain's Simon Gray has written. Seeing the work in a late dress-rehearsal phase of its world premiere at Spoleto, one cannot properly evaluate the drama's full potential, but cannot fail to mark a signal change of direction.

In *Butley* and *Otherwise Engaged*, which have been Gray's hit plays, the central figure has been a kind of witty monster of unfeeling. In *Molly*, feelings and emotions are not only unguarded, they are sometimes nakedly out of control. What comes as a surprise is to find Gray making a defense of lies told out of a tenderness for others: "If we didn't lie to the people we love and live with, we wouldn't be able to live with them."

The four people in *Molly* tell some bitter home truths as well. The play takes place in the English countryside in the 1930s. Molly Tredley (Christina Pickles) is a fortyish woman with a frustrated and gnawing need for sex. Her husband Teddy (Michael Higgins), some 20 years her senior, is irascible, quite deaf and has always been impotent. His comforts are booze and the bantering palship of a spinster nurse-companion, Eve (Pauline Flanagan).

This becalmed, almost Chekhovian household is about to be consumed in a flash fire of passion. A young villager is hired to be both gardener and chauffeur. Oliver (Tom Waiters) is a muscular lout and nothing to look at, but one lazy, empty afternoon, Molly seduces him.

Soon she makes Oliver a live-in member of the household. When the puritanical Eve catches wise, she gives notice. But Molly wins Eve back by pleading that she desperately needs her. The need to be needed is an unbroken strand that runs through the play.

Deaf but not blind, Teddy spots the lovers cavorting outside his bedroom window one day and summarily orders Oliver off the premises. The boy fears that he will never see Molly again. He goes berserk, picks up a pair of garden shears and plunges them repeatedly into the old man's stomach. After that, the plot takes on the meldoramatic twists of a detective thriller.

Despite the taut direction of Stephen Hollis, the cast is uneven and does not provide the claustrophobic mood that the play clearly demands. Tom Waites is fine as Oliver, and Pauline Flanagan's Eve is a model of laced-up propriety masking inner compassion. Christina Pickles conveys the teasing coquettishness and parched loins of Molly well, but never makes her love for the boy convincing. For a man who is obsessed by the approach of death and his wife's infidelity, Michael Higgins' Teddy is a shade too passive.

The little gem of a theater that houses *Molly* would be worth a review in itself. The Dock Street Theater opened in 1736 and is said to be the oldest professional theater in the U.S. The present playhouse represents a 1937 restoration that resembles a religious meetinghouse fashioned with seasoned, dark-hued wood and seats that resemble church pews. For Simon Gray and Charleston's Spoleto Festival, the old house represents fresh beginnings and new horizons.

[From Charleston News and Courier, June 6, 1977]

EXCITING QUINTET ENDS WITH FANFARE

(By Owen Hardy)

The Spoleto Festival Brass Quintet ended its final concert the way it began—with Gian Carlo Menotti's "Fanfare for Charleston," commissioned especially for the festival.

In the intervening 10 days, the five young men have no doubt been introducing their unique musical combination to thousands of festival-goers unfamiliar with the form. One does not run up against brass quintets as often as, say, string quartets, and for that reason alone, the concerts have been particularly exciting.

The programs have been varied. They have ranged from formally-structured Rennaissance church music to 20th century bloops, beeps, whooshes and shouts.

Interest in the quintet seems to have been keen. Sunday, for example, a good 400 to 500 persons sat in lawn chairs, stood or sprawled on the grass in the early afternoon heat near Middleton Place

The program Sunday was once again varied, with something for everyone. The quintet played three chorales by J. S. Bach that were especially effective in the informal, pastoral setting. They played another work by J. S. Bach that was not on the program. "Contrapunctus No. 9." It was a pleasing fugue which they had to start over when one of the players apparently missed his entrance.

The quintet turned into a quartet when hornist Douglas Hill dropped out for the allegro molto movement of Wilhelm Ramsoe's quartet No. 4 for brass. Trumpter Alan Dean told the audience that Ramsoe, a Dane, was a string player who for no particular reason decided one day to write something for brass. The result is a brass quartet that sounds like a string quartet transposed for brass. Very interesting and well-played.

The most exciting work of the day was the final one, Malcolm Arnold's three-movement brass quintet. The middle movement, entitled "Chaconne," was rich in constantly changing harmonies which were played with feeling.

SKY SCULPTURE WAS HIGH POINT

(By Eleanor Flagler)

It was art, all right, but the kids at Middleton Place Sunday thought it was a blast.

First, they looked like just bunches of silver cellophane. But about an hour later, filled very carefully with helium, they turned into fat, silver hot dogs about 10 feet long.

The next phase was unrolling their tails, 10-foot-square sheets of more silver-colored cellophane that flapped in the breeze.

And then at about 2:20 p.m., a team of young helpers holding the hot dogs let go at the toot of the whistle. And artist Howard Woody's "Space Barricade," a sky sculpture, was launched.

It was a huge, gleaming thing of five parts, tied together with string. It shimmered and dazzled the eyes of the several hundred people hooting and applauding its ascent over the gardens.

In flight, the sculpture looked like five king-sized beds made up in silver satin sheets —the kind Hollywood stars surely have—with huge pillows across the top.

Elizabeth Forrester of Georgetown was intrigued. "It's weird," she said. "It's great, but it's weird."

Her son, Jimmy, 8, was fascinated. He proclaimed it "really neat . . . I think it's super the way it goes up, and you don't know what it's going to look like." And besides, he beamed, HE got to help launch it.

Where it'll stop, nobody knows. But it will stop somewhere, says artist Woody, 42, sculpture professor at the University of South Carolina. With time, the helium will expand, causing the sculpture to burst.

Woody's been making sky sculpture since the 1960's when he tied helium balloons together and let them fly. He began making the more difficult sculptures of the silvery cellophane, called mylar, in 1973. It took him about a week to construct "Space Barricade."

Woody calls his sculpture "environmental art" because it uses the wind and heat and weather to do its thing. It's also, he said, a "participating art form. We expect people to touch, hold, feel everything" about the sculpture. Hordes of kids, who volunteered to help him in the hour-long preparations for launching, took him up on his offer and poked it with regularity.

Sky sculptures usually travel to about 11,000 feet, Woody said, with an ascent rate of 350 feet a minute. He said the average flight distance is 50 miles, but one last April soared for 285 miles before it fizzled.

Whoever finds it can keep it, Woody said. But he wants to know some facts about when, where and how it was found. He attaches a postcard to one corner of the sculpture with his address on one side and questions on the other.

Fishermen off San Francisco, farmers, hunters and all sorts of people have found bright silver deflated sculptures near them, he said.

Meanwhile, about 15 minutes after countdown, Shirley Lynn, 70, of Margate, Fla., was still staring transfixed by the sculpture.

By then, it was just a shiny speck which had sailed far from the Middleton gardens, over the oaks and across the Ashley River.

"Gosh! Fantastic!" she cried as she watched. "Absolutely magnificent! I'm glad I came to South Carolina just to see that."

EXIT COMES IN BLAZE OF FIREWORKS

(By William Furtwangler)

Exiting in a blaze of fireworks and the music of Handel, Spoleto Festival U.S.A. 1977 proved its mettle with a capacity audience spread on the terraces overlooking the butterfly lakes of Middleton Place.

It wasn't as much a concert as an event, with thousands attracted to this final offering by the first truly international music festival held in the United States.

Many more people seemed present for the concert than attended the mini-festival finale during the day. Exuberant young children, elegantly dressed ladies, dancers, singers, musicians, the curious and the enthusiastic filled Middleton Place to the overflowing point.

How was it? Everyone loved it. Despite a rather puny sound from the orchestra (which sounded harried and out-of-sorts at times), the effect was as exciting and pleasing as anything you could hope for. Spoleto should take a cue from outdoor rock concerts and arm their performers with a battery of sound equipment.

Outside acoustics being what they are, the demand for amplification of sound is overwhelming, considering that the music performed is meant primarily to be heard inside a concert hall.

This final orchestral concert by the Spoleto Festival Orchestra, conducted by Gary Sheldon, opened with the "Carnival Overture," Op. 92 by Antonin Dvorak. This spirited dance-like work, part of a three part composition "Nature, Life and Love," set the feeling and excitement that was to follow.

James Buswell, first violin in the Chamber Music Concerts at the Dock Street Theatre during the festival, played the Saint-Saens' "Introduction and Rondo Capricioso." A colorful, lushly Romantic work, it met with an animated response from the audience.

The first part of the program ended with Respighi's second symphonic paean to Rome, "The Pines of Rome." A work demanding an enlarged orchestra, it impacted less than it should, despite a gentle assist from the rather conservative sound system installed for the concert.

After a brief intermission, George Frederick Handel, as re-orchestrated for symphony orchestra by early twentieth century Irish conductor and composer Sir Hamilton Harty, came forth in the "Music for the Royal Fireworks." This suite probably would have had more impact in the original orchestration—mostly winds and brass in gargantuan numbers—but in any event, did provide a fitting sonic backdrop to the Zambelli Fireworks display, which was stunning, both visually and aurally.

SCRIABIN TRIBUTE ETHEREAL

(By William Furtwangler)

Alexander Nikolayevich Scriabin would have loved last Saturday's Spoleto tribute to him: a veritable orgy of his music performed by a galaxy of musical and dance luminaries from the heaven-and hell-storming British pianist John Ogdon to the ethereal grace of Cuban prima ballerina Alicia Alonso and culminating in a brilliant presentation at midnight of "Prometheus—The Poem of Fire."

Consider me a convert. What little Scriabin I had heard in the past left me with mixed emotions. Having experienced a concentrated exposure to a wide variety of Scriabin by a stellar assembly of artists, I can only offer thanks to Gian Carlo Menotti for bringing Spoleto to us and to Joseph Wishy who conceived, produced and directed the "Scriabin Day."

"Prometheus," Scriabin's fifth and last symphony, really a poem for piano and orchestra (greatly enlarged to quadruple woodwind, eight horns and five trumpets, plus chorus) was a olympian finish to the day. Alternately Lisztion in complexity and refined in a simplicity reminiscent of the French Impressionists (particularly Ravel) Scriabin uses a unique orchestral pallette that takes you on a trip into intense, rapturous mysticism.

Scriabin's score calls for the use of a "color organ" to flood the orchestra and audience with visual colors suggesting fire as a complement to the harmonic colors in the music. Spoleto's lighting director Thomas Skelton gave us that experience (not to mention many others of equal excellence).

Musically, the Spoleto Festival Orchestra, under the gifted baton of Gary Sheldon, and members of the Westminster Choir executed the music with a finesse and intensity that equalled the best of Spoleto.

A special note must be made of the pianist Boris Bloch, a young Russian virtuoso who accompanied both of the Scriabin Dance programs on Saturday, only to come and continue to offer his best at "Prometheus."

Not to belabor a point, but the John Ogdon concert, poorly promoted and attended, was one of the most stunning musical experiences of a lifetime. Those who missed it missed the high point of Spoleto. Spoleto officials owe us another shot at hearing Ogdon, next year perhaps. Bloch, a giant in his own right, will no doubt be back to Spoleto. I hope so; look for him to do big things.

[From the Charleston News and Courier, June 10, 1977]

LETTERS TO THE EDITOR

Like many of those who were involved in making preparations for Spoleto USA, I have been delighted by the festival's astounding success. The outstanding coverage by the Charleston newspapers for this festival made a major contribution to this success. The News and Courier and Charleston Evening Post deserve special commendation for the extensive, high quality news coverage.

Everyone involved with Spoleto has recognized that the enthusiastic response from Charlestonians played the key role in Spoleto's financial and artistic triumph. Your news coverage, which brought the festival to life for your readers, deserves a great deal of credit for generating this response. The investment made by the Charleston newspapers in extra staff members and extra space for Spoleto coverage paid off for all the area's citizens.

We should let loose a special round of applause for Robert T. Jones, the critic your

newspaper brought to Charleston especially for Spoleto. His literate, well-informed and witty articles reflected the high quality of the Spoleto artistic performances. Your regular staff members also had an opportunity to demonstrate top-rate journalistic and critical skills in reporting on Spoleto performances. I found the daily full-page calendars on Spoleto events extremely informative and useful.

All in all, to the Charleston newspapers for their Spoleto reporting, I say "bravo."

JOSEPH P. RILEY, Sr.

JUNE 7, 1977.

(Mr. Riley was chairman of the state fundraising committee for Spoleto, USA.)

I want to add my cheers for Spoleto to the paean of praise that has echoed around the country. The festival is certainly a most worthy use of our beautiful city. It was all we were promised; and carried out with verve and enthusiasm as well as very high artistic standards. I wish you could have heard the balletomanes, from New York, telling us here in Mrs. Verner's Studio about the greatness and the brilliance of the occasion.

Mayor Riley performed a statesman-like act when he guaranteed the city's support. Ted Stern proved himself the master of logistics that we knew he was. And The News and Courier and the Evening Post went all out. It was your coverage that made the city quiver with excitement.

And surely Charleston owes a tremendous debt to Lucien De Groote. Who was it that trained us to enjoy good music? Who has cultivated our taste for years and years following in Maud Gibbon's indomitable footsteps, offering us the highest standards and striving to pull us up to them? Who put on the glorious Porgy? Who has trained youth to hear? Who taught us to go to the Dock Street Theatre in search of chamber music? The answer is Lucien De Groote.

And now: Hooray for the festival! Hooray for cultivated Charlestonians! Three cheers for Menotti!

Hip! Hip! Hooray!

ELIZABETH VERNER HAMILTON.

JUNE 8, 1977.

Spoleto USA was, in almost everyone's opinion, a tremendous success. I think it was one of the greatest things that has ever happened in our community. The success is a result of many people and organizations and many things. I want you to know that I firmly believe that the Charleston newspapers played a very significant role.

After the problems of last August and early September, the community was understandably shaken about Spoleto. From that point forward, the newspapers gave their full and complete support to the effort. Your decision to put reporters on the Spoleto beat almost exclusively was a tremendous assist. We were able on a weekly and sometimes daily basis to apprise the citizens of our area of what they could expect in the Spoleto Festival. While the community was at some times skeptical and negative, the newspapers saw what a wonderful opportunity this was and approached it in a very positive manner. As a result, the initial ticket sales to Charlestonians was much greater than we had reason to expect. Then when the festival began, the news coverage locally was simply fantastic. It was a joy for me, and I am sure for most of the readers of the local newspapers, to pick up the paper each day and to see the various performances reviewed in detail. Again, I firmly believe this coverage opened the eyes of the Charleston community and resulted in their continued fantasitc support of the festival at the box office.

In short, the local newspapers provided a tremendous public service to our community. The management, editorial staff, and reporters all should be very proud of the role they played in making Spoleto USA a tremendous success.

JOSEPH P. RILEY, Jr.,
Executive Department,
City of Charleston.

JUNE 7, 1977.

[From the Washington Post, May 27, 1977]

SPOLETO'S IDEAL SETTING

(By Alan M. Kriegsman)

CHARLESTON, S.C.—At 12:45 p.m. yesterday, all the church bells of Charleston, of which there are many, pealed at once in celebration of Spoleto Festival, U.S.A., Gian Carlo Menotti's transplanted arts festival which was entering its second day. The sweet clangor was an echo of the growing sense of jubilation permeating the festival crowd and the city generally.

The night before had seen the first of a total of 100 artistic events scheduled during the festival's 12 days, a production of Tchaikovsky's opera "The Queen of Spades" that stirred mixed critical reaction but won a hearty reception from its first-night audience.

Yesterday at noon, however, came the first of what will be almost daily chamber music concerts at the festival, and with it, the first taste of the musical excellence associated with Italy's Festival of Two Worlds, the counterpart and model of the Charleston affair.

It was a program of Pergolesi, Schubert and Dvorak arranged by the festival's chamber music directors, Charles Wadsworth and Peter Serkin, and performed in the beautifully renovated, acoustically perfect 18th-century playhouse called The Dock Street Theater, reputedly the first prosecnium theater in the country.

Before and after the chamber music, the festival patrons were all smiles. "I've got an idea for next year," one woman was overheard saying to her husband. "This is so terrific, why don't we go on from next year's festival to Spoleto itself?"

The press corps that is covering the festival had been treated the same morning to a "low country breakfast"—bloody marys, sauteed shrimp, limehouse sausage, hominy surprise—in the immaculate elegance of a colonial-period residence on Tradd Street. Though there were varying estimates of the festival's artistic prospects among the group, the mood was one of heady delight over the festival scene and atmosphere.

Before the festival started, the question everyone asked was, "Why Charleston?" Now it's here and begun, the place seems the best thing about the event, and the choice of site a brilliant inspiration. Menotti wanted some kind of parallel with Italy's Spoleto—a town that was quiet, beautiful, historic and removed from the beaten track—and that's what he's got. It now appears that the importance of what's happening here is not so much what Spoleto can do for Charleston, as what Charleston can do for Spoleto.

In a more cosmopolitan setting, the programs for Spoleto U.S.A. would hardly seem very impressive as artistic offerings—in Washington or New York, they'd be lost in the shuffle as individual events. A few new dance works and a new play by Simon Gray are the closest the agenda comes to important premiers.

What is gratifyingly special about the festival, though, is the rich mixture of forms and genres, the juxtaposition with native southeastern arts, crafts and performances, and—most winning of all—the city itself, an enchanting work of art in its own right.

Charlestonians are fond of saying that theirs is not a restored city but a preserved one. History doesn't have to be dug up or rebuilt here—the city is history. There are no big chain stores here, and no X-rated movies or massage parlors, either.

Instead, in a lazy stroll or drive, you can take in the Dock Street Theater, Fort Sumter off in the bay, houses dating from the 17th century, the original Catfish Row, the celebrated display gardens and plantations, a Jewish synagogue founded in 1792 and any number of architectural gems. Charleston is, in short, a perfect retreat from the rush, congestion and rubble of most urban centers.

"The Queen of Spades" seemed an odd choice for a festival opener in the first place. Though Tchaikovsky's score is filled with treasures, the hero is a singularly unsympathetic gambling addict whose emotional and monetary fortunes don't engage one's attention easily. Overcoming the libretto's shortcomings takes a truly superlative production from every standpoint. Wednesday night's staging, however, could not boast a single first-rate voice, and was further encumbered by ill-conceived sets, ugly costumes and generally unconvincing stage direction.

Magda Olivero, the most celebrated singer of the cast, had a certain evil flamboyance as the Countess, but her voice was little more than a shadow. Patricia Craig had some nice moments as Lisa, but moments only. Only David Arnold's Count Tomsky was consistently fine, and the real vocal triumph belonged to the Westminister Choir, which handled the challenging choruses splendidly.

The festival really seemed to get into gear artistically, though, with yesterday's chamber music concert, the pearl of which was a warm, spacious and robust performance of Dvorak's "Piano Quintet in A" by pianist Richard Goode, violinists James Buswell and Ida Kavafian, violist Daniel Phillips and cellist Yo Yo Ma.

Midway through last night's performance of Menotti's new production of his own "The Consul," it was plain that the festival's first operatic offering, Wednesday night, was mere prelude. Here at last was the theatrical and musical panache one looked for to catapult the Charleston experiment to a level of unassailable triumph.

Everything that seemed wrong about "The Queen of Spades" performance seemed right about "Then Consul." Menotti's stage direction, Christopher Keene's conducting, Carrey Wong's decor, and Thomas Skelton's lighting all converged to a single powerful enunciation of the melodramatic core of "The Consul," which may well be Menotti's most masterful work for the operatic stage.

And heading a superbly capable cast in the role of Magda Sorell, the anguished petitioner, Marvellee Cariaga scored a brilliant personal success, literally stopping the show with her climactic aria of desperation at the close of Act II.

Spoleto U.S.A. had its first moment of full glory, opening the door to hopes of many to come.

OPENING STATEMENTS

"Why Charleston?" I am now asked, just as for eighteen years I have been asked, "Why Spoleto?" There is no answer to these questions unless one believes in destiny and love at first sight.

It would be easy to attribute my decision to the unique beauty of Charleston: the magic of its streets, the noble charm of its buildings, the warmth of its citizens; but that is not the real reason. Just as the composer—without being able to define "inspiration"—knows when he is inspired. I knew that Charleston would be the town of my choice as soon as I set foot in it, and Charleston, with its enchantment, will confirm to the beholder the wisdom of this choice.

Perhaps a more pertinent question would be: is another Festival necessary? Not another Festival, but this Festival, yes. It will not be like most Festivals—little more than glorified or popularized winter seasons—but a unique and fertile ground for the young with new ideas and a dignified home for the masters.

Why a "Spoleto" Festival then? Because today we must avoid the danger of provincialism. An international Festival can have a deep meaning and give art the dignity of a social and political message. This is why the Spoleto Festival was subtitled "Festival of Two Worlds" with the hope than one day Spoleto would find, as it finally has, its other world counterpart.

It is a much needed sign of hope in this age of suspicion and mistrust when two beautiful towns, so different and so far away from each other, through the common quest for beauty, unfurl the flag of friendship.

GIAN CARLO MENOTTI,
Artistic Director,
The Spoleto Festival.

[From The Official Souvenir Program of Spoleto Festival U.S.A.]

SPOLETO FESTIVAL USA, 1977

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ACKNOWLEDGEMENTS

Spoleto Festival U.S.A. gratefully acknowledges the work of the many volunteers who have made the Festival possible. Some of the volunteers are listed below. The list if not complete, and the Festival wants every volunter to know that their work is deeply appreciated and vital to the success of Spoleto Festival U.S.A. 1977. Thanks to: Mrs. Della M. Bain, Mrs. Joya Baker, Mrs. Barnhardt, Ms. Grace Battey, Mrs. Louise Bevan, Mr. Pasquale Branca, Mrs. Tommi Brown.

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THE CASE FOR THE B-1

Mr. GOLDWATER. Mr. President, in order that those of my colleagues who are not from the Western States may have the benefit of a concise statement by one of the Nation's major newspapers from that area as to why the B-1 bomber should be made a part of our country's strategic forces, I ask unanimous consent that an editoral headed "The Case For the B-1" which appeared in the Los Angeles Times of June 10, 1977, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CASE FOR THE B-1

It appears that President Carter will soon announce a decision to go ahead with the B-1 bomber program. The decision would be controversial—especially in view of the President's preelection skepticism toward the project.

But, in view of the nature of the Soviet Union's growing strategic arsenal and the likely shape of an eventual strategic arms limitation agreement, we believe that a decision to proceed with the new bomber would be sound.

Opposition to the B-1 has centered on its cost—$102 million per plane, according to the latest estimates—and on the argument that manned bombers aren't necessary in an era when nuclear missiles can reach any place on earth in less time than it take to drive to the office. Neither point is persuasive.

U.S. defense strategy is based on the thesis that this country must maintain strategic forces that, even if hit by a surprise nuclear attack, will be capable of retaliating with enough force to destroy the attacking nation. The American posture in the SALT negotiations assumes that the Russians are entitled to the same assurance.

The American nuclear deterrent now rests on a triad of B-52 strategic bombers, land-based Minuteman missiles and submarine-launched missiles. If the Russians' new Backfire bomber is deployed as a strategic weapon, Soviet forces will constitute a similar triad.

However, the aging B-52s are increasingly incapable of penetrating Soviet air defenses, and the Minuteman ICBMs are growing more and more vulnerable as the Soviet Union builds up a fleet of superheavy offensive missiles.

The sea-based leg of the American triad is still in good shape, and will be in even better shape when subs equipped with larger, longer-range Trident missiles go on station.

No President, though, can feel comfortable about depending too heavily on a sea-based deterrent. Deep-cruising nuclear submarines are out of dependable radio contact for hours at a time. And there is always the possibility of a breakthrough in Soviet antisubmarine warfare capabilities.

Two corrective options are available. It is possible to reduce, at least for a while, the vulnerability of this country's land-based deterrent by building new, semimobile MX missiles that would be harder for the Russians to hit. And existing B–52's could be converted to carry long-range cruise missiles that could be fired at Soviet targets from well outside Russian borders.

Leaving aside the cost and effectiveness controversies that surround each of these options, both will be ruled out anyway if the Kremlin ultimately accepts the strategic arms control package proposed by the President, which would forbid deployment of new land-based ICBM's and place range restrictions on the cruise missile.

Strategic bombers have some special characteristics in their favor.

Bombers, unlike ballistic missiles, take several hours to reach their targets and can be called back. This is a comforting thought to Presidents, who don't like the idea of ordering Armageddon on 15 minutes' notice; it is an important consideration for the rest of us, too.

The B–1 is designed for high-speed, low-level penetration of Soviet air defenses. But it would be too slow for use as a surprise-attack weapon. Thus the B–1 would appear less threatening than the same number of missiles to any potential adversary who thinks that a surprise U.S. attack is a serious possibility.

Finally, because bombers can easily be dispersed among many airfields and can be airborne on short notice, they are relatively invulnerable to surprise attack themselves.

The B–1 bomber is costly. So, unfortunately, are all modern weapon systems. But the B–1 would greatly enhance this country's security—and do it in a way that would least interfere with efforts to interest the Russians in reducing the strategic arsenals on both sides.

ADMINISTRATION POSITION ON LOCKS AND DAM 26

Mr. HART. Mr. President, the Senate will soon consider again the closely related subjects of locks and dam 26 at Alton, Ill., and waterway user charges.

Yesterday, Transportation Secretary Brock Adams testified before the House Committee on Public Works and Transportation on both of these issues.

With respect to the question of whether or not there is a need to authorize construction of a new, expanded facility, Secretary Adams reaffirmed the administration's position in favor of an investigation of various engineering techniques prior to the authorization of either rehabilitation of the existing structure or construction of a completely new, $421 million facility.

Secretary Adams went on to point out in his statement that President Carter "has also indicated his firm intention to veto any legislation which authorizes construction of a new lock and dam without providing for the imposition of a comprehensive waterway user charge."

This reaffirmation of the administration's position is of particular significance as the Senate prepares to debate these issues, and I ask unanimous consent that Secretary Adams' testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF BROCK ADAMS

Mr. Chairman and members of the Subcommittee: I am pleased to be here today to testify on the closely related issues of capacity expansion at Locks and Dam 26 at Alton, Illinois, and waterway user charges.

First, let me tell you where we stand now on Alton Locks and Dam. As you know, the Department recently completed a 120-day study on some of the economic aspects of a single 1200-foot lock at Alton. Our economic analysis led us to the conclusion that based on traffic projections an increase in the capacity of the facility at Alton will certainly be required before the end of the century. However, the uncertainty involved in projecting future traffic makes it difficult to pinpoint an exact date by which this additional capacity will be needed. The Department's review of the projections and analyses done by others suggests that increased capacity may not be needed until the last decade of the century. As a practical matter, however, construction of a facility with increased capacity, in the context of either rehabilitation or replacement of Locks and Dam 26, should start within four or five years.

The study also found that a single 1200-foot lock at Alton would not cause significant diversion of existing rail traffic to the waterways. Expansion of lock capacity at Alton would cost the railroads future traffic which they would, in any event, carry only if a decision were made to hold the capacity at Alton at its present level indefinitely. Thus, as far as a single 1200-foot lock is concerned, the only questions are of timing and costs.

Any further capacity increase at Alton beyond that provided by a new 1200-foot lock and any other major capacity increases on the upper Mississippi and Illinois River system should await the completion of a detailed and extensive analysis of the economic and environmental aspects of such capacity increases. A study of this sort could well require a couple of years. During this period, we will work with other agencies to study commodity projects, the impact of user charges on these projections, intermodel impacts and environmental questions, as well as engineering questions. What we are really talking about, then, is whether a decision should be made on a single 1200-foot lock for Alton before or after such a study is completed. The answer to this question and the question of whether the existing facility should be replaced or rehabilitated turns on the engineering aspects of the issue.

The engineering questions are not simple. The Corps of Engineers, following a traditionally conservative approach to the engineering problem of the existing structure, concluded that the expense of rehabilitation would be approximately equal to the cost of replacement with a modern structure. If this proves to be correct, then

it is crystal clear that the facility should be replaced and that the new facility should have a single 1200-foot lock in it. It would be foolish not to take advantage of new construction to gain a moderate increase in capacity at a relatively slight increase in cost over what it would cost just to replace the existing capacity.

However, the Corps' engineering approach to rehabilitation has been challenged and the view advanced that the cost of rehabilitation is, in fact, much lower than the cost of replacement. I have had a team of my own engineers working with the staff of the Corps to review these differences. The conclusion reached by our engineers is that there are lower-cost approaches for rehabilitation of the existing dam which ought to be tested before a final decision is reached. Our engineering task force is of the opinion that there is no useful purpose to be served by any further paper studies on this question. Their recommendation is that, as early as possible, engineering investigations be undertaken in a way which will let us experiment with the techniques and measures that are in question. Secretary Alexander and I have discussed this recommendation and have concluded, especially in view of the possibility of significant savings if rehabilitation proves feasible, that it should be tried.

In his testimony, General Graves of the Corps will provide you with more details on specifically what is involved. In taking this course, we believe it will be possible to determine for $10 to $15 million—a low cost relative to the costs of rehabilitation or replacement—whether the lower cost alternative rehabilitation methods are, in fact, feasible. If these measures do turn out to be feasible, we can go ahead with the rehabilitation of the existing structure. This rehabilitation would include provision of a 1200-foot lock.

On the other hand, if the results of this experiment show that the less expensive ways of rehabilitating the dam do not work, then we can turn to the construction of a new facility with the certain confidence that we have not overlooked an opportunity to effect significant savings.

As far as legislation on Alton Locks and Dam is concerned, then, I have the following specific recommendations:

The Congress should authorize the Army to proceed with either replacement or rehabilitation with a twelve hundred foot lock, depending on the outcome of our engineering test program. A deadlnie of December 31, 1978, should be placed on the resolution of the engineering and cost questions to prevent inordinate delay. We would be happy to provide you with appropriate language to accomplish this purpose.

Any future authorizing legislation should contain a prohibition against a 12-foot channel project on the upper Missisippi River and provide for additional economic and environmental study of future transportation needs of the upper Mississippi and Illinois regions.

There should be action by the Congress to enact a fair and effective system of waterway user charges.

As you probably know, the President feels very strongly about the three preceding points. He has also indicated his firm intention to veto any legislation which authorizes construction of a new lock and dam without providing for the imposition of a comprehensive waterway user charge.

DOT has extensively studied the possible impacts of user charges, and the results of these studies are presented in the report, "Modal Traffic Impacts of Waterway User Charges." As President Carter said in his message on water policy: "The beneficiaries of Federal water projects do not bear a fair share of the enormous capital and operating costs."

The really major point here is that commercial users receive major benefits from Federal expenditures, while the full burden of those expenditures falls on the shoulders of the taxpayer. It is simply not right, not just, that profit-making businesses should have this much of their costs met by the American taxpayer.

Practically all of the Federal expenditures in support of the waterways are made by the Army Corps of Engineers and the Coast Guard. These expenditures have been rising and now are approaching the $1 billion a year level. As a result of these Federal programs, inland, coastal and Great Lakes vessel operators do not maintain or pay taxes on the rights-of-way which they use. A notable exception is our St. Lawrence Seaway where tolls on vessels and cargoes not only cover the operation and maintenance costs of the Corporation, but annually return to the Treasury part of the original U.S. investment in the St. Lawrence facilities.

Establishing a fair and efficient system of cost sharing is, obviously, a question of great sensitivity, and the amount and manner in which such a charge is collected could have a significant bearing on whether or not Congress would pass the necessary legislation. In addition to the purchaser of the transportation services and ultimately the consumers, there are the concerns of at least three groups that have to be reconciled in establishing waterway user charges—the users of the waterways, who resist the added costs; the railroad operators who maintain their own right-of-way and feel their competition receives unfair subsidy; and the taxpayers who pay for Federal agencies to furnish the facilities and services. The Department believes the selection of a policy for cost recovery through waterway user charges should take into consideration the principles of administrative simplicity, political feasibility, and public understanding and acceptance.

When I testified last month before the Senate Enivronment and Public Works Committee, I stated that the Administration would prefer a fuel tax approach to cost sharing over other options. All other things being equal, that would still be our position. However, enactment of a fuel tax for waterway users this year does not appear to be in the cards.

An approach has been proposed in the Senate that would establish a system of users charges to be paid by commercial cargo vessels on the federally-built and maintained inland waterways. Phased in over a decade, this proposal calls for eventually recovering 100 percent of operations and maintenance costs and 50 percent of new construction. The proposal also calls for the Secretary of Transportation, in consultation with the Secretary of the Army, to study various user charge alternatives and to publish preliminary regulations.

Following a public comment and public hearing process, the Secretary would promulgate final regulations, after which the Congress would have 60 days to review them and their impact. If Congress did not amend or disapprove the regulations by joint resolution within 60 days they would go into effect on October 1, 1979.

Taking a realistic view of the chances of enacting a fuel tax based user charge in the near future, the Administration is prepared to support the general approach that has been proposed in the Senate. We believe that legislation similar to the Senate Environment and Public Works version of S. 790 would permit the Administration to accomplish its expressed goals with respect to waterway user charges. This approach would give us an opportunity to review the various alternatives and check our impact analyses while also allowing us to involve the public and the interested constituencies in framing the details of the cost recovery regulations. This approach would also allow the Congress to set the basic national transportation policy on this matter in the legislation while reserving the chance for a subsequent review of the regulations before their implementation. The Administration will be urging the Senate to support this approach, and we urge the House to support it also.

In conclusion, the Administration believes that it is no longer in the national interest to continue direct taxpayer support of commercial water transportation without some form of cost sharing. Water transportation should join the air and highway modes in paying user charges for Federally provided rights-of-way.

Mr. Chairman, that completes my prepared remarks.

AMBASSADOR ROBERT STRAUSZ-HUPE'S FAREWELL ADDRESS TO THE NORTH ATLANTIC COUNCIL

Mr. HEINZ. Mr. President, Robert Strausz-Hupe, the U.S. permanent representative to NATO, recently delivered a thoughtful and moving farewell address to the North Atlantic Council in Brussels, which deserves our attention.

In addition to his cogent comments on East-West relations and the mistakes we have made in that respect, Ambassador Strausz-Hupe also has some useful observations on the state of our youth and the real danger their alienation poses for our society:

> The much discussed alienation of our youth from the values of Western civilization is, in fact, an alienation from reality. The alienated young, because they take the security and wealth of our civilization for granted, do not see why they should work and fight for it. Thus, their alienation is not so much engendered by anguished discontent as the inability of their elders to compel their imagination, to channel their energies, or to stimulate them to confront the challenges to the society that has nurtured them. All our young people, alienated and unalienated, need to be told that the wealth and security of our civilization are at risk.

Thus the burden falls on our own generation to provide the challenges and creativity that will capture the imagination of the young and renew our society. In posing the issue in this way, Ambassador Strausz-Hupe challenges us all in a thought-provoking and eloquent way. I commend his address to my colleagues' attention, and I ask unanimous consent that the text of it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMBASSADOR STRAUSZ-HUPÉ'S FAREWELL "SILVER BOWL" ADDRESS TO THE NORTH ATLANTIC COUNCIL

First, my thanks to the Divine Providence that allowed me, well advanced in age, to fulfill an over-arching ambition, namely to serve as my country's spokesman to the Atlantic Alliance, as well as to my colleagues on the Council, for the understanding, helpfulness and friendship that they have shown me throughout the brief year of my tenure. The best way to express my gratitude, so it seems to me, is to share with you my thoughts filtered from this one golden year's experience.

Saying goodby is never easy. The more so, for me, on this occasion when I shall be leaving the company of men whose friendship I have enjoyed, whose ability I have ad-

mired, and whose generosity and thoughtfulness have been evident to me, constantly, during the time I have spent with them.

Now, that generosity is expressed again in the gift of this lovely bowl which shall remain for me a mark of my colleagues' kindness and consideration. I am deeply grateful for this splendid gift. It will remind me, always, of the honor the council and my country have bestowed on me by including me among its members.

To our Secretary General, who steers our activities with force and tact and who, indeed, animates the entire Alliance with his wit and spirit, I am particularly grateful for his sagacity and advice to me in the conduct of my duties. Always courteous, ever felicitous, never demure, at times implacable in pursuit of the higher objectives of this Alliance, and invariably ready to enliven our more dour moments with his levity and sparkle, Joseph Luns embodies the finest qualities of leadership on which the Alliance relies.

To Ambassador Catalano, our able Dean, I extend my thanks as well. His sense of measure, his spirit of compromise, and his insightful contributions to our deliberations are indispensable to the effective functioning of the Council.

To the Deputy Secretary General, Ambassador Pansa, and to the distinguished Chairman of the Military Committee, Sir Peter Hill-Norton, to whom I would also express my gratitude for their perspicacity, lucidity, and enlightening discourse. To the members of the international staffs, civilian and military, who served with such dedication the collective endeavors of the Alliance; to the interpreters, who improve so often on the more obscure passages of our discourse; to those who guard and maintain our building, I extend also my appreciation for their loyal service.

To SACEUR and SACLANT, and their staffs at SHAPE and Norfolk and at our military commands, the muscle and sinew of this Alliance, I am deeply grateful for their personal friendship and hospitality.

It has been a rare privilege to share the company of men of such caliber and integrity.

The Atlantic Alliance—the real Atlantic Alliance and not the Alliance of Utopia or the Alliance derided by hostile critics—works well—as well as any peacetime Alliance of sovereign nations has ever worked in history. Its record as an experiment in collective decision-making-by-consensus alone makes it worth preserving. The issues now confronting us and the foreseeable shape of issues-to-come make the Alliance not only worth preserving but also worth strengthening, for the solutions of the problems pressing upon the West are bound to exceed the reach of any Western sovereign nation, however wise and powerful. Here and now, there exists no broader institutional framework that can as effectively accommodate the Western democracies' search for common positions on world politics other than the Western Alliance. The West's center-of-gravity is in this room. If any one ignores this fact, be it only for a moment, he does so at the extreme peril of all of us.

To take a dark view, as many distinguished Western thinkers have, the most important historical phenomenon of our times is the shrinking global influence of the West.

For a long time, this phenomenon has engaged the attention of historians and philosophers. It is more obvious than any other that lies within the range of our historical vision. Yet, throughout the West, it seems to have engendered in the Western public at large that sense of fatalistic indifference which, so I have read, living by the side of a volcano induces in the local population. The identification of this phenomenon is, however, fundamental to our understanding of the geopolitical environment in which we live, for it signifies a fundamental alteration of the world order.

The dimensions of this retreat have been both geopolitical and spiritual. Since the first decades of this century, the West's sway and the West's values—its concepts of political responsibility and individual freedom—have been losing currency.

All major issues of contemporary world politics stem from this phenomenon, seen by many historians as the global retreat of the West. To ignore this fact, they contend, is either a confession of historical ignorance or wishful misreading of the stark record of the West's progressive atrophy.

All throughout this age of the West's putative geopolitical retreat, the West has been growing richer, its peoples waxed more prosperous, its scientists-technologists performed miracles of creativity, and its material contributions to the development of non-Western nations flowed ever more abundantly. It is these manifestations of Western intellectual and economic prowess that have lulled the Western publics into a sense of complacency about stubborn symptoms that point unmistakably to the decay of the West's global position.

Turning our attention eastward to the external threat, there are, as in the case of the blind men's perceptions of the elephant, many ways for perceiving the Soviet Union. We can view the Soviet Union as a nuclear power—as big as the U.S. or bigger or smaller than the U.S. We can view the Soviet Union as the base of Marxist-Leninist ideology. We can view the Soviet Union as a traditional Great Power, heir to Czarist geopolitical aspirations. Each of these perceptions tells us something we need to know about Soviet Russia in order to understand it and its ways. Yet do these perceptions suffice for an understanding of the Soviet Union's foremost purpose in international politics as seen by so many students of Soviet foreign policy? Has not the Soviet Union—ever since the first years of the communist dictatorship and while consolidating and expanding its colonial empire and its hold on Russian soil—not sought to turn the non-Western peoples against the West and to exploit those conflicts between the West and the non-West that it did not manage to spark? Although we must view the end of Western colonialism as a moral good, decolonization has created in many places a political void. Consistently, the Soviets have spared no effort to fill it.

If any Soviet foreign policy seems to so many seasoned observers to have been consistent, it has been this one. The Soviets have pursued it with equal perseverance at the lows and highs of their power. Thus all other policies of the Soviet Union, military, bilateral and multi-lateral diplomacy, global and regional, ideological and cultural, can be seen as tributary to this one policy, i.e., the mobilization of the non-Western peoples in the drive against the West's residual holdings and influence in the non-Western world On this premise, Lenin's dicta on imperialism have informed and still inform the Soviet view of international politics.

The pursuit of this global objective is seen by many strategists as now supported by the resources of a world power—a world power that has attained its "place in the sun." In history, there is no precedent for a world power—present company excepted—renouncing voluntarily its imperial aspirations. Of all the world powers, past and present, the Soviet Union is the least likely to be an exception from this rule. Foreign Secretary David Owen's conclusion is the following: "The basic premise from which we in the West must start is that the Soviet Union is a world power with national interests and ambitions to match which inevitably bring it into competition, and sometimes confrontation, with the West. To this we must add that Communist ideology invests the natural rivalry between East and West with a dynamic of increasing struggle."

The Soviet Union has never intended and does not intend now to fight an aggressive nuclear war. Indeed, the Soviet Union probably does not intend to fight any kind of war—if it can help it. For the Soviet Union military power that cannot be put to political use has always been of negligible interest. The purpose of Soviet military power as well as any other kind of power has been to provide the props that support its political-psychological conflict strategy. This conflict strategy relies upon the indirect approach, i.e.: the gradual encirclement of the West by reducing its strongholds, strategic and economic, outside the territorial limits of the Western states. Among its many devices, the most effective has been the fomenting and feeding of proxy wars, such as the wars in Korea and Indo-China and revolutionary wars in colonial and ex-colonial lands.

The continued communist struggle for the isolation of the Western "city" from the non-Western "country side"—as Mao's metaphor puts it—is not incompatible with East-West detente defined as "peaceful coexistence." Indeed, this struggle is seen by many students of Soviet history as the rationale of detente, for detente provides the optimal conditions for waging it.

Let it be conceded here that the economic and technological benefits to the Soviet Union of the detente are considerable and would constitute sufficient justification for the Soviet detente policy—if the Soviet Union were a status quo power as are we. The view can be defended that the Soviet Union is not a status quo power, and that the principal objective of the Soviet Union is not to achieve a stable equilibrium with us. According to this view, the principal objective of the Soviet Union is to reduce the world's areas under the Western writ, to raise the non-Western peoples against the West, and deprive the West of the non-Western peoples' material resources, not to speak of their good will.

One of the explicit purposes of our detente policy is to develop a perception of shared interests that will join us and the Soviet Union ever more closely together in common pursuits—the quest for mutual security, the common fight against some of the world's ills, and mutually profitable trade. Another purpose of our detente policy, explicitly stated, is to influence the foreign policies of the Soviet Union, though not its domestic policies. It stands to reason, however, that, though we refrain from interference in Soviet domestic affairs, the workings of the detente are expected to bring about a gradual and, as we perceive it, beneficial transformation of Soviet society. Within the context of our own value system we are justified in believing that increased trade and personal intercourse will foster social change and bridge the gap between the Soviet Union and our civilization. In brief, the Soviet Union will develop into an industrial-urban consumer society like our own; take its place by our side among the status quo powers—and, thus, grow more "Western" by not only acquiring the West's material accessories, but also approximating the West's political-social way of life.

Many believe that the evidence culled from the history of Russia, Czarist and communist, does not show that the Russian people ever wanted to be Western, nor that it provides grounds for assuming that they will change their mind. Except for a miniscule elite that, in the nineteenth century, looked to the West for political and cultural inspiration, the Russian people, including some of their greatest writers, have always regarded the West with stolid indifference, if not with disdain and mistrust.

The essential features of the Soviet re-

gime—a rule imposed from above; an omnipotent bureaucracy; and omnipresent police; tight censorship; monolithic control of public opinion and cultural life; a judiciary serving as the obedient instrument of state power; the state's stony indifference toward human rights; and the Russian people's unprotesting acceptance of all these things—are replicas of Czarist autocracy and kin to the great despotisms of old. In sum, Russian popular sentiment reinforces the anti-Western thrust of Lenin's dogmas on "imperialism."

Even if it were not for the doctrinal ambiguities of "peaceful coexistence" familiar to every Komsomol, Soviet man could not help but perceive of the detente in a context quite different from ours. For him, as for us, detente signifies a measure of security against total war. Unlike us, he views the achievement of this condition as the direct, ineluctable result of the weakening of the West. This weakening of the West, so he is told by the myriad voices of public indoctrination, has been brought about by the pressures of superior communist power as well as the internal decay—the "contradictions"—of the "capitalist," i.e., the Western system. In brief, Soviet domestic propaganda hails detente as another battle won on the long road to communist victory. Now, it only remains to push what is falling. This push can now be applied, with renewed force and without incurring unacceptable political-military risks, against the soft underbelly of the West, i.e., the resources and markets on which the West's life depends.

What is to be done?

To propose that we scrap, here and now, our policies that go by the name of detente would be both unpolitic and frivolous. Agreements with the Soviet Union on arms control that strengthen our security are categorically in our interest. So are agreements on trade that adhere to the principle of reciprocity and do not accrue significantly to the advantage of Soviet military technology. Small as is the impact of the exchanges of persons and ideas upon the foreign policies of a Great Power such as the Soviet Union, the increase in human contacts between ourselves and the peoples under Soviet rule is likely, in the long run, to benefit us. The rivalry between the two communist Great Powers provides us—and, for a while, might still provide us—valuable strategic and diplomatic advantages, though this rivalry does not necessarily strengthen the West's position relative to the Third World.

I here assert that the first and overarching priority of Western policy must be the self-defense and renaissance of the West. In other words, I believe that policies that do not lie in the collective interest of the West and the world as a whole do not serve the interests of any Western nation either.

There can be no doubt that the categoric affirmation of our Western priority will distress the Soviet rulers and the ruling establishments of some non-Western lands. As far as the Soviet rulers are concerned, the affirmation of our Western priority will not harden their purpose, namely, the discomfit of the West any more than the lack of this affirmation has softened it. In brief, nothing that we say or do will deflect Soviet strategy from its fundamental objective. That this objective happens to have been largely the obverse of ours, is the dilemma of world politics. If we were to lead the Soviets to believe that we do not see what is so clearly at issue, then we would encourage them to engage in the kind of ventures that, in the past, have brought them and us to the "brink."

Ideally, the desire to do great things in common—to build a perfect society and to cure the world's ills—should move the Western peoples toward union. As it is, the Western peoples' stakes in their common civilization, together with their countless interrelationships in trade, science and culture, have not persuaded them to join in a political community.

The history of this century has revealed plainly the dismal consequences of the Western peoples' inability to perceive and to meet in common a challenge that threatens to overwhelm each and all of them. Just as plainly, they point to the one and only alternative to the West's ultimate community in defeat.

Increasingly, the gravest challenges to the Alliance circumvent the area and transcend the provisions of the Treaty of Washington of 1949. The time is *now* to come to grips with the nature of these challenges and to reassess the role of the Alliance as the guardian of the West's collective security. Once again, there arises the need for the resurgence of that creative political will that founded the Alliance.

It has been the West's good fortune to find at its most critical historical turning points, leaders of vision and purpose. We can take heart from President Carter's inspiring call to great undertakings. In his Inaugural Address he said: "The passion for freedom is on the rise. . . . Tapping this new spirit there can be no nobler or ambitious task for us to undertake than to help share a just and peaceful world that is truly humane." Striking this same note, Vice President Mondale told us, on January 23rd, that "there is a new faith in the strength of our democratic system of government a new willingness to meet challenging and continuing responsibilities abroad." The Vice President went on to say: "I share the confidence of the President that together we will be equal to the tasks of the future."

Western civilization is well worth working and fighting for. It is the only civilization to date that has struck an even balance between the material and the moral aspirations of the greatest number of men and women. Like all civilizations before it, it rests upon this earth. Its sway extends from a territorial base. This base is well worth defending, for without it Western civilization fades into a philosophical abstraction bereft of creative force.

The much discussed alienation of your youth from the values of Western civilization is, in fact, an alienation from reality. The alienated young, because they take the security and wealth of our civilization for granted, do not see why they should work and fight for it. Thus, their alienation is not so much engendered by anguished discontent as the inability of their elders to compel their imagination, to channel their energies, or to stimulate them to confront the challenges to the society that has nurtured them. All our young people, alienated and unalienated, need to be told that the wealth and security of our civilization are at risk. Only the call to great undertakings will fire their imagination and stir them to action. The making of Western unity is the greatest undertaking of our time. If the young as well as the old will not heed that call, then we need no longer fret about the future of the Western peoples. Then, that future will be what the West's enemies will make of it. I believe that the temper of the Western peoples does not tend towards apathy and self-destruction. Hence, I hold that the West is still strong and wise enough to grasp the present opportunity for creating a future order that will be what we and not our enemies will make it.

The West's fiber is sound, sound enough for us to reject out of hand the dark messages of Spenglerian doom. In his speech to the United Nations, President Carter said: "I see a hopeful world, a world dominated by increasing demands for basic freedoms, for fundamental rights, for higher standards of human existence." It should be our common task to see to it that these demands—demands sparked by the ethos of Western civilization—are being met.

In conclusion, I venture to entreat you, my colleagues and friends, to guard in the future that unique institution, NATO, as well as you have guarded it in the past. The Alliance has served and should serve in the future as an effective instrument of negotiation on East-West issues. But the Alliance itself and the stake of each member in it must never be negotiable—however enticing might be the offer. When it was founded, the Alliance might have been conceived as an expedient improvisation. Since then the Alliance has turned into a constant, perhaps the one and only constant of Western statecraft. On this rock rests the West's edifice.

THE JOHN F. KENNEDY LIBRARY

Mr. RIBICOFF. Mr. President, on June 12, 1977, Senator EDWARD M. KENNEDY delivered a touching and beautiful speech at the groundbreaking ceremony for the John F. Kennedy Library. I know my colleagues will cherish these remarks.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDWARD M. KENNEDY AT THE GROUNDBREAKING CEREMONY FOR JOHN F. KENNEDY LIBRARY, COLUMBIA POINT

For my family, friends, and fellow shipmates, it has been a long voyage. But at last, after 14 years at sea, we have weathered the storms and survived the reefs. Our ship is coming safely into port. And what a beautiful port it is.

Jack would be proud of us today. Proud of his memorial; proud of Columbia Point and the University of Massachusetts and this beautiful Harbor Campus; proud of Dorchester and this symbolic return to the community where our mother went to school and where the Fitzgerald family lived for so many happy years.

Jack's library and this site were made for each other. There is no more beautiful view of the Boston he loved and the sea he loved than the view from this site on which we stand.

And so I express my thanks, for myself and all the members of our family, to the many friends who have worked so long and who have done so much to make this day come true.

To Jacqueline and Caroline and John, who kept the flame alive;

To Steve, especially, for his labor of love

To Dave and Helen and Dan and Al and the members of the board and staff of the Library, whose dedication can never be repaid;

To I. M. Pei, who stood by us for so long and whose skill and sensitivity have created a monument worthy of Jack's vision and the qualities of his career in public life.

To Bob Wood and the trustees and officials of the University of Massachusetts, who helped to fulfill our dream;

To Governor Dukakis, Tom O'Neill, and the other distinguished members of the official family of our Commonwealth and our Congressional delegation, who helped and encouraged us through these difficult years.

To the communities of Dorchester and Columbia Point, who welcomed us with so much friendship and affection;

To all of these and so many others, I give my great thanks and appreciation for your courage and persistence.

The Library and what this site becomes will be more than a memorial. It will look beyond the passions that divide us. It will be a sign of trust and hope for the future of our city. It will be an inspiration for rebuilding in this area. It will nourish a wider form of education and a greater understanding among all the members of our metropolitan community.

Jack would have wanted all of this as

well—a library that speaks and listens to the people, a library that takes up the causes of its neighbors, a library that understands and joins the search for better ways to meet them—so that, as he did, we may leave a better future for our children.

Through its effects on those who come here, and through the outreach programs that will carry Jack's vision to other people in other communities, the Library and its blend of architecture and public life will make an enduring contribution to the understanding of America in the world.

We are especially proud of our new association here with Columbia Point and the University of Massachusetts, because it bears witness to the many things about Jack that are remembered by his family and his country.

In life, one of Jack's great qualities was his genius for inspiring young people in America and in nations throughout the world. It is fitting that his library will draw strength and inspiration from the University and enrich its students and the community in return.

In life, Jack was a public man. It is fitting that his library will be part of this great public university of our Commonwealth.

In life, Jack was an urban man. It is fitting that his library will be part of the Boston he loved.

In life, Jack was a man of the sea. It is fitting that his library will rise here at the harbour's edge, linking his city and his sea. He liked to walk beside the sea at sunset, to watch his footprints glow for an instant in the wet sand.

Jack often recalled the description of Thomas Jefferson as a universal man, a person who could calculate an ellipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet and play the violin.

When he left us at 46, Jack shared that quality of universality. He could talk with a poet or prime minister, start an astronaut toward the moon, reach a black child in the South, throw a spiral pass, haul a sail, write a book, and make a Russian blink.

The Library will tell all this and more about Jack. It will tell the kind of man he was. It will be more than just a collection of documents under glass. It will also be a very personal memorial, a link between the future and the past.

For the scholars who will come here, the Library will be a vast resource of knowledge and understanding about the Presidency and the other institutions of our Government in this creative recent period of our history.

For those too young to remember Jack themselves, it will describe his life and works in ways that will make him come alive for future generations.

For those who do remember, it will recreate a time, a few bright days and years, a few fleeting moments of extraordinary grace and trust and confidence in America and in our ability to meet the public challenges facing us at home and overseas.

Few in modern life have had Jack's gift for instilling hope and inspiration. He was a common thread linking peoples everywhere. Apart from poverty, the one common denominator between a dwelling in Appalachia, a shack in Nicaragua, and a hovel in Turkey is often his picture on the wall.

He was different from other Presidents. His youth appealed to all age groups. His vitality was a powerful force that linked his new frontier to the old frontier and the days of America's greatness in the past. His warmth and wit and grace endeared him to the country as a very human leader. His intellect and wisdom gave confidence to America that we were equal to any challenge, that our country's finest years were still to come.

The times since then have not been easy ones. We bear their scars today. As a nation, our mission became confused. We lost the sense of direction he had given us, the fixed stars he had pointed out, the sense of confidence in the future.

But in recalling the past, his library will help us find the way again and restore the sense of purpose we had, and lost. We want the young men and women who come here to be caught up by the view of Jack they find. He knew how to touch the hearts of youth with fire. We hope his library may strike a kindred spark, a spark of interest in public service, among those who visit here.

Because of Jack, many have entered public life in their own communities. It was this achievement of Jack's leadership that most encouraged him, because he knew the enormous influence that individuals can have on things they care about, if only they care enough to get involved.

It has been written that the great challenge in this world is not so much where we stand, as in the direction we are moving. To reach our port, we must sail sometimes with the wind, sometims against it. But we must sail, not drift or lie at anchor.

Here, on this auspicious day, the voyage Jack began sails on in the Library that will bear his name. In breaking ground today, we remember Jack. And in remembering Jack, we remember the best in our country and ourselves.

S. 790—THE SPATE OF STUDIES

Mr. DOMENICI. Mr. President, when it is argued that this Nation needs a system of waterway user charges to recover a portion of the present 100 percent Federal subsidy to the barge industry, the barge industry responds that the Congress does not know enough about the possible impacts of user charges. Such a "know-nothing" argument ignores the numerous detailed studies and administration statements concluding it is unfair that waterway traffic should receive a 100-percent Federal subsidy. These examinations date back to the days prior to World War II.

This spate of studies has increased in recent years, with a variety of comprehensive examinations that have been completed by the Department of Transportation, the Army Corps of Engineers, and others in the past several months.

To give my colleagues some idea of the scope and depth of the many studies and analyses on the need for waterway user charges, I ask unanimous consent that a list of 14 of these studies completed over the past few years be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STUDIES AND POSITIONS ON WATERWAY USER CHARGES SINCE 1970

1. January, 1971: Department of Transportation, "User Charges on Inland Waterways": "The argument for some user charge on ground of equity and efficiency is impeccable . . ."

2. June, 1973: The National Water Commission, "Water Policies for the Future" recommended user charges to recover 100% of O&M and 100% of new capital expenditures:

"There is no longer any rational justification for assumption by the Federal Treasury of the entire cost of construction, operating, and maintaining navigable waterways."

The report also stated: "First, a major weakness of the present program stems from deficiencies in the procedures by which it is determined whether or not a proposed waterway project would result in a justified addition to the national transportation system.

"Second, a major weakness of the legislative policies governing the present program is that they do not require beneficiaries to share in the cost of construction, operating, and maintaining Federal waterway projects.

"Third, the inland waterway system is inescapably an element of the national transportation system. Yet, the waterways are not planned, evaluated, or regulated as a part of the national transportation system."

3. July 1973—Department of Transportation, "Cost Sharing Alternatives for Inland Waterway Transportation Policy": Recommended a fuel tax on waterway users.

4. September 1975: Transportation Secretary Coleman, in a statement of National Transportation Policy:

"National inland waterway policy should be compatible with national transportation policy. It has become apparent from the increasing criticism of adversely affected carriers that use of the existing public investment criteria for the water mode is inequitable. Some common denominator is required against which public investments in alternative modes of transport can be assessed. Economic efficiency and considerations of equity also lead in the direction of some form of cost sharing. Insofar as it is practicable and administratively feasible, the identifiable beneficiaries of Federally improved and maintained waterways should bear some share of development and operating costs through a system of user charges."

5. November 1975: General Accounting Office, "Factors to Be Considered in Setting Future Policy for Use of Inland Waterways" found minimal impact and many benefits from imposition of user charges to recover operation and maintenance costs.

6. 1976: President Ford's Fiscal 1977 budget message recommends a system of user charges, making him the seventh consecutive president to recommend user charges.

7. May 1976—Department of Interior (undertaken by Virginia Polytechnic Institute and State University), "User Charges for Inland Waterways: A Review of Issues in Policy and Economic Impact"; "Under the most severe cost conditions, only 3 percent of the total traffic would move from the system."

8. June, 1976: Department of Transportation: "Regional Market, Industry and Transportation Impacts of Waterway User Charges": "Predictions of substantial, generalized impacts on water carriers as the result of user charges appear unsupported . . ."

9. September 1976: Iowa Department of Transportation: "Waterway User Charges" concluded that there was a need for user charges.

10. December 1976: Army Corps of Engineers' study (undertaken by CACI, Inc.) "Potential Impacts of Selected Inland Waterway User Charges":

"If government assumes part of the production costs within a particular market and does not recover its costs, the resulting market prices will not allocate resources as efficiently, causing a reduction in the nation's economy . . . A 100 per cent recovery tax would reduce the waterway's tonnage share for most bulk commodities" from the present level of "about 21 per cent to 19 per cent of total rail/waterway traffic of 1,285 million tons."

11. January 1977: Maritime Administration's Study (undertaken by Ernst and Ernst, Inc.), "Impact of User Charges Applied to Inland Waterways" examined various specific questions that need to be answered before user charges are imposed; these questions were largely answered in the following report.

12. March 1977, Department of Transportation, "Modal Traffic Impacts of Waterway User Charges" (3 volumes):

"It was found that inland waterway ton-

miles may be reduced as much as ten percent by the recovery of 100 percent of annual federal operating expenditures on rivers via a segment-specific toll. Adjustments by economic agents such as shippers, carriers and producers to the changes in transportation prices should act to lower these traffic impacts in the long-term . . .

"It was found that delivered commodity price impact rarely exceeded one or two percent for 100 percent recovery of federal OM&R expenditures and were more commonly only a fraction of one percent. Projected market forces other than user charges were generally found to have a more substantial impact than navigation cost recovery . . .

"A phased implementation of user charges would limit absorption of the tools by barge and terminal operators by allowing natural traffic growth to offset any traffic diversion caused by the tools and by permitting the orderly retirement of uneconomic facilities and equipment . . ."

13. April 1977, President Carter: "It is essential as a test of economic demand for existing and future facilities and in ensuring a balanced transportation system that the beneficiaries of the water projects pay their fair share of both construction and operating costs."

14. May 1977: Congressional Budget Office, "Financing Waterway Development: The User Charge Debate":

"Lower freight rates that are made possible by Federal subsidies have resulted in less traffic and lower revenues for railroads, pipelines, and trucks. Barge transportation is not the only freight mode that is subsidized, but the Federal subsidy provided to inland waterways is substantially larger as a percentage of revenues than those of its closest competitors."

GROUND TROOPS IN KOREA

Mr. THURMOND. Mr. President, an example of the sentiment around the country reference the U.S. troop withdrawal from Korea was expressed in a recent editorial in Charleston, S.C.

The editors of the News and Courier newspaper published an editorial June 3, 1977, entitled, "Ground Troops in Korea."

The thrust of this editorial was that most of the information available to the American public argues against the withdrawal of U.S. troops. The editors further pointed out that President Carter's plan entailed definite risks and the American people deserve to be better informed on the issue.

Mr. President, as one who opposes U.S. troop withdrawal from Korea, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GROUND TROOPS IN KOREA

Speaking of Korea, President Carter says the time has come when the continued presence of U.S. ground troops is "not advisable". In the face of resistance to his views from other people concerned with Korean strategy, Mr. Carter will have to do better than that if he hopes to be convincing. To most observers of the Korean scene, things look pretty much as they have been since the end of the Korean War. As it has for 25 years, North Korea awaits another chance to take over the South. Or so it appears. Mr. Carter seems to think he has better information. If he does, the generals and admirals haven't been told.

In the argument as to who knows best, the generals and admirals have more on their side than Mr. Carter. History stands behind them in their belief that a U.S. military position in Korea cannot be sustained without ground troops. In the light of experience, Mr. Carter is simply wrong when he argues that the withdrawal of troops will leave the military balance in Korea unchanged.

To arrive at such a conclusion one need only remember how in the 1950's U.S. naval and air power could neither prevent the invasion of South Korea nor turn it back after it occurred.

This is 1977. Things are not quite the same in Korea as in the 1950's. Mr. Carter presumably is banking on the new strength of the South to prevent a recurrence of what happened a quarter century ago. He seems ready to gamble on that proposition.

Korea is too valuable to be gambled with, if you ask us. Or for that matter, ask the Japanese and other Asian peoples. To them, U.S. ground troops in Korea symbolize stability and security. You can bet they are on the side of the generals and admirals in this debate, and not on Mr. Carter's.

THE SOVIET ANNEXATION OF LITHUANIA

Mr. CURTIS. Mr. President, this week Lithuanians throughout the free world remember a dark day in the history of their proud nation. June 15, 1940, Red army troops marched into Lithuania and forced it to become a "Soviet Socialist Republic."

In name, this was accomplished immediately. In spirit, however, Lithuanians resisted the obliteration of their cultural integrity. Since 1940 over 300,000 Lithuanians have been deported to Siberian labor camps for refusing to relinquish their heritage.

This fierce pride and cultural identity of the Lithuanian people is nothing new. They have been forced to fight for this independence for centuries. In 1795 a large portion of Lithuania fell to czarist Russia. Attempts to "russify" the Lithuanians met with massive resistance and were finally abandoned in 1905. Lithuania was granted full independence from Russia after World War I, but was able to enjoy it for only 22 years.

The Helsinki Conference of 1975 buoyed the hopes of many oppressed people in Soviet-dominated countries. A follow-up conference will be held this fall in Belgrade to examine how well the paper promises made at that conference have been kept.

We must uphold our firm stand for basic rights in all countries, for the sake of Lithuanians and other oppressed peoples across the globe who refuse to relinquish the hope that memory inspires.

NEED FOR AN AGENCY FOR CONSUMER ADVOCACY

Mr. PERCY. Mr. President, Congress has been debating the merits of an Agency for Consumer Advocacy—ACA—for the last 7 years. Yet, for one reason or another, that measure has failed to become law. This Congress looked at the outset to be different. With President Carter's critical support this time around, such an agency should have ended its lengthy journey through Congress and begun the difficult task of finally giving the American consumer an effective voice in the Federal bureaucracy.

The proposed Agency for Consumer Advocacy has recently been the subject of a number of insightful newspaper articles and public statements. For example, a recent article appearing in the Washington Star by Goody L. Solomon uses case examples to clarify the types of activities to which a consumer protection agency might address itself. In an op-ed page column also appearing in the Washington Star, consumer advocates Ralph Nader and Mark Green respond to a host of misrepresentations which opponents of an ACA have made in their 11th hour attempt to halt congressional approval. And, finally, an eloquent and well-reasoned statement by Senator JOHN DANFORTH, accompanying the Government Affairs Committee report on S. 1262, directly refutes many of these same impassioned misrepresentations as to what such an agency might do.

Together, these commentaries provide an excellent, timely insight into the authority that will be vested in the ACA and the authorities that will not.

Clearly, the burden rests with proponents of the ACA to adequately explain the reasons for creating yet another Federal agency. And that burden has been met. In a time of public disturbance over the inefficiencies of big Government, this has been the major criticism of the proposed agency. Thus, even though the ACA requires neither a large outlay of Federal funds nor a major overhaul of Federal services, Congress has undertaken a thorough scrutiny of this legislation. This precaution has resulted in a comprehensive, moderate, balanced measure which belies any reasonable apprehension of an ever-growing consumer "superagency" harassing businesses, spewing out regulations, or obstructing the forward progress of our economy.

But recently, as final congressional consideration of this issue appeared near, the opposition redoubled its efforts. Those lobbyists intransigently opposed to an ACA have undertaken a last-ditch effort to discredit the proposed agency, often without any reference to what the bill actually says or does.

In response to the latest volley of charges and misrepresentations, the commentaries I alluded to earlier outline the many valid reasons why the ACA has such pervasive support. These justifications are bolstered by the latest Harris poll on public attitudes toward the consumer movement. The Harris survey, released several weeks ago, reveals that by an impressive 52 to 34 percent, the American public overwhelmingly favors the creation of a consumer protection agency. The aroused citizenry feel that they too need a voice in the labyrinthine inner workings of the often-distant Federal agencies.

The Harris poll also documents the phenomenal growth of the consumer movement. Harris calls it staggeringly larger than any comparable social movement of this century. Not surprisingly, the analysis shows that the consumer's expanding clout has been accelerated by a severe disenchantment with some parts of the business community's response to consumer needs. In fact, according to

the poll, business leaders, who in my judgment should stay close to the consumer, were considered less in touch with the public pulse on consumer issues than any of the other groups surveyed.

In this context, expressions of support take on special meaning. Even though the junior Senator from Missouri, a former attorney general of his State, has long despaired over the ceaseless accumulation of Federal fiefdoms, he is nonetheless convinced that a consumer protection agency will not grow to be another arrogant, sycophantic bureaucracy. But rather, an agency with the consumer as its client will serve as a counter to mindless regulation which often works to the detriment of consumers. As a nonregulatory, apolitical advocate for consumer rights, the ACA will be involved in such tasks as reducing excessive overcharges; preventing consumer fraud; and protecting the consumer from unsafe products. Where many Federal agencies judge their accomplishments by the number of regulations they promulgate, the ACA is committed to making the Washington bureaucratic maze simpler and more responsive to the needs of individuals and small businesses. In this it is unique.

As numerous business leaders have come to recognize, when burdened by the excesses of Government, consumers and businesses have much in common. Many actions taken by the ACA will indubitably find strong support in the business community. This is why an impressive group of progressive business leaders has actually spoken out in support of a Consumer Protection Agency.

Our expectations however, do not blind us to the pitfalls that have previously befallen other agencies or programs with similar lofty goals. Senator DANFORTH and the sponsors of this bill are determined to keep the agency, once formed, faithful to its charter. Working with a budget of only $15 million—1 hour's budget of the Pentagon—and a short-term mandate, the ACA is under the strictest of congressional guidelines to perform or face a swift demise.

As a sponsor of this legislation, I fully expect that, with able leadership, the ACA could quickly become one of the most respected agencies of the Federal Government. Its goals are well-defined, its objectives clear, and the work needed to be done is readily apparent. It is time to begin.

Mr. President, I ask unanimous consent that the supplemental views on S. 1262 of Senator JOHN C. DANFORTH, the article by Goody L. Solomon in the Washington Star, the column by Ralph Nader and Mark Green from the May 18, 1977, Washington Star, and a Marian Burros article in the May 18, 1977, Washington Post describing the results of the most recent Harris poll, all be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS ON S. 1262 (ACA) OF SENATOR JOHN C. DANFORTH

I have been particularly concerned about the growth of the federal bureaucracy, so it may come as a surprise that I have supported a bill which provides for the creation of a new federal agency, the Agency for Consumer Advocacy. After all, those who oppose the creation of the agency charge that it will be but another in a continuing series of federal bureaucracies—full of sound and fury signifying much more than nothing—the continuing proliferation of absurd and counterproductive regulations in furtherance of the maxim that government is not done for people as much as it is done to them. If I believed that to be true, I would not support the bill.

The purpose of establishing an Agency for Consumer Advocacy is to assure a meaningful consumer presence in the federal regulatory process—a goal which I believe will be more effectively and efficiently pursued by establishing a single office of consumer advocacy (providing, I might add, enhanced opportunity for Congressional oversight) than could ever be the case with the "in-house" agency consumer counsel advocated by many of the bill's opponents. To this end, I do not see the Agency for Consumer Advocacy as a mere addition to the bureaucratic maze—I see it as a counter to mindless federal regulation.

I am distressed to find the most strenuous opposition to this bill coming from the business community, because I do not believe that this bill is antibusiness in any sense of the word. To my mind, business and consumers have a great deal in common when it comes to dealing with the federal bureaucracy, and it is my expectation that causes espoused by the consumer advocate will often find support in the business community. The purpose of consumerism, it should be remembered, is not to drive business to ruin, but—purely and simply stated—to provide consumers with a wide selection of well-made goods at a fair price. Surely this goal cannot be said to be inimical to the interest of business.

The opposition to this bill rises out of a deep distrust of the federal government, of the Congress, and of consumer advocates. Although the agency, as created, will have no regulatory powers, its opponents do not believe that the Congress will be able to resist the temptation to endow the agency with regulatory powers. Although the agency, as created, will be a small agency, its opponents do not believe that it will remain small. Although the agency is mandated to give especial attention to the needs of small business, and to refrain from intervention in agency proceedings absent some showing that intervention is necessary to protect the interests of consumers, its opponents simply do not believe that the consumer advocate will be anything but a demagogue bent on the overregulation of business.

We are giving this agency three years to prove the opposition wrong. It is my hope and expectation that it will remain true to its mandate. But if the agency should substitute rhetoric for reasoned analysis, if it should engage in harassment, if it should spend its time in petty and foolish matters, if it should come before this body seeking a bigger staff and bigger budget each time its efficacy is questioned—in short, if this agency should become the bloated, insensitive and irresponsible bureaucracy its detractors claim it will become, it will have violated its charter and the trust of those of us who now support it—and it will be deserving of a quick demise.

But there is also a lesson to be learned from the opposition about the nature of the Congress. We who are creating this agency must remain mindful of our duty to see to it that it remains true to its charter and, when it comes before us for reauthorization in three years, we must remain mindful of the concerns which have led us to create a small agency with limited powers. I believe we have drafted a good bill—a bill which reflects our sensitivity to the sins of the past. I do not believe that the dire predictions of those who oppose this agency will be proved correct. Far from being but another bloated bureaucracy, I expect this agency to be the antithesis of bureaucracy—the nemesis of bureaucratic arrogance. To the extent that it fulfills this promise, we will all benefit.

[From the Washington Star]

ACP PROSPECTS

(By Goody L. Solomon)

The bill to create an Agency for Consumer Protection (ACP), which barely made it out of the House Government Operations Committee by a vote of 22 to 21, won't have it any easier on the floor of either the House or the Senate. Waging one of the strongest lobbying efforts ever seen on Capitol Hill, the Chamber of Commerce, National Association of Manufacturers, and Business Roundtable, among others, want to convince Congress that the proposed agency would, in effect, be a super-bureaucracy, with extensive powers and a budget that could drain the Treasury and the taxpayer.

Esther Peterson, who has been stumping for the measure as President Carter's consumer adviser, and other ACP champions say the truth goes like this:

The agency will be small, with annual budgets for the first three years of $15, $20 and $25 million. In return, by several estimates, it could save shoppers as much as $300 million a year which is now spent on overcharges, unsafe products, consumer frauds and such.

The agency will have no regulatory abilities whatsoever; therefore could never become a super-power. Rather, it will present the consumer viewpoint when agencies that do have regulatory powers set rates, promulgate rules and make decisions that affect consumers. Or, ACP could petition an agency to initiate a proceeding. In short, ACP will merely advocate and could as easily be overruled as heeded, but it will speak where the consumer voice has been weak or absent up to now.

ACP would do what individuals and consumer groups have been unable to do because they lack the resources and expertise. In fact, consumer groups have lost many lawsuits because they went to court ill prepared. Solid research and expert counsel is costly. As an example, a temporary injunction against the Agriculture Department's interim regulation permitting the sale of mechanically deboned meat (MDM)—which contains finely pulverized bone and therefore has raised health and safety questions—set the Community Nutrition Institute (CNI) back $12,000. That was months ago and "we're still paying it off," said Rod Leonard, CNI's executive director.

While ACP, with a staff of lawyers who are expert in consumer law, would spend far less per case, it could not take on every consumer cause. It would have to select certain issues that merit expenditure of its own limited funds.

Getting to specifics, how would the advocacy agency assist the food shopper? I asked that not only of Peterson but also of numerous ACP supporters, because the House version of the bill contains an exemption for certain USDA activities and Hill sources expect that exemption to be in the law if it passes both chambers.

Here are examples given by the advocates:

Trucking Costs. The Interstate Commerce Commission (ICC) says that private trucks, such as those owned by a supermarket chain or cooperative, are not public carriers as defined by ICC and therefore cannot transport merchandise for someone else. In technical terms, the supermarket truck cannot "backhaul."

To illustrate: A Safeway truck that takes goods from a warehouse in Lanham, Md. to a store in North Carolina cannot return with a load of furniture for another company.

Instead, it must come back empty. This practice increases the supermarket's trucking expenses, which are passed on to customers. The APC might petition ICC to revise its regulations.

Nitrites. Since nitrite, an additive in processed meat, combines with substances called amines to form nitrosamines, one of the most potent cancer causing substances, consumer leaders believe the Delaney Amendment (which prohibits the sale of products that cause cancer in animals or people) should be invoked as the basis of a ban. Since the Delaney Amendment allowed the continued sale of products for which there had been "prior sanction" (meaning approval before the law passed), USDA claims that covers nitrite when used as a preservative. Activists respond that "prior sanction" for nitrite only applied to its use as a coloring.

Meanwhile, questions have arisen over whether regulation of nitrite is a responsibility of Agriculture or FDA.

ACP could first try informally to get USDA and FDA to decide which one has jurisdiction. Failing that, the consumer agency could petition Agriculture to ban nitrite. If it said no, ACP could sue in court. Should the court rule that USDA lacked authority, then industry would have to seek approval from FDA and, at that time, ACP would intervene in opposition.

A lengthy process? Yes, and a good illustration, say the advocates, of how selective ACP would have to be in committing its resources.

Unsafe products. A supermarket chain was concerned that shampoos scented with fruity aromas might attract kids to drink them. So the chain asked not only FDA and the Federal Trade Commission but also the Consumer Product Safety Commission to remove those products from the market. But nothing was ever done. ACP might pressure the appropriate agency to deal with the problem.

Sanitation. By one interpretation of the meat and poultry inspection law, USDA has the responsibility of inspecting food processors, caterers, restaurants and similar establishments—included here would be food served on airlines. But the department has never done that. A petition, followed by a suit if necessary, could compel USDA to carry out the law.

[From the Washington Star, May 18, 1977]

A Reply to Jaworski

(By Ralph Nader and Mark Green)

Leon Jaworski, on retainer from the Business Roundtable, recently sent a letter to the House Government Operations Committee arguing against the establishment of an Agency for Consumer Protection. This 11th hour effort was received after hearings had been held and right before subcommittee and full committee consideration of ACP legislation.

Since the House committee was unable to cross-examine him, and since The Star has excerpted his letter ("Can a consumer czar represent us all?" May 6), we think it appropriate to examine closely Jaworski's claims.

He repeats and repeats that the ACP has great potential for political abuse, that it "would be vested with authority so broad that it could be easily turned to the political advantage of those who control it." This agency is said to have "practically limitless statutory authority."

Did he even read the bill? His article refers to not one section nor one sentence from the bill, perhaps because none support his wild assertions. The ACP has no political power and no regulatory authority. All it may do is to advocate before other agencies and occasionally require agencies to defend the soundness of their rulings in court.

Thus, all his warnings about there being "no effective check against abuse" are just pure business propaganda. He conveniently ignores any role for congressional oversight—although John Moss, D-Calif., has shown how oversight can be a valuable monitor of delegated authority. At worst, if an ACP makes a dumb or even malicious argument, the host agency or federal court can simply ignore it. A malicious Justice Department, on the other hand, could inflict great damage on individuals.

His anxiety about how an administrator can determine what is the consumer interest for all Americans also misses the mark. What does the EPA administrator now do but attempt to represent the environmental interest of all Americans? The Commerce Department does the same for business in America, though there are competing business interests. So why does it so surprise Jaworski for the ACP administrator to advocate an interest of consumers? Especially since, unlike the EPA or Commerce Department, an ACP can only advocate, not decide anything.

In this context, his assertion that it is dangerous "to vest in one unelected person the authority to represent, legally and politically, the interests of all the people" is laughable. What is the attorney general but an unelected person who represents "the people" in court? And what was Jaworski as special prosecutor? Now there was power, and the potential for political abuse.

The ACP—which cannot send anyone to jail, which cannot regulate any business or person, which has a budget 1/150th that of the Justice Department—hardly compares. Perhaps Jaworski's principle is that no unelected official should have such power—other than himself.

It is Jaworski's right to represent any client he wants—but not to misrepresent an important piece of legislation for that client's benefit. And since he failed to tell readers what the consumer agency would do, we will.

For 25 cents a taxpaying family or one hour's budget of the Pentagon, the ACP would help make all other agencies less wasteful and more consumer-minded. It will save lives and dollars by, for example, persuading an FAA to require cargo doors with safer latches, by urging the ICC and CAB to stop acting like a price-fixing cartel, by reminding the FEA to follow lawful procedures when pricing unleaded gasoline.

Special interests have spokesmen within the federal government. Farmers have Agriculture. Business has Commerce. It is therefore illogical and selfserving for big business to argue that a small $15 million a year agency shouldn't raise the consumer voice in executive and regulatory agencies.

A consumer watchdog in Washington with the standing to intervene in agency proceedings and court is an essential step to make federal agencies more fair and effective. It is an important part of regulatory reform. We are surprised that a lawyer of Jaworski's experience would not apparently understand that the adversary process requires both sides to be represented in decisionmaking forums—not merely his clients.

[From the Washington Post, May 18, 1977]

Consumer Unrest Staggering

(By Marian Burros)

Pollster Louis Harris yesterday said an opinion research survey conducted by his firm shows broad public support for the consumer movement accompanied by a deep disenfranchisement with the business community's response to consumer needs.

Harris called the study a "landmark," documenting the phenomenal growth of the consumer movement which he said is "staggeringly" larger than similar ones of the past such as the populist, labor or equal-rights-for-blacks movements.

"The consumer constituency dwarfs all of them," Harris told an audience of congressmen, business executives and consumer affairs specialists on Capitol Hill.

He also said consumers are disgusted with a whole range of problems they blame on business: soaring prices, products of questionable safety, false advertising claims, "woefully inadequate" service, warranties and guarantees that don't mean anything, lack of redress and "extreme difficulties in receiving common justice in the marketplace."

More than 2,000 persons were interviewed for the survey, commissioned by Sentry Insurance: a cross section of 1,510 Americans and 522 persons from leadership groups made up of consumer activists, senior business managers, business and government consumer affairs specialists, and insurance and non-insurance regulators.

According to the survey, the business leaders were less in touch with the public's wants and needs than any of the other groups. The consumer activists were more extreme in their criticisms and demands on business than was the public, but the survey says people turn to them for help because they do not believe business will reform itself or that big government can regulate it. Instead, the public wants the regulatory process opened up for citizen participation by individuals and by consumer activists.

The public does not lay all of the blame for its problems on business and government. It is critical of its own ability to shop properly: Sixty-five per cent said most consumers do not make proper use of product information already available.

But even though 72 per cent of them think they are better shoppers than they were a decade ago, 50 per cent feel that overall they get a worse deal in the marketplace today than they did 10 years ago with few exceptions: Seventy per cent feel that product labeling is better and 60 per cent say that products are safer.

The majority are generally optimistic about the future but feel that the problems which have worsened in the last 10 years will continue to deteriorate in the next 10: Fifty-five per cent believe the life of products will get shorter and that it will be more difficult to get things repaired; 46 per cent believe the difference between manufacturers' claims and product performance will increase.

Harris says such answers are "a clear early warning to business . . . for far-reaching changes in management and regulation of business."

Some of the same areas of business about which people gripe the most now such as car mechanics and garages are those which will bear watching in the future, but leading everyone's list of targets for consumer action are the food industry, hospitals and the medical profession.

Another area in which the public and the leadership groups agree is on the impact of the consumer movement. To a greater or lesser degree all say that it has given consumers a better deal, that it has kept business on its toes and that it is here to stay.

At the same time, the value of the consumer movement in the eyes of business is "in stark contrast to all other groups sampled." While 59 per cent of the public believes the consumer movement reflects consumers' feelings, only 29 per cent of the business managers do; 67 per cent of the public does not think consumer activists are trouble makers, but only 32 per cent of the business community feels that way. And only 5 per cent of them think consumer activists take the cost of their demands into account, while 43 per cent of the public does.

At the same time that the majority of the public acknowledges that consumer activists' demands have increased the cost of some products, they say they are willing to pay these costs.

At yesterday's briefing, Harris said this ought to make business realize that "if you deliver value for money, people will pay for it."

And in order to get better and safer products and services, the public is willing to try new techniques, which is not surprising because they do not think the old techniques are working.

They support creation of an agency for consumer protection—which is the subject of very heated debate in Congress right now—by 52 to 34 per cent. There also is considerable interest in compulsory consumer education in school; creation of an independent laboratory to test product safety; complaint bureaus in each city; consumer affairs specialists as senior officers in large companies; and consumer representatives on the boards of directors of these companies.

According to the survey, "There is no question" that the business community is "in real trouble with the American people on the consumer issue."

The survey concludes that if business performance, in the next 10 years "cannot match the public's expectations, then the ground swell of dissatisfaction, already so strong, will become more strident and more hostile."

COMMEMORATING ANNIVERSARY OF MILITARY OCCUPATION AND FORCIBLE INCORPORATION OF LITHUANIA INTO THE SOVIET UNION

Mr. SCHWEICKER. Mr. President, I am pleased to join in the commemoration of the military occupation and forcible incorporation of Lithuania into the Soviet Union 37 years ago yesterday.

Lithuania first attained independence more than 700 years ago. From that time, the people of Lithuania have been dedicated to the preservation of the independence of their nation and the freedom of her citizens. In the 1790's, this independence was lost as czarist Russia occupied the country. In 1918, near the close of World War I, Lithuanian independence was re-established, after more than a century of foreign domination and oppression. During this time, the freedom-loving people of Lithuania never lost hope, never gave up in the face of overwhelming odds, and never lost their dedication to the principles of human rights for which they struggle today.

On this date in 1940, Lithuania was once again forcibly deprived of its independence. Since that time, Lithuanians, both at home and abroad, have worked tirelessly to overthrow the yoke of Soviet oppression. Although their nation is illegally occupied, the people of Lithuania have not forgotten their national heritage, nor have they forsaken their allegiance to the principles of liberty and freedom.

Although today we commemorate a sad occasion, we must reaffirm our dedication to those efforts which will, once again, result in a free and independent Lithuania. I am proud to support the aspirations of the Lithuanian people, and feel we must never relax our vigilance until Lithuania attains its rightful position in the community of nations.

LOCKS AND DAM 26 AT ALTON, ILL.

Mr. DANFORTH. Mr. President, there has been much public commentary about S. 790 and its authorization for construction of a new locks and dam 26 at Alton, Ill., and whether, for the first time in our Nation's history, a system of user charges is to be imposed on commercial cargo vessels that use our 25,500 miles of inland waterways. The administration has made it very plain that the President will not view favorably any legislation that authorizes a new locks and dam 26 at Alton unless user charges are provided in the same bill. On the other hand, there is a considerable body of opinion that the construction of a new facility at locks and dam 26 and any imposition of waterway user charges are separate issues. Each should rise or fall on its own merits.

As Senators know, Mr. President, the Rivers and Harbors Act of 1884, as amended in 1909, provides that—

No tolls or operating charges whatever shall be levied or collected on any vessel, dredge or other craft for passing through any lock, canal or canalized river.

For more than 90 years, commercial vessels that traveled the inland waterways of our country have not been subject to the imposition of user fees. Further, during the last 30 to 40 years every effort to impose charges on inland waterway users has been argued on its own merits. Why, now, is the construction of locks and dam 26 being held hostage by the proponents of waterway user charges and the administration? Certainly there is no interrelationship between the justification for construction of a new locks and dam at Alton, Ill., and the question whether our inland waterway system should have user fees imposed, today. They are both important questions and should be settled individually.

Mr. President, I have had a limited amount of time to study the issue of waterway user charges and have not reached a definitive decision on whether to support or oppose them. Proponents of these charges have argued persuasively that inequities favoring waterway users exist with respect to Federal subsidies provided to different modes of commercial transportation. However, I have reservations that these charges need to be imposed now.

A number of fundamental questions must be answered before the Congress can discern not only the wants of the people but the impact waterway user charges will impose on different segments of our economy. Studies have been completed showing the impact of both segment toll and fuel tax charges on shippers and users of products transported over the inland waterways. Other studies have investigated the impact of such charges on other modes, for instance, rail, pipelines and intercity trucking. Still other studies have reached conclusions on the effect of waterway user charges on water-oriented and fixed-based facilities and whether certain rivers could remain commercially viable under different types of user charges.

Notwithstanding the completion of all these studies, other important questions remain unanswered. For example: First, thorough economic impact studies need to be made on the towing industry structure and on shippers who utilize the waterway mode; second, since agriculture is a major user of the waterway mode and is becoming more and more dependent on exports markets, how will user fees affect this market; third, should indepth studies be made on other forms of waterway user charges, or any combination thereof, such as lockage fees, equipment registration fees, shipper fees, congestion tolls and any other charge mechanisms that our experts feel may be viable and what would be the economic impact of their implementation; fourth, what are the origin to destination costs for product shipments on competing modes over a broad-based sample, and what would be the impact of different types and degrees of user charges on shipment of these products; fifth, what will be the cumulative effect over time of market shifts on waterway users, shippers, receivers and the consumer due to any change in transportation cost; sixth, what impact will imposition of user charges have on overall employment; what will be the tradeoffs, if any; and seventh, in light of the current energy problem, should we be encouraging waterborne transportation as a means of low-cost transportation with low-fuel consumption?

The issue on the imposition of waterway user charges has been before the Congress for some time. Yet important, unanswered questions remain concerning the purpose and impact of such charges. In contrast, studies concerning the need for a new facility at locks and dam 26 have almost unanimously concluded that the present structure is deteriorating and cannot effectively serve current traffic, let alone expected increases. Over $11 million have been spent to date to study the need for the type of replacement facility needed at locks and dam 26. The need for replacement of locks and dam 26 has been studied to death; the question of user fees needs further study.

Another provision within S. 790 leaves the selection of the particular user charge mechanism to the decision of the Secretary of Transportation.

What criteria will the Department of Transportation use in making its decision? First, S. 790 establishes general factors which the Department of Transportation is to consider. Second, the bill suggests a number of user fee mechanisms which may be authorized by the Department of Transportation. In effect, Congress has given carte blanche authority to the executive branch to do what it wants without discretion. The one exception is that user charges that apply to any particular river segment are to be set at a level so as not to cause serious economic disruption to commercial users on such segments. The legislation does, however, spell out specifically what the user fees are to recover. How can Congress be specific in what is to be recovered by user fee charges, but, at the same time, be silent as to the mechanism of recovery and its effect?

Proponents of user fees will say in rebuttal that S. 790, as proposed, does provide for congressional review of any administrative decision. This argument is a sham. The bill provides that Congress has 60 days to disapprove or amend any action taken by the administration after which such action becomes law. The catch is that Congress must voice

its disapproval in a joint resolution within 60 calendar days. Therefore, as a practical matter, whatever the administration decides will be almost impossible for the Congress to disapprove. It is a simple process for any Senator or Congressman to obstruct final consideration of a joint resolution during a 60-day calendar period.

If a DOT proposal is disapproved or amended by joint resolution and vetoed by the President, does the original Department of Transportation proposal then become law or do we go through the whole legislative process again, ad infinitum? The bill is silent on this point. The proponents of user fees will probably argue that, if congressional disapproval is vetoed by the President, the original Department of Transportation proposal then becomes law.

The entire decisionmaking process established in S. 790 is wrong. Since Congress, in S. 790, is determining that user fees are to be imposed upon our commercial waterways, then it is a congressional responsibility not only to determine what percentage of the Federal subsidy will be recovered but what user fee mechanism will be utilized. It is a congressional responsibility to weigh and balance the many considerations as to the effect of imposition of user fees. Congress should not shun this responsibility onto the administrative branch of Government.

The concept of waterway user charges is in need of further detailed study. I believe the question is deserving of a separate vote, but a vote based on an awareness of all relevant and germane facts. The very important question of balancing any inequities between Federal subsidies of intermodel carriers and whether this balance is to be achieved by the imposition of waterway user charges must not be tied to a vote on the need for a new locks and dam 26 at Alton, Ill.

A BALTIC TRAGEDY REMEMBERED

Mr. HEINZ. Mr. President, Americans have just completed their 200th year of independence. But other countries have not been so fortunate. The month of June brings harsh memories to the minds of all Baltic people, for it was 37 years ago on June 15, 1940 that the Soviet Union attacked, invaded, and occupied the Baltic States of Estonia, Latvia, and Lithuania. It was a tragic loss of independence for freedom-loving peoples. But their suffering has just begun. Following this assault, 1 year later the Soviet Union began mass deportations of the Baltic peoples to Siberia.

The sense of independence has not been lost forever, however. Every year the Baltic-American communities commemorate these tragic June events in services held throughout the United States. Their memories remind us that the loss of freedom is one of the greatest human indignities. Exploitation, deportation, suppression of basic rights—these words have meaning for the Lithuanians, the Estonians, and the Latvians that the rest of us have not experienced.

The Helsinki agreements have renewed hope in the hearts of Soviet-dominated peoples for greater observance of human rights and individual liberties. These people have been steadfast and courageous in their fight to regain freedom. They recognize that their fight will be a continuous struggle, but they have with them the support of all freedom-loving people. The valiant way in which the Lithuanians, Latvians, and Estonians have met and survived tragedy, serves as an inspiration to all who cherish not only the ideal of freedom but also its reality.

NATIONAL AGRICULTURAL LAND POLICY ACT

Mr. WILLIAMS. Mr. President, I am very pleased to join as a cosponsor of the National Agricultural Land Policy Act. This bill, S. 1616, introduced by my distinguished colleague, Senator CLARK, would declare a national policy of preserving agricultural land. It would establish an Agricultural Land Review Commission to study the use and productivity of agricultural land and the means of retaining it. The bill would also provide matching grants to State and local governments for demonstration programs for retaining farmland. Twenty-five million dollars would be authorized for these demonstration projects over a 5-year period.

I am proud that my own State of New Jersey has been a pioneer in efforts to preserve agricultural land. Although New Jersey is the most densely populated State in the Nation, 21 percent of its land is farmed. It is one of the Nation's top producers of such crops as blueberries and cranberries, tomatoes, asparagus, and peaches. Unfortunately, the same land that produces these crops is the most sought after for residential and commercial development. In the 1960's, development pressures in New Jersey resulted in the loss of three farms a day.

In response to this alarming loss of farmland, New Jersey enacted the Farmland Assessment Act of 1964. By providing special tax treatment for farmland, this law helped to reduce the number of farms lost from three a day to one every 3 days.

While this was certainly an improvement, the trend continued. The State, therefore, turned to more imaginative techniques for saving its valuable agricultural land. Five million dollars was authorized for the purpose of purchasing development easements on prime farmland on a demonstration basis. Response to the project, the first of its kind in the Nation, has been overwhelmingly favorable.

Many other States are beginning to face the same problem that faces New Jersey. Nationally, a million acres of prime farmland and another million acres of nonprime farmland are lost to development each year. The irreversible conversion of agricultural land presents a serious threat to our Nation's long-range needs for food, fiber, and open space.

It is time for the Federal Government to become involved in formulating long-range solutions to this problem. S. 616 is a step in the right direction. It is a step toward preserving the land that feeds and clothes millions of people in the United States and throughout the world.

DIMINISHING DEMOCRACY BY ENLARGING IT

Mr. STEVENS. Mr. President, the following article, taken from the June 18, 1977, issue of the magazine, the New Republic, is a well-written piece which deals with the subject of universal voter registration which could come before this body. This article aptly brings to focus the devastating effects such legislation would bring to bear on our democratic process as we know it today.

I ask unanimous consent that the article "Diminishing Democracy by Enlarging It" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIMINISHING DEMOCRACY BY ENLARGING IT

"The same voices that opposed women's suffrage, registration of blacks and the 18-year-old vote are at work," charges Democratic National Chairman Kenneth Curtis. Curtis is referring to the down-the-line opposition by Republicans in Congress to the highest priority item in President Carter's election reform package—universal voter registration. The plan, scheduled to reach the House floor later this month, would permit a citizen of voting age with an appropriate identity card (such as a driver's license) to show up at the polls on election day, register and vote for President, Senator and Representative.

Let's get the politics of this proposition up front. Last November, 45 million Americans who were eligible to vote did not cast ballots. A substantial proportion of these were not registered, and it is a fair guess that most of the non-registrants are nominally or potentially Democrats. That likelihood is agreed to on both sides of the aisle, and it is public knowledge that President Carter's advisers have told him that liberalization of registration laws and procedures could be crucial to his reelection efforts. But universal registration is being sold and resisted for other reasons besides the fact that it constitutes another leg up for the majority party.

Voter turnout reached a modern high of 63 percent in 1960 and has dropped steadily ever since, down to 53 percent in last year's election. For reasons not altogether clear, this decline in voting is commonly regarded as a certain indication that the democracy is faltering. Voting is good citizenship, say the civics texts, and when people stay away in droves, *something* must be wrong and something must be done about it. So the administration's impulse to act hinges on the unstated theory that when participation falls below a heretofore unspecified level, the federal government acquires the duty to prime the pump, to devise some means to stimulate turnout.

The administration's theory is that nonvoters are being deterred by restrictive and unnecessary registration requirements. Attorney General Griffin Bell focused this argument when he told the House Administration Committee that most state registration laws constituted a form of discrimination against "those who are less educated, less affluent, more urban and nonwhite" by making it harder for them to vote. Bell did not supply many particulars. But it is true that the US remains the only major democracy where the responsibility to register lies entirely with the citizen; and thus laziness, indifference, inconvenience and forgetfulness are free to prey upon the turnout statistics. It is also true that in the last two states where universal registration was tried

last year, Minnesota and Wisconsin, voter turnout increased by three and a half percent.

And it is possible that some aspects of our current registration system constitute an abridgment or denial of the right to vote. If so, they should be struck down, go the way of literacy tests and lengthy residency requirements. The Attorney General is in a good position to effect that change. But it is quite a different proposition to dislodge a registration procedure (in effect since the turn of the century) in an effort to produce a higher turnout at the polls. We believe it is the obligation of the federal government to eliminate unreasonable or arbitrary barriers to the free exercise of the franchise, but not to assure that a certain acceptable level of voters exercise that franchise.

What if election day registration doesn't work? What if we abandon preregistration in turn for the same marginal increase nationwide as were recorded in Minnesota and Wisconsin, then discover that the same tendency toward declining participation reappears? What next? Voting by telephone? Forcing people to vote? After all, recent declines in voting have coincided precisely with the elimination of most major barriers to registration, suggesting that there may be other causes for declining participation.

Indeed there are. In the past few years, voting analysts have begun to chart a change in the meaning of the response, "I am not interested in politics." Lack of interest used to mean apathy; it distinguised the passive, quiescent citizen from those for whom politics were relevant or important. Now expressions of disinterest have come to indicate a conscious rejection of politics rather than an apathetic withdrawal. A majority of citizens who tell polisters they have no interest in politics are disenchanted or distrustful. Many citizens don't vote because they don't think their vote counts for much or they don't consider voting an effective way to achieve change. During last year's primaries, where overall turnout was about one third, they added another reason, one that is a more fundamental indictment of the democratic process. "I'm not voting because I don't want to feel responsible for the result," is what they said.

Following Indochina and Watergate, respect for American institutions and leaders dropped to an all time low. Jimmy Carter knows all this. It elected him. Why is it so surprising that declining confidence on the part of citizens shows up in a short-term trend toward non-voting? Universal registration masks the symptoms, but it doesn't treat the cause. It won't help cure the underlying attitudes of frustration and disbelief to temporarily hype the voting turnout statistics.

In opposing universal voter registration, Republicans have raised the spectre of massive fraud. This has been brushed aside as partisan scare tactics. It is quite true that there were no instances of fraud last year in Minnesota and Wisconsin. There almost never are in those states. We would find the evidence more convincing if it came from Mingo County, West Virginia; East Los Angeles, California; Newark, New Jersey; Philadelphia, Pennsylvania; Cook County or East St. Louis, Illinois; Providence, Rhode Island; Baltimore, Maryland; or Plaquemines or St. Bernard parish in Louisiana; or some of the other places around the country where election fraud is, or until recently has been, a way of life. Election officials from some of these places—Democrats as well as Republicans—have argued vigorously against universal registration on the grounds that the proposed guarantees against fraud will not protect the integrity of the system. Who should know better?

In fact, the proposed safeguards in the administration's bill are clearly inadequate. Of course there would no longer be an official, certified list of all eligible voters, nor any possibility of signature verification. The bill provides for a post-election audit of five percent of all election day registrants. What happens when it is found that some of these were deceased voters reincarnated for one more day of good citizenship? Precisely nothing, because with the secret ballot there is no way of knowing whether or how these post-mortem voters affected the outcome. A party leader in Baltimore said, "This legislation will make a crook out of me." The temptation to steal will be so great and the system will make it so easy, he says, that he'll have to do it on grounds that his counterpart would never be able to resist.

We believe the problem of potential fraud is quite serious and the Democrats are making a serious mistake in treating it as a partisan matter. A memorandum prepared in the criminal division of the Justice Department details some of the fears of those who must prosecute electoral fraud. The memorandum makes clear that fraud is widespread in both state and federal elections, and that the proposed safeguards in the current bill are not only inadequate to police the new registrants, but would eliminate the bases for most successful vote fraud prosecutions under current laws.

We are being asked to trade off any serious hope of protecting the integrity of the voting lists in return for potentially higher turnout. With the safeguards gone, the public will be more receptive to charges of electoral fraud. And if those who forewarn of wholesale fraud are remotely correct in their estimates, the whole business will surely continue the spiral of declining confidence in the American political process.

The Carter electoral reform package also includes abolition of the electoral college (see "A Bad Idea Whose Time Has Come," *TNR*, May 7). One problem we have with that idea is the danger of a deadlock and demands for a recount if the vote is close. Consider what happens when these two proposals are combined. Ballot tampering, which now usually is restricted to local races, would carry an enormous premium: the stakes involved in election fraud are just as high as the power of the elective offices in dispute. One fraudulent presidential vote in Philadelphia will be precisely equal to one legitimate vote cast in Minneapolis. In the case of a close election—like 1960 when Kennedy beat Nixon by 110,000 out of 68 million votes cast—the validity of every vote in the country would be thrown into doubt, and chaos could result.

Turnout in America was highest during the decades of the 19th century, but the 70 and 80 percent levels were swelled by notorious double voting. Voter registration was initially instituted around the turn of the century precisely to reduce such fraud. From the day the reform began, however, it had the accompanying effect of diminishing the size of the electorate by calling on citizens to do more than merely turn up or be turned up at the polls.

Focusing exclusively on turnout percentages obscures some grounds for optimism which may be found in electoral trends today. With the growth of voter independence from the straight party-line habit, voting is more sophisticated and conforms more closely than ever to the textbook model of an informed, issue-oriented electorate. Ticket-splitting is on the upswing; ideology and issues are more important even as they are muted by television's leveling effects; and traditionally inactive segments of the electorate are seeking representation and political expression through the ballot box.

There is something to be said for the American textbook model of citizenship. Voting, to paraphrase John Stuart Mill in his essay on de Tocqueville, is one of the things the individual does for the public; not only is the commonweal his weal—it partly depends on his exertions. Representative democracy should not be judged on the basis of how many people can be hectored, cajoled, shammed or trucked to the polls, but on how many citizens will take the trouble to properly qualify, inform themselves and willingly discharge the franchise. Voting should be made as easy and convenient as possible so long as ease, covenience and turnout are not valued ahead of the integrity and the substance of the democratic process itself.

S. 790—LOUISIANA WANTS TO KNOW THE IMPACT

Mr. JOHNSTON. Mr. President, water transportation is a way of life and a means of livelihood for probably more people in Louisiana than in any other State. Our residents have an appreciation for economical, efficient inland waterway transportation because they understand the benefits in both human and economic terms.

Only a few days ago, the Louisiana Legislature adopted a resolution which raises some valid concerns about the potential economic and other impacts of proposed waterway user charges—concerns that apply to a great many other States as well. Also, the Louisiana Legislature called on the State's congressional delegation to petition the Senate of the United States to delete the user charges provisions of S. 790 as reported by the Environment and Public Works Committee and to substitute a provision for an independent study of the consequences of such charges—as approved by the Committee on Commerce, Science, and Transportation—before considering such a drastic policy change. I am happy to do that.

Mr. President, I ask unanimous consent that the concurrent resolution of the Louisiana Legislature be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 159

A concurrent resolution to urge and request the members of the United States Senate and House of Representatives representing the State of Louisiana to petition the Senate of the United States to delete provisions for waterway user charges from S. 790 which authorizes improvement of Locks and Dam 26, Mississippi River at Alton, Illinois, and to substitute for such user charge provision an independent study of the impacts thereof.

Whereas, the wise management and utilization of water resources for multiple public purposes, including municipal, agricultural and industrial water supply, navigation and commerce, fish and wildlife enhancement, generation of hydroelectric powers, and flood protection, are vital to the economic, social and environmental well-being of all States, and particularly to the State of Louisiana; and

Whereas, the federal government has historically assumed responsibility for the management of water resources in river basins and coastal regions, on a coordinated and comprehensive basis, with state and local interest providing lands, easements, rights-of-way, and, in the case of navigation improvements, port and terminal complexes necessary for the completion and utilization of the project; and

Whereas, waterway transportation has demonstrated a superior record of efficiency

in the use of energy, the shipment of steel, agricultural products, energy materials and other basic commodities, as compared with other modes of transportation, and the continued growth of the water carrier fleet, affording both inland river and coastwise service offers the least capital-intensive means of meeting future freight transportation needs in areas where navigable channels are readily or potentially available; and

Whereas, over the years, availability of efficient water transportation fostered by an established toll-free national waterways policy has stimulated private capital investments in productive facilities on a scale and at locations not otherwise feasible, thereby promoting regional growth, agricultural productivity, an enhanced local tax base, and relief of urban employment pressures while, at the same time, helping to restrain inflation because of water transportation's low cost of service; and

Whereas, S. 790 authorizes the construction of an improvement to Locks and Dam 26 at Alton, Illinois, which is a vital project and is urgently needed but at the same time, as recommended by the Senate Committee on Environment and Public Works, would provide for the imposition of nationwide waterway user charges, thus unfairly imposing such charges as a condition of authorization of an individual project; and

Whereas, the improvement of Locks and Dam 26 has been exhaustively studied in its engineering, environmental and economic aspects and should be undertaken promptly as a matter of urgent necessity, while imposition of user charges reversing established national policy would have far-reaching adverse consequences for economic growth, water resource development, regional economic advancement, national energy security, restraint of inflation and other national policy objectives, none of which consequences has been given the serious, in-depth consideration by Congress which each of them requires; and

Whereas, the Senate Committee on Commerce, Science and Transportation has proposed substitution of an in-depth study of the effects of user charges in lieu of provisions for imposition of such charges;

Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that the members of the United States Senate and House of Representatives representing the state of Louisiana are hereby urged and requested to petition the Senate of the United States as follows:

(1) to delete the provisions of S. 790 for waterway user charges, substituting therefor provision for in-depth study of the economic, social and environmental aspects of such charges, and for a comprehensive survey of all subsidy effect programs for all modes of transportation to determine whether or not any of such programs create significant intermodal inequities.

(2) to recognize the primary legislative jurisdiction of the House of Representatives with regard to waterway user charges, provisions for which are revenue measures within the meaning of the federal constitution, such matters to be referred to the House Committee on Ways and Means and the Senate Committee on Finance for adequate public hearings to assure full consideration of the implications of such charges and of appropriate means for funding essential improvements to the national transportation system; and

(3) to pass S. 790 insofar as it would authorize the improvement as therein provided for Locks and Dam 26, on the Mississippi River at Alton, Illinois, and a study of user charge impacts as recommended by the Senate Committee on Commerce, Science and Transportation; and

(4) take all steps necessary to protect the interests of the state of Louisiana with respect to the use of the Mississippi River.

Be it further resolved that a copy of this Resolution be transmitted to each member of the Louisiana Congressional Delegation.

PRESIDENT CARTER'S NATIONAL ENERGY PLAN

Mr. PEARSON. Mr. President, on April 20, 1977, President Carter presented his "national energy plan" to the Congress and the Nation. Many of the elements of that proposal have merit and will, if enacted, promote the concept of a comprehensive national energy policy.

Unfortunately, the President's energy program is critically deficient with respect to enhancement of domestic oil and natural gas supplies. Existing statutory price ceilings for crude oil would be frozen. Federal regulation over wellhead sales of natural gas would be extended to the intrastate market and unrealistically low price ceilings would be applicable to sales of natural gas. Definitions for "new" oil and "new" natural gas are overly restrictive as well as ambiguous.

If enacted, the impact of the President's oil and gas pricing proposals will assure a continuation of our accelerating dependence on imports of foreign oil with simultaneous decreases in domestic oil and gas production. Regulation is not a suitable substitute for competitive market forces as it is a known economic fact that price controls will impede supply of and accelerate demand for cheap but nonexistent energy commodities. The net effect of the administration's proposal is to deny necessary investment capital for increased exploration and development of new oil and natural gas resources to replace and expand current diminishing reserves.

An inherent assumption in the Carter proposal is that there are insufficient reserves of domestic oil and natural gas remaining to be discovered and developed to justify deregulation. If there were no more oil and gas—other than proven reserves—to be brought on line for American consumers, then obviously higher prices would not be necessary. However, I could not disagree more with those who claim U.S. supplies of these essential energy commodities cannot be further developed.

An administration document, "The National Energy Plan," which accompanied the Carter energy proposal, correctly notes that domestic U.S. oil and natural gas production and underlying proved reserves have been declining in recent years. Proved reserves of domestic crude, which totalled approximately 39 billion barrels in 1970, had diminished to 34.5 billion barrels by the end of 1976—a decline of 12 percent. In the same period, proved reserves of natural gas had diminished from 290 trillion cubic feet to 216 trillion cubic feet—a decline of 26 percent over 6 years. There is no evidence, however, that the administration "experts" analyzed the potential U.S. energy resource base.

Mr. President, the following table provides recent estimates for ultimate recoverable U.S. natural gas resources and I request that it be printed in the RECORD at this point:

Organization	Year of estimate	Resources (TCF)
Potential Gas Committee	1977	775
U.S. Geological Survey	1975	322–655
National Academy of Sciences	1975	530
Exxon (base case)	1974	342–942
Mobil	1973	443
Potential Gas Committee	1972	880

Mr. President, conventional wisdom places ultimate recoverable natural gas reserves at 600 to 900 trillion cubic feet.

Obviously at a projected annual rate of consumption of 18 to 25 Tcf there are sufficient natural gas reserves to meet domestic demand until close to the end of the century. The major element that has suppressed additions to proven reserves in recent years is unrealistically low pricing through Federal controls. Competitive prices will provide the needed incentive to develop more expensive reserves.

The gas resource data presented above does not take into account nonconventional gas supplies such as coal gasification, Devonian shale, and geopressurized methane. With respect to geopressurized methane, a resource base of 100,000 Tcf has been identified in the gulf coast—enough gas to last 500 to 1,000 years at current rates of consumption. Various economic, environmental, and technical questions will have to be answered prior to actual tapping of any of these nonconventional resources. However, if and when these resources are added to the reserve inventory, the country will be well on its way to energy self-sufficiency.

While domestic production of crude oil in 1976 was 3 billion barrels, ultimate recoverable U.S. oil reserves are estimated by USGS to be between 150 billion and 345 billion barrels. As with natural gas, higher prices for crude oil will result in substantial additions to the proved resource base. These domestic crude oil estimates do not include potential petroleum production from nonconvential resources such as heavy crudes, tar sands, oil-bearing shales, and coal liquefaction.

The administration has pointed to a Central Intelligence Agency study of world energy supply and demand to 1985 as a justification for the proposals put forth in its national energy plan. It is illogical to wave a "doomsday" world energy supply report in one hand and then to present an energy policy proposal totally devoid of supply incentives in the other. Logic aside, the CIA study should be analyzed due to President Carter's heavy reliance on the document while formulating his national energy plan.

At first, it is important to note that the CIA study is not a report on energy resources but rather is a supply-demand study based on economic growth assumptions and ability to expand production capacity—not resource base—to meet energy demand by 1985. The bottom line of the report assumes that

Saudi Arabia will not be willing to increase production in 1985 by 1 million to 7 million barrels of oil per day to meet world demand and that the Soviet Union will change from an exporter to a substantial importer of crude oil.

The CIA report on the international energy situation has been characterized as a highly exaggerated, worst case analysis. The study overestimates aggregate demand and economic growth, ignores alternative energy sources, and underestimates reserves and production. While there is a serious long-run energy problem, the time frame of the CIA report is inaccurate. The best available evidence from known and projected reserve figures indicates a period of energy supply disruption occurring no sooner than the mid-to-late 1990's.

An April 1977 report by the Stanford Research Institute concludes that there are sufficient recoverable oil and gas reserves to meet world demands based on current energy systems for 20 to 30 years into the next century. In addition, a 1977 United Nations study on future supply of nature-made oil and gas corroborates the Stanford report. The U.N. study summarized "that (world) oil and gas from conventional sources would last at least until about the time period 2020 to 2030."

Mr. President, there is no "expert" or group of "experts" who can definitely tell us what our Nation's and the world's recoverable oil and natural gas resources are. It would appear, however, that with appropriate incentives these commodities will be available for the foreseeable future.

No one will deny that there is a critical energy supply situation facing this country and the world. President Carter has recognized the severity of this problem and transmitted a proposal to the Congress that would do much to rectify the situation. However, with respect to enhancement of available domestic oil and gas resources, the administration has neglected to include in its proposal provisions that will reverse the trend of declining domestic production. Failure to include such measures jeopardizes our future energy security.

SHERIFF PAT HOGAN

Mr. RIBICOFF. Mr. President, on June 22, my close friend Patrick J. Hogan will be installed as president of the National Association of Sheriffs. This culminates a 5-year term as an officer of this distinguished organization.

Sheriff Hogan has had a laudable career in public service. A former domestic relations and probation officer for the city of Bristol, Conn., he was elevated to the office of high sheriff of Hartford County in 1960, a position he still holds today. He has served with the highest degree of efficiency and effectiveness. His reputation as a man of decency and honesty is well deserved.

The sheriff's community activities are numerous. He is a past Grand Knight of Palos Council 35 of Bristol, a former member and trustee of the Salvation Army Advisory Board, a member of the Elks Post 1010 of Bristol, the Plainville Y.M.C.A. and Chippanee Golf Club. In 1971, he was named a corporator of Bristol Savings Bank, and in 1973 was selected as a corporator of Bristol Hospital. Wheeler Affiliates, Inc., of Plainville, appointed Sheriff Hogan a corporator in 1974, and in 1975, a member of the board of directors.

I have known Sheriff Hogan for many years. He is a man respected and admired by all who have come in contact with him. His dedication and integrity are unsurpassed. The National Association of Sheriffs is fortunate to have Sheriff Hogan as its president.

WARREN CHRISTOPHER'S ADDRESS ON DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND OTHER NATIONS

Mr. KENNEDY. Mr. President, last week, at commencement exercises at Occidental College in Los Angeles, Deputy Secretary of State Warren Christopher delivered a thoughtful and interesting address on U.S. policy with respect to diplomatic relations with other nations.

In the course of his address, Mr. Christopher emphasized the utility and importance to the United States of normal relations with other governments, especially as a means of maintaining open lines of communications and enhancing the foreign policy objectives of our Nation.

In his address, Mr. Christopher also provided a useful summary and status report on the ongoing efforts of the Carter administration to establish normal displomatic relations in several specific cases, including Vietnam, the People's Republic of China, Cuba, and the Congo Republic.

Mr. President, I welcome Mr. Christopher's wise and sensitive analysis of this complex issue in foreign policy. I believe his address will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE WARREN CHRISTOPHER, DEPUTY SECRETARY OF STATE, AT OCCIDENTAL COLLEGE, LOS ANGELES, CALIF., JUNE 11, 1977

I want to talk to you today about one of the foreign policy issues presently at the center of my desk: The normalization of United States relations with other governments.

It is an issue that arises in a variety of current and important situations but, before getting down to cases, I think it is important to understand why it is generally in the interest of the United States to exchange diplomats with other governments and, where possible, to exchange ideas, goods and people as well.

The world looks a great deal different today than it did just a few years ago when you began your college education. The absence of major armed conflict lends the world a deceptive air of tranquility. In fact societies are in various stages of rapid—sometimes violent—change.

The industrial world was rudely reminded of its vulnerability by the oil embargo that occurred less than four years ago. Since then inflation, recession, slow growth and mounting debt have aggravated political uncertainties all across the globe. In the developing world, exploding populations are exerting unprecedented pressure for change. Communist societies face similar problems. They too have found that there are no ready answers to the problems of allocating resources while avoiding inflation and restraining consumption.

At a time when individual societies are increasingly under strain, the bi-polarism of a few years ago has given way to a diversity of power. Even the most powerful nations are profoundly affected by the decisions of others. Medium-sized powers have proliferated, and we now have a more sophisticated understanding of the limits to our own power and that of the Soviets. We find our political, economic, and security interests are interlocked and interwoven with those of all other nations.

We live, in sum, in an interdependent world. And in one way or another we find our fate and our futures tied increasingly to those of other peoples. If we cannot communicate easily with them, we cannot effectively promote our own interests or build new bonds of common interest.

This brings me to my central point: We believe that diplomatic relations help us to discharge our basic duty to protect the interests of our government and our citizens. By keeping open a channel of communication with other countries, we best serve our long-range objective of encouraging the growth of democratic institutions.

We do not look at the normalization of relations as an end in itself. Rather, diplomatic relations, once established and maintained, enable us to communicate with other governments directly, to state our views and listen to theirs, to avoid misunderstandings and to exert influence. In short, they help us to accomplish more than we can without them.

Let me put the American attitude toward diplomatic relations in a historical perspective.

In 1792 the French king was replaced by a popular government. The United States envoy in Paris wrote to Thomas Jefferson, our first secretary of state, to ask how to behave with the new government. He received a straightforward answer:

"It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared. . . . With such a government every kind of business may be done."

Jefferson's answer was interpreted over time to mean that the United States would generally deal with the government effectively in power. This became the policy of our government until late in the 19th century. But in the 20th century our practice became less certain, and exceptions were introduced.

Woodrow Wilson introduced a substantial exception by insisting that the United States should not have normal diplomatic relations with governments that came to power in violation of their own constitutions. Wilson's exception proved too rigid in practice, and it rather quickly succumbed to the stress of reality. But Wilson's was not the last exception.

When the Chinese Communists established the People's Republic of China in 1949, we were again distracted from our earlier policy. During the Chinese Civil War the United States had supported the Nationalist side. After the Communists took power, we were faced with the problem of recognizing rival claims. President Truman reacted in this way:

"We shall refuse to recognize any government imposed upon any nation by the force

of any foreign power. In some cases it may be impossible to prevent forceful imposition of such a government. But the United States will not recognize any such government."

The weakness of Truman's exception is that, like Wilson's, it could prevent us from ever establishing relations with a government that we believe came to power wrongfully.

A few years later, when troops from the People's Republic of China entered the Korean War, Secretary of States Dulles stated his own limitation. "It has been the practice of the United States," he declared, "to recognize *de facto* governments when the latter are: (1) in control of the machinery of government; (2) are not confronted with active resistance in the country; and (3) are willing and able to live up to their international commitments." This formulation tends to ignore the reality that we, in our own national interest, may want diplomatic relations with governments precisely to urge them to live up to their international obligations.

Perhaps attractive on their face, these exceptions introduced in the 20th century have not always served the national interest. The premise of our present policy is that diplomatic relations do not constitute a seal of approval. Winston Churchill explained it best: "The reason for having diplomatic relations is not to confer a compliment, but to secure a convenience."

We maintain diplomatic relations with many governments of which we do not necessarily approve. The reality is that, in this day and age, coups and other unscheduled changes of government are not exceptional developments. Withholding diplomatic relations from these regimes after they have obtained effective control penalizes us. It means we forsake much of the chance to influence the attitudes and conduct of a new regime. Without relations we forfeit opportunities to transmit our values and communicate our policies. Isolation may well bring out the worst in the new government.

For the same same reasons, we eschew withdrawal of diplomatic relations except in rare instances—for example the outbreak of war or events which make it physically impossible to maintain a diplomatic presence in another capital.

If we continue to withhold diplomatic relations, this hesitancy invites confusion and can become the center of a touchy political issue. Eventual establishment of diplomatic relations then comes wrongly to be considered as a form of approval. In short, it means that someday, when we seek to normalize relations, we will be painting on a dirty canvas.

Indeed, efforts to restore relations once broken often encounter special difficulties. Inevitably, constituencies in both countries develop an emotional investment in the absence of relations. Financial claims and counter-claims pile up, and there is a backlog of issues which might have been resolved if normal relations had existed. Faced with this legacy of problems, the process of restoring relations must be approached with great care and deliberation.

Right now there are a score of countries with whom we do not have normal relations. Some, such as Iraq and Yemen, broke relations with the United States ten years ago because of our support for Israel in the Six-Day War. With others, such as Cuba and Uganda, it was we who decided to withdraw our Ambassadors in sharp policy disputes.

Then there are governments with whom we never had normal diplomatic relations. Albania and present-day Cambodia have largely sealed themselves off from the outside world. Countries like the People's Republic of China, Mongolia, North Korea, and Vietnam are special cases.

Fully aware of the difficulties involved, we are bent on shortening the list. Let me give a few examples of the kinds of steps being taken, under President Carter's leadership, to establish normal diplomatic relations with other countries.

Vietnam illustrates both the difficulties and the advantages of moving towards more open communications with others. The war is a fresh and painful memory. Early in this Administration, President Carter sent a distinguished commission, headed by Leonard Woodcock, to Hanoi to discuss the question of American servicemen missing in action. We obtained information on our MIA's, and continue to do so.

Meanwhile, we told the Vietnamese that we will no longer oppose their membership in the United Nations, and I expect Vietnam to enter the UN early this fall. We lifted travel restrictions to Vietnam. We have offered to establish diplomatic relations immediately and then to lift the trade embargo.

The Vietnamese, for their part, still seek economic aid, something now forbidden under our law.

We have met with their representatives twice in Paris and will do so again. We have moved as rapidly as we could to put the tragedies of the past behind us. Vietnam, united, is a powerful nation of over 40 million people, which we trust will live peacefully with its neighbors in Southeast Asia. We want to have normal and mutually beneficial relations with that important nation.

The People's Republic of China, of course, presents a unique situation. For over two decades we stared across the Pacific at this giant with fear, hostility and little communication.

Then, six years ago, began the dramatic process of establishing relations with the People's Republic of China. This process was complicated by the fact that we maintained relations with another government as the government of China.

In 1972, under the carefully crafted framework of the Shanghai Communique, we agreed to move forward toward normalization of relations. The Chinese stated in that communique that there was but one China, and we did not challenge that view. We have since exchanged liaison offices—not embassies—in Peking and Washington.

When Secretary Vance goes to Peking later this year, we hope to discuss with the leaders of the People's Republic of China ways to move forward in our relationship. The main obstacle to full normalization is the question of Taiwan, an issue of genuine concern to the American people. It is a question we believe should be settled peacefully—and by the Chinese themselves .

We hope also to re-establish normal relations with Cuba. We have already negotiated a new agreement on maritime boundaries and fisheries with Cuba, and we have agreed to accept each other's diplomats as members of a third country's embassy. These are significant way-stations on the road to full relations. Other thorny issues—including the trade embargo and compensation for our nationalized property—remain to be resolved. But in a measured and reciprocal way we are moving toward normal relations. Disagreements over Africa may inhibit this process, but we believe that progress can be made.

There are several other countries with whom we would like to normalize our relations, among them Iraq and Mongolia. Since it's fresh on my mind, let me tell you what has just happened with the Congo Republic. Several years ago we withdrew our Ambassador in Brazzaville, the Congo's capital, to protest the treatment given there to our diplomats. Since then the Federal Republic of Germany has taken care of American interests in Brazzaville. But just last week, meeting in Bonn, we and the Congo agreed to overcome some of our past differences and move toward normalization of relations.

As our actions indicate, the policy of the Carter Administration is to conduct our business with other members of the world community, through normal and official diplomatic relations. The actual form of contact—up to and including the exchange of Ambassadors—must be agreed to by both sides. In some cases it is the policy of other governments that precludes normal relations. But all governments should be aware of the message sent by President Carter to the Vietnamese—that we want to put the bitterness of the past behind us and look to the future.

In sum, we believe normal diplomatic relations are an asset to promote other objectives, an asset we cannot deny ourselves without incurring substantial cost. As Churchill put it: "When relations are most difficult, that is the time diplomacy is most needed."

There is no certainty that two nations will be able to resolve their disputes by talking about them. But without effective communications, without some form of dialogue, the odds are high that there will be no progress at all.

This is true, as each of you knows, among individuals. So it is among nations, as well.

Thank you.

ANNIVERSARY OF DEPORTATIONS IN THE BALTIC STATES

Mr. RIEGLE. Mr. President, I wish to call to the attention of my colleagues today the recent remarks of Dr. John B. Genys, chairman, and Mr. John Bolsteins, director of public relations for the Joint Baltic American Committee. The joint committee is comprised of the Estonian American National Council, the American Latvian Association in the United States, and the Lithuanian American Council.

These two gentlemen represent an organization of industrious and civic-minded Americans—many of whom were born and raised in one of the three Baltic States—who work faithfully to keep open their lines of communication to family and friends in their ancestral lands.

The middle week of June is a solemn commemorative time for the Baltic American community, marking the anniversary of the shameful 1940 and 1941 mas deportation of Balts by the Soviets to Siberian slave labor camps. Today, by coincidence, marks the opening of the Belgrade Conference to review compliance with the Helsinki Final Act. I believe that it is the sense of the American people that our human rights policy should remain a key point in our foreign policy, and should be borne uppermost in the minds of our Belgrade Conference delegation.

Mr. President, I ask unanimous consent that Mr. Genys' remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

DEPORTATIONS IN THE BALTIC STATES

This June, Americans of Baltic descent throughout the United States are again commemorating the unhappy anniversary of the mass deportations of Estonians, Latvians and Lithuanians to Siberia. With the first arrests and deportations of June 14–15, 1941, over 100,000 Baltic people were forcibly transported to slave labor camps throughout Asian Siberia. These events followed the Soviet Union's invasion, occupation and forcible annexation of the Baltic States in June, 1940. This demonstrated the recurring meth-

ods used by the Soviet Union in welcoming to its breast its present constituent republics. A similar fate had already befallen Georgia, Ukraine, Armenia, and numerous others. With the convening of the Belgrade Conference, the plight of these peoples and states should be underscored.

The Soviet government began planning for the mass extermination of the non-Russian Baltic peoples soon after the signing of the Hitler-Stalin pact of 1939, which divided Eastern Europe into respective German Nazi and Soviet Russian spheres of influence, attempting to ensure their territorial gains at the expense of other smaller nations.

According to data collected by the Lithuanian Red Cross, 34,260 persons were deported from Lithuania, 35,102 from Latvia, and 33,500 from Estonia. These people were loaded into cattle freight cars with the windows boarded shut. Husbands were separated from wives and children from parents. This tactic of separating families, and thus attempting to weaken that natural human bond, has transcended many totalitarian regimes, today evidenced in reports from Cambodia and other places having undergone "socialist transformation."

The long journey from the Baltic States to Siberia killed many weak and sick persons. Dead children were thrown out of the cars by the Soviet guards and left by the wayside, disregarding the enormous grief of their mothers. Joining, and to be joined by, many other nationality groups, the Balts were used as slave labor. Many of them perished in the mines or forests, or were annihilated by the cold, the starvation and diseases as even minimal food, clothing or medical attention were lacking.

A personal recollection of these tragic events serves well. Barbara Armonas, a Lithuanian deportee now emigrated to the United States recalls those days in her book, "Leave Your Tears in Moscow."

"About four o'clock in the morning I heard a knock on my door . . . I opened the door and froze with fear. There was a detachment of heavily armed soldiers and a machine gun had been set up in the yard. The officer pushed me aside, went into the house and demanded my passport. . . . He took a letter from his pocket and read in a monotonous voice that the State had decided to deport from Lithuania to another Soviet area. . . . I had only a half hour to prepare myself for the deportation journey. Awakened by the noise, my son began to cry. . . . I could take no suitcase, but had to pack everything into a potato sack. . . . When the time was up, my son, myself and our belongings were shoved into a buggy and taken under heavy guard to a neighboring village. . . . Some 25 families had been collected. Each family sat on their sacks in a group, no talking was allowed. Altogether some 200 families had been arrested and put into trucks, each guarded by four Russian soldiers with guns. At first I thought all Lithuanians were being taken as the village was left almost empty. . . .

. . . At the railroad station we were put into cattle cars and the train stood in the station for two full days. We were given no food. . . . Our transport consisted of 60 cars, so it can be estimated that it contained about 2400 persons. The feelings of human beings herded into cattle cars are impossible to describe. No one knew where we were going or what was to be expected. . . . Our journey lasted about 15 days, when the train finally stopped in a station some 150 miles from Irkutsk in Siberia. We were ordered to get out and had to stand for about four hours in a cold rain mixed with snow. The deportees were taken to the labor camps and placed in barracks with broken doors and windows. . . . It was clear to all that we had been sent here to die. . . . On starvation diets, we were forced to cut trees in the forests. The work norms were very high and we had only primitive tools. . . . We were always hungry and cold. . . ."

With the first deportations in June, 1941, through others lasting into the early 1950's, roughly 10 percent of the Baltic peoples experienced this fate. This out of a combined Baltic States population of approximately six million. Today attempts at eradicating these nationalities are done in a much more sophisticated manner.

ANNOUNCEMENT OF POSITION—S. 1340 ERDA AUTHORIZATION

Mr. STEVENSON. Mr. President, on June 13, 1977, during consideration of S. 1340, the ERDA authorization bill, and roll call votes thereon, I was necessarily absent from the Senate on other business. Had I been present, I would have voted in favor of final passage of the bill. In addition, I would have voted to table Senator MELCHER's amendment No. 357, to oppose Senator MELCHER's amendment No. 413, in favor of Senator BUMPERS' amendment No. 414, and to oppose Senator DURKIN's amendment No. 418.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

George M. Anderson, of North Carolina, to be U.S. Attorney for the Eastern District of North Carolina for the term of 4 years vice Thomas P. McNamara, resigned.

Henry M. Michaux, Jr., of North Carolina, to be U.S. Attorney for the Middle District of North Carolina for the term of 4 years vice N. Carlton Tilley, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 23, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

TRIBUTE TO JUSTICE TOM C. CLARK

Mr. MUSKIE. Mr. President, the death of former Justice Tom C. Clark takes from us a rare individual whose sense of propriety and deep commitment to justice served all of us well.

Tom Clark was tireless. He heard more law and argued more often and more vigorously for the cause of justice in America in the 10 years since his retirement than many lawyers do in a lifetime.

It was 50 years ago that he began the first of many careers as a lawyer for the people. It proved to be the kind of job he could never give up for long.

He served as head of the Justice Department's Antitrust and Criminal Divisions, and became Attorney General under President Truman, serving 4 years as the Nation's chief lawyer.

Truman named him to the Supreme Court. His opinions on the rules of evidence and civil rights questions in the 1960's were highlights of 18 years on the bench.

When his son became Attorney General in turn, Tom Clark retired, fearing conflict of interest. But seldom has the word "retired" been so ill fitting. At the time of his death, he was sitting with the Court of Appeals for the Second Circuit in New York. He is believed to be the only retired Justice so generous with his time as to sit on all 11 circuits after retirement.

He also gave generously to sundry causes and campaigns to improve the quality of justice and the skill of the judiciary in America. Those improvements were one of his life's goals, and he was both eloquent and tireless in that work.

My wife Jane and I extend our sympathy to Tom Clark's family. We know they are proud of his accomplishments, and over time their pride will ease their loss.

Mr. President, I ask unanimous consent that an article from the June 14, New York Times and an editorial from the June 15, Washington Post on the death of Tom Clark be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOM C. CLARK

Tom C. Clark was one of the rare associate justices of the Supreme Court whose stature continued to grow after he "retired." He left the Court a decade ago to avoid any possible appearance of conflict of interest after his son, Ramsey, was named Attorney General. But he never really retired. He continued to make his judicial services available, on spot duty, around the country, helping out other judges who were overworked. And he gave endlessly of his time to organizations and groups working to improve the administration of justice. In the process, he gained new friends and admirers almost everywhere.

Tom Clark came to Washington from Texas 40 years ago as a lawyer in the Department of Justice. He became an assistant attorney general during World War II, Attorney General in 1945 and a member of the Supreme Court in 1949. But he never seemed far removed from Texas. He liked to conceal a keen mind behind the drawl and words of a poor country boy, and he always had time to be friendly with anyone who wanted a few words from him.

His record during 18 years on the Court was marked far more by pragmatism than by theory. His opinions, particularly in the early years, were often criticized—vigorously so by this newspaper—for displaying the attitudes of a prosecutor more often than the attitudes of a judge. But he cast the crucial vote, and wrote the Court's opinion, in a 1961 case expanding the exclusionary rule to cover criminal trials in state courts over the violent objections of most prosecutors and police officials. And he wrote the Court's opinion in 1963 when it held unconstitutional the use of prayer and Bible reading as devotional exercises in the public schools.

But Tom Clark's greatest contributions were off the bench. He fought for better judges—state as well as federal. He urged them, once they were judges, to go back to school to learn the art of their new jobs. He worked for more efficient courts and for ways to ease the burdens of citizens who became enmeshed in them. He wanted the substance of justice, not just the form of it, to be available to all citizens wherever they happened to live. And he spent what would be normally considered the golden years of retirement trying to advance that worthy cause.

TOM C. CLARK, FORMER JUSTICE, DIES; ON THE SUPREME COURT FOR 18 YEARS

WASHINGTON.—Tom C. Clark, a retired justice of the Supreme Court who also had served as Attorney General in the Truman Administration, died in his sleep in New York early today at the home of his son, Ramsey.

The 77-year-old Texan, generally regarded as a judicial conservative who became more moderate in the Warren Court years, had remained active since his retirement in 1967, accepting assignments to sit on the various circuits of the United States Court of Appeals.

At the time of his death, Mr. Clark was sitting with the Court of Appeals for the Second Circuit in New York. He was believed to be the only retired Justice in history to sit on all 11 circuits.

Chief Justice Warren E. Burger said in a statement, "No one in the past 30 years has contributed more to the improvement of justice than Tom Clark." Among other tributes, former Justice Arthur J. Goldberg said that Mr. Clark had been "totally dedicated to the Constitution, the Court and the country."

Mr. Clark's death was apparently a result of heart problems. Chief Justice Burger said that Mr. Clark had been in a Boston hospital for four or five days last fall but insisted on resuming his judicial duties. Ten days ago Mr. Clark told a reporter that he was suffering from fibrillation, a rapid and erratic heartbeat, but expressed confidence that medication would control it.

Through most of a private and public legal career that culminated in his appointment to the Supreme Court in 1949, Mr. Clark was supported by strong political friendships with Senator Tom Connally and Representative Sam Rayburn of Texas and Senator, later President, Harry S. Truman of Missouri.

Mr. Clark retired from the court in 1967 at the relatively young age of 67 to clear the way for his son, Ramsey, to become Attorney General under President Johnson. Otherwise, Government cases before the Supreme Court would have posed an obvious conflict of interest for him.

Tom Campbell Clark was born Sept. 23, 1899, in Dallas, where this father was a prominent lawyer. He attended the Virginia Military Institute for a year in 1917–18 and served briefly as a sergeant in an infantry regiment in Texas, but did not get overseas before World War I ended.

In four years at the University of Texas, he received bachelor of arts and law degrees. He was admitted to the Texas bar in 1922 and joined his father's firm. Two years later, he married Mary Jane Ramsey, the daughter of a State Supreme Court justice, which whom he had attended university.

SERVED AS A DISTRICT ATTORNEY

After five years of private practice, his friendship with Senator Connally helped him obtain appointment as Civil District Attorney of Dallas County, and he reportedly did not lose a case in his six years there. He returned to private practice in 1932, resuming an active role in Democratic politics.

In 1937, Mr. Clark shifted to Government legal work again, joining the Justice Department in Washington as a special assistant. He worked on war risk insurance and antitrust cases and coordinated the program under which 60,000 Japanese-Americans were evacuated from the West Coast and interned in the early days of World War II.

Returning to Washington in 1942, he worked with the Senate War Investigating Committee, headed by Senator Truman. As head of the antitrust and later the criminal division at the Justice Department, he successfully prosecuted a number of war fraud cases.

Attorney General Francis Biddle assigned Mr. Clark to prosecute two German spies who had been landed off the coast of Maine by U-boat. Their eight-day military trial behind closed doors resulted in a death sentence for both men, later commuted to life imprisonment by President Truman.

In the Democratic maneuvering proceeding the 1944 party convention, Mr. Biddle supported the renomination of Vice President Henry A. Wallace, but Mr. Clark, after Speaker Rayburn had withdrawn from competition, pushed for Mr. Truman, the winner.

CLARK SUCCEEDED BIDDLE

Less than two months after he became President, Mr. Truman supplanted Mr. Biddle with Mr. Clark as Attorney General. In four years in that office, he was particularly active in antitrust prosecutions and argued three cases personally before the Supreme Court, a function normally filled by the Solicitor General.

Attorney General Clark is probably best remembered for his investigation and prosecution of Communists and other alleged subversives. Under his leadership, the United States brought the historic case against American leaders of the Communist Party for conspiring to overthrow the Government.

When President Truman sought election in his own right in 1948, Mr. Clark defended him against Republican charges that he was "soft on Communism."

Ten months later, Associate Justice Frank Murphy of the Supreme Court died, and President Truman filled the vacancy with Mr. Clark. Although some labor, civil rights and civil liberties leaders criticized the appointment, the American Bar Association and the two Texas Senators, Connally and Johnston, ran strong interference, and Mr. Clark was easily confirmed by a Senate vote of 73 to 8.

Richard Kirkendall, writing in "The Justices of the United States Supreme Court," said Mr. Clark tended to vote loyally with the Chief Justice, Fred Vinson, in his early years on the Court, generally rejecting claims by supporters of civil liberties.

Professor Kirkendall, a historian now teaching at Indiana University, saw Mr. Clark assuming a more "effective and independent role on the Court" when Earl Warren became Chief Justice. In 1957, however, he dissented when the Court overturned the convictions of the 14 American Communists whose prosecution he had initiated.

CHANGE IN CLARK NOTED

The same year, Mr. Clark, as a dissenter, denounced the majority's decision that the defendant in a subversion case had a right to access to certain prosecution documents. "In the 1960's," Professor Kirkendall wrote, "Clark appeared to be a much calmer man and much happier about the behavior of the Warren Court. Questions of loyalty and security no longer dominated it."

In subsequent years, he wrote the opinion extending to state courts Federal rules excluding illegally obtained evidence. He concurred in the 1962 decision enunciating the one-man, one-vote principle in legislative apportionment. In 1962, he wrote the opinion banning daily Bible reading in the public schools.

Justice Clark also was the author of several civil rights decisions, barring Louisiana from printing candidates' races on the ballot and upholding the public accommodations provisions of the Civil Rights Act of 1964.

Justice Clark was a relatively tall man, dark-haired through most of his life and graying in retirement. Aside from his long public record, he was best known for an indelible Texas drawl and a penchant for bow-ties.

Surviving Mr. Clark are his wife, Mary; their son, Ramsey, and a daughter, Mrs. Thomas Gonlund of McLean, Va., and seven grandchildren. Ramsey Clark was in Europe at the time of his father's death and was reported to be flying home from London.

TRIBUTES PAID BY COURT MEMBERS

Mr. Clark was one of four living former Justice. The others are Stanley F. Reed, Abe Fortas and William O. Douglas.

Among the statements issued by past and present justices of the Supreme Court were these:

William O. Douglas: "Mrs. Douglas and I greatly admired Tom Clark for the stand he always took on the independence of the judiciary and his willingness to face every issue in turbulent times as well as in peaceful day."

Potter Stewart: "The lawyers and judges of our country will long remember Tom Clark for his tireless devotion to the fair administration of Federal justice."

William J. Brennan, Jr.: "His great distinction as a judge is the reflection of his conviction that it is wrong to live life without some deep and abiding social commitment."

Thurgood Marshall: "Tom Clark is also to be remembered as the first Attorney General of the United States to file a brief amicus curia in a civil rights case . . . This act was doubly important because it was the first brief by an Attorney General in support of civil rights, and it was ordered by a man from Texas."

Lewis F. Powell Jr.: "It is likely that Mr. Justice Clark was known personally and admired by more lawyers, law professors and judges than any justice in the history of the Supreme Court of the United States."

COMMISSION ON POSTAL SERVICE REPORT

Mr. BARTLETT. Mr. President, the recent report of the Commission on Postal Service has once again focused our attentions on the state of the U.S. Postal Service. Some of the recommendations have proven to be controversial, such as the one suggesting that mail delivery to all addresses be reduced from 6 days to 5. It is not my present intention to discuss at any length the several specific recommendations of the Commission. I do, however, wish to focus attention on what I believe to be one potential reform in postal operations that has been overlooked.

The Commission on Postal Service correctly perceived that one of the central problems of the Service is its continuing financial difficulties. Over the past 5 years, the Postal Service has run in the red to the tune of approximately $2.8 billion. Its current liabilities far exceed its current assets. While the operating surplus during the recent 3 month transition quarter was encouraging, I do not believe it necessarily indicates the Postal Service's financial problems will be solved over the long haul. The Postal Service must continue its efforts to cut postal costs wherever reasonably possible.

One potential reform which has received inadequate attention is the potential for cost reductions resulting from the contracting out of services. Very little discussion of this possibility has taken place that I am aware of. The experience that has been had in other areas of government with contracting out indicates a potential for significant savings of tax dollars which I believe the Congress should take note of.

One specific example of the advantages of contracting out for certain services came recently in the State of Oklahoma. In March 1976, the Air Force Air Training Command announced it would

close two of the seven bases in the command. One of the bases in the command was Vance Air Force Base at Enid, Okla. When the closure decision was made, Vance not only escaped closure, but was actually expanded. The primary reason was that Vance has consistently produced high quality pilots at a cost 25 percent lower than other bases in the Training Command. This low cost has been largely attributable to extensive contracted arrangements with support personnel from the private sector.

The Vance air base situation is not unique. The Air Force has conducted a total of 48 comparative cost analyses comparing the cost of the provision of various services by private contract as opposed to "in-house" employees. Of those 48, 44 studies showed it to be cheaper to provide the given service by private contract than to have the Air Force provide it itself. The studies show that contracting out tends to produce savings of approximately 30 percent compared to "in house" provision of the same services. The General Accounting Office recently studied the sorts of comparative cost analyses being conducted by the Air Force and other branches of the Armed Forces. It concluded that the military studies "consistently under stated the costs of in-house performance" for various reasons. Thus the true savings from contracting out would tend to be even higher than 30 percent.

Dramatic savings such as these amply justify what has been the official attitude toward contracting out, namely, to contract out for services except where they can be provided more cheaply "in house" or where some other overriding national interest compels a contrary practice. The Government policy is based on circular A–76, issued by the Bureau of Management and Budget. However, because of the Postal Service's independent status, circular A–76 does not apply to the Service. Any policy pertaining to contracting out in the Postal Service must be developed by the Board of Governors, after consultation with the appropriate employees' union.

I realize that the examples that I have referred to in the Air Force will not necessarily be directly comparable to postal operations in many cases. I also realize that some services are already contracted out by the Postal Service. Notwithstanding these facts, I think it is important that the Board of Governors fully test the possibilities for contracting out in all phases of the postal operations. Auxiliary and support services, as well as the mail handling function itself, should be candidates for contracting out if pilot programs proved them to be feasible, low-cost alternatives to present practices. Frankly, I believe that this sort of approach should be fully explored before other cost-cutting proposals, such as the 6-day to 5-day service reduction, are implemented. Contracting out offers some hope of controlling costs—of getting at the real problem. Service reductions really just ignore the problem by cutting service instead of focusing on what makes that service expensive.

Mr. President, the Commission on Postal Service reached at least one conclusion with which I concur. It recommended that rural post offices not be closed unless at least one of three circumstances occurred: First, vacancy occurs in the postmastership; second, where changed circumstances, other than financial or economic, require the closing of the post office, or third, a majority of the voting patrons of the post office vote to close the post office. Once one of these instances occurs, the Postal Service could close the post office if, on the basis of its other standards, such closing was warranted. At the present time, the Postal Service need only observe certain procedural requirements before closing an office.

The Commission's recommendation would afford rural communities some additional protection against having their post offices closed. The savings from rural post office closures have been relatively small when compared to the total deficit amassed by the Postal Service. Serious consideration of more effective cost control techniques, such as the one I have suggested—contracting out—would be a much better way of improving the Postal Service's financial condition.

CARL SAGAN DISCUSSES PLANETARY EXPLORATION AND DISCOVERY

Mr. STEVENSON. Mr. President, the June 20, 1977, issue of Newsweek magazine contains a commentary by Dr. Carl Sagan of Cornell University on the topic of planetary exploration. It presents a distinguished scientist's view of the need for continued unmanned exploration of the solar planetary system. It is a well-reasoned and eloquent statement of the need for continued support of such activities, and I commend it to the attention of my colleagues.

Dr. Sagan makes the following basic points: planetary exploration is a modern expression of man's innate curiosity about his origins and environment and offers the possibility of significant new knowledge and insights into the planet Earth and its spatial surroundings.

Mr. President, I request unanimous consent that Dr. Sagan's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

PLANETARY EXPLORATION

(By Carl Sagan)

Almost without noticing, humanity has passed into an age of exploration, discovery and high scientific adventure unmatched since the sixteenth through eighteenth centuries, when plucky European caravels uncovered the nature and extent of our planet. Those vessels were manned, the voyages were risky and the cost was high—about 1 per cent of the gross national products of Spain, England or Holland. Today's vessels are still small, the voyages still lengthy; the ships are unmanned and the effort costs less than 0.1 per cent of the gross national product of the U.S. or the U.S.S.R. (or about 0.3 percent of their defense budgets). But the ventures are similar: we are engaged in exploration, in the seeking out of new lands and new worlds and, if we are lucky, new life.

The zest for exploration runs deep in the human species. Were we to turn our great energies and high technologies entirely inward we would, I think, be turning our backs on our future and on our humanity, and denying the 4 billion-year evolution that has brought us—a thinking, feeling, constructive, curious and exploratory species—to real if precarious dominance of the planet earth.

We recognize the glimmerings of intelligence in the delicate, brilliantly constructed machinery of our new exploratory vessels. The Viking missions to Mars—which have found stunning landscapes and either microbes or an exotic chemistry which simulates microbial metabolism astonishingly well—have shown that public attention can be riveted to the exploration of other planets even if no humans are aboard.

UNEARTHLY WORLDS

The advantages of such voyages go far beyond a resonance with our exploratory instincts, spirit and traditions. We have found planets very different from the earth, worlds in some sense gone awry, places where one or another factor that has made the earth the way it is was a little altered—producing an environment profoundly different from our own. By studying these other worlds we can better understand and utilize the earth, providing an extremely practical rationale for planetary exploration. I believe that its relatively tiny cost will be recovered many times over in the practical insights in comparative planetology that are to be achieved in the earth, atmospheric and life sciences.

These missions also hold the promise of securing answers to some of the deepest questions ever asked, questions on the origins and destinies of worlds, the nature of our small planet, the possibility of life elsewhere, and the connection of the earth and its inhabitants with the vast, intricate and subtle universe of which we are one extremely small part. The greatest civilizations have traditionally been known not only for how they provide sustenance for the body but also for how they provide sustenance for the mind and the spirit.

THE DEEPEST QUESTIONS

Will the future think kindly of us if we had within our power to continue our exploratory tradition, to provide an extraterrestrial perspective for our planet, to approach these deepest of questions and—when face to face with the decision—we turned back from the cosmos?

There is a very real possibility that, without fully understanding the consequences, we may be taking irreversible steps away from the other planets. These missions are complex. They require great planning and an application of the very highest technology available. (Indeed, the spurring of high technology is yet another justification for planetary exploration.) It is usually five to ten years between their conception and their execution. This means that in the working lifetime of a typical planetary scientist or spacecraft engineer there are only a handful of missions.

A continuity of effort and commitment is required to maintain the critical mass of skilled personnel. The great planetary missions of recent years, which have for the first time opened our eyes to the true nature of the planets from Mercury to Jupiter, were approved and initially funded in the 1960s. Because of the long lead times, we are just now beginning to feel the serious negative impact of our recent inaction, including a dramatic decline in interest in nonmilitary space activities by the major aerospace corporations, and a severe strain on the extremely competent and innovative NASA centers involved in planetary exploration, particularly the Jet Propulsion Laboratory in Pasadena, Calif., which is without peer on the planet Earth.

An encouraging sign was provided by the Carter Administration when $10 million—a

small amount, but provided constructively early—was added to the proposed NASA budget for studies on the future exploration of Mars, possibly to include a roving vehicle.

There is also in the present NASA budget the first major new start in planetary exploration in many years, called Jupiter Orbiter with probe (JOp). JOp is a historically significant mission, the first long-term observational satellite of a planet of the Jupiter family (and its thirteen exotic moons), and the first direct investigation of the atmosphere of such a planet. Organic molecules are almost certainly being produced today in the Jupiter atmosphere, whose study therefore may cast significant light not only on the origin and evolution of the planets but also on the origin of life.

NO RETREAT FROM SPACE

Apart from its immense scientific importance, JOp would provide the additional funds desperately needed to continue the brilliant American effort in planetary exploration. Citing other priorities, the House Appropriations Committee has recommended deleting JOp from the NASA budget. It is possible, but by no means guaranteed, that Senator Proxmire's Appropriations Committee will recommend JOp and that the House-Senate conference committee will restore it. Even postponement of the mission will do serious damage: the drought in new starts in the decade of the 1970s has been so severe that a commitment to other missions in the next two years is essential if American exploration of the solar system is not to founder.

Considering the profound benefits that it is likely to provide for mankind, unmanned planetary exploration is a deeply human enterprise and an extraordinary bargain. It is within our power to ensure its continuance.

(This concludes additional statements submitted today.)

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR. ON MONDAY, JUNE 20, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, June 20, 1977, after the two leaders or their designers have been recognized under the standing order, Mr. HARRY F. BYRD, JR., be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BARTLETT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders or their designees have been recognized under the standing order, the Senator from Oklahoma (Mr. BARTLETT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a bill, with the understanding that there will be no action thereon tonight, making appropriations for the Department of the Interior.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 7636) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the order for the recognition of Mr. BARTLETT has been consummated, the Senate resume the consideration of the Department of the Interior appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE FLOOR LEADERSHIP

Mr. STEVENS. Mr. President, today's Wall Street Journal contains a very complimentary article on the service of Senator ROBERT C. BYRD as Senate majority leader.

Although he has only served for 5 months in his new office, Senator BYRD has moved the Senate to action on legislative matters in record time. The success of our distinguished majority leader is due to his skill and efficiency in working out mutually acceptable time agreements with his friends on both sides of the aisle, and I commend him for it.

It is no easy task to organize and satisfy 99 other Senators and there is no one who works harder and longer at it than my good friend, Senator ROBERT C. BYRD.

Mr. President, I also congratulate Senator BAKER for his role as minority leader. He has done a fine job of promoting cooperation among our Republican Senators, thus enabling the Senate to successfully schedule legislation.

It is a privilege and an honor to serve as assistant Republican leader with these two Senators who carry through the finest traditions of the Senate. I am sure that my good friend, the majority whip, Senator ALAN CRANSTON, shares these views.

I ask unanimous consent that the article in the Wall Street Journal be printed in the RECORD at this point.

There being no objection, the article was ordered printed and included in the RECORD as follows:

THE SENATE'S CHIEF ENGINEER

(By James P. Gannon)

WASHINGTON.—Just before the Senate passed the bill to create a Department of Energy last month, Democrat John Durkin of New Hampshire rose to protest the speedy handling of the complex legislation.

Echoing Republican complaints that the Democratic leadership was railroading the bill through the chamber, Sen. Durkin griped that there seemed to be no way to "slow down the silver streak." He was right. Moments later, the bill roared down the Senate track, over his protest vote, 74 to 10.

That's how it is in the Senate these days: The trains all run on time. The credit or blame goes mainly to the new Majority Leader, Robert C. Byrd of West Virginia. He is managing the Senate with an efficiency and mastery unseen since Lyndon Johnson's leadership days. After years in subservient roles, the orphan boy from Crab Orchard, W. Va., is totally in control of the U.S. Senate.

Five months of Mr. Byrd's leadership isn't enough to permit a definitive appraisal, but some hallmarks of his style have emerged: assertiveness, independence, pragmatism and efficiency. Gone is the detached, light-handed management of the scholarly Mike Mansfield, Sen. Byrd's predecessor. In its place is the calculated, precise orchestration of a tough-minded politician.

The Senate now marches to a different drummer, and his beat isn't the White House lockstep, but the contrasting rhythm of Capitol Hill. Sen. Byrd promises cooperation with Jimmy Carter, but he rejects the idea that his job is to pass the President's program. "I am the President's friend," he says sternly. "I am not the President's man."

The White House is discovering that the Democratic leader is a marvelous ally—when he's on your side. As his quick, efficient handling of the Energy Department bill illustrated, Sen. Byrd can move administration measures on a fast track if he wants to. But there are a lot of sidetracks in the Senate too, and the pragmatic Majority Leader is flashing signals that he will shunt other White House proposals aside rather than let floor fights and filibusters ruin his legislative timetables.

"He is not going to take marching orders from the President," observes a White House man in frequent contact with the Majority Leader. The proud, independent Senate boss and the tough-minded new President have gotten off to a somewhat prickly relationship that has some administration lobbyists nervous. "Byrd doesn't have ulcers," says one, "but he's a carrier."

Sen. Byrd's leadership style is a reflection of his no-nonsense personality, forged out of hardscrabble poverty and a devotion to work. An orphan raised by a West Virginia miner's family, he worked as a butcher and welder before plunging into politics. In Congress, he put himself through night school to earn a law degree, became a master of parliamentary tactics and earned a reputation as a workaholic.

During 18 years in the Senate, he parlayed tiny favors to his colleagues into political debts, and collected his IOUs in January to win the leadership job. At 59, he is a seldom-similing workhorse who delegates little authority to his assistant, California's Alan Cranston, and keeps his hands on every lever of power available to the Majority Leader. "He's like a tent, he covers everything here," says a Senate aide.

Old Senate hands say Mr. Byrd's style resembles that of the aggressive LBJ more than the aloof Mr. Mansfield. Sen. Byrd showed his assertiveness early, when he rammed a tough new ethics code limiting Senators' outside earnings through a reluctant Senate. "The Senate never would have passed that unless he had put his reputation on the line," says a lobbyist for Common Cause, which backed the code.

The Majority Leader frequently displays his independence, particularly to the White House. Cool to the President's $50 tax re-

bate plan, he told Mr. Carter it has no more than 40 votes in the Senate, thus helping kill it. He openly opposed the White House plan to cancel water projects and he only came out for a compromise after it became clear that Congress would have a hard time overriding a veto. He's critical of the Carter energy plan, calling it incomplete, poorly thought out and needlessly complex. Last weekend, he rebuked President Carter for "overreacting" to congressional moves to change his energy program and publicly advised Mr. Carter to "cool it."

Sen. Byrd's pragmatism reinforces his independent streak. "I don't want to see the Senate waste its time on legislation that isn't going anywhere," he says. Thus, he has scratched for this year organized labor's pet bills to broaden construction-site picketing rights and repeal right-to-work laws. He's also keeping on the back burner, for now at least, controversial administration bills, such as the Election-Day voter registration and Consumer Protection Agency measures.

Early in the year, the precise Mr. Byrd picked out his adjournment date—Oct. 8—and he is determined to let nothing delay it. "We're trying not to get distracted with anything that can wait until next year," he says.

ROUTINE MEASURES

Sen. Byrd consults carefully with Republican leader Howard Baker of Tennessee on which bills he'll bring to the floor. He and Sen. Baker spent several hours one recent day agreeing on a list of 10 bills to be brought up, in specific order, in June. Significantly, they are mostly routine measures.

The Democratic leader says he's "clearing the decks" before turning to energy legislation, which he calls the Senate's No. 1 priority for 1977. Though he's skeptical of the administration's plan, Sen. Byrd is adamant about passing major energy legislation by fall. Only 11 working weeks remain before his target adjournment date, so he foresees a "time crunch." He has warned colleagues to expect night and Saturday sessions—normal working times for Mr. Byrd anyway.

His penchant for timetables and for avoiding filibusters has some Senate-watchers worried. They feel Mr. Byrd sometimes tries too hard to head off a fight. "You can't allow a minority to kill legislation simply with a threat of a filibuster," complains the Common Cause lobbyist. He fears Sen. Byrd's approach may leave important but controversial legislation on the Senate sidetracks.

But the trainmaster isn't concerned. "I think we are on the right track," he boasts. He filled 21 pages of the Congressional Record the other day with his list of 1977 "legislative achievements," and a statistical scorecard portraying the Senate's busyness. (Time in session: 406 hours, 49 minutes so far this year vs. 381 hours, one minute last year, etc.)

It's hard to discern Sen. Byrd's goals, beyond efficient operation. "I don't think he has his own legislative agenda, except to move in an orderly way," observes a Senate Democrat. Unlike Mr. Mansfield, the new leader seems more interested in the process of legislating than in the substance.

What this self-made man really cares about, associates say, is making the Senate look good, and thus making himself look good. "He's a proud man," says a White House aide. "He wants to be the greatest Majority Leader in the history of the Senate, and he has an excellent chance to be."

And anybody who gets in the way will be run over by the "silver streak."

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his kind remarks.

I take this occasion to express my gratitude to all Senators for the patience and forbearance that they have shown throughout the days of this week.

On Monday, the Senate passed the ERDA authorization bill, and on Tuesday, Wednesday, and Thursday the Senate has come in early, has stayed in late, and has passed five very controversial bills reported out of the Foreign Relations Committee. Senators have stayed early and late without murmuring and without complaining, and it has been a severe test of their patience. They have stood the test.

I want to congratulate them and I want to thank them. By virtue of their having cooperated on both sides of the aisle—as they have done so spendidly—there will be no Saturday session this week, we are coming in tomorrow at 11 o'clock, and hopefully we will be out tomorrow afternoon at a reasonably early hour, I would say no later than 3 o'clock p.m.

I just cannot thank my colleagues enough. I admire them for their patience, for their cooperation, and for their unfailing courtesy and understanding.

Mr. STEVENS. Mr. President, will the Senator yield to me for a moment?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. The Senator is absolutely correct in his statement about the patience and understanding of Senators. Last evening our distinguished majority leader commented about the aid and assistance that comes to us from the assistants on his side of the aisle. I would like to take this moment to thank those who work with us on the minority side: Our minority secretary, Bill Hildenbrand; Howard Greene and Oliver Dompierre, the people who work with us in the cloak room; and my own assistant, Susan Alvarado, for the work they have done in working out these time agreements. I think it is most important that we acknowledge the work of these people, who make it possible for us to come to these agreements.

Mr. ROBERT C. BYRD. Mr. President, I do not want to prolong this more than another minute, but I also want to express appreciation to Bill Hildenbrand, Howard Greene, and Oliver Dompierre. They not only serve the minority, but they have been most cooperative and helpful to me through my years of service in the leadership on this side of the aisle. They have always been most cooperative, very helpful, and extremely courteous and understanding.

Again, just another postscript in behalf of the Democratic policy staff. There has never been in the history of the Senate a Democratic Policy Committee staff that could excel this one, and there never will be a Policy Committee staff, in my judgment, that can excel the Policy Committee staff that I have. The one claim to brillance that I may have is the good fortune to surround myself with extremely capable people. So I congratulate Tom Hart, Lee Williams, and at a date sometime in the future, I will put the rest of the names in the RECORD.

Mr. CRANSTON. Mr. President, I would like to join, first, in the tributes to Senator BYRD for his very effective leadership in moving the Senate so efficiently, and I thank my fellow whip for his kind words with reference to me.

I thank all of those Senators who have worked so hard, and all the members of the Senate staff who have worked so diligently this week and throughout this session.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I just cannot let my able assistant leader get by without my saying something about him. He is thoroughly dedicated, he gives his utmost cooperation, he is very skillful and extremely dependable, and I want the record to show that I lean on him and will continue to lean on him, because I know I can count on him always for splendid, dedicated, unstinting support.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would just like to associate myself with the complimentary remarks made about the majority leader and his assistant and our minority leader and his assistant, Senator STEVENS, and all the staff that work here in the Senate.

I do not believe the public generally realizes the long hours that Senators work, the long hours the staff works, the officials who sit here on this bench all day long, and the other attaches who are connected here with the Senate. They are able, dedicated people and we are proud of them.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the leadership on this side of the aisle, to the staff, the officers of the Senate, and to the pages, to whom the distinguished Senator from South Carolina has alluded, I wish to say "thank you."

Mr. MATSUNAGA. Mr. President, as a freshman Member, listening to what has been said here, I could not help but take the floor to commend the majority leader and join with the minority whip and the majority whip in praise of our majority leader.

Having served 14 years in the House before coming to the Senate, I did not realize that things moved so rapidly in this body. I thought the other body was the leader. But now I find that, with the leadership of the Senate from West Virginia, things move here so quickly that while he was thanking the Members for the patience they had shown, since we do not have to wait too long one does not need patience.

For that reason, I commend the majority leader for the great leadership he has shown. As one who comes unbiased as a freshman Member, I think all the things which have been said about him are true. I wish I could add more.

Mr. ROBERT C. BYRD. Mr. President, by his inimitable eloquence, the distinguished Senator from Hawaii has demonstrated again tonight why he was chosen to serve as the chief deputy whip of the Senate.

UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of three measures on the Unanimous Consent Calendar: Calendar Orders No. 251, 252, and 253.

The PRESIDING OFFICER. Without objection, it is so ordered.

ERMELINDA ROSSI

The bill (S. 455) for the relief of Ermelinda Rossi, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (25) of the Immigration and Nationality Act, Ermelinda Rossi may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–269), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to illiteracy in behalf of Ermelinda Rossi. The bill also provides for the posting of a bond to ensure that the beneficiary shall not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is an 80-year-old native and citizen of Italy who has never attended school and does not read or write. She receives a combined widow's and disability pension from the Italian Government which she will continue to receive after becoming a permanent resident of the United States.

The interested parties are a U.S. citizen and his lawful permanent resident wife, Mr. and Mrs. Foderaro, who are natives of Italy, presently residing in Reno, Nevada. There is a very close personal relationship between the beneficiary and Mrs. Foderaro whose mother died when she was five years old and the beneficiary cared for her as her own child, although she was never legally adopted. However, they have shared the same household for the better part of 15 years. Information is to the effect that the interested parties are financially able to care for the beneficiary and will post a bond to ensure that she shall not become a public charge.

KAM LIN CHEUNG

The Senate proceeded to consider the bill (S. 1142) for the relief of Kam Lin Cheung, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the following:

That, notwithstanding the provision of section 212(a) (25) of the Immigration and Nationality Act, Kam Lin Cheung may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–270), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who cannot read and understand some language or dialect. The amendment also provides for the posting of a bond as surety that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of China, born October 21, 1897. She currently resided in Baltimore, Md., with her "godson," a U.S. citizen. The beneficiary entered the United States as a visitor on December 8, 1974.

A similar bill, S. 1786, passed the Senate on February 2, 1976. The bill was passed by the House of Representatives on September 28, 1976, with an amendment. The Senate failed to concur in the House amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EUN KYUNG PARK AND SANG HYUK PARK

The bill (H.R. 1440) for the relief of Eun Kyung Park and Sang Hyuk Park, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–271), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the prospective adoptive children of citizens of the United States.

STATEMENT OF FACTS

The beneficiaries of this bill are sister and brother, each age nine, who are natives and citizens of Korea. They are coming to the United States for adoption by U.S. citizens who have two natural children, ages 10 and 8 and four adopted children between the ages 2 and 8. Two of the adopted children are natives of Korea and two are natives of Vietnam.

A letter, with attached memorandum, dated November 8, 1976, to the chairman of the House Judiciary Committee from the then Commissioner of Immigration and Naturalization refers to H.R. 15036, a similar bill introduced in the 94th Congress. The letter and memorandum read as follows:

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the votes by which the three measures were passed be reconsidered en bloc.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 11 A.M. TOMORROW

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 9:33 p.m. the Senate recessed until tomorrow, Friday, June 17, 1977, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1977:

DEPARTMENT OF STATE

Milton A. Wolf, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

William J. vanden Heuvel, of New York, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

DEPARTMENT OF JUSTICE

James P. Buchele, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years vice E. Edward Johnson, resigning.

William L. Harper, of Georgia, to be U.S. attorney for the northern district of Georgia for the term of 4 years vice John W. Stokes, Jr., resigning.

William A. Kimbrough, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years vice Charles S. White-Spunner, resigning.

Emmett W. Fairfax, of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years vice John T. Pierpont.

George R. Grosse, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years vice Mitchell A. Newberger.

CIVIL AERONAUTICS BOARD

Donald L. Tucker, of Florida, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1979, vice G. Joseph Minetti.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Eugene F. Tighe, Jr., [redacted] FR (major general, regular Air Force), U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1977:

DEPARTMENT OF JUSTICE

Virginia Dill McCarty, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Patrick H. Molloy, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

James G. Barton, of Texas, to be United States Marshal for the Eastern District of Texas for the term of four years.

James C. Murphy, Jr., of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Robert Alan Frosch, of Massachusetts, to be Administrator of the National Aeronautics and Space Administration.

FEDERAL ENERGY ADMINISTRATION

Robert Riggs Nordhaus, of Connecticut, to be an Assistant Administrator of the Federal Energy Administration.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TROTSKYITES, STALINISTS AND THE ERA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. McDONALD. Mr. Speaker, in April at its 10th national convention, the National Organization of Women, NOW, passed a resolution opposing the attempts of the Trotskyite Socialist Workers Party, SWP to use NOW as a vehicle for their "transitional program" to Marxism-Leninism. NOW's resolution stated:

> This conference protests attempts by the Socialist Workers Party to use NOW as a vehicle to place before the public the agenda of their organization and to exploit the feminist movement. We bitterly resent and will not tolerate any group's attempts to deflect us from the pursuit of our feminist goals.

The NOW majority's denunciation of the Socialist Workers Party was in response to internal faction building and penetration by SWP cadres. The SWP drive to take over NOW had focused on a resolution introduced by two SWP members active in the Philadelphia NOW chapter, Clare Fraenzl, a vice president of the chapter, and Rhonda Rutherford. The resolution called for NOW to organize mass street demonstrations in support of minority women and for "independent" political action not associated with either the Democratic or Republican parties.

At the conference, NOW Times published a full-page article entitled "SWP: A Study in Political Parasitism," which accurately noted that the SWP was not a "feminist" group since it was dominated by men. It also reported how the SWP has for years penetrated, disrupted and destroyed other women's groups.

The SWP, however, remains active in NOW and has not given up its takeover plans. On June 4–5, at the NOW Mid-Atlantic regional conference in Washington, D.C., a resolution offered by the SWP-controlled minority women's workshop was passed. The SWP is concentrating its "Third world women" cadre in NOW. SWP organizers hope to take full control of NOW's Minority Women's Task Force, and are planning another women's conference in Pittsburgh, July 16–17, 1977. At the SWP 1976 national convention, Cathy Sedwick, a member of the Chelsea branch of the SWP in New York City, led the workshop discussion on "Party Participation in the Struggle for Black Women's Liberation." In her talk, Sedwick described NOW's first minority women's conference held in Pittsburgh July 31–August 1, 1976, and the extensive participation by the SWP and Young Socialist Alliance members.

Sedwick said the SWP should "be having more forums on black women" and "step up our coverage of these activities in the Militant." "These," she said, "are just some of the things that we can do to * * * win more black women to socialism."

Cindy Jacquith, an alternate member of the SWP National Committee and director of the SWP's women's liberation movement work, provided a general analysis of the Trotskyite interest in NOW. Jacquith commented on NOW's highly decentralized structure which gives local chapters considerable political autonomy. Its problem for the Trotskyites is its insufficient revolutionary position and commitment to work through the political process rather than through mass demonstrations. "We need to increase our participation in NOW's activities in many parts of the country," said Jacquith, and complained that other Marxist groups like the New American Movement, NAM, and the Democratic Socialist Organizing Committee, DSOC, were active in NOW chapters in several areas.

Jacquith had particularly harsh words for the Communist Party, U.S.A., CPUSA, which has quietly opposed the so-called equal rights amendment, ERA which the SWP and NOW fervently support. Noting that the younger militant women of the CPUSA support the ERA as a revolutionary measure against our society, Jacquith said:

> They [the CPUSA] have had to establish a women's front organization, Women for Racial and Economic Equality (WREE), in part to counter the pressures on their members from the women's movement and the ERA struggle in particular.

WREE, with offices at 202 South State Street, room 1024, Chicago, Ill. 60604—312–663–1364—and at 156 Fifth Avenue, New York, N.Y. 10010, is an affiliate of the Women's International Democratic Federation, WIDF, a Soviet-controlled international Communist front headquartered in East Berlin. WREE was previously the subject of a report in the CONGRESSIONAL RECORD of April 27, 1976 pages 11470–71.

During the fall of 1976, WREE's principal activity consisted of raising money at the request of the Communist Vietnamese Women's Union, also a WIDF affiliate, allegedly for "Penicillin for Vietam" to treat widespread venereal disease. WREE's Norma Spector of Brooklyn, N.Y., had toured Vietnam in the spring as a member of a WIDF delegation. WREE announced that it would present the money to WIDF at a November meeting, and published a letter of appreciation from a Vietnamese Communist official.

WREE has said very little about "women's liberation," but a lot about the World Peace Council's disarmament campaign; women in the South African Communist Party-controlled African National Congress, a terrorist "national liberation movement;" and about Marxist and CPUSA women organizers in the labor movement.

WREE national coordinator Sondra Patrinos, formerly the CPUSA's organizer for eastern Pennsylvania, headed a group of Chicago CPUSA and Young Workers Liberation League, YWLL, women who cranked out one slipshod mimographed issue of a bulletin called the "WREE-VIEW" containing material reprinted from CPUSA's National Center to Slash Military Spending, a subsidiary of the U.S. section of the World Peace Council run by CPUSA stalwarts Pauline Royce Rosen and Fran Bordos, and from Women of the Whole World, the quarterly WIDF journal.

After a minimal 2-year existence, WREE has circulated a call for a national convention to be held in Chicago, September 23–25, 1977. The call contains a statement of WREE's implicit commitment to "proletarian internationalism" and its subservience to the needs of the world movement:

> Millions of women marched against the war in Viet Nam because of our special interest in a peaceful world—creating international bonds of friendship. Our movement continues and our strength grows as we demand dignity, economic security, an end to racism, a world with joy for our children and their future. Where we fight and how we fight are determined by the needs of all the people.

The WREE conference call is signed by veteran CPUSA organizer and recruiter Anne Braden, co-chairperson of the Southern Organizing Committee for Economic and Social Justice; Margaret Burroughs, Kennedy-King Community College and curator of the DuSable Museum of Afro-American History in Chicago, a veteran sponsor of CPUSA causes; CPUSA National Committee member Angela Davis of Oakland; Ruby Dee; Brenda Eichelberger, executive director of the National Alliance of Black Feminists, Chicago; Barbara Gale, vice president of 1199 Drug and Hospital Union, long dominated by CPUSA organizers; Saundra Graham, vice-mayor and State legislator, Cambridge, Mass., and a recent participant in World Peace Council meetings; Dorinda Moreno, president, Coscilio Mujeres, San Francisco; Betty Murrell, executive director of the YWCA–YMCA Day Care, Inc., New York; Sondra Patrinos; and Sandra Rich, president of AFSCME Local 2070, Los Angeles.

WELCOME TO RUSSIAN TRADE GROUP

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. FRENZEL. Mr. Speaker, I wish to take this opportunity to extend a welcome to the Soviet delegation which has recently come to the United States for the sixth session of the Joint U.S.-U.S.S.R. Commercial Commission.

I particularly wish to welcome Mr. Patolichev, the Soviet Minister of Foreign Trade and leader of the Soviet delegation.

I believe that these meetings in the United States have been, and continue to be, useful in providing the opportunity to exchange information, and to consider further prospects for expanded trade and economic relations between the United

States and the Soviet Union. I hope that the representatives of the Governments of the United States and the Soviet Union have found these sessions helpful in pursuing matters of mutual interest involving economic cooperation which will satisfy the policy objectives of both countries.

THE QUESTION OF LESS THAN FULLY HONORABLE MILITARY DISCHARGES ISSUED DURING THE VIETNAM WAR

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. EDGAR. Mr. Speaker, I wish to share with my colleagues an important background paper on the question of less than fully honorable military discharges issued during the Vietnam war, written by David F. Addlestone. I think he makes an important contribution to the debate now before Congress on the President's Vietnam-era discharge program.

The material follows:

A BACKGROUND PAPER ON THE QUESTION OF LESS THAN FULLY HONORABLE MILITARY DISCHARGES ISSUED DURING THE VIETNAM WAR

(By David F. Addlestone, deputy director for litigation, National Military Discharge Review Project, Georgetown University Law Center)

CHARACTER OF MILITARY DISCHARGES

The Armed Forces issue five types of discharge certificates to members being discharged: honorable, general under honorable conditions, undesirable (which also includes the clemency discharge issued pursuant to the Ford Administration's Presidential Clemency Program), bad conduct, and dishonorable. The latter two are "punitive" discharges awarded as part of a sentence of a court-martial pursuant to the Uniform Code of Military Justice (UCMJ) which is an enactment of Congress. The former three are "administrative" discharges which are *not* explicitly authorized by any act of Congress and which have been authorized pursuant to Department of Defense Directive 1332.14 and the various service regulations issued thereunder.

During the Vietnam War years, there was a marked trend toward the use of the administrative process as opposed to the court-martial process which had been intended by Congress to be the primary tool for discipline in the Armed Forces. The use of the administrative process was in effect a wholesale circumvention of the UCMJ.[1] As a result, 540,484 soldiers were given stigmatizing administrative discharges, which can amount to a life sentence of unemployment,[2] from Fiscal year 1964 through Fiscal year 1974, while only 40,271 soldiers were given punitive discharges during the same period. (In the years 1964–69, general and undesirable discharges made up 4.1% of all discharges but by 1972 they amounted to 9.7%.)[3] The general public, and employers in particular, more often than not make no distinction between the different categories of discharges[4] and only those with fully honorable discharges are employed.[5]

INEQUITIES IN THE DISCHARGE AND DISCHARGE REVIEW SYSTEM

The system by which a particular type of discharge is given for a particular act or pattern of behavior is inconsistent from service to service, from year to year, and from command to command in a given service in a given year.[6] The intelligent AWOL could shop for a good place to return; a clever soldier could manipulate a good administrative discharge; and a financially well-off person could retain civilian counsel to utilize a variety of techniques designed to insure separation under favorable grounds. (This would apply to the financially secure person who didn't realize until after entry on active duty that an expert selective service law specialist could have virtually guaranteed noninduction for around $2,500 or more.) Further, as the Department of Defense Task Force discovered, the discharge system was undisputedly racially biased.[7] Thus, the deciding factors in the characterization of a discharge were . . . most often race, financial resources, intelligence and luck as opposed to the nature of one's conduct.

The essentially arbitrary nature of the discharge system is reflected by the discharge review system. Each service has a Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR). Until November 1975 (the time of Congressional hearings on the subject: the third attempt in a decade to provide some statutory guidance for the discharge system) all of these boards only met in Washington, D.C. At that time the DRBs began to travel and/or set up regional panels. In 1977, the various DRBs will meet in approximately thirty-five cities.

Each panel of these DRBs is composed of five field grade officers. Each BCMR panel has three to five high level GS employees who also consider applications from active duty and former military personnel seeking to correct "errors or injustices"[8] in their service records. Unless large sums of money are allocated to increase the work capacity of these boards, the DRBs will fall further behind in case review as more veterans become aware of these boards[9] (it takes six months to get a hearing before the Army and Navy boards) and the BCMRs will be unable adequately to handle the large volume of non-discharge cases presented to them (Discharge review cases make up only approximately 30% of their caseload). As a result of litigation, these boards will shortly begin to make written findings and reasons justifying their decisions. Other class action lawsuits are further burdening the boards and delaying their ability to render prompt decision.[10]

While some of the inequities were eliminated by the traveling panels, most applicants still cannot afford the time and expense to leave work and travel to the hearing sites and wait for a hearing. Furthermore, counsel is not provided by the government and free adequate counsel are few and far between.[11] The discharge upgrade statistics for the various DBRs reflect enormous disparities in cases where the applicants appeared and where they did not.[12] Upgrade rates from service to service have varied drastically,[13] and recent changing policies within individual services have greatly altered upgrade percentages.[14] Each service has its own rules about considering post-service conduct and other types of mitigating factors and many rules are in direct conflict.[15] Even rules relating to when a rehearing will be granted are very different and can change abruptly.[16] Frequently, discharges are upgraded only after a federal court lawsuit is filed.

The review system is one in which the rich, well-informed or lucky prevail. Only those people can realistically take advantage of the liberalizing trends, retain competent counsel, and seek rehearings.

Since 1967 approximately 75,000 applications for discharge have been processed and this included discharges issued in the 1940's and 1950's. Even if it can be assumed that 50,000 Vietnam era veterans have already applied and that 10,000 cases can be processed a year, it would take 55 years for all the Vietnam era cases to be processed under the current system if they were alone given priority.

REASONS FOR BAD DISCHARGES

Bad administrative discharges are often given for single "offenses" or incidents that bear little if any relation to the performance of a soldier's military duties or his or her entire record. For example, a soldier can have his or her entire period of service characterized as undesirable for possession of one marijuana cigarette even though he had served honorably in combat in Vietnam, and thousands of soldiers who were unable to adjust to the last few months of stateside duty after serving in Vietnam received undesirable discharges in lieu of a court-martial for brief AWOLs.

The bulk of the bad administrative discharges were not for absence-related offenses and the bulk of the absence-related bad discharges were given after Vietnam or lengthy stateside service, after denial of applications for conscientious objector status[17] or hardship discharge, or to soldiers who never should have been inducted or enlisted in the first instance.

From 1967 to 1971, for example, general and undesirable discharges were given for the following reasons:

Fiscal years 1967–69:	General Discharges
Alcoholism	275
Apathy, defective attitude, et cetera	3,894
Character and behavior disorders	21,390
Bed-wetting	200
Financial irresponsibility	500
Homosexual tendencies	928
Other aberrant tendencies	9
Inaptitude	1,653
Multiple reasons	277
Total	29,126

Fiscal year 1971:	General Discharges
Alcoholism	123
Apathy, defective attitude, et cetera	4,283
Character and behavior disorders	15,787
Bed-wetting	52
Financial irresponsibility	362
Homosexual tendencies	214
Other aberrant tendencies	14
Inaptitude	1,144
Multiple reasons	118
Total	22,097

Fiscal years 1967–71:*	General	Undesirable
Conviction by civil authorities, and so forth	2,178	8,023
Fraudulent enlistment, induction, and so forth	3,072	1,579
Prolonged unauthorized absence	153	1,317
Other ("misconduct")	1,429	9,850
Subtotal	6,832	20,769
Drug addiction, and so forth	7,799	6,467
Failure to pay debts	499	163
Failure to support dependents, and so forth	75	20
Frequent involvement with authorities	7,989	23,310
Unsanitary habits	65	73
Sexual perversion	1,611	1,913
Shirking	1,564	4,734
Multiple reasons	258	141
Subtotal	19,860	36,821
Total	26,692	57,590

*Does not include Navy, Air Force, and Marine Corps discharges for fiscal year 1967.

Footnotes at end of article.

Many of these discharges were given to Vietnam returnees, people in the inactive reserves who had already served on active duty, people who entered the military under the Project 100,000 program which admitted people from low socio-economic backgrounds who previously had not met enlistment standards, people who experimented with drugs or homosexuality, and in a variety of situations where the stigma of the character of the discharge greatly outweighs the equities of the individual case. The review boards have slowly begun to recognize this and change their policies thereby granting relief to those who are able to present their best cases.

However, no effort has been made to deal with cases like this on a class basis and the burden has been on the individual veteran to learn about the boards, find counsel, and make an application. No effort has been made to inform the public of the recent liberalized trends in discharge review and of the methods for applying or re-applying once there has been a denial. Since 1965, the separation program numbers have been computerized and whole classes of cases could be identified by the government. While a wholesale upgrading or upgrading on a class basis would benefit a relatively small percentage of undeserving individuals, the deserving majority would receive fast and warranted relief. Veterans Administration regulations could be changed to deny benefits to the undeserving. The current alternative is the endlessly clogged review process and the eventual inundation of the federal courts with suits seeking to overturn unfavorable decisions of the review boards.

FOOTNOTES

[1] For example, the common undesirable discharge issued in lieu of a court-martial at the request of a frequently young, immature, and uninformed soldier was not even possible, with minor exceptions, until 1966 in the Army and Air Force and 1971 in the Navy and Marines. See Effron, *Punishments of Enlisted Personnel Outside the UCMJ: A Statutory and Equal Protection Analysis of Military Discharge Certificates*, 9 Harv. Civ. Rt.-Civ. Lib. L. Rev. 227 (1974).

[2] Jones, *Gravity of Administrative Discharges: A Legal and Empirical Evaluation*, 59 Military L. Rev. 1 (Winter 1973); Slavin, "The Cruelest Discrimination", Summer 1975 Issue of *Business and Society Review*.

[3] This alarming trend has continued. In the fiscal year ending in June 1975, 12½% of all discharges were bad ones, the highest ever recorded since 1950. Further evidence of the overloading of the discharge system and its concomitant waste of people power is found in the figure that almost 40% of all enlisting in the all-volunteer armed forces do not complete their first term of enlistment. Many are separated through the use of the "expeditious honorable discharge" for such reasons as "hostility towards the Army", being a "quitter" and similar reasons. Such a process clearly under cuts the notion that the honorable discharge *ipso facto* connotes honorable service.

[4] Slavin and Jones.

[5] Such policies have been ruled to be racially biased, as the *Report of the Department of Defense Task Force on the Administration of Military Justice in the Armed Forces* concluded in its 1972 study that blacks received bad discharges significantly more frequently than whites with similar educational backgrounds and I.Q.s for every reason for which bad discharges could be issued. EEOC Decision No. 7425 (Sept. 10, 1973). The DoD follow-on study conducted in 1973 found that the trend still continued.

[6] *Task Force Report.* For example, in fiscal year 1971 the Army gave general discharges for "character and behavior disorders" (a neurosis which forms a basis for a discharge for unsuitability) in over 90% of the cases, even though the regulations presumed a fully honorable discharge. In the same year, the Navy, Air Force, and Marine Corps gave general discharges for the same reason in only 22.9%, 36.5%, and 50.3% of the cases respectively. A lawsuit has forced a change in Army regulations; however, the Department of the Army refuses to call up those cases for discharge review unless a veteran makes an application in an individual case. *See also People Get Different Discharges in Apparently Similar Circumstances*, Report of the Comptroller General of the U.S., April 1, 1976; B–184890.

[7] *Task Force Report.*

[8] 10 U.S.C. 1553.

[9] In FY 1976, the Army DRB alone handled 5,527 cases. That board currently has a backlog of 7,000 cases and is receiving 1,000 new cases a month.

[10] For example, in one out-of-court settlement, the Army BCMR has had to insist that it will take 24 months to review approximately 1,500 cases it improperly processed in the past, *Heiler* v. *Williams*, C.A. No. 76–0912 (D.D.C.)

[11] Persons represented by fully prepared lawyers and law students have achieved an 85% upgrade rate while the overall rate is less than 30%. Slavin, *The Stigmas of Discharge*, Sunday, April 18, 1976, *Washington Post*, page B1. Few counsel were aware of board procedures until recently and no how-to-do-it book was published until April 1975. (Addlestone and Hewman, *ACLU Practice Manual on Military Discharge Upgrading*)

[12] Army 1974: 18.5% versus 11.7%; Air Force 1974: 65% versus 26.2%; Navy 1974: 67.1% versus 22.7%; Marines: 35.8% versus 16.8%.

[13] From FY 1967 to 1974 the DRBs' upgrade average was: Army: 13%; Navy and Marines: 28%; Air Force: 37%; (Total applications of 49,633).

[14] For example, in FY 1974, the Army percentage was 12.4%. In FY 1976, it rose to 32.2% with 49.4% of personal appearance cases resulting in an upgrade.

[15] Addlestone and Hewman, *ACLU Manual.*

[16] *Id.* at page 11. (Compare April with November 1975 editions)

[17] From 1965–75 there were 20,564 recorded applications for in-service conscientious objector discharge or status. Thousands more were not processed or the would-be applicant was discouraged from applying or did not understand the process. 54% of the applications were approved; however, the percentages varied drastically. In 1966 and 1967 only 30% and 28.2% were approved while in 1973 and 1974 the figures were 85.9% and 88.6%. For those who could afford to seek relief by way of a writ of habeas corpus in federal court, a receptive forum was waiting. From 1972–4 the federal courts granted approximately 50% of requests for release or C.O. status based upon the improper denial of C.O. applications.

WHISTLE-BLOWERS HALL OF FAME: CHARLES PETTIS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mrs. SCHROEDER. Mr. Speaker, this is the second in a series of articles on notable whistle-blowers I will be inserting in the RECORD. Today's account is from a Washington Monthly article by Taylor Branch entitled "Courage Without Esteem: Profiles in Whistle-Blowing" copyrighted May 1971:

COURAGE WITHOUT ESTEEM: PROFILES IN WHISTLE-BLOWING

(By Taylor Branch)

In February of 1966, Charles Pettis headed for Lima, Peru, to his new job as resident engineer on Peru's long-standing dream—to build a highway across the Andes. A 44-year-old engineer and geologist. Pettis was to play a crucial role in the 146-mile, $46-million project that was designed to open up trade for the first time between Peru's coastal cities on one side of the mountains and the isolated interior regions on the other.

The highway would not only bolster the hopes and incomes of most Peruvians, but it would also refurbish the image of American foreign assistance. It was an aid project through and through, with $12 million from the Agency for International Development and $23 million from the Export-Import Bank—the balance from Peru. There were the usual minor irritants for the recipient country, such as AID contracting regulations that effectively eliminated all firms except American ones from the bidding, but such things were overlooked in general enthusiasm for the road.

Pettis was under contract to Brown & Roof Overseas, Inc.—an international engineering firm based in Houston, whose foreign aid business had prospered mightily since Lyndon Johnson entered the White House. Brown & Roof was hired to protect the interests of the Peruvian government by overseeing the construction efforts of the main contractor, Morrison-Knudsen of Boise, Idaho. As resident engineer, Pettis went to work for his client, the Peruvian government; and his signature was required on the payroll to signify that Peru's interests were being protected and that the contract specifications were being enforced.

His misgivings about the project began when he surveyed the design and found that it called for cutting channels up to 300 feet deep through the notoriously unstable Andes mountains—with almost sheer cliffs to be left on the side of the road. He was further disturbed that the design team had taken inadequate geographical borings to determine the mountains' susceptability to slides, which is considerable. These faults and many others led him to conclude: 1) that the road could not be built as designed, and 2) that large overruns would result. Nevertheless, Morrison-Knudsen commenced work.

Open conflict set in at the construction site when Morrison-Knudsen demanded that the monthly payroll be amended to include charges for slide removal. (The slides were so bad that 31 men were killed on the road.) Pettis refused on the grounds that such payments were not called for by the contract and that the Peruvian government would lose a great deal of money by such actions. "At first, Brown & Root supported me," says Pettis, "but they had a big meeting in February of 1968 and the tables began to turn. Bert Perkins of Morrison-Knudsen said he bid the job low because of prior association with Brown & Root all over the world—and because they expected to get a break. I'm sort of hot-tempered and old-fashioned in things like that, and I said I wouldn't be a party to such a thing."

Brown & Root soon ordered Pettis to begin boosting the payroll—out of fear that Morrison-Knudsen might otherwise attack the flimsy design, or perhaps out of corporate fraternal understanding. When Pettis would not go along, he was replaced by a more pliable man named B. W. Donelson—who promptly began authorizing supplementary payments to the contractor. Donelson brought an element of the old Yankee *bandido* to the plot by obtaining a subcontract from Morrison-Knudsen to feed the workers. By cutting food costs, he was able to harvest a profit of some $250,000 from the very contract that he was overseeing. He also managed to divert about 25 Peruvian laborers

from the road to work on the construction of his private home. Donelson is now wanted by the Peruvian government on these (and several other) charges of fraud, but he has vanished into the continent like Martin Bormann.

In December of 1968, Brown & Root fired Pettis after he refused to reassure the Peruvian government in exchange for "any other job in Latin America." Peru had stopped payment on the road largely because Pettis would not tell the transportation ministry that the road was being constructed properly or the payroll figured honestly. Enormous psychological pressure was mounted against Pettis by the Americans to get him to recant. "There were a lot of little things that really add up to make you feel isolated," he says. "For example, the contractor people's kids threw eggs at my kids and would have nothing to do with them. And the American Consul in Lima gave me a temporary passport and said it was a bureaucratic error."

Pettis has been without salary since December of 1968, and more than a half dozen job offers have been "suddenly cancelled," he says. "Every firm in the business considers me a 'rat.'" When he asked his lawyer to talk with Brown & Root about a possible breach of contract suit, the attorney wrote back that the company's position "seems to be that your first duty was to the Brown & Root 'team' rather than to the Peruvian government, and that by your actions you violated this duty."

Pettis and his wife are in the process of moving to Spain, where they hope to set up a small school. He is rather bitter about the whole conflict in Peru: "This is the kind of thing that's ruining the United States all over the world. We look like a bunch of crooks, and anyone who tells the truth about it is considered crazy. I feel that when an engineer takes a job like that highway, he has to protect his client. I hate this thing of costs being $8 or $10 million above the contract. You've got to stand up against the pressures on that kind of thing to live with yourself. You sure won't make much money that way—I mean what the hell did I have to gain out of this?—but you have to do it. Looking back on it, I believe that I would do the same thing again. You really have no choice. But if you ask my wife, she would say no."

Meanwhile, construction on the highway has halted, with a huge wastage of funds, and the Brown & Root image in Latin America has been tarnished—as has the reputation of AID. But this scrape has not prevented further partnership between the company and the government. For example, Brown & Root and Morrison-Knudsen head a construction consortium that obtained a contract in February to upgrade the Tiger Cages at Con Son prison in South Vietnam. Two hundred eighty-eight "isolation cells" are to be built for $400,000 with labor problems being eased by a provision for the use of prisoners on the job.

LITHUANIA INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. PATTEN. Mr. Speaker, today marks the unhappy 37th anniversary of the military occupation and forcible incorporation of Lithuania into the Soviet Union. I ask all of my fellow Members and all Americans and Lithuanians around the world to remember this act of aggression especially in light of the conference this year which will be reviewing compliance with the Helsinki Declaration.

In 1918, this small nation on the Baltic Sea exercised its freedom and enjoyed the advantages and prosperity of independence for 22 years. Then, in 1940, Lithuania lost its freedom due to the aggression of the Soviet Union and one-fourth of its population was deported from the homeland in order to destroy unity in Lithuania. Yet, the Lithuanian desire for independence is still very much alive, as evidenced by their continued defiance of the Soviet regime. Not only do we deplore the suppression of such fundamental human rights, but we must continue to support those individuals who live under such conditions.

As we pause to recognize this anniversary, let us not forget the many contributions which have been made by over 1 million Americans of Lithuanian descent. We must continue to hope that their prayers will be answered and Lithuanians everywhere will enjoy the freedom which we in America cherish and feel is the most basic of human rights.

LITHUANIA—REMEMBERED

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. JACOBS. Mr. Speaker, June 15 marks a sad day for freedom-loving people everywhere. On this day 37 years ago, the Red Army of the Soviet Union overran the sovereign and independent nation of Lithuania.

The people of Lithuania and the rest of the Baltic area were the victims of a pact between two of the worst dictators known to history: Adolph Hitler and Joseph Stalin. In August of 1939 these two men announced a so-called nonaggression pact between themselves. As his share of the pact, Hitler crushed Poland, but we sometimes forget that Stalin invaded the Baltic countries as he collected his share of the Nazi-Soviet "nonaggression pact."

Today these two dictators are desecrated even by their own countries. But the people of Lithuania live under the yoke of their aggression.

It is important that we remember these tragic events of less than two generations ago. It is important because if we forget, we cannot learn or teach from history, and we must teach the history of freedom as well as oppression to our children if freedom is to survive.

I want June 15, 1940, to be remembered as a dark day in the past, but I want June 15, 1977, to be remembered in the future as a bright day in the fight for freedom. This can and will be done if on this day we all commit ourselves to the human rights provisions of the Helsinki Accords.

A followup of the Helsinki Conference starts today in Belgrade, Yugoslavia. I urge the President to direct our representatives to the Belgrade Conference to insist that the human rights of the people of the Baltic area be part of the agenda at that conference. As we pursue better relations with the Soviet Union, we should insist that the human dignity of the people of the Baltic be part of our price. If this is done, then June 15, 1977, will be remembered as a bright day in human history.

MARIE JOEL, R.N., CERTIFIED BY AMERICAN NURSES' ASSOCIATION

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BAUMAN. Mr. Speaker, among our Nation's most honored professions is that of nursing. Among the most honored practitioners of this noble profession is a woman I am proud to have among my constituents in the First District of Maryland, Mrs. Marie Joel of Aberdeen, Md.

Mrs. Joel was recently certified as one of only 500 adult nurse practitioners in the Nation by the American Nurses' Association. The requirements to be certified as an ANP are rigorous and of an advanced level. A recent article in the Cecil Whig, published in Elkton, Md., describes these requirements and makes clear why Mrs. Joel was able to satisfy them in an impressive manner. I am proud to bring this inspiring woman's accomplishment to the attention of my colleagues.

The article follows:

PERRY POINT NURSE NATIONALLY CITED

The American Nurses' Association recently awarded certification as an Adult Nurse Practitioner to Mrs. Marie Joel, R.N. of Perry Point Veterans Administration Hospital.

Mrs. Joel thus becomes one of only 500 such advanced nurses throughout the U.S. to receive certification by the ANA.

At Perry Point VA Ambulatory Service, Mrs. Joel manages a caseload of veterans with a variety of health problems, such as diabetes, heart disease, hypertension, arthritis and the like. While providing comprehensive health care to acutely and chronically ill veterans, Mrs. Joel says, "My aim and main focus is health maintenance."

Often the care and teaching she gives patients has been credited with preventing costly hospitalizations.

At the request of Delegate Marilyn Goldwater (D-Montgomery County), Mrs. Joel recently testified before the Maryland House of Delegates Economic Matters Committee regarding her role and experiences as a Nurse Practitioner.

A Nurse Practitioner is an R.N. with advanced education and experience in a specialized area and who is able to provide primary care to patients with a minimal of consultation with physicians. These nurses are particularly helpful in overcoming the shortage of health care in rural and inner-city areas.

The certification process of ANA is quite demanding and includes passing a nationally-prepared examination and endorsement by colleagues, after completion of an organized program of study and two years of experience in supervised clinical practice.

A graduate of Massachusetts General Hospital School of Nursing, Mrs. Joel received a B.S. in Nursing from the University of Maryland where she also completed the primary care nurse practitioners program. She interned with University of Connecticut and Visiting Nurses Association of Hartford, Conn.

Mrs. Joel has assisted in giving workshops around the State on Quality Assurance in Nursing, is chairman of Cecil-Harford Counties MNA Districts Legislative Committee and is a member of MNA's Primary Nurse Practitioner Special Interest Group, its Quality Assurance Committee, and its Legislative Committee.

PENDING LEGISLATION DEALING WITH SENIOR CITIZENS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BAUCUS. Mr. Speaker, one of the greatest challenges facing Congress this year is the need to address the many problems confronting our elderly citizens. During last fall's Presidential campaign, many words were spoken about the problems facing the elderly. We in Congress, along with the President, must move beyond campaign promises and come up with realistic solutions.

Many Members of Congress have indicated their desire to assist the elderly by introducing legislation on a myriad of topics relating to aging. It is now up to all of us to focus special attention on these important measures.

To illustrate congressional initiatives, I would like to list today some of the bills that I have personally sponsored or cosponsored which deal with the problems of senior citizens.

President Carter has already indicated that he would like to see enactment of basic reforms to shore up our social security system before the end of the year. There are scores of legislation that would address this need. Among them are the following measures which I cosponsored:

H.R. 2869. A bill to provide for the monthly publication of a consumer price index for the aged and other social security beneficiaries, which shall be used in the provision of the cost-of-living benefit increases authorized by title II of the Social Security Act, H.R. 1539 (identical).

H.R. 2872. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present).

H.R. 4023. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 4415. A bill to amend title VII of the Social Security Act to require that social security and supplemental security income benefit checks be mailed in time for delivery prior to the regularly scheduled delivery day whenever that day falls on a Saturday, Sunday, or legal holiday.

H.R. 4420. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit.

H.R. 4428. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of certain increases in monthly benefits under the Social Security Act and other Federal retirement programs.

H.R. 5072. A bill to amend title II of the Social Security Act to provide that when an adverse decision is made on a claim for benefits thereunder, the claimant shall have the right to reconsideration, including an informal conference and a statement of the case, prior to hearing; to impose time limits and make other improvements in the procedures for determining such claims.

H.R. 5397. A bill to amend title XX of the Social Security Act to provide for the reallotment of unused social services funds, in any fiscal year, to States which will use such funds during the succeeding year in furnishing services aimed at preventing or reducing inappropriate institutional care by making home or community care available; to provide additional Federal matching for multipurpose senior center programs; and to provide for the standardization of eligibility requirements for the funding of senior centers.

H.R. 5834. A bill to amend title II of the Social Security Act to raise the amount by which an individual's social security benefits are to be increased on account of delayed retirement.

H.R. 5835. A bill to amend title II of the Social Security Act to increase the amount of outside earnings which (subject to future cost-of-living adjustments) is permitted any individual each year without deductions from benefits thereunder in the case of individuals receiving less than the maximum provided for benefits of the type involved.

H.R. 7154. A bill to amend title IV of the Social Security Act, and the Internal Revenue Code of 1954, to increase to $30,000 over a three-year period (subject to further increases based on rises in reported wage levels) the ceiling on the amount of earnings which may be counted for social security benefit and tax purposes.

H.J. Res. 165. A resolution to establish a National Commission on Social Security.

One important specific aspect of our social security system is providing adequate health care to our senior citizens. I am pleased with the attention that my colleagues have afforded this vitally important matter. Listed below are a few of the bills now pending in this area.

H.R. 3231. A bill to provide for quality assurance and utilization control in home health care under the medicare, medicaid, and social services programs in accordance with a plan to be developed by a commission specifically established for that purpose.

H.R. 3916. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, and to eliminate the requirement that an individual need skilled nursing care in order to qualify for such services, to amend part A of such title to liberalize the coverage of post-hospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes.

H.R. 4312. A bill to amend the older Americans act to provide expanded counseling assistance for the elderly, sick, and disabled.

H.R. 4371. A bill to amend titles II and XVIII of the Social Security Act to include eligible drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program.

H.R. 5047. A bill to amend title XVIII of the Social Security Act to authorize payment under the Medicare program for certain services performed by chiropractors.

H.R. 5307. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under Medicare and Medicaid.

H.R. 5385. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits for which payment may be made under both part A and part B (eliminating the requirement of prior hospitalization in the case of home health care under part A), to include additional types of services as home health care, to provide coverage for preventive care under part B, to provide coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers, to improve the administration of the Medicare program, and for other purposes.

H.R. 5389. A bill to establish within the Department of Health, Education, and Welfare a home health clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal health programs available to them, and to create within the Department an Assistant Secretary for Elderly Health with responsibility for all health and health-related matters involving the elderly.

H.R. 5393. A bill to amend the Older Americans Act of 1965 to provide grants to organizations for providing legal assistance to poor, elderly individuals in connection with their entitlement to home health services under titles XVIII, XIX, and XX of the Social Security Act.

H.R. 5402. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes.

H.R. 5406. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers.

H.R. 5410. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes.

H.R. 5414. A bill making a supplemental appropriation for payments under Home Health Service grants and making an appropriation for payments under multipurpose senior center grants.

H.R. 5418. A bill to amend the Social Security Act to provide that any patient of a long-term care institution participating in the Medicare or Medicaid program, or otherwise receiving funds under that act, shall have the right to terminate his or her contract with such institution upon giving reasonable advance notice, and to expressly pro-

hibit such an institution from requiring any patient to turn over to it any income received by him or her after such notice is given.

H.R. 5422. A bill to promote the provision and availability of necessary health services for the elderly by expanding existing programs of grants for home health services, requiring the inclusion of specified preventive and home health services under the medicaid program and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services (including demonstration grants for community care), and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes.

H.R. 5426. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical checkups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services.

H.R. 5430. A bill to amend title XIX of the Social Security Act to provide that medicaid is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of sixty-five.

H.R. 5437. A bill to amend title XVII of the Social Security Act to provide long-term care services as a part of the hospital insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes.

H.R. 5453. A bill to amend the Social Security Act to improve and make more effective the provision of nursing home services under the medicare and medicaid programs, and for other purposes.

H.R. 5461. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes.

H.R. 5563. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for services furnished by physician extenders.

H.R. 5635. A bill to amend the Social Security Act to improve the survey and certification process, ratesetting and fiscal audit methods, and general regulation of nursing homes and intermediate care facilities under the medicaid program, and to provide for medical, psychological, and social assessment of long-term care patients under both the medicare and medicaid programs.

H.R. 5808. A bill to amend medicare and medicaid provisions as they relate to rural health care facilities.

In addition to social sceurity, there are many other Federal activities that have a direct bearing on older Americans, such as housing, voting, and veterans' affairs. These issues are also receiving serious consideration. I am listing below a few key bills that are awaiting action by Congress.

H.R. 4227. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit with respect to housing senior citizens in the principal residence of the taxpayer.

H.R. 4430. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans.

H.R. 4615. A bill to amend the Internal Revenue Code of 1954 to allow persons covered by certain other retirement plans to establish personal savings for retirement.

H.R. 4883. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans.

H.R. 5410. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes.

H.R. 6120. A bill to provide that polling and registration places for elections for Federal office be accessible to physically handicapped and elderly individuals, and for other purposes.

H.R. 6413. A bill to amend title 5, United States Code, to provide that Japanese Americans shall be allowed civil service retirement credit for time spent in World War II internment camps.

I hope that this listing of the bills that I, one Member of Congress, have sponsored or cosponsored will serve as a reminder of the tremendous amount of work that lies before Congress in assisting our elderly citizens. More importantly, a list such as the one I have drawn up might also serve to convince the elderly that Congress has not forgotten them.

THE ENERGY POLICY CALAMITY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. SYMMS. Mr. Speaker, with the Congress in active consideration of President Carter's energy legislation proposals, former Secretary of the Treasury William Simon authored a very fine article that appeared in the Wall Street Journal on June 10, 1977. Secretary Simon makes the point that the more the Government has tinkered with the marketplace, the worse things become. Simon states:

It is folly to believe that the same people who created this energy mess can now improve the situation.

Mr. Speaker, I would like to read the Simon article for the RECORD at this time:

THE ENERGY POLICY CALAMITY

(By William Simon)

"Our National Energy Plan is based on 10 fundamental principles," President Carter soberly announced. "The first principle is that we can have an effective and comprehensive energy policy only if the government takes responsibility for it. . . ."

From that statement onward, it's all been downhill for the President's proposals. Why? Fundamentally because the President and his advisers, although acting with the best intentions, have chosen the worst of the solutions. Instead of relying upon the dynamism of a free market and a free people, they have nominated the government as our national energy savior.

Let's look at 10 basic fallacies that, in my judgement, lie at the foundation of this 10-part plan.

Fallacy No. 1: The country has no comprehensive policy for dealing with energy.

Contrary to the President's frequent assertions, the country has long had a comprehensive energy policy. It's just been the wrong policy. For more than 20 years the government has increasingly tried to regulate the energy industry so that prices were artificially held below market levels. Consumers, the intended beneficiaries, have naturally increased their demands, but producers have gradually curtailed their output.

Demand for natural gas, the most clearcut example, has risen spectacularly since the Phillips decision of 1954 (legalizing wellhead price regulation of natural gas), but drilling for new domestic wells peaked in 1961 and production has been sliding downward since 1970.

Fallacy No. 2: More governmental control is the only solution to the current crisis.

History shows that the more the government has tinkered with the intricate marketplace machinery, the worse things have become. Quotas, tariffs, price controls, taxes, regulations—each has taken a toll. It is folly to believe that the same people who created this mess can now improve the situation by tightening their grip over every single energy resource.

SENSIBLE ANSWER

The only sensible answer is to begin dismanting existing controls, beginning with price controls over oil and natural gas and including repeal of the energy bill that President Ford, in a tragic error, signed in December 1975.

Fallacy No. 3: The United States has almost exhausted its supplies of fossil fuels.

The President is crying wolf the same way that other governmental agencies have in the past. In 1914, 1939 and again in 1949, responsible governmental officials predicted a quick end to domestic oil supplies, and every time they were wrong.

What we have learned over time is that increases in demand, when allowed to work in the marketplace, have brought increases in supply. Between 1950 and 1970, for example, the known oil reserves of the U.S. increased by over 500 percent. Even now, as the National Academy of Engineering has pointed out, we have only recovered about 30 percent of the oil from known reservoirs by relying on low-cost technologies; with higher prices and greater return on investment, it should be possible to recover much of the remainder.

To hold prices below market levels, as we have in the past, will only increase reliance on OPEC and leave us more vulnerable to foreign blackmail. We can impose a windfall profits tax on funds that aren't plowed back into new investment. It may not be popular to support higher profits, but it makes no sense to continue pouring our money into OPEC so that we can withhold it from our own producers.

Fallacy No. 4: Because our fuels are almost exhausted, we must rely primarily upon rigid conservation.

Conservation is critical, and in recent years the U.S. has made important progress in that direction. Recent FEA figures show that from November 1973 to November 1976, energy consumption dropped by 6 percent in the industrial sector. While some of that drop may be due to economic conditions, there is also some evidence that energy/GNP ratios have improved, indicating significant conservation. Further progress can and should be made through better home insulation, more efficient auto engines and the like.

Conservation alone, however, is only half an answer; the other half must be a determined national effort to increase production and accelerate development of new technologies. Even Professor Lawrence Klein, the President's chief economic adviser during the 1976 campaign, has said that "the energy package is very negative in being so wholly concentrated on restricting demand. . . . It might have been better to tailor it more to increasing supply."

Fallacy No. 5: The President's program contains ample incentives for new oil and natural gas production.

By permitting higher prices for newly ob-

tained oil and natural gas, the NEP does indeed represent a step forward. But if this is deregulation, as proposed by candidate Carter, then understanding the proposal requires more imagination than I possess.

Consider the position of the producers. In the case of "new, new oil" the price is to be raised over three years to the world price and thereafter tied to domestic inflation. If the recent past is any guide, however, energy production costs will rise more rapidly than the national inflation rate, so that the government will once again be artificially depressing prices. In the case of natural gas, the new price proposed by Mr. Carter is still below the market price and the price controls he wants to extend to intrastate natural gas would bring its prices down—and provide a disincentive for producers.

Fallacy No. 6: On questions of energy and the environment, it is possible to have our cake and eat it, too.

It is misleading for the administration to pretend that our energy goals can be met without some relaxation of overly strict existing environmental and pollution standards.

Strip mining legislation, non-degradation standards for air pollution and a generally activist approach to environmental issues will all inhibit production of new coal, which is the keystone of the President's production plan. How can industries and utilities be expected to switch to coal if they can't burn it because of pollution restrictions, and producers can't produce it because of environmental restrictions?

It is clearly necessary to protect the environment, but it is also imperative to strike a sensible balance between economic and environmental tradeoffs.

Fallacy No. 7: The President's program will introduce greater certainty into energy production.

In view of the regulatory explosion of the past decade, this claim is baffling. By definition, more bureaucracy means more uncertainty. In just three years' time, the FEA has tied producers and consumers in knots. They can never be certain what they can do and what they can't. The petroleum industry already must file about 600,000 forms a year with the FEA.

Fallacy No. 8: The President's program will be equitable to consumers.

Where is the equity in a program in which consumers of heating oil get rebates but other home owners do not? Where consumers of natural gas continue to receive governmental subsidies but electricity users do not? Where larger industrial users of gas and oil are heavily taxed but small firms are not? And where industries and utilities pay widely different taxes depending on how well they fare in extracting exemptions, exceptions and special permissions from a GS–15 in Washington?

THE BIGGEST TAX INCREASE

Moreover, the administration has signified that it intends to put the $70 billion or more of rebates to other purposes—perhaps to pay for welfare reform, tax reform, or just to balance the budget. It would be more honest if it admitted this could be the biggest tax increase in U.S. history.

Fallacy No. 9: Adoption of the Carter plan will have only minor economic impact.

There is a gathering consensus that the NEP would mean higher inflation, lower productivity, a cutback in energy usage and more stagflation. Indeed, those who have recognized the similarities betwen the recommendations of the NEP and a Ford Foundation study earlier in the '70s think that the NEP will inevitably bring the same result envisioned by the Ford Foundation study: an era of "no growth."

Fallacy No. 10: The free market cannot be expected to overcome the energy crisis.

Of all the mistaken notions underlying the President's program none is more egregious than this one, for it assumes that our country no longer has the ingenuity or the dynamism to work its way out of crisis. This view, timid and cramped, is fair neither to our past nor our future.

Our recovery from the whale oil crisis a century ago and breakthroughs in electricity and then in petroleum are striking examples of what the U.S. can accomplish in relying upon individual initiative and private enterprise. We can do it again today if we reject this unhappy vision of America and affirm once again our commitment to a free, dynamic society.

One one point, at least, I find myself in agreement with the National Energy Plan. The President has predicted a calamity in energy. By adopting this program, that's exactly what we'll get.

In closing, Mr. Speaker, it is my understanding that the House Ways and Means Committee is considering the specific proposal of President Carter to heavily tax domestic crude oil at the wellhead. I understand that such a tax will add about 8 cents to the cost of a gallon of gasoline. My question is: Why are higher consumer prices acceptable if they are the result of Government-imposed taxes, but unacceptable if they are the result of market prices that would ultimately result in more production of energy?

TRIBUTE TO HUGH A. MUIR, FORMER VILLAGE TRUSTEE OF MAYWOOD, ILL.

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. HYDE. Mr. Speaker, on Saturday, June 18, the North Maywood Civic Association in the Sixth District, will be honoring one of its charter members, Mr. Hugh A. Muir, a former trustee of the village of Maywood.

Mr. Muir recently completed 28 years of dedicated service to that community. His tenure as a trustee is unique, in that he served in that capacity longer than any other trustee in the village's history—from 1949 until 1977. And I am sure I need not remind my colleagues here in the House that one does not get elected and reelected for that length of time unless he is doing something right.

Mr. Muir, who was born and raised in Maywood, has worked long and tirelessly on behalf of his fellow citizens there. In his role as a public servant, he has served the needs of his community with the utmost dedication and devotion to duty. His services as a village trustee will be sorely missed, but as someone once said: "You can't hold a good man down"—and there is no doubt in my mind that Mr. Muir will remain active and interested in community affairs for a long time to come.

I pay tribute to him today for his years of service to Maywood, and I join with his many friends and admirers in wishing him continued success and fulfillment in the years ahead.

JIM KELLEHER

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BADHAM. Mr. Speaker, it is with a sense of pride that I rise to pay tribute to Jim Kelleher, who has become, in Newport Beach, Calif., a symbol of what is great in America. For Kelleher, a lineman, linebacker, or even a quarterback, maybe, for one of the great universities of Colorado, the name of which escapes me, is being honored next week during irrelevant week in my hometown.

Kelleher is distinguished by the fact that he was the 335th draft choice in the National Football League, annual draft for this year. The only reason he was not the 336th draft choice is that they quit at 335. The important thing is that he probably would not play for an NFL team next year anyway, and besides, no one can remember who drafted him, because they lost his draft card.

So that my colleagues will understand the importance of irrelevant week, I should like to explain that when the surf is up, the combers are rolling at the Wedge and the westerly breezes are filling sails, irrelevant pursuits such as study, high finance, and office hours become, indeed, irrelevant.

It becomes important, relevancywise, then, for all of us to take our minds off the less serious problems of our day, such as the tinderbox in Africa, the crisis in the Mideast, shortage of energy, abundance of deficits, glut of rhetoric, and blizard of paperwork, to honor Jim Kelleher, Newport Beach's of Sweatshirt Walt Mitty as it were.

As that great philosopher once said, "It isn't whether you win or lose, it's whether or not you sit on the bench and have the right to play out your option." So it is with Jim Kelleher, who may never even have an option to play out, that this California city in the 40th Congressional District has elected to honor him during Irrelevant Week.

The world is full of Jim Kellehers, who happily play out their options every week, unaware of the Chinese proverb, which exhorts us all to fish or cut bait and warns that when the going gets tough, the tough say, "forget it, man, it's not relevant."

But on each occasion of this traditional celebration in Newport Beach; it is time for us all to face up to the facts, to bite the bullet, to go eyeball-to-eyeball with our adversaries and those who would subvert our system, who would convert our hallowed traditions to their own reckless causes and to say that in these troubled times we must stand firm and strong.

But, if worse comes to worse and push comes to shove, we must pause for a moment and reflect on the conditions under which we live in America, under the

finest and most equitable system known to mankind.

Thus, we can be thankful that we have the right to be drafted by the NFL, or not be drafted by the NFL, and, what is even more important, not to play football at all, or even understand it, and therefore not have to listen to Howard Cosell.

I am proud that Newport Beach has chosen Jim Kelleher to bring into focus the irrelevancies of our day, amidst the troubles facing the world. May Jim Kelleher have a long and happy life, whether or not he ever plays in the National Football League.

COMMUNIST-BACKED CHURCH'S ROLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. CRANE. Mr. Speaker, although, in recent weeks, the U.S. Ambassador to the United Nations has told us that we, as Americans, should not be paranoid about a few Communists in Africa, and that statement may have reassured a handful of Americans, I do not believe that any edict from the Ambassador will reassure us that Serbian Orthodox priests, who are being sent to the United States by the Yugoslavian secret police, have only spiritual connections and have no connections whatsoever with the Communist Party in Yugoslavia.

The notorious Yugoslavia secret police, the Uprava Drzavne Bezbednosti(UDB) has infiltrated and consolidated its hold on the Serbian Orthodox Church, now Communist-controlled. The Yugoslavian mother church, with the help of the UDB, is now concentrating on discrediting the anti-Communist faction of that church, here, in the United States.

Many of the members of the Serbian Orthodox Church that have immigrated to the United States in the last three decades came here for many different reasons. But, one of the foremost reasons was the hope that they and their children would be able to practice their religion freely, without the constant fear of the UDB and without the fear of having to compromise their religious beliefs.

Although the United States continues to apply pressure and monitor those forces now operating within Yugoslavia and within the Serbian mother church, we have ignored the mounting campaign operating within the United States against U.S. citizens of Serbian descent. The FBI and the State Department have information regarding the plots now being carried on in the United States but nothing has been done to protect Americans of Serbian descent. As reported on June 14, 1977, by the Washington Post, the Yugoslav Government has denied U.S. intelligence reports and, the UDB campaign has subsequently been ignored and disregarded by our Government.

I would like to insert the following article by Messrs. Anderson and Whitten for the attention of my colleagues:

[From the Washington Post, June 14, 1977]

COMMUNIST-BACKED CHURCH'S ROLE

(By Jack Anderson and Les Whitten)

The Communist-controlled Serbian Orthodox Church, which has become a front for Yugoslavia's notorious secret police, is about to take over the spiritual guidance of 250,000 American parishioners.

A Supreme Court ruling last year will also turn over to the Communist-backed church $5 million worth of religious property in the United States. The court settled a dispute between the mother church in Yugoslavia and the anti-Communist faction in the United States, with a decision in favor of the mother church.

We have now obtained documents and testimony showing that Yugoslavia's UDB, the feared secret police, installed its choice as head of the church in 1958. Authoritative U.S. intelligence sources have told us that priests are cleared and briefed by Communist officials before they are sent to America. Some may be little better, said our sources, than spies in cassocks.

The UDB has also blackmailed and harassed U.S. citizens of Serbian descent. Similar charges have led to a Senate investigation of Chile's DINA, Iran's Savak, Russia's KGB and South Korea's DCIA.

The chilling story of the Communist takeover of the Serbian Orthodox Church in Belgrade is told in secret FBI memos and intelligence reports. These documents also describe an ugly campaign to discredit the anti-Communist leader of the church in the United States, with contrived evidence about his alleged love life.

According to the testimony, the UDB sought to subvert the church in 1958 by installing Bishop German, a charming but cunning prelate, as the new patriarch. The secret police needed the vote of Father Makarije, head of Yugoslavia's famed Dechani monastery, to make it look legitimate.

The courageous cleric was convenient to locate; he had been thrown in prison for refusing to compromise his religious beliefs. Shorty before the vote on the new patriarch, as one eye-witness described it, a carload of UDB agents roared up to the monastery and demanded Father Makarijes ceremonial vestments. Frightened priests surrendered the sacred articles to the secret police.

Broken by mistreatment, the jailed Makarije obediently dressed in his formal cassock and donned the vestments. Then he was hustled from prison to participate in the voting. He followed the UDB's orders and voted for its candidate, Bishop German.

But afterward, an anguished Makarije returned to the monastery and tearfully produced 200,000 dinars (about $666) that the UDB had paid him for his vote. "I feel like Judas," he cried. He tried unsuccessfully to give the money away to his fellow monks.

Four years after the patriarch had consolidated his hold on the church in Yugoslavia, the secret police turned their attention to the United States and began a backstage effort to oust the presiding authority, Bishop Dionisije.

The FBI learned about the plot from a confidential source, whom we have now identified as an important UDB official. Reported a secret FBI memo: "Efforts have been undertaken by representatives of the Uprava Drzavne Bezbednosti (UDB) in Belgrade to discredit Bishop Dionisije, head of the Serbian Orthodox Church in the U.S."

A secret cable from the Yugoslav authorities to their embassy in Washington, describing a blackmail plot against this bishop, was intercepted by U.S. intelligence. The cable was translated and paraphrased in a secret U.S. report, which we have obtained.

Coded messages were flashed from Belgrade to Yugoslav diplomatic posts throughout the United States to "get Dionisije." According to the intercepted cables, they were instructed to seek blackmail information, particularly about his love life. They were even encouraged to make off with a lawyer's files "to obtain the archives . . . to discredit Dionisije." The bishop's household staff was also supposed to be investigated.

The defamation campaign succeeded in souring many loyal Americans against the anti-Communist bishop who, apparently, was vulnerable to some minor charges. In the end, the Belgrade church defrocked Dionisije and began sending over priests approved by the UDB to serve in U.S. parishes. The Supreme Court resolved the ensuing court battle in favor of the Communist-backed church.

Footnote: In 1970, then U.S. Ambassador William Leonhart reported from Belgrade that he had visited the patriarchate office. He said that German had pooh-poohed talk of any attempt to take over church property in the United States, had secretly denounced Dionisije and had called the charges of Communist control "a red herring."

Yugoslav spokesmen also deny that the Serbian church is under government control, much less the secret police. When told of this, U.S. intelligence sources simply chortled.

BALANCE(S) OF POWER SERIES: NAVAL BALANCE PT. VI(ii)

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1977

Mr. BRECKINRIDGE. Mr. Speaker, on June 9, I was privileged to insert a portion of an excellent article by Adm. Stansfield Turner, Commander in Chief, Allied Forces, Southern Europe, at the time he wrote the article, and now Director of the Central Intelligence Agency, entitled, "The Naval Balance: Not Just a Numbers Game," appearing in the January 1977 Foreign Affairs. The article serves as an excellent introduction to the naval balance section of my continuing "Balance(s) of Power Series." The conclusion of Admiral Turner's article follows:

THE NAVAL BALANCE: NOT JUST A NUMBERS GAME

In judging the balance of warfighting capabilities of the U.S. and the Soviet Navies, accurate comparisons can be made only with regard to sea control: our "assertive" versus their "denial" capability. But even here, two considerations make simple numerical comparisons of force levels inadmissible. First, sea denial is essentially guerrilla warfare at sea. The denying naval commander strikes at a time and place of his choosing to achieve maximum surprise; he does not have to stand his ground toe to toe with the enemy but instead hits and runs. In this way a markedly inferior force can successfully thwart a superior force. Sea denial forces can be smaller than sea assertion forces and still do their job. How much smaller? There lies another "balance" question.

Second, the weapons and techniques of denial and assertion differ. The submarine torpedo, and the antiship missile launched from submarines, surface ships or aircraft, are the primary weapons of sea denial. The weapons of sea assertion are those that either directly attack an incoming missile or torpedo, or attack the launch platform before the launch occurs. These weapons range from point-defense guns and missiles employed against the incoming missile, to the whole variety of antisubmarine, antiship and anti-

aircraft weapons. While generically these latter are principally torpedoes and missiles, most are different in quality and type from those in the sea denial inventory. In addition, deception and decoy are useful defensive techniques in assertive sea control, for if one can avoid meeting the enemy and thereby go on to carry out the mission, one has retained freedom to use the seas. Hence on many grounds strictly numerical comparisons of denial and assertive tactical capabilities seem to require the comparison of incommensuables and can only be misleading.

Computer analysis is a help in getting at this vital estimate. The computer digests the performance data, quality of materials, doctrine, weather, morale, and so forth. But the computer model reaches its conclusion using a consistent set of assumptions, whereas in real life a field commander will not adhere to his initial set of assumptions and tactics, especially if he is losing. Hence, with a computer one can be led to false conclusions unless one accepts the results as only part of the picture.

Informed, subjective judgments are often more accurate. When naval professionals try to assess balance subjectively, they are not asking, "Who's ahead?" but rather, "What are the trends in capabilities," and, "Can we still undertake the old missions or perhaps take on new missions that were impossible yesterday?" Such professional judgment does use computer analysis, as well as detailed, and often classified, technical information about weaponry and other relevant factors. Still, the unavailability of classified information does not prevent the layman from making informed judgments on the naval balance. Broad trends in capabilities and feasibility of missions are visible to the layman. In analyzing trends, three factors are particularly significant: the rise or fall of numbers and types of warfighting units; any technological developments which increase vulnerability or potency; and such tempering factors as extension or loss of base facilities, national resolve, and alliance solidarity.

A reasonable approach to judging the trends in relative sea control capabilities today is to select some convenient benchmark in the past and analyze the changes in forces, technology and related factors that have occurred since. Ten years ago, in 1966, the balance of sea control capabilities was clearly favorable to the United States. Traditional guns and bombs constituted the major threat to U.S. naval forces. Today, guns and bombs remain a threat at close range, but missiles launched from submarines, aircraft or ships, and torpedoes launched from nuclear-powered submarines have become the dominant threats to surface forces. Traditionally, the best way to defeat an attack on a force at sea has been to destroy the launch platform before it releases its weapon. But today missiles can be fired at far greater range than could projectiles or bombs, thus lessening the vulnerability of their launch platforms. On the other hand, the cruise missile is really a small aircraft which can more readily be destroyed in flight than bombs and projectiles. But this capability to destroy missiles in flight does not presently offset the advantage to the launch platform of launching from greater range. Given this advantage, we must ask whether any trends in forces or technology have compensated in terms of defending against missiles.

First let us look at the problem of frustrating or destroying a submarine before it can launch a missile. To find the submarine before it can attack, defending forces must move well out from the force being protected. In effect, this enlarges the defensive perimeter around the friendly force, thereby requiring more ships to protect the same size force. Yet, in the past decade the number of U.S. destroyers has dwindled from 205 to 69, carriers from 15 to 13, and antisubmarine aircraft from about 428 to 132. While from numbers alone it might seem that the Soviet submarine fleet that these forces must counter has also weakened—it has shrunk from 370 in 1966 to about 335 today—Soviet nuclear-propelled submarines have increased by 250 percent, from 40 to 140. Also, the number of Soviet submarines equipped with cruise missiles has more than doubled, from 29 to 66.

In our favor, U.S. nuclear attack submarines, which are qualitatively superior to the Soviets' in several significant respects, have increased from 35 to 65. Other offsetting technological factors to our advantage include improved antisubmarine tactics—principally, the coordination of a variety of improved weapons and sensors. Some very interesting things are going on, but no magical breakthrough has yet made the oceans transparent. Antisubmarine warfare remains a painfully patient struggle for small improvements. That such improvements will offset the growth in the numbers of Soviet missile-firing submarines and the probable improvements in their missiles themselves is something we cannot count on. Antisubmarine warfare has always been a battle of attrition in which numbers matter more as losses mount. Failing new technological strides, the decline in number of our antisubmarine forces is something for foreign policy-makers and the public to think about. Torpedo-firing submarines are easier to locate and attack, true enough, than the missile submarines; they must press in relatively close, permitting us to maintain a smaller defensive perimeter. But the dominant factors remain the growing numbers of Soviet nuclear-powered and missile-firing submarines, and the disadvantage to ourselves of the declining size of our forces to man the perimeters against them.

In sum, in defending against the submarine, the balance can be characterized thus: on our side, more high-quality nuclear submarines and modest improvements in tactics and technology, but declining numbers of escorts; on theirs, increases in numbers both of nuclear submarines and cruise missile-equipped submarines. The balance is slowly tipping against us. We had better watch carefully to see how vigorously the Soviets continue to push their submarine programs and how well our technological and tactical advances progress.

The second aspect of the sea control problem involves the trends in our ability to defeat missile-launching aircraft. The number and quality of Soviet aircraft have remained relatively constant over the past ten years, but, as in the case of the submarine, increased missile range has permitted launches from greater distance. Today, Soviet aircraft can release a variety of missiles from beyond the reach of our shipboard antiaircraft missile systems. The best counter is often the carrier-based interceptor. While the recently deployed F-14 fighter aircraft with the new, long-range Phoenix antiaircraft missile is a major improvement, there are only 206 in the fleet today to oppose some 1,000 Soviet combat aircraft, several hundred of which are capable of carrying one or two missiles. The formidable capability of the F-14 to engage and kill several targets simultaneously is stretched very thin if the F-14s on the average carrier are required to provide a defense against attack from all points of the compass, 24 hours a day.

In summary, numbers in the air threat picture have remained comparable, while the technological improvements of the F-14/Phoenix have given the United States some measure of advantage, particularly if the direction from which the threat will come can be determined and this valuable air asset is used judiciously. Any substantial increase in numbers of Soviet aircraft capable of firing missiles, either through new production or through reassignment from other tasks, could again tip the balance in their favor.

As to countering the surface threat, both short- and long-range missiles are carried aboard Soviet ships, although two-thirds of the inventory are launchable only at short range. Surface-to-surface missiles are just becoming operational in our fleet. Our primary counters to antisurface threats are submarines, carrier aircraft and shore-based aircraft. Our nuclear-powered attack submarines are more than a match for Soviet antisubmarine capabilities, but many other missions are demanded of them. Our attack aircraft are also limited to approximately 24 per carrier, and their effectiveness against Soviet ships heavily equipped with surface-to-air missiles depends on skillful weaponeering and air tactics.

American success in encounters between surface forces will be highly dependent on the number of submarines and aircraft available, the skill of our pilots, and any help that geography can provide us in terms of having land-based aircraft within range. Our submarines and carriers can quickly stem the tide once the battle has begun if adequate numbers are available, but the Soviets' big advantage here is in their option to launch a preemptive strike. Ships of both navies regularly operate in the vicinity of one another since there are no boundaries at sea. An attack could be launched with virtually no warning from point-blank range. The timeliness and quality of intelligence estimates, and our ability to identify subtle changes in Soviet operational patterns, will determine whether or not the Soviets can successfully carry out such a preemptive strike. Present trends toward declining numbers of both submarines and carrier aircraft have to be faced in the glare of these facts.

What do all these assessments add up to for the use of our sea control forces? Essentially, the capabilities of missiles have outstripped our ability to defend against them. We are running to keep up, and depending heavily on technology and innovation rather than more ships and aircraft to keep the balance from shifting against us. For the United States, better airplanes, better sonars, and aggressive and creative tactics all count for more than a simple numbers comparison would imply. Thus the U.S. Navy can still successfully assert sea control; but in areas where the enemy can concentrate we must allocate a higher percentage of our total forces than before, almost always include an aircraft carrier, depend more and more on tactical initiative, and accept a higher risk.

What then can be said of the naval balance today? Was the position of clear superiority that we enjoyed a decade ago necessary to ensure our national safety then? Is it necessary now? As the Soviet Navy drives to close the gap, are we losing too much? Is balance—or "rough equivalency"—in effect a canceling of naval power? The answers to these questions lie in responding to the two questions asked earlier: What do we want to achieve with our naval power? And what does our present naval capability permit us to achieve?

A favorable naval balance reduces our risk in carrying out the national will. The less favorable the balance, the greater the risk. Between the two extremes there is latitude for varying acceptable degrees of naval balance. The degree of acceptability depends on judgments which transcend the power of military men, but on them hinges all the meaning in the naval balance argument. For instance, the Chief of Naval Operations recently stated that our fleets in the Pacific could hold open the sea-lanes to Hawaii and Alaska, but, by reason of shortage of sea control forces and mobile logistic support forces, we would have difficulty projecting our lines of communication into the Western Pacific. Is this realistic delimitation of

our Pacific options acceptable? If not, we have lost too much; the balance has tipped too far. There have been conflicting judgments regarding the U.S. Sixth Fleet's ability to operate in the easternmost Mediterranean in the face of a determined countereffort by the Soviets. The balance must be a very delicate one if informed professional disagreement exists, as it does. This being the case, we should be alert to any factors that would change the balance, such as Soviet access to North African air bases. A move such as this might well tip the delicate balance against the Sixth Fleet, heightening the risk. Would that be nationally acceptable? Unless comparative naval power is measured specifically against such considerations of what navies are required to do, discussions of their relative strengths are academic.

Does public discussion of this major issue—how the naval balance affects national purpose—proceed in this sober and objective way? Not exactly. Today's senior naval professional, for instance, grew up during the U.S. Navy's period of overwhelming superiority, from 1945 to 1965. The progressive decline in that superiority since 1965 has reduced the chances that he can carry out successfully the mission to which he is solemnly dedicated; the more conscientious he is, the more these trends disturb him. Civilian thinkers, in turn, are not providing the help that they could. The estrangement of much of the intellectual and academic segment of our society from the professional military over the Vietnam War has damaged the respectability of defense as a worthy area of discussion, writing and study. Détente has been misinterpreted by some as a license to drop national security issues entirely, except when pursuing the transfer of funds from defense to areas of social and economic concern. Yet, the phenomenon of détente, which has allowed us to divert attention to these pressing social needs, stemmed from the very success of our military posture. Finally, and unfortunately, a historic fixation with the number game, stemming from the naval treaties of the 1920s, mires public discussion in fruitless debate on the wrong issues. That the United States built 122 ships over 3,000 tons in the last 15 years and the U.S.S.R. only 57, as recently reported, has no meaning by itself, other than to refute another set of illogical statistics, such as was recently reported in a respected news magazine, that the Soviet Navy totals more than 3,300 ships and the U.S. Navy 478. This latter comparison requires counting every 75-foot tugboat and barge and comparing it to who knows what.

There can and should be reasonable debate on naval force structure. It should be a three-step process. Step one is to size up our naval strategic deterrent forces on the basis of what constitutes a credible deterrent, not on the basis of the size of Soviet deterrent forces. This requires military judgment relating, for example, to their survivability in the face of Soviet countermeasures, but also judgments quite outside purely military calculations; for instance, would having a hard target kill capability at sea as well as a city-destroying potential be redundant or reinforcing to a President and his Secretary of State? Moreover, the naval element is only one part of our total resources for strategic deterrence. How big a part does the nation want it to be?

Step two is to size up our several kinds of forces for the projection of power on the basis of our overseas interests and commitments. Again, the process commences with a review of nonmilitary considerations, including such questions as how much do we want to rely on the use of the bases of allies overseas. From such evaluations, and in context of the total national capability for projecting power, a calculation of the need for carrier, amphibious and gunfire forces can be made.

Step three, the one I have been emphasizing, is to assess the naval balance in the areas of naval presence and sea control, placing greater emphasis on trends: where we and both our friends and our potential enemies seem to be going. The key here is to compare like forces. This not only means eliminating strategic and power projection forces from our consideration, but also comparing a given type of force with the full range of forces that may confront it, that is, not a submarine versus a submarine, but a submarine versus aircraft, destroyers and mines as well. Complications will stem from the dual or even triple capability of some naval forces; for example, the attack aircraft from a carrier can threaten with nuclear weapons (strategic deterrence), attack land targets with conventional ordnance (power projection), and sink enemy surface ships (sea control). This sort of multiple capability vexes calculation, but at the same time sheds light on why various weapons are needed. Beyond these assessments of relative capability we must delve further to ask whether any technical, geographic or other non-naval factors offset numerical force trends. The inaccessibility of classified data, the level of technological expertise, and the extent of experience at sea—which enter all such evaluations—will directly influence the quality of civilian judgment. But, we live in an open society. The press probes. Congress investigates. Searching questions are good, if not always comfortable, for the soul. Such dialogue works in its abrasive way. Professional opinion is pressed hard on the technical military issues; civilian opinion has to think hard on matters of national policy; and from this interaction arises the consensus essential to the support of whatever level of naval forces is selected.

The decisions of today in matters of naval hardware will not take effect for four to ten years, and will shape our naval posture for several decades thereafter. The same is true for the Soviets. Thus if we elect to move in one direction and they in another, it could result in a dramatic difference in a decade or so. On the one hand, we could fall hopelessly behind; on the other, we could strike out in some new direction and be way ahead as a result. Our decisions on whether to maintain a balance, to what degree, and in what missions, must gauge the long-range trends.

Focus on trends rather than statistics will make the dialogue on the naval balance more substantial and productive. A miscalculation, especially in the area of sea control, could bring serious consequences. Our survival and that of our allies in war depend on the vital sea links between us, and these are ensured largely by our naval power.

The perception by allies, neutrals and opponents of our will and capacity to control those sea-lanes, if necessary, can tip the scales of political actions in peacetime. Assessing the naval balance in sound terms thus directly touches our nation's safety. A sensible approach will be to ask not, "Who is ahead?" but to determine whether our naval forces in hand, considering the other forces on the planet, can carry out our national purpose—which is principally to keep the peace if we can, and if we cannot, to protect ourselves from storms, and to help our friends to protect themselves.

This age of supertechnology may one day make all preparation for warfare utterly obsolete. Some thinkers would have us concede that it already has. But while the Soviet Union, a latecomer as a sea power on the world stage, exhibits many traits of nineteenth-century imperialism exercised with all the resources of supertechnology, the U.S. Navy has a mission; and it would behoove all the nation's best minds to help us define it and carry it out.

LITHUANIA—PAST AND PRESENT

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVE

Wednesday, June 15, 1977

Mr. KOSTMAYER. Mr. Speaker, today is the 37th anniversary of Russia's military occupation and forceable incorporation of Lithuania into the Soviet Union. Since that sad occasion, the people of Lithuania have suffered political repression, religious persecution, cultural annihilation, and the denial of basic human rights. At this time we should recommit ourselves to the people of Lithuania in their struggle to be free.

Russia dominated Lithuania from 1795 to 1915, and that period was followed by German occupation during World War I. Lithuania's history is not entirely one of subservience, though. At one time this nation was independent. Known to history since 1009, Lithuania is recognized as having been more humane than its neighboring countries. They put heavy emphasis on education, and on toleration of different views. But after the czarist annexation in 1795, the government began a policy of trying to replace the Lithuanian culture and language with Russia's. The Lithuanians waged a constant battle, however, to throw off the shackles of Russian domination. The czarist policy ended in 1905, a dismal failure.

On February 16, 1918, Lithuania declared independence, and later signed a peace treaty with Russia in 1920. Included in that treaty was the "right to self-determination, including the right to full succession—recognizing the sovereignty and independence of Lithuania." Subsequently this East European champion of freedom prospered for a short time, but unfortunately, it was one of the first to feel the brutality of both Hitler and Stalin.

On June 15, 1940, the U.S.S.R. occupied Lithuania. In July, a fradulent election established a Congress which "requested" incorporation into the Soviet Union. Eventually, 300,000 Lithuanians were deported to Siberian forced-labor camps. In protest, the United States has never recognized the Soviet incorporation of Lithuania.

Lithuanians have lived in constant disapproval of Russian imperialism. In 1958, the Lithuanian World Congress, meeting under the auspices of the American Lithuanian Community, adopted a resolution declaring that Lithuania should "continue fiercely resisting the alien rule" of the U.S.S.R., and in addition denying forever Lithuanian acceptance of "Soviet slavery." In conclusion the resolution calls on free nations to reaffirm Lithuanian rights to "* * * national independence and individual freedom."

Lithuanians did not stop their fight in 1958. Their dissatisfaction reached a tragic peak in 1972, when Romas Kal-

anta immolated himself as a martyr in protest to Soviet oppression.

Mr. Speaker, in our continuing negotiations with the U.S.S.R., we must not forget that there are Eastern European countries under Soviet control that are being denied their precious right to freedom. I deplore the fact that the Soviets have ignored the human rights provisions in its own constitution, the U.N. Charter, and the Final Act of Helsinki. So on this solemn anniversary, I call upon our country not just to remember Lithuania, but also to support the cause of Lithuanians throughout the world as they rededicate themselves to their struggle for independence.

CRISIS IN AGRICULTURE—REPORT FROM NEW MEXICO NO. 3

HON. HARRISON "JACK" SCHMITT

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Thursday, June 16, 1977

Mr. SCHMITT. Mr. President, the farming community, which we have so long viewed as a prime example of our Nation's foundation of hard work and reward, has been forced to bear a major burden of Government over-intervention. Ill-timed and inappropriate interference by the Federal Government has created an agricultural world where good weather, hard work, and bumper crops are to be feared rather than celebrated.

The scope of our agricultural dilemma was clearly apparent as I toured the east central counties of New Mexico during the third recess. Guadalupe, Quay, Curry, Roosevelt, and Torrance Counties include a wide spectrum of dry-land, irrigated, and range-land agricultural opportunities. However, the farmers and ranchers and their associated communities are gradually being destroyed by Federal farm policy. With the Government's attempts to substitute distant bureaucratic judgment for the realities of nature and the marketplace, most of these New Mexico farmers and ranchers are broke or are going broke.

Even though the drought may have lessened in these areas, the farmer's financial situation gets worse through no fault of his own. With the Government's attempts to protect farming and ranching from financial lows, it has removed the compensating highs as well as the ability to make up costs. In addition, as inflation and pass-through taxes drive up costs, the farmer or rancher receives at best only about 25 percent of any increased price paid by the consumer for food or fiber. The often maligned "middle-man" gets the lion's share of these price increases. About half of the total retail cost of agricultural products is taxes that have been passed on along the way to the store.

What has happened to create a situation where the better the crop, the higher the financial losses? What has happened to create a situation where farmers cannot survive in the greatest agricultural nation on Earth?

The answer to both questions is the same. The Federal Government has destroyed the ability of farmers to react to supply and demand pressures, and to market or not to market their productive capacity in the world as a whole. At the present time, the farmers and ranchers are on a treadmill of overproduction and underselling encouraged by Federal policy and legislation.

The solution to this agricultural dilemma has two facets. In the long-term we must learn again how to trade food and fiber competitively in the world markets. In both the short- and the long-term we must cut costs, stabilize production, and assist the agricultural community to survive until new, permanent, and expanding markets are created.

THE LONG TERM

The world is starving. The people in developing countries that need food most, know the least about producing it. However, those countries could purchase food through the sale of their resources. Our task is to develop markets for food and fiber in such countries while helping them to develop the ability to pay realistic prices.

Other countries such as the Soviet Union and the People's Republic of China, present a more complex marketing problem. Not only must we obtain a fair market price for our sales of food and fiber, but we must insist on reduction in their domestic military expenditures and foreign political subversion.

Economic interdependence through trade in agricultural and natural resources is a realistic foundation on which we can stabilize relations between nations.

THE SHORT TERM

The short-term challenge for agriculture is to stabilize, improve, and preserve the entire industry until the distortions produced by excessive Federal interference can be removed. This challenge will require significant activities in four major areas: water supply, land management, general, research, and financial assistance.

WATER SUPPLY

The immediate future of New Mexico's agricultural industry, and that of most of the Southwest, depends on the more efficient use of available water. A detailed assessment of existing water supplies and further development of run-off recovery, artificial subirrigation, and indefinite withdrawal of marginally productive land will help achieve this goal.

Equally important will be improved climate forecasting. With such improved forecasting, it seems possible to accurately predict multiyear periods of drought and rain. In relation to this, it will be important to encourage better management of dry land farms, including techniques of stubble mulching and land terracing.

New Mexico, as well as other Southwestern States, has the potential of producing interim supplies of agricultural water from the purification of salty waters trapped in various special geologic reservoirs. As the cost of purification is driven downward through research and the use of waste heat from energy production, these saline water resources—possibly 20 billion acre-feet in New Mexico alone—can free existing surface and ground water for other purposes.

In the final analysis, however, the future of "high plains" irrigated agriculture will depend on the development of economical sources of "imported" water. Continued studies and technological research into the economic feasibility of major water redistribution projects will be a necessary part of future Federal activity in agriculture.

LAND MANAGEMENT

In addition to the land management implication of more efficient use of water and the use of multiyear climate forecasting, there are major reforms required in Federal land management programs. One of the major cost items faced by farmers and ranchers is associated with the Bureau of Land Management and the Environmental Protection Agency's unnecessary regulations. Ranchers and farmers know more about protecting and managing land than do bureaucrats in Washington. Putting the results of Federal and State agricultural research in the hands of ranchers and farmers, with the Government as servant rather than master, is the best insurance against bad land management.

GENERAL RESEARCH

The land grant college system and its foundation of regionally oriented agricultural research still provides the base for low cost and highly productive agriculture. Through the Agricultural Extension Service and other public and private groups, the dissemination of the results of this research rapidly decreases production costs and improves products.

In addition to water and land management research, New Mexico and adjoining States can profit greatly through Federal and State activity in the following areas: pest and drought resistant crops and livestock; livestock with higher yield and improved reproduction rates; vine, terpentine and other weed irradication; range caterpillar control and irradication; salt resistant crops; and solar energy irrigation and processing technology.

FINANCIAL ASSISTANCE

The continued necessity for various forms of financial assistance in our distorted agricultural economy is obvious. However, it is critical to view these assistance programs only as interim measures which will preserve the industry until new markets, better prices, and lower production costs permit a return to free market economics.

In cases where financial assistance is necessary, such as Farmers Home Administration and Federal Housing Administration loans, emergency loans, and so forth, there must be a marked decrease in redtape and an increase in consistency from region to region.

ECONOMIC POLICY

One of the major reasons that farm and ranch production costs are generally below market prices is the ever-present inflation. The burdens of inflation are unequal and unrelenting. The producer sees all the effects of inflation in his costs, but only a fraction of inflation in the

price he receives for his product. The "middleman" and the Government get the rest.

The primary trigger for continued inflation is the annual Federal deficit. Agriculture, more than any other sector of the economy, has a major stake in the Federal Government's goal of a balanced budget and sound fiscal policies.

ENERGY POLICY

Agriculture's future, like that of the Nation, will be determined by the energy policy of this country. In the long-term, "energy crops" will not only be a possible source for alternative fuel and power, but may begin to offer another solution to the problems of over-production of food and fiber and low incomes or the farmer. The balancing of the use of land between energy crops and traditional agricultural crops will be a future issue of great importance.

Marginal agricultural lands may also become the most important resource we have for the gathering of sunlight by artificial means rather than by crops. Electrical power produced by these "solar farms" can provide a major weapon as we work toward victory in the war against future energy shortages.

In the near-term, the costs of agricultural production will reflect energy costs as such costs affect transportation, cultivation, fertilizer, weed and pest control, processing, and irrigation. Agriculture's interest in greatly increased new oil and gas production to insure supply and reduce costs is as great as its interest in reducing waste of existing supplies of oil and gas.

CONCLUSION

This summary of agricultural problems and potentials is biased toward the characteristics of the high plains—"Llano Estacado"—of New Mexico, Texas, Oklahoma, and Colorado. However, the Nation is in many respects as dependent as is this region upon a greatly improved agricultural economy.

In the long-term production must be brought in line with available markets.

In the near-term, production costs must be reduced as much as possible and financial assistance must be available so that the agricultural industry can survive until free market forces can be restored.

One of our biggest challenges is to preserve the small- to medium-sized farming and ranching operation and the small business and labor community that supports them.

Individual freedom and initiative reach deep into the soil of agriculture. We have no choice but to insure their roots are healthy and permanent.

NATIONAL CROSS-EXAMINATION CHAMPIONS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. CORMAN. Mr. Speaker, I am very proud to pay tribute to the debating team at California State University, Northridge, which recently finished its 1976–77 season as the national cross-examination champion.

The Northridge debaters were consistent leaders throughout the debating season due to their hard work, perseverance, and year-long determination. Dr. Raymond Zeuscher and head coach Robin Boyes guided the team to an outstanding season and the first national forensic championship for the school. The teams high standing certainly reflects the guidance and counsel of these two educators and indicates that the Matador Debaters can intellectually compete with any forensic team in the Nation.

CSUN is a source of great pride and accomplishment as it continually strives for educational excellence. We salute the fine accomplishments of Ron Runyon, Vickie Samules, Michael Wilson, Pam Smith, Mary Rawn, Ken Myer, Richard Simon, Shelley Clark, and Lynn Grizzard who have worked diligently for this honor. I congratulate the team and its fine coaching staff and look forward to another successful debating season next year.

TVA INJURES AMERICAN STEEL INDUSTRY AND WORKERS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. SHUSTER. Mr. Speaker, the American steel industry is a critical spoke in our national economy; many use it as a barometer of our country's economic health. Presidents have been known to intervene personally to prevent this important industry from shutting down.

Now it appears that an offspring of the Federal Government may contribute to its decline. The Tennessee Valley Authority proposes to purchase 10,000 tons of carbon steel for its nuclear power station in Mississippi, and the low bidder was a Japanese firm. I am deeply concerned that awarding this important contract to the Japanese could seriously jeopardize the American steel industry and thus our entire national economy.

Mr. Speaker, we have already helplessly witnessed a number of American industries wither and die at the hands of cheap Japanese imports. At congressional urging, the White House has stepped in, in an attempt to prevent this from happening to the electronics industry. But the steel industry, so critical to our national defense, may be the next victim unless we take action now to prevent it.

The American steel plate producers have the capability to furnish this product for TVA, but cannot effectively compete with Japanese industry which is highly subsidized by the Japanese Government. We cannot stand idly by and allow more dollars to flow out of our country and permit the deterioration of the American steel industry. We must take measures to protect this vital industry, millions of American steelworkers, and thus our way of life.

NEW SUGAR SUBSTITUTES?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. WHITEHURST. Mr. Speaker, like many of my colleagues and large numbers of our constituents, I have been concerned over the FDA's proposal to ban saccharin and the fact that the possible long-term effects of having to do without a sugar substitute might be even worse than the possible cancer-causing properties of saccharin.

For this reason, in April I asked the FDA for a progress report on the development of new sugar substitutes, and I have now received a reply, which I am sure those who read it will find interesting. I am pleased to insert it in the RECORD at this point, in order to make the information available to as many people as possible.

DEPARTMENT OF HEW, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION,
Rockville, Md., June 14, 1977.

Hon. G. WILLIAM WHITEHURST,
House of Representatives,
Washington, D.C.

DEAR MR. WHITEHURST: This is in further reply to your letters of April 1, 1977, and April 4, 1977, for a progress report on this Agency's research involving various sugar substitutes.

We wish to point out that the Food and Drug Administration (FDA) is not involved in doing research on sugar substitutes, but rather is reviewing or considering various food additive petitions submitted by various private companies. These firms are responsible for submitting information to support use of the sugar substitutes for the various food uses intended. Below we summarize the status of petitions for the various substances submitted to this Agency and which are still under some consideration.

NEOHESPERIDIN DIHYDROCHALCONE

Neohesperidin dihydrochalcone (Neo DHC) is a low-calorie synthetic sweetener derived from a natural substance found in grapefruit peel called naringin. It is reportedly about 1000 times as sweet as sugar. The sweetener is being developed by the U.S. Department of Agriculture. Two firms, Nutrilite Products, Inc., Lakeview, California, and California Aromatics and Flavors, Inc., a division of Research Organic/Inorganic Corporation, Belleville, New Jersey, have submitted petitions to the Agency.

The Nutrilite Products, Inc., petition proposes the use of Neo DHC as a sweetening agent and flavor enhancer in chewing gum, mouthwash, and toothpaste. This petition was received by the FDA on August 26, 1975. The firm was aware that more toxicology data were needed to support their petition. A letter was sent to the firm on May 18, 1976, requesting additional chemistry and technology data. No reply has been received from the petitioner, therefore at this time, the petition is considered inactive.

A petition received from California Aromatics and Flavors, Inc., on March 18, 1977, requested use of the compound in foods as a naturally derived sweetener. However, at a subsequent conference, held on April 5, 1977, representatives of the firm indicated that they were interested in having the compound regulated for use in chewing gum, mouthwash, toothpaste, cosmetics, drugs, and as a table-top sweetener which would be formulated with sucrose and/or another nutritive sweetener. At that conference, the

firm was also made aware of additional data which were required to support the toxicology, chemical, and technological aspects of the petition.

CYCLAMATE

In the Federal Register of October 4, 1976, FDA denied Abbott Laboratories' petition which requested the use of cyclamate as a sweetening agent in food and for technological purposes in food other than calorie reduction. The denial was based on lack of evidence that cyclamate is safe for the proposed uses. Objections to the order and requests for a formal public evidentiary hearing were filed by Calorie Control Council and the petitioner.

The Commissioner of FDA determined that the objectors had adequately demonstrated that they will be adversely affected by the order and, therefore, published a notice of hearing in the Federal Register of March 4, 1977. A prehearing conference was held on April 20, 1977.

At the prehearing conference, a schedule of specific dates was established with June 22, 1977, as the date for written testimony of witnesses to be submitted, and July 13, 1977, as the date to begin oral testimony. At the prehearing conference, the issues to be debated at the hearing were also agreed upon. The issues are whether cyclamate or its derivatives can cause cancer or genetic defects; and if these issues are resolved what would be the acceptable daily intake level, and whether a safe level of use for the additive can be established.

MIRALIN

The sweetener, miralin, made from berries of the miracle fruit tree, is a low-calorie protein that, when eaten prior to eating other foods, makes most sour food taste sweet. Miracle fruit berries are reported to have been in use in West Africa for hundreds of years.

The Miralin Corporation submitted a petition in 1973 to have miracle fruit and its concentrates and extracts considered as "Generally Recognized as Safe" (GRAS) for use in chewing gum, candies, dessert puddings, and fruit-flavored drink mixes.

Following careful review of all data submitted by the firm and other available information, FDA scientists concluded that they could not assure the safety of either general or limited use of miracle fruit and its products in foods.

The FDA decision was published in the *Federal Register* of May 24, 1977.

ASPARTAME

A petition proposing the use of aspartame as a food additive was received from the G. D. Searle and Company on February 12, 1973. Although the petition was regulated on July 24, 1974, to permit limited use of aspartame in foods and beverages, the preliminary results of an Agency audit of the records of some of the animal studies presented by the petitioner, raised questions about the authenticity of the data which had been used to establish the safety of the additive. The questions were serious enough that an order announcing a stay of effectiveness of the aspartame regulation was published in the *Federal Register* of December 5, 1975.

The Agency's efforts to determine whether or not the data are authentic are continuing. We are unable to determine the amount of time required to complete this task.

XYLITOL

Xylitol can be identified as the pentahydroxy polyol obtained by the reduction of xylose from the polysaccharide xylan (wood gum) derived from wood, straw, oat hulls, etc. It is a white crystalline powder with a sweet taste and caloric content equal to that of sucrose.

Section 172.395 *Xylitol* (21 CFR 172.395) (formerly § 121.1114), of the food additive regulations, currently provides for the use of xylitol in foods for special dietary uses. In the *Federal Register* of October 20, 1971, the FDA proposed to amend the regulations by revoking § 172.395. The proposal issued as a result of reports in scientific literature and other available information which indicated that adverse effects were found in cases following intravenous administration of xylitol to humans. Although it was recognized that the effects of intravenous infusion cannot be directly correlated with the effects of orally administered compounds, the data were sufficient to conclude that unlimited use of xylitol in special dietary foods might no longer be warranted. It was also reported that xylitol was not being used in food products marketed in the United States.

Comments were received in response to the proposal expressing interest in the use of xylitol, and data were submitted in an effort to show safety. We are currently evaluating data relative to completing action on the outstanding proposal.

We hope this information is helpful to you. If we can be of further assistance, please let us know.

Sincerely yours,

ROBERT C. WETHERELL, Jr.,
Director, Office of Legislative Services.

NATIONAL STUDENT ADVERTISING COMPETITION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. MINETA. Mr. Speaker, it is with a real sense of pride that I call to the attention of my colleagues in the House of Representatives the first place award earned by 11 creative and enterprising students of San Jose State University who competed in the American Advertising Federation's fifth national student advertising competition.

Each year, the American Advertising Federation invites students from colleges and universities throughout the United States to participate in this competition, which this year opened the first day of the AAF's annual convention and public affairs conference held in Washington, D.C., June 11–15. Sponsored by Frito-Lay, Inc., in coordination with the Advertising Federation, the competition included teams from 50 States.

In their efforts to reach the finals, the team from San Jose State, guided by their competent adviser and class instructer, Mr. Dennis Martin, competed with other local teams as well as with teams throughout a broader district area which included Fresno, Sacramento, and San Francisco, Calif. On June 11, 14 district-winning teams competed with one another by presenting complete advertising campaigns for Frito-Lay's Rold Gold pretzels, a product which Frito-Lay plans to advertise and market in the near future. Calling their advertising firm "Gabardine, Herringbone, and Tweed," the team spent months researching the product and its marketability. They then developed a marketing and promotional plan, estimating the budgetary costs, and creating advertising strategy. Their campaign presentation, all of which was developed and paid for by the 11-member group, was so well received, that the 5 students who made the oral presentation have been invited to attend a workshop scheduled in August by Advertising Age, the most prominent publication of the advertising industry. As the guests of Crane Communications, who will assume the costs of their trip, they will be the only students to present an ad campaign at this workshop, where the other participants will be top advertising professionals.

Mr. Speaker, I am proud to acknowledge the achievement of these young men and women, each of whom assumed a particular role and responsibility within the advertising team: J. Arthur Renaud, marketing director; Jerry May, media director; Lori Runge, sales promotion; Denise Collins, production manager; Holly Bourne, creative director; Enn Purdmaa, copy chief and editor; Kathleen Saunders, market research director; Marna Levin, art director; Marc Shur, art director; Wade Goertz, media executive; Robert Weber, marketing executive.

I am certain that my colleagues in the House of Representatives will join the residents of the 13th Congressional District and me in congratulating the San Jose State University advertising team for this outstanding achievement.

GLORIA J. BATTISTI

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Ms. OAKAR. Mr. Speaker, on June 17, the students and friends of Gloria J. Battisti, chairman of the sociology department of Notre Dame College in Cleveland, and director of the college's law enforcement education program, will be holding a dinner to honor her upon her retirement. The affection and gratitude they have for her is without limit, and I join with them in paying tribute to her for all she has done, not only for her many students, but for our community as a whole.

As director of Notre Dame's law enforcement education program since 1970, she has supervised the instruction of over 100 men and women who are officials of the criminal justice and corrections systems of the Cleveland area. Policemen, county sheriffs, probation officers, and bailiffs, among others, have studied under and benefited by this program, and 24 have graduated with an associate's or a bachelor's degree in the field of criminal justice.

Her appointment as director of LEEP was the culmination of a distinguished career in the fields of criminal justice, corrections, and community service. Beginning as a caseworker in the Catholic Youth Service Bureau in Cleveland in 1949, she rose to become supervisor of casework, first for the bureau, and then for the Cleveland House of Corrections.

In the years since then, her service to the community has been far reaching and extensive. For 5 years, she was vice chairman of the Ohio Pardon and Parole

Commission. She has served as vice chairman, and then chairman of the Ohio Committee on Crime and Delinquency. Her service has also included president of the board of trustees of the Federation of Catholic Community Services in Cleveland; member of the board of trustees of the National Council on Crime and Delinquency; member of the Governor's task force on corrections; and delegate to the 1970 White House Conference on Youth.

In every task she has undertaken, Gloria Battisti has brought tremendous enthusiasm, and an uncompromising desire for excellence. She may be retiring now, but the good work she has set in motion—including, most specifically, her efforts in behalf of her students at Notre Dame—will leave its mark for years and years to come. Thus I join her students in honoring her for all she has done, and for serving as a model of concerned, intelligent involvement in community affairs.

ONE-LEGGED PLAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. TEAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the editorial from the Dallas Morning News of June 11 entitled "One-Legged Plan" having to do with the President's energy proposals:

ONE-LEGGED PLAN

Less than two months has passed since President Carter offered his energy plan, and, lo, already the plan is unraveling at the seams.

The House Ways and Means Committee has squashed the standby gasoline tax; it has rejected the rebate for buying "fuel-efficient" automobiles; it has watered down the tax on so-called gas guzzlers. All, in fact, that the committee managed to do this week by way of promoting "conservation" was vote to outlaw the income tax deduction for gasoline taxes—an essentially demagogic move, predicated on the false assumption that most people who claim the deduction are rich.

There are, to be sure, still other conservation measures to be considered, but the sternest are going down to dusty death. That leaves for us to hurdle the energy crisis—well, what does it leave?

Not much of anything is the regrettable answer. The Carter energy plan is, in its essence, a conservation plan. Its proposals for increasing production of oil and natural gas are few, grudging and mostly fraudulent.

The Carter energy advisers plainly assume that there is not much oil and gas left to be found and that, therefore, we had better husband all we have. They are the "doomsayers" of whom Frank N. Ikard, president of the American Petroleum Institute, spoke the other day. "They have no confidence," lamented Ikard, "in (private enterprise's) ability to come up with solutions as problems arise—in energy as well as other matters."

But conservation—at least the administration's brand of conservation—is being resisted. Something else must take its place.

That something, as we have maintained in season and out, is production. Production is in truth the key to the energy crisis. As Ikard notes, the United States has at least 800 trillion cubic feet of economically recoverable natural gas.

The problem is affording the economic incentive to discover and produce it.

That is where the House energy and power subcommittee comes in. The subcommittee, to its honor and glory, voted 12 to 10 last Thursday to deregulate the price of new onshore natural gas. It would let the marketplace, not Washington bureaucrats, determine what is the fair price of gas. Under such conditions, there would be ample incentive to explore.

Granted, the full Commerce Committee may look less kindly on deregulation, for it is even more popular to oppose "windfall profits" than to fight standby gasoline taxes. But the subcommittee points us in the right direction, the free market direction.

Not just for natural gas, of course, should there be a free market but also for crude oil. Ikard claims that 150 billion barrels of oil are economically recoverable. We should give oilmen the incentive to find this, too.

Far from opposing we support conservation—conservation, that is, based on individual consumer decisions to conserve. But there must also be production, else the energy program stands not on two legs but on one, and that one more debilitated with each passing day. The voice of the energy and power subcommittee, crying out for deregulation, is a resonant one; let us hope it does not cry in the wilderness.

DOUBLE STANDARD DIPLOMACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. DERWINSKI. Mr. Speaker, I direct the attention of the Members to an editorial appearing in yesterday's Boston Herald American, which was carried in the Hearst Newspapers across the country.

The issue which the editorial discusses is one of freedom of speech and press. The editorial properly raises the subject of whether or not the administration is practicing a double standard of diplomacy. The editorial follows:

DOUBLE STANDARD DIPLOMACY

Among human rights, the promotion of which is professed to be paramount in the Carter Administration foreign policy, is the right of access to information—a right supposedly assured in the United States by the first amendment guarantee of a free press.

Under this concept, which is basic for a truly free society, countless foreign causes routinely issue leaflets, magazines and books in this country which advance everything from overthrow of the Puerto Rican government to the notion of a superior way of life in the Soviet Union.

The publications come from an endless variety of sources. Almost anything goes—the effusions of private crusaders for such causes as French separation in Canada, every kind of Communist-front propaganda, all sorts of official foreign material and pronouncements, even releases from the Palestine Liberation Organization "Information Office" in New York.

Given this background, it becomes difficult indeed to justify the Carter Administration vote for a little-publicized action by the United Nations Security Council when, on May 27, it outlawed the spending of funds by Rhodesia in any UN member country to argue its case.

This crusade, lynch-party resolution, through the affirmative U.S. vote, has resulted in a State Department order closing down the 13-year-old Rhodesian Information Office in Washington—that government's only official spokesman in this country.

According to a top State Department official, the U.S. vote in the Security Council action was part of the Administration's foreign policy aimed at accelerating the process toward majority rule in Southern Africa—an aim whose rationale is beside the point here.

The point is that, contrary to every concept of America's free press tradition, a government far less menacing to our national interests than Soviet Russia or Cuba has effectively been throttled in the presentation of its position to the U.S. public.

This involves a matter of deep principle, not to mention a curious kind of double standard diplomacy. It is a definite weakening of U.S. press freedom, and a wild confusion of values, which can gag one troubled nation in the name of human rights while permitting the distinctly dangerous subversive propaganda and even espionage activities of total dictatorships, to say nothing of any press release handed out by countries who participate in international terrorism.

CLINCH RIVER BREEDER, JUNE 17, 1977

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. OTTINGER. Mr. Speaker, on June 13, 1977, the Science and Technology Committee of the House of Representatives unfortunately restored $150 million to the energy research budget for the Clinch River nuclear breeder reactor.

I consider the action to be extremely unwise and expensive. Construction of the breeder reactor would multiply the perils of nuclear proliferation and increase the risk that the resulting plutonium could be stolen and used by irresponsible people in disastrous ways.

"The Nuclear Breeder Still Breathes," an editorial in the New York Times of June 16, 1977, summarizes my views on this subject. I request that it be made part of the RECORD:

THE NUCLEAR BREEDER STILL BREATHES

We thought the Clinch River nuclear breeder reactor in Tennessee was safely dead when President Carter announced his opposition last March. Now, due to aggressive lobbying by the nuclear power industry and its union allies, Clinch River appears to be coming alive again. The House Science and Technology Committee restored $150 million to the energy research budget this week to begin its construction. A close vote is expected when the bill reaches the House floor.

Clinch River was originally envisioned as a crucial response to the energy crisis. Like other nuclear reactors, it is designed to transform nuclear energy into electricity. But there is one big difference: Unlike conventional reactors, Clinch River would "breed" additional nuclear fuel from the atomic waste material it created. These wastes could then be reprocessed into plutonium, and reinserted into power reactors, beginning the cycle anew.

In theory, breeder reactors could greatly stretch the world's supply of nuclear fuel. It is unclear, so far, whether we shall ever be

able to afford to have fuel in that way. Uranium, the conventional nuclear fuel—and for that matter, conventional fossil fuels—are available in great quantities, at high cost. Breeders would save us the trouble of looking and mining, but the costs of building the reactors and reprocessing plants seem destined to exceed the cost of providing alternate fuels.

Even if breeders were clearly economic, they pose a considerable threat to international security. Plutonium, unlike uranium reactor fuel, can be used to make nuclear bombs. Anyone with a breeder reactor and a reprocessing facility, or merely the ingenuity to steal plutonium, could produce nuclear weapons. It has thus become a major goal of Administration policy to halt the diffusion of breeder technology.

The nuclear industry argues that the commercial promise of breeders is not yet widely understood and needs to be demonstrated. It argues also that the limits on supplies of uranium and fossil fuels and the competition of other industrial nations make it foolish to foreclose a promising technology. Unless Clinch River is built now, it is said, we shall lack the skill to build a breeder when we need it. The industry discounts the concern about the proliferation of weapons; the nuclear genie is already out of the bottle, it says, and other countries will build and sell breeder reactors even if we don't.

President Carter seems to us to have the better side of this argument:

Construction of the Clinch River plant would have little effect on our ability to build breeder reactors a decade from now, if they are needed. It is only a demonstration project applying a relatively primitive technology. Research on more advanced types is scheduled to continue, with or without Clinch River; the Administration budget allocates more than $300 million for that effort in 1978.

Other nations are not yet fully committed to the development of breeder power. The Soviet Union and France are moving forward, but other potential builders, including West Germany, Japan and Britain, can still be influenced by American policy and example. If the United States invests hundreds of millions in a demonstration breeder, others will surely proceed with competing projects. If the United States holds back, and makes it clear that it will not provide reprocessing services or technology to others, there remains a chance that the spread of the breeder will be significantly delayed.

In short, Clinch River is an unnecessary project combining poor economics, bad foreign policy and unneeded technology.

WHY BEFRIEND CASTRO?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. ASHBROOK. Mr. Speaker, President Carter recently stated that "full friendship" between the United States and Cuba is the goal of his administration. In moving toward that goal the United States has agreed to exchange diplomats with Cuba for the first time in 16 years.

I am strongly opposed to normalizing relations with Castro's Cuba. Under Castro's direction, Cuban troops are the errand boys for Soviet expansionism in Africa. Closer to home, Castro is promoting revolution and terrorism in the Western Hemisphere, including the Central American Republics.

Nationally syndicated columnist, Charles Bartlett, has advised that Carter should have second thoughts about drawing into closer dealings with Castro. He warns that although Castro's troops are in Africa, "his heart is in the export of trouble" to the Caribbean islands and the Central American Republics. And, according to Mr. Bartlett:

Carter is confusing these neighbors by drawing into closer dealings with the Cuban dictator while he seems bent on defying conditions earlier set for an improvement in relations.

Columnist John P. Roche has written:

What's the rush for normalization. . . . We need normalization with Cuba like a wooden nutmeg. The best estimates are that supporting Cuba is costing our "potential adversaries" in Moscow about $5 million a day.

I urge President Carter to reconsider his decision to establish a closer relationship with Castro. I also urge the House to remain firm in its opposition to trade or aid for Cuba and Vietnam.

Following is the text of the editorial by Mr. Bartlett which appeared in the May 27 Washington Star:

THINK AGAIN ABOUT CASTRO

(By Charles Bartlett)

News from Ethiopia that Fidel Castro is back at work as the cutting edge of the Soviet penetration of Africa should add some starch to the Carter policy toward Cuba.

To date the policy has been shapeless, largely because of Jimmy Carter's need to reconcile the factions of his party. But his ambiguity is unsettling places which gird the American underbelly. The Caribbean islands, bristling with racism, could explode like a string of firecrackers and the Central American republics are being pulled off balance by their tensions.

Castro's troops are in Africa, but his heart is in the export of trouble to these places. Carter is confusing these neighbors by drawing into closer dealings with the Cuban dictator while he seems bent on defying conditions earlier set for an improvement of relations.

For example, last week the President revealed to some visiting editors that he expects to exchange diplomatic observers with Havana as a new step toward closer dealings. This was a highly premature disclosure because the deal has not been made, and it signaled an eagerness on Carter's part which Castro's words and actions have not so far justified.

These underbelly neighbors have suffered through a three-year hiatus of firm leadership from Washington on the Castro problem. Signs that this country was tending to run before the wind of leftist propaganda have left the neighbors more vulnerable to guerrilla penetrations and less certain that a realistic future does not lie in emulating the Jamaican government's embrace of Castro and socialism.

The foreign minister of El Salvador has just been kidnaped and killed. Salvadoreans heard Radio Havana announce the man's death 12 hours before he was executed.

President Oduber of Costa Rica reports his discovery that subversive groups have just smuggled 200 machineguns into his country. Terrorists once convicted of attempting to kidnap the Nicaraguan ambassador to the United States fled to Cuba after they were released from jail. They are now reported back in Nicaragua, trained and ready for subversive action.

The rationale for attempting to improve U.S. relations with the Castro regime is reasonable. The idea is to supplant the Russians, who have attained limited popularity in Havana after extending loans and assistance worth more than $8 billion. The theory is that if this country helps Castro achieve more economic independence, he will focus more on internal development and less on trouble-making.

But the last American ambassador who dealt with the Cuban regime, Philip Bonsal, predicted flatly, "There will be no resumption of relations between Cuba and the United States so long as Castro is in power."

Bonsal's notion that Castro is totally committed to conflict with his big neighbor is discounted by American liberals who chat cozily with him in Hanava. They point to his ragged economic situation as a reality which gives substance to his conciliatory tones.

But there is nothing conciliatory in his public attitudes, in the interviews and speeches which are reported around the world. His constant assaults on this country's "bourgeois inhumanity" and "imperialist aggressions" hint strongly that he sees his place in history as a crusader against capitalism, not as a prudent leader who compromised with the capitalists to save his own economy.

Relations are actually at an impasse. Castro vows that he will stay involved in liberation movements. There is no apparent inclination in the U.S. House of Representatives to lift the blockade against Cuba. Carter is standing with the liberals but doing little to buck the stand being taken by those who want no change in the status quo.

This adds up to an illusive administration policy, not to the firm kind of leadership that is urgently needed by neighobrs in the soft underbelly. A wishy-washy American policy will not help these countries protect themselves against Castro-inspired penetrations.

CAMPBELL W. ELLIOTT: BUILDER OF CLEVELAND

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Ms. OAKAR. Mr. Speaker, I rise to honor a great Clevelander, Campbell W. Elliott, who is this month retiring as president of the Greater Cleveland Growth Association after more than 4 years of service in that position. Next Tuesday, Greater Clevelanders will honor Cam Elliott at a special luncheon, but I would now like to recognize and give to him my personal thanks for all he has done for the Cleveland area during his distinguished career.

In April 1973 Mr. Elliott resigned as president of the American Ship Building Co. in Cleveland to become president of the Growth Association. He brought to the Growth Association years of experience in key executive positions in business. A Clevelander since May 1956, when he became a vice president of the Midland Ross Corp., his deep involvement in community affairs marked him as an excellent choice to head the Growth Association. Among the organizations he has devoted his time and energy to are the Catholic Charities Corp., Cleveland Playhouse, Marymount

Hospital, United Torch Services, and John Carroll University.

Thus when Cam Elliott became president of the Growth Association, we in Cleveland knew we had a vigorous spokesman and organizer for our city, and when we review his accomplishments, Cam Elliott has exceeded our highest expectations. It would be impossible to list all the good things for Cleveland in which he has a hand, but I would like to mention some of the projects in which the efforts of Cam Elliott and the Growth Association no doubt made the difference between success and failure.

First and foremost, we now have in Cleveland a regional transit authority which, several years ago, replaced a highly fragmented group of bus and rail systems. RTA is now well on its way to offering Greater Clevelanders the best possible transportation at the lowest possible price and a model for successful mass transit. Ground now has been broken for a new State office building in Cleveland, which will provide thousands of jobs and better State services for Clevelanders. After several years of being off the intercity system, Cleveland is now served by Amtrak passenger trains which link it to Chicago, New York, and the rest of the country.

All of these accomplishments, and many more like them, were made possible by the kind of "can-do" confidence that Cam Elliott brought to his job. No matter what the undertaking, he has always had unshakeable confidence in the ability of Cleveland to succeed and to grow. The combination in Cam Elliott of this positive attitude with his seemingly indefatigable capacity for hard work is what has made him such an asset to the Cleveland area.

So, again, I join with all Clevelanders in thanking Cam Elliott for what he has done. I am certain we will continue to have his valuable counsel, and I wish him all the best in the coming years.

MR. BEN NICHOLAS

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HANNAFORD. Thank you for this opportunity, Mr. Speaker, to congratulate a fine resident of California's 34th Congressional District, Mr. Ben Nicholas.

On June 12, Mr. Nicholas was recognized by Coastline Community College in Fountain Valley as the recipient of the college's first honorary associate in arts degree at its inaugural graduation ceremony.

Mr. Nicholas was cited by the college for his "major contributions in developing the concept of lifelong learning" and for "gaining recognition within the community for involvement with the college's 'emeritus' program."

Ben Nicholas has been a leading citizen and a solid contributor to this community of Leisure World in Seal Beach, Calif. His inspiration has even resulted in a legislative initiative to create a National Commission on Senior Citizen Housing. I am proud to count him and his wife Rose as my good friends.

I add my voice to those of countless other friends and neighbors—and to that of Coastline Community College—in commending Mr. Ben Nicholas on his positive approach to problem-solving and his exceptional good will. I hope he will wear his well-deserved mortarboard with pride and a jaunty flair.

THE SENATE OF THE UNIVERSITY OF ILLINOIS AT CHICAGO CIRCLE TAKES A MORAL STAND ON SOUTH AFRICAN INJUSTICE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. COLLINS of Illinois. Mr. Speaker, the following resolution, passed by the Senate of the University of Illinois at Chicago Circle, during its May meeting, attests to the growing awareness among our citizens, of the moral issues involved in the relations between the United States and the Republic of South Africa.

Our country, which has had the wisdom and fortitude to recognize and to overcome the evils of racial discrimination must not acquiesce in the perpetuation of apartheid in South Africa. This moral obligation holds as much for the private sector as for our official policy. The very fact that our public officials, under the inspired leadership of President Carter and Ambassador Andrew Young, have taken a critical stance toward the Vorster government, should not be allowed to distract our attention from the continuing complicity on the part of certain American companies, in the detestable policies pursued by the South African regime.

Universities, which by their very nature, are committed to the higher ethics of truth and justice, have even less of an excuse for allowing themselves to become associated, through their investments, in policies which they should abhor. It is, therefore, a testimony to the moral integrity of the University of Illinois at Chicago Circle that the Senate of that distinguished institution has taken an appropriate moral stand on the subject of the university's investments in companies operating in South Africa:

A MORAL STAND ON SOUTH AFRICAN INJUSTICE

(1) Whereas the Republic of South Africa has continuously violated and continues to violate basic human rights of its non-white citizens, and

(2) Whereas Prime Minister John Vorster and members of his political party have legalized and institutionalized the concepts of white supremacy, race discrimination and apartheid, and

(3) Whereas the role of American companies has directly strengthened the economic power of the South African government through its estimated 2 billion dollars in investments there, and

(4) Whereas neither American companies nor their subsidiaries or affiliates operating in South Africa have made *any* substantial progress in obtaining basic political, economic, or legal rights, which are essential to racial equality and simple justice, for South Africa's non-white majority, and

(5) Whereas Prime Minister Vorster has repeatedly ignored and continues to ignore worldwide calls for change, and

(6) Whereas the University of Illinois owns voting shares of stock in numerous companies that engage in business in South Africa, such as General Electric, I.B.M., Continental Illinois Corporation, Texaco, et al., either directly or through their subsidiaries or affiliates,

(7) We, the UICC Senate, hereby declare our support for proposals such as Shareowner Proposal Number 4 introduced at the April 27, 1977, annual Shareholder meeting of the General Electric Company, which calls for the withdrawal of Company operations from South Africa.

(8) We also strongly recommend that the University of Illinois Board of Trustees Finance Committee hold a formal public hearing on this campus of sufficient length, and as soon as reasonably possible, to allow representatives of any corporations in which the University owns stock and which have operations in South Africa either directly or through their subsidiaries or affiliates, as well as interested students, faculty, and staff to present their views on the subject of how the University should vote its shares of stock on such proposals as General Electric Shareowner Proposal Number 4 calling for withdrawal of Company operations from South Africa.

(9) This resolution does not call for the University to divest itself of any stock, but rather calls upon the University to recognize the gross racial injustices currently occurring in South Africa and to take an appropriate moral stance on this issue.

MARYLAND STATE POLICEMAN WILLIAM E. VOGEL WINS TROOPER OF THE YEAR AWARD

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BYRON. Mr. Speaker, I would like to take this opportunity to report that the Maryland State Police Alumni Association recently presented its "Trooper of the Year Award" to TFC William E. Vogel. Both Trooper Vogel and his wife are from Frostburg, Md. He is a graduate of Allegany Community and the University of Maryland and is a decorated Vietnam war veteran.

Last year he investigated 150 various criminal cases, including the successful closing of a murder case that had been unresolved for 4½ years. His work on Maryland highways resulting in 100 unmarked car arrests, 63 radar arrests, and 19 speed-computer arrests. He maintained an admirable record investigating accidents and apprehending intoxicated drivers as well.

There were many outstanding candidates for the award of "Trooper of the Year" and the competition was intense. Trooper Vogel is to be congratulated for his dedicated service and his award should serve as a reminder of the great debt which all of us owe to Trooper Vogel and his colleagues for the outstanding work they perform each and every day.

CARTER AFRICAN POLICY WILL LEAD TO RACIAL WAR

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BAUMAN. Mr. Speaker, today's edition of the Washington Post contains a most perceptive column by Messrs. Evans and Novak written from South Africa. They point out that the present policies of President Carter regarding Africa, as enunciated by Vice President MONDALE and U.N. Ambassador Andrew Young, can lead only to a racial holocaust in that troubled region. The Carter administration has cast its lot with the most extreme elements in Africa, several of whom are avowed Communists with little sympathy for the welfare of the millions of blacks and the white minority in the Southern African countries they seek to rule as dictators.

Mr. Speaker, during a visit to South Africa last year I had the opportunity to talk with a wide spectrum of leaders including such leading blacks as Percy Qoboza, editor of the World, the principal black newspaper. I met with white liberals in opposition to the government and many members of the governing Nationalist Party. To a man and to a woman, they told me that pressure from the United States is desirable but it should be carefully exercised so as to push the white minority toward an eventual solution to the deep problems facing the nation. None of them, including, black leaders with whom I met, supported immediate "one-man, one-vote" plans which have been blindly advocated by Vice President MONDALE and other Carter spokesmen.

I believe that a peaceful solution can be found for eventual majority rule in South Africa in some constitutional form. The United States could play an important part in promoting such peaceful change. But if the present Carter policy is not drastically altered immediately, the best interests of all blacks and whites in Southern Africa will not only be disregarded, many of both races will die needlessly in the inevitable violence which will follow.

The article follows:

SOUTH AFRICA'S WHITES: ENTRENCHING BEHIND A HARD LINE

(By Rowland Evans and Robert Novak)

CAPE TOWN, SOUTH AFRICA.—Vice President Mondale's impulsive call for "one man, one vote" in South Africa not only stunned and unified this nation's embattled white population but also strengthened the hand of bitter-end champions of racial separation.

Prime Minister John Vorster still has not fully recovered from the shock of his Vienna meeting with Mondale last month. Nor has much of white South Africa. That encounter brought home the change in U.S. policy under President Carter, vigorously supporting black African states who demand virtual white surrender to the black majority.

This impels the *verkrampte* (intractable) right wing of the ruling Nationalist Party to go "into the *laager*"—to form an armed camp against the rest of the world rather than attempt desperately overdue racial reforms. Since that is where the *verkramptes* wanted to go in the first place, moderate forces are anguished by the American blundering.

Certainly Vorster appeared to have gone "into the *laager*" when we were granted a private meeting with him this week at his office in the parliament building. The stern, forbidding prime minister would not permit direct quotation, but it can be reported he feels the Vienna meeting was important only in showing where he stands with the U.S. government.

Vorster returned from Vienna bitter that Mondale did not respond to Vorster's request for spelling out what the U.S. means by "full participation" politically of South Africa's black majority but then issued his "one man, one vote" call at a press conference. In the absence of any contradiction from Washington, Vorster assumes Mondale's is the official U.S. position.

And although Mondale reflexively chose his words without authorization, the U.S. embassy here will not retract them. Indeed, the opinion of top U.S. diplomats here is that toughness forces South African concessions, such as its recent step toward independence for South West Africa (Namibia).

But that view is rejected by practically everybody else (including some experienced hands at the U.S. embassy). Rather, Mondale's words have united white South Africa as at no other time during nearly two centuries of struggle between Afrikaaners and British. Since "one man, one vote" connotes the end of the white civilization here, South Africa's whites unite in self-preservation. Even the most liberal whites, members of the Progressive Reform Party, attack Mondale's formulation.

The political impact is pervasive, Leaders of the moderate opposition United Party, now in a state of disolution, told us they have lost still more voters to the Nationalists. R. F. (Pik) Botha, the new foreign minister who was expected to moderate the Nationalist Party caucus, has been pushed to the right, attacking Mondale and Andrew Young. *Verkrampte* Nationalists shout defiance from the benches of parliament.

Mondale's words climax South African grievances against Washington that began when the U.S. Congress pulled out of Angola, leaving South African troops high and dry fighting the Cuban expeditionary force. Moreover, the Vice President's words in Vienna coincided with Young's visit here, which, contrary to U.S. press reports, upset white South Africans far more than it reassured them.

Nor is this resentment limited to government circles. A U.S. Foreign Service officer, traveling through rural areas north from Cape Town into the Orange Free State shortly after the Vienna confrontation, discovered anti-American hostility he had not imagined. The hostility is all the more intense coming from a people who socially and culturally have copied Americans rather than Europeans.

The significance, many South African liberals believe, is that it discourages significant attacks on the institutionalized evil of apartheid. "All we are doing now is advocating the overthrow of the South African government without providing the money or force to accomplish it," one distraught and dissident U.S. diplomat confided.

The source of this policy is exposed by U.S. rejection of a proposed multi-racial solution for South West Africa, which had been viewed by moderates as a long step forward (though 30 years tardy) with implications for South Africa itself. The U.S. vetoed it for one key reason: opposition from black African states. In other words, U.S. policy is geared not to encouraging reform here but to courting the rest of the continent.

Accordingly, U.S. policy demands majority rule even if that requires political self-immolation by the white minority. The result is the whites going "into the *laager*"—and a potential racial Armageddon. Although that is precisely what South Africa's militant young blacks want, whether it is the proper course for U.S. policy is a matter of grave doubt.

PROPOSED AGENCY FOR CONSUMER ADVOCACY

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HAMMERSCHMIDT. Mr. Speaker, the creation of a Consumer Protection Agency will add yet another layer of of bureaucracy to the existing one. It will not answer the regulatory or the consumer problem, but will make things worse, by slowing down the wheels of Government, which already move too slowly. No wonder the ever-increasing bureaucracy seems so estranged from the citizens it should serve. The Federal Government already has over 3 dozen agency consumer complaint contacts and involvements in about 100 separate consumer activities in addition to the 300-plus State, county, and city consumer offices.

In my personal discussions with the people of Arkansas about this subject, and through the enormous volume of mail I received in the 94th Congress in opposition to its enactment, there is no doubt in my mind that my vote against CPA in 1975 reflected the will and view of the vast majority of Arkansans. I am convinced the American people have had enough of the Federal Government breathing down their backs, involving itself into so many aspects of their lives. What they want is less government.

I, for one, will continue to advocate a more efficient, representative government. In my view, that means less government and more control by the people of their own lives.

The Southwest Times Record recently printed an enlightening article on this issue which I respectfully submit for the serious consideration of my colleagues:

[From the Southwest Times Record]

FREE CHOICE BEST SOLUTION

The proposed federal Agency for Consumer Advocacy, better known as the consumer protection bill now before Congress, has now been endorsed by President Carter personally, giving it the best chance it has ever had to become law.

And that is unfortunate for the people of this country.

This super agency, if it in fact is created, has all the potential of becoming a monster that will not help consumers, but may well inflict great pain upon them. It will fuel inflation, complicate government, increase unemployment at a time when reform and simplification are sorely needed in our economy.

The stated purpose of the proposed agency is simply to look after the interests of consumers by watchdogging the 33 existing agencies and approximately 400 bureaus and subagencies now operating more than 1,000 consumer-oriented programs in the federal stable.

Although that may sound harmless, it would open the floodgates to an ocean of litigation. There is reason also to fear that

such an agency would be dominated by self-styled consumer advocates who will determine what is best for you, whether you can afford it or not. We already have seen what happened when such people decided to "protect" new car buyers by driving the costs of cars up hundreds of dollars per unit.

Spread throughout our economy, the "we know best" attitude of these same people will drive perhaps thousands of large and small businesses out of existence. And that means unemployment. Those businesses that survive, will have to charge more for their goods and services. And that spells inflation.

Advocates of this agency say it really will be quite small. Initially, only $15 million would be provided for its operation. Don't be fooled; the U.S. Department of Agriculture, with 800,000 fulltime employes and 45,000 parttime workers, started out with only nine people. How the President can endorse the consumer protection agency while he is pledging to reduce federal bureaucracy is beyond our understanding.

The agency is not needed and should not be created. It attempts to do the impossible—namely represent a single creature called the American consumer. There is no such animal. Consumers are rich, middle-income and poor; large and small; black and white, red and yellow; they are young and old. Their needs and requirements vary greatly. Can one super agency set a single standard for all. Obviously not.

We believe there is a better way to protect consumers. And it is as basic and simple as the U.S. Constitution. And to boot, it's free.

We refer to the free choice of intelligent people. Yes, we still believe the people are pretty smart. To help them, there is a free press that for more than 200 years has been helping right wrongs done to people in government, business, labor, health care, education, welfare and a thousand other areas of consumerism.

In fact, very little that has been accomplished to actually help consumers—despite the existing federal bureaus and agencies—has originated in government. Many of the problems of consumers indeed have been created by government. We don't need another agency to simply create more problems for the American people; they have enough already.

The bill before Congress should be defeated. It is one of the worst and most unwise legislative proposals ever made in Washington.

PLAY IT, SAM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the enjoyable column written by Mike Bird of the Oxnard Press Courier regarding California's junior Senator, S. I HAYAKAWA, and his interest in jazz:

[From the Oxnard, (Calif.) Press-Courier, June 7, 1977]

PLAY IT, SAM

(By Mike Bird)

Sam Hayakawa is better known to Oxnarders as a U.S. senator, semanticist and slayer of giants than as a jazz buff.

But Sam's identity with the jazz idiom is hardly new.

"I got deeply interested in jazz during my years in Chicago (late 1930s to mid-1950s)," Sen. Hayakawa told a happy throng of second nighters at Sacramento's annual Dixieland Jubilee, biggest anywhere.

And, as most everyone knows, Chicago is that tootin' town that Billy Sunday could not shut down.

The Dixieland Jubilee, a four-day bash featuring some 50 jazz bands from across the U.S. and Canada (Sam's birthplace), was the first stop on my recent 3,000-mile motoring vacation jaunt. California's 70-year-old junior senator flew in from the nation's capital. Wearing his familiar tam-o'shanter, Sam strode into the amphitheater beside derby-hatted Alton Purnell, 66, a piano man from the famed Legends of Jazz. The crowd whistled and cheered, then called for a word from Hayakawa. So Ed Leach, trombone-playing leader of the King Zulu Paraders, pulled Sam onto the stage.

"Hell," said Ed, throwing an affectionate headlock around Sam and turning again to the crowd, "he's Jazz Man. No. 1 for California."

On a suggestion that the senator "do a little tap dance and play the piano," Sam, a Republican, replied in low key:

"If I play the piano you'll have a Democrat in my place five and a half years from now."

Nevertheless, Hayakawa, in a courageous gesture, produced a harmonica from his pocket and wheezed out an old tune I hadn't heard since my days in knee britches, "Bye-bye, Blackbird."

As the last harmonica note ascended into the warm evening sky, a voice from the jubilant audience bellowed, "Play it again, Sam."

For a moment, it seemed that Sam would do an encore, but then he thought better of the idea and retired from the stage, if only temporarily.

"Next year," he promised, "I'll play the other song I know."

Trumpeter Yank Lawson was on hand with a cortege of famous jazz men.

It has been Yank's good fortune to play at three presidential inaugural celebrations, including last January's crowning of Jimmy Carter.

Sen. Hayakawa felt impelled to relate:

"It was a terrible, miserable, cold night in Washington. So, Mr. Lawson proceeded to warm it up."

Lawson is a big and powerfully built man who calls the recording band he fronts the World's Greatest Jazz Band, a circumstance that prompted the senator to digress a moment in his musical remarks.

Sam thus noted that the Chicago Tribune, a newspaper which rose to a prominent place in publishing annals under the direction of Robert J. McCormick, had labeled itself "the world's greatest newspaper."

"But after the death of Col. McCormick," said Sam, "the paper was overtaken by a flood of modesty—it no longer calls itself the world's greatest."

Among the visible reasons for the Lawson aggregation's greatness were the likes of drummer Nick Fatool, bassist Bob Haggart, pianist Dick Cary (a man of all instruments), trumpeter Billy Butterfield, trombonist George Masso, clarinetist Peanuts Hucko and tenor saxophonist Eddie Miller, who has lost none of his golden touch.

Eddie, 65, father of Ventura physician Edward J. Miller, broke in with the New Orleans Owls in the late 1920's. I've admired his playing since the days of the old Ben Pollack and Bob Crosby bands. For a tender tone, who surpasses his misty performances for Capitol Records (i.e., "Dream," etc.)?

"I still love to play," said Eddie, and he proved it.

Hayakawa sighed, "Let's hope Yank Lawson's band always is able to call itself the World's Greatest Jazz Band."

Potpourri: Someone observed that the Good Lord must be a jazz fan because of the balmy weather dished up all four days . . . Eddie Miller, who now lives in Studio City, delivered a jumping rendition of "Stealin' Apples" reminiscent of the late Chu Berry . . . Ramblin' Pete Daily (and His Chicagoans) asked to be remembered to Tommy and Lucille Murphy of Oxnard Beach . . . Picked out in the crowd: David Perlmutter, a Ventura physician . . . Jestful trumpeter Pee Wee Erwin, who has played with such diverse music makers as Isham Jones, Freddie Martin, Raymond Scott, Ray Noble, Tommy Dorsey and Benny Goodman, introduced one tune as "Sweet Georgia O'Brien." . . . Many of the 400 musicians who came to Old Sacramento were surprisingly young, including Rusty Stiers and his talented Jazz Minors from Eugene, Ore.

Final note: Said trombonist Al Frederickson, leader of the Queen City Jazz Band from Denver, "There's no such thing as jazz beginning at one point in time and ending in another. Everything that's been played has been influenced by what went before—and has influenced what came after."

HORIZONTAL DIVESTITURE: THE NEED TO GET THE OIL COMPANIES OUT OF THE ALTERNATIVE SOURCES OF PRODUCTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. RANGEL. Mr. Speaker, on June 2, 1977, Dr. David Schwartz, adjunct professor of economics at Michigan State University, testified before the Ways and Means Committee on the President's energy proposals. From 1965 through 1975, Dr. Schwartz served with distinction at the Federal Power Commission and left at the end of that time after having attained the position of Assistant Chief in the Office of Economics. Recently, he served with the Senate Antitrust and Monopoly Subcommittee.

During the many years in which Dr. Schwartz has studied and worked with the energy sector, he has achieved a keen insight into the workings of that industry. Dr. Schwartz points out in his testimony that the oil companies have, during the past 10 years, rapidly moved to control the alternative sources of energy. Today, 24 oil and gas companies control approximately 44 percent of leased coal reserves, but it is significant to note that of the 24 companies only 8 currently produce coal on their leased land. In terms of uranium, oil companies control 51 percent of the country's reserves and 62 percent of the domestic uranium milling capacity.

Oil companies have also acquired the three major solar photo voltaic cell companies in the United States.

Dr. Schwartz points out in his testimony that as long as the trend of concentration of ownership of energy sources continues, we will never see the vigorous competition that is necessary for increased production which would eventually result in decreased energy prices.

Because it is in the oil companies vested interests to control supplies of energy in order to maintain high prices, they have an incentive not to produce, rather than to produce. For that reason,

Dr. Schwartz vigorously advocates the horizontal divestiture of oil companies. That is, requiring the oil companies to sell their holdings in energy resources which are not directly related to oil and gas production. The text of Mr. Schwartz' testimony follows:

STATEMENT OF DAVID S. SCHWARTZ, REGARDING THE NATIONAL ENERGY PLAN, H.R. 6831

My testimony today concerns the general question of the extension of the major petroleum companies into other fuel sectors, and the supply and pricing implications associated with conglomerate ownership of fuels as they affect the Administration's energy policy. Before this is undertaken, I think it is important to address some of the major provisions of H.R. 6831. The bill explicitly ties oil prices and ultimately new natural gas prices to the BTU equivalency of OPEC world oil prices. It is clear that the Administration's objective is to reduce consumption of oil and gas by using prices and taxes as a rationing device. The net effect of this policy is to institutionalize OPEC prices, and in addition, to establish high prices for fuels as national policy. Implicit in this approach are the constraints on the demand for fuels, irrespective of the impact on low and middle income families.

In addition, there is an underpinning of the status quo with respect to the existing monopoly control by the major petroleum (energy) companies in the fuel market. There is no recognition of the economic power of the existing "major" petroleum companies as contained in the platform of the Democratic Platform Committee adopted in June 1976. The Platform promised a "legal prohibition against corporate ownership of competing types of energy, such as oil and coal." It further went on to state, "We believe such 'horizontal' concentration of economic power to be dangerous both to the national interest and to the functioning of the competitive system." It is my position that without addressing the question of the need to restructure the energy market so as to maximize the possibility of interfuel competition, we will not achieve the acceleration in alternative supplies of fuel that are anticipated by the Administration's energy program.

The Administration foresees increasing the production of coal by approximately 40%, from its current level to one billion tons per year by 1985. In addition, the program calls for an increase in nuclear generation of 100% from approximately 10% of total electricity supply currently to 20% electricity supply in 1985. The strategy involved, which may result in serious inflationary impacts, promulgates prohibitively high prices for oil and gas while assuming that nuclear and coal will fill the void created by declining resources. The ironical aspect of this approach is that it assumes the energy market is workably competitive and that the price mechanism will provide for new entry and accelerated production, but in fact if past constraints in natural gas and coal supplies by the "majors" are an indication of future supply prospects, then the Administration's goals will not be fulfilled. In short, the American people are being asked to face the prospects of serious inflation, a major reduction in purchasing power, and serious impact on GNP, without the certainty that alternative supplies will be forthcoming because of monopoly blockages in the fuel sector.

THE NEED FOR HORIZONTAL DIVESTITURE

In contrast to the position of the major petroleum companies that there are broad benefits from their extension into other fuels and reorganization as energy companies, the following analysis will illustrate that the public interest is best served by the separation of fuel markets and the attendant benefits of promoting interfuel competition. It is important to realize that coal, oil and gas, and uranium are substitutable in numerous end-user markets, and therefore to the extent that we can promote competition among numerous fuel suppliers, we maximize the potential for resource optimization as well as lower prices. Ideally, actual and potential competition will be maximized if the business enterprise is limited to one fuel. To the extent that the major petroleum companies or major fuel conglomerates dominate the energy market, there are adverse effects on actual and potential interfuel competition.

The evidence that follows will indicate that the extension by major petroleum companies into alternative fuel sectors that compete with oil and gas, has resulted in serious constraints on the development and production of coal resources. It is important to realize that prior to 1960 that the majors had not acquired any significant amount of coal, but today they have significant holdings not just in coal but in uranium, geothermal steam, tar sands, and oil shale.

In examining the potential for meeting the goals established by the Administration's program, one must assess the need to design public policy that will assure interfuel competition in order to overcome the constraints of supply that are associated with profit maximization of monopoly firms. Currently the top four companies control 56% of the country's uranium reserves, and of this amount the petroleum companies control 51%. Some of our largest oil and gas companies, such as Exxon, Gulf, Continental Oil, Getty, and Kerr-McGee are some of the major holders of uranium reserves. In addition, five major oil companies control approximately 62% of the domestic uranium milling capacity which converts ore to the fuel concentrate. Among these are Kerr-McGee (25%), Arco, Continental, and Exxon.

Turning now to the coal holdings by the majors, one can discern significant penetration into the coal sector. Of the top 15 coal companies, three are captive companies owned by steel or electric utilities, six are petroleum companies, four conglomerate companies, and only two can be classified as independent coal companies. Approximately 50% of coal production is provided by the top 15 companies in the coal sector. The 24 oil and gas companies control approximately 44% of leased coal reserves. It is interesting to note that of the 24 oil and gas companies with coal holdings that only 8 of these actually produce coal, and as will be discussed subsequently, these are primarily companies that acquired independent coal companies during the 1960's. It is important to realize that in recent years there has been no new major independent entrant in the coal industry. Undoubtedly, the dominance of the major petroleum companies has presented a substantial barrier for any prospective independent coal enterprise.

If the energy conglomerates control the entier spectrum of substitutable fuels, then coal production or uranium production becomes a function of oil and gas profit maximizing, but not an independent decision based upon the market potential of a firm which is in one fuel sector. This is the most critical aspect of promoting interfuel competition, that is, to provide the market structure in which the firm as a profit maximizer can only fulfill that objective by exploring, developing, and marketing the only fuel which will provide the necessary revenues for the going concern.

Firms in multifuel markets have a different prospective. Their objective is to coalesce the development and marketing of one fuel or another depending upon the alternative profit margins of the varying fuels. In other words, a firm marketing as an independent with one fuel can only fulfill his business objectives by operating at levels of efficiency and innovation which will provide the greatest possibility of expanding the market for his output. In contrast, the fuel conglomerate will seek to balance-off the marketing of one fuel or another depending upon alternative profit margins, as well as, viewing the market as a total level of energy requirement.

In light of the dominance by the major petroleum companies in both coal and uranium, in order for the Administration's program to succeed, it is critical that the Congress address the question of horizontal divestiture. If past practices by the petroleum companies are a guide to future development of our resources, then the restraints that have been promulgated in the past, which have led to significantly higher profit margins but not output, must be anticipated in the future. It is only by promoting meaningful competition on the basis of independent firms operating as suppliers in one fuel market that we can anticipate any meaningful increase in supplies or reasonable prices for fuel.

PETROLEUM COMPANY COAL HOLDINGS

In examining the current holdings by petroleum companies it is important to distinguish between acreage, resources, and economically recoverable reserves. Most importantly, it is necessary to determine whether the petroleum companies have converted reserves into production, because this is the only measure of supply. A comparison of coal resources held by the 24 major petroleum companies in 1967 compared with 1974, indicates a significant growth in acreage during this period of approximately 138%, and a growth in resources of 141%.

For example, El Paso Natural Gas, Mobil Oil, Shell Oil, Standard of California, and Texaco, indicated zero holdings of coal reserves in 1967, but billions of tons of coal reserves in 1974 (ranging for any one company from 2 billion tons—11 billion tons in 1974). It is significant to note that despite the eight years that have elapsed since the significant acquisition of these coal resources none of the above mentioned companies produced any coal as of this date.

Of the twenty-four petroleum companies only 8 actually produced coal, and the remaining sixteen major petroleum companies that held significant acreage, resources and reserves, had no production although 8 years had elapsed since the actual period for comparison. This is in sharp contrast to the independent coal companies all of which produced coal. Another interesting comparison is between the major petroleum companies such as Texaco, Mobil, Shell, SoCal, and Arco which have large coal holdings but are not producers of coal, and those petroleum companies which are producers of coal. For example, Continental Oil (Consolidated Coal), Gulf Oil (Pittsburg and Midway), Occidental Oil (Island Creek), and Standard Oil of Ohio (Old Ben Coal), are among the eight petroleum companies that are producers of coal. This latter group reflects acquisitions of existing independent coal companies during the 1960's that were major producers at the time of acquisition.

An examination of these producing companies held by petroleum companies does not reveal any significant acceleration of production since they were acquired. For example, a Gulf Oil subsidiary produced 7.1 million tons in 1964 and 7.5 million tons in 1974. In fact, 1968 production was significantly higher, that is, 9.2 (20%) million tons. The record of Occidental Petroleum subsidiary, Island Creek, illustrates an extreme decline in production since the company was acquired. In the year prior to the acquisition in 1968 the company produced 26 million tons of coal. In a hearing before the Senate Interior Committee shortly after the merger when Senator Henry Jackson inquired of the President of Island Creek, Wil-

liam Bellano, whether the acquisition of coal companies by oil companies would result in the withholding of coal production to drive up prices, the company official responded that production would be increased. He contended that Island Creek would open up 25 new mines by 1975 and would triple production. In fact, the reverse is true. Production in 1975 was approximately 25% less (19.4 million tons) than production in 1968.

The July 1976 survey of 13 petroleum companies that acquired federal leases (with no indication of producing before 1990) in the Interior study indicated ownership of coal in place of 5.6 billion tons. Of this, 60% was owned by 4 companies. El Paso had 1.9 billion tons, Continental Oil (Consolidation Coal) 990 million tons, Exxon 616 million tons and Mobil 406 million tons. In addition, Peabody Coal controlled 1.9 billion tons underlying these federal coal leases.

With respect to economically recoverable coal reserves, the 13 petroleum companies that had acquired federal coal leases owned 3.2 billion tons. Of this, approximately 61% was controlled by 4 companies. Exxon owned 554 million tons, Continental Oil (Consolidation Coal) 506 million tons, El Paso 528 million tons and Mobil 365 million tons. In addition, Peabody Coal owned 990 million tons of economically recoverable coal reserves.

It would appear that in addition to the failure of the petroleum companies to aggressively develop and market coal reserves in terms of their general holding, the Interior study indicates that there is no plan to develop the coal reserves acquired on federal leases at the earliest before 1990. It is this pattern of nondevelopment and nonproduction manifest in the petroleum company holdings in coal that provides serious concern with regard to these companies playing an active role in meeting the goals established in the National Energy Plan.

The evidence relative to the coal holdings by petroleum companies that acquired reserves through internal expansion, or those that acquired existing independent coal companies reflects significant constraints with respect to developing, expanding, or maintaining coal production. There is a fundamental difference between a petroleum company which views its coal holdings as potential feedstock for future gasification or liquefaction, as contrasted with an independent coal company seeking to develop additional coal supplies for immediate market requirements.

In addition, since the petroleum company is not primarily a coal producer, it can view the resources in an independent context from that of a coal marketer whose profitability depends upon that exclusive function. If nothing more, petroleum companies can invest in coal resources for potential asset appreciation exclusive of development and production. Finally, there is an indirect benefit from constraints on production of higher prices for oil and gas and other petroleum products in a generally "tight" energy market. In conclusion, it would appear that historical experience and objective evidence refutes conclusively the position of the major petroleum companies that their capital and business acumen would result in significant development and acceleration of coal production.

RECENT EXPERIENCE IN COAL PRICES

Serious questions concerning the petroleum company holdings in the coal sector and the pricing implications emerged after the oil embargo in October 1973. The price of coal skyrocketed and in the period December 1973 to December 1974 the price of steam coal to electric utilities increased by 95 percent. In order to assess this meteoric rise it is important to be aware of the fact that in the period of the 1960's the average price of coal never rose above $5.00 a ton. In fact, the average price of coal dropped from $4.69 in 1960 to $4.44 in 1965.[1] By 1969 the price increased to $4.99 per ton. In the early 1970's the average price per ton increased 25 percent in 1970, and 36 percent between 1971 and 1973.

The average delivered price to electric power plants for steam coal purchased in the spot market in the post embargo period rose from $10.67 per ton to $31.95 per ton. In the export coal market (primarily metallurgical coal) in the period September 1973 to November 1974 the price increased from $17.64 per ton to $63.27 per ton. While the spot price of coal declined from its high of $31.05 to the current level of about $20.00 per ton for steam coal, nonetheless, contract prices for long term supplies continued to hold firm at the general levels that obtained at the end of 1975. There appears to be a "sticky" quality to current price levels which has resulted in prices at about 3 times the level of 1970.

The concern of persistent high prices for steam coal for electric utilities was discussed by the chairman of the board of the TVA, Aubrey J. Wagner in the hearings on S. 489. He pointed out that during the sixties of the ten principal coal suppliers for the TVA, only one was a subsidiary of a petroleum company, but by 1971 of the ten suppliers providing 70 percent of the coal received by TVA, only one was an independent coal company.

JOINT VENTURES

Another significant institutional arrangement that may result in future supply constraint in the development and production of coal is the use of joint ventures by petroleum companies. In both the oil and gas sectors joint ventures are a significant anticompetitive arrangement which coalesces the interests of all partners in an undertaking. In effect, the joint venture eliminates the potential competition that might take place if the various partners developed and produced coal independently. There is evidence that indicates that joint ventures appear to be more prevalent among the petroleum company coal holders than among independent coal companies.

If the same pattern of interdependency that currently exists in the oil and gas sector is transferred to the coal sector, then one operator will be making decisions for all members of the joint venture and this will displace the individual company competition that had existed previously. The joint venture transplant from the oil and gas sector to the coal sector has many potential dangers, because the coalescence of individual company interests in a partnership will undermine the previous competitive market relationships of independent coal producers.

CONCLUSION

In hearings on S. 489, Harry Patrick, Secretary Treasurer of the United Mine Workers of America, testified that in his view the purpose of oil company acquisitions was to control against future competition from coal and petroleum products derived from coal. He made the point that in addition to direct competition (substitutability) between oil, coal and uranium as primary fuels, that coal and oil compete on the basis of derivative products. That is, coal and oil can both be used as a basic ingredient in the chemical, medical, and agricultural industries, and that the control of the primary fuels constrains the potential for competition in these second level markets.

NOTE.—The views and opinions expressed in this statement are entirely personal. Any opinions, findings, results or conclusions are exclusively those of the author and do not necessarily reflect the view of the National Science Foundation.

[1] A Study of Coal Prices, Council on Wage and Price Stability, Staff Report, March 1976.

LEGAL SERVICES BILL SHOULD BE DEFEATED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. ASHBROOK. Mr. Speaker, H.R. 6666, a bill to greatly expand the Federal legal services program, is expected to be taken up again by the House within the next few days. I strongly urge the defeat of this bill.

Legal services should not be viewed as a program for the poor. Instead it is a highly political program aimed at basic social and institutional change. Its employees have been taxpayer-funded advocates of rent strikes, boycotts, protests, and other political activities.

I would like to bring to the attention of my colleagues a column by Allan C. Brownfeld. Mr. Brownfeld writes that—

H.R. 6666 would give the Legal Services Corporation a blank check to pursue the radical political activities it has been forced to engage in with a certain degree of restraint in the past. Why any society would want, in effect, to finance an attack upon its own legal structure is difficult to understand.

Following is the full text of Mr. Brownfeld's article which appeared in the May 14 Phoenix Gazette:

LEGAL SERVICES PROGRAM ABUSES AVOWED MISSION OF HELPING POOR

(By Allan C. Brownfeld)

When it was first created as part of the "War On Poverty," the Legal Services Program appeared to have a simple purpose: to assist the poor to achieve equal access to the courts.

Before long, however, "poverty" lawyers ceased simply to assist the poor with their own legal troubles, such as divorce or accident cases or defending against lawsuits. Instead, these lawyers began to encourage boycotts, rent strikes and a host of other politically inspired activities.

Because of congressional concern over the politicization of the Legal Services Program, Congress in 1974 created what it called the Legal Services Corporation (LSC). A number of key restraints were written carefully into the law. The most important of these was an amendment proposed by Rep. Edith Green, D-Ore., which intended to prevent LSC back-up centers from devoting their resources to litigation designed to change social policy rather than to responses to specialized needs of individual poor clients.

When she introduced her amendment, Rep. Green declared that "I think it is dishonest to say that we are providing legal aid to the poor when in fact we are financing lobbying for social reform that certain groups want. . . . These offices have become the cutting edge for social change in this country." Mrs. Green cited cases of legal service attorneys working to loosen anti-abortion laws, promote national health insurance, encourage rent strikes, etc.

Despite this legislative ban, LSC has in the past two years proceeded very much along its traditional radical political way. The LSC-funded Massachusetts Law Reform Institute, for example, openly engages in proscribed political lobbying activities. This group spearheaded a lobbying campaign for a graduated income tax in Massachusetts—which voters rejected in a referendum. LSC-funded attorneys have even brought cases on behalf of entire Indian tribes. Attorneys for Pine Tree Legal Assistance, Inc. of Portland,

Maine, and the Native American Rights Fund of Boulder, Colorado, both subsidized by the taxpayers through LSC, have argued that two thirds of the state of Maine belongs to the Passamaquoddy and Penobscot Indian tribes.

As bad as the present situation is, there is now legislation before the Congress which would make it worse. Rep. Robert Kastenmeier, D-Wis., has proposed a bill which would not only increase the funding for the Legal Services Corporation but would make it even easier for LSC grantees to take up cases on the basis of their own ideological bias rather than on the basis of the client's need. In Rep. Kastenmeier's words, it would give LSC "exclusive jurisdiction in determining clients' eligibility and would prevent opposing parties from making, and courts from considering, challenges to a client's eligibility for free legal services, or other challenges. . . ." Under this legislation, no one outside LSC could challenge the use of LSC resources in any court case.

Another section of the proposed legislation would allow LSC backup centers and other recipients of LSC funds to use those funds to draft model legislation, as long as such drafting activity was in response to a request by an elected legislator. Some have referred to this as the "auxiliary congressional staff" section. Also—this bill would repeal the prohibition of LSC recipients' involvement in school desegregation cases and would weaken the language restricting Legal Services attorneys from helping to organize such radical activist groups as the National Welfare Rights Organization and the National Tenants Union.

The most far-reaching aspect of the Kastenmeier bill would repeal the Green Amendment—and would give LSC attorneys carte blanche to engage in political lobbying activities and to stir up politically motivated litigation.

The entire notion of a federally funded legal services program has many serious problems. Prof. Geoffrey Hazard of the Yale Law School notes that "The question in test-case litigation, as in legislative law reform, boils down to the propriety of constituting a publicly funded agency to lobby for the special benefit of a limited sector of the general community. . . ."

How many in the Congress would be willing to vote the taxpayers' money to subsidize the lobbying activities of Ralph Nader, or Common Cause, or the AFL–CIO, or the U.S. Chamber of Commerce, or the oil companies? While some might, the majority would certainly not wish to face its constituents after casting such a vote. How then can the Congress justify public subsidies, through the LSC, to privately managed legal services backup centers?

The goal of the Legal Services Corporation was made clear by LSC President Thomas Ehrlich when he spoke before a meeting of the National Legal Aid and Defender Association last October. He said that the LSC was working hard to insulate itself from control by the executive branch of government. The Kastenmeier bill would give the LSC a blank check to pursue the radical political activities it has been forced to engage in with a certain degree of restraint in the past. Why any society would want, in effect, to finance an attack upon its own legal structure is difficult to understand. Instead of extending the LSC, Congress would do well to abolish it.

SMALL HYDROELECTRIC PROJECTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. OTTINGER. Mr. Speaker, this morning I offered an amendment to the President's energy plan, which was adopted by the Energy and Power Subcommittee, to provide for financial assistance to, and accelerated licensing of small hydroelectric generation in existing dams.

Given our increasing shortages of natural gas and oil, it seems important to use the dams we have already in place throughout the Nation—some 47,000 dams 25 feet high or higher—which do not now produce power, and utilize this renewable, nonpolluting energy resource.

For the benefit of my colleagues, I would like to insert the text of my amendment at this point in the RECORD:

AMENDMENT TO COMMITTEE PRINT OF JUNE 10 FOR PART E

(Offered by Mr. OTTINGER)

Page 64, after line 25, insert:

Chapter 5.—SMALL HYDROELECTRIC POWER PROJECTS

Sec. 561. Incentive program.
Sec. 562. Definitions.
Sec. 563. License charges.

INCENTIVE PROGRAM

SEC. 561. Part I of the Federal Power Act is amended by adding at the end thereof the following new section:

"SEC. 30. (a) The Congress declares that, because of the increasing shortages of natural gas and petroleum, and the urgent need to develop environmentally acceptable sources of electric energy to meet the needs of the Nation, the public interest requires the rapid development of the hydroelectric potential of the numerous existing dams on the Nation's waterways which are not being used to generate electric power where such development is technologically feasible, economically beneficial, and not environmentally harmful.

"(b) The Federal Power Commission shall establish a program to

"(1) encourage municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, and other persons to undertake the development of small hydroelectric projects in connection with existing dams, and

"(2) use simple and expeditious licensing procedures under this Act for such projects in connection with such existing dams in such manner as the Commission deems appropriate, consistent with the applicable provisions of law.

"(c)(1) The Commission is authorized to make grants (and commitments to grant) of up to 50 percent of the project costs of any small hydroelectric project which the Commission finds—

"(A) will be constructed in connection with any existing dam.

"(B) has received all necessary licenses and other required Federal, State, and local approvals,

"(C) will provide useful information as to the technical and economic feasibility of—

"(i) the generation of electric energy by such projects, and,

"(ii) the use of energy produced by such projects,

"(D) will have no significant adverse environmental effects, including effects on fish and wildlife, on recreational use of water, and on stream flow, and,

"(E) will not have a significant adverse effect on any other use of the water used by such project.

"(2) In making grants under this subsection, the Commission shall give priority to any such project proposed by any municipality, electric cooperative, industrial development agency or nonprofit organization, or by any person other than a utility. However, an applicant other than those referred to in the first sentence of this paragraph which proposes such projects or participates jointly with any other person in such projects may receive grants under this section only on a finding by the Commission that no other similar project can carry out the purposes of paragraph (1) and that the proposed project cannot be reasonably carried out by any municipality, electric cooperative, industrial development agency, nonprofit agency, nonprofit organization, or person other than such a utility.

"(d)(1) The Commission is authorized to make loans to any municipality, electric cooperative, industrial development agency, nonprofit organization, or person other than a utility, of up to 50 percent of the project costs of a small hydroelectric project which meets the requirements of subsection (c)(1)(A), (B), (D) and (E) of this section on a finding by the Commission that in the case of a person and an industrial development agency, that the operation of the project will result in substantially increasing employment or preventing a substantial loss of employment in the area to be served by the project.

"(2) The Commission shall give preference to applicants under this section who do not have available alternative financing which the Commission deems appropriate to carry out the project.

"(3) Every loan made pursuant to this subsection shall bear interest at the discount or interest rate used at the time the loan is made for water resources planning projects under section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17(a)) and shall be for a term not less than twenty-five years and not more than fifty years, as the Commission deems appropriate.

"(4) Amounts repaid under loans made pursuant to this subsection shall be deposited into the Treasury as miscellaneous receipts.

"(e) The Commission shall encourage applicants for licenses for small hydroelectric power projects to make use of public funds and other assistance for the design and construction of fish and wildlife facilities which may be required in connection with any development of such project.

"(f) In making grants and loans under this section and in issuing licenses for small hydroelectric power projects, the Commission shall encourage joint participation, to the extent permitted by law, by those eligible to receive grants or loans under this section.

"(g) Nothing in this section shall be construed to preclude licensees of small hydroelectric power projects from entering into contracts to sell electric energy to (1) any person for such person's consumption, or, (2) any utility for resale under such terms and conditions as the Commission may approve.

"(h) Notwithstanding any other provision of Federal, State, or local law, licensees of small hydroelectric power projects shall not be charged for the water used to operate such small hydroelectric power project licensed under this Act except to the extent that such water is consumed by such project or results in costs being imposed on the supplier of such water, or, upon a finding by the Commission that such charge is necessary or appropriate in the public interest.

"(i) Every licensee of a small hydroelectric power project licensed pursuant to this Act shall furnish the Commision with such information as the Commission may require regarding equipment and services proposed to be used in the design, construction, and operation of such projects and the Commission shall have the right to forbid the use in such project of any such equipment or services it finds inappropriate for such project by reason of cost, performance, or failure to carry out the purposes of this section. The Commission may make public information it obtains under this subsec-

tion, other than information which may not be released pursuant to Section 1905 of Title 18, United States Code.

"(j) In the case of projects receiving both grants and loans under this section, the total amount of Federal funds expended for such project shall not exceed 75 percent of the total project cost.

"(k) Before issuing any license under this Act for the construction or operation of any small hydroelectric power project (whether or not in connection with an existing dam) the Commission—

"(1) shall assess the safety of existing structures in any proposed project (including possible consequences associated with failure of such structure), and

"(2) shall consult with the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Interior with respect to the environmental effects of such project.

Nothing in this subsection shall be deemed to exempt such project from any requirement applicable to any such project under the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, or any other provision of Federal law.

"(l) Nothing in this section authorizes the grant or loan of funds, or simple and expeditious licensing, for construction of any new dam or other impoundment.

"(m) There is hereby authorized to be appropriated for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980—

"(1) $50,000,000 for grants made pursuant to subsection (c); and

"(2) $50,000,000 for loans made pursuant to subsection (d), such funds to remain available until expended."

DEFINITIONS

SEC. 562. Section 3 of the Federal Power Act is amended by adding at the end thereof the following new paragraphs:

"(17) 'small hydroelectric power project' means any project of not more than twenty thousand horsepower (or fifteen thousand kilowatts) of installed capacity;

"(18) 'electric cooperative' means any cooperative association eligible to receive loans under section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904);

"(19) 'industrial development agency' means any agency which is permitted to issue obligations the interest on which is excludable from gross income under section 103 of the Internal Revenue Code of 1954;

"(20) 'project costs' means the cost of all facilities and services used in the design and construction of a project;

"(21) 'utility' means any person engaged in transmission, or distribution, or both, of electric energy for profit;

"(22) 'nonprofit organization' means any organization described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying section 513(a) to such organization).

"(23) 'existing dam' means any dam, the construction of which was completed on or before April 20, 1977, and which does not require any construction or enlargement (other than repairs or reconstruction) in connection with the installation of any small hydroelectric power project.".

LICENSE CHARGES

SEC. 563. Section 10(e) of the Federal Power Act is amended by inserting before the period at the end thereof the following: ": *Provided further*, That, for licenses involving a Government dam issued subsequent to December 31, 1975, the annual charge shall be no more than $1 for each kilowatt of installed capacity".

CAN AMERICA FINANCE FUTURE PROSPERITY?

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. COUGHLIN. Mr. Speaker, a brief article by Harry B. Freeman, Jr., in the June 1977 issue of Nation's Business serves as a concise reminder that our long-term economic needs as well as the solution to our current economic problems lie in expanding our productive capacity through policies which encourage capital formation and investment. The message is vitally important and I commend the article to my colleagues.

The article follows:

CAN AMERICA FINANCE FUTURE PROSPERITY?

(By Harry B. Freeman, Jr.)

A central question today is whether the nation will be able to finance its own future prosperity. The need to save and invest was emphasized by the Ford administration. The Carter administration so far has emphasized the more immediate problem of unemployment. However, everyone recognizes the essential point.

That is, to reach full employment without inflation, we must build our productive capacity, and we must begin now.

There are many ways to help accomplish this, including:

Eliminating the double taxation of dividends.

Stimulating the reinvestment of dividends.

Increasing the investment tax credit.

Permitting the accumulation of an estate of a given size without the burden of a capital gains tax.

REVISING PRIORITIES

Any steps we take to spur growth of the nations' productive capacity and to create jobs should boil down to encouraging savings and investment.

Without such a revision in basic economic priorities, U.S. business will not be able to build new factories or purchase new equipment. The result: insufficient employment opportunities.

For the past three or four years the investment community has been putting many of its customers into bonds or bond funds. The buyer of these securities is lending money for a fixed rate of return. This is a sound policy for some investors.

However, lending at a fixed rate of return will not bring investors a sizable accumulation of capital.

Accumulation of capital is primarily dependent on equity investment in companies that are innovative and growing. This is the kind of property which appreciates over the years. The investors' equity grows with the growing book value of the company. This growth in book value, in turn, is a measure of the company's productive capacity—its ability to produce goods and services.

DOW JONES BOOK VALUE SOARS

The book value of the stocks in the Dow Jones Industrial Average has increased approximately ten times in the past four decades.

Since the 1920's the market price of the Dow Jones Industrial Average has slipped below book value only three times—in 1974, 1942, and from 1931 through 1933. At its peaks, the average has historically been 2.2 times book value.

Today the stocks in the average sell for less than 1.2 times book value, indicating that the price of ownership is temptingly low.

DROP IN EQUITY OWNERSHIP

The six years from 1968 to 1974 saw the longest bear market in history. At the end of 1968 equity ownership by individuals was 45 percent of their tota! financial assets. At the end of 1976 it was 26 percent. People have been scared out of the stock market and away from the benefits of owning common stocks.

In the long run that is bad for them and for our economy.

Retained earnings build book value and therefore foster appreciation in an investment. Retained earnings improve and expand productive capacity of companies and increase their earning power and inherent value. This leads to growth in the market price of their stock, which fluctuates but still follows the growth of book value.

Unlike some other forms of investment, common stock can provide growth of income and growth of capital. This gives the investor the opportunity for participation in the accomplishments of a growing America.

INVESTING VS. SPECULATING

The speculators, the quick in-and-out traders, play market peaks against the valleys in an action market that contributes very little to basic capital growth. The real consolidated wealth of America is in the hands of investors who realize the importance of staying power.

Whether these long-term investors are institutions or individuals, the stability and consistency of their ownership helps create the proper climate for the corporate financing needed to remedy the capital shortage that is threatening our economic health.

Vision and commitment are vitally important to an investment program. Too often, we have seen the attraction of short-term opportunities interrupt or destroy financial plans that were otherwise sound.

We ought to remember that the central purpose of investment is sound, stable, patient preparation for tomorrow's needs.

Long-term ownership in industry through common stocks is good for the investor, and it helps to enlarge the essential capital base of our economy.

NORWOOD P. DIXON—CIVIC WORKER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. TEAGUE. Mr. Speaker, Mr. Norwood P. Dixon of Fort Worth retired several years ago from active business life as a partner in charge of the Fort Worth office of Ernst and Ernst.

Since his retirement, he has remained active in all forms of civic work, especially in the Boy Scouts. He has had excellent assistance in this regard from his good friends, and friends of mine, Mr. Harry Werst and Mr. Beeman Fisher.

He recently wrote a paper on the Boy Scouts which appeared in the Fort Worth Star Telegram and I would like to include it herewith for the benefit of my colleagues:

A NEW ENDANGERED SPECIES: BOY SCOUT FOUNDATION—LONGHORN COUNCIL

FREEDOM TO BE GENEROUS

Americans make annual contributions of 28 billion dollars to churches, educational institutions, hospitals, charity, Boy Scouts, the arts, etc. If such contributions were not tax deductible, people could not afford to give so much. Conceivably, these contributions could shrink to half that amount. How would this affect your favorite non-profit organizations?

Those who want more and more government control over our lives refer to these tax deductions as "loopholes", a term used quite loosely these days. The fact is that the taxpayer gains nothing by making a contribution, but actually pays money out of his own pocket.

The Tax Reform Act of 1976 was the beginning of the attack (intentional or not) against support by private contributions to charitable and educational organizations by placing additional limitations on the deductibility of such gifts.

NEW PROPOSALS ADVANCED

As Congress now goes to work on further revision of the income tax laws, the following are a few proposals concerning charitable contributions which have been advanced:

(1) Eliminate entirely the deduction for charitable contributions, as well as interest, taxes, and medical expenses.

(2) Allow deduction for contributions of property at original or depreciated cost instead of fair market value.

(3) Substitute a credit of 24 percent of contributions in lieu of the maximum tax benefit of 70 percent now provided.

(4) Limit the estate tax charitable deduction to the greater of 50 percent of the gross estate or $1,000,000.

WHO SUFFERS?

Americans are now contributing this 28 billion dollars annually to worthy causes, determined on the basis of free selection by the donors. This is being seriously threatened by the proposed changes in the tax laws.

Who suffers if these proposed tax law changes are made? Not the contributors, but lower and middle income Americans who benefit most from our charitable and educational organizations. Beneficiaries of the United Way programs and services, for example, and, of course, the Boy Scouts.

FREEDOM OF CHOICE

There is no doubt that these proposed changes in the tax law, if passed, would very materially reduce contributions. This would, of course, be partially made up by subsidies from Washington out of increased taxes which would be paid by everyone. The big question is this: Would such aid to these organizations be better determined in Washington or, as at present, by the freedom of choice of the American people on a local basis, free of government regulation? The ultimate possibilities are frightening—just one more step in the steady trend toward government control of our lives.

TAX REFORM ACT OF 1976

How did the Tax Reform Act of 1976 adversely affect contributions? Two ways:

(1) Classifying a portion of such contributions as "tax preference" items which would make that portion subject to the preference tax. This is in addition to the already existing limitation on deductibility of contributions, resulting in a double penalty for being generous.

(2) Congress is to be commended for increasing the standard deduction which benefits everyone and simplifies income tax reporting for many, but since contributions are a part of such allowance, the tax incentive for being generous disappears for those who elect to use the standard deduction. Congress could easily remedy this by making contributions a separate deduction item.

WHAT TO DO?

If you are interested in the welfare and continued existence of our charitable and educational institutions as we know them today, now is the time to tell your Congressman that you want full income tax deductibility for contributions. This is of greater importance to people who are unable to make contributions, for they are the vast majority of the beneficiaries of this private philanthropy. So tell your Congressman, today. You might send them a copy of this article with your comments.

Norwood P. Dixon, C.P.A., Retired Partner of Ernst & Ernst Consultant, Boy Scout Foundation, Longhorn Council, B.S.A.

By the way, have you provided for the future of Scouting by will, trust, insurance policy, or direct contribution to the Longhorn Foundation? Norwood Dixon will be glad to show you how to do this at the least cost. Call him at 738-5491 or write to 4917 Briarhaven Road, Fort Worth, 76109.

DID YOU KNOW, NUCLEAR PLANT SAFETY DEPENDS ON TWO OLD-FASHIONED STORAGE BATTERIES?

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. FISH. Mr. Speaker, although I am among those who have expressed concern over the safety of our commercial nuclear reactors, it was not until the news story in last night's Washington Star that it was dramatically driven home to me that the safety systems of man's most dangerous and sophisticated technology rested ultimately upon the reliability of old-fashioned storage batteries.

Jesse Ebersole, former head nuclear engineer of the Tennessee Valley Authority, is quoted by the Star as saying that the storage batteries are the "tip of an inverted pyramid on which the plant's safety rides."

I found the story peculiarly disturbing as the Nuclear Regulatory Commission, in spite of the recommendations of its own outside reactor engineering expert, has indicated that yet another study is needed before any action is taken to correct this reportedly dangerous situation. This "ho-hum" attitude by the NRC is, unfortunately, the normal reaction by the NRC to any question of plant safety. It is for this reason that I and some 32 other Members of the House are calling for an independent study of reactor and fuel cycle safety.

Mr. Speaker, I would like to insert in its entirety the story from the Tuesday, June 14, Washington Star. For my colleagues who missed the story, I believe it might prove of interest:

SAFETY FLAW CROPS UP IN NUCLEAR PLANTS

(By John J. Fialka)

Engineers at the Nuclear Regulatory Commission have quietly begun an investigation into what appears to be a design flaw in about half of the nation's 67 operating nuclear power plants, a flaw that could lead to the total shutdown of a plant's multiple safety systems.

According to internal documents obtained on the matter by The Washington Star, the problem is in a battery system that operates the switches and valves necessary to control all of the plant's safety devices if a plant's operating power should suddenly be cut off.

The system consists of two huge storage battery complexes, each about the size of a master bedroom, which are designed to switch on emergency diesel generators and to power the switches of heat removal and emergency cooling systems that are supposed to prevent the most serious accident at a nuclear plant—the melting of the nuclear fuel core.

Pointing out that there have been 50 reported incidents of failure in battery systems in the last two years, including 10 cases where one battery failed and two cases where both batteries had serious problems, an outside reactor engineering expert retained by the NRC has suggested that the agency should consider ordering immediate changes.

NRC officials, however, have opted for a further "reliability analysis study," which will probably take up to a year. "We are taking a look at all of the available experience data on these events and re-examining the criteria. We don't view this as a particularly urgent matter," said Frank Schroeder, deputy director of NRC's Office of Nuclear Reactor Regulation.

"We expect results within a year. That might seem like a long time to you, I guess, but I must add that we have a good bit of confidence in the present design," said Faust Rosa, chief of the agency's power systems branch.

* * * * *

However, after recent battery failure at a nuclear power plant in Darlington County, S.C., NRC experts began to wonder whether they would just be dealing with a single equipment failure if one or both batteries went down.

One of the batteries in the plant, operated by the Carolina Power and Light Co., was found to have been run down by a number of "parasitic" or nonsafety-related functions that had been connected to the batteries.

Several members of the NRC's "Advisory Committee on Reactor Safeguards," a panel of outside experts which reviews NRC policies once a month, were disturbed by the South Carolina incident and a rash of other recent battery malfunctions, some of them caused by plant operator errors.

One member, Jesse Ebersole, former head nuclear engineer for the Tennessee Valley Authority, remarked that the batteries were the "tip of an inverted pyramid on which tho plant's safety rides."

Another member, Dr. David Okrent, a professor of nuclear engineering at the University of California at Los Angeles, said the problems of the two-battery system gave him "the uneasy feeling that this is part of the makings of what I will call the Browns Ferry situation revisited."

(Browns Ferry is a nuclear power plant near Athens, Ala., that was seriously damaged when a fire, started by a candle, burned its way through most of the plant's two control cable systems, which were housed in the same room.)

Shortly after Ebersole and Okrent's criticism in April, the NRC received a report from E. P. Epler, an Oak Ridge, Tenn., reactor expert, who concluded that the failure of one battery could trigger "multiple equipment failures" and signal an automatic plant shutdown, which would put a severe strain on the plant operator and on the remaining battery system.

Several recent problems "have already made an appearance which would likely cause the failure of both batteries," said Epler, ticking off a list of recent incidents. Epler concluded that such a failure "would clearly be intolerable" and argued that a further "reliability analysis" would only result in "unnecessary delay."

Asked to explain the NRC's reaction, Schroeder said Epler was a "highly respected" expert in the field, and added that the problem was "one that we'd better pay attention to." "There are certain scenarios where you might have difficulty controlling certain valves," he added.

Rosa gave a more detailed explanation of what would happen if a nuclear plant suddenly had its outside power source cut off. Diesel generators, he said, would switch on, providing power to a heat-removal system which would continue pumping water through the nuclear fuel core, carrying away heat and relieving pressure. A second system, the "emergency core cooling system" would be at the ready, prepared to flush the core

with water if a pipe break should occur in the first cooling system.

A double battery failure, according to Rosa, would nullify all three systems because the battery power is needed to start the generators and to operate the switches and valves that control both cooling systems. Without cooling, a nuclear fuel core could begin to overheat, melting its way through the reactor and the reactor's cement floor, an activity which engineers call the "China syndrome," because no one really knows how far the molten, radioactive fuel would go into the earth.

NO TRADE OR AID FOR VIETNAM OR CUBA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. ASHBROOK. Mr. Speaker, on May 12 the House overwhelmingly adopted my amendment to H.R. 6714, the International Development and Food Assistance Act. This amendment reaffirms American policy against aid or trade with Vietnam and Cuba. Yesterday, the Senate passed a similar amendment which would seem to assure that this amendment will become law.

I strongly believe that our national interest is better served by not having aid in any form to Vietnam or Cuba. These nations have no respect for basic human rights or democratic principles.

Consequently I was pleased to learn of the May 25 WGMS radio editorial endorsing my amendment. According to Jerry R. Lyman, senior vice president and general manager:

The House voted 288 to 119 to approve a proposal by Rep. John Ashbrook of Ohio to bar any trade or financial aid to Cuba or Vietnam. We support the proposal and congratulate those who voted for it.

If we are to support human rights, then let's support those rights everywhere. Let's not negotiate, deal, and talk about renewing relations with any country that subjects its people to torture or cruel oppression. We have nothing to gain through relations with these two countries; and we should not allow one dollar to pass through their government, for it will only be used to further deny people of their human rights, or possibly even their lives.

I congratulate WGMS for its stand. For the information of my colleagues I am including the full text of the WGMS editorial.

RADIO EDITORIAL

Two recent overtures by the Carter administration should be of great concern to all Americans who have supported the President's stance on human rights and serve, in a way, to contradict that stance.

Specifically, we are referring to the desire of the President and certain Members of Congress to (1) open talks with Cuba on normalizing relations and (2) consider aid to Vietnam. Both of the decisions are a disappointment to all who have applauded the President's hard-line stance in negotiations with the Soviets.

In the case of Cuba, not only has there been a record of persecution and violation of human rights by the Castro regime: but in addition, Cuban agents are stirring up trouble in Latin America while Cuban troops, by their very presence, are violating the rights of Africans to self-determine their fates in Angola, Zaire, and now Ethiopia. We cannot allow Castro, as a Soviet puppet to continue this unlawful intrusion into other areas of the world. By sending businessmen, politicians, and sports teams to Cuba, we are in effect overlooking these atrocities.

In Vietnam, tyranny, torture, and genocide exist to an extent equal to the days of Hitler and Nazi Germany. Mrs. Le Thi Ahn a former Vietnamese patriot, ignored by much of the American media, writes of concentration camps with 300,000 political prisoners located in malaria-infested jungles, and of over 20,000 suicides since the communist takeover—suicides to avoid torture and imprisonment. Another report tells of the massacre of 150 former South Vietnamese officers en route to a "re-education camp". The officers, blindfolded, were in U.S. trucks on their way to the camp when the tank and armored car driving alongside suddenly opened fire on the truck. The wounded were dispatched in place.

Last week, the House voted 288 to 119 to approve a proposal by Rep. John Ashbrook of Ohio to bar any trade or financial aid to Cuba or Vietnam. We support the proposal and congratulate those who voted for it.

If we are to support human rights, then let's support those rights everywhere. Let's not negotiate, deal, and talk about renewing relations with any country that subjects its people to torture or cruel oppression. We have nothing to gain through relations with these two countries; and we should not allow one dollar to pass through their governments, for it will only be used to further deny people of their human rights, or possibly even their lives.

DOBRIANSKY SPEECH: WHOSE SHOES ARE YOU WEARING?

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. COUGHLIN. Mr. Speaker, I insert in the CONGRESSIONAL RECORD an interesting and thoughtful speech which was made May 12, 1977, at the commencement exercises of Manor Junior College, Jenkintown, Pa., in my congressional district.

The speaker was Dr. Lev E. Dobriansky, of Georgetown University, who is widely known for his articulate and forceful advocacy of human rights for the people who live in the once-independent countries and states now under the Soviet sphere of influence.

Dr. Dobriansky serves as president of the Ukrainian Congress Committee of America and as chairman of the National Captive Nations Committee.

I urge my colleagues to take the time to read his speech. While each of us may not agree with every individual point of Dr. Dobriansky, I believe his speech is a stimulating, practical analysis of the quandry we face as a Nation if we pursue—honestly and vigorously—our commitment to the cause of human rights throughout the world.

The material follows:

WHOSE SHOES ARE YOU WEARING?

(By Dr. Lev E. Dobriansky)

Your Excellency, Bishop Losten, President Sister Clair, Distinguished Faculty Graduating Students and, never to be forgotten, supporting Mothers, Fathers, Relatives and Friends: it is a profound honor and delight for me to address you on this momentous occasion of your individual lives. Over the years I have participated in numerous commencements, addressed a number of them, and have long ago come to the conclusion that if the address is long, typically dreary, characteristically stressing the cold and brutal world confronting the graduating students, and heavily infused with some political viewpoints, it is just as well that no address be given and the glorious event remain a happy one. At the outset, my promise to you is that this will be short, hopefully clear and impressive, and not burdensome in conveying a few more thoughts for you to think about as you make your individual choices in life. My simple, but not simplistic, question to each and every one of you is: "At this juncture in your life, whose shoes are you wearing?"

Being confronted by this question, you probably wonder whether your guest speaker has a vested interest in some shoe manufacturing concern here or in Taiwan and seeks to capitalize on the occasion by influencing you to purchase perhaps some speculative shares of stock. Some addresses I've heard in my time sought to commercialize even on what I consider a sacred, academic occasion. Have no fear, for the question is really born of a recent experience of mine and, after all, the richness of one's life is measured in part by the succession of moving, different and good experiences that are wholesome, filled with love and best intentions, and communicative with those close to us and with God's creatures at large.

My recent experience, truly unique in itself, was simply this. Instructors at a high school in Kerman, California, recently requested that I send them a pair of my old shoes. They pointed out that in their imaginative program many pairs of shoes have been sent to them, including those of King Hussein, Leonard Bernstein, Golda Meir, Jonas Salk, Ronald Reagan, Prince Bernhard of The Netherlands and others. This was a pretty high and prominent company for me, but after reading the account in the *Fresno Bee*, I did send them a pair to contribute to their constructive purpose. And it is an inspiring and successful purpose. They phrase their question differently, namely, "In Whose Shoes Would You Walk Tomorrow?" Their purpose is summed up in this statement, "A pair of shoes from you, along with those of others in the world of business, medicine, law, politics, music, etc., may help a youth to set his goal a bit higher and give him the courage to stretch to reach that goal." The possible incentive implied here cannot be denied. It is a technique, which apparently is very successful; it inspires to research and to meditate one's own goals; and the results have been reassuring. But, at this juncture of your lives, "Whose shoes are you—yes, you—wearing?"

BE YOURSELF

From Socrates to Whitehead to Gilson, philosophers have practically agreed on one fundamental truth—"Be yourself." Not possessed with necessary existence, you cannot be "I Am That I Am." But given the bounties and the fertile opportunities of existence, you can and must be "I am what I am." Whether, consciously or unconsciously, you have been wearing someone else's shoes by processes of emulation, imitation, and admiration, your personal achievement reflected here, today, is proof enough that you are wearing your own shoes now. "Be yourself"

is demonstrated in part by what you are now, and certainly what you will become tomorrow in the course of your individual life. To wear the old shoes of another can never provide a substitute to life's necessity for you and every normal human being to steadfastly wear her or his own shoes.

Just recently at Georgetown, I was asked to prepare the citation for a celebrity whom I nominated for an honorary degree, and who will be so honored next week. In it I paraphrased the immortal words of St. Augustine, "Each person is a species unto herself or himself." These words apply here. The Shoes of the Fisherman belong to no one but him. Shoes may be of the same length and width, the same color and texture, but those who wear them are happily different in personality, in outlook, aspirations and hopes, and resourceful capacity. There is nothing really necessary and indispensable in this finite existence of ours, except the precious human personality. In it reside the boundless potentialities waiting for free and disciplined actualization in the definite course of your lifetime. In it lies the only answer to our question—that no matter how hard you might try to wear the shoes of another, it could never be the same.

Like the tree or flower in a garden environment, each human personality couldn't possibly grow, develop and blossom without its environment of the human race. Long ago Aristotle taught that man by nature is a political or social animal. Don't confuse this with a Brezhnev, Hitler or, in another category, Watergate types. By man's nature Aristotle, and others succeeding him on the highest plane of human thought, meant a being in endless becoming under the governance of moral rules of development and self-realization. In other words, all this means the relentless pursuit of the good—the good of oneself in terms of harmonious physical, mental and spiritual growth; also, necessarily the good of others with similar sights of harmonious relationship if the first is to be achieved; and with equal necessity the good of those not in visible proximity but within the full environment of the human race. If we still fail to see and appreciate the significance of the last, the sacraments of modern technology and global communications will inevitably guarantee this.

To be yourself invariably means to wear your own shoes. It cannot be otherwise. And in wearing your own shoes you'll be traversing the same paths of objective reality that our ancestors had from the beginning. The swings and swirls and seeming changes in our society these past ten years are fundamentally not new. The history of man is replete with similar swirls and ostensible changes. In this and other respects, we are an integral part of this historical flow and cannot but find in it our own self-realization. For the same way that your fruitful development requires and needs an orderliness and stability in your immediate environment, so, in the interplay of nature, this historical flow requires its own points of equilibrium and balance if the occasions for us to be ourselves and to wear our own shoes are to be successive, continuous and wondrous.

HUMAN RIGHTS

You've seen ads: "You are what you eat," "You are what you wear" or "You are how you sleep." No doubt, there is some validity in each of these. But for your total, organic self—your homo spiritualis—"You are what you've learned and have been taught" surpasses these and all others. Education in its finest form and measure is the formation of the mind and also the will by the most truthful and liberalizing experiences of mankind in its long centuries of development. For well over a century Western man has been so steeped and mired in what is called operationalism that he has lost sight of some of these experiences. The intellectual experiences of a St. Thomas Aquinas, who illuminated the metaphysical structure of permanent reality, are almost entirely lost to our generations. The more mediate, the scientific, the behavioral, the empirical—in short, the operational— are what has captured the mind and imagination of contemporary man. This has its great benefits for material and immaterial life, but it is not the entire story. Indeed, if we should lose out on the other, more ultimate side of the story, all of these benefits could go down the drain.

This other side of the human story has to do with the ultimate structure of being. To be yourself, to wear your own shoes, presupposes a deepening understanding of yourself, of man in general, in order to do operationally according to one's being and nature. This falls within the realm of metaphysics, which is scarcely taught in our academic institutions today. And nowhere is this deficiency, this lack of metaphysical insight, more evident today than on the present level of national discussion concerning human rights.

I promised you—no political viewpoints per se. And so be it. We're not concerned with the politics of the growing discussion but with our understanding of human rights as such and their possible applications. It has been in no vacuum of circumstances and conditions that the President has raised the issue of human rights on the highest pedestal of national concern and thought. The ingredients of human rights can be traced in our national history back to the Declaration of Independence, our Constitution and the Bill of Rights. However, in sharp contrast to any of his predecessors, President Carter has concentrated on the issue, so much so as to make it a centerpiece, a common denominator, in a new formulation of our foreign policy; and he has repeatedly stated that this is a firm commitment for him. An this stage, I wonder to what extent our people comprehend the full implications of this new, moral posture. In any case, what has this to do with the shoes you are wearing?

The present groping for a concrete and practical definition of human rights has much to do with the shoes you are now wearing and those you will be wearing in your challenging future. Metaphysically, you can't define human rights unless you start with a clear and firm conception of man as a homo spiritualis, encompassing integratively his vegetative, animal, cognitive, and volitional powers and functions. In wearing your own shoes these powers seek their free but disciplined expression. The latitude of opportunities for such expression depends in turn on the garden environment of still higher levels of social order. In a recent address in Georgia, Secretary of State Vance made an attempt at defining human rights but, unfortunately, legal distinctions are no substitute for rooted philosophical ones.

To be yourself, to wear your own shoes, is in the order of human rights. It is in the primary, generic order of your personal rights, based and predicated on your God-given essence as a free-willed person with a reservoir of potentialities for creativity. These are the rights to live, to multiply, to hold property, to educate oneself, to develop fully, to express oneself, to mobilize and move—in short, to be yourself and to wear your own shoes. But to obtain the maximum possible latitude for these personal, human rights, the garden of environment, without force or coercion, must accommodate expressions in the second generic category of human rights, those of civil rights. In their true Latin sense (civilis) civil rights go far beyond the current, narrow sense of racial, female and others forms of discrimination. Civil rights pertain to citizens of a nation and country and include group assembly, worship, work, free oral and written speech, opportunities for group development, and fair representation. In short, to wear your own shoes, you have to associate, to socialize, to work and play in your garden environment—that is, your fellow human beings in constructing an always better garden environment for those loved and unknown ones who will follow us.

When it comes to the highest category of human rights, for some reasons our leaders and opinion-makers get fouled up, as so well evidenced in the Vance address. Being the most extensive and yet a long-term guarantor of the personal and civil rights, this third generic category is that of national rights. One of the foremost ironies of our situation is that in sharp contrast to all other outstanding revolutions—the English, the French, the Russian—our American Revolution was born in independence from an empire—a prime expression of the rights of an incipient nation. And yet, when this right is supposed to be recognized in others, we tend to cringe and cower; worst of all, intellectually we avoid its statement as simply national rights. You won't find this in the Vance address. And yet, national rights are veritably expressive of a moral organism, the highest quantitative order, called a nation with all its attributes of geographical territory, language, history, religion and legend. It, too, has a right to existence, to development, to growth and contribution to the historical flow of mankind at large. Here, too, as in the cases of person and groups, without coercion and force upon other nations. A free and independent nation provides in the long or short run the best guarantee for the full fruition of your personal and civil rights. This has been shown and demonstrated by our own Nation.

A NATIONAL BE-YOURSELF

Thus, a nation, too, must be-itself, or wear its own shoes, if it expects its own member citizens to do the same. As a prime example, we as a Nation have not really begun to wear our own shoes as concerns our prime enemy—not adversary—the totalitarian and imperialistic clique in the Kremlin. For want of appreciative knowledge or will, or because of exaggerated self-interest or fear, we have exercised an undue timidity toward a state which is not a country, nor a nation, but a forced empire of many conquered nations called by deceit the Soviet Union. Our sole and somewhat irrational fear is nuclear war—a fear that Dr. Kissinger specialized in spreading—yet the deepest fear of the Russian Kremlin is the restiveness of its majority non-Russian captives. With constant strong arms, ready for even the unlikely desperate blow, we can constructively and knowledgeably advance human rights in the worst of the two areas of the world, the USSR and Mainland China.

This national be-yourself may seem as an unrealistic and risky projection of your own human rights. In the rapidly contracting world in which we live, this is not so. Simply put, if for one neglect or another, our USA were put out of commission, the world would automatically become the World Soviet Union of Socialist Republics, with its capital in Moscow. No amount of euphoria or hazy thinking could cloud this outcome. Your right to be yourself, to wear your own shoes, would also be negated. On the human rights plane, our opportunities are great and promising. We can point to the captivity of the non-Russian nations in the USSR, particularly Ukraine, the largest non-Russian nation in Eastern Europe. We can point to Moscow's genocide of the Ukrainian Orthodox and Catholic Churches in Ukraine, a combined case with no equal in matters of religious genocide. We can point to the whole array of dissidence—Russian, Jewish and non-Russian—within the inner and outer empire of Moscow. But the foremost question in the period ahead is, "Do we have the will and courage to be ourselves in talking about

and promulgating human rights in all of its generic categories as pertain to the foulest of the areas in contemporary mankind—the Soviet Union and Mainland China? This is the paramount question to be answered in the immediate years ahead.

"Whose shoes are you wearing" applies to you as personal beings; it applies to you as citizens of the grandest republic in the history of mankind; it also applies to you as integral members of a Nation that has been unique in its origin, its traditions, and its material and spiritual capacity. I submit, the shoes you and I will have to wear are those textured by self-confidence in the natural order ordained by God, by the knowledge that the texture depends in part on the garden environment, and by the mature vision that, today, this environment includes the globe. American lives were needlessly wasted in Vietnam, not because of military incapacity but because of political incapacity. It was the right place, but a belated time, and we were found politically wanting. Will we, as a Nation, pursue human rights in its generic orders so that you can wear the shoes you want and need to—this is the real question that I leave with you, not rhetorically but truthfully, for the rest of your lives.

COMMENCEMENT EXERCISES OF MANOR JUNIOR COLLEGE, JENKINTOWN, PENNSYLVANIA, MAY 12, 1977

(His Excellency the Most Reverend Basil H. Losten, S.T.L., D.D., Presiding)

5:00 P.M. Baccalaureate Liturgy, Rev. Myroslav Lubachivsky, S.T.D., Ph.L., Scr.L.

Homily, Rev. Basil Juli M.Th., M.A.

6:45 P.M. Academic Procession Commences at Basileiad Hall.

Marshals: Laurence Carmody, Henry Gluch, Leander Claflin.

Processional, March from Aida, G. Verdi.

Invocation in English, Very Rev. Msgr. Joseph Fedorek, Chairman, MJC Advisory Board.

Invocation in Ukrainian, Rev. Myroslav Lubachivsky, S.T.D., Ph.L., Scr.L.

National Anthem, sung by Rosemary Malloy Klinger, '71. The audience is asked to join in the signing.

Presentation of candidates, Sister Miriam Claire, O.S.B.M., President.

Conferring of associate degrees, His Excellency the Most Reverend Basil H. Losten, S.T.L., D.D.

Presentation of recipients of awards, Sister Dia, O.S.B.M., Academic Dean.

Conferring of awards, His Excellency the Most Reverend Basil H. Losten, S.T.L., D.D.

Commencement oration, Joan Patricia Gluch, Student Council President.

Ukrainian oration, Aleksandra Krystyna Leskiw.

Introduction of speaker, Very Rev. Msgr. Joseph Fedorek, Chairman, MJC Advisory Board.

Commencement address, Dr. Lev Dobriansky, President, Ukrainian Congress Committee of America, Chairman, National Captive Nations Committee, Washington, D.C.

Recessional.

The audience is requested to stand during the Academic Procession, Invocation, National Anthem, and remain standing until the Academic Procession leaves.

MANOR JUNIOR COLLEGE GRADUATES 1977

Associate in Arts Degree

Maryann Theresa Bunting.[1]
Doris Ann Donaghy.
Suellen Fannon.
Teresé Elizabeth Goelz.[1 2 3]
Kathleen Helen Klein.
Laurel Elizabeth Kolb.
Veronica Anna Kushda.
Lorraine Acker Magill.*
Heide Marie Owens.
Dorothy Maylath Rogus.*
Judith Louise Werts.*

Associate in Science Degree

Katharine A. Adams.[3]
Denise Margaret Bernhardt.[2 3]
Paula Marie Burd.[1 2]
Susan Mary Capone.[2]
Carolanne C. Collins.
Maryjo Helene Costar.[2 3 4]
Lenore Cleghorn Dille.**
Linda Mary Eckel.
Linda Carol Gavin.
Joan Patricia Gluch.[1 2 4]
Anita Marie Graf.
Carol Anne Hall.
Carol Marie Harvey.
Donna Marie Holohan.[3 4]
Catherine Lynne Janus.[1 2 3 4]
Aleksandra Krystyna Leskiw.[2 3]
Anita Louise Leva.
MaryAlyce Lyons.[2]
Diane Marie McDevitt.
Luanne Mary Menno.
LuAnn Newman.
JoAnn Pinto.
Lucille Cychowski Polenz.[1 2 3 4]
Kathleen Louise Ritchie.
Linda Marie Schneider.[1 2 3]
Linda Ann Seybold.[2 3]
Barbara Richelson Stein.
Jeanne Laraine Strehle.

As final action cannot always be taken by the time this program is printed, the list of candidates given here is tentative only, the College reserving the right to withdraw names.

FOOTNOTES

[1] Phi Theta Kappa—National Junior College Honor Society.

[2] Alpha Beta Gamma—National Business Honor Society for Two-Year Colleges.

[3] Dean's List three semesters.

[4] Listed in "Who's Who Among Students in American Junior College".

* July, 1976.

** December, 1976.

REFLECTIONS ON BETTER HEARING AND SPEECH MONTH

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HAMMERSCHMIDT. Mr. Speaker, since the past month of May was observed as Better Hearing and Speech Month, I feel that it is an appropriate occasion to pause and reflect on these aspects of the vast subject we term communication.

It is dismaying to note that some 20 million Americans have a speech or hearing impairment, sufficiently severe to affect their ability to function in their daily activities.

The impact of this fact can be grasped when we consider that those 20 million of our citizens represent 10 percent of all children and adults in the United States. We can understand the magnitude of the situation in those terms. These are not mere statistics; these are human beings, held back and, in some cases, imprisoned by the restrictions of their impairment.

Such impairments often prevent them from achieving their full potential, because there are sociological barriers or obstacles placed in their way due to those impairments of hearing and speech. Their horizons could likely be greatly expanded if these barriers were eliminated.

It is a sad fact that children with severe speech problems rarely reach the speech clinician as early as one would wish; those that do usually belong to articulate, concerned parents. There seem to be several reasons for this. Muteness in a toddler is a normal social response to a stranger in a clinic and pressure of work often precludes the doctor from the lengthy business of making friends with a child. Thus it is the child who is advanced enough to show that he has a speech problem who finds his way speedily to the speech therapist while a wait-and-see policy is all too often adopted for the young nonspeaking child.

In my congressional district alone, the Third District of Arkansas, national statistics indicate that there are some 40,000 communicatively impaired individuals. To serve these citizens there are only two community speech and hearing clinics; the Speech and Hearing Center in the Western Arknasas Counseling and Guidance Center, Fort Smith, and the University of Arkansas-Fayetteville Speech and Hearing Clinic. There is obviously a crying need to expand these services.

The incalculable contributions of professional speech pathologists and audiologists must be recognized. Their efforts serve as a bridge for those who suffer from communicative impairments, and they deserve our heartiest commendation and recognition.

The dedication and competency of speech pathologists and audiologists are, in most cases, the only hope for restoration or improving one's ability to assume a meaningful and productive place in society.

It is critically important to be aware of communicative problems and of the wide range of professional services available for individuals with those difficulties.

Think about it for a moment. Imagine how much more restrictive and limited our capabilities, goals, and aspirations would be if we experienced speech, language, or hearing impairments. All too often, we take for granted the possession of these abilities, but if they are suddenly withdrawn from us, we can readily imagine what the impact would be on our lives.

Thus, we can better appreciate what it means in human terms when statistics tell us that some 10 percent of our people suffer from communicative impairments.

Mr. Speaker, I hasten to voice my own keen interests in this most important area of concern, and I urge our colleagues to devote some thought to this segment of our population.

Speech: the spoken word. Hearing: a bridge to the world. Two enormously vital forms of communication, without which our lives would not be nearly so enriched.

NOISE POLLUTION IN THE SUBURBS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. OTTINGER. Mr. Speaker, many city dwellers think of suburbia as a re-

fuge of tranquility. In fact, however, the suburbs are subject to their own forms of noise pollution, as described vividly and accurately by freelance writer, Betsy Brown, in an article published May 8 in the real estate section of the New York Times. Since this section does not circulate outside the New York metropolitan area, I am inserting it in the CONGRESSIONAL RECORD to bring it to the attention of my colleagues.

In her investigation of this subject, Mrs. Brown visited my home neighborhood and describes its noise problems in her article. Mrs. Brown is a resident of Briarcliff Manor in my congressional district and devoted many years to writing for the old Chappaqua Sun and for the Patent Trader, a biweekly newspaper published in Mount Kisco, N.Y.

The article follows:

WHITHER, O SILENCE? DIARY OF A SEARCH FOR SUBURBAN QUIET

(By Betsy Brown)

"Isn't it kind of noisy, living so close to the road?" a visitor asked.

My first thought was: Look who's talking, a city type. How can she mention noise to me out here in the suburbs, with nothing but the songs of birds and the voices of children at play?

But the comment rankled. My visitor had a point.

My street is neither a country lane nor a thoroughfare, but every morning several dozen cars pass my door on the way to the railroad station. As they climb the hill, the feebler ones have to shift, and when they return in the evening, they squeal as they round the curve.

The worst noise I've suffered is one that used to give me a thrill. When Nelson Rockefeller was Governor, he used to fly over my house every morning in his helicopter from his Pocantico estate to Albany, and we had to shout over the noise, but it lasted only a few seconds and was our touch with glory.

From May to November, I hear power mowers, and at almost any time of year there can be an occasional chain saw. Other than that, there's nothing but an occasional barking dog, usually my own.

Still, I was looking for a new house anyway. Why not, I asked myself, see if there were any truly quiet places left in Westchester County?

So off I went on a two-day tour. I called it my search for silence. Here is what I heard.

SUNDAY

Noon, Briarcliff Manor: As I pull out of the driveway, a shrill whistle blows for 30 seconds. The fire department likes to test its siren daily, so we are treated to an ear-piercing shriek each noon, just as if this were a factory town.

12:10 P.M., Echo Lake: Canada geese paddle silently on the water, a young blue-jeaned couple stroll beside the lake, an angler makes the tiniest of plopping noises as he inspects his line. A rushing waterfall at the south end must sound nice to the family in the house overlooking the lake. But Route 100 is only 25 feet from the water's edge. I count 13 cars a minute. The small, environmentally sanctified cars make the most noise. The big bad pollution monsters have silent engines, but their tires make a steady rushing sound on the pavement.

12:30 P.M., Millwood: Attractive, small homes are set back on roads fanning off from the highway. It must be quieter there. Overhead are the Con Ed lines, leading out from the substation. Electricity is quiet, right? Wrong. I drive up to the plant, a maze of poles covered with upside-down funnels, and hear a steady hum like a dentist's drill that must reach to those houses. About 100 feet away is a cement-block building, and from it comes a sound like the one made by a fluorescent light bulb just before it blows out. A jet plane roars overhead. Westchester County Airport is only about 10 miles away. Suddenly, the sound of gunfire rattles across the hills. That's the Campfire Club, where sportsmen practice at a target range on weekends.

12:45 P.M., Yorktown: The International Business Machines Corporation has a big research laboratory on top of the hill, set in a huge sweep of lawn. Maybe there's noise on weekdays, with all the employees and their cars, but surely not on Sundays. A nice place to stroll or ride a bike, and much quieter for the neighbors than several dozen houses. But as I approach, I hear a loud steady hum. The air conditioner is working away in the empty building, despite the chilly spring air outside, to keep the computers cool.

1:30 P.M., Pleasantville: A quiet-sounding name, and here's a quiet-sounding street—Lakeshore Drive. Several dozen homes are set on what look like acre lots in a tract in rolling hills. Those on the lake edge have small docks, unused this cool day, silently waiting for warm weather. I hear a clang of metal. Someone is splitting firewood with a sledge hammer and metal wedges. Then the loud buzz of a chain saw, screeching across the hills. The hills. As each car goes down and then up, the sounds fan out through the leafless trees. As each car reaches the intersection at the top of the hill, its brakes squeal. I drive to a dead end, a safe spot where half a dozen toddlers are riding tricycles. There is a clacking sound. The tricycles are rigged with ratchets to make them sound like small motorcycles. One dog barks, and another barks in return. Within a few seconds, half a dozen dogs are barking from half a dozen directions.

1:45 P.M., Bear Ridge Road: I pass the home of Congressman Richard Ottinger. A nice neighborhood, a mixture of large and small houses. It's quiet today, but I can see it won't be tomorrow. An earth mover is sitting in the middle of a wide dirt clearing bordered by fat sections of pipe, waiting for Monday morning to tear up the land for a new sewer line. I wonder if they will need dynamite for the rock outcroppings. I drive on for a half mile, and am stopped by three police cars. A large tree has fallen across the road, and my car and those behind it are detoured through a quiet residential street. No longer a listener, I've become part of the noise problem in this peaceful haven.

2:05 P.M., Rolling Hills Road: I turn into James M. Carroll Park, a charming array of slides, swings, and a small bridge over a little stream. The kids in the sandbox are preparing for a noisy world. They sit on elevated metal seats, operating miniature steam shovels, growling in imitation of the real thing. Parents honk their horns to call the older children. Fifty feet away, cars are almost bumper to bumper. Four motorcyclists whizz past them down the middle of the road.

2:30 P.M., Kensico Plaza: The day is too chilly for sitting on the picnic ground at the foot of the dam, but the motorcyclists are there, roaring up to the dam, dismounting and talking loudly in leather-jacketed groups. The van owners are there, sitting with their doors open, playing guitars and transistor radios. Several young men, working in pairs, are tinkering with their cars, one racing the motor while the other rattles tools under the hood.

2:45 P.M., Route 22, Heading North: I stop to look at the reservoir. In one minute, I clock 18 cars, three motorcycles, and two vans.

3:15 P.M., Bedford Village Green: Motorcyclists roar around the edge of the triangular lawn where sheep once grazed. A single-engine plane hums overhead. Car doors slam as villagers come to shop and visitors arrive to visit the 300-year-old cemetery and the 200-year-old courthouse.

MONDAY

1:30 P.M., Sparta, Ossining: I go into the little cemetery, once a rural resting place beside the Albany Post Road, where the earliest grave I can find is dated 1797. Now the Post Road is Route 9, rattling with car carriers from the General Motors plant in Tarrytown, with a steady stream of traffic, more than I can count. I try the bank of the Hudson. Three jet planes pass over, their roar echoing from the high bank on the Rockland side. A barge toots. A train speeds past on the Hudson line.

2 P.M., Croton Point Park: My car rumbles across a wooden bridge over the railroad yards. Engines below whistle and bang. I head out to the point. Probably it's noisy on Sunday, with family picnics and ballgames, but on Monday it might be a quiet place to take small children. The park is deserted, and there are no sounds from the river. But the park is only one half of Croton point, and the other half is the county garbage dump. A steady stream of garbage trucks rumble in full and rattle out empty. Giant plows roar as they push dirt over the garbage, and a shrill signal whistle blows intermittenly. Crows caw and seagulls scream as they try to get the garbage before the dirt covers it.

2:30 P.M., Croton Gorge: An environmentalist's treasure, with tall hemlocks on a hillside below a giant dam at the end of the reservoir. Water thunders down the spillway, a thrilling sound, a combination of man's work and nature's. High school children, apparently skipping school, quietly toss frisbees and drink beer. But as they leave, they rev their motors and try to take the curve on two wheels, shooting gravel like bullets against the parked cars.

3 P.M., Mohansic State Park: Deserted this afternoon, except for a few teen-agers playing basketball. There is no escape from the sound of cars on the parkway. Even in the center of the park, I can hear traffic from the Taconic, plus that on Routes 35 and 202.

4 P.M., Valhalla: I don't expect dead silence in the middle of the hamlet, but I didn't know the hot rodders would be on the main street, explosive bursts sounding from their mufflers. Traffic whooshes past on the parkway, car doors slam on the main street. A train goes by. But there, between the main street and the parkway, hard by the railroad tracks, there is peace. Five small boys fish off the stone bridge in a stream and an older man plunges through the water in wading boots, dragging a fishing line. There is so much noise that one would have to shout to be heard. But the fishermen are as bemused as they would be in the Adirondacks. Perhaps they're like me in my house near the road—used to the noise. Can it be that the only truly quiet place in Westchester is . . . in one's own mind?

ASSOCIATE RECALLS GENIUS OF EDISON

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. PEPPER. Mr. Speaker, I have the privilege to reintroduce to the collective memory of this distinguished body today a living link with one of the towering heroes of our American culture, indeed, of the world. As an active associate and friend of Thomas Alva Edison during the last 8 years of that great man's life,

George E. Stringfellow, himself one of the Nation's dedicated servants, remains forever closely tied to our Nation's history.

As an active senior citizen of barely 80 years, George E. Stringfellow was born in Virginia, where he has now returned. Along the way he spent much valuable effort in the State of New Jersey, where Edison had appointed him sales manager of the Storage Battery Division in 1923. After 40 years of dedicated service to that milestone company, he was able to retire as senior vice president, and has since devoted himself to his many civic and charitable interests. At one time or another, George E. Stringfellow has been involved as president of the New Jersey division of the American Cancer Society, of which he is an honorary life member, serving on the board of that distinguished organization; he has also been made an honorary life member of the Academy of Medicine of New Jersey, has given 2 years as chairman of the New Jersey Republican State Finance Committee, served two terms as president of the Chamber of Commerce of the Oranges and Maplewood, has received many citations and citizenship awards, not least of which was a commendation from the Brotherhood of Christians and Jews for bringing about better understanding. He has worked with a New Jersey home of disabled soldiers, served as president of the New York City Kiwanis, and done just far too many more things to recount here.

Another interest, however, is spotlighted today: that is Stringfellow's devotion to the memory of Edison and to the Nation's high esteem for that great genius. Recently I joined in cosponsoring a resolution (H.J. Res. 467), which would highlight Thomas A. Edison's inspiring contribution of over 1,000 useful inventions, and celebrate, upon the occasion of the 100th anniversary of the invention of electric light, that legendary man who helped unite the world by way of technical communication.

Today I am truly honored in sharing with my colleagues a recent article, which appeared in the Miami Herald, in my area, and tells us facts of lasting interest about the man, George E. Stringfellow, who was so closely associated with the great Thomas A. Edison.

FRIEND REMEMBERS EDISON, THE LIGHTER

1922: Thomas Alva Edison hires George E. Stringfellow, 28, to be a sales manager of Edison Inc.

Update: The bright young assistant hired by Edison is in his mid-80s now. Time has not dimmed his memories of the man who invented the incandescent electric light and brought one-half of the world out of darkness forever.

Stringfellow, closely associated with Edison during the last eight years of the inventor's life, rose to become executive vice president of the company.

Today, he is a director of crippled children and cancer societies. He also is a director of an appliance company. He is a past imperial potentate of the Shriners.

He still drives an automobile, but he prefers to walk. "The parts of the body rust out faster than they can wear out. A long time ago, I decided I wasn't going to sit around and let them rust out," he says.

So, every other day, he walks the four miles from his Arlington, Va., home to Washington, D.C., and there he meets and chats with friends. His favorite topic: Thomas Alva Edison.

Stringfellow hopes that his telling stories about the inventor might "inspire future Edisons."

For instance, Stringfellow relates that when the boy Edison learned that balloons fly when filled with gas, he persuaded another boy to take a triple dose of a powder that fizzes when it comes in contact with water. Edison's reasoning was that this would fill the boy's stomach with gas, and he too would fly.

The result: no flight, one stomach ache.

Years later, Edison perfected an electric vote-recording machine. He tried to sell it to Congress but was told that such a device was the last thing congressmen wanted. Said one: "It takes 45 minutes for a roll call. In that time, we can trade votes. Your machine would make that impossible."

The young inventor decided: "I will never again invent anything which nobody wants."

He kept his word, Stringfellow notes. Among Edison's 1,097 inventions were the fluorescent lamp, the phonograph, the fuse, the mimeograph machine, the microphone, motion pictures, gummed tape and waxed paper. And there were all kinds of sockets, switches, conductors, wiring circuits, meters and generators—out of which have grown the electronics and wireless communications industries.

Invention did not come easy to Edison. "Genius is 99 per cent perspiration and 1 per cent inspiration," he explained.

Edison foresaw the atomic bomb: "There will one day spring from the brain of science a machine or force so fearful in its potentialities, so absolutely terrifying that even man, the fighter who will dare torture and death in order to inflict torture and death, will be appalled, and so will abandon war forever. What man's mind can create, man's character can control."

The first half of Edison's prediction already has come true, Stringfellow points out.

Because the inventor was able to see beyond so many horizons on earth, it somehow seems necessary to pay more than passing attention to his final vision. On Oct. 18, 1931, from a large canopied bed in his West Orange, N.J., home, Edison, dying at 84, murmured these last words to his physician: "It is very beautiful over there."

ARIZONA MUST HAVE THE CENTRAL ARIZONA PROJECT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. RUDD. Mr. Speaker, I have been informed today by Mr. George Steinhilber, president of the Arizona Mortgage Bankers Association, that Arizona is threatened with the loss of millions of dollars in future investments unless our State's water situation is clearly more optimistic to justify such investments.

He informs me that the Philadelphia Saving Fund Society, the largest savings bank in the world with probably a total of $100 million invested in Arizona, will no longer consider loans in our State, because of their belief that Arizona's water situation makes such investment a poor risk.

Mr. Steinhilber tells me that he was able to keep the Williamsburgh Savings Bank of New York—a $2 billion bank with about $50 million invested in Arizona—from making a similar decision immediately. But the signals are clear that this major lending institution might soon follow suit and cut off investment money for outside investors in Arizona.

Mr. Speaker, Wesley E. Steiner, executive director of the Arizona Water Commission, has informed Mr. Steinhilber that there is no water-related basis for the decision to cut off investment money for Arizona, since completion of the central Arizona project will increase the State's total water supply by almost 50 percent and has the potential of reducing water overdraft in central Arizona by two-thirds.

But adequate funding and completion of the CAP is imperative in order to stabilize Arizona's water situation.

If a firm commitment is given now for continued funding and completion of the CAP on schedule, there is every reason to believe that confidence in Arizona as a good risk for investment will be restored, and the State will not lose millions of needed dollars from outsider lenders to help keep up with the enormous demands created by our phenomenal population growth.

Mr. Speaker, I have written to President Carter, Interior Secretary Cecil Andrus, and congressional leaders in both Houses today to inform them of this critical situation, and to request their continued support of CAP funding.

I would like to include Mr. Steinhilber's correspondence in the RECORD at this point, along with Wes Steiner's assessment of Arizona's water situation:

HON. ELDON RUDD,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. RUDD: I am writing you on behalf of Arizona Mortgage Bankers Association and, as a matter of fact, on behalf of all correspondents for out-of-state lenders on residential and commercial real estate in the State of Arizona.

I was recently questioned by The Williamsburgh Savings Bank, a $2 million bank in Brooklyn, New York, who has in excess of $50 million invested in Arizona on residential and commercial properties. The questions asked were what is the water status in the State of Arizona for future development, are we in fact in a critical position, and should Williamsburgh stop lending in our state. I went to a great deal of effort to derive information from studies that may have been made that could be passed on to their Board of Trustees. Although there were some studies made by Arizona State University and governmental agencies, there really isn't anything that clearly outlines the problems and solutions and would draw a conclusion as to what our existing water sources can accommodate, what the Central Arizona Project means as relates to the number of people moving into our state, and what other sources of storage and supply are being investigated to provide us with an adequate water supply for the potential population growth.

I was successful in keeping Williamsburgh from cutting off Arizona from future loans, although my arguments were certainly not conclusive. However, on Monday, June 6, I received a call from the largest savings bank in the world, The Philadelphia Saving Fund Society, who probably have a total of $100

million invested in the State of Arizona, and they advised that they would no longer consider loans in our state—again, because of what they have read concerning our water problems.

I then contacted the Valley National Bank's research department, Arizona State University, and I finally talked to Wes Steiner, Executive Director of the State Water Commission, and find the situation remains that we do not have any reports that would lead an out-of-state lender to the reasonable conclusion that it should consider Arizona a good place to lend money and that we are not going to dry up and blow away. I am not certain whether the enclosed letter from Mr. Steiner, which I am forwarding to The Philadelphia Saving Fund Society along with other information I received from ASU, will change their minds about Arizona, but I'm hopeful that it will.

I sincerely believe we need your assistance in instigating some form of research on our water problems and coming out with an abbreviated outline that could be distributed to out-of-state lenders. Arizona is dependent on out-of-state money to continue its growth, as our greatest source of long term investment capital comes from eastern investors—by "long term", I'm speaking of single family residential and commercial real estate loans.

In addition, I think the President of the United States should be made aware of the problems relating to investment dollars in our state when he again reviews the Central Arizona Project, as obviously it is critical to our water needs.

Sincerely yours,

GEORGE STEINHILBER,
Executive Vice President, Continental Bank and President, Arizona Mortgage Bankers Association.

JUNE 9, 1977.

Mr. GEORGE STEINHILBER,
Executive Vice President,
Continental Bank,
Phoenix, Ariz.

DEAR MR. STEINHILBER: This is in response to your question as to whether the state's water supply problems warrant a decision by out-of-state investors to stop all investments in Arizona real estate.

While it is true that we have a serious water problem in the State of Arizona, fortunately the problem is not, by and large, immediate and is solvable within the time constraints posed by the availability of supply in our vast groundwater aquifers. Our studies indicate that we are in Arizona consuming water at almost twice the replenishment rate. This is made possible only through the overdrafting or mining of our groundwater reserves. Fortunately, these reserves are very great and would support growth in most developed areas for a long period of time were no remedial action taken. We are in State government attempting, county by county, to define the problem, to establish priorities of use, and to implement a program that will bring consumption and supply into balance.

The State is strongly supporting completion of the federal Central Arizona Project. This Project will bring most of Arizona's remaining entitlement in the Colorado River into the Phoenix-Tucson areas of central Arizona. It will increase the state's dependable supply by almost 50 percent and has the potential of reducing overdraft in central Arizona by two-thirds. All of the firm supply of this Project, except for that portion allocated by the Secretary of the Interior to the five central Arizona Indian reservations, has been allocated by the State to meet the needs of cities and industries. The master contract with the Secretary of the Interior for water service provides a 100 percent priority to municipal and industrial water users. In the event of shortage, all non-Indian agricultural uses will be completely dried up before municipal and industrial users will be shorted.

Our studies pursuant to the formulation of a state water plan clearly reveal that Arizonans are attempting to irrigate a much larger acreage than can be sustained over a long period of time without augmentation of our supplies via importation from the Columbia River or of desalted sea or geothermal waters. In Phase II of the State Water Plan, copy enclosed, we have identified the state's ability to meet future municipal and industrial needs through reductions in agricultural acreage. Much of the urbanization that is taking place today occurs on agricultural lands to which water rights attach. These rights transfer to the cities as the lands are converted from agriculture. In still other areas, agricultural lands are being purchased and retired to acquire water rights for municipal and industrial purposes. This process began some time ago and is gathering momentum. Were all agricultural uses retired in Arizona a permanent population in excess of 15 million could be supported.

There simply is no water related basis for a decision to stop all investments in Arizona real estate. Prudent investment in the deserts of the southwest has always dictated that the investor be selective and be well informed on a number of factors that affect development, including water; but as I hope that I have demonstrated here, the potential for growth in Arizona, supported by dependable water supplies, remains very great.

Sincerely,

WESLEY E. STEINER,
Executive Director.

LT. COL. YEHONATAN NETANYAHU, HERO OF ENTEBBE RAID MEMORIALIZED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BIAGGI. Mr. Speaker, on Sunday, hundreds of citizens of my home borough of the Bronx paid tribute to the memory of New York-born Lt. Col. Yehonatan Netanyahu of the Israeli army, who was killed in the daring raid at Entebbe last July 3. The highlight of the moving ceremony conducted was the official renaming of Holland Avenue as Yehonatan Netanyahu Lane.

The world community marveled at the courageous actions taken by the nation of Israel to secure the release of some 100 of their citizens who were being held hostage by terrorists in Uganda. It was only the precise execution of all phases of the raid which resulted in the freedom of the hostages.

The leader of the dramatic Entebbe raid was Lieutenant Colonel Netanyahu, one of Israel's youngest high ranking military officials. His efforts were instrumental in gaining access to the airport and the procedures used tc free the hostages. He was killed while performing these duties for his nation.

Not only was Netanyahu a hero to the people of Israel, he is viewed as a hero by all foes of international terrorism. The success of the Israeli mission signalled a very clear indication that acts of terrorism and piracy will not be tolerated. The concept of using large scale military actions to combat terrorism had not been utilized widely in the past, but the success of the Entebbe raid served as a catalyst for future similar actions, most recently by the Dutch Government.

The Entebbe raid was hailed as a success. It has received wide attention and was the subject of two network television specials in the United States. Yet the raid was not without its tragedy. The nation of Israel lost one of their fines and most dedicated military leaders. Mr. and Mrs. Netanyahu who live in upstate New York lost a son. The world has lost a champion of freedom.

I am honored to pay tribute to this outstanding hero. As one of the speakers noted, the people of the Bronx viewed Netanyahu as "our brother and our son as well as a hero." He made the supreme sacrifice so that others could be free. He has established a legacy which will endure for years.

The aforementioned ceremony was sponsored jointly by District 11 of the Zionest Organization of America and the Jewish War Veterans. These organizations have been in the forefront in their advocacy and support of the rights of Israel and her people. They have made substantial contributions in this Nation and are widely respected throughout the Jewish community. They, too, have recognized and fought for freedom not only for Jews, but for America as well. Their allegiance with Lieutenant Colonel Netanyahu is a natural one.

I now insert into the RECORD a New York Times account of the ceremony designating Netanyahu Lane:

BRONX STREET IS NAMED TO HONOR SLAIN ENTEBBE-RAID COMMANDER

(By Laurie Johnston)

A one-block street in the Bronx was renamed yesterday for Lieut. Col. Yehonatan Netanyahu, the New York-born Israeli paratroop commander killed in the Entebbe raid last July 3.

More than 2,000 people, many of them elderly carrying folding chairs, crowded around a rostrum at Pelham Parkway and Holland Avenue for the unveiling of a street sign and a pavement marker designating Yehonatan Netanyahu Lane. It consists of the portion of Holland Avenue that crosses the parkstrip between Pelham Parkway's two roadways.

At the ceremony, Colonel Netanyahu was honored as "our brother and our son" as well as a hero.

The colonel studied at Harvard University and at the Hebrew University in Jerusalem before becoming one of the Israeli Army's youngest high-ranking officers. He was killed by a shot in the back while leading the operation in Uganda to rescue a planeload of hostages highjacked by Arab terrorists.

His mother, Cela Netanyahu of Ithaca, told the audience yesterday of her son's birth here in 1944, when his father was in New York on a Zionist mission. She said her son had attended a public school in the Bronx for a year and had at the age of 11, visited the Bronx Zoo—a visit he enjoyed.

His father, Ben-Zion Netanyahu is now a professor at Cornell University.

Colonel Netanyahu, a resident from the age of 2, of what was to become Israel, also visited the United States as a teenage Israeli Scout—a point noted with pride by members of a visiting delegation of Israeli Scouts present at the ceremony.

A crisp breeze rattled small, plastic Israeli

and American flags held by some among the crowd and rippled the massed flags of the color guard. Mary Beame, representing her husband, Mayor Beame, shared the dais microphone with local officials and leaders of the Zionist Organization of America and the Jewish War Veterans.

As a cantor sang the Jewish chant for the dead during the dedication of the marker to Colonel Netanyahu, many onlookers wiped tears from their eyes and some sobbed outright.

"I have a very broken heart for that young man," said 71-year-old Morris Davis, who, with his wife Bertha, still have tattoos on their arms from the Auschwitz concentration camp.

A young lawyer and frequent visitor to Israel, recalling her excitement over the Israeli raid as she watched Operation Sail last July 4, said, "It made the Bicentennial weekend especially wonderful—Colonel Netanyahu is part of a memory of two things so important to me."

SENATOR ORRIN HATCH EXPLAINS HOW TO LOWER INTEREST RATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. KEMP. Mr. Speaker, my distinguished colleague from the Senate, ORRIN HATCH of Utah, recently wrote an excellent letter to the New York Times in which he argues that the best way to reduce interest rates is to reduce inflation, by slowing growth of the money supply, and increasing real savings, by reducing taxes. As he put it:

As strange as it may seem, the fastest way to reduce long-term interest rates is to pursue tight money to reduce the inflation premium. However, it is the real interest rate (r) that affects a country's rate of growth. The lower "r" is, the higher is the number of investment projects which can be funded, since even projects with a low real rate of return become profitable at a low real interest rate. The way to lower real interest rates is to reduce taxes on savings to increase the savings rate.

I believe that this is an important analysis of the whole controversy surrounding interest rates which ought to be carefully considered. The complete letter follows:

HOW NOT TO REDUCE OUR INTEREST RATES

To the Editor:

Bert Lance, Director of the Office of Management and Budget, has suggested that the Federal Reserve should attempt to depress interest rates by increasing the rate of growth of the money supply, in order to stimulate the economy. This approach is bound to backfire.

Long-term interest rates, which determine the cost of investments in houses, factories and equipment, cannot be reduced by easing money. Risk factors aside, these rates equal the real returns demanded by investors plus inflation premiums equal to the expected rate of price increases over the period of the loan. Lenders demand these premiums to offset the decline in the value of the loan caused by the inflation.

Since interest rates equal real rates of return plus inflation, interest rates rise and fall with inflation.

In 1962, inflation was 2 percent and mortgage rates were 5 percent. In 1976, inflation was 6 percent and mortgage rates were 9 percent.

The same relationship holds true across countries. In the early 1960's, Germany and Switzerland had the world's tightest money, lowest rates of inflation and lowest interest rates. Some Latin American nations had printing-press money, 100 percent inflation, and 105 percent interest rates. Today, Britain and Italy have the highest rates of money creation, inflation and interest rates in the developed world.

As strange as it may seem, the fastest way to reduce long-term interest rates is to pursue tight money to reduce the inflation premium. However, it is the real interest rate (r) that affects a country's rate of growth. The lower "r" is, the higher is the number of investment projects which can be funded, since even projects with a low real rate of return become profitable at a low real interest rate. The way to lower real interest rates is to reduce taxes on savings to increase the savings rate. Inflation and nominal rates should be kept low too, in order to avoid high nominal payments for non-business borrowers who may have cash-flow worries, such as young home buyers.

Over the past year, the money supply has risen rapidly by historical standards, and at rates in excess of those which are compatible with stable prices. Yet the Federal Reserve has had to resist calls for even more rapid monetary expansion. While the Fed intends to reduce these rates of increase to more reasonable levels, this will be done slowly so as not to restrain the economic recovery.

The recent monetary policy of the Federal Reserve has contributed to the reduction of inflation and expected inflation. This has led to the reduction of interest rates, assisted the general economic expansion and brought about the revival of home building and construction in the last year. It would be disastrous to throw all this over for a sharp increase in the money supply and a very brief dip in short-term interest rates. These wohld only be followed by renewed inflation, even higher interest rates, recession and unemployment.

In the aftermath of World War II the Treasury pressured the Federal Reserve into pegging interest rates. The Fed had to purchase billions of dollars of Government bonds, sending the money supply soaring. By 1951, this policy produced double-digit increases in the wholesale price index and an accord between Treasury and the Fed ending the practice.

It is hoped that Mr. Lance will review this bit of history before all of us are forced to repeat it.

ORRIN G. HATCH,
U.S. Senator from Utah.

WASHINGTON, June 7, 1977.

OSHA—ABOLISH IT!

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HANSEN. Mr. Speaker, the Small Business Committee, Subcommittee on Energy, Environment, Safety and Research recently commenced oversight hearings on the Occupational Safety and Health Act.

On Monday, May 23, I was pleased to introduce Mr. Ferrol G. "Bill" Barlow, president of Barlows, Inc. to the members of the committee who were prepared to listen to Mr. Barlow's testimony concerning OSHA.

Barlow, a small business man, gained national attention in January by obtaining a decision in Federal court which rejected OSHA inspections as a violation of the fourth amendment rights. The case is presently before the U.S. Supreme Court on appeal by the Government.

Bill Barlow is the modern-day "David" who toppled the "Goliath" OSHA by refusing to waive his constitutional rights. Barlow's stand was upheld by a three-judge constitutional panel of judges convened by the senior judge of the Ninth Circuit Court of Appeals—San Francisco—in the district of Idaho on December 30, 1976, when they unanimously ruled that the inspection provisions of the OSHA Act were unconstitutional and void.

Mr. Speaker, I submit a copy of Mr. Barlow's testimony for the RECORD along with my most favorable recommendation to my colleagues for its educational enlightenment. Mr. Barlow's testimony follows:

TESTIMONY OF MR. FERROL G. "BILL" BARLOW

Mr. Chairman. I would like to thank you for the opportunity to appear before this body of distinguished legislators and express my views on the Occupational Safety and Health Administration.

Mr. Chairman, I think it entirely appropriate that I appear before this committee today. I am a small businessman. I run a plumbing-heating-electrical supply house and I employ approximately 35 people, of which 5 are my sons. Presently I am involved in a Supreme Court case with OSHA—Marshall vs. Barlow's Inc. No. 76–1143.

My encounter with OSHA began in September of 1975, when I refused to allow an OSHA inspector to enter my place of business in order to conduct a random inspection. My reason for not allowing the inspection was because the inspector did not have a search warrant as specified by the 4th Amendment to the U.S. Constitution.

Let me briefly relate what happened. In September of 1975 an OSHA inspector presented himself at my door and demanded entry under a provision of the 1970 OSHA act. I asked the inspector if any of my neighbors had complained or if any of my employees had contacted the agency. The OSHA agent replied that he had received no complaints, that this was merely a random visit to determine if any violations existed in my place of business. He demanded entry under a provision of the OSHA act which authorizes inspectors "to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee or an employer." I pointed to a copy of the U.S. Constitution which hangs on a wall in my office and said that I was sorry but I obey a higher law and I could not let him in because if I were to do so he would be violating my Fourth Amendment rights.

OSHA immediately obtained an administrative warrant, merely by going to a magistrate and saying that they had the authority to enter and inspect. As this warrant was not issued under the provisions of the Fourth Amendment I again refused entry. OSHA immediately decided to attempt to make an example of me in the courts.

When the Labor Department brought court action against me I filed a counteraction that contended that the safety agency's inspections violated the Fourth Amendment guarantees against unwarranted search.

A Federal three-judge Constitutional Panel was convened and consequently affirmed my contention in a December 30, 1976 ruling which held that warrantless inspections by

OSHA were unconstitutional (enclosure 1). The court also issued an order declaring the inspection provisions of the agency's law void, as well as an injunction to the Secretary of Labor and anyone under him barring any OSHA employee from attempting to inspect any place of business in the United States with or without a warrant.

Mr. Chairman, at this time I would like to point out to the committee that my company has always enjoyed an excellent safety record. In all good faith I seriously doubt that an OSHA inspector would have found any problems. I am proud of my business and I would be delighted to show anyone around on friendly basis.

In all honesty, aside from my own strong personal beliefs in the U.S. Constitution, I feel that OSHA has taken the wrong direction in trying to improve the health and safety of America's work force. Punitive measures are not the answer. Such actions only breed resentment among businessmen, which I am sure you have noted is quite evident. I believe that for the OSHA Act to be effective OSHA must rely heavily upon consultation and educational programs. Inspections should only be made upon obtaining a valid warrant issued in accordance with the 4th Amendment to the Constitution and fines should only be levied if a discrepancy has not been corrected in a previously determined amount of time.

Mr. Chairman, I am not alone in my battle for justice. I receive approximately a dozen telephone calls daily from other small businessmen across the country who are either supporting my cause or seeking information for their own battles with the safety agency.

Gentlemen, I would like to make it perfectly clear that I am 100 percent in favor of safety and health. This fact can be attested to by my spotless safety record, a fact to which my insurance agent has already testified to in Federal Court. My only concern is OSHA's premediated affront to the Fourth amendment. The Idaho Court summed up my concern very well I believe. In their ruling, Judges M. Oliver, Keolsch, J. Blaine Anderson, and Ray McNichols declared "... Expediency is the argument of tyrants, it precedes the loss of every human liberty."

My refusal to not allow a warrantless inspection is not new in American history. Mine is only a small part of a battle that has been waged for hundreds of years by individuals against arbitrary governmental intrusion into homes and workplaces of its citizens. This right of an individual to be secure in his person, house, papers, and effects, against unreasonable searches and seizures is rooted in hard won experience and should not be given up lightly.

Mr. Chairman, I am not a lawyer and therefore I cannot argue legalities concerning the 4th Amendment; however, I would like to include with my testimony an analysis by the Pacific Legal Foundation of the Anglo-American Legal Tradition toward warrantless searches (enclosure 3).

Gentlemen, I hope that you can understand my strong feelings for our Constitution. I know enough history to know that one of the main issues in the revolution was the principle that entry by government into private property should be judicially monitored in each individual case. In other words, in each case searches should only be conducted on the basis of a warrant obtained upon the basis of probable cause shown before a magistrate or judge. By enacting OSHA and providing for searches without a warrant Congress in its findings has attempted to justify such searches by establishing legislative probable cause with massive application—rather than having the probable cause judicially determined in each individual case.

That's exactly what happened when the English Parliament passed the Stamp Act in 1765 which allowed the King's agents to enter private property on writs of assistance without any individual showing of probable cause. That's what the Fourth Amendment is all about, Gentlemen, and I know that because I can read.

Gentlemen, I've backed up my convictions with action through the courts to right this unconstitutional act of Congress and it has cost me a lot of time and money.

In summary, I can only urge Congress to follow the Constitution in its clear meaning and require search warrants in all of its administrative searches.

In closing I would like to thank the committee for its indulgence. I am most grateful for the opportunity to appear before you today. I stand ready now to answer any questions which you might have.

Mr. Speaker, as one who has taken the lead in this body and in the Nation to stop OSHA, which has been a curse to the businessman, the worker, the consumer, and the taxpayer, I was pleased to also testify before the subcommittee on Tuesday, May 25. A news release concerning this testimony follows:

COMMITTEE COUNSEL ACKNOWLEDGES HANSEN NATIONAL LEADER OF OSHA REFORM EFFORTS

WASHINGTON, D.C.—U.S. Rep. George Hansen testified Tuesday for the second time this year before a House committee on the need to repeal or drastically revise the Occupational Safety and Health Act (OSHA).

Hansen, who heads the National Stop OSHA Movement, reported that consistent key victories over OSHA in the courts are having an increasingly large impact on attitudes in the Congress and in the Executive Department toward need for change. "They've been hit hard and the 'stone walling' has stopped," he said.

"The Administration is now admitting OSHA's shortcomings and announcing changes and we finally have the ball rolling in Congress," Hansen said. "Earlier this year I led a list of witnesses in Education and Labor Committee Hearings and now I have appeared as one of the lead-off witnesses in hearings before the House Subcommittee on Energy, Environment, Safety and Research of the Committee on Small Business," Hansen continued.

"Since 1971 when the Act was passed, no one could get much official attention about abuses of OSHA until we brought the Agency to its knees in the courts," Hansen said, noting that a dozen Federal and State courts have now ruled against OSHA's warrantless inspections and the matter now rests before the U.S. Supreme Court.

Earlier this year as lead-off witness before the House Subcommittee on Compensation, Health and Safety of the Committee on Education and Labor, Hansen was commended for his testimony by Congressman Joseph M. Gyados, the Subcommittee Chairman. Gaydos stated that Hansen had raised many significant points of which the subcommittee had been previously unaware.

Tuesday Hansen stated, "I have now carried the plight of small businessmen right where it belongs, to the Committee on Small Business. Congress is finally willing to listen and I gave them an earful," Hansen said.

In his statement Hansen noted the lack of progress toward improvement in occupational safety and health which OSHA has made during the last six years and its increasing encroachment on Constitutional rights. During his testimony Hansen was questioned by the majority counsel who acknowledged the Idaho Congressman as the leader of the national OSHA reform efforts. In his questioning Committee Attorney David Metzger asked if Hansen would make available for the committee's use his extensive files of correspondence and case histories from all over the country on OSHA. Hansen told the committee that he would be pleased to cooperate in any way to help put an early end to the burden OSHA imposes on the nation's business community and it's threats to job security for workers.

EFFECTS OF RECENT ISRAELI ELECTIONS

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. LEDERER. Mr. Speaker, there has been much discussion in the news media about the potential effect of the recent elections in Israel. Much of this has foretold of damage of peace efforts due to the new leadership. Many of my constituents have written me to the contrary, explaining the background of these elected officials and their positions as well as the feeling of the Israeli people and the neighboring Arab countries. I have found these facts to be enlightening. For the benefit of my colleagues of the House, I here include two articles which I believe will serve to inform and better serve the interests of peace thereby.

[From the Philadelphia Inquirer, May 19, 1977]

UNITY WITHIN THE DIVISION

The results of the Israeli election were disappointing. It is important to make distinctions: They were not disastrous to the hopes for a Mideast peace settlement, as some observers all too quickly leaped to conclude.

The election did not, of course, give Israel what it needs, now more than ever—a strong government. Possibly it was too much to expect that to emerge out of the fragmentation of Israeli politics, with no less than 22 parties contending for votes. Yet one had to hope that a clear winner would emerge, and that did not happen.

What did emerge was a clear loser, Israel's Labor Party, which, in one coalition or another, has governed Israel since the founding of the nation in 1948. This has been a bad year for political parties long in power; in India, the Congress Party, which governed the world's most populated democracy since India's independence was proclaimed in 1947, was also ousted.

In Israel, no single issue seemed to have dominated the collective mind of the voters—only a general malaise over runaway inflation, nasty episodes of corruption within the ruling Labor Party, frustrating labor disputes, and peace negotiations.

And it is this last that is of special concern to the U.S. For the first time, the right-wing Likud Party, headed by the hawkish Menachem Begin, has gained a plurality in Israel's 120-member Knesset. Will a government led by him be what its predecessor was accused of being but was not—intransigent?

Not necessarily. First, Begin must form a governing coalition. That means concessions to the parties which form it—almost certainly parties to the left of Likud. The process could take weeks and may not be possible, in which case another election will have to be called.

Second, it may just be that a man like Begin, with his hard-line credentials, would be in a better position to move toward a peace settlement, just as the nationalist

General Charles de Gaulle could extricate France from Algeria.

The election results should not obscure a basic fact. It is that Israelis, whatever their divisions, are united on one thing. That is the horror they have of another war and their desperate yearning for peace with their Arab neighbors. Indeed, Labor's losses were not because its supporters switched from left to right; its losses were rather to war hero and archeologist Yigael Yadin's new and dovish Democratic Movement for Change.

Israel has, in any case, gone through a free election, which is more than one can say for any of the Arab governments, militant and "moderate," which have condemned the results. Their warnings of violence are at best premature; at worst, themselves potentially disastrous to peace.

[From the New Leader, Mar. 14, 1977]

INDEFENSIBLE BORDERS—THE THREAT TO ISRAEL'S SECURITY

(By Hans J. Morgenthau)

Israel lives because it has been able to maintain itself against those who have tried to destroy it. It owes something to aid received from the United States and to support from Jews throughout the world. It owes nothing to United Nations resolutions of the preferences of the great powers. Had either prevailed, Israel would no longer be around. It has survived because it demonstrated that it could not be destroyed.

This stark and simple reality not only explains the history of the State of Israel but also foreshadows its future. More particularly, it is responsible for the change in Arab strategy that, at least for the time being, has moved the focus of the Middle Eastern conflict from the battlefield toward the conference table. The shift is due to the experience of four defeats in war suffered by the frontline Arab states. The government of Egypt, certainly, cannot be insensitive to the likelihood that a fifth such attempt at the elimination of Israel will end in still another failure.

Consequently, the Arab states have chosen diplomacy as the continuation of warfare by other means in order to achieve their ultimate goal: the destruction of the state of Israel. Since Israel cannot be forced militarily to retreat from defensible frontiers, it must be induced to do so by diplomatic pressure—backed by world public opinion so-called, especially as manifested in the United Nations. After this is accomplished, the next step is a matter of logical necessity. For when Israel is no longer able to defend itself, it will be at the mercy of its Arab neighbors.

If this analysis is correct, then the much-discussed present and future intentions of those neighbors are irrelevant. True, unlike fanatics and lunatics, nations do not allow goals incapable of attainment to misdirect their foreign policies for any length of time. But when what appeared to be unattainable yesterday becomes attainable today, intention will follow opportunity. The Arabs have abandoned their objective of driving the Israelis into the sea because it has proved to be beyond their capability. Once Israel is reduced to an indefensible blot on the map, however, the temptation to administer the coup de grace will be irresistible. That is clear from the deeply ingrained and frequently murderous hatred which traditionally marked Arab treatment of the Jewish population of Palestine, long before the establishment of the State of Israel in 1948.

(It should be noted in passing that current speculations about Russian intentions similarly miss the point. Are the Russians satisfied with nuclear equality, or do they aim at superiority? Their position in this respect is very much like ours. Both of us are at present satisfied with equality, for that is the best both of us can get. But this does not preclude either of us from welcoming superiority if there were a way to achieve it.)

It is therefore both futile and misleading to listen anxiously for voices of "moderation" from Arab heads of state, let alone the Palestine Liberation Organization (PLO). These voices have been, as it were, very moderate in their moderation, and they have fallen far short of accepting Israel as a legitimate member of the community of nations. Moreover, the rhetoric addressed to the Western world differs significantly, in tone as well as substance, from what the Arab leaders are telling their own peoples. At home, unyielding animosity is the order of the day. How thin the veneer of Arab moderation actually is can be measured, too, by the ceaseless anti-Israeli propaganda the Arab states indulge in within and outside the United Nations.

Take, as one example among many, the operations and report of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestine People, established by the 1976 General Assembly at the instigation of the PLO. The report questioned retroactively the legality of the 1947 partition that officially created Israel, and hence the Jewish State's right to exist. Nevertheless, Arab speakers praised its mildness and even "magnanimity," dismissing its call for the dismemberment of Israel as a "linguistic nuance." The then United States Ambassador, William Scranton, declared the report "unfair," "senseless" and "totally devoid of balance, with conclusions that are unworkable and recommendations which prejudge the outcome of negotiations."

The bifurcation of Arab propaganda would make it extremely difficult for the Arab governments to embark upon a policy of conciliation of compromise vis-a-vis Israel. If they were to move toward recognition of Israel's legitimacy as a sovereign nation, they would be condemned out of their own mouths as traitors to the Arab cause.

The likelihood of such a development, though, is remote. The Arab leaders have been emphatic in denying the possibility of peace with Israel in this generation, regardless of the concessions Israel might offer. The best that can be expected is a cessation of the state of war—that is, an ill-defined, precarious, intermediate stage between peace and war. The scales might indeed tilt toward peace, the peace of the cemetery, if Israel were weakened to the extent that it was unable to defend itself.

That is the crucial issue of the preconference negotiations: How much can Israel afford to concede to the Arabs without jeopardizing its very survival? There is only one standard by which this question can be answered: the preservation of adequate military power. For just as the Arabs have chosen for the time being to pursue their ends through diplomacy because they have found it too risky to challenge Israel militarily again, so they will choose peaceful coexistence with Israel if they find this to be their only rational choice.

It is obvious that in this scheme of things the United States occupies a key role. Its position has from the outset been self-contradictory. On the one hand, the United States has supported Israel politically, economically and militarily to the point where its existence has been assured. On the other hand, it has intervened in the four Middle Eastern wars to save the Arab states from complete military collapse. In other words, long before Henry Kissinger started to become the advocate of Arab interests in Jerusalem as he was the advocate of Israeli interests in the Arab capitals, the United States was pursuing an "evenhanded" policy in the Middle East, assuring the survival of Israel and preventing it from becoming the military master of the region. But more will be expected from Washington in the negotiations now planned.

To suit American policy, a peace settlement must meet three requirements: the satisfaction of Arab aspirations, the chance for Israel to preserve itself in the midst of hostile Arab states, and the maintenance of a balance of power between Israel and the Arab states. The simultaneous fulfillment of these requirements would tax the ability of a Kissinger and is probably beyond the ken of his successors. They are likely to be concerned more with legal documents recognizing the right of Israel to exist, or at the very least not expressly denying that right, than with Israel's military security. In these circumstances, Israel will be asked to give up territories essential for its defense in exchange for assurances recognizing its new, indefensible frontiers as inviolate. Israel will be legally guaranteed what it has to give up in reality: the security of its future. A bargain falling short of this result would not be accepted by the Arab states.

And failure to bring it about would conjure up two consequences that in different ways would put in jeopardy the wider interests of the United States. The frontline Arab states have consciously exchanged the American for the Russian card. They are free, and will be encouraged by the Soviet Union, to reexchange these cards when they have concluded that the American is no better than the Russian one. The reappearance of the Soviet Union as an active factor in the Middle East, hostile to Israel, would not only ruin all attempts at a negotiated settlement but would also place new emphasis upon the alternative, always lurking ominously in the background, of war.

Secondly, also always lurking in the background is the ability of the oil-producing Arab states to impose another oil embargo. This would greatly embarrass the United States and could plausibly threaten the ruin of some of its allies. It is of course apparent, in spite of disclaimers to the contrary, that Western dependence on Arab oil weakens the hand of the United States in negotiations with the Arab states. The threat of another embargo does not need to be articulated; it is inherent in the objective situation. It is the check that in this game of bluffs and counterbluffs, threats and counterthreats, remains firmly in the hands of the Arab states.

Finally, although President Jimmy Carter's statements in support of Israel have been as emphatic as those of his predecessor, the new Administration does not, any more than President Ford's did, present a united front on behalf of Israel. Since the establishment of the State of Israel, a group within the State Department, now strengthened by backing from the military and influential sectors of public opinion, has endeavored to check and, if possible, undermine, the Presidential support for Israel. The recent maneuvering to cancel the sale of concussion bombs to Israel, at the center of which appears to have operated the National Security Advisor to the President, continues an old tradition: If you cannot stymie a policy through head-on opposition, manipulate its executors in such a way as to frustrate their policy by making it appear you are actually supporting them.

The substitution of legal recognitions and promises for tangible military advantages is likely to be the main weapon friends of the Arabs, and even well-meaning but unwitting friends of Israel within the American government, will use to bring Israel to terms. In particular, one ought to watch out for the effort to change defensible frontiers guaranteed by Israel's military might for indefensible frontiers guaranteed by the United States either alone or in concert with other

powers. History shows that such guarantees do not withstand the pressure of contrary national interests.

Imagine another Middle Eastern war following a settlement that has left a weakened Israel depending upon great-power guarantees. Is it likely that these guarantors of the status quo will take up arms on behalf of Israel against its Arab neighbors? And even if the answer to that question were in the affirmative, military aid would be too late to save the status quo. Thus to be serious about the survival of Israel means not only to indulge in the rhetoric paying homage to it, but to pursue a policy that actually serves this purpose.

PUBLIC ASSISTANCE AMENDMENTS OF 1977—H.R. 7200

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mrs. COLLINS of Illinois. Mr. Speaker, I am pleased that my colleagues voted for passage of H.R. 7200, the Public Assistance Amendments of 1977. The passage of these legislative measures was vital to the well-being and survival of millions of disadvantaged Americans—90 percent of whom are old, disabled, or women with small children.

I view passage of H.R. 7200 as an equitable recognition by the Federal Government of its obligation to sustain the living conditions of these citizens. This bill's objective to change the determination of SSI benefits from a quarterly to a monthly basis with a provision eliminating any benefit reductions resulting from assistance an individual receives from a private charitable agency is a long overdue effort to improve the delivery and effectiveness of the SSI program. Also, the imputation of income and resources of a sponsor of an alien to that alien not longer than 3 years is a useful amendment to reduce the incidence of abandoned aliens becoming wards of the State with no government recourse to their sponsor.

I am pleased that this bill contains a provision to increase the statutory ceiling on Federal funds for title XX, requiring that $200 million be used for child day care services, and a 1-year extension of certain social security provisions including those relating to grants to hire welfare recipients for day care services and other welfare-oriented services.

Additionally, those provisions of H.R. 7200 that deal with the child-welfare services program, Aid to Families With Dependent Children—AFDC—and provide protective measures for foster care children removed from their homes for long term placement meet with my wholehearted support, as does the prohibition of States to spend less for child welfare services in fiscal year 1978 than in fiscal year 1977.

The adoption provisions of the AFDC program is by far one of the most important components of the total Federal welfare program. About one-fifth of all AFDC recipients live in my city of Chicago and the large metropolitan areas of New York City, Los Angeles, Philadelphia, and Detroit. H.R. 7200 requires the inclusion of adoption subsidies as part of State AFDC foster care programs; and States will be allowed to use Federal AFDC matching funds to provide foster care for AFDC children in public institutions or group homes caring for 25 children or less.

The House, by its resounding vote of approval for H.R. 7200, has evidenced the measurable worth of the Public Assistance Amendments of 1977 in meeting the financial crisis of those less fortunate.

A LOOK AHEAD

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. FLORIO. Mr. Speaker, last year, during the bicentennial, we commemorated the glory of our first 200 years. As we mark the 200th anniversary of our flag, we must look to the future rather than relish the past. It is imperative that we commit ourselves to solving problems in four basic areas: Preservation of our natural resources, health care, transportation and energy.

As our people traveled West, they left traces of "civilization" in every area they touched. Today there is the real threat that our children's children will never know the beauty of our land. To insure the conservation of our resources, we need a new commitment on the part of the Government. No longer can it be left to the private sector to police itself. The Government must develop new approaches to these problems, such as the idea of maintaining private, but restricted ownership similar to that which I have proposed to conserve the Pine Barrens. Without this active and innovative governmental involvement, the day will surely arrive when we discover that the majesty which was once ours is gone forever.

Our Nation has no more precious natural resource than its people. We must take action to insure the health of our citizens. The current emphasis on treatment must be replaced by a concerted effort in the field of disease prevention. Where illness does occur, we must provide adequate sources of inhome care, and not be content to automatically institutionalize the infirm. In the event it does become necessary to hospitalize a patient, there must be assurances that the institution is doing all it can to function efficiently. No longer must our people be asked to pay skyrocketing medical costs which could be controlled by using sound business techniques in the health care field.

No greater challenge faces this republic than providing transportation that is efficient and that conserves our true resources. Rather than spend our limited funds on the improvement of roads, thereby encouraging automobile travel, we must develop a system to revitalize our railroads and develop water-borne modes of transportation. In our urban areas there is little, if any, effective mass transportation. We must make every effort to improve these systems so that city dwellers are able to move about freely. The use of existing corridors, such as those I advocate, will provide an answer to our growing transportation problems.

The development of transportation cannot ignore the related problem of conserving our energy. The American people must be prepared to impose restrictions on themselves. We must become keenly aware that once a gallon of oil is burned it can never be replaced. Alternate sources of energy must be developed while we require the American people to curtail their current rate of consumption.

As we move through this time which Congress has declared a period in which to honor America, we must not be content to boast of our past accomplishments. Rather, we must propose and act upon concrete solutions to our Nation's current problems to insure a strong and productive future for our people.

SALUTE TO WILO RADIO

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. JOHN T. MYERS. Mr. Speaker, I take this opportunity to salute the broadcast industry which responded in a very positive way to the intense weather crisis of late January and February in many parts of the country.

I am particularly proud of the performance of WILO Radio in Frankfort, Ind., which served the public interest beyond the normal requirements. WILO owner Vern Kasper has earned the plaudits of his colleagues around the Nation for the example he set in meeting the challenges during the weather crisis.

I submit this account of WILO's "service to the people" as it appeared in "Radioactive," a monthly publication of the National Association of Broadcasters:

THE WINTER OF '77

The Winter of '77 will long be remembered in many parts of the country. In this feature of our series, "Weather," we look at how several radio stations in the Midwest dealt with the crisis-producing winter. During a February blizzard, which froze the Frankfort, Indiana area for days and created some real life and death situations, WILO AM & FM abandoned its regular programming for 85 hours to open its telephone lines to its listeners.

Vern Kasper, general manager of WILO, explains that "during the emergency our staff relied upon the helpful attitude of the public. Without a doubt, the greatest contributors to gathering information were our citizens, through the use of radio and telephone." Vern continues, "we aired endless calls of people sharing emergency weather facts as they saw them in their part of the area."

Because of the usefulness of the telephone, Vern has drawn the conclusion that "during

certain emergencies, telephone talk show techniques, when correctly done, provide a highly efficient news gathering process that lends itself to solving and preventing problems as well as reporting news in the classical sense. The telephone plays a key part in this type of journalism and its uses must be convenient, have good quality transmission, and a total line conference capability."

He cautions that this isn't applicable to, or good for, all stations or all situations; and adds that in this type of journalism, the staff must be ready to bear extra responsibility. "The time to prepare for emergency service is certainly not the day of the emergency." Vern explains that what is required is a total philosophy of problem solving at all levels of operation.

COMMUNITY EFFORT . . .

One example of community effort was a one-and-a-half hour "watch." Listeners tracked three snowmobilers transporting medical supplies in blowing snow with a −60 degree chill factor and phoned in progress reports to WILO until the snowmobile team arrived safely.

Other examples of community effort included the discovery of fourteen missing persons by listeners, a family of six which received material and monetary relief after their home burned down, people who spotted cars covered by snow for rescue crews and families receiving heat and food. And so it went for the six day vigil.

Writing to Vern Kasuer after the crisis, one listener described WILO's emergency operations: "You were the hub of a giant wheel—the police, sheriffs. National Guard, Civil Defense, REACT CBers, Red Cross, snowmobilers and private citizens were the spokes." Another listener's comment summed up the WILO coverage: "I'm certain that for those persons who were marooned and isolated during the storm, their radio was a real comfort, and in some instances, a real life saver."

SEARCH FOR MIDDLE EAST PEACE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. ROSENTHAL. Mr. Speaker, the search for a peaceful settlement in the Middle East is a tenuous one. In fact, a consensus over what constitutes peace is yet to be found.

What is peace? Is it just a document or armistice agreement that can easily be broken? Or is it to be a fundamental change in the relationship between sovereign nations? If so, will such a change assure longstanding peace?

For the Middle East nations to live in peaceful coexistence they must trust one another. No settlement can endure or be based upon constant mistrust of the other's intent. If such is the case, a breach is inevitable.

For peace to be meaningful and lasting in the Middle East, each country must reassess the reality of the current situation and be dedicated to its improvement and eventual success. Peace is possible and can become the status quo.

Israel's Ambassador Simcha Dinitz has emphasized these points on many occasions. Speaking at the Tropaia Ceremony of his alma mater, the School of Foreign Service at Georgetown University, here in Washington, he spoke of peace as a reality not a dream.

Mr. Speaker, the Ambassador's address of May 21, 1977, does an excellent job of placing the issue of peace in the Middle East in the proper perspective. The address by Ambassador Dinitz follows at this point in the RECORD:

ADDRESS BY HIS EXCELLENCY SIMCHA DINITZ

Dean Krogh, distinguished graduates, teachers and friends:

It is indeed a pleasure for me to have been asked to participate in Tropaia, the annual honor ceremony, for graduates of the School of Foreign Service. I want to congratulate the honorees on their achievements and express my hope that you carry your excellence in academia to the outside world in dealing with the vital issues of our day.

Twenty-three years ago, when I graduated from the School of Foreign Service, I wasn't sure if I would qualify even as a participant in the audience, so I feel particularly honored to come today as your guest speaker.

The years I spent at the School of Foreign Service, both as an under-graduate and as a graduate student, were some of the happiest years of my life. And this is not only because we were all young, dreamers, reformers, hoping for a better world, but primarily because we had the luxury of absorbing knowledge, analyzing and criticizing decisions made by others, while now we have to make decisions ourselves and subject them to the scrutiny of the academics.

One quickly realizes that in the field of practical diplomacy, dealing with the harsh reality of the world, compromises are needed, and the stark colors of black and white must often be replaced with the convenient greys. Nevertheless, if sound academic training is to fulfill its function, it is to teach us that there are things which are intrinsically right and things which are intrinsically wrong. We cannot constantly ignore principles for the sake of convenience or substitute expediency and comfort for basic values, without eventually damaging the very fibre of the moral precepts upon which our society is based.

I speak to you today as a graduate and a representative of a small country which continues to struggle for peace and security twenty-nine years after its establishment. It is a country that has performed the impossible in many fields of human endeavor. Its pioneers drained the marshes, brought water to its desert and made it bloom, and created a free and democratic society in an area which knows no democracy. It lived through four major wars and twenty-nine years of blockades, boycotts, terrorism and hostility. It is determined to continue to do everything in its power to achieve peace. The attainment of peace, no matter what government will be constituted in Israel, will always remain Israel's most coveted goal.

If we are living today in a period which seems to afford a greater opportunity for the achievement of peace, it is because our neighbors have realized that wars cannot provide political solutions. Wars can add to the misery, the agony and the pain of all the people of the Middle East, but cannot advance, in one iota, the day of peace.

We therefore ought to resolve that a dramatic turn must be taken to lay the foundation for a true and lasting peace. A turn from the battlefield to the conference table; from military engagements to political negotiations; from confrontation to accommodation. This must be done by the countries of the area themselves. No one can do it for us.

The United States can provide its good offices to bring the parties together. It cannot and should not substitute for the parties. People who expect to live with each other must first learn to talk to each other.

And as we get together to talk to each other we must resolve the three elements which are at the base of the conflict.

First, we have to agree on the essence of peace. Is it going to be a mere proclamation, a piece of paper, or is it going to bring a basic change in the relationship between the people? I suggest that for peace to be meaningful and lasting it must provide for a change in the basic reality that existed until now. For interchange of ideas, people and goods, it must relate to the psychological climate of the Arab-Israel conflict so that the man in the street in Cairo, Damascus, Amman and Jerusalem will personally sense the dawn of a new reality.

Secondly, we have to resolve the question of the peace boundaries between Israel and its neighbors. This question must be resolved in a manner that will give dignity to the Arabs and security for Israel. We must not reconstruct the edifice of peace on the fragile armistice lines which were never recognized as permanent boundaries and which brought about three wars in one generation.

We must not subject a country—Israel—which is the size of the State of New Jersey, surrounded by an Arab world which equals the size of the rest of the forty-nine states to the danger of being attacked again across vulnerable borders. We should not expect a country, any country, to place its security and ability to defend itself in the hands of others, foreign or international forces. Neither should we ask our friends, even the best of our friends, to be the guarantors of our security. Such guarantees if they are meaningful will be dangerous because they will require the military involvement of American troops. Neither Israel, nor, I believe, the United States should ever aspire to base a viable solution on this premise. If they are not meaningful then they should not be offered because they create illusions which are misleading and expectations which cannot be met.

Thirdly, a peace agreement must resolve the question of the Palestinians. There is ample possibility and great opportunity to solve the question in conjunction with that part of Palestine which is now called Jordan. Most of the inhabitants of Jordan are Palestinians. All of the West Bank people are Jordanian citizens. It is only natural, therefore, that the question must be solved within this context. Any proposal to create yet a third state, between Israel and Jordan, ignores the fact that such a state will have neither the economic viability nor the physical capacity of settling the Palestinian refugees. Such a state can serve only one purpose, as many of its advocates candidly admit, and that is to try to do away with both Israel and Jordan.

It will be creating in the heart of the Middle East a radical entity infested with Soviet arms and influence, a threat to the stability of pro-Western regimes, a nest of terror and terrorism. It is neither an historical justcie nor a prerequisite for peace to establish the twenty-first independent Arab state while threatening the existence of the one Jewish state in the Middle East.

It is to solve these issues that Israel calls for negotiations with its Arab neighbors. It is not beyond the capacity of modern statesmanship to find a compromise that will resolve these issues. The Arab States and Israel have never sat together without reaching an agreement and they have never reached an agreement without sitting together.

We have not delayed the convening of such a conference one single day. We have been prepared, yes anxious, to start the peace negotiations for the last twenty-nine years. If indeed the Arab countries are finally prepared for it, they will find in us an eager partner.

All we want, is to be able to live peacefully. We do not want to be threatened by

foes or saved by friends. We do not want to live at the expense of others but neither at the mercy of others. We want to build in Israel that type of a society which will be able to contribute its share towards a freer, a safer and a more decent world. In helping to shape such a world, we look to the graduating class of 1977 to become full and dedicated partners.

LABOR-HEW APPROPRIATIONS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. WIRTH. Mr. Speaker, I urge my colleagues to repeal section 209 from the Labor-HEW appropriations. This section, known as the Hyde amendment, seeks to restrict the fundamental rights of freedom with respect to reproduction for poor women, many young women, and women who cannot afford private medical care. The legal and human consequences of this provision would be devastating to our society.

The purpose of the Labor-HEW appropriations bill is to equalize health and education services for all Americans. This prohibition in the bill against a particular service to a particular group of people is a direct denial of such equalization.

In fact, I believe the ban on providing Federal funds for abortion violates the Constitution of the United States. The Supreme Court has unequivocally stated that the choice of abortion belongs exclusively to the woman and her doctor, free from Government interference. Section 209, which allows Federal funds to pay for the cost of child birth—but not for abortion—violates a woman's right of choice; leaving it, instead, in the hands of the Government.

We are naive if we believe a ban on medicaid funding for abortions will eliminate this medical procedure. Prior to the 1973 Supreme Court decisions. 1 million illegal abortions were performed annually in this country. If medicaid funding for this medical service is cut off, poor women will again be forced to seek "back alley" abortionists or attempt self-abortion. Deaths and injuries from nonmedical, unsanitary abortions, which almost disappeared in this country between 1973 and 1976, will reemerge and increase.

In addition, 47 States and the District of Columbia now permit medicaid reimbursement for abortions. Retention of the Hyde amendment would interfere with existing State statutes on using public funds for abortions. Such a discrepancy between State and Federal laws would undoubtedly be a huge administrative burden and would clog our courts with increased litigation.

Finally, in an official impact statement on the Hyde amendment, Dr. Louis Hellman, formerly of the Department of HEW, reported that the total cost of medicaid reimbursement for abortion is $50 million annually. Since most of those women denied medicaid for abortions would be forced to carry unwanted pregnancies to term, the cost to the Government for first year pre- and postnatal treatment would be between $450 and $565 million. No one can predict the cost of the life-long suffering of unwanted children who, studies have shown, are more than twice as likely to suffer from social, emotional, and educational disadvantages as wanted children. The cost to society of unwanted children—higher numbers of welfare recipients, a poorly educated citizenry, increased delinquency, and a greater number of psychiatric problems—must be avoided.

THE NEW PROHIBITIONISTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. McDONALD. Mr. Speaker, the saccharin ban proposed by the Food and Drug Administration has focused public attention on Government control of food additives, particularly the proclivity of the FDA to ban a substance no matter how flimsy and farfetched the evidence of its alleged danger.

Consumerists have been conducting a campaign against food additives for many years now, claiming that our food is being poisoned by chemicals and that we should be eating "natural" foods instead. These attacks have been duly transmitted to the public by the news media.

In fact, however, everything consists of chemicals, including "natural" food, and there is no chemical difference between manmade chemicals and "natural" chemicals. And if the present standards used by the consumerists and the FDA were applied to "natural" foods, a large number would be declared illegal; in fact, it would be illegal to swallow our own saliva because it contains nitrite which can be transformed in the stomach into nitrosamines—a carcinogen.

The standards being applied to food additives are political, not scientific, and are being used to advocate Government control of everyone's diet. For example, see Senator McGOVERN's report "Dietary Goals for the United States."

Not only are consumerists and politicians dishonest in their attacks on food additives, but the news media is irresponsible in not supplying easy to get information about chemicals and "natural" foods which would expose this dishonesty to the public.

All of this, and much more, is supplied by Edith Efron in a truly excellent article that should be read by every Member of Congress before any further action is taken to give the Government more control over our food supply. The article—"The Additive Scare: What Television Isn't Telling Us"—appeared in the June 11, 1977, TV Guide.

The article follows:

THE ADDITIVE SCARE: WHAT TELEVISION ISN'T TELLING US

(By Edith Efron)

"One of these days, the Food and Drug Administration is going to discover that Jack Daniel's gives rats cirrhosis of the liver, and we'll be back with Prohibition again." That wry comment comes from scholar Irving Kristol, a man who can recognize an old folly masquerading in new garb. It sums up the ineffable silliness of the current consumerist drive to "protect" us from every allegedly unsafe substance that we are putting in our mouths. The media have failed abysmally to expose this silliness, of which surely the prize example is The Great Additive Scare. Almost no informational context is being provided on TV to give viewers insight into this bugaboo, when it would be so easy to do so. For example:

1. Consumerists are crying out warnings that the American food industry is putting *chemicals* into our food; that men were never intended to consume *chemicals* but only "natural" foods. Here's what the newsmen should be adding to this quaint doctrine: (a) that everything that exists, *including* human beings and "natural" foods, consists of chemicals; (b) that there is no *chemical* difference between man-made *chemicals* and "natural" *chemicals;* (c) that consumerists are using *chemicals* as a scare word.

2. Consumerists are warning us that industry is putting tons of *chemicals* called "additives" in our food—in effect, poisoning us for profit. Here's what the newsmen should be adding: (a) that per-capita consumption of "additives" per year is about 139 pounds, and that 129 of those pounds consist simply of sugar and salt; (b) that the 129 pounds break down as follows: 102 pounds—sucrose, (i.e., cane or beet sugar), 8 pounds—corn syrup, 4 pounds—dextrose (a simple sugar), 15 pounds—salt; (c) that of the 10 remaining pounds, 9 consist of such innocuous ingredients as pepper, mustard, yeast and sodium bicarbonate; (d) that only one pound of the 139 consists of colorings, emulsifiers, preservatives, etc.—about 1800 different chemicals, many used to prevent food from growing rancid and moldy, rotting, giving you food poisoning or botulism; (e) that the median level of each of these additives is about one-half a milligram per additive per year—the weight of one grain of salt; (f) that every time you've heard a consumerist warning that a particular additive is threatening your life, he has been talking about that one speck per year.

3. The consumerists are now zeroing in on the major additives—sugar and salt. These, they charge, are causing such diseases as heart disease, hypertension and diabetes. That is one of the bases of Sen. George McGovern's entry into the New Food Politics. In my last column, I said McGovern *had prepared a law* that, if passed, would inaugurate new State powers to dictate our diets. McGovern wrote in to say that was inaccurate. Acknowledged. Here's the accurate version: McGovern has *laid the conceptual groundwork for a law* that, if passed, will inaugurate new State powers to dictate our diets.

His launching pad is a document called "Dietary Goals for the United States," which seeks, among other things, to slash sugar consumption by 40 per cent and salt consumption by 50 to 85 per cent. Here's what the newsmen should add to McGovern's press releases: (a) that the McGovern Report is dominated by the determination to bring about "behavioral change" in U.S. eating habits—i.e., to manipulate us by taxation, laws and regulation into eating what a Federal food bureaucracy wants us to eat; (b) that the immediate target of coercion is the food industry; example: the McGovern Report launches the idea of banning TV ad-

vertising of foods containing the "dangerous" sugar and salt; (c) that dozens of the conclusions in that report—including the disease-causing potential of sugar and salt—are being contested by scientists; (d) that one critic, Dr. Fredrick J. Stare, professor of nutrition at Harvard, describes "Dietary Goals" as "essentially a political report prepared by a nonprofessional staff"; and (e) that another critic, Dr. Thomas Jukes, professor of medical physics at the University of California Berkeley, describes "Dietary Goals" as animated by "Big Brother" impulses.

4. Consumerists are assuring us that so long as we stick to "natural" food, we'll all be safe as houses, and that only man-made *chemicals* must be tested by the FDA, fed to rats, etc. Here's what the newsmen should be adding: (a) that "natural" foods also contain "dangerous" chemicals; (b) that bananas, pineapples, cheese, contain chemicals that raise blood pressure; (c) that peaches pears, strawberries, Brussels sprouts, spinach, white turnips, carrots and cauliflower contain chemicals that cause thyroid disease; (d) that some food contain poisons (spinach, cashews, almonds, cocoa and tea contain oxalates and free oxalic acid; potatoes contain the poison solamine; fish and shellfish contain arsenic; lima beans break down during digestion into hydrogen cyanide); (e) that some foods contain natural carcinogens (orange juice, flour, cabbage, turnips, sassafras and nutmeg); (f) that egg yolks are carcinogenic to mice; (g) that none of this matters a whit because you get only a trace of these chemicals in normal amounts of food, and the human body comfortably tolerates such traces; (h) that if the present standards used to test and ban man-made chemicals were applied to "natural" foods, a shocking number of them would be declared illegal; that, in fact, it would be illegal to swallow our own saliva, which contains nitrite, a substance that can be transformed in the stomach into nitrosamines (i.e., carcinogens).

5. Consumerists are intimidating citizens into believing that the American food industry is a death-dealing institution—a dominantly political campaign. Here's what the newsmen should be telling us: (a) that the life expectancy of Americans is rising; in 1900 people were "old" at 40, dead at 50; (b) that cancer of the digestive organs has no consistent pattern—colon cancer is rising but stomach and liver cancers are declining; (c) that save for occasional allergies, no known case of illness, let alone cancer, has ever been traced to food additives.

This will do to show you how the failure to provide context plays right into the hands of our fanatical "Prohibitionists." The information is easy enough to get. My food facts and figures come from "Food, Nutrition & You," by Fergus M. Clydesdale and Frederick J. Francis, both scientists at the University of Massachusetts. It was published in 1977. Read it for fast, fast relief from irresponsible journalism. Above all it will show you that research and testing for food safety are important but that the current standards are both politicized and insane.

ROBERT DEGREGORIO HONORED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. MARKEY. Mr. Speaker, may I take this opportunity to extend the best wishes and congratulations of the House of Representatives to Robert DeGregorio on the occasion of his being honored by his many friends for the many years of service that he has given to the community of Winthrop.

Bob DeGregorio is being cited for his excellent work on the Winthrop School Committee for 9 years, including three terms as chairman, and his many efforts in support of programs for the young people of the town of Winthrop.

As the Congressman representing Winthrop, I am pleased to have had the opportunity to work with Bob earlier this year in Washington on legislation affecting educational and school policy matters. His service as the liaison from the Seventh Congressional District to the Federal Relations Network of the National School Boards Association was exemplary.

We are all proud of what Bob has achieved on behalf of his fellow citizens in general, and in particular for the Winthrop schools and the youth of the community and we wish him continued success in all his future endeavors.

TAX DEDUCTION FOR REMOVAL OF DISEASED ELMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. FRASER. Mr. Speaker, I have introduced legislation to permit property owners to deduct tree removal costs from their Federal income taxes when such removal is required by State or local law as part of a program to control the spread of Dutch elm disease.

American elms are an important feature of our urban landscape. They enhance our neighborhoods and increase property values, as well as reducing erosion and air pollution. In cities they are especially desirable because of their adaptability to varied environmental conditions.

However, since Dutch elm disease was brought from Europe in 1930, more than half of our American elms have been killed. The Northeastern States have lost more than 75 percent of their elms in urban areas. The disease has spread through 41 States.

Effective disease control programs require prompt removal of afflicted trees. In 1975 the Minnesota State Legislature passed a law requiring property owners to remove their trees when evidence of the disease is found. Since early May the Minneapolis Park Board has identified more than 5,000 diseased elms which must be removed at an average cost of $300 per tree.

If these trees were damaged by hurricanes or fire, the owners would be allowed to deduct casualty losses for income tax purposes. Yet under current law, they may deduct neither the loss of a valuable tree nor the cost of tree removal required by State law for disease control.

I believe my proposal to permit a deduction for the cost of removal, as required by State or local law, is a reasonable way to subsidize the cost of compliance, which is the essential element of the disease control program. The deduction will not fully reimburse the cost of removal, but it will provide some assistance to property owners.

The following is a text of the bill, H.R. 7459:

H.R. 7459

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for the cost of removal of trees required by the United States or a State or local government to be removed to prevent the spread of Dutch elm disease

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222, and by inserting after section 220 the following new section:

"SEC. 221. REMOVAL OF TREES TO PREVENT THE SPREAD OF DUTCH ELM DISEASE

"In the case of an individual who is an owner of real property, there shall be allowed as a deduction all reasonable and necessary expenses paid in the taxable year by such individual for the removal and disposal of trees on such property required by the United States or a State or local government to be removed to prevent the spread of Dutch elm disease.".

(b) The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the last item and inserting in lieu thereof the following items:

"SEC. 221. Removal of trees to prevent the spread of Dutch elm disease.

"SEC. 222. Cross references.".

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years beginning after the date of the enactment of this Act.

TONY HANSON—WATERBURY'S FIRST NBA PLAYER

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. SARASIN. Mr. Speaker, there has been much talk in this Chamber in recent months over the regional differences between what has been called the sunbelt and the snowbelt. Much of this discussion has centered around the trend of many of the factories in the Northeast moving to the South.

I am greatly concerned over this fact since this employment drain has had a negative effect on some areas of my district, notably Waterbury, Conn.

Well I would like to rise at this time to say that Waterbury is again losing another factory and that at least in this case it will result in a Waterburian getting a new job.

The reason for this turn of events, Mr. Speaker, results from the fact that the factory we are losing is the scoring factory better known as Tony Hanson. Tony will be leaving his hometown of Waterbury, Conn., to the more southerly city of New Orleans, as their third round draft choice in the recently completed National Basketball Association talent draft.

Tony's basketball prowess first began to draw attention to him when he was a

student at Holy Cross High School. He set a school record of 1,222 career points and was twice named to the all-State squad.

Continuing his point production as a student at the University of Connecticut, Tony set another school record of 1,990 points. As a senior he averaged 26 points a game and was the 10th leading scorer in the Nation.

Tony's selection by the Jazz makes him the first player ever from Waterbury, Conn. to be drafted by a National Basketball Association team and the first player to be selected from a New England school this year.

Mr. Speaker, it almost goes without saying that Waterbury's good wishes go with Tony Hanson and I am confident that he will continue to display his great skills as a professional player.

PROPOSED CHANGES IN SOCIAL SECURITY ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. GONZALEZ. Mr. Speaker, I am reintroducing a bill I first proposed in the last Congress to make several changes in the current Social Security Act.

When the original Social Security Act was passed in 1935, it was hailed as the answer to the financial problem for the elderly when they were no longer able to work, and over the years it has been a great help to many people, and still is.

But times have changed, including our economic conditions, and there are several aspects of the act which I feel are unfair and hope to have changed through the bill I am offering today.

I feel strongly that there is a need for a special senior citizen's price index for use in adjusting social security payments. Currently increases are based on the changes in the Consumer Price Index, but I have heard from many of my constituents who are more adversely affected by the changes in the economy than are reflected by the CPI. This is due to the fact that the basic necessities on which senior citizens are dependent rise faster in a period of inflation than prices generally.

One study done by the Senate Committee on Aging showed that, while prices rose by 12.2 percent in 1 year, the rate of increases for the greatest expenditures of older Americans—housing, food, medical care, and transportation—surpassed the rate of inflation for all other items in the Consumer Price Index by 29 to 43 percent. These four areas comprise 80 percent of a senior citizen's income, and it is obvious that when social security benefit increases are made based on the CPI, these increases are really not providing for the elderly to keep pace with his true cost of living.

I am proposing that a separate senior citizen price index be used, as well as require that adjustments in benefits be made on a semiannual basis. The index I am referring to has been constructed by the Bureau of Labor Statistics and now only needs to be put to good use.

The second provision of the law which I feel must be changed is the one that penalizes those senior citizens who must work or would like to work to supplement their income. If they earn over $2,520 a year in wages, their social security benefits are reduced. The Federal Government should not be in the business of penalizing those who are attempting to earn an income that will allow many of them to remain financially solvent. Especially when many of the elderly, under our present economic conditions have found that they must sell their homes and their cars in order to make ends meet.

Everyone should have the right to work as well as receive minimum social security benefits. Currently, a minimum of 2 million workers and their dependents between the ages of 65 and 71 are discouraged from working because of this provision, but someone who might earn $50,000 a year in stock dividends still get get full benefits. My bill calls for liberalizing the earnings limitation by raising it to $7,500 per year from the present $2,520 level. It would also provide that the earnings limitation apply only to the principal beneficiary, while lowering from 72 to 70 the age above which an individual's benefits would not be affected as a result of this limitation.

The third point to which my bill is directed deals with the problem social security recipients encounter when they wish to remarry. Many widows and widowers who decide to remarry find that if they do so, they face a loss in benefits. I am sure Congress did not intend to place our senior citizens in such a dilemma, but the present law does just that.

Mr. Speaker, the measure I am proposing calls for several changes in the Social Security Act that I believe are urgently needed to make this program more responsive to those it serves and to make the retirement years of our elderly truly golden ones.

TRIBUTE TO DR. JESSIE MIZE

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. JENKINS. Mr. Speaker, I am extremely proud to rise in this Chamber to pay tribute to Dr. Jessie Mize of Georgia on the eve of a service to honor her in Banks County, Ga., and the release of her book, "The History of Banks County."

Dr. Mize is a native of Commerce in Jackson County, Ga. She is an outstanding historian well recognized throughout her native State for her love of history and her contribution to its study.

It is only fitting and proper that Dr. Jessie Mize be honored on June 19, 1977, which is Banks County Heritage Day. She has provided a delightful awakening to our great heritage through her diligent study and excellent work.

Dr. Mize is an outstanding woman of Georgia. She is a graduate of the University of Georgia and a member of Phi Beta Kappa, Phi Kappa Phi, and Kappa Delta Pi. She received a doctorate degree in home economics from Cornell University. As a home economist, she taught at her alma mater, the University of Georgia, and performed scientific research until her retirement in 1974.

Dr. Mize is a member of the Daughters of the American Revolution, the American Home Economics Association, and the National Retired Teacher's Association. She has authored over 30 scholarly publications in her field of study. Presently she serves as State librarian for the Georgia Daughters of the American Revolution. Her achievements are far too numerous to recite today.

Suffice it to say that Dr. Jessie Mize is a great Georgian. Her work serves as a monument to her achievement and service. It will survive for generations. I praise her on the publication of her outstanding book, "The History of Banks County."

FEDERAL PUBLISHING, PRINTING, AND INFORMATION POLICY SEMINAR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BYRON. Mr. Speaker, on April 20, 1977 I included in the RECORD a notice of a seminar on Federal publishing, printing, and information policy being sponsored by American University's College of Public Affairs. I know this subject is of interest to many of our colleagues and the other readers of the RECORD and I am pleased to report that the 2-day conference held last month was highly productive and successful. I hope that it will stimulate a more active awareness of the issues facing Federal printing, publishing, and information policy and I am confident that it has contributed to the ultimate resolution of the outstanding issues in this area which are deserving of consideration by all of us.

Prof. Lowell H. Hattery of American University is to be congratulated, along with all of the other participants in the seminar for their excellent work. I would like to include in the RECORD at this time a summary of the conference prepared by Professor Hattery and published in the May 1977 issue of Information Retrieval and Library Automation:

FEDERAL PUBLISHING, PRINTING, AND INFORMATION POLICY: FINDINGS FROM A SEMINAR

More than a hundred experts and participants took a close look this month at Federal Publishing, Printing and Information Policy, identified problems and issues, and surfaced several sharply-defined proposals for reform.

The occasion was a 2-day Institute, held at American University in Washington, D.C. on May 12–13, with the cooperation of several professional and trade associations. The format consisted of background papers, invited discussants and question-comment input from participants from public and private organizations in the United States and Canada.

Several key findings and consensuses de-

veloped which should provide guidance to policy-makers.

1. Clear and consistent Federal policy needed—

The call for coordination and consistency in Federal information policy comes both within the Federal structure and from the private information industry.

Quincy Rodgers, an attorney and former staff member of the White House Domestic Council, affirmed the need for a national information policy in a Domestic Council report subsequently published by the National Commission on Library and Information Science (see IRLA October 1976). He argued for the primacy of the Federal Executive Branch in policy development in his remarks to the American University audience:

"Policy is a process which involves Congress and the Executive Branch, regulatory commissions and the courts. Of these four institutions, only the Executive Branch can be expected to sustain a comprehensive approach. The courts and even the independent regulatory agencies are for the most part bound to a case-by-case approach. They are subject to jurisdictional limitations. The Congress can take comprehensive approaches only with great difficulty and only within the limitations imposed by the committee system.

"A President is in the best position to establish broad policy goals and provide leadership. The objective is not a Presidency that dominates the policy process, which everyone seems to agree is inappropriate. The goal is a Presidency which makes that process more rational by allowing a more comprehensive approach."

Concerning the impact of consistency of policy on private initiative, Rodgers added: "If there is to be innovation and competition, there must be some certainty about the return that can be anticipated. No one wants to make investments or commitments where there is a possibility that the rules of the game will be changed or that government itself will become a competitor."

2. Title 44 needs revision.—

"With . . . over 80 years of experience with Title 54 of the U.S. Code," Edwin R. Lannon told the Institute, "you would think Federal printing and publishing policy would be well understood and well codified. Unfortunately this is not the case." Title 44 provides the legal setting for Federal printing and publishing. It was last codified in 1968. Lannon believes further that the law reflects the influence of 19th century printing technology.

Although the provisions of Title 54 give the Congressional Committee on Printing and the Government Printing Office very tight control over Executive agency printing and publishing, the law has not been challenged in the courts. However, President Woodrow Wilson, who was a political scientist and constitutional lawyer, stated in a veto message to Congress:

"The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact the law; but once an appropriation is made or a law is passed, the appropriation should be administered or the law executed by the executive branch of the Government. In no other way can the Government be efficiently managed and responsibility definitely fixed. The Congress has the right to confer upon its committees full authority for purposes of investigation and the accumulation of information for its guidance, but I do not concede the right, and certainly not the wisdom of the Congress endowing a committee of either House or a joint committee of both Houses with power to prescribe 'regulations' under which executive departments may operate."

It is reported that the Congress is increasingly sensitive to the deficiencies and anomalies of the basic law, and that an in-depth review of Title 44 is in the near offing.

3. Legislative and executive branch printing/publishing should be administered separately—

Printing/publishing is the only executive branch function controlled and administered in detail by a Congressional Committee and its operational agency.

As President Wilson pointed out, and as many have subsequently affirmed, it is an arrangement which contradicts the principle of separation of powers.

The arrangement by its very nature engenders conflict, for dissemination of information is an inextricable component process of the executive agency's program mission fulfillment. Printing and publishing are essential to carrying out mandates from various functional and appropriations committees of the Congress—yet are subject to detailed control by an administrative committee of the Congress.

The management logic of giving an agency control over the tools necessary to carry out Congressional mandates is generally recognized. That this one exception to the principle exists, is due to Congressional inertia and the absence of a sufficiently vocal public constituency to demand and support the needed legislative reform.

4. Government Printing Office takes "Beleaguered" stance—

Officials of the Government Printing Office must perform in accordance with the provisions of Title 44 and other legislation. They are accountable direct to the Congressional Joint Committee on Printing. An obligation to Executive Branch agencies and to the public (e.g., depository libraries) exists of course but only in a subordinate relationship to administrative responsibility to Congress.

GPO officials rightly cite as a reason for challenged policies or actions that they are simply operating in accordance with the law. For example, Deputy Superintendent of Documents William J. Barrett told the American University Institute, after referring to a possible Congressional study of Title 44: "If the study results in changes to the present law, be assured that the Public Printer (and GPO) will follow it to the letter, just as they are doing now."

Nevertheless, GPO officials seem to overreact to questions and challenges. This posture exacerbates the natural conflict which exists between Congress and the Executive Branch, and makes accommodation more difficult. This is regrettable especially in view of the exceptional efforts by the present Public Printer to resolve many of the specific differences which have existed for decades.

In April 1976, Thomas McCormick (the present Public Printer), established an Interagency Council on Printing and Publications Services. He told the Institute:

"This is a high level 'Can-Do' committee. . . . We are meeting at least monthly, and the results have been very productive.

"The Council reviewed and brought to resolution 29 of the 31 problems the agencies reported as having had with GPO over the years. The Council activity represented hours of meetings and additional effort by the Council members and GPO staffers. While not always in agreement, they sought a common goal—to improve the Government printing and distribution programs. Their efforts represented a classic case of intergovernmental cooperation.' "

5. It's time for a closer, "system" examination—

Several converging and supporting conditions lead inevitably to the need for a comprehensive examination of the need for and means to achieve a rational, national information policy.

If the process of printing, publishing and information functions are viewed as interrelated—as a system—it is clear that the present laws, institutions and procedures are "out of sync." In the Institute proceedings it was demonstrated clearly that there is not just one major Federal printing/publishing establishment—there are at least two: the Government Printing Office and the National Technical Information Service of the U.S. Department of Commerce. In fact the number of titles sold by NTIS exceeds those marketed by GPO. The policies of the two great publishers are not common nor are they coordinated.

There are many other smaller printing/publishing centers. Changing information technology is certain to proliferate such individualized programs. In itself, this may not be undesirable. The fact must be taken into account however in a redraft of Title 44, or in suggesting changes in the roles of the Joint Committee on Printing and the Government Printing Office.

Much is at stake. Bernard Fry, Library School Dean and perhaps the nation's leading student of Government Documents, pointed up the importance of government publishing:

"Representing a significant and integral part of the national information resources, government publications at all levels—Federal, state and local—are today a major source of information in practically every field of endeavor and are crucial to informed public decision-making. At the same time government publications are recognized as probably the most neglected and underutilized information resources available to the public. The root cause of this paradox lies in the diversity and confusion of government policies and in the widespread lack of public awareness of the existence of government publications which might be of value to them."

KEY ENERGY DECISION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BROWN of California. Mr. Speaker, one of the key energy decisions we will be making this year will be presented in the fiscal year 1978 ERDA authorization bill, H.R. 6796. The Science and Technology Committee chose to override the President's decision to delay the commercial demonstration breeder project at Clinch River. This was done by including $117,000,000 in the bill above and beyond the President's $33.000.000 budget request for operating funds for the Clinch River demonstration project. As a member of that committee, I strongly opposed that inclusion, as a waste of badly needed energy funds—a waste which only benefit those historically associated with the project. I will offer an amendment to strike that excess funding, and I have solicited my colleagues support with the following "Dear Colleague" which I have inserted for the RECORD. I should note that I do not offer this as an "anti-nuclear" amendment, or even an "anti-breeder" amendment. I support strong nuclear development programs, including breeder development, as necessary options for meeting our current and long-range energy needs. My amendment does not remove base funding for the breeder program and I support additions made by the committee in this area. I oppose only the premature commercialization step, as wasteful of en-

ergy funds and contradictory to our important goals of negotiating more effective nonproliferation agreements.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 16, 1977.

DEAR COLLEAGUE: I am writing to ask you to support deferral of the commercial demonstration phase of the two billion dollar Clinch River Breeder Reactor (CRBR) project as recommended by the Administration. The House Science and Technology Committee voted 19–11 to continue this commercialization program, which I feel is a grave mistake. When the ERDA authorization bill comes to the floor next week, I will introduce an amendment to reduce funding for the CRBR from the $150 million in the committee bill to the $33 million requested by the President for termination costs and completion of preliminary design.

I have served on the Science and Technology Committee and the Joint Committee on Atomic Energy, and I have voted in the past for the Clinch River project funds. The reasons why I now support the President's decision to defer the CRBR are given as follows.

First, the United States cannot credibly negotiate for a limitation on nuclear weapons proliferation if we proceed now with a project aimed at early placement of the breeder reactor in the commercial economic sphere. This reactor uses separated and purified plutonium as a fuel component. Once plutonium is available in separated form, the potential exists for nations or terrorists to build bombs within days. Others have argued that bombs (of even higher efficiency) can be made of plutonium obtained without commercial nuclear fuel recycle or a breeder economy. This is true, but a plutonium separation facility in a civilian power program gives a country an "instant" weapons capability as a byproduct. The warning time available for the rest of the world, in which to react to a nation's decision to produce bombs, becomes vanishingly short.

Proceeding now with a breeder commercialization project would signal the United States acceptance of the world-wide use of plutonium under the woefully weak existing international safeguards. The resulting uncontrolled proliferation of nuclear weapons could eventually present a grave security threat to our nation. Local or regional disputes, when charged with nuclear threats, would continuously draw into conflict the major nuclear states, destabilizing our never secure detente arrangements. Arguments about the need for sustained energy sources in the next century tend to pale in importance in a world where a nuclear weapons capability could spread to many nations and even terrorists. In spite of this foreign policy dimension, the Science and Technology Committee did not even hear from the State Department in its hearings on this breeder project.

With my amendment, the Administration will still continue research and development on the liquid metal fast breeder reactor (LMFBR) at roughly half of a billion dollars annually, so that this energy option will be maintained. Commercialization can go ahead when negotiations for an international framework for plutonium use are completed, or when the energy need becomes overriding. Under the President's recommended budget, the advanced nuclear program alone receives as much money as solar energy and energy conservation research and development put together. The $1.2 billion Fast Flux Test Facility development at Hanford, Washington, which uses liquid metal coolant and tests fast breeder fuels, will continue and begin operation in 1979. The results from its experimental program should precede, not coincide with, the design and construction of the CRBR. The total cost of nearly $3.5 billion for simultaneous development of the two LMFBR projects would be an extraordinary amount to spend for this one type of breeder reactor considering the present proliferation concerns.

Proceeding now with the CRBR on the hope of later developing adequate technical and institutional safeguards is not a prudent course. The pause in the commercialization program will allow us to investigate both possible technical safeguards and improved design for the LMFBR and the feasibility of alternate advanced converter reactors and nuclear fuel cycles which may be more proliferation resistant. For example, slightly modified versions of todays light or heavy water reactors operated on a denatured uranium-thorium fuel cycle would cut uranium consumption by a factor of two to four while using a fresh fuel no more attractive to potential bomb builders than the current low enriched uranium fuel. The investigation of these alternatives will be possible only if we delay a premature commitment to LMFBR technology which Clinch River represents.

The pause will also allow time to reach international agreements to reduce the danger of nuclear weapons proliferation. The United States has launched a major diplomatic effort to persuade other countries to avoid premature commercialization of a plutonium based economy. An International Fuel Cycle Evaluation Program is being set up in which supplier and buyer countries jointly explore ways to make nuclear technology more proliferation resistant or find other ways to meet both world energy and security needs. We are not asking France and Germany to forego their breeder programs, but we do want them to restrict sales of sensitive nuclear technology to nonweapon states. We should not be too hasty in pre-judging the success or failure of the President's initiatives; for example, both Germany and Britain have delayed their decision on a commitment to the next stage in the breeder reactor development. Also, France has indicated a reconsideration of their sale of a plutonium reprocessing plant to politically unstable Pakistan. The funding of the CRBR by Congress would undermine our credibility in these international negotiations.

The second major reason for deferring the breeder commercialization program is that the breeder as an energy source is not needed as soon as we once thought, primarily because the current estimate of nuclear capacity in the year 2000 is less than one third of what the estimate was when the CRBR was originally authorized. Coupled with the ERDA estimate of United States uranium resources, a pause in the commercialization program is totally justified, as outlined by Dr. Schlesinger in his testimony before the Science and Technology Committee (which I inserted in the June 13 Congressional Record, pg. E3706). He stated that with reasonable assumptions on uranium supply and energy demand, the breeder demonstration program can now be postponed anywhere from seven to thirty years. It seems the height of folly to cling blindly to a schedule which was planned when we foresaw the demand three times greater than we see now for the year 2000. Schlesinger pointed out that the cost-benefit ratio of the CRBR is not favorable when the commercialization program is no longer required, and that with falling demand projections early commercialization is not in the interest of the very utilities which were the targets of the demonstration. If a careful study in the next decade indicates less uranium, renewed acceleration of electrical growth, and no viable long-term energy alternatives (we do have coal as a temporary backup), then the plutonium commercialization deferral decision can be reexamined. With the accumulation of Fast Flux Test Facility data, and new designs for breeder technology, we will probably be in a better position to intelligently commercialize sometime in the future, if we choose to do so.

The LMFBR does not offer the possibility of lower energy prices. The LMFBR would have significantly higher capital costs than the light-water reactors currently being built, which would make beeder electricity more expensive. An economic advantage for the LMFBR due to reduction in fuel cycle costs would be unlikely in this century or in the early decades of the next century. Moreover, the energy contribution from even accelerated breeder commercialization would be minuscule in this century.

Many other reasons exist for supporting the President's position on the CRBR. These include the fact that it has been plagued by tremendous cost escalation, that it has an obsolete and inappropriate design, and that it has complex and controversial contractual and management problems. Further, there are those who believe that the entire question of a plutonium economy is a moral issue of great importance. My letter has indicated that funding CRBR now is irresponsible on both fiscal and national security grounds, and the project cannot be defended on any economic or energy demand basis. While I do not believe that one need agree with all of the arguments against the CRBR. taken together they make up a compelling argument to support the President in his decision to defer this commercialization project.

I urge you to support my amendment to HR 6796, the FY 1978 ERDA Authorization bill, to delete $117 million for the Clinch River Breeder Reactor in accordance with the recommendation of the President.

If you have any questions on this matter, please call me or my staff. I will be sending you further information before the vote.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

DISTINGUISHED CAREER OF MR. WILLIAM F. FARELL

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HANNAFORD. Mr. Speaker, it is with a great deal of pleasure that I recount the distinguished career of Mr. William F. Farell, executive vice-president and general manager of the Long Beach Transportation Co.

Mr. Farell will be leaving the company on June 30, after a long and enviable calling in advancing the cause of inexpensive, reliable public transportation. He has been the principal operating officer of the Long Beach Transportation Co. since 1963 and achieved a fortuitous changeover from private to public ownership of the bus line in that year.

Mr. Speaker, this gentleman's history of accomplishment while managing the Long Beach Transportation Co. alone is staggering. Mr. Farell has earned the esteem of his colleagues by beginning his life's work from the bottom up, first as a track maintenance engineer for the Dallas Railway and Terminal Co., and then as a driver, mechanic, and scheduling clerk in Dallas and Los Angeles.

As an officer of the Pacific City Lines between 1940 and 1951, Mr. Farell reha-

bilitated and operated bus properties in Eureka, Inglewood, and Stockton, Calif., and in El Paso, Tex. Later, he owned and operated transit companies in Santa Fe and Roswell, N. Mex., before becoming general manager of the Santa Monica Municipal Bus Lines. He spent 9½ years there, and as the periodical Bus Ride states in a 1971 testimonial:

The Santa Monica story is known the world around; Farell had the pleasure of being able to see his hard work culminated in one of the most remarkable turnarounds in transit history. His expert marketing know-how and intelligent philosophy of management made Santa Monica's transit ridership the highest in its history.

Since assuming operating control of the Long Beach Transportation Co., Mr. Farell has doubled annual ridership from 7 to 14 million passengers while reducing fares from a high of 50 cents per trip to the current 25 cent cost. Senior citizens and handicapped individuals can "ride the big blue dreamliners" of Long Beach for a thin dime in each direction, and students can travel by bus at a reduced rate during all hours, every day of the week. I am sure that few other transit companies nationwide can match the level of service provided by the Long Beach Transportation Co. for the prices charged. I am equally sure residents of Long Beach recognize that Mr. Farell's fine management techniques have made bus riding a real bargain.

The city of Long Beach is proud of its new bus terminal facility, which resembles a bank more than it does a garage. It is even prouder of the zippy electric-powered DASH buses which shuttle businessmen and shoppers alike around and through downtown Long Beach. And services for handicapped riders, which include a "dial-a-bus" system comanaged by the Diamond Cab Co. and a fleet of brand new "kneeling buses" which make passenger boarding and discharging a breeze, have received national acclaim.

All in all, Bill Farell has compiled an enviable record of achievement in a field which, alas, has not been marked by great successes in recent years. Mr. Speaker, I consider this man a personal friend, and I know I speak for all of my Long Beach constituents in expressing my sadness at his departure from the Long Beach Transportation Co. But I know, too, that we have not seen the last of William Farell. A person of such quality will continue to make his mark on society for it is part of his nature and character to do so.

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. GILMAN. Mr. Speaker, on June 15, 1977, during hearings before the Senate Foreign Relations Committee on the proposed United States-Mexican Prisoner Exchange Treaty, I offered testimony relating my observations of conditions faced by Americans in Mexican jails. I was unavoidably delayed in reaching the House floor for the vote on House Resolution 640, a rule waiving certain points of order against the bill H.R. 7554, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1978. Had I been present, I would have voted "yes."

APPROPRIATIONS FOR FISCAL YEAR 1978—CONSUMER PRODUCT SAFETY COMMISSION

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. ECKHARDT. Mr. Speaker, I commend the Appropriations Committee for recommending a budget for the Consumer Product Safety Commission which reflects the committee's belief that more emphasis should be placed on standards and surveillance rather than other activities such as information and education. While I might set different levels of funding for specific activities, I concur wholeheartedly with the committee's central purpose to focus Commission resources on the mission of the agency—to reduce the risk of injury associated with consumer products—and to discourage those activities which make a marginal or uncertain contribution to accomplishing the central mission of the agency.

The committee report provides "Administration is reduced 29 positions and $1,000,000 below the budget request," and explains that the reduction is made in light of the committee's concern with the disproportionate level of CPSC resources devoted to the administrative functions. The committee's concern is readily understandable when one looks at specific examples of the staffing of the Commission. For example, for fiscal year 1977 the agency was alloted 890 personnel. Of those, the chairman employs as his personal assistants seven persons—an additional personal assistant is now an acting director of an office. By comparison, the Chairman of the Securities and Exchange Commission, which has permanent positions for 2,117 persons, has 3 professional assistants on his personal staff. There are 20 professionals in the Office of Strategic Planning at the CPSC.

The current chairman, S. John Byington, has repeatedly expressed to Member of Congress his goal of making the agency a well managed and efficiently operating institution. Such a goal is to be applauded. Recently, however, there have been indications that the Consumer Product Safety Commission is being overmanaged. For example, in an April 1977, memorandum to Chairman Byington, Commissioner Barbara Franklin commented on the scheduled reorganization as follows:

My chief impression at this point is that the net effect of the reorganization may be an over-abundance of planners and managers. Strange as it may sound in view of the dearth of this kind of leadership in the past, I fear the agency now may be careening too far in the other direction.

And further, with respect to the Office of Strategic Planning which Commissioner Franklin supported in concept:

I am quite uncomfortable with the burgeoning growth of this office and its lack of specific focus. It seems to be evolving into a sort of hodge podge of functions whose overriding objectives are increasingly difficult to discern and justify.

Should the Congress decide to reduce administrative funds, Chairman Byington will have an opportunity to make the agency truly efficient and well managed and to demonstrate his administrative skills, creativity, and ingenuity in eliminating marginally productive and duplicative activities.

I look forward to a creative and good faith effort on the part of the agency to reduce its administrative expenses. Deft paper shuffling—for example, changing the manner in which funds are accounted for, or changing employee titles without changes in actual work performed—are techniques which could be utilized to create the appearance of compliance with the admonitions of the Congress. I would not presume to speak for the members of the Appropriations Committee, however, I am confident that such an approach would be highly criticized by the members of the Commission's authorizing and legislative committee. We are concerned that the agency responsibly and effectively carry out its mission of reducing the risk of injury to consumers. We would view as irresponsible any window-dressing efforts which have the effect of preserving a flabby administrative operation at the expense of the regulatory activities of the Commission.

CONGRESS AGAIN REFUSES TO CLEAN UP THEIR (OSHA) ACT—THE COURTS STILL HAVE THE PROBLEM

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. HANSEN. Mr. Speaker, today the Members of this body had the opportunity to correct a legislative oversight that has been plaguing this Nation for the past 7 years. I refer specifically to the unconstitutional, warrantless inspections being conducted by the Occupational Safety and Health Administration.

In consideration of the Labor-HEW appropriations legislation today we had the clear opportunity to rectify by amendment at least temporarily a situation which has created enormous confusion not only among the employers and employees of this Nation, but also among those whose job it is to administer this law. The time and money which has been spent on legal and judicial expenses because of congressional negligence and runaway bureaucracy expenses is incalculable.

It was a sorry day for the House and for the country when the parliamentary

procedures were arbitrarily interpreted so as to protect Members of this body from the responsibility of facing up to the issue of warrantless inspections. The courts now must continue to shoulder the responsibility which the Congress has again ducked.

Mr. Speaker, for the benefit of those of my colleagues who feel as I do, I offer for the RECORD a copy of my amendment and my comments concerning it:

AMENDMENT TO H.R. 7555—OFFERED BY REPRESENTATIVE GEORGE HANSEN

On page 9, line 2, delete the following: "employees" and add the following new language in lieu thereof: "employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for any inspection conducted by the Occupational Safety and Health Administration without a search warrant based on probable cause as authorized by law.". and renumber the succeeding lines accordingly.

WILL CONGRESS CLEAN UP THEIR (OSHA) ACT—BEFORE THE COURTS DO IT?

STOP WARRANTLESS INSPECTIONS

OSHA has lost 15 consecutive cases concerning warrantless inspections—5 Federal cases: Idaho; New Mexico; Texas; Ohio; and Georgia—10 State cases: California; Oregon; Alaska (2 cases, also a 5–0 decision by State Supreme Court); New Mexico; Maryland; Kentucky (also a 3–0 decision by State Court of Appeals); and Utah.

OSHA's inspection authority, Section 8(a) of the 1970 Act was declared unconstitutional and void in the case of Barlow's, Inc. vs. Marshall in the Ninth Circuit Court of Appeals (San Francisco) District of Idaho. It has been appealed by the government to the U.S. Supreme Court and is due for oral arguments in November, with a final judgment expected sometime in the Spring of 1978.

In all, 14 Federal judges and 16 State judges have now declared warrantless OSHA inspections unconstitutional—Total 30.

The general consensus of the courts is that warrantless inspections are unconstitutional which should prompt the Congress to corrective action. States with OSHA plans are already moving to legislatively correct their laws. Example: recently the legislature of the State of Colorado passed a bill requiring that all OSHA inspections be conducted under the auspices of a probable cause search warrant issued by a magistrate in accordance with the 4th Amendment to the U.S. Constitution.

Statements of the two landmark Federal Court cases demonstrate the need for the Hansen Amendment:

Gibson Products, Inc.—Circuit Judge Thomas Gibbs Gee, spokesman for the three-judge court in Brennan vs. Gibson's Products, Inc. held that neither the fourth amendment nor OSHA sanctioned the warrantless search contemplated by the Secretary of Labor. The court found that the OSHA Act attempted "a broad partial repeal of the Fourth Amendment," and this is "beyond the powers of Congress." However, because the statute did not explicitly authorize warrantless searches and because the legislative history did not evidence such a design, Judge Gee reasoned that Congress had intended to condition valid OSHA inspections upon the obtainment of a warrant or upon consent of the proprietor to be searched.

Barlow's, Inc.—Senior Circuit Judge M. Oliver Koelsch, spokesman for the three-judge Constitutional panel in Barlow's, Inc. vs. W. J. Usery ruled that "Section 8(a) of Public Law 91–596, December 29, 1970, 84 Stat. 1958 (29 U.S.C. 657(a)), is unconstitutional and void in that it directly offends against the prohibitions of the Fourth Amendment of the Constitution of the United States of America." The Court stated, "Certainly, Congress was able, had it wished to do so, to employ language declaring that a warrant must first be obtained, the procedures under which it is to be obtained, and other necessary regulations. Congress did not do so and we refuse to accept that duty."

LEGISLATIVE PRECEDENT FOR THE HANSEN AMENDMENT

Chapter 25, Sec. 137 of Deschler's Procedure states that "An amendment to a general appropriation bill, providing that no funds therein may be used for the seizure of mail (in connection with income tax investigations) without a search warrant, was held to be a limitation and in order. 111 CONG. REC. 6869, 89th CONG. 1st SESS., APR. 5, 1965 [H.R. 7060]."

Congressional reluctance to define OSHA inspection authority within constitutional guidelines has created great confusion and resulted in a rash of court cases across the nation—15 losses in a row for OSHA. The Congress should assume its responsibility and correct a legislative oversight which has caused hardship to both the public and those who administer the law.

To restore respect for government and preserve the rights of citizens, I am hopeful of your support for my amendment.

ISLAND LAKE, ILL. CELEBRATES ITS 25TH ANNIVERSARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. McCLORY. Mr. Speaker, I want to salute the people of Island Lake in my 13th Congressional District who on Saturday, June 25, will celebrate the 25th anniversary of the incorporation of their beautiful and unique village. There will be a parade that afternoon and a dinner dance in the evening.

As with all anniversaries whether they be in the lives of individuals, groups of people, or institutions, for Island Lake June 25 will be a time for looking both into the past and into the future.

The village had its birth in the 1930's when developers built the lake and constructed cottages on its shores. Initially, people came there during the summer. They liked what they found, and, soon, some decided to live there year-round. By 1952, Island Lake had established its identity as a residential community, and it was incorporated.

Since that time, this attractive community—so appropriately named Island Lake—has developed into a community of more than 2,000 residents who occupy 800 well-kept and much beloved homes. The village lies partly in Wauconda Township of Lake County and partly in Nunda Township of McHenry County, and the entire village is located at almost the center of the 13th Congressional District of Illinois.

Mr. Speaker, in 1965, when my congressional district experienced a devastating tornado, the village of Island Lake was one of the prime victims of this disaster. Homes and other property were swept up in the tornado and for the most part dumped into Island Lake. One small child was killed when the tornado hit and many homes and other property were destroyed and damaged. It became necessary to dredge and virtually drain Island Lake in order to recover property and debris which was carried away and settled for the most part at the bottom of the lake.

Mr. Speaker, it is a tribute to the resourcefulness and spirit of the community itself that the homes that were damaged and destroyed have been rebuilt, and today the village of Island Lake has blossomed and grown. Churches, schools, a community center, a village hall, and a surprisingly complete shopping center, in addition to immediate and nearby recreational advantages, contribute to make Island Lake a comfortable, attractive, and self-sufficient community for family living.

Mr. Speaker, we speak often in this Chamber about global and national problems. But I think everyone here knows that much of the stability of America is determined by the attitudes of people as expressed in the communities where they live. The health of those villages, towns, and cities adds up to our total national strength.

Mr. Speaker, Island Lake remains small but it cares about itself. The pride of its residents in what they have achieved is reflected in their 25th anniversary planning.

I look forward to joining in the Island Lake 25th anniversary and in being with Mayor Gildo de Lorenzo, the village trustees, and Patricia Nebgen, the village clerk; with John Wilson, president of the chamber of commerce, and LeAnne Geist, the chamber's secretary; my friend Jim Mantzoros; and President George Hercek and other officers and members of the Island Lake Property Owners Association on Saturday, June 25.

Mr. Speaker, I know that my colleagues will want to join with me in these words of congratulations to the village of Island Lake, Ill., on the occasion of its silver jubilee celebration.

ONE MAN'S ANGRY CAMPAIGN AGAINST THE METRIC SYSTEM

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. WALSH. Mr. Speaker, as one who has objected to the headlong and totally unplanned rush of the Federal Highway Administration to go metric, I have regarded this problem as a very serious matter, especially since the planned conversion was expected to cost in the neighborhood of $1 million. By any standard, that is a pretty expensive and exclusive neighborhood.

Even a serious matter such as this has a lighter side. I think Bob Greene, the current writer in residence at the Washington Star, captures the lighter side of the problem in his remarks in that newspaper's edition of June 16, 1977. I commend his writing to my colleagues:

[From the Washington Star, June 16, 1977]

ONE MAN'S ANGRY CAMPAIGN AGAINST THE METRIC SYSTEM

(By Bob Greene)

Well I don't know about you, but I for one ain't "going metric."

I have been stewing over this ever since the newspapers and magazines began telling us the wonders of the metric system about a year ago. The articles were so excited about the conversion of the United States to the "simplified metric system" that they forgot to mention one little thing—namely, who asked for this?

Nobody I know wants to go metric. Nobody I know even understands it. And headlines such as "Going Metric To Be Simple as ABC" don't help matters any. I suppose I could learn Italian if I really wanted to, but I don't. And I don't want to learn metric. I won't.

I might as well get it out right here: I think I know who is responsible for forcing the metric system on us Americans. I think it is the Arabs. Them, with some Frenchies and Limeys thrown in for good measure. Don't ask me how I know this. I have my sources.

And until now, there has been no move for us to do anything about it. Well, that ends today. I am hereby starting an organization called "WAM!"—meaning, We Ain't Metric!

Membership is voluntary, and dues are free. We do have a rather strict set of guidelines, though. They are too lengthy to reprint in their entirety here, but some highlights:

(1) If anyone comes up to you and mentions the word "liter," smash him in the teeth.

(2) If you should be driving along a highway and see a sign containing the word "kilometer," steer your car off the road and run over the sign.

(3) If you should be pushing a shopping cart through a grocery store and happen to spot an item measured in "grams," pick it up and slam it to the floor. If the grocery manager should attempt to chastise you for this, calmly explain that you are a member of WAM!, and that unless he gets the metric measures off his shelves, he had better check to see his property insurance is current, because his store just might be leveled by one of your basic terrible Acts of God.

(4) If you should see an item of clothing with its size marked in "centimeters," pour a flammable liquid over it and drop a match.

(5) If you should step on a scale and find that your weight is being displayed to you in "kilograms," take a sledgehammer and reduce the scale to steel shards, shattered glass and bare springs.

If these steps seem a bit drastic to you, consider this:

Children are already being taught these horrible things in school. That is correct. Today. While you peacefully read the newspaper, your children are being indoctrinated with this dangerous propaganda.

When they come home after school and lock their doors, stick your ear next to the keyhole and listen to the filthy phrases they furtively whisper over the telephone to their friends: "Millimeters" and "Hectares" and "Grams."

They're not picking that up on the street. They're picking it up in American schoolrooms, from American teachers, paid for by American tax dollars.

The foreign agents behind this metric conversion scheme think they have us beat. Already advertisements like this one are appearing in national magazines:

"Think Metric! In a short time everything around us will be metric. Businesses will have to convert. Children are already learning it in school. Kilometers instead of miles. Celsius instead of Fahrenheit. Millimeters instead of tablespoons. Kilograms instead of pounds. We'll need to know the system just to get through the supermarket! An easy way to get acquainted with the system is to use metricminder. It's a small, easy-to-use converter . . . only $5 each. . . ."

Everybody seems to have given in. But we don't have to. Angry? You bet your boots. Do you really want to talk about liters and meters? Do you want to go to a football game and sit on the 50-meter line? Do you want to walk a kilometer for a Camel? Do you want to say of an ambitious acquaintance, "give him a centimeter and he'll take a meter?" Do you want to go to the movies and see John Wayne put on a 10-liter hat?

Close your eyes. Let the strains of "The Star-Spangled Banner" waft through your imagination. And then let your mind conjure that patriotic lineup of good, clean, decent American words:

Inch. Pound. Yard. Mile. Foot. Pint. Quart. Gallon.

It's not too late. If enough of us act together, we can save those words, and drive the metric menace back to the foreign shores from whence it came. The thing to remember is, you are not alone. WAM! Individually, we have no chance. Together, we cannot lose.

THE ELECTING OF OUR PRESIDENT

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. BROWN of Michigan. Mr. Speaker, under the existing method of electing our Presidents and Vice Presidents, prescribed in the Constitution, several problems are inherent or have evolved that make that method something less than perfect.

Specifically, in this day of increasing educational levels and general awareness on the part of the citizenry, the paternalism of the electoral college is an anachronism. In addition, the evolution of the unit system of casting a State's electoral votes permits a Presidential candidate to focus his campaign strategy on large pockets of population while essentially ignoring less populated areas, and to thus carry a State and secure its electoral votes en bloc.

Finally, the existing system could result in an election of the President and Vice President by the House of Representatives, pursuant to the 12th amendment, should a third party candidate ever mount enough of a challenge to deny any candidate a majority of electoral votes. Such a prospect was, of course, a real possibility in the 1968 election, and was the precipitating event for much of the electoral reform activity immediately following that election. The fact that a similar problem did not exist in the subsequent 1972 and 1976 elections should not be taken as any sort of evidence that the problem is not real. The possibility is still there and will continue to be until the existing system is modified to bring it more in tempo with contemporary views of the electoral process.

Therefore, because change is called for, because the principle of "one person, one vote," articulated in recent years by the Supreme Court, remains the inviolate test for Federal elections, and because equality of voting power within the congressional districts of a State is required for either legislative or judicial redistricting, it appears that a modified district plan for electing our highest officials is peculiarly appropriate.

The plan I propose—the cumulative work product of many who have recognized the problem—and have embodied in the resolution I am introducing today calls for an amendment to the Constitution and would have the following features—the language of the joint resolution follows these remarks.

First, the electoral college and Office of Elector would be eliminated; the concept of the electoral vote would be retained, but such votes would be automatically awarded to the candidate carrying the popular vote in the described voting entities. Second, the unit system of awarding electoral votes in a State would be eliminated; under my proposed plan, the Presidential candidate who is the winner of the popular vote in each congressional district would receive one electoral vote, the winner in each State would receive two electoral votes, and the winner of the national popular vote would receive 50 electoral votes if he received at least 40 percent of the total popular vote cast. Finally, the possibility of throwing the election into the House is completely eliminated. Under my plan, if no candidate receives a majority of the electoral vote, the race is narrowed to the two top popular vote getters, and a recomputation of all the electoral votes is immediately made to award congressional district, State, and national electoral votes to the candidacy of whichever of the two top popular vote getters received the larger popular vote in each district, State, and the Nation—if at least 40 percent. The election is then awarded to the candidate receiving a majority of electoral votes.

This modified district plan has several distinct advantages. First, it is often argued that the present electoral college and the unit system of voting a State's electors produces great distortion between the distribution of the popular vote and the distribution of the electoral vote. For example, in the 1952 election, Stevenson received 45 percent of the popular vote, and yet only 17 percent of the electoral vote—89 out of 531. Under the modified district plan, this disparity is reduced in most of the elections for which there are complete congressional district breakdown—that is, beginning with the 1948 election. The softening of this distortion for the 1952, 1956, 1960, 1964, and 1972 elections can be seen in the figures contained in the addendum to these remarks—the distortion was slightly increased in 1948 and 1968, but the results under the district plan would be consistent with the popular vote.

The second, and probably most important, advantage of this approach is the effect of localizing the Presidential elections and, consequently, campaign strategy. Since each congressional district has one vote automatically going to the winner of the district, individual voters, especially in outlying districts, would hopefully acquire a greater feeling of participation in the electoral process. Also, campaign strategy would have to take into account more than is presently the case, a broader geographical spectrum if enough districts are to be carried to assure victory.

Yet, this localizing effect would not obscure the importance of the large

metropolitan areas of the country. The fifty electoral votes, going to the winner of the national popular vote—if 40 percent or more—would assure that the population centers would have a decisive effect in most elections. In addition, the same "one person, one vote" mandate that assures equality of relative voting power in congressional districts would insure that metropolitan areas would be equitably represented in the district vote count.

Finally, the possibility that the most popular candidacy, in terms of popular vote, might lose the election under the district plan, always a distressing thought, is essentially eliminated with the 50 Federal electoral votes going to the winner of the national popular vote.

In short, this district plan has these significant advantages over the existing method of electing the Chief Executive:

First. It eliminates the almost farcical procedures of the electoral college and Office of Elector;

Second. It provides a mechanism more reflective of the popular vote without incurring the procedural shortcomings of either direct election or proportionate casting of the electoral vote;

Third. It contributes an element of certainty to our electoral process regardless of the abnormality of the actions of the electorate; and, finally,

Fourth. By retaining the concept of the electoral vote, it has a better chance of being ratified by the States, especially by those smaller States whose present weighted advantage in the electoral college would be eliminated by either direct election or proportionate casting of the electoral vote.

In summary, I view the modified district plan as a valuable and timely change in our Constitution, and urge its favorable consideration by my colleagues.

The material follows:

PRESIDENTIAL ELECTIONS 1948–72 UNDER ACTUAL COUNT AND BROWN PLAN

	Popular vote		Electoral vote			
			Actual		Modified district	
	Vote	Approximate percent	Vote	Percent	Vote	Percent
1972						
Nixon	47,170,179	61.0	521	97	526	89
McGovern	29,171,791	38.0	17	3	62	11
Schmitz	1,090,673	1.0	0	0	0	0
Others	294,947	0.0	0	0	0	0
Total	77,727,590	100.0	538	100	588	100
1968						
Nixon	31,770,237	43.0	301	56	339	58
Humphrey	31,270,533	43.0	191	35	192	33
Wallace	9,897,141	14.0	46	9	57	9
Others	239,910	0.0	0	0	0	0
Total	73,177,810	100.0	538	100	588	100
1964						
Johnson	43,128,956	62.0	486	90	516	88
Goldwater	27,177,873	38.0	52	10	72	12
Total	70,306,829	100.0	538	100	588	100
1960						
Kennedy	34,221,349	50.0	303	56	295	50
Nixon	34,108,546	50.0	219	41	278	47
Byrd	609,870	0.0	15	3	14	3
Total	68,939,765	100.0	[1] 537	100	587	100
1956						
Eisenhower	35,579,190	58.0	457	86	463	80
Stevenson	26,027,983	42.0	74	14	116	20
Total	61,607,173	100.0	[2] 531	100	[3] 579	100
1952						
Eisenhower	33,666,062	55.0	442	83	425	73
Stevenson	27,314,987	45.0	89	17	156	27
Total	60,981,049	100.0	531	100	581	100
1948						
Truman	24,105,695	50.0	303	57	342	59
Dewey	21,969,170	45.0	189	36	187	32
Thurmond	1,169,021	2.5	39	7	39	7
Wallace	1,156,103	2.5	0	0	[4] 13	[4] 2
Total	48,399,989	100.0	531	100	581	100

[1] Because Alaska and Hawaii had not officially achieved statehood for electoral purposes, special legislation was passed giving each State 3 electors. Thus, there were 435 Representatives, 96 Senators, and 6 electors for Alaska and Hawaii.

[2] Alaska and Hawaii were not yet States. Thus, 435 Representatives and 96 Senators, a total of 531.

[3] Under the district plan, Senator Byrd, of Virginia, would have received 2 electoral votes as a result of carrying 2 districts in South Carolina.

[4] Source of information, hearings on electoral reform conducted by the Judiciary Committee in February and March of 1969, does not elaborate on just how the "uncertain" category came to be uncertain under a district plan.

Note: It should also be remembered that the emphasis on equal population congressional districts was not reflected in elections until after the redistricting mandated by the court decisions of the late 1960's and the census of 1970: therefore, the electoral vote-popular vote disparity from 1972 on, under the modified district plan, will be even less.

H.J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States to establish a new procedure for the election of the President and Vice President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after its submission by the Congress:

"Article —

"SECTION 1. The Congress shall by law designate the day upon which each election for President and Vice President shall be held. The times, places, and manner of holding an election for President and Vice President in each State shall be regulated by the legislature of that State; except that the Congress may at any time by law make or alter such regulations. In the case of the District constituting the seat of Government of the United States (hereinafter in this article referred to as 'District'), the times, places, and manner of holding such an election shall be regulated by the Congress or by a governmental authority in the District designated by the Congress.

"SEC. 2. Persons voting in an election for President and Vice President in a State shall have the qualifications requisite for electors of the most numerous branch of the legislature of that State. Persons voting in an election for President and Vice President in the District shall have such qualifications as the Congress or a governmental authority in the District designated by the Congress shall prescribe.

"SEC. 3. For purposes of an election for President and Vice President, each candidate for the office of President shall be paired with a candidate for the office of Vice President. In any such election no candidate may be paired with more than one other person. Each State, and in the case of the District, the Congress or a governmental authority in the District designated by the Congress shall prescribe requirements for entitlement to inclusion on the ballot in that State or the District and shall prescribe procedures by which persons shall indicate their willingness to be joined as candidates.

"SEC. 4. On the day designated for holding an election for President and Vice President, the voters in each State and in the District shall each cast a single vote for two persons who are paired as candidates for the office of President and the office of Vice President. The popular votes so cast in such election shall be tabulated by each State and the District. Each State and the District shall report to the Congress the results of such tabulation in accordance with procedures which the Congress shall by law establish. The results of such popular election shall determine the number of electoral votes each pair of candidates receives in accordance with section 5.

"SEC. 5. There shall be one electoral vote for each congressional district established pursuant to section 7 of this article, two electoral votes for each State, and fifty electoral votes for the nation at large. The District shall have a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.

"In an election held as provided in section 4, the pair of candidates receiving the highest number of popular votes in a congressional district shall receive the electoral vote for that congressional district. The pair of candidates receiving the highest number of popular votes in a State shall receive the two electoral votes for that State. The pair of candidates receiving the highest number of

popular votes in the District shall receive the electoral votes for the District. The pair of candidates receiving the highest number of popular votes cast nationally, if at least forty percent, shall receive the fifty electoral votes at large. The pair of candidates receiving a majority of electoral votes which are received by all pairs of candidates shall be declared by the Congress to be elected President and Vice President.

"If in consequence of an election no pair of candidates receives a majority of electoral votes as provided in the preceding paragraph, then of the two pairs of candidates receiving the highest number of popular votes cast nationally, the pair of candidates receiving the higher number of popular votes in a congressional district, State, or the District shall receive the electoral votes for such congressional district, State, or the District, and the pair of candidates receiving the highest number of popular votes cast nationally, if at least forty percent, shall receive the fifty electoral votes at large. The pair of candidates receiving a majority of electoral votes which are received by both pairs of candidates in such retabulation shall be declared by the Congress to be elected President and Vice President.

"If there is a tie when all electoral votes have been retabulated, the pair of candidates receiving the higher number of popular votes in the greatest number of States shall be declared by the Congress to be elected President and Vice President. If each pair of candidates receives the higher number of popular votes in the same number of States, the pair of candidates receiving the higher number of popular votes cast nationally shall be declared by the Congress to be elected President and Vice President. For purposes of this paragraph, the District shall be considered to be a State.

"The Congress shall by law prescribe the manner of tabulating electoral votes and of announcing the results of each such tabulation.

"For purposes of this section, 'popular votes cast nationally' means popular votes cast in all the States and the District.

"SEC. 6. The Congress may by law provide for the case of the death, disability, or withdrawal of any candidate for the office of President or for the office of Vice President before a popular election is held as provided in section 5 or after such a popular election is held and before a President and Vice President have been declared elected by the Congress in accordance with section 5, and for the case of the death of both the President-elect and the Vice President-elect. The Congress may by law provide for the case in which a President and a Vice President are not chosen before the beginning of a term of office, declaring who shall then act as President or the manner in which one who is to act as President shall be selected, and such person shall so act until a President qualifies.

"SEC. 7. Each State shall by law establish, for the election of Representatives in Congress and for purposes of section 5 of this article, a number of districts equal to the number of Representatives to which such State is entitled. All such districts shall be established by the States at such intervals as the Congress shall by law provide. Any such districts in existence on the date of the adoption of this article shall be considered to be established pursuant to this section.

"SEC. 8. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 9. This article shall apply with respect to any election of a President for a term of office beginning more than one year after the adoption of this article.".

THE ENERGY POLICY CALAMITY

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. STANTON. Mr. Speaker, the news media continued this week to devote considerable time and space to congressional handling of President Carter's energy plan.

One day's coverage dealt with the fact that the gas-guzzlers tax would be dropped. On another day, attention was given to a congressional committee's mandate that no American home could be sold after 1985 unless the home were insulated according to Government regulation. This latter mandatory control could be issued despite the fact that our Banking, Finance and Urban Affairs Committee has received testimony that it would be physically impossible to produce the material to comply with the future regulation. Furthermore, it would be highly inflationary in its impact.

In the light of these developments, Mr. Speaker, it was refreshing to read last week an article in the Wall Street Journal by the highly respected former Secretary of the Treasury, William Simon. Whether you agree or disagree with Mr. Simon's conclusion, I believe it behooves all of us to stop and think for a moment about what we are doing and how we are doing it.

Mr. Simon's article follows:

THE ENERGY POLICY CALAMITY

(By William Simon)

"Our National Energy Plan is based on 10 fundamental principles," President Carter soberly announced. "The first principle is that we can have an effective and comprehensive energy policy only if the government takes responsibility for it. . . ."

From that statement onward, it's all been downhill for the President's proposals. Why? Fundamentally because the President and his advisers, although acting with the best intentions, have chosen the worst of the solutions. Instead of relying upon the dynamism of a free market and a free people, they have nominated the government as our national energy savior.

Let's look at 10 basic fallacies that, in my judgment, lie at the foundation of this 10-part plan.

Fallacy No. 1: The country has no comprehensive policy for dealing with energy.

Contrary to the President's frequent assertions, the country has long had a comprehensive energy policy. It's just been the wrong policy. For more than 20 years the government has increasingly tried to regulate the energy industry so that prices were artificially held below market levels. Consumers, the intended beneficiaries, have naturally increased their demands, but producers have gradually curtailed their output.

Demand for natural gas, the most clearcut example, has risen spectacularly since the Phillips decision of 1954 (legalizing wellhead price regulation of natural gas), but drilling for new domestic wells peaked in 1961 and production has been sliding downward since 1970.

Fallacy No. 2: More governmental control is the only solution to the current crisis.

History shows that the more the government has tinkered with the intricate marketplace machinery, the worse things have become. Quotas, tariffs, price controls, taxes, regulations—each has taken a toll. It is folly to believe that the same people who created this mess can now improve the situation by tightening their grip over every single energy resource.

SENSIBLE ANSWER

The only sensible answer is to begin dismantling existing controls, beginning with price controls over oil and natural gas and including repeal of the energy bill that President Ford, in a tragic error, signed in December 1975.

Fallacy No. 3: The United States has almost exhausted its supplies of fossil fuels.

The President is crying wolf the same way that other governmental agencies have in the past. In 1914, 1939 and again in 1949, responsible governmental officials predicted a quick end to domestic oil supplies, and every time they were wrong.

What we have learned over time is that increases in demand, when allowed to work in the marketplace, have brought increases in supply. Between 1950 and 1970, for example, the known oil reserves of the U.S. increased by over 500 percent. Even now, as the National Academy of Engineering has pointed out, we have only recovered about 30 percent of the oil from known reservoirs by relying on low-cost technologies; with higher prices and greater return on investment, it should be possible to recover much of the remainder.

To hold prices below market levels, as we have in the past, will only increase reliance on OPEC and leave us more vulnerable to foreign blackmail. We can impose a windfall profits tax on funds that aren't plowed back into new investment. It may not be popular to support higher profits, but it makes no sense to continue pouring our money into OPEC so that we can withhold it from our own producers.

Fallacy No. 4: Because our fuels are almost exhausted, we must rely primarily upon rigid conservation.

Conservation is critical, and in recent years the U.S. has made important progress in that direction. Recent FEA figures show that from November 1973 to November 1976, energy consumption dropped by 6 percent in the industrial sector. While some of that drop may be due to economic conditions, there is also some evidence that energy/GNP ratios have improved, indicating significant conservation. Further progress can and should be made through better home insulation, more efficient auto engines and the like.

Conservation alone, however, is only half an answer; the other half must be a determined national effort to increase production and accelerate development of new technologies. Even Professor Lawrence Klein, the President's chief economic adviser during the 1976 campaign, has said that "the energy package is very negative in being so wholly concentrated on restricting demand. . . . It might have been better to tailor it more to increasing supply."

Fallacy No. 5: The President's program contains ample incentives for new oil and natural gas production.

By permitting higher prices for newly obtained oil and natural gas, the NEP does indeed represent a step forward. But if this is deregulation, as proposed by candidate Carter, then understanding the proposal requires more imagination than I possess.

Consider the position of the producers. In the case of "new, new oil," the price is to be raised over three years to the world price and thereafter tied to domestic inflation. If the recent past is any guide, however, energy production costs will rise more rapidly than the national inflation rate, so that the government will once again be artificially depressing prices. In the case of natural gas, the new price proposed by Mr. Carter is still

below the market price and the price controls he wants to extend to intrastate natural gas would bring its prices down—and provide a disincentive for producers.

Fallacy No. 6: On questions of energy and the environment, it is possible to have our cake and eat it, too.

It is misleading for the administration to pretend that our energy goals can be met without some relaxation of overly strict existing environmental and pollution standards.

Strip mining legislation, non-degradation standards for air pollution and a generally activist approach to environmental issues will all inhibit production of new coal, which is the keystone of the President's production plan. How can industries and utilities be expected to switch to coal if they can't burn it because of pollution restrictions, and producers can't produce it because of environmental restrictions?

It is clearly necessary to protect the environment, but it is also imperative to strike a sensible balance between economic and environmental tradeoffs.

Fallacy No. 7: The President's program will introduce greater certainty into energy production.

In view of the regulatory explosion of the past decade, this claim is baffling. By definition, more bureaucracy means more uncertainty. In just three years' time, the FEA has tied producers and consumers in knots. They can never be certain what they can do and what they can't. The petroleum industry already must file about 600,000 forms a year with the FEA.

Fallacy No. 8: The President's program will be equitable to consumers.

Where is the equity in a program in which consumers of heating oil get rebates but other home owners do not? Where consumers of natural gas continue to receive governmental subsidies but electricity users do not? Where larger industrial users of gas and oil are heavily taxed but small firms are not? And where industries and utilities pay widely different taxes depending on how well they fare in extracting exemptions, exceptions and special permissions from a GS-15 in Washington?

THE BIGGEST TAX INCREASE

Moreover, the administration has signified that it intends to put the $70 billion or more of rebates to other purposes—perhaps to pay for welfare reform, tax reform, or just to balance the budget. It would be more honest if it admitted this could be the biggest tax increase in U.S. history.

Fallacy No. 9: Adoption of the Carter plan will have only minor economic impact.

There is a gathering consensus that the NEP would mean higher inflation, lower productivity, a cutback in energy usage and more stagflation. Indeed, those who have recognized the similarities between the recommendations of the NEP and the Ford Foundation study earlier in the '70s think that the NEP will inevitably bring the same result envisioned by the Ford Foundation study: an era of "no growth."

Fallacy No. 10: The free market cannot be expected to overcome the energy crisis.

Of all the mistaken notions underlying the President's program none is more egregious than this one, for it assumes that our country no longer has the ingenuity or the dynamism to work its way out of crisis. This view, timid and cramped, is fair neither to our past nor our future.

Our recovery from the whale oil crisis a century ago and breakthroughs in electricity and then in petroleum are striking examples of what the U.S. can accomplish in relying upon individual initiative and private enterprise. We can do it again today if we reject this unhappy vision of America and affirm once again our commitment to a free, dynamic society.

On one point, at least, I find myself in agreement with the National Energy Plan. The President has predicted a calamity in energy. By adopting this program, that's exactly what we'll get.

K. LEROY IRVIS ELECTED SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on May 23, 1977, the Honorable K. Leroy Irvis was unanimously elected Speaker of the Pennsylvania House of Representatives.

Thoroughout his career of service to the people of Pennsylvania's 19th legislative district which is in the city of Pittsburgh and is part of my congressional district, Mr. Irvis has earned the respect of both the citizens of his community and of the State for his intellect, fairness, and his legislative ability.

I have known Leroy Irvis for many years; I respect him greatly and value his friendship. It is with great pride that I inform this body of the election of Mr. K. Leroy Irvis, the first black man to hold the office of Speaker of the Pennsylvania House of Representatives.

I now wish to include in the RECORD remarks made by Mr. Irvis on the occasion of his election:

SPEAKER PRO TEMPORE PRESENTS SPEAKER

The SPEAKER pro tempore. I have the honor of presenting the Honorable K. Leroy Irvis, Speaker of the House.

THE SPEAKER—K. LEROY IRVIS—IN THE CHAIR

The SPEAKER. I thank you very much, Mr. DeMedio and I thank you sincerely for presiding on this occasion.

My mother died in 1952, a relatively young woman, just 52 years of age, and I had been graduated from high school at about 14½ years of age and had won a number of awards; my mother said to me words way back in 1934 which, even though I know she had died in 1952, I heard clearly here this afternoon. She said, "No matter how many awards you have won and no matter how long they applaud, don't let it go to your head." It will not.

You and I face troublesome times. This is not the way I had hoped to come to this position, but no matter what happens to you or me as an individual, the people continue to exist and to have needs and their government must continue to serve them.

I have come to this office not to cause more turmoil, not to raise further dissension but, hopefully as the Speaker of the House of Representatives—not the Democratic Speaker; the Speaker of the House of Representatives—to heal some of the wounds and to mend some of the breaks and aid just a little bit in moving us forward to do the job the people who sent us here expect of us.

I have an enormous respect for the wisdom and the capabilities of the people. I know eventually that the people will succeed and I know it as surely as I know I live. They may be betrayed and they may be misled and they may be lied to and cheated, but those who betray and mislead and lie and cheat disappear and the people remain. It is our strength in this land that all of us, regardless of origin, color, race, creed, profession, position, wealth have a duty to perform in tending to the needs of our brothers and sisters.

It is sometimes amusing that we come upon great historical moments the way we do. My wife could not be here today. Her sister in Georgia is ill and she may have to leave for her side at any moment, but I said to Cathy this morning as I was putting that cervical collar on, "You realize, sweetheart, we are about to make history," and she looked up from the dresser drawer where she was rummaging around and said, "All I realize is that you've run out of blue socks." You need a wife like that. It is like having my mother say, "Don't let it go to your head."

Seriously, I am very touched by your reception of me. I feel most sincere and warm and I shall do nothing to betray your faith and your trust. I have said these things to the individual caucuses. I will make mistakes. Any that you feel I have made, please come and tell me.

One of my members said, I have a persistent feeling that you are a liberal and that you will never see my point of view. I said, "Come in and try it," and I repeat that to all of you.

I feel blessed in many ways that I am able to disagree with a man or woman without disliking him or her. There is no one in the hall of this House to whom I will not talk and to whom I will not listen, be it Republican or Democrat, whether he comes from an urban area or a non-urban, whether he or she agrees with my philosophy or not; I will talk and I will listen and I will learn, for you all taught me much.

You here today have done honor to this country and to its concepts. You have elected not a black man to be Speaker of the House of Representatives but, more importantly, you have elected a man who just happens to be black, and that is the direction that this country must continue to go in.

We must continue to search out the individual values in men and women and leave the residual ones, such as how tall or short, how light or dark, how quiet or how articulate, how educated or not, the person may be relegated to secondary consideration.

I have had a reason for asking each person to second my nomination or perform a task, and someday when we have a little more time, I will tell you some of the reasons. But I will tell you two of them. I chose Mr. Pancoast because when I served with him and he was in the majority, I learned how fair a man can be and how dedicated to search for the truth. He taught me that. I chose Helen Gillette because she taught me a lesson a few years ago when she came into my office and said, "Why is it that the only assignments I get are inferior ones? Is it because I am a woman that you keep overlooking me?" And I apologized to her and said that I have been guilty. I will try not to make the mistake ever again. But I had a reason for each person and I will not bore you with the recitation of the others, but as each person rose, I ticked off the reason in my mind.

Let me say this in closing: There has been a question in the minds of the public as to the probity of this public service and there has been a question raised as to the secret sources of income which a leader may have. I am going to follow the suggestion of a friend of mine on the Republican side of the aisle who said, "Why do you not just tell the whole world what you told us?" I am going to do it now so that there can be no question of that in the future.

I earn income from three sources: One from being a Representative; another from

being an associate of Rose, Schmidt, Dixon, White and Hasley, a large law firm in Pittsburgh; and a third, and the rather minor part of it, as a consultant to a black-owned and black oriented radio chain. I have no solicitorships and no other sources of income. I tell you the final fact. My wife and I currently owe $4,046 in back taxes, and, as I stand here, I do not know how I am going to pay it. So much for my income situation. You have not elected a hidden millionaire.

I pledge to you that as long as I stand here, I will stand here to honor this position and not to deface it. As long as I stand here, I will do my best to deal justly with each one of you with each problem as it arises. You will help me do that. If you see me slip, you remind me. I am sure Miss Sirianni has taken that to heart.

I again thank you for the honor, but I suggest now that we get on with the business of this day for there is important business for us to do before this session can close this year. I intend that we shall be about that business.

We shall be in session tomorrow and the following day and in voting session in the morning and in caucuses in the afternoon.

SOME FORESIGHT: PERMANENT PART-TIME TEACHING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1977

Mr. MILLER of California. Mr. Speaker, some weeks back, I read a very exciting column in the Los Angeles Times, written by Sandra Krist and Suzette Cohen, founders of the Committee for Part-Time Teaching. As the column accurately states, in the Los Angeles area and other areas throughout the country, "temporary part-time teaching jobs already exist, but disputes over salaries and promotions require the establishment of a clear-cut policy for permanent part-timers."

The establishment of permanent part-time teaching programs could be a great advantage to many school districts. And, it appears such programs would cost the school districts no more than temporary part-time programs.

Substantial research by the Committee for Part-Time Teaching points out that "many highly skilled teaching professionals cannot, or will not, work full time because they have other responsibilities." Many teachers simply have become "tired" after 10, 20, 30 years of service. And, perhaps most importantly, teachers, at least at the high school level and, to a lesser degree, at the elementary school level, are specialized. So, while present full-time teachers may teach, for example, three courses per day in their specialty, they are required to teach two additional courses which probably would not be in their special field. The natural question of the Committee for Part-Time Teaching is, "Why can't the French teacher be allowed to teach just the three classes in French, while another part-timer of appropriate background takes on those 'other' subjects?" By prorating the teachers' pay according to the number of classes taught, the school will as a whole end up paying the same total wages it would otherwise—but will receive the classroom services of specialists, working productively in their own fields.

It seems that many teachers heartily endorse the programs proposed by the Committee for Part-Time Teaching. I know that, in my own district, similar programs seem to be working well. To varying extents, the programs are being implemented in the Mount Diablo, Martinez, Walnut Creek, and Pittsburg School Districts. I am very encouraged that my constituents are becoming increasingly aware of the merits of permanent part-time teaching methods.

As a member of the Education and Labor Committee, I know very well that we need desperately to look into possibilities of future improvements in the education system in our country, under the "foresight" provision empowered to us. But, in addition to the interest of our committee in these matters, I know the rest of my colleagues want to improve the system of education in our country. In this spirit, I present these ideas in the RECORD, for everyone's perusal and use.

I insert the entire text of the Los Angeles Times column be printed in the RECORD:

PART-TIME TEACHERS COULD BE FULL-TIME ASSET

(By Sandra Krist and Suzette Cohen)

Permanent part-time employment has proved remarkably useful for most groups that have tried it. For five years, nevertheless, the Committee for Part-Time Teaching has worked to establish such positions in the Los Angeles City schools—all to no avail.

Board of Education members, administrators, union officials and teachers themselves have, as individuals, expressed broad agreement with the committee. Yet the board has done nothing so far to put this reasonable, money-saving idea into practice. *Temporary* part-time jobs already exist, but disputes over salaries and promotions require the establishment of a clear-cut policy for *permanent* part-timers.

Part-time arrangements are appropriate to both elementary and secondary schools, but perhaps the simplest way to see how part-time jobs would work is to look at a typical high-school schedule. Teachers in these schools instruct a different group of students every hour. Thus, the teacher's day is already structured as a series of separate classes, which could just as easily be shared by two teachers working part time on a permanent basis as assigned to a single, full-time instructor.

If nothing else, the use of part-time teachers offers school administrators much-needed scheduling flexibility. For example, such specialized subjects as French are studied by fewer students than is English or U.S. history; indeed three classes in French may accommodate all the students at a given high school who want to learn it. But since the full-timer must teach *five* classes per day to meet the schools' employment requirements, the French specialist has to instruct two other classes in subjects for which he or she may be trained inadequately—often basic courses, like English or math.

Our question is this: Why can't the French teacher be allowed to teach just the three classes in French, while another part-timer of appropriate background takes on those "other" subjects, whether music or math? By prorating the teachers' pay according to the number of classes taught, the school will as a whole end up paying the same total wages it would otherwise—but will receive the classroom services of specialists, working productively in their own fields.

In this day and age, moreover, many highly skilled professionals cannot, or will not, work full time—either because they have other responsibilities or because they prefer spending more time at home than a full-time job allows. A woman, for example, who is an excellent instructor in her specialty, may decline full-time work because she has a young child to look after, but might be willing to teach just three classes a day in that subject alone. Similarly, teachers of proven experience who are near retirement or partially disabled could keep on contributing their skills on a part-time basis.

Last spring, the Committee for Part-Time Teaching placed a small classified ad in the school system's weekly newsletter inviting responses from full-time teachers who might be interested in switching to part-time work. This modest notice drew replies from more than 100 active teachers—most of them veterans with 10 to 30 years of service in the classroom. A frequent response was: "I'm tired."

Most working people are "tired" after 30 years on any job, but teacher fatigue poses a special problem. Indeed, it should be of particular concern to parents. Though they are few and far between, worn-out teachers can adversely affect a child's education.

A typical high-school English teacher comes into contact with nearly 180 students each day as their instructor or personal problem-solver. At home each night, this same teacher may grade dozens of student essays and prepare separate lessons for each of tomorrow's five classes. A part-time teacher would have a lighter load, dealing with fewer students during the day and fewer essays at night. Isn't it reasonable to expect that compared to a teacher who feels "tired," a part-timer would arrive at school the next morning with more enthusiasm and greater patience to give your child?

Increased teacher enthusiasm could alleviate some of the school district's personnel problems. With the introduction of permanent part-time jobs, the district should experience a decline in teacher absenteeism and in requests for interschool transfers that are so disruptive.

(The Harvard Business Review in 1973 reported a study of a Massachusetts program involving permanent part-time state jobs and found a decline in absenteeism and worker turnover, along with an increase in productivity. Such dividends are bound to mount up when the practice takes root in our schools.)

Student enrollment is already falling in Los Angeles, as elsewhere, and will continue to do so in the years ahead—declining birth-rates tell us that. This will result in an even greater surplus of full-time teachers than we have now—at a time when the public is increasingly reluctant to spend more for education.

The creation of part-time assignments offers a way out of this fiscal dilemma. When one full-time position is apportioned between two part-timers, not only are trained educators freed from the unemployment line but the district can also save money in the process.

It is axiomatic, of course, that teachers close to retirement customarily earn twice as much as a beginner. If veteran teachers at the top of the pay scale—those most likely also, to feel "tired"—choose to work only part time, some of their classes could be assigned to other part-timers who would be paid at lower rates. The upshot would be a cost saving for the district.

A permanent part-time teaching arrangement cannot succeed, however, unless it is fair to all concerned. Any such program, therefore, must avoid the inequities facing Los Angeles teachers today when they take leaves of absence from full-time duties to work part time. That is the only option currently available to teachers who wish to re-

duce their marking hours—an option that obliges them to accept half pay for three-fifths of a normal workload, and to forfeit opportunities for professional advancement.

Introducing permanent part-time positions here would mainly require paperwork, and would be anything but revolutionary—Culver City, Glendale, Palo Alto and dozens of other California school districts now have similar programs in effect. The school board will be remiss if it continues to ignore this proposal as if it were just one more petition for a new coffee machine in the faculty lounge. Its adoption would be a boon to teachers, to be sure, but also to students and, not least of all, to those whom the public holds accountable for keeping a lid on school costs.

SENATE—*Friday, June 17, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray;

O Lord our God, we thank Thee for the vision of the Founding Fathers of this Republic, for Thy providential care over the Nation from generation to generation, for leaders who arise in our midst to rally the citizens in united purpose, and for the fidelity of common people in obscure places whose daily lives set forward Thy kingdom on Earth. Make us worthy of our great heritage. Give us a solemn sense of national destiny.

We thank Thee for the ministry of pure religion expressed in many forms, creeds, and liturgies shaping the faith and life of the people. May the current renewal of religion help make America great in spirit as she is mighty in power.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MCGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, June 16, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Alaska desire recognition?

Mr. STEVENS. I was waiting for the majority leader, Mr. President.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there is one nomination on the calendar that is cleared for action. It appears under the Department of Justice. If the distinguished assistant Republican leader is ready to clear that, I ask unanimous consent that the Senate go into executive session to consider that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT por tempore. The clerk will state the nomination.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of James W. Garvin, Jr., of Delaware, to be U.S. attorney for the district of Delaware.

Mr. STEVENS. There is no objection to this nomination.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I turn back my time.

Mr. STEVENS. Mr. President, does the Senator from Kansas seek part of the minority leader's time?

Mr. DOLE. Yes, Mr. President, if I may have 5 minutes.

Mr. STEVENS. I yield 5 minutes of the minority leader's time to the Senator from Kansas.

CARTER SHOULD VETO SUGAR PROGRAM

Mr. DOLE. Mr. President, strange as it may seem, President Carter, Secretary of Agriculture, Bob Bergland, and other administration spokesmen are all talking about a possible veto of the Senate-passed farm bill. Despite promises made in the campaign last year, President Carter now says the Senate bill costs too much. We all share the President's concern about fiscal responsibility, but his rhetoric is hard to reconcile with the proposal to spend $240 million on a sugar program which will be detrimental to both producers and consumers and which will provide a windfall to large grower-processors of millions of dollars.

It would be the suggestion of this Senator that maybe President Carter should veto the sugar program.

SOUR SUGAR PROGRAM

By any standard, the Carter so-called sugar program does not make sense. It is so failure fulfilling as to almost defy understanding. I predict that those who perpetrated this not-so-sweet error will deny parenthood.

Has anyone on the floor of this body ever before heard of a support price program which does not have a support price? Has anyone ever before heard of a support price which drops as the market price falls? Well, we have now. Let us read from the proposed regulations which just became available:

> The level of support in this proposal is not more than 13.5 cents, per pound, raw sugar equivalent, which represents approximately 52 percent of parity as of April 1977. If the average price received from the sale of sugar in the market place is less than 11.5 cents per pound, the level of support will be less than 13.5 cents.

If the price received for raw sugar dropped to 7 cents, then the alleged price support would be 9 cents. I believe the Secretary of Agriculture is misreading the law. A price support means what it says. He is creating a legal fiction about what a price support means.

Has anyone on the floor of this body ever before heard of a program designed, to protect producers as the President said:

I believe that a strong and viable domestic sugar industry is vital to the economic well-being of the American people.

Yet through low prices, will result in the ruination and demise of much of the producers in this industry, especially the sugar beet producer.

Has anyone on the floor of this body ever before heard of a support program which will give producers much less after the announcement of the program than before the program was leaked? The market price for sugar has gone down over 3 cents per pound in response to this program, and the trend is down.

Has anyone on the floor of this body figured out how the President of the United States could use semantics in such a way as to state, "13.5 cents is the estimated average break-even price for domestic sugar growers," and then announce a program which it now appears will give the producer much less than this—much, much less than the cost of production that I heard so much about in the Bicentennial Year.

Were any producers consulted and reported as favorable to this program? The American Farm Bureau Federation came out strongly in opposition. According to the New Orleans Times Picayune, H. D. Godfrey, vice president of the American Sugar Cane League, said:

Louisiana's growers do not favor subsidy payments, but tariffs and restrictions on the amount of sugar that can be imported.

WHAT ABOUT CONSUMERS?

Has anyone on the floor of this body really asked the President regarding the concern about sugar consumers, and then examined the real facts regarding consumer prices for sugar based consumer items?

About 80 percent of the sugar used in the United States is not bought by housewives—but by soft drink manufacturers, confectioners, bakers, restaurants, institutions, et cetera. The following data from the Bureau of Labor Statistics shows that consumer costs for sugar bearing foods and drinks are higher than they were when raw sugar was at the 65 cent peak, compared to less than 11 cents today.

Mr. President, I ask unanimous consent that that table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Bureau of Labor Statistics, Index of Consumer Prices 1967=100

	1972	1973	1974	1975	1976	April 1977
Cola drinks	128.3	131.7	163.0	200.5	194.2	201.3
Cookies	110.2	115.0	145.8	186.1	189.6	197.2
Chocolate bars	130.7	135.6	189.8	238.9	233.5	265.2
Grape jelly	124.8	134.1	171.5	230.5	221.0	216.2

Mr. DOLE. Secretary of Agriculture Bergland knew that this would happen for, in an interview with the National Journal, he said:

My point is when sugar prices were 65 cents, prices of these manufactured goods went up. Now sugar's nine cents: Has there been any corresponding drop in cake mixes or soda pop or candy? No, of course not. And I'm going to say the consumers have not gotten the benefit of the change in prices.

I think it is fair to ask: Just who are the beneficiaries of this program?

The May 31 issue of USDA's Agricultural Prices states:

The April 1977 consumer price index, at 179.6, rose 0.8 percent from March. The food component increased 1.2 percent. Food purchased in grocery stores increased 1.3 percent. About ⅗ of the increase was attributed to nonalcoholic beverages—coffee, tea, and drinks.

Now, who is the largest soft drink manufacturer—Coca-Cola, based in Atlanta, Ga. This one company, together with its affiliates, uses about 1 million tons of sugar per year. This one firm has now available to it through recently reduced sugar prices below the producer's cost of production, over $5 million per month in additional gross profits. The large users of sugar are saving about $45 million per month with precious little passed on to consumers.

President Ford, when faced with the same problem, raised the duty on sugar 1¼ cents per pound, and ordered a study by USITC. This latter body spent 6 months studying the issues, and unanimously recommended import quotas—not Government handouts from unappropriated funds.

SUGAR PRODUCERS SACRIFICED

Has anyone recognized that sugar producers have been made the sacrificial quota due to loss of time of implementation? If the USITC recommendation of March 17, 1977, had been quickly implemented, sugar producers would now be receiving much more in the marketplace. They would not have to wait for the 1977 crop to be harvested and marketed before payments could be made. I recommend to all my colleagues that they read the regulations carefully. They will then learn to their dismay that there will be a delay in implementation and just what the words "1977 crop year" mean as it relates to their particular producing area. To my friends in southern California and the lowland area of Arizona, I fear that we will find that this program does not begin until March and April of 1978, respectively.

Representative FINDLEY, of Illinois, recently said as follows:

Estimated payments to just five large grower processors will gobble up over 20 percent of the total funds spent. According to the Congressional Research Service, which used 1974 production data and assumed the maximum 2 cents per pound subsidy, these estimated payments will be as follows:

	Million
1. AMFAC, Inc. (Hawaii)	$14.2
2. U.S. Sugar Corp. (Fla.)	10.8
3. Alexander & Baldwin, Inc. (Hawaii)	9.6
4. C. Brewer & Co., Ltd. (Hawaii)	8.8
5. Theo. H. Davis & Co., Ltd. (Hawaii)	5.7

They also will have a serious anti-competitive effect within the sugar industry by helping to finance the demise of small sugar farms at the hands of the gigantic grower processors.

Based on USDA figures on USDA payments and production, I am convinced that more than 25 sugar growers will be eligible for annual payments in excess of $1 million.

If the program is ever implemented, these payments will be made despite a significant policy decision in S. 275.

We are talking about doing away with payments to corporations, protecting just producers in this country and not large corporations, suggested, I think, by the distinguished Senators from Iowa (Mr. CULVER and Mr. CLARK).

The Senate has just agreed that no payments for cotton, rice, feed grains, and wheat may be made to any person except:

First. A sole proprietorship farming operation—including any individual operating a farm as a tenant;

Second. A corporation or other entity engaged in a farming operation if a controlling interest in such corporation or other entity is held by individuals engaged primarily in farming;

Third. A small business corporation as defined in section 1371(a) of the Internal Revenue Code of 1954;

Fourth. A partnership or similar arrangement in which each partner or owner would, if engaged in a farming operation on his own, be eligible for payments under this subsection;

Fifth. Any State, political subdivision, or agency thereof; and

Sixth. Several technical trust arrangements which relate to actual operations by persons of a farm.

Moreover, S. 275 provides:

The Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. The Congress firmly believes that the maintenance of the family owned farm system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. The Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare.

Does anyone think these large payments foster and encourage the family farm system of agriculture? Actually, the huge sugar payments will help finance the acceleration of the rate of gobbling up of small farms by huge grower processors—especially in view of the severe economic predicament that the President is placing our sugar producers.

Let the Senate recognize that the President is willing to spend through the backdoor $240 million on a program on which no hearings have been held, and no appropriation made. Questionable producers benefits, no hearings, no appro-

priation, no consumer benefits: I say No. No. No.

The point the Senator from Kansas will make in conclusion is that we should take a hard, close look at this program that has been implemented by the administration without any hearings, without any appropriations, without any benefit. In fact, it is detrimental to consumers and the sugar producers in America.

It seems to me we ought to take a hard look at the United States International Trade Commission proposal, and really do something for the sugar producers.

Mr. President, I ask unanimous consent to have a press release of the USDA outlining provisions of the sugar program printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PROPOSED SUGAR PRICE SUPPORT PROGRAM OUTLINED

WASHINGTON, June 13.—Acting Secretary of Agriculture John C. White today outlined some of the proposed provisions of the sugar price support payments program. The program is being instituted in response to President Carter's May 4 decision concerning sugar.

In the past year sugar prices have fallen sharply to a point less than the cost of production for many U.S. growers. Secretary of Agriculture Bob Bergland has determined that a program offering payments of up to two cents per pound of sugar should be undertaken to assist producers and processors through the present period of low prices. The objective of the program is to support prices in the marketplace for sugarbeet and sugarcane producers through payments made to sugar processors. The program is authorized by Section 301 of the Agricultural Act of 1949, as amended (7 U.S.C. 1447).

The support price will not exceed 13.5 cents per pound, raw sugar equivalent. This price was determined to be the level of support necessary to cover the average cost of producing and processing sugarbeets and sugarcane in efficient domestic producing areas. The program takes effect beginning with the 1977 crop. Sugar in inventory from crops prior to 1977 will not be eligible for price support. The maximum price support payment will be two cents per pound.

The proposed program includes the following general provisions:

1. The 1977 crop year would be defined, by area, as sugarbeets and sugarcane generally harvested during the following periods:

Sugar production area and harvesting period:

A. Mainland beet:

All States, excluding California and Arizona, September–November 1977.

California, excluding southern area, June 1977–February 1978.

Southern California, March–August 1978.

Arizona—lowland area, April–June 1978.

Arizona—upland area, September–November 1977.

B. Mainland Cane:

Louisiana, October 1977–January 1978.

Florida, October 1977–May 1978.

Texas, October 1977–May 1978.

C. Hawaii, Calendar Year 1977.

D. Puerto Rico, December 1977–July 1978.

2. Raw cane sugar and refined beet sugar marketed from the 1977 crop on or after May 4, 1977, would be eligible for price support payments.

3. The basis of payment would be the difference between the U.S. weighted average price, raw sugar equivalent, received by processors each quarter from the sale of sugar in the marketplace and the support price of 13.5 cents per pound.

4. If the national average market price received by processors is less than the support price of 13.5 cents per pound, processors would be paid the difference up to a maximum of 2 cents per pound.

5. If the national average market price received by processors is more than the support price of 13.5 cents per pound, no government payment would be made.

6. Payment would be made on the quantity of sugar marketed by the processor each quarter, except that the initial "payment period" would cover 1977 crop sugar marketed from May 4 through June 30, 1977.

To be eligible for program payments, it is proposed that the processor and producer would have to comply with specified requirements. The proposed program would require that the:

1. Processor and producer have a written contract stipulating the producer's share of proceeds from the sale of sugar in the marketplace and the method of payment.

2. Processor pay producers the full amount of the price support payment after deduction of actual administration expenses incurred in carrying out its obligations under the program.

3. Processor certify the quantity of sugar in inventory at the beginning of the 1977 crop harvesting period.

4. Processor certify and submit a report showing the quantity of sugar marketed from the 1977 crop each quarter and the gross proceeds received therefrom.

5. Processor certify that producers have been or will be paid in accordance with their contractual agreement.

The Department will include the provisions outlined today in a notice of proposed rule making to be published in the June 14 Federal Register. Interested persons will be invited to comment before they are adopted.

THE IMPOSITION OF U.S. ANTITRUST LAWS ON CANADA

Mr. STEVENS. Mr. President, I call the attention of the Senate to a statement today by Canadian Finance Minister Donald MacDonald from Ottawa in regard to a story in the Washington Post about alleged uranium price fixing by a multinational cartel.

He has indicated that he believes that the United States has behaved improperly in trying to impose American antitrust laws on Canada.

I raise this matter in connection with the pending issue as to whether or not Alaska's gas should be transported in a pipeline that goes through Canada. There are two such proposals pending before the Canadian Government and the United States Government. The President will make his recommendation to Congress on September 1 as to which of the transportation systems should be used to bring our North Slope gas to market in the South 48.

It is imperative, I believe, that Americans understand that Canada does have an entirely different system of government than ours. They have different government policies than we do.

I do believe that Mr. MacDonald's statement again emphasizes that when American commodities go through Canada, they are going to be subject to a different set of laws than if our gas in, particular, is transported solely within the jurisdiction of the United States or on the high seas in U.S. tankers and, therefore, subject to the jurisdiction of the United States.

I am not expressing anti-Canadian points of view. I am trying to say again that those of us in Alaska who live next to Canada and deal with Canada try to understand their system and, therefore, try to respect their point of view.

Those who are planning the pipelines through Canada I feel are not properly informing the United States of the serious risks of delay that will be involved transporting Alaska's gas through Canada, and this is a case in point.

It is clear that Canada does not want the U.S. antitrust policies imposed in Canada. Yet, when our commodities go through Canada, they shall in fact be subject to U.S. laws.

The impact of this would be that many laws of Canada which are different from those of the United States would, in fact, become applicable to a pipeline through Canada and applicable to our gas in transit through Canada in a manner that would be inconsistent with the policies of the United States, particularly those expressed by the Congress of the United States.

I do not mean by this comment to get involved in a controversy as to the Gulf activity related to uranium.

But I do think we ought to take cognizance of the very strong statement made by the Finance Minister, Donald MacDonald, a former energy commissioner of Canada. He has been a friend of the United States, but he is, I think, issuing once again a strong warning to U.S. citizens, and particularly the U.S. Government, not to presume that U.S. laws will be applied to American companies doing business in Canada, or to American commodities as they transit Canada.

The treaty that will come before this body very soon for ratification, the Hydrocarbon Treaty, does not address these issues. I am hopeful we can discuss them when the treaty does come before the Senate.

Mr. President, if I have any further time, I yield it back.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is now recognized for not to exceed 15 minutes.

AMERICAN FOREIGN POLICY

Mr. BARTLETT. Mr. President, during the course of the 1976 Presidential campaign, candidates Gerald Ford and Jimmy Carter met on October 6 in the second of a series of historic debates—this one dealing with American foreign policy. It is generally accepted that foreign policy was one of the critical issues of the campaign, and I believe it is fair

to say that this confrontation had a measurable impact on the decision of the voters in November. To a great extent, the candidates' qualifications in the area of foreign policy may well have been judged by the positions they offered during that October 6 debate.

In presenting his views on foreign policy, candidate Jimmy Carter stated:

> This is what it takes to have a sound foreign policy—strong at home, strong defense, permanent commitments—not betray the principles of our country and involve the American people and the Congress in the shaping of our foreign policy. * * * We ought to be a beacon for nations who search for peace and who search for freedom, who search for individual liberty, who search for basic human rights.

He continued to say that when we pursue and achieve treaties in supporting dictatorships, in ignoring human rights, "we are weak and the rest of the world knows it."

President Carter's awareness of the difficulties we have faced in the past and the imminent troubles we face today gave us a hopeful outlook of the future of our foreign policy. His pledge to formulate foreign policy to regain our position of strength is commendable.

In the first 5 months of this administration, the President has been extremely active on a number of foreign policy fronts, and I believe it is not only appropriate but imperative that some of the foreign policy initiatives of the administration now be measured against those earlier pledges of being strong through permanent commitments, of upholding the importance of human rights, of supporting nations who seek peace and freedom. Current among the administration's activities and particularly enlightening in regard to the developing foreign policy is the President's pursuit of "normalized relations" with Cuba.

On June 3 the administration disclosed an agreement for the exchange of diplomats between the United States and Cuba—a development which can only be viewed as the first step toward restoration of full diplomatic relations, and the lifting of the United States trade embargo against Cuba.

I consider it a crude and distressing irony that during the period when Cuban Premier Castro was contemplating this triumph in relations with the United States, he was also monitoring the deployment of Cuban military personnel to a new frontier in Africa. With the arrival of Cuban personnel in Ethiopia, Castro would claim as many as 10 African nations on his "hit list" for Communist revolution.

The U.S. willingness to proceed toward diplomatic recognition must have been a heartening sign to Castro that America no longer objected to the foreign exploits of Cuba. Castro was likely reassured that Ambassador Andrew Young did indeed speak for President Carter when he praised the "stabilizing influence" of Cuban forces, and announced that "a thousand Cubans, or 20,000 Cubans or even 100,000 Cubans anywhere in the world are no threat to the United States."

In fact, after the President's announcement of a diplomatic exchange with Cuba, Castro waited only a day before disclosing that the withdrawal of Cuban forces from Angola would be halted. Some 10,000 to 15,000 troops remaining after Cuba's successful exploitation of the Angolan civil war would be retained, either to tighten the grasp of the Communist takeover there, or to prepare their next adventure.

The unmistakable implication of President Carter's willingness to proceed toward normalized relations with Cuba is that a new foreign policy is being molded by the administration. It is not at all the policy described by the President only weeks ago when he advised leaders of other nations that "you will find this country, the United States, eager to stand beside those nations which respect human rights and which promote democratic ideals." Instead the President seems most eager to stand beside a nation which openly mocks and ridicules these principles.

Evidence of this glaring contradiction can be seen throughout the administration's posture toward the Third World.

In Vietnam, the victors of a long struggle for Communist dominance of that divided country have succeeded in establishing one of the most brutal and oppressive regimes of all the Third World. And yet, the administration has already scheduled negotiations with Vietnam on the normalization of relations between the two countries.

Presumably, our simple humanitarian request for a full accounting of American soldiers killed or missing in action in Southeast Asia will be considered only after discussion of Vietnam's demands for war reparations and other economic concessions. President Carter has apparently abandoned the concept that America "ought to be a beacon for nations who search for peace and who search for freedom, who search for individual liberty, who search for basic human rights." The President's conduct of foreign policy has instead made us a beacon of economic and political opportunity for those who hold nothing but contempt for these ideals.

The emptiness of another of the President's promises, to "involve the American people and the Congress in the shaping of our foreign policy," can be seen in the ill-conceived proposal for the withdrawal of American ground forces from South Korea. Not only were the American people and the Congress excluded from the formulation of this proposal, but the military community itself appears to have been ignored.

I have found no evidence that the military or intelligence communities were ever consulted in the development of this plan. I am personally unaware of a single knowledgeable military official who supported the President's withdrawal proposal before the President declared it national policy.

One who dared to openly express his reservations about the proposal, Major General Singlaub, the third ranking U.S. Commander in South Korea, was summarily recalled from that command.

In this theatrical overreaction by the President it was made clear that a double standard would be applied to those who disagreed with his official policy—praise for the stabilizing influence of Cuban forces in foreign lands would be excused, comments regarding the stabilizing influence of American forces would not be tolerated.

If these are to be the hallmarks of the foreign policy being shaped by the administration then it is clear the President has forsaken his promises of a sound foreign policy of permanent commitments, and a strong defense, a policy that establishes America as that "beacon for nations, who search for peace and who search for freedom, who search for individual liberty, who search for basic human rights."

It is particularly significant and encouraging that the United States Senate yesterday evidenced its displeasure with these Presidential initiatives and demanded congressional consultation and involvement in the formulation of American foreign policy.

Instead, the policy being pursued by the President seems to be one of opening our arms to the belligerent communist regimes of the third world, and turning our backs on allies of long standing. Such a policy can only serve to the disgrace of the administration and to the detriment of our national security.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business?

DEATH OF DR. WERNHER VON BRAUN

Mr. SPARKMAN. Mr. President, the Senators may know that on yesterday a man who had done so much for this country and, indeed, for the world, especially in the field of space technology and exploration, died. That was Wernher von Braun.

Wernher von Braun, I am sorry to say, had a lingering illness for some time and it took him away on yesterday.

He did much, as I say, for this country. He was a great German scientist who was one of the pioneers in rocketry. It was due to his training in rocketry that he was able later to develop the space program.

He came to this country, if I recall, first in 1945. He was one of the officers taken prisoner of war by the Americans and was brought here, placed at Fort Bliss in Texas and later transferred to the Redstone Arsenal in Huntsville, Ala.

He was a wonderful citizen there. A great man, as I say, who did great things

I knew Wernher von Braun quite well He was a neighbor of mine.

I bemoan his death. I extend to Maria his widow, a very gracious lady, and to

their children, the deepest sympathy of both me and Mrs. Sparkman.

Mr. ALLEN. Mr. President, Dr. Wernher von Braun, the world's greatest space scientist, is dead, but his achievements in the conquest of space will be a monument to him and his memory as long as the world endures.

He was a great man, a great scientist, a great community builder. He was for a number of years an adopted son of Huntsville, Ala., and the State of Alabama. He was highly regarded in that fine city and our State. He was much beloved.

In fact, the magnificent new civic center in Huntsville is named the Wernher von Braun Civic Center.

Dr. von Braun spent his entire career seeking to unlock the secrets of the universe and he achieved much in that pursuit.

I once read an article by Dr. von Braun that appeared in Reader's Digest and he pointed out that far from there being any conflict between science and religion, any conflict between the achievements in space and one's faith in God, there was no conflict and the more that was achieved in conquering space, the stronger his faith in God became.

So, certainly, we would hope that with that faith in God that he had, the remaining secrets of the universe will have been opened up to him.

He was a pioneer in the movement to establish a space research center at the University of Alabama in Huntsville, a leading advocate of the Alabama Space and Rocket Center, built in Huntsville, which is a great tourist attraction and which contains much of Dr. von Braun's memorabilia.

He took an interest in all things for the betterment and building up of his city and his State and his Nation. He was a great American, even though we all know his background. He became a patriotic American citizen, one of whom the country was proud because of his achievements.

So, joining my distinguished senior colleague, Mr. SPARKMAN, on behalf of Mrs. Allen and myself and on behalf of the people of Alabama, we extend our sincere condolences to Mrs. von Braun, who was a great inspiration to him throughout his career, and to the other members of his family in their loss.

Mr. SPARKMAN subsequently said: Mr. President, a few minutes ago my colleague (Mr. ALLEN) and I, as well as other Senators, made remarks regarding the death, the life, and the work of Wernher von Braun.

The Washington Star of today has a front-page article regarding his death. It is continued on another page. It is a rather long article, but a most interesting one. and on behalf of the two of us, Senator ALLEN and myself, I ask unanimous consent that those parts of the article I have marked be printed in the RECORD immediately following the earlier remarks of Senator ALLEN and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSILE PIONEER WERNHER VON BRAUN DIES

(By Timothy Hutchens)

Wernher von Braun, the missile physicist who developed terrifying weaponry for his native Germany and space rockets for his adopted United States, died yesterday in Alexandria Hospital. He was 65.

Von Braun had been hospitalized several times for cancer since having a malignant tumor removed at Johns Hopkins Hospital two years ago.

Von Braun and his wife Maria, to whom he was married in 1947, had three children: Iris, Margrit and Peter. A funeral service yesterday was private.

After retiring five years ago as deputy associate administrator for long-range planning for the National Aeronautics and Space Administration, he became corporate vice president for engineering and development at Fairchild Industries, in Germantown, Md.

During the 20 years before he moved into the NASA post here in 1970, he directed rocket development at Huntsville, Ala., first for the Army and later for NASA. Ultimately he was in charge of building the Saturn 5 moon rocket for the Apollo program.

At Huntsville, and earlier at the White Sands Proving Grounds in New Mexico, he worked with more than 100 other German scientists who had helped him develop the V2 rocket at Peenemunde, Germany, during World War II and who surrendered en masse to American forces during 1945.

Square-jawed, strikingly handsome and an outgoing champion of his work, Von Braun got boosts in his career in this country from periodic needs for rocketry—first to develop an intercontinental missile, then to match the Soviet Sputnik triumph, then to put a man on the moon.

In recent years, he had expressed disappointment as public interest and NASA funding declined in the American space effort. Nevertheless, he spoke wishfully from time to time of traveling to the moon, and he foresaw space exploration as a pacifying pursuit.

As early as 1952 he said, "On that future day when our satellite vessels are circling the earth, when men manning an orbital station can view our planet against the star-studded blackness of infinity as but a planet among planets, on that day, I say, fratricidal war will be banished from the star which we live."

Von Braun, who first developed a consuming interest in rocketry as a boy in East Prussia, frequently spoke eloquently of his work in the context of a career that saw him become a scientific leader in a country that would have put a bounty on his head several decades earlier.

At his family's home at Huntsville in 1958, three years after becoming a citizen, he reflected upon the successful launching of the first Explorer satellite into orbit:

"America has really been nice to us, and although we had to sit around and see the U.S. make some of the mistakes we had made long ago in missilery—it was like coming around the same track again—and we did feel frustrated at times, we are awfully lucky to have carried the day. It makes us feel that we paid back part of a debt of gratitude we owed this country."

Von Braun was born March 23, 1912, in Wirsitz, Germany, which is now Wyrzysk, Poland. His father was Baron Magnus von Braun, agriculture minister under President von Hindenburg in the Weimar Republic.

"For my confirmation," he recalled, "I didn't get a watch and my first pair of pants like most Lutheran boys. I got a telescope. My mother thought it would make the best gift."

Just as he was entering his teens, he read an astronomy pamphlet that contained a sketch of a rocket zooming to the moon. The picture illustrated an article by a pioneer rocket theorist named Hermann Oberth, who was later to be part of Von Braun's Huntsville team.

Oberth had written a book titled, "The Rocket to the Interplanetary Spaces," which the young Von Braun obtained. To his horror, he discovered it was filled with mathematics, a subject he disliked but realized he had to master.

He ended up teaching math and physics to fellow students at a boarding school on an island in the North Sea after the teacher got sick.

Even before going off to college, he was experimenting with rockets in an abandoned ammunition dump in suburban Berlin. (His family moved frequently because his father was reassigned to various parts of Germany.)

The young Von Braun pressurized his first rocket with a bicycle pump, but it never got off the ground.

In 1930, he attended the Institute of Technology in Zurich and continued his experiments. By that summer, he was assisting Oberth in some early experiments with rockets using liquid fuel.

A year later, he returned to Berlin and joined a small group that had launched 85 primitive rockets. There, he also continued his studies, and became an expert in liquid fuel at the German army's rocket station at Kummersdorf.

The army was interested in developing long-range weapons that were not prohibited in Germany by the Versailles Treaty. Von Braun became chief of the experiment station at the age of 20.

In 1933, the year Adolf Hitler came to power, the station produced a rocket stabilized by one large gyroscope in the nose. The next year, Von Braun received his Ph.D. in physics at the University of Berlin.

Hitler became interested in rockets as weapons in 1936 and constructed the vast rocket research center at Peenemunde on the Baltic Sea. Von Braun became its technical director the next year at the age of 25 and was charged with developing a long-range weapon carrying a large warhead.

By 1938, Von Braun had developed the first successful model of a flying bomb that, six years later, would be known as the terrible V2 (*Vergeltungswaffe Zwei*, or Vengeance Weapon No. 2")

The first and second tests of prototypes failed, but the third soared at supersonic speeds to a record height of almost 60 miles.

Hitler became more interested in the work and established impossible production schedules. Meanwhile his subordinates began squabbling for control of the weapon, and in February 1944, Gestapo chief Heinrich Himmler put Von Braun in jail because he would not agree to put Peenemunde under control of the SS instead of the army.

Hitler, however, had Von Braun released after being convinced that the V2 program would otherwise fail.

Peenemunde was bombed, delaying the launching of V2s against the Allies. However, on Sept. 7, 1944, the first one was fired against London.

Von Braun was later to remark, "We felt a genuine regret that our missile, born of idealism . . . had joined in the business of killing. We had designed it to blaze the trail to other planets, not to destroy our own."

Some 3,600 V2s were fired against English cities and Antwerp, killing an estimated 2,700 persons and injuring 6,500 more.

In March 1945, as Russian forces had advanced to within 100 miles of Peenemunde, Von Braun and most of the other top scientists at the project chose to fall into American hands. They moved to Bavaria and waited in resort hotels for their capture.

For the trip to Bavaria, Von Braun fueled the vehicles with rocket alcohol and painted letters on their sides standing for Special

Project Disposition in order to get by roadblocks. It was the kind of ruse that he had frequently used successfully with the German bureaucracy and was later to use with the American bureaucracy in order to get his way.

En route to Bavaria, his driver fell asleep and ran off the road, and Von Braun had to surrender with a broken left arm.

Afterward, he and 120 of the other scientists were sent to the United States and first stationed at Fort Bliss, Tex., to work on some old V2s.

In 1950, spurred by the Korean War, the Army transferred them to its Redstone Arsenal at Huntsville to build a long-range missile that could carry a nuclear payload. As a result the Redstone missile was launched at Cape Canaveral in 1953.

With his eye on outer space, Von Braun found himself competing against development of the Navy Vanguard missile and was ordered to forget about satellite launchings. Instead, he was ordered to work on the Army's Jupiter's intermediate range ballistic missile, which was also competing with the Air Force's Thor.

He developed the so-called Jupiter-C, which had a dummy fourth-stage for a satellite and which was launched successfully in September 1956. But President Dwight D. Eisenhower ruled out using a Redstone missile for space projects because, he said, he did not want military weapons in outer space.

In October of the following year, the Russians orbited their first Sputnik, and the pressure was on American rocket physicists to respond in kind.

A Navy Vanguard exploded on its launch pad two months later, and Von Braun finally got his chance to orbit a satellite in January 1958. He used a modified Redstone that he had kept in waiting to launch Explorer One into orbit.

"All she needed was a good dusting," he said.

Two years later, the group at Huntsville became part of NASA, and Von Braun remained director of the renamed George C. Marshall Space Flight Center. The project's attention turned to manned spaceflight, and in 1961, Alan B. Shepard rode a Redstone to become America's first man in space.

President John F. Kennedy pledged to put a man on the moon and return him safely by 1970, and Von Braun began building the Saturn 5 rocket that did the job in 1969.

When Von Braun came to Washington in 1970 as deputy associate NASA administrator, it was admittedly due to the idea of using the man who had become better known than most astronauts to renew interest and appropriations in the space program, particularly for plans of manned expeditions to Mars.

But Congress was not buying the idea, he said in a Q & A interview with The Washington Star during January 1976.

"At the time," he said, "so many other national problems had crept up that Congress just wasn't in the mood to commit itself to another multibillion dollar space program."

However, he noted, the idea of a space shuttle survived.

He was disappointed in a NASA budget that was halved and inflation that diluted the funding even more.

"This reduced my function in Washington eventually to one of describing programs which I knew could not be funded for the next 10 years anyway," he said.

In 1972, he left 27 years of government service to join Fairchild.

Late last year as he grew more ill, he began crating his papers and shipping them to the rocket center at Huntsville. Nevertheless, visitors to his home in Northern Virginia said they were amazed at his mental vigor. One described how he still enjoyed working out math problems.

Another visitor last summer remarked how fond he was of recalling travels, such as a hunting expedition to Norway, skin diving in Jamaica, and trekking in Antarctica 10 years ago. Some of his other activities were gliding, sailing and fishing.

He was also head of the board of the National Space Institute, a nonprofit group established to inform the public on benefits of space research.

"There is beauty in space," he once said, almost 20 years ago, "and it is orderly. There is no weather, and there is regularity. It is predictable. Just look at our little Explorer. You can set your clock by it—literally. It is more accurate than your clock. Everything in space obeys the laws of physics. If you know these laws, and obey them, space will treat you kindly. And don't tell me man doesn't belong out there. Man belongs wherever he wants to go—and he'll do plenty well when he gets there."

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. SCHMITT. Mr. President, I commend the distinguished Senators from Alabama and associate myself with their remarks.

Alabama was the home of one of my very closest professional colleagues, one of my dearest friends, Wernher von Braun.

I am sure that the professional loss I feel is shared by everyone who had the benefit of his friendship and the benefit of his professionalism and those of his colleagues he directed, as we literally have evolved as a nation and as a species into space and into the universe.

My first contact with Wernher von Braun was unknown to me. It was as a boy in New Mexico, when I watched the contrails of the V-2's that he and his colleagues were testing for the Army at the White Sands Proving Grounds, which carried on a great tradition for New Mexico in the testing of rockets, the home of the tests that Dr. Goddard performed, near Roswell, N. Mex.

Wernher at that time excited my imagination, as later he excited the imagination of the country, as the Saturn series of rockets was developed, without which our generation would not have had the privilege of establishing this new evolutionary trend for mankind.

Wernher's vision was the vision of youth and always will be. He and all of us who were associated with the space program spent much of their time, and still do, talking with young people about the experiences of space and the meaning of the experience, not only in a scientific, a technical, and a national sense, but also, as Senator ALLEN so aptly pointed out, the philosophical sense. He expressed the reinforcement of religion that comes with an experience in which few of us have had the opportunity to take part directly, but in which all mankind has participated very closely in a vicarious way.

I think that as the people pause and reflect on the career and contributions of Wernher von Braun, they will realize that, in the history of science, he contributed as much or more than any other man to a first order understanding of the planetary bodies, an understanding which was beyond the hope of mankind just a few decades ago.

In the history of technology, he has contributed as much or more than any other person to advancing and increasing the base of technology from which we now can stand and reach for solutions to a vast number of human problems. Problems which before were just dark tunnels out ahead of our species—ignorance, hunger, natural disaster, poverty, poor health. All these are now realms in which we can reach to find solutions. It was Wernher's vision, his help, and his leadership that have allowed that new technology base to be available to all of us. As we, in the Senate, in Congress, and in the Nation, discuss solutions for our energy problems, we will find that we will draw upon the technology that Wernher and his colleagues helped create.

In the history of our Nation, there is no question that through the Saturn rocket, the monument to Wernher von Braun, this Nation became the first truly space-faring nation in the history of mankind. In connection with this concept, we think of the British, who were a seafaring nation for centuries. Now the United States of America stands alone in history as a truly space-faring nation, with the ability, if it desires to do so, to explore the planets, to live and work in space, any part of space.

As a matter of fact, as a consequence of Wernher's efforts, there are young people today who can anticipate—and very probably will be correct in that anticipation—that they will be the parents of the first Martians, a concept that Wernher talked about many, many times.

However, perhaps most important is the fact that through his efforts and those of his colleagues, mankind has evolved into the universe. With the first orbital flight to the moon, Apollo 8, Wernher and three astronauts broke that fundamental bond that had so far held the species to Earth, the bond of gravity.

They committed themselves to a gravitational field of another planet, from which there was no guarantee those astronauts would return. Obviously, as a result of the work of Wernher and others, we were confident that we would return. But the commitment was made; the bond was broken, even for a very brief period of time; and it demonstrated to mankind, I believe, that if we desire to do so, we now can move into the planets. This civilization can be carried into space and to the planets.

With that new evolutionary status comes the same hope that our ancestors had when they left Europe and other parts of the world to come to our shores, the shores of North America, to replant the seed of individual freedom and the seed of mankind in a new environment from which, in all likelihood—we all hope—it never will disappear.

Once again, I commend the distinguished Senators from Alabama for their remarks. I know that the people of New Mexico as well as the rest of the

people of this country share the sense of loss but also the sense of hope that has come with the life of Wernher von Braun.

Mr. ALLEN. I thank the distinguished Senator from New Mexico for his moving and eloquent tribute to Dr. von Braun. Certainly, no one is in a better position to attest to the accomplishments and the greatness of Dr. von Braun than the distinguished Senator from New Mexico (Mr. SCHMITT), who was one of the great, courageous astronauts and who would not have been able to make history as he did in conquering space had it not been for the genius of Dr. von Braun.

I appreciate very much the fine remarks of the distinguished Senator from New Mexico.

Mr. STEVENSON. Mr. President, this Nation has lost a great man. Dr. Wernher von Braun, who contributed so much to the U.S. space program, has passed away.

At an early age, Wernher von Braun developed a consuming interest in rocketry and space travel. As a young man, he became a leader in these activities in his native country, Germany. Near the end of World War II he, along with other top German scientists who had helped him develop rocketry at Peenemunde, made a conscious decision to surrender to the United States.

On arriving in the United States, he applied his genius, and the genius of those who came with him, to the development of our early military rockets. But Wernher von Braun recognized that in a few short years mankind would have the capability to leave the surface of the Earth and enter outer space. In his own inimitable way, he had his group work on this problem. Although the Government would not give his Army team authority to attempt to launch a vehicle into space, he was ready when the Soviet Union stunned the world with the first sputnik. Because there was a Wernher von Braun, the United States was able to place its first satellite into space less than 4 months later.

But this was not the highlight of Dr. von Braun's remarkable space career.

Wernher von Braun not only knew how to build space launch vehicles; but he knew how to dream. More importantly, he was not afraid to undertake the design and development of a space launcher larger than others could imagine, the remarkable Saturn V which accomplished the manned lunar landings.

No one can look at the huge Saturn V launch vehicle without wondering about the audacity of the man who conceived it, at his courage to undertake its development and at his genius to make it work flawlessly. The Saturn V never failed, yet it was probably the most complicated engineering undertaking of mankind up to that time. Its development was a truly remarkable accomplishment.

The Apollo lunar landings are now history—but we will not soon forget the contribution of Wernher von Braun to that extraordinary achievement.

This unique man also understood the utility of space. Wernher von Braun saw space as a new frontier of enormous usefulness for the benefit of all mankind.

Extraordinary scientist, technologist and manager—Wernher von Braun was all of these. His contribution to this Nation's space program will be an enduring testament of his genius.

I extend my deepest regrets to his wife, Mrs. von Braun and to his children.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Martin Franks, of my office, have the privilege of the floor during the consideration of H.R. 7636 today and votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Michael Shore, of the Human Relations Committee, have the privilege of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that Mary Keogh and Tony Bevinetto, of my staff, have the privilege of the floor during the debate and votes today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Erich Evered, of my staff, have the privilege of the floor during the consideration of the measure today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6655) to amend certain Federal laws pertaining to community development, housing, and related programs; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD of Pennsylvania, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MITCHELL of Maryland, Mr. AUCOIN, Mr. BLANCHARD, Mr. LUNDINE, Mr. BROWN of Michigan, Mr. STANTON, Mr. ROUSSELOT, and Mr. WYLIE were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

At 3 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1440. An act for the relief of Eun Kyung Park and Sang Hyuk Park.

H.R. 7606. An act to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon.

The enrolled bills were subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications which were referred as indicated:

EC–1510. A letter from the Secretary of Transportation transmitting, pursuant to law, a report of an Anti-Deficiency Act violation by the Urban Mass Transportation Administration (with an accompanying report); to the Committee on Appropriations.

EC–1511. A letter from the Deputy Secretary of the Board of Governors of the Federal Reserve System transmitting, for the information of the Senate, a copy of a correction page to be substituted for page 498 in the 63rd Annual Report of the Board of Governors of the Federal Reserve System (1976) (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

EC–1512. A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to provide improved consumer deposit services; to promote competitive balance among financial institutions; and to enhance the effectiveness of the Federal Reserve (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

EC–1513. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

SC–1514. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Cleaning Up the Remains of Nuclear Facilities—A Multibillion Dollar Problem" (EMD–77–46) (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–1515. A letter from the Chairman of the Federal Power Commission transmitting, for the information of the Senate, a copy of the publication "Principal Electric Facilities, 1977" regional maps (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–1516. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a copy of a report on gasoline service station market shares for the month of February 1977 (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–1517. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs for the Federal Energy Administration transmitting, pursuant to law, notice of three meetings related to the International Energy Program (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–1518. A letter from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the seventh report on abnormal occurrences at licensed nuclear facilities for the fourth quarter of 1976 (with an accompanying report); to the Committee on Environment and Public Works.

EC–1519. A letter from the Secretary of the Interior transmitting, pursuant to law, copies of a report entitled "The Tule Elk in California" (with accompanying reports); to the Committee on Environment and Public Works.

EC–1520. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The United States and Japan Should Seek a More Equitable Defense Cost-Sharing Arrangement" (ID–77–8) (with an accompanying

report); to the Committee on Governmental Affairs.

EC–1521. A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, copies of proposals on a new system of records, in accordance with the Privacy Act (with accompanying papers); to the Committee on Governmental Affairs.

EC–1522. A letter from the Counsel for the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976; to the Committee on the Judiciary.

EC–1523. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act to authorize appropriations for fiscal year 1979 (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC–1524. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966 to authorize appropriations for fiscal year 1979 (with accompanying papers); to the Committee on Environment and Public Works.

EC–1525. A letter from the Chairman of the Board of Directors of Overseas Private Investment Corporation transmitting a draft of proposed legislation to authorize a four-year extension of the investment insurance and finance programs operated by the Overseas Private Investment Corporation and to make certain changes in its existing programs and policies (with accompanying papers); to the Committee on Foreign Relations.

EC–1526. A letter from the Secretary of Commerce transmitting, pursuant to law, notice that the President of the United States has granted Federal recognition to "Energy Expo '82", a Special Category International Exposition proposed to be held in 1982 in the City of Knoxville (with accompanying papers); to the Committee on Foreign Relations.

EC–1527. A letter from the Chairman of the Board of the United States Naval Sea Cadet Corps transmitting, pursuant to law, the Annual Audit Report of the Naval Sea Cadet Corps for the fiscal year ended 31 March 1977 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following petitions which were referred as indicated:

POM–233. A resolution adopted by the Julian Chamber of Commerce, Julian, Calif., urging prompt congressional action to alleviate the crippling restrictions now imposed on the tuna industry; to the Committee on Commerce, Science and Transportation.

POM–234. A petition from Mr. and Mrs. Lance Roberts, Summersville, W. Va., urging the President and the Congress of the United States to do everything in their power to stop the surrender of the Panama Canal; to the Committee on Foreign Relations.

POM–235. A letter from the Democratic legislative leadership and the legislative black caucus for the State of Connecticut urging the Congress of the United States to take appropriate action to grant Dr. King's birthday national recognition; to the Committee on the Judiciary.

POM–236. A resolution adopted by the central regional conference, International Personnel Management Association expressing opposition to H.R. 10 proposed to amend the Hatch Act and requesting that the honorable Members of the United States Senate reject this proposed legislation; to the Committee on Governmental Affairs.

POM–237. Senate Resolution No. 1977–75 adopted by the Senate of the State of Washington urging to review those portions of the public law which preclude the development of hydroelectric and multipurpose projects in the Middle Snake River; to the Committee on Energy and Natural Resources:

[State of Washington]

SENATE RESOLUTION 1977–75

"Whereas, Present drought conditions have demonstrated the vital importance of preserving and enhancing the water and hydropower resources of the Pacific Northwest; and

"Whereas, Hydroelectric power has been a primary source of low cost, abundant and dependable energy, which has decreased reliance on petroleum, natural gas, coal and nuclear power, freeing these depletable resources for use in other sections of the nation; and

"Whereas, Water impounding projects tend to be self-supporting and provide multiple-use benefits including the promotion of commerce, navigation, municipal and industrial water supply and water for irrigated farming, as well as recreational benefits; and

"Whereas, The principal remaining sites for the development of hydroelectric power in the region lie in the Middle Snake River area, with more than three million acre-feet of water storage available for power generation on-site and with resultant benefits to downstream generating plants, fisheries and flood control aspects of multiple-use development; and

"Whereas, The total cost of construction of the most expensive Middle Snake multipurpose project could be offset in less than two weeks of the equivalent import costs of foreign oil;

"Now, therefore, be it resolved by the Senate of the State of Washington, That the Congress be urged to review those portions of the public law which preclude the development of hydroelectric and multi-purpose projects in the Middle Snake River.

"Be it further resolved, That copies of this resolution be transmitted to The Honorable Jimmy Carter, President of the United States; to the President of the United States Senate and the Speaker of the United States House of Representatives and to the members of the delegation in Congress from the State of Washington."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services:

Without amendment:

S. Res. 199. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1341. Referred to the Committee on the Budget.

With amendments:

S. 1341. A bill to authorize appropriations to the Energy Research and Development Administration for military programs with potential civilian energy applications, and for other purposes (Rept. No. 95–278).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Environment and Public Works:

Robert Walter Scott, of North Carolina, to be Federal Cochairman of the Appalachian Regional Commission.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. LAXALT:

S. 1711. A bill to amend title XVI of the Social Security Act to provide that an alien may not qualify for supplemental security income benefits unless he not only is a permanent resident of the United States but has also continuously resided in the United States for at least five years; to the Committee on Finance.

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. PELL, Mr. RIEGLE, Mr. HUMPHREY, Mr. MAGNUSON, Mr. BROOKE, and Mr. DOLE):

S. 1712. A bill to amend the Rehabilitation Act of 1973 to extend certain programs established in such Act, and for other purposes; to the Committee on Human Resources.

By Mr. CURTIS:

S. 1713. A bill to amend section 409 of the Trade Act of 1974 relating to freedom of emigration from Communist countries; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. ABOUREZK, Mr. DOMENICI, and Mr. SCHMITT):

S. 1714. A bill relating to the relocation of certain Hopi and Navajo Indians pursuant to the Act of December 22, 1974; to the Select Committee on Indian Affairs.

By Mr. MATSUNAGA:

S. 1715. A bill for the relief of Manuel Agustin Corpuz; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAXALT:

S. 1711. A bill to amend title XVI of the Social Security Act to provide that an alien may not qualify for supplemental security income benefits unless he not only is a permanent resident of the United States but has also continuously resided in the United States for at least 5 years; to the Committee on Finance.

Mr. LAXALT. Mr. President, I am today introducing legislation which would amend the Social Security Act in such a way as to deny eligibility for the Supplemental Security Income program to aliens who have not been legal residents of the United States for a 5-year period. This legislation is necessary to rectify a very serious and costly program occasioned by extensive alien participation in the SSI program.

Thousands of aliens are now qualifying for and receiving SSI benefits costing millions of dollars annually. Aliens are now eligible to receive SSI benefits after only 30 days after coming to the United States. They may now claim Supplemental Security Income amounting to approximately $300 monthly on the average when including medical benefits.

When multiplied by the over 150,000 aliens currently on SSI rolls, the total bill for the American taxpayers comes to $500 million dollars.

This is unfair to our citizens who have worked long and hard to pay their taxes. Most of the aliens receiving money have made little or no contribution to our society. This situation becomes even more ominous when one considers the administration's possible granting of an amnesty to all illegal aliens now in the United States, who could number between 6 and 8 million.

Our society has long been rightly proud of the refuge we have provided for immigrants from so many other lands who have chosen to settle among us. We have been generous in the past and we should continue to be generous in the future. But the generosity of even our people has to have limits.

My bill would help make those limits clear with respect to the supplemental security income program. It would require that aliens reside in the United States for 5 continuous years before being allowed the opportunity to participate in the supplemental security income program. This necessary safeguard is already present in the Social Security Act in section 1836 which similarly restricts medicare benefits to alien residents. However, my legislation in no way diminishes the traditional American spirit of kindness and compassion because an exception is provided for any alien blinded or disabled after coming to the United States. These aliens would still be eligible for the program.

Mr. President, the essence of welfare reform is to provide adequate benefits for those truly deserving while denying them to those who are not. Newly arrived aliens should have no legitimate claim to our taxpayers' hard earned dollars. Those blinded or disabled after they come to the United States are deserving of our compassion and should be allowed SSI benefits. But the others should be required to be residents for 5 years before qualifying.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1614(a)(1)(B)(ii) of the Social Security Act is amended—

(1) by inserting a comma after "residence"; and

(2) by inserting before the period at the end thereof the following: ", who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for benefits under this title; except that the preceding provisions of this subsection shall not apply with respect to any individual who is an 'aged, blind, or disabled individual' for purposes of this title by reason of blindness (as determined under subsection (a)(2)) or disability (as determined under subsection (a)(3)), from and after the onset of the impairment involved, if such blindness or disability commenced after the date of such individuals admission to the United States.".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to supplemental security income benefits under title XVI of the Social Security Act (and State supplementary payments under section 1616 of such Act or section 212 of Public Law 93–66) for months after the month in which this Act is enacted. For purposes of such amendments, any alien who is a recipient of supplemental security income benefits (or such State supplementary payments) in the month in which this Act is enacted, and who has resided in the United States continuously during the 5-year period ending with the close of such month, shall be deemed to have resided in the United States continuously during the 5 years immediately preceding the month in which he applied for such benefits (or payments).

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. PELL, Mr. RIEGLE, Mr. HUMPHREY, Mr. MAGNUSON, Mr. BROOKE, and Mr. DOLE):

S. 1712. A bill to amend the Rehabilitation Act of 1973 to extend certain programs established in such Act, and for other purposes; to the Committee on Human Resources.

REHABILITATION EXTENSION AMENDMENTS OF 1977

Mr. RANDOLPH. Mr. President, I am introducing today, with the cosponsorship of several colleagues, the Rehabilitation Extension Amendments of 1977. The extension of this important measure is crucial to this Nation's handicapped citizens.

The measure is a 5-year extension of the programs presently authorized. It is abundantly clear that the funding levels authorized would be well spent. Additional thousands of handicapped Americans will receive the training to permit them to pursue lives of independence and dignity through gainful employment. This Nation will benefit from the increased income and taxes and from reduced welfare payments. This bill contains funding levels which are only slightly higher than presently exist and which are guided by cost of living increases.

It should be noted that the original law, passed in 1973 and which we are proposing to extend today, is the result of several years of careful study by the Subcommittee on the Handicapped, which I have the responsibility to chair. The able Senator from Vermont (Mr. STAFFORD) is our ranking minority member.

The subcommittee has been diligent in its responsibility for monitoring an oversight. During the 94th Congress the subcommittee held 8 days of intensive oversight hearings on these programs, to review the development and implementation of the new programs and concepts which were embodied in the new 1973 amendments.

In February and March of this year the subcommittee held further hearings. Many of the witnesses shared with us information regarding the effect of these health, education and welfare programs authorized by the Rehabilitation Act of 1973, as amended.

On Monday, June 20, 1977, the subcommittee will hold its 10th day of hearings during this session of the 95th Congress to take more testimony on this proposal. In July we have invited administration witnesses to comment on this measure.

I cite this schedule to assure Senators that our subcommittee members have done a thorough job of carefully reviewing the expenditure of funds for these rehabilitation programs. We have concluded that this worthwhile and expanded program has clearly demonstrated that these dollars produce a higher ratio of benefits to costs than most other Federal programs.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rehabilitation Extension Amendments of 1977".

SEC. 2. (a)(1) Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking out "$760,000,000 for the fiscal year ending September 30, 1978" and inserting in lieu thereof "the amount determined under subsection (c) for the fiscal year ending September 30, 1978, and for each fiscal year thereafter".

(2)(A) Section 100(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(2)) is amended by striking out "and" after "1976," and by inserting after "1978" the following: ", $37,000,000 for the fiscal year ending September 30, 1980, and $42,000,000 for the fiscal year ending September 30, 1981, and for each succeeding fiscal year ending prior to October 1, 1983".

(B) The first sentence of section 120(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 740(a)(1)) is amended by striking out "be entitled to" and inserting in lieu thereof "receive".

(b) Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended by adding at the end thereof the following new subsection:

"(c)(1) At the beginning of each calendar year (commencing in 1978), but no later than February 15 of each such calendar year, based upon available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Secretary and publish in the Federal Register the percentage difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period.

"(2) In determining the amount authorized under subsection (b)(1) for the fiscal year ending September 30, 1978, and for each fiscal year thereafter, the Secretary shall, as soon as practicable after receiving a certification from the Secretary of Labor under paragraph (1), derive an amount which is equal to the amount authorized for the fiscal year ending in the year in which such certification is made increased by any percentage increase specified in such certification. Such derived amount shall be the amount authorized for the fiscal year beginning in the calendar year in which such certification is made.

"(3) In any fiscal year in which the Secretary of Labor certifies a percentage decrease in the price index under paragraph (1), the amount authorized for the fiscal year beginning in the calendar year in which such certification is made shall be equal to the amount authorized for the preceding fiscal year.

"(4) Notwithstanding the provisions of paragraph (2), the amount authorized under this subsection for the fiscal year ending September 30, 1978, may not exceed $760,000,000.

"(5) For purposes of this subsection—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1976 and each calendar year thereafter which begins 2 years before the calendar year for which a certification is made under paragraph (1).".

(c) Section 112(a) of the Rehabilitation Act of 1973 (29 U.S.C. 732(a)) is amended by inserting after "1978," the following: "and for each succeeding fiscal year ending prior to October 1, 1983".

SEC. 3. (a) Section 201(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)(1)) is amended by striking out "and" after "1976," and by inserting after "1978" the following: ", $35,000,000 for the fiscal year ending September 30, 1979, $37,000,000 for the fiscal year ending September 30, 1980, $40,000,000 for the fiscal year ending September 30, 1981, $43,000,000 for the fiscal year ending September 30, 1982, and $47,000,000 for the fiscal year ending September 30, 1983".

(b) Section 201(a)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)(2)) is amended by striking out "and" after "1977," and by striking out "the fiscal year ending September 30, 1978" and inserting in lieu thereof "September 30, 1978" and inserting in lieu thereof the following: "each of the fiscal years ending September 30, 1978, and 1979, $32,000,000 for the fiscal year ending September 30, 1980, $34,000,000 for the fiscal year ending September 30, 1981, $36,000,000 for the fiscal year ending September 30, 1982, and $38,000,000 for the fiscal year ending September 30, 1983".

SEC. 4. (a)(1) The first sentence of section 301(a) of the Rehabilitation Act of 1973 (29 U.S.C. 771(a)) is amended by striking out "for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978" and inserting in lieu thereof "for each fiscal year ending prior to October 1, 1983".

(2) The last sentence of section 301(a) of the Rehabilitation Act of 1973 (29 U.S.C. 771(a)) is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1985".

(b) Section 302(a) of the Rehabilitation Act of 1973 (29 U.S.C. 772(a)) is amended to read as follows:

"SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated such sums as may be necessary for each fiscal year ending prior to October 1, 1983.".

(c) Section 304(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 774(a)(1)) is amended by striking out "For the purpose" and all that follows through "September 30, 1978" and inserting in lieu thereof the following: "For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there are authorized to be appropriated such sums as may be necessary for each fiscal year ending prior to October 1, 1938".

(d) Section 305(a) of the Rehabilitation Act of 1973 (29 U.S.C. 775(a)) is amended by striking out "for the fiscal years" and all that follows through "1978" and inserting in lieu thereof "for each fiscal year ending prior to October 1, 1983".

SEC. 5. (a) Section 403 of the Rehabilitation Act of 1973 (29 U.S.C. 783) is amended by striking out "the fiscal years" and all that follows through "1978" and inserting in lieu thereof "each fiscal year ending prior to October 1, 1983".

(b) Section 405(d) of the Rehabilitation Act of 1973 (29 U.S.C. 785(d)) is amended to read as follows:

"(d) There are authorized to be appropriated for carrying out this section $600,000 for each fiscal year ending prior to October 1, 1983.".

SEC. 6. Section 502(h) of the Rehabilitation Act of 1973 (29 U.S.C. 792(h)) is amended to read as follows:

"(h) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section $1,500,000 for each fiscal year ending prior to October 1, 1983.".

By Mr. DECONCINI (for himself, Mr. ABOUREZK, Mr. DOMENICI, and Mr. SCHMITT):

S. 1714. A bill relating to the relocation of certain Hopi and Navajo Indians pursuant to the Act of December 22, 1974; to the Select Committee on Indian Affairs.

Mr. DECONCINI. Mr. President, today Senators ABOUREZK, DOMENICI, and I are introducing legislation which would amend Public Law 93-531, the Navajo-Hopi Settlement Act which was designed to resolve the Hopi-Navajo joint-use area land dispute.

The Navajo-Hopi Settlement Act establishes procedures for the resolution of a century-old dispute between the Hopi and Navajo Tribes over joint-use area lands in Arizona. The act basically provides for a negotiated settlement of the dispute or, failing agreement, a mediated settlement to be approved by the district court. Guidelines for mediation and court settlement are set forth in the act and mechanisms are established for the transition period following a settlement.

Negotiations having failed, the mediator, William Simkin, filed his report to the court on December 12, 1975. The report recommended partition of the lands between the tribes and set out a line of partition. Hearings and filings of briefs were held through 1976. On February 10, 1977, the court issued its Judgment of Partition in which it confirmed the report of the mediator and ordered that the lands be partitioned in the manner set out in the report.

Since the issuance of the partitioning judgment, the Relocation Commission—a three-member panel established by Public Law 93-531 to administer the required relocation of tribal members—has begun to formulate its relocation plan for approximately 3,500 Navajos and 32 Hopis who must move. The Commission has about 1½ years remaining to devise its plan and submit it to the Congress. Thirty days following the plan's submission it becomes effective. According to the law, the Commission must complete the entire relocation plan 5 years after its effective date.

The act directs the Commission to make relocation incentive payments of decreasing values each year after the plan is in effect to households which voluntarily enter into relocation contracts with the Commission. Additionally, payments and programs to make restitution for dwelling and improvements as well as funds for new housing after relocation are authorized.

Mr. President, the intent of this law to resolve a century-old land dispute is admirable. However, implementation problems have arisen which should be considered. The law authorizes the Secretary of the Interior to transfer, upon the payment of fair market value, up to 250,000 acres of Bureau of Land Management lands to the Navajo Tribe so as to restore a portion of the Navajo land base lost in partitioning. The additional land would be used by those Navajos required to relocate. Although environmental impact studies are taking place at this time, no appropriate land has been found. Bureau of Land Management land in the House Rock Valley-Paria Plateau area of Arizona has been considered for purchase. This action is strongly opposed by ranchers in the area and various environmental and wildlife organizations. Even if this land transaction were consumated, only 10 percent of the Navajo families now living on the Hopi portion of the joint use area would be accommodated.

An alternative suggestion has been to relocate the Navajos in urban areas such as Gallop, Flagstaff, or Albuquerque. Most of these relocatees have no skills that would allow them to become productive members of an urban population and in all probability they would be forced on the welfare roles if such an alternative were adopted.

The Senate Committee on Interior and Insular Affairs in its report which accompanied H.R. 10337, as amended, now Public Law 93-351, recognized the serious impact relocation would have if not handled properly:

> The Committee believes it vitally important, that the plan take into account all social, economic, cultural, and other adverse impacts of relocation on persons involved in the relocation and be developed to avoid or minimize, to the extent possible, such impacts. The plan must also identify the sites to which such households are to be relocated and assure that housing and related community facilities are available at the relocation sites. The Committee believes this requirement is particularly important in effecting the purpose of minimizing the adverse impacts of relocation.

In view of the fact that lands have not yet been found for the relocatees, the committee's intent "of minimizing the adverse impacts of relocation" may not be implemented.

Mr. President, not only will relocatees possibly suffer "adverse impacts," but many have lived their entire lives on the joint use area and it is home. I recently received a letter which vividly illustrates the plight of those residing in the joint use area:

> We, the McCabes, of Tolani Lake (Area 5-B), would like to express our true feelings about our land . . .
>
> Our late father, Everett McCabe, Sr., was born on this land that we now live on and he is buried on the land, too. Our father worked on the land so that we can have a home. We were all born on this land and he raised all 12 of us along with our mother until he died in 1956. Now there are 81 of us including all our children and mother. Our grandmother and her family have been moved three times before for the same problems. It

is high time that we, the children and grandchildren, put our foot down and demand our rights. So this is where we all stop and stay for the rest of our lives.

Our father and mother had a grazing permit (350) for this land and they raised sheep, cattle, and horses. They built homes, wells, dikes, fences, and planted trees and corn. To this day we still have all of what they built we still plant corn, and plus fond memories of our childhood and our families. We know every square foot of our land. Our relatives and friends live close by and this is our happiness . . .

Several legislative alternatives have been studied, all of which would alleviate the relocation problems previousy discussed. One of these alternatives, repeal of 94–531 in its entirety, is not viable. When repeal was being studied, I requested and received from the Congressional Research Services an opinion as to the constitutionality of such an action. CRS replied:

The repeal of the Settlement Act in its entirety would result in the undoing of the partition and the diminution of the respective reservations of the tribes by eliminating those lands which became a part of the reservations by operation of the Act. The lands set aside as part of the respective tribe's reservations constitute recognized Indian title and the restrictions of the Fifth Amendment apply to its disposition by the United States . . . The Fifth Amendment states that private property shall not be taken for public use without just compensation. Since the Settlement Act, by virtue of the final judgment of the court ordering partition, appears to convey trust title to the respective tribes to the lands thus partitioned—title recognized explicitly by statute—the constitutional requirement of compensation would seem to arise if the Act is repealed. The extent of such compensation or the standards which would be applied in assessing the government's liability are not clear.

Due to the questionable constitutionality of repeal, it was decided to use an alternative legislative approach which accomplishes essentially the same end—allowing those Hopis and Navajos residing on the joint use area who are currently required to relocate because of the partitioning to remain if they wish.

This bill would permit those Navajos and Hopis who on the date of the judgment of partition maintained a residence on the joint use area to receive a limited tenure of land in order to avoid the necessity of relocation. Each person receiving such tenure could choose one of two alternatives: First, the right of occupancy for a term not to exceed 25 years; or, second, the right of occupancy for a term ending with the death of the occupant, or the occupant's spouse, whichever is later.

Upon expiration of the limited tenure, the occupant or his heirs would receive: just compensation for the residence and other improvements; and assistance for new housing and moving expenses incurred during relocation.

Further, this proposed legislation provides assistance to dependents residing with heads of households who have chosen a limited tenure. Should a dependent, within the 5-year relocation period, choose to establish his or her own household outside the joint use area, such dependent would receive the incentive payment for which the head of household would have been eligible had he chosen to relocate, and also financial assistance for new housing. Dependents with one or more minor children choosing to establish a head of household outside the joint use area after the 5-year relocation period would be eligible to receive financial assistance to obtain sufficient housing. Thus, this bill gives dependents of those who choose a limited tenure flexibility and financial assistance if they desire to move out of the joint use area and start their own households.

Each tribe would be compensated for any losses or expenses incurred by reason of enactment of this bill.

Mr. President, this bill, if enacted would require no one to relocate over the next few years, nor would it require those currently residing on the joint use area to remain. Some may opt for relocation because of the incentive payments and housing assistance available. This bill simply gives those residing on the joint use area who have maintained a residence freedom of choice. The elderly, those most adversely affected by relocation, will be allowed to live out their remaining years on their traditional homelands. Of course, ultimately there will have to be relocation for those remaining after their limited tenure expires. However, by that time the adverse impact of relocation should have been softened. Hopefully, by then, land areas will have been obtained so that those requiring relocation will know well in advance where their new homes will be.

If enacted, this bill would accomplish relocation in a more humane manner over a longer span of time, thereby alleviating the "adverse impact" of relocation which the law as it now stands would impose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) nothing in the Act of December 22, 1974, or the Judgment of Partition of the United States District Court for the District of Arizona shall, during the sixty month period following the effective date of the relocation plan pursuant to the Act of December 22, 1974, be construed as requiring the relocation, from any area partitioned pursuant to such Act or judgment, of any Navajo or Hopi individual.

(b) In any case in which a Navajo or Hopi individual believes that he or she can qualify as an eligible applicant, such individual is authorized, within the sixty month period following the effective date of the relocation plan pursuant to the Act of December 22, 1974, to file an application with the Secretary of the Interior requesting that he or she be granted a tenure in land in accordance with this Act. Such application shall be submitted in such manner, and contain such information, as the Secretary shall prescribe.

(c) If the Secretary determines, on the basis of such application, that the applicant is an eligible applicant, the Secretary shall make available to such applicant a limited tenure of such land as the Secretary determines necessary in order to avoid the necessity of relocating such applicant. Such tenure shall, at the election of the applicant, consist of the right of use and occupancy of such land for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the applicant, or the death of the applicant's spouse, whichever is the later. In no case shall the spouse or any dependent of such applicant be required, during any such tenure so elected and while residing with such applicant, to relocate from any area so partitioned.

SEC. 2. (a) The Secretary of the Interior is authorized to receive, consider, and pay any claim received by him from the Navajo Tribe or Hopi Tribe for compensation for any losses or other expenses incurred by such tribe by reason of the enactment of this Act. Such claims shall be submitted at such time, in such manner, and contain such information, as the Secretary of the Interior shall prescribe.

(b) Notwithstanding any other provision of law, the Secretary of the Interior shall compensate the head of each household, who receives a limited tenure of land under an application submitted pursuant to this Act, for the fair market value of the habitation and other improvements owned by such head of a household within the area from which he, but for such tenure, was required to relocate. Such compensation shall be based on the fair market value of such habitation and improvements as of the time of the expiration of such tenure, and shall not be payable until such time. The Secretary shall, upon such expiration, further provide assistance to such head comparable to that set-forth in subsections (b), (c), and (d) of section 15 of the Act of December 22, 1974. Any such compensation or assistance owing to any such head who elects a life tenure under this Act shall be paid and distribtued in accordance with the last will and testament of such head, or in the event no such valid will and testament is left, such compensation or assistance shall be paid and distributed to his heirs in accordance with the laws of the tribe of which such head is a member.

(c) In any case in which any such dependent, residing with the head of a household in connection with a tenure granted under this Act, within such sixty month period referred to in subsection (b) of the first section of this Act, establishes his or her own household outside the joint use area, such dependent shall be deemed a head of a household within the meaning and for the purposes of subsection (b) of section 14, and subsection (d) of section 15, of the Act of December 22, 1974.

(d) In any case in which any such dependent, residing with the head of a household in connection with a tenure granted under this Act, on or after such sixty month period but prior to the termination of such tenure, establishes his or her own household outside the joint use area, such dependent shall, if he or she has one or more minor children residing in such household, be eligible to receive financial assistance from the Secretary of the Interior to enable such dependent to obtain sufficient housing. Such assistance shall be in such amount and subject to such conditions as the Secretary shall by regulation prescribe.

SEC. 3. Any such eligible applicant and his or her dependents so living on the Navajo Reservation shall be subject to the jurisdiction of the Navajo Tribe and any such eligible applicant and his or her dependents so living on the Hopi Reservation shall be subject to the jurisdiction of the Hopi Tribe, except that the land laws of the Navajo Tribe shall not be applicable to any tenure granted to a member of the Hopi Tribe, and the land laws of the Hopi Tribe shall not be applicable to any tenure granted to a member of the Navajo Tribe.

SEC. 4. As used in this Act, the term—

(1) "eligible applicant" means, with re-

spect to a Navajo or Hopi individual, an individual who, on the date of the Judgment of Partition of the United States District Court for the District of Arizona, maintained a place of abode in an area within the purview of such Judgment and from such applicant, but for this Act, should be required to relocate; and

(2) "dependent" shall have the same meaning as that provided by section 152 of the Internal Revenue Code of 1954.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS

S. 995

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 995, a bill to amend title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy, childbirth, or related medical conditions.

SENATE RESOLUTION 199—ORIGINAL RESOLUTION REPORTED RELATING TO THE CONSIDERATION OF S. 1341

(Referred to the Committee on the Budget.)

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution:

S. RES. 199

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of Section 402(a) of such Act are waived with respect to the consideration of S. 1341, a bill to authorize appropriations to the Energy Research and Development Administration for military programs with potential civilian energy applications, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

As a result of S. Res. 4, jurisdiction over most matters relating to the Energy Research and Development Administration was divided between the Committees on Armed Services and Energy and Natural Resources. S. 1341 relates to those programs where jurisdiction is shared between the two committees, and the required joint action of two committees made it impossible in the first year of jurisdiction to report by the May 15th deadline.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 1341 as reported by the Committees on Armed Services and Energy and Natural Resources.

AMENDMENTS SUBMITTED FOR PRINTING

COMPETITIVE BALANCE AMONG FINANCIAL INSTITUTIONS—S. 1664

AMENDMENT NO. 424

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. PROXMIRE. Mr. President, I am today submitting an amendment to S. 1664, a bill to provide increased consumer deposit services; to promote competitive balance among financial institutions; and to enhance the effectiveness of the Federal Reserve System which has been referred to the Senate Banking Committee.

This amendment would require that expenditures of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration and the Federal Reserve System, insofar as these expenditures do not concern the implementation of monetary policy, be made under limitations set forth in yearly authorization acts. The limitation on Federal Reserve Board expenditures would not include foreign exchange transactions or transactions under the direction of the Federal Open Market Committee.

This amendment would not change the method by which any of these agencies acquire their operating funds. But, as in the case of the Federal Home Loan Bank Board, annual limits on their expenditures would be set by the Congress. However, under my amendment, the Banking Committees of the Congress would be responsible for recommending the annual expenditure ceiling for the three bank regulatory agencies whereas the Appropriations Committees, under present law, are responsible for recommending an expenditure ceiling for the Federal Home Loan Bank Board.

Last year the Senate Banking Committee reported out provisions not considered by the full Senate which would have applied annual expenditure limitations to the Comptroller, the FDIC, and the NCUA. This year those provisions were again considered by the committee. The committee directed that these provisions be subject to further hearings and that the inclusion of the Federal Reserve be considered.

Hearings will be held next Monday, June 20, on S. 1664. This amendment should be considered in connection with those hearings. I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 424

At the end of the bill, add the following:

TITLE IV—EXPENDITURE LIMITATIONS

SEC. 401. (a) Section 5240 of the Revised Statutes (12 U.S.C. 482) is amended by inserting after "The expense of the examinations herein provided for shall be assessed by the Comptroller of the Currency upon national banks in proportion to their assets or resources." the following new sentence: "The expenditures by the Comptroller of the Currency during any fiscal year beginning after September 30, 1978, may not exceed such amounts as the Congress may hereafter authorize by law for that year.".

(b) Section 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820A) is amended by adding after the second sentence thereof the following new sentence: "The expenditures by the Board of Directors in any fiscal year beginning after September 30, 1978, except expenditures of the Corporation for loans to, the purchase of assets of, or deposits in insured banks, or for the payment of insured deposits, may not exceed such amounts of the Congress may hereafter authorize by law for that year.".

(c) Section 120(1) of the Federal Credit Union Act is amended by adding at the end thereof the following sentence:

"The expenditures by the Administration in any fiscal year beginning after September 30, 1978, except in connection with its functions as a liquidating agent under section 207 or in payments of insured accounts, may not exceed such amounts as the Congress may hereafter authorize by law for that year.".

(d) The seventh paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end thereof the following new sentence: "The expenditures by the Board and by the Federal Reserve Banks (including their branches and other facilities) in any fiscal year beginning after September 30, 1977 may not exceed such amounts as the Congress may hereafter authorize by law for that year, except that the preceding clause shall not apply to transactions conducted on behalf of foreign central banks and foreign governments or to transactions made under the direction of the Federal Open Market Committee, including transactions of the Federal Reserve System Open Market Account.".

WATER RESOURCES DEVELOPMENT—S. 1529

AMENDMENT NO. 425

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (S. 1529) the Water Resources Development Act of 1977 and the River Basin Monetary Authorization Act of 1977.

PUBLIC WORKS APPROPRIATIONS—H.R. 7553

AMENDMENT NO. 426

(Ordered to be printed and referred to the Committee on Appropriations.)

Mr. SCHMITT. Mr. President, I am submitting today an amendment to the Public Works Appropriations Bill, H.R. 7553, which will increase the total funding of the bill by $150,000 for the purpose of providing for the continued planning study of Hooker Dam in southwestern New Mexico. The only means we shall have to fully evaluate the environmental and economic impact of New Mexico receiving its allotment—18,000 acre-feet—of water from the Central Arizona project will be through the completion of this planning study. With its completion, a rational final decision on the suitability of the Hooker site can be made.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

AMENDMENT NO. 427

(Ordered to be printed and to lie on the table.)

Mr. SCHMITT submitted an amendment intended to be proposed by him to the bill (S. 717) to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes.

AMENDMENT NO. 437

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted an amendment (in the nature of a substitute) intended to be proposed by him to S. 717, supra.

LEGAL SERVICES CORPORATION ACT AUTHORIZATIONS—S. 1303

AMENDMENTS NO. 428 THROUGH 436

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted 9 amendments intended to be proposed by him to S. 1303, a bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes.

CANCELLATION OF HEARING

SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, I wish to announce that the hearing on June 22 by the Select Committee on Small Business on "Late Payments to Contractors by Federal Agencies" has been cancelled. The hearing on this subject to be held on June 21 remains unchanged. It will begin at 10 a.m. in room 424 of the Russell Senate Office Building, with the Senator from Oregon (Mr. PACKWOOD) chairing.

Further information can be obtained from the committee offices, room 424 Russell Office Building, telephone 224–2130.

FOREIGN CURRENCY REPORT

In accordance with the Mutual Security Act of 1954, as amended, the Secretary of the Senate herewith submits the following additional report, concerning the foreign currencies and U.S. dollars utilized during the calendar year 1976 in connection with foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, SENATE COMMITTEE ON COMMERCE (AMENDED REPORT)

[Expended between Jan. 1 and Dec. 31, 1976]

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S currency [1]
Amount brought forward			5,515.43		5,908.77		223.00		11,647.20
Ford, Wendell H.:									
Austria	Schilling	2,232	130.15			101.19	5.90	2,333.19	136.05
Israel	Pound	2,109.55	245.30	129	15.00	332.82	38.70	2,571.37	299.00
Egypt	do	61,200	110.16			23,300	41.40	84,530	151.56
Iran	Rial	23,457	332.72	493.50	7.00	1,057.50	15.00	25,088	354.72
England	Pound	85.04	96.95	7.02	8.00	21.45	24.45	113.51	129.40
Subtotal			915.28		30.00		125.45		1,070.73
Stevens, Ted:									
England	Pound	175.79	85.75					179.75	85.75
Germany	Deutsche mark.	305.35	119.74	3,985.34	1,562.88			4,290.69	1,682.62
Subtotal			205.49		1,562.88				1,768.37
Total			6,636.20		7,501.65		348.45		14,486.30

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	14,478.20
Appropriated funds	8.10
Total	14,486.30

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

June 16, 1977.

ADDITIONAL STATEMENTS

DOWN WITH AMIN

Mr. STONE. Mr. President, the action taken by the 33 nations of the British Commonwealth condemning the regime of Idi Amin in Uganda will, I believe, prove helpful in arousing the community of nations to deal promptly and effectively with national leaders who fail to observe the minimum in respect to the human rights of people.

The Washington Post on June 17 carried an editorial which I commend to my colleagues. Certainly this editorial draws on the candid observations made by the senior Senator from New Jersey, Mr. CASE, who in introducing Senate Resolution 175 condemning Uganda, described the situation in that country in great detail.

I ask unanimous consent that the Washington Post editorial and the more detailed account presented by Senator CASE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From the Washington Post, June 17, 1977

DOWN WITH AMIN

The condemnation of Idi Amin's bloody rule in Uganda by the 33 nations of the British Commonwealth is a genuinely stirring and useful development, not to say an unprecedented one. For no condemnation has such moral effect as one delivered, in sorrow as well as anger, by the community to which the accused belongs. In this instance, the indictment is made even more weighty by the participation in it of some of Uganda's fellow black-African nations. Africans' past reluctance to criticize one of their own has seriously undermined their routine denunciations of white racism. Such denunciations, of South Africa, will henceforth have new authority.

To be sure, Idi Amin is not one to shake in his boots easily. In his buffoon's way, he had sought to humiliate the Commonwealth conference at which he was condemned by purveying rumors that he was about to attend it. Thanks to the arms and subsidies given him by the Russians and Libyans, and by his hiring of Palestinian mercenaries, he seems relatively immune to any military challenge from outside. He is almost certainly more vulnerable, however, to an eventual coup from within. "If it is known that the leaders of one billion people are morally opposed to Amin Dada," Australia's prime minister said at the Commonwealth conference, "this could contribute to the toppling of his regime." Amin is the only person ruling a country today whose removal is devoutly and publicly wished by most members of the international community.

And for good reason. Amin has authorized the murder of tens of thousands of his subjects, including many of the natural leaders and the educated classes. Personally he has engaged in cruel acts of extermination. He took one of the more promising economies in post-colonial Africa and has torn it virtually to shreds. He has become an active source of subversion and danger to other African states and a willing tool for the spread of Soviet power in Africa. He lends himself to Libya's sponsorship of international terror. Indeed, he flouts the interests and aspirations of a whole continent. His successor will be a patriot.

WITH RESPECT TO THE RECENT DEATHS IN UGANDA

(By Senator CLIFFORD CASE)

Since coming to power in 1972, Field Marshal and President for Life Idi Amin Dada has ruled Uganda with an iron fist. It is estimated that since coming to power at least 30,000 and perhaps as many as 300,000 in Uganda have been murdered or have disappeared. On taking power in 1972 Amin began

to liquidate members of the secret police who supported the former President of Uganda, Dr. Milton Obote. Some 800 men in the Ugandan Army, mostly from the Langi and Acholi peoples, along with the secret police were rounded up and herded into a remote military prison. There they were systematically murdered, according to a handful of survivors who escaped to Tanzania. On November 12, 1972 the New York Times magazine reported: "The most fortunate," said the New York Times, "had been shot; some had been crammed into a tiny cell which had then been dynamited; others had been carved with knives or had been suffocated with their own dismembered genitals."

In the same year Mr. Justice Benedicto Kiwanuka, the chief justice of Uganda, was murdered. On September 21 according to news accounts, he was taken at gunpoint from his high court chambers by soldiers. He was assaulted in full view of court officials. His body was never found. The Ugandan Government denied that he had been taken by Ugandan Army officials. They said he was arrested "by three unknown persons . . . traveling in a Peugeot 504 . . . and that so far no evidence has come to light as to who arrested the chief justice or where he is." The chief justice was also Uganda's first prime Minister elected during the self-governing period before independence.

In the same year, 1972, President Amin ordered the expulsion of Asians from Uganda. For the first time the process of tribal purges and internal warfare was expanded to racial and religious discrimination, a fact corroborated by a study in 1974 by the International Commission of Jurists. The ICJ summary of findings is instructive in respect to the expulsion of Asians:

The expulsion of the Asians from Uganda in 1972 involved *serious violations of human rights;*

(a) The expulsion of Asian non-citizens was an act based *on an explicit policy of racial discrimination*

(b) The failure to provide adequately for compensating those who had been expropriated was a *violation of Article 17 of the Universal Declaration of Human Rights*

(c) The sudden and brutal manner in which the mass expulsion of Asian non-citizens took place was a breach of the principles of good neighborliness enshrined in the Charter of the United Nations.

(d) The denial of Ugandan nationality to many Asians who were entitled to it was a *violation of the right of nationality under Article 15 of the Universal Declaration of Human Rights.*

(e) The banishment of all Asians recognized as Ugandan citizens to a remote and unfamiliar rural life was an *act of racial discrimination* which had the (no doubt) intended effect of driving almost all of them out of the country.

The effect of these massive and continuing violations of human rights has been to create a reign of terror from which thousands of people from all walks of life, Africans as well as Asians, have sought refuge in voluntary exile. Those remaining are in a constant state of insecurity.

(May 1974. Emphasis added.)

President Amin's rage has been directed not only at Asians but also at other racial, ethnic and religious groups. In respect to Jews and Israelis, Amin wrote, in a telegram to Dr. Kurt Waldheim and to Mrs. Golda Meir on September 13, 1972:

"Germany is the right place where, when Hitler was the Prime Minister and supreme commander, he burnt over 6 million Jews. This is because Hitler and all German people knew that the Israelis are not people who are working in the interest of the people of the world and that is why they burnt the Israelis alive with gas in the soil of Germany. The world should remember that the Palestinians, with the assistance of Germany, made that operation [the Munich Massacre] possible in the Olympic village."

Beginning in the same month, September 1972, discriminatory harassment of Christians began in Uganda. It is believed by some experts that this developed not long after a joint declaration was published in Tripoli by Libya and Uganda. Immediately afterward, Radio Uganda announced a process of the Islaminization of the army and civilian population. Libya became, at that time, a primary backer of the Ugandan regime, providing military and economic help. These weapons of war have been used for internal suppression and for activities outside of Uganda's territory. Libya provided Amin air support in September 1972, in a conflict between Tanzania and Uganda, according to Radio Tripoli in its broadcast of September 21, 1972.

The linkage is important because Colonel Kadafi announced a jihad or holy war, against Christians in Africa which is said to continue to this day. On January 24, 1977, not long before the death of Archbishop Luwum, another Kadafi declaration on Christians in Africa was published and quoted by the British Broadcasting Corporation as follows:

"Christianity brought to Africa by colonialists is not a religion, it is the source of the white man's domination of African peoples. Being African, we do not differentiate between a foreign base, a church and foreign exploitation because all of them are representing colonialists existence."

Uganda has a total population of 10 million souls. Far less than 1 million are Moslem, about 3 million are Roman Catholic and 2 million are Anglicans. According to reasonably reliable figures, there are 335 African Catholic priests, 500 Western missionaries, 1,700 religious sisters, 13 African Anglican bishops (counting the late Archbishop), and 500 Ugandan Anglican clergy. Of these, in November 1973, when the United States closed its mission in Kampala and asked the Federal Republic of Germany to look after U.S. interests there, about 150 to 175 Americans remained in Uganda against the advice of the U.S. mission. Of these, most were missionaries. The Department of State estimates there are now about 245 Americans in Uganda. The persecution of Christians which began in 1972 was initially directed at Roman Catholic soldiers. One early act was confiscation of property of army brigade commanders who were Christian. Two captains in an army camp were executed summarily because they had arranged guard duties to enable Catholic soldiers to attend mass.

Attacks developed on Christian churches, usually at night. In February 1973, for example, a hand grenade was tossed into a Christian church in Lubiri, a Kampala suburb.

In the same year Amin came into constant conflict with Roman Catholic Archbishop of Kampala, Emmanuel Nsubuga. Details are sparse but it is known that Archbishop Nsubuga was returning from a ceremony at Mumugunga shrine outside of Kampala when an army patrol intercepted the Archbishop in his car. He was never seen again.

In January 1973, Rev. Charles Kiggundu, editor of the Roman Catholic newspaper Munno ("Friend") was found dead in his burnt out car on the edge of a forest about 10 miles from Kampala. A pathologist's report disclosed at the time that Reverend Kiggundu had been strangled and shot before the car he was in was set on fire. The train of events regarding Munno continued after 1973. Another Munno editor, Samuel Mwebe was killed and still another, John Serwaniko, was arrested in August 1976 and later found dead when still in police custody. In the same month Munno, along with other Catholic newspapers, was closed down on the excuse, reported in the Africa Journal (January 1977) that the newspapers were acting against the government.

Most recent is the death of Anglican Archbishop, Janani Luwum. The New York Times of February 19 reported as follows:

"On Wednesday (President Amin) arrested the Anglican Archbishop of Uganda, Burundi and Rwanda, together with his Minister of Internal Affairs and the Minister of Land and Water Resources. He charged them with plotting his overthrow and paraded them before mob of troops shouting, "Kill them." Yesterday he packed them into a car, to be driven a few hundred yards to an interrogation. En route, they were said to have tried to escape, causing the vehicle to collide with another. All three prisoners were killed."

So far no one has believed the story—not the British Government, the Australian Government or the American Government whose officials have spoken out on the death of the archbishop. Only parts of the real story are known and even these come from cloaked sources. According to the Rt. Rev. Leslie Brown, now Bishop of St. Edmundsbury in Ipswitch, England, the archbishop's body was seen by someone "absolutely reliable" who reported it had "two bullet wounds in the chest and one in the mouth." The Daily News reported that the archbishop was stripped by soldiers and whipped in front of President Amin and his aides at the Ugandan President's Makasero Lodge. Amin is said to have spoken the following words—that God had empowered him to give the Archbishop "the last warning." The Daily News story went on to report that there "followed very bizarre, sacriliegious and obscene activities, during which Amin pulled out his pistol and shot the archbishop twice on the left side of the chest."

The Government of Uganda said the bodies of the three dead men were flown to their respective home areas and buried, for which the families of the deceased "thanked the government." Moreover the Government has invited commissions of inquiry into the Archbishop's death.

It should be noted there have been commissions of inquiry before, appointed by President Amin. Amnesty International submitted the following to the United Nations Commission on Human Rights concerning Uganda and commissions of inquiry:

Several Commissions of Inquiry have been appointed by President Amin. In July, 1971 Mr. Justice Jeffrey Jones, investigating the disappearance of two Americans, Nicholas Stroh and David Siedle, released his report from Nairobi, where he had fled in fear of his life. He blamed army officers for their deaths and strongly criticized the noncooperation of the military authorities.

"Amnesty International rejects as unsatisfactory the reports of two internal government commissions of Inquiry—the January 1973 report on the disappearance of 85 prominent Ugandans, and the June 1975 report that 308 Ugandans had disappeared since 1971. Following the latter report, some senior security officers were tried by military tribunal in connection with 18 cases of disappearance, but all were acquitted. It is government practice to blame "disappearances" on flight into exile or killing by former President Obote's guerillas. These attempted explanations are rarely convincing, as when President Amin claimed that Chief Justice Kiwanuka had been killed by Obote's guerrilas, despite reliable eyewitnesses accounts to the contrary.

"Another inquiry investigated the fatal shooting by police on March 6, 1976, of a Makere University student, Paul Sserwanga, and the disappearance on February 13, 1976,

of a Kenyan student, Esther Chesire. The Inquiry chairman, Professor Bryan Langlands, was expelled from Uganda on July 29, 1976. Under a new chairman, the Commission reported on November 12, 1976 that Miss Chesire had left for Kenya (which the Kenyan authorities deny) and claimed that "if university rules had been followed, no one would have been shot." In a statement by Professor Langlands to Amnesty International, the Commission under the Chairmanship had received evidence that Miss Chesire had not been seen since being prevented from joining the airplane at Entebbe airport by Ugandan Government officials. The Commission failed to inquire into the abduction (on March 23, 1976) and murder of Dr. Teresa Mukasa-Bukenya, the Warden of Africa Hall, the day before she was to testify to the Commission about Miss Chesire's disappearance. Those involved with those events have not been brought to justice.

"The Government Inquiry into the military action of Israel on July 4, 1976, suggested that Mrs. Dora Bloch, the British-Israeli hostage, had been returned to join the other hostages before the raid. This is contradicted by eye-witness accounts that she was taken from hospital by security officers, strangled and her body burned. After the raid there were numerous killings, of airport staff and Ugandans who knew or talked about Mrs. Bloch's death, including Jimmy Parma, a Ugandan photographer who reportedly photographed her dead body.

"An Inquiry into the alleged killing at Makerere University on August 3 to 5, 1976 reported that no student was killed. This conflicts with reports of the killing of at least one or two students on the campus, and at least 20 others of the hundreds arrested are still unaccounted for. Very large numbers of students were tortured, both openly on the campus and after arrest.

"The results of these Commissions of Inquiry clearly demonstrate the need for an impartial international investigation into these incidents."

It should be noted that the deaths have not been limited to Ugandans, Israelis, Asians, or the occasional European or American who travels through Uganda. Citizens of other African states have been killed. "Following reports of 245 Kenyans killed after the Israeli raid," according to Amnesty International, "Kenya's Foreign Minister wrote to the UN Security Council charging that hundreds of Kenyans living in Uganda died in 'systematic and indiscriminate massacre' by Ugandan military authorities." Official statements by Kenya on this subject were printed in the Kenyan Daily Nation and on July 12 and 14, 1976.

Nor are Uganda's activities related to individuals only. Activities by Uganda may affect the security of other African and non-African states. In August, 1975 President Amin stated in a conversation with the volunteers of the mechanized soldiers of the Ugandan army that "Arafat had sent to Uganda Palestinian suicide flyers who will be at the service of the Ugandan air force for any mission in order to liberate any place in the African continent."

The hostages at Entebbe airport in July, 1976 well remember the fact that many times each day Ugandan aircraft piloted both by Ugandans and Palestinians buzzed the old terminal building where the Israeli and French and American hostages were held prisoner by Palestinian terrorists and by Ugandan army and police forces. The Voice of Palestine from Cairo on August 15, 1975 confirmed that these flyers were under President Amin's personal supervision, and this was reiterated in the PLO Bulletin, El Alturo on November 9, 1975. It is estimated that about 4,000 Palestinians are employed in the Ugandan administration in different positions and Palestinians make up some of President Amin's palace guard, as well as train Ugandan soldiers. In addition, George Habash's Popular Front for the Liberation of Palestine has an information office in Kampala which coordinates PFLP operations throughout Africa and was said to be responsible for the Entebbe hijackings. Such operations, conducted in an unstable regime, threaten the security of neighboring African states by providing an important link between Libya, Uganda and Somalia, another base for international terrorist operations.

This resolution before the Senate makes it clear there have been extensive violations of basic human rights in Uganda to the extent that no one is safe in that country. There is an utter lack of security for individuals and there is, too, a threat to neighboring countries brought on by the behavior patterns of the Ugandan regime.

One positive action recommended by the resolution is halting arms deliveries to Uganda. It is clear that halting arms deliveries will not put a stop to the current regime, but it may weaken its support from the army and lead it to a reconsideration of the course it has set out upon. Arms to Uganda are supplied mainly from U.S.S.R., and are paid for by Libya among others. I cannot believe that the Soviets today would regard the Ugandan regime's behavior as in their own interest and I hope the U.S.S.R. will act affirmatively to halt arms shipments to Uganda.

The resolution also calls on the Organization of African States to take concrete action in regard to human rights violations in Uganda. We all know how much the Amin regime is an embarrassment to the new black African states. It is my own hope that, with the backing of the United States and the wider community of nations that it will be possible for the OAU to exercise leadership in this regard.

We have tried, in drafting the resolution, to be sensitive to the dynamics at work in Uganda at the present time. We are aware of the importance to the entire world of a government in Uganda with which it is possible to have normal diplomatic intercourse. There are certain prescriptive rules of behavior that apply to all nations. When the rules are wantonly violated by an utter disregard for human life, the United Nations or its delegate Human Rights Committee has an obligation, we believe, to consider carefully Uganda's status in the community of nations.

THE GRADUATION ADDRESS BY LT. GEN. DONN STARRY

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Arizona (Mr. GOLDWATER), and the material attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GOLDWATER

Once again an American General of high rank is being called home to explain statements that he made publicly. I have publicly defended General Singlaub on the basis that he was not speaking on an announced Presidential policy because the President has not yet at this late time made any official announcement that troop withdrawal from Korea is a policy of the United States.

Now we have a new one. Lt. General Donn Starry who simply told some young Americans in a high school in Frankfurt that the chances of their seeing war between the Soviet Union and Red China were very good. Now what is wrong with this? I am a member of the Armed Services Committee of the United States Senate, a retired Major General in the Air Force Reserve and I have said the same thing many, many times. Now it would be a different story if our President had made an announcement in his campaign or before a press conference that there wouldn't be a war between these two countries, but having failed to bring this up, I can't see where General Starry is out of order. If our Generals are slowly silenced to the point that they cannot discuss with young people matters that do not come under announced policy of the Commander-in-Chief, then we are in for real trouble.

I would much rather take the judgment of a man like General Starry than the starry-eyed judgment of some of our people here in Washington whose decisions have four times in this century brought this country to war. I hope that some day this administration will learn that no group of people in this country of ours has a higher respect for the separation of power between the civilian and military than the man in uniform. I have even known high ranking General friends of mine to abandon principles and beliefs that they know are wrong just to stay in step with the Commander-in-Chief.

I have attached the speech delivered by General Starry so that my colleagues might judge whether or not in their opinion this General was out of bounds.

The attachment ordered to be printed in the RECORD is as follows:

GRADUATION ADDRESS BY LT. GEN. DONN STARRY, FRANKFURT AMERICAN HIGH SCHOOL, JUNE 10, 1977

I thought perhaps we could spend these few minutes considering several things that seem to me to trouble your generation. You might not put them in the order that I do; you might not label them the way I do; but I think you'll recognize them for what they are—I'd call them peace, truth, God, and you.

Peace because a lot is being said about it. A lot of things are being done in its name, but it is and will remain an elusive vision through your lifetime, and so a perspective about peace is important to you.

Truth because no one seems to be telling it much any more. There is loss of confidence in the truthfulness of our government, in the integrity of elected officials, which is having an effect on our society; it will continue to do so through your lifetime. So a perspective on the truth is important to you.

God, because although the liberals tried to bury God several years ago, the basic values of our society are still those of our Christian heritage. You will live the problem of the decline of these values through your lifetime, and so perspective on God is important to you.

And you because this is your day. A day to pause a moment to consider who you are, where you are heading, and what you might carry along with you.

So here we go.

Peace is an illusion. The absence of peace on the world is, always has been, and always will be a fact of life. Conflict of some kind is a natural state of man—not so much war, as competition, competitiveness—in economics, in foreign affairs, in the quest by governments for goals for the governed. Conflict reflects the imperfectness of man in his world, and the perfectness of God in his universe. There will probably be war in your lifetime. The Soviets will continue to encourage and help their Arab friends try to eliminate the state of Israel. Our country may not be willing to go to war over this, but to turn our backs on Israel would be very difficult, and to allow Soviet control of the oil resources of the Middle East would be almost impossible.

The more critical the situation becomes the more likely we are to respond with violence. In your lifetime the Soviets will fight the Chinese, possibly simply continuing their ten year old border conflict, but more probably in a major war. Difficult as it may be to see the United States becoming involved in such a war, it is likely we would do so once it became apparent that one or the other of the antagonists was about to win and gain absolute control over the bulk of the Eurasian land mass. On the other side of the conflict spectrum, intra-national war—that is, war within the borders of a country—will be more likely, as both the Soviets and the Chinese continue to export their brand of revolution. The question of how to intervene in such situations without violating the national sovereignty of smaller states, when and how to meddle in what is essentially someone else's business is not one easy to answer. More nations will have nuclear weapons—just as India has recently. This just increases the chances that a deliberate or irresponsible act by some small nation could trigger a war between larger nations. Could a nuclear attack on Los Angeles arranged by the communist government of Ethiopia be distinguished from a Soviet attack in time to prevent the United States from launching a retaliatory attack on the Soviet Union? No one knows.

And so true peace will not come in your time. The only peace you can expect and the only peace of any value to you is peace of mind; peace that comes with understanding the imperfections of mankind and of having figured out how to cope with this imperfectness. It is a peace that puts you as much at ease as you can expect to be with your fellowman and the imperfections of the world you live in. Ultimately the price of that peace of mind is a willingness to sacrifice something for it; for it is still true that nothing worth having can be had for nothing.

Truth is a fragile commodity. The true state of things is frequently unpleasant. That's why we don't tell the truth more often—to ourselves or to others. It is more convenient not to. Instead we rationalize our own imperfections and those of the world around us. If we work hard enough at those rationalizations, we soon believe them ourselves, and when we do, our grasp of the truth is a little less sure than before. Like peace, truth is perfection; its distortion in our world is a measure of the imperfections of that world, and of the perfectness of God. For us there is no absolute truth; there are versions of what is, bound up in the bias of those who observe and report. In your lifetime the truth will be harder to learn than ever before. The liberal press has adopted the adversary doctrine. They are not interested in the truth, only in the five percent or so of the news that deviates from the norm, which in an imperfect world is the only truth there is.

Presumably they would be willing to muckrake around over every public administration just to see it fail, without concern for the consequences to the country, or to the quality of public administration. By someone's standards we are all less than perfect. If one wants to make an issue of imperfections, some reason can be made to attack every man who has held or could hold public office. The ensuing turmoil simply feeds into the hands of those who claim our form of government is not viable anyway, and has no right or hope for survival. Being objective is important, being skeptical is necessary, seeking after all the facts you can get is essential, in order to make reasonable judgments about what's going on around you, and what you should do about it. The price of truth is a willingness to ask difficult questions, knowing all the while that if the truth really comes in response, the answers will be equally difficult.

Several years ago the liberals buried God. He wasn't important to them. They found their God in a liturgy which denies that anything—peace, truth, God, even life, is worthy of reverence. And because the Christian ethic is the very basis for our culture, western civilization has been stricken with the cancer of declining morality. Just over a month ago I stood in the Garden of Gethsemane, then walked the long trail across the Valley of the Dead to Golgotha, over the land where seething masses of people have struggled so many thousand years. It struck me that in the time of Christ they had a problem not at all unlike ours. They found peace and destroyed it with war; they found truth and denied with lies; they found God and hung him on a cross. The denial of God will continue in your lifetime; you will be called on to decide about him, who he is, who you are in relation to him. Perhaps its not all that important; many people live their whole lives without solving this problem, but I suggest that your life takes on meaning, that the greatest value of a life is to spend it for something that lives after it, that in the end you become what you are through some cause you have made your own. And if you follow that line of reasoning, deciding about the part God plays in your world is important.

And now what about you? This is your life. We received some unpleasant realities simply to challenge you to think realistically about some hard questions that face you. Thinking seriously about what I've said could make you want to drop out of society. You can't drop out of society and remain a part of it. Three hundred years ago the Bounty mutineers did that and the society they created to replace the one they left came to be filed with all the disillusionments from which they had fled in the first place.

You are young and full of dreams. Your elders say that you'll get older pretty soon, more mature, and then you'll be all right. Well, that's not quite right. Youth is important. It's important that you stay young. Youth is not a time of life, it is a state of mind. Nobody grows old by living years. People grow old by deserting their dreams. Youth is a quality of the imagination, a vigor of emotions, a predominance of courage over timidity, and appetite for adventure opposed to the love of ease. Whatever your years, keep in your heart the dreams, the urge to challenge events, the unfailing childlike appetite for what's next, and the knowledge that the joy, of life is in the living; that when you fail to live it to its fullest you miss all the joy of it. You are as young as your faith, as old as your despair. So long as your heart holds dreams of hope, beauty, courage, so long are you young.

And so tonight you pass this turn in the road of your life, full of hope, full of dreams, full of anticipation for what comes next. I hope you will strive for and achieve great things. But remember, in many ways it's a far higher ideal to live an ordinary life in an extraordinary way, to serve an ideal amid the drab, humdrum surroundings of everyday life, and still retain a vision of the common man as a shadow of God.

And so your world goes out on every side, no wider than your heart is wide, and up above the world your sky no higher than your soul is high.

May the road ahead rise with you to new heights, may the wind be ever at your back, and may God carry you always in the palm of his hand.

TAX EXEMPTION FOR UNIFORMED SERVICES HEALTH PROFESSIONAL SCHOLARSHIP STIPEND

Mr. FORD. Mr. President, I am pleased to cosponsor S. 1698, to exempt the uniformed services health professional scholarship stipend from income taxes, that was introduced yesterday by Senator HUDDLESTON. I filed an amendment to the Tax Reform Act of 1976 to grant such exemption when that bill was under consideration last year. Objection to outright exemption was expressed by the Treasury Department and the Office of Management and Budget. I was assured that the inequities that would be created by taxation would be resolved without the exemption. As a result, I modified my amendment to exempt individuals in the program only. Thus, those persons who will enter in September of this year are not exempt.

I have written to the Director of the Office of Management and Budget asking that a review of this problem be made. A justification existed for exemption last year and it continues to exist. Adjustments have not been made to resolve the inequities and I have seen no action to indicate that consideration is even being given to the problem.

The scholarship program is the primary means of meeting the health manpower needs for our armed services. The taxation of the stipends without an adjustment to offset taxes has reduced the attractiveness of this program. The incentives to enter it are gone. This factor, in turn, compounds the health manpower shortages in the armed services. This scholarship program is the most efficient means of recruiting medical personnel and it must be maintained.

Mr. President, there is a systemwide shortage of military doctors. The armed services have filled 95 percent of their authorized medical position strength, but, for example, the Army's portion of the missing 5 percent is 500 doctors, a sizable number. This has impacted on my home State of Kentucky by reducing the number of doctors at Fort Knox from 62 to 43 as of July 1, 1977, with the result that thousands of military retirees are left without adequate health care since there is medical personnel sufficient to treat only active duty soldiers and their dependents.

The scholarship program is the only assured pool of doctors the armed services can count on. Given the disparity between civilian and military fees, if the program fails to attract qualified students, prospects for keeping the authorized medical positions at even their reduced strength appear dim indeed.

The scholarship program needs help. Whether that help comes in the form of maintaining its tax exempt status or increasing the stipend matters little in the end. I only urge that a solution be agreed to now.

THE BEST APPROACH TO DEBT COLLECTION REFORM

Mr. SCHMITT. Mr. President, the Consumer Affairs Subcommittee of the Committee on Banking, Housing, and Urban Affairs has recently completed hearings on four proposals to reform the methods by which debt collectors can function. Witnesses from the debt collection industry, Government agencies, public groups, and retail creditors testified over a period of 2 days. Their

testimony was informative to the subcommittee, and it will form the basis of discussion for a markup to be conducted in the full committee at the end of this month.

I was particularly interested in hearing the diversity of opinion on the best approach to reform in this area. Major questions which were addressed included: who should be covered by the pending legislation, which collection practices should be discouraged, whether State or Federal law should prevail on these issues, appropriate methods of enforcement, and the need for civil liability provisions.

In particular, I would like to take note of Senator JAKE GARN's bill, S. 1130, the Fair Debt Collection Practices Act of which I am a cosponsor. This bill is a step toward a realistic method of debt collection legislation. However, I should note that there is not unanimous industry support for this bill or any of the other bills introduced thus far, including the compromise bill sent over from the House, H.R. 5294.

Mr. President, my one concern for the legislation which we are about to create is that the Congress does not apply the regulatory overkill which has in recent years been all too frequent in the laws in the area of consumer affairs. Chiefly, I would like to avoid making the process of debt collection so troublesome and costly that it unduly discriminates against the poor who need consumer credit the most. We should not permit the mistakes of a very small number of debtors or debt collectors induce us into unnecessarily raising the cost of credit to those who can afford the cost increase the least.

One study which addressed this issue was conducted by William C. Dunkelberg and Robert H. Smiley and entitled "Subsidies in the Use of Revolving Credit." I quote part of the finding from this research:

Although collection costs are somewhat higher for lower income accounts, the differences by income groups are relatively small for many types of collection activities. However, the frequency of problem accounts in each income group does appear to be quite different, as derived from the income distribution of the sample of account holders in California and the income distribution of problem accounts.

Probability of becoming a problem account

Income groups:	
$5,000 and under	.044
$5,001 –$7,500	.175
$7,501 –$10,000	.070
$10,000–$15,000	.051
$15,001–$20,000	.012
$20,000 and over	.008

It is the statistically better risk in higher income groups that leads me to wonder if the availability of credit to the lower income consumer would be restricted should collection costs rise because of burdensome regulatory costs imposed by carelessly designed legislation.

Mr. President, I look forward to a constructive session in the Banking Committee when the debt collection legislation is written, and I thank my colleagues for the opportunity to share my views with them.

IOWA FARMING TOWN WITH A BIG-CITY FISCAL CRISIS IS SAVED BY VOLUNTEERS

Mr. CULVER. Mr. President, in addition to possessing more than 25 percent of the country's grade A farmland, the State of Iowa is a leader among the States in the number of small rural communities it has. There are about 800 Iowa communities under 2,000 in population and 700 of those are under 1,000.

From time to time, sociologists and economists predict the demise of the small rural communities in our State, but the towns remain remarkably hardy and resistant to such gloomy predictions. I think this may be ascribed primarily to the quality of the people who live there.

A story in today's New York Times about the town of Salix, Iowa—population 420, located 15 miles south of Sioux City—and how its citizens overcame a seemingly insuperable town financial debt by the volunteer money-raising effort of themselves and neighboring communities illustrates the point that self-reliance and initiative have not gone out of style in small towns.

Moreover, the fact that contributions were also received from all over the United States to help the citizens of Salix meet an incredible $188,662.19 judgment against the town as a result of an ambulance accident, reminds us that Americans everywhere are still willing to lend a helping hand to those in need and are especially responsive to those who do their level best to help themselves.

I would like to share the story of Salix, Iowa, with those of my colleagues who may not have seen it, and I ask unanimous consent for the Times article of June 17, 1977, to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IOWA FARMING TOWN WITH A BIG-CITY FISCAL CRISIS IS SAVED BY VOLUNTEERS

(By Douglas E. Kneeland)

SALIX, IOWA, June 12.—Every now and then, there is a town that deserves contemplating just because of the troubles it has seen and the way it has dealt with them.

New York City, with its eight million people and chronic fiscal woes, is such a place. So, too, is Salix, a farming village of 420 persons in the rich bottomlands of the Missouri River about 15 miles south of Sioux City.

Aside from their recent financial problems, New York and Salix do not have a whole lot in common—except that Salix has three bars, or one for every 140 residents, which, proportionately, must put it right up there with New York.

New York got into fiscal trouble more or less on its own, spending more than it was taking in and borrowing more than it could afford to pay back. Salix, like most small towns, is not that imprudent. But when its ambulance was involved in an accident in 1970 and a subsequent lawsuit brought a judgment of $188,662.19 against the town, Salix had a budget crisis that it would willingly match against New York's.

742 PERCENT RISE IN PROPERTY TAXES

After all, even in New York's darkest hour, nobody talked about a 742 percent increase in property taxes to pay off its debts. At one point, that is what Salix's 160 property taxpayers were faced with.

"The people on fixed incomes just couldn't make it," said Councilman William J. Danker, "particularly the ones with houses valued at $20,000 or $30,000."

Mr. Danker said that a study done by the council had shown that 53 percent of the town's residents were retired persons living on fixed incomes.

The ambulance had carried only $100,000 insurance; thus, after the insurance company paid its share of the judgment, the town was left with a bill for $112,000, including interest.

According to Mr. Danker, that would have forced the town to increase its taxes on a $30,000 home from $243 to $1,803, on a $20,000 home from $162 to $1,202 and on a $10,000 home from $81 to $601.

"One retired couple in Salix with a home, valued at $24,000 receives a total income from Social Security annually of $2,624," Mr. Danker wrote plaintively to a state legislator early this year.

Declaring that the taxes on the couple's property would have to be increased from $482.40 to $1,730.40 to pay the judgment, he added:

"This gives them a net income of $893.60 to live on for the year. We, the council, do not feel justified in levying a tax so heavy that some will surely be forced to forfeit their homes. Someone has got to come to our aid and find a permanent solution for us."

BANKRUPTCY RULED OUT

"You know, New York City was going to declare bankruptcy," Mr. Danker said the other day. "We looked into it, but we found it wouldn't do us any good. The county would just come in and levy the taxes."

New York did not declare bankruptcy either. But it went to the Federal Government for help, and a lot of people around the country criticized it for that. The city also laid off a lot of municipal employees. And it sold off a lot of city bonds to help stay afloat.

Salix, displaying a native rural wariness, stayed away from the Federal Government. And it did not have many municipal employees to lay off. The councilmen get only $5 a meeting, the fire chief is a volunteer and the town has only one part-time policeman. Furthermore, the councilmen were not sure whether they could properly sell bonds to pay off the judgment.

So the town had to search for some other way out.

First, Salix threatened to take its insurance company, the Western Casualty and Surety Company of Fort Scott, Kan., to court, charging that the company had acted in bad faith.

After the accident, which occurred when Rupert Thorpe, a local grocery store owner and volunteer fire chief, was driving a heart-attack victim to a hospital in Sioux City, the survivors of a lawyer who was killed when his car collided with the ambulance were said to have agreed to settle out of court for $95,000.

That would have been covered by the town's $100,000 policy. But Western decided to fight the case in court, since the ambulance was on an emergency run with its lights flashing and siren screaming, even though it was crossing an intersection against a red light when the accident occurred.

However, after the coroner testified that the man in the ambulance had died before the crash, the judge found Salix at fault, apparently on the ground that, if the heart-attack victim was dead, there was no longer an emergency that justified running the light.

Even now, Mr. Thorpe cannot readily accept that decision.

"We didn't have any doctors in the ambulance," he said. "So how could we officially declare him dead?"

Western, no longer representing Salix, which has since bought a $1 million policy from another company, agreed last March to settle out of court for $60,000.

A CALL FOR VOLUNTEERS

So, after seven years of trials and appeals and other delays, the town found itself still faced with the need to raise $52,000 to pay off the rest of the judgment. That is better than $112,000, but it still is a lot of money in a town that normally collects only about $16,000 a year in property taxes, enough to more than triple the tax rate.

What Salix did was call a meeting and ask for volunteers to raise money to save the town. Maybe it would not have worked for New York City, but it surely did here.

The committee of seven, headed by Tim Bottaro, an articulate 18-year-old high school senior, has raised $43,000 so far and expects to pick up about $5,000 more, leaving the town's debt at $4,000, which will be covered by a slight increase in taxes.

"There was a time when the ax fell that we were pretty low," said Paul Ozburn, a committee member. "We thought we'd have to declare bankruptcy, but we decided to put our shoulders to the wheel and fight."

"There were two extremes," Mr. Bottaro said. "There were those who thought we'd get $5,000 to $10,000, and those who thought we'd also pave the streets."

Salix has only two paved streets, Tipton and Poplar. And worse, its water tower, with the town's name printed boldly high above the corner soybean fields, is rusting out and needs to be replaced.

SMILES RETURN TO SALIX

The town probably will not have enough extra money to pave the streets and replace the water tower, but Mr. Bottaro and Prudence Hubert, a sprightly 78-year-old, and the other volunteers have raised enough to bring some smiles back to Salix.

They collected merchandise from Sioux City store owners and held an auction that brought in $2,200. They have also held a barbecue. And Nan McDermott, who owns Nan's Hideaway Restaurant here, has collected more than $1,000 in donations in a can on the counter.

Fire departments and veterans' organizations in surrounding towns, such as Sergeant Bluff, Hornick, Sloan, Blencoe and Climbing Hill in Iowa, Jefferson in southeastern South Dakota and Walthill, Dakota City and South Sioux City in Nebraska, have held fund-raising events and chipped in to bail out their neighbors in Salix.

"I think we've had donations all the way from California to Delaware," said Mr. Thorpe, who is still the fire chief. "We've had them from all over the United States."

"Everyone in town feels a lot better because of the last six months, I tell you," said Mr. Ozburn, in what must qualify as understatement even in quiet Salix.

CONGRESSIONAL EXEMPTION FROM MARYLAND STATE INCOME TAX

Mr. WALLOP. Mr. President, yesterday the Senate passed a bill exempting Members of Congress from paying Maryland State income tax. I object to the passage of this bill for two reasons: The substance of the bill appears to be a flagrant abuse of congressional privilege, and secondly, I object to the manner in which this bill was passed.

On the merits of the bill I object to its passage because it demonstrates Congress extraordinary hubris. Congress sets itself apart from the law and infringes on the legitimate rights of States to determine how and who to tax. Although the revenue involved is small compared to total tax collections, there is a matter of principle involved: State tax collections should be left to the State government rather than usurped by the National Government. This bill is a particularly offensive bill since it benefits a few dozen persons, who are in a position of being able to pass laws. If these persons are willing to live in and use the services of the State of Maryland, they ought to abide by Maryland's laws. They are certainly free to locate elsewhere.

I also object to the manner in which the bill was passed. The bill was considered under a procedural maneuver when most Senators had left for the evening. It was never referred to the Judiciary Committee after it had passed the House this year. Although hearings were held on the matter last year, I was never able to raise my voice in protest during committee consideration. Most objectionable was the fact that this measure never appeared on the Senate calendar of bills to be considered, and we had no way of knowing that this measure was going to be called up. If the leadership in the Senate wishes to maintain credibility with some of the freshmen members, I would hope that we are kept more adequately informed on these matters.

CARTER'S SIGNING OF THE AMERICAN CONVENTION ON HUMAN RIGHTS REMINDS US OF THE UNRATIFIED GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the growing international concern for human rights was evidenced again earlier this month when President Jimmy Carter, in an historic and unprecedented step, committed the United States to the quest of guaranteeing the protection of human rights throughout the Americas.

Mr. Carter, as part of his dedication to the promotion and defense of those principles, personally went to the Organization of American States to sign on behalf of his Nation the American Convention on Human Rights, also known as the Pact of San Jose, adopted in November, 1969. This marks the first time in the 29-year history of the OAS that a President of the United States has personally visited the General Secretariat with the sole purpose of signing such an agreement.

Carter told the packed audience of Latin American diplomats and media representatives who crowded the office of the Secretary that—

No one nation can shape the attitudes of the world and that is why it is so important to join with our friends and neighbors . . . to pursue as a unified group this noble commitment and endeavor.

The President's comments point out not only the importance of the American Convention on Human Rights, but also the value of the Genocide Convention—another important human rights document which has still not been ratified by the Senate. The Senate's 28-year failure to ratify the Genocide treaty can only be an embarrassment to a nation whose President acknowledged before his Latin American audience that among almost all of the leaders of the 150 nations of the world "this year there is a preoccupation with and a concern about basic human rights."

"This blank space on the page has been here for a long time." Carter said just prior to signing the document in Latin America, "and it is with a great deal of pleasure that I am signing on behalf of the United States this convention on human rights, which will spell out in clear terms our own belief in the proper relationship between free human beings and governments chosen by them."

Mr. President, now is the time for the Senate to fill in the blank space that has been its responsibility since 1949: we must add the name of this country to the list of states that have ratified the Genocide Convention.

WALTER CAIN

Mr. THURMOND. Mr. President, I recently had the pleasure of meeting a young man from Florence, S.C., by the name of Walter Cain. Walter had come to Washington with his father, Rev. Benson Cain, to attend the annual meeting of the President's Committee on the Employment of the Handicapped. Earlier in the year, Walter had won first place in the 1977 "Ability Counts" essay contest sponsored by the Governor's Committee on the Employment of the Handicapped. One of his prizes was the trip to Washington. Another is a 4-year college scholarship.

Walter is an outstanding young citizen, and his essay, of which he sent me a copy, reflects a maturity of expression and understanding far beyond his years. He has early in life grasped a truth which many people never learn—that the main obstacle that the handicapped have to overcome is usually not their particular disability, but the view which other people have of that disability. The handicapped, as a rule, can do pretty much whatever they set their minds to, provided employers will give them a chance. This is the theme of Walter's essay, and it is well stated and well documented.

I wish my colleagues, too, to have the benefit of reading this essay, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HANDICAPPED PEOPLE AND AFFIRMATIVE ACTION

"If you can't compete, you can't win,"[1] one handicapped individual has said. By law, the affirmative action clause has given qualified handicapped persons the opportunity to compete on the same level as other applicants for job openings. This law affects many major United States industries and institutions that employ over one third of the national work force. But what affirmative action is being taken?

Industries with substantial government contracts are required under the law to "take affirmative action to employ and advance in employment qualified handicapped persons."[2] Many industries now legally obligated

[1] Dudley Coxe, Production Technician, personal interview, Dec. 30, 1976.

[2] Rehabilitation Act of 1973, sec. 503(a)

to give fair treatment to the handicipped did so before the affirmative action law was passed. "We have had handicapped people working for us since our plant opened," said Al Stiefel, a Union Carbide employer.

Since the affirmative action law was passed, many employers have become more aware that handicapped people can perform on the job and should be given an equal opportunity. "People have talents that have no relation to their physical condition," stated Carol Ramella of General Electric.

"It's qualifications, not handicaps that count. We have been so impressed that we have asked the Vocational Rehabilitation Department to refer qualified handicapped job seekers to us," Mrs. Ramella added. For this reason, employers who have hired the handicapped and seen them perform seem not to mind the cost of building ramps and other revisions to make their buildings accessible.

Accessibility, however, is not a matter of choice for the employer. State laws require that public buildings, including those where the physically handicapped might be employed, be made accessible to them. An affirmative action program is also required by law if an industry is under a substantial government contract. Qualified handicapped persons may file complaints with the Department of Labor if violations of this law are cited. It is interesting to note that half the people employed so far to enforce this act are handicapped.[2]

"I like to see the handicapped judged equally with others," stated Dudley Coxe, a General Electric employee. Mr. Coxe, a polio victim who relies on crutches to help him walk, said he was hired because he had the training and experience necessary for his job. "We don't want special favors, just a fair chance," he added. Because he was given a chance, Mr. Coxe has been able to prove that he and others like him can perform as well as or better than anyone else.

"Handicapped people are often better workers than other employees," stated David Eagerton, a counselor who has worked closely with many handicapped people. "They often have almost perfect attendance records," he added. Labor officials have agreed that the handicapped can be superior workers because they are anxious to prove themselves. Employers who take affirmative action by giving the handicapped a chance can find this out for themselves.

Prospective handicapped employees are sometimes hired on a trial basis so that employers can be sure they can perform on a job. Such individuals are almost always hired. One specific case is that of Ricky Rogers, a young paraplegic who worked in a jewelry store for a reduced wage to see if he could handle an eight hour day. After several months he was hired by a local industry because of his outstanding work record. He is now supporting himself and is happy with his work situation.

In conclusion, affirmative action laws have made employers aware of the abilities of the handicapped and made industries face up to their responsibilities in considering the handicapped for jobs. Qualified handicapped persons have been employed and have proven themselves on the job. The handicapped have been given the chance to compete, the chance to win.

JOHN HUME SPEAKS ON THE CRISIS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, last month, in the course of a significant visit to the United States, Mr. John Hume, deputy leader of the Social Democratic and Labor Party in Northern Ireland, was interviewed on the television program "Panorama" and by the Washington Star about the crisis in his country.

The "Panorama" interview was conducted by Ms. Pat Mitchell and Ms. Bonnie Angelo, and the Washington Star interview was conducted by Mr. Denis Horgan. In both discussions, Mr. Hume spoke eloquently and effectively about the roots of the crisis and the paths along which the search for peace is being conducted.

During the 8 tragic years of the violence in Northern Ireland, Mr. Hume has been a remarkably effective and perceptive leader of his party, which has broad support in the Catholic community in Northern Ireland. He is one of the principal architects of the concept of partnership in government between the Protestant and Catholic communities, which is widely accepted as the key to an eventual peaceful resolution of the present conflict.

Mr. President, I believe that these two interviews will be of interest to all of us who desire the earliest possible end to the violence in Northern Ireland, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF INTERVIEW WITH JOHN HUME ON "PANORAMA," MAY 24, 1977, TELEVISION STATION WTTG–TV WASHINGTON, D.C.

Ms. MITCHELL. For hundreds of years, the British and the Irish have been struggling with what has been called the Irish question. Now in a shrinking world, Americans are increasingly being drawn into Irish troubles, because wherever there are Americans of Irish extraction—and there are 20 million such Irish Americans—there are drives for funds to help the Irish.

Some of these funds, however, are being used to buy arms, which in the end are being used to shed the blood of Irishmen, both Catholic and Protestant. That continues to stain the soil of the northern part of the Emerald Isle. And with us today to discuss that is our guest, John Hume, Deputy Leader of the Social Democratic Labor Party, a party that is 40 years old, started as an independent in 1972, formed the Social Democratic Labor Party. That party, by the way, was one of the architects of the sharing power experiment in 1972. Mr. Hume, that experiment failed along with many others. Is it your opinion, at this point that there can be a settlement of any kind?

Mr. HUME. Well, the situation on the ground at the moment is that there is a political stalemate between both sections of the community. We would believe, and I represent the minority community in Northern Ireland, we would believe that in a deeply divided society, such as we have in the North of Ireland, one cannot solve the problem on the basis of victory for any one section of the community. One cannot have government by any one section of the community. And therefore the answer to the depth of division, of hatred, of suspicion, of prejudice is to have a partnership between both sections of the community in government to share responsibility for the administration of Northern Ireland. And through that sharing, the experience of that sharing, to gradually erode the prejudices and hatreds and to develop instead a trust and understanding between the two sections of the community leading to a new situation. That is our view; that's a view which is endorsed by the British Government; it's endorsed by the Irish Government to the South; it is supported almost by the entire Catholic minority. It is supported by a section of the Protestant majority, but is opposed by a majority of the Protestant majority, and that is where the stalemate rests at the moment.

Ms. MITCHELL. Your party has both Protestant and Catholic membership?

Mr. HUME. Yes.

Ms. ANGELO. What is the percentage of Catholic to Protestant membership?

Mr. HUME. We don't ask people what their religion is when they join our party and we don't keep a record of the religious beliefs of any of our members. But as an indication, in a recent election, we had 17 people elected, of which two were not Catholics and the rest were. We have a minority, to be honest, of Protestant membership in our group, but we don't consider religion as the factor in that sense. We propose policies which we believe are designed to heal the divide between the two cultural traditions in Ireland.

Ms. ANGELO. I would like to ask just one thing that Americans ask often, when they speak of this terrible situation that has gone on so long now in Northern Ireland. They don't understand the very idea at this time of our history of Catholics fighting against Protestants; it sounds like something out of the Middle Ages. Is this not actually the haves against the have nots?

Mr. HUME. Well, there's an element in that of course. I think that it is not a religious war. The difference is not about theology. It so happens that the religious beliefs of both sections of the community coincide with separate national identities. The colonization of Ireland occurred in the 17th century. Those who came were largely Protestants, and therefore their difference in nationality and the bitterness arising out of that colonization originally also coincided with the religious divide.

And therefore that makes it a lot worse. The other side of that, of course, is that the use of power—over the years since Northern Ireland was established—by the majority of the Unionist, or Protestant, majority was used to discriminate against the minority and therefore the haves and have not situation developed into it. One of the responses to that has been, of course, a violent response, to try and solve the problem by violence. But we would hold very strongly that in a divided society, violence only deepens the divide. And in that regard, statements recently by leading American politicians like Senator Kennedy, like Governor Carey, like Senator Moynihan, and the Speaker of Congress whom I met yesterday, Tip O'Neill, these have been widely applauded in Ireland and very warmly received, because they made very, very clear that they, too, from their knowledge—and they take a constructive interest in Ireland—from their knowledge of the situation that violence in Ireland is wrong, and that those in the United States who help to support that violence are wrong as well.

Ms. MITCHELL. What can you do about these people who give money and give their prestige to buy guns?

Mr. HUME. Well, I think the first thing to stress is, of course, that it is a minority and a small minority of Irish Americans who are engaged in this and even amongst them, some of them——

Ms. ANGELO. But who stirs them up?

Mr. HUME. Some of them genuinely believe they are doing the right thing, largely due to ignorance of the situation on the ground in Ireland, and that is why recent statements from the Irish American political leaders have been of such value. Because not only are they saying that violence is wrong, but they have been pointing the way to a new direction and a new way forward. And I think that this has been valuable, not only in encouraging the people in Ireland who are working for peace and reconciliation between the two sections of the community,

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[2] "What Affirmative Action Means to You," *Accent on Living*, Fall, 1976, p. 54.

but it's also been valuable in educating and making Irish Americans stop and think that there is another view of the Irish situation, rather than the simplistic one that has been handed down from generation to generation with a flag wrapped around it.

Ms. MITCHELL. Mr. Hume, when the Irish Americans are called on to contribute to their country, there certainly is a great deal of patriotism and concern for the country. Are they aware at these massive fund raising efforts that I'm familiar with—largely from the Boston Irish community, which is a very large one—are they aware that the money that is gathered in those situations actually does go to the IRA, or does go to buy ammunition?

Mr. HUME. Well, I think many of them are not. And that is why I think that these statements of such leaders are very valuable. Mind you, there are fund raising efforts in the United States which are for positive and constructive—

Ms. MITCHELL. But how does one know?

Mr. HUME. Well, some of them have only started recently. In fact, the reason I'm in the United States was that I spoke with Senator Kennedy in New York on Wednesday night last, in favor and in support of one such fund. The Ireland Fund, which is for peace, culture, and charity in Ireland, and which is supported here by many leading Irish Americans. And there again, it's a drive to promote positive and constructive things in Ireland, rather than destructive things.

Ms. ANGELO. So the most important thing is to ask if the funds are earmarked in some way or to have a clear understanding of who is controlling the funds that are given and where it's going.

Mr. HUME. Yes.

Ms. ANGELO. Because I was told in England, actually it was the first time I had heard this charge made, and later checked it out here and found it's quite true, that there are some funds that are labeled in such appealing manners to help the Irish children, and to help all the children, and that sort of thing—the money from which actually is going to buy arms. Now how do you know?

Mr. HUME. Well, I think that the organization which we believe is providing the financial assistance to the IRA is Irish Northern Aid. That's the name of it. There are other organizations here which are doing a good job, like The Ireland Fund I mentioned, or like the fund which is based in Washington, itself, Ireland's Children.

Ms. ANGELO. And that one you say is O.K.?

Mr. HUME. That's very very positive, constructive, very definitely so.

Ms. ANGELO. But you have to tell the people.

Ms. MITCHELL. You really do.

Mr. HUME. Here is one of the great contradictions: many of the Irish Americans who support violence would say that they are doing it in the name of the Irish people and they would believe that the IRA is the only voice of the Catholic minority in the North. But it's myself and my party who are overwhelmingly elected time out of number for the Catholic minority in the North, and we take a very, very strong stand against the use of violence. For example, in the election just completed in my own district, in Derry, which is supposed to be a stronghold of the violent men, the people, when they come out in the privacy of the ballot box, have overwhelmingly voted for myself and my party. And they've done that time out of number. And in spite of the difficulties of the situation, we take that strong stand. So the real true voice of the people who have been subjected to injustices in the past is, we don't see those being resolved by violence, we see our lives being made worse by violence, because when a policeman or a soldier is murdered, a Catholic is murdered tomorrow night in retaliation. Five thousand bombs have gone off in Northern Ireland in five years; 1,700 people have been killed; thousands have been injured, and remember, in a population of a million and a half.

Ms. MITCHELL. The problem is that many of these Americans of Irish extraction really, maybe they haven't been there in a while, or they have in some sense lost track of the kind of figures that you're giving and the kind of violence leading to other kinds of violence. An education process is needed, which you mentioned, and they need to understand that to contribute to more violence isn't helpful. And, of course, big statements by people such as Senator Kennedy and Senator Moynihan that you mentioned. But what other—are there other Americans who are speaking out and therefore perpetuating this contribution to the IRA?

Mr. HUME. Oh, yes, there are some members of Congress that actually lend their names to supporting these types of organizations. I don't know whether they do so out of ignorance or not.

Ms. ANGELO. Members of Congress? Let's name them.

Mr. HUME. They're in New York, Congressmen like Congressman Giaggi, there is a lady called Abzug; and they have given support to organizations here. I don't know whether they know the reality or not, but I would like them to know the reality.

Ms. ANGELO. And there's a writer such as Mr. Breslin who writes a great deal about Ireland.

Mr. HUME. All I say to all of them is, look, you may be genuinely wishing to help in the Irish situation. But you should do what Senator Kennedy does, what Governor Carey does, what Speaker O'Neill does, they find out what the reality is. They talk to the people whom the people that live on the ground elect. In other words, they uphold the democratic process. They don't undermine it by adding their voice to help in a violent situation.

Ms. ANGELO. You're not saying, don't help; you're just saying, help the right way.

Mr. HUME. I'm saying that yes, exactly, that there is a positive and constructive way forward. In fact, President Carter said during his campaign that he himself spoke out against the use of violence in Ireland and suggested what most people regard as a sensible approach, that the way forward had to be between both section of the community and that was reiterated by Secretary of State Vance on St. Patrick's Day in a further statement on the Irish situation.

Ms. MITCHELL. Thank you, Mr. Hume, we're very happy that you came today, and, I think, helped educate us and hopefully some others who were listening as to ways in which the Irish question can be solved and that we can be constructive in that regard.

[From the Washington Star, May 31, 1977]

QUESTIONS AND ANSWERS: NEGOTIATIONS, NOT VIOLENCE FOR NORTHERN IRELAND

(John Hume, deputy leader of Northern Ireland's Social Democratic and Labor party, was interviewed by Washington Star Staff Writer Denis E. Horgan.)

Question. The latest phase of violence in Northern Ireland has been going on at a consistently high level for a decade now. Is there no political solution that can put it to an end?

HUME. Violence itself is being used as a political weapon in Ireland. But it can only make the situation worse. Apart altogether from the terrible tragedies, the death, the destruction it causes it also deepens the division between the two section of the community. An end can come only when there is an agreement between both factions. My view is that agreement must not be based on victory by either side because victory by either point of view in a divided society is no solution. It must mean a period of partnership, the institutions of government should be shared, there should be an agreement. By working together over the years this would produce a steady erosion of prejudice and a development of understanding to eliminate that which separates the people at the moment.

Q. But how is that to be brought about? Various plans have been tried and failed.

A. It can only come by political negotiation. In any situation such as that, agreement can only be brought about by those people who are freely elected to represent the different points of view. Indeed, that is exactly what we are pursuing in Northern Ireland. It has to be frankly admitted that this is no easy task and the violence is making it much more difficult because it is deepening the differences. However, there have been some hopeful signs of late and one hopes that the intransigence that does exist, particularly on the part of the Loyalist coalition, can be dissipated.

Q. What are these hopeful signs?

A. Recently there was a blatant attempt led by Ian Paisley to restore sectarian domination to Northern Ireland. That was not defeated by anyone other than the ordinary people. In other words, on this occasion the leadership was given not by the leaders but by the led. The ordinary people, very courageously and sometimes with their lives, resisted all forms of intimidation and coercion to force them into a general strike and defeated it. Now that defeat effectively puts Paisley's position very very clear—to be out to restore, by any method, sectarian domination. The division between himself and the rest of the Unionist community has emerged from it. Our hope would be that this would be the first step in a new concept of leadership that would emphasize togetherness rather than domination as the means of solving the problem.

Q. Do you think the failure of the strike reflects something positive or rather a sense of weariness of this having gone on so long?

A. I think, to be fair, there is a great deal of weariness in the entire community. There's also a great deal of revulsion against violence and violent methods. There is a weariness. There is also rising out of the whole experience a greater politicization of the people. It is not so easy for politicians there to use the old war cries and beat the old drums to draw people to their flags. People are much more politicized because people realize now that in a small community of 1.5 million people there have been 5,000 bombs in five years, there have been over 1,700 people killed. Today Catholic is separated from Protestant by lines of British soldiers, by barbed wire. If that doesn't show people more graphically than anything else that past approaches to the problem must be challenged, then nothing ever will. We have almost 2,000 graves to stand as silent but eloquent testimony of the failure of past approaches.

Q. How much of a political factor—rather than as a military factor—is the presence of the British troops?

A. It is a major factor, of course, both politically and militarily. No one wants troops on their streets. There is nobody in any community anywhere that wants their law and order to be enforced by soldiers. Armies are very blunt instruments of law and order. We would believe that the right approach is that in conjunction with a political settlement the army would be withdrawn. I emphasize in conjunction with the political settlement, so there is a system of law and order left behind that has the consent of both sides.

Q. There is an argument that if the British were to go, then things would be forced to move toward solution.

A. This is based on the misconception that the British presence of itself is the Irish problem. Those who say that the British presence should be dealt with first will admit, if pressed, that for Britain to withdraw first

leaves the risk of serious conflict between both sections of the community and therefore a permanent problem—rather like you have in Cyprus. On the other hand, if both sections of the community are reconciled then the British presence is not an important factor. Britain today, we believe, doesn't have much interest in staying in Northern Ireland. The withdrawal of the troops should be done but definitely in the context of a political solution.

Q. Last year a great deal of attention was given to the Women's March for Peace. Has that collapsed?

A. The peace movement was a very spontaneous reaction to peoples' revulsion to violence in Northern Ireland and was supported by almost the entire community. But since it wasn't proposing political solutions, it couldn't do much more than that and it is not as widespread today in its support or its activities as it was at the beginning.

Q. The activity of the government of the Republic of Ireland has been criticized in some quarters as undercutting the support needed by the Catholics in the north. Is that valid?

A. It's an argument that's put forward very often by people on this side of the Atlantic who actually support violent organizations in the south of Ireland. These organizations, it ought to be remembered, are seeking the overthrow of the government and state in the south as well as in the north. So they have a very strong motive for putting forth that kind of argument. One has to understand that any government in the south always has a difficult problem because if it ever escalates its support of the minority in the north then it can be accused of provocation of the Protestant majority and if it does nothing it will receive the criticism of the minority for not coming to its aid.

Q. Is the concept of a reunited Ireland still meaningful?

A. One of the tragedies for Ireland is that people talked about a united Ireland when it was only a slogan. Very few ever spelled out how it was to be done or what they meant by it. And, when analyzing what they meant, they were generally talking about a piece of territory. Of late, people in Ireland have been forced to face those realities. The reality is that the divide in Ireland is not simply the line dividing the territory, the Irish border. The real divide is the mental divide between the two sections of the one people. Once one accepts and realizes that, the approach to Irish unity is an entirely different matter. You cannot unite people at the point of a gun. Neither can you unite people by dismembering them. It becomes clear that real unity means agreement by both factions of the Irish people as to how they are to be governed. That is what people who really work for the unity of the country should be trying to achieve.

Q. Given the long history of division, what is there to convince one that negotiations can in fact work—or will the violence not come and go as it has in the past?

A. Well, our history has been that violence has come and gone. It's against that backcloth that people stand today. But the violence today is among the worst violence that the Irish people have ever seen. One of the achievements of the bombers has been to explode their own myths. And, again, one result is that the people are much more politicized today. It's not so easy to hand down the patriotic message of wrapping the green flag around you and dying for Ireland. Most people realize that true patriotism means spilling your sweat, not your blood, living for your country, not dying for it. The basis for this whole transformation to me provides the basis for the way forward which must be based on gradual evolution. It has never been totally accepted in Ireland that evolution and politics are the road to peace and lasting stability. We face the reality that we have a divided people, we cannot unite people by conquest. In that regard, the recent comments of Americans such as Sens. Kennedy and Moynihan, Speaker O'Neill and Gov. Carey of New York have been very, very helpful. They have been very widely applauded by all sections of the community and have made a major contribution to educating the American people in particular that violence is not an answer in Ireland.

Q. How much effect do you think they have, though?

A. I would think that respected political leaders are listened to. The strength and the clarity of what they have to say are bound to have an effect on Irish-Americans. My view is that many Irish-Americans are sincere in their desire to help out and that those that are helping the wrong causes, the violent causes, do so out of a lack of knowledge. When the Irish-American leaders speak out clearly against the use of violence, then people begin to take their lead from them. I think it is also valuable in Ireland itself when there is so much publicity to the amount of money given for arms in the United States. When the Irish-American community as a whole, through its leaders, is opposed to this, it becomes an important factor to the gunman on the ground. He feels moral support because he is supported by money from the United States and this clear enunciation of the actual position of the Irish-American leadership wipes away that moral support. The actual amount of contributions has been reduced substantially over the recent years.

OUR CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS

Mr. McCLURE. Mr. President, on June 7, in an impressive ceremony in the Russell Senate Office Building, Congressman STEVE SYMMS of Idaho was awarded the George Washington Honor Medal by the Freedoms Foundation.

This prestigious award was given in recognition of an article written by Representative SYMMS entitled, "Our Constitutional Right To Keep and Bear Arms." In the article he defended the right of citizens to keep and bear arms by discussing the second amendment of the Constitution.

Quoting from his article—

The Second Amendment . . . was written to secure the citizenry against the maladministration of the government. The right to keep and bear arms was regarded as an essential safeguard against the creation of a military dictatorship in America. This safeguard is as necessary today as any time in our history!

The article causes us to look beyond the surface of the gun control issue, regardless of our point of view, and to examine our constitutional liberties, which are the backbone of this great Republic. It should be pointed out that Congressman SYMMS won the award by defending a position on which the people of Idaho are almost universally united. I am personally pleased because STEVE SYMMS so ably represents the seat I once held in the House of Representatives.

On behalf of the State of Idaho, we salute you, STEVE. I ask unanimous consent that his article, as it originally appeared in American Patriot, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS

(By the Honorable STEVEN D. SYMMS)

It is becoming increasingly apparent that most advocates of private gun ownership are not emphasizing the Constitutional rights question nearly as much as its fundamental importance deserves! In almost all of the arguments against federal gun control, the Constitutional issue is either passed over lightly or is skirted entirely. We are told that gun controls don't work, that they would cost the taxpayers billions of dollars, that they would interfere with the rights of hunters and collectors, and would violate our privacy and our right to self defense.

However, to rely on these objections alone is a serious mistake. The bulwark of defense against federal firearms control must rest in the knowledge that gun ownership is an absolute right with which government cannot tamper, no matter how expedient or politically popular that tampering may seem. It is a right guaranteed to the individual by the Constitution of the United States and cannot be changed except by amendment to the Constitution.

The Second Amendment reads: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

FOUNDING FATHERS PROTECTED PEOPLE'S RIGHTS

It is evident that our Founding Fathers were trying to tell us something there—and in no uncertain terms! In contrast to other portions of the Constitution, there were no qualifiers in this Amendment, no "buts" or "excepts", just a straight-forward statement regarding the people's right to possess firearms. Gun control proponents always use this time-worn argument in attempting to dismiss our Constitutional right: Dwelling on the word "militia", they claim that the right to bear arms is a collective rather than individual right, and that the purpose of the Second Amendment was to create a standing army or national guard. Too often, pro-gun people shrink back when confronted with this argument, not knowing how to answer it effectively.

This perception of the Second Amendment's meaning and the original reason for its inclusion in the Bill of Rights is totally inaccurate. To begin with, the term "militia" historically has referred to the people at large, armed and ready to defend their homeland and their freedom. Title 10, Section 311 of the U.S. Code states: "The militia of the United States consists of all able-bodied males at least 17 years of age . . ." The National Guard wasn't even created until the 20th Century!

CONSTITUTION GUARDS AGAINST ABUSES

Moreover, historical records, including Constitutional Convention debates and the Federalist Papers, clearly indicate that the purpose of the Second Amendment was not to create a standing army, but to guard against the dangers of a standing army. The framers of our Constitution were most fearful of the abuses which could be perpetrated against the people by any professional armed body under control of government.

RIGHT TO BEAR ARMS A SAFEGUARD

Thus, a serious study of the Constitution and of the stated intentions of its framers reveals that the Second Amendment, like the Bill of Rights in general, was an individual, not a collective right, and was written to secure the citizenry against the maladministration of the government. The right to keep and bear arms was regarded as an essential safeguard against the creation of a military dictatorship in America. This safeguard is just as necessary today as any time in our history!

There will, of course, always be those who say that the Constitution is an antiquated

document and that modern day realities make it necessary to ignore certain sections or to significantly modify their original interpretations. Such a philosophy, in my view, leads to an erosion of the entire concept of Constitutional law, and ultimately, to the tyranny of unbridled popular rule. It is quite proper to advocate changes in the Constitution through normal Amendment procedures. But when you flout the orderly processes of the law and condone the practice of substituting your own intentions for those of the Constitution's framers, you reflect the principle of Constitutional Government. You endorse a rule of men, not of laws!

MRS. DOROTHY W. STEVENS

Mr. THURMOND. Mr. President, earlier in the spring, I called the attention of my colleagues to the Distinguished Service Award which the New York Chapter of the Association of the United States Army had presented to Mr. Robert T. Stevens. Mr. Stevens, of course, is one of this country's most distinguished citizens, the former chairman of the Board of J. P. Stevens Co. and Secretary of the Army under President Eisenhower. He is also, I am proud to say, my good friend.

Mr. Stevens' remarks on receiving his award seemed to me so eloquent and so timely that I had them placed in the RECORD where others might have easy access to them. Now I have discovered that Mr. Stevens is not the only accomplished writer in his family. His lovely and gracious wife Dorothy has an equally impressive facility with words, which is exemplified in an account she wrote of the Fourth of July in our Bicentennial Year in Harlowtown, Mont.

Of course, this famous anniversary of this famous day deserves to be remembered by all who were fortunate enough to participate in it. To assist our memories, many writers have recorded their thoughts, feelings, and experiences in connection with the big celebration. Dorothy Stevens' account is a worthy contribution to this growing body of literature. In order to give her patriotic message the broader exposure it deserves, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

AMERICAN FORK RANCH,
Two Dot, Mont.,

ON THE FOURTH OF JULY, 1976

It was July the Fourth 1976 and here at our ranch in Montana we first watched a part of our Country's bicentennial celebration on TV and spectacular and very well done we thought it. Later, we were fortunate in participating locally in this special celebration. It was thrilling! "Oh say does that Star Spangled Banner yet wave, o'er the land of the free and the home of the brave?" It does, as evidenced on this Fourth and it seemed to me like a day of returning to the family home—with the best of the past and present represented—all in one day!

On this memorable day of 1976 everywhere in the U.S.A. were those who, "Stopped, looked, listened." It was a time to think of our great heritage, the enduring values of our past history—always with hope for the future (in spite of difficulties, past and present).

Remember, when growing up, there were special foods we particularly liked? Some we still hunger for today, as well as the basic needs of family togetherness, sharing with others the simple pleasures of life—having fun! "Life, Liberty and the pursuit of Happiness"—a part of the past, today and prayerfully tomorrow—and for our children, their children, we wish a good life.

With hard work and the cooperation of many there have been in recent years great strides in all fields of endeavor and benefits only dreamed of yesterday have become realities today. We have so much more than our parents, grandparents, that it seems to me we must not only be appreciative today, but also discerning, discriminating—hopefully, too, preserving the best for future generations.

Our schools, many of them, are bigger today and with the most modern equipment, but are they better? In these bigger schools, large universities, with their wider, more varied courses of study, there should be advantages and untold opportunities for all. But is it also possible to give the individual training and encouragement that a good teacher in a smaller school gives to each child and young person?

It is from these small schools, mostly in the country, that have come many of the leaders of this great Country—in industry, farming, education, medicine, government and the Churches. Also, for those self-educated, with an incentive, integrity, hard work, anything is possible in a free country like ours.

Big Timber, a town thirty miles to the south of us, recently had in its paper, the Big Timber Pioneer, some pictures and articles about their schools, all very interesting and pertinent today.

Making the most of opportunities here, some years ago now, there came to Montana from Sweden a young man who was riding a freight train. He was discovered and told to get off. Ever since he has wished he knew who put him off the train—somewhere in Montana—to thank him. He worked hard, did well here and, in appreciation of what this Country and State had done for him, he later ran for and became governor, hoping to return in some measure what his adopted Country had done for him. He is our friend, Hugo Aronson, and he served eight years in that high office. There are many, many others, who could tell this type of story.

One other example—a young man came from Scotland, his first job here digging ditches. Later he became the widely known and inspiring minister of the New York Avenue Presbyterian Church in Washington, D.C. (formerly Lincoln's Church) and then Chaplain of the United States Senate—our Dr. Peter Marshall.

We are the oldest democracy today and still from other countries come those who hope for and look forward to opportunities here—a great number giving the "Pledge of Allegiance" and becoming new citizens recently and they will not forget taking part in this pledge on our glorious Fourth of July just past.

We have many fine traditions in our Country and at the completion of two centuries of history we have just witnessed our finest celebration ever.

I would now like to tell you a little about Independence Day 1976 in the little town of Harlowton, Montana, thirty miles to the north of our American Fork Ranch, and of the privilege of being a spectator there, one of many lining the main street.

It was a great day for the children sitting along the curbs and fun for those who took part in the parade and, for all there, it will be a lasting memory. In preparation for this day there were many who worked hard and long hours to make it the success it was, contributing memories in different ways.

The street was lined with flags. In the window of Bain's department store could be seen a very beautiful quilt made by the Harlowton Women's Club. All the stores had special decorations. Unfortunately, not long before the Fourth, on the corner opposite the bank a big building burned to the ground. Thankfully, the local volunteer fire department did a good job in containing it, keeping it from spreading. Of course it left a great deal of debris, but most of it was cleared away in short order, making it as presentable as possible for this day.

The population of Harlowton is between 1,400 and 1,500. Long before the Fourth every available overnight space was spoken for by those planning to be in town for the two parades and rodeos. All classes of the High School, graduated over the years, planned reunions, looking forward to being there again, renewing acquaintances and visiting with friends.

At the rodeo in Chief Joseph Park the stands were sold out for each day. There were about 3,000 at a catered barbeque at the Youth Center and McQuitty Field during the weekend and it was a big success.

Most meaningful of all on this historical occasion was the bell ringing and then the colorful parade on the Fourth. There were two marching bands and thirty-one floats!

If you have a good idea, someone else has very likely thought of it, too, and there were two Liberty Bells in the parade, each different and appropriate. Now I would like to tell you about our bell.

Some twenty years ago my husband, Bob Stevens, was asked if he would like to have at his ranch a bell from the top of a textile plant at Piedmont, S.C., as the plant was being remodeled. He said he would like very much to have the bell here and after it arrived by freight in Harlowton it was finally moved to the ranch. As it weighed 1,600 pounds we never expected to move it again. We had a picture of it on our Christmas card, more than once, I think, one time a close-up with the caption—"Ringing In the New Year."

In this Centennial Year it was decreed that all bells should be rung at the same time on July Fourth—all across the country—heralding a new Third Century of our U.S.A.! Therefore, it seemed particularly fitting that our bell, made in Boston, Mass. in 1888 (by G. T. Robinson & Co., formerly W. M. Blake & Co.) should become a part of this ceremony.

The bell was carefully moved at the ranch by our son, Tom, and a number of interested helpers onto a big truck, then taken to town where it was both well and beautifully decorated with red, white and blue and ready to take part on the Fourth. Jim Bain, wearing his uniform of the Minutemen, also of red, white and blue, and part of the American Marching Squad, rang our bell.

At noon, along the street cleared for the parade, we waited in anticipation of the bell ringing and the parade. First we heard the church bells ringing, one at a time (the bell in the Catholic Church being repaired for this occasion). Then the school bells and then, in the distance, at the top of the street we heard the sound of our bell, becoming more distinct as it drew nearer. It has a lovely and carrying tone.

As I listtened to this bell ringing, knowing that it was taking place at the same time across the length and breadth of our Country (at noon at Montana—mountain time) and hearing our bell, made in New England, transported to the South and then to the West, I was thrilled—and my heart stood still in wonder and thanksgiving for this special and historical day.

This celebration taking place in the small town of Harlowton was truly American—and America at its best. It was good to be there on Harlowton's main street!

D. W. S.

JULY 1976.

HOUSE TAX COMMITTEE REMOVES HOMEOWNER EQUITY PART OF CARTER ENERGY PACKAGE

Mr. McINTYRE. Mr. President, the action taken by the House Ways and Means Committee on June 15 in rejecting President Carter's proposed energy tax rebate to families who heat their home with oil is of particular concern to me. I believe that the House committee in striking this feature of the President's energy program did not fully understand the enormous burden which will be placed on homeowners throughout the country, but particularly on those families living in the northern regions of the United States.

This rebate, in my opinion, represents an essential equitable feature in the tax part of the President's energy package. When Mr. Carter first announced his energy program on April 18 he listed 10 principles which guided him and his administration in the development of his energy policy. The fifth principle was that the program must be fair. He stated and I quote:

> Our solutions must ask equal sacrifices from every region, every class of people, and every interest group.

In his statement before a joint session of the Congress, the President reiterated his concern for equity by stating and again I quote:

> Our guiding principal as we develop this plan was above all it must be fair. None of our people must make an unfair sacrifice. None should reap an unfair benefit. The desire for equity is reflected throughout our plan—in a dollar for dollar refund of the wellhead tax as it affects home heating oil, particularly in the Northeast.

The majority of the Ways and Means Committee in voting to delete the President's heating oil tax rebate based their decision apparently on the belief that the homeowners' rebate was a special relief section aimed primarily at the Northeast and was inconsistent with President Carter's general effort to induce energy conservation by making energy more costly.

The President and Congress share a responsibility in shaping a national energy program that must consider its ultimate impact on the various users of energy. The home heating oil rebate, far from being a special exemption for a favored vested interest group, is an equitable effort to cushion the impact of higher prices on those homeowners who must rely on heating oil as the basic home fuel. During the House Ways and Means Committee is consideration of the President's heating oil rebate, various cost figures were discussed as to the true impact on homeowners using home heating oil. I must state that this cost feature of the rebate will obviously vary among different regions of the country. We in New England are not the only users of distillate fuel, but we in New England are clearly the predominant users of this fuel source for home heating. We in New England are also exposed to some of the most severe winter weather experienced in this country. In my State of New Hampshire, and in my home town of Laconia, winter means substantial snow fall, bone chilling winds, and temperatures as low as 20 below zero.

Historically, the New England region of our country has developed a basic reliance of oil for our energy needs. Most homes are equipped to burn as a furnace fuel distillate fuel oil. This is not an option on the homeowner's part, for in most cases the heating plant is in the house when purchased. To a citizen in the northern part of New Hampshire—which we refer to as the "North Country"—increased prices for heating oil without the President's proposed rebate will cost some homeowners additional hundreds of dollars a year. While distillate fuel is used throughout the country as a home heating source, the severity of winter weather determines the amount of heating fuel needed. The deletion of this rebate will create not only an unjust price situation to homeowners above the frost line, but one that will be intolerable. By striking the rebate feature, the Ways and Means Committee does not provide any alternative for millions of homeowners across the northern tier of our country. What type of action would the majority of the Ways and Means Committee recommend to a homeowner in North Dakota, Minnesota, Wisconsin, Missouri, Ohio, or New England. Many homeowners will be unable to pay the full cost of OPEC prices for the single most important necessity during the winter months, heat. We do not have the ability in the next 36 months to retrofit and convert all heating oil users' homes to alternative energy sources. In fact, for the short term in New England there is no alternative but to pay the price, whatever the cost. There is a limit to conservation.

The deletion of the home heating oil rebate not only is unfair but it creates an anomaly. The President's proposal not only recommended rebates for home heating oil users, it would also rebate costs to farmers for their use of distillate in their business. A substantial number of farms not only use distillate as a tractor fuel but they use the same basic fuel in heating their homes. How can Congress justify and explain to a farmer that it will cost him more to heat his home than to drive a tractor. The fuel is the same. Both purposes are essential. But the cost will be different. I believe any farmer in his right mind would take his tractor fuel in the winter and put it in his home heating furnace. But a homeowner in a small town would have no such option. Furthermore, by removing the rebate to homeowners using distillate fuel and allowing the full cost of the wellhead tax to be passed forward to the ultimate consumer—the homeowner—we will have a national policy in which gasoline may well be cheaper than home heating oil. Mr. President, let me quote some figures to substantiate that statement. In the Commodity Section of today's Wall Street Journal, Friday, June 17, on page 24, cash prices are quoted for mid continent gasoline and fuel oil. Today's quote is 37 cents a gallon for 92 octane gasoline and 34½ cents for No. 2 fuel oil. This represents a price difference on these two commodities of 2½ cents a gallon. At the same time a year ago Mr. President, this price difference was 4¾ cents and historically the price difference has been even greater. Explain to me and to the homeowners of this country how we can justify an energy policy that could well cost you more per gallon to heat your home than to run your car. What type of conservation program is this? And what do we tell the citizens of the country who will not be able to afford to meet their heating oil bills? Will we tell them to move into their car? Or to hook their gasoline engine up to their furnace? What the House Ways and Means Committee action represents in simple terms is a tilt away from gasoline conservation and a passing of the buck to the homeowner using distillate fuel.

Mr. President, if we are to achieve President Carter's goal of equity, I believe we must consider the entire issue of how the products refined from a barrel of crude oil are to be used. Are we trying to encourage gasoline consumption or are we trying to discourage home ownership? The citizens of New Hampshire who must use heating oil for their homes will be required without the rebate to spend more of their limited income on heating their home and less on other essential needs. This burden will be so great that I am sure that many of the elderly and those on fixed income will have to face the sad alternative of either selling their home or doing without other essentials.

I believe that home heating oil is a much more essential commodity than gasoline and there is no justification for treating the two on a similar basis. Certainly there is much more conservation to be attained in the gasoline part of a barrel of oil than in the home heating oil part. Moreover, Mr. President, I believe we should look at the entire distillate part of a barrel of crude oil. Gasoline has a single use, that is to power automobiles. Middle distillates on the other hand are used not only for heating and tractor fuel, this commodity is a primary energy source for mass transit. Buses, trucks, trains, airplanes and other mass transit modes are powered by distillate fuel. A national energy policy would indicate to me that the price mechanism should not be used to deny homeowners' heat, farmers' tractor fuel, or to discourage mass transportation.

Mr. President, I believe that we have a responsibility to determine the ultimate impact of the decision by the House Ways and Means Committee to delete the President's proposed heating oil rebate. I also believe that we should examine the entire question of how distillate fuel should be treated. I am, therefore, scheduling hearings by the Subcommittee on Government Regulation of the Senate Small Business Committee to determine the impact of denying home heating oil rebates to the American people.

This issue affects the subject matter of several committees, including the Banking, Housing, and Urban Affairs Committee, the Commerce Committee, the Energy Committee, and certainly the Finance Committee. Since this will

be an investigational hearing, however, I do believe that the historic role of the Small Business Committee makes it an appropriate forum. I would hope that the subcommittee can tentatively schedule the first day of hearings on June 28, to receive testimony from suppliers and users of home heating oil. I would also hope that a second day can be scheduled for June 30, to receive testimony from the administration. The committee will, however, formally announce the hearing dates in the next few days. Mr. President, in conclusion I ask unanimous consent that an article which appears in the June 16, 1977, New York Times and a press release I issued be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 16, 1977]

HOUSE PANEL REJECTS HEATING-OIL REBATE

(By Edward Cowan)

WASHINGTON, June 15.—The House Ways and Means Committee decisively rejected today the special energy tax rebate proposed by President Carter for families that heat with oil.

The rebate would have come to $60 to $85 a year. Its rejection, on a vote of 20 to 4, was regarded as less of a setback for Mr. Carter than for the Speaker of the House, Thomas P. O'Neill Jr., Democrat of Massachusetts.

Mr. O'Neill and other members of the delegation from New England, where oil is the predominant home-heating fuel, are expected to try to restore the rebate when the bill reaches the House floor.

The Ways and Means Committee put off until next week any decision on Mr. Carter's more general proposal to turn back to consumers $14 billion a year from a tax on domestic crude oil. The committee approved the tax yesterday and is likely to approve some rebate mechanism, but many members plainly were unsure of the best method, timing and amount.

Meanwhile, the House Banking subcommittee on housing approved, 21 to 0, a package of grants, indirect Government loans and interest rate subsidies for "weatherization" of houses. Administration officials said the package went substantially beyond Mr. Carter's proposals.

The bill would authorize grants to low-income families of up to $800 for materials and $100 for incidental repairs. Existing law sets a limit of $400. The work would be done by persons employed by the Government under the Comprehensive Employment Training Act.

The $585 million authorized in the bill would permit insulation of 1.2 million houses, according to the subcommittee staff.

The bill would authorize the Secretary of Housing to subsidize interest rates on energy-conservation loans by private institutions to middle-income borrowers.

FEDERAL CONSOLIDATION OF LOANS

It would also authorize Federal agencies to spend up to $5 billion to buy up energy-conservation home improvement loans from private lenders, thereby replenishing the funds available to make new loans. The Federal agencies would bundle these small loans into large packages and resell them to big lenders, such as insurance companies, that normally do not deal in home loans of a few hundred or few thousand dollars.

In response to requests from New York apartment house landlords, the bill included authority for Federal insurance on loans for the installation of individual electric and natural gas meters in apartment buildings that now have master metering. It is widely believed that tenants in such buildings would use less energy if they paid monthly utility bills directly.

The bill now goes to the full Banking Committee. Like other parts of the Carter energy program, it would then go to an ad hoc energy committee whose mission is to fashion a coherent whole from the various pieces of energy legislation being drafted in the House's standing committees. Ultimately, conflicts between legislative committees would be resolved on the House floor.

REGIONAL CONCERNS ON OIL REBATE

The decision by the Ways and Means Committee against a special debate for users of home heating oil reflected regional considerations and a desire to refrain from riddling the Internal Revenue Code with new special-treatment provisions.

The proposal was viewed as special relief for the Northeast that would be inconsistent with the general tendency of the Carter energy program to induce energy conservation by making energy more costly.

"We would be appropriating taxpayers' money to pay for home heating oil," said James C. Corman, Democrat of California, where nearly all house heating is by natural gas or electricity.

Mr. Corman sponsored the motion to knock out the heating-oil rebate.

The Administration's representatives at the committee appeared to be unperturbed by loss of the heating-oil rebate, which they said had been put into the bill for "equity" reasons.

THREE PLUS ONE

Of the four members who voted for the rebate, three came from the Northeast: James A. Burke of Massachusetts and William R. Cotter of Connecticut, Democrats, and Richard T. Schulze, Republican of Pennsylvania. The fourth was Jim Guy Tucker, a freshman Democrat from Arkansas. He hoped to establish a precedent for a rebate for users of propane, the principal heating fuel in many rural areas.

Al Ullman, the chairman, said he was voting against the heating-oil rebate to avoid just such proliferation. "The tax code will get so complicated," he said.

Simplifying the tax code also figured in a lively and inconclusive debate on recycling the $14 billion a year that would be raised by the crude oil equalization tax approved yesterday. The tax is intended to bring the cost of price-controlled domestic oil up to the cost of imported oil without giving windfall profits to producers.

The tax would be passed on to consumers in higher prices for gasoline and other crude oil derivatives. To avoid a drag on the economy, said Laurence N. Woodworth, an Assistant Secretary of the Treasury, "our concern is that it go back to consumers and go back quickly."

But Charles A. Vanik, Democrat of Ohio, thought that rather than rebate the tax through a small reduction in regular withholding, Congress should provide for a "visible" and "substantial" lump-sum refund once a year. "If you're going to dribble it to the taxpayer through withholding, he'll never be aware of getting anything back," Mr. Vanik declared.

The committee took under advisement a proposal by Mr. Corman to change the rebate formula from the per capita basis proposed by the Administration to a taxpayer basis. Mr. Corman argued, and Mr. Woodworth disagreed, that this would reduce the possibility that some people would collect more than one rebate.

COMPARISON OF REBATES

In a per capita basis, the rebates for each person in a family would be approximately $18 in 1978, $35 in 1979 and $55 in 1980. That would give a family of two adults and three children a rebate of $275 in 1980.

Mr. Corman proposed rebates on a taxpayers basis. The staff estimates were $28 per taxpayer in 1978, $55 in 1979 and $85 in 1980. Heads of households, married couples filing joint returns and adults who qualify for aid to families with dependent children would be eligible for twice these amounts.

The five-person family would get $170 in 1980, or $105 less than under the Administration proposal. Individuals and small families would get more.

Whatever method Congress adopted, the rebates would be a few dollars larger than if part of the tax revenue were earmarked for heating-oil rebates. That was a consideration in defeat of the proposal.

[From the Office of U.S. Senator THOMAS J. MCINTYRE, Washington, D.C., June 16, 1977]

PRESS RELEASE

WASHINGTON.—U.S. Senator Thomas J. McIntyre (D-N.H.) charged today that the action by a House Committee to drop President Carter's home heating oil rebates jeopardizes the President's promise that all regions of the country will receive fair treatment.

McIntyre said Wednesday's action by the House Ways and Means Committee has prompted him to call hearings of the Senate Small Business Committee to determine the impact to residential heating oil consumers Hearing dates will be announced shortly.

"The House Ways and Means Committee removed from President Carter's Energy plan a provision to rebate to residential heating oil consumers increases in price resulting from another part of the legislation calling for wellhead taxes on domestically produced crude oil," McIntyre said.

"This action by the House Committee could result in additional heating oil costs of close to $200 a year to numerous New England household heated by oil." President Carter's Energy Program was designed to provide equitable treatment to all regions of the country, every class of people, and every interest group. In order to accomplish the President's goal of fairness he proposed a dollar-for-dollar refund of his proposed wellhead crude oil tax to each residential user of heating oil.

In explaining this energy program at an April 22, 1977 press conference, President Carter said: "For those who use fuel to heat their homes—oil—at the time they pay their fuel bills, that increase in price will be part of that settlement and they won't have to pay the higher price for fuel as it relates to home heating.

"This is particularly important in the New England states. If we do refund, however, all the wellhead tax which goes on one step at a time for three years, this will bring in enough money to give a credit, a tax credit, by 1980 of about $188 per family."

McIntyre warned that "without the President's proposed heating oil tax credit homeowners will be forced to pay OPEC cartel prices to heat their homes. This will put New England homeowners in a disastrous situation and will place an unfair burden on the Northeast and Midwest regions of the country. "Over time this action by the House Committee will mean that New England homeowners may pay hundreds of dollars a year and would depress our entire regional economy. We in New England are not blessed with indigenous sources of fossil fuel and our only presently available heating fuel source is oil, which must be imported from producing areas of the U.S. or from foreign sources.

"If the House Ways and Means Committee decision is not reversed, then New England is placed in an unfair and inequitable position."

McIntyre, chairman of the Senate Small Business Subcommittee on Government Regulation, said the hearings are intended "to determine the impact of this alteration of the President's energy program on homeowners and small fuel oil retailers."

HUMAN RIGHTS

Mr. GARN. Mr. President, in the wake of recent setbacks in strategic arms limitation talks, there has been a lot of talk that our offer was rejected, because President Carter had said too much about the question of "human rights" in the Soviet Union. I would like to be clearly on record that I, for one, do not believe that. Certainly President Carter's attention to human rights made the Soviets mad, but there is precious little evidence that they have acted any different this time than they always act. The difference has been in our reaction. For once we did not cave in and start offering a weaker position. Nor has President Carter said that he will stop speaking out on the mistreatment of dissidents within the Soviet Union. I commend him for his stand, and hope that he will maintain it.

Beyond that, there are some questions about human rights that I would like to try to answer for myself, in my own mind. I do not suggest that others will come up with the same answers, but I feel some obligation to explain how I develop my own position.

For instance, I am often asked, "How can you condemn the violation of human rights in the Soviet Union, or Red China, and condone it in Chile or South Africa?"

That answer is that I do not condone violations of human rights anywhere. But I do make distinctions, and direct my political energies in terms of those distinctions.

One distinction is that made between regimes which are clearly engaged in exporting revolution and those which are not. For example, Communist Cuba under Fidel Castro is clearly engaged in fomenting rebellion in countries in other parts of the world. The presence of Cuban troops in Angola and Zaire is a clear indication. So also is the Cuban agitation in our own Puerto Rico. Violations of human rights in Cuba must be more seriously protested, it seems to me, than violations of human rights in Argentina, which, whatever it is doing is doing it at home, and not in neighboring countries.

Another distinction that has to be made is between countries which are subject to terrorist-oriented dissent groups, either totally indigenous or encouraged by outside intervention. Anyone who claimed that the Soviet Government is threatened by a band of terrorist Jews, for example, would be laughed to scorn. On the other hand, the Tupomaros in Uruguay clearly can pose a threat to the stability of the nation, and the Government of Uruguay is clearly justified in using more force to maintain order than the Soviet Union is.

A third kind of distinction that must be made is between those countries that limit all freedoms, and those that limit only political freedom. During the years of Franco's rule in Spain, for example, the Communist Party was outlawed, and restrictions were placed on expression of public views in sympathy with that party. However, no attempt was made to restrict speech in other respects, individuals were free to work at whatever jobs they chose, wherever they chose, and whenever they chose. Movement was not limited, and the country was clearly "free." Other countries restrict all freedoms, and not just political freedom. Such a country is North Korea, which is perhaps the most totalitarian regime in the entire world.

These distinctions, Mr. President, are useful to me in making decisions about foreign aid and international relations, and in deciding which object of "persecution" is worthy of what support I can lend. It seems to me that no policy on human rights is going to be entirely consistent, but I think these distinctions are a surer guide to action than the principles of strategic importance enunciated by President Carter. I will be glad to join with other Senators in supporting them.

BANKING, BUSINESS, LABOR INTERNATIONAL COMMUNICATIONS ISSUES

Mr. McGOVERN. Mr. President, banking, business, labor, and the Nation's economic vitality are directly affected by the changing international communications and information scene. It has been said that we are in the "Information Age."

To examine the international implications of that "Age" the Foreign Relations Committee's Subcommittee on International Operations conducted three hearings last week in which we sought to determine the basic underlying international communications and information issues and problems.

The witnesses' testimony offered several insights which I believe will be of interest to Congress as a whole. Therefore, I ask unanimous consent that the opening statement and the prepared statements from the Friday, June 10, hearing be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY SENATOR GEORGE MCGOVERN

Today we conclude a series of three hearings on the foreign relations implications of international communications and information issues.

So far, we have heard nine witnesses discuss the current and future situation in regards to media, national security, human rights, governmental actions—or as some said—inactions, and what this somewhat new set of issues means to the individual.

Today we will hear key witnesses from the fields of banking, business and labor tell what the so-called "Information Age" means to them and the organizations they represent.

These hearings have been designed to take a broad overview of very complex issues—possibly the first time that an attempt has been made to show the interrelationships of several topics which previously have been considered separate subjects.

We have been told several times during the past two days that the U.S. not only does not have an overall international communications or information policy, at the moment there is no drive to develop one. How healthy a situation is this for our economy and for the world's financial system?

With billions of dollars involved here and abroad—millions of jobs—new forms of legislation which affect the banking, business and labor communities—and new technologies and knowledge being created and available for sale or transfer abroad—what are the implications for us? What should we be doing? Where should we go from here?

We have asked our panel of expert witnesses to give us some directions.

They are:

John F. Magee, president of the international consulting firm Arthur D. Little, Incorporated who will give us an overview.

Glenn Watts, president of the Communications Workers of America and one of the nation's most thoughtful labor leaders.

Robert B. White, executive vice president of Citibank, a leading international bank, whose presentation will cover Citibank's viewpoint as well as several issues that are common to all the international banking community.

And finally Stanley Gewirtz, vice president for Pan American World Airways, who will discuss the issues from the vantage point of a communications dependent worldwide corporation.

Each witness will present a short oral statement. At the conclusion of all four presentations we will open the questioning.

STATEMENT OF JOHN F. MAGEE, PRESIDENT OF ARTHUR D. LITTLE, INC.

Mr. Chairman, thank you for your invitation to appear before this subcommittee and to present my views on the implications of international telecommunications development for business.

This is a matter of deep interest not only to companies in the telecommunications industry, but to all businesses and governments with a need for rapid access to dependable information.

International communications is a field where we have the opportunity—and the need—for positive government policies and attitudes:

To foster international telecommunications development, and

To promote the role of the United States telecommunications industry.

In the interests of progress in developing countries, economic efficiency worldwide, and jobs at home.

I believe there are three basic issues to be addressed in considering Federal policy toward international communications development:

First, can telecommunications projects in developing countries be considered high priority investments?

Second, what are the direct and indirect benefits to the United States inherent in establishing a stronger presence in the world telecommunications market?

Third, how can the appropriate branches of government help United States manufacturers and suppliers broaden their telecommunications role?

The issues are interrelated. They cannot be considered separately. Let me cite an example. Arthur D. Little was engaged by an American communications company to investigate the financial and economic feasibility of an earth station for satellite communications in Chad. The term, "earth station," refers to a ground antenna system, to be used in this case for the sending and receiving of international messages via a satellite owned and operated by an international corporation. The antenna itself would be owned and operated by the Ministry of Posts and Telegraphs (the national Chad telephone company), and its cost was estimated at $2.2 million.

Even this relatively small sum was be-

yond Chad's means. The World Bank, which is the international agency perhaps the most favorable to funding telecommunications, considered earth stations to be high technology projects that are low on the priority list.

Private banks considered Chad a poor credit risk, as did Eximbank.

USAID has limited allocation of funds to Chad, which it concentrates on agricultural and rural development.

The real question was: "What does a poor and technically backward sub-Saharan country, twice the size of Texas, with a population of under 4 million and an income per capita of less than $100 a year—what does this country want with a system as sophisticated as an earth station?

It should be added that less than 10 percent of the population is literate, there is no television, and only 5,400 telephones—4,700 of them in the capital. Apart from the justification for advanced telecommunications, what were Chad's projects of operating with a favorable cash flow?

Our two-man team, consisting of a telecommunications engineer and a development economist, made a two-week, on-site study. They found a combination of potentially favorable factors—agriculture, tourism, and mineral resources among them—that could be enhanced by the proposed telecommunications system.

Financially, the earth station would generate enough revenues to pay for itself in five years. Moreover, the Chad ministry of posts and telegraphs was technically and administratively qualified to manage the station.

Why a satellite earth station? Because it would be prohibitively expensive to install land lines for telephone, Telex, radio and television transmissions when a technology that had leap frogged into space during long years of under-development was available.

As a specific instance of direct benefit from an International Telecommunications System for Chad, let me describe briefly the significance for oil exploration activities.

The country's mineral resources include petroleum, which had interested Continental Oil Company sufficiently to send a 30-member exploration team. The virtual isolation of the area meant a delay of many days, sometimes weeks, before geological data sent out of the country could be processed and returned. In the meantime, valuable people and equipment were tied up, pushing costs almost beyond the point where the company can economically continue its activities there. A satellite system would, of course, mean an almost instantaneous relay of data between field and home office, and uninterrupted operation.

I wish that the American initiative in proposing the Chad Earth Station had resulted in an American commercial success. It did not.

The communications company made our findings known to the World Bank, Exim-Bank, and the Overseas Private Investment Corporation. But while these potential sources of funds deliberated, asked for more information, and postponed a decision, the issue was taken out of their hands.

France—which has enjoyed a special relationship with Chad since the days when it was the largest part of French Equatorial Africa—stepped in to finance the project and is building the Earth Station. For very little money, therefore, France is maintaining its influence in this part of Africa, closing the door at least part way on the United States.

I have gone into this much detail on Chad because it typifies the divergent thinking on whether telecommunications can be considered a high priority investment for developing countries—and of the potential benefits to the United States in establishing a telecommunications presence in a developing country.

A similar situation exists right now in Sierra Leone, where a contract for an Earth Station is being held up by difficulties in obtaining financing.

Traditionally, telecommunications has been viewed as an outgrowth of a solidly established industrialized society whose vitality generates an increasing need for messages between and among businesses and individuals. There was some justification for this assertion in the past. By this measure, however, Third World nations would be largely excluded from the ranks of those that should be putting priority on building their telecommunications capabilities much beyond their current levels. For, by the traditional yardstick, telecommunications follows industrial development, rather than precedes it.

This is now an outmoded thesis. It has been rejected by the less-developed, as well as the developed, nations. There is growing recognition today of telecommunications more as a precondition than a consequence of industrial and social development.

Low per-capita telephone density traditionally has been regarded as a symptom of low economic development, but now, many of us believe the symptom has become ingrained and should be counted as one of the major causes of underdevelopment. Telecommunications technology provides a key element in building the infrastructure essential to the development of a viable economy.

Our government, in its policies and its practices, appears to hold to the traditional attitude. USAID, for example, believes it is more important to build ports, a highway system, promote agriculture—all of which are essential and desirable. The agency does not help fund high-technology telecommunications projects in developing nations. Others, and this is a view I strongly share, believe that in today's world, telecommunications is an essential in building an infrastructure. We believe also that telecommunications investments provide more reach per dollar than other investments in bringing people up to the last quarter of the 20th century. A telecommunications system makes it possible for a developing nation to establish connections with the outside world. In our information-oriented world, this is essential. Without such connections, many poorer nations have little chance of developing viable economies able to compete in the world marketplace.

Developing countries see the need for modern communications and the impact is dramatically evident. Whenever I visit the Middle East, for example, I am impressed by the enormous social and political impact of telecommunications in that part of the world. It seems as though every Arab has a transistor radio. And Riyadh, which once seemed so remote, now is just a phone call away. The telephone, Telex, and ultimately television, exchange between here and Saudi Arabia is creating an entirely different climate for international understanding, cooperation, and trade.

Saudi Arabia has recognized telecommunications as a key building block in creating a sound infrastructure for economic growth. Its second five-year plan calls for a 30 percent per annum growth in telecommunications, and six billion dollars has been budgeted for the purpose over the next several years. The best and most suitable of telecommunications technology is available to that nation, and it is planning to install a combination of both proven and advanced systems.

An important element in the system will be Saudi's contribution to the construction of a regional satellite system—Arabsat. The design of Arabsat will cover every Arab nation and more than 95 percent of the population. The system is considered especially important because it will help bridge the shortage of instructors to train workers in skills that are in great demand throughout the developing Arab world. Arabsat also will help alleviate the shortages of qualified physicians and medical specialists which plague all developing countries by putting medical personnel in two-visual and voice communication with community centers and clinics.

Other developing countries do not have the current wealth of Saudi Arabia. Nevertheless, they see the immediate need for communications for their long-term benefit.

In southeast Asia, for example, five non-Communist countries represent a combined population of some 245 million and a gross national product of 80 billion dollars. These are Indonesia, Singapore, Malaysia, Thailand, and the Philippines.

Their assets include vast natural resources, excellent labor draw, relatively stable governments, favorable attitudes toward the United States and foreign investment, and the strategic location for entry into the potentially enormous market of mainland China.

Malaysia has already articulated telecommunications plans of an immediate nature, and Indonesia and the Philippines for the longer term.

Unlike Saudi Arabia, most of these nations cannot finance their telecommunications developments in conventional ways. They require special financial packages, that is loan agreements, usually with delayed payment terms that provide time to get their communications systems—and their economies—on a paying basis. The price of the equipment and the interest on the loans—items we are accoustomed to looking at in estimating costs—are only secondary considerations. The perceived manageability of the financial package is the overriding factor.

The Japanese government recognizes this. So do the governments of West Germany, Sweden, and other European nations where telecommunications suppliers compete aggressively with American companies for world markets.

This point brings me to my second issue: Is it in our national interest to foster international telecommunications development?

For a number of decades Arthur D. Little, Inc., has performed professional consulting, research, and development services for clients throughout the world.

Last year, our staff worked in some 49 countries on six continents. We know at first hand how fast the world is shrinking, and how the interdependence between nations increases. Like it or not, the world economy is more integrated than it once seemed. We depend on each other for resources—minerals, metals, machinery, and labor. We depend also on easy, rapid access to data about available resources and shipping capacity to move those resources. Without such data, the productivity and well-being of our people and of the economy are severely hampered. This nation's own economic health is dependent not only upon that of other nations, but also on our ability to communicate with them.

Besides the indirect economic benefits of telecommunications improvement, the production and sale of communications equipment as a major export business we may let slip away.

The United States leads the world in telecommunications technology. There is available today an incredibly rich mixture of telecommunications hardware and software options developed by U.S. industry and government agencies. Satellite technology enables us to bridge vast distances and overcome difficult environments to bring remote corners of the world in touch with urban centers. The growing fiber optics technology already has demonstrated exciting potential. These and other developments could lead to additional expansion of person-to-person

communications, business-to-business communications, communications between business and individuals, between governments and individuals, or between government agencies.

Yet U.S. suppliers operate under extreme competitive disadvantages in marketing their telecommunications products abroad. Our share of the total export market for telecommunications equipment declined from 25.6 percent in 1969 to 19.7 percent in 1974. And the decline continues.

American manufacturers, for the most part, offer lower prices than their counterparts in Europe and Japan. There is, however, no telecommunications product manufactured in the United States that industrialized countries elsewhere cannot duplicate.

European and Japanese suppliers are attacking our lead in the design and manufacture of telecommunications products. Some countries learned in and from the United States and then barred us effectively from doing business within their own spheres. Other governments are actively supporting their telecommunications industry's marketing efforts.

These governments recognize that the marketing of telecommunications differs from other export efforts. The nature of the equipment and systems is such that an initial sale almost inevitably assures large follow-on sales, so that access to the market is effectively limited for manufacturers from other countries. The marketing of telecommunications equipment abroad is unique also in that sales are nearly always made to governmental agencies and entail, in addition to the capital products, the training of native personnel, who thereby become familiar with the supplier nation's products and culture.

Let me give you some examples of the government support foreign telecommunications manufacturers get when competing for contracts. The Japanese Government prepares special loan agreements for its manufacturers to present along with their proposals to sell equipment to a developing country. In effect, the Japanese supplier walks in with both a bid and a means for paying for the equipment over a very long term. If the purchasing nation has strong potential and continues to buy Japanese goods, the interest rates are low. In some cases, the purchaser is given several years grace before any payments are expected.

A fairly common practice among western European companies is to go into developing countries and set up telephone production plants for them. The deal is quite simple. The company goes in, sets up the production lines, provides all the plans, techniques, and know-how for producing basic equipment such as telephone instruments, cables and switches, and sets up a local company. The European parent company makes an arrangement whereby it will own that company for a short period of time and gradually turn it over to the government of the developing country. For these efforts, the government agrees that all telecommunications equipment purchased in their country must be purchased through the company set up by the western European manufacturer. In addition, should any equipment be needed which is not made by the factory, the company will have the opportunity to place an order through its "founder" in the western European nation. The government of the western European nation then agrees to make annual loans to the government of the developing country on a long-term, preferred loan basis. These loans are to be used specifically for purchasing telecommunications equipment. That type of competition is very hard to beat.

Low interest rates and extended terms are part of the export packages German, Swedish, Japanese, and even South Korean telecommunications equipment manufacturers can offer, but which American suppliers cannot. Those nations' policies look to the longer term, when the very systems and products they sell today under such favorable conditions, help generate the future cash flow to pay for themselves.

Contrast these aggresive programs with our own passive, or even antagonisitic, policies and attitudes.

Not only is there no direct financial and promotional support, but our telecommunications export business also is forced to work in the face of other indirect barriers—barriers that suggest antipathy or downright antagonism toward export development. As just one example, consider our personal income tax laws. For a telecommunications engineer resident in a developing country, living conditions are not only difficult but expensive. Whether the engineer is American or from another country, his employer frequently must provide allowances to cover housing and extra costs of living, tuition for children where there are no western schools, and travel home.

Under U.S. tax laws, these essential allowances are treated as income and must be "grossed up," effectively doubled; other countries permit their citizens to treat these allowances as cost reimbursemets. This makes the cost of an American engineer resident abroad substantially higher than that of comparable personnel from other competing nations. As a result, American engineers and advisors working abroad are being displaced by other nationals. The American competitive position in developing countries is being eroded because engineers and advisors tend to favor equipment and systems with which they are most familiar—which most of the time means from their native country.

It seems to me, the time has come to review long-held biases and to bring our telecommunications export policies in line with the current realities of the world market.

Every foreign sale of American high-technology or heavy-industrial systems lays the foundation for add-on business in the same or associated areas.

Every group of American technicians overseas trains a generation of foreign technicians. This is a kind of technology transfer that creates a continuing demand for more of the same systems, or their successors.

For every such sale we lose to another country, and for every American technician who does not serve as a technological ambassador, our base of foreign trade is eroded, jobs at home are wiped out, and an opportunity to impart understanding and respect for American culture is lost.

STATEMENT OF GLENN E. WATTS

Mr. Chairman, my name is Glenn E. Watts and I am President of the Communications Workers of America, an AFL–CIO union which represents more than 600,000 working people in collective bargaining. More than 90 per cent of CWA's membership is directly involved in our nation's telecommunications industry.

I would like to commend your initiative in holding these hearings as they reflect the Subcommittee's awareness that the global reach of communications technology is playing an increasingly vital role in our interdependent world.

As the United States embarks upon the third century of its experience as a democracy, we should take pride in the fact that such technological innovations as the telegraph, the telephone, the phonograph, the radio and television, all of which have contributed to making our planet a "global village", are the products of American ingenuity.

The late 20th century poet Ezra Pound once called artists "the antennae of the race". In a similar way, our communications media are mirrors of our national consciousness.

Mr. Chairman, I know that your special concern today is to explore the implications of international communications for American foreign policy.

The essential underpinning of an international communications policy should be a commitment to the proposition that the world should be an open marketplace in which information and ideas can be freely exchanged, unrestricted by international censorship. The only exceptions which should be countenanced apply to publications or messages advocating treason or insurrection against a government and urging the taking of a life or threatening harm against an individual.

The glaring reality of present-day international communications, however, is that the governance of the flow of ideas has become highly politicized, especially between the Western nations and the Communist orbit and between the West and the emerging countries of the Third World. Nevertheless, we must avoid the pitfall of applying a "double standard" in the exchange of information. That is, we must not champion an open communications policy for domestic consumption in the United States and simultaneously acquiesce in efforts to stifle the exchange of information in the international arena.

Moreover, because of our objection to broad-based censorship, we reject the new concept of "information sovereignty" which is now being promulgated by some Third World nations. Indeed, this idea flies directly in the face of President Carter's emphasis on human rights as the cornerstone of our foreign policy. As a general principle, the right to exchange information should be available to people throughout the world regardless of their nationality, faith or political belief.

Similarly, as communications workers and as Amercans, we disagree with the charge of "cultural imperalism" leveled by the Soviet Union against the United States.

The Soviet Union voted in the affirmative when the Universal Declaration of Human Rights was adopted unanimously by the United Nations in 1948. Article 19 of that document proclaims:

"Everyone has the right of freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information through all media and regardless of frontiers."

Yet from personal experience, Mr. Chairman, I know that the Soviets make it difficult for Russian Jews to communicate freely over the telephone.

Two years ago, I placed a telephone call to Vladimir Slepak, a Jewish radio engineer who had been harassed by the KGB because he desired to leave the Soviet Union. Although I had made arrangements with Mr. Slepak well in advance to receive my telephone call, I was able to speak with him only after vigorous insistence on my part, and even then our conversation was frequently interrupted at the Soviet end of the call.

Perhaps as no other incident in recent years, that call to Mr. Slepak drove home to me that when communications are silenced, censored or threatened, the door is opened to discrimination, repression and tyranny.

Because of the kind of interference illustrated in the Slepak case, it is vital that just as we maintain a "hot line" between Washington and Moscow to deal with government-level "emergencies", we should also maintain what direct communication lines we can to the people of the Soviet Union.

Mr. Chairman, since this portion of my

testimony focuses on international communications as a fundamental human right, and because of your special commitment to civil liberties, I would like to call to your attention here today that at least 283 trade unionists in 21 countries around the world are imprisoned or have disappeared because they dared to speak out freely against the oppressive regimes in their natives lands.

Among these are three brave leaders of telecommunications unions. The three imprisoned telecommunications union leaders are:

—Henry Martinez Lopez, national leader of the Federation of Telephone Workers of Cuba, who is serving a 20-year sentence.

—Mrs. Sri Widjajanati, a member of the Postal and Telecommunications Workers' Union of Indonesia, who has spent the last nine years in prison.

—And Mrs. Satijah, a 30-year-old member of the same Indonesian union, who has been in prison for the last eight years.

Mr. Chairman, because the plight of trade unionists who are imprisoned around the world has received scant attention, I ask your permission to submit as an addendum to my statement a recent study illuminating this issue, compiled by Amnesty International.

I wish to turn now from human rights to a different aspect of international communications, the rapid growth and development of new technology. This rapid expansion has important implications for American trade policy.

Specifically, I would like to alert you today and warn the Congress that the increasing flow of telecommunication imports into the United States imperils the jobs of members of the Communications Workers of America.

I wish that I could give you and the Subcommittee a detailed, statistical analysis of the amount of foreign telecommunication equipment, coming from Japan and European countries, that has entered the United States in recent years. We have tried to get information from the United States International Trade Commission on this matter, but some of it is classified as confidential, although we do not understand why this should be regarded as an official secret.

Besides the secrecy label on some of the data, the information which is available is so difficult to interpret that a crying need now exists for improved U.S. statistics on these imports. It would appear that at present neither the U.S. Government nor interested unions such as ourselves can obtain adequate statistics in sufficient detail on the scope of this importation.

A comprehensive but clear, concise system of reporting on these imports is imperative.

Moreover, we are not even sure that the International Trade Commission defines "import" properly. The Oki, Hitachi and Nippon Electric Companies of Japan have plants in the United States which assemble parts that are imported into our country. The assembled units then become "domestic production" and escape the scrutiny of the International Trade Commission on "imports". The ITC claims that 50 per cent of the worth of the products is "value added" in the assembly process in our country and that therefore these are not imports.

This strikes us as a perverse form of "new math" which postulates the unusual hypothesis that the whole is greater than the sum of its parts.

Mr. Chairman, the CWA feels so strongly about the need to probe the murky area of telecommunications imports that the Union may initiate a Freedom of Information lawsuit to obtain a picture of the scope of this activity.

By contrast to these foreign manufacturers, the Western Electric Company, America's largest domestic telecommunications producer, has been reluctant to enter the international telecommunications equipment market. We think Western Electric should offer its goods outside the country.

I want to emphasize that I am an internationalist, not a Hawley-Smoot protectionist. Because of this orientation, I believe that the solution to this part of the problem may be for the United States to provide for parity of treatment at the point of entry.

European nations and Japan *do* erect tariff and non-tariff barriers to protect their domestic industries from competition from outside sources of supply. Why shouldn't such treatment be reciprocal?

In the slack economy of recent years, we have experienced unprecedented layoffs in our industry. "Job retraining" is not the answer to the displacement of jobs of America's telecommunication workers.

Perhaps it would be in the national interest for one of the committees of the Congress to assert jurisdiction over this subject matter. At present, the taxation committees of Congress are concerned only with the revenue implications of import duties. The commerce committees are concerned with the flow of goods in the marketplace. The labor committees do not have the jurisdiction because of the international scope of this problem.

I hope that your Subcommittee will give this proposal serious consideration.

The need for a clear assignment of jurisdiction in Congress on this matter is paralleled in the Executive Branch. We do not have a specific government agency responsible for formulating American policy on international communications.

Reminiscent of the "shotgun" approach to energy policy in recent years, the management of international communications policy is divided in a crazyquilt, piecemeal manner among the Federal Communications Commission, the Department of State, the Office of Telecommunications Policy in the Executive Office of the President and the Office of Telecommunications in the Department of Commerce.

Although the FCC is not authorized under its enabling mandate, granted by Congress, to negotiate with representatives of foreign nations, its decisions with respect to the authorization of satellite and submarine cable construction and use can have a profound effect on American foreign policy.

Similarly, the State Department is charged with the responsibility for engaging in negotiations with other nations concerning a wide range of communications issues such as those arising in the World Administrative Radio Conference and the proposed international maritime satellite organization (INMARSTAD). State also instructs COMSAT on positions to be taken in INTELSAT meetings as the result of a delegation of authority granted by the Congress under Section 201(a)(4) of the Communications Satellite Act.

The State Department is placed in a regulatory straightjacket, however, when it comes to authority over international carriers of telecommunication facilities.

Moreover, on Pennsylvania Avenue nearly equidistant from the State Department and the FCC, the Office of Telecommunications Policy located in the Executive Office of the President was given the responsibility under Executive Order 11556 for coordinating interdepartmental activities in the area of international communications. OTP, however, unlike the FCC or the State Department, is simply serving as a "traffic cop", lacking any authority to negotiate on its own on behalf of the United States.

We need to take a serious look at ways of establishing a coordinated approach on the part of the various entities involved in overseeing international communications policy.

Mr. Chairman, as a final thought, I believe we should never forget that a strong relationship exists between a nation's value structure and the way it preceives the uses of communications technology. For as the technological extension of man, communications media can serve as a conveyor belt of tremendous evil as well as a transmission system for the public welfare.

During the Nuremberg Trials following World War II, former Nazi Armaments Minister Albert Speer spoke on how the Hitler government had effectively employed the nation's communications media to shape life in Germany. Said Speer:

"The telephone, the teleprinter and the wireless made it possible for orders from the highest levels to be given directly to the lowest levels where, on account of the absolute authority behind them, they were carried out uncritically."

As we leave our bicentennial era, we are also approaching the year 1984. Whether the world arrives seven years from now at the doorstep of the Orwellian nightmare or emerges into the light of a genuinely free international order may, in part, depend on our adherence to free and open international communications as a means of frustrating that dark dream of tomorrow.

STATEMENT OF ROBERT B. WHITE

My name is Robert B. White. I am an executive vice president of Citibank, N.A. in charge of the services management group. Citibank is an international financial services company with more than 200 branches overseas. The group I manage provides cash management, funds transfer, and securities processing services for Citibank's corporate customers—including all overseas transactions that come through New York. It manages the institution's administrative, management information and accounting services, and plans and develops the communications systems that link our offices and branches throughout the world.

I am pleased to appear before this subcommittee, and I hope my testimony will be of help to you in establishing your priorities for further research and discussion.

This morning I would like to give you some idea why the development of communications technology and the free flow of information across national borders are important to Citibank and other financial institutions engaged in international business. I will describe the conditions which would be most conducive to the fast and reliable transmission of financial instructions and data throughout the world, and raise a few issues that are of concern to financial institutions.

There is no easy way to describe to you the magnitude of the money transactions that banks transmit around the world every day. Perhaps it is sufficient to say that we are living in an increasingly interdependent world, and the growth in international trades testifies to that. Global exports in 1976 were $980 billion, which is 12.6% higher than the year before. A large part of that total was financed through trade credits arranged by banks, and all of it triggered some kind of international financial transaction which depended on the world's communication media.

The essential role of banking in the world economy is to help individuals, businesses and governments obtain credit and move funds in support of worldwide trade and commerce. In addition to lending the money that is required to expand economic activity throughout the world, Citibank and other banks provide a variety of transaction services. One of them is:

International money transfer—the transfer of funds from an account in one country to an account in another country, or the movement of foreign-owned funds within a country.

Other services include:

Foreign exchange transactions;

Letters of credit—which banks provide to assure exporters that the importers' credit is good;

And international collections services—in which we help overseas parties collect funds on drafts, notes or checks drawn on U.S. banks, or help U.S. customers collect funds from a foreign bank.

Today, Citibank provides these and other services in over 100 countries. Our operations have taken on a geographic dimension that was not present a couple of decades ago, when foreign trade was just a fraction of what it is today.

Today's high transaction volumes and geographic spread have introduced communication problems that demand sophisticated technological solutions. Not too long ago, our international business was transacted mainly by mail—with some use of telegraphic services to initiate funds transfers.

But the complexity of international business today places a premium on speed and accuracy. Exchange rates and commodity prices fluctuate rapidly. Competitive bids are made for short supplies. Our customers often need credits or transfers completed and advices issued in a matter of hours, not days.

Consider a representative transaction. A South American company bids on a contract to purchase Middle East oil. They ask a U.S.-based international bank to issue a performance guarantee on their behalf, assuring the availability of the funds. The entire transaction, from the South American company's initial request to the delivery of the guarantee in the Middle East, might have to occur in less than a day's time.

This is why we are primarily dependent on electronic media for international communication, both in providing services to our customers and in administrative communication between our branches. Today, we are using automated systems that rely on cable, telex, and telephone networks. Without them, the timely and accurate execution of our business transactions would be difficult.

Banks needing to communicate between countries depend on various international common carriers for their telephone, cable, and telex services. These include RCA, ITT, and the British firm, Cable and Wireless, Ltd., among others.

For communications within countries, of course, banks rely on the communication companies and the postal, telephone and telegraph administrations within each country.

However, not every country possesses the financial and technical resources to establish the modern telecommunications facilities that are available in the industrialized nations. Internationally, there is wide variation in the nature and availability of communications facilities.

To make sure we could provide fast, uniform, and dependable service to customers around the world, we leased lines to form a private, automated global communications network. We refer to it as Globecom.

Globecom has four switching points tying the system together. The main switching center is in New York, through which most of the East-West traffic passes. In addition, lines radiate from New York to key cities in Latin America and Africa, as well as to major U.S. locations. The other switches are in London, for our European locations; in Manama, Bahrain, for the Middle East; and in Hong Kong, for the far east.

The backbone of Globecom is a series of leased circuits (including satellite transmission) that circles the Earth, and carries telephone as well as cable and teletype communications.

The lines interconnect about 80 of our overseas branches in some 65 countries. We use the leased lines for telegraphic transmissions, in support of the services I mentioned earlier. About 20 of the 80 overseas branches on the network are interconnected by private telephone lines, in addition to the telegraphic capabilities.

Today, Globecom handles about 325,000 transmissions per month. We estimate that 90 percent of our telegraphic traffic and 63 percent of our telephone traffic flows entirely or partly over the system. An advantage of the system, in addition to improving speed and accuracy of customer service, is the relatively constant cost of leasing lines versus paying a per-transmission charge. We plan to reduce our international communication costs and stabilize them.

Citibank is also planning to link to another privately leased international network known as Swift. Swift stands for the society for worldwide interbank financial telecommunications. Its members include about 500 European, Canadian, and U.S. banks in 15 countries.

Briefly, Swift was conceived in 1971 by a consortium of 68 banks from North America and Europe. These banks commissioned a study to explore the feasibility of establishing a private communications network for the transmission of international payments and related messages. The study concluded that such a network was both technically and economically feasible, and the consortium gave the go-ahead for implementation. Swift was thus organized to implement and operate the system on behalf of its membership.

Swift was established as a "not-for-profit" cooperative society under Belgian law in April, 1973, and is wholly owned by the member banks. Shares are distributed according to each bank's anticipated use of the system, but each member bank owns at least one share. Citibank is a charter member of Swift. Swift is a message-switching system with two computer centers—one in Amsterdam and one in Brussels. The system offers a general improvement in convenience and reliability over Telex and mail. It is expected that cost reductions in handling and processing messages will result from standardization and resource sharing.

These background comments have described our participation in international communications.

Now I'd like to briefly mention a few points that we believe are important to effective international communication. First, it would be helpful if the countries of the world would review their policies, laws, regulations, and proposals to eliminate inconsistencies. In particular, we would not like to see requirements by one nation that would make it impossible to comply with those of another nation, and make it difficult for banks to serve their customers anywhere in the world.

Second, we would like to see regulation generally kept to the necessary minimum. As you know, excessive regulation can be a costly business for governments and businesses alike, and it should be focused on the really critical issues.

Third, we believe that international communications will develop best in an environment that encourages the rapid development and adoption of new technology.

There are three specific areas which concern us, where the need for consistent, minimum regulation and new technological development come into play: Communication equipment, communication tariffs, and the privacy of the information being communicated.

When we set up our global communications network at Citibank, we discovered considerable differences from one country to another in the kinds of equipment that are approved for local use, and the transmission speed capabilities of local lines. We have had to use equipment overseas that is incompatible with equipment we use here. The result is nearly always additional cost—and occasionally some technical difficulty—in adapting our systems to complete the overseas link.

The differences in equipment standards between countries today are perfectly understandable. Very few countries have the wide technical choices that are available in the U.S., and few can permit unrestricted technological competition from abroad without endangering their own developing industries. Thus, we have adjusted to these differences, and we will continue to do so.

Nevertheless, we would encourage any international efforts that would eliminate barriers and increase flexibility in selecting telecommunications equipment and transmission technologies. We would like to see agreement on compatible equipment standards, and reciprocal certification among those countries that adopt compatible standards. That would cut down on the long lead times that are sometimes required today for equipment approval by local communications authorities.

I hasten to add that when I say compatible standards, I do not mean standardization. Standardization, because it implies complex and detailed technical conformance, tends to freeze technology in place and discourages further innovation. Rather, what we suggest is the minimum level of equipment quality and systems interface that will allow reliable and cost-efficient international communication.

The question of tariffs imposed on communication services centers on whether actual operating costs, or national policy or other considerations, are the basis for charges levied. For example, one of the intended advantages of Swift is the reduced and stable cost of leasing a shared private line. However, new tariff regulations have been agreed upon by various European communications authorities that would subject shared systems to cost schedules based not on the cost of the line, but on a volume-sensitive per-message basis. These regulations may adversely affect the projected economies of the swift network.

We are in favor of allowing the ability to maintain leased-line, private-circuit networks. And we are concerned that possible moves to price all traffic on a per-message basis may discourage the development of these networks.

Our final point involves the question of who controls all the data that is being transmitted. Who has access—and who should have access—to the information that customers have entrusted to financial service institutions?

One of the keys to the viability of any financial service institution is its willingness to meet the expectation of its customers—individual, corporate and governmental—that the confidentiality of their affairs will be maintained. Confidentiality is a cornerstone of banking throughout the world, and Citibank's internal policy for all of its 165 years has given clear protection to our customers' inherent right to privacy. It is, and will continue to be, Citibank's policy to hold the affairs of its clients in strictest confidence, and not to release information except with the consent of the customer or pursuant to valid legal process.

I might add that in some countries, the policy is mandated by law. Accordingly, we are concerned that any access to the flow of financial information may compromise a bank's ability to adhere to its own privacy policy and to privacy law—in other parts of the world.

There are a couple of practical issues, however, that stem from various countries' legislative efforts to ensure confidentiality. Laws that demand confidentiality are in the public interest. The difficulty with such laws arises when different jurisdictions do more than establish policy, but also dictate operating standards and procedures. Several coun-

tries in the world have already passed, or are in the process of passing legislation to ensure confidentiality.

From the viewpoint of an international organization like Citibank it may be unavoidable that we will be subject to conflicting requirements in our international operations because of differences in the laws of those countries in which we do business.

Some countries, for example, may shortly require full-line encryption of all transactions not only within their borders, but originating within their country and going outside—or coming from outside the country to an account within the country. The country on the other end of the transaction, however, may insist that there be no coding of messages. Obviously, it is difficult to satisfy the laws of both jurisdictions. We hope that any policy the federal government adopts in international communications will encourage the minimization or elimination of conflicting privacy requirements.

I think we can all agree that unimpeded international communication is essential to world trade and economic development. The nations of the world, large and small, developed or emerging, are becoming more economically interdependent every day. Financial service institutions have become heavily involved in cooperative international development, and advancements in communications technology have helped them move financial resources when and where they are needed.

I would like to conclude my comments by stating the principles that guide Citibank's business dealings in the international market:

We must never lose sight of the fact that we are guests in foreign countries. We must conduct ourselves accordingly. We recognize the rights of governments to pass local legislation, and our obligation to conform.

Under these circumstances, we also recognize that we can survive only if we are successful in demonstrating to the local authorities that our presence is beneficial.

We believe that every country must find its own way politically and economically. Sometimes we feel that local policies are wise; sometimes we do not. However, irrespective of our views, we try to function as best we can under prevailing conditions.

Finally, we have always felt free to discuss with local governments matters directly affecting our interests, but we recognize that they have final regulatory authority.

Within these guidelines, we will do all we can to encourage international agreements that will facilitate the development of effective communication throughout the world.

I thank you for inviting me here to participate in these important discussions.

International Air Transportation and International Communications

(By Stanley Gewirtz)

The perception of the U.S. international air transport system as a national communications asset provides several interesting observations:

(1) An insight into the complexity and function of an international route structure.

(2) An appreciation of the commercial, culture and political interchange of a worldwide transportation system.

(3) A realization of the way foreign nations view U.S. commercial enterprise.

(4) A recognition of the vulnerability of private enterprise as the flag transport system operator.

(5) A new awareness of the need for a revitalized national air transport policy with a focus on priorities and objectives.

A route structure 50 years old—at least in origins—is a rare vintage asset. The U.S. scheduled flag structure's lines cross virtually every continent in the world, except Antartica and Greeland for the moment. Pan Am is a true multi-national corporation and it provides some unique opportunities for commercial and cultural interchange. The obvious travel product moves goods and people in a constant flow virtually the world round. But the corporate system that produces this transportation miracle is itself a major communications asset. I'm not speaking of the thousands of miles of communications lines, the world-wide net that was the backbone of the U.S. military effort in World War II. Nor do I refer to the international investment colussus that spawned the Pan Am system. The house that Juan Trippe built is well enough known by now.

Every day 6,000 foreign nationals, more than 20% of our total workforce, go to work in their own homelands. As full fledged employees of a private corporation, we are employing on local payrolls people in the Soviet Union, Poland, South Africa and Kenya, in Hong Kong, Djakarta, Sydney and Soho. They train and travel in each others' countries as well as the U.S. They speak each others languages, as well as English; their identity with the Company is well established and their loyalty and performance during the financial crisis of the past few years has welded even firmer bonds across frontiers, oceans, races and ideologies.

The system links Black Africa with its antagonists in white South Africa—a tremendous link albeit, but the produce and manufactures of Cape Town and Pretoria can be bought in the shops of Kinshasa, Abidjan and Nairobi. We link the black cities of French speaking West Africa with the former English colonies in the East and we have given technical assistance—at one time or another—to new-born flag carriers in Guinea, Liberia and Zaire.

The "North-South" dialogue began at Pan Am in 1927 and that was the axis upon which the Company's commercial success was first made. Latin America, like Africa, remains a key element in the flag system.

"East-West" links from Moscow, Prague, Budapest, Bucharest and Belgrade have placed non-subsidized U.S. private enterprise behind the Iron Curtain. The Internal German Service links occupied Berlin with the other capitals of Europe as well as West Germany.

Yet through the system U.S. carriers compete against subsidized and protected foreign carriers. There is precious little in the way of overt U.S. government support. Abusive user charges for airways and airports, schedule restrictions, arbitrary capacity limitations and unscrupulous rebate practices are daily events. The Fair Competitive Practices Act was passed in 1974 to counter these unfair competitive disadvantages but the act is woefully lacking in enforcement procedures. Our defense in extreme cases where traffic is already thin is *suspension* and that is tantamount to the failure of the system. Subsidy is the last resort but, were it available, it is still not the answer. The burden of routes with commercial potential not fully matured is a routine business overhead, assuming a financially healthy carrier in a fair competitive environment. The proper scenario—in the manner of Arthur D. Little—features independent private enterprise supported by an enlightened U.S. international aviation administration whose sole function is to police the process. The carriers are obliged to provide safe, dependable, convenient air transport at a fair price with reasonable expectations that the calculated risk of their investment will yield sufficient traffic to provide a reasonable rate of return.

There is a U.S. International Transport Policy which needs further definition. Its basic ingredients are:

(1) Recognition of the basic differences between domestic and international air transport. The need for increased domestic competition cannot be translated to the international arena where something akin to economic warfare between flags often flourishes.

(2) Optimum utilization of the scheduled system and the wide body technology. The arbitrary distinctions between service classes and certificate authorities frustrate the demand for operational economies. Charter transfer and domestic fill-up rights will utilize unused capacity.

(3) Enforcement of fair competitive standards by reciprocal action, if necessary.

Summary

A strong U.S. flag system is a major element in the U.S. communications link to the world.

Tourism, trade, business travel and investment are only the more obvious products.

Jobs, export of U.S. business and management techniques, the interchange of employees in a common U.S. company and significant U.S. investment are communication instruments themselves.

The presence of Americans and American business institutions abroad constitute a major line of communications.

The U.S. international route structure is a major national asset even though it was built and is operated by private corporations. Timely action is necessary to preserve its integrity unless we are to lose all but the commercial value of the most lucrative routes.

Pan Am considers Senator McGovern's call for a comprehensive international communications policy to include the air transport network. We can do no better than to echo his question: "Must there be an international crisis to get the U.S. to act on information resources?" That crisis is looming now as the U.K. denunciation of the original Bermuda air service agreement reflects the weakened position of the flag system that built international air service.

CONCERNING SOVIET INCORPORATION OF BALTIC STATES

Mr. DOLE. Mr. President, the month of June marks the anniversary of two tragic events for the states of Estonia, Latvia, and Lithuania. During a 3-day period in 1940—specifically on June 15, 16, and 17—the Soviet Union invaded these three Baltic Republics and forcibly annexed them into the Union of Soviet Socialist Republics. One year later, again in June, the Soviet regime began the first mass deportation of the Baltic peoples to Siberia.

Soviet Incorporation Not Recognized

The United States has remained steadfast in its refusal to recognize the Soviet incorporation of the Baltic States, a position which was reaffirmed by the U.S. Senate as recently as 1976 when Senate Resolution 319 was unanimously passed by this legislative body.

Soviet Violations

Today, however, as the U.S. delegation at Belgrade sits at the conference table with the signatory nations of the Helsinki Final Act, it is important that we remember these infamous acts of aggression and inform the Soviet Union that their actions, both past and present, are the only criteria upon which they shall be judged. Our delegation should not be fooled by rhetoric.

We must remind the Soviet Union of the plight of the Baltic States and the exploitation, Russification, and suppression of human rights and national freedoms which the people of Estonia, Latvia,

and Lithuania have had to endure. We must not forget that in commiting these acts, the Soviets have violated not only the humanitarian principles contained in the Helsinki Final Act, but other international agreements which they have signed including the United Nations Charter and the Universal Declaration of Human Rights.

A COURAGEOUS PEOPLE

We share with the Baltic people their passion for liberty. Who among us cannot sympathize with those who, against overwhelming odds, have courageously maintained their ethno-national integrity. Even after 40 years of ruthless domination, the citizens of Estonia, Latvia, and Lithuania still strive for independence and a release from the Soviet yoke. Their just aspirations will never die. They will pass them on to their children, and, if necessary, to their grandchildren, until someday they too will celebrate their freedom.

Let us pray that their day of deliverance comes soon.

LETTER TO THE PRESIDENT REGARDING BELGRADE CONFERENCE

Mr. HUMPHREY. Mr. President, on June 13, I, along with 40 of my colleagues in the Senate and 53 Members of the House of Representatives, wrote to President Carter to express our support for the administration's efforts to raise the subject of human rights in the Soviet Union at the current Belgrade Conference. We urged the administration to do everything possible to insure that all signatories to the Helsinki Final Act abide by its provisions, and we expressed particular concern over the increased intimidation of Andrei Sakharov and over the cases of Anatoly Scharansky, Yuri Orlov, Aleksandr Ginzburg, Oleska Tykhy, Mikola Rudenko, and other Soviet dissidents who have come under increasing pressures in the U.S.S.R. because of their attempts to monitor Soviet compliance with the Helsinki agreement.

I would like to note for the record that Senators DICK CLARK, MIKE GRAVEL, MARK HATFIELD, and TED STEVENS wished to sign the letter. Unfortunately, when their notification was received in my office, the letter had already been delivered to the President.

S. 790—THE ENERGY ISSUE

Mr. McCLURE. Mr. President, during discussion of S. 790, the Senate may hear considerable talk on the relation between waterway user charges and energy use. It may be argued—inaccurately—that user charges are against the national interests because they "penalize" the most fuel efficient mode of transportation.

In its recent examination of this question, the Congressional Budget Office concluded:

In the eleven reports surveyed by CBO, estimates of energy use for domestic water transportation generally fell in the range of 500 to 700 BTUs per ton-mile, while the usual range for rail freight was 300 to 700 BTUs and 400–500 for oil pipelines.

The Committee on Environment and Public Works received considerable testimony that movements of commodities by rail and pipeline is more energy efficient than barge service. Therefore, if the sole interest of the Congress is to promote energy efficient transportation, it appears as if we should close the waterways entirely. That, of course, is not the purpose of S. 790. Its purpose is to be evenhanded, to encourage balanced competitive growth in the transportation industry.

In a study entitled "Energy Intensity of Barge and Rail Freight Hauling," the Center for Advanced Computation at the University of Illinois found that "rail is 10 to 23 percent less energy intensive than barge." This was based on average train movements involving a few carloads, not necessarily moving in the most direct route. Another study showed that in shipments by a unit train of 100 cars, moving from a single point of origin to a single destination, require 226 Btu's per ton-mile, about twice as fuel efficient as any truck-barge shipment. These studies may not be definitive, but I believe they cast legitimate doubt on any argument on the so-called energy efficiency of barge traffic.

A final point that must be made in relation to all of these studies is the error of making any "ton-mile" comparison. That is a highly unrealistic basis for a review of this issue. Rivers meander. A barge trip between two points, even when the terminals lie along the same river, is invariably far longer in miles than the rail trip between those same points. Differences are far greater for cities located on different waterways, such as from Cincinnati to Chicago.

To give my colleagues an idea of some of these differences that must be taken into consideration when talking we talk of "ton-miles", I ask unanimous consent that a list of several typical river trips, with the rail and barge miles, be included at this point in the RECORD.

Trip	Barge miles	Rail miles
New Orleans to Baton Rouge	140	77
New Orleans to Mobile	166	101
Houston to Pittsburgh	2,104	1,425
Houston to Chicago	1,709	1,205
Baton Rouge to Birmingham	639	355
Chicago to St. Louis	327	284

PONDERING THE HUMAN RIGHTS ISSUE

Mr. McGOVERN. Mr. President, it is difficult to challenge the notion that the United States should champion the cause of human rights both at home and abroad. But to undertake such a challenge places a very heavy burden on us to honor human rights consistently and in good faith.

We certainly failed to recognize even the most basic human rights in our long, brutal, and bloody involvement in the affairs of the Indochinese people. We did not recognize human rights when our secret intelligence operatives were trying to assassinate the leaders of Cuba. We have not advanced human rights when we have given military equipment and training to some of the most brutal regimes in the world.

Beyond these considerations which call for a measure of humility in our efforts to press human rights considerations on other governments, we need to act with prudence in recognizing that we are limited in the extent to which we can determine internal policies in other countries. Heavy-handed, highly publicized, politically motivated efforts in the name of human rights can actually set back the cause of human rights.

Mr. David Broder, the thoughtful columnist and commentator, has dealt with some of these concerns in a perceptive article in the Washington Post of June 15, 1977. I ask unanimous consent that Mr. Broder's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUSHING HUMAN RIGHTS: TO WHAT CONSEQUENCE?

(By David S. Broder)

According to Andrew Young, "the commitment and determination President Carter feels" on the human-rights issue "came as quite a surprise to me." The U.S. ambassador to the United Nations, who is full of surprises himself, makes plain in his Playboy interview that he approves of Carter's making human rights the centerpiece of American foreign policy. But he insists that "the human-rights emphasis by this administration was never really set down, thought out and planned."

If that is so—and there is no reason to doubt it—then such a process is overdue. For, as this week's discussions at the Belgrade conference indicate, the evidence is all too clear that the Soviets have responded to the human-rights offensive by a severe crackdown on their own dissidents.

While American spokesmen are rightly arraigning the Communists for their actions, we cannot escape the duty to ask ourselves whether our government is prudent to treat this issue as it has.

A round table on this subject last week, sponsored here by the National Democratic Forum, suggested to this reporter that the answer is by no means as clear as the administration would make it seem.

Patt Derian, the admirable Mississippi civil-rights activist who has become coordinator for human rights in the State Department, insisted that the United States is obligated by its moral code, by international agreement and by act of Congress to seek worldwide observation of human rights and "we are not going to back down on it." With her customary forcefulness, she argued that the Soviet dissidents "don't expect an army to come, but they need to hear an echo from somewhere" to sustain their own courage.

Derian was supported by Norman Podhoretz, editor of Commentary magazine. He described the human-rights offensive, not just as a humanitarian response to the plight of Soviet dissidents, but as a major weapon in what he called "an ideological confrontation" with the Communists.

By describing it in those terms, Podhoretz illuminated one of the paradoxes in Carter's position. While the editor clearly sees human rights as "a weapon" against the Soviets, Carter himself has publicly proclaimed the

end of reflexive "cold war" anti-communism and has promised a new foreign policy with a different premise. If Podhoretz is right, then Carter may be guilty of reviving the very thing he has sought to bury.

Morton H. Halperin, the former National Security Council staff member wiretapped by the Nixon White House, jumped on this paradox. He declared that "to say we'll press human-rights issues is to declare ideological war on their regime, and to my mind, that means much more repression in the Soviet Union, not much less."

The reason why that may be the case was explained by Jerry Hough, a Duke University scholar on Soviet affairs. His views, I think, are worth considering.

First, he said, there is no question that the United States has the right to champion the cause of the Soviet dissidents.

Russia propagandizes in behalf of American Communists and radicals all the time. And its "whining" about our support for the Soviet dissidents "is very unbecoming for a great power," Hough said.

What we must ask, Hough said, is whether it is wise for us to emulate the Soviets. The Russians champion American dissidents and publicize their supposed "oppression," not in the naive hope of bringing them to power in the United States, "but simply for reasons of internal propaganda . . . to convince their people there is no better alternative to the present system [in Russia]."

"It may be," Hough said, "that our policies are to be understood in the same terms," i.e., as domestic propaganda aimed at "making the American people feel good about their government," and "developing support" for the Carter administration. That rationale is understandable, he said, but not particularly moral.

But, he said, "if, unlike the Soviets," we really want to influence developments in their country, "perhaps we should not emulate the policy the Soviets pursue for other purposes."

Hough said there are two reasons to believe Carter's spotlighted human-rights offensive will be counterproductive, in terms of its effect on Soviet behavior.

First, he said, "we should consider the probability that the more closely the Soviet dissidents and the cause of democratization become identified with the United States, the more effectively the Soviet Union will be able to treat these causes as alien, even treasonable, elements." Of course, just that has happened in the case of Anatoly Scharansky and others.

Second, he said, because the Soviets are likely to perceive the human-rights offensive, not as an expression of America's moral values, but as a power move designed to stir up trouble inside their empire, it is likely to provoke a highly nationalistic and negative response.

His conclusion, worth pondering, was this: If the goal is increased freedom and democracy inside the Soviet bloc, "the crucial thing for the long term is the diffusion of ideological conflict, not ideological war. If we are talking about defense of human rights, we are not playing ego games. We must ask: What are the responsible consequences of our actions?"

S. 1276—TAX STATUS OF POLLUTION CONTROL EQUIPMENT

Mr. HEINZ. Mr. President, in April of this year, I introduced S. 1276 to provide for a deduction of qualified pollution control expenditures in place of the current 5-year amortization provisions in the Internal Revenue Code.

The cost of pollution control, worthwhile though it is, is extremely high. One current survey estimates that the total cost of bringing all of U.S. businesses' existing facilities up to present pollution control standards is $29.2 billion. Unfortunately, this kind of investment is not "productive" in the traditional sense of investment that increases productive capacity, reduces product cost, or otherwise contributes to the economic growth of the company making the expenditure. The 1976 annual report of the Council on Environmental Quality notes that the industries most severely impacted by pollution control requirements tend to be capital intensive, energy intensive, basic industries which have been hard hit by increases in energy costs, and high interest rates. The same study also notes that within an industry, smaller firms are the hardest hit since their average abatement cost is higher than that for larger firms due in part to their inability to achieve economies of scale.

The purpose of S. 1276 is to provide an incentive to install needed pollution control equipment while at the same time ensuring that these kinds of expenditures will not result in disruption to our economic recovery and growth.

I noted with great interest the fact that the Carter administration is looking into a proposal which is very similar to S. 1276. An article which appeared in the June 16, 1977 Washington Star states that a measure to provide for same year expensing of investments in pollution control equipment is under "serious consideration" by the administration. I am most pleased to learn that this is the case, since this is a measure which I believe has great merit.

Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LARGE TAX BREAK EYED FOR BUSINESS

(By Lee M. Cohn)

The Carter administration is considering a big new tax break to help business pay for antipollution equipment and other investments required by federal laws.

When the government compels a company to spend money for such "nonproductive" purposes, perhaps the company should be allowed to write off the outlays against taxable profits immediately, two key officials said yesterday.

Bert Lance, director of the Office of Management and Budget, and Laurence N. Woodworth, assistant secretary of the Treasury for tax policy, told the Senate Finance Committee's subcommittee on taxation that the idea is being studied seriously in connection with the administration's preparation of a tax reform program. They avoided any commitment on this and other tax issues.

When a company builds a new plant or buys new machinery and equipment, it normally is not allowed to deduct the costs from taxable earnings right away. Instead, it must spread the deductions over a number of years supposedly related to the useful life of the plant, machinery and equipment. This is called depreciation.

By contrast, purchases of goods that are used up quickly, such as fuel, are "expensed"—deducted from income in the year of the outlay.

Existing law permits rapid depreciation or amortization of some kinds of investments, generally as an incentive. For example, outlays for antipollution equipment in many cases can be written off in five years.

Fast writeoffs defer taxes and often reduce taxes permanently.

Woodworth and Lance were asked at yesterday's hearing whether it would make sense to permit faster depreciation or even same-year expensing of investments "mandated" by the government, such as antipollution and safety equipment. They said the idea is under serious consideration.

This kind of investment is "nonproductive," in the sense that antipollution equipment does not increase the output of a factory or reduce production costs, Lance said. Furthermore, he said, these investments cut into the pool of capital available to expand and modernize plants.

Fast depreciation or immediate expensing would reduce the net cost of the outlays, and would help to offset the drain on capital by allowing companies to retain more after-tax cash for productive investment.

Emil Sunley, Woodworth's deputy, estimated that immediate expensing of capital outlays mandated by the federal government might cut business taxes by $2 billion to $5 billion in the first year.

Woodworth listed some of the other tax incentives for business investment that are being considered by the administration, but he did not indicate which ones President Carter may recommend. No decisions have been made, he and Lance emphasized.

VERMONT'S "TOOTH FAIRY"

Mr. LEAHY. Mr. President, with health care costs rising at an almost geometric rate, it is always heartening to see innovative delivery programs develop and flourish that do not require massive amounts of money but do reach out to large numbers of people.

Vermont's "Tooth Fairy" program is such a success story. The project was designed to improve the oral health of Vermont's schoolchildren, only 50 percent of whom had seen a dentist by their 15th birthday. Thanks to the passage of comprehensive children's dental health legislation to fund the program, the State now helps to pay the dental bills of even nonwelfare children who need financial help. Onsite visits by dental hygienists to schools and day clinics are gradually helping to overcome psychological and other obstacles to good dental care.

The State can point to this program with pride as an outstanding example of what private citizens, State government, government agencies, health care professionals, and private organizations think we in the Federal Government can learn from their example.

Mr. President, I ask unanimous consent that an article from Dental Products Report describing this innovative program be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PREVENTIVE DENTISTRY TODAY

VERMONT—A STATE TO LOOK TO FOR BETTER DENTAL CARE

If you still think of Vermont as a bastion of rock-ribbed conservatism and Yankee resistance to change, it's time to revise that image. For Vermont has forged far ahead of any other state in the nation and is offer-

ing a dental care program that reaches out to *all* its children.

Dubbed the "Tooth Fairy" program, this progressive and intelligently planned project was designed with one thought in mind—to improve the oral health of Vermont's youngsters. According to studies done in the early 1970's, only 50 percent of Vermont's school children had seen a dentist by their 15th birthday. Ignorance, apathy, fear, and financial strain—bugaboos all dentists are familiar with—had to be attacked, one by one, before the situation could improve.

First, the most tangible barrier to good dental care—financial hardship—was met head on by the passage of comprehensive children's dental health legislation funding the Tooth Fairy program: the state now helps to pay the dental bills of even non-welfare children who need financial assistance. Other obstacles to dental treatment also are gradually being overcome as hygienists go into every school to screen children needing treatment, teach basic dental routines, and dispel fear and apathy. They also visit day-clinics, where contact with children *and* their families is being established.

Tooth Fairy—a cooperative venture

This progressive program, of course, did not develop overnight, nor singlehandedly. The Tooth Fairy program is a too-rare instance of private citizens, government agencies, state government, professionals, and private organizations meshing their expertise for the common good. Perhaps the most "magical" feature of this almost fairy-tale enterprise is that there's an on-going happy ending for all concerned.

The program's beginnings date back to 1968 when Dr. John Long became Dental Division Director of the Vermont State Health Department. He admits he was "appalled" at the number and the severity of unmet dental needs among Vermont's child population. Immediately he began collecting, collating, and publishing data to bring the problem to the attention of the communities and the government. He found that 40 percent of the school children urgently needed dental care, and that 50 percent had some form of periodontal disease. "All this was discovered by just a visual screening," Dr. Long explained, "without x-rays or thorough examinations."

Jay Breines, then a Health Affairs Specialist with the Vermont Public Interest Research Group, elaborated: "Vermont has a low per-capita income, and the expense involved in dental care is a major impediment to those seeking treatment. Many 'low-middle' income families had come to think of a visit to the dentist as a luxury."

From 1968 study to 1974 action

Building on Dr. Long's information. Breines was able to document the urgent need for a statewide dental program—and the stage was set for implementation by the Vermont Public Interest Research Group. This student-funded organization originally formed as a result of a talk Ralph Nader gave in 1969 at the University of Vermont. The Group adopted the Long/Breines studies as a basis for action and presented a fully-developed plan to the State Legislature. Brian Burns, then a member of the State House of Representatives and later Lieutenant-Governor, enthusiastically endorsed the proposals. With his support, The Children's Comprehensive Dental Health Program, authored by Breines, was passed in late 1973, and on January 1, 1974, the Tooth Fairy came into being.

Under the bill's provisions, eligibility for the program was established on a realistic sliding scale, as was state funding. Children of families with an annual adjusted income of under $8,750 are eligible, with a $750 deduction for each dependent. Thus, a family of four with an income of approximately $10,000 could receive help from the Tooth Fairy—and about 60 percent of their children's dental bills would be paid by the state.

At Dr. Long's request, funding also was provided for a school dental hygiene and referral program, and he was able to double his staff to its present number of eight registered hygienists.

'Red tape' is bypassed and dentists support the program

One of the Tooth Fairy program's most enlightened features is its method of outreach. Bypassing the bureaucratic maze of Medicaid, Vermont residents are simply mailed an application for eligibility along with their State Income Tax Form, thus insuring a uniformly wide distribution.

Such a lack of red tape characterizes the program in all its workings. In spite of "set fee" and "prior approval" requirements, the Tooth Fairy program has the enthusiastic support of more than 95 percent of the state's dentists. Indeed, as the architects of the program planned, the Tooth Fairy has "acted as a magnet" to draw more and more dentists to Vermont. In the six years since 1970, 141 additional practitioners have been licensed in Vermont; during pre-Tooth Fairy years 1950–1970, an average of only 10 new dentists per year opened a practice in the state.

The program has brought other "ripple effect" benefits to dental care in Vermont. Thanks to the new financial stability provided by the Tooth Fairy's funding, a privately sponsored, non-profit Vermont Dental Care Program has been able to expand and open dental clinics in the more remote areas. The two programs complement one another as Vermont Dental Care, for example, trains "outreach" personnel to carry the Tooth Fairy in-school program directly into the home. In rural and isolated areas, this "whole family" approach has proved particularly valuable.

Medicaid utilization also has increased, and Breines attributes this in part to news media coverage of the Tooth Fairy program, which has resulted in a heightened awareness of dental needs. It is easier now for low-income families to accept Medicaid, knowing that middle-income families are enrolling their children in the Tooth Fairy program," he added.

The goal—reach all under 18

Today, with both Federal and private dental programs blossoming, with dental education reaching every school and many homes, and with treatment being made available to a whole new population—the children of the "working poor"—the Tooth Fairy might well feel satisfied, and willing to "freeze" the situation. But such is not the case.

Originally, the Tooth Fairy visited kindergarteners through sixth graders, but the program has been enlarged yearly. Now aid is available to youngsters from birth through the ninth grade. "And eventually we hope to reach everyone under 18," states the indefatigable Dr. Long.

This projected increase in coverage will be yet another example of the program's highly visible success. Since the Tooth Fairy's arrival in 1974, there has been a 44 percent decrease in children's unmet dental needs. Referrals from schools have been cut in half, and the percentage of treated teeth has increased by 52 percent. In 1975 alone, 300 cases of malocclusion were treated, and currently 20,000 children are enrolled in the program. In addition, under Dr. Long's direction, more than half of Vermont's population now enjoys the benefits of fluoridated water.

As each year passes more and more children are enjoying the many blessings of this "tooth fairy godmother." Who can say that hard work, thoughtful planning and idealism are not the "secret ingredients" of magic and wonder-working?—*Jeanne Carr, Staff Writer*

BISHOP JOHN NEUMANN—AMERICA'S FIRST MALE SAINT

Mr. KENNEDY. Mr. President, Bishop John Nepomucene Neumann, the first male saint from the United States, will be canonized by Pope Paul this Sunday. His parishioners called him "the little priest." He stood only 5 feet, 4 inches tall. He was a shy immigrant from Bohemia, but his quiet accomplishments made him a giant of a man.

Father Neumann went on to become the fourth bishop of Philadelphia. He was a tireless man who traveled by buckboard throughout his vast diocese. He was, most of all, a true friend of the poor and the sick.

Mr. President, an article in yesterday's Catholic Standard outlines the extraordinary life and achievements of Bishop Neumann for the working people of this Nation. I would like to bring this article to the attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Catholic Standard, June 16, 1977]

FIRST U.S. MALE SAINT: A MISSIONARY AND BISHOP

(By Fr. James J. Galvin, C.SS.R.)

(On Sunday Pope Paul will canonize the United States' first male saint, Bishop John Neumann. The following article highlights one aspect of the life of this remarkable man who began his priestly service as a missionary and went on to become—reluctantly—the fourth Bishop of Philadelphia.)

On a windy January afternoon in 1860 a man slumped to his knees on residential Vine Street in Philadelphia, a few blocks from Logan Square and the new cathedral. Passers-by rushed to his aid. Gently they carried him into the nearest house, not knowing who he was. The dark clothing indicated that he might be a cleric. Someone summoned a priest. Before the priest reached the scene, the man was dead. The man was the Bishop of Philadelphia, John Nepomucene Neumann, C.SS.R.

All in all, it had been a long journey—the 48 years of this unassuming little man in the frayed black suit and worn shoes. All his life he had literally been on the go. All his life he had been in a hurry; he had made a private vow never to waste a moment. All his life, too, he had wanted to be a scholar, but he had little time to read.

As Bishop of Eastern Pennsylvania, with Delaware and some of Jersey included—such was the Diocese of Philadelphia in the year 1852—John Neumann spent half his days traveling by buckboard, coach and canal-boat, on the pastoral visitation of his sprawling diocese—lush farmlands, grimy coal towns, seaside and mountain places.

The visitations were, for all practical purposes, strenuous four-day missions. The Bishop taught catechism to the children. He sat hearing confessions till the last had gone home. He preached to the adults. After that, he went out to visit the sick—going on foot.

In Philadelphia he walked from Moyamensing to Northern Liberties, walked Market and Mulberry Streets, and down to the Delaware docks. He was walking on Vine Street on his way home to Logan Square, the afternoon he died. Not that he was averse to horse-cars!

But poor men used shoe leather and at heart he was still a religious with a vow of poverty. John Neumann had been an obscure Redemptorist until the March morning of 1852 when they put the crozier into his reluctant hand.

Parts of his story ring like a plot from Horatio Alger. A poor Bohemian immigrant, he arrived in New York with a dollar in his pocket and a dream in his heart. The dream was to work as a missionary in North America. When he landed at Staten Island in 1836, he was not even a priest. The previous year he had completed his studies at Budweis and Prague.

A month after his arrival he knelt before Bishop John Dubois in Old St. Patrick's Cathedral on Mott Street for ordination. A week later, he was pastor of a piece of Western New York as big as his native land. After four years of pioneering along the Niagara frontier, hiking through the dark woods around Buffalo, the call of a religious vocation summoned him elsewhere.

Down to Pittsburgh he went to commence his life as a Redemptorist in the first monastery of that religious order in America. The first "Sons of St. Alphonsus" had traversed the Great Lakes area for seven busy missionary years. Then, in 1839, a Redemptorist community was permanently established at St. Philomena's parish in downtown Pittsburgh. But instead of the quiet, ascetical respite from pastoral activity which he anticipated as a novice, Father Neumann found himself constantly on the move because of the need for zealous priests.

Take a pencil and trace it on a map. Set your point on the Great Lakes near Buffalo. Draw a circle to Pittsburgh, to Baltimore, to New York's East Side, to Rochester, to Buffalo, back again to Rochester, then up to the forests of northwestern Ohio, a town called Peru; down to Steubenville and Wheeling, then back along the National Pike to Baltimore, to complete the circle. This was the "solitude" of John Neumann's Redemptorist novitiate—an apostolic journey of some three thousand miles.

Father John Neumann, C.S.S.R., was professed in Baltimore at the Church of St. James on Jan. 16, 1842. Once he had made his vows as a Redemptorist, travel became part of his order of the day, on frequent missionary trips to the German settlements of Virginia and Maryland and Pennsylvania.

He knew Harper's Ferry a decade and a half before John Brown. He roamed the Shenandoah Valley; he said Mass in Frederick long before Barbara Fritchie challenged Stonewall Jackson's "Boys in Gray." Baltimore's new cathedral of Mary the Queen commemorates in stained glass the labors of Father Neumann among the Germans of that Archdiocese.

After two years as a Redemptorist in Baltimore, the Redemptorists chose him Superior of their parish in Pittsburgh. He built a large stone church there in Bayardstown at the base of what is today the Golden Triangle. The task was not an easy one, for his people were, for the most part, poor German immigrants unable to give little more than the work of their hands. His health cracked under the strain. Summarily he was recalled to provincial headquarters in Baltimore, relieved of his pastorate.

But two weeks later, a letter unexpectedly arrived from Europe appointing Father John Neumann Superior of all Redemptorists working in the United States. That was in 1847. Because of his position and because of the vehemence of Nativists, the following year Neumann became a citizen of the United States. His duties entailed more travel. And after he was consecrated Bishop of Philadelphia, in March, 1852, his travels became more frequent than ever and continued incessantly till the eve of the Twelfth Night in 1860 when he dropped dead.

There is nothing exceptional in a man's traveling all his life. Only that by nature John Neumann was the sort who preferred to stay put. By nature he was a scholar. He enjoyed reading in any of eight languages. In natural sciences he was far from an amateur. As a theologian he surprised his colleagues at the Provincial Council at Baltimore. By nature he was a bookworm, but by necessity a gadabout.

The afternoon Venerable John Neumann died on Vine Street they found in his coat pocket a brass key, a freight receipt for a package shipped that day to Bellefonte, Pa., a rosary and some peppermint candy. The items make a good index to the man.

The key for his house was a superfluous article. The Bishop's house on Race St. was never locked. The door was always open to transient priest or hungry immigrant. Inside there was lodging for the priest, and for the poor there was clothing or money.

The freight-receipt is another sidelight on John Neumann. Up in Bellefonte a priest needed a chalice for his little church in the mountains. Any underling could have taken care of the matter, but Neumann made it a personal errand. Ailing as he was, the last afternoon of his life, the Bishop walked to the Reading freight depot on Callowhill Street with the package and made sure that it got off to its destination.

The rosary! Like any lover of Our Lady, Neumann had it ever in his hands. He had been in Rome on the glorious morning of 1854 when Pius IX declared the Immaculate Conception a dogma of the Catholic Faith. Tradition has it that on that occasion he held the book from which the Vicar of Christ read the epic pronouncement in St. Peter's. One year later, at the Eighth Provincial Council in Baltimore, it was he who first proposed that Dec. 8 should be a holyday of obligation in the United States.

But what about the candy? The peppermints were something he always carried. He loved children. For them he wrote catechisms and a Bible history. For them he built schools from Williamsville, N.Y., in 1836 to Philadelphia where he established the first system of parochial schools in America in 1852.

For the children he invited a number of teaching orders of nuns and Brothers to the diocese. Children never feared to clutch his hand as he walked the streets of Philadelphia. With the guileless guile of childhood they knew that if they could prattle their prayers and their catechism, there were peppermints for them in his pocket.

Something else was found on John Neumann's person as he lay in death—a belt of pointed wires imbedded in his waist. But that was no surprise to anyone who knew Bishop Neumann intimately. To their way of thinking he was a very holy man.

LAND AND WATER CONSERVATION FUNDS

Mr. HANSEN. Mr. President, if I may, I ask unanimous consent, on behalf of Senator JACKSON, who cannot be here, that a colloquy between himself and me be printed in the RECORD.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is ordered.

Mr. HANSEN. Mr. President, Congress has recently passed legislation which amends the Land and Water Conservation Fund Act of 1965. President Carter has signed the bill, H.R. 5306, as amended. The purpose of H.R. 5306 as amended, is to establish a special account in the Land and Water Conservation Fund, to be used to acquire the backlog of lands previously authorized for inclusion in the national park system and certain similar federal areas. Over the next two fiscal years, $450 million will be authorized to be credited to this account and will remain available until appropriated. The measure will also provide the Secretary with new authority intended to work with the increased authorization levels to help ensure, and in some cases expedite, the protection of various federal recreation lands.

Congress adopted amendments to H.R. 5306 the first of which deleted the statement expressing the intent of Congress is that the remaining land acquisition program for the existing units of the national park system be completed within 3 complete fiscal years following the enactment of H.R. 5306.

By adopting this amendment Congress felt that the change in land acquisition policies may be too abrupt and perhaps could not be implemented due to personnel constraints, insufficient appropriations and former commitments.

However, it is the intent of Congress to eventually acquire all inholdings located in the national park system. The opportunity purchase program is presently being used successfully for all of the inholding areas of the system. This program is designed to acquire land from willing sellers or condemn land threatened by adverse development. This policy has widespread support.

The additional authorized funding gives the Federal agencies the necessary means to acquire newly authorized but unacquired areas in the systems and to vigorously pursue the opportunity inholding program.

Is the Senator's understanding that the opportunity purchase program particularly with respect to improved lands within the exterior boundaries of park units as it applies to inholdings is unaffected by H.R. 5306 as amended? That is to say does the distinguished Senator from Washington agree that H.R. 5306 neither added to nor diminished the land acquisition authorities presently held by the National Park Service and the agreements with the Appropriations Committee?

Mr. JACKSON. Yes. It is my understanding that H.R. 5306 does not affect the present situation with regard to these acquisition programs and authorities.

Mr. HANSEN. I ask the distinguished Chairman of the Energy and Natural Resources Committee if he agrees that the national park service is still required to provide the appropriate committees with advanced notice in filing declarations of taking?

Mr. JACKSON. Yes. I think my colleague is quite correct in this regard. As you know, had the Congress retained the language expressing the intent of Congress that all these lands be acquired within three years it might have been necessary to seek a modification of the present notification procedures. However, since this language was deleted, I see no reason to alter the existing situation

CARL ROWAN ON THE ANITA BRYANT ISSUE

Mr. McGOVERN. Mr. President, the distinguished columnist, Mr. Carl Rowan, has written an interesting commentary on the crusade of Anita Bryant against homosexuals. In view of the widespread interest generated by this controversy, I ask unanimous consent that Mr. Rowan's article appearing in the June 15, 1977, issue of the Washington Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANITA'S THE REAL THREAT, NOT THE GAY COMMUNITY

(By Carl T. Rowan)

Of all the appeals to bigotry still virulent in America, the one that shames me most

is the newest: Anita Bryant's crusade against homosexuals.

She quotes her version of the Bible to tell us that homosexuals will "have no place in the Kingdom of God," and in doing so the lady gives religion a bad name.

Yes, as she roams the country, fresh from her triumph over the gays in Miami, the media are glued to her. Television pumps her into our homes at dinnertime, weeping because she feels homosexuals don't understand that she wants them to be "washed and clean."

Because she has become a fanatic, it will never occur to Anita Bryant that murderers have rights under the Eighth Amendment; peddlers of smut have rights under the First Amendment; assorted crooks have rights under the Fifth Amendment; drunks and drug addicts have rights under HEW guidelines—thus only a morbid, stone-age bigotry would embrace the notion that homosexuals do not have basic rights.

Anita Bryant exploits the deepest hopes and fears of parents. Dad wants son to be a lady-killing stud; it would devastate Dad to have the word go out that son prefers other males.

Mom has dreamed for years of a gala wedding where she weeps as daughter races off in the arms of a rich and handsome Prince Charming. Mother would be shattered to learn that daughter is a psychological wreck in a bedroom with a man, but a warm, glowing person with a woman.

It has been drilled into human psyches for a millenium that God created only two types of people: males who lust for women, and females who crave men. Anything in between is suposed to be a "freak," a "queer," a "fruit" and dozens of other meanly pejorative names.

There are an estimated 15 million homosexuals in the United States alone. Does Anita Bryant think God so fallible that all these gay Americans are just grotesque slips of His hand?

I've never argued with anyone about whether being homosexual is merely "sexual preference" or is a physical or emotional handicap, like being born with a cleft palate. All that matters to me is that the same Creator who put me on this planet also put a lot of homosexuals here, and I have no reason to believe that our Maker endowed me with any moral superiority.

Anita Bryant quotes the Bible to justify her vilification of homosexuals. I can quote Leviticus to prove that people who eat pork are sinners. Several passages in the Old Testament can be used to justify the oppression of women. Racists quote the Bible as proof that black people were "cursed" by God to eternal inferiority. There is something in the Bible to justify every prejudice imaginable.

For those who don't swallow the line that God hates homosexuals, Bryant has another emotional approach. She wants to keep gays out of jobs as teachers, librarians, etc., so as to protect our children from homosexual advances.

None of us wants gays abusing our children, emotionally or in any other way. We've passed laws against it. But are Bryant and her disciples aware of the terrible number of incidents in which heterosexuals ("normal" people) molest children, introduce them to drugs, otherwise debase them?

It has become easy to attack homosexuals, to deprive them of basic rights, because they are now visible; they have walked out of the shadows. But the heterosexual rapists, molesters and other child defilers go on enjoying all the constitutional and legislative rights because they can hide in Anita Bryant's world of self-righteous heterosexuals.

I watch and hear this woman, and I know that the greater threat to this society, which struggles toward justice for all, is not the ordinary homosexual; it is the Anita Bryants who catch up so many gullible and unsophisticated Americans in their messianic madness.

REMARKS BY THE AMBASSADOR OF IRAN TO THE UNITED STATES

Mr. McCLURE. Mr. President, His Excellency Ardeshir Zahedi, Ambassador of Iran to the United States, recently addressed the Fourth Annual Conference on International Trade, concerning the serious problems facing the world today. Both his opening statement and his remarks are worthy of study by all who seek solutions to the crisis of energy, economics, and hunger. As he so accurately stated:

Until the day when our society can make the transition from traditional sources to new sources of energy, each nation, whether developed or developing, must carry on a dedicated and sustained effort not only to develop alternative sources of energy but above all to conserve present supplies.

Mr. President, so that my colleagues may have the advantage of studying Ambassador Zahedi's remarks, I ask unanimous consent that both his opening statement and his remarks at the May 25, 1977, Conference of the Center for International Business at Southern Methodist University be printed in the RECORD.

In addition, His Excellency spoke on May 7, 1977, at Westminister College in Fulton, Mo. Again, he described the need for action on the critical questions affecting all nations. Of particular interest to the Senate was his statement that:

As a major producer and exporter of oil, it is a matter of Iran's national policy never to use oil as a political weapon. As my sovereign has said, oil, like water and bread, is indispensable and no one should be denied its use. Not only did we not participate in the oil embargoes of 1967 and 1973 but we were against them. We have never participated in any embargo in the past and we will never, under any circumstances whatsoever, participate in one in the future.

Mr. President, I will not go into great detail at this time, but instead I ask unanimous consent that the full text of the Ambassador's remarks on May 7, 1977, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF HIS EXCELLENCY ARDESHIR ZAHEDI AT THE CENTER FOR INTERNATIONAL BUSINESS, FOURTH ANNUAL CONFERENCE ON INTERNATIONAL TRADE

OVERVIEW

As most of you probably know, in the past three decades, oil has become the single largest internationally traded commodity. Today, oil supplies more than half of the world's energy requirements. In 1973, the share of oil and natural gas in total energy consumption in the free world was 57 percent and 20 percent respectively. Coal, the predominant source of energy in the 1950's, was responsible for nearly 20 percent.

Oil reserves and the demand for oil are not evenly distributed among nations. Nearly 70 percent of known non-Communist oil reserves are now located among the OPEC nations—but mostly in the Persian Gulf area. The rest is chiefly owned by the United States, 6 percent. On the demand side, the un-evenness is equally striking.

With 6 percent of the world population, the United States consumes 32 percent of world energy and one third of the global oil production, while producing only 15 percent of the world's crude oil.

In 1976, the EEC members' demand for oil approached 17 million barrels a day, while domestic production did not exceed 900,000 barrels a day. These figures are estimated to increase to 18 million barrels a day, and 5 million barrels a day, respectively, by 1985.

Japan produces virtually no oil, yet imports close to 5 million barrels a day. By 1985, Japan's demand for crude oil will reach an estimated 9 million barrels a day. By 1985, the United States will consume nearly 26 million barrels a day, while domestic production will reach only 11 million barrels a day.

It is now estimated that between now and 1985, the energy demand may double in the non-Communist world, reaching 142 million barrels a day of oil equivalent. Therefore, the crucial question is how this projected increase in energy demand in general and oil demand in particular can be met?

These are four alternatives:

1. To raise the supply of conventional sources, such as crude oil, natural gas, and hydroelectricity.
2. To increase the share of nuclear energy.
3. To develop synthetic fuels (oil shale, tar sands, etc.)
4. To develop exotic energy sources (geothermal, solar, tidal waves, and hydrogen fusion.)

Although there are many energy sources, the share of total energy supplied by one fuel will change slowly, in the next decade or so. This is due to the massive size of the energy economies of the industrialized nations. And the long lead times required to develop new sources of energy.

Therefore, until new sources of conventional and un-conventional energy are discovered and developed, the volume of world energy supply will depend on handling of the resources already known. Reasonable predictions point out that 70 percent of energy requirements will be met by hydrocarbons, that is 16 percent by gas, and 54 percent by oil.

Therefore, oil will continue to be the largest supplier of world energy demand, and OPEC will continue to balance the demand and supply for oil. However, OPEC nations must also develop reserves not yet discovered, since production in their mature fields will begin to decline by the early or mid-1980s.

Until the day when our society can make the transition from traditional sources to new sources of energy, each nation, whether developed or developing, must carry on a dedicated and sustained effort not only to develop alternative sources of energy but above all to conserve present supplies.

In 1973, Iran embarked upon an intensive policy of conservation and development of alternative sources of energy. But Iran, on its own, can achieve little.

The United States, as the world's largest consumer, and one that has the means and the resources to develop alternative sources of energy supply, must make a major contribution if the world energy situation is to be improved.

If the United States fails to take strong and positive measures to increase energy output and economize on energy usage, the rest of the free world, especially the industrialized nations, are not likely to succeed.

We must understand that the market for energy is an international market. No one nation in this market, whether producer or consumer, can act independently without affecting the whole.

Let us start building the bridges that will carry us into the 21st century through cooperation and the sharing of responsibilities.

REMARKS OF HIS EXCELLENCY ARDESHIR ZAHEDI AT THE FOURTH ANNUAL CONFERENCE OF THE CENTER FOR INTERNATIONAL BUSINESS

The English poet, John Donne, wrote: "No man is an island, entire of itself . . . . any man's death diminishes me, because I am involved in mankind; and therefore, never send to know for whom the bell tolls: it tolls for thee."

Since the 17th century when it was written, to the present day, this thought has been used to comment on various facets of the human condition. Today, I find this an appropriate theme for the subject, international economic relations, that I would like to discuss with you, distinguished leaders of the business community. I think it would be appropriate here to recall the concern for others which your great country has always demonstrated.

Almost three decades ago, the United States developed the Marshall plan. This program of aid and assistance was offered to a world recovering from the most far-reaching man-made destruction in history. It was this program which significantly aided in the economic recovery of Western Europe and Japan. But your concern for others did not stop there. Only a few years later, President Truman initiated the point four program and the seeds of industrialization and development were planted among many other nations.

Perhaps if you had left the world in the state which it was, it could have become your exclusive market place. But you did not, and the world owes you thanks for this. However, by helping other nations you were also creating your own economic competitors as well as markets. For nations who desire to have more than a primitive standard of living are of necessity drawn into economic relations with others. The continuing development of new technology and its transfer to other countries has enabled them to specialize in the production of goods and services which they can then exchange for others. Much of this technology flowed outwards from the United States and thus enabled others to become viable participants in world trade. For most nations of the world, specialization in production has enabled them to obtain those resources or products which they cannot produce, or produce only at very high costs.

For many countries, international trade is literally a matter of life and death. Western Europe, with some 300 million people inhabiting a comparatively small land area with limited physical resources, depends on international trade for its daily needs.

However, for you in the United States, with your abundant human and natural resources, trade has not been an essential part of your economic life. Its contribution to your GNP has been quite small and so you have had a tendency to ignore it.

Recently, however, you have become concerned. The threat of unemployment in some of your own industries is leading your producers to ask for protection from "cheap" imports. From the Japanese, the Italians, the Germans, the South Koreans—all nations which you helped to build up industrially. Trade and policy is now becoming important even for you.

It is not only here that you face this kind of competition. Iran is the largest single market for American goods in the Middle East. The signing of a five year economic protocol between Iran and the United States in August of 1976, made you our number one supplier of goods and services—well ahead of your main competitors, Japan and West Germany. The terms of this agreement call for Iran to import $52 billion worth of goods and services over the next five years.

This will be divided between the following major areas:

1. Trade
2. Investment
3. Technical cooperation
4. Energy
5. Housing
6. Agriculture
7. Transportation
8. Science, technology and education

We value our trade relations with you but here I feel I must be frank and candid. You should not take the market in Iran for granted. You should still be energetic in your efforts to learn what we need and want, and to provide us with your best. If you do not, your competitors will and you may lose a valuable opportunity.

The protocol is an indication of the high regard and friendship we hold for America and its industry—it is a door which has been opened for you. But it is a door through which others may pass as well, if you leave the way open.

The traditional justification for international trade has been that it can bring about the most efficient pattern of production both within and among nations. Thus, trade can allow nations to have higher standards of living and access to a greater variety of goods than they could otherwise enjoy.

International trade, however, has not had the same positive effects on all nations. A few have grown into economic powers, while the majority have sunk deeper and deeper into poverty.

There are today approximately 1.2 billion people in the world who suffer from malnutrition, disease and ignorance.

We live in an era where our world is divided in two by an economic boundary—rich and poor, or north and south. The north-south conflict now represents a more urgent problem than the ideological dispute between east and west. Even in the absence of war, there still can be violence and international crises.

Of course, poverty, disease and other human miseries are not the products of our modern age. They existed in societies before. However, the dimensions of these problems today are unique in complexity and magnitude. Before human problems were local. But, today, we speak of them as world problems. The world poverty problem, the population problem, the environmental problem and so forth.

We must actively realize that mankind shares the same planet, together with its life support systems which link nations together. If one suffers, others will suffer too.

If we are to have a future at all as a community of nations, then we must strive to eliminate these problems.

Although no man or nation is an island of itself, all men and nations are individuals, and all great events, break-through, discoveries, have come about through the efforts of individuals.

My country, while ever hopeful of international action to help in solving the problems of the world's lesser developed and poorer nations, has not been content to wait. We have taken steps to improve the well being of our own people through the readjustment of the price for our most valuable and developed natural resource—oil.

But we are conscious of the fact that our actions have an effect on the well being of the rest of the world. We know that, along with the wealth and power come obligations and we have not forgotten our less fortunate brothers.

In 1976, Iran allocated and distributed 6.1 percent of its GNP to other nations in the form of aid, to Egypt, to India, to the nations of the Sahel, to Pakistan, to Afghanistan, to Sri Lanka. Compare this 6.1 percent with the percentage of GNP given by other nations. Sweden 0.82 percent, France, 0.62 percent, West Germany, 0.40 percent, the United States 0.26 percent.

But, as I mentioned earlier, the problems facing all of us are of such magnitude that no single nation can provide a solution to them.

The time has come for global cooperation through a sense of community directed towards narrowing the gap between the rich and the poor. We must narrow this gap if the quality of life everywhere is to improve rather than deteriorate. This can only be achieved in the context of a new global economic system—or a new world economic order. If this system is to flourish, it must rest on the firm foundation of security, fairness, and opportunity for all who wish to participate. It must embrace the interests of all, if it is to be supported by all.

"Trade, not aid" has long been the slogan of the poor. Trade can be an instrument of progress, not just for a few but for all nations.

The poor nations must be given the opportunity to actively and freely participate in international trade. Not only must their commodity prices be protected, but they must also be encouraged to develop indigenous industries by allowing their manufacturers access to markets long dominated by the industrialized giants.

The first major step in this direction requires a serious effort on the part of the developed nations—and then the willingness of the developing countries to achieve their potential.

All of this brings me back to my original theme, the need for cooperative solutions to these global problems.

Our response can very well determine the future of peace and progress in this world.

A great challenge faces us all.

As your friend and your ally, let me say that the challenge particularly faces you. It is you who have the know-how, the capacity, and the will to lead the rest of us in this effort. And we must respond. Because if we are not successful in meeting this challenge, we will not have to send to know for whom the bell tolls: it will be tolling for us.

REMARKS OF HIS EXCELLENCY ARDESHIR ZAHEDI AT WESTMINSTER COLLEGE

I am deeply moved by the warmth of your repection. I have often said over the years that America is my second home. I have spent so much time here, first as a student and now as an Ambassador. Your kindness today further strengthens this relationship.

I am especially pleased to come again to the home state of an American whom I admire so much, Harry Truman, who brought a special kind of leadership and integrity to this remarkable democracy. I feel greatly honoured by your invitation to speak in this most distinguished lecture series. And I am quite humbled to stand here where so many important speeches have been given by world leaders. I know I cannot match the style and eloquence of a Winston Churchill or a President Truman but I will try to follow the high standards of sincerity and truth which these men showed.

My message today will be quite different. Our world in the last three decades has undergone some dramatic changes. Since World War II, we have known the continual threat of even great disaster in another conflict and we seem unable to reduce this threat.

But there is also another war we must fight. Poverty, starvation, ignorance and injustice must also be eliminated, if we as a world want to have a future at all.

There can be no real interdependence as long as nations are divided by wealth and poverty. Our world must not be divided. Humanity recognizes no borders. After all, one-half of the world cannot be happy or secure, while the other half is miserable and poor.

No one can really question the great contribution of the western countries, espe-

cially the United States to the betterment of human conditions. I recall, for example, the great hope inspired by President Truman's announcement of Point IV in 1949, a program which I was privileged to initiate and help to direct in Iran. Today, however, the dimensions of these problems are such that we can only solve them together.

Consequently, this is not a time for iron curtains or gun-boat diplomacy or cold wars. This is a time for cooperation. Our world today is a family of nations. If one fails, the others will suffer. Therefore, each nation must be able to help itself, before it can contribute to this total effort.

Today, I will if I may, take advantage of the opportunity you have given me, to describe the goals we, as a nation, have set for ourselves and the steps we have taken, to achieve them.

Iran may seem very far from Fulton, Missouri, and what happens in my country may appear remote to your present and future interests. However, our two nations have much in common for, I submit, that the Iranian experience of the last few decades is an outstanding example of modern economic and social development. It is an example of what can be achieved in the Third World in a short time. It is a source of pride for us, for we have begun to build a prosperous and safe Iran. But it should also be a source of hope for you in the long run.

Iran, the cradle of civilization, is a land of Aryans. We have a population of 34 million. And our country is about one-fifth the size of the United States. This might surprise you, that after China, we have the second longest border, 1,300 miles, with the Soviet Union. In the old days, we used to serve as a bridge between east and west being part of the silk route between China and Europe. During the Tehran Conference in 1944, Iran was described as the "Bridge of Victory" by President Roosevelt, Stalin and Churchill. And we must remember that, traditionally, Persia has been a center of scholarship, science and culture. The writings of such Iranian scholars as Avicina and Birooni are well known to the west.

I will have to focus your attention on what we call our "Shah and People's Revolution." I know that few among you would think of Iran as a country in the midst of a revolution. We all too often think of a revolution as a violent uprising, a brutal and total upset of the whole society. I am willing to concede that history sometimes has shown us the necessity of such a revolution. We had ours and you had yours. But whatever the benefits, the costs in human terms were enormous. Nowadays, we must think of revolution in terms of the most effective and humane utilization of all the means at our disposal to ensure the welfare of our countries in a just and peaceful manner. We must recognize above all the purpose of the revolution. And no one has defined the purpose of our revolution better than my beloved sovereign.

This is what he wrote in 1963, and I quote, "I looked at Iranian society, recognizing its weaknesses, needs, and potentialities. I studied the structure of other societies, and saw how they had progressed. The realization came to me that Iran needed a deep and fundamental revolution, which could, at the same time, put an end to all factors that caused injustice, tyranny and exploitation and to all aspects of reaction, which impeded progress, and kept our society backward."

Our basic aim and concern has been, and remains, human dignity and social justice. The concept of human rights is not new to Iran. As a matter of fact, as we know from the Bible, more than 2,500 years ago, Cyrus, the great Persian King, freed Daniel and decreed that those who threw Jews into the mouths of lions shall be thrown back into the mouths of lions. He established once and for all, the freedom of religion and worship in Iran. Our constitution provides for that same essential freedom of religion.

Both at home and abroad we have tried to practice what we preach. At home, we know that the welfare and dignity of our people depend, above all, on education and its availability to the masses. We have therefore declared war on ignorance.

We have created the Literacy Corps, consisting of men and women of military draft age. They have been chosen to serve their country in this constructive manner, and to bring their knowledge and dedication to all who need it. This program has been so effective that the rate of illiteracy has decreased from 90 per cent in 1950, to 50 per cent last year. We expect illiteracy to be wiped out in the next decade. For a campaign against illiteracy. His Majesty urged, at the UNESCO meeting in Tehran in 1964, that countries contribute the equivalent of one day's military expenditure. Unfortunately, this was the first time that the big powers agreed to disagree and so nothing was done. Iran however did fulfill its promise.

Furthermore, in June 1968, in a speech at Harvard University, His Majesty called for the creation of a universal welfare legion, in which individuals of any country, class, race, or religion, would devote a part of their lives to the service of mankind.

We have established the right of every Iranian to a free education through the elementary level and are even providing free lunches for every student. To make this a reality, we have invested large sums of money. In 1950, we had only one major university. Today, we have 21 universities, and 142 colleges, and institutions of higher learning, with a total enrollment of 164,000 students. In 1950, we had 800 students abroad 390 of whom were studying in the United States. Today that number has increased to 58 thousand, out of whom 23,600 are studying in the United States. Perhaps even more impressive is the fact that in 1950, there were only 350 thousand students in Iran. This past fall, however, when the school bell rang, over eight million and five hundred thousand students took their places, across the nation. That constitutes nearly one fourth of our entire population.

In recent years, we have completely changed the role of women in our society. In the 1950s, they did not even have the right to vote. Today, in contrast, they not only have this right, but they also hold prominent places in Parliament and the Cabinet.

In the field of agriculture, we have carried out an extensive land reform program. We have done away with the feudal system of ownership. Peasants have now become landowners. Although the standard of living has greatly increased, the rate of agricultural production has not kept up with the other areas of our economy. Therefore, we have given priority to investment in agriculture and related research.

In the industrial field, the Shah has introduced a far reaching profit sharing law. The factory workers have the first right to buy 49 per cent of the shares in privately owned companies. Furthermore, the workers are entitled to 20 per cent of net corporate earnings. In the public sector, the workers are allowed to puchase 99 per cent of the government owned industries by 1978, with the assistance of government loans, at very low rates. This transfer of property will be achieved to ensure Iranian workers full participation in their national development.

These domestic programs which I have described are all designed to give the Iranian people a fair and equal opportunity to develop themselves to the very best of their potential. All this of course depends upon the growth and expansion of our economy. In 1953, our per capita GNP was less than 100 dollars. By the end of this year, I am happy to tell you that it will be close to 2,000 dollars. The projected figure for GNP in the year 2000 is 441 billion dollars. The impressive growth of the Iranian economy is so well known that I do not have to quote any further facts or figures. However, I am going to say a few words about oil because it is so obviously a subject of world wide interest today.

His Imperial Majesty has said repeatedly that oil, with its 70,000 odd by-products is too precious to be used as fuel. Actually, he called it a "noble commodity." And he made the decision to replace this finite resource as a fuel long before the 1973 oil price increases. During 1973 and 1974, Iran took the lead among the oil producing countries in developing alternative sources of energy such as nuclear, geo-thermal and solar. For example, by 1993, nuclear energy will provide ovre fifty per cent of Iran's total capacity of 66,000 megawatts. The oil and gas saved from the use of such alternatives, plus an increasing amount of our oil and gas production, will be used in the production of petrochemicals. We must think of our children and the future when we burn this precious resource which took millions of years to create.

It is important, particularly in a free enterprise society such as yours, that every effort be made to develop alternative sources of energy. You have the means and the resources to do so. And you, the largest consumer of oil in the world, have the important responsibility not to allow oil to be used unnecessarily as a fuel, when there are other possible sources. I am happy to note that the United States is finally coming to realize the importance of conserving oil. Your country is a great nation. You are the most powerful nation in the world, economically, militarily, and politically. You have responsibilities not only to yourselves but to your allies and friends as well. This is why you should become self sufficient in the field of energy, in order to maintain your strength.

As a major producer and exporter of oil, it is a matter of Iran's national policy never to use oil as a political weapon. As my sovereign has said, oil, like water and bread, is indispensable and no one should be denied its use. Not only did we not participate in the oil embargoes of 1967 and 1973 but we were against them. We have never participated in any embargo in the past and we will never, under any circumstances whatsoever, participate in one in the future.

Even more important than oil is food. We can always adjust to the heat or cold by a few degrees but we cannot adjust to starvation. Approximately 1.2 billion people in the world suffer from hunger, disease and the effects of drought. This gap is growing larger every day. We should be deeply concerned about the injustice and inequality of society. We should also recognize, even if only from selfish self interest, that unless we answer these important questions, there is certain to come a serious explosion and perhaps even war among the rich and the poor.

The foreign policy of Iran can be stated quite simply. We believe in an independent national foreign policy which permits us to deal with any nation, no matter what its ideology, as long as there is true respect for the rights and sovereignty of other nations. The cornerstone of our policy is the desire for peace and stability which will permit us to achieve our national goals. In this spirit, we have contributed to the maintenance of international peace and stability, in the world in general and in the Middle East in particular. We have settled various disputes, some of them age-old, that have burned between us and our neighbors. Indeed, we have had to expand and strengthen our military forces in the last few years for several reasons.

First, history has taught us that because of our strategic location and resources, we can become targets of aggression. At times of military weakness, as even in World War II, neutral Iran was invaded. Second, Iran is not only situated in a turbulent region of the world, but in an area of the largest oil concentration. If it had not been for our leadership, and our concern for security and stability in the Persian Gulf, the security of this vital area would be in jeopardy. Third, we must be constantly aware of our long border with the Soviet Union and the danger of infiltration of our weaker nations by communist inspired elements. Fourth, let me explain the strategic importance of the Straits of Hormuz. More than twenty million barrels of oil pass daily through this narrow waterway, providing 90 per cent of Japan's oil requirements, 70 per cent of western Europe's and 20 per cent of your country's. Any drastic change in this area might close this lifeline.

As in every sovereign state, I am sure you will understand that we would be remiss in our duty to our people if we were not concerned with their well-being and safety. At the same time, I must stress that we would welcome the day when we would not have to spend a penny on defense but until that day comes, we must safeguard our well-being.

At the same time, we are doing all possible to help build a new world, based on justice and fairness. Peace and prosperity for all is not just a cliche or resounding slogan. It is our only alternative and to this end, Iran has taken many initiatives.

We have signed and ratified the treaty for non-proliferation of nuclear weapons. For seven years, my beloved sovereign has proposed that the Middle East and the Indian Ocean be declared, in terms of armaments, a nuclear free zone.

In regard to the Arab-Israeli conflict, we believe this conflict can be brought to a peaceful resolution by the implementation of the United Nations Security Council's resolutions 242 and 338. We recognize the right of Israel to exist, but condemn the occupation of other nation's territory through force. Let me be frank and state that if we are not able to solve the problem of Palestine there will never be peace in the Middle East.

At the close of World War II, and through the 50s, Iran was almost totally dependent upon foreign aid. Throughout the 60s, Iran was able to lessen its economic dependence through borrowing from international institutions. We are grateful for the assistance that the United States gave to Iran, when we needed it most. And your generosity has not been forgotten.

Now, I am proud to say, that we have, over the last few years, extended direct financial aid and long-term loans to many developing countries. In 1975, West Germany, the most industrialized country in Europe, provided only 0.4 per cent of its GNP for foreign aid. In the same year, Sweden allocated 0.82 per cent, and Switzerland 0.18 per cent of their GNP for foreign aid. I hope you will understand when I point out, simply as a matter of information, and in full recognition of your long history of generosity to others, that American foreign aid still remains about 0.3 per cent of its GNP. I think you probably do not know that in this same time period, Iran's foreign aid represented more than 6 per cent of its GNP, a figure unmatched in the industrial world.

In line with our commitment to foreign aid, we have embarked on massive programs, of both bilateral and multilateral assistance.

In 1974, His Majesty proposed the creation of a neutral development fund, involving the 12 oil producers, 12 industrial countries, and 12 less developed countries, to which oil producers and industrial countries would each donate 150 million dollars. The Shah suggested the creation of a special fund of 5 billion dollars for five years, supported by contributions from OPEC members of 10 cents per barrel of oil, and designated to make outright grants to needy countries.

We are participating in a special OPEC fund of 800 million dollars, of which our share is 232 million dollars, with a special grant of 400 million dollars, to an international fund for agricultural development. During the last OPEC Conference in Doha, the decision was made to add another 800 million dollars to this special OPEC fund.

Finally, we have also set aside one billion dollars for the International Monetary Fund and the World Bank. So, in a number of ways, we have tried to use our resources, with which we have been blessed, to help our less fortunate Fourth World neighbours.

Again, as a friend let me say to you that you can contribute so much in know-how and technology, which is most important to the development of those countries which have few or no resources of their own. In this way, perhaps, we can help resolve the question of international justice and fairness, by assisting the more than 1.2 billion people who are struggling for survival.

In a political world that often views statecraft as the art of the possible and peace as the maintenance of the status quo, we have chosen vision and the courage to dare, for we know that each stone unturned may well be a step backwards. Both at home and abroad, we are actively carrying out a revolution of our thoughts and of our age-old ways, a fundamental change that we hope will bring men closer together in the common knowledge of a common destiny.

And we should understand that we should not worry if we do not pray to the same God, believe in the same tenets, share the same traditions, or speak the same language, for it is in this very variety that lie our hope and our strength.

An essential characteristic of your great nation has been its unusual ability to blend into a creative and exciting whole—ideas, experiences and traditions from all areas of the globe. These different elements in American society did not have to give up their cultural identity or foresake their originality to become a viable part of the whole. We can do the same in the world at large, and frankly, I see no reason why, if we show the same determination allied with the same wisdom, we cannot be as successful internationally in this regard as you have been nationally.

All of this brings me back to my original theme—the absolute necessity of interdependence and cooperation if our world is to survive. I can leave no more important message with you today than this. We cannot continue to live in a society where a few are rich and the rest are poor. Surely, we can leave no more brilliant heritage than the knowledge that we saw the need of our fellow man and worked to save him from disease, poverty and starvation.

Saadi, the great Persian poet said, "To serve humanity is an ultimate goal of worship." Like the human organism, if one part of mankind is in want, or diseased, all of humanity is affected and thereby suffers. If I can leave this thought with you, I will have achieved my mission.

A great opportunity and a great challenge faces us all. As your friend and ally, let me say the challenge particularly faces you. It is you who have the experience, the capacity, the know-how, and I believe, the will to lead us in this war against want. You have demonstrated your good will in the past, and I see no reason why you cannot do it now. We, in the rest of the world, can help, but we cannot do it without you. With you, I feel that the world will succeed. Again, as your friend and your admirer, let me say, "You have done so much for the world, be proud of it: lead us again."

Certainly, there is no more appropriate setting to begin a new effort than here, in the tradition of this honoured place. A great American lady, Eleanor Roosevelt, once inspired my generation and indeed the world when she said: "It is better to light one little candle than to stumble about in darkness." Let us together light that candle today.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

J. Jerome Bullock, of Georgia, to be U.S. marshal for the District of Columbia for the term of 4 years vice George K. McKinney, resigning

Lee A. Limbs, Jr., of Arizona, to be U.S. marshal for the district of Arizona for the term of 4 years vice J. Pat Madrid, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, June 24, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1978

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 7636, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7636) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

The ACTING PRESIDENT pro tempore. The time for debate on this bill is limited to 2 hours, to be equally divided between and controlled by the Senator from West Virginia and the Senator from Alaska, with 30 minutes on any amendment and 20 minutes on any debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendments as original text; and, provided, that no point of order shall be considered to have been waived by agreeing to this request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the fiscal 1978 appropriations bill for the Department of the Interior and related agencies that the commitee has reported is the result of 3 months of agency budget hearings and nearly a full week of hearings for non-Government witnesses. It is not one of the bigger money bills, but it is a complex one. As Senators know, it deals with the major funding of programs for the management and protection of the Federal land, water, and energy resources. It also finances the principal nonnuclear energy research, development and management programs and supports activities benefiting the health, education, and welfare of native Americans. Finally, the bill funds major cultural programs including historic preservation, the arts and humanities, and the Smithsonian Institution.

A great deal of work has gone into the preparation of the committee recommendations, and I wish to express my gratitude to those members of the Interior subcommittee who have helped with the long and often tiring budget hearings.

My thanks especially go to the distinguished assistant Republican leader, who is the ranking minority member on the Appropriations Subcommittee, the Senator from Alaska (Mr. STEVENS). Despite the responsibilities he has assumed as minority whip, the Senator from Alaska has continued to shoulder a very heavy burden of chairing many of the hearings when my own responsibilities have kept me on the floor of the Senate, and where other Members of my party were tied up in matters and engagements and hearings which prevented them from doing so.

I also want to thank the very able staff director of my subcommittee, Dwight Dyer, for his usual dedicated and able services to the chairman, to the ranking minority member, and to the other members of the committee.

I also wish to commend John Gnorski and Penelope Barrick of the subcommittee staff for the long hours of able and dedicated work. Linda Richardson of the minority staff also deserve our gratitude for the services she provided over and above her own direct responsibilities.

Mr. President, the bill before us carries $10.3 billion in new appropriations for the programs I have just touched on. This is an increase of nearly $190 million over the budget estimates and it is $676 million above the House allowance. More significantly, that total represents a $3.3 billion growth over appropriations for the current fiscal year.

STRATEGIC PETROLEUM RESERVE

This is not the kind of spending increase the committee would normally support, but it should be stressed that the major part of funding growth relates to the strategic petroleum reserve. This reserve represents the national commitment to store 500 million barrels of oil as a buffer against the severe dislocations that could result from any renewal of the fuel shortages that hit the Nation a few years ago. Based on an acceleration of the accelerated reserve plan submitted by President Carter, the funding for this program alone exceeds $3 billion.

The committee has recommended the full budget estimate, restoring the $710 million reduction approved by the House. The House properly questioned whether this $2.5 billion leap in funding for the reserve could be effectively obligated in fiscal 1978. We share that concern, but the committee also believes that it is essential that Congress demonstrate full and unqualified support for the reserve goals. This is not just a financial decision but a policy commitment that tells other nations of the world that the United States is not wavering in its determination to provide significant energy reserves for the future.

MAJOR PROVISIONS IN THE BILL

In all, Mr. President, the bill provides more than $4.3 billion to the Federal Energy Administration, the Energy Research and Development Administration, and the Naval Petroleum Reserves. The committee has recommended a services of program increases for ERDA, I might add, reflecting congressional priorities being established in that agency's authorization bill on which the Senate acted earlier this week.

In the Department of Interior, budget increases exceeding $63 million are recommended for land, water, energy, and minerals programs—much of it for the environmentally safe development of the vast Federal energy resources both onshore and on the outer continental shelf. But we are not totally preoccupied with energy, for we have also recommended substantial increases in the management and conservation of the Nation's renewable resources—forest, range, and wildlife.

The recommendation for fish and wildlife and parks within the Interior Department tops $1.4 billion. This is $104 million above the budget.

Programs benefiting the Indian people have been enlarged by more than $59 million for a total now beginning to approach $1.5 billion. Increases have been directed mainly at education, health, and natural resource management programs.

Perhaps the single most important program expansion recommended in the bill is for the Forest Service. This agency's budget is increased more than $213 million to a total in excess of $1.1 billion. These recommendations are based on an analysis of the management and conservation goals developed under the Range and Renewable Resources Planning Act of 1974. We have generally agreed with the major thrusts of the House increases but with selected changes that achieve a $52 million reduction in the House allowance.

Well over $440 million is recommended for cultural programs, which is some $104 million over current spending.

Finally, I should observe that every effort has been made to accommodate the individual priorities of Senators. It is impossible to fund all requests, as you know. There are literally hundreds of them.

Many of the requests that have come to our committee have been generated from the other side of the Hill. The Members of the House have come to our subcommittee asking that we fund projects and programs which they consider to be priorities for one reason or another, and were not included in the House-passed bill. We think we have been fully responsive to all Senators on both sides of the aisle.

Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing appropriations recommended in the bill with those of fiscal 1977 and with the fiscal 1978 budget estimates and House allowances.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1977 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1978

[Amounts in dollars]

Item	1977 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1977 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF THE INTERIOR							
LAND AND WATER RESOURCES							
Bureau of Land Management							
Management of lands and resources	272,977,000	238,466,000	250,289,000	245,808,000	−27,169,000	+7,342,000	−4,481,000
Acquisition, construction, and maintenance	10,760,000	17,558,000	16,827,000	18,707,000	+7,947,000	+1,149,000	+1,880,000
Public lands development roads and trails (appropriation to liquidate contract authority)	(5,000,000)	(1,924,000)	(1,924,000)	(1,924,000)	(−3,076,000)		
Payments in lieu of taxes	100,000,000	100,000,000	100,000,000	100,000,000			
Rescission of contract authority (Roads and trails)	(−13,900,000)				(+13,900,000)		
Oregon and California grant lands (indefinite, appropriate of receipts)	41,250,000	45,000,000	45,000,000	45,000,000	+3,750,000		
Range improvements (indefinite, appropriation of receipts)	7,370,000	8,750,000	8,750,000	8,750,000	+1,380,000		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1977 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1978—Continued

[Amounts in dollars]

Item	1977 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1977 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF THE INTERIOR—Continued							
LAND AND WATER RESOURCES—Continued							
Bureau of Land Management—Continued							
Recreation development and operation of recreation facilities (indefinite, special fund)	300,000	300,000	300,000	300,000			
Service charges, deposits, and forfeitures (indefinite, special fund)		11,250,000	11,250,000	11,250,000	+11,250,000		
Working capital fund		2,000,000	2,000,000	2,000,000	+2,000,000		
Miscellaneous trust funds (indefinite)		100,000	100,000	100,000	+100,000		
Total, Bureau of Land Management	432,657,000	423,424,000	434,516,000	431,915,000	−742,000	+8,491,000	−2,601,000
Office of Water Research and Technology							
Salaries and expenses	19,024,000	21,112,000	26,409,000	24,427,000	+5,403,000	+3,315,000	−1,982,000
Total, Land and Water Resources	451,681,000	444,536,000	460,925,000	456,342,000	+ +4,661,000	+11,806,000	−4,583,000
FISH AND WILDLIFE AND PARKS							
Bureau of Outdoor Recreation							
Salaries and expenses	6,977,000	6,857,000	11,719,000	12,499,000	+5,522,000	+5,642,000	+780,000
Land and Water Conservation Fund							
Appropriation of receipts (indefinite)	537,799,000	600,000,000	600,000,000	600,000,000	+62,201,000		
U.S. Fish and Wildlife Service							
Resource management	148,506,000	168,628,000	172,796,000	165,434,000	+16,928,000	−3,194,000	−7,362,000
Construction and anadromous fish	24,211,000	42,692,000	62,903,000	52,694,000	+28,483,000	+10,002,000	−10,209,000
Migratory bird conservation account (definite, repayable advance)	14,000,000	10,000,000	10,000,000	10,000,000	−4,000,000		
Development and operation of recreation facilities		150,000	150,000	150,000	+150,000		
Total, U.S. Fish and Wildlife Service	186,717,000	221,470,000	245,849,000	228,278,000	+41,561,000	+6,808,000	−17,571,000
National Park Service							
Operation of the national park system	295,173,000	323,147,000	324,515,000	321,130,000	+25,957,000	−2,017,000	−3,385,000
Construction	130,952,000	143,190,000	149,397,000	155,706,000	+24,754,000	+12,516,000	+6,309,000
Road construction (appropriation to liquidate contract authority)	(21,800,000)	(30,198,271)	(30,198,271)	(30,198,271)	(+8,398,271)		
Rescission of contract authority (road construction)	(−118,995,000)				(+118,995,000)		
Preservation of historic properties	23,133,000	6,589,000	5,667,000	5,667,000	−17,466,000	−922,000	
Historic preservation fund		35,000,000	40,000,000	80,000,000	+80,000,000	+45,000,000	+40,000,000
Planning, development and operation of recreation facilities (indefinite, special fund)	14,000,000	14,000,000	14,000,000	14,000,000			
John F. Kennedy Center for the Performing Arts	7,600,000	3,783,000	3,750,000	3,750,000	−3,850,000	−33,000	
Total, National Park Service	470,858,000	525,709,000	537,329,000	580,253,000	+109,395,000	+54,544,000	+42,924,000
Total, Fish and Wildlife and Parks	1,202,351,000	1,354,036,000	1,394,897,000	1,421,030,000	+218,679,000	+66,994,000	+26,133,000
ENERGY AND MINERALS							
Geological Survey							
Surveys, investigations, and research	320,193,000	353,622,000	367,524,000	355,247,000	+35,054,000	+1,625,000	−12,277,000
Exploration of national petroleum reserve in Alaska	100,492,000	209,541,000	209,541,000	209,541,000	+109,049,000		
Total, Geological Survey	420,685,000	563,163,000	577,065,000	564,788,000	+144,103,000	+1,625,000	−12,277,000
Mining Enforcement and Safety Administration							
Salaries and expenses	99,301,000	105,766,000	107,116,000	107,806,000	+8,505,000	+2,040,000	+690,000
Bureau of Mines							
Mines and minerals	177,297,000	160,529,000	203,300,000	188,409,000	+11,112,000	+27,880,000	−14,891,000
Construction of Metallurgy Research Center	9,259,000				−9,259,000		
Helium fund (permanent contract authority)		(47,500,000)				(−47,500,000)	
Total, Bureau of Mines	186,556,000	160,529,000	203,300,000	188,409,000	+1,853,000	+27,880,000	−14,891,000
Total, Energy and Minerals	706,542,000	829,458,000	887,481,000	861,003,000	+154,461,000	+31,545,000	−26,478,000
INDIAN AFFAIRS							
Bureau of Indian Affairs							
Operation of Indian programs	626,183,000	655,656,000	672,096,000	675,175,000	+48,992,000	+19,519,000	+3,079,000
Construction	77,101,000	87,247,000	94,103,000	64,153,000	−12,948,000	−23,094,000	−29,950,000
Road construction	39,075,000	70,335,000	70,335,000	75,335,000	+36,260,000	+5,000,000	+5,000,000
Road construction (appropriation to liquidate contract authority)	(36,795,000)	(22,912,000)	(22,912,000)	(22,912,000)	(−13,883,000)		
Indian loan guaranty and insurance fund	15,000,000				−15,000,000		
Alaska Native fund	30,000,000	30,000,000	30,000,000	30,000,000			
Trust funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000			
Trust funds (indefinite)	25,400,000	23,000,000	23,000,000	23,000,000	−2,400,000		
Total, Bureau of Indian Affairs	815,759,000	869,238,000	892,534,000	870,663,000	+54,904,000	+1,425,000	−21,871,000
TERRITORIAL AFFAIRS							
Office of Territorial Affairs							
Administration of territories	58,072,000	21,001,000	21,105,000	21,105,000	−36,967,000	+104,000	
Permanent appropriation (special fund)	58,072,000	336,000	(336,000)	(336,000)	(+80,000)		
Transferred from other accounts (special fund)	(620,000)	(940,000)	(938,000)	(938,000)	(+318,000)	(−2,000)	
Trust Territory of the Pacific Islands	101,717,000	96,083,000	109,544,000	98,852,000	−2,865,000	+2,769,000	−10,692,000
Total, Office of Territorial Affairs	159,789,000	117,084,000	130,649,000	119,957,000	−39,832,000	+2,873,000	−10,692,000

Item	1977 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1977 appropriation	Budget estimate	House allowance
SECRETARIAL OFFICES							
Office of the Solicitor							
Salaries and expenses	12,916,000	14,053,000	13,844,000	13,844,000	+928,000	−210,000	
Office of the Secretary							
Salaries and expenses	21,362,000	23,161,000	22,443,000	22,821,000	+1,459,000	−340,000	+378,000
Departmental operations	13,726,000	13,464,000	12,922,000	12,922,000	−804,000	−542,000	
Salaries and expenses (special foreign currency program)	907,000	1,000,000	285,000	1,000,000	+93,000		+715,000
Total, Office of the Secretary	35,995,000	37,625,000	35,650,000	36,743,000	+748,000	−882,000	+1,093,000
Total, Secretarial Offices	48,911,000	51,679,000	49,494,000	50,587,000	+1,676,000	−1,092,000	+1,093,000
Total, title I, new budget (obligational) authority, Department of the Interior	3,252,138,000	3,666,031,000	3,815,980,000	3,779,582,000	+527,444,000	+113,551,000	−36,398,000
Consisting of:							
Appropriations	3,385,033,000	3,666,031,000	3,815,980,000	3,779,582,000	+394,549,000	+113,551,000	−36,398,000
Definite appropriations	2,758,914,000	2,963,631,000	3,113,580,000	3,077,182,000	+318,268,000	+113,551,000	−36,398,000
Indefinition appropriations	626,119,000	702,400,000	702,400,000	702,400,000	+76,281,000		
Rescission of contract authority	−132,895,000				+132,895,000		
Memoranda:							
Appropriations to liquidate contract authority	(63,595,000)	(55,034,271)	(55,034,271)	(55,034,271)	(−8,560,729)		
Permanent contract authority		(47,500,000)				(−47,500,000)	
Title I, new budget (obligational) authority and appropriations to liquidate contract authority	3,315,733,000	3,721,065,271	3,871,014,271	3,834,616,271	+518,883,271	+113,551,000	−36,398,000
TITLE II—RELATED AGENCIES							
DEPARTMENT OF AGRICULTURE							
Forest Service							
Forest protection and utilization:							
Forest land management	641,259,000	424,573,000	550,035,000	531,054,000	−110,205,000	+106,481,000	−18,981,000
Forest research	89,785,000	95,650,000	102,889,000	101,488,000	+11,703,000	+5,838,000	−1,411,000
State and private forestry cooperation	33,480,000	24,743,000	55,559,000	44,551,000	+11,071,000	+19,808,000	−11,008,000
Total, forest protection and utilization	764,524,000	544,966,000	708,493,000	677,093,000	−87,431,000	+132,127,000	−31,400,000
Construction and land acquisition	40,159,000	22,564,000	45,141,000	34,630,000	−5,529,000	+12,066,000	−10,511,000
Youth conservation corps	60,000,000	30,375,000	60,000,000	60,000,000		+29,625,000	
Forest roads	206,800,000	212,115,000	212,115,000	212,115,000	+5,315,000		
Timber salvage sales	3,000,000				−3,000,000		
Forest roads and trails	12,952,000	126,241,000	175,833,000	165,833,000	+152,881,000	+39,592,000	−10,000,000
Forest roads and trails (appropriation to liquidate contract authority)	(208,104,000)	(78,781,000)	(78,781,000)	(78,781,000)	(−129,323,000)		
Rescission of contract authority (roads and trails)	(−39,827,943)				(+39,827,943)		
Acquisition of lands for national forests:							
Special acts (special fund, indefinite)	160,000	165,000	165,000	165,000	+5,000		
Acquisition of lands to complete land exchanges	54,000	38,000	38,000	38,000	−16,000		
Rangeland improvements (special fund, indefinite)	700,000	5,200,000	5,200,000	5,200,000	+4,500,000		
Assistance to States for tree improvement	1,385,000	1,387,000	1,387,000	1,387,000	+2,000		
Construction and operation of recreation facilities (indefinite, special fund)	2,552,000	4,084,000	4,084,000	4,084,000	+1,532,000		
Total, Forest Service	1,092,286,000	947,135,000	1,212,456,000	1,160,545,000	+68,259,000	+213,410,000	−51,911,000
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION							
Operating expenses, fossil fuels	521,775,000	795,800,000	710,927,000	785,757,000	+263,982,000	−10,043,000	+74,830,000
Plant and capital equipment, fossil fuels	62,220,000	95,970,000	90,970,000	96,970,000	+34,750,000	+1,000,000	+6,000,000
Total, Energy Research and Development Administration	583,995,000	891,770,000	801,897,000	882,727,000	+298,732,000	−9,043,000	+80,830,000
FEDERAL ENERGY ADMINISTRATION							
Salaries and expenses	212,712,000	344,310,000	290,326,000	291,623,000	+78,911,000	−52,687,000	+1,297,000
Strategic petroleum reserve	447,824,000	3,018,933,000	2,309,033,000	3,018,933,000	+2,571,109,000		+709,900,000
Total, Federal Energy Administration	660,536,000	3,363,243,000	2,599,359,000	3,310,556,000	+2,650,020,000	−52,687,000	+711,197,000
DEPARTMENT OF DEFENSE							
Naval petroleum reserves	305,624,000	205,995,000	155,739,000	155,739,000	−149,885,000	−50,256,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration							
Indian health services	345,892,000	368,066,000	429,901,000	413,987,000	+68,095,000	+45,921,000	−15,914,000
Indian health facilities	163,163,000	74,425,000	79,057,000	72,107,000	−91,056,000	−2,318,000	−6,950,000
Total, Indian health	509,055,000	442,491,000	508,958,000	486,094,000	−22,961,000	+43,603,000	−22,864,000
Office of Education							
Indian education	57,212,000	45,087,000	59,660,000	59,660,000	+2,448,000	+14,573,000	
Office of Assistant Secretary for Education							
Institute of Museum Services	100,000	3,000,000	3,000,000	5,000,000	+4,900,000	+2,000,000	+2,000,000
INDIAN CLAIMS COMMISSION							
Salaries and expenses	1,560,000	1,545,000	1,500,000	1,500,000	−60,000	−45,000	
NAVAJO AND HOPI RELOCATION COMMISSION							
Salaries and expenses	400,000	25,200,000	1,950,000	2,050,000	+1,650,000	−23,150,000	+100,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1977 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1978—Continued

[Amounts in dollars]

Item	1977 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1977 appropriation	Budget estimate	House allowance
SMITHSONIAN INSTITUTION							
Salaries and expenses	85,236,000	89,033,000	88,243,000	88,108,000	+2,872,000	−925,000	−135,000
Museum programs and related research (special foreign currency program)	3,481,000	4,500,000	4,000,000	4,000,000	+519,000	−500,000	
Science information exchange	1,972,000	1,977,000	1,977,000	1,777,000	−195,000	−200,000	−200,000
Construction and improvements, National Zoological Park	6,580,000	1,000,000	2,500,000	1,750,000	−4,830,000	+750,000	−750,000
Restoration and renovation of buildings	2,950,000	9,700,000	2,210,000	2,425,000	−525,000	−7,275,000	+215,000
Construction		325,000	325,000	325,000	+325,000		
Salaries and expenses, National Gallery of Art	12,686,000	14,717,000	14,717,000	14,419,000	+1,733,000	−298,000	−298,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1,140,000	1,306,000	1,255,000	1,256,000	+116,000	−50,000	
Total, Smithsonian Institution	114,045,000	122,558,000	115,228,000	114,060,000	+15,000	−8,498,000	−1,618,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES							
Salaries and Expenses							
Endowment for the arts	77,500,000	89,000,000	89,100,000	89,100,000	+11,600,000	+100,000	
Endowment for the humanities	77,500,000	87,000,000	87,800,000	85,000,000	+7,500,000	−2,000,000	−2,800,000
Administrative expenses	11,743,000	18,000,000	17,100,000	17,100,000	+5,357,000	−900,000	
Total, salaries and expenses	166,743,000	194,000,000	194,000,000	191,200,000	+24,457,000	−2,800,000	−2,800,000
Matching Grants							
Endowment for the arts (indefinite)	16,500,000	25,500,000	25,500,000	25,500,000	+9,000,000		
Endowment for the humanities (indefinite)	16,000,000	25,500,000	25,500,000	22,500,000	+6,500,000	−3,000,000	−3,000,000
Total, matching grants	32,500,000	51,000,000	51,000,000	48,000,000	+15,500,000	−3,000,000	−3,000,000
Total, National Foundation on the Arts and the Humanities	199,243,000	245,000,000	245,000,000	239,200,000	+39,957,000	−5,800,000	−5,800,000
COMMISSION OF FINE ARTS							
Salaries and expenses	221,000	234,000	233,000	233,000	+12,000	−1,000	
ADVISORY COUNCIL ON HISTORIC PRESERVATION							
Salaries and expenses	227,000	1,230,000	1,100,000	1,080,000	+853,000	−150,000	−20,000
NATIONAL CAPITAL PLANNING COMMISSION							
Salaries and expenses	1,966,000	1,819,000	1,819,000	1,819,000	−147,000		
AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION							
Salaries and expenses	65,000				−65,000		
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION							
Salaries and expenses	29,000	30,000	25,000	25,000	−4,000	−5,000	
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA							
Salaries and expenses	737,000	712,000	712,000	712,000	−25,000		
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION							
Salaries and expenses	1,032,000	1,336,000	1,271,000	1,317,000	+285,000	−19,000	+46,000
Land acquisition and development (borrowing authority)	25,000,000	7,500,000	7,500,000	7,500,000	−17,500,000		
Public development	4,081,000	12,354,000	12,354,000	12,354,000	+8,273,000		
Total, Pennsylvania Avenue Development Corporation	30,113,000	21,190,000	21,125,000	21,171,000	−8,942,000	−19,000	+46,000
FUNDS APPROPRIATED TO THE PRESIDENT							
Petroleum Reserves (indefinite, special fund) (by transfer)	(400,340,000)	(561,200,000)	(561,200,000)	(561,200,000)	(+160,860,000)		
Total, title II, new budget (obligational) authority, related agencies	3,517,586,057	6,318,239,000	5,729,761,000	6,442,171,000	+2,924,584,943	+123,932,000	+712,410,000
Consisting of:							
Appropriations	3,532,414,000	6,310,739,000	5,722,261,000	6,434,671,000	+2,902,257,000	+123,932,000	+712,410,000
Definite appropriations	3,496,502,000	6,250,290,000	5,661,812,000	6,377,222,000	+2,880,720,000	+126,932,000	+715,410,000
Indefinite appropriations	35,912,000	60,449,000	60,449,000	57,449,000	+21,537,000	−3,000,000	−3,000,000
Borrowing authority	25,000,000	7,500,000	7,500,000	7,500,000	−17,500,000		
Rescission of contract authority	−39,827,943				+39,827,943		
Memoranda:							
Appropriations to liquidate contract authority	(208,104,000)	(78,781,000)	(78,781,000)	(78,781,000)	(−129,323,000)		
Title II, new budget (obligational) authority and appropriations to liquidate contract authority	3,725,690,057	6,397,020,000	5,808,542,000	6,520,952,000	+2,795,261,943	+123,932,000	+712,410,000
RECAPITULATION							
Total, new budget (obligational) authority, all titles	6,769,724,057	9,984,270,000	9,545,741,000	10,221,753,000	+3,452,028,943	+237,483,000	+676,012,000
Consisting of:							
Appropriations	6,917,447,000	9,976,770,000	9,538,241,000	10,214,253,000	+3,296,806,000	+237,483,000	+676,012,000
Definite appropriations	6,225,416,000	9,213,921,000	8,775,392,000	9,454,404,000	+3,198,988,000	+240,483,000	+679,012,000
Indefinite appropriations	662,031,000	762,849,000	762,849,000	759,849,000	+97,818,000	−3,000,000	−3,000,000
Borrowing authority	25,000,000	7,500,000	7,500,000	7,500,000	−17,500,000		
Rescission of contract authority	−172,722,943				+172,722,943		
Memoranda:							
Appropriations to liquidate contract authority	(271,699,000)	(133,815,271)	(133,815,271)	(133,815,271)	(−137,815,271)		
Permanent contract authority		(47,500,000)				(−47,500,000)	
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	7,041,423,057	10,165,585,271	9,679,556,271	10,355,568,271	+3,314,145,214	+189,983,000	+676,012,000

SPENDING CEILING

Mr. ROBERT C. BYRD. In closing, Mr. President, I want to underscore the fact that this bill is significantly above the budget and the House. This is because the committee made a conscious effort to respond to congressional priorities as well as the priorities established by the President.

Often the priorities of the President do not reach the other body in time for consideration by their committee, and have to be heard initially by this subcommittee and acted upon by the subcommittee and the full committee in this body and then taken to conference. This has pushed appropriations well above the subcommittee's target for the regular bill. While the total remains slightly below the subcommittee ceiling allocated by the full committee, we must recognize the inevitability of at least $500 million in supplemental appropriation needs—many of them mandatory—that will be following along in fiscal 1978. I am deeply concerned that we are pressing so hard against the ceiling assigned under the first concurrent budget resolution. Therefore, I urge those who are interested in additional funding in one area or another to exercise restraint.

Now, Mr. President, that completes my initial remarks on the bill. I am sure that my esteemed colleague, Mr. STEVENS, the ranking minority Member, will have a statement of his own to make.

I yield the floor.

Mr. STEVENS. Mr. President, again it is a privilege to present, with our distinguished majority leader and the chairman of our subcommittee, the Interior appropriations bill for consideration by the Senate. Senator BYRD has already provided an excellent overview of the major provisions which are contained in this fiscal 1978 appropriations bill, but let me take just a few moments to highlight other items.

During the hearings we held on this bill, the committee became aware of pressing management problems in several of the agencies under our jurisdiction—among them, the Park Service, the Forest Service, the Indian Health Service, the Bureau of Indian Affairs, the Smithsonian Institution, and the National Endowment for the Arts and Humanities.

Some of these problems we uncovered can be easily remedied; others are longstanding and may require complete revision of certain administrative procedures now being followed.

In each of these cases, our committee has included language in our report accompanying the bill, and in some cases we were compelled to add language to the bill itself, to make our concerns clear.

The Senate can be assured that our committee will follow up to see that the directives in this bill and report are carried out.

In the energy area, as the majority leader has indicated, we have provided approximately $800 million more than the House of Representatives for the strategic petroleum reserves, the Energy Research and Development Administration, and the Federal Energy Administration.

This includes the main amendment which was added at the request of the Senator from West Virginia to restore the money to purchase oil for storage in these strategic reserves.

I happen to share some of the feelings expressed by the House of Representatives that it may not be possible to commit all of this money in the coming fiscal year. But in deference to the distinguished majority leader, as chairman of our subcommittee, we have unanimously included this money as a signal of our commitment to the strategic reserves program.

And I am hopeful that those administering this program will come forth before the markup of this bill in conference and demonstrate precisely how much money they will be able to utilize in fiscal year 1978.

Our committee has supported programs in this bill for the arts, humanities, museums, and historic preservation programs. These continue to increase in accordance with the ever-growing public interest in these areas.

For program services of the Bureau of Indian Affairs, the Indian Health Service, and Indian education, the committee has recommended a total of some $59 million over the budget request. But we have managed to stay closer to the overall budget for these bureaus by making significant reductions in construction items which are related to the management problems I mentioned earlier.

Funding for the National Park Service, Forest Service, and Land and Water Conservation Fund represents a significant increase over prior year program levels and should enable those agencies to continue the aggressive program of preserving open areas which we began in the fiscal year 1977 supplemental approved by Congress and the President.

On the whole, I believe the committee recommendations establish a balanced program in the many divergent areas covered by this bill, and I urge the acceptance of the recommendations contained in the bill and its report by the Senate.

Mr. President, I am grateful to the distinguished chairman of our subcommittee, the majority leader, for his kind comments, and I wish to add my voice to what he has said with regard to our staff.

Mr. Dwight Dyer continues to be, I think, one of the most effective staff members of the Senate in the manner in which this bill, a very complicated bill, has been handled, and I have been pleased with the assistance that we have all received from Linda Richardson, who is on the committee staff assisting me in the minority.

We handled this bill without regard to partisanship and on the basis that this bill represents one of the most significant areas of our commitments to the parks and wildlife areas of the country as well as to the human resources programs of the Indian Health Service and the Bureau of Indian Affairs and to the cultural activities of the Federal Government, such as the Smithsonian and the National Foundation on the Arts and Humanities.

Coverage of this bill is becoming staggering, and I believe that the teamwork that we have been able to develop over the years between the chairman of our subcommittee and those of us who are privileged to serve with him on the Interior Subcommittee is demonstrated in the bill as presented.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. YOUNG. Mr. President, I shall make a few brief comments concerning this bill.

First, however, let me say that this is the first of our 13 annual appropriations bills to be considered for fiscal year 1978. The Committee on Appropriations has reported out the Treasury-Post Office and Transportation bills earlier this week. By the end of next week, the committee hopes to report out the Labor-HEW, HUD-Independent Agencies, State-Justice-Commerce and Judiciary, Agriculture, and military construction bills. Let me point out that this is what the committee expects to do; however, there may be changes or additions to this schedule. This will mean that between now and the July 4 recess the Committee on Appropriations will have bills prepared for floor action, and I hope that we can pass most of these bills by that time.

Mr. President, the distinguished majority leader, Mr. ROBERT C. BYRD, who is chairman of the Interior Subcommittee; and the distinguished ranking member of the subcommittee, Mr. STEVENS, will provide the details of this Interior bill that is now before the Senate. Briefly, this bill of $10.3 billion is $189.9 million over the budget estimate and $676 million over the House. Much of this increase over both the budget estimate and the House bill is a result of the $710 million that was put back into the bill for strategic petroleum reserve. The distinguished majority leader strongly recommended funding for the strategic reserves.

Mr. President, this bill does not exceed the budget target ceiling, and I urge my colleagues to support the bill as reported by the committee.

Mr. STEVENS. Mr. President, I am hopeful that any Senator who has an amendment to this bill will notify us. So far as I know there is but one amendment on our side of the aisle. Is there another Member who wishes to speak on the bill?

At this time I ask the distinguished majority leader if he has any schedule that he wishes to follow. The Senator from Wyoming has an amendment and is prepared to offer it at this time.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Alaska is very kind and generous to ask. I do not have any such schedule.

I believe the Senator from New Hampshire (Mr. DURKIN) will be calling up an amendment, but the Senator from Wyoming also is going to call up one and has indicated his readiness. So if he will proceed now I think we can go with the

Senator from Wyoming and then with the Senator from New Hampshire.

Mr. HANSEN. Mr. President, if it should be the pleasure of the distinguished majority leader, I ask unanimous consent that the distinguished Senator from Oregon (Mr. HATFIELD) might first be permitted to make some observations that seem appropriate before I proceed.

Mr. ROBERT C. BYRD. Yes, indeed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am happy to yield such time as the Senator from Oregon may need off the bill.

Mr. HATFIELD. Mr. President, I thank the Senator from Wyoming and the Senator from Alaska as well.

Mr. President, I merely take this opportunity to commend the Subcommittee on Interior and Related Agencies of the Appropriations Committee, particularly the subcommittee's chairman, Senator ROBERT C. BYRD, and the ranking minority member, Senator STEVENS, for their overall accomplishment in this very large and yet very complex budget.

I especially commend them on their recognition of the importance of providing sufficient funds for forestry management.

We have had difficulties over the years in many areas of forest management, and we have not solved all the problems even in this budget. But I do know that we would be far behind where we are today if it were not for the forward-looking, progressive spirit of the leadership of this committee along with its very able staff.

This year the Senate has added over $213 million for forest management programs over and above the budget requests, but I remind the Senate that this is really a very small amount in comparison to the contribution made by our national forests monetarily where the national forests through timber sales and through permits and other programs provide over $400 million to the general fund for the Treasury of the United States.

This committee has recognized the importance not only of adequate funds for forest management for the multiple uses of our national forests but especially in the area of timber sales. I mention timber sales not only because the State of Oregon is the largest timber producer in the Nation but more especially as it relates to the No. 1 social problem of our country today which is inadequate housing.

When we look at the building materials needed and required to meet our housing goals, it is very important to have available that part of the forest management program relating to timber sales.

I think it is also important to note that the Federal Government has been somewhat derelict in its responsibilities in the general field of forest management in permitting a large number of acres to accumulate which should have been reforested. It is an example of where the Federal Government has taken the money from timber sales into the General Treasury but has not provided sufficient budget funds for reforestation. But 3 years ago this subcommittee committed itself to reforesting those 4 million-acre plus unreforested lands in a 10-year cycle or on a 10-year program.

I commend the subcommittee again this year for maintaining that commitment by providing $8 million over the budget to sustain the 10-year objective of reforesting those lands.

We are also adding in this budget moneys for the recreation and park program and for especially the camps and recreational facilities that had at one point almost $90 million backlog of operation and maintenance needs, and by adding money to this budget this subcommittee has reduced that amount of backlog, and we still have that to accomplish in the next few years.

I take this moment of the Senate's time to make these remarks not only because of the importance of our national forests to the Nation as a whole which, after all, the Nation as a whole does own and control, but also as it relates to meeting the needs of the people in the States where those forests lands exist by providing funds for balanced management.

I know that the Senator from Idaho, who will be on the floor shortly, will have some comments to make, and I would like to reserve a few moments of time until later to engage in a colloquy with the Senator from Idaho relating to some of the problems that still exist, that cannot be totally answered by providing funding, but will have to involve some policy decisions as well.

I again commend the committee for its progressive, forward-looking action in providing this level of funding for our forestry programs, and I thank the Senator from Wyoming for yielding to me for this purpose.

UP AMENDMENT NO. 486

Mr. HANSEN. Mr. President, I call up my unprinted amendment which is at the desk.

The PRESIDING OFFICER (Mr. FORD). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an unprinted amendment numbered 486:

On page 17, line 19, strike "$188,409,000" and insert in lieu thereof "$190,559,000".

The PRESIDING OFFICER. There is a limitation of 30 minutes on the amendment, to be equally divided. The Senator has 15 minutes.

Mr. HANSEN. Mr. President, this amendment would add to the Interior appropriations bill (H.R. 7636) the amount of $2,150,000 for the Bureau of Mines for the purposes of combating serious subsidence in the city of Rock Springs, Wyo.

Since 1969, the Bureau has been allotted funds to continue the backfilling of abandoned underground coal mine voids located throughout Rock Springs. While much work has been done, the Bureau has continued to identify new areas as critical and potentially subject to subsidence. In fact, new subsidence has just recently occurred in one area forcing a number of citizens to abandon their homes.

As a result of the Bureau's suspicion that there are more areas of Rock Springs not yet identified through drilling that are likely to subside, the Bureau has recommended a halt in new construction in Rock Springs unless it is preceded by drilling to determine the thickness of the overburden. This situation presents a serious problem for the city as there is already a critical shortage of adequate housing brought about by an expanding population associated with energy development in that part of the State. It is thus vital that the backfilling program be continued.

I have with me at this time a map detailing the areas of the city of Rock Springs which have experienced subsidence in the past. It will illustrate for Senators how this problem exists throughout the city and the problems which the new critical areas recently identified by the Bureau of Mines pose for the city.

The Bureau has estimated that it will require the sum which I have included in my amendment to conduct the necessary exploratory drilling and to fill and seal the four most critical areas which have thus far been identified. I should point out that in one of these areas there exists an underground mine fire, while another area lies beneath a brand new elementary school. While the surface mining reclamation bill included language to permit backfilling in future years, it will be a year or more before the provision in that bill could benefit Rock Springs. As well, to delay reclamation for that period of time will only result in increased costs. For the sake of the people of Rock Springs, Wyo., I am hopeful that the Senate will accept this amendment.

I ask unanimous consent that a letter which I recently received from the Bureau of Mines be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U. S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., May 20, 1977.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This responds to your letter dated March 30, 1977, to which we initially responded on April 11, 1977, regarding abandoned mine subsidence problems in Rock Springs, Wyoming, and requesting a report on work that should be done in that city to obtain surface stability in the Cedar-Alder Streets area. You also requested a description of other sites that the Bureau believes should be stabilized in the city.

You may recall that after the subsidence event in the Cedar-Alder Streets area during September 1976, that the Bureau drilled nine boreholes in the area to determine the cause of the damage to the surface. These test boreholes intercepted mine voids in the no. 1 bed within 50 feet of the surface which went well beyond the eastern limits of the workings shown on our mine map. Logs of the nine boreholes indicate that the overburden above the mine voids is mostly unconsolidated alluvium with a maximum of only 1½ feet of dense sandstone near the bed. A thin slab of this type of rock spanning voids between the coal pillars could not be ex-

pected to act as a permanent supporting beam. Adverse conditions discovered in the Cedar-Alder Streets area confirm earlier suspicions of our engineers that available mine maps for Rock Springs do not show the full extent of the abandoned underground workings.

With this in mind, our field engineers examined maps of all mine workings under the city, reviewed drilling data available from previous backfilling projects, and selected three of the most obvious sites in Rock Springs where underground conditions could be comparable to or even more critical than those found under the Cedar-Alder Streets site. All four sites are nearby indicated subsurface coal outcrops and it is our considered opinion that an extensive exploratory drilling program at these sites would be needed to accurately identify the extent of unmapped mine voids and the composition of the overburden material. This information would also give an indication of the amount of fill material that would be required and would assist engineering personnel in selecting the method to be used for injecting the material underground and determining the cost of the overall project work. Outlines of the following four critical sites are shown in red on the enclosed map:

Site 1—(The Cedar-Adler Streets area) is adjacent to the southwest portion of area 15 on the map that accompanied the Donner-Whaite report of 1969. A copy of the report is enclosed. Considerably more drilling will be required in this area to locate all of the unfilled mine voids.

Site 2—includes portions of area 3 (Donner-Whaite report) where mine workings are less than 150 feet below the surface and which have subsidence potential. There is some evidence of an underground mine fire in this area.

Site 3—includes an outcrop area immediately southeast of area 11 (Donner-Whaite report) and may contain some unfilled voids that are less than 60 feet beneath the surface.

Site 4—involves open mine workings that underlie the school structure immediately south of area 6 (Donner-Whaite report). These old workings are less than 200 feet beneath the new school and subsidence could eventually cause damage to the structure.

An exploratory drilling program for these four sites would involve a minimum of 150 boreholes with an estimated expenditure of $150,000.00. Many of the boreholes intersecting voids could, of course, be used later to inject backfill material into the mine openings. After exploratory drilling is completed, a decision could be made about the system or methods that could be employed for injecting supporting material into the abandoned mine area.

Although hydraulic backfilling could be applicable to site 2, the Bureau would, because of the depth and the evidence of fire, recommend the pneumatic injection of dry ash at this and other sites where the mine voids are both close to the surface and above the existing mine water pool. This would avoid disturbing the overburden and would eliminate the need to place long slurry pipelines on and under city streets. This is so because trucks, equipped with air compressors, could transport fly ash to and inject it into each borehole site. We estimate that the cost of drilling additional injection holes and conducting a backfilling program at the four noted sites would approximate $2.0 million.

Eventually, depending upon the results of an exploratory drilling program, it may be necessary to undertake a comprehensive exploratory program of all known or indicated outcrop areas throughout the city so as to identify the existing and unfilled shallow mine voids. Because of these possible critical areas, the Bureau would strongly recommend that new housing or building developments not be undertaken without appropriate professional foundation engineering consultation to determine surface stability in the area.

Sincerely yours,

J. D. MORGAN,
Acting Director.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, the distinguished majority leader, as floor manager, has asked me to speak on behalf of the committee in regard to the amendment offered by the Senator from Wyoming. We did have a request from the Senator before the committee for this money, and inquired from the Bureau of Mines as to its capability of using the money. I have been informed that if this proposed increase is made available, with an authorization of four new positions, then the Bureau would be able to expedite implementation of the work program suggested by the Senator from Wyoming in fiscal year 1978 in the following ways:

Carry out an exploratory drilling program in four areas of the city where Bureau engineers have noted a high subsidence potential and where the opportunity exists to advance subsidence control technology.

After completion of drilling, analyze exploratory data to determine system or methods that can be utilized for providing surface stability in the project area.

Develop technical contract specifications, advertise for bids and award a competitive contract to seal and fill abandoned voids—of which one, area 2, contains evidence of an underground mine fire—in the four critical subsidence-prone areas.

Estimates for the overall project work are $150,000 for exploratory drilling and data analysis and $2,000,000 for demonstration of subsidence control techniques in four designated critical areas of the city.

We believe that the Senator from Wyoming has made a case for this amendment, and, on behalf of the committee, I am authorized to state that the majority leader and I both are prepared to accept it.

I yield back the remainder of our time.

Mr. HANSEN. I yield back the remainder of my time, and move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

Mr. HANSEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I would like to ask some questions.

Mr. STEVENS. Mr. President, we did give a commitment to the Senator from New Hampshire that we would follow the Senator from Wyoming.

Mr. HUMPHREY. I thank the Senator. I would prefer that, anyway.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

UP AMENDMENT NO. 487

Mr. DURKIN. Mr. President, I have an amendment at the desk which I now call up.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes an unprinted amendment numbered 487: On page 36, line 24, strike the word "$785,757,000" and insert in lieu thereof the word "$797,757,000."

Mr. DURKIN. Mr. President, when the Senate voted this past Monday to authorize the fiscal 1974 Energy Research and Development—ERDA—programs, it approved a $15 million increase in the cogeneration demonstration program. An identical boost has been approved by the House Science and Technology Committee and awaits full house action. Unfortunately, the House appropriations bill, H.R. 7636, would appropriate only $3 million for this important program. I propose to increase this figure to provide the full $15 million necessary for an adequate initiative in cogeneration. Cogeneration has application not only in New Hampshire and the energy-starved Northeast, but across the rest of the Nation as well.

Cogeneration is a method of using all of the heat created by industrial boilers, rather than wasting huge amounts. Although many industrial processes require relatively low temperature steam for manufacturing, they use fuels which are capable of achieving much higher temperatures. Other processes are suited only to very high temperature steam. Once the steam has cooled below a certain point, it is useless for manufacturing. Cogeneration techniques interpose an electric generator somewhere in the system to take advantage of the energy in these processes which otherwise is wasted. Thus, the efficiency of industrial consumption is increased to the maximum and additional energy is available without adverse environmental impact.

At this moment, industries across the country waste tremendous amounts of heat which could be used to spin turbines and generate electricity. For example, using this waste heat constructively, West Germany cogenerates 29 percent of its electricity using far less fuel than would be needed if this were done in the United States. In this country, we cogenerate only 4 percent of our power. If we are to save the quantity of imported oil and scarce natural gas which the President has asked and the country demands, cogeneration will have to account for much more of our electricity. The equivalent of more than 2 million barrels per day of oil could be saved this way by 1985.

To make our energy intensive industries energy conservers, we must adapt cogeneration to American fuels and American industrial processes. That is where ERDA comes in. ERDA's Industrial Conservation Division was directed by the Senate to demonstrate applica-

tions of new cogeneration technologies in some of our own industries. This program will test important new cogeneration techniques, as well as prove to our Nation's businesses that what is in the national energy interest can be in their economic interest as well.

Unfortunately, an appropriation of only $3 million will cripple this effort. Rather than going forward with the initial steps necessary to a balanced effort, ERDA will be forced to move at a snail's pace. Instead of coordinating our research and development program to coincide with the energy cutbacks our Nation will have to make in the very near future, it would lag so far behind as to be useless.

ERDA's purpose is to facilitate energy research, development and demonstrations so that both businesses and consumers can benefit. It is essential that programs as promising as cogeneration get adequate funding. That is why I ask your support to increase the fiscal year 1978 ERDA appropriation to $15 million for cogeneration.

The $12 million figure that I am asking by way of increase is for the cogeneration of electrical energy. The authorization bill which came out of our committee last week provided $15 million for cogeneration. The authorization in the House of Representatives provided $15 million additional for cogeneration. Unfortunately, the House appropriation bill provided only $3 million.

The $3 million is not adequate to pursue adequately a very promising technology.

Perhaps to some, the word "cogeneration" may sound more formidable than it is. By cogeneration, in oversimplified layman's terms, is meant the utilization of heat to generate electricity, to take the heat from the stack, the heat that has already been used to run the plant, and use that heat to run an electrical generator.

The administration, when Dr. Schlesinger and the President announced their program, indicated that they felt we did not have anywhere near enough funds for providing electricity by utilizing cogeneration. The additional $15 million in the authorization is to provide three demonstration projects in three industries which are very energy-intensive industries: the textile industry, the chemical industry, and the paper and pulp industry. With respect to the paper and pulp industry, I can briefly describe what the furnaces and the technology will do.

In essence, you ordinarily take the bark of the tree and chuck it out. Getting rid of the bark can be a fire problem; but, in this process, you preheat the bark at a low temperature. You cook the bark, turning the bark into charcoal. The gas that is generated by the low-temperature heating of the bark is used to generate steam, and the steam is used for purposes of steam in the paper industry, and it is also used to generate electricity, which can be used in the plant to reduce the need for electricity there, or can be exported to the power grid. The bark leaves a charcoal which can be activated and used to clean up the discharge, before the water from the plant goes back into the river.

The possibilities are substantial. West Germany now generates about 28 percent of its electricity by cogeneration. Unfortunately, the United States generates only about 4 percent of its electricity in that fashion. This technology, utilizing cogeneration, has a prospect of saving well over 2 million barrels of oil a day by 1985.

The $3 million in the House bill, as I say, is not anywhere nearly enough to adequately insure that this program will be brought on the line in the near future. By appropriating only the $3 million provided in the House language, the cogeneration program would be delayed for 2 years. For 2 years there would be no effective cogeneration program, and the country would be the loser.

Until now, ERDA's cogeneration program has not been sufficiently funded to allow it to demonstrate the most promising cogeneration technologies. It has limited its efforts to less efficient methods which will save less fuel. By fully funding this accelerated program, Congress can require ERDA to move faster in an area that will be critical to conserving energy in the near future.

If our industrial sector is to become as energy conscious as we are asking our consumers to be, Congress must provide ERDA with enough money to assist in the necessary demonstrations. Therefore, I urge that you support my amendment and increase the appropriation for ERDA's cogeneration program to $15 million.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, was there a previous order?

The PRESIDING OFFICER. There is 30 minutes on each amendment, with 15 minutes to a side. The Senator has reserved the remainder of his time. The Senator from Alaska will determine who proceeds.

Mr. DOMENICI. Will the manager of the bill yield 2 minutes for general comments?

Mr. STEVENS. Will the Senator permit us to respond to the Senator from New Hampshire? I will later yield whatever time the Senator requires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from New Hampshire has discussed this amendment with both the distinguished majority leader, the chairman, and with me.

The situation is that we did agree to the House addition of $3 million in this cogeneration area, but the Senate has, in fact, increased that authorization $12 million more in its action this week.

As I understand the situation, if we were to adopt his amendment, it would put this item in conference, as is the authorization bill itself. Under those circumstances, I would be prepared, and have so notified the chairman of our subcommittee, to recommend the acceptance of the amendment of the Senator from New Hampshire on the basis that it will be an item in conference, not only our conference, but the authorization bill conference.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Hampshire wrote a letter to me with respect to his proposal. I did not receive the letter in time to take the matter before the subcommittee. I fully intended, as I told him, to take the matter up in the full committee. Having been deeply engaged on the floor yesterday in connection with certain amendments which I was supporting dealing with the Korean withdrawal policy of the President, and also dealing with negotiations to begin the normalization of relations with Cuba, I was unable to attend the full committee meeting.

I assured him, that being the case, that he could call up the amendment on the floor during the debate and it would be given consideration and certainly have my support.

The Senator from New Hampshire has pointed out the additional need to fund all the projects involved in the authorization. Along with my distinguished colleague and friend (Mr. STEVENS) who has already addressed this amendment, may I say to my very able, persistent, tenacious, and dedicated friend from New Hampshire that I am very happy to accept his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Will the Senator from New Hampshire yield 2 minutes?

Mr. DURKIN. I yield.

Mr. HART. Mr. President, I want to congratulate and thank the Senator from New Hampshire for raising this issue. I want to thank the majority leader for his agreement to it.

I have introduced legislation to promote, on a wholesale basis around the country and as quickly as possible, the concept of energy cogeneration, an issue raised in the President's energy message. I believe it is beginning to receive a great deal of attention as a possible means of conserving, saving, and capitalizing on energy already being produced in the industrial sector which could amount to great savings once the technology is perfected and once we induce industrial energy users and producers to capitalize on that energy to the degree that many of our European neighbors are doing.

I want to comment on the diligence of the Senator from New Hampshire and thank him for bringing this matter up and keeping it alive in this year's appropriations. I hope the support of the majority will continue, when we take up the full bill, to try to bring into the national energy sector a thorough ongoing cogeneration as a means of helping to solve our energy needs.

I join with both the Senator from New Hampshire and the majority leader in urging the acceptance of this amendment. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Is all time yielded back?

Mr. ROBERT C. BYRD. I thank the Senator from Colorado. Mr. President, I yield back the remainder of my time.

Mr. DURKIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. DURKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURKIN. I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the Senator has rendered a service. I thank him for it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield from the bill such time to the Senator from New Mexico (Mr. DOMENICI) as he may need.

INDIAN HEALTH NEEDS

Mr. DOMENICI. Mr. President, I thank the Senator from Alaska. I will be brief.

I just wanted the Senate to know what this Senator feels about the work of this committee with reference to this appropriation matter. I personally believe that the distinguished majority leader and our minority whip, as chairman and ranking member of this committee, have done a splendid job with a most difficult combination of problems.

In particular, I want to thank the committee for their understanding and consideration of the health needs of the Indian people as evidenced by some of the appropriation items included in this bill.

I want to thank them for considering three facilities in my State which they have heretofore authorized for construction. In this particular year, they agreed with us that once we had them built, we ought to certainly staff them with adequate professional people so that these buildings in remote parts of both the Navaho Nation and other Pueblos in my State would not just have a building called a hospital, but would have the kind of professional staff in the year of 1978 to begin to take care of some of the rather staggering Indian health needs.

In addition, I thank them again this year for understanding the significance of the Navaho irrigation project as the fulfillment of a national commitment of almost 100 years standing. In this bill they have once again allowed moneys to the Navaho Nation for the continuation of the Navaho irrigation project. They have put sufficient money in to keep that project, a huge irrigation program on the Navaho Nation lands, on schedule, getting another block of land ready for irrigation, and the delivery of water to that particular site.

I thank them for it. I commend them for their understanding of its national significance.

With reference to one other item in my State which has to do with the Navaho Nation and energy production, I want to thank them for their understanding of the Four Corners roads needs which happens to be a combination of the Navaho irrigation project growth and eventual energy production in that area. They have permitted us to continue on this year by appropriating $5 million. They have permitted us to continue on with a joint agreement between the State, the Navaho Nation, and the Hickory Apaches for the construction of some vitally needed roads. We will have to continue that in the future. They have recognized that they want to keep that on schedule to the extent they are appropriating authority, by appropriating the $5 million needed to keep that rather major road project on schedule for the year 1978.

I ask the distinguished Senator from Alaska, with reference to that particular Four Corners road system, as it is included within the Indian roads and bridges program: Does he have any opinion with reference to the future of that program and project from and after this 1 year's appropriation?

Mr. STEVENS. Mr. President, both Senators from New Mexico have requested the action we have taken in the subcommittee. We recognize that significant progress has been achieved through the combined efforts of his State and the Federal and Indian entities toward the improvement of certain highways providing access to and across Indian lands in the Four Corners area under the provisions of Public Law 93–643.

The subcommittee has expressed, I think, in this bill that the present program warrants action to fulfill the Federal commitment undertaken in Public Law 93–643. However, we have also felt that the annual appropriations must be limited to the amount that can actually be obligated during the particular fiscal year covered by the bill now on the floor. For fiscal year 1978, that amount, we were advised, is $5 million. Therefore, that is the recommendation of the subcommittee with regard to this item in the bill.

Mr. DOMENICI. I thank the Senator from Alaska. I agree that that is the amount that can be used to keep this Four Corners road project on schedule. I thank the Senator and the full committee for including that in this particular appropriation bill.

There are two items I want to mention briefly; then I shall conclude.

Along with Indian health, which, obviously, the committee has concerned itself with in ways far beyond those that I have explicitly discussed here, the question of Indian education is also considered. I commend them again for their concern. They have increased, in this particular bill, the appropriation for Indian education by about $14.5 million. I think anyone that goes and visits our Indian reservations and pueblos and nations will understand that both health and education are paramount. I commend them for that.

In conclusion, we have a lingering problem of what hospitals to build next for our Indian people. In New Mexico, there is a facility known as Ship Rock Hospital, which serves Navajo people from both New Mexico and Arizona. Again, I commend the committee for keeping that planning and design program on schedule. They have included $800,000 to continue with the final plans and designs of that facility. I thank them for their understanding that it is a much-needed facility and that we have been working on it for a long time. This will keep it on schedule and, eventually, we shall have an appropriate facility in that part of New Mexico and Arizona.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I thank the Senator from New Mexico (Mr. DOMENICI) for his kind comments. The items he mentioned were included in the bill at the request of the two Senators from New Mexico. We are appreciative of their work with us.

It is my understanding that the Senator from New Mexico (Mr. SCHMITT) wishes time. I yield him such time on the bill as he may require.

Mr. SCHMITT. Mr. President, I associate myself completely with the remarks of my distinguished colleague from New Mexico in expressing appreciation for the efforts of the committee in helping us on these extremely worthwhile projects in New Mexico, and particularly those for the Indian people.

COMMENTS ON H.R. 7636

I also hope that, as time goes by, one project which is deemphasized to a certain degree starts to receive more emphasis and inquiries, for New Mexico as well as for the entire Southwestern United States and potentially for the rest of the Nation. That is the project dealing with saline water and the refinement of saline water so it can be used for a variety of purposes in the arid zones of our country.

Mr. President, I also commend the committee on a number of items, very briefly, that have broad general application to New Mexico as well as to the rest of the country. In particular, I commend them for their efforts to maintain the funding for the strategic oil reserve and, with those efforts, the encouragement that goes to the administration to continue the development of an overall energy emergency preparedness plan that can give us a comprehensive and continually updated response to any potential economic attack on this country that would come as a consequence of future embargoes of the import of petroleum.

I also wish to mention to these gentlemen, and commend them for it, their emphasis on mine health and safety in the bill, not only on the increased research, but just the general emphasis of how important mine health and safety is going to be to the future solution of our energy problem.

The increases that are given the mine health and safety and other mining research are entirely justified. I hope that the close coordination that has existed within the Department of the Interior on research and inspection and enforcement of mine health safety matters can continue to be in that department. We shall be discussing this issue extensively next week in connection with the bill

that would transfer some of those jurisdictions to the Department of Labor, and much more will be said. At the present time, suffice it to say that the increased emphasis is very important.

I particularly wish to point out how important advanced research and technology will be to this area—not only to our ability to mine the large underground coal resources of this country, but also to providing the ultimate safety for the miner, that ultimate safety being the time when the miner is no longer in the mine and is able to operate his equipment from the surface—a time when equipment automatically supplies coal or coal-derived energy from the deep portions of the Earth.

Advanced research and technology have been proceeding far too slowly within the mining industry and within the Government. I hope that over the next year or two, we shall see increased emphasis in this area. There is a vast resource base, if you will, of technology which has yet to be tapped and which can be applied not only to the mining of coal, to the extraction of coal energy, but also to greatly enhancing the safety of miners, who must work in what otherwise is a very dangerous and dirty environment.

Finally, Mr. President, I wish to bring up what normally is considered a small item but, in the long-term future of this country, may turn out to be critical. That is the question of helium. The committee has done exactly the right thing. Let me quote the report, which says that "the committee fully concurs in the House directive that the Bureau and the Energy Research and Development Administration jointly conduct a study aimed at developing a sound policy on helium conservation, storage, and future needs."

I believe it is well that this body and, finally, this country realize that, as we move into another century of much more sophisticated development techniques, helium will play an extremely important role. It is just one example. We are already experimenting in many parts of our technical communities with high temperature reactors of many kinds—gas reactors, both in the nuclear area and also high temperature use of coal and other fuels. In its closed cycle system, helium is one of the most important elements that we have for the transfer of energy. It is also a cyrogenic material—that is, at very low temperature, it has interesting properties. It is particularly interesting as we examine the use of superconducting materials which will be important for the efficient transfer of power throughout this country. We must, as a country, realize that this extremely important natural resource is very limited. It comes largely as a by-product from the production of natural gas. We should not vent this element carelessly into the atmosphere from which it will eventually escape—it does not stay with the Earth. It eventually leaves our atmosphere for space. With that property, we must take every step we can to preserve it so it can, in fact, be used for future generations in the solutions of energy problems.

Mr. McCLURE. Will the Senator from New Mexico yield for a comment?

Mr. SCHMITT. I am happy to yield to the Senator from Idaho.

Mr. McCLURE. First, I compliment the Senator for having raised this issue in this context, because he brings to the debate an added dimension of credibility on a matter of this nature. It is a matter I have long been concerned with, because we are pursuing an unwise course, in my judgment, for allowing the helium to vent as we are locked in some kind of test of wills within the administration on this issue. They are pursuing a course that is full of folly, simply out of pride of past position and out of fear of confessing that they have been wrong.

It is a national disaster in very real terms, and we shall be paying, I am certain, hundreds of millions of dollars in settlement of contract liabilities without having anything to show for it. Future generations will pay a much higher price in the reduction of the opportunities in alternative energy sources and programs that will simply be foreclosed because the alternative of running helium at relatively low cost will be lost by actions being taken now.

I very much wish to stress the importance of helium in the future. All the scientists we have sought advice from agree, helium is an absolutely essential and critical resource and we are throwing it away.

I commend the Senator for having raised this issue this morning.

Mr. SCHMITT. I appreciate the confirming and supporting remarks of the distinguished Senator. I hope this Senate as a whole will now start to direct their attention to this program over the next year or two.

It can seriously restrict, as the Senator says, the options future generations have in how they solve their particular energy problems and, in fact, how we begin to find those solutions for them with a far-reaching and positive energy policy, which I hope Congress in its wisdom will provide for the rest of the Nation.

I thank the Chair. I yield back my time.

Mr. STEVENS. Mr. President, I thank the Senator from New Mexico for his comments. I add my thanks to him and to the other Members of the Senate who graciously consented to the procedures we have followed on this bill in order that we might keep the schedule already set by the leadership, but at the same time consider the amendments that were adopted by the Senate in the ERDA bill when it was before this body on Tuesday that necessitated the change in procedure. Many people questioned it, but after examining it did give consent to the procedure we followed.

I am appreciative of their courtesy.

Mr. MUSKIE. Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. MUSKIE. Mr. President, the Senate is now considering H.R. 7636, the fiscal year 1978 Interior and Related Agencies appropriation bill. I would like to comment on the relationship between the bill and the First Budget Resolution.

H.R. 7636 as reported provides $10.2 billion in budget authority, with estimated outlays of $8.7 billion, including outlays of $2.9 billion from prior year authority.

Under section 302(B) of the Budget Act, the Appropriations Committee divides among its subcommittees the total budget authority and outlays allocated to it under the budget resolution. The amount allocated to the Interior Subcommittee on Appropriations by the full committee is $10.6 billion in budget authority and $9.5 billion in outlays. H.R. 7636 as reported would leave $0.4 billion in budget authority and $0.8 billion in outlays remaining within the subcommittee's allocation. It appears that possible later requirements totaling $0.4 billion in budget authority and outlays for programs under the jurisdiction of the subcommittee may occur later in the year. If these occur, the Interior Subcommittee would have used up its budget authority allocation and have $0.4 billion remaining in its outlay allocation.

Mr. President, I ask unanimous consent that a table showing the relationship of the pending bill to the section 302 (B) allocation be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 7636: Fiscal year 1978 Interior and related agencies appropriation bill—Relationship to subcommittee allocation

[Dollars in billions]

	Budget authority	Outlays
Subcommittee section 302(b) allocation	10.6	9.5
H.R. 7636	10.2	8.7
Remaining allocation	0.4	0.8
Possible later requirements:		
Forest Service firefighting	.1	.1
Miscellaneous natural resource programs	.1	.1
New or current energy programs	.2	.2
Total possible later requirements	.4	.4
Possible amount over (+) or under (−) subcommittee allocation	----	−.4

Mr. MUSKIE. Mr. President, I support H.R. 7636. The bill provides funds for many important programs. The distinguished majority leader deserves credit for bringing in a bill that fits within the subcommittee allocation. I am sure that the pressure for increases is great and I know that he exercised considerable restraint in reporting H.R. 7636 at these levels.

I would point out, however, that in the case of function 300, natural resources, environment, and energy, the amounts in this bill are likely to cause the first budget resolution budget authority target to be exceeded. Last month, in the first budget resolution, Congress adopted targets for function 300 of $20.7 billion in budget authority and $20 billion in outlays. Taking into account the programs within function

300 funded by this Interior appropriation, the demands on function 300 by other appropriation bills which also have an impact upon it, and possible later requirements in the form of supplemental bills, it appears that the enactment of this Interior appropriation will cause the functional targets to be exceeded by at least $1 billion in budget authority. I would prefer to have the Congress maintain the targets as adopted for function 300. I would insist on it if the Senate and Congress did not have a reasonable expectation that the total of all appropriation bills will be within the congressional budget. It is certainly a prerogative of the Appropriations Committee to divide the funds allocated to it under the budget resolution among its subcommittees as it sees fit. This is true even if that division among subcommittees is at some variance with the targets in the budget resolution. This is an accommodation provided in the Budget Act very consciously to allow the Appropriations Committee the flexibility to live within the targets adopted in the resolution, provided that the total of these bills does not exceed the funds allocated to the Appropriations Committee itself under the budget resolution.

I have discussed these questions with the distinguished floor manager of this bill and have communicated directly with the chairman of the committee upon them. On the basis of these and other preliminary indications, I am assured that the sum of the appropriations bills will be within the budget resolution. Even though some functional targets in the first budget resolution may be somewhat exceeded in the enactment of these bills, other targets will be sufficiently under-subscribed in the same process so that the sum of all the bills does not exceed the budget.

So I will vote in favor of this bill. I will do so for the following reasons.

The bill funds important programs.

The bill as reported, plus possible later requirements, will not cause the subcommittee to exceed its section 302(b) allocation.

The bill should be consistent with the first budget resolution outlay target after the outlay estimates are reviewed in July.

The conference agreement should reduce the budget authority levels in function 300 below the levels in the Senate-reported bill.

The major increase in function 300 Budget authority is for acceleration of the strategic pertoleum reserve which is an agreed-upon congressional priority, rather than for new programs.

I look forward to working with the Appropriations Committee in a joint effort to maintain the policies established by the Congress in the first budget resolution.

Mr. President, I would like to ask the distinguised majority leader if he could, on behalf of the Appropriations Committee, inform the Senate as to whether it will be possible for the committtee to remain within its first budget resolution allocation, taking account of likely action on the regular appropriation bills as well as supplemental requirements now anticipated?

Mr. ROBERT C. BYRD. On behalf of the chairman of the Appropriations Committee, let me say that the committee expects to be able to stay within the full allocation from the first budget resolution for fiscal year 1978.

If all of the possible later requirements materialize, it may be the case that an individual subcommittee would exceed its allocation. However, the supplemental requests we can anticipate at this time combined with the anticipated requirements of our regular appropriations bills will not place the committee over its full allocation.

The subcommittee ceilings are fixed by the full committee and can be adjusted by the full committee. We do not see an overall problem at this time, although we fully share the concern of the Senator from Maine (Mr. MUSKIE) as able chairman of the Budget Committee and assure him we are as committed as he is to assuring an appropriation level within the limits fixed by the Congress.

Mr. BELLMON. Mr. President, the distinguished chairman of the Budget Committee, Senator MUSKIE, has already described the budget impact of this bill, and I do not intend to restate the same material. However, Mr. President, I do have some concerns and uneasiness regarding this bill and its relation to the budget which I believe are worth discussing.

It is true that this bill, by itself, is inside the allocation of funds provided to the Interior Subcommittee by the Appropriations Committee. It is also true that this bill is within the subcommittee allocation even after considering known possible later requirements, but there are two problems here. One is that this bill has more funds in the energy function of the budget—function 300—than was expected in the first concurrent budget resolution. If the Appropriations Committee intends to stay within its part of the budget, then the committee must have in mind a reduction somewhere else in the budget to compensate for this overage. I applaud Senator MUSKIE's efforts to seek assurance both from the distinguished chairman of the Appropriations Committee and from the floor leader of this bill, the distinguished majority leader, that the committee will in fact stay within its total allocation.

I should also say that even staying within its allocation could be a problem for the Senate if the priorities established by Congress in its budget resolution have been significantly modified by changes in the funding of appropriation bills. However, that does not appear to be a problem in this instance.

The second problem posed by this bill which ought to be recognized now is that we have used up virtually all of the flexibility intended for energy program funding in the budget resolution and we have not set aside funds for major new programs. We have instead set aside incremental amounts of funds for add-ons to existing programs. So I trust, Mr. President, that all my colleagues are satisfied with the funding for energy in this bill and that we are not going to be surprised later on by some new energy expenditure idea which has not been taken into account either in this bill or in the category of "possible later requirements." Given the fact that we have used up much of our flexibility, any such later energy expenditure proposal will likely create severe budget pressures.

Finally, Mr. President, I hope that the conference with the House on this bill will result in a lowering of budget authority, thereby restoring some flexibility. It seems to me that a funding level for the strategic petroleum reserve which is lower than the Senate version would be appropriate. I have had some reservation that the speedup in this program envisioned in the Senate version is really necessary or useful, particularly if the extra funds cannot be spent effectively. Any such reduction in conference gives the budget some breathing room which may prove necessary later on.

I intend to vote for H.R. 7636, but I do so with uneasiness and with the strong hope that the conference result will solve the reservations which I have expressed here.

Mr. MUSKIE. On another subject in the bill, Mr. President, the Subcommittee on Interior has included in the Department of the Interior and Related Agencies appropriation bill $870,000 for Federal services for the Penobscot and Passamaquoddy Indian Tribes for fiscal year 1978. The funds were added to the bill in response to a recent supplemental budget request from the administration for $916,000. I understand that the appropriation was reduced from $916,000 to $870,000 because of the subcommittee's concern that excessive funds had been requested for administering services to the Passamaquoddy and Penobscot Tribes. I am concerned that the level of funding was reduced even by this small amount but I share the concern of the subcommittee and of the tribes that the funds appropriated be used for services to the Passamaquoddy and Penobscot tribes and not for administering a new extension of the BIA bureaucracy in Maine. I would hope and I believe that subcommittee shares my view that all of these funds would be used for the direct benefit of the recipients in Maine.

This is the first time that the funds have been appropriated for the Penobscot and Passamaquoddy tribes. BIA and OMB were moved to request funding as a result of court rulings in Passamaquoddy against Morton but I want to make it clear and hope that the chairman will join with me in making clear that nothing in this bill should be taken to indicate a congressional determination or statement involving the rights of any parties in pending or future litigation regarding the aboriginal rights of Maine Indians.

I would note further that these funds for the Maine tribe are appropriated without particular direction to BIA as to how they should be used for the tribes in Maine. It is the tribe's desire and, I hope BIA will respect this desire, that the funds be used for self-determination act grants. Such a use would be consistent with the appropriation and I trust will be considered by BIA.

I want to thank the chairman and

the committee for their willingness to deal with this matter in response to a late request from the administration. I know that the unique situation of the Maine tribes makes the provision of Federal services a complex matter.

Mr. ROBERT C. BYRD. Mr. President, let me respond to the concerns expressed by the Senator from Maine (Mr. MUSKIE).

The reduction in the budget request for the Passamaquoddy and Penobscot tribes was indeed directed at what the committee believes to be the excessive administrative costs involved in BIA budget proposals. It is not the committee's intent to reduce services to the tribes.

Further, I strongly endorse the Senator's view that, wherever possible, the BIA should contract with the tribes under the authority and intent of the Indian Self-Determination Act, to provide these services.

Finally, I can assure the Senator from Maine (Mr. MUSKIE) that this appropriation and the services to the tribes that it will finance are in no way connected or related to any litigation involving the rights of any parties in connection with aboriginal rights of Maine Indians.

Mr. STEVENS. Mr. President, it is my understanding that the Senators from Idaho and Oregon wish to engage in a colloquy.

How much time do the Senators desire?

Mr. McCLURE. Ten minutes.

Mr. STEVENS. I yield 10 minutes jointly to the Senators, for the colloquy.

MANAGEMENT OF PUBLIC LANDS

Mr. McCLURE. Mr. President, I thank the Senator from Alaska for yielding this time to the Senator from Oregon and myself because we have one area of particular concern—not concern with the figures or the directions of the budget, but with the understanding of a problem that confronts the management of the public lands as reflected in the budget and not necessarily shown on the surface of the report. That is the difficulty we are going to have as a nation in meeting the housing commitments we have already established as our goals.

Mr. President, an increase in funds for the planning of timber sales, as well as for current reforestation efforts and reducing the backlog of lands needing reforestation, is commendable. This will provide a volume of timber for sale offerings to meet the pressures for an increase in housing starts which are a welcome sign after a recent serious slump in our housing industry.

Of no less importance is a need for adequate funds for the planning process which was mandated by passage of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976. Congress stated its policy quite clearly in calling for the planning, funding, and execution of all responsibilities delegated to the Forest Service, including not only fiber production, but also the other goods and services that we need from our National Forest System. It would be a tragedy for Congress to establish a policy which says, "We support a balanced program for our National Forests," and the next year turn around and say, "We are only going to fund part of the program." Partial funding was a legitimate public complaint during the debate on the Monongahela issue in the 94th Congress. The planning process is the key to resolving a bottleneck situation in our National Forests. That bottleneck is the situation created when 55 million acres of our national forests have been placed in a roadless area category, unavailable for development pending clearance by approved environmental impact statements. The Forest Service has attempted to move forward to clear these lands for future management, whether it be for wilderness designation, or for mulitple use, or modified multiple use. To deny those planning moneys which set the stage for management would stifle opportunities for orderly planning and execution of a timber sales program, forest protection, and the other Forest Service activities. In short, the studies must be completed as soon as possible. Assistant Secretary of Agriculture Dr. M. Rupert Cutler has proposed a program designed to accelerate the resolution of the roadless area situation. His 15-month timetable, designed to resolve this bottleneck needs the funds to carry it out. This means that moneys for other programs must not be shifted around at the expense of those programs. Without the necessary funds for the planning process, we simply will not have the available acres cleared for management.

An increase in Forest Service personnel ceilings is helpful; however, our report must indicate that where personnel might still be a problem, it is the intent of Congress to support the agency use of contract services.

Mr. President, I ask unanimous consent that a comparative table on forest management be printed in the RECORD at this point.

There being no objection, the comparative table was ordered to be printed in the RECORD, as follows:

	FY 77	FY 78 request	House changes	Senate allowance
Forest management	$641,259,000	$424,573,000	+$125,462,000	$531,054,000
Budget request	424,573,000			
House allowance	125,462,000			
	550,035,000	House		531,054,000 Senate

House version is $18,981,000 *more* than Senate version.

Mr. McCLURE. If, as a matter of fact, we do not have adequate management of the timber resources on the public lands of the Western United States, we have now seen a recovery of the housing industry to the point that we can expect confidently that we will have somewhat on the order of 2 million starts this year. But the statistic behind the fact is the matter of concern that not just those of us who came from the Western United States must confront. That is our identified housing needs established some years ago which were 26 million units.

We established a goal of 2.6 million housing starts for 10 years as the need for the housing industry, and we have not met that need, and the need is still as large as that targeted by the Congress of the United States some years ago.

We are now up to about 2 million starts a year, after a slump in the housing industry for a variety of reasons, but we do not have enough timber on the public lands or moving through the sawmills of this country to sustain a level of 2 million housing starts for as many as 3 years in a row.

So if we are successful in getting housing starts up and keeping them up for as much as 2 million units per year for the next 3 years, we will run into a shortage of available building materals, and that shortage will drive prices up, and it will inevitably pinch off the recovery in the housing industry at the very time when it is getting the momentum that we in Congress say we desire.

That is involved not only in the amount of timber that is put up for sale, it has to do with the amount of money that is programed for the Forest Service and the BLM in bringing the timber to the point of offering it for sale, in doing the engineering that is necessary to lay out the road system that is necessary to move in and get the timber out.

It is also in the longer term absolutely essential to have enough money to do the reforestation and the intensive forest management that can enhance the yield of timber from our commercial forestlands so we can sustain a housing industry over a period of years.

But that masks one of the reasons we are having difficulty. One is personnel ceilings that are devoted to doing those jobs. As we have become more and more concerned about wilderness designation and special use classifications of various elements of our national resource lands, we have diverted more and more of our personnel into studying the allocations and studying the impacts, and reducing the numbers of personnel that were available to do the timber sales management, the programing, and putting the timber up for sale.

We have some problem in the submission by the committee or some latent problem if, as a matter of fact, those measures cause us to divert some of the amounts of money and personnel that have been programed in this bill.

When the Sawtooth National Recreation Area in Idaho was designated, I was a cosponsor of that bill. I supported it, and it was designated by the Congress of the United States, and immediately there was $600,000 taken out of the Forest Service management funds that would have otherwise been spent on

other purposes, and programed into the management of that recreation area.

Some of the personnel moved over to doing the management of that recreation area.

When Hells Canyon National Recreation Area that involved the States of Oregon and Idaho was created, a similar thing happened. Some of the money and some of the personnel that had been programed for multiple use management were shifted over into the management of this special purpose unit.

In the Western United States, in particular, and in my own State of Idaho peculiarly, we have large areas of land that are now roadless and, therefore, within the classification of de facto wilderness areas and, therefore, subject to study for possible inclusion in future wilderness areas.

It requires a great deal of study; it requires a great deal of time to complete those studies and get them to the point of making a decision as to whether or not they shall be included in wilderness area or reduced to a special use area less than completely multiple use or classified for continuation in full multiple use.

This requires time, it requires money, and it requires personnel.

So a great deal of potential timber volume is tied up, at the same time a great deal of the budget and a great deal of the personnel are tied up in precisely that kind of an evaluation.

The result is that timber which will be available is not being moved to market, it is not being moved through the sales process, and not being offered for sale even in the instances where we know it will be commercial timberland, and the timber will be made available at some time in the future.

The result is we have an impingement upon the orderly processes of the market that will result in layoffs of men and women who are involved in this timber industry, the closing of sawmills needlessly, the disruption of community life and community values in areas of the West where we could avoid that if the Forest Service would take a critical and careful look at what is happening because of this kind of problem.

I know the Senator from Oregon shares with me that concern. I know the Senator from Alaska, with whom I have discussed this problem, shares that concern. I think it is necessary for us to focus our attention on that and to demand that the Forest Service focus their attention on that problem so that we do not run unwittingly into problems that can be avoided.

The Forest Service will go on forever whether a sawmill closes down this year and opens 3 years from now. That is of little moment to the Forest Service. Their retirement, livelihood and job security are not affected, but the communities in which they work, and the thousands of people dependent upon those communities are very vitally affected by that temporary interruption in the orderly management of the resources of this country.

I commend the Senators from Oregon and Alaska for having given attention to that problem, both in the figures that are used in the appropriations and also in the report language. I would hope the Forest Service will pay some attention to what the committee has tried to do in this instance, and will help us alleviate that problem.

Mr. HATFIELD. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. I would be happy to yield.

Mr. HATFIELD. I want to associate myself with the comments made by the Senator from Idaho. He has very poignantly set forth the problem that we face not only in the general forest management field in the West, but as it impacts upon the entire Nation relating to our national housing commitments.

I think very often we in the Congress will make some very specific goals in either the form of legislation or resolution, and we sometimes think that having made this kind of goal on paper that it is automatically implemented, when it really takes far more than rhetoric to implement anything.

I would use as an example just what happened in our area of housing. We made a commitment that we would have 26 million new units over a certain period of time, a decade, which would be about 2.6 million units a year. Yet, at the same time, we did not address ourselves to the policies of the Federal Government that would make materiel available to meet those housing needs or policies that, in effect, might inhibit the availability of such materiel.

Even last year, the Senator from Idaho knows, as we both sat on the same committee that worked out a so-called timber bill, a forestry bill, that was to solve the problems raised by the Monongahela court decision, he will recall we made a commitment in that particular piece of legislation to authorize the expenditure of $200 million a year for reforestation purposes.

Even with the add-on that the subcommittee has made here in the Senate this year, we are at less than half of that level of funding, that very noble objective that we set forth in the authorization of $200 million in that bill.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HATFIELD. Mr. President, I wonder if we could have 3 additional minutes for the Senator from Idaho.

Mr. STEVENS. Mr. President, I yield the Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator has 3 additional minutes.

Mr. HATFIELD. Mr. President, further, I will say the Senator from Idaho was very correct in discussing the problems that are internal with the Forest Service that perhaps are even beyond the question or problem of funding.

I recall that when Chief McGuire was before our committee we were talking about some of the problems of programing in the Forest Service and how these problems could be resolved. He did indicate that money was one part of the problem. We asked him how much money it would take for certain programs, and he indicated that amount necessary. Then he indicated, further, that the ceiling that had been placed since 1966 on the Forest Service personnel level meant that, if they were to really meet today's requirements programwise, they would have to add 3,500 new personnel to the Forest Service.

Frankly, it seems to me that ceiling is not only an encumbrance, but perhaps it is an excuse as well. I think that some of these activities could be achieved through contract services far more broadly utilized than they are now through the Forest Service, and then also I think if one were to look at the internal problems, he would find that in the Forest Service a few years ago the forester was probably qualified to do about every facet of the job. Today, the Forest Service, like many other professions and industries, has tended to specialize and specialize so that a study now, rather than conducted by a generalist, is made up of a composite of specialists; the hydrologists, the soil expert, the wildlife expert, and all the others, so that each one has to sign off of a single study. To get all of that coordinated is becoming increasingly difficult and even once the study is completed we find now court actions, injunctions, administrative appeals, and what have you, have almost become a strategy rather than a seeking out of equity or seeking out of information.

Mr. President, I have been working on an omnibus wilderness bill for the State of Oregon, and I can certainly attest to the concern expressed by the Senator from Idaho about small villages and communities that are dependent upon the forest industry for their payrolls and for their livelihood and how the wilderness declarations would affect that community.

But more importantly, the fact that we have roadless areas and other areas which have been, in effect, frozen into a nonforest multiple use in an amount of 55 million acres, I believe, in the national forest—approximately at least—which is a figure that is now in effect put on the shelf as it relates to the possibility of multiple use and forest management practices.

The PRESIDING OFFICER. The Senator's additional 3 minutes have expired.

Mr. HATFIELD. I thank the Senator from Idaho for bringing this thought to the floor, and I appreciate the Senator from Alaska yielding this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we thank the two Senators for their contribution.

I call particular attention to the paragraph in our report which states that:

> Concern has been expressed some 55 million acres of National Forests which have been designated as roadless areas, unavailable for development pending clearance by approved environmental impact statements. Funding provided by the Committee should enable the Forest Service to significantly reduce the backlog of required studies so that these areas can receive final designation as multiple-use, modified multiple-use or wilderness areas.

That was placed in the committee report at the specific request of the Senator

from Idaho. I think he has made a contribution to our efforts.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished senior Senator from Virginia, my namesake, HARRY F. BYRD, JR.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I ask the distinguished floor manager of the bill if he will refer to page 8 of the bill, the section dealing with the land and water conservation fund.

The House of Representatives took action which caused considerable concern to many Members of the House of Representatives, and I think it should be cause for concern to the Senate.

What the House of Representatives did was to take $45 million which otherwise would have been available for State programs and made that sum available for Federal programs to Federal agencies instead.

I might say that during consideration of this measure in the House of Representatives, the able Congressman from the Seventh Congressional District of Virginia, J. KENNETH ROBINSON, made an excellent statement in opposition to what the House of Representatives was doing, and I commend Congressman ROBINSON for his speech in this regard.

The present legislation, the legislation before the Senate—and I realize the situation the Senate committee found itself in as a result of the House action—appropriate $306,700,000 for land and water conservation for State programs, but the legislation does take $45 million away from the amount otherwise available for State programs and makes that $45 million—to be exact, $45,565,000—available to Federal agencies.

My purpose in rising is to express the hope that the Senator from West Virginia, as the floor manager of this bill, realizing the difficult position he found himself in as a result of the House action, in future legislation will carefully safeguard the funds for the State programs and not take those funds away from the State programs in order to make them available for Federal agencies.

Mr. ROBERT C. BYRD. Mr. President, the States can be expected to receive increased appropriations in future budget requests for the land and water conservation fund.

I thank the distinguished Senator from Virginia for his expression of his interest and concern.

The allocation of these funds usually has been about 60 percent State and 40 percent Federal. The recommendations would change this to 51 percent and 49 percent.

However, the amount recommended in this bill for the States' share is an increase of $130,767,000, up almost 75 percent over fiscal year 1977. Since funds earmarked for State use must be matched on the local level, there is a valid question as to whether all States will be able to raise the revenue required to meet the additional $130 million figure that has been recommended.

If the State program is to be substantially increased, it would either be necessary to go over the budget requests by an even greater amount—and we are already over the 1977 level by $2.5 billion—or the funds would have to be taken from approved Federal acquisitions. All of these federally authorized areas have significant backlogs in acquisition, and every year the committee receives numerous requests from Senators to provide additional funds for these activities.

So the distinguished ranking minority member and I, and the other members of the committee, feel that the recommendations under consideration provide the best balance for the program in view of the significantly increased funding.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia for that detailed explanation.

In concluding, I emphasize that the Senator from Virginia was not advocating an increase in the funds but merely pointing out that what appears to be a reduction in funds from the land and water conservation fund insofar as the States are concerned. It was not actually a reduction because that amount of $45 million plus was transferred to Federal agencies.

I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator from Virginia.

Mr. President, I ask unanimous consent that the vote on passage of the Interior appropriation bill occur today not later than 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

UP AMENDMENT NO. 488

Mr. ANDERSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Mr. SASSER). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. ANDERSON), for himself and Mr. HUMPHREY, offers an unprinted amendment numbered 488:

On page 31, line 15, strike out "$44,551,000" and insert in lieu thereof "$47,551,000".

Mr. ANDERSON. Mr. President, I am offering this amendment on behalf of my distinguished senior colleague, Mr. HUMPHREY, and myself to add $3 million to the funds appropriated for the U.S. Forest Service for Dutch elm disease control programs. Dutch elm disease has been sweeping our country for a number of years. In Minnesota, it has had a disastrous effect. In the city of Minneapolis, for example, if no action is taken 95 percent of our elm trees may be lost to Dutch elm disease by 1985.

We feel that this modest increase in the appropriation would be extremely helpful, not only to my State but to some 41 other States who face a similar threat.

The U.S. Forest Service is presently spending $553 million a year on forest protection and utilization programs. Of this amount, however, less than one-half of 1 percent will be spent on Dutch elm disease control.

The Dutch elm disease has caused a critical problem in Minnesota's metropolitan areas. The beautiful tree-shaded streets are being robbed by this deadly beetle. The people in my State are keenly aware of this critical situation and have already enacted disease control programs. The Minnesota Legislature has authorized $28.5 million for this program to be spent over the next 2 years.

Only the States of Florida, Louisiana, New Mexico, Arizona, Utah, Nevada, Washington, Hawaii, and Alaska have escaped infestation. According to the USDA study, the percent of trees killed is closely related to the length of time Dutch Elm disease has been present in a State. In States where the disease was first reported during the past 10 years, an average of 95 percent of elms still remain. In States where the disease was first reported from 21 to 30 years ago, an average of 32 percent of the trees are left.

The incidences of Dutch elm disease is highest in the Northeast, where 12 States have lost 75 percent of the elms within their municipalities. The impact of the disease is just now beginning to be felt in many Western and Midwestern States. Of the 16 affected States west of the Mississippi River, 12 have lost less than 25 percent of their elms and 9 have lost less than 5 percent.

Communities with large elm stands find that they must pay for the disease regardless of what course of action they follow. Either they can do nothing to impede the spread of the disease and face sizable tree removal costs after Dutch elm disease has taken its toll, or they can initiate a control program at a time when most of their elms are not yet infected. Studies show that control costs are from 37 to 76 percent less than the cost of removing dead trees where no control was attempted.

State and local governments recognize their responsibility in seeking to combat this destructive tree disease; $30 to $50 million is being spent by State and local governments on Dutch elm disease control programs. Last year in Minnesota alone, the State Legislature increased its funding for this program almost fivefold. These efforts are to be commended.

The $3 million add-on authorized by my amendment is a first step in upgrading our Federal commitment to Dutch elm disease control. These moneys would be used for comparative field studies in an effort to determine the most cost-effective and environmentally sound sanitation program. Much work needs to be done on wood reutilization. Many communities see no alternative but to dispose of diseased elm wood through open burning or in land fills. Demonstration programs should be started to demonstrate the economic and environmental merits of converting elm tree residue into paper, charcoal, fuel, wood, and furniture.

These moneys could be used to provide scientific and technical expertise to State and local governments as well as provide a coordinated approach on a national level to the problem of Dutch elm disease control.

I am happy to respond to any questions Senators may have.

Mr. STEVENS. Mr. President, we have discussed this amendment. I understand the nature of the problem. It is a $3 million increase for an item we have already increased by $1 million. I know it is a severe problem in many areas of the country, including Wisconsin and the Senator's State.

I am prepared to recommend that the majority leader accept the amendment on behalf of the committee and take it to conference.

Mr. ROBERT C. BYRD. Mr. President, as the Senator from Minnesota knows, we have increased Dutch elm disease control funding by $1 million. We had thought that would be sufficient. We were mindful of the need to control the problem, and we appreciate the urgency of the concern that has been ably expressed by the junior Senator from Minnesota in connection with the amendment that he is offering jointly on behalf of himself and his colleague (Mr. HUMPHREY).

I will join with the Senator from Alaska in urging the acceptance of the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ANDERSON. I do.

Mr. ROBERT C. BYRD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. Are there further amendments to be proposed?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

INDIAN AFFAIRS

Mr. PEARSON. Mr. President, I note from the committee report and from previous conversations with the distinguished Senator from Alaska that substantial reductions were made in funds for Indian Affairs.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield the Senator such time as he may need to ask the question.

Mr. PEARSON. I would like to inquire from the managers of the bill, particularly the distinguished Senator from Alaska, as to the rationale, particularly in relation to the Haskell Junior College, an Indian institution of national reputation doing enormously good work for the Indians of this country, in my State of Kansas.

I know I have had a conversation about this with the Senator, but I think that this kind of cutting of construction funds, considering the institutional needs, which are well-known to both of us and to anyone who has studied the problem, seems ill-advised. Perhaps the Senator might make a response.

Mr. STEVENS. Mr. President, we have deleted certain new construction projects for the Bureau of Indian Affairs, including one at Haskell Indian Junior College in Kansas. The Senator will note that we have also deleted projects at the Napakiak School in Alaska, and other schools in other States.

This action is taken without prejudice to any of the individual projects, but to express our concern over the Bureau's management of its building program, particularly school construction.

There is on hand an unobligated balance in the Bureau of Indian Affairs of $62 million, and they have requested additional construction moneys this year.

In the bill, if the Senator will notice, on page 20, we have placed a proviso that States that within 90 days following the enactment of this bill—

the Secretary of the Interior shall submit to the Congress a plan for expenditure of planning and construction funds available to the Bureau of Indian Affairs and shall advise during the year on achievement of plans and construction.

That is placed in the bill for the specific purpose of making it mandatory that we have this program explained, and particularly that we be provided with the details as to the commitment of the funds that have already been appropriated for school construction.

We know the Senator's longstanding interest in the Haskell Indian Junior College, and I am sure that he and other Senators will find some difficulty in understanding the way we have tried to bring this subject to a resolution.

Mr. PEARSON. What page are we on?

Mr. STEVENS. We are on page 28 of the report and page 21 of the bill. I assure the Senator, and I think the Senator from West Virginia would join me, that as we have stated in the report, there is no prejudice to any individual project. It just seems to me that since the Bureau of Indian Affairs has $62 million available, some of it appropriated as long ago as 1969, that has not been committed, it is very difficult for us to approve additional funds, when those projects have not been completed as scheduled, and it appears that they are having difficulty in planning and executing their projects on a year-to-year basis. The House Appropriations Committee developed an excellent investigative report that sets out the BIA's management problems and recommends appropriate measures to correct them. To date, the Bureau has not properly responded to these recommendations.

Again I assure the Senator, knowing his concern for the Haskell Indian Institute, and I assume particularly in terms of the request for the new gymnasium, that we are cognizant of the support for these items. We, too, support them. We think there ought to be some detail supplied to us as by the Bureau of Indian Affairs as to what they are going to do with the money they already have before they ask us for more.

Mr. PEARSON. And that has not been the case with the money authorized and appropriated heretofore?

Mr. STEVENS. We have not been given accurate estimates of the use of the funds already supplied to the Bureau for use in construction of this item. If we get that detail before we go to conference, we would be more than willing to restore the money and to listen to what I am sure will be the pleas not only from the Senator from Kansas but other Senators and Congressmen involved in the States which are similarly affected by our action.

Mr. PEARSON. I thank the Senator very much. I understand his concern and his insistence upon an orderly procedure and procedures that will use these funds to their best advantage. I am just concerned because in the Haskell Indian Institute, in an authorization and appropriation of funds for dormitory buildings heretofore sought to be built there, the inflationary pressures ran over the amount involved and we had to cut back on some very much-needed construction for Indian children. Although I agree with the Senator and the rationale the subcommittee took, I hope this delay will not, in the end, cause a greater expenditure than it would otherwise.

Mr. STEVENS. We can assure the Senator that is our intent. If we can get some orderly progress in the planning and use of the funds in these school construction projects, we may not in the future be faced with so many reprogramming requests or such inordinate delay in the construction after it has been authorized and after the funds have been made available. I believe the Indian people are justified in their feeling that there has been too much delay in these projects once they have been authorized and the money has been made available. That was reflected to us in our hearings, and we really are trying to bring it to a head with the action we have taken.

Mr. ROBERT C. BYRD. Mr. President, I subscribe to the response which has been made by the Senator from Alaska, and I support his statement. I also appreciate the concern which has been stated by the distinguished Senator from Kansas.

Mr. PEARSON. I thank the majority leader.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President,

I suggest the absence of a quorum under the same conditions.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President I thank the majority leader and the Senator from Alaska for their consideration in giving me a little time just to review a matter or two in this bill.

I know that our colleagues from Oregon and Iadho, and from many of the Western States, have spoken today concerning the forestry provisions. I was the author of the 1974 Renewable Resource Planning Act program. I wanted to just make note of the fact that this bill provides the first real funding to implement that program. I am happy to note that the funds are at levels which will balance the multiple use of resources on a sustained yield basis.

The committee made selective reductions of $51 million below the House recommendations, but I feel we should look at a few of these areas.

The soil and water and fish and wildlife programs on our national forests have long been left at too low a level.

These programs in the House are funded at about $29,781,000, and they are funded in the Senate at $26,761,000. On soil and water, the House again has its levels slightly higher than the Senate. The same is true in fire protection and the land management program as well.

I know that the Senators have made some reductions in other items that the House feels very strongly about. Particularly with regard to these four items, there really is not a large amount of money in the difference between the two Houses. I hope that, when the Senators go to conference on these items, they will be considerate of the need, particularly in fire protection and fish and wildlife, and will try to accommodate as best they can to some higher figure than is in the Senate bill.

If I may continue just a moment on it, the other thing I am concerned about is roads. There is a difference between the two bills of approximately $10 million, the House being the higher figure of $175,883,000. The Senate is about $10 million less.

It is my judgment, frankly, that the road program is vital to the timber program. There is a desperate need for lumber. If we do not build these roads in advance, we are going to find ourselves with a tremendous shortage, which raises the cost of timber and lumber to the consumer. The House figures, gentlemen, I have to say, are much more toward what I think they ought to be. Frankly, it is my judgment that the money that we put into roads will yield a great dividend to our Federal Treasury as well as yielding a dividend to the consumer.

So, may I just say to the Senator from West Virginia that, when he goes to conference, I hope he will keep in mind those items.

I understand that on fire protection, with the youth conservation program we have, that can be bolstered. But on the road program, I think it is vital that we have a larger sum of money.

I would appreciate the Senator's comment.

Mr. ROBERT C. BYRD. Mr. President, as the distinguished Senator has indicated, the committee has approved a $213 million increase for the Forest Service overall. That is substantial.

In addition, the Service will be benefiting, as the Senator has pointed out, not only from the recent Youth Conservation Corps increase but from the job stimulus program. But we are $238 million over the budget and $676 million over the House in the total bill. We could not agree with every House amendment and still accommodate Senate priorities.

As to the road construction, I can assure the Senator from Minnesota that we shall keep this vital interest in mind when we go to conference with the House.

Mr. HUMPHREY. The Resources Planning Act that required a study of the road program recommended, actually, $200 million for this. But, again, the House figure is about $175 million or something like that. The closer we can come to that figure in the negotiations—and I know they will be tough negotiations with the House—the better off we shall be.

Mr. ROBERT C. BYRD. Yes. As the Senator has indicated, in the give and take of conference with the House, assuming the House conferees are agreeable with some of our priorities, we should certainly be giving sympathetic consideration to this particular area.

Mr. HUMPHREY. I did not come in as a critic. I came in to praise the work of the committee, primarily in this area of forest industry products.

Mr. ROBERT C. BYRD. Mr. President, we understand that and we appreciate the Senator's making this statement for the RECORD, because it will guide us in conference.

Mr. HUMPHREY. I thank the Senator, very much.

Mr. McINTYRE. Will the Senator yield?

Mr. ROBERT C. BYRD. I believe I had promised to yield first to the Senator from Colorado.

Mr. HASKELL. Mr. President, I wish to address my remarks first to the Senator from West Virginia.

On June 14, together with my colleague from Colorado, Senator HART, I wrote the distinguished chairman of the subcommittee concerning the acquisition of certain lands within the boundaries of the Roosevelt National Forest which were authorized in Public Law 95–42. These are in the State of Colorado. They are lands within the Big Thompson River Canyon that were subject to a severe, devastating flood on July 31, 1976, in which 139 people were killed.

It is my assumption, Mr. President—and I ask the distinguished Senator if it is also his assumption—that the acquisition moneys for these lands would be contained in the additional $22 million-plus increase in the budget request referred to on page 12 of the committee report.

Mr. ROBERT C. BYRD. The committee is aware of this new authorization to which the Senator has referred, but it was signed into law less than a week ago, and there was no time to conduct hearings or to inquire into it.

However, the committee has approved $67 million for Forest Service land acquisition, a $22 million increase. Within that general allowance, I know that the committee will clearly expect the Forest Service to allot sufficient funds to begin this acquisition program in the Big Thompson River canyon. We realize that this is a relief measure as well as a beneficial land acquisition, and we expect the Forest Service to give it high priority.

Mr. HASKELL. I thank the distinguished Senator.

Mr. McINTYRE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. McINTYRE. Mr. President, I am delighted to see that the bill before us contains an appropriation of $3,920,000 for acquisition of additional lands for the White Mountain National Forest. This represents considerable effort by interested nature societies, local town officials and citizens, as well as the entire New Hampshire congressional delegation.

We were all joined in this work by other interested Senators, particularly Senator LEAHY and Senator BROOKE. This is not surprising, since the White Mountain Forest is a recreational resource for the entire Northeast, being within a day's drive of more than 60 million people. As many as 5.4 million people have visited the area in a single year and this is expected to increase by as much as 10 percent each year.

In addition to their recreational potential, these parcels that could be purchased with this appropriation will provide increased protection for a number of significant animal and plant species. The consolidation that will result from such purchases would likewise protect the White Mountain National Forest from any adverse developments that might jeopardize the natural qualities of this region.

This action proposed today by the Appropriations Committee is fully in keeping with the intent of the Land and Water Conservation Fund to use moneys for purchase of acreage east of the 100th meridian. Despite the fact that the land in question is within the borders of New Hampshire, I am sure that this legislation will provide the opportunity for millions of Americans to take advantage of the recreational benefits of the White Mountain National Forest. For this reason I applaud the action of the Appropriation Committee, and especially the assistance and understanding of the manager of the bill, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator for his statement.

I also applaud him on his continuing interest in the projects and programs that affect the State of New Hampshire.

Mr. President, I yield back my time.

Mr. STEVENS. I yield back my time.

ADDITIONAL STATEMENTS SUBMITTED

Mr. BAYH. Mr. President, today, the Senate is considering a $10.3 billion appropriation bill for the Department of the Interior and related agencies for fiscal year 1978. This bill provides the necessary funding for a number of important programs such as the National Park Service, Fish and Wildlife Service, and other activities in the Department of the Interior and for such independent agencies as the Energy Research and Development Administration's nonnuclear programs, the Smithsonian Institution, and the National Foundation for the Arts and the Humanities.

There are a number of items included in the bill which are of particular interest to me. The Indiana Dunes National Lakeshore provides recreational opportunities for large numbers of people living in northern Indiana and metropolitan Chicago area and the fiscal year 1978 bill provides funding for the continuing development of this area. For land acquisition, the bill contains $15.4 million and for operation of the park there is approximately $1.5 million. Hopefully, this level of funding will allow the Indiana Dunes National Lakeshore to offer continued services to the many visitors whom the park is attracting. One of my particular concerns is to insure that the Park Service has necessary funding to provide adequate supervision for the safety and security of the large number of people using the park as a result of the opening of the West Beach facility this summer. The Park Service, I believe, is sensitive to this problem, and has given assurances that they will have the necessary resources to handle the increase in visitors to the Indiana Dunes. However, if that should not prove to be the case, I expect the Park Service to notify the Appropriations Committee of any necessary increase in funding.

The bill also contains first-time funding for a program to develop recreational uses of railroad rights-of-way to be administered by the Bureau of Outdoor Recreation. Although the Senate approved funding for this program in the fiscal year 1977 supplemental appropriations bill, it was dropped in conference. Therefore, I am particularly gratified that it is in both House and Senate versions of the fiscal year 1978 bill at a $5 million level.

The types of projects eligible in this new program would include parks, bikeways, conservation and wildlife preservation sites and they would be eligible for up to 90-percent Federal funding with the remaining 10 percent coming from State and local sources. The Bureau of Outdoor Recreation has identified $30 million worth of possible projects for the utilization of abandoned railroad rights-of-way for recreational purposes. Approximately $2 million worth of projects are in Indiana. Obviously, a $5 million appropriation will not fund all projects but I am hopeful that a start can be made which will demonstrate the excellent potential for this program.

The Senate has also agreed with the House's recommended increase of $15 million in the Bureau of Mines program for advanced coal mining technology. The President's energy message specifically calls for a more than two-thirds increase in coal production for a total production level of over 1 billion tons per year. Our success in achieving this increase in coal production will depend in large measure upon the timely development of the advanced coal-mining technology. The total budget of $70 million contained in the bill should help move us ahead in this area.

The Institute of Museum Services was established during the last Congress and the Senate bill provided $5 million for the institute, an increase of $2 million over the House figure. Grants made under this program will assist museums to expand and improve their services in such areas as the construction and installation of displays and exhibits, conservation of collections and staff training. Although $5 million is a relatively small start for this program, it will give the program a chance to demonstrate its worth and provide some very necessary aid to museums throughout the country.

In the bill approved by the House, $45 million was transferred from the States' share of the Land and Water Conservation Fund to the Federal programs under the fund, and the Senate bill makes this same adjustment. This leaves the States with 51 percent of the $600 million in the fund. In the past the authorizing legislation provided that the Federal Government receive no more than 40 percent of the fund. However, this has been recently changed to provide that the Federal Government receive no less than 40 percent of the money in the fund. This change in the legislation allowed for a 51 percent to 49 percent State/Federal split in this year's bill. While some of the $45 million which was transferred went to a number of critical Federal programs, I would hope that no further reduction will occur in the States' share of the fund in future years. In fact, I believe that the States, and certainly Indiana, can effectively use more than a 51-percent share of the Land and Water Conservation Fund.

The chairman of the Interior Appropriations Subcommittee, Senator ROBERT C. BYRD and the ranking member, Senator TED STEVENS, deserve much credit for working out a bill that carefully considers and weighs our Nation's priorities for the Department of the Interior and the other agencies covered by this bill, and I want to thank them for their cooperation and assistance. Also, the staff of the subcommittee has worked long hours and been most helpful and cooperative.

Mr. WALLOP. Mr. President, I am very pleased to see the 1978 Interior and related agencies appropriations bill contains additional funding for the Sikes Act programs. These programs provide for participation by the Department of Interior through the Bureau of Land Management, and by the Department of Agriculture through the Forest Service, in planning, developing, and maintaining fish and wildlife resources in cooperation with States on the vast acreages of land held by these Federal agencies. In the past, the Sikes Act programs have received inadequate attention and funding, and I feel that through a renewed effort to fund this program, we have a tremendous opportunity to develop and maintain wildlife and fisheries resources and the recreational opportunities which will flow from enhanced management. Many State game and fish officials testified in hearings on this subject earlier this year in favor of such increased funding, and I commend the committee for its actions in this regard. I am also pleased to see that the committee has directed the involved Federal agencies to plan for increased Sikes Act funding in fiscal year 1979. I ask unanimous consent that the attached letter from Mr. Earl Thomas, director of Wyoming's Game and Fish Department, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GAME AND FISH DEPARTMENT,
Cheyenne, April 6, 1977.

Hon. MALCOLM WALLOP,
U.S. Senator, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR WALLOP: In your position as Senator from our State, we know you are interested in the implementation of the cooperative fisheries and wildlife management plans on lands administered by the U.S. Forest Service and the Bureau of Land Management within Wyoming. Fish and Wildlife habitat management programs on these public lands have historically been either underfunded or not funded at all. The Multiple Use-Sustained Yield Act, for example, recognizes the need for better programs on these resources. Other federal acts have addressed these needs such as the Endangered Species Act of 1973, Resources Planning Act of 1974, and more recently, the National Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976 often referred to as the Bureau of Land Management Organic Act.

In 1973, an amendment to the Sikes Act was passed and intended to stimulate cooperative planning between the several states and federal agencies having jurisdiction over the public lands. The Wyoming Game and Fish Department has worked long and hard formulating acceptable management plans for Wyoming and in cooperation with the U.S. Forest Service and the B.L.M., these cooperative plans will hopefully justify appropriate federal funding and are essentially the basis of our request for your attention.

At its 66th Annual Convention in Dearborn, Michigan, Resolution No. 7 entitled "Sikes Act Implementation" was adopted by the International Association of Fish and Wildlife Agencies.

"Now therefore, be it *Resolved*, That the International Association of Fish and Wildlife Agencies urges Congress to extend authorization for Sikes Act funding and to appropriate funds so completed comprehensive plans for fish and wildlife habitat development may be implemented."

I bring this Resolution to your attention because it indicates a concern on the part of wildlife management agencies nationally over the need for a concerted effort to bring about sufficient funding for implementation of the Sikes Act. It is our understanding that there are 35 states, including our own, in

need for funding for cooperative fish and wildlife plans developed with the Forest Service which will require approximately $26,000,000 to implement.

The B.L.M. has completed 52 habitat management plans in eleven states which will require $8,284,000. A listing of these habitat management areas by state is attached.

It is our wish to have our interest in adequate financing for these fish and wildlife programs expressed for the record and we are actively seeking your consideration and support for appropriate funds sufficient to implement comprehensive plans for fish and wildlife habitat development under the Sikes Act.

We appreciate very much your interest in this and any other fish and wildlife management matters and thank you for your consideration in giving this matter your attention at the earliest appropriate time.

Sincerely yours,

EARL M. THOMAS,
Director, Wyoming Game and Fish Department.

Forest Service-State Comprehensive Fish and Wildlife Habitat Programs

Region, State, completion date, and cost:
1, Montana, December 1976, $1,935,500.
Idaho, December 1976, $2,537,900.
North Dakota (Grasslands), $350,000.
2, Wyoming, December 1976, $753,000.
South Dakota, December 1976, $789,000.
Nebraska, December 1976, $323,000.
Colorado, December 1976, $365,565.
Kansas, December 1976, $145,000.
3, New Mexico, December 1976, $1,500,000.
4, Nevada, December 1976, $417,500.
Utah, December 1976, $450,000.
5, California, completed, $2,000,000.
6, Oregon, completed, $756,750.
Washington, completed, $186,200.
8, Alabama, completed, $252,430.
Arkansas, completed, $880,100.
Florida, completed, $334,069.
Georgia, completed, $227,100.
Kentucky, completed, $252,000.
Louisiana, completed, $373,812.
Mississippi, completed, $378,079.
North Carolina, December 1976, $350,000.
8, 3, Oklahoma, completed, $143,406.
South Carolina, completed, $149,380.
Tennessee, completed, $80,000.
8, 3, Texas, completed. $404,460.
Virginia, completed, $1,013,000.
9, Indiana, December 1976, $300,000.
Michigan, completed, $1,543,000.
Mississippi, completed, $378,079.
Missouri, completed, $375,000.[1]
Ohio, December 1976, $300,000.
West Virginia, December 1976, $800,000.
Wisconsin, completed, $413,000.
10, Alaska, December 1976, $3,356,000.
Total, $26,168,251.[2]

[1] Third year increment of five-year program for Missouri National Forests.

[2] Total costs for implementing the 35 programs. State plans yet to be completed include Illinois, Pennsylvania, New Hampshire, Vermont, Maine, Arizona, and New York.

Bureau of Land Management, Habitat Management Areas for 1978

State, plans, funds, and major emphasis:
Alaska, 4, $877,000, big game and riparian habitat.

Arizona, 4, $921,000, big game and riparian habitat.

California, 3, $700,000, big game and T&E species.

Colorado, 4, $687,000, big game and T&E species and riparian habitat.

Idaho, 6, $627,000, upland game, aquatic habitat and big game.

Montana, 2, $829,000, big game and riparian.

Nevada, 15, $334,000, big game, riparian, T&E species.

New Mexico, 2, $463,000, big game T&E species.

Oregon 1, $206,000, big game, riparian, fisheries, T&E species.

Utah, 6, $2,208,000, deer, riparian and aquatic habitat.

Wyoming 5, $432,000, T&E species, riparian and aquatic habitat.

Total, 52, $8,284,000.

INDIAN PROGRAMS UNDER INTERIOR APPROPRIATIONS BILL

Mr. HUMPHREY. Mr. President, again I want to commend the committee for its final expeditious work on Interior appropriations.

In particular, I want to thank the committee for recognizing the need for increasing our support for native American programs in housing and health. I note that the committee has recommended increases over the budget request for the Bureau of Indian Affairs housing program as well as for Indian health services and facilities.

I have long been concerned over the urgent need for adequate housing on Indian reservations. This increase will help to correct the critical need for housing.

Through the Indian Health Care Improvement Act, Congress paved the way for the upgrading of Indian health care programs throughout the nation, not only on the reservation but in our urban areas as well. In particular, I thank the chairman for including the funds for the second phase of construction of the Red Lake Hospital and extended care facility at the Red Lake Chippewa Reservation in Minnesota. The facility will be a major comprehensive curative and preventive health care program planned to meet the total health needs of the Red Lake population.

Indian health care and facilities are a continuing Federal responsibility. I thank the committee for its recognition of this commitment.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read a third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Maine (Mr. HATHAWAY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Rhode Island (Mr. PELL), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN), is absent because of illness in family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "yea."

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

The result was announced—yeas 80, nays 2, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—80

Allen	Gravel	Moynihan
Anderson	Griffin	Muskie
Baker	Hansen	Nelson
Bayh	Hart	Nunn
Bellmon	Haskell	Pearson
Bumpers	Hatch	Percy
Burdick	Hatfield	Proxmire
Byrd, Harry F., Jr.	Hayakawa	Randolph
	Heinz	Ribicoff
Byrd, Robert C.	Helms	Riegle
Cannon	Hollings	Sasser
Case	Huddleston	Schmitt
Chiles	Humphrey	Schweiker
Clark	Inouye	Scott
Cranston	Jackson	Sparkman
Culver	Javits	Stafford
Curtis	Kennedy	Stennis
Danforth	Laxalt	Stevens
DeConcini	Leahy	Stevenson
Dole	Lugar	Stone
Domenici	Matsunaga	Talmadge
Durkin	McClure	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Wallop
Ford	Metcalf	Weicker
Garn	Metzenbaum	Young
Glenn	Morgan	Zorinsky

NAYS—2

Bartlett	Roth

NOT VOTING—18

Abourezk	Goldwater	McClellan
Bentsen	Hathaway	Melcher
Biden	Johnston	Packwood
Brooke	Long	Pell
Chafee	Magnuson	Sarbanes
Church	Mathias	Williams

So the bill (H.R. 7636) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ROBERT C. BYRD, Mr. MCCLELLAN, Mr. HOLLINGS, Mr. BAYH, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. DECONCINI, Mr. STEVENS, Mr. YOUNG, Mr. HATFIELD, and

Mr. BELLMON conferees on the part of the Senate.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDDLE EAST SITUATION

Mr. RIBICOFF. Mr. President, on Thursday morning, Senators HUMPHREY, JACKSON, MUSKIE, and myself had breakfast with President Carter and Vice President MONDALE for an overall discussion of the situation in the Middle East.

The breakfast took 1½ hours during which we discussed the entire problems in the Middle Eastern area involving the State of Israel and its Arab neighbors.

You could not help but come away from that discussion with the clear feeling that the President of the United States is strongly committed to a real and true peace in the Middle East.

I have the utmost faith and confidence in President Carter and I support his objectives in the Middle East.

In the middle of July, the new Prime Minister of Israel, Mr. Begin, will be coming to Washington to confer with President Carter. I am further convinced that these two leaders will have the same objectives, and those objectives are to secure, after 29 years, a real peace in the Middle East.

Today, at this very moment, the Vice President of the United States, WALTER F. MONDALE, is making a speech before the World Affairs Council of northern California in the city of San Francisco. I have before me a copy of that speech, and it is a most impressive document because it sets out the Carter administration's position on the Middle East, and I would like to read some excerpts from the Vice President's speech in San Francisco:

America has a special responsibility and a special opportunity to help bring about this kind of peace. This comes about first of all because of our unique and profound relationship with the state of Israel since its creation more than a generation ago. Our sense of shared values and purposes means that, for Americans, the question of Israel's survival is not a political question but rather stands as a moral imperative of our foreign policy.

U.N. Security Council Resolution 242, which is supported by all the parties, provides a basis for the negotiations which are required if there is to be a settlement.

To this end, the President has tried to describe our understanding of what the key elements of an overall framework for an agreement might be:

A commitment to a genuine and lasting peace demonstrated by concrete acts to normalize relations among the countries of the area.

The establishment of borders for Israel which are recognized by all and which can be kept secure.

A fair solution to the problem of the Palestinians.

President Carter has gone further than any of his predecessors to stress with Arab leaders the essential point that peace must mean more than merely the end of hostilities.

The President's extemporaneous remarks in Clinton, Mass., last March, came from his heart and his mind, and they contain the President's basic thinking. I quote:

. . . the first prerequisite of a lasting peace is the recognition of Israel by her neighbors: Israel's right to exist; Israel's right to exist permanently; Israel's right to exist in peace. That means that over a period of months or years that the borders between Israel and Syria, Israel and Lebanon, Israel and Jordan, Israel and Egypt must be opened up to travel, to tourism, to cultural exchange, to trade, so that no matter who the leaders might be in those countries the people themselves will have formed a mutual understanding and comprehension and a sense of a common purpose to avoid the repetitious wars and deaths that have affected that region so long. That is the first prerequisite of peace.

I read further from the Vice President's speech:

We have made clear our view that Israel should not be asked to withdraw unless it can secure in return real peace from its neighbors.

The question of withdrawal is, in essence, the question of borders. For peace to be enduring, borders must be inviolable. Nations must feel secure behind their borders. Borders must be recognized by all.

Mr. President, during November, 12 U.S. Senators, Democrats and Republicans alike, traveled in the Middle East, and we talked with the leaders of Israel, Jordan, Egypt, and Iran. We came back from that trip and from our many in-depth conversations feeling that 1977 indeed was a year in which movement should take place to achieve peace in the Middle East.

Personally I, and I think all 12 of us, felt that there was deep sincerity by President Sadat, by King Hussein, by the then Prime Minister Rabin, and those in office with him, that they all had the same objective to finally end the state of hostilities that had taken place and was still in existence in the Middle East.

President Carter has made it a cornerstone of his foreign policy, and he has enlisted his time, his energies, to bring these peaceful negotiations to a successful conclusion. They are going to be difficult, they are going to be time-consuming. But the President of the United States deserves the support of all Americans and all peace-loving people all over the world in achieving these objectives.

I have the highest commendation for President Carter and Vice President MONDALE.

I ask unanimous consent that the speech of the Vice President be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF VICE PRESIDENT WALTER F. MONDALE

SAN FRANCISCO, CALIF., June 17.—Here is the text of Vice President Walter F. Mondale's speech to the World Affairs Council of Northern California:

In the last several months, I've undertaken two extended foreign trips on behalf of the President to Europe and Japan. The more I travel, and the more nations I visit, the more I come to believe that the peoples of the world are not really so different . . . that all of us dream the same dreams for our children . . . and that the real key to peace and cooperation in the world lies in better understanding between people. Diplomats and heads of state and elected officials must play a role, but we should never underestimate the power of ideas and education and greater understanding to break down the barriers of suspicion and fear that too often separate the nations of the world.

Your programs in the school system, on television, the lectures and seminars you hold, your conference for model UN students are all an important part of that effort. And I'm particularly pleased to see that you're joining together with a number of groups involved in international relations in a new World Affairs Center here in San Francisco and I wish you every success in that venture. And so the contributions of an organization such as yours towards increased understanding in the world are really crucial, not only to the foreign policy efforts of this nation, but to the search for peace.

With the words of his Inaugural Address, President Carter identified at the very outset of his Administration the guiding spirit of this nation's foreign policy:

"Our nation can be strong abroad only if it is strong at home, and we know that the best way to enhance freedom in other lands is to demonstrate here that our democratic system is worthy of emulation. To be true to ourselves, we must be true to others."

And, he elaborated on the basic premises of our relations with other nations in his speech at Notre Dame this May:

Our policy must be rooted in our people's basic commitment to human rights.

Our policy must be based on close cooperation with the Western industrial democracies. With them we share basic values; with them also we share a recognition that global problems cannot be solved without close cooperation among us. This was the message the President had me take to Europe and Japan in the first week of the Administration, and this was the spirit which guided the President and his colleagues at the London summit last month.

Our policy must seek to improve relations with the Soviet Union and China. It must do so in a balanced and reciprocal way, while we maintain a strong defense.

Our policy must recognize that the cleavage between North and South is as important as between East and West. We must reach out to the world's developing nations, seeking to narrow the gap between rich and poor.

Finally, our policy must provide incentives for all nations to rise above ideology or narrow conceptions of self-interest and work together to resolve regional conflicts and to meet global problems that confront all people.

As an Administration, we are only five months old. However, these months have been a period of intense activity. We are committed to shaping effective policies that truly reflect America's values and objectives—and we are committed to implementing policies with other nations so as to shape a more peaceful and stable world.

One of our first tasks has been to ensure that our foreign policy reflects the commitment to basic human rights that we as Americans share. That commitment to the inherent dignity of the individual is at the heart of the American tradition. From it flows the democratic liberties that we cherish—such as the right to worship freely, freedom of speech, of the press, of assembly, and due process of law. Those are the basic strengths of our nation.

We have survived as a free nation because we have remained committed to the defense of fundamental moral values we cherish as a people. And unless our foreign policy reflects those values it will not earn the sup-

port of the American people. Without that support, no foreign policy, no matter how brilliantly conceived, can succeed.

I believe we have restored that commitment to human rights. I am proud that the United States today stands among those who uphold human rights and human dignity in the world. I am proud that no foreign leader today has any doubt that the United States condemns torture, political imprisonment and repression by any government, anywhere in the world. We believe that basic human rights transcend ideology. We believe all nations, regardless of political system, must respect those rights.

Just as respect for human rights is central to our foreign policy values, so progress toward a just and lasting Middle East settlement is essential to the prospect of a more peaceful world. The President has asked me to describe what we are trying to do to achieve peace in the Middle East. We want the American people to have the fullest possible understanding of our approach, for your support is crucial to its success.

President Carter has now met with the leaders of Egypt, Syria, Jordan and Saudi Arabia. The President met with Prime Minister Rabin of Israel and we hope that we will soon meet with the new Prime Minister.

With the exception of the meeting with President Asad which was held in Geneva, I have participated in all of them and have sensed these leaders' great desire for peace, and their longing for the benefits that peace can bring to nations too long mobilized for war. Yet at the same time, we also found deep fears and suspicion which must be overcome if peace is to be achieved in that strategic and troubled region of the world.

A genuine and lasting peace in the Middle East is of essential interest to all Americans. Conflict there carries the threat of a global confrontation, and runs the risk of nuclear war. As we have seen, war in the Middle East has profound economic consequences. It can, and has, damaged the economies of the entire world. It has been a tragedy for the nations of the region. Even short of war, continued confrontation encourages radicalization and instability.

Genuine peace is needed by all parties to the conflict. The Arab nations need peace.

Israel, above all, has a profound interest in peace. There is no question about that. For almost three decades, Israel has borne the burden of constant war. More than half its entire budget is dedicated to defense. Its citizens bear the highest average tax burden in the world—more than 60% of their income goes for taxes.

And yet, at the same time, this valiant nation has managed to create a miracle in the desert. With ingenuity, hard work and skill, it has created a land that could be a model for economic development and for political liberty to be emulated throughout the Middle East. Democracy has thrived in Israel despite the kind of adversity that has crushed freedom in other lands.

And yet, what of the future? Is it a future in which Israel's three million people try by force of arms alone to hold out against the hostility and growing power of the Arab world? Or can a process of reconciliation be started—a process in which peace protects Israel's security, a peace in which the urge for revenge and recrimination is replaced by mutual recognition and respect?

America has a special responsibility and a special opportunity to help bring about this kind of peace. This comes about first of all because of our unique and profound relationship with the state of Israel since its creation more than a generation ago. Our sense of shared values and purposes means that, for Americans, the question of Israel's survival is not a political question but rather stands as a moral imperative of our foreign policy.

And yet, our special relationship with Israel has not been directed against any other country. We have been able to enjoy the friendship of much of the Arab world where we and our close allies have important interests.

It is precisely because of our close ties with both Israel and her Arab neighbors that we are uniquely placed to promote the search for peace, to work for an improved understanding of each side's legitimate concerns, and to help them work out what we hope will be a basis for negotiation leading to a final peace in the Middle East.

When this Administration entered office on January 20, we found that the situation in the Middle East called for a new approach. The step-by-step diplomacy of our predecessors had defused the immediate tensions produced by the war in 1973. But it was also evident that it would be increasingly difficult to achieve small diplomatic concessions when the ultimate shape of a peace agreement remained obscure. At the same time, it was unlikely that an agreement on a lasting peace could be achieved at one stroke.

UN Security Council Resolution 242, which is supported by all the parties, provides a basis for the negotiations which are required if there is to be a settlement. But Resolution 242 does not by itself provide all that is required. We, therefore, decided to work with the parties concerned to outline the overall framework for an enduring peace. Our concept was to use this framework as the basis for a phased negotiation and implementation of specific steps toward peace.

A major impediment to this approach lay in the fact that the positions of all sides were frozen. The words and phrases used by the parties had become encrusted with the fallout of countless diplomatic battles.

We have tried to regain momentum in this process. We have encouraged Arabs and Israelis to begin thinking again seriously about the elements of peace and not to remain committed to particular words and formulations.

To this end, the President has tried to describe our understanding of what the key elements of an overall framework for an agreement might be:

A commitment to a genuine and lasting peace demonstrated by concrete acts to normalized relations among the countries of the area.

The establishment of borders for Israel which are recognized by all and which can be kept secure.

A fair solution to the problem of the Palestinians.

The President has set forth, these elements not to dictate a peace or to impose our views but to stimulate fresh thought.

President Carter has gone further than any of his predecessors to stress with Arab leaders the essential point that peace must mean more than merely an end to hostilities, stating as he did in Clinton, Massachusetts last March.

". . . the first prerequisite of a lasting peace is the recognition of Israel by her neighbors. Israel's right to exist. Israel's right to exist permanently; Israel's right to exist in peace. That means that over a period of months or years that the borders between Israel and Syria, Israel and Lebanon, Israel and Jordan, Israel and Egypt must be opened up to travel, to tourism, to cultural exchange, to trade, so that no matter who the leaders might be in those countries the people themselves will have formed a mutual understanding and comprehension and a sense of a common purpose to avoid the repetitious wars and deaths that have affected that region so long. That is the first prerequisite of peace."

We have found that the Arab leaders did not insist that this kind of peace is something that only future generations could consider. Some leaders, such as King Hussein, during his visit to Washington, have made clear their commitment to a "just and lasting peace—one which would enable all the people in the Middle East to divert their energies and resources to build and attain a better future."

So we believe that we have made some progress in getting Arab leaders to recognize Israel's right to exist and to recognize—however reluctantly—that this commitment is essential to a genuine peace. That peace must be structured in such a way that it can survive even if some leaders were to nurture aims to destroy Israel. Still, we have a long way to go, the Arabs have been insistent that Israel withdraw from the territories it occupied in the 1967 war. We have made clear our view that Israel should not be asked to withdraw unless it can secure in return real peace from its neighbors.

The question of withdrawal is, in essence, the question of borders. For peace to be enduring, borders must be inviolable. Nations must feel secure behind their borders. Borders must be recognized by all.

A crucial dilemma has been how to provide borders that are both secure and acceptable to all. It is understandable that Israel, having fought a war in every decade since its birth, wants borders that can be defended as easily as possible. But no borders will be secure if neighboring countries do not accept them.

The problem is that borders that might afford Israel the maximum security in military terms would not be accepted as legitimate by Israel's neighbors. Borders that Israel's neighbors would recognize, Israel has not been willing to accept as forming an adequate line of defense.

For this reason, the President has tried to separate the two issues. On the one hand, there must be recognized borders. But, in addition, there could be separate lines of defense or other measures that could enhance Israel's security. The arrangements in the Sinai and in the Golan Heights provide models of how Israel's security might be enhanced until confidence in a lasting peace can be fully developed.

We would urge all the parties to think realistically about security arrangements to reduce the fear of surprise attack, to make acts of aggression difficult if not impossible, and to limit the military forces that would confront one another in sensitive areas.

This approach recognizes the fact that there is a profound asymmetry in what the two sides in the Middle East are seeking. On the one hand, a principal Arab concern is to regain lost territory. On the other, Israel wishes peace and recognition. Territory is tangible, and once ceded difficult to regain short of war. Peace, on the other hand, can be ephemeral. Peaceful intentions can change overnight, unless a solid foundation of cooperation and a firm pattern of reinforcing relationships can be established to ensure that all have a stake in continuing tranquility.

We believe that separating the imperatives of security from the requirement of recognized borders is an important advance toward reconciling the differences between the two sides. It is in this way that Israel could return to approximately the borders that existed prior to the war of 1967, albeit with minor modifications as negotiated among the parties, and yet retain security lines or other arrangements that would ensure Israel's safety as full confidence developed in a comprehensive peace. Thus, with borders explicitly recognized and buttressed by security measures, and with the process of peace unfolding, Israel's security would be greater than it is today.

A further major issue is that of the future of the Palestinian people. It has been the source of continuing tragedy in the

Middle East. There are two prerequisites for a lasting peace in this regard. First, there must be a demonstrated willingness on the part of the Palestinians to live in peace alongside Israel. Second, the Palestinians must be given a stake in peace so that they will turn away from the violence of the past and toward a future in which they can express their legitimate political aspirations peacefully.

Thus, if the Palestinians are willing to exist in peace and are prepared to demonstrate that willingness, by recognizing Israel's right to exist in peace, the President has made clear that, in the context of a peace settlement we believe the Palestinians should be given a chance to shed their status as homeless refugees and to partake fully of the benefits of peace in the Middle East, including the possibility of some arrangement for a Palestinian homeland or entity—preferably in association with Jordan.

How this would be accomplished and the exact character of such an entity is, of course, something that would have to be decided by the parties themselves in the course of negotiation. However, the President has suggested that the viability of this concept and the security of the region might be enhanced if this involved an association with Jordan. But I emphasize that the specifics are for the parties themselves to decide.

This leads me to a further crucial aspect of our approach—the necessity of direct negotiations among the parties concerned. We cannot conceive of genuine peace existing between countries who will not talk to one another. If they are prepared for peace, the first proof is a willingness to negotiate their differences.

This is why we believe it is so important to proceed with the holding of a Geneva Conference this year. That conference provides the forum for these nations to begin the working out of these problems together directly face-to-face. We have a continuing objective to convene such a conference before the end of this year.

Underlying this entire effort to promote the process of negotiation is our determination to maintain the military security of Israel. There must be no question in anyone's mind that the United States will do what is necessary to ensure the adequacy of Israel's military posture and its capacity for self-defense.

We recognize that America has a special responsibility in this regard. In fact, in promulgating our overall policy to curb the international traffic in arms, the President specifically directed the government that we will honor our historic responsibilities to assure the security of the state of Israel. Let there be no doubt about this commitment by this Administration.

We do not intend to use our military aid as pressure on Israel. If we have differences over military aid—and we may have some—it will be on military grounds or economic grounds, but not political grounds. If we have differences over diplomatic strategy—and that could happen—we will work this out on a political level. We will not alter our commitment to Israel's military security.

Let me conclude by saying that we hope the concepts I have been discussing here today—concepts which the President has advanced at talks with Israeli and Arab leaders—will stimulate them to develop ideas of their own. We realize that peace cannot be imposed from the outside and we do not intend to present the parties with a plan or a timetable or a map. Peace can only come from a genuine recognition by all parties that their interests are served by reconciliation and not by war, by faith in the future rather than bitterness over the past.

America can try to help establish the basis of trust necessary for peace. We can try to improve the atmosphere for communication. We can offer ideas, but we cannot, in the end, determine whether peace or war is the fate of the Middle East. That can only be decided by Israel and her Arab neighbors.

We believe that both sides want peace. As the President has said, "this may be the most propitious time for a genuine settlement since the beginning of the Arab-Israeli conflict almost 30 years ago. To let this opportunity pass could mean a disaster not only for the Middle East, but perhaps for the international political and economic order as well."

As we go forward in our mediating role, we will have to expect from time to time to have differences with both sides. But these will be differences as to tactics. Our overall objectives will be those that we believe are now shared by all sides: a permanent and enduring peace in the Middle East.

This is obviously a difficult task and there is always the possibility of failure. But it is an historic responsibility that requires the fullest possible support of the American people.

I believe we have this support. And as we go through the difficult days ahead, this support will sustain us. It will provide the strength we need to encourage all parties to put aside their fears and put trust in their hopes for a genuine and lasting Middle East peace.

John Kennedy once described the formula for peace not only in the Middle East but throughout the world, and I would like to close with his words.

"If we all can persever, if we in every land and every office can look beyond our own shores and ambitions, then surely the age will dawn in which the strong are just and the weak secure and the peace preserved."

Mr. RIBICOFF. I will be pleased to yield to the distinguished Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am very pleased to listen to the remarks of the distinguished Senator from Connecticut. I approve entirely of everything he stated and I associate myself with those remarks.

I think it is particularly important and salutary that the Vice President of the United States is on the west coast or at some point in this country addressing himself to the question of the administration's position vis-a-vis a permanent peace in the Middle East. Too often in this day of fast electronic media there are misinterpretations of statements that are made, and there are segments of a speech that are given greater emphasis than other parts of a speech. It is fair to say there has been a considerable degree of apprehension as to the administration's posture vis-a-vis the Middle East.

The fact that the Vice President, speaking on behalf of the President, addresses himself to this question in such clear and unequivocal language as that which is contained in the speech that has just been placed in the RECORD is good.

I think it is particularly helpful. It will allay the concerns and the apprehensions that many have had. I know the President and the Vice President do have a sense of dedication and concern about the future of the State of Israel. I know that from personal conversations with them; I know that from their actions; and I am pleased that the Senator from Connecticut has seen fit to address himself to the subject today. His record of distinguished leadership in this area, and the record of the Vice President of the United States, added to the public statements heretofore made by the President, will serve to calm the waters so that the Nation may be behind the President in his efforts to achieve a workable peace for all of the peoples of the Middle East.

Mr. RIBICOFF. Mr. President, I thank the distinguished Senator from Ohio.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, first of all, there is no question in my mind but that the President is thoroughly committed to the achievement of a peaceful and workable solution to the problems in the Middle East.

Moreover, the fact that Mr. MONDALE has today chosen to make a speech, which I consider to be a landmark speech, on this vital subject, indicates further the President's commitment in this regard.

Finally, may I say that the statement made by the very courageous and eminently able Senator from Connecticut is a fine contribution to the cause of peace in the Middle East.

I have always thought of Senator RIBICOFF as a man who is calm, sound in his judgment, careful, and thorough in his approach to issues, even-handed, fair and reasonable; and when he lends his voice, he lends support to the cause of peace that cannot be equalled in this Senate.

I am glad that the Senator from Connecticut (Mr. RIBICOFF) has taken the floor today to call attention to the speech that is being made by the Vice President, and I congratulate him as he seeks to help to bring about a better understanding and to keep open the modes of communication in the hope that, in the final analysis, reasonable minds on all sides of the issue will prevail and that a workable and feasible agreement will eventually emerge which will have so great an impact upon the prospects for world peace and economic stability throughout the globe.

I also commend the distinguished Senator from Ohio (Mr. METZENBAUM) on the remarks that he has made.

The Senate and the Nation are in the debt, in my judgment, to responsible men like these who see the need for leadership, who see the need for give and take and for reason to prevail.

These Senators are men who can provide that leadership, because the rest of us will follow their wisdom, their vision, their judgment and their leadership. I again commend them, and I commend the Vice-President and the President.

Mr. RIBICOFF. Mr. President, I take this opportunity to thank the distinguished majority leader for his gracious remarks.

Unquestionably in the days, months, and years ahead, the Senate will be called upon to play a role in whatever decisions are made in the Middle Eastern area of the world. It is an important part of the globe. There are times when there will be strong emotions, there will be strong currents of opposition, and there will be need for calmness and understanding of the problems that have

separated the Arabs and the Israelis for these past 29 years.

But I am convinced that the Senate has a most important role to play, and the President cannot do this job by himself. No President can do this job by himself. Any President of any party will have to have the strong bipartisan support of the Members of the Senate.

It was my privilege to cochair this trip to the Middle East with the distinguished minority leader, Senator BAKER of Tennessee.

And the report that we have made, which will be released on Monday, underpins and underlies what has transpired during these past few months.

We saw the fantastic drain on the economies of Israel and Egypt because of a situation of no war—no peace. We saw the strivings and yearnings of President Sadat as well as King Hussein and the Israeli leaders to find a way out of this impasse. It became very important that all the leaders in this area looked to one country for leadership, and that country is the United States of America.

They recognized that if the leadership did not come from the United States it was not going to come at all.

And I think what is so important for the world to understand, important for Israel to understand, and important for the Arab Nations to understand is that Russian influence for all practical purposes has been ejected from the Middle East and the greatest impetus for peace and survival of all these countries to live in peace is that they look toward the United States for friendship and leadership.

I am confident that with strong United States leadership in this area we can finally bring peace to that most troubled part of the world.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I say in the beginning that I arrived in the Chamber after the colloquy had begun, but let me add one comment, if I may.

To begin with, I am pleased that our former colleague and present constitutional Presiding Officer of the Senate will be involved in formulation of policy in this administration in many parts of the world including the Middle East, and I pledge to him, as I do my colleagues, that those of us on this side of the aisle will try diligently to formulate an appropriate, hopeful, and optimistic foreign policy for this country.

I rise particularly, though, Mr. President, to pay tribute to the distinguished Senator from Connecticut. He mentioned our trip together as cochairmen of the Senate mission to the Middle East. This was a mission that was sanctioned and indeed directed by the Senate by resolution. It was not a committee trip. It was a group of Senators who had a single purpose, and that was to examine the situation in the Middle East and the danger of nuclear proliferation in that area.

I say, Mr. President, that I have never in any circumstances had better official relationship and more considerate working arrangement than I had on that occasion with the distinguished Senator from Connecticut. It was truly extraordinary, one that I will remember all my life, and I think, Mr. President, that it did a great deal to help set the tone for those negotiations because it was clear, I believe, to our hosts in the countries that we visited that the delegation was united, that we came in the role of a factfinding mission and sought to elicit the points of view and attitudes of those countries for appropriate action on a bipartisan basis.

I think that the reports that have been formulated and published since and those that are soon to be published will be useful and helpful to the Senate and I believe to the administration as well.

But a huge measure of credit must go to the distinguished Senator from Connecticut, who has given so much of his life to public service to his State and to this Nation, a man for whom I have great respect.

I wished to pay that tribute while I had this opportunity.

Mr. RIBICOFF. Mr. President, I thank the distinguished minority leader for those kind remarks.

That trip was a successful trip above all due to the intelligence, leadership, and cooperation of the distinguished Senator from Tennessee.

SENATOR RANDOLPH SAYS NEW CHALLENGES IN ENERGY DEVELOPMENT ESTABLISH RESPONSIBILITY FOR COAL UTILIZATION BY INDUSTRIAL USERS

Mr. METZENBAUM. Mr. President, the use and abuse of our natural energy resources for the past century or more has brought us to a point where some serious thinkers see our national economic system grinding to a halt.

But even the most pessimistic forecaster concedes that this need not happen. The real answer to our energy crisis is the will and sense of purpose to apply to this problem the ingenuity and expertise that has made the United States the leading industrial and technological nation on Earth.

My distinguished colleague from neighboring West Virginia (Mr. RANDOLPH) has for almost three decades advocated establishing a national energy policy. Moreover, he joined with Senator Joseph O. Mahoney of Wyoming in 1944 to create the Synthetic Liquid Fuels Act. He has long recognized the approaching crisis of dwindling supplies of oil and natural gas to meet the demands of an ever-expanding world economy. He has advocated that we turn our inventive and scientific skills to creating new oil and gas supplies from our most abundant fossil fuel—coal.

Earlier today, Senator RANDOLPH addressed an energy seminar sponsored by Johnson and Johnson, a leading manufacturer in the medical supply field. In his speech, Senator RANDOLPH delineated what he felt our national policy should be and what appropriate uses of coal industrial concerns should be planning for the future.

I ask unanimous consent that the address by the West Virginia Senator be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Most people in the United States until a few years ago, largely because of advertising and marketing techniques, say energy in all forms as existing in inexhaustible quantities. Conservation of energy was unnecessary.

Yet today we recognize the need to change our definition of energy use from one of uncontrolled proliferation to one of efficiency and conservation. To run out of energy means the curtailment of the motion, vitality, and strength of the United States. Energy, as we have learned through vivid demonstration by the Arab oil cartel the last few years is tantamount to power.

"We must not, for the sake of our national security, come to depend on foreign countries. We must plan for the conservation of our national oil resources and the immediate development of practical methods for commercial production of synthetic fuels, so it cannot be said in the future—'too little and too late'."

Such a quotation is commonplace today, but I made the comment on January 15, 1944, in Aero Digest.

It is true that we live in an ocean of energy. Around us at all times nature is expending energy through the sun, wind, oceans, inland waters, earth heat, and lighting. We can tap only a fraction. The falling water of rivers could yield enough hydroelectric power to meet 80 percent of our total energy consumption, though we use it for 1 or 2 percent. If the winds were tethered, they could turn out twice as much electricity as water power now does. The tides' surge, if used, could provide substantial energy needs. The most colossal dynamo of all is the sun, an unimaginable vast powerhouse which directly or indirectly affects everything on earth. If all the world's fuels were gathered in one place and burned at a rate to match the sun's power, they could be consumed in four days.

Our use of energy has been moving constantly upward since the turn of the century. In addition our pattern of energy use has been to exploit one or two sources, which have been plentiful and easy to extract, while neglecting to develop other energy forms available to us. If we had fostered a more uniform energy development policy over the years, perhaps our oil and gas would not be in such a critically depleted state. The entire United States economy is at present three-fourths dependent on diminishing domestic supplies of petroleum and natural gas. The first congressional initiative to develop nonnuclear energy technologies was in the mid-1940's when Senator Joseph O'Mahoney of Wyoming and I introduced in the Senate and House of Representatives, the Synthetic Liquid Fuels Act, which was signed into law on April 5, 1944. That law authorized the first Federal programs for gasification of coal, liquefaction of coal and lignite, and production of synthetic crude oil from oil shale.

Under the Act of 1944 the Bureau of Mines continued preliminary investigations begun in 1916 on oil shale and begun in 1926 on synthetic oil from coal. Demonstration was undertaken of coal gasification and oil shale extraction.

In conjunction with the Department of Agriculture the Bureau of Mines' initiated new technologies to produce alcohol and other liquid fuels from agricultural residues.

Experience under this program led Secretary of the Interior Julius Krug to include in January, 1948 that—the establishment of a synthetic fuel industry is far too large an operation . . . to be undertaken under emer-

gency or war conditions . . . it should be undertaken now when the country is at peace and completed over a period of five to ten years.

In November 1943, I flew with Arthur Hyde, the first airplane flight in the United States, using gasoline produced from coal. It was from Morgantown, West Virginia to Washington, D.C. During the 11 years of the program under the Synthetic Fuels Act about $82 million of Federal funds were expended out of appropriations totalling $85.2 million.

The extensive knowledge and skill acquired in the conversion of coals and oil shale into liquid and gaseous fuels, for the most part have been lost in the intervening years.

These nonnuclear technologies did not become realities in the United States due to economic factors. But these same technologies were pursued to commercial realities in such oil deficient but coal abundant countries as South Africa. The American corporation, M. W. Kellogg Company, designed and supervised construction of the facilities in South Africa that are often cited as an example of the potential for coal liquefaction. But we did not proceed in the United States. We should have done so.

In addition, the amount of coal utilization has changed significantly since 1945; because of the comparative price of oil and gas and certain environmental considerations. At the end of World War II, the two biggest markets were railroads and manufacturing industries (primarily chemical), with home heating third and coking plants for the steel industry running forth. Coking operations are still major coal consumers, but the railroads have disappeared as a coal market, the home heating market has almost disappeared, and the chemical industry has switched almost completely from acetylene (made from coal-derived calcium carbide) to ethylene (made from natural gas liquids and petroleum fractions).

The loss of these three markets has changed coal from a broad-spectrum basic raw material into almost a one-market product. That one major market is electric utilities.

The energy problems we face stem from a long history of neglect and the manner in which we have attempted to shape the components of the United States energy policy. No single villain has brought us to our present situation; just as no simple and single action will suffice. It was essential that the Johnson & Johnson Energy Steering Committee was formed to provide input into the developing national energy policy. I commend you on the importance you have attached during eight months to this Steering Committee, as evidenced by your assignment of the major corporate head of each affiliated company to its membership. We must now as a Nation move toward a consensus on exactly what is the energy problem. The problem has several parts each of which influences and is influenced by other national goals such as a clean environment, full employment and national security. I believe the diversity of our natural resources with coal as a base, with the capacity and desire we possess for using energy more efficiently, will give us room to maneuver and finally solve these problems.

Although America left the coal bucket behind in the middle forties, it now must be carried back. But while contents of the bucket will still contain the properties of coal, the form must be different. Homes, businesses, factories, and transport systems today require energy in three basic forms: electricity, gas and a variety of petroleum products. Thus, coal must be converted to these forms. Why? Because our coal reserves are sufficient to last for several hundred years and can supply power, gas and oil in large commercial volumes.

Coal is the one fossil fuel that is likely to remain in abundant supply at relatively low cost for the remainder of this century and into the next. It is the one major alternative replacement fuel that can bridge the gap from our current dependence on oil and gas to a future era of renewable energy resources.

In 1976, United States coal production reached 665 million tons, up 10 percent from the 1974 level but only 3 percent over 1975. Those most closely involved with energy problems in our country would want coal production increased to at least 1.2 billion tons per year.

Coal is an effective source of heat and can be converted into gaseous and liquid fuels and chemicals. The role for coal as a natural successor to oil and gas is established. Realizing coal's potential will however, depend on a recognition of the need to use coal, and the necessary policies to make such use possible.

Coal gasification involves a program designed to provide technology which will supply gas from coal to electric utilities and industrial users and as a chemical feedstock. Synthetic natural gas from coal provides a product essentially free of sulfur but with combustion characteristics similar to natural gas.

As natural gas production declines, substitute energy supplies must be found. The United States presently has over $100 billion invested in its gas transmission, distribution and end-user equipment system. On an economic basis, keeping these gas pipelines full, even with higher priced synthetics may be cheaper than creating new systems. The production, transportation and distribution of natural gas also is more efficient—67 percent for synthetic natural gas compared to 37 percent for electricity.

The capital required to produce and deliver a unit of energy in the form of synthetic natural gas from coal also is less than that required to produce electricity from coal. The use of utility-financing mechanisms could reduce synthetic fuels prices by one-third, compared to 100 percent equity financing.

For residential customers, synthetic natural gas is more efficient and less costly than electricity. To deny American consumers such synthetic substitutes would be to commit them to higher cost alternatives.

Liquefaction is the production of a clean-burning oil from coal to release petroleum and natural gas now being fired in power boilers. The synthetic crude oil produced from these processes could also be upgraded to gasoline, fuel oil and other needed fuels.

In the longer term, coal liquefaction also will be important in the production of chemicals and similar specialty products and in the production of liquid fuels for transportation. However, timely commercial development of coal liquefaction by the private sector, without federal assistance, would appear unlikely. Direct funding by the Federal government, with some industry participation, would seem necessary for the development of this technology before the 1990's.

In June 1975 the Federal Energy Research and Development Administration projected that coal liquefaction would contribute 2.5 million barrels of oil per day by 1985 from first generation processes. However, the General Accounting Office recently found that, "it (is) highly unlikely that any commercial-size coal liquefaction plant will be operating in the United States in 1985."

The United States must now stockpile high cost oil in an attempt to neutralize oil against the possibility of another embargo. Oil, I emphasize, is too important to our economy and the economy of the world to be used as the political weapon of some producers.

By the end of 1978 approximately 150 million barrels of crude oil will be stored at Federal expense. The fuel reserve system will entail one billion barrels; enough to supply three million barrels per day for one year. Such a strategic reserve capability should protect our nations economy against a recurrence of the massive unemployment that confronted the nation during the 1973 embargo.

But let us consider the costs and what could be achieved for the same investment. These emergency stockpiles will cost about $12.5 billion. An identical Federal investment could construct coal gasification facilities capable of supplying the equivalent of 1 million barrels of oil per day for at least 20 years.

The Energy Supply and Environmental Coordination Act of 1974 has required the Federal Energy Administration, under certain circumstances, to issue orders to power plants and some major industrial installations to convert or start using coal, rather than oil or gas boilers. On May 11, 1977, the Federal Energy Administration announced the first round of orders to major industrial plants under the provisions of the 1974 Act.

The "notices of intent" will require industries to convert to coal utilization in plant activities. A total of 56 "notices of intent" were issued in 25 states. Of these, 24 were to plants currently burning oil and gas as fuel. The other 32 are construction orders to plants in the planning stage which will from "day one" burn coal.

The first round of "notices" to utilities were announced in June of 1975. A second round was issued in April of this year. If all 102 boiler operations at the 50 sites told to convert to coal by the Federal Energy Administration comply, the yearly energy savings would be 84 million barrels of oil and 50 billion cubic feet of natural gas. To encourage greater coal utilization, I introduced S. 273, the Natural Gas and Petroleum Conservation and Coal Utilization Act of 1977 on January 14. This bill would prohibit construction of new electric power plants and major fuel-burning installations not using energy sources other than gas or oil. In addition, it would extend the Federal Energy Administration's authority to issue construction and prohibition orders until September 30, 1980. Installations constructed to use alternative energy sources, of course, must be consistent with environmental policies. This measure would provide a stability to future energy supplies not presently afforded by oil imports.

The week of May 16 the Senate passed S. 1468, a measure that would extend the Federal coal conversion program for six months under Section 2 of the Energy Supply and Environmental Coordination Act of 1974. This would allow for the Federal Energy Administration to consider a second round of construction and prohibition orders until January, 1978. It also gives the Energy and Natural Resources Committee extra time for full consideration of proposals for broader coal conversion authorities. Evaluation of these proposals can now proceed without disruption of the present coal conversion program.

Participants in this important conference know that a major proposal before the Energy and Natural Resources Committee is the Coal Utilization Act of 1977 which incorporates provisions from my bill, S. 273, and reflects the findings of the Senate's National Fuel and Energy Policy Study started six years ago. The Committee will hold its final day of hearings on June 24th and mark up will begin in early July.

Realizing coal's potential also will require satisfactory solutions to the environmental problems associated with its mining and burning.

Coal is not a uniform substance, but a mixture of fossilized materials from plants that vary in both physical and chemical composition. Impurities found in coal can be classi-

fied into those that form ash and those that contribute sulfur. The sulfur contents of coals vary anywhere from 0.3 percent to 5.6 percent.

Almost one-half of the electric energy in America is generated today by coal-fired plants. But one of the biggest problems the coal industry faces is that the bulk of recoverable reserves, as well as much of present capacity, does not meet today's sulfur standards. Forty-one percent or 176 million tons of the coal burned by electric utilities in 1975 did not meet sulfur standards. In the East, 48 percent of the coal burned could not comply. So the question is: "How can we best clean coal to make electricity?" Congress has determined that where the physical and economic capabilities to burn coal exist, coal should be burned but only to the extent that environmental constraints permits. As Chairman of the Committee on Environment and Public Works, I am concerned that we maintain the momentum of recent years in achieving a cleaner and healthier environment. Energy production and environmental improvement need not be conflicting goals.

On June 10, the Senate passed the Clean Air Amendments of 1977. The amendments contain modifications that will facilitate our national conversion effort to coal. Some states in reacting to the Clean Air Act of 1970, originally established more stringent emission standards than necessary to meet national ambient air quality standards. The measure passed last Friday allows states to revise their standards to assure they are reasonable and equitable. This will enable some industries to burn a lower grade of coal and allow increased sulfate emissions in some areas. When national ambient air quality standards for protection of public health are being achieved and maintained; and when Federal new source performance standards will be met; then the States, in my judgement should have sufficient flexibility to determine what are the appropriate environmental requirements to achieve economic growth with environmental quality.

Another provision of the 1977 amendments, which I introduced during Committee consideration, recommends that one state may no longer allow emission of pollutants which adversely affect a neighboring state. A facility located in one state must notify the adjoining state of the potential impact of its emission prior to the commencement of construction of a new facility or modification of an existing stationary source. The amendment also provides that a state or local subdivision may petition the Administrator of the Environmental Protection Agency for relief if a facility would be in violation of the adjoining state's air pollution standards.

An amendment passed in the Senate by Senator Metzenbaum and myself, which authorizes the President to require major industrial firms burning coal but not meeting proper air standards, to burn coal supplies that are locally and regionally available. Many industries currently transport Western coal long distances to achieve air quality standards without installing sulfur removing devices. Moving Western low-sulfur coal to the East, to avoid sulfur removal requires the same 5–8 percent energy loss for transportation as does the scrubbing process itself. The cross-country transportation of Western coal to avoid scrubbers, therefore, is not economical.

Development of coal-related environmental technologies will be accelerated. I believe that scrubbing devices, also known as flue gas desulfurization systems, will be used and improved. This equipment removes sulfur pollutants from gas emissions and adds about 20% to new plant investment.

When a final consensus is reached on coal conversion, I believe the policy on which it is based should set forth that:

High sulfur coals must be used in producing a large part of our power.

Scrubbers constitute the best immediate answer to pollution control until technologies such as fluidized bed are commercially developed.

Where air quality standards are not impaired, coal washing and regional coal blending can meet the requirements of sound public policy, and scrubbing devices can be delayed or further improved.

An indication of the growing consensus and recognition in the Senate that we must increase coal utilization to assure our energy independence was evidenced by the passage of the Energy Research and Development Administration Authorization Act for fiscal year 1978, on Monday, June 13, by a vote of 79–1.

The bill authorizes approximately $965 million for the Energy Research and Development Administration's fossil energy program for fiscal year 1978. This represents an increase of about $481 million for total fossil energy development, and an approximately $140 million jump in budget authority for increased coal technology compared with fiscal year 1977. This increase in funding is on line with the Carter Administration's policy for increased coal utilization. The figure the Committee on Energy and Natural Resources recommends for the coal program is $45 million more than requested originally by ERDA for fiscal year 1978. This increase was made to assure the objectives outlined in ERDA's request which calls for the construction of a synthetic fuels-from-coal industry, responsible for developing low and high BTU gas and coal derived liquids as well as improved methods of direct coal utilization are achieved.

If we are to develop a definite National Coal Policy from the mine face to the ultimate energy user, it must be bulwarked with strong research and development programs. Only through an adequate assessment of new technologies for coal can we assure that our Nation's finite fossil fuel resources are extracted, utilized, or otherwise converted to useful forms of energy in a manner suitable to both our environment and economy.

Many private companies who wish to build the first plants utilizing new technologies are frustrated in their attempts. For example, interstate gas pipeline companies have said that they are now in the marketplace actively seeking financing for coal gasification plants. When these companies approach traditional financing institutions, the companies discover these institutions are reluctant to commit the billion dollars needed for the first of these plants, because the financiers have no history on which to base an educated decision. Financiers are willing to consider the subsequent plants, but not the first ones. Because of this and the need for assessment of new technologies, I introduced an amendment attached to the authorization bill, which was passed, providing the Administrator of ERDA the authority to make Federal loan guarantees of up to 75%.

This amendment does not provide loan guarantee or socioeconomic aid without further action by the Congress. The Congress based on ERDA's request would specifically have to appropriate the amount and kind of financial assistance to be provided. Where the cost of a demonstration facility exceeds $50 million, the amount of loan guarantees, extent of socioeconomic aid, and the amount of borrowing authority granted to the Administrator must be approved by both Houses of Congress. No specific sum of loan guarantee authority was authorized by the Committee, however. Requests would be revived on a project by project basis. I initially introduced this provision in 1974 and twice since then. The Senate approved the provision three times. This amendment is identical to the loan guarantee provision contained in the House version of the ERDA authorization bill recently reported by the Science and Technology Committee. The amendment adopted on Monday has the full support of John O'Leary, Administrator of the Federal Energy Administration.

Coal technologies for the most part will involve long leadtimes. Decisions must be made now if the Nation is to rely on increased coal use in the future. In determining the price we are willing to pay the issue is one of the extent and the strength of the national commitment to increased coal use. The interest shown in coal by Johnson and Johnson is most encouraging. I hope in the near future you can make the corporate decisions necessary to provide greater utilization of this fossil resource. Decisions made in the 95th Congress, together with the Carter Administration and private industry, to issues on coal-related programs will do much to strengthen the use of the coal substitution option in the next decade.

THE SENATE PROMOTES PRINCIPLES OF FREEDOM

Mr. DOLE. Mr. President, I want to take just a moment to comment on a very historic week here in the U.S. Senate, when the Members of this body went firmly on record in support of human rights and the cause of freedom throughout the world. Despite a variety of proposals and counterproposals that sometimes obscured the central issues, a prevailing consensus of the Senate becomes obvious in retrospect: This Nation is not about to buckle under to intimidations by the Communist regimes in Asia, Europe, or even in our own hemisphere. The American people are not ready to concede defeat to Communist aggression, or to agree to finance it with their tax dollars. With few exceptions, the Members of the Senate have, I believe, accurately gaged the attitude of the American public on this vital issue, and reflected it on the Senate floor.

Major victories for freedom were scored early in the week, when the Senate concurred with a resolution condemning harassment of an American journalist in Moscow, and a resolution endorsing a firm U.S. stand on human rights at the Helsinki conference, which opened in Belgrade on Wednesday. I offered these resolutions so that we might coalesce our variable perspectives around one policy position, and so that Soviet officials would make no mistake about our resolve on the human rights issue.

NO AID TO VIETNAM

Even more significant were clear expressions of congressional intent on the questions of aid to Vietnam, recognition of Cuba, and withdrawal of U.S. troops from Korea. On Tuesday, the Senate—by a vote of 55 to 38—approved my amendment directing U.S. representatives to the World Bank and Asian Development Bank to vote against any loans to Communist Vietnam, Laos, and Cambodia. That amendment also provided for a reduction in U.S. contributions to those international monetary organizations if they proceed with approval of aid to any of these Communist Governments.

On Thursday, the Senate roundly denounced language in the State Department authorization bill which had been earlier reported from the Senate Foreign Relations Committee. That language would have endorsed the administration's proposed withdrawal of 40,000 American troops from South Korea within 5 years, and would have permitted the partial lifting of the U.S. trade embargo against Communist Cuba. Parliamentary maneuverings and substitute language may have fuzzed up the central message for some members of the press and the public, but the basic thrust of the majority was this: The President must formulate his future Korean policies in close consultation with Congress, and the President must give due consideration to Cuban transgressions before agreeing to "normalize" relations.

A SENSE OF THE SENATE ON CUBA

The Senator from Kansas proposed a sense of the Congress amendment which would have specified four preconditions for normalizing relations with Cuba, including the withdrawal of Cuban troops from Africa and compensation for confiscated American property in Cuba. An effort to table my amendment—in effect, to kill it—was soundly defeated by a vote of 53 to 39. Thus, the concept of demanding certain concessions from Cuba prior to resuming diplomatic relations was generally endorsed, and I hope that message reaches the White House.

It is easier, however, to fight Castro than it is to contravene the Senate majority leader on the Senate floor. The distinguished majority leader offered substitute language which would not so offend the sensitivities of the administration or the Cuban regime. It is always disappointing to see the will of Congress thwarted by parliamentary maneuverings which confuse more than they clarify. When the Senate finally approved my amendment on Cuba with the majority leader's substitute language, it was so modified as to be hardly recognizable. But the essence of the day's deliberations was clear: the Senate rejected outright resumption of trade and relations with Cuba without preconditions. The committee voluntarily withdrew language it had earlier approved allowing partial lifting of the 1962 U.S. trade embargo, and the sense of the Senate, as a whole, on this issue became clear.

VICTORY FOR FREEDOM

In this Senator's opinion, these were victories for the cause of freedom, and not for any political party or platform. We saw an encouraging display of bipartisan agreement on central issues concerning the future of U.S. relations with Vietnam, Cuba, and Korea. The Senator from Kansas was pleased to have participated in clarifying these points for the executive branch and for the rest of the world, and he is proud of the sentiment which the Senate expressed. It can be hoped that more specific policy guidelines will yet be laid down regarding future relations with adversary nations, so that we can proceed with bold and deliberate efforts to advance the cause of liberty throughout the world.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. McINTYRE). The Chair, on behalf of the Vice President, pursuant to Public Law 94–280, appoints the Senator from Rhode Island (Mr. CHAFEE), from the Committee on Environment and Public Works, to the National Transportation Policy Study Commission, in lieu of the Senator from Vermont (Mr. STAFFORD), resigned.

TIME-LIMITATION AGREEMENT—H.R. 7557

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the transportation appropriation bill, H.R. 7557, is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour, to be equally divided between Mr. CASE and Mr. BAYH; that there be a time limitation on any amendment of 30 minutes; a time limitation on any debatable motion or appeal or point of order, if such is submitted to the Senate, of 20 minutes, and that the agreement with respect to the division and control of time be in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of H.R. 7557 (Order No. 250), An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1978, and for other purposes, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto, shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Indiana (Mr. Bayh) and the Senator from New Jersey (Mr. Case): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

TIME-LIMITATION AGREEMENT—H.R. 7552

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the Treasury Department appropriations bill, H.R. 7552, there be a time limitation of 1 hour, to be equally divided between Mr. WEICKER and Mr. CHILES; that there be a time limitation on any amendment of 30 minutes; a time limitation on any debatable motion or appeal or point of order, if such is submitted to the Senate for discussion, of 20 minutes, and that the agreement be in the usual form as to the division and control of time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Monday, June 20, 1977, at the hour of 1:00 p.m., the Senate shall proceed to the consideration of H.R. 7552 (Order No. 249), An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes, and that debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Florida (Mr. Chiles) and the Senator from Connecticut (Mr. Weicker): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

ORDER FOR RECESS UNTIL 12:30 P.M., MONDAY, JUNE 20, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT NO ROLLCALL VOTES OCCUR PRIOR TO 3 P.M. MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no rollcall votes occur on Monday prior to the hour of 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 7552 AND S. 717 ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1 p.m. on Monday the Senate proceed to the consideration of the Treasury Department appropriation bill, H.R. 7552, and that upon the disposition of that bill the Senate then proceed to the consideration of the mine safety bill, S. 717.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER INDEFINITELY POSTPONING SENATE CONCURRENT RESOLUTION 30

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar

Order No. 255, Senate Concurrent Resolution 30, be indefinitely postponed. The House concurrent resolution on the same subject passed the Senate earlier this week.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOYNIHAN AND SENATOR ROBERT C. BYRD ON TUESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on next Tuesday, after the two leaders or their designees have been recognized under the standing order, Mr. MOYNIHAN be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SEA GRANT PROGRAM ACT

Mr. HOLLINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4301.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 4301) entitled "An Act to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes."

Mr. HOLLINGS. Mr. President, I move that the Senate recede from its amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

ORDER FOR FINAL VOTE ON MINE HEALTH AND SAFETY MEASURE TO OCCUR NO LATER THAN 8 P.M. ON TUESDAY, JUNE 21, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the final vote occur on the mine health and safety bill on Tuesday of next week not later than 8 p.m.

Mr. STEVENS. That is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I waive paragraph 3 of rule XII.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Birdie Kyle be given the privilege of the floor during the consideration of Calendar 245.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 12:30 p.m. Monday, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States and that they may be appropriately referred, and that the Vice President, the President pro tempore of the Senate, the Acting President pro tempore, and the Deputy President pro tempore, be authorized to sign all duly enrolled bills and joint resolutions during that recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ACADEMY OF PEACE AND CONFLICT RESOLUTION COMMISSION ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 245.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 469) to establish a commission to study proposals for establishing the National Academy of Peace and Conflict Resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Resources without amendment, and from the Committee on Foreign Relations with amendments.

Mr. SPARKMAN. Mr. President, I shall speak very briefly on this matter.

This bill was reported first by the Committee on Labor and Public Welfare, reported by Senator RANDOLPH, a member of that committee, and then it came to the Committee on Foreign Relations. The Foreign Relations Committee reported it on June 10, with amendments.

If Senators have a copy of the amended bill, it will be noted that those amendments are small, but we think it puts the matter in better condition. It proposes the following, which I shall read from the first part:

The Commission shall undertake a study to consider whether to establish a National Academy of Peace and Conflict Resolution. . . .

This is not a new thing to be called up in the Senate. I believe the testimony has been that they have been working on a matter of this type since 1935, in one way or another. The matter has been before the Senate at various times.

The State Department does not favor this legislation, but our committee reported it, anyway.

This measure does not do what some of the bills in the past ought to do—that is, to establish the Academy. This would establish a commission to study the feasibility of the Academy and the various things it should do. I believe that, in its amended form, the Senate should pass the bill.

Mr. RANDOLPH. Mr. President, will the chairman and the leadership of Sen- Foreign Relations yield to me at this point?

Mr. SPARKMAN. I yield.

Mr. RANDOLPH. Mr. President, the changes made by the Foreign Relations Committee, with the understanding of the chairman and the leadership of Senator JAVITS, who is in the Chamber, are agreeable to those of us who are the authors of the bill as it came from the Human Resources Committee.

I am very happy that the Senator from Hawaii (Mr. MATSUNAGA) is in the Chamber. He is one of the sponsors of the original bill that was reported by the Human Resources Committee as of May 12. It then was properly reported to the Committee on Foreign Relations. That committee, as the Senator from Alabama has indicated, favorably reported S. 469 on June 10. We also have the sponsorship of the able Senator from Oregon (Mr. HATFIELD).

So, as the Senator has indicated, there has been a proposal of this type since 1935, when a former Member of the Senate, Matthew Neely—with whom the Senator is well acquainted and with whom he served—offered the program for the creation of a Secretary of Peace. That was an early day. He believed in a Federal department.

In 1945, as a Member of the House, I offered such legislation; and, indeed, the Senator from Alabama has been vitally interested in this general area over several Congresses. I remember the famous Arden House Conference on Disarmament sponsored by the Senator from Alabama and Senator HUMPHREY—a source of creative and constructive ideas on disarmament.

The idea of the study and the very constructive changes that Senator JAVITS proposed in the committee have helped us to bring to the Senate now something that might not have had the approval of certain departments—the State Department or other departments.

Now, as we call for a study, I hope that the Secretary of State, Cyrus Vance—it is not wrong to speak provincially for the moment and say that he is a West Virginian—and his associates in the State Department will not feel that there is an instrusion in any sense upon the State Department. Its task of safeguarding our national interests would be complemented by an academy of peace.

I have never thought of the State Department—and I say this in good faith—as being particularly a peace department. I have felt that it was a department for coping with problems of the interdependence of nations and peoples, and that is as it should be.

But here we give the thrust to the development of a program that, hopefully, will bring the nations of the world together, the peoples of the Earth together.

I have long felt that we must somehow or other learn to live together as neighbors in a world of peace. First, however, we must learn more about "causing" peace.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. RANDOLPH. Yes, I yield.

Mr. SPARKMAN. I want to say the Senator from West Virginia presented this matter to the Committee on Foreign Relations. He made a most persuasive presentation. It was following that, with the new amendments that Senate JAVITS proposed and that the committee accepted, that it reported the bill to the floor of the Senate.

Let me say to the Senator from West Virginia I wish, if he could do so, that he would come here and take the leadership in presenting the bill. I have an appointment to which I must go, and if he will do that I will appreciate it.

Mr. RANDOLPH. I would be delighted. If I may, I will stand at this point in the Chamber.

Mr. SPARKMAN. The Senator feels more at home there.

Mr. RANDOLPH. Yes. I thank the Senator very much.

I yield to the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, as a cosponsor of the measure I am deeply gratified that the Committee on Foreign Relations has reported the measure, amended as it is, and I commend and congratulate the Senator from West Virginia (Mr. RANDOLPH) for the great leadership he has demonstrated in bringing this measure to the floor.

While I was hopeful that the original bill would be reported, considering the opposition of the Department of State, I suppose as a cosponsor of the measure, I should be happy that the measure is on the floor at all.

Peace is something man has sought throughout his history but something which has eluded him throughout the years.

We have academies for the training of military officers, academies which train our young people, the brightest of our young people, in the art of war.

Here is a measure, as introduced originally by the Senator from West Virginia and myself, which would have set up an Academy of Peace, to take the brightest of our young people in America and send them to this academy, as we do to the military academies, but instead of training them for warfare, to train them in the part of peace.

This is a dream which mankind has had for centuries, has had from the very beginning of recorded history, and I am hoping that this will be the beginning of an accelerated process whereby we will eventually establish an Academy of Peace which in turn will eventually come under a Department of Peace.

As the Senator from West Virginia has cosponsored with me a measure to create a Department of Peace, he well knows what I am talking about; but I do harbor a dream, deeply ingrained with my heart and conscience that the United States will be the first nation on the face of this Earth to establish a Department of Peace dedicated solely to bringing about peace and brotherhood in this world much too strewn with strife.

I thank the Senator for yielding, and I happily join him in support of the pending measure.

Mr. RANDOLPH. Mr. President, I am very grateful for the comment, the cogent comment, of my colleague from Hawaii.

There are many people, as he has indicated, who have dreamed of just an Academy of Peace or a study for 1 year to see whether a Peace Academy could be properly brought into being, with the report of the commission to study it, but hoping that we could have a Secretary of Peace, a Department of Peace. In fact, I have naturally dreamed that for 32 years, and have introduced legislation constantly to bring it about.

The Senator's concern, the thrust of his statement here, which is very eloquent, is that we have now not only the opportunity but we have the challenge to do something, and this, although merely the opening of the door, may be the instrumentality legislative-wise by which we can move forward toward that time when not just emotion but the realism of the Earth on which we live and the peoples who populate it cause us to think in terms of working for programs of peace, and that we, this Nation and our peoples, composed of the peoples of many nations who come here and become citizens of the Republic of the United States work toward that coveted goal.

Certainly the Senator's comments are appreciated. I wish Senator HATFIELD could be here because I know he has stated so very often in language such as that of the Senator's the hope that the Senator has expressed. Senator HATFIELD has said that—

> It is long past time for us to begin using some of our resources to explore alternate methods to our traditional ways of defending our country.

And I sincerely agree that, indeed, the time has come.

Another who has dreamed of peace, Howard Flieger, editor of U.S. News & World Report, has said:

> The objectives of a Peace Academy are ennobling. A Nation schooled in the ways of peace is an ideal that, once attained, could be civilization's greatest achievement.

I feel now, as I did in 1945, that if America does not take the leadership in keeping people's of the Earth together in peace, then utter chaos is certain to result.

Mr. JAVITS. Mr. President, it will be noted that the Committee on Foreign Relations amended this resolution very materially, and then reported it without dissent, and I know of no objection to the resolution, and when, as, and if the amendments are adopted, I shall have no objection to the adoption of the bill.

I have been advised that Senator CASE, the ranking minority member, has been consulted and that he sees no objection on the part of the minority.

Now, Mr. President, that said, and speaking now as a Senator deeply concerned with the foreign relations of our country, with which I have been intimately and directly concerned for 30 years, having served on what was then the Foreign Affairs Committee of the House before I came here, let me say that this is a matter of very longstanding consideration, and those who have fought for it, like Senator RANDOLPH, and now Senator MATSUNAGA, have waged a long and profound struggle even to get to that point.

I think it would be essential to understand the situation to include as part of my remarks what is contained in the committee report under the title "Background" from page 2 to page 3, and I ask unanimous consent that that be done, Mr. President.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

As noted in the report of the Committee on Human Resources (S. Rept. 95–140, May 12), more than 140 bills have been introduced since 1935 relating to the establishment of a department of peace or an academy of peace. In addition there have been numerous similar proposals to sponsor postgraduate training by the Federal Government, either through scholarship programs or the establishment of Federal academies in the international relations area.

In lengthy hearings in 1963, the Committee on Foreign Relations examined a number of these proposals establishing variously a National Academy of Foreign Affairs, a U.S. Foreign Service Academy, and a Freedom Academy. In view of the diversity of opinion on the subject of establishing a Government academy—even the one proposed by the Kennedy administration—no action was taken by the Foreign Relations Committee. Moreover, the succeeding Johnson administration did not resubmit the academy proposal, nor has any administration since that time.

No action also was taken in succeeding Congresses on similar bills until 1971, when S. 390, a bill to provide for a U.S. Foreign Service scholarship program, sponsored by Senator Dominick, was favorably reported by the Committee on Labor and Public Welfare and referred to the Committee on Foreign Relations. The committee, after hearings, reported the bill adversely to the State.

No further action was taken on S. 390 but in 1972 the text of the bill was reported by the Senate Labor and Public Welfare Committee as part of an Omnibus Education Act. Senator Fulbright, as chairman of the Foreign Relations Committee, offered an amendment to strike the provisions of S. 390 from the Omnibus Education Act which was agreed to by a vote of 48–42.

In 1973, Senator Hartke's bill, S. 1024, to establish a Department of Peace, was referred to the Committee on Foreign Relations. No action was taken on it by the Committee on Foreign Relations.

The next similar proposal (S. 1976) was introduced in 1975 also by Senator Hartke and would have established a George Washington Peace Academy. Hearings were held by the Committee on Labor and Public Welfare on May 13, 1976.

No further action was taken on S. 1976, as such, and therefore the Foreign Relations Committee's request for sequential referral was moot. However, the substance of the bill was recast as a proposal to establish a study commission instead and offered as an amendment to the Education Act Amendments of 1976, and agreed to by the Senate. It was deleted in conference and the conference report stated:

> The managers wish to urge the appropriate committees of the Senate to give further study to this proposal to create a National Peace Academy and to encourage the ap-

propriate committee on the House to conduct hearings on such proposal.

No such hearings were held by either the Senate Committee on Human Resources or the House Committee on Education and Labor.

The PRESIDING OFFICER. (Mr. CULVER). The Senator from New York.

Mr. JAVITS. That demonstrates this matter has been here since 1935 and that more than 140 bills have been introduced since that time relating both to the establishment of a Department of Peace or an Academy of Peace.

Now, Mr. President, for a time during the worst part of the cold war, this whole thing got mixed up with something called the Freedom Academy which was conceived of as a school to train anti-Communist operatives.

It complicated the thing greatly because those who were in a search for peace, not war, saw in the Freedom Academy only another exacerbation for war.

In addition, as has been said, the State Department has been opposed—it still is, as far as I know. But the reason for their opposition is by no means arbitrary. They have a very strong case because they conceive of the department as a department of peace itself, that is what its business is all about.

Naturally, they do not look with favor upon some other department to do their job. If they are going to be eliminated, OK. But no one proposes that in his right mind at this time.

Therefore, I do not wish that the proponents of this resolution to have any illusions about the attitude of the Foreign Relations Committee as I know it on the issue of a Department of Peace.

Whether or not we should have some kind of an academy to deal, as this resolution says, when amended, to question the study of whether existing institutions which assist in resolving conflict in the areas of international relations are enough or not, whether we should have another one is the reason for the amendment. It will be noted that section 3(a)(1) now reads:

Whether to establish a National Academy of Peace and Conflict Resolution.

And it has now been confined to international relations rather than all relations, management, different races, communities, families, et cetera, according to the original authorship of the bill.

So bearing in mind, first, that the State Department is by no means unreasonable about this matter since they have a very strong case and will undoubtedly be heard by this Commission; second, that we are authorizing a limited study not for a department of peace but for an academy, a scholarly institution, if one is required, and I emphasize the word "if," considering the long struggle of those who want this and our realization in the Committee on Foreign Relations that they should have their day, they should have their chance, and this is a fair chance.

I might say that other important national developments have passed through this kind of an operation of study by Commission. Many have resulted in legislation; many have not. I think and I feel the committee felt that those who feel so strongly about this should have the deliberative opportunity which this will present to the Commission to give them, as I say, their full day in court and full consideration for their ideas.

But I wish to emphasize for the guidance of the Commission, as managing the bill I am a part of the minority but I believe this is also the view of the whole committee that when we amended the resolution as it came from the Human Resources Committee, where I am also the ranking minority member, and I joined in referring it without amendment because I felt strongly that this was really a foreign policy question and the Foreign Relations Committee should settle it, we emphasized the fact that we look to the Commission to advise us on whether or not a national academy of the kind contemplated should be established at all.

So, Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

There being no objection, the committee amendments were considered en bloc.

Mr. JAVITS. Mr. President, as far as we are concerned we are prepared to vote.

Mr. RANDOLPH. Mr. President, I make this further comment, either asking the able Senator to yield, or on my own time.

Mr. JAVITS. Of course, I yield.

Mr. RANDOLPH. I think that sometimes it is best, I say to my colleagues, to note create in the first instance but to study the reasons to create or to hear the reasons not to create.

As Senator JAVITS knows, when we were attempting to bring the purest of water to the American people from our Committee on Environment and Public Works, we not only brought forth legislation, but we also established a Commission on Water Quality, and the former Governor and Vice President, Mr. Rockefeller, shared that Commission of public members appointed by the President, Members from the Senate, and Members from the House of Representatives. That study went on for a period of 3 years. We were able to make a contribution by the very fact that we were in the process of studying all the problems that are associated with development of a clean water supply.

We have thought that it might be best to even have a Commission on Air Quality. So from time to time, I know that the Senator is interested in a White House conference of one type or another, as I have been. We have had the White House Conference on Handicapped Individuals. There is the White House conference which we expect to have on balanced growth in this country to study the problems of the Nation from the standpoint of concentration of population and opportunity for more rural sections for certain facilities to be established.

So I agree thoroughly with what the Senator has said. This is the process of study. This is the determination which will be made. It will be made, of course, with witnesses appearing at hearings to be held throughout the country. All sorts of procedures will be followed so that we will see if it is right and necessary to have a peace academy. I think it is, of course.

Mr. JAVITS. Of course.

Mr. RANDOLPH. But I would have said it was necessary to have an Air Force Academy. I think it is necessary to have a West Point, a military academy, and wish to make it known that Gen. Andrew Goodpaster, superintendent of West Point Military Academy, feels the study commission to be a vital first step toward peace. I think it is necessary to have an Annapolis, the Naval Academy.

But I think this is not another layer of academies as such, but it is an academy dedicated to the purposes of the studies of peace. Whether the commission will lead to even the establishment of the academy is one thing that we do not know, as the Senator has indicated. Yet I must relate what Milton said to Cromwell in 1652:

Peace hath her victories/No less renowned than war.

I have long believed—and my 32 years of effort, of course, have not brought it into being, and others have joined—that we should have a department of peace or a secretary of peace.

I acknowledge that the concept of teaching peace and conflict resolution, and mutual respect, and even universal understanding, is one which eludes many practical minds. But I believe peace can be taught. The study commission authorized in S. 469 will provide an apparatus for teaching these concepts.

But the matters are in transition always in the troubled world in which we live. The need for providing an institutional basis for the peaceful resolution of conflict might be challenged by the observation that we are now in a state of peace. And I would respond that we are in a state of relative peace.

And I join the Senator from New York again, the Senator who chairs the Committee on Foreign Relations, the Senator from New Jersey (Mr. CASE), and others, who have a common purpose here of trying to work together hopefully in this elusive but necessary search for peace among the peoples of the world. I hope, with the poet, Alfred Houseman, for that millenium. He said:

Peace is come and wars are over, welcome you and welcome all.

Mr. JAVITS. Mr. President, I thank my colleague for his comments.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield in 1 minute.

Mr. President, I thank my colleague for his very considered reply to my remarks, and may I say, of course, I join him in understanding that man's dearest hope is peace, and I join him in the dedication to bringing it about insofar as our powers and authority may open any basis for us to act in respect of it at all, and I join him in the prayer that is what we may long after I am gone and any of us are gone.

I yield.

Mr. RANDOLPH. I thank the Senator very much.

Mr. MATSUNAGA. Mr. President, I

thank the Senator from New York (Mr. JAVITS) for yielding.

I wish to thank him also for having contributed toward the advancement of the bill by offering amendments to the bill so that the bill itself, as amended, could be brought to the Senate floor.

While I was hopeful that the bill would be reported in its original form, considering the opposition of the State Department to the bill in its original form, what the Senator from New York has done was to expedite the consideration of the bill by the Senate.

The great Chinese scholar and philosopher Confucius, once said that there can be no peace until every individual citizen has a desire for it.

The Academy of Peace, which was proposed in the original bill, and which I do hope will come about as a result of the study by the commission, will train the best of our young people in the art of peace. Part of that art will be to convince the people of America as well as the people of other nations to learn to desire peace, to want peace. We will have taken a giant step forward in this direction when we have graduates from the Academy of Peace going throughout this country, as well as throughout the world, to sell peace and even to train others in the art of peace.

And I wish to congratulate the Senator from New York and to thank him for the contribution which he has made toward the advancement of this bill in the Senate.

Mr. STEVENS. Mr. President, have the committee amendments been adopted?

The PRESIDING OFFICER. Not yet.

Mr. STEVENS. Mr. President, I move the adoption of the committee amendments en bloc.

The PRESIDING OFFICER. Without objection, the question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 469) was passed.

The title was amended so as to read:

A bill to establish a commission to study proposals for establishing a National Academy of Peace and Conflict Resolution.

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Academy of Peace and Conflict Resolution Commission Act of 1977".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Commission on Proposals for the National Academy of Peace and Conflict Resolution.

DUTIES OF COMMISSION

SEC. 3. (a) The Commission shall undertake a study to consider—

(1) whether to establish a National Academy of Peace and Conflict Resolution;

(2) the size, cost, and location of an Academy;

(3) the effects which the establishment of an Academy would have on existing institutions of higher education;

(4) the relationship which would exist between an Academy and the Federal Government;

(5) the feasibility of making grants and providing other forms of assistance to existing institutions of higher education in lieu of, or in addition to, establishing an Academy; and

(6) alternative proposals, which may or may not include the establishment of an Academy, which would assist the Federal Government in accomplishing the goal of promoting peace.

(b) In conducting the study required by subsection (a), the Commission shall—

(1) review the theory and techniques of peaceful resolution of conflict between nations; and

(2) study existing institutions which assist in resolving conflict in the areas of international relations.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of nine members as follows—

(1) three appointed by the President pro tempore of the Senate;

(2) three appointed by the Speaker of the House of Representatives; and

(3) three appointed by the President.

(b) Members shall be appointed for the life of the Commission.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraph (2), members of the Commission each shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule (5 U.S.C. 5332) for each day during which they are engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Five members of the Commission shall constitute a quorum.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 5. (a) Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, shall have the power to—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316);

(2) appoint and fix the compensation of such staff personnel as he considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 6. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of any such Federal agency shall furnish such information to the Commission.

REPORTS

SEC. 7. The Commission shall transmit to the President and to each House of the Congress such interim reports as it considers appropriate and shall transmit a final report to the President and to each House of the Congress not later than one year after the date on which appropriations first become available to carry out this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as it considers appropriate.

TERMINATION

SEC. 8. The Commission shall cease to exist sixty days after transmitting its final report under section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated not to exceed $500,000 to carry out this Act.

DEFINITIONS

SEC. 10. For purposes of this Act—

(1) the term "Academy" means the National Academy of Peace and Conflict Resolution;

(2) the term "Chairman" means the Chairman of the Commission elected under section 4(e);

(3) the term "Commission" means the Commission on Proposals for the National Academy of Peace and Conflict Resolution; and

(4) the term "Federal agency" means any agency, department, or independent establishment in the executive branch of the Federal Government, including any Government corporation.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO CALL UP DEPARTMENT OF TRANSPORTATION APPROPRIATION BILL AT ANY TIME AFTER MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the leadership be authorized to call up, at any time after Monday, the Department of Transportation appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF WERNHER VON BRAUN—A SALUTE TO THE PASSING OF A TRUE 20TH CENTURY PIONEER

Mr. ROBERT C. BYRD. Mr. President, yesterday, Dr. Wernher von Braun died from the progressive effects of a long fight against the onslaught of cancer. His passing marks the end of the career of one of the scientific pioneers of the 20th century. In future generations, when men have become more than novel strangers and random explorers of outer space, the name of Wernher von Braun will be acclaimed as one of those men of lonely brilliance who helped to open the universe for the benefit of mankind.

Dr. von Braun's life was, in many ways, typical of that experienced by millions in this age of turmoil and change. As mighty empires and apparently unshakeable philosophies have fallen into ruins around them, these men and women have sought to find the pathway into a new era. Von Braun was born into the orderly pre-World War I Prussian society of imperial Germany. His nearly lifelong quest for the perfection of rocketry and space technology was carried on against the background of raging ideological conflicts, first in Nazi Germany and later in the West's competition with Soviet communism. Like so many geniuses, he was a man who was able to endure the frustrations and obstacles thrown in his path by others, because he believed so utterly in his own dreams.

Von Braun once remarked that rockets and space were so all-pervading in his life that, even in his youth, rather than receiving a watch and a new suit at the time of his confirmation in the Lutheran Church, he was given a telescope. Paradoxically, though his own vision reached far into space, he himself never left the confines of Earth's own gravity. Yet, he predicted and hoped for the day when space travel would render war and violent conflicts between men obsolete. He hoped that man, when he saw the Earth and the human saga in a universal perspective, would realize that the heritage and kinship that he shared with others of his own species transformed the sometimes pathological divisions between men into costly and barbaric trivialities.

Fortunately, at the end of World War II, Dr. von Braun and many of his colleagues from the German rocket research center at Peenemunde chose to surrender to the American forces rather than to the Soviets. His expertise provided the United States with a priceless resource in the scientific and technical race between the West and the Soviet bloc. With his Teutonic discipline, genius, and singleness of purpose, Wernher von Braun probably contributed more to the American effort to conquer space, place a man on the Moon, and reach Mars with a rocket than any other person in our space program.

Dr. von Braun has passed from us, but he has left us with an unforgettable legacy. Like Moses, he was only allowed to view the future from the heights, but he pointed the way for those who are to follow. He will remain, however, one of that infinitesimal company of the geniuses of all ages who have touched the stars while still standing on the Earth. All Americans and people of every nation owe Wernher von Braun a genuine debt of appreciation and respect for the destiny that he has helped to shape for our posterity.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate has just completed a week of remarkable achievements. A total of 45 measures have been passed this week, including such major pieces of legislation as the ERDA authorization, the international financial institutions bill, the bills on international security assistance, international development assistance, the State Department authorization, the arms control and disarmament bill, and the Interior appropriations bill.

Senators have every reason to be congratulated on their dedication and application of talents, and I personally thank my colleagues for their willingness to come in early and stay late in order to transact the business of the people in an expeditious but orderly fashion.

Only 2 weeks remain now until we reach the Independence Day nonlegislative day period. During these 2 weeks, much work has to be done.

Next week, the Senate will come in on Monday, and at 1 o'clock will take up the Treasury appropriation bill, which will be followed by the mine safety bill. No rollcall votes will occur prior to 3 p.m. on Monday.

The Senate will continue work on the mine safety bill on Tuesday and will complete action thereon no later than 8 p.m., with rollcall votes throughout the day.

Other measures which the leadership expects to take up next week are as follows. They will be taken up not necessarily in the order stated, nor are they considered to be the exclusive listing.

I have reference to the Transportation appropriation bill, the HUD appropriation bill, the State-Justice-Commerce appropriation bill, the Public Works appropriation bill, the HEW appropriation bill, the omnibus rivers and harbors bill, the Intelligence Committee authorization bill, the mass transit bill, and various other measures that may be cleared for action. Conference reports also may be called up.

I think it is obvious that the Senate will hold lengthy sessions daily, and a Saturday session appears at this time to be unavoidable.

Again, my compliments to my colleagues. I hope they and the staffs and officers and pages will have a pleasant and restful weekend, as we look forward to another heavy week of work ahead. Especially do I wish a pleasant Father's Day weekend for all who have reason to celebrate it.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the measures that have been passed this week.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

June 13—(Total=7):
S. 1340—ERDA Authorization.
H.R. 3416—Flue-Cured Tobacco Quotas.
S. 1061—D.C. Borrowing Authority.
S. Res. 188—Senate Rules Amendment.
H.R. 5645—Civil Rights Commission.
S.J. Res. 62—Volunteers in Schools.
S. Res. 178—Budget Waiver.
June 14—(Total=22):
H.R. 5262—International Financial Institutions.
Eighteen Committee Funding Resolutions (S. Res. 97, 140–142, 144, 146–149, 151, 156–159, 161, 164, 170, 189).
S. 760—Private bill.
S. 422—Private bill.
H.R. 3314—Private bill.
June 15—(Total=5):
H.R. 6884—International Security Assistance.
H.R. 6714—International Development Assistance.
S. Res. 194—Soviet Detention of Robert Toth.
H. Con. Res. 249—Belgrade Conference
S.J. Res. 63—Federal Home Loan Bank Board.
June 16—(Total=9):
S. Res. 195—Rosalynn Carter.
H.R. 7606—Bull Run Reserve.
S. Res. 196—Nez Perce Commemoration.
H.R. 6689—State Department Authorization.
H.R. 6179—Arms Control and Disarmament.
H.R. 6893—Members' Residence for State Income Tax.
S. 455—Private bill.
S. 1142—Private bill.
H.R. 1440—Private bill.
June 17—(Total=2):
H.R. 7636—Interior Appropriations, 1977.
S. 469—Peace and Conflict Academy.
Forty-five measures passed this week.

RECESS UNTIL 12:30 P.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and as a mark of respect to the passing of a great man, Wernher von Braun, that the Senate stand in recess until the hour of 12:30 p.m. on Monday.

The motion was agreed to (Mr. MATSUNAGA in the chair, presiding); and at 3:25 p.m. the Senate recessed until Monday, June 20, 1977, at 12:30 p.m.

CONFIRMATION

Executive nominations confirmed by the Senate June 17, 1977:

DEPARTMENT OF JUSTICE

James W. Garvin, Jr., of Delaware, to be U.S. Attorney for the District of Delaware for the term of 4 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Friday, June 17, 1977*

The House met at 10 o'clock a.m.

The Reverend C. Keith Elliott, pastor of First Christian Church, Lakeland, Fla., offered the following prayer:

Eternal Father, strong to save, give us this day our daily bread and forgive us our transgressions. We come, trusting in Thy mercy, bringing nothing in our hands, waiting in contrition for Thy grace. Thou dost see, in spite of our humanness, that in our highest hours our deepest desire is to be true servants. Grant us wisdom and courage, O Lord, to preserve and cherish the heritage so sacrificially won on the high seas and battlefields, even as in these halls, such valor and virtue have shaped and formed this great Nation. Guide us, for we are Your people, as we seek to represent Your people. "Grant us wisdom, grant us courage, that we fail not man nor Thee." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1440. An act for the relief of Eun Kyung Fark and Sang Hyuk Park; and

H.R. 7606. An act to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for 6 months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oreg.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6179. An act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes;

H.R. 6714. An act to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that Act, and for other purposes;

H.R. 6884. An act to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes; and

H.R. 6893. An act to amend title 4 of the United States Code to make it clear that Members of Congress may not, for purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6179) entitled "An act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PELL, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CASE, Mr. PERCY, and Mr. GRIFFIN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6714) entitled "An act to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. HUMPHREY, Mr. CHURCH, Mr. CLARK, Mr. BIDEN, Mr. TALMADGE, Mr. MCGOVERN, Mr. ALLEN, Mr. CASE, Mr. JAVITS, Mr. PERCY, Mr. DOLE, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6884) entitled "An act to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. HUMPHREY, Mr. MCGOVERN, Mr. CHURCH, Mr. BIDEN, Mr. CLARK, Mr. CASE, Mr. JAVITS, and Mr. PERCY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 455. An act for the relief of Ermelinda Rossi; and

S. 1142. An act for the relief of Kam Lin Cheung.

JUNE 15, ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, it was 37 years ago that the Government of the Soviet Union occupied the Baltic nation of Lithuania. June 15 marked the anniversary of that military incorporation.

Lithuania, a sovereign nation since 1251, established its independence on February 16, 1918. The invasion of June 15, 1940, was followed by the deportation of thousands of Lithuanians to Siberian labor camps.

The 37 years of Soviet occupation have been marred by cries of genocide, deportation, political repression and religious persecution. These wrongs must be remembered. Lithuania's complaints must be addressed.

While other nations commemorate their births, Lithuania and the other Baltic States bitterly remember the cheerless anniversary of their subjugation.

In recent months, the United States has become increasingly vocal concerning the human rights of the oppressed people of other nations. Because of this increasing concern, it is especially appropriate that we commemorate the denials and suffering of Lithuania's 37 years of foreign domination. Now, other nations, concerned with the self-determination of small nations, must support the struggle of the Lithuanians.

APPOINTMENT OF CONFEREES ON H.R. 5262 PROVIDING FOR PARTICIPATION BY UNITED STATES IN INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTERNATIONAL DEVELOPMENT ASSOCIATION, INTERNATIONAL FINANCE CORPORATION, ASIAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT FUND

The SPEAKER pro tempore (Mr. WRIGHT). The unfinished business is the further consideration of the motion offered by the gentleman from California (Mr. ROUSSELOT) to instruct the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 5262, to insist on the language of the House in section 602.

The gentleman from California (Mr. ROUSSELOT) is recognized for 1 hour.

Mr. ROUSSELOT. Mr. Speaker, because of a technical error in the printing, I withdraw the motion to instruct and resubmit it.

The SPEAKER pro tempore. The gentleman from California (Mr. ROUSSELOT) withdraws his motion. The Clerk will report the motion now offered by the gentleman from California.

PRIVILEGED MOTION OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. ROUSSELOT of California moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 5262, be instructed to insist on the language of the House as follows:

(e) In addition, the United States Government, in connection with its voice and vote in the institutions listed in subsection (a) is authorized and directed to vote against any loan, any extension of financial assistance or any technical assistance to any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, and including providing refuge to individuals committing acts of international terrorism such as hijacking of an aircraft unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

The SPEAKER pro tempore. The gentleman from California (Mr. ROUSSELOT) is recognized for 1 hour.

Mr. ROUSSELOT. Mr. Speaker, I will not take the entire time. My colleague, the gentleman from Wisconsin (Mr. REUSS), who I understand opposes this motion of instruction, informed me yesterday on the floor that he would make sure the House fights for its position, so I do not think it will be necessary to require the entire time. But briefly stated, Mr. Speaker, the issue that we face has been decided by the House. The motion of instruction relates to the Harkin amendment, which the House has supported. It is my understanding that, though this exact language is not supported by the Carter administration, the general concept of human rights is supported by the Carter administration and, though there is a plea by the State Department for more flexibility, it is my belief that the language of the Harkin amendment is a correct position on which the House should stand. It would be helpful, I would think, to strengthen the hand of the conferees as they work to uphold the position established by the House. I urge my colleagues to support the Harkin amendment.

Now, I would be glad to yield 2 minutes to my colleague, the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am somewhat concerned, obviously, about this amendment and about what may happen in the conference committee. At the outset, let me say that I have worked very closely with the chairman of this committee, and I have the utmost faith that he will in fact, fight for the position of the House and the position the House has adopted.

I am somewhat concerned about the effect of a motion such as this, to instruct the conferees, and exactly what it will do to the conference. I am wondering if the gentleman from California (Mr. ROUSSELOT) might respond to that question. Just what effect will this have on the conference? Just how much will it bind their hands, in terms of seeking a viable compromise, let us say?

Mr. ROUSSELOT. Mr. Speaker, I would be glad to explain, on the basis of my own past experience relating to motions of instructions by the House.

It strengthens the hand of the conferees when they go to a conference to know that the House has taken a firm stand on an issue and feels that it is important. It does not make it absolutely impossible for conferees when there is a strong difference with the Senate, as there might be, although we do not know yet.

We cannot speak for the other body, but this does not make it impossible for the conferees to work with slightly changed language.

Mr. HARKIN. Mr. Speaker, I would just say to the gentleman from California (Mr. ROUSSELOT) that I called the Parliamentarian's office this morning and talked to the Parliamentarian, asking him what effect this would have. I was told by the Parliamentarian that a motion to instruct the conferees such as this motion the gentleman has just offered does not in fact clamp them in irons; it does in fact leave them free to seek a compromise.

And furthermore, I was told, if a compromise is reached in the conference committee, and it is not necessarily exactly like this language, and even if they do that, a point of order cannot be sustained against that language once it is brought back.

So this does in no way really bind them tightly to that language, but it is in effect a reaffirmation of the position of the House. It reaffirms the fact that we feel very strongly about this language and that we would hope that the conferees would fight as much as possible for the position of the House.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

Mr. ROUSSELOT. Mr. Speaker, I yield 1 additional minute to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, if I may continue, this expresses further our hope that the conferees would fight as much as possible to get language that is at least close to the language of this amendment in the conference.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield, I believe the description given to the gentleman by the Parliamentarian is a correct one.

I also know that in the past the chairman of this committee, the gentleman from Wisconsin (Mr. REUSS), has always been very fair in fighting for the position of the House. As chairman of the committee going to the conference, he has always done that in the past. He assured us yesterday on the floor that he would do so again.

Mr. Speaker, we will let the gentleman speak for himself, but I feel sure he will uphold the position of the House, even though he may at this juncture decide not to support the motion to instruct. He did, of course, have different language in the bill before the committee, as the gentleman from Iowa (Mr. HARKIN) well knows. Consequently, when the amendment offered by the gentleman from Iowa (Mr. HARKIN) was added, it constituted different language than that which the chairman of the committee sought to have included in the bill.

Mr. HARKIN. Mr. Speaker, I might just add that it is my position that if in fact this motion to instruct did absolutely tie the hands of the conferees so they could not maneuver at all, I would be opposed to it.

Mr. ROUSSELOT. I can understand that, because the gentleman is, of course, anxious to see that his concept of human rights, as it relates to instructions of voting delegates, is maintained, and perhaps a slight change in this language might be acceptable to the conferees. I think we all understand that.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

Mr. REUSS. Mr. Speaker, will the gentleman from California (Mr. ROUSSELOT) yield 10 minutes of his 60 minutes to me?

Mr. ROUSSELOT. Mr. Speaker, I will yield time to the gentleman in just a moment, but first I yield myself such time as I may consume.

Mr. Speaker, I wish to reemphasize the fact that the chairman of the committee, the gentleman from Wisconsin (Mr. REUSS), has always been a strong supporter of the idea of fighting for the House position in conference. I know that even though the gentleman personally disagrees with the language of the Harkin amendment and opposed it on the floor, he does recognize his responsibility as head of the delegation of conferees from the House and does recognize that he has a responsibility to fight for the House position.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Mr. Speaker, I would be glad to yield later. I think we will have adequate time to debate this matter. The chairman of my committee has informed me that he will not take up all the time.

Mr. Speaker, I now yield 3 minutes to the chairman of the committee, the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I asked for 10 minutes.

Mr. ROUSSELOT. Mr. Speaker, I think we both agreed that we would try to keep this moving and expedite the matter. I would be glad to yield 4 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. REUSS. Mr. Speaker, I do not wish to keep the gentleman from California waiting, so I yield to him.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I was wondering about this wording in the amendment. As I listened to it, I felt that it sounds very much like a motherhood resolution. As we read it, it sounds like a beautiful amendment.

In the reading of the amendment, however, I did not understand who determines the matter of violation of human rights. Is that covered in some manner?

Mr. ROUSSELOT. Mr. Speaker, since the gentleman is asking the question on the time of the gentleman from Wisconsin (Mr. REUSS), and if the gentleman will yield, I would be glad to respond by just saying very quickly that this is language that is now in the House bill, so it is not just a "resolution." The instruction is directed to the voting members who represent our country on the six financial institutions to support the concept of human rights included in the language of the bill.

Mr. CHARLES H. WILSON of California. Then it is merely words?

Mr. ROUSSELOT. No, it is not just words. I think it is an important human rights issue.

Mr. REUSS. Mr. Speaker, let me reclaim my time and address myself to the motion to instruct the conferees, who in-

cidentally have not even been appointed yet, "to insist on the language of the House."

I not only oppose this motion to instruct, but in the kindliest way, I resent it. I do not think that it is good practice for the gentleman from California (Mr. ROUSSELOT), to come in, as he did last night, with a written motion to instruct, which he had never shown to me or to the ranking minority member on his own side, the gentleman from Ohio (Mr. STANTON). And so far as I know, he did not show it to any other Member.

Another surprise to me was that I looked at the RECORD and found that although the gentleman from California (Mr. ROUSSELOT) said on the floor several times last night, as reflected on page H6059 of today's RECORD, that his motion to instruct related to the Harkin amendment, it did not relate to the Harkin amendment at all.

Now he has withdrawn that and brought in a totally different motion to instruct this morning.

Mr. Speaker, let me just say that the law and the practice of instructing conferees before they have even been appointed is that one just does not do that—tie the conferees to particular language.

I said on the floor yesterday, in response to a question from the gentleman from California (Mr. ROUSSELOT), again on page H6059, as follows: The question was whether the House conferees would stand firm for the House position on the Harkin amendment. I said "we will respect the House position, of course." And I intend to do just that. But I do not want to be instructed to abide by every word of the Harkin amendment, for a whole variety of reasons, including the fact that there are plenty of words in there that can be improved.

I will name a few of them. The amendment demands a "no" vote with respect to any country that practices "prolonged detention without charges."

Some of our best friends in the world, including Israel, have done that recently. I would not like to put our State Department in irons on that.

Again, the Harkin amendment contained an out, an exception, through which one can, and some have, driven teams of horses.

The whole human rights concept under the Harkin amendment is passed out the window when, somehow or other, the loan which is sought to be given can be wangled under the general language of the Harkin resolution "to programs which serve the basic human needs of the citizens of such country."

So I do not want to be tied to language as inert as this.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. REUSS) has expired.

Mr. ROUSSELOT. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin.

Mr. REUSS. To continue, Mr. Speaker, that simply means that where one wants Harkin to apply, the executive can do so. Where one does not want it to apply, the executive can refrain from doing so.

I do not want to be put into the position where we are under a mandate to insist on that language of the House. I talked to the Parliamentarian this morning on the matter, and an instruction means what it says. Surely, I do not go to jail if I vary the language; but the mandate of my colleagues if this motion is passed—which I hope it will not be—is that I must insist on the language, every word of it. I do not want to do so. I do not propose to do so unless instructed by the House. And I hope that the Rousselot motion to instruct before conferees even have been appointed will be voted down.

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin (Mr. REUSS).

I am disappointed to learn that he has problems with the language that was basically accepted by the House because I thought it was good language. However, my understanding of the rules and precedents of the House is that motion to instruct conferees does not absolutely preclude the reporting by the committee of conference language different from that of the Harkin amendment. What I am telling the House is that if the conference committee should report language other than that which the managers of this House were instructed to insist upon, the conference report would not be subject to a point of order on that ground. The effect of this motion would be to tell the managers on the part of the House that the House wants to stand firm on this issue and that the House conferees should, as a matter of conscience, express that will during their deliberations.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker and Members of the House, I think probably the subject matter of motions to instruct came up over the years when the House felt strongly emotionally involved with something and that was back at times when the conferees did not necessarily agree with the motion that was pending.

Mr. Speaker, much as been said about the fact that the conferees have not been selected here; but to my knowledge, I have submitted the names of ranking minority Members, and they will be selected immediately after this matter is finished.

Mr. ROUSSELOT. Mr. Speaker, may I interrupt the gentleman to say that they were about to be announced last night.

Mr. STANTON. Mr. Speaker, I say to my friend from California (Mr. ROUSSELOT) that I have just checked the record, and I also say this to my friend, the gentleman from Iowa (Mr. HARKIN) that on our side of the aisle, of the four Members whom we have appointed conferees, three on the Committee on Banking, Finance and Urban Affairs voted for the particular language of the Harkin amendment.

Likewise, Mr. Speaker, I say to my friend, the gentleman from Wisconsin (Mr. REUSS), the man who carried the battle for this particular subject matter in committee was the gentleman from New York (Mr. BADILLO).

I am not sure, but is the gentleman from New York (Mr. BADILLO) a member of this conference?

Mr. REUSS. Yes, indeed. The gentleman was put on there at my express suggestion so that he might fully and forcefully represent the so-called "Harkin" view.

Mr. STANTON. My understanding is, first of all, that the subject is moot. Second, a motion to instruct—and I have been there only once before in my years on the committee—is almost a mandate on the conferees, you have almost no choice at all. I will back our chairman on that. I would further like to observe that we have some 23 points in differential, some covering some of the positions on this particular subject of human rights and the activities of the committees, limited in the Senate bill only to be checked by the Red Cross.

The SPEAKER. The time of the gentleman has expired.

Mr. ROUSSELOT. I yield 1 additional minute to the gentleman from Iowa.

Mr. STANTON. We have many organizations, if the gentleman from Iowa will really think about it. As I say, this is my own interpretation and I did not check with the Parliamentarian. But this is what I am going to do, it will be strictly in accordance with the instructions to the conferees. So I just say that is my opinion, from my side of the aisle, of what I will do.

I will also say with respect to the 23 points in differential, if we are instructed, I would go in with the feeling that we have got two strikes against us so we might as well give up on the other 22.

Mr. HARKIN. Mr. Speaker, will the gentleman yield further?

Mr. ROUSSELOT. I yield 3 additional minutes to the gentleman from Iowa.

Mr. HARKIN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, rather than tossing this thing back and forth as to what the effect would be, I would like to direct a question to the Speaker, so I will propound a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. Speaker, I have a parliamentary inquiry and it is this: I would like to know just what effect this does have, this motion to instruct the conferees.

I checked with the Parliamentarian this morning and he said it does not bind their hands. They are free to compromise and that a point of order would not be sustained against the language they would come back with that would be different from the language that was in the motion to instruct.

I would ask the Speaker if we could receive a ruling on that?

The SPEAKER pro tempore (Mr. WRIGHT). The gentleman from Iowa (Mr. HARKIN) has propounded a parliamentary inquiry as to the extent to which an instruction is binding upon the conferees.

The Chair will read from the precedents of the House, Canon's Procedure, with respect to conference committees:

Either House may at the proper time instruct its own conferees, but having no jurisdiction over the managers on the part of

the other House, such instructions apply only to managers on the part of the House giving the instructions. However, the fact that proposed instructions to House conferees cannot be incorporated in the bill without cooperation on the part of Senate conferees does not subject motions imposing such instructions to a point of order.

Adoption of a motion to disagree or to insist on disagreement to a Senate amendment does not preclude consideration of subsequent motions instructing conferees to take other action on such amendments or parts thereof.

The basic contract in any event still must be achieved between the conferees on the part of the House and the conferees on the part of the Senate. Obviously the motion to instruct, if it should prevail, could not bind Members of the other body as they meet with Members of the House in the conference.

Mr. HARKIN. Mr. Speaker, I think it is clear by the precedent read by the Speaker that a motion to instruct does not, in fact, bind the hands of those conferees.

Mr. BAUMAN. Mr. Speaker, would the gentleman yield?

Mr. HARKIN. I would be glad to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would just say to the gentleman that the precedent cited by the Chair is a correct statement of the technical aspects of the motion before us. But a motion to instruct conferees is a rare device, although it is used on occasion, and it carries with it, at least in the opinion of this Member, a very high moral imperative that the Members who are instructed on the part of this body carry out the instructions. The usual procedure when a deadlock is reached in conference is for the conferees of the House to return and say, "We have been instructed to follow this course; the other body absolutely refuses," and to lay it before the House for further action. So in the sense that, yes, the other body must concur, it is not binding on both parties but it is very binding on this body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROUSSELOT. Mr. Speaker, I yield 5 additional minutes to the gentleman from Iowa.

Mr. HARKIN. Again, as I understand it, even if the Members of the House do reach compromise language with the conferees in the Senate and come back with that, a point of order cannot be sustained against it, and that is the point that I want to make.

Let me just say a couple of things about my concerns about the conference. I can understand that the chairman of this committee would resent it—and I would resent it also if it absolutely totally bound the hands of the conferees not to move one jot and tittle from the language we have drafted. I do not see this motion as that; I see this motion to instruct as a reaffirmation of the strong feelings of the House of Representatives.

On this human rights question, the chairman of the committee raised a question about the language of prolonged detention. Let me just say with regard to Israel that that language about prolonged detention without charges must also be read in the full context of the whole amendment which says "a consistent pattern of gross violations of human rights." I do not think that the State of Israel has engaged in a "consistent pattern." They may have engaged in prolonged detention without charges at periods of time, but not in a consistent pattern.

The chairman of the committee has also said there is a loophole in this amendment big enough to drive a truck through. We have talked about this on numerous occasions in private before. I realize there is somewhat of a loophole there. However, the one argument used by the Department of State and Department of Treasury against my amendment is that it is too rigid, it is too inflexible. Now we hear the argument being made that it is too flexible and has too big a loophole. I am beginning to wonder which side is right.

One last thing: I am concerned that the language that will come out of conference will not contain the one element of the so-called Harkin amendment that is at the very heart and soul of it, and that is that at a certain point in time the executive director of these banks, of one of these banks, has to vote no on a loan to specific countries. I do not care what goes on before that. I do not care how much negotiation they may have with those countries urging them to be better in their human rights situation. That is fine, but there must come one point in time that if that country does not improve its human rights situation, the executive director must be instructed to vote no on a loan.

I just saw some language that was brought to my office not over a half hour ago that was drafted in the Department of State where they want to use compromise language—and I would be glad to give it to the chairman to read—but it does not in any way have any mandatory language at any time instructing the executive director to vote no on these loans.

What this compromise language that has come to me from someplace in the Department of State says is that basically we will use our voice and vote, but we will just urge these nations to be nice to their people. We will urge them, and we will try to seek support from other countries to encourage them to be generous in the human rights situation. It says we can abstain on votes. It even says that we can vote against a loan. But there is no mandatory language that says after we take these steps that a no vote has to be cast, and, if for no other reason, that is why I think the House has got to reassert its position on this human rights language in that there is a bottom line below which we will not go and below which we will not compromise in the conference committee. That is why I think, taking this into consideration and taking into consideration the parliamentary ruling, I believe that it is well within our purview and well within the meaning of the House and the rules under which we operate to instruct the conferees in this human rights language, when they go to conference on this bill.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield 2 minutes to my friend, the gentleman from Wisconsin.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I would sum up by reviewing the situation, if I may have the attention of the Members. The motion to instruct orders the gentleman from Ohio (Mr. STANTON) and me and other conferees, and I am quoting, "to insist on the language of the House as follows," and then it puts in word for word the so-called Harkin amendment.

On the floor of the House yesterday, I said "we will respect the House position on the Harkin amendment, of course." I repeat it. I repeat what I have said many times before, that as far as I am personally concerned, the Harkin amendment is OK. The Reuss-Humphrey language is OK. They both accomplish about the same thing. I can go with either one, but the House having expressed itself Harkin-wise, I propose to defend the position of the House.

It is now said, in defense of the preemptory character of this resolution mandating the gentleman from Ohio and me and the rest of us to insist on the language of the House, that it does not really mean it, that we have some flexibility.

Well, why do the gentleman from California and the gentleman from Iowa, who normally if I may say so represent two quite disparate ends of the political spectrum, then insist on it?

Mr. ROUSSELOT. Not on human rights.

Mr. REUSS. Why do they insist that they will not go along with my spoken word and that of the gentleman from Ohio (Mr. STANTON) that we are going to do our level best to preserve the Harkin amendment? Why do we have this resolution on it? Why tell us we have to take every word of it?

That is the way I interpret it, "to insist on the language of the House," despite all the witty diversities about germaneness and motions to strike and points of order.

I like what the gentleman from Maryland (Mr. BAUMAN) said. He said the Rousselot motion makes it our moral obligation to hew to the language.

Why try to rub our noses in it?

I hope the resolution will be voted down.

Mr. ROUSSELOT. I can appreciate our colleague's comments. We are not trying to rub his nose in it. We had a difference of opinion. There is no challenge. I guess the gentleman from Iowa and myself and many of the other Members feel strongly that as long as U.S. money is being committed to the six financial institutions, we have a strong obligation to insist on human rights.

I know the gentleman realizes that and I am also aware that he has to deal with the State Department which always has to fuzz up issues of congressional intent. I can understand why he does not feel as strongly as the gentleman from Iowa (Mr. HARKIN), the gentleman from New York (Mr. BADILLO), and many others on both sides of the aisle who support a strong U.S. position on human rights.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. VOLKMER), who asked me for some time.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I would like to raise a parliamentary question.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, I have an amendment to the motion of the gentleman from California and I was wondering if such a motion would be in order, in other words whether an amendment to a motion to instruct the conferees is in order at any time?

The SPEAKER pro tempore. The Chair would advise the gentleman from Missouri that no amendment would be in order to the motion unless the gentleman from California, the author of the motion, were to yield to the gentleman from Missouri for the purpose of said amendment, or the previous question were voted down on the motion.

If the gentleman were to yield, then of course such an amendment would be in order, but in that event the gentleman from California would lose the floor, and the time would lie with the gentleman from Missouri, if it were he offering the amendment.

Mr. VOLKMER. I thank the Chair.

Mr. ROUSSELOT. Mr. Speaker, I do not yield for purposes of any amendment.

I would suggest this to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, may I inquire of the gentleman from California as to the amendment, that as he knows, we debated this bill originally in the House and there was adopted also an amendment to instruct the conferees of the six financial institutions that they were not to make any loans or were to vote against any loans to be used for establishing or expanding production of palm oil, sugar, or citrus crops if the United States is a producer of the same.

In other words, we were not to give our funds to these other countries in order to develop palm oil, citrus fruits, sugar, which we will hear about, I am sure, Monday, in competition to our own production of these commodities. It is this production in the past that has occurred, that has hurt producers in this country.

Mr. Speaker, I would like to say that was the general thrust of the Mathis amendment. The gentleman from Georgia (Mr. MATHIS) cannot be here at this time and asked me to propose the amendment.

Mr. Speaker, I would like to know the position of the chairman in regard to this.

Mr. ROUSSELOT. Mr. Speaker, I will yield an additional minute for purposes of debate only to the gentleman to direct a question to the chairman of the committee to see what the chairman's position is.

Mr. VOLKMER. Mr. Speaker, may I ask the chairman the position of the committee on this amendment, on which I understand there were some differences between the House and the Senate on the exact language.

Mr. REUSS. Mr. Speaker, if the gentleman will yield, it is the chairman's position, and I am sure it is the position also of the House conferees, that we have an obligation to support the Mathis amendment that was adopted after full and fair debate by the House and we intend to support it.

I had not had the opportunity of studying the exact differences between the Senate version and the House version. No doubt when we do, we will be in touch with the gentleman from Georgia (Mr. MATHIS), with the gentleman from Oklahoma (Mr. VOLKMER) and the others, to get their views on it.

Mr. VOLKMER. And the gentleman is sure that the conferees do understand that?

Mr. REUSS. Our philosophy was that of honest conferees and they are all honored to support it.

Mr. ROUSSELOT. Mr. Speaker, I again urge my colleagues to support this motion of instruction. We have had a very thorough discussion, the extent to which it binds the conferees. It clearly is a moral binding on our conferees.

Mr. Speaker, I yield 1 additional minute to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I understand the desire not to prolong the debate.

Let me say that I have the utmost respect for the gentleman from Wisconsin (Mr. REUSS), the chairman of this committee. I know of the gentleman's deep commitment to human rights, however, I also know of the intense lobbying that has gone on in the other body about this amendment by the State Department and that intense lobbying by State and Treasury will also take place when the conferees meet.

Secretary Vance the other day in Grenada in a speech on Latin America said:

> U.S. cooperation in economic development must not be mocked by consistent patterns of gross violations of human rights.

Mr. Speaker, I support what Secretary Vance has said, but the real test of our commitment to human rights comes, not in our speeches, but in our deeds. If we say one thing and turn around and do another, it makes a whole mockery of our position on human rights.

Secretary Vance did say that in Grenada, but tomorrow somebody from the State Department could come to my office and give me a complete rewrite and water this down and do away with all the language.

I say that we must be consistent in our deeds, as well as being consistent in our speeches.

Mr. ROUSSELOT. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore (Mr. WRIGHT). The Chair is going to make a further comment with regard to the parliamentary inquiry that was directed to the Chair by the gentleman from Iowa (Mr. HARKIN). If the gentleman from California will withhold the motion for the previous question, the Chair wishes to clarify one apparent misconception.

Subsequent to the Chair's reply to the gentleman from Iowa, the gentleman made reference to the conferees as being free conferees. The Chair would point out there is, indeed, a distinction between free conferees and instructed conferees. If the motion to instruct should prevail, the conferees would not be in the purest sense free conferees. They would be instructed conferees. But notwithstanding the fact that were such conferees, as conferees have in the past, to report back a conference report not completely in conformity with those instructions, the conferees' report would not, for that reason, be subject to a point of order.

Mr. HARKIN. If I understand correctly, the Chair is saying that, if the motion carries, that the conferees, while not being free, while they are instructed, still if they reach language which is different than that contained in the motion offered by the gentleman from California and bring this back as part of the conference report to the floor of the House, that a point of order cannot be sustained against that because the language is different.

The SPEAKER pro tempore. That is correct. The Chair is simply saying that there is a distinction between free conferees and instructed conferees. The Chair is further saying that, under the precedents, the conference committee report would not be subject to a point of order and to be ruled out of order simply on the ground that it had varied from the instructions given. The House, under such circumstances, could perhaps recommit or reject a conference report.

Mr. HARKIN. Under other circumstances, if I might inquire further of the Chair; if, in fact, this motion carries and it contains an instruction to the conferees to insist on this language, that it does not in any way clamp them in irons. I wish to make this distinction.

The SPEAKER pro tempore. The Chair would not desire to respond in the sense of interpreting or monitoring the individual consciences of individual conferees, nor their individual concepts of their responsibilities to carry out instructions given by the House. That is beyond the purview of the Chair.

PARLIAMENTARY INQUIRY

Mr. STANTON. Mr. Speaker, a parliamentary inquiry in regard to the ruling or observations the Chair just made.

I want to make it clear to the gentleman from Iowa, sometimes I get the impression we want to back the motion and do not want to back the motion to lock the conferees.

Mr. ROUSSELOT. That is not a parliamentary inquiry.

Mr. STANTON. I am asking it now, if the gentleman will wait just a minute.

I want to know, Mr. Speaker, under the ruling the Chair just made, whether or not the gentleman from Maryland (Mr. BAUMAN) was not right that in his experience in the House that more or less, on a motion to instruct given the conferees, there is a strong moral obligation to stick with it word for word. I mean, it may be a personal opinion, but the few times that this has ever come up in the past, you definitely tie one hand behind you.

Mr. ROUSSELOT. That is not a parliamentary inquiry. There are no hands tied behind your back.

The SPEAKER pro tempore. The Chair will respond. It is not the prerogative of the Chair to interpret the moral responsibilities of Members of Congress. They would have their individual responsibilities. They would be instructed conferees, provided instructions by a vote of the House, and would be under some obligation to consider that instruction.

The Chair simply responded to the question propounded by the gentleman from Iowa to the effect that a conference report, though it might vary from those instructions, would not for that reason alone be subject to a point of order.

Mr. HARKIN. I thank the Chair.

Mr. ROUSSELOT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 161, nays 200, not voting 72, as follows:

[Roll No. 351]

YEAS—161

Anderson, Calif.	Erlenborn	Moorhead, Calif.
Andrews, N. Dak.	Ertel	Mottl
Ambro	Evans, Del.	Myers, Ind.
Archer	Fuqua	Nolan
Armstrong	Gilman	Nowak
Ashbrook	Glickman	Oakar
Bafalis	Goldwater	Oberstar
Bauman	Goodling	Ottinger
Bedell	Gradison	Panetta
Benjamin	Grassley	Pressler
Bennett	Guyer	Pursell
Blouin	Hall	Quayle
Bonior	Hansen	Quie
Broomfield	Harkin	Quillen
Brown, Ohio	Heckler	Railsback
Broyhill	Hollenbeck	Rangel
Burgener	Holt	Regula
Burke, Calif.	Holtzman	Rinaldo
Burke, Fla.	Hyde	Robinson
Burleson, Tex.	Jeffords	Rousselot
Burton, John	Johnson, Colo.	Rudd
Burton, Phillip	Kelly	Runnels
Butler	Kemp	Ruppe
Caputo	Ketchum	Sarasin
Carr	Kildee	Satterfield
Carter	Kindness	Sawyer
Chisholm	Kostmayer	Schroeder
Clawson, Del	Krebs	Schulze
Cochran	Krueger	Sharp
Cohen	Latta	Shuster
Coleman	Leach	Smith, Nebr.
Collins, Ill.	Leggett	Snyder
Collins, Tex.	Lehman	Stangeland
Conable	Lent	Stockman
Corcoran	Lloyd, Calif.	Studds
Coughlin	Long, Md.	Symms
Crane	Lott	Taylor
Cunningham	Luken	Thone
Daniel, Dan	McClory	Traxler
Daniel, R. W.	McCloskey	Treen
Davis	McDade	Trible
de la Garza	McDonald	Vander Jagt
Dellums	Madigan	Waggonner
Derrick	Maguire	Walker
Devine	Markey	Walsh
Dickinson	Marlenee	Wampler
Dornan	Marriott	Weaver
Downey	Martin	Weiss
Duncan, Tenn.	Mazzoli	Whitehurst
Early	Michel	Wilson, Bob
Edwards, Okla.	Miller, Ohio	Wolff
Emery	Minish	Young, Alaska
English	Mitchell, N.Y.	Young, Fla.
	Moffett	
	Moore	

NAYS—200

Akaka	Gephardt	Nix
Alexander	Giaimo	O'Brien
Allen	Gibbons	Obey
Ammerman	Ginn	Patten
Andrews, N.C.	Gonzalez	Patterson
Annunzio	Gore	Pattison
Applegate	Gudger	Pease
Ashley	Hamilton	Pepper
Aspin	Hammer-schmidt	Perkins
Barnard	Hanley	Pickle
Beard, R.I.	Harris	Pike
Bellenson	Harsha	Preyer
Bevill	Hefner	Price
Biaggi	Heftel	Pritchard
Bingham	Hightower	Reuss
Blanchard	Hillis	Richmond
Boggs	Howard	Risenhoover
Boland	Hubbard	Roberts
Bolling	Huckaby	Roncalio
Bowen	Ireland	Rooney
Brademas	Jacobs	Rose
Breckinridge	Jenrette	Rosenthal
Brinkley	Johnson, Calif.	Rostenkowski
Brooks	Jones, N.C.	Roybal
Brown, Calif.	Jones, Okla.	Russo
Brown, Mich.	Jones, Tenn.	Ryan
Buchanan	Jordan	Santini
Burlison, Mo.	Kastenmeier	Scheuer
Carney	Kazen	Seiberling
Cavanaugh	Keys	Shipley
Chappell	LaFalce	Sikes
Clay	Lagomarsino	Simon
Conte	Le Fante	Sisk
Corman	Lederer	Skelton
Cornell	Levitas	Skubitz
Cornwell	Lloyd, Tenn.	Slack
Cotter	Long, La.	Solarz
D'Amours	Lundine	Spellman
Danielson	McCormack	Staggers
Delaney	McEwen	Stanton
Derwinski	McFall	Steed
Dicks	McKay	Steiger
Dingell	Mahon	Stokes
Dodd	Mann	Stratton
Drinan	Marks	Stump
Eckhardt	Mathis	Thompson
Edgar	Mattox	Thornton
Edwards, Ala.	Meeds	Tsongas
Edwards, Calif.	Meyner	Tucker
Eilberg	Mikulski	Udall
Evans, Colo.	Mikva	Ullman
Evans, Ga.	Milford	Vanik
Evans, Ind.	Mineta	Vento
Fary	Mitchell, Md.	Volkmer
Fascell	Moakley	Walgren
Fenwick	Montgomery	Whalen
Findley	Moorhead, Pa.	White
Fish	Moss	Whitley
Fisher	Murphy, Ill.	Wilson, C. H.
Flood	Murphy, Pa.	Wilson, Tex.
Flowers	Murtha	Wright
Flynt	Myers, Gary	Wylie
Foley	Myers, Michael	Yates
Ford, Tenn.	Natcher	Yatron
Fountain	Neal	Young, Mo.
Fowler	Nedzi	Young, Tex.
Gaydos		Zablocki

NOT VOTING—72

Abdnor	Ford, Mich.	Pettis
Addabbo	Forsythe	Poage
Anderson, Ill.	Fraser	Rahall
AuCoin	Frenzel	Rhodes
Badham	Frey	Rodino
Badillo	Gammage	Roe
Baldus	Hagedorn	Rogers
Baucus	Hannaford	Sebelius
Beard, Tenn.	Harrington	Smith, Iowa
Bonker	Hawkins	Spence
Breaux	Holland	St Germain
Brodhead	Horton	Stark
Burke, Mass.	Hughes	Steers
Byron	Ichord	Teague
Cederberg	Jenkins	Van Deerlin
Clausen, Don H.	Kasten	Watkins
Cleveland	Koch	Waxman
Conyers	Lujan	Whitten
Dent	McHugh	Wiggins
Diggs	McKinney	Winn
Duncan, Oreg.	Metcalfe	Wirth
Fithian	Miller, Calif.	Wydler
Flippo	Mollohan	Zeferetti
Florio	Murphy, N.Y.	
	Nichols	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Addabbo against.

Mr. Breaux for, with Mr. Burke of Massachusetts against.

Mr. Nichols for, with Mr. Baldus against.

Mr. Diggs for, with Mr. St Germain against.

Mr. Stark for, with Mr. Mollohan against.

Mr. Conyers for, with Mr. Wirth against.

Mr. Badillo for, with Mr. Zeferetti against.

Mr. Waxman for, with Mr. Ford of Michigan against.

Mr. Hawkins for, with Mr. McHugh against.

Mr. Koch for, with Mr. Metcalfe against.

Mr. Abdnor for, with Mr. Murphy of New York against.

Mr. Gammage for, with Mr. Florio against.

Mr. Rogers for, with Mr. Rodino against.

Mr. LEACH and Mr. ERTEL changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection the Chair appoints the following conferees: Messrs. REUSS, GONZALEZ, MINISH, MOORHEAD of Pennsylvania, PATTERSON of California, TSONGAS, D'AMOURS, BADILLO, LAFALCE, STANTON, HYDE, GRASSLEY, and BROWN of Michigan.

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT TODAY DURING THE SESSION

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may sit during the session this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION ACT, 1978

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7555, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 16, 1977, the Clerk had read from section 209, line 2, on page 40.

Are there any amendments?

POINT OF ORDER

Mr. ALLEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN. Mr. Chairman, I make a point of order against section 209 which states:

None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

My point of order is simply that this is legislation in an appropriation act. Obviously and implicitly in this language is the duty on the part of some administrative agency, or on the part of whoever is going to disburse the funds, to ascertain from some physician that the life of the mother or the pregnant woman would be endangered if the fetus is carried to term. This is imposing an additional burden on whatever administrative agency has to carry out this task. On that basis I make a point of order that this is legislation in an appropriation act.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Yes, Mr. Chairman.

Mr. Chairman, I rise in opposition to the point of order.

The provision in question here is identical—I repeat for the purpose of emphasis, the provision in question is identical—to the provisions of Public Law 94-439, that is the Labor-HEW Appropriation Act for fiscal year 1977. It does not impose any additional burdens on any officer of the Federal Government. The determination as to whether the life of the mother is endangered would of course be made by a physician, but not a Federal official, and the physician would have to make that determination anyway whether or not this provision is in the bill, and any physician who is treating a woman seeking an abortion would have to make a judgment as to her state of health.

Therefore I do not believe the point of order should be sustained.

Mr. BAUMAN. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The gentleman from Maryland may be heard.

Mr. BAUMAN. Mr. Chairman, in support of the argument presented by the gentleman from Pennsylvania, it should be noted by the Chair that medicaid funds which this section affects are administered by the States and not by the Federal Government.

In addition to that, the judgment required by section 209 would have to be made by private physicians who might be reimbursed, but it would be State officials who would be doing reimbursing with Federal funds, not Federal officials.

As the Chair knows, the imposition of additional duties on Federal officials, is a proper test of whether or not the language goes beyond a limitation. In this case it does not involve a judgment by a Federal official, only by a reimbursing State official on the certification in most cases by a private doctor. Therefore I do not believe it imposes any additional duties. It simply is a limitation on the manner in which the funds may be expended.

The CHAIRMAN. The Chair is prepared to rule.

Does the gentleman from Tennessee desire to be heard further?

Mr. ALLEN. Yes, in response to the distinguished gentleman from Pennsylvania and the distinguished gentleman from Maryland, while it is true that medicaid is generally and in most cases administered by State agencies, there are certain exceptions where the Federal Government actually supports clinics across the Nation. But beyond that, it would certainly be incumbent upon the Treasury Department, the auditors, and maybe the General Accounting Office to see to it that indeed the life of the mother whose abortion is paid for out of Federal funds was endangered, which would require certainly a certification or written opinion or opinion of some kind from some competent physician.

It seems to me clear that it is legislation in an Appropriation Act.

Now, the fact that it was in last year's Appropriation Act does not make it the law of the land. It was stricken down as unconstitutional by a Federal court already, that very language, and we are undertaking to reimpose it into this act after it has been held unconstitutional and the Department of HEW has instructed all of its agencies across the country to abide by the Federal court decision and not to deny any woman an abortion merely on the grounds that she is a welfare patient and unable to pay for the cost.

The CHAIRMAN. The Chair is prepared to rule.

In the first place the fact that the same language was in an appropriation act last year gives it no immunity to the point of order.

The Chair would like to read the section. It is brief:

SEC. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Now, there is no limitation in that language to state the use of funds, nor is there any limitation in the language to medicaid.

The Chair, therefore, feels that the statement, which the Chair will read, is applicable and sound.

The gentleman from Tennessee has made a point of order against the language in the bill that the Chair has just read on the grounds it is legislation on an appropriation bill.

The language in question, section 209 of the bill, prohibits the use of funds in the act to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. It is well established that a limitation is not in order on an appropriation bill if it requires new duties and determinations on the executive branch and requires investigations. Section 209 by its terms requires the Federal Government to determine, in each and every case where an abortion may be performed with Federal funds, whether the life of the mother was endangered. Whether or not such determinations are routinely made by practicing physicians on a voluntary basis, the language in the bill addresses determinations by the Federal Government and is not limited by its terms to determinations by individual physicians or by the respective States.

For the reasons stated, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 39, after line 23, add the following new section:

"SEC. 209. None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions, except where a physician has certified the abortion is necessary to save the life of the mother."

Ms. HOLTZMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentlewoman from New York reserves a point of order against the amendment.

Ms. HOLTZMAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair thought the gentlewoman reserved a point of order.

The Chair will hear the gentlewoman. The gentlewoman will state the point of order.

POINT OF ORDER

Ms. HOLTZMAN. Mr. Chairman, I make a point of order that the amendment, like the prior one, violates the rules of the House, inasmuch as it contains legislation on an appropriation bill. The duties that are imposed by this amendment on the executive branch would also apply to the care of a physician operating in Federal hospitals directly in the employ of the Federal Government. New duties would be imposed on them to make certifications in order to perform abortions. It seems to me that such duties could not be properly imposed in an appropriations bill.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. HYDE. I do, Mr. Chairman.

Mr. Chairman, I think the well-settled rule that the limitation, if it does not impose a burden on a Federal official or impose a burden on the executive branch, is in order. I think this version of the amendment clearly says we are talking about a physician certifying the abortion as necessary. There is certainly no implication or hint that a member of the executive branch would have to exercise any judgment.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. ALLEN. I do, Mr. Chairman.

Mr. Chairman, the language contained in this substitute amendment is the same, in essence, as the original amendment. It does not state what physician or by whom the phyician would be paid, but it does require the disbursing officer or the agency that is going to disburse these funds to first obtain a written certification from a physician before disbursing those funds. Thus, it imposes two additional duties; first, on some physician, perhaps a physician paid out of Federal funds or medicaid funds or medicare funds, or whatever, to make this determination. It is the same determination that the other original language carried. Then, in addition, it would require the disbursing officer to ascertain whether

or not such a certification was made by a physician before he would be authorized to disburse any funds under this act.

The CHAIRMAN. The Chair is ready to rule, but will, of course, hear other Members who wish to be heard.

Mr. BAUMAN. Mr. Chairman, in view of the previous ruling, the gentleman from Maryland feels that out of an abundance of caution he might be allowed to state his view.

The CHAIRMAN. The Chair is delighted to hear the gentleman.

Mr. BAUMAN. Mr. Chairman, the language substantially changes the section previously before us in that it specifically requires determination by a non-Federal official. The argument advanced that someone in the employ of the Federal Government may have to issue a check or not issue a check for a certain amount is not apposite to this case, because it has been ruled many times that the application of any limitation on an appropriation bill requiring some minimal extra duty such as the disbursement of checks does not fall within a definition of a limitation that goes beyond the rules.

I would cite Deschler's Precedent, chapter 25, paragraph 10.2, in which it was ruled in 1968 by the Chairman of the Committee of the Whole:

While it is not in order by way of a limitation to impose additional duties on an executive officer, it is permissible to make the payment of funds contingent upon the performance of certain obligations by private citizens or other person not in the government's employ.

I would again call to the attention of the Chair that the programs that this would affect, financed in this bill, are programs in which the Federal payments are disbursed by State agencies and State employees, and so the chain of action involved would be a private physician making a determination as to the physical state of the mother, and then informing a State official as to his right to reimbursement. Only after all of that procedure is gone through would a Federal official issue some sort of funding. So, I would think the amendment would be particularly in order as a proper limitation.

The CHAIRMAN. Again, the Chair is ready to rule, but would be delighted to hear the gentlewoman from California.

Mrs. BURKE of California. Mr. Chairman, I would just like to answer the point raised by the gentleman from Maryland, who talked about the financial payments. The point of order was that there were direct agents, employees of the Federal Government, who would have to make this determination.

We have within this bill employees of public health services; we have military hospital personnel; we have particular provisions for many who are health personnel, who are directly paid by the Federal Government, many of whom are in administrative positions who would be required to make a determination; we have St. Elizabeths Hospital within this bill, and there are many provisions for direct Federal action.

Therefore, I urge that the point of order be sustained.

The CHAIRMAN. The Chair is ready to rule.

The gentlewoman from New York makes a point of order against the amendment offered by the gentleman from Illinois on the ground that it constitutes legislation on an appropriations bill. The amendment would prohibit funds in the bill to perform abortions except where the physician involved has certified that the life of the mother was in danger.

For the reasons stated by the Chair in the just previous ruling, and because the Chair is convinced by the argument of the gentlewoman from New York and the gentlewoman from California that some of the physicians affected by the amendment are Federal officials and would be required by the amendment to perform new duties and determinations not required of them by law, therefore the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 39, after line 23, add the following new section:

"SEC. 209. None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, I regret that I must abbreviate this amendment to exclude the therapeutic abortion qualification, the absence of which was raised as a great argument against this amendment when it was offered last session. So it went through with no exceptions whatsoever. And in the conference committee we were able to put in the therapeutic abortion exception where the claim for a life is equal to a claim for a life. But I am forced into this position today by points of order. So be it.

Yesterday, remarks were made that it is unfortunate to burden an appropriation bill with complex issues, such as busing, abortion and the like. I certainly agree that it is very unfortunate. The problem is that there is no other vehicle that reaches this floor in which these complex issues can be involved. Constitutional amendments which prohibit abortions stay languishing in subcommittee, much less committee, and so the only vehicle where the Members may work their will, unfortunately, is an appropriation bill. I regret that. I certainly would like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman. Unfortunately, the only vehicle available is the HEW medicaid bill. A life is a life. The life of a little ghetto kid is just as important as the life of a rich person. And so we proceed in this bill.

Lest anyone think it is aberrational that millions of people are concerned about our tax dollars paying for the slaughter of innocent, inconvenient, unborn children, I point out that this is no novel position. In most every session, there is a bill, H.R. 4897 this session, which provides that a taxpayer conscientiously opposed to participation in war may elect that his income, estate, or gift tax payments be spent for nonmilitary purposes. This creates a trust fund, the world peace tax fund.

Many people, I am sure, who will speak today against my position, the prolife position, are vigorous supporters of H.R. 4897.

But if it is wrong to spend money for defense of this country, then may we not object to spending millions of tax dollars for the slaughter of innocent children?

I think it is important to clarify the constitutional issue that is involved in this question. In the first place, conceding that under Roe against Wade a woman has a constitutional right to seek an abortion, the question here is whether it is mandatory that the taxpayers pay for that abortion.

The Washington Star's editorial last Tuesday put this issue in perspective when it said:

The glib argument that it is a denial of the 14th Amendment equal protection to deny medicaid subsidy to abortions strikes us an overingenious.

This Government, through the National Endowment for the Humanities subsidizes writers all over the country. Is it then a burden on our first amendment rights to free expression to deny a tax-paid printing press to everyone in the street who wants one? Clearly not.

The Solicitor General of the United States said this:

There is no right to receive an abortion. The privacy right vindicated in Roe v. Wade and Doe v. Bolton is not the right affirmatively to obtain an abortion, but rather the lesser right to be free to seek abortion services without governmental obstruction or interference. The Government has no constitutional obligation financially to facilitate the exercise of privacy rights. Its constitutional duty is merely to refrain from violating such rights.

We spend about $50 million a year to pay for about 300,000 abortions under medicaid. The contention has been made by respectable sources that it costs too much to bring these welfare kids into the world, it is much cheaper to abort them. This argument even the Washington Post said was terrible and inhumane.

One of the "Dear Colleague" letters that came from a distinguished Member of this body called the paying of the bill for the welfare kids "economic imprudence." Well, I cannot accept that argument.

We have heard both sides of the argument: If we deny medicaid abortions, the women are going to have kids anyway; therefore, let them have abortions in a safe place. The other side of the argument is: If we deny medicaid abortions, we are going to have an explosion of welfare children, and it is going to cost us a lot of money.

Which way is it? Are we going to have a lot of costly welfare kids or are women going to get their abortions anyway?

As far as I am concerned, every welfare study I have seen shows these children

will be born and not slaughtered, and I am prepared to pay the price to see that they get an education, decent housing, and adequate clothing.

I have read every proabortion editorial I can lay my hands on and every article I could find, and they all emphasize that the decent and economic and compassionate thing to do is to let these welfare mothers abort their unborn children. Never do they discuss the essential question, the humanity of the unborn.

What is it that is being aborted? Is it a chicken? Is it a tumor? Is it animal? Is it vegetable? Is it mineral? Is it a bad tooth to be pulled out, or is it a diseased appendix to be cut out and thrown away? No; it is a human being.

Theology does not say it is a human being; biology says it is a human being. Theology does not say, "Thou shalt not kill a fetus"; it is biology that says, "Thou shalt not kill a fetus." That is a part of the tradition and criminal code subscribed to on the part of individuals in every civilized nation. This is what biology says. Let us quit kidding ourselves. This is human life.

Mr. Chairman, let me read a quotation from the California Medical Association Journal. This is not a religious publication, I assure the Members. In an editorial the California Medical Association said as follows:

> . . . It has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially adhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices.

So why do we not face up to the fact that abortion does not merely "terminate a pregnancy" nor remove the "products of conception" from a deactivated womb? It is the calculated killing of an innocent, inconvenient human being.

The old argument that we who oppose abortion are trying to impose our religious concepts on other people is totally absurd. Theology does not animate me; biology does. That is a human life; that is not a potential human life; it is a human life with potential.

When a pregnant woman, who should be the natural protector of her unborn child, becomes its deadly adversary, then it is the duty of this legislature to intervene on behalf of defenseless human life.

If that is not so, I do not know why we need this building or why we need law libraries.

By what right do the pro-abortionists seek to deny us access to the political process? That is what we are engaged in today. If they say we have no right to seek to get written into law protection for innocent life, if they say, "No" to us, they turn back 200 years of this country's history.

I used to think that abortionists had a world view of humanity as animalistic, and that these people feel that the rules of animal husbandry are sufficient to cope with the problems of poverty and need in the ghetto. But I am wrong. I am absolutely wrong.

We think more of animals than we do of human beings. Do the Members realize that today is Whale Survival Day? Today, June 17, in Lafayette Park, there is going to be music, there will be celebrities and whale experts, and there will be whale art, and this is all done in the campaign to save the endangered whale.

There is some kind of schizophrenia that makes us want to protect the snail darter, the baby harp seal, the whale, and the dolphin, and not to be concerned about human life and our unborn children. In our wisdom and compassion we put a limit on the number of dolphins that can be eliminated; that number is 69,910. You kill one more, and you go to the slammer. But there is no limit on the number of unborn children that are slaughtered simply because they are inconvenient.

We know what a dolphin can do. It can jump through a hoop and eat a guppie. But somehow that is more important to this Congress and more important than human beings.

Under the Bald Eagle Protection Act of 1940 it is a crime to take possession of a bald eagle's egg. That seems to be more important than a human life.

Is it not sad that we give more concern to the protection of migratory birds and wild horses than we do to human beings?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

I just want to make this comment, Mr. Chairman: We can tell the ghetto mother that she is going to have to fight for everything which the middle-class woman has, such as education, housing, clothing, and food; but then we can say, "We will give you one thing. We will give it to you and we will pay for it. We will let you kill your young."

Mr. Chairman, the problem of the unwanted child is a human problem. The violent act of abortion is no solution. It is the failure to look for a solution.

Mr. Chairman, I was in Jerusalem recently. I visited a building complex to memorialize the 6 million dead in the holocaust. It is called the Yad Vashem. There is a legend there from the Talmud. It says, "He who saves one soul saves humanity."

Mr. Chairman, I ask the Members to think about that when they vote on my amendment.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I sympathize with what the gentleman from Illinois (Mr. HYDE) is trying to do.

I am strongly opposed to abortion. I am a Catholic, and I think that except under the gravest of circumstances, abortions are wrong. I believe deeply that indiscriminate abortion brutalizes not just the unborn, but all of us.

I also want to say that I agree with the gentleman from Illinois (Mr. HYDE) in that I believe that the argument that it is unconstitutional to try to limit Federal payments for abortion is silly. I do not think that we have any more obligation to provide Federal funds for abortions than we have to provide funds for dental care under medicare and medicaid.

Let me make another observation. Not only do I think it is constitutional to try to limit Federal funds for use in abortion cases; I also think it is wise because I really believe that one of the ways in which we help cement this society together is by trying, as best we can, to avoid offending the moral sensibilities of other people.

And Mr. Chairman, there are many millions of people in this country who deeply believe that their tax dollars should not be used to finance abortions of any kind. I think we ought to try to respect that right as much as possible; but I would submit that it is not necessary, in our attempts to limit abortion, to do so in a way which is either brutal or inhumane.

I recognize again that it is not the fault of the gentleman from Illinois (Mr. HYDE). The parliamentary situation requires him to offer an extreme amendment so that it may be in order. That is not my fault either. All we can do is to try to deal with what is here.

Mr. Chairman, let me suggest that the idea that any of us here should say to any American family that even if the abortion is necessary to save the life of the mother, we should not allow it is also wrong.

Further, I think it does not represent what we are supposed to represent if we really believe in equal protection under the law, because what we are really saying is that even in the case where life is in danger, if you are poor, sorry, if you are wealthy, fine you can have an abortion with no difficulty I do not think we want to say that.

Mr. Chairman, let me go one step further. Even if this amendment did say that it made an exception in the case of the life the mother, there are two other situations which would bother me very greatly. One, for instance, is the case of renal disease. The other is the case of multiple sclerosis. In each of those cases you may not, as a certainty, threaten the life of the mother at that moment; but it is medically very certain that you will usually be shortening that woman's life to a considerable degree; and you can, in many instances, be forcing that woman to live the rest of her life as an invalid.

I do not believe that we as politicians ought to be making those judgments. I believe those judgments are medical judgments and they ought to be made by people who know far more about the specific instances than do we as practicing politicians, laymen in scientific terms.

What I would suggest, Mr. Chairman, is that while it certainly is not the fault of the gentleman from Illinois, Mr. HYDE, and while I personally spoke for the compromise language in the bill last year on the floor, this is not a compromise. This goes too far. This does not brutalize the fetus but it does brutalize living women and I do not believe,

under the circumstances, that we want to support it.

I really do not believe there is much more to say than that. I believe everyone recognizes that this is an extreme amendment brought about by unfortunate parliamentary circumstances, but that does not mean that we have to, out of sympathy to the gentleman from Illinois, vacate our own best judgment in this matter. So I would strongly urge the Members, in the interest of humanity, in the interest of fairness and in the interest of balance that what we are really talking about, the balancing of the right to life under those circumstances, to vote against this amendment.

Mr. BAUMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. HYDE).

Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) referred to the unfortunate parliamentary situation in which we find ourselves, and certainly the gentleman is right. The point of order, which certainly should not have been sustained, removed section 209 of the bill which contained a carefully drafted compromise, the result of many weeks of work of many Members, particularly the gentleman from Massachusetts (Mr. CONTE) who assisted by suggesting the compromise language.

But the language now before us in the original Hyde amendment which passed the House on June 24 last year by a vote of 199 to 165.

Subsequently, the section 209 language came back and was sustained on two occasions by increasing majorities of the House, the last time on September 16th by a vote of 256 to 104.

If, as I hope, the amendment now before us passes it will go to conference and undoubtedly will be subject to the same compromise. The language has already been accepted in the other body last year and in this body. Such language will allow an abortion in order to protect the life of the mother if, to carry the child the term endangers the mother's life.

Mr. Chairman, there is no other possibility before us, parliamentarily, except to vote for or against the Hyde amendment as now offered.

I must confess I was personally disappointed in the ruling of the Chair. I do not think it was supported by previout rulings and precedents. The gentleman from Maryland, of course, had the opportunity of appealing the ruling of the Chair but the gentleman did not do so. I believe that such an appeal introduces extraneous considerations not related to the pending substantative issue of the Hyde amendment. But I do regret the action of the Chair in ruling as he did.

What the gentleman from Illinois is asking us to do is to adopt an amendment that will prevent the use of tax funds taken from individual Americans to be used to destroy human life.

I hope the Members support the amendment. It is not discriminatory, I submit, and it is not unconstitutional but, in fact, preserves a very basic constitutional right, a right that has been stated from our earliest moments of existence as a nation, the right to life.

This is the only vote that the people you represent will be able to look to in order to understand whether or not you, in this Congress, particularly the new Members who did not have the right to vote on it before, support the right to life. The question is whether you choose to support the slaughter of innocent human beings. I urge the support of this amendment.

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like at the outset to put a couple of things about this amendment into perspective. Last year the House passed a $56 billion Labor-HEW appropriation bill. We went to conference on this bill, and in approximately a day and a half we had agreed upon all of the money items in this bill. We then spent 2 weeks arguing over this arbitrary, discriminatory, and unconstitutional language that has been put back into this bill. I said then while we were in the conference that this particular section would be struck down by the courts as being unconstitutional.

On October 1, 1976, the very day that this act was implemented, temporary restraining orders were granted in Washington, D.C., by Judge Waddy and in the eastern district of New York by Judge Dooling. On October 2, 1976, a preliminary injunction was issued by Judge Dooling against the Hyde amendment on the grounds that the amendment was unconstitutional, discriminatory, and violated equal protection of the laws.

Judge Dooling's decision was appealed to the U.S. Supreme Court. That was the compromise language that was knocked out of the bill today. The gentleman from Illinois was an intervener in that case in New York. Since then he has twice appealed to the Supreme Court for a stay of the Dooling order. In November of 1976 and again in February of 1977 the U.S. Supreme Court on both occasions denied the stay of the Dooling order, and, consequently, the temporary injunctions have continued to apply.

Mr. Chairman, it seems to me that Congress cannot legally justify the prohibition of legal and safe abortions to the poor when safe and legal abortions are available to all other women. What this restrictive language does is to make use of the power of the purse to take away all civil and constitutional rights of one segment of our population. It restricts the right of the poor to make their own personal decision with regard to abortion, a right that is guaranteed to all women by the Supreme Court.

It is hard for me to understand that this body, understanding the discriminatory nature of the Hyde language, could seriously consider its enactment into law 13 years after the passage of the Civil Rights Act. In terms of its effect, the new Hyde amendment is tantamount to a constitutional amendment outlawing abortion for the poor.

Mr. Chairman, I happen to agree with those who say that the government should stay out of the abortion business. The Supreme Court in the 1973 decision of Row versus Wade said abortion in the first trimester of pregnancy is a personal decision between a woman and her doctor and is free from any governmental interference. However, refusal to fund abortion services for the poor while willing to pay for prenatal and delivery care clearly destroys Government neutrality in the issue. It means that with regard to the poor, the Government has instituted its own judgment, its own concept of morality, a judgment which we do not and cannot impose upon more affluent women in this country.

I would like, Mr. Chairman, just to read from that decision for a moment so the Members might understand the discriminatory nature of this amendment we now put back in this bill. The court, Judge Dooling said:

> The women affected by the enactment of Section 209 are denied no other medical assistance; they are, as Medicaid eligibles, undeniably entitled to medical assistance in their pregnancies. Section 209, however, would deny them reimbursement for medical assistance only if they elect to exercise their constitutionally protected right to terminate their pregnancies. Others who have the means to pay for medical services are free by virtue of our positive law to exercise their constitutional right to terminate their pregnancies, but the needy, the wards of government, would by this enactment be denied the means to exercise their constitutional right.

The Court said further it does not alter the case to say that taxpayers ought not be called on to pay for abortional services, that their refusal, through the Congress, to do so, leaves the indigent woman free to exercise her constitutional right with the help of those who are willing to assist her. The freedom is unreal. It remains true that needed medical assistance is denied solely because a woman has chosen to exercise a constitutionally protected right. Section 209 will not in fact save public funds and so give relief to taxpayers for, as noted above, the Congress was advised that the alternative costs for medical assistance during prenatal care, at birth, and after are very much greater.

Mr. Chairman, I would just close with another provision from that Court order.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. STOKES was allowed to proceed for 1 additional minute.)

Mr. STOKES. Mr. Chairman, the Court said divisions between sober and God-fearing people so deep and equal deny to civil authority any power to intervene by direction or indirection, either to compel abortion as a measure of population control or to deny medical assistance to the needy who act on their own beliefs. When the power of enactment is used to compel submission to a rule of private conduct now expressive of norms of conduct shared by the society as a whole without substantial division it fails as law and inures as oppression.

I urge this body to reject this discriminatory unconstitutional amendment.

Mr. DORNAN. Mr. Chairman, I rise in support of the Hyde amendment.

Mr. Chairman, the senior Members in this legislative body, the old pros, say that no Member's mind is ever changed by any discourse on the floor, of this House from this lecturn. Just put your statement into the Extension of Re-

marks, they say. Everyone's mind is made up before they come on the floor, and anything said here is a supreme waste of time.

I do not believe that. My mind has been changed by discussion here 3 times in the almost 6 months I have been here, and I have had Members from both sides come up and tell me that in prior pleadings I have made here that I have affected their vote. With that hope I proceed to reach out to the sense of justice and fairness of my fellow Members who would fund what I consider the killing of innocent life.

Mr. Chairman, the arguments that we have been hearing against the inclusion of the Hyde amendment in the Labor-HEW appropriations seem to be based on emotive language and misunderstanding of the basic issues involved.

We have heard that the Hyde amendment interferes with due process and the equal protection clauses guaranteed by the Constitution, that it interferes with a woman's right to an abortion, that it discriminates against medicaid recipients who opt for abortion and in favor of those recipients who opt for carrying full term, that it discriminates against the poor and in favor of the rich.

We have heard that the Federal courts should have the last say in the appropriation of funds. The Federal courts have said that the money must be spent and that is that.

We have heard that the Hyde amendment places an unfair burden on society by swelling the ranks of the indigent on the welfare rolls.

These arguments are specious. Any fair citizen who examines the issues and the bases for these arguments will recognize them as such.

DUE-PROCESS PROTECTED

The Hyde amendment does not interfere with due process. The anti-Hyde faction's argument rests upon the Supreme Court decision in Roe versus Wade. In that decision, the Supreme Court found a qualified constitutional right of privacy in "a woman's decision whether or not to terminate her pregnancy" and held that the imposition of criminal sanctions upon the exercise of the right in favor of abortion could be constitutionally justified only by compelling governmental interests. This falls far short of requiring the Federal Government or the States to pay for those abortions.

The Court-ordered "right of privacy" is not affected in any way by the Hyde Amendment. It is not that the Hyde amendment denies a woman's right to privacy but that it does not enhance the value of that right by paying for its exercise. The Government has no constitutional obligation financially to facilitate the exercise of privacy rights. The Federal Government must merely refrain from violating such rights—and the Hyde amendment does not violate any privacy rights. It simply denies Federal funds for the realization of a personal, subjective decision and judgement.

The argument that the denial of Federal funds can in some cases effectively bar a woman exercising her "right to an abortion" was found in the Supreme Court decisions. There is no "right" to receive an abortion. The privacy right vindicated in Roe versus Wade and Doe versus Bolton is not the right to obtain an abortion but rather the right to be free to seek an abortion without governmental penalties or interference.

EQUAL PROTECTION

The equal protection argument that has been posited is two-pronged. The anti-Hyde faction argues that the provision discriminates against pregnant medicaid recipients who choose to abort and against the poor in general.

They argue that there is an invidious discrimination between medicaid beneficiaries who opt for abortion and those who choose to carry full term, on the ground that only the medical treatment furnished to the latter group is federally assisted.

This argument was rebutted by the Acting Solicitor General on behalf of the Secretary of Health Education and Welfare in a brief filed in the Supreme Court on February 11 of this year. In that brief it was stated that in "eliminating federal funding for elective abortions, Congress was motivated by two legitimate concerns:" to protect the potentiality of human life" and "to avoid spending Federal funds to support an activity many taxpayers feel to be morally repugnant." These concerns constitutionally justify the distinction drawn by Congress between abortion and childbirth.

Considerations of morality do have a place in such decisionmaking. Moreover, they have a special force in such cases as the Hyde amendment, where, the legislature acts not to "prohibit private activity but rather only to allocate social welfare monies contributed by the very taxpayers whose moral views are being respected. Congress may properly take account of such considerations in order to maintain public confidence in and public support for, federal social welfare programs."

Moral considerations historically have played an important and legitimate role in legislative decision-making. For example, such considerations underlie most legislative proscriptions against "victimless" crime, such as prostitution and gambling.

The second prong of the equal protection argument is that poor women in general are discriminated against. Rich women can afford to buy their own abortions and therefore—to end the discrimination—the Federal Government should provide funds to enable poor women to have the same benefits.

This argument would be laughable if it were not taken so seriously and were not influencing so many votes here today.

In March of last year, the Solicitor General and the Acting General Counsel of the Department of Health, Education, and Welfare stated in a brief before the Supreme Court that ". . . the fact that a woman has a qualified right to an abortion does not imply a correlative constitutional right to free treatment. Individuals presumably have a 'right' to undergo many recognized medical procedures by a licensed physician, but the Equal Protection Clause does not affirmatively require a State to cover the costs incurred by indigents in undergoing such procedures."

Women, rich and poor, have the right to seek a face lift solely at their own discretion—but the Equal Protection Clause does not require that tax dollars go to providing face lifts for every indigent who wants one. Add to that list hair transplanting, ear piercing, silicone augmenting of various and sundry parts of the human anatomy, et cetera.

JUDICIAL SUPREMACY

We have also heard the argument from the anti-Hyde forces that the funding of abortions is a matter which should rightly be settled in the courts.

They have based this assertion on U.S. District Court Judge Dooling's October 22, 1976, issuance of a preliminary injunction against enforcement of the provisions of the Hyde amendment. The linchpin of the district court's decision was the erroneous proposition that the legislature lacks constitutional power to resolve controversial issues in favor of either of two contending sides.

This is patently false. The facts prove quite the opposite.

The appropriation power lies exclusively and explicitly in the Congress. Article I, section 9, clause 7 of the Constitution grants Congress the exclusive power of appropriation and the judicial invalidation of the Hyde amendment amounts to a judicial appropriation of funds in violation of the Constitution.

In approving the Hyde amendment, Congress made one inescapable fact clear: It was not appropriating, it refused to appropriate, any Federal funds for elective abortions. Because Congress so decided, there have not been, there is not now, and there will not be until September 30, 1977, any Federal funds appropriated for elective abortions in this counrty. Furthermore, it is unconstitutional for any court or executive agency to act against the wishes of Congress when Congress refuses to make appropriations.

That is what the Constitution says and that is what this Congress should say about judicially appropriated funds for elective abortions.

THE FINAL SOLUTION ARGUMENT

The Hyde amendment opponents argue finally that it costs less to provide abortions for the poor and the indigent than to provide for the care of the child who would otherwise be placed on the welfare rolls. This is an argument all too reminiscent of statements made by the fascist dictators 40 years ago.

This argument says, in effect, that it is cheaper to kill off the poor than it is to provide for their care and well-being, and if you eliminate an occasional Einstein or Beethoven, so be it, you have saved a few bucks.

Well, this may be true. In fact, it may be that this is the only argument that the anti-Hyde forces have made that is true. But it is an option which I hope we never realize in this country.

Has America changed so much that we now can endorse the idea that it is in the

best interests of our society to destroy those who cannot support themselves?

I do not believe so. And I hope that we are able to prove that this is not so by retaining the provisions of the Hyde amendment.

Mr. Chairman, I believe the preceding presentation is legally sound. It answers 6 points but I do not think legal answers will change anybody's mind on this life issue. It answers the questions of due process and equal protection guaranteed by the Constitution. It answers the question of whether it interferes with a woman's right of abortion, whether it discriminates against medicare recipients, whether it discriminates against the poor in favor of the rich, and whether or not the Supreme Court should have the last word, and whether or not we are really swelling the ranks of the indigent on the welfare rolls by this amendment. But there are basicly legalistic responses.

But I would like to add to this several personal observations.

I have debated for 25 years whether or not a fetus is a full human life, whether or not there is an immortal soul, whether the unborn is a full human life that resides temporarily in the womb of its mother.

I was the first television journalist on the scene when the Manson gang slaughtered not five but six human beings, when they executed by knife and gun five adults and within the womb of his mother, Sharon Tate Polanski, her unborn child Paul. The murderer, Susan Adkins, knew she was killing two human beings, and she told us this herself when she said in court that Sharon Tate Polanski's last words were: "Let my baby live."

The murderess of Sharon Tate Polanski plunged her knife into the mother's chest and knew that when the victim fell to the floor dying, that inside the victim's womb was another separate human being. Why? Because this murderess then proceeded to start a Caesarean operation to try to take the living baby back to Charlie Manson at his deserted ranch hideaway.

Are we here any less observant or intelligent than a drugged up, pathetic young killer?

It was only because a former high school honor graduate, Tex Watson, now a cold blooded murderer stoned out of his mind on drugs, said, "Let's split, the pigs are coming," that Adkins did not perform that Caesarean and left the Polanski baby to die in his mother's womb about 15 to 20 minutes—medical science tells us—after the mother's death.

My mother is buried in a cemetery only about 10 or so graves from Sharon Tate Polanski's. Last year, walking through the cemetery, I noticed the Polanski gravestone. It says, "Sharon Tate Polanski beloved wife and mother, Paul Polanski beloved son."

Was the surviving father wrong to put his son's name-to-be on the tombstone with his mother? Was he wrong to call his wife a mother when her only child died in her womb? I think not. I believed God willed two human beings were buried in that sad gravesite.

I say to some of the black Members here, they are kidding themselves if they think this is not an issue that is fed by racism on the proabortion side. I have heard many rock-ribbed Republicans brag about how fiscally conservative they are and then tell me that I was an idiot on the abortion issue.

When I asked why, they whisper, "Because we have to hold down them, we have to stop the population growth." To them, population growth means blacks, Puerto Ricans, or other Latins or whomever they think should not be having more than a polite one or two "burdens on society."

In northern Ireland some people refer to Catholics as niggers, because they say they are populating so fast, they will soon dominate the political process.

In South Africa, I know the same argument is going on there. They will make any type of abortion available to continue to hold down the growing imbalance.

If you go to Israel, you will find that the people in that land do not agree with proabortion cousins in this country, because the Israelis lose too many men in the wars they must fight to survive on the face of the Earth. The Jewish tradition in Israel is not death but "L'chaim".

In Prague, Czechoslovakia, and Budapest, Hungary, I personally have been told by young dissidents and by Communist officials that the Iron Curtain countries are backing away from abortion because it is stagnating their societies. The Communists are opting for life while we want to fund death for unborn Americans.

The CHAIRMAN. The time of the gentleman from California (Mr. DORNAN) has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. Mr. Chairman, and fellow colleagues, the Communist countries are reversing their feelings toward abortion, because they believe it is important not to kill their future, their children, the citizens of their nation, in the warmth and security of mothers' wombs.

I have seen the projected figures for the U.S. abortion death toll from 1970 to 1980. It is awful. We will have executed in mother's wombs 14 million American citizens.

So this is whale day. Good. I am for protecting whales. I honor the fight to save these magnificent moral soulless mammals. I want to protect dolphins. I enjoy seeing our bald eagles saved from senseless extinction. But what has happened to our priorities, our sense of values. Please do not force taxpayers to pay for death.

Also, what we are discussing here should not be limited in debate. There will never, any year, be a more important issue debated, at least to this Congressman, than the amendment we are considering this morning. I got the message clearly in the Soviet Union that what they are interested in is the survival of their citizens, all citizens, even unborn children. Why are we going in the opposite direction? Materialism? Decadence?

I close with this thought, that in this beloved Nations of ours we are now making war on our young. When will we pass a bill to stop 3- and 4-year-old children from being used in loathsome pornographic films, when will we begin to mandatorily put drug pushers in jail who kill off our youth, and when will we stop pleading to subsidize death as a right for the poor just because some, repeat some, rich people decide to terminate the lives of their posterity. I beg you to support this amendment for life, the Hyde amendment. Thank you.

Mr. MICHEL. Mr. Chairman, I move to strike the last word. I do so to inquire of our distinguished subcommittee chairman whether or not we might have some agreement when to have all debate end. Could we say about 12:30?

I think, frankly, notwithstanding the remarks of the distinguished gentleman who just spoke in the well so eloquently, that this issue has been argued time and time again. I am not altogether sure whether or not, aside from those who have previously spoken, and there may be three or four others that I see here on the unilateral constitution question, that there will be any further light shed on this subject. I think our minds are pretty well made up. People are going to look at this record and say, "How did I vote the last time?" And they will vote in the same fashion.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished gentleman.

Mr. FLOOD. Mr. Chairman, the gentleman has in mind a certain time period.

Mr. MICHEL. I was thinking about 12:30.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end at 12:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I think the subcommittee chairman has been very generous in the time.

I have been here through the debate. I think it has been a good debate, but just judging by the number of Members standing, it would seem to me that regardless of what the gentleman from Pennsylvania and the gentleman from Illinois think, there are a number of Members here who still want to debate this issue. I think they should be able to do so.

Mr. FLOOD. I would like to hear the reaction of my friend from Illinois.

Mr. MICHEL. Is 12:45 a more reasonable time?

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 1 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Members standing at the time the request was granted will be recognized for approximately 1 minute and 50 seconds each.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment. I certainly strongly disagree with those who have said that the ruling of the Chair improperly, or even improvidently, limited the scope of this amendment. This is not the right place nor the right time nor the right situation in which to discuss an extremely important issue. I have always regretted the ease with which a basic question may be presented as a limitation on an appropriations bill, whether it be done in the original bill or whether it be done by amendment on the floor.

The reason this amendment is so bad is not because of the point of order, but because it is simply impossible to deal with a point of this importance by an amendment limiting an appropriation which must be dealt with peremptorily on the floor of the House. But, the result of the amendment would be far worse than what was involved in the issue that was being faced by the District Court of the Eastern District of New York. In that case the court determined that to deny only to the poor the right to make a decision on the part of the mother with respect to abortion was to deny her equal protection under the Constitution.

This amendment would even more seriously deny the poor woman, the person who is the most subject to every difficulty, including rape and ill health, the equal protection of the law.

The CHAIRMAN pro tempore (Mr. BROWN) of California. The Chair recognizes the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I rise in favor of the amendment.

Why should taxpayers be forced to pay for any woman's abortion, let alone hundreds of thousands of abortions a year?

That is what this issue is about.

Those who oppose this amendment want to force millions of taxpayers of this Nation—many of whom have a deep and personal moral aversion to abortion—to pay for abortions.

Let us not be confused or deceived by the clichés of those who oppose this amendment.

We are told that prohibiting the use of taxpayer dollars for abortions is discrimination against the poor, because without such abortion subsidies, poor people could not afford to have abortions.

By that logic, taxpayers could be forced by Congress to pay for poor people to have faceliftings, hair transplants, expensive cars, and tickets to the Kennedy Center—since without such support indigent citizens could not afford these amenities.

Abortion is no more an individual right than these luxuries. It is certainly not discrimination against anyone to make them pay for an aborton if they want one.

But it is discrimination of the worst kind against any taxpayers, who opposes abortion—on religious conviction or otherwise—to make that taxpayer finance abortion.

We are told by those who oppose this amendment against tax-supported abortions that women should have freedom of choice.

The cliché we hear most often is, "A woman has the right to control her own body."

I agree.

Let her exercise control—before she gets pregnant.

But do not ask the taxpayers of America to pay the price when there is a failure to exercise control by forcing taxpayers to subsidize the ending of lives of unborn children as a convenience to adult women.

Congress has no right to tax the American people to provide such convenience.

Convenience is a personal choice, and should be a personal liability—not the liability of other citizens.

Those who want to pay for the abortions of others can do so by contributing privately to charity hospitals or abortion clinics, without robbing those who prefer not to pay for them.

Congress should not exercise its police power to tax, to collect the funds for this purpose.

My final point in support of this amendment concerns the unreasonable argument that a Federal judge has ruled that Congress cannot deny an appropriation of funds for abortions under Medicaid.

We have had foolish and wrong judicial decisions before. Such decisions make bad law.

What we have here is another judicial attack by a Federal court in New York on the constitutional separation of powers.

Since when did the Constitution of the United States give the courts the power to appropriate or not appropriate Federal funds?

The Constitution is explicit on this matter. Only Congress has the power to tax and the power to appropriate public funds.

It also has the sole power to refuse to appropriate Federal funds, which it has done before through a provision prohibiting use of public tax moneys for abortions.

Congress has every right as an independent and equal branch of government to overrule a judge who tries to legislate.

Congress should now do this by approving this amendment against the use of Federal funds for abortions.

I urge support of the amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Chairman, I cannot believe a great deal of what I have heard on this floor today. What we are talking about with this amendment is poor women. We are not talking about the rich of this country who can afford the protection of the Supreme Court. We are talking about those few who are on medicaid. I say to the Members that the greatest sin that we can commit is the bringing of life into existence in an environment in which it can neither be wanted nor loved. We are not raising whales, I say to my friends, or cats or snail darters. We are talking about poor women with the responsibility of bringing up children, when they want the option that rich women enjoy today.

I cannot believe some of the things I have heard here. I do not feel that abortion should be a substitute for family planning. If your religious convictions tell you abortion is wrong, honor them. But do not impose on the poor women of this Nation this kind of strapping discrimination. I cannot believe what I have heard. Not to be funny, we have to cut the Hyde out of this bill. I hope the Members will join me.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I would like to say that I have the greatest respect for those people, often without very adequate funds, who get into buses and come down here to Washington, Right to Life people, who are spending money they can hardly spare to express an opinion about something they believe to be of enormous importance. One has to respect that kind of conviction and one has to respect the purpose, although one may not agree with it.

Mr. Chairman, what we are dealing with here, in my opinion, is really not quite respectable. We are dealing with an amendment which asks us to discriminate on the grounds of money. Those who are helpless shall be condemned; those who have money have legal and proper procedures open to them.

Do we really think we stop abortions by anything like this? No, we do not. We send people to motels and abortion mills. We all know it. We all know it. The doctors can tell us. The victims turn up in the hospitals of the various States, sometimes dying from infection or hemorrhage.

I think this is an intolerable amendment. I would like to share in the expression of the gentleman who just spoke in the well before me. It is hard to believe those who support the amendment fully understand what they are doing. Maybe until one has talked to a poor woman in trouble it is impossible to understand, and maybe people have to be forgiven because they do not know. And maybe that is all we can offer—forgiveness.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, I rise in opposition to the amendment. We are back to the old Hyde proposal in all its stark reality, in all of its searing aspects. It ignores a most crucial need—the need to save the life of the mother.

Most of us are parents. I am a mother, you are fathers. I know without question, without giving the matter one second's thought, that if my daughter's life were endangered by a pregnancy I would frantically seek to save her life. Are you different from me? How many of you would choose to let your daughters die? How then can you let the daughters of other mothers and fathers die?

I ask you who are grandfathers, would you sacrifice the life of your daughter, the mother of your grandchildren, condemning those grandchildren to a motherless existence? How then can you so condemn the grandchildren of other grandmothers and grandfathers?

Is money the dividing line? Those who have money may live, those who are poor may not?

Look into your hearts and vote against this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, there are two points I would like to make. One is that I think many people would like to see the Government in a neutral position in this business of whether a citizen should have an abortion or not. We would like the Government to remain neutral, and some people say, "For heaven's sake, we shouldn't be paying for abortions, because if we do, we are putting the Government on the side of encouraging abortions."

The truth of the matter is that today if a poor or welfare woman wants to terminate a pregnancy, we give her somewhere between $175 and $190 to pay for that abortion. If she wants to carry that pregnancy forward and produce a child in 9 months, we come up with $2,200. That is over 10 times as much money from the taxpayer that goes to allow that woman to carry the child to term if she wants to.

So right now we are in a neutral position, and if anything, we are on a 10-to-1 basis, encouraging the woman to carry that child to term.

If we go along with the Hyde amendment, we are taking the Government out of its neutral position. I think that is wrong.

Second, some people have said that we should not force people to pay taxes for an expenditure that is repugnant to their religious views. Well, Quakers do not believe in war, but they pay their taxes. All kinds of actions like that go on. You and I pay taxes, and we are violently opposed to certain things for which the Government is spending money. But it is the law of the land, and we know it, so we pay our taxes.

Mr. Chairman, if I have time, since this is an appropriation bill, I would quickly like to ask the chairman of the subcommittee what HEW says about the financial impact as it relates to the Hyde amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. PRITCHARD) has expired.

Mr. PRITCHARD. I thank the Chair.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Missouri (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I very reluctantly take this time to convey to the Members of this Committee an experience in my own life.

When my wife and I were married in 1947, we hoped to have a family. By 1950 we had not been able to have any children. We filed for an adoption. After 2 years of waiting, word came that we were going to be able to adopt a child.

We went to the adoption agency, and we picked up a little girl, who was 7 days old. We took her home with us. We nurtured and loved her, we raised her in what I believe was a Christian home. We saw her through kindergarten, through elementary school, and through high school and college. We shared with her birthday parties and Christmases.

We saw her grow into womanhood, and I led her down the aisle of a church to be married. She was married and is now a happy mother. She has presented us with a beautiful granddaughter and a fine son-in-law.

Each one of us is going to vote our own consciences here today, and we are going to make a decision in our own minds as to what we think is right.

Mr. Chairman, to the Members of this House today I would just like to say that I am happy no one killed my little girl.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Chairman, I rise in support of the Hyde amendment, although it is not the amendment I would like to be voting for.

The poor within our cities live in decaying ghettos; our teenagers are not guaranteed an education with their high school diplomas; the unemployment in our inner cities ranges far above the national average.

And yet, amid all these inequities comes the argument that the Hyde amendment discriminates against the poor. It is contended that our Government has the responsibility to abort the unborn of the poor, that in not providing this "service" we are discriminating against our underprivileged citizens.

I believe the U.S. Government has the responsibility to provide its citizens basic rights, including decent employment opportunities, freedom from hunger, and accessible education. I do not believe that this country has the responsibility to use our taxpayers' money to provide citizens, poor or rich, with the means of aborting their unborn.

Mr. Chairman, this country discriminates against the poor not by failing to provide free abortions, but by failing to help attain satisfactory housing, employment, and education.

Mr. Chairman, I would like to commend my colleague, the gentleman from Illinois (Mr. HYDE), for his distinguished and consistent fight for the unborn.

In closing, Mr. Chairman, I would like to mention the fact that—and I am sorry that I have to be in disagreement with some of my distinguished friends who are on my right—throughout my legislative career, during the 20 years that I served in the Missouri General Assembly, people will find that on almost every issue on which I could be helpful to the poor of our State, I probably stood perhaps by myself a lot of times in that Missouri legislative body in trying to help our poor citizens.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, once again the Congress must make a decision on the Federal funding of abortions. As today's debate reflects, it is a fiercely emotional issue. A fact which cannot be debated, however, is that biologists, scientists and doctors agree that life begins at conception. I must continue to differ with the pro-abortionists in their arbitrary determination of when to assign value to a human life. This and only this must be the overriding consideration which the Congress must make today. Whether the unborn child is rich or poor, the fact remains, it is a human life and deserves a chance to live. I side with the lifesavers.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from Tennessee (Mr. ALLEN).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. ALLEN).

The CHAIRMAN pro tempore. The Chair will state that the gentleman from Tennessee (Mr. ALLEN) has not had the floor.

Mr. DELLUMS. Mr. Chairman, I have the floor. I may yield to the gentleman, Mr. Chairman; is that not correct?

The CHAIRMAN pro tempore. If the gentleman so desires; that is correct.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from California (Mr. DELLUMS) for this opportunity.

Let me say that nothing we do here today is going to change the basic law of this land. It is not going to change one jot or one tittle the Supreme Court's decision interpreting equal rights and protection under the law as it relates to abortion.

What it does do, Mr. Chairman, and what this amendment would do, and what the provision would have done before it was stricken on a point of order, was to deny to many of the poor children, some little teenage or subteenage children, any relief whatever from the plight in which they find themselves, some of them being pregnant as a result of incestuous relations forced on them by their father or grandfather or uncle or brother or some other male member of their family.

Surely, Mr. Chairman, we have more compassion than that; and we must recognize that there are circumstances in which these children of poor families who are on welfare are entitled to some measure of relief from their plight.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, I recognize that this is not an easy issue and that people who have less money have limited options. None of us can deny that that is a fact; but, unfortunately, the only thing that we can address ourselves to in this body, and the only thing over which we have any control, is what we do with Federal dollars. That is why this question centers on the area that it does.

Mr. Chairman, I just want to comment on a couple of things with respect to the persons who have been speaking on the two sides of this issue.

I have noted that a number of the black Members of this body seem to feel

a need to oppose this legislation. I can say in that respect that the black people in my district do not support abortion.

I would also like to point out that those in this body who generally consider themselves liberal are opposed to this amendment.

Mr. Chairman, I know that we have gone through a long process of turning around the definitions of who is what and what is liberal and what is conservative; but I have to tell this body that there is nothing liberal, nothing humane, nothing compassionate about snuffing out the life of an unborn child.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I strongly support the Hyde amendment and urge the Members to vote for it. We can constitutionally prohibit the use of tax dollars to promote and perform abortions. For the moral values of this Nation we must do so. As the Members know, I have sponsored a resolution to prohibit abortions except to save the life of the mother. I have been unable to obtain a hearing from the subcommittee chairman on that resolution. I will continue the struggle against abortion and one way to do so is to adopt the Hyde amendment.

Personally I strongly support the right to life of every human, born or unborn. To me, promotion of abortion is a sign of decay in the moral values of our Nation.

Today we hear of the increased number of teenage pregnancies. I attribute this to the policy statements of the Supreme Court which now permits permissiveness in our movies, magazines, store signs, newspapers, everywhere suggestive sex material is thrown at our teenagers, along with the information and knowledge that if one becomes pregnant that abortion will be available to take care of any unwanted pregnancies. We must stop abortion in this country.

Those who support abortion are not humane, but are advocating, for materialistic reasons among others, the death of unborn children. They say that they will increase the standard of living and more materialistic wealth for the living while denying any life to the unborn. I am appalled by the proponents of abortion and hope as good people they will see the error of their ways.

Mr. MAZZOLI. Mr. Chairman, I rise in support of the Hyde amendment. This is a very difficult question for me because it puts me on the opposite side from people with whom I usually am associated. I know that this is a very, very difficult question for all of the Members.

Mr. Chairman, in the limited time I have for these remarks, I would just like to read two paragraphs from the column of the Pulitzer Prize winning columnist, George F. Will, that appeared in Newsweek magazine on September 20, 1976.

His first paragraph reads:

It is neither surprising nor regrettable that the abortion epidemic alarms many thoughtful people. Last year there were a million legal abortions in the U.S. and 50 million worldwide. The killing of fetuses, on this scale is a revolution against the judgment of generations. And this revolution in favor of discretionary killing has not run its course.

Mr. Will goes on to say:

Politics has paved the way for this degradation. Meat we already have become, at Ypres and Verdun, Dresden and Hiroshima, Auschwitz and the Gulag. Is it a coincidence that this century, which is distinguished for science and war and totalitarianism, also is the dawn of the abortion age?

I would only say, Mr. Chairman, that those who support the Hyde amendment are doing the country a good service, even if by way of an imperfect process of limiting the spending under an appropriation bill.

Finally, Mr. Chairman, those who today suggest the Hyde language would strengthen their position and answer the "one-issue" charges leveled against them if they were to support, as vigorously, day care centers for children, increased funding for education, jobs programs and other such programs which provide women with the economic, social and educational support needed to encourage them to carry babies to term and to support and nurture them after birth.

Mr. Chairman, the full article by Mr. George F. Will in Newsweek magazine of September 20, 1976, is as follows:

[From Newsweek magazine, Sept. 20, 1976]

DISCRETIONARY KILLING

(By George F. Will)

It is neither surprising nor regrettable that the abortion epidemic alarms many thoughtful people. Last year there were a million legal abortions in the U.S. and 50 million worldwide. The killing of fetuses on this scale is a revolution against the judgment of generations. And this revolution in favor of discretionary killing has not run its course.

That life begins at conception is not disputable. The dispute concerns when, if ever, abortion is a *victimless* act. A nine-week-old fetus has a brain, organs, palm creases, fingerprints. But when, if ever, does a fetus acquire another human attribute, the right of life?

The Supreme Court has decreed that *at no point* are fetuses "persons in the whole sense." The constitutional status of fetuses is different in the third trimester of pregnancy. States constitutionally can, but need not, prohibit the killing of fetuses after "viability" (24 to 28 weeks), which the Court says is when a fetus can lead a "meaningful" life outside the womb. (The Court has not revealed its criterion of "meaningfulness.") But states cannot ban the killing of a viable fetus when that is necessary to protect a woman's health from harm, which can be construed broadly to include "distress." The essence of the Court's position is that the "right to privacy" means a mother (interestingly, that is how the Court refers to a woman carrying a fetus) may deny a fetus life in order that she may lead the life she prefers.

Most abortions kill fetuses that were accidentally conceived. Abortion also is used by couples who want a child, but not the one gestating. Chromosome studies of fetal cells taken from amniotic fluid enable prenatal diagnosis of genetic defects and diseases that produce physical and mental handicaps. Some couples, especially those who already have handicapped children, use such diagnosis to screen pregnancies.

ABORTION AS ALTERNATIVE

New diagnostic techniques should give pause to persons who would use a constitutional amendment to codify their blanket opposition to abortion. About fourteen weeks after conception expectant parents can know with virtual certainty that their child, if born, will die by age 4 of Tay-Sachs disease, having become deaf, blind and paralyzed. Other comparably dreadful afflictions can be detected near the end of the first trimester or early in the second. When such suffering is the alternative to abortion, abortion is not obviously the greater evil.

Unfortunately, morals often follow technologies, and new diagnostic and manipulative skills will stimulate some diseased dreams. Geneticist Bentley Glass, in a presidential address to the American Association for the Advancement of Science, looked forward to the day when government may require what science makes possible: "No parents will in that future time have a right to burden society with a malformed or a mentally incompetent child."

WHO MUST DIE?

At a 1972 conference some eminent scientists argued that infants with Down's syndrome are a social burden and should be killed, when possible, by "negative euthanasia," the denial of aid needed for survival. It was the morally deformed condemning the genetically defective. Who will they condemn next? Old people, although easier to abandon, can be more inconvenient than unwanted children. Scientific advances against degenerative diseases will enable old people to (as will be said) "exist" longer. The argument for the discretionary killing of these burdensome folks will be that "mere" existence, not "meaningful" life, would be ended by euthanasia.

The day is coming when an infertile woman will be able to have a laboratory-grown embryo implanted in her uterus. Then there will be the "surplus embryo problem." Dr. Donald Gould, a British science writer, wonders: "What happens to the embryos which are discarded at the end of the day—washed down the sink?" Dr. Leon R. Kass, a University of Chicago biologist, wonders: "Who decides what are the grounds for discard? What if there is another recipient available who wishes to have the otherwise unwanted embryo? Whose embryos are they? The woman's? The couple's? The geneticist's? The obstetrician's? The Ford Foundation's? . . . Shall we say that discarding laboratory-grown embryos is a matter solely between a doctor and his plumber?"

But for now the issue is abortion, and it is being trivialized by cant about "a woman's right to control her body." Dr. Kass notes that "the fetus simply is not a mere part of a woman's body. One need only consider whether a woman can ethically take thalidomide while pregnant to see that this is so." Dr. Kass is especially impatient with the argument that a fetus with a heartbeat and brain activity "is indistinguishable from a tumor in the uterus, a wart on the nose, or a hamburger in the stomach." But that argument is necessary to justify discretionary killing of fetuses on the current scale, and some of the experiments that some scientists want to perform on live fetuses.

Abortion advocates have speech quirks that may betray qualms. Homeowners kill crabgrass. Abortionists kill fetuses. Homeowners do not speak of "terminating" crabgrass. But Planned Parenthood of New York City, which evidently regards abortion as just another form of birth control, has published an abortion guide that uses the word "kill" only twice, once to say what some women did to themselves before legalized abortion, and once to describe what some contraceptives do to sperm. But when referring to the killing of fetuses, the book, like abortion advocates

generally, uses only euphemisms, like "termination of potential life."

Abortion advocates become interestingly indignant when opponents display photographs of the well-formed feet and hands of a nine-week old fetus. People avoid correct words and objects to accurate photographs because they are uneasy about saying and seeing what abortion is. It is not the "termination" of a hamburger in the stomach.

THE DEGRADATION OF MAN

And the casual manipulation of life is not harmless. As Dr. Kass says: "We have paid some high prices for the technological conquest of nature, but none so high as the intellectual and spiritual costs of seeing nature as mere material for our manipulation, exploitation and transformation. With the powers for biological engineering now gathering, there will be splendid new opportunities for a similar degradation of our view of man. Indeed, we are already witnessing the erosion of our idea of man as something splendid or divine, as a creature with freedom and dignity. And clearly, if we come to see ourselves as meat, then meat we shall become."

Politics has paved the way for this degradation. Meat we already have become, at Ypres and Verdun, Dresden and Hiroshima, Auschwitz and the Gulag. Is it a coincidence that this century, which is distinguished for science and war and totalitarianism, also is the dawn of the abortion age?

Mr. MAZZOLI. Mr. Chairman, I also include an article by Nick Thimmesch "The Abortion Culture" from Newsweek magazine of July 9, 1973:

THE ABORTION CULTURE

(By Nick Thimmesch)

A journalist often gets caught up in events flaring into instant print and broadcast—a Watergate, feverish inflation, a fretful fuel crisis. We grab at these, try to make some sense out of it all and soon turn to what's next. Occasionally we come on to something that strikes the core and won't go away. For me, it has been the question of the value of human life—a question embracing abortion, letting the newborn die, euthanasia and the creeping utilitarian ethic in medicine that impinges on human dignity. It's all reminiscent of the "what is useful is good" philosophy of German medicine in the '30s—a utilitarianism that sent 275,000, "unworthy" Germans to death and helped bring on the Hitler slaughter of millions of human beings a few years later.

Now super-abortionists and others who relish monkeying around with human life cry that this is scare stuff inspired by hysterical Catholics waving picket signs. Not so. There is growing concern among Protestant and Jewish thinkers about "right to life" and the abortion-binge mentality.

Fetal life has become cheap. There were an estimated 1,340,000 legal and illegal abortions in the U.S. last year. There were a whopping 540,245 abortions in New York City in a 30-month period under the liberalized state abortion law. The abortion culture is upon us. In one operating room, surgeons labor to save a 21-week-old baby; in the next, surgeons destroy, by abortion, another child, who can also be reckoned to be 21 weeks old. Where is the healing?

PLASTIC BAGS

Look beyond the political arguments and see the fetus and what doctors do to it. An unborn baby's heartbeat begins between the 18th and 25th day; brain waves can be detected at seven weeks; at nine to ten weeks, the unborn squint, swallow and make a fist. Look at the marvelous photographs and see human life. Should these little human beings be killed unless it is to save the mother's life?

Other photos show this human life aborted, dropped onto surgical gauze or into plastic-bagged garbage pails. Take that human life by suction abortion and the body is torn apart, becoming a jumble of tiny arms and legs. In a D and C abortion, an instrument slices the body to pieces. Salt poisoning at nineteen weeks? The saline solution burns away the outer layer of the baby's skin. The ultimate is the hysterotomy (Caesarean section) abortion. As an operation, it can save mother and child; as an abortion it kills the child. Often, this baby fights for its life, breathes, moves and even cries. To see this, or the pictures of a plastic-bagged garbage can full of dead babies, well, it makes believers in right-to-life.

It's unfair to write this way, cry the super-abortionists, or to show the horrible photos. But Buchenwald and Dachau looked terrible, too. Abortions are always grisly tragedies. This truth must be restated at a time when medical administrators chatter about "cost-benefit analysis" factors in deciding who lives and who dies.

THE "GOOD DEATH"

The utilitarian ethic is also common in the arguments of euthanasia advocates at work in six state legislatures. Their euphemisms drip like honey (should I say, cyanide?) just as they did in Germany—"death with dignity," the "good death." Their legal arguments fog the mind. Their mentality shakes me. One doctor, discussing the suicide-prone, wrote: "In such instances, positive euthanasia—a nice, smooth anesthetic to terminate life—appears preferable to suicide." Dr. Russell Sackett, author of the "Death With Dignity" bill in Florida, said: "Florida has 1,500 mentally retarded and mentally ill patients, 90 per cent of whom should be allowed to die." The German utilitarians had concluded the same when they led the first group of mental patients to the gas chamber at the Sonnestein Psychiatric Hospital in 1939. It bothers me that eugenicists in Germany organized the mass destruction of mental patients, and in the United States pro-abortionists now also serve in pro-euthanasia organizations. Sorry, but I see a pattern.

Utilitarianism isn't all abortion or euthanasia. Utilitarians ran the experiment in which syphilitic black men died through lack of penicillin. There are also experiments on free-clinic patients, students, the institutionalized. Senate hearings revealed that two experimental birth-control drugs were used on the "vulnerable" for purposes other than those approved by the Food and Drug Administration.

This monkeying around with people is relentless. Some medics would like to sterilize institutionalized people from here to breakfast. Psychosurgery is performed on hundreds of Americans annually, not to correct organic brain damage, but to alter their behavior. This chancy procedure, a first cousin of the now discredited prefrontal lobotomy that turned 50,000 Americans into human vegetables, is performed on unruly children and violence-prone prisoners.

Experimenters produce life outside the womb—combining sperm and ovum—and dispose of the human zygotes by pouring the solution down the sink drain. Recently scientists debated guidelines for experimenting with the live human fetus. To those considering the fetus as an organ, like, say, a kidney, Dr. Andre Hellegers of Georgetown University pointed out that fetuses have their own organs and cannot be considered organs themselves. How does one get consent from a live fetus? he asked. Or even from its donors—the parents who authorized the abortion?

Once fetal experimentation is sanctioned, are children to be next? Far-fetched? No. In the New England Journal of Medicine, Dr. Franz Ingelfinger recently advocated removing the World Medical Association's absolute ban on experimenting with children and mental incompetents.

We can brake the tendencies of technocratic-minded doctors and administrators coldly concerned with "cost-benefit analysis." There was no such brake in Germany. After the first killings at Sonnestein, respected German doctors, not Nazi officials, killed 275,000 patients in the name of euthanasia. Many were curable. Eventually the doomed "undesirables included epileptics, mental-defectives, World War I amputees, children with "badly modeled ears" and "bed wetters."

UTILITARIAN ETHIC

The worst barbarisms often have small beginnings. The logical extension of this utilitarian ethic was the mass exterminations in slave-labor camps. In "A Sign for Cain," Dr. Frederic Wertham tells how death-dealing technicians from German state hospitals (and their equipment) were moved to the camps in 1942 to begin the big job.

Could the "what is useful is good" mentality lead to such horror in the U.S.? Not so long as I am allowed to write like this—which German journalists couldn't. Not so long as right-to-life Americans can dispute—which Germans couldn't. The extremes of the utilitarian mentality rampaging today through medicine, the drug industry and government will be checked by our press, lawmakers and doctors, lawyers and clergymen holding to the traditional ethic. The Germans weren't blessed that way.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, it is the right and the duty of Congress to determine the policies of this Nation, right or wrong. The courts do not, constitutionally, have that function, but they have been performing it in the absence of forthright, strong expressions from this Congress. Through the Hyde amendment, there was a clear expression from the Congress in the last appropriation bill for Labor-HEW. I think we ought to express it again very clearly.

The argument that poor women are discriminated against by this amendment is specious and empty and is a very hollow argument. If we want to help poor women, then we should eliminate poverty, not eliminate humans.

Much has been done in recent years to reduce and eliminate poverty, but those who oppose this amendment are asking the working poor people to pay taxes that they cannot afford to pay in order to support the cost of abortions that the working poor cannot afford either.

I would again say: Eliminate poverty, do not eliminate humans.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, someone once said that if the membership of this House were different, this decision would not even be before us today. I think that this is very true. After listening to the debate, I would say that if there were 417 women in this House instead of 417 men, and if there were 18 men instead of 18 women in this House, that we would not be faced with this amendment today.

The reason for that is clear. Some people have very vivid imaginations, but no one on the floor of the House, who has spoken in support of the Hyde amendment has really confronted the fact that this amendment condemns to death poor women who, if they give birth, will die—poor woman who have a right to an abortion and a right to live

but who cannot afford to exercise that right.

None of the supporters of the Hyde amendment have confronted the situation of 11- or 12-year-old girls who have been subjected to rape or incest and considered the trauma they must endure.

No one who has spoken here has confronted the circumstances of women who have to give birth to children for whom they cannot psychologically or economically provide—no one has considered the trauma that they must confront.

I would say to the Members of the House that it is rare that we hold in our hands the power over human life. We hold that power today We will be doing a grave injustice to the women of this country, and even condemning some of them to certain death, if we support this amendment. It should be resoundingly defeated.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in opposition to the Hyde amendment. I am one who opposes abortion but I cannot accept the principle that the life of the mother should not take precedence in a case of health. And certainly in the case of rape or incest, the mother should be allowed to make a choice. Since the Hyde amendment leaves no room for choice, it will not receive my support.

Mr. Chairman, I yield the remainder of my time to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I wonder if the chairman of the committee would be willing to answer this question: What information did HEW give him as to the financial impact of this measure?

Mr. FLOOD. If the gentleman will yield, as I was going to say before when the time of the gentleman expired, we have no line item information from HEW as to the cost item by item. We have no direct answer to that kind of question.

Mr. PRITCHARD. Mr. Chairman, obviously, if 20 percent of these women decide to bring their children to term, we are going to have over $100 million cost, or if only 5 percent, we are going to have some million dollars on the other side. We debate and fight over $400,000 for the Kennedy Center roof. What did they say wher. the gentleman asked them for this information? Certainly his committee asked them for an estimate; did they not?

Mr. FLOOD. No, we did not, and it is very clear from the debate that has been going on so far today, and which has gone on time and time again, that money is not the issue.

Mr. PRITCHARD. I realize money is not the issue, but since the gentleman is on the Appropriations Committee, I should think he would have found out what the impact is. We are talking about a possible $200 or $300 million.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I had no intention of speaking on this, but in view of some of the things and questions that have been raised, I feel compelled, because this really should be called the forced childbearing amendment. And who is forced?

I want to tell the Members why overwhelmingly large numbers of blacks are concerned. We are concerned because we do not believe that young girls should be forced to have children. We do not believe in a society where no one is willing to feed those children after they have them and that they should place those children in poverty. We also regret the fact that those children do not have a chance to get adopted, because there are no adoptive homes available for little black girls and boys who are born in poverty. They remain in foster homes if they are lucky. They remain in a situation where they are victims of a welfare society. And whom are we talking about? One-third of the medicaid abortions are performed on teenagers, teenagers who do not get information, education, family planning, all of the things that we are talking about in this House. Yes, I say that in many instances we are forcing girls to have children who not only do not want them but who cannot really go through that pregnancy. They are high-risk mothers.

If we want to be humane, try to save some of those young women who are now victims of a kind of legislation that we pass in this House. I certainly hope that we will overwhelmingly defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I wish to offer my opposition to the amendment, offered by the gentleman from Illinois. I do so for a number of reasons, as there are several issues involved here.

First, abortion is legal in the United States. The Supreme Court has clearly stated that it is a woman's constitutional right to choose to end a pregnancy in its early stages. Since 1973, 1 in 11 American women of reproductive age has exercised this right, yet the Hyde amendment seeks to limit this by prohibiting the Federal Government from paying the cost of abortions provided under medicaid.

If the Hyde provision is read quickly, it appears innocuous enough. After all, it says nothing about outlawing abortion—it is merely stated that Federal money will not be used to sanction it. However, the implications of this are extraordinary. The Department of HEW estimates that approximately 300,000 abortions each year are paid for by medicaid—almost one-third of the total number performed nationwide. What will happen to these women who are denied the option of a safe, legal, and funded abortion? They do not have the options that more affluent women do. Those who have access to private money will not be affected by this lack of funding; they will be able to pay for an alternative to an unwanted pregnancy. But if medicaid funding is cut, poor women will be systematically denied access to abortion services. Restrictions on Federal funding will stop many women from obtaining legal abortions and will result in injury and death for women who will be forced to resort to nonprofessional or self-induced abortions.

Margaret Sanger, one of the leading advocates of the need for birth control, spoke time and time again of the frustration felt by women who could not go through another pregnancy and yet had no other recourse. She gave as one example the heartbreaking story of a woman who became pregnant for the 8th time, and knowing that she could not support another child, tried to end her pregnancy with a coat hanger. Unfortunately, she not only succeeded in ending her pregnancy; she ended her life as well. It is sadly ironic that 50 years after Margaret Sanger championed the freedom of choice for women, we are discussing a law which would force them back to the butchers and back alleys.

Mr. Chairman, approximately 20 years ago, as a young assistant district attorney in New York, one of my responsibilities was the investigation and prosecution of illegal abortionists. For the most part they were without medical knowledge or training; the few who were trained had lost their license or capacity to practice medicine. Neither group was comprised of individuals to whom one would want to entrust the life of a loved one. I saw the results of their handiwork; the maiming and the killing of the women who did not have a freedom of choice.

It should not require very much imagination to think of those days, and to want to avoid going back to them.

The Hyde amendment is not as much about abortion as it is about poverty and wealth and the quality of medical care available to different groups of our people. Legal and safe abortions are the right of every American woman, not just the privilege of a select few. The Hyde provisions stand in moral judgment of, and refuse any safe alternative to, poor women confronted with unwanted pregnancies. The issue here is not whether abortions will continue to be performed, for that has already been decided by the courts. The crucial question is how they will be performed. I believe that all women, regardless of financial resources, must be guaranteed medically safe, legal abortion services. I urge my colleagues to join me in assuring this by voting against the Hyde amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, without taking sides on the controversial question of abortion, I cannot but wonder if some of my colleagues here in the House who are preparing to vote for this bill realize the cruelty its literal enforcement would visit upon the poor, the sick, the mentally ill, and the innocent victims of rape and incestuous pregnancies among welfare patients. Under its harsh provisions a young teenage child who may be a victim of rape or forced incestuous relations with some male relative is foredoomed to go through that pregnancy and to bear a child that may be deformed.

Only yesterday two women came from the Nashville Association Education Association to talk to me about this bill. One of them was an eighth grade teacher

in Nashville, and she told me among those eighth grade children she teaches, there were three little girls who were pregnant, one through incestuous relations forced on her by her uncle. And some here would have no compassion.

The manager of my office taught school for 1 year. He taught the eighth grade, where one child in his grade was pregnant and one child in the seventh grade in the same school was pregnant.

We may say she got herself into this shape; and whether she has any means at all of caring for the child or whether she is emotionally or physically or financially able, we are going to compel her to have the child.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, much of this debate has properly centered around the legality of the Hyde amendment. Clearly it violates the constitutional rights of some women; that is, those who are poor and must turn to public funds to pay for their health care, by denying them a right granted to all women by the Supreme Court. We have also heard many emotional pleas about preserving the so-called rights of the unborn, as though they had an independent existence.

One of the things that concerns me most is the threat this amendment presents to the lives and health and future of millions of America's young women—people already born. The fact is that teenage pregnancy has reached epidemic proportions. Over 1 million 15–19 year-olds became pregnant last year. This amounts to at least 10 percent of all U.S. teenage girls. And while on the whole the Nation's birth rate is going down, for teenage mothers, the birth rate is still climbing.

Most adolescent women are biologically unfit for safe and effective childbearing. There is a two to three times higher mortality rate for babies born to teenagers than for those born to women in their twenties. Infants born to very young women are also more likely to be premature and of low birth weight. Teenage mothers suffer birth-related death, illness, or injury far more frequently than do older mothers. And in addition to these physical health problems, a majority of pregnant teenagers are mentally and emotionally immature and unprepared to cope with the realities of pregnancy and child rearing. As a result, their offspring are likely to suffer the same kinds of deprivations, to a repetition of the pattern.

According to a nationwide study conducted by Johns Hopkins University, 75 percent of all teenage pregnancies are unintended. While a good number of undesired pregnancies will be carried to term, the wishes of many adolescents to avoid early parenthood is evident in studies showing that about one-third of all U.S. abortions each year are obtained by teenagers.

While such figures indicate that some information on the availability and accessibility of abortion services is reaching teenagers, it is impossible to tell whether their decisions to terminate their pregnancies were made with the help of wise, understanding and unbiased counseling on all options available to them, as well as with individualized medical attention regarding the possible psychological, social and health consequences they may face, whatever decision they make. For while a decision in favor of pregnancy, childbearing and early parenthood may carry with it some very unsettling mental and emotional problems, so might a decision to have an abortion.

To me, the question we should be asking is not whether Federal funds should or should not be allowed for the purpose of abortions. The important question is what can and should we be doing to prevent the problems posed by unwanted pregnancy. If we work toward that goal, ultimately the need for abortions could be eliminated. But enacting the Hyde amendment will not do that. What it will do, however, is increase the risks of dangerous self-induced or nonmedical abortions for women who cannot afford to pay for medically sound legal abortions. What are those 300,000 teenagers a year who have abortions going to do if denied that option? Many will probably go through with the traumatic experience of bringing an unwanted child into the world. Many will resort to the "do it yourself" or "back alley" abortions that destroyed and maimed so many women before the Supreme Court brought the law on this subject in line with the real world.

Developing thoughtful sex education programs and even-handed pregnancy counseling services are the real task before us. Consultation between a prospective young mother and a professional counselor or physician who can offer not only sound advice on the various pregnancy treatments and alternatives, but also psychiatric counseling on the possible repercussions of whatever course the woman may choose to take. In fact, the question of its constitutionality aside, I would find the Hyde amendment somewhat more palatable if it made exceptions for clinics and health institutions which offered, in advance, objective counseling on the potential consequences of either terminating a pregnancy or carrying it safely to term.

We should assign a high priority to establishing programs for adolescents which offer them opportunities for health education, birth control, family planning, prenatal care and abortion services. But we can no longer avoid the reality of increased sexual activity among teenagers. Nor can we punish the problem out of existence. Surely prohibiting abortions will neither prevent or cope with the problem of adolescent pregnancy, it can only aggravate the problem and indeed help perpetrate it.

Abortion is hardly a satisfactory or desirable means of birth control. But it is a result, not a cause and it is foolish, to say the least, to suppose that we can improve the moral climate of the country by withholding from a certain segment of our population their constitutional right to equal protection of the laws or the aid, attention and counsel they deserve.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, the statement I will make is a statement which was authorized by the Congressional Black Caucus and all its members against the Hyde amendment.

A year ago I stood in the well of this House. I tried to point out to the Members at that time what would happen to poor women if, indeed the Hyde amendment prevailed. I suggested to them that they would be driven back into the illegal abortion racket, which is a viscious and cruel thing. I tried to tell them that as a part of my work I had seen women whose tissues and muscles had been ripped, violently ripped, in those back-alley abortions.

I tried to tell these Members last year that all they will do with the Hyde amendment is to drive poor women back into that situation where if they are raped, the act of the illegal abortion is more physically dangerous than the actual act of rape itself.

Now, in the time that has ensued, I visited the Crownsville State Hospital for the mentally ill, checking on one case from years ago that I knew was still there, the victim of a rape case, was a person who went through an illegal back-alley abortion. The psychiatrist at that time had said that that women was induced to insanity, not because of the rape, but because of the brutality of that back-alley abortion.

Mr. Chairman, she is still there, paranoid, detached, alienated, not even a woman, because we permitted an illegal abortion to take place, a brutal vicious assault on her.

Mr. Chairman, let us defeat the Hyde amendment. It is the only decent, compassionate thing to do.

Mr. Chairman, I want to add that I am PARREN J. MITCHELL, a Member of Congress and chairman of the Congressional Black Caucus. I am grateful for the opportunity to present the views of the caucus to this subcommittee on an extremely controversial and vital issue—the use of Federal funds for the purpose of performing abortions.

The members of the Congressional Black Caucus are in strong opposition to language in the Labor-HEW appropriations bill prohibiting the use of Federal funds for abortions. We believe the issue posed by the so-called Hyde amendment which prohibits that use as a fundamental question of rights in a democracy, and more pointedly, the rights of poor persons in our democratic system.

There is simply no denying that the effect of the Hyde amendment would be to exclude only those of limited financial means from access to legal abortions. Medicaid funds are the primary Federal moneys used to pay for abortions, and according to the Department of Health, Education, and Welfare, some 250,000 to 300,000 abortions were paid for with Federal funds in 1975. Those were women whose only alternatives without those funds would be to have an unwanted child, or obtain an unsafe abortion per-

formed by a nonphysician. It is believed that at least a million abortions are performed each year, by far the largest amount without Federal funds.

I recognize the passionate nature of the opposition to abortion. It clearly stems from deeply held personal beliefs. But this is a nation of laws, a nation that protects the rights of its weakest citizens. It is our duty as legislators to resist the passions of individual feelings to the end of providing equality of opportunity and of access for all persons.

I would like to take special note of an analysis of the constitutional ramifications of the Hyde amendment which has been provided to the caucus by the distinguished Yale University Law School Prof. Thomas I. Emerson, and which I understand is being provided to the committee by letter as well. Professor Emerson was unable to secure time to testify personally before this committee, but his views deserve special attention.

Professor Emerson finds that the Hyde amendment clearly places an unjustifiable burden on a constitutional right, and thereby violates that constitutional right. He cites as authority *Roe* v. *Wade*, 410 U.S. 114 (1973), in which the Supreme Court held the right of a woman to choose to have an abortion was part of her constitutional right of privacy and was protected against abridgment or denial by any form of government action. The proposed amendment would plainly invade that constitutional right. When the Government sets up a comprehensive program of medical aid to the indigent, but excludes from that program funds for medical aid for abortions, it is obviously imposing a burden on the right to have an abortion. The fact is that the provision was specificaly designed to discourage or prevent abortions and would in practice operate to do so. Indeed it has no other purpose or justification. The proposed amendment is therefore an unconstitutional condition imposed on a constitutional right.

Professor Emerson further points out that the proposed amendment violates equal protection of the laws as guaranteed by the fifth amendment. It provides different treatment for women who have abortions for certain reasons as distinguished from women having abortions for other reasons; also different treatment for women having abortions from all others covered by medicaid who have other medical treatment; and finally, different treatment for women who can afford abortions from those who cannot. These classifications are unconstitutional. Since the right to an abortion is a constitutional right, as part of the right of privacy, it is also clearly a fundamental right, and hence these distinctions can be made only if the Government can demonstrate a compelling interest and show that it has adopted the least drastic means to achieve its ends. Here the Government makes no such showing. The proposed amendment cannot be justified as a method of saving money because it will cost the Government more money if an indigent woman bears a child than if she has an abortion. No justification can be based upon moral grounds because the moral view of some Members of the legislature cannot override a constitutional right. Hence no compelling reasons exist. Moreover, the end sought to be accomplished—the discouragement of abortions—is not a legitimate one in view of Roe versus Wade. Consequently, the provision violates the constitutional right to equal protection of the laws.

Mr. Chairman, I have brought forth the views of Professor Emerson in such detail because they provide with exceptional force the constitutional underpinning for what each member of this panel knows—that the Hyde amendment is discriminatory legislation. In fact, as you know, a court stayed enforcement of this provision soon after it was adopted in last year's appropriations bill.

The question facing the Congress is how we can stand against political pressures which would have us act against the Constitution and against the rights of those who have not succeeded in gaining economic security. Are we to stand firm or are we to sit silently and let the courts take the burden of decision?

It is worth pointing out that one-third of those who receives abortions are teenagers. It is important that you remember that it is the married already supporting several children as well as the unmarried who choose to have an abortion at the time of undesired pregnancy. And, as we know, Black women are disproportionately represented among the poor and are relatively more likely to need the assistance of medicaid to obtain the same abortion that their wealthier sisters will be able to obtain in any case.

I began this statement by declaring that the issue presented by the Hyde amendment is one of rights and equality, rather than a question of abortion. I believe that even those who have personal convictions in opposition to abortion can readily oppose the limitation on use of Federal funds for abortion on constitutional grounds and a commitment against discrimination.

On behalf of members of the Congressional Black Caucus, I urge you not to include the limitation on use of Federal funds for abortions in the Labor-HEW appropriations bill this year.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, I am violently opposed to this amendment. Yes, I love life as much as anyone and unlike many others who have spoken, I am a mother. We are not asking for abortion as birth control but we are asking the Government remain neutral about abortion in the areas of rape, incest, the mother's life, her mental health, her age, and many other things that are private matters between the patient and physician. We should not have one standard of care for private patients and another standard for public care. Margaret Sanger in 1916 said:

> The first right of every child is to be wanted, to be desired, to be planned with an intensity of love that gives it its title to being.

She was named the woman of the century for her work in birth control. We still do not have 100 percent safe birth control, I am sorry to say. I wish those who are working so hard against abortion would work for something positive like birth control that is safe and effective 100 percent of the time. If they would channel their energies that way, abortion would eventually no longer be an issue.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, in a very real sense abortion is the final solution, to borrow a phrase from not too recent history. I have listened very carefully to the arguments advanced today. I think it comes down to whether or not the Congress of the United States of America is willing now to embrace the morality of Dachau or the common anthill. That really is the issue.

I heard the eloquent story told by my colleague from Maryland about the woman in Crownsville State Hospital who obviously suffered greatly because of sexual assault. If extended to its logical extreme, the argument of the opponents of the Hyde amendment, if adopted, would sanction the elimination of people in insane asylums, of old people who are judged no longer needed, of those who are inconvenient to society. That really is the basic proposition being put to us; destroy those who get in the way.

I heard concern expressed about lack of compassion, and the term "cruelty" was used. What sort of horrible cruelty is it that rips 1,100,000 unborn children from their mothers' wombs? Look in that Webster's Dictionary on the floor over there and see what the definition of "child" is. It says a child is "an unborn or recently born human being." That is Webster's definition.

What kind of cruelty is it that shows no concren for 1,100,000 murders in the United States last year, 300,000 of them conducted at Federal taxpayers' expense. You tell us how terrible it is for those who are denied abortions. What is the degree of terror for those who are murdered?

All of us should understand that life is at stake here, but without this amendment our government will deny it to many, many others yet unknown. Maybe they are, as the gentleman from Utah said, potential Beethovens. We will never know. This issue, as has been rightly said, is fundamental. The President supports this position. He has said that he does not want Federal funds used for abortions. Secretary Califano supports this position and I daresay—I daresay—that if those millions of children were born and had a chance to speak, voices we will never hear, they too would vote for the right to live.

That is the issue here today. I hope, by voting for the Hyde amendment and subsequent action in both bodies, that we will achieve a reasonable compromise, but today we have only to vote on this amendment. The issue is simply whether or not we in the Congress will support the right to life for all Americans, born and unborn. That is what we are voting on.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman, I rise in support of the Hyde amendment. As the gentleman who just spoke so eloquently has said, it is a matter of moral consequences. I am one of the small minority in this body who is not a lawyer.

Mr. Chairman, I am always truly affected by the intelligence of those who have delved into this issue from a legal point of view. I go back, very simply, Mr. Chairman, however, to the fact that it seems to me that I learned in the first grade not only the basic fundamental facts of my religion, but I learned and later on began to read the Constitution. It seems to me there are certain unalienable rights that come from God and not from man, and among these is the right to life, liberty, and the pursuit of happiness according to the preamble to the Constitution.

We have meaningfully argued earlier today on both sides for equal rights. Mr. Chairman, this is a question of a moral right. For that reason, I support the Hyde amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, I reluctantly want to respond to the unfortunate and regrettable remarks that some Members of the House have expressed to both the black Members of this House and the black people in America in the debate here today. I personally deem it the height of arrogance when one who has neither been black nor poor in America chooses to speak in this body for that segment of society. It is an arrogance which I do not even delegate to myself, being black and having been poor in this society.

I sat here and I was appalled yesterday when I watched the U.S. Congress, 23 years after the Supreme Court of the United States said that separate but equal is inherently unequal, put on to an appropriation bill a clause that still, after 23 years, denies little black children in America their constitutional right to go to school in America under conditions of equality. And I sat in this body today and I have watched the poor in this society, the majority of whom are black and who need these services, be segregated out once again and segmented into a special class in America. It is appalling to sit in this body and watch, after 23 years, the further denigration of Brown against Board of Education and what it stood for.

By once again applying the principles of Plessy versus Ferguson to those who are minorities or the poor. Today by adopting this Hyde amendment we will have once again made minorities and the poor separate and unequal.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as I indicated earlier, I am opposed to abortion. But my beliefs do not require me to say that my Government will not provide needed medical assistance to anyone, most especially a poor woman who needs that medical assistance to maintain her own life. That is what this language says, pure and simple.

Some of us have been lectured a little bit by the gentleman from Oklahoma and the gentleman from Maryland about our concern and our compassion and dedication to life. Let me just ask a couple of questions. I wonder where those same voices and votes were when legislation has been on this floor to increase support for family planning so that you can effectively avoid abortion. Where have those same voices been when we have had efforts in this Congress to try to obtain decent day care centers, for instance, so that you have a little bit more ability to convince the woman facing the choice of abortion, or not, to choose the right decision, to choose to carry the child to full term? There are some places in this world where there is one abortion for every live birth. Where have those same voices and votes been on foreign aid legislation which would provide additional family planning, additional food assistance, additional economic assistance so that we can attack the conditions of poverty which lead to those abortions in incredible numbers, not just within our own borders but all around the world?

On those questions why do you not really put your votes where your mouth is?

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

The gentleman from Maryland voted for this bill last year and he voted for the veto override.

Mr. OBEY. No; I will not yield.

Why do you not put your votes where they count?

Mr. BAUMAN. The gentleman does not want an answer because a response would show him to be wrong.

Mr. OBEY. Mr. Chairman, I will not yield.

Where are your votes when it comes to questions like capital punishment?

Mr. BAUMAN. Will the gentleman allow an answer to the question?

Mr. OBEY. No; I do not yield.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) controls the time, and he does not yield.

Mr. OBEY. Where are your votes when it comes to questions of hunger? They are never here on the floor. We never see those votes.

Let us just remember what we are voting on here today. This amendment does not save lives. It says that our Government will not be allowed to help save the life of a living person, and that makes no sense.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I rise in support of the amendment. Let me tell the Members why.

We have been through this issue time and time and time again. My position is this: I saw this House vote four times on this issue up to now and three times on the language which the gentleman from Illinois (Mr. HYDE) is now proposing—the identical language. I have listened to these debates off and on here and in the conferences, and I understand that many people, of course, feel very strongly about the issue. There is no question about that.

This is a very difficult problem. It is an emotional problem. That is why we are here ranting and raving one way or another, depending on how we feel.

This issue was decided by the Congress last year. I repeat that for the purpose of emphasis.

The facts, Mr. Chairman, are no different today than they were then.

Furthermore, former President Ford and President Carter included similar language in their budget request. Secretary Califano in his confirmation hearing made it very clear as to the administration's opposition to the use of Federal funds for such a purpose.

In my judgment, Mr. Chairman, that is the situation in the Congress. It is the situation, as I say, in the Department and downtown. I have taken part in these discussions, so I know whereof I speak. I know of a great many people who have time and time again made it very clear that they take the position of the gentleman from Illinois (Mr. HYDE).

That is the situation, Mr. Chairman.

Ms. OAKAR. Mr. Chairman, I rise in support of the Hyde amendment.

Frankly, Mr. Chairman, I have agonized over this vote as I have no other in my career, and if I spend the rest of my life in public office, I anticipate I will confront no more difficult issues.

This issue is so difficult for me, Mr. Chairman, because I know that low income women who are confronted with an unplanned pregnancy are treated abominably in our society. Often they are packed off to abortion clinics without being at all informed on their legal rights, and the benefits and services available to them if they choose to have the child.

On Wednesday of this week, I introduced a bill which I view as a first step to correcting this grievously unfair situation. My bill, H.R. 7806, entitled the Pregnant Women's Assistance Act, would, for the first time, provide assistance to projects which, and I quote from the bill, "provide counseling to pregnant women on their legal rights and the benefits and services available to them in carrying the fetus to term, and in raising and caring for the child."

I further believe that Congress must not only improve counseling on these services and benefits, but also that it must improve the services and benefits themselves. I intend to introduce further legislation to this end, and I shall ask Congress to join with me in supporting it, so that our Government will truly become a bold advocate of life in our society.

The bill I introduced this past week, and the legislation I contemplate introducing, is all predicated on my deeply held belief that abortion is wrong, and that our Government is obligated to do all it can to stop abortion. Consistent with this view, I must oppose medicaid funding for abortion.

So strong are my feelings on abortion that I had grave reservations about supporting the diluted medicaid fund cutoff that was included in the bill as reported from committee. That provision would have permitted medicaid funding when the life of the mother is in danger, and to me, that language could be construed so broadly as to make the ban on abortion funding meaningless. The propon-

ents of that language admitted that the exception would extend to cases in which psychologists, for example, said the mother's life would be in danger.

With the Hyde amendment in its present form, forbidding funding for all abortion under medicaid, I support it and urge its enactment. But I must at the same time urge my colleagues to join with me in beginning the work that, in adopting this amendment, we are morally obligated to do—and that is to provide real assistance to low income women faced with an unplanned pregnancy.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to this amendment for a number of reasons.

In the first place, the Hyde amendment will not stop abortions. What it will do, is limit the availability of safe abortions for poor women.

In the second place, this amendment violates the very purpose of the Labor-HEW appropriations bill—that of providing services for all Americans regardless of their economic status.

Third, this amendment clearly discriminates against the poor who are the major recipients of federally supported health services. If this amendment passes, poor women who cannot afford to pay for an abortion will be forced to either bear unwanted children or undergo unsafe, illegal butchery. The American Public Health Association has predicted that there will be a rise in maternal and infant mortality and morbidity in the United States as a result of such a restriction on family planning services.

Finally, enactment of the Hyde amendment would or could prohibit the prescribing of morning-after pills to rape victims at hospitals or crisis clinics which receive funds under this appropriation. The crime of rape is tragic. Without the benefit of a morning-after pill or, perhaps, an abortion, poor women will be forced to complete unwanted pregnancies imposed upon them by absolute strangers. This is not only traumatic, but is costly to the mother emotionally and financially and, more importantly, psychologically to the unwanted child and certainly to society. I urge my colleagues to vote down this amendment.

Mr. MILFORD. Mr. Chairman, I cannot possibly cast a vote on the abortion issue wihout making a large number of people in my district very angry. Many are very strongly opposed to abortions for any reason. Another, larger group are very strongly in favor. As the politicians say, "It's a no-win situation."

However, because the majority of my constituents have indicated their support of the Supreme Court ruling on this issue, I have always cast my vote in support of a woman's right to have an abortion as a matter to be decided by her after counsel with her own conscience and with her physician.

This has been particularly difficult for me because of my own personal feelings. As occasionally happens in this business, the majority of my constituents will be in favor of a proposal while my own personal convictions would have me vote the other way. This is the case on the abortion issue. Although I have considered myself dutybound to vote the way the majority in my district would dictate, I remain opposed to abortion. This is, indeed, a very difficult proposition for me.

Last year, I supported the proposal which would allow abortions to be paid for under medicaid regulations. Today I am changing that vote and would like to explain why.

Some will say that I have changed my mind on the entire abortion issue because of today's vote. Such an observation would be only partially true. I will continue to support the Supreme Court ruling because that is the desire of the majority of my constituents. I believe that the basic tenet of our governmental system guarantees each individual the right to his own religious belief and to have that belief protected from governmental decrees. I would add to that that a person's belief should be protected whether or not they are shared by the majority.

While there is no middle ground on the abortion issue, I have become convinced that the minority in my district—including myself—are also entitled to consideration.

My decision to change my vote on this issue has come after many agonizing hours of thought and soul searching. I have taken into consideration the fact that the original Hyde amendment permitted abortions under medicaid regulations if the mother's life is in danger. Subsequent to last year's vote, I checked further into the situation to find that few, if any, physicians who perform this procedure would refuse assistance to an indigent person. I have found charitable agencies that were willing to provide assistance. I have found that most persons who find themselves in need of abortion services are usually able bodied and are capable of earning their own living.

I have especially considered that most of those in my district who favor allowing abortions have never demanded that the Government pay for that operation. Their argument has always been that abortion should be a matter to be decided by the woman involved, not who was going to pay for that abortion.

At the same time, I cannot ignore the hundreds of letters I have received over the past year from those of my constituents who oppose abortions. Unlike the usual lobby-generated mail, most of these were individual handwritten letters. Their plea was clear: "Please do not make me, the taxpayer, an accessory to murder—an accessory to something that totally violates my own religious belief."

Their plea cannot be ignored. Through the Supreme Court ruling, abortion is now available to every woman. Regardless of my own deep personal convictions against abortion, I will continue to support that ruling.

At the same time, I believe we are asking too much of those who are so morally opposed to this issue, by taking their tax money to fund the very act that violates their religious convictions.

It is for these reasons I feel I must support this amendment.

While the present Hyde amendment prohibits abortions for any reason, I have been assured that the Senate version will allow medicaid funds to be used for abortions in the event that the mother's life is in danger and in cases of rape and incest. I strongly support this language and have been assured by the sponsors of the bill and the House conferees that everything possible will be done to see that this language is included in the conference bill.

Mrs. MEYNER. Mr. Chairman, I rise in opposition to the Hyde amendment. We have all heard the arguments against the inclusion of this language in the Labor-HEW appropriations bill. Most importantly, it is discriminatory and offensive language repugnant not only to the equal protection clause of the Constitution, but to the values of American life that we seek to uphold in these Chambers. The prohibition against the use of Federal funds for abortions will not stop abortions. Rather, it will deny abortions to one class of women—poor ones. The average price of an abortion at an outpatient clinic in the District of Columbia is $150, while the cost of an abortion preformed by a private practitioner at a hospital is between $450 and $600. It does not require a great deal of imagination to see that poor women will be forced to either carry their unwanted pregnancy to term, or to obtain an illegal or self-induced abortion. Meanwhile, more fortunate women will be able to visit a private practitioner and obtain a safe and legal abortion. Clearly this is not a question of being for or against legal abortions, it is a question of class discrimination. Surely, the language of the Hyde amendment violates the equal protection clause of the 14th amendment.

Second, we must address the question of whether this type of language is relevant to an appropriations bill. I contend that our actions today, if we retain the Hyde amendment, and our actions on past and future appropriations bills, are inappropriate and dangerous. In 1974 language similar to that of the Hyde amendment was included in the Senate version of the Labor-HEW appropriations bill. That language was dropped by the conferees. At that time the conferees said:

> An annual appropriations bill is an improper vehicle for such a controversial and far-reaching legislative provision whose implications and ramifications are not clear, whose constitutionality has been challenged, and on which no hearings have been held. The rules and traditions of both the House and the Senate militate against the inclusion of legislative language in appropriations bills.

It was a mistake to include this language in last year's bill and it is a mistake to include it in the bill before us today. Nothing has changed in 4 years.

Third, the Hyde amendment is economically inefficient. While I am reluctant to speak in these terms, I believe that economics should be foremost in our minds as we consider an appropriations bill. In 1974 the same conference committee that dropped language similar to the Hyde amendment received facts from the then Deputy Assistant Secretary of HEW For Population Affairs. While I regret that I do not have more recent data on this subject, I ask my colleagues to add an inflation factor to

these statistics and apply it to the issue before us today.

Most of the women denied medicaid for abortions would be forced to carry unwanted pregnancies to term. The cost to the government for the first year alone after birth for medical care and public assistance would be between $450 million and $565 million.

Thus, if national economics are our first priority today, then the Hyde amendment should be struck on the basis of good business sense.

Finally Mr. Chairman, I must admit my concern with the sentiments of many of my colleagues as they sit and listen to this debate and as they cast their votes on this issue. Many Members will be tempted to vote for the inclusion of the Hyde amendment with the secret thought that it will be struck down by the courts as unconstitutional. After all, "the courts will get us off the hook, they don't have to run for reelection in 2 years."

With all due respect to the desires of the Members of this House to serve their constituencies for as long as they have a mandate, I do not believe that that mandate should not be the result of backdoor politics and legislative gymnastics. We do not have the right to sit as Members of this body if we cast our vote for this language while either our constituents or our consciences dictate otherwise. While I have no consuming desire to place my head on the election "chopping-block," I cannot allow the Congress to scream of the executive and judicial usurpation of our powers and at the same time allow the courts to decide every volatile issue of the day.

Mr. RUSSO. Mr. Chairman, I rise to speak in support of the Hyde amendment that would prohibit the use of Federal funds to procure or perform an abortion. In the debate, speakers have thoroughly addressed two main issues and have indirectly spoken to a third major topic.

First, the role of the Government in assisting or discouraging a woman from exercising her constitutional right, as declared by the Supreme Court in a case I believe wrongly decided 4 years ago, to elect whether to have an abortion or bear her child. The Court ruled that the Government must remain neutral in the matter. Yet, Department of Health, Education, and Welfare officials have implemented regulations whereby women can use medicaid funds to procure their abortions, This stance is far from neutral—it actively encourages and assists women to abort their fetuses rather than bring them into the world.

The Hyde amendment attempts to remove any Federal involvement in a woman's decision. Eliminating the source of funds may tip the balance toward bringing the child into the world and I believe in tipping the scale in favor of life almost every time. One study which I have read estimates that 80 percent of the abortions now performed with medicaid funds would not occur if medicaid money were unavailable for this purpose. That would save approximately 240,000 lives every year.

Of course, eliminating Federal funds would not end all Government financing of all abortions. States would retain the option of providing money to poor women for abortions if they want. But the Federal Government's example would encourage States participating in the medicaid program to discontinue this aspect of medical care to the poor—an option States cannot exercise at the present time.

The second subject widely debated revolves around the Constitution. I refer not to the equal protection argument, which in legal terms seems spurious, but rather to Congress' power to control the Federal purse. Congress, not the executive or the judiciary, is empowered by the Constitution to determine the distribution of Federal revenues among the various programs it has enacted.

The Federal courts are attempting to determine which programs Congress should finance. Last year, immediately after the Hyde amendment took effect, a Federal judge issued a temporary restraining order and then an injunction delaying the suspension of abortion funds. Thus, the Federal Goverment in 1977, despite the Hyde amendment, has spent roughly $50 million for services Congress decided not to finance. This, in my opinion, violates the separation of powers principle upon which our Government is based.

Congress, through its budget process, has reasserted its position as financial supervisor vis a vis the President and now it must affirm its independence from the judicial branch. The passage of the Hyde amendment may force the Supreme Court to rule on the constitutionality of Congress' power to appropriate money or not appropriate money for certain programs. By defeating the amendment, the issue would become moot and leave the issue unresolved. This matter is too important to leave hanging for another year.

The final issue hovering about this topic concerns what action Congress will take to alleviate the poverty of the children who have been saved from abortions. Many of my colleagues who staunchly defend these youngsters right-to-life now will shortly turn around and vote against final passage of this legislation because it contains too much money for social welfare programs, or before that moment, they will have voted to slash title I funds from the elementary and secondary education appropriations, leaving these children still further behind youngsters from more affluent neighborhoods. In 13 to 20 years many of those children will be placed in the same position as their parents, poor and about to become parents. I urge my colleagues who strongly support the right-to-life movement to also support those programs which will help these youngsters break the poverty cycle.

Mr. RANGEL. Mr. Chairman, I rise at this time in opposition to the language in this bill prohibitng the use of Federal funds for abortions, commonly referred to as the Hyde amendment. Clearly this language is discriminatory in that the poor will be unable to obtain abortions, as they cannot afford to go to a private doctor to get this type of medical care. When we included this provision in this legislation last year, the courts quickly denied enforcement of this provision.

Before the Supreme Court ruled that women have a legally protected right to have abortions within certain periods of their pregnancy, those women who were not able to pay the large sums of money required to obtain a safe abortion, were left to either having unwanted children or having an abortion performed by those who were not adequately prepared to perform such operations. We all applaud the decision in Wade and Bolton, as these cases finally recognized the need to protect a large segment of our population. With the Hyde language still in this bill, we find that we are back where we were before the Supreme Court rulings.

Many of my colleagues have expressed to me their concerns regarding the large numbers of children born out of wedlock and the increasingly large numbers of children who are born but who must be subsidized as their parents are incapable of providing for them financially. The Hyde language would only serve to intensify those problems. If we want to reduce the public assistance rolls and reduce child support programs then we must delete this language from the bill. I would urge my colleagues to vote to strike this language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 47, noes 38.

RECORDED VOTE

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 155, not voting 77, as follows:

[Roll No. 352]

AYES—201

Ambro	Dornan	Lent
Andrews, N. Dak.	Duncan, Tenn.	Lloyd, Tenn.
Annunzio	Early	Long, La.
Applegate	Edwards, Ala.	Lott
Archer	Edwards, Okla.	Luken
Armstrong	Eilberg	McClory
Ashbrook	Emery	McDade
Aspin	English	McDonald
Bafalis	Erlenborn	McEwen
Bauman	Evans, Ga.	McKay
Beard, R.I.	Evans, Ind.	Madigan
Bedell	Fary	Mahon
Benjamin	Fish	Markey
Bennett	Flood	Marlenee
Bevill	Flowers	Marriott
Biaggi	Flynt	Mazzoli
Bianchard	Fuqua	Michel
Blouin	Gaydos	Milford
Boggs	Gibbons	Miller, Ohio
Boland	Goldwater	Minish
Bowen	Goodling	Mitchell, N.Y.
Brinkley	Gradison	Moakley
Broomfield	Grassley	Montgomery
Brown, Ohio	Guyer	Moore
Burgener	Hall	Moorhead, Calif.
Burke, Fla.	Hamilton	Mottl
Burleson, Tex.	Hammer-schmidt	Murphy, Ill.
Byron	Hanley	Murphy, Pa.
Caputo	Hansen	Murtha
Carney	Harsha	Myers, Gary
Carter	Heckler	Myers, Michael
Chappell	Hightower	Myers, Ind.
Clawson, Del	Holt	Natcher
Cochran	Hubbard	Nedzi
Coleman	Huckaby	Nowak
Collins, Tex.	Hyde	O'Brien
Conte	Ireland	Oakar
Corcoran	Jones, Okla.	Oberstar
Cornell	Kazen	Patten
Cotter	Kelly	Perkins
Coughlin	Kemp	Pike
Crane	Kildee	Pressler
Cunningham	Kindness	Price
Daniel, Dan	LaFalce	Pursell
de la Garza	Lagomarsino	Quayle
Delaney	Latta	Quie
Derwinski	Le Fante	Quillen
Devine	Leach	Regula
Dickinson	Lederer	Rinaldo

Roberts	Skubitz	Vento
Robinson	Smith, Nebr.	Volkmer
Rodino	Snyder	Waggonner
Rooney	Staggers	Walgren
Rostenkowski	Stangeland	Walker
Rudd	Stanton	Walsh
Runnels	Steiger	Wampler
Ruppe	Stratton	Whalen
Russo	Stump	White
Santini	Symms	Whitehurst
Satterfield	Taylor	Wilson, Bob
Sawyer	Thone	Wylie
Schulze	Thornton	Yatron
Sharp	Traxler	Young, Alaska
Shuster	Treen	Young, Fla.
Sikes	Trible	Young, Mo.
Simon	Vander Jagt	Young, Tex.
Skelton	Vanik	Zablocki

NOES—155

Akaka	Ford, Mich.	Mineta
Allen	Ford, Tenn.	Mitchell, Md.
Ammerman	Fountain	Moffett
Anderson, Calif.	Fowler	Moorhead, Pa.
	Gephardt	Moss
Andrews, N.C.	Giaimo	Neal
Barnard	Gilman	Nix
Bellenson	Ginn	Nolan
Bingham	Glickman	Obey
Bolling	Gonzalez	Ottinger
Bonior	Gore	Panetta
Brademas	Gudger	Patterson
Breckinridge	Harkin	Pattison
Brooks	Harrington	Pease
Brown, Calif.	Harris	Pepper
Brown, Mich.	Heftel	Preyer
Broyhill	Hillis	Pritchard
Buchanan	Hollenbeck	Railsback
Burke, Calif.	Holtzman	Rangel
Burton, John	Howard	Reuss
Burton, Phillip	Hughes	Richmond
Butler	Jacobs	Risenhoover
Carr	Jeffords	Rogers
Cavanaugh	Jenrette	Roncalio
Chisholm	Johnson, Calif.	Rose
Clay	Johnson, Colo.	Rosenthal
Cohen	Jones, N.C.	Roybal
Collins, Ill.	Jones, Tenn.	Ryan
Conable	Jordan	Sarasin
Corman	Kastenmeier	Scheuer
Cornwell	Keys	Schroeder
D'Amours	Kostmayer	Seiberling
Daniel, R. W.	Krebs	Sisk
Danielson	Krueger	Slack
Davis	Leggett	Solarz
Dellums	Lehman	Spellman
Derrick	Levitas	Steed
Dicks	Lloyd, Calif.	Stockman
Dingell	Long, Md.	Stokes
Dodd	Lundine	Studds
Downey	McCloskey	Thompson
Drinan	McCormack	Tsongas
Eckhardt	McFall	Udall
Edgar	Maguire	Ullman
Edwards, Calif.	Mann	Weaver
Ertel	Marks	Weiss
Evans, Colo.	Martin	Whitley
Fascell	Mattox	Wilson, C. H.
Fenwick	Meeds	Wilson, Tex.
Findley	Meyner	Wolff
Fisher	Mikulski	Wright
Foley	Mikva	Yates

NOT VOTING—77

Abdnor	Flippo	Nichols
Addabbo	Florio	Pettis
Alexander	Forsythe	Pickle
Anderson, Ill.	Fraser	Poage
Ashley	Frenzel	Rahall
AuCoin	Frey	Rhodes
Badham	Gammage	Roe
Badillo	Hagedorn	Rousselot
Baldus	Hannaford	Sebelius
Baucus	Hawkins	Shipley
Beard, Tenn.	Hefner	Smith, Iowa
Bonker	Holland	Spence
Breaux	Horton	St Germain
Brodhead	Ichord	Stark
Burke, Mass.	Jenkins	Steers
Burlison, Mo.	Kasten	Teague
Cederberg	Ketchum	Tucker
Clausen, Don H.	Koch	Van Deerlin
	Lujan	Watkins
Cleveland	McHugh	Waxman
Conyers	McKinney	Whitten
Dent	Mathis	Wiggins
Diggs	Metcalfe	Winn
Duncan, Oreg.	Miller, Calif.	Wirth
Evans, Del.	Mollohan	Wydler
Fithian	Murphy, N.Y.	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Breaux for, with Mr. Hannaford against.

Mr. Teague for, with Mr. Addabbo against.

Mr. Rahall for, with Mr. Metcalfe against.

Mr. Gammage for, with Mr. Hawkins against.

Mr. McHugh for, with Mr. AuCoin against.

Mr. Nichols for, with Mr. Conyers against.

Mr. Mollohan for, with Mr. Waxman against.

Mr. St Germain for, with Mr. Stark against.

Mr. Burke of Massachusetts for, with Mr. Baucus against.

Mr. Rhodes for, with Mr. Ashley against.

Mr. Abdnor for, with Mr. Diggs against.

Mr. Hagedorn for, with Mr. Wirth against.

Mr. Kasten for, with Mr. Brodhead against.

Mr. Lujan for, with Mr. Anderson of Illinois against.

Mr. Beard of Tennessee for, with Mr. Frenzel against.

Mr. Rousselot for, with Mr. Horton against.

Mr. Sebelius for, with Mr. Steers against.

Mr. Frey for, with Mr. Zeferetti against.

Mr. Baldus for, with Mr. Badillo against.

Mr. Spence for, with Mr. Koch against.

Mr. Cederberg for, with Mr. Miller of California against.

Mr. Don H. Clausen for, with Mr. Murphy of New York against.

Mr. FOUNTAIN changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 40, immediately after line 7, add the following new section:

SEC. 211. None of the funds appropriated in this Act may be used to initiate, carry out or enforce any program of affirmative action or any other system of quotas or goals in regard to admission policies or employment practices which encourage or require any discrimination on the basis of race, creed, religion, sex or age.

Mr. ASHBROOK. Mr. Chairman, my amendment is aimed at the problem of reverse discrimination. It would prohibit funds in this bill from being used to initiate, carry out or enforce any affirmative action program or any other system of quotas or goals in regard to admission policies or employment practices which would encourage or require discrimination.

I am strongly opposed to affirmative action programs or any other system of goals or quotas of this type.

First, quota systems are inherently racist and discriminatory. To alleviate the effects of past discrimination some people would now have us discriminate in behalf of minorities. Discrimination is wrong, whether against minority groups or for minority groups.

Second, quota systems are basically collectivist and run counter to the principle of individual liberty. Each individual should be judged on his own merit and ability to do the job, not on the color of his skin. If we truly want to tear down the barriers of discrimination, we should talk about the character and qualities of the individual, not his or her group.

Third, quota systems penalize persons who have done no wrong. Because of alleged past discrimination a less qualified individual of a minority group may be given preference over a more qualified nonminority person. This is unfair. The concept of collective guilt and national "sins" should not replace personal accountability.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, at the University of Idaho at Moscow, Idaho, which I am proud to represent, they have been forced to establish an office of affirmative action, to hire somebody to work in the history department or in a secretarial capacity, they have to go through an elaborate program for any job applications in any department of the university, advertising all over the area and so forth. Would this correct that situation?

Mr. ASHBROOK. Mr. Chairman, it would be my understanding, I would say to the gentleman from Idaho, if the gentleman's university wants to enact a program of this type, wants to have such an office, that would be their individual right, but this would prevent the Government from being able to force them.

Mr. SYMMS. They have been forced to do it.

Mr. ASHBROOK. They cannot be forced to do it, as I understand.

Mr. SYMMS. Mr. Chairman, if the gentleman will yield further, I think the gentleman has an excellent amendment. I appreciate the gentleman offering it.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

First, let me say, and make no mistake about this, the amendment proposed by the gentleman from Ohio is very, very complicated, and that is an understatement. It may have far-reaching ramifications that are not fully understood at this time, make no mistake about that.

I would agree, offhand, quotas per se are not a good thing; but to the best of my knowledge, the Department of Health, Education, and Welfare, is not imposing quotas on these agencies, nor is it imposing quotas on institutions or organizations with which it does business.

The amendment before us is a very complicated thing. The Committee on Appropriations, by the way, has had no opportunity to carefully study this amendment to determine what effect, if any, it is going to have on the programs of HEW.

Mr. Chairman, like most of the Members in this room, we did not see the specific language in this amendment, believe it or not, until today. Believe me, that definitely is not enough time to analyze the impact of language like this.

Also, let me say this. I do not believe under any circumstances that this is the proper forum for this amendment. This proposal, this kind of thing, should be considered in a legislative bill, and then only after very intensive hearings have been held to determine the programmatic effect of such a thing, such a proposal and such language.

Now, I can appreciate the gentleman's concern about quotas, but I do not be-

lieve that an appropriations bill is the proper place for this kind of language.

Now, Mr. Chairman, I must repeat to the Members that I believe they know, this language is complicated and a very careful analysis is required to determine its consequences.

I urge rejection of the amendment.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I would just say to the chairman that I do not believe it is as complicated as the gentleman states. There is no way, if the chairman will yield further, there is no way that the gentleman from Ohio can get this issue brought before this House under the current political views of the House. If there are some who are for quotas and for all this redtape, this is not a matter of a person's point of view on any particular race or anything like that, but in my district they have to advertise in all these newspapers all around northern Idaho before they can legally hire a secretary. That is the redtape we are trying to get rid of.

Mr. FLOOD. Mr. Chairman, I understand that. My friend has had language like this before. There were two other proposals and every one is more complicated than the other.

The gentleman can remember, as the gentleman was on the Committee on Appropriations dealing with funds, that this amendment under no circumstances could it properly be handled, unless by a legislative committee, then only after very, very intensive hearings, to go into these things to balance these inequities to make that determination.

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ASHBROOK

Mr. WALKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. ASHBROOK: Page 40, immediately after line 7, insert the following new section:

SEC. 211. None of the funds appropriated in this Act may be obligated or expended in connection with the issuance, implementation, or enforcement of any rule, regulation, standard, guideline, recommendation, or order issued by the Secretary of Health, Education, and Welfare which for purposes of compliance with any timetable, goal, ratio, quota, or other numerical requirement related to race, creed, color, national origin, or sex requires any individual or entity to take any action with respect to (1) the hiring or promotion policies or practices of such individual or entity, or (2) the admissions policies or practices of such individual or entity.

Mr. WALKER. Mr. Chairman, the purpose of this substitute amendment is to make the issue specifically antiquota in nature. I am a firm supporter of the affirmative action concept. My amendment in no way strikes out affirmative action kinds of programs. What I am attempting to do is take quotas out of the affirmative action concept.

I think affirmative action, in terms of expanding opportunities, in terms of making sure that qualified minorities are considered as a part of the whole in the hiring process, is a good program. I would not want to preclude the Department of Health, Education, and Welfare from engaging in that kind of program. However, the problem I have is with the quota system that has been imposed as a part of that program. I do not care whether they call them goals, ratios, or whatever; I think they are quotas. I think quotas exist and that is what we have to strike out.

Any kind of quota, Mr. Chairman, is discriminatory. The crudest form of discrimination is when we set up quota systems, set up numerical qualifications that exclude people. Therefore, my amendment is antidiscrimination in nature.

I remember back when we were campaigning in the South in the early 1960's for civil rights gains, and I was in the South and was marching to desegregate theaters. I thought that what we were doing was going after the equal opportunity. Quotas do not speak to equal opportunity.

It seems to me that President Carter recognized that when he said that he would not be in favor of a preferential treatment kind of system. Recently, Secretary Califano spoke to the issue. He said that he was in favor of goals, not quotas. I ask, what is the difference? There is no difference.

Back in 1964, when the Civil Rights Act was passed, Senator HUMPHREY spoke to this. He said that he did not think the act required any employer to achieve any kind of racial balance in his work force by giving any kind of preferential treatment to any individual or group.

It seems to me that it does not matter much who speaks for the administration, but what does matter is what the American people say. They say, in a Gallup Poll, that 83 percent of them oppose the idea of preferential treatment by quota, and 64 percent of all nonwhites oppose the amendment.

The Constitution speaks to it, and so did Justice Harlan in the Plessy against Ferguson case, in his famous dissent, which became fundamental to Brown against Board. He said,

. . . our Constitution is color blind and neither knows nor tolerates classes among citizens.

Justice Douglas has said,

That is what we are talking about, discrimination based upon quotas.

. . . there is no constitutional right for any race to be preferred.

My amendment would wipe out the quota system. It is important, because it seems to me that it reaffirms the idea of affirmative action in a most positive kind of way. Quotas are a bureaucratic convenience. They are not a part of affirmative action. They are a way by which bureaucrats measure affirmative action, and in so doing, in making that kind of measurement, they become discriminatory.

Mr. Chairman, it seems to me that my amendment, my substitute to the Ashbrook amendment, gives us a chance to stop that kind of bureaucratic nonsense, it gives us a chance to stop calling discriminatory tools by other names. And it seems to me that it is time now to put an end to quotas. Let us put an end to quotas, and support of this substitute amendment will do just that.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding.

Mr. Chairman, the thing that concerns me about the amendment offered by my friend, the gentleman from Pennsylvania (Mr. WALKER)—and I pose this in the form of a question—would it not be possible to eliminate quotas, as my colleague would urge, and yet have policies of reverse discrimination?

Mr. WALKER. No, I do not think so. I think once we have eliminated the quota system, once we have eliminated numerical requirements, we will not have the reverse discrimination taking place, because at that point, personal qualifications within the affirmative action program would become the most important function of it.

Mr. ASHBROOK. If the gentleman will yield further, it would seem to me to be possible to outlaw quotas and then have reverse discriminatory policies mandated, with no reference to numbers, quotas, guidelines, ratios, as the gentleman has indicated. That is the only concern I have concerning my colleague's amendment. Otherwise I would support it. I would like to see a policy of reverse discrimination clearly ruled out by the U.S. Congress.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(On request of Mr. WEISS and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman indicated he was in favor of affirmative action programs.

Mr. WALKER. That is right.

Mr. WEISS. Does that mean that the gentleman is in favor of programs which in fact would encourage the hiring or employment or admission of people of various minority and ethnical or religious background into institutions or places where in fact they are not currently admitted or are not part of the work force?

Mr. WALKER. As long as they are admitted on the idea of qualification rather than based upon numerical kinds of goals which ignore qualifications.

Mr. WEISS. Therefore, would it not make more sense for the gentleman to eliminate from the language of the substitute amendment the word "goals," and simply utilize the word "ratios" or "quotas," which in fact refer to numerical terms?

Mr. WALKER. I would say to the gentleman that the problem at HEW for a number of years now has been with the word "goals," which actually become quotas. That is the problem. I think we have to speak to the concept of goals because goals in fact have become quotas.

and that is the reason the word "goals" is in my amendment.

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the proposed amendment to the fiscal year 1978 Labor-HEW appropriations bill provides as follows:

SEC. 210. None of the funds appropriated under this may be obligated or expended in connection with the issuance, implementation, or enforcement of any rule, regulation, standard, guideline, recommendation, or order which requires any individual or entity, for purposes of compliance with any timetable, goal, ratio, quota, or other numerical requirement related to race, creed, color, national origin, or sex to take any action with respect to (1) the hiring or promotion policies or practices of such individual or entity, or (2) the admissions policies or practices or such individual or entity.

This amendment as I read it is directed at the issuance and enforcement of certain civil rights requirements relating to employment. The key words appear to be "for purposes of compliance with any timetable, goal, ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex." It is not clear precisely what civil rights enforcement activities are intended to be prohibited by the amendment, but its effect would apparently be: First, to limit severely the enforcement of Executive Order No. 11246—prohibiting discrimination by Federal contractors; second, to prohibit the Department from requiring certain types of remedial action by recipients who have been determined to be in violation of title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color, or national origin in federally assisted programs, and title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of sex in federally assisted education programs; and third, to interfere with the ability of the Department to comply with several court orders—such as Adams against Califano—which require the Department to issue and enforce desegregation guidelines which may require the use of timetables and goals.

Mr. Chairman, under Executive Order No. 11246 Federal contractors are required to adopt an affirmative action plan designed to insure that the contractor does not discriminate on the basis of race, sex, et cetera, and is making a reasonable effort to employ minorities and women in proportion to their availability in the labor force. When the contractor fails to meet established standards relating to the employment of such individuals, the affirmative action plan must establish certain timetables and goals to increase the employment of minorities and women. However, I am told by HEW that they would not take any enforcement action against such a contractor to obtain "compliance" with any such timetables or goals; rather, they would take such action only if they determined that the contractor was not making a good-faith effort to meet its timetables and goals.

While the amendment does not precisely address this type of enforcement action, it does speak in terms of prohibiting the Department, for purposes of complying with timetables or goals, from requiring a recipient "to take any action" respecting hiring or promotion policies or practices. As so interpreted, the amendment would significantly restrict the authority of HEW to enforce Executive Order No. 11246.

The amendment also will affect enforcement of title VI and title IX. Where recipients are found to have discriminated in violation of those statutes, remedial action may be necessary to overcome the effects of past discrimination. (See e.g., CFR 86.53(a)).

Mr. Chairman, the case law, at least under title VII of the Civil Rights Act, makes it clear that timetables and goals are an appropriate means of correcting past discrimination. As in the case of the Executive order, I am informed by HEW that they would not attempt to enforce compliance with numerical requirements as such, but would look to the policies and practices of the recipient to determine if a good faith effort was being made to eradicate the effects of past discrimination. Because the proposed amendment is apparently intended to prohibit the Department from requiring such action on the part of recipients, it would to that extent restrict their ability to enforce title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972. I therefore urge the defeat of this amendment.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Chairman, I rise to oppose the Walker amendment. Those of us who have worked throughout the years to fight discrimination in all aspects of our national life will realize that the amendment would virtually destroy the ability of the Department to implement title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972. To say that the Federal Government may not enforce any timetable with respect to ending discrimination is to say in effect that discrimination may go on forever. Let me give just one example: under Executive Order No. 11246, Federal contractors are required to adopt affirmative action plans to insure that the contractor does not discriminate on the basis of race, sex, color, or national origin and that he/she is making a reasonable effort to employ minorities and women in proportion to their availability in the labor force. In prohibiting the Department "to take any action" with respect to hiring practices the amendment would obviously significantly restrict the Department's ability to enforce Executive Order No. 11246.

Mr. Chairman, much the same mischief would be done by this amendment to the Department's efforts to enforce title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972. Passage of this amendment would tell blacks, Hispanics, and other minorities that all of the gains that this Nation has made in overcoming discrimination in the job market, in higher education, and in other areas of our national life is being sacrificed. This House cannot and should not participate in an effort to turn back the clock to an earlier and crueler day. It would be the rankest hypocrisy to trumpet abroad support of human rights while restricting the exercise of constitutional rights here at home. Mr. Chairman, I oppose the Walker amendment.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman for yielding.

As chairman of the Subcommittee on Postsecondary Education of the Committee on Education and Labor, I have consistently opposed quotas and do oppose the concept of quotas. I am alarmed, however, at the discussion of these amendments by the proponents when they talk about quotas. If that is all the amendments were in fact addressed to, I would not be opposed to their adoption.

It is clear to me, however, that all the progress, which, I submit, is limited under title IX, would come to a halt immediately if this amendment is adopted, because in effect the Office of Civil Rights Compliance in the Department of Health, Education, and Welfare would just have to go out of business. They could not even suggest that we follow the U.S. Constitution and do it with any of the funds in this bill.

So, Mr. Chairman, I oppose both the substitute amendment offered by the gentleman from Pennsylvania (Mr. WALKER) and the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on these amendments and all amendments thereto end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MITCHELL of Maryland. Mr. Chairman, I object.

Mrs. CHISHOLM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on these amendments and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. CHISHOLM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLOOD. Mr. Chairman, I move that all debate on these amendments and all amendments thereto end in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. CHISHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I do not ordinarily rise to take up the time of the House. I know that we have debated this issue for quite some time; and I regret very much that the chairman of the subcommittee saw fit to shut off debate on this most important issue, which I believe goes to the heart of our civil rights effort.

Mr. Chairman, while I recognize and respect the right of the individual who offers the substitute amendment to say that he is a firm believer in civil rights and equal opportunity. I am afraid that he has failed to recognize the full impact of the amendment that he has offered. He equates quotas wtih goals and ratios.

Recently, in a commencement speech at the City College of New York, Secretary of HEW Joseph Califano addressed himself to the problem of full minority participation in American education but his remarks are applicable to the broad range of activities which HEW by law must monitor for civil rights violations.

He said:

We cannot rest as a society—and we will not rest as a government—until full minority participation in American education is a fact rather than a dream.

And if we are serious about doing that, we must have a way to measure our progress. I know the danger and potential for injustice that are inherent in any system of rigid arbitrary long term quotas . . . arbitrary quotas will not be part of our enforcement program, we want to rely on the good faith and special effort of all who join in the final march against discrimination.

But we will also rely—because we must rely—on numerical goals as benchmarks of progress . . . Employment goals provide objective benchmarks to measure the progress of affirmative action programs.

Before I conclude, Mr. Chairman, I would like to point out to those who support the concept of equal opportunity but question the tools which are necessary to implement it, that a right without a remedy is no right at all. This amendment would strip HEW of the means to insure that Federal tax dollars, whether for contractors or schools, are not used to discriminate against any of our people.

After long debates, after years of consideration, Congress enacted a series of civil rights acts constructed to guarantee the rights and opportunities of all our people. This amendment is an attempt to undo all that has been done, to completely nullify the efforts and progress of the past decade.

The code word "quotas" should not be the scarecrow or measuring rod of our decision. If our civil rights efforts are to have any meaning, they must be monitored and enforced, they cannot be enforced in a vacuum, this substitute amendment sets us back 25 years. It ignores the glaring realities of the education and employment status of minority and female Americans in 1977. I urge my colleagues to vote against it.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has expired.

(By unanimous consent Mr. OBEY yielded his time to Mrs. CHISHOLM.)

The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman I rise in strong opposition to the amendment offered by Mr. WALKER.

I would hope that Members of this body would recognize that the immediate and singular effect of this amendment would be to undermine all the progress we have made in the past decade in providing equal opportunity to those traditionally locked out of federally supported institutions solely because of their race and sex.

Essentially, Mr. WALKER is suggesting that Congress prohibit the Department of Health, Education, and Welfare from carrying out its mandate to enforce the Civil Rights Act of 1964. All of us know, I think, that we have this fight every year—whenever programs or moneys for programs in HEW come before us for approval and review; and whether the debate is over "affirmative action" or "goals" or "equality of opportunity" or "quotas," the attempt is the same: to undo our Government's commitment to protecting the civil rights of minorities and women.

I do not intend to dwell upon the reasons for our longstanding commitment to the concept of equal opportunity, save to say that the history of our country is ladened with patterns of discrimination which are still being felt and, in many cases, are still in evidence. We need only to look at the statistics—in health care, in educational achievement, in employment—to realize that blacks, hispanic Americans, and women have not yet achieved parity.

Mr. WALKER's amendment is not only designed to seriously undermine the results of the hard-won battles for civil rights and equal opportunity in this country; it is also bad law.

Let us not forget that this is an appropriations amendment, and the gentleman from Pennsylvania is seeking to reverse the carefully deliberated approach of the Federal Government to ending discrimination by cutting off funds. This amendment would not change HEW policy, it would simply prevent that agency from carrying out its obligations to the people of this country.

The amendment would reduce the antidiscrimination rights of women which were finally guaranteed with the passage and approval of the title IX amendments. And it would limit enforcement of those remedies made available and sanctioned by the courts under the Civil Rights Act of 1964.

I think it is important to keep in mind during this debate that the courts of this country have continually and consistently recognized that numerical goals based on race or sex are appropriate and valid ways of addressing the problem of discrimination. The courts have acknowledged that it is simply not enough to say, at this point in time, "all persons should have equal opportunity"; given the fact that discrimination against women and minorities was a matter of national policy and common practice, that in essence racism has been much a part of our history in this country as the Declaration of Independence, the courts and the Congress have repeatedly confirmed that remedial action was necessary to undo and disrupt the devastating effects of discrimination.

Any contention that the existing law encourages "reverse discrimination" must be looked at in the context of the reality of our national situation. Minorities and women are still grossly underrepresented in our educational institutions, in the labor market, in virtually every aspect of American life. And the regulations enforced by HEW merely state that institutions should do all they can to encourage increased participation of these underrepresented groups so that we can balance the scale a bit.

I would like to make one more point with regard to educational institutions and admissions policies, since this is a topic which seems to be of growing concern to many of my colleagues. I often hear the argument that students with lower academic scores are admitted to federally funded institutions over their colleagues who perform better on those tests, and that this in itself constitutes a kind of reverse discrimination. I would like to emphasize, however, that academic achievement as measured on standardized tests has never been the sole criterion for admission to any of our institutions. Students whose families have influence, students with certain athletic abilities, applicants who have professors or counselors with pull at various schools, have a far better chance to get into our schools than others who do not. Academic performance on standardized tests—which in themselves have been shown to be discriminatory—have never been the only measure in determining admissions. Why cannot we, why should we not, include background and heritage in the admissions determination formulas?

I do not believe that the Walker amendment recognized the glaring realities of the education and employment status of women and minorities today. Nor do I believe that any of us want to contribute to legislation which would rescind our past commitment to the civil rights of all Americans. I urge that you vote "No" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I believe that this amendment is too broad because it includes the word "timetables."

Mr. Chairman, I yield to the distinguished gentleman from New Jersey (Mr. RODINO), the chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to the gentleman from Pennsylvania (Mr. WALKER), who offered the amendment as a substitute for the amendment offered by the gentleman from Ohio (Mr. ASHBROOK), that I also have several case law citations on this very issue.

In the New Jersey case of *Joyce* v. *McCrane*, 320 F. Supp. 1284, 1291 (D.N.J. 1970). New Jersey contractors challenged the requirements of affirmative action as applied to federally assisted construction projects in that State. Upholding the legality of the plan, find-

ing that the OFCC program demanded only a search for "goals" and that proof of "good faith efforts" would preclude the imposition of sanctions. The court stated:

Throughout this case the objectors to the implementing plan insist that it sets up "quotas" and is therefore invalid; however, the Plan merely sets up goals for minority employment. Sanctions cannot be imposed under the Plan if the contractors strive to meet these goals and fall short. If good faith is present, no sanctions can be applied, and if necessary a contractor may insist on a hearing as to non-compliance, which hearing is of course subject to judicial review.

Also in *Southern Builders Association* v. *Ogilvie,* 327 F. Supp. 1154 (S.D. Ill. 1971) the court concluded that minimum ratios, based upon race are constitutional and valid when adopted for the purpose of implementing affirmative action to achieve equal employment opportunities.

And in *Gallagher* v. *Carter,* 452 F2d 327 (8th Cir. 1972) the court concluded that a ratio could appropriately be used in this case "without denying the constitutional rights of others by granting an absolute preference."

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE TO THE AMENDMENT OFFERED BY MR. ASHBROOK

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. ASHBROOK: Strike out the words "timetable" and "goal".

Mr. LEVITAS. Mr. Chairman, I ask particularly for the attention of the gentleman from New Jersey (Mr. RODINO) and the gentleman from Michigan (Mr. FORD) in stating that this amendment stresses the words "timetable" and "goal." It simply makes this amendment say that there can be no numerical quota, no ratio. Discrimination is discrimination no matter which way it goes. This simply directs the attention of this committee as saying that there shall be no numerical ratio and no quota.

I believe if we adopt this amendment and then the substitute offered by the gentleman from Pennsylvania (Mr. WALKER) we will be taking a giant step forward toward eliminating discrimination, whatever kind of discrimination, in this country, because discrimination is wrong no matter what form it takes.

PREFERENTIAL MOTION OFFERED BY MR. STEIGER

Mr. STEIGER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. STEIGER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. CONTE. Mr. Chairman, I challenge the gentleman in the well and would ask the gentleman whether he opposes the bill.

Mr. STEIGER. Under the present circumstances, the answer is "Yes."

The CHAIRMAN. The gentleman from Wisconsin is qualified.

Mr. STEIGER. Mr. Chairman, I take this extra 5 minutes, or perhaps 10, because I must say, in all honesty, we are dealing with an issue that is exceedingly complex under the most horrible circumstances.

I wish to say to my friend, the gentleman from Pennsylvania (Mr. FLOOD), that I voted against limiting the debate. I think frankly it is a disgrace that we are going to have to vote on an issue of this sort under this kind of a time constraint.

What we now have is the Ashbrook amendment with the Walker substitute, and the Levitas amendment to the Walker substitute. We are asking 435 Members of this House, most of whom have not been here all of the time, to make some kind of a reasoned judgment on something that strikes at the very heart of the civil rights law of the United States of America.

I think the concept of the gentleman from Pennsylvania (Mr. WALKER) is correct. I do not believe goals are part of title VI or part of title IX, but I become somewhat apprehensive about the use of the words "guidelines and recommendations" in the Walker amendment along with the use of the words "timetable" and "goal" in the Walker substitute amendment.

So what I would like to see, if we can do it with the time that we have left to us, is to try to decide exactly what happens.

I would like to ask the gentleman from New Jersey (Mr. RODINO) and the gentleman from Georgia (Mr. LEVITAS) if they can give me some understanding, particularly the gentleman from Georgia, as to what he intends to do by striking the words "timetable" and "goal" when I put that in context with the words "guidelines" and "recommendations"?

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield, the purpose of my amendment to the Walker substitute, is simply that no numerical quotas can be involved and, beyond that, goals, timetables, affirmative action, can all be implemented. But it is the intent of my amendment to eliminate numerical requirements and quotas.

Mr. STEIGER. Would the gentleman from New Jersey help me to understand where we are at this point?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

I would state that the courts have decided that ratios are constitutional. They may be used as guidelines—the same with timetables and the same with goals. If we equate timetables, ratios, and goals with quotas, there is and can be no affirmative action. If we are saying that we want to eliminate and prohibit quotas, fine. The Secretary of Health, Education, and Welfare has stated emphatically that arbitrary quotas will not be used, and the only affirmative action he will utilize is a timetable or a guideline or a goal in order to be able to determine whether there is compliance in good faith on the part of those who are required to carry out the intent of the law.

Mr. STEIGER. I appreciate the gentleman's comment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think for the distinguished gentleman from New Jersey to refer to the courts as having already made this decision is a little bit premature, since the court has decided to review the Bakke case, and the case that we should be hearing from very, very soon, and which I think is specifically the issue to which my amendment speaks. Also to refer to the position of the Secretary of Health, Education, and Welfare on this as goals rather than quotas, when the Secretary was interviewed recently with regard to his statement on that, he could not make a distinction between goals and quotas. I have that in the New York Times report. He was asked to distinguish between the two, and he said he could not make a distinction between the two.

Mr. RODINO. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

The gentleman has referred to the Bakke case. The current state of the law is what we have to be guided by. What the Supreme Court may do in the Bakke case is quite another issue. I do not profess to be a constitutional expert, but I am stating here and now that we have got to follow the law as it is at this time.

Mr. STEIGER. Mr. Chairman, may I say to the gentleman from New Jersey I do not think that he is fair to himself if he does not claim some understanding of the Constitution. He has done an exceedingly good job as chairman of the Committee on the Judiciary, and I think he is much too modest.

Mr. Chairman, I will support the Levitas amendment, because I think that helps a little bit to clarify where we go, but then I shall be forced under the circumstances, and given the dialog that has taken place, to vote against the Walker amendment, because I think it is not the proper time and place for us to adopt something of this scope under these circumstances without further understanding it. And I will vote against the Ashbrook amendment.

Mr. CONTE. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, the amendment offered by the gentleman from Pennsylvania (Mr. WALKER) would deny millions of Americans their rights to equal and fair treatment, in the workplace, on the Nation's campuses, in their lives.

If the amendment were adopted, we would be telling the people of this country that while all people are created equal, we are powerless to insure that equal treatment.

What sense is there in saying you cannot discriminate, but if you do we will not stop you. Indeed, under the Walker

amendment we cannot even recommend equal treatment for all Americans.

How many men and women today are leading useful and meaningful lives because their Government provided them with an opportunity—an opportunity for an education, an opportunity to apply for a job, an opportunity to be considered for a position? How many individuals are today making tremendous contributions to our society, as doctors, lawyers, scientists, businessmen, educators because they were given that first chance, that opportunity to prove what they could do? And how many of those individuals would today have been burdens on our society rather than its leaders if we had not had the authority to insure them a fair chance?

We have not given anyone a guarantee that he will succeed; we have given millions an opportunity to succeed. We cannot afford to waste those human lives.

We should be proud, as a Congress, of our efforts to provide the Nation's deprived—the aged, the handicapped, the orphaned, the widowed, the child in the ghetto—with the opportunity to lead lives of dignity and self-respect; to learn, to work, to contribute. The amendment introduced by our colleague, Mr. WALKER, would permit cavalier discrimination against these individuals. It would open the door for disregard of the needs and abandonment of the cause of those to whom we have made long-standing commitments.

So many of our lives are representatives of the American people have been dedicated to assisting those people. I urge you to vote against this amendment. It would destroy much of what we have worked for.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman for yielding.

I certainly associate myself with the gentleman's remarks.

The problem with the three amendments is that they do not deal with the real world. The Members are assuming that all of America has embraced your attitude toward equal opportunity, and it has not. Here are documents from the Justice Department that come across our desks every day, showing where black people are still being denied the right to public accommodations, denied the right to public housing, and denied the right to a job. That is the real world.

Here is a document circulated at one of the large contracting association meetings, which spells out point by point how these white prime contractors can avoid utilizing minority contractors and still be in compliance with the law.

That is the real world, and this amendment is going to prevent those who care, as some of the Members do and as I do, from seeing that the law is applied and enforced.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think there is a great deal of merit in the amendment offered by the gentleman from Ohio, in that we do not want through implementing the civil rights law to direct or compel discrimination while undertaking to advance equal rights and opportunities. But I would say this is not the time nor the vehicle for considering the kinds of actions that are offensive and I think counterproductive insofar as providing such equal rights and opportunities are concerned.

I do concur with what the gentleman from Massachusetts has said and concur substantially with what the chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO), has said.

I hope the amendment and the amendments to the amendment will be voted down.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. STEIGER).

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I just want to make clear the issue is here whether we are pro-quota or anti-quota. The goals, quotas, systems, whatever we call them, they are in fact quotas and they are in fact discriminatory.

I can understand fully the need to bring minority people into the job market and to bring the minority people into the educational market. They should be brought in not because of a quota but because they are entitled to be and they are qualified to be there.

If we adopt quotas for them, the time may come when we find we have a double reverse discrimination, and we will find that having set aside some slots for the minorities, when they come along after the slots are filled, they will not be considered no matter how qualified, because the slots are filled.

That is what we will get into if we do not object now.

If Members are against quotas, that is what my amendment does. A vote for the Walker substitute is a vote against quotas.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I rise to speak against both the amendment by the gentleman from Ohio (Mr. ASHBROOK) and the substitute offered by the gentleman from Pennsylvania (Mr. WALKER). The amendment would prohibit HEW from expending any funds under any ruling issued in connection with the enforcement of certain civil rights requirements relating to employment and admissions policies and practices of recipients of Federal funds.

The apparent effects of the amendment would be threefold:

First, it would limit severely the enforcement of Executive Order 11246, which prohibits discrimination by Federal contractors. Under Executive Order 11246, Federal contractors are required to adopt an affirmative action plan designed to insure that the contractor does not discriminate on the basis of race, sex, et cetera, and is making a reasonable effort to employ minorities and women in proportion to their availability in the labor force. Where the contractor fails to meet established standards relating to the employment of such individuals, the affirmative action plan must establish certain timetables and goals to increase the employment of minorities and women. However, HEW does not take any enforcement action against such a contractor to obtain "compliance" with any such timetables or goals. HEW takes such action only if it determines that the contractor has not made a good faith effort to meet its timetables and goals. While the amendment does not precisely address this type of enforcement action, it does speak in terms of prohibiting HEW, for purposes of complying with goals and timetables from requiring a recipient "to take any action" respecting hiring or promotion policies or practices. Broadly interpreted, the amendment would significantly restrict HEW's authority to enforce Executive Order 11246.

Second, the amendment would apparently prohibit HEW from requiring certain types of remedial action by recipients who have been determined to be in violation of either title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs, or title IX of the Education Amendments of 1972 which prohibit discrimination on the basis of sex in federally assisted education programs. Where recipients are found to have discriminated in violation of those statutes, remedial action may be necessary to overcome the effects of past discrimination. The case law under title VII of the Civil Rights Act, makes it clear that goals and timetables are an appropriate means of correcting past discrimination. As in the case of the Executive order, HEW does not attempt to enforce compliance with numerical requirements as such, but looks to the policies and practices of the recipient to determine if a good faith effort has been made to eradicate the effects of past discrimination. Because the proposed amendment is apparently intended to prohibit HEW from requiring such action on the part of recipients, it would, to that extent restrict the ability of HEW to enforce title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972.

Finally, the amendment would interfere with the ability of HEW to comply with several court orders—such as Adams against Califano—which require HEW to issue and enforce desegregation guidelines which may require the use of goals and timetables to correct discrimination against or underutilization of minority and female administrators and teachers.

There is, however, a monstrous myth surrounding the whole antiaffirmative action syndrome and the "reverse discrimination" rhetoric which gives rise to such amendments as that offered by the gentleman from Pennsylvania (Mr. WALKER) and the gentleman from Ohio (Mr. ASHBROOK). The plain facts are these—prohibiting discrimination in admissions in higher education did not and has not increased significantly the participation of minorities in higher educa-

tion, and most certainly not at the professorial level with Ph. D's. If there was so much "reverse discrimination" in the land, there would not be so few minority and female doctors, lawyers, Ph. D's in the physical and biomedical sciences, in mathematics, engineering, and so forth. Black American citizens make up about 1 percent of those annually receiving doctoral degrees.

If affirmative action were so successful, why is it that, 30 years after the Federal Government required nondiscrimination among government contractors, Federal agencies are backlogged with complaints of discrimination; Federal courts regularly order backpay remedies in the millions of dollars, denoting extensive patterns of race and sex discrimination; and the Government spends billions of dollars of the taxpayers' money with employers who do not hire and promote citizens because of their race, sex, national origin, religion or age.

This amendment sets us back 25 years. It ignores the glaring realities of the education and employment status of minority and female Americans in 1977. I urge my colleagues to vote against this amendment.

And, Mr. Chairman, I cite the following cases on the use of goals and timetables in discrimination cases:

Contractors Association of Eastern Pennsylvania v. *Secretary of Labor*, 442 F. ed 159 (3rd Cir. 1971)

The case involved a challenge to the validity of the Philadelphia Plan which was developed under the authority of Executive Order 11246 which required affirmative action by Federal contractors. It affirmed the legality of the plan, the circuit court stated in part:

"Clearly the Philadelphia Plan is color-conscious. Indeed the only meaning which can be attributed to the 'affirmative action' language which since March of 1961 has been included in successive Executive Orders is that Government contractors must be color-conscious. Since 1941 the Executive Order program has recognized that discriminatory practices exclude available minority manpower from the labor pool. In other contexts color-consciousness has been deemed to be an appropriate remedial posture." *Joyce* v. *McCrane*, 320 F. Supp. 1284, 1291 (D. N.J. 1970)

New Jersey contractors challenged the requirements of affirmative action as applied to federally assisted construction projects in that state. Upholding the legality of the plan, finding that the OFCC program demanded only a search for "goals" and that proof of "good faith efforts" would preclude the imposition of sanctions.

Throughout this case the objectors to the implementing plan insist that it sets up 'quotas' and is therefore invalid; however, the Plan merely sets up goals for minority employment. Sanctions cannot be imposed under the Plan if the contractors strive to meet these goals and fall short. If good faith is present, no sanctions can be applied, and if necessary a contractor may insist on a hearing as to non-compliance, which hearing is of course subject to judicial review.

Southern Builders Association v. *Ogilvie*, 327 F. Supp. 1154 (S.D. III. 1971)

An Illinois district court affirmed the legality of a compromise plan devised by the State of Illinois as a solution to a dispute between the U.S. Department of Transportation and local contractors' associations. Under the "Ogilvie Plan", contractors were held to promises of affirmative action including improved recruitment, testing, training, and placement procedures. The court found that where such patterns of past and present discrimination exist, basic self-interests of the individual must be balanced with social interests, and in circumstances where blacks have been discriminated against for years, there is no alternative but to require that certain minorities be taken into consideration with respect to the specific minority percentage of the population in a given area in order to provide a starting point for equal employment opportunities.

Accordingly, the court concluded that "minimum ratios . . . based upon race are constitutional and valid when adopted for the purpose of implementing affirmative action to achieve equal employment opportunities."

McDaniel, Superintendent of Schools, et al. v. *Barresi* et al, 402 U.S. 39 (1971)

The Clarke Country Board of Education, as part of its affirmative duty to disestablish the dual school system, properly took into account the race of its elementary school children in drawing attendance lines. To have done otherwise would have severely hampered the board's ability to deal effectively with the task at hand. School boards that operated dual school systems are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." Green v. County School Board. In this remedial process, steps will almost invariably require that students be assigned "differently because of their race." See Swann v. Charlotte Mecklenburg Board of Education; Youngblood v. Board of Public Instruction. Any other approach would freeze the status of that is the very target of all desegregation processes.

Gallagher v. *Carter*, 452 F. 2d 327 (8th Cir. 1972)

Minority applicants for employment with the Minneapolis Fire Department filed a class action alleging that certain of the department's practices discriminated against them on the basis of race. Concluding that a ratio could appropriately be used in this case "without denying the constitutional rights of others by granting an absolute preference", the court stated:

"To accommodate these conflicting considerations, we think some reasonable ratio for hiring minority persons who can qualify under the revised qualification standards is in order for a limited period of time, or until there is a fair approximation of minority representation consistent with the population mix in the area. Such a procedure does not constitute a 'quota' system because as soon as the trial court's order is fully implemented, all hirings will be on a racially nondiscriminatory basis, and it could well be that many more minority persons or less, as compared to the population at large, over a long period of time would apply and qualify for the positions. However, as a method of presently eliminating the effects of past racial discriminatory practices and in making meaningful in the immediate future the constitutional guarantees against racial discrimination, more than a token representation should be afforded. For these reasons we believe the trial court is possessed of the authority to order the hiring of 20 qualified minority persons, but this should be done without denying the constitutional rights of others by granting an absolute preference." *Id.*, 330–331.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, this document that I have in my hand is the best reason why all three of these amendments are bad. It was a document given out at a majority contractors meeting, titled, "How To Evade Affirmative Action Problems for Minority Contractors," and it spells out the rules how to do this:

Always be courteous.
Always express sympathy for minorities.
Never refuse to do anything.
Promise them anything and then procrastinate like hell.
Never give the slightest inch without a struggle.

Then it pinpoints step by step how to thwart a minority contractor from becoming a part of this economic system.

Now, to the extent and degree that anyone agrees with any three of these pending amendments, they are consorting with those in this country who do not want to see minorities involved in the economic life of this country, who do not want to see any further progress.

Mr. Chairman, it is insane that at this stage of our development an amendment like this or the other two would even be offered on the floor.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. WALKER and Mr. ASHBROOK. This amendment is nothing more than an attempt to undermine the effectiveness of mechanisms being implemented by the Departments of Labor and HEW to achieve various policy objectives related to discrimination. In so doing, Mr. WALKER, in his infinite wisdom, hopes to eliminate what he sees, as the discriminatory hiring, promotion, and admission policies and practices of these agencies. Moreover, he would have us believe that because of quota systems or affirmative action programs the U.S. Government is perpetuating social inequities, which it has attempted to eliminate. Certainly Mr. WALKER realizes on what group in this country the social inequities have fallen. These inequities have fallen disproportionately on the same class of individuals that quotas and affirmative action programs meant to assist.

Quotas and affirmative action programs were never designed to completely eliminate discriminatory practices. But, who would possibly be so naive as to believe that we could address discriminatory practices and policies both publicly and privately without some kind of mechanism. The removal or nonexistence of quotas would represent a severe setback to the minimal gains that have been made by minorities.

I ask Mr. WALKER, if he has also devised any safeguards against the perverse practices of the past and present; maybe we do not need any. A cursory look at his proposal reveals that there are no mechanisms to protect those who cannot protect themselves. Therefore, I must ask, what is the purpose of this amendment? Perhaps Mr. WALKER feels that his proposal is timely and the mood of the country is right. How can it possibly be timely, when the disparity in income and job opportunities as well as the quality of education and health for a vast segment of the population in this country is deplorable.

I find nothing to indicate that quotas have burdened the effectiveness of the democratic process. I would further contend that had the Constitution been adhered to, there would be no need for these agencies or any other entity to use quotas or a similar system to balance the inequities in America. However, this has not been the case. But, the Constitu-

tion was not designed to fail each time American society fails to meet its responsibility. The purpose of quotas is not to discriminate. They are rather a mechanism to enhance the effectiveness of legislation meant to address discrimination. What Mr. WALKER means is that a system of quotas inadvertently discriminates against a certain class of Americans. Those who are not disadvantaged economically and socially.

If in fact, an individual's qualifications for a job or admission to a university were based on his or her having equal accessibility to the ingredients that help to make us equal, Mr. WALKER's proposal would be timely. I must admit emphatically that this is not the case, and until it becomes reality Mr. WALKER and those who are inclined to accept his position are out of line with the mandate of the Congress. The policies of Labor, HEW, and others cannot be implemented on a broad national level without some mechanism that checks discrimination. What frightens me, is the fact that many of the programs that were designed to address the problems of the poor and disadvantaged do not reach all of those they are intended to reach.

Undoubtedly, this is not merely an issue of numbers but a question of depriving those who have been historically deprived. It would be in the best interest of Americans, if all could compete on an equal basis. Yet, America is a country rich with dreams but not fresh with workable proposals to fulfill all of these dreams.

Since, all Americans are not able to compete on an equal basis the rules of the game must be altered where necessary. Thus, a system that guarantees a balance between those who are automatically granted an advantage and those who are not, is in order.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I could not more disagree with some of those who are recounting the history of quotas and affirmative action. Going back to 1964, just like busing in the Congress then and if we study the record, those of us who were here can remember that Congress came out strongly against busing and strongly against quotas.

What happened? We outlawed discrimination and then the bureaucrats came up with affirmative action which was never, never, I repeat, authorized by law or this Congress, hanging on to the 1964 Civil Rights Act.

The third stage was then to have affirmative action by saying that we will withhold funds unless they meet the goals we put in.

The fourth step, we are going through this again with the bureaucrats, without Congress voting on it, for reverse discrimination; so I say that the affirmative action in the 1964 civil rights section is opposite the truth. Like Topsy, it just grew and grew bureaucratically.

Mr. Chairman, I agree with what the chairman of the Committee on the Judiciary said, that the courts have held up the bureaucratic actions, not the actions of this Congress, but bureaucratic actions; that is why I think that my amendment, which never talked about reverse discrimination, is preferable.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD) to close debate.

Mr. FLOOD. Mr. Chairman, I oppose the amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment offered by the gentleman from Pennsylvania (Mr. WALKER) as a substitute for the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment to the amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Pennsylvania (Mr. WALKER) as a substitute for the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment, as amended, offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ROBERT W. DANIEL, JR.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERT W. DANIEL, JR.: On page 40, after line 7, add the following new section:

"None of the funds appropriated or otherwise made available in this title shall be obligated or expended for the Elementary and Secondary School Civil Rights Survey: School Year 1977–78."

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, the amendment which I propose today to H.R. 7555 was originally to have been offered by my distinguished Colleague, Mr. KETCHUM, who has done an enormous amount of work on this subject but was unable to be present today. This amendment seeks to eliminate all funds made available under this bill for the elementary and secondary school civil rights survey for the 1977–78 school year. My colleagues undoubtedly are aware of the inefficiencies that have made such required forms as OS/OR 101 and 102 one of the prime examples of massive government redtape. If any Member is not informed, he needs only to consult the teachers, principles, and superintendents of his own district to quickly find out.

These surveys have been extremely time consuming as well as costly on the Federal, State, and local levels in determining racial, ethnic, and other relevant information regarding classroom composition. In addition the complexity and confusing format of the questionnaires has raised serious doubts as to the validity of the responses once they have reached Washington.

Furthermore there are questions as to whether the information from the fall of 1974 has even been completely analyzed and reported by the Office for Civil Rights. What we are witnessing here is an unwieldy Federal program whose gross inefficiency becomes all the more apparent with time.

By accepting this amendment we will put a halt to these surveys for the upcoming school year and be able to make a clear assessment of the progress made in this area by the Office for Civil Rights. By no means will this measure preclude the necessary information for the Civil Rights Office to enforce compliance. The January–April survey of this year will certainly supply any pertinent data needed.

Mr. Chairman, the question before us is not one of civil rights, but it is one of trimming the excesses of the Federal bureaucracy. Let us not distort the purpose of our objective as we responsively take this necessary and decisive course of action.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Daniel amendment. I have received a number of letters from school administrators in Nebraska concerning these civil rights compliance forms. A recent one was from Mr. Gene Ransdell, assistant to Dr. Jack Elliott, superintendent of the North Platte public schools.

Thereafter, I asked for and received copies of the forms, and they are, indeed, complicated. Mr. Ransdell advised me that these forms require a commitment of so many people and so much time—literally hundreds of hours—to complete, that, in his words:

A number of our local plans and procedures had to be put aside because of this federal form request.

His letter was a plea to the Department of Health, Education, and Welfare for relief from such lengthy reporting requirements.

We all know the financial problems facing our school systems, and the efforts being made to control administrative costs so the schools can perform their basic function, educating our young people.

Here would seem to be an overripe field for the Paperwork Commission to look into. These forms must be reduced in size and complexity. In the meantime, there is absolutely no need for continuous reporting, as required now. The data from the last 3 years is still an undigested stew, from which no conclusions as to compliance or noncompliance can be drawn.

Congress must take steps to remove this enormous paperwork burden from our school systems.

I urge a yea vote on the Daniel amendment.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I think the gentlewoman makes a very valid point. This is not a regional concern. Certainly, school districts should not be subject to such enforcement as to be required to make two surveys each year.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield

to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, I am pleased to rise in support of the Daniel amendment to the annual Labor-HEW appropriation bill for fiscal year 1978. This amendment would prohibit the use of any Federal funds by the Office of Civil Rights in the Department of Health, Education, and Welfare for the purpose of conducting the twice-a-year demographic assessment of school districts at elementary and secondary school levels.

A great proportion of school administrators of all races regard these voluminous, complicated surveys as a complete nuisance, and not worth the effort. According to the National School Boards Association, filling out the required forms—101 and 102—costs around 17 cents a student and requires 810,000 man-hours of work—all for information that is put to no real use.

Accordingly, I believe the gentleman's amendment is most sensible and is in keeping with the effort to reduce paperwork and one that is in the best interests of the Nation's taxpayers as well as the Nation's harassed and overworked school administrators. I urge its adoption.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's part in bringing this matter to the attention of the House. I, too, have heard from many school superintendents, and this is a burdensome procedure. It is my understanding—and I think the gentleman will support me in this—heretofore this has been a biannual survey and now what is proposed to be done is to make this biannual survey an annual survey, for no good reason.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sympathetic indeed with the gentleman's concern. And the committee is concerned. We have heard from school districts all over the country complaining about this problem. During our recent hearings we told HEW in no uncertain terms to simplify these survey forms because of the heavy burden they place upon the school districts. And the HEW people admitted these forms were complicated. We told them to simplify them in the future. The committee report includes very strong language. It directs HEW to simplify these civil rights surveys. I refer the Members to page 95 of that committee report.

Mr. Chairman, I think the committee has gone far enough in dealing with a problem like this. The gentleman's amendment would prohibit civil rights surveys during the school year 1977–78. I think that is going much, much too far. The amendment would adversely affect the enforcement of civil rights legislation. HEW itself would be unable to determine whether or not a school district is in compliance with the civil rights law.

Mr. Chairman, I urge defeat of the amendment.

Mr. BUTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I am sympathetic with the suggestion that this would inhibit enforcement procedures, but I do not think that point is well taken.

In response to my inquiry of the Office of Civil Rights, I asked them what information they had, to send me their most recent survey. We have the fall of 1972. This is the most recent survey in which they put together all of the information they had. I do understand the 1974 compilation has only this month been compiled but is not in a form where we can use it. If we are going to do these surveys every year and it takes 5 years to catch up with it, I wonder if that would impose any problems in enforcing it.

Let me explain what these surveys are and give the reason we are hearing from our local school superintendents. It is because of the burdensome cost to the school boards.

A survey was taken by the National School Boards Association, and having ascertained all the information they could get, they found it cost 17 cents per student to analyze these forms and prepare this information. The material compiled by the National School Boards Association shows that the work that goes into these OCR forms requires a national total of 810,000 man-hours at a cost of $7.5 million a year. It is our localities that are paying these expenses. That is the reason we are hearing from them.

Heretofore they have had biannual surveys. Now, for the first time, they want to make annual surveys, and that is another basis of the protest.

The letter I received said:

> We have just gone through this. We just sent them the information, and it wore us out. It cost us all this money, and now they are going to take the survey again next year, within just 7 months.

Why are they making this complaint? Why are they so upset? Let me read just one of the questions on this form:

> How many pupils were suspended for at least one school day, or expelled from any school in this system during the 1975–76 school year?

I will ask the Members to listen closely to this. This is what it says next:

> Count pupils only once regardless of how many times they were suspended or expelled. Do not count pupils who were only out of school for less than one school day due to suspension. If no figures are available by sex, furnish total by racial/ethnic group. A breakdown by sex will be required in the future.

What will happen when they require a breakdown by sex in the school systems?

This is the sort of question that has them alarmed. These are 10-page forms. Just look at the size of the print. I will warn the Members that they should not come over here and look at this unless they bring a magnifying glass.

There it is. There are the forms that are wearing out our local school systems.

Mr. Chairman, all we are asking is that they should be allowed to do this every other year. They should not be required to do it every year. All we are saying is that they should put this off and make it every 2 years as has been the practice up until now.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the proposed amendment would prohibit HEW from conducting a civil rights survey of federally assisted elementary and secondary school systems. I oppose this amendment because the collection of data on race, national origin, sex, and handicap is essential to enforce the antidiscrimination statutes enacted by Congress.

HEW has been required by Congress to implement title VI of the 1964 Civil Rights Act prohibiting discrimination in programs receiving Federal funding, title IX of the 1972 Education Amendments prohibiting sex discrimination in federally assisted education programs, and the Rehabilitation Act's proscription of discrimination against the handicapped. This amendment, however, would prevent HEW from fulfilling these enforcement responsibilities because of the lack of objective indexes to evaluate civil rights progress.

The data gathered in the elementary and secondary school survey enables HEW to identify possible discriminatory practices and to target its compliance activities to insure effective and efficient enforcement. In addition, the data is used to monitor the implementation of corrective plans designed to remedy discriminatory practices and to maximize the use of limited staff resources.

Supporters of the amendment have contended that the survey is not necessary every year and that a 3-year lag exists between collection and analysis of the data. I must disagree with both these arguments, for HEW has informed me that the yearly data is needed to process 800 to 1,000 applications submitted annually for the elementary school aid assistance program. In addition, the enforcement of section 504 of the 1973 Rehabilitation Act on handicapped discrimination will require additional new data to provide for its implementation, since the regulations were only recently approved. Finally, the Department of Justice relies on the statistics provided by the annual survey in its school desegregation litigation and monitoring of extant court orders.

Each of HEW's civil rights enforcement activities is dependent to a large degree on the elementary and secondary school survey, and its efforts to insure equal opportunity will be drastically curtailed if this amendment is adopted. The 1977 survey and its analysis which is scheduled for release in late fall of this year, will not alone meet HEW's needs for identification of changes and patterns of civil rights activities over time.

The administration has indicated that it strongly opposes this amendment as a fatal blow to civil rights enforcement. I urge my colleagues to join with me to defeat the proposal and reaffirm Congress commitment to equal opportunity for all our people as well as the steps necessary to achieve it.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not use the 5 minutes at my disposal. I just want the Members of this House to remember that on this date, June 17, you have begun a process which is remarkably similar to the process that America employed more than 100 years ago. You have begun the process of establishing a second post-reconstruction period for blacks in this country. That is what you are in the process of doing, and in a strange way I thank you for doing it.

I say that because now I know that all those who slap me on the back and say, "Hi, PARREN," or "Hi, Congressman," do not really care. I know how that that attitude of respect for each other and congeniality that exists in this House on the surface does not really exist because it masks racism.

Mr. Chairman, I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, the amendment to H.R. 7555 that is offered by the gentleman from Virginia (Mr. DANIEL) is a very important step in the right direction, and I am delighted to support it. For only 1 year, it will stop HEW from requiring our school districts to file incredibly elaborate and detailed forms which are neither necessary nor productive.

The civil rights survey forms imposed on our school officials last year come very near to carrying bureaucratic paperwork to its ultimate absurdity. If just a few additional complications are added, our local school administrators will not find time for any duties except answering Federal forms.

The Office for Civil Rights has now collected tons of data from last year's extraordinoary paper avalanche. and I believe those busybodies should have at least a year to analyze what they have collected.

Mr. Chairman, I am sure that many Members of this House are becoming convinced that civil rights enforcement is imposing such heavy burdens on our local school systems that the effort is actually counterproductive. It diverts time, energy, and funds from the business of education. These incredibly complicated and lengthy forms are only part of the problem. Compliance reviews conducted by OCR investigators are another part.

The enforcers come in with an accusatory manner, convinced that something must be wrong and determined to prove it. They are there to make a case: Their jobs depend on making cases.

They collect files, reports, statistics, and and other materials that can be measured in many pounds, forcing local should officials to devote enormous time and energy to satisfying their demands. Somewhere, somehow, in all the forms and charts and things, they find a strained point on which to manufacture a case.

Believe me, I have watched it happen in both the school districts which I represent, and both are now trying to defend themselves against charges unsupported by any evidence that would stand in normal legal proceedings. They are being strangled in an administrative swamp, where Federal officials not only act the role of prosecutors, but also become the judges.

Last January 17, the Office for Civil Rights formally accused the schools of Anne Arundel County, Md., of racial discrimination in the application of discipline, but failed to produce evidence of discrimination in any case that was investigated. In fact, a task force of the Maryland State Board of Education reviewed the same cases and found the county innocent of discrimination.

However, after 3 years of investigation, including extended court litigation to resolve procedural issues, the Federal Office for Civil Rights used statistics to manufacture a case of racial discrimination in the application of discipline.

On April 27, the U.S. Office of Education accused the Prince Georges County school system of denying equality of educational opportunity to language minority students, but failed to produce any evidence to support the charge. At an administrative hearing in which the school system appealed for withdrawal of the charge, the representatives of Prince Georges County were told that the burden was on them to prove their innocence.

The extraordinary labors of local school officials to comply with Federal demands has the final result of placing the local school systems in jeopardy, and the witch-hunters of HEW are very happy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.).

The question was taken; and on a division (demanded by Mr. ROBERT W. DANIEL, JR.) there were—ayes 23, noes 44.

So the amendment was rejected.

Mr. KOCH. Mr. Chairman, in advance of the amending process I would like to express my views on two of the amendments that will be offered by other Members to this bill. The first amendment I would like to address is the Hyde amendment, which now appears as section 209 of the bill and would prohibit the use of funds in the bill for abortions, "except where the life of the mother would be endangered if the fetus were carried to term." For reasons that I will explain shortly I oppose this provision in the bill, and I will oppose other amendments to accomplish this prohibition, if they are offered.

The other amendment that I will oppose is the one to be offered by the gentleman from Pennsylvania (Mr. WALKER), which would prevent the issuance or enforcement of any Federal regulation or order which requires any individual or institution to comply with "any timetable, goal, ratio, or quota related to race, creed, color, national origin, or sex." Although I also oppose the imposition of quotas based on race, creed, color, national origin, or sex, I believe that this amendment goes even further by including "goals" and "timetables" and interferes with reasonable efforts to eliminate discrimination.

First, let me discuss the Hyde amendment.

Included in this bill is the controversial Hyde amendment, which prohibits the use of Federal funds for abortions, except when the life of the mother is endangered. The emotional arguments on both sides of this issue are well known to all, and I believe most Members of this House have already determined how they will vote on this amendment. So I will briefly and succinctly state my own position.

The Supreme Court held in 1973 that within certain limits it was the right of the mother to choose to have an abortion as part of her own constitutional right to privacy, and that this right was protected against abridgement or denial by any form of governmental action. Additionally, a U.S. District Court has found the Hyde amendment itself to be unconstitutional, and I am confident that the Supreme Court will uphold that decision when it considers the case this year. It is my belief that the Hyde amendment violates the equal protection clause of the Constitution because it denies poor women access to a lawful medical procedure which would still be available to the affluent portion of the population.

I believe the decision as to whether or not to have an abortion is a personal decision to be made by each individual depths of the feelings of those who oppose abortions in any form. They, in turn, must respect the position of those who, with equal moral fervor, take a contrary position. It is not for the Federal Government to in effect remove the power to choose what one will do based on one's own morality, as the Hyde amendment does. Therefore, I will oppose the Hyde amendment.

Let me also explain my opposition to the amendment to be offered by the gentleman from Pennsylvania (Mr. WALKER). If this amendment were more carefully drawn so as to forbid quotas for hiring or admissions based on race, color, religion, national origin, or sex by any employer or educational institution, I would support it. But the gentleman goes too far by expressly forbidding the use of "timetables" or "goals" by the Federal Government in its efforts to promote the hiring or admission of minorities. If goals or timetables become euphemisms for numerical quotas then I will oppose them as well. However, if goals and timetables are employed so as

to further the principle of nondiscriminatory techniques for the hiring and admission of minorities of all kinds, then these concepts are acceptable to me.

In order to provide nondiscriminatory admission of minorities, I support the idea that schools may establish preferred admissions for those who are economically and socially disadvantaged. Obviously there would be within such a described category persons of every race, color, religion, national origin, and sex, and numbers of Italians, Ukrainians, Jews, Blacks, and Hispanics—to cite just a partial list of ethnic groups in our polyglot society—would be able to qualify for such preferred admission.

The executive director of the American Jewish Congress, Naomi Levine, recently suggested that instead of employing racial quotas, which she opposes, to determine admissions, schools might properly consider "nonracial factors which may account for relatively poor academic records and test scores of some applicants such as cultural deprivation, poverty, and inadequate early education tion . . ." I find her criteria totally acceptable, nondiscriminatory, and in conformity with the equal protection mandates of the Constitution.

The controversy over quotas is particularly pertinent, because the Supreme Court has agreed to hear a case involving racial quotas imposed at one of the California State medical schools. That case is Bakke against Regents of the University of California, and it involves the complaint of an applicant denied admission to medical school, because preference was given to certain other allegedly less well qualified applicants on the basis of their race. The California Supreme Court in this case held that the special minority admissions program affording preference to certain medical school applicants on the basis of race violated this white applicant's right to equal protection of the laws. If the preference in question amounts to a quota system, establishing numbers of whites and nonwhites to be admitted, then I believe the U.S. Supreme Court will and should be compelled to uphold the California court.

Far from being a result doing injustice to minorities, such a decision will force the Federal Government to require the use of racially neutral means to hire, promote, and educate minorities, recognizing that the American society is unique in that every ethnic group in that society is a minority somewhere in this great country.

In March of this year, Secretary of Health, Education, and Welfare Joseph Califano stated on NBC's Meet the Press that "we have a constitutional, if you will, and moral obligation to encourage and give, if necessary, some preferential treatment to minorities." I disagree. What we have is a constitutional duty to make sure that every individual has an equal opportunity in appying for employment or admission to higher education.

Secretary Califano's subsequent explanation of what he meant does not reassure me that he has rejected the concept of quotas. Two weeks after his March speech, Secretary Califano corrected himself to say he meant "affirmative action" and not "quotas" were necessary to correct racial inbalances in schools or employment. However, in a speech at the City College of New York 10 days ago, the Secretary said "the country must rely on numerical goals in hiring and admissions." In all candor I must say that I do not believe that Secretary Joseph Califano has changed his earlier position. Fortunately, that position was publicly expressed, so that those of us want to make certain that we are not subjected to reverse discrimination could be alerted and denounce it. I believe the Secretary's artful new phrasing is semantic in nature and that we must be certain that he is not permitted to execute the substance of his earlier remarks. Therefore, while I will oppose the Walker amendment because it goes too far, I want this Chamber to know that I am unalterably opposed to reverse discrimination, and I will support efforts to make certain that reverse discrimination is not extended and is ended.

Mr. MOAKLEY. Mr. Chairman, I rise in support of the bill (H.R. 7555) making appropriations for the Departments of Labor and HEW as amended by the motion offered by the gentleman from Ohio (Mr. MOTTL).

While recognizing that the Mottl amendment will do little to alleviate the anguish of my constituents in Boston under court-ordered busing, the overwhelming 225 to 157 vote by which the amendment was adopted is a heartening indication of the determination of Congress on this issue.

The amendment will prohibit the Department of Health, Education, and Welfare from seeking out any new loopholes through which to evade the clear and often-stated opposition of Congress to implementation of busing plans by officials who have never had to face the voters. While I oppose court-ordered busing and have supported every effort by Congress to limit it, I am even more concerned about busing ordered by bureaucrats beyond any direct or indifferent control by the people of this country who oppose busing by the same margin as the Members of the House.

Mr. Chairman, I rise in support of the legitimate concerns of minorities. In every way I can I will work vigorously for equal educational opportunity for all Americans. Certainly I believe I have done so in all of my votes on this bill. In Boston, we have seen the counterproductiveness of court-ordered busing. A GAO audit of the Boston school system demonstrates that more schools are imbalanced today than when busing was ordered.

Our objective must be to provide adequate funding for education, job training, and other programs to address the imbalances of our economic system and to equalize opportunities for all Americans. I believe that the legislation, as amended, does this and I urge its passage.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the bill H.R. 7555, the Labor-HEW Appropriations for fiscal year 1978. Generally, this is a good bill. It includes $3.174 billion for elementary and secondary education programs—over $440 million more than the comparable figure for fiscal year 1977; and $3.738 billion for postsecondary education programs—an increase of $735.4 million over the fiscal year 1977 level.

The bill includes significant increases in student financial assistance programs, and I would like to especially commend the committee for its recommendation that $310.5 million be appropriated for the National Direct Student Loan Program. The committee has also recommended $54.7 million more than was requested for the TRIO programs (Special Programs for the Disadvantaged), $30 million more for Supplemental Educational Opportunity Grants; $30 million more for College Work-Study programs; and $19.8 more for State Student Incentive Grant programs. These are all worthwhile programs and the increases are well justified.

Furthermore, despite these increases, the committee's bill is well within the limits set by the first budget resolution for fiscal year 1978.

However, Mr. Chairman, there is one very serious problem in this bill that I must bring to the attention of my colleagues. The bill now before us does not conform to the mandate of section 1208 of the Higher Education Act—a provision which is commonly known as the "trigger amendment."

The "trigger amendment" was enacted into law less than a year ago, as part of the Education Amendments of 1976. It provides that once appropriations for the four student assistance programs—BEOG, SEOG, NDSL and College Work-Study—reach the level of $2.867 billion, $1 must be spent for one of three institutional programs for every two additional dollars spent on student aid. The institutional programs are title I—Continuing Education and Lifelong Learning—title VII—C–M Construction and Renovation Loans—and title X—Establishment and Expansion of Community Colleges—of the Higher Education Act. The "trigger" remains in effect up to a maximum of $215 million, after which student assistance spending may continue without any further matching requirements.

Unfortunately, the administration has requested that the Congress ignore this law—a law that Congress itself wrote and passed. Despite my efforts to dissuade them, the committee has honored the administration's request, and it has reported out a bill which is not consistent with the law.

The bill now before us includes some $3.317 billion appropriations for student assistance programs—far in excess of the $2.867 billion "trigger" amount; but it includes only $18 million for the trigger programs—some $197 million less than the law specifies.

Mr. Chairman, I strenuously object to what the Committee has done with re-

spect to the "trigger amendment." It is not only disappointing, but it is totally irrational for us to adopt an authorizing law in October and then ignore it the following June. But I wish to emphasize that this issue concerns not merely the question of whether or not certain programs will receive funds. The major significance of this issue is whether this body and the executive branch may simply ignore a law because they do not agree with it.

We have a long-standing tradition in this country of using the democratic process to change laws we don't like instead of ignoring them. It is extremely unfortunate that this administration which pledged itself to restore integrity in the Government has taken the position that it can selectively ignore a provision of existing law simply because it does not happen to fit in very well within the Office of Management and Budget's master plan.

Mr. Chairman, in addition to enacting an appropriations bill which does not conform to the authorizing law, I feel compelled to alert my colleagues to the fact that if we adopt this bill in its present form, we will be appropriating some money which cannot be legally spent.

Although the "trigger amendment" does not specifically require that funds must be appropriated for the three institutional programs, it does prohibit payments from being made for the student assistance programs in excess of the trigger amount, unless the matching funds are appropriated for the institutional programs. I would, therefore, like to put my colleagues on notice that, unless additional funds are appropriated for titles I, VII–C and X, over $400 million in student assistance funds included in this bill cannot be legally spent.

As chairman of the Subcommittee on Postsecondary Education, I have communicated my concern to both the administration and to members of the committee, and I have attempted to work out a solution to this problem. Unfortunately, neither the committee nor the administration has expressed a willingness to work with me.

I shall vote for final passage of H.R. 7555 today, because it includes billions of dollars of vitally needed funds for our domestic programs. However, I do want to register my protest over the way the "trigger amendment" has been ignored and I want to alert my colleagues to the potential problem that will be confronting us at some future date if this problem is not rectified.

Mr. ROYBAL. Mr. Chairman, as a member of the Labor-HEW Appropriations Subcommittee I strongly support the 1978 Labor, Health, Education and Welfare Appropriation bill. This legislation represents a significant commitment to assist our urban and rural communities.

I am very pleased with the committee's positive response to several of my recommendations to build community resource and service capabilities in the areas of health and mental health, aging, education, and employment.

HEALTH PROGRAMS

First of all, the committee agreed to fully fund the community health and migrant health programs by adding a total of $36.4 million over 1977 levels. Further, in its report accompanying the bill it directed the Health Services Administration to develop cooperative service ties between community health centers and other Federal, State, and locally funded programs. This new health partnership would seek an integrated and humanizing care effort in urban and rural underserved areas. The committee's directive expanded on last year's efforts which were devoted to developing a cooperative health approach to such problems as high risk teenage pregnancies and low immunization levels in underserved areas.

I believe that this cooperative principle should be the cornerstone of all federally assisted health service efforts and, at the local level, should involve close communication and working arrangements among health organizations and associations, schools of medicine, public health and nursing, elementary and secondary schools and local providers. Further, this partnership should include provision for community and consumer participation in local health planning, management, and evaluation.

Second, the committee provided increases for preventive health services, especially in the areas of immunization, venereal disease and health education, and called for targeted programs to improve the level of protection among preschool and schoolchildren.

Third, the committee took positive action to expand research in child health and human development and in aging.

Fourth, the committee agreed to strengthen mental health prevention and treatment activities. This commitment encompassed three important initiatives in assisting disadvantaged communities and populations. In the area of research, the committee provided an $8 million increase: (a) to expand mental health on aging—a new program devoted to elderly concerns which was initiated last year as a result of my recommendations; (b) to increase attention to suicide prevention especially among high risk groups; and (c) to support social problems research in such areas as crime and delinquency, minority mental health, metropolitan problems and rape.

In the area of mental health training, the committee directed the National Institute of Mental Health to "place a high priority" to maldistribution problems, including the training of minority manpower. This directive came as a result of current failures to develop a sustained effort to serve disadvantaged populations—such as inner city groups, minorities, elderly, and handicapped—in a culturally sensitive, timely and comprehensive manner. As the committee's report emphasized, the maldistribution of mental health manpower, both geographically and among underserved groups, remains "a matter of serious concern."

In the area of community programs, the committee concurred in my recommendation to add $22.8 million for the establishment of new mental health centers, to improve community services to children and elderly at both new and existing centers, and provide follow-up care for discharged patients.

Fifth, the committee restored funds for the schools of public health and expanded student assistance in the health professions, including programs for the disadvantaged.

Sixth, it required compliance with the requirements of Public Law 43–311 which, among other provisions, called for the improvement of health data for Hispanic Americans.

EDUCATION

Seventh, in the area of education the committee agreed to substantially expand educational services for children by increasing the school library effort, and by adding $450 million for the title I, ESEA program, $150 million for education of the handicapped, $20 million for bilingual education, and $120 million for Head Start.

Title I is the primary Federal program for addressing the educational needs of economically and educationally disadvantaged youth. Since 1968 price inflation has so eroded the service level that the program has suffered a 30-percent decrease in real spending and a 34-percent reduction in participation levels. In response to my recommendation the committee's action will help to reverse this trend and increase the number of children served by the local school districts program from 5.2 to 5.7 million.

For education of the handicapped, the Federal commitment will rise from 5 to 10 percent based on average per pupil cost and help assure that States provide full educational opportunity for all handicapped children.

For bilingual education, the increased funds will support 535 classroom projects, an increase of 55 over last year. The bilingual program is essential in providing equal educational opportunities for children of limited English-speaking ability.

For Head Start, the committee acted on evidence that year-round participation produces significant gains in academic achievement and positive self-image, especially where parent participation is strong. The Head Start program provided a positive impact on the health and nutrition of children and increased family involvement in the community. The committee's action recognized the serious funding problem which permitted only 15 percent of the eligible children to participate.

Eighth, the committee improved funding for student assistance programs including the basic and supplemental opportunity grants, work-study, direct loans, and incentive grants. Also, it acted favorably on the special programs for the disadvantaged—TRIO—adding $54.7 million over the administration's request.

Recent studies have shown that TRIO has a positive impact on student enrollment and retention. For instance, upward bound students were one and one-half times more likely to enter college than students of similar background without TRIO experience, and two times

more likely to stay and finish colleges studies.

PROGRAMS ON AGING

Ninth, the committee strongly supported a series of amendments which I offered designed to strengthen community services for the elderly.

The first recommendation provided an operating level of $250 million for title VII, nutrition programs. The elderly nutrition activity has been a very successful effort with more than 800 local nutrition projects throughout the country providing 400,000 meals daily.

The second recommendation raised the support level for area agencies and social services to $153 million, a $31 million increase over the 1977 level.

The third recommendation provided $16 million for training programs to meet increasing demands in the home health and social service fields in elderly nutrition.

The fourth recommendation adds $20 million for multipurpose senior centers, raising the program level to $40 million.

Under the Older Americans Act, the senior centers are to serve as accessible focal points in communities for the delivery of social services for older persons.

A recent study reported by the Select Committee on Aging revealed that about 7 million elderly persons wanted to use a senior center but had no access to one. While the study was able to identify 5,000 senior centers of various sizes, 75 percent of those centers occupied inadequate facilities—with 25 percent extensively inadequate. Hundreds were operating with potential safety problems for less agile older persons. About 1,800 of the centers were in unrenovated older buildings.

The fifth recommendation provided $8 million to expand the level of home health services for the elderly—a $5 million increase over the 1977 level.

The sixth proposal added 7,600 community service jobs for the elderly, to the previous level of $37,400 established in the Economic Stimulus Appropriations Act. This action provided a funding level of $180.4 million for the title IX program, expanding the jobs level by 20 percent.

The committee also added $3 million to title III model projects, $3.2 million to the volunteer senior companion program under ACTION and $2 million in new funding for the new National Clearinghouse on Aging.

On the basis of these strong commitments to our communities, and the committee's continued support to improve employment opportunities, I urge my colleagues to vote for this landmark legislation.

Mr. WEISS. Mr. Chairman, I would like to take this opportunity to express my support for the provision in H.R. 7555, the Labor-HEW Appropriations bill which concerns $250 million for the elderly nutrition program. This program which is legislated by Title VII of the Older Americans Act provides hot meals at congregate feeding sites to needed senior citizens.

The plight of the elderly in this country is not an easy one. Older Americans are constantly facing increases in the goods and the services which they need for their very survival; not the least among these is food. As a result, thousands of elderly poor are in desperate need of the meals provided by the title VII program. Participants in the program also receive something extra which by the very nature of the program has no cost: that is the vitality which the opportunity to get out into the community and meet with friends offers.

It is my hope that the Federal, State, and local administrators of title VII operate the program in a manner which will insure the greatest participation of our elderly citizens. To accomplish this goal, the Department of Health, Education, and Welfare must allot fiscal year 1978 appropriations as soon as they are available. State administrators for aging programs should obligate their fiscal year 1978 allotments with similar dispatch; local project administrators should use these obligations to provide meals for the elderly as soon as they are able.

Mr. Chairman, title VII funds must be used to the maximum extent possible to relieve the nutrition problems of our older citizens. To achieve this, title VII appropriations must be spent in the year for which they are intended. Any funds which remain unspent at the end of this fiscal year—which I hope will not be the case—should be made available for fiscal year 1978. I would hope, however, that all fiscal year 1978 funds will be spent during that fiscal year. The needs of older Americans for this valuable program are too great for any delay.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to the Walker amendment which says that no funds appropriated in this bill can be used for affirmative action.

The Walker amendment appears to be based upon the Tom Wicker view that a quota is designed to benefit one group at the expense of another; while a goal is designed to benefit particular individuals without displacing others. What kind of double talk is this? Even a word purist would have to conclude that whether you establish an affirmative action goal or quota, implementation of either must by the very nature of the need result in a more equitable distribution of opportunity.

It is no mystery to us in the Congress, nor to the constituents we serve, that there has existed in the past—and continues to exist today—conditions of imbalance and inequality of opportunity and progress for racial and sexual minorities of this country. If we as representatives of the people do not acknowledge our ultimate duty to see, even by remedial measures such as "affirmative action" initiatives, that Americans' opportunities are available to all of its citizens then we will surely be guilty of creating what columnist Wicker in his article "Quotas, Goals, and Justice" terms a "sightless" Constitution, lacking meaning and relevance on the subject of opportunity to a progressive people in a changing world.

To the end of justice—not by design to impugn or punish—and the purpose of progress and equality, we have no choice but to follow through in keeping with the Preamble of our Constitution by working "to form a more perfect Union" and to "secure the Blessings of Liberty" by using the legislative tools at our disposal. The Walker amendment is a defective tool that should be discarded, and I urge my colleagues to join me in voting it down.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the bill.

Mr. FLOOD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill? The Chair hears none.

Are there any amendments to the remainder of the bill?

If there are no further amendments, the Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

PERMISSION TO INSERT COMPARISON TABLE ON H.R. 7555

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a detailed table showing the amounts in H.R. 7555, just passed, for each of the programs funded in the bill, together with appropriate comparisons.

I might add that these amounts are identical to the amounts in the bill as reported from the Committee on Appropriations.

(The detailed table referred to follows:)

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE I—DEPARTMENT OF LABOR					
Employment and Training Administration					
Program administration:					
Planning, evaluation and research	$5,266,000	$5,715,000	$5,715,000	+$449,000	
Comprehensive employment development	38,442,000	49,103,000	49,103,000	+10,661,000	
Trust funds	(2,409,000)	(2,428,000)	(2,428,000)	(+19,000)	
Apprenticeship services	12,989,000	14,146,000	13,856,000	+867,000	−$290,000
U.S. employment service	708,000	708,000	708,000		
Trust funds	(14,738,000)	(15,161,000)	(15,161,000)	(+423,000)	
Unemployment insurance service	1,341,000	1,621,000	1,621,000	+280,000	
Trust funds	(10,037,000)	(11,070,000)	(10,890,000)	(+853,000)	(−180,000)
Investigation and compliance	751,000	870,000	870,000	+119,000	
Trust funds	(1,139,000)	(1,131,000)	(1,131,000)	(−8,000)	
Executive direction and management	16,725,000	19,324,000	18,959,000	+2,234,000	−365,000
Trust funds	(3,911,000)	(4,024,000)	(4,024,000)	(+113,000)	
Subtotal, program administration	108,456,000	125,301,000	124,466,000	+16,010,000	−835,000
Federal funds	76,222,000	91,487,000	90,832,000	+14,610,000	−655,000
Trust funds	(32,234,000)	(33,814,000)	(33,634,000)	(+1,400,000)	(−180,000)
Employment and training assistance (CETA):					
Title I	1,880,000,000	1,880,000,000	1,880,000,000		
Title II (public employment)	1,540,000,000			−1,540,000,000	
Title III:					
National training programs	1,558,360,000	1,135,060,000	301,060,000	−1,257,300,000	−834,000,000
Program support	42,370,000	44,870,000	44,870,000	+2,500,000	
Title IV (Job Corps)	274,100,000	487,100,000	417,000,000	+142,900,000	−70,100,000
Summer youth employment program	595,000,000	525,000,000	595,000,000		+70,000,000
Subtotal, regular program	5,889,830,000	4,072,030,000	3,237,930,000	−2,651,900,000	−834,100,000
Temporary employment assistance (CETA): Title VI	6,847,000,000			6,847,000,000	
Community service employment for older Americans	150,000,000	200,000,000	180,400,000	+30,400,000	−19,600,000
Federal unemployment benefits and allowances:					
Payments to former Federal personnel	440,000,000	560,000,000	560,000,000	+120,000,000	
Trade adjustment assistance	120,000,000	240,000,000	240,000,000	+120,000,000	
Unemployment assistance and payments under other Federal unemployment programs	300,000,000	400,000,000	400,000,000	+100,000,000	
Subtotal, FUBA	860,000,000	1,200,000,000	1,200,000,000	+340,000,000	
Grants to States for unemployment insurance and employment services:					
Unemployment insurance service	(697,000,000)	(754,600,000)	(771,100,000)	(+74,100,000)	(+16,500,000)
Employment services:					
Federal	89,100,000	53,600,000	53,600,000	−35,500,000	
Trust	(475,900,000)	(583,500,000)	(583,500,000)	(+107,600,000)	
Subtotal, employment services	565,000,000	637,100,000	637,100,000	+72,100,000	
Contingency fund	(239,800,000)	(174,400,000)	(174,400,000)	(−55,400,000)	
Subtotal, grants to States	1,501,800,000	1,566,100,000	1,582,600,000	+80,800,000	+16,500,000
Federal funds	89,100,000	53,600,000	53,600,000	−35,500,000	
Trust funds	(1,412,700,000)	(1,512,500,000)	(1,529,000,000)	(+116,300,000)	(+16,500,000)
Advances to unemployment trust fund and other funds	5,000,000,000			−5,000,000,000	
Subtotal, Employment and Training Administration	20,357,086,000	7,163,431,000	6,325,396,000	−14,031,690,000	−838,035,000
Federal funds	18,912,152,000	5,617,117,000	4,762,762,000	−14,149,390,000	−854,355,000
Trust funds	(1,444,934,000)	(1,546,314,000)	(1,562,634,000)	(+117,700,000)	(+16,320,000)
Labor-Management Services Administration					
Salaries and expenses:					
Labor-management relations policy and service	3,208,000	3,518,000	3,280,000	+72,000	−238,000
Labor-management standards enforcement	14,430,000	15,026,000	15,026,000	+596,000	
Veterans reemployment rights	2,682,000	2,772,000	2,772,000	+90,000	
Federal labor-management relations	5,034,000	5,897,000	5,897,000	+863,000	
Employee benefits security	21,841,000	25,309,000	25,309,000	+3,468,000	
Executive direction, management, and support	3,559,000	3,677,000	3,677,000	+118,000	
Subtotal, LMSA	50,754,000	56,199,000	55,961,000	+5,207,000	−238,000
Employment Standards Administration					
Salaries and expenses:					
Improving and protecting wages	43,722,000	47,045,000	47,045,000	+3,323,000	
Elimination of discrimination in employment	15,472,000	16,317,000	16,317,000	+845,000	
Workers' compensation	27,516,000	32,624,000	32,624,000	+5,108,000	
Trust funds	(260,000)	(265,000)	(265,000)	(+5,000)	
Program development and administration	12,282,000	13,294,000	12,794,000	+512,000	−500,000
Subtotal, salaries and expenses	99,252,000	109,545,000	109,045,000	+9,793,000	−500,000
Federal funds	98,992,000	109,280,000	108,780,000	+9,788,000	−500,000
Trust funds	(260,000)	(265,000)	(265,000)	(+5,000)	
Special benefits:					
Federal Employees Compensation Act benefits	307,407,000	292,325,000	292,325,000	−15,082,000	
Disabled coal miners benefits	27,100,000	24,300,000	24,300,000	−2,800,000	
Longshore and harbor workers' benefits	2,442,000	2,735,000	2,735,000	+293,000	
Subtotal, special benefits	336,949,000	319,360,000	319,360,000	−17,589,000	
Subtotal, ESA	436,201,000	428,905,000	428,405,000	−7,796,000	−500,000
Federal funds	435,941,000	428,640,000	428,140,000	−7,801,000	−500,000
Trust funds	(260,000)	(265,000)	(265,000)	(+5,000)	

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE I—DEPARTMENT OF LABOR—Continued					
Occupational Safety and Health Administration					
Salaries and expenses:					
Safety and health standards	$8,338,000	$8,692,000	$8,692,000	+$354,000	
Compliance:					
Federal inspections	57,616,000	59,151,000	59,151,000	+1,535,000	
State programs	35,605,000	35,605,000	35,605,000		
Education, consultation, and information	18,897,000	19,902,000	21,902,000	+3,005,000	+$2,000,000
Safety and health statistics	6,206,000	6,301,000	6,301,000	+95,000	
Executive direction and administration	3,671,000	4,989,000	4,989,000	+1,318,000	
Subtotal, OSHA	130,333,000	134,640,000	136,640,000	+6,307,000	+2,000,000
Bureau of Labor Statistics					
Salaries and expenses:					
Labor force statistics	27,878,000	32,314,000	33,314,000	+5,436,000	+1,000,000
Prices and cost of living	15,310,000	21,943,000	17,768,000	+2,458,000	−4,175,000
Wages and industrial relations	11,573,000	12,441,000	12,180,000	+607,000	−261,000
Productivity and technology	2,789,000	3,010,000	2,937,000	+148,000	−73,000
Economic growth	694,000	731,000	731,000	+37,000	
Executive direction and staff services	10,157,000	10,327,000	10,327,000	+170,000	
Revision of the Consumer Price Index	7,216,000	3,600,000	3,600,000	−3,616,000	
Subtotal, Bureau of Labor Statistics	75,617,000	84,366,000	80,857,000	+5,240,000	−3,509,000
Departmental Management					
Salaries and expenses:					
Executive direction	10,983,000	9,836,000	9,697,000	−1,286,000	−139,000
Legal services	19,616,000	22,435,000	22,048,000	+2,432,000	−387,000
Trust funds	(177,000)	(177,000)	(177,000)		
International labor affairs	5,093,000	5,899,000	5,899,000	+806,000	
Administration and management	14,516,000	17,489,000	16,810,000	+2,294,000	−679,000
Trust funds	(315,000)	(1,065,000)	(1,065,000)	(+750,000)	
Adjudication	282,000	4,371,000	4,371,000	+4,089,000	
Trust funds	(820,000)	(320,000)	(320,000)	(−500,000)	
Promoting employment of the handicapped	1,446,000	1,432,000	1,432,100	−14,000	
Subtotal, salaries and expenses	53,248,000	63,024,000	61,819,000	+8,571,000	−1,205,000
Federal funds	51,936,000	61,462,000	60,257,000	+8,321,000	−1,205,000
Trust funds	(1,312,000)	(1,562,000)	(1,562,000)	(+250,000)	
Special foreign currency program	70,000	70,000	70,000		
Subtotal, departmental management	53,318,000	63,094,000	61,889,000	+8,571,000	−1,205,000
Federal funds	52,006,000	61,532,000	60,327,000	+8,321,000	−1,205,000
Trust funds	(1,312,000)	(1,562,000)	(1,562,000)	(+250,000)	
Total, Labor Department	21,103,309,000	7,930,635,000	7,089,148,000	−14,014,161,000	−841,487,000
Federal funds	19,656,803,000	6,382,494,000	5,524,687,000	−14,132,116,000	−857,807,000
Trust funds	(1,446,506,000)	(1,548,141,000)	(1,564,461,000)	(+117,955,000)	(+16,320,000)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION AND WELFARE					
Health Services Administration					
Community health services:					
Community health centers	215,148,000	229,148,000	247,000,000	+31,852,000	+17,852,000
Comprehensive health grants to States	90,000,000	90,000,000	90,000,000		
Maternal and child health:					
Grants to States	315,000,000	315,000,000	315,000,000		
Sudden infant death information dissemination	1,716,000	1,716,000	1,716,000		
Research and training	28,708,000	28,708,000	28,708,000		
Subtotal, maternal and child health	345,424,000	345,424,000	345,424,000		
Family planning	113,615,000	123,615,000	123,615,000	+10,000,000	
Migrant health	30,000,000	30,000,000	34,500,000	+4,500,000	+4,500,000
National Health Service Corps	25,381,000	37,599,000	42,599,000	+17,218,000	+5,000,000
Hemophilia treatment centers	3,000,000	3,000,000	3,000,000		
Hypertension	9,000,000	9,000,000	10,000,000	+1,000,000	+1,000,000
Home health services	3,000,000	3,000,000	8,000,000	+5,000,000	+5,000,000
Program support	22,894,000	23,886,000	24,790,500	+1,896,500	+904,500
Subtotal, community health	857,462,000	894,672,000	928,928,500	+71,466,500	+34,256,500
Quality assurance:					
Medical care standards	4,215,000	5,665,000	5,665,000	+1,450,000	
Professional standards review organizations	61,125,000	72,234,000	72,234,000	+11,109,000	
Program support	1,212,000	1,348,000	1,348,000	+136,000	
Subtotal, quality assurance	66,552,000	79,247,000	79,247,000	+12,695,000	
Health care services and systems:					
Patient care and spec. health services:					
Hospitals and clinics	130,818,000	135,511,000	135,511,000	+4,693,000	
Federal employee health	629,000	641,000	641,000	+12,000	
Payment to Hawaii	1,200,000	1,200,000	1,200,000		
Subtotal	132,647,000	137,352,000	137,352,000	+4,705,000	
Health maintenance organizations	18,100,000	18,100,000	21,100,000	+3,000,000	+3,000,000
Emergency medical services	40,125,000	33,625,000	39,625,000	−500,000	+6,000,000
Program support	9,466,000	9,779,000	9,779,000	+313,000	
Subtotal, health care systems	200,338,000	198,856,000	207,856,000	+7,518,000	+9,000,000
Program management	5,700,000	6,474,000	6,474,000	+774,000	
Less: Trust fund transfer	−40,121,000	−34,934,000	−34,934,000	+5,187,000	
Subtotal, health services	1,089,931,000	1,144,315,000	1,187,571,500	+97,640,500	+43,256,500

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE II—DEPARTMENT OF HEALTH, EDUCATION AND WELFARE—Continued					
Center for Disease Control					
Disease control:					
Project grants:					
Venereal disease	$25,000,000	$18,000,000	$27,000,000	+$2,000,000	+$9,000,000
Immunization	17,000,000	19,000,000	22,000,000	+5,000,000	+3,000,000
Rat control	13,000,000	13,000,000	13,000,000		
Lead-based paint poisoning prevention	8,500,000	8,500,000	8,500,000		
Disease surveillance	54,100,000	53,607,000	55,107,000	+1,007,000	+1,500,000
Laboratory improvements	15,803,000	15,490,000	17,490,000	+1,687,000	+2,000,000
Health education	4,564,000	7,064,000	7,064,000	+2,500,000	
Occupational health:					
Grants	8,500,000	4,900,000	10,900,000	+2,400,000	+6,000,000
Direct operations	42,269,000	44,277,000	45,277,000	+3,008,000	+1,000,000
Program management	3,037,000	3,088,000	3,088,000	+51,000	
Subtotal, preventive health	191,773,000	186,926,000	209,426,000	+17,653,000	+22,500,000
National Institutes of Health					
National Cancer Institute	814,936,000	818,936,000	831,936,000	+17,000,000	+13,000,000
National Heart, Lung and Blood Institute	396,661,000	403,642,000	432,642,000	+35,981,000	+29,000,000
National Institute of Dental Research	55,573,000	57,981,000	58,981,000	+3,408,000	+1,000,000
National Institute of Arthritis, Metabolism, and Digestive Diseases	219,600,000	216,961,000	237,461,000	+17,861,000	+20,500,000
National Institute of Neurological and Communicative Disorders and Stroke	155,500,000	161,461,000	175,000,000	+19,500,000	+13,539,000
National Institute of Allergy and Infectious Diseases	141,000,000	153,442,000	157,042,000	+16,042,000	+3,600,000
National Institute of General Medical Sciences	205,000,000	219,896,000	225,396,000	+20,396,000	+5,500,000
National Institute of Child Health and Human Development	145,543,000	155,761,000	162,761,000	+17,218,000	+7,000,000
National Institute on Aging	30,000,000	34,500,000	39,000,000	+9,000,000	+4,500,000
National Eye Institute	64,000,000	64,981,000	85,000,000	+21,000,000	+20,019,000
National Institute of Environmental Health Sciences	51,141,000	58,100,000	63,600,000	+12,459,000	+5,500,000
Research resources	137,500,000	102,074,000	144,947,000	+7,447,000	+42,873,000
John E. Fogarty International Center	7,992,000	8,369,000	8,369,000	+377,000	
Subtotal, biomedical research	2,424,446,000	2,456,104,000	2,622,135,000	+197,689,000	+166,031,000
National Library of Medicine	35,234,000	36,746,000	36,746,000	+1,512,000	
Office of the Director	16,934,000	17,871,000	17,871,000	+937,000	
Buildings and facilities	67,400,000	65,650,000	65,650,000	−1,750,000	
Total, National Institutes of Health	2,544,014,000	2,576,371,000	2,742,402,000	+198,388,000	+166,031,000
Alcohol, Drug Abuse and Mental Health Administration					
General mental health:					
Research	108,908,000	106,908,000	116,908,000	+8,000,000	+10,000,000
Training	86,600,000	86,600,000	86,600,000		
Community programs:					
Planning	1,000,000			−1,000,000	
Operations:					
1st year	17,967,000		22,775,000	+4,808,000	+22,775,000
Continuation:					
Grants initiated under new law	29,851,000	53,340,000	53,340,000	+23,489,000	
Converted staffing grants	49,914,000	104,754,000	104,754,000	+54,840,000	
Conversion	20,000,000	9,372,000	19,372,000	−628,000	+10,000,000
Consultation and education	8,000,000	8,245,000	8,245,000	+245,000	
Financial distress	7,000,000	4,988,000	4,988,000	−2,012,000	
Continuations under old law:					
Staffing	79,806,000	38,247,000	38,247,000	−41,559,000	
Child mental health	18,786,000	13,900,000	13,900,000	−4,886,000	
Subtotal, community programs	232,324,000	232,846,000	265,621,000	+33,297,000	+32,775,000
Program support	28,502,000	27,695,000	27,695,000	−807,000	
Subtotal, mental health	456,334,000	454,049,000	496,824,000	+40,490,000	+42,775,000
Drug abuse:					
Research	34,000,000	34,000,000	34,000,000		
Training	10,000,000	10,000,000	10,000,000		
Community programs:					
Project grants and contracts	160,000,000	161,500,000	161,500,000	+1,500,000	
Grants to States	40,000,000	40,000,000	40,000,000		
Program support	16,686,000	16,572,000	16,572,000	−114,000	
Subtotal, drug abuse	260,686,000	262,072,000	262,072,000	+1,386,000	
Alcoholism:					
Research	14,808,000	13,179,000	16,179,000	+1,371,000	+3,000,000
Training	7,200,000	7,200,000	7,200,000		
Community programs:					
Project grants and contracts	73,008,000	68,719,000	75,008,000	+2,000,000	+6,289,000
Grants to States	56,800,000	55,500,000	56,800,000		+1,300,000
Program support	9,538,000	9,468,000	9,468,000	−70,000	
Subtotal, alcoholism	161,354,000	154,066,000	164,655,000	+3,301,000	+10,589,000
Buildings and facilities		350,000	350,000	+350,000	
Program management	7,197,000	7,119,000	7,119,000	−78,000	
Subtotal, alcohol, drug abuse and mental health	885,571,000	877,656,000	931,020,000	+45,449,000	+53,364,000
Saint Elizabeths Hospital	64,514,000	68,746,000	68,746,000	+4,232,000	
Construction and renovation (SEH)		810,000	2,010,000	+2,010,000	+1,200,000
Subtotal, ADAMHA	950,085,000	947,212,000	1,001,776,000	+51,691,000	+54,564,000
Health Resources Administration					
National health statistics	29,349,000	34,778,000	35,278,000	+5,929,000	+500,000
Health planning and resources development:					
Health planning	130,000,000	125,000,000	140,000,000	+10,000,000	+15,000,000
Special medical facilities	9,000,000			−9,000,000	
Program support	11,921,000	11,924,000	11,924,000	+3,000	
Subtotal, planning and resources	150,921,000	136,924,000	151,924,000	+1,003,000	+15,000,000

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued					
Health Resources Administration—Continued					
Health services research	$30,134,000	$30,442,000	$33,542,000	+$3,408,000	+$3,100,000
Health manpower:					
Health professions institutional assistance:					
Capitation grants	125,000,000	114,500,000	144,000,000	+19,000,000	+29,500,000
(MOD)	(101,100,000)	(114,500,000)	(120,100,000)	(+19,000,000)	(+5,600,000)
(VOPP)	(18,000,000)		(18,000,000)		(+18,000,000)
(Public Health)	(5,900,000)		(5,900,000)		(+5,900,000)
Health teaching facilities	26,000,000		5,000,000	−21,000,000	+5,000,000
Health professions student assistance:					
Loans	24,000,000		10,000,000	−14,000,000	+10,000,000
Loan repayments	2,000,000	1,500,000	1,500,000	−500,000	
National health service scholarships	40,000,000	40,000,000	55,000,000	+15,000,000	+15,000,000
Scholarships	1,000,000			−1,000,000	
Exceptional need scholarships		5,000,000	5,000,000	+5,000,000	
Shortage area scholarships	400,000			−400,000	
Subtotal, student assistance	67,400,000	46,500,000	71,500,000	+4,100,000	+25,000,000
Health professions special educational assistance:					
Family medical residencies and training	39,000,000	45,000,000	45,000,000	+6,000,000	
Primary care residencies and training	15,000,000	15,000,000	15,000,000		
Project grants—VOPP	5,350,000			−5,350,000	
Physicians/dental extenders	10,500,000	11,100,000	11,100,000	+600,000	
Area health education centers	14,000,000	15,500,000	17,000,000	+3,000,000	+1,500,000
Disadvantaged assistance	10,000,000	8,000,000	14,500,000	+4,500,000	+6,500,000
Foreign medical graduates	1,000,000	2,000,000	2,000,000	+1,000,000	
Manpower initiatives	10,000,000			−10,000,000	
Project grants (MOD)	14,850,000			−14,850,000	
Emergency medical training	6,000,000		6,000,000		+6,000,000
National Advisory Committee on Graduate Medical Education	1,000,000	1,000,000	1,000,000		
Health profession startup	3,325,000	1,000,000	1,000,000	−2,325,000	
Financial distress	3,500,000	2,000,000	2,000,000	−1,500,000	
Supply and distribution reports	1,000,000	2,000,000	2,000,000	+1,000,000	
Subtotal, special programs	134,525,000	102,600,000	116,600,000	−17,925,000	+14,000,000
Dental health education	8,000,000	2,100,000	4,000,000	−4,000,000	+1,900,000
Nursing institutional assistance:					
Capitation grants	40,000,000		32,000,000	−8,000,000	+32,000,000
Advanced nurse training	9,000,000		10,000,000	+1,000,000	+10,000,000
Nurse practitioner training	9,000,000	9,000,000	13,000,000	+4,000,000	+4,000,000
Special projects	15,000,000	6,000,000	15,000,000		+9,000,000
Subtotal	73,000,000	15,000,000	70,000,000	−3,000,000	+55,000,000
Nursing student assistance:					
Loans	22,500,000		20,000,000	−2,500,000	+20,000,000
Scholarships	6,500,000	9,000,000	9,000,000	+2,500,000	
Traineeships	13,000,000		13,000,000		+13,000,000
Loan repayment	3,000,000		1,500,000	−1,500,000	+1,500,000
Fellowships	1,000,000		1,000,000		+1,000,000
Subtotal	46,000,000	9,000,000	44,500,000	−1,500,000	+35,500,000
Nursing research	5,000,000		5,000,000		+5,000,000
Subtotal, nursing programs	124,000,000	24,000,000	119,500,000	−4,500,000	+95,500,000
District of Columbia Medical and Dental	8,900,000			−8,900,000	
Allied health (institutional)	24,000,000	8,000,000	20,000,000	−4,000,000	+12,000,000
Public Health:					
Special projects and health administration	5,500,000	5,000,000	5,000,000	−500,000	
Public health traineeships	9,120,000		7,000,000	−2,120,000	+7,000,000
Health administration graduate programs		3,000,000	3,000,000	+3,000,000	
Health administration traineeships			1,000,000	+1,000,000	+1,000,000
Subtotal, public health	14,620,000	8,000,000	16,000,000	+1,380,000	+8,000,000
Health teaching facility interest subsidies		2,000,000	2,000,000	+2,000,000	
Program support	22,577,000	23,020,000	23,020,000	+443,000	
Subtotal, health manpower	555,023,000	330,720,000	521,620,000	−33,403,000	+190,900,000
Program management	10,947,000	11,755,000	11,755,000	+808,000	
Subtotal, health resources	776,374,000	544,619,000	754,119,000	−22,255,000	+209,500,000
Payments of sales insufficiencies	4,000,000	2,592,000	2,592,000	−1,408,000	
Medical facilities guarantee and loan fund	31,000,000	41,000,000	41,000,000	+10,000,000	
Subtotal, Health Resources Administration	811,374,000	588,211,000	797,711,000	−13,663,000	+209,500,000
Assistant Secretary for Health					
Salaries and expenses	23,177,000	23,178,000	23,178,000	+1,000	
Retirement pay and medical benefit for commissioned officers	52,352,000	56,948,000	56,948,000	+4,596,000	
Scientific activities overseas	1,400,000	11,387,000	11,387,000	+9,887,000	
Subtotal, Assistant Secretary for Health	77,029,000	91,513,000	91,513,000	+14,484,000	
Subtotal, health	5,664,206,000	5,534,548,000	6,030,399,500	+366,193,500	+495,851,500
Education Division					
Office of Education					
Elementary and Secondary Education					
Grants for disadvantaged children (title I)	2,285,000,000	2,635,000,000	2,735,000,000	+450,000,000	+100,000,000
Support and innovation grants	194,000,000	194,000,000	194,000,000		

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL— Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE II—DEPARTMENT OF HEALTH, EDUCATION AND WELFARE—Continued					
Education Division—Continued					
Office of Education—Continued					
Elementary and Secondary Education—Continued					
Bilingual education:					
Grants to school districts	$74,300,000	$81,000,000	$81,000,000	+$6,700,000	
Training grants	29,700,000	36,975,000	36,975,000	+7,275,000	
Materials	7,000,000	10,000,000	10,000,000	+3,000,000	
Grants to State agencies	3,900,000	4,375,000	4,375,000	+475,000	
Advisory council	100,000	150,000	150,000	+50,000	
Information clearinghouse	167,000	500,000	500,000	+333,000	
Model replication and studies		2,000,000	2,000,000	+2,000,000	
Subtotal, bilingual education	115,167,000	135,000,000	135,000,000	+19,833,000	
Right to Read	26,000,000	26,000,000	27,000,000	+1,000,000	+$1,000,000
Follow Through	59,000,000	59,000,000	59,000,000		
Drug abuse education	2,000,000	2,000,000	2,000,000		
Environmental education	3,500,000	3,500,000	3,500,000		
Educational broadcasting facilities	15,000,000	15,000,000	15,000,000		
Ellender fellowships	750,000	750,000	750,000		
Ethnic heritage studies	2,300,000	2,300,000	2,300,000		
State equalization grants	10,500,000			−10,500,000	
Indochinese refugee assistance	18,500,000			−18,500,000	
Subtotal, elementary and secondary education	2,731,717,000	3,072,550,000	3,173,550,000	+441,833,000	+101,000,000
School Assistance in Federally Affected Areas					
Maintenance and operations:					
Payments for "A" children	271,600,000	295,700,000	295,700,000	+24,100,000	
Payments for "B" children	341,550,000		375,000,000	+33,450,000	+375,000,000
Special provisions	15,350,000	16,600,000	16,600,000	+1,250,000	
Payments to other Federal agencies	52,500,000	57,700,000	57,700,000	+5,200,000	
Savings provisions	87,000,000		25,000,000	−62,000,000	+25,000,000
Subtotal	768,000,000	370,000,000	770,000,000	+2,000,000	+400,000,000
Construction	25,000,000	25,000,000	30,000,000	+5,000,000	+5,000,000
Subtotal	793,000,000	395,000,000	800,000,000	+7,000,000	+405,000,000
EMERGENCY SCHOOL AID					
National competition projects:					
Bilingual education projects	8,600,000	8,600,000	8,600,000		
Educational television	6,450,000	6,450,000	6,450,000		
Special programs and projects	45,750,000	50,750,000	48,250,000	+2,500,000	−2,500,000
Evaluation	2,150,000	2,150,000	2,150,000		
Magnet schools	7,500,000	5,000,000	7,500,000		+2,500,000
State apportioned projects:					
Pilot programs	32,250,000	32,250,000	32,250,000		
Grants to nonprofit organizations	17,200,000	17,200,000	17,200,000		
General grants to school districts	137,600,000	137,600,000	137,600,000		
Subtotal, emergency school aid (direct)	257,500,000	260,000,000	260,000,000	+2,500,000	
Civil rights advisory services	34,700,000	34,700,000	34,700,000		
Subtotal, emergency school aid	292,200,000	294,700,000	294,700,000	+2,500,000	
Education for the Handicapped					
State assistance:					
State grant program	315,000,000	365,000,000	465,000,000	+150,000,000	+100,000,000
Deaf-blind centers	16,000,000	16,000,000	16,000,000		
Preschool incentive grants	12,500,000	12,500,000	12,500,000		
Subtotal, State assistance	343,500,000	393,500,000	493,500,000	+150,000,000	+100,000,000
Special population programs:					
Severely handicapped projects	5,000,000	5,000,000	5,000,000		
Specific learning disabilities	9,000,000	9,000,000	9,000,000		
Early childhood projects	22,000,000	22,000,000	22,000,000		
Subtotal, special population programs	36,000,000	36,000,000	36,000,000		
Regional vocational, adult, and postsecondary programs	2,000,000	2,000,000	2,000,000		
Innovation and development	11,000,000	11,000,000	11,000,000		
Media and resource services:					
Media services and captioned films	19,000,000	19,000,000	19,000,000		
Regional resource centers	9,750,000	9,750,000	9,750,000		
Recruitment and information	1,000,000	1,000,000	1,000,000		
Subtotal, media and resource services	29,750,000	29,750,000	29,750,000		
Special education manpower development	45,375,000	45,375,000	45,375,000		
Special studies	1,735,000	2,300,000	2,300,000	+565,000	
Subtotal, education for the handicapped	469,360,000	519,925,000	619,925,000	+150,565,000	+100,000,000
Occupational, Vocational, and Adult Education					
Vocational education grants, academic year 1976–77	(451,246,000)			(−451,246,000)	
Vocational education (1977–78 academic year versus 1978–79 academic year):					
Grants to States for vocational education:					
Basic vocation education program	412,719,000	393,719,000	430,640,000	+17,921,000	+36,921,000
Program improvement supportive services	103,180,000	98,430,000	107,500,000	+4,320,000	+9,070,000
Programs for students with special needs	20,000,000	20,000,000	20,000,000		
Consumer and homemaking education	40,994,000	40,994,000	40,994,000		
State advisory councils	5,066,000	5,066,000	5,066,000		
Subtotal, staff grants	581,959,000	558,209,000	604,200,000	+22,241,000	+45,991,000
Programs of national significance	27,153,000	25,903,000	28,000,000	+847,000	+2,097,000
Bilingual vocational training	2,800,000	2,800,000	2,800,000		
Subtotal, vocational education 1978–79	611,912,000	586,912,000	635,000,000	+23,088,000	+48,088,000
Adult education	90,750,000	80,500,000	90,750,000		+10,250,000
Subtotal, occupational, vocational, and adult education	1,153,908,000	667,412,000	725,750,000	−428,158,000	+58,338,000

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued					
Higher Education					
Student assistance:					
Basic educational opportunity grants	$1,903,900,000	$2,316,000,000	$2,300,000,000	+$396,100,000	−$16,000,000
Supplemental educational opportunity grants	250,093,000	240,093,000	270,093,000	+20,000,000	+30,000,000
Work-study	390,000,000	390,000,000	420,000,000	+30,000,000	+30,000,000
Direct loans:					
Federal capital contributions	310,500,000		310,500,000		+310,500,000
Loans to institutions	800,000		1,000,000	+200,000	+1,000,000
Teacher cancellations	11,920,000	15,160,000	15,160,000	+3,240,000	
Incentive grants for State scholarships	60,000,000	44,000,000	63,750,000	+3,750,000	+19,750,000
Subtotal, student assistance	2,927,213,000	3,005,253,000	3,380,503,000	+453,290,000	+375,250,000
Special programs for the disadvantaged	85,000,000	70,331,000	125,000,000	+40,000,000	+54,669,000
Educational information centers			5,000,000	+5,000,000	+5,000,000
Minorities in the professions		4,000,000	3,250,000	+3,250,000	−750,000
Institutional assistance:					
Strengthening developing institutions	110,000,000	120,000,000	120,000,000	+10,000,000	
Language training and area studies	17,650,000	16,300,000	18,000,000	+350,000	+1,700,000
University community services	14,125,000	12,125,000	18,000,000	+3,875,000	+5,875,000
Aid to land-grant colleges	11,500,000	11,500,000	11,500,000		
State postsecondary education commissions	3,500,000	3,500,000	3,500,000		
Veterans cost of instruction	23,750,000	23,750,000	23,750,000		
Cooperative education	12,250,000	10,750,000	15,000,000	+2,750,000	+4,250,000
Construction—Annual interest grants		4,000,000	4,000,000	+4,000,000	
Subtotal, institutional assistance	192,775,000	201,925,000	213,750,000	+20,975,000	+11,825,000
Personnel development:					
College teacher fellowships	100,000			−100,000	
Local training for disadvantaged (CLEO)	750,000		1,000,000	+250,000	+1,000,000
Public service fellowships	4,000,000	4,000,000	4,000,000		
Mining fellowships	4,500,000	3,000,000	4,500,000		+1,500,000
Law school clinical experience			1,000,000	+1,000,000	+1,000,000
Subtotal, personnel development	9,350,000	7,000,000	10,500,000	+1,150,000	+3,500,000
Subtotal, higher education	3,214,338,000	3,288,509,000	3,738,003,000	+523,665,000	+449,494,000
Library Resources					
Public libraries	68,237,000	60,237,000	60,237,000		
School libraries and instructional resources	154,330,000	154,330,000	160,000,000	+5,670,000	+5,670,000
College library resources	9,975,000	9,975,000	9,975,000		
Research libraries			3,000,000	+3,000,000	+3,000,000
Training and demonstration	3,000,000	1,500,000	3,000,000		+1,500,000
Undergraduate instructional equipment	7,500,000	7,500,000	7,500,000		
Guidance, counseling and testing	3,000,000		3,000,000		+3,000,000
Subtotal, library resources	238,042,000	233,542,000	246,712,000	+8,670,000	+13,170,000
Special Projects and Training					
Special projects:					
Metric education projects	2,090,000	2,090,000	2,090,000		
Gifted and talented children	2,560,000	2,560,000	2,560,000		
Community schools	3,553,000	3,553,000	3,553,000		
Career education	10,135,000	10,135,000	10,135,000		
Consumer education	3,135,000	3,135,000	3,135,000		
Women's educational equity	7,270,000	8,085,000	8,085,000	+815,000	
Arts in education program	1,750,000	1,750,000	2,000,000	+250,000	+250,000
Packaging and field testing	10,000,000	10,000,000	10,000,000		
Educational TV programming	7,000,000	7,000,000	5,000,000	−2,000,000	−2,000,000
Subtotal	47,493,000	48,308,000	46,558,000	−935,000	−1,750,000
Educational personnel training:					
Teacher centers		5,000,000	5,000,000	+5,000,000	
Teacher Corps	37,500,000	37,500,000	37,500,000		
Planning and evaluation	7,085,000	7,200,000	7,085,000		−115,000
General program dissemination	500,000	500,000		−500,000	−500,000
Information clearinghouse	333,000	400,000	400,000	+67,000	
Subtotal, special projects and training	92,911,000	98,908,000	96,543,000	+3,632,000	−2,365,000
Guaranteed student loan program:					
Interest subsidies	325,000,000	121,781,000	121,781,000	−203,219,000	
Student loan insurance fund	32,312,000	133,943,000	133,943,000	+101,631,000	
Contingency borrowing authority (SLIF)		25,000,000	25,000,000	+25,000,000	
Subtotal, guaranteed student loan program	357,312,000	280,724,000	280,724,000	−76,588,000	
Higher education facilities loan and insurance fund	2,119,000	1,847,000	1,847,000	−272,000	
Education activities overseas: Special foreign currency program	2,000,000	2,000,000	2,000,000		
Salaries and expenses:					
Advisory committees	2,281,000	2,041,000	2,261,000	−20,000	+220,000
Program administration	112,976,000	127,018,000	123,128,000	+10,152,000	−3,890,000
Subtotal, salaries and expenses	115,257,000	129,059,000	125,389,000	+10,132,000	−3,670,000
Subtotal, Office of Education	9,462,164,000	8,984,176,000	10,105,143,000	+642,979,000	+1,120,967,000
National Institute of Education					
Research and development	58,300,000	96,000,000	76,600,000	+18,300,000	−19,400,000
Program administration	12,085,000	13,000,000	13,000,000	+915,000	
Subtotal, National Institute of Education	70,385,000	109,000,000	89,600,000	+19,215,000	−19,400,000

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
Assistant Secretary for Education					
Improvement of postsecondary education	$11,500,000	$14,500,000	$12,500,000	+$1,000,000	−$2,000,000
Salaries and expenses	9,062,000	10,159,000	9,939,000	+877,000	−220,000
National Center for Educational Statistics	13,120,000	15,940,000	14,940,000	+1,820,000	−1,000,000
Subtotal, Assistant Secretary for Education	33,682,000	40,599,000	37,379,000	+3,697,000	−3,220,000
Subtotal, Education Division	9,566,231,000	9,133,775,000	10,232,122,000	+665,891,000	+1,098,347,000
Social and Rehabilitation Service					
Public assistance:					
Maintenance assistance	6,306,430,000	6,605,800,000	6,585,800,000	+279,370,000	−20,000,000
Medical assistance	10,229,318,000	11,816,000,000	11,464,400,000	+1,235,082,000	−351,600,000
Social services	2,576,589,000	2,401,300,000	2,401,300,000	−175,289,000	
State and local training	79,860,000	75,000,000	75,000,000	−4,860,000	
Child welfare services	56,500,000	56,500,000	56,500,000		
Research	9,200,000	9,200,000	9,200,000		
Training projects	8,150,000		8,150,000		+8,150,000
Subtotal	19,266,047,000	20,963,800,000	20,600,350,000	+1,334,303,000	−363,450,000
Work incentives:					
Grants to States	356,995,000	351,995,000	351,995,000	−5,000,000	
Program direction	13,005,000	13,005,000	13,005,000		
Subtotal	370,000,000	365,000,000	365,000,000	−5,000,000	
Cuban refugee program	82,000,000	67,700,000	67,700,000	−14,300,000	
Special assistance to refugees from Cambodia, Vietnam, and Laos in the United States	50,000,000			−50,000,000	
Program administration	65,751,000	74,535,000	73,000,000	+7,249,000	−1,535,000
Subtotal	19,833,798,000	21,471,035,000	21,106,050,000	+1,272,252,000	−364,985,000
Social Security Administration					
Federal Funds					
Payments to the social security trust fund:					
Federal payments for supplementary medical insurance	5,053,000,000	6,383,000,000	6,383,000,000	+1,330,000,000	
Hospital insurance for the uninsured	803,000,000	687,941,000	687,941,000	−115,059,000	
Military service credits	622,000,000	656,000,000	656,000,000	+34,000,000	
Special payments for certain uninsured persons	235,902,000	228,203,000	228,203,000	−7,699,000	
Subtotal, payments to social security trust fund	6,713,902,000	7,955,144,000	7,955,144,000	+1,241,242,000	
(Subtotal, health function 550)	(5,997,000,000)	(7,213,941,000)	(7,213,941,000)	(+1,216,941,000)	
(Subtotal, income maintenance function 600)	(716,902,000)	(741,203,000)	(741,203,000)	(+24,301,000)	
Special benefits for disabled coal miners:					
Benefit payments	947,865,000	958,000,000	958,000,000	+10,135,000	
Administration	14,100,000	9,623,000	9,623,000	−4,477,000	
Subtotal, special benefits	961,965,000	967,623,000	967,623,000	+5,658,000	
Supplemental security income program:					
Benefit payments	5,230,000,000	5,000,000,000	5,000,000,000	−230,000,000	
State supplementation payments	55,000,000	45,000,000	45,000,000	−10,000,000	
Vocational rehabilitation services	52,770,000	75,180,000	75,180,000	+22,410,000	
Administration	500,352,000	542,958,000	542,958,000	+42,606,000	
Federal fiscal liability	57,000,000	86,862,000	86,862,000	+29,862,000	
Subtotal	5,895,122,000	5,750,000,000	5,750,000,000	−145,122,000	
Limitation on salaries and expenses	(2,597,655,000)	(2,685,951,000)	(2,685,951,000)	(+88,296,000)	
Limitations on construction	(14,400,000)	(14,600,000)	(14,600,000)	(+200,000)	
Subtotal, Social Security Administration	16,183,044,000	17,373,318,000	17,373,318,000	+1,190,274,000	
Federal funds	13,570,989,000	14,672,767,000	14,672,767,000	+1,101,778,000	
Trust fund limitation	(2,612,055,000)	(2,700,551,000)	(2,700,551,000)	(+88,496,000)	
Special Institutions					
American Printing House for the Blind	3,012,000	3,498,000	3,498,000	+486,000	
National Technical Institute for the Deaf: Academic program	12,675,000	14,630,000	14,630,000	+1,955,000	
Gallaudet College:					
Academic program	15,610,000	17,510,000	17,510,000	+1,900,000	
Model Secondary School for the Deaf	7,343,000	8,343,000	8,343,000	+1,000,000	
Kendall Demonstration Elementary School	3,270,000	3,907,000	3,907,000	+637,000	
Construction	15,575,000	16,216,000	16,216,000	+641,000	
Subtotal, Gallaudet College	41,798,000	45,976,000	45,976,000	+4,178,000	
Howard University:					
Academic program	63,487,000	73,087,000	73,087,000	+9,600,000	
Howard University Hospital	22,106,000	22,106,000	22,106,000		
Construction	2,500,000	3,925,000	3,925,000	+1,425,000	
Subtotal, Howard University	88,093,000	99,118,000	99,118,000	+11,025,000	
Subtotal, special institutions	145,578,000	163,222,000	163,222,000	+17,644,000	
Assistant Secretary for Human Development					
Child development:					
Head Start	475,000,000	485,000,000	595,000,000	+120,000,000	+110,000,000
Research, demonstration, and evaluation	14,700,000	16,700,000	14,700,000		−2,000,000
Child abuse	18,928,000	18,928,000	18,928,000		
Subtotal, child development	508,628,000	520,628,000	628,628,000	+120,000,000	+108,000,000
Youth development	9,000,000	9,000,000	9,000,000		

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued					
Assistant Secretary for Human Development—Continued					
Aging programs:					
Community services (title III):					
State agency activities	$17,000,000	$17,000,000	$18,000,000	+$1,000,000	+$1,000,000
Area planning and social services	122,000,000	122,000,000	153,000,000	+31,000,000	+31,000,000
Model projects	14,700,000	12,000,000	15,000,000	+300,000	+3,001,000
Subtotal, community services	153,700,000	151,000,000	186,000,000	+32,300,000	+35,000,000
Nutrition (title VII)	203,525,000	225,000,000	250,000,000	+46,475,000	+25,000,000
Research, demonstration, and manpower (title IV):					
Research	8,500,000	7,000,000	8,500,000		+1,500,000
Training	14,200,000	14,200,000	16,000,000	+1,800,000	+1,800,000
Multidisciplinary centers on gerontology	3,800,000	3,800,000	3,800,000		
Subtotal, research development, and manpower	26,500,000	25,000,000	28,300,000	+1,800,000	+3,300,000
Federal Council on Aging	575,000	450,000	450,000	−125,000	
Multipurpose Senior Center (title V)	20,000,000	20,000,000	40,000,000	+20,000,000	+20,000,000
National clearinghouse		2,000,000	2,000,000	+2,000,000	
Subtotal, aging programs	404,300,000	423,450,000	506,750,000	+102,450,000	+83,300,000
Rehabilitation service and facilities:					
Basic State grants	740,309,000	760,472,050	760,472,050	+20,163,050	
Service projects:					
Innovation and expansion	18,000,000	18,000,000	18,000,000		
Deaf-blind Center	2,100,000	2,500,000	2,500,000	+400,000	
Special projects	17,150,000	14,327,950	19,328,000	+2,178,000	+5,000,050
Training and facilities grants:					
Training services	5,000,000	5,000,000	5,000,000		
Facility improvements	2,400,000	2,400,000	2,400,000		
Subtotal, service projects	44,650,000	42,227,950	47,228,000	+2,578,000	+5,000,050
Research	29,000,000	29,000,000	30,000,000	+1,000,000	+1,000,000
Training	30,500,000	20,000,000	30,50,000		+10,500,000
Subtotal	844,459,000	851,700,000	868,200,050	+23,741,050	+16,500,050
Grants for the developmentally disabled:					
State grants	33,058,000	33,058,000	33,058,000		
Service grants	19,617,000	19,567,000	19,567,000	−50,000	
University affiliated facilities	5,250,000	5,500,000	6,500,000	+1,250,000	+1,000,000
Subtotal	57,925,000	58,125,000	59,125,000	+1,200,000	+1,000,000
Special programs for native Americans	33,000,000	33,000,000	33,000,000		
White House Conference on Handicapped Individuals	1,436,000			−1,436,000	
White House Conference on Families		3,000,000			−3,000,000
Salaries and expenses	49,449,000	51,875,000	51,875,000	+2,426,000	
Less: Trust fund transfer	−600,000	−600,000	−600,000		
Subtotal, human development	1,907,597,000	1,950,178,000	2,155,978,050	+248,381,050	+205,800,050
Departmental Management					
Office for Civil Rights	29,770,000	36,061,000	33,821,000	+4,051,000	−2,240,000
Less: Trust fund transfer	−919,000	−514,000	−514,000	+405,000	
Subtotal, Office of Civil Rights, Federal funds	28,851,000	35,547,000	33,307,000	+4,456,000	−2,240,000
General department management:					
Department direction	45,026,000	51,810,000	49,260,000	+4,234,000	−2,550,000
Department operations	38,703,000	42,646,000	42,196,000	+3,493,000	−450,000
Less: Trust fund transfer	−9,443,000	−9,579,000	−9,579,000	−136,000	
Subtotal, general department management	74,286,000	84,877,000	81,877,000	+7,591,000	−3,000,000
Office of the Inspector General	27,453,000	29,633,000	29,633,000	+2,180,000	
Less: Trust fund transfer	−3,905,000	−4,290,000	−4,290,000	−385,000	
Subtotal, Inspector General, Federal funds	23,548,000	25,343,000	25,343,000	+1,795,000	
Policy research	20,000,000	22,400,000	40,000,000	+20,000,000	+17,600,000
Subtotal, departmental management	146,685,000	168,167,000	180,527,000	+33,842,000	+12,360,000
Total, health, education, and welfare	53,502,127,000	55,844,160,000	57,291,533,550	+3,789,406,550	+1,447,373,550
Federal Funds	50,835,084,000	53,093,692,000	54,541,065,550	+3,705,981,550	+1,447,373,550
Trust Funds	(2,667,043,000)	(2,750,468,000)	(2,750,468,000)	(+83,425,000)	
TITLE III—RELATED AGENCIES					
ACTION (domestic programs):					
Volunteers in Service to America (VISTA)	23,000,000	25,350,000	25,350,000	+2,350,000	
Service learning programs	5,500,000	5,500,000	5,500,000		
Older Americans volunteer programs:					
Foster Grandparents program	34,000,000	34,900,000	34,900,000	+900,000	
Senior Companion program	3,800,000	6,600,000	7,000,000	+3,200,000	+400,000
Retired Senior Volunteer program	19,000,000	20,100,000	20,100,000	+1,100,000	
Subtotal, older volunteers	56,800,000	61,600,000	62,000,000	+5,200,000	+400,000
Special volunteer programs	2,500,000	2,500,000	2,500,000		
Program support	21,310,000	21,910,000	21,910,000	+600,000	
Subtotal, ACTION	109,110,000	116,860,000	117,260,000	+8,150,000	+400,000
Community Services Administration:					
Research and demonstration	5,000,000		6,000,000	+1,000,000	+6,000,000

H.R. 7555—FISCAL YEAR 1978 DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL—Continued

	Fiscal year 1977 comparable appropriations	Fiscal year 1978 budget estimate	Fiscal year 1978 House bill	House compared to 1977	House compared to budget estimates
Community action operations:					
Local initiative	$330,000,000	$330,000,000	$363,000,000	+$33,000,000	+$33,000,000
Senior opportunities and service	10,000,000	10,000,000	10,000,000		
State economic opportunity offices	12,000,000	12,000,000	12,000,000		
Community food and nutrition	27,500,000	27,500,000	27,500,000		
Emergency energy conservation services	110,000,000		45,000,000	−65,000,000	+45,000,000
Crisis intervention program (energy)	200,000,000			−200,000,000	
National youth sports program	6,000,000		6,000,000		+6,000,000
Summer youth recreation and transportation	17,000,000		17,000,000		+17,000,000
Training and technical assistance		1,000,000	1,000,000	+1,000,000	
Migrant program	1,000,000		1,000,000		+1,000,000
Subtotal, community action	713,500,000	380,500,000	482,500,000	−231,000,000	+102,000,000
Community economic development	48,170,000	30,000,000	48,170,000		+18,170,000
Evaluation		1,000,000	1,000,000	+1,000,000	
Program administration	27,883,000	31,0000,000	30,183,000	+2,300,000	−817,000
Subtotal, Community Services Administration	794,553,000	442,500,000	567,853,000	−226,700,000	+125,353,000
Corporation for Public Broadcasting	103,000,000			−103,000,000	
Advance 1978	107,150,000			−107,150,000	
Advance 1979	120,200,000			−120,200,000	
Advance 1980		120,200,000	145,000,000	+145,000,000	+24,800,000
Subtotal, Corporation for Public Broadcasting	330,350,000	120,200,000	145,000,000	−185,350,000	+24,800,000
Federal Mediation and Conciliation Service	21,177,000	21,932,000	21,932,000	+755,000	
National Commission on Libraries and Information Science	4,007,575	563,000	563,000	−3,444,575	
National Labor Relations Board	80,908,000	88,520,000	88,520,000	+7,612,000	
National Mediation Board	3,660,000	3,703,000	3,703,000	+43,000	
Occupational Safety and Health Review Commission	6,607,000	7,150,000	7,150,000	+543,000	
Railroad Retirement Board:					
Payment to railroad retirement trust funds	250,000,000	250,000,000	250,000,000		
Regional rail transportation protective account	65,000,000	50,000,000	50,000,000	−15,000,000	
Limitation on salaries and expenses	(33,723,000)	(33,282,000)	(33,282,000)	(−441,000)	
Soldier's and Airmen's Home (trust fund appropriation): Operation and maintenance	16,099,000	16,356,000	16,356,000	+257,000	
Subtotal, related agencies	1,715,194,575	1,151,066,000	1,301,619,000	−413,575,575	+150,553,000
Federal funds	1,681,471,575	1,117,784,000	1,268,337,000	−413,134,575	+150,553,000
Trust funds	(33,723,000)	(33,282,000)	(33,282,000)	(−441,000)	
Final total, Labor-HEW	76,320,630,575	64,925,861,000	65,682,300,550	−10,638,330,025	+756,439,550
Federal funds	72,173,358,575	60,593,970,000	61,334,089,550	−10,839,269,025	+740,119,550
Limitation on trust fund transfers	(4,147,272,000)	(4,331,891,000)	(4,348,211,000)	(+200,939,000)	(+16,320,000)

GENERAL LEAVE

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately prior to the vote on the so-called Hyde amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to inquire as to the program for next week and the balance of this week if the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT) is in a position to inform the House.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, in response to the inquiry of the gentleman from Arizona, let me state that on Monday the House will meet at 12 o'clock noon. There will be no suspensions, but we will call the Consent Calendar. The principal item of business for Monday will be H.R. 7558, the Agriculture appropriations for fiscal 1978.

On Tuesday the House will again meet at noon. We will call the Private Calendar, but we have no bills at this time on the Suspension Calendar. We will take up H.R. 7589, Military Construction Appropriations Act for fiscal year 1978; and we would hope to come to H.R. 6666 to complete our consideration of the Legal Services Corporation Act amendments.

On Wednesday the House will meet at 10 a.m. The principal business will be H.R. 7797, the Foreign Assistance Appropriations Act, for fiscal year 1978, subject to a rule being granted.

On Thursday we will meet again at 10 o'clock a.m. and will consider H.R. 5023, the Indian claims statute of limitation provisions under an open rule providing for 1 hour of general debate, and H.R. 7010, compensation for victims of crime, also under a 1-hour open rule.

On Friday the House will meet at 10 o'clock a.m. and take up the Defense appropriations for fiscal year 1978. It is quite possible, of course, that we may not conclude consideration of that bill on Friday since we will be adjourning at 3:00 p.m.; but we will get as far as we can.

The House will adjourn by 3 o'clock p.m. on Friday, and by 5:30 o'clock p.m. on all other days except Wednesday, and of course we would have the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. RHODES. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday next the House may dispense with Calendar Wednesday business.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 20, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FAA IGNORES INTENT OF CONGRESS TO ESTABLISH SYSTEM OF AUTOMATED FLIGHT SERVICE STATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 10 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, on June 9, 1977, I introduced legislation, H.R. 7699, to require the establishment of a system of automated flight service stations. As I stated when I introduced the bill, the Federal Aviation Administration—FAA—has ignored the previously expressed intent of Congress to move on this program, and it is essential that we get some action without further delay.

The present sorry state of the flight service station system operated by FAA is a matter of serious concern to all of us who are in any way involved in aviation. It has become evident during recent years that the existing system is grossly

outmoded and unduly labor intensive. With aviation activity growing by leaps and bounds each year, the flight service station system simply cannot keep pace in its present configuration.

Despite its many shortcomings, however, I do want to salute those who man the system—FAA's flight service specialists—for their outstanding performance of duty—often under trying circumstances. Although their equipment is not up to modern standards, they perform yeoman service for airmen in all parts of the country.

One can only imagine the benefits to aviation which a modern automated system would provide; but one knowledgeable observer, Prof. William E. Marlatt, of Colorado State University, Fort Collins, Colo., in a recent letter to several Members of Congress, outlined his perceptions of the prospective advantages which presently available technology would afford—not only to aviation, but to the agricultural community, as well.

Mr. Speaker, I commend the letter from Professor Marlatt to the attention of my colleagues. The safety implications of moving to a new technology flight service station system are enormous, and I hope the Federal Aviation Administration will get on with the job with dispatch.

The letter from Professor Marlatt follows:

COLORADO STATE UNIVERSITY,
Fort Collins, Colo., May 11, 1977.

Hon. JOHN PAUL HAMMERSCHMIDT,
Congressman of Arkansas, Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN HAMMERSCHMIDT: I am writing you at the request of Mr. Henry Pflanz, Minority Counsel to the Subcommittee on Aviation of the House Committee on Public Works and Transportation to brief you on several recent developments in the field of agricultural weather services which have been made possible in part as a result of new technology developed by the Federal Aviation Agency and which may in turn have a major impact on the field of general aviation.

It is commonly accepted that weather and climate have a major impact upon the well-being of our nation. As our society becomes more complex and technologically oriented, our dependence upon the environment and particularly upon the atmospehric environment becomes more critical. In fact, according to a recently released CIA report, weather and climate may become the controlling factor in the next several decades in the political and economic stability of the nation and perhaps the world.

It is in the field of agriculture that the need for more detailed, precise weather information tailored to farming activities is most sorely needed. To meet the food, feed and fiber requirements of a rapidly growing world population, American agriculture has become extremely technologically sophisticated—and expensive. Results of many studies have shown that, given sufficient weather information on a timely basis a farmer can make decisions which are radically improved and which have economic ramifications of literally billions of dollars. It is not that the weather information needed for these farm decisions is not available. The amount of meteorological data collected is staggering; over 100 million entries from the U.S. surface and upper air network are recorded annually. High resolution pictures of clouds are received for all areas of the United States hourly from Synchronous Meteorological Satellites. Radar coverage is now nearly complete. The problem is instead, one of timely, effective communication of the weather information tailored to the farmers' activities.

The National Weather Service, which has a specific responsibility to provide general information, severe weather watches and warnings to the public as a whole, simply cannot provide the specialized weather information needs of the agricultural community.

The American farmer and the airline pilot have several areas in common. The average airline pilot is responsible for the safety and well-being of approximately 50 persons per day. The average farmer has the responsibility for feeding approximately 50 persons each day. After a careful briefing by a trained meteorologist, a pilot can decide whether he should fly higher, lower, change routes altogether, delay or cancel his flight. The farmer's decisions are more limited in that he can only hurry or delay his operations—and his most current weather information is often available only from a radio disc jockey.

Over the past few years, the Federal Aviation Agency, which provides weather as well as flight briefing services to general aviation, has had great difficulty in providing these services to a rapidly increasing number of private pilots. One way in which the agency is responding to this is by developing new mini-computer based technology for automatic acquisition and storage of weather and notices to airmen. The system currently being tested (known as AWANS) is proving to be very useful. Tests on the AWANS system are presently underway at Atlanta, Georgia and Leesburg, Virginia.

In December 1975, under NASA sponsorship, Colorado State University began a planning study to determine a methodology for providing current weather information to agriculture. In this study it was found that a modified AWANS system including satellite imagery, radar overlays and specialized weather maps transmitted to farm operators over educational television could effectively provide the type of weather information needed for decision-making on all facets of farming activity, even down to the individual farm level. Project NOWCAST, in which specialized agricultural weather information will be broadcast hourly on ETV, is expected to be demonstrated in Mississippi beginning in 1979.

Since the NOWCAST broadcast will include high resolution satellite imagery of cloud cover, it is believed that this feature may also be of major usefulness to private aviation. Several companies are currently manufacturing small television sets suitable for operation in small aircraft. Thus, a pilot of a private aircraft without onboard radar can obtain inflight information on the cloud patterns along the route of flight, at least while flying across the State of Mississippi. When and if NOWCAST agricultural weather briefing service becomes operational nationwide, this could be a major improvement in providing weather services to the entire field of general aviation.

I commend the House Subcommittee on Aviation in taking the leadership in developing the AWANS technology for the Federal Aviation Agency. The spinoff of this technology will, I believe, be one of the most important developments in agricultural weather services over the next several decades.

Sincerely,

WILLIAM E. MARLATT,
Professor.

LEGISLATION TO REFORM ADMINISTRATIVE RULEMAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, most Members of Congress recognize that their constituents are concerned about the ability of Government to perform the necessary tasks that have been set for it. Indeed, complaints about Government delay, waste and unresponsiveness pour into our offices every day. No matter how familiar the complaints may become, there is one thing about them that cannot fail to escape notice: they come from virtually every stratum and sector of our society, from the rich as well as the poor, from the old as well as the young, from the rural resident as well as the city dweller. It is a simple fact that most Americans are not satisfied with the performance of Government. They believe that it could work better and they expect that something will be done to make it work better. Such beliefs and expectations present us with a fundamental challenge: what will we do to increase the competence of Government? Before we can take corrective steps we must first understand why there is a problem.

No one will deny that the new regulatory mechanisms for pollution control, industrial safety and health, consumer product quality and the like have been major causes of Government's poor showing. Although they were established with laudable ends in mind, their mandates were too sweeping and their methods were too untried. These mechanisms have begun to generate a backlash of resentment against redtape and bureaucratic control on at least two levels. First, individuals, businesses and institutions of all kinds are straining under the weight of thousands of new regulations. Second, and just as important, the Government officials who make the regulations are not directly accountable to anyone for their actions. These are two areas, then, where corrective measures are needed. Let us consider each of these areas in turn.

The recent growth of regulatory activity in the United States has been striking. Although there is really no good way to quantify this growth, a few facts are sufficient to indicate a trend. Even as late as the middle 1950's there were only four sectors of the economy in which the Government had a major regulatory responsibility. Those sectors were antitrust, financial institutions, transportation and communications. By 1976, however, there were 77 agencies engaged in regulating some aspect of private activity. Nearly 50 of those agencies had been created since 1960 and all but 10 had been created since 1930. In 1975 alone some 10,000 new regulations appeared, adding to the 60,000 pages of regulations already in existence at that time. The budgets of regulatory agencies have risen proportionately. Budgets soared from $1.3 billion in fiscal year 1972 to $3.0 billion in fiscal year 1976. The latter figure constituted nearly one percent of total Federal outlays for that year. If such a rate of growth were to continue, the regulatory burden could become intolerable within a few years.

The unaccountability of Government officials who make the burdensome administrative rules poses just as great a

threat to our society. It is not costly in itself, but it does contravene the principle of the consent of the governed, the very cornerstone of our representative democracy. In our system of government, the principle of the consent of the governed is embodied first and foremost in Congress, a forum of representatives who are freely chosen to stand in the people's stead and, thus having the people's consent, are obliged to cast votes on legislation and make law. The idea behind this scheme of things is as simple to understand as it is precious to freedom-loving men: only those who have the people's consent can say what behavior will be legally permitted or forbidden. That administrative rules undermine this idea is not difficult to see. An administrative rule is like a law in one respect and unlike it in another. Like a law, it prescribes norms of behavior and attaches sanctions to transgressions. Violators of an administrative rule can often be fined or imprisoned. Unlike a law, however, an administrative rule is not made by elected representatives. Rather, it is promulgated by unaccountable civil servants who are remote from and unknown to the people. Nations in which administrative rules hold sway are technocracies, not democracies.

It is apparent that something must be done to check the unprecedented growth of the regulatory establishment. At the same time, it is clear that steps must be taken to make regulators, at least in their capacity as makers of administrative rules, more accountable for their actions. Although many legislative proposals have been put forward over the years to accomplish these ends, for some time now I have favored the congressional veto of administrative rules. In brief terms, proposals for a congressional veto typically require an executive agency to submit rules promulgated in accordance with enabling statutes to either or both Houses of Congress or to one or more congressional committees before the rules become effective. The rules become effective after a specified period of time unless Congress disapproves them by its action. If congressional action on the rules demands the attention of both Houses, the veto is "two-House." If it demands the attention of a single House, the veto is "one-House." If it only demands the attention of one or more committees, the veto is "by committee." In addition to the veto of rules, it is frequently proposed that rules not to the liking of Congress be remanded to the promulgating agency for reconsideration and eventual resubmission to Congress.

The congressional veto is not a new device. It was first employed—incidentally, in its "one-house" form—in the Legislative Appropriation Act of 1932, a bill which granted to President Herbert Hoover the authority to reorganize the executive branch. In fact, when the President submitted his reorganization order it was disapproved by the House of Representatives and did not take effect. Besides its—now traditional—employment in the area of executive reorganization, the veto has been drafted into legislation restricting administrative action with respect to petroleum allocation, access to Presidential materials, campaign reform practices and education standards. Furthermore, its role in the critical War Powers Act and the important Congressional Budget and Impoundment Control Act should not be overlooked. In all, there are presently on the statute books 51 laws one or more of whose provisions allow for a congressional veto in one form or another. Even its staunchest opponents will have to concede the veto some small utility.

As it relates specifically to administrative rules, the veto has received much attention recently. During the 94th Congress the House of Representatives debated several pieces of legislation allowing for such limited use of the veto. Indeed, the Committee of the Judiciary reported a bill providing for a congressional veto of all administrative rules. The bill was debated on the floor under a suspension of the rules and only narrowly failed to receive the two-thirds majority necessary for passage. The widespread support and enthusiasm which the bill generated indicate that the congressional veto of administrative rules is an idea whose time has come.

Today I am introducing three bills which would provide for a "one-house" congressional veto of administrative rules. There are, of course, differences among the three measures. One of the bills would apply to all administrative rules and would allow Congress to review rules which have already been promulgated. Another of the bills would apply to all administrative rules but would not give Congress the option to review rules retroactively. The last of the bills would apply only to those administrative rules providing for fines, imprisonment, civil penalties or loss of Federal funds in the event of noncompliance, though it would not give Congress the option to review such rules retroactively. Since the bills are otherwise exactly similar, the following description will serve to display the noteworthy features of the legislation.

First, the legislation would reform the process through which administrative rules are made. Except for matters of insignificant consequence or dire necessity, matters of agency management or personnel practices, or certain matters relating to foreign affairs or the military, it would specify that, among other things—

A general notice of proposed rule making be published in the Federal Register;

A copy of such notice be sent to all parties requesting it;

A reasonable attempt be made to inform all parties likely to be affected by proposed rulemaking;

An interested party be given at least 45 days to prepare for participation in proposed rule making;

A controversy over an issue of fact likely to affect proposed rulemaking be treated in a fair and equitable way;

A comprehensive file on each rulemaking be kept for use by courts, Congress and the public; and

An interested party be granted the right to petition for issuance, amendment or repeal of a rule.

Second, the legislation would establish a mechanism through which administrative rules could be expeditiously vetoed by Congress. Again with certain sensible exceptions, it would specify that, among other things—

An administrative rule become effective, first, within 90 days of promulgation unless either House of Congress adopted a concurrent resolution disapproving it, or second, 60 days after promulgation unless a committee of either House of Congress either reported, or was discharged from further consideration of, such a resolution;

An agency not promulgate a rule identical to one disapproved unless a statute was enacted affecting the relevant rulemaking power of the agency;

A concurrent resolution disapproving a rule be referred only to the standing committee having oversight and legislative responsibility for the agency promulgating the rule;

A special motion to disclose a committee from further consideration of such a resolution be in order within 45 days after referral of the resolution to the committee; and

A special motion to consider such a reported or discharged resolution be in order any time after report or discharge.

Lastly, the legislation would—

Specify that congressional inaction on, or rejection of, a concurrent resolution disapproving a rule not be taken as congressional approval of the rule; and

Direct the Administrative Conference of the United States to undertake a study of the effects of the legislation and report its findings to Congress.

The legislation just described is similar to that being sponsored by other Members of the House of Representatives. I hope that my distinct approach will stimulate further interest in the congressional veto of administrative rules by showing just how flexible this valuable instrument of oversight is.

The congressional veto of administrative rules recommends itself on a number of grounds. Let me take this opportunity to outline in a bit more detail what some of the grounds are.

I have already cited the rapid growth of the Federal regulatory establishment as an important cause of the general disillusionment with Government. As rule by administrative fiat has become more and more common, Americans from every walk of life have been increasingly restricted and inconvenienced. The attendant loss of freedom must concern politicians of every allegiance, whether liberal, moderate, or conservative. Many critics place the ultimate blame for this on Congress, an institution whose oversight powers are intended to prevent such encroachment on the liberty of the people. There may be something to what these critics say. Any reasonable device which would upgrade the oversight powers of Congress and would enable Congress to discharge its oversight duties more rigorously should be welcomed. The congressional veto of administrative rules is such a device. In a very direct way it would allow Congress to limit unnecessary bureaucracy and curb the pointless official harassment of all Americans.

I have also cited the unaccountability of regulators, at least in their capacity

as makers of administrative rules, as another important cause of the general disillusionment with Government. Faced with the excessive actions of unelected officials who need not take seriously a petition for redress of grievance, the average citizen is frustrated and angered. The congressional veto of administrative rules would make the regulators more accountable to the people by making them more accountable to the people's representatives in Congress. Final responsibility for an unsatisfactory rule would lie with elected officials who must heed a petition for redress of grievance. Unlike the attitude of an entrenched bureaucracy, the attitude of Congress must be informed of the citizen's desire. The aggrieved citizen may make his desire known through his ballot in the next election.

There are other reasons to favor the legislation I am proposing. For one, it would force Congress to draft legislation more carefully and define its intent more clearly. Failing this, Congress would face the unpleasant prospect of either doing its work again or shouldering the responsibility for shoddy administrative rules. There can be no doubt that Congress has given the bureaucracy too little guidance in the matter of rulemaking. It has been too quick to hand down vaguely written or poorly worded statutes, thereby forcing unfortunate civil servants to wrestle unaided with the problems of interpretation and implementation. The congressional veto of administrative rules would oblige Congress to do some hard thinking about the various ways to interpret and implement the laws it enacts.

Also, the legislation would bolster Congress in the face of a sometimes overweening executive branch that has tended to arrogate to itself ever wider powers over the years. It is no accident that the congressional veto has already been used to revitalize the war making and budgetary powers of Congress. It is a device well suited to the reclamation of powers and the assertion of prerogatives. Congress can no longer stand idly by as the executive branch outstrips it in influence; neither the people nor the Government is served by such inaction. Congress has a solemn obligation to take its proper place in the constitutional scheme of things. The congressional veto of administrative rules would surely help to accomplish this.

Finally, the legislation would bring to a logical conclusion a process that began over 40 years ago and has gone on in fits and starts since then. The position in which Congress finds itself is plainly inconsistent: some administrative rules are subject to veto while others are not; some agencies labor under the threat of veto while others do not. Thus, unlike the other significant oversight mechanisms of Congress, the veto has a peculiarly limited scope. Congress should make this mechanism capable of wide-ranging application or else abandon it. If it is a legitimate instrument of oversight, as I think it is, then Congress should embrace it forthrightly.

Before I close I would like to answer some objections that have been raised against legislation providing for the congressional veto of administrative rules. The objections vary in merit and source, but the more important among them should not be ignored.

One of the most common objections is one of the least convincing. It is usually stated as follows: an even-handed, consistent evaluation of administrative rules subject to a congressional veto would require that each congressional committee have its staff review virtually every rule, with the accompanying volumes of hearing records, which falls under its jurisdiction; but given the large number of rules promulgated every year, it is inevitable that only a small percentage of rules would receive attention; therefore, the application of the congressional veto to administrative rules must be uneven and inconsistent.

The weakness of this objection becomes apparent when one considers a closely parallel activity of Congress. In the 94th Congress over 24,000 measures were introduced. Allowing for reintroductions, et cetera, it is realistic to suppose that there were about 12,000 distinct measures introduced in all. However, congressional committees issued only about 3,000 reports. Hence, even if all the reports dealt with specific legislation—they did not—then only one-fourth of all distinct measures introduced received serious consideration. Does one conclude from this that Congress evaluation of legislation is uneven and inconsistent? One does not conclude this simply because Congress has accepted criteria for the selection of legislation to be evaluated. Likewise, it would have accepted criteria for the selection of administrative rules to be evaluated. It does not take much imagination to guess what one of the major criteria would be: those rules that appeared on their face not to express congressional intent would be prime candidates for reveiw. Such rules do not constitute a large percentage of all rules promulgated, but they would be the principal targets of the veto. It is at best naive to think that Congress would allow itself to drown in a flood of rules. The congressional veto of administrative rules would be a very specific and, to my mind, very efficient instrument of oversight.

Another common objection goes like this: there are already sufficient means at the disposal of Congress to oversee the agencies of the executive branch; Congress may rewrite or revoke enabling statutes, authorize and appropriate varying amounts of money, conduct investigative hearings, file suits in court or "jawbone" to make its preferences known; consequently, the congressional veto of administrative rules is not necessary.

To this objection there are two pertinent rejoinders. First, the fact that Congress oversees the bureaucracy in many ways is not in itself an argument against its overseeing the bureaucracy in other ways. Second, some methods of oversight are helpful in certain circumstances but not in others. By way of example, suppose that a generally effective, responsible agency promulgated a bad regulation. What would Congress do? Because it generally approved of the agency's behavior, Congress would be reluctant to tamper with its enabling statutes or cut its authorization or appropriation. These radical remedies are usually reserved for larger tasks. Congress could attempt to pass specific legislation aimed at nullifying the regulation, but this would be cumbersome and eventually subject to executive approval—approval which would make the executive too powerful an arbiter of congressional intent, given the rarity of overridden vetoes.

Investigative hearings would be worthless and a suit in court could drag on for years. As happens far too often, Congress would probably fall back on the uncertain technique of jawboning. No one need be reminded just how uncertain jawboning is. The congressional veto, however, would be a perfect remedy in this case. It would, then, complement the other methods of oversight by providing Congress with a measured response in cases where these other methods proved unworkable or impractical.

I have heard another objection a number of times. It is frequently expressed in the following way: Congress, an institution designed primarily to conduct broad policy deliberations, has very wisely delegated the day-to-day decisions involved in the implementation of law to specialized agencies; such a delegation of authority is wise because, unlike Congress, these agencies have the personnel and expertise to develop rules on highly complex matters; consequently, many of the rules promulgated by these agencies are too complex to be reviewed in any adequate way by Congress.

To my way of thinking this objection misses the mark in two respects. First, proponents of the objection clearly underestimate the substantial human and technical resources available to Congress. Many Members of Congress are nationally recognized experts in their fields of legislative interest, as are many professional members of committee staffs. Outside Congress itself there are the well-trained personnel and superb facilities of the Library of Congress, the General Accounting Office, and the Congressional Budget Office. The idea that such people with such facilities are not competent to review administrative rules is simply unworthy of credence. Second, consider the present manner in which agency decisions are reviewed. An inexpert judge with limited help at hand is often called on to render a verdict concerning highly complex rules. Why is it that critics of the congressional veto of administrative rules are not up in arms at this procedure? It seems to me that if a judge can be trusted to determine the compliance of a rule with the intent of Congress, then how much more qualified to do this is Congress itself.

Mr. Speaker, there are other arguments against this legislation. There are also other reasons to favor it. I shall not discuss them now because the issue before us is familiar enough to all. Rather, I wish to impress upon my colleagues the importance of action to raise the standards of Government performance. As I said earlier, the American people believe that Government can work better. They expect that something will be done to

make it work better. We ignore the challenge of their beliefs and expectations at our own peril.

VELVET KNIGHTS ON TOUR

The SPEAKER, pro tempore. Under a previous order of the House, the gentleman from California, (Mr. PATTERSON), is recognized for 5 minutes.

Mr. PATTERSON of California. Mr. Speaker, I am honored to bring to the attention of the House a group of highly talented young people in my district who will soon be on tour through 10 States and 2 provinces of Canada. Known as the Velvet Knights Drum and Bugle Corps these 150 high school and college students perform a type of jazz and popular music unique to drum and bugle corps. Their precision marching is as highly developed as any you will see, amateur or professional.

The Velvet Knights will be traveling in a caravan of buses across the country performing in California, Pennsylvania, New York, Illinois, Colorado, Washington, Idaho, Michigan, Arizona, and Nebraska. The 1977 tour will be their 10th summer tour and in that time they have earned an international reputation as "A Sight—A Sound—A Sensation."

Orange County, Calif., is justly proud of its goodwill ambassadors, the Velvet Knights Drum and Bugle Corps.

CAPTIVE NATIONS, HUMAN RIGHTS AND U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in this country and abroad the 19th observance of Captive Nations Week will be staged by citizens and foreign friends this July 17 to 23. In the captive nations orientation as it has applied to our national interests and security, human rights has consistently been its central theme—on all levels of human rights, the personal, the civil, and the national. It is no historical accident that the present occupants of the Kremlin reacted in the same way to our President's declaration on human rights as they had from 1959 to the midsixties to the Captive Nations Week resolution. Analytically, the two are interlocked. They are opposite sides of the same coin in the struggle for freedom.

For now almost 20 years the captive nations analysis, not ideology, has sought to place these natural rights of nations, groups and individuals at the core of our foreign policy. The President is to be highly commended for his firm and solid commitment to human rights as a cornerstone of our foreign policy. The opaque fact is that none of his predecessors has done this. As concerns the Soviet Union, where Soviet Russian imperialism, colonialism, russification, religious genocide and persecutions of all sorts exist at their worst in the deprivation of human rights, we have cause for no fear as the Russian Bear groans, provided we keep up our guard militarily and vigilantly. Made up of almost half of the captive nations under Communist domination in this world, the Soviet Union, directed by its totalitarian clique in the Kremlin, is really one of the most insecure states in this world. It is one of the last remaining empires of this century. And as we observe the 19th observance of Captive Nations Week, we must at last face up to this fundamental fact.

In its greatest measure, for the basic identity of human rights and the captive nations as concerns our foreign policy, I recommend to all Americans concerned with freedom the concise statement by Dr. Lev E. Dobriansky of Georgetown University and also chairman of the National Captive Nations Committee regarding "Captive Nations, Human Rights and U.S. Foreign Policy."

The article follows:

CAPTIVE NATIONS, HUMAN RIGHTS AND U.S. FOREIGN POLICY

(By Lev E. Dobriansky)

Accurate perspectives on the captive nations, which distinguish the totalitarian world from the non-totalitarian, and on a generic order of human rights can lead to new and fresh directions in U.S. foreign policy. So far we have been fuzzy on both counts. The time has come to repudiate the double standard that has been upheld on human rights. The mere accumulation of cases of repressed human rights in Eastern Europe, both before and after Helsinki, would lack effective significance without a rational accommodation based on the two prerequisites within an altered framework of our foreign policy.

There can be no question that the President's commitment to a single human rights standard is clear and unequivocal. In March, for instance, he explicitly stated at the U.N., "no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation of freedom occurs in any part of the world." In his commencement address at Notre Dame, he expressed his belief "that it is a mistake to undervalue the power of words and of the ideas that words embody." These two statements suggest a course of action that, if thoughtfully founded on our two prerequisites of captive nations analysis and generic human rights, could lead to constructive pressures and changes in the totalitarian world. There is a world court of opinion that even the totalitarian regimes cannot escape from and that we have scarcely appealed to.

Significantly, the retorts to the President's stance by Brezhnev and Gromyko were the old, stereotyped expressions of Soviet Russian imperial policy. Guarding his empire, Brezhnev blurted, "We will not tolerate interference in our internal affairs by anyone and under any pretext." In the same speech he had the gall to say, "We have a quite definite opinion about the order reigning in the world of imperialism, and do not conceal this opinion." Further, obviously assuring himself, he observed, in the USSR "There are no oppressed, exploited classes; there are no oppressed, exploited nationalities." Extending the fantasy, his fear of dissidents is revealed in his statement. "To protect the rights, freedoms and security of 260 million Soviet people from the activities of such renegades is not only our right but is also our sacred duty." In the tirade, Gromyko added, "We want stability in our relations. We would like them to be founded on the principles of peaceful coexistence . . ."

By captive nations analysis these typical retorts can be handled with logical ease. The all-important question is how will our people in Belgrade and those attempting to develop a foreign policy based on human rights handle them? We recall that in 1961, Khrushchev continued his apoplexy over the Captive Nations Week Resolution by challenging us to discuss imperialism. In a U.N. address President Kennedy accepted the challenge but failed to follow up on it. This time the Carter Administration has invited the Russians to debate openly "the principles that guide our respective societies before the court of world opinion." This augurs well for a much-needed, open and honest foreign policy, predicated on principle and morality and without, from our end, indulging in any so-called Cold War rhetoric.

It cannot be repeated enough that human rights can become a constructive source of dynamism in our foreign policy in its common denomination of all other issues, provided it is thought through clearly on the totalitarian/non-totalitarian structural distinction of captive nations inquiry, the three generic levels of human rights, and a single standard maintenance, with weighted application globally. Moreover, such a dynamic advance in our foreign policy would crystallize all the human rights ingredients in our American tradition, ranging from the Declaration of Independence, the Constitution and the Bill of Rights to Wilson's principle of national self-determination, Roosevelt's Atlantic Charter and the Four Freedoms, and the U.N. Charter and the Universal Declaration of Human Rights, to which we contributed so heavily.

Turning to the prime Russian arguments, one of the monumental political blunders of the Nixon/Kissinger period was the Executive's unqualified endorsement of the principle of non-interference in internal affairs in the Moscow agreement of May 1972. The traditional, imperial Russian conception and abuse of this principle vary radically from its meaning and use in the West. In essence, from the Russian viewpoint, what is mine is mine; what is yours will be mine, so don't interfere. Built on subversion, war and conquest, the USSR itself, now a veritable imperium in imperio, scarcely qualifies for the application of this principle. Moscow's abuse of the principle has been rampant, as, for example, Vishinsky's blast in the Paris U.N. Assembly against the U.S. at the beginning of the 50's for interfering in "the internal affairs" of Hungary. If Moscow's domination were to extend to the Atlantic, the same cry would be made. On the human rights basis, there will be no need to recite these facts, for the international legal approach would suffice inasmuch as Moscow and its internal proxies are signatories to a series of treaties and compacts involving human rights.

As to there being no "oppressed" and "exploited" classes and, even more important, nationalities in the USSR, these matters also will come out in the wash as the court of world opinion reviews the facts. The important thing is to talk about them, publicize and review them, if the court is to render an opinion. In addition, there is no such thing as "Soviet people," but to assert that 260 million persons in the USSR are threatened by comparatively few dissidents of different nationalities, this is a confession of fear itself as concerns the expression of human rights. As the discussion grows on a global scale, we should anticipate more of such fearful confessions. Also, Brezhnev's big opinion about the mythical "world of brazenness is revealed by the openness of imperialism" and his profound fear of having that different world focus its attention on the real imperialism and colonialism in Eastern Europe and Asia. Finally, on Gromyko's points, we, too, seek genuine stability in the friendliest of ways, but surely not on the basis of the Russian conception of "peaceful coexistence." First used by Lenin as a deceptive device to destroy the independ-

ence of the many non-Russian republics now held captive in the USSR, this basic policy of Moscow means, on one tier, systemic warfare that has always resulted in not only incalculable costs to human rights but also in human lives.

The benefits of integrating human rights into our foreign policy can be immense. First, it will mean the recovery of moral U.S. leadership in the world and a courageous initiative and offensive to advance human rights globally. Second, since a successful foreign policy rests on an effective combination of values (principles) means (knowledge, political, military, etc.) and strategy, the more that is popularly learned about the USSR, particularly its majority non-Russian complex, the greater will be the chances for human rights fulfillment, popular support of the policy, and for peace itself. This will surely eradicate the many lingering myths, even in our highest places, about Eastern Europe. Thirdly, it will enforce an accountability on the part of those who affix signatures to international treaties and agreements bearing on human rights but display little intention of implementing them. And fourthly, the fundamental differences between the totalitarian environment of the captive nations and the non-totalitarian area of the world must be observed in our policy applications of the human rights comitarian and anti-democratic forms exist, cermon denominator. In the former, no one or anything escapes the arbitrary, totalistic rule of the Communist Party, regardless of legalistic charades; in the latter, where authortain limitations on freedom are more often enforced by external subversion, "states of war," and fundamental institutional instabilities. These are not sources of imperialism, colonialism, ideological fixation, and threats to world peace.

HELSINKI, BELGRADE TO WHERE?

At this stage, are there immediate, specific targets for the grounded policy outlined here? Yes, there are. Here are a few examples of major import. At Belgrade, we can place high on the agenda an appeal to Moscow for the restoration of the Ukrainian Autocephalous Orthodox and Catholic Churches that had been genocided by Stalin. As a signatory to the Genocide Convention and in view of Brezhnev's recent statement on "Stalin's repressions," Moscow's position is untenable. Second, in furtherance of real international agreement, we should urge the direct signations of Ukraine and Byelorussia, which are in the U.N. to the Helsinki Accords and, as sponsored by numerous scholars in international law, advance the idea of direct diplomatic relations with these non-Russian republics, which we recognize both de jure and de facto in the U.N. It is almost ludicrous that Ukraine, the largest non-Russian nation in Eastern Europe, is permitted to remain unseen backstage.

Third, in the tone and spirit set by the President, we must advance the human rights issue by openly laying out all the accumulated cases of Moscow's continuing violation and deprivation of these rights within the USSR. Fourth, looking ahead with more programmatic action and toward international order through the rule of law, we should press for accountability in terms of the U.N. Charter, the Declaration of Human Rights, the Genocide Convention and other legal instruments upholding human rights. And fifth, as concerns Helsinki Basket Two, we must maintain in the face of growing pressures the Jackson-Vanik Amendment and credit restrictions and propose for us and our allies the development of a genuine linkage between trade and human rights. It would defy logic to equip Moscow with Cyber-76 computers and other advanced technology for its further military build-up and at the same time strengthen its hand in the repression of human rights. This is not the compromising Kissinger type of linkage, which abused the poltrade concept.[1]

If we begin to move along these lines of action, the pattern of a new and dynamic foreign policy will be in the making. A policy that will recognize the totalitarian/non-totalitarian division of the world as depicted by the CNL (Captive Nations List), that will have as its centerpiece a generic order of human rights, i.e. a viable, working concept, and that will be pursued with conviction and courage, undeterred by loud growls of an insecure Russian Bear or spates of nuclearitis. Human rights, indeed, are old hat for the captive nations.

PERSONAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JORDAN) is recognized for 5 minutes.

Ms. JORDAN. Mr. Speaker, I was unable to be present when the House of Representatives met yesterday, June 16, 1977. Had I been present I would have cast the following votes.

Rollcall	Description	House vote	Jordan vote
347	Motion that the House resolve into Committee of the Whole to consider H.R. 7555.	342-4	Yes.
348	Amendment by Mr. Symms to H.R. 7555 to reduce funding for OSHA by $6,300,000.	162-231	No.
349	Amendment by Mr. Michel to H.R. 7555 to cut $563,500,000 from 11 areas of health education, and aging.	72-334	No.
350	Amendment by Mr. Mottl to H.R. 7555 that prohibits the use of any funds for busing students to any school other than the school nearest the students' home, even after any merging, pairing, or clustering of such school with any other school.	225-157	No.

PRESIDENT CARTER'S NATIONAL ENERGY PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, the national energy plan which the President has sent to Congress is a long-awaited step toward a comprehensive U.S. energy policy. It has been 3½ years since the Arab oil embargo demonstrated our vulnerability to oil backmail but it is only since January 20 that we have had an administration willing and able to confront the situation. President Carter is to be commended for moving so aggressively in this area. His actions have been in the finest tradition of Presidential leadership. As a member of the Ad Hoc Committee on Energy, I look forward to working with my colleagues and the administration in getting a comprehensive energy bill to the President's desk by September. I hope—despite the reversals dealt to the Carter plan in the various standing committees—that the bill we send to the President will closely follow the administration's proposals.

Back in the winter of 1973–74, after the Yom Kippur war, many Americans doubted that the newly proclaimed "energy crisis" was real. As our people lined up for gasoline on their respective odd or even numbered day, many were convinced that the whole shortage was contrived—by the oil companies, by the Arabs, or by a besieged Nixon White House. After decades of cheap, and seemingly inexhaustible, energy it was hard to imagine that "all of a sudden" we were running out. Having been urged for years to use gas, oil, and electricity without any concern for where it was coming from, it was not easy to convince people that, so far as energy was concerned, the party was over.

Three and a half years later, according to the polls, most Americans know that the shortage is real. The millions of Americans thrown out of work by last winter's natural gas shortage were adequate proof of that. The facts are indisputable. The United States, with 6 percent of the world's population, uses 30 percent of the world's energy. Three-quarters of that energy comes from oil and natural gas and domestic production of both fuels has been dropping 6 percent a year. But our demand for energy keeps rising.

Every decade since the 1940's has seen our energy demand double. Fuel-inefficient automobiles, home air-conditioning, homes built without insulation, and the exodus from the cities to the suburbs have all contributed to a greatly increased demand. As domestic supplies dwindled, we have turned to foreign sources to make up the shortfall. In 1965, we imported 21 percent of our oil. In 1973, at the time of the Yom Kippur war, we realized just how vulnerable to blackmail we were with 35 percent of our oil imported. Today we are importing half of our oil and 32 percent of that is coming from the Arabs. It does not take much imagination to see where this is leading us. The behavior of our European allies—with the exception of the Netherlands—during the Yom Kippur war demonstrates the obvious danger in reliance on outside energy sources.

Beyond that, even the oil-producing nations do not have limitless reserves. Assuming current rates of consumption, the world will have to discover another Kuwait or Iran every 3 years or an Alaska or Texas every 6 months just to keep up with demand. That is one reason the oil producers keep raising prices and cutting back on production. They know that even their reserves will not last forever.

It is apparent that we have no choice but to reduce our consumption of energy while we continue our search for new energy sources. But we cannot kid ourselves. There will be no quick fix. President Carter's plan recognizes that. This President is talking sense to the American people.

The heart of the President's plan is conservation of precious oil and gas, and conversion, where possible, to abundant coal. Coal makes up 90 percent of our energy reserves—in fact we have been called the "Kuwait of coal"—but only 18 percent of our consumption. It makes sense to encourage utilities and industries to

[1] See "The Politico-Economic Significance of U.S.-USSR Trade," Nationalism in the USSR and Eastern Europe, University of Detroit, 1977.

convert to coal when such conversion is not at variance with the goals of the Clean Air Act. I know that the administration is sensitive to the air pollution problem and will permit the continued burning of clean fuels in badly polluted areas like New York City. The Strip Mining Act, which should be reaching the President's desk soon, will help guarantee that a greater emphasis on coal production will not ravage our natural environment.

Conservation of oil and gas will also be encouraged through a revamping of the pricing system. The price of oil and gas will rise to the equivalent world price. This makes sense. The world price of oil—which is the OPEC price—is the real price because virtually every barrel of oil we use will have to be replaced by a barrel of OPEC produced oil. We are paying the OPEC price whether we like it or not. For years we Americans have been cheating ourselves by selling our oil and gas cheap. Cheap energy has been subsidizing waste. New higher prices will reverse that.

The idea of raising oil and gas prices to encourage conservation superficially resembles the plans offered by earlier Republican Presidents. The one difference—and it is a crucial difference—is that the earlier proposals would have permitted the producers to keep all of the price increase in the form of windfall profits. I opposed that. There is absolutely no cause for any group of stockholders to grow rich because of the Nation's troubles. This plan avoids that. Producers of oil and natural gas will only receive the benefit of new higher prices when they have had to take risks or face difficulties in finding and securing supplies of fuel. Continued production from old wells will receive the old, less expensive, price. In the case of natural gas, the less expensive fuel will go to residential users. The price of existing supplies of oil will be brought up to the world price in stages but that will be done through an "equalization" tax which will be returned to the public in the form of rebates. Certainly this new pricing scheme will result in higher costs for energy and petroleum-based products but, all in all, this pricing plan is fair to consumers. Producers will receive incentive prices only when they have earned them through their own expensive efforts in developing new sources and consumers will basically only pay those higher prices which reflect the actual cost of producing the fuel.

Higher gas and oil prices will be somewhat offset by the tax credits offered those who insulate their homes and by the savings the insulation itself will produce over time. The only problem with the Carter insulation tax credit program is that it excludes multiunit and public housing. In New York City fully 60 percent of all the housing stock falls into one or both those categories. I am all for the insulation tax credit but unless it applies to multiunit and public housing it will not do much good in cities like New York. It should be changed.

Consumers will benefit from the utility rate reforms called for by the President. For years the utilities have been giving bonuses to big consumers of gas and electricity. Modest users were paying higher rates than large industrial users. The President's plan would prohibit rate systems which reward high volume users. It would end promotional pricing. It would require utilities to charge higher rates during hours of peak demand and lesser rates during offpeak hours. Users would have considerably more control over what they ultimately pay in their bills. Conservation and careful use would pay off in tangible financial savings.

The most controversial part of the President's program deals with the automobile. The standby gas tax and the guzzler tax have aroused a storm of opposition. That is most unfortunate as these two taxes could result in significant energy savings. Still it is no surprise that so many people are offended by the President's idea. The family car has become a symbol of the American way of life. It is, more realistically, a symbol of American waste. The manner in which we deal with the automobile will indicate just how serious we are about our whole energy problem.

The automobile consumes 13 percent of our oil. Much of that is wasted. At 3,300 pounds the average American car weighs almost twice as much as its European and Japanese counterpart and uses almost twice as much gas per mile. If we are to survive in a world of declining fuel reserves we must use every method at our disposal to get the gas guzzlers off the road, encourage people to drive less, and get maximum use of every gallon used.

I strongly support the standby gas tax. President Carter's goal in devising it is to give Americans an incentive to "beat" the tax by staying under the gas consumption target. Exceeding the target would bring in the 5-cent-a-gallon tax which could eventually climb as high as 50 cents a gallon. Like President Carter, I would hope that the standby gas tax would never have to be imposed but, either way, significant gas savings would result.

The most serious gap in the President's energy plan is the omission of any serious reference to mass transit aid. In our urban areas it is the existence of public transit systems that keeps people out of their cars—or keeps them from buying cars at all. Our energy problem would be much worse if commuters in New York, Chicago, and Philadelphia had no choice but to drive to work—in addition to that, our pollution problem would be unimaginable. At one time virtually all our major cities had good mass transit systems. Even Los Angeles' sprawling suburbs were crisscrossed by an electric rail system and Los Angeles developed along its lines. But in the era of cheap gasoline many urban transit systems were bankrupted and sold off. Today our older cities have aging, declining, often unsafe, usually unpleasant subway and bus systems. It would be folly to permit the loss of our existing public transit system and it would be shortsighted not to build more.

As far as I am concerned, any energy conservation program must include provisions to preserve and encourage mass transit. One possibility would be to apply any gas standby tax that is imposed to mass transit. Other possible sources of mass transit funds would be revenues from the gas guzzler tax or from the oil equalization tax. I am all for the tax on large inefficient automobiles—though an outright ban might be even better—but I see no need for rebates for the purchasers of smaller cars. Buying a small car is clearly in the interests of the consumer and no added incentive is necessary. Besides, the problems with our trading partners that would result if we offer rebates only to American cars—or the problems for Detroit if we do offer rebates for the purchase of foreign cars—virtually rule out the rebate scheme.

Critics of the President claim that his plan is short of incentives for the new production of energy supplies. I disagree. New gas and oil will receive high incentive prices—among the highest in the world. Alaskan oil would receive a price beyond its current market value. These production incentives are an integral part of the President's plan.

But we must realize that all the incentives in the world will not change the fact that energy supplies are finite and that they are running out. According to a worldwide energy study sponsored by the Massachusetts Institute of Technology and conducted by international experts, by the 1980's the non-Communist world will be faced with an energy shortage that will grow in 20 years to 15 to 20 million barrels of oil a day. The MIT study concludes:

> This prospective oil shortage will occur even though coal production is more than doubled, nuclear power multipled 15–25 times, the historic growth rate of oil demand is cut by more than half, and the real price of oil rises 50 percent.

The report warns us that, at this point, our most important resource is time. "It must be used as wisely as energy."

The time we still have left before the coming crunch must be used to develop solar energy. We must turn the tables on the 99–1 ratio of nuclear over solar funding. Solar energy is one potential fuel that must be developed. I agree with the President that nuclear energy has a role to play. Light water reactors should be used as a last resort to make up for any shortfall between production and consumption. Every precaution must be taken, but nuclear power has a job it can do for us. I am very pleased, however, that the President has decided to defer development of the breeder reactor. I shall be working hard to gain majority support for the President's decision to terminate funding for the Clinch River breeder reactor. Congressional support for the President's decision to stop the Clinch River project is an essential part of our efforts to control nuclear proliferation. We can have adequate supplies of energy without relying on plutonium—a weapons grade material—for energy production. In fact, even if we went ahead to fund the plutonium breeder, we would be getting more energy from solar power in the year 2000 than we would from breeder reactors. The breeder is just not worth the risk. This is the logic behind legislation I have introduced with more than 50 co-

sponsors to prohibit the use of plutonium fuel in the United States. We just do not need the breeder and we do not want a plutonium economy.

Let me conclude by reiterating my support of the President's initiative. His plan faces up to the Nation's No. 1 problem. Unemployment, inflation, health care delivery, and the condition of our cities are all deadly serious and complex problems, but solutions to these hinge on a solution to the energy problem. If we allow our energy resources to grow scarce, we will see a tremendous jump in unemployment, inflation, urban deterioration, and a general decline in the American way of life. We would also see the erosion of our Nation's political independence and sovereignty. Can there be higher stakes?

Therefore I shall support the President's plan overall. I have my arguments with certain portions of it and I will try to change them. Others, acting in good faith, will try to do the same with other portions. But I do not think that we should sit back and allow the special interests to gut this program. From Detroit to Houston, every affected interest is waiting with knives drawn to pounce on the Carter program. These interests, not surprisingly, are out to protect their investments and their own profits. We, in the Congress, must resist them. Our responsibility is to the people of the United States and this Nation's long term interests. We will all have to compromise but we must pass an energy bill that is at least as strong as President Carter's. His initiative is worthy of commendation. It is now our turn. This opportunity must not be missed.

A TRIBUTE TO DR. WERNHER VON BRAUN

The SPEAKER pro tempore. Under a previous order of the House, the gentle- from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, I rise to pay tribute to one of the world's truly great scientists, Dr. Wernher von Braun, who passed away yesterday. Dr. von Braun was the architect of the Saturn V rocket program which fulfilled President John F. Kennedy's pledge to place an American on the Moon before the end of the last decade.

I think most of us are very familiar with Von Braun's background. We all know and have heard many times how he was instrumental in the early rocketry experiments that took place in Berlin. But, perhaps the most fascinating aspect of those early years was how incredibly young he was to have assumed such board responsibility. Von Braun was only 20 years old when he became chief of the German Army's missile experimental station—and he was only 25 when he became director of the vast rocket research center at Peenemünde of the Baltic Sea.

Of course, what happened between 1936 and the Apollo program is history. He led the team that developed the Army's Redstone missile, the Jupiter intermediate range ballistic missile, the Saturn I rocket, and finally the Saturn V. Throughout all of that very active and rewarding period, I think the one word that can best describe von Braun is that he was a visionary without peer. During the years that I have served on the Appropriations Subcommittee which funds NASA, I recall his testifying on several occasions. I particularly recall one day in 1972—now more than 5 years ago—when he held the entire subcommittee spellbound with a description of a solar satellite power generating system. At the time, such a concept was revolutionary. Today, it is still more a dream than a reality. But it has become a serious contender for the ultimate source of clean, abundant power. After he made his presentation, one or two people commented that this was, of course, a long-range proposition. I remember that Dr. von Braun replied that—yes, it was a long-range proposition, but it was the kind of a thing that we should be thinking about before an energy crisis is on top of us. That is what I was talking about when I described von Braun as being a visionary. Few people have that kind of ability and fewer still have used it so effectively.

We will all miss Wernher von Braun. I know the entire Congress joins me in paying tribute to his outstanding contribution to the Nation and in extending sympathy to his wife, Maria, and his three children, Iris, Margrit and Peter.

ARGUMENTS AGAINST LEAA FUNDS DO NOT BEAR SCRUTINY

(Mr. MCCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MCCLORY. Mr. Speaker, last Monday the House, in an action I firmly believe it will someday regret, rejected an amendment aimed at restoring the 1977 appropriation for the Law Enforcement Assistance Administration to the $704.5 million figure requested by President Carter. This effort took the form of an amendment to H.R. 7556, the State-Justice appropriations bill, and was sponsored by a bipartisan representation of the House. It would have added $104.5 million to the Appropriations Committee's recommendation of $600 million. In my view, and that of some of the other cosponsors, it represented an unfortunate repudiation of the President's budget recommendations.

During the debate a number of statements were made which were not accompanied by factual support. I fear they may have swayed some to vote as they otherwise might not have.

For example, the gentleman from Iowa (Mr. SMITH) recited an unattributed example of a clerk who was paid $8,000 a year in LEAA funds to dispense a property marker to members of a local community, presumably located in his State. It would have been helpful if the gentleman had been more specific because LEAA should not have been blamed for that example of waste. Section 301 (d) of the Crime Control Act of 1976, which was passed last October and continued LEAA's existence and authorization, specifically prohibits the use of any more than one-third of LEAA's funds for the salaries of criminal justice personnel. The balance must be assumed by the State or locality which employs the individual. It appears, then, that either the person referenced in the gentleman's example earned $24,000 overall or the locality involved should review the law. In any event, LEAA is not responsible and the example was inappropriate.

Additionally, the gentleman from Massachusetts (Mr. EARLY) made reference to "3,600 types of clerks" employed indirectly by LEAA funds. Once again, no specifics were provided and the existence of these 3,600 "clerks" was intended to exemplify the waste within LEAA. I have since checked the law and discovered that the "clerks" to which the gentleman was referring appear to have instead been the members of the State planning agencies nationwide, members mandated by part B of the same Crime Control Act of 1976. I am certain that the judges, local government officials, criminal justice representatives, and citizen representatives, whose membership on the agencies is required by law, will appreciate the gentleman's collective reference to them as "3,600 types of clerks." If the gentleman was referring to 3,600 other employees, I would welcome being enlightened with specifics.

Examples like these can only serve to place LEAA in an undeserved unfavorable light. I regret that the gentlemen could not have been more specific. Had they been more so perhaps other Members of this body would have been able to make a more intelligent and informed decision on the ensuing vote.

Specific examples of LEAA's success are available, however, and I will offer three for your interest and reflection.

First. The career criminal program has been one of LEAA's most successful efforts. It represents an effort to assist local law enforcement agencies in identifying, apprehending, and prosecuting habitual criminals. Begun in 1975, the career criminal program has helped reduce the time from arrest to disposition and, in turn, increased the conviction rate.

The city of New Orleans represents an example of what this LEAA project has helped achieve. Of nearly 600 cases prosecuted, over 500 convictions have been obtained with an average sentence of 14 years. The project has been credited in that city with a reduction in crime in 1975 and another 8 percent drop in the first quarter of 1976.

Second. During the past 2 years LEAA has developed a series of antiterrorism programs throughout the country. These programs are a careful effort to design courses in a number of enforcement methods aimed at reducing and coping with the constant threat of political terrorist activity in this country.

Frequent seminars provide forums for the dissemination to local law enforcement officers of information dealing with the handling of bombs placed by such groups and the treatment of hostages. It is clearly beyond the capacity of local government agencies to institute their own, regular training programs. Also, the expense factor does not always result in

a reduction in crime; the project does, however, justify its worth when lives are saved because State law enforcement personnel are informed and responsible.

Third. My third example is LEAA's economic or white collar crime project. This effort has been in existence since 1973 and has funded units designed to attack white collar crime in 15 participating cities nationwide. Typical of the crimes handled by these units are: Embezzlements, bad checks, home improvement fraud, automobile and TV repair fraud, securities and land fraud, public corruption and welfare, and medicaid fraud.

As of September 1976, the project's units had processed 104,000 complaints and conducted 9,000 special investigations. Over 3,500 cases were filed and over 2,100 convictions have been obtained to date, half of which are felonies. The units have also been responsible for the fines and restitution exceeding $24 million.

Specific examples of programs like these provide a better measuring stick for the worth of LEAA than do nonspecific references to waste and overemployment. I implore my colleagues to look at their own constituencies and see if a program initiated and partially funded by LEAA has not been responsible for a better overall criminal justice system over the years in their States.

MAYOR LEE ALEXANDER OF SYRACUSE, N.Y., CHOSEN CONFERENCE PRESIDENT AT U.S. CONFERENCE OF MAYORS ANNUAL MEETING

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, an event of great importance to this Nation's urban areas is taking place this week in Tucson, Ariz., as the U.S. Conference of Mayors holds its annual meeting.

The U.S. Conference of Mayors was born during the Depression crisis of the thirties, a time when banks were closing, breadlines were growing longer and municipal credit was collapsing. Local governments had no effective means of working together to meet their common needs. It was at this critical point in the country's history that the mayors of the major cities, meeting initially in Detroit and later in Washington, D.C. in 1933, formally recommended "that a permanent organization be formed to establish closer cooperation, make a careful study of municipal problems and keep before the Government and the people of the Nation the vital interest of municipal government."

The U.S. Conference of Mayors has become a national forum through which this country's larger cities express their concerns, and actively work to meet the needs of urban America today. By limiting membership and participation to the 750 cities over 30,000 population, and by concentrating on questions of Federal-city relationships, the conference has become the focus for urban political leadership, be it Democratic, Republican, or Independent.

Wednesday, members of the conference elected their new officers for the coming year. I take great pride in the fact that my mayor, the mayor of Syracuse, N.Y., Lee Alexander, has been chosen as the new conference president. Mayor Alexander is the 35th mayor to serve as president of the conference. He joins former New York City mayors Fiorello Laguardia and Robert Wagner, Jr. as the only mayors from New York State to serve in this position.

Mayor Lee Alexander is a native New Yorker, an American of Greek extraction. He has been mayor of Syracuse since 1969. Prior to being elected mayor, he served on the Syracuse City Council for 3 years. He had been a successful trial attorney in Syracuse for 15 years.

His record as a city official includes broad support for school construction, strengthening of public safety forces, housing construction, and the development of extensive Federal and State aid programs.

At the State level, he is a member of the New York State Big Six Mayors Group, and he helped spearhead a 1970 legislative effort which resulted in adoption of New York State's first revenue-sharing program.

At the national level, he has been a member and cochairman of the legislative committee of the U.S. Conference of Mayors, which drove home the need for national revenue sharing for State and local governments. For the past year, he has been a spokesman for the cities, having served as vice president of the conference. He serves on the advisory board of the National League of Cities. He has testified several times before Congressional committees, including the new Subcommittee on the City, on which I am privileged to sit. He was cochairman of a committee of the Democratic Conference of Mayors, which was charged with the preparation of an urban statement for the 1976 Democratic Party platform.

Lee Alexander is also most active in community affairs. In 1970, he was given the title of Archon Deputy, the highest laymen's award of the Greek Orthodox Church. Archbishop Benedictus, Greek Orthodox Patriarch of Jerusalem, appointed him a Commander of the Holy Sepulchre in 1976. The mayor is national chairman of the Cyprus Relief Fund of America, Inc., and the Cyprus Children's Fund, Inc.

He is a trustee of Syracuse University and the Everson Museum of Art in Syracuse, a president's associate of LeMoyne College in Syracuse and a member of the New York State Manpower Services Council.

He is a 1950 graduate of Syracuse University, and a 1955 graduate of the university's law school. He now holds a doctor of laws degree, and is a member of the Board of Visitors, College of Law, Syracuse University.

Mayor Alexander's wife, Elizabeth, has a master of science degree from the University of Buffalo in psychiatric social work. The Alexanders have four children.

On behalf of myself, Mrs. Hanley and my colleagues in the House, I congratulate Lee Alexander on his new position. He will be a most qualified and capable spokeman for this Nation's cities. I look forward to working with him on finding new ways to solve the problems plaguing this Nation's urban areas.

COAL CONVERSION

Mr. DINGELL. Mr. Speaker, the Subcommittee on Energy and Power today began markup of part F of title I of H.R. 6831, the National Energy Act. This part deals with amendments to the Energy Supply and Environmental Coordination Act. At this time, for the benefit of Members, I wish to insert in the RECORD a brief summary of the principal provision of the subcommittee print being used as the markup vehicle as well as a copy of the print itself:

STAFF SUMMARY OF PRINCIPAL PROVISIONS
PART F—COAL CONVERSION

1. Coverage

The bill applies to new and existing electric power plants and major fuel-burning installations. In general, it covers all such power plants and installations which are 10 megawatts or better in size for a single generating unit or boiler or 25 megawatts in combination.

The coal conversion program authorized in ESECA would be repealed and this Part F become a new title in the National Energy Act.

The utilities issued construction orders under section 2(c) of ESECA would be covered by the new title so long as their orders are not final on date of enactment. There are, according to FEA, 143 of those orders. These are plants on which construction has not started.

The utilities and industry issued prohibition orders under section 2(a) of ESECA would continue to be covered under ESECA. These are existive plants. About 100 utility prohibitions and 60 industrial prohibitions have been issued by FEA. The Administration bill placed those plants under the new bill.

New electric power plants which are not peakload are defined to mean those, the on-site construction or replacement of which, not commenced as of April 20, 1977. In the case of peakload plants, it must be shown that their construction or acquisition was not contracted for by April 20, 1977 or if there was a contract, it could be cancelled, rescheduled, or modified without adversely affecting reliability or incurring a significant dollar penalty.

Existing power plants are those that are not new.

New major fuel-burning installations (MFBI) are those which were not under construction or acquisition contract by April 20, 1977, and if under contract, those which the construction or acquisition could not be cancelled, etc., without incurring a significant dollar penalty.

2. Prohibitions

Note: The bill does not order use of coal or other fuels. Instead, it prohibits or authorizes FEA to prohibit the use of natural gas or petroleum, or, in some cases, both, and lets the MFBI or power plant owner choose the substitute fuel. Moreover, if an owner voluntarily moves to coal or another fuel before there is any action against that owner under the bill, that owner is not subject to regulation under this bill except that he may not thereafter use oil or natural gas.

(a) New Electric Power Plants

Statutory prohibition against use of natural gas for new power plants with no exceptions. Statutory prohibition against use of petroleum with opportunity for exceptions.

(b) New MFBI's

Statutory prohibition, with opportunity for exceptions, against use of natural gas or petroleum for boilers.

Authorizes FEA to prohibit by issuing a rule covering a class or portion thereof of nonboilers from using natural gas or petroleum, or both, with opportunity for exceptions.

Authorizes FEA to prohibit by order individual nonboilers, not in class.

(c) Existing Electric Power Plant

Statutory prohibition against use of natural gas after January 1, 1990.

Statutory prohibition against use of natural gas if a plant used petroleum on April 20, 1977.

Statutory prohibition against use of natural gas in greater proportions than the average yearly proportions used in 1974, 1975 and 1976, or if operational in 1974 or later, during the first two calendar years of such operation.

Authorizes FEA to prohibit use of natural gas or petroleum, or both, if use of coal or other fuels is technically and financially feasible.

Where it is technically and financially feasible to use a mixture of fuels, authorizes FEA to prohibit use of natural gas, and, in the case of petroleum, to use greater amounts thereof than necessary to maintain efficiency of mixture.

There are opportunities for exceptions to all of the above.

(d) Existing MFBI's

Authorizes FEA to prohibit use of natural gas or petroleum, or both, if the installation is capable on, before, or after April 20, 1977 to use coal or other fuels from a technical standpoint and it is financially feasible to do so.

Authorizes FEA to prohibit use of natural gas at installations even where they are not coal or other fuel capable.

Where it is technically feasible to use a mixture of fuels, authorizes FEA to prohibit use of natural gas, and, in the case of petroleum, to use greater amounts thereof than necessary to maintain efficiency of mixture.

Provision is also made for issuing permits to use petroleum.

There are opportunities for exceptions from all of these prohibitions.

3. Procedures

Where there is a statutory prohibition, the owner of the affected power plant or installation may file a petition for a temporary exemption of up to five years or a permanent exemption. The burden of showing that such power plant or installation qualifies for an exemption is on the owner. If FEA finds that a satisfactory showing was made, based on certain listed criteria, the FEA must grant the exemption by rule. However, where the FEA has discretion to prohibit certain fuel uses, the FEA can do so (1) by rule applicable to all or part of a class, or (2) where there is no class established, by issuing an order against a particular power plant or installation. In the first case, once a rule is promulgated, it is stayed for at least 60 days to give individual power plants or installations time to apply for and obtain an exemption just as in the statutory case. In the second case, the FEA would issue the order and the person affected may demonstrate, based on listed criteria, that it should not apply or the effectiveness thereof should be delaved.

The petition must be in a form to be established by FEA. Once filed, the EPA must give notice thereof, plus a summary of the basis for the petition and allow at least 45 days for written comments. Similarly, FEA must publish proposed rules and orders and state the basis therefor. Copies of each order must be sent to the person who operates a power plant or installation. A minimum of 45 days for written comments.

Anyone, including the petitioner or operator, may seek and get an opportunity for presenting oral data, views, and arguments and to cross-examine FEA employees and others. A transcript must be kept.

The FEA must act on petitions within 6 months, but this time can be extended on notice. Notice of denials of petitions must be published and reasons therefore stated.

There is provision for judicial review within a 60 day period in the court of appeals by any person adversely affected. The substantial evidence rule applies.

4. Environmental

All power plants and installations subject to the bill must comply with applicable environmental requirements, including those granted an exemption. In the case of existing power plants and installations, the EPA certification required under section 119 of the Clean Air Act must be made before any order or denial of exemption is finalized.

5. Other Provisions

These are provisions:

Concerning cogeneration;

Preservation of natural gas contractual rights;

Enforcement;

Citizen suits;

Applications of purposes of bill to Federal facilities and activities;

Information;

Emergency powers of the President;

Discretionary authority to require conversion of some boilers, not otherwise subject to this Part, from natural gas;

Exemption for synthetic gas derived from coal (high Btu gas);

Prohibiting the use of natural gas for decorative outdoor lighting;

Impact on employees;

Studies;

Annual report; and

Authorizations.

[Committee Print, June 17, 1977]

[PART F—COAL CONVERSION]

PART F—CONVERSION FROM NATURAL GAS AND PETROLEUM TO COAL AND OTHER FUEL RESOURCES

Sec. 601. Findings and statement of purposes.
Sec. 602. Definitions.
Sec. 603. New electric powerplants.
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Sec. 625. Effective dates.

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PART F—CONVERSION FROM NATURAL GAS AND PETROLEUM TO COAL AND OTHER FUEL RESOURCES

FINDINGS AND STATEMENT OF PURPOSES

SEC. 601. (a) The Congress finds that the protection of public health and welfare, the preservation of national security, and the regulation of interstate commerce require the establishment of a program to provide for the use of coal and other fuels as primary energy sources for existing and new electric powerplants and major fuel-burning installations.

(b) The purposes of this Part are—

(1) to reduce the importation of petroleum and increase the Nation's capability to use, consistent with applicable environmental requirements, indigenous energy resources of the United States in cases in which such reduction and use is in the best interests of the United States;

(2) to conserve natural gas and petroleum for uses other than as a boiler fuel or for the generation of electricity and, to conserve such resources for the benefit of present and future generations;

(3) to encourage and foster the greater use of coal and other fuels in lieu of natural gas and petroleum as a primary energy source for existing and new electric powerplants and major fuel-burning installations, and other purposes;

(4) to prohibit or, as appropriate, minimize the use of natural gas and petroleum as a primary energy source for existing and new electric powerplants, major fuel-burning installations, and other purposes;

(5) to require the improvement or modernization of existing and new electric powerplants and major fuel-burning installations, which utilize natural gas or petroleum as a primary energy source and which cannot utilize coal or other fuels, in order to conserve natural gas and petroleum;

(6) to require that existing and new electric powerplants and major fuel-burning installations which utilize coal or other fuels pursuant to this title comply with applicable environmental requirements;

(7) to insure that all Federal agencies utilize their authorities in furtherance of the purpose of this title by carrying out programs designed to prohibit or discourage the use of natural gas and petroleum as a primary energy source and by taking such action as lies within their authorities to maximize the efficient use of energy in programs funded or carried out by such agencies; and

(8) to reduce the United States' vulnerability to energy supply interruptions.

DEFINITIONS

SEC. 602. For the purposes of this part—

(1) The term "Administrator" means the Administrator of the Federal Energy Administration.

(2) The term "person" means any individual, corporation, company, partnership, association, firm, society, trust, joint venture, or joint stock company, and any State or political subdivision thereof (including the District of Columbia) or any agency or instrumentality thereof

(3) The term "natural gas" means—

(A) natural gas, as defined in section 2(5) of the Natural Gas Act, other than—

(i) natural gas which is commercially unmarketable (either by reason of quality or quantity) as determined by the Administrator; and

(ii) natural gas which is produced from a well by the user in volume amounts containing less than 250 million Btu's per day;

(B) liquid petroleum gas; and

(C) synthetic gas derived from crude oil.

(4) The term "petroleum" means crude oil, residual fuel oil, and products derived from crude oil other than—

(A) synthetic gas derived from crude oil;

(B) liquid petroleum gas; and

(C) liquid, solid, or gaseous waste by-products of refinery operations which are commercially unmarketable, as determined, by rule, by the Administrator.

(5) The term "coal" means anthracite and bituminous coal and lignite.

(6) The term "other fuels" means electricity or any fuel (other than coal, natural gas, or petroluem) and includes—

(A) petroleum coke, uranium, biomass, wood, and renewable and geothermal energy sources;

(B) synthetic gas derived from coal and;

(C) run-on liquid, solid, or gaseous waste byproducts of refinery operations which are commercially unmarketable, as determined, by rule, by the Administrator.

(7) The terms "electric powerplant" and "powerplant" means any electric generating unit, including a gas turbine or a combined cycle unit, which produces electric power for purposes of sale or exchange and—

(A) has the design capability of consuming any fuel at a fuel heat input rate of 100 million Btu's per hour or greater; or

(B) is a combination, of 2 or more electric generating units (excluding, if determined appropriate, by rule, by the Administrator, any such unit not having a design capability to consume any fuel at a fuel heat input rate of less than 100 million Btu's per hour) at the same site, which in the aggregate have a design capability of consuming any fuel at a fuel heat input rate of 250 million Btu's per hour or greater.

Such terms do not include any such unit subject to the licensing jurisdiction of the Nuclear Regulatory Commission.

(8) The term "new electric powerplant" means—

(A) any electric powerplant (other than a peakload powerplant) the onsite construction or replacement of which, in accordance with final drawings or an equivalent design document approved by the State regulatory authority, had not commenced on or before April 20, 1977; or

(B) a peakload powerplant (i) the construction or acquisition of which, in whole or in part, had not been contracted for on or before April 20, 1977, or (ii) if contracted for on or before such date, the construction or acquisition of which could not be canceled, rescheduled, or modified without—

(I) adversely affecting electric system reliability (as determined by the Administrator after consultation with the Federal Power Commission and appropriate State regulatory authorities), or

(II) incurring significant financial penalty (as determined under rules prescribed by the Administrator).

(9) The term "existing electric powerplant" means any electric powerplant other than a new electric powerplant.

(10) The terms "major fuel-burning installation" and "installation" mean an installation, other than an electric powerplant, consisting of a boiler, combustor, gas turbine unit, combined cycle unit, or internal combustion engine which uses coal, petroleum, or natural gas as its primary energy source and which—

(A) has a design capability of consuming any fuel at a heat fuel input rate of 100 million Btu's per hour or greater; or

(B) is a combination of two or more such installations (excluding if determined appropriate by the Administrator, any such unit having a design capability to consume any fuel at a fuel heat input rate of less than 100 million Btu's per hour) at the same site, which in the aggregate have a design capability of consuming fuel at a fuel heat input rate of 250 million Btu's per hour or greater.

(11) The term "new major fuel-burning installation" means any major fuel-burning installation—

(A) the construction or acquisition of which, in whole or in part, had not been contracted for, on or before April 20, 1977; or

(B) if contracted for on or before such date, the construction or acquisition of which could not be canceled, rescheduled, or modified without incurring significant financial penalty (as determined by rule, by the Administrator).

(12) The term "existing major fuel-burning installation" means any major fuel-burning installation other than a new major fuel-burning installation.

(13) The term "primary energy source" means the fuel or fuels used by any existing or new electric powerplant or major fuel-burning installation, except it does not include the minimum amounts of fuel required for boiler startup, testing, flame stabilization, and control uses, as determined, by rule, by the Administrator.

(14) The term "site limitations" means, when used with respect to any powerplant or installation, specific limitations associated with a particular site which relate to the use of coal or other fuels as a primary energy source, such as—

(A) inaccessibility to coal or other fuels,

(B) lack of transportation facilities,

(C) lack of adequate facilities for the handling and storage of coal or other fuels, and

(D) lack of adequate means for the disposal of wastes from such powerplant or installation.

(15) The term "applicable environmental requirements" includes—

(A) any Federal, State, or local government law, standard, limitation, or other requirement (including any final order of any Federal or State court) applicable to emissions of environmental pollutants (including air and water pollutants) or disposal of solid waste residues resulting from the combustion of coal or other fuels or operation of air pollution control equipment; and

(B) any standard, limitation, or other requirement established by, or pursuant to, the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or the National Environmental Protection Act of 1969.

(16) The term "peakload powerplant" means a powerplant which operates less than 1,500 hours per consecutive twelve-calendar-month period.

(17) The term "cost", unless the context indicates otherwise, means total costs (both operating and capital) incurred over the estimated useful life of an electric powerplant or major fuel-burning installation, discounted to present value, as determined by the Administrator in consultation with the State regulatory authority, as appropriate. In the case of an electric powerplant, such costs shall take into account any change required in the use of existing electric powerplants in the relevant dispatching system and other economic factors which are included in planning for the production, transmission, and distribution of electric power within such system.

(18) The term "qualifying cogeneration facility" shall have the same meaning as given such term in section 547(b) of the National Energy Act.

(19) The term "State regulatory authority" means any State agency which has ratemaking authority with respect to the sale of electricity by any electric utility.

(20) The term "Btu" means British thermal unit.

(21) The term "electric utility" means any person or Federal agency which sells electric power.

(22) The term "Federal agency" has the same meaning as given the term "agency" in section 551(1) of title 5, United States Code.

NEW ELECTRIC POWERPLANTS

SEC. 603. (a) No new electric powerplant shall use natural gas as a primary energy source.

(b) No new electric powerplant shall use petroleum as a primary energy source.

(c)(1) Any person who proposes to use petroleum as a primary energy source for a new electric powerplant, may file a petition with the Administrator requesting an exemption for such powerplant from the prohibition of subsection (b).

(2) The Administrator, after consideration of a petition for an exemption from the prohibition of subsection (b) and any comments thereon, shall grant such exemption, by order, for such period (not in excess of 5 years) as the Administrator determines appropriate, if he finds that the petitioner has demonstrated that—

(A) the Federal Power Commission has certified that there is no alternative supply of electric power which can be obtained without impairing reliability of service;

(B) the appropriate State regulatory authority has approved such powerplant; and

(C) for the period of the proposed exemption—

(i) despite diligent good faith efforts to obtain a contract or other arrangements for an adequate and reliable supply of coal or other fuels, it is likely such supply will not be available to such powerplant;

(ii) despite diligent good faith efforts, site limitations exist which cannot reasonably be expected to be overcome;

(iii) the prohibition of subsection (b) could not be satisfied without violating applicable environmental requirements; or

(iv) the issuance of such exemption furthers the purposes of this part.

Any such exemption shall be on such terms and conditions as the Administrator determines appropriate, including terms and conditions requiring the use of conservation measures for the efficient use of fuel, which are practicable and consistent with the purposes of this part, and terms and conditions designed to insure that upon the expiration of such exemption, such powerplant will comply with the requirements of subsections (a) and (b). No exemption under this paragraph, including any extensions or renewals thereof, may exceed a period of 5 years' duration.

(3) After consideration of a petition requesting a permanent exemption from the prohibition of subsection (b) and any comments thereon, the Administrator shall grant such permanent exemption, by order, if he finds that the petitioner has demonstrated that—

(A) the Federal Power Commission has certified that there is no alternative supply of electric power which can be obtained without impairing reliability of service;

(B) the appropriate State regulatory authority has approved such powerplant; and

(C) there is no site at which—

(i) despite diligent good faith efforts to obtain a contract or other arrangements for an adequate and reliable supply of coal or other fuel it is not likely that such supply will be available at a cost (taking into account associated facilities for the transportation and utilization of such fuel) which, based upon the best practicable estimates, does not substantially exceed the cost of using imported petroleum as a primary source during the useful life of the powerplant;

(ii) despite diligent good faith efforts, site limitations would permit the location of a powerplant using coal or other fuels as a primary energy source; and

(iii) the prohibition of subsection (b) could be satisfied without violating applicable environmental requirements; and

(D)(i) the required use of coal or other fuels would preclude the petitioner from being able to obtain adequate capital for the financing of such powerplant; or

(ii) the issuance of such exemption furthers the purposes of this part.

Any such exemption shall be on such terms and conditions as the Administrator determines appropriate, including terms and con-

ditions requiring the use of conservation measures for the efficient use of fuel which are practicable and consistent with the purposes of this part.

(4) In the case of any petition for a permanent exemption from the prohibition of subsection (b) applicable to a new electric powerplant, the Administrator shall grant such exemption, by order, if the petitioner certifies that such powerplant is to be constructed and operated solely as a peakload powerplant.

(d) Any new electric powerplant issued an order before the effective date of this part pursuant to section 2(c) of the Energy Supply and Environmental Coordination Act of 1974 shall, notwithstanding the provisions of such section, be subject to the provisions of this section, except that if such order became final before such date, the provisions of this part shall not apply to such powerplant. Nothing in this subsection shall be construed to affect the validity of any order issued under such section 2(c) or to require the Administrator to reissue any such order.

NEW MAJOR FUEL-BURNING INSTALLATIONS

SEC. 604. (a)(1) No new major fuel-burning installation which is a boiler shall use natural gas or petroleum as a primary energy source.

(2)(A) Subject to subsection (b), the Administrator may, by rule, prohibit categories (identified in such rule) of new major fuel-burning installations, other than boilers, from using natural gas or petroleum, or both, as a primary energy source. In identifying categories of new major fuel-burning installations pursuant to this paragraph, the Administrator shall take into account any special circumstances or characteristics of each category of such installations (such as the technical feasibility of burning coal or other fuels and the size or location of such installation).

(B) The Administrator may, by order, prohibit any new major fuel-burning installation, other than a boiler, from using natural gas or petroleum, or both, as a primary energy source if such installation is not, at the time of the issuance of such order, in a category identified in a rule prescribed under paragraph (2).

(b)(1) Any person who proposes to use petroleum as a primary energy source for any new major fuel-burning installation may file a petition with the Administrator requesting an exemption for such powerplant from the prohibition of subsection (a).

(2) The Administrator, after consideration of a petition for an exemption from the prohibitions of subsection (a) and any comments thereon, shall grant such exemption, by order, for such period (not in excess of 5 years) as the Administrator determines appropriate, if he finds that the petitioner has demonstrated that for the period of the proposed exemption—

(A) despite diligent good faith efforts to obtain a contract or other arrangements for an adequate and reliable supply of coal or other fuels, it is likely such supply will not be available to such installation;

(B) despite diligent good faith efforts, site limitations exist which cannot reasonably be expected to be overcome;

(C) the prohibitions of subsection (a) could not be satisfied without violating applicable environmental requirements; or

(D) the issuance of such exemption furthers the purposes of this part.

Any such exemption shall be on such terms and conditions as the Administrator determines appropriate, including terms and conditions requiring the use of conservation measures for the efficient use of fuel, which are practicable and consistent with the purposes of this part, and terms and conditions designed to insure that upon the expiration of such exemption, such installation will comply with the prohibitions of subsection (a). No exemption under this paragraph, including any extensions or renewals thereof, may exceed a period of 5 years' duration.

(3) After consideration of a petition requesting a permanent exemption from the prohibitions of subsection (a) and any comments thereon, the Administrator shall grant such permanent exemption, by order, if he finds that the petitioner has demonstrated that—

(A) there is no alternative site at which—

(i) despite diligent good faith efforts to obtain a contract or other arrangements for an adequate and reliable supply of coal or other fuel, it is likely that such supply will be available at a cost (taking into account associated facilities for the transportation and utilization of such fuel) which, based upon the best practicable estimates, does not substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the powerplant;

(ii) despite diligent good faith efforts, site limitations would permit the location of an installation using coal or other fuels as a primary energy source; and

(iii) the prohibitions of subsection (a) could be satisfied without violating applicable environmental requirements; and

(B)(i) the required use of coal or other fuels would preclude the petitioner from being able to obtain adequate capital for the financing of such installation; or

(ii) the issuance of such exemption furthers the purposes of this part; and

(C) in the case of any installation other than a boiler—

(i) the use of a primary energy source, other than natural gas or petroleum, is technically infeasible; and

(ii) a substitute heat source is not possible due to process requirements.

Any such exemption shall be on such terms and conditions as the Administrator determines appropriate, including terms and conditions requiring the use of conservation measures for the efficient use of fuel which are practicable and consistent with the purposes of this part.

(c) Any new major fuel-burning installation issued an order before the effective date of this part pursuant to section 2(c) of Energy Supply and Environmental Coordination Act of 1974 shall, notwithstanding the provisions of such section, be subject to the provisions of this section, except that if such order became final before such date, the provisions of this part shall not apply to such installation. Nothing in this subsection shall be construed to affect the validity of any order and issued under such section 2(c) or to require the Administrator to reissue any such order.

EXISTING ELECTRIC POWERPLANTS AND EXISTING MAJOR FUEL-BURNING INSTALLATIONS

SEC. 605. (a)(1) No existing electric powerplant—

(A) shall use natural gas as a primary energy source on or after January 1, 1990;

(B) if such powerplant used petroleum as a primary energy source on or before April 20, 1977, shall convert to the use of natural gas as a primary energy source; or

(C) shall use natural gas as a primary energy source in greater proportions than the average yearly proportion of natural gas which—

(i) such powerplant used as a primary energy source in calendar years 1974 through 1976, or

(ii) if such powerplant began operations on or after January 1, 1974, such powerplant used as a primary energy source during the first two calendar years of its operation.

(2) The Administrator may prohibit any existing electric powerplant from using petroleum or natural gas, or both, as a primary energy source, if—

(A) such powerplant, on April 20, 1977, had, or thereafter acquires, the technical capability to use coal or other fuels as a primary energy source; and

(B) the use by such powerplant of coal or other fuels as a primary energy source is financially feasible (as determined under rules prescribed by the Administrator).

(3) In the case of any existing electric powerplant in which it is technically and financially feasible (as determined under rules prescribed by the Administrator) to use a mixture of coal or other fuels and petroleum as a primary energy source or a combination of coal or other fuels and petroleum or natural gas as primary energy sources, the Administrator may prohibit such powerplant from—

(A) using natural gas; and

(B) using petroleum in amounts in excess of the minimum amount necessary to maintain fuel efficiency of such mixture or such combination.

(b)(1) The Administrator may prohibit any existing major fuel-burning installation from using petroleum or natural gas, or both, as a primary energy source, if—

(A) such installation, on April 20, 1977, had, or thereafter acquires, the technical capability to use coal or other fuels as a primary energy source; and

(B) the use by such installation of coal or other fuels as a primary energy source is financially feasible (as determined under rules prescribed by the Administrator).

(2) The Administrator may prohibit any existing major fuel-burning installation which is not capable of using coal or other fuels from using natural gas as a primary energy source.

(3) In the case of any major fuel-burning installation in which it is technically and financially feasible (as determined under rules prescribed by the Administrator) to use a mixture of coal or other fuels and petroleum as a primary energy source or a combination of coal and other fuels and petroleum or natural gas as primary energy sources, the Administrator may prohibit such installation from—

(A) using natural gas; and

(B) using petroluem in amounts in excess of the minimum amounts necessary to maintain fuel efficiency of such mixture or such combination.

(c)(1) The prohibitions under subsection (a)(2) and subsection (b) shall be established—

(A) by rule in the case of powerplants or installations in a category of powerplants or installations, respectively, identified by the Administrator in such rule, or

(B) by order in the case of any powerplant or installation which is not, at the time the proposed order is issued, within any such category.

(2) In prescribing any rule under paragraph (1)(A), the Administrator shall take into account any special circumstances or characteristics of each category of powerplants or installations (such as the technical feasibility of burning coal or other fuels and the size, age, or location of such power or installations. The effective date of such rule shall be stayed in the case of any existing electric powerplant or major fuel-burning installation subject to such rule, pending a resolution of any petition for an exemption which may be filed with the Administrator not later than 120 days after such rule is prescribed.

(d)(1) Any person who proposes to use natural gas or petroleum as a primary energy source for any existing powerplant or major fuel-burning installation, and such use would be prohibited under subsection (a)(1) or under any rule prescribed under subsection (b), may file a petition with the Administrator requesting an exemption for such powerplant from such prohibition.

(2) The Administrator, after consideration of a petition for an exemption from such

prohibition and any comments thereon, shall grant such exemption, by order, for such period as the Administrator determines appropriate if he finds that the petitioner has demonstrated that—

(A) for the period of the proposed exemption—

(i) despite diligent good faith efforts to obtain a contract or other arrangements for an adequate and reliable supply of coal or other fuels, it is likely such supply will not be available to such powerplant at a cost (taking into account associated facilities for the transportation and utilization of such fuel) which, based upon the best practicable estimates, does not substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the powerplant;

(ii) despite diligent good faith efforts, site limitations exist which cannot reasonably be expected to be overcome;

(iii) the prohibition of subsection (a)(1) or of any rule prescribed under subsection (a)(2) or subsection (b) could not be satisfied without violating applicable environmental requirements; or

(iv) the issuance of such exemption furthers the purposes of this part; and

(B)(i) in the case of an existing electric powerplant, the Federal Power Commission has certified that there is no alternative power supply which can be obtained without impairing reliability of service; or

(ii) in the case of an existing major fuel-burning installation, the use of a primary energy source other than petroleum or natural gas is technically infeasible, and a substitute heat source is not possible due to process requirements.

Any such exemption shall be on such terms and conditions as the Administrator determines appropriate, including terms and conditions requiring the use of conservation measures for the efficient use of fuel, which are practicable and consistent with the purposes of this part, and terms and conditions designed to insure that upon the expiration of such exemption (other than a permanent exemption), such powerplant will comply with the prohibitions of subsections (a) and (b). No exemption under this paragraph, including any extensions or renewals thereof, may exceed a period of 5 years' duration.

(3) The Administrator shall not issue an order under subsection (a) to any powerplant or installation if it is demonstrated that such powerplant or installation would have been granted an exemption, by reason of paragraph (2), if such prohibition had been established by rule under subsection (c)(1)(A) rather than by order under subsection (c)(1)(B).

(e) In the case of any existing major fuel-burning installation, before issuing any order or denying any exemption under this section, the Administrator shall request the Attorney General and the Federal Trade Commission to evaluate the impact, if any, of the proposed order or denial on competition and provide to the Administrator, within 120 days of receipt of such request, written views and recommendations, if any, concerning such impact. Any such views or recommendations shall be available to the public. The Administrator shall consider such views and recommendations in issuing any such order or exemption.

(f)(1) No proposed order under subsection (c)(1)(B) of this section (or modification thereof) which may result in the use of coal as a primary energy source may be issued—

(A) until the Administrator of the Environmental Protection Agency notifies the Administrator under section 119(d)(1)(B) of the Clean Air Act, or

(B) if such notification is not given, until the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d)(1)(B) of such Act is the earliest date which the powerplant or installation will be able to comply with all applicable requirements of section 119 of such Act.

(2) Such order (or modification) shall not be effective during any period certified by the Administrator of the Environmental Protection Agency under section 119(d)(3)(B) of such Act. Notice or certification pursuant to this subsection shall be provided within 270 days of the date the Administrator of the Environmental Protection Agency receives notice of the such proposed order (or modification).

(g) The provisions of this section, except subsection (h)(2), shall not apply to any powerplant or installation for which an order issued pursuant to section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 before the effective date of this part is pending or final or which, on review, was held unlawful and set aside on the merits. Nothing in this subsection shall be construed to affect the validity of any order issued under such section 2(a) or be construed to require the Administrator to reissue any such order.

(h)(1) The Administrator shall, by rule, require that no existing electric powerplant which, on or after April 20, 1977, uses petroleum, coal, or other fuels as a primary energy source may increase its use of petroleum as a primary energy source unless permit is issued by the Administrator authorizing such increased use of petroleum. Such permit shall be issued if—

(A) the Administrator finds that the petition demonstrated that the powerplant cannot comply with the applicable implementation plan, as defined in section 110(d) of the Clean Air Act, without the issuance of a permit and established the duration of the need for increased petroleum to comply with such plan; and

(B) the Administrator of the Environmental Protection Agency certifies to the Administrator that the increased use of petroleum by such powerplant is necessary to permit the powerplant to comply with such implementation plan.

(2) The Administrator shall, by rule, require that no existing electric powerplant which, on April 20, 1977, used or thereafter uses, pursuant to this part, natural gas as a primary energy source, may use petroleum unless a permit is issued by the Administrator for such use of petroleum. Such a permit shall be issued if the Administrator finds that the petitioner has demonstrated pursuant to this part that such powerplant cannot use coal or other fuels instead of petroleum, and the appropriate State regulatory authority has certified that the proposed use of petroleum is approved by it.

QUALIFYING COGENERATION FACILITIES

SEC. 606. The Administrator, upon the filing of a petition, may, by order, grant an exemption from any prohibition under this part applicable to any qualifying cogeneration facility, if

"(1) he finds that the applicant has demonstrated that economic and other benefits of cogeneration are obtainable unless petroleum or natural gas is used in such facility,

"(2) includes in the order a statement of the reasons for that finding, and

"(3) such person agrees, as a part of the order, to implement effective conservation measures, as determined by the Administrator, for the efficient use of such fuel as a primary energy source.

For purposes of the provisions of section 547(e) of this Act, the references to Federal laws in such provisions shall be considered as including a reference to this part.

EFFECT ON ENVIRONMENTAL REQUIREMENTS OF EXEMPTIONS

SEC. 607. The granting of an exemption from any requirements of this part shall not be construed as permitting any electric powerplant or major fuel-burning installation to which the exemption applies to delay or avoid compliance with applicable environmental requirements.

PRESERVATION OF CONTRACTUAL RIGHTS

SEC. 108. (a) The provisions of this section shall apply to any natural gas the use of which is prohibited by the provisions of section 603, 604, and 605, or any rule prescribed, or order issued, pursuant thereto.

(b)(1) Any person who receives such natural gas for such prohibited use pursuant to a service contract, in effect on April 20, 1977, between such person and any interstate pipeline, may transfer his interests under such contract to such interstate pipeline and receive in consideration therefor just compensation (as determined by the Administrator) from the person to whom such contractual rights are transferred.

(2)(A) Any person who receives such natural gas for such prohibited use pursuant to a contract, in effect on April 20, 1977, between such person and any person other than an interstate pipeline, may transfer his contractual interests under such contract to any person and receive in consideration therefor just compensation (as determined by the Administrator) from the person to whom such contractual rights are transferred.

(B) Any person who would have transported or distributed the natural gas subject to a contract with respect to contractual interests are transferred to any other person pursuant to subparagraph (A) shall be entitled to receive just compensation (as determined by the Administrator) from the person to whom contractual rights are transferred under this paragraph.

(c)(1) Any provision of any contract which prohibits any transfer authorized by subsection (b) or terminates such contract on the basis of such transfer shall be unenforceable in any court of the United States and in any court of any State, territory, or the District of Columbia.

(2) No State, territory, or the District of Columbia, or any political subdivision thereof, may enforce any prohibition on any transfer authorized by subsection (b).

(d) For purposes of this section—

(1) The term "just compensation" means—

(A) in the case of paragraphs (1) and (2)(A) of section (b), an amount not to exceed the difference between the price of natural gas, to which the provisions of this section apply, during the remainder of the period of the contract described in subsection (b), and the reasonable costs (excluding capital costs and any costs offset by any credit under any other law) incurred during such period and directly associated with the use of an alternative fuel by the applicable existing electric powerplant or major fuel-burning installation; and

(B) in the case of subsection (b)(2)(B), an amount equal to any loss of revenue, during the remaining period of the contract with respect to which contractual interests are transferred pursuant to subsection (b)(2), to the extent such loss is directly incurred by reason of the discontinuation of the transportation or distribution of natural gas resulting from the transfer of contractual interests pursuant to subsection (b)(2) and is not offset by revenues derived from other transportation or distribution which would not otherwise have occurred.

(2) The term "interstate pipeline" means—

(A) any person who transports natural gas, the transportation of which is subject to the jurisdiction of the Federal Power Commission; and

(B) any person who receives natural gas, from a person described in subparagraph (A), for distribution to ultimate consumers.

(3) The term "contractual interests", with respect to a contract described in subsection (b)(1), includes the entitlement to receive

natural gas subject to any applicable curtailment plan of the interstate pipeline filed with the Federal Power Commission or State regulatory authority or by any allocation of natural gas authorized by law.

(e) For purposes of paragraphs (1) and (2)(A) of subsection (b), in determining the amount of just compensation the Administrator shall, to the maximum extent practicable, apply any liquidated damages provision set forth in the applicable contract, but in no event may such amount exceed the maximum prescribed in subsection (d)(1)(A).

(f) The amount paid by any interstate pipeline as just compensation pursuant to subsection (b) shall be deemed just and reasonable for purposes of sections 4, 5, and 7 of the Natural Gas Act.

TERRITORIAL APPLICATION

SEC. 609. The provisions of this part shall apply in the contiguous 48 State, Alaska, and the District of Columbia.

ADMINISTRATIVE PROCEDURES

SEC. 610. (a) Except to the extent otherwise provided in this section, rules prescribed under this part shall be made, in accordance with the procedures set forth in section 553 of title 5, United States Code.

(b) Any petition filed under this part for an exemption from the requirements of section 603, 604, 605, or 606, or for any permit under section 605(g), shall be in such form and contain such information as the Administrator shall require by rule prescribed within 90 days after the date of the enactment of this part. The Administrator, upon receipt of such petition, shall publish a notice thereof in the Federal Register together with a detailed summary of the reasons set forth in such petition for requesting such exemption, and provide a minimum of 45 days for written comments thereon.

(c) Before prescribing any rule or order imposing a prohibition under this part or granting an exemption (or permit) under this part, the Administrator shall publish such proposed rule or order in the Federal Register, together with a statement of the reasons for such rule or order. In the case of an order imposing a prohibition under this part, a copy shall be transmitted to the person who operates any such powerplant or installation subject to such order. Any denial of any petition for an exemption under this part shall be published in the Federal Register, together with the reasons for such action.

(d) In the case of any rule or order imposing a prohibition under this part, or granting an exemption (or permit) under this part, any interested person, including the Administrator of the Environmental Protection Agency, shall be afforded an opportunity to present oral data, views, and arguments, including an opportunity, by means of conferences or other informal procedures, to question—

(A) other interested persons who have made oral presentations, and

(B) employees of the United States who have made written or oral presentations or who have participated in the development of the proposed rule or order,

with respect to disputed issues of material fact, but only to the extent the Administrator determines that such questioning is likely to result in a more timely and effective resolution of such issues.

(e)(1) A transcript shall be kept of any oral presentation made in accordance with this section.

(2) Any rule or order described in subsection (d) which is to be prescribed shall be published in the Federal Register and shall not take effect earlier than the 60th day after such rule is published.

(f)(1) Any person who will be adversely affected by a rule or order described in subsection (d), when it is effective or by the denial of such a rule or order, may at any time before the 60th day after the date such rule or order is prescribed (or denied), file a petition with the United States court of appeals for the circuit wherein such person resides, or has his principal place of business, for a judicial review thereof. A copy of the petition shall be forthwith transmitted by the clerk of the court to the administrator. Such agency thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the rule was based as provided in section 2112 of title 28, United States Code.

(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule or order (or denial thereof) in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule or order (or denial thereof) may be affirmed unless supported by substantial evidence.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule or order (or denial thereof) shall be final, subject to review by the Supreme Court of the United States upon certain certiorari or certification as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

(5) A copy of any petition for an exemption under this title shall also be filed by the petitioner with the Administrator of the Environmental Protection Agency and the Administrator shall request such agency to comment thereon within the period provided to the public. The Administrator, within 6 months after the public comment period shall deny such petition or prescribe the requested rule, except that the Administrator may publish a notice in the Federal Register extending such period to a date certain. Such notice shall include the reasons for delay. The Administrator shall publish the reasons for denial of the petition and state in any rule granting such exception or exemption the reasons therefor.

ENFORCEMENT AND PENALTIES

SEC. 611. (a)(1) Any person who knowingly violates any provision of this part, or rule or order issued thereunder, shall be subject to a civil penalty, which may be assessed by the Administrator, of not more than $25,000 for each violation. Each day of violation shall constitute a separate violation.

(2) Before assessing any civil penalty under this title, the Administrator shall provide to such person notice of the proposed penalty and an opportunity for a public hearing thereon, which shall be on the record and subject to section 554 of title 5, United States Code, and his order assessing the penalty shall state his findings therein. If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Administrator shall file a petition for enforcement of such order in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and thereupon the Administrator shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified or setting aside in whole or in part, the order of the Administrator or it may remand the proceeding to the Administrator for such further action as it may direct.

(3) Any person who willfully violates any provision of this part, or rule or order issued thereunder, shall be subject to a fine of not more than $50,000 or by imprisonment for not more than one year, or both, for each violation.

(4) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation described in paragraph (1) of this subsection, shall be subject to penalties under this subsection without regard to any penalties to which the corporation may be subject under paragraph (1), except that no such individual director, officer, or agent shall be subject to imprisonment under paragraph (3), unless he also knows, or reasonably should have known, of noncompliance by the corporation.

(5) Whenever it appears to the Administrator that any person has engaged, is engaged, or is about to engage in acts or practices constituting a violation of the provisions of this part or any rule or order issued thereunder, the Administrator may request the Attorney General to bring a civil action to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. In such action, the court may also issue mandatory injunctions commanding any person to comply with any provision of this part or any rule or order issued thereunder.

(b) Any person operating an electric powerplant granted an exemption as a peakload electric powerplant which, for any consecutive twelve-calendar-month period operates in excess of 1,500 hours, shall be liable for a civil penalty, which may be assessed by the Administrator, of up to $10 per barrel of oil or $3 per thousand cubic feet of natural gas used in excess of 1,500 hours, unless such person can demonstrate that operation in excess of 1,500 hours was necessary to meet peakload demand and that other peakload electric powerplants within the system were unavailable for service due to unit or system outages.

CITIZEN SUITS

SEC. 612. (a) Except as otherwise provided in subsection (b), any person may commence a civil action against—

(1) any person owning, operating, or controlling any electric powerplant or fuel-burning installation who is alleged to be in violation of any provision, rule, or order under this part; or

(2) any Federal agency which has a responsibility under this part if there is an alleged failure of such agency to perform any act or duty under this part which is not discretionary.

The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such provision, rule, or order, as the case may be.

(b) No action may be commenced—

(1) under subsection (a)(1)—

(A) before the 60th day after the date on which the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of such provision, rule, or order; or

(B) if the Administrator has commenced and is diligently prosecuting a civil action to require compliance with such provision, rule, or order, but, in any such action, any person may intervene as a matter of right;

(2) under subsection (a)(2), before 60 days after the date on which the plaintiff has given notice of such action to the Administrator.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

(c) In any such action under this section, the Administrator, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order

in any action brought pursuant to subsection (a), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this part or any rule thereunder, or to seek any other relief (including relief against the Administrator).

(f) For purposes of this section, if a person owning, operating, or controlling any electric powerplant or fuel-burning installation complied in good faith with a provision, rule, or order under this part, then he shall not be deemed to have violated any provision of this part by reason of the alleged invalidity of such provision, rule, or order.

FEDERAL ACTIVITIES

SEC. 613. (a) No Federal facility (or unit thereof)—

(1) constructed by the United States after the effective date of this part, or

(2) effective beginning January 1, 1985, owned by the United States.

shall use natural gas as the primary energy source for such facility or unit, unless the President determines in each case and informs the Congress of his determination, and the reasons therefor, that such use is necessary for national security reasons or to meet other requirements of law. The President shall review each such determination every two years and inform the Congress of the results of such review. Any such facility permitted to use natural gas by the President shall include and maintain effective conservation measures, as determined by the Administrator, for the efficient use of such fuel.

(b) In order to implement the policy of this part, the President shall, not more than 90 days after the effective date of this part, cause to be issued an order—

(1) requiring each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to promptly effectuate the purposes of this part by rule in such contracting or assistance activities within 180 days after issuance of such order, and

(2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement effectively, including procedures for each agency to report to the President annually which shall be available to the public on the actions taken to implement such order and the actions to be taken.

(c) The President may exempt any specific contract, loan, or grant from all or part of the provisions of this section if he determines such exemption is in the national interest. The President shall notify the Congress of such exemption at least 60 days before it is prescribed.

(d) The President shall annually submit a detailed report to the Congress on the actions taken to implement this section, including, but not limited to, the progress and problems associated with implementation of this section.

EMERGENCY POWERS OF THE PRESIDENT

SEC. 614. (a) If the President—

(1) declares a severe energy supply interruption, as defined in section 3(8) of the Energy Policy and Conservation Act, or

(2) finds, and publishes such finding, that a national or regional fuel supply shortage which the President determines—

(A) is, or is likely to be, of significant scope and duration, and of an emergency nature;

(B) causes, or may cause, major adverse impact on national health or safety or the economy; and

(C) results, or is likely to result, from an interruption in the supply of coal or from sabotage, or an act of God;

the President may, by order, allocate coal to any electric powerplant or major fuel-burning installation, in accordance with such terms and conditions as he may prescribe, in order to insure reliability of electric service or prevent unemployment.

(b) In the event the President declares a severe energy supply interruption, as defined in section 3(8) of the Energy Policy and Conservation Act, the President may, by order, prohibit any electric powerplant or major fuel-burning installation from using natural gas or petroleum as a primary energy source for the period specified in the order but not to exceed the duration of such interruption, notwithstanding applicable implementation plans as defined in section 110(b) of the Clean Air Act or other State or local government standard, limitation, or other applicable environment requirement. Such order may result in the violation of primary air quality standards only to the extent the President finds and publishes his finding that no alternative means are practicable to avoid such violation.

(c) The President may, by order, stay the application of any provisions of this part, or any rule prescribed, or order issued, thereunder—

(1) in the case of any provision, rule or order applicable to any new or existing electric powerplant, if the Federal Power Commission finds, and publishes such finding, that an emergency exists, due to national, or system-wide shortages of coal or other fuels, or disruption of transportation facilities, which emergency is likely to affect reliability of service of any such electric powerplant; and

(2) in any other case, to the extent the President determines is necessary to alleviate or prevent any emergency adversely affecting the public health, safety, or welfare.

(d)(1) Except as provided in paragraph (3), any order issued by the President under this section shall not be effective for longer than the duration of the interruption or emergency, or 90 days, whichever is less.

(2) Any such order may be extended by a subsequent order which the President shall transmit to the Congress in accordance with section 551 of the Energy Policy and Conservation Act. Such order shall be subject to congressional review pursuant to such section.

(3) Notwithstanding paragraph (1), any order issued under this section shall remain effective throughout the 15-calendar-day period during which any order described in paragraph (2) is subject to congressional review under section 551 of the Energy Policy and Conservation Act.

(e) The authority under this section may not be delegated.

(f) Any order issued under this section shall be published in the Federal Register. To the greatest extent practicable, the President shall, prior to issuing any order under this section, but in no event later than 5 days after issuing such order, report to Congress of his intention to issue such order and state his reasons therefor.

SUPPLEMENTAL NATURAL GAS BOILER FUEL CONVERSION AUTHORITY

SEC. 615. (a) The Administrator may, by rule, prohibit any person from using natural gas as a primary energy source of any existing boiler (other than a major fuel-burning installation) if the Administrator determines that—

(1) such boiler is used to produce steam for space heating purposes;

(2) such boiler had the capability on or before April 20, 1977, to use petroleum as a primary energy source;

(3) such boiler consumes 50 Mcf or more of natural gas per day on a peak day; and

(4) such prohibition is consistent with the purposes of this part.

(b) The Administrator may, by rule, prohibit any person from using natural gas as a primary energy source of any new boiler (other than a major fuel-burning installation) if the Administrator determines that—

(1) such boiler will be used to produce steam for space heating purposes;

(2) such boiler will consume 50 Mcf or more of natural gas per day on a peak day; and

(3) such prohibition is consistent with the purposes of this part.

(c) The Administrator may exempt any person from any rule prescribed pursuant to subsection (a) or (b) if such person demonstrates to the satisfaction of the Administrator that an adequate and reliable source of petroleum is not likely to be available to such person during the period of the exemption.

(d) For purposes of this section—

(1) The term "new boiler" means any boiler the construction of which the Administrator determines commenced on or after the date of enactment of this section.

(2) The term "existing boiler" means any boiler other than a new boiler.

(3) The term "Mcf", with respect to natural gas, means 1,000 cubic feet of natural gas.

EXEMPTION FOR SYNTHETIC GAS DERIVED FROM COAL

SEC. 616. (a) Any person who is prohibited by any provision of this part or any rule prescribed, or order issued, thereunder from using natural gas as a primary energy source may petition for an exemption from such prohibition pursuant to this section.

(b) The Administrator may grant an exemption, by order, from any prohibition on the use of natural gas as a primary energy source contained in any provision of this part or any rule prescribed, or order issued, thereunder if the Administrator finds that the petitioner has demonstrated that—

(1) such petitioner owns, or is entitled to receive, at the point of manufacture, synthetic gas derived from coal;

(2) the Btu content of such synthetic gas is equal to, or greater than, the Btu content of the natural gas to be covered by such exemption plus the approximate Btu content of any natural gas consumed or lost in transportation;

(3) such petitioner delivers, or arranges for the delivery of, such synthetic gas to a pipeline or pipelines which by transport or displacement are capable of delivering such synthetic gas, mixed with natural gas, to such person; and

(4)(A) in the case of any such transportation in interstate commerce (within the meaning of the Natural Gas Act), such transportation has been certificated by the Federal Power Commission; and

(B) in the case of any other transportation, such transportation has been approved by the State authority which exercises regulatory jurisdiction over the rates and charges applicable to such transportation.

PROHIBITION ON USE OF NATURAL GAS FOR DECORATIVE OUTDOOR LIGHTING

SEC. 717. (a) Not later than 180 days after the effective date of this part, the Administrator shall, by rule, prohibit any natural gas pipeline or local distribution company from continuing service of natural gas to any residential, commercial, or industrial customer for use in outdoor lighting. The Administrator shall take into account any special circumstances or characteristics in prescribing suh a rule.

(b) The Administrator may, by order, exempt any natural gas pipeline or local distribution company from the rule required to be prescribed under subsection (a) or any person from the application of such rule to

such person for the period during which, and to the extent that, the Administrator finds—

(1) such exemption is necessary to protect public safety;

(2) such exemption is necessary to permit the installation of substitute lighting where no outdoor lighting (other than that using natural gas) exists on April 20, 1977;

(3) compliance with such rule would entail extraordinary expense by the petitioner and would not be cost justified; or

(4) the issuance of the exemption furthers the purposes of this part.

(c) As used in this section, the term "outdoor lighting" means lighting by any stationary source which is not located inside any building.

IMPACT ON EMPLOYEES

SEC. 618. The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any rule or order imposing any prohibition under this part, including, if appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such rule or order. Any employee who is discharged or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of any such rule or order, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than 30 days notice, and shall at such hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such rule or order on employment and on any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be in accordance with section 610. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such rule or order on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this section shall be construed to require or authorize the Administrator to modify or withdraw any rule or order under this part.

INFORMATION

SEC. 619. For purposes of carrying out his responsibilities under the part, the Administrator may require, by rule or order or such other means and authorities as are available to him, any person owning, operating, or controlling any new or existing electric powerplant or major fuel-burning installation or any other person otherwise subject to this part to submit such information and reports of any kind or nature directly to the Administrator with respect to implementing the provisions of this part and insuring compliance with the provisions of this part and any rule, order, or other requirements of this part. The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this section to the same extent and in the same manner as it applies with respect to energy information obtained under such section.

ANNUAL REPORT

SEC. 620. The Administrator shall annually submit to the Congress on March 1 of each year a detailed report prepared by him in conjunction with the Administrator of the Environmental Protection Agency of the actions taken under this part and under section 2 of the Energy Supply and Environmental Coordination Act of 1974 during the preceding calendar year, and the actions to be taken. The report should include data on the effectiveness of the program in carrying out the purposes of this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 621. There is authorized to be appropriated to the Administrator for fiscal year 1978 $11,500,000 to carry out the provisions of this part (other than section 622(a)).

STUDIES

SEC. 622. (a)(1) The Administrator of the Environmental Protection Agency shall conduct on a continuing basis a program of monitoring, to the greatest extent possible and in accordance with the applicable authorities and provisions of the Clean Air Act, the emissions from electric powerplants and major fuel-burning installations required to convert to coal or other fuels under this part or otherwise using coal or other fuels and the effect thereof on the public health and welfare. Such Administrator shall submit a report thereon annually to the Congress.

(2) There is authorized to be appropriated to the Administrator of the Environmental Protection Agency, $2,000,000 in fiscal year 1978 for the report required under paragraph (1).

(b) The Administrator, in consultation with the National Governors Conference and other interested persons and organizations, shall conduct a study of the socioeconomic impacts of expanded coal production on States and on the public, including local communities, including the adequacy of housing, public, recreational, and cultural facilities for coal miners and their families. Within 1 year after the date of the enactment of this part, the Administrator shall submit a detailed report on the results of such study to the Congress, together with any recommendations for legislation he may consider appropriate.

EFFECTS OF OTHER LAWS ON PROCEDURES

SEC. 623. The procedures applicable under this Act, or section 2 of the Energy Supply and Environmental Coordination Act of 1974 shall not—

(1) be considered to be modified or affected by any other provision of law unless such other provision specifically amends such part (or provisions of law cited therein), or

(2) be considered to be superseded by any other provision of law unless such other provision does so in specific terms, referring to this part or such section, and declaring that such provision supersedes the provisions of this part or such section.

CONFORMING AMENDMENTS

SEC. 624. Section 11(g) of the Energy Supply and Environmental Coordination Act of 1974 is amended—

(1) by striking out paragraph (2), and

(2) in paragraph (1) by striking out "(g)(1)" and inserting in lieu thereof "(g)".

(b) The preceding provisions of this part shall not affect any order issued under subsection (a) or (c) of section 2 of such Act, and the authority of the Federal Energy Administrator to amend, repeal, rescind, modify, or enforce any such order, or rules applicable thereto, shall remain in effect notwithstanding any limitation of time otherwise applicable to such authority.

EFFECTIVE DATES

SEC. 625. The provisions of this part shall take effect 180 days after the date of the enactment of this Act, except that the Administrator may issue rules pursuant to such provisions at any time after such date of enactment, which rules may take effect no earlier than 180 days after such date of enactment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERY), to revise and extend their remarks and to include extraneous material:)

Mr. HAMMERSCHMIDT, for 10 minutes, today.

Mr. GLICKMAN (at the request of Mr. BONIOR), for 10 minutes, on June 20.

(The following Members (at the request of Mr. BONIOR), to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. HAMILTON, for 30 minutes, today.
Mr. PATTERSON of California, for 5 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Ms. JORDAN, for 5 minutes, today.
Mrs. MEYNER, for 10 minutes, today.
Mr. BINGHAM, for 5 minutes, today.
Mr. BOLAND, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DINGELL, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,415.

Mr. PERKINS and to include extraneous matter.

(The following Members (at the request of Mr. EMERY), and to include extraneous matter:)

Mr. FINDLEY.
Mr. SARASIN.
Mr. O'BRIEN.
Mr. FISH.
Mr. GILMAN.
Mrs. SMITH of Nebraska.
Mr. DORNAN in two instances.
Mr. RUDD.
Mr. MARRIOTT.

(The following Members (at the request of Mr. BONIOR), and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mrs. SCHROEDER.
Mr. CLAY.
Mr. WEAVER.
Mr. TEAGUE.
Mr. FARY.
Mr. LEDERER.
Mr. CORMAN.
Mr. MOTTL.
Mr. MCDONALD in three instances.
Ms. OAKAR.
Mr. FRASER.
Mr. MURPHY of Illinois.
Mr. PATTERSON of California.
Mr. YATRON.
Mrs. MEYNER.
Mr. NOLAN in three instances.
Mr. PEPPER in two instances.
Mr. WHITE.
Mr. GAYDOS.
Mr. EILBERG in three instances.
Mr. IRELAND.
Mr. BONIOR.
Mr. RYAN in two instances.
Mr. BONKER.
Mr. EDWARDS of California.
Mr. BENJAMIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rules, referred as follows:

S. 455. An act for the relief of Ermelinda Rossi; to the Committee on the Judiciary; and

S. 1142. An act for the relief of Kam Lin Cheung; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1440. An act for the relief of Eun Kyung Park and Sang Hyuk Park; and

H.R. 7606. An act to authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, June 20, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1719. A letter from the Secretary of the Interior, transmitting the annual report on Tule elk herds in California, pursuant to section 4 of Public Law 94–389; to the Committee on Interior and Insular Affairs.

1720. A letter from the Secretary of Commerce, transmitting notice of the granting of Federal recognition of Energy Expo '82, to be held in Knoxville, Tenn., pursuant to section 2(c) of Public Law 91–269; to the Committee on International Relations.

1721. A letter from the Chairman of the Board of Directors, Overseas Private Investment Corporation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on International Relations.

1722. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1979; to the Committee on Interstate and Foreign Commerce.

1723. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs, Federal Energy Administration, transmitting notice of meetings related to the International Energy Program to be held June 20–23, 1977, in Paris, France; to the Committee on Interstate and Foreign Commerce.

1724. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966 to authorize appropriations for fiscal year 1979; to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 7853. A bill to amend title IV of the Higher Education Act of 1965 to provide for a National Student Financial Assistance Data Bank; to the Committee on Education and Labor.

By Mr. BINGHAM (for himself and Mr. WHALEN) (by request):

H.R. 7854. A bill to amend the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on International Relations.

By Mr. BOWEN:

H.R. 7855. A bill to update the upland cotton allotment system, and for other purposes; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 7856. A bill to apply duty-free treatment under certain circumstances to articles produced in the insular possessions of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 7857. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of Oklahoma (for himself and Mr. ENGLISH):

H.R. 7858. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 7859. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. HAMILTON:

H.R. 7860. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules imposing certain sanctions, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

H.R. 7861. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

H.R. 7862. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of future agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. JACOBS:

H.R 7863. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of certain campaign expenses for candidates for election to the House of Representatives, to limit the amount that a person may contribute to such a candidate, and for other purposes; to the Committee on House Administration.

By Mr. MURPHY of Pennsylvania:

H.R. 7864. A bill to amend the Unemployment Compensation Act Amendments of 1976 (Public Law 94–566); to the Committee on Ways and Means.

By Mr. PREYER:

H.R. 7865. A bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn or fiber and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY (for himself and Mr. SLACK):

H.R. 7866. A bill to make Flag Day a legal public holiday, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RUNNELS (for himself and Mr. RONCALIO):

H.R. 7867. A bill relating to the relocation of certain Hopi and Navajo Indians pursuant to the act of December 22, 1974 (Public Law 93–531); to the Committee on Interior and Insular Affairs.

By Mr. SIMON (for himself, Mr. BLANCHARD, Mr. STEERS, Mr. VENTO, Mr. STARK, Mr. DICKS, Mr. BONIOR, and Mr. BINGHAM):

H.R. 7868. A bill to require the Secretary of Labor to establish a pilot program for the provision of guaranteed employment opportunities in selected counties of the United States; to the Committee on Education and Labor.

By Mrs. SMITH of Nebraska (for herself and Mr. ROSE):

H.R. 7869. A bill to extend the moratorium on post office closings; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself and Mr. THONE):

H.R. 7870. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for services furnished by physician extenders; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. WEAVER (for himself, Mr. BONIOR, Mr. SIMON, Mr. DIGGS, Mr. FRASER, Mr. BROWN of California, Mr. NOLAN, Mr. PANETTA, Mr. EDGAR, Mr. RICHMOND, Mr. BRODHEAD, Mr. HARRINGTON, Mr. NOWAK, Mr. LEHMAN, Mr. ROSE, and Mr. PEASE):

H.R. 7871. A bill to assist in the marketing and handling of 1977, 1978, 1979, 1980, and 1981 crops of wheat and feed grains; to the Committee on Agriculture.

By Mr. JACOBS (for himself, Mrs. KEYS, Mr. ANDREWS of North Carolina, Mr. ERTEL, Mr. GEPHARDT, and Mr. STANGELAND):

H.J. Res. 524. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. GILMAN:

H. Con. Res. 252. Concurrent resolution to express the sense of Congress that a United Nations special investigatory commission should be established to secure a full accounting of Americans listed as missing in Southeast Asia; to the Committee on International Relations.

By Mrs. BOGGS:

H. Res. 646. Resolution relative to determining a telecommunications regulatory policy; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTISON of New York (for himself, Mr. BENJAMIN, Mr. BRECK-

INRIDGE, Mrs. BURKE of California, Mr. BUTLER, Mr. CLAY, Mr. EDWARDS of California, Mr. ERTEL, Mr. EVANS of Indiana, Mr. GOODLING, Mr. MIKVA, Mr. MOFFETT, Mr. PATTERSON of California, Mr. RISENHOOVER, Mr. ROYBAL, Mr. STANGELAND, Mr. STARK, Mr. VENTO, Mr. WHALEN, and Mr. YOUNG of Alaska):

H. Res. 647. Resolution to authorize each Member of the House of Representatives to hire two additional Lyndon Baines Johnson congressional interns and to authorize payment of additional compensation for such interns from the clerk hire allowance; to the Committee on House Administration.

By Mrs. SMITH of Nebraska (for herself and Mr. LUKEN):

H. Res. 648. Resolution expressing the sense of the House of Representatives that the effect on our society of the level of violence depicted on television requires more consideration and study; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BAUCUS introduced a bill (H.R. 7872) for the relief of Nostratollah Moradi; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEW TAX LAW: LOWER TAXES, SIMPLER FORMS

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. MURPHY of Illinois. Mr. Speaker, the new tax bill signed into law by President Carter May 23 will ease the tax burden of millions of Americans. By increasing the standard deduction for single persons and married couples, most Americans' taxes will be reduced an average of $110 this year. In addition, the new law will simplify the normally baffling tax forms by consolidating deductions, exemptions, and credits into a single tax table.

Mr. Speaker, I would like to draw my colleagues' attention to an article I have written on this new tax law. The article appeared in the Daily Calumet on June 6, 1977:

NEW TAX LAWS EASE BURDEN

Benjamin Franklin once lamented: "In this world nothing is certain but death and taxes."

But the inevitable blow of April 15 has been softened a bit by a new bill signed into law by President Carter May 23.

The bill has two main features:

First, it increases the standard deduction for single persons and married couples. This will reduce most American's taxes an average of $110 this year. In the past, deductions have ranged from $1,700 to $2,400 for single persons, and from $2,000 to $2,800 for married couples. Under the new law, the standard deduction is increased for single persons to a flat $2,200 and to $3,200 for married couples. Some two-thirds of all taxpayers, or 48 million people, will benefit from this new, permanent tax break.

About two million taxpayers, single persons, earning $13,750 or more annually, will pay an average of $52 more per year.

To reflect the increase in the standard deduction, payroll withholding rates will be lowered. This means that millions of Americans will be getting bigger paychecks beginning June 1.

Workers taking the standard deduction will bring home an average of $2.10 more per week. Even those whose taxes won't be cut by the bill can look forward to fatter paychecks. This is because the Treausry Department has decided to set withholding rates lower than the new law requires. Reason: Treausry wants to end its much-criticized policy of "over-withholding."

The second major feature of the bill is its simplification of the normally baffling tax arithmetic. The new law will permit about 96 per cent of all taxpayers to compute their taxes (including deductions, exemptions, and credits) from a single, consolidated tax table.

Simplification, of course, does not take the sting out of paying taxes. But it should reduce the taxpayer's aggravation of figuring out how much he owes Uncle Sam.

There are some other good provisions in the bill. As passed by Congress, the new law:

Continues for another year the "general" tax credit for all taxpayers, $35 per person or two per cent of the first $9,000 of taxable income whichever is larger.

Reduces the "marriage penalty" by lessening the incentives for unmarried couples to file as single taxpayers. Under the old law, unmarried couples filing as single taxpayers could get deductions ranging from $1,300 to $2,000. The new standard deduction limits this tax break to $1,200.

Allows persons over 65 and the blind to claim a $35 tax credit in addition to the regular $35 credit available to all taxpayers. This means senior citizens and blind persons are entitled to a $70 credit.

Gives taxpayers the opportunity to file amended 1976 tax returns to claim sick-pay exclusion.

Permits persons over 65 to file amended 1976 tax returns to choose between the "retirement income credit" or the new "credit for the elderly," whichever benefits them more.

The tax bill passed Congress only after President Carter's proposals for a $50 rebate and an increase in the investment tax credit were dropped. The House approved the rebate in March, but the proposal, highly unpopular with the business community, ran into strong opposition in the Senate.

Last month, the President said he had changed his mind on the rebate because the economy showed new signs of pepping up. Eager to win business confidence and avoid a showdown with the Senate, Carter abandoned the rebate in mid-April.

Congress also rejected Carter's proposal to increase the investment tax credit, an incentive for companies to purchase new machines and equipment. Instead, Congress substituted a two-year "jobs credit," which allows employers to claim a $2,100 tax credit for each new worker hired, after their work force has grown two per cent. The jobs credit is aimed at reducing unemployment by encouraging small and medium-sized businesses to hire new workers.

All in all, the new tax bill will cut federal taxes by $34 billion over the next 28 months. The bill, a major part of President Carter's economic stimulus package, has a good chance to revive our sluggish economy.

WARNINGS ABOUT A CONSUMER PROTECTION AGENCY

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mrs. SMITH of Nebraska. Mr. Speaker, on May 10, the House Government Operations Committee voted 22 to 21 to establish a Consumer Protection Agency. In 1975, the House narrowly approved a similar measure, 208 to 199, after the Government Operations Committee had supported it overwhelmingly. The razor-thin margin of the committee vote this year indicates that Congress is listening to warnings from farmers, workers, and businessmen. I would like my colleagues to hear two more warning voices on the subject:

THE NEBRASKA STOCKGROWERS ASSOCIATION

Whereas: The Nebraska Stockgrowers Association favors less governmental control and a free enterprise system;

And whereas: the proposed Consumer Protection Agency adds another layer of governmental bureaucracy and means additional cost for the all-ready over-protected consumer, of which the people in agriculture, are a part.

Now, Therefore be it resolved: The Nebraska Stockgrowers Association actively opposes efforts to establish the Consumer Protection Agency.

NEBRASKA LIVESTOCK FEEDERS ASSOCIATION

The 4,422 members of the Nebraska Livestock Feeders Association are respectfully urging you to vote against the proposal to create the Agency for Consumer Protection.

The membership expressed their opposition to such a proposal in a resolution at their 1975 State Convention. That resolution is as follows:

AGENCY FOR CONSUMER PROTECTION

Whereas, the people in agriculture are some of the largest consumers in the nation,

Whereas, we have always fought for less government control and a free enterprise system, and

Whereas, any governmental organization trying to control everything that is consumed would soon become the largest bureaucratic monster yet,

Therefore be it resolved, that the Nebraska Livestock Feeders Association oppose any and all efforts to establish a Consumer Protection Agency.

The people of this Country are calling for less government—not more! President Carter based his campaign on that promise. A new multi-million dollar agency certainly does not fulfill the desires of the people or the President's promise.

Every branch of the present government structure has built-in consumer protection. Is it wise to hire more watch-dogs to watch the watch-dogs? Since everyone is a consumer is it possible for one agency to represent all consumers?

There is a fear in rural Nebraska that if ACP become a reality that it would be run by the current consumer activists that are so prominent in Washington. Presently, these activists react upon emotion, fear and theory instead of on scientific facts and common sense. We in agriculture cannot live under that type of government control.

We respectfully ask that you allow the free market place and the consumer's dollars to be the consumer protection in the United

States. This method has worked extremely well in the past and if allowed, will continue to work extremely well.

If you allow the passage of the Agency for Consumer Protection it will grow unleased like an atomic bomb cloud and it's "fallout" will be devastating to the agricultural and business community of this country.

Stop it now before it is created. Once created it can never be stopped.

LITHUANIANS DENIED THEIR HUMAN RIGHTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. EILBERG. Mr. Speaker, this week marked the 37th anniversary of the forcible incorporation of Lithuania into the Soviet Union, and the deportation of 300,000 freedom-loving Lithuanians into Siberian labor camps.

As people of conscience, I believe that we in Congress have a responsibility to commemorate these events.

In the Greater Philadelphia area, Mr. Speaker, exist the offices of the National Committee of the Lithuanian-American Executive Committe of the Lithuanian-American Community of the U.S.A., Inc. I commend to the attention of my colleagues the committee's thoughts on this issue:

PRISONERS OF CONSCIENCE PATRIOTS FOR HUMAN RIGHTS

Political repression, religious persecution, cultural genocide, deportation to Siberia and the denial of basic human rights—these are the indignities suffered by the Lithuanian people over the last 37 years at the hands of their Communist occupiers, the Soviet Union.

Lithuanians have not suffered in silence. The Western World has seen and hears of the many sacrifices of Lithuanian patriots for human rights, despite attempts by the Soviet Union to suppress all such communications with the Western World. The underground publications, "The Chronicle of the Lithuanian Catholic Church" and "Ausra" (The Dawn), are published and disseminated by Lithuanians, in spite of the constant threat of arrest and imprisonment by their Russian occupiers. Indeed, Russian prisons are filled with such prisoners of conscience.

The Soviet Union has blatantly ignored the human rights provision of its own constitution, the provisions for human rights in the United Nations Charter, and most recently it has ignored the implementation of the provisions of the Final Act of Helsinki.

Lithuania, a sovereign nation since 1251, established its independence on February 16, 1918, but was invaded and occupied by the Soviet Union on June 15, 1940, and subsequently, more than 300,000 freedom-loving Lithuanians were deported to Siberian forced-labor camps. These tragic events are commemorated by Lithuanians throughout the Free World on June 15th.

This summer, the United States will be attending the follow-up Conference on European Security and Cooperation in Belgrade, Yugoslavia. The people of Lithuania are anxiously awaiting the outcome of the Belgrade Conference, because it represents the only foreseeable means for them to benefit from the provisions of the Final Act of the European Security and Cooperation Conference in Helsinki.

There is world-wide concern for Soviet Jewry, and justly so, however, Lithuanians, Latvians, Estonians and the people of the other Captive Nations also deserve our concern, and action.

The Belgrade Conference presents a unique opportunity to bring the force of world public opinion and the diplomatic power of the Western World to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. The Commission on Security and Cooperation in Europe, established by the United States Congress last year, has documented evidence of the Soviet Union's non-compliance with these provisions.

We urge the President of the United States, and the Secretary of State to direct our representatives to the Belgrade Conference to confront the Soviet Union about their non-compliance and evidence of bad faith. Since the Soviet Union seeks better relations with the Western World for its own purposes, let us make compliance with the Final Act of Helsinki a condition on which those relations depend.

DR. WERNHER VON BRAUN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. TEAGUE. Mr. Speaker, it is with a sense of great respect and of personal loss that I wish to pay tribute to the memory of one of our Nation's outstanding scientific leaders, Dr. Wernher von Braun, who died last night after a long illness.

I was saddened by this news and feel it is appropriate and fitting that we pause at this time to remember with pride the leadership role Dr. von Braun played in our Nation's field of science and astronautics.

When our Nation was faced with the challenge to respond to the successful launching of the world's first artificial satellite in October of 1957 by the Russians, it was the Von Braun team that was called upon. America's first artificial satellite was launched a short time later and that historic event successfully entered our Nation into the new age of space exploration.

Major steps have been made in this field and we well remember that the dedicated effort of the Von Braun team remained strong and greatly contributed to the development of the knowledge that made it possible for the United States to be the first country to land a man on the Moon. That knowledge is today one of our Nation's greatest assets.

Mr. Speaker, few men are able to conceive of a task so large as that which has been accomplished in our Nation's space efforts. The fact that Dr. von Braun was a visionary in the field of rocket science since the age of 12 made him capable of accepting the great challenge of leading men to the freedom of escaping the bounds of the Earth. He had thought space travel was possible and he studied hard to prove that belief was theoretically and practically possible.

We know our Nation has profited by our scientific accomplishments made possible through the remarkable career of this great man. He stands as a monument of dedication and hard work. His memory will live on through the legacy he leaves and I know the people of America join me in a thank you for the efforts he extended to our Nation in its efforts to accomplish an almost impossible dream.

McGUFFEY, WHERE ARE YOU NOW?

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. BENJAMIN. Mr. Speaker, section 4947(a)(2) of the Internal Revenue Code states in part that—

In the case of a trust which is not exempt from tax under Section 501(a), not all of the unexpired interests in which are devoted to one or more of the purposes described in Section 170(c)(2)(B), and which has amounts in trust for which a deduction was allowed under Section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, Section 507 (relating to termination of private foundation status); Section 508(e) to the extent applicable to a trust described in this paragraph, . . . Section 4944 (relating to investments which jeopardize charitable purpose) except as provided in Subsection (b)(3), and Section 4945 shall apply as if such trust were a private foundation.

Guy Slaughter, a highly respected journalist from the Post-Tribune addressed himself to the problems so vividly illustrated by a reading of section 4947 of the Internal Revenue Code. People have a right to expect a tax system to be simple, fair, and efficient—something they do not have now.

Mr. Slaughter suggests one way that this can be changed and while his approach is lighthearted, the point he makes is a serious one.

For the benefit of my colleagues, I would like to share Mr. Slaughter's article with them and I hereby insert the article in the RECORD:

McGUFFEY, WHERE ARE YOU NOW?

(By Guy Slaughter)

What this country needs is a William Holmes McGuffey to head its Internal Revenue Service.

And I personally urge President Jimmy Carter to find one before the long-suffering citizenry rises in wrath to throw the IRScals out.

McGuffey, it will be remembered, is the gentleman who devised the famous First Reader bearing his name that taught generations of our forebears to recognize and understand the printed word.

His prose was neither lilting nor elegant, but it was clear.

McGuffey wrote, "See the dog. His name is Spot. See Spot run." And there was no doubt in the reader's mind about the message McGuffey was conveying.

Contrast that kind of clarity with federal Forms 1040, new and old, and the need for a new McGuffey comes clear.

Personally, I read English with average skill and comprehension.

But 1040 language, in short version or long, with or without suffix letters attached, is Greek to me.

Before IRS brass revised the tax forms used for years to pick the pockets of defenseless citizens more or less gainfully employed and too patriotic to stop working, I found those forms confusing.

And now that they have been "simplified," the lawyer whose taxable income I have been contributing as my paid-proxy form-filler tells me HE is confused.

It has gotten to the ludicrous situation where every wage-earner needs either an interpreter to translate the language on his tax forms or an attorney to fill them out for him.

But it would be different, were a latter-day McGuffey to be named as the IRS chief with form-creation duties.

I can see the difference now.

Instead of a tax form that represents a hybrid between a crossword puzzle and a cryptogram, the instructions would be lucid and clear.

Present forms, saying something like "Unless you have previously claimed deduction 14-a and/or exemption 73-c, take the smaller, number and multiply it by the larger number divided by the quotient of the sum and differences of the deduction subtotals in space 7-x; otherwise, add 14 per cent to the tax liability shown on line 29 of the tax table in appendix B," would be obsolete.

And what a joy those new McGuffey forms would be to fill out, come tax return time each year.

They would go like this, if the old master of First Reader "See Spot Run" fame had the chore of writing the instructions:

"This is a tax form. On line one put your name. On line two goes your address. Next comes your age and social security number. Put down what you earned last year on line four. On line five write in one-third of your total income. Send us a check for that amount. If we need more we will sue you."

And there it would be. Clear, concise, lucid, understandable.

Of course, there is a danger in such simplification.

There is a risk of rebellion by the citizenry, if it is able to tell at a glance what a huge part of its hard-won income is being ripped off to support government programs it neither approves of nor knows about.

But that is a chance I am willing to take, if President Carter is.

So I urge him to search for a present-day McGuffey charged with revising forms 1040 and 1040-a ala First Reader language.

After all, if every taxpayer could fill out his own return, following simple directions on a lucid form, each of us could save a little money each year now paid out to tax experts.

And that money could be used to buy shoes for the kids or bread for the table.

At least it could until Congress told the IRS to grab it from us for bigger salaries or another new program.

REV. C. KEITH ELLIOTT

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. IRELAND. Mr. Speaker, I am proud and honored that our prayer at the opening of the House session today was offered by the Reverend C. Keith Elliott, pastor of the First Christian Church—Disciples, of Lakeland, Fla.

A native of Illinois, Rev. Elliott came to my congressional district almost 7 years ago from Carthage, Ill. He is a hard working clergyman, who has earned a place of respect in the hearts of the people of Lakeland.

He is a graduate of Eureka College in his home State and later received a degree from the Lexington Theological Seminary at Lexington, Ky.

We are fortunate to have had him lead us in prayer this morning.

HUMAN RIGHTS: AMERICA SPEAKS OUT

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. WHITE. Mr. Speaker, in the spring of 1972, with the help of some friends, I established the Kathy White Achievement Award scholarship program in El Paso County in memory of my beloved wife who had died in a tragic accident earlier that year. Each high school in the county is eligible to nominate one senior candidate for the award each year, and a special committee selects a winner based on overall citizenship, and scholastic and extracurricular accomplishment. A final element in the judging is an essay which each candidate composes on a given subject. This year's Kathy White Achievement Award winner is a delightful and accomplished young woman from El Paso's Burges High School named Kathrine Hope Chew. Her thoughts which she has excellently portrayed in her essay on "Human Rights: America Speaks Out" are most timely and pertinent, and I should like to submit her work for the RECORD:

HUMAN RIGHTS: AMERICA SPEAKS OUT

Ethnic groups, women, and the handicapped are sounding out. "We want equality!" they cry. "Stop discrimination!" The United States is not free from imperfections; nevertheless, it still guarantees basic human rights to its citizens. Our Founding Fathers paid the price for freedom; and today, we bask in the security of an open society. For Americans, basic rights are as natural as the air we breathe.

While Americans enjoy basic freedoms, the majority of the world's population is denied full civil and political rights: political dissenters are often imprisoned, tortured, and barred from their homelands. To turn away from this reality is to abandon the American heritage of freedom. Not only is it our duty to speak out for morality in world affairs, but our rights are endangered when we become indifferent. Refusing to support human rights abroad foreshadows an erosion of value in human rights at home. We can never be secure when we compromise with violence instead of fight against it.

Friend and foe alike advise the United States to "mind its own business." But no member of the United Nations can claim mistreatment of its citizens as solely its own affair. A violation of human rights is a rejection of international documents: the United States Nations Charter, the United Nations Universal Declaration of Human Rights, and the Helsinki Agreement. Deeds that match promises cultivate trust; and when nations cannot trust each other to uphold international agreements, world peace and security will diminish.

To be sure, there are troubles on this earth, but the road to worldwide peace and justice lies ahead. Our willingness to respond to the needs of others at the cost of expediency will determine how far we will travel. The Chinese say, "The journey of a thousand miles begins with one step." Let America, land of the free, be among the first to take that step.

TRIBUTE TO BOB W. HOFFMASTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. ANDERSON of California. Mr. Speaker, on July 1, 1977, the Port of Long Beach will lose a man who has played a key role in its development as the single busiest port on the west coast of the United States. B. N. Hoffmaster, chief engineer of the Port of Long Beach, is retiring after almost 40 years of outstanding service.

Born on a farm in York County, Nebr., Bob Hoffmaster moved with his family to Long Beach in 1923. He attended grade and high schools in Long Beach, graduated from Long Beach City College and attended the University of California at Berkeley before receiving a degree in civil engineering from the University of Southern California. He has since attended graduate school in civil engineering for design and construction of port facilities at several schools, including the University of California at Los Angeles, the University of Southern California, and the California Institute of Technology. Bob was registered as a civil engineer in the State of California in 1943.

Bob Hoffmaster joined the Long Beach Harbor Department in 1938. With the exception of 4 years during World War II when he served with the Army Corps of Engineers—starting out as a private and rising to the rank of major—Bob has been with the port ever since. During his tenure, he has seen the harbor grow into one of the major international centers of maritime commerce and a leader in modern design and construction.

In 1952, Bob Hoffmaster became assistant chief harbor engineer directly in charge of all harbor engineering and construction work, a position he filled with the high competence and performance that have been the hallmarks of his professional career. When his predecessor became ill, Bob became acting chief harbor engineer for 18 months before assuming the position on a permanent basis in 1958.

The number of projects and problems associated with the growth of Long Beach Harbor into a major international port is truly hard to imagine. Construction alone—roads, sewers, pipelines, railroads, docks, warehouses, radar facilities, and communications—could have swallowed a person with lesser abilities. Yet Bob Hoffmaster supervised all of these projects and more. The huge oilfield lying under the port was developed extensively, and when land subsidence became a major problem, salt water was injected into the oil sands to restore the support once given by petroleum.

Even today, the development of the port continues—construction costs have averaged $12 million annually for the past few years. Since Bob Hoffmaster took over in 1958, the amount of tonnage

handled through the Port of Long Beach has tripled. When he leaves, Bob will have brought the port a long way, and will have given it a sure sense of purpose for what it will become in the future.

Bob Hoffmaster's expertise and leadership have been recognized many times in the past. He has published numerous technical papers, and his work for the Port of Long Beach has been presented and discussed in numerous books and papers. Hoffmaster is a fellow of the American Society of Civil Engineers, and is a member of the Society of American Military Engineers, the National Society of Professional Engineers including the California and Long Beach chapters, the Propellor Club's Long Beach-Los Angeles chapter, and is a member and past chairman of Committee IV, Construction and Maintenance, of the American Association of Port Authorities.

An active and involved member of the community, Hoffmaster is a member of the Civil Engineering Professional Advisory Council at California State University, Long Beach; the Kiwanis Club of Long Beach; Long Beach Lodge No. 327, F. & A. Masons; and the A. & A. Scottish Rite of Freemasonry. He is also a member of the California Heights Methodist Church.

Mr. Speaker, Bob Hoffmaster has been the very embodiment of professionalism throughout his long and distinguished career. Through his work with the Port of Long Beach, a major economic force has been developed for the benefit of the entire southern California area. I have worked with Bob Hoffmaster on several occasions on Federal legislation affecting the Port of Long Beach, and he has always impressed me with his knowledge and good judgment.

My wife, Lee, joins me in congratulating Bob as he leaves the Long Beach Harbor Department after almost 40 years of outstanding service. We are positive that his lovely wife, Gayl, must be very proud of Bob's many accomplishments, and we wish them both the best of good fortune in the years ahead.

SUGAR CONTROVERSY WIDENS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. FINDLEY. Mr. Speaker, an excellent article appeared in the June 15, 1977, issue of the Washington Post newspaper depicting the growing controversy over the administration's plan to provide Government payments to sugar growers and processors. I especially would like to alert my colleagues to the apparent reluctance of at least one major sugar firm to accept the payments.

The full text of the article follows:

PROPOSAL FOR SUGAR SUBSIDY MAY FACE TRIO OF CHALLENGES

The Agriculture Department finally has announced proposed plans for operating a $250 million sugar subsidy program, but the plan faces challenges from three groups of critics.

The program, authorized by President Carter May 4, calls for direct subsidy payments to sugar processors who would pass virtually all of the money on to depressed beet and cane growers in order to bolster their incomes without raising prices for consumers.

Shortly after Deputy Agriculture Secretary John White announced the proposed operating details of the program Monday and called for public comment, congressional and industry critics raised issue with it.

A spokesman for Rep. Robert Michel (R.-Ill.), said that when the Agriculture Department budget comes to a vote in the House late this week or next week, he will offer an amendment to cancel the sugar subsidy.

The Corn Refiners Association, representing companies whose syrup products compete with sugar, hinted it may challenge the subsidy program in court.

An official of the nation's biggest sugar beet processor, Great Western Sugar Co. of Denver, said the firm is "investigating the possibility" of boycotting the program by refusing to accept payments. If a processor declines to take the payments, the money could not legally be passed to growers.

White said the subsidy program was drafted because sugar prices have dipped below production costs for growers.

Under the proposal, the Agriculture Department would make payments of up to 2 cents a pound on raw sugar when prices for any three-month period averaged below a support target of 13.5 cents a pound.

The payments would go to processors, but they would be required to pass on to growers all but the amount needed to cover their bookkeeping costs in handling the pass-through. Experts said this would be less than 10 per cent of the payments.

White said payment eligibility would cover the 1977 crop sugar, beginning with sugar marketed after May 4.

EFFECT OF MINIMUM WAGE INCREASE ON SMALL BUSINESS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. O'BRIEN. Mr. Speaker, a constituent of mine, Mr. Don R. Frank, of Kankakee, Ill., has shared with me his concern about the bill to increase the minimum wage. He expresses his concern from one who manages a small business in the city of Kankakee. He writes:

Personally, I'm not opposed to increasing the minimum wage, but I think the increases should come in small doses over a fairly extended period of time instead of the huge increase that's proposed for January 1, 1978.

In voicing my objection to the proposed legislation, I can only speak for the small businessman. If the minimum wage was increased, as proposed, we would be faced with a very difficult decision. Any new employee would come on board with a substantially higher starting salary which would create inequities as far as the older and more experienced personnel are concerned. This would leave our business with a choice of either raising all other salaries to our older and much more qualified personnel or leaving them pretty much in the same salary status. If the latter action was taken, it would certainly be very unfair to the older employee but if the former option was taken, then the cost of doing business would be substantially higher than it is now.

I get a very strong feeling that those that represent us in the halls of Congress and in the Senate chamber feel that all this money comes from some huge bag of cash that's secreted away in some dark vault by business available for such good purposes as Congress deems best for the public. This may be true for many businesses, but I can assure you, for the small businessman, this is simply a cost of doing business which must be passed on to the consuming public. For if it is not passed on, then we will no longer have any profits and, therefore, the reason for the existence of our business will have disappeared.

REHABILITATION SERVICES ACT

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. NOLAN. Mr. Speaker, I would like to associate myself with the questions raised by Mr. JEFFORDS yesterday in regard to appropriating funds for implementation of section 504 of the Rehabilitation Services Act. I was conducting hearings in the Subcommittee on Family Farms and Rural Development and was unable to be present when my colleague raised this issue. Had I been here, I would have strongly supported Mr. JEFFORDS' position.

Our society has closed its eyes to the rights and needs of the handicapped for too long. The able-bodied majority has designed our environment in ways that essentially "close the doors" of education, Government, public service, private enterprise, and commerce to the disabled, just as surely as those doors were once barred to women and minorities. There are over 35 million disabled individuals in this country and we have turned their disabilities into handcaps by our atttudes and by the way we have actually constructed our environment. That has to change. Congress has acknowledged it, President Carter has acknowledged it, and now it is time to back up these acknowledgements with the money it is going to take to get the job done.

Not only do we have the obligation to make these funds available to implement the changes we have mandated in the public sector, but we must also do everything possible to encourage the private sector to make whatever changes necessary to become accessible to the disabled people of this country. In the Tax Reform Act of 1976 we included a deduction of up to $25,000 per year during 1977, 1978, and 1979 for costs incurred in making businesses accessible. Far too few people are even aware that the deduction exists and unless a nationwide awareness campaign is launched, the incentive will go largely unused. I have introduced House Joint Resolution 426 calling for the President to declare an Architectural Barrier Awareness Week during each summer of those 3 years to focus attention on the need for accessibility and the existence of the deduction. Seventy-five Members have cosponsored the resolution but many more are needed before the Post Office and Civil Service Committee will act on the bill. Only public awareness will bring about change in the private sector.

and this appropriation is necessary to back up our commitment in the public sector. I urge my colleagues to join me in supporting funding for this important section of the Rehabilitation Services Act.

TRIBUTE TO MARY MacCONO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. ANDERSON of California. Mr. Speaker, the retirement of an educator is always a poignant moment due to the unique position these men and women occupy in a community. When the community is one which is tight-knit and friendly, and when the educator in question is a long standing resident of the area, the retirement becomes especially significant.

Thus, when Mary MacCono retired at the close of the spring, 1977 semester from San Pedro's Cabrillo Avenue Elementary School, it marked a significant event in the lives of her colleagues, former students, and the countless others she has touched over the years through her devotion to duty and selfless public service.

A native of San Pedro, Mary MacCono was born on September 12, 1911. She was a student at Cabrillo Avenue School, Dana Junior High School, and San Pedro High School. After receiving a bachelor of education degree and teaching credential from the University of California at Los Angeles, she earned a masters degree in education and elementary administrative credential from the University of Southern California.

Before returning to San Pedro as a teacher, Mary worked in the Del Norte School in Ventura, and the Corona Avenue Schools, and the 32d Street School in Los Angeles. In addition, she has educational experience overseas, having taught in Salzburg, Austria, and as a principal in Nara, Japan.

Miss MacCono taught at Barton Hill School and 15th Street School in San Pedro before returning to Cabrillo Avenue School more than 25 years ago. In addition to her long and devoted career as an educator, Mary also served in the U.S. Navy, serving with an air division during the Korean conflict, and completing 22 years of active and reserve duty.

Upon returning to the United States, Mary worked nights for a time at the dean's office at the University of Southern California, counseling and registering veterans and other students.

Mary MacCono has been very involved in professional activities within the academic world. She is a member of the National Honorary Sorority, Phi Lambda Theta, and is currently national president of Omega Alpha Delta, an honorary social and service sorority. She is also a member of the President's Circle, a support group for the University of Southern California.

An extremely involved member of the community, Mary has donated over 1,700 hours of service to the San Pedro Community Hospital. She is a charter member of the American Association of University Women's San Pedro Branch, and has been a member of the women's division of the San Pedro Chamber of Commerce and Community Development. In addition, Miss MacCono is a member of the Garden Club, and has worked with various children's organizations, including a stint as Skipper of the "Lightning" Girl Sea Scouts.

Mr. Speaker, Mary MacCono's entire life has been devoted to public service—either through her career as an instructor or her many hours of volunteer work for the betterment of the community. Certainly, she deserves to be recognized as an outstanding citizen who has set a fine example for the children of our community to follow.

My wife, Lee, joins me in expressing our sincere congratulations to Mary as she enters her retirement, and in wishing her the best of good fortune in the years which lie ahead.

STAMP OF APPROVAL FOR EXPORTING TRIS-TREATED CHILDREN'S SLEEPWEAR

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. NOLAN. Mr. Speaker, the front page of this morning's Washington Post carried an article reporting that the Consumer Product Safety Commission is considering a stamp of approval for exporting Tris-treated children's sleepwear to foreign markets—a solution to the domestic economic problem created by the ban on Tris. My colleagues are aware of the issue and I need not elaborate on it here. I was appalled to learn of this development and I have sent the following letter to Mr. John Byington, Chairman of the Commission. I hope my colleagues will take a moment to think about the implications involved in this matter and contact Mr. Byington accordingly.

The article follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 17, 1977.

Mr. JOHN BYINGTON,
Chairman, Consumer Product Safety Commission, Washington, D.C.

DEAR MR. BYINGTON: I was astonished and deeply disturbed to read in this morning's Washington Post that the Commission is considering the possibility of allowing the Tris-treated sleepwear banned in our own country to be exported to other nations. If science has proven to your satisfaction that Tris presents a significant risk to our own children—a risk serious enough to warrant the ban imposed by the CPSC—it is appalling to me that you might approve exporting it as a means of solving an economic dilemma. Tris is either a likely carcinogen or it is not. If it is and the ban in the United States is justified, we have no right to knowingly endanger foreign children any more than we would knowingly endanger our own. The possibility that our government might sanction the exportation of a cancer-causing agent for such a blatantly monetary motive is abhorrent.

I am well aware of the burdens this ban is causing in the children's garment industry. I also know there are many alternative methods of making children's sleepwear meet the CPSC's standards of flammability, and switching to those methods in the future is not likely to create insurmountable economic burdens. The problem is one of dealing with the one-time tremendous loss due to recalling the garments already on the market or in production. All facets of the industry benefitted from the use of Tris and it seems only fair that the financial burden of taking it off the market should also be distributed throughout the industry. Such an approach would avert the economic disaster feared by the garment manufacturers without resorting to the expedient and morally unsound alternative of "dumping" a dangerous product on foreign markets and endangering children of other countries.

I realize that the courts are playing a decisive role in this matter and I recognize many of the problems the Commission is facing. However, I strongly urge you to seek solutions other than exportation. The liberties of free enterprise do not extend to exposing other human beings to dangers we reject as too great for our own good. When the profit motive diverts our moral sensibilities to that extent, it is definitely time to stop and reevaluate the direction in which our nation is moving.

Sincerely yours,

RICHARD NOLAN,
Member of Congress.

FIRST MICHIGAN COLONIAL FIFE AND DRUM CORPS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. BONIOR. Mr. Speaker, in 1975 a group of 25 talented and dedicated young musicians came together to form the First Michigan Colonial Fife and Drum Corps. Since then, they have made more than 60 public appearances throughout southeastern Michigan, and have received the special recognition of the Colonial Williamsburg Foundation, of the Brigade of the American Revolution, and of the Company of Military Historians.

The intent of the First Michigan Colonial Fife and Drum Corps was to recreate the music and the spirit of the American Revolution. Music is said to have power to soothe the savage beast. Music creates an emotional fervor that can enliven or deaden, that can elate or depress, that can inspire or disenchant. These outstanding young performers have chosen to give of a spirit they, themselves, have already found through the medium of music.

The mood and the music created by the First Michigan Colonial Fife and Drum Corps is a genuine reproduction of the sounds of 1776. To insure authenticity, these young adults, using the same materials, the same tools and the same methods that our ancestors had, made their own uniforms and musical instruments.

I as a representative of Macomb County, the first county in the Nation to be recognized as a National Bicentennial County, proudly commend these fine young adults who have chosen to produce rather than to destroy, to elate rather

than to depress, to inspire rather than to disenchant. I also wish to thank the First Michigan Colonial Fife and Drum Corps, for through their continued efforts, we can still enjoy the spirit of the American Revolution and of Bicentennial America.

PHILADELPHIA INSTALLING CLOSED-CIRCUIT TV SECURITY SYSTEM AT SUBWAY STATIONS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. EILBERG. Mr. Speaker, Philadelphia's Mayor Frank L. Rizzo has just announced that a unique, closed-circuit television security system will become operational on June 30 at a number of Broad Street subway stations.

Developed at a cost of $900,000 in Federal funds, the system will provide increased security for riders of the subway. It will provide voice as well as visual contact with the stations on a 24-hour basis.

In announcing the system, Mayor Rizzo said:

It is hoped that this new security measure, along with other already in existence, will initiate renewed public confidence in subway safety and result in increased ridership, particularly in view of the present energy crisis.

Television cameras located in each of the stations will relay pictures from stairwavs and platforms to monitors at city hall. Monitor scanners will have direct contact with police and will have the capability of immediately flashing pictures of suspicious activity to transit police located in the subway concourse.

Police will then be able to dispatch personnel to the particular station based on their review of the scene.

Security measures already in operation on the Broad Street subway system include two-way, walkie-talkies, and direct telephone connections from every train to police.

The stations equipped with the closed-circuit television system are: Susquehanna-Dauphin, Columbia, Girard, Fairmount at both Broad Street and Ridge Avenue, Spring Garden at Broad Street and Ridge Avenue, 13th Street subway-surface station and the 8th and Market Streets elevated and Ridge Avenue subway levels.

The mayor also announced that in keeping with his administration's efforts on behalf of handicapped citizens, a number of them would be employed to scan the monitors.

Said Mayor Rizzo:

Aiding the handicapped of our city has been one of my major concerns. We must also see that they are gainfully employed and able to make a living for themselves.

Mayor Rizzo said he hopes the city will be able to expand the closed-circuit security system on a citywide basis to cover every station on the subway from Olney to Pattison Avenues and on the Market-Frankford elevated from Bridge Street to 69th Street.

ESTABLISHING A UNITED NATIONS MIA INVESTIGATORY COMMISSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. GILMAN. Mr. Speaker, on June 2, 1977, the United States resumed negotiations in Paris with the Socialist Republic of Vietnam to explore the future relationships between both countries. While some progress at the earlier negotiating sessions in May 1977 between the two sides has been reported, both the United States and Vietnam have asserted that it is clear that there are still important outstanding problems. I am by no means alone in my conviction that what should be of foremost concern at this series of continuing U.S.-Vietnamese talks is the long-lingering issue of securing a full accounting of those Americans listed as missing in Southeast Asia.

Mr. Speaker, while some have implied that a full accounting of our MIA's should be subsumed by other questions concerning normalization of relations, economic assistance, or reparations payment, my colleagues in the House expressed their feelings along these lines by overwhelmingly approving, by a vote of 266 to 131, an amendment to the Foreign Relations Authorization Act, fiscal year 1978, barring "any reparations, aid, or other forms of payment to the Socialist Republic of Vietnam." The Washington Post correctly reported passage of this amendment as "reflecting widespread opposition to any U.S. aid to Vietnam."

In an era marked by efforts to heal American wounds sustained during the Vietnam conflict, there is one gaping lesion that remains unhealed: Our Nation's inability to secure a full accounting of missing Americans in Southeast Asia. It is unconscionable if the administration's provisions for amnesty to draft evaders and deserters, and for upgrading undesirable discharges, are not matched by an intensive effort to secure a full and complete accounting of American MIAs.

The legislation I am introducing today is designed to intensify efforts in attaining complete information concerning our MIA's. While I am extremely distressed and disillusioned with the results achieved through existing procedures and frameworks established for the purpose of acquiring a full accounting of Americans missing in Southeast Asia, the measure I am offering today is designed to work in tandem with and to complement whatever responsible means can be employed to secure complete information of the fate of American missing.

Mr. Speaker, I am urging the President to seek the good offices of the Secretary-General of the United Nations for the purpose of establishing a Special U.N. Investigatory Commission charged with the responsibility of securing a full accounting of those Americans listed as missing in Southeast Asia. It is my deepest hope that such a commission, composed of individuals selected, because of their impeccable credentials and their longstanding service to the principles embodied in the United Nations Charter, would succeed in such a mission, and it is my firm intention to seek that requisite assistance for the successful completion of such a task.

Heretofore, Vietnamese pledges to intensify their search for American MIA's have resulted in minimal action. Although promised by the Vietnamese—during a factfinding mission to Hanoi 18 months ago that several members of the House Select Committee on MIA's and I had undertaken—that Vietnam's efforts to provide information would intensify, the promised results have been negligible.

The Woodcock MIA Commission, appointed by President Carter to visit Southeast Asia in March 1977 and to seek help from the Vietnamese in obtaining an accounting of missing Americans in that region, received only the remains of 12 servicemen—11 Americans and 1 Vietnamese, and a plethora of promises—contingent upon American concessions at the bargaining table—of future assistance in locating other MIA's.

On June 3, 1977, Assistant Secretary of State Richard Holbrooke, chief American delegate to the United States-Vietnamese talks in Paris, during the course of the last Paris talks, announced that Vietnam was releasing the names of an additional 20 American MIA's whose remains Vietnam would be repatriating. While I am heartened by that piece of news and the termination of years of anxious anticipation that this revelation will provide for those families of these 20 MIA's, there are still more than a thousand American families whose fight for information concerning the fate of their loved ones continues unabated.

At present, however, both these families and the U.S. Government are being subjected to the most invidious quid pro quo negotiating: Promises of intensified Vietnamese assistance in locating other MIA's contingent upon American concessions for: First, U.S. agreement to Vietnam's U.N. membership; second, normalization of relations; third, lifting the U.S. trade embargo of Vietnam; and fourth, U.S. economic assistance to Vietnam.

Mr. Speaker, this despicable horsetrading is not worthy of the courage with which so many of these brave men served the United States; transcendent humanitarian principles governing civilized society demand more. Such is the conclusion that so many concerned Americans have reached; such was the sense of the United Nations General Assembly when it adopted, in 1974, by a vote of 95 to 0, Resolution 3220 (XXIX) calling for "Assistance and Cooperation in Accounting for Persons who are Missing or Dead in Armed Conflicts."

Accordingly, it is appropriate to enlist the United Nation's assistance in securing a full accounting of American MIA's, considering the nature and objectives of previous U.N. peacemaking and factfinding missions. The United States in the past has sought and received help from the U.N.; for example, in seeking the release of U.N.—United States—airmen captured by the People's Republic of China—1954–55. Under the impartial

auspices of the United Nation's Charter, the United States could hope to see fulfilled the hopes outlined in General Assembly Resolution 3220 (XXIX).

Creation of such a commission would be consistent with the spirit of the recommendations outlined in the "Final Report: Americans Missing in Southeast Asia," dated December 1976 by the House Select Committee on Missing Persons in Southeast Asia, that the United States should stress the humanitarian nature of the accounting, and also, press for the establishment "of a Mechanism" "whereby an accounting would be facilitated."

We must not submit to what Allan W. Cameron, the distinguished associate dean of the Fletcher School of Law and Diplomacy of Tufts University, warns is "the ghoulish proposal" to "trade that information on our MIA's," for "aid, recognition, and acceptance." Thus, in the interest of securing a full accounting of this Nation's MIA's, we would be well advised to seek not only the vehicle of bilateral negotiations, but also the impartial counsel and vigorous assistance of an international body ascribing to highest principles articulated by all civilized societies.

Accordingly, I urge my colleagues to support this call for creating this international investigatory commission, and request the full text of this resolution. be inserted at this point in the RECORD.

Concurrent resolution to express the sense of Congress that a United Nations special investigatory commission should be established to secure a full accounting of Americans listed as missing in Southeast Asia

Whereas approximately twenty-three hundred Americans remain unaccounted for in Southeast Asia since the cessation of the Vietnam conflict; and

Whereas learning the fate of those American servicemen and civilians listed as missing remains of utmost importance to the United States, and is considered as such during the negotiations between the United States and the Socialist Republic of Vietnam; and

Whereas the General Assembly of the United Nations adopted Resolution 3220 (XXIX) calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts; and

Whereas such resolution recognized "that one of the tragic results of armed conflicts is the lack of information on persons—civilians as well as combatants—who are missing or dead in armed conflicts"; and

Whereas such resolution further states that "the desire to know the fate of loved ones lost in armed conflicts is a basic human need which should be satisfied to the greatest extent possible, and that provision of information on those who are missing or who have died in armed conflicts should not be delayed merely because other issues remain pending"; and

Whereas the Socialist Republic of Vietnam, despite assurances that it is conducting an extensive search for Americans listed as missing and for information that might indicate their fate, has provided but meager information concerning the fate of these missing Americans; and

Whereas present efforts to secure a full accounting of these Americans listed as missing are not productive and are ill-served by existing procedures and institutional frameworks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should instruct the Secretary of State to seek the good offices of the Secretary General of the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia. The commission should be composed of individuals selected because of their impeccable credentials and their long-standing service to the principles embodied in the United Nations Charter. The commission should be authorized to hold hearings, receive written communications, and seek the full cooperation and the facilities of the Socialist Republic of Vietnam for purposes of verifying crash sites, confirming information on the last known whereabouts of missing Americans, and taking other appropriate measures to secure a full accounting of Americans listed as missing in Southeast Asia. The commission should be directed to submit a report summarizing its findings to the appropriate body of the United Nations.

WATERWAY USER CHARGES—THE VIEW FROM PITTSBURGH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. GAYDOS. Mr. Speaker, the issue of whether or not to impose user charges on the Nation's inland waterway navigation system may not be one of the more glamorous issues before the Congress this year. Probably it has not gotten the attention from the news media that it deserves. But journalists in some parts of the country are beginning to ask themselves, How would user charges affect my area?

In Pittsburgh, where the Monongahela and the Allegheny join to form the mighty Ohio, WTAE–TV vice president and station manager John G. Conomikes looked at the situation recently and expressed the station's concern in a televised editorial, which I think echoes the thoughts of most residents of western Pennsylvania.

Mr. Speaker, I insert WTAE–TV's editorial in the RECORD:

EDITORIAL

(Editorial presented by John G. Conomikes, Vice President and Station Manager, over WTAE–TV, Channel 4, from May 18–May 21, 1977)

It is ironic that at the most energy-conscious time in this country's history, our most energy-efficient transportation system is caught in a snarl of conflicting interests.

We're talking, of course, about the rivers.

Take away the goods-moving capability of the Ohio, the Mon and the Allegheny . . . and Pittsburgh becomes one big clearance sale.

Between them, the Ohio and the Mon carry over 100 million tons of coal every year, and use less energy doing it than any other transportation medium.

But rivers need maintenance and improvements, just like highways and railroad tracks. As of this moment, no major river improvement can even be planned, much less executed.

Congressional authorization for dam and lock work is trapped in a legislative monstrosity . . . Senate Bill 790 . . . which calls for a user tax on river traffic. We won't get into the arguments for and against such a tax, other than to say, this would be a radical departure from a national free waterway policy which goes back nearly two centuries.

Nailing this revenue measure into the same legislative box as routine lock and dam projects, can succeed only in smothering both. Certain competitors of the rivers, and some hard line environmentalists, may view this as tactical victory. But in the long run, the resulting strangulation of river improvements will be a grave blow to this country's economic health.

PRESERVE THE WEST FRONT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. FISH. Mr. Speaker, for more years than many of us care to remember, we have listened to arguments as to what should be done with the West Front of the Capitol—the last remaining portion of the original structure. The choice has been elaborate plans for extension and simple restoration and preservation.

Yesterday, an article appeared in the Washington Post by Mr. George Will, that I am inserting in the RECORD for the edification of my fellow colleagues. After reading the article, I am sure all will agree that with great wit in a few terse and devastating words, Mr. Will has said it all.

[From the Washington Post, June 6, 1977]

ANOTHER MINDLESS ATTACK ON THE WEST FRONT

(By George F. Will)

The resilience of bad ideas is demonstrated, again, by the fact that, again, some elements in Congress propose tacking an extension onto the nation's foremost public building, the Capitol. This benighted proposal tests Congress's sense of trusteeship, the hallmark of civilization.

Pierre Charles l'Enfant, whose mark on the Federal City has been lasting and beneficent, saw Jenkins Heights as "a pedestal waiting for a monument." So today it is Capitol Hill, crowned by the dome that, according to a distinguished architect, "is better known throughout the civilized world than any object except the Great Pyramid. . . . As a dome and as a symbol, it is the most successful ever built."

The Capitol's West Front overlooks the green sweep of the Mall, and the Washington Monument and Lincoln Memorial. It is the face Congress presents to the executive branch, which is scattered below in less distinguished buildings along Pennsylvania and Constitution avenues.

It is, therefore, appropriate that the West Front is the last exposed portion of the original Capitol, the last visible link with the government's infancy. And it would be intolerable for Congress to bury this beneath an unnecessary and indefensible extension.

Advocates of the extension use two arguments that demonstrate that two weak arguments do not make one strong argument. They argue that Congress needs additional space, and that an extension is the only solution to the structural weakness of the West Front.

No one denies that the West Front needs to be repaired. The perfidious British burnt the Capitol in 1814, and the West Front was damaged again in 1851 when there was a fire in the quarters that then held the Library of Congress. And the soft sandstone wall has suffered from the elements.

Congressmen and senators who favor the extension insist that restoration cannot make the wall safe—that it must be buttressed by

an extension. But an engineering study commissioned by Congress says restoration is feasible, and the American Institute of Architects emphatically says restoration is preferable. The idea that restoring the wall is beyond the wit of man is plainly an idea that beggars belief.

Worse than Congress's trying to solve its space problems at the expense of the Capitol's architectural integrity would be Congress's doing so before allocating existing space sensibly. No one contends that the various "hideaway" offices awarded to senior legislators are perquisites indispensible to the commonwealth. And no one doubts that space gained by the proposed extension would be used, at least in part, for more such perquisites.

Before congressmen and senators, seeking *Lebensraum*, commit vandalism on the symbol of American democracy, they should expand underground and should remove from the Capitol such occupants as the disbursing office, barber shops and the most conspicuous offender, the sprawling domain (at least 42 rooms) of the Capitol architect, who is the most persistent advocate of the extension.

The flimsiest argument for the extension is that it would not cost "much" more than restoration of the West Front. Conceivably that is true; certainly it is irrelevant. A good price does not make a bargain of a bad idea.

The extension (60 feet at its widest point) would reduce the view of the splendid dome and would flatten the west facade, the contours of which express the bicameral legislative principle. With the National Historic Preservation Act of 1966, Congress declared that "the historical and cultural foundations of the nation" should be preserved "to give a sense of orientation to the American people." Yet some legislators contemplate burying a splendid achievement of the republic's earliest architects, completed over 150 years ago. These legislators would do this for the narrowest reasons of convenience, reasons that could be used to justify paving the Mall for parking.

There are barbarians within the Capitol's gates. Fortunately, there are formidable persons—Sen. Ernest Hollings (D-S.C.) conspicious among them—whose sense of trusteeship is commensurate with the grand building entrusted to them.

Preservation is a civilizing task; it involves discerning and cherishing the most excellent work of previous generations and holding it in trust for subsequent generations. Preservation of the Capitol is a test of Congress's fitness for trusteeship, the most important measure of fitness to govern.

CRIMSON TIDE WINS THIRD PLACE HONORS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. YATRON. Mr. Speaker, Pennsylvania scholastic baseball history was made last weekend when the first Pennsylvania Interscholastic Athletic Association State baseball tournament was held at Grove Field on the Shippensburg State College campus. And, true to form, the Crimson Tide of the Pottsville Area High School were right up front in that historic event.

Playing their usual brand of outstanding defense mixed with potent offense, the Crimson Tide returned to Pottsville with third place honors. Junior pitchers Scott Kline and Bob Hasenauer combined their efforts for the Pottsville victory. They received strong support at the plate from Dave George, Tom Davis, Dave DiCello, Ernie Haynes, and Jeff Smink. But, in the end, the Pottsville win was truly a team victory.

Coached by Jim Steidle, the Crimson Tide has brought many honors to Pottsville in baseball. Their extraordinary performance in Shippensburg last weekend is a very special addition to the many laurels which Pottsville scholastic teams have brought to that Schuylkill County community. These young men are proven competitors whose skill and determination instill pride among the citizens of Pottsville. I would like to take this opportunity to extend to the Crimson Tide my most heartfelt congratulations on their success at the first PIAA State baseball tournament.

The members of the team include: Head Coach Steidle, assistant coaches—Dave Sekellick, Al Portland, and Howard Fernsler, Jr., players—Dave DiCello, Emil Feryo, Dave George, Ernie Haynes, Dennis Kline, Jeff Smink, John Boris, Dave Berrang, Tom Davis, Mark Dewald, Scott Kline, Ray DiCello, Chick Fabian, Cliff Heistand, Dave Hopkins, Pat Koch, Dave Markus, Scott Meade, Jim Orlosky, Dan Peron, Mike Flannery, and Dave Kauffman and team manager, Kevin Dunham.

LITHUANIA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. PEPPER. Mr. Speaker, it has been just 37 years ago this month since the freedom-loving, independent republic of Lithuania, which enjoyed its own small, joyous measure of prosperity, was forcibly occupied by Soviet troops and, following the Second World War, presented to the world by Stalin as a permanently captive Russian State.

June 15 is the day which Lithuanian-Americans have chosen to join with their relatives of that enslaved "Old World" they once called home, and remind the "New" of that injustice never remedied. Thousands of Lithuanians died on the Baltic littoral, in brave resistance to colonial Russian rule. Thousands more die, today, or lead sad, furtive lives—as Russia carries on the conquest of their minds and native culture, which it is trying harshly to "assimilate."

I, too, would like today to share my warmest sympathy with the Lithuanian-American community, and to express the hope that our oftimes faltering progression toward justice in this human world will in the shortest time restore to those their basic human rights and chance of happiness with whom they have left behind.

GEORGE ALICE MOTLEY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. PERKINS. Mr. Speaker, in these days when the Nation is properly conscious of women's rights and women's participation in public affairs, I just want to assure the House that there is an area of my congressional district where this is no new story at all. In Menifee County a remarkable woman named George Alice Motley has for decades been the acknowledged county leader. Although she has resigned after 30 years as the county school superintendent her authority and influence in the county is still paramount. I wish to share with the House a most interesting profile on George Alice Motley that appeared in the Louisville Courier-Journal and Times on Sunday, June 5, 1977.

The profile follows:

FRENCHBURG, Ky.—This month, for the first time in 30 years, a class of Menifee County high-school seniors steps out into the world without George Alice Motley presiding. But the class of '77 has most definitely been cast in the recently retired superintendent's image. And their successors for a long time to come will be shaped by teachers, administrators and board members placed by Miss Motley.

For, despite several determined efforts to unseat her, she has ruled over the Menifee County schools and local politics for three decades. Even in retirement she is the most powerful political figure in this poor Eastern Kentucky county, Democratic officials say, a person you don't want for an enemy if you're going to run for office or if you need a job in the schools or government.

During Miss Motley's tenure her school buildings have been taken away by angry owners and her students have walked out on her. In 1965, 687 people petitioned Frankfort to oust her. Fifteen students once surrounded her and shot her with squirt guns. Her house has been shot at with real guns, and the tree in her front lawn has been dynamited. In recent years she and her sister, Beryl Cornwell, have taken on—verbally and physically—federal workers trying to enforce spending guidelines.

Because she had fought so firely for so long, it came as a surprise to many when George Alice Motley resigned last January with three and a half years left on her contract and six years to go before the state's mandatory retirement age of 70.

The rumors that circulated through the country were a tribute to the power base she had built from the superintendent's office: Miss Motley was going to Frankfort to take a big state job; Miss Motley was going to Washington to succeed Rep. Carl Perkins when he ran for higher office. And the rumors circulated despite a conflicting, but prevalent attitude about Miss Motley: she is so concerned about her power that she has never stayed out of Menifee County overnight.

To hear Miss Motley tell, it's nothing but silliness. Any story about her should make it clear, she says, that she is just a little old retired country girl, sitting around drinking tea, reading magazines and taking care of her sick Aunt Sarah Wells, who's 87. Power has never been one of her concerns, Miss Motley says; all she has ever cared about is the children of Menifee.

George Alice Motley, a high-placed Democrat at party headquarters in Frankfort contends, still controls the schools and the party machine in Menifee County.

The party man in Frankfort says there are four people who are keys to the Menifee Democratic machine: Otto Ingram, state deputy highway commissioner for rural and municipal aid; Sam Swartz, county judge; Red Henry, the Democratic chairman, and Miss Motley. Of the four, the man says, Miss Motley is most powerful. If she had endorsed a candidate for county judge in the May 24 primary, there would have been no race, he says.

Miss Motley's credentials are strong in Frankfort, as an admirer illustrates with this story:

Miss Motley's Aunt Sarah paints in her spare time. While Miss Motley was still superintendent, she made a trip to Frankfort to present one of Aunt Sarah's pictures to a state official. The picture was not a bad effort for a woman in her 80s, but as art it left much to be desired. The Frankfort official put that picture right up on his wall, and it will be there as long as Miss Motley's alive, the admirer says.

As for the schools. . .

The school-board makeup has not changed for 12 years, all Miss Motley's people. Candidates supported by Miss Motley have never lost an election and have lost only one precinct in the past 30 years. The new superintendent, Hiram Walters, was chosen 11 years ago by Miss Motley to be principal of the high school and was her hand-picked successor for the superintendent's post.

"I'd compare her with Miss Marie Turner in Breathitt County (retired superintendent of schools)," says the party man in Frankfort. "Miss Turner might spend the winter in Florida, but still no one will take a breath without her. Those two will be legends one of these days. George Alice carries a big stick. She might retire, but that stick won't go away until they bury her."

Her position has been strengthened by having kin in key positions. Through the years Miss Motley's relatives have served as jailer, circuit-court clerk, sheriff and mayor. Her sister, Mrs. Cornwell, is a visiting teacher based in the superintendent's office, and her sister's husband, Charles, handles pupil personnel for the schools.

Almost all the teachers in the system were born in Menifee and have family and relatives still living and voting in the county. In a county without any industry, the 54 teaching jobs, 10 lunchroom jobs, 14 bus-driving jobs, three maintenance and five secretarial jobs in the school system are widely coveted.

Today in Menifee there is no Parent-Teacher Association or Kentucky Education Association (KEA), a teachers' professional organization and a union in a few of the state's largest systems. Because such organizations could be used as a political base to challenge Miss Motley, they are discouraged, says Kevin Sloan, a recruiter for the KEA in northeastern Kentucky.

About 97 per cent of the county school systems in Kentucky have KEA chapters. Menifee is the only county system in the state without a single teacher who belongs.

In the late 1960s there were about 10 KEA members from Menifee. When they joined, several were called into Miss Motley's office. All have since left the Menifee schools.

Other strong political school superintendents of Eastern Kentucky, such as Sid Meade of Lewis County, allow a weak KEA chapter to exist, Sloan says, and for years he talked with Miss Motley about getting a chapter in Menifee. Each time Sloan brought the matter up, Miss Motley told him that a KEA executive-board member had let her down during the 1950s and that she would have no part of the organization until he was out. The man retired last year, and Sloan called Miss Motley to ask about finally forming an organization. She told him that, after all those years of getting along without the KEA, there didn't seem any reason for it now, did there?

Noah Patrick, 82, hadn't planned to run for the Menifee County School Board this past election. He figured it was time to give someone else a chance. He is the current chairman and has been a board member for 36 years. Since his "affliction" (his legs were amputated a few years back), he has had trouble getting around. The retired farmer says that these days it seems he remembers things that happened long ago better than things that happened a few minutes before.

But Noah Patrick thinks the world of Miss Motley. They've stood off a lot of opposition together. And in 1968 she got the new board-of-education quarters named the Noah Patrick Building. It was a proud moment for a man who had never gone beyond the eighth grade.

So when last election time came around and Miss Motley told Patrick she needed him, he ran—unopposed.

Recent years have been quiet ones for Miss Motley's people. Most of the opposition has moved away or given up.

The roughest challenge, says Patrick, was probably in 1956. Until then the Menifee public schools met in a building owned by the United Presbyterian Board of Missions. The church people and Miss Motley had a falling out. In an attempt to force her out, the Presbyterians told the board it could not use their building if Miss Motley stayed on as superintendent. Patrick, the board and Miss Motley got together and decided to make it without the Presbyterians.

For the next year, while they built Menifee County's first public-school building, children were taught in gas stations, pool halls, old churches, wherever there was space. "And we got that new building up, and it was fine," says Patrick.

Then there was the last big battle, in 1965, over the firing of Menifee high-school principal Jack Allen. It started when Miss Motley and Allen's sister, a cheerleader at another high school, got into an argument at a basketball game. When she fired Allen, the students marched out of the high school in protest. Parents joined in and petitioned Frankfort for Miss Motley's firing and the board's dismissal. Nineteen students were suspended. Miss Motley and her sister were roughed up by students. The students demanded that Miss Motley's sister stay out of the high school.

It raged on for weeks, with developments reported daily by the Louisville newspapers and the wire services. In the end Miss Motley held on tight enough and long enough. The principal resigned. Miss Motley and the board stayed. The kids went back to school. Miss Motley's sister has been back in the school many, many times since.

"They (Miss Motley's opponents) went down to Frankfort to try to find something out, and they couldn't get no information," says Patrick. "We had a better standing with the people of Frankfort than they did. George Alice took care of that."

Patrick remembers the split between Miss Motley and the top county officers. At that time the school board used county office space.

"They threw us out with the sheriff, the whole board right on the street," Patrick says. "There we were, standing with all the material piled outside the door."

In 1968 the school board dedicated its own building, the one with Patrick's name on it.

"I talked to a man in Frankfort about building that superintendent's office," Patrick says. "I said, 'We want to build a superintendent's office.'

"He said, 'You can't use that state money to build a superintendent's office.' He said that money should be used for a storage facility.

"I said, 'What do we have to store there?'

"He said, 'That's your business.'

"I said 'Can we store George Alice there?'

"He said, 'Sure.' "

Patrick remembers Menifee County schools when there were 37 one-room schoolhouses and students had to fetch water and wood daily. All you have to do is look at the three new school buildings, the indoor toilets and you can see how far the schools have come, he says.

It's luxury now compared to the way things were when Miss Motley was named superintendent back in 1947. There were three candidates for the post. One, says Patrick, didn't have the necessary degree qualifications, and there were some questions involving the other's morals.

Miss Motley had been teaching in Menifee since 1932. She had just received her bachelor's degree after going to Morehead part-time. There wasn't much doubt she was the best of the lot, says Patrick.

"In all those years since," says Patrick, "I never had but one little fault about George Alice. All those bracelets she'd wear around her wrist. But there wasn't nothing I could do about that."

Indeed those wrists are still full of jewelry 30 years later as Miss Motley greets her interviewer at her front door. She is small for a legend—five feet and 108 pounds—and looks her 64 years. The job aged her, friends say, recalling that she was quite a looker in her time. In a black pantsuit, with a Betty Ford-style hair-do, she looks like a retired movie star.

If you ask Miss Motley to name her achievements in 30 years as superintendent, she starts with the 37 one-room schoolhouses and all those outdoor johns and marches right up to 1977, moving a new building at a time, giving attention to important paving projects.

"I have done everything that I intended to do," she says. "When I started we had all outhouses. Now we have new buildings with indoor plumbing. All the gravel has been blacktopped. I bought all the ground that I put the schools on. There was Menifee Elementary and High School in 1957, Botts Elementary School in 1965, the Menifee County elementary school, the George Alice Motley Arts Building. In 1968 we built the Board of Education offices, and in 1970 we built the greenhouse. And then what did I do? I didn't quit. . . ."

"She didn't quit," echoes sister Beryl, who is sitting in on the interview.

"I built reading rooms and math rooms, and in 1976 I blacktopped all the grounds and driveways. And then I felt I'd done all I could. Don't you think that's enough?"

"I should say it is," says sister Beryl. "I knew she was going to do it. When she got all her blacktopping done, I knew she'd go."

"And I've watched every penny. I saved and scrimped, and I waited until we could afford those buildings. I left the office with a large surplus."

"She put in long days," says sister Beryl.

"That's right, I'd put in long days . . . I used to write the minutes up myself at the board meetings to save on paying a secretary. . . ."

In retirement, Miss Motley enjoys shopping trips to Lexington and Louisville. She doesn't go out of the state. hasn't been out of Kentucky since she was superintendent.

"I never felt any need to travel," says

Miss Motley. "Why travel when you can get it all by reading? It's just as good to read."

Her beautiful old rambling house is filled with antiques and a million magazines and newspapers. She reads the local newspapers and those in Lexington and Louisville.

Yet George Alice Motley does not think much of newspaper reporters. She has met many in her time, during her various crises, and they never seem to get things straight, she says.

She claims not to care what they've written about her, but she can quote verbatim from an article written in The Courier-Journal 16 years ago. The story contained a little map with an "X" marking Frenchburg, and a headline reading "Queen George Alice Rules Menifee. . . ."

"X marks the spot where Queen George rules," Miss Motley intones. "X marks the spot. Do you believe that?" Miss Motley didn't like any of the Queen George business.

"Newspaper people take what you say and they wiggle it around," she says.

"Yes," says sister Beryl, "They just wiggle it around. . . ."

"I didn't want to talk to you," Miss Motley says to her interviewer.

She continues, however.

She says her philosophy in education has been simple, "reading and 'riting and 'rithmetic, taught to the tune of a hickory stick." The opposition she faced all those years made her a better superintendent, she says.

"I think having all the people after me caused me to do as good a job as I did. I couldn't afford to slip up. I know I did a good job. I know what I started with and what I stopped with. I used to pray that our schools would be as good as any in the Bluegrass . . . I really don't think I had as much power as my enemies say I had. But at least they were never able to get me out."

"The reason," says sister Beryl, "is she did such a good job."

"Yes, that's right," says Miss Motley. "I did a good job. I don't think I have any enemies left in the county now."

To some extent Miss Motley is right. Many of her critics have moved away. The county is small (4,000 people), and when a major political battle has been fought, the losers find things can be uncomfortable. Apathy, too, sets in.

Those who remain are often afraid to have their names in a newspaper because they still have to worry about jobs in the school system or children in the school system.

"George Alice takes everything personally," says Jim Butler Winke, a journalist in Mount Sterling who has covered events in Menifee County and whose wife taught there. "She is like a mountain person in that way. They do not take anything objectively. You're either for me or against me."

Many quality teachers have been chased away by Miss Motley, her critics say. At the end of one year in the late 1960s about 10 of the county's 54 teachers left. Most are now teachers in surrounding counties. They did not like the educational atmosphere in Menifee.

Also, after the major crisis in 1956 and 1965, some parents transferred their children to surrounding counties.

For these people Miss Motley is a highly emotional issue. More than one former Menifee teacher interviewed for this story was near tears when recounting how unhappy she had been under Miss Motley.

Miss Motley's critics agree that the buildings she has erected have been a major contribution to the Menifee system. But they question the educational mood that she has left behind. Among the criticisms voiced by former teachers: A pressure to agree with Miss Motley's way of doing things; a heavy emphasis on discipline; a discouraging of innovative teaching approaches; outdated textbooks; a lack of intramurals, and a generally authoritarian atmosphere fostered by Miss Motley.

A spokesman with the state education department's accreditation section says two of the Menifee schools have standard ratings, the second-highest rank given by the state. However, Botts Elementary school, which holds a third of the students in the system, has a "provisional" rating, the second lowest rating given, a step above "emergency." The rating is that low partly because the principal of the school does not have the credentials the state requires, the spokesman in Frankfort said. But there are other problems with the school, he said, including insufficient library facilities and several classes with more than 30 children.

Through the years critics regularly charged that Miss Motley used charitable contributions for the children to strengthen her political base.

In the mid-1960s, when the nation discovered that there were poor people in Appalachia, Miss Motley began a program with a Virginia-based charity, Children Inc. By 1975 Children Inc. was sending $30,000 a year plus clothes to the children of the Menifee County schools, according to Jeanne Wood, the president of the organization. Some of the money went to the children, and some went for making improvements in the schools. It was a significant contribution for a school system with a budget only slightly above $1 million a year.

All the money was given out in person by Miss Motley or her sister, often in Miss Motley's office.

In 1975, a year before she retired, Miss Motley decided she didn't have time to administer the program anymore. She told the Children Inc. people she had not been feeling well and she needed more time to take care of her sick aunt.

The $30,000 was still available, Mrs. Wood says. Appalachian communities in North Carolina and Tennessee that were not as poor as Menifee are still getting funds today, she says.

Miss Motley says she never looked for a replacement to administer the program.

"Nobody asked me. I never suggested it to anyone and I wouldn't. People should take care of themselves and be glad to be able to take care of themselves."

She said that since the program was begun, government aid had increased in Menifee and that the people are no longer as poor.

However, statistics from the State Department of Human Resources indicate that, at least in relative terms, Menifee is worse off. In 1970, before the coal boom boosted income in counties farther east and south, Menifee was better off than 19 Kentucky counties in terms of per-capita income. In 1974 (the latest figures available) when Menifee had a per capita income of a little more than $2,500, only nine counties in the state had lower incomes.

During the 1965 crisis, Dr. Donald Graves was one of Miss Motley's most vocal opponents. After living in the county for 20 years, he moved in 1970 to a small town in northern Oklahoma.

"The attitude of the people who run the schools here and in Menifee is as different as black and white," he said in a telephone interview. "The school here in Oklahoma is open and used by the entire community. While I was in Menifee they were closed like little private schools. We have the 4-H, the Lions club, the Jaycees, the service clubs, the PTA. They all use the schools . . . Here I go into the schools and speak to classes about health and first aid. In Menifee I was outlawed."

Dale Seat, now 30, is a middle-level executive for a major corporation with offices in Kentucky. In 1954 he was spokesman for the students who walked out of Menifee High School in protest against Miss Motley. After leaving Menifee he went on to receive his bachelor's degree in marketing and his master's in business administration.

He says that he got good English preparation in the Menifee schools but that training in math and science was very weak. The quality of the Menifee schools was not particularly good, he said, and he would not want his children educated there. Yet Seat says his feelings about Miss Motley have become less critical with time.

"When I was there I thought she had too much power. But the people she was dealing with in the community weren't used to organizing to accomplish projects. The educational level is low there, and they may have needed a mother image like Miss Motley to get things done."

And what of Jack Allen, the principal who was forced out in Miss Motley's last great battle? Since leaving he has been a principal at nearby Magoffin County High School.

"It's better to let sleeping dogs lie," he says. "She had a very political-minded policy. The superintendents are pretty much powerful positions in the county. Miss Motley? Give her a good write-up. My part was just one chapter. She had many of them."

LAETRILE—WHERE IS THE RIPOFF?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. McDONALD. Mr. Speaker, Harry Davey of WRNG radio in Atlanta recently delivered a moving commentary on the subject of Laetrile and how it helped his mother. But even more important, he pointed out how Laetrile produced none of the side effects of the conventional treatment. Furthermore, it was cheaper than the conventional radiation and chemotherapy. His commentary follows:

RADIO COMMENTARY

(By Harry Davey)

Laetrile has been legalized in Florida. Thus, Florida became the third state to allow hospitals, patients and physicians to be their own best judge as to what should be given for cancer. Meanwhile, the Food and Drug Administration continues to say that Laetrile is "useless." The FDA, also, says they have not tested Laetrile, but we are told the FDA will begin testing soon.

As more states reconfirm freedom of choice in cancer therapy, we'll see more editorials like the one in the Atlanta Constitution this morning. The editors wring their hands over the high cost of Laetrile therapy. They, also, express their editorial concern about Laetrile merchants overstating the merits of the product. Laetrile is one of the few things I know a lot about, and I can assure the editors (and you) that any cursory check of chemotherapy, radiation and surgery prices will convince even the most skeptical editor that Laetrile is cheap.

My own Mother, God rest her soul, was told by the physicians, after surgery, that she would live no more than one year. The doctors recommended chemotherapy and radiation. They said she'd live no more than 12 months if she followed their advice. Meanwhile, they explained her hair would fall

out, and she would be nauseated constantly. Understand me please—the doctors said that their best available tools would keep her alive not one day longer and make her feel worse all the while. And, they recommended that! She told them, "No, thanks. How about Laetrile?" "Quackery," said the doctor. So, Mother left the office, bought some Laetrile and lived over two-and-a-half more years. She was ambulatory and ate well to within two weeks of her death. She wasn't nauseated, and every well-earned gray hair was still intact.

The total cost of this outrageously priced Laetrile therapy? Less than $2,500. How long would $2,500 have lasted during chemotherapy?—during radiation? A few weeks. So, who is ripping off whom? It's really a moot point. The point now before various state legislators and many judges is this—Since the best medical science has to offer is expensive, toxic and doesn't work most of the time, why can't less expensive, nontoxic Laetrile, which often seems to work and nearly always lessens the pain, be used legally?

Even editors should be able to recognize the fact that freedom of choice is at least as precious as freedom of the press. Besides, patients and physicians are more directly answerable for their decision than bureaucrats or editors. Mother was one of many Laetrile patients I've known and most of them are still with us. By the way, I'm very sure my mother wouldn't have minded my sharing her experience with you. She tried to do it herself once. After a similar editorial in the same paper, she wrote a letter about her experience with Laetrile to the same editors—they didn't print it.

RED RAIDERS GO TO THE HEAD OF THEIR CLASS

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. SARASIN. Mr. Speaker, last week the Derby high school Red Raiders were buried in an avalanche of congratulations as they trounced the top-ranked St. Joseph's Cadets of Trumbull in the 1977 CIAC State Class S baseball championship game. These fine young men and their coaches certainly deserve commendations for their impressive 3–0 victory which is a source of great pride for the community of Derby and the State of Connecticut.

The spirited members of the Raiders enthralled their 750 fans in West Haven's Quigley Stadium as they breezed from a precarious early lead to an easy victory in the last inning. Exhibiting the kind of teamwork that insures championship, the Raiders played outstanding baseball which was particularly distinguished by a superlative pitcher who walked, struck, and finally bobbled the opposing team.

It is the Raiders' earnest determination and ability to cope with past failures that have helped them to claim this victory over the Cadets who have successfully clung to the CIAC State Class S title for the past 3 years. Through hard work and an admirable attitude toward competitive sports, the Raiders have achieved a stunning victory, and I sincerely hope they will continue their winning ways.

FRASER POSITION ON HYDE AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. FRASER. Mr. Speaker, today the House is voting on a provision that will have drastic consequences if it passes. Last year I began my floor statement with those same words; last year, however, we were voting on whether to add such an amendment to the Labor-HEW appropriations bill. This year we are voting to remove the provision. Since I cannot be here for the vote, I want to make my position known.

There are all sorts of arguments which have been raised by proponents of this provision. I believe they have all been answered, in the very thorough debate on this matter last year. The issue has been redebated this year through letters sent among House and Senate colleagues and items inserted in the CONGRESSIONAL RECORD. However, one new argument has been added this year, to which I would like to respond. That argument is: Since the Supreme Court may rule on the constitutionality of the Hyde amendment to the fiscal year 1977 Labor-HEW appropriations, we have a responsibility to keep the provision in so that the Court has a "live issue" on which to rule.

This is not a responsible argument. As members of the legislative branch we are co-equal with the courts. We cannot vote approval of actions that we know are both discriminatory and inappropriate legislation on an appropriations bill—in the hope that the Court will bail us out by invalidating our position.

To reiterate, this provision is clearly discriminatory. It would restrict the right of privacy of poor women, who are disproportionately members of racial minorities. The Supreme Court in its 1973 decisions affirmed the right of women to choose abortion, within certain bounds, as a very personal decision incorporated in the right of privacy.

This provision would deny the right of poor women to privacy, to make that very personal decision uninfluenced by the Government.

We have no right to make that decision for the poor, just as we have no right to make that decision for the more affluent. Yet this provision would do exactly that. It would tell the poor—in a program supposedly designed to insure equal access to quality health care for all—that they do not have a right to choose a legal medical procedure that their more affluent sisters have the right to choose.

We have heard a lot of talk lately about alternatives to abortion, and we need to make those alternatives available. I do not like to hear that one-third of all abortions occur to teenaged girls. I do not like to hear that teenagers are responsible for one-fifth of the U.S. birth rate, or that two-thirds of teenage pregnancies are unplanned.

Nor do I like to hear of women who have died or suffered medical complications from illegal abortions. It is not pleasant to hear stories of children abused physically or emotionally because they were unwanted, not pleasant to hear that thousands of children are considered "unadoptable." Why are any children in these United States "unadoptable" if those who would interfere in the personal decisions of others are so willing to take on their shoulders all the consequences?

There is no question that we need to improve our system of adoption so that children can be adopted by good and loving families. We can decrease teenage pregnancy by increasing access to information and contraceptives. We should provide supportive services so that women who want to carry their pregnancies to term are able to do so.

But we cannot make this decision for any woman, whatever her economic condition.

At this point I would like to add to my remarks the views of the U.S. Commission on Civil Rights concerning this provision:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., June 7, 1977.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FRASER: In accordance with your request of May 31, 1977, I am enclosing 25 copies of the Commission's previously stated views on legislative amendments designed to restrict the use of Federal funds for medical abortions. As indicated in our previous correspondence, the Commission's sole position is its affirmation and support of each woman's constitutional right to abortion under circumstances delineated by the Supreme Court.

The Commission's opposition to inclusion of any abortion-restrictive provision in the pending FY 1978 Labor-HEW appropriations bill, including an amendment similar or identical to that incorporated in last year's Labor-HEW appropriation, is twofold. First, the Commission believes that such an amendment inevitably undermines the constitutional rights of women enunciated by the Supreme Court in *Roe* v. *Wade, Doe* v. *Bolton* and subsequent decisions. Second, because a restriction on the use of Medicaid funds for legal abortions has a negative impact only on low-income women, a disproportionate number of whom are minority, it effectively violates the equal protection clause of the 14th Amendment.

If you have any questions about the Commission's position in this matter or desire additional copies of the attached correspondence, please call Lucy Edwards at 254–6626.

Sincerely,

LOUIS NUNEZ,
Acting Staff Director.

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., August 4, 1976.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FRASER: This is in response to your request for the views of the U.S. Commission on Civil Rights concerning Representative Hyde's amendment to H.R. 14232, the Departments of Labor and Health, Education and Welfare Appropriations bill. The amendment states that "None of the funds appropriated in this Act shall be used to pay for abortions or to promote or encourage abortions." The Commission strongly opposes the amendment because of the potential negative impact of the amendment on the constitutional rights of in-

digent women. We would, therefore, urge the House to delete the Hyde amendment language.

As we stated in our report entitled "Constitutional Aspects of the Right to Limit Childbearing," the Commission's sole position is its affirmation and support of each woman's constitutional right to abortion under circumstances delineated by the Supreme Court in *Roe v. Wade* and *Doe v. Bolton*. The report made three major recommendations, one of which is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit childbearing." The Commission reiterates this recommendation, and urges the House to reject the Hyde amendment to H.R. 14232, for several reasons. First, we believe that such an amendment would undermine the constitutional rights of women as set forth by the U.S. Supreme Court. Second, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on low-income women, among whom racial and ethnic minority women are disproportionately represented. Such a result, in our view, would violate the equal protection clause of the Fourteenth Amendment.

Representative Hyde's amendment would effectively nullify the *Roe* and *Doe* decisions for indigent women, as those women must rely on Medicaid and other federally funded health care programs for medical services, the very services which the Hyde amendment would restrict. The Department of Health, Education and Welfare was moved to issue an impact statement when it learned that Congress was considering such legislation. The statement reads:

"This language would effect virtually all programs involved in or related to the provision of medical care as well as those which are concerned with social and educational services or benefits funded by the Departments of Labor and of Health, Education, and Welfare. Included would be programs such as those of the Bureau of Community Health Services, the Public Health Hospitals, social service programs of AFDC and Medicaid. . .

"The program that would be most affected would be the Medicaid program in 49 States and the District of Columbia. It is estimated that the Department is currently financing between 250,000 and 300,000 abortions annually at a cost of $45–50 million. The preponderance of funding is through Medicaid.

"The provision would also clearly preclude the use of departmental funds for therapeutic abortions including those to save the life of the mother, severely constrain medical schools receiving capitation grants and other HEW funds from instructing students in the performance of abortions, and preclude any federally supported agencies or projects from abortion services."

The effect of the amendment on indigent women who must rely on these programs and services for their health care, is devastating. Our report states:

"Statistical data demonstrate the suffering experienced by poor women when abortion is illegal. For the poor woman, restrictive abortion statutes have meant either another baby she could not care for, or the chance of death from an attempt to self-abort or at the hands of a backroom abortionist. Almost universally, where abortion is legalized the maternal mortality rate drops and the incidence of septic abortion (abortion complicated by acute infection of the lining of the uterus) and incomplete abortion decreases. This points to the conclusion that legal abortion reduces the incidence of ill effects from criminal abortions and is, therefore, preferable to criminal abortion. For example, at San Francisco General Hospital in 1967, before abortion reform, there were 68 septic abortions per 1,000 live births; by 1969 there were only 22 per 1,000 live births. In New York City's Harlem Hospital there were 1,054 women admitted for aftercare following incomplete abortions in 1965 and only 292 in 1971, after abortion was legalized.

"Poor women face grave risks of endangering life and health by self-abortion or by seeking the services of nonphysician abortionists. If forced to continue an unwanted pregnancy, women, when unmarried, face a whole range of discrimination. If they are employed, their health insurance coverage may be inadequate to cover expenses associated with pregnancy and childbirth. Furthermore, employers are not obligated to transfer a pregnant woman to less arduous work, if this is medically advisable during any stage of pregnancy. Indeed, women have often been forced to leave their employment, either temporarily or permanently when they become pregnant, thus losing potential benefits, including health insurance coverage. If a pregnant woman is unable to find employment and does not qualify for compensation and has no one to support her, she may be forced to accept inadequate public assistance. Additionally, the existence of an out-of-wedlock pregnancy and birth may be used as evidence to deny employment or housing to a woman. The same economic factors which create her inability to gain an abortion in the first place might mean that a woman would not be able to file suit to challenge such patently discriminatory actions."

The recognition of abortion as a constitutional right by the Supreme Court has made it possible for more poor women to gain access to safe abortions done by physicians and paid for by Medicaid funds. They need not pay the higher fees demanded by illicit practitioners when the procedure is illegal. Representative Hyde's amendment to H.R. 14232 would eliminate that opportunity. Economic discrimination as such may not always be a violation of the Constitution, but racial discrimination is, and the effect of prohibiting States to pay for legal abortions with Medicaid funds would be to discriminate against those racial and ethnic minority women who are disproportionately represented among low income women.

Further, the Commission's report discusses various State actions which have been taken since the Supreme Court *Roe* and *Doe* decisions, as attempts to indirectly limit the right to abortion. One of the most important of these is the attempt to refuse Medicaid payments for abortion procedures. It should be noted that the Supreme Court has agreed to hear in the Fall Term, two cases involving restrictions on the use of Medicaid funds for provision of abortions. As is pointed out in the October, 1974, memorandum prepared by the Congressional Research Service of the Library of Congress, entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL F.Y. 1975 Funds for Abortion," the courts have declared that all such State actions represent illegal interference with the reproductive freedom of women acknowledged in *Roe* and *Doe*. Our report described one such case as follows:

"In one case, (Doe v. Roe) the Utah State Department of Social Services ruled that indigent pregnant women, entitled to medical services and care for pregnancy under its Medicaid program, were not entitled to abortions at the expense of Medicaid unless an application was approved by the Department as being therapeutic. The Department defined a therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. The Federal appeals court decided that this 'broad abortion policy is intended to limit abortion on moral grounds.' Such a policy 'constitutes invidious discrimination and cannot be upheld under constitutional challenge.'"

Adoption of the Hyde or a similarly discriminatory amendment would be particularly ironic since a main objective of H.R. 14232 is to equalize access to education and health services for all Americans.

The 1973 Supreme Court decisions provided that all women have a constitutionally guaranteed right to legal access to abortion services as delineated by the Court. *Any language of an abortion restrictive nature* attached to this legislation, even "compromise" or "modified" language, would impermissibly violate the indigent woman's right to choose abortion because she, as a result of her financial status, must rely for health care on the publicly funded health care programs provided for in this legislation.

From these comments it is clear that personal feelings about abortion need not, and indeed, should not be involved in Congressional consideration of the Hyde Amendment or similar legislation. The matter involved is that of a fundamental Constitutional guarantee—equal protection under law. This constitutional guarantee virtually mandates deletion of the Hyde Amendment from H.R. 14232.

I hope that this reply is responsive to your concerns. Please feel free to call on me if the Commission can be of further help.

Sincerely,

JOHN A. BUGGS,
Staff Director.

SCHOOL BUSING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. EDWARDS of California. Mr. Speaker, there has been, for years, controversy in this country about court ordered busing for the purpose of achieving integration and equal educational opportunities for the youth of our country. The group of people who favor a constitutional amendment to prohibit busing support a discharge petition to bring the matter to the attention of the House as a whole. I think it is important that opponents of the discharge petition be heard here also, particularly those who are involved in the education process. One such education spokesman is vice president of the board of school commissioners of the city of Indianapolis, Dr. James R. Riggs, and I commend his recent letter to the attention of my colleagues:

BOARD OF SCHOOL COMMISSIONERS
OF THE CITY OF INDIANAPOLIS
Indianapolis, Ind., June 13, 1977.

Hon. DON EDWARDS,
Representative, Dirksen Office Building, Washington, D.C.

DEAR REPRESENTATIVE EDWARDS: I am writing in reference to Congressman Ronald Mottl's Discharge Petition. I am currently a member of the Indianapolis Board of School Commissioners and we have been involved in some facet of court ordered desegregation for almost a decade and I feel that your efforts in trying to prevent the Discharge Petition from becoming a reality are to be commended. I want you to know that there are people in cities that are directly concerned with the problems of "busing" that feel as though a constitutional amendment of this nature would do more harm than good and in my humble opinion would be a democratic step backward in this nation's continual effort to provide true equality for all its citizens.

If I can be of any assistance concerning this matter in the future, please feel free to contact me.

Sincerely,

Dr. JAMES R. RIGGS,
Vice President.

BISHOP JOHN NEPOMUCENE NEUMANN CANONIZED

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. LEDERER. Mr. Speaker, I would like to call the attention of my fellow colleagues in the House to a very important occasion in the history of the Catholic Church in the United States. On June 19 in Rome, Bishop John Neumann will be canonized a saint in the Roman Catholic Church. Bishop John Nepomucene Neumann, fourth bishop of Philadelphia, is the first male American citizen saint, to be canonized from these United States.

Born in Bohemia on March 28, 1811, he came to this country and in 1836 was ordained a priest in the old St. Patrick's Church in New York City. His career as bishop of Philadelphia began in 1852 and lasted for 7 years until his death in 1859, at the age of 48. As a young man, he came to this country to become a missionary. During his whole life he worked with immigrants caring for their spiritual, and many times, their material needs. This work has been regarded as the most single task of the Catholic Church in America. Indeed, Blessed John Neumann knew the plight of immigrants and performed this thankless difficult task in his customary humble way.

Blessed John Neumann was no ordinary man. As John Cardinal Krol, Archbishop of Philadelphia, has said:

> He was an example in the observance of the rule, in prayer and in apostolic generosity to such an extent that he almost ruined his health through pastoral work.

Through the efforts of this humble man, the Catholic Church in the United States began its institutions of systematic "eucharistic devotions," "forty hours," within dioceses all over the country.

Foremost among the many traits of this saintly man was his dedication to the poor. As a simple priest and a bishop, Blessed Neumann was readily available to the poor. Indeed, his whole life was in the service of the less fortunate. He was tireless in mastering new languages so he could hear confessions of the poor immigrants in his diocese. These little, and yet so profound, acts of charity led Pope Benedict XV to write in 1921:

> The most simple of works, if carried out with constant perfection in the midst of inevitable difficulties, can bring every servant of God to the attainment of heroic virtue. Rather precisely in the simplicity of these works we find a great argument on the basis of which we can say to the faithful of every age: "You are obliged to venerate Venerable Neumann."

Bishop Neumann is a model to all modern day Christians. He was always thoughtful and kind; prayerful and obedient; patient and persevering. He was a true builder of the Catholic Church in America.

Because of his special influence, he was able to construct a lasting gift to the American people, the parochial school system. Upon his arrival in Philadelphia, some 500 children were enrolled in the Catholic schools. The time did not dictate parochial education for the poor or for the immigrants. After 7 years, over 9,000 children were receiving their education in the parochial school system in the diocese of Philadelphia.

John Neumann joined the Redemptorist Fathers and professed on January 16, 1842, at St. James Church in Baltimore. He worked as a missionary in upstate New York, Maryland, Virginia, and Pennsylvania. It is unique in the Catholic Church for an order priest ever to become a bishop even in our modern times. It was very rare in the times of John Neumann, who also became superior of his order—C.SS.R. and was the vice provincial of the Redemptorist Missionary Order in America. He became a naturalized citizen of the United States on February 10, 1848, in the city of Baltimore and renounced his allegiance to the Emperor of the Austrian Empire.

Blessed John Neumann was responsible for the Feast of the Immaculate Conception becoming a Holy Day of Obligation in the United States.

This humble, tireless creature of God, is a hero for all men of good will. John Nepomucene Neumann was a priest's priest, a pastor's pastor, a missionary's missionary, and on Sunday in Rome, a saint's saint.

Sunday in Rome, I will join thousands of Americans of all religious faiths in the square in front of St. Peter's where Pope Paul VI will proclaim to the world that the saintly bishop of Philadelphia will take his place among the honored few who can be called saints of the Roman Catholic Church. My wife, Eileen, and my fellow Philadelphians will be at St. Peter's Church in Philadelphia, where the remains of Blessed John Neumann rest, attending a ceremony honoring this great saint.

Mr. Speaker, I am proud to live in a community where this holy man lived, served his God, his fellow man, and died. As a boy, I heard about the legends of Venerable John Neumann and as a young man Blessed John Neumann was an inspiration to me and to my neighbors. Today, we in Philadelphia are proud to share him with the world.

FATHER'S DAY

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. FARY. Mr. Speaker, each year since 1908, we have been setting aside a Sunday in June to express our regard, appreciation, and love for fathers throughout our great land. In 1972, the President signed a joint resolution designating the third Sunday in June of each year as Father's Day. The President's action, in response to many petitions submitted and many congressional resolutions introduced, vividly and dramatically acknowledged the paramount role of fathers in the American family and society.

In our modern industrial society, in which men have multitude of roles, it is quite easy to relegate that of father to a secondary position. That, however, would be a serious mistake; there is no role more important and crucial for the well-being of the family and ultimately the society, than that of father. Douglas MacArthur, one of our great military figures, stressed the overriding importance of fatherhood when he said:

> By profession I am a soldier and take pride in that fact. But I am prouder—infinitely prouder—to be a father. A soldier destroys in order to build; the father only builds, never destroys. The one has the potentiality of death; the other embodies creation and life. And while the hordes of death are mighty, the battalions of life are mightier still. It is my hope that my son, when I am gone, will remember me not from the battle but in the home repeating with him our simple daily prayer.

Just as a nation can only be as good and as decent as the families comprising it. The integrity of the Nation, in the final analysis, rests on the character of the family. A well-ordered, well-instructed, and well-governed family assures the civil order and public happiness essential for national greatness and prosperity, attributes essential for a just enduring society. The family is, as a very wise man has written:

> The miniature commonwealth upon whose integrity the safety of the larger commonwealth depends.

And in the family, the father plays a central role.

Within the family unit, a father, by his actions and behavior serves as the model for his children. He instills in them a sense of discipline and integrity, inspires in them a love of country and respect for its institutions and ideals, infuses in them a love of justice and fair play. By his compassion, tenderness and love he gives them a sense of security and confidence, a sense of sympathy and understanding for those less fortunate, a healthy personality enabling them to enter into meaningful and rewarding relationships. And, most important, a father sets the example of how his children, when they become parents, can raise their own children in a healthy and loving environment.

Fatherhood means many things, it is both a receiving and a giving. It is a receiving because nothing can compare with the happiness and joy children can bring to their fathers. It is a giving because nothing is as important as what a father can give to his children.

It is because of what fathers do for their children, and, in the process, for society, that we honor them on Father's Day.

The enclosed poem "Dad" by my dear friend the late James Metcalfe, poet lau-

reate, is so appropriate for this day set aside for all fathers:

DAD

He is the one who shaves each morn
And leads the breakfast prayer,
Then kisses all the family
And dashes down the stairs.

He works all day in some big place
Upon a busy street.
At dusk he hurries home to bring
His little ones a treat.

He reads the paper, smokes a pipe
And talks so very wise,
He drives the car, he mows the lawn
And walks for exercise.

He never seems to have enough
To pay the bills on hand
And yet he manages to meet
Each family demand.

His kindness and his goodness are
His every thought and deed,
He's always where he's needed and
He always fills the need.

THE FRIENDS OF RAPE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. DORNAN. Mr. Speaker, things continue to become "curiouser and curiouser." What was once considered by most Americans as gutter pornography and perversion, is now considered entertainment. What was once sad is now "gay." What was once unthinkable, is now proposed very seriously by an ever-widening segment of our society.

To illustrate this frightful trend, I call to my colleagues' attention a column by Christopher Derrick which was recently published in the Wanderer:

THE FRIENDS OF RAPE

(By Christopher Derrick)

I want to tell you about an important new movement—one that deserves the thoughtful attention of all liberal-minded and progressive people. Its international office is in London: its sponsors include statesmen, doctors, lawyers, and clergymen of the highest distinction in many lands: its members are numerous and influential, and it seems all set to achieve its simple and straightforward purpose. Its title is "The Friends of Rape."

The thinking behind FOR is clear and logical. It has long been an established principle of liberalism that every individual is fully entitled to seek and obtain whatever kind of sexual satisfaction appeals to him—or to her—most strongly. Until recently, however, the full exercise of this entitlement was limited by various legal and social restrictions. These stemmed mostly from the Judeo-Christian ethic, which may well have been meaningful and valid in Old Testament times, but is now generally recognized to be outmoded and of no relevance to present-day contexts: they also stemmed from a static and idealistic concept of "normality," such as can hardly be reconciled with the existential and evolutionary outlook of today.

In many countries or most, steps have therefore been taken to bring public opinion and the civil law into line with these new contemporary insights, and so to prevent various kinds of discrimination which caused serious injustice in the past. The admirable work of certain pressure-groups has here been most influential. Thanks to "Gay Lib," for example, the homosexual is no longer treated as a criminal, or regarded as a deviant or sick or warped personality. He can now take his proper place in society, as an individual who happens to have certain sexual appetites just as you and I have certain tastes in music and cookery, and whose indulgence in them is wholly his own private affair.

This trend has been wholly beneficial: nobody thinks otherwise, apart from the Pope and a few other notorious reactionaries. But it occurred to the founders of FOR that certain kinds of discrimination still remain, and that the liberalizing process therefore needs to be taken a stage further on the same principle.

PSYCHO-SOCIOLOGICAL JARGON

The point is that sexual desires vary considerably; and it is well known that there are some people—no better or worse than others—who can find no satisfaction at all except in the forcible imposition of their own desires upon unwilling partners. But such a person is still denied the liberation which has rightly been granted to the homosexual: he is still subjected to social and legal discrimination of the most arbitrary kind. He is actually treated as a criminal—a fact which constitutes a blot on the face of modern society, and should fill each one of us with shame.

It is the sole purpose of FOR to remedy this disgraceful state of affairs.

The first and most necessary task is that of modifying public opinion in the desired sense; and while much hope is placed in the media, FOR recognizes that the semantics of the matter are going to be crucial. At present, the generally accepted name for this particular kind of sexual activity is "rape," which is a value-loaded and highly adversative word: Judeo-Christian and medieval prejudices are built into the very sound of it. If the so-called "rapist" is to be given common justice and allowed to enjoy his own personally preferred kind of fun, just like everybody else, some new and less prejudicial name must be given to him and his pleasures. Society is unlikely (it is felt) to stop discriminating against "rape," so long as it still has that name. But it might well be prepared to tolerate "choice-free interface," or "unilateral outreach," or "asymmetrical fulfillment-behavior": all experience shows that psycho-sociological jargon, when intensively deployed, possesses an almost unlimited potential for the modification of attitudes.

The sense in which present-day attitudes need to be modified is clear enough. People must stop thinking of the "rapist" as a criminal or deviant. His action, no less than the homosexual's, is a transcending of selfhood, a seeking of fulfillment, a personal outreach and contact, a kind of nonverbal communication, a human and social relationship: in the deepest and most spiritual sense, it can be called a mode of love. Once it has been suitably renamed, carefully planned propaganda should enable most people to overcome their present prejudices and see the matter in this more positive light.

REDUCING THE CRIME RATE

Concurrently with this liberalization of public opinion, FOR is also at work in the field of legislation. The idea is to modify the law—by statute in one country, by constitutional amendment in another—so as to set the "rapist" free from civil and criminal sanctions of every kind. It is hoped that a Right-to-Rape clause will eventually be incorporated into the United Nations Declaration on Human Rights.

It is at this legal level that FOR has encountered its most serious opposition. It has been argued in some quarters that "rape"—under whatever name—is an unjustifiable assault upon the rights and the privacy of the negatively motivated party.

But there are two obvious replies to any such argument. In the first place, it is acknowledged that the negatively motivated party is almost invariably female: this line of reasoning is therefore essentially sexist and therefore inadmissible. And in the second place, an absurd consequence would follow if any "assault" was to be regarded as automatically wrong. On this premise, abortion would become wrong, since it undoubtedly constitutes an assault upon a human individual—an assault more decisive and terminal than is usually involved in "rape"; and as we all know, it is a prime dogma or *datum* of all modern thought that abortion is good, wise, necessary, just, and holy.

Those two replies silenced the objectors. A further justification of FOR was then offered by certain legal experts and police officers and the like. These people pointed out that as the law now stands, "rape" is a major and frequently occurring crime and a great headache for the courts. The evidence is often obscure and contradictory, convictions are often hard to secure: the present law is unenforceable and unrealistic, and it could hardly be otherwise, in view of its nature as a mere hangover from earlier and less liberal times. From the point of view of public order alone (these people argued), wouldn't it be much better if "rape" simply ceased to be unlawful? Thus, by one stroke of the legislative pen, society could achieve a purpose which is universally agreed to be desirable but which seems impossible to achieve by any other means—it could cause the statistics of crime to drop sharply and permanently.

The force of these and similar arguments has been recognized very widely, and it seems overwhelmingly probable that the founders of FOR will live to see the slow but steady fulfillment of their noble purpose in various separate countries to begin with, but universally within a very few years. I want to emphasize that they are very tolerant and broad-minded people. They do not wish to impose their own values upon other people or upon society as a whole: they have no desire to make "rape" compulsory, and if anybody still clings to the outmoded Judeo-Christian ethic and therefore disapproves of "rape," it is their desire that he should be completely free to go his own way and live as he chooses, so long as he shares their tolerant spirit and makes no attempt to impose *his* personal and private values upon others. Their only request is that the "rapist" should be given his human rights and allowed to "do his own thing" like the rest of us.

This seems a very modest and reasonable demand to make, and it is plainly in full keeping with the spirit of a plurarlist and tolerant society.

A NEW DEMOCRACY IN THE CHURCH

One naturally asks how the Churches are responding to it. At present, Protestant opinion seems somewhat divided. Many liberal-minded ministers are to be found in the active membership of FOR: certain others, of the more fundamentalist and bigoted kind, are sharply hostile to it. One can reasonably hope that the cause of progress will prevail in this matter as in so many others.

Roughly similar divisions exist among the Catholics. As a Catholic myself, I have to confess—with some shame—that Rome seems likely to take an obscurantist and reactionary line, as so often in the past. But however that may be, it seems all too likely that an encyclical—or some similar document—will appear before long, aimed directly at FOR and taking an entirely negative and uncompassionate attitude towards "rape."

But do let me remind you that Rome

doesn't know everything, and that one man cannot speak for the whole People of God. There are many signs of a new democracy in the Catholic Church, a new liberalism, and the development of this can only favor FOR. Consider the conference "A Call to Action," for example, which was held recently in Detroit. As far as I know, the cause of FOR was not explicitly promoted on that occasion. But the spirit and the implied philosophy which there prevailed so splendidly are wholly consistent with the thinking behind FOR and wholly incompatible with the negative thinking of Rome. It cannot be long before the people concerned take their own logic one step further and recognize that the "rapist" is at present subject to the most unjust and indeed un-Christian kind of discrimination, and that the cause of his liberation must be added to the long list of noble causes which they already espouse so energetically.

THOUGHTFUL MORAL THEOLOGIANS

All in all, it seems likely that Catholic thinking will develop in a sense highly favorable to FOR, even though Rome may lag behind. Only the other day, I was talking to a most learned and scholarly Jesuit who had worked it all out. He agreed readily that "rape" *can* be immoral. But he had made a deep study of the stresses and tensions that exist in the mind of the "rapist"; and it was his view that after mature and prayerful consideration, and with all due respect to whatever opinion may be expressed by the Holy Father, a man can reasonably conclude that some pattern of asymmetric fulfillment-behavior or unilateral outreach is God's will for him in his own on-going existential situation.

His view is widely shared by the more thoughtful moral theologians; and it follows that on the normal principles of probabilism, no Catholic need hesitate to embark upon choice-free interface, or to approach the altar afterwards.

The directors of FOR are deeply appreciative of such weighty support from within the Catholic body. They are admirable people. I see them as the inheritors of all those who—in the past—have striven for toleration, for freedom, for love. They claim no originality: they humbly acknowledge their debt to the great thinkers of National-Socialist Germany and of Communist Russia, to Nietzsche, to Marx, to all who have spoken up for the creative and liberating power of violence.

I wish them all the success they deserve!

POSTSCRIPT

In order to forestall a torrent of membership-applications, let me now confess that as far as I know, FOR doesn't yet exist. I've been letting my imagination run wild: I've been jumping the gun.

But I haven't been jumping it by so very much. I was inspired to write this nasty sick-joke article by a news item which recently came to my attention. It turns out that "Gay Lib" is old news. The *new* pressure-group (and here I speak the recent British truth) wants to claim toleration, recognition, rights, for the paedophiliac—the person, currently "discriminated against" who finds his delight in sexual activities with young children, of similar or opposite sex as the case may be.

You and I react to this proposal with horror. But given the background assumptions that prevail so widely today—even within the Church, as for example at Detroit—what reasoned objection can possibly be brought against Paedophiliacs' Lib? Or against Friends of Child-Molesting? Or against my fictitious Friends of Rape, and their not totally-fictitious Jesuit supporter? Or, in the end, against Friends of Murder?

The "Do Your Own Thing" road has no logical point to termination, short of Auschwitz and Hell.

GAO SUPPORTS CONTINUATION OF LMFBR PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. TEAGUE. Mr. Speaker, I wanted to bring to the attention of my colleagues a response to my inquiry of the General Accounting Office on its views on the Nation's commitment to the development of liquid metal fast breeder reactor technology. The GAO has been involved over the past 2 years in studying this issue and has testified and written several reports on the LMFBR program. I was pleased to note that in Mr. Staat's response of June 14 that he stated that—

The President's decision to defer indefinitely the Clinch River Breeder Reactor (CRBR) does not coincide with those positions we have taken in the past. In our view, this country should not now abandon the nuclear fission option nor should it abandon the LMFBR research and development effort.

On Tuesday, the committee voted to continue the Clinch River breeder reactor demonstration project, and I am delighted to find support for the committee's decision in the views expressed in this letter which I am inserting at this point in the RECORD:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 14, 1977.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Science and Technology, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your inquiry dated June 8, 1977, asking our current views on this Nation's commitment to the development of Liquid Metal Fast Breeder Reactor technology. Over the past two years, we have issued nine reports addressing various aspects of the Liquid Metal Fast Breeder Reactor (LMFBR) program. In addition, we have on a number of occasions testified before various congressional committees on this subject.

On July 31, 1975, we submitted to the Congress the results of an intensive study by our Office of the relevant issues and the Federal Government's role in the development of LMFBR technology (Issue Paper, OSP–76–1). The study went beyond the managerial and technical aspects of the LMFBR program and assayed its economic, environmental, and social implications. We reached a number of conclusions and made several recommendations specifying actions that can be taken on the part of responsible Federal agencies and the Congress to clarify and help resolve key uncertainties.

In developing these positions, we were fortunate to have the expert advice of a number of extremely knowledgeable consultants with a wide range of backgrounds and viewpoints. We did not, however, ask the consultants to comment on the conclusions and recommendations.

The President has recently announced that the U.S. commitment to advance the nuclear fuel technologies based on plutonium should be deferred. To this end, the President is proposing to reduce the funding for the existing LMFBR program—ERDA's top priority research and development project for the past several years—and to redirect these funds toward evaluation of alternative breeders, advanced converter reactors, and other fuel cycles, with emphasis on nonproliferation and safety concerns.

Our July 1975 study focused on identifying and assessing the issues relevant to key questions facing LMFBR decisionmakers.

Does the United States need an LMFBR, and if so, when?

Should the Federal Government continue to develop the LMFBR?

What are the benefits, costs, and risk?

What are the options?

As part of that study, we considered the impact of slowing down the LMFBR program. While we identified a number of uncertainties and problems in developing the LMFBR, we concluded that these uncertainties argue against extreme action to either expand and accelerate or abandon the program. We would like to take this opportunity to reemphasize certain points made in our July 31, 1975, study. Specifically, we are still of the opinion that:

The United States clearly should not abandon the nuclear fission option at this time nor should it abandon the LMFBR research and development effort.

Uncertainties regarding the scientific, technical, or economic feasibility of potential alternative energy sources; the problems of increased reliance on fossil fuels; and uncertainties regarding the ability and willingness of the Nation to conserve fuel—all make these unrealistic courses of action.

The LMFBR program should be clearly identified and recognized for what it is: a research and development program. There has been premature concern and emphasis on commercializing the LMFBR at a time when the Nation is years away from demonstrating that commercial-size LMFBR plants can be operated reliably, economically, and safely.

Given the history of slippage in this program and the likelihood that future experience will be similar, it does not appear reasonable to attempt to accelerate the research and development schedule. It will be difficult to maintain the current schedule.

Whatever action is taken by the United States on nuclear power and the LMFBR, the problems of nuclear safety and safeguards will not go away. Many foreign governments appear likely to rely significantly on nuclear fission power in the future, including LMFBRs. These governments are not concerning themselves initially with commercialization problems but are attempting to demonstrate that LMFBRs can operate reliably, economically, and safely.

A unilateral decision on the part of the United States to abandon nuclear power or the development of the LMFBR will not change this situation.

The most logical course of action is to pursue the LMFBR program on a schedule which recognizes that the program still is in a research and development stage. Not until some point in the future, perhaps 7 to 10 years from now, need a firm decision be made as to whether the Nation will commit itself to the LMFBR as a basic central station energy source. At that time, many of the uncertainties of today should be reduced or eliminated, particularly if priority efforts are made to resolve as many as possible between now and then.

The President's decision to defer indefinitely the Clinch River Breeder Reactor (CRBR) does not coincide with those positions we have taken in the past. In our view, this country should not now abandon the nuclear fission option nor should it abandon the LMFBR research and development effort.

In our view, the most important disadvantage in slowing the present program is that we run the risk of not knowing enough about the LMFBR to make intelligent decisions on it in the near future. This problem occurs in the face of other nations' pursuit of fast breeder technology. This course runs the risk that foreign manufacturers will

likely continue to advance the breeder, reaching the market place first, and diluting U.S. ability to influence safety and other features of breeders worldwide. Most importantly, continuation of research and development on the breeder enhances the U.S.' ability to affect discussion regarding nonproliferation in the crucial years ahead. Further, the total research and development costs might end up being higher, and industry might be reluctant to commit its resources should the United States decide to ultimately go with the LMFBR.

Because of the many uncertainties surrounding the LMFBR, we believe alternative nuclear technologies should be explored. However, the Congress and other decisionmakers should recognize that all present alternatives to the plutonium-uranium fuel cycle have some potential for diversion of weapons grade materials. The issues involved are numerous, complex, and controversial. In addition to nonproliferation goals, technical, economic, environmental, timing, and other factors must be determined before decisions can be made on the relative advantages and disadvantages of the various alternatives.

Total abandonment of the CRBR and major cut-backs in breeder research and development will not enhance the Nation's ability to understand the pros and cons of these alternatives.

We appreciate the opportunity to have been of assistance to you in this matter. Copies of this letter are being sent to appropriate Committee Chairmen and will be available to the public.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

FATHER'S DAY MEMORIES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. DORNAN. Mr. Speaker, this Sunday, Americans across the Nation will be honoring their fathers. It will be a time of getting together to laugh about old times for some. For others it will be a time of quiet remembering of loved ones now gone. But special memories will be one of the most important parts of the day.

Those special memories which will attend this Sunday will be as varied as the sons, daughters, and fathers who remember. There will be special memories of a favorite doll given on a birthday; a special memory of being taught how to ride a bike or drive a car, a special memory of the hug and kiss through teary eyes—Dad's eyes—after a good spanking; and the special memory of the pat on the back after a successful—or unsuccessful—effort.

It is these things, the giving and the sharing, that go to make up a father and create the love his children feel for him. And among all those things a father gives and shares, none is more precious or selfless than the gift of life. It is, indeed, the most important gift any child can receive, but how ironic that it is the one gift none of us can have any memory of receiving.

The sacrifice and devotion of fathers throughout our lives is what we are remembering this Sunday and it must of course, include the unremembered sacrifice of giving us life. That is why on Sunday, we do not just commemorate fathers but also the sanctity of the family and of life itself. It is good that we do, since the sanctity of parenthood and of the family is more and more being violated by the intrusion of the Federal Government into the family circle.

Last month, the sacrifice and devotion of making life possible and the sanctity of the family was remembered on Mother's Day. The sentiments we felt then are the same this Sunday. The debt of gratitude we owe our mothers is the same we owe our fathers. Nowhere have I seen this debt more eloquently described than in an advertisement which was published in the Chicago Tribune on Mother's Day, May 8th.

Although it was published on Mother's Day, its thoughts are suitable for fathers as well. I would like to have this statement reprinted in the RECORD so that we may all be reminded of the greatest debt we owe our fathers:

HAPPY MOTHER'S DAY

The American Association of Pro Life Obstetricians and Gynecologists would like to congratulate and thank all the mothers of America on this eventful day in recognition of their sacrifice and devotion in making life possible for all of us.

Sadly, many millions may not have this opportunity in years to come because they will have been denied the right to be born.

In the past, the role of the Obstetrician was always to preserve the health and well being of both the mother and her unborn.

Now, paradoxically, the Obstetrician is often being called upon to destroy the health and the very life of the defenseless unborn.

In our Nation's Capital in 1975, more unborns were destroyed by abortion procedures than were delivered normally. 85 percent of these abortions were paid for with public funds.

How did all this come about?

Since the 1973 Supreme Court decision liberalizing abortion, expectant mothers have been given the right to destroy their unborn for reasons other than their own health.

What have been the consequences of this decision?

Since 1973, more than four million unborn have been denied their right to life.

Countless women undergoing the abortion operation have incurred severe physical and mental complications—including the loss of their very lives.

The rights of parents are now being denied because teenage girls can have abortions without parental knowledge or consent.

We, as Obstetricians, have seen many of these young females suffer permanent damage to their reproductive systems from the abortion operation. Their anguish is especially great because they were often not apprised of this possibility.

The Right to Life has always been one of our most cherished heritages. The family unit is the foundation of our society. The devotion and sacrifice of mothers over the years and their continual care and concern for their unborn has been the cornerstone of the family.

On this Mother's Day 1977 we wish to express our gratitude to all mothers for their unselfishness in our behalf.

As Obstetricians and Gynecologists we call upon the American people to once again reaffirm the Right to Life for future generations of the unborn, and to join with us in our efforts to restore respect, dignity and value to each human life; born or unborn.

PROMOTING HUMAN RIGHTS THROUGHOUT THE WORLD

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. WOLFF. Mr. Speaker, the United States is presently playing a leading role on the issue of promoting human rights throughout the world. It is particularly appropriate that the convening of the conference to review the Helsinki accords on June 15, coincides with the 37th anniversary of the military occupation and forcible incorporation of Lithuania into the Soviet Union.

American nonrecognition of the Lithuanian annexation has not been altered as a result of the outcome of the European Security Conference. The Lithuanian struggle for self-determination has been accentuated in the eyes of the rest of the world as a result of the human injustices they are subjected to by the Soviet Union.

Although the Belgrade Conference is ostensibly a preparatory session for a high level summit in the fall, provisions for monitoring compliance with human rights provisions must be incorporated into the agenda of the conference. Human rights issues must not be subordinated to Soviet intentions to have the Belgrade Conference serve solely as a session for accepting what Moscow has termed the "political concept" for the later conference.

The Lithuanian experience of suffering at the hands of the Soviets necessitates a clear delineation on the part of the American delegation of Soviet noncompliance with the human rights provisions of the Helsinki agreement. It must be made clear to the Soviets that progress on human rights issues and compliance with international conventions on human rights are considered by the United States to be integral components of the ongoing détente process.

Despite Soviet attempts at Russification by utilizing repressive measures and tactics, the intensity of Lithuanian nationalism has not abated. The Lithuanian attempt to maintain a cultural and intellectual diversity in a totalitarian state must be applauded by all who believe in the sanctity of human integrity and freedom.

The human degradation suffered by Lithuanians politically, culturally, and religiously must serve to intensify the quest for congressional initiatives which seek to place human rights issues on an equal footing with security and economic issues involved in the Soviet American dialog. In accordance with these views I have written a letter to the delegates of the Belgrade Conference cosigned by 71 of my colleagues stressing that the agenda must include the "subject of efforts to monitor compliance with provisions of the Final Act of the Helsinki accord." The Helsinki agreement can only be viable if its signatories, notably the Soviet Union, act to enforce all of its provisions. If the Soviets choose to ignore basket three, they directly un-

dermine the efficacy of the entire agreement.

The Lithuanian quest for freedom and human dignity has been a long one. Their tenacity in the pursuit of these goals is reflective of the character of a determined and proud people. I would like to extend my prayers and best wishes to Lithuanians everywhere in the hope that they will be rewarded with their freedom in the coming year.

CONTROL ENGINEERING ENERGY CONSERVATION AWARDS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. MIKVA. Mr. Speaker, during the April recess, I had the privilege of attending the banquet and first annual awards program sponsored by Control Engineering magazine, Chicago, to honor engineers and their firms for achieving remarkable energy savings.

The thrust of the awards could not have been more timely. The program preceded by 6 days President Carter's televised address to the American people emphasizing the seriousness of this country's long-range energy needs versus our energy supply and the importance of conserving our precious energy resources. Control Engineering's awards provided proof of one of the President's prominent themes—that individual efforts to conserve can be effective, efficient, and economical.

The amount of energy saved by these engineers through imaginative application of technology was dramatic. One firm conserved more than a million barrels of oil in a year. I would like to commend these engineers, their employers, and Control Engineering magazine for recognizing the achievements of these conservation pioneers.

The different types of firms and applications of conservation methods that were recognized are a tribute to innovative technology. Following is the text of the Control Engineering article describing the individual award recipients:

CE PRESENTS ENERGY CONSERVATION AWARDS

Chicago, Il.—Control Engineering presented awards to winners of its first annual "Energy Conservation Through Control Contest". The awards were presented at a banquet held during the Fourth Annual Control Conference cosponsored with The Purdue Laboratory for Applied Industrial Control. The awards are intended to pinpoint significant energy saving control systems and publicize the important contribution control engineers can make to energy conservation.

The winners include: The Bonneville Power Administration, The Dalles, OR, for developing a control system to modulate current on the Pacific High Voltage Direct Current Intertie, resulting in saving an estimated 1,075,000 barrels of oil per year; Phillips Petroleum Co., Chemicals Group, Fertilizer Div., Beatrice, NB and Phillips Petroleum Co., Applied Automation Inc., Bartlesville, OK, for developing an improved control system for an ammonia fertilizer plant, resulting in natural gas savings equivalent to 35,207 barrels of oil; Environmental Data Corp., Monrovia, CA, and Canal Electric, Sandwich, MA, for developing a combusion control system that monitors carbon monoxide resulting in savings of 107,920 barrels of oil in one year; Monsanto Textile Co., Decatur, AL and Fisher Controls Co., Marshalltown, IA, for developing a supervisory control and data acquition system for the textile plant's utilities, resulting in saving the equivalent of 15,674 barrels of oil annually; New York State Department of Mental Hygiene, Albany, NY, Walter Kidde Constructors, NY, NY, Creedmore Psychiatric Center Power House, Queens Village, NY, for installing a direct digital control system on the power house boilers, resulting in saving 10,115 barrels of oil on an annual basis; Dieterich Standard, Boulder, CO, National Farm Products, Dalhart, TX, and Stewart & Stevenson Services, Irrigation Div., Lubbock, TX, for installing flow meters on 22 irrigation pumps, enabling them to save enough natural gas to supply the needs of about 1,100 homes; Paragon Electric Co., Two Rivers, WI, and Red Owl Stores., Minneapolis, MN, for installing a controller on the stores freezer display window heater's resulting in saving the equivalent of 60 barrels of oil per store; and Westinghouse Electric Co., Computer & Instrumentation Div., Orrville, OH and Tri Vally Growers, Modesto, CA, for installing the "Hagan" oxygen analyzer on the food plant boilers, resulting in saving the equivalent of 1,475 barrels of oil per year.

TROUBLED NEIGHBORHOODS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Ms. OAKAR. Mr. Speaker, I received a letter yesterday from a youngster whose description of some of the problems in her neighborhood merits the attention of every citizen, and every public official who is concerned about the quality of life in the cities and towns of the United States.

I wish those Members who voted against Mrs. HOLTZMAN's effort to restore LEAA funds last week might have been able to see this letter before they voted. Perhaps this authentic description of one citizen's concerns might have reminded them that LEAA is not simply another Government grant program, a bureaucracy, a complex grant program. It is a means by which communities have been able to devise their own methods of coping with the problems caused by criminal misconduct. And means by which to keep youngsters from the behavior that troubles Cathleen Georgia.

The letter follows:

JUNE 12, 1977.

DEAR MARY ROSE OAKAR: Hi, my name is Cathleen Georgia and I am a ninth grade student at Thomas Jefferson Junior High School. I am 15 years old. I am writing you because I am very concerned about the problems in my neighborhood lately. I live next to the school I go to and there has been a lot of trouble around the school night and day since about the past couple of months. I would have written you sooner but now it has really got me worried!

Last night the kids that hang around here continuously got ahold of my little kitten, Charlie. They were all drunk and high and they beat up Charlie. He was brought to me about 11:30 by a friend and his mouth and nose were bleeding really bad. He was scared, sore, and had the smell of beer on him. They didn't know he was mine and today they told me about them beating him up. I think that is really terrible when it comes down to the facts. I mean beating up on a defenseless animal.

There are other things besides that too. Like this, in the past three days the garbage crates have been on fire three or four times! The firemen have had to come and put them out.

At night when it is warm I like to have my window open because our upstairs has all of the children in our family's rooms and if it is open I have to listen to those kids yell and make noise. Or else I have to close it and suffer. (heat)

It used to be a good neighborhood until all this started. I wish something could be done about this because nobody likes it. Really its quite a shame that everybody has to suffer for only about five or six trouble makers. These kids also influence younger children and they try to break into the school. (sometimes they have succeeded.) The building in front of my house has also been "decorated" with spray paint and other things and the doors, which now have steel on them, used to be wood until they were kicked in.

If you have any sort of solution to this *big* problem, please write me a letter.

Thank you very much!

CATHLEEN GEORGIA.

I do not have a solution. I sent the letter to our mayor, the Honorable Ralph J. Perk, confident that Mayor Perk will have the police keep closer watch on youngsters who "hang out" near Cathy's home, but that is not a solution for the thousands of neighborhoods across the nation, where similar problems occur each day.

What is the solution? Can we ever hope to develop jobs for all who want and need work? Can we ever hope to develop recreaction centers and programs for idle youth? Can families be helped to raise their children in ways that do not lead to such acts as have troubled Cathy and thousands and thousands of others? Can we hope to achieve solutions for problems such as those described here?

WHISTLE-BLOWERS HALL OF FAME: LIEUTENANT LOUIS FONT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mrs. SCHROEDER. Mr. Speaker, today's excerpt from the Whistle-Blowers Hall of Fame is Army Lt. Louis Font. The story of his battle against the Army bureaucracy is taken from a Washington Monthly article by Taylor Branch entitled "Courage Without Esteem: Profiles in Whistle-Blowing" copyrighted May 1971:

LT. LOUIS FONT

Perhaps the most delicately skillful whistle-blowing in recent years has been performed by Army Lt. Louis P. Font. A middle-American Eagle Scout from Kansas City, he achieved a life-long ambition by winning a place at West Point—where he graduated in the top five per cent of his class in 1968. He won a two-year scholarship to Harvard's John F. Kennedy School of Politics, and commingled there with people concerned about the war (including Henry Kissinger). "My views against the war hard-

ened at Harvard," remembers Font, "but they had already begun to change in my last year at the Academy. For three years I had ranked in the top quarter of my class in 'military apitude,' which is essentially a peer-group conformity rating. But by the end of my senior year, I was in the bottom quarter because I started reading about the politics of the war instead of its tactics. The key word at West Point is 'attitude,' and when you start thinking too much—or want to go to graduate school—the social chemistry goes bad and you become an outcast. I supported Robert Kennedy, and people told me he was a traitor."

On February 27, 1970, the Harvard Lieutenant became the first West Point graduate in history to apply for discharge as a conscientious objector. Two weeks later the Army ordered him to leave Harvard and report to First Army Headquarters at Fort Meade, Maryland. The Army rejected his application in June, stating that he failed because he lacked sincerity and because he objected to the Vietnam war in particular and not to all war. "It really disturbed me that they ruled I lacked sincerity," says Font. So he went to court seeking an order for his discharge. The judge turned him down on the grounds that selective objection was not legally established, but he did find the Lieutenant sincere and ordered the Army to give him a "meaningful job" at Fort Meade pending the outcome of his appeal. Then the real battle began.

"The Army thought that I would go back to my old West Point self at Fort Meade—away from all those hippies at Harvard," says Font. "And if that didn't work, they wanted me to wait quietly through my appeal so that they could order me to 'Nam if it failed. That would force me to stand a rough court martial, and I would be an example that would discourage dissent. But I want no part of this war or this Army. The war is immoral, and the Army is fat and corrupt. And when you're dealing with the Armed Forces, it's all or nothing. If you just do half-way stuff sitting around, not screaming—they'll win every time. They'll transfer you or wear you down and break you somehow."

So Lieutenant Font began his counter-attack. One of his jobs was to help new officers find off-base housing. After two or three reports on racial discrimination produced no action, he leaked the evidence to the press and the story produced a sizable stink. "They really freak out around here when stuff like that hits the papers," he said. "They know it's right, and it flies right into the face of the volunteer army campaign to make things sound rosy." The Fort Meade command then switched Font to another job and ordered him not to speak to the press. Soon he found himself inspecting the enlisted men's barracks, and he began collecting affidavits about rats, roaches, the absence of hot water, faulty sewage, broken windows and walls, and general dilapidation. He secured a medical opinion that some of the barracks were "unfit for human habitation." After several of his reports were routinely filed away, he sent copies of one to several senators and congressmen in January (a serviceman is guaranteed the right to communicate with members of Congress). They then turned the information over to the press, and the Fort Meade brass got burned again—looking rather foolish to the Pentagon, where generals no doubt wondered why the First Army couldn't control its officers and prohibit such embarrassment.

This proved too much for Major General R. G. Ciccolella, the First Army Chief of Staff. When Font arrived at headquarters to deliver a copy of his report to the top three generals ("Always go as high as you can with complaints. That way they can't deny knowing about the problems."), Ciccolella ordered him arrested. Font was charged with five ludicrous offenses (example: failing to secure the permission of a building's "commander" before entering), each of which could earn him five years in the stockade. The Lieutenant countered by charging Ciccolella with assault and battery during the headquarters incident.

Ciccolella, by the way, has a reputation for impetuous outbursts. A fiery stump of a man, he was assigned to Fort Meade after his public utterances as Chief of the U.S. Military Assistance Advisory Group on Taiwan made people somewhat nervous lest he unleash himself on the mainland. Fort Meade, in fact, is something of a haven for such generals, who must, of course, be assigned somewhere. The Fort also houses Major General Samuel W. Koster, the commander of the American Division at the time of Mylai, and Lt. General Jonathan Seaman, who cleared Koster of Mylai charges. Font further muddied the legal waters by charging the latter two generals with war crimes. For good measure he charged Post Commander Colonel A. W. Alexander with dereliction of duty because of the barracks conditions. Since these officers are the same men who will be responsible for Font's court martial, questions of legal prejudice could drag the litigation out interminably. Furthermore, the Army now stands in danger of violating a court order—because Font now has no job at all, much less a "meaningful" one.

"The whole discipline of the Army is based on placing each man in a Catch-22 situation so that no matter what he does, he's screwed," reasoned Font. "When that helplessness is driven home, he becomes docile and manageable. I have the Army in a kind of reverse Catch-22. They don't want to get rid of me and yet they do. If they give me a job, they lose, because there's so much corruption everywhere that I'll find something wrong. If they don't give me a job, I'll hit them with the court order.

"You have two main advantages in fighting the Army as compared with a civilian bureaucracy," he continued. "First, Army officers react sharply and often foolishly to exposure. If General Ciccolella had taken my barracks report and said, 'Well done, Lieutenant Font, I'm placing you in charge of a 12-man committee to study this problem and design programs for solving it,' he would have had me, especially in the press. Instead, he reacted like an officer—instinctively covering up because he knew he was responsible—and he made a mistake. The second advantage is that the Army wants desperately to keep people in, whereas other bureaucracies want to keep themselves pure and don't mind firing dissidents. The first desire of an organization is to get rid of someone like me. But that's exactly what I want—out."

The Army and Lieutenant Font remain locked in psychological combat. For reasons of policy, and perhaps as retribution for the trouble he has caused, the Army brass would like to wait out all the litigation and possibly make Font an example of the futility of resistance. On the other hand, Font's deft application of his whistle promises further scandal, more damaged reputations, lost promotions, and probably additional lawsuits. He doesn't lack material because he has achieved status as an unofficial ombudsman. ("Solzhenitsyn says a writer is like another government," remarked Font. "In my own little way, I'm like another chain of command. People come to me with injustices because they know their superiors won't do anything.") For a time, it looked as though the Lieutenant had the upper hand: on February 23, 1971, the Army initiated proceedings to "eliminate" Font from the service due to substandard performance of duty. It is now unclear, however, whether this procedure will be carried through.*

Lieutenant Font's own psychological watershed is long past, having occurred over the decision to apply for conscientious objector status. The prelude to whistle-blowing is often like the agony of facing the draft or a service commitment—with similar fears and social pressures upon dissenters. Font really avoided the problem of strong loyalty to the traditions and associations of West Point by building new ties at Harvard. "My real loyalties are to my conscience and my friends at Cambridge," he says, "not to the Academy or to the Army. As far as I am concerned, I am still a civilian." Once he made the choice to make the stockade a higher priority than going to Vietnam, it became progressively easier to fight the Army with everything he had learned at West Point. "But I don't know what would have happened if I hadn't had those two years at Harvard," he mused. "I might have gone crazy."

B–1 BOMBER DECISION

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. MARRIOTT. Mr. Speaker, during the past several weeks there has been considerable discussion on Capitol Hill and elsewhere concerning the pending Presidential decision on the B–1 bomber go-ahead. I received a petition that was recently circulated and signed by 93 Members of Congress which was originated by Congressman BOB CARR. His petition opposed the program. Concerned about some of the allegations contained in the petition, I sent a copy of it to the Air Force for their comments. In the interest of objectivity and in order that all sides of this debate be made available, I would like to insert into the RECORD John C. Stetson's, Secretary of the Air Force, response to Congressman CARR's petition:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., June 8, 1977.

Hon. JOHN J. MARRIOTT,
House of Representatives.

DEAR MR. MARRIOTT: Attached is the Air Force response to Congressman Carr's allegations concerning the B–1, as requested. While Mr. Carr's letter to President Carter is lengthy and appears substantive, the claims laid against the B–1 are inaccurate. To state that the B–1 is inadequate to meet the future threat and that the Air Force has failed to consider all significant facets of the future threat, are allegations that are not based on facts—and they will be difficult for knowledgeable people to accept.

Exhaustive, detailed studies and in-depth analyses have verified the unique and outstanding characteristics of the B–1 weapon system design and its ability to perform against projected severe threats. Many of these studies involved participation or review from persons and agencies outside the DOD (Mr. Nitze, Mr. David, Dr. May, the Government Accounting Office and the Air Force Scientific Advisory Board). From the very early 1960 design explorations to the detailed performance evaluation completed

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*While this article was at the press, Font was discharged for "substandard performance of duty," on April 12.

last Fall in preparation for the DSARC III review, intelligence projections of the threat have played a key role in defining the requirement to modernize the bomber force. Intelligence estimates have always postulated that the Soviets probably could develop and deploy, advanced air defenses such as Airborne Warning and Control Systems with look-down radar with an overland capability, look-down shoot-down interceptors, and improved low altitude capable surface-to-air missiles. The B–1 has been designed to cope with these advanced defenses, as well as having performance growth potential to counter future defensive developments. The cumulative efforts of low altitude and high speed penetration plus employment tactics present formidable and complex problems to even the most advanced defenses, as the detailed studies have shown.

Cruise missiles are not a direct alternative to the B–1 because they cannot do the total job of the bomber.

A wide body standoff cruise missile carrier, such as a militarized 747, would be less capable and less cost-effective than the B–1 in performing the strategic mission of the future. A wide body standoff cruise missile launcher would be slower in base escape and less able to withstand nuclear effects than a B–1 and therefore more vulnerable to almost any form of attack including SLBMs. Also, a force composed solely of cruise missiles and standoff launchers simplifies Soviet defensive problems. The capacity of a 747 carrier, for example, would provide an extremely lucrative target for Soviet defenses. AWACS and long range interceptors could be deployed on the periphery, and low altitude capable surface-to-air missiles could be deployed as barriers to be concentrated around high value targets. Such reasonably attainable defense options by the Soviets could severely attrite an all cruise missile force.

Unlike the penetrating bomber, which is capable of carrying a large number of weapons (conventional and nuclear) to fixed or mobile targets anywhere in the world under a variety of circumstances, the standoff-only launch platform is limited to benign launch environments and the cruise missiles must fly over areas which have been accurately mapped and transformed into a numerical representation of the terrain profile.

The cruise missile once launched will follow its preplanned course regardless of any changes in the Soviet defensive order of battle; consequently, it cannot adjust to unplanned contingencies as can the penetrating bomber. A stand-off launch platform with ALCMs cannot provide the same real-time strike assessment and flexibility of striking alternate planned targets, imprecisely located targets, or withholding unnecessary attacks that the penetrating bomber can.

However, the cruise missile, when employed as a complement to the penetrating bomber, has significant military potential. Launched from penetrating bombers against lightly defended or undefended targets, cruise missiles will reduce bomber threat exposure, expand target coverage, dilute, complicate and perhaps saturate the defenses, and will enhance the effectiveness of the entire force.

In summary, the requirement for the B–1 is based on the need to modernize an aging bomber force to maintain a high confidence deterrent against nuclear attack or coercion. The design of the B–1, which has proven its capability through flight test, will fulfill the future strategic deterrent role required of a modernized bomber force. The B–1 is ready for production now.

The House Armed Services Committee Staff has also requested that the Air Force prepare comments on Congressman Carr's letter. We are providing them a copy of the attached indicating that a copy has been provided to you.

We are pleased to be of assistance in providing this information, and hope it will be of use to you. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

JOHN C. STETSON,
Secretary of the Air Force.

AIR FORCE POSITION ON CONGRESSMAN CARR'S ALLEGATIONS AGAINST THE B–1

Congressman CARR. "Even if we assume the B–1 will be a successful program in that it will produce airplanes capable of many thousands of flight hours, it is clear that its life as a useful deterrent weapon will be extremely short, if it has any at all; when its deterrent life is exhausted, we will have a choice between retiring it early and cutting our losses as we did with the B–58, or draining additional tens of billions from our Treasury for continued operation of a known invalid weapon."

AIR FORCE POSITION. History does not support this assertion. Despite rapidly advancing technology, the B–52 has remained a credible deterrent for over two decades because of the B–52's built-in growth potential and ability to adapt operationally with changes in the threat. The B–58 was retired primarily because its maintainability resulted in prohibitive operational and support costs and not because of advancing technology. Considerable engineering has been incorporated into the B–1 to produce a reliable, relatively easily maintained system and one that has growth provisions, such as, space, electrical and hydraulic power, cooling capacity, and weapons carriage options to address the uncertainties of future years.

Congressman CARR. "But just as the B–70 would have been vulnerable to Soviet technology of the 1980s."

AIR FORCE POSITION. The basic mission and design of the B–70 called for only high altitude, Mach 3 penetration of the Soviet Union and its design was optimized for that role. The development of a high altitude nuclear burst SAM had the potential of reducing the effectiveness of the B–70 as a high altitude penetrator. The B–70, because it was designed for the high altitude mission, could not effectively fly the low level penetration mission under surface-to-air missile defenses.

Since the days of the B–70 there has been extensive, detailed study of bomber penetration of the Soviet Union. The results have consistently shown that a high speed bomber capable of flying at very low altitudes and equipped with air-to-surface missiles such as the SRAM poses an almost insurmountable problem to the Soviet defenses. The result is the B–1.

The flexibility of design and payload capability of the B–1 is the result of the threat-counter-threat synthesis. Not only can it fly supersonic at high altitude, but it can also fly at high subsonic speeds close to the terrain thereby allowing it to adjust to changes in Soviet technology. Additionally, the B–1 design incorporates features such as complete self-sufficiency for dispersal to austere airfields, quick reaction capability during alert postures, fast escape profile from its base, and hardness to the effects of nuclear detonations which provide a very high level of survivability and dispersal potential—important qualities the B–70 lacked.

The B–1's high penetration speed, approaching the speed of sound at near tree top level, combined with its very small radar detection characteristics and advanced electronic countermeasures will severely complicate enemy detection, tracking and interceptor attack problems and will provide an enhanced capability to avoid or confuse enemy terminal defenses. Employing Short Range Attack Missiles (SRAM) the B–1 could strike defended targets or destroy those defenses if precise delivery of a gravity weapon is required.

The B–1 was designed from the onset as a flexible weapon system, able to counter the projected threats and to have the growth potential to face future threat developments.

Congressman CARR. "While it is true that Soviet look-down technology is primitive compared to ours, it would be imprudent to assume that by 1985 they will not have systems roughly comparable to ours of 1975. Even against defensive weapons somewhat less capable than the AWACS, F–14, and F–15—

"The ability of the B–1 to fly low will be no use.

"The smaller cross-section of the B–1 wil not be small enough to inhibit Soviet detection, tracking, and destruction.

"The higher speed of the B–1 will complicate Soviet peripheral defense problems, but it will not make them unduly difficult.

"Although a look-down shoot-down defense will be the principal threat faced by the B–1, we recall no briefings in which B–1 advocates have raised this question. If, as we suspect, the B–1 advocates have similarly avoided this issue in their presentations to you we suggest this is a confession of the weakness of their case. We also suggest that although the B–1 supporters have had some success protecting it from the Soviet look-down threat in debate, they cannot expect to protect it against the real thing in combat."

AIR FORCE POSITION. Intelligence projections of the threat, including a look-down shoot-down defense, have been considered and have strongly influenced the requirement to modernize the bomber force. Intelligence projections have continuously postulated that during the time frame of the B–1 the Soviets could develop and deploy advanced air defense systems, such as look-down shoot-down interceptors, improved low-altitude SAMs and an AWACS with a look-down overwater capability. Therefore, the B–1 has been designed to cope with these advanced defenses. Since the mid-to-late 1960s, both DOD and a significant portion of the aerospace industry have used these intelligence projections in a series of studies and analyses to define the available technology and the system design/effectiveness required to insure a viable B–1 weapons system.

The three characteristics of low altitude, high speed, and small radar cross-section are individually identified by the critics and then summarily dismissed. Admittedly, none of the three characteristics cited will, in isolation, insure B–1 survivability. It is the combined effect of the three plus two not mentioned, electronic countermeasures (ECM) and employment tactics, that produce the overall effectiveness of the B–1. To begin with, low-altitude penetration delays detection by the defenses. If detected, the high penetration speed stresses the defenses by reducing the reaction time available to intercept and attack the B–1. Add to these effects the benefits of low radar cross-section plus sophisticated ECM and the defenses become further stressed adding additional time delays and uncertainty which significantly degrade the capability of countering the B–1. Finally, employment tactics such as defense dilution through force massing and selection of weak areas in the defense network also increase bomber survival. The B–1 is capable of passive detection of active defenses at ranges sufficient to allow avoidance of a large number of defensive systems. Those few that cannot be avoided can be neutralized with SRAMs carried by the B–1.

In summary, the cumulative effects of B–1 characteristics and employment tactics produce a complex problem to even a sophisticated defense. There are a large number of effectiveness studies available which support this assessment. The 1974 "Joint Strategic

Bomber Study," which has been widely briefed to many agencies including members of Congress, incorporated very large numbers of look-down shoot-down interceptors of F-14/F-15 quality operating with AWACS of E-3A quality. The study assumed only 50 percent ECM effectiveness for the B-1 against AWACS (use of more sophisticated B-1 ECM capabilities against AWACS could have resulted in a greater degradation). The study showed that B-1s are survivable and that B-1 dominated forces were the most cost-effective alternative against such advanced defenses.

Congressman CARR. "We are told our AWACS will be able to function effectively in an intense non-nuclear war in the European theater. If this is true, it must also be true that a Soviet AWACS, even if less capable than ours, will be able to function effectively against our B-1s, for the Soviet AWACS will have by far the easier task."

AIR FORCE POSITION. The large Soviet border area that must be covered by look-down radars is a much more difficult problem than the detection of air attacks in the relatively constricted area in which opposing forces would have to penetrate in the European theater. To provide the Soviet perimeter with the same type of redundant coverage provided by U.S. AWACS in Europe would likely be prohibitive due to immense investment in new look-down capable aircraft. The number of Soviet AWACS orbits that could be mounted by the projected numbers of AWACS aircraft that might be available in the 1980s would allow penetration by a large percentage of the B-1 force. If the Soviet look-down capability is indeed less capable than the E-3A, this would allow even more undetected penetrations.

Since the distances involved in the strategic air defense mission require the fighters to position themselves many hundreds of miles from their airfield, the time on station is significantly reduced from that of a European tactical scenario. Additionally, the required number of fighter aircraft needed to maintain both AWACS orbit coverage and homeland defense would be a drastic increase over that of the tactical mission.

Unlike tactical aircraft engaged in performance of their primary mission in the NATO environment, during the perimeter penetration phase of the B-1 mission, the B-1 crew can devote total crew resources to avoidance and/or degradation of the Soviet defensive threat. Further, the B-1 is not operating in total isolation but can expect, through careful SIOP mission planning, mutual ECM support from other bombers in the area. Finally, AWACS itself is not a lethal threat to the penetrating B-1 but rather a control system. The interceptor, even if provided attack information by the AWACS, still has to solve his portion of the intercept problem. His ability to do so is significantly degraded by the B-1's high speed, low altitude terrain-following penetration, changes in course profile, and combination of ECM and low radar cross section. It is the combined contributions of all the B-1 design and performance characteristics that mesh into a formidable and effective penetrating system.

Congressman CARR. "The B-1 will have only whatever jamming equipment it can carry itself. In contrast, Soviet fighter/attack aircraft, seeking to penetrate our AWACS screen will have internal jammers plus dedicated jamming aircraft plus ground jammers to help them."

AIR FORCE POSITION. Studies and tests of the E-3A show that overlapping coverage by E-3A orbits with suitable coverage geometry can unmask a jamming attack in central Europe where ingress options are limited. However, the large land mass that must be protected by Soviet AWACS coverage, makes such coverage very demanding on the defense. The B-1's jamming capability will be more effective than that carried by smaller fighter and ECM escort aircraft. In addition, the B-1 will have a dedicated crew member to operate its countermeasures systems and can benefit from mutual ECM support which is part of careful mission planning procedures.

Congressman CARR. "Thus, even if the Soviets are ten years behind us, they will still be able to neutralize the B-1 only two or three years after it enters the force in substantial strength. We are sure you will agree that so miniscule a useful deterrent life cannot begin to justify the cost of so expensive a program."

AIR FORCE POSITION. For the reason stated earlier, the Soviets will not be able to neutralize the B-1 in the foreseeable future much less in two or three years after it enters the force. But even if the technology were available, the resources needed to develop a defense in sufficient numbers to counter low flying B-1s would divert considerable Soviet engineering and production capacity from offensive systems to defense which is to our overall benefit.

An implication of the above quote is that the Soviets have the technology and the resources to counter every US capability.

Conceptually, an offense may eventually be countered by some defense if enough resources are expended on defense and if offense remains static. However, we should not unilaterally abdicate the offense/defense struggle to the Soviet Union by throwing up our arms and crying "it's no use."

Despair is not a rationale premise upon which to base a nation's defense program.

Congressman CARR. "In addition, the cruise missile force has an advantage which, while unrelated to the look-down threat, is highly significant. Its combination of extreme accuracy and low unit cost makes it the ideal vehicle for destroying large numbers of hard targets—that is, for countering whatever Soviet industrial hardening program may exist. At the same time, its long warning time precludes its use in a first strike, and renders it non-destabilizing."

AIR FORCE POSITION. The look-down defense represents only a limited portion of the overall defense in depth concept utilized by the Soviets. We believe that several current Soviet SAMs have a capability to engage cruise missile sized targets flying in the low subsonic speed/low altitude regime. We additionally recognize, the Soviet potential to upgrade current SAM systems. The various known modifications to the existing SAMs illustrate Soviet ability to improve systems.

With regard to the future, the Soviets have under development a new, transportable, strategic SAM which we believe will have significant capability against the cruise missile. Against SAMs the cruise missile lacks the classic operational defense tactics to avoid, degrade, and/or destroy. They cannot avoid SAM's defending targets or SAMs whose location is unknown, cannot degrade because they lack a defensive countermeasures system, and cannot destroy the SAM site as the B-1 does with the SRAM. A number of transportable systems are projected for 1986 and are expected to have a large engagement zone against cruise missiles.

We believe that if the U.S. were to employ only cruise missiles, production of the new SAM could be accelerated as was the SA-2 when many new sites were deployed in a single year.

The B-1 will inherently have the ability to detect and avoid SAM sites or degrade SAM capability with ECM. Additionally, the Short Range Attack Missile (SRAM) may be utilized by a bomber crew to suppress SAM sites as required.

Likewise, the B-1 with its long time of flight precludes its use in a disarming first strike, and renders it nondestabilizing.

Congressman CARR. "We have under development the ramjet-powered Advanced Strategic Air Launched Missile (ASALM), which offers essentially the same range, size and cost of the present cruise missile but which flies at very high supersonic speed throughout its flight profile."

AIR FORCE POSITION. The ASALM, currently a technology development program, is sequenced for procurement no earlier than the mid-1980s if the technology feasibility demonstrations in FY 1979 are successful. The current ASALM program is time phased for an ASALM system development decision in FY 1979 when results will be available from the ASALM "proof-of-concept" flight demonstrations.

If employed in a high altitude flight profile, the ASALM is expected to have approximately the same range as the *short range* version of the air launched cruise missile (ALCM), and thus will be incapable of covering the total target system when employed as a standoff weapon. If employed in a low altitude profile, the ASALM's low altitude range will be less than 100 nautical miles at low level penetration altitudes.

When carried on a penetrating bomber SRAM, ALCM, and ASALM provide a substantially increased bomber footprint and versatility of weapon delivery to match the targeting requirements and maximize bomber capability. When carried on a non-penetrating aircraft, these weapons lose much of their versatility and become easier to defend against.

Congressman CARR. "The cruise missile is criticized for lack of countermeasures (ECM). It is possible to incorporate ECM into a cruise missile; we did it in the early 1970s and are now developing a new improved cruise missile ECM. Whether ECM in a cruise missile justifies its cost and size penalties remains to be seen; we suspect it does not. But it can be done. In any case, we simply cannot afford to rely on ECM. Even the B-1 advocates concede this point, since if ECM were sufficient to insure penetration there would be no need to replace the B-52. In the race between our electronic countermeasures and Soviet electronic counter-countermeasures, it is impossible to predict with confidence who is ahead at any given point until the battle has actually taken place. Our deterrent is far more secure if it relies on the certainties of large numbers."

AIR FORCE POSITION. ECM can be included in the cruise missile as had been planned in the 1970 Subsonic Cruise Army Decoy (SCAD) program. However, once again, the cost and range penalties must be taken into account.

Although ECM confidence cannot be defined, two things are certain: (1) ECM and radar grow from the same technological base; (2) since we have developed AWACS and Advanced Interceptors (F-14 and F-15) today, we are ahead in the technological base which also supports ECM against these advanced systems.

ECM by itself cannot insure penetration but must be matched with the basic air vehicle characteristics. When compared to the B-52, the B-1's lower penetration altitude, lower radar cross-section, and higher speed complement its ECM to produce a higher level of overall vehicle effectiveness. While future ALCMs might use some form of basic electronic countermeasures, weight and power requirements will most certainly preclude them from having the sophisticated, multi-purpose capability of the B-1 ECM equipment.

We agree that a deterrent based on large numbers enhances security. We must, however, add that a diversity, within the large number of weapons, further enhances the deterrent force. By presenting the Soviet defenses with a mix of weapons, each presenting a different problem, we limit their ability to negate that force of whatever size with a single initiative.

Congressman CARR. "Vulnerability of the launch vehicle is cited as a problem. This can be handled in two ways. First, we can easily increase the range of the missile to

enable the mother aircraft to stand back out of range of Soviet defenses. This involves some cost and size penalties, but these are not prohibitive. Neither is the cost of a new launching rack designed to carry a larger missile. Second, we can incorporate ECM into the mother vehicle. As we have said, we do not want to rely exclusively on ECM. But there is reason to believe ECM can be more effective for a cruise missile launcher than for a penetrating bomber, and we find it strange that B–1 advocates are willing to allow ECM for their vehicle but not for its competitor."

AIR FORCE POSITION. Although longer cruise missile range and ECM on the carrier aircraft are possible, the impact (cost and performance) of each must also be assessed. The longer range cruise missile would cost more and increase its vulnerability to defenses. Increasing missile range, and therefore size, could result in a larger radar cross-section and require higher penetration altitudes. This would offer the Soviets a better incentive to point defend critical targets with surface-to-air missiles. Additionally, increased cruise missile size would decrease the number of cruise missiles that could be carried or the effective range capability of the carrier.

ECM can be installed on the carrier; however, because of the carrier's large radar cross-section, slower speed and relatively high flight altitude and lack of high maneuverability and evasive capabilities, it would be impractical to defend with ECM alone. Even if ECM is installed, the standoff carrier presents a less demanding defensive problem than a penetrating bomber. The standoff only carrier may be countered by extending the defended air space further and further beyond the Soviet borders through forward-based long-range interceptors, and picket ships equipped with surface-to-air missiles. As a result, ALCM accuracy becomes degraded because of long flights over open ocean or ice packs where TERCOM navigation updates cannot be performed.

To mount such an extended perimeter defense, major sacrifices in defense depth over the homeland would be required. However, with the threat of a mix of penetrating cruise missiles and penetrating bombers that together could attack the entire target system, defense depth would regain its importance over an extended perimeter. The initiative would remain with the offense, and successful penetration would be far less sensitive to cruise missile range.

The cruise missile is not a competitor to the B–1. It complements the manned bomber. When the cruise missile is employed as a complement to the penetrating bomber, concentration of defenses solely to counter cruise missiles is prevented. Cruise missile employment, which allows launch before or after penetration of Soviet radar coverage, provides high operational flexibility.

Congressman CARR. "The cruise missile does not have a human to guide it, and is therefore unable to look at its targets and make last minute adjustments in targeting plans. This is true, but the B–1 pilot does not see his target either. The B–1 is unable to penetrate Soviet terminal defenses; therefore, against high-value targets it must standoff several tens of miles and fire Short Range Attack Missiles (SRAM)."

AIR FORCE POSITION. The effective range of the B–1 radar exceeds the lethal range of Soviet SAM systems. The B–1 crew can, therefore, perform radar damage assessment decisions and withhold weapons or fire SRAM either forward, laterally or behind the aircraft if it is determined that the target has not been destroyed.

The B–1 is able to penetrate SAM defenses. However, no vehicle should be exposed to any defense unless necessary. Even the cruise missile, whose radar cross-section is significantly less than the B–1, is susceptible to attrition by SAM systems. For that reason, the cruise missile will be applied against the lesser defended targets. The B–1, on the other hand, can penetrate to the near vicinity of defended targets, suppress terminal SAM defenses with SRAM and then penetrate to the target. Alternatively, the B–1 can launch the virtually invulnerable SRAM through the terminal defenses, thereby enhancing its chance of approaching subsequent targets.

Congressman CARR. "As cruise missile technology has progressed in giant strides over the past five years, the B–1 advocates have been forced to retreat to suggestions that the B–1 should be used as the cruise missile launcher. For several reasons, this is a very poor and cost-ineffective solution."

AIR FORCE POSITION. The employment concept of the B–1 does not include use as a standoff-only cruise missile carrier. There are indeed cost-effective reasons to use the compatible cruise missile (ALCM) with the B–1 operating as a penetrating bomber. Once the B–1 penetrates enemy defenses, the ALCM could be used to increase the foot print of the B–1 on the target system as well as decrease B–1 contact with area defenses. The essential point is the flexibility provided by a penetrating manned bomber. As new munitions are developed, like ALCM, ASALM, or precision guided bombs, they can be carried by the B–1 thereby improving the capability of the bomber force. A standoff-only force lacks this flexibility.

Congressman CARR. "Assume the B–1 and the 747 in cruise-missile-launching configuration cost the same, although this probably overstates the cost of the 747 by at least 50 percent. The 747 will nevertheless carry twice as many cruise missiles as the B–1, and therefore, provides twice as much capability per dollar."

AIR FORCE POSITION. The concept of cost-effectiveness is used incorrectly in the above statement. Capability is not simply dollars per missile; rather, it is dollars per weapon on target. The results of numerous studies performed on the subject of modernizing the strategic force indicates that the B–1 is the most efficient modernization concept. It is significant to note that as the threat increases the cost effectiveness of the B–1 increases relative to alternative systems, including the standoff cruise missile launcher.

The current B–1 unit flyaway cost in 1977 dollars is $57.7M for a highly sophisticated military aircraft with complete offensive and defensive avionics systems. The current cost for an unmilitarized, less sophisticated commercial 747 model is $43.8M. Militarizing the 1977 model 747 would add considerable cost, yet it would be a less flexible and capable system, than the B–1.

Congressman CARR. "Loiter time of the 747 is very substantially longer than the B–1 at any level of aerial tanker availability from zero in infinite. This could be important in maintaining airborne alert during a crisis of several days' duration. The placing of a fleet of 747 cruise missile launchers on airborne alert would provide a dramatic counter-threat, for example, to a Soviet civil defense evacuation. And it could be maintained at far less cost than the Soviets could maintain the industrial shut-down which would accompany their evacuation."

AIR FORCE POSITION. This statement indicates a misunderstanding of the impact of aerial refueling. With refueling, either the B–1 or the 747 could be maintained on orbit. Airborne alert is a design feature of the B–1 and has long been proven in B–52s. In fact, the B–1 is twice as fuel efficient as the CMC–747 and, therefore, would require approximately *half* the tanker support that the CMC–747 would require.

Airborne alert is a very costly mode of operation for extended periods of time in terms of resources, fuel, maintenance, and flight crews. To compensate for this expensive mode of alert, high prelaunch survivability has been designed into the B–1 and can be maintained through a combination of basing, upgrade ground alert posture options and generally taking full advantage of the B–1s improved base-escape characteristics. In addition the B–1's prelaunch survivability is further enhanced by its self-sufficiency and wide dispersal capabilities.

STUDY ON "HEALTH CARE OF AMERICAN VETERANS" BY THE NATIONAL ACADEMY OF SCIENCES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. TEAGUE. Mr. Speaker, recently the National Academy of Sciences submitted to the Congress the results of a study entitled "Health Care of American Veterans." The $6 million study was authorized by Congress in 1973.

The committee was briefed by Academy staff personnel following submission of the report. David Tilson, the staff director for the National Academy of Sciences, a former employee in the health area of the Department of Health, Education, and Welfare, was the principal spokesman for the Academy. The committee was told that the study concluded that the Veterans' Administration was practicing "mainstream medicine"—about what one would find in the private sector.

I was shocked and appalled to learn that in announcing its findings, the Academy's press release on June 12 carried the following banner headline: "Report Finds Role of VA Healthcare Obsolete, Recommends Integrating with Community Services."

This news release not only reported as fact some things that are not borne out in the Academy's own report, but it concentrated on all of the negative findings—reporting none of the positive or good accomplishments of the medical care program of the Veterans' Administration. Further, I cannot understand why the National Academy of Sciences decided to "jump the gun" and run to the news media as the law requiring this study—Public Law 93–82—specifically provided the Administrator of Veterans' Affairs with 90 days after receipt of the report in which to comment on it to the Congress.

The Congress required this study of the National Academy of Sciences for the sole purpose of determining the appropriate staffing and other resources required by the veterans medical program to provide quality health care.

Mr. Speaker, the shocking report, upon which the National Academy of Sciences decided to grab every headline it could, cost the taxpayers of this country a total of $6 million, not counting the inhouse VA cost. The report uses a series of statistical tables in an attempt to prove that veterans' medical care in the future should be provided by private hospitals and physicians. An argument is used that the private sector cannot only do it better but more economically.

We have all seen over the last decade just how uneconomical and inflationary the cost of medical care is in the private sector. In fact, President Carter is so concerned about this point that he has asked the Congress for authority to control the runaway cost in the private health industry.

President Carter is quoted to have said in a statement appearing in the current issue of the National Journal that private hospitals "purchase unneeded equipment as an attraction to more physicians and as a matter of institutional pride. Large numbers of new hospital beds are built in the face of an existing surplus. New methods of diagnosis and treatment are introduced before their effectiveness has been confirmed."

At the same time, representatives of the National Academy of Sciences are telling the Congress that the VA is practicing "mainstream" medicine comparable—in quality—to that found in the private sector. This is being accomplished by the VA at less cost.

Mr. Speaker, not only does the Congress need to be warned but American veterans throughout this great land need to be told that they must be on guard. There are forces abroad in this country who are determined to dismantle a very good medical program for our veterans that has been mandated by law. The National Academy of Sciences study is but another manifestation of this orchestrated effort and provides the medical union, that is, the American Medical Association, and the "health care reformers" of the Department of Health, Education, and Welfare and the Office of Management and Budget with yet another forum to rally around.

I want to go on record, Mr. Speaker, to this body, to the American veteran and to the American people that:

1. The Congress will not be duped into turning any part of the VA Health Care Delivery System over to private physicians and hospitals.

2. If and when national health insurance is enacted in whatever form that my colleagues and I on the Committee on Veterans' Affairs will do all in our power to insure that the VA Medical Program is retained as a separate and distinct system for eligible veterans.

3. The National Academy of Sciences or any other body, no matter how well-meaning they may be, will not stampede the Congress in taking any legislative action other than strengthening the VA Medical Program to render medical care "second to none."

I hope, Mr. Speaker, that the distinguished Chairman of the Committee on Veterans' Affairs, Ray Roberts, and the very able Chairman of our Subcommittee on Medical Facilities and Benefits, DAVE SATTERFIELD, will schedule early hearings on this study so that we may hear directly from the Academy. This needs to be done, and done expeditiously, in order that we may reassure all veterans that some of the recommendations in this report run counter to the sentiment of this Congress and of our dedication to continue to provide for their health needs through the VA medical program.

FIVE-STAR SPAGHETTI HOUSE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. CLAY. Mr. Speaker, St. Louis is extremely proud of her dining establishments. Those of us from St. Louis have long enjoyed the superior quality of food and service at Tony's Restaurant.

I wish to take this opportunity to share with my colleagues an article taken from the Wall Street Journal on June 13, 1977.

EX-SPAGHETTI HOUSE ASCENDS TO FIVE STARS BY WATCHING DETAILS

(By David P. Garino)

ST. LOUIS.—Vince Bommarito, the owner of Tony's restaurant here, is the Vince Lombardi of the resturant industry. Like the late football coach, Mr. Bommarito is a stickler for detail who demands perfection. "Take pride in your work," commands one sign in the kitchen. "Your work is you," exhorts another.

The waiters keep notebooks that are something like a football team's playbooks. The waiters' books, however, don't diagram off-tackle slants to the kitchen; they describe dishes and wines and tell how they complement one another. "We don't hire robots," Mr. Bommarito says. "Waiters should be able to discuss food choices intelligently."

Twice a week, the 45-year-old Mr. Bommarito meets with his staff to discuss what's right and wrong with the service While he moves among guests in the evenings, he carries a notebook of his own where he jots down observations to bring up at these meetings. Perhaps coffee was spilled into a saucer and the saucer wasn't replaced promptly. "I can't expect people to do their jobs if I don't let them know what's expected," Mr. Bommarito says.

NO BAD MEALS?

Such attention to detail has helped to elevate Tony's from a modest spaghetti house to a top-rated restaurant that still features Italian cuisine. Earlier this year Tony's received the highest Mobil Travel Guide rating—five stars. Only nine U.S. restaurants hold that rating. "If there's such a thing as a 24-carat restaurant, it's Tony's" says Robert Balzer, restaurant and wine editor for Holiday magazine. "I think it's impossible to get a bad meal there."

Not everyone, it should be noted, is so awed. One St. Louis executive who recently ate at Tony's says, "The food was all right, but somewhat disappointing considering the price." The tab for three people was $84 and included five mixed drinks and a bottle of wine.

Even so, actors, sports figures and other celebrities have long sought out Tony's. "Not only is the food outstanding," says Don Klosterman, general manager of the Los Angeles Rams football team, "but you're made to feel wanted."

Customers are warmly greeted at the door by the maitre d', often by name, and service is extremely attentive. Five or six employes hover around your table. A glass of water is seldom allowed to get more than half empty. The mere appearance of a cigarette brings forth an instant light.

Some customers don't like all that attention. "I was totally distracted by all the people surrounding the table," a schoolteacher says. "It was almost impossible to carry on a personal conversation without feeling that someone was overhearing." Such reactions may get back to Mr. Bommarito, who is constantly telling his staff, "We're only as good as the last meal we served."

TOOK OVER IN 1949

Serving meals has occupied most of Mr. Bommarito's life. After his father, Tony, died in 1949, Mr. Bommarito took over the restaurant with the help of a younger brother, Tony. The place served both lunch and dinner until 1959 when it stopped serving lunch because business was too good. "We didn't have time to prepare properly for the evening," Mr. Bommarito says.

The restaurant evolved into a first-class dining spot only gradually. Today's entrees, such as tournedos of beef, veal piquante and fresh trout almondine, average around $10 and include a side dish of pasta or a vegetable. Everything else is a la carte. Appetizers range from soup ($2) to fettuccine ($4) to fresh beluga caviar ($12.50). Salads, which are prepared at tableside, include one of bibb lettuce, artichoke hearts and hearts of palm ($2.50) and one of fresh spinach, avocado and crumbled Roquefort ($2.50).

Tony's success with food begins with insistence on the best ingredients, such as veal from Wisconsin, mortandella lunch meat (for the antipasto) from Canada, and some pasta from Italy. Lettuce leaves that show the slightest sign of discoloration are tossed out, and all beef carries the prime label.

Most criticism of Tony's has nothing to do with the food. "My only reservation about Tony's is the reservation policy," says Mr. Balzer of Holiday. The restaurant refuses to take reservations and it makes no exceptions. Says one St. Louis executive who no longer goes to Tony's:

"I got tired of being put in a holding pattern at the bar and then being potted by the time I got seated."

On weekdays, an hour's wait isn't uncommon, nor is a two-hour wait on Saturday. (Tony's is closed Sunday and Monday.) During one recent week, the waiting list got as high as 100 nightly—the restaurant seats 125 and an occasional entree wasn't served until midnight.

Mr. Bommarito says he couldn't make a go of it—at present prices—if he took reservations. "If you have a reservation for 6:30, you can't use that table at 5:45," he reasons. Regulars at Tony's swear that he makes his mother wait for a table.

The day's preparations begin at 5 a.m.—a full 12 hours before the restaurant opens—when the chef starts cooking the stocks for the soups and sauces. Around 7 a.m., the rest of the preparation crew arrives to clean the fresh vegetables, cut the meat, polish the silverware and keep things shipshape.

Tony's has six cooks, and everything is prepared to order. Mr. Bommarito says that each dish has a special Tony's flavor all its own One popular dish, veal Piemontese, which includes heavy cream and artichokes, was created by Mr. Bommarito himself. He likes to cook, and he regrets that running the restaurant leaves him little time for it.

He is on hand almost every night to greet patrons. To a young woman he gives a peck on the cheek and says, "Hi beautiful." To her husband, he gives a hearty handshake. To two elderly women at another table, he says in mock anguish, "Have you been mad at us? We haven't seen you lately."

One little touch initiated by Mr. Bommarito impresses some customers: The maitre d' walks backwards upstairs to lead diners to their table. "The point," Mr. Bommarito says, "is never to turn your back on your customer." Asked if a maitre d' ever trips, Mr. Bommarito answers with a chuckle, "Only once."

A number of Tony's employees have moved forward in the business. More than a dozen of them have started their own restaurants, Tony's having served as their training ground.

EVIDENCE THAT KEARNEY WAS JUSTIFIED IN FBI PROBE OF WEATHER UNDERGROUND

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. RUDD. Mr. Speaker, I have now received a response from Attorney General Griffin Bell concerning his support for prosecution of former FBI Special Agent John Kearney, whose investigation of the militant Weather Underground terrorist organization gained necessary evidence to indict several of that group's key members for bombings and other crimes around the country.

There still remains several unanswered questions in this whole matter, which I have now asked the Attorney General to seriously consider and settle for the public record.

I would like to include the Attorney General's May 31 letter to me, and my further correspondence of June 13 to him, at this point in the RECORD:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 31, 1977.

Hon. ELDON RUDD,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RUDD: Thank you for your letter of April 19 concerning the indictment of former special agent John J. Kearney. Please accept my apologizes for the tardiness of this response.

As you know, this investigation was begun in the previous Administration and reached its fever pitch just as I took on my duties. I am totally in accord with the sentiments that you express in your letter, and I am personally reviewing this entire matter in light of my concerns and yours. The rule of law must be upheld in this country. But I shall make every effort to assure that the rule of law always is tempered by fairness and common sense.

I do not yet know where this investigation and my reexamination will lead. I assure you however, that this matter is not a vendetta against the FBI by the new Administration. No one holds the FBI in higher esteem than I. The Kearney case is the most difficult matter facing me today.

Yours sincerely,

GRIFFIN B. BELL,
Attorney General.

WASHINGTON, D.C.,
June 13, 1977.

Hon. GRIFFIN B. BELL,
Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. BELL: I wish I could say that your actions to date reassured me of your total agreement with the sentiments expressed in my April 19th letter, your assurance "that the rule of law always is tempered by fairness and common sense," that "this matter is not a vendetta against the FBI", and that "no one holds the FBI in higher esteem" than you.

On the one hand, we have the record of John J. Kearney: A man who served in the Federal Bureau of Investigation for 25 years with honor and distinction; a man without a blemish on his record of service during that time; and a man who obeyed orders from his superiors right up the line to collect evidence against members of the Weather Underground—evidence which was later used with knowledge of where it was obtained, and how it was obtained, by the U.S. Attorney who won indictment against Bernardine Dohrn and other members of the Weather Underground guilty of violent terrorist crimes against the United States.

On the other hand, we have the admitted terrorists of the Weather Underground who were being investigated by Special Agent Kearney, and for which investigation Mr. Kearney now stands indicted with your apparent approval: These terrorists, including Bernardine Dohrn and others, have published a 152-page manifesto entitled *Prairie Fire*, a revolutionary policy statement and public admission of numerous terrorist criminal acts in violation of U.S. and state laws.

In this May 9, 1974, publication by Bernardine Dohrn and three others for the Weather Underground, they take credit for no less than 19 bombings between 1969 and 1974—during the time of the FBI investigations for which Mr. Kearney now stands indicted.

These Weather Underground bombings resulted in several deaths, many injuries, and enormous property damage. *Prairie Fire* states that these violent terrorist acts were committed against the American people, their government officials and agencies, and private institutions, in behalf of the worldwide Communist revolution and its criminal guerrillas.

Just this statement from *Prairie Fire* puts into perspective the criminal conspiracy that John J. Kearney and others then working for the FBI were ordered to investigate and help stop:

Attacks by the Weather Underground have been focused and specific. These actions were a catalyst for thousands of politically—directed armed actions between 1970 and 1972, almost all of which complemented mass struggles.

These bombings were carried out by the Weather Underground:

To retaliate for the most savage criminal attacks against Black and Third World people, especially by the police apparatus:

Haymarket police statue, Chicago, October 1969 and October 1970;

Chicago police cars, following the murder of Fred Hampton and Mark Clark, December 1969;

New York City Police Headquarters, June 1970;

Marin County Courthouse, following the murder of Jonathan Jackson, William Christmas and James McClain, August 1970;

Long Island City Courthouse, in Queens, in solidarity with prison revolts taking place in New York City, October 1970;

Department of Corrections in San Francisco and Office of California Prisons in Sacramento, for the murder of George Jackson in San Quentin, August 1971;

Department of Corrections in Albany, N.Y., for the murder and assault against the prisoners of Attica, September 1971;

103rd Precinct of the New York City police, for the murder of 10-year-old Clifford Glover, May 1973 . . .

To disrupt and agitate against U.S. aggression and terror against Vietnam and the Third World:

Harvard war research Center for International Affairs, Prod Eagle Tribe (women's brigade), October 1970;

U.S. Capitol, after the invasion of Laos, March 1971;

MIT research center, William Bundy's office, Proud Eagle Tribe (women's brigade), October 1971;

The Pentagon, after the bombing of Hanoi and mining of the harbors of North Vietnam, May 1972;

Draft and recruiting centers;

ROTC buildings;

ITT Latin America Headquarters, following the fascist counter-revolution in Chile, September 1973 . . .

To expose and focus attention against the power and institutions which most cruelly oppress, exploit and delude the people:

National Guard Headquarters, Washington, D.C., after the murders at Jackson State and Kent State, May 1970;

Presidio Army Base and MP Station, San Francisco, July 26, 1970;

Federal Offices of HEW (Health, Education and Welfare), (women's brigade), San Francisco, March 1974;

Liberation of Timothy Leary from California Men's Colony, San Luis Obispo, September 1970 . . .

In light of this continued terrorist criminal activity by the Weather Underground, and the orders of his superiors right up the line, how can you justify continued persecution of Mr. Kearney and other FBI special agents at that time involved in investigative actions now deemed by some to be illegal, in light of your statement to me on May 31 that, "I shall make every effort to assure that the rule of law always is tempered by fairness and common sense."?

Where is the fairness, where is the common sense, where is the esteem for the Federal Bureau of Investigation, in allowing this one man, and perhaps others, to be persecuted and vilified for helping to save our people from the type of criminal terrorism by the Weather Underground described in *Prairie Fire*? Even if mistakes were made in these investigations, why select out one or several lower-echelon members of the FBI for persecution, when there is evidence that even the then Attorney General of the United States and his predecessors sanctioned such investigative actions—maybe even Presidents of the United States themselves?

Mr. Bell, I respectfully request and will greatly appreciate your direct answers to these questions, in light of the circumstances I have cited, and the Weather Underground material I have quoted.

I would also appreciate a more thorough response to my earlier telephone request to the Department of Justice for a complete copy of the directive on Department intelligence gathering activities issued by Attorney General Ramsey Clark in September, 1967, or thereabouts. I have been told by your Administrative Counsel's office that they are unable to locate the directive, despite my providing the following information:

This directive was disclosed by former Assistant Attorney General Robert Mardian during the Senate Judiciary Committee's March, 1971, hearings on Federal data banks, and is quoted in his testimony. I understand that a full copy of the directive was made public at that time. The directive states in part:

"It is imperative that the Department seek to obtain the most comprehensive intelligence possible regarding organization or other purposeful stimulation of domestic dissension, civil disorders and riots. To carry out these responsibilities, we must make full use of and constantly endeavor to increase and refine the intelligence available to us, both from internal and external sources, concerning organizations and individuals throughout the country who may play a role in either instigating or spreading disorder or in preventing or checking them."

This is a strong directive. It presumably had the effect of reversing earlier restrictions against electronic surveillance, mail cover, and certain other intelligence gathering operations of the FBI ordered by FBI Director J. Edgar Hoover. In addition to a copy of the full directive, I would like to request a list of its distribution throughout the Department of Justice, so that I and other Members of Congress can independently evaluate the impact of this directive on intelligence gathering operations of the Department of Justice, in light of actions

currently being taken against Mr. Kearney and others under your direction.

A prompt reply will be appreciated.

Sincerely,

ELDON RUDD,
Member of Congress.

FREEDOM OF RELIGION—LIBERTY'S MAINSTREAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. CORMAN. Mr. Speaker, earlier this spring Andrew Leigh Gunn, executive director of the Americans United for Church and State delivered an excellent address before the First World Congress on Religious Liberty in Amsterdam, Holland.

Americans United is dedicated to upholding the first amendment to the Constitution which says in part, "Congress shall make no laws respecting the establishment of religion, or prohibit the free exercise thereof." It was founded 30 years ago to defend the Founding Fathers belief that the Government should be removed from religion by remaining neutral; neither hindering or denying the free exercise of religious liberty. As the watchdog of religious freedom, Americans United has been dynamically fighting in the courts, in the Nation's press to oppose any governmental encroachment of the publics rights.

The late President Kennedy once said,

I believe in an America where religious liberty is so indivisible that an act against one Church is treated as an act against all.

Andrew Leigh Gunn has eloquently restated that premise in his address which I am pleased to submit for my colleagues attention:

[From the Church/State News Service for release on Mar. 21, 1977]

FREEDOM OF RELIGION—LIBERTY'S MAINSPRING

(An address by Andrew Leigh Gunn, executive director, Americans United for Separation of Church and State before the First World Congress on Religious Liberty, Amsterdam, Holland)

It is an honor and a privilege to address this First World Congress on Religious Liberty, and to speak on behalf of Americans United for Separation of Church and State on the subject of Freedom of Religion, for that is truly liberty's mainspring. Religious liberty is a flower that has bloomed all too rarely in history. The soil is not conducive to the growth of religious freedom and freedom of conscience when the church is the mistress of the state or when the state is the tool of the church. When the church and the state use each other for their own purposes and ambitions, religious liberty always suffers. The history of mankind has too often been a history of civil powers using religion, or organized religion using the powers of the state to hold the people in subjugation. History has proven that organized religion should not have control of the state for it makes freedom of conscience almost impossible. Too often toleration has been mistaken for true religious liberty, but toleration is only one of the prerequisites for religious liberty.

Religious liberty must be defined before it can be adequately discussed. A good start at building a comprehensive definition of religious liberty was made a number of years ago by the late Emanuel Carlson, once head of the Baptist Joint Committee on Public Affairs in the United States. Dr. Carlson listed eleven conditions which must exist in order for a person to enjoy true religious freedom. The individual who enjoys freedom of religion must, in actual practice, be free to decide whether to worship or not to worship, to join the church of his own choice, to choose his own creed and tenets, to change his ecclesiastical allegiance without hesitance, to nurture the faith of the children for whom he carries responsibility, and to choose other religious instruction for his children. He must be free to express his faith and conviction personally and in group activities, to travel for the advancement of his faith, to associate himself with others for corporate religious interests and to use his home and his property for religious purposes. The person who enjoys freedom of religion must be able to make his own best judgment on moral and public issues and be able to express them, and finally to have free access to information from various sources. But even this definition can be improved upon. Dr. Carlson's final point, that the individual himself should determine the cause and the amount of the religious stewardship should be clarified and expanded to include the right of the individual to contribute to and support only those religious institutions or organizations of his or her own uncoerced choice. Any form of direct or indirect allocation of taxpayers' funds to sectarian institutions, including parochial schools and denominational colleges, is a violation of religious liberty. This definition also includes the legal right to follow the dictates of one's conscience with regards to such fundamental matters as marriage and divorce, family planning, abortion and sterilization. Legislation for constitutional provisions to interfere with these individual rights constitutes a violation of religious liberty. Of course, freedom of religious practice extends only to the point where the rights of other individuals are not violated. Thus, human sacrifice or abuse of children cannot be justified on grounds of the free exercise of religion.

To this catalogue of the meaning of individual religious liberty, Carlson adds a list of elements necessary for chuches and religious societies or fellowships to enjoy freedom to carry out their function with adequate independence. These elements are: freedom to order its own public worship, freedom to make its own formulation of doctrinal positions, to determine its own organization and government, freedom to set standards and qualifications for membership for the clergy, to provide and control programs for training its members and its youth, freedom to plan and carry out various forms of service or charity, to plan and carry out programs of missionary out-reach, to run and operate business activities which are related to its objectives, freedom to have equal status with all other religious groups before the law of the land, freedom to formulate its own moral positions in so far as these do not deprive others of similar freedoms or endanger the life of the community. Finally, a religious organization must be free to interpret to the public the meaning of its insights and its principles for the instruction of society, including government.

Having given a definition of religious liberty, I would like now to describe the organization which I represent, Americans United for Separation of Church and State. Americans United seeks to uphold the First Amendment of the Constitution of the United States which says in part, "Congress shall make no laws respecting the establishment of religion, or prohibit the free exercise thereof." We believe that these words of our Bill of Rights puts an imaginary wall between church and state, keeping the state neutral in matters of religion. Americans United stands between the church and state keeping each on their side of the wall. We are supported by individuals and by religious institutions in our endeavor to maintain this wall separating church and state. You might ask why churches and other religious associations should want to uphold separation of church and state? It is because of our tradition of religious pluralism and our firm belief in religious freedom. The churches in the United States are the strongest in the world because they are supported and attended voluntarily. This principle of voluntarism has made our church people committed to and concerned about their church. The clergy in turn are concerned about their people and are free to exercise their energy and creative imagination for the good of the church without interference or control from the state. In the United States we are free from sectarian strife, even though there is a multiplicity of religious groups and beliefs in our country. We do not have the anticlericalism that is evident in many other parts of the world. Americans United believes in strong, independent churches. Such strength enables religious institutions in the United States to raise a prophetic voice to the state and to the government, speaking for the religious people of the country without fear or favor. The founding fathers of the United States were all in agreement on the principle of religious liberty. To maintain and preserve this basic right they agreed that the government should stay out of religion, that the government should remain neutral and that there should be a wall separating church and state. Thomas Jefferson, James Madison, George Washington, Benjamin Franklin, Thomas Paine and many other great leaders felt that the government must not support any religion nor should the government hinder or deny the free exercise of religion.

In order to ensure that the "wall of separation" remains strong and resilient as our Founding Fathers guaranteed, Americans United for Separation of Church and State was founded thirty years ago and still thrives today. The scope of our work is broad and diversified. We feel a great urgency to keep the American people informed about their rights and the measures that need to be taken to protect those rights. We feel a responsibility to help our public fight back against any governmental encroachment on their rights.

A large part of this fight is taking place in courts of the United States. Americans United has taken the federal government and the state governments to court many times to force these governments to abide by the Constitution of the United States. A few weeks ago, Americans United took the federal government to court because its Department of Health, Education and Welfare was giving away public lands and public buildings to a single religious denomination. This, in our judgment, was a clear violation of the separation of church and state. The government does not have the prerogative to give public land, public funds and public buildings to support one religious denomination, or all religious denominations. The government is to remain neutral. We have taken the federal government and the state of New Jersey to court as well, because they use public funds for what we see as the promotion of Hinduism through courses in Transcendental Meditation, which we believe to be a form of the Hindu Religion. We have told the National Labor Relations Board, an independent arm of the federal government, that it has no business trying to unionize private Catholic parochial schools in the country, and we have supported the Roman Catholic Church in its efforts to prevent the National Labor Relations Board from interfering in the internal problems of its parochial schools.

As you might imagine there are several cases where the government seeks to impose its will upon the churches or the churches seek to get special favors and public funding for their sectarian institutions and missions.

There are always those who cannot keep

their hands off of the wall separating church and state. I am reminded of a pastoral experience. I took a group of my young people out on a nature hike and began to tell them how God has created everything and how he has a good purpose for all that he has created. And wouldn't you know, one little boy raised his hand and said, "Well, pastor, if that's true and God has a good purpose for everything he has created then why did he create poison ivy?"

Well, as I stumbled for some kind of an answer, a little girl raised her hand and said, "Pastor, I think I know. God created poison ivy so that we should know that there are some things that we oughta keep our hands off of."

Though it seems that some politicians and churches cannot keep their hands off the wall separating church and state, the American people have time and again expressed their support of the First Amendment. Last year Americans United helped the people of the states of Missouri, Alaska, and Nebraska to preserve their religious liberty by aiding them in their defeat of amendments to their state constitutions, which would have violated separation of church and state. In each of these state referendums the people voted overwhelmingly for religious liberty and for maintaining church-state separation. Americans United helped organize religious institutions, public school associations, Masons and private citizens from all walks of life to work together to defeat the proposed constitutional amendments, which would have allowed the elimination of separation of church and state and opened a floodgate of public money for sectarian purposes in each of these states.

Thanks to the efforts of Americans United during the past twenty-five years there are no captive public schools today in the United States. In other words, no public school is now under the control or dominance of any church. The Supreme Court has ruled that no governmentally prescribed prayers can be said in the public schools and that the Holy Bible cannot be read for sectarian purposes. This does not mean, however, that prayers are excluded from the public schools. Any child can pray any time he wants to in the public schools. However, the public schools, the government, and the politicians are to keep their hands off of writing prayers for everyone to say. Politicians have a hard enough time trying to run the government without trying to tell the people and our youth what they are to believe or what they are to pray or not to pray. Furthermore, since when have politicians become theologians or guardians of moral and spiritual values? The Supreme Court has encouraged the schools to continue to make use of the Bible in the teaching of history, moral and spiritual wisdom, and literature. The Bible can be taught and studied, as long as it is not used for religious or sectarian purposes.

Americans United has taken churches to court because they have abused the property tax exemption that has been granted to them. The church has to pay taxes just like any other institution when it goes into commercial business.

Americans United is taking the state of North Carolina and three church colleges in that state to court because of the misuse of public funds for the support of these private colleges, which is clearly a violation of the First Amendment of the U.S. Constitution. If church colleges want public funds then they must become public institutions. If church colleges want to continue with their religious mission and purpose, then they must secure funds from their own churches and not from the general public. Americans United, whose Trustees and staff are made up primarily of clergymen, is dedicated to protecting the freedom of all religions in the United States, and to maintaining religious freedom through separation of church and state, for all Americans. To protect and maintain our religious freedom it is essential that our people understand the First Amendment, so that we can continue to stand strongly behind religious liberty and work for the growth of religious freedom among the nations of the world by the example we set. Americans United is necessary for the survival of religious liberty in the United States of America, especially as we continue to face growing bureaucratic regulations, increasing government involvement in church related activities, in the growing dependence of church institutions on government and the abuses of tax exemption privileges by the churches and by the citizens in general. Americans United cannot and will not be oblivious to conditions in other countries.

There is sectarian strife and intolerance, prejudice and discrimination in various parts of the human family throughout the world. Freedom, however, is the mainspring of our worlds civilization. The late President John F. Kennedy once said, "I believe in an America where religious liberty is so indivisible, that an act against one church is treated as an act against all." This sentiment should surely apply to every nation, every continent of our world. We are proud of President Carters deep, genuine concern for human rights and his willingness to share this concern with the nations of the world. We know that President Carter believes in separation of church and state and religious liberty.

We are pleased with the increase in religious liberty in Spain, Portugal, Italy and Greece. We are disturbed by apparent repression of church leaders in South Korea, the Philippines, Chile, Brazil, Argentina, Uganda, Rhodesia, South Africa and elsewhere. The global dimensions of totalitarianism, and the relative decline of political and civil liberties in various parts of the world, raises doubts about religious liberty, since international geopolitical realities show an increasing interdependence among the nations. A decline of liberty in any area threatens all of us. New York's Freedom House recently revealed that less than 20% of the world's people enjoy civil and political liberty. In just two years the number of people living in free lands has declined from 35% to 19½%. In 1976 alone 86 million people in seven countries suffered substantial loss in personal freedom. These shocking facts ought to frighten us. Especially when we realize that even many politically free nations do not have highly developed structures of religious freedom.

To help the cause of religious liberty around the world, I call upon the World Council of Churches to restore and upgrade its Secretariat of Religious Liberty, thus allowing the organization to speak out more prophetically against violations of the right of freedom of conscience wherever found. I ask Dr. Potter, Dr. Van Boven and all of the other member nations of the United Nations' Commission on Human Rights to attend the working sessions of the Commission and to bring into being a final draft of a declaration on the elimination of all forms of intolerance and discrimination based on religion or belief. I strongly urge the U.S. Congress to call upon the United Nations to pass the long delayed manifesto on freedom of conscience to which all nations will hopefully subscribe. I also call upon the United States Senate to ratify the "Genocide Treaty." Finally, we call upon the signers of the Helsinki Agreement to implement all of the various parts of that agreement as fully and as quickly as possible. The survival of religious liberty and freedom of conscience is not inevitable, but requires persistent, even heroic effort to maintain. Americans United pledges its support of these principles and will continue to work for the preservation of religious liberty in the United States and throughout the world.

Thank you.

LAID OFF EMPLOYEES AT FRANKFORD ARSENAL CANNOT EXIST ON EMPTY PROMISES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. EILBERG. Mr. Speaker, for some time, now, we in the Philadelphia Congressional delegation—my colleagues Mr. NIX, Mr. MICHAEL MYERS, and Mr. LEDERER—have been pressing the President of the United States to make good on the pledges made by Vice President MONDALE, and endorsed by President Carter, to the people of Philadelphia with respect to the closing of Frankford Arsenal.

Thus far, Mr. Speaker, our pleas seem to have fallen on deaf ears. The arsenal is being closed, despite Mr. MONDALE's clear pledge that this would not happen. People are being laid off almost daily, despite pledges by both the President and Vice President that this would not happen.

To register our deep sense of concern, Mr. Speaker, and to urge on the President that he honor the commitments made to these workers and to the city of Philadelphia, the congressional delegation sent a letter on June 3 to Mr. Carter, the text of which I include at this point in my remarks:

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As members of the Philadelphia delegation in the U.S. House of Representatives, we are concerned that there could be some public misunderstanding of remarks which you made during your press conference of May 26, 1977.

Specially, we want to take exception to the following remarks, as quoted in the official transcript of that press conference:

". . . I've never had any inclination during the campaign to promise that we would keep a specific base open or close one. . . ."

While it is technically correct, Mr. President, that you personally made no such commitment during the campaign, it also is correct that you are aware of the fact that Vice President Mondale did, in fact, make such a flat commitment. It was made to the people of Philadelphia, on the Sunday before the election, and it was an unconditional promise that, if your ticket won the election, the Frankford Arsenal in Philadelphia would remain open.

You, yourself, underscored your awareness of the promise during your radio call-in program on March 5, 1977 when, in answer to a questioner from Philadelphia, you said:

". . . I might say if there's one question that the Vice President has talked to me more about than any other thing since I've been in the White House it's been the Frankford Arsenal. And he and I have a deep personal interest in the Frankford Arsenal.

". . . If it is a final decision by the Defense Department that the arsenal be closed, I'll do everything I can to honor the Vice President's commitment and try to orient some other kind of federal project into the Frankford Arsenal area, so that the people will not suffer any more than necessary economically . . ."

Quite clearly, Mr. President, a promise to keep a specific base open was made during the campaign; it was made by your running mate who indicated he was speaking on behalf of the Carter-Mondale ticket; and it was acknowledged later by you, along with your

pledge to "do everything I can to honor the Vice President's commitment."

The handling of the Frankford Arsenal case stands in sharp contrast to the way the Fort Devens incident was handled. When you went to the Town Meeting in Clinton, Mass., you promised that you would not permit the Department of Defense to have the last say on the closing of that military installation; instead, you said the matter would have to come to your desk for a final determination. With Frankford, on the other hand, no final review was made by either you or the Vice President; the Army reaffirmed its previous decision to close the Arsenal, and the Administration passively concurred in that decision. We are disturbed about the different treatment of the two cases, because your personal review determined that Fort Devens would not close. Frankford, on the other hand, is going out of business.

The arguments that were made on behalf of Fort Devens—the contribution that it makes to the State's economy, and the catastrophic impact that the closing would have on employment opportunities and the health of supporting businesses—are precisely the same arguments which we made on behalf of Frankford Arsenal. The difference lies in the fact that the Massachusetts arguments were made to you, in your role as final judge of the decision, while the Philadelphia arguments fell on deaf ears in the Pentagon and there was no final Oval Office review.

Beyond the misconception that your latest press conference remarks might create, Mr. President, is the reality that absolutely nothing has been done to date to redeem the Vice President's pledge, or yours. The Arsenal closing goes forward (100 workers were laid off last month, another 130 were separated from government service on June 3, and additional firings are scheduled throughout the Summer months.) The efforts of the Philadelphia delegation to convince the Administration to put new Federal installations in Philadelphia (such as our attempt to have the Solar Energy Research Institute sited at Frankford) have been routinely ignored. Promises to give laidoff Frankford workers new government jobs when and if they become available (at the Philadelphia Navy Yard, for example) have foundered because of your Administration's lid on new hires and the instructions to government agencies to fill only three out of every four positions that become vacant.

Within the Philadelphia business community, scores of companies that have long held contracts with Frankford Arsenal are finding out that they will no longer be providing goods and services when the transfer to New Jersey is made and, as a matter of fact, many of the contracts already have been cancelled. Thus, the impact of the Arsenal closing ripples continually through Philadelphia's troubled economy.

Our primary concern is for those skilled civil servants at Frankford Arsenal. They cannot live on idle promises, Mr. President. Yet their lot throughout all of this affair has been one illusory promise after another, accompanied by their discharge notices.

We feel that this Administration has a moral commitment to Philadelphia on the Frankford Arsenal. Perhaps you did not personally make the commitment to begin with, Mr. President, but you were a beneficiary of it, and you have subsequently associated yourself with it.

Isn't it time that someone started to make good on those promises?

Respectfully,

ROBERT N. C. NIX,
JOSHUA EILBERG,
MICHAEL O. MYERS,
RAYMOND F. LEDERER,
Members of Congress.

Thus far, Mr. Speaker, that communication has been greeted with total silence from the White House. There has been no written or verbal response from the President or from anyone else in the administration. Sadly, this is all too typical of the attitude of this administration toward the Congress.

But if the White House has been silent, Philadelphia has not. On June 14 and 15, Station KYW-Radio and KYW-TV, one of the fine communications organizations in Philadelphia, carried an editorial fully supporting the position taken by the Philadelphia delegation on this crucial issue. In that editorial, KYW said:

We've been hearing from Frankford Arsenal workers and their families.

Although they were promised first crack at job openings in various Federal installations, they tell us they're having no luck finding any work.

These arsenal employees are highly skilled. And, as one of their wives told us, "what a terrible waste of talent, and how unfair it is to throw these families onto unemployment and welfare."

Remember, just before the 1976 Presidential election, Vice President Mondale promised that the arsenal would not be closed. And then after the election, President Carter promised that there would be jobs for workers who were laid off when the arsenal was closed.

We thought we were hearing only from a few of the unlucky ones, but it turns out that there are lots of arsenal workers who are being hurt along with the rest of the Delaware Valley.

And just the other day, the entire Philadelphia Congressional delegation wrote to President Carter that, and we quote them, "absolutely nothing has been done to redeem those promises made by the President and Vice President.

As the Congressmen said, the arsenal families cannot live on idle promises. The Carter Administration has a moral commitment, and the Congressmen think it's time that someone started making good on those promises of help.

We're glad to see the Congressmen speak out. Other public officials from the Delaware Valley should do the same.

The recent silence does not mean that those promises have been forgiven or forgotten here in the Delaware Valley, where so many of our neighbors are hurting.

Mr. Speaker, the Members of the congressional delegation continue to hope that the administration will act to redeem its pledges. But the situation grows more acute with each passing day, and the burden falls on fine American workers who suddenly find themselves facing the grim economic and psychological trauma of being without work through no fault of their own.

The people of the Philadelphia area are waiting.

A NEW MIDEAST PEACE SOLUTION

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. NOLAN. Mr. Speaker, ever since the State of Israel came into being nearly 30 years ago, the United States has attempted with little lasting success to help establish a lasting Middle East peace which recognizes and protects the rights of Israel, the Arab People, and the Palestinians.

These attempts to bring about peace among unreconciled antagonists have always been great. The risks on noninvolvement, however, remain greater. Certainly, the United States holds a share of the key to peace. President Sadat of Egypt has always maintained that the solution to the conflict is 99 percent dependent upon the United States. Likewise, Israel recognizes its dependence upon American economic and military support.

Last Sunday's edition of the Minneapolis Tribune carried an editorial presenting a possible course for the United States which would, in the judgment of many, contribute immeasurably to a lasting peace in the Middle East. The editorial, reprinted here, deserves close consideration by the Congress and the administration:

A U.S. PLAN FOR ARAB-ISRAELI PEACE

The Gordian knot in the Middle East must eventually be cut by the United States. Arabs and Israelis should resolve their conflict among themselves, but can't. The Russians could play a constructive role, but probably won't. West European countries can be important supporters of a settlement, but lack the unity necessary to take the initiative on their own. The same is true of the United Nations.

If responsibility has thus landed on Americans, the question arises of how they should exercise it. Specifically, should the United States define in some detail a plan for peace? We think it should—not because that is the easiest or even the best course, but because that is the only realistic alternative. To do otherwise is to hope, against all historical evidence, that Arabs and Israelis or others will somehow break the knot; to hope that the general principles for settlement already in existence will somehow be resolved peacefully into unambiguous agreements.

Elements of a U.S. plan have begun to emerge. Some have dismayed Israel's Labor Party leaders, who until last month's elections had always governed that country. Dismay is too mild a word for the attitude undoubtedly felt by the newly elected, more conservative Likud alignment that is now attempting to form a government. Among the elements already suggested informally by the Carter administration, or likely to be proposed later, are these:

Arab states would recognize Israel, with all that that implies—an end to the state of war, noninterference with commerce, respect for Israel's territorial integrity and the like.

Israel would withdraw from the territories occupied in 1967 ("liberated," as defined by the Likud leader), subject only to minor boundary adjustments.

A homeland for Palestinians would be established in the formerly occupied territories.

Israel would relinquish its claim to exclusive sovereignty over Jerusalem, probably in favor of some kind of international status for the city as envisaged in the 1947 U.N. resolution on the partition of Palestine.

The United States, most likely in conjunction with other non-Middle East countries and the United Nations, would provide assurances that the agreements were observed.

To many, that outline will seem to discriminate in favor of the Arabs. Relinquishing territory will be said to reduce the margin of Israeli security; the same will be said of creating a neighboring Palestinian state. Jerusalem is frequently called non-negotiable. Great-power guarantees have failed in the past. But if the outline at some points

coincides with views of some Arabs, it also reflects an international consensus that recognizes the legitimacy of such views. And the world community has a large stake in the Middle East. The pattern of Arab-Israeli wars has been like an expanding whirlpool, throwing the effects of conflict greater distances while drawing more countries toward the vortex.

It would be foolish to predict an imminent eruption of fighting, but equally foolish to call that unlikely. Neither side sought, or really expected, the six-day war that ended 10 years ago. Economic and strategic logic in October 1973 suggested that the Arabs would not launch attacks as they did. The risks now of trying to bring about a lasting settlement between unreconciled antagonists are great; the risks of not doing so are greater.

Because no one else has comparable credibility with both sides, and the requisite strength, the United States has stepped into the role of peacemaker. To prepare for that role, the Carter administration should develop a comprehensive peace plan; it should tell Israel and the Arab states that it is doing so and solicit their suggestions. Only after such a plan is in hand should the United States call for a reconvened Geneva conference on the Middle East.

GRAIN RESERVES

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. WEAVER. Mr. Speaker, today I am introducing the "Stocks Management and Reserve Act of 1977." This legislation authorizes the Secretary of Agriculture to establish and operate a domestic grain reserve of 25 to 35 million tons of grain, with all of the stocks held by producers through a system of Commodity Credit Corporation storage agreements. This proposal protects both producers and consumers by moderating extreme fluctuations in grain prices, establishes an international emergency food reserve of 2 million metric tons, and reaffirms the commitment for a nationally held and internationally coordinated system of grain reserves made at the 1974 World Food Conference by U.S. Government representatives.

This legislation I am introducing is supported by Bread for the World, an interdenominational organization focusing on public policies affecting hunger and development. I submit for the RECORD a statement on grain reserves prepared by Brennon Jones of Bread for the World. He rightly points out a number of the benefits of a well-designed reserve system, including its anti-inflationary impact.

The article follows:

The time is right to establish a system of nationally held grain reserves. Unless the United States and other countries act soon, they will set the stage for future food shortages.

In 1974 the U.N. World Food Conference urged the establishment of a grain reserve program as an essential step to world food security. The task was all but impossible then, because sufficient grain supplies to stock the reserve were unavailable. But today, according to the World Food Council, world carry-over stocks of grain, primarily wheat, are 40 million tons larger than last year. John Hannah, executive director of the World Food Council, has urged governments to grasp the opportunity and establish reserves now, saying, "What happens to this wheat will have a greater impact upon world food security than any other single event" within our power. His sense of urgency is well-founded; and because the United States is by far the world's leading exporter of grain, its initiative will largely determine what happens.

From the 1973–74 food shortage experience we know what a "no reserve" policy can mean. During that period food supplies were insufficient, in part because of an earlier U.S. decision to rid itself of grain reserves. That decision not only affected the amount of food aid available to the developing nations—our PL–480 food assistance shrank in volume from 9.9 million tons in 1972 to 3.3 million tons in 1974, the year it was most critically needed—but it had a tragic impact on development programs as well. Receiving insufficient food aid, those nations desperately used up scarce capital to purchase food at high commercial prices on the open market. Each dollar spent on food imports was a dollar taken away from their urgent development projects in areas such as agricultural production, education, health and population planning.

Today the pendulum has shifted and, with uncontrolled world grain surpluses, the agricultural development plans of the developing nations are in danger of being frustrated once again. U.S. food policy could directly undermine development plans in the poor nations in a less obvious way. U.S. farmers, faced with depressed prices for their crops and limited marketing opportunities, are aggressively seeking increased shipments of food aid and expanded foreign markets. The danger is that cheap U.S. surplus grain will end up on developing country markets, depressing prices and glutting limited storage facilities. When the developing nation farmer attempts to sell his own crop, he finds that the government isn't buying, or that the price has dropped so low he is denied a fair return for his production. Soon the farmer gives up. He stops producing for the market, and food self-reliance goals of the nation are frustrated. This is not a scenario to ensure "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread"—to cite the U.S. plea delivered by former Secretary of State Kissinger at the World Food Conference.

The meaning is clear: Grain shortages hurt, but uncontrolled surpluses can be equally destructive. The purpose of a reserve program is to avoid either extreme by drawing grain off the market during periods of surplus and placing it back on the market when shortages occur.

A U.S. reserve, as part of an internationally coordinated system of national reserves, should embrace the following goals:

(1) A reserve should seek to provide enough grain in times of scarcity to avert famines;

(2) A reserve should seek to prevent prices from rising so high as to put poor people or nations out of the market, or from falling so low as to deny farmers a fair return on their production;

(3) A reserve should seek to assure that periods of oversupply will not lead to depressed U.S. prices or excessive food aid, and thus depress food prices abroad and discourage the growth of food production in developing nations;

(4) A reserve should seek to smooth out excessive price fluctuations in order to combat inflation at home and abroad. Even short-term fluctuations are inflationary and hinder development.

Indications are that in both the World Food Council and the International Wheat Council, the two international organizations chiefly concerned with the grain reserve issue, nations are showing serious interest in negotiating the establishment of some system of reserves, and it is possible that negotiations could begin in future months. But will the negotiations begin soon enough, and will they be in earnest?

The Carter Administration has already announced its intention to create a national farmer-owned grain reserve. In addition, the U.S. Senate passed grain reserve legislation as a part of its omnibus farm bill. But both Senate and Administration propose a small initial U.S. reserve of approximately 8 million tons of wheat. And the farm bill recommended by the House Agriculture Committee makes no mention at all of a grain reserve. Yet delay in establishment of a sizable U.S. reserve could have several severe consequences.

(1) Given the unpredictability of weather, surplus grain with which to stock reserves may not be available for long. Agriculturalists are in agreement that if the United States had not had favorable rains in the Midwest this spring, the world would be in a very different food supply situation today. At present U.S. wheat farmers are seeking all channels to dispose of their surpluses. Secretary of Agriculture Bergland's swing through several Asian countries put sales and gifts of U.S. grain high on the agenda. U.S. farmers are promoting research for alternative grain marketing, including the use of wheat as fuel and wall insulation. Moreover, much of the wheat surplus is being consumed by livestock since high protein wheat is now priced about the same as corn.

(2) The surpluses could become considerably larger depressing grain prices even more, ultimately inducing a decision to cut production drastically. It was this cycle in which production and stocks were cut back sharply in the major food exporting nations beginning in the late 1960's that led to the shortfalls of the 1973–74 period. The cycle can recur in the absence of sufficient reserve stocks.

An effective U.S. response requires several actions.

1. The Carter Administration should move ahead swiftly to get international grain reserve negotiations underway. It has already spoken in favor of reserves. It must also move quickly to put a strong U.S. reserve program in place, or what we negotiate internationally may be too little and too late.

2. The Congress should pass legislation that clearly mandates the operation of a reserve, specifying the amount to be held in reserve, and the accumulation and release levels. Both producers and consumers should know the rules of the game.

PERSONAL STATEMENT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1977

Mr. BONKER. Mr. Speaker, my absence from the vote today on the Labor-HEW appropriations bill (H.R. 7555), was, regrettably, unavoidable. My past actions and votes, I believe, clearly demonstrate how I would have voted today: My vote would have been cast to disallow use of medicaid funds for abortions.

HOUSE OF REPRESENTATIVES—*Monday, June 20, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come ye and let us go up to the mountain of the Lord and He will teach us His ways and we will walk in His paths.—Isaiah 2: 3.

O God, most merciful and gracious, we come to Thee for the help Thou alone canst give. By the might of Thy Spirit lift us into Thy presence that in nearness to Thee we may find deliverance from thoughts that weaken us, from desires that discourages us, and from meanness that makes us miserable. May Thy light and Thy love shine into our hearts that we may see the way we should go and find courage to walk in it fulfilling Thy good purpose for us and for our Nation.

Send us out into this new day with the confidence that Thou art with us and that with Thee we can do our work well fearing no evil and faithfully facing the task of the coming hours. So shall Thy blessing attend us and Thy peace abide in our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate receded from its amendment to a bill of the House of the following title:

H.R. 4301. An act to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6179. An act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes;

H.R. 6689. An act to authorize fiscal year 1978 appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Service personnel system, and for other purposes; and

H.R. 7636. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6179) entitled "An act to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PELL, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CASE, Mr. PERCY, and Mr. GRIFFIN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6689) entitled "An act to authorize fiscal year 1978 appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Service personnel system, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. MCGOVERN, Mr. PELL, Mr. BIDEN, Mr. CASE, Mr. PERCY, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7636) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes, request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBERT C. BYRD, Mr. MCCLELLAN, Mr. HOLLINGS, Mr. BAYH, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. DECONCINI, Mr. STEVENS, Mr. YOUNG, Mr. HATFIELD, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 469. An act to establish a commission to study proposals for establishing a National Academy of Peace and Conflict Resolution.

The message also announced that the Vice President, pursuant to Public Law 94–280, appointed Mr. CHAFEE, from the Committee on Environment and Public Works, to be a member of the National Transportation Policy Study Commission, in lieu of Mr. STAFFORD, resigned.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

PREEMPTION OF STATE LAWS INCONSISTENT WITH FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM

The Clerk called the bill (H.R. 2931) to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts.

There being no objection, the Clerk read the bill, as follows:

H.R. 2931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, relating to contracts for Federal employee health benefits plans, is amended by adding at the end thereof the following new subsection:

"(l) The provisions of any contract under this chapter which relate to the nature or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans to the extent that such law or regulation is inconsistent with such contractual provisions.".

With the following committee amendment:

Page 1, line 7, strike out "(l)" and insert "(m)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT TAMPA, FLA., FOR JAMES A. HALEY

The Clerk called the bill (H.R. 1678) to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "James A. Haley Veterans' Hospital."

There being no objection, the Clerk read the bill, as follows:

H.R. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital located at 13000 North Thirtieth Street, Tampa, Florida, shall hereafter be known and designated as the "James A. Haley Veterans' Hospital". Any reference in a law, map, regulation, document, record, or other paper of the United States to such hospital shall be held to be a reference to the "James A. Haley Veterans' Hospital".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT BEDFORD, MASS., FOR EDITH NOURSE ROGERS

The Clerk called the bill (H.R. 7643) to name the Veterans' Administration hospital located at 200 Springs Road, Bedford, Mass., the "Edith Nourse Rogers Memorial Veterans' Hospital."

There being no objection, the Clerk read the bill, as follows:

H.R. 7643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital located at 200 Springs Road, Bedford, Massachusetts, shall hereafter be known and designated as the "Edith Nourse Rogers Memorial Veterans' Hospital". Any reference in law, map, regulation, document, record, or other paper of the United States to such hospital shall be held to be a reference to the "Edith Nourse Memorial Veterans' Hospital".

Mrs. HECKLER. Mr. Speaker, H.R. 7643 provides a memorial for a former

Member of this body, the gentlelady from Massachusetts, Mrs. Edith Nourse Rogers. The bill designates the Veterans' Administration hospital located in Bedford, Mass., as the "Edith Nourse Rogers Memorial Veterans' Hospital."

A bill identical to H.R. 7643 was unanimously passed by the House late in the 95th Congress. Unfortunately, it was not considered by the Senate before the end of the session.

As cosponsor of H.R. 7643, with the other members of the Massachusetts delegation to the House, I have advocated the establishment of this memorial for many years. As a member of the Committee on Veterans' Affairs, I am grateful to the distinguished chairman of the committee, the Honorable RAY ROBERTS, of Texas, and the distinguished ranking minority member, the Honorable JOHN PAUL HAMMERSCHMIDT, of Arkansas, and the other members of the committee, for supporting my efforts.

Edith Nourse Rogers was a distinguished Member of the House of Representatives for 35 years—from 1925 through 1960, a period which spanned World War II and the Korean conflict and which witnessed the birth of the nuclear age.

She served continuously on the Committee on Veterans' Affairs throughout this 35-year period and chaired the committee during the 80th and 83d Congresses.

Mrs. Rogers' interest in veterans was a lifelong pursuit. During the First World War, through the American Red Cross, she cared for wounded soldiers in Europe. After the war, she dedicated herself to disabled veterans, as the first Gray Lady in this Capital. It was for such meritorious service that she earned the title of the "Angel of Walter Reed." During the Second World War, she visited U.S. military hospitals in Europe. According to one biography of her:

In the course of a visit to Italy, German bullets whistled past her. To that extent, she became a veteran herself.

Throughout her career, Mrs. Rogers worked diligently to build and improve the VA medical program, to make it the finest in the world She distinguished herself while a junior Member of Congress by guiding a bill through the House to provide $15 million to build a nationwide network of veterans' hospitals. A native of the Commonwealth of Massachusetts, she was especially devoted to the VA hospital in Bedford, a hospital which owes a great debt to her.

Besides championing veterans' healthcare benefits, she helped draft legislation to establish the GI bill and served as the leading spokesperson for paraplegic veterans. These are only a few of her accomplishments.

Mr. Speaker, and Members of the House, Edith Nourse Rogers deserves to have a memorial which reflects her commitment and dedication to the veterans of the Commonwealth of Massachusetts, and to all the veterans of this Nation.

Accordingly, I ask your support once again in this worthy effort to name the Veterans' Administration hospital in Bedford the "Edith Nourse Rogers Memorial Veterans' Hospital."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTESTING U.N. DECISION THAT RHODESIA MAY NOT ARGUE ITS CASE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. FENWICK. Mr. Speaker, I rise to speak of an incident which I think should concern all of us very deeply. I am referring to the action of our Government in participating in a decision of the United Nations Security Council on May 27, at which time we agreed, apparently, to deny the right of the country of Rhodesia to argue its case, in an advertisement or in any other way, in any member nation of the United Nations.

I am not in favor of the present Government of Rhodesia. I voted to repeal the Byrd amendment.

But I consider the action of our Government in this regard as entirely contrary to the spirit of the first amendment. Certainly when North and South Korea are advertising almost daily in our newspapers, I think it is incredible that we should have denied such access to another country.

PERMISSION FOR AD HOC SELECT SUBCOMMITTEE ON MARITIME EDUCATION AND TRAINING OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING 5-MINUTE RULE TODAY

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Ad Hoc Select Subcommittee on Maritime Education and Training of the Committee on Merchant Marine and Fisheries may be permitted to meet during proceedings under the 5-minute rule this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 7558, AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1978

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 634 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 634

Resolved, That during the consideration of the bill (H.R. 7558) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 18, line 22 through page 19, line 12; beginning on page 22, lines 1 through 14; beginning on page 23, lines 7 through 14; beginning on page 23, line 21 through page 24, line 8; beginning on page 24, line 21 through page 25, line 2; beginning on page 36, line 12 through page 37, line 14; beginning on page 38, line 10 through page 39, line 22; beginning on page 40, line 20 through page 41, line 6; and beginning on page 44, lines 4 through 14.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House resolution 634 provides for the consideration of H.R. 7558 making appropriations for Agriculture and related agencies programs for fiscal year 1978.

As Members are aware, appropriation bills are privileged and may be brought up for consideration without a rule. However, in some instances, it is necessary to waive points of order which might lie against an appropriation measure in order to facilitate an orderly procedure.

House Resolution 634 simply provides for waivers of clause 2, rule XXI which, among other things, prohibits consideration of an appropriation for any expenditure not previously authorized by law. This waiver is the one most commonly requested by the Committee on Appropriations.

The rule prohibiting consideration of unauthorized appropriations has a long history in the House. In previous years, waivers of points of order pursuant to the rule were required less frequently since appropriations were considered later in the session, allowing more time for authorization bills to be enacted. With implementation of the Budget and Impoundment Control Act, it became imperative—and, indeed, is mandated by the law—for appropriation bills to be considered and enacted prior to adoption of the second concurrent budget resolution.

The tighter legislative schedule required by the Budget Act for consideration of appropriation bills does, of necessity, require waivers for unauthorized appropriations.

H.R. 7558 contains a number of paragraphs for which completed legislative authorization is lacking. In all instances, the authorizations have been reported from House legislative committees although they may be pending in various stages of the legislative process in either the House or the Senate.

Titles I, II, III, and IV of the bill contain appropriations for programs which will be authorized by the Agriculture Act of 1977. The House bill (H.R. 7171) was reported from the House Agriculture Committee on May 16, 1977. The Senate passed its version of the bill (S. 275) on May 24, 1977.

Waivers are granted to the following paragraphs of the bill due to lack of authorizations contained in the Agriculture Act of 1977: in title I the dairy and beekeeper indemnity programs, beginning

on page 18, line 22 and continuing through page 19, line 12; in title II loans to the elderly under the agricultural credit insurance fund, page 23, lines 7 to 14, rural community fire protection grants, beginning on page 24, line 21 through page 24, line 2; in title III the food stamp program and the food donations program, beginning on page 38, line 10 and continuing through page 39, line 22; and in title IV the Public Law 480 program, beginning on page 40, line 20 and continuing through page 41, line 6.

Title II of the bill is also affected by the Housing and Community Development Act of 1977 (H.R. 6655) which passed the House on May 1, 1977, and the Senate on June 7, 1977. The House asked for a conference and the Speaker appointed conferees on June 16, 1977.

Paragraphs granted waivers due to lack of authorizations contained in the Housing and Community Development Act include: Subsidized interest loans under the rural housing insurance fund, page 22, line 1 to 14; very low-income housing repair grants, page 23, lines 21 to 24; and rural housing for domestic farm labor and mutual and self-help housing, page 24, lines 1 to 8.

Title III of the bill is also affected by the School Lunch and Child Nutrition Amendments of 1977 (H.R. 1139) which passed the House on May 18, 1977, and was referred to the Senate Committee on Agriculture, Nutrition and Forestry on May 23, 1977.

A waiver was granted for the child nutrition programs under title III, beginning on page 36, line 12 through page 37, line 14. This paragraph includes appropriations for the summer feeding program, the commodity distribution program, and the nonfood assistance program.

A waiver was also granted under title VI, general provisions. Section 608 of the bill provides that the new obligational authority and liquidation of contract authorizations for certain appropriation items shall remain available until expended although existing law does not state so.

Mr. Speaker, H.R. 7558 would appropriate $13.6 billion in total obligational authority. This amount is $562.6 million below the budget request and $705.3 million below fiscal 1977 appropriations. The largest single item in the bill is for domestic food programs, totalling $7.6 billion. Agricultural programs which directly benefit the farmer amount to slightly over $2 billion. Another $1.7 billion is provided for rural development programs. This bill, as can be readily seen from looking at the amounts provided for the various programs, is vital not only to the farmer and producer in this country but to the consumer as well.

Mr. Speaker, I urge my colleagues to adopt House Resolution 634 so that we may proceed to the consideration of this important piece of legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule waives points of order against H.R. 7558 for failure to comply with clause 2, rule XXI. Clause 2 of rule XXI prohibits appropriations which have not been authorized and legislation on appropriation bills. A waiver is necessary because H.R. 7558 contains a number of appropriations which lack completed legislative authorization.

Mr. Speaker, the gentleman from California has already pointed out the matter to which I am about to refer, but I think we have got to point this matter out repeatedly. In fact, there are two things that need pointing out in this bill.

First, there is a large amount of money in the appropriation bill itself which does not go for agriculture; yet, the farmer is always charged by the media and others with the totals in the agricultural appropriation bill, although he does not receive all the benefits. Mr. Speaker, over half the amount of the bill goes for food stamps and other food programs.

The second disturbing thing about this bill is the items which have been increased from last year and the items which have been decreased from last year. This bill appropriates a total of $13,673,387,000 for fiscal year 1978, which is a decrease of $705,344,000 from the amount appropriated during the previous year. On the surface, this sounds good, and I am in favor of keeping the cost of government down. Then, I look at the committee report on page 117, under the heading "recapitulation," and I find that by comparison with last year, the amounts for agricultural programs have been decreased by $422,102,000, which accounts for the largest—the largest—part of the decrease in the appropriations.

Mr. Speaker, I am in favor of reduced spending, but it appears that the farmers have been bearing more than their fair share of the cuts in their own agricultural appropriation bill. For the record, Mr. Speaker, I would like to insert at this point the amount of appropriations in this bill, broken down by titles. Title I appropriates for agricultural programs under this bill, $2,020,428,000. Title II, rural development programs, provides $1,737,429,000. Title III, for domestic food programs—which should be HEW—is $7,642,208,000. Title IV, international programs, is $965,985,000, which should rightfully be under the foreign aid program.

Title V, related agencies, is $292,780,000.

This adds up to a new budget authority total of $12,658,830,000.

After we add the transfer of section 32 funds in the amount of $1,014,557,000, we come up with a grand total of $13,673,387,000.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 5, not voting 76, as follows:

[Roll No. 353]

YEAS—352

Abdnor	Eckhardt	Long, La.
Allen	Edgar	Long, Md.
Ambro	Edwards, Ala.	Lujan
Ammerman	Edwards, Calif.	Luken
Anderson, Calif.	Edwards, Okla.	Lundine
Andrews, N.C.	Emery	McClory
Andrews, N. Dak.	English	McCormack
Annunzio	Erlenborn	McDonald
Applegate	Ertel	McEwen
Archer	Evans, Del.	McFall
Armstrong	Evans, Ind.	Madigan
Ashbrook	Fary	Maguire
Ashley	Fascell	Mahon
Aspin	Fenwick	Mann
AuCoin	Findley	Markey
Badham	Fish	Marlenee
Bafalis	Fisher	Marriott
Barnard	Fithian	Martin
Baucus	Flood	Mattox
Bauman	Flowers	Mazzoli
Beard, R.I.	Flynt	Meeds
Beard, Tenn.	Foley	Metcalfe
Bedell	Ford, Tenn.	Michel
Bellenson	Forsythe	Mikulski
Benjamin	Fountain	Mikva
Bennett	Fowler	Miller, Ohio
Bevill	Frenzel	Minish
Bingham	Frey	Mitchell, N.Y.
Blanchard	Fuqua	Moakley
Blouin	Gammage	Moffett
Boggs	Gaydos	Mollohan
Boling	Gephardt	Montgomery
Bonior	Giaimo	Moore
Bonker	Gibbons	Moorhead, Calif.
Bowen	Ginn	Moorhead, Pa.
Brademas	Goldwater	Moss
Breaux	Goodling	Mottl
Breckinridge	Gore	Murphy, Ill.
Brinkley	Gradison	Murphy, N.Y.
Brodhead	Grassley	Murphy, Pa.
Brooks	Gudger	Murtha
Broomfield	Guyer	Myers, Gary
Brown, Calif.	Hamilton	Myers, Michael
Brown, Mich.	Hammer-schmidt	Myers, Ind.
Brown, Ohio	Haniey	Natcher
Broyhill	Hannaford	Neal
Buchanan	Hansen	Nedzi
Burgener	Harris	Nichols
Burke, Calif.	Harsha	Nix
Burke, Fla.	Hawkins	Nolan
Burleson, Tex.	Hefner	O'Brien
Burlison, Mo.	Heftel	Oakar
Burton, John	Hightower	Oberstar
Burton, Phillip	Hillis	Obey
Byron	Hollenbeck	Patten
Caputo	Holt	Pattison
Carney	Holtzman	Pease
Carr	Horton	Pepper
Carter	Howard	Perkins
Cavanaugh	Hubbard	Pettis
Cederberg	Huckaby	Pike
Chappell	Hughes	Pressler
Chisholm	Hyde	Preyer
Clausen, Don H.	Ichord	Price
Clawson, Del	Ireland	Pritchard
Clay	Jacobs	Pursell
Cleveland	Jenkins	Quayle
Cochran	Johnson, Calif.	Quie
Cohen	Johnson, Colo.	Quillen
Coleman	Jones, N.C.	Rahall
Collins, Tex.	Jones, Okla.	Rangel
Conable	Jones, Tenn.	Regula
Conte	Jordan	Reuss
Conyers	Kasten	Rhodes
Corcoran	Kastenmeier	Rinaldo
Corman	Kazen	Roberts
Cornell	Kelly	Robinson
Cornwell	Kemp	Rodino
Coughlin	Ketchum	Rogers
Cunningham	Keys	Roncalio
D'Amours	Kildee	Rooney
Daniel, Dan	Kindness	Rose
Daniel, R. W.	Kostmayer	Rosenthal
Davis	Krebs	Rostenkowski
de la Garza	Krueger	Rousselot
Delaney	LaFalce	Roybal
Derwinski	Lagomarsino	Rudd
Devine	Latta	Runnels
Dickinson	Le Fante	Russo
Dornan	Leach	Ryan
Downey	Leggett	Santini
Drinan	Lehman	Sarasin
Duncan, Tenn.	Lent	Satterfield
	Lloyd, Calif.	Sawyer
	Lloyd, Tenn.	Scheuer

Schroeder	Stockman	Walsh
Schulze	Stokes	Wampler
Sebelius	Stratton	Watkins
Seiberling	Studds	Weaver
Sharp	Stump	Whalen
Shipley	Symms	White
Shuster	Taylor	Whitehurst
Sikes	Thompson	Whitley
Simon	Thone	Whitten
Sisk	Traxler	Wiggins
Skelton	Treen	Wilson, Bob
Skubitz	Trible	Winn
Slack	Tsongas	Wirth
Smith, Iowa	Tucker	Wolff
Smith, Nebr.	Ullman	Wright
Snyder	Van Deerlin	Wydler
St Germain	Vander Jagt	Wylie
Staggers	Vanik	Yates
Stangeland	Vento	Yatron
Stanton	Volkmer	Young, Fla.
Stark	Waggonner	Young, Mo.
Steed	Walgren	Young, Tex.
Steers	Walker	Zablocki

NAYS—5

Crane	Ottinger	Steiger
Levitas	Risenhoover	

NOT VOTING—76

Addabbo	Florio	Miller, Calif.
Akaka	Ford, Mich.	Mineta
Alexander	Fraser	Mitchell, Md.
Anderson, Ill.	Gilman	Nowak
Badillo	Glickman	Panetta
Baldus	Gonzalez	Patterson
Biaggi	Hagedorn	Pickle
Boland	Hall	Poage
Burke, Mass.	Harkin	Railsback
Butler	Harrington	Richmond
Collins, Ill.	Heckler	Roe
Cotter	Holland	Ruppe
Danielson	Jeffords	Solarz
Dellums	Jenrette	Spellman
Dent	Koch	Spence
Derrick	Lederer	Teague
Dicks	Lott	Thornton
Diggs	McCloskey	Udall
Dingell	McDade	Waxman
Dodd	McHugh	Weiss
Duncan, Oreg.	McKay	Wilson, C. H.
Early	McKinney	Wilson, Tex.
Eilberg	Marks	Young, Alaska
Evans, Colo.	Mathis	Zeferetti
Evans, Ga.	Meyner	
Flippo	Milford	

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.
Mr. Akaka with Mr. Butler.
Mr. Zeferetti with Mr. Baldus.
Mr. Ford of Michigan with Mr. Hagedorn.
Mr. Harrington with Mr. Lott.
Mr. Badillo with Mr. Hall.
Mr. Panetta with Mr. Marks.
Mr. Lederer with Mr. Young of Alaska.
Mr. Koch with Mrs. Heckler.
Mr. Waxman with Mr. McCloskey.
Mr. Dent with Mr. Jeffords.
Mr. Teague with Mr. Spence.
Mrs. Spellman with Mr. Nowak.
Mr. Dellums with Mr. McDade.
Mr. Richmond with Mr. Charles H. Wilson.
Mr. Biaggi with Mr. Roe.
Mr. Boland with Mr. McKinney.
Mr. Cotter with Mr. Patterson.
Mr. Danielson with Mr. Udall.
Mr. Burke of Massachusetts with Mr. Railsback.
Mr. McHugh with Mr. Solarz.
Mrs. Meyner with Mr. Wilson of Texas.
Mr. Milford with Mr. Thornton.
Mr. Pickle with Mr. Alexander.
Mr. Mitchell of Maryland with Mrs. Collins of Illinois.
Mr. Mineta with Mr. Dodd.
Mr. Derrick with Mr. Evans of Colorado.
Mr. Miller of California with Mr. Duncan of Oregon.
Mr. Eilberg with Mr. Evans of Georgia.
Mr. Dicks with Mr. Florio.
Mr. Early with Mr. Fraser.
Mr. Dingell with Mr. Mathis.
Mr. Flippo with Mr. Jenrette.
Mr. Diggs with Mr. McKay.
Mr. Gonzalez with Mr. Holland.
Mr. Glickman with Mr. Gilman.
Mr. Weiss with Mr. Harkin.

Mr. ASHLEY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE FEDERAL HOME LOAN BANK ACT

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution (S.J. Res. 63) to amend the Federal Home Loan Bank Act and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman explain to us what this resolution is all about?

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will be happy to yield.

Mr. ST GERMAIN. I thank the gentleman for yielding.

At the present time the Federal Home Loan Bank Board, which is supposed to consist of three members, consists of two members. There is a vacancy. The term of one of the sitting members expires June 30. In order for the Federal Home Loan Bank Board to conduct its business, it must have at least two members. This resolution would extend for a period not to exceed 30 days the term of the member whose term is to expire on June 30. It also is a self-repealing resolution that repeals itself in August of this year.

Mr. ROUSSELOT. Further reserving the right to object, do we have any assurance, can the gentleman tell us, whether the vacancy that now exists will be filled?

Mr. ST GERMAIN. If the gentleman will yield further, the gentleman knows no more than the inquirer about that. My knowledge comes from the press, and the Senate is hopeful, since they are the ones who approve the nominations, that under this resolution that name will be forthcoming expeditiously.

Mr. ROUSSELOT. Further reserving the right to object, the reason I raise this question, Mr. Speaker, is that this position at the Home Loan Bank Board has been open for some time. We will face the same problem again in 30 days if nothing happens. I hope somebody sends a message down to the White House to move.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 63

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(a) of the Federal Home Loan Bank Act (12 U.S.C. 1437), as amended, is amended by adding the following immediately at the end thereof: "Upon the expiration of the term of office of a member of the Federal Home Loan Bank Board, such member shall continue to serve until a successor is appointed and has qualified, but not to exceed thirty days.".

SEC. 2. The last sentence of section 17(a) of the Federal Home Loan Bank Act is repealed, effective August 1, 1977.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR SPECIAL OVERSIGHT SUBCOMMITTEE OF COMMITTEE ON VETERANS' AFFAIRS TO SIT THIS AFTERNOON DURING THE 5-MINUTE RULE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Special Oversight Subcommittee of the Committee on Veterans' Affairs may be allowed to meet this afternoon while the House is proceeding under the 5-minute rule, to conduct hearings on the special discharge review program.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 6884, INTERNATIONAL SECURITY ASSISTANCE ACT OF 1977

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, I do so only for the purpose of asking the gentleman from Wisconsin as to his personal intention regarding the so-called Ashbrook amendment to this bill. I understand the other body acted on a similar amendment by the Senator from Ohio, Mr. GLENN, which severely restricted the right of any conferees regarding reparations to Vietnam.

As the gentleman knows, in the House an amendment was adopted, the Ashbrook amendment, that forbade any negotiations. I would think that both of those are fairly strong positions. I would hope that, unless the other body's amendment would prevail, the gentleman can give us some view as far as he is concerned as to what the conferees might at least do.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

I can assure the gentleman that it is the intention of the House conferees to

stand by the House language to the extent possible. To the extent of the gentleman's concern, I must assure him it is unwarranted.

Mr. BAUMAN. Further reserving the right to object, I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I have been asked earlier if I wanted to move to instruct the conferees, and I said, "Anybody who read the debate and heard the statement of the gentleman from Wisconsin (Mr. ZABLOCKI), anybody who knows the gentleman from Wisconsin (Mr. ZABLOCKI), as I do, knows it is not necessary to instruct." The only thing I would indicate is that in reading the Senate language I really have no objection to that. There have been some complaints raised that the amendment that I offered would be so grave that they could not even go to the table to negotiate. I do not think that is necessarily the case. I do think the Senate language is very reasonable, and something between the language we adopt and the Senate language, to my way of thinking, would certainly adequately handle the problem.

I would only say to the House that I have complete confidence in my friend, the gentleman from Wisconsin (Mr. ZABLOCKI). He has said repeatedly where he stands. I know that is the type of language he will stand by.

Mr. ZABLOCKI. I thank the gentleman for his observations.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. ZABLOCKI, FASCELL, DIGGS, HAMILTON, WOLFF, Mrs. MEYNER, Messrs. BONKER, BROOMFIELD, DERWINSKI, and WINN.

APPOINTMENT OF CONFEREES ON H.R. 6179, ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS OF 1977

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6179) to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. ZABLOCKI, FOUNTAIN, FASCELL, HAMILTON, BINGHAM, STUDDS, BEILENSON, BROOMFIELD, DERWINSKI, and WINN.

APPOINTMENT OF CONFEREES ON H.R. 6714, INTERNATIONAL DEVELOPMENT AND FOOD ASSISTANCE ACT OF 1977

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6714) to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. ZABLOCKI, FASCELL, DIGGS, FRASER, HAMILTON, BINGHAM, SOLARZ, BROOMFIELD, FINDLEY, and WINN.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1978

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7558) making appropriations for Agriculture and related agencies programs for the fiscal year ending September 30, 1978, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from North Dakota (Mr. ANDREWS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7558), with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 90 minutes and the gentleman from North Dakota (Mr. ANDREWS) will be recognized for 90 minutes.

The Chair now recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

ANNUAL AGRICULTURAL APPROPRIATION BILL

Mr. Chairman, we bring you the basic annual appropriation bill for the Department of Agriculture, for agriculture has always been and will continue to be basic to everything else, including the protection of the Nation's economy. It is the one annual appropriation bill where producer and consumer have a continuous mutual interest.

Without food and fiber production, of course, there would be nothing to consume. Also, the reverse is true—there can be no profit in agricultural production unless there are consumers to buy the commodities produced. The fact remains that food production must be the first order of business, since an economically prosperous agriculture remains the basis for and the support for a prosperous Nation.

The great job by those engaged in agricultural production, with less than 5 percent on the farm, has freed the other 95 percent of our people for other activities, some of them related to the processing, handling and distribution of agricultural production. Those who have left the farm have been replaced by expensive and massive machinery, new and more prolific crops, and other advancements resulting from research and development programs of the U.S. Department of Agriculture, which have provided adequate food supplies for the many who are engaged in nonfarm activities. When we look at the prices being paid for farm supplies, machinery, land, and energy, it is evident that inflation is becoming an increasingly serious problem.

Mr. Chairman, the committee has been pleased with the recognition of these facts through the years by our colleagues in the Congress who have supported this bill, which in turn enables those in agriculture to purchase the production of industry and labor—actually, constituting their biggest market.

SCOPE OF THE BILL

To carry on the producer-consumer partnership in the bill before us, $2 billion of new obligational authority is provided under title I for what may be termed as direct assistance to those engaged in agricultural production through such programs as research, extension, insect and disease control, marketing, and the farm income stabilization mechanisms of the Commodity Credit and Federal Crop Insurance Corporations. Also covered in title I are programs such as 4–H, urban gardening, nutrition aides, and the USDA program to develop wholesale markets in our larger cities.

Under title II, $1.1 billion of new obligational authority is included for rural development assistance to rural people, including housing and other grant programs for small towns and rural areas—on the order of those made available by other legislation to urban areas. In addition, loan authorizations of nearly $8.8 billion are provided for the various loan programs of the Farmers Home and Rural Electrification Administrations.

Title II also provides $680 million for the development, restoration and protection of our natural resources to help assure that our environment will be protected and that future generations will have a productive resource base upon which to exist.

Under titles III and IV, a total of $9.6 billion of new obligational authority and Section 32 funds is included for what might be generally termed direct assistance to consumers (domestic and overseas). This provides $8.6 billion for food stamps, school lunches and breakfasts, special milk and other domestic feeding programs. It also includes nearly $1 billion for Public Law 480 and other international food and agricultural programs of USDA.

In view of their close relationship to

agriculture, the budgetary authorizations for the Food and Drug Administration, Commodity Futures Trading Commission and the Farm Credit Administration are carried under title V in this bill.

Mr. Chairman, I will provide a summary table for the RECORD:

[In billions—rounded]

	NOA	Loan funds[1]	Sec. 32[2]
Title I—Agriculture programs	$2.0	------	------
Title II—Rural development programs	1.8	($8.8)	------
Title III—Domestic food programs	7.6	------	($1.0)
Title IV—International programs	1.0	------	------
Title V—Related agencies	.3	------	------
Total	12.7	(8.8)	(1.0)

[1] Insured and guaranteed loans primarily.
[2] Transfer from sec. 32 funds.

PRODUCTION COMES FIRST

Mr. Chairman, with world demand for food expanding and with ever-increasing inflation and other serious threats to our ability to produce adequate food supplies in the future, it is essential that we continue to emphasize those programs and those administrative arrangements which will strengthen food production. Only in this way can we meet the demand for food for domestic consumption and maintain exports of our chief stock in trade, our greatest weapon in our efforts to maintain a favorable balance of trade with the other nations of the world.

As we consider this bill, we should recognize that production must come first, so that food is available to consumers. Yet, in the past, many nations of the world failed because their people did not recognize and accept this truism. Instead, they ate up what they had today without saving "seed" to plant tomorrow's crop for food.

Many of the undeveloped countries we aid today did not accumulate capital for the development of their natural resources. Other countries, after developing their resources, did not restore a fair share of what was taken out of the soil to keep their land productive. We in this country are often faced with this short-sided view, as our agricultural producers are being faced with increasing limitations on their ability to produce the finest food in the world.

THE DEPARTMENT OF AGRICULTURE

Mr. Chairman, in considering the various programs of the Department of Agriculture and their budgetary needs for fiscal year 1978, the committee is deeply concerned about the future of American agriculture and its close interrelationship with the well-being of the great majority of the American people who are completely dependent upon agricultural output for their basic essentials—food, clothing and shelter. With 82 percent of the land-area of the continental United States involved in agricultural production—including commercial timber—but less than 5 percent of our people located on the farms, the committee is convinced that the Federal Government must continue to maintain a strong and effective Department of Agriculture, made up of the agencies and offices now carrying out the many agricultural programs which have proven to be of such great benefit to the people of this Nation. If these programs are scattered throughout the Government, they will be neglected—left to last. The record shows it.

The bill this year was developed under somewhat difficult circumstances. Throughout the major portion of the hearings, policy level officials had not yet been appointed or confirmed. In addition, a number of the top level agency personnel were serving in "acting" capacities. Because of this situation, the committee is indebted to those career witnesses of the Department who presented the policies, plans and objectives as they were in the past, since such officials did not have authority to project plans for the future. Therefore, the bill recommended by the committee to a large degree is based on the committee's prior information and experiences, existing program structure, existing law and existing administrative policies and practices.

OUR TECHNOLOGICAL ADVANCEMENT

Mr. Chairman, we have made miraculous strides in science, medicine and related fields in recent years. We have developed advanced types of ships, trains, automobiles and other vehicles which greatly extend our horizons. We have created jet and supersonic aircraft which enable us to reach any point on the globe in a matter of hours. We have produced television, communications satellites and other devices which make it possible to transmit messages and visual images to every part of the Earth instantaneously.

Man has walked on the Moon. He has explored Mars and photographed Jupiter with space vehicles traveling at enormous rates of speed. He has studied the solar system with advanced radio, optical and rocket probes.

We have greatly increased our knowledge of the many aspects of our modern society and have developed an unlimited number of new and improved machines, procedures and techniques affecting every phase of life. We have improved human health and physical well-being through the use of X-ray techniques and other sophisticated medical equipment. Since the turn of the century, we have greatly extended our life span in the United States—from an average of about 47 years in 1900 to over 72 years in 1975.

BACK OF IT IS FOOD

Mr. Chairman, as we take note of these great achievements, we should realize that behind them have been the plentiful supplies of wholesome and inexpensive food and fiber produced by the less than 5 percent of Americans on the farm, thereby releasing over 95 percent of our people to engage in these and many other nonfarm activities which have made our modern society and our standard of living the most advanced ever known to man.

In the March/April 1977 edition of Nutrition Today, Dr. Cortez F. Enloe, Jr. describes North American agriculture as the "Eighth Wonder of the World." He points out that abundant food supplies have been the most important factor in the advancement of the United States and Canada, giving their people the freedom to provide the central support for Western Civilization. Dr. Enloe summed up his conclusions as follows:

The most magnificent achievement of mankind is the creation in North America of the greatest land of nutritional abundance in the world. Not even the building of the Egyptian Pyramids, the writing of the Greek Classics, the painting of the masterpieces, the composition of the symphonies, the invention of steam power, or the splitting of the atom can fill the shadow of this towering triumphs of the human spirit. It alone is the greatest thing man has ever done.

FUTURE FOOD SUPPLIES IN JEOPARDY

Despite this tremendous achievement, however, it is important for us to recognize that the availability of abundant supplies of food and fiber may be in jeopardy in the future because of the ever-increasing financial pressures and other risks facing American agricultural producers. Increased investment requirements, credit problems, inflation, adverse weather, unstable prices and markets, government regulations curbing effective control of insects and diseases—all to some extent affected by the shift of political power to our urban consumers—are threatening to take more and more of our farmers out of agricultural production as difficulties increase.

The rapid increases now taking place in the cost of fuel to operate farm machinery become increasingly significant when it is realized that agriculture uses more petroleum than any other single industry. Further, the additional costs which will be required in the near future to modify farming practices to meet energy demands, and the unpredictable costs looming in the more distant future when the inevitable change from petroleum to other sources of energy occurs, all place the future food supplies of our grandchildren in ever greater jeopardy.

MAINTAINING A HEALTHY AGRICULTURE

Mr. Chairman, the composite of our laws must make it financially possible and economically worthwhile to continue to produce food and fiber. Unless agricultural producers can finance their operations, recover their cost of production and earn a modest profit, they not only will not, but cannot, remain on the farm—and sufficient supplies will not continue to be grown by the less than 5 percent to feed and clothe the other 95 percent and to provide sizable quantities for export to hungry people in other parts of the world. Assurance of reasonable return is provided to other segments of our economy through laws guarantee-

ing minimum wages and bargaining rights to labor and tax credits and profit mark-ups to industry. To compete under present-day conditions, agriculture must have a reasonable degree of protection from the many risks involved in food and fiber production.

Unless our agricultural production system is maintained on an economically sound basis, food stamps—which have become an important factor in improving diets of lower-income families—will not be worth the paper they are printed on and food programs will become a farce. Further, in the absence of adequate supplies of agricultural commodities, our efficient food inspection systems will be useless and the activities of our Food and Drug Administration (FDA) and Environmental Protection Agency (EPA) will be meaningless.

WE MUST REMAIN A LAND OF PLENTY

Further, in a predominantly urban society such as we have in the United States today, we must always be a land of plenty to keep the support of our people. Creating or even permitting restrictions on production of food and fiber to protect prices at the farm level is not in the best interests of either the urban consumer or the rural producer. Both are best served by an agricultural policy which provides ample food supplies at the retail level, coupled with such price and market support as may be necessary at the farm level to keep the Nation's food production capacity healthy and sound.

It is important for all of us—farmers and consumers alike—to keep in mind that the cost of producing food must be paid either by the consumer or by the land from which it comes. Loss of soil fertility is an immediate loss to the individual producer affected, but it is a permanent loss to society. Unless we keep the growing of food financially rewarding, by providing for cost plus some profit to the producer, we will end up with a worn out land—as in China, India, the Middle East and elsewhere—due to the inability of farmers to reinvest sufficient money in land and water conservation and restoration of soil fertility to assure continued production in the future. Federally sponsored conservation programs alone cannot and should not fully meet this need

NEED FOR PRICE AND MARKET STABILITY

Mr. Chairman, history clearly shows that failure to maintain the purchasing power of American agriculture—the producer of new wealth upon which all segments of our highly integrated economic system depend—has a depressing effect on the whole economy of the Nation. The seeds of the Great Depression of the 1930's were sown in the agricultural depression of the 1920's following the First World War. This happened to a lesser degree in 1921, 1929, and 1937. In each instance, failure to maintain farm exports, support farm prices, and maintain farm purchasing power weakened banking and other business institutions throughout the Nation and dragged down the entire economy, both in the cities and the rural areas.

Since a large portion of the farm producers had only a precarious hold on their land during these periods of economic stress, falling farm prices resulted in loss of their land and created a poverty-stricken agricultural community and a panic-stricken urban economy. It has been said that while the economic crash started on the farm, most of the suicides during the 1930's were committed by people who had no farm connections.

It was to restore the purchasing power of agriculture, and thereby to rebuild the entire economy of the Nation, that the first farm program was enacted in the mid-1930's.

Today, with a greatly inflated economy in this Nation spiraling ever higher and faster, with hundreds of billions of dollars of governmental debt, with even larger amounts of outstanding credit, and with ever-increasing price levels for fuel and other consumer items stretching the fabric of our economic system, we cannot afford to risk again the bursting of this tightly inflated balloon through failure to maintain a healthy and financially sound agricultural establishment.

INCOME EQUALS VOLUME TIMES PRICE MINUS COST OF PRODUCTION

Farm income represents volume times price less cost of production. Because of increasing investment in land and machinery and because risks due to inflation, weather, and pestilence are steadily increasing, production cost is going up. This is requiring the producer to look either to increased volume or to higher prices, or to a combination of both, to maintain his farm income at a level sufficient to enable him to keep producing.

Volume is generally dependent on size of the farm unit and sufficient financing to purchase expensive farm machinery and high-priced fertilizer, seed, and chemicals—factors which not only are affected by inflation, but which add to higher costs instead of helping to meet them. The resulting increased cost of production becomes a limiting factor on production. In addition to fertile soil, volume also depends on favorable growing conditions, with good weather and the absence of insects and pestilence. Unfortunately, the producer has no control over either of these factors.

Total volume of farm production has increased somewhat in the past few years, largely through the use of marginal land. However, as a result, per acre yields have dropped from the higher levels attained in the 1960's with a proportional increase in the cost of production. The financial position of most producers has benefited little if any by this added production, which was attained by incurring greater risks and higher costs.

FARMER MUST LOOK TO PRICE

Accordingly, with costs going up and with volume an unreliable means of stabilizing income in this inflationary period, the producer must look primarily to price to provde the financial return needed to support his farming operations. He must, therefore, have some form of market and price stability to make it financially worthwhile—and perhaps even possible—for him to continue in the business of producing adequate supplies of food and fiber for domestic consumption and export markets. As a matter of fact, his banker is insisting upon it.

It is incumbent on the Federal legislative and executive branches, therefore, to reestablish a system which will at least make possible orderly marketing of agricultural products at stable prices. Since the cost of producing commodities must be paid whether or not market prices are favorable, the present program—which requires most producers to dump their commodities on the market immediately after harvest, thereby saturating the market and driving down farm prices—is highly unsatisfactory. Higher prices, which often come later in the marketing year, benefit the traders and the speculators, but not the producers—a fact not understood by many consumers.

AGRICULTURAL EXPORTS ESSENTIAL

Mr. Chairman, if we are to maintain production and protect our international trade balances, we must guarantee that farm products determined to be surplus to domestic needs are sold on world markets at competitive world prices. To do otherwise would depress prices at the farm level to the point of broader national distress and would impair our ability to earn the foreign exchange needed to pay for our imports. To keep our overseas customers buying from this country, we must maintain an ample supply of commodities on the market on a consistently available basis.

AGRICULTURE MAJOR EARNER OF FOREIGN EXCHANGE

Agriculture is the major dollar earner for the United States in world markets. According to USDA, U.S. farm exports in 1975 tripled in value and rose 40 percent in volume over 1972. Our agricultural exports which were about $23 billion in 1976, were a major means of paying for our increased oil imports of about $35 billion during 1976. To continue to pay for our energy imports in the future, our export markets must be maintained and, where possible, expanded. This expansion is essential not only from the standpoint of our international balance of trade and balance of payments, but also is absolutely essential to maintain a healthy agriculture and a strong national economy.

To a greater degree than ever before, exports have become an essential part of America's agricultural production and marketing system. American farmers harvested about 337 million acres in 1976. USDA experts estimate that the production from some 100 million of those acres—nearly one-third of the total—will be exported. This is double the number of acres harvested for export in the 1950's and half again the number harvested in the 1960's. USDA estimates that almost half of the wheat crop, nearly 60 percent of the soybean crop, 30 percent of the corn crop and 55 percent of the rice crop will be exported in 1977.

Both the rural and urban economies benefit from this extra production for export. Half a million farmers who otherwise would not be able to earn a living from farming are enabled to remain on the land, thereby helping to reduce unemployment and other social problems

of the cities. An estimated 650,000 urban people are employed in the handling, processing, marketing and transportation of these commodities for overseas markets.

HUNGRY PEOPLE NEED OUR FOOD

Further, we must continue to be in a position to help meet the food needs of many of the underdeveloped countries of the world which have frequent and, in some cases, continuing food shortages. It has been estimated that about half of the world's population suffers from malnutrition, with some 10,000 persons dying everyday from starvation. This becomes an increasing problem as the world's population expands at an almost unbelievable rate, with births exceeding deaths by about 60 million each year. This population explosion can be more fully understood when it is realized that the world's population, which reached the first billion by the year 1830, took only 100 years—1830 to 1930—to reach 2 billion and only 30 years—1930 to 1960—to reach 3 billion. It is estimated that over 6 billion people will live on this planet by the year 2000.

Ample production in the United States, together with balanced commodity reserves—ever-normal granary—must be available for cash exports or donations to meet food needs as they develop in various parts of the world. This is not only healthy for the American economy, but also is the best protection from hunger and starvation that this country can provide to all consumers of the world. It also represents one of the best means available to this country to encourage peace throughout the world.

FARMING—WORLD'S BIGGEST GAMBLE

Mr. Chairman, it has been said that to go into farming a person must have enough money to start a bank and enough nerve to rob one.

A farmer must have enough money to buy land, equipment, and the many other expensive items required for farm production. USDA figures show that the average agricultural producer must invest as much as $200,000 to acquire the assets needed to begin farming today. It has been estimated that a minimum of $500,000 is required to establish a western wheat farm at present cost levels.

A farmer must have enough money to pay taxes on his land, and perhaps liquidate a mortgage, and maintain his production capacity, despite the rapidly expanding inflationary pressures which, together with growing demands for farmland for commercial and residential purposes, are inflating land values to extremely high levels. Most present farmers are unable to expand their holdings at present land values and many are being enticed to sell out and move on to "greener pastures." The young would-be farmer is virtually denied the opportunity to go into agriculture, unless he inherits an operating farm.

A farmer must have enough money to finance the heavy costs of energy, farm labor, equipment replacement, seed, fertilizer, pesticides, and the many other items necessary to plan and harvest his crop. He must be able to meet the ever-increasing costs of production in an inflationary period such as today. The size of FHA production loans to farmers indicates that the cost of producing a crop frequently equals the total value of the producer's holdings.

A farmer must have enough nerve to risk his entire investment each time he plants a crop. In addition to the financial risk, he must gamble on the weather and pestilence—either of which can destroy his crop and wipe out his investment overnight. This is especially risky at present, since he is faced with the uncertainty of whether or not his Government will let him use proven tools against insects and disease.

If a farmer is lucky enough to win his gamble against inflation, weather and pestilence, he must gamble on the uncertainties of the marketplace. He must take his chances when he plants his crop that market prices will be high enough at harvest time to cover his production costs, provide some return on his investment and possibly earn him a small profit to cover living expenses for himself and his family.

Whereas it formerly took as many as 7 years of bad crops to bankrupt the average producer, it is estimated that the greatly increased risks of farming today can eliminate his "stake" in a single year.

FARM INCOME INADEQUATE TO KEEP FARMERS FARMING

Mr. Chairman, despite the numerous problems and risks facing agriculture today, there are still many people in this country who think that a farmer at times gets paid for doing nothing. This erroneous impression results from past programs where mistakenly his government encouraged him to limit the use of all his land in an effort to get an increase in price per unit, without realizing that an increase in price is offset by a decrease in units of production. As a result, the farmer does not benefit from such a policy, but the consumer pays more for his food, and we lose the value of surplus food in meeting our international responsibilities.

Further, farmers are often pictured as living in high style in expensive homes and riding around in high-priced automobiles. Perhaps a few people can cite an example or two of someone they know who has been a successful farmer and who can afford an expensive home, cars, vacations and other luxuries. Unfortunately, such people tend to use a few exceptional examples to support their incorrect conclusion that most farmers are well off financially.

A study of farm income statistics available from USDA shows that, while there may be a very few large agricultural producers who are able to afford some of the better things of life, these are the exception rather than the rule, except where sufficient off-farm income may be available to meet such expenses.

USDA figures indicate, for example, that for the approximately 2.8 million farms in operation in 1975, the average net income from farming was $8,079.

EARNINGS OF MAJORITY OF FARMERS VERY LOW

These statistics show further that, while 3.9 percent of the 2.8 million farms had an average net farm income of $63,236 and another 12.1 percent had an average net farm income of $17,558, the remaining 84 percent of the Nation's farms had an average net income from farming of only $4,147. They show also that 64 percent of our farms had an average net farm income as low as $2,267 in 1975.

It is apparent that the return to the majority of farmers from their farming operations and resource base is inadequate, especially when it is realized that they must meet the following cost from whatever net income they may be able to obtain return on equity, value of unpaid labor for producer and family, and income taxes. It should also be realized that farmers must cover their family living expenses from this net income to the extent they are unable to meet such needs from off-farm employment or other nonfarm sources.

Mr. Chairman, very little cash income if any is left to at least 84 percent of farm families to pay for housing, clothing, off-farm food purchases, education and other items of family expense. Statistics show conclusively that there is no income available from farming to the great majority of farmers to purchase an expensive car or to own a luxurious home.

MOST FARMERS EARN LESS THAN URBAN WORKERS

Mr. Chairman, net income from farming is a modest return when compared to the earnings of many people in other segments of our economy. For example, hourly rates for employment in the manufacturing and construction trades as shown by the Economic Report of the President are as follows: manufacturing—$4.81; construction—$7.25. Assuming a 40-hour week for 50 weeks per year, the annual earnings for the lower paid workers in these trades would be: manufacturing—$9,620; construction—$14,500.

Further, returns to equity for agriculture consistently run below returns to other production endeavors in this country. Information provided by the Secretary of Agriculture shows that during the past 8 years, returns to equity for the farmer have averaged between 3 percent and 5 percent per annum, as compared to averages of 7 percent to 12 percent for certain other categories.

Mr. Chairman, a story has been told about a farmer who inherited $1 million upon the death of a wealthy relative. When asked what he intended to do with his new wealth, he replied, "I'm going to keep right on farming until every cent of it is gone."

FEWER FARMS—LESS FARMERS

The steady decline in the number of farms and farm population can be readily understood in view of the low net income of most farmers. While virtually everyone was engaged in agriculture 200 years ago, less than 5 percent of our people are producing the food and fiber supply for the 100 percent today. Further, young people reared in rural areas are leaving the farm for better paying work in other fields.

Farm population fell 6.9 percent in 1976, continuing a long-term decline. Also, since 1961 the number of farms has decreased by some 27 percent, from approximately 3.8 million to less than 2.8

million. Figures provided by USDA show the steady decline in the past 15 years.

Recognizing that farming is both risky and frequently unprofitable, and that it involves many sacrifices, fewer young people are preparing themselves for a career on the farm. Through no fault of the schools involved, less than 7 percent of the students attending agricultural schools are enrolled in courses directly related to the operation of a farm. In this connection, the latest census figures show that about 17 percent of those engaged in agriculture are over 65 years of age and that 43 percent are over 55 years of age.

OFF-FARM EMPLOYMENT OFTEN NECESSARY

In view of the very limited income and resources, many farmers and their families have found it necessary to find off-farm employment to meet farm and family expenses. This is especially necessary for those who have been unable to obtain the capital necessary to farm on a large enough scale to provide adequate income.

LAND VALUES HIGH—OPERATING CASH LOW

Some farmers may be considered to be wealthy in view of the highly inflated value of their land. USDA reports that land values in many of the mid-west farm States have more than doubled in the past 5 years. In Iowa and Illinois they have tripled. On the average, land and buildings represent around three-fourths of the total value of farm assets, whereas cash and bank deposits represent less than 3 percent of the total. This means nothing except high taxes, however, unless the farmer sells his land and moves to town. The real value of land to the farmer is the income it will provide from agricultural production, rather than the market value. Thus, most farmers are relatively poor in terms of cash income needed to operate their farm and provide a reasonable standard of living for their families, despite inflated land values.

It is often said of farmers that, "they live poor and die rich." But after death comes the inheritance tax which, though improved somewhat last year, still frequently prevents the farmer's heirs from continuing to operate the farm unit for the benefit of the consumer.

CONSUMERS AND FARMERS ARE PARTNERS

Mr. Chairman, as noted earlier, we are largely an urban society today. Consumers in the cities have a real need for the agricultural programs funded in this bill. It is essential, therefore, that agriculturalists continue to seek the support of city consumers through their Representatives in Congress and in other ways, so as to have their cooperation in carrying on agricultural programs which will protect the source of their food, clothing, and shelter, and will prevent economic stress in rural areas with its related adverse effects on urban areas. With less than 5 percent of our people engaged in agricultural production, with only 14 out of 435 congressional districts classified as rural, and with an urban-oriented news media, this becomes increasingly important.

In this connection, this committee reported last year that there has been increasing evidence in recent years that a closer partnership and interdependence between urban and rural people is developing. Changing social and economic conditions, together with increased mobility of our people, are causing more nonfarm people to move to the rural fringes of the cities, where they have increased exposure to rural influences. This is also affecting rural people and institutions and providing increased opportunities to bring rural and urban Americans closer together.

4–H CLUBS AND NUTRITION EDUCATION IN CITIES

Recognizing the urgent need a few years ago for this closer partnership between farm and nonfarm segments of our population, this committee earmarked $7.5 million in the 1970 appropriation bill to initiate 4–H type programs in our cities. In its report on that bill the committee stated:

The Committee has approved an appropriation of $30,000,000 for the Nutrition Aide Program initiated last fall. This is in line with the latest budget recommendation and places existing programs on a yearly basis. Of this sum, $7,500,000 shall be available for professional workers to promote 4–H type programs in the depressed areas of our cities. This program involves educational work among low-income groups to reduce the incidence of malnutrition, by providing homemaker aides who will use available information, knowledge and skills to teach needy people to utilize all resources toward the achievement of a more nutritionally adequate diet.

In this connection, the Committee feels that full use should be made of the Nation's 3 million 4–H Club members to promote 4–H Club type work with the youth of our towns and cities. The success of this program in rural areas has forcefully demonstrated the effectiveness of this approach. It may well be found that the most successful results from nutritional education of low-income families will come through work with the younger members of the family.

RESULTS HAVE BEEN REWARDING

Mr. Chairman, the results of this effort have been increasingly rewarding. The 4–H clubs now have more than 5.5 million members, including 2.7 million in urban areas, an increase of 200,000 over a year ago. Today, less than 20 percent of 4–H club members live on farms. The remainder live in towns and cities, including around 9 percent in the inner cities of our large metropolitan areas. The largest club in the world is in downtown Indianapolis, Ind.

According to testimony presented by USDA witnesses this year, a total of 1.4 homemakers participated through June 1976 in the expanded food and nutrition education program, representing about 6 million family members. Of the families participating, 78 percent have annual incomes of $5,000 or less, 44 percent have completed the eighth grade or less, and 62 percent come from minority groups. Currently, this program is operating in about half of the counties in the country. USDA experts report that during a 2½-year period, there was a 42-percent increase in the number of homemakers who attained a minimum diet for their families.

It appears that much of the increased understanding of interrelated rural-urban problems is due to this involvement of urban people in agricultural-type activities, with increasing support of city-Members of Congress and their constituents for agricultural programs.

HOME GARDENING IN THE CITIES

Mr. Chairman, during this year's hearings, the committee again received considerable evidence of the increasingly important role that urban gardening is assuming in our major cities. Testimony received from USDA officials indicates that people in urban areas are well aware of their vulnerability to the changing supplies and costs of food and are attempting to circumvent this by gardening at home. It is now estimated that about 50 percent of the families in the United States are growing home gardens.

CITY WHOLESALE MARKETS

Mr. Chairman, another aspect of city life to which the programs of the USDA have made an important contribution is the modernization and improvement of the antiquated, inefficient, and costly food marketing systems—especially in the larger cities of the country, such as Boston, New Orleans, Los Angeles, New York, Baltimore and others. In New York City, for instance agricultural products shipped by train from the mid- and far-West had to be unloaded from box cars onto barges for transport across the Hudson River. Then they had to be reloaded on trucks for delivery to the terribly overcrowded wholesale district of lower Manhattan. Due to the very high costs resulting from triple handling and wasted time in the congested narrow streets of this market area, it was estimated by USDA officials that about 50 percent of the retail cost of food consumed by New York residents was added after the produce reached the Hudson—even for shipments from as far away as California.

The work of the Department in this instance resulted in the relocation of a significant portion of the lower Manhattan wholesale markets to Hunts Point in the Bronx, a less congested area with more convenient accessibility by rail and highway. This has not only reduced handling and transportation costs, but has added to the freshness and quality of products consumed in the New York markets.

FOOD—CONSUMER'S BEST BUY

Despite the general increase in food prices due to increased costs to agricultural producers and increased costs of processing and handling in wholesale and retail channels, the American consumer still enjoys the most plentiful supply of wholesome and high-quality food at the lowest cost anywhere in the world.

USDA figures on the food price index in certain selected countries as of September 1976, which are contained in the publication entitled "Foreign Agriculture" (Dec. 6, 1976), demonstrate this

very dramatically. I will provide those figures at this point in the RECORD.

Country	Food price index (1970=100)	Change over previous year
United States	158.1	+2.2
Australia	180.7	+12.7
Denmark	185.0	+9.3
Japan	200.5	+8.7
Italy	207.9	+18.5
Mexico	209.4	+10.5
United Kingdom	254.1	+19.7
Brazil	432.4	+44.1
Argentina	7,954.0	+404.1

In the February 9, 1976, issue of that same publication, USDA reports on the amount of time required in 1975 by workers in certain world capitals to earn money to purchase various items of food. These figures show that U.S. consumers were required to spend far less of their working time than consumers in other developed countries for most foods they bought.

Mr. Chairman, I will insert a table which compares a few selected food items:

[Hours and minutes required to purchase 1 unit]

City	Steak (lb.)	Eggs (doz.)	Butter (lb.)	Milk (qt.)	Oranges (doz.)	Bread (lb.)
Washington	0:26	0:09	0:14	0:05	0:14	0:06
Bonn	1:03	0:13	0:23	0:06	0:41	0:09
London	1:08	0:19	0:15	0:05	0:41	0:05
Paris	1:20	0:31	0:43	0:09	0:55	0:22
Rome	1:27	0:29	0:47	0:10	0:20	0:11
Tokyo	6:25	0:21	0:50	0:17	1:51	0:10

POUND OF STEAK $2.19 IN WASHINGTON—$13.75 IN TOKYO

In the same publication, Foreign Agriculture, February 9, 1976, it will be noted that in January 1976 a consumer in Washington paid $2.19 for a pound of sirloin steak, whereas consumers paid $3.33 in Rome, $3.75 in Brussels, $4.19 in Bonn, $4.36 in Copenhagen, $5.08 in Stockholm and $13.75 in Tokyo. A pound of butter cost $1.33 in Washington, compared to $1.56 in Bonn, $1.61 in Brussels, $1.90 in Rome, $1.96 in Mexico City and $1.99 in Tokyo. A pound loaf of bread cost $.48 in Washington, $.56 in Bonn, $.80 in Paris and $.81 in Stockholm.

Mr. Chairman, the average family in the United States spends 16 to 17 percent of its income (after taxes) for food. Information provided by USDA indicates that Japanese consumers spend some 21 percent and consumers in Russia spend over 35 percent of their incomes for food. It also indicates that consumers of other advanced countries of the world spend well above the U.S. percentage for food. In many of the underdeveloped countries, the average person spends as much as 50 to 60 percent of his income for food. This becomes very significant when related to the amount of consumer income remaining for nonfood expenditures. For example, if 35 percent of consumer income were spent for food in the United States as in Russia, the loss of markets for the products of American labor and industry could be nearly 20 percent or $200 billion per year.

FOOD CHEAPER THAN OTHER HOUSEHOLD ITEMS

It is also important to note that the price of food has increased far less over the years than the cost of most other items of family living in the United States. A comparison was provided in the March 14, 1977 edition of U.S. News & World Report, which I will put in the RECORD:

	10 yr ago	Now	Increase (percent)
New 1-family home	$23,800	$47,100	+98
Loaf of bread, 1 lb	.23	.35	+52
Hamburger, 1 lb	.54	.86	+59
New car	2,500	4,875	+95
Gasoline, 1 gal, regular	.33	.61	+85
Physician's office call	6.05	12.50	+107
Cigarettes, pack	.35	.60	+71
Man's suit	64.50	90	+40
Movie ticket, adult	1.40	2.60	+86
Drafting a simple will	30	63	+110
Private college, tuition fees, room, board for 1 yr	2,000	4,100	+105

[1] Note: Auto prices are manufacturer's suggested retail prices for 2-door standard sized car by U.S. maker. After allowances for quality improvements and additional equipment, the adjusted increase is less than half that shown, according to U.S. Department of Labor.

This comparison shows that increases for bread and hamburger were, with one exception, the lowest of all increases listed. In this connection, it is significant that, while the retail price of bread went up 52 percent in the past 10 years, the price of wheat at the farm went down 4 percent during this same period.

Despite his tremendous contribution to the comfort and well-being of our consumers, however, the American farmer has traditionally been squeezed at the bottom of the economic ladder. Statistics provided by USDA indicate that his share of the consumer food dollar, after middlemen at all levels take theirs, continues to decline. In 1973, the agricultural producer received 46 percent of the food dollar. This declined to 43 percent in 1974 and 42 percent in 1975. In the fourth quarter of calendar year 1976, it dropped to 38 percent, the lowest point in 5 years.

THE FAILURES OF PAST CIVILIZATIONS

Mr. Chairman, as we study history and read the reports of our experts, we find that past civilizations disappeared largely because of their failure either to develop or, where developed, to protect and maintain the fertile and productive resources needed to provide their essentials of life—food, clothing, and shelter. Many of the underdeveloped civilizations failed to locate, develop, and make proper use of their resources, thereby limiting growth and advancement. Many of the more advanced civilizations, regardless of the degree of sophistication attained, failed to protect and preserve their highly developed resources for succeeding generations.

In the fertile alluvial plains of Mesopotamia in the Middle East, civilization rose out of the Stone Age to develop a highly organized society which left some legacy to later cultures of the Far East, Europe, and eventually America. Here, tillers of the soil constructed systems of irrigation which produced food in excess of their own needs—thereby releasing neighbors for other types of endeavors. They built cities such as Kish and Babylon with palaces, temples, paved streets and great water systems. It has been suggested that they even developed an air conditioning system some 2,600 years ago for the Hanging Gardens of Babylon.

As populations grew, more and more canals were dug farther and farther away from the rivers. These well-developed canal systems required a great deal of time and effort by the people to keep them free of silt—to assure adequate supplies of water to the irrigated lands and to keep salinity from impairing the productivity of the soil. Through the years, the cleaning of silt was often neglected—due to the heavy expense and great human effort involved and frequent interruptions due to internal strife and foreign invasions. The filling of these canals with silt eventually impaired the irrigation systems and damaged the land to a point where the villages and cities were depopulated more completely from starvation than from armed conflicts.

FALLEN EMPIRES OF MIDDLE EAST

Archeologists estimate that the population of Mesopotamia may have reached 25 million at its peak of affluence. At least 11 empires are thought to have risen and fallen in this tragic land in 7,000 years. Now only about 4 million poverty stricken people live in the area. USDA experts point out, however, that the life-giving waters of the Tigris and Euphrates Rivers are still available to properly support as large a population as ever, provided that modern irrigation systems and machines are used to control the silt and salt and to keep the canals open for irrigation of the remaining farmlands.

The fortunes of the remarkable civilizations of the Nile Valley in Egypt have shifted between prosperity and poverty many times during the thousands of years of their existence due to the problems resulting from continuous silting and salting of the fertile lands of that area. In the north of Syria, where erosion has done its worst damage, hundreds of dead villages and market towns stand high on bare rocks, the surrounding life-supporting soil completely gone. Ruins of numerous other centers of Middle East power and culture stand as stark reminders of the failure of these societies to care for their soil, their canals and the sources of their water. Most of these areas can never be rebuilt and repopulated, for once the fertile soils are gone, all is gone.

This was described rather aptly by Lamont C. Cole of Cornell University as follows:

> The landscape is dotted with mounds, the remains of forgotten towns; the ancient irrigation works are filled with silt, the end product of soil erosion; and the ancient seaport of Ur is now 150 miles from the sea, its buildings buried under as much as 35 feet of silt.

RESULT OF HUMAN FAILURES

While historians may have attributed many of these calamities to unforeseen

"acts of God," in fact they were largely due to the failure of humans to act wisely and intelligently for their own self-preservation. This may have been due in part to lack of knowledge and skills to prevent resource depletion. It undoubtedly was also the result of human desire to get the most return possible out of the resources available, with landowners failing to reinvest earnings to maintain the fertility of their lands and with landless peasants forced to denude hillsides and destroy marginal lands in a desperate effort to stay alive.

DEPLETION OF CEDARS OF LEBANON

Today, only four small groves remain of the famous Cedars of Lebanon, which once covered 200 square miles of the mountains of Ancient Phoenicia. Overcutting of the timber through the centuries for the markets of Egypt, Greece, Jerusalem, and elsewhere, together with failure of the people to protect from grazing animals seeds and seedlings needed for reforestation on the hillsides, resulted in the virtual elimination of this once valuable resource. An inscription on one of the temples in Egypt reveals the arrival of some 40 ships with Lebanese timber in 2900 B.C. Nearly 3,000 years ago the King of Tyre agreed to furnish King Solomon cypress and cedars from these forests for the construction of his temple in Jerusalem. Legend has it that Solomon sent 80,000 lumberjacks to cut the trees and 70,000 laborers to slide the logs to sea.

CHINA'S SORROW

The Yellow River in China is known as "China's Sorrow." For 4,000 years the battle against floods from this tremendous river has been won and lost time and time again. Heavily laden with silt which reduces its capacity to carry floodwaters, the farmers have had to build ever higher dikes year after year to carry its waters. Through the ages, the river often broke over its dikes to destroy human life, property, essential farmlands and villages. Control was virtually hopeless—silt was usually the victor. Similar conditions also existed during these many centuries in many other parts of China. The dire poverty of the Chinese people is due in part to the tremendous amount of cheap hand labor required through the centuries to carry on the endless and unsuccessful attempts to hold these mighty and destructive rivers in their channels. Silting and soil erosion, partially a consequence of poverty, became the cause of poverty.

WASTE IN THE NEW WORLD

Mr. Chairman, one of the most serious problems facing our highly industrialized civilization in America today is how to meet the ever-increasing needs of domestic and overseas consumers for the products of American agriculture and, at the same time, preserve and maintain our basic agricultural production capability for future generations. The basic question is whether or not we can obtain and maintain public support for a sound agricultural system which can afford to use and preserve our natural resources effectively enough to avoid the same fate which has befallen the earlier civilizations in the worn-out and food-deficient areas of the world as described above.

Perhaps a brief review of what has happened in the comparatively brief 350-year period of settling and developing this country will be useful in considering this question. Perhaps it will help us all to realize and continue to remember that both urban consumers and rural producers must work together as close partners if we are to maintain a strong and prosperous nation during our lifetime, and also leave a healthy agriculture with adequate productive resources to feed our children and grandchildren in the future.

PILGRIMS FOUND FERTILE LAND

The first colonists found North America to be a vast land of bountiful resources and raw materials. They found fertile soils, mountains full of forests and minerals, and clear rivers full of fish. They found endless grazing lands, rich alluvial valleys, extensive woodlands and green pastures. They found a large continent capable of growing abundant supplies of cotton, corn, wheat and many other crops.

With dedication and hard work, these early settlers turned those natural resources to the support of their early years of existence on this new continent. With continued dedication and devotion, their descendants built a country of great abundance. This growth of our Nation, however, exacted a heavy price in the form of the continuous depletion of the resources available to them.

For years it was generally thought that cheap raw materials made the United States great, with its strong economy and high standard of living. Since the early days of this country's existence, however, we have used up, destroyed and worn out a large part of the natural resources which were here when the Pilgrims landed at Plymouth Rock. It is likely that this abuse of our resources was the real reason for our unprecedented development.

When the Pilgrims arrived we had some 8,000 billion boardfeet of timber in this country. Only about 30 percent of the original stand is left today, however, despite large governmental reforestation programs carried out throughout the Nation in later years. Only 200 years ago this country had some 500 million acres of fertile land. USDA estimates that over 200 million acres have been seriously damaged by erosion and that the soil on another 100 million acres is now eroding faster than new soil is being formed. Some experts believe that portions of the desert areas of Arizona and New Mexico have been created by overgrazing since the Europeans came to this country.

MOVING ON TO NEW CONTINENTS IMPOSSIBLE

Escape to a new continent is no longer an answer. We in this country are faced with the necessity of preserving the resources left within the confines of the United States to feed present and future generations of Americans. We—both producers and consumers alike—are called upon to establish and maintain a permanent and self-perpetuating agriculture on the remaining productive land to feed our people and provide a modest degree of abundance as security from hunger in the future. In desperation a starving farmer—or a hungry nonfarmer—will eat the seed grain, even though he knows the result will be no food next year!

WILL HISTORY REPEAT ITSELF?

Today, Mr. Chairman, serious drought and destructive dust storms are severely damaging vast portions of our productive agricultural areas. The western half of the United States is suffering from one of the worst droughts since the 1930's. In California, severe water rationing has been mandated.

In grain country, heavy winds are carrying away valuable topsoil and burning up the crops. Western cattlemen are selling off their herds due to the shortage of grass and the high cost of feed. Dairy farmers are selling out because their pastures have dried up. The timber industry is facing disastrous losses from forest fires.

This is happening despite the extensive conservation efforts carried out in this country during the past two generations which have resulted in the planting of some 7 to 8 billion trees, the construction of over 2 million water impoundment structures and the terracing of nearly 35 million acres of land. Under the Agricultural Conservation Program (ACP), where farmers put up about half the cost plus their labor, many soil and water conservation improvements have been accomplished between 1936 and 1975. I will provide those figures for the RECORD:

ACCOMPLISHMENTS OF AGRICULTURAL CONSERVATION PROGRAM

Practice	Unit (acres)	Extent under 1975 program	Total accomplishments, 1936–75
Water impoundment reservoirs constructed to reduce erosion, distribute grazing, conserve vegetative cover and wildlife, or provide fire protection and other agricultural uses	[1] 1,000	27	2,335
Terraces constructed to reduce erosion, conserve water, or present or abate pollution	1,000	436	34,651
Stripcropping systems established to reduce wind or water erosion or to prevent or abate pollution	1,000	86	114,432
Trees and shrubs planted for forestry purposes, erosion control, or environmental enhancement	1,000	216	5,806
Forest tree stands improved for forestry purposes or environmental enhancement	1,000	52	4,688
Wildlife conservation	1,000	110	[2] 14,004
Sediment pollution-abatement structures or runoff control measures	1,000	1,502	[3] 10,508

[1] Structures.
[2] From 1962 with certain data estimated.
[3] 1970–75 only.

Had it not been for these major contributions of conservation since the mid-1930's, the current drought and dust storms might have drastically reduced our food production capability. Fortunately, the severest damage from the current droughts and storms has been greatly minimized and the major portion of our soil and water resources has been preserved for the future.

It is apparent, however, that we cannot afford to reduce our efforts to protect and conserve our basic resources. With continued weather damage to and hu-

man abuse of our land and water on the one hand, and with an expanding world population demanding increased "mining" of land for food production on the other, the need for ever-increasing attention to our life-giving resources is essential.

The lessons from the Old and New Worlds clearly demonstrate the unassailable fact that any civilization must preserve its source of food and fiber to survive. Gold, silver, palaces and riches mean nothing if people have too little to eat to stay alive. Ruins of many of the palaces and possessions of the 11 ancient empires of Mesopotamia remain, but life there virtually disappeared with the destruction of the basis for production of their food supply.

This is also true in those other parts of the world which are becoming increasingly dependent on North America for their food supplies.

MAN ONLY TEMPORARY CUSTODIAN OF RESOURCES

A former official of the Department of Agriculture expressed it well in an "Eleventh Commandment" which reads as follows:

Thou shall inherit the Holy Earth as a faithful steward, conserving its resources and productivity from generation to generation. Thou shalt safeguard thy fields from erosion, thy living waters from drying up, thy forests from desolation, and protect thy hills from overgrazing by thy herds, that thy descendants may have abundance forever. If any shall fail in this stewardship of the land, thy fruitful fields shall become sterile stony ground and wasting gullies, and thy descendants shall decrease and live in poverty or perish from the face of the Earth.

During the committee hearings this year, the present Secretary of Agriculture, the Honorable Bob Bergland, reemphasized the need for all of us to observe the lessons of history when he quoted his father as follows: "He who does not read history, will relive it."

SUMMARY OF COMMITTEE ACTION

For the first time in many years, Mr. Chairman, the committee has not been required to restore executive branch cuts in many of the budget proposals for various programs which Congress has strongly supported through the years, such as the agricultural conservation program (ACP), the Great Plains conservation program, water and sewer grants, several housing grant programs and the summer food service program. A total of about $599 million was restored for these programs in the budget amendments submitted by the new administration in February 1977. A list of these Presidential restorations appears below.

This revised budget, however, failed to restore funds for certain other programs which in prior years Congress has deemed to be essential to a healthy agriculture and a strong national economy. The committee has restored $432 million for these programs to assure their continuation at or near previous levels. A list of these committee restorations is included below.

In addition to these restorations, the committee recommends increases in certain important budgetary items, details of which are set forth later in this report under the individual agency and program headings.

TOTAL FUNDS IN BILL

The bill recommended by the committee provides a total of $12,659 million of new obligational authority for fiscal year 1978, a decrease of $681 million from the amount provided for 1977. The decrease of $258 million in the 1978 budget request results from various committee reductions, plus a cut of $710 million in CCC capital restoration funds which were provided in the supplemental appropriations bill for 1977, offset by, first, the restoration of $300 million to enable section 32 to meet its responsibility to prevent market gluts for perishable agricultural commodities, and second, various additions and restorations made by the committee as noted above.

The bill also includes loan authorizations of $7,796 million for FHA, an increase of $1,513 million over authorizations for 1977 and an increase of $1,565 million over the 1978 budget proposals. A breakdown of these increases is set forth below. In addition, $1 billion of loan authority is included for REA.

SUMMARY OF BILL

Mr. Chairman, I would like to provide for the RECORD a summary of the new obligational authority, loan authorizations, and section 32 transfers included in the titles and subtitles of the bill, as compared to amounts approved for 1977 and the 1978 budget.

[In millions of dollars, rounded]

Titles and subtitles	Approved 1977	Budget 1978	Bill 1978	Comparisons: Approved 1977	Comparisons: Budget 1977
Title I—Agricultural programs:					
Production, processing, and marketing	1,280	1,342	1,319	+39	−23
Farm income stabilization	1,163	1,411	701	−462	−710
Total—title I (NOA)	2,443	2,753	2,020	−423	−733
Title II—Rural development programs:					
Rural development assistance	874	986	1,058	+184	+72
Loan authorizations	(7,283)	(7,231)	(8,796)	(+1,513)	(+1,565)
Combined total	(8,157)	(8,217)	(9,854)	(+1,697)	(+1,637)
Conservation	788	639	680	−108	+41
Total—title II (NOA)	1,662	1,625	1,738	+76	+113
Loan authorizations	(7,283)	(7,231)	(8,796)	(+1,513)	(+1,565)
Combined total	(8,945)	(8,856)	(10,534)	(+1,589)	(+1,678)
Title III—Domestic food programs (NOA)	7,760	7,281	7,642	−118	+361
Transfer from sec. 32	(1,039)	(1,319)	(1,015)	(−24)	(−304)
Combined total	(8,799)	(8,600)	(8,657)	(−142)	(+57)
Title IV—International programs (NOA)	1,209	966	966	−243	
Title V—Related agencies (NOA)	266	292	293	+27	+1
Total in bill:					
New obligational authorizations	13,340	12,917	12,659	−681	−258
Loan authorizations	(7,283)	(7,231)	(8,796)	(+1,513)	(+1,565)
Transfer from sec. 32	(1,039)	(1,319)	(1,015)	(−24)	(−304)
Grand total in bill	(21,662)	(21,467)	(22,470)	(+808)	(+1,003)

COMPARISON OF SEGMENTS OF BILL

The summary figures indicate that $7,642 million (60.4 percent) of the total new obligational authority (NOA) carried in the bill is for domestic food programs of USDA, including child nutrition, special milk, special food for women, infants and children (WIC), food donations, elderly feeding and food stamps. In addition, the bill includes a transfer of $1,015 million from section 32 funds for these programs, thereby providing a total of $8,657 million (63.3 percent) for title III of the bill. The committee has agreed to the full budget estimates for these programs and has restored the budget reductions proposed for the special milk program, the food donations program, and three activities of the child nutrition program.

Mr. Chairman, the committee is aware that the legislative committee is looking into the food stamp program. In view of this, the bill includes the full budget estimate of $5,674 million. However, the bill provides that not less than 7 percent of this amount shall be placed in reserve for further review and consideration of firm need in view of testimony received by the committee that an estimated 7 percent of the recipients under this program are ineligible for the food stamp subsidies they are receiving.

In addition, $966 million of new obligational authority is provided for the international programs of USDA under title IV of the bill. This amount, which is largely for the sales and donations programs of Public Law 480, represents another 7.6 percent of NOA in the bill.

Thus, it will be noted that a total of $9,623 million is recommended under titles III and IV of the bill for the domestic and overseas food consumption programs of USDA. This is over 70 percent of all funds provided in the bill, excluding loan authorizations. This is over 4 times the amount included under title I for programs of USDA which contribute to the production, processing and marketing of agricultural products required to meet the demands of domestic and foreign consumers under titles III and IV. It is between 5 and 6 times greater than the NOA provided for rular development programs under title II which contribute to the quality of rural living and conservation of our land and water which produce our abundant supplies of agricultural commodities. It is 2.5 times

larger than the combined total of all programs under titles I and II of the bill.

In its consideration of the total bill, the committee was concerned about the need to maintain a proper balance between the "production type" programs under titles I and II and the "consumer type" programs under titles III and IV. It is for this reason that the committee approves in full the restorations made by the new administration and recommends further restorations and additions which it believes to be necessary to maintain such a proper balance.

PROPOSED SACCHARIN BAN

Mr. Chairman, the Food and Drug Administration has announced that it intends to treat saccharin, a substance highly essential to diabetics and desired in soft drinks by those suffering from obesity, as an over-the-counter drug and to ban it as an additive in processed foods and beverages, ingestible cosmetics, and as a nonmedical ingredient in drugs. The action was based primarily on a study sponsored by the Canadian Government which showed that saccharin, when fed in huge doses to rats, resulted in malignant bladder tumors. The committee takes note that the legislative committees are now considering this issue.

According to witnesses, the dosages of saccharin fed the rats in the Canadian study were in excess of the amount that a consumer would receive from drinking 800 12-ounce diet sodas daily over a lifetime. The Delaney clause of the Food, Drug and Cosmetic Act, enacted as an amendment in 1958, provides in part as follows:

* * * That no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal * * *

The Delaney clause does not address either dosage or the degree of sensitivity of the detection methods used.

DOSAGE

With regard to dosage, common sense indicates that it is not how small an amount that can be measured, but rather the effect on humans that is important. The following is a table which is illustrative of how much of various banned substances a human would have to consume to equal the amounts given experimental animals:

* * * the following are ingredients that have been banned as a result of the lack of proof of complete safety, because they induced cancer in laboratory testing of animals. The equivalencies of required intake by man of effected products are, of course, just simple mathematical projections. They are intended only to provide a general perspective of required consumption based on the levels of carcinogens used in laboratory experiments.

Cyclamate.—A 12-ounce bottle of soft drink may have contained from one-quarter to 1 gram of sodium cyclamate. An adult would have to drink from 138 to 552 12-ounce bottles of soft drink a day to get an amount comparable to that causing effects in mice and rats.

Oil of Calamus.—In order to get an amount comparable to that which caused effects in rats, a person would have to drink 250 quarts of vermouth per day.

Safrole.—A person would have to drink 613 12-ounce bottles of root beer flavored soft drink or eat 220 pounds of hard candy per day to get an amount comparable to that which caused effects in rats.

1.2 - Dihydro - 2.2.4 - trimethylquinoline: polymerized.—A plasticizer used in packaging material. If all foods in the diet were to be packaged in this material, a person would have to eat 300,000 times the average daily diet to get an amount comparable to that which caused effects in rats.

4.4 Methylenebis (2-chloroanaline).—A plastic curing agent used in food contact surfaces. If all foods in the diet were exposed to this material, a person would have to eat 100,000 times the average daily diet to get an amount comparable to that which caused effects in rats.

DES.—Based on findings of 5 percent of liver samples containing 2 ppb of DES, and assuming that 2 percent of the average diet is beef liver, a person would have to consume 5 million pounds of liver per year for 50 years to equal the intake from one treatment of day-after oral contraceptives.

In view of these facts and since the saccharin tests used such huge quantities to produce results, the question arises whether any other substance in such dosages would also cause cancer in laboratory animals.

SENSITIVITY OF METHOD

The need to modernize the Delaney amendment is best illustrated by the fact that in the 1950's, when the Delaney amendment was enacted, instruments could measure in parts per million, in the 1960's in parts per billion, and in the 1970's in parts per trillion. In other words, measuring devices are 1 million times more sensitive today than when the controlling law was enacted. Thus, improved analytical methods now permit the detection, identification, and measurement of substances which had once been considered to be absent—"zero residues." For all practical purposes, "zero residues" no longer exists. In a regulatory context, this means that a previously acceptable product may have to be designated as a nonacceptable product, not because of actual changes in the material itself, but because of changes in the techniques used to examine it. Such is the case with saccharin. What should be emphasized is the practical effect on human health rather than the technological pursuit of measuring almost infinitely small quantities against a zero tolerance.

PRACTICAL TESTING

Mr. Chairman, there can be no such thing as absolute safety. It is impossible to prove that any substance will under no circumstances injure anybody, anywhere, at any time. But one can say, after careful scrutiny of all known factors, that a given substance in given quantities is very unlikely to hurt anyone.

As has been pointed out before, some sort of balance must be sought between the ability to perform more sensitive and finer analyses and the interpretation of the findings which derive from such analyses.

It would appear that a modernization of the Delaney amendment, which has served us well over the years, is in order, perhaps allowing exceptions to be made in cases where the known benefits of a substance exceed the apparent risks. Currently, the appropriate legislative committees are attempting to work out a solution in this regard.

HEALTH EFFECTS OF SUGAR CONSUMPTION

According to reports, the FDA will be treating saccharin as an over-the-counter drug as an effort to provide saccharin to diabetics. This raises the question whether FDA should provide means to prevent diabetes by making saccharin available to those who suffer from obesity and other such problems.

A careful review of current medical literature reveals that the reason why obesity causes or accompanies maturity onset diabetes in genetically predisposed individuals is uncertain. It is known that the disorder is less likely to occur in people who remain lean. Dental decay, which has been termed the country's major disease, is largely brought on by increasing sugar consumption. There also is reported to be an indirect obesity link between sugar and heart disease. In the last 50 years, sugar intake in the United States has risen from 18 to 25 percent of per person daily caloric intake. Moreover, approximately one-sixth of the sugar intake per capita per year in the United States is provided by soft drinks. The impact on all of the foregoing of removing all artificial sweeteners from food is both obvious and omnious in its implications.

FURTHER TESTING

While the committee has no basis on which to take issue with the Canadian scientists, a careful study of the matter reveals that there is no necessity to accept the results of the Canadian study in this country. The Johns Hopkins University is reported to have recently released a study of over 1,800 humans which showed that the consumption of saccharin has no "significant effect" on the development of bladder cancer. In testifying recently before another House committee, the Acting FDA Commissioner is reported to have stated that there is no evidence that individuals exposed to saccharin for long periods are more likely to get cancer than individuals who are not exposed.

In view of these questions, Mr. Chairman, the committee recommends $1 million for FDA to conduct their own research on saccharin and related artificial sweeteners. It is recommended that this research be based on dosage levels equivalent to not more than several times the probable cumulative human dosage, which would be more practical and credible.

This procedure might well be applied to other artificial sweeteners and perhaps other food additives. The committee believes that research in these fields should be done on a practical basis and would be of inestimable value to the appropriate legislative committees, and perhaps to the public, in dealing with the subject.

This recommendation is in line with a recent statement of the American Cancer Society on saccharin (full text appears on page S-6503, CONGRESSIONAL RECORD of April 27, 1977):

But as a major national voluntary health agency whose primary responsibility is cancer, the American Cancer Society is vitally concerned with the general health and well-

being of the public. Saccharin is of great value in dietetic foods used to help control diabetes and obesity, which afflict tens of millions of Americans and pose more immediate dangers than the possible carcinagenicity of saccharin. Banning saccharin may cause great harm to many citizens while protecting a theoretical few.

The Delaney Amendment has served the public well. But as more sophisticated and quantitative technology becomes available, issues of dosage, cost-benefit, risk-benefit, and the predictability of animal data to potential impact in people must be further and better evaluated.

All the evidence for and against saccharin should be further studied by independent scientists so that a course of action could be determined which would be of greatest benefit to the public. Although there is no evidence that saccharin causes human cancer, the Society's Department of Epidemiology and Statistics will be investigating this most important aspect of the problem.

AMENDMENTS TO 1978 BUDGET

Mr. Chairman, the restorations made by the executive branch amendments to the 1978 budget received in February 1977 will appear at this point in the RECORD:

Agricultural conservation program	$190,000,000
Very low-income housing repair grants	5,000,000
Water and sewer grants	150,000,000
Domestic farm labor housing grants	7,500,000
Great Plains conservation program	16,205,000
Summer food service program	230,000,000
Administration for summer food program	500,000
Total restorations	599,205,000
Original budget total (NOA)	12,317,812,000
Revised budget total (NOA)	12,917,017,000

COMMITTEE RESTORATIONS

Mr. Chairman, this revised budget failed to restore funds for many programs which through the years Congress has considered to be essential to maintain a healthy agriculture and a sound national economy. For these programs, the committee has restored the reductions made in the 1978 budget so as to continue previous year levels of operation.

I will provide a summary table of the restoration included in the bill:

Title I—Agricultural programs

Extension Service: Rural development activities	$1,000,000
Agricultural Marketing Service: Payments to States and Possessions	1,600,000
Agricultural Stabilization and Conservation Service: Salaries and expenses—workload for conservation programs	1,431,000
Total, title I	4,031,000

Title II—Rural development programs

Farmers Home Administration:	
Rural development grants	10,000,000
Rural community fire protection grants	3,500,000
Mutual and self-help housing grants	9,000,000
Soil Conservation Service:	
River basin surveys and investigations	[1] 500,000
Watershed planning	[1] 1,200,000
Watershed and flood prevention operations	[1] 10,000,000
Resource conservation and development	[1] 7,750,000
Agricultural Stabilization and Conservation Service:	
Forestry incentives program	15,000,000
Water bank program	10,000,000
Total, title II	66,950,000

Title III—Domestic food programs

Food and Nutrition Service:	
Child nutrition programs:	
Nonfood assistance	28,000,000
State administrative expenses	5,975,000
Nutritional training and surveys	700,000
Net budget authority	[2] 185,000,000
Special milk program	120,000,000
Food donations program	21,780,000
Total, title III	361,455,000
Total committee restorations	432,436,000

[1] Restores funds for new planning and construction starts.

[2] Net budget authority resulting from restoration of $300 million of NOA to offset retention of an equal amount in Section 32, less several reductions explained later in this report.

OTHER COMMITTEE RECOMMENDATIONS

Mr. Chairman, in addition to the budget restoration amendments and the committee restorations, the committee is recommending certain increases above the budget to meet special needs as presented by Members of Congress and others during the hearings on the 1978 budget. These involve both NOA and loan authorizations and will be itemized at this point in the RECORD:

Title I—Agricultural programs

Office of Inspector General:	
Continue premium pay program	$400,000
Agricultural Research Service:	
Human nutrition research (Grand Forks, N. Dak.)	250,000
Pecan research	40,000
Cottonseed research	250,000
Sunflower research	200,000
Sugar beet research	350,000
Pseudorabies research	300,000
Soybean research	1,781,300
National sedimentation lab	100,000
Other special research projects (details shown on page 40 of this report)	273,000
Total, ARS	3,544,300
Animal and Plant Health Inspection Service:	
Japanese beetle and burrowing nematode (spot checks and emergencies)	350,000
Fire ant eradication	4,460,000
Total, APHIS	4,810,000
Cooperative State Research Service:	
Soil erosion in Pacific Northwest (STEEP)	350,000
Dried bean research	25,000
Mesquite research	100,000
Cooperative forestry research	788,000
Total, CSRS	1,263,000
Extension Service:	
Equipment for 1890 colleges and Tuskegee	500,000
General increase	4,500,000
Urban gardening assistance	3,000,000
Farmer-to-consumer direct marketing	1,500,000
Total, Extension Service	9,500,000
Farmer Cooperative Service: Special study on trends and effectiveness	150,000
Federal Crop Insurance Corporation: Expansion to 25 new counties in addition to 25 already in budget	325,000

Title II—Rural development programs

Farmers Home Administration:	
Loan Programs:	
Farm operating loans	($125,000,000)
Insured housing loans	(288,000,000)
Guaranteed housing loans	(300,000,000)
Water and waste disposal loans	(150,000,000)
Community facility loans	(50,000,000)
Industrial development guaranteed loans	(650,000,000)
Recreation loans (restoration)	(1,000,000)
Irrigation and drainage loans (restoration)	(1,000,000)
Total, loans programs	(1,565,000,000)
Rural water and waste disposal grants	50,000,000

(NOTE.—For the Rural Electrification Administration under Title II, the Committee recommends that no monetary limitations be placed on the guaranteed loans for electrification and telephone programs. It also recommends that the insured loan programs for both purposes be approved at the levels proposed by the 1978 budget—a continuation of the 1977 level.)

Title IV—International programs

Foreign Agricultural Service: Study of foreign trade restrictions	$250,000

Title V—Related agencies

Food and Drug Administration: Further saccharin testing and improvements at the National Center for Toxicological Research	4,150,000

Mr. Chairman, we spent 6 or 7 weeks in hearings. We heard testimony from 300 witnesses and our printed record is 5,067 pages. We had a very difficult problem this year, because nearly all the top-level people are new. We had Civil Service people who could tell us about the past, but they could give us no assistance on the problems of the future. We had a hearing 1 day with the new top staff, but they had not had a chance to get their feet wet. They did the best they could, but they could not give us much help on what their plans are for the future.

It was under these conditions the subcommittee wrote this bill. It is based on

our past experience. However, we think we have a good bill.

Mr. Chairman, we wish to bring the Members a bill that we think is sound, based on our prior experience, and I say again that this is the basic bill that this Congress will consider during this session.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to emphasize what a pleasure it has been to work with our distinguished subcommittee chairman and the other members of our committee on this appropriation bill.

I would like to commend to the Members the report. We all have copies of it, and it is available. A lot of time went into the paragraphs that appear in that report, and I believe it tells the story of this bill quite well.

One thing I would like to reiterate is that this bill is more of a consumer bill than it is a farm appropriation bill. Out of the $13.6 billion recommended in the bill, over 60 percent of the funds are earmarked for domestic food programs, with only $2 billion going for agriculture programs, for farm research, and for conservation.

This is a small investment when we consider that it enables 5 percent of our population to feed not only our people but many of the hungry all over the world. Every farmer in the United States feeds himself and 56 others at home and abroad. Our farmers offer the American consumer the best buy in food available in any country in the world.

Mr. Chairman, I am confident that our American farmer and those who support him with goods, services, and capital will be this decade's economic heroes. We must realize the vast power for good that comes from American agriculture, the power to produce and provide the food without which we cannot live and to improve the quality of life in the world.

Two years ago I was privileged to represent this House as a delegate to the FAO. Represented there also were 141 other nations of the world, most of which are Third World powers and most of which are "have-not" nations. I found out firsthand there what I had long felt, that the other countries of this world have far more affection and respect for the capabilities of our country to produce food than they have for the capabilities of our country to produce adequate weaponry or to put a man in space.

Our food productivity tells the American story. It tells the story of the success of the American experiment, and we do ourselves a grave injustice when we back away from the unique gift our American farm families give us as a power for peace in the troubled world.

The $2.02 billion in this bill for agriculture will prove to be money well spent for our Nation's future and to make sure that food is available in the decades ahead.

I would like to remind my city colleagues that every day foreign cars, TV's, and other consumer goods are unloaded on our docks and agricultural commodities are then loaded on the ships for export, and that these exports make a large contribution to our balance of payments. We all know where we would be if we had not had the $23 billion of farm exports last year to help pay for the oil that we needed to operate our schools and run our factories. We should extend our efforts to expand these markets.

Last year we exported $23 billion worth of food products, providing jobs opportunities on the east coast to card-carrying union members and people who live in the big cities. Those jobs would not have been there if it had not been for the $23 billion worth of farm commodities we exported to pay for the oil we imported.

This year we estimate we are going to import $36 billion worth of energy products to keep this country going. If we do not export energy in the form of food to pay for that, we are going to have some of the worst disjointing we have ever seen in the balance of payments in the history of our country, with serious economic consequences for all of us.

Our agricultural exports are also beneficial to employment in this country. More than 50,000 jobs are created for every $1 billion worth of agricultural goods exported.

Agriculture employs nearly 17 million people for the production and sale of food.

Mr. Chairman, the food we produce contributes largely to our national goal of a stable and a peaceful world. Trade is one of the most persuasive reasons for nations to find political accommodation, particularly if that trade is in food.

Having just been to the People's Republic of China, Mr. Chairman, I found that it is interesting to recognize that in that nation with a whole new culture, the first one of Mao's teachings is to be self-sufficient, they must be efficient in agriculture. They recognize the basic strength that comes from food-production capability, and they bend every effort to make sure that their production is at or near the top, and actually it is. They produce more per acre in their country than is produced in any other country in the world.

Mr. Chairman, one of the things they are proudest of is the fact the Russians, as they say those backsliding members of the Communist group, have not succeeded in producing enough food to feed themselves, with a little left over, while the Chinese system is doing far better under the teaching of Mao because it emphasizes agriculture.

How much longer in the race for credibility among world powers will our Nation succeed if we continue to downgrade that which the competing nations on the other side of the Bamboo or Iron Curtain so widely realize must be emphasized, must be strengthened, must be given every ability to move ahead? I think we can learn quite a bit from their actions.

Mr. Chairman, as we all know, this bill includes the funding for our domestic food programs. In 1969 the Food and Nutrition Service was established in an effort to eliminate hunger and malnutrition in this Nation. This appropriation bill contains $8.6 billion for domestic food assistance programs, once again reaffirming this committee's commitment to see that all of our people have access to an adequate diet.

I think it is wise for the people to note that today, with $8.6 billion in this bill, on the demand side of the food equation, this contrasts with what we had only 7 or 8 years ago, when we had $6 billion on the production side.

On incentives, price payment programs, and the others to enable farmers to produce more, we have cut that down to under $1 billion; and we have gone from $300 million to $8 billion on the demand side, making a net change in the last 7 or 8 years of some $14 billion from production incentives to the demand side of the equation.

Mr. Chairman, 5 will get anyone 10 that none of the Eastern newspapers will carry the story of this because they never have. However, that is one of the massive changes that have been going on and that should be taken note of. In moving away from emphasizing the production side, we might well be shortchanging our consumers.

Mr. Chairman, one of the programs that has come under the greatest amount of criticism is the food stamp program. Our committee has proposed placing 7 percent of the food stamp program funds in reserve. This amount represents the funds that are received by ineligible persons or by persons receiving more than they are entitled to. The committee felt that every effort must be made to see that the help in this important program reaches those who truly need the assistance.

Mr. Chairman, if anyone takes the time to go back into the hearing records—and I doubt very much that many Members are going to do that—he will find that in response to a question I asked the head of the food stamp program that 7 percent of the people in the food stamp program who are not entitled to any food stamps whatsoever are getting food stamps. Further in response to a second question by me, we found that there are an additional 18 percent who get more food stamps than they are legally entitled to, so 25 percent of the people participating in this program either get food stamps they are not entitled to at all or more food stamps than they are, in fact, entitled to.

Mr. Chairman, I think the thing we ought to realize is that this shortchanges the people who need help and who are unable to get it because of the racketeering or the misplaced, shall we say, emphasis that is going on in this program.

This demonstrates to all of us that the food stamp program is one of the places where action should be taken, positive action, by this Congress to eliminate the abuses so that those who truly need help under this program—and there are many who are not being reached in the way they should be reached—will get the opportunity to participate and those who are taking advantage of the program will be eliminated and so that thereby we can reduce the burden that is being placed on the taxpayer.

Mr. Chairman, under the funding for the Food and Drug Administration, our committee has provided $1 million for the

Food and Drug Administration to conduct its own research on saccharin as opposed to relying on the Canadian studies.

I am intrigued by the fact that our Canadian neighbors have said that if a rat drank 800 containers of diet pop in 1 day it might get into trouble. Well, Mr. Chairman, I suspect that an elephant or a tiger or anything else might get into trouble if it drank 800 cans of soda pop in any 1 day. But I believe we ought to develop our own studies.

After the committee report was issued, it was revealed that there are substantial scientific flaws in the Canadian studies on saccharin. First, the saccharin was not pure. In subsequent screening tests on the impurities the results were positive, indicating that these impurities themselves are potential carcinogens. In the same tests, performed with pure saccharin, the results were negative. Second, the dose level was substantially above the maximum tolerated dose. Third, the test animals ingested a much higher amount of sodium than the control animals. Fourth, there is no way to determine whether all the fetuses received the same amount of saccharin. For all of these reasons, and more, the scientific validity of the Canadian experiment has properly been drawn into question.

I believe we ought to relate this with that of a herbicide in the wheat producing areas. I come from a spring wheat producing area and our Canadian neighbors to the north are allowed to use Endovan which is a chemical herbicide that eliminates wild oats. Companies cannot sell that in the United States because it would cost $1.5 million dollars in registration tests to put it on the market. So it is used up in Canada but not here. A year ago we had $100 million loss from wild oats that could have been prevented had we been able to use Endovan.

Someone might say, well, we are protecting the consumers in the United States.

If we were, Mr. Chairman, that would be fine, but we are not, because the Canadian wheat, treated with Endovan—which I assume must be safe, I am not saying it is not safe—but the Canadian wheat, treated with Endovan, is brought into the United States, milled into flour, and the U.S. consumers eat bread made from wheat treated with Endovan. As I say, the American farmers are not able to use this herbicide. I believe that either the wheat containing it should not be permitted to be used or our own farmers ought to be able to use it.

As far as the impurities that have been found in saccharin, which are thought to be the carcinogen, we should go back to another lesson that should have been impressed on some of our scientists when agent orange, that we used to remove the canopy of trees in Vietnam, was found dangerous because it had some type of carcinogen in it and we had to stop using it, and we now are disposing of a pileup of agent orange. But, there again, it was not the chemical heribicide that was causing the birth defects, it was the impurity dioxin in the herbicide. And if the chemicals had not contained the dioxin, then it would not have been dangerous.

The point is that in this type of research we ought to get at the facts rather than listening to a lot of headline hunters producing some scare tactics that are neither valid, accurate, or reasonable, and, in the process exposing the people to considerable danger on down the line or limiting our food producers in using safe and economically helpful compounds. Not too long ago we had the Food and Drug Administration before our committee, and we were talking about another supposed carcinogen, DES, stilbestrol, which is used to fatten cattle. I asked the head of Food and Drug, "Where have you found the DES residue under the zero tolerance? Have you ever found it in any skeletal tissue in anything that will be made into hamburgers, steaks, or chops?" He said, "Never have we found the slightest bit of DES in any skeletal tissue." I said, "Well, where have you found it?" he said, "Only in the liver." I said, "Well, because you found it in the liver, you then decided that even though it lowers the cost of fattening cattle by some 15 or 20 percent, we should not use it." He said, "Well, under the Delaney amendment, under the zero tolerance, we have had to eliminate that." I said, "Well, aren't you the same agency that OK'd the use of the morning-after birth control pill that contains DES just a few months ago?" He said, "Yes, we did." I said, "How many milligrams of stilbestrol do one of those pills contain?" He told me the number of milligrams. I said, "How much of the most grossly contaminated beef liver you have ever found would a woman have to eat to equal one of those morning-after birth control pills that you say is safe?" They got their slide rules out, and the answer came back, "Thirty-five." I said, "So a woman would have to eat 35 pounds of the most grossly contaminated beef liver ever found to equal one of those morning-after birth control pills you say is OK to use?"

They said, "Congressman, it is not that. It is not 35 pounds; it is 35 tons."

So here is an agency that says, fine, you can use the morning-after birth control pill, but the most grossly contaminated beef liver ever found you would have to eat 35 tons to equal it. There was still a little bit of laughter going on in the back row, and I said, "Well, there must be more to this than meets the eye." They said, "Yes, Congressman, it is not only one pill; it is one pill a day for five days." I multiplied that out, and I said, "That comes to 175 tons." They said, "Yes, it is."

So here we have the case of a growth stimulant being denied the farmers of America that could lower beef production costs by 10 or 15 percent; yet the OK of DES contained in morning-after birth control pills where a woman in five days gets as much stilbestrol as she would get from eating 175 tons of the most grossly contaminated beef liver ever found. This points out that we have a lot of work yet to do.

In conclusion, I might say that this bill contains the funding necessary to provide a basis for a sound, workable national food and fiber policy. Our laws must make it financially possible for our farmers to produce food and fiber. In an effort to help our farmers accomplish this, the committee has recommended significant increases in the action agencies responsible for rural development. The committee has also recommended increased funding for those programs which will strengthen food production.

I urge all of my colleagues to support this bill, not only for the good of our agricultural community, but to enable our consumers to continue to be the best fed people in the world at a fair price, with enough left over to help our balance of payments.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the senior member of our subcommittee, the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, this legislation helps to focus attention on the fact that the people who are the greatest producers in the Nation—American farmers—receive the least consideration from the standpoint of Government programs of any major segment of the population. Only about one-sixth of this $13.7 billion appropriation bill is directly related to farmer programs. The farmer is blamed for many things, particularly high prices of food and meats in the marketplace. This is a very unjust accusation. His share of the consumer's dollar is often as small as the percentage of the agriculture appropriation bill which goes into farm programs—as low as one-sixth.

The report which accompanies this bill is always well written, always illuminating, and always sound. Much can be learned from it of the importancce of the farmer to the Nation in comparison with the small return which he receives from the Nation and from much of the world which he feeds and clothes.

It is this situation which is forcing too many farmers and particularly farm families to the wall. Farming is a very costly operation. High investments are required and there is never a certainty of a satisfactory return. The age-old bugaboos of weather and low return are still as great a threat as ever. In one drought-stricken area after another, the farmer has lost his crops this year. This is ruinous to the average farmer who must pay rapidly escalating prices for everything that he uses in crop or livestock production. He still is at the mercy of the marketplace when he sells his produce.

Farmers are probably the only group in our country who are without protection. All the others who produce or process are organized at one level or another and are assured of a fair return on their labor or their investment. Subsidies or guarantees or wage/price agreements protect them. Not so the farmer. This is a situation which requires a much more realistic assessment and more sympathetic understanding than has ever been given the farmer in this country. Farm programs are built in a stopgap manner which does not provide the permanent assurances that the farmer needs to continue production. He is needed. The world wants his product. Foreign nations have the money to buy his product. Our own country should find better

ways to insure that he continues to produce.

Mr. Chairman, I support the bill. The committee has done a careful and good job.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 10 minutes to my colleague, the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, as a member of the Agriculture Appropriations Subcommittee, I rise in support of this bill as it is the sole vehicle by which the Federal Government's agriculture programs are funded.

The formal title of the bill reads "Agriculture and Related Agencies Appropriation," but this is vastly misleading. A title nearer the truth should read, "Agriculture, Rural Development, Food and Nutrition Services, and Related Agencies Appropriation." The bill contains a total obligational authority of $13,673,387,000. Of this amount, $12,658,830,000 is new budget or obligational authority, the rest being transferred from section 32.

You, my colleagues, and the American farmer, should realize that only 15.9 percent of the new budget authority contained in this bill is for agriculture programs. Funding for these progams total $2,020,428,000. Rural development programs account for 13.7 percent of the new budget authority, or $1,737,429,000. Related agencies account for 2.3 percent of the new budget authority, or $292,780,000. International programs account for 7.6 percent of the new budget authority, or $965,985,000.

Mr. Chairman, when you add all of these programs together—programs which are provided for under four of the five titles of this bill—you still do not come close to the 60.4 percent of new budget authority for our domestic food programs, which of course includes the food stamp program.

The report accompanying this bill reemphasizes the often overlooked dependence that all Americans have on the country's farming sector. A mere 5 percent of the country's population now provides enough food, not only to feed the remaining 95 percent of our population, but enough to help feed much of the rest of the world as well. Yet the Government's support of the farmer, as reflected in this bill, is certainly minimal. It is misleading to equate the total dollar amount in this bill with the support agriculture programs receive. This budget is bloated with dollars for welfare-type programs which, in my opinion, have no place being in the Agriculture Department.

I wish to bring to the attention of my colleagues the valuable role that our agricultural exports play in bolstering our country's balance of payments.

The Agriculture Department presently forecasts agricultural exports totaling $24 billion in the current fiscal year, up from $22.8 billion in fiscal 1976. This represents the sixth consecutive year that U.S. agricultural exports have increased, and the fourth consecutive year that these export totals have exceeded the $21 billion mark.

The projected $24 billion which this country is expected to receive in the current fiscal year will go a long way toward negating the impact of the $41 billion the Treasury Department estimates the country will be forced to pay for oil imports in this calendar year.

When compared to the total value of agricultural imports, our exports demonstrate a very favorable trade balance. In fiscal 1976, this country had a $12.3 billion agricultural trade surplus. The Foreign Agricultural Service informs me that it is anticipating a surplus of $10.4 billion in the current fiscal year, in spite of the high prices now being paid for imported coffee.

Of particular importance to Members from Arkansas, Georgia, California, and Alabama, as well as Virginia and its neighboring States of North Carolina, Maryland, and Delaware, is that the value of poultry exports is expected to reach $300 million in the current fiscal year, over twice the $143 million figure of fiscal 1975. Robert Strauss, the President's chief trade negotiator, has written me that improving market access for poultry products into the European Community is a high priority at the Multilateral Trade Negotiations now undeway in Geneva, Switzerland.

Too often the important role that agricultural exports play in maintaining a stable domestic economy is overlooked by negotiators who seem to be preoccupied with U.S. manufactured goods. Too often, the American farmer ends up taking the brunt of this neglect. I speak for many when I express the hope that Mr. Strauss and his team will vigorously exercise his stated assurance that agriculture not be understressed, as it has been in the past.

Dairy product exports also have shown a significant gain. Forecasts for total exports in the current fiscal year amount to $200 million, which compares favorably with the $143 million of fiscal 1975.

As much of the strength of this country's ability to produce agricultural commodities depends on the latest advances in agricultural research. I wish to bring to the attention of the House funding contained in this bill for the Agricultural Research Service. Established in 1953, the ARS provides an invaluable source of Government support for the improvement of agricultural production here and abroad. Under this bill, the ARS is to be funded at a level of $281,909,000 which is $22.6 million above the appropriations level for fiscal 1977, but $15.2 million below the Department's request.

While no departmental request is beyond question, I do want to stress that agriculture research is becoming increasingly vital in the latter part of this century as the world population continues to increase at an almost inconceivable rate, and while agriculture production is beginning to reach limits which can be expanded only through the application of modern technology and new research efforts.

The report accompanying the omnibus farm bill recently reported by the Agriculture Committee states that in 1940 agriculture research accounted for 38 percent of the Federal Government's total research and development budget, while in 1976 this percentage dropped to a mere 1.8 percent. I am pleased that the authorizing committee believes that greater national support should be directed to food and fiber production study. Recognizing this need, the Appropriations Subcommittee increased funding for part of the Department's research effort by providing $9 million for cooperative forestry research, an increase of $788,000 over the fiscal 1977 funding level and the fiscal 1978 budget request.

The forestry incentives program, for which the Department has not submitted a budget request since the program's inception in 1974, is funded in this bill at a level of $15 million. Each year Congress must reinstate funds, despite the proven effectiveness of the program, which is designed to encourage the development, management and protection of nonindustrial private forest lands in order to increase timber production. I am encouraged that, in response to my questions during subcommittee hearings, M. Rupert Cutler, the newly appointed Assistant Secretary for Conservation, Research, and Education, stated that he endorsed the objective of the program and would push Department-requested funding for it in the next budget go-around.

Finally, I wish to mention the $3.5 million contained in the bill for Rural Community Fire Protection grants to public bodies to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments. In fiscal 1976, this program helped to organize 120 fire departments, acquire 390 fire trucks and equipment, and train more than 31,433 firefighters. Across the country, this program has provided much needed assistance to communities which just are not able to provide full funding for needed fire protection. While the value of this program has been demonstrated again and again, there has not been a departmental funding request since the program's establishment in 1972.

Mr. Chairman, on an inside page of the May 31 Washington Post, a news article summarized a report, conducted in part by Labor Secretary Ray Marshall before he joined the Cabinet, which contends that U.S. agriculture policy over the past new decades has been twisted to benefit the large agriculture producer, to the detriment of the small farmer. As I represent a district of Virginia in which many family owned and operated farms are located, I am troubled by the implications of this report. I believe it important that the family farmer, who historically has been a bulwark of this country, is not forgotten in the competition for Agriculture Department dollars.

In this respect, I am encouraged by the pilot project being undertaken by the Agriculture Department's Extension Service to perfect a program whereby special attention is given to farmers with gross sales under $10,000 a year. The project is being carried out in five Virginia counties. Designed to help farmers make the best of their available agricultural resources, the project uses an intensive one-to-one contact between an Agriculture Department trained para-

professional and the farmers to improve management practices and production techniques. I believe that programs such as this, and others, must receive the full support of Congress through the appropriations process.

Mr. Chairman, this bill funds the Food and Drug Administration and earmarks $1 million for a study by this agency of the effect on humans of saccharin and other artificial sweeteners, a subject of much public controversy.

At this point, the evidence is far from conclusive that saccharin, when ingested by humans in normal amounts, can cause bladder cancer. A Canadian Government study showed that, when fed to rats in large doses, saccharin appeared to cause bladder tumors. Yet, a study conducted by Johns Hopkins University showed that, after testing over 1,800 humans, saccharin consumption has "no significant effect" on the development of bladder cancer. New Canadian evidence became available last weekend and will be duly considered.

But, clearly, one must balance the intent of the Delaney clause, which prohibits the use of any food additive when evidence is found that it induces cancer in man or animal regardless of the quantity ingested, with the practical realities of consumption of such an additive. For instance, for a human to ingest a similar amount of saccharin as was fed the laboratory rats used in the Canadian study, he would have to drink 800 12-ounce diet sodas each day and every day over his entire lifetime.

As pointed out during subcommittee hearings, the proposed ban on saccharin is only one of many examples of the overzealous pursuit of a narrow interpretation of the law by our regulatory agencies. It has been shown that the fire ant, which has been a persistent pest for southern farmers, can be eradicated by the application of Mirex twice a year. Yet, because the use of Mirex has been restricted to once a year, the fire ant continues to threaten humans and crops. The use of the pesticide DDT has not been shown to be harmful to humans during the entire 30 years of its widespread use. Other examples abound. When a clear and well demonstrated danger to the health of humans and animals exists, reasonable action should be taken to restrict or prohibit the use of such agents. But short of such imminent danger, we must consider the practical benefits gained by agriculture and consumers through continued safeguarded use.

While the Agriculture Department budget provides virtually the sole means of Federal Government cooperation with the farming sector of our economy, as I indicated before, it is important to realize that a full 60.4 percent of the budget before us today is for domestic food programs. Over the years, the Agriculture Department has largely become a welfare agency.

The bill contains an appropriation of $5,673,804,000, for the food stamp program, the full amount requested by the Department; 17.2 million people are expected to participate in the program in the next fiscal year. During subcommittee hearings, food and nutrition officials told us that the request was based on an unemployment rate in fiscal 1978 of between 6.3 and 6.6 percent. (Average unemployment currently is 6.9 percent.) Economists of the Joint Economic Committee tell me that the Department's estimate is "a little optimistic" and below any forecast now available. Of course, if we do not reach the estimated unemployment figure, more taxpayer money will be needed to fund the food stamp program, perhaps in spite of any pending legislative proposals.

Of the total amount appropriated for the food stamp program, $400 million is being earmarked by the committee for use only if absolutely necessary to carry out program obligations. This amount represents 7 percent of the total food stamp program budget, as officials testified that a full 7 percent of those receiving food stamps were ineligible. I heartily endorse this action, and while I suspect that the reserved funds will be used eventually, I feel that the move reflects strong congressional sentiment that the current waste of taxpayer dollars must stop.

Mr. Chairman, the points I raise here merit the attention of all Members of the House. The members of the Agriculture Appropriations Subcommittee have spent much time constructing a bill which meets the needs of the American farmer, and the consumer of his products. I wish to express my appreciation to the subcommittee staff which has been of particular help to me and my office staff. The appropriations process is an inexact science in which differing interests compete for limited budget dollars. Under these circumstances, I support the bill before us as the only appropriation vehicle to support our Nation's agriculture. I regret that food stamps and consumer—welfare-type programs constitute most of the funding suggested. As they are presently constructed, they do not belong in this bill, and certainly cause it to appear bloated.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. NATCHER), who is a longtime member of the committee and very active in all the programs.

Mr. NATCHER. Mr. Chairman, it is a distinct honor and a privilege for me to serve on the Subcommittee on Agricultural Appropriations, with my chairman, the distinguished gentleman from Mississippi (Mr. WHITTEN), and my friend, the distinguished gentleman from North Dakota (Mr. MARK ANDREWS), the ranking minority member.

Mr. Chairman, the Subcommittee on Agriculture and Related Agencies Appropriations once again brings to the floor of the House for your approval the annual appropriations bill for fiscal year 1978.

In this bill we recommend $2 billion for direct assistance to those engaged in agricultural production throughout programs such as research, extension, insect and disease control, marketing, and the farm income stabilization mechanisms under the Commodity Credit and Federal Crop Insurance Corporations.

Under title 2 of the bill we recommend $1.1 billion for rural development assistance to rural people including housing and other grant programs for small towns and rural areas. In addition, we recommend loan authorizations of approximately $8.8 billion for the various loan programs of the Farmers Home and Rural Electrification Administrations. Under this title we also recommend $680 million for the development restoration and protection of our natural resources to help assure that our environment will be protected and that future generations will have a productive resource base which is necessary and justified.

Under title 3 and 4 of the bill we recommend a total of $9.6 billion for direct assistance for people who require food stamps, school lunches and breakfasts, special milk and other domestic feeding programs. Under these two titles we recommend an additional $1 billion for Public Law 480 and other international food and agricultural programs of the Department of Agriculture.

Under title V of our bill we recommend $273,019,000 for the Food and Drug Administration.

Mr. Chairman, today there are only about 4 percent of the people in this country engaged in agriculture. An average of nearly 800,000 people have left the farm in each of the last 5 years and we are now down to a farm population of a little over 10 million people. The total land in farms in the year 1950 was 1.2 billion acres and today we have a billion acres. The average size of the farm has increased considerably in the last 10 years and it has just about reached the point today, if our young people on our farms decide to stay in agriculture, they must either inherit a farm or succeed in borrowing a large sum of money to invest in land which is adequate for a livelihood.

If we are to feed the people in this country and to continue exporting some $21 billion worth of farm commodities each year, we must keep our land in production and through our soil conservation and ACP programs see to it that it is preserved. Along with our production, of course, we must have an increase in income. The American farmer is not receiving a fair share of our national income.

Agriculture, Mr. Chairman, is our largest industry and when agriculture is in trouble, our country is in trouble. Assets invested in agriculture today exceed those of any of the next 10 largest industries. Agriculture employs more workers than any other major industry and, in fact, employs 23 times the number of people employed in the coal and oil industry and five times more than the number employed in the automobile industry.

Mr. Chairman, we know that agriculture is one of the major markets for the products of labor and industry. It spends more for equipment than any of the other large industries. Agriculture uses more steel in a year than is used for a year's output of passenger cars. It uses more rubber each year than is required to produce tires for 6 million automobiles. Its inventory of machinery and equip-

ment exceeds the assets of the steel industry and is five times that of the automobile industry. It uses more petroleum products than any other industry in this country.

When this country was first settled, we had more than 8 billion board-feet of fine timber. According to recent figures that I have received, we are now down to less than 2 billion board-feet.

All down through the years, Mr. Chairman, our Soil Conservation Service, Extension Service, Agricultural Stabilization and Conservation Service, Farmers Home Administration, Rural Electrification Administration, Foreign Agricultural Service, Research and Control Services have produced great benefits for the American farmer. Our Farm Cooperative Service, Agricultural Marketing Service and our Packers and Stockyards Administration are all of great concern to every farmer in this country.

Nearly every year since I have been a member of this subcommittee, we have had to restore funds in the bill for soil conservation, ACP, and research programs and extension service. This year the amendments sent up by our new President take care of some $600 million for the different programs where severe reductions were made in the budget for fiscal year 1978 as presented and this has made our task a little easier. For instance, the ACP money was restored under the special amendments made to the budget and this was quite unusual to say the least.

The American farmer must receive more income and especially so since he is confronted with higher taxes, higher farm operating costs, and higher costs for all of his machinery. Since I have been a member of the Appropriations Committee, I have called attention each year to the Secretary and to the Administrators in the different agencies of the Department of Agriculture that farm income must be increased and that the Department must make every effort to strengthen the family farm so that it can keep its important role as the primary factor in agriculture and in American society.

Today in our country, we have in cultivation some 385 million acres of land.

As you know, Mr. Chairman, we make recommendations for annual appropriations in the bill for the Food and Drug Administration and certain other independent agencies.

When our new Secretary of Agriculture appeared before our subcommittee in behalf of his budget for fiscal year 1978, I called his attention to the fact that the severe reduction in the extension service part of our budget simply could not be accepted.

In part, we find the following testimony which pertains to extension and to certain other matters which are of great concern to us at this time:

Mr. NATCHER. Mr. Secretary, each year, as you know, each agency in the Department appears before our committee to justify their budget request, and this, of course, will take place this year. We have had the Extension Service before our committee and while they were here I expressed my concern that maybe Extension now is a stepchild. In all the increases in the bill before this committee, the one for Extension is so small it will result in a cutback in the number of employees.

If we had to take this bill as you well know, Mr. Secretary, having served in the House, to the floor without Extension, Farmers Home Administration, Rural Electrification Administration, Soil Conservation, and one or two of the other agencies that we consider major, as well as all the rest of them in the Department of Agriculture, we would be in trouble.

Now, you and I know that the Extension service carries the word and deliveries (sic) the message as far as agriculture is concerned throughout the United States. For the farm wife and the farmer. We are in favor here on the Hill, as you well know, of a lot of new programs from time to time, but we are just hoping that in the Department of Agriculture you don't forget the programs that are successfully operated and have been all down through the years. One is Extension.

Mr. Secretary, just as one member of this subcommittee, I would appreciate it, as you go along, if you would take a look at Extension. I say to you the amount before this committee is not adequate. When you say that any agency as important as Extension is in the Department of Agriculture, as a result of the budget request, will have to cut back. I believe Mr. Miles' figure was 396 employees, is that correct?

Mr. MILES. I believe it is.

Mr. NATCHER. Mr. Secretary, that is a mistake. To me that is a serious mistake.

I know that you can't have all the money everywhere that you want. I know that, but these programs are ongoing programs that mean so much to the American farmer—certainly I don't think that new programs should take the place of them. One is Extension.

FARM PRICES

Mr. Secretary, in your statement to the committee—and, Mr. Chairman, I will be through in just a moment—you point out that this is the year and it will be a landmark year for agricultural legislation, price support programs, Public Law 480 food stamp programs, all these requiring new legislation. You know, Mr. Secretary, you and I have heard people say from time to time that the cost of food is directly brought about as a result of the farmer and agriculture generally and you and I know that is not true.

Based on the 1910, 1914 parity index, if the American farmer were receiving what he should for wheat today, you would agree with me it would be over $4 a bushel. It would be somewhere in the neighborhood of $4.50 a bushel. Wheat is now selling for a little over $2 a bushel, as I recall. I said wheat. I meant corn.

Now, as far as wheat is concerned, wheat should be selling probably for a little over $4 a bushel, based on the parity price support index that we adopted years ago, 1910, 1914. What is it, about $2.10 a bushel? Something in that neighborhood, isn't it?

Secretary BERGLAND. About $2.30.

Mr. NATCHER. It should be a little over $4 a bushel. So, Mr. Secretary, there is one of the places where I think you ought to take a good look at it, and I know you will.

There are a number of other matters I would like to discuss with you but I have taken too much time.

I want to close by saying again to you, Mr. Secretary, you are going to do a good job and you will get a lot of support on this Hill.

Thank you.

Our farm program legislation as you know, Mr. Chairman, expires the last day of this year. A farm bill has been passed in the Senate and within the next few weeks, the Committee on Agriculture in the House will bring out its bill. There is no reason why when the two committees go to conference proposals can be agreed upon which will place the bill in a position whereby the President will then sign it. This, I believe, will take place because I know that our new President is very much concerned about agriculture and certainly he knows that any farm bill must have target and loan prices which protect the American farmer. Target prices do not necessarily mean surplus agriculture commodities by any means and there is no reason why in the calendar year of 1977 we in the Congress cannot produce a good agriculture bill.

I join with my chairman in the request that he has made now for many years that if we are to maintain production and protect our international trade balances, we must guarantee that farm products determined to be surplus to domestic needs are sold on world markets at competitive world prices. Mr. Chairman, to do otherwise would depress prices at the farm level and would impair our ability to earn the foreign exchange needed to pay for our imports. In order to keep our overseas customers, we must maintain an ample supply of commodities on the market that are available. Mr. Chairman, our agricultural commodities for 1976 will increase from some $21 billion up to about $23 billion. We must keep in mind that here we have commodities going abroad that will help us with our deficit in balance of payments and especially insofar as oil imports are concerned that are now over $35 billion a year.

In order for us to help the underdeveloped countries of the world, we must have an adequate food supply, Food and economic assistance, Mr. Chairman, instead of military weapons. According to the figures submitted to our committee, it is estimated that about half of the world's population suffers from malnutrition with some 10,000 people dying every day from starvation.

Mr. Chairman, since 1961 the number of farms has decreased by some 27 percent. This figure is about 2.8 million and in 1961, we had 3.8 million farms. In addition to a decline in the number of farms and farm population, farm debt is up considerably. In 1976, total farm debt reached the extremely high level of $90.6 billion and in 1950 it was $12.4 billion.

Mr. Chairman, the amendments to the budget that I mentioned several minutes ago provide for $599,205,000; $190 million of this amount is for the ACP program; $5 million for very low-income housing repair grants; $150 million for water and sewer grants; $7,500,000 for domestic farm labor housing grants; $16,205,000 for Great Plains conservation program; $230 million for summer food service program and $500,000 for administration for summer food program.

Mr. Chairman, we recommend to the Committee $304,495,000 for Agricultural Research Service for fiscal year 1978. As you know, this Service was estabilshed in 1953 and here we conduct basic and applied research in the fields of livestock, plant sciences, entomology, soil and water conservation, agricultural engineering and nutrition and consumer use.

For our Animal and Plant Health Inspection Service, we recommend $429,-

225,000. For our Cooperative State Research Service, we recommend $137,950,000. For our Extension Service, we recommend $252,971,000 which is an increase of $10,500,000 over the budget and $11,065,000 over the 1977 appropriation.

Mr. Chairman, for our Agricultural Marketing Service we recommend the sum of $46,379,000.

For our Rural Electrification Administration we recommend a loan program of not less than $750 million nor more than $900 million for electric loans and not less than $250 million for telephone loans.

Mr. Chairman, for our Soil Conservation Service, we recommend $226,051,000. For our ACP program we recommend $190 million.

Mr. Chairman, for our domestic food programs we recommend $7,642,208,000. This, as you know, includes the special milk program, food stamp program, food donations program, elderly feeding program, and child nutrition program. Of course, Mr. Chairman, we all know that two or more of these programs should not be charged to Agriculture but should be charged to the Department of Health, Education, and Welfare. Here we have the largest amount in the bill and most of the money involved should not be charged to Agriculture.

Mr. Chairman, this is a good bill and our Committee on Appropriations recommends it to the Members of the House. If our country is to survive and prosper, we must continue to be interested in and to assist when necessary the custodians of the natural resources of our country. Again, Mr. Chairman, I would like to say that in order for us to produce the necessary food and fiber for our people and to be able to export billions of dollars worth of commodities abroad, we must reforest our lands, protect our watersheds, and conserve our soil and water.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, early this year, the administration announced its intention to inaugurate a new program of payments to the processors and producers of sugar. The formulation of this program took several weeks and, finally, about a month or so ago the administration came out with the regulations. But, of course, the basic idea, authorizing payments up to 2 cents a pound, was well known for several months. My reason for taking this time is to ask a question of the chairman of the subcommittee as to whether the administration made any sort of presentation to the subcommittee at any stage during the subcommittee's consideration of the appropriation request.

Mr. WHITTEN. If the gentleman will yield, may I say to my colleague, the gentleman from Illinois (Mr. FINDLEY), that I have no awareness that any statement was made to the committee. Certainly no presentation was made to the committee in connection with this.

I do understand that in the press and in other statements some attention was given to it. I am not as familiar with what transpired as my friend, the gentleman from Michigan (Mr. TRAXLER), a member of the subcommittee. However, as to what happened before the committee, we had nothing there.

Mr. FINDLEY. To put it this way, if I may, Mr. Chairman, the subcommittee has jurisdiction over the Commodity Credit Corporation.

Mr. WHITTEN. Right.

Mr. FINDLEY. These payments, as I understand it, would be financed out of the resources of the Commodity Credit Corporation. It would seem to me that it would be natural and prudent and reasonable for the administration to take the subcommittee fully into its confidence at an early stage and keep it informed. Would the gentleman agree?

Mr. WHITTEN. In my experience here, I do not know of any place where they have failed to advise the committee and to actually have hearings with the committee, even though the basic law gave them certain authority. And I would expect the same thing here, not only with our subcommittee, but with regard to the legislative committee. So while these matters are discussed and projected into the press, and otherwise, I have never known them to act on that without advising the proper committees, which includes our subcommittee, and they have not.

Mr. FINDLEY. It is an extraordinary situation, then, would the gentleman agree with me?

Mr. WHITTEN. That is right. Certainly they should, and, I trust, will.

Mr. FINDLEY. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois (Mr. FINDLEY).

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to put this in the proper perspective. As we recall, last summer, nearly a year ago, President Ford asked the International Trade Commission to review the sugar question as to whether or not foreign cane sugar was being dumped in the United States to the disadvantage of our farmers and industry.

The ITC in February or March made its findings known and recommended that quotas be imposed, among other things. At the time when the present Secretary of Agriculture was sworn into office he immediately appointed a 3-member sugar task force which went to work and filed its recommendations about the same time the ITE came in with its quota recommendations.

The findings of the task force were not dissimilar to those of the ITE. The ball then moved over to the White House.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. TRAXLER. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I hesitate to take up so much time. I know we will be talking about these matters later, but just so there will be some background in response to the gentleman's questions, I will continue briefly.

The administration looked at the various options that were available to it in lieu of the quota. That is where the figure of up to 2 cents a pound came from. It is not the Department of Agriculture recommendation; it is the administration's recommendation. They looked about for various alternatives, and this is the one they settled upon.

My recollection is that we had completed our hearings at the time the administration finally settled on this program.

Mr. FINDLEY. Mr. Chairman, on that point I did not understand the gentleman's last comment.

The hearings were completed at what point?

Mr. TRAXLER. Prior to the administration's 2-cent recommendation.

Mr. FINDLEY. In a circumstance like that, would it not be usual for the administration by letter to notify the subcommittee of this new development? Would that not have been a reasonable and proper expectation?

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield and if I may reply to that, it certainly would be the expectation. I do not know of any exception to that procedure. There is no requirement as a matter of law, but, from the standpoint of working together, we have had that kind of experience prior to this time.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I rise in complete support of H.R. 7558, the Agriculture and related agencies appropriations bill for fiscal 1978, as reported by the Subcommittee on Agriculture and Related Agencies of the House Appropriations Committee. As a member of the subcommittee, I have the distinct pleasure and honor of working with a most capable chairman, Mr. WHITTEN of Mississippi, and a distinguished ranking minority member who has a deep understanding of the problems facing American agriculture, Mr. MARK ANDREWS of North Dakota.

It has been a difficult process to review all of the programs operated by the Department of Agriculture and the Food and Drug Administration this year. However, I firmly believe that our subcommittee has provided a bill which sustains our basic policy of providing the best environment for farmers and consumers in the world. The American consumer has the most plentiful food supply of anyone in the world, and in many instances fails to realize the importance of a healthy American agricultural economy. We find it so easy to take our food supply for granted, and turn our attention away from news reports of droughts and extraordinary storms that can destroy a year's work by a farmer in 1 day.

The American farmer is a special individual. He takes risks far greater than those faced in any other profession, and works for a return that provides less income than the interest rates on insured savings account. It is not very surprising that many commercial banks are reluctant to provide agricultural loans with the average farm having an income of only 2 percent greater than its costs in recent years. For this very reason, the Federal Government must work to be certain that the American farmer has a chance to continue his production, even in the face of prices for his farm goods lower than his cost of production.

The provisions of the bill before us today are designed to provide the farmer and the consumer with stable food prices and farm income. It was an extremely difficult task to choose among the many requests for funds submitted to the subcommittee this year, and it certainly would have been a far easier job if our subcommittee had unlimited funds. But dealing with fiscal realities, this bill provides a mixture of programs that seek to cut waste and allow for growth in the agricultural sector of our economy.

Title I of this bill provides the "farm programs." It is in this section of the legislation that we continue the programs that help our farmers continue their production. With only 5 percent of our people working on the farm, we have to have programs that will allow these individuals to maximize their productivity for the benefit of the 95 percent of Americans who live off the farm.

One key priority in this year's bill is the restriction of activity by the Federal Grain Inspection Service. Testimony before the subcommittee indicated that the Service was expanding its scope of operations beyond our export inspection points into all domestic marketing grain terminals. While the Service can be congratulated for its dedication to its job, we found that the expansion of activities provided by the service would serve only to increase the cost of grain trade in the United States, with no benefit whatsoever, since there have not been any reports of problems in the inspection of grain at domestic inspection points. We passed amendments to the Grain Inspection Act late last year in order to end the problems we were having with our foreign buyers who found that they were receiving substandard and short-weighted grain. FGIS has established an operation which can accomplish that job.

Our next concern this year is to continue the activities of the Agricultural Research Service. It is no secret that improved production methods can lower farm costs and increase farm income. ARS has done an admirable job over the years in working with American agriculture to continue the research that is needed to provide new varieties of crops and to deal with the diseases and pests faced by our farmers. I am particularly pleased that the subcommittee was able to increase the amount of funds provided for sugar beet research. The $350,000 increase provided in this bill will go a long way toward helping all American sugar beet farmers toward reducing the expenses they face during a period of prices far below the cost of production. Two hundred thousand dollars of this increase will be used to conduct research on the utilization of cell and tissue culture techniques and pollen storage to accelerate genetic improvement of sugar beets. This research will be conducted at Michigan State University in East Lansing, Mich. Michigan is one of the prime sugar beet producing areas in our Nation, and I know the funds will be well spent by the very capable research staff at MSU.

I am very sorry, however, that we were unable to provide a larger increase in research efforts on dry beans. Mr. Edminster, the Administrator of the Agricultural Research Service, presented us with an impressive agenda of work to be done during our hearings, but in accordance with the recommendation of the National Dry Bean Council that we not increase funding in this area for fiscal 1978, the subcommittee used the general increase in research funds for other crops.

The programs offered by the extension service are very important to our farmers and consumers alike. The extension service offers programs as diverse as development of marketing programs, the 4–H Clubs of America, and urban gardening. It is a very difficult decision to not allow the level of increase in extension funds that can be effectively used, but within our restrained fiscal position, we were only able to offer an increase over the request sufficient to allow the extension service to continue its operations and fiscal 1977 levels. Nonetheless, even this limited increase is an important one since it sustains our very effective nutrition aides program and allows for the continued growth of our 4–H Clubs in urban areas.

Funds provided to the Commodity Credit Corporation can be the most important funds we provide in some years. These funds are used to provide stabilization and protection of farm income for those crops that may be facing unusual decreases due to world market pressures. Efforts may be made later today to restrict the use of these funds under President Carter's price support proposal for domestic sugar beets and cane. That effort must be unalterably opposed so that we may avoid the possibility of legislating against a program in an appropriations bill before both USDA and the President have had an opportunity to finalize its design. Such action is certainly premature, and detrimental to any efforts that will be made later this year by our colleagues on the House Agriculture Committee to deal with the problems that have resulted since the House failed to extend the Sugar Act 3 years ago.

Title II deals with programs to help the growth of rural communities. These programs become more important as Americans continue to move out of urban areas and into rural areas. Many of our smaller communities do not have the tax base that is needed to pay the full cost of community development, and the programs of the Farmers Home Administration are used for this purpose. As I said earlier, since our farmers often find it difficult to obtain credit from commercial lending sources, the Federal Government through the guaranteed loan programs of FmHA provides needed operating and ownership loans to our farmers. The subcommittee has provided a number of significant increases in these programs in order to allow our rural areas to continue their growth, and has restored the proposed cuts in many of the grant programs that are the only feasible source of funds for most rural areas to develop water and sewer programs, housing programs, and the like.

We have also provided several needed restorations in the Soil Conservation Serice budget. The proposed policy of "no new starts" in many of our river basin and watershed programs is completely out of line with congressional intent and the needs of rural America. Many projects have been started, and to cut the funds for the next step is simply a waste of funds previously expended which the Congress and the Nation cannot afford.

Title III is the section of the bill which provides by far the most money, and is entirely for the American consumer. This section of the bill funds the food stamp program, the school lunch and breakfast programs, special milk, and all other nutrition programs for every American to ensure that each person has the opportunity to get the nutritious food that we all need.

I was very pleased that we were able to restore the proposed cuts in the special milk program. This program has proven its importance over the years, and any effort to cut this program is purely unconscionable. This year the subcommittee through an unfortunate set of circumstances was able to give thorough review of a very important program, the supplemental food program. The past administration had proposed that we drop this supposedly "duplicative" program, and the Carter administration was unable to provide the detailed review needed to restore the cut due to the press of out congressional budget deadlines. Information provided to the subcommittee by the Honorable LINDY BOGGS of Louisiana with respect to the operation of the program in New Orleans, and the detailed account provided to me by the good people responsible for Focus: HOPE in Detroit, clearly demonstrated that this program is needed and effective. We still face the problem of obtaining administrative funds for these programs through USDA, rather than through the Community Services Administration as is presently the case. I was recently encouraged by a letter I received from the distinguished chairman of the House Agriculture Committee, the Honorable TOM FOLEY, in which he indicated that the authority for the program is extended until 1981 and USDA is directed to provide 10 percent of the value of the commodities for the administration of the program under provisions of the comprehensive food stamp legislation currently before his committee. I hope our colleagues on that committee can complete their work in the near future so that we can end the administrative headache faced by the people who run these essential feeding programs. Funding for the supplemental food program will be $17.6 million in fiscal 1978. Title IV of this bill provides for our international agricul-

tural programs, including the very important food for peace program. Under the direction of the Foreign Agricultural Service, American agriculture has had the opportunity to expand its markets overseas to the point where our agricultural exports are a very important component of our balance of payments. Agricultural exports at a level of some $23 billion in fiscal 1976 continue to pay for the oil we import, preventing a drain on our balance of payments.

A very important factor of our review of the food-for-peace program is the committee's realization that in some instances the direction provided by Congress and the U.S. Department of Agriculture is being frustrated by decisions made by officials within the Office of Management and Budget to disapprove certain sales of commodities to foreign countries under title I of the program. This was characterized earlier this year by an OMB decision to disapprove a sale of dry beans to Zaire and Lebanon, even thought Secretary Bergland personally endorsed the sale. The provisions of the committee report direct USDA to report to all appropriate committees of the Congress the stated reasons for the disapproval of any sale under Public Law 480. It further states that any commodity, whether it is a price support commodity or not, is eligible for sale under this program. In this fashion we hope to restore congressional control to the expenditure of funds in line with the intent of Congress. Chairman MAHON has personally assured me of his interest in this matter, and we will be working together in the coming months to resolve the problems we face in these sales.

The final title of this bill provides funding for the Food and Drug Administration, including a special appropriation for FDA to do its own research on the potential dangers of saccharin. Everyone of us here knows what impact the ban of saccharin will have on diabetics throughout this Nation, and we cannot afford to go that route until we know for a certain fact that the substance in commonly used amounts is, in fact, harmful.

Mr. Chairman, I am pleased to have been a member of the subcommittee which has worked long and hard on the bill before us today. I realize that we could not fund every legitimate request before the subcommittee, and I quite honestly wish we could do more. But given the realities of our budget limitations, I am convinced that we present you today with a bill which will sustain the growth of American agriculture, and will continue to provide Americans with a food supply second to none.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to our colleague, the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I thank the gentleman from North Dakota for yielding this time to me.

I want to commend this committee for doing what it historically does—taking care of the interests of rural America.

If I might have the attention of the gentleman from Mississippi (Mr. WHITTEN), there is, however, one part of the committee report that I would like to ask the gentleman to comment on. I am referring to page 71 of the report where the committee is dealing with the Farmers Home Administration and what is referred to here as "formerly identified as the Rural Development Service."

The reason for my asking this question is that I am interested as the ranking minority member of the Subcommittee on Family Farms, Rural Development, and Special Studies of the Committee on Agriculture. The chairman of our subcommittee, the distinguished gentleman from Minnesota (Mr. NOLAN), is here as well, although I have not spoken to him about this matter.

I am wondering if the committee chairman could give us, No. 1, the rationale for this language, and, No. 2, an explanation as to whether the rules of the House permit referring to the Rural Development Service as "formerly" the Rural Development Service, thus, for all practical purposes abolishing the Service as a separate entity.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I presume that the rules do permit it. I have no reason to say otherwise.

May I review briefly the history of this? Several years ago we had before us the recommendation, which was in the form of a bill and was reported to the House, to set up a rural development program. Someone in the Department sent me a copy of it. The bill was on the floor. So I had a copy of the recommendations and the justification for the bill from the Department which an individual had passed on to me.

I took it to the then Speaker and to the then chairman of the legislative Committee on Agriculture and showed them that those sponsoring this measure at that time, which was some years ago, said that they needed 5,000 additional people, that they did not have people then trained to deal with rural America. They said they would have to replace the Farmers Home Administration, the Soil Conservation Service, the FHA, the Extension Service, and all the rest.

I made no recommendation. I just pointed that out to the then Speaker and to the then chairman of the legislative Committee on Agriculture; and they withdrew the bill. Of course, there was a whole lot of publicity saying that I had killed the rural development bill. I had not done anything except to show them what the sponsors advocated.

Therefore, when our subcommittee met to offset the fact that, as chairman of the subcommittee, I had made that point, we set up this little item of the Rural Development Service. That was set up by our subcommittee and, in turn, it was set up for the purpose of bringing together the various programs that various departments concerned with rural development had that would be helpful to rural areas. It was set up without legislation, by the subcommittee, and approved by the Congress as recommended. This group that we had was set up in connection with the problem that I have pointed out.

I have personally been somewhat disappointed at times with whether they made any real contribution.

Following what I just related, with this matter being carried on through the years, we did pass the Rural Development Act; but it was my view then and it is my view now that nearly everything in that act is presently within the jurisdiction of the Farmers Home Administration.

As the gentleman will realize, our subcommittee several times has recommended to the legislative committee that the name of the Farmers Home Administration be changed so as to more truly portray the fact that it really should be the Rural Development Administration. It has jurisdiction over 16 or 18 major functions which go to rural development, so it would be better to have a little group set off here on the side, where its biggest work should be, to help the Farmers Home Administration, which has the program jurisdiction. I have felt for some time that it should be in its proper place, and that is as a part of the Farmers Home Administration.

Therefore, we certainly are within our rights to put it in the report. Whether it was wise to have done so is a matter of opinion; but I certainly want to keep the activity going. However, its work will still be in connection with the Farmers Home Administration, which has the money, the personnel, and the programs plus the obligation.

Mr. GRASSLEY. Is the gentleman satisfied that we will be able to pinpoint responsibility and that there is somebody in the Department of Agriculture assigned the responsibility of coordinating the activities?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GRASSLEY) has expired.

Mr. ROBINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. GRASSLEY. As I was saying, Mr. Chairman, is the gentleman satisfied that we will be able to pinpoint responsibility and that there is somebody in the Department of Agriculture assigned the responsibility of coordinating activities in all of the various departments which affect rural America in order to see that the farmers or people living in rural America are getting a fair shake through these other departments?

Mr. WHITTEN. If the gentleman will yield, may I say that I feel the head of the Farmers Home Administration should do just what the gentleman says. I point out that this little group has never had that authority. They are just a paper-writing, news-distributing group, and their jurisdiction and responsibility have not gone to coordinating the program; they merely tell people about it.

Therefore, I would like to see the Farmers Home Administration take that responsibility. I want to repeat again that this little group has never had that authority, nor has it fulfilled that function. They have brought together the information and distributed it.

Mr. GRASSLEY. Mr. Chairman, I thank the gentleman.

I wrote to the Secretary of Agriculture on this point, and I have a letter saying that he is opposed to this approach and that he expects to emphasize rural development. I got the impression from his letter that he expects to do that through a separate service of the Department.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GRASSLEY) has again expired.

Mr. WHITTEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. In response to the gentleman's last statement, Mr. Chairman, I might say that the Secretary will have to get up early and stay up late if he wants to go any further in that direction than this subcommittee has.

I have the highest regard for the Secretary, but I would like to call the attention of the gentleman that under the reorganization plan in 1953—I believe that was the year in which it was passed—the Secretary of Agriculture has authority to delegate additional authority to various groups, and he has authority to give this group more authority than it now has under existing law.

Mr. GRASSLEY. Mr. Chairman, I thank the gentleman.

Mr. CORRADA. Mr. Chairman, I fully support the aims of H.R. 7558, the fiscal 1978 appropriations bill for the Department of Agriculture and related agencies. I would like to particularly endorse title II, which provides funds for rural development and assistance, including funds for the Farmers Home Administration, the Rural Electrification Administration, the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

Over the years these programs have provided a much needed impetus to our agricultural sector in Puerto Rico. In 1976, $94 million was allocated to Puerto Rico, and $34 million added for the transition quarter. It is estimated that funding will reach $156 million in the current fiscal year, and $142 million for fiscal 1978. The loan program to farmers provided $8.2 million in fiscal 1976, with $2.5 million for the transition quarter. Current funding will total somewhat less, at $5.3 million. Rural housing programs represented $47.9 million in fiscal 1976, $26.4 million for the transition quarter. This will increase to $91.4 million for fiscal 1977 and $90 million for fiscal 1978. Another program of Farmers Home, the community services program, which provides services in rural areas such as water and sewer, was funded for Puerto Rico at a level of $20 million in fiscal 1976, with $7 million for the transition quarter. For fiscal 1977 funding will be $44.5 million. Finally, $16.8 million was allocated for business and industrial development loans, with $1.8 million for the transition quarter, in fiscal 1976. Next year's funding for these purposes will be $12.6 million.

Another USDA division, the Rural Electrification Administration just last year approved a $25 million loan to the Puerto Rico Telephone Co. to expand telephone service in the Caguas exchange.

The USDA Soil Conservation Service has been involved in several major activities in Puerto Rico, involving land treatment, flood prevention, agricultural water management, and related watershed projects. There are currently three projects in operation, namely the Rio Afiasco Watershed, Oeste, Culebrinas, Sur and Suroeste Soil Conservation Districts; the Río Guayanés Watershed, Este Soil Conservation District; and the Bajura Watershed, Rio Guanajibo, Oeste and Suroeste Soil Conservation Districts.

Two projects have been approved for planning, the Río Maunabo Watershed, Sudeste Soil Conservation District, and Yaurel Watershed, Sudeste Soil Conservation District. Another watershed application has been approved and is in a preliminary investigation stage. This project is the Río Culebrinas Watershed, Culebrinas and Noroeste Soil Conservation District. In addition, the El Caribe RC&D project application has been submitted to Secretary Bergland for planning authority. This project will stress land use planning, stabilization of critical erosion areas, water resource planning, flood prevention, and efficient water use.

In addition to title II, I also fully endorse the funding for the various feeding programs, including the WIC program and the special milk program for our Nation's schoolchildren. In a nation such an abundance of food, it would be unconscionable to allow our citizenry to go hungry. These programs are part of our commitment to this notion.

Mr. GIAIMO. Mr. Chairman, H.R. 7558, the Agriculture and related agencies appropriations bill for fiscal year 1978, provides $12,659 million in budget authority and $11,495 million in outlays.

The subcommittee allocation under the budget resolution targets is $13,974 million in budget authority. Of this amount, $1,319 million is automatically available through permanent legislation. Therefore, budget authority exceeds the allocation by $4 million.

Outlays are $13,768 in the budget resolution for this bill. However, $2,109 of this amount will be spent from prior year appropriations. This means that the bill as reported is less than the outlay allocation by $164 million.

Using congressional scorekeeping methods this bill is $258 million less than President Carter's recommended budget authority.

Additional appropriations by the subcommittee could cause the allocation to be exceeded. If the Congress adopts the omnibus farm bill now reported by the Agriculture Committee and the Appropriations Committee reports a supplemental for a larger agriculture research effort, budget authority would exceed the allocation in the budget resolution.

This bill represents some shifting between spending priority functions within the subcommittee allocation. Budget authority for the income security function will be higher than the Budget Committee assumed, while the agriculture function programs would receive less. Income security outlays are estimated the same as the first budget resolution because the Appropriations Committee directs that no less than 7 percent of the appropriation be held in reserve.

The current overage, in total budget authority, only, is not significant relative to the size of this appropriation bill. The $4 million is 3 percent of the subcommittee allocation.

I congratulate the gentleman from Mississippi for bringing this difficult bill to the floor in such a timely manner.

Mr. VANIK. Mr. Chairman, for some time, I have been concerned about forms of improper competition in world trade. Not only do unfair trade practices create disputes among nations, but I believe that they often cancel each other out, resulting in considerable activity among the world's governments with little net gain for anyone. While not patently a form of unfair competition, I have also wondered whether export promotion activities of the Departments of Commerce and Agriculture have any favorable cost/benefit ratio. In particular, I do not understand why the United States, which is in such a dominant position in the world's agricultural trade, needs to promote the Nation's farm products. It is a little bit like Saudi Arabia advertising the benefits of its oil—or to mix energy sources, it is like carrying coal to Newcastle.

In reviewing some of the testimony of the Department of Agriculture's foreign agricultural service in the fiscal year 1977 hearings, I noticed that the statistics they provided, do not seem to match with other statistics on the volume and value of U.S. agricultural exports. Therefore, during the past several months, I have asked staff to study the accuracy of FAS statistics.

I believe that the Department has been submitting erroneous data to the Congress to justify its FAS program. The errors are so gross that they either demonstrate incompetence or outright deceit to the Congress. I have referred these issues to the committees involved, and I would hope that the Appropriations Committees would take the Department to task for the quality of these budget presentations.

Second, since the Department has gone to such exaggerated lengths to justify the program, it raises serious questions on whether there is really a favorable cost/benefit ratio, or whether the public would not be better served by curtailing the appropriations for this program. I hope that the errors in the Department's presentations will cause the Appropriations Committees to ask new, hard questions about the worth of this program.

I would like to take a few minutes to describe some of the problems which we found with some of the fiscal year 1977 statistics provided to the Congress.

On page 466 of part 4 of the Agriculture and Related Agencies Appropriations for 1977, it states that "U.S. cattle find new market in Hungary." Yet the 1975 Calendar Year U.S. Foreign Agricultural Trade Statistical Report and the 1976 fiscal year report show a decline in cattle sales.

The question arises, Which is correct?

The Administrator of FAS made the

following statement at the agency's fiscal year 1977 appropriations hearings:

U.S. Cattle Find New Market in Hungary. Promotional activities and technical and trade servicing activities in Hungary enabled the Holstein-Friesian Association to complete its largest sale to a single country last summer, 6,300 head of cattle. Holstein-Friesian Services, Inc., the export arm of HFA, is now the largest air shipper of cattle. HFS now ships nearly 1,000 cattle per month by air. As a result of market development activities, sales increased from 1,799 head in 1971 to 8,500 in 1974 with 5,000 shipped during the first six months of 1975.

In looking at other departmental statistics, I noticed discrepancies. Two agencies within the Department of Agriculture compile export statistics for livestock—the Economic Research Service, ERS, and the Animal and Plant Health Inspection Service, APHIS.

Representatives of both USDA agencies provided the following statistics on live cattle exports to Hungary.

Calendar year	ERS	APHIS
1972	775	765
1973	2,911	2,957
1974	3,618	4,983
1975	3,031	3,223
1976	597	1,245

Note that the quantities provided by ERS are actual figures obtained from the Department of Commerce. Quantities reported in statistical reports are rounded to nearest 1,000 head.

The Economic Research Service publishes import and export statistics on agricultural commodities in "U.S. Foreign Agricultural Trade Statistical Reports." These statistics originate in the Department of Commerce and are used in official U.S. balance-of-trade statistics.

An ERS official said that statistical information originates with customs declaration forms at the port of export. A statistical copy of the form is sent to the Bureau of Census tabulation center where it is entered on computer tape. ERS purchases the tape and extracts from it agricultural data. He added that commodities shipped from inland ports are particularly susceptible to error. Between 1973 and 1976 most cattle exports were shipped from inland ports.

APHIS veterinarians are responsible for examining livestock prior to export to insure that only healthy animals leave the United States. APHIS compiles statistics on livestock examined and shipped overseas. According to officials of the Foreign Agricultural Service, APHIS statistics are considered to be more reliable than those compiled by ERS.

Although two USDA agencies compile export statistics for live cattle, I was surprised to learn that the information presented by the Foreign Agricultural Service to the Appropriations Committee was obtained from yet other sources. The testimony states, in part, that the Holstein-Friesian Association of America, HFAA, completed a sale of 6,300 head of cattle to Hungary in the summer of 1975. HFAA is a FAS foreign market development cooperator representing Holstein-Friesian cattle breeders. This figure is not correct. Officials of Holstein-Friesian Services, Inc., HFS, the wholly owned export sales subsidiary of HFAA, told us that only 3,236 cattle were sold to Hungary during all of 1975. FAS officials could not provide any documentation to me to support the 6,300 figure.

The remainder of FAS' testimony on cattle sales to Hungary was taken from an article in a FAS publication. The author of the article said that the export figures quoted in the magazine, Foreign Agriculture, were based on cattle sales by one exporter, HFS, to all countries, not just Hungary. Therefore, this portion of FAS' testimony is misleading since it implies that HFS cattle sales to Hungary alone were about 1,000 head per month, or 12,000 per year. HFS officials said that its cattle sales to all countries in 1975 and 1976 were less than 12,000 head. The testimony further suggest that HFS sold 1,799 cattle to Hungary in 1971 and 8,500 in 1974. According to a HFS representative, it did not sell any cattle to Hungary in 1971 and only 5,093 head in 1974. Total HFS sales to all countries during those 2 years were 2,691 and 8,389 respectively. While these statistics not only do not represent sales to Hungary, they likewise do not accurately reflect sales to all foreign markets.

The "success story" on cattle sales to Hungary is both inaccurate and misleading. The way in which this testimony was prepared suggests a disregard of elementary standards of quality control in that:

Exports of cattle to worldwide markets were placed in a context suggesting exports to a single country.

Government export statistics were disregarded in favor of the sales figures of one private U.S. exporting firm.

The completion of a sale to Hungary during the summer of 1975 was altogether erroneously reported.

In another case, on page 466 of the fiscal case 1977 hearings, the FAS boasts of its increase in rice sales to the Middle East. While the data on pages 121 and 125 of the Statistical Reports, 1975 and 1976, respectively, show an increase in calendar year 1975, they show a dramatic decline in 1976.

One might ask, if it truly were the work of the FAS which helped to contribute to the fiscal year 1975 increase, was it also the work of the FAS which contributed to the fiscal year 1976 decline?

The FAS testimony states:

Rice Council Activity in the Middle East. The Rice Council for Market Development, working closely with Agricultural Attaches in Tehran and Beirut, has effectively contributed to the dramatic increase in exports of American rice to the Middle East. Sales of American rice to the Middle East reached 702,556 tons during fiscal 1975—over 3 times that of the preceding year—and accounted for nearly one-third of total U.S. rice exports.

The Department of Agriculture's Economic Research Service, ERS, reported U.S. rice exports to the Middle East between fiscal years 1970 and 1976 as follows:

U.S. rice exports

[In metric tons]

Fiscal year:	
1970	102,308
1971	65,335
1972	109,985
1973	121,018
1974	150,455
1975	[1] 698,823
1976	423,862

[1] This figure is lower than the one reported in FAS' fiscal year 1977 testimony. ERS' fiscal year 1976 *Statistical Report* reported a lower figure than did its fiscal year 1975 report.

As shown in the table, U.S. rice exports to this area have increased considerably in the last 2 years. Two countries, Iran and Iraq, accounted for the major part of this increase as shown in the following table.

U.S. Rice Exports

[In metric tons]

Fiscal year:	Iran	Iraq
1970	0	0
1971	10	0
1972	13,182	0
1973	40,289	0
1974	20,399	8,999
1975	461,261	109,856
1976	173,474	80,733

Iran and Iraq accounted for about 82 percent of U.S. rice exports to the Middle East in fiscal year 1975 while their share fell to about 60 percent in fiscal year 1976. FAS officials told my staff that while exports to these two countries fell in fiscal year 1976, it is important to note that they were substantially higher than in fiscal year 1974. In spite of the fiscal year 1976 decline, FAS believes that the United States has captured a major share of the Middle Eastern rice export market. Officials of its market development cooperator, the rice Council for Market Development, Rice Council, told us that U.S. export to the two countries, are still continuing at a high level. According to these officials, between August 1976 and May 1977 exports to Iran and Iraq have already amounted to 401,000 and 60,00 metric tons respectively.

REASONS FOR THE INCREASE ON RICE IMPORTS BY IRAN AND IRAQ IN FISCAL YEAR 1975

FAS officials told us that neither they, nor the Rice Council were responsible for the surge in Iranian and Iraqi demand for rice in fiscal year 1975. FAS does, however, claim some credit for channeling this demand to U.S. rice, and away from our principal competitors.

As for Iraq, a FAS official said that construction of a dam on the Euphrates River by the Syrians resulted in a decline of available irrigation water downstream in Iraq. Iraq's rice production declined as a result, necessitating an increase in imports. According to the Rice Council, Iraq's efforts to alleviate the short water supply will take years to complete.

In 1974–75 the FAS' agricultural attaché in Iran gave the following reasons why Iran increased rice imports:

Domestic production fell in 1973 due to bad weather and crop disease,

Consumer incomes were rapidly increasing, thus increasing demand,

The government was subsidizing the retail

price of rice at artificially low levels, thus increasing demand.

FAS officials told us that for these reasons, the two countries overbought in 1975. As a result, they had larger than normal carryover stocks at the end of the year and needed to buy less rice in 1976.

The agricultural attaché in Iran at the time of its 1975 buying spree told us that he was partly instrumental in channeling Iranian demand to U.S. rice and away from our competitors.

During the 1973–75 period, the Rice Council did not carry out any FAS funded market development activities in Iran or Iraq. The Rice Council's only FAS funded promotional activities during the period were in Arabic speaking Middle East countries such as Saudi Arabia, Kuwait, Lebanon, Syria, and Jordan. Iran is a non-Arabic speaking country. These activities were a press service campaign which distributed promotional materials such as rice literature, photos, and recipes to the media, business, professional, and educational organizations; and distribution of an Arabic language "American Rice" cookbook to rice firms in Lebanon and Saudi Arabia and at an exhibition in Syria.

Rice Council officials have, however, made annual visits to Iran since 1968. These trips were not funded by FAS. These officials told us that while formal FAS funded market development was not responsible for Iranian or Iraqi purchases of U.S. rice, they emphasized that their own efforts helped persuade U.S. rice millers and exporters to exploit the sudden increase in Iranian and Iraqui demand. These officials said that, in part, it was the quick response by U.S. exporters, the Rice Council, and the FAS attaché in Tehran which shut out our competitors. A Rice Council official put it this way:

We were there, and our competitors were not.

Additionally, Rice Council officials told us that for the most part the United States was the only source for the quantity and type of rice desired by these two countries.

CONCLUSION

This FAS success story is misleading because it fails to note that most of the "dramatic increase in exports * * * to the Middle East" was to Iraq and Iran. This is significant because there was no FAS funded market development program in these two countries. The promotional activity of the Rice Council in Iran was with their own money.

In its testimony, FAS used a private activity to support a public program. What a cooperator does with its own money does not appear to be a relevant justification to support the FAS market development program.

We analyzed another claim made by FAS in their fiscal year 1977 testimony. FAS made the following claim:

Soybean Exports to Taiwan Increased 50 percent. U.S. exports of soybeans to Taiwan increased almost 50 percent in FY 1975 from the previous year. The American Soybean Association (ASA) has actively promoted increased sales of U.S. soybeans to Taiwan through such trade servicing activities as visits of U.S. feed and livestock technicians to Taiwan and cooperation on feed mill technician training. Both activities encourage improvements in Taiwan's livestock feeding techniques by teaching the benefits of using soybean meal as a low cost high efficiency feed ingredient in the livestock rations. These visits allow for one-to-one consultations in the plants and the development of end products suited to Taiwan's conditions.

According to ERS statistics soybean exports actually declined in fiscal year 1975, however, an FAS official told us that the reference to "fiscal year 1975" in this success story is an error. The reference should have been to calendar year 1975.

According to USDA figures, U.S. soybean exports to Taiwan were as follows from 1970:

[In metric tons]

Calendar Year (CY):	*Soybean Exports*
1970	586,033
1971	533,900
1972	636,986
1973	600,694
1974	491,815
1975	911,626
1976	695,242

The decline in soybean exports to Taiwan in calendar year 1974, and subsequent increase in 1975, was independent of FAS-sponsored market development. Association documents and FAS officials gave the following reasons for the 1974–75 export pattern:

The June 23 to September 20, 1973, embargo on soybean exports. According to an FAS official, the embargo caused considerable ill feeling among Taiwan importers. They tended to keep their purchases to a minimum since the United States seemed to be an unreliable supplier.

An economic recession in Taiwan in 1974 caused a decrease in demand for soybeans.

The association described the 1975 increase in export volume as a "surprise" and offered the following analysis:

Under a free market situation without any emergency control as occurred in 1973–74, continued low interest special loans for imported soybeans provided by the government, plus declining world soybean prices, were credited as factors boosting soybean imports to an unexpected record volume during CY 75.

It is important to note that the association does not claim that market development had anything to do with the calendar year 1975 increase—an increase which it termed "unexpected."

CONCLUSION

By juxtaposing the calendar year 1975 export figure with a description of the market development activities of its cooperator, the American Soybean Association, FAS has, perhaps unwittingly, claimed a causal connection between the two. An FAS official said that it was probably misleading to imply that the export volume for any given year is the consequence of market development activities which may have only an incremental although cumulative effect on volume after many years of promotional effort.

OVERALL CONCLUSIONS

FAS, by juxtaposing statements about the quantity of commodities exported in fiscal year 1975, with descriptions of its cooperators' market development activities has, perhaps unintentionally, implied a cause-effect relationship between these activities and exports. This was misleading because:

Although the effect of cooperator market development activities may increase our exports over the long run, FAS cannot quantify this effect either in a particular year, or over time.

Short-term demand and supply conditions in various countries have more impact on our exports in a particular year, than does a market development campaign.

In addition, as described in the cases reviewed, FAS testimony was often misleading due to errors in facts presented. For example, incorrect quantities were reported in one case, while in other instances the increases in U.S. exports of commodities resulted from factors having nothing to do with cooperators' market development activities, or occurred in countries where there were no such activities.

Mr. ALEXANDER. Mr. Chairman, during the 5 years since the enactment of the Rural Development Act a combination of executive hostility to full implementation and insufficient congressional effort toward reordering priorities has slowed attempts to turn the promise of this broad ranging, landmark legislation into performance.

Some progress has been made; but, there is still a long way to go to reach the objective of revitalization of small countryside communities, towns, and cities.

Budget restraints keep this appropriations bill from being what all of those of us concerned with the future of the Nation's countryside would like to have achieved. It, nevertheless, contains significant steps forward. Loan levels for community development and farm operating programs are generally higher than in the past. Grant programs have been restored and/or increased.

I believe the harvest from this bill will be economically and culturally stronger communities better able to provide more numerous and attractive job opportunities. This has always been a major concern for countryside communities and in times of higher unemployment, such as now, the need to respond becomes even more urgent.

The progress evident in this bill has come through the leadership of our subcommittee chairman; and a coalescing of concern and active support of the Congressional Rural Caucus, CRC, the members of the House Committee on Agriculture, and the many nongovernment national organizations, with nonmetropolitan concerns, that provide assistance through the CRC advisory team.

Foundations for the potential progress through this bill have long been laid. We must move more rapidly with the building.

Through this bill we propose to help the administration make better use of proven loan and grant program, administered by the U.S. Department of Agriculture, through increasing the fi-

nancial resources available to them. This is necessary to accommodate the rapidly expanding credit needs of the individual citizens and the communities of our Nation.

Using the Federal and private institutions already in place across the Nation we can stimulate generation of jobs at a profit to the taxpayer. The result will be increased tax revenues as a result of increased, or new, wages and salaries as well as profits from business, industrial, and farming enterprises.

The programs which we are strengthening through increasing the available resources are some of the most economical, effective, expeditious, and beneficial mechanisms available for countering problems of unemployment and underemployment, as well as economic instability. Depending heavily on repayable loans with modest grant assistance, these programs put a minimal strain on the Federal Treasury.

U.S. Department of Agriculture data show that in fiscal year 1976 and the transition quarter the Farmers Home Administration made 244,208 loans valued at $6,903,633,762 and made 1,433 grants valued at $287,286,196. It is estimated that with this loans and grants FmHA activity created or saved 1,055,728 private sector jobs.

The loans are repayable and do not appear in the budget as outlays unless a loss is experienced or an interest subsidy is paid.

The decade-long migratory trend from rural to urban places has, in recent years, been arrested and reversed. People are leaving the metropolitan areas in unprecedented numbers. These people need jobs, housing, and community facilities when they get where they are going.

Small communities do not have the resources to cope, alone, with the problems arising from sudden, large increases in population. The programs authorized by the Rural Development Act, if fully implemented, can meet the needs of these communities and at the same time, help solve the national unemployment problem. And, history tells us that this can be done at a net profit for the taxpayer.

Mr. BEDELL. Mr. Chairman, as we engage in consideration of the Agriculture appropriation bill for fiscal year 1978, I would like to commend the Appropriations Committee for its foresight in providing funding for research into Aujeszky's disease, commonly known as pseudorabies.

The amount designated for this purpose is $300,000, the same amount specified for such research in the fiscal year 1977 supplemental appropriation bill. This additional funding for fiscal year 1978 for research into this deadly livestock killer is timely and necessary as the disease is spreading rapidly.

Though few in the general population have ever heard of pseudorabies, the small and, unfortunately, growing numbers of pork producers who discover that their herds are afflicted know all too well the hazards of this fatal disease, which causes death in all affected newborn pigs and fetal death with abortion in pregnant swine. The undeniable trend is toward a rising incidence of the disease. If allowed to continue uncontested by research and appropriate control and eventual eradication efforts, the problem will only grow more serious.

Consider the following estimates of State-by-State herd contamination which were compiled by the Veterinary Services—Animal and Plant Health Inspection Service—USDA—last March:

Pseudorabies incidence in swine

State	1974	1975	1976
Alabama	1	0	5
California	0	5	5
Florida	1	1	1
Georgia	3	5	16
Illinois	3	8	75
Indiana	40	59	116
Iowa (Iowa Agriculture Department)	31	48	250
Kansas	15	20	30
Maryland	0	0	2
Minnesota	0	4	11
Montana	0	0	1
Missouri	1	10	20
Nebraska	15	21	33
North Carolina	0	1	1
Ohio	0	2	2
Oklahoma	0	0	1
Pennsylvania	1	0	0
South Carolina	0	0	1
South Dakota	12	33	148
Tennessee	0	0	2
Texas	1	7	13
Wisconsin	1	1	3
Wyoming	0	0	3
Totals	125	225	739

Mr. Chairman, this ominous tally, which many knowledgable people feel is a conservative estimate of the scope of the problem, clearly illustrates that pseudorabies does not recognize the limits of State boundaries. It adheres to no quotas. It will arise wherever, whenever, and however it can.

I believe that it is imperative that we determine the true nature and extent of the killer, and that we act to defeat it.

By providing research funding in the fiscal year 1978 USDA budget, we are taking another important step toward the first, very basic goal of understanding the enemy. As I stated in testimony before the House Appropriations Committee's Subcommittee on Agriculture this past March, it is far wiser to provide adequate funding now, in the fiscal year 1978 budget, than to spend more dollars later and risk greater economic hardship for producers, as well as suffering for swine, cattle, dogs and other species of domestic and wild animals which are also susceptible to the disease.

Toward the second, equally important goal of establishing an effective program for the control and elimination of pseudorabies, the USDA's Animal and Plant Health Inspection Service, APHIS, after extensive public and professional discussions, has very recently proposed regulations which would phase-in standards involving a certification program and rules on interstate transportation of swine for breeding or feeding purposes. These rules and regulations are designed to insure that USDA would work with the States to set up and maintain a control program leading to eventual eradication.

It is my understanding that APHIS estimates that it will need $1.55 million to cover the costs of this control program. That is separate from the $300,000 which is already included in the fiscal year 1978 agriculture appropriation bill for the pseudorabies research activities of the Agricultural Research Service. It was most unfortunate, although unavoidable, that the USDA announced its control proposal after the House Appropriations Committee had already completed its work on this appropriation bill, thus leaving no time for proper and thorough consideration of funding for APHIS' control proposal.

Nevertheless, I think that it is important to recognize the distinction between our research effort, and proposals for control and eradication of the disease. In my view, we should conduct our campaign against pseudorabies on two fronts—by providing adequate funding for research on the causes and effects of the disease and by establishing a responsible and effective program to eliminate it. These are two separate issues.

I am pleased that the Committee has included funding for research on pseudorabies in the fiscal year 1978 agriculture appropriation bill, and I urge support for this appropriation. But, beyond that, I hope that the Senate and the House will work with the administration to create a pseudorabies control program, and that this effort will be conducted in a timely, constructive and equitable manner. I will certainly do all I can to contribute to that end, and I hope that my colleagues in the House will be aware of the pseudorabies problem and be receptive to the congressional effort to solve it.

Mr. GRASSLEY. Mr. Chairman, I just want to express some concern at this point about a recommendation in this bill concerning the Rural Development Service and the rural development coordination activities mandated by section 603 of the Rural Development Act of 1972. The responsibility for carrying out these activities was delegated by the Secretary of Agriculture to the Rural Development Service in 1973. Language in the report on H.R. 7558 suggests that the Rural Development Service now be eliminated, and recommends that the Farmers Home Administration be required to assume the section 603 responsibilities.

I certainly respect the views of the gentleman from Mississippi, the chairman of the Subcommittee on Agriculture and related agencies, but I have some serious problems with this recommendation. First, I question whether this kind of reorganization should be attempted in an appropriation bill. Our Subcommittee on Family Farms, Rural Development and Special Studies will be taking a look at rural development programs and policy later this year, and the administrative structure of the rural development effort at the Federal level will, of course, be a part of that consideration. The other body is in the process of doing this right now and, in fact, the counterpart of our subcommittee in the other

body issued a report in March recommending that the Rural Development Service be maintained as a separate agency within the Department of Agriculture, and that the RDS Federal assistance program retrieval system, the National Rural Development Information System and the National Rural Development Leaders School be continued and expanded. I believe we need to take a good look at this whole issue and make our recommendations on the basis of our own evaluation of rural development needs, taking the findings of the other body into consideration. It would be premature to carry out the suggestions in the report on H.R. 7558 before such an evaluation is made.

In addition, I want to point out that the administration opposes this proposed merger of the Rural Development Service with the Farmers Home Administration. I wrote Secretary Bergland about it last month, asking for his views on the matter, and I wish to include his response in the RECORD at this point.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 3, 1977.

Hon. CHARLES E. GRASSLEY,
House of Representatives,
Washington, D.C.

DEAR CHUCK: Thanks for your letter of May 5, 1977, expressing your concern about the Whitten Subcommittee recommendation to merge the Rural Development Service (RDS) with the Farmers Home Administration (FmHA).

Because of my commitment to this Administration's principle of cooperation and coordination of governmental programs, the Department is not recommending the proposed merger. We believe that the interests of rural people are better served by having an independent agency to oversee the activities of some 42 departments and agencies that can provide assistance in rural development. Through the working relationships that RDS has developed with executive branch program managers and policymaking officials, we are able to ensure that rural people have access to a fair share of the available resources. These are necessary components to a successful rural development effort.

The Rural Development Service has no funded programs of its own to administer. This places the agency in the unique position of being the only agency in the federal government that can direct its attention to and provide information on the broad range of resources available to rural communities throughout the government and the private sector. To merge RDS with a program agency, such as FmHA, would not only be detrimental to the interests of rural people but would impair our capacity to carry out the mandate of Section 603 of the Rural Development Act.

You will be interested to know that I strongly support the intent of Section 603 of the Rural Development Act and am in the process of fully implementing existing regulations to revitalize cooperation with those branches of government which can assist with the development of rural America. It is my hope that they will willingly cooperate in the fulfillment of both the spirit and the letter of the Rural Development Act of 1972.

I look forward to working with you and other members of Congress in establishing a comprehensive and coordinated approach to the development of rural America.

Sincerely,

BOB BERGLAND,
Secretary.

The Secretary says:

To merge RDS with a program agency, such as FmHA, would not only be detrimental to the interests of rural people but would impair our capacity to carry out the mandate of Section 603 of the Rural Development Act.

In light of the Secretary's strong feeling on this it certainly should be reconsidered before action is taken that might be regretted later.

It may well be that our rural development effort should be restructured. There may be better ways of approaching the needs and problems of rural areas about which we are all so concerned. But we need to look at the whole picture from the standpoint of the basic authorizing legislation, rather than trying to change one part of it through the appropriation mechanism. The views of the distinguished chairman, the gentleman from Mississippi, are not shared by all of his colleagues in the House, and I would hope the USDA would look upon the language in this report as a suggestion only, for their consideration, rather than a legislative mandate that must be carried out.

Mr. AMMERMAN. Mr. Chairman, this bill will provide funds in fiscal year 1978 for a wide variety of worthwhile programs and activities in the agricultural sector. I would like to dwell on a few of them which are of particular interest to my district as well as the State of Pennsylvania as a whole.

The trend in Federal financial support for the State agricultural extention services has been a matter of special concern to Pennsylvanians, and I am sure to the citizens of many other States, for some years. The budget estimate for extension activities in fiscal 1978 has once again shown essentially no increase to enable the States to cope with effects of inflation. And this is one area in which the Carter administration chose not to recommend added funds in its February budget amendments.

I am gratified that our Agricultural Appropriations Subcommittee, as well as the full committee, has proposed an increase of $10.5 million over the administration's budget for the Extension Service. Of particular concern to my State is funding for the conduct of Extension activities through the land-grant colleges under authority of the Smith-Lever Act. For this area, in which the 1978 budget request was the same as the 1977 appropriation, the committee allocated $4.5 million of the $10.5 million increase. The committee also restored $1 million for rural development activities which had been eliminated from the budget, and it added $1.5 million to fund the Farmer-to-Consumer Direct Marketing Act of 1976, which had been excluded from the budget. In addition, the committee recommended increases of $3 million for the highly successful urban gardening program as well as $500,000 for the activities of the 1890 land-grant colleges.

I find the proposed $4.5 million increase in Smith-Lever funds to be particularly useful. In Pennsylvania some 57 percent of our extension budget is derived from Federal sources. The combination of constant budgets and the inexorable pressure of inflation have forced us, and I suspect many other States, to cut extension staff and services. This modest 3-percent increase is less than I would like but, hopefully, it will permit our State extension services to avoid further personnel cutbacks.

I must register one note of disappointment with the extension funding proposed in the bill. Once again, the committee has failed to recommend funding for the expanded forestry program.

I am convinced that greater emphasis on extension education in our forestry resources can pay real dividends. I am hopeful that the Senate will again include in its version of the bill the $5 million needed for this program, and that this time the funds can survive conference.

In two other areas, however, the committee has included funds which should improve our overall forestry program. The proposed appropriation for the cooperative State research services includes $9 million for cooperative forestry research, an increase of almost $800,000 over both the 1977 funding level and the 1978 budget request.

The committee has also restored to the bill $15 million for the forestry incentives program. Neither the Ford nor the Carter administrations had recommended funding for this program, which is designed to encourage the development, management, and protection of private nonindustrial forest lands and was authorized by the Agricultural and Consumer Protection Act of 1973. It is designed to provide technical assistance and long-term cost sharing agreements with private landowners and should be of real value in States with relatively large areas of undeveloped but potentially productive private forest lands.

The committee also restored funds for a variety of other programs which had been excluded from the revised budget. The $15 million for forestry incentives is part of a total of $67 million which has been put back in the bill for rural development.

For domestic food assistance programs, which utilize about 70 percent of the funds provided in this bill, the committee has restored $361 million. This amount includes $120 million for a program I find particularly deserving of mention, the special milk program. It is designed to increase consumption of fluid milk in primary and secondary schools, child care centers, summer camps and other nonprofit institutions. The increase in funding to $155 million, the level appropriated in 1977, will restore subsidized milk to children who attend school on split shifts, children who bring their lunch, as well as those who do not eat lunch at school, all of whom would have been excluded from the program under the administration's proposal. I believe the committee's action in this area reflects the important nutritional benefits which some of our children were obtaining from the fluid milk provided in this program.

Mr. Chairman, I have dealt with but a few of the many items that are funded in this bill. This should not be taken to imply a lack of interest in or support for the wide variety of important activities in the agricultural sector which will be financed under H.R. 7558. While this bill does not do everything we might want, it will finance a balanced agricultural

program that is within the budget resolution target for this sector. I believe it is deserving of our support, and I urge my colleagues to vote in favor of H.R. 7558.

Mr. PRESSLER. Mr. Chairman, one of my constituents wrote to me recently with the suggestion that we take the Department of Agriculture appropriations and give a direct payment to each farmer in the United States. He thought this would aid our farmers and rural Americans far more than the current Department of Agriculture programs.

My South Dakota constituent may have a point. Since coming to Congress, I have always advocated the need to promote a producer-consumer partnership in our country. All too often, American consumers are unaware of the costs of agricultural production and of the quality of life in rural America.

The appropriations measure before us today demonstrates this unawareness. As a member of the executive committee of the Rural Caucus, I am cognizant of Congress' unwillingness to fund programs aiding rural Americans. The Rural Caucus submitted a budget package to the House Budget and Appropriations Committees specifically for the needs of rural areas. Many portions of the Rural Development Act will once again go unfunded this next fiscal year—as they have since the act became law.

H.R. 7558 asks us to approve new obligational authority for the Department of Agriculture, yet only $2 billion of the $12.7 billion budget request is directly related to agricultural production and only $1.8 billion is for rural development. If this measure is supposed to reflect a producer-consumer partnership, it looks as if the producer is getting the short end of the deal.

Admittedly, producers benefit from the food stamp and school lunch programs, and other consumer-related programs within the Department of Agriculture. However, it appears that our priorities are out of order if we are appropriating approximately the same amount of money for the food for peace program as we are for rural development. The Department of Agriculture's budget reflects the direction of that agency's energies. 70 percent of the budget provides direct assistance to consumers, while the producers are only getting 30 percent of the budgetary pie.

It is my hope that we will soon see a greater understanding between rural and urban America.

Mr. WHITTEN. Mr. Chairman, we have no requests for additional time.

Mr. ANDREWS of North Dakota. Mr. Chairman, we have no requests for additional time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL GRAIN INSPECTION SERVICE

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109, $10,944,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

AMENDMENTS OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer two related amendments and ask unanimous consent that they be considered en bloc. One of them is the amendment that I am presenting and the other is to strike section 614, which is in a different section of the bill.

The Clerk read as follows:

Amendments offered by Mr. WHITTEN: Page 4, line 23; strike the period and insert "*Provided further*, none of the funds provided by this act may be used to pay the salaries of any person or persons who require non-export, non-terminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94–582 other than those necessary to fulfill the purposes of such act."

And strike section 614.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Chairman, at the time we were marking up the bill we were informed that several hundred inspectors were requested for the internal points of the United States. We on the committee were familiar with the fact that there had been some problems at the terminal markets at places of shipment abroad. At that time, it was not understood by the committee that there would be any need for additional inspectors in the interior part of the United States due to the fact that we were not aware of any problems there.

Subsequent to the markup on the bill, in which we wrote section 614 limiting the total number of personnel, we learned from our good friend from Iowa (Mr. SMITH) that under the new act, which was passed by the Congress and became law, that those employees of grain companies could no longer serve on a part-time basis as inspectors in the inland markets. Since that is true for many of the areas where they use these part-time employees who are identified with certain grain companies, it makes it necessary to provide additional people.

What this amendment does is to strike section 614 where we prohibit such people and then provide funds for inspectors, who will be limited to inspecting grain that goes into interstate commerce and into world trade. I think it is a sound position and a position that we have found necessary after we wrote the bill. I trust it will have the support of the committee.

Mr. ANDREWS of North Dakota. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from North Dakota is recognized.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would like to point out to the House that the concern of the committee was that our grain inspection be tightened up. This, after all, was the subcommittee that had inspectors going over to Europe to find out what was happening in weighing and quality control in our grain exports, to find out why our farmers were continually forced to be the residual suppliers in an international grain market. We found the abuses that were there, turned the information over to the Justice Department for prosecution and directed the Department of Agriculture to take steps to clean this up. However, some of the things that they did did not make much sense.

One of them was they wanted 471 employees in grain inspection in Washington, D.C. There is not a whale of an awful lot of wheat or corn or soybeans that moves through the port of Washington, D.C., and it does not make much sense to have 471 people in the Grain Inspection Service here. They ought to be out in the field doing what they are supposed to be doing.

This originally was part of our language saying let us put the people where they ought to be. The amendments that are now offered by the gentleman from Mississippi on behalf of the committee strengthen that resolve and point out that these people in the field should be working on export grain and in terminal elevators but should not be putting an unnecessary burden on the small country elevator where the grain is shipped within the United States and where the abuses of grain grading have not taken place.

Mr. Chairman, we support the amendments, we think they are excellent and much needed.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

I support the amendments. They remove the absolute limit on personnel for Interior points and also provide that the Department shall not require local elevators to keep voluminous records which really serve no purpose. The Department interprets the law to require audits and extensive recordkeeping of all the transactions of any local elevator which requests an inspection of even one lot of grain. Clearly the records that serve a purpose at a local elevator are limited mostly to those involved in an official inspection or weighing and other records such as total volume in and out which they would have anyway. This amendment will save thousands of hours of unnecessary bookkeeping by small businessmen which would have served no useful purpose and would have been unnecessary to fulfill the purpose of the act.

THE CHAIRMAN. The question is on the amendments offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c) necessary to prevent, control, and eradicate pests and plant and animal disease; to carry out inspection, quarantine, and regulatory activities; to carry on services related to consumer protection; and to protect the environment, as authorized by law, $429,225,000 of which $2,750,000 shall be available for the

control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions and $4,460,000 may be for repayment to the Commodity Credit Corporation of advances (and interest thereon) made in accordance with authorities contained in the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture and Related Agencies Appropriation Act, 1976: *Provided*, That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $62,500, except for three buildings to be constructed or improved at a cost of not to exceed $120,000 each, and the cost of altering any one building during the fiscal year shall not exceed 7.5 per centum of the current replacement value of the building: *Provided further*, That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, except for purchase of land for an Animal Holding and Testing Facility at Ames, Iowa: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

AMENDMENT OFFERED BY MR. M'EWEN

Mr. McEWEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McEWEN: on page 7, line 22, strike out: "$429,225,000 and insert the following: $432,505,000."

Mr. McEWEN. Mr. Chairman, my amendment would add $3.28 million to the Animal and Plant Health Inspection Service—APHIS—for fiscal year 1978. These funds are intended to enable APHIS to raise the indemnity payments for grade dairy cows and registered stock afflicted with brucellosis to $150 per head and $250 per head respectively.

I would like to explain to the distinguished subcommittee chairman that I support the bill on which he and his able colleagues have labored so hard. Had the extent and severity of the current brucellosis outbreak in New York State, the State of Washington, and some other States been known earlier this year, I would have brought this matter before the House Agriculture Subcommittee so that my proposal could have had the benefit of a complete review by the Agriculture Subcommittee and the full Appropriations Committee. However, this problem did not become evident until this spring and, due to the infectious nature of brucellosis, it is still not known how many dairy herds will be sharply reduced or forced to depopulate.

As I have mentioned, farmers in a number of States have been severely affected by this recent increase in brucellosis in dairy cows. Brucellosis is also a problem for beef cattle producers. However, the Federal brucellosis indemnity program usually provides enough compensation to permit the cattlemen to replace beef animals that have to be slaughtered.

Dairymen are not so fortunate. The Federal brucellosis indemnity of $50 for grade animals and $100 for pure bred stock is far below the current market value of dairy animals. While milk production per cow has steadily increased since World War II, the number of dairy cows has decreased by 50 percent. In 1950, there were 22 million dairy cows. In 1976 the figure was 11 million. This is one reason why the national average price of a grade dairy cow has increased from $198 a head in 1950 to $500 a head in 1977. Shipping costs and the standards each farmer requires in his herd can add to that average price. In my own congressional district of New York, it is more common for a dairy farmer to pay $600 or $700 for a grade animal.

I am pleased that the brucellosis eradication program has been continued and expanded in the bill we are considering. I am disappointed that sufficient funds are not available to increase indemnity payments for grade dairy animals and registered stock that contract brucellosis.

There are 26 herds in New York State currently under quarantine. The State department of agriculture and markets is in the process of testing more than 800 herds and officials in Albany are fearful of finding as many as 60 infected herds as a result of this survey. At least two county fairs in my congressional district will not show dairy animals this summer. This will be the first time in more than 100 years that one of these county fairs, the Jefferson County Fair, has not shown dairy animals.

However, the New York State is not alone in coping with a brucellosis outbreak this year. Four States have shown a marked increase in bovine brucellosis in the last year: Florida, Kentucky, New York, and Washington. The following chart compares the latest available data showing the number of infected herds with the number of infected herds one year earlier:

Herds infected with bovine brucellosis

	April 30, 1976	*April 30, 1977*
Florida	477	524
Kentucky	285	317
New York	5	26
Washington	1	11

Florida and Kentucky do have a large number of beef cattle herds, but in New York and Washington, all the infected herds are dairy herds. The numbers may not be as impressive in New York as they are in Florida and Kentucky, but the personal loss suffered by dairymen is severe. A farmer from St. Lawrence County, N.Y., with a 100-head herd was recently forced to depopulate. He must start from scratch, if he can finance such a major undertaking. One of the biggest dairymen in northern New York has had to destroy 68 reactors out of his 200-head herd. New York State Agriculture and Markets Department officials are continuing to test the remaining animals every couple of weeks. Without adequate indemnity, it is questionable whether dairy farmers who lost their herds could stay in business.

I have discussed raising indemnity payments with officials at the Animal and Plant Health Inspection Service. It is their opinion that the present level of indemnity payments is not sufficient to compensate a dairy farmer whose herd is struck by brucellosis. It is my understanding that they intend to come before Congress when they are prepared and request additional funds to raise the amount of brucellosis indemnity payments. APHIS officials were kind enough to supply me with their estimates that raising the indemnity payments as I propose would cost $3.28 million.

I also spoke with USDA's general counsel staff to confirm that the authority to increase indemnity payments exists in the present law. It was their opinion that 21 U.S.C.A. section 114A provides the Secretary of Agriculture with discretionary authority to set brucellosis indemnity levels and that additional authorizing legislation is not required to raise these payments from current levels.

In most cases, I believe $150 per head for grade dairy animals and $250 per head for registered animals would be adequate to keep the dairy producer in business. Many States, although not all, have supplementary brucellosis indemnity payments that provide some additional assistance, but the combination of Federal and State payments rarely enables a farmer to replace his losses. I know dairy farming is in danger of becoming a dying way of life in northern New York and I suspect this is the case in many parts of the country. The price of getting into the business is almost prohibitive and the risks that threaten today's producer can be crippling. If $3.28 million can reduce one of these risks and allow more families to stay in this important business, it is a small price to pay.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think my colleague on the Committee on Appropriations, the gentleman from New York (Mr. McEWEN), raises a serious question here and one that is proper to raise. With inflation and all the other problems we have, certainly it is proper for the Secretary of Agriculture to review the present rates of indemnity payment.

However, I call attention to the fact that for brucellosis eradication we already have in the bill approximately $47

million, and that is, in turn, a part of the larger sum of $429 million which is carried in the bill for the Animal and Plant Health Inspection Service and which the gentleman's amendment would change.

The reason I say that his amendment, in my opinion, would not go to correcting the problem is the fact that the amount of the indemnity is fixed by the Secretary of Agriculture under existing law. In many States, in their efforts to eradicate not only brucellosis but also some other diseases, the State pays an additional indemnity. Those indemnities have historically been much less than the value of the animal prior to its having contracted the disease.

With time, and with the inflation of the dollar, it has gotten to where the amounts that have been set out by the order of the Secretary of Agriculture appear small, indeed, as compared with the actual worth of the animals.

So if the amendment offered by the gentleman were approved, it would not be controlling on the Secretary of Agriculture to change these rates. I do hope the Secretary will follow up on this and that he will review the amounts fixed for the indemnity, but I hope the committee will vote down that amendment. And if it is voted down, I hope that it in no way will be taken as Congress being opposed to the Secretary reviewing the rates presently existing. I think the debate here will help bring the results which we both desire.

I do hope we defeat the amendment, because if we do accept it, it will make the amount go over the budget request for this item.

If the gentleman withdraws his amendment, I will join the gentleman in asking the Secretary of Agriculture to review this.

I would hope that the gentleman might withdraw the amendment, since I do not think it reaches the point the gentleman makes. The debate, in turn, does reach the subject matter and gives such justification for the Secretary to review present limits and to make more realistic commitments.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, I thank the distinguished chairman of the subcommittee for the concern the gentleman expresses for the seriousness of the problem.

May I say to the gentleman, it is a little like the chicken and the egg situation; which are we going to have first?

The additional funds appropriated to permit an increase in the indemnities or an administrative act on the part of the Secretary to increase indemnities and then, I assume, come to the Committee on Appropriations for supplemental? I wondered what the distinguished chairman would suggest on that.

Mr. WHITTEN. Mr. Chairman, may I say that if the question of supplemental funding comes up, we certainly will deal with it.

However, the $3.28 million the gentleman suggests would be a part of the $429 million available appropriation. It strikes me if the Secretary would agree with what the gentleman would like for him to, and which I would recommend, then within the available $429 million they would probably have no trouble finding sufficient funds.

Mr. McEWEN. Mr. Chairman, if the gentleman will yield further, I appreciate that.

Let me state also one other concern here, that is that with the present outbreak there are new reactors being found and new herds are identified that are infected almost daily. I am concerned with the time element, when we make them effective. I presume it is not going to be retroactive, that if it is going to be helpful to those facing almost a total financial disaster, it will wipe out the dairy operation. I think that the action has to be timely.

Mr. WHITTEN. Mr. Chairman, may I say to my colleague that the bill before us provides funds beginning the 1st of October. I am utterly and completely sincere, as I know the gentleman is, and I recognize the problem.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for an additional 2 minutes.)

Mr. WHITTEN. Mr. Chairman, I will be glad to join with the gentleman in asking the Secretary to review this. If he should review it, and act according to the desires of the gentleman and my own, and if it took additional money, it would be my expectation that sufficient funds could be found.

Mr. McEWEN. Mr. Chairman, if the gentleman will yield further, could I ask the gentleman if that action could be taken before the beginning of the fiscal year under the authority the Secretary has now?

Mr. WHITTEN. The Secretary, so far as I know, is authorized under the existing law to take immediate action with funds available from now to the beginning of October. That is my understanding of the present law.

Mr. McEWEN. Mr. Chairman, let me say I deeply appreciate the gentleman's assistance.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the gentleman withdraws the amendment.

The Clerk will read.

The Clerk read as follows:

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERIVCE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); sections 7 to 15, 16(a), 16(b), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590q); sections 1001 to 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1510); the Water Bank Act (16 U.S.C. 1301–1311); and laws pertaining to the Commodity Credit Corporation, $161,019,000: *Provided*, That, in addition, not to exceed $76,415,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $34,216,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: Page 18, line 21, strike out the period and insert the following: ": *Provided*, That no part of the funds appropriated or made available under this Act shall be used for the payment of salary of any officer or employee to formulate or carry out a program providing payments to sugar processors."

Mr. MICHEL. Mr. Chairman and members of the committee, we have here a rather familiar sound, if we were all quiet enough to hear it. It is the sound of the lobby bird, with its familiar song: "Gimme, gimme, gimme."

It is the plaintive sound of a special interest group singing a song of woe, calling for some of the taxpayers' money. We have all heard that before. Indeed, some say that it is the official congressional song. Now we are hearing it from the sugar farmers this time. They say they will stop singing if we hand over to them a quarter billion dollars of other peoples' money.

That is what President Carter apparently wants, to pay sugar growers through cash subsidies. We all know who is providing the cash. In words every American can understand, my answer to the sugar farmers' request for taxpayers' money is short and sweet: "No way."

If there is to be an amendment to the Agricultural Act that ought to be made to bail sugar growers out of a particular problem, that is one thing, but take a look at what my amendment is attempting to cure here today. Three years ago, as every housewife knows, the price of sugar soared. Sugar growers cashed in on the high prices and expanded their production. But the rise in production has resulted in a super-abundance of sugar on the world market. The inexorable law of supply-and-demand took over and sugar growers found themselves in trouble as the world became inundated with sugar.

Let me pause here to say that I am not gloating over the misfortune which has hit the sugar industry. It is difficult to guess correctly in such an industry, and I am sorry that some people have been

caught guessing wrong. But, when President Carter tells us that we must give a subsidy to sugar processors in the form of cash payments which in turn, are intended to be handed to sugar farmers, we are creating an intolerable situation. Some of these farmers have plantations, and they are big business, amounting in one case to 75,000 acres. So, what the President is doing is subsidizing the big boys at the expense of the taxpayer.

Let us look at the facts. The President says that he wants to keep Government costs down. Yet, this Carter subsidy program alone would require $240 million in taxpayers' money. All of this money would go to subsidize 16,000 sugar farmers. But, we are not sure under the present act whether it is legal or illegal to make payments directly to farmers. In my judgment, there is no authority in law to do that.

What about the other 2 million producers of crops? They are asked to split sums between $2 and $4 billion. That does not seem like justice to me, when 16,000 are supposedly going to get a quarter of a billion dollars. As is typical in one of these subsidy cases, it will do nothing to solve the problems that caused the sugar growers to get into trouble in the first place. They are only encouraged to increase their production at a time when the world is fairly drowning in sugar.

If one happens to be in the domestic corn sweetener industry, this subsidy to big sugar will penalize one for having exercised good business sense. I do not know why those who toil in the corn sweetener industry should have to see their tax dollars going to their competitors in the field of sweeteners.

I just happen to think that we ought not to be deceiving the taxpayer. He is going to be hurt, not helped, by this raid on the public treasury. A government that is intent upon giving away taxpayers' money is not bringing down the price of sugar, but instead is bringing up the price of everything through inflation.

Mr. Chairman, I urge adoption of this amendment.

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I come from an agricultural district, and I am pleased to tell the Members that I represent beet growers and consumers. The majority of my constituents are not farmers. They are consumers. The majority of my farmers are not beet growers. Indeed, I probably have more corn growers in my district than I have beet growers. But I will tell the Members that this amendment is not in the interest of American agriculture nor is it in the interest of the American consumer.

What is happening here—and tragically—we see one element of agriculture pitted against the other, and it ought not to be. This amendment ought not to have been offered, and we ought not to be discussing it. There is room in the sweetener business and industry and there is room for corn, beets, and cane. We should not let anyone kid us. Corn is now a subsidized commodity. I will not join with the gentleman in offering an amendment to strike corn from subsidized commodities, price-supported commodities. Nor will I join with him in his efforts to frustrate the administration's effort to see that we do not have a cartel formed by foreign sugar-producing countries which ultimately strangle our own processors of sugar and cane to the disadvantage of the American consumer.

We import up to 50 percent of the sugar consumed in this country. That figure is increasing. We imported 21 percent more cane sugar in the first 3 months of 1977 than we did in the same quarter in 1976. We need a domestic sugar industry, both corn, cane, and beet. I am opposed to an OPEC-like foreign sugar cartel that will surely come into existence if we allow the American sugar beet grower to go out of business. The International Trade Commission recognized that the foreign sugar producers were subsidizing the imported sugar into this Nation. They recommended quotas. This, obviously, posed some problems for the free-trade policy of the Carter administration. The administration recommends a subsidy of up to 2 cents a pound for domestic grown cane and beet growers. The rules and regulations to implement it have just been promulgated. We have an amendment to an appropriation bill to stop a program that has not even begun.

I must tell the Members that my beet people are not all that enthusiastic about this program. But I must also tell the Members that it is the only ball game in the block. And to strangle this infant before we know whether it is going to provide some survivability to what I consider to be an essential domestic industry. If the House adopts this amendment it is condemning our cane growers, our beet growers, our processors, our farmers, the workers in that industry, to eventual demise. They would be eliminated. I do not think it is in the interest of the consumers in this country to turn them over to a sugar cartel of foreign nations.

Mr. Chairman, I strongly urge the Members to defeat the amendment, cast a vote for the American consumers and the American sugar industry.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. TRAXLER. I yield to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. I thank the gentleman for yielding.

What is the rationale for making this payment to processors rather than to the producers?

Mr. TRAXLER. I have not had a chance to talk to the people in the Department of Agriculture who promulgated the regulations. I presume that is to avoid a necessity of inventorying every farm and its acreage by the Department. The producer knows how many acres are in production by the beet farmers, how many tons of cane or beets he has produced, how many pounds come from the particular acreage, and this would be the most likely and least expensive way of administering the program.

Mr. BURLISON of Missouri. But the gentleman knows of no objection on the part of his producers to this mechanism?

Mr. TRAXLER. Specifically, this proposal?

Mr. BURLISON of Missouri. The mechanism that is proposed.

Mr. TRAXLER. No, I do not. I think it is the cheapest way of doing the job.

Mr. BURLISON of Missouri. Mr. Chairman, I thank my friend, the gentleman from Michigan.

Mr. TREEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it needs to be brought out that the cost of producing cane sugar in Louisiana, which is one of the larger sugar cane States—Louisiana and Florida producing most of the sugar cane—is about 17 cents per pound. The cost is actually moving higher than that, but the last study, made a year ago, showed 17 cents a pound. The world market in May of this year was just at 10 cents per pound. In other words, the cost of production is 7 cents per pound higher than the world market.

I realize that the sugar farmers made a good deal of money a couple of years ago when sugar prices went literally out of sight. Those of us who were trying to extend the Sugar Act at that time predicted that that would happen. We had a stabilized sugar industry in this country for many, many years because we had the Sugar Act which set up quotas for the foreign producers, requiring those producers to meet those quotas and thereby giving us a stabilized sugar market.

This Congress in its wisdom—or lack of it—decided not to extend that legislation which had been so helpful in stabilizing the market, so the prices went up and the farmers made a good deal of money.

But after that peak the price has come down, and all the predictions are that we will have a worldwide glut of sugar for many years to come.

So what do we have today? We have producers in sugar beet areas and producers in sugar cane areas who are getting less than the cost of production for their sugar.

Down in south Louisiana the growing of other crops is not really feasible. As one gets a little further north, one can perhaps grow soybeans, but in coastal Louisiana sugar is really the only feasible crop.

There is a tremendous investment in terms of equipment in the sugar mills and in the specialized equipment needed for farming sugar cane that cannot be utilized for other crops, even if the climate and the soil would permit other crops to be raised.

We have a lot of people employed in this industry, and many of them will become unemployed unless something is done.

This is a very modest step the President has proposed. As I understand his program, all the money would go to the sugar grower; only the administrative costs that the processor would have imposed on him would go to the processor. So this money would go to the grower, and most of the growers in Louisiana are small growers.

Mr. Chairman, we have a lot of employment riding on this issue that we

have before us today. I urge that the amendment be defeated.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, as I have indicated in my general remarks, if there is indeed a problem in the sugar industry, it ought to be dealt with. I am however, much more concerned about the growers' welfare than I am about the welfare of the processors. Under the Act we find it is impossible to get aid and assistance—and the gentleman from Michigan (Mr. TRAXLER) referred specifically to corn producers—to go directly to the sugar-producing farmers. I have sympathy for them, and I would have sympathy with any concept that would correct that situation.

What I have a problem with, however, is going through the back door by paying through the sugar processors. Some of them are giant corporations and multinationals, and in this kind of program we are simply making multi-million-dollar contributions to multinational corporations.

Mr. TREEN. Mr. Chairman, does the gentleman not understand that the President's proposal is for the money to go to the grower, all that is not necessary for administration of the program.

Mr. MICHEL. I know that, but I doubt he will be able to get that done for we may have a court proceeding, because it is currently illegal to pay sugar growers under the act. There is no way to get around that except through the processors, and we say that is wrong.

We are going to have an agriculture bill up for consideration in a few weeks, and that will include food stamps and all the rest of it under the authorizing legislation. Why can we not address ourselves to that problem in an orderly fashion when we come to legislate on that bill?

Mr. TREEN. Mr. Chairman, I suggest to the gentleman that that might be a good idea. So if the gentleman will withdraw his amendment, perhaps we can address the problem in that fashion.

Mr. MICHEL. I do not want to take that much of a chance with this administration.

Mr. PHILLIP BURTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the author of the amendment raised a point that all of us should bear in mind.

We do have an agricultural authorization bill coming before us in the next couple of weeks.

Mr. Chairman, I think it very mischievous in terms of a sound agricultural policy, and even more so, if you will, with respect to those of us who represent urban and suburban consumer areas, to try to legislate on an appropriation bill matters which, if they are to be treated with at all, should be dealt with in an authorization bill.

The plain fact of the matter is that if this amendment is adopted—and I cannot speak for everybody but I have heard comments from my colleagues from other sections of the country—much of the State of Hawaii will become an economic dustbowl. The fact remains that in Hawaii they have a few large sugar producers. That was inherent in the nature of the development of the then territory and now State of Hawaii.

The further fact remains that all of the people working for these sugar employers are in a collective bargaining unit, and sugar companies in Hawaii are in such desperate economic shape that the union is working without a contract and working without a wage increase, despite oppressive inflation in Hawaii. They are working under these conditions because if they do not, the companies for which they work Hawaiian operations are in financial difficulty.

Mr. Chairman, as so ably pointed out by our distinguished colleague, CECIL HEFTEL—who has been a real leader, and a tower of strength, in this fight—this amendment would guarantee that sugar workers in Hawaii would face major job losses.

Mr. Chairman, that is all the more reason to think seriously about this amendment, which affects a few other sections of the country. There will be another amendment talking about tobacco and a third one talking about God knows what—perhaps even food stamps.

Mr. Chairman, it just makes sense that this Committee on Appropriations fund the programs as they are authorized to do under law; and if we have changes that we want to make, let us make them in the authorization bill. Let us not—at least those of us in the cities and suburban areas—be misled by the sophistry we will be hearing this afternoon.

Mr. LONG of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Chairman, I rise in opposition to this amendment. It would be a misrepresentation to suggest that sugar farmers have brought their current plight upon themselves by overplanting in order to take advantage of world prices that peaked in 1974. The current depressed price for sugar, indeed, results from a number of factors, but overplanting by cane and beet farmers is not one of them.

I should like to point out that the current low prices are world prices, resulting directly from, of course, a worldwide abundance of the commodity.

Further, it is obvious that this program does not relate in any way to crops of previous years. A careful reading of the program reveals that the program takes effect only with the 1977 crop. As pointed out by the Department of Agriculture, sugar in inventory from crops prior to 1977 will not be eligible for price support.

Passage of this amendment would assure the destruction and elimination of our domestic sugar industry, and I urge its defeat.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Arizona (Mr. RHODES), the distinguished minority leader.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding.

I intend to oppose this amendment. In my opinion, it is not wise for us to do anything at this time which might inhibit the growing of sugar in the United States. I think adoption of this amendment might actually make us even more dependent upon sugar grown in other countries, Cuba being one of them.

Mr. Chairman, I just do not believe that this is a proper time to do anything which would hurt the domestic grower; and I, of course, have in mind—I am sure the gentleman from Washington (Mr. FOLEY) does, too—the fact that if there were no domestic sugar industry, the balance-of-payments situation in this country would be further exacerbated. Therefore, Mr. Chairman, I join the gentleman from Washington in what I assume will be his opposition to this amendment.

Mr. FOLEY. Mr. Chairman, I thank the distinguished minority leader for his statement, with which I concur wholly.

As he has said, very wisely, the effect of this amendment will be to threaten the continuation of the domestic sugar industry and to make us more dependent upon foreign sources. The international sugar markets are almost all arranged in some form of national or international preference arrangements. There is a very small so-called free sugar market, and it was the pressures on that so-called free market in late 1974 and 1975 that led to the amplification of sugar prices, as a result of which sugar reached unprecedented levels.

Mr. Chairman, I would also like to appeal to those of my colleagues on both sides of the aisle by saying that the process of attempting to decide legislative issues in an appropriation bill has become an increasingly serious problem in recent years, and in this case there is no excuse whatever for ignoring the usual legislative procedures. The amendment should be defeated.

It seems to me, Mr. Chairman, this amendment is particularly inappropriate when the authorizing committee, the Committee on Agriculture, is within 2 days of reporting its final determination on an omnibus farm and food stamp bill, when we have asked the Committee on Rules for a hearing on June 28, just a week from tomorrow, when we have asked for a tentative scheduling of the legislation the second week in July. At this point to attempt to introduce authorization questions in an appropriation bill when in less than 30 days the authorization bill is going to come before the House is, it seems totally indefensible.

An opportunity will be afforded for anyone who wishes to be heard on this subject to do so within a matter of less than a month, in a proper way, on an authorization bill when it comes before the House.

For these reasons, as well as the important substantive reasons, I hope the Members will join in rejecting this amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank my colleague for yielding. I have been persuaded by the gentleman's argument. I was intending to vote for the amendment. But I must ask what happens to the consumer, where we have a world market price of 10 cents and a price of 17 cents, and going up, how are we going to stabilize the costs to the consumer? I am trying to vote against the amendment because I believe we should hammer this out somewhere else.

Mr. FOLEY. The problem is that the price of sugar is something around 9 cents, which is below the cost of production. If some help is not given the domestic sugar producers, both cane sugar and beet sugar, in my judgment what will happen is we will simply drive more and more of our production overseas. If that happens, the very small free market in sugar may produce cheaper sugar prices for a year or two, but as soon as bad harvests or other situations prevail, the amplification of this will, in my judgment, result in what happened in 1974 and 1975, and we will be paying extremely high prices on sugar, somewhat akin to what happened recently in the coffee market.

But, Mr. Chairman, rather than getting into a debate today on the merits of this issue, I would hope that the Members will vote against this amendment and postpone those issues to the farm bill debate which we will undertake in a few weeks.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to provide another answer to the question of the gentlewoman from New Jersey in that this program will not affect the price on sugar to the consumer at the present time at all.

Mrs. FENWICK. I know that.

Mr. McFALL. It will still be determined by the world price.

Mrs. FENWICK. I am aware of that, I was simply referring to the disparity between the prices, because it seems to me to be forcing very high prices as compared to those of the world market. That is all I meant.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, sugar beet growers throughout the Rocky Mountain area have reacted with mixed emotions to the subsidy program announced by the administration on May 4. The program came in response to pleas by domestic sugar producers to protect the domestic market from the depression which it has experienced the past 2 years and the threat of increased imports of foreign sugar which have been arriving in this country at prices below costs of production, even in those countries.

Growers, while appreciative of the administration's concern for the industry, are disappointed that the method proposed falls far short of the goals to maintain a viable domestic producing industry. The goal of the program was to support the price of sugar to the level of cost of production. Current cost of production on the average is running around $28 per ton of sugar beets. Even at the most optimum level in achievement for this program the returns to beet growers would be $3 to $4 per ton short of the cost of production.

The view has been widely held that an import quota reduction and an increased import tariff would have yielded the desired goal without undue price increases to consumers or the use of tax revenues. This type of program had been proposed by the U.S. International Trade Commission, but was rejected by the President. If the USITC recommendations had been accepted sugar beet growers would have had the opportunity to exercise their own business judgment and practices within a favorable market environment.

However, today we are dealing with the only proposal before us, the President's decision to institute a payment program. Even though this program is inadequate and does not meet the objective to maintain the domestic producing industry, it is better than nothing, and any attempt to restrict payments or to make the program inoperative will result in the demise of the sugar beet industry.

There have been questionable statements made by proponents of limitation which tend to muddy the waters with respect to costs and discrimination. The program as proposed is for sugar beet and sugarcane growers—not for processors or refiners, who will receive only administrative costs of writing and mailing checks to producers. To state that it would cost the corn sweetner industry millions of dollars is hogwash.

The House Agriculture Committee has just reported a bill which provides support for commodities competing with sugar beets, which in a sense is reverse discrimination. To state that this program will create an artificial incentive to increase sugar production is simply naive and has no basis in fact. Even if a maximum support level was to be achieved there is little likelihood an increase in production would take place as this level is still below cost of production by at least 1 cent per pound according to studies of the Department of Agriculture.

Any action to limit the program would create disaster in the Rocky Mountain area, as action is needed now to demonstrate to sugar producers that they will not face bankruptcy. This is only a stop gap measure to await a final determination of what this Nation's sugar policy should be.

If some measure like the Sugar Act is not enacted we will be totally dependent upon foreign sources.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I join the gentleman from California (Mr. McFALL in opposition to the amendment, and I appreciate the remarks of the chairman of the Committee on Agriculture and the remarks of the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Minnesota.

Mr. NOLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment. Its adoption would have catastrophic consequences for American sugar producers. The remarks of the gentleman from Washington (Mr. FOLEY) and the gentleman from California (Mr. BURTON) have clearly delineated the issues involved here. In opposing this amendment I wish to associate myself with their arguments.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the unfortunate amendment offered by my colleague. This amendment is ill-advised on a number of fronts, and certainly presents no preferable alternatives to those proposed by the Committee on Agriculture and the President.

I am a little puzzled at the furor that has been raised over the President's action. The authority for his action, the Agriculture Act of 1949 was duly passed by the Congress, signed by the President, and the authority it contains has been used on a number of occasions in support of other commodities. There is no reason I can see to question its legality at this late date.

Proponents of the amendment represent their position as a consumerist position. Mr. Chairman, this amendment is about as consumerist as an OPEC oil price increase. The almost 7 million tons of domestic fructose production in 1976 displaced roughly $1.2 billion in imports. With the current price of sugar running approximately 3 cents a pound below costs of production, it should be obvious that we will lose a number of domestic producers. The loss of domestic production can be made up in only one way—more imports, aggravating our negative balance of trade. Two years ago it was a rise in the world price of sugar that caused the unconscionable prices American consumers had to pay. As sure as bust follows boom this will happen again, and with fewer domestic producers to shield us the effect will be even worse.

The argument that this program will cause undue enrichment is, at least in California, totally without merit. Our cost of production is running over 13.5 cents per pound; at current prices, the support will bring our producers' returns to about 12.5 cents per pound. If those were the economics of wealth, our country would be overpopulated with millionaires. Even if the costs of production were met, American consumers would be getting the best of the deal. Canada is establishing a support price for sugar beets that comes out at nearly $70 per acre higher than President Carter's proposal.

The argument that the President's program would militate against small producers is absolutely inaccurate as it affects California, where there is no substantial amount of acreage in sugar beets grown by producers. Without the support payments recommended by the President it will be precisely family size

farms which will go broke or, if they continue to operate, look for crops other than sugar beets to invest their money and labor in. We are already facing an unfortunate trend by younger farmers away from sugar beet production because of the tremendous risk involved in growing a crop for market at volatile world sugar prices in competition with substantial imports.

I also want to take issue with the statement that sugar producers face difficulties which are self-created by "bad business decisions." Anyone with even a passing acquaintance with the difficulty of marketing farm commodities knows that volatility is the first law of such marketing. U.S. production does not set the world price for sugar any more than it does for oil, and holding U.S. producers responsible for price fluctuations simply does not square with the facts. It is true that this is one of the risks of farming, but it is in this case a blind risk and one which the consumer shares in the outcome with the farmer. We cannot eliminate the risk; however, a responsible farm policy should, as the President is trying to do, limit the damage as much as possible. That is the essence of a good farm program.

The one argument advanced by proponents of the amendment with which I can agree is that the President's plan will not solve the long-term problems of American sugar beet producers. It won't. We need fair, adequate legislation for this commodity to protect consumer and producer alike, and I will support such legislation when it comes from the Committee on Agriculture. What the President's program will do is to help insure that there will be a domestic sugar industry left to legislate about. The amendment before us seeks to end a program which is nothing more than damage control. If we adopt this amendment, and let the damage occur, what we will have to deal with is not damage, but the wreckage of the American sugar producing industry.

Mr. McFALL. Mr. Chairman, I would like to state my own objections to the amendment. I believe if we do not have some kind of a program to protect the domestic sugar producers we will not have a domestic sugar industry.

It certainly will have a disastrous effect upon Hawaii, and it will have an effect upon the consumer as it has been outlined by the chairman of the Committee on Agriculture. I think we have got to have some kind of program, and I oppose the amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend from Illinois (Mr. MICHEL) which seeks to halt the discriminatory payments that are proposed to be given to the major sugar processors. Mr. Chairman, this scheme is so fraught with preferential treatment that I suggest to the supporters that they would have a better opportunity to convince this body if they introduced a private bill. The effect of the administration-backed scheme will be a new quarter-billion-dollar giveaway to the sugar processors. While they are supposed to pass on a portion of these payments, processors who grow their own sugar, the so-called majors, will stand to pocket the entire amount. In fact, the five largest grower-processors will receive over 20 percent, or $50 million, of the "special fund."

Let me give the Members a few figures. First, AMFAC, Inc. of Hawaii, will be $14.2 million. U.S. Sugar Corporation in Florida will be $10.8 million. Alexander & Baldwin, Inc., of Hawaii, will get $8.8 million. C. Brewer & Co., Limited, of Hawaii, will get $8.8 million. Theodore H. David & Co., Limited, of Hawaii, will get $5.7 million.

Mr. Chairman, in addition to these "big five" there will be an additional 40 growers and processor firms which will receive at least $1 million.

Mr. Chairman, I believe the Members of this body should realize that this payment is to "bail out" these growers and processors, after they made a bad business judgment and overexpanded their production facilities 3 years ago in response to the enormous price increases. Now that laws of supply and demand have taken over, and there is now a surplus of sugar, they are urging the Government to "make good" their bad judgment. I do not think this is fair to other segments of the business sector who must suffer and bear with their bad judgment. Frankly, I am surprised that the administration would fall for such a scheme. Now, it is up to this body to put this in a rational perspective. The effect of this proposal will be to descriminate against the corn sweetener industry for about $150 million annually; cost the taxpayers $240 million annually; will not provide relief to the consumers; may not be legal; has not been considered by the appropriate committees of the House; may induce growers to produce even more at this time of surplus; could affect the marketing potential of corn sweeteners worldwide; and finally it could have a destructive effect upon the small family farm. I wonder why the proponents of this would push for this special relief proposal in light of these facts.

Mr. Chairman, I would like to briefly refute some of the so-called consumer benefits that are supposed to be contained in this bill. The proponents state that this approach will benefit the consumers, the household users, but it should be noted that 80 percent of the sugar consumed in this country is bought by soft drink manufacturers, confectioners, bakers, restaurants, and institutions. Therefore, any benefits from this proposal will not go to where it can do the most good, the household user. The proposal also harms the consumer since it descriminates against the domestic competitors of the sucrose industry, and the growers and manufacturers of corn sweeteners in particular. If the consumers do not benefit, and if the taxpayers do not benefit, who does? It appears that the grower-processor stands to "reap" this windfall, and all because they made the wrong business decision 3 years ago. I think this is a high price for the public to pay, in order to make good a bad decision. It should be noted that this proposal is opposed by the Holly Sugar Corp., a domestic producer, as well as the American Federation of Grain Millers, local union No. 6 who both have sent letters urging this body to adopt the proposed amendment in the interest of the industry and consumer alike. I urge my colleagues to support this responsible amendment.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

The gentleman is making a very good point. The distinguished chairman of the Committee on Agriculture was in the well a little bit ago. I was hoping there would be enough time for me to ask him a key question: What consideration did the authorizing committee give to this problem when we were talking about a new agriculture bill? The point is very little. Then he expects us to do it by way of amendment without hearings, without appropriate backup. I urge you to not be deluded by the game they are playing. The game being played here is special interest money, and it is much easier to do that by way of an administrative decision downtown than it ever is by convincing each Member of the merits of these payments. It makes an awful lot of difference.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

To respond to the gentleman from Ohio, there was an amendment offered in the committee in the course of the farm bill to prevent this program from taking effect. It was defeated. My point only is that this is the proper place to raise the amendment again, when the bill comes to the floor, just as it is with any amendment that is defeated in the committee.

Mr. MICHEL. If the gentleman from Massachusetts will be kind enough to yield again, what kind of dialog took place in the legislative committee on this subject?

Mr. FOLEY. If the gentleman from Massachusetts will yield, the gentleman from Illinois, Mr. FINDLEY, offered an amendment, which he may offer again—I do not know. I do not need to tell anyone here he is one of the most articulate and expert commentators in the House on agricultural matters. His argument was argued forcefully; it did not persuade a majority of the committee.

But the point I return to is when we have an authorization bill coming to the floor in less than 30 days, an amendment offered in the committee on the bill should be offered on the floor on that bill, rather than during the argument that we ought to have a backdoor method of legislation by means of a limitation on appropriation bills.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. TRAXLER, and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. Mr. Chairman, will the gentleman yield to me for about 1 minute?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. TRAXLER. I appreciate the gentleman yielding. I have the greatest respect for the gentleman in the well. We serve on the same committee.

I would not want the gentleman in the well to leave the impression that all processors will receive funding as a result of the President's proposal. I have two processors who will not. My growers will. The processors will receive only certain administrative costs which will be returned to them by the Federal Government and they have to account for the costs in great detail. These two independent processors may receive no funds for themselves but they will pass the funds on to the growers entirely under the rules promulgated by the Agriculture Department.

Mr. CONTE. If the gentleman will let me join him on that.

Mr. TRAXLER. One of the problems the administration created in devising this program is that it does not treat processors equally, which causes real problems for my constituency. I believe we are being discriminated against by the rule. I will work to correct the injustice done to my processors. Nevertheless, as I said, it is the only ballgame on the block and hopefully we can improve on it to remove the inequities. The key thing in my opinion is that we ought to do something to insure the survivability of domestic sugar. If we adopt this amendment, Members have told me there will be no help for the American sugar industry.

Mr. HEFTEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first I want to express appreciation for those Members who have already acquainted themselves with the situation regarding sugar in Hawaii, but to speak of processors and multimillion-dollar and multibillion-dollar companies is not to understand what we are talking about.

The cost of the production of sugar when produced efficiently is 13½ cents a pound. We are now talking about a support of 2 cents per pound maximum. There can be no profit on that 2 cents. If the price remains at 10 cents the ultimate loss to the producers of sugar will be 1½ cents per pound.

But in Hawaii we have multimillion-dollar installations in 15 major growers and producers combined. We have another 500 small independents. Those 500 independents are responsible for 5 percent of the sugar in Hawaii. Ninety-five percent of the sugar of Hawaii comes from those 15 major combination grower-producers.

There is no way that the producer can benefit profitwise regardless of who owns the land and is the grower. There was formerly a 10-percent administrative cost that could go to the processor. That has been eliminated. They must prove their administative cost, and they will not come near 10 or even 5 percent. The companies involved in Hawaii will go on, as General Motors, if we take sugar away from Hawaii. They will not be phased out of business. They will reallocate their funds and their directions and priorities.

We can produce sugar in the Philippines with labor at $2 a day. That is a lot better profitwise than paying $4 an hour in Hawaii.

There are 9,600 people directly working for the sugar industry in Hawaii. There are 20,000 people who work in support industry positions. There are 30,000 people who will lose self-respect and jobs in Hawaii if we listen to either the Michel amendment or the Findley amendment.

This money ends up determining whether or not one-sixth of the American production of sugar will continue in Hawaii and whether or not 30,000 people in Hawaii will support themselves or become a part of welfare and a part of unemployment and the State of Hawaii will become a burden to the Nation the minute we take away that industry. And what will happen to us as a result?

Now, there is no way that we can do something like this without looking at the national consequences. Fifty-seven percent of our sugar needs in America are produced domestically. When we eliminate Hawaii, we are down to 40 percent.

Now, we have learned from oil. We have learned from coffee. We know what happens to us when we listen to the logic of these people who sold us on the idea of eliminating the Sugar Act in 1974. They are the same people trying to sell the same bill of goods today. As a result of their actions, the price of sugar went to $1.20 a pound.

Now, it is significant, that as the price of sugar goes up, the price of corn fructose goes up as a liquid sweetener. It is contrary to the public interest of Hawaii, it is contrary to the public interest of the consumers of the Nation and it is not the way to aid the corn producer.

Mr. Chairman, I would hope we would not allow the sugar industry of America to fall into foreign hands, as we have seen happen to oil, as we have seen happen to coffee, where we have no control of the fact, to realize what can be done to the consumers of America when we are not self-sufficient in any commodity or product values.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, it is not often that I disagree with all those who have spoken and rise in support of my colleague, the gentleman from Illinois (Mr. MICHEL). I do so for two reasons: No. 1, it seems to me clearly in the best public interest that we have sensible legislation that subsidizes, if we have to subsidize, the producer and not the processor. Before I shed too many tears for the sugar industry, I have to remember some profits of not long ago. I have to remember those statistics on large subsidies that our colleague, the gentleman from Massachusetts, (Mr. CONTE) just cited.

There is a second reason, however, that we ought to take a good, hard look at this. I happen to serve on the Budget Committee. I know that many of us here voted against the budget resolution because our deficit was too high. Here we are coming in with a backdoor method adding $240 million that is not part of the first budget resolution. Right now there is probably still a meeting of the Budget Committee going on in the Speaker's dining room, where we have been going over estimates in various functional categories. In agriculture, we are going up somewhere between $500 million and $900 million, apparently, above the first budget resolution, if we count this $240 million.

I think we have to take a good, hard look at ourselves. We have to discipline ourselves if we want to live within that budget resolution and we do not want to see these deficits climb.

Again, I am willing to vote to help the sugar industry through help to the producer. If the Agriculture Committee comes in with legislation to help that sugar producer, we will find the gentleman from Illinois (Mr. SIMON) voting for that legislation; but I am not going to vote for legislation for the processor.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I am a little confused because I understood the gentleman to say that no money at all was going to the processors, that this money was going to go to the farmers and the processors were merely the conduit.

Mr. SIMON. Mr. Chairman, if my colleague, the gentleman from Illinois (Mr. MICHEL) wishes to respond, I will yield to the gentleman.

I understand the money will go to both; but I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, if I may just read the amendment, it states:

> No part of the funds appropriated or made available under this Act shall be used for the payment of salary of any officer or employee to formulate or carry out a program providing payments to sugar processors.

The amendment does not say anything about the growers. It states that no payments would be made to the processors. They are the persons who are going to get a big windfall. If I placed a prohibition on the growers, obviously I would be in grievous error, as indicated by the gentleman in the well. We do not want to hurt the efforts of the actual grower in bailing himself out of the problems he has. But there is no way we can do this without some legislative enactment that would address itself to growers as distinguished from processors.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Louisiana.

Mr. TREEN. The fact of the matter is that the amendment would hamstring the administration, because the payments have got to be made through the processor. If the gentleman would examine the Federal Register of June 14, 1977, the proposed rules provide—

Processor shall agree to pay the producer the full amount of the price support payment after deduction for administrative expenses incurred in carrying out its obligations under this program.

So, the producers are getting some money, but only the administrative cost of handling the support program in favor of the producer.

Mr. SIMON. I would just add one other point. There are no limitations to what is paid to the producer. I like the concept of help, but help with limitations.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Hawaii.

Mr. HEFTEL. The money does not go to the producer. The producer passes it to the grower. The fact remains that the beneficiaries are the people who grow the sugar, and if they do not have that money available, they will not grow sugar. The consequences are the same, identical problem I have already presented in the time I have had.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. MADIGAN and by unanimous consent Mr. SIMON was allowed to proceed for 2 additional minutes.)

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague from Illinois.

Mr. MADIGAN. I thank my colleague from Illinois for yielding to me. I would just like to congratulate him on his statement and make the point that in the Agriculture Committee, when Secretary Bergland was questioned by me about this very program, I asked him what the legal authority was for such a program.

He replied that he had an opinion from the USDA general counsel that said that he did have the authority to do this. We asked him for his copy of that opinion, and what he sent to us was a 1954 opinion from the USDA general counsel, based on a 1949 law regarding milk support prices. The conclusion of the USDA general counsel was that there was not any authority to engage in such a program. That is the Secretary's own counsel.

Mr. SIMON. I concur with my colleague from Hawaii on the need to help the producer, but we ought to go at it head on and have legislation that helps the producer, and not in this roundabout way and not in excess of our budget resolution.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield further?

Mr. SIMON. I yield.

Mr. HEFTEL. I think it is important to point out that this law is not retroactive. It does not affect the losses incurred in production of sugar prior to May 4 of this year. It was deemed to be fair to do it that way, that the losses already incurred will not be recouped by the sugar industry. That is why it is so critical that we immediately pass this legislation and prevent the bankruptcy of the sugar industry, certainly in Hawaii.

Mr. ANDREWS of North Dakota. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we ought to get back within the ballpark a little bit. We are not writing a sugar act here on this floor, I would hope. What we are trying to do is go along with the well-stated argument of the gentleman from Washington, the chairman of the Agriculture Committee, that this is not the time or the place to preclude what his committee may well do.

There is no authority in this appropriation bill for this act, but if we put in a restriction on this appropriation bill during the next fiscal year to spend any money for these types of payments, then we are in fact creating sugar legislation at this point in time without benefit of hearings or anything else. I am not trying to bail out the Carter administration. It has enough support on its side of the aisle to do that without the help of my colleague from Arizona (Mr. RHODES) and myself, but still what is at issue is the facts.

Here is a news release from the Department of Agriculture regarding its proposed sugar price support program dated June 13. Our former colleague from Minnesota, Mr. Bergland, who is now Secretary of Agriculture and a pretty competent operator with a pretty good farm background, on page 3, item 2, says clearly and specifically:

Processer pay producers the full amount of the price support payment after deduction of actual administrative expenses incurred in carrying out its obligations under the program.

Surely you can hyphenate it up and say the payments ought to go directly to the producers, But it is a whale of a lot cheaper and a lot more productive to go through the processor and cut down the cost of administration. That is why it is being done that way, not because Bob Bergland wants to subsidize a bunch of multibillion-dollar processors, as you might think when you heard the debate in the last few minutes.

I think we ought to realize that most of the sugar in this country is produced by the beet growers. They are not the big cane plantations. They are all individual farmers. We should realize that one-half of the sugar consumed in this country is not produced domestically. It it imported from other countries. And in the last 3 years our country spent $5 billion importing sugar from other countries.

We are talking about a 13½ cents a pound target or goal price.

Our colleague from New Jersey said, "Why should the American consumer face this higher price?"

Let me share with my colleague from New Jersey what the price of sugar is in other countries at the present time. In Canada, it is $28.75. In France, it is $35. In the Netherlands, it is $32. In the Soviet Union, it is in excess of $36. Here we are trying to get $13.50, the lowest net price to consumers of sugar anywhere in the world.

How did we come to this pass? We came to this pass because the United States has become the dump market for sugar that does not have any home, because of some things that Congress has done and a number of other things. But when Venezuela comes up with its sugar crop and 90 percent goes to the European economic community at a price in excess of 20 cents they can dump their 10 percent surplus at whatever they can get. And they with a host of other countries dump it in our market today at ruinously low prices. Two or three years ago there was little surplus available, so it came in at 60 cents.

If you want to preclude the Secretary of Agriculture from taking the steps which need to be taken, you are going to do two things: in some years you are going to subject the American consumer to the highest price in the world; other years, sure, a bargain. You are going to further jam up our balance of payments and preclude our Nation from having several billions of dollars that could otherwise be spent for oil imports. And, finally, you are going to ultimately make us totally dependent upon someone else. The American sugar producer does not think this Carter proposal is the answer, they much prefer a limitation on imports, to eliminate the below cost of production dumping. But if the House now votes for this amendment it will be taken as a signal for no program of any type and within a decade there will be no domestic sugar industry—our consumers will then be totally at the mercies of Cuba, Latin America and other areas who will then get the price and I would suspent it will be a good deal higher than at present.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, our colleague from Louisiana told us the world market price was 10 cents a pound to produce.

Mr. ANDREWS of North Dakota. The world market price is the price for sugar which has no home. Over 90 percent of the sugar which moves from country to country moves under agreements. And I quoted the established price that holds on these agreements in most of the countries in the world. The world price is extremely volatile, a price which goes up and down like a roller coaster because it represents only a small portion of total world production that which may be surplus at one time and a bargain, but then later may be available only at 4 times the fair price when world production drops a little. We do not want to subject our Nation's consumers to that kind of boom and bust.

Mr. SMITH of Iowa. Mr. Chairman. I move to strike the last word.

Mr. Chairman, I voted against the defeat of the Sugar Act, and I still think it was a bad mistake when we failed to extend that law. At that time the price of sugar was something like 5 or 6 cents a pound, and it had been the same for about 20 years. It was about the only thing the United States had which remained at a stable price. But all of the

self-appointed representatives of consumers came in here and coaxed this Congress into letting that act expire and, as a result, the price of sugar has just about doubled.

On the other hand, we are in a different kind of situation now. We do not have these contracts but the new proposal prefers one kind of sweetener as compared to another.

I just want to warn some of my friends, with whom I have agreed 95 percent of the time on agriculture matters, that they had better not be coming in here with more provisions that provide a preference for one kind of a producer over another kind of a producer in the United States of a competitive product.

There is no justification for subsidizing one product—and not subsidizing its domestic competitor. They could figure out a way to get the same subsidy to corn sweeteners and cane sweeteners.

We are not talking about preferring American producers over some foreign market. In the bill that is coming out of the Committee on Agriculture they even have one provision preferring those wheat producers who happen to produce on summer fallow acres as compared to those that do not. It is not fair to prefer beet sugar producers over cane sugar producers or corn sweetener producers.

Mr. Chairman, if the committee does not eliminate provisions in that bill which are unfair to some producers, the Members might find alliances here they never thought they would see on this floor.

Mr. TRAXLER. Mr. Chairman, would my good friend on the committee yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, what I am curious about is this: How does the gentleman reconcile the price support for corn?

Mr. SMITH of Iowa. That is not a comparable situation. This is a processed product. Corn sweetener probably constitutes one-tenth of 1 percent of the value of corn. In this case, we are talking about one kind of a finished product as compared to another finished product. There is no subsidy on corn at the present time.

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further, does the gentleman know whether the legislation coming from the committee will have such a price support?

Mr. SMITH of Iowa. Mr. Chairman, making such a comparison is like comparing elephants to rabbits.

Mr. TRAXLER. Like myself, I know the gentleman would not oppose a price support program for corn.

Mr. SMITH of Iowa. Not on the basic product. For example, one that is 80 percent of the average market price.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate that the gentleman is familiar with the U.S. International Trade Commission. We sit together on the Subcommittee on State, Justice, Commerce, and the Judiciary of the Committee on Appropriations, and we have worked together in this field many times. The Trade Commission held hearings on the whole sugar problem.

A corn sweetener industry spokesman appeared before the Trade Commission, and he testified under oath of his own violation that the corn sweetener industry was not competitors of and had no identity with the sugar industry in this country per se. That was his testimony.

Mr. SMITH of Iowa. Mr. Chairman, we have processors in Iowa who say they can produce for a price that compares to about 12 to 13 and 14 cents. If they cannot produce competitively, we should let them stay completely out of the sweetener business. We should not subsidize one kind of sweetener and in that way keep others from producing or processing corn sweeteners.

That is not right. I do not like the way we are doing this. I do not think we ought to do this on an appropriation bill, and I do not like an amendment that just eliminates any action we have taken.

I will say to this Committee on Agriculture that if it and the administration continues operating as I have seen during the last 2 or 3 weeks down in the Department, preferring one producer over a producer of a competing product in the United States, it is going to find opposition in this House for such a program.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I want to commend the gentleman for the contribution he has made here.

I just want to say that when we were raising some "ned" about this, there were some overtures that were made downtown.

They asked us, "If we do the same thing for the corn industry as we did for sugar, would that not be satisfactory?"

In keeping with the views of the gentleman in the well, I said "By no means. If they cannot cut it on their own, there is no need for the Government to come in and subsidize."

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(On request of Mr. TRAXLER and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I understand the gentleman's position, but I want to assure the gentleman that there is room in the marketplace for both American corn sweetener and American sugar. Because of the economics of the industry, the lower end of the sweetener industry is almost reserved to corn sweeteners because they can do it cheaper.

Mr. SMITH of Iowa. There is a very minor part of the sweetener industry. It does not amount to anything compared to the total industry. That is not my point.

Mr. TRAXLER. There is a gray area in which they tend to compete. There is another area dealing with granulated, in which there is no present technology that the corn sweetener industry can put a granulated product on the supermarket shelf to compete with sugar.

Mr. SMITH of Iowa. That is right.

Mr. TRAXLER. In our county, for instance, they use many forms of corn sweeteners for such items as carbonated beverages, bread, cookies, ice cream, and canned and bottled foods. Almost all of the bread is baked with a corn sweetener.

Mr. SMITH of Iowa. Right.

Mr. TRAXLER. In other words, there is some flexibility here.

What we are really talking about is preserving the American sugar industry.

Mr. SMITH of Iowa. Corn sweeteners are such a minute portion of the sweetener market anyway. We are just talking about pennies by comparison, so why be unfair about it?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, the gentleman in the well spoke of his reservation about using appropriation bills in this manner.

Yet, am I correct that notwithstanding that reservation, the gentleman does support the Michel amendment?

Mr. SMITH of Iowa. I do not know that I will. I would like to fashion an amendment, but it seems impossible to do that in the form of a limitation on an appropriation bill, that would prohibit discrimination among competing products.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I hope we can go ahead and vote down the amendment.

Let me give my reasons. As chairman of this subcommittee through the years, I have felt that it was a mistake to let the producer of any agricultural commodity be dependent upon an annual appropriation of the Congress for part of his income. This is for the reason that, with a growing urban population, sooner or later the big majority of the people will not understand that the producer has to earn the cost of production plus a profit or he will go broke and we all will have that much less food to eat.

That is the basic feeling I have, but here is the main reason that I think we should vote this amendment down at this time: In the first place, anything appropriated under the rules of the House is all right simply because the rules say so. Therefore, there is nothing wrong with putting a limitation on this bill if the rules say it is proper to offer it. However, the reason I ask the Members to vote this down now is that we are not only putting a limitation on this appropriation bill, which is clearly our right, but because I do not think it wise to put it on right at a time when the legislative committee is attempitng to write a new law. There is no program such as this currently existing, despite the announcement, despite the consideration, despite the feeling by the Secretary that they are

going to have to do this to keep the producer producing.

Since it is not in existence now, to write this prohibition on this bill when our legislative committee is at the moment writing a law that will be controlling in the future, I think is getting the cart before the horse. I think we should forgo such an amendment at this point and see what comes down from the legislative committee.

Therefore, Mr. Chairman, I would just hope that we vote down the amendment and that we wait until the new bill comes before us. At that time we can address ourselves to the merits of the bill presented to us by the committee that is going to write the law for the future.

Again, Mr. Chairman, I urge that we vote the amendment down.

Mr. FITHIAN. Mr. Chairman, I rise in support of the Michel amendment, not because it is necessarily the best way to deal with this subject, but because apparently it is the only way to deal with it that I have seen, at least in the immediate future.

I do not like the proposition that we should support one kind of producer of a sweetener over another.

Mr. Chairman, that is my basic objection. I could cite some statistics as to the importance to the sweetener industry and its growing importance technologically and financially to the corn belt. However, I think that already has been done here today.

I may be wrong, but I do not foresee our addressing the basic sugar problem in the omnibus farm bill. It may or may not be germane to that legislation since there is no section dealing with sugar at present in the bill which was voted out of our committee.

Therefore, Mr. Chairman, I would urge the Members of the House not to look upon this proposed amendment, offered by the distinguished leader in the minority party, as a Republican versus Democratic issue. I think, rather, we should attempt to consider it on the basis of whether or not the House of Representatives is willing to support one kind of sweetener producer over another. That is the real essence of the question here.

Therefore, although I would prefer, as did the gentleman from Iowa (Mr. SMITH), some other mechanism by which to deal with the problem, I see no real possibility that such a mechanism will be available. Therefore, those of you who represent areas not directly affected by either sugar or corn fructose manufacturing, might well want to consider this in terms of the major principle; that is, whether or not we are going to support one kind of sugar producer over another.

Mr. Chairman, I am greatly concerned by the administration's plan to subsidize the U.S. sugar industry by as much as a quarter of a billion dollars a year. I am convinced that this proposal is unfair, because of its potentially disastrous effect on corngrowers and processors and because it would act to discourage the type of research that we should encourage in private industry.

Despite the fact that the corn refining industry has produced sweeteners for more than 100 years, it is only recently that production of corn sweeteners has been possible to replace sugar at a lower cost. The significant strides of this industry should not now be curtailed through this ill-advised policy.

The corn refining industry is uniquely American in two ways. First, it has utilized and supported the improvement of America's foremost agricultural crop—corn. Second, it is widely recognized as an industry which has pioneered in encouraging, developing, and applying technological innovations. It is not an industry which, content with a technological status quo, has sought only to protect its position through Government support while concentrating only on increasing production and expanding its markets.

Indeed, the corn refining industry and its individual members have supported fundamental research, making major contributions to starch chemistry, biochemistry, and genetics. From the latter work has come new crops, such as waxy maize and the amylomaize, which have added to farm income and multiplied new agriculturally derived products.

One of the major products of this research is high fructose corn syrup, which can replace sugar in many applications. In fact, when the fructose-to-dextrose ratio is increased, sweetness equal to sugar can be attained at a lower calorie content.

As a result, high fructose corn syrup has changed the picture in the U.S. sweetener system. Already it has displaced some sugar. As more advanced versions of the product are developed, it will displace more sugar. The President's sugar subsidy plan, then, would inhibit the operation of normal free market forces. It would seek to alter the economic result of normal forces of consumer demand upon the supply of sugar.

The sugar subsidy program would place the U.S. Government in the unique situation of discouraging the type of research and development which we should instead seek to encourage—the work which has taken place in this industry. That can hardly be considered fair to corn producers and refiners.

Respected economists have estimated that the sugar program would cost the domestic corn industry an estimated $150 million a year. Of that amount, an estimated $18 million would be lost by Indiana farmers and corn refiners. Is it fair to penalize one producer in the agricultural sector simply to benefit another? I think not.

To promote continuation of the type of research which led to development of high fructose corn syrup and to promote stability and equity for corn producers, we need to approve legislation to block the President's proposed sugar subsidy plan. I urge my colleagues to support such an amendment in our consideration of the agricultural appropriations bill today.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding to me, and I generally find the gentleman's arguments compelling in the Committee on Agriculture, but today I do not understand his argument that he is making that we are giving support to the sugar producers and not to the corn producers. The gentleman from Indiana knows as well as I do of the very generous price support level in the general farm bill that will be coming before this House, and that we have had for years for corn, in 1971, the last year, it was $893 million. Here we are talking about $240 million, that is all that is proposed for the sugar farmers. I do not understand the conflict here when the gentleman says that we are giving support to the sugar producers and not to the corn producers.

Mr. FITHIAN. Mr. Chairman, if I might recover some of my remaining time, I would point out that the distinguished gentleman from Iowa (Mr. SMITH), in his reply to that particular question, said that we are dealing with a finished process-type of product. Clearly, then, we are dealing specifically with the processing of sugar versus the production of corn fructose.

As has been indicated, in the portion of the agricultural bill that would address itself specifically to the producer, I would not have any objection to looking at some economic activity on the part of the agricultural establishment. But I would remind the Members of the House that are not members of the Committee on Agriculture, that that is not a part of our endeavor in the drafting of the general farm bill. Therefore I would suggest that although the Michel amendment is not the best way to get at it, it seems to be the only way.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the best way to address this whole problem, very simply, is to say that "this is the only game in town." I do not know of anybody in Louisiana among the sugar producers, none of whom are in my district, who support the program of the administration, but it is the only game in town, it is the only one to be played.

In Louisiana sugar is most important to us, and although there is considerable criticism about the only game in town, it is the only program presently available which would help to do what is needed, it is necessary.

I might point out that we have been growing sugar cane in Louisiana since 1795. In 1975 over 329,000 acres of cane were harvested in Louisiana consisting of some 7 million tons of production, second largest amount in the United States.

More importantly, sugar provides employment for some 18,500 people, people actually working in the fields and in the mills. This industry is one of our largest employers in a State needing jobs badly.

The income to sugar producers in 1975 was $129 million. This year it is projected that because of the depressed prices, the farmers will receive $66 million less, a

loss of some $200 to $400 per acre. If some assistance is not given, we are going to see a number of these producers go out of business, and a great number of these people will be out of work. Our State cannot afford the loss of income or jobs.

Secretary Bergland announced on March 31, 1977, he was recommending a 2-cents-a-pound price support, but also a limitation on imports. That is what the sugar farmers want, both beet and cane farmers, they really do not want a direct subsidy, but only protection from unfair foreign competition.

The International Trade Commission on March 17, 1977, proposed a reduction of imports. We now have the proposal announced by the President of a 2-cent-a-pound subsidy, which we are arguing over this afternoon. The International Sugar Agreements negotiations in Geneva have now collapsed.

The point is, what are we going to do for the sugar farmers who are on the verge of collapse now if we kill the subsidy? The President has not chosen to follow the recommendations of his Secretary of Agriculture or the International Trade Commission and his efforts for an international agreement have failed.

I have asked for a hearing in the full Committee on Agriculture to address this problem, but there is no foreseeable solution in the near future to be of any immediate assistance to the sugar farmers who are in trouble right now.

Mr. Chairman, I look at the program as one of a stopgap, temporary measure to help the sugar producers now. It is the only program in effect, I repeat it is the only game in town.

No one is going to plant sugar for this program. They are losing money even under this program. No one is being unfair to anybody else. We are simply trying to keep the sugar farmers in business.

The specter of trade with Cuba disturbs me. Cuba is a big exporter of sugar. It may well be that Cuban sugar may soon find its way into our markets, finishing off the domestic sugar producer, which will make American consumers completely dependent upon foreign sources of sugar. I do not think anybody wants that, but if we do not defeat the Michel amendment, that may be exactly where we are heading. I thought that the oil situation taught us a lesson on being dependent on foreign imports.

Mr. Chairman, I urge the Members to vote down the Michel amendment on the basis that none of us like the program, but it is the only program the administration has seen fit to come forward with. There could have been others, such as limitation on imports, but it is the only one we have got. Give the Agriculture Committee time to look into new sugar legislation, but do not kill the only chance we have got to be of some assistance now to an industry that so badly needs it.

Mr. KREBS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will try and make my remarks brief. Mr. Chairman, the amount of sugar beets produced in my district, I can assure the Members of the House, is very small in relation to the total agriculture production in my congressional district. Listening to the various arguments here, I must say with all due respect that many of them have been strictly parochial in nature, and many of the arguments we have heard here really do not answer the main concern that I think all of us should have; namely, the total impact on this Nation. It seems to me that the proponents of this amendment have failed to answer the concerns that have been expressed by the opposition to the amendment; namely, No. 1, that as a result of the adoption of this amendment—which I hope will not be adopted—the sugar market in this country will be flooded by foreign producers. They are already, of course, in the course of being flooded right now.

Second, is the concern that has been expressed with reference to the loss of thousands of jobs. I think the figure of 30,000 was mentioned in connection with the loss of jobs in Hawaii. It seems to me we should get away from these parochial approaches, whether this legislation represents a subsidy to one segment of agriculture or whether it represents a giveaway to producers in terms of robbing the consumers. I had hoped we would have gotten away from this consumer-versus-producer type of argument. I think we have made substantial progress in that area. It has been some time since we have heard these arguments, and I think it is unfortunate that they have been produced today.

Let me remind the membership that what affects 30,000 workers in Hawaii certainly would affect the consumers of the State of Hawaii, if not those of the Nation as a whole. What affects thousands of workers on the island of Hawaii certainly affects the consumers of this country. If, indeed, we are going to permit the flooding of our domestic market by foreign producers and cause the ultimate elimination of sugar producers in this country, this certainly affects the consumers of this great Nation.

Let me, last, address myself to the point raised by the gentleman from Illinois (Mr. SIMON), for whom I have the highest regard, in which he referred to our obligation to balance the budget. I certainly share this obligation but would point out that every time we have discussed the national deficit the Committee on the Budget, and I think for very good reason, has pointed out the direct relationship between the number of unemployed in this country and the size of the national deficit. So it seems to me that when we are talking about 30,000 workers in Hawaii and many additional thousands on the mainland being thrown out of work, certainly this is going to have a very serious impact on the national deficit, and I think these are some of the points we should consider in hopefully voting down this amendment.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming (Mr. RONCALIO) has 5 minutes of that time.

Mr. RONCALIO. Mr. Chairman, the administration's announced price support program for domestic sugar producers, with maximum Government payments set at 2 cents per pound, is intended to be a stopgap measure to enable our domestic sugar beet and sugarcane producers to survive. Domestic sugar producers have been operating at a loss for some time now, with the price of raw sugar having now declined to 10 cents per pound. Projections are that the price will fall even farther, as low as 8 cents by this fall.

With the cost of production averaging 14 cents to 16 cents per pound, producers cannot continue without being forced out of business. If this occurs, the effect on this country would be dramatic. The immediate impact would be the loss of capital investment and reduced employment opportunities in communities where sugar is produced, with a corresponding burden on unemployment and other social programs. At the same time, however, the American housewife would be forced to depend on the whims and vagaries of the world market for her supply of sugar.

Just as with energy, we in this country cannot produce enough sugar to meet domestic demand. To force our country to rely even more on foreign countries for our sugar would be to repeat the cruel lesson we are now learning with out energy supplies.

The maximum Treasury outlay for the proposed 1977 crop price support program is expected to be $240 million. This is based on the assumption that the total domestic production of 6 million tons of sugar will be eligible for the full 2-cent support payment. This type of program is fully consistent with the other types of support programs the Government now makes available for other types of farm commodities, such as corn, which has been covered by such a program for many years.

The administration recognizes that there will be sizable payments made to some producers, since the sugar industry by its very nature comprises a few large producers as well as many small producers. Economies of scale are especially important in the production of sugar crops because of the high production costs. It is intended under the proposed program that all producers, regardless of size, receive exactly the same Government payment of each pound of sugar produced and marketed. To cancel the support payments program for some at this time could still greatly damage the viability of domestic sugar production.

INCREASES IN SUGAR BEET PRODUCTION COSTS, WYOMING

TABLE 2.—COSTS OF PRODUCING SUGAR BEETS, WORLAND AREA, 1974 AND 1976, AND POWELL AREA, 1976, WYOMING[1]

Cost items	Worland 1974	Worland 1976	Percent change, 1974 through 1976	Powell, 1976
Tractors, trucks, machinery:				
Fixed	$77.96	$104.01	+33.4	$72.29
Operating	46.49	69.59	+49.7	61.69
Materials:				
Fertilizer	56.25	55.36	−1.6	66.22
Herbicides	11.28	10.91	−3.3	17.50
Nematocide	35.00	48.60	+38.8	
Insecticides	8.32	8.56	+2.9	9.60
Seed	4.95	9.45	+90.9	9.85
Other	1.67	3.35	+100.6	1.60
Contract labor	54.50	59.00	+8.2	55.00
Full time labor	47.45	58.29	+22.8	46.29
Miscellaneous	20.90	21.35	+2.1	17.00
Interest on cash costs	13.36	16.96	+26.9	14.06
Management	44.00	35.20	−20.0	28.80
Land:				
Net rent	51.75	84.94	+64.1	72.16
Taxes	2.68	3.00	+11.9	1.92
Water	5.75	5.68	−1.2	8.00
Improvements:				
Fixed	9.86	18.73	+89.8	14.87
Operating	4.14	8.30	+100.5	4.66
Total production Land opportunity costs	496.31	621.28	+25.2	501.51
Expected yield (tons per acre)	22	22		18
Cost per ton (break-even price)	$22.56	$28.24	+25.2	+27.86
Changes in costs:				
Per acre (2 yr)		+124.97	+25.2	
Per ton (2 yr)		+5.68	+25.2	
Per acre per year		+62.48	+12.5	
Per ton per year		+2.84	+12.5	

[1] Data from "Costs of Producing Crops, Big Horn Basin Area, Wyoming, 1974," Agriculture Extension Service, Division of Agricultural Economics, University of Wyoming, January 1975, AE 75-01, pp. 10 and 11, and preliminary costs for Worland area, 1976. Also see "Costs of Producing Crops, Powell Area, Wyoming 1976." Agriculture Extension Service, Division of Agricultural Economics, University of Wyoming, September 1976, pp. 18-19. See complete copies of sugar beet budgets attached.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I want to relate the reason why I simply have to vote for the Michel amendment. I could never explain why I voted for a subsidy of $240 million to sugar farmers and sugar processors.

I have listened very carefully. I have the highest regard for the chairman of the Committee on Agriculture. At the same time it is impossible to explain why I would vote to give $240 million to the producers of sugar. The consumers of New England and the headlines of this country will say that the Congress gave payments not to stabilize prices but for income support. Four of these payments will be $1 million or over.

There are no hearings that I can go to in order to understand why this is being done. The General Accounting Office questions the legality of this. And I simply state if this is "the only game in town," as has been suggested, and that the "farmers do not want subsidies," as has been urged, then I will vote against subsidies and vote for the amendment offered by the gentleman from Illinois.

It has been asserted here that the sugar farmers are on the verge of collapse. If that is so, I do not think we should give them $240 million. We should develop a rational program of loans and grants and assistance so that they can recover—if, in fact, they are on the verge of collapse.

Therefore, Mr. Chairman, with great reluctance and with misgivings I will vote for the Michel amendment.

The Department of Agriculture's proposed program of payments to sugar processors and growers is unnecessary, unwise, and of questionable legality. This program will cost the taxpayers $240 million per year and will provide no relief to consumers. It is a multimillion dollar bailout of the giants of the sugar industry by the Government of the United States. This program is another example of the taxpayers being called upon to rescue giant corporations from their unwise business decisions. No one called upon the sugar producers to give back some of their record profits of recent years; we should not now call upon the taxpayers to have the sugar producers from the consequences of their own actions. The present glut of sugar is the result of the decision by the sugar industry to plant as much sugar as possible when prices were sky high. Profits were enormous during that period. Now that the price has fallen, the taxpayers are being asked to subsidize the industry.

The Department of Agriculture has proposed payments of up to 2 cents per pound to sugar processors whenever prices fall below 13.5 cents per pound. Sugar processors or millers who distribute the funds can legally keep up to 38 percent of the payments, providing them with a windfall. Corporations which grow sugar and also mill and process it can keep most of the subsidy. Among these corporations are many of enormous size; it is estimated that at least 25 grower/processor firms will receive annual subsidies of more than $1 million. One, Amfac, Inc. of Hawaii, will receive about $14.2 million per year.

Funds for this giveaway were not budgeted. There was absolutely no discussion of this program in any congressional hearing. The $240 million bailout of large sugar growers is an example of the worst type of "back door" spending. President Carter's suggested budget for agricultural programs was $2.8 billion. Nowhere in this budget was there mention of a sugar subsidy. Now, the administration is asking for almost one-tenth of its suggested total for all farm programs for an unprecedented program of sugar payments which was never budgeted.

Sugar is one of many commodities which has never been included in the traditional farm support program. We are asked now to depart from this tradition, at a staggering cost of $240 million, with no opportunity to examine this program.

In addition to the highly unusual method by which the sugar subsidy plan reached the Congress, there is also considerable doubt as to its legality. The Sugar Act, which included authority for payments to the sugar industry, expired 3 years ago. The Agricultural Act of 1949 does not authorize payments to producers and provides that any payments to processors must be for the sole purpose of direct price supports. In spite of this, the Agriculture Department proposes to inaugurate a plan to provide income, not price supports, which will go in large measure to producers. The GAO is currently examining the legality of the payment plan. It is certain that private lawsuits will be filed challenging the legality of the subsidies.

The payments provide no real solution to the problems of U.S. sugar producers and may actually increase those problems by creating artificial incentives to increase sugar production at a time of a worldwide surplus. Many sugar growers will receive no benefits at all; some actively oppose the proposed payments. The inequities and deficiencies in the sudsidy program are surely the result of the hasty fashion by which this system of payments was devised.

The USDA's sugar subsidies constitute severe discrimination against the corn sweetener industry, which is in direct competition with the sugar industry. Because the producers of corn sweeteners did not make the mistake of overproducing, they will now suffer discrimination.

The proposed sugar payments will benefit the larger growers and producers, at the expense of the small farmers. The giants of the industry will receive multimillion dollar payments. Payments of this magnitude—the top four recipients will receive $14.2, $10.8, $9.6, $8.8, and $5.7 million annually—will not only discriminate against the corn sweetener industry, but will also produce serious anticompetitive effects within the sugar industry, helping to finance the demise of small sugar farms at the hands of the gigantic grower-processors who will benefit most from the proposed subsidy plan.

Mr. Speaker, the unprecedented provision of payments to sugar growers and processors is an unjustifiable ripoff of the taxpayer, to the tune of $240 million per year. The planned subsidies will contribute to the growing concentration of our Nation's agricultural sector in the hands of a relatively few giant corporations. It will provide the most money to those least in need of it. It will discriminate against the corn sweetener industry. It will perpetuate an artificial incentive to produce sugar. It will engender a series of law suits challenging its dubious legality. If we want to deal with the problems in the sugar industry, let us do so in a careful and systematic fashion. Unfortunately, this has not been done, and the resulting subsidy plan reflects the haste with which it was conceived. I urge my colleagues to vote in favor of the amendment offered by the gentleman from Illinois and against this unfair and unnecessary burden on the taxpayer.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. GRASSLEY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, on walking onto the floor today, I was over-

come by a sweet aroma, and it was not until I noted the specifics of an amendment to be offered by Representatives FINDLEY, MICHEL, and others that I realized the source of such a pleasurable sensation. This amendment would prohibit the administration of any funds intended to bail out the large sugar processors and producers to the tune of $250 million. Frankly, I am at a loss to understand why the American taxpayer must, via an administrative vehicle of dubious legality, subsidize our own sugar producers and, in effect, subsidize competitors in other nations whose sugar is being imported in huge volumes into this country. If the administration feels that imports are causing a glut on the market, and thus putting in jeopardy domestic producers, then it ought to seek, through normal legislative channels, a mechanism for price supports. However, to circumvent current law and the intent of Congress by funneling millions and millions of dollars through sugar processors and producers, some of whom will inevitably keep payments in the millions for themselves, is hardly in the public interest, or in the interest of establishing a good rapport with Congress.

In the interest of good government, and the prevention of a $250 million boondoggle which could set a very dangerous precedent, I urge my colleagues to support the amendment which would prevent the administration of the sugar bailout program.

Mr. FINDLEY. Mr. Chairman, I rise in support of the Michel amendment. I do so for several reasons. First of all, this is the best place to stop an unwise payment program to sugar processors and producers.

No hearings were held on this proposal either in the Appropriations Committee or in the Legislative Committee.

No administration presentation was made to the Congress in any form that I know of. It is not a budgeted item. The whole thing is under a very heavy legal cloud. The Federal courts have held that producer payments are contrary to existing statute.

Furthermore, the last time the Congress spoke on the question it voted to terminate payments to sugar producers. This was about 3 years ago when it voted to let the Sugar Act expire. That is the last time that the Congress made any position statement on the question of sugar producer payments.

It is, of course, heavily discriminatory against the producers of corn for sweetener. It is, of course, true that income of corn producers is supported by target payment, and nonrecourse loans; but it is also true that sugar is protected by substantial import tariff and corn, of course, has no such advantage.

The best procedure is for us to adopt this amendment. Then let the administration come before the Congress with a legislative proposal. Then let hearings be held; let the authorization process be completed and then, and only then, let us take up the question of authorizing appropriations.

A supplemental for fiscal 1978 will come in plenty of time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I have no further arguments to make other than those already made and those Members on the floor now were here at the time.

But in a capsule, I just want to make sure we do not see the administration giving away another $240 million. It was not in the first budget resolution and will simply add to the national debt. But more important, as a matter of principle it is just wrong for us to stand by and permit this bonanza to a few big corporations.

This is special-interest legislation in its worst form and, if my amendment fails, you are going to let it happen without an affirmative act by the Congress.

I know the forces working behind the scenes to thwart my effort here today. The sugar lobby is still very much alive and the teamsters also have more than a passive interest and then there is that "unholy alliance" that one of our previous speakers against this amendment has crowed about putting together, so I know what we are up against.

I would just plead with Members to note your individual consciences.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I wanted to answer one point that the ranking member of the Agriculture Committee made on the floor, where the gentleman said the problem was caused by all this cheap sugar coming in from foreign countries.

I was going to ask the gentleman to yield, but time ran out. If we argue that logically, we have to agree that we are being beaten in New England very badly by the importation of shoes. Most of our shoe industry has been wiped out by cheap shoes from England, Italy, Czechoslovakia, and "you name it."

Therefore, if we follow this logically, we have to give the shoe manufacturers in the United States a subsidy of maybe 50 cents or a dollar for every shoe they manufacture.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Mr. Chairman, if the gentleman from Massachusetts has made his point, I yield.

Mr. ANDREWS of North Dakota. Mr. Chairman, that is precisely why my colleague from Massachusetts has argued many times eloquently in this House that some protection has to be made to the people who manufacture shoes in this country, so that we are not totally dependent on imported shoes in this country. That is precisely the point for sugar. I do not think our consumers are going to benefit if they buy all their sugar or all their shoes from foreign producers.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Whatever time I have, the gentleman from Massachusetts may have.

Mr. CONTE. Mr. Chairman, we are already through the tariff as far as protecting sugar. There is, I believe, a 2-cents-a-pound tariff on sugar coming into the United States.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield further. The Carter administration is proposing this program in lieu of the Trade Commission recommendation to limit the dumping of surplus sugar in this country. Most growers would prefer the Trade Commission recommendation to those of the Carter administration.

Mr. BAUCUS. Mr. Speaker, we have heard a number of arguments, pro and con, on this amendment this afternoon. Some of these are irrelevant to the question at issue here; others are crucial to it. I would like to explain my opposition to this amendment by separating relevant from irrelevant and concentrating on the former.

Sugar is not oil, and a sugar embargo would not be as devastating as an oil embargo. Frankly, I have no proof that passage of this amendment would lead to the formation of an evil sugar cartel and the enslavement of the American consumer to the Cubans. Furthermore, the fact that inventories from pre-1977 crops are excluded from payments under this program may cause grumbling among sugar producers, but it is certainly not a reason for opposing this amendment. If we passed every program on the basis of whom it excluded, our budget would certainly be busted. There are much better arguments for opposition to this amendment, which I will cover shortly.

Those supporting the amendment claim that sugar payments may be illegal. The proper forum for that question is in the courts, and I am sure that such a court test will occur. Supporters of the amendment have also trotted out the old "budget buster" argument. This argument is inevitably used by those opposing a spending program; the real opposition is usually to the program, not to the busted budget. The heart of the argument for the amendment lies elsewhere and must be seriously addressed.

It seems that sugar producers made a lot of money three years ago. Now the price has fallen, and they are losing money. It would be incorrect to respond to this situation with a gloating "I told you so" attitude. As we have seen, U.S. sugar producers have not been the sole determining influence on the price of sugar on the domestic market. As sugar supplies dwindled and prices rose in 1974, worldwide production picked up, and despite the increasing volume of foreign sugar entering the country, President Ford elected to keep the tariff level low and impose an extremely nonrestrictive quota level on foreign sugar. As a result, imported sugar flooded the U.S. market and prices fell dramatically, but it was not until September 1976, that the tariff rate was increased and imports discouraged. The low prices and great volume of sugar on the market today are more a result of these actions than the logical production plans of American farmers and producers. When prices are high, profits materialized and producers here naturally increased production. We will be in a sorry state when we begin criticizing groups for making

a profit or responding in a manner that was sure to lower prices.

The world price has fallen below the U.S. cost of production. By doing nothing, we will certainly see many U.S. producers go out of business. This will cause U.S. production to drop, and prices will eventually rise. This is hardly a "pro-consumer" response.

Proponents of this amendment point out that big U.S. producers will receive millions of dollars of payments under the subsidy program. These millions should not be viewed as windfall profits. Receipt of them will mean that producers will lose less money, but they will still be losing money. Unfortunately, due to the nature of the authorizing legislation and the nature of the sugar industry, large payments to large producers will accompany smaller payments to smaller producers. But to prevent the former, we would have to give up the latter.

My good friend, the gentleman from Massachusetts (Mr. DRINAN) points out that if sugar producers are on the verge of collapse, a long-term program is what is needed. I certainly agree with him on this point, and I hope we will have a chance to vote on such a program when the authorizing legislation comes up next month. That is the time to decide the question, not now. As a member of the Appropriations Committee, I am particularly sensitive about the difference between appropriations and authorizations. We did not debate this question of authorization during consideration of this bill in my subcommittee, and I will ask my colleagues to refrain from debating such matters as this until the proper time.

The administration should be commended for using existing authority as well as it has to aid sugar growers. Certainly a better program can be designed, and we will have a chance to do just that in a few weeks. Now is not the time to turn our backs on sugar growers. We support the price of nearly every other crop, and no one today has pointed out why sugar should be made an exception. The proposed subsidy program is not an anti-consumer measure. This amendment, which would shut the program down, should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN) to close the debate.

Mr. WHITTEN. Mr. Chairman, again I say, we should vote this amendment down. The one primary purpose all of us should have is to see that we continue to be a Nation which has ample supplies of food.

May I say, the law as it stands now authorizes the payment for price supports to producers of the most basic commodities, of which sugar is one. They can pay it to the processors.

Now, I contend that that law, if it is to be changed, should be changed by the legislative committee which will soon bring out a bill.

Now, my friend, the gentleman from Illinois (Mr. FINDLEY) said earlier that we had had no chance to get a vote. That bill will go into the Committee on Rules. The Committee on Rules can say whether this Agricultural Act of 1949, as amended, is a part of the agricultural law and that rule can easily make it available to all of us.

Now, involved in this is a question of not how much payment goes to somebody, but whether we are going to keep on being self-sufficient in the production of food.

I think that we should, but whether I am right or wrong, I think I am certainly right in urging that we do not pass something in advance on an appropriation bill concerning a law that we have not yet passed. Since that law will be coming up and we can work our will on it, I hope we will vote the amendment down at this point and wait and deal with the subject when it comes before us in proper form.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr MICHEL).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. CONTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred twelve Members are present, a quorum.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Massachusetts (Mr. CONTE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 272, not voting 42, as follows:

[Roll No. 354]

AYES—119

Allen	Fisher	Mikva
Ambro	Fithian	Minish
Anderson, Calif.	Florio	Moakley
Anderson, Ill.	Forsythe	Moorhead, Calif.
Archer	Frey	Mottl
Ashbrook	Gilman	Myers, Gary
Aspin	Goldwater	O'Brien
Bauman	Goodling	Pursell
Benjamin	Gradison	Quayle
Bevill	Grassley	Regula
Blouin	Hamilton	Rinaldo
Broomfield	Hansen	Rodino
Brown, Ohio	Harkin	Rousselot
Burke, Fla.	Harris	Sarasin
Caputo	Harsha	Sawyer
Clawson, Del	Heckler	Schulze
Cleveland	Hollenbeck	Sharp
Cohen	Holt	Shuster
Coleman	Hughes	Simon
Collins, Tex.	Hyde	Snyder
Conable	Ichord	Spellman
Conte	Jacobs	Stanton
Corcoran	Jones, Okla.	Steers
Cornell	Kastenmeier	Stockman
Cornwell	Kelly	Stratton
Coughlin	Kemp	Studds
Crane	Kostmayer	Symms
Cunningham	Lagomarsino	Taylor
D'Amours	Leach	Walker
Derwinski	Lehman	Walsh
Devine	Lent	Whalen
Drinan	Levitas	Wiggins
Duncan, Tenn.	Long, Md.	Winn
Emery	Lujan	Wolff
Erlenborn	McClory	Wydler
Evans, Del.	McDade	Wylie
Evans, Ind.	McDonald	Yates
Fenwick	Madigan	Young, Fla.
Findley	Maguire	
Fish	Martin	
	Michel	

NOES—272

Abdnor	Annunzio	Badham
Ammerman	Applegate	Bafalis
Andrews, N.C.	Armstrong	Barnard
Andrews, N. Dak.	Ashley	Baucus
	AuCoin	Beard, R.I.
Beard, Tenn.	Hagedorn	Pattison
Bedell	Hall	Pease
Beilenson	Hammer-schmidt	Pepper
Bennett	Hanley	Perkins
Biaggi	Hannaford	Pettis
Bingham	Hawkins	Pickle
Blanchard	Hefner	Pike
Boggs	Heftel	Pressler
Boland	Hightower	Preyer
Bolling	Hillis	Price
Bonior	Holtzman	Pritchard
Bonker	Horton	Quie
Bowen	Howard	Quillen
Brademas	Hubbard	Rahall
Breaux	Huckaby	Rangel
Breckinridge	Ireland	Reuss
Brinkley	Jeffords	Rhodes
Brodhead	Jenkins	Richmond
Brooks	Johnson, Calif.	Risenhoover
Brown, Calif.	Johnson, Colo.	Roberts
Brown, Mich.	Jones, N.C.	Robinson
Buchanan	Jones, Tenn.	Rogers
Burgener	Jordan	Roncalio
Burke, Calif.	Kasten	Rooney
Burleson, Tex.	Kazen	Rose
Burlison, Mo.	Ketchum	Rosenthal
Burton, John	Keys	Rostenkowski
Burton, Phillip	Kildee	Roybal
Butler	Kindness	Rudd
Byron	Krebs	Runnels
Carney	Krueger	Russo
Carr	LaFalce	Ryan
Carter	Latta	Santini
Cavanaugh	Le Fante	Satterfield
Cederberg	Leggett	Scheuer
Chappell	Lloyd, Calif.	Schroeder
Chisholm	Lloyd, Tenn.	Sebelius
Clausen, Don H.	Long, La.	Seiberling
Clay	Lott	Sikes
Cochran	Luken	Sisk
Collins, Ill.	Lundine	Skelton
Conyers	McCormack	Skubitz
Corman	McEwen	Slack
Daniel, Dan	McFall	Smith, Iowa
Daniel, R. W.	McKay	Smith, Nebr.
Davis	Mahon	Solarz
de la Garza	Mann	St Germain
Delaney	Markey	Staggers
Derrick	Marks	Stangeland
Dickinson	Marlenee	Stark
Dingell	Marriott	Steed
Dodd	Mattox	Steiger
Dornan	Mazzoli	Stokes
Downey	Meeds	Stump
Duncan, Oreg.	Metcalfe	Thompson
Early	Meyner	Thone
Eckhardt	Mikulski	Thornton
Edgar	Milford	Traxler
Edwards, Ala.	Miller, Calif.	Trible
Edwards, Calif.	Miller, Ohio	Tsongas
Edwards, Okla.	Mineta	Tucker
Eilberg	Mitchell, Md.	Udall
English	Mitchell, N.Y.	Ullman
Ertel	Moffett	Van Deerlin
Evans, Ga.	Mollohan	Vander Jagt
Fary	Montgomery	Vanik
Fascell	Moore	Vento
Flood	Moorhead, Pa.	Volkmer
Flowers	Murphy, Ill.	Waggonner
Flynt	Murphy, N.Y.	Walgren
Foley	Murphy, Pa.	Wampler
Ford, Tenn.	Murtha	Watkins
Fountain	Myers, Michael	Weaver
Fowler	Myers, Ind.	White
Frenzel	Natcher	Whitehurst
Fuqua	Neal	Whitley
Gammage	Nichols	Whitten
Gaydos	Nix	Wilson, Bob
Gephardt	Nolan	Wilson, Tex.
Gibbons	Nowak	Wirth
Ginn	Oakar	Wright
Glickman	Oberstar	Yatron
Gonzalez	Obey	Young, Alaska
Gore	Ottinger	Young, Mo.
Gudger	Patten	Young, Tex.
Guyer	Patterson	Zablocki

NOT VOTING—42

Addabbo	Flippo	Nedzi
Akaka	Ford, Mich.	Panetta
Alexander	Fraser	Poage
Badillo	Giaimo	Railsback
Baldus	Harrington	Roe
Broyhill	Holland	Ruppe
Burke, Mass.	Johnson, Calif.	Shipley
Cotter	Koch	Spence
Danielson	Lederer	Teague
Dellums	McCloskey	Treen
Dent	McHugh	Waxman
Dicks	McKinney	Weiss
Diggs	Mathis	Wilson, C. H.
Evans, Colo.	Moss	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Harrington for, with Mr. Akaka against.

Messrs. RISENHOOVER, SKUBITZ, and SCHEUER changed their vote from "aye" to "no."

Messrs. WHALEN, AMBRO, and HANSEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the first paragraph on page 18? If not, the Clerk will read.

The Clerk read as follows:

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $39,800,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That $3,474,000 of this authorization shall be available to support the Office of the General Sales Manager which shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation and those funded by Public Law 480) pursuant to existing authority (including that contained in the Corporation's charter and Public Law 480), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation and Public Law 480, including grade and quality as sold and as delivered and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out such program operations: *Provided* further, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

AMENDMENT OFFERED BY MR. JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Colorado: On page 21, at the end of line 23, strike the period and insert: ": *Provided further*, That no part of the funds appropriated or otherwise made available in this Act shall be obligated or expended for the salaries or expenses of any officer or employee to formulate, provide assistance in, or carry out any program relating to loans, price support, sales or other disposal function performed with respect to tobacco or any tobacco product."

Mr. JOHNSON of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. BAUMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I make a point of order against the amendment on the ground that it violates clause 2 of rule XXI. In support of that contention I point out that the amendment says "obligated or expended for the salaries or expenses"—and then it says—"to formulate, provide assistance in, or carry out any program * * *."

The words that I think make this subject to a point of order are the words "relating to loans, price support, sales or other disposal function performed with respect to tobacco or any tobacco product."

The section which I think this violates in that it requires additional duties is section 842 of the Rules of the House which says:

. . . an amendment or language in an appropriation bill may not impose additional duties, not required by law, or make the appropriation contingent upon the performance of such studies.

I would repeat that the amendment as prepared and as presented prohibits, and I will read it again:

That no part of the funds appropriated or otherwise made available in this act shall be obligated or expended for the salaries or expenses of any officer or employee—

And then I quote:

To formulate, provide assistance in, or carry out any program relating to loans, price support, sales or other disposal function performed with respect to . . .

The "other disposal" might be to throw it in the well. It might be most anything, and it would require someone to make the determination, and in making the determination, it would give additional duties to someone who does not have those duties at the present time.

I respectfully submit that on the face of it the amendment is in violation of that provision of the Rules of the House.

The CHAIRMAN. Does the gentleman from Colorado (Mr. JOHNSON) desire to be heard on the point of order?

Mr. JOHNSON of Colorado. I do briefly, Mr. Chairman.

This amendment simply is a limitation on the funds appropriated or that are made available under this bill. It is a very common type of amendment. It has been held in order many times. The most recent instance that it was held to be in order occurred March 16, 1977, during the debate on the amendment offered by the gentleman from Indiana (Mr. MYERS) and a point of order was raised by the gentleman from Illinois (Mr. YATES). The chairman ruled that the amendment did not impose additional duties and merely restricted executive discretion, and accordingly overruled the point of order. This is in the RECORD at pages 7706 to 7754.

As far as salaries are concerned, Deschler's Procedure 25:12.9 states:

An amendment to an appropriation bill providing that "no part of any appropriation contained in this act shall be available" for the payment of salary of any officer or employee of the U.S. Postal Service who takes certain actions was held in order as a limitation on the use of funds in the bill.

Mr. Chairman, this is a very common amendment.

Mr. DAN DANIEL. Mr. Chairman, I rise to speak on the point of order.

Mr. Chairman, if I understand this amendment correctly, tobacco currently held by the Government could not be sold.

The CHAIRMAN. The gentleman is commenting on the point of order?

Mr. DAN DANIEL. That is all, just one sentence: The tobacco currently held by the Government could not be sold if this amendment is adopted.

The CHAIRMAN. The Chair has had an opportunity to examine the amendment and has consulted the precedents, the rather extensive precedents, in connection with similar amendments where attempts have been made to limit the expenditure of funds in connection with price support programs. It is clear from an examination of the precedents that chairmen of the Committee of the Whole House on the State of the Union dealing with agricultural appropriation bills have consistently ruled that amendments which do place negative limitations on the expenditure of funds in connection with the administration of price, support programs, which programs are merely described in the amendment are in order.

Accordingly, the Chair overrules the point of order.

The Chair recognizes the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, this amendment on the face of it is similar to the one that was just defeated with respect to sugar. However, there is a tremendous difference between this amendment and the previous amendment, and it relates to the Government's schizophrenic policy that we have been following of both promoting and condemning tobacco at the same time. I would like to point out to the Members of the House that this is one of the most irrational policies that we have. If this amendment is adopted today, it will necessarily have to be followed up by an amendment of the agricultural authorization bill which is coming up in a couple of months to eliminate the tobacco subsidy program altogether. But this will be the first step in eliminating the expenditures on the administration of the program commencing October 1 of this year. The tobacco industry, Mr. Chairman, is a healthy industry.

It is not dependent upon Federal programs to maintain its health. Last year for example the total farm cash receipts were $2.267 billion for farmers. Tobacco is grown on about 200,000 farms, according to the Bureau of Census, and those were the 1974 figures. In 1969, 276,000 farms grew tobacco. There has been a steady reduction in the number of farms that are growing tobacco at the same time that the economic trend of the industry is increasing.

The USDA made a situation report in December last year which said that the trends in sales, manufacturing, marketing, and growing indicate that the same or greater production of tobacco products in the future will require fewer farms, fewer manufacturing plants, fewer marketing services, and fewer laborers. The total man-hours devoted to growing tobacco diminished by 30 percent from 1969 to 1974.

We grow tobacco on three-tenths of 1 percent of U.S. farmland we have in production. So if the argument is made that tobacco is an industry dependent upon this particular support program, it is a faulty argument. The tobacco industry is totally healthy.

Let me point out to the Members what Federal assistance for the tobacco industry is, and then I would like to point out what our policy is with respect to condemning tobacco, and the House will have to work its will on whether or not we ought to continue this kind of dichotomy.

We gave nonrecourse loans to growers since 1937 that amounted to $4.2 billion. There have been only $57 million worth of losses from 1937 on those nonrecourse loans. There are presently outstanding $352 million.

We have supported tobacco in the food for peace program to the tune of $768.4 million since 1964. In the commodity export sales since 1956 we have provided a total of $430 million in tobacco financing. Every year we expend about $2.2 million in agricultural research service to do research to increase tobacco production. At the same time we also expend $3 million on research on the public health aspects of tobacco. That is just in the USDA.

In 1964 the Surgeon General reported that smoking and tobacco consumption was a health hazard especially in relation to cancer. In 1965 and in 1969 the Congress enacted this kind of legislative effort. We had the National Clearinghouse on Smoking and Health to collect, organize, and disseminate information on smoking. We have required health warnings to appear on the cigarette packages and we have prohibited the advertising of cigarettes on TV and radio.

Since 1965 we have appropriated almost $5 billion for cancer research. We also spend $7 million a year for biomedical research for lung and heart diseases, and $9.5 million for research to develop less hazardous cigarettes. At the same time we are spending millions to promote tobacco production and we spend $51.8 million per year average for tobacco-related biomedical diseases.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(By unanimous consent Mr. JOHNSON of Colorado was allowed to proceed for 3 additional minutes.)

Mr. JOHNSON of Colorado. Mr. Chairman, I thank my colleagues for their indulgence. I realize how emotional this is for some of the Members. After all, 91 percent of the country's production of tobacco is in Georgia and Kentucky and North Carolina and South Carolina and Tennessee and Virginia, and I realize our colleagues and close friends from those areas feel very deeply about this particular subject.

The American Cancer Society indicates that cigarette smoking is directly responsible for more deaths from cancer than any other single agent. Seventy thousand Americans will die this year of lung cancer as a result of smoking. There are 250,000 deaths that we estimate which resulted from smoking each year.

The most recent report to Congress in 1975 by the Department of Health, Education, and Welfare said this:

> The recent scientific information reviewed in the report reaffirms that cigarette smoking is a public health problem.

The premature deaths from cancer as a result of smoking are preventable.

Mr. Chairman, if this amendment is adopted, it is not going to harm the tobacco industry. It might have some effect on small producers in the South, and I acknowledge that. In the event that is true, the money that is saved could be very easily used to help augment whatever economic dislocation is involved.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I wish to commend the gentleman in the well and associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado. It is unconscionable for the Federal Government to spend millions for research into the diseases caused by tobacco and for public information programs to alert citizens to the hazards of smoking while at the same time making tobacco more abundant by subsidizing its production.

The amendment before us does not prohibit the cultivation of tobacco. Nor does it seek to induce people to stop smoking. The amendment simply seeks to get the Federal Government out of the business of improving and increasing the market for tobacco products. There is no justification for the continuation of the Government's subsidization of a product which is responsible for approximately 250,000 deaths annually and costs over $17 billion per year in expenditures for medical care and job losses.

I have introduced legislation to deal with the terrible costs of cigarette smoking: H.R. 3878 would strengthen the warning label required on cigarette packages and extend that warning to all cigarette advertisements; H.R. 3879 would place tobacco products under the regulatory authority of the Food and Drug Administration; H.R. 3881 would establish a health protection tax on cigarettes and utilize that revenue for research into tobacco-related diseases; and H.R. 3882 would regulate smoking in Federal facilities.

Support for measures to reduce the individual and societal costs of smoking is clearly on the rise. Last month, the House voted for the first time to exclude tobacco from the food for peace program. The amendment offered by the gentleman from Colorado is of a similar nature. The House has already acted to get the U.S. Government out of the business of exporting tobacco; today we have the opportunity to get the Federal Government out of the business of encouraging and subsidizing the production of this lethal product. The Federal Government spends huge sums annually for research into tobacco-related diseases. But we have not taken the one step which will do the most to reduce tobacco-related illnesses and their costs while at the same time saving the taxpayers' dollars: halting the tobacco subsidy program. I urge my colleagues to end this anomaly and get the U.S. Government out of the tobacco business once and for all.

Mr. JOHNSON of Colorado. Mr. Chairman, I am a smoker and every time I smoke a cigarette I see the warning:

> The Surgeon General has determined that cigarette smoking is dangerous to your health.

I suggest in the event we do not pass this amendment and face up to this rediculous situation, we should add:

> Nevertheless, despite the fact that 250,000 Americans will die this year as the result of using tobacco, your government spends millions of dollars every year in promoting, supporting and subsidizing of tobacco.

Mr. WHITLEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITLEY. Mr. Chairman, I would like to ask the gentleman what the reduction of smoking in the United States would be if the amendment would pass?

Mr. JOHNSON of Colorado. I do not think it would have any effect.

Mr. WHITLEY. Mr. Chairman, if the gentleman will yield further, neither do I. It is not going to hurt the industry; it is not going to hurt tobacco smokers, it is just going to bankrupt the farmers.

Mr. JOHNSON of Colorado. I do not think the gentleman is correct on that. I have not seen any statistics to indicate that. In fact, I read how healthy the tobacco industry is.

Mr. WHITLEY. Does the gentleman have any figures to indicate what profit the tobacco farmers would make without the program?

Mr. JOHNSON of Colorado. The gentleman knows the tobacco industry is healthy and growing and there is no reason to support it.

Mr. WHITLEY. Mr. Chairman, if the gentleman will yield further, the gentleman keeps talking about the industry. Let us talk about the farmers. Where will the farmers be without the price support program to grow one of the most expensive crops in the world?

Mr. JOHNSON of Colorado. It is an expensive crop.

Mr. WHITLEY. It is an extremely expensive crop.

Mr. JOHNSON of Colorado. It is also the most lucrative in return.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. JOHNSON) has expired.

Mr. WHITLEY. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado (Mr. JOHNSON) may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection

to the request of the gentleman from North Carolina?

Mr. WHITTEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to repeat the amendment here. I believe the Chair in its ruling awhile ago referred to the fact the books were filled with decisions on agricultural matters to the effect that this amendment was in order. I notice a distinction that was made, that in agricultural bills, or agricultural matters, I forget which word was used, I raise the question before I finish; this amendment says, let me repeat it:

Provided further, that no part of the funds appropriated or otherwise made available in this Act shall be obligated or expended for the salaries or expenses of any officer or employee to formulate, provide assistance in, or carry out any program relating to loans, price support, sales or other disposal function performed with respect to tobacco or any tobacco product.

PARLIAMENTARY INQUIRY

Mr. WHITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITTEN. Mr. Chairman, the basic law clearly provides for the sale of tobacco and in this instance not only would this change that law, but it would, as I pointed out earlier. I want to know if at this point it comes too late to ask that I may be allowed to appeal from the ruling of the Chair. This matter, as I said, when it gets to where we refer to decisions made in agricultural matters, indicating there is a distinction, I wish to agree with that, having had some experience on this side of the aisle and being familiar with the agricultural statutes.

I would like to know if my request would be too late to appeal from the ruling of the Chair on this particular amendment.

The CHAIRMAN. The Chair will state that the answer to the gentleman's question is yes, that the suggestion of an appeal from the ruling of the Chair would come too late.

The Chair will again state that the amendment was addressed to a limitation of expenditure of funds for salaries and expenses to administer price supports or sales or disposal of the commodity, tobacco. The funds provided under this particular program on page 21 are available to the CCC for price support sale and disposal functions and, therefore, as the Chair ruled, after citing consistent rulings of the Chair relating to price support limitations on agricultural appropriation bills merely by way of example and not to suggest a separate line of precedents, the amendment of the gentleman from Colorado was a proper limitation on that expenditure of funds.

Mr. WHITTEN. Mr. Chairman, in view of the fact that my request came too late, with the explanation of the Chairman, we are a little late too?

The CHAIRMAN. The Chair has already ruled on the point of order and there is no further action which would be in order on that particular point of order.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, tobacco is produced in 20 States in this country and is the fifth largest money-producing crop that the American farmer receives. Only ahead of tobacco we have corn, soybeans, wheat, and cotton. These four crops produce more money for the American farmer than tobacco. Tobacco is a $10 billion industry. It pays to the Federal, State, and local taxing communities a little over $6 billion a year. A little over one-third of the tobacco produced in this country, Mr. Chairman, is exported abroad.

Mr. Chairman, tobacco is produced in this country on about 400,000 farms by some 700,000 people. It is produced by the little farmer, the farmer known as the family farmer. Very few of the tobacco bases in this country are held by large interests. They are all held in the main, Mr. Chairman, by the little farmer, the small farmer.

The distinguished gentleman who offered this amendment, I noticed voted against the Michel amendment. Mr. Chairman, you and I know why he voted no. In the State of Colorado, they produce sugar. They have wheat produced there, and they raise cattle, but they do not produce a single stalk of tobacco.

Mr. Chairman, when that amendment was up, I very carefully noted the board to see if the distinguished gentleman—and he is my friend—from Colorado would vote for the amendment or against the amendment, and certainly he voted against the amendment. He is a member of the Committee on Agriculture. He heard the distinguished chairman of the Committee on Agriculture go to the well today and say:

We have before our committee an agriculture bill. We are in the process of marking it up to bring it to the House, for a vote up or down.

Why do you want to come in here on an appropriation bill and try to cut tobacco or any other commodity? Why not go before the Agriculture Committee, Mr. JOHNSON, the committee you serve on? Why do you not offer your bill; why do you not offer your amendments before that committee instead of coming in here and trying to use the appropriation bill as a vehicle for your amendment?

Now, Mr. Chairman, let me say this further: Tobacco is a controlled program. We have tobacco bases. It is operated under the control of tobacco farmers and the Department of Agriculture. The distinguished gentleman from Colorado might ask me what we are doing about it in Kentucky. Mr. Chairman, Kentucky is the second largest tobacco producing State in the United States. Back in 1958, we said to the people in Kentucky:

If tobacco is harming the health of the people in this country, let us do something about it.

I talked to the Governor of the State of Kentucky. Kentucky built the research facility that cost $4.5 million. That is the first time that has been done in the 20th century in the United States. The State of Kentucky built the building. We said:

Let us research tobacco and see if it is harming the health of our people.

At that time, Mr. Chairman, in 1958, we put a little money in the agriculture appropriation bill to start a small research program in the Commonwealth of Kentucky. Since that time the legislature of the Commonwealth of Kentucky has passed a bill placing an additional tax on tobacco products, and that brings in about $4½ billion a year that we are using at the tobacco research facility in Kentucky.

Mr. Chairman, the gentleman from Colorado (Mr. JOHNSON) points his finger at tobacco and says it causes cancer. Let me just read a little statement, Mr. Chairman, and I have it on my desk so that any member of this committee can read it. I also serve on the Subcommittee on Health, Education, and Welfare Appropriations, the committee chaired by my friend, the distinguished gentleman from Pennsylvania (Mr. FLOOD). The ablest man in this country, the ablest research specialist in this country, as far as cancer is concerned, is Dr. Rauscher, who is now with the American Cancer Society. Up until last year he was a Director of the National Cancer Institute of the National Institutes of Health in this country.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. NATCHER) has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. Mr. Chairman, up until last year Dr. Rauscher headed the National Cancer Institute. He appeared before the Subcommittee on Labor—Health, Education, and Welfare, and I said to him this, Mr. Chairman:

Mr. NATCHER. Doctor, I remember in 1964, when we had the Surgeon General before one of our committees, and that was at the time of the smoking report, as you recall. The Surgeon General was a right able man, just like you are, Doctor, and he said to us emphatically, "When you burn tobacco and spinach, you get the same result."

That is what Dr. Terry said in 1964:

You agree with that, don't you?

Dr. RAUSCHER. It certainly looks that way.

Mr. NATCHER. Don't you get the same result?

Dr. RAUSCHER. Yes; you do.

Mr. Chairman, the ablest research chemist in the United States, recognized as such, said:

If you burn tobacco and you burn spinach, you get the same result.

Let me say this, Mr. Chairman: All through the tobacco States we have made every effort to find out if tobacco is harmful to the health of our people. And I say to my distinguished friend, the gentleman from Colorado, certainly I voted with him awhile ago. I voted against the Michel amendment. I voted against it for two or three different reasons. One reason was that I did not believe he was right. Another reason was that I do not believe you should come in here and use this bill as the vehicle to destroy sugar that is produced in your State or tobacco that is produced in the Commonwealth of Kentucky and the other States throughout the United States.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to two points. First of all, I did offer a bill in the committee. Due to the scheduling problem, it never had a chance to be heard before the Tobacco Subcommittee. And then I offered an amendment in the full committee to strike all of the tobacco subsidies. That was defeated, and it was defeated by a significant margin, 30-some to 5 or 6—I forget what the exact number was, but it was 7 or 8 to 1. And so I offered it here, as I explained earlier, as a forerunner to the amendment that will be subsequently offered on the floor.

Mr. NATCHER. Mr. Chairman, I will ask the gentleman from Colorado (Mr. JOHNSON) if he knows what has happened to his amendment on the other side. Have they told the gentleman what has happened to it?

Mr. JOHNSON of Colorado. If the gentleman will yield, does the gentleman mean with respect to Public Law 480?

Mr. NATCHER. Yes, with respect to Public Law 480.

Mr. JOHNSON of Colorado. Yes. Mr. HUMPHREY, I believe, offered an amendment, which watered it down.

Mr. NATCHER. Mr. Chairman, it was not only watered down, I will say to the gentleman from Colorado. They said over there the same thing that I am saying to the gentleman. Why does the gentleman not go to the Committee on Agriculture, like we do with all of these other matters, and use that as his vehicle?

Certainly the amendment that was offered by Mr. HUMPHREY and several others over there was adopted. That is what happened on the other side to the gentleman's amendment.

Mr. JOHNSON of Colorado. I understand that, but we have two separate bodies and we can vote on it here.

Mr. Chairman, if the gentleman will yield further, let me say something about the sugar industry.

Mr. NATCHER. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, I think it is up to this body to make a determination as to whether we want to continue with these two policies. The sugar industry is in danger. The tobacco industry is thriving, but the sugar industry is in the process of going out of existence.

The tobacco industry is making more money than it ever has before. Tobacco is the most lucrative product anybody can grow.

Mr. NATCHER. Mr. Chairman, let me ask the gentleman a few questions, and then we will see if the gentleman can agree with me.

Is sugar produced in the gentleman's district?

Mr. JOHNSON of Colorado. Yes, it is.

Mr. NATCHER. The gentleman voted no on the Michel amendment?

Mr. JOHNSON of Colorado. Yes, I did.

Mr. NATCHER. Then the gentleman cast the right vote. The Michel amendment should be introduced before the Committee on Agriculture.

Mr. JOHNSON of Colorado. Mr. Chairman, let me say that I think the gentleman from Kentucky (Mr. NATCHER) is also right on 50 percent of his votes.

Mr. NATCHER. Mr. Chairman, I respectfully request that this amendment be defeated.

Mr. WAMPLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from Colorado (Mr. JOHNSON).

Mr. DAN DANIEL. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. Mr. Chairman, since we are on the subject of health, I wonder if the Members would indulge me a personal reference.

When I was 22 years old, I had tuberculosis. I never smoked a cigarette in my life. Since that time I have suffered from respiratory diseases.

All four of my brothers smoked, and my one sister who lived long enough also smoked. Neither had any lung problems. Still there must be some substance to the charge that tobacco is dangerous, because it killed my grandmother, although she lived 99 years and 11 months. I do not recall ever having seen her when she was not using tobacco in some form.

Mr. Chairman, I thank the gentleman.

Mr. WAMPLER. Mr. Chairman, I think this amendment has been fairly discussed thus far in the debate, and I would simply like to point out that inasmuch as tobacco is heavily taxed by the Federal, State, and local governments, it is a moneymaker for our country.

In fiscal year 1976 almost $6 billion was collected in taxes on cigarettes, the Federal Government's share being about $2.5 billion.

Mr. Chairman, the tobacco price support program is basically self-supporting. The costs to the Government are primarily administrative, about $17 million in fiscal 1976, only a tiny amount compared to what is derived in return.

The gentleman from Colorado (Mr. JOHNSON), in support of his amendment, has offered this argument: That if tobacco is hazardous to health, then why is the Government supporting the production of tobacco? Mr. Chairman, my answer to that argument is that eliminating the support program will not in all probability decrease tobacco consumption one bit.

Perhaps just the opposite would be achieved, because as I view it, the discontinuation of the price support program, which is closely connected to tobacco acreage allotments and marketing quotas, designed to control the amount of tobacco produced, might help to make tobacco temporarily cheaper and perhaps more attractive to those who have not yet started to smoke. In addition, it might also make importation of more tobacco necessary. As has already been pointed out, if the gentleman from Colorado (Mr. JOHNSON) is seeking to abolish the tobacco price support program, perhaps another committee might be the more appropriate forum.

Mr. Chairman, I submit that there are many of us on both sides of the aisle from tobacco-producing States who realize that this on-the-spot amendment would be disastrous. I only hope that the committee will not act precipitously and turn their backs on our tobacco growers and do serious damage to our economy.

Mr. Chairman, in the interest of equity I think it should be pointed out that many thousands of tobacco growers, relying on existing law, have planted their 1977 crops. They will be harvested later this summer and this fall, and under the amendment offered by the gentleman from Colorado (Mr. JOHNSON), if it were to become law, beginning on the 1st of October of this year there would be no price support program. I say as a matter of equity this is no time to change a program that has been adopted in referendum by an overwhelming number of tobacco growers, well in excess of 90 percent.

The gentleman from Colorado (Mr. JOHNSON), whom I deeply respect and admire, has repeatedly talked about the tobacco industry. Let us understand that this amendment would principally affect the tobacco grower, the person who earns his livelihood from the soil. I can say to my friend, the gentleman from Colorado, that in the district I am privileged to represent some 18,000 farmers derive income from the production of their tobacco crops. It provides money to put shoes on their children's feet, to keep their children in school, and to help them pay their year-end taxes and meet other necessary expenses. For many farmers it is the principal source of cash income.

Mr. Chairman, if the gentleman wants to do irreparable harm to the agricultural economy of Virginia and other tobacco producing States, I can think of no better way to do it than for us to adopt this amendment.

Mr. DAN DANIEL. Mr. Chairman, I rise in opposition to the amendment and respectfully urge that Members of the House objectively consider what is actually at issue here.

I am very much aware of the impact of the tobacco program, because in my district there are more than 15,000 farms which grow tobacco. Last year, more than 117 million pounds were grown in the Fifth Congressional District of Virginia at a value in excess of $125 million.

In these days when much of our attention is being directed toward improving our economy, the result of that which is now proposed would clearly be destructive of those ends.

Despite the statements made by proponents of this amendment, what would be accomplished by taking the Government out of its role in tobacco would not be a "plus" for our society. It would have the opposite effect.

We need to recognize that the Government's role is somewhat different than some would have us believe. Contrary to the concept that the Government promotes the tobacco industry and encourages wider use of its products, the truth is that growers, in cooperation with Government, regulate and restrict the pro-

duction and sale of tobacco. These restrictions, approved every 3 years in a referendum among growers, determine how much tobacco can be grown, who can grow it, where it is to be marketed and to some degree the price received. When the supply exceeds the demand, the Secretary of Agriculture has the obligation to recommend production cuts, which he has done on many occasions during the life of the program.

It is ironic that this system is referred to as a subsidy because, by any reasonable understanding of the term, the tobacco program is not that at all.

To the contrary—the Government realizes a big return from its handling of the commodity—and I wish to address myself to that aspect today.

It is estimated that in 1976, the total dollar value of the impact of tobacco on our society was over $30 billion.

This included not only the amount farmers received, but the direct sales in supportive services, such as agriculture suppliers, loans from banks, warehouse operations, manufacturing, advertising, promotion, and a multitude of other operations which are not as obvious.

And, it also includes more than $6 billion in taxes collected by Federal, State, and local governments.

It included $1.46 billion in sales overseas which resulted in a $1 billion net for our hard-pressed balance of payments.

It provided part or all the income for more than 600,000 farmers, many of whom are in the "small" variety.

To remove the Government from its role would cripple, if not destroy, the stability of the program which has worked so well for the past 40 years. It would mean that many of these small farmers, who have invested in equipment and borrowed money for land and supplies, would be in serious financial circumstances.

Many of these are tenant farmers, who grow tobacco for those who have allotments but who are unable or who do not find it economically possible to grow them.

With the Government out of the picture, all allotments would vanish and those who now make a living from the fruit of their labors might no longer be the ones who would grow tobacco.

Of course, tobacco would continue to be grown, but those with the money to buy expensive machinery and who can afford to lease vast acreage would assume this role.

Many who now earn a living would be forced on welfare roles or have to seek other ways of earning their livelihood.

Farmers now make up only 4 percent of our population and this percentage would go further down—because many of these 600,000 farmers would no longer be in the business.

But what of the Government itself? What of the effects of knocking out the underpinnings of a program which has been operating for 40 years?

Would the $6 billion in taxes still be available?

And what of the billions in taxes that are paid by the farmers, suppliers, warehousemen, exporters, and others who are directly or indirectly associated with the business?

We are hearing much today about balancing the budget at some time in the future—and I am all for that—but what effect would removing the Government from its supportive role in tobacco production have on the total financial picture?

I do not believe anyone really knows.

What we do know is that many of the 600,000 who now earn a living from growing tobacco would no longer be able to do so.

What we know is that we are now getting more than $1 billion annually from overseas sales.

What we know is that the people who buy fertilizer, tobacco seed, farm supplies, equipment, and other essentials on the farm often buy this on the basis of credit that is extended, because of the present knowledge which the Government's regulation provides.

What we know is that tobacco retail sales last year amounted to more than $16 billion, and in addition to the $6 billion which Federal, State, and local governments received on sales, there was also derived countless billions in taxes paid directly by wage earners who work in some aspect of the tobacco industry.

What we know is that since World War II, farmers have borrowed more than $4 billion in Commodity Credit Corporation loans and the repayment rate has been approximately 99 percent. The interest collected on these loans far exceeds any loss.

The weakest argument the opponents of the tobacco program have, in my opinion, is on the economic ground. They point to the relatively small costs of administration, but fail to see that, from a financial standpoint, the program has been a fantastic success. What we do not know is what would happen if all this were removed.

Taxes from the tobacco program go into the general fund and benefits derive all over the country. The effects are not just in the 20 or more States which grow tobacco.

They are represented in dams and roads—in paychecks and social security checks—in everything the Government does.

If the direct taxes and the incidental taxes are taken into account, every Member of this House has a stake.

Mr. ROSE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to attack this amendment a little differently from the way in which it has been attacked so far this afternoon.

If this amendment is adopted, as my colleague, the gentleman from North Carolina (Mr. WHITLEY), told our good friend, the gentleman from Colorado (Mr. JOHNSON), it will not affect the smoking habits of the American people one bit.

What we will do is send the tobacco companies of this country laughing all the way to the bank.

Please listen to this point: My district in southeastern North Carolina is literally full of small families which grow between 1 and 2 and 3 acres of tobacco. They do not work for the companies, and they are not connected with R. J. Reynolds or Leggett & Myers or P. Lorillard or the companies that make the cigarette products. They are the small families which have 1 or 2 acres of allotment.

Mr. Chairman, I came through my district Sunday afternoon. I saw the fields of tobacco with the plants about 3 to 4 feet high, and I saw the small family bungalows over near these small plots of tobacco.

What will happen to those small families is this: If they have 1 acre of tobacco, they can perhaps grow 2,000 pounds on that 1 acre. They will take it this summer and fall to the warehouse, and they will receive in the neighborhood of $2,000 an acre for that little plot that they and their family cultivated. It will cost them about $500. They will put $1,500 in their pocket and go to the department store and buy the clothes for their family to go to school this fall and buy food to put into their mouths.

Mr. Chairman, no one is hearing me make the health argument. I am not making the tax argument to the Members either. I am saying, Do not kill the tobacco price-support program and go home and tell people that you have saved them from the hazards of smoking cigarettes. R. J. Reynolds will laugh all the way to the bank. This price-support program makes them pay.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I concur completely with what the gentleman is stating.

The price-support program for tobacco is a controlled program. If this amendment is adopted, tobacco will be grown; but the small farmer will be out of business—and I have 20,000 of these small growers in my State. Tobacco will be grown by the large growers in this country, and we will have upset the economy of some 350,000 growers in this country and put a terrific number of people on relief. This amendment must be defeated.

Mr. ROSE. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. PERKINS) for that point.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from North Carolina (Mr. ROSE).

I, too, in my district have a lot of small farmers, people for whom tobacco is the only cash income or cash crop that they have. They perhaps have a few cows or hogs, but this is the primary crop that they have.

Mr. Chairman, as the gentleman pointed out, the tobacco companies are going to get the tobacco grown. The small farmer will not be producing it. It will be the large corporate farmer. He will be growing a thousand acres, and they will laugh all the way to the bank.

Mr. Chairman, the gentleman from North Carolina (Mr. ROSE) is absolutely correct, and I hope the amendment is voted down.

I appreciate the gentleman's yielding.

Mr. ROSE. Mr. Chairman, I would like to make one or two more points and then I will cease.

The price support program that this bill will pay for pays its own way. This price support program keeps the price of tobacco between a dollar and a dollar and a half a pound in my area. If that price support program is killed, the price will drop and tobacco will not be grown in the South.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ROSE was allowed to proceed for 2 additional minutes.)

Mr. ROSE. Mr. Chairman, if the price support program is killed many people in the South will be out of business. The gentleman from Colorado (Mr. JOHNSON) said it might have some effect on a few small producers in the South. I love my friend the gentleman from Colorado (Mr. JOHNSON) but the gentleman knows that he is dealing with our livelihood in the South when he presents this amendment. Tobacco will be imported. The tobacco that cannot be grown on these small farms will be imported. We are getting $1.46 billion a year in exports, which is helping our balance of payments, but if we kill this program the tobacco will come in from overseas because it will not be grown in this country.

If you want to do something then talk to Father DRINAN about this, or talk to Mr. KENNEDY about his bill, if you are upset about tobacco, but leave the price support programs alone.

I thank the Members for listening and I hope they will join me in defeating this amendment.

Mr. NEAL. Mr. Chairman, once again we are being told that the U.S. Government should not expend public funds to assist in the orderly growing and marketing of tobacco, a major commodity included in the provisions of the Agricultural Adjustment Act of 1933. The proponents of this position would have us believe that if the Department of Agriculture washes its hands of the tobacco program, somehow smoking will be reduced and the health benefits, whatever they may be, will accrue to the public.

However well-intentioned the opponents of the tobacco program may be, they are positively dead wrong. The Federal tobacco program has absolutely nothing to do with whether people smoke or do not smoke; or with whether cigarettes are manufactured or not manufactured. It has to do with how tobacco is grown and marketed, who grows it, that is, with the distribution of tobacco quotas, which constitute the main source of income of some 600,000 American farmers.

Without the Federal tobacco program, most of these farmers would be deprived of their livelihood. But it would not mean that no tobacco would be grown. It would mean only that it would be grown by corporate entities and large farmers, who are today restrained only by the careful control of allotments and lease and transfer of quotas. It is a good bet that even more tobacco would be grown without controls. And even if no tobacco at all were grown in the United States, manufacturers would have no difficulty in getting all the tobacco they want from offshore sources. It is a plant which is adaptable to a great many climes and is grown in abundance—and could be grown in even greater quantity—in a great many other countries, including Canada, Mexico, China, Rhodesia, South Africa, Turkey, Italy, Argentina, Brazil, Venezuela, India, Pakistan, Indonesia, Japan, Korea, Taiwan, the Philippines, Thailand, Malawi, Tanzania, Greece, Australia, and New Zealand.

Mr. Chairman, we also hear from the opponents of the tobacco program that the tobacco program constitutes a huge subsidy to the tobacco growers and the tobacco industry. If there is 1 cent of subsidy, in the accepted definition of that word, in the tobacco program, I am unable to find it. Subsidy, in my mind, is supportive activity from which the tobacco grower, in this instance, would receive direct cash payments. In no instance does the tobacco grower, or the tobacco industry, receive such benefits. The U.S. Government does not buy, and never has bought, tobacco. The tobacco program consists of farmer-owned cooperatives which buy, on the warehouse floor, tobacco which does not at auction bring the support price. To do this, the cooperatives borrow money from the Commodity Credit Corporation, which is repaid, with interest, as the cooperative sells its stocks. In more than 40 years of existence, defaulted loans have totaled only $52.4 million—which is less than 1 percent of loans made to the cooperatives. During the same period, interest paid by the cooperatives to the CCC has been many times that amount.

We hear a lot of "subsidy" figures being bandied about in reference to the tobacco program. In a letter to HEW Secretary Joseph Califano, Dr. Sidney M. Wolfe, of the Health Research Group, recently said that the "direct" subsidy for 1977 was estimated at $78.7 million and that more than "a billion dollars of additional money is going for what might be called an 'indirect' subsidy of the industry." Because his estimates varied alarmingly from the information available to me, I had a member of my staff ask Dr. Wolfe for the source of his information. The staff member told me that Dr. Wolfe responded that the $78.7 figure was from the Office of Management and Budget. He gave no explanation of the billion-dollar "indirect subsidy" estimate.

Subsequently, I wrote to Mr. Bert Lance, Director of OMB, and asked for a copy of the estimates given to Dr. Wolfe. Mr. Ken Glozer of OMB telephoned my office his morning and said OMB could find no record of Dr. Wolfe's ever inquiring about the cost of the tobacco program, or of OMB ever furnishing him information on that subject. Nonetheless, he did furnish me data which indicate the program's cost for fiscal 1977 was $76.9 million, broken down as follows:

Commodity Credit Corporation, for realized losses, support, and Public Law 480 loans, $65.2 million. Bearing in mind that Public Law 480 loans are recoverable, with interest, and that cooperatives have paid far more in interest than their nonrecoverable loans, I ask where is the subsidy?

Mr. Glozer also suggested that three other outlays should be considered as part of the cost of the tobacco program. They were:

Research, $5.2 million;

Cooperative research, $0.7 million; and

Tobacco grading, $5.8 million.

Most of the research, I am told, is being done at Beltsville, where one of the world's top tobacco agronomists has succeeded over the years in developing strains of tobacco which are more resiliant and of higher quality than their predecessors. Although I can cite no scientific information to support such a statement, I would venture to say that over the years the gradual improvement in the tobacco plant also has resulted in leaves which contain less tar and less nicotine.

Research done under the cooperative program is conducted at institutions such as North Carolina State University. The tobacco grower derives no direct financial payments in any of these programs. The Department of Agriculture maintains research programs for virtually all agricultural commodities. Again, I ask: Where is the subsidy?

Finally, OMB includes $5.8 million for inspection and grading of tobacco on the warehouse floor. Such inspection, I believe, is done with most, if not all, other major commodities. Again, the tobacco grower gets none of this money, so where is the direct subsidy? Indeed, who is the beneficiary in the research and inspection programs? Is it the tobacco grower and the tobacco industry, or is it the consuming public?

The question of dollars and cents has been injected by the opponents of the tobacco program, who fail to mention that tobacco sustains some 600,000 American farmers and is the mainstay of the economy of several States, including my own State of North Carolina. Nor do they concede that tobacco produces some $6 billion a year in Federal, State, and local taxes and produces some $1.6 billion in export trade.

I do not argue that these benefits would be wiped out if we did not have a tobacco program. I do not argue any part of the health-smoking issue, which is entirely separate and apart from the issue we face today.

I argue only that to kill the Federal tobacco program would do great harm to over 10,000 families in my district who depend, almost entirely, on their tobacco allotments as their primary source of income. They are only a handful of the 600,000 such persons whose allotments range as low as a few tenths of an acre.

If we destroy their program, we will still have the smoking and health issue before us. In addition, we will have the problem of how to assist 600,000 people we have put out of the farming business

and probably a great many of whom we have put onto the welfare rolls. I urge my colleagues to vote against this destructive amendment.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us put in perspective what we are doing here with this amendment. My colleague, the gentleman from North Carolina (Mr. ROSE), has very eloquently explained to us what would happen if we had no control program, that we would have more tobacco. But what we are doing here with the amendment offered by the gentleman from Colorado (Mr. JOHNSON) is writing off the books one of the most successful farm programs that has ever been enacted by this Congress, and that was in 1936. The program has even been to the Supreme Court in 1938 in the case of Milford against Smith. The Supreme Court upheld the act as being valid and legal. It has been on the statute books ever since, yet with this one single amendment offered by the gentleman from Colorado (Mr. JOHNSON) we could wipe it all out, without any hearings or considerations of what might happen.

During the presidential campaign I took it upon myself to try to find out the position of the individual candidates as related to the tobacco program. I want to read a letter to the Members that I received, it was a mail-o-gram, which was dated October 12, 1976, and addressed to me as chairman of the Subcommittee on Tobacco, Box 90, Farmville, N.C. It reads as follows:

DEAR CONGRESSMAN JONES: I am happy to answer your question on the Tobacco Program. I am well aware of the importance of the tobacco program to hundreds and thousands of small farmers. Nearly 600,000 farm families receive a large portion of their income from tobacco sales. Tobacco is one of the few crops that can still utilize family farm labor and provide a reasonable income on a small farm.

If the tobacco program were abolished, tobacco prices and land values would drop sharply. Many growers would be forced off their farms. The entire economy of the tobacco producing areas would be devastated.

I am not sure what the Republican's "free market" policy for Agriculture has in mind for tobacco farmers. As you know, former Secretary of Agriculture, Earl Butts in two (2) consecutive years tried to weaken the tobacco program by trying to drive prices down.

I personally see no need to do away with a program that costs the government next to nothing while enabling so many hard working families to earn a living.

I hope this answers your question and I look forward to working closely next year with you in Washington, D.C.

Sincerely,

JIMMY CARTER.

That was signed Jimmy Carter, now President of the United States. President Carter's statement sums up the situation far better than anything I could add.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to my colleague the gentleman from North Carolina, Mr. HEFNER.

Mr. HEFNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the statement that the gentleman from North Carolina, Mr. ROSE, has made.

One thing we are overlooking under this amendment is not only will the small farmers in the State of North Carolina and the South not be able to diversify, but there would be foreclosures on many small farms in the State of North Carolina. People would have their tractors and equipment repossessed by banks which made loans. It would be a very devastating thing for the tobacco farmers in the South. I think the gentleman from Colorado certainly would not want to impose these dire circumstances on the folks in the South or on anyone who grows tobacco.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Minnesota.

Mr. NOLAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and associate myself with the eloquent remarks here of the previous gentleman who has spoken in support of the program.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Colorado.

It seems to me that we are in all too familiar territory once again today, and the argument again is that there is always another starting point where the Government should look at its policies with respect to tobacco. It was not too many weeks ago when we had the Clean Air Act amendments on the floor of the House, and there was considerable evidence placed before this body that tobacco certainly does have a significant impact and interrelationship with a number of other environmental pollutants. It was argued at that time that this was no time to talk about tobacco and that it should be done in some other bill. I suspect that, by building pressure from the general constituency in their request for nonsmokers' rights in almost every public place, there is growing concern about the attitude of the Federal Government with respect to tobacco.

I point out that many of the people who argued against this amendment today with that strong argument about the small farmer were certainly some of the same Members who argued against the amendment which would have simply asked for more information about tobacco and its interrelationship with environmental pollutants in the Clean Air Act amendments. I do not think they were arguing with respect to the small farmer that day; I think they were arguing on behalf of the industry, the giants of the industry who, as the gentleman from Colorado has pointed out, are reaping great benefits from free enterprise. We are not out to bankrupt America, but I do think we have to look to the fact that just last week we were asked to add millions more to the HEW bill for research of cancer. Somewhere it has all got to come down either to the fact that we believe the Surgeon General and most researchers that tobacco does in fact cause cancer and does in fact have an interrelationship with a number of other personal health problems in the United States, or we reject it. I think there is a substantial number of Members in this House who simply agree with the medical evidence that there is a relationship that tobacco and smoking cigarettes does have detrimental effects. I do not know if anybody smokes spinach, but I suspect if they smoke spinach as was raised earlier in debate they are going to get a similar effect.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

If the gentleman feels cigarette smoking is harmful to health, how does he imagine the Johnson amendment would reduce cigarette smoking?

Mr. GARY A. MYERS. I suggest to the gentleman that if today I stood up and proposed an amendment that we ought to subsidize those poor Tris manufacturers or those poor PBC manufacturers, or the Kepone manufacturers, the gentleman would probably oppose me. For exactly that same reason I agree with the Johnson amendment that we have got to look at the health effort. I think any stimulation of financial assistance to the tobacco industry encourages new producers to get in and new farmers to get in and new processors to get in.

Mr. FOLEY. If the gentleman will yield further, will the gentleman tell me that if cigarettes were cheaper and cigarette companies made more profits, it would not necessarily discourage the smoking of cigarettes?

Mr. GARY A. MYERS. I agree with the gentleman.

Mr. FOLEY. That is exactly what the Johnson amendment will do. It will make cigarettes cheaper or cigarette profits greater to the cigarette companies, one of the two.

Mr. GARY A. MYERS. Let me get back to the Michel amendment. The gentleman argued that if we do not have the support for sugar at this time, we will lose our market and the price will go up in the future, and it will hurt the market.

I hope that happens to tobacco, not for my good but for the general health and well being of the American public. I accept the gentleman's previous argument that if the Government does not subsidize, the price will go up later on and fewer people will smoke then. I accept the sugar argument in respect to tobacco.

Mr. FOLEY. But the gentleman does not understand. If we take away the price support, the price of tobacco will go down, and the cigarettes will become cheaper to produce and the profits to the cigarette companies will go up. It is usually not assumed that if the price of the product is lower, then somebody who does not want the product to be sold is benefited by the lower prices.

Mr. GARY A. MYERS. I reemphasize the fact that the same argument was made and can be made against sugar. The same argument can be made that if

we do not have the price support, the price will go down.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. GARY A. MYERS was allowed to proceed for 1 additional minute.)

Mr. GARY A. MYERS. Mr. Chairman, I would suggest that the argument is made that if we get too many people producing tobacco, then the price goes down and some people will then get out of production and then the price goes back up eventually. The same argument has been made for almost every commodity from the gentleman's committee that comes to the floor. If the price support is out, the price will go down and the people will get out of tobacco production and later the price will go back up. I think that would be of benefit to the people of the United States.

I commend the gentleman from Colorado and I hope the House agrees with his wisdom.

Mr. PHILLIP BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I would like to restate something I have stated earlier. We should not be adding legislation on this appropriation bill. It is very tempting to the 95 or 96 percent of us that do not represent farming communities to think that in some misbegotten way we are casting a vote that will give us political relief at home when in fact we have a national responsibility to cast our vote for the proper position.

Now we do not have very many farm tobacco growing districts in this House. I have consistently supported the warnings the Surgeon General places on cigarettes, but that has nothing to do with the issue before us. The issue before us is: Are we going to legislate on an appropriation bill to deny the economic livelihood to the small—underscore "small"—farmers of this country, farmers that have an unusually high proportion, if I may note, of black and white together.

I come down on the side that we have an authorization bill coming up in a week or two. I do not intend to support this amendment if it is offered on that bill, but this is not the time nor is this the vehicle for those of us from the urban areas to be tinkering with this bill.

The backbone of rural America is or should be in the small farmers and there is no particular crop where small farmers more dominate the economy than in the area of growing tobacco.

We ought to reject the amendment and get on with the business of the passage of this bill and look at the authorization bill when it comes up in a couple of weeks.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I have heard the last argument by the gentleman from California and it goes on this basis: That we should leave this subject up to the Committee on Agriculture.

Now, we know that there will never be any restrictive legislation on tobacco coming out of the Committee on Agriculture. It just cannot do it, because of the nature of the membership. Yet this subject is important to all Americans. We spend $5 billion on research. We now have the American Cancer Society after all that research saying that 250,000 Americans lose their lives every year because of smoking.

If, we subsidize this product that is putting the Government stamp of approval on tobacco. This is wrong and people all over this country know this is wrong.

Mr. Chairman, I compliment the gentleman from Colorado for bringing this matter before us today.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. WHITLEY).

(By unanimous consent, Messrs. NATCHER, ANDREWS of North Carolina, and BRECKINRIDGE yielded their time to Mr. WHITLEY).

Mr. WHITLEY. Mr. Chairman, I want to make this final appeal to my colleagues. I happen to represent the district that grows more flue-cured tobacco; that grows more tobacco both in terms of pounds sold and dollars received than any other district in the United States.

I would remind this House that whether or not we continue the Federal farm support program as it relates to tobacco is not a smoking and health issue. If we completely eliminate all price supports and tobacco allotments and all that involves, and the Department of Agriculture is prohibited from the granting of loans, it will not stop one single person from smoking; it will not stop one single cigarette from being manufactured or sold and it will not stop one single person from contracting cancer or any other disease. The gentleman from Colorado admitted that fact when the gentleman was in the well.

As the gentleman from North Carolina (Mr. ROSE) pointed out, it will not hurt the tobacco companies one bit. They will get the tobacco they want. It will be grown in this country. It can be imported from other countries that grow tobacco, because tobacco is an international commodity.

Now, what this amendment can do and what this amendment will do in the district that I represent is literally to bankrupt, and it is no exaggeration when I say this, it will literally bankrupt thousands and thousands of farmers, landowners, businessmen, financial institutions and others in the tobacco belt and in the district that I represent.

The point is, Mr. Chairman, that tobacco is such an expensive crop to grow that without price supports, farmers cannot get agricultural credit. There is no way that a small farmer can produce tobacco without a support program. So, what we will do, if we pass this amendment today, is turn the growing of tobacco over to the large tobacco interests.

Let me make one other point that has not been stressed very strongly. Last year, we exported $1.46 billion worth of leaf tobacco at a time when we badly needed exports for the purpose of shoring up our balance of trade. The trouble is that the tobacco-producing companies, the cigarette companies, are not going to be growing leaf tobacco for export. They like to sell cigarettes overseas, but that will be the end of that $1.46 billion in leaf tobacco that we are exporting overseas.

So, in summary, if the Members want to address themselves to the issue of smoking and health, if they want that, there are all sort of other times and other places and other ways and other situations in which that issue can be addressed, but what we are talking about here is whether we are going to continue to let the small, hardworking farmers and businessmen in the tobacco belt make a livelihood by growing tobacco.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, it seems to me that the distinguished gentleman from Washington (Mr. FOLEY) put his finger right on the button. This amendment would be counterproductive. It would say, "Grow as much tobacco as you want; let the price fall wherever it will." The amendment would permit and encourage the growing of more tobacco, and lower the price of tobacco. Certainly that would be just counterproductive to the health issue to which the opponents of this bill address themselves.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Chairman, I rise in opposition to the amendment.

I ask unanimous consent that my remarks be inserted in the RECORD immediately following those of the gentleman from Virginia (Mr. WAMPLER).

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I ask unanimous consent that my remarks be inserted immediately following those of the gentleman from North Carolina (Mr. ROSE).

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. NEAL. Mr. Chairman, in this very brief period I would like to reemphasize one or two things. I think the gentleman from Colorado, the author of the amendment, has the issues confused. This is not a tobacco subsidy program, not a subsidy to the tobacco industry in any sense of the word. No money is paid to the tobacco companies. No Federal money is paid directly to the tobacco farmers. Money is loaned to a cooperative, and that money

is returned to the Federal Government. We are in no way subsidizing tobacco industries or tobacco farmers that I can tell. We are only providing for the orderly growing and marketing of one of the oldest and most productive crops in this country. We are not encouraging people to smoke by this bill. This is not a smoking and health issue. If this amendment passes it will hurt several hundred thousand small farmers and will in no way deal with the issue of smoking and health. I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I rise in support of this amendment, as I also supported the Michel amendment.

The gentleman from Virginia (Mr. DAN DANIEL) in his earlier remarks was talking about his 99-year-and-11-month-old grandmother. I never was sure whether she died from smoking or whether she was run over by a tobacco truck.

Mr. DAN DANIEL. Oh, the smoking finally caught up with her. I might add one of my grandfathers lived to the age of 84, and my own father to 81, and both of them were lifetime smokers.

Mr. SYMMS. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Chairman, I rise in opposition to the amendment, and I urge my colleagues to vote it down.

Mr. Chairman, I grew up on a farm as a tenement farmer. As a small boy I went out in the tobacco crop and wormed it by taking the big tobacco worm off of the tobacco leaf and putting it on the ground and stomping it with my foot. Since that time, my family moved into Kingsport and the industry itself has progressed. Now all of this is done by spraying. What I am saying to my colleagues is this: Without that tobacco crop, the family, as tenement farmers, could not have existed. And that is still true today.

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. JENRETTE).

Mr. JENRETTE. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. JOHNSON of Colorado to terminate the tobacco program.

I speak in behalf of the laborers, producers, landowners, and families of the nearly 20,000 farms in my district which produced almost $180 million worth of tobacco last year. The reason I mention these individuals is because it is these people—not the taxpayer or the smoker—who will be directly and unfairly affected should this amendment pass today.

The sponsors state in their "Dear Colleague": "We are not trying to get people to quit smoking—that is not the Government's responsibility." And the sponsors could not be more correct. Not one single person will quit smoking as a result of this amendment. But to continue from the "Dear Colleague": the amendment is being offered purely because the sponsors feel tobacco is a "health hazard."

The fact is, the only "health" that will be affected by this amendemnt is the health of the economy of the farmers in the tobacco belt. For more than 40 years, land in tobacco country has been bought, sold, leased, and used as collateral for loans and otherwise evaluated based on the tobacco allotments assigned to it. Passage of the amendment would literally bankrupt hundreds of thousands of farmers, landowners, businessmen, and workers in my district and others like it which primarily produce tobacco. Many loans to banks would not be paid, it would hurt many others, not just tobacco farmers.

I should also like to emphasize that the persons actually producing this tobacco are not corporate operators or plantation owners—they are black and white families struggling to make a living on 1- and 2-acre plots.

My colleagues from other tobacco-producing States have amply outlined the positive economic effects which the tobacco program has had nationally—that is, the $6 billion in State and Federal taxes which tobacco earns annually plus the $1.5 billion in export earnings. If the sponsors of the amendment feel it is inconsistent for the Government to be involved in both cancer research and in the tobacco program, they should consider outlawing tobacco altogether—that way there would be no Government involvement at all, be it the program, taxes, or otherwise.

Frankly, the greatest inconsistency of all would be to pass an amendment which is designed to achieve nothing but economic ruin for small producers. I urge the Members to defeat the Johnson of Colorado amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise in strong opposition to this amendment which would curtail the Federal farm tobacco program, and want to associate myself with the remarks of those who spoke in opposition to this amendment.

The amendment is totally ill-advised and would in fact create seriously adverse economic impacts in my district in North Carolina, as well as throughout the entire State. Indeed, the economies of many States and localities which grow tobacco or take part in one way or another in the manufacture, shipment, or sale of tobacco products might well suffer undue harm.

Mr. Chairman, I want to state, as chairman of the Subcommittee on Intergovernmental Relations and Human Resources, that last week we took testimony from a number of scientists concerning the $800 million that is now being spent in the area of cancer research, as we began an evaluation of the national program against cancer. Not one of those scientists related health to the price support program.

I would like to say that the gentleman from Washington (Mr. FOLEY) put his finger on the pulse of this situation. What you are going to do is bankrupt—literally bankrupt—and transfer to welfare, several hundred thousand farmers and place the production of tobacco in the hands of big corporate farmers. What you are also going to do is encourage the importation of tobacco from some of the largest tobacco-producing countries in the world, including Communist China, India, Russia, Turkey, Brazil, Japan, Bulgaria, Greece, Italy, the Republic of Korea, and Poland.

A lot of nations produce tobacco. We are only one of the nations competing for the world tobacco market. In 1975 the major tobacco producing nations were—in pounds:

Communist China 2,160,508,000; United States, 2,118,560,000; India, 837,748,000; Russia, 639,334,000; Turkey, 573,636,000; Brazil, 557,816,000; Japan, 364,244,000; Bulgaria, 319,667,000; Greece, 279,168,000; Italy, 239,419,000; Republic of Korea, 238,996,000; and Poland, 220,812,000.

Now, let me put forth some tobacco statistics which vividly point out tobacco's contribution to our own Nation.

Over 600,000 farm families in this country today depend on tobacco as a major source of income. It is the fifth largest cash crop produced in the United States. In 1976, the Nation's crop was worth over $2.3 billion.

The cash receipts for the tobacco crop in my own State of North Carolina alone are estimated at $1 billion for 1976.

Twenty-two States and the Commonwealth of Puerto Rico grow tobacco within their borders. The States include North Carolina, Kentucky, Virginia, South Carolina, Tennessee, Georgia, Florida, Connecticut, Maryland, Ohio, Indiana, Wisconsin, Massachusetts, Pennsylvania, Missouri, West Virginia, Alabama, Arkansas, Illinois, Kansas, Louisiana, and Minnesota.

Tobacco and tobacco products provide significant amounts of tax revenues to governments at the Federal, State, and local levels each year. In fiscal year 1976, an estimated $6,153,983,000 were collected in direct taxes on tobacco products. Since 1863, when tobacco products taxed by Government first included cigarettes, over $119.1 billion have been collected.

Of this total tax revenue for 1976, the Federal Government collected almost $2.5 billion. State governments received over $3.5 billion. Local governments took in almost $114 million.

Mr. Chairman, these taxation figures include only the direct taxes received from tobacco products. They do not include the billions and billions of dollars in personal and business income taxes which come from people employed in farming or the manufacture, shipment, and sale of tobacco products, from the many corporations and other businesses which are a direct part of the tobacco industry, from the many wholesale and retail businesses supplying these farmers and companies, and the innumerable industries supplying equipment and products of every kind to those directly engaged in the tobacco industry—supplying everything from trucks to twine to tankcars.

Currently, over 200 factories in this country manufacture cigarettes and cigars, as well as snuff, chewing, pipe, and rolling tobacco. The manufacturers of cigarettes and cigars are located primarily in North Carolina, Virginia, Kentucky, Florida, and Pennsylvania. Manufacturers of the other tobacco products are scattered over several other States.

About 76,400 production workers are engaged in the manufacture of tobacco products. Several hundreds of millions of dollars in wages and salaries are paid to these people each year.

Almost 1.5 million retail outlets in this country distribute tobacco products. Needless to say, these outlets employ millions of people to assist in handling these sales transactions.

In 1976, almost 3,000 tobacco product wholesalers in every State in the Nation traded an estimated $10.7 billion in cigarettes; cigars; chewing, pipe, and rolling tobacco; snuff; and other smoking related articles such as pipes.

Mr. Chairman, tobacco is indispensable to the economy of the country. In industries which are related to tobacco, the manufacturers and suppliers of farm machinery and materials and supplies, as well as the advertising, shipping, and trucking concerns employ millions of additional people and add many millions of dollars to income taxes and other revenues throughout the United States.

In recent years, over one-third of the Nation's tobacco crop has been exported to foreign countries. Exports last year totaled about $1.46 billion. Our imports were about $316 million, giving the tobacco industry a net contribution of over $1.1 billion to our balance of payments in 1976. Cigarettes alone were exported to about 130 countries. Practically all of the exports of leaf tobacco and tobacco products were from eight major ports on the east, gulf, and west coasts—Norfolk, Wilmington, New York, New Orleans, Baltimore, Miami, San Francisco, and Philadelphia.

Mr. Chairman, what we are talking about when we speak of doing away with the tobacco program is doing away with jobs for countless numbers of people on the farm. We are talking about adding hundreds of thousands to the welfare rolls. I do not believe that this House wishes to do that.

Who knows what the effects of doing away with the tobacco program would be in the factory, on the loading dock, and in the wholesale and retail outlet. Who knows what the effects would be on the tobacco tax revenues of governments in every one of the 50 States.

Tobacco is a commodity which is considered by many historians to have insured the survival and vitality of the early American colonies. Controversies over tobacco have raged since the 17th century, when those earliest colonies began to be established. The arguments and sermons we hear from the anti-tobacco forces are indeed not new. The fact remains, Mr. Chairman, that tobacco is a legal commodity. It is sold around the world. The price support program under attack today does not add significant cost to the American taxpayer. Rather, the return on the investment is substantial enough to justify entirely continuation of the program. It is a responsible program, and it is of low cost.

Tobacco farmers are not looking for a handout. They want to work their crop, market their products, and make a decent living. In order to do this, the tobacco program is necessary to stabilize the production of tobacco and insure fair prices for the crops on a competitive market.

I urge a vote against this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, there have been so many arguments raised that I would like to just address myself and focus in on the one about bankruptcy of the small farmer. I do not think there has been a case made for that. It has been repeated often enough so that a certain number of people will believe it. But the demand for tobacco is not going to go away. The demand for export tobacco is not going to go away. We provide more than 25 percent of the world export tobacco. That is not going to disappear. If the price falls, the gentleman from Washington certainly knows that the taxes will be raised on it. In the event we do have to have help for those small farmers that the gentlemen are crying about, those who live on $1,500 a year—they ought not to be too proud of that kind of economic situation, it seems to me—but in the event they do need help, we ought to be providing it outside of a tobacco program. There is no reason to continue to provide aid for this type of commodity, and I think we all know it.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN) to close debate.

Mr. HUBBARD. Mr. Chairman, the thousands of tobacco farmers in Kentucky can be very proud of the remarks of the gentleman from Kentucky (Mr. NATCHER), the comments made by the gentleman from Kentucky (Mr. PERKINS), and the behind-the-scenes work of the gentleman from Kentucky (Mr. BRECKINRIDGE), a member of the Committee on Agriculture. Indeed, the tobacco farmers of Kentucky are opposed to the Johnson amendment, and as one member of the Kentucky delegation that represents hundreds and perhaps thousands of tobacco farmers, are vigorously opposed to the Johnson amendment.

Mr. WHITTEN. Mr. Chairman, this problem is really a highly emotional one. However, all that I have read indicates that the danger of tobacco comes from excessive use. The thing that escapes attention every year when this comes up is that this is not a price support program. It is a program limiting tobacco acreage.

So before we have any price support, the fellow producing tobacco has to vote to limit his production. If this goes out the window and the farmer does not vote for the program—and he would not—then we turn acreage loose and we increase the total quantity of tobacco.

I grew up on a farm, and I know something about this. The fellow who loses in price will try to make up for the loss in price by increasing the total quantity of his production.

So, Mr. Chairman, the one way, as I see it, to increase tobacco production and the use of tobacco is to adopt this amendment. That is the last thing we should do if we want to limit the use of tobacco.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. JOHNSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JOHNSON of Colorado. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the elderly pursuant to section 504 of the Housing Act of 1949, as amended, $5,000,000.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUCOIN: Following line 23 on page 23, add:

"RURAL HOUSING RESEARCH

"For grants and/or contracts pursuant to section 506(d) of the Housing Act of 1949, as amended [42 USC 1476(d)], $1,000,000."

Mr. AUCOIN. Mr. Chairman, I offer this amendment as a small step to give to rural housing what we now have in the area of urban housing.

In the Department of Housing and Urban Development there is some $60 million available to that agency to research, to investigate, and to inquire into new ways to deliver housing to the urban areas of this Nation. What we need, as we look at the problems of rural housing, which are just as acute and just as severe and which exact just as much in the way of human suffering as those in urban housing, is the capacity to look for innovations within the Farmers Home Administration. The agency needs to be able to find ways to improve the delivery of housing in small towns across the land and in rural America.

Currently there is authorized but not yet appropriated funds for this purpose within the Farmers Home Administration. This would provide in-house research capacity to better enable that agency to do what we have charged it to do, and that is to deliver housing to the American people in small towns and rural America.

This amendment is only a modest step forward. It calls for only $1 million. Some who are strong rural housing advocates have urged that this amendment should provide as much as $10 million.

I think that most of my colleagues would agree that in starting out a program, no matter how laudable it may be, the idea should start out small; and based upon experience, it should grow in measured steps over the course of a number of years.

Mr. Chairman, we are starting out small with this program, only $1 million, in order to help this agency to deliver better housing to the rural sections of this country.

Mr. Chairman, I hope that the committee and my colleagues will accept the amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I rise in support of the gentleman's amendment.

I come from an urban area; but I am very, very familiar with the absolutely deplorable state of rural housing. Promises have been made over the last 20 or 30 years for better housing in rural areas. Those promises have not been lived up to.

Mr. Chairman, I think the gentleman's amendment is a step in the right direction in starting to address this problem.

Mr. Chairman, I urge support of this amendment.

Mr. AuCOIN. Mr. Chairman, I appreciate my colleague's support.

Mr. BRECKINRIDGE. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Kentucky.

Mr. BRECKINRIDGE. Mr. Chairman, I thank the gentleman for yielding.

I would just like to observe that since 1949 the Congress has had authority on the books for this program.

I would like to say additionally that in the area of metropolitan research programs we have authorized some $50 million for HUD for comparable work and have found it eminently satisfactory and necessary.

We have recommended in the Congressional Rural Caucus, for the consideration of the House, a figure in the amount of $10 million, so that really the gentleman is asking for 2 percent of those funds which have been authorized by this body for metropolitan areas. This is 10 percent of the figure recommended by the Congressional Rural Caucus and 2 percent of the funds appropriated for HUD for metropolitan America. Only 2 percent of the funds appropriated by this Congress for metropolitan America.

Consequently, Mr. Chairman, I urge favorable consideration of the gentleman's amendment.

Mr. AuCOIN. Mr. Chairman, I appreciate my friend's support. I have great respect for the work he has done in chairing the Congressional Rural Caucus. He knows the problem we are attacking as well as any Member of the House.

Mr. Chairman, I urge my colleagues to vote for this amendment.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

May I say that this amendment, again, represents what we so frequently see among our friends, and that is a mutual desire for an end result, but which is not necessarily approached in the most effective way.

I do not believe anyone could be more interested in rural housing than I am. I happen to come from a rural area.

May I say that by just looking at this bill, in the parts concerned with loan and grant levels for housing, one can see that this is a rural housing bill. The total amount is well over $4 billion for rural housing loans and grants.

Research in housing—and this is research we are talking about—is funded in the amount of about $1,300,000 under the Agricultural Research Service at the present time in the bill.

I agree with my colleague. We certainly have had too little attention paid to rural housing in the past.

Mr. Chairman, one of the first things I noticed when we passed the original housing bill that has to do with urban centers is that we had $500 million in there for farm housing. Nobody ever bothered to use a nickel of it. It was put in there earlier in order to get farm votes.

Our committee changed the word "farm" to "rural." That is when we begin to have rural programs on the order that we have them in the cities.

In this area of rural housing, despite the slowness with which the Department moved in some areas, primarily because the people were not interested or did not know the subject or did not have the supervision, we have now, as I say, about $4,299,000,000 available for rural housing loans.

Mr. Chairman, again, we have provision for research on housing in this bill now under the Agricultural Research Service. There is a total of over $300 million for research in this bill some of which deals with rural housing. The bill also provides for over $4 billion in loans and in grants.

Mr. Chairman, when we have in excess of $1 million already for research in rural housing, I just think that with all of the problems we have, this is a good time to tell our friend, the gentleman from Oregon (Mr. AuCOIN), that we agree with his objective, but with respect to the allocation of additional money to land grant colleges or somebody else, on top of what we have now, is just not the proper thing to do at this time.

Therefore, Mr. Chairman, I hope we may defeat the amendment.

Mr. LUNDINE. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment. Adoption of this amendment will provide start-up capability for an already long-overdue research arm within the Farmers Home Administration. Both the House and the Senate have demonstrated their understanding of the critical need for establishment of this research capacity within the FmHA by approving authorizing language in the Housing and Community Development Act of 1977.

The appropriation being requested to enable FmHA to carry out that mandate represents a small fraction of the amount contained in HUD's annual research budget. Information similar to that available for urban areas as a result of HUD's $60 million-plus research capability is nearly nonexistent for rural areas. FmHA, which is currently the largest direct Federal lender in the country, is forced to assess rural growth patterns, rural community facilities and services, and the housing needs of special groups in a virtual vacuum. HUD simply does not engage in research peculiar to rural areas.

Seasonal and migrant farmworkers, mountain people in the Appalachian area, Indians on reservations, the rural elderly and others rely on FmHA to meet their housing needs. We have assigned enormous responsibilities to the FmHA with the expectation that they will responsibly address the unique housing problems of rural areas. It simply does not make sense to anticipate adequate solutions to these problems from an agency that has been so severely handicapped by the lack of appropriate research data.

The expenditure of $1 million for FmHA to initiate critically needed research activities is a small price when one considers that nearly two-thirds of America's substandard housing is located in rural areas which contain only a little more than 30 percent of the Nation's population. We cannot reasonably expect to develop intelligent and workable solutions to the serious housing problems in the rural areas of our country without the benefit of accurate and comprehensive data. I urge the support of my colleagues in adopting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. AuCOIN).

The question was taken; and on a division (demanded by Mr. AuCOIN) there were—ayes 20, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MUTUAL AND SELF-HELP HOUSING

For grants pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $9,000,000.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AuCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AuCOIN: Following line 8 on page 24, add:

"SUPERVISORY ASSISTANCE FOR LOW-INCOME FAMILIES

"For grants and/or contracts pursuant to section 525(a) of the Housing Act of 1949, as amended (42 U.S.C. 1490(e)), $5,00,000, to remain available until expended."

Mr. AuCOIN. Mr. Chairman, the Farmers Home Administration is the Federal Government's largest lending agency dealing directly with borrowers. Since its establishment back in the New Deal days it has loaned more than $35 billion and currently has nearly $18 billion in outstanding loans in its portfolio. Yet the very success of FmHA programs has created problems. It started as a supervised loan program, and even today the chief official in each country is called the county supervisor. It was and is his responsibility not only to make the initial loan to farmers and homeowners, but to provide counseling, advice, and technical assistance to borrowers, and new farming techniques, budgeting, financial management, and any assistance suitable to the borrower. It was this direct personal assistance that distinguished FmHA programs from all others and which almost guaranteed its early success.

Beginning in the late sixties, however, the number and complexity of FmHA programs increased, but the number of personnel in the agency decreased. There were fewer people to do more work, and because the county supervisor not only originates the loan but also services it, there has been less and less time avail-

able for counseling and supervision that was such an integral part of early FmHA programs.

The Congress recognized this problem, and in 1974 amended the basic rural housing programs to provide the Secretary with authority to make grants or enter into contracts with public or private nonprofit organizations, corporations, agencies, institutions, and other associations approved by him to pay in part or all the cost of developing, conducting, administering, and coordinating effective and comprehensive programs of technical and supervisory assistance which will aid the needy low-income individuals and families and benefit the Federal, State, and local housing programs in rural areas.

Five million dollars was authorized for this program, but no moneys have yet been appropriated. The delinquency rate had been rising among FmHA borrowers. There are many reasons for this. Higher taxes is one of them, increased fuel costs is another and certainly a less than rigorous economy is another part. For whatever the reasons, when a delinquency occurs, the already overburdened FmHA staff must then drop ongoing work and attempt to get families back onto regular repayment schedules. Should the staff fail this, the delinquencies might very well, and frequently do, turn into defaults.

When defaults occur, everyone loses: the borrower loses; the family that was in that home loses; the Government loses; and inevitably the taxpayer loses.

The $5 million appropriation suggested in this amendment to fund section 525(a) of the Housing Act of 1949 might fairly be compared with section 106(a) of the Housing and Urban Development Act of 1968 under the Department of Housing and Urban Development. Section 106(a) under the HUD program, with a budget request for fiscal year 1978 of $7 million, provides authority for HUD to contract with public and private organizations to provide these kinds of services for urban clientele and for urban constituencies. I say that in terms of equity, in terms of meeting that "invisible" housing crisis that exists out in the rural areas, not just in the urban areas, this kind of counseling service, tracking as it does the authority granted by Congress to the Housing and Urban Development Act, is not only just but it is also wise. Moreover, it is fiscally responsible to stop the kind of defaults that can occur if some counseling is not provided to people who are in need of it.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, I am happy to rise in support of this amendment which seeks funds for a counseling program for FmHA borrowers. Historically, the "supervisory" aspect of the Farmers' Home Administration has been one of its greatest strengths and has contributed significantly to its success. The capability of FmHA to sustain and develop this important function, has unfortunately, been diminished in recent years because of the dwindling personnel resources of this agency. Proper counseling of borrowers at the local level is an effective tool in reducing the delinquency rate and limiting the number of defaults.

For several years now, the Department of Housing and Urban Development has been operating a variety of counseling programs using a variety of methods. Some have been operated directly by HUD, some by contractors, and some by local volunteer agencies. The results of these differing approaches vary, depending in part on the focus and the timeliness of the counseling. But there is no disagreement on the value of the program. It reduces defaults, and does so at a substantial cost-saving to HUD. It simply costs a great deal less to provide counseling on homeownership responsibilities for low-income families, than it does to foreclose, repossess, maintain and ultimately resell defaulted homes.

The need for a similar program in FmHA is manifest. The delinquency rate in FmHA rose alarmingly during 1976, and while it is now on a downward trend, this reduction has been achieved by diverting FmHA county staff from other tasks and turning them into default counselors. But with the enormous staff shortage in virtually every State in the Nation, employees diverted to default counseling create a serious deficiency in the availability of staff to originate new housing loans, farm operating loans, or community facility loans.

In 1974, Congress authorized a counseling program for FmHA. It is very similar to the HUD program, and it can reasonably be expected to realize the same kind of savings as the HUD program. It would be unfortunate for Congress to neglect, once again, to make any appropriation at all for a program that is undeniably cost-effective and beneficial to so many rural homeowners. I urge your support in adopting this amendment.

Mr. BRECKINRIDGE. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I would like to associate myself with the remarks of the gentlemen who preceded me and observe very briefly and simply that we are merely undertaking here again to initiate a counseling service in rural America that by experience has been justified for metropolitan America.

The amount that is requested, the $5 million, is an insignificant portion of the total bill before the House which comes to some $7.7 billion.

I would urge my colleagues to support the gentleman's amendment.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the subcommittee here on both sides of the aisle has clearly demonstrated over the years that we have both the interest and desire to be of benefit and help to the people of rural America.

Let me list the programs which are already included in this bill: We have rural housing insurance and low-income housing programs, and guaranteed loans, and rural housing site development loans, and rural housing rental assistance, and mobile home park loans, and domestic farm loans, farm ownership, and various types of grants in this bill as it now stands.

We have on the subcommittee tried to give additional personnel to the Farmers Home Administration over the years so as to implement these programs.

The item before us is authorized by law. To add $5 million would be adding it out of the blue, so to speak, in that the Department did not recommend it, the Bureau of the Budget did not recommend it, and it was not requested at any of our hearings.

The title of the section and the language of the section is as broad as you could imagine:

§ 1490e. Programs of technical and supervisory assistance for low-income individuals and families in rural areas.

(a) Grants or contracts with public or private non-profit corporations, etc., for assistance; preferential treatment of applications sponsored by governmental entity or public body.

We have not had a single hearing that would tie this down. Prior to any appropriation, hearings should be held as to who gets grants, what for, what they must do, and who decides. We have not been presented with any idea of just how this would be handled.

If these are to be loans for $5 million for help to low-income-type people, they would have to hire somebody and they would have to go out and work it out. Just out of the blue to offer this on the floor, when we have all this money in the bill for this purpose as it is, is not wise.

I would think since the gentleman is on the proper legislative committee they could work on this and we in our committee should develop this. We have got a new administration and it may be in the next year's budget, but to add this amount of money here without any guideline whatsoever, I could not accept.

I hope the amendment will be defeated.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the chairman yielding to me.

I want the Members to know we are talking about $5 million and not $50 million.

Mr. WHITTEN. I said $5 million.

Mr. AuCOIN. Mr. Chairman, I want the members of the committee and the chairman to understand that I in no way think the work they have been doing through the years is in any way inadequate.

Mr. Chairman, I compliment the work they have been doing, but to say in argument against this amendment that we are trying to do something not only new and with which we have no experience in the Federal Government is not quite accurate. The Department of Housing and Urban Development always seems to get the attention of Congress with respect to housing, rather than rural programs as a comparable program. It has been funded, it has been working, it has been manned, the technique is there. This amendment

is designed to keep track on that and to borrow from that and apply to rural America that which has been applied to urban America through the Department of Urban Development.

Mr. WHITTEN. Mr. Chairman, may I say, the gentleman's explanation is the only explanation we have for the section. While the gentleman has made a very good description of what the gentleman has in mind, I do think that procedurally, as a Congress, we need more than a very respected Member of Congress telling us what the gentleman has in mind in spending $5 million more to start a new program.

I believe the amendment should be defeated. Let us see if we can work out with our friend the objective we all have, that is, rural housing, urban housing, and low-income housing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. AuCoin).

The question was taken; and on a division (demanded by Mr. AuCoin) there were—ayes 26, noes 36.

So the amendment was rejected.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Stratton, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7558) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 5970, DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978

Mr. PRICE submitted the following conference report and statement on the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve comonent of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 95-446)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1978 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $682,500,000; for the Navy and the Marine Corps, $3,499,800,000; for the Air Force, $7,918,500,000, of which $3,000,000 may be obligated and expended only for converting an existing A-7D aircraft to a two-seat trainer version of such aircraft.

MISSILES

For missiles: for the Army $562,700,000; for the Navy, $1,865,500,000; for the Marine Corps, $110,600,000; for the Air Force, $1,826,700,000.

NAVAL VESSELS

For naval vessels: for the Navy, $6,191,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $1,441,300,000; for the Marine Corps, $74,800,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $326,700,000.

OTHER WEAPONS

For other purposes: for the Army, $96,000,000; for the Navy, $114,600,000; for the Marine Corps, $2,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1978 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,441,782,000;

For the Navy (including the Marine Corps), $3,844,518,000; of which $20,141,000 shall be available only for research and development of an extremely low frequency (ELF) system, and none of which shall be available for full-scale development or construction of a new test bed for such system; and of which no more than $40,000,000 shall be used for research and development relating to the CVV, VSS, and DD-963(H) ship development programs; but none of the funds authorized by this title may be obligated or expended for the CVV, VSS or DD-963(H) program except for the purpose of conducting comprehensive evaluation studies of the costs and combat effectiveness of sea based aircraft platforms for both the short and long term needs of the Navy. Such studies shall include, but not be limited to, nuclear aircraft carriers, new design medium aircraft carriers (CVV), the refitting of existing aircraft carriers (Midway and other classes), and various types of VSTOL aviation ships (including VSS). The Secretary of the Navy shall take such actions as are required to insure that such studies are sufficiently advanced with respect to a Nimitz class aircraft carrier, a CVV, a VSTOL aviation ship, and a DD-963(H) so that any of such ships may be authorized in fiscal year 1979. This section shall not be construed as constituting an authorization for a CVN, a CVV, or a VSS ship.

For the Air Force, $3,824,170,000, of which $15,700,000 may be obligated and expended only for the North Atlantic Treaty Organization Airborne Warning and Control System (AWACS) program, but such $15,700,000 may not be obligated or expended until at least one member country of the North Atlantic Treaty Organization (other than the United States) enters into a contract to purchase the AWACS aircraft.

For the defense agencies, $777,210,000, of which $25,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense;

For the Director of Defense Research and Engineering, $401,051,000.

SEC. 202. (a) The funds authorized to be appropriated under section 201 for the Director of Defense Research and Engineering during fiscal year 1978 shall be obligated only for the following purposes:

(1) An amount not to exceed $349,000,000 for the development of a cruise missile capable of being launched from a ship or from a submarine, with emphasis to be placed on early deployment of an antiship cruise missile, for the continued development of the Air Force AGM-86 air-launched cruise missile, and for the development of a ground-launched cruise missile.

(2) An amount not to exceed $52,051,000 for 5-inch and 155-millimeter guided projectiles, but no funds for such purpose shall be obligated until the Secretary of Defense submits a plan to the Committees on Armed Services of the Senate and House of Representatives providing (A) for the immediate conduct of engineering development of the 155-millimeter guided projectile and of the current Navy 5-inch guided projectile which shall provide for maximum implementation of common components for such projectiles and an initial operational capability for both such projectiles before January 1, 1980, and (B) for the immediate conduct of an effort by the Army and the Navy, to be performed by personnel of the Department of Defense, to validate the technical data packages for such projectiles to insure that such packages are adequate for manufacture of such projectiles by a source other than the developer.

(b) Competitive cruise missile development programs shall continue until the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that (1) a single airframe for the cruise missile can be selected which meets all operational requirements, and (2) cost data clearly establish that termination of the competitive cruise missile development programs will result in lower development and procurement costs for the cruise missile.

SEC. 203. Of the funds authorized to be appropriated under section 201 for the Navy (including the Marine Corps) for research, development, test, and evaluation, an amount not to exceed $3,894,000 shall be available only for (1) defining a set of design specifications for the Shipboard Intermediate Range Combat System (SIRCS) program, and (2) conducting an open competition, to be conducted after such design specifications have been defined and to be based on such specifications, to select a contractor or contractors for the advanced development phase of such program. In developing such design specifications, the Secretary of the Navy shall include the best features of the designs developed by the three contractors which have been selected for the program before the date of enactment of this Act and such other features as the Secretary considers appropriate. A contract entered into under the competition required by this section may be for development of the entire system or for development of any independent subsection of the system.

SEC. 204. No funds authorized to be appropriated under section 201 shall be obligated for the fabrication of hardware required to accommodate a specific 120-millimeter gun in the XM-1 tank turret or for

the installation of a 120-millimeter gun in an XM-1 tank full-scale engineering-development vehicle unless and until—

(1) comparative testing of the 105-millimeter gun system with the candidate 120-millimeter gun systems of the United Kingdom and the Federal Republic of Germany is completed, if the gun systems of such countries are available for testing as currently scheduled;

(2) the test results of such comparative testing are evaluated by the Secretary of the Army;

(3) the Secretary of the Army makes a recommendation to the Congress, which shall be submitted no later than February 1, 1978, consistent with such test results and evaluations for development and procurement of a specific 120-millimeter XM-1 tank main gun; and

(4) thirty days, excluding periods of recess of more than three days by either House of Congress, elapse from the date on which the Secretary of the Army submits a recommendation under paragraph (3).

SEC. 205. The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives, no later than February 1, 1978, a plan for the funding and scheduling necessary to incorporate by October 1, 1980, collective system protection against chemical and radiological agents for all main battle tanks, mechanized infantry combat vehicles, armored personnel carriers, armored self-propelled artillery vehicles, armored self-propelled air defense artillery vehicles, and other such types of equipment associated with the above in combat operations which will be in development or procurement in fiscal year 1981.

SEC. 206. (a) The Secretary of the Army shall not obligate any funds authorized to be appropriated under this or any other Act for the improvement of the M-139 gun as an interim weapon system for use on the Mechanized Infantry Combat Vehicle (MICV).

(b) The Secretary of the Army shall structure the development program for the Mechanized Infantry Combat Vehicle (MICV) to provide for initiation of production of such vehicle not later than May 31, 1981.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning October 1, 1977, and ending September 30, 1978, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 787,000;

(2) The Navy, 535,800;

(3) The Marine Corps, 191,500;

(4) The Air Force, 570,800.

SEC. 302. (a)(1) Section 201 of title 37, United States Code, relating to general rules for assignment to pay grades, is amended—

(A) by striking out subsection (c); and

(B) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(2) Section 203 of such title, relating to rates of basic pay for members of the uniformed services, is amended by adding at the end thereof the following new subsection:

"(c)(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or a midshipman at the United States Naval Academy, is entitled to monthly cadet pay, or midshipman pay, at the rate of $313.20.

"(2) The rate of monthly cadet pay, or midshipman pay, under this subsection shall be adjusted in the manner and at the time the monthly basic pay of members of the uniformed services is adjusted under section 1009 of this title.".

(3)(A) Section 209(c) of such title is amended to read as follows:

"(c) Each cadet or midshipman in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises under section 2109 of title 10, and each applicant for membership in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10 for admission to advanced training, is entitled, while so attending, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title.".

(B) The heading of such section 209 is amended to read as follows:

"§ 209. Members of precommissioning programs".

(C) The item relating to section 209 in the analysis of chapter 3 of such title is amended to read as follows:

"209. Members of precommissioning programs.".

(4) Section 555 of title 10, United States Code, is amended by striking out "section 201(d)" and inserting in lieu thereof "section 201(c)".

(b) Any cadet or midshipman who, on the date of enactment of this Act, or on any date thereafter, is—

(1) admitted to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy, as the case may be, or

(2) enrolled in the Senior Reserve Officers' Training Corps program and attending a field training encampment or practice cruise for which he is entitled to pay under section 209(c) of title 37, United States Code,

shall, if otherwise entitled, receive the rate of pay prescribed by section 201(c) of title 37, United States Code, as in effect on the day before the date of enactment of this Act, until the rate of pay authorized by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, is equal to or greater than the rate prescribed by section 201(c) of such title, as in effect on the day before the date of enactment of this Act. Thereafter, the rate of pay of such person shall be as prescribed by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, or section 209(c) of such title, as amended by subsection (a) of this section, as appropriate.

(c) A person who, on the date of enactment of this Act, is an applicant for membership in the Senior Reserve Officers' Training Corps and who, in order to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, is attending or will attend one of the field training encampments or practice cruises in a field training or practice cruise period which is in progress on the date of enactment of this Act, is entitled to continue to receive pay at the rate prescribed by such section as in effect on the day before the date of enactment of this Act while such person is attending such field training or practice cruise period in progress on the date of enactment of this Act. Thereafter, the entitlement of such person shall be as prescribed in subsection (b) of this section.

SEC. 303. For the purpose of promoting equality and expanding job opportunities for the female members of the Armed Forces, the Secretary of Defense shall within six months from the enactment of this section, submit to the Congress a definition of the term "combat", together with recommendations on expanding job classifications to which female members of the armed services may be assigned, and recommendations on any changes in law necessary to implement these recommendations.

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 382,000;

(2) The Army Reserve, 211,300;

(3) The Naval Reserve, 87,000;

(4) The Marine Corps Reserve, 32,400;

(5) The Air National Guard of the United States, 92,500;

(6) The Air Force Reserve, 52,000;

(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 402. (a) Part III of subtitle A of title 10, United States Code, relating to training, is amended by adding after chapter 105 the following new chapter:

"Chapter 106.—EDUCATIONAL ASSISTANCE FOR ENLISTED MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE

"Sec.

"2131. Educational assistance program: establishment; amount.

"2132. Eligibility for educational assistance.

"2133. Termination of assistance; refund by member.

"2134. Reports to Congress.

"2135. Termination of program.

"§ 2131. Educational assistance program: establishment; amount

"(a) To encourage enlistments in units of the Selected Reserve of the Ready Reserve, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, under regulations prescribed by him with respect to the Coast Guard when it is not operating as a service in the Navy, may establish and maintain a program to provide educational assistance to enlisted members of the Selected Reserve of the Ready Reserve of the armed force under his jurisdiction.

"(b)(1) An educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned of 50 percent of the educational expenses incurred by a member for instruction at an accredited institution. Expenses for which payment may be made under this section include tuition, fees, books, laboratory fees, and shop fees for consumable materials used as part of classroom or shop instruction. Payments under this section shall be limited to those educational expenses normally incurred by students at the institution involved.

"(2) To receive assistance under this section, a member must be eligible for such assistance under section 2132 and must submit an application for such assistance in such form and manner as the Secretary concerned shall prescribe and be approved for such assistance by the Secretary concerned.

"(c) Educational assistance may be provided to a member under this section until the member completes a course of instruction required for the award of a baccalaureate degree, or the equivalent evidence of completion of study, by an accredited insti-

tution, but the amount of educational assistance provided a member under this section may not exceed $500 in any twelve-month period, nor a total of $2,000.

"(d) For purposes of this section, the term 'accredited institution' means a civilian college, university, or trade, technical, or vocational school in the United States (including the District of Columbia, Puerto Rico, Guam, and the Virgin Islands) that provides education at the postsecondary level and that is accredited by a nationally recognized accrediting agency or association or by an accrediting agency or association recognized by the Commissioner of Education, Department of Health, Education, and Welfare.

"§ 2132. Eligibility for educational assistance

"(a) To be eligible for educational assistance under section 2131, a member must not be serving on active duty for more than thirty days and must—

"(1) be an enlisted member of the Selected Reserve of the Ready Reserve of an armed force;

"(2) have initially enlisted as a Reserve for service in a unit of the Selected Reserve of a reserve component after September 30, 1977;

"(3) never have served in an armed force before such enlistment;

"(4) at the time of such enlistment have executed an agreement as prescribed by subsection (b);

"(5) be a graduate from secondary school;

"(6) have completed the initial period of active duty for training required of such member;

"(7) if the member is assigned to a unit, be participating satisfactory in training with such unit; and

"(8) have served less than eight years as a Reserve.

"(b)(1) An agreement referred to in subsection (a)(4) shall be in writing and shall provide that if the member accepts educational assistance under section 2131, the period of enlistment of such member shall be automatically extended by two years and if the member is discharged for the purpose of accepting an appointment as an officer, the member shall remain a member of the Ready Reserve until the eighth anniversary of such enlistment.

"(2) A member who enlists after September 30, 1977, but before regulations to carry out this chapter are promulgated shall be eligible for educational assistance under section 2131 if he is otherwise eligible for such assistance under subsection (a) and if he executes an agreement as described in paragraph (1) not later than one year after the date on which regulations to carry out this chapter are first promulgated.

"(c) Educational assistance being provided a member under section 2131 may be continued to a member who otherwise continues to qualify for such assistance if such member—

"(1) is discharged in order to accept an immediate appointment as an officer in the Ready Reserve; or

"(2) is no longer a member of the Selected Reserve, if such member is a member of the Ready Reserve and has served at least six years in the Selected Reserve of the Ready Reserve.

"§ 2133. Termination of assistance; refund by member

"(a) Educational assistance being provided a member under section 2131 shall be terminated if—

"(1) the member fails to participate satisfactorily in training with his unit, if he is a member of a unit;

"(2) the member is separated from his armed force, unless he is separated in order to accept an immediate appointment as an officer in the Ready Reserve;

"(3) the member completes eight years of service; or

"(4) the member receives financial assistance under section 2107 as a member of the Senior Reserve Officers' Training Corps.

"(b) A member who fails to participate satisfactorily in training with his unit, if he is a member of a unit, shall refund the amount of all educational assistance received by such member under section 2131 unless the failure to participate in training was due to reasons beyond the control of the member. Any refund made by a member under this subsection shall not affect the period of obligation of such member to serve as a Reserve.

"§ 2134. Reports to Congress

"The Secretary of Defense shall submit a report to the Congress every three months stating the number of members of the Selected Reserve of the Ready Reserve receiving educational assistance under this chapter at the time of such report and listing each unit of the Selected Reserve of the Ready Reserve to which any such member is assigned at the time of such report. The first such report shall be submitted not later than December 31, 1977.

"§ 2135. Termination of program

"No educational assistance may be provided under this chapter to any person enlisting as a Reserve after September 30, 1978.".

(b) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 105 the following new item:

"106. Educational Assistance for Enlisted Members of the Selected Ready Reserve ..... 2131".

SEC. 403. (a)(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 308a of such chapter the following new section:

"§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve

"(a) An enlisted member of a reserve component who—

"(1) initially enlisted in a reserve component (other than an enlistment in a reserve component under the delayed enlistment program for the active forces);

"(2) has completed less than ten years of service as a member of a reserve component; and

"(3) reenlists or voluntarily extends his enlistment for a period of three years or for a period of six years in a designated military skill, or in a designated unit, in the Selected Reserve of the Ready Reserve of an armed force;

may be paid a bonus as provided in subsection (b).

"(b) The bonus to be paid under subsection (a) shall be—

"(1) an initial payment of—

"(A) $450, in the case of a member who reenlists or voluntarily extends his enlistment for a period of three years; or

"(B) $900, in the case of a member who reenlists or voluntarily extends his enlistment for a period of six years; and

"(2) a subsequent payment of $150 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in training with his unit.

"(c) No member shall be paid more than one bonus under this section.

"(d) A member who fails to participate satisfactorily in training with his unit during a term of enlistment for which a bonus is being paid to him under this section shall refund an amount equal to the amount by which the amount of such bonus exceeds the product of—

"(1) the number of months during that term of enlistment during which such member participated satisfactorily in training with his unit; and

"(2) $25.

"(e) The Secretary of Defense shall submit a report to the Congress every three months listing the units of the Selected Reserve of the Ready Reserve which have been designated by him for purposes of subsection (a)(3) and stating the number of members of the Selected Reserve of the Ready Reserve who at the time of such report are serving a term of enlistment for which a bonus is being paid under this section. The first such report shall be submitted not later than December 31, 1977.

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(g) No bonus may be paid under this section to any enlisted member who, after September 30, 1978, reenlists or voluntarily extends his enlistment in a reserve component.".

(2) The analysis of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 308a the following new item:

"308b. Special pay: reenlistment bonus for members of the Selected Reserve.".

(b) The amendments made by subsection (a) shall apply with respect to any reenlistment, or voluntary extension of an enlistment, in the Selected Reserve of any reserve component of the Armed Forces after September 30, 1977.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, the Department of Defense is authorized an end strength for civilian personnel of 1,018,600.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale of each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating the worker-trainee opportunity program. Whenever a function, power, duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the em-

ployment of civilian personnel in excess of the number authorized by subsection (a) of this section but such additional number may not exceed 1¼ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of an authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 77,711;
(2) The Navy, 60,767;
(3) The Marine Corps, 24,020;
(4) The Air Force, 50,356;
(5) The Army National Guard of the United States, 16,606;
(6) The Army Reserve, 11,136;
(7) The Naval Reserve, 1,065;
(8) The Marine Corps Reserve, 3,449;
(9) The Air National Guard of the United States, 2,598;
(10) The Air Force Reserve, 1,186.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) of this section for the fiscal year ending September 30, 1978, shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

SEC. 602. Section 2102 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) The President shall cause to be established and maintained in each State at least one unit of the program if—

"(1) a unit is requested by an educational institution in the State;

"(2) such request is approved by the Governor of the State in which the institution requesting the unit is located; and

"(3) the Secretary of the military department concerned determines that there will be not less than 40 students enrolled in such unit and that the provisions of this section are otherwise satisfied.".

TITLE VII—CIVIL DEFENSE

SEC. 701. Funds are hereby authorized to be appropriated during fiscal year 1978 to carry out the provisions of the Federal Civil Defense Act of 1950, for programs of the Defense Civil Preparedness Agency, in the amount of $95,250,000.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. The President shall include in the budget for fiscal year 1979 a request for funds sufficient to meet the total operation and maintenance costs of the Department of Defense for such year, including reasonably foreseeable increases in both the private and public sectors in the cost of labor, material, and other goods and services.

SEC. 802. None of the funds authorized to be appropriated by this Act may be used to pay any claim over $5,000,000 against the United States, unless such claim has been thoroughly examined and evaluated by officials of the Department of Defense responsible for determining such claims and a report is made to the Congress as to the validity of these claims.

SEC. 803. (a) Section 651(a) of title 10, United States Code, is amended by striking out "male" and "after August 9, 1955," in the first sentence thereof.

(b) The amendments made by subsection (a) shall take effect on the first day of the seventh calendar month beginning after the month in which this Act is enacted and shall apply to any female person who becomes a member of an Armed Force on or after such day.

SEC. 804. (a) Section 105(a) of title 32, United States Code, is amended—

(1) by striking out "The Secretary of the Army shall have an inspection made at least once a year" and inserting in lieu thereof "Under regulations prescribed by him, the Secretary of the Army may have an inspection made"; and

(2) by striking out "and" at the end of clause (4), striking out the period at the end of clause (5) and inserting in lieu thereof "; and", and inserting after clause (5) the following new clause:

"(6) the accounts and records of each property and fiscal officer are properly maintained.".

(b) Section 708 of title 32, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively; and

(3) by striking out "(e)" in subsection (e) (as so redesignated) and inserting in lieu thereof "(d)".

SEC. 805. Section 6485(b) of title 10, United States Code, is amended by striking out "and shall be physically examined" and all that follows in such section and inserting in lieu thereof a period.

SEC. 806. The Act entitled "An Act to provide subsistence allowances for members of the Marine Corps officer candidate programs", approved November 24, 1971 (85 Stat. 491; 37 U.S.C. 209 note), is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978".

SEC. 807. (a) Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until October 1, 1979; but no transfer of aircraft or other equipment may be made under the authority of such section 501 unless funds have been previously appropriated for such transfer.

(b) Section 501 of Public Law 91-441 (84 Stat. 909) is amended by adding at the end thereof a new sentence as follows: "In any case in which aircraft or other equipment is transferred under authority of this section and such aircraft or equipment is taken from the inventory of the Armed Forces of the United States or is scheduled to be included in such inventory, the Secretary of Defense shall, as soon as practicable and as authorized by law, restock the inventory of the Armed Forces of the United States with equivalent quantities of aircraft and other equipment so transferred.".

SEC. 808. (a) (1) The Secretary of Defense shall supply the Committees on Armed Services of the Senate and House of Representatives, not later than October 1 of each year, a full accounting of all experiments and studies conducted by the Department of Defense in the preceding twelve-month period, whether directly or under contract, which involve the use of human subjects for the testing of chemical or biological agents.

(2) Not later than thirty days after final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense, whether directly or under contract, involving the use of human subjects for the testing of chemical or biological agents, the Secretary of Defense shall supply the Committees on Armed Services of the Senate and House of Representatives with a full accounting of such plans for such experiment or study, and such experiment or study may then be conducted only after the expiration of the thirty-day period beginning on the date such accounting is received by such committees.

(b) (1) The Secretary of Defense may not conduct any test or experiment involving the use of any chemical or biological agent on civilian populations unless local civilian officials in the area in which the test or experiment is to be conducted are notified in advance of such test or experiment, and such test or experiment may then be conducted only after the expiration of the thirty-day period beginning on the date of such notification.

(2) Paragraph (1) shall apply to tests and experiments conducted by Department of Defense personnel and tests and experiments conducted on behalf of the Department of Defense by contractors.

SEC. 809. (a) The Secretary of Defense and the Director of the Office of Management and Budget shall jointly conduct a complete and comprehensive review of the criteria used in determining whether commercial or industrial type functions at Department of Defense installations located in any State, the District of Columbia, the Commonwealth of Puerto Rico, and Guam should be performed by Department of Defense personnel or by private contractors. The review shall include—

(1) an evaluation of the basis for, and assumptions underlying, Department of Defense methods for conducting cost analyses with respect to decisions to contract for performance of commercial or industrial type functions;

(2) an evaluation of the differences between private contractors and the Department of Defense in their procedures and policies relating to personnel compensation and other differences affecting their analysis of the cost of personnel;

(3) identification of the defense mission essential functions identified by the Secretary of Defense as not suitable for performance by private contractors; and

(4) an evaluation, to be made by the Director of the Office of Management and Budget, of all aspects of OMB Circular A-76 and of the implementation of such circular.

(b) A detailed report describing the results of the review required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before January 1, 1978. No commercial or industrial type function of the Department of Defense which on the date of enactment of this Act is being performed by Department of Defense personnel shall be converted to performance by private contractors before the earlier of March 15, 1978, or the end of the 90-day period beginning on the date the report required by this section is received by such committees. The prohibition in the preceding sentence shall not apply to the conversion to performance by private contractors of any commercial or industrial type function at any Department of Defense installation referred to in subsection (a) if such conversion would have been made under policies and regulations in effect before June 30, 1976.

(c) (1) The Secretary of Defense shall, before January 1, 1978, submit a report to the Committees on Armed Services of the Senate and House of Representatives (A) detailing the rationale of the Department of Defense for the establishment of goals for the percentage of work at defense research installations to be performed by private contractors, and (B) detailing the rationale for any direction in effect on the date of enactment of this Act (i) establishing a minimum or maximum percentage for the allocation of work at any defense research installation to be performed by private contractors, or (ii) directing a change in any such allocation in effect on the date of enactment of this Act.

(2) Until March 15, 1978, or the end of the 90-day period beginning on the date the report required by this subsection is received by such committees, whichever is earlier, the percentage of all research and exploratory development work to be performed at or by

any Department of Defense research installation which is to be performed by private contractors may not exceed the percentage of such work that was performed by private contractors during the period beginning on July 1, 1975, and ending on September 30, 1976.

SEC. 810. No funds authorized or appropriated under this or any other Act shall be expended to purchase advertising of any sort for the purpose of advertising the existence of the special discharge review program for certain individuals who served in the Armed Forces of the United States between August 4, 1964, and March 28, 1973, which was established by order of the Secretary of Defense on April 5, 1977.

SEC. 811. (a) (1) The total number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073 after October 1, 1980, and the total number of civilian employees of the Department of Defense in grades GS–13 through GS–18, including positions authorized under section 1581 of title 10, United States Code, shall be reduced during the fiscal year beginning October 1, 1977, by the same percentage as the number of officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced below 1,141 during such fiscal year, and during the fiscal years beginning October 1, 1978, and October 1, 1979, by a percentage equal to the percentage by which the number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced during such fiscal year below the total number of such officers on active duty on October 1, 1978, and October 1, 1979, respectively.

(2) On and after October 1, 1980, the total number of civilian employees of the Department of Defense in the grades and positions described in paragraph (1) may not exceed the number employed in such grades and positions on the date of enactment of this subsection reduced as provided in paragraph (1).

(3) In time of war, or of national emergency declared by Congress, the President may suspend the operation of paragraphs (1) and (2).

(b) (1) Subsection (b) of section 5231 of title 10, United States Code, is amended to read as follows:

"(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) of this section and section 5081 of this title may not be more than 15 percent of the number of officers on the active list of the Navy above the grade of captain. Of the number of officers that may serve in the grades of admiral and vice admiral, as determined under this subsection, not more than 25 percent may serve in the grade of admiral.".

(2) Such section 5231 is further amended—

(A) by striking out subsection (c);

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) by striking out "numbers authorized under subsections (b) and (c)" in subsections (c) and (d) (as redesignated by subparagraph (B)) and inserting in lieu thereof "number authorized for that grade under subsection (b)".

(3) Subsection (b) of section 5232 of title 10, United States Code, is amended to read as follows:

"(b) The number of officers serving in the grades of general and lieutenant general may not be more than 15 percent of the number of officers on the active list of the Marine Corps above the grade of colonel.".

(4) The second sentence of subsection (c) of such section is amended by striking out the period and inserting in lieu thereof a comma and the following: "and while in that grade he is in addition to the number authorized for that grade under subsection (b) of this section.".

SEC. 812. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 15, 1978, a report setting forth quantifiable and measurable materiel readiness requirements for the Armed Forces, including the Reserve components thereof, the monthly readiness status of the Armed Forces, including the Reserve components thereof, during fiscal year 1977, and any changes in such requirements and status projected for fiscal years 1978 and 1979 and in the five-year defense program. The Secretary of Defense shall also inform such committees of any subsequent changes in the aforementioned materiel readiness requirements and the reasons for such changes. The budget for the Department of Defense submitted to the Congress for fiscal year 1979 and subsequent fiscal years shall include data projecting the effect of the appropriations requested for materiel readiness requirements.

SEC. 813. In authorizing procurement under section 101 of this Act and research and development under section 201 of this Act, Congress asserts its readiness to consider, in accordance with the processes set forth in the Congressional Budget and Impoundment Control Act of 1974 and the Budget and Accounting Act, 1921, such modification in United States strategic arms programs as the President may recommend to facilitate either negotiation or agreement in the Strategic Arms Limitation Talks.

SEC. 814. Section 813 of the Department of Defense Appropriation Authorization Act, 1976, is amended to read as follows:

"SEC. 813. In the case of any letter of offer to sell or any proposal to transfer defense articles which are valued at $25,000,000 or more from the United States active forces' inventories or from current production, the Secretary of Defense shall submit a report to the Congress setting forth—

"(1) the impact of such sales or transfers on the current readiness of United States forces;

"(2) the adequacy of reimbursements to cover, at the time of replenishment of United States inventories, the full replacement costs of those items sold or transferred; and

"(3) for each article to be sold (A) the initial issue quantity requirement for United States forces for that article, (B) the percentage of such requirement already delivered to such forces or contracted for at the time of the report, (C) the timetable for meeting such requirement absent the proposed sale, and (D) the timetable for meeting such requirement if the sale is approved.".

SEC. 815. (a) Chapter 141 of title 10, United States Code, relating to miscellaneous procurement provisions, is amended by adding after section 2389 the following new section:

"§ 2390. Suggestions for improving procurement policies

"(a) The Secretary of Defense shall request each commissioned officer, and each civilian employee above grade GS–12, who is scheduled for retirement and who is, or was at any time within one year prior to such scheduled for retirement and who is, or was ployed in, military procurement to submit suggestions for methods to improve procurement policies, including suggestions for improving competitive bidding procedures and for reducing or eliminating any inequities that may exist. Such request shall be made of each such commissioned officer or employee not less than 30 days preceding his release from active duty or his separation. Submission of suggestions shall be at the option of each such commissioned officer or employee, and each such officer or employee shall be allowed reasonable time during working hours to prepare such suggestions, if such officer or employee chooses to make suggestions under this section.

"(b) The Secretary of Defense shall submit a semiannual report to the Committees on Armed Services of the Senate and House of Representatives containing a copy of each suggestion submitted under subsection (a) during the preceding six-month period and the response of the Department of Defense to each such suggestion.".

(b) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding after the item relating to section 2389 the following new item:

"2390. Suggestions for improving procurement policies.".

SEC. 816 This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1978".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes.".

And the Senate agree to the same.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL STRATTON,
RICHARD H. ICHORD,
LUCIEN N. NEDZI,
CHAS. H. WILSON,
R. LEGGETT,
RICHARD C. WHITE,
BILL NICHOLS,
BOB WILSON,
WM. L. DICKINSON,
G. WILLIAM WHITEHURST,
FLOYD SPENCE,
Managers on the Part of the House.

JOHN C. STENNIS,
HENRY M. JACKSON,
HOWARD W. CANNON,
THOMAS MCINTYRE,
HARRY F. BYRD, JR.,
SAM NUNN,
JOHN CULVER,
GARY HART,
JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
WILLIAM L. SCOTT,
DEWEY F. BARTLETT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes, submit the following joint state-

ment to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—PROCUREMENT

Aircraft

Army

C–12 Aircraft—

The House bill provided $17.2 million for the procurement of 20 C–12 aircraft for the Army. The Senate amendment omitted these aircraft because the Administration's budget did not contain a request for this procurement.

House conferees argued failure to exercise the fourth increment option would result in breaking a fixed price contract and the necessity of renegotiation for the purchase of the remaining 40 aircraft required by the Army.

The Senate recedes.

UTTAS (Utility Tactical Transport Aircraft *System*)—

The House bill authorized $236 million for the procurement of 56 UTTAS helicopters. The Senate amendment reduced the procurement from 56 to 24 aircraft and $114.8 million. The Senate stated that the reduction would allow additional testing to assure that certain deficiencies were eliminated and that claimed cost savings of the UTTAS program were demonstrated before expanding the production rate.

House conferees argued that reduction of the procurement quantity would increase the unit cost by $.840 million in fiscal year 1978. The Army holds firm contract options under the current production contract and changing the procurement plan would negate the present fixed-price options negotiated during the competition and would require renegotiation in a non-competitive environment that would erode the achieved program cost savings.

The Senate recedes.

A–7E Light Attack Aircraft (Corsair II)—

The January budget submission contained a request for 6 A–7E aircraft for the Navy in the amount of $58.0 million. This included $45.4 million for procurement, and $12.6 million for initial spares. The budget amendment reduced the request by $24.4 million and 6 aircraft. The House bill provided 6 A–7Es at a procurement cost of $45.4 million.

The Senate amendment recommended authorization of 12 A–7Es for a procurement cost of $107.8 million plus advance procurement funds of $5 million toward a FY 1979 buy of 12 A–7Es.

Navy testimony indicated a need for procurement of 36 additional A–7Es to maintain their light attack inventory.

The House recedes.

F–14 Fighter—

The request was for $907.3 million to buy 44 F–14s in fiscal year 1978 and to provide advance procurement funds for a fiscal year 1979 buy of 60 F–14s. The House approved the full request. The Senate approved $708.9 million for procurement of 36 F–14s in fiscal year 1978 with advance procurement funding for 36 F–14s in fiscal year 1979.

The Senate conferees pointed out that this year's F–14 procurement plan proposed to accelerate F–14 annual production from the current rate of 36 a year up to 60 a year in fiscal years 1979 and 1980, with a buy-out of the program in 1981. The accelerated annual procurement of 60 F–14s could create a financial problem in the Naval Aviation budget which would impact on the Navy's ability to fund the F–18 program as planned.

The conferees agreed that the F–18 program is essential to Naval aviation and should not be slowed or stretched out. The conferees authorized $755.7 million for procurement of 40 F–14s in fiscal year 1978 with advance procurement funds for 36 F–14s in fiscal year 1979.

The House recedes with an amendment.

S–3A Antisubmarine Warfare Aircraft—

The Senate added $10 million to the S–3A aircraft account for immediate funding to improve the operational readiness rate of the S–3A.

The House conferees agreed that $5 million would help alleviate existing problems until an investigation could be conducted into the S–3A readiness problem.

The House recedes with an amendment.

CTX Light Utility Transport Aircraft—

The Navy requested $28.2 million for the procurement of 22 CTX utility aircraft. The House deleted this request because testimony indicated that the Navy had not even begun source selection and had not completed detailed specifications of the aircraft it intends to purchase.

The Senate recommended an authorization of $21.6 million.

This program was discussed at length among the conferees and agreement finally was reached to provide funds for an off-the-shelf, turboprop, light utility transport aircraft.

The House recedes.

T–34C Trainer Aircraft—

The House bill authorized $28.7 million for the T–34C pilot trainer aircraft. The Senate amendment deferred procurement of this aircraft. The Senate amendment deferred procurement of this aircraft until existing aileron flutter problems are resolved.

The House conferees pointed out their committee report had made clear that they recognized the flutter (uncontrollable vibration) problem that occurred in early tests and that the funds authorized would not be obligated until a solution has been validated for the flutter problem.

House and Senate conferees agree to authorize $28.7 million for the T–34C trainer aircraft; but also agree that the money authorized should not be obligated until the flutter problem has been corrected and the Committees on Armed Services of the Senate and House of Representatives have been notified.

The Senate recedes.

P–3/Harpoon Modification and Spares—

The Senate deleted $12.5 million in authorization for P–3/Harpoon modifications and $1.3 million in P–3/Harpoon modification spares. The House approved the budget request of $13.8 million for these items.

The House recedes.

CH–53 Spares—

Since CH–53 aircraft are deleted in the Administration's revised budget request, the initial spares request for the CH–53 helicopter in the amount of $6.5 million was deleted by the Senate. The House funded the requested amount for spares.

The House recedes.

Aircraft Industrial Facilities—Waste Treatment Facility—

The Senate deleted $6.5 million for a proposed industrial waste treatment facility at the Naval Weapons Industrial Reserve Plant, Bethpage, New York, authorizing $400 thousand only for design funds. The House included the $6.9 million requested in the President's budget.

The Senate recedes.

Other Financing—

The Senate deleted $17.8 million as a financing adjustment to the fiscal year 1978 requirement, pointing out that receipts of a planned sale of the P–3B Navy aircraft would offset this amount. House conferees were concerned that the planned sale was contingent and the finance adjustment might be premature and potentially invalid.

Senate conferees were adament in their position stating that if the sale eventually involved aircraft from another service the funds received should be applied to the Navy's account.

The House recedes.

Air Force

F–15 Fighter Aircraft—

The House approved the original budget request for 108–F15s for $1,697.1 million. The Senate authorized the 78 F–15 aircraft in the amended budget for $1,363.1 million. The House conferees pointed out that reducing the buy of the F–15 would increase the F–15 program cost by some $387 million.

The Senate recedes.

F–16 Fighter Aircraft—

The House recommended reduction of $62.2 million in authorized funding due to excessive and unsupported cost growth in the F–16 program. This amount of money was for procurement for the Avionics Intermediate Shop (AIS).

The Senate maintained that deletion of authorization for the AIS would delay by one year the full deployment capability of the first 8 F–16 squadrons.

The House recedes.

Advanced Tanker Cargo Aircraft (ATCA)—

The original January budget request was for 6 ATCA aircraft at a procurement cost of $276.6 million. The amended budget dropped the ATCA program.

The House provided 6 ATC's and $276.6 million. The Senate did not authorize the ATCA.

In conference, Senate conferees pointed out that the Department of Defense requested that the program not commence until fiscal year 1979 consistent with its plan to defer ATCA production pending a further assessment of the tanker and airlift needs and a determination of the optimum combination of aircraft and modifications for these missions.

The House recedes.

C–130H Transport Aircraft—

Testimony before the House Armed Services Committee identified a seriously deteriorating tactical airlift capability as older C–130 aircraft are being grounded for various support problems. Therefore, the House added $124 million for 16 C–130H's for the Air National Guard. The Senate amendment did not contain any authorization for this unbudgeted item. In conference, the necessity for these aircraft was argued vigorously by the House conferees.

The Senate recedes with an amendment authorizing 8 C–130H aircraft and $62 million.

Two-place A–74 Modification—

The Senate recommended $6 million for an aircraft feasibility study to convert approximately 20 older A–7Ds, that are in a nonstandard configuration and are not deployable, to a two-seat trainer configuration. The House bill contained no such authorization.

House conferees pointed out that the Navy presently has 65 two-seat A–7s on order and that it was unnecessary to "study the feasibility" of converting A–7s to the two-seat trainer configuration. After a thorough discussion, the House agreed to recede to the Senate in the amount of $3 million with the understanding that the $3 million may be used only to convert an early non-combat capable model A–7D aircraft to a two-seat proficiency trainer for the Air National Guard. The Air Force is to also evaluate the feasibility of converting other early A–7Ds for training support of the Air National Guard with the view of funding these conversions beginning with the fiscal year 1979 budget.

The House recedes with an amendment.

Civil Reserve Air Fleet (CRAF) Modification—

The Senate deleted $30 million requested for the modification of commercial wide-bodied 747 and DC-10 type aircraft for carrying oversize military cargo, stating that a satisfactory plan for executing the program had not been presented. The House bill contained the requested authorization.

House conferees stated that studies done by the Joint Chiefs of Staff and the Air Force have shown that this is the most cost-effective program yet devised to enhance our military airlift capability. After a thorough discussion, conferees agreed to recommend $15 million to proceed with a full modification and a mini-mod during fiscal year 1978 to serve as a pilot model for the cost and contracting procedures for the CRAF program.

The Senate recedes with an amendment.

Industrial Facilities — Manufacturing Methods—

The Senate deleted $15.9 million from the request for the industrial facilities manufacturing methods program. The House had approved the Air Force request in full.

The Senate argued that they allowed the Department to have the same amount of funds as authorized last year with a slight increase for escalation. House conferees pointed out that the Air Force has historically averaged a 15 to 1 return on its manufacturing methods investment. Therefore, the Senate agreed to restore $8 million of the $15.9 million reduction.

The Senate recedes with an amendment.

Missiles

Army

Stinger—

The original January budget request had proposed 890 Stinger air defense missiles at a cost of $84.0 million. The Administration budget amendment reduced the request to 258 missiles for $34.0 million.

The House approved the amended request. The Senate added $8.3 million to provide additional ground support equipment and additional Stinger missiles.

The House recedes.

TOW—

The Administration request was for $58.0 million for TOW missiles and support equipment. The House approved the full request. The Senate reduced the request by $10.2 million.

The Senate conferees pointed out that their reduction still would allow the Army to procure TOW missiles at the same production rate as the year before and that the Army had newly identified requirements for continued TOW production in subsequent years. Since the fiscal year 1978 procurement is for reserves for future year training missiles and not war reserve stocks, the House recedes.

Navy

Harpoon—

The House authorized $152.8 million for 315 Harpoon missiles.

The Senate approved the same number of missiles but authorized $129.9 million, identifying $22.9 million in prior year funds that can be used to finance the balance required for the procurement.

The House recedes.

Air Force

Maverick (Laser)—

The House bill authorized $37.6 million for procurement of 100 missiles. The Senate amendment authorized $18.4 million for procurement of 100 missiles.

The Senate conferees maintained that $19.2 million of the fiscal year 1977 appropriation was excess to the FY 1977 Laser Maverick program and was, thus, available to finance the FY 1978 procurement.

The House recedes.

Tactical Drones—

The House bill authorized $38.1 million for procurement of tactical drones. The Senate amendment authorized $27.1 million because a delay in initiating fiscal year 1977 production has reduced the actual fiscal year 1978 funding requirements by $11 million.

The House recedes.

Global Positioning System (GPS)—

The request was $43.4 million for procurement of launch vehicles for the Global Positioning System navigational satellite program.

The Senate reduced the authorization by $17.8 million because technical difficulties in the development of the GPS had caused a slip in the procurement program.

The House recedes.

Naval Vessels

SSN-688 Nuclear Attack Submarine—

The House authorized $700.8 million for two nuclear attack submarines (SSN-688) plus advanced procurement.

The Senate amendment contained $278.5 million for one submarine, the amount requested in the President's budget.

The House recedes.

CVN Nuclear Carrier, Advanced Procurement—

The Senate authorized $81.6 million for CVN advanced procurement.

The House included no funds for this purpose.

The House recedes.

Aegis-Equipped Nuclear Cruiser—

The House authorized $187 million for advance procurement for a CSGN nuclear strike cruiser. The House bill included language permitting these funds to be used for a new Virginia class (CGN-42) if the President determined this to be in the national interest.

The Senate amendment contained $663 million to construct CGN-41, now under construction, as a nuclear powered Aegis ship.

Subsequent to completion of action in both Houses, the President requested $180 million for advanced procurement of a new Virginia-class Aegis ship.

The conferees agree to $180 million for advance procurement for the construction of a new Virginia-class ship with Aegis. The House, therefore, agreed to deletion of language relating to a Strike Cruiser.

The Senate recedes with an amendment reducing the authorization to $180 million.

DD-963—

The Senate authorized $614 million for construction of two DD-963 (air capable) destroyers.

The House authorized no funds for this purpose.

The conferees agreed to authorize the program with the understanding that the DD-963's will be planned primarily for helicopter capability, to enhance the DD-963's ASW capability.

FFG Guided Missile Frigate—

The House authorized $1,319.0 million for nine ships.

The Senate authorized $1,205.3 million for eight ships.

The House recedes.

Cost Growth—

The House authorized $233.1 million for cost growth.

The Senate authorized a total of $566.1 million.

The difference between the two amounts represents an additional $333 million requested as a reserve for the payment of claims.

The House recedes.

Method of Authorizing Naval Vessels—

The House bill had provided for the Navy Shipbuilding program through line items for each class of ships. The Senate amendment had included a lump sum amount for naval vessels as with other authorization categories.

Consistent with the conference agreement on the make up of the shipbuilding program for fiscal year 1978, the House conferees agreed to recede from the line-item approach.

DDG-47 Information—

Section 101 of the House bill required that work begin on the construction of the DDG-47 Aegis destroyer and that the President provide the Congress with full justification for making the DDG-47 nonnuclear.

The Seante had no similar provision.

Conferees agreed that the Secretary of Defense shall fully advise the Congress by written report to be submitted no later than sixty days after the enactment of this act, as to the impact of his decision not to provide nuclear propulsion for the DDG-47 destroyer, a major combatant vessel as defined in title VIII of Public Law 93-365, on the ability of the Navy to take advantage of nuclear propulsion in aircraft carriers, the long-term effects such decision will have on the ability of the Navy to counter the projected threat in the 1980's and 1990's, and the effect of such decision on the industrial base for nuclear warships. The Secretary of Defense shall fully advise the Congress how, in reaching such decision, he evaluated: the military advantages of the reduced logistic requirements of nuclear-powered strike forces in a time of continuing reduction of overseas bases and secure sources of propulsion fuel; the differences in effectiveness and lifetime costs of nuclear and nonnuclear Aegis-equipped ships, including differences in their military characteristics; the cost and difficulty of providing propulsion fuel to nonnuclear Aegis-equipped ships in high-threat areas in wartime; and the military priority of providing Aegis-equipped ships to accompany nuclear-powered aircraft carriers and for independent missions relative to the other military needs for Aegis-equipped ships.

Consistent with this agreement, the House agreed to deletion of language from the bill.

Shipbuilding Commission—

Section 102 of the Senate amendment would have established a five-man Presidential Commission on Navy shipbuilding.

House bill had no similar provision.

The Secretary of Defense and the Secretary of the Navy were persuasive in their reclama against establishment of a Presidential Commission on naval shipbuilding this year. Both Secretaries asked that the new administration be given a chance to resolve the problems of shipbuilding and ship procurement for the Navy. There is considerable information presently available concerning these problems. The Department of Defense and the Navy have already initiated steps to strengthen the competence of their management and consultant activities. The Congress expects to see considerable and very visible progress toward resolving shipbuilding and ship procurement problems during fiscal year 1978. Accordingly, the conferees agreed to hold in abeyance, without prejudice, establishment of a shipbuilding commission for a year.

If no other remedies become evident, the conferees recommend that establishment of a Naval Shipbuilding Commission be considered by the Congress in the fiscal year 1979 Department of Defense authorization process.

The Senate recedes.

Nuclear Powered Navy—

Section 103 of the Senate amendment would have repealed title VIII of the Defense Authorization Act, 1975, dealing with nuclear power for naval combatant ships.

The House bill had no similar provision.

The Senate recedes.

Tracked combat vehicles

Army

MICV Advance Procurement—

The House bill authorized $25.6 million in advance procurement for the MICV. The Senate amendment contained no authorization.

The House recedes. The basis of this action is discussed under Title II, RDT&E, of the Joint Statement of Managers.

M88A1—

The House bill provided $34.2 million for the procurement of 58 M88A1 tank retriever vehicles for the Army. The Senate amendment authorized $17.2 million for the procurement of 29 vehicles.

The House recedes.

M60 Tank Production—

The House bill authorized 859 M60A3 model tanks. The Senate amendment authorized 649 M60A1 tanks.

The conferees agreed to authorize 800 M60 A3 model tanks at $504.9 million. The conferees further agreed that the improved M60A3 fire control system in its present configuration represents a significant increase in capability which should not be delayed at this time.

The Senate recedes with an amendment.

M60 Modifications—

The House bill authorized $57.4 million for the modification of M60 series tanks. The Senate amendment authorized $37.9 million. The conferees agreed to a figure of $47.5 million.

The House agreed to delete $9.9 million of its proposed authorization that would have been available for procurement of RISE engine kits. The Senate agreed to add $9.6 million to its proposed authorization to be available for procurement of tank thermal sights.

M48 Modifications—The House bill authorized $26.1 million for conversion of M48A1 and M48A3 tanks to the M48A5 configuration. The Senate amendment deleted all the authorization.

The conferees agreed to an authorization of $13.0 million.

Navy Torpedoes—The House authorized $332.4 million for the Navy Torpedo.

The Senate amendment authorized $326.7 million, identifying $5.7 million in prior year funds available to finance the balance.

The House recedes.

Other weapons

Army

Lightweight Company Mortar—The House bill authorized $3.3 million for the procurement of 300 lightweight company mortars. The Senate amendment authorized $2.7 million for the procurement of 190 mortars.

The House recedes.

50 Caliber Machine Guns and Mounts—The conferees agree with the Senate position that the Army should have sufficient funds available from foreign sales of this machine gun to use for procurement of the fiscal year 1978 budget request and that additional fiscal year 1978 authorization is not required.

The House recedes.

M8 Chemical Alarm—

The Senate amendment added $16.0 million for procurement of 5500 M8 chemical alarms.

The House conferees pointed out that the M8 chemical alarm is an item currently not subject to requirement for authorization prior to appropriation. Thus, funds could be made available for this procurement in the appropriation process.

The Senate recedes.

Navy

Major Caliber Light Weight Gun—

The House authorized $32.8 million for the Major Caliber Light Weight Gun.

The Senate amendment contained no authorization for this gun.

The Senate recedes with an amendment authorizing $16.0 million for the MCLWG system.

Close In Weapons System—

The House authorized $67.2 for the Close In Weapons System and $7.7 million for spares.

The Senate authorized $50.0 million for the CIWS and $5.1 million for spares.

The Senate recedes.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

General

The Department of Defense requested authorization of $11,719,480,000 for the fiscal year 1978 Research, Development, Test and Evaluations appropriations. The following table summarizes the Senate and House modifications to the Research and Development budget request:

R.D.T. & E. SUMMARY

[In thousands of dollars]

	Request	House	Senate	Conference amount
Army	2,522,100	2,375,232	2,541,992	2,441,782
Navy	4,201,580	3,753,913	4,074,665	3,844,518
Air Force	4,198,800	3,687,270	4,061,900	3,824,170
Defense agencies	772,000	734,310	771,900	752,210
Test and evaluation	25,000	25,000	25,000	25,000
Director, defense, research, and engineering		377,051		401,051
Total budget authority	11,719,480	10,952,776	11,475,457	11,288,731

As shown, the conferees agreed on a total of $11,288,731,000 which is $430,749,000 less than the amount requested for fiscal year 1978. The details of the differences between the House bill and the Senate amendment and the changes adopted by the conferees are reflected in the following tables:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION
ARMY—FISCAL YEAR 1978

[In thousands of dollars]

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Conference	Item No.
101	Advance concepts laboratory (Tacom)	1,500		1,500	+1,500	1,500	101
102	Chemical munitions: Chemical combat support	3,832	3,832	2,532	−1,300	3,832	102
103	Electrical and electronic devices	15,022	10,500	15,022	+4,522	12,700	103
104	Human factors in military systems	5,505	4,000	5,505	+1,505	4,500	104
105	Army personnel manpower technology	4,077	2,500	4,077	+1,577	4,077	105
106	Military construction and engineering technology	4,855	3,855	4,855	+1,000	3,855	106
107	Environmental quality technology	10,360	8,000	10,360	+2,360	8,000	107
108	Army training technology	4,967	4,000	4,967	+967	4,300	108
109	Food technology	8,062	8,062	11,062	+3,000	11,062	109
110	Design construction for military facilities	6,254		6,254	+6,254	2,000	110
111	Terminal homing systems	4,841		4,841	+4,841		111
112	Advanced land mobilization systems concepts	4,841	4,841	2,000	−2,841	2,000	112
113	Lethal chemical munitions concepts	618	618		−618	268	113
114	Countermine and barriers	6,243	2,848	6,243	+3,395	2,848	114
115	ADPE developments	4,631	2,000	2,431	+431	2,000	115
116	IFF developments	581		581	+581	581	116
117	Special purpose detectors	1,355		1,355	+1,355		117
118	Training: Utilization in military systems	8,420	6,000	8,420	+2,420	6,000	118
119	Advanced technology for automatic test equipment	2,734	1,200	2,734	+1,534	1,200	119
120	Deep basing technology	3,389	3,389		−3,389		120
121	BMD advanced technology	107,297	107,297	108,797	+1,500	108,797	121
122	Ballistic missile defense system technology	107,688	107,688	106,188	−1,500	106,188	122
123	Advanced forward area air defense system	24,206	10,000	24,206	+14,206	24,206	123
124	Surface-to-surface missile rocket system	30,113	15,000	30,113	+15,113	30,113	124
125	Heliborne missile guidance technology	2,094		2,094	+2,094		125
126	Conventional airfield attack missile	2,968	2,968	1,000	−1,968	2,968	126
127	Communications development	5,236	5,236	3,396	−1,840	5,236	127
128	Tactical surveillance system	11,274	8,500	11,274	+2,774	11,274	128
129	Divisional air defense—Command control	485		485	+485		129
130	Aircraft avionics	4,878	3,651	4,878	+1,227	3,651	130
131	Advanced attack helicopter	100,000	155,000	175,000	+20,000	165,000	131
132	Advanced scout helicopter	18,300		18,300	+18,300	7,500	132
133	Stinger	17,509	7,000	17,509	+10,509	12,000	133
134	Precision laser designator	5,326	4,091	5,326	+1,235	4,091	134
135	Heliborne missile—Hellfire	50,482	25,000	50,482	+25,482	50,482	135
136	Infantry support weapons	629	3,629	629	−3,000	3,629	136
137	Lethal chemical munitions	2,771	2,771		−2,771	2,771	137
138	Mechanized infantry combat vehicle XM723	31,651	36,151	31,651	−4,500	31,651	138
139	Vehicle rapid fire weapon system—Bushmaster	12,237	15,737	12,237	−3,500	12,237	139
140	XM-1 tank back-up engine		10,000		−10,000		140
141	Copperhead	36,028		36,028	+36,028		141
142	Joint advanced tactical command/control/communications program	2,362	1,300	2,362	+1,062	1,300	142

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION—Continued
ARMY—FISCAL YEAR 1978—Continued
[In thousands of dollars]

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Conference	Item No.
143	Tactical electrical power sources	1,150	150	1,150	+1,000	150	143
144	Command and control	8,608	6,569	8,608	+2,039	8,608	144
145	Counter mortar radar	4,270	2,000	4,270	+2,270	4,270	145
146	Counter battery radar	11,354	2,000	11,354	+9,354	11,354	146
147	Tactical surveillance system	13,920	----------	13,920	+13,920	----------	147
148	Automatic test support systems	13,052	13,052	978	−12,074	3,000	148
149	SAM Hawk/Hawk IMP program	12,538	17,538	12,538	−5,000	17,538	149
[1] 150	Vulcan	193	----------	193	+193	----------	150
151	M60A1 tank product IMP program	4,556	4,556	10,856	+6,300	10,856	151
152	Satcom ground environment	13,280	13,280	8,680	−4,600	8,680	152
153	Advanced MICV	----------	----------	5,000	+5,000	5,000	153
154	Classified projects	88,678	86,326	88,678	+2,352	86,326	154
155	NAVSTAR global positioning system	8,535	8,535	5,513	−3,022	5,513	155
[1] 156	Target missiles	2,905	----------	2,905	+2,905	----------	156
157	Tradoc studies and analyses	3,389	2,500	3,389	+889	2,500	157
158	Kwajalein Missile Range	87,239	85,000	82,239	−2,761	82,239	158
159	Support user test—Tradoc	18,107	13,000	16,107	+3,107	14,000	159
160	Evaluation of foreign components	3,389	----------	3,389	+3,389	3,000	160
161	Battlefield systems integration	4,551	3,951	4,551	+600	3,951	161
162	Programwide activities	70,131	70,131	61,000	−9,131	61,000	162
	Programs not in dispute	1,476,634	1,459,980	1,459,980	----------	1,459,980	----------
	Total, research, development, test, and evaluation, Army	2,522,100	2,375,232	2,541,992	----------	2,441,782	----------

[1] Without prejudice.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION
NAVY—FISCAL YEAR 1978
[In thousands of dollars]

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Conference	Item No
201	Strike warfare weaponry technology	36,783	30,195	36,783	+6,588	33,726	201
202	Nuclear propulsion technology	35,500	35,500	32,500	−3,000	32,500	202
203	Ships, submarines, and boats technology	29,106	26,630	29,106	+2,476	26,630	203
204	Undersea warfare weaponry technology	27,401	19,246	27,401	+8,155	19,246	204
205	Training human engineering technology	9,032	2,000	9,032	+7,032	8,000	205
206	Ocean/atmospheric support technology	25,861	25,861	22,861	−3,000	22,861	206
207	Materials technology	18,635	15,000	18,635	+3,635	17,000	207
208	Electronic device technology	23,136	18,000	18,136	+136	18,136	208
209	Remote piloted vehicles	4,758	4,758	----------	−4,758	2,000	209
210	Advanced software/computing technology	5,454	----------	5,454	+5,454	----------	210
211	Human factors engineering development	3,478	----------	3,478	+3,478	1,800	211
212	Manpower effectiveness	4,872	2,000	4,872	+2,872	4,872	212
213	Advanced electronic components	2,045	----------	2,045	+2,045	389	213
214	Ocean engineering technology developments	15,187	15,187	12,187	−3,000	12,187	214
215	Strategic cruise missile (engineering)	210,272	----------	210,272	+210,272	----------	215
216	Classified projects	1,460	491	1,460	+969	491	216
[1] 217	Tacair infrared	1,057	----------	1,057	+1,057	----------	217
218	Helicopter infrared	858	----------	858	+858	----------	218
219	Land-based support A/C (advanced)	5,738	----------	5,738	+5,738	----------	219
220	V/STOL support	8,258	----------	8,258	+8,258	4,129	220
221	V/STOL/SCS (PROTO)	32,494	4,308	32,494	+28,186	18,401	221
[1] 222	All-weather attack	1,021	----------	1,021	+1,021	----------	222
223	Advanced surface-to-air weapons system	4,655	----------	4,655	+4,655	2,330	223
224	Shipboard interrange combat system (SIRCS)	3,894	----------	16,804	+16,894	3,894	224
225	Integral rocket ramjet advanced	10,468	----------	10,468	+10,468	----------	225
[1] 226	Air-to-ground weapons	2,630	----------	1,000	+1,000	----------	226
227	Army/Navy SAM technology	4,069	1,000	4,069	+3,069	2,000	227
228	A/G standoff weapons	1,052	----------	1,052	+1,052	----------	228
229	New ship design	4,557	2,695	4,557	+1,862	2,695	229
230	Air control	434	----------	434	+434	----------	230
231	Surface effect ships	43,949	43,949	33,949	−10,000	43,949	231
232	Submarine tactical warfare system (advanced)	21,146	9,959	21,146	+11,187	11,959	232
233	Ship development (advanced)	24,822	24,822	20,422	−4,400	53,922	233
234	Hydrofoil craft	2,132	----------	2,132	+2,132	1,500	234
235	Combat system integration	6,903	3,903	6,903	+3,000	5,900	235
236	Tactical nuclear weapon development	1,414	1,414	1,264	−150	1,264	236
237	Tactical ABN signal exploit system	15,795	----------	15,795	+15,795	15,795	237
238	Airborne ASW development	16,050	12,618	16,050	+3,432	12,618	238
[1] 239	Aircraft infrared signature suppression	800	----------	800	+800	----------	239
240	Advanced self-protective system	5,175	----------	5,175	+5,175	5,175	240
241	VCX carrier on-board delivery	9,810	1,000	9,810	+8,810	1,000	241
242	Acoustic search sensors (engineering)	25,103	25,103	19,103	−6,000	22,103	242
243	Air/air missile system engineering	10,416	8,086	10,416	+2,330	10,416	243
244	Hi-speed armament (Harm)	29,738	----------	29,738	+29,738	29,738	244
245	NATO Sea Sparrow	6,373	6,373	4,373	−2,000	4,373	245
246	Surface missile guidance (engineering)	38,097	13,579	13,597	+18	13,579	246
[1] 247	Submarine sonar development (engineering)	37,017	37,017	15,925	−21,092	15,925	247
248	Radar surveillance equipment (engineering)	11,012	3,000	11,012	+8,012	8,000	248
249	Joint advanced tactical command/control/communications program	4,645	1,000	----------	−1,000	1,000	249
[1] 250	NATO PHM (Patrol hydrofoil missile)	1,154	1,154	----------	−1,154	----------	250
251	Ship development (engineering)	38,089	38,089	67,889	+29,800	34,389	251
252	CSGN development	16,144	16,144	----------	−16,144	29,944	252
253	5-in. guided projectile	16,023	----------	16,023	+16,023	----------	253
254	CW weapons	2,187	2,187	----------	−2,187	2,187	254
255	A-6 squadrons	4,062	3,000	4,062	+1,062	3,000	255
256	Aviation support—Attack air wings	2,110	2,110	----------	−2,110	2,110	256
257	Submarine ASW improvement	9,000	9,000	----------	−9,000	----------	257
258	F-14 engine development	----------	26,000	----------	−26,000	26,000	258
259	Shipboard vulnerability/survivability	----------	10,000	----------	−10,000	10,000	259
260	Outlaw Shark	----------	7,500	----------	−7,500	7,500	260
261	Marine Corps research and development	----------	5,000	----------	−5,000	5,000	261
262	Classified projects	41,236	41,236	27,750	−13,486	27,750	262
263	Elf communications	23,741	----------	20,141	+20,141	20,141	263
264	Satellite communications	11,467	11,467	5,812	−5,655	5,812	264
265	Special activities	33,600	33,600	29,500	−4,100	32,500	265
266	NAVSTAR global positioning system	9,418	9,418	1,924	−7,494	1,924	266
267	Clam Lake improvement	----------	2,000	----------	−2,000	----------	267

[1] Without prejudice.

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Confererence	Item No.
268	Blue Green laser communications		5,000		−5,000	5,000	268
269	Aerial target fund	4,465		4,465	+4,465	4,465	269
270	Foreign weapons evaluation	3,419		3,419	+3,419	3,000	270
271	R.D.T. & E. laboratory and facilities management support	45,957	45,957	43,957	−2,000	43,957	271
272	R.D.T. & E. instruments and material support	30,144	30,144	27,144	−3,000	27,144	272
273	R.D.T. & E. ship and aircraft support	56,462	56,462	52,462	−4,000	52,462	273
274	Aircraft propulsion evaluation, general	1,979		1,979	+1,979	1,979	274
275	Joint Air Force/Navy sea control concepts				+3,000	3,000	275
	Programs not in dispute	3,006,361	3,003,751	3,003,751		3,003,751	
	Total, research, development, test, and evaluation, Navy	4,201,580	3,753,913	4,074,665		3,844,518	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION

AIR FORCE—FISCAL YEAR 1978

[In thousands of dollars]

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Conference	Item No.
301	Aerospace flight dynamics	46,960	46,960	43,960	−3,000	68,060	301
302	Aerospace biotechnology	26,270	25,270	26,270	+1,000	25,270	302
[1] 303	Aerospace avionics	63,190	50,000	60,190	+10,190	50,000	303
304	Training and simulation technology	8,600	6,930	8,600	+1,670	6,930	304
[1] 305	Conventional munitions	24,200	19,700	24,200	+4,500	19,700	305
[1] 306	Preliminary design and development	5,500		1,200	+1,200	1,000	306
307	Aircraft propulsion subsystem integration	14,000	14,000	10,000	−4,000	10,000	307
308	Advanced simulator development	4,900		4,900	+4,900	4,000	308
309	Digital avionics information systems (DAIS)	7,600		7,600	+7,600	7,600	309
310	Advanced fighter technology integration	11,000	8,000	11,000	+3,000	8,000	310
311	Advanced computer technology	5,400	1,000	5,400	+4,400	4,500	311
312	Flight simulator development	21,700	8,500	21,700	+13,200	21,700	312
313	Application for information processing technology	2,900		2,900	+2,900		313
314	Electronically agile radar	17,700	17,700	12,700	−5,000	14,100	314
315	Advanced interceptor technology	600		600	+600		315
316	Strategic bomber penetration	26,500	26,500	39,600	+13,100	39,600	316
317	Missile surveillance technology	11,600	9,130	11,600	+2,470	9,130	317
318	Air-launched Cruise missile	123,900		123,900	+123,990		318
319	Protective systems	33,400	21,000	33,400	+12,400	28,400	319
320	B–52 squadrons	10,800	10,800	2,600	−8,200	8,800	320
321	KC–135 squadrons	9,800	9,800	3,800	−6,000	3,800	321
[1] 322	Combat aircraft technology	2,500	2,500	1,000	−1,500	1,000	322
323	Within visual range air-to-air missile	5,900	500		−500		323
324	Air-to-air arm (BRAZO)	4,000	4,000		−4,000		324
325	Advance attack weapons	10,000	10,000	8,800	−1,700	8,800	325
326	Advance medium STOL transport (AMST)	25,000	5,000	10,000	+5,000	10,000	326
327	F–16 development	192,800	89,800	192,800	+103,000	192,800	327
328	Ground-launched Cruise missile (GLCM)	27,900		27,900	+27,900		328
329	Close air support weapons system	57,900	19,900	57,900	+38,000	19,900	329
330	Improved tactical bombing	18,600	9,400	17,600	+8,200	13,400	330
[1] 331	Compass COPE	9,800		9,800	+9,800		331
332	Hi-accuracy targeting system	9,300		9,300	+9,300	4,300	332
333	Air warning and control system (AWACS)	117,600	73,600	117,600	+44,000	100,000	333
334	NATO AEW aircraft	15,700		15,700	+15,700	15,700	334
335	Tactical AGM missiles	2,300		2,300	+2,300	2,300	335
336	Joint tactical communications program (TRI-TAC)	40,200	40,200	37,700	−2,500	37,700	336
337	Classified program		24,100		−24,100		337
338	Space Shuttle	129,700	127,700	124,300	−5,400	124,300	338
339	NAVSTAR global positioning system	36,300	36,300	63,750	+27,450	63,750	339
340	Space communications	14,200	23,200	14,200	−9,000	23,200	340
341	Satellite system survivability	10,800	10,800	8,800	−2,000	8,800	341
342	Satellite control stations survivability	3,100		3,100	+3,100		342
343	Aircom	500		500	+500		343
344	Special activities	135,600	135,600	115,600	−20,000	115,600	344
345	Traffic control approach/landing system	8,000	2,900	8,000	+5,100	4,400	345
346	NAVSTAR global positioning system—user equipment	15,300	15,300	3,000	−12,300	3,000	346
347	NAVSTAR global positioning system—space and continental segment	17,400	17,400	2,250	−15,150	2,250	347
348	Air Force project RAND	9,800	8,000	9,800	+1,800	9,500	348
349	Test and evaluation support	315,557	340,357	315,557	+11,200	304,357	349
350	Advance systems engineering/plan	15,400	15,400	5,300	−10,100	5,300	350
351	Reimbursement for foreign sales	−24,100	−24,100	−34,900	−10,800	−34,900	351
	Programs not in dispute	2,495,223	2,458,123	2,458,123		2,458,123	
	Total, research, development, test, and evaluation, Air Force	4,198,080	3,687,270	4,061,900		3,824,170	

[1] Without prejudice.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION SUMMARY OF CONFERENCE ACTION

DEFENSE AGENCIES—FISCAL YEAR 1978

[In thousands of dollars]

Item No.	Program element	Budget request, fiscal year 1978	House authorization	Senate authorization	Change from House	Conference	Item No.
401	Tactical technology	69,600	69,600	80,600	+11,000	80,600	401
402	Systems cybernetics technology	7,400		7,400	+7,400		402
403	General reduction		−998		+998	−998	403
404	Worldwide military command and control system architecture	1,000	2,000	1,000	−1,000	1,000	404
405	Worldwide military command and control system engineers	7,900		7,900	+7,900	7,900	405
406	Long-haul communications (DCS)	13,350	13,350	11,350	−2,000	11,350	406
407	Classified projects	239,541	239,541	232,541	−7,000	232,541	407
408	Defense documentation center	13,235	13,235	12,735	−500	12,735	408
409	Technical support OSD/JCS	26,292	3,000	23,792	+20,792	12,500	409
	Programs not in dispute	393,632	394,582	394,582		394,582	
	Total, research, development, test, and evaluation, defense agencies	772,000	734,310	771,900		752,210	
410	Director, defense research and engineering		377,051		−377,051	401,051	410

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Advanced Forward Area Air Defense System—

The House bill reduced the Army's request of $24.26 million by $10 million. The Senate amendment provided the full amount requested.

The House action was based on the fact that the Army's plan for an advanced gun system was too costly and not responsive to the near and immediate term requirements of the operational forces. The House conferees indicated that on the basis of Army testimony the technology, and indeed the hardware, exists that could be combined to provide an advanced gun system in far less than seven years and at a cost substantially lower than the $250,000,000 estimated by the original Army plan.

Subsequent to the date of the House bill, the Army restructured their program plan to provide hardware for test and evaluation within a two-year period at a savings of over $60 million.

Consequently, the House recedes to the Senate authorization level provided the new Army restructured plan is implemented.

CBR Protective Systems for Tracked Combat Vehicles—

Both the House and the Senate are concerned over the preparedness of U.S. ground forces for combat in an environment characterized by the use of chemical and radiological agents. This concern has grown in the face of intensive Soviet preparation for the offensive employment of such agents.

The House bill directed the Department of Defense to submit to the Congress a study on the desirability and feasibility of providing U.S. ground forces enhanced defense against the Soviet chemical and radiological threat in the form of collective protective system for armored fighting vehicles. The Senate amendment mandated the installation of such systems in all such vehicles in development or procurement in fiscal year 1981.

The conferees agreed to require the Secretary of the Army to submit a plan to the Committees on Armed Services of the House and Senate by February 1, 1978, for the funding and scheduling necessary to incorporate collective protection systems in certain types of tracked combat vehicles by October 1, 1980.

Binary Weapons—

The House bill provided authorization for full funding of the research and development of binary chemical weapons. The Senate amendment deleted $6.8 million requested for this effort. The conferees agreed to authorize funding for binary chemical weapons research with the exception of research on an Army ground-to-ground rocket system for which $350,000 has been deleted from the Army request.

The conferees are quite concerned about the defensive and deterrent capabilities of U.S. forces against chemical attacks and believe that the highest priority should be to improve those capabilities, including improvements in training and doctrine as well as defensive systems.

The conferees direct the Secretary of Defense to develop plans and submit to the Congress a report on measures necessary for the protection, decontamination, and utilization of aircraft, ground forces equipment, ships and personnel in Europe in the event of chemical attacks. Such plans and report shall accompany the fiscal year 1979 budget presentations.

Advanced Attack Helicopter (AAH)—

The original January budget request was for $200 million. The Administration budget amendment reduced it to $100 million and expressed concern over the issue of attack helicopter survivability on the battlefield.

The House authorized $155 million for the AAH and specified that only one subcontractor should proceed with development of the laser designator and night vision subsystem (called TADS/PNVS). The Senate authorized $175 million, including authorization for competitive development of the TADS/PNVS.

The conferees agreed that the AAH program is one of the highest priorities to the Army and development should proceed as expeditiously as possible. The conferees provided $165 million with the proviso that the Army select a single subcontractor for the TADS/PNVS system by the end of fiscal year 1978.

Hellfire—

The House bill reduced the Army's request of $50.482 million to $25.0 million. The Senate amendment authorized the full amount requested.

The House action was based on the belief that the Army was stretching out the Hellfire program in accordance with the schedule of the Advanced Attack Helicopter. The House conferees indicated that on the basis of forty-six successful firings in the advanced development phase, the Helifire missile could be developed and deployed by 1980. During the meetings of the Committee of Conference, the House and Senate conferees were advised that the Army has restructured the Hellfire program to accelerate the Initial Operational Capability date for Helifire by a minimum of one year.

The House, consequently, recedes to the Senate authorization level on the basis of the restructured Hellfire program.

Advanced Scout Helicopter—

The budget request was for $18.3 million to start R&D on an Interim Scout Helicopter, adding a laser designator system on the existing UH–1H "Huey" airframe. The House deleted the entire request as premature, stating support for an Advanced Scout Helicopter (ASH). The Senate denied the request to start an Interim Scout on the basis of high cost to obtain inferior performance and provided $18.3 million to begin an Advanced Scout Helicopter program.

The Army has advised that only $3.0 million could practically be used to start an ASH program in Fiscal Year 1978, allowing establishment of a program office and issuance of a Request for Proposals.

The conferees agreed that an interim Scout helicopter program is not desirable and funds planned for that purpose will be better utilized if applied to the Advanced Scout Helicopter program in order to assure as early an initial operational capability as possible. The conferees provided $3.0 million to be used only for the ASH program.

The conferees also expressed concern over the lack of night and target designation capability in the COBRA AH–1 fleet, especially in Europe. The conferees provided $4.5 million for the Army to evaluate and install a Target Acquisition Designation System and a Pilot Night Vision System on a COBRA AH–1 helicopter in order to determine the feasibility and desirability of putting these systems on a part or all of the COBRA AH–1 fleet.

Ballistic Missile Defense (BMD)—

The House bill authorized the Army's full request of $107.7 million for the BMD Systems Technology effort and $107.3 million for the BMD Advanced Technology program.

The Senate amendment transferred $1.5 million from the Systems Technology program to the Advanced Technology program.

The House report recommended that a minimum of $4.0 million of the Advanced Technology program be used for hardened BMD materials. The Senate concurs in this recommendation. The House recedes to the Senate authorization level.

Counter Mortar and Counter Battery Radars—

The House bill reduced the Army's request from $4.27 million to $2.0 million for the counter-mortar radar. The Senate amendment authorized the full amount. The House bill also reduced the Army's request from $11.354 million to $2.0 million for the counter-battery radar. The Senate amendment authorized the full amount.

Since both radars are being produced in fiscal year 1978, the House conferees expressed concern over the amount of funds being requested by the Army for research and development in fiscal years 1978, 1979 and 1980. The conferees agreed to authorize the funds requested by the Army for fiscal year 1978 with the stipulation that these funds are to be used to complete all research and development tasks required by the Department of Defense for both radar systems.

Army-Navy Guided Projectile Programs—

Section 202 of the House bill provided legislative language to enhance the prospects for commonality of components for Army and Navy guided projectiles. The Senate amendment contained no such provision. The House Committee on Armed Services has, for several years, requested the Department of Defense to strive for full-round commonality of the Army 155mm and Navy 5-inch guided projectiles in the interest of cost savings. Contrary to this request, the Services continue to structure separate programs.

Both Army and Navy projectiles reflect sound design engineering and are capable of fulfilling either Service mission requirements. Both projectiles are capable of defeating any tank in the current inventory of our potential adversaries. Full-round commonality at this point in time, while feasible, would only defer the Initial Operational Capability date for both projectiles. Consequently, the conferees agreed to relax this requirement but insist that component commonality be achieved to the maximum practical extent in the interest of cost savings. Section 202 further requires the Services to acquire a complete Technical Data Package for potential second source procurement of guided projectiles. The validation of the Data Package by the Government at this time requires the development and testing by the Government of components from the engineering drawings. The provision also requires that the Services achieve an Initial Operational Capability date prior to calendar year 1980.

The legislative language does not apply to the Navy's 5-inch infrared or 8-inch semi-active laser guided projectiles. Since the Army does not have a requirement for either of these projectiles, the conferees intend that the Navy continue the development of these projectiles while at the same time continuing to maximize component commonality where practical and possible.

Joint Ground and Amphibious Military Operations (GAMO) Programs—

The GAMO is a tri-service joint command, control and communications program.

Both the House and Senate endorsed the goals of the GAMO program, but expressed serious reservations about the lack of a sound management structure and firm system architecture.

The conferees agreed that all work on the GAMO be terminated until sound management structure and system architecture is established. Accordingly, the conferees agreed to provide $1 million for the Army, the Joint Chiefs of Staff GAMO Executive Agent, for this purpose. Upon completion of this requirement, the Department of Defense can submit a request for reprograming during fiscal year 1978 in accordance with established reprograming guidelines.

National Microwave Landing System (NMLS)—

The House bill deleted all authorization for the tri-service participation in the development of the NMLS. The Senate amendment authorized the full funding request of $1.227 million for the Army; $0.434 million for the Navy; and $5.1 million for the Air Force.

The conferees endorse the objective of a standardized landing system as proposed by the Federal Aviation Administration. However, there is concern that the standardized landing system will not be available for deployment for several years. The conferees are concerned that important military systems,

such as the Utility Tactical Transport Aircraft System (UTTAS), might be deployed without an acceptable landing system. At the present time the Army's tactical landing system and the Marine Corps' landing system have completed their development and can be integrated into UTTAS and other aircraft within the planned schedules. These systems can also be made compatible with NMLS at a later date.

The conferees would interpose no objection to the military use of the NMLS provided that the development is funded by the FAA and meets military requirements, that the procurement costs would be less than or equal to the cost of existing landing systems, and the completion date for the military version of the NMLS is in consonance with the schedule of UTTAS and other forthcoming systems.

The conferees agreed to provide $1.5 million for the Air Force to be used only for the modification of test bed aircraft to accommodate the selected landing system.

Roland Missile System—

The House bill contained seven separate provisions regarding the Roland missile system. The Senate version did not contain similar provisions.

The conferees are concerned with two aspects of the Roland missile system. First, the research and development costs have increased by over 100 percent since the start of the program and the procurement cost estimates for 17 batteries have increased by nearly 70 percent in one year. The second major concern is the international aspect of the Roland program. The Roland system is a French and German development and is being procured for the U.S. Army in an earnest effort to enhance standardization of NATO arms. The conferees support increased standardization but in the long run a program with excessive cost overruns and questionable performance would do more to delay standardization than to aid it. Therefore, it is crucial that the Roland system meet cost and performance goals.

The conferees support the continued development of the Roland system within the following guidelines:

(1) Development, test and evaluation can be completed for a total cost of $265,000,000.

(2) System performance specifications for the Roland missile system will not be degraded from any Department of Defense contract in effect on March 31, 1977, with respect to the Roland missile system.

(3) All Roland missile system engineering development models and equipment ordered in any Department of Defense contract in effect on March 31, 1977, for contractor use of delivery to the Department of Defense, shall continue to be ordered in the number of units specified in such contracts.

(4) There shall be test, evaluation, data reduction and analysis of the Roland missile system to determine the capability to meet contract specifications.

(5) The U.S. version of the Roland missile system shall contain not less than 350 field replaceable unit subsystems which shall be interchangeable with comparable subsystems of the European Roland II missile system.

The Secretary of the Army shall inform the Committees on Armed Services of the House and Senate within 60 days of the date of this report whether these conditions can be satisfied. When informing the committees, he shall also indicate the degree of variation from the contract specifications with recommendations on how to adjust the program accordingly.

The significant increase in procurement costs are also of concern and the Secretary of the Army should take appropriate steps to reduce procurement costs including:

(1) obtaining a complete technical data package, not later than October 1, 1979, for the missile, in sufficient detail to enable second source procurement;

(2) consideration of mounting of some of the fire units on towed or wheeled vehicles, particularly those units that would be assigned to rear area units;

(3) other steps as the Secretary of the Army considers appropriate.

Consistent with the action taken by the conferees, the House recedes on the bill language.

XM-1 Tank Gun—

The House bill contained language that precluded the use of research and development funds for any effort to put a 120 millimeter gun on any XM-1 tank until and until and unless: (1) the comparative tests of the 105 millimter and competing 120 millimeter guns have been completed; (2) the comparative test results have been evaluated; (3) the Secretary of the Army has made a recommendation to the Congress consistent with the test results; and (4) 60 days of continuous session have elapsed from the date of that recommendation. The House intent was to insure that the Congress had an opportunity to review any decision to abandon the proven 105 millimeter gun and to insure that such a decision was made for military reasons. The House intended that any effort to install a 120 millimeter gun on any XM-1 tank would be initiated only after approval of a reprograming request or of a request for new legislative authority.

The Senate was concerned with any undue interference or delay in the efficient and effective management of an important weapons system and argued against any restrictive language. The Senate was also concerned with any reprograming requirements that could delay this program.

The Senate reluctantly receded with an amendment and with the understanding of all conferees that: (1) the comparative testing will be conducted as already scheduled and that the comparative testing will not be held up by any delay in the availability of any of the gun competitors. The conferees agreed that the absence of any competing gun(s) from the comparative tests would not invalidate the results of such tests; (2) the Army's decision on gun selection will be made by December 31, 1977, on the basis of test data available to that date; and (3) the Secretary of the Army must make a recommendation on the gun selection for the XM-1 tank to the Congress no later than February 1, 1978.

It is the intention of the conferees that there be no further delays in this gun selection process for the XM-1 tank program.

XM-1 Back Up Engine—The House bill added $10 million to continue development of the AVCR 1360 diesel engine as an in-house project in the Tank Research and Development Command (TARADCOM). This reflected House concern that the Army might be taking an unnecessary risk in the XM-1 program by terminating development of diesel technology before the turbine has fully proven itself. The Senate amendment contained no such provision.

The Senate conferees stated that, in their view, authorizing funds in this bill for continued diesel development would set an unfortunate precedent of funding the losing contractor in a prototype development effort and would require unknown additional development costs for engine maturity. Senate conferees have confidence in the turbine engine and wish to support fully efforts aimed at achieving interoperability of tanks within NATO.

The Senate conferees were adamant in their opposition to the diesel engine. The House, therefore, reluctantly recedes, but urges the Army to find the necessary funds within the budget to continue development of the AVCR 1360 diesel engine until such time as the turbine has fully proven itself in development.

M60 Tank Improvement Program—The House recedes to the Senate position to initiate effort to adapt the improved technology of the XM-1 fire control system to the M60 series tanks as a cost effective improvement program. It is the view of the conferees, however, that this improved system would not be required for all M60 series tanks as would be nesessary to supplement the new XM-1 tank and support the NATO requirement.

The conferees further agree that the improved technology fire control system components should not be considered as an alternative to existing M60 fire control system components for new production tanks if it will result in significant delay in fielding M60 tanks in Europe with improved fire control capability.

Mechanized Infantry Combat Vehicle (MICV)—The House bill prohibited expenditure of further funds for improvement of the M139 gun as an interim weapons system on the MICV, directed acceleration of the program to provide for the initiation of production of MICV by December 31, 1980, and prohibited the expenditure of funds for integration of the tube launched, optical tracked, wire guided missile (TOW) system on the MICV until after the basic vehicle was in production. The Senate amendment deleted this restrictive language.

The House bill reflected concern with the series of delays associated with the fielding of this important weapons system and reservations about the inclusion of the TOW missile.

The first of these reservations was partially satisfied when the Army accelerated its production schedule to provide for initial production of the MICV in May 1981 rather than May 1982.

The second House reservation about the MICV program—whether or not it should be equipped with the TOW missile—proved more difficult to reconcile since the Senate conferees' basic position is that, given the preponderance of Soviet armor and the shortage of U.S. anti-tank guided missile platforms, no major combat vehicle should be fielded without an integral anti-tank capability regardless of its primary mission.

The House conferees reluctantly agreed to a Senate amendment deleting the prohibition on the expenditure of funds to integrate TOW on the MICV prior to initial production.

However, the conferees agreed that there should be no slip in the Army's amended production schedule related to TOW integration.

The Senate recedes with an amendment to prohibit obligation of funds for the M-139 gun and to require structuring of the MICV program so production can begin not later than May 31, 1981.

Advanced Mechanized Infantry Combat Vehicle (MICV)—The Senate amendment included $5 million to explore designs for a follow-on to the MICV because of its concern about the silhouette, anti-tank capability, armor design and compatibility with airlift of that vehicle, hence its survivability in the face of the rapidly improving armor and anti-armor capability of the Soviet Union. The House bill contained no similiar provision.

The Senate stated that it had no intention of delaying deployment of the MICV, but advised the Army that it should look toward limiting procurement of the MICV to less than the planned program in view of the possibility of fielding an improved vehicle.

The House conferees are disturbed about the implications of initiating research on a follow-on vehicle while the current MICV is still in development and three years away from initial production. In the view of the House conferees, the history of Army research and development is replete with examples of programs which have been aborted or constrained because more promising systems were just over the horizon. This pattern of perpetual R & D is one of the major reasons why the U.S. Army now faces a

quality gap in fielded equipment, vis-a-vis the Soviet Union.

After considerable discussion, the conferees agreed to authorize $5 million for a study to re-evaluate the specific requirement for and design of the MICV and to assess the need for a more survivable follow-on vehicle.

However, the conferees note that neither the House nor the Senate have called for limiting MICV production at this time, and that no such decision by the House or the Senate should be anticipated before a study of alternatives is made. The conferees recognize that the MICV will provide substantially improved capability over the M–113 armored personnel carrier, and the conferees have no intention to delay deployment of the MICV to the field.

Surface-to-Surface Missile Rocket System—

The House bill reduced the Army's request $30.113 million by $15 million. The Senate amendment provided the full amount.

The House action was based on the excessive funding and schedule requirements in the Army's plan to develop a general support rocket system.

Within the past two months the Army has restructured this program and in accordance with a new program will have hardware available for test and evaluation within a two-year period.

On the basis of this restructured program, the House recedes to the Senate funding level.

Navy Research and Development Shipbuilding—

The Senate authorized $40 million for research and development of a smaller sized carrier (CVV), a V/STOL aviation ship and the DD–963 (air capable).

The House had no such provision.

In agreeing to authorize funds to be available for studies, the House and the Senate conferees added language in the bill that the studies should be sufficient to allow a well-founded decision next year as to which platforms the Congress should authorize. These studies can proceed as necessary to provide the basis for a decision. The conferees want the Congress to be presented with full specifics on the basis of costs and combat effectiveness next year.

The House recedes with an amendment.

Ship Development (Engineering)—

The House authorized $38.089 million for this program element.

The Senate authorized $67.889 million.

The conferees agreed on $34.389 million.

CSGN Development—

The House authorized $16.144 million for CSGN development.

The Senate denied this request.

The conferees agreed to substitute the CGN–42 Virginia-class ship for the CSGN strike cruiser as requested by the President, and added an additional $13.800 million in order to meet the total CGN–42 design effort of $29.944 million.

The Senate recedes with an amendment.

Ship Development (Advanced)—

The House authorized $24.822 million for this program element.

The Senate authorized $20.422 million. The Senate made reductions of $4.4 million related to AO, AR, FFGX and SSN programs.

This program element contains numerous ship development items, including $6.5 million for CVV studies. The conferees agreed to transfer an additional $15 million to this account from the ship development engineering account for a total of $21.5 million for CVV development studies.

In addition, $13.5 million for V/STOL aviation support ship (VSS) studies, and $5.0 million for studies to increase the helicopter carrying capacity for two DD–963 ships, designated DD–963(H), were transferred to this program element.

The House recedes with an amendment, authorizing a total of $53.9 million for the program.

Advanced Surface-to-Air Weapons System—

The House bill eliminated the Navy's entire request of $4.655 million for this program. The Senate amendment authorized the full request.

The House action was based on the failure of the Navy to carry out the guidance of the conferees as delineated in House Report No. 94–1305. This report stated: "The conferees agreed to provide $3.0 million with the understanding that the Navy will carry the infrared seeker already developed for the 5-inch guided projectile into hardware evaluation during fiscal year 1977 *on the ASMD missile.*"

Contrary to this guidance, the Navy continued this program in accordance with the original plan and undertook the study of integrating the Stinger infrared seeker—an Army seeker that the Army plans to replace within the next few years—into the ASMD missile.

The House conferees reiterated the guidance of House Report No. 94–1305 and agreed to an authorization of $2.3 million but insisted that none of the funds may be used for any Stinger seeker studies or integration.

High-speed Anti-Radiation (HARM)—

The House bill denied the Navy's request of $29.738 million for the HARM because of the cost growth of the program relative to the proposed expanded capability for the HARM. The Senate amendment provided full funding.

The conferees agree to provide $29.7 million only for continued research and development of the so-called baseline HARM program. The conferees do not support a proposal to interrupt this baseline program for the purpose of developing a missile with expanded capabilities. Should the Navy and the Air Force have a requirement for HARM with expanded or additional capabilities, the conferees agree that an open and unrestricted competition should be conducted in a manner that will not restrict the expeditious testing and deployment of the baseline HARM missile system.

The House recedes.

Extremely Low Frequency (ELF) Communications—

Both the House and Senate deleted funds which would have allowed the extremely low frequency (ELF) system to proceed into full scale development and further agreed that continued vigorous research and development of the ELF system is necessary in order to ensure that operational requirements are met.

The House bill language provided $2 million for improvement only of the existing ELF test bed system near Clam Lake, Wisconsin.

The Senate report suggested a compromise which would use less land yet retain the essential requirements for ELF transmission and provided $20.141 million for advanced development.

The Conference Committee agrees that a system is required to ensure that our submarine force can receive communications while submerged and therefore have enhanced survivability for the foreseeable future.

The Conference recommends $20.141 million for research and development of an ELF system.

The Conference Committee further agrees that none of these funds shall be used for full scale development or any construction of a new test bed.

The House recedes.

The House bill authorized $5 million for the continued investigation of laser communications technology. The Senate did not provide such funds.

The conferees agreed to the addition of $5 million but emphasized that this is a high technology effort that probably will not yield a near term solution to the submarine communication problem and will be complementary to an ELF system.

The Senate recedes.

The House authorized an additional $9 million to accelerate development of a host satellite for space-based lasers for communications by the Air Force Advanced Space Communications program.

The Senate report expressed doubts that such a system offers promise as a practical alternative to an ELF submarine communications system and contained no similar provision. The Senate conferees agree that space based lasers in a variety of applications offer enough other potential benefits that the addition of $9 million for the host satellite is warranted.

The Senate recedes.

Stinger—

The request was for $17.5 million for the Stinger missile, with $1.0 million to complete development of the basic Stinger and $16.5 million for the improved POST seeker for the Stinger missile.

The House approved $7.0 million. The Senate approved the full request.

The conference agreed to provide $12.0 million for Fiscal Year 1978 and also will consider additional reprogramming if proposed by the Army. The Army is directed to make all practical efforts to restructure the development program to minimize the cost and shorten the schedule.

Land Based Support Aircraft—

The Senate authorized $5.7 million for the land based supported aircraft and the P–3X antisubmarine warfare aircraft. The House denied the full request.

The conferees agreed to delete the full $5.7 million requested for the land based support aircraft but to add $3 million in a new program element called Joint Air Force/Navy Sea Control concepts. The conferees are concerned with the slowness of the Air Force and the Navy to exploit the sea control potential of land based aircraft and urge both services to join in serious efforts to use land based aircraft more fully against all threats to sea control. The authoriaztion for the land based support aircraft was deleted because it is premature to work toward a specific aircraft. More conceptual work is needed to find ways to exploit existing aircraft, both military and civilian.

Shipboard Intermediate Range Combat System (SIRCS)—

The Navy requested $3.9 million to continue development of the Shipboard Intermediate Range Combat System (SIRCS), an advanced shipboard close-in air defense and fire control system for the early 1990's. The House deleted all of the authorization, expressing concern over the high development cost for SIRCS which apparently would be funded at the expense of near and intermediate term improvements to Navy fire control systems. The Senate added $13.0 million to the budget request in a floor amendment, providing $3.0 million for the Advanced Medium Range Air-to-Air Missile (AMRAAM) commonality studies and $13.9 million for the SIRCS program contract efforts.

The SIRCS program has followed the acquisition strategy of the Office of Management and Budget Circular A–109 and intends that two contractors be funded to build competitive prototypes of a new radar and new missile integrated with a fire-control computer system for shipboard use. The Navy presently is evaluating proposals submitted by three separate contractors for these components. Under the program as presently structed the Navy could not select the most desirable components from individual contractors but would have to fund con-

tinued development of the complete systems of two of the three contractors. This acquisition approach could cause continued development of less than optimum subsystems, a factor which exposes a potential shortcoming of the development procedures of OMB Circular A-109. Consequently the House conferees emphasize that the language specified in Sec. 203 is a clear intent to exclude SIRCS from the A-109 process and made the funding authorized contingent upon this condition.

The conferees agreed that the next step in the SIRCS program is for the Navy to define a "baseline" design containing the best features contained in, but not limited to, three funded contractors, and that this baseline SIRCS is to be submitted for open competition for the advanced development phase. Under this procedure the Navy has the flexibility to select or develop independent subsystems such as the radar or missile for independent contracts if such action is determined to be desirable and will provide the best possible weapons system.

The conferees agreed to provide $3.9 million for the SIRCS program, with the understanding that the Navy uses the baseline approach to continue the program.

FX14B Engine—

The House added $26.0 million for the F-14B engine although the Navy did not request funds for this program. The Senate did not add authorization.

Last year the Congress added $15.0 million to start the F-14B engine development and directed that a competitive hardware demonstration be used as a basis for source selection of the new engine. To date the program has not been started and these funds have not been expended. The House conferees insisted that the F-14 needs a more powerful engine, although the Senate conferees pointed out that Navy testimony indicated the new engine was not planned at this point in time.

The conferees agreed to provide the $26.0 million to continue the research and development program, and reiterate the requirement for a competitive hardware demonstration.

The Senate recedes.

Trident I Missile—

The Senate Armed Services Committee recommended in its report on the bill that Navy be allowed to reduce to a minimum its work on a backup propellent, which Congress directed in fiscal year 1977. The House had no similar recommendation.

The House concurs with the Senate and the conferees agree that such a minimal effort would include completion of Phase I of the backup propellent program.

Advanced Medium STOL Transport (AMST)—The House bill authorizes $5 million for selection of a prototype to develop for production. The Senate authorized $10 million, but felt that the Army study of tactical airlift needs and the Air Force review of alternative C-130 aircraft should be completed and reviewed before approving the start of full scale development.

The conferees agreed to authorize $10 million.

Compass Cope—The request was for $9.8 million for the Compass Cope high altitude remotely piloted vehicle drone airplane.

The House deleted the authorization. The Senate provided the full request.

The House conferees pointed out that the Defense Department has not yet decided whether to proceed with engineering development of the Compass Cope, and no specific mission has been identified for the aircraft. The Senate conferees argued that the Compass Cope is indicated as being the most cost-effective vehicle to carry the PELS weapon guidance system, the UPD-X SLAR, and also high altitude electronic intelligence systems.

The conferees agreed to delete the authorization without prejudice to the program. If the Department of Defense decides to proceed with the Compass Cope, a reprogramming request should be forwarded to the Congress.

Classified Program—The House added $24.1 million for a classified program.

The Senate bill contained no such funds.

The conferees agreed to authorize the $24.1 million to support this effort as a new task in the Aerospace Flight Dynamics program of the Air Force. These funds should be used to investigate basic technology that will result in the feasibility test and evaluation demonstration of hardware and not in a development for any particular military application. The conferees also agreed that a reprogramming request to move funds out of this program would not be considered and the funds provided are entirely adequate to complete this task.

The Senate recedes.

Air-to-Air Missiles—

The request included $85.9 million for the Air Force to start a new Within Visual Range (WVR) missile to replace the Sidewinder dogfight missile; $42.5 million for the Air Force to fund Advanced Medium Range Air-to-Air Missiles (AMRAAM), and $10.4 million for the Navy for product improvements of the existing Sidewinder and Phoenix missiles.

The House reduced the new WVR missile program $85.4 million, leaving $0.5 million, while the Senate deleted all of the authorization. The conferees agreed that the currently on-going AIMVAL-ACEVAL flight tests to define dogfight missile requirements should be completed and the results carefully analyzed before a request for a new missile program is forwarded to the Congress. Any new WVR missile to replace the present AIM-9L Sidewinder should be commonly used and jointly funded by the Navy and Air Force. The House recedes.

The AMRAAM program request included two elements: $23.6 million for a new AMRAAM missile to replace the Sparrow AIM-7F and $18.9 million to continue engineering development of the "monopulse" product improvement for the AIM-7F. Authorization for AMRAAM was not at issue in the conference.

The monopulse Sparrow program was the subject of joint conference direction in fiscal year 1977, when $2.0 million was provided to complete the advanced development prototype phase, to be followed by a report on those prototype test results by June 30, 1977, and $15.0 million was provided for the engineering development phase of the monopulse seeker. This Congressional guidance has been subjected to varying interpretations within the Defense Department, and the conferees offer the following clarification on the intent of the fiscal year 1977 bill and report: The conferees are aware that the monopulse test program was completed and the test data was forwarded to the Defense Director of Test and Evaluation in April 1977, and they insist that the DDT&E report on the tests be forwarded to the Congress by June 30, 1977, in compliance with the law. The conferees also expect to receive a recommendation from the Department of Defense on whether or not to proceed into engineering development on the monopulse Sparrow.

The conferees are concerned about any further delay in deciding on this program.

The House reduced the Navy product improvement request for Sidewinder and Phoenix by $2.33 million, and the Senate authorized the full request. The conferees agreed to provide full authorization.

Electronically Agile Radar (EAR)—

The House authorized the full $17.7 million requested by the Department of Defense.

The Senate reduced the request by $5 million on the grounds that detailed engineering studies of using this radar on a particular bomber are premature.

The conferees agreed with the Senate reasoning and on a reduction of $3.6 million.

The House recedes with an amendment.

Test and Evaluation Support—

The House bill reduced the amount requested by the Air Force for test and evaluation support by $11.2 million, from $315.5 million to $304.3 million. The House directed that the reduction be made in the civilian contractor support at the Air Force Flight Test Center. The Senate recedes to the House with the understanding that the $11.2 million reduction can be taken from any part of the test and evaluation support program.

Defense Advanced Research Projects Agency (DARPA)—

The House bill reduced the DARPA systems cybernetics technology program by $7.4 million. In addition, the House bill made a general reduction of $1 million. The Senate amendment authorized the full request. The Senate recedes to the House with the understanding that DARPA may take the $8.4 million reduction from any part of the total DARPA program.

Strategic Bomber Penetration—

The Department of Defense requested $26.5 million for this program, one element of which is the development of the Advanced Strategic Air Launched Missile (ASALM). The Senate added $13.1 million to protect the option of an accelerated ASALM. The House authorized the amount requested.

The House recedes to the Senate authorization level.

Cruise Missiles—

The Department of Defense requested $362.072 million for three cruise missile programs as follows:

Navy-Sea Launched Cruise Missile (Tomahawk)	$210,272,000
Air Force-Air Launched Cruise Missile (ALCM)	123,900,000
Air Force-Ground Launched Cruise Missile (GLCM)	27,900,000
Total	$362,072,000

The Senate authorized the full amounts as requested.

The House bill deleted the requested amounts as separate programs and authorized instead $325,000,000 as part of a new account for the Director of Defense Research and Engineering (DDR&E). This effectively reduced the Department of Defense total request for cruise missile research and development by $37,072,000, of which $24 million came from the Ground Launched Cruise Missile program.

The Senate reluctantly agreed to the establishment of a new DDR&E account. The conferees agreed to a total figure of $349,000,000 for the development of cruise missiles, a general reduction of $13,072,000.

The conferees further agreed with the high priority placed on the antiship Tomahawk (SLCM) and with the House direction that these funds should be allocated so that there would be no delay in the IOC of the antiship Tomahawk (SLCM) or ALCM.

The conferees agreed that the Department of Defense must meet the ALCM IOC with this ALCM-A and that the development of the ALCM-B should be subordinated accordingly. Investigations of non-nuclear arming of theater land attack cruise missiles should be intensified.

The Senate recedes with an amendment.

Technical and General Support for the Office of the Secretary of Defense—

The Department of Defense requested $26.3 million for technical and general support for the Office of the Secretary of Defense. The House bill authorized $3 million and the Senate amendment authorized $23.5 million. The conferees agreed on a total authorization of $12.5 million to be used by the Secretary of Defense as he determines.

The conferees expressed concern over the amount of money being devoted to studies

not only in the Office of the Secretary of Defense but throughout the Department of Defense. The conferees also expressed frustration over their inability to determine the total amount of money and manpower devoted to studies as well as the utility of them.

The conferees request the Secretary of Defense to provide a separate submission with the fiscal year 1979 budget that describes the total Department of Defense study effort. The submission should include studies performed under broad general contracts such as with federal contract research centers and studies performed by private companies on contract to the Department of Defense. In addition, Department of Defense organizations, whose major function is to do studies and analysis, should be identified including their manpower and funding levels.

The submission also is to include generalized and specific analytical contractual support efforts funded in research and development appropriation for all programs except weapon system program offices.

The submission should identify the appropriation category for the funds used for each of the above functions.

TITLE III—ACTIVE FORCES

Active-duty military strengths in the House and Senate bills differed by a total of 18,525. The conferees agreed to a compromise on strengths for each military service as follows:

	House bill	Senate bill	Conference level
Army	790,425	777,100	787,000
Navy	536,000	535,100	535,800
Marine Corps	192,000	190,100	191,500
Air Force	572,000	569,600	570,800
Total	2,090,425	2,071,900	2,085,100

The conferees suggest that the reductions should be made in the general areas recommended in the Senate report except as noted below. In addition, the conferees are concerned that actual utilization of manpower may differ significantly from the functions justified in the budget request, especially as allocated between combat and support elements. Manpower strengths should be requested for the functions for which needed and used in the functions for which approved.

The authorized strength for the Army reflects the conferees' consideration of a revised Army manpower program, submitted by the Army after the Senate and House completed action on the bill.

The Senate reduced the Army strength because the Army manpower program for fiscal year 1978 represented an expansion of Army training related to changes in personnel policies. The Army planned to increase attrition for adverse reasons by 9 percent, decrease prior service accessions by 62 percent, decrease reenlistments by 7 percent and increase support for specialized training from fiscal 1977 requested levels. Similarly, manpower for combat units was decreased from previous estimates.

Under the revised program the Army planned reversals in these adverse personnel trends, decreases in manpower for training and increases in general purpose forces manpower by 4,200. The conference agreement on an Army end strength of 787,000 requires that this improvement in general purpose forces manpower be made. The conferees expect the Army to emphasize the quality of new accessions in meeting this program. Further, the conferees expect future strength requests to be based on firm estimates of manpower requirements adequately reviewed by Army and Defense authorities.

The House bill would add some 904 active Navy personnel related to the House bill increase over the President's request for the Naval Reserve. The Senate bill contained no such increase. The Senate conferees agreed to add 700 active Navy personnel to administer the reserves.

The conferees agreed that an end strength of 191,500 was appropriate for the Marine Corps in fiscal year 1978. However, this end strength is supportable only as long as the Marine Corps maintains the quality standards established by the Commandant. Of the services, the Marine Corps in particular is not capable of withstanding an infusion of low quality accessions into its program. The consequences of such a situation have been graphically demonstrated in the past several years. The conferees want to emphasize their support for this strength level only so long as the Marines are able to maintain the Commandant's current quality standards.

The conferees were also in agreement that the primary role of the Marine Corps is its ground combat mission. Marine aviation exist to support this mission. Because of this, the Marine Corps must place priority in its recruiting on its ground forces.

In this regard, the conferees question the use of limited Marine personnel resources for various guard functions in the Navy and associated with U.S. embassies abroad at a time when the requisite quality has been lower than is desirable in operational units, and ground combat forces in particular. For fiscal year 1978, the Marine Corps will have almost 9,000 personnel involved in these functions.

The conferees agree that the Commandant should provide a report to the Senate and House Committees on Armed Services by October 31, 1977 explaining the necessity for using Marine personnel in this manner. The report should also address the increases in Marine Corps ground combat or support forces that would be possible were such security function performed by Navy personnel or civilians.

The Senate amendment would reduce the Air Force request by 2,400 personnel in the training establishment—students and support. This was primarily a denial of planned increases in training support personnel not commensurate with the changes in training loads. The conferees agreed to a reduction of 1,200 personnel.

Modification of cadet-midshipmen pay—

The Senate amendment to the House bill (Sec. 303) contains a provision that establishes a uniform pay for cadets and midshipment at the military service academies and in both the two- and four-year ROTC programs when the ROTC officer candidates are attending summer field training and practice cruises.

The House bill contains no such provision. The Senate provision is similar to an Administration proposal which the House had already indicated it would consider this year.

Although certain technical changes were made, the conferees intend no substantive changes to the Senate-passed provision.

The House recedes.

Military job classifications open to women—

Section 304 of the Senate amendment would require the Secretary of Defense to submit to Congress a definition of the term "combat" and recommendations on expanding job classifications in the military services to which women may be assigned. The House bill contained no such provision. The House conferees agreed that a definition of combat for the purposes of the assignment of women to military jobs would be useful.

The House recedes.

TITLE IV—RESERVE FORCES

Title IV, Section 411, of the bill contains the annual authorization for the strength of the Selected Reserve of each reserve component of the Armed Forces for fiscal year 1978.

The House and Senate positions differed on the strengths for the Naval Reserve and the Air Force Reserve. There were no differences in the authorization for any of the other Selected Reserve components.

For the Naval Reserve, the Senate had authorized an average strength of 76,400 for the fiscal year 1978, while the House authorized 93,600. The budget request was 52,000.

The conferees agreed to an authorized average strength of 87,000 for the selected Naval Reserve.

The conferees recognized that the Naval Reserve exists to augment first the operational ships, aircraft squadrons, and direct support units of the fleet and secondly, activities of the shore establishment.

The conferees agreed that the reduction required from the existing strength of the selected Naval Reserve should be absorbed, where feasible, by attrition and by allocations of the reductions to shore-based positions and units affiliated with headquarters staffs, personnel support activities and management, administrative, and support functions.

The conferees recognize the unique problems facing the Naval Reserve, due primarily to the limited number of ships and modern aircraft available for assignment to the Naval Reserve force. To the extent that scheduled ship transfers from the active fleet to the Naval Reserve force have been repeatedly deferred due to the requirements levied on the active fleet, this problem has become more severe.

The conferees understand that while the requirements of the active fleets must be met, it is incumbent on the Navy and the Department of Defense to develop a broad-based integration of Naval Reserve units and personnel with the operational components of the fleet. This should include an expanded use of Naval Reserve members and units in training with deployed forces.

It is, therefore, the view of the conferees that the Secretary of the Navy and the Secretary of Defense must pursue vigorous efforts 1) to achieve this integration in a manner that will maximize the number of members and units in the Naval Reserve which are effectively trained for early mobilization positions aboard operational units and 2) to stabilize the Naval Reserve strength at this authorized level.

The Committees on Armed Services of the House and Senate expect to be advised of procedures whereby the Naval Reserve can be more closely affiliated with the operational tasks and responsibilities borne by the line units of the active fleet.

For the Air Force Reserve, the Senate authorized an average strength of 51,100 for fiscal year 1978, while the House authorized 52,000.

The conferees agreed on 52,000.

The conferees agreed that it is doubtful that the 900 Mobilization Augmentee positions which had been eliminated in the budget process could be filled from the Individual Ready Reserve because they are designated wartime positions requiring skilled and trained professionals not so readily available in the Individual Ready Reserve.

The Senate recedes in the case of the Air Force Reserve.

Reserve recruiting incentives—

Sections 402 and 403 of the House bill contained an educational assistance program for enlistment in the Selected Reserve, and a re-enlistment bonus to assist retention in the Selected Reserve, respectively.

The Senate amendment had no similar provisions.

The conferees agreed to support authority for a test educational assistance and re-enlistment bonus program in the Selected Reserve. At the present time and until sufficient evidence is available to determine the effectiveness of these programs in assisting recruiting and retention in the Selected Reserve, the authority provided shall be used for a test program to assemble the necessary data. This program shall be limited to an expenditure of $5 million. The results of the test shall be reported to the Congress on a quarterly basis with the first report due December 31, 1977.

If reserve recruiting continues to decline, authority contained in this legislation could be used in a broader program only after advising the Committees on Armed Services and through existing reprogramming procedures.

The conferees agreed that the authority to offer further incentives contained in sections 402 and 403 of the House bill shall expire for personnel enlisting or re-enlisting after September 30, 1978. This expiration date is included to insure that the Department of Defense develops and submits a complete program to address the problems in maintaining reserve strengths in its fiscal year 1979 budget submission. The Department of Defense will have had ample time to address this problem by then, and the conferees expect to see a comprehensive program in the fiscal year 1979 budget submission.

The Senate recedes with an amendment.

Reservists on active duty for training—

Section 402 of the Senate amendment defines the term "active duty for training." The conferees are concerned that reservists called to active duty for activities such as recruiting and administration of the reserves are being considered as reservists on active duty for training when their service is not actually training. Consequently, these individuals are not counted toward the active duty strengths authorized by Congress.

To provide greater visibility in the congressional authorization of reservists on active duty, the conferees expect that the Military Manpower Requirements Report for fiscal year 1979 submitted to the Congress by the Department of Defense list the following:

(1) the number of reservists on active duty for training identified by type of training (initial, annual, schools, or post-initial field training),

(2) the number of reservists on active duty for the administration of reserve programs to include activities in connection with organizing, administering, recruiting, instructing, or training of reserves, and

(3) the number of reservists on temporary active duty in support of active force missions by type of mission.

Each category should be identified for each reserve component by man-years and end strength for each year included in the fiscal year 1979 Military Manpower Requirements Report.

Part of the necessity for this increased visibility for reservists on active duty is an existing lack of clarity in the statutes governing the use of reservists in an active duty status. The conferees request the Secretary of Defense to report to the Committees on Armed Services by October 31, 1977 on recommendations for statutory change necessary to achieve greater clarity in this area.

The conferees are aware also that in some cases full-time personnel serving on active duty are being exempted from the active duty end strength authorized by Congress.

The report mentioned above should provide the statutory and administrative authority for each category of personnel excluded or included and for situations other than those for which clear statutory direction exists, the report should provide a rationale for each category of personnel excluded or included.

Subject to the understanding of the conferees on reporting requirements, the Senate recedes on the language of its amendment.

TITLE V—CIVILIAN PERSONNEL

For fiscal year 1978, the Department of Defense requested an end strength of 1,030,730.

The House authorized a Department-wide end strength of 1,034,328 or 3,598 above the Administration request.

The Senate authorized a civilian end strength for each of the services totaling 1,010,900, or 19,830 below the Administration request.

The conferees agreed to provide for an overall Department of Defense-wide authorization for civilian personnel of 1,018,600—a reduction of 12,100 from the Administration request.

The conferees suggest that the reduction should be made in the general areas recommended in the Senate report except to the extent required by changes in the active forces strengths from the Senate amendment and changes in plans in contracting out activities. The conferees strongly believe that the reductions should generally be applied to white collar civilians and implemented through attrition and not be applied to industrially funded activities. The conferees agreed that particularly in activities engaged in maintenance, construction, or repair, including Naval Air Rework Facilities (NARF) the Department of Defense must manage manpower resources in a manner that will insure these activities are provided sufficient civilian manpower to fulfill work requirements for which funds have been appropriated. The recommended reductions are not directed at these activities, many of which are industrially funded.

The conferees request the Secretary of Defense to report to the Committee on Armed Services of each house within 60 days on an initial allocation of the reduction, and with a subsequent report by January 31, 1977, on a final allocation of this reduction for fiscal year 1978. The report should address the allocation of the reduction among the military departments and Defense Agencies, as well as the Defense planning and programming categories therein.

Authority for Secretary of Defense to exceed the ceiling—

The House bill provided authority for the Secretary of Defense to exceed the authorized level—when he determines it is in the national interest to do so—by 3 percent.

The Senate amendment maintained this authority at ½ of 1 percent—the level in the law for the past three years.

The conferees compromised at 1¼ percent.

Authority of 1¼ percent—roughly 12,700 spaces—should allow ample flexibility to prevent inefficient management actions.

TITLE VI—MILITARY TRAINING STUDENT LOADS

Both the Senate and House authorized the Military Training Student Loads as requested by the Department of Defense and the numbers, therefore, were not subject to conference.

The Senate amendment to the bill, however, incorporated a provision which would require the Secretary of Defense to adjust the Military Training Student Loads consistent with the manpower strengths in Titles III, IV, and V.

The House recedes.

Senior ROTC units in each State—

Section 602 of the Senate amendment would require the Secretary of Defense to keep one Senior ROTC unit in each State if (1) an approved educational institution requests a unit; (2) the Governor approves the school; and (3) the Secretary of Defense determines there will be 40 students enrolled in the program. The House bill contained no such provision.

The House recedes.

TITLE VII—CIVIL DEFENSE

The Administration budget request for programs of the Civil Defense Preparedness Agency was $90 million. The House bill provided $134.8 million for civil defense and the Senate bill authorized $95.25 million for the program. The conferees agreed to the Senate level of $95.25 million

The House recedes.

TITLE VIII—GENERAL PROVISIONS

Operation and Maintenance Funds—

Section 801 of the House bill proposed to make permanent a provision in the fiscal year 1977 military authorization bill which required, for one year, adequate allowance for inflation in the operation and maintenance budget request of the Department of Defense.

The Senate amendment had no such provision.

The Senate recedes with an amendment, limiting the provision to one additional year.

Authorization of Appropriations for Claims—

Section 802 of the House bill provided an authorization of appropriations for claims in no specific amount for fiscal year 1978. The section also required that where claim payments are in excess of $5 million, the Secretary of Defense must certify to the Congress that the claim has been examined and evaluated and found to be valid and meritorious.

The Senate amendment contained no similar provision.

The conferees agreed to amend the language of Section 802 to conform with similar language contained in the fiscal year 1977 Appropriation Act.

The Senate recedes with an amendment.

Six-year Obligation for Women—

Section 803 of the House bill contained a provision which amends section 651 of title 10, United States Code, to provide that females who become members of the Armed Forces will incur a six-year statutory obligation in the same manner as is now the case for males.

The Senate amendment had no similar provision.

The Senate recedes.

National Guard Inspections—

Section 804 of the House bill contained a provision which eliminates the requirement for annual inspections of National Guard units to permit the Secretary of the department concerned, flexibility to prescribe when and how often inspections of National Guard units are to be made, as is now the case in the other reserve components.

The Senate amendment had no similar provision.

The Senate recedes.

Eliminating the Requirement for Quadrennial Physical Examinations—

Section 805 of the House bill contained a provision which eliminates the present legal requirement for quadrennial physical examinations for members of the Fleet Reserve and the Fleet Marine Corps Reserve.

The Senate had no similar provision.

The Senate recedes.

Extension of Platoon Leaders Class Subsistence Payment—Section 806 of the House bill contained a provision that extends the authority to provide financial assistance of $100 per month to officer candidates under the Marine Corps Platoon Leaders Class program (P.L. 92–172 as amended). The present authority expires on June 30, 1977.

The Senate amendment contains no such provision.

The Senate recedes.

Extension of Authority to Transfer Equipment to Israel—Section 807 of the bill as passed by the House included a provision extending to October 1, 1979 the authority for the President to transfer to Israel by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. The original transfer authority was contained in the military authorization bill for fiscal year 1971 and was renewed by Congressional action in 1972, 1973, and again in 1975. Unless again renewed, the authority would lapse on June 30, 1977.

When the law was extended in the fiscal year 1976 military authorization bill, language was added which would require that no transfer of aircraft or other equipment could be made unless funds were previously appropriated for such transfer. That provision remains in section 807.

The Senate amendment had no similar provision.

Language was added in conference which would provide for the Secretary of Defense to restock the inventories of the armed forces with equivalent quantities of aircraft and other equipment transferred under the provisions of this section.

The Senate recedes with an amendment.

Human Subjects for Testing Chemical and Biological Agents—

Section 808 of the House bill contained a provision for the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House by October 1 of each year a full accounting of experiments and studies conducted in the preceding 12-month period which involve the use of humans for the testing of chemical or biological agents. Also, there was an additional reporting requirement on plans for any experiment or study involving the use of humans for testing of chemical or biological agents. Title II of the Senate amendment contained similar provisions in section 202. By House floor amendment, an additional provision mandated that the Secretary of Defense may not conduct such experiments involving civilian populations unless local officials in the area are notified in advance and a period of 30 days has expired following such notification.

The Senate recedes.

Contracting Out—

The Senate conferees were concerned with the impact of the statutory limitations on contracting out contained in the House bill. Inasmuch as Committee hearings on overall DoD contracting out policies had not yet been held in the Senate, the Senate conferees did not feel that adequate information existed to justify the provision supported by the House.

The House conferees, however, argued strongly in support of this measure on the basis that such action was both timely and necessary to insure against inadvisable denigration of DoD's internal research and development capabilities and because of conflicting policies and directions related to contracting for commercial and industrial functions at Defense installations. The House conferees were particularly adamant in their view that DoD be prohibited from increasing the percentage of funds allocated to private research and development contracts by DoD research installations for Technology Base work i.e., Basic Research and Exploratory Development, pending the submission of the required study to the Congress, or until March 15, 1978.

In view of the intense support evidenced by the House conferees for this provision, the Senate reluctantly recedes with an amendment.

Base Closures—Section 810 of the House bill contained a provision which would establish permanent procedures for Congressional oversight of military base realignments and closures. The amendment would apply to military installations with 500 or more civilian employees and to reductions-in-force where the authorized level of civilian personnel is to be reduced by more than 1,000 people or 50 percent, whichever is the smaller.

The Department of Defense would be required to notify the Congress of the proposed action, provide a detailed justification, comply with the National Environmental Policy Act, and not take any implementing actions until 60 days following notification to the Armed Services Committees of the final decision to act.

The conferees agreed that the base closure language is more appropriate to the fiscal year 1978 Military Construction bill, the Senate version of which contains a similar provision.

The House recedes.

Advertising Upgrade of Discharges—Section 811 of the House bill contained a provision, added by floor amendment, which prohibits the expenditure of appropriated funds for advertising the Special Discharge Review Program for certain individuals who served during the Vietnam era.

The Senate amendment had no similar provision.

The Senate recedes.

Conflict of Interest—The House bill (Sec. 812) contained a provision added by floor amendment, that would bar a retired or former DoD officer or employee in the grade of colonel/captain or GS-16 or above from being employed within three years after separation by a person who was a party to a contract to provide goods or services to the United States, if during a three-year period before separation such officer or employee participated personally and substantially in the award of that contract. The bar would be effective with regard to persons separated six months or more after enactment. A civil penalty for violating the bar would be forfeiture of compensation received for such employment.

The Senate amendment had no such provision.

The conferees are in complete agreement that the purpose of the provision—the elimination of the actual, or apparent, conflict of interest in such employment—is a desirable goal. However, the Senate conferees are opposed to including this particular provision in the Defense Authorization bill. It was pointed out that this proposal should more appropriately be addressed in a broader context, such as the President's proposed "Ethics in Government Act" (S. 1446 and H.R. 6952) directed to all government personnel. A number of provisions addressing conflict of interest, including language similar to section 812, are contained in those ethics bills.

The House recedes.

Reductions in Certain Military and Civilian Positions in the Department of Defense—

The Senate amendment to the House bill (Sec. 302) provided for a reduction in the number of general officers and admirals by 23 below planned levels in fiscal year 1978 and an additional reduction of 47 in fiscal year 1979 to an authorized level of 1,071 and also provided for an alteration of the statutory provisions governing admirals in the Navy and generals in the Marine Corps to place them in a similar position to the Army and the Air Force when the national emergency provisions lapse. The Senate amendment (Sec. 502) also provided for a reduction in the number of civilians in General Schedule grades GS-12 through 18, or equivalent, by 2 percent in fiscal year 1978 and by the same proportionate reduction as applied to generals and admirals for fiscal year 1979.

The House bill contained no such provisions.

The conferees agreed to reduce the authorized levels of generals and admirals to 1,073 over a three-year period beginning with fiscal year 1978 and to apply a reduction to Defense civilian employees in General Schedule grades GS-13 through 18, or equivalent, by the same proportionate amount over the same period. The conferees feel strongly that the reductions in the numbers of top-ranking military personnel should be coupled with a concurrent reduction in the numbers in the top six Defense civilian grade levels. For this reason, sections 302 and 502 of the Senate amendment have been combined and set out as a separate provision (Sec. 811) in the general provisions of the conference report. The conferees also agree that all civilian reductions shall be accomplished through attrition. The conferees concluded that a technical correction of the Senate provision was required to achieve consistency between statutory provisions affecting admirals and Marine Corps generals and the general officers of the other services.

The conferees agree on the need for a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of general officers and directs the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers as well as any justification for deferring the proposed military and civilian reductions in whole or part.

The House recedes with an amendment.

Readiness Report—The Senate amendment contained a one-time reporting requirement growing out of Congressional concern over the current state of combat readiness in the armed forces. The section requires the Secretary of Defense to submit a report on the quantifiable and measurable material readiness requirements for the armed forces and any changes projected in future years. Subsequent budget submissions must include data relating the proposed appropriations to these established requirements.

The House recedes.

Strategic Programs and SALT—The Senate amendment contained a provision which asserts Congressional readiness to consider, in accordance with the process contained in the Congressional Budget and Impoundment Control Act of 1974 and the Budget and Accounting Act, 1921, such modifications in United States strategic arms programs as the President may recommend to facilitate either negotiation or agreement in the strategic arms limitations talks. That provision was a floor amendment to the Senate passed bill to indicate cooperation and coordination between the Congress and the President in the negotiation and agreement processes of the strategic arms limitation talks.

The House bill contained no such provision.

The House recedes.

Report on Impact of Foreign Military Sales on U.S. Forces—Section 802 of the Senate bill contained a provision to amend section 813 of the Department of Defense Appropriation Authorization Act of 1976 which required the Secretary of Defense to report to the Congress on the impact on United States forces readiness of any foreign sale or transfer valued at $25 million or more. This section requires additional information including the initial issue quantity requirement for United States forces for such articles, the percentage of such requirements already delivered, or contracted for, at the time of the report and time tables for meeting United States forces requirements with and without the proposed sale.

The House recedes.

Retirees' Suggestions—

Section 803 of the Senate bill directs the Secretary of Defense to request from retiring military and civil service personnel of the Department of Defense (GS-13 or above), who are employed in military procurement

suggestions for improving procurement policies of the Defense Department.

The conferees believe that military and civilian personnel who have served a full career in the procurement field may have many substantive suggestions for improvement of the effectiveness and efficiency of procurement regulations and procedures. The House conferees expressed concern over the amount of time that could be involved and the reporting burden placed on the Department.

The conferees agreed to statutory language which changed the frequency of the reports and emphasized the purely voluntary nature of the program on the part of the retiree. Rather than specify a period of time in law, the conferees agreed that a reasonable time should be allowed for work directly on the individual's report and that the time involved should not exceed 8 hours.

The House recedes with an amendment.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL STRATTON,
RICHARD H. ICHORD,
LUCIEN N. NEDZI,
CHAS. H. WILSON,
R. LEGGETT,
RICHARD C. WHITE,
BILL NICHOLS,
BOB WILSON,
WM. L. DICKINSON,
G. WILLIAM WHITEHURST,
FLOYD SPENCE,
Managers on the Part of the House.

JOHN C. STENNIS,
HENRY M. JACKSON,
HOWARD W. CANNON,
THOMAS J. McINTYRE,
HARRY F. BYRD, JR.,
SAM NUNN,
JOHN CULVER,
GARY HART,
JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
WILLIAM L. SCOTT,
DEWEY F. BARTLETT,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON S. 1474, MILITARY CONSTRUCTION AUTHORIZATION, 1978

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1474) to authorize certain construction at military installations, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. NEDZI, PRICE, CHARLES H. WILSON of California, BRINKLEY, DAVIS, KAZEN, WON PAT, WHITEHURST, BOB WILSON, and BEARD of Tennessee.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that Mr. HART be a full conferee, on the part of the Senate, on the bill (H.R. 5970) entitled "An Act to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.".

GOOD MONEY AFTER BAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 15 minutes.

Mr. GRASSLEY. Mr. Speaker, notwithstanding the objections of many of my colleagues on the Banking, Finance, and Urban Affairs Committee, as well as reservations on the part of the administration, it appears that the bill H.R. 2777 will be brought onto the floor of the House in the near future. This legislation would create a consumer cooperative bank which would make or guarantee loans to consumer cooperative groups.

Those of us opposed to the passage of this measure are concerned for a number of reasons. At the top of the list is the fact that H.R. 2777 would establish two new Federal agencies at a time when the Administration has pledged to cut the number of such agencies from 1,900 to 200. Second, this bill would authorize the expenditure of approximately $750 million. This clearly is not desirable at a time when the American people want to see the Federal budget balanced and expenditures curtailed.

There are a number of other reasons why the full House of Representatives should vote down H.R. 2777 if and when it is considered. An excellent discussion of this entire matter appeared in the May 23, 1977, issue of Barron's. The article follows and I would commend it to my colleagues as well as other devoted readers of the CONGRESSIONAL RECORD:

GOOD MONEY AFTER BAD? CONGRESS IS GETTING READY TO SUBSIDIZE CONSUMER CO-OPS

(By Shirley Scheibla)

WASHINGTON—Should the federal government organize and underwrite a new bank to the tune of half a billion dollars to finance furniture and gift stores in affluent neighborhoods that sell such items as $1,850 desks? Or food markets, which, even with tax advantages, have failed to make it? Or Cable TV? Or housing cooperatives, which already command assistance from more than a dozen programs administered by the Department of Housing & Urban Development?

Earlier this month, the House Banking, Currency & Housing Committee answered these questions in the affirmative by voting 26–11 for HR 2777, the National Consumer Cooperative Bank Bill. The Committee majority gave no outward sign of recognizing the likelihood of such untoward results. Instead, it argued that the bill will mean sorely needed stores, especially food markets, and low prices for the poor sections of inner cities. But it offered no convincing evidence that prices are low at co-ops, or that the Bank will mean more of them for the inner city.

On the other hand, Roger C. Altman, Assistant Secretary of the Treasury, warned that the measure will duplicate existing federal programs, and displace resources of the private sector. Indeed, Rep. Henry B. Gonzalez (D., Texas) worries that it will finance competition with small businesses and, despite other federal programs which exist to help them, lead to the demise of many.

NEW ECONOMICS

The bill itself does not limit its financing to projects for the inner cities or the poor. Any consumer co-op unable to get a loan from private or other federal sources would qualify. As George H. Dixon pointed out about a similar bill when he was deputy Secretary of the Treasury under President Ford, "It ties federal subsidies and assistance not to the attainment of specific objectives . . . but rather to the form of organization involved." The Committee itself made no bones about stating that the bill aims to foster a new form of economic organization.

For the poor, the bill would put an additional $250 million in a separate Self-Help Development Fund for technical assistance, grants and loans at subsidized interest rates for co-ops composed "substantially" of low income persons or serving them. It would be administered by the federal agency known as Action.

Last year, a study by the staff of the House Select Committee on Aging found that in its five years of operation, Action has failed to meet the requirements of the Budget and Accounting Procedures Act to provide control over and accountability for all funds, property and other assets for which it is responsible. For instance, "The auditors noted that checks were being signed without examination of supporting documentation and without the amounts entered thereon." Now, Action has a new director: Sam Brown, former head of the Vietnam Moratorium Committee.

CHANCES ARE GOOD

Chances for passage of the proposed legislation are deemed reasonably good. An earlier, more lavish version, which called for an appropriation of $1 billion for the Bank, attracted 100 sponsors in the House and 35 in the Senate. It was scaled down after the Carter Administration advocated, instead, $20 million for a two-year study and pilot lending project. While the House Committee voted against the Carter bill, 23–17, it probably will be offered on the House floor as an amendment to H.R. 2777 when the latter reaches there, perhaps in a few weeks. The Senate plans to wait and act after the House on the controversial issue.

None of industry's big guns is aimed at H.R. 2777. Vocal proponents include such political heavyweights as the Consumer Federation of America, Cooperative League, the National Association of Housing Cooperatives, the AFL–CIO and Ralph Nader.

Among the advocates and likely beneficiaries of the Bank is Greenbelt Consumer Services Inc., the second largest consumer co-op in the country, with headquarters in Silver Spring, Md. Of its 22 food stores, Greenbelt has closed all but seven; they are all in the suburbs. (According to Congressional testimony, most successful co-op food stores are located near colleges and universities, not in poor city neighborhoods. Obviously, this is true of the nation's largest consumer co-op, Berkeley, near the University of California.)

We recently visited a Greenbelt-owned Scan Contemporary Furnishings Store in Falls Church, Va., a Washington suburb. That's where we found the $1,850 desk, a beautiful rosewood import from Denmark. We also saw a Swedish pine cabinet at $746, a Norwegian arm chair a $459, sculpture at $105 and water goblets at $7.75 each. Greenbelt owns 10 Scan stores, which specialize in Scandinavian imports. Ironically, the AFL–CIO says it supports HR 2777 because it is concerned about multi-national corporations exporting U.S. jobs.

To grasp the full significance of the proposed legislation, one must realize what consumer co-ops are. As the name implies,

they are owned by the ultimate consumers of their goods and services. Each member usually has one vote at co-op meetings, no matter how many shares he owns. For the other shares he *may* get rebates.

While co-ops are not taxed on the rebates, members are. Since 1962, however, co-ops have been required to pay 20% of their rebates in cash to qualify for tax exemption.

NO ESTABLISHED MARKET

Co-ops pay federal taxes only on their retained earnings, which are never called profits. Before figuring these, they sometimes pay their top executives salaries running to six figures. (This is true of Greenbelt, which is in the red.)

There is no established market for trading in co-op shares; they can be bought only from a co-op itself or from its members, in which case the co-op's permission often is required. But co-ops do get some financing through loans from banks and insurance companies and the sale of debentures.

Farm producer co-ops are big business, enjoying estimated revenues of one-third of the $165 billion agribusiness market. Now some of the biggies are gobbling up independent businesses. Those included in the Fortune 500 include Agway, Associated Milk Producers, Dairylea, Farmer's Union Central Exchange, Farmland Industries, Gold Kist and Land O'Lakes.

The federal government gave such co-ops their start during the Depression. Desperate to keep farm production flowing, Uncle Sam established the 12 Federal Cooperative Banks and gave them their seed money, now repaid. Last month Ralph Nader testified: "When the Bank for Cooperatives of the Farm Credit System first started, few would have predicted that 40 years later it would have loans outstanding of nearly $30 billion." But now there's a new problem. Some of the cooperatives no longer are in rural areas and thus don't qualify for Farm Credit Bank loans. Accordingly, the National Consumer Bank would allow 10% of the loans under it to be made to producer co-ops.

Consumers co-ops are in a more embryonic stage. Back in 1968, the government's first major push for consumer cooperatives came when 20,000 employes of federally supported consumer action agencies "educated" consumers to believe that merchants were cheating them and that food supermarkets were earning excessive profits. Grants to establish co-ops followed. The aim was to have them take over businesses in poor neighborhoods. But riots and rampant crime there (triggered, in part, by the poverty barriers), drove business out.

Meantime, the consumer movement was born. In a series of articles analyzing it in 1970, we noted that it was dominated by cooperatives and suggested that so-called consumer advocates really were interested in promoting a new form of economic organization—consumer cooperatives. In last month's testimony, Ralph Nader made that clear. He indicated that he would like to see the U.S. emulate Sweden, where co-ops are central to the economy and control about 18% of retail trade.

Berkeley, as noted, is the nation's largest consumer co-op. Located near the University of California at Berkeley, it has been in operation for 36 years and has an equity of $3.6 million. In a single block near the University, it has a supermarket, auto service station, hardware store, pharmacy, book store, tax service and natural foods emporium. According to the Food Co-op Handbook, "It sells at market prices and in good years returns sizable rebates to its members who must invest $100 of accumulated rebates in co-op stock before they are eligible to vote."

Last year, despite the opposition of the Ford Administration, the House Banking, Currency & Housing Committee voted 20–10 for a bill with $1 billion of federal backing for a consumer cooperative bank, plus $250 million for a development fund. The measure failed to make it to the floor only because there was not enough time to take it up before adjournment.

THE CARTER BOMBSHELL

An identical bill was introduced in this Congress. Without the Ford Administration to stop it, it looked like fairly clear sailing. Then the Carter Administration dropped its bombshell. On April 26, Assistant Secretary of the Treasury Altman declared: "We believe such a study and pilot project (for $20 million) are needed because, today, there simply is not sufficient evidence to support a comprehensive commitment of the size and structure envisioned in this bill. There are insufficient data concerning the unmet financing needs of consumer cooperatives, what form of financing assistance would be most effective, and how much of it is truly required."

Nevertheless, the Committee approved HR 2777. On May 9, the Treasury Department fired off a memo to the Committee in which it made it clear that the Administration is not satisfied, primarily because $750 million is still far too great a sum, justification for which is lacking. The Department also noted that the bill's complicated formula for loan repayments will involve "an inappropriate subsidy from the Treasury to the Bank."

Incidentally, the memo was addressed to the Committee chairman, Rep. Henry S. Reuss (D. Wis.) and all Committee members did not see it until after H.R. 2777 was ordered out. Indeed, the Administration's bill was not made available until one hour before the mark-up. Nevertheless, the bill, H.R. 6750, was introduced by Reps. Thomas L. Ashley (D., Ohio), John J. LaFalce (D., N.Y.), John H. Rousselot (R., Calif.) and J. William Stanton (R, Ohio).

In testimony on the earlier bill giving $1 billion to the Bank, Ms. O'Reilly of the Consumer Federation expressed alarm over the abandonment of downtown stores in the District of Columbia. (Any long-time resident of the Washington area realizes, however, that the disruption of subway construction, crime and riots have driven business out of downtown D.C.) According to Ms. O'Reilly: "Cooperatives are the logical source for filling that void. They can also logically help close the widening spread between what farmers receive from the food dollar and what consumers pay."

But the aforesaid Greenbelt co-op, right in Washington's backyard, does not serve the poor in the inner city and is floundering. As of Jan. 29, 1977, the accumulated deficit in its retained earnings came to $962,332. Its loss for the year ended Jan. 29 came to $462,000. Greenbelt's accounting by line of business does not reflect interest on debt, corporate office expenses, costs of operating Greenbelt-owned shopping centers and equity loss in companies in which it has a minor interest. Its records reveal that unallocated expenses showed a deficit of $1,406,000 for the year ended Jan. 29, 1977.

According to Greenbelt, "Many of the cooperative's supermarket locations are no longer convenient for its present membership, and a new drive for increasing membership in areas served by the cooperative is now underway."

Greenbelt now has 10 Scan stores, compared with eight in 1971, the only area of expansion for the co-op since then and its only activity to operate in the black last year. Net income was $1,272,000, compared with $1,871,000 the previous year. Two Scans are the only Greenbelt stores located in the city, both in upper-income sections.

The co-op now has closed all five of its pharmacies. Since 1971, Greenbelt also has closed three of 10 service stations, and the seven remaining showed a loss of $1,000 for its past fiscal year.

The foregoing data come from a 10K annual report which Greenbelt filed with the Securities & Exchange Commission last month. It stated: ". . . The cooperative has received requests from 3,197 shareholders for redemptions of an aggregate of 3,197 shares of Series A Common Stock (voting) and 43,939 shares of Series B Common Stock. Since there is no market for the Common Stock of the cooperative and none is foreseeable, the discontinuation of redemptions effectively limits the liquidity of the shareholder's investment." Greenbelt has redeemed no shares nor paid dividends on them since 1971. It has not paid a patronage refund since 1959. The co-op places the book value of its stock at $5.69, compared with par value of $10.

Greenbelt filed a registration statement with the SEC on June 14, 1976, in which it sought to sell 7,500 shares of Series A Common Stock, 15,000 shares of Series B Common Stock and $450,000 worth of 10-year junior subordinated debentures to pay 9%. Donald O'Keefe, Greenbelt vice president for administration and finance, told Barron's that the SEC had found the statement incomplete and not up to its reporting requirements.

At that time, Greenbelt chose not to file in line with four pages of SEC comments. But now it is preparing to do so. O'Keefe said the move will be made within a few weeks and that the revised registration statement probably will be effective sometime this summer. He added that no decision has been reached yet on whether to seek again to offer debentures.

But why should a co-op register with SEC? Richard H. Row, director of the agency's Division of Corporate Finance, said, "This is a grey area. Some co-ops file and some don't. Only about a dozen are registered. We've been concerned about the agricultural producer co-ops."

Now, the House Committee wants to throw more federal money at them. According to Arthur T. Roth of the National Tax Equality Association: "The government should never make funds available to create tax-exempt businesses. . . . We are driving taxpaying businesses out of business with tax-exempt business and thereby increasing the government deficit."

UNITED STATES-MEXICO PRISONER EXCHANGE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, I request permission to revise and extend my remarks and to include extraneous material.

I had the privilege, along with my colleague from California, Mr. STARK, in leading off the testimony last week before the Senate Foreign Relations Committee as it began consideration of the treaty between the United States of America and the United Mexican States of the execution of penal sentences.

The importance of this treaty was described by former Secretary of State Kissinger in his letter of submittal to the President (Jan. 17, 1977):

The treaty is intended both to relieve the special hardships which fall upon prisoners incarcerated far from home and to make their rehabilitation more feasible, and also to relieve diplomatic and law enforcement relations between the two countries of the strains that arise from the imprisonment of large numbers of each country's nationals in

the institution of the other. It constitutes part of an ongoing effort to improve relations between the two countries. It is also part of various efforts to establish closer international cooperation in law enforcement activities . . .

As of May 15, 1977, there were 579 Americans—80 percent of whom are drug violators—being held in Mexican penal facilities. There is great concern that the human and civil rights of these prisoners are not being protected.

It is extremely important that it be made very clear that our criticisms relating to the protection of these prisoners' rights, are in no way intended to reflect upon the stringent enforcement or harsh penalties imposed upon drug traffickers in Mexico.

As a member of the Committee on International Relations and the Select Committee on Narcotics Control and Abuse, I have been concerned for some time about the explosive nature of this source of friction between Mexico and the United States. I am concerned that the good work we have thus far achieved in the cooperative efforts to eradicate and interdict narcotics may be effected by the growing concerns about the treatment of the drug violators and other Americans incarcerated in Mexican jails.

I personally have discussed these problems at length with former President Echeverria and other high ranking officials of the Mexican Government. Twice I have visited different prisons in Mexico to discuss these issues with the Americans imprisoned there and with Mexican correction officials. I have also testified about my experiences before Congressman DANTE FASCELL'S subcommittee which held extensive hearings on this subject. In addition, I have had the opportunity for the last 2 years of addressing the Mexico-United States Interparliamentary Conference on the problems relating to the narcotics traffic and the protection of the human rights of Americans in Mexican jails.

While I am pleased to report that there is real progress being made to insure that the human rights of all Americans detailed in Mexico are respected, I must also report that there are still many cases in which U.S. citizens are not receiving their full rights under Mexican law. It is hoped that the consummation of this treaty will help relieve the special hardships that fall upon prisoners incarcerated far from home. In addition, it will help remove some of the strains on the diplomatic and law enforcement relations between our two nations.

The Mexican Government and people have responded to our cries for help by expeditiously approving this treaty. In turn, we should respond with the same show of sincerity and conviction in seeking every opportunity to resolve the problems that we both share. Accordingly, I urge ratification by the Senate, and encourage all of my colleagues in this body to show their support for this needed treaty.

For your information, I request that the full text of my testimony before the Senate Foreign Relations Committee be inserted in the RECORD at this point.

STATEMENT OF HON. BENJAMIN A. GILMAN

UNITED STATES-MEXICAN TREATY OF THE EXECUTION OF PENAL SENTENCES

Mr. Chairman: I welcome this opportunity for appearing before this distinguished body as it begins consideration of the Treaty between the United States of America and the United Mexican States of the Execution of Penal Sentences.

One of the most critical issues confronting the bilateral relationships between Mexico and the U.S. is the significant traffic of narcotics crossing our border. After the success of the closing of the French Connection and the elimination of the Turkish heroin supplies, Mexico has become the source and transit country for more than 80 per cent of all illicit drugs entering this country. The success of the joint efforts of Mexico and the U.S. in combating this problem has unfortunately helped create yet another.

As of May 15, 1977 there were 579 United States nationals incarcerated in Mexican jails. These prisoners, of which about 80% are drug violators, have been subjected to alien justice and the hardships of cultural and language barriers that have led to severe strains on our bilateral relations.

It was with this understanding in mind that former Secretary of State Henry Kissinger presented the treaty before you in his Letter of Submittal to the President on January 17, 1977 stating:

"The Treaty is intended both to relieve the special hardships which fall upon prisoners incarcerated far from home and to make their rehabilitation more feasible, and also to relieve diplomatic and law enforcement relations between the two countries of the strains that arise from the imprisonment of large numbers of each country's nationals in the institution of the other. It constitutes part of an ongoing effort to improve relations between the two countries. It is also part of various efforts to establish closer international cooperation in law enforcement activities——"

I would like to make it very clear that in no way are my remarks intended to criticize the stringent enforcement or harsh penalties imposed upon drug traffickers in Mexico, but are intended to focus our attention upon some problems of human rights that have caused our nation concern. As was stated last year by Administrator Walentynowicz of the Bureau of Security and Consumer Affairs of the Department of State:

"Successful drug interdiction, far from being in conflict with the guarantee of rights to prisoners, is in fact dependent upon such guarantees. Thorough law enforcement is ultimately dependent upon wholehearted cooperation of the public, and people will cooperate only when they are confident that their human rights are not threatened by the enforcement procedures. Unless there is public confidence in just treatment, law enforcement becomes difficult and even ultimately impossible."

"Fundamentally a strong policy for the fair and decent treatment of prisoners leading to social rehabilitation of offenders is fully consistent with a strong, successful program of drug interdiction".

In January of last year, while in Mexico discussing the narcotics situation, I took the opportunity to visit the Lecumberri Federal Prison in Mexico City and talked to most of the 70 American inmates of that institution. During that visit, I heard many complaints concerning their problems in understanding and receiving advice concerning their rights under the Mexican legal system. They told of the frustrations and hardships of corruption behind prison walls, of a lack of and inadequate Counsel, exorbitant legal fees, of being held incommunicado, of being tortured, and being forced to sign confessions written in Spanish, without the aid of any interpreter.

My visit to Lecumberri Prison substantiated prior criticisms of the Mexican penal system. Unfortunately, it was also pointed out that those Mexicans imprisoned in Lecumberri were often treated with more severity, as they were assumed to understand the consequences of their acts.

I discussed these problems at great length with Mexico's Attorney General, with high-ranking members of the Mexican armed forces and with members of the Mexican Congress. During two separate meetings with President Echeverria, I expressed concern that abuses of civil rights might lead to a cleavage in our joint efforts of seeking to prevent the use and abuse of narcotics in the United States and Mexico.

In February of 1976, I had the privilege of addressing the 16th Mexico-U.S. Interparliamentary Conference held in Atlanta. At that time I shared with the Mexican legislators my experiences resulting from my visit to Lecumberri Prison and the conclusions emanating from the Congressional hearings on this issue. In stressing the need for our two nations to work together to relieve the growing tensions resulting from increased enforcement of drug laws. I stated that:

"We must not allow the long friendships of our two nations and the success of our many joint endeavors, including international narcotics control, to be placed in jeopardy by this issue. . . . an issue that can be resolved by signifying the importance that we attach to the protection of the human rights of all peoples. The protection of civil rights is not inconsistent with the proper enforcement of the laws regulating drug traffic and drug abuse. The proper enforcement of the law does not obviate the necessity for respecting the law and making certain that civil rights—basic human rights are not violated . . . and in preventing the mistreatment and physical abuse of prisoners."

Both of our nations need to give more attention to prison reform. I am pleased to note that there is a growing awareness and concern within Mexico for improving prison conditions. One of the noteworthy examples of that concern is the reform of the administration of Lecumberri Prison. The abuses and corruption at that prison had reached a level where the Mexican Government demanded rectification. Almost every complaint I registered following my visit was addressed.

The Commandant was removed and the Chief of Guards imprisoned on charges of corrupt practices. The "Mayor" system of prisoner hierachy has been abolished. Prisoners are no longer required to pay rent for their cells or for the retention of commissioned jobs. All of these reforms were accomplished by marked improvements in cooperation between the new administrators and our consular officers.

The reforms at Lecumberri have been welcomed by all as an indication of a new awareness and a sincere attitude for reform by Mexican officials. Lecumberri itself ceased to operate as a prison as of August 26, 1976. Its inmates have been dispersed to more modern facilities. We hope that with its passing we have seen the end of the pattern of extortion and brutality which became its trademark. [See attached New York Times Report of June 30, 1976 Appendix A]

There have also been significant improvements in both the living conditions of many Americans and the prospects for their early release, as the result of the Mexican governments' initiatives in regard to parole and transfer of sanctions.

The adoption of new legislation in Mexico to extend parole to drug offenders on the same basis as other convicts has the potential of helping to remove some of the tensions that have generated from this issue. While such a bill failed to pass before

their Congressional adjournment in December, it is hoped that favorable action may take place when the Mexican Congress reconvenes in September.

Recent reports have indicated that Attorney General Oscar Flores has eliminated another source of irritation with the decision of the Mexican Government not to press charges against persons found possessing small amounts of narcotics that are clearly intended for personal use. This decision could result in the release of a substantial number of Americans now being held on charges of such possession. In the future this action will help prevent abuses as the number of Americans arrested declines under the new guidelines. (see Washington Post article of 4/16/77, Appendix B).

All of these actions should further help resolve aspects of the overall problem. Relief from current trends will continue to be welcomed as the arrests of Americans continue with improvements in narcotics enforcement programs. As we seek to increase our cooperation with the Mexican Government in interdiction efforts, we must also give thought to what happens to Americans that get caught.

On the 27th of last month, I once again had the privilege of addressing my fellow Mexican legislators at the 17th Mexico-U.S. Interparliamentary Conference held in Hermosillo, Sonora. At the May meeting I reviewed the progress that had taken place during the last year, including the advances of the treaty before you. While stressing the need once again to seek a solution to the problems raised by Americans in Mexican jails, I sought to open a two-way street for mutual concern about all prisoners, stating:

"For our part we must not ignore the hundreds of Mexican nationals who are imprisoned in U.S. Jails. Not counting our state and local facilities, it is estimated that more than 1,200 Mexican nationals are held in Federal prisons across the United States. In the State of California alone there are between 400–500 Mexicans incarcerated."

"Just as we seek to insure the full protection of the human rights for the United States prisoners abroad, we urge the other nations to become concerned about the human rights of their citizens abroad. In recent months we have noticed with enthusiasm an increase in the visits to our jails by Mexican consular officials. We will give prompt attention to any complaints expressed by your countrymen of possible abuse or wrong doing by any U.S. prison officials. We are committed to preventing the violation of basic human rights of any person in any country."

While attending the Interparliamentary Conference in Hermosillo, I took advantage of the opportunity to visit the Sonora State Prison. Accompanying me on this visit was Mexican Congressman Victor Manzanilla-Schaffer.

In stark contrast to Lecumberri, the Sonora Prison is a modern, clean penal facility. Both Congressman Manzanilla and I talked at length with 9 Americans being held at that institution. Unlike the horror stories of the past, without exception every man readily admitted that the prison conditions at Sonora were as good as can be expected in a prison. There were no complaints of discrimination, prejudice or extortion. The complaints that the prisoners did have were related to their early stages of arrest and to their difficulties in dealing with the Mexican legal system.

One of the major problems that we heard about was the need for early notification of arrest and for prompt access to the detainee in accordance with the Vienna Convention on Consular Relations to which both our countries are signatories. We are convinced that the Mexican Federal Government is in full accord with our position. Unfortunately, in practice, the implementation of this accord is uneven and spotty at the local levels. We all recognize the importance of not only sharing our concerns at the highest levels of government, but our thoughts and ideas to be effective must permeate the working levels of government. First the upper echelons of government must acknowledge the problem and then they must relay their concerns and programs to the lower bureaucratic levels in order to effectively and positively respond. It is at this level where they make the arrests, question the accused, and guard the prisoners. Accordingly, we should make certain that our thoughts and ideas are being communicated to this level to insure the protection of the rights granted to all prisoners, both Mexican and American.

As testimony to the sincerity and understanding of the Government of Mexico, they have acted quickly to complete all needed legislative actions, including Constitutional changes to ratify the treaty. This action completed in a little more than a month after the initial agreement, demonstrates the dedication of the leaders of that country to resolve this source of friction between our two nations in a swift manner.

Unlike the monumental tasks of restraining the hundreds of thousands of illegal aliens entering this country, destroying the thousands of acres of illegal poppy cultivation, or guaranteeing the absolute protection of every prisoner, the ratification of this treaty was seen as a clear way to reveal the true desire to help . . . a desire that is often masked by the frustrations of government bureaucracy in a developing nation. If there was one message heard above all others at the recent interparliamentary meetings, it was that "on this issue we have acted, it is now up to you."

While we cannot bring about immediate change in the vast differences of our two cultures and peoples, and the differences in our respective laws, we do share the same desire to protect the human rights of all our citizens. We should increase our efforts in both of our nations to educate our youth about the horrors of prison life before they commit a crime. But, most important, we should bring pressure to bear on the governments of both our nations to insist on the fair and lawful treatment of all prisoners.

It is hoped that the consummation of this treaty will help relieve the special hardships which fall upon prisoners incarcerated far from home. In addition it will help remove some of the strains on the diplomatic and law enforcement relations between our two countries that have surfaced as a result of the imprisonment of large numbers of each others citizens.

Perhaps, some day there will be no need for such a treaty. But, as Secretary of State Vance stated in his March report to Congress on the status of United States Citizens detained in Mexico:

"Unfortunately there are still substantiated cases in which U.S. citizens are not receiving the full rights guaranteed to them under Mexican law . . .

"While it is true that the total number of cases of substantiated abuse represents a small percentage of the total number of arrests, we cannot be complacent. As was noted in our previous report, as long as one American citizen is not being accorded his human and legal rights under Mexican law, we will not be satisfied."

Clearly, real progress has been made in respecting the human rights of all United States citizens detained in Mexico, and the prospects for further progress are encouraging. However, I regret that I cannot report that we are fully satisfied with what has been accomplished thus far. Unfortunately, there are still many cases in which U.S. citizens are not receiving their full rights under Mexican law. While the ratification of this treaty will not of itself resolve the many problems we face, it will provide some relief to the strain that the imprisonment of Americans in a foreign land has caused.

The Mexican government and people have responded to our cries for help. In turn we should respond with the same show of sincerity and conviction and seek every opportunity to resolve the problems that we both share. Accordingly, I urge the distinguished Members of this Committee and the entire Senate to support the ratification of the Treaty of the Execution of Penal Sentences between the United States and the United Mexican States.

APPENDIX A

[From the New York Times, June 30, 1976]

MEXICAN PRISONS SAID TO IMPROVE—BUT U.S. OFFICIAL SAYS SOME ABUSE IS CONTINUING

(By David Binder)

WASHINGTON, June 29.—Conditions for Americans imprisoned in Mexican jails have improved markedly in some respects since January, the Ford Administration told Congress today.

However, in testimony before a House International Relations subcommittee, William H. Luers, Deputy Assistant Secretary of State, said some of the 607 American citizens jailed in Mexico are still subject to physical abuse.

According to Mexican authorities, about 83 percent of the Americans were arrested on narcotics charges.

Mr. Luers, who is responsible for Central American and Caribbean matters in the State Department's Bureau of Inter-American Affairs, said that while there have been "a number of real areas of improvement" in the Mexican jails, there were others where "no meaningful improvement can be reported."

COMMANDANT REMOVED

The foremost improvement, he said, was in the administration of Lecumberri prison in Mexico City, where the commandant was removed a month ago and the chief of guards imprisoned after corrupt practices, including extortion, were revealed.

Americans in Lecumberri have been given access to English-language books and periodicals for the first time and have been allowed to form football teams. American consular officers also have broader access to prisoners in Lecumberri, he said.

However, Mr. Luers indicated conditions remained poor in Mazatlan prison, and he also reported an incident in which two American prisoners were assaulted by Mexican guards.

He said that of 334 Americans arrested in Mexico since the beginning of the year, 61 cases of physical abuse had been substantiated—a rate of 18 percent.

The new American prisoners include 57 women, the Administration has learned. The American prison population in Mexico has increased by 85 since June 1975.

"We are most concerned about the lack of significant improvement in the treatment of U.S. citizens in the period shortly after their arrest," he said.

Mr. Luers told the House subcommittee on international political and military affairs that the Administration welcomed a Mexican proposal that the two countries study the possibility of exchanging prisoners so that they might serve out sentences in their homelands.

He said Ambassador Joseph J. Jova has been instructed to begin discussions with Mexican authorities on a transfer agreement.

APPENDIX B

[From the Washington Post, Apr. 17, 1977]

MEXICANS DROPPING DRUG CASES AGAINST SMALL-USE TOURISTS

(By Marlise Simons)

MEXICO CITY, April 16.—In a move that should make Mexico less perilous for Ameri-

can visitors, the Mexican government has decided it will no longer press charges against persons holding small amounts of heroin, cocaine or marijuana that are clearly intended for personal use.

As a result, 15 Americans have already been secretly handed over to U.S. officials and sent across the border in the last two weeks.

Another 30 Americans should be released by the end of this month when the authorities plan to drop charges against some 2,000 persons who have been arrested, but not yet tried, for possessing small quantities of drugs, said Mexico's new attorney general.

The attorney general, Oscar Flores, said in an interview that he is moving to solve another bilateral headache, the problem of aircraft and cars stolen in the United States and brought to Mexico. Owners have charged that Mexico was violating the 1936 U.S.-Mexican convention on return of stolen property.

Of almost 200 stolen U.S. aircraft listed as awaiting release or investigation, only 16 were returned in the last three years. But in the past month, Mexico has handed over 42 stolen planes to the U.S. embassy for return to their owners.

Officials are now tackling the enormous task of checking thousands of cars to see if they were stolen in the United States. "It looks like the Americans are more interested in collecting their insurance money rather than in collecting their car," said Flores. "People try to get their planes back, but they rarely bother with a car."

The aim of the drugs decision, Flores said, is to reduce the chances that people are subjected to arbitrary arrests and extortion by police and lawyers when caught with small amounts.

At present, he said, Mexico's tough anti-drug laws are lopsided, with too much punishment for the small user. "Even if the person does not get a long sentence, it may take a year for the trial to come up. And in that time, dishonest police and lawyers have often had a chance to bleed people for money."

Every year, almost 3 million American tourists come to Mexico. Many more cross the border for short trips. As marijuana smoking spread in the United States, the number of Americans caught here with the coveted "Mexican gold" increased. The 15 persons released this month, for example, were all arrested with only a few marijuana cigarettes and held for three to four months.

A treaty, permitting Mexicans and Americans arrested across the border to serve their sentences at home, awaits ratification and enabling legislation.

The unexpected Mexican policy change toward small drug users does not apply to traffickers. Of the 592 Americans currently held in Mexican jails at least half have been accused of transporting cocaine from South America or dealing in large amounts of Mexican marijuana or heroin destined for sale in the United States.

"We are not changing the law and not establishing any minimum amount permitted," the attorney general warned. "We'll look at everything case by case. Somebody with only five cigarettes caught selling at a school is a pusher, as far as I'm concerned."

A tough, outspoken and pragmatic man, Flores has brought considerable relief to U.S. embassy officials here who found it difficult to deal with the often antagonistic previous administration.

"I'll give you your prisoners, if you just move them out of the country immediately, the same day," Flores told U.S. consular officials.

"Sure we'll take them," U.S. Consul General Vernon McAninch replied. For the 15 newly released Americans, the U.S. consolate hastily raised money from the prisoners' friends or relatives or made loans for the return tickets. "Of course we are very pleased with this new development," McAninch said.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from California, Mr. STARK.

Mr. STARK. Mr. Speaker, I thank the gentleman from New York for yielding and appreciate his efforts in sponsoring this special order to discuss this important issue.

On June 15 and 16 the Senate Foreign Relations Committee held hearings on the proposed treaties with Mexico and Canada which would provide for the transfer of jailed foreign nationals to their home nations to serve the duration of their sentence. For the 580 U.S. citizens incarcerated in Mexico, this treaty offers some relief from the horrible living conditions, inadequate food and medical attention, extortion, and torture they are subjected to on a daily basis.

Two weeks ago an American died in a Mexican jail: immediate simple medical attention would have prevented this death. Today, another young American languishes in a Guadalajara jail, desperately in need of medical and psychiatric attention. The only assistance he is offered comes from his fellow American prisoners and his mother who stand constant guard to prevent this ill, incoherent, and bruised young man from doing further violence to himself. While he dies, our only recourse—apparently—is through diplomatically worded notes of protest which are routinely ignored by the Mexican government.

Mr. Speaker, I can not accept the death of yet another U.S. citizen in Mexico as anything but an example of our pathetic impotence to protect the lives, let alone the legal and human rights, of our citizens abroad.

It is with intense anger and frustration that I submit the text of my testimony before the Senate Foreign Relations Committee for the CONGRESSIONAL RECORD. In addition, I submit the compelling testimony of an ex-prisoner, two Americans whose loved ones languish in American jails, and a legal expert who addresses himself to the constitutional issues raised by the proposed Treaty:

TESTIMONY OF FORTNEY H. STARK, JR.

Mr. Chairman: Over three years ago—in March of 1974—I first learned of the plight of some 500 U.S. citizens incarcerated in Mexico. This matter was brought to my attention by a constituent who was then—and still is—in jail in Mexico City's Federal Penitentiary. His allegations, which included mistreatment ranging from denial of rights under Mexican law to gruesome torture, were shocking. In the next few months, similar complaints from other prisoners, concerned parents, and friends began flooding my office, revealing a pattern of treatment, apparently implemented without regard for legal and human rights. This pattern started with arrest and continued through years of incarceration. Examining these complaints in more detail, we discovered that much of the alleged mistreatment was not only inhumane, but forbidden by the terms of the U.S.-Mexico Bilateral Consular Convention, the Vienna Convention, the Geneva Convention, Mexican laws, and the Mexican Constitution. The major alleged violations of Mexican law and international convention agreements include:

Torture and physical abuse at the time of arrest, including the use of an electric cattle prod and water tortures;

Forced confessions made in Spanish without the aid of an interpreter;

Denial of access to legal counsel and to Embassy representatives, despite repeated requests;

Incommunicado detention—sometimes for weeks;

Confiscation of personal property such as airplanes, cameras, autos, passports, jewelry, etc;

Extensive pre-trial detention in flagrant violation of the Mexican law that requires sentencing within one year of arrest;

Absence of interpreters during court proceedings;

Denial of access to information relevant to the defense;

Extortion of prisoners and their families by Mexican attorneys to the tune of $40,000. Several prisoners alleged, moreover, that a U.S. Embassy official vouched for the competence of a notoriously corrupt Mexican attorney; and

Finally, general prison abuse, including beatings sometimes resulting in broken bones, lack of proper health facilities, medical treatment, and the requirements for even a minimal standard of living.

Understandably, prisoners, their relatives, and friends were anxious to bring their cases before anybody interested in helping them. By mid-summer, 1974, my case file on U.S. citizens imprisoned in Mexico had grown from one constituent, to over one-hundred Americans from all parts of the country. The serious charges levelled against the Mexican government and the U.S. consular services in Mexico prompted me to write to Secretary Kissinger, requesting more detailed information on the cases brought to my attention. The State Department's vague answer to my first inquiry provoked me to write twice more, between September and December of 1974, calling for a full investigation of the matter, review of cases in which prisoners had alleged illegal treatment, and the development of a more adequate protection policy for the future. Neither of these letters received the attention they deserved, and both failed to provoke substantive responses on the part of the State Department.

In March of 1975, my frustration approached that of the many concerned relatives and friends of U.S. prisoners in Mexico, whose inquiries had also been ignored for months. I introduced H. Res. 313, mandating the executive branch to disclose information on the cases of more than 150 prisoners named in the resolution. Hearings were held on H. Res. 313 before the Subcommittee on International Political and Military Affairs of the House International Relations Committee in April, July, and October, 1975, and January and June of 1976.

As a result of the first hearings before Chairman Fascell's subcommittee, the Department of State agreed to conduct the case by case review I had requested six months earlier. Working together, members of my staff and State Department officers determined the procedure followed by the team investigating the allegations made by U.S. prisoners in Mexico. Unfortunately, this investigation did not receive the full cooperation of the Mexican government; although State Department officials were permitted to visit our citizens incarcerated in Mexico, on two separate occasions, members of my staff who had gone to Mexico to join in the investigation were denied access to the prisons.

The investigatory team undertook an enormous task. The Mexican government's unwillingness to reveal incriminating information on arrest procedures and prison conditions, the prisoners' understandable reluctance to speak freely and thus expose themselves to physical and legal recrimination, as well as the difficulty of finding conclusive evidence of skillfully administered torture, months—or even years—after the fact, presented serious obstacles to the investigators.

Nevertheless, in January of 1976, the Department of State completed its case by case review and presented its findings to Chairman Fascell's subcommittee. Despite the difficulties already mentioned, State concluded that 84 percent of the alleged instances of denied rights were either fully substantiated or had "merit since they form(ed) a credible pattern." That 84 percent, Mr. Chairman, represents an appalling number of instances in which U.S. citizens were denied their rights under Mexican law and international humanitarian agreements. Finally, with proof in hand, even the State Department agreed that direct action was necessary to put a stop to the abuses suffered by American citizens in Mexican jails.

In the following six months, little progress was made in this direction. In June, 1976, State reported that, despite their efforts to persuade the Mexican government to abide by their own laws and to secure early consular access to new detainees, new arrestees continued to experience physical abuse and repeated denial of due process. While U.S. citizens were beaten, extorted, and subjected to illegal trial procedures, the best their government could do was to send official letters of protest destined to lay unopened, unacknowledged, and ignored on someone's desk in Mexico City. Today—two years after I first raised this issue in Congress—the situation remains the same. As Secretary Vance reported to Congress this March, in accordance with Section 408(b)(2) of the International Security Assistance and Arms Export Control Act of 1976, only minimal progress has been made to insure full legal and human rights for U.S. citizens jailed in Mexico.

Throughout my three-year involvement with this issue, my objective has been, and remains, to secure legal and human rights for our citizens in Mexico. Our lack of progress in this direction, our inability to do anything more than "report" on the situation, distresses me. Our U.S. citizens in Mexico continue to complain of regular physical abuse and illegal police activities. Although consular access to prisoners in Mexico City has improved considerably—and I commend the State Department for this—in the more remote areas of Mexico, the lack of communications between American prisoners and consular officers, as well as between U.S. consulates and Mexican state and local prison authorities remains as serious a problem as ever. And, early consular intervention is the one area in which the State Department contends we have made progress!

Another problem raised during the hearings last year, concerns the experience of U.S. citizens while actually serving terms in Mexican prisons. I need not go into great detail on this matter—there are ex-prisoners here who are more qualified than I am to do so. I would, however, like to point out a few of the conditions which make Mexican prisons a less than ideal place to rehabilitate our citizens.

Mexican prisons operate on a "faena system". The Mexican government supplies prisoners with the barest necessities for only a marginal standard of living. Prisoners must purchase food if they are to have an adequate, not to mention well-balanced, diet. Necessary clothing must be purchased, and even cells—for those who wish to avoid unsanitary, overcrowded cell assignments—cost a modest $1,000.

Mexican prisons depend upon prisoners to run individual cell blocks. These "mayors" notoriously take full advantage of their authority to extract large sums of money from prisoners. The prisoner's only alternative to this kind of pay-off system necessitates putting up with harassment, beating, robbery, and deprivation.

Both the faena system and the mayoral system impose considerable hardship on American prisoners and their families. Mexican prisons are no freer of prejudice toward "gringos" than are our own prisons toward those of brown or black skin. To guards, Mexican prison authorities, and other Mexican prisoners, American citizens represent "walking cash registers (as CBS's Sixty Minutes put it) who must buy everything from toilet paper to a good night's sleep. Unfortunately, the hardship extends beyond the prisoners, themselves, to family and friends in the United States who must provide large amounts of survival money.

The Mexican Government has now proposed a partial solution to the problems I have outlined today—a bilateral treaty through which prisoners may be transferred to their home country to serve out sentences. I commend the Mexican Government for taking this initiative but, at best, it is only a halfway measure. A review of the proposed Treaty reveals several deficiencies which concern me;

The Treaty falls short of addressing the most serious abuses of human rights Americans experience when arrested in Mexico. Ignoring the many instances of physical and emotional abuse we have brought to the attention of Mexican and U.S. officials, the Treaty does not include any agreement or method to put an end to the torture and beatings of Americans in Mexico.

The Treaty before us does not safeguard the rights of due process for Mexicans and Americans arrested outside their own country. In fact, the Treaty disregards the questions we have raised about legal procedures. It fails to guarantee even the right to counsel or a fair judicial process which does not rely upon confessions obtained under duress, and the arrestee's ignorance of the national language.

According to the present terms of the Treaty, only some of the prisoners in foreign jails are eligible for transfer. Thus, the Treaty is inequitable, positively affecting certain types of offenders, while competely ignoring other groups of prisoners.

Because the Treaty specifies that prisoner transfers would not take place until after sentencing has occurred and the time allowed for appeal procedures has elapsed, U.S. citizens would not be eligible for transfer for a full two years after arrest. Considering our track record to date, in securing legal and human rights for U.S. citizens arrested in Mexico, two years is a long time.

Finally, the Treaty raises serious constitutional questions involving the process by which each nation would recognize and enforce a sentence imposed by a foreign court. As I understand it, the constitutionality of this Treaty hinges precariously on the "voluntary" and express consent of the transferring individual. Frankly, I am not comfortable with the notion of any form of consent through which a citizen agrees to waive his or her constitutional rights. I understand that legal experts disagree widely on the constitutional aspects of this Treaty. Unfortunately, its uniqueness leaves us with little precedent to fall back on. Obviously, if the Senate ratifies this Treaty, test cases will soon create new precedents. I would suggest, however, that a judicial—rather than a legislative or executive setting—might be the proper forum for resolution of such fine constitutional disputes.

If Mexico and the United States cannot agree to provide due process to foreign nationals, we could, presumably, devise a method for circumventing situations in which abuse is likely to occur. In hearings last year, I suggested that we might take responsibility for our foreign nationals before they became a source of international contention—at the time of arrest, for example. Indeed, for years we have pursued a similar policy when members of our military forces are arrested abroad. Unfortunately, however, this is not the case in the Treaty under discussion.

Despite these serious deficiencies, the Treaty does recommend itself for one overriding reason. It provides an important option to some prisoners. Also,

It will improve our bilateral relations, lessening what has been a considerable source of tension between Mexico and the United States for several years now.

It will reunite families in both Mexico and in our own country. Parents, husbands, wives, and children will no longer have to travel so far, or at such great cost to see their loved ones.

It will reduce one of the greatest problems with Mexican prison conditions. As you know, Mexico and the United States have rather different approaches to health care. For both our citizens with ordinary health problems and those with special medical conditions requiring attention on a regular basis, health care is inadequate in the Mexican jails—even under the crudest of standards.

It will offer citizens of the United States and Mexico an alternative to the unfamiliar prison systems and inevitable prejudice imposed on them in foreign jails.

Most importantly, it will provide relief to Americans arrested in Mexico who, when transferred, will receive the benefits of U.S. parole regulations. Currently, Mexico denies parole to any person convicted of a narcotics violation. Some of the prisoners in Mexico are now serving terms of several years for crimes considered misdemeanors in their own country. Since our own government's determined efforts to control drug traffic are at least partially responsible for these arrests in Mexico, it seems unfair to impose sentences which are extremely harsh by American standards on some, but not all of our drug offenders.

Mr. Chairman, in concluding my remarks today I find myself on the horns of a dilemma. I have serious reservations about the Treaty's effectiveness because so many of the deplorable abuses of human and legal rights which occur when Americans are arrested in Mexico fall outside of the Treaty's jurisdiction.

On the other hand, I must support its ratification, if for no other reason than that in even its small way, this Treaty is a step towards alleviating some of the suffering now imposed on United States prisoners in Mexico, their families, and friends. Despite the Treaty's many shortcomings, I urge the Committee to move swiftly and positively towards its ratification.

As one mother of an American prisoner in Mexico described the Treaty, "it's like table scraps. But, when you're starving, table scraps are welcome."

STATEMENT OF DWIGHT WORKER, EX-PRISONER

I was incarcerated in Lecumberri prison from December 8, 1973, to December 17, 1975, charged with importation of cocaine. I was guilty as charged, regardless of the fact that this was the first time I had ever attempted smuggling. I am not proud of myself for what I did, and I cannot make any moral justification for my conduct since greed was my only motivation.

But unlike me, most of the Americans in Mexican prisoners are charged with possession or transportation of marijuana. Even though less than one percent of them are charged with trafficking heroin, they are all subject to the same inflexible laws.

Upon my arrest I was cattle prodded with electricity on my face and genitals until I signed my confession. After I had signed, the police laughingly told me my trial was over; I would now spend the next seven to fifteen years in "Hotel Lecumberri." For the next two years I never saw a judge, entered a courtroom, or entered a plea of guilt or innocence.

When I arrived at Lecumberri prison, I was told my price was $5,000. to survive. When I told them I could not pay it, I was beaten by a prison gang and hospitalized for two weeks. Over the next five months I would be hospitalized three more times from beatings,

whippings, and stabbings because I could not pay extortion. I was finally sent to a psychiatric ward for electroshock treatment. During this period I watched leaders of different Mexican prison dormitories literally fight over who would get the next American prisoner for extortion purposes. Guilt or innocence was irrelevant. Americans in Mexican prisons are big business. The treatment I received by the Mexicans, although brutal, was in no way unique to that received by Americans throughout Mexican prisons.

While I was in Lecumberris in the spring of 1974, I met Dan Root, former vice-consul in charge of prisoner affairs at the U.S. Embassy in Mexico City. Dan Root told me there was nothing he or the Embassy could do to protect me, although by now I had discovered that the prison guards did not beat up or extort Canadians, Australians, or British subjects. For purposes of protection and survival, I learned to declare myself to be a Canadian to threatening, unfamiliar guards. If they believed me, I would not be beaten. But although Dan Root could not help me, he did suggest that I get the services of a Mexican attorney—Jorge Aviles-Ortiz—because, in Root's words, "if there's a man who can get you out of here, it is Jorge Aviles-Ortiz."

Jorge-Aviles-Ortiz was later arrested in Mexico and charged with defrauding U.S. prisoners. On April 2, 1975, he declared that Dan Root worked with him to defraud these Americans. Although Dan Root's actions were extreme, they exemplify the negligence or inability of the U.S. Embassy and consulates to act when needed.

The prisoners exchange Treaty should be passed because the cultural and legal differences are too great to bridge from within a foreign prison. The temptation to rob and extort American prisoners is too great for Mexicans in prisons to resist. Just by having these Americans within our borders and free of extortion would relieve much of the burden that the parents and relatives now suffer.

The prisoner exchange Treaty should be passed because these Americans in Mexico are not heroin traffickers. Their return to the United States would be irrelevant to the serious drug problems within the United States. They have been used as pawns in the game while dangerous heroin trafficking from Mexico increases. Their continued presence in Mexico only threatens to further exacerbate the relations between the United States and Mexico.

After I crossed the U.S.-Mexico border on Christmas Eve of 1975, I knelt down on the cool Arizona sand and kissed the ground, crying. Unfamiliar with my past circumstances, the two U.S. customs agents watching me from the nearby border station thought this an unusual display of emotions. But while in a Mexican prison, I had learned to respect and value our Constitution and Bill of Rights. So have the other U.S. prisoners in Mexico. I hope that the work of this Treaty is completed sooner rather than later so that they will return home.

Everyone who has testified before this Committee on the Treaty has endorsed its passage; yet I fear that it may take many months, even years, before we see any results from it. Please do not forget the human terms of this Treaty: the wasted years, and broken lives and families. Gentlemen, I urge you to proceed with all due haste and pass this Treaty and the requisite enabling legislation.

STATEMENT OF PATRICK L. BALVIN
CORONA, CALIF.,
June 16, 1977.

U.S. SENATE,
Committee on Foreign Relations,
Washington, D.C.:

At Mexico City Airport, on June 18, 1974, Mexican customs officials found a minute amount of cocaine buried in the bottom of one of two sleeping bags that were in the possession of my brother, Vincent Paul Balvin. The following is the story of what led up to, and the tragic aftermath of this find. Our family has saved most of the correspondence, if any verification of what I relate is requested by the Committee.

No case of an American prisoner in Mexico is the same as any other case. If there is a norm, Vince's case is a long way from resembling that norm. There is a generality that can be seen from Mexican justice, and that is, that there isn't any. In Mexico they still use a system of Napoleonic law: One is guilty until proven innocent.

It is an example of the confusion experienced when working with Mexican law that the actual amount of cocaine found was not determined for months. First we heard 900 gr., then 900 mg., then 2 gr., and then when we read the expediente (court record) we found out the actual amount found was 90 mg.—less than one-tenth of a gram.

Vince's penchant for surfing put him in this dreadful wrong-place-wrong-time position. Vince had surfed for over ten years and was never away from the beach for long, except for a tour of duty with the U.S. Army, which included Viet Nam. In the winter of 1974, he realized a desire to experience the type of waves he had experienced in Hawaii. (He had attended Chamindade College in Hawaii, in 1967.) In 1974 he had worked two years and saved enough money to surf in Central America. La Libertad, El Salvador, featured in Surfer Magazine and recommended for its big, uncrowded waves, was his first stop. Then, on his way to surf in Ecuador, he stopped at Bogota, Colombia, to visit our brother, Mark. Vince had already stayed with Mark at a family residence in El Salvador.

But in Columbia, our brother Mark was dabbling into cocaine and Vince wanted to get away. It was at this time that he was offered a trip in a jeep, with five surfboards for different types of waves, by a friend with whom he had surfed in Hawaii. His friend was to meet him in Mexico City. This friend paid for Vince's flight to Mexico City and was to drive him back to El Salvador and eventually to Ecuador where they were to meet Vince's fiance who was going straight from Colombia to Equador.

Vince's friend, Michael Whitsell, had surfed with Vince in Hawaii. He told me Vince had saved his life at Sunset Beach. My wife and I had planned to attend U.N.A.M., Mexico's National University, in Mexico City. We were going with another student, in his car, and Mike Whitsell decided to go with us so that four people could share the driving of two cars. Picking up Vince in Mexico City meant that he did not have to drive the rest of the way to El Salvador alone.

When Vince left Columbia, Mark asked Vince to take his sleeping bag with him to El Salvador where they had both left belongings to facilitate their trips. The small amount of cocaine was found in that sleeping bag. Vince should not be made to pay for the mistakes of his brother.

Behind the scenes greater forces were coming together and provided another cause of our predicament. In that fiscal year, 1974/1975, the U.S. Government poured 8 million dollars into "Operation Cooperation". According to the Los Angeles Times, December 9, 1974, "The vast majority of Mexican federal and customs agents had been trained by the U.S. . . ."

One major plan was to halt drug traffic in Mexico City on commercial flights from South America. Most flights from South America to the United States stopped at Mexico City Airport. The reason for making arrests in Mexico was expressed by Humberto E. Moreno of the U.S. Drug Enforcement Administration. He coordinated efforts between the D.E.A. and Mexico. He stated, Mexico is ". . . much better than our courts on convictions and penalties." He added, "The Mexicans are giving defendants six years in cases that we are losing in American courts." Vince's is one of those cases. Actually in the United States, charges probably would not have even been pressed.

It was United States involvement that led Mexico to build up the number of arrests. In Mr. Moreno's words, "We motivated it." Vince's arrest and incarceration in Mexico was used to help the Mexicans justify the amount of U.S. money they spent to eradicate drugs. It is ironic that during "Operation Cooperation" Mexican heroin increased from 15% to 60% of the U.S. supply. It seems that U.S. money was missent and did not fulfill its purpose, but instead led to the arrest of small-time dealers and in Vince's case, innocent victims.

Vince's original description of his arrest and interrogation are submitted in this testimony. During this time we did not know where he was.

Six (6) days after his disappearance we were notified by a lawyer of his whereabouts. All this time the U.S. Embassy said they could not locate him. Kathy Mullen, a Vice Consul, said that the Embassy even had tried at the airport jail, where authorities had lied to them. After Vince was transferred to Carcel Preventiva de Ciudad de Mexico, otherwise known as Lecumberri, he told a visting lawyer to contact me. We are now working with our fourth lawyer.

My father, James Balvin, long ago had suffered four nervous breakdowns and is now psychologically disabled because of his fourteen month stay at Stalag 17b during WW II. My father, after working during the day, would do much of the work on the famed tunnel at night because of his small size. I saw this type of pressure getting to Vince when I visted him during the first month of his stay in Lecumberri, so I wrote the Ambassador on July 8, 1974. This letter is submitted in this testimony. In part it reads:

"We have hired an attorney and have been following legal processes in trying to free him. However, we are thinking of participating in illegal extortion in order to improve Vincent's condition. We have heard that what I am about to relate happens all the time; but deals are made, and no one talks about them. Giving no weight to hearsay or conjecture though, we know that in dormitorio F the guards and trustees are attempting to extort $1,000 American currency from Vincent for him to be excused from working twenty (20) hours a day, seven (7) days a week as is presently the case. He sleeps less than four (4) hours a day and works the rest of the time except when visitors are present.

"For a more complete description of the type of work, a signed letter from Vincent will be forthcoming. His letter will also contain a description of the beatings he undergoes, which incidentally, are growing more severe. He will also try to name as many of the transgressors as possible.

"For the past 18 days he has sustained the work detail and the beatings without making a deal. However, his physical and psychological well-being at stake, I suggested to him to offer them $200 Am. Cy. I take full responsibility for this action if it becomes necessary. I feel it will become necessary if other action is not taken this week to put an end to the excessive work and the beatings. This means that normal channels of issuing complaints should be circumvented. (Another reason is that a normal complaint might result in even worse conditions, a chance we are not going to take.) For these reasons I respectfully request your most prompt intervention in these affairs."

The U.S. Embassy in Mexico City has Vince's report in his own words of his mistreatment at the military-run prison. A copy is also submitted in this testimony.

The Embassy also should have records of our search for Vince, the date of his arrest and the date I notified them of his arrest and

incarceration. The U.N. Convention on Consular Relations, held at Vienna in 1963 specifies that a foreign national, if arrested, has the right to notify his Embassy within three (3) days. Vince was never given that right. He was also beaten at the airport jail and at Lecumberri. At Lecumberri, in domitorio 'F' the guards and commandos (trustees under the domination of the mejor, the head trustee in each dormitorio) attempted extortion. After my letter of July 8, 1974, and after speaking personally to Mr. Peterson, the Consul-General, and the Colonel of the prison, Vince was transferred to dormitorio 'O' where the majority of the Americans were and where the mejor usually demands $2500 from Americans. Mexican prisoners give about $200 for their so-called "fahina". Vince has refused all demands for extortion (except once for 80¢) and has suffered the consequences.

A hunger strike by Americans at Lecumberri was being conducted at the time of the transfer from dorm 'F' to dom 'O'. The mejor of dorm 'O' had approved the strike on condition that the prisoners only mention the role of the U.S. in their arrest and not talk about mistreatment in prison or in interrogation. The mejor called the strike off when word leaked to the press about extortion, beatings, and torture.

They found out that some would talk, including Vince, so Vince was not pressed by the mejor of Dorm 'O' for the $2500 when he refused to give it and told them that he simply did not have it. He was one of the only American prisoners who was allowed to sleep in a bed and did not have to undergo excessive work detail in dom 'O' within a month without paying. Of course, essentials such as blankets and food were supplied by visitors. His fiance still visits him every day and provides necessities.

Vince is now at Santa Marta Penitentiary. Lecumberri was shut down in August, 1976. In May of 1976 it was rumored the General and Colonel of Lecumberri had been removed from their positions and had themselves been jailed. I have heard that a U.S. Embassy investigation found bank accounts containing hundreds of thousands of dollars in their names. Apparently this money came from Americans imprisoned there.

Mexican attorneys also profited from desperate American prisoners and their families. A lawyer acquaintance of Vince's fiance believes in Vince, and is now handling the case as a favor (no fee). This is quite commendable because drug cases are avoided unless a huge fee is involved. Our family, though, has had its share of rip-offs from unethical lawyers. We only lost a couple thousand dollars because we tried to be very careful and quite skeptical. The Mexican lawyer who notified us of Vince's arrest, and who escorted Mike and I into Lecumberri to see Vince for the first time after his arrest, proposed an initial fee of $2,500. He said he would have Vince out in three months. We thanked him for getting us in to see Vince, but did not take him up on his offer. It causes me distress to look back on these events and ask myself what might have been. Would that attorney have been able to free Vince? I can empathize with the many families who have spent tens of thousands of dollars to Mexican lawyers to free a loved one but received no results. We knew he had to have an attorney for him to receive his sentence within a year, but we decided not to pay exorbitant fees.

Vince's conviction and six (6) year sentence was upheld on appeal. Under Mexican law a drug addict may possess small amounts of drugs. Vince could have been declared an addict by three doctors for a sizeable fee (for lying) and quite possibly released. But he opted to tell the truth: that the evidence found was not his. A letter from our brother Mark was analyzed, notarized, translated, and legalized by the Mexican Consulate in Los Angeles. In it he expressed his culpability. Mark was arrested in August of 1974 and died in a prison in Bogota.

The main point of this testimony is that Vince should not have languished in a Mexican jail for three years. I feel it is the responsibility of the United States government to see that he is released as soon as possible. Even with the reduction in his sentence for working these three years, he has over a year left to serve. His family and friends cannot see any sense to this story. He was a good citizen and did not break the law. He voted. He was even a registrar of voters. He served in this country's military and fought in one of its police actions, Viet Nam.

We ask first that you bring this treaty to exchange prisoners to a vote on the floor of the Senate as soon as possible. We hope you also see to it that the implementing legislation is passed quickly, otherwise Vince will not be affected by this treaty. If Vince is not able to petition for an exchange under the proposed treaty by December of this year, then he will not fall under the treaty's guidelines.

A situation analogous to this occurred about a month ago: about 70 prisoners were released who had been arrested with small amounts of drugs. The amount that Vince was arrested for was probably the smallest amount ever found. The prisoners released were those who had not been to trial yet. Thus, Vince was not included.

We believe that the case of my brother deserves special consideration. Our family requests that this committee consider transmitting a joint letter to President Luis Portillo of Mexico asking that he pardon Vince and send him home immediately. I wish to be notified of the outcome of this consideration.

I thank you for allowing me to tell his story and I wish to end with a note of thanks and appreciation to Vince's fiance, Theresa Briones. For three long years she has stayed by his side visiting him nearly every day, bringing him food and other necessities. She has kept his spirit up all this time. She is another one who can tell you how innocent Vince is. That's why she is there.

Sincerely,

PATRICK L. BALVIN.

STATEMENT OF JUANITA CARTER, PRESIDENT, FREEDOM PERSEVERANCE, INC.

I am honored by the invitation you have extended to me to address you today. I feel a genuine humility that you would deem the cause of our group to be worthy of your consideration. We, at FPI, are not unaware of the many calls that are made upon your time and energies. This is the fulfillment of an almost four year dream for us and we know you will accept our thanks in the spirit in which they are extended. We are grateful.

Gentlemen I am the mother of one of the young men confined in a Mexican prison. He has been so confined since October 12, 1973. I am a parent with all of the attendant feelings of a parent, but because of my many trips to Mexico City and my involvement in many cases other than that of my son, I have become a counselor and friend of almost all of the other prisoners and their families. We call ourselves Freedom Perseverance, Inc., simply because perseverance has been the only way open to us in our battle against great odds.

At this point, I would like to insert for the record, our thanks to several people, whose efforts in our behalf is truly appreciated. Former Senator John Tunney, Congressman Fortney Stark of California, and his staff, The Commission of the Californias and the many selfless and dedicated people who circulated petitions on behalf of people they had never seen.

On my first visit to Mexico City, and I found this to be pretty much the experience of all of the parents, I was received by our consular officials with anything but wild enthusiasm. In fact, I must report they were aloof, indifferent, and somewhat contemptuous of our plight. This attitude determined my course of action.

The well being of the prisoners became of the first importance. Having established that the material responsibility was ours, we set about assuming the spiritual and mental responsibility, as well. This, we knew, would involve the uniting of the parents and relatives as well as the prisoners. This was started in the Fall of 1973.

At first the prisoners were reluctant to reveal the names and addresses of their parents and relatives. They still believed the unscrupulous attorneys and tried to protect their family's reputation and money. However necessity finally overcame pride and they authorized us to get in touch with their homes. This was in the Winter of 1973.

As my biographical data will tell you, I have long earned my living as a self employed business woman and I do take and have always taken an active interest in my community. In light of this, I was not completely unequipped for the task I set for myself in the Fall and Winter of 1973.

Gentlemen I cite these things as evidence of my own legitimacy to enter into your deliberations here today. I will be most happy to submit myself to your questions if you feel that any part of my statement needs further elaboration.

Both my husband and myself have had many talks with our Embassy personnel in Mexico City. On our last trip to Washington, D.C., we arranged with Mr. Loren Lawrence and Mr. James Hughes to come to California to speak to the concerned families. In August of 1975, we talked to Mr. Peter Wood the then vice consul in Mexico City and arranged for him to come to California to meet with these families. I, myself, even had a conversation with the Mexico City contingent of the DEA. I was somewhat shocked, later on, when a newspaper reporter sought me out and asked if, indeed, the DEA did maintain an office in Mexico City.

Gentlemen you will have to excuse me, but there is one very large unanswered question which I have been instructed to ask of you. Why could not these people have been brought home by Executive Order? My husband asked this of President Carter recently in Los Angeles. We just fail to see the necessity for this elaborate manner for bringing these people home.

Since June of 1976, Mexico has offered to release these people at least three times. In June of 1976, the former President, Luis Echeverria offered to release them to Dr. Henry Kissinger, while Dr. Kissinger was in Mexico City. The first visitor to Washington after the inauguration of President Carter was President Jose Lopez Portillo, and he offered to release them to us while he was here. Just recently, Mr. Oscar Flores, the present Attorney General of Mexico offered to release them to our present Consul General. This certainly seems to indicate a willingness on the part of the Sovereign State of Mexico to release these people.

Gentlemen, I have asked a question which I feel is somewhat rhetorical and now without further ado, I would like to take up the matter at hand, the Treaty. We at FPI most certainly support the treaty and hope for its speedy adoption. Our questions concerning it are not to be interpreted as opposition, but there are some things that we feel need further amplification and some things need further clarification.

The points, which I will cite in a moment, having to do with work time and transport have given us a great deal of concern. Now, if I may, I will turn to my copy of the implementing legislation.

Gentlemen there is, apparently, a document that precedes this one that we have and one that follows it. We have not seen such documents, but they are referred to in this document. Where there is a reason for referral, we hope the clerk might be instructed to read to us the referenced material.

Our first concern is Section 4100, paragraph E. It states in gist, that should the United States choose not to receive a prisoner or to receive one, the decision would not be able to be reviewed and would be final. Gentlemen, abstractions do not make decisions; men make decisions and officers may change from time to time. Would not such a statement, if let stand, prove to be unworkable? We would appreciate some latitude in that last sentence, such as, let a normal reviewing body determine the merits of the case, if and when a review might be sought.

We come now to 4102, paragraph XI. This is concerned with the power or authority vested to the escort of a prisoner while that prisoner is in territory other than the United States of America. We are aware of there always being a large measure of authority, but in our experience, we are understandably concerned with some measure of protection that might be afforded to the prisoner. We would appreciate some accountability on the part of the foreign authorities and/or some method of monitoring this movement.

Now let us consider Section 4105, having to do with work commissions. This is a method of allowing a prisoner to work off a certain portion of his sentence. Many work commissions have been purchased in good faith, and later, upon the transfer of the official who sold them to the prisoners, they have been found to have been spurious. We would hope that some procedure might be set up to make sure that each day earned in this manner might be credited to the prisoner, whether the Commission is spurious or not. The man may not be able to get his money back, but his days off should not be taken as well.

Gentlemen, in conclusion, I would like to make one last request of you. I would like to ask that some effort be made to try to get an accounting of our citizens that have just disappeared in this Mexican venture. I have seen no reference of it here, but there have been inquiries made of me and just days ago, a gentleman from Seattle came to my home in California to enlist my efforts in trying to trace the wherabouts of his son and several more people who had flown into Mexcio in a private plane. The plane, apparently, is being used openly, but no one seems to have heard from the people.

One other thing I would appreciate doing is to read into the record a portion of a letter I received from John Wesley Calhoun. John Wesley Calhoun died in the Santa Marta Federal Penitentiary on Friday, May 13, 1977. He was, so far, the only tragedy and we pray to God, he will be the only one.

Gentlemen, I thank you.

STATEMENT OF HERBERT WECHSLER

My name is Herbert Wechsler. I was born in 1909 in New York City and educated at the College of the City of New York (A.B. 1928) and Columbia University of Law (L.L.B. 1931). I have been since 1933 a member of the New York bar and of the Columbia Law Faculty, holding the Harlan Fiske Stone chair of Constitutional Law since 1957. Both as a teacher and as a practitioner, I have specialized in federal jurisdiction, constitutional law and criminal law and I have written extensively in these three fields. During these many years I have devoted a substantial portion of my time to public work, including service as a special assistant to the Attorney General of the United States (1940–1944), Assistant Attorney General (1944–1946) and member of state and federal commissions. Since 1962, I have also been the executive director of the American Law Institute.

I appear by invitation of the Chairman to address the question whether the treaties and their contemplated legislative implementation are consistent with the Constitution. It is my view that they are. Neither on principle nor on authority is there, in my opinion, any solid basis for doubting the validity of the proposals.

My reasons, briefly stated are as follows:

First: The purpose and effect of the two treaties is not to impose afflictive sanctions on the offenders who may be transferred with their consent from a foreign country to their home country for service of their sentences but rather to alleviate the special hardship incident to confinement or restraint away from home. The assurance of such reciprocal benefits for citizens or nationals of the contracting countries is plainly an appropriate object of the treaty power; the matter is one of "international concern" (A.L.I., *Restatement of the Foreign Relations Law of the United States* § 117). And since it is a benefit, conferred with the consent of the individual involved, it is implausible upon its face to perceive a potential violation of the Bill of Rights in such an exercise of the treaty power. This common-sense view of the matter may not exhaust the legal inquiry. It does, however, seem to me the proper starting point for an appraisal of the constitutional position.

Second. The treaties envisage the use of national power and authority to imprison or restrain as criminals American citizens or nationals who have been convicted abroad of crimes committed abroad within the jurisdiction of a foreign country. Is there a constitutional impediment to such an exercise of governmental power?

It has been suggested that the due process clause of the Fifth Amendment prohibits such imprisonment if the foreign conviction was obtained by procedures lacking those safeguards of the Bill of Rights that the Fourteenth Amendment has been held to impose on state procedures. This seems to me a wholly insupportable conclusion. The Fourteenth Amendment was designed to impose limits on the states, including by interpretation limits on their criminal procedures derived by incorporation from the Bill of Rights. The Fifth Amendment was no more designed than was the Fourteenth to limit Mexican or Canadian procedures.

The due process guarantee of the Fifth Amendment must be and is interpreted in international affairs with due deference to the autonomy and jurisdiction of the members of the international community, witness the extradition cases, the act of state doctrine (unless altered by Act of Congress), the decision sustaining the power of the President as Commander-in-chief to establish United States Courts of the Allied High Commission for Germany (*Madsen v. Kinsella*, 343 U.S. 341 [1952]), the surrender of service personnel for foreign trial (*Wilson v. Girard*, 354 U.S. 524 [1957]), the subjection of enemies to the laws of war (*Ex parte Quirin*, 317 U.S. 1 [1942]), the internment and deportation of alien enemies in time of war without due process hearings (*Luedecke v. Watkins*, 335 U.S. 160 [1948]) and the subjection of enemy property to seizure without compensation (*Stoehr v. Wallace*, 255 U.S. 239 [1921]). The point is epitomized for me by a famous statement by Chief Justice Hughes: "Behind the words of the constitutional provisions are postulates which limit and control" (*Principality of Monaco v. Mississippi*, 292 U.S. 313, 322 [1934]). The relevant postulate here is that Mexico and Canada had jurisdiction to apply their law to convict and sentence the offenders to whom the treaties would apply and to govern those proceedings by their own procedural conceptions.

Viewed in this way, it seems quite clear that nothing said by Mr. Justice Black in the plurality opinion in *Reid v. Covert*, 354 U.S. 1 (1957), as to the application of the Bill of Rights to trial abroad in American courts or the subjection of the treaty power to the limitations of the Bill of Rights has any application to this problem. The treaty takes away no right that these offenders otherwise would have. Absent the transfer, their convictions and their sentences remain in force and they must serve the sentence in a foreign land.

The question that is posed reduces simply, in my view, to this: is it a reasonable exercise of governmental power to imprison or restrain at their election individuals who otherwise would be imprisoned or restrained abroad, and to do so subject to the mitigations that the treaties articulate by making applicable our release procedures and subject also to the safeguards with respect to an informed consent that the legislation would provide. I see no room for argument upon that issue.

Third: If I am right in the analysis I have suggested, no additional complexity is introduced by the provision limiting collateral attack on the conviction or the sentence to the courts or the transferring state. This is not a suspension of the privilege of the writ of habeas corpus. The writ remains available; it simply is a good return that the offender is imprisoned in accordance with the treaty and its implementing legislation. If the treaty and the statute are valid, as I believe they are, the detention does not violate the Constitution, laws or treaties of the United States. The application for the writ must, therefore, be denied. 28 U.S.C. 2241 (c)(3).

We may, perhaps, regret that a judicial review of the conviction for denial of justice in the international sense (A.L.I., *Restatement of Foreign Relations Law of the United States* §§ 178–182) is not permitted by the treaties. It is, however, wholly understandable that this may not have been attainable in the negotiations with Canada and Mexico or that we ourselves, indeed, would not be willing to subject our judgments to such an assessment by a Mexican or a Canadian tribunal. Our tradition in this area has been to rely on diplomatic intervention to protect our nationals against such injustice abroad, constituting as it does a violation of international law, and Congress has directed the President to "use such means, not amounting to acts of war, as he may think necessary and proper to effectuate the release" of any citizen wrongfully detained by or under the authority of any foreign government. R.S. § 2001, 22 U.S.C. § 1732. That system may, indeed, have more potential for success than a judicial inquiry calling on our courts to sit in judgment on the courts of other nations. In the case of Canada and Mexico it may, perhaps, be validly assumed that the presidential duty has been effectively discharged. If it has not, the examination of the case that would occur in connection with a proposed transfer may afford an opportunity for intervention of this kind that otherwise would not have been presented. Here too the treaties may produce a humane amelioration. The transfer certainly will not exacerbate the hardship that in such a case obtains.

For the foregoing reasons, I respectfully submit that constitutional considerations should not lead the Senate to withhold its advice and consent to these two treaties.

GENERAL LEAVE

Mr. DORNAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to

include extraneous material on the subject of the Special Order today of the gentleman from New York (Mr. GILMAN).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SEVENTY-FIFTH ANNIVERSARY OF EDWARD FOX PHOTOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the 75th anniversary of Chicago's oldest family-owned photography studio, Edward Fox Photography, 4900 Milwaukee Avenue, Chicago, Ill., which is located in the 11th Congressional District of Illinois that I am privileged to represent.

This family-owned business was begun on July 13, 1902, when Edward Fox, a young immigrant lad, purchased his own studio for $93 from his hard-earned savings.

The firm grew and prospered under the guidance of Edward Fox who continued his active participation in the family-owned business until he died in 1960 at the age of 80.

Today the firm continues its outstanding service to our community under the leadership of Richard S. Nopar, president of the studio and grandson of the founder.

I want to take this opportunity to extend my best wishes for continuing productive service and ever-increasing success as Edward Fox Photography embarks on its 76th year of serving the photography needs of Northwest Side Chicagoans.

An article about Edward Fox Photography follows:

Chicago's oldest family-owned photography studio reaches an historic milestone this year.

Edward Fox Photography celebrates its 75th business anniversary on the city's Northwest Side.

The modern studio at 4900 Milwaukee Ave. was expanded recently to accommodate a growing wedding and portrait business that emphasizes quality and workmanship in a tradition worthy of the city's oldest photo studio under one family.

Edward Fox Photography is operated by Richard S. Nopar, grandson of the founder.

Nopar received his Master of Photography degree at the age of 26, at that time the youngest person in the United States to receive the award. He has more than 30 years' experience with Edward Fox studio. Nopar is completing a two-year term as president of the Jefferson Park Chamber of Commerce.

The story of the late Edward Fox extends to the last century.

In 1895 a bewildered 15-year-old arrived in Chicago as an immigrant from Russia and became an apprentice photographer in the Schultz studio, owned by distant relatives.

He toiled for the first three years without pay and for the next three at a salary of $5 a week.

Finally, on July 13, 1902, Edward Fox purchased his own studio for $93 from his savings. After a difficult start he developed a following within the community and energetically pursued a long and fruitful career. He became noted for his graceful group photographs of weddings, and he utilized a high key lighting technique.

To merchandize the studio Fox developed a program in 1914 of advertising with car cards on public transportation vehicles in his area. His chief selling point was a high quality photograph that easily distinguished Fox's cards from those of his would-be imitators.

Though the years Fox built pride and tradition into his studio at Milwaukee and Armitage Avenues. A major facelifting renovated and redecorated the studio in 1938.

The start of World War II accelerated the number of marriages. On one Saturday in 1942, Fox himself photographed a record 39 wedding couples and parties in his studio.

The Professional Photographers of America (PP of A) presented Fox with his Master of Photography degree in 1948 when the genial, bright-eyed man was 69 years old. He noted on the occasion, "Now I'm making some progress."

Fox continued working and was photographing some children in his studio when he died April 24, 1960, at the age of 80.

The PP of A convention honored Fox that year as one of the profession's most distinguished members, a man who photographed more than 25,000 weddings during his 58-year career, and one whose longevity spanned the evolution from stiff, formal poses taken only on sunny days to modern candids and life-like colors.

Fox's inspiration and creativity are carried on by Richard Nopar as president of the studio. Nopar continued development of the business and took bold steps to enhance the studio's reputation.

Nopar located an enlarged studio in a former one-story furniture store across from the Jefferson Park transportation terminal. He hired Ron Dirsmith, an imaginative architect, and proceeded in 1969 to create a modern studio that is a model for utility and function.

A large, illuminated Edward Fox Photography sign is attached to the mansard roof of cedar shake shingles. The windows are framed with a surface of Vermont aggregate on rough textured white epoxy. The white complements the browns and blacks of the brick trim.

The sidewalk is of multi-colored concrete aggregate with two groupings of trees, benches, evergreens, and boulders. These settings, a unique and appealing sight in a highly visible location on Milwaukee Avenue, are lighted at night.

The front door compels attention. Bruce Fink, a Connecticut sculptor, was commissioned for the design with the stipulation that he wouldn't have to submit sketches beforehand and that he would have complete control of its production.

Fink's contribution is an unforgettable door made of 600 pounds of aluminum.

The building was designed for expansion. A portion was leased initially to a real estate firm, but last year Nopar expanded into this space, enlarging the studio's spacious and comfortable sales and reception areas.

He added an intimate and private living room in which clients can view enlargements of portrait proofs with opportunity to choose from a wide variety of frames. A modern projection facility enlarges the portrait to the desired size.

The living room has a burning fire place, a comfortable seating arrangement with a couch and easy chairs, and Edward Fox's original Eastman Kodak Century View camera, circa 1900. The view camera is fully restored and in workable condition.

The 25 per cent expansion doubled the studio's number of conference areas to eight, some of which are separated by Herman Miller room dividers. Staff members consult with customers on arrangements for wedding and portrait photography and for viewing the proofs from each occasion.

Specially selected sample portraits and frames of all sizes hang in the conference areas to give visual ideas of possible uses.

Nopar continues Grandfather Fox's tradition of advertising with colorful and vividly illustrated car cards on the rapid transit trains. The studio's location is exposed to 35,000 riders daily.

At one point commenting on his career, Edward Fox said: "I loved every minute of it. My business deals mainly with the pleasant occasions of life. How could a man not enjoy that?"

Richard Nopar, with 30 years' experience, prides himself on continuing the business in the spirit of Grandfather Fox.

Nopar's active involvement with the community and professional groups attests to his respect for Edward Fox Photography's 75 years of service on Chicago's Northwest Side.

THE SALE OF THE CYBER 76 TO THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, I would like to state for the record my strong opposition to the sale of the Cyber 76 computer to the Soviet Union. The manufacturer of this extremely sophisticated system, Control Data Corp., has applied to the Department of Commerce for an export license allowing for the sale of the computer to the Soviets for "peaceful" uses. This application is currently under consideration by the Department in consultation with the Departments of Defense, Treasury, State, and ERDA.

Initially, there was some serious concern that a decision favorable to the Soviet Union might be made. But the results of a confidential study commissioned by the Department of Commerce to assist its own experts in the decision-making process have recently become known, and have resulted in an official statement by the Commerce Department to the effect that "there are serious national security concerns over the sale"—essentially setting the stage for a denial of the export license to the Control Data Corp.

Clearly, no other decision would be acceptable because the National Bureau of Standards study, whose principal mission was to determine whether there was any way to insure that the computer's uses would not be diverted, firmly concluded that there were absolutely no technically viable safeguards which could be applied to the Cyber 76.

More specifically, it appears that once in Soviet hands, this computer system could be used for almost any purposes—including navigation, weapons guidance, surveillance, antiballistic missile defenses, submarines, et cetera. All of these functions are of a military nature and could prove highly threatening to our own national security, which makes it evident that the sale of the Cyber 76 to the Soviet Union would be a true act of negligence.

I have joined many of my colleagues in endorsing a letter—initiated by Representative ROBERT DORNAN—which conveys to President Carter our concern over this proposed sale. We jointly urge the President to oppose this particular transaction, as well as any future proposals to supply the Soviet Union with technology

so sophisticated that its uses cannot be controlled.

I am now confident that the Cyber 76 will not be sold to the Soviet Union, but I would like to call upon the administration as well as the Congress to exercise great caution when considering commercial technological transfers. With nuclear technology as with computer and arms technology, we must assure ourselves that we are not providing foreign countries with the seeds of our own destruction for the sake of alleviating the deficit in our deteriorating balance of trade. Surely there are other ways of competing in the world market. We remain leaders in the field of technological advancement, so let us transfer those innovations which will contribute to the industrial health of developing countries but which cannot be put to destructive uses.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. MEYNER) is recognized for 5 minutes.

Mrs. MEYNER. Mr. Speaker, because of official business I was unavoidably absent on Friday, June 10, 1977, Wednesday, June 15, 1977, and Thursday, June 16, 1977. Had I been present I would have voted:

June 10,1977:

Roll No. 331: Conference Report on H.R. 5840, Export Administration Amendments, "Yea."

Roll No. 332: Burgener amendment to prohibit the use of funds for salaries and expenses of any diplomatic personnel assigned to Cuba or the Swiss Embassy in Cuba, "No."

June 15, 1977:

Roll No. 344: Beard (Tenn.) amendment prohibiting the use of Veterans' Administration funds for benefits for persons who have had their military discharges upgraded from anything less than a general discharge, as a result of revised standards for review of discharges implemented on April 5, 1977 "No."

Roll No. 345: Miller (Ohio) amendment to reduce by 1 percent the total budget authority provided in H.R. 7554 for nonentitlement programs, "No."

Roll No. 346: Final passage of H.R. 7554, Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1978, "Yea."

June 16, 1977:

Roll No. 347: Motion that the House resolve itself into the Committee of the Whole House on the State of the Union, "Yea."

Roll No. 348: Symms amendment to reduce the funding for the Occupational Safety and Health Administration by $6.3 million, "No."

Roll No. 349: Michel amendment to cut $563.5 from 11 areas of health, education and aging, "No."

Roll No. 350: Mottl amendment to prohibit the use of any funds for busing students to any school other than the school nearest the student's home, even after any merging, pairing, or clustering of such school with any other school, "No."

PERSONAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I was unable to be present when the House of Representatives met on Friday, June 17, 1977. Had I been present I would have cast the following vote on the appointment of conferees on H.R. 5292, International Bank for Reconstruction and Development, "Nay."

EXPLANATION OF VOTE ON HYDE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I wish to explain my vote on the Hyde amendment to H.R. 7555 as restricted by the Chair's ruling which would have prohibited the use of Federal funds to pay for abortions without exception.

Let me begin by stating that I believe that it is the primary function of Government to protect the lives of its people. I also hold the moral conviction that life begins at the moment of conception. For these reasons, I am opposed to abortion and believe that Government should do nothing to promote abortions. Toward that end, I would support a human life amendment to the U.S. Constitution that would secure the right to life for the unborn.

However, my moral convictions also mandate that the life of the mother must be given consideration in matters of abortion. Because of the ruling by the Chair, the Hyde amendment which actually came to a vote did not contain language which permitted abortions when the life of the mother is at stake. Because of the nature of my beliefs, beliefs which are the basis for my opposition to abortion, I could not support the Hyde amendment in the form that it was voted on. I would have voted in favor of the Hyde amendment had it contained the exception for protecting the life of the mother; I have voted for similar amendments while a member of the Michigan House of Representatives.

FEDERATION OF HUNGARIAN FORMER POLITICAL PRISONERS EXPRESSES DEEP GRATITUDE FOR PRESIDENT CARTER'S COMMITMENT TO HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HANLEY) is recognized for 5 minutes.

Mr. HANLEY. Mr. Speaker, within the past few days, I, along with more than 50 of my colleagues in the Congress, sent President Carter a letter expressing support for his position regarding human rights in relation to the Helsinki Declaration.

The letter was sent to the President to coincide with the opening of the Belgrade Conference, a series of highly important meetings designed to examine the compliance with and facilitate further observance of the Helsinki accord.

I think it is most important to note that support for the President on his human rights stance is certainly not confined to the Congress, but extends across this entire country, including Americans of every ethnic background.

One group that has made its voice heard is the Federation of Hungarian Former Political Prisoners. The national chairman of the federation is Tibor Helcz, who lives in Syracuse, N.Y. The federation fights for the release of political prisoners in Hungary, especially prisoners of conscience. Its members are naturalized American citizens who are still concerned about those left behind the "Iron Curtain."

Mr. Helcz, on behalf of his organization, has written the President, expressing deep gratitude for Mr. Carter's outspokeness and genuine commitment to human rights throughout the world.

I would like to share this letter with my colleagues:

FEDERATION OF HUNGARIAN
FORMER POLITICAL PRISONERS,
Syracuse, N.Y., June 11, 1977.

Hon. JIMMY CARTER,
President of the United States, The White House, Washington, D.C

DEAR MR. PRESIDENT: Permit me to report that the Federation of Hungarian Former Political Prisoners at a plenary meeting on June 11, 1977, in Hereford, Pennsylvania, unanimously adpoted the following resolution:

"We, former Hungarian political prisoners have endured years of suffering for the cause of human rights and for the independence of Hungary, wish to express our deepest gratitude and heartfelt thanks to President Carter for his unswerving dedication to the cause of human rights.

"We appeal to the President to instruct his American Delegation at the Belgrade Conference to insist on unconditional amnesty for all Hungarian political prisoners, the immediate withdrawal of Soviet troops from Hungary, and complete compliance with all provisions of the Helsinki Accords by Hungary and the Soviet Union."

I would like to appeal to you, Mr. President, for the consideration of our Federation's resolution.

Respectfully yours,

TIBOR HELCZ,
National Chairman.

FOREIGN RESPONSE TO U.S. EFFORTS TO INFLUENCE THEIR NUCLEAR PROGRAM

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, an excellent report is now available on the success of our efforts to influence activities abroad in the field of nuclear energy and proliferation. This report was prepared by our esteemed colleague, Mr. OLIN TEAGUE, Chairman of the Committee on Science and Technology. Late last month he headed up a group of his colleagues on a trip abroad to several European countries to obtain first-hand information on the response to our unilateral efforts to bring about changes in foreign nuclear energy programs.

TIGER TEAGUE'S report, which was issued during a press conference on the meetings he had abroad, was issued on June 7, 1977. I would like to include his report at the conclusion of my remarks so that all of the members will have the benefit of his work.

A brief word of introduction will help place events and subsequent developments in perspective. Since the begin-

ning of the year the administration has been studying the problem of nuclear proliferation. Then on the 7th of April, the President announced a plan which called for the halt of chemical reprocessing of nuclear power plant fuel for the recovery of plutonium and a cutback in domestic efforts to recycle the plutonium fuel for the generation of additional energy. The purpose of the halt of domestic efforts in these areas was to induce foreign nations to stop their work in these fields.

Since the plan called for a major cutback in our energy development program, our friend TIGER TEAGUE and his group thought it was important to find out if what we accomplished warranted the sacrifice. As can be seen from reading his report, the objective which was sought was not obtained. Our friends abroad made it clear that termination of their efforts in these fields of nuclear energy could not be tolerated in light of the energy shortages they faced. They also made it clear that in their view the action we wanted them to take would not be effective in the reduction of the nuclear weapons prolification problem. All affirmed to cooperate in effective efforts to reduce proliferation potentials and offered specific suggestions on means for accomplishing their objective. In addition, our friends abroad expressed a resentment of our unilateral attempt to influence their activities without prior consultation through established institutions for this purpose.

It is indeed unfortunate that the action which was taken was so unrealistic. I know that some attempt was made to obtain views on the problem in advance of the April 7 issuance of the plan since I was asked to provide my views to Mr. Joseph Nye of the State Department in February. I did this in a letter to Mr. Nye dated February 22, 1977. I would like to include the text of this letter in the RECORD at the conclusion of my remarks following TIGER TEAGUE's report. As you will see, my letter strongly advised against even trying to attempt to stop our foreign friends from obtaining the maximum value of nuclear energy in the peaceful sector. My letter also outlined some specific things we should do domestically in the nuclear field and things we should do on an international basis to reduce nuclear proliferation even further. I believe, now that the returns are in on our last efforts to influence nuclear programs abroad, we should realistically look at the problem and come up with a more reasonable plan. In my humble view, from the standpoint of over 30 years of legislative activities in nuclear matters, the points I raised in my letter and the actions I suggest provide a reasonable approach to the energy and proliferation problem. I hope that all the Members will have an opportunity to look over what I suggested in my February 22 letter.

STATEMENT OF CHAIRMAN OF HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

U.S. Rep. Olin E. Teague, D-Tex., Chairman of the House Committee on Science and Technology, said today that European nations seem determined to proceed with development of plutonium based breeder reactors regardless of President Carter's efforts to halt construction of a plant to demonstrate breeder reactor technology in the United States.

Rep. Teague's statement came at a press conference following the Committee's European oversight activity trip. Extensive talks were held in Europe with officials of the International Energy Agency, the International Atomic Energy Agency and the French Atomic Energy Agency.

Special attention was given to changes in U.S. nuclear energy development policies recently announced by President Carter. The first of these changes was announced on April 7th, 1977. It called for a halt in U.S. efforts to use plutonium as a fuel. The announced purpose of the change was to induce other nations to terminate their efforts with use of plutonium and thereby limit the potential of further proliferation of nuclear weapons.

The second policy change was announced on April 20th. This change called for an indefinite deferral in U.S. efforts to build a nuclear power plant which would use plutonium as a fuel.

"Quite simply, we found no agreement abroad with President Carter's proposal to halt breeder reactor development," Rep. Teague said.

"It seems obvious that if our breeder program is curtailed now, as President Carter has proposed, it will be done unilaterally. No European nation will go along with us," he added.

* * * * *

Congressman Teague said the group also questioned the IAEA personnel on the success of the agency in safeguarding material against diversion thus far. Congressman Teague summarized the agency's comments thusly:

"We were told that the Agency can do an effective job on safeguarding material against diversion to weapons based on 15 years of experience in this work. They also told us that the unilateral actions proposed by the United States will not have any effect on proliferation. This point certainly brings up the question of why we would want to make such changes.

"We were told that the original reason for the U.S. support of IAEA, which was for safeguarding material, is still sound and the record of the Agency provides proof of its performance. They were careful to explain that nuclear development efforts in India which led to development of their first nuclear explosive were not under IAEA safeguards."

The discussions also covered all major aspects of nuclear energy and other energy resources among nations and the timing and potential of various energy technologies.

Congressman Teague, who plans to continue meetings with additional energy organizations in Europe, stated he will make a complete report to his Committee immediately upon his return to Washington. He indicated his intent of concentrating on legislative action authorizing research and development programs which must be carried out in the United States.

Members included in meetings with the International Atomic Energy Agency in Vienna were Chairman Teague, Rep. Gary Myers, R-Pa., Rep. Dale Milford, D-Tex., and Rep. James Scheuer, D-N.Y. of the House Committee on Science and Technology and Rep. John Breaux, D-La., and Rep. Norman Mineta, D-Calif., of the House Committee on Public Works.

COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 22, 1977.

Mr. JOSEPH S. NYE,
Deputy to the Under Secretary of State for Security Assistance, Washington, D.C.

DEAR MR. NYE: This is in reply to your letter of February 7 asking for my suggestions and ideas regarding the problem of proliferating nuclear weapon capability.

As part of my Congressional duties, I have been associated with this country's nuclear energy programs and activities for over 30 years. My experience embraces the entire historical span of the development, use and control of atomic energy for both military and civilian purposes, including the regulatory side inherited by the Nuclear Regulatory Commission under the Energy Reorganization Act of 1974.

I want to give you the gist of my thoughts in as few words as I can manage, so I will proceed directly with a brief candid account of the high points of my views:

(1) The proliferation dilemma involves complex considerations. It must not be dealt with as a one-dimensional problem.

Among thinkers, only those who want to halt civilian nuclear power understandably argue that the proliferation situation can be easily solved. They describe the problem as an immediate stark peril of catastrophic magnitude. The solution, they say, would be an embargo on all exports related to nuclear power. Alternatively, they advocate the interposition of a Governmental regime of proliferating procedures and export approval hurdles calculated to discourage knowledgeable foreign customers at the very outset, and the less wary at one of the many despair points in the time-wasting system for securing final official sanction. That the cessation of U.S. exports would not alleviate the proliferation problem, and indeed would worsen it, is not a deterring factor because the underlying intention of our nuclear opponents is to utilize every problem in a way that best serves their primary aim of weakening our domestic nuclear power industry and capabilities.

(2) Proliferation is a chronic illness. The best and most extensively applied treatment that can be arranged will not effect a complete cure. It will only gain time and a large measure of relative protection and peace of mind.

For two decades following the baptism of the peaceful atom, while the development and use of nuclear energy for medical, agricultural, industrial and other purposes flourished at home and abroad, nuclear weapon capability spread very slowly. During that period, two unique accomplishments were attained: The International Atomic Energy Agency was established in 1957; the Treaty on the Non-Proliferation of Nuclear Weapons went into force in 1970. It is a great source of pride to me that U.S. initiative (including my hand and mind) played a large role in the creation of these major multi-national structures for safeguarding the peaceful atom. The magnitude and value of these accomplishments are immense. In regard to the NPT, consider that to date 101 countries—98 of them non-weapon states—have agreed to limit their sovereign prerogatives in the most sensitive of areas; 13 additional nations have signed but not yet ratified this extraordinary treaty.

Worry about weapon proliferation suddenly intensified in 1974 when India exploded a nuclear device labeled peaceful but indistinguishable from a non-peaceful detonation. Then West Germany agreed to supply Brazil with a complete fuel cycle capability, and South Korea, Pakistan and Iran tried to buy reprocessing technology. Proliferation concern was further stimulated by developments involving Egypt, Israel, Taiwan, Argentina and other countries. South Africa's nuclear potential is very much in the news these days. These international events within the past three years were preceded by a suddenly imposed awareness that the availability and price of oil were no longer dependable, and that alternative energy sources were imperative. The result is that today's greater potential for weapon proliferation coincides with, and will be aggravated by, an enlarging worldwide market for nuclear power.

(3) The U.S. is still a leader among the

have-and-can-sell countries, and, as an active international participant, can exert a fair degree of influence toward common agreement on a reasonable system of safeguard standards and requirements as a condition of the sale of nuclear power plants and fuels.

The U.S. is not in a position to dictate to other supplier countries that they require, as conditions of their sales, that buyers agree to the safeguard measures we would prescribe. Nor can we unilaterally alleviate the proliferation problem by attempting to impose our own set of safeguard conditions on prospective buyers without regard to the sorts of conditions employed by other supplier nations. Customers can choose suppliers.

This situation extends to enrichment technology, reprocessing, and the development and use of breeder reactors. The U.S. simply does not have monopolistic control. If we want to be in a strong position to influence and attain general acceptance of improved anti-proliferation safeguards we will have to remain a leader and an active international participant in all of these areas.

Historically, the U.S. never had a monopoly on nuclear technology. We were the first to develop nuclear weapons and for many years were the only supplier of enrichment services for civilian reactors. Though our enrichment technology has essentially remained classified, inevitably other countries have developed the means for commercial enrichment (the U.S.S.R., France, and as partners, the U.K., the Netherlands and West Germany); within the next several years at least five additional countries will be in the field.

The U.S. has not yet decided whether to permit commercial reprocessing, but France has an operating facility for such purpose. The U.K. has temporarily closed down a large commercial plant for upgrading. Eleven other countries have laboratory, pilot, or near commercial reprocessing facilities.

Five countries are now exporting light water reactors, and in several years they will probably be joined by suppliers in six more countries. Canada exports the heavy water reactor. France is presently the world leader in the development of the fast breeder.

There's no need to go on with the details. The general picture and outlook are clear.

(4) The need for an improved international anti-proliferation program is real. But apparently events in the last three years which have highlighted this need are viewed with much greater unease by opinion makers in this country than in other nations. The U.S. hue and cry has not been strongly echoed abroad. Additionally, the hyperbole in some of the U.S. expressions of alarm, the contents of several of the legislative measures proposed in the Congress, and the delays and confusion in nuclear export licensing have undermined confidence in U.S. judgment and in its role as a reliable supplier; combined with our failure to assure enrichment capacity for foreign customers, the total adverse effect has been considerable. Consequently, the U.S. anti-proliferation position, to be persuasive to both suppliers and customers, must be completely sound and practical.

(5) In my judgment, a sound and practical anti-proliferation program should take advantage of and build upon the protective structures and measures already in place. They are familiar and have unquestioned value.

The IAEA, for example, should be strengthened, not interfered with. The spirit of the NPT should be vigorously promoted, and a renewed effort mounted to fulfill the compensating pledges of the weapon states to the non-weapon parties.

The protective features of the Atomic Energy Act should be maintained and reexamined for possible strengthening. I refer to such features as the Restricted Data system and the Section 123 export bridge. The President's Constitutional prerogatives should not be encroached upon nor his role as Executive leader diminished.

The Nuclear Regulatory Commissions ambiguous position should be clarified; a careful review of the legislative history of the Energy Reorganization Act of 1974 will disclose that the NRC was not intended to have any greater licensing and related regulatory jurisdiction in relation to the export area than the AEC's regulatory side was responsible for when it was elevated to independent agency status. Before, activities outside of the geographical bounds of the U.S. (as defined in the Atomic Energy Act) were with few exceptions, beyond the grasp of the regulatory regime; the developmental side of the AEC (now in ERDA), and, depending on the situation involved, the President, the State Department, and the DOD, controlled the decision making process, subject in some instances to Congressional review. Regulation was applicable only to such aspects of exports as involved radiological health and safety, security, and environmental considerations affecting U.S. territory—but not proliferation and other problems abroad. In the confusion of rebirth during the period of raising U.S. concern over the proliferation problem, it became politically expedient for NRC to inject itself in this troublesome area and to attempt to acquire related knowledge and competence already possessed by other U.S. agencies.

(6) As important as the proliferation problem is, in any sensible ranking of priorities the formulation and execution of our domestic energy program must be placed well in advance of the proliferation concern, and treated as a discrete as well as first-rank objective. Separately, we should consider what impact on the proliferation problem related exports might have, but no judgments in this separate area should interfere with decisions and actions discretely addressed to our domestic needs. These propositions are too obvious to mention, but I restate the basic law of self-preservation because I have detected a tendency in some quarters to assume that all domestic policy decisions that would support the development or use of nuclear power-related materials, facilities or processes, in light of this country's own energy situation, must be contemporaneously evaluated and adjusted in relation to the anti-proliferation objective. Too often, for example, I read statements these days by officials or "experts" to the effect that the U.S. cannot risk developing the breeder or licensing reprocessing because of the international proliferation problem. Such Alice-In-Wonderland thinking is dead wrong. Not only does it interfere with our critical energy quest, but, as I have pointed out above, it so happens that our best hope of alleviating the proliferation problem may well rest with the magnitude of our international influence, which in turn depends on the extent of our technological capabilities as well as our willingness to participate in the have-and-can sell area.

It is possible that the means of carrying out a particular domestic energy decision may sometimes appropriately be selected in conjunction with anti-proliferation considerations. For example, it is possible that a domestically oriented decision to build a reprocessing facility may, for antiproliferation policy reasons, be implemented in conjunction with a national decision that such a facility be built and utilized under a multinational arrangement. But in such case—and this is the point I emphasize—the principle of discrete consideration, ranking priority, and separate judgment in relation to our own energy needs must not be compromised not even in regard to the means to be employed; only where the means of gaining our domestic objectives happen to be consistent with a preferred method for dealing with the proliferation question should the marriage of convenience take place.

Finally, it is possible that for anti-proliferation reasons alone our national policy might support the development or use of certain facilities or services. In such case the principle of the predominating importance of our domestic energy program must be maintained.

(7) I must say a word about the desire for nuclear power throughout the world because if it could be extinguished the proliferation problem could stabilize. The key difficulty confronting nuclear power foes is the formidable task of trying to convince a majority of the people, or the totalitarian rulers, in the various countries that their reasonable hope for an assured supply of safe, reliable energy can be satisfied without nuclear power. Is it realistic to expect that this proposition can be sold? The world is in an energy crunch right now and people everywhere are very concerned about it. The high cost of oil is creating massive balance of payments problems and other serious discomfit for most nations. The developing countries have been very severely affected. Most foreign countries do not have extensive coal reserves like the United States or possess hydro or geothermal resources than can supply a portion of their energy requirements. For many countries the choice must be imported oil at whatever price or lower-cost nuclear power. Can they be beguiled by nuclear opponents into waiting for promised breakthroughs in solar energy, fusion, and other new or advanced energy forms? I think not, though I hasten to add that when it comes to the search for new energy sources my long record fully testifies to my unflagging support of all promising R&D missions. But pending the great improvements that I hope and pray the future will bring, I, and I think most of the people in the world, know the difference between something in hand and promises, promises.

With nuclear power comes reprocessing. For most foreign countries the energy content of uranium and plutonium represents a significant addition to their domestic energy resources. They may well tend to view the value of this recoverable energy in terms of its credit benefit in the allocation of scarce foreign exchange for imports, rather than as a percent of the total cost of power. In any event the economic impact is important. In an energy starved world where conservation is imperative, we should not expect that source of fuel will be wasted.

(8) As apparent from the foregoing remarks, I recommend striving for an improved anti-proliferation program that includes the following elements:

(a) Realistic acceptance of the worldwide prospects for nuclear power growth.

(b) International participation by the U.S. in civilian nuclear power activities.

(c) Strengthening IAEA.

(d) Working out a safeguards system of standards and procedures commonly acceptable to supplier countries as a condition of sales, the agreement to address first the current situation, and within a few years the outlook at that time, with flexibility built in for periodic reappraisals and revisions.

(e) Inclusion in the cooperative understanding of practical restrictions on availability of enrichment capability and reprocessing facilities, on dissemination of information of a Restricted Data nature and on fabrication of fuel and shipment and storage of fuel and reactor-produced materials.

(f) Exploring the possibility of building and operating reprocessing and related facilities under multi-national auspices.

(g) In collaboration with other countries, conducting a continuing R&D program to seek improved chemical and other technological means of increasing the difficulty of diverting or stealing sensitive materials for weapon purposes.

(h) In collaboration with other countries, improving the means of storing and disposing of radioactive wastes, of protecting facil-

ities against sabotage, and of minimizing the MUF problem.

(i) Inclusion in the cooperative understanding of the continuing general observation of activities in kindred fields (research reactors, etc.) so as to exclude from closer control activities and facilities that have no practical impact on the proliferation watch, and to include those that do.

(j) Reforming and simplifying the U.S. export approval route, including:

(1) Assuring consistency with the safeguards system agreed to multi-nationally.

(2) Adherence to the Restricted Data system and Section 123 requirements in the Atomic Energy Act, as they may be modified to enlarge the President's role or Congressional oversight.

(3) Eliminating any NRC role in relation to circumstances, implications or consequences outside U.S. territory, except possibly to render advice to Executive agencies on comparable safeguards in the U.S.

We are dealing with an issue that will not necessarily be dimished by dint of U.S. sincerity, alacrity, or high motivation. Gulliver meant well when he decided to use the only gusher available to him to extinguish the conflagration in the palace of the Lilliputian empress; he was sincerely convinced that thimbles of water with which the Lilliputians were fighting the blaze would be ineffectual. Instead of the commendation he expected for extinguishing the fire in three minutes, he earned the empress' enmity because her quarters were permanently polluted and unusable. I have often thought of the good lesson in that tale.

Sincerely,

MELVIN PRICE,
Chairman.

MR. ABEL HOLTZ

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recently my wife and I attended in Miami the dinner of the Latin Chamber of Commerce, of which the president is my distinguished friend, Luis Sabines. The principal speaker on this occasion was a distinguished banker and businessman in the Greater Miami area, Mr. Abel Holtz. Mr. Holtz has built a great financial institution in Greater Miami which renders most valuable service to the economy of our county and State. Mr. Holtz is a man of great ability, of innovative ideas, and deep dedication to the well-being of the community and the public interest. I thought it would be of great value to the Members of the Congress and to those who read this RECORD to be able to read this outstanding address given on this occasion by Mr. Holtz.

I must point out that this isn't the first time I have attended a CAMACOL banquet-session. We are a part of this institution of Latin merchants and industrialists, Cuban in the majority, and I feel proud to see its growth, its maturity and its strengthening, its participation, its contribution to an improved coordination of the basic relationships of its components and its work trajectory, product of the faith that you all have placed in the institution.

The Latin Chamber of Commerce has grown along with the city, the county and the state, with a dedication and motivations which many do not understand, without receiving financial income except the product of its members' dues, and nevertheless, there is the labor achieved, the work and the fruit and the more viable future for attaining common objectives of improvement.

It is fair to say that the greater part of the members of this CAMACOL are Cubans. Uprooted Cubans in exile. An exile motivated by the violent establishment of a communist system in Cuba. Not a voluntary or solicited immigration. The product of all levels of Cuban society, representatives of all the sectors, are included in this conglomerate of Cubans. About the million Cubans who left their country [There is obviously something missing from this paragraph, for it doesn't make sense as it is written—Trans.], it presented, without a doubt, a challenge which opened a question. Would they be capable of getting along in a new environment? Would they be successful in facing the language barriers or in businesses or professions in an environment different than the one they had left behind?

Time, contemporary history, knows that there has been an answer to these questions. The challenge wasn't able to cow our compatriots. The challenge, of the language, of the environment, of the customs, of the system, were overcome [sic]. And that faith in that destiny, has served for other Latin Americans, along with the Cubans, who before had assimilated into the anonymous current of the mass, to converge on duties and rights and to constitute, as they are today, a productive minority, appreciable and to be reckoned with, for the improvement and evolvement of this area.

I said years ago, from this same CAMACOL dais, that if Cuba became free, Miami would turn into a disaster area. And although there has been a lot of maturing in this exile and although economic interests and generations compel this area and the free Cuba of a future date, it is no less true, also, that the disappearance of the motivations for keeping all Cubans in this area would make itself deeply felt in every sense, which would mean a hard blow to Miami's economy.

As long as this doesn't happen, and that was what the Cubans actually thought who arrived here several years ago, on the very basis of survival it was necessary to go ahead with planning and evolvement within this community by attending all the factors and levels. And the industry, trade, banking, culture, education, religious base, human solidarity, manual skills, construction, relations with the outside world, were being cemented today [sic], to our way of thinking, without losing our identity; we are a solid base, evaluated through the work of half a million Cubans within this great community.

We have profitted from, and we have also suffered with the same problems which the rest of the community has profitted from and suffered with. Inflation and unemployment are the two main problems that are burdening the Latin community at this time. And from these two problems, arise or persist others such as delinquency in which theft, crime, drugs and other common crimes enter in, or the continued confrontation between the two cultures or the persistent interference of political elements who want to break up the potentiality of the Latins.

Upon these, both in the basic problems, inflation and lack of jobs, as well as those that are generated through these, the CAMACOL has mounted, and the group of men have mounted them who, quite dedicated to industry, trade, banking or other economic or cultural factors realized the challenge and the rivalry [?] and along with professionals and workers, has been overcoming the economic tragedies.

We went through an economic "boom" in the years 1970 to '73, later the scales tipped toward less productive times, with traces of recession and that the mettle of those of us who arrived on these shores has weathered the storms and are preparing for better situations which, while moderate, will yield better fruits, due to the fact that the results will be, not economic booms, but the coordinated work of a community [sic entire sentence].

Better times are drawing nigh. And much more so in the state of Florida, in the country and in the city of Miami. A genuinely touristic area, it has also become the center and liaison capital for trade relations with South America and Europe. The proliferation of small businesses, in a diversified economy, obliges the diminishing of the impact of inflation. The creation of new industries, of new trade, creating areas of job sources that seem to be the solution to the disappearance of that specter which is unemployment [sic entire sentence]. The revival of the building industry, which was at its lowest ebb in recent years, also forecasts better times. Almost 70 percent of the surplus which there was in uninhabited condominiums has already disappeared and the building of family housing and commercial buildings has been increasing proportionately.

If an improvement was felt in our economy in 1976, which wasn't explosive, but serene, more tranquil and deeper-rooted, the years that are beginning with this 1977 will be much better because they are the product of that planning and coordination which the leaders of this great nation were obliged to do. It will be a healthier economy, without the hues of inflation or the partialities caused by unemployment.

The growth of the state of Florida which, along with that of Arizona, are the two best prospects in growth in this country, specifically in the area of Dade County, will be on a higher scale, owing to the contribution of the Latin community which already passed through the take-off stage and is now in production, as well as the contribution of the black minority. It is necessary to point out that that minority which the blacks represent has also participated in the development challenge and supported by the legislation that arose after the Sixties, they are on their way to attaining the benefits and rights which their participation represents in the integration of this community, which means that by keeping these two minorities active, the result, of necessity, has to be favorable.

The improved understanding of our community will see itself reflected in months to come, when we see them taking part in the O.A.S. Interamerican Fair which is announced for 1978; when we keep them in mind in the creation of a foreign-trade zone; when it contributes to that big investment which is the Rapid Transit System, or when we see it evolve on the levels of tourism.

All these projects bring with them investments of money, creation of thousands of jobs, facilities for an improved evolvement in services and businesses, consequently, direct participants of the reasons for an improvement in the economy.

In like form the banks and financing sectors are participating. Today our banking has an overwhelming pace. The economic indicators show a trajectory of advance and bearing in mind that the bank debits—measures of the volume of business transactions—reached the figure of over 18 billion dollars, there isn't the least doubt that in this state there is more confidence in its future.

The banks that are operating today in this state handle deposit accounts of over 6 billion dollars. An index not reported in the growth of other areas. And specifically in our county, where 17 banks not only have presidents of Cuban origin, but a large percentage of their highest officials also are of this origin, which means more stimulus to the economic sectors. These banks already exceed the figure of a billion in deposits and commercial transactions continue at an accelerated pace.

If we bear in mind that economic legislations intend to authorize the establishment of foreign banks in Florida, the affluence of that capital, from all parts of the world, will contribute to the economic strengthening which is already drawing breath. The arrival of those capitals and investments are nothing else than the conviction of the finance world that this area is healthy and clean for such transactions. And of course

the Latins, Cubans in particular, have had a great deal of responsibility in this financial keynote. In exchange the Latin or Cuban banks in this area will likewise be able to open their operations in foreign countries, mainly in South America.

This is the time to manufacture, to build, to obtain the necessary funds for the purchase of land, development, building and to obtain permanent financing.

The manufacturing and financing costs at the present time are adequate to enable obtaining the earnings on the profits that will be derived from this market in the future.

And thus it happens with the increase in imports and exports. As it is happening with the development of small businesses simultaneously with the increase in large and small industries, which permits us Latins to export to Latin America, Africa and other places in the world as likewise we are importing from Europe and the rest of the western hemisphere.

The future and our development, this year and those to come, is more than promising. Involved in factors of undoubtable reality. Tourism, trade exchange, increase in buildings, increase of a populace with a higher cultural and educational degree, in a bilingual and bicultural region, benefitted through legislations that respect the rights of minorities, with a banking organization on a par with the best in the world and with a desire to advance and conquer, product of this black-Saxon or hispanic mixture which today constitutes all this southern Florida.

SUPPORT FOR ENDING MANDATORY RETIREMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the House Select Committee on Aging, which I chair, held on May 25, 1977, a hearing at which active people over 65 testified against mandatory retirement.

Among those who wrote supportive letters but could not be present were: former distinguished Senator Sam J. Ervin, Jr., Bob Hope, John Wayne, and Lowell Thomas. Senator Ervin has sent me an editorial on this subject, which appeared in the Charlotte Observer of May 31, 1977. Our committee is pleased to have the support of this very distinguished newspaper and especially when it cites Senator Sam Ervin among great Americans who have done so much to preserve the integrity and the greatness of this country.

Mr. Speaker, I ask that Senator Ervin's cover letter, together with the editorial from the Charlotte Observer, appear in the body of the RECORD following these remarks, along with the letter of support from John Wayne and similar editorials from newspapers in Jackson, Tenn., Minneapolis, Minn., and Lewiston, Maine.

MORGANTOWN, N.C., *May 10, 1977.*

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Aging,
Washington, D.C.

DEAR CLAUDE: I appreciate more than I can say your action in extending me an opportunity to testify before your Select Committee on Aging in favor of H.R. 1115, which is designed to eliminate mandatory retirement in the federal government as a first step.

My many commitments require me to decline this invitation. However, I wish to say that I am strongly in favor of the bill.

I think it is rank discrimination against human beings to assume that all of them become more or less unless to the world when they attain the arbitrary age of 65, and for that reason ought to be forced to retire at that time. It is rank discrimination against them because it forbids those having the employment power of the federal government to judge each individual on his or her capacity to perform a useful task.

Different people age at different periods of life. I have known some people who have become ancient by the time they are 40 and some who were very youthful when they were approximately 90. I think it is a crime against humanity for society to try to wrap people up in cellophane and place them in a mausoleum merely because they reach an arbitrary age. By so doing, society robs itself of the benefits of experience and in many cases much wisdom. Retirement should be optional.

Last night I was watching television. It gave an account of a woman teacher somewhere in Ohio who was forced to retire by her school board merely because she had reached the age of 65. By way of explanation of his board's action, the Chairman said the established mandatory retirement age for school teachers was "to keep from being cruel to individuals." To keep from being cruel to individuals, the school board decided to be cruel to everybody on an entirely arbitrary basis. By so doing, the board manifested both a lack of courage and a lack of intelligence.

With all good wishes, I am
Sincerely yours,

SAM J. ERVIN, Jr.

[From the Charlotte (N.C.) Observer, May 31, 1977]

SENIOR RIGHTS—THE ELDERLY FIGHT AGE BIAS

A new civil rights movement is under way, one that sociologists and politicians might have predicted. In time it is likely to overtake the crusades by blacks and women, because it includes some of both. The movement is in behalf of the aged.

It made some progress last week in hearings before the House Select Committee on Aging, headed by Rep. Claude Pepper, a 76-year-old Democrat from Florida. The hearings became a protest against mandatory retirement practices that discriminate against the elderly because of their age.

Even movie hero John Wayne, one of the last people you'd expect to see in a demonstration, joined the protest. He sent a picture of himself in bathing trunks at age 70, challenging members of Congress to tell him he was too old to continue working.

Other famous people participated, too. Col. Harlan Sanders, 86, of fried chicken fame, actor Will Geer, 75, of "The Waltons" TV series, and elder statesman Averell Harriman, 86, all complained that mandatory retirement rules cruelly left productive people with little to look forward to but death.

Former Sen. Sam J. Ervin Jr., the North Carolina Democrat who won fame at age 73 by conducting the Senate's Watergate hearings, told the committee by letter: "I think it's a crime against humanity for society to wrap people in cellophane and place them in a mausoleum merely because they reach an arbitrary age."

Statistics should have warned politicians and sociologists that an elderly protest was coming. Population projections indicate that elderly people are beginning to become a larger proportion of the population.

Already Social Security reserves and the costs of medical assistance to the elderly are beginning to show the effects of that increase. Elderly people argue that forcing them to stop work and slow down only contributes to the spiraling costs. Not only do the tax and insurance systems lose their income, but their inactivity makes them more susceptible to illness, physical and mental.

Mandatory retirement rules are attractive to government and corporations because they avoid the necessity of having to look carefully at an elderly worker's potential. They force out the productive as well as the infirm. That is a waste of human resources.

Interestingly, in the field of music, one of the most demanding of disciplines, age is not considered a limiting factor. Leopold Stokowski is still conducting at age 90. Arthur Fielder still leads the Boston Pops Orchestra at 82. The late Arturo Toscannini was still active at age 89. Jazz trumpeter Louis Armstrong was still blowing his horn at 71; pianist Duke Ellington was still playing and composing at 75.

The elderly are correct. Mandatory retirement is wrong. People age 65 and over ought to be permitted to work as long as they want to and are able to, at lesser jobs and slower speeds, if that's necessary or desirable. They represent a valuable resource.

JOHN WAYNE,
Beverly Hills, Calif., 90212, May 11, 1977.

Hon. CLAUDE PEPPER,
Select Committee on Aging,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: I am 70 years old.

I not only flew over but tread on enemy soil during World War II and the Viet Nam War. I have been in bombings and was personally shot at in First Corps area during the Viet Nam period.

I am short a lung lobe; have had cancer. Besides making "The Shootist" last year at an altitude of 7,000 feet, I have taken part in the development of an oil water separator which is being installed on Coast Guard and Navy boats ("Oliver Hazard Perry") to help the ecological problem; not a "do-gooder don't" but a positive improvement to one of our ecological problems.

This could go on and on, but they tell me a picture is worth 10,000 words. Here's one of me after my morning two miles. Which one of you is going to step up and put me out to pasture—and don't let my gray hair make a coward out of you.

Seriously, it is obviously a waste of the taxpayers money and political nonsense to retire 22,400,000 people. Physical and mental reasons might make it necessary to retire someone at 40 or someone at 50 or someone at 60; but to force 22½ million experienced adults out of the work force for a statistic is ridiculous.

Sincerely,

JOHN WAYNE.

[From the Jackson (Tenn.) Sun, May 27, 1977]

CRIME AGAINST THE ELDERLY

"It's criminal, absolutely criminal that old people should be put on the shelf. I have known dozens of people who have nothing to do but die."

The words came from television star Will Geer in testimony Wednesday before the House Select Committee on Aging. The topic: mandatory retirement in private and government business.

Gravel-voiced, 75-year-old Geer, known as "Grandpa" on "The Waltons," was joined by a host of other faces familiar to the American public, including fried-chicken king Col. Harland Sanders, 86, elder statesman Averell Harriman, 86, Academy Award actress Ruth Gordon, 80, and Tommy Cocoran, 76, once a chief aide to President Franklin Roosevelt.

All expressed essentially the same sentiment as Geer, making an impressive plea against mandatory retirement. They said what hundreds of thousands of common, every-day senior citizens also attest to as living proof that age 65 is not the end of an active, productive life.

The "crime" is the product of society's deeply rooted attitudes concerning youth and work.

To be young is to hold the world in your hand. Nearly everything—clothes, entertainment, cars, television—caters to the youthful. But as a person adds years, society offers him less and less. Life becomes an ever-narrowing path that stops at the foot of a rocking chair.

Meanwhile, the job is our life-long prison in which we learn to savor the incarceration. The labor there is of love, or at least of psychological necessity.

Then at age 65, with youth lost, the job goes too.

If anything is outdated it is the cruel notion, strongly held by society, that there is a magic age when suddenly the human body folds up and wilts like a parched rose. The job, to many, is the fertilizer and water of the soul. Keep applying it and the blossoms last and last. Take the job away and the rose quickly dies.

The appeal made by Will Geer and the others is this: Society must quit turning its back on its senior citizens and recognize what wealth of contributions they still are capable of despite their greyed heads. It's not just their loss, but ours as well.

It's a sad irony that just as persons learn about all that can be learned in a lifetime, they're suddenly told that it, and they, are not important.

Judging how we treat the elderly, is it any wonder why mandatory retirement and the lifespan of the average male is separated only by two years?

[From the Minneapolis Tribune, (Minn.), May 29, 1977]

FOR LATER RETIREMENT

You do not have to be a fried-chicken king or an aging Hollywood he-man to know that advancing years need not mean declining abilities. But it helps to see what Col. Sanders, John Wayne and others in their 70s and beyond told a congressional committee the other day about the value of later-life careers.

Most of the emphasis in recent years has been in the other direction. Early retirement, it's been said, benefits individuals, businesses and society at large. In many cases that is undoubtedly true. But other evidence suggests that the greater error lies in the incentives, including Social Society, for workers to retire sooner than they should. Extending the retirement age could do more good for more people than reducing it.

When enacted in 1935, the Social Security system was designed to encourage industrial workers to retire at age 65, thereby creating more job openings in that Depression era. At first glance, conditions might seem similar now since unemployment, though not as high as it was 42 years ago, is still a national problem. But several things have changed.

Social Security has grown to include 90 percent of the work force, and most jobs now put a greater premium on mind than muscle. To make 65 the "normal" retirement age in their circumstances is foolish. A variety of studies have concluded that people between 65 and 75 are as productive as younger workers unless involved in physical labor; that they remain able to learn; that they are often more reliable, and that many would prefer work to retirement.

And there are more of them. One of the profound changes in American society is the increasing age of its citizens. This is not a new phenomenon. For several decades the number of Americans 65 and older has been growing. They now constitute nearly 11 percent of the population, double the proportion in 1940, and their larger numbers have made the rest of the public more aware of them. The Census Bureau expects the upward trend to continue.

Meanwhile, the decline in school enrollment vividly illustrates the coming of age of children born after World War II, with no comparable baby boom succeeding them. So the growth in the number of new workers will be slower than the growth in the elderly population. The Social Security Administration predicts an increase in the labor force of 16 percent by 1985 while the number of Social Security beneficiaries grows 31 percent. That trend is not new, either. But it is widening the disparity between the number of beneficiaries and the number of workers who, with employers, finance the system.

Finances will be strained further, though justifiably, by a recent Supreme Court decision. The court decided that an estimated 290,000 retired men had been improperly excluded from the system and should receive benefits. No wonder Social Security has problems.

The short-term solution is an increase in the Social Security tax paid by employers and employees. A long-term solution necessarily will have many components, one of which should be to recognize that older Americans offer an opportunity rather than a problem. An increase in the retirement age for many occupations would employ talents otherwise wasted. It would make a healthier society. It would increase Social Security revenue and cut costs. The idea has not gained much support in Congress or the administration so far, but it should.

[From the Lewiston (Maine) Sun, June 1, 1977]

MANDATORY RETIREMENT

The concept of mandatory retirement at age 65 is the product of the Social Security System and of various types of pensions plans. The philosophy behind it is that those who reach that age would retire, receiving benefits to take care of them. That in turn would create job openings for younger people.

Currently, in Congress, the concept is being challenged. Rep. William Cohen of Maine, supports legislation which would end the arbitrary retirement age of 65. Testifying at a hearing of the Select Committee on Aging in Washington, our Second District Congressman contended that mandatory retirement "discriminates against our elderly in flagrant violation of the principal of equal opportunity." The legislation would amend the 1967 age discrimination employment law to protect people over 65. It now affects only those under that age.

There have been many changes in the population of the United States in the decades since Social Security was enacted. People are living longer. Improved health care makes it possible for more people to be active and productive well beyond the age of 65. The mandatory retirement age ignores those factors.

One of the people testifying at the special hearings was Col. Sanders, the Kentucky Fried Chicken king, a shining example of what a senior citizen can do. He was over 65 before he started his fried chicken business, which has spread nationwide.

Retirement means different things to different people. The state of a person's health can be the determining factor. By removing the mandatory factor, freedom of choice would rule. It's a good idea.

LEGISLATION RELATING TO DISCHARGE UPGRADING PROGRAM

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, as the distinguished chairman of the Committee on Veterans' Affairs has previously announced, a special oversight subcommittee of his committee began hearings today on the special discharge review program announced by the administration on March 28.

This program, Mr. Speaker, will enable certain veterans with other than honorable service to have their discharges upgraded, thus permitting them to qualify for veterans' benefits. Any distinction between honorable and other than honorable service would be eliminated. Any recognition of the valiant contribution of the fighting man in Vietnam would quickly disappear.

I, for one, Mr. Speaker, believe it would be a gross error to authorize veterans' benefits for the man whose service was less than honorable simply because his discharge paper was changed to "honorable" by administrative fiat. Accordingly, I have introduced several bills, as have other Members, providing alternate methods of denying benefits to those persons with discharges that were upgraded from "other than honorable" as the result of the special discharge review program.

Another possible solution to this pressing problem has been suggested to me, and I am pleased to sponsor a bill that will permit the board of review to make a separate determination as to whether an upgraded discharge would have been awarded under the standards in effect prior to the special discharge review program. If the finding is in the affirmative, the petitioner would be entitled to veterans' benefits for which he may otherwise qualify. A similar measure, Mr. Speaker, has been jointly cosponsored in the other body by the chairman and the ranking minority member of the Committee on Veterans' Affairs. The text of the bill follows:

H.R. —

A bill to deny entitlement to veterans' benefits to certain persons who would otherwise become so entitled solely by virtue of the administrative upgrading under temporarily revised standards of less than honorable discharges from service during the Vietnam era, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3103 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any other provision of law, no benefits under laws administered by the Veterans' Administration shall be provided on the basis of an award of an honorable or general discharge under revised standards for the review of discharges (A) as implemented on or after April 5, 1977, under the Department of Defense's special discharge review program, or (B) as implemented subsequent to such date and not made generally applicable.

"(2) With respect to any person who was discharged from active military, naval, or air service under less than honorable conditions and, under the revised standards described in paragraph (1) of this subsection has been awarded a general or honorable discharge, the board of review concerned under section 1553 of title 10, United States Code, subject to review by the Secretary concerned, shall, on its own initiative and in the absence of objection by such person after being duly notified of its intention to do so, make a separate determination whether such person would have been awarded an ungraded discharge under generally applicable standards for the review of discharges under such section 1553.

Any such determination that a person would have been awarded an upgraded discharge shall entitle such person to benefits under laws administered by the Veterans' Administration just as though the upgraded discharge had been awarded under generally applicable standards. In the event that such board determines that such person would not have been awarded an upgraded discharge under such generally applicable standards, such person shall be entitled to notice thereof and appearance before the board as provided in section 1553(c) of such title."

SEC. 2. Notwithstanding any other provision of law, the Administrator of Veterans' Affairs may, in the Administrator's discretion pursuant to such regulations as the Administrator shall prescribe, provide health care pursuant to chapter 17 of title 38, United States Code, for any disability incurred during active military, naval, or air service in line of duty by a person other than a person barred from receiving benefits by section 3103 of such title, but not, pursuant to this section, for any disability incurred during a period of service from which such person was discharged by reason of a bad conduct discharge.

SEC. 3. It is the sense of the Congress that the Administrator of Veterans' Affairs, in promulgating, or in making any revisions of or amendments to, regulations governing the standards and procedures by which the Veterans' Administration determines whether a person was discharged or released from active military, naval, or air service under conditions other than dishonorable, should, in keeping with the spirit and intent of this Act, not promulgate any such regulations or revise or amend any such regulations for the purpose of, or having the effect of, providing any unique or special advantage to veterans who have received upgraded discharges under the Department of Defense's special discharge review program or otherwise making any special distinction between such veterans and other veterans.

SEC. 4. Section 1 of this Act shall apply retroactively to deny entitlement to benefits, but the United States shall not make any claim to recover the value of any benefits provided prior to the date of enactment of this Act.

LAND ACQUISITION AND WILDLIFE MANAGEMENT IN SOUTH DAKOTA

(Mr. ABDNOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABDNOR. Mr. Speaker, issues surrounding the protection and enhancement of our Nation's wildlife resources are of great concern to the people of the United States, particularly my constituents. For example, in his message on the environment, President Carter proposed a 50 million budget increase over the next 5 years to purchase waterfowl habitat. Under existing budget authority, the U.S. Fish and Wildlife Service has set a goal of preserving 275,000 acres of wildlife habitat in fee title and 500,000 wetland acres by easement in the central flyway during the next 10–15 years. This is of extreme interest to South Dakotans since about 40 percent of these acquisitions—110,000 and 220,000 acres, respectively—are expected to occur in South Dakota.

It is obvious that acquisitions of this magnitude will have a great impact on South Dakota, and it is of most importance that the interests of our State are considered and protected.

I would like to call to the attention of my colleagues the May 7, 1976, letter which I addressed to Mr. Nathaniel Reed, Assistant Secretary of the Interior for Fish, Wildlife and Parks during the Ford administration, and his August 9, 1976, response regarding aspects of the Department's wildlife management plans for my State:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1976.

Mr. NATHANIEL REED,
Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, Washington, D.C.

DEAR MR. REED: As you know, South Dakotans pride themselves on the abundant wildlife resources our state is fortunate enough to possess. It is no secret, however, that management policies and the continuing removal of additional lands from private ownership have generated a great deal of unrest in many areas of my state.

Within this context, I would very much appreciate being apprised of comprehensive plans of the Department of the Interior for wildlife management in South Dakota for the foreseeable future. Some of the specific points I would like information on are as follows:

(1) How many surface acres—land and water, respectively—are currently under public ownership in the state and being managed either solely or partially for wildlife purposes.

(2) How many acres in private ownership in the state are being managed for wildlife purposes under easements, the Water Bank Program, or other arrangements?

(3) What additional property or easement acquisitions do you anticipate the Department will be making for wildlife purposes in the near future?

(4) Is there a master plan relative to acreages, public and private, which the Department believes should ultimately be managed solely or partially for wildlife? If so, what are these acreage totals and, as specifically as possible, their locations? If not, what sort of long-range planning has the Department done in this regard?

(5) What is your annual outlay for wildlife land and easement acquisitions in the state and your annual outlay for operation and maintenance? Do you have sufficient annual funding for each purpose?

(6) Is there adequate cooperation and coordination between state and federal officials in acquiring and maintaining wildlife management areas? What formal or informal agreements are in force in this regard? Is there adequate cooperation among federal agencies in optimizing land currently under their jurisdictions for wildlife purposes in South Dakota?

(7) What efforts has the Department made to improve its relations with those in the localities bordering wildlife areas? Does the Department feel an economic impact state-problem? If so, what additional efforts can be made to improve relations? What, if any, procedure does the Department have to involve local people in acquisition and management decisions? Is there a grievance procedure, other than expensive court proceedings, for handling disputes with adjacent landowners?

(8) Are economic factors adequately taken into account in the acquisition and management of wildlife areas? Does the Department weigh the public and private economic costs and benefits of management alternatives, e.g. fee simple title acquisitions versus easements? When I was in the State Legislature, the Department of Game, Fish and Parks was authorized to make tax payments to counties for state held wildlife areas. Should the federal government not provide similar considerations for local governments? Does the Department feel an economic impact statement analogous to the present environmental impact statement might be merited to ensure adequate opportunity for the public to weigh all factors which affect them?

(9) It is my understanding no consideration of economic factors is provided for under the Fish and Wildlife Coordination Act (FWCA). Would the Department support legislation requiring the U.S. Fish and Wildlife Service to make grants to prospective irrigators to cover increased expenses incurred in complying with objections, pursuant, to the FWCA, in the granting of Corps of Engineer Sections 10 and 404 permits? South Dakota lost in excess of 500,000 acres to the Missouri River reservoirs, and now objections which do not even take economics into account threaten to deprive us of promised irrigation benefits. Is not the above suggested grant program the least we have a right to expect?

(10) Where wildlife management objectives are not suited to economic analysis, how are decisions reached? Who makes them? What opportunities for public involvement are provided?

Does the Department endeavor to maintain populations of specific species? If so, how are baseline populations determined? Are indigenous species given priority or are introduced species, such as the ring-necked pheasant, given equal consideration? How are these priorites determined, and how is the success of your efforts measured?

(11) The Nature Conservancy, through establishment of the Samuel Ordway Memorial Prairie, and the Southland Corporation, through the establishment of the Mundt Eagle Refuge, provide excellent examples of private initiatives to foster wildlife and habitat preservation. Is there anything public officials can learn about wildlife habitat acquisition and management from these private efforts? Do you know of any additional private initiatives such as these? How do their costs/acre compare with publicly provided wildlife areas? Finally, is it not true any effort to enhance wildlife is doomed to failure if it lacks public (especially local) support?

Thank you very much for your attention to these questions. They are of great importance to my constituency. Your response will be most helpful to me in attempting to represent their interests, and I hope you will feel free to add any further comments you think important in this regard.

Sincerely,

JAMES ABDNOR,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 3, 1976.

Hon. JAMES ABDNOR,
House of Representatives,
Washington, D.C.

DEAR MR. ABDNOR: This further responds to your May 7 letter concerning the plans of the Department of the Interior to purchase additional lands in South Dakota, and the management of areas to promote the wildlife resource. I regret we did not respond to your inquiry sooner, but a good deal of input from several sources was required to answer your questions.

It is inevitable that the activities of the Department to conserve, protect, and manage the wildlife resource should be of increasing public interest because of the mounting pressures on wildlife and its habitat. The Congress has plainly recognized the "fish and wildlife resource as one component of a desirable quality of life for this Nation. As stated in the National Environmental Policy Act of 1969, it is a policy of the Federal Government to "create and maintain conditions under which man and nature can exist in productive harmony." But we are still wrestling with the problem of how abstract values of the natural environment, and human activities oriented to it, are to be coordinated with economic requirements.

Before I address your questions individually, perhaps a capsule overview is in order. The Department's Fish and Wildlife Service

is responsible primarily for the protection of migratory birds of national and international significance, and for threatened and endangered species. Except in a cooperative role, the Service ordinarily does not become involved with resident species (as, for example, the ring-neck pheasant). The individual States have that basic jurisdiction.

In examining the policies and operations of the Fish and Wildlife Service, it is important to keep in mind the common distinguishing characteristic of migratory wildlife. Their seasonal movements do not respect State lines. For instance, the native breeding grounds for migratory ducks and geese in the United States are centered in the Dakotas and Minnesota. Long-term loss of habitat there means fewer birds moving down the flyway to the Gulf of Mexico during the hunting season. Conversely, feeding and resting areas along the flyway are essential to the birds' survival. As a result, conservation of the resource cannot be approached from the perspective of one State or one locality only.

For the most part, the national migratory waterfowl refuges in South Dakota were acquired in the 1930's. For the last 15 years, land acquisition emphasis has been on easements and fee title purchases of dispersed small wetland areas for waterfowl breeding purposes, pursuant to the 1961 Wetlands Loan Act, as amended. Under this current program, all purchases have been negotiated on a willing-seller basis. In no case has the right of condemnation been exercised, or even used as a threat, directly or indirectly.

I hope the following answers to your questions will provide helpful insights and lead to a better understanding for all interests concerned.

Question 1. Currently there are 253,271 acres of land and water (0.51 percent of the total State area) under public ownership or perpetual easement and managed solely for wildlife purposes, as follows:

State of South Dakota (game, fish and parks):	
Game production areas and public shooting areas	126,941
Game refuges	6,829
Total	133,770
U.S. Fish and Wildlife Service:	
National wildlife refuges	46,859
National fish hatcheries	723
Waterfowl production areas	71,919
Subtotal	119,501
Total	253,271

Table 1 (enclosed) shows all lands in State and Federal ownership. It is impossible for us to estimate how many are managed "partially" for wildlife purposes. We venture that on most of them any wildlife benefits are unplanned or incidental.

Question 2. There are 274,756 wetland acres under perpetual easement for waterfowl areas, as shown by Table 2 (enclosed). Lands under waterfowl production area easement remain in private use and are not managed for wildlife purposes, except for the owner's obligation not to drain, burn, level or fill wetland basins. Wetlands are often grazed or hayed and, in dry years, cultivated. No active wildlife management practices are employed by the Government or required of the owner on the easement lands.

We have not included figures on the waterbank program since we expect that the Agricultural Stabilization and Conservation Service will provide this information.

Question 3. By Public Law 94–215, extending the Wetlands Loan Act, the Congress this year reaffirmed a high priority for acquisition of waterfowl production areas. In consequence, the Fish and Wildlife Service has set a goal of preserving an additional 275,000 acres of wildlife habitat in fee title and 550,000 wetland acres by easement during the next 10–15 years in the principal migratory waterfowl breeding ground of the Central Flyway. The Service intends to continue purchasing from willing sellers, as negotiable opportunities are available. Although it is extremely difficult to predict State acreage totals, the majority of the best remaining unprotected habitat lies in South Dakota, and it is estimated that approximately 40 percent of the acquisition will take place there.

Question 4. Originally in the 48 contiguous States there were some 127 million acres of wetlands. By 1955, this acreage had been reduced to approximately 74 million of which 22.5 million acres were considered by the Department to be of significant value for migratory waterfowl use. Because of this disturbing trend, a goal of 12.5 million acres of habitat in public ownership was set as necessary for the welfare of the resource. Of this amount, it was anticipated the States would acquire 4.5 million acres and that the Department should control 8 million acres, including lands already owned and to be acquired.

Within the 8-million acre long-term objective, the accelerated land acquisition program, which began in 1962, had an interim goal of 2.5 million acres. A recent reevaluation of data shows an additional 1.3 million acres of prime waterfowl habitat should also be acquired, and the Service goal has been increased accordingly to 3.8 million acres. Half of this acreage was acquired by the end of Fiscal Year 1976, leaving another 1.9 million acres still to be acquired. In the Department's view, this does not represent the total needs of the waterfowl resource in terms of adequate populations and distributions. However, it does reflect what the Department perceives to be the most vital habitat to continental waterfowl and the most vulnerable to destruction or adverse modifications over the next 10–15 years.

Question 5. The principal sources of funding for the acquisition of wetlands come from the Migratory Bird Hunting Stamp Act and the Wetlands Loan Act. National revenues from the sale of duck stamps have been averaging $10–12 million for the past several years. These funds, together with advance appropriations under the Wetlands Loan Act, have been the major source of funds for the acquisition of wetlands and have not been adequate for such purposes. Rising land costs and inflation have greatly reduced the amount of habitat that could have been protected if funding had been increased.

The following chart indicates the outlays of funds for the acquisition of lands in South Dakota over the past few years:

Acquisition funds obligated

Calendar year 1973	$414,100
Calendar year 1974	812,825
Calendar year 1975	1,012,250
Calendar year 1976 (projected)	1,405,675

As indicated by the above chart, acquisition expenditures are increasing significantly each year. This is due mainly to increasing land prices and the fact that offers to landowners are in keeping with that trend.

The fiscal year 1974–76 (3-year) average budget for managing South Dakota's national wildlife refuges and wetland districts was $572,000. This represents the total moneys allotted for operation, maintenance, and program administration. The actual level of funding varies slightly from year to year, depending upon Congressional appropriations as well as area, regional, and national priorities.

This present level of funding is not adequate to effectively administer our program. As a result, existing facilities have deteriorated and equipment replacement is far behind schedule. The refuge system in the United States, including the stations in South Dakota, has a tremendous backlog of needed facilities maintenance, but funding has not been at a level to adequately maintain these required facilities and equipment.

Question 6. There is free exchange of information between the South Dakota Department of Game, Fish and Parks and the U.S. Fish and Wildlife Service regarding proposed acquisition of land for the protection of fish and wildlife. In addition, no fee title purchase of land under the Wetlands Loan Act may be made without approval of the Governor. All purchase agreements are submitted to him through the Game, Fish and Parks Department after the commissioners of the county where the land is located have had an opportunity to make a recommendation.

One state-acquired area, Bear Butte National Wildlife Refuge in Meade County, is managed by the Fish and Wildlife Service under a cooperative agreement.

As suggested in our answer to Question 1, cooperation among Federal agencies in optimizing land for wildlife purposes leaves something to be desired. Additional wildlife benefits could be generated from some of the other public lands with additional emphasis and funding.

Question 7. The success of our acquisition program is greatly dependent on Service rapport with landowners. The scattered pattern of tracts acquired results in the Service having many next-door neighbors, so our field management and acquisition representatives have an especially strong incentive to try and maintain good local relationships. Service efforts to work with adjacent landowners on weed control and crop depradation go on continually. Some local opposition cannot be avoided, because of the inherent difference in objectives between agriculture and wildlife conservation. Overall, however, local opposition has not been a major obstacle.

Much of the upland management on Fish and Wildlife Service lands in South Dakota takes the form of secondary economic use, such as controlled haying and grazing for native grass management or cooperative farming to establish wildlife cover and food plots. Most of this work is accomplished through cooperative farming agreements with local operators. Fence construction and maintenance is another area where we endeavor to cooperate to the fullest extent. Subject to availability of staff, Service personnel conduct tours of wetland areas for local school study projects. Madison Wetland District personnel, in particular, have worked closely with the local schools for a number of years.

Local people are not generally involved in the broader aspect of wildlife management decisionmaking because such decisions must be made first in the national interest. However, our resident personnel are well aware of public attitudes at the grass roots, and county commissioners play a big role in our acquisition program.

Station project leaders are responsible for receiving grievances and will do everything possible to reach a common solution. Local management offices are maintained at Martin, Lake Andes, Columbia, Waubay, and Madison. Aberdeen and Huron have land acquisition offices.

Question 8. By the very nature of the Fish and Wildlife Service mission, its programs cannot be justified solely on economic benefits returned. Public economic benefits attributable to wildlife lands are most difficult to quantify. We do believe that the common public concept overlooks some significant tangible economic benefits, such as the flood protection, erosion deterrent, and ground water recharge capabilities of preserved wetlands. Nevertheless, thorough consideration is given to economics in acquiring waterfowl production areas. As shown in Table 2, the ratio of wetlands protected by easement to lands acquired in fee title is approximately 4 to 1. Payments to landowners are based on market value appraisals of the lands.

We share your concern over the effect of

Government land acquisition on the real property tax base. Under authority of Public Law 88–523, the Fish and Wildlife Service has, since 1964, made annual revenue sharing payments to all counties in which Federal wildlife lands are located. Total payments in South Dakota for 1975 amounted to 571,822.88. The statutory payment formula is not related to the county tax valuation, but land values are adjusted every 5 years. The revenue is more than the tax would be in some instances, and less in others. It is difficult to design a system that is completely equitable, but we would carefully consider any proposals for improvement.

A draft environmental impact statement has been prepared by the Fish and Wildlife Service on the National Wildlife Refuge System. (This includes waterfowl production areas.) Public comments have been solicited on this document. Congressional hearings were held prior to passage of Public Laws 87–383 and 94–215 concerning the need for a wetland acquisition program, and public input was considered in developing the legislation. The Service has received few complaints nationwide that the amount of revenue sharing funds does not adequately offset tax loss.

Question 9. The Fish and Wildlife Service is a review agency whose role in reviewing Section 10 and 404 permits is limited to determining if an applicant's private project is compatible with the publicly-owned fish and wildlife resource. Several other agencies make economic evaluations. We believe when economic feasibility is calculated, the cost to protect public resources should be included as a project cost.

For the following reasons, we would not support legislation requiring the Fish and Wildlife Service to pay irrigators to include provisions in private projects to protect the public's resources:

1. The Service would be placed in the position of supporting private projects that might adversely impact a public resource.

2. A public commodity (water) is being transferred to private use without compensation.

3. Section 10 and 404 permits, unlike the water right, are permissive and intended to be issued only if public uses or benefits are not infringed upon. We believe it is the permittee's responsibility to include modifications that may be necessary to prevent the public's rights, uses, and value from being diminished.

Question 10. The primary objective is to best manage wildlife with the resources available. In order to achieve this objective, national priorities for money and manpower are established. The Congressional committees and the Office of Management and Budget obviously are influential in the decisionmaking at this level. There are numerous other controls on decisionmaking. The Migratory Bird Conservation Commission must pass upon any acquisition of land for migratory bird refuges, including the price paid therefor. A multitude of proposed administration rules are published in the *Federal Register*, affording opportunity for public feedback before the rules are finalized. The Service is required to write environmental impact statements regarding some of its activities. These statements are subject to formal public hearings at the local level. Proposed selections of areas to set aside under the Wilderness Act likewise were subject to local public hearings.

As a matter of policy, the Service conducts public local meetings whenever a new refuge is under consideration. State governments participate through the Flyway Council and the Federal Aid in Wildlife Restoration Program. The Endangered Species Act of 1973 specifies that the Secretary shall make determinations of endangered species "...on the basis of the best scientific and commercial data available to him after consultation, as appropriate, with the affected State, interested persons and organizations, other interested Federal agencies, and, in cooperation with the Secretary of the State, with the country or countries in which the species is normally found..."

Generally speaking, Service policy is to support maintenance of present-day or greater population levels of all wildlife and particularly migratory birds and endangered species which are primarily Federal responsibilities. Specific population targets have been established for some migratory birds, especially in the game bird categories. Baseline population surveys of migratory birds have been going on for many years. A primary objective of the endangered species program is to stabilize at least minimum populations of species in this category before they diminish to the point where they are no longer self-sustaining. Recovery plans for individual endangered species identify target populations for that species and the means for maintaining those numbers. Some national wildlife refuges were created to promote the well-being of a specific species and target populations exist for these as well.

With regard to priority given to certain forms of wildlife, those falling within our legislative authorities (i.e. migratory birds, endangered species, and animals protected by special legislation) are given preference in management of Service lands. Habitat for resident wildlife is maintained and enhanced to the extent possible (which is considerable in many places), but the authorities under which the areas are established and managed dictate the emphasis placed on the various species.

The cost-sharing projects with the States under Federal Aid in Wildlife Restoration and the Federal Aid in Sport Fish Restoration Acts have resulted in great benefits to resident wildlife. Here, there is no distinction between native and introduced species.

Question 11. There is an ongoing need to improve knowledge of habitat and management techniques so as to produce optimum wildlife benefits. No organization has all the answers to all the problems. Cooperation between public and private enterprise in the exchange of skills, ideas, data, and research results is critically important. The Fish and Wildlife Service has worked extensively with such organizations as The Nature Conservancy. The Service was helpful in the Conservancy's purchase of the Samuel Ordway Memorial in McPherson County, and, in turn, the Conservancy has purchased and then resold to the Government a number of other wildlife areas in the country.

We would like to emphasize, however, that private organizations do not have the same built-in restrictions on funding and negotiating ranges that the Government does. In purchasing land, consequently, they often can be more opportunistic and more responsive to imminent threats to habitat.

Unquestionably, local public support is essential to the success of a publicly funded wildlife enhancement effort. Local support is always desirable, but the Secretary and Director of the Fish and Wildlife Service would be remiss in the discharge of their responsibility if they based all decisions on strictly local considerations. They are frequently called to account by groups and individuals nationwide who are interested in wildlife conservation. Presently, the Secretary is defending several court actions brought by the Sierra Club, Defenders of Wildlife, Society for Animal Rights, Inc., and Fund for Animals, all alleging Departmental actions detrimental to wildlife. Obviously, such manifestations cannot be ignored, but we believe also that some reconcilement between local and national interests is necessary. We trust there will be continued open channels of communication to that end.

We hope this information will help your constituents to better understand our land acquisition and wildlife management programs. If we can be of further assistance, please contact us.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary for Fish and Wildlife and Parks.

TABLE 2.—LANDS IN SOUTH DAKOTA OWNED AND UNDER EASEMENT THROUGH SMALL WETLAND ACQUISITION PROGRAM, U.S. FISH AND WILDLIFE SERVICE (APRIL 1976)

County	Total county area		Fee title		Easement	
	Mi²	Area (acres)	Acres	Percent	Wetland acres	Percent
Aurora	710	454,656	3,302.89	0.73	7,366	1.62
Beadle	1,265	889,600	3,062.09	.34	11,796	1.33
Bon Homme	580	371,200	648.03	.17	205	.06
Brookings	801	512,640	3,355.36	.65	1,741	.34
Brown	1,677	1,073,280	2,372.53	.22	4,863	.45
Brule	830	531,392	1,073.55	.20	9,216	1.73
Buffalo	494	316,160	----------	----------	837	.26
Campbell	763	488,500	1,287.56	.26	4,378	.90
Charles Mix	1,131	723,840	1,014.91	.14	4,142	.57
Clark	964	616,960	2,584.77	.42	20,346	3.30
Clay	405	259,200	40.00	.02	7	<.01
Codington	687	439,680	2,470.04	.56	5,123	1.17
Davison	432	276,480	224.52	.08	118	.04
Day	1,030	659,200	5,728.42	.87	17,532	2.66
Deuel	639	408,960	2,590.10	.63	3,550	.89
Douglas	435	278,400	1,637.41	.59	2,447	.88
Edmunds	1,154	738,560	1,853.35	.25	27,087	3.67
Faulk	996	637,440	1,066.24	.17	29,509	4.63
Grant	681	435,840	2,202.93	.51	3,478	.80
Hamlin	511	327,040	1,345.95	.41	1,063	.33
Hand	1,432	916,480	2,344.85	.26	14,634	1.60
Hanson	430	275,200	709.13	.26	2,306	.84
Hughes	748	478,720	135.99	.03	257	.05
Hutchinson	815	521,600	248.61	.05	717	.14
Hyde	863	552,320	----------	----------	9,122	1.65
Jerauld	527	337,280	670.40	.20	3,381	1.00
Kingsbury	818	523,520	2,159.67	.41	10,646	2.03
Lake	567	362,880	4,188.00	1.15	2,045	.56
Lincoln	576	368,640	177.22	.05	30	.01
McCook	575	368,000	2,590.46	.70	2,959	.80
McPherson	1,147	734,080	5,238.65	.71	26,053	3.55
Marshall	848	542,720	2,812.36	.52	10,430	1.92
Miner	570	364,800	1,341.68	.37	5,560	1.52
Minnehaha	813	520,320	3,375.65	.65	165	.03
Moody	523	334,720	1,569.15	.47	13	<.01
Potter	869	556,160	408.71	.07	3,964	.71
Roberts	1,108	709,120	3,957.93	.56	10,820	1.53
Sanborn	570	364,800	93.00	.03	8,800	2.41
Spink	1,505	963,200	1,201.99	.12	4,413	.46
Sully	1,004	642,560	266.48	.04	240	.04
Turner	612	391,680	218.30	.06	93	.02
Union	452	289,280	100.00	.03	----------	----------
Walworth	718	459,520	228.94	.05	3,181	.69
Yankton	519	332,160	21.60	.01	123	.04
Total—East River	34,794	22,268,160	71,919.42	.32	274,756	1.23
Total State	77,047	49,310,080	71,919.42	.15	274,756	.56

Note: Includes optioned land.

TABLE 1.—PUBLIC LANDS IN SOUTH DAKOTA

[Total State area=49,310,080 acres]

Agency	Acres under jurisdiction	Percent of State area under jurisdiction
State of South Dakota Game, Fish, and Parks:		
1. Game production areas and public shooting areas	126, 941	0.26
2. State game refuges	6, 829	.01
3. Meandered and trust lands	159, 699	.32
4. Fishing and lake access	2, 500	<.01
5. Custer State Park	72, 000	.14
Subtotal	367, 969	.75
Military and veteran affairs	820	<.01
Charity and corrections	4, 576	<.01
Higher education	17, 912	.04
School and public lands	963, 680	1.95
Department of Transportation	743, 047	1.51
Total State	2, 098, 004	4.25
Federal agencies:		
U.S. Army Corps of Engineers	564, 542	1.14
U.S. Department of Defense	8, 988	.02
Bureau of Land Management	275, 995	.56
National Park Service	142, 140	.29
U.S. Forest Service (including National Grasslands)	1, 994, 711	4.05
Bureau of Reclamation	37, 916	.08
U.S. Fish and Wildlife Service	119, 501	.24
Indian reservations	4, 917, 396	9.97
Total Federal	8, 061, 289	16.35
Grand total	10, 159, 293	20.60

I have written Mr. Reed's successor in the Carter administration, Mr. Robert Herbst, to inquire about the implications of the proposed $50 million increase in wetlands acquisition funding and to ask if Mr. Reed's comments are still indicative of departmental policy. When I have his reply, I will bring it to the attention of the readers of the RECORD, also. In the meantime, those who are interested may wish to read the responses of Former Secretary John Popowski of the South Dakota Department of Game, Fish, and Parks, to the same questions I posed to Mr. Reed. Mr. Popowski's remarks appear elsewhere in today's RECORD, along with the Department of Agriculture's comments on acreages included in their waterbank program in South Dakota.

PERSONAL EXPLANATION

(Mr. KASTEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KASTEN. Mr. Speaker, on Friday, June 17, I was unavoidably absent from the House of Representatives due to previous commitments in Wisconsin. I missed two recorded rollcall votes because of my absence and would like to publicly record how I would have voted had I been present.

I would have voted against the Rousselot motion to instruct the House conferees on the issue of granting loans to countries violating human rights.

My position on the Hyde amendment to the Labor-HEW appropriations bill is already recorded by my pair in support of the amendment. I have consistently supported the Hyde language which prohibits the use of public funds to finance abortions.

While the Labor-HEW appropriations bill passed by voice vote, I wish to state for the RECORD that I would have voted against the bill because of its excessive spending levels.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ZEFERETTI (at the request of Mr. WRIGHT) for today, on account of official business.

Mr. ADDABBO (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. AKAKA (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN) to revise and extend their remarks and include extraneous matter:)

Mr. GRASSLEY, for 15 minutes, today.

Mr. MILLER of Ohio, for 10 minutes, today.

Mr. GILMAN, for 1 hour, today.

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO for 5 minutes today.

Mr. GONZALEZ for 5 minutes today.

Mr. DODD for 5 minutes today.

Mrs. MEYNER for 5 minutes today.

Mr. RAHALL for 5 minutes today.

Mr. BONIOR for 5 minutes today.

Mr. BRADEMAS for 5 minutes today.

Mr. HANLEY for 5 minutes today.

Mr. PEPPER for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ABDNOR and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Pubilc Printer to cost $966.

Mrs. HECKLER to revise and extend remarks prior to consideration of H.R. 7643.

Mr. BAUCUS immediately preceding the closing remarks of Mr. WHITTEN on the Michel amendment in the Committee of the Whole today on H.R. 7558.

Mr. HUBBARD to revise and extend his remarks immediately preceding the closing remarks of Mr. WHITTEN on the Johnson of Colorado amendment in the Committee of the Whole today on H.R. 7558.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. ARMSTRONG.

Mr. DERWINSKI in two instances.

Mr. KASTEN.

Mr. STOCKMAN.

Mr. DEL CLAWSON.

Mr. O'BRIEN.

Mr. SYMMS.

Mr. RHODES.

Mr. KEMP in three instances.

Mr. MILLER of Ohio in three instances.

Mr. QUILLEN.

Mr. BAUMAN in 10 instances.

Mr. ASHBROOK in three instances.

Mrs. HECKLER in three instances.

Mr. STEIGER.

Mr. YOUNG of Florida.

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. BROWN of California in 10 instances.

Mr. GAYDOS.

Mr. TEAGUE in two instances.

Mr. VOLKMER.

Mr. YOUNG of Missouri.

Mr. MCDONALD.

Mr. EDGAR in two instances.

Mr. RUSSO.

Mr. CONYERS.

Mr. CORRADA.

Mr. RYAN.

Mr. YATRON.

Ms. SCHROEDER.

Mr. WAXMAN.

Mr. KOSTMAYER.

Mr. PEPPER.

Mr. WIRTH.

Mr. BONIOR.

Mrs. MEYNER.

Mr. STARK.

Mr. MOTTL.

Mr. ROSENTHAL.

Mr. DRINAN.

Mr. HAWKINS.

Mr. AMBRO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 469. An act to establish a commission to study proposals for establishing a National Academy of Peace and Conflict Resolution; to the International Relations Committee.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4301. An act to authorize appropriations for the National Sea Grant Program Act during fiscal years 1978, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On June 17, 1977:

H.R. 1440. For the relief of Eun Kyung Park and Sang Hyuk Park; and

H.R. 7606. To authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon.

On June 20, 1977:

H.R. 4301. To authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.

ADJOURNMENT

Mr. VOLKMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 21, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1725. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 302 of the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

1726. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to sell certain naval vessels to the Republic of China, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1727. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to sell certain naval vessels to the Republic of China, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1728. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the 10th annual report of the Equal Employment Opportunity Commission, pursuant to section 705(d) of the Civil Rights Act of 1964, as amended; to the Committee on Education and Labor.

1729. A letter from the General Manager, Tennessee Valley Authority, transmitting notice of a proposed new system of records for the Tennessee Valley Authority, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1730. A letter from the Acting Secretary of the Interior, transmitting the annual report of the Government Comptroller of Guam on the fiscal conditions of the government of Guam and the Trust Territory of the Pacific Islands for fiscal year 1976, pursuant to section 9–A(g) of the Organic Act of Guam, as amended [82 Stat. 845], and section 2 of Public Law 93–111, respectively; to the Committee on Interior and Insular Affairs.

1731. A letter from the Acting Secretary of the Interior, transmitting notice of the transfer of the Government Comptroller of the Virgin Islands together with a request to waive the 60-day statutory notice requirement, pursuant to 82 Stat. 840 (48 U.S.C. 1599(a)); to the Committee on Interior and Insular Affairs.

1732. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designates William J. vanden Heuvel and Milton A. Wolf and their families, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1733. A letter from the President, National Academy of Sciences, transmitting the Academy's detailed report on drinking water and health prepared for the Environmental Protection Agency, pursuant to section 1412(e) of the Public Health Service Act, as amended (42 U.S.C. 300g–1) (88 Stat. 1664); to the Committee on Interstate and Foreign Commerce.

1734. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report reviewing the civil rights record of the White House and the Office of Management and Budget, pursuant to section 104(b) of Public Law 85–315; to the Committee on the Judiciary.

1735. A letter from the Administrator, General Services Administration, transmitting a prospectus for alterations at the Lafayette Building, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1736. A letter from the Administrator, General Services Administration, transmitting a prospectus for alterations at the Old Office Building, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1737. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Bayamon and Hondo Rivers, Puerto Rico, in response to a resolution of the House Committee on Public Works; to the Committee on Public Works and Transportation.

1738. A letter from the Special Prosecutor, Watergate Special Prosecution Force, Department of Justice, transmitting drafts of proposed language to amend legislation to clarify the Archivist's authority and restrictions concerning certain records transferred by the Special Prosecutor's Office; to the Committee on Ways and Means.

1739. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 2 of the act of May 6, 1974, to extend the special pay provisions for physicians and dentists in the Uniformed Services; jointly to the Committees on Armed Services, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee of conference. Conference report on H.R. 5970 (Rept. No. 95–446). Ordered to be printed.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 186. A bill to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972; with amendment (Rept. No. 95–447). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself and Mr. HARKIN):

H.R. 7873. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California (for himself, Mr. BROWN of California, Mr. CARNEY, Mr. CORMAN, Mr. DORNAN, Mr. FASCELL, Ms. HECKLER, Mr. METCALFE, Ms. MEYNER, Mr. NOWAK, Mr. PATTERSON of California, Mr. RODINO, Mr. ROE, Mr. ROGERS, Mr. RUSSO, Mr. SCHEUER, Mr. STARK, Mr. TSONGAS, Mr. VAN DEERLIN, Mr. VENTO, Mr. WAXMAN, and Mr. YOUNG of Florida):

H.R. 7874. A bill to regulate the trapping of mammals and birds on Federal lands, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Interstate and Foreign Commerce and the Judiciary

By Mr. ARMSTRONG:

H.R. 7875. A bill to exempt residential care facilities which employ certain patients from the minimum wages and maximum hours provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. BEVILL:

H.R. 7876. A bill to amend title 39, United States Code, to establish congressional review of postal rate decisions, to increase congressional oversight of the U.S. Postal Service, to abolish the Board of Governors of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM:

H.R. 7877. A bill to amend title 38 of the United States Code to provide for the payment of supplemental tuition allowances for certain veterans pursuing educational programs; to the Committee on Veterans' Affairs.

By Mr. BROWN of California:

H.R. 7878. A bill to establish a program of environmental research, development, and monitoring related to ocean pollution, and for other purposes; to the Committee on Science and Technology.

By Mr. COHEN (for himself and Mr. EMERY):

H.R. 7879. A bill to direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Fundy Pride*, owned by the Washington County Vocational Training Institute of Calais, Maine, to be documented as a vessel of the United States so as to be entitled to engage in the American fisheries; to the Committee on Merchant Marine and Fisheries.

By Mrs. COLLINS of Illinois:

H.R. 7880. A bill to amend title 18 of the United States Code to provide penalties for assaults against the elderly that result in medical expenses paid by the United States; to the Committee on the Judiciary.

By Mr. FORD of Michigan (for himself, Mr. CLAY, Mr. FRASER, Mr. HEFTEL, Mr. HAWKINS, Ms. MIKULSKI, Mr. MOAKLEY, Mr. NEAL, Mr. NIX, and Mr. ROYBAL):

H.R. 7881. A bill to amend the Toxic Substances Control Act to provide for a method of effectively responding to toxic chemical contaminations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORD of Michigan (for himself and Mr. REUSS):

H.R. 7882. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities, to prevent Federal support for unjustified dislocation, and for other purposes; jointly, to the Committees on Education and Labor, and Banking, Finance and Urban Affairs.

By Mr. FORSYTHE:

H.R. 7883. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, or for his dependents; to the Committee on Ways and Means.

By Mr. GRASSLEY (for himself, Mr. ENGLISH, Mr. HARKIN, and Mr. PRESSLER):

H.R. 7884. A bill to encourage the establishment of wind erosion control and wildlife habitat areas which meet standards prescribed by the Secretary of Agriculture; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 7885. A bill to deny entitlement to veterans' benefits to certain persons who would otherwise become so entitled solely by virtue of the administrative upgrading under temporarily revised standards of less than honorable discharges from service during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS (for himself, Mr. BRODHEAD, and Mr. PANETTA):

H.R. 7886. A bill to require a refund value for certain beverage containers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTEN:

H.R. 7887. A bill to make it easier to comply with certain Federal employee benefit plan requirements by amending the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to eliminate dual Treasury and Labor Department jurisdiction over certain requirements, to reduce the number of reports and other paperwork required thereunder, and for other purposes; jointly to the Committees on Education and Labor, the Judiciary, and Ways and Means.

By Mr. MANN (for himself and Mr. HYDE):

H.R. 7888. A bill to amend the Federal Rules of Criminal Procedure to establish a method for the issuance of search warrants upon oral testimony; to the Committee on the Judiciary.

By Mrs. MEYNER:

H.R. 7889. A bill to amend the Social Security Act to provide medicare benefits for individuals who require total parenteral nutrition (TPN) as a result of intestinal surgery; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. BOB WILSON):

H.R. 7890. A bill to amend title 10, United States Code, to repeal sections which impose certain restrictions on enlisted members of the Armed Forces and on members of military bands; to the Committee on Armed Services.

By Mr. PRICE:

H.R. 7891. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. STOCKMAN:

H.R. 7892. A bill to amend the Farm Labor Contractor Registration Act of 1963 as amended to exclude from the requirement of registering as farm labor contractors certain farmers, and for other purposes; to the Committee on Education and Labor.

By Mr. ASHLEY (for himself, Mr. REUSS, Mr. BROWN of Michigan, Mr. MOORHEAD of Pennsylvania, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MITCHELL of Maryland, Mr. HANLEY, Mr. FAUNTROY, Mr. PATTERSON of California, Mr. LAFALCE, Mr. AUCOIN, Mrs. SPELLMAN, Mr. BLANCHARD, Mr. TSONGAS, Mr. HANNAFORD, Mr. EVANS of Indiana, Mr. LUNDINE, Mr. MINISH, Mr. ANNUNZIO, Mr. STANTON, Mr. WYLIE, Mr. MCKINNEY, Mr. GRASSLEY, and Mr. EVANS of Delaware):

H.R. 7893. A bill to amend certain Federal laws for the purpose of providing financial and other assistance with respect to the weatherization of dwelling units, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORNAN (for himself and Mr. ROBINSON):

H.R. 7894. A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation; to the Committee on Education and Labor.

H.R. 7895. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. RICHMOND:

H.R. 7896. A bill to amend the Internal Revenue Code of 1954 to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would not have been capital gain if such item had been sold by the decedent at its fair market value; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. PREYER, Mr. SCHEUER, Mr. WAXMAN, Mr. FLORIO, Mr. MAGUIRE, Mr. MARKEY, Mr. OTTINGER, Mr. WALGREN, Mr. CARTER, Mr. MADIGAN, and Mr. SKUBITZ):

H.R. 7897. A bill to amend the Public Health Service Act to regulate activities involving recombinant DNA, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr ASHLEY (for himself and Mr. BROWN of Michigan):

H.J. Res. 525. Joint resolution to provide for a temporary extension of certain FHA mortgage insurance and related authorities and of the national flood insurance program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WIRTH (for himself and Mr. HARKIN, Mr. BADILLO, Mr. BEDELL, Mr. COHEN, Mr. CORRADA, Mr. DOWNEY, Mr. EDWARDS of Oklahoma, Mr. ERTEL, Mr. FRASER, Mr. GORE, Mr. HUGHES, Ms. KEYS, Mr. KILDEE, Mr. KOSTMAYER, Mr. MANN, Mr. MILLER of California, Mr. MURPHY of Pennsylvania, Mr. PRITCHARD, Mr. SOLARZ, Mr. WEAVER, Mr. HARRINGTON, and Mr. YOUNG of Alaska):

H. Con. Res. 253. Concurrent resolution to provide for a fair and equitable allocation of access to Federal rivers for white water travel; jointly, to the Committees on Interior and Insular Affairs, and Agriculture.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to labeling of imported beef; to the Committee on Agriculture.

191. Also, memorial of the Legislature of the State of California, relative to tuna fishing; to the Committee on Merchant Marine and Fisheries.

192. Also, memorial of the Legislature of the State of Louisiana, relative to simplifying Federal personal income tax forms; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LONG of Maryland:

H.R. 7898. A bill for the relief of Edward S. Wiley; to the Committee on the Judiciary.

By Mr. NEAL:

H.R. 7899. A bill for the relief of Drs. Felizardo Hocbo Mangundayao and Florita Castar Mangundayao; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: Petition of the National Association of Postmasters of the United States, Byesville, Ohio, relative to the injury on duty and wage continuation program; to the Committee on Post Office and Civil Service.

129. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to transportation legislation; to the Committee on Public Works and Transportation.

130. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to the use of petroleum products in the production of electrical power; jointly, to the Committees on Public Works and Transportation, and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6805

By Mr. ERTEL:

Page 29, line 7, insert "(1)" after "(a)".

Page 29, line 9, strike out "Act" and insert in lieu thereof "subsection".

Page 29, line 10, insert after "Code," the following: "and to the Comptroller General of the United States."

Page 29, line 11, strike out "(1)" and insert in lieu thereof "(A)".

Page 29, line 16, strike out "and (2)" and insert in lieu thereof "(B)".

Page 29, line 20, insert after "Government" the following: ", (C) the transfer to the Agency of any personnel carrying out any program, operation, activity, or function, which is transferred to the Agency and (D) the termination of any personnel carrying out any program, operation, activity, or function identified to be abolished or reduced (to the extent of the reduction) by the reorganization plan. Notwithstanding provisions of paragraph (4) of section 904 of title (5), United States Code, any unexpended balances of appropriations, or of other funds, available for use in connection with a program, operation, activity, or function, which is transferred, reduced, or abolished by such plan, shall revert to the Treasury of the United States.

"(2) The Comptroller General shall, not later than 30 calendar days after a reorganization plan is submitted to him pursuant to this subsection, certify to the Congress (A) the amount of funds expended for the fiscal year ending September 30, 1977, for any consumer-related programs, operations, activities, or functions which the reorganization plan transfers to the Agency, reduces (to the extent of the reduction), or abolishes, and (B) the number of personnel during the fiscal year ending September 30, 1977, engaged in any consumer-related programs, operations, activities, or functions which the reorganization plan transfers to the Agency, reduces (to the extent of the reduction) or abolishes.

"(3) Notwithstanding the provisions of section 906 of title 5, United States Code, a reorganization plan submitted pursuant to this subsection shall not take effect unless (A) the amount of funds which the Comptroller General certifies to the Congress exceeds the amount of funds authorized to be appropriated to carry out the provisions of this Act for the fiscal year ending September 30, 1978, and (B) the number of personnel to be employed by the Agency (other than those referred to in section 3 of this act) is equal to or less than the number of personnel certified to the Congress by the Comptroller General pursuant to paragraph (2)(B) of this subsection."

H.R. 7797

By Mr. HARKIN:

Page 21, after line 14, insert of following new section:

SEC. 509. The total amount of funds ap-

propriated or made available pursuant to this Act for purposes of military assistance, foreign military credit sales, and international military education and training to the Government of the Republic of Korea shall not exceed twelve-fifteenths of the total amount so appropriated or made available for such purposes of the period beginning July 1, 1976 and ending September 30, 1977, unless the President submits a detailed report to the Congress after the date of enactment of this Act stating that the government of the Republic of Korea is making substantial progress in the observance of internationally recognized standards of human rights.

Page 21, after line 14, insert the following new section:

SEC. 509. The total amount of funds appropriated or made available pursuant to this Act for purposes of military assistance, foreign military credit sales, and international military education and training to the Government of the Republic of Korea shall not exceed twelve-fifteenths of the total amount so appropriated or made available for such purposes for the period beginning July 1, 1976, and ending September 30, 1977.

By Mr. ICHORD:

(Title I—Foreign Assistance Act Activities.)

Page 7, beginning on line 21 and continuing on line 22: Strike "$2,214,700,000" and insert in lieu thereof "$2,114,700,000."

Page 8, line 2 after the word "Syria," strike the period and insert the following: ": *Provided further*, That none of the funds appropriated or otherwise made available under this paragraph shall be obligated or expended for a Southern African Special Requirements Fund."

SENATE—*Monday, June 20, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by Hon. DENNIS DECONCINI, a Senator from the State of Arizona.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we thank Thee for Thy care over this Nation, for fresh evidence of Thy redemptive and healing touch, and for the power of spiritual renewal in our time. Help us now to be faithful and wise stewards of Thy goodness that we not fail Thee.

Guide by Thy higher wisdom the President, the Congress, the Judiciary, the Foreign Service Corps, our military leaders, and civil servants, that we being many and diverse in function may unite in devising and promoting those measures which accord with Thy will.

Abide with us as we toil in this building, until the evening comes. Then give us the rest of those who are at peace with Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. DECONCINI thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, June 17, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINE SAFETY—S. 717

ORDER FOR RECOGNITION OF SENATOR SCHMITT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 154, S. 717, a bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes, after opening statements by the managers of the bill, Mr. WILLIAMS and Mr. JAVITS, Mr. SCHMITT be recognized for the purpose of calling up a series of seven amendments sequentially and in the following order—amendment Nos. 427, 350, 352, 348, 349, 351, 347—on which there shall be a total time limit of 3 hours and 40 minutes to be equally divided between the sponsor of the amendments and the manager of the bill, Mr. WILLIAMS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME LIMITATION ON AMENDMENTS TO BE OFFERED BY SENATOR SCHMITT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on any amendment to such amendments of 30 minutes, to be equally divided in accordance with the usual form.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on any debatable motion of 20 minutes, and on any appeal or point of order if such is submitted to the Senate of 20 minutes, to be equally divided in accordance with the usual form.

Mr. STEVENS. Reserving the right to object, Mr. President, this is with regard to the time agreement on Senator SCHMITT's amendments?

Mr. ROBERT C. BYRD. Yes, only in regard to that agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS AND SENATOR STEVENS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. JAVITS and Mr. STEVENS each be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there is a nomination on the executive calendar which has been cleared, that of Robert Walter Scott, of North Carolina, to be Federal cochairman of the Appalachian Regional Commission. I ask unanimous consent that the Senate go into executive session to consider that nomination.

There being no objection, the Senate proceeded to the consideraton of executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the nomination.

APPALACHIAN REGIONAL COMMISSION

The second assistant legislative clerk read the nomination of Robert Walter Scott, of North Carolina, to be Federal cochairman of the Appalachian Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no further need for my time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. ROBERT C. BYRD. Mr. President, I have yielded back my time. Will the distinguished assistant Republican leader yield me 30 seconds?

Mr. STEVENS. Mr. President, I yield.

REREFERRAL OF S. 701

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 116, S. 701, the Emergency Educational Assistance Act, be rereferred to the Committee on Energy and Natural Resources, with the understanding that that committee will report S. 701 no later than July 15.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALASKAN PIPELINE OPENS TODAY

Mr. STEVENS. Mr. President, today oil has started to move through the Alaskan pipeline. Many people forget the history of the Alaskan pipeline. I thought I would take a few minutes to remind the Senate that the amendment which authorized the Alaskan pipeline construction was a historic amendment in this body which passed by a vote of 50 to 49.

After having the construction of the Alaskan pipeline delayed for years over litigation concerning the inadequacy of the very old right-of-way law across Federal lands, a law which limited the right of way to 50 feet, the Senate was faced with the question of whether the Nation could afford any further delay in the construction of a transportation mechanism to bring oil from the great Prudhoe Bay reservoir on the North Slope of Alaska to the markets of the south 48.

I had previously introduced a bill to authorize the construction of the pipeline to proceed, but when the right-of-way amendments were presented to the Senate we felt it timely to raise the question again. The Senate, as I said, did determine, by a very narrow vote, that the pipeline should proceed.

It is interesting to note that that was the only vote of Vice President Agnew during his service as Vice President, when he voted to break the tie on the motion to reconsider the Alaskan pipeline amendment.

By authorizing this pipeline to commence and to terminate the litigation that had been going on for over 4 years, the Senate permitted—and the House, of course, agreed later, and the President signed the law—the move to bring oil from the Prudhoe Bay reservoir to the markets of the south 48. The conservative estimate of that oil is 9.6 billion barrels.

Many informed people in Alaska believe that that reservoir will ultimately yield as much as 50 billion barrels of oil. In any event, even on the conservative side, it represents 10 percent of the reserve supply of petroleum of the United States.

The Alaskan oil pipeline, some people believe, was a mistake. Nothing could be farther from the truth, because, in deciding to build the pipeline through my State of Alaska and transport the oil in American-built tankers, manned by American crews and subject to American laws, we established a total U.S. control over this vast resource in the Arctic. We also constructed a pipeline which will transport oil from other provinces in Alaska to tidewater so it can be brought to the United States.

When that oil gets to California, many now say that there will be an oil glut. I hope that the Members of the Senate will look to the facts with regard to that assertion. There will be an excess of Alaskan oil to the refinery capacity of California to run that type of oil. There will be no excess oil in California—as a matter of fact, California will still be importing substantial amounts of foreign oil.

What happened was this, Mr. President: When we authorized that project, it was projected that the initial capacity of the Alaska oil pipeline would be 600,000 barrels per day. At the urging of the national administration, the sponsors of that project increased its initial capacity from 600,000 to 1.2 million barrels a day. In the interim, between the authorization of the pipeline and its completion and the first day of operation, which is today, Indonesian imports into California have almost tripled. Additional production has come on stream in California, and California is the one State in the Nation that deserves real credit for having reduced its increase in projected demand. It has not reduced its demand, but it has reduced its increase in demand which was forecast at that time. As a consequence, with 600,000 barrels of oil more per day projected to be there in California, sometime next year, there will be about 500,000 barrels in excess of the refinery capacity of California to run what we call sour or crude oil.

In my opinion, it was no mistake to authorize the Alaska pipeline. We are now starting to bring to the markets of all the rest of the United States a tremendous amount of oil and gas that we know will be found in the frontier areas of my State. I have seen estimates that indicate that from 30 to 40 percent of the gas and from 30 to 40 percent of the oil that the United States still has and that will be discovered and produced will be discovered and produced in the State of Alaska. This pipeline and the gas pipeline which we shall similarly authorize, I hope, this fall, will be significant in the sense that, without them, we would be unable to utilize all of the other oil and gas resources of Alaska. By that I mean, had the pipeline, as proposed at the time by those who wanted to go through Canada with the oil pipeline, been authorized, I think we would still be in a dispute with our neighbor, Canada, to determine the routing of it. But, above all, it would have gone out of Alaska—across the Arctic slope—and would not have come through Alaska. It would not have been available as a transportation mechanism for all of the oil and gas potential of our great State, and we would have been faced, sometime in the future, with building an oil pipeline along the route of this one, anyway.

There are some interesting facts about the oil pipeline, Mr. President. As I have stated, today is a climactic day in Alaska. Today, the first oil is being pumped into the trans-Alaska pipeline, to begin its journey south to Port Valdez, where it will be loaded into tankers for the journey by sea to the South 48 States.

Three-and-a-half years of construction and 9 years of planning—since the first commercial quantities of oil were confirmed at Prudhoe Bay—have led to this event.

There were a lot of skeptics. Many did not believe that the project would ever be completed. Many predicted construction problems and delays. I don't suppose that there were many who believed that the pipeline would actually start up this summer, as planned. Many expected that the startup would be delayed another 6 or 12 months, or longer.

But, construction of the first phase has been completed. And the first oil is flowing now.

Let us review some of the facts of this project.

It is the largest single project ever undertaken by private enterprise. The cost of the first phase is about $7.7 billion. Add to that the interest costs of $1.3 billion and the total price tag becomes $9.0 billion.

The pipeline itself is 48 inches in diameter and 801 miles long. More than half of it is elevated to protect the permafrost over which it is built. The rest is buried. It connects the great Prudhoe Bay oil field—9.6 billion barrels of recoverable oil—on the Alaskan North Slope, near the Arctic Ocean, with the ice-free Port Valdez on the Gulf of Alaska, from which the oil can be shipped year around to South 48 markets in oceangoing tankers.

Along the way, the pipeline crosses three mountain ranges and 800 streams, and roughly parallels the flood plain channels of five large rivers.

This first phase, with a throughput of 1.2 million barrels per day requires eight pumping stations along the way. Eventually, to achieve a throughput of 2 million barrels per day, four additional pumping stations will be built.

The pipeline, pump stations, and terminal are built to withstand the force of an earthquake of magnitude 8.5 on the Richter scale.

Construction was authorized in November of 1973 under the Trans-Alaska Pipeline Authorization Act, which ended the years of environmental and judicial hearings since the Prudhoe field was discovered in 1968. Construction began in April of 1974 and as many as 22,000 were employed during the peak season.

The first big task was to build the all-weather haul road from the Yukon River to Prudhoe Bay. This 358-mile road provided the first bridge across the Yukon River and the first surface link between central Alaska and the North Slope. The road was completed in only 154 days.

The other tasks have been accomplished in similar record times—the whole first phase being completed in less than 3½ years, including some remedial work.

But even in that short 3½ years, a situation has developed which remains to be resolved. It now appears that the west coast crude oil market, for which our North Slope oil was targeted, will not be able to take all of the 1.2 million barrels per day that will be coming through the pipeline later this year.

When the Senate passed the Trans-Alaska Pipeline Authorization Act in the summer of 1973, the west coast was heavily dependent on imported oil, and that dependence was increasing rapidly. But since then, a number of things have happened to reverse the supply/demand balance.

First, in the wake of the OPEC embargo, the timetable for bringing the daily throughput up to 1.2 million barrels was accelerated.

Second, in response to higher costs, west coast consumers have cut back on energy use and the rate of growth, which was 4.5 percent per year prior to the embargo, was negative in 1974 and 1975 and is now expected to be only a little more than 2 percent in the near future.

Third, Congress moved to open up the naval petroleum reserve at Elk Hills to further commercial development and production. And the schedule for developing the oil and gas resources of the Outer Continental Shelf of California and Alaska has been accelerated.

But the most important factor is that refiners have become dependent on light, low-sulfur crude from Indonesia over the past decade. And, because of the prevailing regulatory environment, refiners have been discouraged from making the modifications necessary to process crude oil of Alaskan North Slope quality. There is still a demand for crude oil much greater than the capacity of the Alaska pipeline. But, because of technical constraints, west coast refiners will use Indonesian oil rather than Alaskan oil. The west coast will still be dependent of foreign imports. The situation is not that there is too little demand on the west coast. Rather, it is because of bottlenecks in refinery capacity.

There are a number of important lessons this project has taught us which are relevant to future pipeline projects in the far north. Let us review those lessons.

The new domestic sources of oil and gas are not cheap. They are in remote areas and the costs of transporting materials and supplies and of supporting a workforce in those areas is high. Sure, there are many allegations of mismanagement and unjustified expenses. And I would not be surprised if some of these turned out to be correct. One cannot escape the fact that the cost to the American public of our future sources of energy will be high—but I do not believe it will be as expensive as OPEC oil.

It also takes a lot of time to bring these sources to market. It has taken 9 years to bring the Prudhoe Bay discovery on line. Only 3½ years of that were taken up by construction. The rest of that time went into the planning and permitting processes. Given today's social environment and the multitude of ways in which an opponent can obstruct a project, for any reason, it is amazing that anything ever gets done. A project as important and as big as an Alaska pipeline would not have been built without an act of Congress.

It was this experience which led us in the Congress to provide special expedited procedures and limited judicial review for the permits and certificates needed by an Alaska natural gas pipeline. I am afraid that the Federal Government will throw all this away if it decides to build a gas pipeline across Canada, since similar expedited procedures do not exist in Canada. I do not believe the Canadian people will accept restrictions on their judicial process for a project which will only benefit the United States. We will have the same problems with a gas pipeline through Canada that we had before the TAPS Act allowed the pipeline to be built across Alaska. I urge my colleagues to give careful consideration to this point.

Canadian native claims must be settled before a pipeline can be built. The American conscience should not allow Canadian native peoples to be exploited and abused for the sake of the economic development as was done in the earlier stages of our own history. We passed the Alaska Native Claims Settlement Act to make things right with our Alaskan natives before proceeding with the construction of TAPS.

Canadians also recognize the importance of this. Their situation with regard to a pipeline across Canada for Alaskan gas is even more critical than ours was. The 3-year inquiry headed by Mr. Justice Thomas Berger recommended last month that no pipeline be constructed through the Mackenzie Valley, the route proposed by the Arctic Gas consortium, for at least 10 years. We would do well, as neighbors, not to push Canadians to short-circuit a process which we, in our own experience, have found is so very necessary.

Then there is the lesson of cost overruns. The original cost estimate for TAPS was $900 million. That is quite a bit less that $7.7 billion. The difference is attributable to the increased initial capacity, to the tight environmental restrictions and the unprecedented overdesign required by Federal stipulations, and to the fact that the builders found that a great deal more of the pipe had to be elevated, rather than buried, at a much greater cost, than they had anticipated. But the greatest single factor in the overrun is simply the cost of delay. E. L. Patton, president of Alyeska, estimates that inflation, calendarized over the period of delay, accounts for $3.2 billion of the increase.

The potential for overruns is greater for a project which is subject to greater risk of delay, and greater uncertainty about construction conditions. Because of the experience gained from building TAPS, the cost estimated for a trans-Alaska natural gas pipeline, paralleling TAPS, can be considered more reliable.

Finally, there is the lesson of environmental feasibility. The TAPS project demonstrates that it is possible to develop our Nation's mineral and energy resources without undue damage to the natural environment. Any construction project creates a short-term disruption of the environment; but this project demonstrates that those impacts can be mitigated and that the long-term impacts can be minimized.

Mr. President, the construction of the trans-Alaska pipeline is a great accomplishment. It is a marvel of engineering and management that this project was completed in such a short time. And it is a most significant step toward our national goal of energy independence.

The builders of the pipeline are worthy of our congratulations.

I hope that we shall be cognizant of the fact that this pipeline becomes now one of the new wonders of the world, because it is a pipeline that has been engineered and built to the maximum capability of our technology to withstand earthquakes; to withstand changes in temperature from 70 below to 100 above; to handle oil that comes out of the ground in a boiling state; and to carry that oil as hot oil through 800 miles of pipeline that traverses a very wild area.

This pipeline, incidentally, is unique because about half of it is above the ground and half of it is below the ground. It will be, I think, an interesting thing to watch its utilization and to watch the technology that is involved in this pipeline in action. I shall have some additional remarks, Mr. President, at a later time concerning some of the more interesting aspects of this oil.

For instance, it will be about 40 days before the first oil reaches Valdez. In that period of time, we shall have a little lottery up in my State to figure out when that first drop of oil will travel the whole distance. So I think that the country will be aware, during this 40 days and 40 nights, that it takes a long, long time to bring oil from the North down. I am hopeful that when it does get to the South 48 and U.S. citizens start buying domestic oil from our State of Alaska, which will back out some of these foreign imports, many people will start understanding what we meant when we said this pipeline was built in the interest of national security.

Mr. President, I ask unanimous consent to have printed in the RECORD an article printed in the New York Times entitled "Alaska Pipeline Flow Set To Start Tomorrow."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA PIPELINE FLOW SET TO START TOMORROW

(By Wallace Turner)

ANCHORAGE, June 18.—The Trans-Alaska Pipeline system, built in one of the world's most hostile climates as a memorable national technical achievement, will go into service at 9 A.M. Monday after surviving attacks by environmentalists, Congressional debates as to its fundamental worth and the financial hazards of billions of dollars of excess costs.

Conceived as a vehicle for the recovery and marketing of the continent's largest single deposit of petroleum, the $7.7 billion installation will begin operation slowly as the oil flows at a mile an hour to fill the 789-mile pipe running from the shores of the Arctic Ocean to the ice-free waters of Prince William Sound.

When the pipe is filled by late July, the system will be tested with gradually expanding loads so that by autumn 1.2 million barrels a day will be delivered to a national market that in 1976 consumed 17.4 million barrels daily. That oil, drawn from wellheads

on the tundra-covered plain where the land slumps down toward the Arctic Ocean from the Brooks Range, will supplement imported oil, which in 1976 amounted to 7.3 million barrels a day.

These first deliveries from the 9.7 billion-barrel reservoir at Prudhoe Bay will enter the national market at a time when the United States is edging toward basic revisions in national energy policy, a policy that for decades will count on the Arctic oil resources that will begin to flow toward market Monday when buttons are pushed at Pump Station One of the Alyeska Pipeline Service Company.

The temperature will probably be in the mid-30's. Perhaps the sun will be out; perhaps there will be fog, or perhaps it will snow.

This is the North Slope, a bleak place that has come into the national consciousness along with remembered photos of men in hard hats, parkas and heavy gloves, surrounded by blowing snow. The pictures showed that ice formed on the men's beards while they tugged at wrenches used to assemble oil derricks in bitter cold. The captions usually said that the cold caused steel to become brittle and crack easily.

All this is true. The wells were drilled, and the pipeline was built in weather conditions of terrible severity. But it is summer now, the time of constant daylight. Yet it will be cold Monday, perhaps just above freezing.

Alyeska is a captive corporation owned by eight of the major leaseholders on the Slope; Exxon, U.S.A.; British Petroleum Ltd.; Atlantic Richfield Company, Union Oil Company of California, the Standard Oil Company (Ohio), Mobil Oil Corporation, Phillips Petroleum Company and America's Hess Corporation. With eight lesser holders, these companies own the oil and built the line to get it out to the refineries.

GREATEST OIL STRIKE

This Prudhoe Bay oilfield, drawing its name from a dimple in the shoreline of the ice-choked Beaufort Sea, is based on the greatest oil strike ever made in North America. About 8,100 feet below the frozen mud surface of that barren plain there begins a sandstone formation that is 1,500 feet thick and holds oil and gas over an area of 200 square miles.

Twenty or 30 billion barrels of oil permeate the spaces between the grains of sand in that sandstone. Engineers estimate that 9.7 billion barrels may be recovered before the field is abandoned two or three decades from now. There are also 25.4 trillion cubic feet of natural gas in the formation.

Despite the immensity of the oil strike, which was made in 1968 by Atlantic Richfield Company and Exxon, U.S.A., the oil pipeline has been delayed. The production and transit problems created by working on a fragile surface of frozen mud were intensified by the national concern over damage to the environment.

Spokesmen for the owners here believe that the pipeline is the most expensive project ever built by private investment. They put the cost at $7.7 billion. (The first transcontinental railroad in 1869 cost $886.7 million in 1977 dollars.) The oil companies spent $3.57 billion more to build the camps, drill the wells in the producing field and set up the systems for extracting sand and water from the petroleum.

GAS WILL BE STORED

They have also built an expensive plant to reinject the natural gas that comes out of the wellhead suspended in the oil. It will be stored until a way to market it is worked out.

Eighteen months after the oil strike, the National Environmental Policy Act was passed to become effective Jan. 1, 1970. What had been a discussion of how best to finance and engineer an oil pipeline became a political and legal question.

Suits were filed by environmentalists in April 1970 that blocked the pipeline's construction until Congress, under the urging of the Nixon Administration, passed the Trans-Alaska Pipeline Authorization Act in November 1973.

In the autumn of 1973, world oil prices jumped dramatically as the Arab nations cut back their production and announced price increases.

But as early as March 1973 Rogers C. B. Morton, Mr. Nixon's Secretary of the Interior, asked the Supreme Court and Congress as "a matter of the highest national importance" "to remove the obstacles to prompt construction."

Under the pricing policies of the Organization of Petroleum Exporting Countries, the world price of oil has climbed to the point where West Coast refineries pay $13.50 a barrel for Saudi Arabian oil similar in quality to that from Prudhoe Bay.

The pipeline owner companies have estimated their interest costs on construction loans to be $1.1 billion. As the line opens, they find themselves in a dispute with national and state governments. The disagreement is over the tariffs the owners propose to levy to move the oil. The state of Alaska, which will own one-eighth of the oil as its royalties, wants low tariffs and has opened a campaign against the companies' announced tariff of $6.04 to $6.44 a barrel.

The owners insist that they are entitled to recover their investment and interest on construction loans as well as an investment return. The state counters with the assertion that millions of dollars were wasted by inefficient management during construction and that the owners are not entitled to recover or to earn on that money.

The Interstate Commerce Commission will decide the issue.

The pipeline construction is one of the most important economic events in Alaska since the Gold Rush. Population was 322,000 in 1972 and is estimated at 422,500 in 1977. The pipeline payrolls strengthened the economy in Fairbanks and here.

The pipeline will enable the state to begin receiving huge sums of royalties and severance taxes on production. State spending has soared in anticipation of oil revenues, which will soon top $1 billion.

However, many thoughtful people here are worried. Last year, the voters approved a constitutional amendment that requires the State Department of Finance to put no less than 25 percent of state oil revenues into income-earning investments. This is called the Permanent Fund.

ECONOMY ON HIGHER PLANE

The 1976 fiscal year income from oil royalties and taxes for the state is $470 million, of which $272 million is from a special tax on reserves at Prudhoe. The balance is from the much smaller oil operations on the Kenai Peninsula and on oil platforms in the Cook Inlet. But three years from now, in the fiscal year 1980, the income will be just over $1 billion, 95 percent of it from Prudhoe Bay and taxes on the pipeline.

"The pipeline has lifted the economy to a higher plane," said Robert Richards, executive vice president of the Alaska Pacific Bank. "That new level is sustained by state government spending which by 1980 will be 10 times the 1970 level."

He said that he was "concerned that so many of Alaska's eggs are in the Prudhoe Bay basket."

"It is a physical fact that production will peak and fall off someday," he added.

During construction, earnings of the workers in the remote pipeline camps were unusually high because of heavy overtime and high hourly rates that were paid in return for no-strike guarantees. Checks for $2,500 to $4,000 for two weeks' work were not uncommon.

By simply checking endorsements, the banks here determined that at least half the pipeline payroll went straight out of the state, to be banked back home.

While the workers may have been extravagantly paid, they did not get to keep all of their wages. The Federal income tax took its share, and the State of Alaska reaped a huge harvest. State income tax collections were $32.4 million in 1970. In 1974–76, the three pipeline construction years, the state got $282 million in income taxes.

CAMPS ARE ONLY MEMORIES

Now the camps are closed. Their names are memories to the 70,000 different individuals who lent their efforts to build the pipeline.

The opening of the system will be supervised by William J. Darch, president of the Alyeska Pipeline Service Company. A Welshman who went to work for British Petroleum immediately after he took his chemical engineering doctorate at the University of Wales, Dr. Darch, 54 years old, is the oil company's expert on the start-up of new facilities.

In the half of the field operated by Atlantic Richfield, a similar planning and training program has been organized by Ben Odom, 51, a chemical engineering graduate of Oklahoma State University. Production on the British Petroleum half of the field is under the direction of Ken Chadwick, production manager. The two field operators will have 350 or 400 people on duty on Monday, but only a handful will be involved in the start-up.

At a signal from Dr. Darch, oil will come into the pipeline. The field operators will signal the opening of choke valves in preselected wells on the five-foot-high gravel pads where drilling has been done. Oil will begin to flow into the cleansing systems that remove water, natural gas and sand. Pumps will push the cleansed oil through lines to Pump Station One and the entrance to the Trans-Alaska Pipeline system.

All the lines have been filled with nitrogen to diminish the possibility of an explosion. At the head of the column of oil, a "pig," which is a device just a bit smaller than the 48-inch inside diameter of the pipe, will be inserted through special valve arrangements. It is equipped with radio signaling devices so workers can follow its progress where the line is buried. Along sections above ground, the eccentric wheel in the pig's front end will cause a knocking sound that the line walkers can hear.

As the oil enters the pipe, walkers will leave Pump Station One to keep surveillance on the progress of the oil-filling operation.

If there is no delay, the column of oil will reach Valdez in just over 30 days, Dr. Darch predicted.

After the pipe is filled, presumably about July 20, production will be stepped up rapidly to the initial target of 600,000 barrels a day. The oil will go into storage tanks at Valdez, for filling the fleet of tankers that will run to Prince William Sound for the next 20 to 30 years. If all goes well, the first tankers will be filled around the end of July.

Mr. HARRY F. BYRD, JR. Will the Senator from Alaska yield for an observation?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. HARRY F. BYRD, JR. As oil begins to flow through the Alaskan pipeline on this 20th day of June 1977, I want to commend and congratuate the Senator from Alaska—indeed, both Senators from Alaska—for the very hard and effective work which was done in bringing about that 50-to-49 vote which the Senator from Alaska (Mr. STEVENS) referred to a few moments ago. I cannot remember the exact date, but I remember well the occasion. The Senator from

Virginia was in California on some important matters there.

I must say, I was not overly enthusiastic about cutting short my visit to California but, after consulting with the two Senators from Alaska and being assured that it would be a very close vote, I came back in order to make that vote and I am very glad that I did. Otherwise, there might have been, certainly for the time being, a different outcome.

So, as the oil begins to flow today in Alaska, I congratulate the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Mr. GRAVEL).

Mr. STEVENS. I thank the Senator from Virginia. We can recall his return. I do, and I am grateful to him for believing us when we said that it was going to be close.

The ACTING PRESIDENT pro tempore. The time of the Senator from Alaska has expired.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Treasury appropriation bill not be proceeded with until Mr. BYRD's order has been completed. I believe that, under the previous order entered, Mr. BYRD has 15 minutes; yet the Treasury Post-Office bill comes down at 1 p.m.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. I make that request to protect the order of the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHMITT. Will the Senator from Virginia yield?

Mr. HARRY F BYRD, JR. Yes.

Mr. SCHMITT. In the context of his previous remarks, I cannot say I remember the close vote, or the return of the Senator from Virginia, because I was not in the Senate at the time. But I do commend the Senators from Alaska, and Alaskans as a whole, for sticking to this project. I am sure that the oil from Alaska will start to flow into this country. I realize there are still some difficulties. The oil is unusual oil for west coast refineries, and we are going to have to figure out a way in which it can reach the refineries in the middle portion of America so it will be utilized in the country as a whole. I feel we can do that and that, in the long run, New Mexico will play a part in the transport of that oil from the west coast into the interior.

I hope this is the case. But, more importantly, I wish to commend the Senator for having worked so hard to see that this new source of oil starts flowing.

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with the remarks of the Senator from New Mexico and the Senator from Virginia with respect to commendations to the two Senators from Alaska and the State itself.

KEEPING THE RHODESIAN INFORMATION OFFICE OPEN

Mr. HARRY F. BYRD, JR. Mr. President, the Senate last Thursday passed a sense of the Congress resolution of great significance.

Attached to the State Department authorization bill H.R. 6689 was an amendment which expressed the sense of the Congress "that any foreign country should be allowed to maintain an information office in the United States."

On the face of it, this seems like an unnecessary resolution which states the obvious.

However, in light of recent actions on the part of the Carter administration it was necessary for the Senate to reaffirm the historic traditions of free speech and free and open debate, and hopefully preclude the executive branch from taking unwise action.

Our delegate to the United Nations, James Leonard, has approved a Security Council resolution urging the shutting down of the Rhodesian Information Office in Washington, D.C.

This information office has operated in Washington for more than 12 years, providing information about Rhodesia and explaining its side of a very complicated situation.

The information service publishes a monthly survey of Rhodesian news and also publishes the texts of important speeches made by black and white Rhodesian officials.

This service has provided factual information which would not otherwise be available to U.S. citizens and has proved invaluable in helping Members of Congress, journalists, and others in getting information about Rhodesia.

By supporting the United Nations resolution, the administration put the United States on record as being against the free movement of ideas and has demonstrated a dangerous lack of concern for the very principles upon which this Nation was founded.

To shut down the Rhodesian Information Office would do violence to the cherished American principle of free speech. To quote the senior Senator from North Carolina, Mr. HELMS—

> It would be the American people who will be the losers, not the Rhodesians. It will be the American people who will lack the full and free debate that is guaranteed by the Constitution. It will be the American people who will have denied to them information that is rightfully theirs.

These same sentiments were stated on the floor of the Senate 10 years ago in 1967 by the late Senator Robert F. Kennedy when he joined me in urging the State Department to permit Rhodesian Prime Minister Ian Smith to speak at the University of Virginia. Senator Kennedy said:

> I think it is elementary in this country that those who have a different point of view from ours, as well as those who have a point of view which might be more in accordance with our own, should be permitted to speak.

It is significant and encouraging that the Senate last week reaffirmed the principle that all sides of an issue, even the most unpopular, deserve a fair hearing. The Senate resolution offered by the senior Senator from New Jersey, Mr. CASE, and approved by the Senate demonstrated that the sense of the Congress is diametrically opposed to that of the U.N. Security Council members.

As a result of the Senate action, I hope and assume we will hear no more about closing the Rhodesian Information Office in Washington, D.C.

Mr. President, in that same regard, the Baltimore News American in its edition of June 15, 1977, had an editorial which goes into some detail regarding the United Nations resolution.

The editorial is captioned "Double Standard Diplomacy." In a moment, I will ask that it be printed in the RECORD, but before doing so I want to point out one factual element in the editorial.

The editorial, as written, states that the United Nations vote has resulted in a State Department order closing down the Rhodesian information office.

Mr. President, such an order has not been issued, so far as I am aware, and it would have to be done by Executive order by the President.

But except for that one element, I think it is an excellent editorial and I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOUBLE STANDARD DIPLOMACY

Among human rights, the promotion of which is professed to be paramount in the Carter administration foreign policy, is the right of access to information—a right supposedly assured in the United States by the first amendment guarantee of a free press.

Under this concept, which is basic for a truly free society, countless foreign causes routinely issue leaflets, magazines and books in this country which advance everything from overthrow of the Puerto Rican government to the notion of a superior way of life in the Soviet Union.

The publications come from an endless variety of sources. Almost anything goes—the effusions of private crusaders for such causes as French separatism in Canada, every kind of communist front propaganda, all sorts of official foreign material and pronouncements, even releases from the Palestine Liberation Organization "information office" in New York.

Given this background, it becomes difficult indeed to justify the Carter administration vote for a little-publicized action by the United Nations Security Council when, on May 27, it outlawed the spending of funds by Rhodesia in any U.N. member country to argue its case.

This crude, lynch-party resolution, through the affirmative U.S. vote, has resulted in a State Department order closing down the 13-year-old Rhodesian information office in Washington—that government's only formal spokesman in this country.

According to a State Department top official, the U.S. vote in the Security Council action was part of the administration's foreign policy aimed at accelerating the process toward majority rule in southern Africa—an aim whose rationale is beside the point here.

The point here is that, contrary to every concept of America's free press tradition, a government far less menacing to our national interests than Soviet Russia or Cuba has effectively been throttled in further direct presentation of its position to the U.S. public.

This involves a matter of deep principle, not to mention a curious kind of double standard diplomacy. It is a definite weakening of U.S. press freedom, and a wild confusion of values, which can gag one troubled nation in the name of human rights while permitting the distinctly subversive propaganda and even espionage activities of total

dictatorships, to say nothing of any press release handed out by countries which participate in international terrorism.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that there be a brief period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALASKAN PIPELINE

(The following proceedings occurred later in the day and are printed at this point in the RECORD by unanimous consent.)

Mr. MELCHER. Mr. President, the trans-Alaskan pipeline approval of the permit application to start operation has been granted by the Secretary of the Interior. What that means is that the pipeline, as it is constructed now, has been constructed in such a manner as to comply with the stipulations of the permit. It permits Alyeska, the owners and operators of the pipeline, to start filling the pipeline with oil produced on the North Slope of Alaska. It will take them several weeks to fill the pipeline sufficiently to where pumping from the North Slope to the terminal point at Valdez can adequately demonstrate that the pipeline is sound.

The proof of the pudding will actually come when the oil is flowing through the pipeline, the pumping stations are working, and it is demonstrated currently that there are no flaws in the pipeline itself.

It is contemplated that the line will first be operated at 600,000 barrels a day pumped to the terminal point at Valdez, there to be loaded on tankers bound for shipment to the lower 48 States.

A point that Alyeska is seeking to reach as quickly as possible is a volume of oil of 1.2 million barrels a day to be delivered at Valdez. At that time it is clear that there will be a surplus of domestic oil produced in Alaska on the west coast. Currently, the State of California is importing 700,000 barrels a day, but it is obvious that when the pipeline is delivering 1.2 million barrels daily, most of it to come to California, there will be a crude oil surplus there.

Under the terms of the trans-Alaskan pipeline bill, the oil produced there which flows through the pipeline will have to be equitably distributed among the Lower 48 States. That is required by law. It is a part of the act.

In the meantime, the Canadian Government is curtailing supplies of their crude oil it has provided for refineries in the United States. Their curtailment is scheduled. As of July 1, there will be a 13-percent reduction, and there have been reductions prior to now. As of January 1 there will be a further reduction of Canadian crude supplies permitted to come to the United States.

The problem is this: While we will have a crude oil surplus on the west coast from the Alaskan crude, we will have a shortage of crude oil for many other refiners in the northern tier States and in the Midwest, which are being shut off from their traditional Canadian supplies. That is a problem. To answer that problem we must expedite the construction of pipelines within the United States from the west coast leading to the northern tier States and to the Midwest.

With cosponsors, I am preparing a bill which will shortly be introduced to accomplish the purpose of expediting the construction of those pipelines.

Without congressional action to expedite the construction, we will find decisions for pending proposals to build those pipelines all too slow.

We have to establish deadlines with a new bill. Both of the considerations of the Alaska natural resources of crude oil and natural gas have required specific acts by Congress to expedite their construction. The first of those, of course, is the Trans-Alaska Pipeline Act. The second will be the Alaska Natural Gas Act to expedite the construction of a gas pipeline from the North Slope field to bring Alaskan natural gas down to the contiguous 48 States.

Returning again to the problem of the surplus of Alaskan crude oil on the west coast, there are a number of pending proposals to provide long-term solutions to that problem. Two of those proposals have reached the application stage and are now being considered by the Department of the Interior. One is Northern Tier Pipeline Coast proposal, to bring the oil from Port Angeles across the northern tier States to the Midwest. The other is Sohio Oil Co.'s proposal, from San Pedro, Calif., to Midland, Tex.

We feel that someone in the executive branch should be given the responsibility to decide which of these projects will receive Federal permits required for construction. Absent Federal legislation, American consumers will be forced to pay higher costs and bear the insecurity of short-term solutions, which may make financing for long-term solutions impractical. Remember, if we are going to carry the oil from Valdez in Alaska to the west coast, and there is a surplus there, with no opportunity for refining capacity there, the next alternative is shipment through the Panama Canal. It is not a good alternative. The canal can only permit tankers of a small size, and putting the oil into the smaller tankers and going through the canal and into the Houston area for refining, or up the east coast and other parts of the country for refining is an expensive proposition and will cost more for consumers. So our solution is a type of legislation that is in the bill I have mentioned.

It will expedite the preparation of environmental assessments, supply-demand studies, and other necessary Federal permits. It will require the appropriate Federal departments to make a national decision by February 1, 1978, as to which of the pending west coast-to-Midwest pipeline projects should receive the required Federal permits for construction. It will require all pipeline proposals to meet all requirements of existing law before construction begins.

It further limits judicial review of actions taken pursuant to section 6 of the bill, according to the procedures of the Alaska Natural Gas Transportation Act of 1976.

Furthermore, I hasten to point out that the bill deals only with Federal permits. It does not preempt the States and their prerogatives under their statutes. We feel that we should, first of all, attack the Federal responsibility of expediting these Federal permits, and, hopefully, by providing that type of leadership, the States involved will also expedite, under their own statutes, the consideration of the applicants in meeting their requirements for their States' permits.

Mr. President, it has been mentioned several times by oil company officials and members of the executive branch of the Government that, perhaps, a short-term solution to the problem would be swaps or sales to such foreign countries as Japan—noting that Japan is close, comparatively close, to Valdez. Under the requirements of the Trans-Alaska Pipeline Act, that could only come about through this series of events: First of all, the President would have to make a finding that the oil was either in surplus to our needs in the United States—and surely, that finding cannot be made any time in the foreseeable future—or the President can make a finding that it is in our national interest to arrange for sales or swaps. If he makes such a finding, then that finding or that proposal must be laid before Congress, and if Congress rejects it, the proposal cannot be effective.

In my judgment, Mr. President, the situation is that Congress would reject any sales or swaps to Japan or any other foreign country, other than Canada or Mexico, which is permitted under the Trans-Alaska Pipeline Act.

With that in mind, it becomes increasingly more important that we clear the way promptly for the construction of pipelines within the contiguous 48 States to move the Alaskan crude off the west coast, where it will be in surplus, and to those very refineries in the Northeast and in the Midwest that are desperately short of crude and which will become even shorter of crude as Canada continues to curtail their shipments and sales to the United States.

Mr. President, I encourage all of the Members of the Senate to review the proposed bill, to comment on it, and to join in cosponsorship if they find favor in it.

I ask unanimous consent that I may submit the language of the bill itself, to be printed in the RECORD, as well as a factsheet explaining what the bill does.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHORT TITLE

SEC. 1. This Act may be cited as the "National Crude Oil Supply and Transportation Act of 1977".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds and declares that:

(1) Serious crude oil supply shortages exist in the Northern Tier and Inland States;

(2) curtailment of Canadian crude oil and natural gas exports, depletion of known oil and gas reserves, hydro-electric power shortages, and conversion from natural gas to petroleum products will excerbate the existing supply shortage;

(3) the scheduled July 1977 operation of the Trans-Alaska Pipeline is projected to re-

sult in a large surplus of North Slope crude oil on the West Coast;

(4) pending the authorization and completion of West Coast to Midwest crude oil transportation systems, Alaskan crude oil in excess of West Coast needs will be shut-in or transshipped through the Panama Canal at a high transportation cost to United States consumers;

(5) a long-term solution to this supply imbalance is needed and expeditious authorization of crude oil transportation systems for delivery of Alaskan crude oil to markets in Northern Tier and other Inland States is of the utmost priority; and

(6) resolution of the West Coast crude oil surplus and the Northern Tier and Inland shortage requires the assignment of responsibility within the Executive Branch; expedited action on environmental assessments and permit applications and reasonable limitations on judicial review.

STATEMENT OF PURPOSE

SEC. 3(a) The purpose of this Act is to resolve the West Coast crude oil surplus by providing an expedited means for issuing required Federal approvals for the continuation of a transportation system or systems to move Alaskan crude oil to areas experiencing crude oil shortages in Northern Tier or Inland States.

(b) To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorization and directions herein made.

DEFINITIONS

SEC. 4. As used in this Act;

(a) The term "Secretary" means the Secretary of the Department of Interior.

(b) The term "Northern Tier States" has the same definition as set out in Section 18 of the Alaskan Natural Gas Transportation Act of 1976 (Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and Ohio).

(c) The term "Inland States" means any other state experiencing or projected to experience crude oil shortages that could be served by a West Coast to Midwest crude oil transportation system or systems.

(d) The term "crude oil transportation system" means a crude oil pipeline within and subject to the jurisdiction of the United States and the port, terminal, tank farm, pumping stations, off-take points, and other related facilities associated with moving substantial volumes of Alaskan crude oil by pipeline to Northern Tier and other Inland States.

EXPEDITED DECISION MAKING ON CRUDE OIL TRANSPORTATION SYSTEMS

SEC. 5. (a)(1) The Secretary shall review all applications pending on the date of enactment of this Act for the issuance of Federal rights of way, permits, leases and other authorizations necessary for construction and operation of a crude oil transportation system from the West Coast to Northern Tier and other Inland States. The Secretary shall establish a time schedule for completion of all required environmental impact statements associated with the crude oil transportation system covered by each application. The schedule shall insure that the appropriate Federal agencies have completed the environmental impact statement prior to the Secretary's decisions pursuant to Subsection (b) of this section on issuance of authorizations necessary for construction and operation.

(2) The Secretary may, by rule, provide for the presentation of data, views and arguments pursuant to such procedures as the Secretary determines to be appropriate to carry out his responsibilities under this section. Such a rule shall, to the extent determined by the Secretary, apply, notwithstanding any provision of law that would otherwise have applied to the presentation of data, views and arguments.

(3) The Secretary may request such information and assistance from any Federal agency as he determines to be necessary or appropriate to carry out his responsibilities under this Act. Any Federal agency requested to submit information or provide assistance shall submit such information at the earliest practicable time after receipt of a request from the Secretary.

(b)(1) Following the Secretary's review of applications and establishment of schedules for completion of required environmental impact statements, the Secretary, after consultation with the Administrator of the Federal Energy Administration or the head of its successor agency, shall make a decision no later than February 1, 1978, as to which such transportation system or systems shall be approved under this Act.

(2) The criteria for the Secretary's decision on a transportation system or systems to move Alaskan crude oil to areas experiencing shortages in Northern Tier and Inland States shall be:

(A) the volumes of crude oil that would be made available to Northern Tier and other Inland States and the projected demand in these States;

(B) the pipeline tariff and other transportation costs;

(C) the capital and operating costs;

(D) the impact upon competition;

(E) the economic, employment balance of payments, and tax benefits provided;

(F) environmental and safety considerations;

(G) national security;

(H) the relationship of the system or systems to other aspects of a balanced national energy act and transportation policy;

(I) the extent to which the system or systems provide a long-term solution to the West Coast crude oil surplus; and

(J) the extent to which the system or systems enable the provisions of section 410 of Public Law 93-153 to be carried out to insure an equitable allocation of the benefits of North Slope crude oil to all regions of the country.

(3) The Secretary shall accompany his decision under subsection (b)(1) with a report, which shall be available to the public, explaining the basis for his decision.

AUTHORIZATIONS

SEC. 6. Each crude oil transportation system approved by the Secretary shall receive all necessary rights of way, permits, leases, and other authorizations pursuant to the procedures set forth in Section 9 of the Alaska Natural Gas Transportation Act of 1976, 90 Stat. 2911.

JUDICIAL REVIEW

SEC. 7. Notwithstanding any other provision of law, the actions of Federal officers or agencies taken pursuant to Section 6 of this Act, shall not be subject to judicial review except as provided in Section 10 (b) and (c) of the Alaska Natural Gas Transportation Act of 1976, 90 Stat. 2911, except that the term "President" as used in that Act shall mean "Secretary" as defined in Section 4(a) of this Act.

ANTITRUST LAWS

SEC. 8. Nothing in this Act, and no action taken hereunder shall imply or effect an amendment to, or exemption from, any provision of the antitrust laws.

SEPARABILITY

SEC. 9. If any provision of this Act, or the application thereof, is held invalid, the remainder of this Act shall not be affected thereby.

FACT SHEET—PROPOSED LEGISLATION TO PERMIT ALASKAN CRUDE OIL TO BE USED IN DOMESTIC MIDWEST AND INLAND REFINERIES RATHER THAN EXPORTED OR TRANSSHIPPED THROUGH THE PANAMA CANAL

I. PROBLEM

A. Projected Surplus of Alaskan Crude Oil on the West Coast Is a National Problem—

1. The Alaskan pipeline is scheduled to begin operation by July and after it reaches capacity, there will be a surplus of crude oil estimated at 600,000 barrels a day on the West Coast sometime in 1978.

2. Pipelines must be built to provide a long-term means of moving this oil to areas of the U.S. experiencing crude oil shortages.

B. Serious Crude Oil Shortages in the Northern Tier and Midwest States Are Also A National Problem—

1. Canadian cutback of crude oil exports and declining domestic reserves has left many refineries in Northern Tier States without secure sources of supply.

2. Conversion from natural gas to petroleum caused by the natural gas shortage of the past winter and pending legislation enforcing conversion will exacerbate the problem.

C. Without Congressional Action to Establish Deadlines for Decisions on Pending Proposals to Build Pipelines to Move Alaskan Oil to the Midwest and Northern Tier States, These Projects May Be Delayed by Years of Redtape and Bureaucratic Indecision—

1. There are a number of pending proposals to provide long-term solutions to the West Coast surplus and the Midwest shortage, two of these applications are by Northern Tier Pipeline Company and Sohio Oil Company.

2. Someone in the Executive Branch should be given the responsibility to decide which of these projects will receive the Federal permits required for construction.

3. The last two major pipeline proposals in this country—the Trans Alaska Pipeline and the Alaska Natural Gas Pipeline—required Federal legislation.

4. Absent Federal legislation, American consumers will be forced to pay the higher cost and bear the insecurity of short-term solutions which may make financing for a long-term solution impractical.

II. SOLUTION

A. Expedite the preparation of environmental assessments, supply-demand studies, and other necessary Federal permits.

B. Require the appropriate Federal Departments to make a national decision by February 1, 1978 as to which of the pending West Coast to Midwest pipeline projects should receive the required Federal permits for construction.

C. Require all pipeline proposals to meet all requirements of existing law before construction begins.

III. SUMMARY OF THE PROPOSED LEGISLATION

"National Crude Oil Supply and Transportation Act of 1977."

Sec. 2. Congressional Findings—A large surplus of North Slope crude oil is projected for the West Coast; serious shortages are developing in the Northern Tier and Midwest States; shipment through the Panama Canal raise serious problems; and that a decision on a long-term solution is in the national interest.

Sec. 3. Purpose—To resolve these problems by expediting Federal review and the necessary approvals required for construction of one or more crude oil pipeline systems which will meet these needs.

Sec. 4. Definitions—The Secretary of the Interior, because of the Department's responsibility for rights-of-way and preparing the environmental impact statement is given the responsibility to determine which pipeline systems should receive permits. The crude oil transportation system selected must be within and subject to the jurisdiction of the United States.

Sec. 5. Expedited Decision Making—The Secretary is to review and consider all relevant views and data and relevant Federal agencies are to expedite preparation of environmental studies prior to making a decision by February 1, 1978. Specified criteria are set out upon which the Secretary should base his decision.

Sec. 6. Authorizations—Adopts the procedures of the Alaska Natural Gas Transportation Act of 1976 to expedite the granting of all necessary rights-of-way, permits, leases and other authorizations to an approved system.

Sec. 7. Judicial Review—Limits judicial review of actions taken pursuant to Section 6 according to the procedures of the Alaska Natural Gas Transportation Act of 1976.

NOTE: This bill deals only with Federal permits and does not involve or pre-empt state requirement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILLS

A message from the President of the United States stated that he has approved and signed the following bills:

On June 16, 1977:

S. 955. An act to amend the Federal Crop Insurance Act.

On June 17, 1977:

S. 1240. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1978.

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Fund, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. REUSS, Mr. GONZALEZ, Mr. MINISH, Mr. MOORHEAD of Pennsylvania, Mr. PATTERSON of California, Mr. TSONGAS, Mr. D'AMOURS, Mr. BADILLO, Mr. LAFALCE, Mr. STANTON, Mr. HYDE, Mr. GRASSLEY, and Mr. BROWN of Michigan were appointed managers of the conference on the part of the House.

At 2:00 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that:

The House has passed the following bill in which the concurrence of the Senate is requested:

H.R. 7555. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The House disagrees to the amendment of the Senate to the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ZABLOCKI, Mr. FASCELL, Mr. HAMILTON, Mr. WOLFF, Mr. DIGGS, Mrs. MEYNER, Mr. BONKER, Mr. BROOMFIELD, Mr. DERWINSKI, and Mr. WINN were appointed managers of the conference on the part of the House.

The House disagrees to the amendment of the Senate to the bill (H.R. 6179 to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ZABLOCKI, Mr. FOUNTAIN, Mr. FASCELL, Mr. HAMILTON, Mr. BINGHAM, Mr. STUDDS, Mr. BEILENSON, Mr. BROOMFIELD, Mr. DERWINSKI, and Mr. WINN were appointed managers of the conference on the part of the House.

The House disagrees to the amendment of the Senate to the bill (H.R. 6714) to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that act, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ZABLOCKI, Mr. FASCELL, Mr. DIGGS, Mr. FRASER, Mr. HAMILTON, Mr. BINGHAM, Mr. SOLARZ, Mr. BROOMFIELD, Mr. FINDLEY, and Mr. WINN were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The Speaker has signed the following enrolled bill:

H.R. 4301. An act to authorize appropriations for the National Sea Grant Program Act during fiscal years 1978, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Richard Blumenthal, of Connecticut, to be U.S. attorney for the district of Connecticut.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RANDOLPH, from the Committee on Environment and Public Works:

Thomas Cash Jorling, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILL REFERRED

The following bill was read twice by its title and referred to the Appropriations Committee:

H.R. 7555. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WALLOP (for Mr. HATCH):

S. 1716. A bill for the relief of Graciela Fidela Lopez; to the Committee on the Judiciary.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1717. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; to the Committee on Finance.

By Mr. MATHIAS:

S. 1718. A bill for the relief of Edwin Nikolaus Burlimann; to the Committee on the Judiciary.

By Mr. HAYAKAWA:

S. 1719. A bill to amend title XVI of the Social Security Act to provide for attribution of sponsor's income and resources to aliens; to the Committee on Finance.

By Mr. ABOUREZK:

S. 1720. A bill to amend chapter 5, subchapter 11, of title 5, United States Code, to provide for improved administrative procedures; to the Committee on the Judiciary.

S. 1721. A bill to amend chapter 5, subchapter 11, of title 5, United States Code, to provide for improved administrative procedures; to the Committee on the Judiciary.

By Mr. NUNN (for himself and Mr. CHILES):

S. 1722. A bill to protect the public from traffickers in controlled substances in schedule I which are narcotic drugs and controlled substances in schedule II, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA:

S. 1719. A bill to amend title XVI of the Social Security Act to provide for attribution of sponsor's income and resources to aliens; to the Committee on Finance.

Mr. HAYAKAWA. Mr. President, the purpose of the bill which I am introducing today is to protect the interests of the U.S. Treasury. A number of press reports which appeared in California during recent months have drawn public attention to certain encroachments on Social Security funds.

It appears that a considerable number of elderly immigrants who arrived in this country under the sponsorship of relatives or friends promptly became public charges by applying for and obtaining SSI and Medicaid support. According to reliable estimates, the annual cost of

these public expenditures is in the vicinity of $500 million.

Theoretically, the strict application of existing laws and regulations should preclude such practices. Under the law, any immigrant in order to be admitted to the United States is obliged to demonstrate the availability of means of subsistence if necessary in the form of an affidavit executed by relatives or friends residing in this country. It appears, however, that a number of court decisions are preventing the enforced collection of funds supposedly available on the basis of affidavits. In other words we are faced with a procedure whereby the State Department accepts affidavits as an effective device of protecting the U.S. Treasury although it knows that this instrument is dull. At the same time, there are citizens or residents of the United States who for reasons of their own grant affidavits as a mere formality and thereby encourage the resulting charges to the Treasury. The conclusion seems inescapable that this society is here faced with cases of bad faith and that the appropriate response should be a tightening of regulations.

My bill—if enacted—will serve this purpose. It amends the Social Security Act by providing for attribution of a sponsor's income and resources to aliens who immigrated to the United States on the basis of an affidavit executed on their behalf.

Mr. President, I ask for speedy enactment of my bill.

By Mr. ABOUREZK:

S. 1720. A bill to amend chapter 5, subchapter 11, of title 5, United States Code, to provide for improved administrative procedures; to the Committee on the Judiciary.

S. 1721. A bill to amend chapter 5, subchapter 11, of title 5, United States Code, to provide for improved administrative procedures; to the Committee on the Judiciary.

ADMINISTRATIVE CONFERENCE AND AMERICAN BAR ASSOCIATION BILLS TO AMEND THE ADMINISTRATION PROCEDURE ACT

Mr. ABOUREZK. Mr. President, today I am introducing two bills at the request of the Administrative Conference of the United States and the American Bar Association. These two bills amend the Administrative Procedure Act. The Subcommittee on Administrative Practice and Procedure, of which I am chairman, intends to take early action on these and related bills. I ask unanimous consent that statements drafted by the staff of the Administrative Conference and the ABA explaining these two bills and a copy of each bill be printed in the RECORD.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 554(d) of title 5, United States Code, is amended to read as follows:

"(d) The employee who presides as the reception of evidence pursuant to section 556 of this title shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency, in which case such decision may be made by an employee qualified to preside at hearings pursuant to section 556 of this title, or the entire record may be certified to the agency for decision. This subsection does not apply—

"(A) in determining applications for initial licenses;

"(B) to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; or

"(C) to the agency or a member or members of the body comprising the agency.".

(b) Section 556 of title 5, United States Code, is amended by adding a new subsection (f) to read as follows:

"(f)(1) Except to the extent required for the disposition of ex parte matters as authorized by law, neither the employee who presides at the reception of evidence nor any employee participating in an agency decision (other than as authorized by section 557(b)(1)) pursuant to section 557 of this title may—

(i) consult a person or party on a fact in issue, unless on notice and opportunity for all parties to participate or

(ii) be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigative or litigating functions for an agency.

"(2) An employee or agent engaged in the performance of investigative or litigating functions for an agency in a case may not, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 557 of this title, except as witness or counsel in public proceedings or as authorized by section 557(b)(1), except that in cases not subject to section 554(d) of this title, an employee shall not be deemed to have engaged in the performance of investigative or litigating functions solely by virtue of his general organizational or supervisory responsibility for such functions.

"(3) For purposes of this subsection the term 'litigating functions' does not include participation in a proceeding for judicial review of agency action.

"(4) This subsection does not apply to the agency or any member of the body comprising the agency.".

SEC. 2. Section 557 of title 5, United States Code, is amended by adding at the end thereof a new subsection (e) as follows:

"(e) Each agency may establish, by rule, one or more agency appeal boards for review of decisions of presiding employees. Such appeal boards shall be composed of agency members, hearing examiners (other than the presiding employee in the proceeding on appeal), or other appropriate agency employees. Each agency shall specify in such rules the circumstances and conditions, if any, under which the agency will (1) entertain and consider appeals to it directly from the decision of a presiding employee, and (2) entertain and consider appeals only after decision of an agency appeal board. An agency may provide by rule that decisions or categories of decisions, including agency appeal board decisions, become final unless reviewed by the agency in its discretion. Nothing in this subsection shall be construed to supersede (1) any provision of law specifically governing in particular agencies the composition and organization of appeal boards or the right of one or more agency members to direct review of decisions, or (2) any authority otherwise possessed by an agency to delegate the final decision to one or more of its members or employees.".

SEC. 3. (a) Section 556(d) of title 5, Untied States Code, is amended as follows:

"(d) Agency subpenas authorized by law shall be issued to a party on request and, when required by rules of procedure, on a statement or showing of general relevance and reasonable scope of the evidence sought. Each agency shall designate by rule the officers, who shall include the presiding officer in all proceedings subject to section 556 of this title, authorized to sign and issue subpenas. On contest, the court shall sustain the subpena or similar process or demand to the extent that it is found to be in accordance with law. In a proceeding for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.".

(b)(1) Section 556 of title 5, United States Code, is amended by deleting the words "authorized by law" in subparagraph (c)(2) of such section, redesignating subsections (d) and (e) as (e) and (f), respectively, and by inserting after subsection (c) the following new subsection (d):

"(d) In any proceeding subject to the provisions of this section, the agency is authorized to require by subpena any person to appear and testify or to appear and produce books, papers, documents, or tangible things, or both, at a hearing or deposition at any designated place. Subpenas shall be issued and enforced in accordance with the procedures set forth in section 555(d) of this title. In case of failure or refusal of any person to obey a subpena, the agency, through the Attorney General unless otherwise authorized by law, may invoke the aid of the district court of the United States for any district in which such person is found or resides or transacts business in requiring the attendance and testimony of such person and the production by him of books, papers, documents, or tangible things. The authority granted by this subsection is in addition to and not in limitation of any other statutory authority for the issuance of agency subpenas and for the judicial enforcement thereof.".

(2) The heading of such section 556 is amended to read as follows: "§ 556. Hearings; presiding employees; powers and duties; subpena power; burden of proof, evidence, record as basis of decision".

STATEMENT OF THE ADMINISTRATIVE CONFERENCE AND THE AMERICAN BAR ASSOCIATION ON S. 1720

PURPOSE AND SUMMARY

S. 1720 would amend the Administrative Procedure Act, 5 U.S.C. sections 551–559, to adopt three proposals supported by the Administrative Conference of the United States and the American Bar Association. The purpose of the bill is to expand procedural safeguards and speed up and improve the processes of Federal administrative agencies and executive departments.

First, the bill would extend to all formal, on-the-record proceedings those requirements for strict separation of advocacy and adjudicatory functions now applicable to formal adjudications.

Second, S. 1720 would authorize, but not require, agencies to create appeal boards and to delegate final decisional authority in routine cases to such boards or to administrative law judges (ALJ's). Either delegation would be subject to discretionary agency review. These appeal boards and the delegation of authority would reduce agency delay, relieve top agency or department officials from the burden of deciding routine cases and free them to focus on more significant cases and policy issues.

Third, S. 1720 would extend a useful fact-gathering tool, the subpena power, to all agencies in proceedings that are required to be decided on the record after an opportunity for hearing under 5 U.S.C. sections 556 and 557. The bill would also delegate to presiding officers the power to sign and issue subpenas in all proceedings subject to 5 U.S.C. sections 556 and 557.

BACKGROUND

S. 1720 is a consolidation of two bills, S. 796 and S. 798, considered and reported

favorably by the committee late in th 94th Congress (S. Repts. Nos. 94–1258 and 94–1259). S. 798 was approved by the Senate on September 21, 1976 but the session ended before S. 796 could be acted upon.

Section 1 is drawn from S. 798 which was endorsed by the Administrative Conference of the United States [1] and, with a qualification explained below, by the American Bar Association.[2] The bill was also supported by the Department of Health, Education, and Welfare; [3] the Department of the Interior; [4] the Department of the Treasury; [5] the Federal Communications Commission; [6] the Federal Maritime Commission; [7] and the Consumer Product Safety Commission.[8] The present text has, however, been revised to include and to broaden slightly a provision contained in section 1 of S. 796, ensuring organizational separation of agency appeal board members from agency investigative and litigating staff.

Section 2 is a revision of section 1 of S. 796. It would implement Recommendation 68–6 of the Administrative Conference of the United States and is also supported by the American Bar Association.[9] The following agencies and organizations also endorsed the provision of this section in the last Congress: Consumer Product Safety Commission,[10] the National Labor Relations Board,[11] the Air Transport Association of America,[12] the Association of the Bar of the City of New York,[13] and the Center for Governmental Responsibility.[14] Comments were also received from the Federal Power Commission,[15] National Aeronautics and Space Administration,[16] Department of the Interior,[17] the Federal Communications Commission,[18] the Federal Maritime Commission,[19] the Federal Trade Commission,[20] and the National Association of Manufacturers.[21]

Section 3, granting subpena power to agencies and delegating the subpena power to presiding officers, is identical to section 2 of S. 796. This section was supported in the last Congress by the Air Transport Association of America,[22] the Association of the Bar of the City of New York,[23] the Center for Governmental Responsibility,[24] the Environmental Defense Fund,[25] the executive Departments of Defense,[26] Interior [27] and the Treasury,[28] the Consumer Product Safety Commission,[29] the Federal Trade Commission,[30] and the Postal Rate Commission. Comments were also received from the Federal Communications Commission,[31] the National Aeronautics and Space Administration,[32] the Federal Power Commission,[33] and the National Association of Manufacturers.[34]

DISCUSSION

I. Agency separation of functions

A. Need for expansion of separation of functions requirements

The second and third sentences of section 554(d) of the Administrative Procedure Act now contain three distinct provisions for protecting the independence of the decisional process in formal, on-the-record agency adjudication:

First, the presiding officer, ordinarily an ALJ, may not consult a person or party on a fact in issue except on notice to all parties.

Second, the presiding officer must not be responsible to or subject to the supervision of agency officials engaged in the performance of investigative or prosecuting functions. Thus, as a practical matter an agency's ALJs must be placed in an organizational unit that is separate from those to which investigative and prosecuting personnel as assigned and under the supervision of the agency itself or of agency officers who exercise no investigative or prosecutive functions. (See Attorney General's Manual on the Administrative Procedure Act 55–56 (1947), hereinafter referred to as "AG Manual.")

Third, no employee who has performed investigative or prosecuting functions in a case may participate or advise off-the-record in the agency decision in the same or a factually related case. He cannot, in other words, participate first as an investigator or advocate and then turn around and act as decisionmaker or confidential adviser to the decisionmaker in the same case. This principle is not limited to decisions by presiding officers but is applicable at all decisional levels within the agency.

Since section 554 is addressed only to formal adjudications, the three provisions described above are not applicable to formal rulemaking proceedings, nor are they applicable to certain categories of adjudication—initial licensing proceedings and proceedings to determine the validity of past rates—which are excepted from the coverage of section 554(d) because of their similarity to rulemaking in the relative significance of policy as against purely factual issues. (See AG Manual 50–51.) It was the judgment of the drafters of the APA that to impose the requirements of section 554(d) on formal rulemaking and initial licensing would undesirably restrict the flexibility of such proceedings.

Experience, however, has belied these fears. In point of fact nearly all agencies in conducting formal proceedings not covered by section 554(d) nevertheless follow procedures consistent with the requirement of the subsection. Last year, Congress enacted a provision to apply the ex parte prohibitions in the Administrative Procedure Act to formal rulemaking proceedings. (Public Law 94–409, § 4.) Further, both the American Bar Association and the Administrative Conference of the United States have proposed that the separation of functions requirements contained in section 554(d) be expanded in their application to cover all formal proceedings, both adjudication and rulemaking. Section 1 of this bill would accomplish this objective.

In the last Congress, the Committee on Administrative Practice and Procedure had before it alternative bills dealing with separation of functions. S. 797, the bill proposed by the American Bar Association, would have extended without qualification to all formal proceedings the three provisions of section 554(d) described above. S. 798, the bill proposed by the Administrative Conference, would have done the same, with a single qualification: the bar on participating or advising in the agency decision would not extend to agency officials who have not personally been involved in the case but who have general supervisory responsibility over employes who have participated in the case. For example, the general counsel of an agency would not be disqualified from advising the agency members with respect to a formal rulemaking proceeding simply because attorneys in the general counsel's office participated in the hearing.

It should be pointed out that it is not clear under existing law whether such general supervisory responsibility is disqualifying in and of itself in a formal adjudication now subject to section 554(d). (See AG Manual 57–58; Davis, Administrative Law Treatise sec. 13.07; *R. A. Holman* v. *SEC*, 366 F. 2d 446, 446, (2d Cir. 1966), cert. denied, 389 U.S. 991 (1967).) In those agencies which conduct adjudications subject to section 554(d), the problem does not arise because of strict organizational separation between prosecuting and advisory functions. The committee expresses no opinion on this question. The purpose of the language in proposed subsection (f)(2) (page, 11.) ("except that in cases not subject to section 554(d) of this title, . . .") is to leave this question open for judicial resolution, not to foreclose it.

But, if the separation-of-functions requirements of section 554(d) are extended to all formal proceedings, the question of disqualification because of supervisory responsibility will create problems in at least one major agency, the Federal Power Commission. It is Commission practice to require every staff member who is specifically assigned to work in the investigation or trial of a case set for a hearing to enter his appearance upon the record. Each such person must exclude himself from any Commission meeting involving that or a factually related case. However, the top staff members, the General Counsel, Assistant General Counsels, and Bureau Chiefs who might supervise those who are engaged in trying a case, usually attend Commisison meetings at which the resolution of cases is discussed and are available to give legal advice to the Commission on request or on their own motion. Thus, these senior agency officials who may have had contact with the staff trying the case may later give legal or policy advice to the Commission.

The Commission vigorously opposes being required to sever either the advisory link between the Commissioners and the senior staff or the supervisory link between senior and trial staffs. Either separation would create both budgetary and personnel problems, since it would require separate advisory and supervisory staffs, and the Commission anticipates significant difficulty in recruiting additional staff with the legal and technical expertise required by the Commission's work. Furthermore, it must be recognized that even if a separate advisory staff were obtained, cutting off the Commission from the advice of its top officials with operating responsibilities would not be an unmixed blessing.[35] In addition, apart from the particular needs of the Federal Power Commission, complete separation of supervisory and advisory responsibilities may create problems in those agencies which conduct formal rulemakings only occasionally and consequently have a need for some organizational flexibility. (See Hamilton," Procedures for the Adoption of Rules of General Applicability: the Need for Procedural Innovation in Administrative Rulemaking," 2 ACUS 834 (1972).)

Finally, with respect to all formal proceedings, both rulemaking and adjudication, the change from "prosecuting" to "litigating" functions (see pp. below) raises an additional problem. Although it is desirable that actual participation in certain kinds of judicial proceedings should disqualify agency staff from serving in an advisory role in a related administrative proceeding, we are reluctant to conclude that nominal responsibility without actual participation in such court litigation should be similarly disqualifying. Such a strict rule of disqualification would frequently cut agencies off from the advice of their general counsels, who are customarily responsible for all agency court litigation.

Accordingly, section 1 provides specifically that in proceedings not subject to section 554(d), that is, in those formal proceedings to which the separation of functions provisions are being extended by this bill, general organizational or supervisory responsibility for investigative or litigating functions will not disqualify an agency official from advising the agency on the disposition of a case if the official has not personally participated in the investigation or litigation of the same or a factually related case. In this context, personal participation includes advising or consulting upon the particulars of a case with those persons actually involved in its prosecution or litigation.

As noted, in specifying that these circumstances are not to be deemed a violation of the principle of separation-of-functions in cases not subject to section 554(d), it is not the intent of the bill to alter in any way the law applicable in cases subject to section 554(d).

In concluding this general description of section 1, we wish to emphasize that al-

Footnotes at end of article.

though the thrust of section 1 is to conform the procedure for formal rulemaking more closely to that required for formal adjudication, this should in no way be construed as reflecting a general preference for formal as opposed to informal, i.e., notice-and-comment, procedures for rulemaking. It is the substantive statute and not the Administrative Procedure Act which determines whether the agency must follow formal or informal procedures; our aim in this bill is to provide appropriate procedures for those agency determinations which Congress has elsewhere required to be made on the record after opportunity for a hearing.

B. Analysis of Section 1

Section 1 would accomplish the extension of separation-of-functions requirements by transferring these provisions from section 554(d) to a new subsection (f) in section 556. Retained in section 554(d) would be the requirement that in cases of formal adjudication the presiding employee, ordinarily an ALJ, must make the initial or recommended decision unless he becomes unavailable to the agency. In addition, the bill would fill a present gap in section 554(d) by specifying who may decide the case in the event of the unavailability of the presiding officer. (See Davis, "Administrative Law Treatise," sec. 11.19, at 119.) The new language is intended to give the agency the option, where the presiding officer becomes unavailable before rendering a decision, either to assign the case for decision (including such additional hearings as may be necessary) to another officer qualified to preside—i.e., an ALJ or an agency member—or to have the record certified to the agency itself for decision. It should be noted that the addition to section 554(d) is not intended to overturn the results in those cases which hold that, where the presiding officer becomes unavailable in a case which turns on a determination of witness credibility, a new hearing must be held. (See *Gamble-Skogmo, Inc.* v. *FTC*, 211 F.2d 106 (8th Cir. 1954); *Van Teslaar* v. *Bender*, 365 F. Supp. 1007 (D. Md. 1973)).

New section 556(f) generally tracks the separation-of-functions language now contained in section 554(d), but subsection (f)(1) would also extend to agency employees who review decisions of presiding employees those provisions prohibiting ex parte consultation on facts in issue and requiring organizational separation of decisionmaking from investigative and litigating functions which are now applicable only to presiding employees. Section 1 of S. 796 contained provision for organizational separation for agency appeal boards which would have paralleled the provision applicable to presiding employees. It makes more sense to deal with this organizational problem in a single separation-of-functions provision. Nor do we see any reason why reviewing employees any more than presiding employees should be permitted to obtain evidentiary material outside the record. It should be emphasized, however, that subsection (f)(1) is applicable to agency employees who decide a case initially or on review, either individually or as members of a board, but not to employees who simply advise the decisionmakers. The latter are covered, however, by subsection (f)(2). Neither subsection (f)(1) nor (f)(2) is applicable to the agency members themselves. (See *F.T.C.* v. *Cinderella Career and Finishing Schools, Inc.*, 404 F.2d 1308, 1315 (D.C. Cir. 1968); *Withrow* v. *Larkin*, 421 U.S. 35, 51–52, 95 S. Ct. 1456, 1467 (1975)).

Finally, it should be noted that references in present section 554(d) to "prosecuting" functions have been changed to "litigating" functions. The term "prosecuting" functions suggests a criminal or quasi-criminal proceeding. Since the section would extend separation-of-functions principles to rulemaking and initial licensing proceedings, the broader term is believed by the committee to be more appropriate. The reference is primarily to litigating functions in proceedings within the agency. While participation in some types of court litigation, e.g., an action for a preliminary injunction, 15 U.S.C. § 53(b), would likely be inconsistent with the exercise of an advisory function in a related administrative proceeding, it is not the intent of the provision to disqualify counsel who have defended the agency's action in a judicial review proceeding from advising the agency after remand of the case or in related case. To this end new section 556(f)(3) provides that "litigating functions" does not include participation in judicial review proceedings. See "AG Manual" 58, n. 8.

II. Agency appeal boards and discretionary agency review

A. Decisional delay and inadequate time for policy development

Two major criticisms of regulatory agencies today are the delay that often occurs at the top level in the making of even routine decisions and the inadequate attention given to the development of significant regulatory policy.

Both problems stem in part from the absence of specific authority in organic statutes for agencies and executive departments to delegate final decisionmaking authority in routine cases to presiding officers (usually ALJs) or appellate boards.[38] Rather, the head of the agency or the members must consider on the merits any appeal from initial decisions. The results in agencies with large caseloads are decisional delay at the top and a reduction of time agency members have to consider more complex cases or policy issues.

William Warfield Ross, Esq., described the problem as follows:

At present, a typical adjudication is heard by an ALJ who renders an initial decision. In most agencies, practically all such decisions go to a commission or administrator for a final decision. The result is a backlog of cases which are routine but nonetheless must be finally decided by the agency itself. In addition to causing delay, this process tends to prevent agency members from giving necessary attention either to complex individual cases or to major policy questions. To deal with this problem some agency members assign their personal staffs the task of screening and effectively deciding many routine cases: an off-the-record process inconsistent with the quasi-judicial model contemplated by the [APA].[39]

One agency where the lack of appeal board process and discretionary review of initial decisions has been a serious problem is the National Labor Relations Board.[39] Many other agencies have an appeals and review process authorized either by statute or reorganization plan. These agencies include the Civil Aeronautics Board,[39] The Interstate Commerce Commission,[40] the Federal Communications Commission,[41] and the Nuclear Regulatory Commission.[42] Section 2 would extend to all Federal agencies and executive departments the same authority to delegate final decisions either to ALJs or to appeal boards. In either case the delegation would be subject to discretionary, certiorari-type review by the agency.

Section 2 would not in any way restrict the right of any party to obtain judicial review of final agency action, nor would it require any agency to create such an appeal board or to change any other procedure currently in use. It would merely permit the agencies to adopt procedures that would reduce unnecessary delay at the top level of the agency, speed final decisions while assuring they conform to agency policy, free top agency officials from the burden of deciding routine cases and allow them more time for decisionmaking on complex cases and policy questions.

Footnotes at end of article.

B. Analysis of section 2

Section 2 would add a new subsection (e) to section 557 of the Administrative Procedure Act, which concerns agency review of presiding officers' decisions.

The first sentence of new subsection 557(e) would authorize agencies to establish by rule appeal boards for review of decisions of "presiding employees". This would be equally applicable, of course, where the decision is that of "an employee qualified to preside" [43] acting in place of the presiding employee through an appropriate designation under section 557(b). Agency appeal boards could review both initial and recommended decision and a review board to make an initial decision, subject to either automatic or discretionary agency review.

The second sentence specifies that such appeal boards are to be composed of agency members, hearing examiners (except the one who heard the case initially) "or other appropriate agency employees."

The third sentence in the new subsection (a) would require each agency to promulgate rules stating the circumstances under which it will take appeals directly from decisions of presiding employees or only from decisions of agency appeal boards. This provision does not mean that the agency must provide for appeals but only that it must specify whatever procedures it intends to follow. This is made clear by the next sentence which states that review is discretionary with the agency.

The most important provision in subsection (e) is the fourth sentence, which authorizes discretionary review of decisions made by ALJs or by appeals boards. According to one study, "it is doubtful that agencies need new statutory authority in order to create appellate boards; but they need it in order to decline appeals from decisions of such boards," [44] *i.e.*, to allow decisions of appeals board to become final.

Under this provision agencies would be encouraged, though not required, to specify by rule the grounds on which review would be granted. The decision to grant or not to grant review would not itself be judicially reviewable. Rather, if review were denied, the initial or intermediate decision would become the final agency decision and subject to the same standards and procedures for judicial review as if it had been affirmatively adopted by the agency. Agencies would be free to accord such precedential value to decisions denying review as the circumstances and their own judgment dictated.

C. Relation to existing agency authority

It has been mentioned that many agencies have at present authority to delegate decisions to ALPs, boards, members or employees. The basic purpose of section 2 is to extend this authority to all agencies conducting proceedings subject to section 557. The provisions of the section are generally consistent, however, with those statutes and reorganization plans which authorize such delegations subject to discretionary agency review. However, there are a number of savings provisions in section 2 designed to preserve the effect of existing statutes and reorganization plans.

First, several statutes deal specifically with the establishment and composition of agency appeal boards, notably the Interstate Commerce Act, 49 U.S.C. section 17, Federal Communications Act, 47 U.S.C. section 155(d), and Atomic Energy Act, 42 U.S.C. section 2241. The first part of the last sentence makes clear that the section does not supersede any of those statutory provisions.

Second, it is common in collegial agencies to require the vote of one less than a majority of the members in order to bring a case up for review (Reorg. Plans Nos. 3, 4, and 7 of 1961 (CAB, FTC, FMC); 29 U.S.C. section 661 (OSHRC)), while the legislation governing the Securities and Exchange Commission

permits one commissioner to call a case for review, (15 U.S.C. section 78f, as amended by P.L. 94–29, section 25). Subsection (e) does not prescribe how an agency must decide whether to review a case, but the first part of the last sentence would preserve the effect of those provisions of law giving one or more agency members the right to require such a review.

Third and most important, it is not the intent of this section to interfere with arrangements, common in executive departments and, in agencies headed by a single administrator, for the delegation of final decisional authority in adjudicative matters to a board or to a judicial officer, subject either to no further administrative review or to review only at the instance of the agency head. Therefore, the last part of the last sentence provides that an agency is not required to provide for discretionary review in accordance with the subsection when it is otherwise empowered to delegate the final decision absolutely to one or more of its members or employees.

III. Agency subpena power

A. Need for a broader grant

The Administrative Procedure Act does not presently contain a grant of subpena power. It does provide in section 555(d) that, where agency subpena power exists, subpenas must be made available to private parties in adversary proceedings to the same extent that they are available to agency counsel.

Subpena power in practice varies widely among administrative agencies and executive departments. Most agencies which conduct formal proceedings under sections 556 and 557 of the APA do possess the subpena power. It is granted in the agency's organic legislation or in the particular substantive statute under which the proceeding is conducted.[45]

A few agencies which conduct such proceedings either have subpena power which is in some ways limited or indequate for the needs of the parties, or have no subpena power at all. These agencies and departments include the Food and Drug Administration,[46] the Postal Service,[47] and the Department of the Interior.[48]

The purpose of section 3 is to fill these existing gaps in statutory authority by providing within the APA a general grant of subpena power to all Federal agencies that conduct formal, on-the-record proceedings, both rulemaking and adjudication, which are governed by sections 556 and 557 of the APA.

Section 3, however, is not a general grant of investigatory power. Rather, the committee has concluded that wherever an agency determination is of a nature and importance to justify requiring such formal procedures, all parties, including the agency, should have access to compulsory process for the obtaining of evidence.[49] A major consequence will be that the scope of the evidence upon which the agency determines disputed issues of fact will no longer be limited to the evidence volunteered to the agency, but will extend to all relevant evidence.

As noted, the expanded granting of the subpena power is supported by a number of executive departments and agencies including the Departments of Defense, Interior, Treasury, and the Federal Maritime Commission.[50] The "broad grant of subpena power," in the words of Richard A. Wiley, General Counsel, Department of Defense, "would supply a useful mechanism for developing the facts."[51]

B. Amendment of 5 U.S.C. section 555

Subsection (a) of section 3 would amend section 555(d) of the APA by adding the following sentence:

Each agency shall designate by rule the officers, who shall include the presiding officer in all proceedings subject to section 556 of this title, authorized to sign and issue subpenas.

The purpose of this amendment is to eliminate any doubt that agencies are required to empower presiding officers in formal proceedings to sign and issue subpenas. This is probably already the law. Section 556(c) of the APA now provides:

Subject to published rules of the agency and within its powers, employees presiding at hearing may—* * *

(2) issue subpenas authorized by law; . . .

The Attorney General's Manual on the Administrative Procedure Act interprets the above language to effect an automatic delegation:

The quoted language automatically vests in hearing officers the enumerated powers to the extent that such powers have been given to the agency itself, i.e., "within its powers." In other words, not only are the enumerated powers thus given to hearing officers by section 7(b) without the necessity of express agency delegation, but an agency is without power to withhold such powers from its hearing officers. This follows not only from the statutory language, "shall have the authority", but from the general statutory purpose of enhancing the status and role of hearing officers. ("AG Manual" at 74; footnote omitted.)[52]

The same conclusion was expressed by the Committee on Compliance and Enforcement proceedings of the 1962 Administrative Conference in its report on Recommendation No. 13. "[I]n hearings governed by sections 7 and 8 of the APA hearing officers automatically have the subpena power, unless the agency itself lacks the power."[53]

We have been informed, however, that agency practice has not always been consistent with this conclusion, although current examples of agency failure to delegate are rare. A partial survey of agency regulations indicated that in 30 regulations of 25 agencies the presiding officer had authority to issue subpenas.[54] In only one case, Hatch Act proceedings by the Civil Service Commission against State officials,[55] must the subpena be approved at a higher level.[56] Another possible problem area is the Consumer Product Safety Commission, where there is some question whether a statutory provision withholding the power to delegate authority to issue subpenas is intended to apply to ALJs in proceedings subject to section 556.[57] Enactment of the proposed amendment would resolve the doubt by effecting the delegation automatically.[58] Thus, while the proposed amendment to section 555(d) probably does no more than restate existing law, it may serve to clear up some doubts and to educate the agencies to the requirements of the Act.

C. Amendment of 5 U.S.C. section 556

1. Grant of Subpena Power

Subsection (b) of section 3 would amend 5 U.S.C. section 556 to redesignate subsections (d) and (e) as (e) and (f) respectively and to add a new subsection (d) granting subpena power. The grant would apply to any proceeding, adjudication or rulemaking, to which sections 556 and 557 were applicable, i.e., to any proceeding "required by statute"[59] to be "on the record after opportunity for an agency hearing." It would not apply to proceedings which the agency, as a matter of discretion, conducts on the record with opportunity for a hearing, such as contract appeal cases. The point at which the formal proceeding commences and the grant comes into operation will vary with agency practices, but the subpena power would not be available for an agency investigation which might lead to the institution of a formal proceeding.

It is important to note that this grant of subpena power is "in addition to and not in limitation of" any other statuory authority which an agency may have to issue or to enforce subpenas. Where such other authority is adequate for an agency's purposes, the agency need not rely on this provision and will not be affected by it. Conversely, the subpena power granted by section 556(d) is independent and self-contained; where an agency has at present a subpena power which is limited or inadequate in some respects, as in the case of the Department of the Interior, it may rely instead on the power granted by this provision.[60]

The phrase "authorized by law" in section 556(c)(2) is deleted. It is no longer necessary because in all proceedings subject to section 556 subpenas will now be authorized by law.[61]

2. Nationwide Agency Process

Under the proposed language agency process will run nationwide. Many subpena statutes provide that attendance of witnesses and the production of evidence may be required "from any place in the United States". The purpose of such language is presumably to indicate that the agency's process runs nationwide. In a number of cases, it has been held that the phrase "from any place in the United States" does not prevent the agency from requiring that a subpenaed witness produce evidence located abroad.[62] Nevertheless, since the jurisdictional limits in the rules of civil procedure do not control administrative subpenas,[63] and since the phrase "from any place in the United States" has provoked dispute, it has been omitted, and substituted is the phrase "at any designated place."

A proceeding for judicial enforcement, however, must be brought in a district where the witness is found or resides or transacts business. Most subpena statutes provide for nationwide service of judicial process; a few do not.[64] Because the subpena provision is for a somewhat indefinite class of cases in which Congress has not heretofore granted any subpena power, we believe that doubts as to the appropriate scope of authority should be resolved in favor of the narrower grant.

In an enforcement proceeding the court can require the witness to appear before the agency at a hearing or deposition outside the judicial district.[65]

3. Judicial Enforcement

The amendment follows the majority rule in permitting proceedings for judicial enforcement to be brought only by the agency, and not by the party requesting the subpena.[66] Where an agency refuses to seek judicial enforcement, the remedy of the party aggrieved would be to assert the agency's failure as a ground for challenging its final action.[67]

When an agency seeks judicial enforcement of a subpena under section 556(d), it would be required to proceed through the Attorney General, "unless otherwise authorized by law." This is consistent with the general principle that conduct and supervision of agency litigation is in the Department of Justice "except as otherwise authorized by law," 28 U.S.C. section 516, 519. Some agencies do, of course, have specific authority to conduct their own litigation.[68] Such authority will be applicable in accordance with its terms to subpena enforcement proceedings. Section 3 would neither grant nor withhold from the agencies authority to conduct litigation, but would merely refer to existing law.[69]

FOOTNOTES

[1] Hearings on Administrative Procedure Act Amendments of 1976 before the Subcommittee on Administrative Practice and Procedure, Senate Committee on the Judiciary, 94th Cong., 2d sess. 227 (1976), (hereinafter "1976 Hearings").

[2] 1976 Hearings at 77–78.

[3] 1976 Hearings at 269.

[4] 1976 Hearings at 297.

[5] 1976 Hearings at 310–11.

[6] 1976 Hearings at 356–57.

[7] 1976 Hearings at 383.

[8] 1976 Hearings at 322.
[9] 1976 Hearings at 76.
[10] 1976 Hearings at 322.
[11] 1976 Hearings at 467–68.
[12] 1976 Hearings at 537–38.
[13] 1976 Hearings at 569.
[14] 1976 Hearings at 633.
[15] 1976 Hearings at 395–96.
[16] 1976 Hearings at 459.
[17] 1976 Hearings at 295–96.
[18] 1976 Hearings at 355–56.
[19] 1976 Hearings at 381.
[20] 1976 Hearings at 421.
[21] 1976 Hearings at 684–85.
[22] 1976 Hearings at 539.
[23] 1976 Hearings at 569.
[24] 1976 Hearings at 633–34.
[25] 1976 Hearings at 165.
[26] 1976 Hearings at 263.
[27] 1976 Hearings at 296.
[28] 1976 Hearings at 310.
[29] 1976 Hearings at 322.
[30] 1976 Hearings at 417–19.
[31] 1976 Hearings at 356.
[32] 1976 Hearings at 460.
[33] 1976 Hearings at 398.
[34] 1976 Hearings at 685.
[35] 1976 Hearings at 399–401.

[36] Such delegation is authorized, of course, if no appeal is taken to the agency (5 U.S.C. section 557(b)).

[37] 1976 Hearings at 84. Mr. Ross continued:

. . . the main source of delay is in getting the agency to decide the formal proceeding. If you would look at the docket of a major agency such as the CAB or FCC, you would be startled by the number of items which appear on it.

A typical docket for a 2 to 3 hour meeting, a meeting of the commissioners or the board members, may have as many as 50 or 60 cases on it. Obviously, they are not going to give much consideration to that many decisions. Also, the length of their dockets is one of the reasons why it sometimes takes agencies 2½ to 3 years to decide cases which have been argued and briefed and submitted to them. (Id. at 75.)

[38] The NLRB, which supports Section 1 of S. 796, is also seeking separate legislation to delegate greater decisional authority to ALJs in unfair labor practice cases under Sections 8(a)(3) and 8(b)(2) of the National Labor Relations Act, 29 U.S.C. sections 151 *et sec.* (1970). Such authority was proposed in the last Congress (H.R. 8110). Currently, ALJ decisions in these types of cases are affirmed by the Board either in their entirety or with slight modification in approximately 75 percent of the 8(a)(3) cases and 73 percent of the 8(b)(2) cases See Supplemental Statement of Betty Southard Murphy, Chairman, NLRB, in Hearings before the Subcommittee on Labor-Management Relations, House of Representatives, May 5, 1976, 94th Congress, 2d Sess. (1976).

[39] 49 U.S.C. sec. 1324 note, Reorg. Plan of 1961, No. 3 (Supp. 1976).

[40] 49 U.S.C. sec. 17(5) (1970).

[41] 47 U.S.C. sec. 155(d) (1), (8) (1970).

[42] 42 U.S.C. sec. 2241 (1970).

[43] 5 U.S.C. sec. 556(b) (1970).

[44] Administrative Conference, Administrative Conference Report in ABA Proposals to Amend the Administrative Procedure Act, Resolution No. 6 (May 24, 1973).

[45] The Federal Power Commission, for example, noted that the subpena proposals did not affect it, as the Federal Power Act, 16 U.S.C. sec. 825(f) (1970), and the Natural Gas Act, 15 U.S.C. sec. 717(m) (1970), already grant subpena powers. 1976 Hearings at 398.

[46] The FDA conducts three kinds of formal proceedings—rulemaking under 21 U.S.C. sec. 371, proceedings for the certification and decertification of new drugs, 21 U.S.C. sec. 355, and of antibiotic drugs, 21 U.S.C. sec. 357. FDA officials and practitioners before the agency have complained of the lack of subpena power. See, e.g., 1976 Hearings at 75–76. In the past, the FDA has unsuccessfully sought legislation providing a general grant of subpena power in investigations as well as in formal proceedings.

[47] Proceedings under the statute relating to the mailability of matter, 39 U.S.C. sec. 3001, and under the false representations and lottery statute, 39 U.S.C. sec. 3005, are conducted pursuant to APA, sec. 554. The Postal Service has a partial exemption from the APA, 39 U.S.C. sec. 410, but the Service believes that sec. 554 remains applicable to proceedings under these sections.

[48] The Department of the Interior conducts adversary proceedings relating to the use and disposition of public lands and resources. These disputes arise under a number of statutes, including the Taylor Grazing Act and the general mining laws. The Department's subpena power in these proceedings, 43 U.S.C. secs. 102–105, is inadequate in a number of respects. Section 554 is applicable to most, but possibly not all, of these proceedings. Lack of effective subpena power has presented problems in mining contests. A report to the Administrative Conference on the administration of the mining laws points to the agency's deficient subpena power as contributing to the result that "most cases now reach hearing without any prior opportunity for screening or for making particular the issues for trial." (See 3 Recommendations and Reports of the Administrative Conference 451, 513–514 (1973).) Interior has unsuccessfully sought legislation which would have given the Department a general grant of subpena power. For discussion of other formal adjudications and rulemaking proceedings for which subpena power is lacking, *see* Berg Memorandum, note 54, infra.

[49] Because of a provision in existing law, 5 U.S.C. sec. 555(d), private parties to agency proceedings would also be able to use the subpena power granted by the proposed legislation. Presently "private persons that practice before an agency that does not have subpena power do not have that power either. So the citizen who participates in the formal adjudication—the purpose of which is to resolve issues of fact—does not have available to him the most rudimentary of discovery tools." 1976 Hearings at 75.

[50] *See* notes 26–28 supra, and accompanying text. While the Federal Maritime Commission supported the extension of subpena authority to its rulemaking and licensing proceedings, it recommended "that the bill allow for all forms of discovery now available in violation-type proceedings," i.e., interrogatories, requests for admissions, and requests for production of documents for purposes of inspection and/or copying." 1976 Hearings at 382.

[51] 1976 Hearings at 263.

[52] Section 7(b) of the APA stated, "officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers * * *." The language was changed when Title 5 was enacted as codified in 1966. Changes of language in the codification were not intended to make substantive changes, and the word "may" is used in the permissive sense, as "is permitted to" and "is authorized to." (H. Rept. No. 901, 89th Cong., 1st Sess. 2–3 (1965).)

[53] S. Doc. No. 24, 88th Cong., 1st sess., 215 (1963); for a pertinent judicial decision, see *Lee* v. *Federal Maritime Board*, 284 F.2d 577 (9th Cir. 1960). The court upheld under APA Section 7 the authority of a board examiner to issue and sign subpenas, notwithstanding that the Shipping Act required that subpenas be signed by a member of the Board. This case, however, did not involve a refusal by the agency to delegate but the validity of a delegation concededly attempted.

[54] Berg, Explanatory Memorandum, Subpena Powers in Formal Agency Proceedings, 3 *Recommendations and Reports of the Administrative Conference of the United States* 408, 417 (1974) (hereinafter, cited as "Berg Memorandum").

[55] 5 C.F.R. secs. 151.135, 151.136.

[56] Berg Memorandum, *supra* note 54.

[57] *Id.*, Consumer Product Safety Act, sec. 27 (b)(8), 15 U.S.C. sec. 2076(b)(8) (Supp. II, 1970).

[58] A number of agencies, while authorizing presiding officers to issue subpenas, require that the subpena be signed by or be under the facsimile signature of the head or a member of the agency. *See, e.g.*, Agriculture, 9 C.F.R. secs. 4.19–2, 202.6(d); ICC, 49 C.F.R. sec. 100.56(b). *Lee* v. *Federal Maritime Board*, *supra* note 57, held that the APA permitted delegation of the authority to sign as well as to issue subpenas *See also, FTC* v. *Gibson*, 460 F.2d 605 (5th Cir. 1972). The proposed amendment would also resolve this minor point.

[59] Or by the Constitution, *Wong Yang Sun* v. *McGrath*, 339 U.S. 33 (1950).

[60] Berg Memorandum, supra note 54, at 418.

[61] *Id.*

[62] *SEC* v. *Minas de Artemisa*, 150 F.2d 215 (9th Cir. 1945); *FMC* v. *De Smedt*, 377 F.2d 474 (2d Cir.), cert. denied 385 U.S. 974 (1966).

[63] *See Bowles* v. *Bay of New York Coal & Supply Corp.*, 152 F.2d 330, 331 (2d Cir. 1945); *FMC* v. *De Smedt*, *supra* note 61, at 469.

[64] Statutes of the SEC, 15 U.S.C. sec. 78(u); FPC, 16 U.S.C. sec. 25(f); and NLRB, 29 U.S.C. sec. 161, specifically provide that agency and judicial process run nationwide. So does the statute of the FMC, though it somewhat inconsistently requires that the enforcement proceeding be instituted in the district of the witness' residence or place of business, 46 U.S.C. sec. 1124(b). The statute of the FTC, 15 U.S.C. sec. 49, has been construed to provide for judicial process to run nationwide. *FTC* v. *Browning*, 435 F. 2d 96, 98–100 (D.C. Cir. 1970). The same reasoning would seem to apply to the Packers and Stockyards Act, 7 U.S.C. sec. 409; and the ICC, 49 U.S.C. sec. 12. On the other hand, while the process of the Nuclear Regulatory Commission and the Social Security Administration runs nationwide, judicial enforcement must be sought in the judicial district where the witness resides or is found, 42 U.S.C. secs. 405, 2281.

[65] *See SEC* v. *Minas de Artemisa*, *supra* note 61, at 217.

[66] Most subpena statutes provide that only the agency may seek judicial enforcement, *e.g.*, 15 U.S.C. sec. 78(u) (SEC); 29 U.S.C. sec. 161 (NLRB). Several statutes permit the party who obtained the subpena to obtain judicial enforcement, *e.g.*, 47 U.S.C. sec. 409 (FCC); 49 U.S.C. Sec. 12(2) (ICC); 49 U.S.C. sec. 1484(c) (CAB and National Transportation Safety Board).

[67] *See Wilmot* v. *Doyle*, 403 F. 2d 811, 814–15 (9th Cir. 1968).

[68] *See, e.g., FTC* v. *Guignon*, 390 F. 2d 323, 324–25 (8th Cir. 1968).

[69] Berg Memorandum, supra, note 58, at 17.

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 551(4) title 5, United States Code, is amended to read as follows:

"(4) 'rule' means the whole or a part of an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of an agency;".

(b) In section 551(13) of title 5, in United States Code strike the word "and" at the end of the sentence; in section 551(14) strike the period at the end of the sentence and insert in lieu thereof "; and"; and at the end of section 551 add a new subsection fifteen as follows:

"(15) 'ratemaking and cognate proceed-

ings' means agency process for the approval or prescription for the future of rates, wages, corporate or financial structure or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing.".

(c) Section 556(d) is amended to insert before the words "rule making" in the last sentence thereof the words "ratemaking and cognate proceedings,".

(d) Section 557(b) is amended to insert before the words "rule making" in the fourth sentence thereof the words "ratemaking and cognate proceedings,".

SEC. 2. (a) Section 553(a)(1) of title 5, United States Code, is amended to read as follows:

"(1) a matter pertaining to a military or foreign affairs function of the United States that is (A) specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and (B) is in fact properly classified pursuant to such Executive order; or".

(b) Section 553(a)(2) of title 5, United States Code is amended by inserting a period after "personnel" to read as follows:

"(2) a matter relating to agency management or personnel.".

(c) Section 553(b)(B) of title 5, United States Code is amended to read as follows:

"(B) when the agency for good cause finds that notice and public procedure thereof would be impracticable, unnecessary, or contrary to the public interest (including the interest of national defense or foreign policy in a matter pertaining to a military or foreign affairs function). The agency shall publish in the document promulgating each rule issued in reliance upon this provision either (i) the finding and a brief statement of reasons therefor, or (ii) a statement that the rule is within a category of rules established by a specified rule which has been previously published and for which the finding and statement of reasons have been made.".

STATEMENT OF THE ADMINISTRATIVE CONFERENCE AND THE AMERICAN BAR ASSOCIATION ON S. 1721

PURPOSE AND SUMMARY

The purpose of S. 1721 is to improve the processes and procedures of Federal administrative agencies and executive departments in two specific respects.

First, the bill would amend the definition of "rule" to insure that basic rights of parties are protected in all agency actions particularly affecting such parties.

Second, the bill would extend the healthy "notice and comment" rulemaking procedures to important areas of agency action now exempted from their coverage, by eliminating the "proprietary" exemption and restricting the military and foreign affairs exemption to those matters that are genuinely required to be kept secret in the national interest.

SECTION-BY-SECTION SUMMARY

Section 1 would amend sections 551, 556 and 557 of title 5, United States Code, to make the distinction between rulemaking and adjudication turn on whether the agency's action is of general applicability, rather than on whether it is of future or retrospective effect.

(a) Subsection (a) would amend the definition of "rule" in section 551 to exclude agency statements of particular applicability, i.e., statements applicable to named or similarly specified parties, and to delete that part of the definition which includes within the definition of "rule" agency "approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing". Agency process for such approvals or prescriptions would be redefined as "ratemaking and cognate proceedings" (see next paragraph). The result will be to classify all actions of particular applicability as "orders" and the process for taking such actions as "adjudication".

(b) Subsection (b) would amend section 551 to establish a new category of agency proceeding—"ratemaking and cognate proceedings"—defined as previously indicated. This new classification is used elsewhere in the bill in order to permit the agencies to retain their present procedural flexibility under sections 556 and 557 in conducting proceedings falling thereunder. It should be emphasized that the intent is not to create a classification of proceeding which is neither rulemaking nor adjudication but rather a classification as to which certain procedures are available irrespective of whether the proceeding is deemed rulemaking or adjudication.

(c) Subsections (c) and (d) would amend sections 556(d) and 557(b) to permit agencies engaged in formal rate-making or cognate proceedings to utilize two procedural devices available in formal rulemaking and initial licensing under sections 556 and 557: (i) providing for the submission of all or part of the evidence in written form, where no party will be prejudiced thereby, and (ii) permitting the agency to omit an initial or recommended decision by an administrative law judge ("ALJ").

Section 2 would amend section 553 of title 5, which requires that agencies publish notice of proposed rulemaking and give opportunity for public comment, (1) to eliminate the present exemption from the rulemaking requirements for matters relating to "public property, loans, grants, benefits, or contracts"; and (2) to limit the present exemption for rulemaking involving a military or foreign affairs function to only those situations in which information is involved that is required to be kept secret in the national interest. The amendment would also make it clear that where an agency determines with respect to a category of rules that notice and comment is impracticable, unnecessary, or contrary to the public interest, it need merely refer to that published determination as authority for dispensing with notice and comment in subsequent rulemakings within that category.

Discussion

The bill would reform the administrative process so as to increase its efficiency and fairness. It contains no major or controversial revisions. It has been endorsed in its entirety by both the American Bar Association and the Administrative Conference of the United States, the Federal agency charged by statute (5 U.S.C. section 574) with the duty of studying the efficiency, adequacy and fairness of the administrative process and making recommendations for its improvement. Its provisions were the subject of two days of hearings held in the last Congress on April 28 and May 3, 1976.

A. Redefinition of "Rule"—

The purpose of the redefinition of "rule" as provided in Section 1 of the bill is to insure that basic rights of parties are protected in all agency actions of particular applicability to such parties. Section 1 also preserves needed procedural flexibility by permitting agencies, in ratemaking and cognate proceedings, to adopt procedures for the submission of all or part of the evidence in written form where no party will be prejudiced thereby, and to dispense with an initial decision by an Administrative Law Judge ("ALJ") in favor of a tentative or recommended decision by the agency or a responsible employee. The change proposed is more in accord with ordinary understanding and usage of the term "rule".

In addition to its strong backing by the American Bar Association and the Administrative Conference, the proposed change enjoys broad support among administrative agencies (FTC,[1] ICC[2]); other practitioners of administrative law, including the Federal Bar Association and the Association of the Bar of the City of New York; [3] public interest organizations (Center for Governmental Responsibility, University of Florida Holland Law Center[4]); administrative law judges; [5] and the National Association of Manufacturers.[6]

The principal objection to the proposed change comes from the Federal Power Commission, which argues that rulemaking proceedings have proven to be an effective and expeditious way of carrying out its producer rate regulation responsibilities.[7] It fears that the proposed change will cause delays that will frustrate its ability to regulate in a timely fashion. The Commission's concern appears misplaced, however. There is no mention in its comments on this proposed change of the procedural flexibility the bill would provide for "ratemaking and cognate proceedings", and no indication of any reason to believe that this degree of flexibility will prove inadequate to prevent excessive delay. Moreover, the Chief Administrative Law Judge at the Federal Power Commission, Joseph Zwerdling, "strongly support[ed]" this provision, and noted that, in his judgment, no delay need be experienced if the agencies would take advantage of the existing and proposed flexibility under the bill.[8]

B. Limiting the "Military or Foreign Affairs" Exemption.—

Under the "notice and comment" procedures set forth in 5 U.S.C. section 552(a)(1), an agency is required to publish any proposed rule in advance, and to receive and consider written comments by interested persons before promulgating the rule in final form. This simple requirement has been called one of the greatest inventions of modern government. Under present law, there is a blanket exemption from the requirement of "notice and comment" procedures for any matter involving "a military or foreign affairs function of the United States". 5 U.S.C. § 553(a)(1). The purpose of this exemption is presumably to protect against disclosure of classified information, but the exemption is worded far more broadly than is necessary to accomplish this purpose. In order to protect classified information, it is clearly not necessary to exempt from "notice and comment" rulemaking procedures, as the present Act arguably does, any and all rules relating to such matters as the issuance of passports and visas, import and export controls, and controls on U.S. investment overseas. At least eight agencies make rules that are arguably within the exemption.[9]

Section 2 of S. 796 would replace the present blanket exemption with one carefully tailored to protect properly classified information. The language of Section 2 closely parallels recent amendments to the exemption for classified information contained in the Freedom of Information Act, codified as 5 U.S.C. section 552(b)(1)(A). The benefits of public participation in the workings of government are great, and only the clearest showing of probable adverse effects can justify denying such participation. There has been no showing that the proposed language will not adequately protect against disclosure of properly classified information. Their generalized arguments that applica-

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Footnotes at end of article.

tion of "notice and comment" rulemaking procedures to nonclassified matters would unduly burden them in the discharge of their duties are unsupported by specifics of any sort.

The actual practice of the agencies that oppose this change belies their fears. While arguing that the military and foreign affairs exemption should be retained in its present form, the Department of State has conceded that it has not invoked the exemption since 1973, when it voluntarily undertook to invite public participation in rulemaking.[10] Similarly, in 1975 the Department of Defense adopted procedures for public participation in rulemaking having direct and substantial public impact. 32 C.F.R. Part 296; 40 Fed. Reg. 4911 (February 11, 1975). The benefits of public participation are too precious to be left to the unfettered discretion of agencies, however.

Moreover, Section 2 would expressly permit an agency to exempt a particular rule or category of rules from "notice and comment" procedures whenever the agency for good cause finds that such procedures would be "impracticable, unnecessary, or contrary to the public interest (including the interest of national defense or foreign policy in a matter pertaining to a military or foreign affairs function." This provision (Section 2) provides all the flexibility these agencies might legitimately require to prevent the disclosure of information required to be kept secret in the national interest, the only proper purpose of the exemption.

This proposal is supported by the American Bar Association,[11] the Association of the Bar of the City of New York,[12] the Administrative Conference,[13] the Nuclear Regulatory Commission,[14] the Center for Governmental Responsibility,[15] the National Association of Manufacturers,[16] and Professor Kenneth C. Davis, a leading scholar in the administrative law field.[17]

C. Eliminating the "Proprietary" Exemption.—

Under present law, the same salutary "notice and comment" rulemaking procedures are not required for any rules relating to "public property, loans, grants, benefits or contracts." An immense area of Federal activity is unnecessarily insulated from public participation by this exemption. Richard K. Berg, Executive Secretary of the Administrative Conference, traced in his testimony the antiquated origin and the staggering scope exemption: [18]

"The original basis for the proprietary exemption was presumably the principle that governmental withholding of a 'benefit' is different from governmental impairment of a 'right'—that a citizen has no right to complain about, or to participate in, a decision concerning something to which he is not 'entitled.' But the so-called 'right-privilege' distinction has been substantially discarded by the courts, and it is time for it to disappear from the executive branch as well. The use of public property, the conferring of public loans, grants and benefits are in modern society of enormous importance to the individual citizen. They are probably the areas of federal activity which, second only to the administration of the tax laws, the average citizen is most likely to come into personal contact with. There is no reason why the citizen should have less participation in bureaucratic decisionmaking in these matters than in others.

"Why, for example, should notice-and-comment procedures not be required for the adoption of rules establishing criteria and qualifications for the sale and leasing of public lands, or the granting of mineral rights and grazing permits? Why should they not extend to the rules adopted for various government loan programs, such as those administered by the Federal Housing Administration, the Veterans Administration and the Small Business Administration? Why should they not apply to the criteria and qualifications established for National Science Foundation research grants, Department of Transportation highway construction and equipment of elementary and secondary schools? Why should they not apply to the rules governing eligibility for cash benefits from the Social Security Administration or the Railroad Retirement Board? Why, finally should they not extend to the rules imposed upon actual and potential Federal contractors by almost all Federal agencies?

"These are all areas of importance to all citizens. And they are areas in which the Federal agencies need the views and opinions of the public no less than in the more traditional fields of agency activity."

Against these compelling arguments the agencies that object to the exemption's elimination are able to muster only the shopworn claim of undue burden. But the agencies' argument on burden is severely undercut by their own procedures since most Federal agencies have been using notice-and-comment procedures with respect to "public property, loans, grants and benefits" even though they are not required to do so.[19] Even HEW, with its immense responsibilities in the area of grants and benefits, has voluntarily waived the exemption since 1970 with no appreciable difference in its ability to carry out its responsibilities fairly and with dispatch.[20] Similarly, the Veterans Administration has voluntarily abandoned the benefits of the exemption.[21]

In short, the arguments in favor of retaining the exemption are contradicted by the routine practices of most agencies. "Notice and comment" procedures are not unduly burdensome—they improve the quality of the rules ultimately adopted. The Administrative Conference, which has the responsibility to analyze and improve the administrative process, stated that, based upon its experience, the "notice and comment" procedure is "simple, flexible and efficient and should not impose an undue burden on rulemaking in any agency." [22]

The Office of Management and Budget's Office of Federal Procurement Policy ("OFPP") opposed the elimination of the "proprietary" exemption, principally because of the burdens it feels the requirement of "notice and comment" procedures would impose on the Federal procurement process. But the requirements of "notice and comment" procedures that would be imposed on Federal procurement agencies by the bill are no more than the public participation requirements OFPP itself has proposed to apply. See 41 Fed. Reg. 779, 780. It appears, therefore, that OFPP's principal objection is not to the difficulty or burden involved in complying with "notice and comment" rulemaking requirements, but to having those requirements written into law by the Congress. But, as noted above, these requirements are too important for their effectiveness to be left solely to administrative discretion. OFPP's argument that involving headquarters and field procurement officers in "notice and comment" rulemaking will create an administrative morass appears to overlook the language contained in Section 2(3) of the bill, which allows agencies to exempt entire categories of rules from such requirements upon a finding that such procedures would be "impracticable, unnecessary, or contrary to the public interest".

As with the other parts of this bill, the proposal to eliminate the "proprietary" exemption is supported by a broad spectrum of opinion, including such agencies as the Consumer Product Safety Commission,[23] the Federal Home Loan Bank Board,[24] the Nuclear Regulatory Commission,[25] the Center for Governmental Responsibility,[26] the Association of the Bar of the City of New York,[27] as well as numerous private organizations, such as the American Medical Association,[28] American Dental Association,[29] American Nurses Association,[31] National Association of Blue Shield Plans,[32] and the National Association of Manufacturers.[33] Professor Davis also supports the revision.

Since it appears that the proprietary exemption is outmoded and has been voluntarily abandoned by most of the agencies, it is time it was deleted from the Act.

(NOTE.—Footnote 30 omitted from copy.)

FOOTNOTES

[1] Hearings on Administrative Procedure Act Amendments of 1976 before the Subcommittee on Administrative Practice and Procedure, Senate Committee on the Judiciary, 94th Cong., 2d Sess. 414 (1976) (hereinafter, "1976 Hearings").
[2] *Id.* at 440.
[3] *Id.* at 178 (FBA); *id.* at 567 (ABCNY).
[4] *Id.* at 633.
[5] *Id.* at 393.
[6] *Id.* at 684.
[7] *Id.* at 395–96.
[8] *Id.* at 391–92.
[9] *Id.* at 226.
[10] *Id.* at 301.
[11] *Id.* at 83.
[12] *Id.* at 569.
[13] *Id.* at 226.
[14] *Id.* at 204.
[15] *Id.* at 606.
[16] *Id.* at 684.
[17] *Id.* at 698.
[18] *Id.* at 225–26.
[19] *Id.* at 226.
[20] *Id.* at 268.
[21] *Id.* at 505.
[22] *Id.* at 226.
[23] *Id.* at 321.
[24] *Id.* at 369.
[25] *Id.* at 473.
[26] *Id.* at 610.
[27] *Id.* at 569.
[28] *Id.* at 138.
[29] *Id.* at 556.
[31] *Id.* at 560.
[32] *Id.* at 680.
[33] *Id.*, at 684.

By Mr. NUNN (for himself and Mr. CHILES):

S. 1722. A bill to protect the public from traffickers in controlled substances in schedule I which are narcotic drugs and controlled substances in schedule II, and for other purposes; to the Committee on the Judiciary.

DRUG SENTENCING AND SEIZURE ACT OF 1977

Mr. NUNN. Mr. President, almost 8 years ago the Nixon administration declared an "all out war" on illegal drugs. In October 1972, during the heat of the Presidential campaign, he even went so far as to declare victory—saying we have "turned the corner" in the fight against drug abuse. He was mistaken. After declaring victory, Mr. Nixon created a new Federal agency, the Drug Enforcement Administration, as the vehicle to capitalize upon and preserve that "success." Until recently, we were losing the battles as well as the war. Even today, drug abuse is still one of the most serious and tragic problems facing our country—costing the Federal Government alone over three-quarters of a billion dollars in 1976 to combat the problem—up from $82 million in 1969. The number of addicts has a little over doubled—but the Federal budget has increased almost tenfold.

We can no longer look solely to the Drug Enforcement Administration. Under the leadership of Mr. Peter Bensinger, it is doing its part—make no mistake, it

can do more—but narcotics agents and prosecuting attorneys alike are frustrated by low bail, light sentences and early parole for the hard drug distributor.

The Permanent Subcommittee on Investigations, of which I am vice chairman, has held literally weeks of hearings over the past 3 years probing the effectiveness of our Federal narcotics enforcement effort—and we believe we have stimulated meaningful improvements, but much remains to be done.

BAIL JUMPING

In the process we made several startling discoveries. According to DEA Administrator Peter Bensinger, almost 2,500 narcotics violators are fugitives from justice. A breakdown of that information showed that, of this total, roughly 1,100 had been arrested but later did not appear at trial. Senator PERCY and I called upon then Attorney General Levi and the Chief Justice of the Supreme Court asking their assistance and views of how to alleviate this problem. We wrote them and asked for their personal intercession with the Federal judiciary to deal with the problems of bail-jumping by major traffickers. Each letter stated:

It is imperative that Federal judges make every effort to ensure that all those arrested and indicted for serious drug law violations appear for trial and remain within the jurisdiction of the court while an appeal may be pending.

Additionally, we introduced a resolution urging Federal judges and magistrates to set more realistic bail for major narcotics law violators.

Because of the importance of widespread bail-jumping by major traffickers, Senator PERCY and I sought and received permission from the Senate leadership for immediate consideration of the resolution in the closing hours of the 94th Congress and it was passed by the Senate on October 1, 1976.

The resolution reflected the realities of dealing with major traffickers. The illicit drug business is so fraught with danger and conspiracy, and the profits are so high, that the amounts set for bail and appeal bonds are often too low to deter flight. The dollars drained from our system by the traffickers are so enormous, that all but the highest amounts set for bail are disregarded.

SENTENCING

Equally disturbing is the trend by some judges to impose sentences falling far short of that which could be imposed.

The subcommittee, which has begun an exploration of the availability of automatic weapons to narcotics traffickers, focused upon a major conspiracy case successfully completed by DEA—the Alberto Sicilia Falcon case. The DEA agents in this case, with whom staff has been directly working for months, spent literally years concentrating on the major traffickers involved, class I and class II violators.

The drug distribution network involved hundreds of millions of dollars of narcotics and profits, supplying the mainstream of addiction. Yet, out of 63 domestic convictions, 41 of which were class I and class II violators, the average sentence given was 1.6 years; 104 violators were indicted—73 in the United States. Of 62 convicted in the United States, the average violator will be eligible for parole within 6 months.

The individuals involved in this case were part of an organization with the ability to acquire private castles, a personal army and a network of operators spanning three continents. Yet the punishment did not deter the crime.

NEEDED LEGISLATION

There is no meaningful deterrent to hard narcotics trafficking today. In the eyes of many, justice is working against the addict, his family and his victims, and in favor of the narcotics trafficker.

Drug traffickers are gamblers. They gamble that they won't get caught—and few do; they gamble that they will get low bail they can make—and flee—and many do; and they gamble they will get an easy judge who will give them a light sentence, if convicted—and that seems to be just what is happening.

If all else fails, and through some fluke our system of justice actually imposes a stiff sentence on a major dope dealer, he can hope for an early parole. In short, the judicial odds favor the dope dealer—not the addict or those victimized by the addict. We must put an end to revolving door justice.

It is essential that the hard drug dealer be subjected to a very real, measured, consequence for his illegal act—or he will continue to gamble, and, from his point of view, win. We have to put some teeth in the law—it has to stop becoming a dope dealers' lottery.

DRUG SENTENCING AND SEIZURE ACT OF 1977

I am today introducing legislation, with Senator CHILES, denying bail when the circumstances warrant it, and imposing sentencing guidelines designed to keep the hard narcotics traffickers and drug dealers off the streets. The legislation will also require that a hard drug distributor be denied parole in specified situations.

Additionally, the legislation extends the seizure policies to include all property directly or indirectly connected to the violation of law—it hits the drug trafficker where it hurts, in his pocketbook.

The legislation requires that a judicial officer deny pretrial release on bail to all individuals charged with hard drug distribution violations who:

Are felons with a prior narcotics or controlled substance conviction;

Have committed the drug offense while on parole or probation;

Are nonresident aliens;

Are in possession of a passport incorrectly identifying them or belonging to another; or

Individuals who have been convicted of having been a fugitive from justice, an escapee, or for willfully failing to appear.

Additionally, the legislation requires that, in the absence of special mitigating circumstances applicable only to first offenders, a judge, in sentencing those convicted of hard drugs or controlled substance offenses:

Cannot give probation or a suspended sentence;

Must impose a minimum sentence of 3 years, without parole, for first offenders; and

Must impose a minimum sentence of 10 years, without parole, for felons with a prior narcotics or controlled substance conviction.

Sales of hard narcotics or controlled substances to minors will subject the trafficker to twice the sentence otherwise imposed—6 years without parole, for first offenders; 15 years, without parole, for those with prior drug felony convictions.

This legislation will give a would-be dope dealer pause; it will give judges needed direction; and it will give law enforcement the support and incentive it needs to do its job.

This bill, in my opinion, takes the best of other legislation introduced in this and the last Congress; adding to, omitting from and simplifying them into an expanded, comprehensive, workable proposal.

The Drug Sentencing and Seizure Act of 1977 amends part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and protects the public from traffickers in narcotic drugs in schedule I and controlled substances in schedule II.

My bill significantly modifies the "Narcotics Sentencing and Seizure Act of 1977 (S. 850), which has been introduced by my distinguished colleague, Senator GRIFFIN, and which was patterned on legislation introduced by the previous administration.

First, my bill is simplified and focuses on the immediate problems of bail and sentencing reform.

Second, the scope of the Drug Sentencing and Seizure Act of 1977 includes traffickers in narcotics drugs in schedule I and controlled substances in schedule II such as the most widely abused amphetamines and barbiturates.

The bill also allows some judicial discretion in imposing shorter sentences or terms of parole where there is a finding of special mitigating factors. But this discretion is limited to first offenders only and any findings of "special mitigating factors" must become part of the court proceedings.

Mr. President, I ask unanimous consent that the text of the bill entitled the "Drug Sentencing and Seizure Act of 1977," be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Sentencing and Seizure Act of 1977".

TITLE I—SENTENCING GUIDELINES

SEC. 101. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended by—

(1) adding the following new subparagraph at the end of subsection (b)(1):

"(C)(i) Except as otherwise provided in clause (ii), any judge who imposes a sentence as provided in subparagraph (A) for

an offense involving a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II may not sentence the person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence such person to a term of imprisonment of not less than 3 years and shall designate, as provided in section 4205(a) of title 18, United States Code, a term of not less than 3 years during which such person shall be ineligible for parole. If such person committed such violation after he had been convicted of a felony under Federal, State or foreign law relating to a controlled substance in schedule I which is a narcotic drug, or a controlled substance in schedule II, the term of imprisonment under this paragraph shall be not less than 10 years, and the term during which such person shall be ineligible for parole shall be not less than 10 years.

"(ii) Such judge may sentence such person, if he is a first offender, to a shorter term of imprisonment or parole ineligibility than is otherwise required in clause (i), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds that special mitigating factors justify a less severe sentence and he records such factors in writing as part of the court proceedings.".

(b) Section 405 (21 U.S.C. 845) is amended by adding at the end thereof the following:

"(c)(1) Except as otherwise provided in paragraph (2), any judge who imposes a sentence as provided in section 401(b)(1)(A) on a person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II to a person under twenty-one years of age, shall not sentence such person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence such person—

"(A) except as otherwise provided in subparagraph (B), to a term of imprisonment of not less than 6 years and shall designate, as provided in section 4205(a) of such title 18, a term of not less than 6 years during which such person shall be ineligible for parole, or

"(B) to a term of imprisonment of not less than 15 years and shall designate, as provided in such section 4206(a), a term of not less than 15 years during which such person shall be ineligible for parole, if such person committed such violation after he had been convicted of a felony under Federal, State, or foreign law relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II.

"(2) Such judge may sentence such person, if he is a first offender, to a shorter term of imprisonment or parole ineligibility than is otherwise required in paragraph (1), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds that special mitigating factors justify a less severe sentence and he records such factors in writing as part of the court proceedings.".

(c) Section 406 (21 U.S.C. 846) is amended—

(1) by inserting "(a)" immediately before "Any"; and

(2) by adding at the end thereof the following:

"(b)(1) Except as otherwise provided in paragraph (2), any judge who imposes a sentence as provided in subsection (a) for an attempt or conspiracy to commit an offense described in section 401 involving a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II may not sentence the person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence such person to a term of imprisonment of not less than 3 years and shall designate, as provided in section 4205(a) of title 18, United States Code, a term of not less than 3 years during which such person shall be ineligible for parole. If such person committed such violation after he had been convicted of a felony under Federal, State, or foreign law relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, the term of imprisonment under this subsection shall be not less than 10 years, and the term during which such person shall be ineligible for parole shall be not less than 10 years.

"(2) Such judge may sentence such person, if he is a first offender, to a shorter term of imprisonment or parole ineligibility than is otherwise required in paragraph (1), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds special mitigating factors to justify a less severe sentence, and he records such factors in writing as part of the court proceedings.".

SEC. 102. Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 951) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended by adding immediately after subsection (b) the following new paragraph:

"(3)(A) Except as otherwise provided in subparagraph (B), any judge who imposes a sentence as provided in paragraph (1) for an offense involving a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II may not sentence the person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence such person to a term of imprisonment of not less than 3 years, and shall designate as provided in section 4205(a) of title 18, United States Code, a term of not less than 3 years during which such person shall be ineligible for parole.

"(B) Such judge may sentence such person, if he is a first offender, to a shorter term of imprisonment or parole ineligibility than is otherwise required in subparagraph (A), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds special mitigating factors justify a less severe sentence and he records such factors in writing as part of the court proceeding.".

(b) Section 1012 (21 U.S.C. 962) is amended by adding at the end thereof the following:

"(d)(1) Except as otherwise provided in paragraph (2), any judge who imposes a sentence for an offense, involving a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, as provided in section 1010(b), if the person committed such offense after he had been convicted of a felony under Federal, State, or foreign law relating to a narcotic drug in schedule I or a controlled substance in schedule II, may not sentence such person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence the person to a term of imprisonment of not less than 10 years and shall designate, as provided in section 4205(a) of title 18, United States Code, a term of not less than 10 years during which such person shall be ineligible for parole.

"(2) Such judge may sentence such person, if he is a first offender, to a shorter term of parole ineligibility or imprisonment than is otherwise required in paragraph (1), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds special mitigating factors justify a less severe sentence and he records such factors in writing as part of the court proceedings.".

(c) Section 1013 (21 U.S.C. 963) is amended—

(1) by inserting "(a)" immediately before "Any"; and

(2) by adding at the end thereof the following:

"(b)(1) Except as otherwise provided in paragraph (2), any judge who imposes a sentence as provided in subsection (a) for an attempt or conspiracy to commit an offense described in section 1010(a) involving a controlled substance in schedule I which is a narcotic drug or controlled substance in schedule II may not sentence the person to probation, suspend imposition or execution of the sentence, or sentence the person pursuant to chapter 402 of title 18, United States Code, but shall sentence the person to a term of imprisonment of not less than 3 years and shall designate, as provided in section 4205(a) of title 18, United States Code, a term of not less than 3 years during which such person shall be ineligible for parole. If such person committed such offense after he had been convicted of a felony under Federal, State, or foreign law relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, the term of imprisonment under this subsection shall be not less than 10 years and the term during which such person shall be ineligible for parole shall be not less than 10 years.

"(2) Such judge may sentence such person, if he is a first offender, to a shorter term of parole ineligibility or imprisonment than is otherwise required in paragraph (1), to a term of imprisonment with no term of parole ineligibility, or to probation, or may suspend imposition or execution of the sentence, if such judge finds special mitigating factors justify a less severe sentence and he records such factors in writing as part of the court proceedings.".

TITLE II—CONDITIONS OF RELEASE

SEC. 201. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841) is amended by adding at the end thereof the following new sections:

"RELEASE CONDITIONS

"SEC. 412. (a) In setting conditions of release under section 3146(a) of title 18, United States Code, for any person charged with an offense under section 401(a) of this title or section 1010(a) of title III with respect to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 406 of this title with attempting or conspiring to commit an offense under section 401(a) of this title relating to an opiate, or charged under section 1013 of title III with attempting or conspiring to commit an offense under section 1010(a) of title III relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, the judicial officer shall, in addition to determining which conditions will reasonably assure the appearance of such person for trial, consider which conditions will reasonably assure the safety of the community, the personal safety of persons in the community, including witnesses to the offense, and the prevention of similar offenses in the future by such person.

"(b) For purposes of this section and section 413, 'judicial officer' means any person or court authorized pursuant to section

3041 of title 18, United States Code, or the Federal Rules of Criminal Procedure, to admit to bail or otherwise to release a person before trial or sentencing or pending appeal, in a court of the United States and any judge of the Superior Court of the District of Columbia.

"DENIAL OF RELEASE PRIOR TO TRIAL

"SEC. 413. (a) Notwithstanding the provisions of section 3146 of title 18, United States Code, a judicial officer shall deny release of a person charged with a violation of section 401 (a) of this title or section 1010 (a) of title III with respect to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 406 of this title with attempting or conspiring to commit an offense under section 401 (a) relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 1013 of title III with attempting or conspiring to commit an offense under section 1010 (a) of title III relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, who—

"(1) has previously been convicted of an offense under any provision of Federal, State, or foreign law, relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II which is punishable by a term of imprisonment of more than one year;

"(2) at the time of the alleged violation, is on parole, probation, or other conditional release in connection with a conviction for a pending charge of an offense under Federal or State law that is punishable by a term of imprisonment of more than one year;

"(3) is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in section 101 (a) (20) of the Immigration and Nationality Act;

"(4) was arrested while in possession of a passport or other document of identity and nationality which incorrectly identifies such person or belongs to some other person; or

"(5) has been convicted of having been a fugitive from justice, an escapee, or for willfully failing to appear before any court or judicial officer under Federal or State law.

"(b) No person described in subsection (a) of this section shall be denied release unless the judicial officer—

"(1) holds a hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds that—

"(A) there is clear and convincing evidence that such person is a person described in paragraph (1), (2), (3), (4), or (5) of subsection (a) of this section;

"(B) on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before such judicial officer.

"(C) Notwithstanding the requirements of subsection (a) of this section, a judicial officer may grant release to such a person who has not been previously convicted of a felony under Federal, State, or foreign law relating to a controlled substance in schedule I or a controlled substance in schedule II if such judicial officer finds special mitigating factors for granting release and he records such factors in writing as part of the court proceedings.

"(c) The following procedures shall apply to any hearing held pursuant to this section:

"(1) Whenever the person seeking release is before the judicial officer, such hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 of title 18, United States Code, and it subsequently appears that such person may be subject to an order denying release under this section, the United States attorney may initiate a hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person.

"(3) The hearing shall be held immediately after such person is brought before the judicial officer for such hearing, unless such person or the United States attorney moves for a continuance. A continuance granted on motion of such person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance or motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. Such person may be detained pending the hearing.

"(4) Such person shall be entitled to representation by counsel and shall be entitled to present information, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of such person given during such hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 3150 and 3151 of title 18, United States Code, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from any order denying release may be taken pursuant to section 3147 of title 18, United States Code. The United States may appeal from any order granting release under this section.

"(d) The case of a person denied release pursuant to this section shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.".

SEC. 202. The table of contents at the beginning of the Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following:

"SEC. 412. Release conditions.

"SEC. 413. Denial of release prior to trial.".

TITLE III—FORFEITURE OF PROCEEDS OF ILLEGAL DRUG TRANSACTIONS

SEC. 301. Section 511 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 881) is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(6) All proceeds of an offense described in this title or title III and all moneys, negotiable instruments, and securities used, or intended to be used, by any person, directly or indirectly, in connection with a violation of this title or title III."; and

(2) by inserting "described in subsections (a) (1) through (a) (5)" immediately after "Whenever property" in subsection (c); and

(3) by adding at the end thereof the following:

"(h) Whenever property described in subsection (a) (6) is forfeited for violation of this title or title III, the Attorney General, making due provision for the rights of any innocent person—

"(1) may dispose of property other than moneys, negotiable instruments, and securities in the manner set forth in subsection (e);

"(2) may dispose of negotiable instruments and securities in the manner prescribed in subsection (e) (2); and

"(3) shall forward currency obtained from sales pursuant to paragraph (2) of this subsection and moneys forfeited under subsection (a) (6) to the Treasurer of the United States for deposit in the general fund of the United States Treasury.".

Mr. CHILES. Mr. President, I would like today to add my support for the Drug Sentencing and Seizure Act of 1977 and to urge my colleagues to vote this measure into law at the earliest possible time.

I am particularly sensitive to the problems of drug trafficking because Florida, and especially south Florida, has in recent years become a major entry point for a near tidal wave of heroin, cocaine, amphetamines, and a host of other deadly substances being brought from Mexico, Colombia, and other transshipment points.

We are faced with the problem of cocaine literally coming in on the morning tide on Florida's east coast. Drugs are entering the country in such quanties that smugglers literally throw their goods overboard, to be carried by the Gulf Stream to smaller boats waiting offshore. Whole planeloads of cocaine and hashish have been recovered from the Everglades after various crashes.

Needless to say, Floridians are not pleased to have great quantities of dangerous drugs practically falling on their heads. They want action. They want protection for themselves and for their children against the purveyors of heroin and "angel dust."

One strong measure of protection is provided in the bill being introduced today by Mr. NUNN of Georgia. We heard testimony this morning from the head of the Drug Enforcement Administration that 43 percent of persons now being arrested for drug peddling have already been arrested and convicted for the same crime.

The reason they are once more being presented to the courts for prosecution is because these people are in jail for shockingly short periods of time. For reasons I am unable to fathom, these dealers of such deadly substances are treated with extraordinary leniency by the courts.

Even worse, some of those apprehended are never seen again. Freed on bail, and frequently on very low bail, they are back on the streets within hours, either to continue to ply their trade while awaiting trial, or to simply skip town.

So the profession of drug peddling is not as dangerous as it might seem. The risk of getting caught is fairly low; the risk of lengthy imprisonment is fairly slight. If things begin to look unpromising, the drug trafficker can always forfeit his modest bail and move on to another town.

This bill would go a long way toward making drug peddling a much more risky and less profitable occupation. Its purpose is clear: "To protect the public from traffickers in narcotic drugs." Its target is dealers in heroin and dangerous chemicals. Its method is simple: First impose minimum sentences on those convicted of trafficking in drugs; Second, set rigid conditions for bail for persons dealing in narcotics and dangerous drugs; and third, give the Government the right to seize the proceeds made from the sale of drugs and narcotics.

I would commend this bill as a piece of sensible legislation which will go a long ways toward solving one of our society's most pressing and dangerous problems.

Faced with a sure and lengthy term of imprisonment and the loss of all profits, drug trafficking must become a less desirable occupation than it is today.

ADDITIONAL COSPONSORS

S. 247

At the request of Mr. GOLDWATER, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 247, to provide recognition to the Women's Air Forces Service Pilots.

S. 600

At the request of Mr. PERCY, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 600, the Regulatory Reform Act.

S. 1137

At the request of Mr. ANDERSON, the Senator from Michigan (Mr. RIEGLE), was added as a cosponsor of S. 1137, to amend the Internal Revenue Code.

S. 1392

At the request of Mr. RIBICOFF, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1392, to improve early and periodic screening, diagnosis, and treatment programs.

S. 1421

At the request of Mr. MELCHER, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1421, the Comprehensive Veterans Readjustment Assistance Act of 1977.

S. 1683

At the request of Mr. HELMS, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 1683, the Medical Freedom of Choice Act.

S. 1692

At the request of Mr. MELCHER, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1692, to reform the postal system.

AMENDMENT NO. 369

At the request of Mr. HELMS, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 369, to be proposed to S. 717, the Mine Safety Act.

AMENDMENTS SUBMITTED FOR PRINTING

CONSUMER CONTROVERSIES RESOLUTION ACT—S. 957

AMENDMENTS NOS. 438 AND 439

(Ordered to be printed and to lie on the table.)

Mr. HARRY F. BYRD, JR. submitted two amendments intended to be proposed by him to the bill (S. 957) to promote commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers, and for other purposes.

RIVERS AND HARBORS PUBLIC WORKS—S. 1529

AMENDMENT NO. 440

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON (for himself, Mr. LONG, Mr. YOUNG, Mr. DANFORTH, Mr. EAGLETON, Mr. MAGNUSON, Mr. EASTLAND, and Mr. JOHNSTON) submitted an amendment intended to be proposed by them jointly to the bill (S. 1529) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

MINE SAFETY ACT—S. 717

AMENDMENT NO. 441

(Ordered to be printed and to lie on the table.)

Mr. GARN submitted an amendment intended to be proposed by him to the bill (S. 717) the Federal Mine and Health Safety Act.

NOTICES OF HEARINGS

PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS

Mr. ABOUREZK. The Judiciary Committee will continue hearings on S. 270, the Public Participation in Federal Agency Proceedings Act of 1977, on June 21, 1977 at 10 a.m. in room 324 of the Russell Building.

THE DIESEL FUEL AND GASOLINE CONSERVATION ACT

Mr. JOHNSTON. Mr. President, the Subcommittee on Energy Conservation and Regulation of the Senate Committee on Energy and Natural Resources will hold a hearing on S. 1699, the Diesel Fuel and Gasoline Conservation Act of 1977 on Monday, June 27, 1977, in room 3110 of the Dirksen Senate Office Building. The hearing, which will begin at 9:30 a.m., will include witnesses from relevant Government agencies and selected private sector witnesses. The bill would generally increase the amount of the backhaul allowances now permitted in uniform zone-delivered pricing systems. Questions with regard to this hearing should be addressed to James T. Bruce, counsel to the subcommittee at 224-9894.

FOOD SAFETY AND QUALITY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation will hold hearings on the Federal Government's role in food safety and quality. The first hearing will be held on June 30, 1977, at 8 a.m. Invitations had been extended to Hon. Donald Kennedy, Commissioner, Food and Drug Administration, Hon. Robert Bergland, Secretary of Agriculture, Hon. David Costle, Director, Environmental Protection Agency, and Hon. Donald Frederickson, Director of the National Institutes of Health. At this hearing the subcommittee will explore the role of represented agencies in food safety and quality and the coordination of each agency with the other agencies.

A second hearing has been scheduled by the subcommittee for 8 a.m. July 19, 1977. At this hearing invited scientists will testify about their views on what should be the Government's role in food safety and quality, their assessment of the present Government role, and their views on the extent and limitations of scientific knowledge about food safety and quality. In addition, the subcommittee plans to conduct a series of hearings on specific food quality and safety issues in which the Government is involved.

Further information can be obtained fram Dale Standsbury of the committee staff, room 322 Russell Senate Office Building, Washington, D.C. 20510, or telephone (202) 224-2035.

ADDITIONAL STATEMENTS

THE COST OF NOT DEREGULATING NATURAL GAS

Mr. HANSEN. Mr. President, in Saturday's Washington Post, there appeared a column by Congressman CLARENCE J. BROWN entitled "The Cost of Not Deregulating Natural Gas."

Congressman BROWN, the ranking Republican in the House Energy and Power Subcommittee of the Committee on Interstate and Foreign Commerce, made numerous excellent points concerning the cost to this Nation if we continue to refuse to permit free market forces to develop the energy we will need to free ourselves from our present vulnerable position.

Mr. President, coming from the West as I do, I particularly appreciated Mr. BROWN's opening sentence:

Few Americans south or west of Philadelphia have any choice about using the family car to get to work. Most resent being asked to pay unavoidable taxes on gasoline—particularly when it is hinted their tax money will go to welfare or tax reform.

Congressman BROWN details as the cost of not deregulating:

First. The $50 billion cost of public utilities conversion from gas to coal.

Second. The cost of new air pollution equipment involved in such conversions.

Third. The loss of wages during the winter of 1976-77 from natural gas shortages.

Fourth. The cost to gas consumers of using synthetic gas at higher prices due to Federal prohibition against buying natural gas at lower prices.

Mr. President, I ask unanimous consent that this article by Congressman BROWN be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COST OF NOT DEREGULATING NATURAL GAS

(By Clarence J. Brown)

Few Americans south or west of Philadelphia have any choice about using the family car to get to work. Most resent being asked to pay unavoidable taxes on gasoline—particularly when it is hinted their tax money will go to welfare or tax reform. Similarly, many Americans in the Northeast know that federal regulation of the price of natural gas made it impossible for them to get that gas last winter and that the shortage closed their factories and schools and left their homes and hospitals cold.

On the latter point, they have no better authority than President Carter himself. In the middle of that crisis last winter, he proposed and Congress passed an emergency bill to permit the purchase of natural gas at prices above the federally controlled price in order to relieve gas-short areas. His campaign letter to the governor of Oklahoma a few months earlier said:

"The decontrol of producers' prices for new natural gas would provide an incentive for new exploration and would help our nation's oil and gas operators attract needed

capital. Deregulation of new gas would encourage sales in the interstate market and help lessen the prospect of shortages in the nonproducing states which rely on interstate supplies. While encouraging new production, this proposal will protect the consumer against sudden, sharp increases in the average price of natural gas."

These were the voices many members of Congress were listening to last week when House committee votes killed the stand-by gasoline tax, severely restricted the auto tax and opted for deregulation of new natural gas instead of a price ceiling.

Based on the last Congress, last week's votes might have been anticipated by the White House. Two years ago the House rejected a gasoline tax and the Senate voted 58 to 32 for a much broader deregulation bill, which the House barely failed to pass, 205 to 201.

Then it was a two-to-one Democratic Congress with a Republican President recommending deregulation of both petroleum and natural-gas prices, and suggesting that the domestic production thus encouraged might help achieve energy independence. This year it was a Democratic President recommending "world-market" prices on oil, to be achieved by taxation, and "below-market" price ceilings on natural gas in both intrastate and interstate markets on the theory that there is no more domestic oil or gas to be produced before 1985 by higher prices.

But many congressmen clearly discount the "timely" CIA study that supports administration pessimism because every other study of any scholarship indicates supply response at higher prices. And even the most pessimistic of those studies notes the need to balance demand and supply through the price mechanism to stretch domestic oil and gas until coal, nuclear and more exotic fuels can be brought on line. The more optimistic studies indicate such strong supply response to prices as to obviate (or at least delay) expensive and environmentally costly conversions to coal called for in the President's plan.

When an administration spokesman suggested an eight-year, "$71 billion ripoff" cost of gas deregulation, no mention was made of the estimated $50 billion cost of public utilities' converting gas boilers to coal in the President's program—not counting the additional cost of needed antipollution systems.

Nor did he mention the $610 million in wages lost last winter by 1.2 million workers idled by shortages of natural gas—shortages that can be laid to the federally frozen price of $1.42 per thousand cubic feet.

Nor did he mention the cost to gas consumers of using synthetic gas at $4.14 because federal regulation prohibited them from buying natural gas for $2, the price at which demand was being fully met in the unregulated intrastate market. An American Gas Association white paper estimates the cost of susbtitutes needed to fill in for natural-gas shortages at current regulated prices will total $30 billion in the next eight years.

The point is that many members of Congress are beginning to suspect that the costs of not deregulating implicit in the President's program may far exceed the costs of deregulating. Treasury Secretary W. Michael Blumenthal conceded in hearings before the House Ad Hoc Energy Committee last month that the gross new taxes to be paid under the President's energy proposals in eight years would be $132 billion without the potential $50 billion annual gasoline tax. That is equivalent to an increase of 15 per cent in federal taxes!

This huge federal revenue windfall from energy taxes in the National Energy Act gives the administration great flexibility to pay for expensive new social programs, balance the budget or reduce taxes. In fact, this $132 billion in new taxes may be the only way to achieve those apparently contradictory promises of the 1976 campaign.

As awareness of the tax dimensions in the President's energy plan grows, more and more Americans seem to be concluding that—if they must pay higher conservation-inducing energy prices—they would rather contribute to energy production than to discretionary federal tax revenues. If energy companies don't re-invest in finding new energy sources then Uncle Sam can tax the money away from them. If those energy-tax revenues were then spent on mass transit, at least some Americans could avoid paying higher energy costs.

Most members of Congress have been reluctant to criticize the President's energy proposals because there is an energy crisis and it is important that it be addressed successfully. After the failures of the War on Poverty and the Vietnam War, such federal credibility as remains may hinge on our nation's ability to win the Energy War.

But studies by the General Accounting Office and the Congressional Budget Office have both recently pointed out the errors in the premise, underestimated goals and overstated results in the administration plan. Examination of the program by congressional committees has raised questions that have gone unanswered or to which contradictory answers have been given. Part of the reason is that few of the federal agencies with specialized knowledge on energy matters were in on developing the plan. The Federal Power Commission testified it had not been consulted until the proposals were ready to be submitted. The Consumer Prcduct Safety Commission testified that it had not been consulted and still has concerns about the safety of most of the products now used for insulation for which the administration recommends tax credits.

No one is pleased with such anomalies. But faced with those realities, dismissal of last week's House votes as "preliminary" seems to miss the point. And clearly the White House contention that members were voting in subservience to oil, gas and auto lobbyists is a discouraging sign. Because they were not participants in the drafting of the plan, few members of Congress feel any responsibility of paternity, although all want a successful result. It is time for the White House to talk with people involved in the energy issue rather than at them.

COMPUTER CRIME

Mr. RIBICOFF. Mr. President, the problem of computer crime in Federal programs and private industry is being examined by the Senate Governmental Affairs Committee. Legislation is being drafted now that will strengthen the Government's ability to detect, investigate, and prosecute computer crime.

One of the principal areas of concern examined by the committee's investigation related to providing Government criminal investigators with training in computer technology. All too often, the committee found, Government criminal investigators are handicapped in making inquiry into computer crime, because they are unfamiliar with automatic data-processing technology. It was noted, for example, in the committee's staff report, "Computer Security in Federal Programs," that police have difficulty apprehending a computer thief if they do not understand the nature of the crime they are supposed to be investigating.

The Department of Health, Education, and Welfare utilizes computers which pay out more than $84 billion in checks and other negotiable instruments. Yet at the time the committee's staff report was issued on February 2, 1977, HEW had no criminal investigators with training in computer technology. The Department indicated to the committee that it was initiating computer-training programs for its criminal investigators.

In turn, the Federal Bureau of Investigation has acknowledged the need for training special agents in computer technology. The Arizona Republic printed an Associated Press article on June 12, 1977, concerning the Bureau's efforts to keep its agents informed about potential illegalities perpetrated with, against, and by computers. One of the points made in the Associated Press article is that at this time there is no Federal statute related directly to the theft of computer time. The bill we are drafting will seek to correct that deficiency in title 18 of the United States Code.

Mr. President, I ask unanimous consent that this article from the Arizona Republic be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, June 12, 1977]

FBI TRAINING ALLOWS AGENTS TO MATCH WITS WITH COMPUTER CROOKS

PHILADELPHIA.—The Federal Bureau of Investigation, concerned about the potential for increased white-collar crime through the use of computers and modern technology, is training agents to fight "the crime of the future."

Six months ago four agents with backgrounds in computers or accounting were sent to a four-week FBI course at the Quantico Marine Base, Va. The agents form the nucleus of the new computer fraud section in the local FBI office.

". . . Computers are everywhere. And unlike a bank robbery, computer fraud could be going on anywhere and we don't know it unless it's observed," said Mike Boyle, agent-in-charge of the new fraud section.

"The general public and law enforcement officials don't have any idea what's going on," he said.

Last Thursday, federal indictments were returned against two suburban Philadelphia computer programming managers for Sperry-Univac, a result of the unit's investigation and new training.

The programmers, the indictments alleged, used Sperry-Univac's computers to run a music-arranging business.

Although agents could get direct evidence of the scheme by having the computer print out the clandestine instructions given to the machines, there is no federal statute covering theft of computer time. So prosecutors charged the men with mail fraud for advertising services provided by their alleged theft.

The men had developed a computer program to turn out sophisticated orchestral arrangements and also had the Sperry machines do their billing and record-keeping, the indictments charge.

"Agents were able to talk to the people at Sperry without an interpreter. A year ago, we would have said, 'what?'" Boyle said.

"It's the crime of the future. We're not talking about some eighth-grade dropout; we're dealing with some of the best minds in the computer and engineering fields.

"Now it's only people in the field who have the knowledge, but it's only a matter of time until organized crime recognizes the potential," he said.

The most common computer fraud is when someone sets up a dummy account and has checks sent out, he said.

Other likely areas include pension funds, inventories and insurance policies. One man had his firm's computer print out a list of 290,000 customers, which he then tried to sell to a competitor.

ENERGY RHETORIC

Mr. GOLDWATER. Mr. President, in the national debate on energy, we have heard a great many opinions and a great deal of nonsense, some of the latter coming from people in official positions. I believe one of the things we do best for the country is to get some idea of what is important and what is irrelevant in all the claims and counter claims being made in this discussion. One of the best appraisals I have seen recently was written by Milton Friedman, the Nobel Prize winning economist, in the June 13 issue of Newsweek magazine. Among other things, Mr. Friedman suggests that if a Guinness Book of World Records recognition is ever given for the divergence of rhetoric from reality, it should go to the energy policy debate now raging in the United States.

Mr. President, I ask unanimous consent that Mr. Friedman's article entitled "Energy Rhetoric" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY RHETORIC

(By Milton Friedman)

I do not know whether the Guinness Book of World Records recognizes a record for the divergence of rhetoric from reality. If not, I suggest that it do so, and I nominate as a candidate the debate over energy policy now raging in the U.S. Herewith some supporting evidence.

1. Pride of place must go to President Carter's use of William Jame's phrase "the moral equivalent of war" to describe the approach needed.

We do have a real energy crisis—no doubt about that. And, of course, every aspect of life has a moral dimension. But, for the ordinary U.S. citizen, there is simply no special moral issue involved in energy, any more than there is in how to make the most effective use of our limited supplies of food, or iron ore, or land. The problem is a strictly technical economic problem of adjusting consumption and domestic production to a drastic change in the world price of oil engineered by the OPEC cartel.

If there is any special moral issue, it is the failure of the Congress and the Federal bureaucracy to acknowledge the major role that they have played, through ceilings on price, encouragement of OPEC and heavy-handed administration, in greatly exacerbating the crisis. Of course, the best defense is a good offense—hence the appeal to other people's moral responsibility!

2. "The nation's most careless squanderers of energy"—a phrase used in one media report on an affluent suburb.

Are the residents of the suburb (and the reporters writing the story) also "squanderers of food, housing, clothing"? Is it either an actual or desirable policy that everyone should consume all items at some minimum sustainable level? At the same level as everyone else? What has happened to pride in our success in improving the living standards of our people? Today's lower-middle classes live at levels that would have been affluent "squandering" a century ago; and today's "squanderers" will set the pace for the less advantaged tomorrow—if ill-considered government meddling does not kill the goose that lays those golden eggs.

Energy has been relatively cheap, and it has been sensible for all of us to adjust our use to that fact. It has become more expensive—perhaps only temporarily—and if each of us is required to face that fact, we shall all be led to cooperate in using less energy and producing more at home.

3. Gasoline prices have risen drastically and it is unconscionable to let them rise further.

Corrected for inflation, the price of gasoline in 1976 was 2 percent lower than in 1956! Gas prices did slightly more than double over the two decades, but prices in general rose even faster.

A major source of our energy problem is that government policies have been falsifying the true situation to consumers. As a nation, we are paying more for gasoline than two decades ago, but we are doing so through taxes that are used to subsidize the import of foreign oil, in order to hold down the price at the gasoline pump. That is why we have not had the right incentive to conserve.

4. In a discussion of President Carter's proposals: "The biggest burden will probably fall on industry. Factories and utilities will be taxed heavily unless they shift to coal."

How do you "burden" industry or "tax" a factory? Do you squeeze it until it screams? Send it to jail?

Only people can bear a "burden" or pay a tax. An industry, a factory, or a utility can do neither. Officials of an enterprise may transmit a check to the U.S. treasury, but they are only agents. The burden of the tax is borne either by the stockholders, or the employees, or the customers—and, in the long run, for a tax on a specific product, primarily by the customers. Stockholders and employees may bear the initial burden if they are temporarily locked into a particular enterprise or industry, but only at the expense of discouraging further investment and employment in the industry.

We need more investment in the domestic production of energy. Taxing away the fruit of past investment is hardly a sensible way to encourage more investment. It is simply stupid of us to adopt the general policy of taxing away "windfall" profits reaped by farsighted individuals who invested in advance in order to be able to profit from high prices when a "shortage" occurs—whether because of a cartel or a drought or whatnot. That is a sure way to destroy private provision for emergencies and to transform our economy into a centralized corporate state. Senators who scream about "obscene profits" are sabotaging the free-market system, and therewith our political and civil freedoms.

5. A congressman about the President's program: "OK, as long as everybody is hurt equally."

What a sadistic philosophy. That is a prescription for universal misery. I thought true American philosophy was, "OK, as long as everyone has an equal opportunity to improve his lot."

6. The House energy committee's 40 members "were carefully chosen . . . with a slight tilt toward consumer interest and against radical changes, such as the total elimination of price controls on gas and oil."

How rapidly the conventional becomes radical and the radical, conventional. The truly radical element of present energy policy is the existence of price controls. The controls on natural gas date back only to 1954, on oil, to 1971. They are not only radical, but a major source of our problem.

7. *"Gas-guzzling" cars*

A combination of demagoguery, confusion about morals, and bad economics. One man's gas guzzler is another man's necessity. If each of us has to pay the full cost of energy—which is what would occur if the market were allowed free rein—we would each have to choose how to meet the cost. One man would decide to do so by driving a large car fewer miles; another by buying a small car; a third, by conserving on other items of consumption, thereby releasing them for persons who had a less urgent need for the gasoline.

Given that gasoline sells at full-cost—which today means at the cost imposed by OPEC—there is no justification whatsoever for an additional tax on large cars and a subsidy for small cars. That simply imposes a cost greater than the value of the energy saved. Neither is there any justification for governmentally mandated average-mileage requirements. These are just further examples of how one government mistake—artificially keeping down the price at the gas pump—leads to others. A full-cost price for gasoline gives just the right incentive to the car owner to balance the extra costs of gas; it gives the right incentive to the manufacturer to meet the demands of the prospective car purchaser.

Insofar as the problem is one of relieving persons in acute distress, we should do that by giving them general purchasing power, through a negative income tax replacing our present rag bag of welfare programs, not by trying to do something about gasoline separately, food separately, and so on *ad nauseam*.

THE FUTURE ARRIVES AT BELMONT

Mr. HUDDLESTON. Mr. President, the May 23 Washington Post contained a revealing look at the future of the horseracing industry and the resultant impact on State revenues unless the Congress prevents the development of interstate offtrack betting. The Post article, "The Future Arrives at Belmont," written by Mr. Gerald Strine, graphically depicts the lost State revenue, increased illegal wagering, and circumvention of the rights of employees that can be expected if interstate OTB is allowed to grow to its logical conclusion.

I ask unanimous consent that the article be printed in the RECORD. I commend it to the attention of my colleagues and hope that they will, after reviewing it, see the need for their support of S. 1185, the Interstate Horseracing Act of 1977.

There being no objection, the article was printed in the RECORD, as follows:

THE FUTURE ARRIVES AT BELMONT

(By Gerald Strine)

BELMONT, N.Y., May 23.—What many people fear to be the future of American racing arrived at Belmont Park today, some five to 10 years ahead of its time and, depending upon one's concern over tradition, the future looked very bleak or very businesslike. Certainly it was different.

The gates to the track opened on time. There was no charge for parking, admission or programs. Nine races were run. One of the finest programs to be presented at a U.S. track this season was offered, with three-time horse of the year Forego in the sixth race and an excellent field of fillies and mares competing in the $54,850 Shuvee Handicap.

But only 3,379 fans were in the stands for the first race—the final count was 7,514—and more than one-third of them appeared to be from the backstretch. The reason for the pathetically small crowd: the infield tote boards and the TV monitors in the stands stayed dark all afernoon, so far as the presentation of odds were concerned.

There was, unbelievably, no betting at beautiful Belmont this idyllic spring afternoon as America's most stately racing plant began a 60-day meeting. All the wagering was done at the 200 Off-Track Betting shops in New York City and Nassau County, Long Island, and in upstate New York.

The New York Racing Association, after having shut down the sport at Aqueduct Friday and Saturday because of a strike by mutual clerks, decided early Saturday evening to offer a "Studio B" playlet today for pursists and OTB regulars.

OTB handled $2,355,602 today, compared to $2,186,233 last year when Belmont attracted a $2,867,321 play on opening day. What happened to the money that would have been bet at the track today?

"That's a good question," Harry McCabe of OTB acknowledged. "We anticipated much more."

Could it be that OTB and the NYRA now play to two separate audiences? We shall see.

The day's biggest winners, however, were the city's bookmakers.

"I've never had anything like it, on horses since the old days," said "Leonard," a Time Square theoretician known in the trade for his integrity, his insolence and his lack of inhibition. "OTB's always been good for us," Leonard said, "but today was all sweetness. I told customers I was paying OTB prices only, because that's all there was, with the 5 per cent/surcharge. Normally I pay track prices. That means today I booked at 22 per cent or higher."

Such figures are what the strike here is all about.

"We're talking about survival," said Pat Lynch, a vice president of the NNRA. "Since OTB opened in June of 1971 our attendance is down 48 per cent and our betting is down 29 per cent. People can get as philosophical as they want about this, as to why we're running when it helps our competition, but it's simple. It's a matter of survival. That's the reality."

The mutuel clerks, some 600 strong, are banded together in an independent union. Other unions did not honor their picket lines today but the NYRA did not attempt to open the parimutuel lines with nonunion help it reportedly has trained.

Andrew Squazzo, president of the clerks' union, couched his comments today in animal terms other than that of horses.

"When the wolves are at your heels, you keep kicking," Squazzo declared. "When they're at your heels you don't turn around and offer them your throat."

Union and management are negotiating over higher wages, automation, a lower retirement age and, most importantly, the elimination of 40 per cent of all jobs over five years. New York has the most modern tote equipment in existence, with better hardware on the way, meaning a sharp cost reduction.

State mediators hope to get both sides to the negotiating table tonight. If they don't, and if the strike continues for three weeks, the Belmont Stakes may have to be run out of state at, say, Monmouth Park in New Jersey although the NYRA says it is prepared to run the way it did today "indefinitely."

Seattle Slew, undefeated hero of the Kentucky Derby and Preakness Stakes, will bid to become the 10th Triple Crown winner in the Belmont on June 11 over a mile and a half.

Should Belmont continue to operate as it did today it will receive 1.75 per cent of all monies taken in on basic pools by New York OTB for operational costs and 1.76 per cent for purses. OTB keeps 12.4 per cent of its basic takeout, with 11.1 per cent going to the state. The on-track takeout of 17 per cent breaks down as follows: 9 per cent to the association, 3 per cent for purses and 5 per cent to the state.

The takeout on the triple wagering is 25 per cent. OTB bettors pay the 5 per cent surcharge only when they win.

Eventually, if this situation continues too long, it would be self-defeating for Belmont and the horsemen to continue to run for OTB's benefit. The NYRA apparently is hoping that being a "good guy" and operating for the state and for OTB will gain for it a higher share of the OTB takeout while breaking the independent union.

Until then, New Yorkers will be able to see how thoroughbred racing is conducted in France, Australia, New Zealand and other off-track outposts. Those countries have fantastically successful programs even though the crowds and on-course betting is small except on the days when the most famous races are presented.

There is, of course, one overwhelmingly important difference. Off-track betting truly supports the sport in those countries, giving the tracks and the horsemen a generous portion of the total wagering so the game can continue healthy. Here it's been tragically different from the start in 1971, the tracks receiving little from OTB as the state politicians tax more and more revenue from racing.

All the major parties concerned must share the blame.

GROWTH IN MUNICIPAL BOND MUTUAL FUNDS

Mr. PERCY. Mr. President, upon inquiry I have been informed by the Investment Company Institute that investments in municipal bond mutual funds have now crossed the $1 billion mark.

Last August, I proposed an amendment to the Tax Reform Act which made it practical for mutual funds to invest in tax-exempt State and municipal bonds by permitting them to pass through earnings to their shareholders free of Federal tax. Previously, this had been possible only for other types of investment. At that time, I stated:

Perhaps the most significant improvement this amendment provides is to expand the market for municipal securities. Many of our cities, counties, and states are having difficulty raising revenue for capital improvements and other projects. This legislation will allow them to obtain funds from a significantly broadened group of potential investors.

I am gratified that in the 6 months since the Tax Reform Act became law the stimulus for municipal financing I had hoped for has been more than realized. The $1 billion that has already become available through mutual funds for projects and services financed by municipal bonds has been of great help to many cities, counties, and States. Sales of these funds are now averaging about $170 million per month and there are now almost 85,000 individual shareholder accounts.

The mutual fund industry is to be congratulated for the promptness with which it has provided a broad spectrum of investors the opportunity to invest in municipal bonds and the Securities and Exchange Commission is to be commended for the speedy registration under the Federal securities laws of these new investment vehicles. Already 26 municipal bond mutual funds are offering shares to the public, and 15 more funds are in registration at the SEC.

Obviously, the opportunity to conveniently invest in municipal bonds with less risk and lower capital requirements, together with the benefit of a diversified portfolio under professional management, is appealing to a great many people who never before invested in municipal bonds. This change in the law has made a tax benefit that was once usable by primarily only the wealthy, available to middle income investors.

The statistics show that new markets for municipal bonds are opening up. The average municipal bond mutual fund shareholder account is around $12,000 and in some funds it is even lower. This is a strong indication that much of the money raised by these new funds comes from middle income investors. These investors have not previously been heavy buyers of municipal bonds although current tax rates make yields on municipal bonds economically attractive. For example, for a married couple with a combined taxable income of $20,000 a year, a tax-exempt rate of 5.2 percent—the current rate on top-quality State and local bonds—is equivalent to a taxable rate of 7.6 percent, while for those in higher tax brackets the margin is still wider.

The public acceptance of this new type of investment is one of the most encouraging developments in recent years for the financing of State and local government obligations. I plan to continue to follow the growth of this new development with great interest.

ISRAEL AND THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, I have received a letter from the Anti-Defamation League containing a speech made by Robert J. Lipshutz, Counsel to the President, on June 14 at the ADL lawyers division dinner, Quoting the letter:

Mr. Lipshutz, in his speech, indicated very clearly America's long-standing special relationship to Israel, and reaffirmed the Administration's commitment to work towards a negotiated peace settlement.

I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH TO THE ANTI-DEFAMATION LEAGUE LAWYERS DIVISION DINNER

(By Robert J. Lipshutz)

Soon after I returned to my home in Atlanta following three years of service in the Army during World War II, I hung out my shingle with a law school classmate and began the practice of law. And very shortly after that I became active in the work of the Anti-Defamation League of B'nai B'rith.

Even though our nation had led the world in exterminating the horrors of Adolph Hitler, it was apparent that the seeds of hate which Nazism nurtured had not been completely eliminated from our society—In my opinion, if we ever conclude that we have eliminated forever all dangers of prejudice and discrimination, we will have lulled ourselves into a false sense of security. The price of liberty always has been and always will be eternal vigilance, and the Anti-Defama-

tion League is one of the essential sentinels which maintains that vigilance.

Since that year of 1947 I personally have been involved with ADL in numerous actions and programs. In the late 1940's the Legislature of Georgia passed a strong law which unmasked the Ku Klux Klan and thus contributed greatly to the almost demise of this group. The ADL discovered and published previously unknown facts of the attachment which known anti-Semites, such as Gerald L. K. Smith, had made to new political parties and groups. The ADL worked aggressively with civil rights groups and many individuals towards the elimination of racial and religious segregation and discrimination throughout American life.

Very recently the leaders of the Anti-Defamation League once again demonstrated their effectiveness in a major development. Along with other American Jewish leadership they successfully negotiated a very difficult and complex agreement with the leaders of America's top business concerns, represented by the Business Roundtable. This agreement related to the anti-boycott legislation then being considered in the United States Congress. As a result of this successful negotiation, legislation has now been adopted overwhelmingly by the Congress which will enable this Administration to effectively administer a strong anti-boycott policy of our government. The legislation will be signed by the President within a few days and with great enthusiasm. President Carter had said in his campaign:

"The boycott is a disgrace, and I will do everything I can as President to stop the boycott of American business by Arab countries. It is not a matter of diplomacy or trade with me; it is a matter of morality."

We as lawyers have many opportunities to help in the work of the Anti-Defamation League. We can help with our financial contributions. We can help with the utilization of our time. I urge each of you to do both to the maximum of your ability.

Next I would like to talk with you for a few minutes about a unique characteristic of the Carter Administration which is causing a great deal of discussion: Openness in Government. And particularly I wish to relate this matter of "Openness" to the field of foreign affairs and more specifically to the Middle East.

If you believe in the competence and compassion of the American people, you also will want to remove whatever barriers separate the American people from the American government. In the past, one of these barriers has been unnecessary secrecy—that secrecy which too often has arisen from the fear by government leaders of the good sense and judgment of the American people. There will be no room in the Administration for such a "paranoia for openness." Instead, President Carter is leading and encouraging discussion and debate of all major issues before the American people, including that area which traditionally has been the most secretive, subtle and delicate of governmental operations: the field of diplomacy.

To the maximum extent possible, this Administration will fulfill its commitment to conduct foreign policy in the open, not in secret, for very sound reasons.

As the President stated in his recent speech at Notre Dame University:

"We are confident of the good sense of the American people, and so we let them share in the process of making foreign policy decisions. We thus can speak with the voices of 215 million people and not just that of an isolated handful."

A President who has received the benefit of open discussion and debate among all interested Americans is more likely to arrive at a sound judgment. Furthermore, a President who has enlisted the advice and support of not only the Congress, but also the American people, behind his foreign policy actions, will speak with great authority for our nation.

And now let me review openly the basic American policy relating to an Arab-Israeli peace settlement in the Middle East.

Two fundamental judgments provide the basis for our policy on the Arab-Israeli conflict: first, peace in the Middle East is of great importance in terms of the United States' fundamental interests and commitments as a nation; second, the United States, because of its close ties to Israel and its friendship with key Arab countries, can play a uniquely positive role in promoting meaningful negotiations. Therefore, from the outset of this Administration, the President has personally committed himself to work for peace in the Middle East as a matter of highest priority.

He has recognized that small steps toward an uncertain future hold little promise of resolving the complex issues involved in the conflict. He has therefore tried to encourage the parties to agree upon a comprehensive, flexible framework of principles that could guide the search for peace.

As to the negotiating process, inherent in our approach is a belief that ultimately the parties to the conflict must assume the historic responsibility for the decisions on peace. This can only occur through serious and direct negotiations. Whatever influence the United States may have cannot be used as a substitute for negotiations.

An imposed settlement, apart from the question of whether it could be achieved, would be unlikely to last since it would not evoke a sense of commitment from the parties to the conflict.

We have several basic points of departure for negotiations:

Israel, Egypt, Jordan and Syria have all accepted UN Security Resolutions 242 and 338.

All of the parties have agreed to a comprehensive approach to peace and are prepared to attend a Geneva peace conference without substantive preconditions.

All of the parties are prepared to work closely with us as negotiations proceed.

The UN Security Council Resolutions presently constitute the only agreed basis for talks.

The UN Resolutions were deliberately vague on the nature of peace, the extent of Israeli withdrawal, the type of security arrangements, and the solution for the Palestinian question. For progress to be made in negotiations, greater concreteness on each of these issues is required.

The President has emphasized that this is a uniquely propitious time to move toward peace in the Middle East. He has stressed that it is incumbent upon the parties, as well as ourselves, to think constructively about a settlement.

Our policy starts with a firm and unshakeable commitment to Israel's survival and well-being. This is deeply rooted in the values we share and the interests we pursue. We face the question now of how Israel's permanency, security, and viability can be further reinforced by a lasting peace agreement.

The President has articulated several broad principles, which taken together are intended to provide a shared conceptual framework that would facilitate the task of negotiating a peace agreement.

First and foremost, he has emphasized that peace must mean much more than the mere termination of hostilities. Neither verbal assurances nor signed documents can substitute for tangible, concrete steps which can provide evidence of peaceful intentions. Thus, the President, in all of his talks with Arab leaders, as well as in his public statements, has insisted that peace must lead to a normalization of relations with Israel. The steps he has in mind are an opening of borders, trade, diplomatic recognition, and other measures that, in an agreed manner and by a definite time-table, would translate peace into a reality in the lives of ordinary people.

Second, the President has introduced a novel and complex concept by speaking of the need to distinguish between mutually accepted recognized borders and security arrangements that may not coincide with those lines. In short, any peace agreement must contain substantial assurances to all parties concerning their basic security. On the political level, this means recognition of sovereign borders, something that has never existed in the history of the Arab-Israeli conflict. On the military level, however, we can envisage various security arrangements that could help to provide stability and could reduce the fear of surprise attack. For example, the security arrangements that have been applied since 1973 in Sinai and on the Golan Heights and on the overhead reconnaissance, could help preserve this stability. We feel that this is a very promising area for serious negotiations between the parties.

Third, the President has spoken of the need to find an equitable solution to the Palestinian question in the context of a total peace settlement. He has stressed that Palestinians must explicitly recognize Israel's right to exist. In addition, he has reaffirmed that we will not recognize or negotiate with any Palestinian leadership so long as it does not acecpt UN Resolutions 242 and 383. We have not tried to prejudge the boundaries or the political makeup of a Palestinian entity. Some people see advantages to a link between a Palestinian homeland and Jordan, but this should evolve from an Arab recognition that this is a realistic and practical solution rather than as something imposed by outside parties.

There are the three basic elements of any settlement: the nature of true peace; recognized boundaries and adequate security arrangements; and a resolution of the Palestinian question.

In our view, these are all related. The extent of withdrawal will be related to the quality of the peace. Implementation of an agreement could take place over an extended period, with built-in safeguards at each step. The process may be a lengthy one, but it is important to get it started soon, since involvement in the process itself could have a positive effect on the attitude of the parties.

Israel has a great deal to gain, as do the Arabs, from real peace in the Middle East. It has the human resources and the ingenuity to establish a mutually beneficial web of relations with its neighbors; it can gradually get out from under the crushing economic burden of massive defense spending.

With peace, Israel for the first time in its history could turn its full energies to the purposes for which the state was founded: to provide a free, prosperous and independent haven for the Jewish people. The alternative of endless war is a grim one. It will waste human lives; and will sap the vitality of Israel's economy and society.

The future of true peace between Israel and its neighbors could include: regional economic development in the Jordan Valley; a pooling of scarce water resources for common purposes; trade and the transfer of Israel's experience in agriculture and industry to her Arab neighbors; tourism, which would help Arabs and Israelis know one another's proud heritages; and diplomatic relations to ensure that direct communication will exist to help resolve conflicts by peaceful means.

In conclusion, we can envisage a future in which Israel will exist in security and prosperity, engaging in peaceful, normal relations with its neighbors. Our commitment to Israel will remain unwavering.

Perhaps it is not the obligation of the

American people and the American government to help the people of the Middle East move into the Messianic Age. But in the spirit of Hillel, I would add that we would be shirking our duty if we did not work constantly with the people of that troubled region of the world in striving towards that noble goal. It is my earnest hope that the day will not be distant when the Middle East will be blessed with Peace, God's most precious gift.

Thank you.

IN APPRECIATION OF ERNIE WOLFE

Mr. MATHIAS. Mr. President, I am happy to count myself among the many Members of the Senate who look to our senior citizens for the guidance and wisdom which comes with their age and experience.

Since the month of May 1977 had been designated Senior Citizens Month, many groups around the country called attention to the contributions made by the extraordinary men and women in the senior citizens movement.

In Maryland, the Montgomery County Commission on Aging honored Ernest Joseph Wolfe for his many achievements over the years by naming him the recipient of its first annual award at a ceremony at Forest Glen Senior Center in Silver Spring.

Montgomery County Executive James P. Gleason presented Mr. Wolfe with a plaque that designated him "Older American of the Year." The citation reads "In recognition of exceptional and persistent efforts to create a better living environment for the elderly citizens of Montgomery County, Md."

Mr. Wolfe was born in 1891 in Manitoa Springs, Colo., but spent most of his life in the East. He received a degree in economics from Cornell University in 1918, and taught at Columbia University, where he also received his masters degree.

He was founder of the Takoma Park Senior Citizens Club in 1967, a forerunner of the 84 senior clubs now existing in Montgomery County.

Ernie Wolfe is perhaps best known for conceiving the idea and obtaining Federal funding for the county to construct Takoma Towers retirement apartments in 1971. Since then, he has initiated similar plans for the Leafy House retirement apartments, now under construction, a cooperative enterprise of the County's Housing Opportunities Commission and Retirement and Nursing Homes, Inc., an organization he founded within the National Association of Retired Federal Employees.

I am happy to share with my colleagues those details of the remarkable achievements of a remarkable Marylander. Ernie Wolfe sets an example for all of us.

TAX REFORM FOR ECONOMIC PROGRESS

Mr. GARN. Mr. President, this morning the National Taxpayer's Union held a news conference to publicize efforts to promote a constitutional amendment requiring a balanced budget. As a cosponsor of such amendments, I commend the union, and pledge my continued support.

We continually read accounts in the papers, written by economists and others, to the effect that the amount of our national debt does not matter, because of the strength of our economy. I read one such account just this morning. The economist pointed to the general increase in the total assets of the Nation, and reminded us that as a general rule, our economy grows, so that we will in the future be able to pay off obligations entered into today.

The American people, however, will no longer accept reasoning of that sort. The fact is that the money of the national debt is owed, and owed to very real people. The commentator this morning cited as a reason against repaying the debt the fact that such repayment would involve a transfer of money from taxpayers—many of whom are poor—to bond holders—almost all of whom are quite wealthy.

Of course, the transfer takes place anyway, Mr. President. It takes place either directly, as taxes are used to retire bonds, or indirectly, as inflation eats up the buying power of our senior citizens and others on fixed incomes. It is theoretically possible to have budget deficits without inflation, but as a practical matter, the one follows the other as the night the day. Mr. Robert C. Brown, executive vice president of the Tax Foundation, made exactly this point at a meeting of the American Statistical Association in New York last April. To quote Mr. Brown directly:

> Federal deficits also invite inflationary financing. This story is old—but not fully learned.

Mr. Brown is quite correct, but it is the politicians and the professional economists who have not learned it. Our constituents know it, and they are not hesitant about letting us know they know. Mr. Brown makes another point that bears repeating:

> Tolerance for large deficits year after year invites Federal expenditures whose benefits to the American people will not be worth the cost.

If Congress were required to levy taxes to pay for each new Federal spending program, there is no question in my mind that we would enact far fewer spending programs.

In fact, Mr. President, Mr. Brown's statement to the statisticians is as cogent a criticism of the deficit spending mentality as I have seen, and I ask unanimous consent that it be printed in the RECORD. I hope that all my colleagues will read it, understand it, and lend their support to the efforts to limit Federal deficits. That is an idea whose time has come. Our citizens will not allow us to resist it much longer.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From Tax Review, May 1977]

TAX REFORM FOR ECONOMIC PROGRESS

(By Robert C. Brown)

The prospects for constructive revision of Federal taxes are promising. President Carter has not yet announced the "specifics" of a program. But in singling out one item for criticism—the double taxation of dividends—he has identified himself with one strategic potential. Here is an opportunity which goes to the heart of mankind's organization for *production*—the equity capital of corporations.

The stakes are high for present workers and the millions who are and will be seeking jobs; for consumers; and for those who save and invest for a better future. But the issues in the two-tier taxation of dividends are not simple. Anyone who has tried to study the possibilities of integrating corporate and personal taxes will know that careful and responsible analysis involves interrelations that turn up more complexities than some of us may have expected.

Shortly after the end of the summer the results of new econometric studies will be available. To evaluate possible alternatives, we shall then have simulations resting upon a wide variety of assumptions. It would be premature for me on this occasion to cite figures from the first of what will be an extensive set of measurements. But the numbers alone will not indicate a clear course of action. They must be used to implement principles for achieving goals. Some aids to thinking about the next stages of tax revision seem to me clear.

A crucial consideration for tax policy must be the "control" of the rise in Government expenditure. Responsible tax revision must take account of the Federal deficit. Economists, I know, tell us that when the economy's productive capacity is substantially underutilized, actual Federal deficits are not so bad as often believed. But two points seem to me deserving of more respect than has been fashionable in recent years.

(1) Tolerance for large deficits year after year invites Federal expenditures whose benefits to the American people will not be worth the cost. Spending "on the cuff" (especially someone else's "cuff") is so attractive, so appealing! The list of attractive things that can be done with dollars has no end. If costs need not be paid *at the time* and *in taxes*, how can we expect to restrict new programs, and the expansions of existing ones, to projects that are truly worth their cost? Spending once started—well does it ever end? Prosperity does not get rid of programs "justified" at the start by special conditions of underemployment.

(2) Federal deficits also invite inflationary financing. This story is old—but not fully learned.

Perhaps there is a third reason for objecting to the lack of concern about deficits. In this decade the interest cost of the Federal debt will apparently reach a rate of *$1 billion a week*. The larger each year's deficit, it seems to me, the larger will be the interest bills to be paid, *forever*, by taxes or by new borrowing which can be inflationary.

The amount of tax relief that we can responsibly seek will depend upon restraint in the growth of Federal spending. As "appetite grows with the eating," so does advocacy of larger expenditures seem to increase. If we are not alert, it can rob us of the chance for tax relief.

In any case, however, major improvement in the Federal tax structure ought to be achievable. High priority should be given to the processes of income creation—to "business."

"BUSINESS THE CREATOR"

The American economic system—predominantly business, large and small—has served us well. It *is* serving us well. In spite of what may seem to be the prevailing mood of criticism and complaint, "business" is not something distant and remote. The world of business is not a sort of impersonal "it" to be flayed and restricted and forced to assume costly burdens—and to be taxed—without harm to "the people." For the most part,

business is "us." It is the source of jobs and of what we consume; for income to supplement our earnings; and as a basis of hope for financial security, we look to businesses which constitute a portion of our possessions.

Business firms of all sizes, and the business system, constitute our major agencies for creating—for organizing labor and capital and using them efficiently. Except for the truly one-person enterprises, businesses are groups of people who are trying to benefit themselves by doing what others want. Some audiences, but not this one, could benefit from a more complete listing of the various aspects of *business as the major creator*. It is the chief creator of employment, of goods and services, and of income, including the portions we pay in taxes which make possible governmental services and transfer payments.

Truly *public* policy, i.e., policy to *serve* "the people," will enhance, not obstruct, business. Of course, rules and some restrictions are necessary. But one kind of restriction imposes needless impediments—obstacles which hamper the ability of human beings and their capital to function with greatest effectiveness in creating output and income. I refer to Federal plus state taxes that take around half of the incremental earnings of corporations and then in addition portions, which can be very large, of dividends and capital gains received by the suppliers of capital.

PUBLIC UNAWARE OF BURDEN

For the record, let me note one possible merit of the corporate tax. We pay without being aware of the burden. But is such freedom from recognition of the costs of government really a merit? Or does the removal of consciousness of tax burden constitute a defect by facilitating expenditures that are not worth their cost? Whatever the balance of these considerations, the maximum that can rightfully be said in favor of the tax seems to me of the "small order of smalls" compared with the adverse effects.

Although I am neither an operating business manager nor a professional economist, I have for several years been associated with both. And in their different ways, each group tells us about the effects of corporate taxation.

One conclusion is clear. The tax does not help corporations to serve us well. It does hinder. As a result, Americans bear a heavier load than is essential. Economists speak of "excess burden"—wastes which the public does not see. There is misallocation of resources, diversion of energy, "distortion" of organization and financing and operation; and in countless cases there is resort to choices which are not really the most productive but are made financially the best by tax considerations. Such results come when marginal tax rates are around 50 percent. The private sector loses more than the government treasury receives.

Corporations which face a heavy tax on the earnings of ownership capital find their government telling them, in substance: "Cast aside otherwise desirable investment opportunities. More capital is to go into less creative uses." Absurd? Lawmakers certainly do not talk this way. But their votes produce such results.

Let me illustrate, simplifying, of course. Federal plus state taxes at over 50 percent on earnings of new equity investments say to corporate managements, in effect, "Government will take half of your successes. (Failures—net losses—are fully yours.) If an expansion or cost-reduction project succeeds and produces 40 percent above costs other than income taxes, government, will take half. You who supplied the capital can keep 20 percent." Depending upon the outlook for risk, managements would probably put equity capital into a project with such an outlook.

But what will happen in the great majority of projects which deserve consideration? Although less promising, many would involve highly productive uses of capital. The tax bite, however, will force corporations to reject many investment projects which would be fruitful—fruitful for "us, the people." *After-tax yields* will not justify the risks.

Those of you who witness choices at corporate budget time know that there are many ways to use new facilities productively—for cost-reduction, for expansion, for product innovation and improvement. Yet the true and complete productivity of the capital cannot be decisive. Decisions must rest on the after-tax outlook. Let us assume for purposes of illustration that investors will not make new equity capital available for corporation use unless they believe that the company will have at least 10 percent after tax (for dividends and retained earnings). Under such conditions projects with *good* prospects of pre-tax yields of 30 and 25 percent could hope for financing. Projects not quite so promising but judged likely to produce more than 20 percent before tax could meet the 10 percent requirement.

Managements, however, must rule out those uses of new equity capital which will produce before tax 19 or 18 or lesser percentage yields. The complete benefits which such projects would create for the society as a whole—say 12, 15, and up to 19 percent—would be above the fruits of many ("second best") uses of capital in the non-corporate sector where productives below 11 percent do succeed in attracting funds. Even keen eyes may not actually see such diversion of capital into second-best uses. But I have seen economists' estimates of the losses from such "misallocations of resources" as many billion of dollars a year.

Workers' earnings suffer when the corporation's capital equipment falls short of what it could be. Consumers get less than the best possible output of goods and services. Investors receive lower returns, not merely because of the government's "take" but also as a result of a shift of capital into forms of lower productivity.

You know, of course, that the corporate tax does not apply to interest deductions and that corporations do use debt. (As to such financing, the government gets no more revenue than if the corporate income tax had been repealed!) You do not need me to tell you that the size of a company's equity capital does impose limits on its total financing. Although the weight of corporation income tax may be reduced by rising debt-to-equity ratios, they are no satisfactory substitute for equity capital.

Our lawmakers, without deliberate intent and with the consent of an uninformed public, have developed an economically wasteful means of financing government. The many things people want, including jobs that pay well, could be provided more fully if corporate investments could be made on the basis of the *full productivity* of capital rather than on the basis of yield *after tax on the company*. The present tax drives a "wedge" between what the public desires (as would be expressed in market choices) and what the people who supply the equity capital can receive.

The remedy? Reduce the corporate tax rate! How much? A lot. How soon? Quickly. But until we have the results of the research now in process, I must defer venturing specific numbers and suggesting a time schedule.

REDUCING OBSTACLES TO CAPITAL FORMATION

Tax revision that is to be most constructive will seek another, but related, goal—reducing the obstacles to capital formation.

As my colleague Lowell Harriss has reminded us, Lord Keynes did a disservice—and was utterly wrong—with his quip, "In the long run we are all dead." Whatever the time span Keynes had in mind, in a meaningful and realistic sense many of us plan and act as if we believed that life goes on—as did the Founding Fathers in framing a Constitution for "ourselves and our posterity." The future we want for ourselves and our children requires enlargement of the capital base. Do we not, however, find our tax bills sending to government an inordinate portion of what might be available for saving and investment?

On the broader scene the problem of capital also commands attention. Less than three years ago "capital shortage" appeared with unfamiliar directness as a limitation on what the economy could then produce—capacity bottlenecks. And projections into the 1980's indicated that our hopes and aspirations would be substantially frustrated by a shortfall of capital. Discussion seemed to me to get sidetracked into debate on definitions. Some economists instead of examining the significance of the evidence appeared to avoid its substance by noting that "shortage" can be dealt with by prices high enough to close any gap between supply and demand. Markets can always adjust. But at better or poorer levels? Even the poorest of economies get along with far less capital than Americans will have. I take no comfort in the thought that we shall certainly have much more capital per person than most of the world. We can "make do" with whatever we shall have. True—but not the complete truth! Our well-being and that of our children will be more promising, the greater the capital to supplement human effort.

The debates of the last three years about capital have had their confusing aspects. But unquestionably a growing population which expects improvements in living standards needs more, rather than less, support from capital facilities. So we must view with concern conclusions which the Joint (Congressional) Committee on Taxation have just made available. Let me quote a few sentences.*

"Between 1966 and 1976, the labor force grew by 19 million workers (more than twice the number in the prior decade). This growth in the labor force has not been matched by a corresponding increase in the rate of growth of the amount of plant and equipment; therefore, the growth rate of the amount of plant and equipment available for each employee has declined significantly. This has reduced the growth of labor productivity. . . .

". . . the growth rate in the amount of private plant and equipment (excluding pollution control investments) . . . per worker fell from 2.6 percent in 1965–70 to 1.6 percent in 1970–75 and is expected to decline further to only 1 percent in 1975–77 . . . the growth rate in worker productivity fell from 2.4 percent in 1965–70 to 1.0 percent in 1970–75 . . . inadequate investment in plant and equipment was also a major factor. The estimated contribution of increased plant and equipment to the increase in labor productivity fell from 0.9 percent per year in 1965–70 to 0.4 percent per year in 1970–75 and is estimated to be only 0.2 percent per year in 1975–77 . . . To the extent that workers have responded to what they perceive to be an inadequate growth in real wages by demanding higher money wage rates, the rate of inflation has increased. More capital accumulation would raise real wage rates and could also reduce the rate of inflation.

"(One) reason why it is desirable to increase investment is to forestall a repetition of the shortages which occurred in cer-

* Joint Committee on Taxation, Tax Policy and Capital Formation, prepared for . . . the Committee on Ways and Means. April 1977. Deletions from the original noted but not all paragraphing.

tain capital-intensive industries in 1973 and 1974 and which contributed to the high rate of inflation in those years.

". . . one dollar of additional investment in plant and equipment will increase gross national product by about 10 cents per year over and above what is needed to replace the assets as they wear out. To most Americans, this opportunity to increase future consumption by foregoing current consumption is attractive, which implies that more investment is desirable."

The study agrees with others in calling for caution in predicting the effects of specific tax measures on total saving and investment. But tax provisions *do* influence the *direction* of investment. Tax reform which reduces burdens on the vital business sector might or might not stimulate total investment. Unquestionably, such reform would enlarge capital in uses of high productivity.

As we look at the prospects for capital formation, there must be an agreement on a conclusion, related to my earlier point about Federal spending: Capital formation has a powerful rival in collective consumption in the form of "public" expenditures. The rivalry is especially serious when the growth in such expenditure leads to deficits that are financed by Federal borrowings of tens of billions a year.

THE BALTIC STATES

Mr. CASE. Mr. President, I wish to note that this is the 37th anniversary of two tragic events in the long history of the Baltic States of Estonia, Latvia, and Lithuania. From June 14 to 17, 1940, the Soviet Army invaded and occupied these independent republics—the first stage of their eventual forcible annexation into the U.S.S.R. In order to insure their absolute control over these Baltic States, 1 year later, in June 1941, the Soviet Government carried out a mass deportation of over 100,000 Baltic people from this area to concentration camps in distant Siberia.

People were summarily loaded onto cattle cars—families were separated, food ran out before the end of the journey, the dead were left by the side of the railroad tracks. According to data collected by the Lithuanian Red Cross, 34,260 people were deported from Lithuania, 33,500 for Estonia, and 35,102 for Latvia. It was not until the late fifties that some of those who had survived their ordeals were allowed by the Soviets to return to their homelands. Even today, there are still many from these countries who are not permitted to live in their native areas.

As a member of the Commission on Security and Cooperation in Europe, I am especially concerned with the problems of Soviet compliance with the humanitarians provisions of the Helsinki accords. Today, as the Belgrade Conference is underway, I am especially concerned that the political, religious, and cultural rights of Lithuanians, Estonians, and Latvians be kept in mind. I am sure that the other members of the American delegation to the Belgrade Conference share my deep concern about these problems.

S. 790—OTHER USER FEES

Mr. DOMENICI. Mr. President, the Federal Treasury presently collects some $5.5 billion a year in user and other fees of one sort or another. These fees—many of which are similar to those that would be collected from waterway users under the terms of S. 790—include everything from grazing fees and national park admissions to land rentals and revenues from oil and gas leases.

It is a broad and comprehensive list. To give my colleagues an idea of the scope of the user charges and similar revenues already collected by the United States, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FEDERAL FUND MISCELLANEOUS RECEIPTS FROM USER CHARGES [1] (FISCAL YEARS)

[In millions of dollars]

	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	19TQ	1977 estimate	1978 estimate
Permits and licenses:													
Admission and recreation fees	10	11	11	9	16	13	1	16	18	22	15	21	22
Immigration, passport, and consular fees	31	34	37	45	47	51	53	50	50	51	13	54	56
Patient and copyright fees	25	26	27	28	30	30	28	31	30	28	10	31	33
Import fees on crude oil and petroleum products									443	1,890		65	100
Other permits and licenses	36	38	43	51	37	52	59	72	74	189	31	138	138
Total	102	109	118	133	130	146	141	169	615	2,180	69	309	349
Rents and royalties:													
Royalties	163	182	211	141	305	390	1,169	669	806	1,327	235	1,028	1,177
Rent of real property	630	936	386	221	931	69	2,970	6,405	2,009	1,740	1,147	1,992	2,384
Rent of equipment	40	48	46	39	31	20	24	23	38	21	(*)	21	21
Total	833	1,166	643	401	1,267	479	4,163	7,098	2,853	3,088	1,383	3,041	3,582
Sale of products:													
Agricultural, mineral, and other land products	237	284	402	368	311	441	579	601	499	860	579	176	385
Power and other utilities	249	268	284	286	305	339	344	363	443	300	89	724	898
Publications and reproductions	10	14	12	13	15	15	13	13	13	16	4	21	22
Other sale of products	11	24	31	32	28	68	53	42	50	85	21	59	52
Total	507	592	729	699	659	864	989	1,020	1,006	1,260	693	980	1,357
Miscellaneous fees and charges:													
Testing, inspection, and grading services	5	5	2	1	2	1	1	1	1	1	(*)	1	1
Administrative, judicial, and professional services	22	26	32	40	42	27	37	38	33	35	9	43	46
Communication and transportation services	14	36	15	15	16	16	72	18	34	22	6	24	49
Other miscellaneous services	36	26	28	46	49	49	63	74	101	84	28	104	110
Total	77	93	77	102	109	93	173	131	169	142	43	171	206
Grand total, gross	1,520	1,961	1,568	1,336	2,166	1,582	5,467	8,418	4,643	6,670	2,189	4,501	5,494
Grand total, excluding offshore oil land receipts and import fees on crude oil and petroleum	877	1,000	1,140	1,149	1,015	1,303	1,511	1,670	1,772	2,117	878	1,836	2,294
Memorandum:													
Rents on Outer Continental Shelf	596	903	350	181	891	28	2,929	6,340	1,939	1,662	1,132	1,900	2,300
Royalties on Outer Continental Shelf	47	58	78	6	160	251	1,027	408	492	1,001	179	700	800

[1] Does not include trust fund receipts. Includes those receipts proprietary or governmental, deemed to be user charges within definition of circular A-25 as estimated in the 1976 budget.

THE MIDEAST

Mr. DOLE. Mr. President, on Friday last, Vice President MONDALE addressed the World Affairs Council of northern California on a subject of deep concern to all Americans—peace in the Middle East.

That speech was properly commended by my colleagues in the Senate, and I certainly wish to associate myself with their commendations. The Vice President's remarks clearly signal a new effort by the Carter administration to understand the problems of the Middle East. It represents a significant effort to undo some of the damage which has been done by a precipitous and ill-conceived

attempt to define for another sovereign state what its negotiating position should be in circumstances which go to the very heart of that nation's ability to survive.

The Vice President has explained that President Carter had no intention of dictating a peace or imposing our views, but that the President had given his implied endorsement of Arab objectives merely "to stimulate fresh thought." Whether we accept or reject that explanation is irrelevant. I sincerely hope that our friends in the Arab nations accept it.

LET ISRAEL MAKE ITS FOREIGN POLICY

As the Vice President attempts to chart a new course in this very dangerous sea, I would hope and I would urge that our Government refrain from taking any action or making any statement which denies the government now being formed in Israel its right to conduct its foreign policy in a manner consistent with the wishes and best interests of the people of Israel. Whether the course the new government takes will be precisely the same as that of the old government remains to be seen. But its right to maintain or alter that course is undeniable, and there can be no virtue in our doing anything which further conflicts with that right or its free exercise.

Further, I would hope and urge that the leaders of the Arab world would not be led to believe that they can obtain through the U.S. Government concessions that they have been unable to obtain from the Government of Israel. Nothing would do more to damage the progress which as already been made, part of which as been the public acknowledgement by Arab leaders of Israel's right to exist.

Finally, I must disagree with the Vice President's view that "it would be increasingly difficult to achieve small diplomatic concessions when the ultimate shape of a peace agreement remains obscure." The ultimate shape of a peace agreement must remain obscure so that the process of achieving concessions can go forward. This is the essence of the negotiating process which will define "the ultimate shape of peace." To see it otherwise is to try to justify meddling the name of mediation. I trust that was not the Vice President's intention.

ASBESTOS DANGERS

Mr. MATHIAS. Mr. President, on Tuesday, June 7, I introduced S. 1637, a bill to more effectively protect the public from asbestos contamination.

The seriousness of this problem is rapidly coming into focus in Montgomery County, Md., where the Environmental Protection Agency has recommended the closing or restricted use of almost 200 public parks in the county which have asbestos in their pavement.

My bill directs EPA, the Food and Drug Administration, and the Consumer Product Safety Commission to develop appropriate health standards for asbestos levels in our environment, foods, drugs, and consumer products.

This is an alarming situation which I hope will receive prompt attention by the Committee on Environment and Public Works.

To describe the seriousness of this situation to my colleagues, I ask unanimous consent that an article on the situation in Montgomery County which appeared in the June 8 edition of the Washington Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ASBESTOS DANGERS IN MONTGOMERY ARE SERIOUS, EPA SAYS

(By Susan Axelrod)

An announcement broadcast over public address systems at several Montgomery County ballparks last night warned outfielders that chasing fly balls might be hazard to their health.

If the outfielders ran onto a warning track covered with asbestos-carrying crushed stone, dust containing the cancer-causing fibers might be stirred up. The warning track runs along the perimeter of the grassy outfield.

The U.S. Environmental Protection Agency yesterday recommended the immediate closing or restrictions on the use of nearly 200 public parks and playgrounds until the loose stone could be removed.

But parks Director Stan Ernst said today the parks would not be closed except while crews work to either pave over the stone or carry it away.

Ernst said park directors began yesterday to post hand-lettered signs phrased much like the warnings on the sides of cigarette packages.

Ernst said the paving over or removal of the stone already has begun in the most heavily used parks, but the work will take almost six months to complete.

The measure to make the parks safer were only one part of a six-point program recommended in a letter from EPA's acting regional administrator, Alvin R. Morris, to County Executive James P. Gleason.

The level of asbestos concentration in the Rockville area is "so high as to justify our immediate concern for the health of persons thus exposed," Morris wrote in the letter.

The EPA has been measuring the amount of asbestos in the air at six Montgomery locations. Preliminary results from one testing site showed the airborne asbestos level to be "one thousand times greater than the usual urban concentrations," according to the letter.

The concentration near Rockville is equivalent to the levels near a taconite processing plant at Silver Bay, Minn., the EPA said. That plant was one of the first sites where asbestos was identified as a health hazard.

A known carcinogen, asbestos has been found laced through the serpentinite rock from the Rockville Crushed Stone quarry, where much of the rock used to cover county roads is purchased. The asbestos fibers are released from the rock once it is crushed and are carried through the air.

If the crushed stone is "bound" or mixed with asphalt, the fibers are sealed in and present no known health hazard.

In addition to closing public parks and playgrounds until the crushed stone can be removed and permanently suspending the use of unbound serpentinite rock for county projects, Morris also recommended:

Immediate and continual application of dust suppression, sealing and binding agents to all county-maintained roads and shoulders paved or covered with unbound stone.

Immediate dissemination of information to the public "concerning the potential health hazard" associated with the use of the unbound crushed stone on private property, "accompanied by appropriate recommendations for dust suppression and removal of such crushed stone."

Immediate posting of warning signs "in all areas accessible to the public that are paved or covered" with the absestos-carrying material.

Immediate development of building code provisions prohibiting use of the unbound crushed stone in private parking lots, privately owned roads, driveways and other similar areas.

Morris sent the recommendations, which carry somewhat less impact than an order, because EPA "views the situation in Montgomery County with the utmost concern." He sent a synopsis of the agency's requests in a telegram and followed them up with the letter to Gleason.

Gleason announced Friday that the county was suspending its use of stone from Rockville Crushed Stone for 30 days and would institute a temporary effort to seal 55 miles of county roads covered with loose crushed stone, by laying used oil to minimize the dust.

Gleason said then that he was "giving EPA 30 days to produce some answers" to his questions about the levels at which EPA considers asbestos hazardous. It may take EPA as long as another year to prepare national standards.

Gleason responded to Morris' telegram by asking whether EPA is prepared to back up the county in litigation that could arise if the county has to cancel contracts with Rockville Crushed Stone.

The county executive said, "It would have been preferable if they had issued an order (rather than recommendations) because then we could break the contract and we would be protected legally."

In all, 125 miles of county roads either are paved with or covered by crushed serpentinite rock. Transportation officials recently estimated it would cost $6 million to repave and maintain the roads for five years. The sealing, or binding, effort, which is expected to be effective for about two months, is costing $85,000, Gleason said.

ANTIABORTION AMENDMENT

Mr. STENNIS. Mr. President, last year in adopting the conference report on the Labor-Health, Education, and Welfare appropriations bill, the Congress approved a provision prohibiting the use of Federal funds to provide abortions except where the life of the mother would be endangered if the fetus was carried to term. The House of Representatives has adopted a similar, although not identical, prohibition this year. I strongly supported the ban last year, and I believe that we should again prohibit the use or expenditure of Federal funds for performing abortions.

In the first place, other than under exceptional or special circumstances which are not necessary to enumerate at this time, I am personally opposed to abortions. I respect the right to life even of those who are not yet born. I believe that unrestricted abortions are morally wrong.

Second, I am also strongly convinced that it is morally wrong to use Federal tax dollars for having abortions performed on demand. There is just no justification for the Federal Government to pay for such abortions.

I might add that it is the position of the administration, as expressed in public statements by President Carter and the Honorable Joseph Califano, Secretary of the Department of Health, Education, and Welfare, that Federal funds should

not be expended for abortions on demand.

In addition, the validity of the provision which we adopted last year has now been upheld by the Supreme Court of the United States. The Court specifically held that the Constitution does not give a woman the right to compel the Federal Government to pay for an abortion that is not medically necessary. Therefore, there is now no constitutional or legal impediment to the readoption of this prohibition.

This is a very welcome and wholesome decision. Its significance extends far beyond the question of abortion. It upholds the Congress' power of the purse as guaranteed by the Constitution. The Court decided the question correctly and in accord with the intent of those who framed the Constitution so long ago.

For these and other reasons I believe that the prohibition against using Federal funds for abortions which we included in the appropriations bill last year should also be included in the fiscal year 1978 appropriations bill. This is an important and vital issue, and I hope that the Senate will agree that our taxpayers should not be called upon to encourage and pay for abortions upon demand.

PERSONAL STATEMENT

Mr. MATHIAS. Mr. President, in accordance with the practice that Mrs. Mathias and I established some years ago we have made disclosure of assets and liabilities for the current period. I ask unanimous consent that the report be printed in the RECORD so that it may be available to the public and to the press.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF FINANCIAL INTERESTS

ASSETS

Equity in Federal Retirement System.

Life Insurance.

Livestock and Farm Machinery.

Real Estate.

House: New Design Road, Frederick, Maryland. Liber 623, Folio 80, Frederick County. Purchased 1958.

House: 3808 Leland Street, Chevy Chase, Maryland. Liber 3328, Folio 060, Montgomery County. Purchased 1965.

Half interest in Farm, 41.66 acres, Frederick Election District, Liber 587, Folio 339, Frederick County. Purchased 1956.

Lease and option for farm: 370 acres, Kabletown District, Jefferson County, West Virginia. Liber 196. Folio 337. Leased 1963. Note Payable: Secured by Deed of Trust, $8,500.

STOCKS

	Shares
Farmers & Mechanics National Bank	1,551
Capitol Hill Associates	4
Citizens Bank of Maryland	20
Frederick Medical Arts	15
G. D. Searle & Co	90
First Pennsylvania Corp.—common	137
First Pennsylvania Corp.—preferred	2
Massachusetts Investors Growth	144.576
The Detour Bank	7
The Great Atlantic & Pacific Tea Co.	6
Warner-Lambert Pharmaceutical Co	140
Maryland National Corp	258
Farmers Cooperative Association	3

LIABILITIES

Debts due on mortgages, collateral and personal notes to:	
First National Bank of Maryland, Baltimore	$43,000.00
Frederick County National Bank, Frederick	3,200.00
Farmers & Mechanics National Bank, Frederick, mortgage, farm, Frederick County	46,000.00
Walker & Dunlop, mortgage December 31, 1976, 3808 Leland Street, Chevy Chase, Md	22,982.64
Total interest paid	7,772.40

INTERESTS IN TRUSTS OR REMAINDERS

Trust established under the Will of Grace Winebrener Trail, Circuit Court for Frederick County, Maryland, Equity No. 7707.

Trust established under the Will of Charles McC. Mathias, Sr., Orphans Court, Frederick County, Maryland, Estate No. 8983.

Trust established under the Will of Fanny Gore Cutler, Suffolk County Court, Boston, Massachusetts, No. 046024572.

1976

Investment income	$2,170.15
Interest income	309.14
Honoraria	15,035.00
Net rents	(1,729.41)
Federal income tax paid	14,449.37
State and local taxes paid	5,371.16

DAY OF CELEBRATION—TAPS BEGINS TO TAKE OIL

Mr. GRAVEL. Mr. President, this is a historic day for Alaska and our country, for which we have long waited. Oil has started to flow today through the 800-mile-long trans-Alaska pipeline at the rate of 300,000 barrels per day and at the speed of 1 mile per hour. Production will be increased to 600,000 barrels per day in another 6 weeks, and to 1,200,000 barrels per day in October. When oil flows at design capacity of 2,000,000 barrels per day, Alaska's Prudhoe Bay field will provide some 12 percent of our Nation's oil reqiurements.

From the Prudhoe Bay field, in North America, North Slope oil will flow through the Taps line 799 miles across three mountain ranges—Brooks, Alaska, and Chugach—800 rivers and streams, 20 animal migration sites, earthquake zones, and significant areas of permafrost before reaching the southern terminus and transshipment point at Valdez, Alaska.

BRIEF HISTORY

It has taken some 9 years from the initial discovery of oil at Prudhoe Bay by Atlantic Richfield and Humble Oil & Refining—Exxon—for completion of the line that will begin to make our country less dependent on foreign oil. During that time, the Alaska Pipeline Service Co., was formed by Sohio, Exxon, Union, Mobil, BP, Phillips, Amerada Hess, and Atlantic Richfield pipeline companies to design, construction, and operate the Alyeska pipeline. Environmental studies of unprecedented nature and extent were initiated. Project designs were undertaken. One hundred million dollars worth of pipe was ordered. Alaskan Native claims were settled. And a lawsuit was brought to halt construction. Delays continued for 3 more years, until it seemed to me that it would literally take an act of Congress to get the pipeline started. For several long months I lobbied for legislation that would permit work to begin. After the President of the Senate cast the tie-breaking vote, the Trans-Alaska Pipeline Authorization Act of 1973 was sent to the President for signature on a date we will always remember—November 16, 1973.

Mobilization of equipment and personnel began almost immediately. Construction of a 358-mile road between Prudhoe Bay and the Yukon River, the first surface link between central Alaska and Prudhoe Bay, began in April of 1974, as work was started on the first bridge across the Yukon River. Shortly thereafter, work began on the pump station sites, the marine terminal at Valdez, and a gravel workpad. Some 3 years and a few months later, construction was completed and ready for today's initial flow of oil.

The trans-Alaska pipeline is the largest privately funded construction project in history. It has also been the most closely studied and observed. More manhours have gone into environmental review and planning, technological and engineering design and discovery, archeological and anthropological investigation, wildlife protection analysis, as well as actual construction activity, for this project than for any other project. At peak employment, some 22,000 people worked to complete this tribute to America's technology and labor.

THE TAPS SYSTEM

The result of these past 3 years is masterful. There is the 28-foot-wide gravel road stretching from Prudhoe Bay to the Yukon River, connecting with existing road to Valdez. Twenty major rivers and creeks are crossed by vehicle bridges designed to 50-year flood criteria. The State of Alaska built the two-lane Yukon River bridge to accommodate vehicle traffic as well as the pipeline. The bridge rises some 17 stories above the Yukon River, and is designed to withstand the substantial ice forces of spring breakup, the effects of a 50-year-level flood, winds up to 80 miles an hour, temperatures which range from minus 60°F to 100°F, and stresses from earthquakes in excess of five times greater than accepted engineering levels for the area.

There are 15 permanent access roads that connect the pipeline road and the pump station sites. There are three permanent airfields to be used for future construction as well as operation and maintenance. Initially, there are eight pump stations which will be used to pump the oil through the line at some 4 miles per hour—for a total elapsed transit time of 7½ days from Prudhoe to Valdez. Centrifugal pumps at each station are powered by 13,500 horsepower gas turbines. Forty-one microwave stations run along the pipeline to provide communications for pipeline operations. These stations link the pump stations, remote control gate valves and maintenance centers with the master control center at Valdez. Back-up communication is provided by satellite.

And, of course, there is the Valdez terminal with its 9.6-million-barrel storage capacity provided by 18 cone-roof stor-

age tanks. Each tank is 250 feet in diameter and 62 feet high, and holds some 510,000 barrels of oil. Containment dikes are constructed providing a capacity of 110 percent of the volume of the tanks—as well as an allowance for additional surface water. Four berths will be used for deballasting and oil-loading of tankers in excess of 165,000 tons. Ships can be loaded at a rate of some 110,000 barrels an hour, allowing total "turnaround" from time of docking to time of undocking of some 24 hours.

ENVIRONMENTAL PROTECTION

The system's environmental safeguards are unprecedented. Exposed soils and ground surface along the length of the line were stabilized during construction and will be rehabilitated to prevent erosion. Of 250 grass seeds tested, four have been selected for replanting in different geographic areas. Different fertilizers were developed for different areas. These will be applied at the rate of 600 pounds per acre. To protect the tundra—fragile vegetative ground cover—all work was conducted from gravel roads and gravel work pads. Plastic foam was used as an insulator to protect the ground under the gravel pads against thaw. To protect the permafrost—permanently frozen soil sometimes hundreds of feet thick—the pipeline is elevated above ground on crossbeams between vertical support members—VSM—over half the length of the pipeline. To prevent thawing around VSM's, special thermal devices consisting of metal tubes containing refrigerant are installed in the ground. The elevated portions are constructed in a "zig-zag" configuration, which allows for expansion and contraction caused by varying oil temperatures and earthquake activity. At the three major earthquake fault zones, the pipeline can move 20 feet horizontally and 10 feet vertically without sustaining integral damage. A little less than half the line is buried in bedrock, thaw-stable sand and gravel or thawed soil, at depths ranging from 3 feet minimum cover above the top of the line to greater than 16 feet. For some 4 miles of the buried pipeline, a special refrigeration process is used to prevent thaw of the permafrost.

The pipe itself was manufactured in two thicknesses—0.462 and 0.562—and in three grades for use in different areas. Slightly alloyed with vanadium, the pipe was specially coated and given cathodic protection against corrosion. The pipeline was designed to sustain suspected hydraulic pressure, thermal forces and stresses brought on by compaction, settling, earthquake, and weight—including wind and snow.

Construction in streambeds was kept at a minimum and was designed around spawning and migration patterns. Construction was scheduled to avoid interference with Dall sheep lambing seasons. And of course, caribou crossings have been provided in various places along the line to minimize interference with migration patterns.

Four separate automatic alarm systems are provided by computer to detect leakage. Constant computer monitoring will occur, in addition to regular aerial and ground surveillance. Each pump station is equipped with an automatic pressure relief system to detect excessive static and surge pressures. Three pairs of high pressure block valves are installed on the pipeline at each station to accommodate any emergency situation. In addition, some 151 remotely operated valves, check valves and check and manual block valve combinations, are installed along the line to assure rapid isolation of any problem area along the pipeline.

The terminal at Valdez treats all oily ballast from all tankers in a system consisting of settling, skimming addition of chemicals, and use of dissolved air flotation. Air quality in Valdez is protected through the use of a sophisticated vapor recovery system. Ship movement in and out of Valdez Narrows will be limited to one vessel at a time. Fewer than three tankers a day will call at Valdez on the average, at maximum pipeline capacity. Tugs will be used for all docking and undocking. Stringent navigational requirements will be met. Recent tanker tests at Valdez proved most successful. Tanker captains were quick to point out the ease of navigation in Port Valdez, and the fact that even at the narrowest portion of the channel—3,000 feet from Middle Rock to shore—the entrance is wider by several times than ship channels in Houston, New York, and Philadelphia.

PAST AND PROLOG

Nine long years have passed since the discovery of oil at Prudhoe Bay. American ingenuity and American labor have been tested and have been proven. The results of all studies by both the Federal and State governments and the industry are in—and the trans-Alaska pipeline passes. The Interior Department gave its final go-ahead yesterday. Oil is flowing today. All the companies and unions involved are to be congratulated.

This is indeed a day of celebration, to be toasted not with the traditional champagne, but with North Slope crude. I am indeed proud to have played a role in the pipeline's fruition. I am indeed happy that the Lower 48 will begin to derive the benefits of more Alaskan oil. We must now look even harder at resolving the problem of transhipment of North Slope oil to the Midwest and the East, for our job will not be done until all sectors of our Nation can derive benefits from Alaska's bounty.

UNITED STATES PLAYS MHD CATCH-UP WITH RUSSIANS

Mr. MELCHER. Mr. President, the Energy Research and Development Administration has tried to generate a good bit of media fuss and fanfare about a delivery being made today in Moscow by a U.S. Air Force transport plane. But the public relations effort leaves out some important points.

Being sent to Moscow is a 40-ton "superconducting" magnet to be tested in a Russian magnetohydrodynamics—MHD—pilot plant which ERDA describes as "the largest existing MHD test facility in the world."

ERDA's news release tells us again that—

> MHD generators produce electricity directly from the burning of fossil fuels at potential efficiencies more than one-and-one-half times those of today's conventional power plants.

And Dr. William Jackson, director of the MHD Division at ERDA is quoted as saying:

> The improved efficiency of MHD systems could result in substantial savings of fuel used to generate electricity and increase the use of our vast reserves of coal.

Dr. Jackson could have gone even further in explaining that MHD has other important benefits such as no air pollution and requiring almost no water.

What the ERDA release does not tell us is the reason a principal component of future MHD systems in this country must be tested in Russia as part of a joint Soviet-American program. The answer is simple. We have no comparable facility. The Russians are years ahead of the United States in the development of MHD as a means of producing electricity in commercial quantities. In fact, the first real U.S. tests of MHD components working together will not begin until at least next year in the 50 megawatt thermal component development and integration facility in Butte, Mont. At the same time, the Russians are designing a 500 megawatt commercial demonstration plant expected to be ready for operation in 1983. While the United States is just getting a testing facility going, the U.S.S.R. has capability for actually starting work on a commercial size plant.

There are undoubtedly benefits for our MHD program in being able to test some components in the Russian MHD system. But the Russians will benefit greatly, too, since they have never used a superconducting magnet for their system. It is disappointing to me that these tests could not now be underway in our own coal-based MHD program—rather than in a Soviet natural gas-fired system, illustrating that their program is ahead of ours and moving much quicker.

Those of us who have been trying to speed development of MHD in the United States to meet its full commercial potential were pleased at last week's Senate approval of an amendment I offered to increase the fiscal year 1978 authorization for the national MHD program to $88.2 million. It was followed by prompt approval of the appropriations committee and approved by the Senate for fiscal year 1978 funding.

It is important that the House and Senate conferees on the authorization and appropriation bills maintain this funding level for MHD research and development. Only in this manner can we move to have our own coal-fired MHD pilot plant under construction within the next 2 to 3 years, with components developed, constructed, and tested adequately here in the United States to provide a sound basis for the plant's success, and to make MHD commercially available as the best way to produce electricity cleanly and efficiently from coal in the 1980's.

The Russian MHD successes should clearly demonstrate that these are reasonable and achievable goals.

I ask that the full text of the ERDA

MHD magnet news release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

[News release from ERDA, June 13, 1977]

U.S. TO AIRLIFT SUPER MAGNET FOR MHD TO SOVIET UNION

The world's largest aircraft will airlift a U.S.-built, 40-ton magnet to the Soviet Union Sunday, June 19 as part of a joint program to develop a more efficient way to generate electricity.

The magnet will be aboard a U.S. Air Force C-5 Galaxy, scheduled to take off from Chicago's O'Hare Field. The aircraft will be the first C-5 to land in the Soviet Union when it touches down Monday, June 20 at Moscow's Sheremtyevo airport after a 12-hour, nonstop flight.

The U.S. magnet, designed and built by the Energy Research and Development Administration's (ERDA) Argonne National Laboratory near Chicago, will be used to test the experimental magnetohydrodynamic (MHD) process for generating electricity. MHD generators produce electricity directly from the burning of fossil fuels at potential efficiencies more than one-and-a-half times those of today's conventional power plants.

The U.S. magnet will be installed in a specially-constructed bypass loop in the Soviet's U-25 MHD facility outside Moscow. The U-25 power plant, operated by the USSR Institute For High Temperatures, is the largest existing MHD test facility in the world.

With its special transporter, the cylindrical magnet weighs more than 60 tons. It will be one of the heaviest loads ever transported by air.

Despite its relatively compact size, 14 feet (4.4 meters) long by 6.5 feet (2 meters) in diameter, the magnet will generate a magnetic field of 50,000 gauss, more than 250,000 times that of the earth. It is the largest and most powerful magnet of its type ever built.

When installed, the magnet will be cooled to a temperature of 453 degrees F (234 degrees C) below zero. At this temperature, it becomes "superconducting", meaning that it loses most of its resistance to electricity and operates with minimal power consumption.

"The Soviets have never used a superconducting magnet in their U-25 pilot plant," said Dr. William D. Jackson, head of the U.S. MHD program at ERDA. "Their emphasis has been on constructing complete MHD plants of increasing size and complexity, while using relatively conventional hardware. On the other hand, the U.S. program has focused on developing and refining individual components for the MHD system.

"Between us," Dr. Jackson said, "we hope to develop a workable MHD system that will prove useful to both nations as well as the rest of the world. The improved efficiency of MHD systems could result in substantial savings of fuel used to generate electricity and increase the use of our vast reserves of coal."

Unlike a conventional steam-turbine generator, an MHD generator uses no moving parts to produce electricity. Instead a stream of very hot conductive gas, typically 4500 degrees F (2400° C), is forced at velocities close to the speed of sound through a duct situated in a high power magnet. The moving gas essentially replaces the rotating armature of a conventional generator. Electricity, produced by the gas moving through the magnetic field, is withdrawn by electrodes imbedded in the duct's walls.

MHD generators could be as much as 60 percent efficient, compared to the 35-40 percent efficiencies of today's conventional fossil fuel plants.

Dr. Jackson emphasized that using the Soviet pilot plant will speed commercialization of the MHD process in the U.S. at reduced cost to the American public.

"Use of the superconducting magnet in the Soviet facility to carry out joint experiments in MHD generation will prevent costly duplication of test equipment. This will save taxpayers many millions of dollars and permit the U.S. to move more rapidly toward building large-scale MHD power generating facilities," said Dr. Jackson.

Dr. Robert G. Sachs, Director of Argonne, noted that the Laboratory has played a pioneering role in the development of large superconducting magnets. The two largest supermagnets in the world, a 110-ton magnet at Argonne's High Energy Physics facility and a 150-ton magnet at the nearby Fermi National Accelerator Laboratory, were designed and built by Argonne.

"We are particularly pleased that we were selected by ERDA to build this new magnet which could play an important role in helping move toward the solution of the world's energy problem," he said.

Dr. Michael Petrick, MHD Program Director at Argonne, explained that superconducting magnets are required for commercial MHD power generation because of their high magnetic fields and minimal power consumption.

"A portion of the electricity generated by the process must be fed back into the system to power the magnet. By minimizing the amount of electricity used by the magnet, we hope to make the system more economically attractive," Dr. Petrick said.

Air transport of the magnet was chosen to minimize the chance of damage during a long sea voyage. The 247-foot (75-meter) long, 6-story high C-5 Galaxy is the only aircraft in the world capable of transporting such a load nonstop to Moscow.

The magnet will be used in a variety of tests to be conducted jointly by the two Nations for at least two years. Cooperation with the USSR was implemented in July 1973 and is currently an activity under the US-USSR Energy Agreement of 1974.

"We have received excellent cooperation from the Institute for High Temperatures of the USSR Academy of Sciences, in addition to the U.S. State Department and the Air Force in making this important scientific project possible.

"We look forward to a mutually profitable testing program with the Soviets," said Dr. Jackson.

OR OF THE [BROADCAST] PRESS

Mr. PROXMIRE. Mr. President, in January I introduced S. 22, the First Amendment Clarification Act of 1977. This bill would give full meaning to the first amendment prescription of a free press, whether electronic and spoken or written and printed.

There can be no doubt that the first amendment prohibits governmental regulation of the press. However, a curious double standard has been developed under which the broadcasting medium is held distinct from the written press, and is thus subjected to regulation.

This problem is not merely an academic exercise for constitutional scholars. In America today, the preferred source of news for 76 percent of our population is radio and television. Yet the first amendment has been held to protect only the written press. We have, in other words, first amendment safeguards for the press that are only about 24-percent effective.

This unhappy, if not abhorrent, situation has been brought about by the fairness doctrine, the equal time rule, and other controls imposed by the Federal Government. Enactment of S. 22 would result in the repeal of section 315 of the Communications Act of 1934, which contains both the equal time rule and the authorization for the FCC's fairness doctrine.

Ironically, neither regulation seems unreasonable on its face. The equal time provision requires a station to treat identically the opportunities for all legally qualified candidates for public office to acquire air time. It is designed to prevent a licensee from improperly influencing the outcome of an election by giving blocks of time to one candidate while denying opportunities to acquire time to other candidates. While the purpose is noble, it is an abridgement of the first amendment. It is Government control over part of the free press.

The fairness doctrine has two aspects: It requires stations to present controversial issues of public importance and mandates that overall presentations be fair. Again, that sounds fine. But the fairness doctrine is applied on a case-by-case basis with only past applications for guidelines. To subject the press to such ad hoc regulation is more, I fear, than the first amendment can stand.

Mr. President, it is not my present intention to review all the arguments for S. 22 and against broadcast regulation. Rather, I would like to share with my colleagues an article I recently received in the mail, written by L. A. Powe, Jr., who is a professor of law at the University of Texas. The article, entitled "Or of the [Broadcast] Press," was published in the December 1976 issue of the Texas Law Review.

Professor Powe, in examining the history and rationale of broadcast regulation, concludes that the often-advanced justifications for regulation are simply post hoc rationalizations for a process of regulation that seeks only to preserve the status quo.

He considers all of the major arguments advanced by those who support the equal time requirement and the fairness doctrine. Certainly those who oppose S. 22 will put forth these same arguments once again. They will contend that since broadcasting licenses are scarce, licensees should be regulated. Attention will be focused on the power of the broadcasting medium and the notion of a "captive audience" will be advanced.

Professor Powe, through the use of constitutional logic, case law, and mere common sense, demonstrates that there is precious little reason for the existence of section 315. And as I noted in testimony last month before the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation, the development of responsible, professional broadcasting has eliminated any need for regulations such as the equal time rule and the fairness doctrine.

A cornerstone of our governmental philosophy is the notion that we should refrain from regulation in the absence of a clear rationale for its existence. As Professor Powe demonstrates, no such rationale can be found for governmental regulations like the equal time rule and the fairness doctrine. In light of that

fact, should we not take a chance on freedom by putting broadcasters on an equal footing with publishers regarding first amendment rights?

Mr. President, so that my colleagues may have the full benefit of Professor Powe's analysis, I ask unanimous consent that the text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Texas Law Review, December 1976]

"OR OF THE [BROADCAST] PRESS" †

(By L. A. Powe, Jr.*)

(Professor Powe considers the history and rationale of broadcasting regulation, particularly the fairness doctrine. After considering the often-advanced justifications for regulation—scarcity, power, and the notion of a captive audience—he contends that these arguments are simply post hoc rationalizations for a process of regulation that seeks only to preserve the status quo. Since neither empirical evidence nor legal theory supports regulation, Professor Powe concludes that the first amendment should protect broadcasting to exactly the same extent as the print media.)

The casualties of the Republican Party's 1964 presidential debacle were not, in retrospect, fatalities. Barry Goldwater, the conservative wing of the party that he led, and the party itself all recovered to score subsequent victories. The first amendment to the Constitution, however, which prohibits laws abridging freedom of speech or the press, has yet to recover from a decision arising out of that presidential campaign. The case began when the Reverend Billy James Hargis devoted one of his right-wing *Christian Crusade* radio commentaries to an attack on liberal writer Fred Cook, who had done a hatchet-job on Goldwater in a book he had written for the campaign.[1] Assisted by lawyers from the Democratic National Committee, Cook demanded free air time from the stations that normally carried the Hargis program. One of those stations, Red Lion Broadcasting Company, responded tersely to Cook: "Our rate card is enclosed. Your prompt reply will enable us to arrange for the time you may wish to purchase." [2] The personal-attack rules of the Federal Communications Commission granted Cook a right to free time,[3] and he prevailed before the Commission on that ground.[4] The District of Columbia Circuit then upheld the Commission,[5] and in *Red Lion Broadcasting Co. v. FCC* [6] the United States Supreme Court affirmed. Although the personal-attack rules appeared unconstitutional under the Court's earlier decision in *New York Times Co. v. Sullivan* [7] because future broadcasters might be substantively inhibited by even a small penalty, the court sustained the rules because it concluded that they implemented the right of the people as a whole to have broadcasting "function consistently with the ends and purposes of the First Amendment." [8]

In holding that the Commission rules did not constitute a law abridging the freedom of the press, the Court separated the print media from the broadcast media for purposes of the first amendment. The focus of this article is the constitutional status of the "other" press—broadcasting. First, the article briefly examines the constitutional status of the print media; then, the regulation of broadcasting; and last, the justifications for treating broadcasting differently from the print media.

In cases decided since the early 1960s the Court has never doubted that the essential function of the press is to facilitate self-government.[9] Under this view the press is not a mere conduit for the consumption of government-supplied information by the people. Rather, the press is to interpret, criticize, analyze, and supply vital information to citizens so that they can make their own determinations about how best to set national, state, and local policies.[10] From this general perspective the Court has determined that speech related to the political process, and thus more valuable to a functioning democracy, will receive greater protection than other speech.

Philosopher Alexander Meiklejohn provided the principal support for this approach.[11] In brief, his thesis was that [p]ublic discussions of public issues, together with the spreading of information and opinion bearing on those issues, must have a freedom unabridged by our agents [those governing]. Though they govern us, we, in a deeper sense, govern them. Over our governing, they have no power. Over their governing we have sovereign power.[12]

For Meiklejohn the first amendment was part of an integral concept of the Constitution. It, the preamble,[13] the tenth amendment,[14] and article I, section 2,[15] "considered in their historical setting, not only in relation to one another but, even more important, in relation to the intention and structure of the Constitution as a whole," dictate that political speech belongs exclusively to the people, the ultimate governors.[16] By distinguishing between public speech—that of governing importance—and private speech, Meiklejohn pointed the way towards granting a certain class of speech special prominence in a postulated first amendment hierarchy.

Interestingly, the Court initially reached a similar position from the opposite direction. *Chaplinsky v. New Hampshire*,[17] a short unanimous opinion written by Justice Murphy, began this movement. After police had stopped Chaplinsky, a Jehovah's Witness, in the midst of a vigorous denunciation of organized religion, he called one of the policemen "a God damned racketeer" and "a damned Fascist." [18] He was convicted under a statute construed to ban "words likely to cause the average addressee to fight." [19] and the Court sustained the conviction on that basis. It reasoned that speech that is "no essential part of any exposition of ideas" and is "of such slight social value as a step to truth that any benefit that may be derived from [it] is clearly outweighed by the social interest in order and morality" could be punished without creating constitutional infirmities.[20]

There are significant differences between the Meiklejohn and *Chaplinsky* approaches. *Chaplinsky* asks whether the expression is any part of the exposition of ideas, while Meiklejohn inquired whether the expression is of importance to the process of self-government. The Court nonetheless has intermittently mixed the two theories in its opinions. If the Court deems the speech to be of governing importance, then it has received almost the full protection demanded by Meiklejohn.[21] If the speech is not of governing importance, then the Court has used the approach suggested by *Chaplinsky;* the speech acquires protection as the potential harm threatened by the speech diminishes.[22] The Court, further contributing to the use of these theories, has concluded that speech of governing importance is speech dealing with politics.[23]

Basically, the Court's decisions dealing with political speech have been variations on the theme of *New York Times Co.* v. *Sullivan*.[24] There the Court constitutionalized the law of libel when faced with an Alabama jury verdict of a half-million dollars for minor inaccuracies in a paid editorial advertisement concerning civil rights that mentioned neither plaintiff nor his public office. The judgment posed a threat to any newspaper deemed critical of substantive state policies. Libel clearly could be more destructive than the criminal laws because libel carries the potential to bankrupt—and therefore to silence—an adversary. The judgment had to be reversed. For the Court *New York Times* became the vehicle for setting forth the role of the press under the first amendment. The opinion articulated the principle that "debate on public issues should be uninhibited, robust, and wide-open . . . it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." [25] In striking a balance between the public interest in the dissemination of information relevant to self-government and the public interest in protecting public officials' reputations, the Court demonstrated that its primary concern was avoiding self-censorship by the press. Thus, the Court held that truth is always a defense and that false defamatory publications are protected unless the libeled public official can show that the publisher acted with actual malice or reckless disregard of truth or falsity in publishing the defamatory statements.[26] Since some mistakes in discussion are inevitable, the Court recognized that the press must be allowed a substantial margin of error so that the truth about matters concerning government will be more likely to surface.

Although the Court has retreated from the *New York Times* theory when the defamatory statements concern private individuals involved in matters of public importance,[27] the basic concept of *New York Times*—that governmental restraints are bound to inhibit the free flow of information—has occupied center stage in cases involving newspapers. *Mills v. Alabama* [28] and *Miami Herald Publishing Co. v. Tornillo* [29] illustrate this application of the *New York Times* rationale. Both cases involved laws designed to make the electoral processes fairer. The law in *Mills*, at least as applied, prohibited last-minute editorials; [30] the law in *Tornillo* gave a candidate the right to respond to editorials critical of his record or personal character.[31] In *Mills*, the law operated directly to prohibit publication. In *Tornillo*, the law resulted in the government telling a newspaper what it must print, and although it did not operate at a direct restraint, the Court recognized that an editor might shy away from a topic because of the indirect sanction of a reply.[32] Each law was held an unconstitutional restraint on the press since each in its own way "exact[ed] a penalty on the basis of the content of a newspaper." [33]

The *Red Lion* decision falls exactly between the 1964 decision in *New York Times* and the 1974 decision in *Tornillo*. Yet the arguments that were successful in *New York Times* were shunted aside in *Red Lion* only to succeed again in *Tornillo*, in which the Court in a sub silentio acknowledgement of inconsistency did not even cite *Red Lion*. Also undiscussed was the Court's earlier statement that it had "no doubt that moving pictures, like newspapers and radio, are included in the press whose freedom is guaranteed by the First Amendment." [34] Although an analysis of the rationale and results of splitting the press into two categories is the primary concern of this article, the proposition that broadcasting constitutes part of the press—as the Court has concluded—merits brief discussion.

The early developmental years of broadcasting portray a wild scramble for economic gain.[35] The initial stations went on the air to create a market for radio receivers,[36] but broadcasters needed only a brief time to realize that a radio station could be an economic bonanza. Thus, the entrepreneurs worried about hours of broadcasting, the frequency assigned, electronic interference, the power used for transmission, and economic competition. They did not worry about news and public affairs. News, to the extent used, filled in during talent crises. In the early 1930s when it appeared that radio might develop

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its own internal news staff, the networks were brought to heel by the American Newspaper Publishers Association and threats of newspaper boycotts both of their program logs and of their advertisers.[37] CBS agreed to disband its fledging staff, NBC agreed not to build one, and both agreed that only news older than twelve hours would be broadcast. Although their sellout at the Hotel Biltmore was neither fully nor successfully implemented, it demonstrated the approach that would typify broadcasters: when economic considerations loomed, nothing else was relevant.[38] Broadcasting had neither the appearance nor the pretense of journalism. It was entertainment; it was profitable; its owners were the "lineal descendants of operators of music halls and peep shows."[39]

Therefore, it is hardly surprising that the broadcasters' product resembles a "vast wasteland."[40] Commercials run endlessly, surrounded during the daytime by game shows and soap operas and encompassed at night by situation comedies during the family hour and police mayhem immediately thereafter. News and public affairs are occasionally available, especially on Sunday when no one is watching. Nevertheless, this medium is still the press. One should begin by remembering that the *New York Times* and the *Washington Post* are merely the best of the press. They are not *the* press. Most Americans, no matter how well-educated, read newspapers that lift some news off the AP wires to use as a filler on the side of a page containing advertisements. The advertisements, running about sixty percent of the total newspaper[41]—a figure far in excess of anything on radio or television—not only produce the bulk of a newspaper's revenue but also may be the most significant items in the paper for many readers. Beyond the advertisements are the sports pages with their rehash of the last game and promotion of the next one, the gossip columnists, the horoscopes, and the comic strips. Put end to end a newspaper has a marked resemblance to a day of television. If a newspaper often looks like television, so too does television often appear to be a newspaper. Vietnam and the impeachment hearings provide but the most striking examples that television not only reports the news but also can give it more immediacy than the printed page. Moreover, as an empirical fact, for well over a decade most Americans have received the bulk of their news from television, a source they find vastly more credible than any other.[42] Although this headline service with pictures offers precious little vital information, for most Americans television is the press. In light of this reality, how can the different legal structures for the broadcast media and newspapers be justified? Functionally the two media serve similar entertainment and information purposes.[43]

The first Supreme Court case dealing with the first amendment and broadcasting was *NBC v. United States*[44] in 1943. The Commission had conducted an extensive study concerning the ability of the national radio networks to dominate their affiliates and, as a result, had promulgated the "Chain Broadcasting Regulations," a series of regulations designed to lessen network control and to provide for improved local service by radio stations.[45] The regulations dealt largely with anticompetitive practices.[46] Several provisions, however, had a more specific relation to programming since they restricted a licensee's ability to contract away its rights to choose which programs to present.[47] In challenging these regulations the network's arguments primarily focused on the Commission's purported lack of statutory authority,[48] but also raised a first amendment claim, arguing that the first amendment forbids any governmental interference whatsoever in the choice of programming even for the purpose of fostering freedom of expression.[49] At the end of the opinion the Court tersely noted the first amendment claim: "We come, finally, to an appeal to the First Amendment."[50] For the Court the question was whether the Commission was acting under the statutory criteria of public interest, convenience, or necessity; if it was, that ended the matter. "Denial of a station license on . . . [the] ground [of public interest, convenience, or necessity] if valid under the [Communications] Act, is not a denial of free speech."[51]

The Court's rejection of the speech claim is not surprising. In 1943 neither first amendment jurisprudence nor broadcasting were well-developed. More significantly, for all intents and purposes *NBC* looked like an antitrust action. Coming after the Court's rejection[52] of the claim that the print media were immune from the National Labor Relations Act[53] and just before its rejection of the claim that the print media were exempt from the antitrust laws,[54] the NBC first amendment claim looked like a big corporation's bid for special privileges to shield itself against New Deal business regulation.

The Court in *NBC* seemed eager to leave the problems of broadcasting to the Commission. So completely with this aim realized that the Court did not deal with broadcasting and the first amendment until a quarter century later. In *Red Lion*, the Commission's personal-attack rules under challenge allowed an individual whose character, honesty, or integrity was attacked during discussion of a controversial issue of public importance to have a reasonable amount of free air time to respond.[55] In sustaining these rules, which are an offshoot of the better-known fairness doctrine,[56] the opinion in *Red Lion* continued the rhetorical overkill of *NBC*. Responding to the broadcaster's claim of the right to choose what it presented, the Court stated that "as far as the First Amendment is concerned those who are licensed stand no better than those to whom licenses are refused."[57] The people have a right to have broadcasting "function consistently with the ends and purposes of the First Amendment."[58] Thus, in a sentence pregnant with future possibilities the Court went on: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."[59]

Red Lion coincided with the increasing militancy of various citizen groups and seemed to them to offer exactly the needed solution to the problem of ensuring public exposure for their messages. These interest groups agreed with the Court that the rights of the viewer and listener were paramount, but to them the fairness doctrine with its emphasis on the editorial responsibility of the station simply did not suffice. All too often they had waited for coverage of their positions only to find that coverage never came or that, when it did come, their views were distorted or not forcefully presented. *Red Lion* offered citizen groups a way to change that. They felt that *Red Lion* constitutionally mandated some form of individual access to the air to assure that the public would be informed.[60]

The access issue came before the Court in four consolidated cases challenging the policies of stations forbidding the sale of time for editorial advertisements. In *CBS v. Democratic National Committee*[61] the Court wrote a sweeping rejection of the access claims because of their potential effect on the fairness doctrine.[62] The fairness doctrine, placing on broadcasters "an affirmative independent statutory obligation to provide full and fair coverage of public issues,"[63] implemented the important premise of Meiklejohn: " 'What is essential is not that everyone shall speak, but that everything worth saying shall be said.' "[64] The Court knew that the fairness doctrine had not always worked to bring out "high-quality treatment of all public events and issues," but concluded that "diluting licensee responsibility" was not the appropriate remedy.[65] Instead, the fairness doctrine required better enforcement to alert the licensees that they could neglect their statutory obligations to the public only at the risk of losing their licenses.[66] If the fairness doctrine with its emphasis on licensee editorial responsibility carried risks of licensee abuse, that was "nothing new; the authors of the Bill of Rights accepted the reality that these risks were evils for which there was no acceptable remedy other than a spirit of moderation and a sense of responsibility—and civility—on the part of those who exercise the guaranteed freedoms of expression."[67] In one fell swoop the Court equated congressional codification of the fairness doctrine with the adoption of the first amendment. The Court thus moved from the holding of *Red Lion* that the fairness doctrine is *consistent* with the first amendment to the entirely different conclusion that, so far as broadcasting is concerned, the fairness doctrine is the *essence* of the first amendment.

The Court confronted only one other first amendment broadcasting issue in the interval between *Red Lion* and *CBS v. Democratic National Committee, Capital Broadcasting Co. v. Acting Attorney General*,[68] *decided* summarily, affirmed a district court decision sustaining Congress' complete ban[69] on cigarette advertising over the air. The ban had been enacted after the District of Columbia Circuit had upheld the Commission's determination that cigarette commercials presented one side of a controversial issue of public importance.[70] Tobacco interests, which felt that they were prevented by the antitrust laws from voluntarily agreeing to forego advertising, had encouraged the ban,[71] while broadcasters strenuously opposed it because ten percent of their total profits were involved.[72] Nevertheless, the Court did not give as much as a sentence to whether the ban restricted public debate on controversial issues and whether the institutional viability of broadcasting might be affected by the loss of its single largest revenue producer.

That the legal structure for broadcasting is different from that for the print media should be clear. In *Red Lion* the obvious argument that governmental involvement might inhibit speech was inverted by asserting that governmental involvement would not inhibit speech because the purpose of the involvement was to promote speech.[73] Then, standing *New York Times* on its head, the Court stated that, if a station succumbed to inhibitions, it should lose its license.[74] Yet, the exact arguments rejected in *Red Lion* were used to strike down the right-of-reply statute involved in *Tornillo*. The cigarette advertising ban presents a similar inconsistency. The Court's progressive eradication of the commercial speech doctrine over the past few years[75] and the summary affirmance of the cigarette ban stands in stark contrast.

The results of the different structure for broadcasting tell a story that the Framers of the first amendment might have expected. The Commission has reacted against the innovative, the different. When popular music seemed to glorify drug usage, the Commission issued an order in effect suppressing drug-related lyrics.[76] The Commission's ruling pointedly omitted any specific mention of the other aspect of drug-use glorification prevalent on the air: the continuing over-the-counter drug commercials always trying to convince the listener that life itself was an illness that only the use of the sponsor's product could cure or ameliorate.[77] Although the restraints on language generally lowered, the Commission virtually forbade the use of certain words no matter how intertwined

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they were with the exposition of ideas.[78] Yet only four years earlier the Supreme Court had stated that "we cannot indulge the facile assumption that one can forbid particular words without also running a substantial risk of suppressing ideas in the process."[79] When a new radio format emphasizing more open discussions of sexual behavior swept the Nation, it too was banned.[80] The Commission held that the programs were patently offensive by contemporary community standards even though the programs were often the most highly rated in the listening areas.[81] The Commission also was willing to make conclusions about the dominant theme of the programs even though the Commission itself had heard only a short segment limited by the editing to the high—or low—points of the programs.[82] And finally, when the vacuous and bland wasteland of prime-time programing occasionally began to deal with major social issues, the Commission forted the networks to institute the family viewing policy from 7:00–9:00 p.m. to ensure that virtually all programs would be fit for viewing by the whole family[83]—by which everyone meant that the programs would not even consider anything that could be thought controversial by anyone.[84] The controversial trend in programing manifested an accelerated breakdown in American cultural homogeneity, clearly an offshoot of the civil rights and antiwar movements. A shocked older America, initially placed on the defensive by the breakdown, tried to assume a secure and positive position by stressing what seemed to be core American values. Yet these totems too were challenged by a generation to whom nothing appeared sacred. The Commission rulings were not addressed to programing that served as a rational dialogue about the changes sweeping the country; rather, the programs blatantly demonstrated the changes. The Commissioners, as part of the group decrying the erosion of what they perceived as core values, used their power in an attempt to check the starkest manifestations of that erosion by denying them use of the air. Under any prevailing first amendment theories the Commission's actions resulted in losses to the public. Because these actions were almost an inevitable consequence of the power to regulate, the mitigating response by a proponent of regulation would be to admit the Commission's error, state its aberrant nature and limited chance of recurrence, and then point to the benefits to the public dialogue that arguably flow from regulation. Central to the weighing of the benefits of regulation are two well-known rules: the equal time provision and the fairness doctrine.

The equal time provision requires a station to treat identically the opportunities for all legally qualified candidates to acquire air time.[85] Only bona fide news programming receives an exception. The requirement deals expressly with politics and is designed to prevent a licensee from improperly influencing the outcome of an election by giving blocks of time to one candidate while denying opportunities to acquire time to other candidates.[86] The objectives are excellent but might well be approximated by less drastic means.[87] This seems especially the case when one considers some of the harsher effects of the equal time provision. Its best known effect since 1960 was to prevent face-to-face debates between major party candidates for the Presidency.[88] The Commission corrected this congressional error by its own pro tanto repeal of the equal time provision in this context.[89] Other incongruities have existed during this election year: President Ford was able to grant broadcast interviews to local reporters just before their states' primaries without activating Governor Reagan's right to equal time because the President's interviews came within the bona fide news exemption;[90] meanwhile, wholly nonpolitical programs and old movies starring Reagan were excluded from the air because they would have triggered the equal time provision and allowed a political response by Ford.[91]

Even more than the equal time provision, the fairness doctrine has two aspects: an affirmative side requiring stations to present controversial issues of public importance and a relative side requiring that overall presentations be fair.[92] That the affirmative proviso is, quite simply, unenforced and unenforceable was recently demonstrated when the Commission rejected a fairness challenge to various Los Angeles stations for their failure to mention the controversy surrounding the then-pending broadcast-license-renewal bill.[93] The failure of the stations to mention the bill was understandable. Broadcasters desperately wanted the bill to pass and citizen groups, who labeled it the "Media Magnates Preservation Act,"[94] wanted it blocked. To mention the bill might alert more people to its existence and might create additional opposition to it. The Los Angeles stations argued, however, that the bill did not constitute a controversial issue of public importance within the area and that, even if it did, so many more important issues existed that priorities would not justify the use of precious air time on this limited issue. The Commission decision simply underscored the Catch-22 of the affirmative aspect of the fairness doctrine. Some issues—Vietnam, the environmental crisis, or racial unrest[95]—are so important that carrying news at all will result in their coverage.[96] No other specific issues, however, need be covered. As the successful arguments of the Los Angeles stations justifying their noncoverage of the renewal bill demonstrate, the Commission simply cannot know whether a given issue is sufficiently important in a community that it rather than others must be aired. It is hardly surprising that the Commission has only once taken action against a licensee for an unadmitted failure to cover a controversial issue.[97]

Thus, the success of the fairness doctrine depends on the value of the relative side with which it is normally associated. Even though Commission enforcement is sporadic, the doctrine works to achieve some kind of balance on programs. It takes only an occasional *Brandywine-Main Line Radio, Inc. v. FCC*,[98] a case in which the Commission revoked a license for failure to comply with the fairness doctrine, to remind licensees of their duties. Moreover, those duties are not terribly onerous. The Commission's function is only to determine whether licensee judgments are unreasonable concerning the issue presented, the hour of presentation, and the amount of time given the other side.[99] Although only a rare station will run afoul of it, even this limited standard exacts costs. *Brandywine* achieved its result at the cost of diminishing controversial programming within the listening area—Philadelphia, Pennsylvania—because Brandywine provided controversial programming in amounts typical of commercial programming on a normal station.[100] When Brandywine left the air, there was no substitute station ready to present that amount of controversial programming. The result in *Brandywine* flowed from a basic premise of the fairness doctrine: balance in programming, in the sense of fairness, comes not from *total* listening possibilities in a geographic area but from *each* station's programming.[101] Thus, it was legally irrelevant that there was balance within the Philadelphia area and any listener who wished to hear views contrary to those aired on Brandywine could do so.[102] The unarticulated premise of the fairness doctrine, that individuals who fail to change stations must be fairly informed even if they do not wish to be, remained unexplored. Yet even this premise overlooks the failure of the doctrine to require any single program to be fair. Fairness may be satisfied by airing a one-sided presentation during prime time and then presenting the other side during a ten-minute interview in the morning.[103]

The irony is that the doctrine acts neither as the "pillar in the forum of democracy" some proponents would have[104] nor as the snarling *Red Lion* some critics suggest.[105] The doctrine primarily serves as a nuisance that everyone from activists to oil company executives knows deters some controversial programming. Whenever a network airs a controversial documentary fairness complaints are generated even if unfounded. If the Commission forwards a complaint to the network, then the process of transferring network dollars to lawyers' pockets begins. This compounds the unprofitability of documentaries, none of which attracts a sufficiently large audience in the first place.[106] Thus, any potential pitfalls created by the fairness doctrine, although relatively toothless, counsel avoidance of the thankless task of informing the public.[107]

In sum, the benefits of content regulation, if they exist at all, are at best rather small. The costs appear considerably higher. Why, then, do we treat broadcasting differently from the print media? Recently, in offering limited support for the different structure for broadcasting, Paul Freund touched on the two theories normally used to support regulation.[108] Freund first concluded that "a proliferation of outlets in the ultra-high frequency range does not seem adequate, as a practical matter, to cure the shortage continuing on the conventional frequencies that are the staple of viewing and listening."[109] Furthermore, he added, "[t]he distinctive impact of television, in particular, and its potential for powerful partisanship make some mild form of balance appropriate."[110] Despite this argument neither the "scarcity" nor the "power" theories provide sufficient justification for the differential structure.

Before considering the merits of the scarcity theory, it is useful to realize that the Commission has not adopted policies designed to encourage expansion of viewing and listening possibilities. With full knowledge that sufficient spectrum space in the VHF band to accommodate a technically adequate and "truly nationwide competitive [television] system" did not exist, the Commission nevertheless opened that band for immediate development after World War II.[111] Then the Commission, subjected to extreme pressures by the newly created VHF licensees, balked at shifting television to the more spacious UHF band, even though it admitted such a shift would be the best long-range solution to frequency allocation.[112] Today, broadcasters oppose the continued development of cable television,[113] and the Commission has constantly hampered its growth—even though cable promises to provide programming opportunities unthinkable on over-the-air television. Eventually opposition to the growth of direct satelite-to-home television will probably arise for the same reasons of economics. The status quo is profitable to those who enjoy its benefits. Thus, to the extent scarcity explains regulation, the Commission has actively helped to justify its own existence by perpetuating scarcity.

As a theory, scarcity begins with the premise of *Brandywine* that various and numerous information sources do not compete effectively with each other.[114] This premise is not successfully explained,[115] and seems contradictory to the normal first amendment assumption that a multitude of tongues will cure any deficiencies in the message of any one communicator.[116] Nevertheless, assuming *arguendo* that the premise has validity when applied to broadcasting because of the capacity of the medium to reach vast numbers of people simultaneously,[117] scarcity is at best only partially convincing if one looks to actual numbers. The 8034 radio sta-

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tions[118] numerically overwhelm the 1768 daily newspapers[119] in the United States, and to the extent scarcity is the rationale for regulation, daily newspapers rather than radio stations are more likely candidates for regulation. When one turns to television, the newspapers do outnumber the 962 television stations.[120] Nevertheless, if the concept of scarcity includes any consideration of intramedia competition, then newspapers once again become more likely candidates for regulation. Virtually all cities have competition among at least three television stations and a dozen radio signals. Yet in only one of every twenty-five cities is there a competing daily newspaper available.[121]

Scarcity is not, however, a statistical concept. But there are two other related arguments that support the scarcity theory. First, anyone can begin a newspaper without regard to federal controls or regulation; this is not the case in the broadcast industry in which federal licensing requirements must be met. Second, the demand for broadcasting licenses is much greater than the supply.[122]

The idea of starting a competing daily newspaper has appeal, but is basically theoretical. If started on a small scale, with a printing press and a few pages, the newspaper thus produced would bear about the same relationship to an established newspaper as a sound truck does to a broadcast station. Its chances of growing large enough to actually compete with an established paper are only slightly better than nil. Essentially, to have a competing daily, one would need several million dollars of risk capital because the economics of newspaper publication make either merger or bankruptcy the likely outcome of competition.[123] Moreover, if a person did save several million dollars of spare capital, then he could also acquire a broadcast station in most markets. The principal barrier to market entry, whether print or broadcast, is economic.

The scarcity argument postulates that more persons want broadcast licenses than can have them[124]—but more persons want to publish newspapers than can do so. What distinguishes broadcasting is that a license is obtained cost-free from the Commission.[125] Thus, obviously more persons would want a valuable free license than can have one; equally obviously, if the price of a license were astronomically high, then the demand for licenses would vanish. The scarcity argument based on the excess of demand rests firmly on the underpricing of a broadcast license and differs from the situation in the print media because newspapers are not given away. But they could be. If the Government concluded that an environmental crisis affecting trees so limited the amount of newsprint available that not everyone could get all the necessary paper cheaply, than the Government could create a Federal Paper Commission[126] to deal with the problem. The "FPC" could then allocate cost-free rights for the use of paper in the public interest, convenience, or necessity. Although this example would create scarcity for the print media in the same sense as it exists for broadcasting, it seems highly unlikely that this solution would receive substantial support. For unlike the broadcasting medium, we do not believe the print medium is *too* powerful.[127]

The power of the broadcast media is difficult to articulate because people of diverse backgrounds consider television a medium of unique power, but they mean different things by that statement. Although Marshall McLuhan probably provided the most currency for the general idea,[128] advocates of the power theory in the United States have often focused on the different problem suggested by Professor Freund—that television might shape public events. The best known advocate of this position was former Vice-President Agnew,[129] but others, representing each part of the political spectrum, have taken similar positions.[130] The keystone of the power theory derives from the amount of television watched by the average viewer. The significance and impact of the medium supposedly become apparent when one considers either that the average home set operates six hours and fifty-six minutes each day[131] or that an estimated sixty-six percent of the adult population sees some television each day.[132] Further underscoring the putative significance of these figures, sixty-five percent of the population turns to television as the source of most of its news,[133] and fifty-one percent finds television the most believable news medium.[134]

Television may well have the potential for powerful partisanship. That the potential remains unproven undermines the power theory. Indeed, the theory cannot rest on empirical research since the little that is known about attitudinal change provides little help to the power theorists. The findings of the available communications literature are not perfectly consistent.[135] One researcher noted at the outset that "[w]e have provided evidence in partial support of every hue of every view."[136] This observation counsels against dogmatic assertions about the effects of communications[137]—too much remains unknown and possibly unknowable. The available literature does suggest, however, that audiences are not passive globs just waiting to be informed or persuaded.[138] Listeners reject or discount messages at variance with their accepted views.[139] Thus, the potential power of television probably derives more from the power to persuade further the already persuaded than from the power to influence the uncommitted, much less those in disagreement.[140] If these data suggest that television is not all that important in shaping beliefs and opinions, it may not be far out of line with data on other forms of socialization. A sampling of the literature about the school and the family[141] might lead to the conclusion that no institution really affects individual views.[142] Yet as adults we have formed sets of attitudes, and intuitively we know *something* caused their formation. This intrinsic notion probably best explains the idea of broadcast power. The theory that television matters may be intuitive rather than empirical. Since existing data can neither prove nor disprove the power theory, a choice must be made. Under standard first amendment theory, that choice should not be a difficult one. That standard doctrine counsels against reliance on "undifferentiated fear" as a justification for the regulation of speech.[143] This wise counsel should hold until there is a significant leap in the amount of supporting evidence for the power theory as well as a reversal of the prevailing conclusions of the researchers. History has too often taught that the fear that justified regulating speech existed largely in the imagination of the regulators.[144]

In a different form, indeed its best form, the power theory intertwines with the scarcity theory to suggest that, no matter how many outlets there really are, only three voices speak: ABC, CBS, and NBC. From this perspective, not only does scarcity have solid numerical validity, but a genuine oligopoly has captured the medium. Moreover, for many people, the historic American distrust of power becomes fused with a new fear of power influencing ideas and events by shaping opinions or framing issues. This combination of visible oligopoly and suspected influence gives the power theory its strongest support as a rationale for regulation.[145] Yet, the obvious answer to an antitrust problem is to secure the necessary structural remedy under the antitrust laws. Beyond that, a further answer to this version of the power theory is to expand the number of communications sources. When new communications technologies pose public policy questions the first amendment itself should imply expanding rather than inhibiting the numbers of available media.[146] The current cable situation is a prime example. If, instead of by Commission action, broadcasters by voluntary agreement had created the restrictive rules inhibiting the growth of cable and pay television, then even the Justice Department would be initiating antitrust actions to free cable from the unreasonable restraint. From a first amendment perspective, the Commission's efforts to protect one form of communication against competition from a newer form should fare no better.[147]

In its starkest form the power theory rests on the fear of McLuhanesque effects: that television interacts with all facets of society and changes us in ways that we can neither anticipate nor wholly understand.[148] Although this phenomenon is urged to support the need for regulation, logically it leads to the demand that television be eliminated.[149] Furthermore, the argument cannot be reduced to anything except an assertion that new communications technology—like the printing press in its infancy—will inevitably set-off some form of social revolution and fundamentally alter the status quo. This argument must be rejected because it rests explicitly on a premise contrary to the first amendment itself: that the status quo must be preserved.

The search for an intellectual rationale to support broadcast regulation is in reality a post hoc attempt to explain the status quo. It should come as no great surprise that neither the scarcity theory nor the power theory satisfactorily explains different treatment for broadcasting. The theories were post hoc justifications for an historical event: scarcity, in reality substituting for a system of private property rights,[150] the power theory simply expressing a vague fear of the unknown. All new communications technologies are censored initially. Radio was no different. In the 1920s, the relevant constitutional question seemed to be whether the Government had power under the commerce clause to deal with the emerging problems of broadcasting. Of course, the plenary power of the commerce clause supplied ample regulatory authority. Error arose, however, through the sub silentio assumption by all concerned that if the exercise of power was reasonable under the commerce clause then it must also be reasonable under the first amendment. *NBC v. United States* and the subsequent cases perpetuating the error also brought about the unsuccessful effort to find a theoretical rationale to justify the resulting injury to the first amendment.

If power and scarcity fail to justify regulation, why is it necessary to cling to the regulatory scheme? In part, the answer hearkens to the beginning of broadcasting. The Federal Radio Commission in its *Second Annual Report*, issued in 1928, stated:

"The commission is unable to see that the guaranty of freedom of speech has anything to do with entertainment programs as such. Since there are only a limited number of channels and since an excessive number of stations desire to broadcast over these channels, the commission believes it is entitled to consider the program service rendered by the various applicants, to compare them, and to favor those which render the best service."[151]

The Commission's disassociation of radio from first amendment interests conformed well to the realities of broadcasting in the 1920's, and the Commission's view of the scope of freedom of speech may not have differed from that of the court.[152] Ideas are protected under the first amendment, but entertainment does not form part of the exposition of ideas and therefore receives no

Footnotes at end of article.

protection. Even some of the modern decisions of the Court appear to rest on this concept. The obscenity cases demonstrate a greater solicitude for books than for films.[153] Moreover, regardless of the medium chosen, the Court's obscenity test places emphasis on the seriousness of the work.[154] Furthermore, a slightly older decision allowing a municipal transit company to broadcast music, news, and advertising on its buses appears to rest rather explicitly on the conclusion that "no substantial claim [was made] that the programs have been used for objectionable propaganda."[155] These decisions could carry over to television to suggest that, since the medium deals primarily with entertainment and not with the serious exposition of ideas, regulation does not run afoul of first amendment goals.

The distinction between ideas and entertainment looks sound as applied to an adventure program like *The Six Million Dollar Man* or a situation comedy like *I Love Lucy*. They are intended to entertain and enliven, not to enlighten, and they represent the commercialism of broadcasting. Indeed the very mention of *Lucy* brings to mind the CBS "news judgment" that an ancient rerun of *Lucy* should not be preempted by George Kennan's live testimony about Vietnam before the Senate Foreign Relations Committee in early 1966.[156] Preemptions lack sponsors; reruns have their costs behind them. Big business is interested in the entertainment profits, not ideas.

Nevertheless, no law holds that entertainment may not make a person think while he laughs. More ideas may well be expressed weekly by Archie Bunker's family than are able to squeeze through on many public affairs programs. As for television news, one need only consider the five million dollar woman, Barbara Walters, to understand that news has a solid entertainment component. To regulate television as entertainment limits the possibilities of the medium, which in turn limits the availability to society of ideas and insights. The Court's explicit rejection of the ideas-entertainment distinction in *Winters* v. *New York*[157] has never successfully been traversed: "The line between the informing and the entertaining is too elusive for the protection of that basic right [of a free press]."

At bottom, television is regulated because its entertainment-oriented forum does not seem to merit protection as part of the exposition of ideas, because the medium is innately sensed as too powerful, and because the status quo seems to offer security. But we know that regulation cannot stand without justification, and so we cling to the untenable rationales while searching for an acceptable framework. Lately this search has unearthed the captive audience theory as a potential rationale.[158] The theory made its first appearance in *Banzhaf v. FCC*,[159] in which Chief Judge David Bazelon, writing for the District of Columbia Circuit, sustained the application of the fairness doctrine to cigarette commercials. The most arresting paragraph of the opinion justified the requirement that countercommercials be aired because of the subliminal impact of the original commercials. The opinion stated:

"Written messages are not communicated unless they are read, and reading requires an affirmative act. Broadcast messages, in contrast, are "in the air." In an age of omnipresent radio, there scarcely breathes a citizen who does not know some part of a leading cigarette jingle by heart. Similarly, an ordinary habitual television watcher can *avoid* these commercials only by frequently leaving the room, changing the channel, or doing some other such affirmative act. It is difficult to calculate the subliminal impact of this pervasive propaganda, which may be heard even if not listened to, but it may reasonably be thought greater than the impact of the written word."[160]

The theory then remained dormant, its initial usefulness expended when the court and Commission moved on to focus on which commercials needed countering.[161]

When the captive audience rationale next appeared in a case concerning broadcasting it was used in its traditional sense—as a means of preventing the speaker from imposing his views on those who could not avoid hearing. But this time the author was Chief Justice Warren Burger, writing for the Supreme Court in *CBS v. Democratic National Committee*. Burger prefaced the quotation from *Banzhaf* with the conclusion that the Commission "is also entitled to take into account the reality that, in a very real sense, listeners and viewers constitute a 'captive audience.'"[162]

As Justice Brennan in a dissenting opinion remarked about the captive audience rationale, the "suggestion that constitutionally protected speech may be banned because some persons may find the ideas expressed offensive is, in itself, offensive to the very meaning of the First Amendment."[163] Nevertheless, the jarring quality of the captive audience rationale may be minimized by noting that the Court applied it in the context of refusing to order broadcasters to change their policy of accepting only the advertising they wished to air and broadcasting only editorials of their own choosing. The result, if not the reasoning, is consistent with first amendment principles.

Despite the justifiable result, the reasoning stood *Banzhaf* on its head by using the captive audience rationale to suppress additional debate rather than to attempt to expand it. Furthermore, the very idea of a captive audience for broadcasting has an Orwellian air about it. Radio and television are important; but no one is ever legally required to listen or watch, and the captive audience rationale only has meaning within a context in which the listener is without choice. It is a rationale that has a slick superficial appeal, as *Banzhaf* demonstrated, but like the other theories, it does not satisfactorily justify a treatment differentiating broadcasting from the print media.

After fifty years of regulating broadcasting in America there are too many unhappy parallels to the two hundred years of regulated printing in England to go unnoticed.[164] At first, the only limitation imposed on printers was the necessity of procuring a grant of privilege from the Crown to print.[165] Then came the desire for protection against competition.[166] Shortly thereafter the Crown realized that the technology had potential dangers and ought to be censored.[167] Thereafter came one hundred and fifty years of licensing with haphazard and chaotic enforcement. Licensing lapsed because it did not work well.[168] Broadcast licensing does not work well either. It is not worth the results it achieves. Furthermore, too much first amendment theory is distorted to justify it.

What is needed is a return to basics and the realization that the Constitution is an integral whole intended to apply to unforeseen circumstances and deserving an appropriately generous construction to accomplish its purposes. Interpretations of the commerce clause early displayed the appropriately flexible methodology. The commerce clause posed no barrier to regulation of the new technology of the telegraph,[169] and subsequently regulation of telephone and radio obviously and naturally fell within the scope of the commerce power.[170] Unfortunately, the Bill of Rights has not as successfully survived the increasing sophistication of technology. For years a conceptual barrier prevented the recognition of wiretapping as a search and seizure.[171] Similarly, jurists could not understand that radio was a part of the press. The wiretapping mistake has been corrected,[172] but radio still struggles under the effect of the misconception. It is time to correct that misconception. The initial effort to regulate erred because of either a hesitancy to view limitations on power as generously as grants of power[173] or the simple failure to understand that a constitutional issue was presented. The first amendment deserves better, and if no convincing explanation for the different treatment of broadcasting is forthcoming—and I doubt that one is—then the Court would do well to echo Justice Jackson's apt words: "I see no reason why I should be consciously wrong today because I was unconsciously wrong yesterday."[174]

This is, I suspect, too large a conclusion for a time when the judiciary is exceptionally concerned about press power. Even *Tornillo* in its complete vindication of the claim of the press radiates distrust for the press. Courts view the press as too powerful, too irresponsible, too self-confident. In the wake of great moments for the press, such as the Pentagon Papers, Watergate, and revelations of abuses of the intelligence agencies, has come a desire to discipline and limit that unfortunate messenger. It will be difficult to argue rights to a Court concerned with duties.[175]

FOOTNOTES

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[1] *See* F. FRIENDLY, THE GOOD GUYS, THE BAD GUYS AND THE FIRST AMENDMENT 34–77 (1976), *reviewed by* Denniston, Book Review, 54 TEXAS L. REV. 1344 (1976).

[2] *Id.* at 44.

[3] 47 C.F.R. §§ 73.123, .300, .598, .679 (1975).

[4] Fairness Doctrine, 1 F.C.C.2d 934, *aff'd on reconsideration*, 1 F.C.C.2d 1587 (1965) (letters to Red Lion), *aff'd sub nom.* Red Lion Broadcasting Co. v. FCC, 381 F.2d 908 (D.C. Cir. 1968), *aff'd*, 395 U.S. 367 (1969).

[5] Red Lion Broadcasting Co. v. FCC, 381 F. 2d 908 (D.C. Cir. 1968), *aff'd*, 395 U.S. 367 (1969).

[6] 395 U.S. 367 (1969).

[7] 376 U.S. 254 (1964).

[8] 395 U.S. at 390.

[9] *E.g.*, Mills v. Alabama, 384 U.S. 214 (1966); New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

[10] The premise itself is considerably older. *See, e.g.*, Grosjean v. American Press Co., 297 U.S. 233, 250 (1936):

> The predominant purpose of the grant of immunity here invoked was to preserve an untrammeled press as a vital source of public information. The newspapers, magazines and other journals of the country, it is safe to say, have shed and continue to shed, more light on the public and business affairs of the nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern.

[11] A. MEIKLEJOHN, FREE SPEECH AND ITS RELATION TO SELF GOVERNMENT (1948), *revised as* POLITICAL FREEDOM (1960).

[12] Meiklejohn, *The First Amendment is an Absolute*, 1961 SUP. CT. REV. 245, 257.

[13] We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for

the United States of America. U.S. CONST. preamble.

[14] "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. CONST. amend. X.

[15] "The House of Representatives shall be composed of Members chosen every second Year by the People of the Several States . . ." U.S. CONST. art. I, § 2, cl. 1.

[16] Meiklejohn, *supra* note 12, at 253.

[17] 315 U.S. 568 (1942).

[18] *Id.* at 569.

[19] *Id.* at 573.

[20] *Id.* at 572.

[21] *E.g.*, Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974).

[22] *Compare* Pittsburgh Press Co. v. Human Relations Comm'n, 413 U.S. 376 (1973), *with* Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748 (1976).

[23] The first amendment "has its fullest and most urgent application precisely to the conduct of campaigns for political office." Monitor Patriot Co. v. Roy, 401 U.S. 265, 272 (1971). *See also* Young v. American Mini Theatres, Inc., 96 S. Ct. 2440, 2447, 2452 (1976) (plurality opinion):

[T]here is surely a less vital interest in the uninhibited exhibition of material that is on the border line between pornography and artistic expression than in the free dissemination of ideas of social and political significance.

Moreover, even though we recognize that the First Amendment will not tolerate the total suppression of erotic materials that have some arguably artistic value, it is manifest that society's interest in protecting this type of expression is of a wholly different, and lesser, magnitude than the interest in untrammeled political debate that inspired Voltaire's immortal comment.

[24] 376 U.S. 254 (1964).

[25] *Id.* at 270.

[26] *Id.* at 279–80.

[27] Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974). *See also* Time, Inc. v. Firestone, 425 U.S. 448 (1976).

[28] 384 U.S. 214 (1966).

[29] 418 U.S. 241 (1974).

[30] 384 U.S. at 215–16.

[31] 418 U.S. at 244.

[32] 384 U.S. at 219–20; *id*, at 221–22 (concurring opinion).

[33] *Id.* at 256.

[34] United States v. Paramount Pictures, Inc., 334 U.S. 131, 166 (1948).

[35] *See* E. BARNOUW, A TOWER IN BABEL (1966).

[36] *Id.* at 64–74.

[37] E. BARNOUW, THE GOLDEN WEB 18–22 (1968).

[38] *Id.* at 22.

[39] Boyan, *The Ability to Communicate*, in THE MASS MEDIA AND MODERN DEMOCRACY 137, 140 (H. Clor ed. 1974). Boyan attributes the quotation to V. O. Key.

[40] Speech by Newton Minow, Annual Convention of the National Association of Broadcasters, reprinted in BROADCASTING, May 15, 1961, at 58–59.

[41] EDITOR & PUBLISHER, Mar. 20, 1976, at 36.

[42] *See* text accompanying notes 133–34 *infra*.

[43] For an excellent discussion of both the similarities and disparities of the news qua news aspects of both newspapers and television, see Weaver, *Newspaper News and Television News*, In TELEVISION AS A SOCIAL FORCE (D. Carter & R. Adler eds. 1975).

[44] 319 U.S 190 (1943).

[45] *Id.* at 218.

[46] *See, e.g., id.* at 198–209.

[47] *Id.* at 201–06.

[48] *Id.* at 209.

[49] Brief for Appellant at 36–37, NBC v. United States, 319 U.S. 190 (1943).

[50] 319 U.S. at 226.

[51] *Id.* at 227.

[52] Associated Press v. NLRB, 301 U.S. 103 1937).

[53] 29 U.S.C. §§ 141–187 (1970 & Supp. V 1975).

[54] Associated Press v. United States, 326 U S. 1 (1945).

[55] 47 C.F.R. §§ 73.123, .300. .598, .679 (1975).

[56] 395 U.S. at 369–71.

[57] *Id.* at 389.

[58] *Id.* at 390.

[59] *Id.*

[60] *See generally* Green v. FCC, 447 F.2d 323 (D.C. Cir. 1971); *In re* Wilderness Soc'y & Friends of the Earth, 30 F.C.C. 2d 643 (1971); Business Executives Move for Vietnam Peace, 25 F.C.C. 2d 242 (1970), *rev'd*, 450 F.2d 642 (D.C. Cir. 1971), *rev'd sub nom.* CBS v. Democratic Nat'l Comm., 412 U.S. 94 (1973).

[61] 412 U.S. 94 (1973).

[62] For a discussion of *CBS* v. *Democratic Nat'l Comm.* and access generally, see Lange, *The Role of the Access Doctrine in the Regulation of the Mass Media*, 52 N.C.L. Rev. 1 (1973).

[63] 412 U.S. at 129.

[64] *Id.* at 122 (quoting A. MEIKLEJOHN, POLITICAL FREEDOM 26 (1960)).

[65] *Id.* at 130–31.

[66] *Id.*

[67] *Id.* at 125.

[68] 406 U.S. 1000 (1972), *aff'g mem.* Capital Broadcasting Co. v. Mitchell, 333 F. Supp. 582 (D.C.C. 1971).

[69] Public Health Cigarette Smoking Act of 1969, 15 U.S.C. § 1335 (1970).

[70] Banzahaf v. FCC, 405 F.2d 1082 (D.C. Cir. 1968), *cert. denied*, 396 U.S. 482 (1969).

[71] Capital Broadcasting Co. v. Mitchell, 333 F. Supp. 582, 588 (D.D.C. 1971) (Wright, J., dissenting), *aff'd mem. sub nom.* Capital Broadcasting Co. v. Acting Attorney Gen., 450 U.S. 1000 (1972); *Hearing Before the Consumer Subcomm. of the Senate Comm. on Commerce*, 91st Cong., 1st Sess. 78 (1969).

[72] ADVERTISING AGE, Jan. 11, 1971, at 2, col. 4. *See also* Capital Broadcasting Co. v. Mitchell, 333 F. Supp. 582, 589 n. 17 (D.D.C. 1971) (Wright, J., dissenting), *aff'd mem. sub nom.* Capital Broadcasting Co. v. Acting Attorney Gen., 405 U.S. 1000 (1972); S. REP. No. 566, 91st Cong., 1st Sess. 9 (1969).

[73] 395 U.S. at 387–89.

[74] *Id.* at 393–94.

[75] *E.g.*, Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748 (1976); Bigelow 1. Virginia, 421 U.S. 809 (1975); Pittsburgh Press Co. v. Human Relations Comm'n, 413 U.S. 376 (1973). *Capital Broadcasting* was cited in both *Virginia State Bd. of Pharmacy* and *Bigelow*. In *Virginia St. Bd. of Pharmacy* the Court merely noted that "the special problems of the electronic broadcast media are likewise not in this case." 425 U.S. at 773. In *Bigelow* the Court wrote:

"Nor need we comment here on the First Amendment ramifications of legislative prohibitions of certain kinds of advertising in the electronic media, where the 'unique characteristics' of this form of communication 'make it especially subject to regulation in the public interest.'" 421 U.S. at 825 n.10. These exceptionally lame statements suggest that *Capital Broadcasting* may well be ripe for overruling.

[76] *In re* Licensee Responsibility, 28 F.C.C. 2d 409, *clarified*, 31 F.C.C. 2d 377 (1971), *aff'd sub nom.* Yale Broadcasting v. FCC, 478 F.2d 594 (D.C. Cir.), *cert. denied*, 414 U.S. 914 (1973).

[77] *See generally* M. SILVERMAN & P. LEE, PILLS, PROFITS, AND POLITICS 48–80 (1974).

[78] Citizen's Complaint Against Pacifica Station WBAI (FM), 56 F.C.C. 2d 94 (1975), *clarified*, 36 RAD REG. 2d (P&F) 1008 (FCC Mar. 19, 1976). The exact extent of the prohibition is unclear because of two factors. As always, the Commission has suggested that on-the-spot news coverage would be unaffected. *Id.* at 1009; Eastern Educ. Radio, 24 *F.C.C.* 2d 408 (1970). Also the Commission might take a different view of the worth if they were aired during late evening hours, a term studiously undefined. *See* Powe, *Cable and Obscenity*, 24 CATH. U.L. REV. 719, 735 (1975).

[79] Cohen vs. California, 403 U.S. 15, 26 (1971). On the inconsistency between *Cohen* and *WBAI*, see Powe, *supra* note 78, at 737–38, 745.

[80] *In re* Sonderling Broadcasting Corp., 41 F.C.C. 2d 777 (1973), *aff'd sub non*, Illinois Citizens Comm. for Broadcasting v. FCC, 515 F.2d 397 (D.C. Cir. 1975).

[81] Sondering Broadcasting Corp., 27 RAD. REG. 2d (P&F) 285, 297 (FCC 1973) (Johnson, Comm't dissenting).

[82] Illinois Citizens Comm. for Broadcasting v. FCC 515 F.2d 397, 409 (D.C. Cir. 1975) (statement of Bazelon, C.J., explaining his vote to grant rehearing en banc).

[83] *See* BROADCASTING, Feb. 10, 1975, at 31–34, 66; NEW YORKER, Oct. 20, 1975, at 33. On November 4, 1976, a district judge held the family viewing policy unconsitutional. Writer Guild of America, West, Inc. v. FCC, No. CV 75–3641-F(C.D. Cal. Nov. 4, 1976). Whether the decision will be appealed and even if left standing, whether it will affect any network practices remain to be seen. As the court's opinion noted:

It is regrettable that no fully satisfactory relief can be formulated in these circumstances. The government has foisted a policy on the networks. The networks have publicly committed themselves to that policy; and have put themselves in a public relations position where any departure from the policy would produce considerable controversy. One would like to think that the networks would evaluate the programing policy independent of corporate pressures such as these, but the record in this case reveals that such independence is unlikely . . . The court is painfully aware that it cannot erase all the effects of the FCC's illegal campaign.

Slip op at 16–364. The district court's most significant conclusion was that the networks adopted the rule under pressure from the Commission. This conclusion, although amply supported, was contrary to the testimony of the two people most directly involved with the family viewing policy, Commission Chairman Richard Wiley and the President of CBS Arthur Taylor. Thus, the case provides a rare opportunity to study regulation by "lifted eyebrow" in a context in which the major principals deny its existence.

[84] In discussing a meeting with Richard Kirschner, a CBS West Coast Vice-President for Program Practices (chief censor), one of the executive producers of the *Mary Tyler Moore Show* stated that CBS described its position as follows: "We don't want to offend or embarrass the most uptight parent you can imagine watching the show with his children." One of the executive producers of *Phyllis* described the same meeting as putting forward the CBS position that the network was not worried about children; rather the network wanted to keep uptight parents from writing letters. Affidavits of Allan Burns & Edwin Weinberger, Writers Guild of America v. FCC, 38 RAD. REG. 2d (P&F) 1409 (C.D. Cal. Nov. 4, 1976). On direct examination Kirschner confirmed the affidavits: "Q: And didn't you tell Mr. Weinberger in effect that the Family Viewing Hours standard was that you were trying to not offend the most uptight parent that could be imagined? A: I believe I used words of that nature. . . ." Transcript at 3250.

[85] Communications Act of 1934, 47 U.S.C. § 315(a) (1970 & Supp. V 1975):

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Pro-*

vided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot-coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

[86] Paulsen v. FCC, 491 F.2d 887, 889 (9th Cir. 1974); Use of Broadcast Facilities by Candidates for Public Office, 24 F.C.C. 2d 832 (1970).

[87] Until shown that it is ineffective, one might require that all candidates be allowed to purchase a reasonable amount of air time at the licensee's lowest rate of comparable use. *Cf.* Communications Act of 1934, 47 U.S.C. § 315(b) (Supp. V 1975) (broadcast media rates for candidates).

[88] The debates during 1960 were made possible by a Joint Resolution providing for a suspension of the operation of the equal time provision covering Presidential candidates. Act of Aug. 24, 1960, Pub. L. No. 86–677, 74 Stat. 557.

[89] Aspen Institute, 55 F.C.C. 2d 697 (1975), *aff'd sub nom.* Chisolm v. FCC, 36 RAD. REG. 2d (P&F) 1437 (D.C. Cir. Apr. 12, 1976), *petitions for cert. filed,* 45 U.S.L.W. 3164 (U.S. Aug. 31, 1976) (No. 76–205), and *sub nom.* Democratic Nat'l Comm. v. FCC, 45 U.S.L.W. 3115 (U.S. Aug. 10, 1976) (No. 76–101).

[90] Citizens for Reagan, 36 RAD. REG. 2d (P&F) 885 (FCC Mar. 8, 1976).

[91] Paulsen v. FCC, 491 F.2d 887 (9th Cir. 1974).

[92] *In re* Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act. 48 F.C.C. 2d 1, 7 (1974), *reconsidered,* 58 F.C.C. 2d 691 (1976) [hereinafter cited as Fairness Report].

[93] Public Communications, Inc., 50 F.C.C. 2d 395 (1974).

[94] *Hearings on S. 16, S. 272, S. 613, S. 646, S. 822, S. 844, S. 849, S. 851, S. 1311, S. 1589, S. 1870, S. 3637, & H.R. 12993 Before the Subcomm. on Communications of the Senate Comm. on Commerce,* 93d Cong., 2d Sess. 708 (1974) (testimony of Mr. Koaner).

[95] These are the only three issues that the Commission has stated must be covered. *See* Gary Soucie (Friends of the Earth), 24 F.C.C. 2d 743, 750–51 (1970).

[96] *See* Green v. FCC, 44 F.2d 323 (D.C. Cir. 1971).

[97] As originally drafted, the sentence read "never" instead of "only once." Prior to June 8, 1976, the only two examples of enforcement of the affirmative side of the fairness doctrine involved licensee admissions that the issue was controversial in the listening area and that they had either refused to cover it, John J. Dempsey, 6 RAD. REG. (P&F) 615 (FCC 1950), or would only cover it if both parties would appear on the same program, The Evening News Ass'n, 6 RAD. REG. (P&F) 283 (FCC 1950). Then, in a complaint filed by Representative Patsy Mink and the Environmental Policy Center against radio station WHAR in Clarksburg, West Virginia, the Commission for the first time enforced the affirmative side of the doctrine without a precise admission of noncompliance by the licensee. Mink v. Radio Station WHAR, 37 RAD. REG. 2d (P&F) 744 (FCC June 8, 1976).

The facts of *WHAR* were sufficiently stark for Commissioner Robinson to note that, if the affirmative side of the fairness doctrine did not "apply to this case, it would have to be concluded that it does not apply anywhere." *Id.* at 756. The controversy between the complainants and the station began in July 1974 when the complainants requested WHAR and numerous other stations to broadcast a prepared tape representing an antistrip-mining point of view. At that time Congress was vigorously debating proposed strip-mining legislation, and the newspapers in the Clarksburg area devoted extensive coverage to the issue. Indeed, during an eleven day period in July 1974 the Clarksburg newspaper ran nine front-page stories on the issue. The station itself in its 1972 renewal application had noted that the area's economy was mostly industrial, with surface and deep mining ranking as the second largest industry; it also admitted that strip-mining constituted "a matter of importance to many of the inhabitants of the Calrksburg area." *Id.* at 748. From the facts it fairly might be said that, during 1974, only Watergate could have outranked strip-mining as an issue of importance in the Clarksburg community. Strip-mining was being debated on the national level, and Congress was considering specific legislation; that legislation promised to have a major local impact since the Clarksburg area has the highest percentage of strip-mined land in West Virginia. Certainly the newspaper in the area thought the issue of major importance.

Nevertheless, WHAR had no real idea of the programming it had presented on the issue. No local programming had been presented, and thus, all programming came from national sources—either Associated Press or ABC. Unfortunately, even here WHAR had no idea of what it had aired. It stated that it "probably" would have carried 75% of the Associated Press stories on the issue, but did not know which items or their content. The station also suggested that seven ABC *Issues and Answers* programs "could possibly have involved strip-mining," *id.*, but the transcripts of the seven shows demonstrated that none had involved strip-mining. Thus, unable to show what it had done, WHAR was ordered to present programming on the strip-mining issue.

The case demonstrates that, at least in the most flagrant circumstances, the Commission may enforce the affirmative side of the fairness doctrine, although one may query how often both broadcasters and complainants will be willing to fight before the Commission for two years on a specific programming issue. The Commission drafted its opinion to suggest no new change of position and closely tied the holding to the specifics of the case. Thus, it seems unlikely that *WHAR* portends a major change in policy, although by simply enforcing the affirmative side of the fairness doctrine for the first time, the decision may well have some actual impact on a licensee's willingness to alter programming once listener or community pressure is applied.

[98] 473 F.2d 16 (D.C. Cir. 1972), *cert. denied* 412 U.S. 922 (1973).

[99] *See* Straus Communications, Inc. v. FCC, 530 F.2d 1001, 1008 (D.C. Cir. 1976); Fairness Report, *supra* note 92, at 9.

[100] 24 F.C.C.2d 42, 131 (1970) (decision of the Hearing Examiner).

[101] 473 F.2d at 28.

[102] The Hearing Examiner "found that programming on WXUR was balanced by the programming of other licensees in the Philadelphia market." Although Judge Tamm's opinion found that statement "clearly erroneous," *id.* at 28, it is apparent from its context that he used the phrase in a legal, rather than an evidentiary sense for he also states that area-wide programming "is not a valid consideration," citing Green v. FCC, 447 F.2d 323 (D.C. Cir. 1971), for the proposition that "a licensee charged with violation of the Fairness Doctrine may [not] seek absolution by reference to compliance with it by other licensees." 473 F.2d at 28 n.42.

[103] *See* NBC v. FCC (Pensions), 516 F.2d 1101 (D.C. Cir. 1974), *cert. denied,* 424 U.S. 910 (1976); F. Friendly, *supra* note 1, at 156 (1976) (statements at oral argument of *Pensions* by FCC General Counsel " 'It is not a question of making NBC go to any expense. . . . They have the vehicle in the *Today* show.' ").

[104] *E.g., Barrow,* The Equal Opportunities *and Fairness Doctrines in Broadcasting: Pillars in the Forum of Democracy,* 37 U. Cin. L. Rev. 447 (1968).

[105] *E.g.,* F. Friendly, *supra* note 1.

[106] Bazelon, *FCC Regulation of the Telecommunications Press,* 1975 Duke L.J. 213, 230. *See also* note 117 *infra.*

[107] The Commission's response is notably direct:

The point is not whether some burden is involved, but rather whether that burden is justified by the public interest objective embodied in the regulation. Broadcasters are licensed to act as trustees for a valuable resource and, in view of the public's paramount right to be informed, some administrative burdens must be imposed on the licensee in this area. These burdens simply "run with the territory." Fairness Report, *supra* note 92, at 1, 8.

[108] Freund, *The Great Disorder of Speech,* 44 Am. Scholar 541 (1975).

[109] *Id.* at 557.

[110] *Id.*

[111] Geller, *A Modest Proposal for Modest Reform of the Federal Communications Commission,* 63 Geo. L.J. 705, 707–710 (1975).

[112] *Id.*

[113] Today the broadcast industry may lobby against the Fairness Doctrine, but if it had an option between being saddled with it and of being forever rid of the threat of pay cable, or of extending the three-year license period, there would be no contest. One candid network executive has admitted as much: "If we have to choose between the [long-term] license-renewal bill or abolition of the Fairness Doctrine, we would choose the renewal bill and forgo our First Amendment rights." F. Friendly, *supra* note 1, at 216.

[114] 473 F.2d at 42. The Commission explains the premise:

While we recognize that citizens receive information on public issues from a variety of sources, other considerations require the rejection of this suggestion. First, in amending section 315(a) of the Communications Act in 1959, Congress gave statutory approval to the fairness doctrine, including the requirement that broadcasters themselves provide an opportunity for opposing viewpoints. *See* BEM [*CBS vs. Democratic Nat'l Comm.*], 412 U.S. at 110, note 8. Second, it would be an administrative nightmare for this Commission to attempt to review the overall coverage of an issue in all of the broadcast stations and publications in a given market. Third, and perhaps most importantly, we believe that the requirement that each station provide for contrasting views greatly increases the likelihood that individual members of the public will be exposed to varying points of view.

Fairness Report, *supra* note 92, at 11. Contrast the Commission's gutting of its own diversification criterion in another setting. RKO, Gen., 44 F.C.C. 2d 123, 133–34 (1973), *aff'd sub nom.* Fidelity Television, Inc. v. FCC, 515 F.2d 684, 701–02 (D.C. Cir. 1975).

[115] An explanation might be difficult. Compare, for example, the following two statements. Novak, *Television Shapes the Soul*, in Television as a Social Force 15 (D. Cater & R. Adler eds. 1975): "[A]s Norman Podhoretz has remarked, [television] has not seemed to prevent people from reading; more books are being published and mass marketed than ever before in American history. It is possible that television stimulates many to go beyond what television itself can offer." Robinson, *American Political Legitimacy in an Era of Electronic Journalism*, in Television as a Social Force, *supra*, at 108–09:

Commercial television news has actually reduced the amount of contact with the other informational media (i.e., the competing news media). Having established itself as a serious journalistic enterprise, television journalism has managed to supplant other news media in popularity. Those who once read the news with less than complete dedication have begun to accept network journalism as an ample dosage of political information. The networks have become the only, as well as the first, source of information for millions of Americans.

[116] *See, e.g.*, Abrams v. United States, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

[117] Littlejohn, *Communicating Ideas by Television*, in Television as a Social Force, *supra* note 115, at 65:

The systems of television in leading Western countries have developed into a mass medium so unparalleled in the extent of its audience as virtually to require a redefinition of the adjective *mass*. A best-selling new book in this country may reach from 100,000 to 500,000 households in a year, a record or a paperback one or two million. The biggest newspaper in America sells two million copies a day. A concert tour or top Broadway play may attract a million spectators. Six million may buy tickets to the most successful film of the year. *Playboy* reaches seven million, *Reader's Digest* (and *TV Guide!*) eighteen million homes with every issue. But an American commercial network television program in mid-evening may be regarded as a failure—as a failure—if it is not watched simultaneously by at least twenty million households every week.

This power to reach and to influence may seem gloriously desirable, rich beyond the dreams of the most ambitious philosopher king.

[118] 1976 Broadcasting Yearbook A–2.

[119] 1975 Editor & Publisher International Yearbook 5.

[120] 1976 BROADCASTING YEARBOOK A–2.

[121] Bishop, *The Rush to Chain Ownership*, 11 COLUM. J. REV., Nov./Dec. 1972, at 10.

[122] NBC v. United States, 319 U.S. 190, 226 (1943):

Freedom of utterance is denied to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio is inherently not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to government regulation.

[123] *See* B. OWEN, ECONOMICS AND FREEDOM OF EXPRESSION 34–37 (1975).

[124] "[T]here are substantially more individuals who want to broadcast than there are frequencies to allocate. . . ." Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 388 (1967).

[125] Nevertheless, the expense for attorneys' fees makes acquiring a license a nonetheless substantial cost.

[126] The example is taken from B. OWEN, *supra* note 123, at 90.

[127] See the nice hyperbole of print journalist Lyle Denniston: "Courts may now find it quite easy to justify a *full* measure of first amendment protection for the print media because, really, nobody cares." Denniston, Book Review, 54 TEXAS L. REV. 1344, 1345 (1976).

[128] M. MCLUHAN, UNDERSTANDING MEDIA: THE EXTENSIONS OF MAN (1964). *See also* T. SCHWARTZ, THE RESPONSIVE CHORD (1973).

[129] *See* Address by Spiro T. Agnew, Meeting of the Mid-West Regional Republican Comm., Des Moines, Iowa (Nov. 13, 1969), *printed in* N.Y. Times, Nov. 14, 1969, at 24, col. 1.

[130] *See* Comment, *Power in the Marketplace of Ideas*, 52 TEXAS L. REV. 727, 753 (1974).

[131] 1976 BROADCASTING YEARBOOK A–2.

[132] 1973 BROADCASTING YEARBOOK 71.

[133] ROPER ORGANIZATION, TRENDS IN PUBLIC ATTITUDES TOWARD TELEVISION AND OTHER MASS MEDIA 1959–74, at 3 (1975).

[134] *Id.* at 4.

[135] One problem is that, although experimental research often demonstrates the effectiveness of communications, survey research does not. *See* Hovland, *Reconciling Conflicting Results Derived from Experimental and Survey Studies of Attitude Change*, in THE PROCESS AND EFFECTS OF MASS COMMUNICATION 495 (W. Schramm & D. Roberts rev. ed. 1971).

[136] J. KLAPPER, THE EFFECTS OF MASS COMMUNICATION 2 (1960).

[137] *See generally* V. KEY, PUBLIC OPINION AND AMERICAN DEMOCRACY 345 (1961).

[138] Schramm, *The Nature of Communications Between Humans*, in THE PROCESS AND EFFECTS OF MASS COMMUNICATION, *supra* note 135, at 8–9.

[139] L. FESTINGER, A THEORY OF COGNITIVE DISSONANCE (1975).

[140] *Id.*; Berelson, *Communication and Public Opinion*, in MASS COMMUNICATIONS (W. Schramm 2d ed. 1960); Lazarsfeld & Merton, *Mass Communications, Popular Taste and Organized Social Action*, in MASS COMMUNICATIONS, *supra*; Pool, *The Effect of Communication on Voting Behavior*, in THE SCIENCE OF HUMAN COMMUNICATION (W. Schramm ed. 1963). *See generally* J. KLAPPER, *supra* note 136. *But see* J. ELLUL, PROPAGANDA (1965).

The power to strengthen existing beliefs is, of course, not trivial since reinforcement of beliefs is important. Nevertheless, newspapers appear equally to accomplish this reinforcing function.

[141] M. JENNINGS & R. NIEMI, THE POLITICAL CHARACTER OF ADOLESCENCE (1974) (questioning effectiveness of family and schools as indoctrinators).

[142] Searing, Schwartz & Lind, *The Structuring Principle: Political Socialization and Belief Systems*, 67 AM. POL. SCI. REV. 415 (1973) (not clear that childhood attitudes structure adult behavior and attitudes).

[143] Tinker v. Des Moines School Dist., 393 U.S. 503, 508 (1969).

[144] *E.g.*, Dennis v. United States, 341 U.S. 494 (1951); Gitlow v. New York, 268 U.S. 652 (1925); Debs v. United States, 249 U.S. 211 (1919). *See also* Brandenburg v. Ohio, 395 U.S. 444, 454 (1969) (Douglas, J. concurring): "[T]hreats were often loud but always puny and made serious only by judges so wedded to the *status quo* that critical analysis made them nervous."

[145] Powe, *supra* note 78, at 741.

[146] Hagelin, *The First Amendment Stake in New Technology*, 44 U. CIN. L. REV. 427 (1975).

[147] Admittedly, this would require an entirely different outlook on the part of the Supreme Court. In its first case dealing with Commission efforts to regulate and thereby restrain cable, the Court concluded that "we may not, in the absence of compelling evidence that such was Congress' intention . . . prohibit administrative action imperative for the achievement of an agency's ultimate purposes." United States v. Southwestern Cable Co., 392 U.S. 157, 177 (1968) (citations omitted). *Southwestern Cable* dealt with interim orders of the Commission based on potentially harmful economic effects on both UHF and educational stations that the Commission believed would occur because of the importation of distant signals into local markets. The Commission thus issued interim orders to ban the importation. A lower court enjoined enforcement of the Commission orders. Southwestern Cable Co. v. United States, 378 F.2d 118 (9th Cir. 1967), *rev'd*, 392 U.S. 157 (1968). The Supreme Court decision reversed the injunction. As Professor Hagelin notes:

After the lower court injunction had been issued against enforcement of the Commission's ban, it had assigned a senior examiner to hold a hearing on the issue of Southwestern's threat to local broadcast service. This was the only extensive economic analysis authorized by the Commission during this period. After conducting a broad inquiry, the examiner concluded: "There is no evidence that CATV-produced competition, to date, has had any effect whatsoever on the service offered to the public by the San Diego television stations, or the ability of those stations to continue to offer that service. . . ." Based on the economic data presented, the examiner was unable to reach any conclusion on cable's impact upon independent UHF stations operating in the San Diego market. The hearing examiner's initial decision, which had gone unchallenged for nine months, was overturned by the Commission one week after *Southwestern Cable* without any supporting economic data. Hagelin, *supra* note 146, at 503–04 (footnotes omitted).

As the *Southwestern Cable* controversy demonstrates, the Commission's efforts to regulate cable were initially premised on protecting UHF stations from audience fragmentation. The rules finally adopted by the Commission, Cable Television Reports and Order, 36 F.C.C. 2d 143, *reconsidered*, 36 F.C.C. 2d 326 (1972), however, are an interesting "patchwork of protectionism." *Id.* at 311 (Johnson, Comm'r, concurring in part & dissenting in part). The rules apparently have little effect either helpful or harmful to UHF stations, but because of their severe limitations against the importation of distant signals as well as other limitations hindering the presentation of feature films and sports programs, Subscription Programming, 33 RAD. REG. 2d (P&F) 367 (1975), they have given inordinant protection to major city VHF stations. Cable, having little—or nothing—additional to offer, cannot compete and cannot grow. It is impossible to know whether actions such as these are more cynical than ironic, but regardless of characterization, they ought to counsel a much more thorough consideration of first amendment interests that the regulations to counsel a much more thorough consideration of first amendment interests that the regulations jeopardize. *Cf.* Barrow, *The New CATV Rules: Proceed on Delayed Yellow*, 25 VAND. L. REV. 681, 709–10 (1972) (first amendment scrutiny of FCC limitations on cable). *See also* D. LE DUC, CABLE TELEVISION AND THE FCC 183 (1973):

Although technology had expanded the capacity of cable communication by 400 percent during the 1960s, government controls discouraged the development of additional channels and compelled major-market systems to function as master antennas long after they had attained the potential to provide a broad range of message services. CATV managed to survive FCC control, but only at the price of continued adolescence during a time when the existing three-channel system of television distribution seemed unable to convey the diversity of the 1960s to American audiences. Perhaps a broader range of channels for discussing or debating the issues dividing the nation would not have lessened the anger of the era or prevented some from gaining the access they coveted with torches or guns, but in a time when the need for information appeared so great, any artificial restraint upon its dissemination, no matter how sincerely motivated, seems to have been particularly unfortunate. Since there is no

reason to believe that need has abated or that the flow has increased, the price for administrative lag in the field of communications still appears to be excessively high.

[148] Although he does not subscribe to the power theory, Judge Bazelon has written that "[o]ne might profitably compare the impact of television on human perception, learning and communication with the discovery of atomic power and with recent developments in our understanding of human genetic structure, control of the brain and human biology in general." Bazelon, *supra* note 106, at 221. For one self-styled McLuhanite's interpretation that postulates at least one substantial understanding of what television is doing to society, see Robinson, *supra* note 115, at 97 (the more dependent a viewer becomes on television as principal source of news, the more likely he is to feel that he cannot understand or affect the political process).

[149] At least one scholar has demanded the elimination of television. Anastaplo, *Self-Government and the Mass Media*, in THE MASS MEDIA AND MODERN DEMOCRACY, *supra* note 39, at 195–228.

[150] Coase, *The Federal Communications Commission*, 2 J. LAW & ECON. 1 (1959).

[151] FEDERAL RADIO COMMISSION, SECOND ANNUAL REPORT 161 (1928).

[152] *See* Mutual Film Corp. v. Industrial Comm'n, 236 U.S. 230 (1915) (diversity case interpreting state constitution).

[153] *Compare* Kaplan v. California, 413 U.S. 115 (1973), *with* Jenkins v. Georgia, 418 U.S. 153 (1974). *See generally* Powe, *supra* note 78, at 722–30.

[154] Miller v. California, 413 U.S. 15 (1973).

[155] Public Utilities Comm'n v. Pollak, 343 U.S. 451, 463 (1952).

[156] *See* F. FRIENDLY, DUE TO CIRCUMSTANCES BEYOND OUR CONTROL. . . . 213 (1967).

[157] 333 U.S. 507, 510 (1948).

[158] For a more extensive treatment of the captive audience theory as applied to broadcasting, see Powe, *supra* note 78, at 742–46.

[159] 405 F.2d 1082 (D.C. Cir. 1968), *cert denied*, 396 U.S. 842 (1969).

[160] *Id.* at 1100–01.

[161] *See e.g.*, Friends of the Earth v. FCC, 449 F.2d 1164 (D.C. Cir. 1971); Green v. FCC, 447 F.2d 323 (D.C. Cir. 1971); Retail Store Employees Local 880 v. FCC, 436 F.2d 248 (D.C. Cir. 1970).

[162] 412 U.S. at 127.

[163] *Id.* at 194–95 n. 35 (dissenting opinion).

[164] *See generally* F. SIEBERT, FREEDOM OF THE PRESS IN ENGLAND 1476–1776 (1952).

[165] *Id.* at 41–56.

[166] *Id.* at 64–82.

[167] *Id.* at 25.

[168] *Id.* at 364.

[169] Pensacola Tel. Co. v. Western Union Tel. Co., 96 U.S. (1877).

[170] Indeed, the commerce clause point was never litigated in the early radio cases. In Federal Radio Comm'n v. Nelson Bros. Bond & Mortgage, 289 U.S. 266, 279 (1933), the Court simply stated that congressional power was unquestionable.

[171] Olmstead v. United States, 277 U.S. 438 (1928).

[172] Katz v. United States, 389 U.S. 347 (1967).

[173] C. BLACK, THE PEOPLE AND THE COURT 96–100 (1960).

[174] Massachusetts v. United States, 333 U.S. 611, 639–40 (1948) (dissenting opinion).

[175] *Cf.* Office of Communication of United Church of Christ v. FCC, 359 F.2d 994, 1003 (D.C. Cir. 1966) (Burger, J.):

> A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot. After nearly five decades of operation the broadcast industry does not seem to have grasped the simple fact that a broadcast license is a public trust subject to termination for breach of duty.

MRS. AUGUSTA M. HEIM

Mr. ANDERSON. Mr. President, on Friday, June 24, 1977, Mrs. Augusta Heim of Courtland, Minn., will celebrate her 105th birthday. Mrs. Heim is still living on her farm on which she was born in 1872. Her son, Walter, age 79, is still actively farming it. Mrs. Heim has only in the past few years given up keeping house for herself and Walter. Mr. President, Mrs. Heim is a true pioneer of the North Star State and I know my colleagues join Senator HUMPHREY and me in extending our best wishes to Mrs. Heim on her 105th birthday.

SHOULD POST OFFICES STAY OPEN?

Mr. MELCHER. Mr. President, S. 1692 introduced by Senators McGOVERN, BURDICK, ABOUREZK, and me, provides for postal reform, including extending the moratorium on closing small post offices until December 31, 1979.

An editorial in Grit, a national weekly rural newspaper, speaks eloquently to this issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOULD POST OFFICES STAY OPEN?

Proposals to resume closings of rural post offices ought to be given thorough study before they are acted upon. Any community that would be affected should be consulted every step of the way.

The United States Postal Service makes a strong case, in economic terms, for closing thousands of tiny postal buildings. It says the volume of mail is so small in some rural post offices that the cost of maintaining them—including postmasters' salaries and miscellaneous expenses—far exceeds income. USPS can cite instances of post offices doing as little as $150 worth of transactions a year.

To save money, the postal service would replace the post offices with rural-delivery routes or a setup resembling a substation. In either case, USPS maintains, service would be equal to, or better than, what it was before.

All of this may be true, but has the postal service considered the value of rural post offices as "human institutions"—that is, community centers which have become part of Americana?

In a rural post office, people still do business with people instead of machines. They get friendly, personal service, and they take pride in having "our own post office."

The quaint little mail outposts which fly the American flag every day, usually blend in nicely with the general store or the barbershop with the striped pole. They just might have a value that cannot be measured in dollars and cents.

Maybe the folks down in Washington ought to mosey on out to the countryside to take a look for themselves. Perhaps they would see things different, at least in some instances.

EFT AND THE CONSUMER: THE NEED FOR CONGRESSIONAL ACTION

Mr. RIEGLE. Mr. President, over the last few years the banking industry has undergone a revolution in its operations brought about by the computer. One of the most recent developments in this process is the advent of electronic fund transfer systems, known simply as EFT.

EFT is the application of computer technology to systems which can be used to make payments for goods and services. It is here today and will grow far more complex, offering even more sophisticated services in the near future. The EFT systems of today are automated teller machines, pre-authorized payments from checking accounts, direct deposits of social security and pay checks through automated clearing houses, and pay-by-phone systems. In some areas, computer terminals in stores now verify account balances, but before long will be used to verify and guarantee checks. It is expected that in the near future the same point-of-sale terminals will instantaneously transfer money from a consumer's account to a merchant's, the plastic "debit card" making paper checks all but obsolete.

While one must marvel at the capabilities of computers, there are many consumers, and I am one of them, who view the full-speed-ahead growth of EFT with serious reservations. For one thing, there is the question of whether EFT has developed in response to the legitimate needs of consumers, or to the inefficiencies of current paper-based payment systems, or to the motives of a few large banks who see a chance to enlarge their profits. In other words, do consumers really want or need EFT systems? But the most distressing aspect of EFT's growth is the alarming fact that because of EFT's unique character, existing consumer laws with their important protections do not apply. In terms of consumer protection, EFT is growing outside the law.

For example, while most consumers know that in the event of the loss or theft of a credit card their liability is limited, they are unaware that this protection does not apply to the debit cards used to operate 24-hour automated teller machines. One woman recently lost $3,800 of her life savings through the theft of her card. When she learned that the Federal law relating to credit cards did not apply, she was crushed and in disbelief; the bank had not warned her of this and she quite naturally assumed that laws existed to provide such necessary protection.

EFT's extra-legal status has been a prime concern of the National Commission on EFT. In fact, the centerpiece of its interim report is the recommendation that Congress enact a "Model EFT Consumer Code" at once. The rationale for this recommendation is the Commission's recognition that the ultimate success of EFT depends on consumer understanding and confidence. In drafting this model code, the Commission continues, the Congress should consider the interests of consumers to be "primary," a recommendation the Commission refers to as "the most critical factor" of all its findings.

If the mail I receive is any barometer, consumer apprehension over the coming "checkless society" is growing rapidly. Consumers fear a loss of control over their finances, the nightmare of horrendous computer errors, and the great

potential for massive invasions of privacy through computer fraud. Organized consumer groups have recognized the urgency of this situation and have urged the Congress to take action.

Mr. President, it is my intention to act on the EFT Commission's recommendation in the very near future and introduce an "EFT Consumer Code." This legislation will for the most part track the recommendations of the Commission and establish a reasonable and workable framework defining the rights, liabilities, and responsibilities of consumers and EFT providers in EFT transactions. I believe the time for action is now, and that such legislation is in everyone's best interest, consumers, retailers, regulators, and bankers alike. As chairman of the Consumer Affairs Subcommittee, it is my intention to give this legislation a top priority and conduct extensive hearings in the early fall.

OSHA

Mr. EAGLETON. Mr. President, I am heartened by a Wall Street Journal report that the Occupational Safety and Health Administration—OSHA—is acting to assist small business employers in providing hazard-free workplaces. The recent article highlights an OSHA proposal to encourage the States to provide onsite consultation for employers requesting advice on how to eliminate workplace hazards. At present, 36 States or jurisdictions provide consultation; an increase in the Federal funding level for consultation from 50 to 90 percent, as proposed, should encourage more States to assist employers. Since the period for public comment on this proposal has ended, OSHA will soon be issuing a final rule. I believe this is a needed improvement, since many small business employers require assistance in understanding and complying with OSHA's regulations.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR AGENCY PROPOSES TO GIVE GUIDANCE ON OSHA RULES TO MORE SMALL CONCERNS

WASHINGTON.—Seeking to mend its political fences with Congress, the Labor Department is proposing to give more small businesses guidance on how to comply with federal job-safety and health rules.

Under new proposed regulations, the department said it would pay 90 percent of a state's cost to send consultants to visit a workplace and identify unsafe conditions, up from the present 50 percent contribution.

The proposal, if adopted, is expected to encourage a number of states without consultation programs to adopt them. Sixteen states don't provide such help, and the cost is a major factor for many of them. In states that do offer such consultation, the extra money is likely to encourage them to promote this help more vigorously.

HOPES TO EASE CRITICISM

The Labor Department hopes the new program also will ease some criticism of its Occupational Safety and Health Administration. Business groups and Congress have pressured OSHA to provide small businesses with more guidance on how to meet safety and health rules.

In a letter sent Friday to all members of Congress, Eula Bingham, the Carter administrations new Assistant Secretary for Occupational Safety and Health, said the proposal was issued "in response to the wishes of Congress and because of our desire to assist employers, particularly small businesses, in their efforts to provide safe and healthful workplaces."

Despite congressional enthusiasm for onsite consultation programs, demand in the past from small businesses has been meager. In the past 18 months, in a dozen states with federal contracts to provide consulting visits, about 15,000 small businesses have sought such assistance. In the past three years, about 50,000 concerns have sought the visits in the 22 states that operate their own job-safety plans. There are more than three million small-business concerns in the U.S.

CONSULTATION CONTRACTS

Although $9 million has been appropriated for the Labor Department to pay for consultation contracts with states in the fiscal year ending next Sept. 30, only about $6 million has been spent because states haven't sought the additional funds.

The department's new proposal would permit states to hire one consultant for every four safety and health inspectors. Consultants would visit a workplace only when requested by the employer.

Although the consultants can't issue complaints if an employer is violating safety and health laws, the regulations require the consultant to request "immediate elimination" of any hazard threatening "imminent danger."

If a violation is considered serious, the consultant will give the employer " a reasonable time" to correct the problem. If corrective steps aren't taken, the consultant is supposed to notify OSHA. Nonserious violations aren't reported to the Labor Department.

WERNHER VON BRAUN

Mr. STEVENSON. Mr. President, last Thursday, Dr. Wernher von Braun passed away. To honor this great man there will be a memorial service at the Washington National Cathedral on Wednesday, June 22, at 3:30 p.m.

WEST VIRGINIA'S 114TH ANNIVERSARY SPOTLIGHTS EMERGING ROLE AS ENERGY PROVIDER FOR NATION

Mr. RANDOLPH. Mr. President, 114 years ago, President Abraham Lincoln signed the proclamation which created the 35th State of the Union. On this anniversary, we invite Senators to recall with us this significant birthdate of West Virginia.

Much that has been written about the Mountain State in recent years has served to obscure the richness and diversity of its human and natural resources. We read of disasters and economic upheavals. Today, however, West Virginia stands on the threshold of new challenge; within its rugged mountains run the rich veins of coal which can provide new energy sources over the critical years ahead.

Minerally speaking, West Virginia is the fourth richest State in the country. Its deep reserves of coal and oil and natural gas, its timber and limestone and fine silica sands, undergird our great Eastern industrial complex. Over the past quarter century, the complete mechanization of our mining industry has strengthened West Virginia's role as a major producer of bituminous coal.

This wealth of resources in the Mountain State has attracted an increasing number of major industrial companies, from both at home and abroad. Concurrently, West Virginia is experiencing a significant in-migration of citizens, not only of workers who serve the industries, but retirees and others who seek the serenity and beauty of our forests and streams.

West Virginia's richest resource is its people. We have a good heritage. Our forebears crossed the Appalachians to pioneer the Western exploration. They were joined in later years by the European immigrants who built our railroads, dug our mines, and manned our steel mills and glass plants.

Today West Virginia is alive and well, with growing job opportunities opening along a network of interstate and Appalachian developmental highways which provide new accessibility to its natural resources. Its lofty mountains and sparkling streams have long attracted knowing tourists. Today, these and other attractions have produced increasing numbers of visitors to our magnificent national and State parks and forests and to superb ski slopes and excellent fishing and huntnig areas.

West Virginia is in the forefront in environmental concerns, with model laws and administrative efforts to monitor such controversial subjects as surface mining and stream pollution and timber management.

In their continuing commitment to strengthening the economic and social resources of our State, West Virginians are following a heritage that compounds into a bright page in history. When, after Fort Sumter, the Southern States seceded one by one from the Union, and formed a separate nation, the people of what was then western Virginia chose not to go along. Some historians have pointed out that their action of breaking away from the rest of Virginia was illegal. But those western Virginians felt constrained not to compound a greater wrong. They formed a new State, because they felt that America was a nation worth saving. And they contributed heavily to that salvation in both manpower and resources.

Mr. President, my colleagues and many other Americans do recognize that this 114th birthday of the State of West Virginia is, in a sense, a time of challenge as well as a time for looking back. We are working together to build a better West Virginia as part of a better nation and a better world.

PRESIDENT CARTER AS AN AUTHOR AND READER

Mr. HATFIELD. Mr. President, articles appear from time to time that forecast doom for publishing, and for reading in general. The source for this pessimism usually is some new report on the growth of television and its impact on our lives.

As a sometime author and avid reader myself, I read with interest the interview with President Carter in yesterday's New York Times Book Review. The interview, conducted by Editor Harvey Shapiro, offers a fascinating picture of our President. It is a picture I find reassuring, for it indicates he is still inquiring, still learning outside normal "Presidential" channels, and still challenging his own ideas.

This interesting interview should indicate to people that, for some of us, there is no substitute for "book learning." This in no way demeans the value of other forms of communication, but reenforces the importance of reading.

Mr. President, I ask unanimous consent that this interview with President Carter in the June 19, 1977, Book Review of the Sunday New York Times be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

A CONVERSATION WITH JIMMY CARTER

(By Harvey Shapiro)

"Hands have no tears to flow," said the President. We were alone in the Oval Office, and Jimmy Carter was reciting Dylan Thomas, unsmiling, his eyes turned inward as I hadn't seen them on the television screen. The text was deep inside his head. I thought from his relaxed sprawl in the easy chair beside me, his gray cardigan unbuttoned, that he enjoyed the tune the words made in the room, sounding off the full-length portrait of George Washington before us. Behind us was the familiar set: the bank of windows looking out on the Rose Garden, the large Presidential desk with Harry Truman's old sign on it, "The BUCK STOPS here." It was 9:15 A.M., Wednesday, May 25.

Q. When I told my 12-year-old son that I was going to see you this morning he said I'd probably be depressed because we're about the same age and you look a lot younger.

A. I'm getting older every day, very rapidly. (Laughter.)

Q. I want to talk to you about your new book of speeches, which Simon and Schuster just published, but before I do I'd like to say that I think we have a poet in common—Dylan Thomas.

A. O.K. Great. I spend, still spend, a good bit of time reading those of his poems that are my favorites.

Q. How did you come across his work?

A. I would guess back in 1954, 1955. I was running a fertilizer business, and I didn't have any employees, and I didn't have many customers, so I had a workshop in the back, and I would sit on the fertilizer sacks and read. One day I was reading an anthology of modern poets, and I never had heard of Dylan Thomas. One of the poems was "A Refusal to Mourn the Death of Fire of a Child in London." I didn't understand the poem when I read it, but the last line said, "After the first death there is no other." And I thought about it for a while and I went back and read the poem again. I couldn't understand it still, so then I went back up to my little desk in the front and I diagramed all the sentences and I finally understood what Dylan Thomas was saying. After that night my three sons and I would take a poem by Dylan Thomas and try to study and learn it and argue about it. And later, in 1974, we had a special session in the Legislature in Georgia. About 10 or 12 members of the Senate and I listened to the recordings of Dylan Thomas reciting his own poetry. And we did this three or four afternoons after the special sessions writing the Constitution. I just always like the way he expressed himself, the words that he used. I think he was a great poet, and I hope that some day Westminster Abby will honor him. (Laughter.)

Q. I wondered how that campaign was going.

A. Probably we can't take any more action on it, but I think at least they're thinking about it.

Q. You never met him?

A. There was a Senator in the Georgia Legislature who knew him, a guy named John Gaynor, who lived in Greenwich Village for about six or eight months. He was a very wealthy young man and he just went up there on a kind of spree, and he could quote almost all of Dylan Thomas's poems. One of the others that I used to quote in some of my speeches was "The Force That Through the Green Fuse Drives the Flower."

Q. I met him when I was teaching at Cornell; I guess it was about 1949, when he just came over. It was his first trip. You know his second trip was the famous trip in which he got drunk and made a scandal of himself. And he was a frightened man when I saw him. He had lost touch with his own work.

A. Oh, I know. He was very productive in his young years, and then he did lose track of it.

Well, Caitlin [his wife] is still alive. In fact, I saw an interview in one of the British newspapers after I talked with the Bishop of Westminster saying that someday she hoped they would recognize him.

Q. Those lines of his that precede your autobiography, "Great is the hand that holds dominion over/Man by a scribbled name." What do they mean to you?

A. It's hard to relate Dylan Thomas's poems to practical government. And I particularly wanted a quote from Dylan Thomas in the preface of the book. To me it means that quite often the strength of a powerful person in his thrust on a city or a nation or a world can be insensitive. And the line that I think summarizes my concept of the poem is "Hands have no tears to flow." Sometimes the separation between power and people is unrecognized by the strong leaders. And the insensitivity that's inherent in power, that ought to be a warning to us. But it's hard to say what Dylan meant.

Q. Is there any American poet who comes that close to you?

A. Well, I like a lot of them. But James Dickey is my favorite. I like him personally, and I like his poems. He's also a good friend. I thought his recitation at the gala preceding the inauguration was superb. I thought it was the most moving thing of the whole program. We had superb artists there.

Q. You begin your autobiography "Why Not the Best?" with three quotations. The first is Reinhold Niebuhr's "The sad duty of politics is to establish justice in a sinful world." And then a Bob Dylan stanza, and then the Dylan Thomas lines that we've been talking about. Do those three quotations describe a mental landscape for you? Three compass points, signposts?

A. I don't know. I think in some ways you can tell the interrelationship between Dylan Thomas's poems that I cherish and the Reinhold Niebuhr quote. I've studied Niebuhr for a long time. I always wanted to meet him. I have had some correspondence with his wife. And June Bingham, who wrote a superb analysis of Niebuhr's teachings, I've gotten to know as well. I was broken up three or four years ago when I read that he had died, because he was one of the people in the United States that someday I wanted to meet.

Q. To most writers, writing is an act of self-discovery. Did you learn something about yourself writing your autobiography?

A. Well, yes. I think that it's hard to describe exactly what I found. I think the main discovery was how deeply tied my consciousness still is to my early days, to our presence in the community and on the farm, and the thoughts that I evolved as a child, how they carried over into my subsequent careers as an engineer and naval officer, businessman and politician. The new book is one that I haven't read all the way through. I very seldom wrote a speech. I just would deliver it without a text, in my own words, sometimes fumbling, and after I got to be Governor, the State Patrol Agent who traveled with me would take a portable recorder and just record the speech and take it back and give it to a secretary to transcribe. And I think that that speech-book probably also, similar to what my autobiography did, let me kind of see how, early in my political career, the basic themes that I still espouse were evolved. The book does portray, much better than the news reports of the campaign and even the news reports during my term as Governor, what I am and what I stand for and the basic commitments that I have as a political leader.

The Law Day speech was again an extemporaneous speech. In fact, I didn't even know anybody ever recorded it. Hunter Thompson found a tape of it. But I think that those concerns that I've expressed, sometimes even in an anguished way, sometimes in a faltering way, have become more and more significant in my life and in my consciousness, and I don't think anybody can find a book, even including the autobiography, that better describes what I believe.

It's a strange thing that you can go through your campaign for President, and you have a basic theme that you express in a 15- or 20-minute standard speech that you give over and over and over, and the traveling press—sometimes exceeding 100 people—will never report that speech to the public. The peripheral aspects become the headlines, but the basic essence of what you are and what you stand for and what you hope to accomplish is never reported.

Q. I suppose that's because they've reported it the first several times you said it.

A. No, that's not true. They never reported it.

Q. I thought I read the outstanding quotes from the speeches in the press.

A. I doubt that you did in the standard speech.

Q. You say a lot of the speeches were extemporaneous, and some you carefully prepared. I know Pat Anderson worked for you during the Presidential campaign on some of the speeches. And Jim Fallows is working with you now.

A. Yes.

Q. You seem to go about most things methodically. Did you have a model for your speeches, any great speakers or speeches of the past?

A. I've got collections of speeches. For instance, I've got a book that has all the inaugural speeches since the nation was founded on one side of the page, and the other side of the page gives the historical circumstances at the time the speech was given. And then I've got collections of speeches by Adlai Stevenson, John Kennedy, which I've read very carefully. But I don't have any particular person that I try to emulate.

Q. How do you go about preparing speeches now? For example, your recent foreign policy address at Notre Dame?

A. I list the points that I want to make, just like an engineer. In a non-sequential way. I just turn 30 or 35 different items in my mind and then try to drive them into four or five themes. I go down the list and put A,B,C,D, and E by each one of those 35 or so points. I rearrange those and then write individual paragraphs in the structure.

Q. Your staff is in on this?

A. Yes, they are. I have an excellent staff. Now for instance, in the foreign policy speech,

I get not only my own ideas but ideas from Dr. Brzezinski and others who have an interest. Of course in this office a lot of those points that are made in a speech like the Notre Dame speech had been evolved over long hours of debate and discussion and honing down points. Because when I, for instance, meet with somebody like Crown Prince Fahd today, my concepts of what ought to be done in the Middle East are pretty well evolved.

I'll make very few speeches. I've made one on domestic affairs to the U.A.W. and one on foreign affairs at Notre Dame. I don't have any major speeches scheduled.

Q. On the actual writing of the speech, though, does Jim Fallows play a role?

A. Yes. Jim kind of collects the ideas from everybody, including myself, and puts together the framework of the speech and gives it back to me. I go through it and cross out the things I don't like and delineate things I want to add and send it back to Fallows. He checks back with other people and then during the foreign affairs speech I'd left the office and went up to the Truman Balcony and got a table and spent several hours just rewriting the whole speech and cutting it down and then sent it off to be typed. When I got on the plane to go to Notre Dame I had the speech text, and I figured the speech was about 10 or 15 percent too long, so I edited out 10 or 15 percent of the text.

Q. I suppose your main theme in the speeches, as reflected in the title of your book "A Government as Good as Its People," is the goodness and compassion and honesty of the average American. Arthur Schlesinger Jr., who is reviewing it for the Book Review [published June 5], points out that that theme runs somewhat counter to the, let's say, to the Niebuhr quote that you just talked about: "The sad duty of politics is to establish justice in a sinful world." And it also runs counter to the testimony of some of the best Southern writers since World War II beginning with Allen Tate, Ransom, Warren, Faulkner and continuing with Flannery O'Connor, Carson McCullers and Walker Percy. Do you see that as a conflict?

A. No I don't.

Q. That is your main theme?

A. It is. When you compare what Thomas Jefferson evolved, for instance, in the United States—our Constitution—the Government was an inspiration. The evocation of what our Government ought to be, I think, was an inspiration not only to our own people but ultimately to the whole world. This democratic country, with its equality of opportunity and so forth. That stays there, and I think the people still have a hunger for a concept of their own Government that they can admire and cherish and which inspires them. In recent years—with Vietnam, Cambodia, Watergate, the C.I.A.—there's been a derogation of that concept and that vision of what government stands for. And during my own campaign, when this theme was current, I saw a need, and still see a need, for the Government to restore itself to its former vision. And I think that the people have demanded in recent years and have been discouraged when their demands are not met: a Government as good as they are or would like to be.

So we have some things, our religious beliefs and the ideal of what our Government ought to be, that are stabilizing forces. And I think that this is not incompatible with historical trends. There comes a time in a crisis when the superb qualities of human beings in a collective fashion are evoked in a religious concept or in a governmental structure that transcends the mundane commitments of people. But it stands there then as a reminder of what people can do. So I don't see the conflict.

Q. But it's rather a smiling vision of America, and of its people, that comes through in the book, which runs somewhat counter to Southern writers who see man as fallen. Southern writers rediscovered fallen man. And if one thinks of government as in part an instrument to help man protect himself from his own base nature, from his own egocentric sins, I don't see that reflected in your book.

A. Well, there's one difference, I think, and that is that individual human beings, you know, have their failings, their fears and doubts, frustrations and prejudices. But a collection of what people cumulatively profess to be—as expressed in laws and government, constitutions—is a reminder to us when we have individual shortcomings that we can restore ourselves.

Sometimes we're constrained by Christian or Jewish or Moslem ethics expressed in religious beliefs. Sometimes we're constrained by laws or customs or morals, I think—in that particular quote from Niebuhr, for instance: "The sad duty of politics is to establish justice in a sinful world." But he goes on to say that government is what the laws are and that there's an almost perfect concept expressed in the Christian ethic, that there's an ultimate pattern for government, but the struggle to reach it is always unsuccessful. The perfect standard is one that human beings don't quite reach, but we try to. I think that Niebuhr does say that there is inherent selfishness, or failure, callousness, pride—they exist. So I think that during the campaign period, when these speeches were made, the failures of our Government were much more profound than our people expected, and I think they were much more profound than our people deserved.

Q. Have any of the Southern writers I mentioned, or others, meant anything to you?

A. Well, yes. I think Faulkner is the one that I've studied most. I've read all of Faulkner's books, and have them all, as a matter of fact. And on many occasions I've read them aloud to my children. I think he has most accurately analyzed, as you just pointed out, the fallibility of human beings and the basic weakness of mankind, and has encapsulated those struggles between good and evil, pride and humility, achievement and failure perhaps better than any other Southern writer. My wife's favorite is Carson McCullers.

I think those Southern writers have analyzed very carefully the buildup in the South of a special consciousness brought about by the self-condemnation resulting from slavery, the humiliation following the War Between the States and the hope, sometimes expressed timidly, for redemption. I think in many ways now that those former dark moods in the South of recrimination against self and others and alienation from the rest of the nation—I think they've been alleviated.

Q. You say in your autobiography that you read three or four books a week. Is that still true?

A. I don't read that many books now. I probably read a couple of books a week now. I have so many other things to read. Right now I've got a file that thick, transcripts of the Nixon-Kissinger-Mao-Chou conversations, which wouldn't be classified as a book because it's not available, but it's something I have to read.

Q. Tell me, what do you see as the role of the writer in America? Is he entertainer, preacher, teacher, dreammaker?

A. Well, I think all those. I know when I write something—and I've only written one book, in a very amateurish way—but when I wrote that book I really searched as deeply as I could within my own self to express things so other people could share with me the knowledge about things that I have experienced and also a vision of things as they might be. And I think that this effort is well worthwhile. I think that obviously when this is done by talented people—and I don't have talent in that respect—that it's something that helped to shape my life. It's like the Dylan Thomas poem which he worked on sometimes for years and never was satisfied with.

Q. Is there anything that you see that Government can do for writers? I know that Leonard Randolph [Director of the Literature Program of the National Endowment for the Arts] would like more money for the Poets in the Schools program, which is a most successful program; more money for libraries, which are very hard-pressed these days, so that they can purchase small-press books and books of poetry.

A. Well that's hard to say. When I was Governor I was very interested in the library programs and did a lot for them. I think my first public job, by the way, was on the Sumner County Library Board. I'm now in the process of choosing someone to head up the National Endowment for the Humanities and am getting some of the candidates for the position to write for me a brief description of what could be done by the Endowment, which is quite distinct from the National Endowment for the Arts. But I don't have any clear concepts yet of what I can do that's better. I try to let my own presence as President be felt in the entertainment world.

When I was Governor we had a banquet at the Governor's mansion for all the Georgia writers, just to show that we appreciated them, knew them and understood them. But for a specific new Government program, I couldn't answer your question affirmatively.

Q. Is there anything that you can do or that the Government can do to help all those writers—I think P.E.N. lists 495—around the world who are in prisons or insane asylums? Is there anything that we can do to help the dissident writers in Russia?

A. I think my Notre Dame speech expresses my feeling about the power of words as clearly as I can. It's obvious that in our society the most significant action that can be taken is the evocation of a concept or an idea by words. In totalitarian governments the people who are being punished or condemned for illegal actions—that action is almost always words. I think, just to constantly keep it in the forefront of the world consciousness, a concern about the freedom of expression, is something that I can do, and we've had remarkable success so far. I don't believe there's a world leader on earth now who doesn't have a constant preoccupation with the concept of human rights. This was not the case six months ago. And I think just that in itself shows that we have some possibility for alleviating it.

Q. Thank you, Mr. President.

A TRIBUTE TO NILS A. LENNARTSON

Mr. MUSKIE. Mr. President, Nils Lennartson, a longtime friend, died Memorial Day. It was my privilege to deliver the eulogy at a memorial service for him June 7 in Alexandria. Nils was a dedicated public servant who rose to the highest policymaking levels of government in a career spanning four administrations.

I know he had other friends in this Chamber. For those who did not know him, I ask unanimous consent that my remarks at the memorial service for Nils Lennartson be printed in the RECORD at this point.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY TO NILS A. LENNARTSON

(By EDMUND S. MUSKIE)

"Nils A. Lennartson of Falmouth Foreside got his start in life from a 60 cent package of asparagus. He developed it into a one-acre bed which yielded $250 to finance his first year at Bates College."

That is the way May Craig put it in 1953 when Nils became Assitant to the Secretary of the Treasury, George Humphrey.

Nils didn't know where the next buck would come from but, as he put it, "I wanted to say I'd been to college, even if I didn't get more than a semester."

Nils and I were freshmen together in 1932—with comparable resources.

He washed dishes and swept the dormitories—and did his first newspaper bits for the Lewiston, Portland and Boston newspapers. I washed dishes, waited on tables and proctored in the dormitories.

He became a campus newspaperman.

I became a campus politician.

The college yearbook characterized Nils' four years very simply. "News is the manna of a day."

He was a newspaperman from the beginning—the cynical, cocky observer of the campus scene—a member of the "Bates student" staff all four years and editor in his senior year.

No one was too important to escape his needle. No campus institution or custom was beyond challenge.

The "Bates student" of his years crusaded for Sunday tennis, co-educational dining, a chapel discussion of pacifism. He complained about the unfairness of the rule for overcutting.

A member of the faculty described the paper as "a bit sensational."

As a fighting editor he fought against compulsory attendance at Chapel which he described as nothing more than social affairs where "my love sends out a sheepish early-morning smile to my lady across the aisle six rows down."

He criticized "suicide football schedules" designed to clear up the debts of the athletic department—and New York University was dropped from the schedule.

He verbally spanked freshmen who broke the rules, saying—"bloated mentalities are as dangerous as bloated stomachs—and require the same treatment."

He championed the students—"two nights ago four Bates men may have disturbed the peace by singing at a late hour—downtown—that they should be insulted with obscene language by police officers for so doing was in no wise required."

His last editorial was typical. This headline tells the story:

"PUBLISHING ASSOCIATION REFUSES EDITOR'S RECOMMENDATION—LENNARTSON'S CANDIDATE REFUSED FOR NEW STUDENT EDITOR"

Nil's editorial comment:

"There should be some definition of powers in regard to the association and each "student" administration."

There was a thoughtful, intellectual side to his journalistic interests. Even before he joined the "Student," he became a member of the "Garnet," the college literary magazine—to which he was an outstanding contributor of poems and essays for four years.

He was brash, he was alive, he was articulate, he was respected. He travelled with the irreverent gang, he harmonized with the college quartet.

Nils and I lost touch over the next few years. In 1936 it was tough to get a job.

There was a stint with the Portland Press Herald.

Then a publicity job with the Maine Department of Agriculture.

Then with the AP covering the Maine Legislature.

Followed by another stint with the Press Herald at $20 per week.

It was a struggle—but he had always struggled. Typically, he used the struggle to sharpen his skills, to broaden his contacts. To prepare for the next opportunity.

And to court Emily. They were married—in my home town of Rumford, Maine—a week after Nils was commissioned a 2nd lieutenant in the Air Force.

Nils and I re-established contact through Emily's mother, who was one of my clients following the war. I had frequent occasion to note and marvel at the warm, easy relationship between Nils, Emily, and Eula. They shared their homes in Falmouth Foreside and Virginia. Nils registered as a Republican after his marriage, but then I took my wife from a Republican family and converted her.

Nils moved from one success to another—in Republican and Democratic administrations:

Deputy Director of Public Relations, Air Force;

Special Assistant to the Secretary of the Air Force;

Director of Public Information at Commerce;

Assistant to the Secretary of Treasury; and

Deputy Assistant Secretary of Defense for Public Affairs.

1948–1965—a long public career under such men as Steve Leo, Stu Symington and Tom Finletter at Air Force—Charles Sawyer, Sinclair Weeks at Commerce—George Humphrey at Treasury—McNamara at Defense.

Inspection trips to Hawaii, Africa, Europe, Greenland; highest level Air Force planning sessions; strategic discussions involving the Russian thrust during the cold war; business and labor relations in the '50's; economic and fiscal policies in the Eisenhower administration.

It was rather strange that the iconoclastic student editor of the '30's should have become so solidly entrenched in the establishment of the '60's. But it was not so strange.

He was tough-minded, sharp, thorough, and knew his business. He had the intelligence to grasp the implications of policy-making at the highest levels—the integrity to be entrusted with confidential matters—and the skills to translate what he learned into the public information needs of his superiors. And always the inquiring mind and the sharp-eyed observer.

In whatever he did, he was loyal and devoted to his duties, as he was to his friends, as he was to Emily and her mother.

I am sure his closing years were warmly rewarding years. He loved his home in Virginia, his family life, his hobbies and his work with the railroads.

I did not have occasion in late years to share his thoughts about his life and what it had done for him—I like to think that lines he wrote during our college years in the '30's might still speak for him:

"NEGLECTED OPPORTUNITY"

It was out of a scrub expanse
Beyond the orchard there, which
Was then tall, fragrant pine, that
A half-grown doe ventured
One time and cropped timidly
Down to about ninety yards from
Where I was nursing some pruning
Scars with wax. There, she
Finally noticed I wasn't just
Another tree and came to a slow halt;
Regarded me intently for an instant
With soft, melancholy eyes,
Then turned abruptly
And with twenty bounds and
A last flash of white tail was into
The Pines again.
She seemed so friendly there
For an instant, I've often
Imagined she might have
Stayed had I spoken.
I wish I had.

"WATCHING AN EVENING COME IN"

A blood-red sun burned
Her last rays from below
The horizon in the west
Sending infinite shafts
Of crimson and yellow light
Into half the sky.
Birds called softly
In nearby woods, and
stopped calling.
Lights came on
In darkness from
Nearby houses, warming
My soul, though my
Body was chilled.
I raised my
Eyes to my star
In East and
Was glad to be alive.

"IMMORTALITY"

A chubby little lad,
With a fist full of flow'rs,
Had been out in the grass
Through the long morning hours.
This little lad of nine,
Now he comes—Nevermore
But this precious mem'ry
I murmur o'er and o'er.
I said:
Aren't you a bit lonely
With just nothing to do?
He said:
No, I'm talking with God
And He answers me—too.
A chubby little lad
With a fist full of flow'rs—
Now he's roaming the grass
Through sweet unending hours.

RATIFICATION OF GENOCIDE CONVENTION MUST BE PART OF NEW HUMAN RIGHTS INITIATIVE

Mr. PROXMIRE. Mr. President, in a letter that recently appeared in the New York Times, Emil Lengyel urged the Senate to give its advice and consent to a series of international treaties protecting human rights, including the Genocide Convention. She wrote that this country's commitment to human rights would have a much greater impact, "if the Senate were to ratify the basic documents covenanting those rights, formulated at the United Nations with the cooperation of the American delegation there."

"Foremost among these," Ms. Lengyel adds, "is the Convention for the Prevention and Punishment of the Crime of Genocide, approved by the General Assembly in 1948." She notes that the treaty was first submitted to the Senate by President Truman in 1949. Since then, the Senate Foreign Relations Committee has reported it favorably five times. Each time, however, it has not received the support of the full Senate.

As Ms. Lengyel points out, opposition to the convention has centered on the notion that—

Ratification would mean a surrender of national sovereignty over international crime and subordination of the U.S. Supreme Court decisions to those of an international court.

Testimony given by officials of the State Department, however, has refuted this argument. The Department of Defense has specifically given its support to the treaty as well.

Presently more than 80 nations have ratified the Convention. Great Britain, of which Ms. Lengyel speaks, has ratified 15 human rights treaties. She argues that—

Not one of them has interfered in the least with its normal legislative and judicial processes—for very valid reasons, since they do not at all abridge its sovereign rights; nor do they derogate from the decisions of its courts.

We must concern ourselves with the one overwhelming issue—that this Nation must condemn the most vicious crime that mankind can commit. After almost 29 years, it has come time for us to act. In the words of Emil Lengyel, "the absence of such action makes Presidential and other official declarations about human rights sound hollow."

I ask unanimous consent that Ms. Lengyel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FOURTEEN RIGHTS PACTS IN NEED OF SENATE RATIFICATION

To the Editor:

"The undeviating commitment of the United States to human rights everywhere," in the words of President Carter, might make a greater impact if the Senate were to ratify the basic documents covenanting those rights, formulated at the United Nations with the cooperation of the American delegation there.

Foremost among these is the Convention for the Prevention and Punishment of the Crime of Genocide, approved by the General Assembly in 1948. The following year President Truman submitted it to the Senate for ratification. The last time the Senate considered it again was in 1974, when a Southern filibuster broke off further consideration. The reasons for opposition to the genocide and other treaties were articulated by the leader of the filibuster, Senator Sam J. Ervin of North Carolina, who viewed ratification as a surrender of national sovereignty over international crime and subordination of U.S. Supreme Court decisions to those of an international court.

Other important U.N.-sponsored human rights treaties have not even been seriously considered by the Senate. They include international covenants on Civil and Political Rights, on Economic and Social Rights, on All Forms of Racial Discrimination, and on the Suppression and Punishment of the Crime of Apartheid. All told, there are 19 such U.N-sponsored treaties. The Senate has ratified only five, three of which deal with slavery and one with the status of refugees, plus the Convention on the Political Rights of Women, in force for the signatories since 1954, ratified by the Senate within the last year. The basic documents in this series have been accepted by all the allies of the U.S. and by members of the Eastern bloc.

The fears of the Senate filibusterers have turned out to be unfounded. The United Kingdom, to take only one example, has ratified 15 of these treaties, and not one of them has interfered in the least with its normal legislative and judicial processes—for very valid reasons, since they do not at all abridge its sovereign rights; nor do they derogate from the decisions of its courts.

Ratification of these treaties would forcefully underline this country's commitment to the promotion of the cause of human rights and support its foreign policy. The absence of such action makes Presidential and other official declarations about human rights sound hollow.

EMIL LENGYEL.

CY CARPENTER LETTER ON FARM PROGRAM

Mr. ANDERSON. Mr. President, Mr. Cy Carpenter, president of the Minnesota Farmers Union, recently wrote a very candid and eloquent letter to President Carter urging him to reconsider his administration's inadequate farm price support program that has disappointed so many of us.

Mr. Carpenter is a farm expert who speaks with authority and on behalf of thousands of Minnesota farm families. As we await House action on the farm bill we passed last month, I would hope that Mr. Carpenter's remarks will be taken most seriously by our colleagues in the House and our colleagues who will represent the Senate on the farm bill conference committee.

Mr. President, I ask unanimous consent that the full text of Mr. Carpenter's letter to President Carter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNESOTA FARMERS UNION,
St. Paul, Minn., May 31, 1977.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In writing to you, I am speaking for Minnesota farmers. We have been enthused by the new spirit of honesty and openness you have brought to our nation's capital.

You promised to be honest with Americans, and to involve them in decision-making. However, as far as Minnesota farmers are concerned, in continuing your present stance on agricultural policy, you are breaking that promise, and with it faith with the American people.

The farm program you have proposed and the threat of veto you are using to prevent a program that is fairer to farmers than the one you have proposed are a breach of your promise to farmers.

On August 25, 1976, in Des Moines, Iowa, you personally told an audience of farmers, "If I am elected, we will make sure that our support prices are at least equal to the cost of production."

Your proposal would establish support prices at nearly a dollar per bushel below the cost of production for wheat, and similarly disastrous levels for corn and other commodities, according to U.S.D.A. cost of production figures.

What we consider to be worse, and a serious violation of your word, is that you are using the threat of a veto to prevent the Congress—the people's chosen representatives—from emerging with a more realistic farm policy. You are telling them they can't respond to their constituents, farmers and consumers alike, who have clearly indicated they believe that family agriculture should be protected in order to assure a plentiful and reasonably priced food supply for the nation. You are telling them that you will make the decisions, and that what the people say doesn't count. Americans will not be able to maintain their faith in your leadership for new direction and a government involving the people, if your actions do not reflect your pledges.

Mr. President, we are deeply concerned and disappointed. We ask you to keep faith with your word by removing the shadow of a veto threat over Congressional deliberations on the farm program. We ask that you honor your campaign promise of August, 1976, and put this nation on a course where stability in the agricultural sector will be a benefit to us all.

Sincerely,

CY CARPENTER,
President.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Jesse Roscoe Brooks, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years vice Wayman G. Sherrer, resigning.

William A. Kimbrough, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years vice Charles S. White-Spunner, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, June 27, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TREASURY-POSTAL SERVICE-INDEPENDENT AGENCIES APPROPRIATIONS, 1978

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 7552, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 7552) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

The ACTING PRESIDENT pro tempore. The time for debate on this bill is limited to 1 hour to be equally divided and controlled between the Senator from Connecticut (Mr. WEICKER) and the Senator from Florida (Mr. CHILES) respectively, with 30 minutes on any amendment, and with 20 minutes on any debatable motion, appeal or point of order.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHILES. Mr. President, on behalf of the Committee on Appropriations I am pleased to present the Treasury, Postal Service and General Government appropriations bill for fiscal year 1978 (H.R. 7552).

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of the agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHILES. Mr. President, the President's budget, as amended, requested $7,593,496,000 for programs and activities under this appropriations bill. The recommendation of the committee is $7,475,947,000. This is a reduction of $2,005,625,317 below the fiscal year 1977 appropriations to date.

The bill passed the House of Representatives June 8, 1977, in the amount of $7,522,028,000. The committee recommendation is a reduction of $117,549,000 below the budget estimate and a reduction of $46,081,000 below the House allowance. The appropriations recommended in this bill are within the allocation contained in the first concurrent resolution for the agencies and functions under the jurisdiction of the Treasury, Postal Service, and General Government Subcommittee. Although this bill is not one of the larger appropriation bills in terms of dollar amounts—it is complex and includes appropriations for 53 activities.

I will briefly highlight the major items in the bill.

TITLE I—TREASURY DEPARTMENT

The committee recommendation for the Treasury Department is $2,845,414,000. This is an increase of $103,812,000 above the fiscal year 1977 appropriation, a reduction of $103,425,000 below the budget estimate and a reduction of $64,505,000 below the House bill.

The committee recommends increases above the House allowance of $300,000 for the Office of the Secretary, and $13,281,000 for the Internal Revenue Service to assist in the President's tax simplification effort and maintain the audit coverage at the fiscal year 1977 level of 2.43 percent. It is estimated that this funding will enable IRS to review an additional 62,000 tax returns—primarily in the high individual income and corporation tax areas—with a potential gain of $140,000,000 in tax assessments.

The objective of the tax simplification effort is to make compliance with the law simpler for the average taxpayer while reducing the tax administration burden on the service. Approximately one-half of U.S. taxpayers seek professional assistance in preparing their tax returns, at an estimated cost of $1 billion annually.

An additional 100 inspectors and $1,700,000 above the House allowance are recommended for the U.S. Customs Service to assist in accommodating the projected increase of persons arriving in the United States at major gateway airports. Air arrivals are projected to increase at a rate of 26 percent above the level of fiscal year 1976.

The committee recommends denial of $83,786,000 for the Bureau of Government Financial Operations and the Bureau of the Public Debt to compensate banks for services performed in connection with maintaining tax and loan accounts and for issuing and redeeming U.S. savings bonds. These services have been performed free or at reduced rates in the past due to these deposits. Legislation is currently pending to authorize the investment of the deposits in interest-bearing obligations. The requested amount will not be required until the authorizing legislation, H.R. 5675, has been enacted and after Treasury has renegotiated contracts with the various commercial banks. The Treasury Department estimates additional revenue of $50 to $100 million annually will accrue to the Federal Government by use of the investment authority proposed in H.R. 5675 and the compensation of the banks for their services out of appropriated funds. The committee will consider a supplemental budget request upon enactment of the authorizing legislation.

TITLE II—U.S. POSTAL SERVICE

The committee recommends concurrence with the budget estimate and the House bill of $1,695,540,000 for the U.S. Postal Service.

The recommended funding includes $223,250,000 to finance the extended phasing-in period of full postal rates for certain second-, third-, and fourth-class mailers authorized by Public Law 93-328. This authorized the extension of the phasing-in period from 5 to 8 years for certain regular rate mailers and from 10 to 16 years for certain nonprofit mailers. The committee believes that continued support of the extended phasing-in period is in the public interest.

The remaining items in this title are authorized in the Postal Reorganization Act (Public Law 91-375). They include $920 million for public service costs; $487,499,000 for revenue foregone by the Postal Service; and $64,791,000 for unfunded liabilites of the former Post Office Department prior to reorganization.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

The committee recommends $71,797,000 for appropriations funded under the Executive Office of the President. This is a reduction of $1,470,000 below the budget estimate and an increase of $25,044,000 above the House allowance.

During House floor consideration of this bill, points of order were sustained against appropriations for the White House Office, special assistance to the President, official residence of the Vice President, Executive residence, Domestic Council, and the Council on Wage and Price Stability. The points of order were based on lack of authorization for these appropriations. Budget requests were received from the President for these activities in his fiscal year 1978 estimates, and appropriations have been provided in past years.

The administration has been advised of the need to submit a legislative proposal for these activities in a timely manner. The issue was discussed with Office of Management and Budget Director Bert Lance when he testified before the committee in support of the fiscal year 1978 budget estimates.

Last year the House passed H.R. 6706 to provide authorization for these activities but no hearings were held in the Senate. No similar legislative proposal, except for the Council on Wage and Price Stability, has been received to date in fiscal year 1977.

For the Council on Wage and Price Stability, the House Banking, Finance and Urban Affairs Committee has reported out H.R. 6951 to authorize extensions of the Council to September 30, 1979, and hearings on S. 1542 are scheduled by the Senate Banking, Housing, and Urban Affairs Committee in July 1977. Language has been included in the bill that the funding appropriated is subject to enactment of authorizing legislation.

The committee recommendations include funding for the unanticipated needs appropriation which was denied by the House and additional sums over the House allowance of $200,000 for the Office of Drug Abuse Policy and $159,000 for the Office of Federal Procurement Policy. No funds have been included for the Council on International Economic Policy as this agency may be eliminated under the President's reorganization efforts and no justification in support of this activity was presented to the committee.

TITLE IV—INDEPENDENT AGENCIES

For title IV, Independent Agencies, the committee recommends $2,863,196,000. This is a reduction of $12,654,000 below the budget estimate and $6,620,000 below the House allowance.

For the Civil Service Commission, the committee recommends concurrence with the budget estimate of $2,371,254,000. This represents a reduction of $5,000,000 from the House allowance for grants under the Intergovernmental Personnel Act. The committee recommendation includes $15 million for these grants which is the amount recommended by the President in his budget estimate. The remainder of the funding recommended for the Civil Service Commission includes $110,930,000 in direct appropriation and $30,065,000 transferred from trust funds; $506,467,000 for the Government payment for annuitants, employees health benefits appropriation; $1,737,070,000 for the payment to the Civil Service Retirement and Disability Fund; and $1,787,000 for the Federal Labor Relations Council.

For the General Services Administration, the committee recommends $380,756,000. This is a reduction of $12,821,000 below the budget estimate and $620,000 below the House allowance.

An additional $386,000 is recommended

above the House allowance for the operating expenses of the Automated Data and Telecommunications Service. This is offset by recommended reductions of $430,000 below the House allowance for the Federal Supply Service and $576,000 below the allowance for the Federal Preparedness Agency.

The recommended limitation on availability of revenue for the Federal buildings fund is $1,332,789,000. This is a reduction of $12,960,000 below the budget estimate and $7,211,000 below the House allowance.

The committee recommendation includes $7 million for the Federal Election Commission. This is a reduction of $1 million below the House allowance.

CONCLUSION

Mr. President, before concluding my remarks, I wish to express my sincere appreciation for the assistance of the distinguished Senator from Connecticut and ranking minority member of the subcommittee, Senator LOWELL WEICKER. Senator WEICKER participated actively in the hearings and markup of the bill. He has contributed in large measure to the committee's recommendations before the Senate.

The committee held 4 weeks of extensive hearings with officials of the executive branch and non-Government witnesses to assist in our review of the budget estimates. I believe the committee recommendation of $7,475,947,000 will provide adequate resources for the agencies involved.

Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing appropriations recommended in the bill with those of fiscal year 1977 and with the fiscal year 1978 budget estimates and the House allowance.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY

	New budget authority enacted, fiscal year 1977	New budget authority estimates, fiscal year 1978	New budget authority, House, fiscal year 1978	New budget authority, Senate, fiscal year 1978	Senate bill compared with fiscal year 1977 enacted	Senate bill compared with fiscal year 1978 estimate	Senate bill compared with House bill
TITLE I—TREASURY DEPARTMENT							
Office of the Secretary	$27,022,000	$30,100,000	$29,100,000	$29,400,000	+$2,378,000	−$700,000	+$300,000
Federal Law Enforcement Training Center	9,936,000	12,100,000	12,000,000	12,000,000	+2,064,000	−100,000	
Bureau of Government Financial Operations	145,669,000	174,000,000	170,000,000	147,000,000	+1,331,000	−27,000,000	−23,000,000
Government losses in shipment	500,000				−500,000		
Bureau of Alcohol, Tobacco, and Firearms	118,664,000	124,600,000	122,600,000	122,600,000	+3,936,000	−2,000,000	
Bureau of Engraving and Printing		10,000,000	5,000,000	5,000,000	+5,000,000	−5,000,000	
U.S. Customs Service	359,190,000	383,000,000	383,000,000	384,700,000	+25,510,000	+1,700,000	+1,700,000
Bureau of the Mint	41,400,000	41,100,000	41,000,000	41,000,000	−400,000	−100,000	
Bureau of the Public Debt	113,580,000	176,800,000	175,000,000	118,214,000	+4,634,000	−58,586,000	−56,786,000
Internal Revenue Service:							
Salaries and expenses	50,268,000	51,105,000	51,719,000	51,000,000	+732,000	−105,000	+281,000
Accounts, collection, and taxpayer service	849,634,000	874,009,000	870,000,000	870,000,000	+20,366,000	−4,009,000	
Compliance	907,709,000	948,525,000	928,500,000	941,500,000	+33,791,000	−7,025,000	+13,000,000
U.S. Secret Service	118,030,000	123,500,000	123,000,000	123,000,000	+4,970,000	−500,000	
Total, title I, new budget (obligational) authority, Treasury Department	2,741,602,000	2,948,839,000	2,909,919,000	2,845,414,000	+103,812,000	−103,425,000	−64,505,000
TITLE II—U.S. POSTAL SERVICE							
Payment to the Postal Service Fund	2,266,170,000	1,695,540,000	1,695,540,000	1,695,540,000	−570,630,000		
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT							
Compensation of the President	250,000	250,000	250,000	250,000			
The White House Office	17,162,000	17,580,000		17,580,000	+418,000		+17,580,000
Executive Residence	2,180,000	2,157,000		2,157,000	−23,000		+2,157,000
Official Residence of the Vice President	91,000	121,000		121,000	+30,000		+121,000
Special Assistance to the President	1,271,000	1,327,000		1,327,000	+56,000		+1,327,000
Council of Economic Advisers	1,873,000	1,995,000	1,995,000	1,995,000	+122,000		
Council on International Economic Policy	1,450,000	1,450,000	1,450,000		−1,450,000	−1,450,000	−1,450,000
Council on Wage and Price Stability	1,917,000	2,100,000		2,100,000	+183,000		+2,100,000
Domestic Council	1,775,000	1,850,000		1,850,000	+75,000		+1,850,000
National Security Council	3,270,000	3,000,000	3,000,000	3,000,000	−270,000		
Office of Drug Abuse Policy	1,100,000	1,320,000	1,100,000	1,300,000	+200,000	−20,000	+200,000
Office of Management and Budget	27,472,000	28,830,000	28,830,000	28,830,000	+1,358,000		
Office of Federal Procurement Policy	1,681,000	1,840,000	1,681,000	1,840,000	+159,000		+159,000
Office of Telecommunications Policy	8,476,000	8,447,000	8,447,000	8,447,000	−29,000		
Unanticipated Needs	1,000,000	1,000,000		1,000,000			+1,000,000
Total, title III, new budget (obligational) authority, Executive Office of the President and funds appropriated to the President	70,968,000	73,267,000	46,753,000	71,797,000	+829,000	−1,470,000	+25,044,000
TITLE IV—INDEPENDENT AGENCIES							
Administrative Conference of the United States	880,000	914,000	914,000	914,000	+34,000		
Advisory Commission on Intergovernmental Relations	1,431,000	1,600,000	1,600,000	1,600,000	+169,000		
Advisory Committee on Federal Pay	215,000	220,000	220,000	220,000	+5,000		
Civil Service Commission:							
Salaries and expenses:							
Appropriation	107,095,000	110,930,000	110,930,000	110,930,000	+3,835,000		
By transfer	(26,475,000)	(30,065,000)	(30,065,000)	(30,065,000)	(+3,590,000)		
Government payment for annuitants, employees health benefits	451,844,000	506,467,000	506,467,000	506,467,000	+54,623,000		
Payment to civil service retirement and disability fund	3,107,598,000	1,737,070,000	1,737,070,000	1,737,070,000	−1,370,528,000		
Federal Labor Relations Council	1,637,000	1,787,000	1,787,000	1,787,000	+150,000		
Intergovernmental personnel assistance	15,000,000	15,000,000	20,000,000	15,000,000			−5,000,000
Total, Civil Service Commission	3,683,174,000	2,371,254,000	2,376,254,000	2,371,254,000	−1,311,920,000		−5,000,000
Commission on Executive, Legislative, and Judicial Salaries: Salaries and Expenses	100,000				−100,000		
Commission on Federal Paperwork	5,000,000				−5,000,000		
Commission to Review National Policy Toward Gambling	265,000				−265,000		
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped	316,000	344,000	344,000	344,000	+28,000		
Federal Election Commission	6,180,000	6,833,000	8,000,000	7,000,000	+820,000	+167,000	−1,000,000
General Services Administration:							
Refunds under Renegotiations Act	1,000,000				−1,000,000		
Disposal of surplus real and related property, operating expenses	6,442,000	7,935,000	7,935,000	7,935,000	+1,493,000		
Federal Buildings Fund: Limitation on availability of revenue:							
Construction on buildings	(32,801,000)	(17,354,000)	(27,520,000)	(20,479,000)	(−12,322,000)	(+3,125,000)	(−7,041,000)
Alterations and major repairs	(185,700,000)	(204,731,000)	(200,000,000)	(200,000,000)	(+14,300,000)	(−4,731,000)	
Purchase contract payments	(92,000,000)	(98,507,000)	(98,000,000)	(98,000,000	(+6,000,000)	(−507,000)	
Rental of space	(473,200,000)	(489,000,000)	(487,000,000)	(487,000,000)	(+13,800,000)	(−2,000,000)	

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY—Continued

	New budget authority enacted, fiscal year 1977	New budget authority estimates, fiscal year 1978	New budget authority, House, fiscal year 1978	New budget authority, Senate, fiscal year 1978	Senate bill compared with fiscal year 1977 enacted	Senate bill compared with fiscal year 1978 estimate	Senate bill compared with House bill
Real property operations	($424,309,000)	($469,957,000)	($462,480,000)	($462,310,000)	(+$38,001,000	(−$7,647,000)	(−$170,000)
Program direction and centralized service	(63,843,000)	(66,200,000)	(65,000,000)	(65,000,000)	(+1,157,000	(−1,200,000)	
Total, Federal buildings fund limitation	(1,271,853,000)	(1,345,749,000)	(1,340,000,000)	(1,332,789,000)	(+60,936,000)	(−12,960,000)	(−7,211,000)
Direct appropriation—alterations and major repairs	125,000,000				−125,000,000		
Federal Supply Service	159,137,000	160,430,000	160,430,000	160,000,000	+863,000	−430,000	−430,000
National Archives and Records Service:							
Operating expenses	66,269,000	67,134,000	67,134,000	67,134,000	+865,000		
Records declassification	1,470,000	1,470,000	1,470,000	1,470,000			
Total, National Archives and Records Service	67,739,000	68,604,000	68,604,000	68,604,000	+865,000		
Automated Data and Telecommunications Service:							
Operating expenses	7,831,000	8,217,000	7,831,000	8,217,000	+386,000		+386,000
Federal telecommunications fund	20,000,000				−20,000,000		
Preparedness activities:							
Federal Preparedness Agency, salaries and expenses	17,320,000	39,376,000	39,376,000	38,800,000	+21,480,000	−576,000	−576,000
Expenses, Defense Production Act		12,390,000	1,300,000	1,300,000	+1,300,000	−11,090,000	
General activities:							
General management and agency operations, salaries and expenses	7,041,000	13,535,000	12,860,000	12,860,000	+5,819,000	−675,000	
Indian trust accounting	2,814,000	2,818,000	2,818,000	2,818,000	+4,000		
Allowances and office staff for former Presidents	390,000	667,000	617,000	617,000	+227,000	−50,000	
Expenses, Presidential transition	3,000,000				−3,000,000		
Administrative and staff support services	75,173,000	79,425,000	79,425,000	79,425,000	+4,252,000		
Total, general activities	88,418,000	96,445,000	97,720,000	95,720,000	+7,302,000	−725,000	
Total, General Services Administration	492,887,000	393,397,000	381,196,000	380,576,000	−112,311,000	−12,821,000	−620,000
Harry S. Truman Scholarship Fund	20,000,000				−20,000,000		
National Commission on Electronic Fund Transfers	1,300,000	200,000	200,000	200,000	−1,100,000		
National Center for Productivity and Quality of Working Life	2,750,000	2,900,000	2,900,000	2,900,000	+150,000		
National Commission on Supplies and Shortages	360,000				−360,000		
National Study Commission on Records and Documents of Federal Officials	350,000				−350,000		
U.S. Tax Court: Salaries and Expenses	7,254,000	8,188,000	8,188,000	8,188,000	+934,000		
Department of Defense: Defense Civil Preparedness Agency:							
Operation and maintenance	67,826,000	69,300,000	69,300,000	69,300,000	+1,474,000		
Research, shelter survey, and marking	19,628,000	20,700,000	20,700,000	20,700,000	+1,072,000		
Total, Defense Civil Preparedness Agency	87,454,000	90,000,000	90,000,000	90,000,000	+2,546,000		
Total, title IV, new budget (obligational) authority, independent agencies	4,309,916,000	2,875,850,000	2,869,816,000	2,863,196,000	−1,446,720,000	−12,654,000	−6,620,000
TITLE V—CLAIMS AND JUDGMENTS							
Claims and judgments	92,916,317				−92,916,317		
Grand total, new budget (obligational) authority	9,481,572,317	7,593,496,000	7,522,028,000	7,475,947,000	−2,005,625,317	−117,549,000	−46,081,000

Mr. CHILES. Mr. President, I would also like to add my appreciation for the work by the distingushed staff which has worked long and hard on both sides of the aisle on this bill. They have certainly contributed in a very valuable manner to the work of the subcommittee in preparing this bill.

Mr. President, this completes my initial remarks on the bill. I yield the floor to the distinguished Senator from Connecticut and ranking minority member of the Treasury, Postal Service, and General Government Subcommittee—Senator WEICKER.

Mr. WEICKER. Mr. President, I ask unanimous consent that Mr. Peter Goldfarb and Mr. Tim Keeney of my staff be permitted access to the floor during the course of the debate on this matter.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. WEICKER. Mr. President, as ranking minority member of the subcommittee which considered H.R. 7552, the appropriations bill for the Department of the Treasury, the Postal Service, and General Government, I want to associate myself, generally, with the remarks of the chairman of the subcommittee, the distingushed senior Senator Senator from Florida, LAWTON CHILES, and I want to applaud the chairman's leadership in reporting this bill to the Senate so very promptly.

The subcommittee held thorough and extensive hearings with officials and officers of the executive branch to assist in our review of the administration's budget estimates. In my opinion, the subcommittee's recommendation of $7,475,947,000 will provide adequate but not lavish resources for the agencies under the subcommittee's jurisdiction.

The recommendation of the subcommittee as contained in this bill is a reduction of $117,549,000 below the budget estimate and $46,081,000 below the House allowance.

My colleagues should be aware of the fact that additional and significant funds are made available each year for some of the agencies in this bill which have permanent authority for certain necessary expenditures. One of the items to which I am referring is the payment of interest on the public debt, which alone is anticipated to reach $45.9 billion for fiscal year 1978.

Our committee has recommended that the Bureau of Alcohol, Tobacco, and Firearms continue their efforts in the explosive regulation and enforcement program. Lives and property can be saved if the Bureau will make every effort to develop the technology and techniques necessary in the manufacture of explosives to provide the capability to detect explosives prior to detonation, and provide the means of tracing the source of explosives after detonation. I hope the Bureau will pursue its explosives program with vigor.

In recent years, Congress has been besieged with complaints from the business, private sector, and the traveling public regarding the lack of customs manpower to provide a level of service which the public has every right to expect. In addition, air arrivals are anticipated to increase at a rate of 26 percent over fiscal year 1976. Therefore, the committee has included in this appropriation an increase of $1,700,000 and 100 positions over the budget to fund customs inspectors located at our major gateway airports of entry.

The committee is concerned about the rising flow of narcotics across this country's borders. Since the President has placed a high priority on reorganizing its drug enforcement effort in the near future, the committee will address the need for additional resources for the drug interdiction effort of the Customs Service at a late date—and when I use the phrase "later date" certainly within this year 1977.

The Internal Revenue Service has proposed a new tax administration system. This proposed new system should be de-

layed until the Congress can deliberate the various issues involved. The TAS system would have far reaching implications and sooner or later the committee must address the problems of cost-effectiveness, the state of the art in computer technology, and perhaps most important, whether procurement of this computer system would promote a dangerous invasion of every citizen's right to privacy. We are well aware that the Internal Revenue Service has an indispensable and complex job to perform. The Service cannot be expected to accomplish its mission with quill pens or out-of-date computers. Nevertheless, the committee and, indeed, the Congress itself, must make sure that this new computer proposal will never become a system for harassment, surveillance, or political manipulation. Additionally, the Senate should know that the committee has included in this appropriation sufficient funds to provide for the release to the general public of IRS private letter rulings. The Service is expected to provide for release of these rulings in a prompt and timely manner.

Mr. President, title III of this bill contains funding for several items for which there is no current fiscal year 1978 authorizing legislation. As a matter of fact, the House, on a point of order, denied the appropriation for some of these offices for the very same reason—no authorizing legislation. I do not intend to belabor the point or take up the time of my colleagues by raising a point of order. Nevertheless, my acquiescence in appropriating without authorization should not be considered a precedent, or in any way signal my approval of unauthorized budget requests.

In closing, Mr. President, I once again want to extend my thanks and appreciation to the chairman of the subcommittee, the Honorable LAWTON CHILES. He has handled the development of this legislation in a most firm, fair, and equitable manner.

Mr. SASSER. Mr. President, I rise in support of this bill.

As a new member of this subcommittee, I want to commend the subcommittee chairman, Senator CHILES, and the ranking minority member, Senator WEICKER, for their hard work and diligence in producing this bill. They have both spent many long hours working on this legislation.

I also want to thank the subcommittee staff, Fred Rhodes and Betty Hoem for their superior assistance to the subcommittee.

Mr. President, this is a balanced bill. It is responsible legislation. The bill is $117 million under the President's budget request. It is also $46 million under the House allowance.

As a member of both the Appropriations Committee and the Budget Committee, I am pleased that the subcommittee has produced a bill which comes in under the budget. I feel that the Senate should make every effort to effect reductions in the administration's budget requests where possible.

In summary, the bill provides funds for a substantial portion of the Federal Government. I urge that the bill be approved.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I ask unanimous consent that a statement by Mr. HATHAWAY be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HATHAWAY

I am pleased that the Appropriations Committee has allocated $3.2 million to the Internal Revenue Service for the publication of previously issued private letter rulings and technical advice memoranda. I understand that the House appropriation was for $4.0 million, but that on the advice of the IRS, this appropriation has been reduced by $800,000. However, this reduction will not impair the timeliness nor completeness of the disclosure program.

In order to appreciate the significance of this appropriation, I would briefly like to review the history of the IRS ruling program and the disclosure requirements which were enacted last year in the Tax Reform Act.

The National Office of the Internal Revenue Service provides written advice to taxpayers on the tax treatment of their specific transactions. Advice with respect to a proposed transaction may be issued upon a written request from the taxpayer, giving factual details about the transaction and after the taxpayer answers the questions the IRS may have about the transaction. Information provided by the taxpayer to the IRS often contains confidential financial or personal information about the taxpayer. Some of this information is repeated in the letter of advice issued by the IRS. The letter of advice generally is called a "ruling" and is in the form of a letter to the taxpayer.

Prior to the enactment of the Tax Reform Act of 1976, the letter ruling was treated as "private"—available only to the person to whom it was issued. Officially the request and response were kept confidential. Although the private rulings procedure had significant advantages for both the IRS and taxpayers, the system also contained some substantial problems. It has been argued that the private ruling system developed into a body of law known only to a few members of the tax profession. Additionally, the secrecy surrounding letter rulings generated suspicion that the tax laws were not being applied on an even-handed basis.

During the 90th Congress, we passed the Freedom of Information Act which became effective July 4, 1967. The FOIA requires each agency to make available for public inspection and copying "interpretations which have been adopted by the agency." However, there are a number of exceptions from the requirement of disclosure under FOIA. Several court cases in 1974 and 1975 held that private rulings were required to be made available to the public under the Freedom of Information Act. Several further questions were raised in connection with these court decisions.

In the Tax Reform Act of 1976, the Congress affirmed that these private letter rulings should be made available to the public. The Congress also formulated guidelines concerning appropriate disclosure and exemptions of material from public review. The disclosure rules apply to all rulings, technical advice memoranda, and determination letters, whether or not issued after July 4, 1967.

For those rulings requested prior to November 1, 1976, disclosure was made contingent upon the availability of funds specifically appropriated to the IRS for the purpose of making prior determinations open to public inspection. The IRS is directed to release this material on a last-in, first-out basis. All prior determinations issued under the 1954 Internal Revenue Code which have been used by the IRS as guidelines for other determinations are to be made available to the public.

I understand that neither the Ford or Carter Administration budget recommendations for fiscal year 1978 contained the appropriation for the Internal Revenue Service to begin making disclosure of these prior private rulings. Congressmen Gibbons of Florida and Pickle of Texas, both who serve on the House Ways and Means Committee, testified before the Treasury, Post Office and General Government Subcommittee of the House Appropriations Committee. In response to their request and testimony, funds were provided in the House version of the 1978 Treasury Appropriation Bill. This same commitment to tax justice has been followed by the Senate Appropriations Committee under Senator McClellan's fine leadership and the Treasury Subcommittee chaired by Senator Chiles, with Senator Weicker as the ranking minority member.

I hope that this step will help to improve the fairness of the tax system and restore confidence in the impartial administration of the revenue laws. I thank the committee for their action which enables us to fulfill a commitment which we made in the Tax Reform Act of 1976.

UP AMENDMENT NO. 489

Mr. CHURCH. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH) on behalf of himself, Mr. WILLIAMS, Mr. CHILES, Mr. HUMPHREY, and Mr. WEICKER proposes unprinted amendment No. 489:

On page 5, line 15, strike out "$870,000,000" and insert in lieu thereof "$870,300,000".

Mr. CHURCH. Mr. President, I offer this amendment on my own behalf and on behalf of Senators HUMPHREY, WILLIAMS, CHILES, and WEICKER.

The purpose is to boost the appropriation for the Volunteer Income Tax Assistance program from $500,000 to $800,000. Of this total, approximately 40 percent is used to assist elderly taxpayers.

The Internal Revenue Code is undoubtedly one of our Nation's most complex laws. Last year's Tax Reform Act produced major changes in the law which made tax preparation even more complicated.

The Internal Revenue Service, though, trains volunteer income tax consultants to assist taxpayers in preparing their returns.

For the period May 1, 1977 to April 30, 1978, IRS expects to train 20,000 volunteers. Approximately 8,500 of these volunteers will be elderly consultants who will assist other aged taxpayers.

Our amendment would train an additional 10,000 volunteer tax consultants, including about 4,250 elderly volunteers. These individuals would assist approximately 240,000 more taxpayers than now projected under the fiscal 1978 budget. About 100,000 of this total would be older Americans.

This is a modest increase, considering the great need. However, it is a realistic funding level which would be expended

effectively. It would also yield important dividends for older and younger taxpayers who are now confused or baffled by the tax form.

Over the years the IRS has repeatedly emphasized that it wants no taxpayer to pay more taxes than are legally due.

Every taxpayer should be entitled to all legitimate deductions, credits, and exemptions to which he or she may be entitled.

Yet, many Americans overpay their taxes each year. Some are overwhelmed by the complexity of the tax form. Others are totally unaware of important tax relief provisions which can save them precious dollars.

This is particularly true for elderly persons. Preparation of a tax return is a complicated task for most Americans. But it is especially difficult for older Americans who are typically confronted with an entirely new set of rules upon reaching the age of 65.

They may need, for example, to compute the exclusion on the gain of the sale of a personal residence, the tax credit for the elderly, or the taxable portion of an annuity.

These provisions can be complicated, even for experienced tax preparers. Volunteer tax consultants, though, can counsel elderly taxpayers on these measures and others to insure that they claim every legitimate tax relief provision applicable to them.

Our amendment, I am pleased to say, is enthusiastically endorsed by the National Retired Teachers Association-American Association of Retired Persons. NRTA-AARP administer the Tax-Aide for the Elderly program, which is the largest VITA project for aged taxpayers. The Tax-Aide for the Elderly program has been extraordinarily effective, and our amendment would help to expand these activities.

For these reasons, I urge approval of our amendment to provide an additional $300,000 for the Fiscal 1978 Treasury-Postal Service Appropriations Act—H.R. 7552—for the Volunteer Income Tax Assistance program.

Mr. President, in that connection, I have received a letter from the National Retired Teachers Association, the American Association of Retired Persons explaining their reasons for strongly supporting this amendment. I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 20, 1977.

Senator FRANK CHURCH,
Chairman, Senate Special Committee on Aging, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: I would like to express our Associations' full support for your and Senator Humphrey's proposed amendment to the Treasury/Post Office Fiscal 1978 Appropriations Bill (H.R. 7552) that would provide an additional $300 thousand for taxpayer assistance through the Internal Revenue Service's VITA program.

It is our understanding that a $300 thousand additional appropriation for the VITA Program (which would boost the total from $500 thousand to $800 thousand) would allow for the training of an additional 4250 elderly taxpayer assistance volunteers who would in turn assist an additional 100 thousand elderly taxpayers in the preparation of their federal income tax returns for the taxable year currently in progress.

Certainly, this type of assistance is increasingly needed. While the elderly taxpayer has less dollars of income at his disposal than the non-aged, he is far more likely to find each dollar of income he does have more difficult and expensive to report for tax purposes. The primary reason for this is that upon reaching retirement, the taxpayer is confronted with an entirely new set of federal income tax provisions which combine to make the reporting of income and the computing of tax liability a difficult task at best. The provisions of the Internal Revenue Code that govern the various forms of income that predominate during retirement are some of the most complex provisions confronting the individual taxpayer, and require the use of multiple supporting schedules in addition to the standard form 1040.

That elderly taxpayers have a great need for tax return preparation assistance seems clear from the experience and growth of the NRTA/AARP Tax Aide Program—a program which uses older volunteers, who are trained by the IRS through its VITA program, to assist other older persons in the preparation of their tax returns. This year our Tax Aide Program assisted elderly taxpayers in the preparation of over 265 thousand of their federal income tax returns. The number of such returns assisted this year was 239 percent greater than the number assisted just four years ago.

Since the elderly taxpayer's income is relatively limited in comparison with the income of the non-aged taxpayer, a greater effort should be made by the Internal Revenue Service to assist this special group of taxpayers. We think such an effort can best be made through an expanded VITA program. Since that inevitably requires greater appropriations, we endorse your proposed amendment and strongly urge its adoption.

Sincerely,

PETER W. HUGHES,
Legislative Counsel.

Mr. CHILES. Mr. President, I believe the amendment of the distinguished Senator has considerable merit. We are advised that over one-half of all U.S. taxpayers must seek professional assistance in preparing their tax returns. The cost of this assistance is estimated to exceed $1 billion annually. I am certain that many of these persons that must seek professional assistance are elderly taxpayers.

The Subcommittee on Treasury, Postal Service and General Government has long been a strong advocate for support of an effective taxpayer service program. The fiscal year 1978 program includes 4,315 staff years and $144,090,000 for this purpose. This includes $500,000 for the volunteer Income Tax Assistance program which is to be used for the training of 20,000 volunteers. I understand these volunteers include persons from all walks of life—law and accounting students as well as many retired professionals with years of tax preparation experience.

I am advised the amendment of the distinguished Senator will allow the training of an additional 10,000 volunteers. This will provide capability to assist almost 400,000 persons with their tax returns during fiscal year 1978.

I am a member of the Special Committee on Aging and have great sympathy for their many needs. This program is an example of public spirit which can be of great assistance at a relatively low cost.

I am glad to be a cosponsor of the amendment, and I think the amendment certainly has merit.

I yield.

Mr. WEICKER. Mr. President, I concur with the remarks of the distinguished senior Senator from Florida to the Senator from Idaho.

I wish he would add my name as a cosponsor to his amendment.

Mr. CHURCH. I am very to do so and ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I merely emphasize those comments made both by the distinguished Senator from Idaho and those of the distinguished Senator from Florida as to the fact that this system does not belong to Congress or the Internal Revenue Service; it belongs to the people of this country. Certainly, we gather around us all the possible professional expertise to draft a law. The IRS has all the professional expertise to enforce the law. It seems to me that the people of this country also deserve some expertise.

I support the amendment.

Mr. CHURCH. I thank the Senator very much.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHURCH. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Florida yield the remainder of his time?

Mr. CHILES. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I wish to direct a question to the distinguished manager of this bill. I might say that this question does not by implication necessarily state the position of this Senator. But I think the question should be asked, and I appreciate this opportunity to direct a question to Senator CHILES.

Mr. President, in reviewing the record of the debate when this appropriations bill was considered by the other body on June 8, I noted with considerable interest that a question was raised with respect to the SBA setaside program and its impact on the GSA Federal supply procurement. I was impressed with the facts reflected in the RECORD, on page 17916, to be specific, that as a result of the SBA's setaside program on a certain procurement that the GSA would have paid $88.80 for a power tool that was

otherwise available at only $48.25, a difference of more than $40, close to double the previous unrestricted price.

The Federal Government just does not have enough money to pay almost double for anything, and I am wondering, Mr. President, if the distinguished chairman of the committee could advise us as to whether any inquiry has been made with respect to this policy question that was raised when this appropriations bill was considered by the other body.

Mr. CHILES. I appreciate the distinguished Senator bringing this matter before the Senate.

I did note the colloquy which took place between our counterpart subcommittee chairman and Representative ERLENBORN in the House of Representatives relative to this matter. I am advised that a substantial price differential over previous prices does exist in a current solicitation for bids to procure various hand electric power tools.

I am assured by the General Services Administration that as a matter of policy the potential for excessive costs is considered in the bid evaluation process for all commodity areas.

In those instances where excessive bid prices are apparent, there are provisions in Federal procurement regulations for withdrawing small business set-asides when the award of such items would result in excessive cost to the Federal Government.

I am advised that in regard to the specific example it was determined during the evaluation process that there were excessive costs and a contract award will not be made under this solicitation.

I am a strong supporter of the theory and the purpose of set-aside programs, but the Senator from Florida has been holding some hearings in his Spending Efficiency Subcommittee in regard to 8(a) set-asides under the Small Business Act which are to set aside certain businesses for minority businesses, and I find that in many instances not only has the Government paid some excessive costs but there has not been a quid pro quo of raising the level of proficiency or competency on the part of minority business.

The theory of the 8(a) set-asides, as the Senator perhaps well knows, is that it is worth the Government paying a little bit more to give minority businessmen the expertise that would enable them to then be able to contract on a higher level of proficiency and to give a larger base of contracting personnel out there for the Government, but in many instances I find that the minority businessmen have been used as fronts for existing minority businessmen with plenty of expertise, in fact, so much expertise that they like the procedure of not having to bid on contracts and being able to get excessive amounts on contracts.

So I share the Senator's concern that when we have these set-aside programs, the Government still realize its benefit, and that we not be paying excessive amounts for those costs.

Mr. STAFFORD. I very much appreciate the response of the manager of the bill, the distinguished Senator from Florida, and I share his views.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. I ask unanimous consent that the time for the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

UP AMENDMENT 490

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk for myself and the distinguished Senator from Iowa (Mr. CLARK), and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself and Mr. CLARK, proposes an unprinted amendment No. 490;

On page 39, after line 4, insert the following new section:

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 615. None of the funds available under this Act shall be available for administrative expenses in connection with the reduction of six-day mail delivery services as provided by the United States Postal Service on the date of enactment of this bill.

Mr. DOLE. Mr. President, I might say at the outset that this amendment has been discussed with the distinguished floor manager of the bill.

The purpose of my amendment to the so-called Treasury-Postal Service appropriations bill is a simple one: It is intended to put Congress on record as being opposed to a reduction in the current 6-day mail delivery week. Its practical impact will be limited because of the purposes for which the Postal Service funds in this bill are designated. But I believe adoption of my amendment will help enunciate the concern with which Congress looks upon proposals to reduce mail delivery to only 5 days per week.

In April of this year, after a 6-month study of Postal Service functions commissioned last year by Congress, the Special Commission on Postal Service delivered its final report with recommendations. At that time, the Commission recommended a conversion to 5-day mail delivery for all addresses, which it claimed could result in a savings of $412 million a year. But in what seemed to be a contradictory statement, the Commission also recommended that the Postal Service should make dependability of timely delivery its primary service objective. It is difficult to understand how "dependability of timely delivery" can be achieved by elimination of 1-day delivery.

I would also point out that elimination of 1 day of mail delivery service would have a major detrimental impact on rural newspaper delivery service. Many of the Nation's rural newspapers, and certainly many in my own State of Kansas, are distributed to subscribers through the U.S. Postal System. As it is, the newspapers generally arrive a day or 2 after they are published. If Saturday mail delivery was eliminated, for example, rural residents would not receive Friday's newspaper until Monday at the earliest. Because of increased mail congestion, delivery would probably be even later.

DRAW THE LINE ON CUTBACKS

Mr. President, two of the seven members of the Postal Study Commission dissented on the recommendation to cut mail delivery to 5 days a week. One of these Commissioners—Mr. James Rademacher—stated that continuation of the 6-day mail delivery would require less than a 1-cent postage rate increase.

It just seems to this Senator that, if the Postal Service expects to continue to raise its postage rates and continues to expect Congress to provide limited subsidies, it is time we draw the line on further cutbacks in postal services to consumers. The U.S. Postal Service—under the provisions of the 1970 Postal Reform Act—has the legal authority to make such cutbacks without reference to congressional opinion. But I believe that adoption of my amendment today will clearly express congressional will on the issue, and thereby substantially discourage any arbitrary decisions by the Postal Board of Governors to eliminate the sixth day of mail delivery services.

I think the amendment, having been discussed with the distinguished floor manager, is acceptable, unless there is some question, to which I will be happy to respond.

Mr. CHILES. The Senator is correct. While we agree with the Senator's purpose, I think he has enunciated correctly that this amendment would have no legislative effect, because they would implement the installation of that 5-day service out of other funds and authority they have, rather than the funds in this bill.

But it is an expression of the Senate with regard to its feeling on this question, and for that purpose I think it could serve as a limitation on this bill. On behalf of myself and the Senator from Connecticut (Mr. WEICKER), we urge that the amendment be adopted.

Mr. DOLE. I thank the distinguished Senator from Florida. It is a signal to the Postal Service that Congress has a very strong feeling in this area, and that is the purpose of the amendment, to serve that notice in a proper and respectful way, and hopefully it will have some impact.

I think perhaps if we look at the situation out in rural Kansas, for example, we are talking about the fact, if there is no Saturday delivery, that most of the farmers in my State would, on Monday, receive Friday's, Saturday's, and Sunday's newspapers. It seems to me it would cause a great deal of difficulty and incon-

venience, and there will be a lot of increased mail to our offices because of it.

I thank the distinguished floor manager for accepting the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DOLE. I yield back the remainder of my time.

Mr. CHILES. All time is yielded back.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEFORE THE VOTE ON FINAL PASSAGE

Mr. MUSKIE. Mr. President, the Senate has before it H.R. 7552, the Treasury Postal Service, and general Government appropriation bill for fiscal year 1978 which provides funds for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies.

I take this opportunity to comment on the relationship between this bill and the targets set out in the first budget resolution for fiscal 1978.

This bill provides $7.5 billion in budget authority and $7.6 billion in outlays for fiscal year 1978 including $0.4 billion in outlays arising from prior year authority.

Under section 302(b) of the Budget Act, the Appropriating Committee divides among its subcommittees the total budget authority and outlays allocated to it under the budget resolution.

The funds provided in this appropriation are within the totals allocated to the Subcommittee on Treasury, Postal Service, and general Government pursuant to section 302(b) of the Budget Act. That allocation is $7.8 billion in budget authority and outlays. This appropriation is $0.3 billion in budget authority and $0.2 billion in outlays below the amounts allocated to the subcommittee.

However, it now appears that supplemental appropriations within this subcommittee's jurisdiction may be needed for items not provided in H.R. 7552 which total about $0.7 billion in budget authority and outlays. Claims and judgments, which are customarily funded in supplemental appropriations, will require about $0.2 billion. This amount was included in the President's budget request and is in line with recent experience.

An additional appropriation of $0.3 billion to the civil service retirement and disability fund above the amount included in H.R. 7552 will be required if the expected October 1, 1977, pay raise of 6.2 percent occurs. It is my understanding that the Appropriations Subcommittee did not assume any need for this $0.3 billion, because the President will not make his recommendation on the pay raise until late summer. The President's budget underestimates the impact of the pay increase. He included an allowance for an expected pay raise in the budget but failed to include the increased payment to the retirement and disability fund which would be required if the pay raise occurs. So it is understandable that the subcommittee is caught in a peculiar circumstance with regard to this item.

In addition, the Senate bill does not include $0.1 billion in budget authority and outlays, included in the House bill, for funds to allow the Treasury to compensate commercial banks for maintaining tax and loan accounts and processing tax deposits. An appropriation for this purpose is likely to occur. There is also the strong probability that other small appropriations totalling $0.1 billion in budget authority and outlays will be required in fiscal 1978.

Thus there is a strong possibility that the subcommittee could be over its allocation by as much as $0.4 billion in budget authority and $0.5 billion in outlays. I ask unanimous consent that a table showing this information be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 7552, Treasury, Postal Service and General Government Appropriations Bill, 1978

Subcommittee section	Budget authority	Outlays
302(b) allocation	7.8	7.8
H.R. 7552	7.5	7.6
Remaining allocation	0.3	0.2
Possible later requirements:		
Claims and judgments	0.2	0.2
Payment to Civil Service retirement and disability fund (assumes Oct. 1 pay raise)	0.3	0.3
Treasury Department	0.1	0.1
Other	0.1	0.1
Total possible later requirements	0.7	0.7
Possible amount over or under (—) Subcommittee allocation	0.4	0.5

Mr. MUSKIE. Mr. President, last year the full Appropriations Committee held back a reserve for contingencies, pay raise, and savings from the subcommittee allocations. This year the Appropriations Committee released to its subcommittees all of the amounts allocated to it under the first budget resolution except for a small amount required for October pay raises for Federal employees of civilian agencies—an amount, I might add, which does not include the aforementioned payment to the civil service retirement and disability fund. The Appropriations Committee is perfectly within its rights to distribute its portion of the budget resolution to its subcommittees as it sees fit; however, it must remain within the first budget resolution, which I believe is the committee's goal. Any overage in one subcommittee will have to be made up by holding some other subcommittee to an amount below its allocation. Otherwise the first budget resolution targets will be breached and the deficit will be increased.

We will not have a clear picture of where the full Appropriations Committee stands in relation to its total allocation under the first budget resolution until several of the regular appropriation bills are reported and possible later requirements in all areas are quantified.

While I support H.R. 7552 as reported, I want to make it clear that unless we are able to find savings elsewhere as subsequent appropriations bills are considered, we may be faced with the necessity of amending subsequent appropriation bills downward during floor action or we may be called upon to undertake a reconciliation as provided for in the Congressional Budget Act in conjunction with the second budget resolution.

Let me say that this bill, as reported, is basically consistent with the first budget resolution functional targets for each of the seven functions in this bill. Since all appropriations have not yet been reported, it is still too early to say whether other appropriations or other supplemental requirements will breach the functional targets. It now appears possible that the target totals for function 800, General Government, could be breached slightly.

The purpose of my remarks, as chairman of the Budget Committee, is simply to say that it does not appear that there are sufficient funds allocated to the Treasury, Postal Service, and General Government Subcommittee to meet all of the potential later requirements I have mentioned. It is the prerogative of the Appropriations Committee to divide its allocation among its subcommittees, but if one subcommittee uses more than its allocation, then other subcommittees must use less to insure that we abide by the first budget resolution.

I wish to commend the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Appropriations Committee, Senator CHILES, for his dedicated efforts in support of the budget process.

Let me say in closing that on Friday I was gratified to receive the assurance of the distinguished majority leader, Senator ROBERT C. BYRD, on behalf of the chairman of the Appropriations Committee, that the Appropriations Committee expects to be able to stay within the full allocation from the first budget resolution for fiscal 1978.

As I have pointed out several times, the first budget resolution represents the collective judgment of the House and Senate. The deficit for fiscal 1978 is already estimated at $64.5 billion. We cannot afford to push this figure any higher. I trust that in the remaining regular and supplemental appropriations bills for fiscal year 1978, we can maintain the discipline of the budget process.

Mr. CHILES. Mr. President, if there be

no further amendment, I move the bill to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CHILES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. CHILES. Mr. President, I ask unanimous consent that it be in order at any time prior to 3 p.m. to request the yeas and nays, the rollcall vote on passage occur at 3 p.m., and that the provisions of rule XII are waived.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

(Later the following occurred:)

Mr. WILLIAMS. I ask for the yeas and nays on passage of the Treasury-Post Office appropriation bill, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes or less notwithstanding the nongermaneness of my remarks relating to the present pending matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is ordered.

CONFIRMATION HEARINGS FOR MILITARY NOMINEES

Mr. STENNIS. Mr. President, as is well known, our Constitution gives to the Senate the responsibility of reviewing nominations by the President for the appointment of military officers to all grades in each of the military services, through the process of senatorial advice and consent.

The Committee on Armed Services receives nominations of civilians to various civilian offices in the Department of Defense, and also to certain high ranking military offices like Chiefs of Staff and others. Actual hearings are held on this group of nominations, which gives the committee an opportunity to develop the relevant facts as well as to personally meet and question the nominees.

In addition thereto, the committee receives several thousand military officer nominations each year, usually for promotion. It is not possible to hold hearings as to this large number of nominees. The committee chairman and staff bring the nominations to the special attention of the members of our committee. One week is allowed for objections to be raised. Added time to raise objections or call for a hearing is allowed if requested by a committee member.

As to this very large number of nominations within the military services, I proposed some weeks ago, and after discussion the committee unanimously agreed, that we should get a better picture as to the type of men and women that are being nominated and proposed for promotion within the services. The committee membership is not interested in who shall be promoted, and takes no part in the selection of names to be sent in for promotions. Each member is interested in the type of persons, both as to attainments and personalities, who are being chosen and promoted in the various services at the many levels.

Accordingly, our committee will institute a system of random selection of nominees by the committee for confirmation hearings from the list of officer nominees in each military service. We will call before the committee, on a regular basis, a small group of those who are being recommended for promotion so that the members will have an opportunity to gage the character, competence, and attitudes of the nominees. We intend to call before us in any particular year a full spectrum of nominees—from each service, from all grades including generals and junior officers, from various sources and backgrounds. Not an unimportant benefit of this process will be the chance to obtain facts from officers in the field concerning the readiness and morale of our Armed Forces. It will be a useful experience for the committee members and for the nominees.

I cannot emphasize too strongly that we shall not intrude upon the promotion process within each service. Each of the military services has established selection boards that are designed to operate objectively and fairly. The responsibility shall continue to rest with these boards. Further, it is not the purpose of the committee to provide a forum for individuals to raise matters of purely personal interest or concern.

The members of the Armed Services Committee join me in the hope that this action will strengthen the constitutional relationship between Congress and the Executive, and help to insure the superb quality of officers that our national defense demands.

Mr. HART. Mr. President, I ask unanimous consent that I may have 2 minutes, notwithstanding the nongermaneness of my remarks to the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, I congratulate the distinguished committee chairman, the Senator from Mississippi, for promoting this concept before our committee.

We usually have only the ranking general officers appear before us at confirmation time, and even then not uniformly I think this idea will help go a long way toward enlightening the committee members as to the type of officers that are being promoted within the services at all levels. Perhaps it will ward off down the road some of the difficulties we have had in recent times with general officers involving themselves in domestic political affairs.

I had occasion, at the end of last week, to ask that a hold be placed on the nomination of General Starry, who was before our committee for routine promotion. I did that because at that time the Secretary of the Army had asked that the general appear before him to account for certain remarks the general had made in recent days in Europe. I have seen and reviewed those remarks. I find them interesting in many cases and in a few cases astounding.

I do not know what the action of the committee will be. I do not know whether it is appropriate to have a hearing on this promotion. However, it did seem the better part of wisdom, as a committee, to not routinely promote an officer further in the general ranks at a time when his civilian superiors in the Pentagon were questioning certain remarks he had made.

So I believe this is a matter for the committee. It does come at a time when the chairman of the committee is taking steps to involve the committee further in the promotional activities for which we have responsibility. I congratulate the Senator from Mississippi for his leadership in this area.

Mr. STENNIS. Mr. President, I thank the Senator from Colorado very much.

I followed his references to the recent remarks of one of the officers. The remarks I just made were not related to that case. My remarks related to a matter in which the committee made a decision 2 or 3 weeks ago and which was held back solely because of the pressure of other business.

The Senator has a very kindly and sound interest in these matters, for which I commend him.

The other matter is receiving some attention—not officially, not formally, as yet; but it is a matter I was planning to look into further to see how much substance there is to it.

I will not go any further at this time. Perhaps I will have something to say about it tomorrow.

I thank the Senator very much.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF CONFEREES—H.R. 5970

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the official papers with respect to appointment of conferees on H.R. 5970, military procure-

ment authorization, 1978, be corrected to show Senator HART as a full conferee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the pending business be set aside temporarily, so that the Senate can take up the Federal Mine Safety and Health Amendments Act of 1977, with the understanding that this matter will be set aside when the time comes, under the order, for the vote on the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 717) to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Human Resources with an amendment.

Mr. WILLIAMS. Mr. President, our Nation suffers one of the worst mine safety and health records among major mining nations. The Committee on Human Resources has been aware of this sad fact, and this bill which we now bring to the Senate is our effort to provide our Nation's miners with a meaningful national commitment to their health and safety.

As the Senate turns to consider this measure, we should bear in mind that what is at stake here is the protection of a most precious national resource—our working miners.

I believe that S. 717 and the approach to mine safety and health that this bill takes is indeed the best way to improve the working conditions, the health and safety and the prospects of our Nation's miners.

That belief is based on 10 years of active oversight by the Committee on Human Resources of the Metal and Nonmetallic Mine Safety Act of 1966 and 6 years of oversight of the enforcement of the 1969 Federal Coal Mine Health and Safety Act.

That belief is based on inquiries into too many mining disasters: a fire in a silver mine in Idaho that took 91 lives; a flood, caused by the failure of a slag dam in West Virginia, which took 125 lives; 7 lives lost in Illinois in 1971 when toxic fumes escaped in a fluorspar mine; an explosion which killed 38 coal miners in Hyden, Ky.; a fire in a West Virginia mine which took 9 lives.

While this committee was considering the predecessor of this bill in the 94th Congress, 2 explosions rocked a coal mine in eastern Kentucky taking the lives of 23 miners and 3 mine inspectors.

While this committee was considering this bill, a flood ravaged an anthracite coal mine in Pennsylvania, taking eight lives.

Even though major mining disasters such as these attract the public's attention, miners and their families live with an even more tragic knowledge: That miners continue to die quietly, one or two at a time, every day.

On the average, on every single working day of the year, one less miner will walk out of our Nation's mines at night than walked into the mines in the morning. These, the quiet deaths, add up to the equivalent of one Scotia disaster each and every month of the year.

Mining is a dangerous and hazardous business, and the brave and hard-working men and women who extract our Nation's rich mineral deposits know that it is a hazardous profession that they have. But we would not be doing our duty if we turned our back on these terrible statistics.

These two laws which currently deal with mine safety and health take disparate approaches toward securing healthy and safe working conditions for miners. This has brought vastly different results.

Coal mining is a more hazardous occupation than "hard rock" mining. But the improvement in the rate of fatalities as well as nonfatal injuries resulting from mining activities in the coal industry has been much better than it has been in the hard rock industry.

S. 717, then, bases its enforcement approach on the Coal Act, historically the more effective approach. S. 717 adds other enforcement features which are the result of the committee's experience in its years of oversight of mine safety and health enforcement.

An important aspect of the bill is the matter of standards, the guidelines with which mine operators will have to comply. S. 717 recognizes that mining is not a static industry and that constantly developing new techniques require constant evaluation of the continued vitality of standards. Standards which are outmoded expose miners to unnecessary risks. They also compel operators to continue to comply with requirements which may no longer adequately serve the purpose of protecting miners.

The procedures for promulgating and revising standards in both the Metal and the Coal Acts have resulted in long delays between the recognition of a need for a new or revised standard and the actual promulgation of the new or revised standard.

The fire in the Sunshine Silver Mine in 1972, which took 91 lives, demonstrated the need for a standard on the use of self-rescuers, yet such a standard was not promulgated until 22 months later. It took 45 months to promulgate a standard for dams and impoundments after the tragic flood in Buffalo Creek in 1972.

Standardsmaking under the Metal Act has been particularly slow. As of April 1977, some 350 proposed health and safety standards were backlogged somewhere in the Metal Act standardsmaking process. Some of them were proposed as early as 1973.

S. 717 provides a uniform procedure for promulgation of standards and regulates the time for the various steps of the standardsmaking procedure, while still providing ample opportunity for the consideration of the proposed standard by the people who will be affected—the operators, the miners, the representatives of the Government. But once the need for a standard is demonstrated, this procedure can begin and be brought to a conclusion without unnecessary delay.

S. 717 also provides for the promulgation of emergency temporary standards so that the Secretary can react quickly to hazards not adequately covered by existing standards, and provides extensive opportunity for variances from standards to promote flexible approaches to meeting the act's requirements based upon the specific situation in a given mine.

While the procedure by which standards are promulgated is uniform, the bill does not make a single set of health and safety standards applicable throughout the mining industry.

The committee recognizes that the safety and health standards that are designed to address the hazards of coal mining, for example, may not all be applicable or even sensible in addressing the hazards of, let us say, silver mining or the mining of sand and gravel. In short, Mr. President, there is no intention to apply coal standards across-the-board.

However, the procedure for enforcing the standards provided by this bill, is uniform and basically neutral between segments of the industry. Different hazards may prevail in and different standards may be applicable to different segments of the industry.

But, Mr. President, there is absolutely no reason why the methods of enforcing these differing standards should also be different between the coal and the hard-rock industries. There is no reason why our Nation's hard-rock miners should enjoy a less rigorous enforcement of the mine safety laws than do our Nation's coal miners.

Our hard-rock miners are entitled to equal protection. They expect and deserve the same Federal commitment to their health and safety as our coal miners enjoy.

A minimum of four inspections per year for each underground mine and a minimum of two inspections of each surface mine is required by S. 717. Such a minimum inspection frequency is essential to insure that the enforcement effort reaches with regularity all phases of the industry.

Requiring a minimum number of inspections every year will spread the enforcement effort effectively, while still enabling the Secretary to concentrate on those areas of the industry which demonstrate the highest incidence of injuries and death.

After an inspection, the inspector will write a citation apprising the operator of any violations noted and the period of time within which the operator must abate the violation, This citation then forms the basis of a proposed civil penalty by the Secretary.

The Secretary proposes his penalty to the independent Mine Safety and Health Review Commission which has the final authority to assess penalties.

Mr. President, critics of S. 717 have claimed that the imposition of civil penalties is a punitive measure, that it is an attempt to punish operators who do not comply wih the act's requirements. Well, in my mind this is merely a question of attitude. I prefer to think of the civil penalty as a means of encouraging compliance, not as a means of punishing disobedience.

We have seen, in recent years, a much greater improvement in the rates of fatalities and serious injuries in the mining of coal, than we have seen in noncoal mining. I believe that the civil penalty system under the Coal Act is a major factor contributing to this improvement in what we are really getting at—the safety and health of our Nation's miners.

S. 717 provides a streamlined procedure for the collection of these penalties while insuring fairness to the parties. The bill provides a procedure which enables the questions arising out of civil penalties to be litigated quickly and with finality.

Under this procedure, an independent administrative tribunal assesses the penalties, and review of penalty assessments is based on a substantial evidence test, the prevalent test for court review of administrative determinations under our system.

We know, however, that there is a hard core group of operators for whom civil penalties provide little encouragement to comply with the requirements of the law. These operators apparently find it easier, and perhaps cheaper, to simply pay penalties rather than do what they must to get their mines in shape and provide true and lasting protection for their workers.

That was the situation the committee's investigators found at Scotia—a pattern of habitual violations of the act's requirements which would be cited by the inspector and abated by the operator. But the operator would then permit the mine to lapse back into violation, exposing miners to these risks all over again. This was repeated.

At Scotia there were 62 ventilation violations in the 2 years prior to the explosion. It is likely that it was just this improper ventilation which was instrumental in an explosion of accumulated methane gas.

This bill provides two new enforcement procedures addressed to these situations. One is a new closure order sequence, which is triggered by the finding that a pattern of violations exists in a mine which could substantially and significantly affect the health and safety of miners.

This new mechanism permits the Secretary to issue an order closing all or the affected portion of a mine every time another such violation is found, until an inspection of the entire mine indicates that there are no more violations of the type which established the pattern.

The other new sanction available in such situations permits the Secretary to ask a Federal district court to fashion appropriate relief in cases of chronic and habitual violations of the act by operators.

Mr. President, I think these new enforcement tools are true responses to the inadequacies of enforcement in our present law which the Scotia tragedy so clearly demonstrated.

S. 717 addresses the inadequate enforcement of our mine safety laws in another way. It transfers responsibility for the enforcement of this program to the Department of Labor.

In the committee's judgment, the responsibility for insuring workers' health and safety logically belongs with the Department which has as its overall duty the responsibility of safeguarding workers' rights. Yet the committee recognizes that miner health and safety calls for particular expertise and a special expenditure of effort. It is for that reason that S. 717 insures that the mining enforcement agency will maintain its independence within the Labor Department.

Further, in order to insure that the mine safety and health program will not be denied the technical mining expertise of the Bureau of Mines, the safety research and training functions which are integrally related to this technical expertise are retained in the Interior Department. Under this arrangement, the Secretary of Labor will be able to determine his safety research and training needs, and arrange to have the appropriate research and training done by the Interior Department. The considerable skill and experience of the Bureau of Mines will thus continue to be directed toward furthering the health and safety of our Nation's miners.

Mr. President, there will be charges that this attempt to improve the health and safety of our Nation's miners will be costly to the mining industry and that the cost to the consumer of energy and mineral products will increase. Possibly that is the case.

Mr. President, we must consider the cost we now pay in human suffering. One death and sixty-six disabling injuries every working day is a cost which no civilized society should permit itself to pay for extracting minerals.

Our country is now turning to address our natural energy shortage. The President has already sent to us a comprehensive plan to increase the development and exploitation of our energy and mineral reserves. I believe that an effective mine safety and health program must be put in place first—and must be the firm foundation upon which we will build our national energy program. Otherwise, we will continue to pay for our energy and minerals with the dreadful currency of human lives and limbs.

Our national energy needs should not be met at the expense of our Nation's miners and their families. With the possibility of greatly increased mineral extraction on the near horizon, the time has come for reform of our inadequate mine safety and health program. Our miners should have to wait no longer. Our Nation should want to wait no longer.

Mr. President, this bill has the support of the President and his administration.

The Secretary of the Interior and the Assistant Secretary of Labor have told the Labor Subcommittee that President Carter considers the changes to our mine safety and health program made by S. 717 to be essential, and of a high priority.

Mr. President, the Committee on Human Resources has felt this urgency for a long time.

S. 717 has been carefully drafted and considered by the committee, and I am glad that it is on schedule now for the Senate to make its determination.

Mr. President, I am happy to see that the ranking member of our committee, the Senator from New York (Mr. JAVITS), who has been one of the leading architects of all of our safety laws, is now ready to advance another necessary cause, S. 717, before the Senate now.

Mr. JAVITS. Mr. President, we have before us today a bill, S. 717—the Federal Mine Safety and Health Amendments of 1977, which was unanimously reported to the Senate last month by the Human Resources Committee. I am pleased once again to join the chairman of the committee, Mr. WILLIAMS, in urging the adoption of a measure to bring about a marked advance in the safety and health of our Nation's working men and women.

This bill is intended to strike a new balance in the longstanding antagonistic goals of maximizing production of energy and mineral resources on the one hand, and, on the other hand, affording the maximum safety and health protection for the workers who extract those resources in what all recognize is inherently a highly hazardous occupation.

With greatly increased emphasis on coal production to meet our future energy needs, we must be sure that accelerated production is accompanied by an improvement in the rate of fatalities and disabling injuries among miners. To this end, the bill makes a number of improvements in the standard setting and enforcement provisions of the Federal Coal Mine Health and Safety Act of 1969.

S. 717 will at last also bring about a balance in worker protection between coal miners and other miners who have been inadequately protected under the far less comprehensive and stringent provisions of thee Federal Metal and Non-Metallic Mine Safety Act of 1966. With the enactment of this bill, all miners, whether coal or noncoal, whether underground or surface, will be afforded equal protection against the hazards of their common occupation. To this end, the bill repeals the Metal Act and vests all authority in the Secretary of Labor under one new statute, which nevertheless leaves intact the appropriate differences in standards between the coal and noncoal operators in the mining industry.

This bill is a product of extensive oversight activities on the part of the Human Resources Committee that have continued over the past 7 years. The committee has investigated several of the terrible disasters that have taken the lives of miners during this period. The Human Resources Committee has also received a series of critical reports from the General Accounting Office on the state of the present mine health and safety program.

After all of this careful examination,

there can be no doubt that our present mine safety and health laws are inadequate, and that they have often been laxly enforced. We have seen some improvement over the last 7 years in accident and fatality rates in the mines, but it has not been enough. It is totally unacceptable that years after enactment of our present mine safety laws, miners are still permitted to enter mines without even rudimentary safety training. It is likewise unacceptable that our Nation still experiences deaths and serious injuries in our mines at rates far above those in other industrialized nations. The need for the bill is evident, and I urge its enactment without compromise.

S. 717 has three principal features: First. It combines all Federal mine safety and health programs under a single statute. Second. The provisions of that statute are upgraded to permit a more effective program of standard setting and enforcement for all mines. Third. The administration of this program is transferred to the Department of Labor, where it can be administered with the highest priority being the fullest protection of the health and safety of the American miner.

While these principal features are absolutely necessary to the effectiveness of the bill, it is also important to note that the bill does not overlook the interests of mine operators and consumers in its operation. The bill preserves the important role played by the mine operators in the standard promulgation process by providing for hearings upon request by interested parties before the Secretary may publish a proposed standard. The bill expressly protects the right of mine operators to contest any standard, citation, penalty or order before the Mine Safety and Health Review Commission or before the Federal courts.

S. 717 combines selected features from three sources: The Coal Mine Health and Safety Act of 1969, the Metal and Nonmetallic Safety Act of 1966, and the Occupational Safety and Health Act of 1970. The basic provisions of the Coal Act are left intact, its enforcement powers and penalty collection procedures are strengthened and definite time limitations are incorporated for each step of the standards promulgation process. All existing health and safety standards under the Coal Act and all mandatory standards under the Metal Act are retained, and any new standards cannot reduce existing levels of protection. Advisory standards under the Metal Act are to be reviewed by an Advisory Committee for possible promulgation as new mandatory standards.

In addition to carrying over the existing obligations of mine operators, S. 717 imposes a general duty upon mine operators to provide a workplace "free from hazards that are likely to cause death or harm." This general duty clause requires the elimination of recognized hazards that are not specifically covered by a health or safety standard.

New standards are established by the Secretary of Labor, who initiates their promulgation by publishing the proposed standard in the Federal Register for comment. If requested, a hearing is conducted with full opportunity for all interested parties to present their views. Any person adversely affected by a promulgated standard may challenge its validity in the appropriate U.S. court of appeals.

Enforcement is achieved through inspections, complaints, citations, penalties, and closure orders. The bill requires at least four inspections annually for all underground mines in their entirety, two annually for all surface mines, and at least one spot inspection every five working days for particularly hazardous mines. Operators and miners may accompany inspectors. In addition, miners may request inspections if they suspect the existence of any hazard.

After an inspection, an inspector may issue a citation indicating any violation of health or safety standards or of the general duty clause. The citation must specify a time period within which a violation must be fully abated. The Secretary must notify the mine operator of any proposed penalties within a reasonable time after the citation. Imposition of civil penalties for violations is mandatory, although the amount assessed is based upon the gravity of the violation, the operator's good faith, the history of violations at the mine and the size of the mine.

The inspector may also issue a closure order in order to close a mine or a part of the mine under four prescribed circumstances: First, where there is imminent danger present; Second, where an operator has failed to fully abate a violation within the time specified in the citation; Third, where the operator's failure to comply with the bill's requirements is unwarranted; or Fourth, where there exists a significant and substantial violation after the operator has established a pattern of such violations in the mine. The closure order remains in effect for all but essential personnel until the violation is abated.

In addition, S. 717 grants the U.S. district courts power to enjoin mine operations where the Secretary can show a pattern of violations constituting a continuing hazard to the health and safety of miners.

Administrative review of challenges to these procedures is lodged in an independent Mine Safety and Health Review Commission. Any affected party may appeal a citation, penalty, or order, and the Commission is directed to hold a hearing on their claim.

Anyone adversely affected by the Commission's final order may obtain review of the order in an appropriate U.S. court of appeals under the usual rules pertaining to judicial review of administrative action.

S. 717 strengthens the protection of miners from discrimination throughout the enforcement process. Miners may accompany inspectors and request inspections of specific conditions. They may not be fired in retaliation for any any health or safety activity, and the bill provides for a speedy determination of their reinstatement right. This bill also protects the income of miners when the mine their work is subject to a closure order or when they are transferred to other locations or jobs due to deteriorating health.

Finally, the health research functions now performed by the Bureau of Mines will be transferred to the National Institute of Occupational Safety and Health in the Department of HEW. Safety research and operation of the mine academy will continue to be conducted by the Secretary of Interior.

Although all mines are subject to uniform administrative procedures under S. 717, it is important to remember that different types of mines will continue to be subject to specific standards applicable to their particular circumstances, as is now the case. Western metal mines, for example, are not made subject to the present standards for underground coal mines; rather the bill expressly carries over the existing separate standards for coal and noncoal mines.

It is to be expected, I suppose, that the opposition to S. 717 comes chiefly from operators now subject to the Federal Metal and Non-Metallic Safety Act, for the greatest impact of this bill is on mines currently subject to that act. Pending amendments reflect opposition to merging all mine safety and health authority in a single statute and yet there is ample evidence that non-coal mining is highly hazardous and that the present Metal Act is woefully inadequate to bringing about needed reform in safety and health practices.

I wish to call attention to a recent report to the Human Resources Committee by the Comptroller General dated June 10, 1977, which is the result of a comprehensive review of the Department of Interior's implementation of the 1966 Metal Act. Overall. the General Accounting Office found that the little progress in injury rates is the result of improvements at only a few mine operations, and that the "extent to which Federal involvement was responsible for the improvements was questionable."

The GAO found weaknesses in every significant aspect of the program: injury reporting and analysis; the promulgation of health and safety standards; standards enforcement; education and training; and mine safety and health research.

Many health and safety hazards were found not to be covered by mandatory standards, and that, as of April 1977, about 350 proposed standards were backlogged. The inadequacy of the Metal Act's enforcement provisions is evidenced by the GAO's finding that many mine operators are cited repeatedly for basically the same types of hazards. MESA inspections have been erratic and too often incomplete. During 1975 MESA did not sample for employees' exposure to hazard levels of dust and noise at over 90 percent of the active mining operations. A review of training records for 55 high-injury mines showed that only 4 percent of employees had received any type of accident prevention training.

A glaring example of the Metal Act's lack of effective enforcement provisions is the fact that it does not authorize the assessment of civil penalties for the violation of mandatory standards. This ob-

viously creates little incentive for overall compliance with promulgated standards and, as noted in the report of the Human Resources Committee, a review of the 10 years of enforcement of the Metal Act, and 6 years under the Coal Act, shows that the former has brought about significantly less improvement in the incidence of fatalities resulting from mining operations. In metal and nonmetallic mines, the frequency rate of fatal accidents per million man-hours was virtually unchanged in comparing 1975 data with the data from 1970, whereas the same rate in coal mines was reduced over the same period by more than half.

On the basis of this and all of the other evidence accumulated by the Human Resources Committee in the course of its extensive oversight investigations, I strongly support the need to effect much more stringent standards setting and enforcement procedures and to provide equal protection for all of the Nation's miners in a single statute as contained in S. 717.

Finally, the Secretary may consider various factors such as the econonomic and cost implications of new standards and the feasibility of methods of protection from toxic materials in the standards promulgation process. There is no need for further requirements in these areas, for they only serve to unnecessarily delay promulgation and to provide extraneous grounds for collateral attack on standards. When it comes to protecting the health and safety of miners, cost factors alone cannot be determinative of what measures need to be taken.

It is my belief that the inclusion of the term "feasibility" among the factors to be considered in standard setting is not intended to foreclose a new standard to protect the safety or health of miners merely because an increase in production cost might result. Nor is the term intended to give rise to endless economic feasibility and cost/benefit studies to the detriment of miners' protection.

Health and safety regulation simply cannot be equated with economic regulation for we are dealing with human costs which are no less real than production costs just because they are harder to quantify. Equity demands that certain groups be accorded health and safety protection even if it sometimes is at the expense of economic efficiency. Cost analysis, of course, has its place, but it should chiefly be reserved for taking into account alternative means of accomplishing the primary goal, that of minimizing worker exposure to unsafe working conditions.

In standards setting, particularly in the area of worker health, specific findings of fact are often not possible and a policy judgment must be made on the basis of the best available evidence. It is the duty of the Federal Government to stress protection and to promulgate standards for which there is significant factual evidence, but not necessarily conclusive evidence.

In conclusion, it is my judgment that S. 717 represents the best that we can do for those miners who are faced with inherently hazardous working conditions. I urge the passage of S. 717 as a matter of duty to those men and women.

Mr. President, I support this bill, and I believe it is backed by very competent and very substantial factual evidence, including a splendid report by the Comptroller General of the United States, dated June 10, 1977, and I ask unanimous consent that that report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

JUNE 10, 1977.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Human Resources, U.S. Senate.

DEAR MR. CHAIRMAN: On July 24, 1975, you requested our Office to make a broad-based, comprehensive review of the Department of the Interior's implementation of the Federal Metal and Nonmetallic Mine Safety Act of 1966. Your office also requested that we first obtain detailed information on mine closure orders issued by the Mining Enforcement and Safety Administration (MESA) under the Act.

Pursuant to your request, on February 12, 1976, we issued a report to you entitled "Analysis of Closure Orders Issued Under the Federal Metal and Nonmetallic Mine Safety Act of 1966" (CED–76–64). This report summarized information on closure orders that were issued during the period January 1, 1972, through September 1, 1975.

In further response to your request, we recently completed extensive field work directed toward an evaluation of the effectiveness of Interior's implementation of the Act. We are currently in the process of finalizing our report.

In recent discussions with your office, we were advised that the Senate was soon expected to vote on proposed legislation dealing with the Federal Metal and Nonmetallic Mine Safety Act (S. 717). Because the proposed legislation deals with many of the matters covered during our review, your office asked us to provide a written summary of our findings as soon as possible, but no later than June 10, 1977.

Also, for the use of your Committee we are providing a copy of our previous comments on Senate bill S. 1302, which is similar to the current legislation dealing with the Federal Metal and Nonmetallic Mine Safety Act of 1966.

SCOPE OF OUR WORK

Our review was conducted primarily at the MESA Rocky Mountain and South Central Districts headquartered in Denver, Colorado, and Dallas, Texas, and at the headquarters office in Arlington, Virginia. We visited 55 metal and non-metal mines and observed 54 MESA inspections. The mines we visited were selected to obtain adequate coverage of the various types of mining operations covered by the Act.

We met with officials from the following organizations to review the effectiveness of the metal and nonmetal health and safety program:

The 1975 Metal and Nonmetal Mine Safety Advisory Committee.

The Buerau of Mines Research Centers and Bureau of Mines headquarters in Washington, D.C.

The Colorado School of Mines.

Mine agency officials from the province of Ontario, Canada, and several State mine agency officials.

U.S. and Canadian mining associations; and various labor unions and mine operators.

We also attended meetings held by the Federal Metal and Nonmetal Mine Safety Advisory Committee and interviewed MESA inspectors and other appropriate officials regarding the program.

IMPROVEMENTS NEEDED IN INDUSTRY'S SAFETY RECORD

Generally speaking, we concluded that there was a need for improvement in several areas of MESA's mine health and safety program. We recognize that in 1975, for the first time, some progress was made in reducing the number of injuries and accidents; we found, however, that this improvement was basically the result of improvements at a few mine operations. The extent to which Federal involvement was responsible for the improvements was questionable

We believe MESA's overall safety program would be more effective in reducing injuries if certain improvements were made. The areas where we found weakness and/or the need for improvements included the following:

The reporting and analysis of occupational accident, injury, and illness information;

Health and safety standards and the process by which they are promulgated;

The enforcement of mine health and safety standards;

The education and training programs provided to the mining industry; and

The identification of research needs and the dissemination of research results to industry.

IMPROVEMENTS NEEDED IN REPORTING AND ANALYSIS OF ACCIDENTS, INJURIES, AND ILLNESSES

In our study of MESA's system for reporting and analyzing occupational accident, injury, and illness information, we found that:

MESA instructions to mine operators do not require that all occupational injuries be reported, nor do they prescribe clear criteria for determining which injuries must be reported.

MESA inspectors are not following established procedures to verify the complete ness and accuracy of injury and illness data reported by operators.

MESA has not used its computerized information system effectively to analyze the detailed injury and illness information reported by operators.

MESA does not have specific criteria for determining which accidents should be investigated by MESA or by mine operators.

Detailed information on accidents which do not involve injuries is not included in MESA's computerized information system, even though it is readily available in MESA or mine operator accident reports.

As a result of the above, MESA's statistics do not accurately reflect the industry's injury experience.

ADDITIONAL HEALTH AND SAFETY STANDARDS NEED TO BE ESTABLISHED

The 1966 Act requires the Secretary of the Interior, for the purpose of protecting life, promoting health and safety, and preventing accidents, to develop and promulgate health and safety standards, after consultation with advisory committees which he is authorized to appoint. Standards with which mine operators must comply are designated as "mandatory" standards, and these standards are enforced as law. Standards which do not require such compliance are known as "advisory" standards, and compliance with these standards is only recommended.

We found numerous health and safety hazards which were not covered by MESA's mandatory standards.

Many needed mandatory standards which had been proposed by MESA had not been officially promulgated because, in most instances, the process of reviewing and promulgating standards takes years. For example, we found that as of April 1977, about 350

proposed standards were backlogged in various stages of the approval process. Some of these standards had been proposed by MESA as early as 1973.

We found also that the review and approval of standards had been delayed unnecessarily because of the manner in which MESA had processed certain standards through the established review and approval procedures. MESA advised us that inadequate staffing had resulted in unwarranted delays. MESA advised us also that it planned to take certain actions to resolve these problems in the near future and that it expected to reduce the average time required to promulgate standards by at least 30 to 40 percent.

We noted many hazards which were covered only by advisory standards. MESA officials said they have not initiated action to make these standards mandatory because of higher priority work, but that action in this regard would be taken in the near future.

MESA'S ENFORCEMENT ACTIVITIES SHOULD BE IMPROVED

Based on the MESA inspections which we observed, we noted the following:

1. MESA's enforcement authority has not been totally effective in permanently reducing health and safety hazards. Many of the mine operations we visited continued to be cited repeatedly for basically the same types of hazards. For example, during the period January 1, 1971 through June 30, 1976, one underground mine was cited 251 times for failing to take down or adequately support loose ground in work areas.

2. MESA inspections vary in the degree to which they cover all aspects of mining operations. For example, during one inspection the inspector examined 14 of the operation's 26 haulage trucks and rode with several drivers to observe their driving procedures. During another inspection, the inspector did not examine or ride in any of the operation's 113 haulage trucks.

3. MESA has not placed sufficient emphasis on the enforcement of health and training standards. During 1975, MESA did not sample for employees' exposure to hazardous levels of dust and noise at over 90 percent of the active mining operations.

MESA had not sampled for these contaminants during the period 1973 through 1975 at about one-half of the mines we visited. We also observed that the MESA inspectors we accompanied generally did not verify whether mine operators had provided training to their employees, as required by MESA's mandatory standards.

MORE ACCIDENT PREVENTION TRAINING NEEDED

The 1966 Act directs the Secretary of the Interior to develop education and training programs to assist the industry in the recognition and prevention of accidents and unsafe or unhealthy working conditions. Research conducted for the Bureau of Mines has shown that accident prevention is the most effective type of training for reducing injury rates, especially when it is directed toward specific hazards and individual jobs.

We found that the majority of MESA-sponsored training involved courses which were mandated by MESA's standards, such as first-aid and use of emergency breathing apparatus in underground mine fires and other mine emergency and rescue procedures. This type of training primarily addresses results of accidents rather than the factors that cause accidents. We reviewed training records for 55 selected high-injury mines and found that only four percent of the employees had received any type of accident prevention training.

Although MESA has primary responsibility for providing accident prevention training, its ability to provide such training has been limited by its small instructional staff.

ROLE OF RESEARCH IN MINE HEALTH AND SAFETY

We found that noncoal mine research carried out by the Bureau of Mines had not led to the development of safety and health standards, and had not materially assisted MESA in enforcing standards.

The Bureau of Mines is the Federal Government's primary research arm in mine health and safety. Anticipated uses of the Bureau's research findings include:

1. providing a technical basis for the development of new health and safety standards, and updating of existing standards;

2. assisting MESA in the enforcement of standards by developing improved techniques and devices; and

3. facilitating mine operators' compliance with standards by developing improved techniques for eliminating hazards.

Although the Bureau and MESA have separate responsibilities in the noncoal mine health and safety program, they share a common goal—achieving the greatest possible degree of proteciton for miners. To achieve this goal, MESA is required to develop standards, enforce them, and provide technical assistance to mine operators to help them comply with the standards. The Bureau conducts a research program to develop technology which is intended to assist in the performance of these activities. There has been a lack of coordination and cooperation between the Bureau and MESA, however, in establishing project priorities, minotoring the progress of projects, and transferring resulting technology to the industry.

In February 1976, the two agencies agreed on specific procedures for coordinating program planning and project priorities. Because the procedures were first used in formulating the research program for the current fiscal year (1977), it is too early to assess what effect they will have on the ultimate research efforts. As of April 1977, no action had been taken by the Bureau and MESA to develop procedures for carrying out their respective responsibilities relating to technology transfer, as called for in the agreement.

The Bureau and MESA agreed that the level of funding for the noncoal health and safety research program had posed severe limitations and had not permitted the accomplishment of priority needs. Attempts by responsible Bureau officials to substantially increase funding for the program were rejected by the Department of the Interior until recently. According to Department officials, the program has had a low funding priority because there is no specific legislative mandate and funding authority for this research, as is the case with coal mine research.

This presents a brief overview of the results of our work and, although we discussed most of these matters with agency officials, we have not yet obtained formal agency views on our observations. We plan to do this in the near future and then issue a final report to your Committee. Our report will include numerous specific recommendations to the Department of the Interior for corrective actions.

We hope the information provided herein will be of assistance to you. If you wish, we will be glad to meet with you or your staff for further discussion.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

Mr. JAVITS. Mr. President, the chairman of the committee, Senator WILLIAMS, himself a very distinguished leader in the field of occupational safety and health, has referred to the views of the Secretary of the Interior. We have a very important analysis by him, which I ask unanimous consent be printed in the RECORD, which does something which heads of departments are normally not wont to do, which is to state that he thinks the duties of MESA, the mine safety element of his department, should be transferred to the Department of Labor.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

APRIL 1, 1977.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter presents the Administration's views concerning S. 717, a bill "To promote safety and health in the mining industry, to purposes."

S. 717 combines some of the better features of the Federal Coal Mine Health and Safety Act of 1969, the Federal Metal and Nonmetallic Mine Safety Act, and the Occupational Safety and Health Act of 1970. The bill also contains many new concepts designed to strengthen existing mine health and safety statutes. It also transfers responsibility for administration of the Federal mine health and safety program from the Interior Department to the Labor Department.

With respect to the transfer issue, the Administration supports the transfer of the Federal mine health and safety program to the Labor Department. We believe that the most significant aspects of the bill are represented in its provisions for strengthening the regulatory and enforcement measures in the existing laws.

We strongly endorse and support the goals and concepts contained in the bill, and urge its enactment into law. Although health and safety conditions in the Nation's mines have substantially improved since enactment of the current mine health and safety statutes (see enclosure 1), there is no question that much remains to be done to improve the protection afforded miners against health and safety hazards. The tragic facts of life in the mining community are that, in spite of increasingly strong Federal actions, far too many mine operators fail to provide safe and healthful working places for the miners whom they employ. Substantial improvements to existing mine health and safety legislation, such as those contemplated by S. 717, are absolutely necessary to increase mine operator incentive to comply with health and safety standards.

There are a number of essential elements in the bill that we strongly support, including:

One statute for both coal and metal/nonmetal mines, affording equal protection for all miners and a common regulatory program for all operators;

A statutory general duty provision requiring operators to provide workplaces free from hazards likely to cause death or harm;

Mandatory time schedules for standards development to expedite the rulemaking process;

Increased emphasis on development of health standards to protect miners from toxic materials and other harmful physical agents;

Strengthened enforcement mechanisms;

Mandatory training standards; and

Improved procedures for assessment and collection of civil penalties.

Having conducted a thorough review of the bill, we do have some suggestions for improving the bill through amendment of a number of provisions, to strengthen enforcement and other inducements for compliance, as well as to make the bill more administratively workable. The general issues with which we have concern, and our suggestions for making improvements relating thereto are set forth below.

Although S. 717 is an amendment to the Federal Coal Mine Health and Safety Act of 1969 and retains many of the provisions of that landmark legislation, we are concerned that Title II of the bill in some instances

unnecessarily changes existing procedural and enforcement concepts. Such changes would have the short term effect of impeding enforcement and retarding compliance by the mining industry. Our experience with existing mine health and safety legislation makes us acutely aware of the initial problems which arise when the Congress creates new standards and procedures to regulate an industry. The entire industry must become familiar with new concepts, terms, and procedures. An organization must be assembled and the people trained to interpret, implement and enforce the new law. An interpretive body of law must be developed on a case-by-case basis by a new administrative review mechanism and the Federal courts. As this difficult process advances, industry compliance steadily improves since clear, unambiguous government interpretation and enforcement is necessarily precedent to industry understanding and compliance. We have now reached the point through significant time and effort where operators, miners, inspectors, attorneys and judges have developed a working familiarity with existing mine health and safety legislation. A common denominator, therefore, in our suggestions to improve and strengthen the bill is to retain within the fabric of S. 717 existing provisions of the Federal Coal Mine Health and Safety Act of 1969 which have proven to be clear and effective.

In the area of rulemaking, we urge that all references to advisory committees be eliminated. Our experience with advisory committees under existing mine health and safety legislation has been that such committees not only overly delay the rulemaking process, but also tend to become uncontrollable focal points of special interest groups. All too frequently the result is a weak, compromise recommendation that fails to provide the basis for effective mine health and safety standards. We believe that the publication, public comment and hearing procedures provided in the bill afford the best forum for participation by all parties in the standards development process.

The bill specifies mandatory deadlines for the rulemaking process. We agree that in too many instances standards have not been promulgated expeditiously and we endorse the need for mandatory time tables in the bill. We believe, however, that the time frames specified in S. 717 are overly short and should be extended generally by 30 days.

S. 717 places substantially increased emphasis on the need to develop effective health standards to protect miners from the adverse effects of toxic materials and harmful physical agents used in the mining industry. We endorse these provisions.

While we endorse the provision of S. 717 permitting a variance to be granted for valid health or safety research purposes, we would recommend that the remaining variance provisions in the bill be deleted in favor of the existing variance procedures of the Federal Coal Mine Health and Safety Act of 1969. The existing provision is strong, workable and understood by the mining community.

Section 104 of the bill which relates to inspections, investigations, and record keeping would require the Secretary to make inspections of each mine in its entirety at least four times a year. We recommend that this provision be amended to require that each underground mine be inspected in its entirety at least four times a year, and that guidelines be developed by the Secretary for additional inspections of mines in their entirety based on criteria including, but not limited to, the hazards found in mines. We believe that such a provision would both ensure adequate minimum requirements for mine inspections and at the same time would permit sufficient flexibility to enable the Secretary to devote additional inspection efforts to mine presenting especially hazardous health and safety problems. This amendment is not intended to dismiss the hazards of surface mines. Nor do we contemplate that MESA's current inspection efforts at surface mines—it averages three annual complete inspections at surface coal mines and one at surface metal/nonmetal mines—will be reduced.

In the area of enforcement and compliance, we generally agree with the provisions of the bill. Some specific recommendations are made on attached sheets.

With respect to the provision concerning "unwarranted failure of the operator to comply" with health and safety standards as specified in section 105(c) of the bill, we recommend that a clear definition of the term "unwarranted failure of an operator to comply" be developed to minimize difficulty in enforcement.

As you are aware, the civil penalty provisions of the existing Federal Coal Mine Health and Safety Act of 1969 have engendered considerable controversy and have been difficult to effectively administer.

In our opinion, we have recently made substantial improvements in the civil penalty assessment program (see enclosure 2). However, much remains to be done to ensure that the dollar amounts of the civil penalties are high enough and are collected quickly enough to operate as effective incentives for operator compliance with the law. We believe that S. 717 substantially improves our ability to achieve this result. We urge, however, that the current $10,000 maximum for a civil penalty be raised to $15,000, and that the provision of section 111(b) of the bill which permits discretionary assessment of a civil penalty of not more than $1,000 for each day during which an opeartor fails to abate a violation beyond the time permitted for its correction be made mandatory.

It is also recommended that an eight percent interest rate be charged against any person who fails to pay a final assessment order of the Secretary.

Our review of the bill indicates other changes and improvements that we recommend be made. Many of these are included on the attached sheets (enclosure 3). We have also attached charts providing graphic illustration of MESA performance indicators over the past 6 years. We are prepared to render any assistance in regard to potential changes and are ready to work closely with you and other members of the Committee in strengthening and improving the bill. We will provide additional specific suggestions for improvement of the bill when Administration approval can be obtained.

I am confident that a meaningful dialogue between the Department and the Congress will result in strong, effective mine health and safety legislation which can be quickly enacted into law for the benefit of the entire mining community.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CECIL D. ANDRUS,
Secretary.

Mr. JAVITS. It seems to me that such an admission against interest is one of the most powerful arguments for this bill.

Finally, Senator WILLIAMS and I addressed the President in March on this particular issue which began the process of strongly enlisting the support of the administration.

I ask unanimous consent that our letter of March 25 together with the reply which was made to us by the Director of Management and Budget at the direction of the President be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 27, 1977.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Frank Moore has shared with me your letter of March 25, 1977, to President Carter urging support of legislation to improve existing mine health and safety laws and to transfer responsibility for enforcement to the Department of Labor, as provided in identical bills (S. 717 and H.R. 4287).

As you know, the President strongly favors strengthening mine health and safety legislation and supports the transfer of responsibility for enforcement from the Department of the Interior to the Department of Labor. Since your letter was written, the Administration's views on these matters were presented by Secretary Andrus and Assistant Secretary Packer when they testified before your Human Resources Committee on S. 717 on April 1, 1977, and, that same day, before the House Education and Labor Committee on H.R. 4287.

Being keenly interested in the health and safety of our Nation's miners, the Administration looks forward to speedy passage of this legislation.

With warm regards,

Sincerely,

BERT LANCE,
Director.

MARCH 25, 1977.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR PRESIDENT CARTER: Next week, subcommittees of the Senate Committee on Human Resources and the House Committee on Education and Labor will hold hearings on identical bills (S. 717 and H.R. 4287) to improve our mine safety and health laws and transfer the responsibility for enforcing those laws to the Department of Labor. We seek your support of these bills.

The recurring tragedies in our nation's mines are testament to the inadequacies of our current mine health and safety laws and their enforcement. Last year, 222 miners were killed, and 18,442 miners suffered disabling injuries while working in the mines, an unconscionable price for any civilized society to pay for its mineral and energy resources. The improvements made by these bills are clearly needed.

We believe that an important element of an improved mine health and safety program is the transfer of the responsibility for the administration and enforcement of that program from the Department of the Interior to the Department of Labor. There has been considerable concern about the degree of institutional commitment to workers' problems by the Department of the Interior under previous administrations, but there can be no doubt that the Department of Labor, as an institution, is dedicated to the diligent protection of workers' rights. We firmly believe that a mine health and safety program logically must be brought within the jurisdiction of the Department of the government which has the responsibility for the welfare and protection of our nation's workers.

Our natural resources policy must rest on the foundation of a sound and effectively administered program to insure the health and safety of the miners who extract these mineral reserves. For this reason, we feel that the Congress should move quickly to strengthen that foundation with the complete mine safety and health program encompassed by S. 717 and H.R. 4287. We welcome and value the assistance and support of you and your Administration in our efforts to se-

cure swift passage of these bills and provide a truly meaningful and effective safety and health program for our nation's miners.

With best personal regards,

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman.

JACOB K. JAVITS,
Ranking Minority Member.

Mr. ROBERT C. BYRD. Mr. President, it may be worthwhile to recall our findings as contained in the Federal Coal Mine Health and Safety Act of 1969. In that act, Congress declared that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner." Today we have the opportunity to rededicate ourselves to that commitment and to further affirm our concern toward the health and safety of all miners.

There was a period in the history of our country when little if any consideration was given to the working conditions of our miners as it related to their health and safety. We have come a long way in that regard. With the passage of S. 717, we will strengthen the applicable health and safety standards of the Coal Act and combine protection of all miners under a single comprehensive law, thus affording equal protection for all miners.

The Nation faces an enormous task in increasing our coal production over the next several years in order to meet our energy needs. However, we cannot increase production at the expense of the health and safety of our miners. This bill will assure that that does not happen.

Mr. President, there have been extensive hearings held on this proposal, not only this year but in the last several years. An extensive record has been built. The Committee on Human Resources and its Subcommittee on Labor have done a good job in a most difficult area.

Mr. FORD. Mr. President, as the Senate considers this important legislation to strengthen our national mine safety and health program, I commend the distinguished chairman of the Committee on Human Resources, Mr. WILLIAMS, for his strong and continuing interest in the welfare of mine workers throughout the Nation.

As a result of his initiative and urging, measures similar to the legislation now before us were introduced in both the 93d and 94th Congresses. Only a lack of time prevented action on this measure last year prior to the October adjournment, and at that time the chairman indicated that this particular legislation would be a high priority for the committee early in the 95th Congress.

It has been 7 years now since the Congress first enacted a comprehensive, uniform mine safety and health program for all our Nation's miners. That law is a good one which has brought about significant improvements in promoting health and safety in our Nation's mines.

Yet, that law is far from perfect, and I would remind those who might disagree of what happened some 15 months ago at the Scotia Mine in my State of Kentucky. On March 8 and 11, 1976, two explosions of accumulated methane gas killed 23 miners and 3 Federal mine inspectors, one of the worst mining disasters in our Nation's history.

The scope of that tragedy pointed out once again that no occupation poses greater risk to human safety and health than deep mining. It is my sincere hope today that the grim memories of what happened then have not faded from either our hearts or minds, and that the sentiment in this body is just as strong as it was 15 months ago about the need to strengthen our mining safety and health laws.

The Senate Committee on Labor and Public Welfare and the House Education and Labor Committee conducted a joint investigation of the Scotia disasters, and what they learned suggested several weaknesses in the current Coal Act and its enforcement. While this investigation is not yet complete, it is already apparent that weaknesses in the Coal Act of 1969 and its enforcement were a contributing factor in permitting the circumstances surrounding the explosion to exist.

The committees found that Scotia had a continuing problem in ventilating the mine. During the 26 months prior to the explosions, the Scotia mine had been cited 62 times for violations of the ventilation standards. Proper ventilation is essential in a mine to prevent the accumulation of lethal gases.

When a mine is having so much trouble in achieving proper ventilation, it should be obvious to the agency administering the mine safety and health program that a serious problem existed and corrective action was in order.

Yet, the Mining Enforcement and Safety Administration did little except continue to write violation notices and permit the situation to go on unchecked. There was little else the agency could do, and witnesses from the Interior Department at the committee's hearing pointed out that no other sanction was available under the Coal Act.

This would not be the case under S. 717 as reported, because that bill establishes two separate sanctions addressed to repeated violators.

One would permit inspectors to close a mine, or the affected portion, when there is a pattern of serious violations which could contribute to safety or health hazards. If this provision had been in the law before Scotia, MESA could have closed down the mine until the cause of the obvious ventilation problems had been corrected. A second remedy, contained in S. 717, is the provision allowing the Secretary to seek injunctive relief from the Federal court in situations where the operator has engaged in a pattern or practice of violations not conducive to a safe working environment. If this section had been in the existing law, MESA could have gone to court and requested an appropriate remedy to insure adequate protection for miners.

The committee also found that the penalty assessment and collection procedures under the Coal Act were insufficient. The committee found that in many instances operators found that it was less expensive to pay a fine rather than to correct the underlying cause of the violation.

This appeared to be the case at Scotia. In one 4-month period in 1975, the mine was cited eight times for violating the same ventilation standard, and yet, the amount MESA assessed for the eighth such violation was less than one-quarter of what it was assessed for the first violation. The amount Scotia actually paid in civil penalties for the last of these violations was less than one-half of what it paid for the first. The first was assessed at $450 and the operator paid only $150. The last was assessed at $90, and Scotia paid only $74.

Mr. President, when these serious violations can be settled for a mere $74, the operator is not going to put forth the necessary time and expense to permanently correct the underlying causes. Not only is the amount simply too small to make a lasting impression on the mine operator, but the committee also found that the time between citation of the violation and actual payment of the penalty takes far too long.

According to the committee's analysis of the enforcement history at Scotia, the average time between citation of a ventilation violation at that mine and the final payment of a penalty was 270 days. The average for other types of violations was even longer.

This bill, S. 717, would eliminate those problems by reducing the criteria for the assessment of a penalty, so that greater stress is put on the repetitive nature of the violation. This measure also extensively streamlines penalty assessment and adjudication, so that penalties can be assessed and collected with reasonable promptness and administrative fairness. By requiring the operator who wishes to contest a proposed penalty to do so promptly, the entire penalty assessment and collection procedure will be made more efficient without sacrificing due process.

In addition, this bill limits the opportunities for compromising penalties. The settlement of penalty assessments in the past, often for as little as 30 cents on the dollar, has been a disgrace, as well as a serious obstacle to effective use of the civil penalty mechanism to encourage compliance.

Finally, one of the most disquieting discoveries of the committee last year was that Scotia miners were being routinely sent into the mines with no safety and health training. This bill requires that all miners be given extensive and comprehensive training in safety and health matters before setting foot in a mine. This is an essential procedure which should have been part of our law all along.

Mr. President, I for one consider the provisions of S. 717 essential to the meaningful and lasting protection of miners. As this country turns more and more to coal as one answer to our immediate energy needs, those calls for more production must be matched by increased attention and responsiveness to working conditions in the mines. We have responsibility to legislate the highest standards for mine safety and health and, most importantly, insure that they do indeed become reality. We have a chance to do that today.

I urge my colleagues to join in support of this legislation which will go far in making needed improvements in existing law and further improve the safety and health conditions in our Nation's mines.

Mr. RANDOLPH. Mr. President, the pending measure is the most important and significant legislation for the safety and health of our Nation's miners since the enactment in 1969 of the landmark Coal Mine Health and Safety Act.

S. 717 does not present new concepts; only last year the Committee on Labor and Public Welfare reported to the Senate S. 1302 Because of a shortage of time prior to adjournment of the 94th Congress, that bill was not considered. Years of oversight of the Coal Act and the Metal Act by our committee have produced massive evidence of the need for alterations in the law.

Mr. President, although coal mining is recognized to be more hazardous than metal and nonmetal, or "hard rock" mining, the 1969 Coal Act has brought improvements to the fatality rate and the nonfatal injury rate that have not been matched in other mining. Therefore, the effective enforcement mechanisms of the Coal Act are in S. 717 applied to all mines. Other new enforcement approaches are added which are expected to improve safety in coal mines and metal and nonmetal mines.

I shall not reiterate what has been stated cogently by the able chairman of the Committee on Human Resources, (Mr. WILLIAMS). However, I wish to reemphasize that S. 717 would set time limits on standard making, and would impose a uniform procedure for the establishment of standards. Such requirements will accelerate the process, which now is too slow.

In addition, the Secretary is given authority to react quickly to hazards that are not dealt with by existing standards. This authority to set emergency temporary standards will provide necessary latitude and flexibility to permit action to be taken in unusual circumstances.

The bill transfers to the Department of Labor the enforcement responsibilities now residing in the Interior Department. I believe this to be a desirable modification from the standpoint of organization as well as the safety and health of miners.

Mr. President, I make one additional 'observation. It has been suggested—and strongly—that mines now covered by the Metal Act should not be subject to the same standards of health and safety as coal mines. Regardless of the merits of that position, the bill does not mandate the same standards. As the chairman of the Committee on Human Resources said, "different hazards may prevail in and different standards may be applicable to different segments of the industry."

What the bill does, however, is to insure that, whatever the standard, the methods and rigor of enforcement shall be the same for all mines, whether metal, nonmetal, or coal.

Mr. President, S. 717 has been developed after years of oversight, and with the aid and cooperation of the administration. It is a bill the President supports.

A SHARED CONCERN FOR MINE SAFETY

Mr. RIEGLE. Mr. President, I wish to emphasize that S. 717, the Federal Mine Safety and Health Amendments Act, provides a uniform mechanism by which miners, mine operators, and safety representatives of the Federal Government can work together to insure the highest possible safety levels in all types of mining operations. Mine operators share with mine workers a deep concern for the safety conditions in their mines, and the greatest benefit from this bill is that it will provide guidance to operators as well as to worker representatives involved in the never-ending task of examining and reexamining mine conditions to eliminate hazardous conditions.

As a cosponsor of this bill, I wish to assure my colleagues that the Labor Subcommittee and the full Human Resources Committee have revised the initial bill in various respects to improve the procedures envisoned for establishing and enforcing health and safety standards. Many of these revisions were adopted in response to the concerns of mine operators; others were suggested by mining unions. As a result, the responsibility for establishing and enforcing these standards is granted to the Department of Labor—the Federal agency with the greatest expertise in dealing with health and safety problems in all industries—along with procedural requirements designed to ensure that special situations in each mining setting will be considered when the regulations are adopted.

Finally, I would like to point out that the very real differences between coal mines and metal or nonmetallic mines will be recognized in the regulations adopted under this act, but where common problems exist the act provides for the establishment of common solutions. I strongly urge every one of my colleagues to support this important bill.

Mr. SCHMITT. Mr. President, will the Senator yield 5 minutes from the bill?

Mr. JAVITS. Does the Senator want 10 minutes?

Mr. SCHMITT. That will be fine.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator.

Mr. SCHMITT. Mr. President, the importance of mining to our country and to the world can hardly be understated. Our civilization today, as throughout history, has depended upon the sacrifices and the labors of the miners and the operators of mines. In fact, our national security is clearly dependent upon these sacrifices and labors.

When we look at the challenges we face in energy, to insure supplies of strategic minerals, to insure adequate supplies of construction materials, and so on down the list, we see the continued requirement for men to enter the earth in order to extract its mineral wealth.

Safety and health must always be part of our considerations as we ask men and women to become, if you will, as one with the earth. These considerations of safety and health must be balanced against our national security. As long as man must extract minerals, then, like war, they will always face dangers.

We honor too little those who take daily risks in the mines of this country and the world so that we may enjoy the benefits of our civilization.

The work of the Human Resources Committee on S. 717, the Federal Mine Safety and Health Amendments Act of 1977, is to be greatly commended, particularly the work of its distinguished chairman and ranking Republican member. In itself this work honors more than anyone else the Nation's miners and mine operators.

Most of the objectives of S. 717 are valid, and I commend the work that the committee and its members have done to help us understand what is necessary to improve the health and safety of our mines. I wish I personally could have worked directly with the committee during their deliberations in order to further enlarge the scope of the effort they have undertaken.

There is much concern in New Mexico about S. 717 and its companion bill in the House; the concern of 12,285 employed miners and the concern of a State dependent upon the extraction of mineral resources for its income and for its well-being.

New Mexico, ranks high in the extraction of coal. It is No. 1 in the extraction of potash, in uranium, and one of the major States which produces copper. I grew up in and around the mines of southwestern New Mexico. In fact, I was born in the area of an open pit copper mine. My birthplace no longer exists. It has been mined away.

Coming from that background and watching the mining industry develop rapidly throughout the succeeding decades, I know there is much left to be done. However, Mr. President, I believe that in the consideration of S. 717 there are several amendments which appear to be necessary, and I hope will appear to be necessary to my colleagues in the Senate.

Since it is not clear from the report of the committee that all technical considerations were fully addressed, it is to this end that I will spend some time this afternoon in the hope that they can be fully addressed here on the floor.

In many areas the committee may be able to answer my questions. With that assurance some of the amendments may not be necessary and can be withdrawn.

Mr. President, I would like to have several letters printed which have come from individuals in New Mexico who have expressed concern over some of the technical aspects of S. 717.

The first is a letter from J. W. Magraw, the resident manager of the Duval Corp.'s potash mine near Carlsbad, N. Mex. As the committee and the Senate is well aware, the extraction of potash from the mines of New Mexico offers the major and dominant source of potash mined in this country which is so absolutely necessary to the health of our agricultural industry.

The second letter from Mr. Dave Rice, vice president of Ideal Basic Industries,

a division of the Potash Company of America, again addresses considerations which are important to the industry in New Mexico.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, according to the previous order, the Senate will now proceed to vote on passage of H.R. 7552, as amended.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from New Mexico be recognized immediately upon the disposition of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator will be so recognized.

TREASURY-POSTAL SERVICE-INDEPENDENT AGENCIES APPROPRIATIONS, 1978

The Senate continued with the consideration of the bill (H.R. 7552) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, according to the previous order, the Senate will now proceed to vote on passage of H.R. 7552, as amended. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CULVER), the Senator from North Carolina (Mr. MORGAN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH) is absent on official business.

The result was announced—yeas 77, nays 7, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—77

Abourezk	Gravel	Nunn
Allen	Hansen	Packwood
Anderson	Hart	Pell
Bellmon	Hatfield	Percy
Bentsen	Heinz	Proxmire
Brooke	Hollings	Randolph
Bumpers	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Inouye	Riegle
	Jackson	Sarbanes
Byrd, Robert C.	Javits	Sasser
Cannon	Johnston	Schmitt
Case	Kennedy	Schweiker
Chafee	Leahy	Sparkman
Chiles	Long	Stafford
Church	Lugar	Stennis
Clark	Magnuson	Stevens
Curtis	Mathias	Stevenson
Danforth	Matsunaga	Stone
DeConcini	McGovern	Talmadge
Dole	McIntyre	Thurmond
Domenici	Melcher	Tower
Eagleton	Metcalf	Wallop
Eastland	Metzenbaum	Weicker
Ford	Moynihan	Williams
Glenn	Muskie	Young
Goldwater	Nelson	Zorinsky

NAYS—7

Garn	Laxalt	Scott
Hayakawa	McClure	
Helms	Roth	

NOT VOTING—16

Baker	Culver	Humphrey
Bartlett	Durkin	McClellan
Bayh	Griffin	Morgan
Biden	Haskell	Pearson
Burdick	Hatch	
Cranston	Hathaway	

So the bill (H.R. 7552), as amended, was passed.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ABOUREZK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate bill.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon and that conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Presiding Officer (Mr. MOYNIHAN) appointed Mr. CHILES, Mr. MCCLELLAN, Mr. SASSER, Mr. DECONCINI, Mr. WEICKER, and Mr. YOUNG.

The PRESIDING OFFICER. Under the previous order, we have to recognize the Senator from New Mexico. As the Senator from New Mexico knows, the Senator from South Dakota has been seeking the floor.

Mr. ABOUREZK. Mr. President, will the Senator yield for just a unanimous-consent request?

Mr. SCHMITT. I am happy to yield to the Senator for a unanimous-consent request.

REREFERRAL OF S. 1463

Mr. ABOUREZK. Mr. President, recently, S. 1463 was introduced by Senator NUNN and mistakenly referred to the Committee on Governmental Affairs.

I have cleared this with both the majority and minority and with Senator NUNN. I ask unanimous consent now that S. 1463 be rereferred to the Judiciary Committee, from there it will go to the Subcommittee on Administrative Practices and Procedures, with sequential referral to the Committee on Governmental Affairs for a period of 30 days after the Judiciary Committee has disposed of the measure.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, will the Senator withhold that request until I make a unanimous-consent request?

Mr. HELMS. Yes.

PRIVILEGE OF THE FLOOR—S. 717

Mr. BUMPERS. Mr. President, I ask unanimous consent that Martha Perry, of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Dick Burdette and Jim Hinish, of my staff, have the privilege of the floor during the consideration of S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that Perry Pendley, of my staff, have the privilege of the floor during the debate and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I make the same request for Nancy Barrow, of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I make the same request for Jim McClellan, of my staff, and Sylvia Costelanetz, of Senator MCCLURE's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the motion by the Senator from South Dakota?

Mr. SCHMITT. Mr. President, reserving the right to object, I yield to the Senator from Alaska.

Mr. STEVENS. What is the request, Mr. President?

The PRESIDING OFFICER. Will the Senator repeat the request?

Mr. ABOUREZK. I have asked that S. 1463 be referred to the Judiciary Committee and sequentially to the Government Operations Committee.

It has been cleared by both the majority and minority of that committee.

Mr. STEVENS. I am informed that there is no objection, Mr. President.

I thank the Senator for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

The Senate continued with the consideration of S. 717.

Mr. SCHMITT. Mr. President, prior to the last vote, we were providing introductory remarks to S. 717, a bill to promote safety and health in the mining industry. I had just introduced into the RECORD six letters, two of which have been referenced.

The third letter is from Mr. Robin J. Hickson, of the American Smelting & Refining Co., Vanadium, N. Mex., as in the case of preceding letters, expressing some technical concern about the proposed legislation before us.

The fourth is from Mr. R. R. Leveille, general manager, Chino Mines Division, Kennecott Copper Corp., Hurley, N. Mex., expressing further concerns about the bill.

A general letter from the Kennecott Copper Corp. is the fifth entry, expressing in some detail a variety of concerns relative to this measure.

The sixth letter is from the New Mexico State Labor and Industrial Commission, R. M. Montoya, the State labor commissioner, expressing principal concern about the usurpation by the bill of State administration for mine safety programs.

Mr. President, I ask unanimous consent that these letters may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 7, 1977.

Hon. HARRISON SCHMITT,
Dirksen Building,
Washington, D.C.

DEAR SENATOR SCHMITT: The purpose of this letter is to comment on House and Senate Mine Safety Legislation, specifically S717 Federal Mine Safety and Health Amendments of 1977. One must approach the subject of Mine Safety with a somewhat ambivalent outlook. You don't have to have been associated with the mining industry very long to appreciate the great strides made in mine safety over the years. Conversely one's mind is boggled by the mass of rules and regulations which have been generated by Federal, State and local government in just a very few years. I have watched and listened to impassioned pleas that the mining industry is the number one safety laggard in our American industrial economy. The safety record of the mining industry has continued to improve over the years, albeit at a slower pace since coming under the jurisdiction of M.E.S.A., so I feel that what we need is improvement of existing laws and reasonable interpretation of applicable laws to different mining areas and conditions. I think too long there has been a connotation that underground mining has been akin to interment rather than an honorable profession faced with no more hazards than other industries.

If a proportionate number of rules and regulations were applied to motor vehicle operators on Federal and State highways as a ratio of deaths on highways and in the mining industry no one would be able to even open the door to his vehicle much less get in. I am not advocating a recession in mine safety, but rather one which recognizes the priorities in safety for all segments of American Industry.

Sincerely,

J. W. MAGRAW,
Resident Manager.

IDEAL BASIC INDUSTRIES,
Carlsbad, N. Mex., April 22, 1977.

Hon. HARRISON SCHMITT,
Dirksen Building,
Washington, D.C.

DEAR SENATOR SCHMITT: The Mine Safety Bill (HR 4287) and its sister bill (S 717) in the Senate will be, if passed, most detrimental to our western mining industry and most specifically to potash. It is true if the seven Carlsbad potash producers are faced with equality in regulations, the basis for competition remains the same. However, the greater force of competition comes from vast and rich deposits existing in Canada, Russia, Israel, and Eastern and Western Europe.

The Carlsbad potash industry represents 95 percent of the U. S. potash industry and it is necessary to maintain this domestic source of this essential fertilizer and industrial raw material. 3,000 people are directly employed in this industry and the loss of Carlsbad's effectiveness to compete would result in losses in jobs, taxes, increasing cost of fertilizer to the farmer and an increasing dependence on foreign sources for a mineral essential to agriculture and industry.

Our major objection is the transference of the Mine Enforcement Safety Administration (MESA) from Interior to Labor. OSHA's performance under Labor has not been outstanding and has, in fact, been generally detrimental to safety. Other major objections include the following, but many other objections have not been included for the sake of brevity.

Combining the coal and metal-nonmetallic mining industries under a common mine health and safety law is nonsense due to differences inherent to coal mining versus metal-nonmetallic mining.

The rulemaking procedures that do not require formal hearings are undemocratic and could well be unconstitutional.

The imposition of civil penalties for all violations of rules and regulations as well as for violations of any provision of the Act.

Providing an inspector with the authority to issue citations which carry mandatory penalties, when he merely "believes" that a standard has been violated.

The granting of the same authority to the Secretary of HEW or his authorized representative to inspect and investigate as is granted to the Secretary of Labor or his authorized representative.

Authorization for a federal inspector to "supervise and direct" rescue and recovery operations.

Your assistance in defeating HR 4287 and S 717 is respectfully solicited.

Very truly yours,

DAVE RICE,
Vice President.

AMERICAN SMELTING AND REFINING CO.,
Vanadium, N. Mex., April 26, 1977.

Hon. HARRISON SCHMITT,
U.S. Senator, Washington, D.C.

DEAR SIR: I ask that you oppose Bill S717, the Mine Safety and Health Amendment Act of 1977.

The present Federal Metal and Non-Metal Mine Safety Act is not particularly favorable to companies such as mine but at least we have learned to live with it. The proposed Bill S717 goes far beyond remedial action and in all honesty borders on vindictive.

The present Federal Metal and Non-Metal Mine Safety Act has only been in effect for eight years yet fatal accidents have reduced virtually every year and last year's total was the lowest I've seen in the years I have been in the industry. In fact almost twice as many people died of bee stings and insect bites last year than in underground metal mines such as my own and six times as many died in school bus accidents. I mention these points for a reason. Why is there, every year, numerous bills and hours and hours of debate of our industry when the record proves we are improving and there are many other areas, where many more lives can be saved, that aren't even debated by congress?

Further, one of the main thrusts of the bill is to transfer MESA (Mine Enforcement and Safety Administration) from the Department of the Interior to the Department of Labor. This seems ludicrous when one considers accident rates have gone up under OSHA and when one also considers the very low regard of the public for OSHA at the present time. Why transfer mines from a reasonably creditable department such as MESA into the sinking morass of OSHA? The logic of asking a non-mining department to improve safety in the specialized mining field escapes me.

It should also be pointed out that this bill, similar to its predecessor S1302 of last year, has no minimum standards for mine inspectors yet wants to enforce hours of repetitive training for miners which have very little merit. The bill further proposes that these Department of Labor Inspectors, remember with no requisite qualifications whatsoever, shall have the power to make legal determinations as to whether violations are willful, or due to gross negligence, and their findings will be the basis of civil monetary penalties; all without any provisions for appeal by the operator. Doesn't this country want a mining industry?

I object to the aspects of the bill that allow all kinds of outsiders (e.g., HEW representatives, non-employees etc.—presumably outside union officials) to accompany the inspector on his inspection. Where has the sanctity of a man's place of business gone?

The feeling of vindictiveness appears again when we examine more of the bill. A miner does not have to notify the operator of a "supposed hazard" before he calls in an inspector. (Is this really the fastest way to eliminate the hazard or are we just trying to cause the operator harassment?) An inspector can issue a citation, close the mine, and withdraw all the miners if he "believes" a hazard exists—it is not necessary to find such a violation. The proposed bill further requires full pay for all the withdrawn miners, by the company, even if a subsequent review shows that no imminent danger existed.

Quite recently a union official was discharged from my mine for his activities during an illegal wildcat strike. He has recently been hired by the Mine Inspectorate. Do you realize what havoc such a person could cause if we gave him the power this bill offers?

Finally, I object to my company records having to be kept open to "interested persons." Who are interested persons; Russian Embassy officials certainly—who else? Why do the accident record keeping and reporting requirements have to be broadened? I currently fill in 12, yes twelve, documentations to various agencies for a single accident. Is this a mine or a paper producing machine?

Please vote against Bill S717. Operators like myself spend so much time now reading new and proposed government regulations, we don't have enough time to get underground and work on real safety problems.

Sincerely yours,

ROBIN J. HICKSON,
Superintendent.

MAY 5, 1977.

Hon. HARRISON SCHMITT,
Senate Office Building,
Washington, D.C.

We object to extending the 1969 Coal Safety Law to noncoal mining as proposed in S. 717 and H.R. 4287. In particular we oppose the following:

Combining the coal and metal-nonmetallic mining industries under a common mine health and safety law;

Rulemaking procedures that do not require formal hearings;

Imposition of civil penalties for all violations of rules and regulations as well as for violations of any provision of the act;

Providing an inspector with the authority to issue citations, which carry mandatory penalties, when he merely "believes" that a standard has been violated;

Granting of the same authority to the Secretary of HEW or his authorized representative to inspect and investigate as is granted to the Secretary of Labor or his authorizezd representative;

Authorization for a Federal inspector to "supervise and direct" rescue and recovery operations.

Not only does this legislation severely threaten the efficient operation of noncoal enterprises, it also creates unnecessary additions of bureaucracy and regulation that work against the best interest of both the industry and the general public.

We urge you to contact members of your committees marking up this legislation and express our opposition.

R. R. LEVEILLE,
General Manager.

KENNECOTT COPPER CORP.,
NEW YORK, N.Y., *June 2, 1977.*

Hon. HARRISON H. SCHMITT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHMITT: Our concerns stem from two areas: One, the inclusion of metal and nonmetallic mine safety under the Federal Coal Mine Safety and Health Act of 1969 and two, the punitive nature of the legislation which we believe is not only unwarranted, but will be detrimental and counterproductive to our industry's mine safety programs.

In regard to a single statute governing coal and non-coal mining, as you know, much of the testimony which has been presented in this Congress and in the 94th Congress has emphasized the differences between coal and non-coal mining. As a producer of both coal and metals, we in Kennecott are completely convinced that the significant differences between coal and non-coal work circumstances make common safety regulation of the two industries impracticable. Safety regulations and procedures necessary in one industry simply are not applicable to the other.

Having spent our lives in the mining industry, we well recognize that there is always room for improvement in mine safety and we are cognizant of the many criticisms of the enforcement provisions of the Metal and Nonmetallic Mine Safety Act. However, after examining S. 717, we believe this legislation is more punitive than remedial. For examples:

Eliminating formal hearings for rulemaking procedures reduces the opportunity of the enforcement agency to gain the benefit of industry's expertise in promoting mine safety.

Imposing civil penalties for all violations places emphasis on meeting detailed rules and regulations to avoid paying fines rather than making the workplace safe and training workers to work safely, which is the true objective of the legislation.

Authorizing inspectors to issue citations carrying mandatory penalties on the basis of a "belief" that a standard has been violated will directly undermine the productive climate which industry and the enforcement agencies have sought to develop. An inspector should be required to determine that a violation exists; anything less would infringe on industry's rights.

Authorizing federal inspectors to supervise and direct rescue and recovery operations is a serious misplacement of responsibility. This function is rightly the responsibilty of the mining industry whose management and employees are trained in rescue operations and knowledgeable about the mining operation. Responsibility vested with anyone else could be a serious infringement of safety.

Kennecott continues to do everything possible to maintain and improve the safety of our workers. It is not safety rules, procedures and inspections alone which keep our workers safe; more important are constant training and motivation of each employee to work safely. S. 717, with its heavy punitive orientation, places the emphasis in the wrong place.

In the House, the Committee on Education and Labor has reported a somewhat less onerous bill. H.R. 4287, sponsored by Congressman Joseph Gaydos, places metal mine safety under the Coal Act, but provides for vertical promulgation of standards, that is, a proposed standard would not necessarily apply to both coal and non-coal mining. The Gaydos bill is a step in the right direction, and vertical promulgation, admittedly, relaxes some of our concern about placing metal mine safety under the Coal Act. The bill also provides that an inspector may issue a citation on the basis of a "finding" only. On the other hand, while not providing for automatic application of standards to coal and non-coal mining, H.R. 4287 does provide that a proposed standard could apply to both industries. It further imposes mandatory penalties and does not adequately safeguard the hearing process regarding proposed regulations.

We understand that there will be an effort on the Senate floor to substantially amend S. 717, as well as the introduction of a substitute bill. We would appreciate your support in this effort. Should you wish to discuss mine safety further, we will be happy to meet with you or your staff.

Very truly yours,

HERMAN H. KREMER.

STATE LABOR AND INDUSTRIAL COMMISSION,
Santa Fe., N. Mex., June 2, 1977.

Re Amendments to H.B. 4287 and S.B. 717 to permit continuation of state administration of federal mine safety programs

Hon. JOHN C. BROOKS,
Commissioner of Labor,
Raleigh, N.C.

DEAR COMMISSIONER BROOKS: Your May 26, 1977 letter, together with attachments, has just been received.

Needless to say, I am in full accord with your support of amendments to H.B. 4287 and S.B. 717 which will be introduced in our Congress by Congressmen Andrews, Neal and Hefner.

In New Mexico, mine safety, by constitutional provision, is relegated to the office of the State Mine Inspector. By copy of this lettter, I am forwarding your letter and enclosures to him for his personal action.

For numerous years. I.A.G.L.O. struggled with the original legislature that resulted in OSHA. Our safety committee met in various parts of the nation and regardless of region or place, it was always felt that for regulatory provisions, the work is always done best by the states. Most experienced federal authorities will agree.

I commend you for your efforts in this most important matter.

Sincerely yours,

R. M. MONTOYA,
State Labor Commissioner.

DEPARTMENT OF LABOR,
Raleigh, N.C., May 26, 1977.

Re. Amendments to H.B. 4287 and S.B. 717 to permit continuation of state administration of federal mine safety programs

Hon. RICARDO M. MONTOYA,
Labor Commissioner,
Santa Fe, N. Mex.

DEAR COMMISSIONER MONTOYA: The House of Representatives Committee on Labor and Education on May 4th reported out House Bill 4287 which would transfer the administration of mine safety regulation from the U.S. Department of Interior to the U.S. Department of Labor. The bill contains no provision such as that currently found in sections 16 and 19 of the federal Metal and Nonmetallic Mine Safety Act, Public Law 89–577, for state administration of the federal mine safety program.

On May 3rd the Senate Committee on Human Resources reported out S.B. 717 to accomplish the same transfer of administration from the Department of Interior to the Department of Labor and other similar objectives as those contained in H.B. 4287, also without the desired amendment to permit the continued state-administered programs. Both the House and Senate bills are likely to be calendared for full debate and final action in the next two-to-four weeks.

As you may know, North Carolina has one of the six state-administered federal mine and quarry safety programs at the present time. The other five are in the states of New Mexico, Arizona, Utah, Colorado, and Virginia. We are proud of the work which the Division of Mine and Quarry Safety of the North Carolina Department of Labor is doing. The operators and miners of the 800–plus mines and quarries in this State continually express their satisfaction with the job which we perform. Our State's outstanding safety record also attests to a job well done.

One of the new aspects of the proposed federal legislation about which the North Carolina Department of Labor and our State's mine and quarry operators are concerned is the "OSHA-like" provision for an initial-fines sanction system. This alternative sanction system is incompatible with the objectives of the legislation just as it is incompatible with the objectives of the Occupational Safety and Health Act. This sanction system is no more likely to be successful or well-received than has been the similar system under OSHA, yet I am thoroughly convinced that successful administration of this legislation depends upon the establishment of a rapport and respect between the regulated and the administrators which demonstrably can be best achieved with state administration. Also, I am convinced that the preservation of a "federal" system of government requires that we extend to the sovereign states the opportunity to administer nationwide legislation whenever possible, as it is here.

Therefore, I should like to request your assistance in obtaining two amendments to H.B. 4287 and to S.B. 717 to allow those states which desire and qualify to administer the federal mine safety program. The first amendment which I seek would make the same provision as that currently contained in either sections 16 and 19 of the federal Metal and Nonmetallic Mine Safety Act or section 18 of the Occupational Safety and Health Act of 1970, Public Law 91–596, copies of which are attached. One does about as well as the other.

Also, I seek an amendment authorizing federal grants to the states in support of state administration of the new mine safety legislation, such as that contained in section 23 of the Occupational Safety and Health Act of 1970, a copy of which is also attached.

I would hope that these bills could be amended on the floor when they come up for debate. In the House of Representatives, Congressman Ike Andrews, Stephen Neal, and Bill Hefner have agreed to sponsor such an amendment. You can help by writing to your senators and to your representatives requesting their support for such amendments. If you concur, please send copies of your letters to my office so that we can assess the interest of the various states in such administration of mine safety.

As in the case of the adoption of the Occupational Safety and Health Act, the adoption of a Mine Safety Act is of great importance to our states. The principles of government reflected in such an act are likewise of great importance to our people. Your assistance in support of the procurement of these amendments will be greatly appreciated.

With my very best regards,

JOHN C. BROOKS,
Commissioner of Labor.

AMENDMENT NO. 427

Mr. SCHMITT. Mr. President, I have completed my general remarks. I should like now to begin to use time on amendment No. 427, which, under the previous order, I believe is to be called up next.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment No. 427.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 149, insert between lines 9 and 10 the following:

(d) Notwithstanding any other provision of this Act, or amendment made by this Act, amounts appropriated under title V of the Federal Coal Mine Health and Safety Act of 1969 (as amended by this Act) for research and development of advanced mining technology shall not be less than the amounts appropriated for such purposes for the fiscal year ending September 30, 1977.

Mr. SCHMITT. Mr. President, this amendment may be accepted by the committee. I hope so. It has to do with factors relating to the ultimate safety of miners in a mine.

As long as those miners are forced to enter mines in order to extract the minerals therefrom, there will be danger. Many have faced it before, and many will face it in the future. In order for the miners ever to be completely safe, we eventually must have technology in place that allows them to operate their mining equipment as much as possible from the surface of the Earth rather than from beneath that surface.

My question to the committee is this: Will the moneys that recently have been appropriated for advanced research and development in mining remain within the Department of the Interior?

I specifically am interested in the line item referred to in the recent appropriation for the Department of the Interior called Mining Research. It amounted to $127,635,000, primarily for four programs: coal mine health and safety research, metal and nonmetal health and safety research, advanced coal mine technology, and advanced metal and nonmetal mine technology.

Mr. WILLIAMS. Quite frankly, I missed the question. I heard the statement, but I missed the question.

Mr. SCHMITT. I believe we have some language worked out.

On page 13 of the committee report, we find the following:

The health research functions now performed by the Bureau of Mines with regard to mine safety and health will be transferred to the National Institute of Occupational Safety and Health (NIOSH) in the Department of HEW.

Is it the intent of the bill that none of the funds earmarked for mine safety research under the Department of the Interior line item "Mining Research" be transferred from the Bureau of Mines to NIOSH except those funds authorized under the Metal and Nonmetal Act of 1966 specifically intended for health research.

Mr. WILLIAMS. That is exactly right.

Mr. SCHMITT. Furthermore, I understand that this bill has no impact on advanced mining technology research funds which are the responsibility of the Bureau of Mines, in the Department of the Interior.

Mr. WILLIAMS. We did not reach that at all. There is no effect at all on that other aspect of the Bureau's work.

Mr. SCHMITT. I thank the Senator.

I think the Senator also recognizes the importance of this advanced technology work in mining and in the application of our technology base that has been expanding rapidly over the last few decades, with respect to the problems of mining. The ultimate goal of much of that research, I believe, has to be to reduce the numbers of miners who are required within the mine and to put those miners at the surface, working as much as possible to extract the minerals or the energy from that mine without being exposed to the dangers of the mining operation.

We can see that automation of existing technology is now within reach. One has only to look at the coal operation within coal mines to see there is a great potential for automation in this area and, as a matter of fact, in cooperation with the National Aeronautics and Space Administration, the Bureau of Mines has been working on specialized problems connected with automation, such as the development of a coal waste interface detector that could be used as a primary sensing device to achieve automation. Coal transport from the mine to the surface is also something that can use a great deal of advanced research in reliability, quality control and environmental technology. Advanced mining technology can develop to the extent that we may even reach a point where very gassy mines could fill with methane, the gas that has commonly been such a danger when mixed with oxygen to miners, and now may actually become a resource, one that can be extracted along with coal.

Without oxygen, as I am sure my colleagues are aware, the risk of explosion is gone from these methane leaks.

We have an even greater problem in the western United States. Much of the coal in the western United States is extremely thick seam, some of them up to 200 feet thick. We presently have no technology by which we can mine these seams underground, and until we develop that technology, possibly through the use of in situ mining technology, it will be impossible for us to fully utilize the resources of our coal in the western United States. It is important to note that that coal, being predominantly of a low-sulfur variety, is an integral part of our long-term national aims for environmental protection.

Mr. President, I yield briefly to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask unanimous consent that Mr. Tom Gillespie of my staff be accorded the privileges of the floor during the consideration of S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, will the Senator yield for another request of that nature?

I make the same request for members of our staff: Mike Goldberg, Mike Forscey, Steven Paradise, John Rother, Darryl Anderson, Don Zimmerman, and Roy Wade.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I would like to make the same request for John Mulkey and Romano Romani to be granted the privileges of the floor during the debate on S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, with the colloquy we have just had on amendment No. 427 relative to the amounts appropriated for mine research in the Department of the Interior, I will withdraw that amendment. I request that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 350

Mr. SCHMITT. I believe under the previous order I now will call up amendment No. 350.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment numbered 350.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, strike out lines 12 through 14.

On page 78, line 18, strike out "(2)" and substitute "SEC. 102.".

Beginning on line 23, page 78, strike out through line 21, page 79.

On page 79, line 22, strike "(5)" and substitute "(3)".

On page 80, strike lines 8 and 9.

On page 80, line 10, strike "(d)(1)" and substitute "(c)".

On page 80, strike out lines 12 through 14.

On page 80, line 21, insert "coal" after "Each".

On page 143, line 2, strike "mine.'." and substitute "mine.".

On page 143, insert between lines 2 and 3 the following:

"LIMITATIONS

"SEC. 117. The provisions of this title shall apply only to coal mines.".

Mr. SCHMITT. Mr. President, I would also like to correct one typographical error on line 2 of the amendment the number "18" should be changed to "19."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Also I would like to add on page 2 of my amendment, after line 7, the following:

On page 155, strike lines 23, 24, and 25.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 78, strike out lines 12 through 14.

On page 78, line 19 strike out "(2)" and substitute "SEC. 102.".

Beginning on line 23, page 78, strike out through line 21, page 79.

On page 79, line 22, strike "(5)" and substitute "(3)".

On page 80, strike lines 8 and 9.

On page 80, line 10, strike "(d)(1)" and substitute "(c)".

On page 80, strike out lines 12 through 14.

On page 80, line 21, insert "coal" after "Each".

On page 143, line 2, strike "mine'." and substitute "mine".

On page 143, insert between lines 2 and 3 the following:

"LIMITATION

"SEC. 117. The provisions of this title shall apply only to coal mines.".

On page 155, strike lines 23, 24, and 25.

Mr. SCHMITT. I will explain those in a moment.

Mr. President, the purpose of this amendment is to examine with my colleagues the question of the relationship between coal mining and noncoal mining.

To begin that examination I would like to ask the committee to what degree did they address the technical nature of underground mining as it relates to the difference between coal mining and noncoal mining.

The report is not too illuminating on this matter, and I again apologize for not having had the chance to enter into discussions with the committee. I wonder if the managers could summarize for me and our colleagues the degree to which they addressed those technical aspects of underground mining.

The PRESIDING OFFICER. The Senator from New Mexico has addressed a question to the managers of the bill, and they may, perhaps, wish to respond.

Mr. JAVITS. Mr. President, may we hear the question? I did not hear it.

Mr. SCHMITT. I am sorry.

Mr. JAVITS. What amendment is before the Senate, Mr. President?

Mr. SCHMITT. The amendment is No. 350.

Mr. JAVITS. What is the question?

Mr. SCHMITT. I apologize to the Senator from New York. I am trying to establish through colloquy some agreement so that some of these amendments can be satisfied without a vote. In this particular case, however, I have a feeling we will need a vote.

First of all, I would like to have the committee describe in summary form to what degree they addressed the technical nature of underground mining and, in particular, how underground mining of coal differs from that of underground mining of noncoal material.

Mr. JAVITS. If the Senator would proceed we would ask him to yield in a minute and give him those answers.

Mr. SCHMITT. While waiting for an answer, I would like to emphasize to my colleagues that there are major differences between the mining of coal and noncoal materials. There are some general factors that apply to both types of general categories of mining.

For example, where there is rock pressure which occurs beneath the surface; the problem of spalling of rocks in open areas; and the problem of flowage of rocks into those areas, which become very important the deeper you go.

Obviously, wherever there is an opening within the surface gravity is a problem, particularly in that it can result in cave-ins and particularly where certain types of rock are soft or fractured so cave-in becomes a problem.

Underground water, as the committee well knows from recent disasters, can be a tremendous problem.

They have the problem of equipment failures, communication problems between people within a mine, as well as from the mine to the surface. Perhaps most common of all problems is the management of mining accidents; and with all mining problems is the ever-present and, unfortunately often unavoidable, human error. These are general factors which I am sure the committee is well aware of. What may be more critical to the particular problems of the bill, however, is what are the differences between coal and noncoal mining operations.

Would the committee care to summarize the degree to which those were discussed within the committee hearings?

Mr. WILLIAMS. I think it is evident even to a layman that there are differences in the conditions that confront the hard rock mining community underground and the coal mine community underground.

Our purpose is not to create the standards for safety and health in the mine. What we are doing here is bringing to the hard rock, the metal-nonmetallic mining industry, the opportunity to have standards that are necessary to deal with and reflect the different hazards.

It is not our purpose to create the standards but to create the administrative machinery for those who understand what is needed to then promulgate standards for safety.

The Senator is absolutely right, he is correct. The conditions are different, and a standard that might apply in a coal mine that deals with roof support, is a different standard from that which might apply to roof support in a hard rock mine. I do not know that, but that is why those who understand the difference in the nature of the danger can promulgate the different standards which will meet the requirements of protecting miners from that particular hazard.

Mr. SCHMITT. Is the chairman saying there is discretion within the legislation for the Secretary to take into account these differences, differences between coal and noncoal mining and, if so, could that be pointed out? I have not been able to determine that that discretion exists.

Mr. WILLIAMS. The bill as drafted accepts standards that are now in place. Those that are mandatory are continued as mandatory sandards. A mandatory standard in coal will continue as a standard applicable to coal mines until such time as the Secretary finds that it can be improved.

Over on the other side, in metal and nonmetallic mining, where there are fewer mandatory and more advisory standards, those standards are continued, but with the expectation that mandatory standards will replace them as soon as the Secretary can promulgate them.

I want to make it clear here, as I believe is apparent from our report, that standards that apply in a coal mine are not standards that are to be uniformly applied in a noncoal mine. So we do not have a uniformity of standards.

What we do achieve with this legislation is a uniform method of arriving at standards in terms of procedure. The bill does not require uniform standards but rather a uniform procedure for arriving at standards.

Mr. SCHMITT. I thank the chairman for his remarks, but I am still uncertain whether a standard would be applicable only to coal mines, for example, the control of explosive gases would have to be adhered to in underground metal and nonmetal mines where there was not even a remote possibility of explosive gases appearing.

Mr. WILLIAMS. The answer is the standard will not apply except where it is explicitly stated to be applicable. The coal mine standards do not automatically under this bill, if it becomes law, apply to metal and nonmetal mines.

May I just go back?

Mr. SCHMITT. Yes.

Mr. WILLIAMS. The Coal Mine Health and Safety Act was enacted in 1969. We had prior to that the Metal and Nonmetallic Act of 1966, which was very broad, very general, not very specific. When we got to legislating definitively in the coal mine area in 1969, quite frankly we knew that for coal mining we had to be a lot more specific than we realized we had been back in 1966 in the metal-nonmetal mines, and we did specify in law certain requirements that had to be there. As a matter of fact, we approached standard making under law.

That is when we put in a schedule of permitted methane gas and the amount of air that had to pass over the face where the mining was actually done. But that is not what we are doing here in this bill. We are not establishing standards.

We are establishing procedures and the Secretary under standards setting will say what is permitted in terms of

gas, what is required in terms of ventilation, and it will be different in coal mines, I am certain, than in metal-nonmetal mines.

It might well be that there are certain mining processes in noncoal that have common problems in terms of gas, and I would imagine that standards and requirements could be close. But there is no uniform application of coal mine standards to noncoal mines contemplated.

Mr. SCHMITT. Before we pursue this further, I yield to the Senator from Maryland for a unanimous-consent request.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Joseph diGenova have the privilege of the floor during debate on this bill and votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I thank the Senator.

Mr. SCHMITT. I am gratified, as I said, by the chairman's remarks, but there, for some reason, seems to be a great misunderstanding on this point not only within the Senate, but also within the community outside the Senate, and a feeling that the Secretary will be authorized by this bill to apply indiscriminately standards to both coal and noncoal mines, that there is no, what is sometimes called, vertical separation of the application of the standards. I hope what the Senator is saying is that, if legislative history should so show that in fact, the Secretary is obligated to the extent feasible and appropriate to establish a vertical separation of standards between coal and noncoal mining operations.

Mr. WILLIAMS. Mr. President, will the Senator yield for a response?

Mr. SCHMITT. I yield.

Mr. WILLIAMS. In title III, section 301(b)(1) should clarify this. If there is any ambiguity, it should be clarified now. That section clearly states there that——

Mr. SCHMITT. What page?

Mr. WILLIAMS. Page 144 of the bill:

(b)(1) The mandatory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and mandatory health and safety standards and regulations under the Federal Coal Mine Health and Safety Act of 1969 which are in effect on the date of enactment of this Act shall remain in effect as standards and regulations applicable to metal and nonmetallic mines and to coal mines respectively under the Federal Mine Safety and Health Act of 1977 until modified, amended, or revoked in accordance with the provisions of this Act.

So, after the enactment of this legislation, each area retains its standards. They go forward. There is no mixing. There is the vertical separation.

Mr. SCHMITT. If the Senator will permit, there is under the section he read and as we understood it previously, vertical separation in existing standards. The question is what about vertical separation of new standards that may be promulgated by the Secretary?

Mr. WILLIAMS. In the future, then, the procedures for standard-making would be those provided by this bill. These, of course, provide for the full and fair consideration that we expect in standard-setting under any agency of Government. First, the proposal and then the full opportunity for discussion of that proposal together with, as we have included in this bill, the advice of the advisory committees including representatives from the industry even before the long rulemaking process that would follow before any standard would be put in effect. Certainly in that process no standard developed for coal which would have no applicability to silver could make it as a rule. There is no doubt about it.

Mr. SCHMITT. The chairman is unwilling, as I take it, to direct the Secretary to make a policy to maintain wherever feasible and practicable the vertical separation of these standards.

If I may at this point, let me just list some of the basic differences between these two types of mining operations.

In coal, generally, not exclusively, we are dealing with explosive gases, explosive dust, coal dust as a breathing hazard, and we are dealing in many cases with very thin seams that require special mining techniques. We are dealing with soft, low-strength rocks, generally, though not always, fairly close to the surface. In surface mining we are dealing with strip mining rather than deep open pit mining. We are dealing very often with a high flow of material from within the mine to outside. We are mining large volumes of material.

In the noncoal area, more often than not, if we have a gas problem, it is a toxic gas, not an explosive gas. Occasionally one will run into explosive gas situations, and they should be covered. We are dealing with the breathing of toxic elements; we are dealing also with breathing of silica dust as distinguished from coal dust; and we are dealing with radioactive elements in many cases. We are dealing with drilling and blasting operations much more often than with coal operations, where continuous mining is more and more the case. We are dealing with deep, open-pit mines, which involve major problems of the structure of walls, for example, which are not generally found in the strip mining of coal. In many mines, even with open-pit mining, we are dealing with very high temperatures, much higher, usually, than we deal with in the case of coal.

So, in those two respects, I think it is clear that there is a need for vertical separation, at least in mandatory regulations, on the part of the Secretary and his designated officials, and to maintain vertical separation of procedures insofar as possible; otherwise, we are going to permit the bureaucracy to apply the rules developed for one mining operation across the board. I think that would be an extremely unfortunate precedent and event, because it would generally raise the cost of mining and not, in fact, contribute to safety. It may in some cases detract from safety.

Mr. WILLIAMS. Mr. President, I could not agree more that we should avoid any wholesale application of the standards directed toward one situation, for example, coal mining, and have them apply to an area where they do not belong at all. As far as practicable, certainly, they will be separate.

If some standards are promulgated, dealing with noncoal mining that do not belong there, that are appropriate for coal but not for hard rock; and the promulgation of such standard is done capriciously and is clearly unwise, there are procedures in the standard-making process to correct any error. The whole standard-making procedure is designed to insure that the standard promulgated will be applicable to the type of operation which is generous. If any interested party disagrees with the application, he can take the matter to the circuit court.

Mr. SCHMITT. One further brief comment: I think it is important, wherever possible in the legislative process, that we remove any requirement for these problems to be resolved in the courts and within the administrative processes; but where we can, let us try to establish the appropriate guidelines, so that we do not otherwise expand the need for a major bureaucracy and more and more judicial action. The basic thrust of the amendment that the Senator from New Mexico has offered is to try to go back where I believe we have been for decades, in recognizing, under separate acts, that there are major necessary differences between coal and noncoal mining.

I am not going to stand here and belabor the matter, except to repeat that what is at stake is the health and safety of the men and women that come under each one of these laws. However, I shall attempt to justify the necessity for separate acts. The thrust of the amendment is not necessarily to maintain separate operations, and legislation with respect to coal and noncoal mining, but to follow in the steps of the committee in its distinguished attempt to improve safety in both mining operations.

I yield to the Senator from New York.

Mr. JAVITS. In respect to the latter argument made by the Senator, we are persuaded that the only way you are going to get effective safety and health for all miners is to put them under one standard, precisely because the Metallic and Non-Metallic Safety Act has so lagged behind the times in respect of mandatory health and safety standards that it would take years to catch up. The best evidence of that is the Comptroller General.

We are not blind to the fact that there are many areas where there needs to be separation between coal mining and other mining, where the situation is not the same or analogous. Where the situation is the same or analogous, uniform regulations should obtain.

I think the intent is clear that where the problem is not the same and there should be a distinction, a distinction should be made.

Let me call the Senator's attention to these words. If he will turn to page 144 of the bill, section 301(b)(1), the language reads, particularly at lines 18 and 19—it begins at line 12:

The mandatory standards relating to mines, issued by the Secretary of the Interior

Then it cites the acts, and going on down to line 16:

which are in effect on the date of enactment of this Act shall remain in effect

And here are the pertinent words:

as standards and regulations applicable to metal and nonmetallic mines and to coal mines respectively

Those words, it seems to me, are the key. In other words, the separation is maintained at that point.

Mr. SCHMITT. Mr. President, will the Senator yield at that point?

Mr. JAVITS. Yes.

Mr. SCHMITT. I recognize that, and I commend the committee for that action. My problem is that it does not say that any future standards will also be so separated. If the committee is willing to expand the intent of the act——

Mr. JAVITS. In the first place, I do not wish to be taken to agree with the Senator in any way that in order to provide intelligent regulation for noncoal mines, we need two separate statutes. Some standards may be applicable to coal mines which are not applicable to other types of mines, and certainly this expression as to the existing situation is very clear. But it seems to me that when we go on and deal with the establishment of other or new standards which are contained in section 301(b)(2), we clearly refer back to the pattern which exists as of this particular time.

I am perfectly willing, myself, and I hope my colleagues might join me, to make clear in the legislative history that we intend that there is no requirement either that the standards be uniform for coal and other mines, or that they should not. It is a pragmatic process, depending on the nature of the standard, and we would expect that the separation should generally prevail.

I point to our summary which is contained in the committee report on S. 717 at page 11. If the Senator will look at that third paragraph under the heading "Mine Safety and Health Standards" he will find the sentence:

Separate standards are to prevail for the coal and noncoal segments of the industry, generally.

It is my definite feeling that just as that may be applicable to coal alone, it should also be applicable to metallic and nonmetallic mines. Separate standards are to prevail generally, but where there can be a common standard, the responsibility will be to demonstrate that a common standard is feasible, and the test is feasibility. It is a pragmatic test. That is the way I understand this law.

I do not believe any of us intend that we are suddenly going to lump all kinds of mines together and every regulation is an across-the-board basis for everybody. I believe that would be ridiculous on its face. We have no such design. I believe the scheme of the legislation spells that out.

Mr. WILLIAMS. Quite frankly, I was surprised to hear that there might be some misunderstanding that there might be a lumping of standards in nonregulated areas. If that paragraph of the law is not clear, certainly the report makes it abundantly clear, in my judgment.

Mr. SCHMITT. I believe the committee has gone a long way to allay the concerns that have been expressed to me. I regret not having more explicit statements such as the committee has made with respect to future standards which may be promulgated by the Secretary. I am surprised that the committee has not received mail as I have received, where this, almost above all other concerns, was the dominant concern, that metal and nonmetal mines would be subject to the same kinds of standards which would be appropriate for coal, across the board.

In a State like New Mexico, where so much of our activity is related to metal and nonmetal mining, it is extremely important to have this kind of colloquy and establish this kind of legislative history.

I might say that in a subsequent amendment we will also get into the discussion of whether the Department of Labor or the Department of the Interior is the appropriate vehicle to accomplish the purposes of the act.

The history of the Department of Labor in activities related to health and safety does raise some questions in my mind and in the minds of many others about the appropriateness of their activities in this area. I will reserve that subject to a separate discussion, and say that I believe it is absolutely necessary to insure that the promulgation of standards and the enforcement of standards are done without any degradation in their effectiveness so as to insure that there are safe and healthful conditions in the mines.

I wonder if the committee would be willing to put off consideration and see if our staffs can adjust language within title III which carries the intent, of section 301(b)(1) from the past, into the present and into the future.

Mr. JAVITS. Mr. President, if the Senator will yield, it seems to me that the committee, and Senator Williams and I agree, by saying that the term used on page 144, which I herewith state again, to wit, the word "respectively" as applicable to metal and nonmetallic mines and to coal mines as it relates to past mandatory standards, also carries over into future mandatory standards. That is the purpose and intent of this legislation, and that is the way this legislation is to be read. That is the meaning of the elimination of the word "coal," which is eliminated whenever it appears by section 102(a)(1) of this bill at page 78, whenever it appears in the objectives of the Coal Mine Act, which are sections 2 (a) to (g) of that act. The insertion of the words which appear on page 82 on line 2, the words being "the objectives of this act," within the context beginning on page 81, line 17:

Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secreary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this act,

Therefore means that the legislative purpose is to treat the coal and the metallic and nonmetallic mines respectively, wherever and whenever in the promulgation of a standard there is pragmatically a proper base for separation.

It seems to me that that is so clear a definition of the purpose and the form of this legislation as to be unmistakable to any regulatory body. I gather my colleague (Mr. WILLIAMS) concurs in that statement.

Mr. WILLIAMS. Yes, the statement of the Senator from New York bears out what has been clearly the thought we put into the bill, which was reflected in the report. There is this logical separation. There is no bringing together of the standards. Again I would like to repeat, bringing together for all of mining procedures to arrive at standards but not the substance of the standards.

Mr. SCHMITT. I thank the Senators for their clarification. To be sure I understand the interpretation of the Senator from New York and the meaning of several sections of the act, it would be roughly the same as if the act read at some point: "where applicable and appropriate, the Secretary shall recognize the essential differences between coal and noncoal mining and coal and metal and nonmetallic mines in promulgating future standards and regulations under the act."

Mr. JAVITS. It seems to me that that expresses the purpose in somewhat different words but exactly the same purpose and intent as I have described.

Mr. WILLIAMS. I agree. Out of that, I think it has certainly clarified this. There should be no misunderstanding.

Mr. SCHMITT. I appreciate that consideration. With that history established, I hope we do not come back with some kind of oversight hearings and have to ask the Secretary why he has promulgated unrealistic standards or regulations for both coal and noncoal mining.

Mr. JAVITS. These words will be permanently of record long after I am gone and they will speak eloquently. They are very precise.

Mr. SCHMITT. I appreciate that.

Mr. President, I will withdraw amendment 350 from consideration.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. CHURCH. Mr. President, I rise in strong opposition to this amendment. It strikes at the very heart of this bill, for it would exclude from its protection those who labor in our Nation's hard-rock mines.

While the modifications which S. 717 would make to coal mine health and safety are sorely needed, the main goal of this bill is the improvement of the health and safety of our Nation's hard-rock miners. The committee's oversight of mine health and safety clearly indicates that it is this segment of the mining industry that most urgently requires legislative improvements. The Metal Act is a weak sister to the Coal Act, and its rehabilitation is essential.

Do we need witness further mine tragedies before we act to rectify the weaknesses in our mine safety laws? I, for one, have not forgotten the tragic Sunshine

Mine disaster near Kellogg, Idaho, in 1972. It is entirely possible that the death of those 91 men could have been prevented had adequate safety standards and enforcement procedures then been in effect.

The Metal Act has proved inadequate in protecting miners from health and safety hazards. Standards under the act are, for the most part, advisory, and the failure to comply with them does not place the operator in violation of the act. More disturbing is the fact that enforcement of mandatory standards has been haphazard at best.

The act fails to even mention the need to protect a miner's health. It maintains a laborious and often interminable standard-making procedure. Inspections under the Metal Act of underground mines are required only once a year. The act provides for no penalty other than the seldom-used closure orders in imminent danger and failure-to-abate situations.

One of the most glaring deficiencies under the Metal Act is that even after the Sunshine Mine disaster, there still is no requirement for a comprehensive safety training program. If such a program had existed at Sunshine in 1972, many lives might have been saved.

Yet, despite all of these deficiencies, there are still those who maintain that there is no need to upgrade the Metal Act. They ignore the fact that the improvement in reducing the rate of fatalities and serious injuries under the Coal Act has been twice as great as the Metal Act. The better record is due in large part to the statutory design of the Coal Act. I think our hardrock miners deserve the same results that our coal miners get.

Another argument advanced by those who oppose the safety umbrella envisioned in this legislation is that it would preclude "flexibility in the formulation and enforcement of standards." Mr. President, such arguments are without foundation.

First of all, the enforcement procedures under the Metal Act are inherently inflexible. The reality of the situation is that the act had no meaningful sanctions, at least none that have been utilized with any regularity. There is not flexibility; that is impotency.

In addition, there is nothing in this bill which precludes flexibility in standard making. The committee has specifically drawn up a rulemaking process which will produce standards designed to meet specific hazards in differing mining operations by producing tailored standards. Where the safety hazards differ, then so shall the standards.

In testimony before the committee during hearings on the predecessor to this bill, a representative of the American Mining Congress stated that "most accidents are caused by the unsafe acts of men, not the absence of regulation." This callous remark ignores the facts. It was not the miners who failed to provide an alternative escape route at the Sunshine mine; it was not the men who distributed self-rescuers without instruction in their use. The entrapment of the miners at Sunshine was directly related to the absence of a comprehensive safety program, not the actions of miners.

In 1966 the Senate Labor Committee said that the lack of safety in the extractive industry was alarming—it remains so today. Unless we act decisively, we risk the lives of those who work our Nation's mines. I realize that by passing a law we can not guarantee that accidents will cease. But we do have an obligation to provide a workable legislative framework that contains the essential ingredients to safeguard a reasonable level of health and safety in our Nation's mines that one would expect of an advanced industrialized nation.

Mr. SCHMITT. Under the previous order, I now will call up another amendment. I ask unanimous consent that the Senator from North Carolina might call up an amendment at this point without the Senator from New Mexico losing his privileges under the previous order.

The PRESIDING OFFICER. The Senator from North Carolina is not to be seen.

Mr. SCHMITT. If the Chair will permit me, the Senator from North Carolina wishes to bring an important item to the consideration of the Senate. If he appears here, I shall allow him to do that. It is an item related to the question of the relationship between the Federal Government and State governments under this act.

Since he is not available, I shall withdraw that request and continue with amendment No. 352.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SCHMITT. I am happy to yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the seven amendments to be offered by Mr. SCHMITT that Mr. HELMS be recognized for the purpose of calling up four amendments. Further, I ask unanimous consent that no rollcall votes occur after the hour of 7 p.m. on today, except on any amendments by Mr. SCHMITT not previously disposed of.

I ask further unanimous consent, Mr. President, that at the hour of 9:30 a.m. tomorrow, Mr. HATCH be recognized to call up his amendments, and that after the disposition of the Hatch amendments either Mr. MCCLURE or Mr. HELMS be recognized to call up their amendments, and that upon the disposition of the amendments of either Mr. HATCH or Mr. MCCLURE, the other be recognized to call up his amendment or amendments.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I just want to be sure to ask the majority leader, if I could have his attention, as the acting minority leader that we do not know but other amendments may be forthcoming. For example, we have one here from Senator DECONCINI and also it will be understood and there is not anything in the unanimous consent that we be sure to accommodate other Members as well. We do not want to shut them out——

Mr. ROBERT C. BYRD. No.

Mr. JAVITS (continuing). Because we have a stated time to vote at the end of tomorrow.

Mr. ROBERT C. BYRD. Yes; the Senator is correct.

This would order the sequence of amendments by Messrs. SCHMITT, HELMS, and MCCLURE.

Mr. JAVITS. I thank my colleague.

Mr. ROBERT C. BYRD. I made an error, Mr. President.

Upon the disposition of the amendments of either Mr. HELMS or Mr. MCCLURE the other be recognized to call up his amendment or amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator from New Mexico.

AMENDMENT NO. 352

Mr. SCHMITT. Mr. President, I call up Amendment No. 352, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment No. 352.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, line 15, insert the following after the period: "To the extent practicable and appropriate, the Secretary shall publish along with each proposed rule an economic impact analysis which takes into account, for each rule proposed (including any alternatives considered), the cost impact on and benefits to consumers, wage earners, businesses, markets, and Federal, State, and local governments, and the effects on productivity, competition, supplies of important manufactured products or services, employment, and energy resource supply and demand. In the event the Secretary finds that it is impractical or inappropriate to submit the information required hereunder, the Secretary shall submit a statement as to why he cannot so comply.".

Mr. SCHMITT. Mr. President, this amendment would require the Secretary of Labor, when promulgating new standards under the act, to the extent practicable and appropriate, to publish in the Federal Register an economic impact analysis of each proposed rule and of each alternative that may be considered.

Each economic impact analysis will estimate the costs vs. benefits of each proposed standard to consumers, businesses, markets and Federal, State and local governments, as well as the effects on productivity, competition, supplies of important manufactured products or services, employment and energy reserves supply and demand. If he cannot supply the information, the Secretary must explain why.

The purpose of this amendment is to make sure that the Labor Department will carefully consider the impact of proposed regulations on the economy and the society before they are put into effect. This analysis, when published, will provide the public directly affected with useful information for understanding, commenting on and later complying with new standards. This information will also assist the Congress in its oversight and legislative responsibilities, particu-

larly in its efforts in dealing with energy policy.

What I am proposing is really nothing new, at least not in principle. Congress has mandated that, in evaluating new legislative proposals, the legislative committees consider the regulatory impact and costs of each bill and include such information in the committee's report. Most Federal agencies already go through a process of weighing benefits against costs as part of the rulemaking process, utilizing many or most of the factors listed in this amendment.

As part of the Ford administration's regulatory reform program, the President, on November 27, 1974, issued Executive Order No. 11821, which specified criteria that executive branch agencies should consider when proposing new regulations. In January 1975, the Office of Management and Budget issued a circular implementing this executive order, resulting in the widespread use of inflationary impact statements. All of the items I am proposing in this amendment as part of the economic impact analysis have been instituted by the executive branch agencies as a normal part of their rulemaking functions. I understand that President Carter is continuing this internal regulatory reform by demanding that agencies and departments in the executive branch continue with these economic impact statements. My amendment simply applies to the Department of Labor the same kind of loss-benefit analysis when considering mining health and safety rules that other agencies and the Congress prescribe for themselves.

The committee has estimated, on page 57 of the report on S. 717, that the cost of complying with the act, for the entire mining industry, will be approximately $69.15 million per year. There is some question about the accuracy of that statement. However, that is a heavy price on the economy and on the mining industry. My amendment will help to insure that those costs are kept to a minimum, without injury to the health and safety of our Nation's miners.

I must point out to my colleagues that the Senate has already approved, by unanimous consent, a bill, S. 1534, requiring the Interstate Commerce Commission to recodify its rules and regulations, and at the time of recodification, to undertake an economic impact analysis identical to what I am proposing in this amendment.

I think it is extremely important, Mr. President, that the American people, the miners, the mine operators, and the country as a whole, have more access than they have had to information concerning the economic impact of a particular regulation or particular standard that may be promulgated. I should particularly like to have the committee not only comment on the proposal that I am making by this amendment, but also on just where and under what conditions they arrived at the figure for the overall cost of this legislation to the entire mining industry.

I yield to the Senator from New Jersey.

Mr. WILLIAMS. I should like to go through the estimates here on the figures that the Senator from New Mexico gave us.

The PRESIDING OFFICER (Mr. METZENBAUM). Will the Senator from New Jersey yield to the Senator from California for a unanimous-consent request?

Mr. WILLIAMS. I am happy to yield.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that my staff member, Dr. John Backer, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. There are certain aspects of the cost that will arise from this legislation that we feel can be quite precisely estimated. There is, at long last, a clear precise demand for training of new employees coming to work in the mines. This has been one of the great failures, as I see it, in the preparation of workers for their jobs in a very hazardous industry, preparation that will contribute to a safer work place. We do have a clear demand for training—as a matter of fact, 40 hours for new underground miners, 24 hours for surface miners, and 8 hours of annual retraining for experienced miners. This is one of the large figures that went into the total estimate of new cost to industry.

We estimated it this way: With training at $75 a day, for the annual retraining of 478,000 miners for 1 day, that multiplies out to $35,875,000.

I mentioned the new surface miners. There is a demand that they be trained. The training of 15,000 new surface miners, at 3 days will total $3.375 million.

Training 10,000 new underground miners—this is the 40-hour training provision. That is 5 days. It comes to $3.750 million. The total for this training will be $43 million.

We also have a provision here for medical examinations. With our estimate of $20 each based on the current cost of medical examinations under the Coal Act. We estimate that of the 275,000 current Metal Act miners and 25,000 new ones, about half the miners will be required to be examined about once every 2 years. That is 75,000 examinations per year at $20 comes to $1.550 million.

Currently, 80,000 coal miners are examined annually. We assume that 100,000 coal miners will require an additional examination once every 2 years. Fifty thousand examinations per year at $20 is $1 million. The total for medical examinations is $2.550 million.

We have another provision to make miners aware of risk by requiring the labeling of hazardous materials. This is so workers know what they are faced with and materials that they use. We have put in a figure of $50 a mine. That comes to $1 million.

Monitoring miner exposure to toxic materials. That is a requirement of this legislation. An assumption here is made that monitoring is to be performed by industrial hygienists at $25,000 a year and that 486,411 miners. will each be seen twice a year. That is 972,822 visits. At 20 visits per day would mean 48,640 days. At 250 work days per year. This would require 194 industrial hygienists per year. One hundred ninety-four at the arbitrary figure of $25,000 makes $4,850,000 for that item.

Another item we have estimated, the additional inspection effort included in the Federal costs for an estimate of 247 inspection personnel for the additional inspection effort. Actual onsite inspection time, where the inspector is accompanied by mine management personnel, consists of roughly 40 percent of the inspection effort. Thus, industry will need to hire an additional 100 management personnel costing $25,000 each to accompany Federal inspectors during onsite inspections. This comes to a total of $3,750,000.

In addition, we estimate that the right of miners to accompany inspectors under section 104(e) will require an additional 550 employee years. At $25,000 per year that is $14 million.

The total then, as the Senator indicated, that we estimated came to $69.15 million per year. That is how we arrived at that figure. It was our breakdown of the expense that will flow directly from the new demands that are put upon the operators by this legislation.

Obviously, any item we can see has to be an estimate. Maybe hygienists will cost more than $25,000 a year. Maybe there will be more inspections than I have indicated.

So it had to be, obviously, an estimate. But I think we were on sound ground when we dealt with these as our projection of costs resulting from this bill.

Mr. SCHMITT. I thank the Senator for that detailed breakdown. I think it will be very useful in examining the RECORD.

Mr. WILLIAMS. I think it might be better to ask unanimous consent to have printed in the RECORD an itemization at this point.

Mr. SCHMITT. I think that would be very useful.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE INDUSTRY COST ESTIMATE

TRAINING

$75 per day of training—retraining 478,000 miners per day (8,000 retirees), $35,875,000.

Training 1,500 new surface miners—3 days, $3,375,000.

Training 10,000 new underground miners—5 days, $3,750,000.

Total, $43,000,000.

MEDICAL EXAMINATIONS

At $20 each. (Cost of exams under current Coal Act standards.)

Estimate 275,000 current metal act miners and 25,000 new ones—assuming one-half of miners will be examined once every 2 years—75,000 exams per year at $20 equals $1,550,000.

Currently 80,000 coal miners examined annually—assume 100,000 coal miners (approximately half) will have additional exams every 2 years.

50,000 exams per year at $20, equal $1,000,000.

Total, $2,550,000.

LABELING

Arbitrary figure, $50 per mine, $1,000,000.

MONITORING EMPLOYEE EXPOSURE TO TOXICS

Assumption—monitoring to be done by industrial hygienists, $25,000 per year.

486,411 miners—each seen twice per year equals 972,822 visits.

20 visits per day equals 48,640 days.

250 work days per year.

194 industrial hygienists per year

194 at $25,000, equals $4,850,000.

Additional inspection effort, $3,750,000.

Included in the Federal costs is an estimate of 247 inspection personnel for the additional inspection effort. Actual onsite inspection time, where the inspector is accompanied by mine management personnel, consists of roughly 40 percent of the inspection effort. Thus, industry will need to hire an additional 100 management personnel costing $25,000 to accompany Federal inspectors during onsite inspections.

Inspector accompaniment, $14,000,000.

Section 104(e) provides that a representative of the miners shall be given an opportunity to accompany the Federal inspector during the inspection and that he shall suffer no loss of pay if he is also an employee of the operator. We estimate that these representatives will accompany Federal inspectors approximately 50 percent of the time. It is estimated that this will involve approximately 550 employee years with a total added cost of roughly $14,000,000 to the coal industry cost.

For the metal and nonmetal mines, employee representatives are not accompanying inspectors in most instances. Added cost due to increased inspections is already included under item 2.

Mr. SCHMITT. Was the committee able to come to grips with the intangible costs to not only Government, but also the industry, of the paperwork, the records, the inspection time that is going to mean down time on certain portions of the mine?

I realize that is extremely difficult, particularly when, presumably, the staff of the committee is not experienced in mining operations.

Was the committee able to come to grips with this intangible, but probably much larger cost?

Mr. WILLIAMS. Now, with respect to the paperwork, there is an area, particularly in hard rock mining, where we have little to go on in terms of recordkeeping experience. That is one of the things that GAO reported to us about, the very insufficient recording and reporting of accidents and injuries. We know there is inadequate recordkeeping.

Such an estimate would be difficult, as the Senator knows. We could take the numbers of mines and look at just one thing, that is, a record of the accidents, and make some estimates, but they would be unreliable estimates.

Mr. SCHMITT. I agree with the Senator, they would be unreliable at this point. That, really, is the reason for the amendment, to insure that when a regulation is promulgated the Secretary and his personnel have looked in detail at the reason for such a regulation or standard being required, that they will follow up on what they already are required to do by law and by Executive order and present for public consumption and congressional consumption. A summary of this economic analysis, that is the direct purpose of this amendment.

I hope the committee will accept it as being a necessary part, not only of this act, but of other matters within the operation of our Government.

Mr. WILLIAMS. I do not have in front of me a copy of the amendment that has been offered. I would like to look at it and read what it says.

It states, as follows:

To the extent practicable and appropriate, the Secretary shall publish along with each proposed rule an economic impact analysis which takes into account, for each rule proposed (including any alternatives considered), the cost impact on and benefits to consumers, wage earners, businesses, markets, and Federal, State, and local governments, and the effects on productivity, competition, supplies of important manufactured products—

I will say, there are so many intangibles here that I can foresee that the whole rulemaking process could be tied up for an inordinately long time, just trying to get this kind of economic impact analysis together.

Just take something in the coal mines. Suppose there is a standard that says that the brattices that direct the air in the coal mine shall be permanent as long as the coal mining is done within a specific area, and that they shall not be temporary or be able to be removed and changed day by day. I honestly do not know how the Secretary could have an economic impact statement on such a standard unless he went to every coal mine to figure out which coal mines are using the temporary brattices.

Let me talk about Scotia. At Scotia there were two explosions. We concluded that probably a major contributing factor to the explosions was that there had been violations of the ventilation standard. The owners had been cited for these violations repeatedly. They would then move the brattices in order to correct the violation according to witnesses. But after the inspectors had gone, the witnesses tell us that the brattices would be changed, and again, miners would not have enough air.

This happened time after time after time.

Mr. SCHMITT. I see no justification for that. I am not arguing the point.

Mr. WILLIAMS. All I am saying is, how can we ever get to a standard within a reasonable period and provide an economic impact analysis unless we actually go to every mine and know just which ones have to do the right thing under the standard?

Mr. SCHMITT. I think it is clearly possible and practical, particularly within the experience that exists at the present time, for the regulators, provided they do have sufficient experience, to make those estimates. It does not go to every mine. It is just assurance to us in the Congress and the people we represent in this country that Federal regulators do consider the economic impact as part of a particular rulemaking process.

It is extremely important to this country that we not only insure the safety and health of miners, but that we do not push beyond what is practical and what is possible, in what is in everybody's parlance, a dirty and dangerous game.

I agree completely with the committee in that there have been things going on right up to the present time that one cannot countenance. But we must also be aware of what the total practical cost is of insuring that a particular rule can, in fact, be implemented.

That is all this amendment does.

Mr. WILLIAMS. That is not only the cost it calls for. It is the impact on and benefits to consumers and wage earners. These are also imponderables.

Here is the way we look at it in the committee: We said that if a certain level of gas in a mine is dangerous and will cause an explosion, you have to get the volume of gas down to a point where it is not a hazard. Otherwise, you are going to have an explosion and miners will die.

I do not know what the value of a life is. In Scotia, 26 lives were lost. I have no idea how a value could be placed on 26 lives. All I know is that, whatever it costs to save those lives, if you want to stay in the mining business you have to pay that cost so that miners will not be blown up because there is not enough air in the mine.

Mr. SCHMITT. I agree completely with the Senator.

Mr. WILLIAMS. How can we estimate the cost-benefit ratio?

Mr. SCHMITT. We can, in fact, determine what is necessary, plus a safety factor to prevent an explosion. The question is, is the technology yet available in some of these cases in order to meet this? I hope it is, and we should be striving, through our advanced mining technology, to see that it is. The question is, how far do you push regulation beyond the point of insuring safety? When you go from 99 to 100 percent, the costs are going to escalate dramatically. We need to know that and by how much. We need to have the Secretary and his designated officials make that kind of judgment.

There need not be a visit to every coal mine. The amendment says to the extent practicable and appropriate.

I think that is the least we can ask, not only as protectors of the miners but also as protectors of the Federal Treasury and the taxpayer and all consumers who have to foot the bill for the things we do in Congress.

Mr. WILLIAMS. Perhaps there is a way to direct the Secretary to make some broad consideration here. But, I am afraid that the itemization of all the considerations as in this amendment might lead a conscientious Secretary to say that this rule will be delayed for 5 years, until he can estimate all these things.

If there were any language we could use to make sure that the rulemaking process did not get out of bounds in terms of expensive demands for minimum benefit, I would like to consider that. It is very difficult to do it, and I think this language is too demanding upon the rulemaking authority. I am afraid it would just postpone something that is greatly necessary in terms of standards of conduct for safety and health.

I am glad the Senator from New York is on his feet and ready to speak. He is one of the wisest men I have known in legislative counsel.

Mr. SCHMITT. I agree with that.

Mr. JAVITS. Mr. President, I am looking at it now as a lawyer. I asked my staff to dig up some cases which demonstrate what could happen with this set of specifications of an impact statement. We do not have at hand cases which are

affirmative in assessing what an impact statement would mean in a positive way. However, we do have two cases which show the negative side of the situation.

One of these is Industrial Union Department, AFL-CIO, against the Secretary of Labor—then Hodgson. That is a 1974 case. The other is a second circuit case, 1975, Society of the Plastics Industry against OSHA.

These cases deal with a situation in which you do not have an impact statement but a feasibility standard, which is what we have in this case. I refer in that respect to line 1, page 86, which makes the test the feasibility of the standards.

There, the courts have a kind of rule of reason. I will read it to the Senator, to give him an idea of how they look at it. This is from the Industrial Union Department decision, at page 479:

[9] The Secretary must establish those standards that most adequately insure that no employee will suffer material impairment of health. We cannot say, on the basis of the conflicting testimony in the record, that the Secretary erred in his prediction of the health effect of the four year delay,[28] but neither can we say that employees are not exposed to some additional risk of disease because of greater exposure. In view of the Act's express allowance for problems of feasibility,

I call the Senator's attention to these words—

The Secretary's decision to allow a four year delay is not irrational with regard to those industries that require that long to meet the standard. It is appropriate to allow sufficient time to permit an orderly industry-wide transition since, in those cases, the indeterminate degree of risk involved is counterbalanced by considerations of feasibility; it is not, however, a risk to which employees should be needlessly exposed.

In the other case, former Supreme Court Justice Clark, in commenting on the case I have just read, said:

As in the IUD [asbestos] case, the ultimate facts here in dispute are on the frontiers of scientific knowledge, and though the factual finger points, it does not conclude.

The reason I read from those cases is to point this out: Where you have a feasibility standard, the courts speak of irrationality and a factual finding which is in accord with common experience. Where you have an impact statement, therefore, such as this, with the specificity which each of these items includes, it seems to me, arguing from these cases, that an intelligent lawyer could argue that each of these items is subject to proof and is the basis for collateral attack upon a standard.

That is why I think my colleague is correct in maintaining that you would have an interminable delay problem. It is really saying to a court, "Look, is a rough measure of justice being done, or is every one of these items, when tested, found to have substantial enough evidence to sustain the finding of the Secretary—to wit, the cost impact, the benefit to consumers, wage earners, businesses, markets, Federal, State, and local governments, productivity, competition, and so on?"

So I would oppose this proposal on that ground. The court is being given review. The court will redress cases which obviously are irrational or have no substantial basis in fact, but it will not test out every one of these criteria as a basis for collateral attack on the standard. Obviously, in dealing here with life and death and personal harm, the latter would be an intolerable burden.

That would be the basis for my opposition.

Mr. SCHMITT. I appreciate the remarks of the Senator from New York. As we have indicated, he is extremely wise.

However, I am only asking in this amendment for the kind of information we are already requiring of ourselves and the administration is requiring of its departments. It is the kind of information, it seems to me, which has been lacking in the promulgation of many rules by the executive branch.

What the Senator has indicated is the horns of a dilemma, as to how we can insure that a particular rule is appropriate and will not severely damage a portion of our economy, including the availability of jobs for workers, as well as the availability of income to millions of Americans, both workers and managers of mines. How do we insure that that is done, at the same time we avoid what the Senator refers to as collateral attack?

I wonder if the Senator from New York or the Senator from New Jersey would have any suggestions or any alternative on how we can insure that what we are saying the Department should do before they promulgate a rule actually is done and then that such information is part of the public record for the public to review and determine if the rule is, in fact, appropriate?

Mr. JAVITS. When the Senator says "that information" then he just doubles back on his amendment. In other words, the Senator assumes that feasibility requires substantial proof on each of these items. I cannot so read it. As the Senator himself has said we are on the horns of a dilemma between economic results and the health and life of the individual worker.

I will say it is my judgment that it would be pertinent and relevant under the heading of feasibility to adduce proof as to the cost impact on the consumers, wage earners, businesses, as well as governmental subdivisions, as to the impact on productivity, on competition, perhaps, you know, between one metal and another metal or between one metal and a substitute; on the adequacy of supply, on questions of employment, on the utilization of energy.

All of these, it seems to me, would be relevant factors. But by no means does anybody have to bear a burden of proof about them in order to demonstrate the feasibility of a standard because the feasibility of a standard would also require balancing those nonpersonal economic considerations as far as the worker is concerned with the health and safety of the worker.

But I am perfectly willing to state that, but I would certainly consider each of these questions pertinent and relevant in the normal case to the issue of feasibility. But, as I say, I would not consider it necessary that the Secretary have any burden about it. They could be adduced by those who would challenge the standard as relevant information on the question of feasibility but, non constat, the Secretary could still hold the standard feasible, balancing in a quantitative and a qualitative basis these considerations as against the health and safety of the worker. That is as far as I would go.

Mr. SCHMITT. Does the Senator not feel that the last sentence is sufficient ground for the courts to avoid or to give the Secretary the chance to avoid the provision of information that is beyond his capacity to provide?

Mr. JAVITS. You put a burden on him. He has got to justify why he is not meeting every one of those arguments which may and may not be really an important consideration in respect of feasibility, and you just further delay the standard and also give further ground for collateral attack.

For example, the Secretary may be collaterally attacked because the petitioners would say, "Mr. Secretary, it is not impractical and it is not inappropriate." That, too, is an issue the minute you demand it as his reason which he must back up with some substance.

I think in the effort to arrive at some expedition of the standards we are seeking, and apparently the courts will go that way, a rough measure of justice, and they will give us as they have defined it in these two cases I read to you, and we will put the whole opinion in each case in the RECORD so it can be read by the conferees, the issue of what do you mean by feasibility.

They themselves will test it on the ground that it cannot be irrational which, it seems to me, is the best way to handle the situation.

Mr. SCHMITT. Well, Mr. President, I am concerned that unless we start to resolve this dilemma and make sure that we are evaluating the economic cost and balancing the economic cost against other desirable social gains, we are going to continue to see the cost of our Government rise along with the cost of producing goods, services, and materials. Strategic materials come from mines in this country, and one of the basic reasons we run into continual series of strategic material shortages is that we cannot compete in the production of those strategic materials with other countries.

Now, I do not want this argument I am making to mean that I do not think we should go the extra mile in the provision for the health and safety of miners. I am saying we should not go beyond a factor of safety that will insure that health and safety are actually provided. In turn, we must not go so far that we have eliminated our ability to produce the materials in question.

Mr. President, I intend to ask for the yeas and nays on this amendment. I see we do not have sufficient Members for a

second. I will ask unanimous consent that I proceed to the next amendment which is related, and it may be that we could have a back-to-back vote on the two amendments as soon as it is possible to get a sufficient second.

AMENDMENT NO. 348

That amendment is amendment No. 348 having to do with the paperwork impact analysis.

The arguments are the same as we have discussed in the question of the economic analysis. In fact, one of the major costs of the particular rule will be the paperwork that is required by both government and industry to insure that the particular rule is adhered to.

Each paperwork impact analysis that is envisioned by this amendment would estimate the numbers and classes of persons required to file reports, maintain reports, and fulfill information-gathering requirements under the act; the nature and amount of information required; and the frequency of reports, the manhours and costs for recordkeeping and record filing; and the steps being taken to eliminate duplication in reports and records under the act.

If he cannot supply the information the Secretary must explain why.

I realize that in the report and the act itself the committee has continually stressed that there should not be duplication. But, nevertheless, for each rule it seems to me appropriate that the Secretary fulfill the requirements stated in the amendment. Most Federal agencies currently assess and try to evaluate the extent to which their regulations will affect the recordkeeping and report-filing requirements placed on businessmen and on consumers.

Congress has established a Paperwork Commission to consider ways of relieving the paperwork burden on the public as a result of legislation already enacted.

Congressional legislative committees must consider the paperwork impact on proposed legislation, and include such information in the committee reports on bills.

We are all well aware of the complaints about Federal paperwork from our constituents.

This amendment would merely formalize and extend the paperwork impact requirements to health and safety standards formulated by the Labor Department for the mining industry.

Mr. JAVITS. Mr. President, will the Senator yield for the yeas and nays?

Mr. SCHMITT. I would be happy to yield and I request the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I think the Senator intended to ask unanimous consent to have the yeas and nays apply to each of these two amendments.

Mr. SCHMITT. I also ask that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The yeas and nays will be ordered by a single show of hands on amendments No. 348 and No. 352.

Mr. SCHMITT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. I thank the Senator.

Mr. President, the committee itself seems to be very uncertain in the legislation and in the report as to what the paperwork impact of this act would be.

I think it is again appropriate that we add to the Secretary's duties an analysis, insofar as it is feasible and appropriate, of the paperwork impact of any particular rule or set of standards that he and his department may promulgate.

An expression that the committee believes that the impact will be small I personally do not think is adequate. I think we are going to need something stronger than that, if we are ever to get control of this continually mounting flow of paper that is inundating not only the Federal Government, but also the citizens, and it grows and grows every year.

If there is anything that one hears in complaints from constituents—my colleagues are all fully aware of this—it is the paperwork that they are required to fill out in order to deal and work with the Federal Government.

I think it would be entirely appropriate if this amendment and its companion amendment calling for economic impact statements would be passed by the Senate. We must put the Federal Government on notice, the executive branch in particular, that they are going to have to consider, to at least some degree, the impact of their actions in the rulemaking process on the average American.

Unless Congress comes to grips with this problem, I see no chance that it is ever going to be solved, and all the paperwork commissions in the world will not solve it for us.

Mr. President, I wish that the committee would accept the two amendments. I hope that if they do not the Senate will accept them and that we will take another step toward the regulatory reform that I think we all feel is necessary but so far, with some exceptions, have been too timid to try to implement.

There are bills before Congress which include these kinds of requirements for economic, paperwork, and judicial analysis. I think it is important that we take this step for the Department that will oversee the administration of S. 717.

Mr. WILLIAMS. Mr. President, I wish to go back to the first amendment if the Senator will yield.

Mr. SCHMITT. I am happy to yield.

Mr. WILLIAMS. I would point out for the Senator's observation some language from the committee's report which indicates how the facts and opinion on economic impact can reach the Secretary when he is making standards. The report says, at page 21:

> . . . information on the economic impact of a health standard which is provided to the Secretary of Labor at a hearing or during the public comment period, may be given weight by the Secretary.

That opportunity is available to all parties and organizations that will be impacted by any proposed standard. The same is true with paperwork. If any standard makes proposals which require recordkeeping and reports and a business has the idea that it will be overwhelmed by this paper demand and just cannot meet it, they have every opportunity in the standard-making process to present their problem and describe the impossibility of the proposal as they see it, if that is in fact the situation. The Secretary must take that into account.

In the bill we say now on paperwork on page 98:

> "(d) Any information obtained by the Secretary, or by the Secretary of Health, Education, and Welfare under this Act shall be obtained in such a manner as to impose a minimum burden upon operators, especially those operating small businesses, consistent with the underlying purposes of this Act. Unnecessary duplication of effort in obtaining information shall be reduced to the maximum extent feasible.

I think we even anticipated the Senator and included some of his own language here in the bill. It seems to me that we have alerted the Secretary, and the agency, to be alert, that standards should not be overburdening, that the objective here is primarily to secure the safety and health of working people. In the process we should not impose a heavy burden of paper if we will only get a minimum benefit in terms of safety and health.

These are the balancings of reasonable people, and fortunately we have in this bill a standard making procedure which gives everyone a chance to have an input and to sift through. If any mistakes are being made, that is where they will be caught, in the standards setting procedure.

Mr. SCHMITT. I appreciate the Senator's remarks.

What I am asking in that standard procedure is that we insure that appropriate information is available to that procedure. I also take issue with an implication I believe I read into the Senator's remarks, that the effort that I have undertaken here is aimed at a minimum of safety and health. It is not.

I agree that what we have done in the past in the mines has been inadequate. It is presently inadequate. I have lived with many and worked with them as a geologist. I have been in many mines, I suspect considerably more than most Members of the Senate and staff of the Senate. I know what the problems are. It is extremely difficult. There are many things that we do wrong and we should do right.

But in the process of doing that and insuring that we have maximum safety and health we should not go even further than that maximum to the point where it becomes an issue of impossibility of compliance.

And all these two impact statements would ask is that the Secretary provide the information that is necessary to judge the economic and paperwork effects of a particular rule so that wherever possible we can continue to provide health and safety at the same time we

continue to obtain the materials that we are seeking beneath the surface of the earth.

Mr. JAVITS. Mr. President, I shall be extremely brief.

In the first place, as I have pointed out, each of these amendments would open any standard at any time to flat attack on a whole range of details, even if it is only why the Secretary did not give all the details, and would only serve to delay the standards more.

Second, Mr. President, both amendments are organically inconsistent with each other. I could not think of anything that would add more paperwork for everyone concerned than the effort of the Secretary to find out from consumers, wage earners, businesses, markets, and Federal, State, and local governments, the effects on productivity, competition, supplies of important manufactured products or services, employment, and energy resource supply and demand. Boy, will we have paperwork if we pass that one.

That is amendment 352. Then in amendment 348, we are going to have them get an impact statement on paperwork.

Well, if we pass amendment 352, all he is going to tell us in compliance with 348 is that they have mountains of paperwork. That is his impact statement.

Mr. President, we simply have to rely on the fact that legislative oversight of activities which we undertake, the Paperwork Commission, the general fact now that administrators are beginning to understand that we are very keen on this subject, and not passing legislation which creates mountains of paperwork, is the way to deal with this subject.

For those reasons, Mr. President, I hope that both of these amendments will be rejected.

Mr. SCHMITT. Mr. President, I appreciate the remarks of the Senator from New York. There is a danger, as he pointed out, that the Secretary might, in order to protect himself and his Department, go through all the various sources of information he could conceive of in order to get the information required by these amendments.

However, if and when they have been adopted, the legislative history should show that that is not the intent. The intent is that the Secretary and his people should exercise their basic best judgment on what the impact would be, and they should not add to the burden of paperwork in the course of implementing these particular facts.

Mr. President, I have no further comments, and I presume the committee does not.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. We have two votes that are ready, is that correct?

Mr. SCHMITT. Two votes, and then, under the previous order, I will be allowed to call up two more amendments.

The PRESIDING OFFICER. The second amendment has not yet been called up.

Mr. WILLIAMS. Oh, yes; we have been debating the second amendment here.

Mr. SCHMITT. That may have been an oversight on my part. I would like to call up my amendment No. 348.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator can have a vote on the first amendment, and then immediately call up the second, and vote on it immediately.

The question is on agreeing to amendment No. 352. The yeas and nays have been ordered.

Mr. WILLIAMS. When all time that has been assigned to these two amendments is yielded back, then, we can vote on these two amendments back to back?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the amendment (No. 352) of the Senator from New Mexico. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from North Carolina (Mr. MORGAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

On this vote, the Senator from North Carolina (Mr. MORGAN) is paired with the Senator from Iowa (Mr. CULVER). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Iowa would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH) is absent on official business.

The result was announced—yeas 29, nays 57, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—29

Allen	Hansen	Schmitt
Bellmon	Hatfield	Scott
Byrd, Harry F., Jr.	Hayakawa	Stennis
Curtis	Helms	Stevens
Danforth	Lavalt	Stone
Dole	Lugar	Talmadge
Domenici	Mathias	Thurmond
Garn	McClure	Tower
Goldwater	Packwood	Wallop
	Roth	Young

NAYS—57

Anderson	Chiles	Gravel
Bentsen	Church	Hart
Brooke	Clark	Heinz
Bumpers	DeConcini	Hollings
Burdick	Durkin	Huddleston
Byrd, Robert C.	Eagleton	Humphrey
Cannon	Eastland	Inouye
Case	Ford	Jackson
Chafee	Glenn	Javits
Johnston	Metzenbaum	Riegle
Kennedy	Moynihan	Sarbanes
Leahy	Muskie	Sasser
Long	Nelson	Schweiker
Magnuson	Nunn	Sparkman
Matsunaga	Pell	Stafford
McGovern	Percy	Stevenson
McIntyre	Proxmire	Weicker
Melcher	Randolph	Williams
Metcalf	Ribicoff	Zorinsky

NOT VOTING—14

Abourezk	Cranston	Hathaway
Baker	Culver	McClellan
Bartlett	Griffin	Morgan
Bayh	Haskell	Pearson
Biden	Hatch	

So the amendment (amendment No. 352) was rejected.

AMENDMENT NO. 348

The PRESIDING OFFICER. The clerk will state amendment No. 348.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment No. 348.

On page 83, line 15, insert the following after the period: "To the extent practicable and appropriate, the Secretary shall publish along with each proposed rule a paperwork impact analysis, for each such rule proposed (including any alternatives considered), containing an estimate of the numbers of, and a description of the classes of, persons that would be required to file reports, maintain records, and fulfill any of the information-gathering requirements under each such rule; the nature and amount of the information required to be filed in such reports, and the frequency of such reports; the nature and number of records that would have to be kept by such persons, and the man-hours and costs required or incurred to keep such records and make such reports; and steps being taken by the Secretary to insure that there is no unnecessary duplication in recordkeeping and report filing resulting from the issuance of each such rule. In the event the Secretary finds that it is impractical or inappropriate to submit the information required hereunder, the Secretary shall include a statement as to why he cannot so comply.".

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas, (Mr. MCCLELLAN), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

On this vote, the Senator from North Carolina (Mr. MORGAN) is paired with the Senator from Iowa (Mr. CULVER). If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Iowa would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH) is absent on official business.

The result was announced—yeas 41, nays 45, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—41

Allen	Hansen	Percy
Bellmon	Hatfield	Roth
Bentsen	Hayakawa	Schweiker
Byrd, Harry F., Jr.	Heinz	Scott
	Helms	Sparkman
Chafee	Huddleston	Stennis
Chiles	Laxalt	Stevens
Curtis	Leahy	Stone
Danforth	Lugar	Talmadge
DeConcini	Mathias	Thurmond
Dole	McClure	Tower
Domenici	Metzenbaum	Wallop
Garn	Nunn	Young
Goldwater	Packwood	Zorinsky

NAYS—45

Anderson	Hart	Moynihan
Brooke	Hollings	Muskie
Bumpers	Humphrey	Nelson
Burdick	Inouye	Pell
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Randolph
Case	Johnston	Ribicoff
Church	Kennedy	Riegle
Clark	Long	Sarbanes
Durkin	Magnuson	Sasser
Eagleton	Matsunaga	Schmitt
Eastland	McGovern	Stafford
Ford	McIntyre	Stevenson
Glenn	Melcher	Weicker
Gravel	Metcalf	Williams

NOT VOTING—14

Abourezk	Cranston	Hathaway
Baker	Culver	McClellan
Bartlett	Griffin	Morgan
Bayh	Haskell	Pearson
Biden	Hatch	

So Mr. SCHMITT's amendment was rejected.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

Mr. JAVITS. I move to lay that motion on the table.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to reconsider? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. ALLEN. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

On this vote, the Senator from Iowa (Mr. CULVER) is paired with the Senator from North Carolina (Mr. MORGAN). If present and voting, the Senator from Iowa would vote "yea" and the Senator from North Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH) is absent on official business.

The result was announced—yeas 44, nays 41, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—44

Abourezk	Hart	Metzenbaum
Anderson	Hollings	Moynihan
Brooke	Huddleston	Muskie
Bumpers	Humphrey	Nelson
Burdick	Inouye	Pell
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Randolph
Case	Johnston	Riegle
Church	Kennedy	Sarbanes
Clark	Long	Sasser
Durkin	Magnuson	Stafford
Eagleton	Matsunaga	Stevenson
Ford	McGovern	Weicker
Glenn	McIntyre	Williams
Gravel	Melcher	

NAYS—41

Allen	Goldwater	Roth
Bellmon	Hansen	Schmitt
Bentsen	Hatfield	Schweiker
Byrd, Harry F., Jr.	Hayakawa	Scott
	Heinz	Sparkman
Chafee	Helms	Stennis
Chiles	Laxalt	Stevens
Curtis	Leahy	Stone
Danforth	Lugar	Talmadge
DeConcini	Mathias	Thurmond
Dole	McClure	Tower
Domenici	Nunn	Wallop
Eastland	Packwood	Young
Garn	Percy	Zorinsky

NOT VOTING—15

Baker	Culver	McClellan
Bartlett	Griffin	Metcalf
Bayh	Haskell	Morgan
Biden	Hatch	Pearson
Cranston	Hathaway	Ribicoff

So the motion to lay on the table was agreed to.

Mr. SCHMITT. Mr. President, I yield to the Senator from Virginia for a unanimous-consent request.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Mary Repper of Mr. Stone's staff, be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. SCHMITT. I yield.

Mr. GLENN. Mr. President, I ask unanimous consent that Tom Dougherty be accorded floor privileges during the consideration of the bill and the votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, will the Senator yield for a similar request? I ask unanimous consent that Judy Heffner of my staff be given the usual privilege of the floor during the votes on this measure and for the rest of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask unanimous consent that Aubrey Sarvis be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHMITT. At what time does my allotted time run out?

The PRESIDING OFFICER. At the hour of 7:05.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the two remaining controversial amendments that I shall offer, if votes are required that they occur at 7:05 back to back.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, what is the request?

Mr. SCHMITT. In order to get the votes out of the way today so they will not interfere with tomorrow's activities, I request that the two controversial amendments which I believe will require a vote, if they do, that that vote be accommodated at 7:05.

Mr. ROBERT C. BYRD. Which vote, the two votes?

Mr. SCHMITT. The two votes.

Mr. ROBERT C. BYRD. Which vote would occur at 7:05?

Mr. SCHMITT. The vote on the amendments.

Mr. ROBERT C. BYRD. The first of the two?

Mr. SCHMITT. The first of the two.

Mr. JAVITS addressed the Chair.

Mr. SCHMITT. If the distinguished majority leader would modify the unanimous-consent agreement tomorrow so the vote could occur the first thing tomorrow morning that would also be acceptable to the Senator from New Mexico.

Mr. JAVITS. Mr. President, our problem over on this side is that I am advised that the Secretary put the word out that there would be no votes after 7. We could start a vote at 7. I do not know why the Senator says 7:05.

Mr. SCHMITT. I would be happy to make it at 7, two votes.

Mr. JAVITS. Mr. President, will the Senator consent, to accommodate Members, to start voting at 6:45, and we will take less time than the Senator if he wants to divide time? In other words, the Senator can have a half hour and we will take 15 minutes.

Mr. SCHMITT. I will accommodate the Senator.

Mr. JAVITS. Mr. President, we understand the unanimous consent is that time be divided for the next three-quarters of an hour on both amendments numbered——

Mr. SCHMITT. 349 and 347.

Mr. JAVITS. 347 and 349; that the

proponent, Senator SCHMITT, have 30 minutes; that the opponent, Senator WILLIAMS, have 15 minutes, and with the votes occurring at 6:45 back to back on both amendments, the first amendment to be a 15-minute vote, and the second to be 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. SCHMITT. I am happy to yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that the yeas and nays may be ordered on one showing of hands on amendments No. 347 and 349, if they be called up, and I make the request for the yeas and nays.

The PRESIDING OFFICER (Mr. MATSUNAGA). Is there objection?

Without objection, it is so ordered.

Mr. SCHMITT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. Mr. President, I thank the Senator from New York for that request.

AMENDMENT NO. 351

Mr. SCHMITT. Mr. President, I call up my amendment No. 351 which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment No. 351.

On page 83, line 15, insert the following after the period: "Publication shall include the text of such rules proposed, in their entirety, and a comparative text of the proposed changes in existing rules, and shall include a comprehensive index to the rules, cross-referenced by subject matter.".

Mr. SCHMITT. Mr. President, if I may have the attention of the distinguished chairman and ranking minority member of the Human Resources Committee, amendment No. 351 would require the Secretary of Labor, when promulgating new health and safety standards under the act, to publish in the Federal Register the text of each proposed rule, a comparative text of proposed changes in existing rules, and a comprehensive index to the rules, cross-referenced by subject matter.

The purpose of this amendment is to make it easier for the public and the mining industry to understand, comment upon, and later comply with proposed mine health and safety regulations.

It is my understanding, and I believe this is correct, that the committee is willing to accept this amendment.

Mr. WILLIAMS. Yes. I have reviewed this, and it is certainly agreeable with me. I think it serves a useful purpose.

When the proposal is published, those who read the Federal Register will be able to know exactly what changes will be made by the proposal. Is that right?

Mr. SCHMITT. That is correct.

Mr. WILLIAMS. With a cross indexing, so there is no mystery.

Mr. SCHMITT. That is correct.

Mr. WILLIAMS. That is agreeable to me.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHMITT. I yield.

Mr. JAVITS. Mr. President, it seems agreeable to me also. We have not consulted the department but there have to be some very persuasive administrative reasons to tout me off this. So I accept the amendment.

Mr. SCHMITT. I appreciate that.

Mr. President, I request a vote on amendment No. 351.

Mr. JAVITS. A voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 351.

The amendment was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 349

Mr. SCHMITT. Mr. President, I call up amendment No. 349 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment numbered 349.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, strike out lines 15, 16, 17, and 18.

On page 78, line 19, strike out "(2)" and insert "(b)(1)".

On page 78, line 23, strike out "(3)" and insert "(2)".

On page 79, line 19, strike out "(4)" and insert "(3)".

On page 79, line 22, strike out "(5)" and insert "(4)".

On page 80, line 4, strike out "Labor" and insert "the Interior".

On page 80, strike out lines 10 and 11.

On page 80, line 12, strike out "(2)" and insert "(d)".

On page 132, line 12, strike out "Labor" and insert "the Department of the Interior".

On page 143, line 20, beginning with the word "by", strike out all through the comma on line 22.

On page 144, beginning with line 2, strike out all through line 9 on page 149.

On page 144, line 11, strike out "SEC. 302." and insert "SEC. 301.".

On page 149, line 12, strike out "Labor" and insert "the Interior".

On page 149, line 13, strike out "Labor" and insert "the Interior".

On page 149, line 23, strike out "Labor" and insert "the Interior".

On page 150, line 20 beginning with the comma, strike out all through "and" on line 22.

On page 151, line 17, beginning with the semicolon, strike out all through the quotation marks on line 19.

On page 151, beginning with line 20, strike out all through line 23.

On page 151, line 24, strike out "(5)" and insert "(4)".

On page 152, line 1, beginning with "inserting", strike out all through "by" on line 3.

On page 152, line 1, strike out "(6)" and insert "(5)".

On page 152, line 5, strike out "(7)" and insert "(6)".

On page 154, line 6, strike out "Secretaries of Labor and" and insert "Secretary of the".

On page 154, line 7, strike out "jointly".

On page 154, line 18, strike out "Secretaries of Labor and" and insert "Secretary of the".

On page 154, line 22, beginning with "shall", strike out all through "are" on line 25.

On page 156, line 6, beginning with the period, strike out all through "Act" on line 9.

Mr. SCHMITT. Mr. President, this amendment brings us to what I think is the basic issue of this discussion.

I realize that it is at the very heart of the legislation that has been proposed. The issue is, should the activity proposed in the legislation be undertaken by the Department of Labor or should it remain for the time being, but not necessarily indefinitely, in the Department of Interior?

Mr. President, as we review this legislation the principal consideration that should concern us is whether S. 717, if enacted, will truly serve the health and safety needs of this Nation's miners. In addressing this issue, I would like to place several questions before my colleagues. First of all, will the mine worker be better served in health and safety concerns with the administrative changes called for in this legislation? Will the federal regulatory mechanism have the capacity to increase meaningfully the safety and health of this country's miners in metal and nonmetallic mines through a change of administrative departments?

Will the disruption and confusion created by transferring a major and critical safety enforcement division from one government agency to another have counterproductive results? Will there be, in fact, a backslide from the current high-level of mine safety enforcement? Will there be a loss from the real advances that have been made during the past 10 years in health and safety programs of our workers in metal and nonmetallic mines?

These questions, Mr. President, point directly to the crux of the matter before us and to the essential thrust and to the main purpose of the legislation we are presently considering. What will this legislation and the proposed transfer of mine health and safety enforcement really mean in terms of the welfare of this Nation's mine workers?

I am convinced the Department of the Interior has done as effective and conscientious job of promoting mine safety and improving conditions for miners as was possible under existing law.

If there is fault in that legislation, it is the fault of Congress.

By contrast, the Labor Department's record in the health and safety field does not give one confidence that that Department can be counted on to do an effective job or undertake the additional responsibility the MESA's transfer would entail. Moreover, there is a strong connection between mining production and mine safety, particularly in research,

which is best suited, in my judgment, to Interior's basic functions.

We have made a similar decision that with respect to energy matters regulation and production should be in the same Department of Energy.

That decision was made just recently and now we are reversing it in the case of mining legislation.

There is already well-developed coordination between the Bureau of Mines and MESA. In Interior, MESA personnel currently enjoy ready access to mining related expertise. Accordingly I see no reason to transfer mining health and safety functions to a bureaucracy, like OSHA, which is being strongly criticized for its handling of those health and safety programs currently under the jurisdiction of the Department.

It does not mean that at sometime in the future such a transfer may be appropriate. Although it may seem appropriate at the present time, I am afraid it would be a serious move backwards.

Mr. President, I direct the attention of my colleagues to amendment No. 349 which deals with this issue of MESA's transfer.

As my colleagues are aware, sections 301, 302, and 303 of S. 717, would, in effect, shift MESA from the Department of the Interior to the Department of Labor. The purpose of my amendment is to prevent that transfer by deleting those sections from the bill.

In opposing the proposed transfer of the functions of MESA from the Department of Interior to the Department of Labor, let me emphasize that I concur with the proponents of this legislation that we must work to attain the highest possible degree of protection for our Nation's miners. In fact, it is due to my concern that efforts must be continued to improve conditions for the miners that I am offering this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the history of the mine safety legislation that has led up to the present point in time.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The Bureau of Mines was created by legislation in 1910 as primarily an agency for advising the industry, with experimental work and teaching accident prevention, first aid and mine rescue. Although much work was done in the prevention of fires and explosions and in research leading to improved safety equipment, federal officials acted in an advisory capacity only since there were no set of rules or standards and did not have the right to enter and inspect mines until the passage in 1941 of Public Law 49.

Mine disasters continued, especially during war years, and in 1952, Congress passed the Federal Coal Mine Safety Act, in which certain regulations became mandatory and inspectors could issue withdrawal orders and notices of violations. In 1966, small mines were included under the Act, and in 1969, a new Federal Coal Mine Health and Safety Act was passed.

During the 1960's the Department of Interior through the Bureau of Mines conducted an extensive program of research in coal and metal and non-metallic mine safety and health, which led eventually to passage in 1966 of the Federal Metal and Non-metallic Act. Furthermore, the Bureau of Mines in Interior was instrumental in recommending the changes adopted in the Federal Coal Mine Health and Safety Act of 1969.

Over the years Interior has developed the expertise, has conducted extensive research and has built up a cadre of experts in mining and technology. It would be a serious mistake, in my opinion, after recognizing the uniqueness of mining from 1910 to the present, to discard the efforts of this Department merely to respond to the desires of disgruntled labor leaders.

The interdependence of safety and health research with research dealing with productivity is another compelling reason for keeping MESA within Interior. No one can deny the unique character of mining. Foreign countries and our own states have established mine safety laws and agencies distinguishable from other occupational safety laws and agencies. In New Mexico mine safety, by constitutional provision, is the exclusive responsibility of the office of the State Mine Inspector.

Mr. SCHMITT. I would like to quote from the Former Secretary of the Interior, Thomas Kleppe, in his testimony before the House Committee on Education and Labor on May 5, 1976, on this matter:

Many of the hazards associated with mining are unique. The complex and widely varying methods and techniques employed in the extraction of ore and coal from underground locations and the constantly changing natural conditions have no parallel in other industries. The safety and health principles used in other industries, when and if applicable to mining, must be adapted to the particular conditions and circumstances of mining, and special expertise can make better adaptations to the particular circumstances. Interior has that special expertise.

In pursuing the goal of improved mine health and safety, MESA, in the Department of the Interior, has the distinct benefit of close liaison with the Department's other programs dealing with the use and conservation of natural resources.

Sound management of natural resource development requires a coordinated, systematic approach. Mining has many interrelated aspects. The phases of the mining cycle include exploration, extraction, processing, and reclamation. Because these phases are labor intensive, *health* and *safety* is a consideration of each phase and collectively is an important and integral part of the total mining system.

MESA activities are closely related to the Department's operations. By their presence in the Interior Department, MESA managerial, technical and professional personnel find their work facilitated by ready access to specialists in geology, hydrology, dam construction, metallurgy, rock mechanics, explosives, chemistry, and other techniques and scientific disciplines in which Interior bureaus are acknowledged world leaders.

While MESA derives definite benefits from its presence in the Interior Department, it also contributes to the functions of other Interior bureaus. MESA has an effective voice in promoting safety in other Departmental activities. It assures that health and safety considerations are incorporated in mining research and development and other mineral-related activities. Similar interaction between agencies throughout the entire government structure is possible, but there is obviously a distinct practical advantage if the bureaus concerned with mineral are in the same department.

The Interior Department's budget for energy and minerals research is separated into three components: extractive technology, health and safety, and market demand. The Department of the Interior through the Bureau of Mines currently conducts research on all aspects of extractive mining technology. Such research is carried out with a major emphasis on the health and safety of mine workers. Separation of components of such research would be inefficient, devisive, and costly and would result in fragmentation or duplication of efforts. MESA is directly consulted in the formulation of research projects by the Bureau of Mines.

The close integration of research components is a direct result of basic limitations imposed on mining systems and equipment by health and safety requirements. For example, the presence of highly combustible methane gas in coal or trana, a nonmetallic mineral, automatically eliminates all mining equipment that is not explosion proof no matter how fast and efficient. Using research for development of spark generating equipment would be useless since it could not be used and would waste valuable time and resources. Likewise, developing a new mining technique or equipment that speeds production, but does not provide sufficient roof support, would again be a waste of resource time and money. Health and safety requirements must be considered and met in all mining extraction technology development.

The importance of technical specialization in the field of mine health and safety must be emphasized because a variety of approaches is needed to integrate health and safety into the mining system.

* * * * *

Coincidental with enforcement and training activities are a number of essential engineering support functions involving a high degree of technical knowledge and experience in mining operations. These include ground control, ventilation, fire prevention and control, explosives storage handling, hoisting and transportation, shaft sinking, electrical equipment, dust and noise control, and mine waste embankments technology. Close coordination between these support activities and research development, and testing is essential, as many hazards can actually be "engineered out" of equipment and machinery, and mining systems can be modified to reduce hazards.

* * * * *

To attract and keep men for mining careers, health and safety must share co-equal emphasis with the need for increased production.

The point is that mine health and safety cannot be divorced from the mine productivity.

The Mining Enforcement and Safety Administration (MESA) was established by the Secretary of the Interior in May 1973. The national statistics that I have seen from the Department of Interior, as well as those from the National Safety Council, affirm the steady and rapid progress that has been made in improving health and safety conditions for our Nation's miners through the effective administration and programs of MESA.

Regular and spot inspections performed by MESA inspectors have steadily increased, from 31,481 in 1971 to over 44,188 in 1975. The number of notices of violations issued in that same period nearly doubled. Most importantly, the number of closure orders per year issued for noncompliance and imminent danger increased from 4,320 to over 9,340. The Department of Interior, through MESA and its inspectors, is clearly taking very seriously its responsibilities for the inspection of mines and protection of workers from unsafe and potentially hazardous conditions.

In order to give full interpretation and added emphasis to these statistics, I refer to the 1975 report released by the National Safety Council. The accident report of 1975 indicated that in the past 10 years the Nation's work-death rate in eight principal industry groups was reduced an average of 24 percent.

Construction, considered a critical enforcement area at the Occupation Safety and Health Administration, only registered a 16-percent improvement during that 10-year period. By contrast, mining and quarrying posted the greatest improvement during the period—42 percent fewer deaths per 100,000 workers.

In the 2 years between 1973, when the Mining Enforcement Safety Administration was created, and 1975, there was a 10-percent decrease in the number of fatalities in the mining industry. These figures themselves attest to MESA's outstanding record in the field of safety.

Health activities have also received continued and inceasing emphasis at MESA. In 1974, for instance, in metal and nonmetal mining alone, over 4,200 inspections involving industrial hygiene sampling were made. These inspections were involved in evaluating degrees of hazard found as a result of contaminants such as dusts of silica, asbestos and talc, noise, toxic gases, radon daughters and welding fumes.

As a matter of fact, a table on page 7 of the report of the committee on S. 717 illustrates this steady progress though the committee has interpreted it as illustrative of the need for a transfer of jurisdiction.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an updated progress report on the noncoal mining safety and health area, provided by the Assistant Secretary of Energy for Minerals, the Department of the Interior. It is dated February 14, 1977, and is a memorandum from the Administrator of NESA to the Assistant Secretary, with enclosures.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To Assistant Secretary—Energy and Minerals.
From Administrator, Mining Enforcement and Safety Administration.
Subject Monthly Report on Metal and Nonmetal Mine Health and Safety Activities for December 1976.

Attached is a statistical and graphical summary of activities through December 1976 showing:

1. Metal and Nonmetal mine fatalities.
2. Health and safety inspections.
3. Notices of violations of mandatory standards issued.
4. Number of mine closure orders issued.

ROBERT E. BARRETT.

Enclosures.

[Calendar years]

Type of mine	December, total	Cumulative through December 1976	1975	1974	Total 1975	1974
Underground	2	37	43	50	43	50
Open pit	1	11	12	16	12	16
Crushed stone		17	27	30	27	30
Sand and gravel	2	24	21	39	21	39
Mills		24	20	23	20	23
Total	5	113	123	158	123	158

[Calendar years]

Inspections	December, total	Cumulative through December 1976 [1]	1975	1974	Total 1975	1974
Underground:						
Regular	155	2,208	2,227	1,632	2,227	1,632
Spot	116	1,417	1,456	1,214	1,456	1,214
Total	271	3,625	3,683	2,846	3,683	2,846
Open pit:						
Regular	120	2,245	1,904	1,398	1,904	1,398
Spot	123	1,608	1,535	1,055	1,535	1,055
Total	243	3,853	3,439	2,453	3,439	2,453
Crushed stone:						
Regular	273	5,273	4,865	2,967	4,865	2,967
Spot	536	5,343	4,863	3,345	4,863	3,345
Total	809	10,616	9,728	6,312	9,728	6,312
Sand and gravel:						
Regular	407	8,199	6,390	4,594	6,390	4,594
Spot	518	5,794	5,600	4,164	5,600	4,164
Total	925	13,993	11,990	8,758	11,990	8,758
Mills:						
Regular	96	1,479	1,114	690	1,114	690
Spot	81	1,222	1,048	782	1,048	782
Total	177	2,701	2,162	1,472	2,162	1,472
Total:						
Regular	1,051	19,404	16,500	11,281	16,500	11,281
Spot	1,374	15,384	14,502	10,560	14,502	10,560
Grand total	2,425	34,788	31,002	21,841	31,002	21,841

[1] These are the final figures for calendar year 1976.

[Calendar years]

Notices issued	December, total	Cumulative through December 1976 [1]	1975	1974	Total 1975	1974
Underground	970	15,184	12,419	10,589	12,419	10,589
Open pit	740	9,710	8,513	6,982	8,513	6,982
Crushed stone	1,617	41,804	31,946	24,367	31,946	24,367
Sand and gravel	1,540	34,133	27,262	23,344	27,262	23,344
Mills	780	12,583	7,653	6,158	7,653	6,158
Total	5,647	113,414	87,793	71,440	87,793	71,440

[1] These are the final figures for calendar year 1976.

[Calendar years]

Orders issued	December, Total	Cumulative through December [1] 1976	1975	1974	Total 1975	1974
Underground	92	1,005	627	450	627	450
Open pit	21	265	157	108	157	108
Crushed stone	110	1,659	2,273	576	1,273	576
Sand and gravel	72	1,200	973	731	973	731
Mills	17	269	187	73	187	73
Total	312	4,398	3,217	1,938	3,217	1,938

[1] These are the final figures for Calendar Year 1976.

NUMBER OF MINES INSPECTED AT LEAST ONCE DURING CALENDAR YEAR

Mine category	Number of active mines [1]	Mines inspected—Calendar year 1976 [2] December, total [1]	Cumulative through December [1]	Cumulative (percent) [3]	Mines uninspected
Underground	629	5	620	[4] 98.7	[4] 9
Open pit	1,438	13	1,232	85.7	206
Crushed stone	3,509	41	3,083	87.8	426
Sand and gravel	5,360	29	4,503	84.0	857
Mills	854	14	776	90.9	78
Total	11,790	102	10,214	86.6	1,576

[1] Data obtained from MCS Mining Inspection Status Report. Initial inspections may exceed the total inspections since data from the Mining Inspection Status Report includes a portion of data from the following month. But more often initial inspections are less than total inspections since total inspections include additional repeat and spot inspections.
[2] Number of initial regular mine inspections.
[3] Percentage of cumulative number of mines inspected in each active mine category and shows the current portion of each category inspected at least once.
[4] Due to the lag time in the submission of input documents and the updating of records, a small portion of underground mines do appear as uninspected. However, a manual cross-referencing of MCS data, on Feb. 8, 1977, confirmed that all active underground mines were inspected at least once.

SUMMARY

	Men employed	Frequency rates per million man-hours: Fatal	Nonfatal disabling	All disabling injuries
1967	255,999	0.34	21.02	21.36
1968	246,039	.34	21.02	21.36
1969	246,677	.33	21.18	21.51
1970	242,788	.31	22.91	23.21
1971	237,059	.32	23.50	23.81
1972	(1)	.57	23.18	23.75
1973 [2]	246,658	.40	18.69	19.09
1974	271,447	.34	19.06	19.40
1975	277,978	.26	17.81	18.07
1976 [3]	274,540	.25	15.02	15.27

[1] Data not available.
[2] 1st year of MESA.
[3] Preliminary.

INJURY EXPERIENCE AND EMPLOYMENT IN METAL AND NONMETAL MINES AND MILLS IN THE UNITED STATES, 1967–76

Year and location	Men employed	Number of injuries: Fatal	Nonfatal disabling	All disabling injuries	Frequency rates per million man-hours: Fatal	Nonfatal disabling	All disabling injuries
1967:							
Underground mines	37,771	65	3,107	3,172	0.86	41.28	42.14
Surface mines	117,074	75	4,225	4,300	.33	18.48	18.81
Mills	101,154	41	3,873	3,914	.18	16.90	17.08
Total	255,999	181	11,205	11,386	.34	21.02	21.36
1968:							
Underground mines	34,386	75	3,004	3,079	1.02	41.00	42.03
Surface mines	114,415	80	4,317	4,397	.35	18.93	19.28
Mills	97,238	27	3,778	3,805	.12	16.66	16.78
Total	246,039	182	11,099	11,281	.34	21.02	21.36
1969:							
Underground mines	33,568	64	3,116	3,180	.87	42.16	43.02
Surface mines	114,883	86	4,313	4,399	.37	18.49	18.86
Mills	98,226	29	3,981	4,010	.13	17.19	17.31
Total	246,677	179	11,410	11,589	.33	21.18	21.51
1970:							
Underground mines	34,014	60	3,455	3,515	.80	46.03	46.83
Surface mines	113,388	73	4,675	4,748	.31	20.06	20.38
Mills	95,386	32	4,218	4,250	.14	18.26	18.40
Total	242,788	165	12,348	12,513	.31	22.91	23.21
1971:							
Underground mines	32,524	56	3,381	3,437	.80	48.01	48.80
Surface mines	113,000	69	4,490	4,559	.30	19.73	20.04
Mills	91,535	39	4,277	4,316	.18	19.52	19.70
Total	237,059	164	12,148	12,312	.32	23.50	23.81
1972:							
Underground mines	(1)	134	2,762	2,896	2.10	43.31	45.41
Surface mines	(1)	65	3,073	3,138	.39	18.57	18.96
Mills	(1)	35	3,761	3,796	.19	20.37	20.56
Total	(1)	234	9,596	9,830	.57	23.18	23.75
1973:							
Underground mines	34,733	49	2,967	3,016	.74	44.76	45.50
Surface mines	127,776	95	3,543	3,638	.44	16.31	16.75
Mills	84,149	31	1,763	1,794	.20	11.08	11.27
Total	246,658	175	8,273	8,448	.40	18.69	19.09
1974:							
Underground mines	38,253	50	3,246	3,296	.68	44.41	45.09
Surface mines	142,709	85	3,778	3,863	.37	16.58	16.95
Mills	90,485	23	1,892	1,915	.14	11.35	11.48
Total	271,447	158	8,916	9,074	.34	19.06	19.40
1975:							
Underground mines	42,085	43	2,923	2,966	.56	37.90	38.46
Surface mines	146,103	60	3,492	3,552	.26	15.19	15.45
Mills	89,790	20	2,023	2,043	.12	12.16	12.28
Total	277,978	123	8,438	8,561	.26	17.81	18.07
1976: [2]							
Underground mines	40,012	37	2,429	2,466	.54	33.33	33.87
Surface mines	134,013	52	2,763	2,815	.26	13.59	13.84
Mills	100,515	24	2,251	2,275	.13	11.46	11.60
Total	274,540	113	7,443	7,556	.25	15.02	15.27

[1] Comparable data not available.
[2] Preliminary.

Source: Prepared by Metal and Nonmetal Mine Health and Safety, Arlington, Va., March 1977.

INJURY EXPERIENCE AND EMPLOYMENT IN SURFACE METAL AND NONMETAL MINES IN THE UNITED STATES, 1967–76

Year and industry	Men employed	Number of injuries: Fatal	Nonfatal disabling	All disabling injuries	Frequency rate per million man-hours: Fatal	Nonfatal disabling	All disabling injuries
1967:							
Metal	19,394	12	490	502	0.30	12.34	12.64
Nonmetal	12,289	11	469	480	.43	18.30	18.73
Stone	33,028	20	1,347	1,367	.32	20.20	20.52
Sand and gravel	52,363	32	1,919	1,951	.33	19.86	20.19
Total	117,074	75	4,225	4,300	33	18.48	18.81
1968:							
Metal	19,917	20	537	557	.46	12.37	12.83
Nonmetal	11,423	4	387	391	.17	16.29	16.46
Stone	33,174	30	1,401	1,431	0.44	20.67	21.12
Sand and gravel	49,901	26	1,992	2,018	.28	21.38	21.66
Total	114,415	80	4,317	4,397	.35	18.93	19.28
1969:							
Metal	20,416	16	562	578	.34	11.96	12.30
Nonmetal	11,882	7	473	480	.29	19.61	19.90
Stone	32,424	32	1,349	1,381	.47	19.86	20.33
Sand and gravel	50,161	31	1,929	1,960	.33	20.47	20.80
Total	114,883	86	4,313	4,399	.37	18.49	18.86
1970:							
Metal	19,926	13	632	645	.26	12.58	12.84
Nonmetal	10,375	5	357	362	.24	17.03	17.27
Stone	32,413	26	1,641	1,667	.39	24.59	24.98
Sand and gravel	50,674	29	2,045	2,074	.31	21.51	21.82
Total	113,388	73	4,675	4,748	.31	20.06	20.38
1971:							
Metal	20,105	10	468	478	.20	9.56	9.76
Nonmetal	9,251	3	297	300	.17	17.22	17.40
Stone	33,142	30	1,593	1,632	.45	23.93	24.38
Sand and gravel	50,502	26	2,132	2,158	.27	22.49	22.76
Total	113,000	69	4,490	4,559	.30	19.73	20.04
1972:							
Metal	(1)	5	455	480	.11	9.81	9.92
Metal	(1)	3	268	271	.20	18.21	18.42
Stone	(1)	21	986	1,007	.44	18.74	19.19
Sand and gravel	(1)	36	1,364	1,400	.63	23.88	24.51
Total	(1)	65	3,073	3,138	.39	18.57	18.96
1973:							
Metal	31,232	8	645	653	.13	10.85	10.98
Nonmetal	13,173	9	473	482	.41	21.33	21.74
Stone	44,184	38	1,555	1,593	.49	20.11	20.60
Sand and gravel	39,187	40	870	910	.68	14.87	15.55
Total	127,776	95	3,543	3,638	.44	16.31	16.75
1974:							
Metal	31,279	12	793	805	.20	12.91	13.11
Nonmetal	14,924	4	488	492	.16	19.97	20.14
Stone	49,311	30	1,586	1,616	.37	19.69	20.06
Sand and gravel	47,195	39	911	950	.63	14.78	15.42
Total	142,709	85	3,778	3,863	.37	16.58	16.95
1975:							
Metal	30,390	9	622	631	.16	10.87	11.02
Nonmetal	16,515	3	464	467	.11	16.69	16.80
Stone	49,675	27	1,601	1,628	.34	20.09	20.43
Sand and gravel	49,523	21	805	826	.32	12.29	12.61
Total	146,103	60	3,492	3,552	.26	15.19	15.45
1976: [2]							
Metal	29,650	6	527	533	.12	9.10	9.22
Nonmetal	14,927	5	312	317	.22	11.33	11.55
Stone	45,365	17	1,299	1,316	.24	16.28	16.52
Sand and gravel	44,061	24	625	649	.43	9.64	10.07
Total	134,013	52	2,763	2,815	.26	13.59	13.84

[1] Comparable data not available.
[2] Preliminary.

Source: Prepared by Metal and Nonmetal Mine Health and Safety, Arlington, Va., March 1977.

FATALITIES IN MINES AND MILLS, 1973–76

	1976	1975	1974	1973
Underground:	37	43	50	49
Metal, 1976	24			
Nonmetal, 1976	9			
Stone, 1976	2			
Open pit:	11	11	16	17
Metal, 1976	6			
Nonmetal, 1976	5			
Crushed stone	17	26	30	37
Sand and gravel	24	21	39	40
Mills:	24	20	23	32
Metal, 1976	2			
Nonmetal, 1976	8			
Stone, 1976	14			
Total	113	121	158	175

Note: Fatalities were lower in 1975 and 1976 than in any previous year.

Source: Statistics from Mesa metal and nonmetallic mining only.

Mr. SCHMITT. MESA's record of cooperation and working with labor organizations in its safety and health activities is exemplary. MESA has responded to requests from labor to appear at safety seminars and conferences; it has established a 24-hour answering service for use of miners in alerting MESA to serious health and safety hazards; and it has strongly encouraged union participation in the inspection process. As a matter of policy, MESA inspectors request that a labor representative accompany the inspector or sit in on the post-inspection conference.

Mr. President, somewhere there has arisen the notion, endorsed by the proponents of S. 717, that the Labor Department has been doing an outstanding job in the safety and health enforcement field, much better, in fact, than the Department of the Interior. In light of the statistics and testimony in labor oversight hearings, it is my belief that this is an erroneous conclusion.

Consider the following facts. Since administration of the Longshoremen's and Harbor Workers' safety program has been taken over by the Occupational Safety and Health Administration—OSHA—within the Labor Department, the number of inspections of maritime facilities has declined radically. Senator WILLIAMS, sponsor of S. 717, stated in a letter to former Secretary of Labor Peter Brennan that, in this area, "OSHA has failed to direct its inspection activity into high hazard areas." Mining is a hazardous occupation, in fact, far too hazardous for the Congress to take the chance on hurting mine safety efforts. It would be unfortunate if, as a result of congressional approval of this legislation, existing mine safety programs were to decline or suffer a fate similar to that of the maritime safety and health programs.

There have been many criticisms about the Labor Department in other areas, for instance, that it has been lax in issuing health standards. It seems to me that the health of miners is a subject we can ill afford to compromise by adding its future enforcement to the already overburdened responsibilities of the Labor Department.

Mr. President, we must consider the fact that, after 4 years of recordkeeping, the Labor Department has failed to develop statistical data necessary to measure the impact of OSHA's operations. I doubt that our miners would want their health and safety concerns guarded by a Department that cannot seem to handle its current heavy workload within a reasonable time frame. We must also consider that the Labor Department has not collected data on the nature and causes of occupational injury and death. Such information is necessary to develop procedures for selection of inspection sites, inspection frequency, and the issuance of citations.

By contrast, the Department of Interior and MESA not only have such data broken out by job description, but also have data indicating what fatalities are related to mining experience. This information has supported the contention of MESA that the training and education of mine personnel is vital to safety. In 1975, over 650,000 mine employees were involved in 62 different training courses ranging from mine rescue and first aid to health, accident prevention, and safety mining practices.

In a letter of September 1974 to the then Secretary of Labor, Chairman Williams stated:

> Our subcommittee has been forced to conclude that the (Occupational Safety and Health) Act has yet to be properly implemented. It has been shackled by an administrative ineptness which is compounded by the lack of relevant management information.

Assistant Secretary of Labor Morton Corn also stated:

> We are struggling to get this agency (OSHA) on track, and the transfer of MESA at this time could be an overwhelming burden to the Department and the effort in progress.

Mr. President, the record of MESA at the Department of the Interior is a good one; it is strong and consistent; and it continues to show improvement in the important areas of mine safety. To transfer MESA from its place within the Department of Interior, to uproot MESA programs and personnel and subject them to activity which diverts them from their main effort, that is, the protection of the safety and health of our Nation's miners, and to place them within a Department which, to say the least, has not made an impressive record of safety and health enforcement, to do these things, as the proponents of S. 717 are urging us to do, seems to me unthinkable and unconscionable.

As I stated earlier, the principal consideration we must keep in mind as we review this legislation is whether it will serve the health and safety needs of America's miners. Clearly, the lives and health of our miners are too valuable a national resource to be experimented with. In my opinion, the transfer of MESA is being proposed primarily for the sake of change, for political motives or for some other reason which is not readily apparent to this Senator. In any event, that transfer is not being proposed to improve the lot of our Nation's miners or conditions within the mining industry.

Human life and an individual's health are commodities too precious to be toyed with. For the Congress to make needless changes in the mine safety laws at this time, without looking closely at the facts and the situation in the health and safety field and without considering seriously the consequences of such a change, would be a serious mistake, in my judgment. Those who are employed in our mining industry deserve more consideration by the Congress for their lives and health than I believe they will receive through enactment of this badly conceived legislation.

For these reasons, I urge my colleagues to vote for my amendment to S. 717 and against the transfer of the Mining Enforcement and Safety Administration from the Department of the Interior to the Department of Labor.

Mr. President, at this point, I ask unanimous consent to make one typographical correction to the amendment before the Senate, and that correction is on page 2, line 8, to change the number "144" to "149."

The PRESIDING OFFICER. Without objection, the modification is agreed to.

The modified amendment is as follows:

On page 78, strike out lines 15, 16, 17, and 18.

On page 78, line 19, strike out "(2)" and insert "(b)(1)".

On page 78, line 23, strike out "(3)" and insert "(2)".

On page 79, line 19, strike out "(4)" and insert "(3)".

On page 79, line 22, strike out "(5)" and insert "(4)".

On page 80, line 4, strike out "Labor" and insert "the Interior".

On page 80, strike out lines 10 and 11.

On page 80, line 12, strike out "(2)" and insert "(d)".

On page 132, line 12, strike out "Labor" and insert "the Department of the Interior".

On page 143, line 20, beginning with the word "by", strike out all through the comma on line 22.

On page 144, beginning with line 2, strike out all through line 9 on page 149.

On page 149, line 11, strike out "SEC. 302." and insert "SEC. 301.".

On page 149, line 12, strike out "Labor" and insert "the Interior".

On page 149, line 13, strike out "Labor" and insert "the Interior".

On page 149, line 23, strike out "Labor" and insert "the Interior".

On page 150, line 20, beginning with the comma, strike out all through "and" on line 22.

On page 151, line 17, beginning with the semicolon, strike out all through the quotation marks on line 19.

On page 151, beginning with line 20, strike out all through line 23.

On page 151, line 24, strike out "(5)" and insert "(4)".

On page 152, line 1, beginning with "inserting", strike out all through "by" on line 3.

On page 152, line 1, strike out "(6)" and insert "(5)".

On page 152, line 5, strike out "(7)" and insert "(6)".

On page 154, line 6, strike out "Secretaries of Labor and" and insert "Secretary of the".

On page 154, line 7, strike out "jointly".

On page 154, line 18, strike out "Secretaries of Labor and" and insert "Secretary of the".

On page 154, line 22, beginning with "shall", strike out all through "are" on line 25.

On page 156, line 6, beginning with the period, strike out all through "Act" on line 9.

AMENDMENT NO. 347

Mr. SCHMITT. Mr. President, before I ask for comments from the committee, I would just, because of the nature of the time limitation agreement, like to mention what my other amendment is. It is related to this general subject.

That amendment (No. 347), which I shall call up shortly, would "sunset" each new health and safety standard automatically at the end of 5 years unless renewed by the Secretary of Labor.

The purpose of this amendment is to insure that the Department of Labor periodically examines and reconsiders each standard promulgated for the mining industry, based on experience and recommendations made by the advisory committees and on changes within the mining industry and developments in the state of the art of extraction of minerals from the Earth. I believe that 5 years is a sufficient period of time to have sufficient

experience with existing standards and develop new technologies and research for the Labor Department to determine whether its safety and health rules and regulations should be changed, terminated, or renewed.

I think this would be an excellent policy for many other departments to follow. Five years does seem sufficient.

Mr. President, I reserve the remainder of my time and ask for comments on the two amendments from the floor.

Mr. WILLIAMS. Mr. President, on the first amendment offered by the Senator, No. 349, it goes right to the heart of the objective of this legislation before us. Our committee has been working on mining legislation with much of its present membership for better than a decade. We were deeply involved in the first Metal Act of 1966. Then Senator JAVITS and I were in leadership positions in the Coal Mine Act of 1969. We know that we presented good legislation, particularly in 1969. And over the years, we have had to be in charge of the oversight.

We have personally gone to many of the scenes of disaster. If we have not gone personally, the staff has gone. We have been present after the fact at Sunshine in Idaho, at Scotia, and at Buffalo Creek. We have been to all of them.

We know that a department divided against itself has not done an effective job of bringing safety standards and safety enforcement to the miners of America. That is why we have had not only these tragic disasters which have received so much national attention but we still have continued carnage in our mines. Every day a miner dies, every day many miners are injured. It was our feeling, after deep study, that it was to a great extent the result of the fact that we had the standards making and enforcing responsibiliy in a department divided against itself.

Now we have said that the way we should move is to bring this whole administrative effort to secure the health and safety of the miners to the department which has but one interest, the worker's benefit. That is the Department of Labor. That is what this bill would do, bring safety and health to the department which has a single purpose and that is the welfare of the workers.

Any suggestion that in moving it over to Labor we are going to lump mine safety into industrial safety is wrong. Here we have as clear and precise a vertical separation as can be written into law. OSHA is there, MESA is there, and they will be under the same Department of Labor, the workers' department. But there will not be any mixing of the administration of the Occupational Safety and Health, and the mine safety and health programs.

That fear, if the Senator has it, can be laid at rest. It cannot happen under this legislation if it becomes law and this activity is moved from the Department of the Interior to the Department of Labor.

Mr. SCHMITT. If the Senator will yield, that is not my concern. I think if this were the right time we could, in fact, vertically separate those two. My concern is, can the Department of Labor management provide sufficient direction to this new unit that they are going to receive?

Mr. WILLIAMS. The answer is clearly yes.

Mr. SCHMITT. It is not clearly yes.

Mr. WILLIAMS. The Senator has raised a lot of questions about what I said about the ineptness of OSHA, and I was right. The Senator might not have the full history. We were very critical of the administration of the Occupational Safety and Health Act, OSHA, particularly when it was under the administration of a person who did not believe in the program. We had years of problems. I believe we have a refreshing change.

With this new administration and with people who believe in what they are doing, I believe we are in strong position in occupational safety and health, and I know that the Department is not too heavily burdened to undertake this safety program for the miners of our country.

Mr. SCHMITT. There is clearly a major difference of opinion in the country on whether or not that is true. With the increased emphasis on the extraction of minerals for energy and strategic purposes from the earth of this country, it seems to me inappropriate to take the chance, a very real, actual chance, that we will defeat our purpose by transferring this very necessary activity into the Department of Labor. Strengthen it, but leave it where it has been making real progress throughout the last several years of its existence.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point comments to this effect from W. H. Carter, the president of the National Crushed Stone Association, with attached comments in editorials which make this point extremely well.

He is one of many individuals in this country who has written to me to make a similar point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CRUSHED STONE ASSOCIATION,
Washington, D.C., May 6, 1977.

Hon. HARRISON SCHMITT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHMITT: A misconception that hazards and safety and health records of coal mining are representative of all mining has been repeated over and over by proponents of the proposed Federal Mine Safety Act of 1977 which will soon be presented on the floor for a vote!

The proposed bill will have little or no effect on coal mine safety enforcement. However, it will drastically change a successful metal and nonmetal mine safety enforcement program which, in 11 years, has dramatically decreased accidents and fatalities in the 89 non-coal commodities mined in the U.S.

This erroneous preconception that coal mine conditions exist in all mining operations, was reflected in an editorial in the Washington Star on April 19, 1977. NCSA responded in writing to that editorial and the Star printed our letter on May 1, 1977.

The Star editorial and NCSA's letter in response are reprinted on the enclosure. A brief review will highlight the difference between coal mining and crushed stone mining safety and health factors.

We do not believe that saddling our industry with unnecessary or punitive provisions, as this bill presently would, will help advance the cause of mine safety and health.

The proposed safety bill will destroy an outstanding national metal and nonmetal mine safety program. If you need further information before casting your vote on this issue, NCSA would be pleased to provide whatever facts you wish.

Cordially,

W. L. CARTER,
President.

Enclosure.

[From the Washington Star, May 1, 1977]

SAFETY IN UNDERGROUND STONE

Your editorial on "Mine safety enforcement" (April 19) completely ignored the fact that the vast majority of mining operations in the United States do not mine coal. Granted that we read of coal mine explosions, tunnel cave-ins, black lung, etc., but there is virtually no similarity between the dangers of coal mining and the conditions encountered in mining the other 89 mineral commodities now extracted in this country.

The National Crushed Stone Association represents operators of stone quarries and underground stone mines throughout the United States. When we extract rock underground, we do not use vertical shafts. Rather we drive trucks through horizontal or slightly inclined 30-foot openings into rooms of solid stone which can reach up to 40 feet high, supported by giant stone pillars. Because of the nature of stone deposits, there is no danger of possible gas or dust explosions.

Our safety statistics, and those of the other 88 non-coal mineral commodities, are rapidly improving. The Mining Enforcement and Safety Administration (MESA) under the federal Metal and Nonmetallic Mine Safety Act of 1966 can show that, in every category, metal and non-metal mining in the United States operates effective voluntary safety programs. In both 1976 and 1975, fatality rates for metal and non-metal mining were the lowest ever recorded.

1976 National Safety Council statistics also support this and show that of the eight principal U.S. industrial groups, "mining and quarrying" have shown the greatest reduction in fatality rates over a 10-year period.

A separate law regulates coal mine safety. It is the federal Coal Mine Safety and Health Act of 1969. The MESA personnel administering coal mine health and safety under the 1969 act are not the same personnel who administer metal and non-metal mine safety under our 1966 act.

The legislation now pending before the Congress would repeal the 1966 metal and non-metal safety law which has proven to be so effective and place all 90 mineral commodities under the 1969 law designed for coal mine safety. Further, it would lump MESA into the same department with the Labor Department's Occupational Safety and Health Administration (OSHA), whose safety performance many government, business, labor and other groups have severely criticized.

It is our conviction, because of the great differences in types of mining operations, that the safety and health of those working in nonmetallic mining operations are best protected by the continuance of the federal Metal and Nonmetallic Mine Safety Act of 1966, with inspection and enforcement under MESA in the Department of the Interior. To try to subject all mining operations to the provisions of the Coal Mine Safety Act, as the bills pending before Congress would do, will be detrimental to the cause of improving safety and health in non-metallic mines. The past and current safety and health record of our industry fully supports this position.

W. L. CARTER,
President.

[From the Washington Star, Apr. 19, 1977]

MINE SAFETY ENFORCEMENT

Greater use of coal is an important part of President Carter's energy program. That means more workers digging more coal in an inherently hostile environment.

That in turn ought to mean greater emphasis on safety in the mines, which apparently is what Mr. Carter had in mind when he recommended the other day that the Mining Enforcement and Safety Administration be shifted from the Department of Interior to the Department of Labor. Legislation to transfer the agency, as well as to stiffen mine safety regulations, was passed by the House last year but died in the Senate. Its demise was due in part to opposition from President Ford. The changed attitude at the White House, as well as the new dependence on coal brighten the outlook for enactment this year.

According to Senate Labor Subcommittee figures, 222 miners were killed and 18,442 suffered disabling injuries in work-related accidents during 1976. The most dramatic accident, of course, was the Scotia mine disaster at Oven Fork, Ky., which took the lives of 23 miners and three inspectors in two separate explosions within two days.

Most of the other 200 who died and the thousands who were injured never made the national headlines—they were killed by ones and twos, sometimes more, by falling rocks, collapsing tunnels, machine accidents, gas explosions, flooding of mine shafts, lack of oxygen or one of the many other perils that await the men who go into the earth to extract coal. They were dead or maimed, nevertheless.

Those pushing new safety legislation argue that many of the accidents are avoidable. Sen. Harrison Williams, chairman of the Labor Committee, accuses the Mine Enforcement Safety Administration of lax enforcement of federal safety regulations. Rep. Carl Perkins, chairman of the House Education and Labor Committee, claimed last year that the Scotia mine, where 1,250 safety violations reportedly were found between 1970 and the time of the March 1976 disaster, "simply was allowed to run in violation of the law."

There is much in MESA's record to indicate that it is inclined to administer a slap on the wrist when a hit in the head with a two-by-four would better wake up mine operators who repeatedly and grossly violate safety regulations.

Perhaps there is something to the argument of the House Education and Labor Committee majority who approved last year's legislation that there is an "inherent incompatibility between the Department of Interior's responsibilities to spur production . . . and yet to regulate production so as to assure the safety of miners."

Federal regulations cannot end all fatalities and injuries in the coal mines any more than in other hazardous occupations. But miners, whose work exposes them to more danger than most, should not have to face additional risks that come from uncaring mine operators more interested in maximizing profits than safety.

If shifting safety-law enforcement from one department to another might reduce the number of deaths and injuries in the mines—and we think it might—it is worth trying.

Mr. HELMS. Will the Senator yield?

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. Ten minutes remain.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, the argument of the distinguished Senator who is proposing this amendment does not take account of the best evidence. The best evidence is the disinterested appraisal of the Comptroller General of the United States, in a letter dated June 10, 1977, which is already in the RECORD.

The difficulty with MESA is that it has failed at every turn. It has failed in terms of reducing the danger; it has failed in terms of the training required of miners in order to maintain a reduction in danger, and it failed in terms of issuing adequate and timely mandatory standards.

Let us take those in turn.

The Comptroller General says at page 2 of his letter addressed to Senator WILLIAMS:

Generally speaking, we concluded that there was a need for improvement in several areas of MESA's mine health and safety program. We recognize that in 1975, for the first time, some progress was made in reducing the number of injuries and accidents;

That is what the Senator argued. I continue:

we found, however, that this improvement was basically the result of improvements at a few mine operations. The extent to which Federal involvement was responsible for the improvements was questionable.

Then it goes on, Mr. President, to speak about the standards promulgated and how backward they are. On page 4:

We found numerous health and safety hazards which were not covered by MESA's mandatory standards.

Many needed mandatory standards which had been proposed by MESA had not been officially promulgated because, in most instances, the process of reviewing and promulgating standards takes years. For example, we found that as of April 1977, about 350 proposed standards were backlogged in various stages of the approval process. Some of these standards had been proposed by MESA as early as 1973.

On page 5:

Based on the MESA inspections which we observed, we noted the following:

3. MESA has not placed sufficient emphasis on the enforcement of health and training standards. During 1975, MESA did not sample for employees' exposure to hazardous levels of dust and noise at over 90 percent of the active mining operations.

Finally, they found as follows, on page 6:

We found that the majority of MESA-sponsored training involved courses which were mandated by MESA's standards, such as first-aid and use of emergency breathing apparatus in underground mine fires and other mine emergency and rescue procedures. This type of training primarily addresses results of accidents rather than the factors that cause accidents. We reviewed training records for 55 selected high-injury mines and found that only four percent of the employees had received any type of accident prevention training.

Now, Mr. President, this whole matter is much too serious to be entrusted to an administration which the Comptroller General finds as inadequate as this one after a period of long experience.

Mr. President, on that ground alone—to wit, the best evidence from a nonprejudiced agency—this transfer is needed.

Mr. WILLIAMS. Mr. President, one of the most important features of this bill is the repeal of the Metal and Non-Metallic Mine Safety Act of 1966, and the upgrading of the mine safety and health program for our Nation's hard-rock miners.

Some opponents of this bill claim that safety and health in the hard-rock industry is just fine as things currently stand, that the Metal Act is a good law which addresses the problems in the hard-rock industry, and does not need to be changed, and that we should just leave things the way they are.

I am convinced that there is a need to improve the safety and health of our hard-rock miners. Our committee's oversight of the implementation of both the Metal and the Coal Act convinces us that the Metal Act is by far the weaker of the two, that the record for improving the rates of deaths and lost-time injuries in the coal industry is by far greater than it is in the hard-rock industry.

To get another view, however, the Senator from New York, the ranking Republican member of the Committee on Human Resources, and I asked the Comptroller General, on July 24, 1975, to conduct a broad-based and comprehensive review of the Interior Department's implementation of the Metal Act.

The Comptroller General's review resulted in two reports. The first was formally issued on February 12, 1976, and analyzed the use of the closure order sanction under the Metal Act. That report is included in the record of the hearings of the Labor Subcommittee on S. 1302, the similar mine safety and health bill which was considered in the 94th Congress. That report demonstrated that the closure order sanction has been only sporadically used, and that its use has been inconsistent, under the Metal Act. Among other things, the report indicated that:

Seventy-five percent of the closure orders issued were for violation of only 25 of the 420 mandatory standards.

Only 5 percent of the closure orders issued closed the entire mine. Only 39 percent of the orders closed a part of a mine. More than half of the "closure orders" issued did not close the mine at all, but merely withdrew defective equipment from use. Of these, more than 20 percent of the defective equipment was personal protective equipment.

Sixty-nine percent of the violations which gave rise to the closure orders were abated within 1 week. Forty-seven percent of the violations were abated while the inspector was still on the site.

Two of MESA's subdistricts, which have jurisdiction over about 15 percent of the hard-rock mines, issued about 45 percent of the closure orders.

Fifty-eight percent of the closure orders were issued in nine States and one territory. These States account for only 23 percent of the hard-rock mining activity in 1974, and 26 percent of the reported injuries in that year.

More than one-half of the closure orders were issued against only 222 mining operations. These 222 mining operations represent only about 1.5 percent of the active hard-rock mining operations in 1974.

Mr. President, these figures are particularly disturbing if we bear in mind that these closure orders, for imminent danger and for failure to abate, are the only enforcement sanctions available under the Metal Act.

In short, what this means is that the only available sanction under the Metal Act is only sporadically used, and its use is such that it does little, if anything, to affect lasting safety and health in the hard-rock mining industry.

The second part of the Comptroller General's study confirms this. The Comptroller General's report on the overall implementation of the Metal Act is not yet ready to be released. The Comptroller General has finished his investigation and has formulated his summaries and conclusions. The affected agencies have been provided copies of the report for their comment, and the GAO will have the final report ready for release this summer. The Comptroller General did provide me with a summary report, dated une 10, 1977, which I ask unanimous consent at this time to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 10, 1977.

Hon. HARRISON A. WILLIAMS,
Chairman, Committee on Human Resources, U.S. Senate.

DEAR MR. CHAIRMAN: On July 24, 1975, you requested our Office to make a broad-based, comprehensive review of the Department of the Interior's implementation of the Federal Metal and Nonmetallic Mine Safety Act of 1966. Your office also requested that we first obtain detailed information on mine closure orders issued by the Mining Enforcement and Safety Administration (MESA) under the Act.

Pursuant to your request, on February 12, 1976, we issued a report to you entitled "Analysis of Closure Orders Issued Under the Federal Metal and Nonmetallic Mine Safety Act of 1966" (CED-76-64). This report summarized information on closure orders that were issued during the period January 1, 1972, through September 1, 1975.

In further response to your reqeust, we recently completed extensive field work directed toward an evaluation of the effectiveness of Interior's implementation of the Act. We are currently in the process of finalizing our report.

In recent discussions with your office, we were advised that the Senate was soon expected to vote on proposed legislation dealing with the Federal Metal and Nonmetallic Mine Safety Act (S. 717). Because the proposed legislation deals with many of the matters covered during our review, your office asked us to provide a written summary of our findings as soon as possible, but no later than June 10, 1977.

Also, for the use of your Committee we are providing a copy of our previous comments on Senate bill S. 1302, which is similar to the current legislation dealing with the Federal Metal and Nonmetallic Mine Safety Act of 1966.

SCOPE OF OUR WORK

Our review was conducted primarily at the MESA Rocky Mountain and South Central Districts headquartered in Denver, Colorado, and Dallas, Texas, and at the headquarters office in Arlington, Virginia. We visited 55 metal and nonmetal mines and observed 54 MESA inspections. The mines we visited were selected to obtain adequate coverage of the various types of mining operations covered by the Act.

We met with officials from the following organizations to review the effectiveness of the metal and nonmetal health and safety program:

the 1975 Metal and Nonmetal Mine Safety Advisory Committee

the Bureau of Mines Research Centers and Bureau of Mines headquarters in Washington, D.C.

the Colorado School of Mines

mine agency officials from the province of Ontario, Canada, and several State mine agency officials

U.S. and Canadian mining associations and various labor unions and mine operators.

We also attended meetings held by the Federal Metal and Nonmetal Mine Safety Advisory Committee and interviewed MESA inspectors and other appropriate officials regarding the program.

IMPROVEMENTS NEEDED IN INDUSTRY'S SAFETY RECORD

Generally speaking, we concluded that there was a need for improvement in several areas of MESA's mine health and safety program. We recognize that in 1975, for the first time, some progress was made in reducing the number of injuries and accidents; we found, however, that this improvement was basically the result of improvements at a few mine operations. The extent to which Federal involvement was responsible for the improvements was questionable.

We believe MESA's overall safety program would be more effective in reducing injuries if certain improvements were made. The areas where we found weaknesses and/or the need for improvements included the following:

the reporting and analysis of occupational accident, injury, and illness information;

health and safety standards and the process by which they are promulgated;

the enforcement of mine health and safety standards;

the education and training programs provided to the mining industry; and

the identification of research needs and the dissemination of research results to industry.

IMPROVEMENTS NEEDED IN REPORTING AND ANALYSIS OF ACCIDENTS, INJURIES, AND ILLNESSES

In our study of MESA's system for reporting and analyzing occupational accident, injury, and illness and information, we found that:

MESA instructions to mine operators do not require that all occupational injuries be reported, nor do they prescribe clear criteria for determining which injuries must be reported.

MESA inspectors are not following established procedures to verify the completeness and accuracy of injury and illness data reported by operators.

MESA has not used its computerized information system effectively to analyze the detailed injury and illness information reported by operators.

MESA does not have specific criteria for determining which accidents should be investigated by MESA or by mine operators.

Detailed information on accidents which do not involve injuries is not included in MESA's computerized information system, even though it is readily available in MESA or mine operator accident reports.

As a result of the above, MESA's statistics do not accurately reflect the industry's inquiry experience.

ADDITIONAL HEALTH AND SAFETY STANDARDS NEED TO BE ESTABLISHED

The 1966 Act requires the Secretary of the Interior, for the purpose of protecting life, promoting health and safety, and preventing accidents, to develop and promulgate health and safety standards, after consultation with advisory committees which he is authorized to appoint. Standards with which mine operators must comply are designated as "mandatory" standards, and these standards are enforced as law. Standards which do not require such compliance are known as "advisory" standards, and compliance with these standards is only recommend.

We found numerous health and safety hazards which were not covered by MESA's mandatory standards.

Many needed mandatory standards which had been proposed by MESA had not been officially promulgated because, in most instances, the process of reviewing and promulgating standards takes years. For example, we found that as of April 1977, about 350 proposed standards were backlogged in various stages of the approval process. Some of these standards had been proposed by MESA as early as 1973.

We found also that the review approval of standards had been delayed unnecessarily because of the manner in which MESA had processed certain standards through the established review and approval procedures. MESA advised us that inadequate staffing had resulted in unwarranted delays. MESA advised us also that it planned to take certain actions to resolve these problems in the near future and that it expected to reduce the average time required to promulgate standards by at least 30 to 40 percent.

We noted many hazards which were covered only by advisory standards. MESA officials said they have not initiated action to make these standards mandatory because of higher priority work, but that action in this regard would be taken in the near future.

MESA'S ENFORCEMENT ACTIVITIES SHOULD BE IMPROVED

Based on the MESA inspections which we observed, we noted the following:

1. MESA's enforcement authority has not been totally effective in permanently reducing health and safety hazards. Many of the mine operations we visited continued to be cited repeatedly for basically the same types of hazards. For example, during the period January 1, 1971 through June 30, 1976, one underground mine was cited 251 times for failing to take down or adequately support loose ground in work areas.

2. MESA inspections vary in the degree to which they cover all aspects of mining operations. For example, during one inspection the inspector examined 14 of the operation's 26 haulage trucks and rode with several drivers to observe their driving procedures. During another inspection, the inspector did not examine or ride in any of the operation's 113 haulage trucks.

3. MESA has not placed sufficient emphasis on the enforcement of health and training standards. During 1975, MESA did not sample for employees' exposure to hazardous levels of dust and noise at over 90 percent of the active mining operations. MESA had not sampled for these contaminants during the period 1973 through 1975 at about one-half of the mines we visited. We also observed that the MESA inspectors we accompanied generally did not verify whether mine operators had provided training to their employees, as required by MESA's mandatory standards.

MORE ACCIDENT PREVENTION TRAINING NEEDED

The 1966 Act directs the Secretary of the Interior to develop education and training programs to assist the industry in the recognition and prevention of accidents and unsafe or unhealthy working conditions. Research conducted for the Bureau of Mines has shown that accident prevention is the most effective type of training for reducing injury rates, especially when it is directed towards specific hazards and individual jobs.

We found that the majority of MESA-sponsored training involved courses which were mandated by MESA's standards, such as first-aid and use of emergency breathing

apparatus in underground mine fires and other mine emergency and rescue procedures.

This type of training primarily addresses results of accidents rather than the factors that cause accidents. We reviewed training records for 55 selected high-injury mines and found that only four percent of the employees had received any type of accident prevention training.

Although MESA has primary responsibility for providing accident prevention training, its ability to provide such training has been limited by its small instructional staff.

ROLE OF RESEARCH IN MINE HEALTH AND SAFETY

We found that noncoal mine research carried out by the Bureau of Mines had not led to the development of safety and health standards, and had not materially assisted MESA in enforcing standards.

The Bureau of Mines is the Federal Government's primary research arm in mine health and safety. Anticipated uses of the Bureau's research findings include:

1. providing a technical basis for the development of new health and safety standards, and updating of existing standards;

2. assisting MESA in the enforcement of standards by developing improved techniques and devices; and

3. facilitating mine operators' compliance with standards by developing improved techniques for eliminating hazards.

Although the Bureau and MESA have separate responsibilities in the noncoal mine health and safety program, they share a common goal—achieving the greatest possible degree of protection for miners. To achieve this goal, MESA is required to develop standards, enforce them, and provide technical assistance to mine operators to help them comply with the standards. The Bureau conducts a research program to develop technology which is intended to assist in the performance of these activities. There has been a lack of coordination and cooperation between the Bureau and MESA, however, in establishing project priorities, monitoring the progress of projects, and transferring resulting technology to the industry.

In February 1976, the two agencies agreed on specific procedures for coordinating program planning and project priorities. Because the procedures were first used in formulating the research program for the current fiscal year (1977), it is too early to assess what effect they will have on the ultimate research efforts. As of April 1977, no action had been taken by the Bureau and MESA to develop procedures for carrying out their respective responsibilities relating to technology transfer, as called for in the agreement.

The Bureau and MESA agreed that the level of funding for the noncoal health and safety research program had posed severe limitations and had not permitted the accomplishment of priority needs. Attempts by responsible Bureau officials to substantially increase funding for the program were rejected by the Department of the Interior until recently. According to Department officials, the program has had a low funding priority because there is no specific legislative mandate and funding authority for this research, as is the case with coal mine research.

This presents a brief overview of the results of our work and, although we discussed most of these matters with agency officials, we have not yet obtained formal agency views on our observations. We plan to do this in the near future and then issue a final report to your Committee. Our report will include numerous specific recommendations to the Department of the Interior for corrective actions.

We hope the information provided herein will be of assistance to you. If you wish, we will be glad to meet with you or your staff for further discussion.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

Enclosure.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 30, 1975.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This refers to your letter requesting our views on S. 1302, 94th Congress, which would, if enacted, be cited as the Federal Mine Safety and Health Amendments of 1975. The bill would combine in one act the Federal safety and health requirements for coal mines and other mines now regulated by two separate laws, and would transfer administrative responsibility for the Federal safety and health functions with respect to mines from the Secretary of the Interior to the Secretary of Labor.

In the last few years, the General Accounting Office (GAO) has issued several reports to the Congress on the need for improving the implementation of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 94 301 *et seq.* (1975), and has presented its findings in hearings before a congressional committee, as follows:

(1) Problems in Implementation of the Federal Coal Mine Health and Safety set of 1969, Report to the Subcommittee on Labor, Senate Committee on Labor and Public Welfare, B–170666, May 16, 1971.

(2) Improvements Needed in the Assessment and Collection of Penalties under the Federal Coal Mine Health and Safety Act of 1969, Report to the Conservation and Natural Resources Subcommittee, House Committee on Government Operations, B–176685, July 5, 1972.

(3) Followup on Implementation of the Federal Coal Mine Health and Safety Act of 1969, Report to Representative Ken Hechler, B–170686, July 5, 1973.

(4) Statement by Henry Eschwege, Director of Resources and Economic Development Division, Before the Conservation and Natural Resources Subcommittee, House Committee on Government Operations, on Department of the Interior activities under the Federal Coal Mine Health and Safety Act of 1969. October 31. 1973.

GAO found that, since the issuance of its May 1971 report, the Department of the Interior had made some improvements in its procedures for assessment of penalties against mine operators for violations of regulations. However, long delays continued to occur in making assessments and in conducting hearings, and the Department did not have a management control system for identifying required collection actions. GAO also found that the Department had made some progress in 1971 and 1972 in carrying out safety and health inspections, in monitoring actions taken by mine operators, and in other activities required under the Federal Coal Mine Health and Safety Act of 1969. Continuing efforts were needed, however, to achieve full compliance with the statutory provisions.

The sponsors of S. 1302 expect that the bill, if enacted, would result in more effective administration and vigorous enforcement of Federal safety and health requirements for all mines. 121 Cong. Rec. S. 4891 (daily ed. March 22, 1975). The Department of the Interior now has a conflict in responsibilities because it supervises energy resource development and also enforces mine health and safety regulations. Benefits are expected to result from transferring the miners' health and safety program to the Department of Labor which has no responsibilities as Interior has, for maximizing energy resources, and which already carrier out functions to promote occupational health and safety in the manufacturing and construction industries. GAO agrees that this is a reasonable expectation, but does not have sufficient knowledge of the various factors that may or may not favor the proposed organizational arrangement over the existing one. In its prior reports, GAO took the position that the Department of the Interior should be able to improve the administration of the coal mine health and safety program. As a general observation, GAO noted that Interior's administration was handicapped by the shortage of trade inspection, especially those trained in health requirements. This appears to be a continuing problem. We were informed by Interior officials that during 1974 and so far in 1975 Interior had been unable to recruit the desired number of inspectors because it could not meet the higher salary rates offered to inspectors employed by mine operators. The same difficulty would confront the Department of Labor, if the program were transferred, unless it could raise the inspectors' salary levels to those the mine operators were willing to pay.

Our comments and suggestions on specific provisions of S. 1302 follow.

Section 201 of the bill would generally amend title I of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §§ 301 et sec. Proposed section 102(a)(1) would provide for the Secretary of Labor to determine the need for promulgating safety and health standards upon the basis of information submitted by, among others, "a representative of any organization of employers or employees." Page 5, lines 6–7. The Committee may wish to consider substituting "operators or miners" for "employers and employees." "Operator" and "miner" are defined in the Act, as it would be amended by this bill, in terms of the mining industry. Use of the terms "employers" and "employees" would allow submission of information from organizations not connected with the industry.

Proposed section 103(a) (pages 14–15) would authorize the appointment of advisory committees to assist in setting mine safety and health standards. We suggest that the membership of such committees include a designee of the Secretary of the Interior because of his Department's responsibility and expertise in mining operations through the Bureau of Land Management, the Bureau of Mines, and the Geological Survey.

Such committees, since the bill does not specifically provide otherwise, would be subject to the Federal Advisory Committee Act, Pub. L. No. 92–463, 86 Stat. 770, by virtue of section 4(a) of that Act. The Advisory Committee Act requires generally that advisory committee meetings be open to the public (section 10(a)(1)), and that an accurate record be kept (section 10(c)) and be made available to the public (section 10(b)). Accordingly, it would not seem necessary to include the explicit requirements now in proposed section 103(a) that committee meetings be public and that accurate records of them be kept and made available to the public.

Proposed section 103(b) (page 16) would direct the Secretary to reimburse any State which is the employer of a member of an advisory committee for the actual costs incurred by the State as a result of such membership. We question the need for this reimbursement provision. No such provision is included in the Federal Coal Mine Health and Safety Act or the Federal Metal and Nonmetallic Mine Safety Act.

Proposed section 104(a) (page 16) would authorize both the Secretary of Labor and the Secretary of Health, Education, and Welfare (HEW) to inspect mines and pertinent

operations and equipment. Proposed section 104(g)(2) (page 22) would provide for each Secretary to prescribe rules and regulations necessary to carry out their responsibilities. The bill does not specifically set forth the inspection functions of the Secretary of HEW which, presumably, would be somewhat more limited than those of the Secretary of Labor, because they would relate principally to health and not to safety standards. We suggest that the bill be amended to clarify the specific responsibilities of the Secretary of HEW with respect to the purpose and frequency of inspections, obtaining of evidence, and other relevant provisions. We suggest also that, to facilitate efficient administration and ease the burden on the mine operators, the bill include a requirement that the Secretaries of Labor and HEW coordinate their rules and regulations, issued pursuant to proposed section 104(g)(2).

Proposed section 105(a)(1) (page 24) would provide for issuance of citations to mine operators for violations of safety and health standards or any rules, orders, or regulations promulgated under the act, but would not specifically provide for issuing citations for any violations of the general duty, established in proposed section 101(a), to furnish employment and a place of employment free from recognized hazards. The Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 651 *et seq.* (1970)) contains a similar general duty clause (29 U.S.C. § 654) and makes its violation subject to the citation and penalty provisions of the act (29 U.S.C. § 658). We suggest that S. 1302 be amended to require issuance of a citation in the event of a violation of the general duty clause of proposed section 101(a), to cover hazards to health or safety for which no specific standards have been established.

The provisions of section 202 of the present Federal Coal Mine Health and Safety Act, 30 U.S.C. § 842 (1970), protecting miners from excessive respirable dust concentrations, would be retained in the new act and made applicable to dust conditions in all mines, by virtue of section 202(b) of the bill (page 50). We question the applicability of these provisions to other than coal mines, especially in view of 30 U.S.C. § 842(e), requiring the measurement of dust concentrations with instruments developed by the National Coal Board, London, England. Section 842 of title 30 appears to be applicable solely to dust concentrations in coal mines.

Proposed section 113(a) (page 49) would authorize and direct the Secretary of Labor to administer the new act through a Mine Safety and Health Administration. Section 402 of the bill (page 64) would establish the Administration in the Department of Labor, to be headed by an Administrator appointed by the President with the advice and consent of the Senate. We note that the Occupational Safety and Health Administration in the Department of Labor is headed by an Assistant Secretary for Occupational Safety and Health who is also a Presidential appointee. We believe that the bill should clarify the relationship between the new Administrator and the Assistant Secretary, *i.e.*, whether the latter should have overall jurisdiction over the former.

Suggested Technical and Editorial Changes to S. 1302.

(1) References in the bill to the Federal Coal Mine Health and Safety Act of 1969, as it would be amended by the bill, and not consistent. Section 101 of the bill would change the popular name of the Federal Coal Mine Health and Safety Act of 1969 to the Federal Mine Safety and Health Act of 1975. Section 102(a)(1) of the bill refers to the law as it would be amended, as the "Federal Mine Safety and Health Act of 1975." However, section 403(a)(1) (page 65) and section 202(a)(1) (page 50) of the bill refer to the "Federal Mine Safety and Health Act of 1975 (as redesignated by this Act)." Section 201 (page 4) refers to the "Federal Coal Mine Health and Safety Act of 1969."

(2) Section 404 (page 66) refers to the "Coal Mine Health and Safety Act of 1969." The word "Federal" should be added before "Coal."

(3) Page 3, line 13. The reference to a paragraph designated by the numeral one should be to a paragraph designated by a lower-case letter l.

(4) Page 19, line 5. The reference to section 6, apparently of the present Federal Metal and Nonmetallic Mine Safety Act of 1966, which would be repealed by section 406 of the bill, should be to proposed section 102 of the new act.

(5) Page 28, line 22. The reference to section 111(c) should be to section 111(d), which deals with civil penalty closure orders.

(6) Page 37, line 15. The word "citizen" should be "citation."

(7) Page 50, lines 9–10 and lines 16–17. Sections 202 and 206 of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §§ 842 and 846, now refer both to "coal mine" and to "coal mines." The bill, which now provides for amendment of "coal mine" to "mine," should provide also for the amendment of "coal mines" to "mines."

(8) Page 50, lines 14–15. This amendment of section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 is not needed because the preceding subsection of the bill, section 202(c)(1), amends section 203 on the 1969 Act in the same manner.

(9) Page 54, lines 22–23. The term "administrative law judge" is misprinted.

A list of suggested technical and editorial changes is enclosed.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General
of the Unied States.

Mr. WILLIAMS. Mr. President, this summary of the comptroller general's findings does, as I have said, support our fear that the implementation of the Metal Act over the last 11 years has done little to improve work safety and health for our Nation's hard-rock miners.

The Comptroller General reports that the first year in which there was progress in reducing the numbers of injuries and accidents since the Metal Act was passed in 1966 was 1975. The Comptroller General reports, however, that the improvement in that year was "basically the result of improvements at only a few mine operations." He concludes that there is need for improvement in several areas of MESA's hard-rock safety and health program.

The Comptroller General cites a number of areas which contribute to this general lack of progress.

He cites the need to improve the reporting and analysis of injuries, accidents, and illnesses. The Comptroller General says that MESA's reporting requirements are unclear and inconsistent, and that MESA is not consistently verifying the accuracy of the reports which are filed, nor is it effectively using the information which is available to it. The Comptroller General concludes that MESA's statistics do not accurately reflect the industry's injury experience.

He concludes that additional safety and health standards need to be promulgated. His study found that there were numerous health and safety hazards which were not covered by standards at all; and that many needed standards had been proposed by MESA, but had not been finally promulgated "because * * * the process of reviewing and promulgating standards takes years." As of April of 1977, some 350 proposed health and safety standards are backlogged somewhere in the standards-setting process, some of which had been proposed as early as 1973. In addition, many hazards are covered by advisory standards, and MESA has assigned a low priority to its project of converting these to mandatory standards.

The Comptroller General noted that MESA's enforcement activities should be improved. Many of the mine operations which the GAO visited during the course of its investigation had been cited repeatedly for basically the same violations. He further notes that MESA's inspections vary in their thoroughness, and that health matters receive insufficient emphasis, as does the health and safety training of miners. The Comptroller General also noted that MESA has not placed sufficient stress on the preventing of accidents.

Mr. President, this report, as well as the committee's own oversight, clearly demonstrates that there is great need to improve the level of protections for our Nation's hard-rock miners. I just do not believe that we can make the necessary improvements within the framework of the existing law. That law is just too weak. There are insufficient sanctions to compel meaningful operator compliance with the law. Such meaningful compliance has not been attained in the 11 years since the Metal Act was passed, and it is not reasonable for us to expect that we will suddenly have meaningful compliance starting today.

This bill, S. 717, corrects the deficiencies in the current hard-rock mine safety and health program which were highlighted in the Comptroller General's report. It streamlines the procedure by which standards are promulgated. It requires the speedy consideration of the advisory standards and the promulgation of the most important ones as mandatory standards. It increases the level of enforcement, and it provides tough sanctions which will encourage operators to finally provide truly safe and healthful work places for their employees.

Mr. President, all is not well in the hard-rock industry. If we now turn our backs on our hard-rock miners, we will be condemning them to continued labors in unsafe and unhealthful mines. We cannot, in good conscience, do this.

Mr. JAVITS. Mr. President, it seems to me that the time has come to unify the Mining Enforcement and Safety Administration, and we do exactly that in this bill. We have already made a clear record in section 302 of the bill, which provides for a separate assistant secretary. We have already made a clear record, Mr. President, as to the desirability of separation respecting the standards which are to be applied where the pragmatic situation dictates separate standards. It seems to me that, for those reasons, the amendment should be rejected.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. SCHMITT. Mr. President, how

much time is remaining to the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 8 minutes remaining.

Mr. SCHMITT. I am happy to yield to the Senator from North Carolina for 4 minutes.

Mr. HELMS. Mr. President, I commend the Senator from New Mexico for his amendment and I intend to support it.

I wonder if I may direct a question to the distinguished manager of the bill (Mr. WILLIAMS)?

What is the source of the statistics on page 7?

Mr. WILLIAMS. I believe that they came from MESA.

Mr. HELMS. I believe they did not come from MESA, because I have an entirely different set of statistics from MESA, I say to the able Senator. I shall elaborate on that point in just a moment.

As the Senator from New Mexico knows, the Senator from North Carolina has an amendment which he will submit, either this evening or tomorrow, addressing itself to the continuation of State planning agreements. North Carolina has such an agreement and happens to have one of the lowest disability injury rates in the Nation. The concern of the Senator from North Carolina is simply that this bill would centralize more power in Washington, although the statistics do not support the premises on which the bill rest.

The print in the report is quite small but let us look at the disability injury rate listed for 1976. The report states that it is 39.31 for coal. MESA's published figures indicate that it is 36.41 per million man-hours.

Under metal-nonmetal, the committee report says that the disability injury rate for 1976 is 19.12. MESA informs us that is 12.04.

As for the average disability injury rate for the entire mining industry, MESA does not even publish such figures.

I am puzzled as to where the committee got the statistics that are published on page 7 of the report on S. 717. It does not say in the report.

Mr. WILLIAMS. They are based on MESA figures. The table on page 7 is based on figures reported as of the end of the year, December 31, 1976. We have additional data updating these figures, as of June 7 of 1977.

This in fact, is part of the problem. Out there in the field, the agents of the Department are not, evidently, on top of their figures. That is why they have been coming in in dribs and drabs.

I apologize, but I am not apologizing for myself; I am apologizing for the Agency that did not have the figures, as they should have, right on top.

This is particularly tragic since we are talking about fatal injuries and serious injuries, too.

Mr. HELMS. I thank the Senator. The point is, as the Senator from North Carolina looks at these statistics, the disability injury rate appears to be dropping, particularly when we consider the latest available figures from MESA.

In this regard, I happen to have here a letter dated June 3, 1977, from D. K. Walker, Chief of the Health and Safety Analysis Center of MESA, which indicates that the 1976 disability injury rate for the mining industry is 24.40. Mr. President, I ask unanimous consent that this letter be printed in the RECORD, to indicate that there is a wide disparity between the figures as submitted by the committee and those released by MESA.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINING ENFORCEMENT AND SAFETY ADMINISTRATION,
Denver, Colo., June 3, 1977.

DR. JAMES MCCLELLAN,
Office of Senator Jesse Helms
Russell Senate Office Building
Washington, D.C.

DEAR DR. MCCLELLAN: Shown below are the number of fatal, nondisabling, and total disabling injuries, their respective injury-frequency rates per million man-hours, and the number of man-hours worked during 1976, for the combined metal/nonmetal and coal industries, requested by telephone from Mrs. Allen, June 2, 1977.

Number of injuries reported:

Fatal	254
Nonfatal disabling	21,404
Total disabling	21,658
Man-hours	831,438,570

Frequency rates per million man-hours:

Fatal	0.31
Nonfatal disabling	24.10
Total disabling	24.10

This is a confirmation copy of the data given to you by Mrs. Allen by telephone on June 2, 1977.

Sincerely yours,

D. K. WALKER,
Chief, Health and Safety Analysis Center.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. HELMS. I thank the Senator from New Mexico for yielding to me.

Mr. SCHMITT. I thank the Senator from North Carolina. I wish there were more time to pursue this. I have a feeling that this information in the RECORD tonight will be of importance in the debate tomorrow. I think it is good that we realize that there are numbers and there are numbers.

The statistics just received from MESA, that I mentioned earlier and have entered into the RECORD, indicate the same discrepancy and there has been continous progress in every category by MESA enforcing the laws that we have made available to them. If we are not satisfied with those laws, let us fix them. That is one purpose of this legislation. But let us not take the chance that we are, in fact, going to hurt the safety and health of miners in attempting to improve it.

Mr. HELMS. I say to the able Senator, if he will yield further, that I do hope the Senate will recognize that State governments demonstrably are capable of promoting health and safety in the mines better than the Federal Government. The State of North Carolina uses not one dime of Federal money under its State planing agreement; yet we have one of the lowest mining rates in the country. This bill before us, however, proposes to strip that authority from the State of North Carolina.

I hope, and I sincerely hope, that Senators will vote in favor of the amendment of the Senator from North Carolina when the question of State planning agreements arises.

Mr. SCHMITT. I look forward to seeing that amendment.

If the Senator will allow me, my time is just about up.

Mr. HELMS. I thank the Senator for yielding to me.

Mr. SCHMITT. In the last couple of minutes remaining, I request the committee's comments on the proposed sunset amendment that I have introduced to require that each new health and safety standard automatically be renewed at the end of 5 years if it is appropriate to do so. I think this is an important concept in the regulatory field and I hope that the committee will find it acceptable.

Mr. WILLIAMS. The sunset amendment effectively stops the application of all health and safety standards on December 31, 1982, is that right?

Mr. SCHMITT. Or 5 years, whichever is later, from the time of the enactment of the law.

Mr. WILLIAMS. I would say that is coming to the sunset with a vengeance. I am not sure what happens then.

Mr. SCHMITT. If the Senator will yield, I assume that the Secretary will anticipate such a time and be ready to justify the renewal of the particular rules.

I hope that these things do not go on forever. If we are doing our job right in advance research and technology in the mining area, we can improve conditions to the point that rules can be modified or even deemed unnecessary. This is merely a requirement on the Secretary that these rules do not stay on forever, without evaluation. It is very simple.

Mr. WILLIAMS. Very simple. In other words, the whole bureaucratic business has to start up all over again and recreate all of the necessary standards to bring about this measure of protection we know the miners are entitled to. This is to be the case whether the standards are effective or whether they are not. It has to stop and they have to do it all over again. Is that so?

Mr. SCHMITT. We have to do it all over again in preparation for its stopping, yes. In that case, we shall find those rules that are working and those that are not. I hope that the Senate would not want to perpetuate regulations that are not working.

Mr. WILLIAMS. Here is what I would like to have. Those of us who have our reservations about this meat-ax approach ask the Senator from New Mexico to submit an economic impact statement of how many more bureaucrats we are going to have to have in order to do all that is necessary to repromulgate these standards over and above the others necessary to undertake the administration and enforcement of the program.

Would the Senator say that this will take twice as many bureaucrats on the job to meet the requirements of sunset 1982, in order to repromulgate these standards?

Mr. SCHMITT. If the Senator can tell

me how many more bureaucrats will be required by the enactment of S. 717, I might have an easier time telling him how many will be required in order to continuously review regulations.

That is the problem we get into when we propose a regulatory solution to the ills of this country. We are continually creating regulations that never disappear, and they have to be enforced, presumably forever.

The purpose of this particular amendment is to make us get into the habit of reviewing them to see if they are necessary.

Mr. WILLIAMS. To more fully and effectively carry out the more efficient safety and health program for miners which this bill provides we estimate maybe 310 additional inspectors over a period of a year or a year and a half; 310 more qualified and trained inspectors.

Mr. SCHMITT. But the Senator will admit that earlier in discussion of the economic paperwork impact, there was no clear definition of what that would entail. In that regard, that is going to entail additional bureaucrats as far as we can estimate; is it not?

Mr. JAVITS. If the Senator will yield for another point, the point is that, in a number of these processes, it will take at least a year to repromulgate necessary standards because the advisory committees, for example, have 180 days—6 months—before they come in with any recommendations.

What will happen here, therefore, is that the Secretary will just about get through promulgating standards when the people who want to violate them, knowing they will phase out, will refuse to comply. We will be in much too much anarchy to sustain effective enforcement to the end of 5 years and we will simply play into the hands of those who want to nullify this measure.

I hope very much that the Senate will not do it.

Mr. SCHMITT. I respect the Senator's opinion, I always do. I think that would not happen, because regulations clearly of importance to safety and health, and working, would be renewed under the same conditions they were established in the first place.

It is the bad regulations we are trying to insure do not continue and that unnecessary regulations do not continue past their time.

Mr. JAVITS. May I point out, under the Senator's amendment the good will go with the bad.

As Everett Dirksen used to say, "The hide will go with the hair."

When we talk about this amendment, it will require us to repromulgate the whole body of regulation, which entails going through at least 2 years of agony unnecessarily. All we have to do to avoid such waste is to defeat the Senator's amendment and go on with what we have.

Mr. SCHMITT. And we go on forever and forever.

Mr. JAVITS. No; the law can be amended to accomplish specific things. Standards can be revoked or revised by the Secretary upon application of parties.

But the Senator wants it all done, taking this one law from among the tremendous range of government regulation, and doing so without any adequate provision for some governmental structure for a sunset law. I think it is highly improper.

Mr. SCHMITT. I think the Senator will find the idea of sunset law relating to regulations is one that will continue to be discussed in the Senate.

I hope my colleagues will support this one. If they do not, we will continue to discuss this on a further occasion.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment, No. 349, of the Senator from New Mexico. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Minnesota (Mr. HUMPHREY), the Senator for Arkansas (Mr. MCCLELLAN), the Senator from North Carolina (Mr. MORGAN), the Senator from Montana Mr. METCALF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

On this vote, the Senator from North Carolina (Mr. MORGAN) is paired with the Senator from Iowa (Mr. CULVER). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Iowa would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH), is absent on official business.

The result was announced—yeas 25, nays 58, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—25

Allen	Garn	McClure
Bellmon	Goldwater	Schmitt
Byrd, Harry F., Jr.	Hansen	Scott
	Hatfield	Stevens
Cannon	Hayakawa	Stone
Chiles	Helms	Thurmond
Curtis	Johnston	Tower
Danforth	Laxalt	Wallop
Domenici	Lugar	

NAYS—58

Abourezk	Church	Gravel
Anderson	Clark	Hart
Bentsen	DeConcini	Heinz
Brooke	Dole	Hollings
Bumpers	Durkin	Huddleston
Burdick	Eagleton	Inouye
Byrd, Robert C.	Eastland	Jackson
Case	Ford	Javits
Chafee	Glenn	Kennedy
Leahy	Nelson	Sasser
Long	Nunn	Schweiker
Magnuson	Packwood	Sparkman
Mathias	Pearson	Stafford
Matsunaga	Pell	Stevenson
McGovern	Percy	Talmadge
McIntyre	Proxmire	Weicker
Melcher	Randolph	Williams
Metzenbaum	Riegle	Zorinsky
Moynihan	Roth	
Muskie	Sarbanes	

NOT VOTING—17

Baker	Griffin	Metcalf
Bartlett	Haskell	Morgan
Bayh	Hatch	Ribicoff
Biden	Hathaway	Stennis
Cranston	Humphrey	Young
Culver	McClellan	

So the amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment No. 347 of the Senator from New Mexico. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

On this vote, the Senator from North Carolina (Mr. MORGAN) is paired with the Senator from Iowa (Mr. CULVER). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Iowa would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Utah (Mr. HATCH) is absent on official business.

The result was announced—yeas 31, nays 52, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—31

Bellmon	Goldwater	McClure
Bumpers	Hansen	Packwood
Byrd, Harry F., Jr.	Hatfield	Pearson
	Hayakawa	Roth
Curtis	Heinz	Schmitt
Danforth	Helms	Schweiker
Dole	Laxalt	Scott
Domenici	Lugar	Stevens
Garn	Mathias	Stone

Thurmond	Wallop	Zorinsky
Tower	Weicker	

NAYS—52

Abourezk	Glenn	Moynihan
Allen	Gravel	Muskie
Anderson	Hart	Nelson
Bentsen	Hollings	Nunn
Brooke	Huddleston	Pell
Burdick	Inouye	Percy
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Randolph
Case	Johnston	Riegle
Chafee	Kennedy	Sarbanes
Chiles	Leahy	Sasser
Church	Long	Sparkman
Clark	Magnuson	Stafford
DeConcini	Matsunaga	Stevenson
Durkin	McGovern	Talmadge
Eagleton	McIntyre	Williams
Eastland	Melcher	
Ford	Metzenbaum	

NOT VOTING—17

Baker	Griffin	Metcalf
Bartlett	Haskell	Morgan
Bayh	Hatch	Ribicoff
Biden	Hathaway	Stennis
Cranston	Humphrey	Young
Culver	McClellan	

So the amendment (No. 347) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

UP AMENDMENT NO. 491

Mr. DECONCINI. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the amendment will be in order at this time. Since the Senator from North Carolina was to be recognized, hearing no objection it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an unprinted amendment No. 491.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, line 21, strike "ninety" and substitute "60".

On page 82, line 15, strike "one hundred and eighty" and substitute "150".

On page 82, at the end of line 24 add the following new sentence: "The Secretary shall be required to request the recommendations of an advisory committee appointed under section 103, if the rule to be promulgated is, in the discretion of the Secretary, new in effect or application and has significant economic impact. The decision of the Secretary not to request a recommendation from the advisory committee under the preceding sentence shall be final unless such decision is found to be arbitrary and capricious."

Mr. DECONCINI. Mr. President, this amendment to S. 717 provides in section 102(a)(1) for an advisory committee to make recommendations on rules intended to be promulgated.

The advisory committee is to be composed of representatives from labor, management, the Federal Government, and mine inspectors, as well as other persons with specialized knowledge of mine safety operations.

S. 717 makes the use of the advisory committee purely optional with the Secretary of Labor.

The purpose of my amendment, Mr. President, is to make the Secretary's use of the "advisory committee" mandatory under certain conditions.

If the regulation or amendment to the regulation is essentially new in effect or application. However, the decision as to whether the matter is essentially new in effect or application lies wholly within the discretion of the Secretary of Labor. It takes special pains to clarify this point to foreclose the possibility of the Secretary being taken to court for exercising his discretion in a manner that other parties may disagree with. The purpose is to avoid dilatory tactics in the promulgation of regulations.

My amendment, Mr. President, also decreases from 90 to 60 days the period during which the advisory committee must make its recommendations, and from 180 to 150 days the outside limits for their deliberations. The Secretary can extend the normal 90-day period if conditions warrant.

This amendment provides a mechanism that would force the advisory committee to be used when new regulations are being promulgated. This amend ment would insure that a group of experts would have an opportunity to comment on the matter.

It also contains provisions to eliminate the possibility of misusing this mechanism to delay the implementation of new rules. At the same time, it also decreases the amount of time which the advisory committee deliberates. It seems to me, Mr. President, important that we have an advisory committee, and I commend the floor managers, both majority and minority, for having this in the bill.

It also seems crucial to me that we have an advisory committee that must be used before regulatory agencies proceed promulgating new rules on any industry, and the advisory committee in this instance is one that is composed of people of the community and of the specific areas of concern to this legislation.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, I am pleased that the Senator from Arizona has offered this amendment. It deals with the advisory committees. We were requested not to have advisory committees as part of the standard-making procedure. It was the strong feeling of myself and the ranking minority member that advisory committees have a very beneficial role. This makes their role even more meaningful, and I support it. I believe support comes from the ranking minority member as well. And as a matter of fact I believe that the Senator from New York had some role in the drafting of the final form of this amendment offered by the Senator from Arizona (Mr. DECONCINI).

We support this amendment.

Mr. JAVITS. Mr. President, I had hoped that the Senator might take out the last sentence. The sentence reads:

The decision of the Secretary not to request a recommendation from the advisory committee under the preceding sentence shall be final unless such decision is found to be arbitrary and capricious.

This is Hornbook law, and I think it would be a much better drafted amendment if we could say—and I hope the Senator is listening to me—in line 3 if the rule to be promulgated is, in the discretion of the Secretary, which shall be final, new in effect or application and has significant impact.

It seems to me that would be a much better amendment because if it is arbitrary and capricious it is subject to court review anyhow. If the Senator is willing, I am willing to accept it that way.

Mr. DECONCINI. Mr. President, I ask that the amendment be modified in accordance with——

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it is so modified. Will the Senator please send it to the desk as modified?

Mr. JAVITS. The words "which shall be final" appear after the word "discretion" and the last sentence is omitted.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. DECONCINI. Mr. President, I send to the desk the modified amendment.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The assistant legislative clerk read as follows:

On page 82 at the end of line 24 add the following new sentence.

The modified amendment is as follows:

On page 82, line 12, strike "ninety" and substitute "60".

On page 82, line 15, strike "one hundred and eighty" and substitute "150".

On page 82, at the end of line 24 add the following new sentence: "The Secretary shall be required to request the recommendations of an advisory committee appointed under section 103, if the rule to be promulgated is, in the discretion of the Secretary which shall be final, new in effect or application and has significant economic impact.

Mr. JAVITS. I agree with the amendment, Mr. President.

Mr. DECONCINI. I yield back the remainder of my time.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Arizona, as modified.

The amendment, as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed.

The PRESIDING OFFICER. The Senator from West Virginia.

ADDITIONAL STATEMENTS SUBMITTED

Mr. KENNEDY. Mr. President, may I address a question to the chairman of the Human Resources Committee, Senator WILLIAMS?

In title I, section 102(A)(3), the definition of "mine" in section 3(H) of the Federal Coal Mine Health and Safety Act of 1969 is amended. The new definition has a Part (3) which includes "lands—or other property—used in, or to be used in, or resulting from" extracting or preparing minerals or coal. I assume that your intention in using the words "other property" rather than merely enumerating specific items was to give the Secretary of Labor the full jurisdiction and authority to fulfill his responsibilities under this act with regard to any property or equipment whatsoever connected with or in proximity to mines. It seems to me that this is a necessary interpretation if we are to insure that those who live around mines and who are affected by those mines or mining operations are protected from faulty mines as well as the miners themselves. I am remembering that in the Buffalo Creek disaster, an impoundment gave way doing damage to miners and nonminers alike. I am concerned generically with mine connected property which may have an effect on nonminers.

Mr. WILLIAMS. I think that the Senator from Massachusetts correctly states our intention in that definition. We certainly mean for the Secretary of Labor to have the jurisdiction and authority to inspect, set standards for and fulfill all his other functions under this act with respect to any property connected with mines or mining operations; we must insure the health and safety of nonminers who may be affected by mines as well as that of miners. So if some property connected with a mine would imperil them, it is within the authority and jurisdiction of the Secretary of Labor, under this act.

Mr. KENNEDY. Mr. President, I want to direct another question to Mr. WILLIAMS, if I might. Section 106(c)(3) refers to orders of the Commission with respect to retaliation against miners where the miner himself has pursued the claim. The penultimate sentence reads: "Any order issued by the Commission under this paragraph shall be subject to judicial review in accordance with section 107 of this act." I assume that this sentence carries no negative implications with respect to section 106(c)(2), which is the paragraph under which the Secretary may pursue relations claims. That paragraph does not contain anything on judicial review. But section 107(a)(1) allows judicial review for "any person adversely affected or aggrieved by an order of the Commission." I believe that a decision of the Commission under section 106(c)(2) is subject to judicial review also, in an appeal by either the Secretary or the miner, according to the general terms providing for such review in section 107.

Mr. WILLIAMS. Mr. President, I think that the Senator is correct. The sentence about judicial review in section 106(c)(3) was merely for the purpose of emphasis—that those who have handled their own cases are as much entitled to judicial review as when the Secretary handles their cases. Section 107 provides for judicial review in both situations.

Mr. HUDDLESTON. Mr. President, I want to express my full support for this bill, and to strongly urge that it be adopted without weakening amendments. It is not overstatement to say that this is vital to the health and well-being of every miner in the country. These miners contribute daily to maintaining our standard of living, and they promise to contribute more than any other single group to our achievement of energy independence. At the very least, they deserve a strong commitment from us that we will not waiver in our efforts to provide them with a safe and healthful place to work.

Mining, of any kind, is the most dangerous occupation in the Nation. And, as a Senator from the Nation's leading coal producing State, I know firsthand that mining coal too often ends in disability or death. In 1976, coal mining left 141 dead, 42 of those in my State of Kentucky alone, and 13,944 disabled. Already this year, 68 have died. The sorrow and hardship which these figures represent is devastating, and the losses are irreplaceable.

It does not have to be this way. The situation can be changed, and the bill before us today, I believe, makes several very positive steps in the right direction.

First, it moves the Mining Enforcement and Safety Administration to the Department of Labor, which has as its sole function and responsibility the protection and well-being of workers. As the mines gear up to meet our accelerated coal needs in the years ahead, it becomes more important than ever that safety not be sacrificed to production, and that there be no possibility of conflicting missions within the Department assigned to enforce and administer the mine safety laws.

The bill puts new and increased emphasis on the need for cooperation from the miners themselves and on the importance of their being fully educated and trained in safety hazards and accident prevention. No amount of supervision can be as effective as each and every individual knowing, and using, safe work practices.

An untrained miner is a hazard not only to himself, but to his fellow workers. I have been working with MESA over the past 2 years to upgrade safety training of miners in my own State, and I very enthusiastically support a statutory minimum of 40 hours safety training for all new surface miners, 8 hours for annual retraining, and specialized training when a miner changes jobs. If properly implemented and stringently enforced, I believe this, more than any other single provision, can put a stop to senseless injuries and deaths.

With regard to enforcement, the bill puts new emphasis where I believe it belongs—on serious and repeat offenders. The coal industry as a whole is making a good faith effort to comply with Federal mine regulations. But, too often we find a reluctance to comply until it becomes more economical to run a safe mine than an unsafe one. In these cases, where there is an established pattern of health and safety violations which could substantially contribute to health and safety hazards, I think it is entirely appropriate to give MESA the authority to close the mine until the condition has been abated, and as many times thereafter as proves necessary to assure that the condition remains abated.

These are a few of what I consider to be the most significant and promising aspects of this bill. It, in fact, does a lot more—in streamlining the standards making and penalty assessments procedures, clarifying some enforcement provisions, assuring the rights and entitlements of miners, and providing for rescue team capability at every underground mine.

I commend the Human Resources Committee for their commitment to the improvement of health and safety in the mining industry, and to their very careful consideration of this particular bill.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME THE CONSIDERATION OF S. 717

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately after the prayer and the disposition of the approval of the Journal tomorrow, the Senate resume the consideration of the mine safety bill, S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—S. 208

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the mass transit bill, S. 208, is called up and made the pending business, there be a time limitation on the bill of 2 hours, to be equally divided between the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. BROOKE);

That there be a time limitation on any amendment of 1 hour, with the exception of 1 amendment to be offered by Mr. HAYAKAWA, on which there be a 2-hour limitation;

That there be a time limitation on any amendment in the second degree, debatable motion, appeal, or point of order, if such is submitted to the Senate for consideration, of 30 minutes; and

That the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will come in tomorrow at 9:30 a.m. After the prayer and the approval of the reading of the Journal, the Senate will resume the consideration of the mine safety bill, S. 717, which, in effect, vitiates the special orders entered for tomorrow for the recognition of Senators, at which time the Senator from Utah (Mr. HATCH) will be recognized to call up his amendment.

There will be rollcall votes during the day and throughout the day, and, according to the agreement, the final vote will occur not later than 8 o'clock p.m. I hope that the final vote will occur considerably before that. I am hopeful that the Senate can transact some other business before going out tomorrow, inasmuch as we have a very heavy workload ahead of us.

RECESS UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to; and at 7:25 p.m. the Senate recessed until tomorrow, Tuesday, June 21, 1977, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 1977:

DEPARTMENT OF STATE

William V. Shannon, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Leonard Woodcock, of Michigan, for the rank of Ambassador during the tenure of his service as Chief of the U.S. Liaison Office at Peking, People's Republic of China.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Sam Sims Walker, [redacted], Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Thomas Howard Tackaberry, [redacted], U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate June 20, 1977:

APPALACHIAN REGIONAL COMMISSION

Robert Walter Scott, of North Carolina, to be Federal Cochairman of the Appalachian Regional Commission.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

THE APPALACHIAN TRAIL CONFERENCE SERVES AS MODEL FOR NATIONAL SYSTEM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 20, 1977

Mr. RANDOLPH. Mr. President, it was my privilege to attend the 52d meeting of the Appalachian Trail Conference, and to introduce Assistant Secretary of the Interior Robert L. Herbst to the more than 800 delegates in attendance. The meetings were held at Shepherd College, at Shepherdstown, W. Va., on May 28.

The Appalachian Trail Conference was founded in 1925. It numbers over 10,000 individual members and 63 clubs with a total membership of more than 70,000. These members share the responsibility of maintaining the trail and its environment in its natural state. The conference is a private, nonprofit conservation corporation headquartered at Harpers Ferry.

Theme this year was "Building on a Vision." It is the mission of the conference to coordinate volunteer efforts in protecting and improving the 2,000-mile-long trail, which is the longest facility of its type in the world, stretching from Maine to Georgia.

Mr. Herbst, Assistant Secretary for Interior's Fish, Wildlife and Parks Division, has a notable career in conservation, and extensive experience in the protection and management of the Nation's natural resources.

His hope for an ever-expanding national system of Federal and State hiking trails—both in rural and in urban settings—is an inspiring one for the future recreational benefit of Americans. That others may share his outlook on this healthful form of outdoor recreation, I ask unanimous consent that Mr. Herbst's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE APPALACHIAN TRAIL—A MODEL FOR A NATIONAL TRAILS SYSTEM

(By Robert L. Herbst)

It is good to be here this afternoon.

As a relatively new bureaucrat in D.C., it is a real relief to get out of my suit; have hiked a little on the Trail this morning; and to be among friends who, I know, share with me the ethic of conservation of our priceless natural and man-made heritage.

In preparing these remarks, I have been doing some thinking about trails. About where they are, why they are, why people like to walk on them and why there are those willing to devote countless hours of their time, and a substantial percentage of their income, to preserve and protect trails.

While I have concluded that there are no final answers to all these questions, I believe that there is definitely something special about trails that touches some of mankind's most basic feelings and instincts.

While it is entirely possible—and proper—to think about trails in a very mystical way, I believe my analysis is basically that of a professional.

I've had the good fortune to have spent 24 years now in the conservation field. I have a degree of forestry and wildlife management, and I've worked in private enterprise, for the Federal government and for a state government, taught at the University of Minnesota and worked for nonprofit conservation organizations at the local and at the national level.

Until I came to Washington a few months ago, I was Commissioner of Natural Resources for the State of Minnesota. This is one of the larger state conservation agencies, and I'm proud to believe that Minnesota has long been a leader in the conservation movement.

The Natural Resources Department in that state manages eight and a quarter million acres of state land and four and a third million acres of public waters, in addition to some 10 million acres of mineral holdings.

I have served almost 16 years with the Department of Natural Resources, the last six years as Commissioner. We did many things in Minnesota of which I am very proud. But none have given more satisfaction than our accomplishments with the Minnesota Trails System.

That system now totals more than 7,500 miles of land trails, and 16 boating rivers, 4 designated scenic rivers, certainly one of the major state efforts anywhere in the nation.

We built trails for hikers, for bikers, for cross-country skiers and for horseback riders. A figure that is much more significant to me than the total mileage of all these trails is the fact that three quarters of Minnesota's total population of four million people are using those trails.

And, in another area of interest, in the past four years the state's recreational trail budget has increased from $1.6 million a biennium in 1972 to more than $5.8 million in 1976 and a budget request this session of $18 million. And that's putting your money where your heart is.

But more importantly, there are now a total of 165 local trail clubs in the state working on trail development and maintenance—often with state funding assistance.

And I speak, too, as one who looks at trails, not only as a professional forester and public administrator, but as one who has, himself, been enriched by many wonderful hours spent on the trail. My home in Minneapolis is on the bluff of the Minnesota River and I have a 75 mile trail at the base of my back yard which I hike often.

One of the first things I did when I came to Washington was to ask for an update on the National Trails System. Let me tell you what I found:

(1) To date, there have been 110 national recreation trails designated by Secretaries of Interior and Agriculture. These trails represent an excellent variety of trails serving many different recreational needs, including natural, historic and cultural, mountain, desert, riverside, foot, horseback, snowmobile, bicycle and trail bike.

(2) I am particularly pleased to note the development of trails that can be used by our handicapped citizens. These people too often are isolated from much of the natural

world by the thoughtlessness of the rest of us.

(3) We have been adding trails to the recreational trails system at a rate of about 25 a year. That's not bad, but I don't think it is good enough.

(4) Last year, the National Trails System Act was amended to authorize eight new trail studies. However, these studies have not been started for the simple fact that no money has been appropriated to conduct them.

(5) However, that picture is changing. A recent supplemental appropriations bill provides $100,000 to study the Bartram Trail.

It is, of course, disappointing to note that next year this act will be 10 years old and that many of its initial provisions have not yet been completed.

However, it is encouraging that our President's Environmental Message this past Monday mentioned the establishment of three new scenic trails* and a new category of National Historic Trail. These three new Trails will add 7,174 miles to our National Scenic Trail System for a total of 11,674 miles.

The studies of the 14 National Scenic Trails have moved slowly, but I am very hopeful that we will have other initiatives very soon.

I'm pleased to find that there has been considerably more progress on the development of the National Recreational Trail System. These trails are basically urban oriented and, to restate the obvious, that is where the people are. But my assessment has made me consider that we must do more.

I would urge everyone concerned to submit exemplary candidate trails for designation. On our part, I am directing the agencies under my jurisdiction, the Bureau of Outdoor Recreation, the National Park Service and the Fish and Wildlife Service, to increase their efforts to identify and nominate recreational trails.

We are initiating the trails study and the other seven just as soon as the money becomes available.

I would hope, too, that the states—all fifty of them and the territories too—would step up their trails programs by either establishing a trails program, if none exists, or extend an existing program. These trail systems and plans should be an integral part of every statewide outdoor recreation plan.

I mentioned a moment ago the need for trails in urban areas. Not all of us have Grandma Gatewood's energy, enthusiasm and time, so we must confine most of our hiking to weekends and holidays. That means we walk and hike close to home or where we work. We need more urban trails.

And now, with the energy shortage looming ever closer, we also must have more and more of our recreational resources where they can be reached by public transportation, or a minimum consumption of gasoline. In fact, we ought to encourage the recreation pursuits that are of themselves low energy consumers.

Around many of our cities, there are abandoned railroad rights-of-way, undeveloped flood plains and utility corridors which are all but ready-made trail locations. I hope that many more of these locations can be included in our urban trail systems.

Another development which shows real promise for an expanded national trail network is a pilot program with the National Trails Council, five mid-western states and the Bureau of Outdoor Recreation to establish a regional trails council.

Obviously, trails are determined by the lay of the land, not a politically determined state boundary. The five states of Minnesota, Michigan, Illinois, Indiana and Wisconsin will work to coordinate their trail efforts so that citizens from all states will have more and better trail opportunities.

If we are successful—and I am confident we will be—this mid-west regional trail council will serve as a pilot for similar regional councils across the nation.

As a complementary effort, the BOR will soon undertake an effort to determine the scope of the National Trails Systems. In other words, we need to know better how many trails are appropriate for such a system, how they will be identified, developed and operated.

This study is similar to the effort now underway to define the scope of the National Wild and Scenic Rivers System.

All of these developments are—or can be—encouraging because their end-result will be to have more trails in existence for more people to use.

We must expand the availability of trail opportunities.

I'm sure most of you here can cite at least one trail that you know something about that is too heavily travelled for its own good. The Appalachian Trail is one example. That situation will continue to get worse, instead of better, until there are substantial new miles of alternative trails awaiting the hiker.

I would like to turn now to the trail that we are here to talk about—the Appalachian Trail. The title of my remarks—the Appalachian Trail: A Model for a National Trails System—reflects not so much a hope and a desire, as a fact.

The Appalachian Trail has existed as an idea for 56 years and as a legal, Federally-recognized entity for nine. That is not a long period of time as ideas go, but it has been long enough for the trail to become the symbol—nationwide—worldwide—for a superior hiking experience.

Today it is threatened because of lack of protection and over-use. We don't need to urge more public recognition of the trail. But it is obvious that there are many other areas where changes must be made. I would like to discuss a few of them with you today, even though I know most of you know far more about this trail than I do.

The Trail was conceived—and properly so—as a cooperative effort between the private citizen, the states and the Federal government. In all candor, I would have to say that only the private citizen has come close to carrying a fair share of the load.

Some states have made a reasonable commitment of resources and time to the trail, others have not. The result of this, naturally, is uneven and inadequate protection of the Trail.

The Federal government has been distracted by many other problems—and has disappointed many trail supporters in the size of its contribution to the effort.

I can't change the past, but I do have an obligation to direct future activities, and I assure you now that I feel that obligation very strongly.

In March of 1976, the Interior Committee of the House of Representatives held an oversight hearing on the National Trails System Act. Much of the testimony at that hearing centered around the Appalachian Trail.

Many things came from that hearing. To me, the most important was the statement—and I quote—that ". . . there should be a clear understanding that the ultimate responsibility to maintain the integrity of the trail route rests with the Federal government."

This Administration accepts that responsibility!

This is a responsibility that keeps growing, trying vainly to keep up with escalating land values which have gone up at least ten-fold since the act was passed.

This is a responsibility which notes that the Trail is already fragmented and that re-establishment in desirable locations can be accomplished only if we act in the very near future.

But first, my responsibility begins with an understanding that volunteer support is essential to the existence of the Trail and that public loyalty to the Trail depends in large part on its remaining a high-quality hiking route. We will get very little active support for a memory.

I would like to give you some of my thoughs on the Federal responsibility toward the Appalachian Trail.

The Federal government has an obligation to support trails for the same reason it supports parks. It is because they represent some of the finest of our natural heritage, and we have long accepted a role in preserving that heritage for present and future generations.

Trails represent personal experiences in physical and mental restoration. They give us access to the natural world from which we all have come. They remind us once again that we all are a part of life and what we do determines the quality of our lives and the lives of our children.

Trails teach us many things of our history and our culture. They help us to understand—in a very real and personal way—the lives and accomplishments of those who created the American heritage we now enjoy.

Understanding our past, we are then better able to plot our future.

At one time in our past, trails had one function. To get people somewhere. They no longer have that function except in terms of personal goals. Anyone seeking the most purely efficient means to walking from Maine to Georgia would certainly avoid most of the Appalachian Trail. In fact, the most convenient trail, by today's standards, is a loop Trail—one that goes in a circle.

Accepting the fact that the Appalachian Trail is a national resource, what must be done to protect it?

I have come to four conclusions at which I would like to direct your thinking:

(1) Subsequent dollars;

(2) Width of corridor;

(3) Trail protection;

(4) Ways of approaching planning and maintenance; let me approach them in reverse order:

First, I want to work with you to establish a new cooperative agreement.

Any agreement for protecting the Appalachian Trail in the future must be based upon the equal partnership of private citizens, the Federal Government, and State and local government, and private land owners.

Too often in the past we have assumed that national recreation resources could only be protected by Federal ownership and maintenance. This is not the case, nor should it be. We must explore new ways for protecting areas like the Appalachian Trial. I think unless we all have our labor, dollars, and heart into the program, we will lose loyalty and respect for the integrity of the system.

This agreement must respect the fact that certain land uses such as farming and timber are in fact compatible and exciting dimensions of a trail. The Appalachian Trail has clearly shown this. It is a trail that goes through farmlands, through timberlands, through communities, small and large. It is a trail that builds upon all of these to provide an experience unique around the world.

You, as the private citizens, have done your share and I ask that you continue to be the very heart and soul of the maintenance and continued protection of the Appalachian Trail.

To implement this cooperative support by the states, I and my staff will meet with any State Governor and official during the next few months to encourage State action to protect those areas of the Trail that you have identified as essential to the Trail experience.

The cooperative agreement must also cover maintenance. We will no longer take away sections of trail from private citizen maintenance and put them under public maintenance. When the private citizens provide

*Continental Divide; Potomac Heritage; and North Country.

cost-free or low cost maintenance to the public as you are doing, that is important and significant—and we will support you.

In some cases, of course, you may want us to provide additional assistance and in those areas we have programs for youth employment and limited dollars. Several maintaining clubs have themselves contracted with these youth employment programs to bring these young people into the Trail environment. But any effort of this type to bring in other resources to maintain and protect the Trail must depend upon the planned-for maintenance that is prepared at each State level by you working with State officials, the Park Service and private land owner.

We are now working with the Conference, your clubs in Massachusetts and the State government to develop the model for this cooperative agreement.

Second, we must explore new ways of protecting the Trail. In the past we have assumed this is through fee-simple ownership by the Federal government or by State government. Now, we are realizing that we must explore new alternatives. Many of the clubs in the Conference have already worked through easements, lease-back agreements, and other approaches to providing an opportunity for hiking while protecting other uses that exist on the Trail. We are ready and willing to use the authority to condemn land should there be no action on the part of the States to protect the area identified as that needed for the Trail environment. By the way, on Tuesday I will send a copy of this speech to each State Governor and Appalachian Trail Coordinator so that when you return to work with them, they also will have had a chance to review my comments. But, we will work towards a new appreciation for other approaches to protecting the Trail experience. And I repeat again, that it will be up to you, the private citizen volunteers to continue to work with the States and local governments in cooperation with private landowners and the Park Service to devise those management plans and the best approach to protecting those areas.

Third, we have come to realize that while the Federal authorization gives us the power to condemn an average width of 200 feet in any one mile, this is not sufficient to protect the Trail experience as I saw this morning with development, dumping and other encroachments. The study that was conducted in Pennslyvania through the cooperative efforts of Pennslyvania State University, the State government, the Park Service and the Conference suggested a corridor of 1,000 feet. I personally feel that this proposal is worthy of the fullest consideration and that the width should probably by wider than 200! I pledge to you that I will explore it seriously, and make recommendations on the matter to the Secretary of the Interior, Cecil Andrus, shortly.

You, the private citizens, working with the National Park Service, the State governments and private landowners must help establish the dimensions of the corridor, based upon the best available natural resource information.

For our part, by December of this year we will be able to provide on a State by State basis all the basic data needed to determine the land acquisition areas should we need to go for total land acquisition. We will be able to determine at that time how much additional money we should request for an increased authorization to protect the Appalachian Trail. We had a $5 million authorization in 1968. I am going to recommend a much larger sum for the coming year. The Park Service staff has tentatively recommended $35 million. This is a hard lesson for inaction: that it takes many more dollars today to buy what we could have protected for $5 million in 1968.

To begin this effort, I placed on the Secretary's desk yesterday two state applications, the first for New Jersey for $400,000 of the Secretary's Fund to be matched by $400,000 of State dollars; and the second application for $140,000 that will also be doubled by New York State matching. This is the equivalent of one million, eighty thousand dollars worth of trail protection in these two states. I congratulate you!!!

By looking at a total plan for the maintenance and day-to-day protection of the Trail through whatever means seems reasonable, you have my commitment that we will seek the funds—be they Federal or matching—needed to protect the area that we jointly work together to establish as that needed to protect the Trail experience.

Using this approach, that is, in summary, 1) continued reliance on you to protect and maintain the Trail, 2) the active, aggressive support of State governments in helping to put together the management plans, and 3) the willingness to seek the financial support and innovative approaches to legal agreements to support that protection of the Trail, it is my objective that we will be able to protect at least 300 miles of the Trail's 600 unprotected miles now listed as the most threatened by your next meeting in 1979. I believe this is to be a reasonable goal. I believe this for two reasons:

First, I know that the Administration in Washington is committed to the preservation of our natural heritage and is willing to take the steps necessary to carry out that commitment.

It has been a real privilege for me to have been invited to join the team assembled at the Department of Interior by a dynamic conservationist, Secretary Cecil Andrus.

And, in my relationships with other bureaus and agencies in the Carter Administration, I have felt an equal commitment to preserve the quality of life in America. I believe also that in addition to the many dedicated employees of Interior, we are assembling an excellent team of professional administrators and policy makers. For example, your own Paul Pritchard.

You people in front of me today are the second reason I believe this effort will succeed.

You are people who have ideas and the courage and convictions to back your ideals with action.

We in government can support you in many ways. We can do many things to make our shared dreams a reality. But the key element of success is in our hands—or more properly—in your commitment.

With your involvement and your hard work and powers of persuasion, we will not fail. Without these things we cannot succeed.

Can I conclude this afternoon with my philosophy of conservation:

STEWARDSHIP—BY ROBERT HATCH

"The earth is the Lord's, says the Psalmist and all that therein is. The traceless forests, the rivers that wind across our continent, the marshlands, the prairie and the deserts, all were made by Him. Man did not create the riches that are spread before him. All of these have been loaned to him as a trust. None of it really belongs to him. His days are as grass and when the span of his life is over, he is the owner of nothing on earth. For a time, he is called to be a steward of the riches of the earth, leaving them as goodly inheritance to his children. He is given dominion over the works of his Creator, but such dominion is a frightening responsibility. One look at a dustbowl or at a poisoned stream or at a landscape blackened by fire shows how grave the responsibility can be.

"Conservation teaches the principle of wise stewardship. It counsels foresight in place of selfishness, vision in place of greed, reverence in place of destructiveness. Conservation involves concern for other generations. It sees beyond the immediate and the temporary. It takes into consideration not only our own generation but future generations as well. It recognizes the rights of people who are not yet born, citizens who will inherit this land a thousand years from now. It reminds us that they too have the right to enjoy what we enjoy, to profit from the same things, to be inspired by them as we are inspired, and to love them as we love them today. Conservation is designed to preserve the riches of the earth for human happiness and welfare through the end of time."

FEELINGS ABOUT FOREIGN AID

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. YOUNG of Florida. Mr. Speaker, I would like to ask a question of my colleagues which cannot help but give them cause for thought and careful consideration. The question is: How do your constituents feel about our foreign aid program? For most of us, the answer will be that mainly, since they have had no recourse anyway, they have reluctantly accepted it up to now, and that they hope that it will be better managed in the future. The American people are looking to us, Mr. Speaker, to exercise control over this very unwieldly program, and we must accept that awesome responsibility and act on it.

The opportunity to do just that will be before us very shortly. The foreign assistance appropriations bill is scheduled before the House on Wednesday, June 22, 1977. As ranking minority member of the Foreign Operations Subcommittee of the Appropriations Committee, I have spent a great deal of time studying the details of this bill. There are items in the bill, which I feel are very worthwhile, and in the best interest of our Nation, and which I am certain the American people will be happy to support. There are, however, more aspects of the bill which I feel are not representative of the goals and values of the United States, and which I believe, if fully understood, the people of our country would resist strongly.

I call attention to the minority views which accompany the report on this bill, Mr. Speaker, for the careful consideration of our colleagues so they may review the facts in detail before casting their informed vote on the foreign assistance appropriations bill on Wednesday. The views are lengthy, but our foreign aid program is extremely complex, and in view of the size of the appropriation being considered, $7,046,454,000, surely the time spent to absorb this information is not only justified, in spite of our busy schedules, but mandatory when we consider that these dollars come from the pockets of the people we represent.

After these views have been studied, Mr. Speaker, I ask my colleagues to consider three very important questions. In spite of historical precedent, does it seem wise for our country to continue to invest taxpayer dollars in programs over which we have very little control?

Are we justified in supporting, financially, any organization which supplies money to countries which are clearly hostile to the United States? And, am I justified in voting to expend taxpayer dollars for programs that I am certain, my constituents object to very strongly? When these questions have been answered conscientiously, by every Member of this body, Mr. Speaker, I believe that we will be able to make the necessary changes in this foreign assistance appropriations bill, that will make it possible for every American to support rather than oppose.

A TRIBUTE TO LITHUANIA

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. RUSSO. Mr. Speaker, today it is an honor for me to have the opportunity to publicly support the courageous spirit and acknowledge along with Lithuanian/Americans, the plight of a tiny, but determined country—Lithuania.

On June 15, we sadly marked the 37th anniversary of the forcible invasion of Lithuania in 1940 by Soviet armed forces; an invasion that so violated human rights, that today, we shudder at the mere thought of that event. Yet, the people of Lithuania have not only survived under this Communist rule, but more remarkably, their love and determination for freedom and liberty has endured.

The Lithuanians have not accepted oppression without resistance. Dissent against the Communists has become a way of life. It is an expression from the heart and has become a symbolic link to their heritage and a hope for their future. Dissent has been ever-present since that infamous day in June 1940 when the Soviets trampled their beloved country. Resistance took the course of violence in a partisan war in which 50,000 brave men and women lost their lives. Another 300,000 Lithuanians were deported to Siberian concentration camps and prisons to work and die, away from family and homeland. Over the 37 years of Soviet domination the road to freedom upon which the dissenters have traveled, is littered with the suffering of their predecessors, yet they continue.

On August 1, 1975, the United States, Russia, and 33 other nations signed the Final Act in Helsinki. If I may for a moment, I would like to cite a passage from that accord:

> The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, without distinction as to race, sex, language, or religion.

If this passage sounds somewhat familiar to my colleagues, it may be because they remember our own pledge to human rights made over 200 years ago and this accord is a reflection of those ideals upon which our own fight for freedom from oppression was based; the inalienable right to life, liberty, and the pursuit of happiness. As members of a country that has enjoyed freedom from oppression for two centuries, we should not and must not forget the importance of those human rights to our forefathers. Nor here today, we cannot nor should not ignore the oppression of those rights in countries such as Lithuania. To ignore the Lithuanians' future is to ignore our past.

DECONTROL OF NATURAL GAS WILL BENEFIT THE CONSUMER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. KEMP. Mr. Speaker, the following article by Prof. W. Philip Gramm of Texas A. & M. University points out the fallacies of natural gas controls and shows that the consumer will indeed be the ones to benefit from the deregulation of natural gas, by eliminating shortages and making further reliance upon more expensive alternatives unnecessary.

The article follows:

[From the Wall Street Journal, Apr. 15, 1977]

FPC REGULATION OF NATURAL GAS PENALIZES CONSUMER

(By W. Philip Gramm)

Much opposition to free market pricing of natural gas in interstate commerce is based on the assumption that the interstate consumer has benefited from Federal Power Commission regulation of natural gas prices. Even those who favor deregulation often accept the premise that the interstate buyer has benefited from FPC regulation, and argue that benefits to the nation of deregulation more than offset the cost to the consumer of interstate natural gas.

Yet economic theory and existing facts on the availability of natural gas and the price of substitutes suggest that the consumer of interstate natural gas may have in the past and almost certainly will in the future pay a higher price for energy as a result of FPC price fixing.

Two questions must be answered in order to gauge the benefit from price controls: What is the regulated price relative to the level that might have existed in the absence of regulation? And are adequate supplies available to meet existing demands, and, if not, what are the prices of substitutes?

A review of natural gas supply under FPC regulation clearly indicates that during the period of regulation natural gas production for interstate sales has not kept pace with demand. In 1956, 58,000 gas wells were drilled. By 1971 the number dropped to 27,000. The number of natural gas producers dropped from 18,000 in 1956 to 4,000 in 1971. The old truths were still true: Water wets, fire burns, and artificially low prices set by government cause shortages.

This has forced potential interstate consumers of natural gas to find substitutes. The consumer in the nonproducing states has bought fuel oil, liquefied gas from Algeria and synthetic gas as substitutes for natural gas and paid up to $5.39 per-thousand-cubic-feet.

In 1972, 89% of finished petroleum products imported in the U.S. consisted of fuel oil and 46% of all petroleum imported, including crude, was fuel oil. In terms of BTU yield, fuel oil has on average in the 1970s sold at roughly twice the free market price of natural gas.

While deregulation would have driven up the price of natural gas, it would have expanded the supply and displaced fuels that were far more expensive than natural gas. In 1975 the interstate pipelines serving the Northeast were 15% empty due to the shortage of natural gas caused by FPC price regulation. While unused pipeline is by no means a total measure of the real shortage of natural gas, it is interesting to look at what this one manifestation of the shortage cost the consumer.

The 15 percent of unused pipeline cost $1 billion in added overhead on delivered gas. Consumers not lucky enough to get gas made up for the 15 percent shortage by buying substitutes, and paid as much for alternative fuels to make up for the shortage as they paid for the 85 percent of the gas that was delivered.

The possibility that the consumer may have actually lost by regulation is amplified by the fact that wellhead prices of natural gas represent only a fraction of the price of natural gas paid at the point of consumption. This is especially significant in the Northeast, where 81 percent of the residential gas bill is for pipeline and distribution costs, and where doubling wellhead prices causes only a 20 percent increase in point of use cost.

Given government regulation of interstate pipelines, guaranteeing the pipelines a fixed return on investment, any falloff in natural gas production and sales means a rise in the portion of the pipeline overhead that has to be borne by each unit of gas delivered.

Zinder and Associates have estimated in a report filed with the FPC that if the 52-cent price ceiling has been retained by the FPC the interstate pipelines would be 45 percent empty in 1980. The average wellhead price would be 37 cents, the pipeline transportation cost would be $2.03 and the point of use cost to the consumer would be $2.40 per-thousand-cubic-feet. The shortfall in supply would have to be made up for with electricity, fuell oil, synthetic gas and imported liquefied gas at over $4.

By comparison, with a $2 new gas price and a full pipeline, average wellhead price would be $1.12 and the cost of pipeline transportation would be $1.27. Cost at point of consumption would be $2.39, about the same as the estimated cost with 52 cents marginal prices and 55 percent utilization of the pipeline.

However, the big differential caused by regulation comes with the cost of the 5.89 trillion cubic feet shortage of natural gas which would cost about $24 billion to replace with substitute fuels.

The intrastate price has generally fluctuated with market prices. With expansion in demand in 1972 and 1973, the unregulated price of natural gas rose sharply; the marginal price rose in Texas from 75 cents in 1972 to a high of $2.20 in 1975. With the new price incentives drilling rigs came to Texas from all over the country and even from Canada. In 1971 only 1,056 new gas wells were drilled, but by 1975, 2,275 new wells were completed. Expanded supply drove average new prices down to $1.76.

The Texas consumer had to pay more for gas but he got more gas at higher prices and it was still a bargain. According to FPC price projections the free market price for natural gas in 1975 was 22 percent cheaper than liquefied natural gas, 31 percent cheaper than Alaska gas, 44 percent cheaper than coal gas and 46 percent cheaper than synthetic gas.

There is no alternative fuel known or planned in America today that is cheaper than the most expensive natural gas. As Philadelphia Electric said of its special purchase of 1.3 billion cubic feet of gas from the Southwest at a delivered price of $2.50, "It's a bargain, it's less than half the price we're paying to make and buy supplemental gas."

There has never been a reputable study

of America's energy problems that did not conclude that it was necessary to deregulate natural gas prices on interstate sales to take any meaningful step toward meeting natural energy needs. A year ago, the Harris Poll showed that the American public favored removal of controls on natural gas prices by a margin of 51 percent to 17 percent.

The stringent opposition to deregulation in the face of overwhelming public support and hard evidence of national benefit testifies to the degree of congressional ignorance and the degree to which special interest groups exert power far beyond their numbers.

FAIR LABOR STANDARDS FOR PRIVATE MENTAL INSTITUTIONS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. ARMSTRONG. Mr. Speaker, as many of us know, often the ramifications of legislation appear years after Congress passes a bill and it becomes law.

As you may recall, in 1974, Congress passed amendments to the Fair Labor Standards Act which extended Federal minimum wage regulations to State and local government employees.

At that time, a number of us questioned the constitutionality of this provision of the bill . . . but it passed over such objections. Consequently, the Supreme Court, in the National League of Cities case, voided such extensions.

In the meantime, a particular outgrowth of this situation has occurred in the field of mental institutions and homes for the mentally retarded.

As a result of the Fair Labor Standards amendments and the National League of Cities decision, private nonprofit residential mental treatment centers find themselves penalized if they pay patient workers nominal sums for work done as therapy.

According to the Department of Labor, a lengthy certification procedure is required for private facilities to pay less than the minimum wage for patient work therapy programs.

Yet State institutions are totally exempted from Federal regulations.

As a result, a private and State institution in the same State providing the same treatments are governed by two differing sets of rules and regulations. The State home falls under State law, and the private home falls under the more expensive Federal regulations.

By continuing this situation, we are allowing two things to happen. First, at a time when the cost of health care is skyrocketing, we are further increasing the cost of private treatment . . . as opposed to public treatment. This can only lead to a greater reliance on State facilities . . . which will create a greater burden on local taxpayers. Second, rather than comply with the extensive Federal paperwork, private facilities will be likely to eliminate or curtail any monetary rewards to patients for work therapy . . . perhaps even eliminate work therapy.

For these reasons, I have introduced legislation which would exempt private facilities from Federal jurisdiction of the Fair Labor Standards Act and return them to State jurisdiction.

Although there are less than 100 inpatient private mental facilities across the country, I feel that this legislation is necessary to avoid further reductions in the number of private facilities, and to call the attention of the Congress to the matter.

WHISTLE-BLOWERS HALL OF FAME: JACQUELINE VERRETT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mrs. SCHROEDER. Mr. Speaker, last week I began a series of articles on Government employees who have blown the whistle on shady practices in the agencies for which they work.

I shall continue today with the case of Dr. Jacqueline Verrett, a scientist at the FDA. Dr. Verrett's tests on chicken embryos first indicated the potential hazards of cyclamates.

Today's profile is excerpted from a Washington Monthly article by Taylor Branch entitled "Courage Without Esteem: Profiles in Whistle-Blowing" copyrighted May 1971:

JACQUELINE VERRETT

Unlike Lieutenant Font, the vast majority of potential whistle-blowers are most emphatically not seeking discharge from their livelihood. In fact, the inhibitions of the purse have probably caused more whistles to be swallowed than any other single factor, with a specially crushing effect on those having families and obligations. The question of survival against reprisals therefore assumes critical importance, and the most successful public clarion in this regard has been Dr Jacqueline Verrett of Health, Education and Welfare's Food and Drug Administration.

For a dozen years, Dr. Verrett has been pumping chicken eggs full of molecular polyglots that are added to American food to make it look better, last longer, and—above all—cost less. A pioneer in the chick embryo testing method for food additives, biochemist Verrett became disturbed when her tests showed that cyclamates caused substantial. grotesque deformities inside the eggs. She began reporting these findings through FDA channels on March 7, 1968, and continued to bring them up in meetings, memos, and her semi-annual reports.

By the fall of 1969, the cyclamate findings were being talked about in scientific circles based on Dr. Verrett's research and parallel findings elsewhere. So she was not terribly surprised when NBC's Paul Friedman asked for an interview in late September (having seen a column on cyclamate research by Jean Carper). "The cyclamate publicity had been going on for some time," says Dr. Verrett, "and I didn't think the NBC interview was any big deal. I kind of backed into this controversy."

When she sought routine clearance for the interview, Dr. Verrett's office was suddenly besieged with about a dozen lab-coated and administrative officials of FDA–an unprecedented gathering. They earnestly remonstrated with her to forego the interview because of the "undue public alarm" that would no doubt arise if her deformed embryos were to appear on the TV screens of the cyclamate-consuming masses. This concern appeared to spring from a double-standard in FDA on both test results and media policy. In the summer of 1969, for example, Dr. Verrett had produced a preliminary study of another suspect additive, monosodium glutamate (MSG), using only 180 eggs. Although she found no harmful effects, she emphasized that the test was in no way conclusive. Nevertheless, FDA Commissioner Herbert Ley rushed to Congress and hailed the "exquisite, sensitive, new toxicological approach" that found MSG as safe as (old-fashioned) apple pie. The cyclamate data, by contrast, came from a thorough investigation which used about 13,000 eggs and established a definite causal relationship between the chemical and embryo deformities. Yet cyclamates remained officially safe and no one rushed to Congress—only to Dr. Verrett's office to head off public panic.

Dr. Verrett withstood the pressure and proceeded with the NBC interview. "It's taxpayers' money and taxpayers' research here," says the biochemist, "so I believe that the public is entitled to know about the results especially if you are careful not to overstate the conclusions. I give the American public credit for taking information for what it's worth. As far as I know, there was no great public alarm about cyclamates. The only great alarm took place in the Secretary's office."

Indeed, there was some commotion in Secretary Finch's office. He was soon visited by Donald Kendall, president of the Pepsi-Cola Company and friend to President Nixon. Having no doubt consumed large quantities of his own cyclamate-laden soft drink. Kendall was perhaps concerned about his health and in any case sought assurances from higher authorities than Dr. Verrett that the additive was as safe as MSG. Finch was also contacted by representatives of Abbott Laboratories, the major producer of cyclamates and a regular participant in health disasters. (The latest Abbott episode occurred in March, when some of its intravenous fluids were recalled from hospitals upon discovery of contamination. According to Morton Mintz of *The Washington Post*, a survey of 21 hospitals out of some 3,000 supplied by Abbott revealed 350 cases of blood poisoning—including nine fatal ones—connected with the fluids.)

The upshot of the cyclamate revelations was that the additive was removed from general use on October 18, 1969—not on the basis of FDA data, but because of a wondrously coincidental discovery of bladder cancer effects by Abbott. The effect upon Dr. Verrett was that she was twice censured by Secretary Finch for unethical conduct. Also, during the period between her NBC appearance and the announcement of the cyclamate ban, she was prohibited from granting interviews or even answering her office telephone.

Such direct criticism from a Cabinet officer is normally more than enough to focus agency enzymes one a low-level bureaucratic bacillus—and drive him from the government. Yet Dr. Verrett has survived. "I'm still kind of a leper around here, though, if you want to know the truth," she said. "I'm called to some meetings if it's absolutely necessary, but that's about it."

Her bureaucratic afterlife probably stems from an odd combination of circumstances. For one thing, at present her skills are almost indispensable to FDA "because a great many additives are to be tested in the near future as a result of consumer pressure; and, ironically, her chick embryo method has been determined to be the best for rapid screen-testing. Also, her testing unit is unusally independent, which means that she can work

effectively even in bureaucratic isolation. Most other government employees at her level would become helpless and frustrated without the active cooperation of many associates working toward group solutions. Finally, she has some support from the Congress, including Senator Warren Magnuson. None of this means that Dr. Verrett is guaranteed eternal life at FDA, of course. In fact, she may face danger in the current plan to expand the chick embryo facilities and move them to Pine Bluff, Arkansas, when all the nerve gas and biological toxins are swept out there. That plan will require reorganization, and reorganizations are notoriously useful for "streamlining" personnel.

In the meantime, Dr. Verrett is cheerfully injecting additives into chicken eggs, although her overall outlook does not inspire much chemical confidence in the American diet. "I can't say that I'm very optimistic about our effect here," she said. "There is a kind of tightening up and restriction that is pro-industry and anti-consumer. In some ways, we are worse off than we were a year and a half ago.

"And one sad thing is that you have to get really dramatic test results to have any hope of making an impact. If thalidomide had caused mental retardation, for example, I think we would still be using it," she lamented while lighting up another cigarette. "I'm not too worried about smoking these things. The additives may get me first."

DR. WERNHER VON BRAUN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. RHODES. Mr. Speaker, the world has lost a great scientist in the death of Dr. Wernher Von Braun. He was the driving force behind some of the most momentous advances in man's quest for knowledge about the universe in which we live.

As a member of the Appropriations Subcommittee that funded the space program, I was privileged to work closely with Wernher Von Braun. He was a man who could make the whole concept of space flight come alive and take shape.

Dr. Albert Szent-Cyoryi, Nobel Prize winner and discoverer of vitamin C, once wrote that—

> Research is to see what everyone else has seen, and think what nobody else has thought.

Wernher Von Braun was inventive, dedicated, and visionary in his research applied to the problems of lifting man from the Earth to the voids of outer space. He saw the potential in space, persevered through failures, and applied new concepts that broke through the barriers of space science.

He was a realist. When he first began work on the space program, he soon saw the difficulties of conducting research under the auspices of Government controls. He stated:

> Our two greatest problems are gravity and paper work. We can lick gravity, but sometimes the paper work is overwhelming.

The story of Wernher Von Braun is the story of opportunity in America. He came to our shores from a foreign land, stayed, worked, and produced advances in space technology that have made us the world leader in interplanetary exploration.

He was that rare combination of scientific acumen coupled with the ability to articulate complex problems in simple terms. He was a man devoted to his science, and esteemed highly by those with whom he shared the drudgery, the disappointments and ultimately the triumphs of conquering space.

He has earned a lasting place in our scientific history, and we all will benefit in many ways in future years as the space discoveries he helped pioneer become practical aids to improve the quality of our lives here on Earth.

I join my colleagues in expressing our appreciation for the contribution Wernher Von Braun made to his adopted American homeland.

THE NEW BEGIN GOVERNMENT WILL HELP BRING PEACE TO THE MIDDLE EAST AND STRENGTH TO THE DOMESTIC ECONOMY OF ISRAEL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. KEMP. Mr. Speaker, the new regime in Israel under Prime Minister Begin has now established its Cabinet to govern the State of Israel. The announced concern of the Begin government about the next phase in Middle East peace negotiations is well founded. Unless a formula can be found to enable Israel to have sustainable and secure borders for her territory, no peace agreement is worth the paper it is written on. Mere assurances by the leaders of contiguous states, nor the existence of friendly neighboring regimes cannot be sufficient to insure a lasting peace in the region. For nearly 30 years, we have witnessed rapid changes in the leadership and alliance support of the Arab States in the region without any attenuation of hostility toward the mere existence of the State of Israel.

The Begin government is in perhaps the best position of any recent government to negotiate a peace agreement which will satisfy Israel's security requirements without risk of attracting criticism from within Israel. The willingness of the Begin government to be flexible about new boundary arrangements with the Arab States in a manner consistent with U.N. Resolution 242 is encouraging, and the new government should be given a chance to reach an acceptable agreement with its Arab neighbors, as well as finding some reasonable solution to the problem of the Palestinian refugees.

I am personally acquainted with one of the new members of the Begin government, former Air Force Chief of Staff, Ezar Weitzman, a man of consummate diplomatic skill and of moderate, diplomatic views. a great friend of the Unitied States. It would be tragic if the United States sought to employ its diplomatic "muscle" to impose a Middle East settlement which only planted the seeds of future discord. No one has a greater stake in the issue of war or peace in the region than the parties directly involved; we should encourage the new Israeli Government and help them to reach an acceptable agreement with their neighbors which will permit the establishment of a lasting peace.

Prime Minister Begin deserves the support of freedom-loving people everywhere as he and his Cabinet commence their efforts to bring peace and economic growth to Israel.

TRIBUTE TO BARBARA AND ZEV YAROSLAVSKY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. WAXMAN. Mr. Speaker, Los Angeles City Councilman Zev Yaroslavsky and his wife Barbara will be honored as Man and Woman of the Year by Etz Jacob Congregation on June 26, 1977. I wish to bring to the attention of my colleagues and the public the accomplishments of two people devoted to their community.

Even before his election to the city council, Zev Yaroslavsky gained recognition for his work on behalf of Soviet Jewry. Despite the burdens of his council post, Zev has found time to continue his work with the Southern California Council for Soviet Jews—a group which he once served as executive director.

Zev Yaroslavsky was elected to the Los Angeles City Council at the young age of 26. Councilman Yaroslavsky's district is made up of well-to-do and economically deprived areas, the Los Angeles campus of the University of California and a large concentration of senior citizens. The Fifth Councilmanic District faces many of the problems confronting every large city—transportation, congestion, street crime—the multiple needs of senior citizens living on low incomes, and the need for additional low-cost housing. Zev has applied himself to all of these problems. As chairman of the Council's Charter and Administrative Code Committee and member of the Governmental Efficiency Committee, he has introduced reforms to make the charter more workable, to lower costs and to make local government more workable, to lower costs and to make local government more productive and responsive.

Zev has been honored by the Career Planning Center for advancing career opportunities for women and by the Maccabee Athletic Club. He received the Merit Award from the Mexican-American Chamber of Commerce and Industry of southern California. The board of supervisors of Los Angeles County has acknowledged his leadership in successfully fighting the Diamond Lane project.

Barbara Yaroslavsky is extremely modest about her own contributions to our community. Nevertheless, she has played an important role both as Zev's wife and in her own right. Barbara is

currently employed as an administrator in the registrar's office at UCLA. Barbara and Zev are expecting their first child shortly. I ask the Members to join me and their great number of friends in wishing this devoted couple much joy in their personal life and continued success in their roles as political and community leaders.

THE PRICE OF PEACE AND FREEDOM

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. SYMMS. Mr. Speaker, "The Price of Peace and Freedom" is a 30-minute filmstrip produced by the American Security Council of Washington, D.C. This film is an extremely important document since it demonstrates the growth of Soviet military power during the past few years in an unusual and dramatic fashion. There are a number of journalistic and scholarly works on Soviet military power but very few of them, in my judgment, can grasp the essence of this challenge so graphically in so short a time as this film. I wish that it could be seen by all Americans as a timely warning of the growing peril of our age. I would like to insert for the RECORD, Mr. Speaker, a commentary on the film made by Howard K. Smith on ABC Evening News, Thursday, June 2, 1977. Mr. Smith enjoys a reputation for integrity and wisdom in the field of broadcasting. As such, his remarks should make all of us stand up and take notice, not only about the film itself, but about the vital topic which it addresses:

COMMENTARY, ABC EVENING NEWS, THURSDAY, JUNE 2, 1977

(By Howard K. Smith)

The term Cold War was invented in 1946 to describe the world contest between us and Russia to get the better of one another without actually fighting.

It has become a habit to consider the Cold War as past, buried with the age of detente.

Well, signs multiply that the burial was premature; the Cold War rages on, from Russia's side, with increased intensity.

The film is in the news today, produced by so-called hard-liners, showing graphically Russia's advances and our slippage.

The film may be over-stated. But the facts are undeniable. In the past ten years Russia has furiously armed while we have languished. One land, for example, they outnumber us in tanks four-to-one. At sea they have for the first time more warships than we.

Their geographical reach is visible. Soviet arms and Cuban client forces show up in every African conflict. Surely the aim is more bases and wider world power.

At the SALT talks they are adamant against cutting nuclear forces. At the Vienna talks on cutting arms in Europe likewise, their actions suggest they seek superiority not parity.

In Russia the removal of Podgorny, accompanied by ever sharper attacks on us, suggests a tightening of command under Brezhnev for an intensified contest. The new stamping out of Russian dissidents seems to support that view.

If present trends continue they will attain the goal: dominance without having fired a shot. The evidence is too great to be disregarded. We had better stop disregarding it.

TOTAL PARENTERAL NUTRITION

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mrs. MEYNER. Mr. Speaker, since 1970, a medical nutrition technique has been in use in a growing number of American homes that not only has saved hundreds of lives, but has allowed those affected individuals to return to productive, fulfilling existences. The technique, total parenteral nutrition—TPN—involves infusion of chemical solutions into patients bodies by mechanical means and is the only method of feeding possible for those who, for various reasons, have had the major portion of their intestinal tracts removed. TPN can be administered by trained relatives and can be accomplished while the patient sleeps. Though the patient will never again know the delight of tasting solid food, TPN provides adequate nutrition to sustain life and to function relatively normally during the day.

There are drawbacks to the treatment: like the renal dialysis treatment for kidney disorders, a patient is dependent on a machine for his or her life. Secondly, the expense of the treatment is enormous. Once surgical and hospital bills are paid, the TPN process and the necessary chemicals cost a patient between $10,000 and $20,000 per year.

For most of these patients, this cost exceeds their annual family income, and no avenue exists for any type of financial help. There are between 500 and 600 patients now receiving TPN treatments. Every single one of them must find some way of raising thousands of dollars each year or face the only alternative—death by starvation.

Mrs. Angnes Bisbing, a 44-year-old mother of six from my district, is one of those people. In December 1976, Mrs. Bisbing had her entire small intestine removed as a result of a blood clot infection, and has been kept alive by the TPN treatment ever since. The Bisbing annual income is $10,000 but her medical bills will be more than double that this year. Her husband wrote me recently:

We need help desperately. There are no organizations that we can receive help from. What will happen to my wife when I run out of money? She needs help that I am unable to give her. We have about $5,000 left, which will pay for about one month's supply. Someone must help us. My Agnes must not die because no one will help us.

Mr. Speaker, I have been in touch with Dr. Stanley Dudrick, the chief of surgical services of the University of Texas at Houston, who is a leading authority on enteral and parenteral nutrition. Dr. Dudrick heads an association of over 1,000 doctors, nurses, and nutritionists called the American Society for Parenteral and Enteral Nutrition. He says "the Federal Government is the only agency which can support this absolutely necessary and humane treatment for patients."

Earlier I mentioned the renal dialysis program—like that program, a patient using TPN must rely on expensive machinery and chemicals to survive. Unlike that program, TPN patients must bear the full brunt of the cost of life.

By specific exception in the Social Security Act, medicare benefits are now provided to renal dialysis patients regardless of age. Mr. Speaker, the bill I am introducing today simply seeks the same benefits coverage for TPN patients. Allowing medicare coverage of TPN treatment would, admittedly, raise Federal expenditures. Since there are between 500 and 600 such patients now, and the average cost per patient is between $10,000 and $20,000 a year, medicare cost could be raised between $5 and $12 million. Frankly, I think this would be a sound investment.

Medicare coverage of TPN home treatments would be far less expensive than normal programs of hospital care. Experts have estimated that the cost to medicare for such treatments would be about $10 million per year. The same treatment under conventional institutional auspices would cost over $50 million.

To those who would balk at this expense I ask what is the value of a human life? A Nation that spends more than $90 million per hour for its defense could surely afford to invest $10 million a year to keep 500 citizens alive.

The time for this legislation is now. Not when Congress and the administration get around to a national health insurance plan. Not when a comprehensive review of the welfare system takes place. Not when patients begin to choose death over continued family debt. Now when prompt action could save hundreds of lives. I ask all of my colleagues, especially those with their own Agnes Bisbings in their districts, to join me in cosponsoring this legislation.

As Dr. Dudrick says:

If we are going to do anything at all in the health area, the very minimum should be to provide adequate nutrition for survival.

Mr. Speaker, death by starvation is, perhaps, the most gruesome fate imaginable. This legislation offers us a chance to allow hundreds of Americans to avoid this fate—to dramatically relieve human suffering. This bill not only deserves, but demands immediate action.

CASH SUBSIDIES TO THE DOMESTIC SUGAR INDUSTRY

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. O'BRIEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

HON. GEORGE M. O'BRIEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN O'BRIEN: Early last month, President Carter announced a pro-

gram to provide cash subsidies to the domestic sugar industry. We are opposed to this program for several reasons.

1. We believe it is unfair to competing products, specifically corn sweeteners. In 1976, nearly $500 million of corn was used for various corn sweetners. Much of the corn was produced in Illinois where several of the largest corn sweetner processors are located.

2. The proposed subsidy program for sugar will do nothing to solve the long-term problems of the domestic sugar industry. In fact, the program will likely delay adjustments needed in domestic sugar production and aggrevate our problems with sugar in the international market.

3. The proposed program will be expensive, an estimated $240,000,000 and will benefit only the very few producers who grow sugar beets or cane. At a time when every effort is being made to control inflation and limit government spending. This proposal is extremely counter-productive.

In the next few days, the House will be considering the U.S.D.A. appropriation bill. At that time, we understand an amendment will be offered to eliminate subsidy payments to domestic cane and beet processors who in turn would make payments to producers. We urge you to support the amendment to eliminate the sugar subsidy payments.

Sincerely,

HAROLD B. STEELE,
President, Illinois Farm Bureau.

WHITEWATER, PERMIT ALLOCATION

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. WIRTH. Mr. Speaker, today I am introducing House Concurrent Resolution 181. The bill calls for the reevaluation of the permit allocation system for whitewater, river rafting on the wild and scenic rivers of this country.

The permit system was originally designed to protect and preserve the wilderness surrounding these rivers. The system, set up by the National Park Service and the Forest Service, limits the number of permits that are available for each river. Commercial concessionaires receive the same number of permits each year based on the number of customers they carried in an arbitrary base year, In some areas of the country, concessionaires receive up to 92 percent of the available permits, leaving few for private parties who wish to use the rivers. That means for example that a local Scout troop often cannot get a permit to run the Green River. Private parties must plan their trips very early in the year so they can enter a lottery for the few remaining permits.

In addition, concessionaires, who usually receive the same number of permits each year, are effectively removed from the free market system. New outfitters have difficulty entering the business. In sum, the permit system as currently administered creates a monopoly situation.

The problems associated with permit allocation are not related to Colorado alone. It is clearly a national issue and I am pleased to see that the resolution has received broad support.

The final decision to change the permit allocation system must be made by the Secretary of Agriculture and the Secretary of the Interior. This bill registers the dissatisfaction many feel with the current system, and I hope the respective Secretaries will take note of the congressional sentiments on the issue.

THE WASHINGTON POST WARNS PRESIDENT ON AFRICAN POLICY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. BAUMAN. Mr. Speaker, today's Washington Post includes a lead editorial which underscores the serious questions raised by the radical policies of the Carter administration regarding Africa, and South Africa in particular. If we are ever to bring about peaceful change and democratic rights for all citizens of South Africa, the question the Post poses must be answered in more convincing policy terms than the extreme utterances of Ambassador Young.

The editorial follows:

SOWETO: A YEAR LATER

The Soweto riots removed from all but the thickest South African minds the assumption that the country's ruling white minority could somehow tough it out with its black majority without far-reaching change. But a year later, as black desperation and resistance grows, it remains a question whether the pace of the change acceptable to the governing whites is sufficient to produce a tolerably nonviolent racial accommodation. The question is central, we submit, not only to South Africans but to Americans. For American policy, as it now seems to be developing, rests on the premise that within South Africa there is insufficient motive and momentum for change and that, therefore, pressure must be applied by the United States.

How does one judge? The police banned the all-white, liberal, English-speaking Witwatersrand University from inviting white and black moderates to speak at a Soweto anniversary rally on grounds that it was "not in the best interest" for white students to act in sympathy with blacks. Meanwhile, the all-white, conservative, Afrikaans-speaking Stellenbosch University has decided to admit its first black students.

The basic legal structure of white domination is untouched, but the business community is moving against some aspects of economic discrimination. Black leaders continue to be "banned" and black political expressions censored. But one government minister won a by-election declaring he would die for his country but not for signs in an elevator, and another proposed a political transformation bestowing rights even on urban blacks; of this extraordinary proposal the prime minister said merely that it was "not practical politics at this stage."

Gun purchases and secret exports of private funds by whites are said to be mounting. So are reports that within the innermost councils of power in white South Africa, deliberations aimed at climatic changes of power and policy are being seriously pursued.

Frankly, we do not feel we are in a position to make the judgment that meaningful of racial change is still so remote and unthinkable in South Africa that the United States must threaten Pretoria with punitive political action in order to promote it. But—and here is our main anxiety—we are not convinced that the Carter administration is in such a position either. To express the moral aspirations of Americans for racial justice, to demonstrate to other Africans that the United States abhors racism: These are necessary and useful things to do. But is the United States otherwise contributing to a solution in South Africa, or merely increasing polarization and gratuitiously raising expectations there? Perhaps some better idea of the answer to that question will emerge from a comprehensive statement of the administration's African policy, which is said to be in preparation. We hope so, for a clear and cogent explanation of exactly what the President is up to in Africa, in general, and in South Africa, in particular, is overdue.

REGIONAL TREND IN DEFENSE SPENDING

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. EDGAR. Mr. Speaker, as we know, this year's military construction budget is reduced from prior year levels for a very good reason. The President is in the process of reviewing long-range military basing plans and base utilization, and has requested that construction in fiscal year 1978 be limited to those projects which must be done before this long-range study is completed. This is only prudent.

A review of the appropriation bill before us reveals that it reflects the trend of recent times of moving Federal defense spending away from the older industrialized areas of our country. The relative economic decline of those areas has paralleled this movement of Federal dollars. I strongly urge the President, as he conducts his review of long-range military basing plans, to consider the major role Federal spending plays in the health of regional economies, as well as the need, from a national security standpoint, to disperse military installations widely throughout the country. I sincerely hope that the study now underway addresses in a substantial way these two issues, and that the plan which results from the findings begins the process of bringing more equity to the regional distribution of military construction and procurement.

A recent study done for the Governor of Pennsylvania, entitled "Defense Employment and Military Installations in Pennsylvania," documents the trend to which I refer. I would like to submit the report and the Governor's transmittal letter for the RECORD:

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, Pa., June 15, 1977.

Hon. ROBERT W. EDGAR,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE EDGAR: I am writing to you on a matter of fundamental importance to the economic well-being of Pennsylvania and the Northeast. Our state and region are not receiving their fair share of the economic benefits from defense spending. I have asked my Adjutant General, Major General Nicholas P. Kafkalas, to present to you a report entitled, "Defense Employ-

ment and Military Installations in Pennsylvania," prepared by our Office of State Planning and Development.

This report documents the fact that we are shortchanged by present defense employment and procurement policies. Pennsylvania has 5.5% of the national population, but only 2.7% of all stateside military and civilian Department of Defense (DoD) employees. In 1975, 63,306 DoD employees were stationed in Pennsylvania. But if that number had been based on the state's share of the national population, Pennsylvania would have had 66,330 more defense jobs.

This imbalance in the distribution of DoD personnel, which results in Pennsylvania being seriously under-represented, caused a "loss" in 1975 of about $866,140,000 in military and civilian payrolls. This DoD payroll "loss" is about equal to the total salaries and wages paid from the General Fund of the Commonwealth of Pennsylvania during the same year.

This imbalance applies not only in Pennsylvania but across the entire Northeast. Only 8.8% of DoD employees are in the eight Northeastern states which have 22.8% of the national population.

Defense personnel cutbacks have been more severe in Pennsylvania than in the nation as a whole. From 1965 to 1975, defense employment declined by 22.8% in Pennsylvania, but by only 8.8% in the nation.

About half the national cutbacks in stateside defense employment from 1965 to 1975 occurred in the Northeast. During that period, the total national decline was 226,000 and the Northeast lost 107,000 jobs. Pennsylvania alone lost almost 17,000 jobs.

This declining trend has continued since 1975, the most recent year for which complete DoD data are available. The closing of Frankford Arsenal and the U.S. Army Electronics Command, both in Philadelphia, are nearly complete. These two installations employed about 5,000 in 1975. Those jobs are now gone. With continuing declines at the Philadelphia Navy Yard and threatened cutbacks at Indiantown Gap and the New Cumberland Army Depot, another 7,000 jobs are in jeopardy.

I want to emphasize that these declines cannot be blamed on general defense cutbacks or on withdrawal from Vietnam. During and following the Vietnam War, the share of stateside DoD personnel stationed in Pennsylvania has consistently declined.

Nor can these declines be blamed on population migration to the South and West. The share of the total U.S. population in the Northeast dropped from 24.2% in 1965 to 22.8% in 1975, but military and civilian DoD employment dropped from 12.2% to 8.8% during the same period.

Pennsylvania doesn't get its share of jobs from defense contracting either. In 1973, Pennsylvania was the home of only 3.3% of the total national payroll for defense contracts. A share based on population would have increased defense contract payrolls in the state by $5.6 million for 1973 alone.

Low levels of direct-defense spending cause job losses in other industries and severe economic repercussions. The total difference between actual 1975 DoD spending in Pennsylvania and a share based on population amounts to a "loss" to the state's economy of $2.6 billion. This gap is about equal to total statewide county, municipal and school district tax revenues in 1975.

Every state should receive a fair share of the economic benefits of defense spending. And no state should be forced to absorb an unfair share of defense personenl cutbacks. But the facts prove a consistent pattern of short-changing Pennsylvania and other Northeastern states.

While the closing or cutback of any single installation is understandable for reasons of obsolescence, budgetary constraints, need for consolidation, or inability to expand, these reasons cannot explain a consistent pattern of across-the-board cutbacks in an entire region. Furthermore, it is desirable for strategic reasons to maintain an adequate DoD military and civilian presence in the Northeast. Defense experts frequently cite the importance of the Northeast as a location for cold-weather training and for defense missions related to Europe and the North Atlantic. The continuing DoD decline in Pennsylvania and the Northeast appears to be in conflict with both economic and military goals.

A fair share of federal spending is vital to the economic health of our state and region. As the representative of our state in Congress, I urge you to continue your efforts and in firm partnership with the Commonwealth in seeking a more equitable distribution of defense jobs and spending.

I am determined to leave no stone unturned in our efforts to obtain our fair share of defense jobs. If space to expand is needed, I will do everything possible to help acquire it. If Pennsylvania businessmen need assistance to obtain job-producing defense contracts, I will ask all agencies of the state government to work toward that goal.

This problem cannot be solved overnight, but we must now double our efforts. I stand ready to provide every possible assistance as you work within Congress and with the Department of Defense to obtain a fair share of defense employment contracts.

Sincerely,

MILTON J. SHAPP,
Governor.

DEFENSE EMPLOYMENT AND MILITARY INSTALLATIONS IN PENNSYLVANIA

BACKGROUND

Defense spending is the largest sector of federal spending, and the Department of Defense (DoD) is the largest federal employer. In fact, DoD is the largest employer in the nation with 2.4 million employes in the 50 states in 1975. DoD is supported by federal tax revenues raised in all states, but defense spending is unequally distributed among the states. This contributes to severe economic imbalances between the Northeast and the Sunbelt.

DEFENSE PERSONNEL IN PENNSYLVANIA

In 1975 Pennsylvania was the location of only 2.7 percent of the total stateside DoD military and civilian personnel, although Pennsylvania had 5.5 percent of the national population. The problem does not end at the Pennsylvania state line, however. The eight northeastern states belonging to the Coalition of Northeastern Governors (CONEG: Connecticut, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont) had only 8.8 percent of total stateside DoD personnel in 1975, although these same eight states had 22.8 percent of the national population. Thus, 91.2 percent of total stateside DoD employees are located outside the Northeast.

A state-by-state survey illustrates that each northeastern CONEG state is underrepresented in the number of DoD military and civilian personnel compared to population. Table I shows this imbalance for each CONEG state.

If DoD military and civilian employees were distributed evenly throughout the states according to population, some 66,300 more DoD personnel would be located in Pennsylvania. In other words, the 63,306 DoD personnel in Pennsylvania in 1975 is less than half of the state's share based on population.

For eight northeastern CONEG states a distribution of defense personnel based on population would have added about 331,000 military and civilian jobs in 1975. In other words, the eight CONEG states had only about 40 percent of their share of DoD employment based on population.

TABLE I.—PERCENT OF DEFENSE PERSONNEL COMPARED WITH PERCENT OF POPULATION: CONEG, 1975

State	Number of defense personnel located in State	Percent of total defense personnel	Percent of U.S. population
Connecticut	8,350	0.4	1.5
Maine	7,709	.3	.5
Massachusetts	22,716	1.0	2.7
New Jersey	50,234	2.1	3.4
New York	44,395	1.9	8.5
Pennsylvania	63,306	2.7	5.5
Rhode Island	8,864	.4	.4
Vermont	702	(1)	.2
Total, CONEG	206,276	8.8	22.8
Total, Sun Belt[2]	1,325,832	56.3	36.3
Total, United States	2,356,014	100.0	100.0

[1] Less than 0.05 percent.
[2] Sun Belt States are defined as Alabama, Arizona, Arkansas, California, Florida Georgia, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Texas, and Virginia.

TRENDS IN DEFENSE PERSONNEL AND MILITARY INSTALLATIONS

Since 1965 the number of military personnel and DoD employed civilians has been steadily declining in Pennsylvania, from 81,975 in 1965 to 80,077 in 1970 to 63,306 in 1975. Pennsylvania's share of total stateside military and civilian defense employment has dropped from 3.2 percent in 1965 to 2.9 percent in 1970 in 1970 to 2.7 percent in 1975.

In Pennsylvania from 1965 to 1975, military personnel dropped from 15,593 to 9,048 and civilian employment dropped from 66,382 to 54,258, for a total loss of 18,669 jobs. During this period Pennsylvania lost 5,335 Army jobs, 2,601 Navy jobs and 11,506 Air Force jobs.

Again this pattern is not unique to Pennsylvania; it applies throughout the Northeast. Table II illustrates the 1965 to 1975 trends in the eight CONEG states.

TABLE II.—TREND IN DEFENSE PERSONNEL IN THE NORTHEAST 1965–75

State	Percent of total U.S. defense personnel, 1965	Percent of total U.S. defense personnel, 1975	Percent of change
Connecticut	0.3	0.4	+22.3
Maine	.5	.3	−44.7
Massachusetts	2.1	1.0	−57.3
New Jersey	2.4	2.1	−18.9
New York	3.1	1.9	−44.3
Pennsylvania	3.2	2.7	−22.8
Rhode Island	.6	.4	−42.3
Vermont	(1)	(1)	
Total, CONEG	12.2	8.8	−34.2
Total, United States	100.0	100.0	−8.8

[1] Less than 0.05 percent.

Note that while total stateside DoD personnel declined from 1965 to 1975 by only 8.8 percent, Pennsylvania's decline was 22.8 percent and the northeastern CONEG states dropped 34.2 percent. Already underrepresented in DoD employees as a share of the national total in 1965, Pennsylvania and other northeastern states were forced to suffer a disproportionately large share of defense employment cutbacks. The eight CONEG states had 12.2 percent of stateside DoD personnel in 1965; by 1975, that share had shrunk to only 8.8 percent. But other regions were not asked to absorb a fair share of defense cutbacks: the percentage of stateside DoD employees in the Sunbelt states actually increased from 54.7 percent in 1965 to 56.3 percent in 1975, and for the balance of the nation the percentage increased from 33.1 percent to 34.9 percent.

About half the national cutbacks in U.S. defense personnel from 1965 to 1975 occurred in the Northeast. Total U.S. decline was about 226,000; the eight CONEG states lost about 107,000 jobs.

Although 1975 is the latest year for which complete Department of Defense data are available on its own employment by state, the declining trend in Pennsylvania has continued during the past two years. The closing of Frankford Arsenal and the U.S. Army Electronics Command, both in Philadelphia, are nearly complete. These two installations employed about 5,000 in 1975. Those jobs are now gone. With continuing declines at the Philadelphia Navy Yard and threatened cutbacks at Indiantown Gap and the New Cumberland Army Depot, another 7,000 jobs are in jeopardy.

DoD's future plans can be discerned, to a substantial degree, by the location of planned military construction. Construction includes not only outlays for new installations, but funds to upgrade existing bases. The available evidence suggests further disproportionate declines in the Northeast. DoD budget request for military construction in the northeast in FY 1976 was only $54 million, and for FY 1977 was down to $47 million. By contrast, the same amounts for the twelve southwestern states were $800 million for FY 1976 and $941 million for FY 1977.

The data clearly demonstrate that losses of DoD employment in Pennsylvania and the Northeast cannot be blamed on general defense cutbacks or withdrawal from Vietnam. During and following the Vietnam War, the share of DoD personnel stationed in the 50 states has consistently declined in Pennsylvania and the Northeast as a whole. A disproportionate number of job losses have occurred in Pennsylvania and its northeastern neighbors.

The decline in DoD employment cannot be attributed to population migration to the South and West. The percentage of the total U.S. population in the eight northeastern CONEG states dropped from 24.2 percent in 1965 to 22.8 percent in 1975, but military and civilian employment dropped from 12.2 percent to 8.8 percent during the same period.

The Department of Defense has been reducing an already disproportionately low share of its employees in Pennsylvania and the Northeast. While the closing or cutback of any single installation is understandable for reasons of obsolescence, budgetary constraints, need for consolidation, or inability to expand, these reasons cannot explain a consistent pattern of across-the-board cutbacks in an entire region. Furthermore, it would appear to be desirable for strategic reasons to maintain an adequate DoD military and civilian presence in the Northeast. Defense experts frequently cite the importance of the Northeast as a location for cold-weather training and for defense missions related to Europe and the North Atlantic. The continuing DoD decline in the Northeast appears to be in conflict with both economic and military goals.

DEFENSE PAYROLLS IN PENNSYLVANIA

The defense personnel data presented above show how Pennsylvania and the Northeast are under-represented in Department of Defense military and civilian jobs. A review of the payrolls resulting from these DoD jobs illustrates the magnitude of this under-representation.

The following table illustrates the difference between actual FY 1975 DoD payrolls in Pennsylvania and FY 1975 payrolls if Pennsylvania had maintained its 1965 share of the national total. Table III also shows what FY 1975 payrolls would be if Pennsylvania had had the same share of DoD payrolls that it has of the national population.

TABLE III.—ACTUAL FISCAL YEAR 1975 DOD PAYROLLS IN PENNSYLVANIA COMPARED TO 1965 SHARE AND POPULATION-BASED SHARE

[In thousands of dollars]

	Fiscal year 1975 actual	Fiscal year 1975 payroll based on 1965 share	Difference	Fiscal year 1975 payroll based on population share	Difference
Total DOD payroll in Pennsylvania	827,260	976,977	149,717	1,693,400	866,140

If Pennsylvania had maintained in 1975 the same share of DoD payrolls that it had in 1965, the DoD payrolls in Pennsylvania in 1975 would have been $976,977 thousand. In other words, if DoD personnel in Pennsylvania had been reduced from 1965 to 1975 at the national average rate of only 8.8 percent, instead of the actual decline of 22.8 percent, the DoD payrolls in Pennsylvania in 1975 would have been $149,717 greater than it actually was.

If Pennsylvania had the same share of DoD personnel and payrolls in 1975 as the state had of the national population, the 1975 DoD payroll in Pennsylvania would have been $1,693,400 thousand for 129,581 employees. The actual 1975 DoD payroll in Pennsylvania was $866,140 thousand less because of the disproportionately small share of DoD personnel in Pennsylvania.

This DoD payroll "loss" is about equal to the total salaries and wages paid from the General Fund of the Commonwealth of Pennsylvania during the same year.

SECONDARY ECONOMIC IMPACTS

The data presented above address only numbers of DoD jobs and dollar amounts of direct DoD payrolls. Additionally, military facilities spend other sums locally and defense employees contribute to area economies. Some rough estimates of these secondary economic impacts can be made.

Each military base spends federal money within the state for purchase of equipment and supplies, utilities, fuels, construction and services. No reliable DoD data exists to measure this total, but extrapolation from a Harrisburg Area Chamber of Commerce study of the New Cumberland Army Depot would provide a rough estimate of local spending by all bases in Pennsylvania of $300 to 400 million annually.

The 63.3 thousand DoD employees in Pennsylvania spend much of their income in the state for goods and services, which in turn creates and supports other jobs. Conservative estimates are that direct DoD employment accounts for at least another 40,000 jobs in the state.

DoD employees also pay state and local taxes in Pennsylvania; these taxes contribute at least $40 million annually to the state and a similar amount to local governments and school districts.

Clearly, the existing under-representation of DoD employment in Pennsylvania results in the state's receiving a disproportionately low share of the national economic benefits accruing from defense jobs. Any further reduction in DoD employment in Pennsylvania would magnify these economic imbalances.

DEFENSE PROCUREMENT IN PENNSYLVANIA

Much defense work is done not by direct DoD employees, but by contractors in private industry. The employment payrolls resulting from DoD procurement by contract is inequitably distributed in a pattern that resembles the direct DoD employment imbalances. Table IV illustrates that both Pennsylvania and the northeastern CONEG states had less than their share of payrolls from military procurement, and that the already low share is declining.

These data do not show the precise pattern, because the payroll amounts are shown only by the headquarters of the prime contractor. For example, the prime contractor may be headquartered in Pittsburgh and therefore included in the Pennsylvania data, but he may perform the contracted work and meet his payroll in Alabama, or he may subcontract the work to a firm in California.

Nevertheless, these figures do illustrate serious imbalances in this sector of DoD spending, which totalled about $26.6 billion in annual payrolls in 1975. Thus, Pennsylvania received an annual payroll for DoD procurement in 1973 of $784 million, but a share based on population would have been $1,300 million. This net disadvantage to Pennsylvania's economy was about $516 million in annual payroll in 1973 alone.

TABLE IV.—DISTRIBUTION OF DEFENSE PAYROLLS FOR PRIME CONTRACT AWARDS: 1967–73

[Dollar amounts in millions]

State	1967 Annual payroll for contracts	1967 Percent of U.S. total	1973 Annual payroll for contracts	1973 Percent of U.S. total
Connecticut	$52	0.3	$74	0.3
Maine	74	.4	74	.3
Massachusetts	332	1.9	362	1.5
New Jersey	470	2.7	569	2.4
New York	481	2.8	464	2.0
Pennsylvania	605	3.5	784	3.3
Rhode Island	115	.7	203	.9
Vermont	2	(1)	8	(1)
Total, CONEG	2,131	12.3	2,538	10.8
Total, United States	17,394	100.0	23,592	100.0

[1] Less than 0.05 percent.

Strong business incentives exist for defense industry firms to be located near military installations which they serve. The shift of military bases and DoD employees out of Pennsylvania and the Northeast encourages area defense firms to pull out and relocate elsewhere. Working together, the dual imbalance in DoD employment and DoD procurement contracting places the economies of Pennsylvania and other northeastern states at a disadvantage relative to other states and regions.

CONCLUSION

Pennsylvania in particular and the Northeast in general has a disproportionately low share of defense outlays relative to the share of the nation's population in the state and in the region. Table V illustrates the scope of this imbalance.

These rough estimates show that actual 1975 defense-related outlays in Pennsylvania totalled about $3,016 million. If Pennsylvania had the same share of military and civilian DoD employees and defense procurement employment as it has of the national population, the 1975 defense-related outlays in the state would have been about 5,668 million.

TABLE V.—DEFENSE-RELATED OUTLAYS IN PENNSYLVANIA IN 1975: ACTUAL, SHARE BASED ON POPULATION AND DIFFERENCE

[In millions of dollars]

	Actual	Share based on population	Difference
Military personnel payroll	$99	$239	$140
DOD civilian personnel payroll	728	1,454	726
Total DOD personnel payroll	827	1,693	866

	Actual	Share based on population	Difference
Local spending by military bases	$350	$710	$360
Secondary employment payrolls	500	1,020	520
State and local taxes of DOD employes	80	165	85
DOD contract procurement payrolls [1]	784	1,300	516
Secondary payrolls from procurement [1]	475	780	305
Total	3,016	5,668	2,652

[1] 1973 data. 1975 actual and population share would be slightly higher.

The disproportionately low level of defense activity in Pennsylvania resulted in a 1975 "loss" of $2,652 million to the state's economy. This $2.6 billion gap resulting from defense spending imbalances is roughly equivalent to half of the total state government budget for the Commonwealth in 1975, and it is about equal to total statewide county, municipal and school district tax revenues in the same year.

This imbalance in defense spending causes a severe flow of money and jobs out of the economy of Pennsylvania. Receiving a share of defense spending equal to the state's share of the national population would give Pennsylvania's economy a $2.6 billion annual "shot-in-the-arm."

JOINT HEARING BEFORE THE SUBCOMMITTEE ON CRIME OF THE HOUSE COMMITTEE ON THE JUDICIARY AND THE DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION SUBCOMMITTEE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY ON THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. CONYERS. Mr. Speaker, I am pleased to announce that the Subcommittee on Crime, which I chair, of the House Committee on the Judiciary and the Domestic and International Scientific Planning, Analysis and Cooperation Subcommittee, chaired by Congressman JAMES H. SCHEUER, of the House Committee on Science and Technology will hold joint hearings on the issues related to the National Institute of Law Enforcement Assistance Administration.

The first hearing will be conducted on June 22, 1977, in room 2237, Rayburn House Office Building at 9 a.m. Later hearings on June 23, 29, 30 and July 13 will convene in room 2141 of the Rayburn House Office Building at 9 a.m. These hearings will be extensive and will examine what the Federal role is and should be in criminal justice and crime research. To that, practitioners, researchers, contractors, directors of other Federal research facilities, former directors of the Institute, and representatives of the Justice Department and LEAA will present testimony. Witness lists are available at each of the subcommittee offices.

Those wishing to testify or submit a statement for the record should address their requests to the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, 2319 Rayburn House Office Building, Washington, D.C. 20515.

AGENCY FOR CONSUMER PROTECTION AND SMALL BUSINESS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. KOSTMAYER. Mr. Speaker, because there is so much controversy over H.R. 6805, the bill to create an Agency for Consumer Protection, and since there have been charges that such an Agency would be "antismall business," in large part because of potential abuse of the interrogatory authority, I would like to share with my colleagues a recent letter from A. Vernon Weaver, Administrator of the Small Business Administration:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., June 9, 1977.

Hon. PETER H. KOSTMAYER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOSTMAYER: Since Congress will soon consider S. 1262 and H.R. 6805, legislation to create an Agency for Consumer Protection, I want to take this opportunity to call to your attention the Small Business Administration's support for this important consumer measure.

When the concept of an advocacy agency was first proposed eight years ago, there was concern that the agency's information-gathering powers could impose an undue burden on the resources of small businesses. However, in recent years the bills have been altered in both the House and Senate to accommodate this concern. Small businesses are now exempt from the interrogatory authority of the consumer agency in both the House and Senate bills.

In addition, section 17 of S. 1262, as reported, directs SBA to provide small business with information concerning ACP procedures and activities of other agencies related to ACP. It further provides that ACP is to seek the views of small business in establishing its priorities and to give due consideration to the unique problems of small businesses so as not to discriminate or cause unnecessary hardship. Under an amendment recently adopted by the Senate Government Affairs Committee, this section also provides that ACP's Administrator must notify SBA prior to intervening in a proceeding which is likely to have a substantial impact on small business.

These provisions, added to the bills over the long course of legislative consideration, reflect the sensitivity to small business which SBA considers essential. With the provisions discussed above, SBA supports enactment of S. 1262 and H.R. 6805, consistent with the President's position on this matter.

Sincerely,

A. VERNON WEAVER,
Administrator.

The information-gathering powers of the CPA could have been a burden to small businesses, but as Mr. Weaver points out, the bill exempts small businesses from these powers. This exemption applies to firms having less than $5 million in assets or fewer than 25 employees, criteria which applies to 95 percent of all businesses.

I urge my colleagues to consider these facts before being overwhelmed by large volumes of mail from small businesses claiming they will be overwhelmed by the Agency's interrogatories.

KEMP SALUTES WEST SENECA EAST STUDENTS WHO TAME THE WIND AND BRING HONOR TO WESTERN NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. KEMP. Mr. Speaker, while we in Congress consider and debate legislation which we believe will encourage the development and production of more energy for our Nation, there are innovative minds and hands working on concepts that promise an improved quality of life for future generations.

In western New York, we are fortunate to have resources which can hasten that improvement.

Our large variety of natural resources include consistent wind power on the shore of Lake Erie. On a daily average, the wind speed at the shore is 12.3 miles an hour, even greater than the 10.4 miles an hour for Chicago, the "Windy City."

And while there still lingers this past winter's image of a snow-blanketed landscape, we enjoy more summer sunshine in the Buffalo area than in any other section of New York State.

But by far our greatest resource in the field of energy is our youth, exemplified by the students of West Seneca East High School.

Last week, in competition with engineering underclassmen from 79 colleges, a group of West Seneca East students won first prize for the design of a combined wind and solar system at the student competition on relevant engineering—SCORE—in Richland, Wash.

Mr. Speaker, I am proud to represent these young leaders and to commend them, their teacher, David Gierke, and their principal, Daniel P. Mazuchowski, to your attention.

I would like to add two stories from last Friday's edition of the Buffalo Courier-Express concerning their achievement and our community's reaction to the honor they have brought all of us:

WEST SENECA EAST TEAM BLOWS OVER COMPETITION

(By Patrick J. Ryan)

West Seneca's high-powered high school students will return home in triumph tonight, having tamed the wind that tried to conquer them.

The group of West Seneca East High School students and their teacher, David Gierke, are scheduled to arrive in Buffalo at 10:21 tonight aboard a United Airlines flight carrying with them the first place prize they wrested from 79 engineering colleges.

The group, the only high school team invited to participate in the competition, was awarded the first place prize for design of combined wind and solar power systems at

the Student Competition on Relevant Engineering (SCORE) held in Richland, Wash., early Thursday morning, local time.

EFFORTS PAY OFF

The two-year effort by the team paid off Saturday night, as the competition was getting under way, when high winds hit the area and destroyed several of the wind-powered generators that had been entered.

"They didn't tell me just how high the winds got, but it must have been pretty bad," West Seneca East Principal Daniel P. Mazuchowski said. "One of the entries went out of control and they had to move people back a quarter mile."

When the winds subsided, Gierke told Mazuchowski in a phone conversation, only the West Seneca entry was still operating, putting out electricity by harnessing the wind that had destroyed the other entries.

That was the second brush with the wind the team weathered successfully. A gust of wind toppled the truck that was carrying the equipment to Washington, damaging the group's solar collector.

RAN OUT OF MONEY

Since they had already borrowed about $1,000 to participate in the competition and had no more funds available, the group had feared they would be out of the program by default.

However, thanks to a story in The Courier-Express and the efforts of the WGR-Radio disc jockey Stan Roberts, the group received enough contributions to make the repairs and even pay off their debt.

The group will return home tonight, bearing the only prize that came with their first place award, a plaque. They will be met by their families and several busloads of students.

"As far as I know the award gives them nothing but the plaque and the recognition," Mazuchowski said. "And I guess a fair amount of justifiable pride."

They will be officially honored in a reception at the school at 2 Monday afternoon.

LAWMAKERS INVITE STUDENTS TO DEMONSTRATE ENERGY PROJECT

West Seneca East Senior High School students who Wednesday won the top national award for their alternate energy demonstration were invited Thursday to demonstrate their project for the Erie County Legislature's Economic Development Committee.

Legislature Chairman Raymond F. Gallagher, D-Lackawanna, asked for the demonstration in a letter he sent to C. David Gierke, faculty adviser for the high school students who outclassed colleges and universities in the national contest held at Richland, Wash.

Gallagher said in his letter that the student presentation could be "most beneficial" in helping the economic development committee come to grips with a plan for county-wide energy policy that will likely include alternate forms of energy such as windmills and solar panels.

DISCUSSED POLICY

The economic development committee wrestled with an energy policy earlier on Thursday, but without any decision, save one to delay.

The committee, chaired by Daniel J. Ward, D-Williamsville, voted 3-2 along party lines to put off a decision on County Executive Edward V. Regan's request that he be allowed to hire a $10,000 consultant to help formulate an energy policy this summer.

Ward and the other Democrats, Leonard R. Lenihan of Tonawanda and Michael Fitzpatrick of Buffalo, raised objections to hiring any consultant without first determining for themselves that the county did not have employees or volunteers who could perform the task of making energy policy suggestions.

NO PLACE FOR AMATEURS

Republicans Walter Floss Jr. of Amherst and Norman J. Wolf Jr. of Lancaster argued that in matters such as this "professionals" should be retained to help guide the county. "You want amateurs to tell professionals what to do," Floss charged the Democrats.

Floss said because the county could set out to implement a policy it needed a course to follow. Such course to be provided by the alternatives and suggestions of the proposed consultant. "When I get in my boat, I chart my course and know where I'm going before I sail," Floss said.

LOBBYING: THE WRONG REMEDY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. STARK. Mr. Speaker, I would like to submit for the RECORD an Op-Ed piece from today's New York Times written by my friend and colleague DON EDWARDS, in which he vividly describes the threats to our civil liberties contained in lobby legislation the House and Senate will soon consider.

Mr. EDWARDS' arguments are thoughtful and persuasive and merit our careful attention. I commend them to the attention of my colleagues:

LOBBYING: THE WRONG REMEDY

(By Don Edwards)

WASHINGTON.—Let's assume that a group of seven people decides to form the Peekskill Bird Watchers Society. During consideration of a bill in Congress to create a wildlife refuge in Westchester County, the society asks a (hypothetical) Miss Joan Smith, a retired librarian, to coordinate the group's efforts to help pass the bill. To cover her expenses the society decides to pay her $25 per week. So Miss Smith writes a series of letters in support of the refuge to members of Congress and phones 15 Congressional offices. For a period of four weeks this consumes 75 percent of her working time. Under legislation currently being considered in both houses of Congress, the Peekskill Bird Watchers Society is now a lobbying organization, and Miss Smith must register as a lobbyist and file quarterly reports, all under threat of criminal penalty.

A law like this one would, of course, effectively put out of business the Peekskill Bird Watchers Society and thousands of other grassroots, neighborhood lobbying groups who want to exercise their constitutionally guaranteed right "to petition the government for redress of grievances." Why would any local group take the risk of organizing a modest campaign in favor of a bill if the activities might bring the United States Attorney?

There is a real danger that a law similar to what I have described will be enacted soon. In 1976, both the Senate and House of Representatives passed lobbying bills which, if either had become law, would have seriously endangered volunteer and neighborhood lobbying. Fortunately, Congress adjourned before agreement could be reached.

The new proposal would deal a lethal blow to another cherished American right—the right to contribute money to a movement or organization, and not have your name made public. The bills I am concerned about pro vide just that—disclosing the names of large contributors to organizations that may occasionally lobby in Congress.

But what about your right to quietly support unpopular causes? One can imagine the effect such a provision would have on a civil libertarian wishing to contribute to Gay Rights Coalition, or on people in business wishing to give to a cause that may horrify their bankers, customers, or bosses.

The legislation would threaten another important freedom, ,the right of organizations to ask others to support or not support Federal legislation.

James Madison, Alexander Hamilton and John Jay engaged in grassroots lobbying in their efforts to tip the political scales in favor of the ratification of the Constitution. Their anonymous requests were later combined under the title "The Federalist." More recently, lobby solicitation campaigns helped carry the great drives to pass the civil rights acts of the 1960's and organize the massive antiwar demonstrations of 1969 and 1971.

Yet the legislation I oppose would require groups exercising this right of solicitation to disclose and register their political literature under threat of criminal sanctions.

We Californians know sometime about the perils of ill-considered lobbying laws. In 1974, California voters adopted Proposition Nine, which requires registration and reporting for a wide range of contracts with the state government.

Although some claim that the law has cleaned up politics in Sacramento, the most recent analysis, by Arthur Lipow, director of the political reform project of the Center for Ethics and Social Policy in Berkeley, Calif., finds that "the greatest burden of the law has fallen on the groups who were most adament in their support of the law—the so-called 'public interest' lobbyists and the representatives of the various nonprofit charitable groups."

Indeed, one of Sacramento's professional lobbyists, Allen Tibbetts, summed it up as follows: "The greatest irony of all is that the 'endangered species' is not the lobbyists per se, but the so-called 'good guy' lobbyists, the ones without the bankroll."

The country needs an effective lobby law, one that addresses the evils we have learned about—free trips, liquor, hunting lodges, gifts, lavish entertaining and the like. And legislation should be carefully drawn to correct these evils.

But many of the bills under consideration now, as well as those approved last year in both houses, are ill-considered and a grave threat to an important constitutional right.

LITHUANIAN INDEPENDENCE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. YATRON. Mr. Speaker, the long history of man's struggle for liberty provides few events of such tragic magnitude as the loss of Lithuanian independence to the Soviet Union. On June 15, 1940, the policy of terror and repression instituted by Stalin was extended to this Baltic Republic. The significant coincidence of the 37th anniversary of the loss of Lithuanian freedom. and the beginning of the Belgrade review of the 1975 Helsinki accords, must serve to remind the citizens of America and the entire world of the need to reaffirm the commitment to the rights of all Lithuanians.

Soviet repression in Lithuania has been consistent and harsh. Human rights, the long-standing concern of America since

its founding, have been violated in nuerous ways, and these violations are continuing. It is essential that Congress, as the representative body for the world's largest democracy, insure that these vital issues are brought to the fore of the Belgrade review. Through international recognition and understanding, progress can be made toward this most desirable goal.

It is of particular importance that this debate take place in an atmosphere of sincere concern and support, rather than one of mutual recrimination. The Lithuanian people, both inside and outside their country, have always stressed the most positive aspects of their cultural and political heritage. It is in this spirit that we must work with the Lithuanians, providing the support that reflects our own principles. Through every means available to the resourceful fighters independence they have continued to make us aware of their situation. In our quest for international peace and cooperation, this cannot go unnoticed.

BISHOP JOHN NEUMANN

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. MOTTL. Mr. Speaker, yesterday in Vatican City the United States and all Americans received a great honor. At an outdoor Mass celebrated before 25,000 people in St. Peter's Square, Pope Paul VI canonized America's first male saint, Bishop John Nepomucene Neumann of Philadelphia.

Like countless other great Americans, Bishop Neumann was not born in the United States, but emigrated here from Europe in the 19th century. Bishop Neumann was born in Bohemia, the predecessor of Czechoslovakia, in 1811. In 1836 he arrived in America and worked among his fellow immigrants. At the age of 41 he was made Bishop of Philadelphia, a post he held until his death in 1860.

Bishop Neumann is primarily known for his work in Catholic education in the United States. As Bishop of Philadelphia, he played a major role in the establishment of the Catholic parochial school system in the United States. He built 40 schools, increasing enrollment from 900 to 9,000 students. He encouraged at least 10 religious communities of women to staff Philadelphia diocesan schools, manage orphan homes, and engage in nursing. The poor were especially close to Bishop Neumann's heart, as he habitually gave most of his money, food, and clothing to the indigent.

As an American also of Czechoslovak descent, I feel particularly honored at the tribute that has been awarded this great American Catholic. Bishop John Neumann will stand as a shining example of the contributions immigrants have made to our great country's heritage.

THE CARTER ADMINISTRATION: TRAPPED INTO HYPOCRISY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. BAUMAN. Mr. Speaker, all those truly concerned about freedom of information and a free press in these United States should be truly appalled at the Carter administration decision to close down the Rhodesian Information Office located here in Washington. There is no question that democratic rule will come to Rhodesia, and it should. The question is whether it will be by way of violence and bloodshed or by the path of negotiations supplemented by the free exchange of ideas.

William Randolph Hearst, editor-in-chief of the Hearst newspapers has written a perceptive statement of the case against the Carter decision and hopefully his persuasive argument will be heard in the White House where human rights have been proclaimed to be official policy.

The article follows:

TRAPPED INTO HYPOCRISY

(By William Randolph Hearst, Jr.)

NEW YORK.—Even as the Carter administration steps up its efforts to embrace the Communist and atheist government of Cuba and moves ahead with friendlier dealings with the atheist and Marxist dictatorship in Vietnam, it may come as news to many Americans that our policy in Africa is taking the form of increased efforts to crush and silence the anti-Communist Christian white minority in Rhodesia.

The statement of UN Ambassador Andrew Young that he does not fear communism as much as he does "racism"—something he ascribes to widening numbers of white leaders, including Abraham Lincoln—has apparently pervaded the high councils of the Carter White House until it has come to dominate African policy.

Thus it transpired that in the ebb in the flow of news over the recent three-day Memorial Day weekend a small story out of the UN, with major and serious implications, virtually escaped the notice of much of the nation's major press—although as head of editorial operations for The Hearst Newspapers, I am proud to report that alert reportage and editorial comment caused these newspapers to be among the few publications to bring this startling story to the attention of the public and officialdom in Washington.

In brief, the United States government has joined with the UN Security Council in ordering the Rhodesian government to close its Information Office in Washington by June 30, thus silencing the voice of their white minority in our nation.

On Friday, May 27, the UN Security Council voted unanimously to adopt a resolution demanding the closure of the few remaining offices of the Ian Smith government abroad. The decision is aimed mainly at the Rhodesian Information Office in Washington since similar offices in Paris and Sydney have already been closed. Since the U.S. co-sponsored the resolution the measure obviously had the backing of the Carter administration—a fact that has since been verified by both the President and by Secretary of State Cyrus Vance.

It is customary for the UN Security Council to meet at 3 p.m. Thus, when the vote was finally taken, it went out into the comparative void of the long Memorial Day weekend, and the item attracted but scant attention.

Not until the following week did some editors re-read the little story and have some second thoughts about it. Was it not, they asked, in violation of our Constitution's First Amendment which guarantees access of information and the rights of a Free Press?

By the end of this past week many others, including some prominent congressional spokesmen in Mr. Carter's own party, wondered if it was not virtually the epitome of hyprocrisy to prohibit Rhodesia from disseminating information in this country, while we allow, for instance, the Palestinian Liberation Organization, which is not a government, to maintain an information office in New York.

After all, informational services of many other countries spew forth information about wide-ranging ideologies and philosophies, in this country, and we welcome the exchange of views. Why not Rhodesia?

The most important principle here, it would seem to me, is America's traditional support of the free flow of information. It is being undermined. Fidel Castro, with whom Mr. Carter wishes to negotiate, has stated bluntly that he will never allow a free press in Cuba. Yet information about Cuba which Castro wants disseminated in the U.S. is distributed through the Cuban mission to the United Nations. Rhodesia has no such mission.

Shutting down the Rhodesian Information Office in Washington—though it results almost mechanically as a consequence of the Anglo-American pact on Rhodesia—does violence to the American tradition of freedom of speech.

In this nation, "the land of the free," which Mr. Carter is holding up as the citadel of human rights, we are supposed to believe in an open exchange of opinions, of free and open debate. We are supposed to cherish the idea that all sides of discussion, even the most unpopular or unpleasant, deserve a fair hearing.

Is this to be the American policy for everyone but Rhodesians?

An encouraging voice vote was recorded by the U.S. Senate Thursday evening taking sharp issue with President Carter over the administration's commitment to the UN to close down the Rhodesian Information Office. It should not be overlooked that the Senate is Democrat-controlled and that such a vote is a significant statement of policy. Moreover, Virginia Senator Harry F. Byrd Jr., told The Hearst Newspapers that he is "very upset" with the administration's commitment to close the Rhodesian office and that he intends to speak on the subject in the Senate Monday.

Most members of the UN Security Council do not believe in the rights and guarantees about free speech, free press, and the free access to information. Thus they experience no twinges of guilt in voting sanctions and embargoes against Rhodesia, because its white settlers—who have been there nearly a century—are in a racial minority. It is not surprising to see these nations vote as they did. What is surprising, is how easily the United States accommodated itself to the majority.

The U.S. took an even more serious, step against the Smith government in Rhodesia earlier this year when Congress repealed the Byrd Amendment which in the past six years, had specifically authorized imports of chrome and some other metals in violation of the Security Council's economic embargo. Some other nations, notably Russia and Switzerland, which had also agreed to embargo Rhodesian strategic materials, were

buying them anyway, mostly from South Africa.

It should be remembered that the Security Council first imposed selective sanctions against Rhodesia in December, 1966, one year after the white minority led by Ian Smith had proclaimed independence from Britain. Since then the Council has been gradually reinforcing the sanction system. At the time of the May 27 vote, all but the five Western delegations in the Security Council were urging total isolation of Rhodesia by cutting off rail, sea, air, postal, telegraphic, radio and other means of communications. The Western nations stopped this total sanction, at least temporarily, by voting to cut off funds for the Rhodesian Information Offices.

But let's just stick with the fundamentals. The United States is, we like to think, the most enlightened nation on Earth. We insist on the free flow of information, on the free exchange of ideas, opinions and philosophies, and on freedom of the press, for strictly selfish reasons. How else can we remain fully informed?

So aside from what this crackdown means to Rhodesia, let's consider what it means to us. It is already extremely difficult to get unbiased information from Africa, for it is filtered through the "Third World" communications system of the UN. The Rhodesian Information Office offered us alternative thoughts, and some alternatives and additional facts and figures.

The "right" that has been violated by the vote of the UN Security Council and by the Carter administration's incredible support of that vote, is not just the "right" of a foreign government to lobby in Washington.

Rather, it is the "right to know" of the American people, and to learn as much as they can about a highly-charged, highly-explosive, transcendingly-important social and economic situation that will be occupying our attention for years to come.

Whether we like Rhodesia or not, it has as much right as any other nation to present its views to Americans. Thoughtful Americans have a constitutionally-guaranteed right to listen, if they so desire.

That is the issue, nothing less.

SUPPORT HOT MEALS FOR SENIOR CITIZENS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. HAWKINS. Mr. Speaker, title VII of the Older Americans Act, establishes an elderly nutrition program which provides hot meals daily to senior citizens in a congregate meal setting. This program is of major importance to low-income elderly, many of whom depend on title VII as a major source of sustenance. Indeed, title VII specifically states that preference in awarding program grants shall be provided to projects serving a high proportion of elderly poor.

Today we have appropriated $250 million for the title VII program in fiscal 1978. While this sum is well below the amount needed to reach the vast number of poor senior citizens in our country, it will allow many of these unfortunates to participate in the program.

Because of the importance of this program to many senior citizens, particularly the elderly poor, it is critical that all of the title VII funds we are appropriating today be used in fiscal 1978, that is, be obligated and spent during this fiscal year. It is not enough that fiscal 1978 moneys be allotted to the States, or obligated by the States in fiscal 1978. These funds must be spent in fiscal 1978, and spent in such a manner that allows as many senior citizens as possible to receive the hot meals provided for by the program. Only then will the congressional purposes behind passage of title VII, and the relevant portion of this appropriation bill, be satisfied.

HUMAN RIGHTS IN PANAMA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. ROSENTHAL. Mr. Speaker, two separate issues confront the United States in its relations with the Republic of Panama: Human rights and a new canal treaty.

My colleagues know of my long interest in renegotiation of the canal treaty. I am convinced a modified treaty could improve our relations with all of Latin America, and better preserve our security.

But in establishing our relations with Panama on a more solid footing by concluding a new treaty, we must not be unmindful of increasing allegations of human rights violations in that country. According to recent press reports and information I have received from people close to events in Panama, there are ominous signs of growing anti-Semitism in Panama. I outlined these charges in a letter I sent on June 8 to Secretary of State Cyrus Vance. I wish to share the contents of this letter with our colleagues:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1977.

Hon. CYRUS R. VANCE,
Secretary of State,
Department of State, Washington, D.C.

DEAR MR. SECRETARY: As the United States prepares to embark on an era of new relations with the state of Panama, I want to be certain you are aware of reports of increased anti-Semitism in that country.

Flyers have reportedly circulated in Panama in recent months calling for the expulsion of Jews. Others have accused Jews in Panama of unsubstantiated illegal activities. So prevalent have these attacks become that the Archbishop of Panama recently thought it necessary to denounce them publicly.

The outbreak of anti-Semitism follows on the heels of a visit in April by the Panamanian Chief of State, Brig. Gen. Omar Torrijos, to Libya. That trip concluded with the announcement of several major agreements on economic and military cooperation. The two countries arranged a periodic exchange of military delegations, and Libya agreed to invest in a Panamanian copper mine, several immigration projects and a new Arab bank with a capital of $100 million.

While Panama's part of the bargain is not clear, some indication arises from a document allegedly given to Libyan officials shortly after the visit. The document is purportedly a certificate executed by Carlos Perez Herrera, a member of the Panamanian National Legislative Council, affirming that, in completing the construction of a Panamanian hydroelectric project, the Yugoslav contractor, has never had any ties of any kind with Jewish or Zionist firms nor persons, nor has it had transactions in which there were any of those Zionist financial agencies. [translated from the Spanish]

The document, dated April 28, 1977, is signed by Mr. Herrera, who I understand is a cousin of Gen. Torrijos', and notarized by an official of the Panamanian Ministry of Foreign Relations.

The suggestion offered by the document is that Panama is willing to have "Zionists" excluded from projects financed by Libya. If the document is evidence of Panamanian support for Libyan policies generally, then the recent incidents of anti-Semitism might well be the first evidence of a far wider campaign directed at Jews and Zionists. This would also bode poorly for Panamanian respect for American principles in other areas given the general divergence of interest between the United States and Libya.

While I would not want to draw any broad conclusions from the limited evidence brought to my attention, I do want to share with you my concern about these developments. I would expect that negotiations on the structure of any new relationship between the United States and Panama should take account of any such trends.

I trust the Department is already looking into these matters, and I would appreciate being advised of any findings.

Best personal regards.

Sincerely,

BENJAMIN S. ROSENTHAL,
Member of Congress.

AN ENDORSEMENT OF THE DUTCH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. SCHEUER. Mr. Speaker, at sunrise on Saturday, June 11, more than 2,000 Dutch police and soldiers stormed a train and schoolhouse in which South Moluccan terrorists had been holding 55 hostages for the past 20 days. News reports noted that two Dutch hostages and four terrorists were killed and many wounded in the strike by the Dutch Government.

The Dutch Government deserves a "bravo" for an action well conceived and flawlessly executed. The Dutch Government had obviously learned the lesson taught the world by another small, brave nation last year as Israel invaded Uganda to free hostages held by another terrorist group.

Until all nations learn this lesson—that terrorists cannot be bargained with, that terrorist groups cannot be allowed to exchange prisoners for safe passage to another country, that international extortionists cannot be allowed to exact concessions from sovereign nation-states—terrorism will continue to pose a problem around the world. The Dutch acted in the only way they could: After negotiations failed they planned creatively and struck forcefuly and rescued their citizens.

Anyone desiring to see the day when terrorists no longer roam the world should stand up and applaud the Dutch.

They and the Israelis have taught us a lesson we should never forget.

LINDBERGH'S IMPACT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. TEAGUE. Under leave to extend my remarks in the RECORD, I wish to include, Mr. Speaker, an article written by retired Air Force Gen. Ira C. Eaker, known to all of us, concerning the impact of Lindbergh's flight, 50 years ago, on civil aviation:

[From the Daily Oklahoman, June 13, 1977]

LINDBERGH'S IMPACT EXTENSIVE

(By Lt. Gen. Ira C. Eaker)

WASHINGTON.—It has been my privilege and good fortune to attend or participate in several events commemorating the 50th anniversary of Charles A. Lindbergh's solo flight from New York to Paris May 20–21, 1927.

These events were in San Diego, where the Spirit of St. Louis was built, on Feb. 12; at St. Louis on April 22, and the Lindbergh luncheon of the Library of Congress on May 20, followed that evening by a program assessing the significance of that flight, at the National Air and Space Museum.

The first time I saw Lindbergh was when he walked down the gang-plank of the cruiser Memphis at the Washington Navy Yard to the first official reception in the United States after his flight from New York to Paris.

My principal impressions were of a young man very personable, with an engaging, fleeting smile; tall, spare, somewhat ill at ease, slightly uncertain, who would have preferred to be elsewhere, but who was earnestly trying to conceal that desire.

Thereafter, along with other Americans who were connected with aviation, civil or military, I followed Lindbergh's activities and influence closely.

He deserves much credit for U.S. world leadership in civil aviation. His exploration of air routes, his advice and counsel on planes, engines and equipment and, above all, the confidence and inspiration he gave bankers and other financial supporters of the infant air industry proved invaluable.

His contribution to military aviation was much greater than generally recognized. The air intelligence he furnished congressional and military leaders from his visits to Nazi Germany was accurate, timely and essential to prewar development of planes, engines and air crews for the great conflict that followed.

He was never a Nazi sympathizer, although he initially opposed U.S. entry into World War II. He made repeated applications to join the Army Air Corps for combat duty but was denied this opportunity by President Franklin Roosevelt because of his war opposition prior to Pearl Harbor.

Thereafter, Gen. H. H. Arnold sent him to the Pacific theater as a civilian engineer, where he contributed greatly to the air war in that area by extending the range of aircraft and as a test pilot, often engaging in combat.

The 50th anniversary of Lindbergh's Paris flight served dramatically to emphasize how technology and time have changed the aerospace world.

On April 29, 23 F15 Eagle fighters of the U.S. Air Force flew nonstop, refueling in flight, from Langley Air Force Base, Virginia, to Bitburg, Germany, in seven and a half hours. For most of the flight, they followed the great circle "Lindbergh Route" of 50 years ago, which required 33½ hours.

The Spirit of St. Louis cost $10,000, the Eagle fighters $13 million each. Advancing technology and increased cost of material and labor, plus inflation, averaging 3 per cent per year, made the difference.

Everyone who knew Lindbergh well admired him and respected the principles by which he always lived. He had more empathy, understanding and appreciation for sergeants than generals, for grease monkeys than first pilots, for borrowers than bankers, for laborers than executives, and he desired it that way.

RUSSIA'S CONSTITUTION: AN ILLUSORY RIGHT TO SECEDE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. DERWINSKI. Mr. Speaker, it is apparent that developments within the Soviet Union, especially as they relate to the plight of non-Russian peoples held in bondage by the Kremlin, continue to frustrate Soviet authorities.

Too often Americans think of the peoples of the Soviet Union as being one rather than the diverse and historically conflicting nationalities that exist within the present borders of the U.S.S.R. It is important to note that non-Russian peoples theoretically have the right to secede.

An article appearing in the Washington Post of June 15, by Victor Zorza, is a reminder of the constant complications that the Communist rulers face as they attempt to suppress the legitimate nationalisitc forces within the U.S.S.R. The article follows:

RUSSIA'S CONSTITUTION: AN ILLUSORY RIGHT TO SECEDE

The Soviet Union is in the throes of what the Moscow newspapers describe as a "nationwide debate." Every day Pravda, which usually runs to about six pages, gives up a whole page to reports of the debate, with accounts of meetings being held in various parts of the Soviet Union, letters to the editor and specially written articles, all on one subject: the new Soviet constitution.

So far, however, not a single voice has been raised in protest against any of the provisions of the new constitution. The meetings being held in each of the 15 republics that make up the Soviet Union pass resolutions that "unanimously" approve the draft of the constitution recently unveiled in Moscow by Party Secretary Leonid Brezhnev. But the speech made on the subject by Brezhnev himself did contain some hints of differences in the leadership.

The Soviet Union is formally a "federal" state, with each of the republics retaining certain constitutional rights. The right of a republic to secede from the Soviet Union, which was written into the Stalin constitution of 1936, has always been an empty formality, as have been most of the other "rights." But the nationalist sentiments that have come to the surface from time to time in the various Soviet republics must have the Kremlin wondering whether the right to secede should be retained. Reports reaching the West from the Soviet Union have indicated that this was one of the subjects under discussion during the drafting of the new constitution.

There are evidently three schools of thought in the Soviet Union. There are those, mainly in the republics, who believe that the federal element in the structure of the state should be greatly strengthened, to allow for a real degree of devolution from Moscow. They may be roughly compared with those in the West, such as the Scots in the United Kingdom or the Basques in Spain, who believe, for historical and economic reasons, that they ought to govern themselves.

Then there are those, mainly in Moscow, who believe that an even greater degree of integration is required than exists already, to prevent the emergence of powerful nationalist feelings that might threaten the Kremlin's control of the non-Russian republics.

The third school of thought evidently holds that the whole subject is potentially so explosive that it is best to leave well enough alone.

It is certainly a matter of great political sensitivity, and few details of the Soviet leadership debate on it have been allowed to percolate into the public domain. But even some members of the Politburo have on occasion argued in favor of greater devolution, as became evident after the Ukrainian party secretary, Pyotr Shelest, was dismissed from his post. The first party secretaries of such important republics as Armenia, Georgia and Azerbaijan were also dismissed in recent years amid indications that they had inclined to a "national Communist" viewpoint that favored the interests of their own republics. Translated into constitutional terms, this means that they and others like them believe that the federal element in the structure of the Soviet state should be strengthened.

It was this debate that Brezhnev seems to have been hinting at when he said recently that experience had shown that the main features of the Soviet federal structure had "fully" justified themselves. "There is therefore no need," he argued, "to make any changes of principle on the forms of the Soviet Socialist Federation." As is so often the case in Soviet leadership debates, it is only by deduction that one may conclude that someone had been arguing in favor of changes. Otherwise, there would have been no need for Brezhnev to reject the idea of change.

One of the suggested changes, to judge from an article that appeared in the Soviet press last year, was that the new constitution replace the federal structure of the state with a unitary one, so that the republics should be controlled in law, as well as in fact, from Moscow. The article recalled that Lenin regarded the federation as a "transitional stage" on the way to full unity. The time might come, the article suggested, when the federal structure of the Soviet state might hamper the "coming together" of the nations that compose it. This, it said, would raise the question of transition from a federal to a unitary state—a prospect the article warmly commended.

Actually, no such changes were made in the new constitution, presumably because those who believed that it is better to let sleeping dogs lie had won the day. But does it matter what the constitution says? On some issues it does matter. Obviously no republic could secede from the Soviet Union by just declaring its wish to do so, even though the provision that allows this has been carried over from the Stalin to the Brezhnev constitution. But if the first secretaries of some of the more important Soviet republics were again to develop nationalistic leanings, they might demand that the rights "guaranteed" by the constitution be honored.

The new constitution has abolished, for instance, the right of each republic to raise its own military units. No republic has made

any use of this right any more than the right to secede. Why, then, should the first be dropped and the other retained? Evidently because the Kremlin feared that in certain circumstances nationalist agitation might lead to demands that some of the republics be allowed to form their own military units.

In the end, however, it is not the constitution but the facts of life that will weaken the dominant position of the Russians in the Soviet Union. Russians now constitute little more than half the population of the Soviet Union, and their birthrate is declining, while that of the non-Russians, particularly in the Asian part of the Soviet Union, is rising rapidly. It is already clear that by the 1980s some Soviet military units will consist predominantly of non-Russians. It is easier to write new constitutions than to change demographic trends.

THE HYDE AMENDMENT IS INDEED CONSTITUTIONAL

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. BAUMAN. Mr. Speaker, last Friday the House, by the vote of 201 to 155, passed the amendment to the HEW appropriation bill offered by our distinguished colleague from Illinois, HENRY HYDE. Repeatedly, during the last year since the amendment was first proposed, we have heard the ringing voice of self-appointed constitutionalists that the amendment was unconstitutional and surely to be struck down by the Supreme Court of the United States. The same argument was repeated again during debate last Friday.

Now the Court has ruled and the position of those of us who have supported the Hyde amendment has been vindicated. Hopefully this will lead to its renewed adoption by both Houses of the Congress and also to one other very important action. Perhaps now the appropriate committees of both Houses of Congress will allow a right-to-life amendment to be debated and acted upon on the floor. The frustration which this parliamentary denial has caused has produced the Hyde amendment and it is time Congress be allowed to act on the larger issue.

I include at this point a dispatch from United Press International detailing the Court's decision:

ABORTION

WASHINGTON—The Supreme Court ruled 6 to 3 today that neither the Constitution nor the social security law requires States to fund elective abortions for medicaid patients.

The decision was a victory for the Federal Government, which has taken the position that the right to an abortion does not also imply a right to free treatment.

President Carter opposes use of Federal funds for abortions.

In cases from Pennsylvania and Connecticut, Justice Lewis Powell said a State may make a policy choice favoring normal childbirth.

When Congress passed the Social Security Act, non-therapeutic abortions were unlawful in most States, a fact which undermines the contention that the lawmakers intended to require—rather than permit—participating States to fund such abortions, Powell said.

Nor does the State policy impinge on the constitutional right established by the Justices in 1973, when it struck down State laws forbidding abortions, Powell said in the Connecticut case.

He said the State's regulation furthers its "strong and legitimate interest in encouraging normal childbirth."

Subsidizing of costs incident to childbirth is a rational means of encouraging childbirth, Powell said, and States have a wide latitude in choosing among competing demands for limited public funds.

Dissenters were Justice Harry Blackmun, who wrote the 1973 opinion, and Justices William Brennan and Thurgood Marshall.

Congress has barred use of Federal payments to the States for this purpose and is considering renewal of the ban. They have continued during Court challenges.

The 1973 decision said in the first trimester of pregnancy the decision to have a baby is up to a woman and her doctor. After that stage, States may engage in varying degrees of regulation.

In the Connecticut and Pennsylvania cases, lower courts ruled in favor of low-income women who sought abortions under medicaid.

Medicaid plans must meet various requirements to qualify for Federal money but the States have considerable leeway in meeting their own individual needs. Pennsylvania limits its medicaid to medically necessary services, including abortions if the health of the mother is threatened or if an infant may be born mentally or physically impaired.

The suit was won by 11 indigent pregnant women in Pittsburgh on the basis of a conflict between the State law and the Social Security Act.

The Connecticut case was brought in New Haven by five indigent women seeking abortions, although the State law permits them only if a doctor certifies the procedure is medically or psychiatrically necessary.

Federal courts have upheld Ohio and Utah regulations restricting medicaid payments to therapeutic abortions, but Missouri's law has been invalidated.

In a third case, the Justices ruled in favor of St. Louis officials who were ordered by a lower court to make abortions available in city hospitals to women who cannot afford them.

The case was brought in U.S. district court by an unamed "Jane Doe," who was refused an abortion at Starkloff Memorial Hospital.

Speaking for the dissenters in the Connecticut case, Brennan said the court's analysis shows "a distressing insensitivity to the plight of impoverished pregnant women."

The disparity in State funding "clearly operates to coerce indigent pregnant women to bear children they would not otherwise choose to have, and just as clearly this coercion can only operate upon the poor, who are uniquely the victims of this form of financial pressure," Brennan wrote.

The opinion said the majority has focused on whether all women are equally protected and ignored the claim that the denial impinges on a woman's privacy.

DR. WERNHER VON BRAUN

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. FUQUA. Mr. Speaker, Friday, June 17, 1977, marks the passing of a man dedicated to the growth of knowledge, a man of great compassion, a man of brilliance. Yet those terms fail to capture the nature and the fullness of a man universally respected and internationally acclaimed for his talent and leadership. That he was a visionary no one would dispute, a visionary who could convert his ideas into a reality that has inspired the people of the United States and the world. His name is recognized in the most sophisticated centers and most humble corners of the world.

Even with the death of Wernher von Braun, he is very much with us. His works are monumental. The benefits we derive from his pioneering efforts will continue to enrich the intellectual and material life of everyone.

It is a great loss to all of us who have had the benefit of knowing Wernher von Braun well. His example serves to encourage all of us to strive mightily for difficult, sometimes seemingly unattainable, goals. We are not saying goodby to Wernher von Braun. We shall be reminded always that he, a giant of the late 20th century space age, lives on through his contributions to our Nation and people.

WEST FRONT

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. DEL CLAWSON. Mr. Speaker, in some circumstances the Congress acts with extraordinary speed with the resulting "haste makes waste" performance. At other times the slow grinding of the legislative gears provides the Nation with good legislation. Then, the issue of the "West Front" reaches the top of the stack periodically. The debate rises to emotional heights and subsides to dormant Rip Van Winkle status until another burst of zenith-nadir activity, without any decision. Marjorie, my wife, is increasingly concerned about the changing pattern of architecture and the failures of historic preservation in the Nation's Capital. Her lectures to me on the subject are not infrequent. The column by George F. Will, published in the Washington Post, June 16, 1977, gave rise to the latest admonition from the distaff side. It is suggested that this only touches the surface.

My colleagues, regardless of your opinion or position on the subject, you should consider the arguments of Mr. George Will and Mrs. Clawson before you "set your feet in concrete" on the extension versus restoration of the West Front of the Capitol. The article by Mr. Will from the Washington Post of June 16 follows:

ANOTHER MINDLESS ATTACK ON THE WEST FRONT

(By George F. Will)

The resilience of bad ideas is demonstrated, again, by the fact that, again, some elements in Congress propose tacking an extension onto the nation's foremost public building, the Capitol. This benighted proposal tests Congress' sense of trusteeship, the hallmark of civilization.

Pierre Charles l'Enfant, whose mark on the Federal City has been lasting and beneficent, saw Jenkins Heights as "a pedestal waiting for a monument." So today it is Cap-

itol Hill, crowned by the dome that, according to a distinguished architect, "is better known throughout the civilized world than any object except the Great Pyramid. . . . As a dome and as a symbol, it is the most successful ever built."

The Capitol's West Front overlooks the green sweep of the Mall, and the Washington Monument and Lincoln Memorial. It is the face Congress presents to the executive branch, which is scattered below in less distinguished buildings along Pennsylvania and Constitution avenues.

It is, therefore, appropriate that the West Front is the last exposed portion of the original Capitol, the last visible link with the government's infancy. And it would be intolerable for Congress to bury this beneath an unnecessary and indefensible extension.

Advocates of the extension use two arguments that demonstrate that two weak arguments do not make one strong argument. They argue that Congress needs additional space, and that an extension is the only solution to the structural weakness of the West Front.

No one denies that the West Front needs to be repaired. The perfidious British burnt the Capitol in 1814, and the West Front was damaged again in 1851 when there was a fire in the quarters that then held the Library of Congress. And the soft sandstone wall has suffered from the elements.

Congressmen and senators who favor the extension insist that restoration cannot make the wall safe—that it must be buttressed by an extension. But an engineering study commissioned by Congress says restoration is feasible, and the American Institute of Architects emphatically says restoration is preferable. The idea that restoring the wall is beyond the wit of man is plainly an idea that beggars believe.

Worse than Congress' trying to solve its space problems at the expense of the Capitol's architectural integrity would be Congress' doing so before allocating existing space sensibly. No one contends that the various "hideaway" offices awarded to senior legislators are perquisites indispensable to the commonweal. And no one doubts that space gained by the proposed extension would be used, at least in part, for more such perquisites.

Before congressmen and senators, seeking *Lebensraum*, commit vandalism on the symbol of American democracy, they should expand underground and should remove from the Capitol such occupants as the disbursing office, barber shops and the most conspicuous offender, the sprawling domain (at least 42 rooms) of the Capitol architect, who is the most persistent advocate of the extension.

The flimsiest argument for the extension is that it would not cost "much" more than restoration of the West Front. Conceivably that is true; certainly it is irrelevant. A good price does not make a bargain of a bad idea.

The extension (60 feet at its widest point) would reduce the view of the splendid dome and would flatten the west facade, the contours of which express the bicameral legislative principle. With the National Historic Preservation Act of 1966, Congress declared that "the historical and cultural foundations of the nation" should be preserved "to give a sense of orientation to the American people." Yet some legislators contemplate burying a splendid achievement of the republic's earliest architects, completed over 150 years ago. These legislators would do this for the narrowest reasons of convenience, reasons that could be used to justify paving the Mall for parking.

There are barbarians within the Capitol's gates. Fortunately, there are formidable persons—Sen. Ernest Hollings (D-S.C.) conspicious among them—whose sense of trusteeship is commensurate with the grand building entrusted to them.

Preservation is a civilizing task; it involves discerning and cherishing the most excellent work of previous generations and holding it in trust for subsequent generations. Preservation of the Capitol is a test of Congress' fitness for trusteeship, the most important measure of fitness to govern.

THE ALL VOLUNTEER FORCE: A RUMSFELD ANALYSIS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. STEIGER. Mr. Speaker, of all those in a position to know how well the all volunteer military force is serving our Nation, probably no one has a better perspective than former Secretary of Defense Donald Rumsfeld.

As Secretary of Defense, Don Rumsfeld was privy to all the information, good and bad, on the progress of the volunteer force. His unqualified analysis, as stated in the spring 1977 issue of the Journal of the Institute for Socioeconomic Studies, is that, "It must, at this time, be considered a success."

Former Secretary Rumsfeld responds to some of the concerns that have been expressed about the AVF, dealing with such questions as cost, representativeness and quality. He concludes:

It is working even better than many of those of us who were the original proponents had reason to expect.

Don Rumsfeld's thoughtful analysis is important reading for all who are concerned about the status of today's military and its prospects for the future. I commend it to your attention:

THE ALL VOLUNTEER FORCE

(By Donald H. Rumsfeld)

During my time in government service, an all volunteer force for the United States Armed Services was conceived, put forward, considered, and brought into existence. It is now in its fifth year. It must, at this time, be considered a success.

I supported the end of the draft in the 1960's while serving as a Member of the United States House of Representatives. Most recently, as Secretary of Defense, I have helped execute the All Volunteer Force (AVF). I continue to support the concept of choice—as opposed to compulsion—as the most equitable and effective manner of assuring well qualified and motivated Armed Forces of the size necessary during peacetime for the security of our country.

In recent months, Members of Congress and the Executive Branch, and some outside of government, have raised doubts about the future desirability and adequacy of the AVF. The concerns being expressed today are remarkably similar to those heard ten years ago during the initial consideration of the AVF in the Congress. Critics contend today, as they did then, that eliminating the draft makes the Armed Forces costly, unrepresentative of the society at large, and unable to attract high quality recruits in sufficient numbers, particularly during periods of high employment. Unlike a decade ago, however, today we have experience with the AVF, rather than merely expectation, and one can look at the four-year record. By so doing, it is possible to learn something of the socioeconomic implications of the AVF for our society, and the question of whether it can meet our country's basic defense requirements.

QUANTITY AND QUALITY OF RECRUITS

Contrary to the fears expressed when the draft ended in December of 1972, the military services, since that time, have successfully enlisted more than 400,000 qualified individuals annually, roughly the number determined to be necessary to meet United States defense requirements. In the past fiscal year, for example, the Army, Navy, Air Force, and Marine Corps together achieved over 99 percent of their strength targets. The figures for the first months of Fiscal Year 1977 show recruitment to be even stronger. In short, the AVF is statistically meeting the quantitative goals for active duty personnel—without the crutch of compulsion.

While the numbers are there, one issue is whether quality has been sacrificed to achieve the numbers necessary. Here again, the record is positive. The percentage of high school graduates among all recruits has steadily improved since 1974 and is currently at approximately the level it was in 1964, the last pre-Vietnam War draft year. The number of recruits with average or above average scores on the military's aptitude test has increased since 1964, while those with below average scores has actually decreased.

Aside from these statistics, other factors more difficult to measure must also be considered. The fact is that men and women today join the Armed Forces because they wish to serve, seek the training provided, and desire a challenging assignment with reasonably competitive pay. No one joins the United States Armed Forces today because they are forced to do so. Consequently, the troops are more highly motivated and dedicated, with unit spirit and cooperation high. On numerous trips to military bases around the country and around the world, senior Defense officials sense a renewed pride which, though difficult to quantify, is central to the important work of the dedicated men and women in uniform.

COSTS OF THE AVF

Granted that the AVF has worked well enough to maintain Unted States military strength and quality, and morale has improved, the question is asked: have we paid too high a price? At first glance, it might appear so. Costs for defense personnel have more than doubled between 1964 and 1976. As a percentage of the total defense budget, manpower costs rose from 47.6 percent in FY 1964 to 60.4 percent in FY 1976. However, during the past Administration, this trend began to be reversed. In FY 1977, the total manpower costs declined to 58 percent and, in later years, the declining percentage is scheduled to continue.

Nonetheless, the argument is made that manpower costs are high and do take resources which might otherwise be available for high priority items of weapons procurement and logistical support, and that the AVF is the culprit. However, the facts indicate otherwise. Specifically, pay increases for first-termers—whose salaries directly relate to the attractiveness of joining the military—accounted for only 18 percent of the 113 percent increase in total personnel costs between FY 1968 and 1974. Retirement pay, civilian salaries, officers' pay and benefits comprised the vast portion of the increase. Retirement pay, for example, increased nearly eight times, while basic military pay less than doubled.

Even the 18 percent for increases in first-termers' pay was not entirely due to the AVF. It was in the late 1960's, before the AVF, that the idea arose, as part of pay comparability legislation, to make civilian and military pay roughly equal. Before that time, the low pay for first-termers placed thousands of those in uniform below the poverty level. As a result, many were relying on food stamps and welfare assistance, a practice that has been reduced considerably and should, in time, be eliminated altogether. I considered it then, as I do now, basically unfair for the United

States government to conscript young men and then, in effect, to tax them by paying them only 60 percent of the amount their peers not in the service were receiving for reasonably similar work.

Were the Congress to maintain the principle of pay comparability—keeping first-termers at basically the same salary as their civilian counterparts—then a return to the draft today would "save" but one-quarter to one-third of a billion dollars, less than one percent of the current defense budget. These costs, the budget items for recruiting, advertising, and enlistment bonuses, do not seem excessive if we as a Nation are to allow young men the freedom to determine for themselves their occupation and their future in peacetime. To use compulsion, the draft, as the tool to force men to serve when it is not necessary for our national security, and then to, in effect, tax them by paying them substandard wages, would hardly be a fitting cap to our bicentennial celebrations.

REPRESENTATIVE ARMED FORCES

When debating whether to end the draft some years ago, some in the Congress asserted that an All Volunteer Force would be dangerously unrepresentative of the society at large. Experience suggests that such fears, by and large, were unfounded. The Armed Forces today generally reflects the population at large.

A recent Defense Department survey showed no market difference between a recruit's family income and that of the general population. In fact, there is presently a trend towards more middle income representation in the Armed Forces and a decline in the proportion drawn from lower income areas. Regional representation has also been met. Ten states with 53 percent of male youth population now provide 53 percent of the new recruits, and the twenty most populous states with 75 percent of the male youth population provide 75 percent of the new recruits.

The original concerns about the possibility of an all-Black enlisted Army have also proven unfounded. While the percentage of black recruits almost doubled between FY 1964 and 1974, it has declined since then. Last year, 16.9 percent of new recruits were black, a figure that most would not consider to be excessively out of line or a matter of concern. On the contrary, many support the AVF in part because they consider the Armed Forces a fine opportunity for young men to receive a challenging job with comparable pay and valuable training which may well be applicable later in civilian life. Those who fear disproportionate black casualties in time of conflict ignore the fact that a national emergency would require use of standby draft authority to conscript the manpower needed to deal with the situation, thereby alleviating any previous imbalance.

RECRUITMENT AND UNEMPLOYMENT

Finally, some critics today believe that the AVF has been able to meet the United States military manpower requirements with quality recruits primarily because of the relatively high rate of unemployment in the United States since 1972, particularly among the youth population. Undoubtedly, the unemployment rate does influence the ability of the Armed Forces to compete for recruits.

Rough estimates indicate that for each one percent reduction in the unemployment rate, another 21,000 individuals in the qualified and available military manpower pool would be able to obtain civilian employment. Still, the unemployment factor may not be as significant for the future of the AVF as often thought.

The record suggests that the military can compete with private employment. At present, over half of the high school recruits were employed before they joined the military, with some 41 percent holding full time jobs before they left for the attractions of the Armed Services. During the summer and fall of 1974, when the overall unemployment rate was 5.4 percent—relatively low by today's standards—the military services were successful in sustaining the national requirements without the use of compulsion.

Part of the attraction of young men and women to the military, including those who could find attractive jobs in the private sector, is undoubtedly the training opportunities available in the Armed Services. The military today spends upward of $8 billion per year on a wide range of training and educational programs. The subject taught include many of those involving the most sophisticated aspects of our economy, including the training of pilots and maintenance crews on modern complex aircraft and submarines. At times, the lure of the marketplace has forced the services to extend commitments of those entering a particular field. For example, those trained to handle nuclear material and facilities must agree to six years in the military. After this time, when the government has reaped some reward from the high-level training, then they may enter a number of the more lucrative areas in the economy.

The Services have conducted a number of unique training programs. For example, Project 100,000 began over a decade ago. It was designed to take individuals who had received low scores on the aptitude test and thus appeared to be unsuitable for various positions, and gave them specialized training. Although there were difficulties, a number became productive members of the military, and presumably of society afterwards. To take another example, the Defense Race Relations Institute was begun years ago to train those in the military to recognize potential racial problems and to deal effectively with them. This type of program was new in the field and has been since replicated outside of the Defense Department.

As extensive as training in the military has become, it must be seen in its proper context. The primary function of this, and every other aspect of military life, is to further the defense forces of the United States in order to maintain deterrence and help further peace and stability in the world. Military training programs should be conducted with this goal clearly in mind. But, those programs which work effectively in the military, if properly understood, may well be appropriate for replication in the private sector.

However, Americans should not expect the military to be a training ground to prepare those in uniform to acquire productive skills for civilian life. This is the proper function of the education system, the private sector and the non-military manpower programs. To assign the military the task of training people for civilian employment would be to select the wrong instrument, inevitably dilute the defense function of our Services as well, and to distort the defense budget which must go to building American defense capabilities. Still, the record of military training has been a good one, and one that has, as an additional benefit rather than as a primary function, helped the United States economy in general.

PROBLEM AREAS

While the overall performance of the All Volunteer Force has been characterized by success, there remain two areas of concern.

First, the Army, Navy, Air Force and Marine Corps Reserve Forces are overall below their desired strength levels and the current trends are unfavorable. This is of concern since the Total Force policy involves increased United States reliance on the Reserve Components to augment the relatively low number of active peacetime forces in time of crisis. The Selected Reserves are necessary to augment the active force units and the Individual Ready Reserves are expected to provide individuals trained for replacement and augmentation in time of crisis.

At present, almost all Reserve Components are below the statutory floor levels. The shortfalls of the Army Reserve and Army National Guard are the most serious, now totaling 43,000 and estimated to exceed 100,000 by the end of FY 1978. However, this situation may not be permanent in that it is due largely to the departure of those who entered the Reserves during the Vietnam draft years and the lack of sufficient numbers of new recruits to take their places.

While serious, this problem of Reserve shortfalls may be alleviated through various management programs. The Army has recently included manpower and funding items to place full-time recruiters and trainers in Selected Reserve units, and the Reserve Compensation System Study Group is currently evaluating Reserve pay to attempt to remedy the problem in the future.

The second area endangering the AVF is the demographic trends which suggest that the pool of qualified and available young males seem to be declining. At present, the military services must attract 100 out of each 290 qualified and available young men to meet its quotas, and the AVF is fulfilling this requirement. The difficulty will come, however, as that pool decreases. Between 1985 and 1990, the military will have to attract 100 out of 230, and, between 1990 and 1995, 100 out of 260.

Such estimates, though the best available today, are quite rough. Even if true, they assume that military manpower needs will remain static. Clearly world conditions and defense requirements may change. Public attitudes may alter in some unpredictable ways. Improved retention is not only desirable, but dictated by sound management. Furthermore, changes may be made to enlarge the total personnel pool in several ways. The role to women could be expanded, as could the number of jobs for civilians which are presently performed by uniformed personnel. Emphasis could be given to higher reenlistments for first-termers and accepting a greater number of individuals who have had prior service. Physical requirements could be reevaluated and modified according to the present needs of the increasingly technologically sophisticated Armed Forces. Greater attention could also be paid to lateral entry, so that doctors, engineers, and other skilled personnel could enlist at the rank of their Army peers. Finally, improvements can always be made in recruiting by improving management and increasing the incentives.

CONSIDERING ALTERNATIVES

In short, the All Volunteer Force is working. The military services are recruiting and retaining the numbers of qualified and dedicated Americans needed in the United States Armed Forces. The problems which lie on the horizon, at present, seem to be manageable ones. But, the merit of the AVF becomes particularly clear when considered in light of the alternatives.

Returning to the draft and forcing service at reduced pay and benefits for first-termers is basically unfair. While it could "save" an estimated $3 billion a year and meet United States manpower needs, it would do so at the heavy price of, in effect, taxing those who are drafted. Most Americans, understandably, would find that approach unacceptable.

The different course of returning to the draft but maintaining comparable pay for first-termers would result in saving about $400 to $500 million annually. While assuring United States military manpower needs, the draft would still be fundamentally inequitable even with the use of a lottery, since some would be forced to serve and others would not.

Universal military training and service seems equitable on its face, in that every able-bodied American in a certain age group would be included. And, it would meet United

States military personnel needs and enable the Defense Department to reduce some recruiting costs. However, it might well not save money in the long run in that costs for training and support would be large, considering the vastly expanded manpower pool involved. Also, it would unquestionably reduce morale since thousands would be in serving against their wishes.

Finally, there are proposals for mandatory national service, which would require every young American—male and female—to spend a year or two on national projects, either in the military or in the Peace Corps, VISTA, hospital work, environmental matters or other public service activities. This proposal would appear more equitable, as most would serve, but it is difficult to see equity between Social Service and border guard duty. Also, the costs would be enormous, approximately $50 billion per year assuming a basic minimum wage for each individual involved. The bureaucratic assignment and support mechanisms would have to be monstrous and the record of the United States government does not reveal a talent sufficient to assure each individual a productive experience. Indeed, it is well beyond the competence of the Federal government, even with the best of intentions.

AN EXPERIMENT THAT IS WORKING

In considering the All Volunteer Force, I am reminded of Winston Churchill's comment on democracy: that it is "the worst form of government, except for all those other forms that have been tried from time to time."

The All Volunteer Force is a most sensible experiment. It is working even better than many of those of us who were the original proponents had reason to expect. The end of the draft has enabled young men to plan their careers or participation in military life for themselves. It has enabled the United States Armed Forces to recruit the necessary numbers of qualified men and women who wish to serve and give a period of years to their country. In so doing they, of their own choice, are contributing to the security of the United States and helping to further peace and stability in our untidy world.

A TRIBUTE TO JUPITER HAMMON

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. AMBRO. Mr. Speaker, unlike much of the rest of the world, our Nation's heritage is built upon the foundation of people's of all nationalities working together as Americans. Deeply rooted in our glorious history, and often overlooked, lie the contributions of one such people, the African slaves. Though slavery remains a regrettable chapter in our past, many slaves managed, despite the grip of their bondage, to become valuable contributors to the humanistic and literary legacy of America. A perfect example was Jupiter Hammon, this country's first published Afro-American poet.

Almost symbolically, much as Hammon's works seem to have spurred the development of Negro poetry in the United States, his lifetime parallels the birth of a nation. Born about 1720, Jupiter Hammon labored as a slave for Mr. Henry Lloyd at the Lloyd Manor House in Lloyd Neck, N.Y. Hammon lived through the years when the churches in America were democratized, through the period when the Revolution remade the thought of the country, and on until the establishment of our land as a Republic.

Passing all his life in slavery, Hammon clung to the salvation of religion and was caught up in the fervor of deep Methodist beliefs and Christianity. In other times, under other circumstances, he may well have been a minister of some sorts. His poetry, as such, reflects his profound religious convictions.

Then, as now, Jupiter Hammon stands as a monument to willpower, fortitude, and courage. Virtually self-educated, he painstakingly learned to write and publish his compositions, and in so doing, entered the American black into American literature. For that reason alone, Jupiter Hammon deserves recognition. But the truth remains that in the company of "religious" poets this "captive slave" is virtually peerless.

On June 25, the Society for the Study of Afro-American Life and History will present a national historical marker in recognition of Jupiter Hammon's literary accomplishments. The presentation will occur at the Lloyd Manor House. I commend the society for recognizing the momentous contributions of the slave-poet. I am glad to see Jupiter Hammon receive this undeniably merited praise. We in the Long Island community have long been petitioning the State of New York to place the Lloyd Manor House—where Jupiter Hammon was born and lived his life—on the National Register of Historic Sites so that it would be eligible for funds to restore its beauty and grandeur. It is my hope that this national recognition for Hammon and his work will encourage a well-deserved favorable decision from Albany.

Mr. Speaker, I would like to take this opportunity to share with my colleagues Hammon's first published composition, and one of his most beautiful, "An Evening Thought":

AN EVENING THOUGHT

SALVATION BY CHRIST, WITH PENITENTIAL CRIES

Salvation comes by Christ alone,
The only Son of God;
Redemption now to every one,
That love his holy Word.
Dear Jesus we would fly to Thee,
And leave off every Sin,
Thy tender Mercy well agree;
Salvation from our King;
Salvation comes now from the Lord,
Our victorious King.
His holy Name be well ador'd,
Salvation surely bring.
Dear Jesus give thy Spirit now,
Thy Grace to every Nation,
That han't the Lord to whom we bow,
The Author of Salvation.
Dear Jesus unto Thee we cry,
Give us the Preparation;
Turn not away thy tender Eye;
We seek thy true Salvation.
Salvation comes from God we know,
The true and only One;
It's well agreed and certain true,
He gave his only Son.
Lord hear our penitential Cry:
Salvation from above;
It is the Lord that doth supply,
With his Redeeming Love.
Dear Jesus by thy precious Blood,
The World Redemption have:
Salvation now comes from the Lord,
He being thy captive slave.
Dear Jesus let the Nations cry,
And all the People say,
Salvation comes from Christ on high,
Haste on Tribunal Day.
We cry as Sinners to the Lord,
Salvation to obtain;
It is firmly fixt his holy Word,
Ye shall not cry in vain.
Dear Jesus unto Thee we cry,
And make our Lamentation:
O let our Prayers ascend on high;
We felt thy Salvation.
Lord turn our dark benighted Souls;
Give us a true Motion,
And let the Hearts of all the World,
Make Christ their Salvation.
Ten Thousand Angels cry to Thee,
Yea louder than the Ocean.
Thou art the Lord, we plainly see;
Thou art the true Salvation.
Now is the Day, excepted Time;
The Day of Salvation;
Increase your Faith, do not repine:
Awake ye every Nation.
Lord unto whom now shall we go,
Or seek a safe Abode;
Thou hast the Word Salvation too
The only Son of God.
Ho! every one that hunger hath,
Or pineth after me,
Salvation be thy leading Staff,
To set the Sinner free.
Dear Jesus unto Thee we fly;
Depart, depart from Sin,
Salvation doth at length supply,
The Glory of our King.
Come ye Blessed of the Lord,
Salvation greatly given;
O turn your Hearts, accept the Word,
Your Souls are fit for Heaven.
Dear Jesus we now turn to Thee,
Salvation to obtain;
Our Hearts and Souls do meet again,
To magnify thy Name.
Come holy Spirit, Heavenly Dove,
The Object of our Care;
Salvation doth increase our Love;
Our Hearts hath felt thy fear.
Now Glory be to God on High,
Salvation high and low;
And thus the Soul on Christ rely,
To Heaven surely go.
Come Blessed Jesus, Heavenly Dove,
Accept Repentance here;
Salvation give, with tender Love;
Let us with Angels share. Finis.

SWITCHING TO COAL

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. QUILLEN. Mr. Speaker, I wish to insert at this point in the RECORD the text of a most thoughtful and informative paper delivered by one of my constituents, Mr. George C. Sells, to the "switching-to-coal" forum that was sponsored by the Energy Research and Development Administration in Pittsburgh, Pa. on June 6 to 7, 1977.

Mr. Sells is the president of General Shale Products Corp. of Johnson City, Tenn., in my district. General Shale is a fine business firm which makes an important contribution to the community, and Mr. Sells is a businessman who knows what he is doing and can write about it.

His paper deals with converting oil and gas-fired brick kilns to coal. He has developed a new technology that works and which is increasingly attractive in cost as oil and natural gas prices rise. The diagrams and drawings which ac-

companied the paper could not be printed in the RECORD. This is unfortunate because they illustrate the technique described in the paper in simple yet picturesque style.

As we move toward the conversion from oil and gas to coal, America is going to rely upon intelligent and enterprising businessmen such as Mr. Sells to develop the successful technologies required for this massive national changeover.

It is for this reason, and not without some local pride on my part, that I now make Mr. Sells' paper available to the Congress and commend it to my colleagues:

COAL FIRING TECHNOLOGY FOR EXISTING SIDE FIRED TUNNEL KILNS[1]

Insofar as industry is concerned, "solar power is for the angels, geothermal for the worms and wind power for the birds." If we expect to solve our industrial energy problems, coal will have to be the answer for at least the next decade.

As far back as three thousand years ago, King Solomon observed that there is nothing new under the sun. Definitely the use of coal for burning brick is not a new thing. Even the burning of coal in the modern tunnel kiln is not entirely new. However, what is new is the use of coal in an existing tunnel kiln that was specifically designed for side firing with either liquid or gaseous fuels.

Some of our management personnel visited Germany as far back as 1966 and found tunnel kilns there that were fired with coal. After consideration, we decided that since the return on invested capital would only be 8%, we would not proceed with that type of firing. In other words, we were too conservative—but then, it became apparent early in the 1970's that future supplies of cheap natural gas were in jeopardy. There were also warning signs of a worldwide shortage of all petroleum products and the clearly implied threat of sharply higher prices. By contrast, coal reserves were extensive and our plants were located near the heart of the Eastern coal producing region. We were convinced that coal would become the only economical fuel available to the brick producer in the not-too-distant future.

Beginning in 1972, four teams of General Shale management personnel visited Europe to visit coal fired tunnel kiln plants. Unfortunately, the systems observed had distinct limitations as far as our needs were concerned because in each case the kilns had been specifically designed for the system employed and were quite different from our existing kilns. We needed a system which we could adapt to our own kilns. We couldn't afford to tear down and rebuild our present plants—the return on capital just wasn't there.

Our development work got underway in early 1973. The first approach used some old stokers, mounted alongside the kiln, to feed measured amounts of granulated (5% + 14 mesh x 0—Fineness modulus of about 2.0) coal into an airstream with 24 ounce blower air to convey the coal into the kiln through burner lances. The coal was picked up by the airstream at the end of the stoker auger and carried to a distribution head with four outlets connected by rubber hoses to stainless steel burner lances. This system had its share of problems but it worked well enough to encourage us to go ahead. Most of the problems could be traced back to inadequate coal preparation rather than to the stoker feed system itself.

The stokers were equipped with variable speed drives and delivered coal to the airstream at an easily controlled and even feed rate. Distribution of the granulated coal into the four outlets at the distribution head was sometimes troublesome, particularly when we ran into wet or incorrectly sized coal. There were other shortcomings not connected with performance capabilities, such as: the system was big and bulky and involved a lot of mechanics, stokers were expensive to install and maintain, and it was somewhat dirty.

Several methods of firing were tried and burner lances were repositioned many times. We tried firing through the crown into transverse fire lanes using an intermittent push, firing through the crown into in-line fire lanes using a continuous push, combination top and side firing in various configurations, etc. Our best results came from side firing directly into the ware during a continuous push. This gave us a better distribution of heat and enabled us to switch from natural gas to coal without loss of productive capacity.

Meanwhile, work was underway on a waste heat coal dryer and coal preparation system. I won't comment on that here except to say that the ability to deliver correctly sized dry coal to the feeder system is absolutely essential.

It is not difficult to burn coal in the ideal combustion environment of a tunnel kiln. If you can get it there, it will burn. The real difficulty is to deliver the correct amount of coal, of the proper physical size and at the right velocity, to a large number of small volume fuel delivery points with wide range and control capability at each point. The direct coal firing equipment available today is generally large volume single or multiple point injectors which are totally unsuitable for application to an existing brick tunnel kiln. In other words, we needed a system that would deliver coal to individual burners in such a way that they would perform much the same as gas or oil burners. Our stoker feed system had demonstrated that the concept would work but it was obviously impractical to size and install a mechanical stoker to feed each individual burner.

During 1974, we developed the needed system. This invention, which we call the "Solid Fuel Metering and Delivering System," is capable of metering and delivery of small quantities of granulated coal in the magnitude of 5 to 70 pounds per hour with reasonably accurate control of the feed rate at any set point within its range capability. And best of all, perhaps, this system can be built with inexpensive off-the-shelf components. The schematics detail shows how the system works.

We have applied for patents and have agreed to license this system for worldwide distribution by the Keller Company.

All our development work has been based on finely ground coal (+14 to −200 mesh) that would partially burn in suspension with the coarser particles continuing to burn after they come to rest throughout the ware. This results in more even heat distribution and a more efficient heat transfer because the heat is generated where it is needed. These efficiencies plus a more favorable hydrogen loss factor gives coal 20 to 30 percent higher BTU utilization than natural gas.

Coarser coal particles are deflected by the ware and continue to burn on the hearth alongside the kiln car. These tend to accumulate faster than they can burn and, if ignored, will build up on the hearth and eventually fall in the sand seal. We have developed an intermittent hearth blower to activate these particles and reinject them back into the ware. This device prevents a harmful accumulation and puts the BTU's back to work.

During our initial development work, we found it necessary to use gas or oil burners in the cooler section of the kiln where temperatures were too low to support combustion in suspension. High temperature recirculating fans were installed to provide heat in these lower temperature zones and, with some increase in electrical usage, we can now fire with 100 percent coal.

Coal quality is important. A low grade metallurgical or high grade industrial coal is ideal and it is important that it be consistent. Ash content should not exceed 5 percent and fusion temperature must exceed the highest temperature likely to be encountered in the kiln. Sulfur content is not critical to kiln performance but you must meet EPA standards for sulfur emissions. Particulate emission has not been a problem. The brick themselves act as a kingsize fly ash arrestor with the coal ash contained within the brick package. If low ash coal is used, the ash is shipped out with the product since it constitutes a negligible fraction of the product weight (less than .1 of 1 percent.) Emission control equipment will be required at some point in time and should be included in capital requirements.

It is becoming increasingly difficult to get the permits needed to convert a kiln to coal despite all the official rhetoric about wider use of resources in plentiful supply and conservation of those in short supply. We had no problem at all on our initial development work—we just didn't tell anybody what we were doing until we had a relatively clean system in operation. We then used this installation to demonstrate how clean the next would be.

And then came the non-attainment era. We are going ahead with a coal installation at Huntsville, Alabama even though we must burn compliance coal. This turns the return on investment into an "Iffy" situation. If the price of very low sulfur coal doesn't go up faster than oil, we'll have a pretty good investment. If T.V.A. does indeed go to low sulfur coal rather than install scrubbers, resulting cost of compliance coal may wipe out savings at current prices.

We have a permit pending for converting two kilns to coal in Louisville, Kentucky. Although this is a non-attainment area, we are reasonably hopeful that the permit will be granted. We did, however, back off on our plans to double the size of this plant after we learned that Ford Motor Company was denied permission to add a second shift at an existing facility. Other permits are pending in Tennessee, Virginia, and Indiana. It seems that each new application is more difficult than the last with some areas now requiring control devices even though particulate emissions are well within existing standards.

The economics of coal are quite favorable even though the conversion cost is somewhat heavy. The installed cost of a complete coal system from unloading to burning approximates $400,000 for a single kiln installation. Additional kilns at the same location could be added to the system for about $100,000 each. These are rought figures, of course, and much depends on the circumstances involved.

Current coal prices in East Tennessee yield a raw fuel cost of 12 cents per therm. (June 77.) Other costs associated with coal such as labor, maintenance, depreciation, power, etc., add 7c to 9c for a total costs of 19 to 21 cents per therm. This is somewhat higher than our average cost of natural gas, when available, but compares very favorably with number 2 oil at 31 cents or propane at 36 cents per therm. Annual savings for coal vs. oil on a 25 million brick per year kiln are substantial. With a fuel cost reduction of 10c to 12c per therm and a 20% gain in efficiency, total savings approximate $175,000 and give an after-tax payback of less than 3 years. Savings for a twin kiln operation would be greater, say $400,000, with payback under 2 years. These figures are after depreciation and interest charges but before taxes.

The burning of coal in a brick tunnel kiln is no picnic. A lot of patience and hard work

[1] For red face brick production. Top temperatures approximately 2000° F.

is required to master the art. Quality will suffer until you are proficient at it. The bugs haven't all been worked out and a great deal remains to be learned. Still, coal is clearly the brickmaker's exciting new fuel of the future. It is economical today when compared to any fuel except natural gas under certain circumstances. When and if natural gas and petroleum products are fully deregulated, coal will become the great fuel bargain of the time. Best of all, perhaps, it is easily stockpiled and production is not dependent on foreign fuel.

HONORING DR. PAUL GRIGSBY

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. VOLKMER. Mr. Speaker, I would like to join the residents of Huntsville, Mo., who will be honoring an outstanding Randolph Countian, Dr. Paul A. Grigsby, on June 26, 1977. Dr. Grigsby has spent more than 60 years in education and public service.

Dr. Grigsby was born and educated in the Fayette, Mo., area, finishing his bachelor's degree at Central Methodist College. His graduate work was done at the University of Missouri and Washington University. He is listed in volumes 24 through 34 of "Who's Who in America."

Dr. Grigsby served the education profession as principal and teacher in Huntsville, principal of Webb City High School, and principal of Cotton Smith High School in Sedalia, Mo. In 1932, he moved to Illinois and served the Granite City school system until his retirement in 1958.

Since 1958 he has been giving much of his time to the newspaper business, consolidating papers in Higbee, Huntsville, and Clifton Hill, Mo. He has been a truly outstanding example of deduction to the work ethics which have helped build this country.

In the field of education, where he served for 50 years, he held many offices. Some of these offices include: President of the Illinois Education Association; president and first secretary of the Missouri Secondary Principals Association; and vice president and member of the executive committee of the National Education Association.

Among some of his many honors outside the field of education include: An honorary doctor of laws degree from Central Methodist College in 1950 and a plaque from the same institution in 1970 as a distinguished alumni. In 1950, Granite City, Ill., awarded him with it's "Man of the Year Award." Over the years he has also received recognition for his outstanding work with the Boy Scouts by the Silver Beaver Award. Gov. Warren E. Hearnes made Dr. Grigsby a member of the honorary Colonel's Staff during his two terms.

I stand with all the citizens of Huntsville and Randloph County in saluting Dr. Paul Grigsby on his special day of recognition, June 26, 1977.

ALTERNATIVES TO THE BREEDER: PROLIFERATION-RESISTANT ADVANCED NUCLEAR TECHNOLOGIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. BROWN of California. Mr. Speaker, in today's New York Times there is an "Op-Ed" article devoted to proliferation-resistant advanced nuclear technologies, which I have inserted below. As an alternative to the plutonium breeder reactor which is prone to the proliferation of nuclear weapons, there exists the significant possibility of developing advanced converter reactors which are much more uranium efficient than light water reactors and which use a fresh fuel no more attractive to potential bomb builders than low enriched uranium. These reactors could provide for a century of more electric power than that generated by all means in the United States today while using less uranium than in ERDA's resource estimate. If we postpone our commitment to the commercialization of the liquid metal fast breeder reactor, by deferring the Clinch River Demonstration project as recommended by President Carter, then we have the time to investigate these alternative advanced nuclear technologies, which could help make for a safer world. Also, the pause will allow us the time to develop international institutions for reducing the danger of nuclear weapons proliferation.

The article follows:

BREEDERMANIA

(By Harold A. Feiveson)

PRINCETON, N.J.—The Carter Administration has underscored its concerns about the spread of nuclear weapons by deferring indefinitely in the United States all civilian nuclear-power activites aimed at the commercialization of a "plutonium economy." Specifically, the President has moved to halt the Clinch River Breeder Reactor Demonstration Project.

Many are reluctant to entertain such a course. They argue that unless the plutonium breeder, which uses uranium 100 times more efficiently than today's uranium-guzzling fuel cycles, is developed as rapidly as possible, limited uranium resources will soon be consumed.

Such arguments overlook the existence of alternative nuclear technologies which are more efficient in their use of uranium than today's technologies and which in significant respects are more resistant to nuclear-weapons proliferation than the plutonium breeder. One such fuel cycle involves denatured uranium 233.

Uranium 233 can be created in reactors by the neutron bombardment of thorium. Like plutonium, it can be used to make nuclear weapons, but unlike plutonium, it can be rendered virtually unusable for such purposes by dilution with a natural isotope, uranium 238. Isotope separation, a sophisticated and costly process, is needed to recover "weapons grade" uranium 233 from a "denatured" mixture of uranium isotopes.

In a denatured fuel cycle, there would be no nuclear-weapons-usable materials present in the fresh fuel that is shipped about in global commerce, and the quantities of plutonium present in spent reactor fuel would be 20 to 50 times less than the plutonium in breeder reactor fuel. This would make possible an international system where plutonium separated from spent reactor fuel would be present only at a few international centers maintained under tight security.

Such arrangements would provide a strong "technical fix" against terrorist theft and a higher degree of separation between civilian nuclear power and potential nuclear weapons activities by nation-states than is possible with a plutonium economy.

These arrangements would not prevent any nation from using its reactors to make plutonium for weapons use or from diverting the fuel to undertake the isotope separation necessary to acquire nuclear-weapons-usable material. But they would allow more time before a nation could achieve a weapons stockpile, following a violation of International safeguards, than would be the case if a large quantity of plutonium were diverted from a plutonium breeder fuel cycle. This would provide opportunities for international sanctions and internal political opposition to discourage the violating government.

Use of denatured fuel would not require the development of new reactor technology. Today's reactors operating with denatured fuel would allow the recovery of two to four times as much energy from a given amount of uranium as is achieved with today's fuel cycles and could provide for 100 years more electric power than is generated by the entire United States electric utility system today using less uranium than is in United States high grade uranium resources as estimated by the Energy Research and Development Administration. Even if the most pessimistic forecasts of high grade United States uranium resources should be realized, vast amounts of uranium in low grade ore deposits could be exploited with these reactors.

This strategy should also be attractive for nations such as France, Japan and West Germany which do not have uranium resources comparable to those in the United States. These nations could easily protect themselves with uranium stockpiles against supply disruptions. Stockpiles for several years would be only a few percent as costly as stockpiles of the energy-equivalent amounts of oil. Furthermore, because the denatured fuel cycle could be deployed on a large scale significantly earlier than the plutonium breeder, greater uranium savings could be achieved than with the breeder for decades into the next century.

The proliferation-resistant aspects of denatured fuel cycles certainly need further study. These fuel cycles will by no means remove the grave peril of nuclear-weapons proliferation—no fission technology can. But they do possess certain distinctive features that may allow the evolution of a system as resistant to proliferation as can be obtained if the world decides on a fission future.

And although the operation of today's reactors on these fuel cycles cannot provide the 10,000-plus years of energy promised by the plutonium breeder, it would stretch high-grade uranium resources for more than 100 years.

In this period there would be ample time to develop alternative, advanced nuclear technologies of nonfission energy technologies to provide for our long-term energy needs. Whether or not one believes a fission future for the world is inevitable, the existence of the denatured fuel cycle option certainly argues against any hasty commitment to the plutonium breeder, with its inherently strong connection to nuclear-weapons strategy.

STOP LABOR DEPARTMENT HARASSMENT OF FARMERS

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. STOCKMAN. Mr. Speaker, today I am introducing legislation to amend the Farm Labor Contractor Registration Act. My intent is to give a clear signal to the Department of Labor that it must stop using this law to harass the American farmer.

The American farmer has been called an endangered species. So long as we in the Congress allow predatory bureaucrats to turn a law intended to protect migrant workers into a weapon against the farmer, he will continue to be endangered. I would like to set out a brief history of the problem that the bill I am introducing seeks to solve.

In the early 1960's, the Congress sought to restrict the activities of certain unscrupulous individuals who arranged for the transportation of migrant farmworkers from job to job, usually in substandard, dangerous vehicles. These individuals were not farmers; they were "agents" who arranged to provide migrant labor to farmers. Many of them had long criminal records. They stole from the workers, they stole from the farmers, and they needlessly endangered the health and safety of migrant workers.

The Farm Labor Contractor Registration Act of 1963 was aimed at these unscrupulous individuals. Section (5) of that law prevented persons with criminal records from obtaining a license as a farm labor contractor. Other sections of the act established standards for the transportation and housing of migrant workers by farm labor contractors. Through the registration requirement, the Department of Labor was given broad authority to regulate the activities of these contractors.

The intent of Congress was very clearly set forth in the declaration of policy in section 2(a) of the act:

> The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural laborers, and the public generally.

That the Congress was not seeking to cause farmers to become subject to the registration requirements is apparent on the face of the law. Section 3(b)(2) expressly exempts farmers from the registration requirements if they are obtaining the services of workers for their own operations. Section 3(b)(3) exempts full-time employees of farmers who are obtaining the services of workers for their employer. In short, farmers were not the target of the act. As stated in the declaration of policy, farmers are among those whom the act seeks to protect from unscrupulous labor contractors: "contractors who exploit producers of agricultural products."

The apparent clarity of congressional intent notwithstanding, the Department of Labor has managed to bring within the coverage of the act farmers who are in no sense farm labor contractors, who receive no remuneration from farm labor contracting, and whom the Congress clearly intended to exempt from registration. The Department of Labor has transformed these hapless farmers into "irresponsible contractors" by a process of tortuous reasoning nearly unmatched in the annals of bureaucratic misinterpretation.

The problem arose because of the very nature of farming. Crops do not ripen on an individual farm continually, nor do they adhere to a firm schedule. Thus many farmers who have brought in migrant laborers to harvest crops often have no need of their services for an entire summer. Rather than have the workers sitting idle and unpaid or moving from farm to farm, the farmers make casual arrangements with neighbors to share the services of a group of workers. They do not pay one another fees as part of these arrangements, which are beneficial to the workers, who are able to earn more during the season, as well as to the farmers, who are assured of having workers available when they need them. This practice galled the Department of Labor bureaucrats. The absence of a fee in the transaction prevented them from bringing the farmers under the Farm Labor Contractor Registration Act, which defines a contractor as one who "for a fee recruits, solicits, hires, furnishes, or transports migrant workers."

A bureaucrat seeking to extend his power over a new class of citizens knows no limits to this inventiveness, however. The solution was to find a "fee" in these casual arrangements amongst the farmers. The absence of money in the transaction proved an easily surmountable obstacle, as the definition of "fee" in the act includes "valuable consideration." In the Department of Labor's eyes, the expectation that the laborers would return to his farm became "valuable consideration" to the farmer entering into a casual agreement with his neighbor. This play upon words turned the farmers into "farm labor contractors."

Mr. Speaker, the situation that I have described seems like some kind of esoteric or academic problem. But to the Department of Labor, it represented an opportunity to enhance its reputation as a tough enforcer of the Farm Labor Contractor Act in the face of lawsuits accusing the Agency of laxness. The problem, Mr. Speaker, is that the Department is enhancing its reputation at the expense of at least 100 farmers in my district, and hundreds of other farmers across the country. These people are not the people against whom the Farm Labor Contractor Registration Act was directed. They are not exploiting or abusing migrant workers. They are simply attempting to make casual exchanges of labor services with their neighbors, a practice which is as old as farming itself.

The bill that I am introducing today would limit the discretion of the Department of Labor to harass farmers by clarifying the existing farmer's exemption in the Farm Labor Contractor Registration Act. Those individuals who were truly in the business of being farm contractors would remain covered by the act. But farmers who were originally intended to be exempt would once again be free from the clutches of the Department of Labor bureaucracy. The distinguished chairman of the Subcommittee on Economic Opportunity, the Honorable IKE ANDREWS, has assured me that the subcommittee will hold hearings on this subject later this summer. It is my hope that the problem can be solved before next year's growing season. If there is one thing we need less of, Mr. Speaker, it is Federal intervention in the life of the farmer.

JOHN H. POELKER TO BE HONORED

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. YOUNG of Missouri. Mr. Speaker, I would like to take this opportunity to pay tribute to a man with an outstanding record of community service and civic leadership in the city of St. Louis.

John H. Poelker has served St. Louis for 25 years—first as city assessor, then comptroller, and mayor. Throughout his career in public life, John Poelker was known as a dedicated, honest, and articulate man.

He stepped down from public life in April, and he will soon be working at an executive position at a construction firm and as a teacher at the St. Louis University School of Urban Affairs. But the people of the St. Louis area will always be grateful for John Poelker's leadership.

In recognition of his many achievements, John Poelker is being awarded the Downtown St. Louis Levee Stone Award. I cannot think of a more appropriate person to receive that award.

In his career as a businessman, as a Federal Bureau of Investigation special agent, and as a city official, John Poelker was always a conscientious and effective worker.

While in the FBI, he specialized in investigations of bank embezzlement, bankruptcies, and fraud against the Government. He was a member of the FBI teams that investigated the Touhy gang escape in Illinois and the famous Greenlease kidnaping case.

In 1953, John Poelker was appointed as St. Louis city assessor, and 4 years later he became comptroller. During the ensuing 16 years, he overhauled the city recordkeeping system and improved the efficiency of the city budgetary process.

After his extremely successful terms as comptroller, John Poelker won a hard-fought election and became mayor of St. Louis in 1973. And for the next 4 years, he was a tireless 7-day-a-week mayor.

In that office, John Poelker led the city of St. Louis forward into an era of neighborhood improvement, strengthening of the downtown area, and more fiscal responsibility. And he worked closely with St. Louis County government officials on crucial issues to improve the entire metropolitan area.

I congratulate John Poelker on his outstanding career and his acceptance of the Levee Stone Award.

WATERWAY USER TAXES: ANOTHER STORM ON THE WAY?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. GAYDOS. Mr. Speaker, 5 years ago this month, people in western Pennsylvania were bracing for Hurricane Agnes. When it hit, it hit hard. Fortunately, a series of upstream flood control reservoirs prevented Pittsburgh from getting an additional 12 feet of water, which would have doubled damage assessed at more than $1 billion.

Now many of us see the dark clouds of inland waterway user charge proposals as an even more fearful omen. And, the threat to the Pittsburgh area is just as real—and possibly much more permanent.

Since this country has never had Federal user taxes or tolls on inland waterway navigation before, there is no way to forecast the impact if user charges are imposed. It is reasonable to predict that Pittsburgh will find itself in the direct path of this legislation, however, with 50,000 steel jobs and 750,000 related jobs in the region at stake.

The Pittsburgh Press of June 12, 1977, in an article by the highly respected business editor, William H. Wylie, presents an objective overview of the user charge controversy as it related to western Pennsylvania. His article entitled "Water User Tax Called Threat to District Jobs," explains why citizens of my region are concerned over the consequences which waterway tolls or taxes could have on jobs, and the continued vitality of the Pittsburgh district.

To give my colleagues the benefit of Mr. Wylie's informative article, and perhaps to suggest to them that they should also consider the prospective effects of user changes on the economy of their areas, I ask unanimous consent that it appear in the RECORD. There being no objection, the article was ordered to be printed in the RECORD as follows:

WATER USER TAX CALLED THREAT TO DISTRICT JOBS

(By William H. Wylie)

During the past 35 years, there have been several attempts in Congress to slap a user charge on river traffic.

And each effort has wilted in the face of stiff opposition from barge lines, industry and other water users.

Once again the issue is heating up in Washington and there is support in Congress and from the Carter administration for some kind of tax on waterways use.

Even though the rivers have been free since the first Indian launched a canoe on this continent, and even though an act of Congress specifies that they shall be free, river men are running scared on the water use proposal.

John Geary, president of the Ohio River Co. of Cincinnati, which operates a 1,500 barge fleet, told a reporter, "There's a very good chance a user tax will be passed this time."

Robert E. Scatterday, president of the Pittsburgh Waterways Association, said 50,000 steel jobs and 750,000 related jobs in this region would be hurt by such a tax.

He reasons that any increase in transportation costs would make domestic steel less competitive with imported steel and trigger layoffs at district mills.

There seems to be no doubt that river transportation has a cost advantage over rival means of moving cargo. Scatterday, also president of Campbell Barge Lines of Pittsburgh, stretched this point to the limit, noting it costs one-half cent per ton-mile to ship on the river versus 22 cents by air.

To put it another way, he said, "Sixteen percent of the nation's goods are moved by water for 2 percent of the country's total freight budget."

Scatterday said the U.S. Army Corps of Engineers spends about $147 million a year to maintain the waterways system. Benefits are reaped by water lovers as well as industry, he said, noting that there are 15,000 pleasure boats in Allegheny County alone.

Proponents of the user tax claim federal spending on the waterways is much higher when all costs are considered, like nearly a billion dollars a year. In addition to maintenance of more than 250 locks and dams, this includes dredging channels and navigational aids provided by the Coast Guard.

Backers of the user tax argue that river transportation companies are getting a free ride at the expense of competing modes of transportation. A congressional study found barge subsidies to be about 20 times greater than those provided to other transportation industries.

The Ohio River Co.'s Geary bridles at use of the term subsidy. "Not a penny of federal money goes into our pockets," he said.

"This is a very competitive business," Scatterday observed. "Approximately 30 barge lines are based in the Pittsburgh area," he added.

Another reason why water transportation leaders are more apprehensive about passage of the usage tax this time is the way the government is scrounging for new sources of revenue.

President Carter's support for the measure also is making the industry nervous.

Although some river barge operators have expressed fears that a user tax would sink them, water transportation apparently is the most profitable of heavy cargo carriers.

Return on net investment for water carriers in 1975 was 15.79 percent, compared to 0.08 percent for railroads, 7.66 percent for pipelines and 13.27 percent for trucks, according to the Congressional Record.

Scatterday conceded he didn't think the industry would collapse under the weight of a user tax. But he warned that it would have to be passed on to customers and predicted rates for all forms of transportation would rise.

There's no doubt that the Pittsburgh area would be hurt more than other regions by such a tax, especially if it were a lock fee, according to Arthur J. Brosius, vice president of the Union Mechling Corp.

Locks are spaced only a few miles apart on rivers here, but lock-free intervals are much wider further down the Ohio and there are no locks at all from St. Louis to New Orleans on the lower Mississippi.

Scatterday favors a fuel tax as the least objectionable, if there has to be a water use charge. "It would be fairest," he said.

Barge operators point out that Pittsburgh became a center of heavy industry because of its rivers. "Let's think about what we're doing before we make a drastic change like passing a water user tax," Scatterday urged.

PUBLIC HEALTH SERVICE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. PANETTA. Mr. Speaker, I would like to bring to the committee's attention a very important report by the Comptroller General concerning the funding level of the Public Health Service. As you know, Senator MAGNUSON'S subcommittee has requested a $135 million increase in the Public Health Service section of the Senate's Labor-HEW appropriations bill. I urge the House conferees to give careful consideration to the findings and recommendations of the Comptroller General's report and to accept the increase contained in the Senate version of the bill.

The report was made at the request of Senator JOHN L. MCCLELLAN, the distinguished chairman of the Senate Committee on Appropriations, to determine whether all services and personnel at the Public Health Service, PHS, hospitals and clinics are operating at the 1973 level as required by section 818(a) of the Department of Defense Appropriations Authorization Act of 1974, Public Law 93–155. Its findings and recommendations clearly point out the need for increasing the appropriation for this worthy program:

We believe that the PHS hospital system is attempting to maintain a level and range of direct patient care services comparable with 1973. However, in attempting to maintain these services during a period of spiraling inflation and limited budget increases, the PHS hospital system has been unable to:

Prevent a reduction in the level and range of other health-related activities, including training and research;

Maintain authorized staff ceilings;

Maintain adequate inventories of drugs and other supplies;

Maintain an adequate program for replacing obsolete equipment or purchasing new equipment required by advancements in modern medical practice and technology; and

Spend funds needed to maintain and repair existing equipment and facilities, resulting in the continued deterioration of the hospitals.

Most of the hospital and clinic officials and employees we interviewed expressed concern that, if the current trend continues, it may become necessary to set priorities in patient care and reduce the level and range of services provided. The data we collected indicates that some hospitals and clinics are reducing direct patient care services or are increasing the waiting time to obtain such services.

We believe that our findings raise additional issues that merit Congressional consideration. The data we have obtained indicates that the Federal Government is supporting a hospital system which has not been able to (1) keep pace with advancements in medical practice and technology, (2) comply with minimum safety and professional accreditation standards, and (3) maintain optimum utilization and productivity levels.

We believe that in considering funding for the PHS hospital system, the Congress should address whether or not the United States intends to realize the potential of the PHS hospital system as a resource for medical care at a reasonable, controllable cost. In

deliberating on the matter the Congress should consider the following factors:

The potential savings from providing health care service to military dependents and to Medicare and Medicaid beneficiaries in federally controlled PHS hospitals and clinics.

The economics and efficiencies of PHS hospital participation in and cooperation with regional and local health planning and resource allocations. This would include facility and other sharing among the Department of Defense, Veterans Administration, and PHS hospital systems (an area that we are reviewing).

The potential benefits to be derived by developing Federal health care research and health manpower training at the PHS hospitals similar to that conducted by the National Institute of Health.

The potential role of the PHS hospital system as a primary or standby health care provider in any future national health insurance program.

We have discussed the contents of this letter with officials of the Department of Health, Education, and Welfare. They said that the letter is a fair appraisal of the current status of the PHS hospital system.

SIMPLIFYING PENSION ACT

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. KASTEN. Mr. Speaker, in recent months I have been receiving letters from a number of Wisconsin businessmen about the frustration and confusion that has arisen because of the cumbersome reporting requirements associated with the Employee Retirement Income Security Act—ERISA.

A recurring theme develops throughout the letters: "If you could take the time to read the numerous forms we must submit to the Internal Revenue Service, the Department of Labor and the Pension Benefit Guaranty Corporation, we think you would agree that most of these reports are unnecessary and will never be read by anyone. Yet, preparing and distributing them is very costly."

After reading these letters, I checked into the ERISA reporting requirements and discovered that the law has indeed added another layer to the "Federal forms pollution" that is slowly strangling American business.

BURDEN ON SMALL BUSINESS

While giant corporations can absorb the costs of complying with numerous Federal regulations and pass those costs on to the consumer, the burden is far different for small business.

Small businessmen must employ outside accountants and lawyers to fill out complex forms and keep the extra recordkeeping that is involved. Professional assistance is expensive. Having few employees, the small firm cannot spread the cost as easily. A rise in per unit cost to cover paperwork can result in loss of sales and loss of competitive standing for small enterprises. Unfortunately, this added expense can become the final straw that drives the small businessman out of business.

That burden is unfair and hardly characteristic of a government that is supposed to be reasonable and responsive to all its citizens. Since coming to Congress, I have been searching for ways to reduce the paperwork burden. I believe ERISA provides an excellent place to begin.

The Employee Retirement Income Security Act of 1974 was enacted to protect the rights of pension plan participants and beneficiaries. Prior to its enactment, many American workers lost their pension benefits because of abuses or inefficient management of their existing plans.

The assets in private pension plans today exceed more than $200 billion. It is essential that those handling these vast sums discharge their duties in the interests of the plan participants and their beneficiaries. That was the reason for enactment of ERISA, and I do not quarrel with its purpose.

ERISA established minimum standards to protect the retirement benefits of the American worker. These include: vesting, funding, participation, termination insurance, fiduciary responsibility and prohibited transactions.

Since its enactment, however, problems in administration and duplicative paperwork requirements have become glaringly apparent. Thus, the outcry from many small businessmen who find the new requirements counterproductive to the maintenance of sound pension plans. Some of these problems can be resolved by administrative actions, and I am pleased that the Internal Revenue Service and Department of Labor are willing to take such action. Others, however, can only be resolved through legislation.

PENSION SIMPLIFICATION ACT

Today, I am introducing the Pension Simplification Act of 1977, a bill which I believe will streamline the administration of ERISA and strengthen our private retirement system, which is of such importance to the millions of workers and senior citizens throughout our country.

1. ELIMINATE DUAL JURISDICTION

Under existing law, both the IRS and Department of Labor implement provisions of ERISA. The net result has been one of dual reporting, dual confusion, dual frustration, and numerous filing dates. Whenever a business is required to deal with two or more regulatory agencies in a given area, it becomes a "ping-pong" ball, hit by all and eventually lost in a bureaucratic quagmire. Dual jurisdiction has prevented efficient or effective administration and enforcement of ERISA. It has been detrimental to all concerned — business, unions, and workers.

Two identical teams of pension experts have been assembled at both the Treasury and Labor Departments at extra cost to the American taxpayer as well.

The bill I am introducing would carefully divide pension jurisdiction between the two departments, thus minimizing the existing overlap. The IRS would be given exclusive jurisdiction over the areas of vesting, funding and participation. The Labor Department would be given exclusive jurisdiction over the areas of fiduciary responsibility and prohibited transactions. The Pension Benefit Guaranty Corporation, within Labor, would continue to implement the termination insurance program.

The divisions of responsibility suggested in this proposal closely correspond to areas of expertise already developed by each Department. By eliminating any overlapping responsibilities, the simple administration of ERISA should be greatly improved.

2. REDUCE PAPERWORK

Several changes in the statutory reporting requirements of ERISA are necessary to simplify and reduce the paperwork burden. These changes were recommended by the Federal Paperwork Commission. If adopted, they would eliminate the duplicate and repetitious forms now required by ERISA.

First, this bill would eliminate the current requirement that a 5-year summary plan description be filed with the Department of Labor.

Employers must routinely provide a summary plan description to each employee every 5 years. ERISA now requires that a copy of the summary be provided to the Department of Labor for review and comparison with the complete plan to assure the completeness and accuracy of the plan. Because the Department already receives a copy of the complete plan description, it is duplicative to forward copies of the summary. Officials within the Department have indicated they have no need for such filings, and the storage cost to the Government is as much as $1 million every 5 years. The savings to business have been estimated at $7.2 million.

Second, the Secretaries of Treasury and Labor would be directed to formulate a single annual form with a single filing date which would be filed with the IRS every year by administrators of pension plans. Generally, there is no need for separate annual forms to be filed with each department. One should suffice.

Also, my bill would permit notices of amendments to a pension plan to be filed in connection with the annual report rather than the current requirement that a separate report be filed within 60 days of a plan change. It is estimated that this change alone could save business approximtely $12 million.

Third, the long "laundry list" of specific information which must be included in annual reports of pension plans pursuant to section 103 of ERISA would be repealed by my bill. This section is a 6-page detailed list of reporting requirements, some of which are unnecessary for all plans. A far better approach is to give the Secretaries of Labor and Treasury discretion to require only such information as is needed to protect the rights of pension plan participants and beneficiaries.

3. ELIMINATE ADMINISTRATIVE BACKLOG

My bill would also help eliminate the long delays that now face pension plans in obtaining administrative decisions and rulings. Under the proposal, plans would be able to seek a declaratory judgment in Federal court if, within 180 days after a request for any tax qualification, variance or other exemption from ERISA, the appropriate agency has failed to make a determination.

A REASONABLE BALANCE

Mr. Speaker, the intent of the legislation I am proposing is to strike a reasonable balance between the need to protect pension plans from abuse, and the need to protect good retirement plans from being terminated simply because businesses are buried in an avalanche of paperwork and redtape. I am sure this was not the intent of the authors of ERISA, and hope they view with favor changes which are necessary to protect the integrity of the program.

COLLEGE STUDENTS AND ENERGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. TEAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the results of a poll taken of college students by the Forum for the Advancement of Students in Science and Technology, Inc., together with their statement relating to the results of that poll:

SURVEY FINDS COLLEGE STUDENTS ARE MOST CONCERNED WITH ENERGY, ABSTRACT ISSUES

As President Carter's energy plan limps through Congress, gasoline consumption is setting records, oil imports are one-third higher than a year ago, and the trend towards increased energy consumption in all areas remains firmly rooted.

On a class-level, energy issues seem to be as undecided as ever: what environmental trade-offs will we accept to maintain our standard of living; how much are we willing to stake on long-range energy solutions; how will the United States figure into the developing global energy picture? But on a personal level the decisions are much more clear-cut and can often be reduced to a choice between either paying more for energy and ignoring its ultimate source or voluntarily tightening one's belt, thus implicitly supporting an energy conservation program.

Surprisingly, all the evidence seems to indicate that the public is willing to make sacrifices—not merely in the name of economy, but in recognition of the consequences of continued reckless energy consumption.

A recent survey of the membership of the Forum for the Advancement of Students in Science and Technology, Inc. (FASST), reinforces this conclusion, and provides some worthwhile insights into public perceptions of specific energy issues.

Of the 18 percent of the members responding to date, non-science majors have comprised over 20 percent, the rest being split fairly evenly between the life and physical sciences. Taken as a whole, the surveyed group felt overwhelmingly that the energy situation in the U.S. is grave—97 percent indicated it was either very serious or fairly serious, with 65 percent saying it was very serious. This would seem incongruous when compared to another strong response—62 percent negative to 34 percent positive—to a question asking if the proposed energy plan would cause significant change in the respondent's life style, but 70 percent felt they were already practicing good energy conservation habits when the President's proposals were unveiled.

Questions about specifics of the Administration's plan elicited responses that generally favored the Carter proposals, with some uncommonly strong support indicated for the increased nuclear power and coal provisions of the plan. A near unanimous 93 percent agreed with the proposed tax credits for home insulation or solar device installing, and 75 percent were in favor of a "guzzler" tax coupled with a rebate for the purchase of smaller cars (the rebate plan was recently overturned in Congress).

The responses were more evenly divided when it came to the (also recently overturned) standby gas tax, with those opposed to the move slightly edging the proponents. Requiring utilities to convert to coal was seen as desirable by 45 percent (a 12 percent edge over those opposing), but when the issue was rephrased in a later question, this time with the condition that utility conversion be done in an environmental sound way, a more convincing 62 percent were in favor, as compared to 27 percent opposed.

There was an equally strong response—68 percent for, 28 percent against—to a question concerning increased construction of nuclear power plants without sacrificing safety standards. Most thought nuclear power to be safe—32 percent checked "very" safe, 40 percent checked "fairly" safe—with 23 percent considering it "not very" safe.

Carter has stressed conservation as the "cornerstone" of his program, but the responses to a question on whether he has relied too heavily on it were ambivalent. A slight majority felt he has relied too heavily on conservation rather than on energy production, but the 9 percent "no opinion" responses could have swung the total either way.

Clear affirmative majorities, however, turned up in response to the questions: "Do you believe that natural gas was deliberately withheld during the winter shortage in order to drive up the price?" and "Do you believe that solar development is being held back by 'big energy' interests?" Responses to the first question varied widely from region to region, but the overall response to the second seems to indicate a less-than-total confidence in the energy policies of large industry and government. This lack of confidence is echoed in the answers to a write-in question, where the general inability of large government to cope with societal problems was the second-most-often-cited problem in America today.

The written media—publications of societies and associations, newspapers and general magazines, in that order—were checked as the gy issues. Government agencies ranked next in credibility, followed by classes and textbooks, conferences and workshops, and industries and trade associations.

Local and school-sponsored energy conservation and awareness program including recycling programs and academic course work that has improved individual energy awareness is the rule rather than the exception, the survey found. The students responding either felt that adoption of a comprehensive energy program would raise the price of their education (51 percent) or they did not know the probable effect (34 percent).

Not surprisingly, energy was listed most often as the most important problem facing the United States today, with the aforementioned ineffectiveness of big government ranking second. Following in order in this category were declining morality; ineffectiveness of the educational system; difficulties with the economic system; over-consumption and a wasteful life style; apathy; shortsightedness in setting goals; inflation; declining interest in science; overpopulation; crime; unemployment and the nuclear arms race.

In contrast to other surveys (such as one conducted by Gallup) on this topic alone, abstract problems ranked highest, while specific problems (unemployment, crime) ranked low. The opposite has often been the case.

Hope for the future revealed itself when 80 percent responded that they were optimistic about the country's ability to find solutions to the energy situation.

The Forum for the Advancement or Students in Science and Technology (FASST) is an educational organization with members and chapters throughout the country and abroad. Its major goal is to provide the technical student with an understanding of what will be accepted as public policy, and for the social science and humanities student a background on the technical options which are available for the future.

The organization's publications (FASST News Service, FASST News, and FASST Tracks) are distributed to college media editors free of charge. A tearsheet is greatly appreciated.

FASST ENERGY SURVEY

Results as of June 13, 1977 (18 percent of the membership):

1. How serious do you think the energy situation is in the United States?

Very serious, 65 percent; Fairly serious, 32 percent; Not serious, 2 percent; No opinion, less than 1 percent.

2. Do you think the proposed energy plan, as outlined by the President, will cause significant changes in your life style?

Yes, 34 percent; No, 62 percent; No response, 4 percent.

3. Do you feel you were already practicing good energy conservation habits even before the President presented his proposals?

Yes, 70 percent; No, 29, percent; No response, 1 percent.

4. The following list contains highlights from the President's energy plan. Indicate your agreement or disagreement with each point.

A tax on "gas guzzling" cars and a rebate for the purchase of small cars.

Agree, 75 percent; Disagree, 23 percent; No opinion, 2 percent.

A tax credit for families who insulate their homes or install solar devices.

Agree, 93 percent; Disagree, 5 percent; No opinion, 2 percent.

An increase in gasoline taxes, with the provisions for income tax rebates.

Agree, 45 percent; Disagree, 46 percent; No opinion, 9 percent.

The requirement for utilities and industries to burn coal rather than natural gas and oil.

Agree, 45 percent; Disagree, 32 percent; No opinion, 23 percent.

More construction of nuclear powerplants, without sacrificing safety standards.

Agree, 68 percent; Disagree, 28 percent; No opinion, 4 percent.

5. Do you believe that natural gas was deliberately withheld during the winter shortage in order to drive up the price?

Yes, 43 percent; No, 31 percent; No opinion, 26 percent.

6. If it could be done in an environmentally sound way, would you favor having utility companies convert from gas and oil to coal, even though it may mean higher prices for consumers?

Yes, 62 percent; No, 27 percent; No opinion, 11 percent.

7. Will higher gasoline prices and the President's call for conservation change your driving habits?

Yes, I'll drive less 36 percent; No, I'll drive about the same, 64 percent.

8. Do you think the President's energy package relies too heavily on conservation instead of energy production?

Yes, 49 percent; No, 42 percent; No opinion, 9 percent.

9. What is your general opinion regarding the safety of nuclear power?

Very safe, 32 percent; Fairly safe, 40 percent; Not very safe, 23 percent; No opinion, 5 percent.

10. Do you believe that solar development is being held back by "big energy" interests?

Yes, 53 percent; No, 31 percent; No opinion, 16 percent.

11. In your opinion, who (individual/organization/agency) is the most credible source for information on energy issues? (Omitted.)

12. What has been your primary source(s) for authoritative and credible information on energy issues? (Rank your top three sources)

Publications of societies and associations	1
General magazines	3
Government agencies	4
Conferences and workshops	6
Classes and textbooks	5
Newspapers	2
Industries and trade associations	7

13. Has your school or community sponsored programs to promote energy awareness?

Yes, 47 percent; No, 35 percent; I don't know, 18 percent.

14. Does your school or community have an organized recycling program for bottles and cans?

Yes, 57 percent; No, 32 percent; I don't know, 11 percent.

15. Has your course work been helpful in developing an understanding and an awareness of energy issues?

Yes, 49 percent; No, 34 percent; No opinion, 17 percent.

16. How would you rate your understanding of the economics of energy?

Good, 40 percent; Fair, 48 percent; Poor, 12 percent.

17. Should FASST spend time to develop a program devoted to the understanding of energy economics?

Yes, 80 percent; No, 9 percent; No opinion, 11 percent.

18. Do you think that the price of your education will increase if the President's energy package is adopted by Congress?

Yes, 51 percent; No, 15 percent; I don't know, 34 percent.

19. Are you optimistic about the country's ability to find solutions to the energy situation?

Yes, 80 percent; No, 20 percent.

20. What do you think is the most important problem in America today? (See attached press release.)

21. Descriptive information: Age ——— Class in school ——— Major ——— Name of school you attend (include state) ——— (See attached press release.)

REQUIRE FEDERAL EMPLOYEES TO JOIN UNIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. DERWINSKI. Mr. Speaker, since the art of plain talk seldom is practiced in the Federal bureaucracy, it is heartening to know there are officials capable of giving straight and honest answers to direct questions. President Carter's top three appointees to the Civil Service Commission proved the point. In a June 14 appearance before the House Post Office and Civil Service Committee, they minced no words in opposing legislation which would give Federal employees the right to strike or require them to join unions in order to retain their Government positions.

Commission Chairman Alan K. Campbell and Commissioners-designate Jule Sugarman and Ersa Poston deserve commendation for their forthright and concise statements. Their views clearly reflect the sentiments of a vast majority of the public, and I would hope the views of these experts would have a moderating effect on Members who seem overanxious to push for legislation which will benefit only a handful of labor leaders.

Since Chairman Campbell and his two colleagues did such an outstanding job in providing frank and concise answers to my questions, I am including a verbatim exchange in the hope it may set a standard for other Federal officials. It begins with their responses to my question on whether Federal employees should have the right to strike:

Mr. CAMPBELL. My answer is no.

Mr. SUGARMAN. My answer is the same.

Ms. POSTON. Mine is the same.

Mr. DERWINSKI. The other question, do you think that a Federal employee should have to join a union in order to obtain or keep a Federal Government position?

Mr. CAMPBELL. My answer to that is no. I would only add that within that context, I reserve judgment on the agency shop issue.

Mr. SUGARMAN. My answer is no, but I think some method of assessing employees who are represented by the union on many matters has to be found. There is a financial problem for the unions in that.

Ms. POSTON. I am committed to Mr. Sugarman's approach.

RIGHTS DENIED IN RED CHINA AND VIETNAM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. McDONALD. Mr. Speaker, in a time when the focus on human rights by the Carter administration appears to be concentrated on the Soviet Union, certain Latin American and African nations, it is well that Asia should not be forgotten. Millions have died in Communist China and several millions have probably died since we left Southeast Asia. Just consider that 1.2 million are estimated to have been killed in Cambodia alone.

One of the experts on the situation in Asia for many decades has been Father Raymond de Jaegher. Many of my colleagues will remember the raging debate between him and the noted Southeast Asian scholar and international intelligence expert Hilaire du Berrier over the origin of the Vietnam war and the personalities in the South Vietnamese Government. In that instance, by hindsight most interested parties agree that the views and works of Hilaire du Berrier were correct. This only shows that two good anti-Communist experts can disagree over such a complex subject.

On the subject of the inhumanity of communism, there is no disagreement. Mr. du Berrier, Father de Jaegher and all knowledgeable Americans point to the curtain of silence and shame that our media has cast before the massive violations of human rights in Asia.

Father Raymond de Jaegher recently summarized this current tragedy in Southeast Asia in a column that appeared in the Christian News on May 2, 1977. The column follows:

RIGHTS DENIED IN RED CHINA, VIETNAM—OVER ONE-SEVENTH OF CAMBODIA MURDERED

(By Father Raymond J. de Jaegher)

Abraham Lincoln once said: "To sin by silence, when we should protest, makes cowards out of men." President Carter seems to be following Abraham Lincoln. He is speaking against blatant ,violations of human rights in some—but only some—countries of the world.

In China and in Vietnam today under Communist domination, the people cannot speak freely, or write freely, or go to Church and worship freely. They cannot even travel from Communist-dominated countries into countries of the Free World.

To support the human rights is a positive weapon of the Free World. Communist countries are very much hurt by open examination of the human rights question.

Searching questions on human rights constitute a powerful psychological tool to penetrate not only the Soviet Union and the countries of Eastern Europe but also to put pressure on Mainland China and the newly united Vietnam, controlled by North Vietnam's Communist regime.

It is very ironic to hear the strong language used in our media against Spain, Portugal, Brazil and Chile. The Communist regimes too have bitterly attacked those countries because they defeated Communism.

It is also very interesting to read the article of William Safire in the March 23 *New York Times*. In an interview in Peking, a Chinese Foreign Ministry official asserted to him: "In the United States, only 5 percent of the population enjoys human rights, and 95 percent don't have them." This statement of course will startle the American people who never knew that they do not have the basic freedoms the U.S.A. is built upon. The Chinese official admitted that 5 percent of China's 800 million people were denied human rights. The best interpretation of his statement is that 40 million Chinese have been deprived of human rights in prisons, or in "reeducation camps."

Serious studies on the human cost of Communism indicate that 36 to 63 million Chinese were killed on Mainland China, and probably the figure exceeds 63 million.

During my years under the Communists in China I never had real freedom of speech. Freedom of religion was slowly taken from me and eventually eliminated for all believers. Travelling passes were required to go from one village to another, not only for me, but for *all Chinese citizens*. Every one of us had to follow the strict party line. Every Chinese knew this.

For this very reason, foreigners who visit the Mainland of China find everything in the best of order, everything in strict discipline. Everyone is dependent of the regime and even after a quarter-century of Communist rule the citizen of China must have food tickets. Every Chinese citizen is poor. The regime is rich and has absolute control. For a citizen of a democratic country this is incredible.

Vietnam is following the same pattern as Communist China. During the two years since South Vietnam fell under the full control of the Communist North, efforts have been launched to destroy the resistance movements of the Southern Vietnamese. The Northerners do not want to rock the boat too strongly because they are very eager to have U.S. diplomatic recognition of the new unified Vietnam. They want aid for Vietnam and any U.S. aid would mean for them "reparation" for the damage of the war.

Over 50,000 Americans and nearly a million Vietnamese died during the war in Vietnam, a war to keep freedom in Southeast Asia. I

lived ten years in Vietnam and saw the refugees who fled from the North; now these refugees have to be deported from South Vietnam to labor camps in the North.

Half a million former army officers and government officials of all levels have been sent to so-called re-education camps, which are real concentration camps with beatings, tortures, mental harassments bringing the rate of suicide in Vietnam as one of the highest in the world. I have heard the stories of hundreds of Vietnamese who told me their tragic escape from Vietnam to the Free World, and even now in the South China Sea boats with refugees who are trying in vain to find a friendly country and a free home to live in.

Cambodia, the neighbor of Vietnam, had 1.2 million killed out of seven million inhabitants. The whole country is in turmoil, without freedom and without human rights.

The people of all the world's Communist countries are always taking the one-way street to the free countries, when they can. Millions of Chinese, Vietnamese and refugees from the Asian countries fled to our free countries. No one is trying to get into Communist countries.

I interviewed many times young men and women of China who escaped from Mainland China to Hong Kong and Taiwan. They took chances to swim for six or seven hours despite the Communist patrol boats trying to kill them, despite sharks, despite strong adverse currents, and despite the Hong Kong police trying to stop illegal entry into that British colony. Only one out of ten achieve their goal of freedom, but young men and women continue to risk their lives for freedom.

Vladimir Bukovsky was asked at an AFL-CIO lecture in Florida how many prisoners were in Soviet concentration camps. Solzhenitsyn had said 30 million, but Bukovsky replied "250 million"—the total Soviet population—to signify that the whole country is a concentration camp, and truly the people of the Soviet Union do not have the human rights. The same can be said of China and Indochina.

Citizens of the United States of America enjoy freedom of speech, freedom of religion, freedom of the press and freedom of assembly. These fortunate citizens should support all those citizens from China and from Indochina requesting basic human rights, individual social and economic liberties and above all the right to worship God freely.

Some 35 countries have signed the Helsinki agreement, but the Helsinki agreement was only useful for the Soviet Union to proclaim that the countries of Eastern Europe now are under Communism. They do not ensure faithful compliance with the agreement's human rights provisions or those of the United Nations Universal Declaration of Human Rights.

Communists complain ceaselessly about the imperialistic United States, about tyrannical dictatorship in Spain, Chile and Brazil. They never speak about Cuba, Angola, or Mozambique.

We hope that the people of the Free World, led by the U.S.A., will also be strong to speak for the people of China, at a time when 800 million of them after the death of Mao Tse-Tung, are looking forward for their freedom, after 26 years of enslavement.

A TRIBUTE TO WILLIAM M. GERST

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. PANETTA. Mr. Speaker, I take this opportunity to pay tribute to William M. Gerst, who recently retired as president and trustee of the Paso Robles, California School Districts. The contribution he has made to this community will not be soon forgotten.

The quality of education in this country is largely dependent on the efforts of local citizens like William Gerst who share a commitment to service. The 12 years during which he has served as president and trustee of Paso Robles School Districts have seen the development of new and innovative educational programs, as well as the addition of several new facilities which have helped to strengthen the districts' financial base.

It is rare that we find an individual who has given so unselfishly of his energies and abilities. I know that William Gerst's presence on the board will be sorely missed by the students, board members, and citizens who have benefited from his wisdom and guidance.

TRIBUTE TO THE VOLUNTEER FIREMEN OF SPARTANBURG COUNTY, S.C.

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Mr. MANN. Mr. Speaker, I would like to call the attention of my colleagues and the general public to the outstanding work of a group of citizens in my congressional district. These citizens, the volunteer firemen of Spartanburg County, S.C., have an organization which I believe is unparalleled in the Nation. In an area of 830 square miles with a population of 200,000, 37 of the 38 departments are manned fully by volunteers. I am privileged to commend the efforts of Mr. Charles A. Bryant, the director-coordinator of the Department of Civil Defense of Spartanburg County-City, and his staff and the 1,130 volunteers who are providing a much needed service in a spirit of community and dedication.

Because I feel that the achievement of Spartanburg County's volunteer firemen is extraordinary, I want to challenge any county in the Nation to match their record of service. If any group feels that they can meet this challenge I would like to hear from them. In addition, I will cause their record to be placed in the RECORD.

Mr. Speaker, the work of volunteer firemen is essential in providing public fire protection in our Nation. I am proud to represent the volunteer firemen of Spartanburg County, and I ask you and my colleagues to join me today in paying tribute to their superlative efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 21, 1977, may be found in the Daily Digest of today's RECORD.

MEETING SCHEDULED

JUNE 22

7:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulations Subcommittee
To receive testimony on proposals embodied in parts A, B, C, and G of S. 1469, the proposed National Energy Act.
3110 Dirksen Building

9:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on the implementation and management of the Clean Water Act.
4200 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. 1664–1669, relating to financial institution reform.
5302 Dirksen Building

Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Vocational Rehabilitation Act of 1973 and Education of the Handicapped Children Act.
Until 1 p.m. 4232 Dirksen Building

Select Indian Affairs
To consider S. 660, authorizing the Secretary of the Interior to enter into an agreement with the Cherokee, Choctaw, and Chickawa Indian Nation for the purchase and/or lease of their rights in the riverbed of the Arkansas River; S. 1576, authorizing funds for fiscal years 1978 and 1979 for Indian business development programs; and S. 1577, authorizing funds for fiscal year 1978 for the Indian Claims Commission.
3302 Dirksen Building

Select Nutrition and Human Needs
To hold hearings on nutrition as it relates to mental health and development.
Until 1 p.m. 6202 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Rural Development Subcommittee
To resume oversight hearings on the implementation of the Rural Development Act.
322 Russell Building

Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building

Finance
To consider pending nominations and other committee business.
2221 Dirksen Building

Judiciary
To hold hearings on the nomination of John M. Rector, of Virginia, to be As-

sistant Administrator of Law Enforcement Assistance.
2228 Dirksen Building
Rules and Administration
To hold a business meeting.
301 Russell Building
Joint Economic
Subcommittee on Economic Growth and Stabilization
To hold hearings to receive testimony from public pollsters on the current status and future conditions affecting the economy.
1202 Dirksen Building

10:15 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on the effectiveness of VA programs on mental health, alcohol and drug abuse, readjustment counseling, and health.
Until 2 p.m. 6226 Dirksen Building

10:30 a.m.
Appropriations
To mark up proposed appropriations for fiscal year 1978 Department of Agriculture and for military construction.
S-128, Capitol
Judiciary
To hold a business meeting.
2300 Dirksen Building

1:00 p.m.
Judiciary
Construction Subcommittee
To resume hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building

JUNE 23

7:00 a.m.
* Energy and Natural Resources.
To hold hearings on the ERDA study on Market Oriented Planning Programs system.
3110 Dirksen Building

9:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. 1664-1669, relating to financial institution reform.
5302 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on the implementation and management of the Clean Water Act.
4200 Dirksen Building
Veterans' Affairs
To hold hearings on S. 1307, to deny benefits to certain Vietnam era veterans who were discharged under less than honorable conditions.
Until 1:30 p.m. 224 Russell Building

9:30 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume oversight hearings on the implementation of the Disaster Relief Act.
1318 Dirksen Building
*Judiciary
Antitrust and Monopoly Subcommittee
To hold hearings on the President's proposed energy programs.
2228 Dirksen Building
Select Small Business
To resume hearings on S. 1306, authorizing $50 million through October 1, 1977, for emergency drought assistance loans to small businesses.
424 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture procedures.
235 Russell Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1188, to create expeditious and fair claims—settling procedures for loss and damage sustained in the interstate transportation of property.
5110 Dirksen Building
Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building
Finance
Social Security Subcommittee
To resume hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building
Judiciary
Constitution Subcommittee
To continue hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
1202 Dirksen Building
Joint Economic
Priorities and Economy in Government Subcommittee
To hold closed hearings to receive testimony on defense budget levels in the USSR and People's Republic of China.
6202 Dirksen Building

JUNE 24

9:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1185, to regulate interstate commerce with respect to parimutuel wagering on horseraces.
5110 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture procedures.
235 Russell Building
Finance
Social Security Subcommittee
To continue hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building
Foreign Relations
To meet in closed session with Joint Chiefs of Staff Chairman General Brown and Under Secretary of State Habib to discuss U.S. policy towards Korea.
S-116, Capitol
Human Resources
To hold hearings on the nominations of Xavier M. Vela, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor; William W. Allison, of Georgia, to be Deputy Director of the Community Services Administration; and Julius B. Richmond, of Massachusetts, to be an Assistant Secretary of H.E.W.
4232 Dirksen Building
Joint Economic
Priorities and Economy in Government Subcommittee
To continue closed hearings to receive testimony on Defense budget levels in the USSR and People's Republic of China.
6202 Dirksen Building

JUNE 27

9:30 a.m.
Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To hold hearings on methods to improve shareholders' participation in corporate decisionmaking.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building
Commerce, Science, and Transportation
To resume oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1381, to provide basic standards for State no-fault benefit plans for the rehabilitation and compensation of motor vehicle accident victims.
235 Russell Building

JUNE 28

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6202 Dirksen Building

9:30 a.m.
Human Resources
Labor Subcommittee
To hold hearings on the problems of occupational disease, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building
Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To continue hearings on methods to improve shareholders participation in corporate decisionmaking.
1202 Dirksen Building

10:00 a.m.
To continue hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building
Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings in S. 491, 1045, 1104, 1326, 1505, and H.R. 2437, bills dealing with National Historic sites.
3110 Dirksen Building
Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Re-

tirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on a report of the Commission on Postal Service.
3302 Dirksen Building

JUNE 29

9:00 a.m.
Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To review an SBA study of small business problems.
424 Russell Building

Veterans' Affairs
Health and Readjustment Subcommittee
To resume hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

Human Resources
Labor Subcommittee
To continue hearings on problems of occupational disease, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To receive testimony on a report of the Commission on Postal Service on recommendations with regard to electronic mail.
3302 Dirksen Building

Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To hold hearings jointly with the Economic Growth and Stabilization Subcommittee of Joint Economic Committee on small business investment policy.
424 Russell Building

JUNE 30

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To continue hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6226 Dirksen Building

9:30 a.m.
Human Resources
Labor Subcommittee
To continue hearings on problems of occupational disease, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building

Select Small Business
To resume hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up H.R. 5294, S. 918, and S. 1130, to amend the Consumer Protection Act so as to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building

JULY 1

9:30 a.m.
*Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed legislation to amend the Veterans' Physician and Dentists' Pay Comparability Act.
Until noon 6202 Dirksen Building

JULY 6

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 7

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 8

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the small Business Administration.
3302 Dirksen Building

JULY 11

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

JULY 12

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings to evaluate information upon which the FDA based its decision to ban Laetril from interstate commerce.
Until noon 4232 Dirksen Building

Human Resources
Handicapped Subcommittee
To resume hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
6202 Dirksen Building

Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Foreign Relations
To hold hearings on the Vienna Convention on the Law of Treaties (Exec. L, 92d Cong.; 1st sess).

JULY 13

9:30 a.m.
Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To hold hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the cost of drugs.
Until noon 4232 Dirksen Building

Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
6202 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To continue hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 15

9:30 a.m.
Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Finance
Social Security Subcommittee
To resume hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 18

10:00 a.m.
Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Retirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building

JULY 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To review a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume hearings on biomedical research programs.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties: Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 20

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To continue hearings on biomedical research programs.
Until 1 p.m. 4232 Dirksen Building

Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communication Subcommittee
To hold hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the interrelationship among communications common carriers providing international record services.
235 Russell Building

Foreign Relations
To hold hearings on the following five tax treaties: Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 21

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the interrelationship among communications common carriers providing international record services.
235 Russell Building

JULY 26

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume oversight hearings on the cost of drugs.
Until 12:30 p.m.
4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on protocol to the Convention on International Civil Aviation (Exec. A, 95th Cong., 1st sess.), and related protocols (Exec. B, 95th Congress, 1st sess.).
4221 Dirksen Building

JULY 27

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on a study by the National Academy of Science on health care for American veterans.
6226 Dirksen Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on the cost of drugs.
Until 12:30 p.m. 4232 Dirksen Building

AUGUST 2

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To resume oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

AUGUST 3

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

AUGUST 4

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 364, Veterans' Administration Administrative Procedure and Judicial Review Act.
Until 1 p.m. Room to be announced

SEPTEMBER 28

10:00 a.m.
Veterans' Affairs
To receive legislative recommendations from representatives of the American Legion.
412 Russell Building

CANCELLATIONS

JUNE 22

10:00 a.m.
Select Small Business
To continue hearings on alleged late payments by Government agencies to small business contractors.
424 Russell Building

JUNE 23

7:00 a.m.
Energy and Natural Resources
To continue hearings on part D (natural gas pricing) of S. 1469, proposed National Energy Act, and S. 256, proposing deregulation of the wellhead price of natural gas.
3110 Dirksen Building

SENATE—*Tuesday, June 21, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Most Reverend James A. Hickey, bishop of Cleveland, Cleveland, Ohio, offered the following prayer:

Father of us all, You have blessed us with a land rich in good things, a fair and abundant land. It is blessed above all else in the unity and diversity of its people, Your sons and daughters.

Their needs press hard upon us who serve by their consent. Only Your divine assistance can lift our burden and only Your inspiration can shed light that we may see clearly despite the darkness. We earnestly beg Your assistance, open our minds and our hearts to Your guidance.

Your spirit once moved over the dark chaos which engulfed our universe, and from that divine intervention came order and peace. Now let Your spirit move once again in our midst and bring us order, bring us abiding peace. Spare us from tedium and from discouragement; lift our spirits and renew the hope of Your people. Help us to place ourselves and all our citizens in Your good and gentle hands. That You will continue to bless Your people, this Government, and all the world, we pray, hear us, O Lord! Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 21, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Monday, June 20, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. BAKER. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, is is so ordered.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 717, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 717) to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senator from Utah (Mr. HATCH) is recognized to call up his amendment.

Mr. HATCH. Mr. President, I ask unanimous consent that Robert P. Hunter and Andrew Grey Nokes, of my staff, be granted the privileges of the floor during the consideration of the pending legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 437

Mr. HATCH. Mr. President, I call up my amendment No. 437, which is in the nature of a substitute to S. 717, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment No. 437.

Mr. HATCH. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and substitute in lieu thereof the following:

SEC. 2. The Federal Metal and Nonmetallic Mine Safety Act is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Federal Metal and Nonmetallic Mine Safety and Health Act'.

"CONGRESSIONAL FINDINGS AND PURPOSES

"SEC. 2. (a) Congress finds and declares that—

"(1) the first priority and concern of all in the metal and nonmetallic mining industry must be the health and safety of its most precious resource—the miner;

"(2) deaths and serious injuries from unsafe and unhealthful conditions and practices in metal and nonmetallic mines cause grief and suffering to the miners and to their families;

"(3) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's metal and nonmetallic mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

"(4) the existence of unsafe and unhealthful conditions and practices in the Nation's metal and nonmetallic mines is a serious impediment to the future growth of the mining industry and cannot be tolerated;

"(5) the operators of such mines, with the assistance of the miners, have the primary responsibility to prevent the existence of such conditions and practices in such mines; and

"(6) the disruption of production and the loss of income to operators and miners as a result of metal and nonmetallic mine accidents or occupationally caused disease unduly impedes and burdens commerce.

"(b) The Congress therefore declares it to be its purpose and policy—

"(1) to encourage employers and employees in their efforts to reduce the number of occupational safety and health hazards in metal and nonmetallic mines and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

"(2) to provide that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

"(3) to authorize the Secretary of the Interior to set mandatory safety and health standards applicable to metal and nonmetallic mines affecting interstate commerce;

"(4) to authorize the Secretary of Health, Education, and Welfare and the Secretary of the Interior to conduct research in the field of metal and nonmetallic mine safety and health, and to develop innovative methods, techniques, and approaches for dealing with metal and nonmetallic mine safety and health problems;

"(5) to explore ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that mine health standards present problems often different from those involved in mine safety;

"(6) to provide medical criteria which will assure insofar as practicable that no metal or nonmetallic mine employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

"(7) to provide an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and protection from discrimination against any miner instituting or testifying in any proceeding involving an alleged violation of this Act; and

"(8) by providing for appropriate reporting procedures with respect to metal and nonmetallic mine safety and health, which procedures will help achieve the objectives of this Act and accurately describe the nature of the metal and nonmetallic mine safety and health problem.

"DEFINITIONS AND COVERAGE

"SEC. 3. (a) For the purposes of this Act:

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

"(2) The term 'mine' means (1) an area of land from which minerals (other than coal or lignite) are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (2) private ways and roads appurtenant to such area, and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground, used in the work of extracting such minerals (other than coal or lignite) from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended.

"(3) The term 'operator' means any person, partnership, association, or corporation, or subsidiary of a corporation operating a mine, and owning the right to do so, and includes any independent contractor therewith and any agent thereof in cases where such contractor or agent is charged with responsibility for the operation of such mine or for the supervision of the miners in such mine.

"(4) The term 'Secretary' means the Secretary of the Interior.

"(5) The term 'Commission' means the Federal Metal and Nonmetallic Mine Safety and Health Commission established under section 18.

"(6) The term 'State' includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

"(7) The term 'miner' means any individual working in a mine.

"(8) The term 'injury' means (A) any harmful change in the human organism which can be determined to be work-related, whether or not the result of an accident, and includes any occupational disease, and (B) any damage to or loss of prosthetic and orthodontic devices.

"(9) The term 'imminent danger' means danger which could reasonably be expected to cause death or serious injury immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act, and includes such danger resulting from exposure of miners to toxic materials or harmful physical agents.

"(b) Each mine the products of which regularly enter commerce, or the operations of which affect commerce, shall be subject to this Act.

"(c) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or

liabilities of operators and miners under any law with respect to injuries, diseases, or death of miners arising out of, or in the course of, employment.

"DUTIES

"SEC. 4. (a) Each operator of a mine—

"(1) shall furnish to each of his miners employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious injury to his miners;

"(2) shall comply with health and safety standards promulgated under this Act.

"(b) Each miner shall comply with health and safety standards promulgated under this Act and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

"HEALTH AND SAFETY STANDARDS

"SEC. 5. (a)(1) The Health and safety standards promulgated and designated as mandatory by the Secretary of the Interior under section 6 (as such section existed immediately prior to the effective date of section 2 of the Mine Safety and Health Act of 1977) shall be deemed, as of the effective date of section 2 of the Mine Safety Health Act of 1977, to be health and safety standards promulgated under this section.

"(2) The Secretary shall establish an advisory committee under subsection (d) which shall within six months after the date of the establishment of such advisory committee, review the health and safety standards promulgated by the Secretary of the Interior (but not designated as mandatory) under section 6 (as such section existed immediately proor to the effective date of section 2 of the Mine Safety and Health Act of 1977) of this Act, and recommend to the Secretary which of those standards (or any modification of such standards which does not substantially diminish the health and safety of miners) should be promulgated as health and safety standards under this section.

"The Secretary shall publish each of the standards recommended for adoption with or without modification by that advisory committee as a health and safety standard under this section in the Federal Register and afford interested persons a period of forty-five days after publication to submit written data or comments. Within thirty days after the close of the comment period specified in the preceding sentence, the Secretary shall promulgate by publication in the Federal Register a standard based upon the standard recommended with or without modification by the advisory committee and the data and comments received thereon, unless the Secretary determines that such a standard will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register.

"(3) Within six months after the effective date of section 2 of the Mine Safety and Health Act of 1977, the Secretary shall determine which of the occupational safety and health standards promulgated under section 6 of the Occupational Safety and Health Act of 1970 pertain to miners employed in the milling of minerals in mines subject to this Act. The Secretary shall publish in the Federal Register each such standard so determined, unless the Secretary determines that such standard does not promote the health and safety of miners employed in the milling of minerals in mines subject to this Act. The Secretary shall afford interested persons a period of forty-five days after publication to submit written data or comments. Unless the Secretary determines, on the basis of such data and comments, that a standard does not promote the health and safety of such miners, the Secretary shall promulgate by publication in the Federal Register, within thirty days after the close of the comment period specified in the preceding sentence, a standard based upon the standard published under the second sentence of this paragraph and the data and comments received thereon, together with an explanation of the reasons such standard is pertinent to such miners. Any health and safety standard deemed under the preceding sentence to be a health and safety standard promulgated under this section shall supersede any corresponding standard in effect under paragraph (1) or (2) of this subsection with respect to miners employed in the milling of minerals in mines subject to this Act, if such standard under the preceding sentence provides substantially as effective protection to miners as the standard it would supersede.

"(4) Within one year after the effective date of section 2 of the Mine Safety and Health Act of 1977, the Secretary shall review all occupational safety and health standards promulgated under section 6 of the Occupational Safety and Health Act of 1970 and shall commence proceedings for promulgation of those standards which are appropriate for miners in accordance with subsection (b).

"(b) The Secretary shall by rule promulgate any health or safety standard under this section, and modify, or revoke any health and safety standard promulgated under this section, in the following manner, but any such modification or revocation of any such health and safety standard shall be accompanied by an explanation, to be published in the Federal Register, of how that modification or revocation provides substantially as effective protection to the health or safety of miners:

"(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of operators or miners, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, the Director of the Bureau of Mines, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under subsection (d), but the Secretary shall request the recommendation of an advisory committee when considering the standards under (a)(4) of this section. Whenever the Secretary receives in writing from any person a proposal for the promulgation, modification, or revocation of any health and safety standard under this section, the Secretary shall review such proposal, and respond, within sixty days after receipt of such proposal, as to whether or not proceedings with respect to such proposal will be initiated under this subsection. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

"(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking health and safety standards in the Federal Register and shall afford interested persons a period of sixty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

"(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the health and safety standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

"(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue rule promulgating, modifying, or revoking a health and safety standard or make a determination that a rule should not be issued which shall be published in the Federal Register, together with an explanation of the reasons for such determination. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected operators and miners will be informed of the existence of the standard and of its terms and that operators affected are given an opportunity to familiarize themselves and their miners with the existence of the requirements of the standard.

"(5)(A) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no miner will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the number of miners exposed to the hazard, the latest available scientific data in the field, the feasibility of the standard, experience gained under this Act, the Occupational Safety and Health Act of 1970, the Federal Coal Mine Health and Safety Act of 1969, and the Atomic Energy Act of 1954, and experience gained by appropriate Federal agencies with expertise relating to conditions and practices in mines subject to this Act. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

"(B) Any standard dealing with toxic materials or harmful physical agents promulgated under this section shall provide for miners or their representatives the opportunity to observe monitoring and measuring of miner exposures to toxic materials or harmful physical agents required to be monitored or measured under such standard and the opportunity for access to the records thereof required to be maintained under section 8(b)(3). Such standard shall provide that each miner or former miner shall have access to such records of medical examinations and other tests as will indicate his own exposure to such toxic materials or harmful physical agents, and each operator shall promptly notify any miner who has been or is being exposed to such toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by the stand-

ard, and shall inform any miner who is thus being exposed of the corrective action being taken. Where appropriate, the standard shall provide that where a determination is made that a miner may suffer a material impairment of health or functional capacity by reason of exposure to the hazard covered by the standard, that miner shall be removed from such exposure and reassigned. In such event, the standard shall also provide that there shall be no loss of earnings, seniority, or status to the miner as a result of such removal and reassignment.

"(6) Any standard promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Such standard shall also prescribe suitable protective equipment and control and technological procedures to be used in connection with such hazards and shall provide for monitoring and measuring miner exposure at such locations and intervals, in such manner as may be necessary for the protection of miners. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations and other tests which shall be made available by the operator or at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such miners is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations and tests shall be furnished only to the Secretary, the Secretary of Health, Education, and Welfare, the operator or his authorized agent (except in the case of examinations furnished by the Secretary of Health, Education, and Welfare), and, at the request of the miner, to himself, his authorized representative, or his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

"(7) As soon as possible after the date of enactment of the Mine Safety and Health Act of 1977, but in no event later than three years after such date, the Secretary of Health, Education, and Welfare shall, for each toxic material or harmful physical agent which is on the list required under section 23(h) and which is not covered by a health and safety standard promulgated under this section, determine under such section 23(h) whether such material or agent is potentially toxic at the concentrations in which it is used or found in a mine, and shall immediately submit such determination to the Secretary, together with all pertinent criteria. Within ninety days after receiving any determination together with criteria in accordance with the preceding sentence, the Secretary shall either appoint an advisory committee to make recommendations with respect to a health and safety standard covering such material or agent in accordance with paragraph (1) or publish a proposed rule promulgating such a health and safety standard in accordance with paragraph (2).

"(8) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory health and safety standards, including the recommendations of the Secretary of Health, Education, and Welfare regarding such need.

"(c)(1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or to cause injury or from other hazards, and (B) that such emergency standard is necessary to protect miners from such hazard.

"(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3).

"(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with subsection (b) of this section, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than nine months after publication of the emergency standard as provided in paragraph (2).

"(d) The Secretary may establish an advisory committee to assist him in his standard-setting functions under this section. Each such committee shall consist of not more than fifteen members, including as members designees of the Secretary of Health, Education, and Welfare and of the Secretary of the Interior, and including among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of mine health and safety agencies of the States. Any such advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in mine safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such a committee who is a representative of the mine health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

"(e) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

"VARIANCES

"SEC. 6. (a) Any affected operator may apply to the Secretary for a rule or order for a variance from a standard promulgated under section 5. Affected miners shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an operator will provide employment and places of employment to his miners which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the operator must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an affected operator or miner, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

"(b) The Secretary may grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare or the Secretary of Labor certifies, that such variance is necessary to permit an operator to participate in an experiment approved by him or by the Secretary of Health, Education, and Welfare or the Secretary of Labor designed to demonstrate or validate new and improved techniques to safeguard the health or safety of miners, if the Secretary determines that adequate protection is afforded to the health and safety of miners.

"(c)(1) Any operator may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under section 5. Such temporary order shall be granted only if the operator files an application which meets the requirements of paragraph (2) and establishes that (A) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (B) he is taking all available steps to safeguard his miners against the hazards covered by the standard, and (C) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subsection shall prescribe the practices, means, methods, operations, and processes which the operator must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to miners and an opportunity for a hearing: *Provided*, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the operator to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice so long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than one hundred and eighty days.

"(2) An application for a temporary order under this subsection shall contain—

"(A) a specification of the standard or portion thereof from which the operator seeks a variance;

"(B) a representation by the operator, supported by representations from qualified persons having first-hand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor;

"(C) a statement of the steps he has taken and will take (with specific dates) to protect miners against the hazard covered by the standard;

"(D) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard; and

"(E) a certification that he has informed his miners of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to miners are normally posted, and by other appropriate means.

A description of how miners have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

"(d) The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected miners and an opportunity being afforded for a hearing.

"(e) Whenever the Secretary grants any variance, variation, tolerance, or exception under this section, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

"INSPECTIONS

"SEC. 7. (a) In order to carry out the purposes of this Act; the Secretary or an authorized representative upon presenting appropriate credentials to the owner, operator, or agent in charge, and for the purposes of developing improved mandatory health standards the Secretary of Health, Education, and Welfare or an authorized representative, are authorized—

"(1) to enter without delay, and at reasonable times, any mine subject to this Act, and

"(2) to inspect and investigate, during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to consult privately with any such employer, owner, operator, agent, or miner. In carrying out the requirements of this section in each mine, the Secretary shall make inspections of each entire underground mine at least four times a year and inspections of each entire surface mine and each milling operation of a mine at least two times a year. No advance notice shall be given for any inspection or investigation under this section except upon the authorization of the Secretary.

"(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(c) Subject to regulations issued by the Secretary, a representative of the operator and a representative authorized by his miners shall be given an opportunity to accompany the Secretary or his authorized representative during the inspection of any mine under subsection (a). Where there is no authorized miner representative, the Secretary or his authorized representatives shall consult with a reasonable number of miners concerning matters of health and safety in the mine. To the extent that the inspector determines that more than one representative from each party would further aid the inspection, he can permit each party to have an equal number of such additional representatives. Any representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under this subsection.

"(d)(1) Any miner or representative of miners who believes that a violation of section 4(a) exists which may cause injury, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any miner or representative of miners who requests such an inspection on the grounds that an imminent danger exists shall notify the operator of such request. Upon such notification the Secretary shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists, unless the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, in which case he shall notify the miners or representative of the miners in writing of such determination. The Secretary shall make an inspection or give notification under the preceding sentence within thirty days after receipt by the Secretary of a notification of violation or imminent danger under the first sentence of this paragraph.

"(2) Prior to or during any inspection of a mine, any miners or representative of miners employed in such mine may notify the Secretary or any representative of the Secretary responsible for conducting the inspection of any violation of this Act which they have reason to believe exists in such mine. The Secretary shall inspect such alleged violation as soon as practicable after, but in no event later than ten days after, receipt of such notification, except as provided under the following sentence. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to conduct an inspection or issue a citation with respect to any such alleged violation and shall furnish the miners or representatives of miners requesting such review a written statement of the reasons for the Secretary's final disposition of the case within thirty days after the request for informal review.

"(3) Upon the request of any individual giving notice under this subsection, his name and the names of individual miners referred to in such notice shall not appear on any record published, released, or made available under this Act. A copy (subject to the requirement of the preceding sentence) of any notice given under this subsection shall be given, at the time of the inspection, to the operator.

"REQUIREMENTS IN CASES OF ACCIDENTS; RECORDS AND REPORTS

"SEC. 8. (a)(1) For purposes of this section, the term 'accident' includes any mine explosion, ignition, fire, unintentional roof fall, or inundation, whether or not resulting in the death or injury of any miner, and includes any other accident which results in the death or injury (other than a minor injury requiring only first aid treatment and which does not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job) of any miner.

"(2) Each accident in a mine shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations, together with a description of any conditions similar to those which caused the accident which exist in other areas of the mine, and a description of the actions taken by the operator to prevent a similar accident in the same or another area of the mine, shall be kept by the operator and made available to the Secretary or his authorized representative. Such records shall be open for inspection by miners or representatives of miners who are accompanying the Secretary or his authorized representative pursuant to section 7(c).

"(3) In the event of any accident occurring in a mine, the operator shall promptly notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

"(4) During any inspection in accordance with section 7, the Secretary or his authorized representative shall investigate all conditions relating to accidents which have occurred in such mine, shall review records pertaining to accidents required to be maintained under this section, and shall determine whether actions have been taken by the operator to prevent accidents similar to any such accidents so recorded, and whether any failure to take preventive action violates any health and safety standard promulgated under section 5.

"(b)(1) Each operator shall keep and make available to the Secretary or the Secretary of Health, Education, and Welfare, or the Secretary of Labor, such records regarding his activities relating to this Act as the Secretary, after consultation with the Secretary of Health, Education, and Welfare and the Secretary of Labor, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of accidents and illnesses in the mines subject to this Act. In order to carry out the provisions of this subsection such regulations may include provisions requiring operators to conduct periodic inspections.

"(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare and the Secretary of Labor, shall prescribe regulations requiring operators to maintain accurate records of, and to make prompt reports on, work-related deaths and injuries (other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job). The Secretary shall forward to the Secretary of Health, Education, and Welfare records of such deaths and injuries which are caused by disease.

"(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring operators to maintain for an appropriate length of time accurate records of miner exposures to potentially toxic materials or harmful physical agents which are required

to be monitored or measured under section 5, and shall develop and maintain an effective program of collection, compilation, and analysis of statistics relating to health and safety in mines subject to this Act, including accurate statistics on all disabling serious, or significant work injuries, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

"MINIMUM BURDEN ON SMALL BUSINESS

"SEC. 9. (a) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon operators of small mines subject to this Act. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

"(b) The Secretary shall provide to each operator of a mine subject to this Act an accurate and complete copy of the health and safety standards promulgated under section 5 including any emergency temporary standard under subsection (d) of such section, together with any regulations under this Act which affect such operator, at the first inspection in accordance with section 7 which occurs after (1) the commencement of operations in such mine or (2) the effective date of section 2 of the Mine Safety and Health Act of 1977, whichever is later, and at least once each year after that inspection. In addition, at each inspection of a mine in accordance with section 7, the Secretary shall furnish the operator with current copies of any such standards and regulations which have been changed since the previous inspection of such mine. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

"MINER EDUCATION AND ACCESS TO INFORMATION

"SEC. 10. (a) Copies of records of miner exposures to toxic materials or harmful physical agents required to be maintained under section 8(b)(3) shall be furnished to the Director of the National Institute for Occupational Safety and Health established under section 22 of the Occupational Safety and Health Act of 1970 upon request. The Director of the National Institute for Occupational Health and Safety shall advise miners (or their authorized representatives) and the operator (or his agent) on any injury or risk of injury indicated by such records, as he deems appropriate.

"(b)(1) The Secretary, in cooperation with the Director of the National Institute for Occupational Safety and Health, and in cooperation with any State program of education and training in the field of mine safety and health, shall carry out a program of education and training for miners employed in mines subject to this Act. Such program shall include publications to be made available to such miners and regular visits by health experts to such mines, for the purpose of improving the health and safety of such mines, and assistance to miners (or their authorized representatives) in evaluating their exposures to toxic materials or harmful physical agents.

"(2) As part of the program of education and training for miners under this subsection, the Secretary shall develop, publish, and disseminate to miners manuals, and annual supplements to or revisions of such manuals, which contain an explanation of all health and safety standards promulgated under section 5 and all regulations under this Act which affect the health and safety of miners, and an explanation of personal protective equipment and the use of such equipment. Such manuals shall be designed so as to assist miners to become more knowledgeable with respect to health and safety in mines.

"(c) The Secretary shall issue regulations requiring that operators, through posting of notices or other appropriate means, keep their miners informed of their protections and obligations under this Act, including the provisions of applicable standards. Such regulations shall provide for the posting, at conspicuous locations, of notices (to be provided to operators by the Secretary) which shall advise miners of such protections and obligations together with the address and telephone number of the nearest regional office of the Department of the Interior. Copies of the health and safety standards promulgated under section 5 and regulations under this Act which affect such operators which are furnished to such operators under section 10(b) shall be available in a location in or about each mine subject to this Act which is easily accessible by miners and at which miners check in and out on a daily basis.

"CITATIONS

"SEC. 11. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an operator of a mine subject to this Act has violated a requirement of section 4 of this Act, of any standard, rule, or order promulgated pursuant to section 5 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citations shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no substantial direct or immediate relationship to safety or health.

"(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred, and at a location in or about the mine in which the violation occurred at which miners check in and out on a daily basis.

"(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

"CLOSURE PROCEDURES

"SEC. 12. (a)(1) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that conditions or practices in such mine are such that an imminent danger exists, such representative shall determine the extent of the area of such mine throughout which the danger exists, and issue an order requiring the operator of such mine to cause all persons, except those referred to in subsection (a)(2), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"(2) Persons who shall not be prohibited from entering an area of a mine under an order issued under paragraph (1) are:

"(A) any person whose presence in such area is necessary, as determined jointly by the operator of the mine and an authorized representative of the Secretary, or as determined by an authorized representative of the Secretary, to eliminate the danger described in the order;

"(B) any public official whose official duties required him to enter such area; or

"(C) any level of technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, as determined jointly by the operator of the mine and an authorized representative of the Secretary, or as determined by an authorized representative of the Secretary, for the proper investigation of the conditions described in the order.

"(3) Whenever and as soon as an inspector concludes that conditions or practices described in paragraph (1) exist in any mine, he shall inform the affected miners and operators of the danger and that he is issuing an order under this subsection.

"(b) If the Secretary arbitrarily or capriciously fails to take appropriate action under subsection (a), any miner who may be injured by reason of such failure, or the representative of such miners, may bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the operator has its principal office, or for the District of Columbia, for an order to compel the Secretary to issue such an order and for such further relief, as may be appropriate.

"(c) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that there has been a failure to correct a violation for which a final order is in effect under section 13, within the time period specified pursuant to a citation under section 11(a), he shall also find the extent of the area which is affected by such violation. Thereupon, he may promptly make an order requiring the operator of such mine to cause all persons in such area, except those referred to in subsection (a)(2), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been corrected. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"(d) Orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any health or safety standard promulgated under section 5 or a violation of section 4, as the case may be, and, where appropriate, a description of the area of the mine from which persons must be withdrawn and prohibited from entering.

"(e) Each order issued under this section shall be given promptly to the operator or his agent by an authorized representative of the Secretary issuing such order, and all such orders shall be in writing and shall be signed by such representative.

"(f) The Secretary shall by regulation establish a procedure for informal review of any closure order issued under this subsection (c), and the Secretary may, in modifying or setting aside such order, order that the operator shall not be obligated for part of, or all of, the compensation to which miners are entitled under section 24, and shall furnish any operator requesting such review a written statement of the reasons for the Secretary's final disposition of the matter within three days after the request for informal review.

"(g) Any person adversely affected or aggrieved by an order issued under this section may obtain a review of such order in the United States district court for the district in which the danger or violation is alleged to exist or in which the operator has its principal office by filing in such court within sixty days following the issuance of

such order a written petition praying that the order be modified or set aside, and the court may, in modifying or setting aside such order, order that the operator shall not be obligated for part of, or all of, the compensation to which miners are entitled under section 24. The modification or setting aside of such an order by any court shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"PROCEDURES FOR ENFORCEMENT

"SEC. 13. (a) If, after an inspection or investigation the Secretary issues a citation under section 11(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the operator by certified mail of the penalty, if any, proposed to be assessed under section 16 and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days after the receipt of the notice issued by the Secretary the operator fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any miner or representative of miners under subsection (c) within fifteen working days after the citation is posted under section 11(b), the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

"(b) If the Secretary determines that an operator has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not end until the entry of a final order by the Commission, in the case of any review proceedings under this section initiated by the operator wherein the Commission orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements), the Secretary shall notify the operator by certified mail of such failure and of the penalty proposed to be assessed under section 16 by reason of such failure, and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days after the receipt of notification issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order and not subject to review by any court or agency.

"(c) If an operator notifies the Secretary that he intends to contest a citation issued under section 11(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days after a citation is posted under section 11(b), any miner or representative of miners files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immedately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an operator of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected miners or representatives of affected miners an opportunity to participate as parties to hearings under this subsection. Commencement of proceedings under this subsection shall not operate as a stay of the abatement requirements of any citation issued under section 11(a) unless the Commission, after determining that the operator will suffer irreparable loss or damage from the application of those requirements, so orders, after an expedited hearing.

"(d)(1) No person shall discharge or in any manner discriminate against or interfere with the exercise of the statutory rights of any miner because such miner has filed or made a complaint under or related to this Act, including a complaint notifying his labor or safety representative of an alleged danger or safety or health violation in the mine, or because such miner has instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding, or because of the exercise by such miner on behalf of himself or others of any statutory right afforded by this Act, or because the miner has refused to work in any area of a mine from which persons must be withdrawn and prohibited from entering pursuant to an order under section 12.

"(2) Any miner who believes that he has been discharged, interfered with, or otherwise discriminated against by any person in violation of paragraph (1) of this subsection, or any miner who has not received compensation due under section 24 or who has been deprived of any right created by or under sections 5(b)(5)(B), 5(b)(6), and 7(c) may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination or deprivation. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as the Secretary deems appropriate. If, upon such investigation, the Secretary determines that there is probable cause to believe that the provisions of paragraph (1) of this subsection have been violated, or that a miner has not received compensation due under section 24 or has been deprived of a right created by or under sections 5(b)(5)(B), 5(b)(6), and 7(c), as the case may be, the Secretary shall file a complaint with the Commission within ninety days after such determination of probable cause, and the Commission shall immediately serve upon the alleged violator and the miner notice of the allegation of such discrimination or deprivation and a proposed order granting appropriate relief. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the proposed order, or directing other appropriate relief; and such order shall become final thirty days after its issuance. The Commission shall have authority in such proceedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation as the Commission deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay and interest.

"(3) Within ninety days of the receipt of a complaint filed under paragraph (2) of this subsection, the Secretary shall notify the miner in writing of the Secretary's determination as to whether a violation has occurred. If the Secretary, upon investigation, determines that the provisions of paragraph (1) of this subsection have not been violated, or that there has been no failure to provide compensation due under section 24, or that there has been no deprivation of a right created by or under section 5(b)(5)(B), 5(b)(6), and 7(c), as the case may be, the complainant shall have the right, within thirty days of notice of the Secretary's determination, to request a hearing before the Commission, and the Commission shall conduct a hearing, in accordance with the provisions of paragraph (2) pertaining to the conduct of a hearing, on such complainant's charges. Whenever an order is issued sustaining the miner's charges under this paragraph, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) as determined by the Commission to have been reasonably incurred by the miner for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation. Proceedings under this section shall be expedited by the Commission. Any order issued by the Commission under this paragraph shall be subject to judicial review in accordance with section 14. Violations by an operator of paragraph (1) of this subsection or deprivation by an operator of any right of any miner created by or under section 5(b)(5)(B), 5(b)(6), 7(c), or 24 shall be a violation for which a penalty may be assessed under section 16(a).

"JUDICIAL REVIEW

"SEC. 14. (a)(1) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) or (d) of section 13 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the operator has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission or to the Secretary, whichever is appropriate, and to the other parties, and thereupon the Commission or the Secretary, whichever is appropriate, shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission or the Secretary, as the case may be, and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission or the Secretary, as the case may be.

"(2) In the case of an order of the Commission, no objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken be-

fore the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

"(3) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(b) The Secretary may also obtain review of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the operator has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 13, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the operator named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 16, in addition to invoking any other available remedies.

"(c) The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (1) violates or fails or refuses to comply with any order issued under section 12, or (2) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative, in carrying out the provisions of the Act, or (3) refuses to admit such representatives to the mine, or (4) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (5) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or (6) refuses to permit access to, and copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act. The court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (1) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this Act, unless, prior thereto, the district court granting such relief sets it aside or modifies it. In any action instituted under this subsection to enforce an order issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Commission or the Secretary, as the case may be, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"REPRESENTATION IN CIVIL LITIGATION

"SEC. 15. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

"PENALTIES

"SEC. 16. (a) Any operator who violates a safety or health standard prescribed by or under this Act, or any of the requirements of section 8, or any rule, order, or regulation promulgated pursuant to this Act, may be assessed a civil penalty of not more than $1,000 for each such violation.

"(b) Any operator who fails to correct a violation for which a citation has been issued under section 11(a) within the period permitted for its correction (which period shall not end until the entry of a final order by the Commission, in the case of any review proceedings under section 13 initiated by the operator wherein the Commission orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements, or until the entry of an order of the court, in the case of any review proceedings under section 14 initiated by the operator wherein the court orders the suspension of the abatement requirements of the citation) shall be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

"(c) Whenever a corporate operator violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsection (a), (b), (d), (e), (f), or (g) of this section.

"(d) Any operator who willfully violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, shall be assessed a civil penalty of not more than $10,000.

"(e) Any operator who willfully violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, and that violation causes death to any individual, shall upon conviction, be punished by a fine of not more than $25,000 or imprisonment for not more than one year, or both.

"(f) Any person who gives unauthorized advance notice of any inspection to be conducted under this Act shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

"(g) Whoever knowingly makes any false statement, representation, or certification in any publication, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or by both.

"(h) Any operator who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $500 for each violation.

"(i) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission of not more than $250 for each occurrence of such violation.

"(j) The Commission shall have authority to assess all civil penalties provided in this Act. In assessing civil monetary penalties, the Commission shall give due consideration to the gravity of the violation, the good faith of the person charged, the history of previous violations, and the appropriateness of the penalty with respect to the size of the business of any mine operator being charged: *Provided*, That, in proposing civil penalties under this Act, the Secretary may rely upon a summary review of the information available to him and shall not be required to make findings of fact concerning the above factors.

"(k) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer resides or maintains a place of business.

"EFFECT ON STATE LAWS

"SEC. 17. (a) Nothing in this Act shall prevent any State agency or court from exercising enforcement or other authority under the State law to protect the public health and welfare.

"(b) Nothing in this Act shall prevent any State from carrying out a program (independent of or in conjunction with the program developed under section 10(b)) of education and training in the field of safety and health in mines subject to this Act, or any program of consultation, gathering and compilation of statistics, or research and development of technology in such field.

"THE FEDERAL METAL AND NONMETALLIC MINE SAFETY AND HEALTH COMMISSION

"SEC. 18. (a) The Federal Metal and Nonmetallic Mine Safety and Health Commission is hereby established. The Commission shall consist of three members, appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

"(b) The terms of the members of the Commission shall be six years, except that—

"(1) members of the Commission, first taking office after the date of enactment of the Mine Safety and Health Act of 1977, shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years; and

"(2) a vacancy caused by the death, resignation, or removal of any member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term.

Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(3) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Commission shall appoint such employees as it deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III

of chapter 53 of title 5, United States Code, relating to classification and general pay rates. The Commission shall appoint such hearing examiners as it deems necessary to carry out the functions of the Commission. Assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

"(c) Two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(d) A hearing examiner appointed by the Commission to hear matters under this Act shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after its issuance, unless within such period any member of the Commission has directed that such report shall be reviewed by the Commission.

"(e)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(64) Chairman, Federal Metal and Nonmetallic Mine Safety and Health Commission'.

"(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(108) Members, Federal Metal and Nonmetallic Mine Safety and Health Commission'.

"(3) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

"(4) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceeding shall be in accordance with the Federal Rules of Civil Procedure.

"(5) The Commission may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this paragraph, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

"(6) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

"ASSISTANT SECRETARY FOR MINE SAFETY AND HEALTH

"SEC. 19. (a) There is established in the Department of the Interior an office of the Assistant Secretary for Mine Safety and Health, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Secretary shall carry out his functions under this Act (except section 5(a)(3) and section 22(c)) through the Assistant Secretary for Mine Safety and Health.

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(109) Assistant Secretary for Mine Safety and Health.'

"ADVISORY COMMITTEE

"SEC. 20. (a)(1) There is hereby established a National Advisory Committee on Metal and Nonmetallic Mine Safety and Health consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare and the Secretary of Labor, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, metal and nonmetallic mine health and safety professions and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of metal and nonmetallic mine health and safety.

"(2) The Committee shall advise, consult with, and make recommendations to the Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of Labor on matters relating to the administration of this Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

"(3) The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

"(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

"PUBLICATION, ANNUAL REPORT, AND REGULATIONS

"SEC. 21. (a) The Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of Labor are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this Act.

"(b) The Secretary shall transmit to the Congress no later than February 1 of each year a report on the administration of this Act, including the progress toward achieving the purposes of this Act, the needs and requirements in the field of metal and nonmetallic mine safety, any other relevant information (including information regarding health and safety standards established under section 5, and a summary of inspection and enforcement activity undertaken, and analysis and evaluation of research activities), and recommendations for additional legislation.

"(c) The Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of Labor shall each prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of a mine subject to this Act.

"RESEARCH AND RELATED ACTIVITIES

"SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare and the Secretary of the Interior, as appropriate, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to safety and health in mines subject to this Act including studies of lung and respiratory diseases and carcinogenic substances, and studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with safety and health problems associated with mines subject to this Act.

"(2) The Secretary shall coordinate, as he deems appropriate, any research, experiments, or demonstrations under this Act conducted by the Secretary of Health, Education, and Welfare and the Secretary of the Interior.

"(b) Active under subsection (a) in the field of mine health, including research related to the development of personal protection equipment, shall be carried out by the Secretary of Health, Education, and Welfare, and activities under subsection (a) in the field of mine safety shall be carried out by the Secretary of the Interior.

"(c) Within two years after the date of enactment of the Mine Safety and Health Act of 1977, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industry wide studies of the effect of chronic or low-level exposure to mine materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

"(d) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

"(e) The Secretary of Health, Education, and Welfare, on the basis of research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment in mines subject to this Act, including but not limited to the exposure levels at which no miner will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

"(f) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to safety and health in mines subject to this Act as are necessary to explore new problems, including those created by new technology in mine safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of mine safety and health.

"(g) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under subsection (d), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of miners to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of miners. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of miners to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any operator who is required to measure and record exposure of miners to substances or physical agents as provided under this Act, the Secretary of Health, Edu-

cation, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

"(h) The Secretary of Health, Education, and Welfare shall publish within six months after the enactment of the Mine Safety and Health Act of 1977 and thereafter as needed but at least annually a list of all known toxic substances and physical agents occurring or found in mines subject to this Act by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds on which the request is made, whether any substance or agent normally found in the mine has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to operators and affected miners as soon as possible. Upon request of any individual for such determination under this subsection, his name and the names of individual miners referred to in such request shall not appear on any record published, released, or made available under this Act. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic or harmful at the concentrations in which it is used or found in a mine, and such substance is not covered by a safety or health standard promulgated under section 5, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

"(i) The Secretary of Health, Education, and Welfare is authorized to make investigations and question operators and miners as provided in section 7 of this Act, and have access to all records pertaining to employee exposures, and to make medical examinations available to miners exposed to health and safety hazards in mines subject to this Act, in order to carry out his functions and responsibilities under this section. The results of such medical examinations shall be made available to the miner and his authorized representative.

"(j) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare, the Secretary of Labor, and any other appropriate administrative head of any agency of the United States, in order to avoid any duplication of efforts under this section.

"(k) In carrying out his responsibilities under this Act, the Secretary is authorized to—

"(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

"(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(l) Information obtained by the Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of Labor under this section shall be disseminated by the Secretary to operators of mines subject to this Act and miners and organizations thereof.

"(m) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of the Occupational Safety and Health Act of 1970.

"ENTITLEMENT OF MINERS

"SEC. 24. If a mine or area of a mine is closed by an order issued under section 12, all miners who are idled as a result of such order including any miner who refuses to work in any area of a mine from which persons must be withdrawn and prohibited from entering pursuant to such an order, in cases where the operator fails or refuses to comply with such order, shall be entitled (except as provided in section 12(f) and section 12(g)) to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than one week.

"CONFIDENTIALITY OF TRADE SECRETS

"SEC. 25. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

"REPORT OF COMMENCEMENT OF OPERATION OF A MINE

"SEC. 26. Each operator of a mine subject to this Act who employs three or more miners shall report any commencement, after the effective date of section 2 of the Mine Safety and Health Act of 1977, of operations in such mine to the Secretary.

"ECONOMIC ASSISTANCE TO SMALL MINE OPERATORS

"SEC. 27. (a) Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

"(1) by striking out the period at the end of paragraph (8) and inserting in lieu thereof '; and'; and

"(2) by adding after paragraph (8) a new paragraph as follows:

"'(9) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern, which is an operator of a mine as defined in the Federal Metal and Nonmetallic Mine Safety Act and which is subject to that Act; in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 5 of the Federal Metal and Nonmetallic Mine Safety Act, if the Administration determines that such concern is likely to suffer substantial injury without assistance under this paragraph.'

"(b) The third sentence of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out 'or (8)' and inserting in lieu thereof '(8), or (9)'.

"(c) Section 4(c)(1) of the Small Business Act (15 U.S.C. 633(c)(1)) is amended by inserting '7(b)(9),' after '7(b)(8),'.

"(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(9) of the Small Business Act (as added by the amendments made by subsection (a)) pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 28. (a) There are hereby authorized to be appropriated to the Secretary and the Commission for any fiscal year such sums as may be necessary to carry out the provisions of this Act.

"(b) There are hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare and to the Secretary of the Interior for any fiscal year such sums as may be necessary to carry out functions under this Act.

"SEC. 29. QUALIFICATIONS OF MINE INSPECTORS.—To the maximum extent feasible, in the selection of persons for appointment as mine inspectors, no person shall be so selected unless he has the basic qualification of at least five years practical mining experience or three years practical mining experience and appropriate mining education and in assigning mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to their previous practical experience in the State, district, or region, and in the particular type of mining operation where such inspections are to be made.".

SUNSHINE IN GOVERNMENT

SEC. 3. (a) Each office or employee of the Secretary of the Interior, Secretary of Labor, and the Secretary of Health, Education, and Welfare who—

(1) performs any function or duty under this Act or the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act which are amended by this Act; and

(2) has any known financial interest (A) in any operator or mine subject to such Acts or (B) in any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to such Acts; shall, beginning on February 1, 1978, annually file with the appropriate Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The appropriate Secretary shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the appropriate agency head of such statements.

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the action taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed in subsection (b) of this section, each Secretary may identify specific positions within each agency which are of a nonregulatory or nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

SEC. 4. Sections 2 and 3 of this Act shall take effect July 1, 1978, and all transfers of

functions under the amendment made by section 2 and under section 3 shall be completed not later than September 30, 1978.

SEC. 5. Nothing contained in this Act or any amendment made by this Act shall be construed to reduce the number of inspectors engaged in enforcing the provisions of the Federal Coal Mine Health and Safety Act of 1969 (as such Act was in effect immediately before the effective date of section 3 of this Act), and the Federal Metal and Nonmetallic Mine Safety Act (as such Act was in effect immediately before the effective date of section 2 of this Act), or to reduce the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970.

Mr. HATCH. Mr. President, as this body has heard since first considering S. 717 yesterday, one of the major objections to the measure is its consolidation of coal and noncoal mine health and safety under an amended version of the Federal Coal Mine Health and Safety Act.

As has also been stated; it has for many years been recognized that although coal and noncoal mining have one basic similarity, that is, extraction of minerals from the earth, the similarity just about ends there. In an effort to recognize these differences, which do in fact exist between coal and noncoal mining, the substitute which I am offering has been developed.

It would appear that an effort should be made to strengthen the enforcement provisions applicable to the metal and nonmetallic mining industry, while recognizing the inherent differences between coal and noncoal mining. This amendment would accomplish that purpose. As previously mentioned, S. 717 would regulate the entire domestic mining industry pursuant to an amended version of the Federal Coal Mine Health and Safety Act of 1969. This comes at a time when the House Subcommittee on Labor Standards is presently engaged in holding oversight hearings on the deficiencies of the Coal Act. It would certainly seem inappropriate to attempt to broaden the scope of the Federal Coal Mine Health and Safety Act of 1969 to include several other extraction industries at a time when the deficiencies and shortcomings of the Coal Act are presently being examined by one House of Congress.

My amendment would amend the existing Metal and Nonmetallic Mine Safety Act, substantially strengthening the substantive provisions thereof, and would leave the Federal Coal Mine Health and Safety Act alone. Basically, my amendment is the same measure that was passed by the House Representatives last year during the 94th Congress. Many of the same areas of concern in S. 717 are also considered in my amendment. Other areas, while recognized as problems in S. 717 would be treated differently by my amendment. For instance, the following areas are treated differently in my amendment:

First. S. 717 would repeal the Federal Metal and Nonmetallic Mine Safety Act and amend the Federal Coal Mine Health and Safety Act of 1969, making the Coal Act applicable to all mining operations, including all county operated gravel pits. My substitute on the other hand, would simply amend the Federal Metal and Nonmetallic Mine Safety Act.

Second. S. 717 would transfer the Mining Enforcement and Safety Administration, MESA, to the Department of Labor. My amendment would retain the Mining Enforcement and Safety Administration, MESA, within the Department of the Interior.

Third. S. 717 would authorize the Secretary to promulgate standards on the basis of any information available to him. My amendment would require the Secretary, when promulgating OSHA standards that he deems applicable to mining or milling, to first subject those standards to an advisory committee.

Fourth. S. 717 would provide a period of 30 days for interested persons to comment on a proposed rule or regulation. My amendment would also provide a comment period, however, this comment period would be extended to 60 days.

Fifth. S. 717 would authorize the Secretary to require, in a standard dealing with a toxic material or harmful physical agent, that a miner be reassigned to another job and that such miner shall continue to receive his former pay, if it is determined that he may suffer material impairment of health or functional capacity by reason of his exposure. My amendment would authorize the Secretary to require in a standard dealing with a toxic material or harmful physical agent, that a miner be reassigned to another job, without loss of pay, seniority or status, if it is determined that he may suffer material impairment of health or functional capacity.

Sixth. S. 717 would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. Court of Appeals only if such person commented or objected to the standard as proposed. My amendment would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. Court of Appeals, regardless of whether he had commented or objected to the proposed standard, or the grounds on which he challenges the standard were previously raised.

Seventh. S. 717 would provide a variance procedure from any health standard promulgated pursuant to S. 717 but not from standards in existence prior to the effective date of the act. My amendment would provide a variance procedure from any standard, including those in existence on the effective date of the act.

Eighth. S. 717 would authorize the Secretary of Health, Education, and Welfare or his authorized representative to make frequent inspections and investigations. My amendment would require authorization to the Secretary of Health, Education, and Welfare or an authorized representative to enter any mine to inspect and investigate for the sole purpose of developing improved mandatory health standards.

Ninth. S. 717 would provide that a miner may request an inspection if he believes that an imminent danger exists. There is no requirement for immediate notification of the operator. My amendment would require that if a miner requests an inspection on the grounds that an imminent danger exists, he must notify the operator of such request.

Tenth. S. 717 would provide that an inspector shall issue a citation to the operator if he believes that a violation exists. My amendment would provide that an inspector is authorized to issue a citation to the operator only when he determines that a violation exists.

Eleventh. S. 717 would further provide that an operator shall be assessed a civil penalty of up to $10,000 for each violation of any provision of the act, or any standard, rule or regulation promulgated pursuant to the act. My amendment would provide that an operator be assessed a civil penalty of up to $1,000 for each violation of any provision of the act, or any standard, rule or regulation promulgated pursuant to the act. I think it should be noted that: mandatory civil penalties are required for willful violations.

Twelfth. S. 717 would eliminate State plans. My amendment would retain the State plan option.

I wish now to comment on some of the different types of treatment espoused by my amendments, beginning with the transfer of MESA to the Department of Labor. In my opinion, there has been no case made as to why MESA should be transferred to the Department of Labor, there are however, several reasons, related to its own track record, why the Labor Department should not be entrusted with additional responsibilities in this important area. For example, the Labor Department has frequently lamented what it sees as an imbalance in distribution of Federal funds for workers' safety and health. Accordingly, if MESA is transferred to Labor, mine safety programs could face reduction so that MESA funds could be shifted to safety programs in other industrial sectors. In my view, it would be very unwise to divert funds from MESA programs in order to provide coverage in more populous but less dangerous industries. S. 717 does not provide adequate safeguards to preclude such an occurrence.

Furthermore, as we all know, the Department of Labor has taken much criticism for the poor administration of its own OSHA programs. Yet, many of those same critics feel that this very important responsibility for mine safety enforcement should be transferred from the department that has effectively administered such programs to another whose record of inefficient management has been widely noted.

There is no historical indication that a superbureaucracy of health and safety better insures enforcement of regulations. An historical record of 60 years under the Department of the Interior indicates that mine safety has consistently improved, even though no Federal mine safety law existed for many of those years. Also, since the creation of MESA in 1973, there have been no mine disasters in the metal and nonmetallic mining industry. Consequently, I am unalterably opposed to S. 717 because it provides that the Department of Labor, inefficient as it is in its own sphere, should be entrusted with the

highly specialized responsibilities of mine health and safety enforcement.

Additionally, Mr. President, under both H.R. 2 and S. 7, Federal surface mine reclamation bills, substantial enforcement expertise will be required from the Department of the Interior. The transfer of the Mining Enforcement and Safety Administration from the Department of the Interior to the Department of Labor will, in fact, eliminate a great source of that required expertise. MESA is presently inspecting all those surface coal mines that would be inspected under both H.R. 2 and S. 7. Many of the areas which will be inspected by the newly created reclamation agency in the Department of Interior will also be inspected by MESA in the Department of Labor. This will obviously create a duplicity of efforts.

This particular problem has never been addressed, either in hearings during the 95th Congress on the transfer issue. Consequently, it would seem inappropriate to transfer MESA at this time without further consideration for the ramifications.

My amendment would also require that the Secretary, when promulgating OSHA standards that he deems applicable to mining or milling to first subject those standards to an advisory committee. The rationale behind this particular provision is simple. Any standards presently in existence under a separate Occupational Safety and Health Act should undergo close scrutiny by experts in the field of mine health and safety, to determine whether or not those standards could or would be applicable to mining or milling operations.

Another area in which my amendment differs from S. 717 as reported is in the area provided for comments. My amendment would allow a comment period of 60 days. The mining industry, like most industries relies almost solely on associations based in Washington to distribute to them proposed rules published in the Federal Register and to accept their comments and submit them to the appropriate agencies. In order to provide the time needed to carry out this function, my amendment provides a period of 60 days for comments. It would certainly appear that the health and safety of the worker in the workplace would require the receipt of as many comments from experts in the field as possible. The extension of time to 60 days would further guarantee that comments will be well organized and well prepared before they are filed with the Secretary.

In addition, this extension from 30 to 60 days will provide an opportunity for a more thorough study of the proposed standards, and could in many cases actually assist in expediting the rulemaking procedure, in that after close analysis by industry and labor and other interested parties a determination may well be reached that no comments or objections should be filed. Out of an abundance of precaution, however, with a narrow span of 30 days in which to comment or object to a proposed standard, an interested person may, in fact, submit comments and request a public hearing in order to protect his rights. This can only serve to clog the rulemaking procedure with comments that may, in fact, not even be germane on second glance.

Another area in my amendments which is different from S. 717 is the area of miner reassignment due to his exposure to a toxic material or harmful physical agent. My amendment, like S. 717, would provide that the Secretary is authorized to require, in a standard dealing with a toxic material or harmful physical agent, that a miner be reassigned to another job if it is determined that he may suffer material impairment of health or functional capacity by reason of his exposure. The only difference between my amendment and S. 717 comes in the area of compensation. S. 717 specifically states that such miner who is reassigned to another job shall continue to receive his former pay. My amendment on the other hand simply states that the miner shall be reassigned to another job without loss of pay, seniority, or status. The use of the word "continue" in S. 717 would apparently mean that any increases in pay due to those miners in the classification which the transfered miner previously held, would also be forthcoming to the reassigned miner. My amendment would basically do the same thing by requiring that the miner reassigned shall not lose pay, seniority, or status. It would certainly appear that my amendment is more definitive for the purpose.

S. 717 provides an opportunity for any adversely affected person to challenge the validity of a standard in the U.S. court of appeals. There is a qualifier, however, and that qualifier is that no objection not previously raised before the Secretary may be raised in the U.S. court of appeals. It is not inconceivable at all that an operator, especially a small operator, who does not retain counsel, may read a proposed standard and determine that he is not adversely affected by that standard. The Secretary would then go through the rulemaking procedures, whereby comments from other interested persons are received, and a public hearing is in fact held.

At the conclusion of the public hearing, the Secretary decides that the proposed rule or standard was, in fact, too weak, and subsequently publishes as a final standard a provision which is more stringent than the one originally proposed. The small operator is now confronted with a situation whereby the final standard is much more stringent than the one originally proposed, and he may determine that compliance with that standard in his mine is not technologically feasible. Yet his right to challenge the validity of such standard has been eliminated if the question of technological feasibility was not addressed by others, either in their comments or during the public hearing.

This provision can again only lead to more operators and associations commenting on proposed standards in order to protect their right to challenge such final standards in the U.S. court of appeals. My amendment, however, would provide an opportunity for any adversely affected person to challenge the validity of a standard in the U.S. court of appeals. This provision will guarantee to all interested persons that their standing to challenge the validity of any final standard will not be lost due to their failure to comment or object to the proposed standard.

S. 717 would also authorize the Secretary of Health, Education, and Welfare or his authorized representative to make frequent inspections and investigations. The phrase "to make frequent inspections and investigations" should not be applicable to representatives from the Department of Health, Education, and Welfare. Mine inspections, especially underground mine inspections, can be a very hazardous and dangerous occupation if in fact the inspector does not have mine inspection credentials, or is a qualified mine inspector. Inspectors from the Mining Enforcement and Safety Administration are equipped with the expertise necessary to enter underground mines, and to inspect all equipment and conditions in the mine. I daresay the same is not true with representatives of the Department of Health, Education, and Welfare. These individuals, although highly qualified in their labs and offices, are not qualified as underground mine inspectors.

In order to correct this apparent oversight, my amendment would provide that the Secretary of Health, Education, and Welfare or his authorized representative is authorized to enter any mine to inspect and investigate for the sole purpose of developing improved mandatory health standards. This provision, therefore, would authorize the Secretary of HEW and his authorized representative to make the necessary studies needed to develop improved mandatory health standards. Basically this would mean that no representative of HEW would enter any mine to make inspections or investigations for purposes other than improving mandatory health standards.

(At this point, Mr. DECONCINI assumed the chair.)

Mr. HATCH. Mr. President, another area in which my amendment differs from S. 717 is the miner request for inspection provision. S. 717 would provide that a miner may request an inspection if he believes that an imminent danger exists. There is, however, no requirement for immediate notification of the operator. If in fact an imminent danger does exist in any mine, the operator should be notified immediately. The operator is the only individual who is in control of the mine and has the ability to correct an imminent danger situation. It is unreasonable to assume that any miner would allow an imminent danger situation to go unabated until an inspector can make an inspection. The inspector may not arrive for several hours or even days, and during the interim the imminent danger is still in existence unless the operator is notified.

According to S. 717 the operator would be notified no later than the date of inspection. My amendment would require a miner who requests an inspection on the ground and only on the grounds that an imminent danger exists, must notify the operator of such request immediately. It must be added that this will not in any way provide the operator with protection from a civil penalty, since the only criteria necessary for an inspector to issue a citation is that he believes that a violation exists. The health and safety

of all miners working in the mine will be better protected if the operator is made aware of any dangerous conditions that exist in his plant.

Additionally, Mr. President, S. 717 would provide that an operator must be assessed a civil penalty of up to $10,000 for each violation of any provision of the act or any standard, rule, or regulation promulgated pursuant to the act. My amendment, on the other hand, would provide that an operator may be assessed a civil penalty of up to $1,000 for each violation.

To assure compliance with any regulatory scheme, a means of enforcement must be devised and implemented. The past several years have seen a great increase in the use of civil penalties as a device to insure compliance with Federal administrative regulations. Properly utilized, the imposition of, or threat of civil penalties can be an effective enforcement tool. However, utilization of such a penalty system on a massive scale is not a simple task, as has been seen under the provisions of the Coal Mine Health and Safety Act of 1969. The real advantage of a civil penalty system is its flexibility. It can deal with separate situations in a speedy and equitable manner, without creating an undue burden our judicial system.

These advantages, however, are quickly lost if the system prescribed by the statute is harsh, or if the administering agency fails to provide procedural safeguards to insure that cases are handled fairly. If the penalties are harsh, or enforcement not evenhanded, the regulatory scheme will fail because the administrative and judicial systems are quickly overburdened with appeals. This would have a very negative impact on the stated objective of this bill, since it would involve large numbers of safety personnel, both government and industry, in hearings and other legal proceedings. It would remove safety specialists from the mines—where they are needed the most—and tie them up in lengthy litigation procedures, with the result that they may make no net contribution at all to health or safety.

This circumstance can be avoided only if penalties are reasonable and enforcement is fair. And the law itself must assure both of these requirements—first by providing only penalties that are reasonable; and then by writing guidelines in the law that will guarantee due process and fairness for everyone on whom a penalty might fall.

On balance, the penalty provisions of S. 717 seem to me to be more punitive than remedial and I regard this as a mistake not justified by any recent experience in metal and nonmetallic mines.

Summarizing my views on the enforcement provisions of S. 717, I feel they go far beyond what is necessary to effect compliance—beyond what experience under the present law has shown to be a useful and constructive route to improved health and safety in metal and nonmetallic mines.

It is my conclusion that these deficiencies in S. 717 can be corrected by adopting a discretionary penalty system. This discretionary penalty system is included in my amendment.

One final difference which I would like to mention is the fact that my amendment would provide for the State plan option. Under S. 717 all of the existing State plans would terminate. State plans offer many advantages, not the least of which is a substantial savings in funds to the Federal Government. In addition, allowing a State to enforce the provisions of a Federal mine safety law through its own State mine enforcement agency, which would be inspecting mines anyway, eliminates the duplicity of inspections that would arise with both State and Federal inspectors inspecting the same plants at different times.

The ongoing State plans have proved to be effective, resulting in a substantial savings to the Federal Government. The State plans presently in force have evolved through the cooperating of the Mining Enforcement and Safety Administration, the organized labor movements in the individual States, the State mine enforcement agencies, and the operators. Although I do not feel that State plans should be mandatory, I certainly feel that the option should be available for States to enforce, through their own enforcement programs, the Federal mine safety law.

My amendment would provide the State plan option.

Mr. President, this concludes my introductory remarks for submission of my amendment to S. 717.

Mr. President, I would like to read from the State of Utah Industrial Commission and Utah Labor Relations Board letter dated June 1, 1977. Part of this letter has this to say:

> Utah has one of the six state-administered federal mine and quarry health and safety programs at the present time. The others are in New Mexico, Arizona, Colorado, Virginia and North Carolina. We feel the Safety Division of the Industrial Commission of Utah has done a splendid job. The operators of our mines and quarries, and the miners in the State continually express their satisfaction with our administration of the safety program. We feel very proud of our safety record.
>
> We are convinced that the preservation of a federal system of government requires that we extend the states the opportunity to administer nationwide legislation whenever possible as in this case. We feel that successful administration of the legislation depends upon the establishment of a rapport and respect between the regulated and the administrators which can be best achieved with state administration. We are requesting your assistance in getting two amendments to H.B. 4287 and to S.B. 717 which would allow states desiring and qualifying to administer the federal mine safety program.

This is signed by Carlyle F. Gronning, the chairman of the Industrial Commission of Utah, and Tony Bullock, the chief mine inspector of the Industrial Commission of Utah.

I think these points are well made, and we are trying to support the interesting insights of the people who do such a great job for the States. There would be a cutoff from doing this great job, or at least it would be interfered with, if S. 717 is passed in its present form. I feel that this amendment in the nature of a substitute to S. 717 is reasonable in all ways and would be a great substitute and addition to that measure.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President, first, I should like to take a moment to applaud the Senator from Utah for many things in connection with his work as a member of the Committee on Human Resources. He certainly has applied himself with his time and his abundant talents in a masterful way. He has applied his time and his talents specifically here to the creation of a substitute to the bill before us, dealing with mine safety and health. I applaud this work too. His work in the broadest terms, approaches the needs of workers in the mining industries in many ways that parallel the bill before us, and I think it accepts much of the basic philosophy that prompts S. 717.

So the differences in good measure, that the committee has with this substitute are as to detail. In one or two areas there are basic differences of approach. However, with all the differences, the work and effort of the Senator from Utah are greatly applauded by this Senator.

We have been favored with the opportunity to anticipate what would be in the subsitute over the last few days—so my analysis has been done within the last few days. I do not see any changes in the substitute discussed today by the Senator that make it different from the one with which we worked.

A parliamentary inquiry, Mr. President. There is no time limitation on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS. It is open ended, so to speak. We can talk from here on.

I know that other amendments are waiting in the wings. I know there is a cap on today's activities with respect to the mine safety bill. The final vote will occur before 8 p.m.

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS. Mr. President, the safety and health of the miners in this country is currently governed by two different and unequal laws, the Metal Act of 1966 and the Coal Act of 1969.

These different statutes with their disparate administrative and enforcement mechanisms have resulted in unequal protection for hard rock miners and coal miners.

The Committee on Human Resources has recognized this disparity of protection. The bill which the committee has reported corrects the inadequacies and the injustice currently suffered by our Nation's hard rock miners by establishing a single mine safety and health law, with a single structure for enforcement and administration.

This substitute turns its back on the need for comprehensive and thorough safety and health enforcement, applicable throughout the mining industry.

This amendment would continue the current scheme of two separate mine safety and health laws. More seriously, it would continue the current scheme which provides unequal protection for our Nation's miners.

Under this amendment, not only would hard rock miners be denied the high de-

gree of safety and health contemplated by S. 717, but they would still not even achieve the level of safety and health which is provided for coal miners under the current Coal Mine Health and Safety Act of 1969.

While this amendment would provide significant improvements in the safety and health program for hard rock miners, these improvements would be nowhere near the ones which Congress provided for our coal miners 8 years ago, and they would be nowhere near what the committee seeks to do in S. 717.

Mr. President, let me highlight several areas where this amendment is just not up to the legitimate expectations of our Nation's hard rock miners.

Like the committee bill, this amendment would require four inspections per year for underground mines and two for surface mines. But, unlike both the current coal act or S. 717, this amendment provides no mandate for special attention by the Secretary to unusually hazardous mines in addition to these minimum inspection requirements.

I said that there are many differences of detail and some major differences in approach. This, I suggest, is one of the differences of major proportion between the substitute and the bill—the failure to give special attention to unusually hazardous mines.

Furthermore, unlike both the coal act and S. 717, this amendment would permit the Secretary to provide operators with advance notice of inspections, a provision which the committee believes seriously reduces the effectiveness of the inspection program. This, I suggest, is a major difference, also. This committee has been over the road for many years with studies of safety matters in industry and in the mining areas. This is a point that has been raised repeatedly—the necessity of the inspector having the opportunity to arrive unannounced. With a prior announcement, if a condition is not in strict accordance with the law, or with regulations, there is time to fix up the situation that was a violation of standard. In some situations, the inspectors arrive without notice and see a violation. A citation requiring something to be changed is issued, and it is changed; but on the next inspection, the condition is right back where it was at the time of the first inspection.

This, of course, was the history of the most recent tragedy that we examined in depth, the Scotia situation, which resulted in the two explosions that cost so many lives.

There were repeated violations in the same area: The failure to provide proper ventilation. They were found, they were corrected. While they were corrected, that corrected state was not maintained. That is another problem we deal with in another way, but these violations probably never would have been found if the inspection was announced in advance.

So I suggest that this is another major difference between the bill before us and the substitute offered by the distinguished Senator from Utah, a member of the committee and my very good friend.

This substitute adopts civil penalties as a means of encouraging operators to provide lasting and meaningful protection for miners. Unlike both the current Coal Act and S. 717, however, this amendment makes the imposition of civil penalties discretionary rather than mandatory.

I would say that the substitute is an upgrading of present law in the metal, nonmetallic areas, and it does provide civil penalties for hard-rock mines. But it makes such penalties discretionary rather than mandatory—a significant difference.

Mr. President, I could think of nothing that would so confuse enforcement as discretionary civil penalties in an industry that is so hazardous that even violations of housekeeping standards can kill miners.

The substitute amendment permits the Secretary to close a mine only in cases of imminent danger or where the operator has failed to abate a violation that has been cited by an inspector.

A report to the committee by the Comptroller General published in February of 1976 suggested that these closure order sanctions, which are the only ones available under the current Metal Act, have been insufficiently and ineffectively used under that act to protect miners.

Mr. President, the Coal Act as it stands now has a broader array of closure order sanctions than this substitute, and the committee has found that even this array is insufficient to cope with chronic and habitual violators.

S. 717 goes further still in providing closure order sanctions to permit the Secretary to isolate miners from hazardous conditions in mines. The substitute amendment, I suggest, is clearly a regressive step.

S. 717 contains more comprehensive provisions to protect miners from discrimination than the substitute does. In addition, the bill's requirement for comprehensive safety and health training of miners does not appear at all in the substitute amendment.

Mr. President, the tragic history of mining disasters in this country points out all too clearly that untrained miners hardly even stand a chance when an unforeseen emergency or catastrophe occurs in a mine.

When I finish this analysis of our comparison of the substitute and the bill, I am going to go to a case study on exactly this point. There was, a limestone mine, in which occurred a mining disaster, not a fatal disaster, but one of some dimension, and it had terrible consequences because of the lack of training of the miners in that limestone mine.

Mr. President, by combining the two mine safety and health programs into one, the committee bill will finally provide the equal protection of the law to which our Nation's hard-rock miners are entitled.

Mr. President, although our measure would provide equal enforcement, it clearly recognizes the essential differences between coal mining and hard-rock mining.

Mr. President, S. 717 does not require that standards be the same for hard-rock mines and coal mines or that all standards be universally applicable throughout the mining industry. This should be emphasized, and reemphasized, evidently because yesterday in the debate it was suggested that there was a lack of clarity in the bill in this regard. So we underline that the bill does not require that the standards be the same for hard-rock mines and coal mines or that all standards be universally applicable throughout the mining industry.

Under section 301(b) of the committee bill, it is clear that current standards under the Coal Act will not be applicable to hard-rock mines and current Metal Act standards will not apply to coal mines under the new law. Provisions of 102(a) of the committee bill in no way suggest that the Secretary should not continue to promulgate separate standards for the separate segments of the industry. To the contrary, the Secretary, under S. 717, has ample authority to promulgate standards which are tailored to the needs of the separate segments of the mining industry. Indeed, the Secretary could develop more specific standards applicable to narrower segments of either the coal or noncoal industries than he has under the current laws, based on his perception of the specific hazards involved with the different kinds of mining activity.

I hope this is read by those who have a doubt about this question that was also raised in yesterday's debate. It is designed to make it unmistakably clear, and also to suggest some differences here between the bill and the substitute.

Where the bill before us, S. 717, does establish uniformity is in how those standards will be developed, administered, and enforced. I suggest this is exactly as it should be. A miner who works in a silver mine has the right to expect his Government to exercise the same diligence in enforcing the standards that are applicable to his employment as the Government exercises in enforcing standards that apply to coal mine employment.

Mr. President, there is no legitimate reason for this substitute because there is nothing about the hard-rock mining industry which warrants separate and different Federal mine safety and health enforcement.

We have heard much discussion about how metal and nonmetallic mines are somehow different from coal mines. We have got to agree with that. We have also heard some discussion about how metal and nonmetallic mines are somehow more different from each other than coal mines are different from each other. I am not going to dispute that either, although I would note that if all of these vastly different hard-rock mines can be governed by a single statute, as they are now and would be under the substitute, they can be governed by a single statute under the committee bill, together with the coal mines.

The bill, S. 717, makes accommodations for the differences to no less an extent than the substitute accommodates these differences. Under the committee bill separate standards would apply to the separate segments of the industry to no less an extent than separate

standards apply to separate segments of the industry under the current two laws. But this is important, Mr. President: Although mines may be different, miners and their needs for safety and health protection are the same. Different standards may govern the working conditions in a lead mine than govern the conditions in a coal mine. But the lead miner has every right to expect that he will receive just as committed a Federal enforcement of the standards that apply to his employment as the coal miner receives.

And it is this fundamental fairness to our Nation's miners that the substitute does not provide.

As long as there are two separate mine safety and health laws, which provide for different enforcement and administration, our miners will not be equally treated.

Because the rationale for substitute in my view is misconceived, it provides for less effective protection of the hard rock miners in order to assure that the hard rock mines will not have to be subject to the coal mining standards.

Obviously, this is an area that is troubling to the majority of us on the committee.

I have heard the arguments for why separate standards should govern. I can understand them, and the committee bill accommodates these concerns. I have not heard the arguments for why different enforcement should apply to the different segments of the industry, and indeed there are no arguments for this. A hard rock miner deserves the same feeling of confidence in his job safety and health that a coal miner has.

For this reason, I believe the substitute should be rejected when we come to a vote on it here in the Senate. The Senate should reject anything that would even appear to be creating two classes of miners, first class and second class. I think there should be one class of miners and miners should have equal protection and enforcement.

Certainly, as I have fully stated, there should not be the same standards in different and disparate types of mining, but certainly there should be equality in the creation of the standards and the enforcement of the standards.

There is another serious shortcoming to the substitute amendment. It deletes the provision of S. 717 which would transfer the enforcement and standard-making responsibility for mine safety and health from the Secretary of the Interior to the Secretary of Labor.

We discussed this yesterday, of course, and it was the subject of an amendment, and it has been revisited here in the substitute.

The mine safety and health program has often suffered from a lack of direction within the Interior Department, as we discussed on yesterdav's record. And so often we have seen that there is a measure of mine safety and health responsibility that was weighted against other departmental program efforts. There was a dichotomy of responsibility, and it showed up. The record reflects this. We have here put mine safety and health where there is no such dual responsibility where the departmental responsibility runs solely to the health, welfare, and safety of the worker.

The other responsibilities of the Interior Department have included the maximizing of the extraction of our mineral and energy resources. This has not always been wholly compatable with the need to vigorously and forcefully implement mine safety and health laws in order to protect workers from death or serious physical injury even if this means temporarily interrupting production.

Such a conflict could not occur in the Department of Labor, which has as its sole responsibility, the protection of America's workers and the assuring of their proper working conditions.

The conviction that the mine safety and health program properly belongs in the Department of Labor is one which has been gaining in general acceptance. I believe that the time is appropriate, and the 26 other cosponsors of this bill S. 717, also believe it. President Carter and this administration share this conviction.

The senior Senator from New York, the ranking minority member of the committee, was most eloquent in describing the feeling in the administration. This was the testimony of the Secretary of the Interior who is losing a responsibility under this transfer but who testified in support of the President's position, the administration's position, notwithstanding the loss of this activity to his Department.

This is the best evidence that there has been a solid gathering around the principle of transfer within the administration. Our committee has had this opinion for a long time, and it antedates this administration. As a matter of fact this principle was embodied in the bill that was before us last year, the bill that reached the Senate but never came off the desk. In the closing hours of the 94th Congress, this was the measure waiting in the wings to be called. It was behind the Clean Air Act which, of course, we know concluded the session of last year. But we never reached it. What I am saying is that the time has come for assigning the responsibility for miners' safety and health where it belongs, in the Department of Labor.

The administration is solidly for it this year. The concept has been solid with the majority in our committee for some time.

The sponsors of this legislation firmly believe that the safety and health program will receive better overall guidance and direction in the Department of Labor, and that this will benefit the miners of our Nation, and the mining industry.

This is no criticism of the hard-working and dedicated people that make up the MESA organization. The concern, instead, is with the overall managerial direction of the program. The weakness of the current direction of our mine safety and health effort is manifested in nearly every aspect of the current program. They are detailed in the committee's report—the snail's pace at which standards are promulgated; the long periods of time between citations of violations and assessments of penalties; the excessive compromising of civil penalties; the failure to assiduously pursue chronic violators: the weakness of the criminal enforcement.

These problems have rendered our mine safety program largely a paper tiger.

The time has come to put the mine safety program in the hands of the Department which has as its primary duty, the protection and safeguarding of America's workers.

Mr. President, I mentioned a few moments ago a case study that I would like to describe. This study points out the importance of one of the provisions of the committee bill that is not in the substitute bill, and demonstrates one of the major deficiencies of the substitute.

Effective sanctions are essential for any meaningful compliance with mine safety and health requirements. Yet, for too long, hard rock miners have been denied effective protections precisely because of the weakness of the sanctions under that act; under the Metal Act there is no real sanction to compel operator compliance under that law other than a closure order. Yet, for some reason, inspectors are reluctant to issue closure orders and without a closure order there is really little that can be done to induce operators to comply with the law.

That is introductory to a specific case, and the conclusion can be shared by others who know the details of this case.

So here is the history of a recent tragedy in an underground limestone mine in Kentucky, and it indicates perhaps better than anything else how dangerous the lack of effective sanctions under the current Metal Act can be.

On December 10, 1976, while inspecting the mine, the MESA inspector issued a notice that miners were not trained in mine rescue. The notice required that the training be provided by December 24, 1976.

The next inspection of that mine was on January 6, 1977. The inspector noted that the miners had not yet received the training. The abatement period for this violation was extended to February 4, 1977.

The next inspection of the mine was on March 14–18, 1977. The training had still not been provided, and for the second time, the abatement was extended, this time, until April 15, 1977.

The inspector next visited the mine on April 5, 1977. His report again notes that this violation still had not been abated, and that the operator was to have abated the violation by April 15.

The inspector did not visit the mine on April 15. Perhaps if he had, he would have lost patience, and would have finally issued a withdrawal order. If he had, it might have saved some miners a lot of suffering.

For, on April 21, an explosion and fire in the mine generated acrid smoke which sent 14 miners in that section heading for the surface. Twelve of the 14 miners were sent to the hospital, suffering from smoke inhalation. Many of the miners did not have their self-rescuers with them. Many of those who did, did not know how to get them open and use them.

According to one of the miners, they were inexperienced and did not have adequate training.

Mr. President, the history of this tragedy presents compelling evidence of the need to provide a system of definite and effective sanctions to encourage operators of metal and nonmetallic mines to comply with the law.

There can be no excuse for this sort of flagrant and repeated refusal to comply with a health and safety standard and an inspector's notice.

There can be no excuse for the blatant refusal to provide miners with the most elementary safety training that would have averted tragedy in this case.

It is incredible to me in view of all the attention that was given to the Sunshine disaster. One of the primary factors involved in the Sunshine disaster—that some people still seem not to realize, was the failure to train the miners in the use of the self-rescue equipment. None of these men in Kentucky died from smoke inhalation, thank God. They got to the surface and got out. But here management had been told and told and told—four times—to train those men in how to use that equipment, and they did not.

The committee bill would bring real enforcement to areas of the law that are designed for only one thing: The welfare of the miners on whom we rely for so much today, and on whom we are going to rely for so much more tomorrow.

We can be certain that these flagrant violations of the act would not have continued uncorrected under the provisions of S. 717. That bill provides effective and definite sanctions for violation of these standards. And, equally important, the bill provides for an effective administration and enforcement that will make these sanctions meaningful.

S. 717 provides the sanctions which the Metal Act does not, which could have closed this mine before this tragic event.

I started with an expression of gratitude for the application of the time and talents of the Senator from Utah to his activities on the Human Resources Committee. We differed as I have noted, and differed, I trust, with mutual personal respect; but in conclusion, I hope that the committee bill will stand the test of the debate here and will be accepted, and that the proposed substitute will be rejected.

Mr. HATCH. Mr. President, I thank the distinguished Senator from New Jersey for his kind remarks at the beginning of his presentation. He is the chairman of the Human Resources Committee, of which I am a member, a distinguished committee here in the Senate. I have deep regard for him, and we do have mutual respect.

But with regard to the last point the distinguished Senator from New Jersey made that was one of the things that I really wanted to attempt in my substitute amendment: that we should not allow to happen what the Senator from New Jersey enumerated there.

The difference between his approach and the approach in the substitute amendment, or the difference between the committee approach and the approach in the substitute amendment, is that the committee requires mandatory civil penalties; in other words, they have to be issued, no matter what the circumstances. No matter what goes on, they issue mandatory civil penalties. I did not want to mandate civil penalties. I want it to be discretionary; and I cannot conceive of any decent Federal official not filing civil penalties in a case where they ought to be filed. But to assure compliance with any regulatory scheme, a means of enforcement has to be devised and implemented.

The past several years have seen a great increase in the use of civil penalties as a device to insure compliance with Federal administrative regulations.

Properly utilized, the imposition of or threat of civil penalties can be an effective enforcement tool. However, utilization of such a penalty system on a massive scale is not a simple task, as has been seen under the provisions of the Coal Mine Health and Safety Act of 1969. The real advantage of a civil penalties system is its flexibility. These amendments would provide such flexibility. It can deal with separate situations in a speedy and equitable manner, without creating an undue burden on our judicial system. These advantages, however, are quickly lost if the system prescribed by the statute is harsh, or if the administering agency fails to provide procedural safeguards to insure that cases are handled fairly. If the penalties are harsh, or enforcement not even-handed, the regulatory scheme will fail because the administrative and judicial systems are quickly overburdened with appeals. This would have a disastrous effect on the stated objective of the law because it will remove safety specialists from the mines—where they are needed the most—and tie them up in endless litigation, with the result that they may make no net contribution to health or safety at all.

This unfortunate circumstance can be avoided only if penalties are reasonable and enforcement is fair. And the law itself must assure both of these requirements—first by providing only penalties that are reasonable; and then by writing guidelines in the law that will guarantee due process and fairness for everyone on whom a penalty might fall.

On balance, the penalty provisions of S. 717 seem to us to be more punitive than remedial—and we regard this as a mistake not justified by any recent experience in metal and nometallic mines.

My analysis of S. 717 has led me to formulate a substitute amendment, and I wish to go into some of my criticisms of the committee amendment at this time, because I did not take much time to deal with that in my introductory statement.

S. 717 combines some features of the Federal Metal and Nonmetallic Mine Safety Act, the Federal Coal Mine Health and Safety Act of 1969, the Occupational Safety and Health Act of 1970. The bill also contains many new concepts. It transfers responsibility for administration of the Federal mine health and safety program to the Labor Department since the proponents of S. 717 argue that the Department of the Interior historically has been a mineral production oriented agency, its primary function and first priority being the development of the Nation's natural resources; and that when mine health and safety and mineral production are set against one another as opposing goals, then health and safety consistently emerges as the loser.

The most critical factor concerning Senate consideration of S. 717—and for that matter House consideration of H.R. 4287—is that practically all focus has been on the issue of the transfer of the Federal mine health and safety program from the Interior Department to the Labor Department. The legislative hearings and markup sessions of the Senate Committee on Human Resources and its Subcommittee on Labor have failed utterly to deal with the merits of the substantive provisions of S. 717.

Because of this failure to address the substantive merits of the bill, my analysis has led me to conclude that enactment of S. 717 will not improve the ability of the Federal mine health and safety program to carry out its mission—to reduce fatalities and injuries in the mining industry so that mining is as safe and healthful an occupation as any a person may choose. To the contrary, the bill would substantially impede the real progress made by the program since 1970. Such progress would be impeded by enactment of S. 717 because:

It retains many of the most cumbersome and ineffective provisions of the occupational safety and health legislation now in effect, which, when coupled with some new concepts contained in the bill, will undoubtedly create administrative chaos and lead to needless dilatory litigation.

Some provisions which purport to strengthen Federal authority pose serious questions of constitutionality.

It needlessly transfers the mine health and safety program to the Department of Labor which has not demonstrated its ability to effectively administer such a program.

Some provisions, which appear to be intended to provide protection to miners, unduly interfere with existing collective bargaining agreements and could further inflame unstable labor-management relations, particularly in the coal mining industry.

Significant costs to the private sector, as well as to the Government will be created by the bill. The effectiveness of these costs in achieving improved health and safety is open to serious question.

S. 717 retains many of the most cumbersome and ineffective provisions of the occupational safety and health legislation now in effect, which, when coupled with some new concepts contained in the bill, will undoubtedly create administrative chaos and lead to needless dilatory litigation.

ENFORCEMENT

Experience with the existing mine health and safety laws demonstrates that the closure order has always been, and continues to be, the most effective deterrent weapon available to the Government. Under the Federal Coal Mine Health and Safety Act of 1969, in particular, the closure order sanction is part of an overall enforcement scheme which can be summarized as follows:

First. Where an imminent danger is found, the affected area is immediately closed until the danger is over.

Second. Where any standard is violated the operator is issued a notice fixing a reasonable time for abatement and is assessed a civil penalty.

Third. Where the operator has not abated the violation within the time fixed, the area may be closed until the violation is abated. This is a very effective incentive to abate.

Fourth. Where a violation is caused by an "unwarrantable failure," this fact is noted on the first occurrence, and if it occurs again within 90 days, the mine or affected portion thereof is immediately closed until the violation is abated.

Fifth. Mandatory civil penalties are assessed for each violation of a health or safety standard.

Sixth. Knowing or willful violations are covered by criminal penalties including penalties imposed upon corporate officers or agents who knowingly authorize violations.

The two areas of the Federal Coal Mine Health and Safety Act of 1969 which have proved most difficult to administer and enforce are the unwarrantable failure provisions of section 104(c) of the act and the mandatory civil penalty requirements of section 109(a). Mandatory civil penalties for each and every violation have caused confusion, endless litigation, and great expenditure of inspectors' time which could have been much more effectively utilized in actual mine inspection. The problems involved with proof of the unwarrantable failure provision have made the mechanism difficult to apply effectively.

The provisions of S. 717 retain this basic system—sections 105, 106, 108, and 111—and, in addition, extend the system to metal and nonmetal mines. The bill, however, fails to address the problems resulting from the unwarrantable failure and mandatory civil penalty requirements of existing law.

DRAFTING FORMAT

Although S. 717 is an amendment to the Federal Coal Mine Health and Safety Act, it uses as its model for format and terminology the Occupational Safety and Health Act. We consider this a serious mistake. Revising the format and terminology of the bill will impede enforcement and retard compliance by the mining industry. The entire industry must become familiar with new concepts, terms, and procedures. An organization must be assembled and trained to interpret, implement, and enforce the new law. An interpretative body of law must be developed on a case-by-case basis by a new administrative review mechanism and the Federal courts. Can the improving trend in mine health and safety be jeopardized by the enactment of an entirely new concept?

As this difficult process advances, industry compliance steadily improves since clear, unambiguous Government interpretation and enforcement is necessarily precedent to industry understanding and compliance. The point has now been reached through significant time and effort where operators, miners, inspectors, assessment officers, attorneys, and judges have developed a reasonably good working familiarity with existing mine health and safety legislation.

S. 717 would unnecessarily jettison all this and start the process anew, with new terms, different procedural requirements and different enforcement concepts. The best example of this unnecessary change is found in section 102 of the bill, dealing with the development of health and safety standards. Section 102 is basically derived from OSHA; and is so different from section 101 of the Coal Act and section 6 of the Metal Act as to practically discard experience and precedent gained under these existing procedures. Changes in terminology and concepts, even slight ones, usually result in unnecessary litigation. But most important is the jeopardy to health and safety resulting from the unnecessary confusion such changes will cause.

S. 717 needlessly transfers the mine health and safety program to the Department of Labor which has not demonstrated its ability to effectively administer such a program.

While it is true that the basic functions of the Interior Department are to oversee the conservation and development of our natural resources, the critical function of the Department is to insure that these vast resources are developed in an orderly fashion with continuous concern for their use and enjoyment by present and future generations. The agencies within the Department have always been, and will continue to be, in the forefront of efforts to conserve and nurture not only the physical resources of our land, water, wilderness areas, wildlife, and minerals, but also the protection and welfare of the people who use and work with these resources.

Mine health and safety has not been by the Department in the past as a program in opposition to the orderly conservation and development of mineral resources. Insuring the health and safety of the miner is an integral, crucial part of this process. It is time to lay to rest the erroneous argument that administration of the mine health and safety program by the Interior Department creates an inherent conflict of interest. The simple facts of life are that any agency administering an occupation health and safety program will, if it is doing its job properly, always be criticized by both labor and management interests. The Department of Labor is no more a stranger to this kind of lobbying than is the Interior Department.

The Labor Department has experienced many of the same problems in its administration of the occupational safety and health program as has Interior in its administration of the mine health and safety program. Labor has been extensively criticized by the Congress and others regarding the manner in which it has carried out its responsibilities under the Occupational Safety and Health Act of 1970.

At the present time and at least in the short-term future, the Department of Labor's administration of the controversial OSHA program will require such extensive efforts that it must be questioned whether Labor could effectively administer the mine health and safety program as well.

The Interior Department apparently views mine health and safety as a high priority budget item and has devoted major resources to the program. The Labor Department, however, has expressed the view that there is an imbalance in the distribution of Federal financial resources for workers' safety and health. This view, if MESA is transferred to Labor, could result in a cutback in MESA programs so that MESA funds and personnel could be shifted to OSHA or elsewhere in the Labor Department.

A Labor Department task force has stated that the money spent by MESA per worker is 100 times that spent by OSHA for each worker covered by this act. The task force disregarded the mandatory inspection frequency and other requirements written into mine health and safety statutes when it concluded:

If the total Federal budget for both OSHA/MESA (which is now about the same) were allocated strictly on the basis of percent of total work-force covered by each program, OSHA would get $204 million and MESA $1.6 million. If this figure were adjusted to allow for greater injury and fatality rates in mining (as compared to OSHA general industry rates) OSHA would receive $189.6 million and MESA $16.0 million.

On the basis of this reasoning, the Labor task force advised the Secretary of Labor to "pledge maintenance of efforts in key program elements for transition period but seek language in the transfer legislation to permit resource distribution in the future."

Although the congressional advocates of S. 717 have pledged that the mine health and safety program will not be diluted in the Department of Labor, the provisions of the bill present the opportunity for such dilution.

While section 304 of the bill appears to prohibit any reduction in the existing number of Federal mine inspectors; and, although section 305 would require separate mine health and safety and OSHA budgets; and while sections 113 and 402 create a Mine Safety and Health Administration to administer the program and to be headed by an Assistant Secretary of Labor for Mine Safety and Health, section 401(c) only protects transferred personnel from reduction in classification or compensation for 1 year from the date of transfer. Even during this 1-year period, section 301(c) authorizes the Secretary of Labor to assign personnel to efficiently perform functions transferred to him. MESA personnel, therefore, could easily be assigned to other organizational units within the Department of Labor exclusive of the Mine Safety and Health Administration.

Redistribution of MESA's funds, based on allocating resources according to the size of the work force in various hazardous industries, would cripple the mine safety and health program. A major mine disaster occurring after MESA funds were diverted would create a shock wave of public and labor outrage.

While the economic costs of compliance are not determinative when we consider miner safety and health, it must be noted that significant costs to the private sector, as well as to the Government, will be created by the bill. The effectiveness of these costs in achieving

improved health and safety is open to serious question.

Preliminary analysis of S. 717 has identified new costs to the industry of at least approximately $354 million. These costs are based on the costs of recordkeeping, medical examinations, and monitoring for health hazards, section 102(a) (5) and (6), and section 104(c) (3); walkaround rights, section 104(e); penalty assessment, section 111; and safety training, section 116. The scope and substance of the requirements for recordkeeping, medical examinations, and monitoring of health hazards and the requirements of safety training should be examined on a cost-benefit basis, particularly as to their impact on the operators of small mines.

Preliminary estimates of new costs to the Government which could result from this bill are $180 million. This amount, added to an existing mine health and safety budget of $130 million for fiscal year 1977, would be necessitated primarily by the need to hire additional inspectors to inspect each mine at least four times a year, by the requirement for Government mine rescue teams specified in section 317A(d), and by the need for additional mine health and safety research funds to assist in implementing the mandates of the bill. It is estimated that a total of 4.085 new personnel, most of whom would be drawn from the mining industry, would have to be hired to carry out the mandates of S. 717. Once again, serious questions can be raised about the cost-effectiveness of the above-mentioned provisions.

These are many of the concerns I have had which have prompted me to introduce this substitute amendment. Frankly, for all the arguments in the world, the two industries are very dissimilar. The deep mining and coal industry, the soft coal industry, and the hard rock and mineral and metallic industries, are totally different in many, many ways. The injury ratios are totally different. To lump them all together into one to the detriment, it seems to me, of the metallic mining industry, I think is ill-thought out at this particular time.

Let me just read a letter from the Idaho Mining Association dated April 27, 1977. From Mr. A. J. Teske, the executive secretary, in opposition to S. 717:

The Idaho Mining Association, which represents virtually all of the productive metallic and nonmetallic mining operations in Idaho, is strongly opposed to the enactment of any legislation which would transfer the Mining Enforcement and Safety Administration from the Dept. of Interior to the Dept. of Labor and extend the coal safety law to the entire mining industry.

There are a great many differences between coal and noncoal mining and I'm sure the extensive testimony by mining industry officials at hearings before the Compensation, Health and Safety Subcommittee has more than adequately documented the problems that can be confidently predicted in trying to apply identical standards and regulations to these areas of difference. There is no need to reiterate that documentation, but it must not be discounted or ignored. We strongly recommend that it be carefully studied—and heeded.

The proposed transfer of MESA to the Dept. of Labor is highly inadvisable because it would doubtlessly expose a more successful and effective MESA safety program to the administrative contamination of an OSHA program which has created more problems than it has solved and has adopted highly objectionable procedures that have been challenged with repeated success in the courts.

I might add that in Idaho as in Utah, and I believe every other State in the Union, there has been a great deal of disgust at OSHA and people are incensed at the way they have applied the Occupational Safety and Health Act of 1970. These people are getting awfully tired of overregulation by the Government in every aspect of business, their works, and their lives.

He goes on to say:

Furthermore, such a transfer of responsibility would undoubtedly exacerbate an already intolerable multiplicity of bureaucratic safety regulations and inspections, if the surface mining legislation now under consideration in Congress is adopted. Surface mining operations are currently being inspected as part of the MESA program, but if that agency is transferred, the new surface mining law would redelegate responsibility for its administration and enforcement to the Dept. of Interior. That would require a new agency with more staff—and more wasteful multiplication of bureaucratic effort.

If it is the objective of Congress to decimate and debilitate the domestic mining industry and take up the resultant employment slack by creating new government jobs, this kind of legislation is made to order.

That is a pretty interesting letter.

The Colorado Mining Association wrote to me on April 25, 1977. I should like to read from that letter:

DEAR SENATOR HATCH: The Colorado Mining Association Health and Safety Committee has reviewed the above captioned legislation and expresses its opposition to its enactment. The Association's Committee major objections to the bills include:

Combining the coal and metal-nonmetallic mining industries under a common health and safety law.

The rulemaking procedures that do not require formal hearings.

The imposition of civil penalties for all violations of rules and regulations as well as for violations of any provision of the Act.

Providing an inspector with the authority to issue citations, which carry mandatory penalties, when he merely "believes" that a standard has been violated.

The granting of the same authority to the Secretary of HEW or his authorized representative to inspect and investigate as is granted to the Secretary of Labor or his authorized representative.

Authorization for a federal inspector to "supervise and direct" rescue and recovery operations.

The transfer of the Mining Enforcement and Safety Administration from the Department of the Interior to the Department of Labor.

The Association Committee endorses the detailed comments on the bills submitted by the American Mining Congress and urges your careful review of them. These comments were compiled from a broad segment of the members. For this reason, we see no need to repeat them here.

Sincerely yours,

COLORADO MINING ASSOCIATION,
DAVID R. COLE,
Secretary and Manager.

The thing that bothers me, knowing a little bit about the coal and noncoal mining industry, is that I really think we are making a grievous error here if we combine them all under the coal industry acts, because they are different. They are different responsibilities, different techniques, different approaches, different engineering, different hazards, different aspects of safety. As a matter of fact, I submit that we have very little evidence of lack of safety in the metallic or the noncoal mining industries compared to the coal mining industry. The coal mining industry does have extensive regulations, and justly so. But to apply, across the board, the same intensive overregulating approaches to the noncoal industry, which has demonstrated, I think, the same amount of ability to do what is right, I think is a tremendous mistake and a very costly one.

To increase the bureaucracy, which I find, personally, repugnant, in this day and age when we are bureaucratized to death, I find very injudicious and very wrong.

I do not like the way business and society today are overregulated—from the small business right up to the largest business. I think it is pretty pathetic and, in this particular case, we are going to deter mining, which is essential to this country at this time. To add significantly to the cost of mining really deters, and, I think, decreases effective inspections and effective safety administration. To turn over that burden to the Department of Labor, which has not demonstrated its ability to manage or administer or to do the bureaucratic things that are really essential, but to overregulate and to oppress our society, I think, as I have said, is very injudicious and basically wrong.

When we think of how really overregulated this society has become—and I think it is overregulation in this particular instance where MESA, for instance, is doing a very basically tremendous job—it is to the point where I have to stand up in opposition thereto.

Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Will the Senator withhold that?

Mr. HATCH. I withdraw my request, Mr. President, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator from New York.

Mr. JAVITS. Mr. President, I have tried to study the differences between the Senator's approach and ours in the bill and to ascertain also the reason for his changes. I would like to analyze some of those by way of opposition to the substitute which I hope will not be adopted by the Senate.

We have listed—and, indeed, the Senator has been kind enough to make available to us his own list—the differences between the Senator's amendment and the committee bill. There are a few of those I would like to comment on specially.

Before I do, of course, we do have the very basic difference that the Senator believes the administration of MESA should remain as it is in the Interior Department. Both the administration and the committee have recommended that it be turned over to the Department of Labor on the ground that this legislation concerns the health and safety of

workers, which is a principal mission of the Labor Department.

The disappointing record of the Interior Department in the administration of MESA, as shown by the findings of the Comptroller General, make it necessary that we have new administrative leadership.

I do not agree with the argument that the bill complicates the bureaucracy of MESA. If anything, we are going to consolidate all mine enforcement into one bureaucracy and put in the place where it has a relationship to the other activities of that department, to wit, the Department of Labor, because this is an issue relating to workers, and we are going to have a new position of assistant secretary in charge of a unitary administration.

Therefore, it seems to me more likely under our bill to have settled and uniform regulations with skilled people working on the job of mine inspection, again, in a unitary way, and the bill also consolidates administration in such a way as to save rather than spend more through overlap duplication.

So I believe, in light of the Comptroller General's findings, the case is made very strongly for, one, the transfer, and two, the consolidation, and the single body of law which would then obtain.

Now that that is said, Mr. President, there are a few things which, as I analyze it, without repeating what Senator Williams has properly argued I would like to mention.

First, the question arises as to the reason for the inspection authority granted representatives of the Secretary of HEW. I find the authority for such inspection in the Hatch substitute to be very narrow. I think this is a very critical point.

The substitute provides that inspection may only take place—this is on page 25, lines 11 through 14—"for the purposes of developing improved mandatory health standards."

This is a very narrow ground. We are dealing here with a health and safety system, and with the authority necessary for the Department of HEW, including NIOSH, to monitor and improve health protections in the mines.

Therefore, it seems to me we are duty-bound to adopt the standard which is contained in the committee bill.

The bill directs the Secretary of Labor and the Secretary of HEW to on page 94, line 4:

> Make frequent inspections and investigations in mines each year for the purpose (1) of obtaining, utilizing and disseminating information relating to health and safety conditions, the causes of accidents and the causes of disease and physical impairments originating in such mines.

That, it seems to me, is the target and that is the bull's-eye which the committee zeros in on and which the substitute does not.

I simply cannot see that we can allow, Mr. President, the possibility of a challenge to an inspection which is designed to deal with safety and health conditions, the very purpose of the bill, because it may be argued that it will not be or is not for the purpose of developing improved mandatory health standards.

The two objectives—safety and health—are quite different. Both are necessary and both are included in the committee bill. But the exclusion of one, to my mind, is a fatal defect in the substitute.

Second, Mr. President, there is the issue of judicial review of standards. In the committee bill, the reviewing court may review only objections made at the hearing before the Secretary.

This does not mean that the party who has not made the objection may not seek judicial review. It means only that the issues raised before the appellate court shall be those considered by the Secretary, unless there be some good reason for the failure or neglect to urge such objection.

In this particular case, the Comptroller General points out that there has been a grave timelag, amounting to years in the promulgation of mandatory standards, and, indeed, that there are relatively few mandatory standards in the metallic and nonmetallic mine administration. A measure encouraging delay by way of appellate review offers, in my judgment, a fatal defect because it tends to introduce a litigious element which should be restricted rather than encouraged and expanded.

So I take very serious objection to that particular provision.

Finally, Mr. President, there is the State plan provision.

The committee bill requires that State enforcement, if it is to exist, must carry out the thrust, the fundamental provisions, of the safety regulations of the United States.

That is sensible and right because this concerns a basic right of the individual worker to a standard of health and safety which should be uniform throughout the United States. The situation should not be left as it is by the substitute and by the existing metal act where the standard, Mr. President, is very much looser respecting what needs to be met.

Our provision is section 503(a)(1) where the secretary is permitted to allow a State administration, where the State "mine health and safety laws and regulations"—I insert the word "are"—"consistent with the provisions of section 506 of this Act."

Those are the safety and health provisions as they may be related to State laws.

On the other hand, under the Hatch substitute, the State is permitted to enforce its own law, to the exclusion of the Federal law, although there is concurrent Federal authority to inspect—to wit, a Federal presence—but there is not a requirement that the State law must be assimilated to all of the Federal standards. The only thing that has to be carried out are the current mandatory standards.

I pointed out earlier that in the metallic and nonmetallic mining situation, one of the big points made by the Comptroller General of the United States was the fact that there was a very grave lag in the application of mandatory standards. I considered that point, as a matter of fact, one of the most critical aspects of the deficiency in MESA administration and one of the reasons why this transfer should be made.

I think the opinion of the Comptroller General, dated June 10, 1977, bears reading again at this point, at page 4, where he said:

> Many needed mandatory standards which had been proposed by MESA had not been officially promulgated because in most instances the process of reviewing and promulgating standards takes years. For example, we found that as of April 1977, about 350 proposed standards were backlogged in various stages of the approval process. Some of these standards had been proposed by MESA as early as 1973.

I believe that the provisions of the substitute relating to court appeal, and so forth, simply will perpetuate the conditions which justified that criticism by the Comptroller General.

There are many other provisions in which there is a difference in approach between our bill and the Hatch substitute. For example, miners are required by the substitute to notify the operator before filing a health or safety complaint. We are trying in our bill to lock in the guarantee that miners shall not be discriminated against because they complain. We certainly do not want to go out looking for antidiscrimination business. By causing the miner to give this notice, you expose him in a way which will invite this kind of retaliation. Then you have a lawsuit and a situation in which an individual may be wronged very seriously for a long time, even though he ultimately might find redress in law.

I find that the substitute has a very substantial number of these areas in which the target is the operator, rather than the worker. I do not say that the operator should be discriminated against or should be treated unfairly or should be oppressed. Not at all. I always have fought against that. But I do believe that we have to keep our eye on the target, and the target is the safety and health of the worker.

By enacting the committee bill, the jurisdiction over miner health and safety will be put in the right place. The provisions of the committee bill are directly conducive to implementing this kind of approach and this kind of outlook and this kind of target; and in that respect there is a very basic and material difference between the bill and the situation as it exists today.

For all those reasons, Mr. President, I hope the Senate will reject the substitute.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on my substitute amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Utah (Mr. HATCH) be set aside until the hour of 2 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, with the permission of the Senator from North Carolina I would like to rephrase the request in this way, if I may: That a vote on the amendment by Mr. HATCH occur at 2 p.m. today, and that in the meantime it be set temporarily aside, so that Mr. HELMS and possibly other Senators may call up amendments, and that if votes are ordered on other amendments in the meantime, those votes follow the vote on the Hatch amendment.

The PRESIDING OFFICER. The Chair understands, then, that there will be no votes before 2 o'clock. Is that correct?

Mr. ROBERT C. BYRD. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. Mr. President, reserving the right to object, if votes are ordered on other amendments, and they are to follow the vote on the Hatch substitute, it is not necessary that those votes be back to back, is it? To enable the opportunity for some discussion, we can limit the discussion, but there should be some.

Mr. ROBERT C. BYRD. Yes. And this order would be limited to rollcalls only; voice votes could occur between now and 2 o'clock, if that is agreeable; but the first rollcall vote would occur on the Hatch amendment at 2 o'clock, and any other rollcall vote would follow the vote on the Hatch amendment, but not necessarily back to back.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10 minutes until 2 p.m. today, the Senate resume the consideration of the amendment by Mr. HATCH, with the 10 minutes to be equally divided between Mr. HATCH and Mr. WILLIAMS.

The PRESIDING OFFICER. And the vote to occur at 2 p.m.?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all the Senators.

AMENDMENT NO. 369 (AS MODIFIED)

Mr. HELMS. Mr. President, I call up my amendment No. 369, as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 369, as modified.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

STATE PLANS

SEC. 117. (a) In order to promote sound and effective coordination in Federal and State activities, within the field covered by this Act, the Secretary shall cooperate with the official mine inspection or safety agencies of the several States.

(b) Any State which, at any time, desires to develop and enforce health and safety standards in mines located in the State which are subject to this Act shall submit, through a State mine inspection or safety agency, a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, whenever the State gives evidence satisfactory to the Secretary that under such plan—

(1) the State agency submitting such plan is the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will not be endangered by the use of such other State structure or arrangement,

(2) such agency has adequate legal authority to enforce existing health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in mines in the State that are subject to this Act, which are, in his judgment, substantially as effective for such purposes as the mandatory standards designated under section 102(b) and which provide for inspection at least annually of all such mines, other than quarries and sand and gravel pits,

(3) the agency has adequate qualified personnel necessary for the enforcement of the plan,

(4) the State will devote adequate funds to the administration and enforcement of such standards,

(5) reasonable safeguards exist against loss of life or property arising from mines which are closed or abandoned after the effective date of this Act, and

(6) the agency shall make such reports to the Secretary, in such form and containing such information, as the Secretary shall from time to time require.

(d) The Secretary shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(e) The provisions of sections 108(b) and (c) of this Act shall not be applicable in any State in which there is in effect a State plan approved under subsection (c).

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Carolina may proceed.

Mr. HELMS. Mr. President, this amendment is essential in order to maintain State planning agreements, which would no longer be allowed if S. 717 is passed in its present form.

These State planning agreements authorize the several States, in cooperation with the Department of the Interior, to establish and enforce their own health and safety standards. They are provided for under section 16 of the Federal Metal and Nonmetallic Mine Safety Act, which S. 717 would repeal.

Section 16 of the Metal Act requires the Secretary of the Interior to cooperate with official mine inspection and safety agencies of the States in order to promote cooperation and coordination between the Federal and State Governments in the enforcement of that act.

Accordingly, any State which desires to develop and enforce health and safety standards in mines which are located in the State and are subject to the Metal Act may submit a State plan for the development of such standards and their enforcement. If the State plan is acceptable to the Secretary, then the State accepts primary responsibility for the enforcement of mining safety regulations within its jurisdiction.

Since the enactment of the Metal Act in 1966, six States—Arizona, Colorado, New Mexico, my State of North Carolina, Utah, and Virginia—have established State-administered mine and quarry safety programs.

The report of the Committee on Human Resources accompanying S. 717 makes no mention of these programs, and suggests no evidence whatsoever to justify their termination. Nor has the Mining Enforcement and Safety Administration—MESA—which enforces the Metal Act, testified that State planning agreements should be discontinued. In short, S. 717 simply sweeps those agreements into limbo, and nobody knows why.

Mr. President, the Senate should be made aware that State planning agreements have been highly successful, not only from a practical standpoint, but also from a constitutional one. They are consistent with our Federal scheme of government, and strengthen the process of decentralization. They help us to maintain a division of powers between the national and the State levels of government. Under our Constitution, those powers that are not granted to the Federal Government are reserved to the several States and to the people who reside therein. So, Mr. President, let us not forget that these reserved powers are the State police powers—that is, the power to provide for the health, safety, and welfare of the people. These State planning agreements do just that. They allow the States and the Federal Government to work together in a common endeavor to protect the health and safety of the miners.

For these reasons, I question whether it is either wise or proper to push the States aside in this mutual effort to re-

duce injuries in our mines. This view is shared by State officials in North Carolina, who have direct, practical experience with the existing system of mine safety extension.

Urging retention of State planning agreements, the Honorable John C. Brocks, North Carolina's commissioner of labor, rightly insists that programs to protect the health and safety of miners can best be administered through State and Federal cooperative arrangements. He wrote to me in a recent letter as follows, Mr. President:

I am convinced that the preservation of a Federal system of Government requires that we extend to the sovereign States the opportunity to administer nationwide legislation whenever possible, as it is here.

How right he is, Mr. President. But in addition, the General Assembly of the State of North Carolina just a few weeks ago passed a resolution unanimously urging the Congress of the United States to permit continued State administration of the mine safety program.

At this point, Mr. President, I ask unanimous consent that this joint resolution of the General Assembly of North Carolina be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION 1178

Whereas, the General Assembly of North Carolina enacted the Mine Safety and Health Act of North Carolina in 1975 and Section 74-24.17 of that act permits State-Federal agreements for State-administration of a Mine and Quarry Safety Program; and

Whereas, the North Carolina Department of Labor has entered into such an agreement with the United States Department of the Interior and this program is now being effectively administered by the North Carolina Department of Labor; and

Whereas, North Carolina has one of the five State-administered Mine and Quarry Safety Programs in the United States; and

Whereas, the provision of a federal system of government mandates that the sovereign states be given the opportunity and responsibility of administering nationwide legislation whenever possible; and

Whereas, H.B. 4287 and S.B. 717 which are currently pending before the United States Congress would transfer the administration of Mine and Quarry Safety Regulations from the United States Department of Interior to the United States Department of Labor; and

Whereas, this pending federal legislation does not include provision for State-Federal agreements permitting State-administration of Mine and Quarry Safety Regulations.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the North Carolina General Assembly urge the United States Congress to amend H.B. 4287 and S.B. 717 so as to retain the authority for State-Federal agreements permitting State-administration of Mine and Quarry Safety Regulations.

SEC. 2. That a copy of this resolution be transmitted to the North Carolina Congressional Delegation, to the Honorable F. Ray Marshall, Secretary of the United States Department of Labor and to the Honorable Cecil Andrus, Secretary of the United States Department of the Interior.

SEC. 3. This resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1977.

Mr. HELMS. Mr. President, if the States were unable to administer a good health and safety program in the mines, then the proponents of S. 717 might be justified in their effort to abolish State-planning agreements. But I have seen absolutely no evidence, not one scintilla of evidence, even remotely suggesting that the States cannot or should not continue to carry out their programs. Indeed, those States with planning agreements have already demonstrated that they can successfully administer the mine safety program.

North Carolina's safety record, I am very proud to say, is truly outstanding, one of the best in the country. According to the Mining Enforcement and Safety Administration, MESA, the injury frequency rate in 1976 for all mining operations except coal was 15.27. That is, there were 15.27 disabling injuries in the mines for every 1 million man-hours worked. North Carolina is proud of the fact that its injury frequency rate, according to MESA, is one of the lowest in the Nation, as I have said several times on this floor in the last 2 days. In 1976, the North Carolina rate was 9.32 per million man-hours.

Mr. President, is not the burden of proof on the supporters of S. 717 to explain why a highly successful State-planning agreement such as the one in North Carolina must be discontinued? The committee report accompanying S. 717 does not offer one scintilla of evidence which would support the termination of the North Carolina agreement. On page 8 of the report, the committee simply concludes that:

The committee's oversight of the enforcement and administration of the mine safety laws has demonstrated that the Department of the Interior has been seriously deficient in past years in its enforcement and administrative responsibilities under these statutes.

Maybe so, but it certainly does not apply to the State of North Carolina, because North Carolina's administration of mine safety laws has not been deficient. Our safety record contradicts any such conclusion. No more convincing are the statistics offered by the committee in support of S. 717 which appear on page 7 of the committee's report. The report states at the bottom of the page that—

The following table of the rates of fatal and serious nonfatal occurrences in our Nation's mines since these laws became effective evidence the need for a legislative solution.

Mr. President, what follows is a table of figures which, in my judgment, arouse considerable skepticism. In the first place there is no mention in the report as to the source of the statistics. I discussed this briefly in a colloquy yesterday with the distinguished manager of the bill. What is the origin of these statistics? Certainly not the Mining Enforcement and Safety Administration, because they differ quite substantially with MESA's statistics. According to the report, for example, the disability injury rate for the entire mining industry in 1976 was 13.51. But MESA, Mr. President, does not publish a rate for the entire industry. How, then, did the committee arrive at those figures? The committee does not say. Certainly not in the report.

In the second place, the 1976 disability injury rate for coal and metal and nonmetal mines as presented in the report are considerably higher than those published by MESA. The MESA safety review states that the 1976 disabling injury frequency rate per million man-hours in the coal mines was 36.41. The committee report comes up with an unsupported figure of 39.31. The MESA safety review states that the 1976 disabling injury frequency rate per million man-hours in the metal and nonmetal mines including mills was 15.25. The committee report offers a figure of 19.12, excluding the mills. Are MESA figures incorrect? Or the committee's figures? One set of statistics or the other is inaccurate. Is the 1976 disability injury rate for metal and nonmetal mines in North Carolina less than 50-percent lower than the national average or more than the 50-percent lower?

Mr. President, reasonable men can differ on the accuracy of certain statistics, but the point that the Senator from North Carolina would make is that the committee report on S. 717 contains no written or statistical evidence to warrant the abolition of State planning agreements. To be sure, no matter whose statistics are used, the injury frequency rate in North Carolina is substantially lower than the national average. And yet the program in North Carolina is going to be abolished by this bill.

I protest this usurpation of State authority, Mr. President, and I urge my fellow colleagues to support the amendment I am offering that is now before the Senate. It simply allows these successfully run agreements to continue. My amendment simply continues the provisions of the metal act that appear under section 16.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Jersey seek recognition?

Mr. WILLIAMS. Yes, Mr. President.

This amendment would not merely allow States to continue enforcement activities, but is apparently intended to partially preempt Federal jurisdiction where a State plan is in effect. S. 717 follows a much sounder approach which is the approach of the Coal Act: Allowing concurrent State and Federal jurisdiction. As under the Coal Act, no State law is superseded, except to the extent that the State law is in conflict with Federal law. State provisions which are more stringent than the Federal, or which establish State standards for which there are no corresponding Federal standards are, by definition, not in conflict with the Federal law.

It is simply not true that S. 717 ignores the issue of Federal-State relations in this vital area of mine safety and health. It does eliminate a provision of the Metal Act which the vast majority of States have not elected to utilize.

That provision embodies a principle which is not entirely consistent with one of the basic purposes of S. 717: The establishment of a comprehensive mine safety and health law applicable to all the Nation's mines.

One of the fundamental principles of S. 717 is that all miners deserve equal protection of the law.

This equal protection can only be achieved if the nature of the enforcement

in the metal/nonmetal mining industry is identical to the nature of the enforcement in the coal industry.

For the same reason, there cannot be equal enforcement if the Federal Government will be enforcing the law in some States, while other States partially preempt the Federal law. Because State plans would thus be contradictory to the equal enforcement which we seek to achieve, this bill does not provide for State enforcement of State mine safety and health laws to the exclusion of Federal enforcement.

Exclusion of Federal enforcement, however, is far different from allowing the States, as S. 717 clearly does, to supplement Federal efforts with more stringent laws and standards, or to fill in what the States perceive as gaps in Federal efforts. When we speak of equal protection, we do not mean to preclude States from individually surpassing the level of Federal laws, strong as the Federal law may become with this bill. The equal protection we seek in S. 717 is a matter of establishing a solid floor of standards, administration, and enforcement procedures. This floor cannot be achieved if State plans preempting Federal jurisdiction are established under a provision such as this amendment.

There are fundamental problems with this amendment. The problems are in conception and purpose. The amendment is drawn from the Metal Act which, as a whole, has proven insufficient, or at least obsolescent. It is drawn from an act with few sanctions for violations, and a sketchy enforcement mechanism. It is drawn from an act which does not cover the Nation's coal miners.

More than the reserved police powers are involved in legislation dealing with the mining industry. Few subject areas involve a stronger Federal interest, historically and constitutionally, than the Nation's mineral and energy resources, and the lives, health, and safety of the miners who work in this hazardous profession. A coherent and comprehensive national policy in this area is imperative.

The record of experience under State plans has not been uniformly good. Indeed, there are at present only six States which have plans, even under the more limited Metal Act with its limited range of sanctions. In some of these States, performance may have been acceptable, in others, less so.

From the standpoint of statistics, the end result of these State plans is at best mixed. Fatality frequency rates, overall, for surface mining and milling and underground fatalities, are generally comparable for 1975. However, the overall disabling injury rate in State-plan States was 43.68, as compared to 32.75 for non-State-plan States.

More significantly, performance overall may be deteriorating in some State-plan States. MESA has published preliminary figures for 1976 and the first quarter of 1977. These figures show that in 1976, the overall rate of fatalities and disabling injuries in three of the six State-plan States exceeded the national average; and four of the six States exceeded the national average in nondisabling injuries.

The figures are worse still for the first quarter of 1977. Four of the six State-plan States exceeded the national average rate for fatalities and disabling injuries and all six State-plan States exceeded the national average in nondisabling injuries.

And so, Mr. President, I think that it is clear that the State plans have not been overwhelmingly successful in protecting miners from death and serious injuries.

Moreover, the 1975 MESA statistics contained in MESA's annual report cast some interesting reflections on the State plan operations.

States operating under State plans conducted a total of 6,553 inspections in 1975, and pursuant to these inspections, 332 orders were issued. In addition to State activities in these States, Federal inspections amounted to about 2,650, and most of these inspections, according to MESA were made jointly with State inspectors. As a result of these inspections, 202 Federal closure orders were issued, apparently under the Metal Act's provisions for imminent danger closures. It is interesting that, overall, 2,650 Federal inspections resulted in 202 Federal closure orders. A third as many Federal inspections resulted in two-thirds as many closure orders.

This is not to say that State efforts cannot be meaningful. In some States, I am sure the efforts have been most commendable.

But the basic point is that States which are doing a good job under State plans do not have to withdraw from the mine safety and health area under S. 717. Indeed, their efforts will be welcome.

Far from prohibiting State efforts, S. 717 encourages them. Section 506 of the Coal Act is not only retained and extended to all mines, but the funds for grants under section 503 are increased. These grants are for the purposes of assisting States in developing and enforcing effective mine safety and health laws, and for promoting Federal-State coordination and cooperation in improving mine safety and health.

Thus, under S. 717, the States may continue to enforce State laws and regulations which are more stringent than the Federal provisions right alongside the Federal effort, and cover areas where Federal efforts are lacking. So, Mr. President, the States are perfectly free to supplement the Federal law and to enforce their State laws in a manner which they think is essential to improve safety and health conditions in the mines.

And so, Mr. President, if there is a State which feels that the Federal mine safety and health program is inadequate, that State is free to supplement the Federal program. There is nothing in this bill which eliminates State activity in this field. In fact, the bill encourages such State mine safety and health activity.

This bill only seeks to provide an equal and uniform enforcement of the Federal mine safety and health law throughout the land.

This amendment would seriously erode that uniform enforcement. For that reason, the amendment should be defeated.

I know the Senator from North Carolina used the expression that the bill pushes the States aside.

That is not an accurate way to describe the situation with respect to the Federal and State opportunities under this bill.

As I said, the bill does allow concurrent State and Federal jurisdictions. As under the Coal Act, no State law is superseded, except to the extent that the State law is in conflict with the Federal law. That is the one area where there is possible collision between the bill and the approach suggested by the Senator from North Carolina. Under S. 717, the State is not precluded, is not superseded. Where the State law conflicts with the Federal law, of course, the Federal law would prevail.

State provisions which are more stringent than the Federal, or which establish State standards for which there are no corresponding Federal standards, are, by definition, not in conflict and would continue to be enforced by the States. It is simply not true that this bill ignores the issue of Federal-State relations in this vital area of mine safety and health. It does eliminate a provision of the Metal Act, which the vast majority of States have not elected to utilize. That provision embodies a principle which is not entirely consistent with one of the basic purposes of S. 717, the establishment of a comprehensive mine safety and health law applicable to all the nation's mines.

That is one of the fundamental principles of the bill. All miners deserve equal protection of the law. This equal protection can only be achieved if the nature of the enforcement in the metal-nonmetal mine industry is identical to the nature of the enforcement in the coal industry.

For the same reason, there cannot be equal enforcement if the Federal Government will be enforcing the law in some States while other States partially preempt the Federal law, because such State plans would thus be contradictory to the equal enforcement which we seek to achieve.

This bill does not provide for State enforcement of State mine safety and health laws to the exclusion of Federal enforcement. In North Carolina, the law, the regulations, and enforcement may be exemplary. This I understand. North Carolina is not unique, but is to be commended for what it has accomplished at the State level. I am not familiar with all of the mining operations in North Carolina. If we have a moment, I would appreciate a description by the Senator from North Carolina of the mining activities which are prominent in North Carolina.

(Mr. INOUYE assumed the chair.)

Mr. HELMS. If the Senator will yield, Mr. President, I thank him for his kind comment about my State and the operation of the North Carolina health and safety program. I make this point because I think it is a very relevant one.

In States that have the planning agreements, a similarly commendable record is in evidence. Certainly, that is

true in Virginia and Utah. I have not checked all the other States. The same argument can be made on behalf of Utah and Virginia as for North Carolina. Indeed, I believe that Senator HATCH read into the RECORD this morning a letter from Utah State officials urging retention of the State planning agreements.

I think that the Senator will find that many State governments are in agreement with the amendment of the Senator from North Carolina.

If I may, just to clear up a few questions, I should like to ask the distinguished manager of the bill whether the Director of MESA has ever testified that State planning agreements are not working? Has there been any testmony to that effect?

Mr. WILLIAMS. There are such a limited number of State plans that there is little opportunity to make a judgment as to how effectively they work over all. There were eight State plans under the Metal Act. Now there are six. I think that the negative is probably the best evidence of whether there is a need for this approach of a preempting State plan. We have had no testimony, except informally from North Carolina, seeking the preempting State plan. So it has not been a major issue. It has been almost an assumption that in this area, as in the others, we need a uniform national effort. The whole Nation needs the minerals that come out of the mines. We know also that where there are problems in safety and health, those are national problems. What our bill does is develop in the law provisions for national minimum standards. If a State does want to come in and have more demanding standards, it can do so under the Coal Act now, and it will be able to do so under this bill if it becomes law. The States cannot only make their programs more demanding, they can reach areas that the Federal law and standards do not.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. HELMS. Certainly.

Mr. DOMENICI. I was going to ask a question of the Senator from New Jersey, who made a point that a State might want to have more stringent standards. He previously said, however, that the Federal Government is going to enforce these national standards that are minimums. I ask him, if the State decided to have more strict standards, who would enforce them? Would there be a Federal and a State enforcement process?

It would be the same way it is under the Coal Act.

Mr. WILLIAMS. If the State standards are more demanding, if they reach areas that the Federal standards do not, they are to be enforced by the State, with I will say, some assistance from the Federal Government, because funds are made available to the States under this bill for their activity in mine safety and health.

Mr. DOMENICI. Does the Federal Government enforce them, also, in that situation where the Federal Government helps the State monetarily to enforce their more stringent ones?

Mr. WILLIAMS. Yes. It is the State's responsibility to enforce the State standards. It is not a Federal responsibility.

Mr. HELMS. I must inform the Senator, however, that is not what the bill says.

Mr. WILLIAMS. Well, that is the way it is now, and that is the way it would be under this bill. There can be no doubt about that.

Mr. DOMENICI. May I make this point in response to the Senator's answer? I shall get some time on my own to ask the Senator some additional questions.

If I understand him correctly, the whole thrust of his argument is that, in order to get uniform mine safety, we have to have the Federal Government do it. But in the event a State has a more strict one, we shall let the State do it. That seems to me to be a total non sequitur, because in that situation, we are permitting the State to enforce a more strict one than the Federal, and we are trusting them to do it. It would appear to me that there is no justification to trust them to enforce a more strict standard when the whole thrust of this bill is that, in order to get uniformity of health and safety, only the Federal Government ought to enforce.

Am I misreading what the Senator said?

Mr. WILLIAMS. The Federal Government will enforce the Federal Standards. If the State wants to find a higher level of protection for the workers resident in its State, it can.

Mr. DOMENCI. And who enforces that?

Mr. WILLIAMS. The State enforces it.

Mr. DOMENICI. Does the Federal Government enforce theirs?

Mr. WILLIAMS. If a State decides that its workers need a higher measure of protection than the Federal standards provide their workers, the State can establish that higher standard. The Federal standards and enforcement should still apply to that State, as a minimum.

That is not a non sequitur and it is something that applies in other areas of our law as well. We are dealing here with lives. I know that, where we are dealing with money—in securities, for example, stocks and bonds—we have national securities laws. But if a State wants to be tougher, it can.

Mr. DOMENICI. Let me continue. I hope that the good Senator from New Jersey, in his last remarks, is not implying that the Senator from New Mexico is not genuinely concerned about protecting lives. I think we have a genuine area that we want to talk about here. The parameters of my discussion with the Senator from New Jersey are that we would get the safest possible laws.

I am merely questioning the Senator with reference to one aspect of his discussion here this morning.

Before I ask him the next question, I would ask the Senator from North Carolina, is the Senator's cooperative arrangement optional on the part of the Secretary of Labor or the Secretary of the Interior, wherever, it ends up being enforced?

Mr. HELMS. Yes, I would say to my able friend, it is.

Mr. DOMENICI. Therefore, the Senator is suggesting that we make it permissive that a State shall submit a State plan with the minimums required by this Federal law, merely ask permission, let us enforce our law, in the State with all the caveats and conditions that would be part of that delegation.

Mr. HELMS. The Senator has stated it correctly.

Mr. DOMENICI. I ask the Senator from New Jersey, assuming that is the case, is he really telling us that we cannot expect under such a plan that people in the field enforcing that law employed by the State of New Mexico rather than the U.S. Government, Department of Labor, is the Senator suggesting that one group of such people will adequately enforce the law and another will not if the standards are the same in both instances?

Mr. WILLIAMS. It is entirely possible. It could happen. But I will say a lot of the provisions here can more reliably become effective if we have competent enforcement.

I earlier today talked about some of the training requirements that we have here, and for a very good reason.

We need some common standards in training miners for the work we know to be one of the most hazardous occupations that anybody can go into. To have a common thread of training standards and a patchwork of enforcement of them is just inviting a patchwork result.

I say that we have been over this road in another area of safety, where State plans can take over, and it has not worked out very well.

Part of the problem of occupational safety and health and its administration—OSHA—has been this opportunity for the States to take over. We know that many problems have arisen out of a very necessary, even noble effort—safety and greater safety and health in the industrial world.

I say we can improve the safety and health of miners if we have the minimum standards that apply to everybody equally and are uniformly enforced, and then let States reach those areas they feel the minimum standards do not reach and, for the protection of the workers in that State, impose stronger or supplemental standards.

Mr. HELMS. Mr. President, I believe I still have the floor. I want the Senator to continue his line of questioning, but I would interrupt him long enough to pose a question to the proponents of the bill.

I ask the distinguished manager of the bill, where in this bill does it provide for State enforcement?

We can have a quorum call, if the Senator desires, so that he can examine the bill.

Mr. WILLIAMS. What was the question?

Mr. HELMS. I want to know where in the bill State enforcement is provided for.

Mr. WILLIAMS. All right, if the Senator has the report in front of him, page 173. That is probably the most convenient approach, section 506(a), and I will read it:

> No State law in effect on the date of enactment of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued—

Mr. HELMS. Will the Senator withhold and let me find the reference from which he is reading? Very well, I now have page 173 before me.

Mr. WILLIAMS. Under the heading "Effect on State Laws" section 506(a):

No State law in effect on the date of enactment of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or any mandatory health or safety standard, except insofar as such State law is in conflict with this Act or with any order issued or any mandatory health or safety standard.

Mr. HELMS. Is the Senator willing to make legislative history here that this applies to enforcement?

If he is, then perhaps we have no problem. However, I would say that what the Senator has just read to me refers to standards, not enforcement.

Mr. WILLIAMS. If the Senator is inquiring whether the States continue to have authority to enforce their State laws, the answer is "Yes."

Mr. HELMS. Will the Senator state that again?

Mr. WILLIAMS. If the Senator from North Carolina is inquiring whether that provision protects the opportunity of the State to enforce its law, the answer is "Yes," within the meaning of the provision of 506.

Mr. HELMS. I am not trying to give the Senator a hard time. I just want to make sure that everyone understands this legislation.

Mr. WILLIAMS. Yes.

Mr. HELMS. The Senator has already assured the Senate in a previous colloquy, I believe with Senator SCHMITT, that the health and safety standards for the different kinds of mines in the country need not be uniform. Why then must only the Federal Government enforce them?

This is what I am getting at.

If they do not have any uniformity——

Mr. WILLIAMS. If there is State law and it is not in conflict with Federal law, the State can enforce. It is clear, absolutely clear.

Mr. HELMS. What puzzles me, we have, demonstrably, States—one such is my own State of North Carolina—which have the best records in the country, operating under a State agreement. Yet we have before us a proposal to sweep that aside on the presumtion that the Federal Government is a reservoir of all knowledge and superior judgment. I just cannot buy that proposition.

In fact, it is becoming increasingly clear that those who like OSHA, will love this bill and the vast bureaucracy it would create.

Mr. WILLIAMS. I was saying that if they like OSHA, they will like the approach of the Senator from North Carolina better.

OSHA does provide for what the Senator is providing.

The State plans that can totally supersede any Federal standards and enforcement under OSHA.

Mr. HELMS. Here again, OSHA in North Carolina, with the State enforcement of it, is one of least odious in the country. The question boils down to this as we proceed toward further centralization of power enforcement in Washington, D.C.: What makes a Federal bureaucrat smarter than a State official?

What makes him more dedicated or more diligent?

I do not think the Senator possesses statistics to answer that question.

Mr. WILLIAMS. There is not anything. All we are saying is that we want minimum national standards uniformly arrived at and uniformly enforced. If the State wants to do better and they are more qualified, all the opportunity in the world is there under this bill.

The State law can be far superior. Far superior. In North Carolina, we would expect they probably would be.

Mr. HELMS. I have to go back, though. The Senator is talking about standards, and I am talking about enforcement.

Mr. WILLIAMS. I am talking about enforcement too. Standards and enforcement. If North Carolina wants to do better, we certainly give them every opportunity to do better.

Mr. HELMS. Much praise has been given my State by the distinguished manager of this bill, and I appreciate what he has said. Yet, he is going to strip away from my State its right to operate its program.

Mr. WILLIAMS. There is a bonus in this bill. I do not know whether the Senator will applaud the possibility of North Carolina receiving this bonus, but I should like to point it out.

I suggest that the Senator open the report to page 170, section 503(a), where, under the heading "Assistance to States," it says:

The Secretary, in coordination with the Secretary of HEW, is authorized to make grants in accordance with an application approved under this section to any State in which mining takes place, to assist such State in developing and enforcing effective mine health and safety laws and regulations, consistent with the provisions of section 506 of this Act.

Parenthetically, section 506 is the provision we just read together, which permits State law.

So I say that is in the nature of a bonus, and for good reason. We know that North Carolina is exemplary in its attention to the health and safety needs of its miners. It has done a good job. In effect, we are encouraging a continuation, even an improvement, by making a Federal contribution to the enforcement of North Carolina standards.

Mr. HELMS. I appreciate the Senator's generosity, but here we go again with more of the free money from Washington.

Mr. WILLIAMS. I did not know whether the Senator would appreciate the bonus. The State does not have to use it.

Mr. HELMS. We have in North Carolina what the Senator, himself, has called an exemplary program—and again I appreciate the compliment—and we have not asked for, or received, a dime in Federal funds.

Mr. WILLIAMS. There is no obligation for North Carolina to take this money.

Mr. HELMS. I understand.

Here we have another of these mushrooming agencies, totally unnecessary and in contradiction to the fact that the States are operating their own programs in exemplary fashion. The Senator has used the word himself. I will confine myself to North Carolina, but Virginia and Utah come also to mind, as do other States in the same category. They are not using any Federal funds, yet they have the best record, or among the best records, in the country.

I wish the Senator from New Jersey would accept my amendment. This bill, unless my amendment is approved, will just foul up a good situation that exists in my State and other States which operate their own programs. It is further centralization of authority and enforcement in Washington, D.C. And that is both unnecessary and undesirable.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, will the Senator consider adding my name as an original cosponsor?

Mr. HELMS. Mr. President, I ask unanimous consent that the name of the able Senator from New Mexico be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, will the Senator add my name as a cosponsor.

Mr. HELMS. Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. SCHMITT) may be added as a cosponsor.

Mr. DOMENICI. Does the Senator have time remaining on his amendment?

Mr. HELMS. There is no time limitation.

I yield the floor, Mr. President.

Mr. DOMENICI. Mr. President, I should like to discuss with both the Senator from New Jersey and the Senator from New York the nature of this amendment and the mistake that I think is being made by not agreeing to the amendment.

First, I say to the Senator from New Jersey—and I say this in all deference to his preeminence in the field of health and safety as a U.S. Senator—that for the first time in 4½ years, I have heard someone complain that one of the major reasons why OSHA is not working in this country is that the States have in some way taken over part of it and botched it up.

My understanding is that that is not the case at all. OSHA substantially is a national program. Whatever its successes or failures—I assume that even the new administration feels that its history has been mostly that of failure—has been attributable to trying to set a national corps of policemen over health and safety in our States, in a rather exclusive manner.

Having said that, let me give both Senators a notion that has been bothering me about national legislation for quite some time, and we will see whether the Senators will at least consider avoiding the mistake before we do it.

There are many who look at the Federal Government's involvement in the field of education and in the field of nutrition and yearn for some experiment in

the field that might prove that there is a better way to do it.

I think the Senator from New York is aware that Senator BELLMON has offered an optional State approach to nutrition. I think he is aware that I have and will offer once again an optional approach to the educational grant system. The only purpose is to put into place in the field, in one of the States, not hypothetically but for real, an optional system.

If I correctly understand the Senator from North Carolina's request of the floor managers and of the Senate, it is that they consider an option, regardless of how stringent they want to make it, how many requirements they want to impose on a State in its submission of this request, that the State be granted the option to get permission to enforce a State mining law exactly consistent with the minimum standards required by the Federal law.

I submit that if that is optional and if there is some other language that is needed, such as educating miners, which the good Senator from New Jersey brings up in this area, it should be put in. But why lock out of this bill an opportunity to measure the effectiveness of a Federal police force out there, enforcing mining, versus a couple of States with their own policemen out there, especially when we have such commitments from States such as North Carolina, New Mexico, and others which are doing it now? They have nothing to be ashamed of and do not take any back seats—North Carolina in particular—to any Federal enforcement in States where they are enforcing it in total.

I am not suggesting that we change this bill substantially, I say to the floor managers. I say, why not build in an optional system which can be measured and built into safety requirements, and see if they can continue to do as well as the Federal Government in their respective States?

The only argument I can see is that the Senators might have some genuine concern and respond to me that we are talking about people and that we should not experiment with people and their health and safety. I would answer that by saying that I am not asking that anyone experiment. I merely am saying that we are extremely presumptive here, in the Senate, to take the position that with minimum standards, written in as tightly as possible, with the entire discretion vested in the Secretary of the Interior as to whether he wants to do it or not, we are being extremely presumptuous to assert that no State, under any condition, should be granted this privilege as a check against the Federal Government's bureaucracy, its policemen in a State with resources and good faith, and an adequate commitment to the Secretary of Labor, under the committee bill.

I think we at least should permit it: make it as mildly progressive as the Senators wish; put all the strings on it they wish. But I do not think we should bar any State from trying this, under the guise that only the Federal Government and its enforcement people can do the job.

Having said that, I thank the managers for listening to me. It is not my amendment, and I do not speak for the Senator from North Carolina. However, if the floor managers want to tighten it up some more so that it is absolutely certain that the States must comply with every minimum requirement and everything else, and make it totally permissive that the Secretary of Labor find that and that he then monitor it, the floor managers should permit that to occur in one of the United States, as a check against a national enforcement of a program of this size, of this diversity. I do not think anyone would be hurt. I submit that perhaps the Federal Government might learn something by marching a couple of them side by side and seeing how it is done in terms of cost and efficiency, and ultimately measure the competency in terms of health and safety.

Mr. JAVITS. Mr. President, the difficulty with the argument which I have just heard, given with the customary eloquence and intelligence always manifested by my beloved friend from New Mexico, is that we do exactly that in the bill before the Senate. We give every State an opportunity, indeed we give them a little more than an opportunity, we are willing to give them some money, for the purpose of carrying on State administration of a mine health and safety law at least equal to the Federal law. Specifically, section 506(b) of the act says:

> which provides for more stringent health and safety standards applicable to mines than do the provisions of this Act or any order issued or any mandatory health or safety standard. . . .

It seems to me, Mr. President, that is very, very full and complete.

Section 503(a) says:

> The Secretary, in coordination with the Secretary of Health, Education, and Welfare is authorized to make grants in accordance with an application approved under this section to any State in which mining takes place—
>
> (1) to assist such State in developing and enforcing effective mine health and safety laws and regulations consistent with the provisions of section 506 of this Act.

I have just read section 506. So we do exactly and precisely what Senator DOMENICI wants us to do.

But we do not do what Senator HELMS wants us to do, and we should not because what Senator HELMS wants us to do is to turn over administration to any State, not to administer the Federal law but which is going to administer the following: Page 3, lines 2 to 5 of the amendment says:

> Substantially as effective for such purposes as the mandatory standards designated under section 6(d) and which provide for inspection at least annually of all such mines. . . .

Now, Mr. President, here is the trouble with that. The mandatory standards for metallic and nonmetallic mines are very limited and very unsatisfactory. I am not saying that and Senator WILLIAMS is not saying that. The Comptroller General of the United States is saying that, and he is saying it as recently as June 10, 1977. This is what he says at page 4 of his letter on the subject, because we asked him to look into it with relation to this particular matter. He says:

> Many needed mandatory standards which had been proposed by MESA had not been officially promulgated because in most instances the process of reviewing and promulgating standards takes years. For example, we found that as of April 1977 about 350 proposed standards were backlogged in various stages of the approval process. Some of these standards had been proposed by MESA as early as 1973.

That is 4 years ago. That is why, Mr. President, we say that we cannot confine State administration just to the mandatory standards which apply to metallic and nonmetallic mines. They are inadequate, they are not up to snuff, they do not toe the mark, they do not cut the mustard, and that is why we are against it.

Now, Mr. President, one other point: It will be noted that Senator HELMS' amendment calls for one inspection per mine per year. We call for four inspections of underground mines per year, and for two of surface mines, and we believe that is necessary in order to have effective administration.

The end point, Mr. President, is this: We are providing expressly for State administration, including financial assistance, but State administration which will be consistent with the national standard.

Now, my colleague argues for State plans. The fact is that State plans have had quite a number of years to be put into effect if anybody wanted to put them into effect. But there are only six State plans now in effect, and the two biggest States that had State plan proposals, California and New York, have withdrawn their plans.

It seems to me, therefore, with a scheme of legislation which enables a State to act if it wishes, indeed helps it to act if it wishes, consistent with a pattern of the Federal regulation which is not nearly as limited as that which is now provided under the metallic and nonmetallic mine legislation, that we are doing what needs to be done to recognize State experimentation and State efforts to do a good job without, at the same time, jeopardizing the needs of hundreds of miners located in the other States where there are mining operations.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. DOMENICI. I think the Senator knows me well enough to know that I do not stand here saying there was never any need that the Federal Government push the States in the area of mine safety. I think he knows I understand there was a need to push the automobile manufacturers nationally or we would not be as far as we are in controlling air pollution.

There are all kinds of national movements of which we have to be part. But I do not read this bill, may I say to the Senator, nor do I understand the Senator from New Jersey's previous answers in the Senator's absence, to mean that anywhere in this bill is found the permissive authority for a State under any conditions to take over and run the mine safety program contemplated by this bill.

The Senator has read to me the sections, but they do not say that.

Mr. WILLIAMS. Mr. President, I will have to pause and ask if the Senator will yield. That was never said.

Mr. DOMENICI. Yes, I yield.

Mr. WILLIAMS. I said the provisions under this bill do provide for national, I would call them, as the Senator from New York called them, basic, minimum foundation standards. On those foundations then, the State can take off and provide even more protection to its workers through standards which it enforces.

Mr. DOMENICI. I did not say that Senator—I said I understood the Senator to say that a State could not take over and regulate in its State a State plan consistent in toto with this Federal law.

I understood the Senator to say that if they want to do better we will give them some money to do better, but the Federal Government is going to be involved in actually regulating in every State of the Union the basic mandates of this bill.

Mr. WILLIAMS. I think that is fair.

Mr. DOMENICI. All right.

So the Senator from New York is saying that he hopes that more than six States opt to run a mine safety program under this bill, and I did not find anything in this bill that says they may opt to run this Federal program under any conditions, and that is all I am trying to find out. I do not find that here.

Mr. JAVITS. Let me go over it with the Senator from New Mexico and the Senator from New Jersey.

When the Senator from New Mexico says "opt to run," my answer to that is "no."

Mr. DOMENICI. Opt to regulate?

Mr. JAVITS. No.

Mr. DOMENICI. All right.

Mr. JAVITS. They cannot opt to run or opt to regulate. They can administer mine safety laws by agreement with the Secretary. That does not exclude the Secretary and it does not mean he cannot send an inspector in the State.

Mr. DOMENICI. That is found where?

Mr. JAVITS. That is found, if the Senator will look in the Cordon print, pages 170, 171, and 172, and 173 of the committee report, he will find the provisions of the Coal Act which are embodied completely in the bill which is before us with the elimination of the word "coal." If the Senator will look at page 78 on lines 12 to 14, he will see section 102(a)(1):

Section 2 of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "coal" wherever it appears.

That is the essential structure of this bill, and this is why in the Cordon print we have the existing Coal Act, as modified by S. 717.

Mr. DOMENICI. All right.

Mr. JAVITS. That is what I am referring to, and that is the section that I read to the Senator.

In the Coal Act the Secretary is given the power under section 503(a), in coordination with the Secretary of Health, the line of the conditions for such grants, The Senator will notice that "the Secretary" now means the Secretary of Labor.

Then, if the Senator will go on down the line of the conditions for such grants, then go on to section (b): " * * * shall approve any application or any modification thereof, submitted under this section by a State, through its official mine inspection or safety agency, which sets forth the programs, policies, and methods to be followed in carrying out the application in accordance with the purposes of subsection (a)," and so on.

It is my construction of that section that by agreement between the Secretary of Labor and the State, the State may take on the job, not to the exclusion of the Secretary of Labor.

Mr. DOMENICI. Presumably the agreement can even set those parameters the Senator has referred to, how much Federal and how much State.

Mr. JAVITS. Exactly, so long as the requirements for the Secretary are met.

If the Senator will go to section 506 of the Coal Act, which is found at page 173, he will see that we provide that the State may have more stringent standards.

Mr. DOMENICI. All right.

Mr. JAVITS. That is what I am basing it on.

Of course, it is not going to be the old arrangement under the Metal Act. I think Senator HELMS properly said the State proceeded as of right under the Metallic and Nonmetallic Mine Safety Act because there all the State had to do was to have a scheme of enforcing the safety and health standards, which are very limited. Then he had to turn it over to them willy-nilly, and he did, and those States that opted for it—there the word "opted" is correct—but here all I am laying out is that this is a new way to do it. It can be done by agreement between the Secretary of Labor and the State.

Mr. DOMENICI. I believe in my questions to the Senator from New York I perhaps improperly used the word "option," but I continue to say as conditioned as the Secretary might want it, totally dependent upon his agreeing to it and so wherever I said it I am asking whether they can agree which obviously means both the State and the Secretary, and I would ask, if I understood the Senator correctly, that by the incorporation that he has referred to in the sections he has referred to a State and the Secretary could agree with reference to all of mine safety, not just coal, or the other, the entire gamut covered, subject to whatever the Secretary of the Interior wants to retain unto himself.

Mr. JAVITS. The Secretary of Labor.

Mr. DOMENICI. The Secretary of Labor. Excuse me.

Mr. JAVITS. In the way of a presence in that State.

Mr. DOMENICI. In the way of presence.

Mr. JAVITS. That is my construction, and I think that is entirely consistent, by the way, with Senator WILLIAMS' answer to the question of the Senator from New Mexico. I do not think he excludes or meant to exclude—if I am wrong he will correct me—the possibility that this opens up an agreement between the State and the Secretary.

Mr. DOMENICI. Does the Senator from New Jersey agree to that?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. WILLIAMS. I did not hear the entire colloquy.

Mr. JAVITS. Let me restate it because it is very important.

I have no desire, and we are not trying, to pacify Senator HELMS or Senator DOMENICI so that they feel what they want to do can be done.

I think we are engaged in a very important question of construction of the law. Let me state it unilaterally, without in any way binding the managers, just for myself as a Senator. As I read the amended sections 503 and 506 now, in my judgment that opens the door to an agreement between a State and the Secretary of Labor in which, while certainly not excluding the Federal presence and responsibility in any sense—he can send an inspector in or anything else—he can by agreement see that certain responsibilities within that State respecting the enforcement of the law are carried out by State agencies, provided that they meet all of the act's requirements as set forth in sections 503 and 506.

The Federal Government is not relieved of four inspections a year, and so on. It seems to me, again speaking entirely unilaterally, that given that opportunity it would be a misallocation of resources if the Secretary did not take fair advantage of the fact that in certain States they prefer to undertake mine safety and health enforcement under this act. The only thing I was saying is that the law allows it. That is all. I was not trying to put ideas in the Senator's head, or anything like that. Senator HELMS was gone from the Chamber at the moment that I pointed out some very material differences between his amendment and this idea I was giving voice to. Of the differences, for example, two of them were, first, that he called only for the State enforcement of the mandatory standards of the Metallic and Nonmetallic Mining Act, which were very inadequate, as the Comptroller General has so criticized them; second, he called for a minimum of one inspection a year, whereas we were providing for a good many more.

There may be other differences, but those were two that leap out. That is all. I am only trying to point out it can be done. Whether it will be, I do not know.

I pointed out, also, that both California and New York had opted out of the State plan. Those are the two biggest States in the Nation. So it is by no means the most popular way of doing it.

This is unilateral and in no way binds "the managers of the bill," but this was the way I read these two sections.

Mr. DOMENICI. Having heard the Senator from New York explain his unilateral version, what does the Senator from New Jersey think about the Senator's statement?

Mr. WILLIAMS. The Senator from New York and I have worked together, and this bill is our joint effort. I think we had better work through this discussion, so that we arrive at a bilateral position.

Let us turn, if we may, to page 94 of the legislation, which deals with inspections, investigations, and recordkeeping:

SEC. 104. (a) Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare shall make frequent inspections and investigations in mines each year for the purpose of (1)—

The section then enumerates the purposes of the investigations. Coming back to the beginning:

Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare—

Now, I think this is, right here, the nub of whether there can be a delegation to the State, and whether the States could become authorized representatives of the Secretaries.

I would doubt it. Where these minimum Federal standards apply, I would believe that the enforcement of those standards would be a responsibility of the Secretary or the Secretary of Health, Education, and Welfare. While the Secretary can be represented on these investigations—obviously he must be represented; he will not be there—that representative must come from these Federal establishments.

My point through this whole colloquy has been that the Federal standards and enforcement provides a minimum basis for safety and health. Beyond that, then, the State of North Carolina or the State of New Mexico can provide a greater measure of protection or can promulgate standards and enforce them in any area, not covered by the Federal effort as long as the State law is not inconsistent with those minimums that are provided by the Federal law.

If that is at variance with the unilateral observations of my colleague from New York, we should have it clarified here, I believe.

Mr. JAVITS. I do not think it is at all. I consider myself entirely consistent with the manager of the bill, and am prepared to join in the interpretation that to the extent that the law requires the Federal presence, the Federal presence must be there; but all I say is that it does not exclude a broad measure of agreement with the States in areas where the Federal presence is not dictated and mandated by the law.

I do not believe that the degree of participation by staff must be the same in every State, as far as the Secretary of Labor is concerned, but my interpretation of the sections which permit agreements with the States is just exactly the same as that of the Senator from New Jersey. Where the Federal presence, as he has pointed out, is required, it must be there; but where the statute permits complementary State agency presence, then the State may act, provided the Secretary has agreed.

Mr. DOMENICI. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS. I yield.

Mr. DOMENICI. Will the Senator from New York discuss this with me?

Mr. ROBERT C. BYRD. First, will the Senator yield to me to make a unanimous-consent request?

Mr. JAVITS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the vote on the amendment by Mr. HATCH, there be 10 minutes for debate on the amendment by Mr. HELMS, to be equally divided between the sponsor of the amendment and the manager of the bill, and that the vote on the amendment by Mr. HELMS then occur.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. DOMENICI. May I say to my friend from New York, I do not think we have got a bilateral agreement, even though the two Senators might say they think they have given us a bilateral interpretation.

Not being as familiar with the facts as the Senator from New York, might I ask, with reference to what can be agreed to, using his original unilateral statement, can he find something in this bill that they can agree to?

Mr. JAVITS. Well, for one thing, the Secretary can agree with the States to promote improvement of State workmen's compensation and occupational disease laws in programs relating to mine management.

For another, the Secretary could agree with the State to promote Federal-State coordination and cooperation in improving the health and safety conditions in the mine.

For a third, the Secretary could agree with the State respecting more stringent, as the expression is, health and safety standards applicable to mines in that particular State.

Also, and finally, he could assist such a State in developing and enforcing effective mine health and safety laws and regulations, provided that they are consistent with the provisions of the Federal legislation, which is what I have said right along.

That is the whole point. I am not interested in fending with the Senator.

Mr. DOMENICI. No.

Mr. JAVITS. The fact is that a Federal inspector may have to make the four inspections a year, and the fact is that a Federal inspector may have to do some of the other things, and all the other things specified in section 104; but that still leaves a large area in which States can act. There are many, many mines in the States, and this bill does not exclude, because of Federal preemption, agreements between the States and the Secretary of Labor respecting mine health and safety. And it would be a misallocation of resources, in my judgment, if the States did not take advantage of all such laws.

Mr. DOMENICI. I think I understand what the Senator is saying, and in my interpretation of it, they may agree on many matters, but it appears that they cannot and are not permitted to agree on any matters that have to do with enforcing and regulating the Federal mine law in the field in terms of safety. That is what I have been talking about. We are going to get cooperative agreements to promote health, we are going to get cooperative agreements to look into workmen's compensation, but basically, when it comes to the regulatory machinery, we are not going to permit a State under any condition to sign an agreement that would let them do it in the field, and I think the Senator has made his point clear.

Mr. JAVITS. Well, I am sorry, but I obviously have not, because the State could provide by agreement with the Secretary for six inspections a year, for example, instead of four, and to enforce identical or more stringent safety and health standards.

Mr. DOMENICI. I know, but——

Mr. JAVITS. Well, that is health and safety. The State may provide for dealing with illnesses which the Federal Government may not be dealing with in its mandatory standards at all. We believe there are a host of such illnesses which have not been discovered. There is a doctor in New York named Selikoff who works in Mt. Sinai Hospital, who thinks these number in the hundreds, and that millions of Americans are adversely affected by these hundreds of occupational diseases.

Mr. DOMENICI. Mr. President, I think it is fair to say that the original context of my discussion on this floor had to do with the enforcement of the health and safety policy in the field; and my whole question is, do we really feel that in that area the only people, under these circumstances, who can do that are Federal, unless the State wants to do more? I will put that in, because it is in the bill. But I think it is obvious that if you support this bill, you support that premise, that they are the only ones, and we could not have any situation where a State could submit an agreement. The presumption is that those people would not know how to enforce it.

I suggest that we ought to try the option. The Senator has told me how the agreement would work. I would like to try an amendment and see if I can get a broader option. I would like to try it on the Senator with all the conditions we can put into it, to see if we cannot let some State enforce with an agreement for Federal presence, but let them do the enforcing. I am quite sure the exchange here indicates they cannot do that under this bill.

I thank both the floor manager and the Senator from New York for their responses.

Mr. WILLIAMS. I do regret the suggestion that this bill says that the States do not have the ability to do an effective safety job. That is not the premise at all. We do feel that there are minimum national standards. But we also know that States have done remarkably well in finding additional measures that are necessary for the health and safety of the miners. Kentucky has a far more demanding requirement on ventilation, the amount of fresh air that must go across the working face each minute to clean out the gas and dust. West Virginia is far more demanding in its State law in its standards for moving machinery through the haulageways in the coal mines.

Maybe I am getting paranoid, but I almost felt it was being suggested that

we were presenting an arrogance of Federal authority. There is not any arrogance at all. On the record, we know what the history has been. As Senator JAVITS said earlier, where there has not been a record of regulation and standards or of enforcement for the purpose of protecting lives; where there has been a near vacuum in much of the country, then the national interest is clear and present. The dangers are known. That is why we are acting.

Mr. DOMENICI. Mr. President, the Senator from New Jersey chooses to use the term "Federal arrogance." I did not use it.

Mr. WILLIAMS. I know the Senator did not. I said I might be feeling a little paranoid.

Mr. DOMENICI. On the other hand, I did not think of the word or I might have. That is what I was going to say. The Senator did not let me finish.

Mr. WILLIAMS. Then I was not paranoid. I thank the Senator. I feel healthy again.

Mr. DOMENICI. There is no doubt in my mind about what the Senator is saying in this bill. The argument is of no merit when the Senator says, "We want to step in, because the States have not been doing the job." In fact, but for six States the Federal Government has not been doing the job. It is not a question of stepping in where the States have not done the job; it is a question of stepping in where the Federal Government has not done the job.

Mr. HELMS. If the Senator will yield, the States have done a better job.

Mr. DOMENICI. As a matter of fact, the Senator from North Carolina can make a case that his State had done much better than the Federal Government.

I think there is an arrogance, if the Senator will let me borrow his word, because what we are really saying when we get right down to it is, "Forgetting all the frills, nobody but a Federal inspector can be expected to enforce a minimum standard that is adequate to protect the health and safety of miners."

We can add all the other things they can agree to do, but that is the case. We are going to have a Federal machinery enforcing the now broad law, all wearing Federal hats. I assure the Senator there will be little interest on the part of States for 8 or 10 years to do anything on their own. When they are through looking at all the requirements of this, they might think of some.

In closing, I am reminded of my impression of how we go about things in this institution and at the national level. We find a problem and then, as I see our role, we follow this approach: Anything worth doing is worth overdoing.

That is the premise.

We are not even going to let a State try this enforcement, because we have convinced ourselves that only Federal enforcement men wearing red, white, and blue hats can do it.

I do not intend to fence with the Senator. That is my conclusion. I am sorry we cannot work out an option to let a State try, with Federal standards, to work out an agreement to do it themselves. I thank both Senators for their kindnesses today.

Mr. President, I ask unanimous consent that Harold Raymond of the Public Works staff be granted the privileges of the floor for the remainder of this day.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 369 as modified.

Mr. HELMS. That is an amendment of the Senator from North Carolina.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. The yeas and nays have been obtained on that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. Does the Senator from North Carolina understand correctly that the yeas and nays have also been ordered on the amendment of the Senator from Utah (Mr. HATCH)?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And the vote will occur at 2 p.m. on the Hatch amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. That will be followed by a vote on the Helms amendment, with 10 minutes intervening between the votes, equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that it be in order that I call up another amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 384

Mr. HELMS. Mr. President, I call up amendment No. 384 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes amendment No. 384.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, line 3, strike out "or the Secretary of Health, Education, and Welfare".

On page 95, lines 4 and 5, strike out "or the Secretary of Health, Education, and Welfare".

On page 95, lines 6 and 7, strike out "or the Secretary of Health, Education, and Welfare".

Mr. HELMS. Mr. President, the supporters of S. 717, the Federal Mine Safety and Health Act of 1977, state that the primary purpose of this bill is to bring all miners under a single comprehensive law administered by the Department of Labor. The Coal Act is to be amended to make it applicable to all mines, and the Metal Act is to be repealed. The functions and duties of the Secretary of Interior as regards mine safety and health are transferred, along with the Mining Enforcement Administration, to the Department of Labor.

The question now presents itself: What is really to be gained by all of this bureaucratic reshuffling? The committee report accompanying this bill indicates that these changes will improve the health and safety of our miners. This may or may not be true.

Parenthetically, however, past experience with OSHA does not, in the judgment of the Senator from North Carolina, offer much comfort to the mining industry.

Be that as it may, what the committee report does not reveal is the unncessary expense, duplication of effort, and confusion that is likely to result because of the added layer of bureaucracy that is dumped into the mines by this legislation.

For reasons that are not explained in the report, the inspection teams that are required by this act to explore and examine all of the mining operations in this country shall consist not only of representatives from the Department of Labor, but also from the Department of Health, Education, and Welfare. Indeed, the language of section 104(a) of the act indicates that all of these bureaucrats are to perform the very same functions.

Mr. President, it seems to this Senator that we might just as well add a little color to this drab procession of inspectors descending into our mines and ask the beefeaters from the Tower of London to join the parade. As my colleagues are aware, the opening of the English Parliament is preceded by a ceremonial search for hidden explosives in the darkened, underground recesses of Westminster Hall. Torchbearing beefeaters, ever mindful of the famous "gunpowder plot," explore every nook and cranny, look behind every pipe, and do not emerge until they are certain that the premises are safe for entry by the Queen-in-Parliament. Perhaps these chaps can help us to inspect the thousands of mines in the United States, since, apparently, we are going to ring in everybody else.

Certainly, their inspections of Westminster make more sense than HEW inspections of our mines; certainly, they are more experienced than HEW inspectors. It is reasonable, of course, to expect that authorized representatives of the Department of Labor will be qualified mine inspectors. But what about these HEW inspectors?

To be sure, S. 717 presents a health and safety hazard to the miners in that it authorizes the Secretary of Health, Education, and Welfare or his representatives to enter and inspect any mine subject to this act, whether or not they possess any mine inspection qualifications.

I think we had better raise the question and examine it, Mr. President. Do we need or want two Federal agencies sniffing and crawling their way through all of the mines of this country? I wonder whether there is room in the mines for all of these inspectors. Perhaps we could let the inspectors go in and the miners sit outside, and then the whole mining operation of the country would come to a screeching halt. With so many bureaucrats crowded in the tunnels, I wonder whether the miners are going to have much space to work.

Seriously, Mr. President, this amendment, No. 384, would delete from the act those provisions which authorize the Secretary of Health, Education, and Welfare or his representatives to make inspections of mines. One team of inspectors is enough. And, I should add, only one team is qualified to do the job.

All inspectors presently assigned to MESA are qualified mining inspectors, with practical mining expertise. Most of these men, in fact, have 3 to 5 years of experience as mine inspectors. As section 104(a) is presently drafted, however, HEW personnel, irrespective of their background and experience, are given the same authority as qualified mine inspectors.

Needless to say, Mr. President, I hope that Members of the Senate will support this amendment, not only because it will save a great deal of time and a great deal of the taxpayers' money and avoid duplication where duplication is not necessary. I shall hazard a guess that this amendment, if adopted, would probably make our mines somewhat safer places in which to work.

I yield the floor, Mr. President.

Mr. WILLIAMS. Mr. President, I wish to discuss this provision in the bill that does present an opportunity to the Secretary of Health, Education, and Welfare to be represented, with limited purposes, in the mines. I hope, after discussion here, that there might be a possibility that the Senator from North Carolina could see the value here and might consider withdrawing this amendment. I say that because I believe in his terms, there is significant value to the opportunity given to the Secretary for Health for a presence in the mines for limited purposes.

The opportunity is found on page 94 of the bill, which the Senator probably has open before him, where the Secretary of Health, Education, and Welfare, or his representative, can make inspections to obtain, utilize, and disseminate information relating to health.

Now, when I say that these are opportunities and for limited purposes, I mean that these two provisions, 1 and 2, of the bill are an opportunity to learn something of value in developing better protection for the health of the miners.

This is not enforcement and citation and complaints. This is for information to be gathered and maybe some information to be disseminated.

We will all recall the long discussions we have had here in this Chamber on the advisability of having a consultation. Where there is law that affects business, let there be consultations so that the business will understand the law that reaches it.

Here we have consultation, an opportunity for consultation. It is not an enforcement agency. It is information gathering and information disseminating.

I am trying to think of some example that I might have from some little bit of background in visiting coal mines. I visited a lot of coal mines in this country. One of the things that amazed me was the failure of coal miners—this is some time back—to use a mask to protect themselves from the dust that they were working in.

I compared the lack of using a mask by American coal miners with the coal miners of a country I visited and went down in the mines. The Czechoslovakian coal miners all wore a mask. I will say that they, perhaps, needed a mask in the mines that I visited over there less than our miners, because they had high velocity air going through the working areas and the mine face where the mining was, notwithstanding that they did have masks and they used them.

We had never developed a mask that men could stay with, they clogged up, were uncomfortable for a number of reasons, and worthy reasons from the miner's standpoint. He could not work and use the mask he was supplied with.

This is an area of a health device that if it were developed might well lend itself to professional consultation with miners on how to use it and the advisability of using it.

Rather than clogging the mine with bureaucrats, here are some professional people that might well reach miners with some helpful suggestions on how their lives can be improved down there in the mines with a little more knowledge, and from professional people.

This is not a big deal, really, I suggest to the Senator from North Carolina. If professionals in the health areas were going in there with a big stick, enforcement authority, I would wonder about it, too. I would think they were armed with a responsibility they were not equipped with. They are armed only with the responsibility that they are equipped for, and that is to understand the health needs and, where there are health problems, to discuss them and to disseminate them to the miners.

Mr. HELMS. Mr. President, the Senator said nothing with which I disagree about the protection of the health of the miners. We all favor that. He used the word "limited" two or three times. I fail to find any reference to limitation. As a matter of fact, this section says "frequent inspections and investigations in mines each year for the purpose of."

Mr. WILLIAMS. That is where the limitation is, for the purpose, and then the purposes are listed.

Then farther down on the same page it says that where the Secretary of Health, Education, and Welfare is going in for these purposes, the provision is made for an advance notice.

So it is clearly not of a kind with inspections for enforcement of standards. That is all I am saying.

Mr. HELMS. I know the Senator believes that. I am confident that is his intent, Mr. President. But I would point out that beginning on line 20 of page 94 it stipulates that—

> The Secretary shall make inspections of each underground mine in its entirety at least four times a year, and of each surface mine in its entirety at least two times a year.

As far as not carrying a big stick, to use the Senator's words——

Mr. WILLIAMS. Will the Senator yield?

Mr. HELMS. Yes, I am pleased to yield to the distinguished Senator.

Mr. WILLIAMS. I can save time.

That does not refer to the Secretary of HEW. The Senator directed his attention to the Secretary of Labor and his inspection responsibility.

Maybe I am way off here and misunderstand the Senator's amendment. I thought it only dealt with HEW.

Mr. HELMS. It does.

Mr. WILLIAMS. Then what the Senator just read deals with the Secretary of Labor.

I am not saying he is not the enforcer. He certainly is. But the amendment, and I am right, only deals with HEW.

Mr. HELMS. Maybe the Senator has language which is a little different from mine. But it refers to the Secretary of HEW and then it says:

> In carrying out, the Secretary shall.

If this refers to the Secretary of Labor, then it should have said the Secretary of Labor.

Mr. WILLIAMS. That is made clear in two ways. Let us read it:

> In carrying out the requirements of clauses (3) and (4) of this subsection the Secretary shall make inspections of each underground mine in its entirety at least four times a year.

Now, (3) and (4) are not the areas that the Secretary of HEW goes in for. It is (1) and (2) that are the areas for HEW, and (3) and (4) are for the Secretary of Labor.

Whenever any Secretary other than Secretary of Labor is referred to in this bill, it says, "Secretary of HEW."

When it just says "Secretary," it is the Secretary of Labor. That is clear in the beginning of the bill in the definitions.

I am glad we could clarify that.

As I said earlier, I thought with some discussion the Senator from North Carolina would see the wisdom of an opportunity to help the miner here.

Mr. HELMS. I want to help miners, but I do not want them to get trampled by Federal bureaucrats going up and down the corridors of the mine.

Quite seriously, I do not wish to become embroiled in minutiae, but would the Senator tell me what HEW inspec-

tors are going to learn down in the mines that may help the taxpayers who are paying the costs of these additional inspections by HEW?

What will the HEW inspectors learn that the MESA inspectors would not or cannot learn from mine inspecting?

Why can the MESA inspectors not do the job?

Mr. WILLIAMS. I do not know. It would require medical background to fully answer that.

I do not know how much time the Senator from North Carolina has had to spend down in coal mines. I have been in coal mines and copper mines and I would like to go down in some zinc mines, and others. But I can only speak from this limited background.

Down there in the coal mines there are a lot of problems, a lot of new experiences we do not have on the surface.

It is dark and it is damp. There are, quite frequently, pools of stagnant water. I think a professional person can know the problem of stagnant water in the passageways of a coal mine and it might well be that the most informal kind of observation and informal kind of advice could describe to those who were managing the mine.

These are the problems that can flow from this kind of water in this dark place.

Mr. HELMS. I do not know of an instance in which a MESA inspector would not be competent to look at that.

Mr. WILLIAMS. He could look at it, but he would not know the algae that perhaps can attack the part of the anatomy that is exposed in the mine.

I am sure the professional medical man could know more.

Mr. HELMS. Did the committee make a cost estimate regarding HEW inspectors?

Mr. WILLIAMS. In this?

Mr. HELMS. Yes.

Mr. WILLIAMS. We did on the additional inspections, inspectors would be needed from the Labor Department.

As to having done this from HEW, the reason why we do not have that figure is that this is not a new responsibility or opportunity for HEW. They have it now. Therefore, we have only made our impact studies, cost impact, for those areas that are added. This is not added.

Mr. HELMS. So the Senator says there will be no additional employees necessary——

Mr. WILLIAMS. I cannot say it absolutely. But it is an area covered now under law and we continue it. Therefore, we do not have it. They would not have to add anybody, if they wanted to continue what they are doing under law which is the same.

Mr. HELMS. They might have to work overtime, and that may be abhorrent to some on the Federal payroll.

How many MESA inspectors do we have, just as a matter of information?

Mr. WILLIAMS. The total number of MESA inspectors, I believe, is above a thousand. We will get an absolute figure. We do not want to take it off the top. It is in the neighborhood of 1,200, but we want to get the precise figure.

Mr. HELMS. That is close enough.

The saints have been good to us. We have never had any HEW inspectors in our mines in North Carolina. They have been too busy running our schools, perhaps.

Mr. WILLIAMS. If I may interrupt the Senator, when I was reading a statement on the Senator's State plan, I stopped at page two or three and asked a question, and that got us into the entire colloquy; and I never finished my statement. I asked the question because I was interested in the mining operations in North Carolina, which are unfamiliar to me.

Mr. HELMS. We have no coal mines in North Carolina.

Mr. WILLIAMS. Sand and gravel, I imagine, and probably limestone.

Mr. HELMS. Yes; I believe I have just about completed my inquiries of the Senator.

Mr. President, I would like to ask for the yeas and nays, but not enough Senators are present in the Chamber for a sufficient second, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, as the Senator from North Carolina understands the situation, we now have the amendment of the Senator from Utah (Mr. HATCH), to be followed by the first amendment submitted by the Senator from North Carolina, to be followed by the second amendment submitted by the Senator from North Carolina. Rollcall votes have been requested on the first two amendments but not on the third. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that it be in order for the Senator from North Carolina to call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 383

Mr. HELMS. Mr. President, I call up amendment No. 383.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes amendment No. 383.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, lines 18 through 21, strike out "Such representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under the subsection.".

On page 98, beginning on line 25 through line 5 on page 99, strike out "However, only one such representative of miners who is an employee of the operator shall be entitled to suffer no loss of pay as a result of such participation under the provisions of this subsection.".

Mr. HELMS. Mr. President, I will be brief. This amendment would delete a provision of the inspections, investigations, and recordkeeping sections of the act which requires the mine operators to pay the cost of inspections by their own employees.

The bill provides that employees, representing the miners, may accompany Government inspectors during the inspections of mines, but here is the rub in that: The mine operator is required to pay his employee his full salary while the employee, by his own choice, is on the inspection tour. As written, the act states that the representative of the miners, if he "is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection."

Mr. President, this provision would place a heavy and unfair burden on mine operators. Some companies, I am advised, have reported that there are as many as 5 inspectors in their mines at all times, and that MESA's so-called blitz inspections sometimes require 20 or more inspectors. Obviously, this provision requires the operators to increase their overhead expenses, enlarge their administrative staff, and keep employees on the payroll who never produce any raw materials.

Now, mine operators pay miners to produce materials and not, frankly, to wander around the mines with MESA inspectors. From the standpoint of what seems to the Senator from North Carolina to be simple economic commonsense, fairness, and past experience, employers should not be required to pay one employee or a number of employees from whom they receive no service in return. This is a subject more fitting for collective bargaining rather than congressional action which, in fact, may be congressional meddling.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, we must oppose this amendment on behalf of the managers of the bill. Our two reasons for opposition are: First, greater miner participation in health and safety matters, we believe, is essential in order to increase miner awareness of the safety and health problems in the mine, and secondly, it is hardly to be expected that a miner, who is not in business for himself, should do this if his activities remain uncompensated.

In addition, there is the general responsibility on the operator of the mine imposed by the bill to provide a safe and healthful workplace, and the presence of miners or a representative of the miners accompanying the inspectors is an element of the expense of providing a safe and healthful workplace.

It seems to me that this is, by the way, the same kind of a provision we have in OSHA, in the occupational health and safety law. We think the deletion of this provision is quite wrong.

One of the things we found at the hearings, Mr. President, that all the witnesses agreed to, is that miners' safety consciousness need to be materially improved. Indeed, one of the matters which was critized by the Comptroller General, was the matter of training miners in sensitivity to safety and health considerations. Indeed, many collective bargaining agreements establish employee safety committees.

In the coal industry a joint industry-union safety committee has done a great deal to promote greater safety knowledge and awareness among miners.

But we cannot expect miners to engage in the safety-related activities if they are going to do without any compensation, on their own time. If miners are going to accompany inspectors, they are going to learn a lot about mine safety, and that will be helpful to other employees and to the mine operator.

In addition, if the worker is along he knows a lot about the premises upon which he works and, therefore, the inspection can be much more thorough. We want to encourage that because we want to avoid, not incur, accidents. So paying the worker his compensation while he makes the rounds is entirely proper. Indeed, may of us who, as politicians, go to factories and mines are invariably shown around by some member of management and some representative of labor. We learn a great deal from both.

We think safe mines are more productive mines. So the operator who profits from this production should share in its cost as it bears directly upon the productivity as well as the safety of the mine.

In the 94th Congress when we had S. 1302, which did not become law, that bill required that all miners participating in inspections of the kind I have described continue to get their compensation.

This bill only requires one miner to be compensated for the time he spends in accompanying the inspector. Other miners and company representatives may accompany inspectors and participate in the inspection. They may or may not be paid by the operator, but we insist that one miner who accompanies the inspector should be paid, and there should be a provision that at least one miner should have that opportunity.

Mr. President, I really must say I am rather surprised by this amendment. It seems such a standard business practice that is involved here, and such an element of excellent employee relations, and such an assist to have a worker who really knows the mine property go around with an inspector in terms of contributing to the health and safety of the operation, that I should think it would be highly favored.

It seems to me almost inconceivable that we could ask the individual to do that, as it were, on his own time rather than as an element in the operation of the whole enterprise.

So, Mr. President, for all of those reasons, on behalf of the managers of the bill, I am constrained to oppose the amendment, and I hope the Senate will reject it.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HELMS. Did I understand the Senator to say the operator would be required to pay for one?

Mr. JAVITS. That is correct, one miner who accompanies the inspector. That is all we say.

May I read the section to the Senator? This starts at page 98, line 8:

"(e) Subject to regulations issued by the Secretary, a representative of the operator and a representative authorized by his miners shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any mine under subsection (a) for the purpose of aiding such inspection and to participate in pre- or post-inspection conferences held at the mine. Where there is no authorized miner representative, the Secretary or his authorized representative shall consult with a reasonable number of miners concerning matters of health and safety in the mine. Such representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under this subsection.

I construe that to relate back to lines 9 and 10 which speak of "a representative authorized by his miners." That representative is the one referred to in line 18 of the bill which relates to compensation for "such representative of miners who is also an employee of the operator." So I believe that on each inspection by an inspector a miner who is authorized by his miners shall have that opportunity without loss of pay.

Then at the bottom of page 98 there is an additional sentence. This goes on to read as follows, and I think we should read the whole thing:

Such representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under this subsection. To the extent that the Secretary or authorized representative of the Secretary determines that more than one representative from each party would further aid the inspection, he can permit each party to have an equal number of such additional representatives. However, only one such representative of miners who is an employee of the operator shall be entitled to suffer no loss of pay as a result of such participation under the provisions of this subsection.

It seems to me that this language makes clear what the entitlement provision is all about.

AMENDMENT NO. 437

The PRESIDING OFFICER. The hour of 1:50 p.m. having arrived, under the previous order the Senate will turn to the consideration of amendment No. 437 of the Senator from Utah (Mr. HATCH). On this amendment there is a time limitation of 10 minutes to be equally divided, 5 minutes on each side.

Mr. HATCH. Mr. President, I yield to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I rise to urge adoption of the Hatch substitute.

The Hatch substitute maintains the essential health and safety provisions of the bill, but reduces the governmental redtape and Federal overregulation.

I strongly endorse the retention of the State plan option and retention of MESA within the Department of the Interior. The States which have chosen to exercise their State option have done a commendable job and should be allowed to continue.

MESA has done a good job within the structure of the Department of the Interior, and likewise, I see no need to transfer its functions to the Department of Labor.

The Hatch substitute recognizes the need for a Federal initiative, but it also recognizes the possible limits of Federal intervention.

Mr. President, I commend Senator HATCH for his characteristic analysis of the pitfalls contained in S. 717. He has performed a great service to the Senate and to the country by proposing the substitute. I urge my colleagues to support his efforts.

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah controls the time.

Mr. HATCH. Mr. President, I am happy to yield time to the distinguished Senator from Nebraska.

Mr. CURTIS. I thank my distinguished colleague.

Mr. President, I shall support the Hatch substitute.

My examination of the committee bill indicates that the existing law will be repealed. We would start over again and place it in another agency.

I ask the distinguished Senator from Utah, Is that generally correct?

Mr. HATCH. Yes.

Mr. CURTIS. Mr. President, no system of inspection is perfect. Of course, there have been accidents and happenings which we all wish could have been avoided. But after all, the Department of the Interior has had experience here, they have built up a body of regulations, and I am sure they have accomplished considerable good and prevented some things from happening, although for the record there is no way of determining what accidents might have happened if it had not been for their inspection.

Also, Mr. President, I believe that the Department of the Interior is in a much better position to run our mine inspection than the Department of Labor. I think it would be wrong to put this in the Department of Commerce and have at least the inference that it was management controlled. I think to place it in the Department of Labor also raises the same objection. I believe it should stay where it is.

I think the general pattern of handling this proposal by amending existing law should be followed rather than repealing everything and starting over with a new department. It will mean a delay. It will mean confusion as to what is going to be the regulations and certainly cannot advance the cause of good mine inspection.

I also point out that the record of the Department of Labor in being fair about the Occupational Safety Health Act is not good. They have not done a good job. They have not sent out qualified inspec-

tors. They have not given fair attention to complaints that come in.

The Department of Labor has not given consideration to the problems faced by small business. They have not given due credit and consideration to recommendations by individuals who know and who have had a lifetime of experience.

Mr. President, I commend my distinguished colleague from Utah for the amendment he has been describing.

I have studied the provisions of S. 717, and I am concerned about the effects this legislation would have. I am afraid that the bill would not measurably increase the safety of the miners, but that it would tremendously increase the bureaucratic redtape the mine operators must cope with. I fear that the increased cost to operators would not save worker's lives, but rather cost them their jobs as mines are forced to close from the financial pressures.

The amendment proposed by my colleague from Utah, by contrast, strikes a well thought out balance between competing, and equally legitimate concerns.

The Senator from Utah has already delivered a very articulate overall description of his amendment, so I will not attempt to recapitulate his words. I will limit myself to a few words about one of my main concerns with regard to S. 717, a matter which is successfully resolved in the Senator's amendment.

One of the major problems with S. 717 is the consolidation of coal and metal and nonmetallic mining under an amended version of the Coal Mine Health and Safety Act of 1969. The Federal Coal Mine Health and Safety Act of 1969 was enacted by Congress to attempt to correct health and safety circumstances then in existence in the coal mining industry. The need for such legislation was made apparent by the disaster in Farmington, W. Va., in November of 1968 in which 78 coal miners lost their lives. In an effort to provide the means whereby the Federal Government could correct the health and safety problems then existing in the coal mining industry, the Federal Coal Mine Act was passed.

Mr. President, the Federal Coal Mine Health and Safety Act has served the country and the industry well. However, there are shortcomings in the enforcement mechanisms employed in administering the Federal Coal Mine Health and Safety Act of 1969. At the present time there are ongoing oversight hearings in the House Subcommittee on Labor Standards on the deficiencies and problems with the 1969 act. It would certainly appear that discretion should certainly be used when viewing the possibility of enaction of S. 717. It would not seem appropriate, to say the least, to broaden the scope of this Federal Coal Mine Health and Safety Act to an industry which has previously been regulated pursuant to a mine safety act of its own, at a time when one House of Congress is presently looking at the deficiencies and problems that exist with the Federal Coal Mine Health and Safety Act.

In addition, Mr. President, the conditions that existed prior to enaction of the Coal Act in the coal industry, do not now exist, nor have they ever existed, in the hard rock or metal and nonmetallic mining idustry. We should all be reminded that the U.S. Bureau of Mines estimates that 254 coal mines were closed and never reopened as a direct result of the enforcement mechanisms employed pursuant to the Federal Coal Mine Health and Safety Act of 1969. These closings came at a time when the price of coal was steadily increasing, and had it not been for this steadily increasing price many more mines would also have been closed. Unfortunately, enaction of S. 717 will undoubtedly cause many more hard-rock mines to close.

The Federal Coal Mine Health and Safety Act of 1969 was drafted and passed by the Congress to be applicable to the coal mining industry only. Now the Congress, by considering S. 717 for enaction, is apparently making an effort to take this one substantive law, designed for one particular industry, and apply it across the board to 80 other extraction industries.

Mr. President, it seems that this measure is ill timed and ill conceived. If the true intent of the measure is to upgrade the existing Federal Metal and Nonmetallic Mine Safety Act, then I suggest that each of us seriously consider the substitute measure, which is basically the same as H.R. 13555, passed by the House of Representatives in the 94th Congress. Mr. President, I would hope that the Members of the Senate would give serious consideration to this measure and in fact, enact the substitute language in lieu of the provisions of S. 717. The substitute measure would not affect coal mining or the 1969 Federal Coal Mine Health and Safety Act, but the substitute would substantively amend the existing Federal Metal and Nonmetallic Mine Safety Act with many provisions strongly opposed by the industry during the 94th Congress.

Mr. HATCH. Mr. President, I appreciate the comments made by the two distinguished Senators.

Mr. President, S. 717, as reported from the Human Resources Committee would require that the noncoal mining industry be regulated pursuant to provisions of the Federal Coal Mine Health and Safety Act. I disagree with this approach. It is a huge mistake, in my judgment, and let me say why.

It has for many years been recognized that although coal and noncoal mining have one basic similarity; that is, extraction of minerals from the earth, the similarity just about ends there. Generally speaking, coal deposits are geologically very similar, and usually occur as flat-horizontal deposits. The engineering involved in coal mining is very similar from seam to seam. These factors add up to the fact that the health and safety concerns involved in coal mining are similar in all underground coal mines. They are likewise similar in surface coal mines.

In noncoal mining, however, nearly every mineable deposit of valuable minerals is unique, requiring unique engineering, and giving rise to unique health and safety concerns. This is not to say that each noncoal mine requires custom designed health and safety standards, but it does point out the significant differences between coal and noncoal mining. Because of the differences and other reasons, the existing Federal Coal Mine Health and Safety Act should not be applied to noncoal mining. Congressman MORRIS UDALL, chairman of the Interior and Insular Affairs Committee apparently agrees with this rationale. As he stated just this past January "I believe that geologic circumstances are considerably different than fossil fuel extraction." He continued, "We started out 4 years ago to write a surface mining bill that would cover all minerals, and we soon discovered that the problems were quite different and that you cannot include the same kind of provisions for both kinds of mining."

The Federal Coal Mine Health and Safety Act was passed as a direct result of the coal mine disaster in Mannington, W. Va., in November 1968. There was no question that Congress needed to enact a strong law in order to protect the lives of the coal miners of this country. There have been no recent problems of this sort in the noncoal mining industry. In fact, the industry, MESA, and the miners have together used the existing metal and nonmetallic mine safety law to prevent such problems.

Congress has in the past recognized the differences between coal and noncoal mining. This is evidenced by the fact that there presently exist two laws, each designed taking into consideration the specific problems of the two different industries. The point has been correctly made that the existing Metal and Nonmetallic Mine Safety Act is not as stringent in its enforcement provisions as is the Coal Act.

It would appear that an effort should be made to strengthen the enforcement provisions applicable to the metal and nonmetallic mining industry, while recognizing the inherent differences between coal and noncoal mining. My substitute does exactly that because it is a necessary move, in my view.

My amendment would amend the existing Metal and Nonmetallic Mine Safety Act, substantially strengthening the substantive provisions of this law, and would leave the Federal Coal Mine Health and Safety Act alone. Essentially, my amendment is the same measure that was passed by the House of Representatives last year during the 94th Congress. Many of the same areas of concern in S. 717 as pointed out by the distinguished chairman of the Human Resources Committee are also considered in my amendment. Other areas, while recognized as problems in S. 717 would be treated differently by my amendment. For instance, my colleagues should be aware that the following areas are treated differently in my amendment but in a sounder fashion:

First. S. 717 would repeal the Federal Metal and Nonmetallic Mine Safety Act and amend the Federal Coal Mine Health Safety Act of 1969, making the Coal Act applicable to all mining operations, including all county operated gravel pits.

My substitute on the other hand would simply amend the Federal Metal and Nonmetallic Mine Safety Act.

Second. S. 717 would transfer the Mining Enforcement and Safety Administration, MESA, to the Department of Labor. My amendment would retain the Mining Enforcement and Safety Administration, MESA, within the Department of the Interior.

Third. S. 717 would authorize the Secretary to promulgate standards on the basis of any information available to him. My amendment would require the Secretary, when promulgating OSHA standards that he deems applicable to mining or milling, to first subject those standards to an advisory committee.

Fourth. S. 717 would provide a period of 30 days for interested persons to comment on a proposed rule or regulation. My amendment would also provide a comment period, however, this comment period would be extended to 60 days.

Fifth. S. 717 would authorize the Secretary to require, in a standard dealing with a toxic material or harmful physical agent, that a miner be reassigned to another job and that such miner shall continue to receive his former pay, if it is determined that he may suffer material impairment of health or functional capacity by reason of his exposure. My amendment would authorize the Secretary to require in a standard dealing with a toxic material or harmful physical agent, that a miner be reassigned to another job, without loss of pay, seniority or status, if it is determined that he may suffer material impairment of health or functional capacity.

Sixth. S. 717 would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. court of appeals only if such person commented or objected to the standard as proposed. My amendment would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. court of appeals, regardless of whether he had commented or objected to the proposed standard, or the grounds on which he challenges the standard were previously raised.

Seventh. S. 717 would provide a variance procedure from any health standard promulgated pursuant to S. 717 but not from standards in existence prior to the effective date of the act. My amendment would provide a variance procedure from any standard, including those in existence on the effective date of the act.

Eighth. S. 717 would authorize the Secretary of Health, Education, and Welfare or his authorized representative to make frequent inspections and investigations. My amendment would require authorization to the Secretary of Health, Education, and Welfare or an authorized representative to enter any mine to inspect and investigate for the sole purpose of developing improved mandatory health standards.

Ninth. S. 717 would provide that a miner may request an inspection if he believes than an imminent danger exists. There is no requirement for immediate notification of the operator. My amendment would require that if a miner requests an inspection on the grounds that an imminent danger exists, he must notify the operator of such request.

Tenth. S. 717 would provide that an inspector shall issue a citation to the operator if he believes that a violation exists. My amendment would provide that an inspector is authorized to issue a citation to the operator only when he determines that a violation exists.

Eleventh. S. 717 would further provide that an operator shall be assessed a civil penalty of up to $10,000 for each violation of any provision of the act, or any standard, rule or regulation promulgated pursuant to the act. My amendment would provide that an operator may be assessed a civil penalty of up to $1,000 for each violation of any provision of the act, or any standard, rule or regulation promulgated pursuant to the act. My amendment calls for mandatory civil penalties for willful violations.

Twelfth. S. 717 would eliminate State plans. My amendment would retain the State plan option.

Mr. President, I am concerned that if we are going to legislate in this area, we do so in a fashion that will truly protect all the Nation's miners with a workable, effective, and fair safety and health law. I believe my amendment is a better approach to the problems attempted to be corrected by the committee in many material respects and I urge that it be adopted in lieu of S. 717.

Mr. WILLIAMS. Mr. President, first, there are two or three points I wish to dispose of before the vote.

On the question of transfer of mine safety and health from the Department of the Interior to the Department of Labor, there is a near consensus of those who work in this area and are most knowledgeable that this is wise. Certainly, the administration strongly supports this transfer, not just the Department of Labor, but the Department of the Interior as well.

Within the substitute there are other omissions that I think present to us a considerably weakened opportunity to meet the problems of safety and health in the mines of our country.

There is no closure order for patterns of violations or unwarranted failures in the substitute. We have that in the committee bill. We have it in the bill because we have seen violations repeated. We have seen a pattern of violations, with citations in between, but the violations persisting, nonetheless. Out of such a pattern came the Scotia disaster, to name just one.

There is no requirement for safety and health training for miners in the substitute. This is a very serious omission. If any working people need such a measure of training, it is people working in the most hazardous of all occupations in our country, mining.

The list is quite long. I hope because of this long list of omissions that this substitute will be defeated.

Mr. JAVITS. Mr. President, the key to it is that—inspections—and that is the key to this whole system of regulation. Inspections under the Hatch substitute can only be carried on for purposes of developing improved mandatory health standards as if it were some legislative committee. The fact is that under our bill inspections must be carried on to obtain, utilize, and disseminate information relating to health and safety, the causes of accidents and the causes of diseases and physical impairments originating in such mines.

In other words, we want to enforce standards. That is what the executive department is to do. They are not just to look into future legislation or future rules. This is such a restrictive provision as to be at the very heart of the substitute. The substitute should be stricken down because we are not simply launching some commission, investigation, study, or inquiry. What we are doing here is committing ourselves to see that standards which have been established after commission and court review are actually going to be carried out and enforced insofar as they relate to health and safety.

The pattern which is set by this provision of the Hatch substitute permeates the amendment. The whole amendment is designed essentially to make it not such a tough regulatory statute. But we are dealing here with the lives and the bodies of individual miners, half a million strong, in one of the most hazardous occupations we have. So these inspections which are going to be authorized in a unitary way under the committee's measure should go forward with a view to seeing that those mandatory health and safety standards are enforced.

That is the key to the situation we are voting on, and it seems to me that there is no question about the rightness of the committee's approach, if we are going to do anything in this field.

For all of those reasons, Mr. President, I hope the substitute is rejected.

Mr. BAKER. Mr. President, I believe that the amendment of my colleague from Utah (Mr. HATCH) has a good deal of merit. Like him, I have not been persuaded that improved safety in noncoal mines requires a transfer of jurisdiction from the Department of Interior to the Department of Labor. On the contrary, the statistics I have seen indicate a consistent improvement in mining safety since the establishment of MESA in 1973. In addition, I am not impressed with the record of the Labor Department in enforcing the Occupational Safety and Health Act, and I am concerned about the fragmentation of jurisdiction over mining which would result from passage of S. 717, along with other pending measures to establish a Department of Energy and a program to regulate strip mining.

I do, however, share the concern of the Committee on Human Resources regarding weaknesses in the Coal Mine Health and Safety Act and their possible relation to several mine disasters in recent years. It is my understanding that the House is now examining the Coal Act and those changes which need to be made in order to insure that it adequate protects the health and safety of miners. I believe that the differences between coal and hard-rock mining justify separate consideration of legislation relating

to the two types of mining, and I would hope that, should the Hatch substitute be approved, the Senate will later turn to the consideration of possible amendments to the Coal Mine Health and Safety Act.

For these reasons, I support passage of the amendment offered by the Senator from Utah (Mr. HATCH), which will retain noncoal mining regulation within the Department of Interior and improve procedures for establishing and enforcing standards designed to protect miners from safety and health hazards.

The PRESIDING OFFICER (Mr. ANDERSON). All time on the amendment has expired. The question is on agreeing to the amendment (No. 437) in the nature of a substitute of the Senator from Utah (Mr. HATCH). On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

The result was announced—yeas 30, nays 66, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—30

Allen	Goldwater	Schmitt
Baker	Griffin	Scott
Bellmon	Hansen	Stennis
Byrd, Harry F., Jr.	Hatch	Stevens
	Hayakawa	Stone
Cannon	Helms	Thurmond
Curtis	Laxalt	Tower
Danforth	Lugar	Wallop
Dole	McClure	Young
Domenici	Morgan	
Garn	Pearson	

NAYS—66

Anderson	Haskell	Moynihan
Bayh	Hatfield	Muskie
Bentsen	Hathaway	Nelson
Biden	Heinz	Nunn
Brooke	Hollings	Packwood
Bumpers	Huddleston	Pell
Burdick	Humphrey	Percy
Byrd, Robert C.	Inouye	Proxmire
Case	Jackson	Randolph
Chiles	Javits	Ribicoff
Church	Johnston	Riegle
Clark	Kennedy	Roth
Cranston	Leahy	Sarbanes
Culver	Long	Sasser
DeConcini	Magnuson	Schweiker
Durkin	Mathias	Sparkman
Eagleton	Matsunaga	Stafford
Eastland	McGovern	Stevenson
Ford	McIntyre	Talmadge
Glenn	Melcher	Weicker
Gravel	Metcalf	Williams
Hart	Metzenbaum	Zorinsky

NOT VOTING—4

Abourezk	Chafee	McClellan
Bartlett		

So Mr. HATCH's amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will now resume consideration of amendment No. 369, as modified, on which there is 10 minutes of debate remaining. Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself and Senator JAVITS 5 minutes. I yield to the Senator from Illinois.

The PRESIDING OFFICER. Will the Senate be in order?

NASA AUTHORIZATIONS—CONFERENCE REPORT

Mr. STEVENSON. Mr. President, I submit a report of the committee of conference on H.R. 4088, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today.)

Mr. STEVENSON. Mr. President, the Senate is acting first on this conference report and it has not been printed in the House. Therefore, I ask that it be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, the conference agreement authorizes $4,049,429,000 for the National Aeronautics and Space Administration for fiscal year 1978. This amount is $14,640,000 above the request, $4,400,000 below the House bill, and $10,640,000 above the amount recommended by the Senate.

While this authorization level is slightly above the request, it was the intent of the conferees to identify selected areas where the Congress believed that additional efforts ought to be applied in what is otherwise viewed as a well-balanced, strong and dynamic program in space and aeronautical research and technology.

Mr. President, this conference agreement reflects a reasonable compromise between the differences of the House and the Senate on this bill. It will provide for a sound program for NASA for the forthcoming fiscal year and in my view will permit the Agency to continue to make a significant and essential contribution to the research and technology base of this country.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

The Senate continued with the consideration of S. 717.

AMENDMENT NO. 369, AS MODIFIED

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. What is the pending business?

The PRESIDING OFFICER. Amendment No. 369, as modified.

Mr. BAKER. Mr. President, do I understand there is a unanimous-consent agreement to proceed for 10 minutes of debate and then there will be a rollcall on this amendment, as modified?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that John I. Brooks, of my staff, be granted the privileges of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. I yield to the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Kristine Iverson, of my office, be granted the privileges of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Very briefly, Mr. President, the amendment we have before us now would take from the legislation its basic foundation of national standards for health and safety in the mines of our country.

The committee bill does not remove any opportunities for the States to do what they want in mining health and safety, as long as what the States do is not inconsistent with our basic standards. As a matter of fact, there is all the opportunity in the world for States to improve on the minimum Federal standards and to bring a larger measure of safety protection and health to the miners of their States.

All of our experience over the years has indicated that there is only one way we are going to be able to significantly reduce the deaths, serious injuries, and much of the ill health associated with mining; that is to have some basic minimum standards that apply throughout the country.

That is what the bill does. This amendment would upset that. We still preserve, under the bill, all the rights and opportunities for States to do better.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the difficulty with the position taken by my distinguished colleague from North Carolina is that he wishes to have us adopt a standard which is not up to the standard of this bill. A reading of the amendment—and one must always read the amendment—indicates that the standards to be adopted by the States in order to qualify for State adminstration are only the mandatory standards for metallic and nonmetallic mines. Those man-

datory standards for safety and health are inadequate and are stated to be inadequate by the report of the Comptroller General on June 10, 1977.

In addition, the amendment provides for just one inspection annually of each mine, when the committee bill requires four in underground mines and two in surface mines. I give that only as an illustration of why we cannot allow the States simply to take over Federal administration. What I have stated, and Senator WILLIAMS and I have concurred, is that, by agreement with the Secretary of Labor, a State can have a role—an important role, a critical role—in administering the law within its State, provided the Federal presence is preserved, and that is all we ought to do.

I hope the amendment is defeated.

Mr. HELMS. Mr. President, the issues surrounding State planning agreements have been discussed rather fully on the floor in the absence of most Senators today. Nevertheless, I shall not consume a great deal of the Senate's time in these concluding remarks.

I wish to emphasize that this amendment simply seeks to continue the successful State planning agreements that are presently in existence under the Metal Act.

Mr. McCLURE. Mr. President, may we have order? I can scarcely hear the Senator.

The PRESIDING OFFICER. Let us have order, please.

Mr. HELMS. There has been some discussion on the floor today that we need to improve the health and safety standards in the mines. It has been suggested that my amendment will not do that. In response to that suggestion, I must say: Look at the fine record of the State of North Carolina, the record that has been attested to by the distinguished manager of the bill repeatedly here today. We have achieved one of the best records in the country in terms of health and safety. That is under a State planning agreement.

The basic issue, Mr. President, is really not one of standards, for the States with planning agreements have followed and continue to follow the very highest standards. We all agree on high standards. It is simply a matter of who is going to assume the role of primary enforcement.

If you like OSHA, Mr. President, you will love what we will be creating with this bill. I hope Senators will make no mistake about that. This amendment would simply allow the States to enter into agreements with the Secretary of Labor whereby the two levels of government, State and Federal, would agree on standards and the States would be responsible for the enforcement. That is now the case in North Carolina, and in Utah and other States. So the issue, Mr. President—and let it not be obscured and let it not be confused—the issue is who is going to do the enforcing. Who will have the police powers? The managers of the bill assure us that the States can continue to inspect under this act, but it would not be the same as we have it now under the Metal Act, because the Federal Government would seize the primary responsibility for enforcement and the States would, at best, be in a tag-along capacity. If Senators understand that, then I believe they will support the amendment of the Senator from North Carolina.

In my State, we do not have Federal inspections as such. We have State inspections. I reiterate: That is why the State of North Carolina has one of the finest records in the entire country. The managers of the bill acknowledge that, under this act, we shall now have Federal inspection of our mines; the State will be free only to send along its inspectors—if the Secretary agrees. Indeed, it has been pointed out that North Carolina will be given Federal funds to cover the cost of the inspections. Well, the people of North Carolina are not asking for Federal funds. They certainly are not asking for another level of Federal bureaucracy. The people of North Carolina—including the general assembly and the State labor commission of my State—are simply asking to be left alone, and that they not be burdened with another unnecessary, undesirable level of Federal bureaucracy.

I urge my fellow Senators to support this amendment and to continue the successful State planning agreements that now exist. We do not want and we do not need any more centralization of power and authority in Washington, D.C. We need to move in the other direction. Here is an opportunity for Senators to stand up for limited government and the Federal principle of States' rights that we hold dear.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. ABOUREZK) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—35

Allen	Eastland	Nunn
Bellmon	Garn	Packwood
Byrd, Harry F., Jr.	Goldwater	Roth
	Hansen	Schmitt
Cannon	Hatch	Scott
Chafee	Hayakawa	Stennis
Chiles	Helms	Stevens
Curtis	Laxalt	Stone
Danforth	Lugar	Thurmond
DeConcini	McClure	Tower
Dole	McIntyre	Wallop
Domenici	Morgan	Zorinsky

NAYS—61

Anderson	Church	Haskell
Baker	Clark	Hatfield
Bayh	Cranston	Hathaway
Bentsen	Culver	Heinz
Biden	Durkin	Hollings
Brooke	Eagleton	Huddleston
Bumpers	Ford	Humphrey
Burdick	Glenn	Inouye
Byrd, Robert C.	Gravel	Jackson
Case	Hart	Javits
Johnston	Moynihan	Sasser
Kennedy	Muskie	Schweiker
Leahy	Nelson	Sparkman
Long	Pearson	Stafford
Magnuson	Pell	Stevenson
Mathias	Percy	Talmadge
Matsunaga	Proxmire	Weicker
McGovern	Randolph	Williams
Melcher	Ribicoff	Young
Metcalf	Riegle	
Metzenbaum	Sarbanes	

NOT VOTING—4

Abourezk	Griffin	McClellan
Bartlett		

So Mr. HELMS' amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that John McKay, of my staff, have the privilege of the floor during the consideration of this measure and votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 383

The question occurs on amendment No. 383, by the Senator from North Carolina.

The amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 384

The PRESIDING OFFICER. The question occurs on amendment No. 384, by the Senator from North Carolina.

The amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

UP AMENDMENT NO. 492

Mr. McCLURE. Mr. President, I have an unprinted amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. MCCLURE) proposes an unprinted amendment numbered 492:

Delete lines 14 through 25 on page 105, all of page 106, and lines 1 through 5 on page 107.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, this amendment would delete that section of the bill which provides that where the Secretary determines that an operator "has a pattern of violations," the Secretary shall notify the operator of this finding; and upon an inspection within

90 days after issuance of this notice, if an inspector finds any violation of a standard which could significantly contribute to the cause and effect of a mine safety or health hazard the inspector "shall" issue a withdrawal order for the area of the mine affected by the violation. Once such a withdrawal order has been issued additional orders will continue to be issued until an inspection of the entire mine reveals no violations of mandatory health or safety standards that could significantly contribute to the cause and effect of a mine safety or health hazard.

Before reading this bill I had thought that the Federal Coal Mine Health and Safety Act which this bill would replace contained more than enough authority to be effectively enforced, and in fact goes far beyond being remedial and frankly is a punitive law. Not only does the Coal Act provide for mandatory penalties for all violations but contains additional provisions permitting the issuance of withdrawal orders for failure to abate violations, not to mention the authority to issue immediate withdrawal orders for imminent danger. Section 105 (d) of the Coal Act as amended by this bill with its reference to patterns of violation represents a quantum leap in unwarranted Federal big stick tactics. What this provision really means is that the Secretary's representative or an inspector can make an ex parte decision as to what constitutes a "pattern" of violations in a mine. The way to deal with enforcement is not to throw out the book on due process and fairness, but rather is to utilize the mechanisms that exist already in the law.

Let us say the utilization of the existing penalty system does not work because penalties are not assessed and not collected. This is a failure of the bureaucracy and our judicial system. Heaping another questionable provision such as this on top of the penalty system is certainly not the answer. It makes no sense to entrust such enormous power to the bureaucracy.

But let us look into this provision a little more deeply and see what it means in practice. As a practical matter, anyone who is familiar with the mining industry realizes that it is virtually impossible to keep any mine in total compliance with all the hundreds of regulations at any given time. Changing physical conditions, and just the very business of mining itself causes equipment failures and physical changes in the mine which will generate violations of standards. It is reasonable to require operators to do their utmost to keep up with such conditions and keep the mines in as safe a condition as possible at all times. I strongly favor this approach. However, knowing that violations will occur, it follows that during any inspection violations can and will be cited. The next thing the operator knows is he receives notification that his mine has a pattern of violations. What constitutes a pattern? There is no provision in the bill defining it, or for an operator to appeal his being cited for having such a pattern. After the operator receives a letter of notification an inspector can come into the mine and in his total discretion find almost any violation and issue a withdrawal order. This in effect means that once cited for having such a pattern any violation is grounds for a withdrawal order on the spot.

The fact that only violations of mandatory health and safety standards "which could significantly and substantially contribute to the cause and effect of a mine health or safety hazard" can be cited offers little flexibility.

My question is if a violation could not significantly and substantially contribute to the cause and effect of a mine health or safety hazard, why is there a standard in the first place? This provision is unnecessary for the efficient administration and enforcement of mine health and safety and, in my opinion, should be deleted.

I urge my colleagues to support the amendment.

I might ask the managers of the bill if they can tell me, as a matter of fact, what a pattern of violations is; what the standard is against which the mine operator is to be judged; what standard will the mine inspector use in the enforcement of this provision.

I submit that the bill is entirely silent on each of these issues, and I think there is a substantial question concerning the due process of a provision that allows this kind of mandatory—does not allow it, but it provides they shall, and gives that inspector that kind of arbitrary authority without any kind of standard in the bill itself.

For that reason, I hope the Senate will accept this amendment, if indeed the managers of the bill see fit not to accept it themselves.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. The section the Senator seeks to amend here was added to our bill after consideration of field inspections and after long hearings following the Scotia mine disaster.

This was the Senator from Pennsylvania's amendment, and it was in response to our committee findings. Our committee findings were just these: Under the Coal Mine Safety Act there were provisions for the closure of mines, and we found that the closure orders were not resulting in needed improvements.

One of the situations was that which was discovered at the Scotia mine following the twin disasters that occurred there—two explosions within a 3-day period.

Here is the situation. There was an explosion of the methane gas in the mine.

On our field trips and then at our hearings we looked very closely at the record and found numerous ventilation citations, we found citations because of inadequate ventilation in that mine, had been issued repeatedly. Inspectors would find inadequate ventilation, would cite the operators. There would be an abatement. A small penalty would follow, it would not be paid for a long time after that, then another inspection would disclose a ventilation violation; again not enough air to carry out the gas. The whole cycle would start again, with no permanent protection being provided to miners.

As a matter of fact, I think the report shows just how many ventilation citations, violations of the law or standards, were issued against the Scotia mine. I believe it was more than 60 within 2 years.

Obviously the stimulant for complete correction of this condition was not there. In this case what it needed, obviously, was a closure order. They did not have a closure order under law at that time that would work in this situation.

This is the kind of pattern of violations that we saw. We looked for a remedy. I recall the day in the committee when the Senator from Pennsylvania (Mr. SCHWEIKER) offered his amendment. I said to myself, "Thank God, I think we have the way to reach the habitual violators." I am sure this is exceptional, but this is the kind of a pattern case that we saw in the twin tragedies that gave us Scotia."

That is why this approach was used. I feel we have a tool here that will protect miners from repeated violations. We have a method of enforcement that will see a mine closed until the underlying condition is changed, not just a cosmetic abatement for a short period, but a basic reworking of the safety system within the mine. Then, of course, there will be true safety as far as that kind of activity is concerned.

The violations that would bring on notice and ultimately closure under this provision are those which significantly and substantially contribute to a mine safety and health hazard. This is the test and, obviously, all of the possibilities of substantiality for mine safety and health cannot be described in the law. But these are the traditional words and the traditional test of degree that are used in law, and we use them here.

I believe the Senator from Pennsylvania is in a conference on other legislation, and I know he would perhaps want to be here to address himself to this. I hope I have adequately described what I knew he went through, because I went through it with him.

When we looked at that record of that one mine, we said, "By God, how could the inspectors keep it open for 2 years when the violations were repeated?" And the violations went right to the cause of the explosions, gas in the mine.

So I say to the Senator from Idaho, that is what we tried to reach with this particular provision of the bill.

Mr. McCLURE. Mr. President, the able Senator from New Jersey has described one set of circumstances which the committee had in mind and which, in its recitation, certainly I would agree would be a pattern of violations.

But would the Senator agree with me that an inspector could also say that a defect in the hoist mechanism discovered at one time, a defect in a dump operation at another time a month later, a violation of a sanitation requirement in the laboratory a month later, a violation of some ventilation standard a month later might also be deemed by the inspector, if he so desired, to be a pattern of violations that would justify the closure of the mine, because there are no standards set up in the bill? There is no def-

inition of what is meant by the pattern of violations, and that is a discretionary matter under the bill totally within the discretion of the inspector who, without any hearing, without any standard by which it can be judged to be correct or incorrect, can upon the discovery after the notification, the discovery of any matter in violation, issue an arbitrary, ex parts closure order.

I would not disagree with the Senator that a pattern of continued violations might indicate the necessity of more stringent action, and certainly the Senator from Idaho would not want to be understood to condone that kind of apparent casual disregard or willful disregard of the requirements of mine safety.

But that is not what the bill says, I say to the Senator. The bill does not establish those standards. The bill does not require the kind of circumstances delineated by the able Senator. It is an almost wide open and nearly limitless grant of authority to an inspector to do what he thinks is right.

But I do not think that kind of standard should be written into the law.

Mr. WILLIAMS. While the Senator from Pennsylvania is getting ready to further describe what will follow on this, I wish to say that we lay out here this enforcement tool and standards will follow, standards that will be promulgated to give the essence of the nature of the activity that presents substantial hazard.

I believe Senator SCHWEIKER will address himself to that.

Mr. SCHWEIKER. I thank the chairman.

Mr. President, this amendment originated for two reasons.

First, we had a series of hearings on Scotia, Ky., where we lost people, because there were repeated violations of known safety rules and there was a concerted effort not to comply with the law in case after case after case. We lost a lot of men because someone decided that they could ignore the law.

Second, we asked for computer printouts of the companies that had been assessed certain fines and how those dollar fines had been adjudicated.

It was astounding to me. There were sheet after sheet after sheet of computer printouts by some of the mines involved where safety patterns had been violated.

So, just getting computer printouts of the violations that have occurred end on end alered me to the fact that we were not trying to police the good guys, because there are a lot of good guys who have complied with the law, who met those standards of the law and were in good faith trying to fulfill the law. But there were also a few who repeatedly thumbed their noses at the law, and that is exactly what we were trying to address here.

I agree with the Senator that it has to be defined and has to be spelled out, and all I can say is obviously legislative intent. But believe me the computer printouts of violations, rectifying those violations, and how they were used as a subterfuge not to comply with the basic law was the reason for this amendment.

There was a more stringent amendment, frankly, that was in the bill which I felt went too far, and I moved to strike that more stringent amendment and put this in for some of the same reasons about which the Senator from Idaho has expressed concern. Under my amendment a clear pattern must exist, it must be substantial, and it must potentially affect the person's safety and health. So, basically, these are the legislative intentions of the amendment. It does require that it be spelled out. It does require that certain standards be set. But it is also quite clear that we are only after the person who is thumbing his nose at the law and, believe me, there are a number, because they can pay a fine for 10 cents on the dollar, go on paying the fine for 10 cents on the dollar, or take it to court and delay and delay, and then the mine has an explosion and people get killed and everyone throws his hands in the air and asks how it happened.

That is how it happened, because people would not follow the normal safety standards that we know to be good mining practices.

So it is only directed against a few. But these few have been causing the accidents and these few have been making the problems for the good guys in the white hats, who have been obeying the law, who have been fulfilling their obligations and have to put up with the inspections that we provide, because those few will not abide by the law. They will not abide, because at 10 cents on the dollar, whatever the fine is adjudicated at, there is no reason, there is no incentive, there is no reward for being a good guy. They can be bad guys and make out, because by taking the short cut, by paying less money in terms of protecting their people from the hazards of the mine, they can make out by paying 10 cents on the dollar and not doing the proper things. It was directed against those people and those kind of mines and those kind of conditions that have caused a lot of the accidents and troubles, not the good guys.

In fact, the bad guys, in essence, bring it about for the good guys, and I say it is time we get the bad guys and not keep hitting the good guys. That is really the intent of it, and that is what it should do, and hopefully that is what the standard will say when we get it established.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. SCHWEIKER. I yield.

Mr. McCLURE. What are the penalty provisions of the existing statute for violations of something of this nature? I am not talking about the pattern; I am talking about individual violations not under this bill but under existing law.

Mr. SCHWEIKER. Is the Senator talking about the bill as revised or the present law now?

Mr. McCLURE. The present law.

At this point, Mr. SARBANES assumed the chair as Presiding Officer.

Mr. SCHWEIKER. There are presently civil penalties in the law of up to $10,000 per violation. The problem has been, however, that that may be the statute, but again I invite the Senator to look at the computer printout sheet, because the computer printout sheet shows they get slapped a fine of $100 or $200 or $300. They accumulate a whole lot of them and go back in court and ultimately settle them at 10 or 20 cents on the dollar.

Mr. McCLURE. So this pattern that the Senator is referring to, the Scotia mine, then, was not a pattern at which they had been fined $100, then $500, then $100, and then $10,000. Am I correct? Even though there were a number of violations over a period of 2 years, there were very small penalties assessed rather uniformly over the entire period.

Mr. SCHWEIKER. I would say that is true, plus the other situation in which they can settle for 10 or 20 cents on the dollar.

So what you actually assess them at and what they settle for are worlds apart and is part of the frustration of dealing with the act.

Mr. McCLURE. If, as a matter of fact, that is a pattern of assessment of a penalty, it is not simply a question of the violation of the law; it is also a pattern in enforcement, an enforcement pattern that says:

> We will not escalate. We will not fine. We will not utilize the penalties under the law.

And the frustration the committee feels is not just with the other. It is with the enforcement.

Mr. SCHWEIKER. Part of the trouble, and this is why there is a need for this amendment, is that because some operators elect to fight every $100, $200, or $500 penalty; they tie up the whole administration of the law in knots and they get away with it, and this is the major weapon that they have at their command. So, in essence, by just protesting every penalty, no matter how small or how minimal it is and tying up the enforcement section and tying up the legal section, they make it so difficult to administer the law that they are inviting this kind of thing.

Mr. McCLURE. Let me say to my good friend from Pennsylvania that I understand the sense of frustration. If indeed there is a pattern of violation of the character that he has outlined here and the failure or the inability of the enforcement agency to enforce the law, that does not mean that the law is wrong. It may mean that the enforcement of the law is inadequate and that may be what we should address ourselves to, of course.

Mr. SCHWEIKER. Let me paint the picture a little more completely. I did not have the material right in front of me.

Originally, in the bill there was another provision, and this was a provision that I struck out and inserted the amendment that we are debating now. But the one that I struck out said:

> Any operator who willfully, or with gross negligence, violates a safety standard prescribed by or under this Act, thereby causes a miner or miners to be subjected to imminent danger, shall be subject to a civil penalty closure order by the Commission. which order shall order the mine closed for a minimum specified period not to exceed 30 working days and provide that the mine may not be reopened, except under a subsequent order and finding by the Commission that no unabated safety or health violations exist at such mine and provide that during the period of closure the operator shall pay the miners at the regular hourly rates for the hours that they would have worked had the mine not been ordered closed.

I took exception to this out of some of the same concerns that the Senator from Idaho is taking exception to my amendment. Because here was a situation where the whim of the inspector or an arbitrary or capricious act of an enforcer who wanted to get someone could possibly shut down a mine for 30 days.

You could do it in a way that you could put a small operator out of business.

I took exception to that, because I saw some dangers in the way that might be administered. That is why I felt that the inspector ought to have the right to say, "You cannot go on and pay the fines; you cannot settle for 10 cents on the dollar while we go on citing your mine for what we feel are serious violations of the rules."

The bill put a tool in the hands of the inspectors. I thought that tool was too sharp, too deep, and too heavy-handed, and I came up with this amendment in my language, which simply said that if you had a pattern, and were repeatedly doing this kind of thing, and the violations were substantial, then the inspector has something to do about it. Under the present situation, there was no way by which an inspector could say, "Stop what you are doing or you are going to have an explosion and kill a hundred people."

I want the Senator to know I presented this language here to substitute for the other language, because I think it is clear that a more evenhanded, patterned response, and a more reasonable judgment has to be made under the new language as opposed to the old language.

I think we would be very remiss if we did not give the inspector some way of saying, "Why, you cannot go on paying every fine imposed, and paying 10 cents to the dollar."

Mr. McCLURE. I commend the Senator on his substitute, because it is obviously better than the original language; but I think it is also fair to say that that is exactly the same way Congress adopted the original OSHA law—that it was an alternative to a worse one adopted by the committee.

I would say to the Senator from Pennsylvania that I think we are doing precisely the same thing here. As we try to eliminate one evil, we are accepting a lesser evil that will ultimately prove to be an unwise provision.

I do not disagree at all with the objective of the Senator from Pennsylvania, nor that of the committee, in trying to deal with the apparent disregard of safety rules and standards and the apparent continued willful violation of those standards by someone who finds it cheaper to violate the rules and to fight the system than it is to adopt reasonable safety precautions and standards.

But in spite of that objective, I do not think the language does that. The language certainly gives the inspector the tool, but it does not say that the inspector cannot use that tool wrongfully.

If you want a definition of what is wrong with much of our regulatory process in the United States today, that is the definition. It has the right objective, but it is not carefully enough delineated in the statute to prevent its abuse by those who subvert it to a different use than that which was intended in the minds of the congressional sponsors of the legislation.

There is no standard by which we can set that enforcement mechanism in being. If, as a matter of fact, the inspector wanted to enforce the existing law, he could. He could have been levying fines of $10,000, and I will bet he would have received a different response from the owners than on levying a fine of $100.

Mr. SCHWEIKER. Mr. President, if the Senator will yield, I would like to give him another thought on those $10,000 kinds of fines. All they do is go to court, appeal and delay and appeal and delay, and that has sometimes gone on for years.

So even a $10,000 fine does not mean much except an item on a court docket, until the mine goes up in an explosion.

Mr. McCLURE. So what the Senator is saying is that instead of enforcement under the law, we will not have enforcement under the law, we will turn it over to the rump process outlined here, where the inspector can do what he jolly well pleases, and the operator will have no rights at all?

Mr. SCHWEIKER. I would point out that there are at least two rights the operator has. I do not know whether the Senator followed this initially in the report, or has not been told about it.

First of all, a finding has to be made that a repeated violation pattern existed, and that those violations did substantially and significantly contribute to the cause and effect of a mine safety and health hazard—that is, a finding of a substantial and material nature with respect to the volume of offenses.

Second, he has two ways of negating the finding of a pattern. First, if a violation of a similar nature is not discovered within the initial 90-day period, his pattern is considered broken. If he has no violation within the first 90 days, he is no longer on that list. He can exonerate himself by just not having any violations in the 90-day period.

Or, a second way of getting out of the pattern is this: If at any time subsequent to the issue of such a notice, and expiration of the initial 90-day period, an inspection reveals no violations which could substantially contribute to the cause and effect of a mine safety and health hazard, he is also out of the cycle.

So he can set the record straight by having no violations within 90 days, but also by showing on the next inspection cycle that there are no violations of a significant and substantial nature.

I do not think that is unreasonable. We give them two ways to set the record straight, and this is only after a past record of repeated violations of health and safety standards.

Unlike a lot of other Mickey Mouse regulations and paperwork, this is a life and death matter. How many people got killed at Scotia, Ky.? We should give some notice of the fact that lives are at stake, and that an inspector gets frustrated, because a lot of court stays and settlements at 10 or 20 cents on the dollar.

They can beat the system, because it is imperfect. When you get to the point where a lot of people are killed in a disaster, I think someone should be able to say, "Wait, you are not playing it straight. You are looking out for the money you save instead of the lives at stake."

Without this kind of authority, I do not know that we are ever going to be able to shut down a guy who thumbs his nose at the law and says, "I don't care about the lives, I am looking at the bucks."

I think that is a very serious issue here, and one that very much impacts on whether we are going to clean up our mines and make them safe places to work.

Mr. McCLURE. Are there any other provisions in the bill which will make closure possible under any other circumstances?

Mr. SCHWEIKER. Yes, there is imminent danger, which would be, for example, if methane——

Mr. McCLURE. So it would not be correct to say this is the only way in which a mine can be closed?

Mr. SCHWEIKER. Yes and no. If you can get there before the methane explodes, or have an inspector there when the methane explodes, yes.

Mr. McCLURE I thought the Senator said this had been a repeated pattern of violations, therefore the methane had been there repeatedly.

Mr. SCHWEIKER. That is the point I am trying to make.

Mr. McCLURE. Well, that is the point I am trying to make.

Mr. SCHWEIKER. I do not follow the Senator's point, because——

Mr. McCLURE The Senator said the inspector has to be there when the methane is there, and the Senator himself said he had been there repeatedly when the methane was there, so that is no answer to the question that it cannot be closed under other provisions of the bill.

Mr. SCHWEIKER. The point is, how much methane is there, and how much over the level of tolerance? If he is only near the tolerance level, he gets a warning. If he is way over, he will get shut down.

There was a repeated number of small violations, but most of them in themselves would not have represented a prima facie case for imminent closure. That is the point. One was a scalpel and the other was a shotgun. I think we ought to selectively give them the tools so they do not have to apply across the board. This is what builds up the redtape and the paperwork for the good guys who will not let a methane meter go up to 100 percent danger before they shut down; who will not cheat on electricity by turning on the fans that ventilate that section of the mine just because a Federal inspector is walking through that section of the mine, and as soon as the inspector leaves they turn off the fans and let the gas accumulate. That is what this amendment is going to do.

Mr. McCLURE. I am sure the Senator

is correct when he says that is what it is designed to do, but I am saying the design misses the thing that he is trying to do in terms of hitting only, in his terms, the bad guy, while leaving the good guys alone. I am not sure the good guys and the bad guys are that easily discernible, nor are they necessarily going to be discerned by the inspector in exactly the same way as the Senator from Pennsylvania assumes they will be.

That has been our experience under other inspection statutes. That is why OSHA is in the trouble it is in now. That is why the floor manager of this bill can say he was pleased to see a change of administration of the OSHA, because the philosophy of administration is different. If Congress had done the job that Congress should have done, if Congress had done the kind of job the people of this country have a right to expect the Congress to do, we would not be worrying about the philosophy of administration of the Administrator. That is part of the problem with this country today.

It is easy to write a kind of a general good idea on paper and then say to the Administrator, "Now, go out and do it. Go out and do this good thing that I have in mind for you to do."

I would say to the Senator from Pennsylvania, I have no problem at all agreeing with him that the person who repeatedly violates in such a way that there is a substantial danger to the health and safety of the miners ought to be closed down. But I would say to the Senator what he has done in this language is not to say, "Go find that one or those few who do that and close them down." but simply say to the inspector, "You can close down any guy you want to get. You can close down any operator for any pretext you want under this language."

The Senator says the language of the bill requires a finding. The fact of the matter is that the bill does not require a finding.

Mr. SCHWEIKER. Will the Senator yield a moment?

Mr. McCLURE. I yield.

Mr. SCHWEIKER. The way the amendment works is if a pattern of substantial violations is found the mine is put on notice. They are not shut down then. Then after the next violation occurs, he can be shut down. So we give him notice. We give him due notice that his past history has been bad; that his proclivity for hazardous operation is known and has been noted. He can clean the slate up in 90 days by good behavior, or he can clean it up on the next inspection and show that there are no violations that exist.

Mr. McCLURE. Let me say to the Senator that if an inspector wants to go into a mine and wants to find a violation, he can find a violation. Will the Senator agree with me on that?

Mr. SCHWEIKER. He can find a violation, but it is the nature of the violation. My wording very specifically relates to the nature of the violation.

Mr. McCLURE. The pattern relates to one thing and the subsequent violation does not. Let me say it requires a notification to the operator but it does not require a finding. It requires only a notification. That is a totally subjective evaluation on the part of the inspector without any standards, without any basis in law other than the fact to notify him if there is a pattern.

Mr. SCHWEIKER. Will the Senator yield?

Mr. McCLURE. I yield.

Mr. SCHWEIKER. The wording says specifically that such pattern of violations must substantially and significantly contribute to the cause and effect of a mine safety and health hazard. It is not Mickey Mouse. We are not talking Mickey Mouse regulations or paperwork things.

Mr. McCLURE. I do not assume that any of these are Mickey Mouse regulations. I assume that all the standards and regulations which are promulgated deal with the health and safety of the miner. I would assume if they were not, they would not be there.

Mr. SCHWEIKER. This is a little bit different from OSHA for this reason: In 1973, 1 out of every 1,500 mine workers was killed on the job or died from work-related injury. This compares to 1 out of every 2,800 railroad workers, 1 out of every 4,000 construction workers, and we feel that is pretty hazardous duty, or 1 out of every 12,400 workers covered by OSHA. So we are not talking about 1 death out of 12,400 people covered by OSHA. We are saying that 1 out of every 1,500 miners was killed on the job or died from a work-related injury. That is the problem we are dealing with.

I think that is a special case because of the high risk, the high hazard, and the high danger. It does take some special remedies, yes. But I think my amendment is a reasonable, moderate, fair, and even-handed way of meeting a very difficult problem.

Mr. McCLURE. Will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. McCLURE. I do not disagree with the goal the Senator seeks. I think the amendment he offered in committee is superior to the original committee language. I will say that again. I mean it most sincerely. I know he intends this to be correct. But I know, and I am sure the Senator knows, that if an inspector decides he wants to close down a mine he can close down a mine under this provision.

Mr. SCHWEIKER. I do not agree with that.

Mr. McCLURE. The Senator does not agree with it?

Mr. SCHWEIKER. No.

Mr. McCLURE. Does the Senator mean to tell me that an inspector could not find, in the last year, two or three violations in a mine and send a notice and say, "There is a pattern of violations here," and following that go back into the mine and find another violation?

If the Senator believes that, he has different experience with the administration of law than I have.

Mr. SCHWEIKER. Let me say if he really wants to shut down the mine arbitrarily and capriciously he can use the imminent danger section. If that is his objective, he can do it under that section.

Mr. McCLURE. There are standards.

Mr. SCHWEIKER. There are standards which have to be fought out in court. Somebody will protest the standards which are established.

Mr. McCLURE. Is the Senator suggesting that under this provision the operator can file in court to keep the mine open even after a closure order has been filed?

Mr. SCHWEIKER. First of all, no closure order is filed until after the owner is given notice that he has established a pattern and then only if he has another violation of a serious nature after that. He can have his attorney running to the Commission the day after he is told about anything and be relieved of it, if he has a good case.

Mr. HEINZ. Will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. HEINZ. Mr. President, I would like to direct a question to the Senator from Pennsylvania, if I may.

As I understand section 105, it requires that the Secretary or his representative make a finding of the existence in a mine of any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a mine health or safety standard. Is my understanding correct?

Mr. SCHWEIKER. That is certainly correct.

Mr. McCLURE. Will the Senator yield?

Mr. HEINZ. May I establish another point?

Mr. McCLURE. I want to establish that point first. Though the answer was given, I do not agree with it.

Mr. HEINZ. Let me quote to my good friend from the bill, on page 106. It says:

"(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a mine health or safety hazard.

That is the section of the bill to which I refer.

Mr. McCLURE. Refer back to section 1 and find similar language. It is not in section 1. The closure order provision is in section 1 as well.

Mr. HEINZ. But as I understand the actual withdrawal order, which is tantamount to closure, is premised on finding, as I read this language——

Mr. McCLURE. Subsection 2 refers to a subsequent finding of a subsequent violation after the withdrawal order, and it being a continuation of the withdrawal order not the issuance of a withdrawal order.

Mr. HEINZ. Is it not true, as I understand the bill, that the withdrawal order can only be issued after this particular finding?

Mr. McCLURE. No, that is not correct. Read back on page 105, starting on line 14 and go through subsection (d)(1), that ends on line 50, page 106. Under that section, under which the closure order is

made, there is no requirement similar to the one which the Senator has read in subsection (2). Subsection (2) deals with another violation that follows after the closure.

Mr. HEINZ. Let me try to establish one other point in connection with subsection (2). That is, is subsection (2) subject to judicial review? I ask that question of the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. SCHWEIKER. Would the Senator repeat that, please?

Mr. HEINZ. Is subsection (2) subject to judicial review? Namely, the finding?

Mr. SCHWEIKER. It is subject to appeal to the Commission.

Mr. McCLURE. Meantime, the mine is closed, I assume. Would not the Senator from Pennsylvania (Mr. SCHWEIKER) agree that the mine is closed pending that appeal to the Commission?

Mr. SCHWEIKER. That is correct.

Mr. HEINZ. I thank both Senators for yielding.

Mr. McCLURE. Would not the Senator agree——

Mr. SCHWEIKER. He can abate the violation, of course.

Mr. McCLURE. Would not the Senator agree with me that the first thing that starts it is the notice? The inspector believes that there is a pattern of violation, whatever that may be, and he gives a notice to the operator?

Mr. SCHWEIKER. The Secretary must give the notice, not the inspector. It is all the way up to the Secretary.

Mr. McCLURE. The Secretary delegates that authority to the inspector. I do not care how we want to slice it.

Mr. SCHWEIKER. The Secretary has to sign the notice.

Mr. McCLURE. Does the Senator mean that Cecil Andrus is going to go down there and talk to the inspector and he is going to take the notice and run out to the operator?

Mr. SCHWEIKER. That is essentially the way it will work.

Mr. McCLURE. Oh, come on; the Senator does not really believe that. Does he?

Mr. SCHWEIKER. I do.

Mr. McCLURE. As a matter of fact, the inspector will issue it and he will be given the authority to do it. The Secretary is not going to run down there and see if the inspector is telling him the truth.

Mr. SCHWEIKER. I think it is all a matter of how we feel it is going to be enforced.

Mr. McCLURE. That matter aside for a moment, there is to be, first, a notice given to the operator.

Mr. SCHWEIKER. That is correct.

Mr. McCLURE. By the Secretary or his designated representative.

Mr. SCHWEIKER. That is correct.

Mr. McCLURE. That notice is of a pattern of violation. There is no finding required; just the notice is given.

Would the Senator from Pennsylvania indicate whether that matter, that notice, is an appealable act?

Mr. SCHWEIKER. First, let me say that the GAO made a study of the closure orders that were issued under current law and 67 percent of the closure orders that were issued, in fact, were abated.

Mr. McCLURE. That is fine, but that does not——

Mr. SCHWEIKER. Abated while the inspector was still there.

Mr. McCLURE. That is fine, but that does not relate to the question at hand at all. That is a nice statistic, but what does it have to do with the argument?

Mr. SCHWEIKER. It has something to do with the fairness and equity of a closure order.

Mr. McCLURE. I thought we were dealing here with the people who did not voluntarily abate.

Mr. SCHWEIKER. We will deal with whoever the Senator wants to deal with. I am not sure what the Senator is saying.

Mr. McCLURE. All I am trying to establish is whether or not the person who does not agree that there has been a pattern of violation has access to the courts at that point.

The operator gets a notice that there is a pattern of violation.

Mr. SCHWEIKER. Not on the notice, no.

Mr. McCLURE. So he does not have any access to the courts at that point?

Mr. SCHWEIKER. Nothing has happened to him yet.

Mr. McCLURE. No, no, they are just laying the groundwork so it can happen to him if the Senator wants.

Mr. SCHWEIKER. Nothing has happened.

Mr. McCLURE. Following that, if there is another violation and the inspector finds that there is another violation, there is an immediate closure order, correct?

Mr. SCHWEIKER. That is correct.

Mr. McCLURE. Does the operator at that time have access to the court?

Mr. SCHWEIKER. He has access to the Commission.

Mr. McCLURE. But not to the court.

Mr. SCHWEIKER. The Commission can give relief.

Mr. McCLURE. That is not my question. He does not have access to the court, is that correct?

Mr. SCHWEIKER. That part is correct, but he has three other escape routes which the Senator from Idaho is ignoring.

Mr. McCLURE. But he cannot go to the court. He must go to the Commission.

Mr. SCHWEIKER. If he does not abate the violation, yes.

Mr. McCLURE. But from the standpoint of the committee, the committee does not intend that he can get any judicial relief at that point?

Mr. SCHWEIKER. Not at that point, but he has three other ways of getting relief which the Senator chooses to ignore.

Mr. McCLURE. If the Senator will allow me, we shall get to that point in a moment. The Senator from Pennsylvania is trying to gloss over some difficulties by saying, oh, there is some other way he can solve that problem, so do not worry about that.

Mr. SCHWEIKER. If there are three other remedial steps, I do not see why the Senator says we are glossing over them. The operator can break the pattern by having clean inspections during the initial 90-day period; he can break the pattern by having a clean inspection thereafter; or he can go to the Commission.

Mr. McCLURE. Let us get to those. All I am trying to establish is that an inspector has a relatively clear discretion to establish, first, the pattern of violation and second, on the subsequent violation that causes the closure.

If the inspector is motivated right and his motives are pure and he wears nothing but a white hat and he is always on the right side of God and grace, he will never violate that discretion, will he?

But if he does not have that kind of character, if he is not motivated in that manner, he can, if he wishes to, operate in quite a different manner under this bill.

Do not come back at me, now, and say, yes, but people die. I know that. I know there are people that die in mines, and I want to stop it just as much as the Senator from Pennsylvania does. But does that justify a departure from the usual rules in our society that a person is entitled to due process; that he is entitled to a presumption of innocence until proven guilty; that he is entitled to protect himself in the courts, rather than have to submit himself to the arbitrary discretion of the bureaucracy?

I think it has already been established that there were adequate tools under the existing law to deal with this question. The only problem is that they have not been used. That, I understood the Senator from New Jersey to say, was the reason for the new legislation, because the old law was not being enforced—not because the old law was inadequate.

I have not heard anybody tell me that. But the old law was not being enforced; therefore, we must establish a star-chamber proceeding in which there are no rights on one side; in which the abuse of power that can be marshaled under this can become both oppressive and confiscatory.

I am not speaking just on behalf of the mine operators. I do not have a single coal mine operator in my State. We do have some other mines that operate in my State, and I do not think anybody has yet charged them with the "pattern of violations" or the computer printouts that the Senator from Pennsylvania made reference to.

I am not speaking for any of my constituents when I say this. I think there is a fundamental rule of law that says we should not pass this kind of law. If we are going to pass this kind of law, why do we not just say that they can go out and do whatever they think is good, because people die in mines? That is what the committee is saying. That is why I have suggested that this language be stricken.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. MCCLELLAN) is necessarily absent.

Mr. STEVENS. I announce that the

Senator from Oklahoma (Mr. BARTLETT), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The result was announced—yeas 21, nays 76, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—21

Bellmon	Hatch	Morgan
Cannon	Hayakawa	Roth
Curtis	Helms	Schmitt
Domenici	Laxalt	Scott
Garn	Long	Thurmond
Griffin	Lugar	Tower
Hansen	McClure	Wallop

NAYS—76

Abourezk	Ford	Muskie
Allen	Glenn	Nelson
Anderson	Gravel	Nunn
Baker	Hart	Packwood
Bayh	Haskell	Pearson
Bentsen	Hatfield	Pell
Biden	Hathaway	Percy
Brooke	Heinz	Proxmire
Bumpers	Hollings	Randolph
Burdick	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Humphrey	Riegle
	Inouye	Sarbanes
Byrd, Robert C.	Jackson	Sasser
Case	Javits	Schweiker
Chafee	Johnston	Sparkman
Chiles	Kennedy	Stafford
Church	Leahy	Stennis
Clark	Magnuson	Stevens
Cranston	Mathias	Stevenson
Culver	Matsunaga	Stone
Danforth	McGovern	Talmadge
DeConcini	McIntyre	Weicker
Dole	Melcher	Williams
Durkin	Metcalf	Young
Eagleton	Metzenbaum	Zorinsky
Eastland	Moynihan	

NOT VOTING—3

Bartlett	Goldwater	McClellan

So Mr. MCCLURE's amendment was rejected.

AMENDMENT NO. 391, AS MODIFIED

Mr. HELMS. Mr. President, I call up my amendment No. 391, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 391, as modified.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment is as follows:

On page 81, lines 14 through 15, strike "(without regard to any reference in such section to sections 556 and 557 of such title)"

On page 84, strike lines 4 through 7.

The PRESIDING OFFICER. The Senator from North Carolina will suspend until we obtain order in the Chamber.

Will Senators please take their seats and clear the aisles?

Mr. HELMS. Mr. President, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 20-minute time limitation on the amendment, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, this amendment would require the Secretary of Labor to conduct all hearings under section 102 of the act in accordance with the Administrative Procedure Act, as codified in title V, section 554, of the United States Code.

As Senators are aware, the Administrative Procedure Act is presently followed under the existing Metal and Nonmetallic Mine Safety Act; and this affords some degree of protection to the operator, in that it places the burden of proof on the Secretary to show that a proposed standard is actually needed and is technologically feasible.

In its present form, S. 717 sweeps aside the procedural rights of the operators and exposes them to the arbitrary whim of the Secretary. Section 102 of the act flatly states:

Hearings required by this subsection shall be conducted by the Secretary, who may prescribe rules and make rulings concerning procedures in such hearings to avoid unnecessary costs or delay.

Mr. President, this provision of the act gives the Secretary carte blanche authority to make any ruling he pleases. It is wholly contrary to the most elementary principles of the rule of law.

In fact, it not only flies in the face of due process, but it also discriminates against the operators by singling them out for exclusion under the Administrative Procedure Act.

Mr. President, the Senator from North Carolina feels that simple justice requires that the operator's rights be protected in the same manner as others in proceedings before Federal agencies. This can be accomplished simply by including a requirement in the act that hearings held under section 102 shall be in compliance with the Administrative Procedure Act.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I wonder if I could inquire of the Senator from North Carolina. I heard that the amendment had been modified. I just wondered whether the Senator intends to remove these hearings from the rulemaking provisions of the Administrative Procedure Act. The rulemaking provisions are in section 553. Is it the intention of the Senator from North Carolina to remove these hearings from the rulemaking provisions of the Administrative Procedure Act and put them in the adjudicatory provisions of the Administrative Procedure Act?

Mr. HELMS. Not exactly, Mr. President. Let me refer to the United States Code in order to explain the significance of the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Joseph diGenova of my staff be accorded the privileges of the floor during the debate on this measure and the votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

Mr. HELMS. Mr. President, if the Senator will withhold——

Mr. MATHIAS. I will withhold that point of order.

Mr. HELMS. I believe we are operating under a time agreement, and I ask unanimous consent that we may have a quorum call chargeable to neither side. It will be brief.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I now make the point of order that a quorum is not present.

Mr. JAVITS. Mr. President, if the Senator will withhold——

Mr. MATHIAS. I withhold.

Mr. JAVITS. Mr. President, I ask unanimous consent that Chris Brewster of Senator DANFORTH's staff may have the privileges of the floor during the debate on this bill, including the votes.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. MATHIAS. Mr. President, I now make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE AMENDMENTS OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 139, S. 1021.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1021) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I only say that consideration of the measure is cleared on both sides.

We have no objection to it.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the com-

mittee amendment be adopted and be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CULVER. Mr. President, as chairman of the Judiciary Subcommittee to Investigate Juvenile Delinquency, I urge the Senate to adopt the Juvenile Justice Amendments of 1977 (S. 1021, as amended). This bill would extend the Office of Juvenile Justice and Delinquency Prevention and the Runaway Youth Program for 3 years. On May 14, 1977 the Committee on the Judiciary voted unanimously to report this bill favorably to the Senate.

Mr. President, one of the most serious problems facing the nation is that of juvenile delinquency. Young people between the ages of 10 and 17 make up only 16 percent of our population, and yet they account for more than 43 percent of those arrested for serious crime. Indeed, in the years from 1960 to 1975 the number of violent crimes committed by persons under 18 has nearly tripled.

But serious crime is only part of the story. Approximately 1 million young people enter the juvenile justice system each year for offenses ranging from truancy and ungovernability to rape and murder. In addition, an estimated 1 million children a year run away from home.

The Juvenile Justice and Delinquency Prevention Act of 1974 was an important milestone in the Federal Government's efforts to combat juvenile delinquency. The 1974 act coordinates the various Federal programs dealing with the prevention and treatment of juvenile delinquency and also provides Federal funds to assist innovative State, local, and private programs.

In addition, the 1974 act established a runaway youth program. This program provides temporary shelter and counseling for thousands of young runaways and also attempts to reunite these children with their parents.

Mr. President, the 1974 act has dramatically improved the Nation's programs for the prevention and treatment of juvenile delinquency, but a great deal still needs to be done. After careful study of the implementation of the 1974 act, the Subcommittee to Investigate Juvenile Delinquency has made a number of recommendations to improve the effectiveness of the act. These recommendations are reflected in S. 1021, as amended; and I strongly urge the Senate to adopt this legislation.

The major changes recommended in S. 1021, as amended, are:

OFFICE OF JUVENILE AND DELINQUENCY PREVENTION

The Office of Juvenile Justice and Delinquency Prevention within LEAA is extended for 3 years with authorizations of $150 million in fiscal year 1978 and $175 million and $200 million in fiscal years 1979 and 1980, respectively.

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

The minimum formula grant allocation to each State is raised from $200,000 to $225,000. In addition, the requirement of a 10-percent non-Federal match is changed to allow up to 100 percent Federal funding in appropriate cases.

DEINSTITUTIONALIZATION

The 1974 act required all States participating in the formula grant program to deinstitutionalize status offenders in 2 years. S. 1021, as amended, would provide 1 additional year, or a total of 3 years, for States to comply with the deinstitutionalization requirement. In addition, if at the end of this 3-year period, a State has achieved substantial compliance—defined as 75-percent deinstitutionalization—and also has demonstrated an unequivocal commitment to achieving full compliance, it may be granted up to an additional 2 years, or a maximum possible total of 5 years, to achieve full compliance with the deinstitutionalization requirement.

CITIZEN PARTICIPATION

The 1974 act required that advisory groups be established in each State participating in the formula grant program. S. 1021, as amended, would expand the role of these State advisory groups by requiring that at least three members of the advisory group also serve on the State planning agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968. S. 1021, as amended, would also give the State advisory groups an opportunity to review and comment on all juvenile-related grant applications submitted to the State planning agency.

RUNAWAY YOUTH ACT

S. 1021, as amended, extends the runaway youth program for 3 years with authorizations of $25 million for each year. It also raises the maximum grant under this program from $75,000 to $100,000. Finally, the bill makes it clear that the scope of the program includes services to homeless youth as well as runaway youth and authorizes the Secretary of HEW to provide short-term training to runaway youth projects.

Mr. President, I have proposed two minor amendments to S. 1021, as amended, that have been suggested by my colleagues. The first amendment, suggested by Senator BUMPERS and Senator MCCLELLAN, would permit a court to inform the victim of any act of juvenile delinquency of the final disposition of that case if the victim requests this information. The second amendment, suggested by Senator THURMOND, would make State agencies eligible for grants under the Runaway Youth Act.

Mr. President, these two amendments have been approved by both the majority and minority members of the Judiciary Committee.

Mr. BUMPERS. Mr. President, I am very sensitive to the privacy rights of criminal offenders, and particularly youthful offenders. Because of my concern in this area, I generally defend the secrecy provisions of the 1974 Juvenile Justice and Delinquency Act.

Having said that, I must take issue with one feature of the 1974 act. It forgets the victims of juvenile crime in that its secrecy provisions preclude even those people who are damaged most directly by a juvenile's conduct from learning of the full disposition of the case.

A dramatic illustration of this point received some play recently in the press. A rape victim was denied information on the sentence meted out to her attacker. She had testified against him at the hearing and understandably was anxious to know whether he had been released or was still in custody. Yet even in the case of that serious felony, the magistrate refused to provide her with the requested information.

I feel very strongly that if anyone deserves to know the outcome of delinquency proceedings, it is the victim of the crime. To extend the cloak of secrecy to cover the victim represents overprotection of juvenile rights to the clear detriment of the victims' right to know the outcome. Accordingly, my bill would amend the 1974 act to permit the magistrate to answer inquiries of victims relating to the final disposition of such cases.

Again, Mr. President, let me reiterate that I am a firm believer in protecting juvenile offenders against any undue stigma resulting from their brush with the law. I am convinced that if we are to be successful in the war against crime, we must first reduce the unconscionably high percentage of crimes committed by our young. But in this instance we have gone too far in protecting the privacy rights of our delinquents.

Mr. BAYH. Mr. President, today we consider my bill S. 1021, as amended, entitled, "The Juvenile Justice Amendments of 1977." This measure is designed to strengthen, implement, and stabilize the 1974 congressional-citizen initiative which established juvenile crime prevention as the federal priority.

The 1974 Juvenile Justice and Delinquency Prevention Act was the product of a 4-year effort, which I was privileged to lead, to improve the quality of juvenile justice in the United States and to overhaul the Federal response to juvenile delinquency. The bipartisan nature of its support is reflected by its 1974 cosponsorship in this body—Mr. HRUSKA, Mr. MATHIAS, Mr. COOK, Mr. MCCLELLAN, Mr. FONG, Mr. HART, Mr. Hugh SCOTT, Mr. KENNEDY, Mr. THURMOND, Mr. BURDICK, Mr. Gurney, Mr. ABOUREZK, Mr. Bible, Mr. Brock, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. GRAVEL, Mr. HUMPHREY, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. RANDOLPH, Mr. RIBICOFF, Mr. Mondale, Mr. CANNON, and Mr. EASTLAND.

The Congress approved it by overwhelmingly bipartisan majorities in both the Senate; 88 to 1 and the House of Representatives, 329 to 20.

The act was designed to prevent appropriate young people from entering our failing juvenile justice system. It is designed to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, must assist those public and private agencies who use prevention methods in dealing

with juvenile offenders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have committed no criminal act—status offenders, such as runaways—are not jailed, but dealt with in a healthy and more appropriate manner.

Likewise, I am proud that this bipartisan congressional initiative was strongly endorsed in my party's national platform in the following unequivocable manner:

A Democratic Congress in 1974 passed the Juvenile Justice and Delinquency Prevention Act to come to grips with the fact that Juvenile Justice and Delinquency Prevention serious crimes in the United States, and to remedy the fact that federal programs thus far have not met the crisis of juvenile delinquency. We pledge funding and implementation of this Act, which has been ignored by the Republican Administration.

The measure I introduced in March, which we have under consideration today is designed to carry on our congressional commitment and to fulfill my party's commitment to the program by providing the continuity and strengthened features so vital to the full implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

Never have we had a more opportune setting to fulfill these commitments.

I was especially heartened and gratified by President Carter's February 22, 1977, message to the Congress on the revisions to the fiscal year 1978 budget. The President noted that there were important goals that the revision did not reflect and then, relative to the changes made to date, Jimmy Carter said:

The 1978 budget is essentially still President Ford's budget, with only such limited revisions as my administration has had time to make. But these revisions do reflect our careful choices among many possible options: they are important first steps toward a Federal Government that is more effective and responsive to our people's needs.

Among those "careful choices" and "important first steps—more responsive to our people's needs" is the first clear Presidential endorsement of the Juvenile Justice and Delinquency Prevention Act of 1974.

Mr. President, the Carter administration has requested "additional funds for juvenile justice and delinquency prevention programs that have a high potential for reducing crime and delinquency" specifically the requested amount for fiscal year 1978 restores the 1977 level of $75 million.

Although I am very pleased by this particular change in White House policy I was not surprised. When candidate Jimmy Carter was asked last October by the American Bar Association whether he favored an increased share of LEAA and other Federal funds for juvenile justice and delinquency prevention he responded in the affirmative and added:

Both the commentators and the statistical evidence now point to the fact that court reform, corrections, and juvenile justice are the critical elements in improving crime control.

For one who has struggled to establish such Federal priorities these words and the budget revisions reflecting a commitment to them are indeed sweet music.

Similarly, Attorney General Griffin Bell made a strong commitment to such priorities and to the full implementation of the Juvenile Justice and Delinquency Prevention Act during the Senate Judiciary Committee's confirmation hearings. In response to my inquiries as to whether, if confirmed as Attorney General, he would provide juvenile justice and juvenile crime prevention the priority it deserves and that the 1974 law and the 1976 amendment require, Judge Griffin Bell said that he would and then continued by noting:

If we are going to do anything about crime in America, we have to start with the juvenile.

He also added the following observation:

I have never known that our country on a national level had a criminal justice policy. I plan to establish one. If you do have a criminal justice policy, the most important part of it would be juvenile justice—how to prevent juvenile crime—I have a deep interest in that.

The measure will extend and strengthen the Office of Juvenile Justice. It will strengthen and revitalize the program designed to accomplish the very priority on juvenile justice and juvenile crime prevention underscored by President Jimmy Carter and Attorney General Griffin Bell.

S. 1021, as amended, extends the Office of Juvenile Justice and reaffirms the role of its chief executive; authorizes appropriations of $150, $175 and $200 million respectively for fiscal years 1978, 1979 and 1980; provides flexibility relative to the act's requirement that noncriminal offenders be deinstitutionalized; emphasizes the need to respond sensibly to the serious problems of school violence and vandalism; repeals unnecessary reporting requirements, combines others and requires that all reports be concise; expands the cornerstone of the 1974 Act namely, the integral role of nonprofit agencies and essential citizen involvement and participation; clarifies the authority of the Institute to provide careful, nonemotional assessments of issues found to be of national significance and lacking in comprehensive understanding, such as the role of family violence, sexual exploitation and sexual discrimination in delinquency and juvenile justice areas, and it extends the Runaway Youth Act for an additional 3 years.

The careful consideration given by the committee to this measure is reflected in its report section entitled, "Explanation of Committee Amendment" which I ask unanimous consent to print in the RECORD at this point. (Rept. No. 95–165).

There being no objection, the report was ordered to be printed in the RECORD, as follows:

VI. EXPLANATION OF COMMITTEE AMENDMENT

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Assistant Administrator. The Congress fully intended in 1974 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office and that the assistant Administrator be delegated full authority to carry out the act's mandates.

The oversight hearings, held by the Subcommittee To Investigate Juvenile Delinquency on the implementation of the 1974 act in 1975 and 1976 established that the Administrator failed to delegate sufficient authority for the Assistant Administrator to fully implement the program. This situation was aggravated by the Ford administration's refusal to support the program through adequate appropriations, staffing, and other evidence of commitment to the program's objectives. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, it is the committee's view that the mandated support of the Office's administration of the program by the Administration, as well as the Department of Justice, would greatly enhance the future ability of the Office to implement the program as intended by Congress.

The committee does not believe it is appropriate to legislate in excessive detail the management relationships and the authority and responsibility of the Juvenile Justice Office which must implement the program. Therefore, the amendments proposed by the committee have been carefully drawn to clarify management responsibilities and yet retain flexibility to manage programs in the most efficient manner.

As reported by the committee, S. 1021 would clarify the role of the Office and the relationship between the Assistant Administrator and the Administrator. The bill clarifies and reaffirms that the provisions of the act are to be administered through the Office.

The committee believes that section 527 of the Omnibus Crime Control and Safe Streets Act,[1] combined with an amendment to section 201, provides a viable framework within which all Administration juvenile justice and delinquency prevention funds can be properly administered. Section 527 requires that:

All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 201(a) reaffirms that the provisions of the act are to be administered through the Office. The committee fully expects that the new Administration, consistent with Attorney General Griffin Bell's confirmation testimony, will promulgate policies to fully implement these important provisions of the law.

Consistent with the Ford administration opposition to its passage and funding of the program the LEAA Administrator did not delegate the authority necessary for the Assistant Administrator to fully implement the program. Additionally, this situation was exacerbated by the designation of the Office head as Assistant Administrator. Other Assistant Administrators within LEAA have less authority and are subjected to more levels of review than the Congress had contemplated for the head of the Office responsible for all the delinquency programs. It was for this reason that the rank of Assistant Administrator was combined with the status of a Presidential appointment and senatorial approval in order to underscore the importance of the Office and to provide the appropriate status and identity required for the national focus on delinquency prevention and the authority and necessary clout

[1] See sec. 545 of the Juvenile Justice and Delinquency Prevention Act of 1974.

to carry out the act's mandates, unfettered by intermediate review or ratification. The bill ameliorates these problems, most of which would not have developed had the administration supported the full implementation contemplated by Congress and now supported by the Carter administration.

As reported by the committee, S. 1021 elevates the head of the Office of Juvenile Justice and Delinquency Prevention from the general schedule to the executive schedule, level V. This gives recognition to the importance of the position and its status as Presidentially appointed, by and with the advice and consent of the Senate. The committee notes, however, that the level of compensation is not altered by the change. The title of the position is changed from Assistant Administrator to "Associate Administrator" to emphasize the rank of the Office head within the administration structure and the important programmatic responsibility of the Office head. The titles of the two Deputy Assistant Administrators of the Office are changed to "Deputy Associate Administrator." While the committee did not provide a third deputy, as originally proposed by S. 1021, the committee did not intend thereby to diminish the importance of the concentration of Federal effort function. However, given the number of current permanent employees in the office (41), the committee found that a third deputy position could not be justified at this time. In this regard, the committee notes that the Office is severely understaffed and expects that additional personnel will be allocated to assure that the program can be effectively and fully implemented.

The authority of the Associate Administrator is clarified by the addition in section 201(d) of a provision specifying that part B and part C programs are to be administered by the Associate Administrator subject to delegation and direction by the Administrator. Authority that may be delegated includes the authority to award and administer grant funds. Further, authority to administer part A programs and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968 may be delegated by the Administrator to the Associate Administrator. The Associate Administrator is given a statutory role in concentration of Federal efforts activities under section 204 and an advisory role in joint funding proposals under section 205. Amendments to sections 208(b) and (e) provide that the national advisory committee directly advise the Associate Administrator, rather than the Administrator, on Office functions. Amendments to sections 223(a) (14), (20), and (21) vest a direct role in the Associate Administrator for State plan requirements related to monitoring, analysis and evaluation of programs and activities, and formulation of additional terms and conditions of the State plan. Finally, amendments to sections 243(4), 246, 249, 250, and 251 provide a more direct role for the Associate Administrator in Juvenile Justice Institute evaluation, reporting, and training activities.

Furthermore, regarding important aspects of the 1974 act the Office and its Assistant Administrator, who is one of four LEAA officials appointed by the President with the advice and consent of this body, were relegated only marginal or indirect responsibilities. These areas include the responsibility relative to the membership of State planning agencies boards and the regional units; the expenditures under the maintenance of effort provisions; the compliance with section 223(a) (12), (13), and (14); the allocation of funds redirected to special emphasis; and the eligibility for continuous funding under section 228(a). The committee contemplates a direct role for the Office in these matters and encourages a closer liaison with regional management and staff so as to avoid any conflict with the important mandate of section 527. Additionally, it is expected that the Office will exercise a predominate role in exercising its 527 responsibilities on the Grant Contract Review Board.

CONCENTRATION OF FEDERAL EFFORT

General

The activities encompassed by the concentration of Federal efforts provisions of the act are pivotal to the overall success of the other programs established by the act. Testimony received by the subcommittee in hearings has indicated limited progress in this effort. The annual Federal reports submitted under sections 204(b) (5) and (6) have laid the groundwork for future coordination of Federal juvenile delinquency programs. The committee has made several amendments designed to improve upon this activity, including the consolidation of the two annual Federal reports (analysis and evaluation, annual plan) into a single concise document that will focus more directly on Federal delinquency dollars.

Coordinating council

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention is mandated by the bill to assist in the preparation of the consolidated annual Federal report. The Council is further strengthened by the addition of two new statutory members, the Commissioner of the Office of Education and the Director of ACTION. In addition, due to a change in agency structure, the Director of the Special Action Office for Drug Abuse Prevention is replaced on the Council by the Director of the Office of Drug Abuse Policy. Additional authority has been given to the Coordinating Council to review the programs and practices of Federal agencies and report on the degree to which funds are used for purposes consistent with the act's mandates for deinstitutionalization of status offenders and separation of juvenile offenders and adults in institutions. These mandates are among the cornerstones of the act and reflect the commitment of the committee to such priorities. It is important to know whether the Federal Government is engaging in practices or providing funds for any programs or activities that are inconsistent with this commitment.

Subcommittee hearings have further demonstrated that the Coordinating Council's ability to carry out its duties has been hampered by both lack of adequate staff and lack of participation in the Council's activities by individuals exercising significant decisionmaking authority which their respective agencies as required by section 206(a)(2). Therefore, the committee has included in the bill an amendment designed to assure staff support consistent with the needs of the Council. The minimum number of annual meetings has been reduced from six to four with the expectation that extensive staff work can be accomplished between meetings and that a lesser number of required meetings will encourage greater participation by executive level officials from the member agencies.

National Advisory Committee

A number of amendments to the functions and duties of the National Advisory Committee for Juvenile Justice and Delinquency Prevention were considered by the committee. As reported, S. 1021 affirms that the proper role of the Advisory Committee is to provide advice to the office on juvenile justice-related matters. The committee believes that, while the advisory committee has worked diligently to effectively carry out its assigned role, expansion of its authority to include operational functions such as grant and contract authority would be unwise. However, subcommittee amendments to strengthen and improve the operation of the advisory committee, and to expand its advisory role, have been included in the committee bill.

S. 1021 expands the scope of representation on the advisory committee by providing that the President may appoint youth workers involved with alternative youth programs, and persons with special experience regarding problems of school violence and vandalism the problems of learning disabilities, to the committee. The bill also requires, as did the Senate passed version of S. 821 in 1974, that future appointments to the advisory committee include at least three youth members who either have been or are currently under the jurisdiction of the juvenile justice system. Senator Thurmond made an especially persuasive argument for the retention of this section and similar changes in the State advisory groups, which are intended to help broaden the perspectives of policy makers so as to better understand how young people view their experience in the system.

Section 208(b) of the bill provides that the recommendations of the advisory committee be included in the annual Federal report submitted under section 204(b)(5). This will give the President and Congress the opportunity to review the recommendations in their entirety.

Several amendments increase the flexibility of National Advisory Committee subcommittee membership on statutorily established subcommittees and clearly establish that all subcommittee recommendations, including standards, are subject to review and final submission through the full advisory committee. In the area of standards for juvenile justice, the committee will direct the advisory committee to refine its recommended standards, if necessary, and to assist by providing information and advice, in the adoption of appropriate standards setting activities at the State and local levels. Insofar as the National Advisory Committee is authorized by the Federal Advisory Committee Act to conduct hearings and meetings to assist it in carrying out its duties, the committee expects and encourages the National Advisory Committee to take a proactive leadership role.

The 1974 act is also amended to assure needed staff support consistent with the requests of the chairman of the advisory committee and to direct the Associate Administrator to provide such staff and other support as may be necessary for the advisory committee to perform its duties.

FORMULA GRANT PROGRAM

As reported by the committee, S. 1021 makes a number of changes to the formula grant program. These changes, based on experience under the act to date, are intended to fine tune this modified block grant program, to clarify ambiguous language in the 1974 act, and to assist the States to more efficiently expend formula grant funds according to the priority areas identified in the State's juvenile justice plan.

Clarifications

The committee has amended the act to clarify that State planning agencies may make formula grant funds available to public and private agencies, organizations, and individuals through subgrants as well as contracts. Several amendments to the act specify that the term "local government" means "unit of general local government" or "combination" as defined by sections 103 (8) and (9) of the act.

The deinstitutionalization and separation requirements of sections 223(a) (12) and (13) are clarified by S. 1021 with respect to the inclusion within their scope of juveniles who are lesser offenders or nonoffenders. It was the intent of the Congress in 1974 that nonoffenders as well as status offenders be removed from detention and correctional facilities and that status offenders and nonoffenders be included, along with delinquent

offenders, within the prohibition of regular contact with incarcerated adult offenders. Finally, the committee has deleted confusing language in section 223(a)(12) which appears to direct that all status and nonoffenders be placed in "shelter facilities." The amendment, as originally intended in 1974, would permit States to determine appropriate, nonsecure, small, community-based alternatives to juvenile detention and correctional facilities, such as home probation, or group homes.

Minimum formula grant allocation—Match

As reported by the committee, S. 1021 would establish a minimum formula grant allocation to each State of $225,000, an increase of $25,000 over the minimum established by the 1974 act. The minimum allocation for the smaller territories would be increased from $50,000 to $56,250, a similar proportional increase. The increase reflects the committee's determination that a small portion of the minimum formula grant allocation be made available to assist State advisory groups in carrying out their duties.

The 1974 act established a minimum 10-percent non-Federal match requirement for formula grant programs, with match to be in cash or kind. This was a compromise between a Senate proposal for no match and a House requirement of 10-percent cash match. Subsequently, the LEAA Administrator, despite strong committee objections, established a cash match preference for formula grant funds.

In a January 13, 1976, letter to Representatives James M. Jeffords (R.-Vt.) Senator Bayh explained the committee view, especially as it pertains to private nonprofit entities.

Senator Bayh:

A 5-year review of LEAA policy made abundantly clear the need to clear redtape away from the mechanism used to provide Federal funds for public and private groups working in the area of juvenile delinquency prevention.

A primary obstacle to such progress was the 10-percent hard match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expression of intent consistent with this objective.

As you know, the House bill incorporated the cash or hard match in its bill and a compromise was reached by the conferees which was designed to allow in-kind or soft match rather than the absolutist approach of the two original bills. Thus the legislative intent is clear that in-kind match should be the general rule, but that in exceptional circumstances the (LEAA) administrator, as you note under section 228(c), could provide for a waiver scheme and require hard match.

The committee recognizes the difficulty that both public and private agencies have had in generating cash matching funds. This has been amply documented by subcommittee oversight hearings.

In light of the finding of the Department of Justice that in-kind match leads to imaginative bookkeeping by recipients of funds and in view of the clearly devastating impact of hard or cash match for nonprofit entities the committee bill eliminates the in-kind match from formula grants, but requires that the non-Federal share not exceed 10 percent of the approved costs. The committee bill provides that all formula grant programs and projects may be funded with up to 100 percent Federal funds. Consistent with the committee's finding in 1974 in support of no-match, especially for private nonprofit agencies, organizations or institutions, and the Senate's strong endorsement of our approach by a vote of 88 to 1, the committee contemplates an overriding preference for no-match for such entities. In addition, the committee encourages States to adopt a policy requiring a cash matching contribution from public agencies unless a State planning agency determines that a good faith effort has been made to obtain cash match and cash match is not available.

Citizen participation

State planning agencies, have not been adequately responsive to the need for meeting the crisis of juvenile delinquency and the needs of youth to obtain needed services to prevent delinquent conduct. State advisory groups, representative of a broad cross-section of citizens and juvenile justice expertise, were established by the 1974 act to advise the State planning agency and review the State's juvenile justice plan prior to supervisory board approval and submission. The committe finds that these groups have made a substantial contribution to the State planning agency in many States. In others, however, they have been given limited duties and staff support, and have been largely stifled. It is apparent that additional statutory duties and resources must be built into the act so that these citizens groups can make the contributions envisioned by the 1974 act.

The bill broadens advisory group participation to specifically include the private business sector, youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities, and provides that at least three of the next appointed youth members on the group must have been or must now be under the jurisdiction of the juvenile justice system.

The role of the advisory group is expanded to include a role in State plan development, a role in advising the Governor and legislature on juvenile justice matters upon request, and an opportunity to review and comment on all juvenile-related grant applications submitted to the State planning agency. While final authority to approve or disapprove grant applications must remain in the State planning agency, it is expected that advisory group grant review will be of substantial benefit to the State planning agency supervisory board. Permissive authority is granted to the Governor and the legislature, to involve the State advisory group in monitoring State compliance with the mandate of the Act. It is intended that the advisory group will review the progress and accomplishments of juvenile-related projects funded under the State plan.

Finally, in order to assist State advisory groups in carrying out their duties, the committee bill provides that at least 5 percent, but no more than 10 percent of the State's minimum formula grant allocation, will be used to assist the State advisory group in carrying out its mandated and assigned functions. It is the committee's expectation that the larger States will make the maximum allowable amount of funds available under this provision.

Local government and private agency participation

In addition to the clarifying amendments detailed above related to the eligibility of units of general local government and private agencies for formula subgrants and contracts, the committee has amended the 66⅔ percent formula grant passthrough requirement to include, in addition to units of general local government and combinations thereof, local private agencies as eligible recipients of passthrough funds. The amendment recognizes the vital role that private nonprofit organizations must play in the fight against juvenile delinquency and is intended to encourage broader participation by the private nonprofit sector in the formula grant program.

Passthrough

In addition to the inclusion of local private nonprofit agencies as eligible for the 66⅔ percent passthrough funds, the committee has amended both this provision and the 75 percent advanced technique requirement to exclude funds made available to assist State advisory groups in carrying out their duties from the requirements.

State study of needs

Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 requires that each State plan set forth a study of State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. These studies have been done by the States on a 2-year phased approach permitted by guidelines. The committee recognizes the importance of the studies and has consequently provided in the bill that programs and projects developed from the study for funding under the State plan may be funded as "advanced technique" programs under section 223(a)(10) provided that they otherwise meet criteria established for designation as advanced technique programs.

Advanced technique programs

The committee has improved the act's current provisions requiring that not less than 75 percent of the State's formula grant funds be used for "advanced technique" programs. First, programs and services designed to encourage a diversity of alternatives within the juvenile justice system are added as a fifth general area of advanced technique emphasis. Second, new program emphases are included within the scope of community-based programs and services and community-based prevention programing is broadened with regard to the range of youth eligible for services. Third, the listing of advanced technique areas eliminates drug and alcohol abuse programs as an area for special focus and substitutes advocacy projects aimed at improving services for and protecting the rights of youth. This amendment is one of several amendments to the act which encourages a proactive rather than a reactive role for organizations providing services to youths. Fourth, an additional area for advanced technique emphasis is added to encourage the funding of programs and activities to establish and adopt, based on the standards recommended by the National Advisory Committee, standards and goals for the improvement of juvenile justice within the State. The area of standards development and implementation is critical to the improvement of the juvenile justice system. The National Advisory Commission on Criminal Justice Standards and Goals, in its volume entitled "A National Strategy To Reduce Crime" correctly states that:

". . . operating without standards and goals does not guarantee failure, but does invite it. Specific standards and goals enable professionals and the public to know where the system is heading, what it is trying to achieve, and what in fact it is achieving. Standards can be used to focus essential institutional and public pressure on the reform of the entire criminal justice system."

The committee expects that the Office of Juvenile Justice and the State planning agencies will direct vigorous effort toward implementing the standards and goals process and that tangible improvement in State juvenile justice systems will be the end result. Additional direction and assistance to this important objective is to be provided by the National Advisory Committee and the National Institute for Juvenile Justice and Delinquency Prevention through their activities under section 247 of the act and through assistance under the special emphasis prevention and treatment program.

Deinstitutionalization, separation, and monitoring

The Juvenile Justice and Delinquency Prevention Act of 1974 called for all States participating in the formula grant program to deinstitutionalize status offenders within 2 years. The committee has very carefully considered the testimony before the subcommittee on the reauthorization of the act. The clear indication is that some additional flexibility must be provided to the States in their efforts to meet the deinstitutionalization requirement. Otherwise, many currently participating States—States that have acted in good faith to meet the 2-year deadline—may be forced to withdraw, or have their eligibility terminated, from participation under the formula grant program. The children of those States would be the losers because many currently funded programs and projects would be discontinued and new programs and projects could not be initiated. The incentive to continue the deinstitutionalization, separation, and other act mandates and objectives would be severely affected.[2]

Further, Congress did not expect the low level of funding provided under the act for fiscal years 1975, 1976, and 1977. The Congress authorized appropriations of $75 million, $125 million, and $150 million for each of the 3 fiscal years. Faced with strong opposition from the Ford administration, the Congress was still able to pass appropriations of $2.5 million, $40 million, and $75 million for the 3 fiscal years, representing 40 percent of the authorized level.

It should be emphasized that substantial progress has been made toward the goal of deinstitutionalization since the enactment of the Juvenile Justice Act. Additional States such as California and Virginia have passed legislation requiring the deinstitutionalization of status offenders. Utah has deinstitutionalized and removed status offenders from jurisdiction of the court. Similar bills are pending in a number of State legislatures and 46 out of 56 jurisdictions eligible to participate in the juvenile justice program have made a commitment to compliance with the deinstitutionalization and separation requirements.

The continued participation of these 46 jurisdictions and the participation of the 10 jurisdictions not currently participating is one of the committees' objectives. Reaching this objective would allow the act's resources to be available to all the noncriminal incarcerated children of the United States and the act's deinstitutionalization mandate to be realized in every jurisdiction where they are held in public and private detention and correction facilities.

Therefore, the committee has amended section 223(a)(12) to provide 1 additional year, or 3 years in total, for States participating in the formula grant program to achieve compliance with the deinstitutionalization requirement. In addition, the committee has included an amendment to section 223(c) to specifically provide that any State's failure to achieve compliance with the deinstitutionalization requirement within the new 3 year time limitation shall terminate the State's eligibility for formula grant funding unless it is determined that the State is in substantial compliance with the requirement and has made an unequivocal commitment to full compliance within a reasonable time. The committee bill defines substantial compliance as 75 percent deinstitutionalization and a reasonable time as no more than 2 additional years.

The new substantial compliance standard is consistent with current Office of Juvenile Justice policy and reflects the standard agreed upon with the Subcommittee To Investigate Juvenile Delinquency following passage of the 1974 act. This provision, coupled with the extension of the section 223(a)(12) requirement from 2 to 3 years, and the addition of up to 2 additional years for full compliance, meets the need for flexibility while retaining the strong congressional commitment to the deinstitutionalization effort. The Committee rejected a suggestion which was offered in the House Education and Labor Committee and later withdrawn and modified, that would have inadvertently required the placement of all non-offenders in facilities and thus eliminated a child's return home and other appropriate sensible alternatives.

As noted previously, the committee has also included several amendments in the bill designed to clarify the section 223(a)(12) and (13) deinstitutionalization and separation requirements. The committee has noted that testimony before the Subcommittee To Investigate Juvenile Delinquency on April 27, 1977, indicated that the States' initial submission of monitoring reports to the Office of Juvenile Justice on December 31, 1976, revealed some problems in clarity of data, specifically with regard to the progress achieved, the facilities monitored, and confusion regarding the definition of juvenile detention and correctional facilities.

In response to these concerns, the committee has included in the bill a requirement that all facilities for juveniles be monitored in order to determine whether they are juvenile detention or correctional facilities or other types of facilities where status offenders may be placed. The committee encourages the Office to provide technical assistance to those States that have had difficulty in generating adequate compliance and progress data. Further, the committee has reviewed the Office's proposed definition of juvenile detention and correctional facilities, submitted to the subcommittee, and finds that the definitions fairly reflect congressional expectations of the criteria to be applied in distinguishing juvenile detention and correctional facilities from other types of facilities where status offenders may be placed.

In implementing section 223(a)(12) and (13), the committee expects the Office to follow a "rule of reason." While section 223(a)(12) appears to be an absolute prohibition, the committee recognizes that there may be rare situations in some States where short-term secure custody of status offenders is justified. For example, detention for a brief period of time prior to formal juvenile court action, for investigation purposes, for identification purposes, to allow return of proper custody to the juvenile's parents or guardian, or detention for a brief period of time under juvenile court authority in order to arrange for appropriate shelter care placement may be necessary. This would be a limited exception which the Committee expects should not exceed twenty-four hours. The exception recognizes a balance between competing interests as highlighted by the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, submitted pursuant to the Juvenile Justice Act. In its September 30, 1976 report, the Advisory Committee recognizes that the juvenile intake officer needs some time to gather information necessary to make proper intake and detention decisions and also recognizes the harsh impact that detention may have on a juvenile:

"On the other hand, there is the harsh impact that even brief detention may have on a juvenile, especially when he/she is placed in a secure facility, and the corresponding need to assure as quickly as possible that such detention is necessary." (Standard 3.155)

It is expected that the maximum twenty-four hour period recommended by the Advisory Committee would be the outer limit and that where a shorter period is appropriate or established by State law, that LEAA would require that the shorter period be used. However, with the development of twenty-four hour intake encouraged by the Committee bill it is expected that such exceptions, if any, would be rare indeed. Such flexibility is particularly appropriate for such sparsely populated States as Alaska or Wyoming where shelter facilities may not be readily available. At the request of the Subcommittee, definitions relevant to these sections were submitted by the Department of Justice. The Committee notes the significance of the definitions in providing the guidance necessary for the States to more appropriately respond to the 1974 Act. Especially noteworthy are the definitions of "shelter facilities" and "juvenile detention or correctional facility." (See appendix Part B for definitions.) The committee expects that Office of Juvenile Justice and Administration guidelines will address such issues.

Reallocated formula grant funds

In order to further encourage the deinstitutionalization effort, the committee has amended the act to provide a preference for reallocated formula grant funds made available under the special emphasis program to those States that have achieved compliance with the deinstitutionalization requirement. Section 223(d), as amended, is intended to give the States an incentive to meet the deinstitutionalization requirement prior to the deadlines established by the act in order that they can focus on the many other program priorities identified by the act and their own State plans for the improvement of the juvenile justice system. Additionally, the Committee amendment included within the preferential category, at Senator Wallop's suggestion, assistance in non-participatory States under 224(a)(2) so as to support and encourage the development of alternatives to institutionalization consistent with the Act under sections 223(a)(12) and (13).

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAM

The committee bill expands upon the areas of special emphasis program authority enumerated in section 224 of the act. The bill encourages the development of programs designed to provide more effective responses to minor delinquent conduct outside the formal juvenile justice system. Office of Juvenile Justice-funded school violence and vandalism programs are strengthened and required to be closely coordinated with the Office of Education. New authority is provided to fund youth advocacy programs, the development of model youth employment programs, and programs to improve the juvenile justice system to conform to standards of due process. The Committee adopted Senator Wallop's suggestion to include programs designed to encourage and enable State legislatures to consider and further the purposes of the Act. It is intended that the Office expand its efforts in this area and build on those supported by Senator Bayh and the Subcommittee, such as the contract to Legis 50—The Center for Legislative Improvement, which has provided such assistance in States including, Alabama, Florida, Michigan and New Mexico. Additionally, section 224(c) 20 percent earmarking of these funds to private nonprofits is increased to 30 percent. Again, these new authorities reflect the bill's emphasis on proactive programing. The Committee strongly emphasizes reaffirming the intended role of State planning or local agencies regarding Special Emphasis assistance. Namely, as Senator Bayh explained, that under 225(b)(5) and (8) they have solely an advisory role and under no circumstances do the views of such agencies have a determinative effect. These sections were intended merely to inform those agencies of Special Emphasis grants and contracts.

[2] It is worth noting the Crime Control Act funds, especially those earmarked by sec. 261, are available to help meet the objective of deinstitutionalization.

GENERAL PROVISIONS

The committee bill amends the "general provisions" of title II, sections 226–228. The bill clarifies that use of fund provisions are applicable to all eligible fund recipients. The authority to use formula grant funds to meet non-Federal matching share requirements for Federal juvenile delinquency program grants is restricted to nonadministration program grants but is expanded to include up to 100 percent of a State's formula grant funds. The committee recognizes that Federal funds, including funds available to States for juvenile programing, are often returned to the Federal Government for lack of available State, local, or private agency matching funds. The committee amendment is designed to increase flexibility to the States in using formula grant funds to provide needed matching funds, thus multiplying the impact of the funds available under the act, provided that the funding of the programs is essential to meeting the State's identified juvenile justice needs.

Match

The general match provision used by the administration to establish a cash match preference for formula grant funds under the 1974 act has been amended by the committee to specify that the authority to require a matching contribution is limited to grants for the concentration of Federal efforts, the special emphasis grant program, and the programs of the National Institute for Juvenile Justice and Delinquency Prevention. Witnesses appearing before the Subcommittee to Investigate Juvenile Delinquency felt that the individual States should have the option of requiring cash or in-kind match for the formula grant program. The administration testified that in-kind match failed to accomplish a useful programatic purpose under their programs. This committee, which deleted in-kind match under the Crime Control Act of 1973, agrees with both views. Therefore, the bill provides the States with the option of requiring cash match for formula grants in appropriate circumstances and the administration with the option of requiring any recipient of a grant or contract to contribute match where it will contribute to the purposes of the act.

Indian tribe liability

As reported by the committee, S. 1021 authorizes the Administrator to waive the liability that remains with a State under a State subgrant agreement with an Indian tribe where the State lacks jurisdiction to enforce the liability of the Indian tribe under the subgrant agreement. Upon waiving the State's liability, the administration would then be able to pursue available legal remedies directly or enter into appropriate settlement action with the Indian tribe.

This authority is designed to provide for the increased participation of Indian tribes in the Juvenile Justice Act program. Under the current act, each State is liable for misspent subgrant funds, a liability that cannot be waived by the administration. It is then up to the State to seek indemnification from the subordinate jurisdiction. In some jurisdictions, by virtue of treaty or otherwise, States do not have the legal authority to seek such indemnification from certain Indian tribes. The possibility of being held liable by the administration for subgrant funds misspent by those tribes without the ability to seek indemnification has resulted in a hesitancy on the part of those States to award funds to the tribes. The provision of a statutory waiver authority, allowing these States to avoid liability in these instances will encourage them to increase the amount of funds provided to the tribes and increase Indian participation in the Juvenile Justice Act program. An identical amendment was added to the Omnibus Crime Control and Safe Streets Act by the Crime Control Act of 1976.

Reverted funds

The 1974 act failed to provide a specific disposition for funds granted to an application but not required or expended within applicable time limitations or which become available following administrative action to terminate funding. The committee bill directs that such "reverted" funds would be reallocated as special emphasis prevention and treatment programs funds. Such a disposition is equitable and administratively more expedient than other alternative fund dispositions.

Confidentiality of program records

S. 1021 adds a new general provision to the act to provide for confidentiality of program records. Section 229 requires safeguarding of identifiable program records so that only those persons with a "need to know" would have access to such records. Specifically, disclosure is restricted unless otherwise authorized by law; with the consent of the service recipient or legally authorized representative; or as necessary to perform the functions required by the act. The term "exempt as authorized by law" would include court rules and orders as well as State or Federal law. In determining whether disclosure is necessary to perform the functions required by this title, it is expected that such records, if necessary, may be used for ongoing programs if the funding under the act has been terminated. Confidentiality safeguards must, in such cases, continue to be provided.

This new section applies to all formula, special emphasis, and Institute program records that are maintained on juveniles receiving services. It does not apply to research and statistical information.

Protection of such information is covered by section 524(a) of the Omnibus Crime Control Act of 1968, made applicable to the Juvenile Justice Act by section 262 of S. 1021. Under section 223(a)(16), States are already required to establish procedures to protect the privacy of records of recipients of services provided to any individual under the State plan. It is expected that in establishing such procedures, the provisions of this section would provide the framework within which the State plan would detail applicable safeguards.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

New program emphasis

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency have established that the Office's Juvenile Justice Institute plays an important role in the formulation, assessment, and evaluation of special emphasis programs and projects. The research initiatives of the Institute have been geared to laying the groundwork of the future special emphasis initiatives and have brought new knowledge to important areas of the juvenile justice system.

In order to emphasize the committee's concern with the need for further possible research, S. 1021 provides the Institute with specific authority to undertake research that would assess the role of family violence, sexual abuse or exploitation and media violence in delinquency, interstate placement of juvenile offenders, the ameliorating role of recreation and the arts of delinquency prevention, and the extent and ramifications of disparate treatment of juveniles in the juvenile justice system on the basis of gender.

Training authority

In order to assist State advisory groups to effectively carry out their duties and assign responsibilities and to assure citizen participation, the committee has included in S. 1021 authority in the Institute to assist, through training, State advisory groups to accomplish their objectives.

Standards

The Institute, under the direction of the advisory committee, has provided staff assistance for the establishment of advisory committee standards for the administration of juvenile justice. As part of the ongoing standards process, section 247 of the committee bill authorizes the Institute to develop and support model State legislation to implement the mandates of the act and the standards developed by the advisory committee. This effort would be invaluable to the States in their standards-setting activities and provide a benchmark against which existing State juvenile codes can be compared.

Institute fund allocation

It is expected that these additional responsibilities will require an increase in the Institute's allocation from the Juvenile Justice Act appropriation. In 1974, the Conference Report on S. 821 indicated that the Institute allocation should not exceed 10 percent of the annual appropriation for the Act. The committee believes that an increase to 11 percent would be justified in order to permit the Institute to expand its current program to include these newly authorized areas of focus.

SCOPE OF PREVENTION PROGRAMING

The committee wishes to emphasize that a number of amendments are included in S. 1021 that are designed to accomplish two purposes: (1) To broaden the scope of "prevention" programing to include services made available to youth who are neither delinquent nor identified as "youth in danger of becoming delinquent"; and (2) to eliminate the need to label a juvenile as a potential delinquent in order to provide prevention services. It is the committee view that the labeling of juveniles as potential delinquents is counterproductive because it may lead to a negative self-image and self-fulfilling prophecies in the juvenile. Therefore, the committee has broadened the definition of "juvenile delinquency program" to include prevention programs geared to youth who would benefit from prevention programing, broadened the scope of community-based prevention programs under the formula grant program to include such youth, and similarly broadened the scope of youth eligible for public and private agency services under the special emphasis program.

ADDITION OF CRIME CONTROL ACT ADMINISTRATIVE PROVISIONS

The inclusion by the committee in section 262 of designated administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as applicable to the Juvenile Justice Act, is intended to permit the two Acts to be administered in a parallel fashion. These provisions include specific rulemaking authority, subpena power for hearings, authority to request the use of hearing examiners from the Civil Service Commission, specific inclusion of LEAA hearing and appeal procedures, fund payment authority, prohibitions on discrimination and civil rights enforcement procedures, recordkeeping requirements, and prohibitions on the use and revelation of research and statistical information.

The addition of the civil discrimination prohibitions and enforcement procedures, greatly strengthened by the Crime Control Act of 1976, will permit uniform and consistent action where discrimination occurs under any funded program. Different enforcement procedures are confusing and serve no useful purpose.

AMENDMENTS TO THE RUNAWAY YOUTH ACT

This program is amended to provide closer coordination with the Office so as to avoid costly duplication of purpose and activities. It further clarifies the programmatic focus on homeless youth, the many who have no home from which to run, the few who are so abused or neglected that leaving was a ra-

tional alternative, or those who leave home involuntarily. Additionally, the committee bill provides renewed focus on the funding of local programs and the need for short-term training to support the capacity of program administration.

The maximum amount of a grant to a runaway center is raised from $75,000 to $100,000 to programs with budgets of less than $150,000. These slight increases reflect increased expenses generally.

The committee bill authorizes funding at the level of $25 million for fiscal years 1978, 1979 and 1980 respectively. Such an authorization would support an estimated 300 centers as contrasted with the 130 currently funded.

AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

The committee proposes two amendments to the Omnibus Crime Control and Safe Streets Act of 1968. The first of the amendments is designed to further the State advisory group's ability to participate more fully in State planning and priority setting processes and to represent its views as an integral part of the State planning agency supervisory board. This is accomplished by requiring that the chief executive of the State appoint the chairman and at least two citizen members of the State advisory group to the State planning agency supervisory board. The committee expects that Administration guidelines will require the expeditious appointment of these new supervisory board members. The new requirement only affects those States that are participants in the formula grant program of the Juvenile Justice Act. The Subcommittee was pleased to accept Senator Byrd's suggestion that any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.

The second of the amendments provides that the Administration annual report, submitted under section 519 of the Crime Control Act, will include an Office of Juvenile Justice report on State compliance with the key requirements of the Juvenile Justice Act—deinstitutionalization, separation, monitoring, maintenance of effort, State planning agency and regional planning unit representation, and also other major areas of State activity in carrying out juvenile justice and delinquency prevention activities under the State plan. The committee intends that this information will be included starting with the report for fiscal year 1978, which must be submitted by March 31, 1979. With this information, Congress and LEAA would be in a better position to evaluate the progress of the individual States in implementing the Office of Juvenile Justice programs. The National Advisory Committee may assist the Office in gathering and evaluating the information obtained, particularly with regard to the maintenance of effort required by the Juvenile Justice Act, as amended.

The authorization for juvenile justice programs in fiscal year 1977 is $150 million. The committee bill authorizes funding at the same level for fiscal year 1978 and at $175 million and $200 million for fiscal years 1979 and 1980 respectively.

The committee believes that these authorization levels demonstrate the Senate's continuing commitment to juvenile crime prevention. It is also pleased to report that this commitment is apparently shared by the new administration. Both the President and the Attorney General have expressed strong support for the programs authorized by the 1974 act. In fact at his confirmation hearing, Judge Bell noted that, "If we are going to do anything about crime in America, we have to start with the juvenile."

In order to carry out this commitment, the Attorney General requested $150 million for each of the next three fiscal years to fund JJDPA programs. It is very disappointing, therefore, to note that the Office of Management and Budget reduced the administration's request to $75 million for fiscal year 1978 and such sums as are necessary for fiscal years 1979 and 1980. The committee believes that these authorization levels would be totally inadequate.

In effect the administration's proposal would turn the current appropriation of $75 million into an authorization. At best this would only allow the continuation of existing programs and would certainly cause concern among State and local governments as to the long-range commitment of the Federal Government to the act. At worst it could result in a substantial reduction in the moneys actually appropriated for the program.

In the view of this committee any effort to cut the funding for juvenile justice programs or even to retain the present level would be a tragic mistake. The Senate originally appropriated $100 million for these programs in fiscal 1977 and the committee would urge the Senate to exceed that amount for fiscal 1978.

The need for such increases was clearly established at the recent hearing held by the Subcommittee to Investigate Juvenile Delinquency. Specifically, at the hearing Senator Culver and Senator Bayh asked the Acting Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide the subcommittee with the total number of grant applications made under the act, the number of those grant applications worthy of funding and the portion actually funded. To date the subcommittee has received only a partial response, but even this response indicates the urgent need to expand the existing programs.

In fiscal 1975 and 1976 the Office received 1,128 requests for special emphasis grants. After extensive review, the Office designated 103 of those requests—a total of $96 million—as "finalists". This term means "eligible for funding if the funds existed." Under the fiscal 1975 and 1976 appropriations however, only $27.9 million was available for special emphasis grants, and the Office was able to fund only 39 special emphasis grants during the 2-year period.

Similarly in fiscal 1975 and 1976, the Office received requests for $6.7 million for training in the prevention and treatment of juvenile delinquency. After reviewing these requests the staff determined that requests totaling $4.9 million should be considered "finalists." In fiscal 1975 and 1976, however, the budget for training was only $500,000. Thus the Office was able to provide only about 10 percent of the training funds for which there was a legitimate demand.

The subcommittee is preparing a similar analysis of the other programs administered by the Office—that is, formula grants, technical assistance, the concentration of Federal effort and the National Institute for Juvenile Justice and Delinquency Prevention. Its preliminary analysis reveals that these programs also suffer from a lack of funds.

If one merely looks at the shocking increase in the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorizations levels for this act should be doubled or tripled. It is the responsibility of this committee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively and wisely. Therefore the committee has suggested authorization levels that provide for the orderly growth of these programs over the next 3 years.

The committee contemplates that the subcommittee will conduct vigorous oversight so as to assure that the Office expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 act.

Mr. BAYH. Mr. President, the hard facts indicate that juvenile crime has reached crisis proportions. To respond to this crisis with half measures would be worse than doing nothing at all, for it might well give us a false sense of accomplishment. We must face this crisis of delinquency in all its severity, and recognize that our approach must be completely restructured.

A juvenile justice system that resorts to incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. What is needed is an approach that concentrates on producing productive citizens.

When juvenile crime costs our society billions of dollars each year, such an approach makes good sense not only from a humanitarian point of view, but from an economic point of view as well. So long as we tolerate a system of juvenile justice that turns delinquents, status offenders, and dependent and neglected children into hardened criminals, our crime rate will continue its upward spiral.

The need for alternatives to provide an intermediate step when necessary between essentially ignoring a youth's problems of adopting a course which can only make them worse was evident.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those youth, usually the few violent offenders, who cannot be handled by other alternatives.

But today, because the juvenile justice system often fails to differentiate between serious criminal and minor delinquent or noncriminal conduct, many youngsters are wrongly introduced to our penal schools of crime, while others remain free to terrorize our citizens.

Once overloaded as the result of such indiscriminate policies, the juvenile justice system, which is presently under fire for not being able to stem the tidal wave of violent crimes for which only a few predatory law breakers are responsible, is doomed to failure. Each year scandalous numbers of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. There should be little doubt as to why young people have the highest need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

I am proud of the leadership provided by this program and of the strong bipartisan support of my colleagues and of their dedication to the conviction that juvenile crime prevention must be the priority of the Federal crime program. The GAO has identified the Juvenile Justice Act as the most cost-effective crime prevention program. It is supported by a myriad of groups interested in both the safety of our citizens and the quality of juvenile justice in the Nation.

Our former distinguished colleague and comanager of the 1974 act, Senator Hruska, aptly hit the nail on the head when in urging its passage he told us:

This bill represents a culmination of years of hard work and the expertise and dedication of a great many individuals. The importance of this piece of legislation cannot be overstated. While we in government are attempting to achieve a balanced budget, certain crisis problems such as juvenile delinquency demand an immediate mobilization of Federal resources. The crisis of juvenile delinquency must be met.

Mr. President, I urge my colleagues to support this extension and I look forward to working with you and JOHN CULVER, the new subcommittee chairperson, and those in the House of Representatives whose bill, with the exception of its reduced focus on citizen participation, in my view is a good bill. This measure will provide the stability so vital to the continuation of this congressional initiative. The 3-year extension, with the adequate funding provided, when coupled with the full implementation of the provisions of the 1974 act will help assure that we have begun to address crime's cornerstone in this country—juvenile crime and violence.

Mr. President, I ask unanimous consent that the Judiciary Committee report section entitled "Conclusion" be printed at this point in the RECORD.

There being no objection, the conclusion of the report was ordered to be printed in the RECORD, as follows:

VII. CONCLUSION

The committee believes that S. 1021, as amended, will strengthen and revitalize the program established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in S. 1021 as originally introduced, S. 1218, the administration bill, and the comments of many interested public and private representatives.

The Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. Many of the multitude of factors and influences have yet to be seriously addressed. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. As Attorney General Bell stressed to the committee earlier this year, the most essential and important ingredient of a national criminal justice policy is the prevention of juvenile crime. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private interests are already beginning to redirect and increase their efforts. The 1974 act has contributed to this progress. The committee believes that S. 1021, as amended, further emphasizes the type of commitment that is requisite. Passage of the bill will refocus this clear product of bipartisan congressional and citizen initiative, and permit what President Carter characterized as the program's "high potential for reducing crime and delinquency" to be realized.

UP AMENDMENT NO. 493

Mr. CULVER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa (Mr. CULVER) for himself and Mr. BUMPERS and Mr. MCCLELLAN, proposes unprinted amendment No. 493.

On page 49, between lines 20 and 21, insert the following new section:

SEC. 9. Section 5038 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding immediately after paragraph (5) the following:

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.".

On page 49, line 21, strike out "Sec. 9." and insert in lieu thereof "Sec. 10.".

On page 50, line 3, strike out "Sec. 10." and insert in lieu thereof "Sec. 11.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 494

Mr. CULVER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa (Mr. CULVER), for himself and Mr. THURMOND, proposes unprinted amendment No. 494.

On page 48, between lines 2 and 3, insert the following:

(2) Section 311 is further amended by inserting before the word "localities" the following: "States,".

On page 48, line 3, substitute "(3)" for "(2)".

On page 48, line 8, substitute "(4)" for "(3)".

On page 48, line 11, substitute "(5)" for "(4)".

On page 48, strike out lines 15 and 16.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 495

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself and Mr. METZENBAUM, proposes unprinted amendment No. 495.

Section 224(a) is amended as follows:

On page 40, line 24, after the word "process;" delete the word "and"

On page 41, line 4, after the word "purposes", add ", and"

On page 41, after line 4, add a new paragraph as follows:

"(11) develop and implement programs relating to juvenile delinquency and learning disabilities."

Mr. DECONCINI. Mr. President, the increasing incidents of delinquency and disorderly behavior among juveniles is a serious problem nationally. Indeed, the problem is getting worse, not better. National recidivism rates are now around 80 percent, young people are becoming delinquent at younger ages, and delinquency has spread beyond inner-city neighborhoods into suburban streets and schools.

Several years ago, an LEAA project which investigated a neuropsychological cause of delinquency found that over 70 percent of adjudicated Rhode Island delinquents had significant learning disabilities, and had these disabilities since an early age. Moreover, these disabilities had never been diagnosed, and the resultant frustrated and humiliated young people became early school problems, dropouts, and frequently later became delinquent.

The first established link between learning disabilities and juvenile delinquency produced some controversy and resulted in a number of research projects around the Nation. To date, all reported further research on the matter, including a recent report by the U.S. Government Accounting Office, continue to support the evidence piling up linking early learning disabilities to the development of the lifestyle that ultimately results in delinquency.

If these findings can be accepted, and if their implications stand up to continued scrutiny, the implications are vast. If delinquency is rooted in early frustrations and failures resulting from school learning disabilities, the method of preventing and rehabilitating delinquents would be quite different from that suggested in most views of the problem.

There are over 8 million handicapped young people in this country, only some of whom are being schooled adequately. The recent report of the National Advisory Commission on the Handicapped reported that 87 percent of learning disabled youngsters are not receiving any type of service or treatment. Thus, despite the literature linking learning disabilities to juvenile delinquency, the vast majority of learning disabled children are receiving no treatment, and destined for lives of humiliation and school failure. These youngsters have normal or above normal intellectual ability, yet they will undergo failure and misery in school. The research mentioned above suggests that many of these young people will end up as school dropouts or delinquents.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 210, H.R. 6111.

The PRESIDING OFFICER. The bill will be stated by title. The legislative clerk read as follows:

A bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Sen-

ate proceed to its immediate consideration; that all after the enacting clause be stricken and that the text of S. 1021, as amended, be substituted in lieu thereof; that the bill be considered as having been read the third time and passed; that the motion to reconsider be laid on the table, and that S. 1021 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6111), as amended, and passed is as follows:

That this Act may be cited as the "Juvenile Justice Amendments of 1977".

SEC. 2. Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows: Section 103(3) is amended by deleting all after the words "other youth" and inserting in lieu thereof the words "to help prevent delinquency;".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201 is amended as follows:

(a) subsection (a) is amended by inserting at the end thereof the following sentence: "The Administrator shall administer the provisions of this Act through the Office.";

(b) subsection (c), and every instance thereafter in title II where the words "Assistant Administrator" appear, is amended by deleting the words "Assistant Administrator" and inserting in lieu thereof the words "Associate Administrator". In addition, sections 208 (b) and (e), 223(a) (14), (20), and (21), 243(4), 246, 249, 250, and 251 are amended by inserting the word "Associate" prior to the word "Administrator" wherever is appears;

(c) subsection (d) is amended by inserting the following sentences at the end thereof: "The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this Act. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under part A of this Act and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator.";

(d) subsection (e), and every instance thereafter in title II where the words "Deputy Assistant Administrator" appear, is amended by deleting the words "Deputy Assistant Administrator" and inserting in lieu thereof the words "Deputy Associate Administrator";

(e) subsection (g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof; and

(f) immediately after subsection (g) insert the following new subsection:

"(h) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"'(137) Associate Administrator, Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration.'"

(2) Section 204 is amended as follows:

(a) Subsection (b) is amended by inserting after the words "the Administrator" the words ", with the assistance of the Associate Administrator,", by redesignating paragraph "(7)" as paragraph "(6)", and by deleting paragraphs (5) and (6) and substituting in lieu thereof the following new paragraph:

"(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year the legislation is enacted, prior to December 31, a concise analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The report shall include recommendations for modifications in organizations, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and";

(b) subsection (e) is amended by deleting the word "(6)" and inserting in lieu thereof the word "(5)";

(c) subsection (f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal";

(d) subsection (g) is amended by deleting all the words after the words "this part" and before the words "to any officer", and by deleting the word "part" and inserting the word "title" in lieu thereof;

(e) subsection (j) is amended by inserting after the word "agency," the word "organization," and by deleting the word "part" and inserting the word "title" in lieu thereof; and

(f) subsection (k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "title III of this Act" in lieu thereof.

(3) The first sentence of section 205 is amended by inserting after the word "advanced" the following words "whenever the Associate Administrator finds the program or activities to be exceptionally effective or for which the Associate Administrator finds there exists exceptional need".

(4) Section 206 is amended as follows:

(a) paragraph (1) of subsection (a) is amended by deleting the words "the Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof the words "the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of ACTION";

(b) subsection (c) is amended by inserting the word "concise" immediately after the words "shall make" and by inserting the following sentence at the end thereof: "The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of sections 223(a) (12) and (13) of this title.";

(c) subsection (d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof; and

(d) subsection (e) is amended by deleting all of paragraphs (1) and (2) and by deleting the words "(3) The Executive Secretary" and inserting the words "The Associate Administrator" in lieu thereof and by inserting the words "or staff support" after the word "personnel".

(5) Section 207 is amended as follows:

(a) the first sentence of subsection (c) is amended by inserting after the words "community-based programs" the words ", including youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities.". Subsection (c) is further amended by inserting in the fourth sentence the words ", at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system" immediately after the words "their appointment"; and

(b) subsection (d) is amended by inserting at the end thereof the following new sentence: "Eleven members of the Committee shall constitute a quorum.".

(6) Section 208 is amended as follows:

(a) subsection (b) is amended by inserting the word "concise" before the word "recommendations", by inserting the words ", the President and the Congress" after the word "Administrator", and by inserting the following new sentence at the end thereof: "The recommendations of the Advisory Committee shall be included in the annual report submitted under section 204(b)(5) of this title.";

(b) subsection (c) is amended to read as follows:

"(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administration on particular functions or aspects of the work of the Office.";

(c) subsection (d) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than";

(d) subsection (e) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than" and by deleting the words "the Administration of";

(e) subsection (f) is amended to read as follows:

"(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee."; and

(f) immediately after subsection (f) insert the following new subsection:

"(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee.".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, part B of such Act is amended as follows:

SUBPART I—FORMULA GRANTS

(1) Section 221 is amended by deleting the words "and local governments" and by inserting after the word "through" the words "grants and".

(2) Section 222 is amended as follows:

(a) subsection (a) is amended by deleting, in the second sentence, the amount "$200,000" and inserting the amount "$225,000" in lieu thereof and by deleting the amount "$50,000" and inserting the amount "$56,250" in lieu thereof;

(b) the third sentence of subsection (c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof;

(c) subsection (d) is amended to read as follows:

"(d) Financial assistance extended under the provisions of this section may be up to 100 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall not be required to exceed 10 per centum of the approved costs or activities."; and

(d) Immediately after subsection (d) insert the following new subsection:

"(e) In accordance with regulations promulgated under this part, a portion of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this subpart. At least 5 per centum but no more than 10 per centum of

such minimum annual allotment of each State shall be available for such purposes.".

(3) Section 223(a) is amended as follows:

(a) paragraph (3) is amended by deleting all words before "(A)" and inserting in lieu thereof the following: "provide for an advisory group appointed by the chief executive of the State to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and to carry out the functions specified in subparagraph (F)";

(b) subparagraph (C) of paragraph (3) is amended by inserting after the semicolon following the words "treatment programs" the words "business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities;";

(c) subparagraph (D) of paragraph (3) is amended by deleting the word "and";

(d) subparagraph (E) of paragraph (3) is amended by inserting immediately after the words "time of appointment" the words ", at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system, and" and by deleting the semicolon at the end thereof;

(e) paragraph (3) is further amended by inserting the following new subparagraph immediately following subparagraph (E);

"(F) the advisory group shall, consistent with this title, advise the State planning agency and its supervisory board. The advisory group may advise the Governor and the legislature on matters related to its functions, as requested. The advisory group shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In addition, the advisory group may be given a role in monitoring State compliance with the section 223(a) (12) and (13) requirements, in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261(a) and section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;";

(f) Paragraph (4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof and by adding the words ": *Provided*, That nothing in the plan requirements or regulations promulgated thereunder shall be construed as to prohibit or impede the State government from making contracts with or grants to local private agencies or the advisory group" after the words "local governments" the second time they occur;

(g) paragraph (5) is amended to read as follows:

"(5) provide that at least 66⅔ per centum of the funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through programs of local government or combinations thereof and in conjunction with local private agencies insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if services for delinquent or other youth are organized primarily on a statewide basis;";

(h) paragraph (6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof and by inserting after the words "local government's structure" and before the words "(hereinafter) in this part" the words "or to a regional planning agency";

(i) paragraph (8) is amended by inserting after the word "programs" in the second sentence a period followed by the words "Programs and projects developed from the study may be funded under section 223(a)(10): *Provided*, That they meet the criteria for advanced technique programs as specified therein;";

(j) paragraph (10) is amended by deleting all the words before "(A)" and inserting in lieu thereof the following: "provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, and to encourage a diversity of alternatives within the juvenile justice system. These advanced techniques include,";

(k) subparagraph (A) of paragraph (10) is amended by inserting after the words "health services," the words "twenty-four-hour intake screening, volunteer and crisis home programs, day treatment, home probation,";

(l) subparagraph (C) of paragraph (10) is amended by deleting the words "youth in danger of becoming delinquent" and inserting in lieu thereof the words "other youth to help prevent delinquency";

(m) subparagraph (D) of paragraph (10) is amended to read as follows:

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile system;";

(n) subparagraph (G) of paragraph (10) is amended by inserting before the word "assistance" but after the word "by" the words "traditional youth";

(o) subparagraph (H) of paragraph (10) is amended by deleting all after the word "that" but before the words "(i) reduce" and inserting in lieu thereof words "are designed to—";

(p) paragraph (10) is further amended by inserting the following new subparagraph immediately after subparagraph (H):

"(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;";

(q) paragraph (12) is amended to read as follows:

"(12) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities;";

(r) paragraph (13) is amended by inserting immediately after the word "delinquent" the words "and youths within the purview of paragraph (12)";

(s) paragraph (14) is amended by deleting the word "and" before the word "correctional" and by inserting the words "and nonsecure facilities" after the word "facilities" the second time it occurs and before the words "to insure";

(t) paragraph (15) is amended by deleting the word "all"; and

(u) paragraph (19) is amended by deleting the words ", to the extent feasible and practical,".

(4) Section 223(b) is amended by deleting the words "consultation with" and inserting the words "receiving and considering the advice and recommendations of" in lieu thereof.

(5) Section 223(c) is amended by inserting the following sentences at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time. For purposes of this subsection the term 'substantial compliance' shall mean that 75 per centum of deinstitutionalization has been achieved and a reasonable time shall be construed to be no longer than two years beyond that indicated by section 223(a)(12).".

(6) Section 223(d) is amended by inserting after the first occurrence of the word "State" the words "chooses not to submit a plan," and by inserting the following sentence at the end thereof: "The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224(a)(2) and to those States that have achieved substantial or full compliance with the section 223(a)(12) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c).".

(7) Section 223(e) is deleted.

SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

(8) Section 224(a) is amended as follows:

(a) paragraph (3) is amended by inserting after the word "system" the following words, ", including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents";

(b) paragraph (4) is amended by striking all after the words "for delinquents" and inserting in lieu thereof the words "and other youth to help prevent delinquency:";

(c) paragraph (5) is amended by deleting the words "on Standards for Juvenile Justice" and by deleting the word "and" the last time it occurs;

(d) paragraph (6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education," and by deleting the word "and" (fourth appearance) and inserting the words "and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism", and by deleting the period at the end thereof and inserting in lieu thereof a semicolon; and

(e) immediately after paragraph (6) insert the following new paragraphs:

"(7) develop and support programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

"(8) develop, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry, programs for youth employment;

"(9) improve the juvenile justice system to conform to standards of due process;

"(10) develop and support programs designed to encourage and enable State legis-

latures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

"(11) develop and implement programs relating to juvenile delinquency and learning disabilities.".

(9) Section 224(c) is amended by deleting the word "20" and inserting the word "30" in lieu thereof.

(10) Section 225(c) is amended as follows:

(a) paragraph (4) is amended by deleting all after the words "to delinquents" and inserting in lieu thereof the words "and other youth to help prevent delinquency;"; and

(b) paragraph (6) is amended by deleting the words "on Standards for Juvenile Justice".

(11) Section 227 is amended as follows:

(a) subsection (a) is amended by deleting the words "State, public, or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof; and

(b) subsection (b) is amended by deleting the words "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(12) Section 228 is amended as follows:

(a) subsection (b) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof and by deleting the words "25 per centum of";

(b) subsection (c) is amended to read as follows:

"(c) Whenever the Administrator determines that it will contribute to the purposes of part A, subpart II of part B, or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services."; and

(c) immediately after subsection (d) insert the following new subsections:

"(e) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(f) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation under section 224 of this title.".

(13) Immediately after section 228 insert the following new section heading and section:

"CONFIDENTIALITY OF PROGRAM RECORDS

"SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.".

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsections (d) and (e) and by redesignating subsections (f) and (g) as subsections (d) and (e) respectively and as follows:

(a) redesignated subsection (e) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and" and by deleting the word "and" following the semicolon at the end thereof;

(b) paragraph (5) of redesignated subsection (e) is amended by deleting the period at the end thereof and inserting "; and" in lieu thereof;

(c) immediately after paragraph (5) of redesignated subsection (e) insert the following new paragraph:

"(6) assist, through training, the advisory groups established pursuant to section 223 (a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.";

(d) the subsection designated "(b)" immediately following redesignated subsection (e) is redesignated subsection "(f)"; and

(e) redesignated subsection (f) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(e)(1)" in lieu thereof.

(2) Section 243(5) is amended by inserting after the words "effective prevention and treatment" the words ", such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices".

(3) Section 245 ic amended to read as follows: "The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.".

(4) Section 247 is amended as follows:

(a) subsection (a) is amended by deleting the words "on Standards for Juvenile Justice established in section 208(e)"; and

(b) immediately after subsection (c) insert the following new subsection:

"(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of the Act and the standards developed by the Advisory Committee.".

(5) Section 248 is deleted.

(6) Sections 249, 250, and 251 are redesignated as sections 248, 249, and 250, respectively.

(7) Redesignated section 241(d), section 244(3), and redesignated section 248(b) are each amended by inserting after the words "lay personnel" the word ", including persons associated with law related education programs, youth workers, and representatives of private youth agencies and organizations".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Title II, part D of such Act is amended by redesignating the title of part D "ADMINISTRATIVE PROVISIONS" and as follows:

(1) Section 261(a) is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and $200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.".

(2) Section 262 is amended by deleting the heading "NONDISCRIMINATION PROVISIONS" and all of subsections (a) and (b) and by inserting in lieu thereof the following: "APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, designated as sections 501, 503, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(3) Section 263(a) is amended by deleting the words "subsection (b)" and inserting the words "subsections (b) and (c)" in lieu thereof.

(4) Immediately after section 263(b) insert the following new subsection:

"(c) The amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.".

TITLE III—RUNAWAY YOUTH

SEC. 7. Title III of such Act is amended as follows:

(1) Section 311 is amended by inserting in the first sentence after the words "technical assistance" the words "and short-term training" and by inserting the words "and coordinated networks of such agencies" after the word "agencies".

(2) Section 311 is further amended by inserting before the word "localities" the following: "States,".

(3) Section 311 is further amended by inserting the words "or otherwise homeless youth" immediately after the words "runaway youth" where it first appears and by deleting the words "runaway youth" in the third and fourth sentence and inserting the words "such youth" in lieu thereof.

(4) Section 312(b)(5) is amended by deleting the word "aftercase" and inserting the word "aftercare" in lieu thereof.

(5) Section 312(b)(6) is amended by deleting the words between the words "without" and "to anyone" and inserting the words "the consent of the individual youth and parent or legal guardian" in lieu thereof.

(6) Section 313 is further amended by deleting the sums "$75,000" and "$100,000" and inserting "$100,000" and "$150,000" respectively in lieu thereof.

(7) Part B of such Act is amended by redesignating the title of part B "RECORDS" and by deleting section 321 and redesignating section 322 as section 321 and to read as follows: "Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.".

(8) Section 331(a) is amended by deleting all after the word "ending and" inserting the words "September 30, 1978, 1979, and 1980, the sum of $25,000,000.".

(9) Section 331 is further amended by deleting all of subsection (b) and inserting in lieu thereof the following:

"(b) The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related

programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.".

SEC. 8. Title IV of such Act is deleted.

TITLE IV—MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 9. Section 5038 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding immediately after paragraph (5) the following:

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.".

SEC. 10. Title V, part B of such Act is amended as follows: section 521 is amended by deleting the words "Deputy Assistant Administrator for the National Institute for" in chapter 319, section 4351(b) and inserting the words "Associate Administrator for the Office of" in lieu thereof.

SEC. 11. Title V, part C of such Act is amended as follows:

(1) Section 542 is amended by inserting the number "(1)" after the words "section 203(a)" but before the words "of title I" and by adding the following new sentences following the period after the words "related to delinquency prevention": "The chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.".

(2) Immediately after section 545 insert the following new section:

"SEC. 546. Section 519 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting after the words 'House of Representatives' the words ', and the Education and Labor Committee of the House of Representatives,', by deleting the word 'and' at the end of paragraph (10), by deleting the period at the end of paragraph (11) and inserting the words '; and' in lieu thereof, and by inserting immediately after paragraph (11) the following new paragraph:

"'(12) a summary of State compliance with sections 223(a)(12)–(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of State activity in carrying out juvenvile justice and delinquency prevention programs under the comprehensive State plan.'".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 6111.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS ACT OF 1977

The Senate continued with the consideration of S. 717.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order that the pending amendment be laid aside for about 20 minutes.

The PRESIDING OFFICER (Mr. GLENN). Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 496

Mr. HATCH. Mr. President, I call up my unprinted amendment at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an unprinted amendment numbered 496:

On page 92, lines 6–7, strike the words "because of extraordinary circumstances" and substitute the words "for good cause shown".

Mr. HATCH. Mr. President, the reason why I suggested this unprinted amendment is that the way S. 717 presently reads, it would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. Court of Appeals only if such person objecting to the standard has opposed it, or if he shows extraordinary circumstances—both, as far as I am concerned, legal terms of art.

This amendment would provide an opportunity for an adversely affected person to challenge the validity of a standard in the U.S. Court of Appeals regardless of whether he had commented on or objected to the proposed standard, or the grounds on which he challenged the standard were previously raised, so long as he, for good cause shown, makes out a case that he has not been heard.

I think this is a reasonable amendment, and certainly will improve the bill and make it a little better than it is, and I think it could be beneficial to all parties concerned.

I have reason to believe that the manager of the bill is prepared to accept my amendment.

Mr. WILLIAMS. Mr. President, I am happy to address myself to this amendment offered by the Senator from Utah.

The provision as it appears in the bill, was one that could present situations of undue harshness where, for very good reason, someone could not make a viewpoint known at the time of the standard setting hearings. There are a number of other situations that we could imagine that would have shut somebody out, under the language of the bill. We have been struggling for equitable language that would permit a party to participate in a judicial review in these circumstances.

What we finally arrived at is to strike the language "because of extraordinary circumstances," and use the phrase "for good cause shown"?

Mr. HATCH. The Senator is correct.

Mr. WILLIAMS. That impresses me as a fair burden for an individual to carry. It would have to be shown. The reasons would have to be made known, and it would be judicially determined whether that was good cause that kept that individual from appearing with his observations at the earlier time. Is that the Senator's intent?

Mr. HATCH. That is correct. It would be determined and would be within the discretion of the hearing examiner, or, excuse me, the judges, whether or not good cause has been shown.

I think that would perfect the bill, and that it is a reasonable suggestion, and I think might be very beneficial from the standpoint of fairness in the future to the person so affected.

Mr. WILLIAMS. It impresses me as fair in the circumstances. As I say, our provision did give me some apprehension that there could be a situation that would lack equity and fairness. I believe this idea would help, and I will support it. I would vote for it; I do not think we even need a record vote.

Mr. HATCH. We can do it bv a voice vote. I thank the Senator from New Jersey.

Mr. WILLIAMS. The Senator from New York and I worked on this together.

Mr. HATCH. I would like to hear an expression of opinion from the Senator from New York.

Mr. JAVITS. Mr. President, I would support it, and will join with the Senator from New Jersey in approving it and voting for it.

We must realize it is a real change and a substantial change.

Mr. HATCH. That is correct.

Mr. JAVITS. "For good cause shown" does not require that the cause be extraordinary. There is a lesser order of proof; but I think it is justified, considering that the present language bars an objection which might otherwise be

made and found by the court to be valid. So I will go with it.

Mr. HATCH. I thank both our distinguished colleagues. I think it is more helpful to the little guy who may not understand the full ramifications of the standards, and gives him an opportunity to be heard.

Mr. WILLIAMS. So that it may be clear for the record, the language as amended would read:

No objection that has not been urged before the Secretary shall be considered by the court, unless the failure or neglect to urge such objection shall be excused for good cause shown.

Mr. HATCH. That is correct.

Mr. WILLIAMS. I am willing to support it.

Mr. HATCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from North Carolina, No. 391, as modified.

Mr. HELMS. On which the yeas and nays have been ordered?

The PRESIDING OFFICER. On which the yeas and nays have been ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I withdraw that amendment and send to the desk an unprinted amendment which I ask to be stated.

The PRESIDING OFFICER. Is there objection to withdrawing the amendment?

Without objection, it is so ordered.

The amendment was withdrawn.

UP AMENDMENT NO. 497

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes unprinted amendment No. 497.

On page 84, line 7, add the following new sentence:

Subject to the need to avoid undue delay, the Secretary shall provide for procedures that will afford interested parties the right to participate in the hearing, including the right to present oral statements and to offer written comments and data.

Mr. HELMS. Mr. President, while this amendment does not represent all that the Senator from North Carolina feels should be included in this bill, it is the best compromise that can be reached between this Senator and the managers of the bill. I believe that I am correct in my understanding that the managers of the bill are willing to accept this amendment.

Mr. JAVITS. Mr. President, I wish to make the following statement respecting our acceptance—and we will accept.

It is my understanding that the courts in reviewing standards promulgated by the Secretary will be expected to review the record of the hearing conducted pursuant to section 102(a) of the bill and will determine if the standard is reasonable in the light of the evidence contained in that record.

For some types of standards, particularly in the health area, where we are only on the frontier of scientific and medical knowledge, factual evidence will point to the correct standard, but will not necessarily be conclusive.

Under these circumstances, the courts should affirm the Secretary's standard even though the specific factual evidence may be incomplete.

As the procedure is set forth in the amendment to which this explanation relates, Mr. President, we are prepared on the basis of this colloquy, if agreeable to Senator HELMS, to accept the amendment.

Is that agreeable to the Senator?

Mr. HELMS. It is agreeable, under the circumstances.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNPRINTED AMENDMENT NO. 498

Mr. WILLIAMS. Mr. President, I send an amendment, which is a technical amendment, to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS) proposes a technical amendment, unprinted amendment No. 498:

On page 152, insert between lines 13 and 14 the following:

(2) Section 503(a) of such Act is amended by striking "and the Secretary of Labor,".

On page 152, line 14, strike "(2)" and substitute "(3)".

Mr. WILLIAMS. Mr. President, this is technical.

In carrying forward the provisions of the Coal Act into this bill, the phrase "and the Secretary of Labor" was inadvertently retained from the present Coal Act.

Under this bill, when we referred to "Secretary" it is the Secretary of Labor.

The retained language "and the Secretary of Labor," throws a different meaning into that section. It should and will read after this technical amendment "Secretary" without "Secretary of Labor."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS. I am happy to yield to the Senator from Idaho.

Mr. CHURCH. I wonder if the distinguished chairman would be good enough to clarify a point concerning section 106(c), the discrimination clause.

It is my impression that the purpose of this section is to insure that miners will play an active role in the enforcement of the act by protecting them against any possible discrimination which they might suffer as a result of their actions to afford themselves of the protection of the act.

It seems to me that this goal cannot be achieved unless miners faced with conditions that they believe threaten their safety or health have the right to refuse to work without fear of reprisal. Does the committee contemplate that such a right would be afforded under this section?

Mr. WILLIAMS. The committee intends that miners not be faced with the Hobson's choice of deciding between their safety and health or their jobs.

The right to refuse work under conditions that a miner believes in good faith to threaten his health and safety is essential if this act is to achieve its goal of a safe and healthful workplace for all miners.

Mr. JAVITS. I think the chairman has succinctly presented the thinking of the committee on this matter. Without such a right, workers acting in good faith would not be able to afford themselves their rights under the full protection of the act as responsible human beings.

Mr. CHURCH. I thank the floor managers for their clarification of this matter and for their outstanding work on this very necessary legislation.

Mr. HANSEN. Mr. President, I call the chairman's attention to the procedures for the promulgation of mandatory health or safety standards which the committee has recommended in section 102 of section 201 of the bill, S. 717, and which modify the comparable procedures contained in the present Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act of 1966. I ask the chairman if he concurs with my understanding of the intent of the bill with respect to the procedures which apply when the Secretary is requested to hold a hearing on written objections to a proposed standard which have been filed by an "interested person" under section 102(a)(3) of section 201 of the bill.

I am referring now to a hearing that is held on a proposed standard to consider written objections to the standard which have been filed either by mine employees or by a mine operator.

Does the chairman concur with my understanding that in this hearing the Secretary may present his evidence by oral or documentary testimony and may offer rebuttal evidence and that other persons participating are likewise entitled to present oral or documentary evidence and to submit rebuttal evidence?

Mr. WILLIAMS. The Senator's statement is correct. The Secretary and the other participants have the same rights in regard to the submission of evidence to support their viewpoints, subject to the Secretary's authority which shall not be exercised arbitrarily to provide for the exclusion of irrelevant or unduly repetitious evidence.

Mr. HANSEN. And the same applies with respect to each party's rights to conduct such cross-examination of the other party's witnesses as may be required for a full and true disclosure of the facts, that is both the Secretary and the person objecting may cross-examine the witnesses of the other party.

Mr. WILLIAMS. That is entirely correct, subject to the right to exclude unduly repetitious cross-examination.

Mr. HANSEN. I take it, then, that I am correct in stating that the hearings on objections to standards afford an opportunity to perfect the standards so as to provide the maximum protection for the health and safety of the mine employees. If the evidence developed by the Secretary at the hearing or otherwise, establishes that a standard should be modified or not published, the Secretary would be expected to adhere to the lessons of the evidence. If the evidence establishes a proper basis for publication of the standard without modification, the Secretary would then of course be expected to publish the standard as initially proposed.

Mr. WILLIAMS. The Senator's statement is an accurate reflection of the intent of the bill.

Mr. HANSEN. Finally, and to sum up all that has been referred to in my previous questions, does the chairman concur with my understanding that the hearings on proposed mandatory standards are intended to assure that all written objections to proposed health or safety standards shall be carefully considered by the Secretary, so that the final standards shall be sound and effective standards.

Mr. WILLIAMS. The Senator is correct and I do concur with his statement.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield to my colleague from Idaho.

Mr. CHURCH. There has been a great deal of discussion about the transfer of mine safety functions from the Department of Interior to the Department of Labor contemplated by this bill.

Industry representatives have alluded to the fact that a transfer will bring MESA under the administrative control of OSHA. I do not believe that this is the case and I wonder if the distinguished chairman might enlighten those who are not aware of the provisions of this bill which insure the independence of mine safety enforcment from other occupational health and safety functions.

Mr. WILLIAMS. I am very happy to do so. As the Senator knows, all functions and responsibilities of the Secretary of the Interior in the area of mine safety and health are transferred to the Secretary of Labor except for limited research and education functions.

A mining enforcement agency under a new Assistant Secretary to administer the new enforcement and safety administration is established and an independent Mine Safety and Health Review Commission is created to review orders, citations, and penalties.

In short, the enforcement and administration of mine health and safety will be totally independent of OSHA. Any suggestion that we are going to lump mine safety into industrial safety is wrong. We have a clear and precise vertical separation in this bill. OSHA and MESA are clearly separate even though they are located in one Department of Government. There will not be any mixing of responsibilities between the two agencies.

I hope that this fear has been laid to rest.

Mr. CHURCH. I thank my colleague from New Jersey for his helpful summary of the provisions of this legislation which guarantee the independence of mine safety enforcement from industrial health and safety functions.

AMENDMENT NO. 401

Mr. McCLURE. Mr. President, I call up amendment No. 401.

The PRESIDING OFFICER. The amendment will be stated,

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes amendment numbered 401:

On page 95, lines 9 and 10, strike out the words "or other occurrences".

Mr. McCLURE. Mr. President, I will be very brief in my discussion of this amendment.

The purpose of the amendment is clear and relatively simple. It is merely to clear up what I think is the obvious intent of this particular provision of the bill.

Apparently, from my reading of the bill and my discussion with the authors of the bill, the intent is to provide that the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath only during his investigation of accidents. However, the inclusion of the words "other occurrences" does in fact indicate that an inspector or the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath during an inspection.

I think that is a wholly unintended result of the legislation, from my conversation.

Mr. JAVITS. Mr. President, will the Senator yield at this point?

Mr. WILLIAMS. The Senator from Idaho has the floor.

Mr. McCLURE. I am happy to yield.

Mr. JAVITS. I think the difficulty is caused by the inartistic language, not by the purpose. Let me try to analyze it with the Senator.

"In making his investigations of accidents"—and if the Senator stopped there, he would have to say "relating to safety in a mine." That would have a direct connection—accidents and safety.

What about health? For example, this bill covers uranium mines. What would be done about radioactivity? So some word has to be used other than "accident."

I think "occurrences" is a poor word. We have used "circumstances relating to health" because what is essential to properly interpret "occurrences" is the phrase "relating to health or safety in a mine under the act."

So I thoroughly agree with the Senator. There may be no occurrence whatsoever, but insidious influences may be killing a worker, without any occurrence. That is the thing that I think the language should take care of.

Therefore, for myself, I would say that an exact description would be: "In making his investigation of accidents relating to safety or other circumstances relating to health in a mine under this act, the Secretary may." That is really the literal meaning of what we are talking about.

Mr. McCLURE. I thank the Senator from New York, because I agree that the word "accident" may not be held to cover the conditions that are hazardous to health. Under those conditions where there is an ongoing circumstance, it may require an investigation including the subpenaing of witnesses.

I would have no objection if the amendment were so modified, and I would accept that.

Mr. JAVITS. I like the Senator's word better than mine. I used the word "circumstances," and the Senator used the word "conditions." Let us strike "occurrences" and insert "conditions." So the amendment would read "or other conditions relating to health or safety."

Mr. McCLURE. And along with that——

Mr. JAVITS. With the explanation I have just made.

Mr. McCLURE. With the explanation and legislative history that it is to be so ordered and so confined in the administration of the act.

Mr. JAVITS. That suits me, if it suits Senator WILLIAMS.

Mr. WILLIAMS. That is fine.

Mr. JAVITS. The amendment should be modified to strike the word "occurrences" and insert the word "conditions."

The PRESIDING OFFICER. (Mr. ABOUREZK). Does the Senator wish to make that modification?

Mr. McCLURE. I make that modification.

The PRESIDING OFFICER. The amendment is so modified.

The question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. McCLURE. Mr. President, I thank the managers of the bill, and I appreciate the assistance of the Senator from New York.

AMENDMENT NO. 402

Mr. McCLURE. Mr. President, I call up amendment No. 402.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes amendment No. 402:

On page 83, line 9, insert after the words "such mission." the words "The Secretary shall conduct, and publish the results of, a cost-benefit study in connection with any standards proposed under this section.".

Mr. McCLURE. Mr. President, this, again, is merely a self-explanatory amendment. In order to provide appropriate safeguards against the promulgation of rules for the promulgation of safety, a cost-benefit study should be made for every standard proposed. This cost-benefit study would benefit the Secretary as well as the industry by showing that a standard not only is technologically feasible under existing technology but also, from a cost standpoint, is a solid investment.

Those standards which do not provide sufficient benefits should not be promulgated. The absence of a required cost-benefit study in the promulgation of standard proposed under this section—or at least an inflationary impact study—could lead to many proposed standards which are not necessary at all. Any standard actually deserving of promulgation would have no problems meeting the requirement.

It seems to me that we are not simply involved in measuring economics. I do not want to be understood as suggesting that. But there should be some study that shows that there is a reasonable relationship between the cost of doing what is set forth and the benefits to be attained by doing it.

I would be happy to yield to the managers of the bill for any comment they might wish to make. I would hope they would see fit to accept the amendment.

Mr. WILLIAMS. Part of this amendment was offered yesterday, the required cost-benefit study was part of Senator SCHMITT's amendment.

Mr. McCLURE. It was only a part of it.

Mr. WILLIAMS. The economic impact was the other part. Again this is a matter that we pondered in the committee. I know there is a feeling that wherever possible, when we are creating any new demands under law, we should know the relationship of the cost and the benefit to be gained.

In this particular area we are dealing with safety and health in the most hazardous occupation. It is indeed very difficult to feel that we can, with any reliability and in any reasonable time, determine the benefit and match that with the cost of any standard that is designed to save a maximum of lives and prevent disabling injuries.

It is a very difficult proposition, even though worthy, if you can arrive at it.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. WILLIAMS. Yes.

Mr. McCLURE. I realize it is difficult and I realize I would not be talking about a cost-benefit, economic cost on one side and economic benefit on the other side, and come up with a ratio as we do in public works projects.

But what I envisage is that the people who are promulgating the rules would say, "This is what we anticipate the cost will be and this is what we anticipate will be accomplished by the rule in terms of reduction of accidents, in reduction of loss of life." So they could at least set forth not in dollar equivalency but some idea of what it is they think will be attained by it and what its cost will be so that there is some standard by which it is made in order to at least inhibit the tendency to put in what some people might otherwise think were frivolous rules.

Mr. WILLIAMS. Again I have a feel for all the Senator is suggesting. The difficulty of standard-setting is—well, we all wish me could describe this, I am sure. But, it is difficult to put a value on the lives that we may save with a standard. If there were a way to do it, I am sure we would.

I will look to my ranking member here, the Senator from New York, who is already on retainer here as the New York lawyer on this bill, and maybe we can call on him to justify some of that retainer in this area, too. [Laughter.]

Mr. JAVITS. Well, Mr. President, you cannot overuse your lawyer. (Laughter.) But it does strike me that this is an amendment which we cannot take, for this reason: What it really calls for is a cost-benefit impact statement because the requirement is mandatory. It says "the Secretary shall," and though it tries to soften the blow by terming the statement a "study," the mandatory character requires that "the Secretary shall conduct and publish the results of the cost-benefit study in connection with any standards proposed under this section."

That is essentially why we had to stand against Senator SCHMITT's amendment which sought to deal with the use of the word "feasibility" in respect of standards.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. JAVITS. Yes.

Mr. McCLURE. While it says that the Secretary shall publish the results, it does not by any test of which I can imagine suggest that the rule cannot be promulgated. It simply says the Secretary shall indicate what the basis is for the rule which is being promulgated.

Mr. JAVITS. You know "what the basis is" puts us in this problem and, as I say, we discussed it in connection with Senator SCHMITT's amendment: One, the problem of time. There has to be a study and it has to be a cost-benefit study worthy of the name, and it has to be published before the Secretary can promulgate a standard, and it can be collaterally attacked as inadequate or inefficient or superficial or whatever. This is a subject for collateral attack, and that is what we have been trying to avoid.

That is the problem with it, as I see it. In other words, the minute you make it a requirement you must take the time necessary to prepare it and it is subject to collateral attack. And when we debated the Schmitt amendment it was clear that we include costs and benefits under feasibility in terms of the ability of the traffic to bear it, and so on. But that is not by any means to be the only consideration.

What I am arguing is that by specifying a study which is mandatory you then first, require time to make a study, and in some cases that is very considerable, which is not desirable when we are dealing with emergency situations of safety and health, and second, you are leaving it open to collateral attack on the ground that the study was inadequate, et cetera, and it is on those gounds that I feel we cannot take the amendment.

Mr. McCLURE. Mr. President, would the Senator feel differently about it if I did not use the word "study?"

Mr. JAVITS. No.

Mr. McCLURE. Some other word instead of "study" so it would not be subject to collateral attack?

Mr. JAVITS. I think it is subject to collateral attack the minute you mandate it. I do not know what the Senator would use, but the minute you mandate it then you open it up to collateral attack.

Mr. McCLURE. I understand the Senator's point. I will not burden the discussion any longer if the committee does not feel it can take it. I think the attempt to inject anything else into the bill has been pretty accurately demonstrated by this time. But certainly I do not believe we want the RECORD to be left in the posture that we are assuming that the Secretary does not have to study—does not have to arrive at any idea that there is a benefit that is worth the cost, and yet that is where we are when we reject an amendment of this nature.

We are saying that because we do not want the Secretary to be subjected to collateral attack that he can be as arbitrary and as capricious as he wishes to be. I think that is an unfortunate position. But, Mr. President, I recognize the facts of life, and I am not going to belabor the issue, and I would submit it for a voice vote whenever the managers of the bill are ready to do so.

Mr. JAVITS. With all respect, I think the combination of what I have said on

the definition of feasibility and what the Senator has said in support of his amendment does not leave the question arbitrarily in the hands of the Secretary. The cost-benefit ratio may be a factor in feasibility in that the Secretary is required to indicate what his best estimate of the cost will be and of the benefits to workers. If his standard is arbitrary and capricious it is in danger of being upset.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was rejected.

AMENDMENT NO. 403

Mr. McCLURE. Mr. President, I call up my amendment No. 403 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes amendment No. 403.

On page 82, line 12, after the word "promulgated" and before the words "within ninety days" insert the words "revoked or revised".

Mr. McCLURE. Mr. President, amendment Nos. 403 and 404, which will immediately follow it, have the same general thrust.

What this amendment would do is complete the statutory authority granted in the previous amendment to section 102(a)(1).

Basically, this amendment would add the words "revoked or revised" after the words "within ninety days."

This amendment also is necessary to provide the Secretary with the statutory authority with which to promulgate, revoke and/or revise those standards which he deems necessary to promulgate, revoke or revise.

And I might make this comment with respect to the other amendment, the amendment No. 404, which would also insert at a different point the words "revoked or revised," because under section 102 those words are not included and the section basically provides that whenever the Secretary upon the basis of information submitted to him in writing by an interested person or representative of any organization, et cetera, or on the basis of information developed by the Secretary or otherwise available to him determines that a rule shall be promulgated in order to serve the objective of this act, he shall do so.

It is also likely that the Secretary will receive information which shows that a given standard should be revoked or revised.

Presently the bill does not afford the Secretary direct statutory authority to revoke or revise a given mandatory standard.

The effect of this provision would be to cast into stone any standard which the Secretary does promulgate in the final form.

In order to provide the Secretary with the proper statutory authority to revoke or revise the standard, as he may see fit, this particular amendment to section 102(a)(1) is necessary or at least desirable.

AMENDMENT NO. 404

Mr. President, I wonder if I might ask also that amendment No. 404 be stated, and I ask unanimous consent that the two amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes amendment No. 404.

On page 82, line 1, after the words "be promulgated" and before the words "in order to" insert the following: "revoked or revised".

Mr. WILLIAMS. Mr. President, does the Senator conclude on that?

Mr. McCLURE. I am happy to yield.

Mr. WILLIAMS. Mr. President, the first amendment adds the words "revoked or revised" on page 82. In order to understand what we are acting on there with that language, we have to go back to the beginning of this section where it says at section 102(a) that "the Secretary may by rule promulgate, modify, or revoke any mandatory safety or health standard."

In other words, it is saying that the rule is the carrier, the vehicle for reaching a standard, changing a standard, or revoking a standard. Therefore, I think that this language is clearly——

Mr. JAVITS. Redundant.

Mr. WILLIAMS. It is redundant, and it is most unnecessary because the whole meaning of this provision deals with a rule that can fully affect the standard anyway, by creating it, changing it, or eliminating the standard.

So the action is the standard. The rule is how you get there, and it is clear beyond any doubt that by rule a standard can be created, that is, promulgated, or it can be revoked or can be revised.

We feel strongly that this extra language is unnecessary and perhaps unnecessarily complicating as well.

Mr. JAVITS. That is right.

Mr. McCLURE. Mr. President, might I say to the Senator simply because back in section 102(a), page 81, on line 9, the words "modify or revoke" are specifically set forth, but when it comes to the manner in which it is done, that language is not repeated, and I thought it might be advisable to insert that addition to indicate that it is not intended it be omitted because it is not repeated.

Mr. WILLIAMS. I hope this colloquy will make that clear.

Mr. McCLURE. Certainly the addition of the language is not going to destroy the meaning of the bill. It simply seems to me to repeat what is already said up in section 102. It may be redundant, as the Senator has suggested, but it certainly cannot be pernicious.

Mr. WILLIAMS. What would the statutory interpretation be there of "redundancy"? I would think it would be complicating, and that is one of the problems we have in law, in rules, and in standards when we clutter them with unnecessary language. That is when some of our problems set in.

This is clear beyond any doubt in our minds that the rule can create the standard, revise, or revoke it. I do not believe that we should clutter up the bill with the unnecessary language if we can avoid it.

Mr. McCLURE. Mr. President, I just want to make certain that as to the omission of this language at the two points that I have indicated on page 82, line 12, and on page 83, line 9, the fact that that language was omitted in those two places does not indicate a conscious desire on the part of the committee to accomplish a different end.

Mr. WILLIAMS. I can be absolute in stating that it does not mean other than what I have said. It will include all action on a standard.

Mr. McCLURE. Mr. President, with that legislative history, I am prepared to withdraw the amendments, and I ask that the two amendments be withdrawn.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Tom Hill, of my staff, be accorded the privilege of the floor at all stages in the proceedings on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, I wish finally, as we approach a vote on this bill (S. 717), to commend the committee for their sincere activities to provide us with legislation that will improve the legislative environment for improved regulations and improved safety and health of miners. I know I speak for the people of the State of New Mexico, where mining is such an important part of our economy, in thanking them for their efforts.

I do disagree with some sectors of the implementation of those efforts, as will be noted from the discussions we had yesterday, but I in no way disagree with their inclinations to provide greater health and safety for the Nation's miners.

I unfortunately am of the opinion that the enactment of this legislation in its present form, particularly the transfer of the now increasingly successful activities of MESA to the Department of Labor, will be detrimental in the short run to the health and safety of the miners of my State and the other States of this Union, and as a consequence I shall of necessity have to vote against the bill.

I hope that no problems will arise as a consequence of this legislation. I also hope, and I am sure that hope will not be unfounded, that the committee will conduct rigorous and continuous oversight into the regulations and the standards and other activities related to this legislation, so that any possible damage to the health and safety of the mining community and any possible damage to the economy of this country can be avoided, or, if it occurs, can be rectified as rapidly as possible.

Mr. President, I have four more letters expressing the concerns of New Mexicans about this legislation which inadvertently were omitted from the RECORD yesterday. I ask unanimous consent that those letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ALBUQUERQUE, N. MEX.,
May 31, 1977.

Re Senate Bill No. 717.
Senator HARRISON SCHMITT,
5229 Dirksen Senate Building,
Washington, D.C.

DEAR SIR: It is my understanding that the "Mine Safety and Health Amendments Act of 1977" will be considered by the Senate soon after reconvening on June 6, 1977. I take this opportunity to give you the reasons why I oppose the passage of the bill:

1. MESA, who presently have the responsibility for safety in the non-coal mining industry, have spent untold tens of millions of dollars in coming up with a reasonably workable safety program which, with this proposed change, would undoubtedly be relegated to the scrap heap while others experimented anew. Such an approach is too expensive and not in the best interest of the employees of the metal mining industry.

2. With the proposed change, a single set of rules would seek to govern the safety aspects of both the coal and non-coal mining industry. The problems are very distinct and any attempt to use the same criteria is contrary to common sense.

3. The Coal Mine Health and Safety Act of 1969 has some very glaring deficiencies, which are even now being given oversight by a subcommittee of the House Committee on Education and Labor. I do not see the wisdom of patterning new legislation on existing legislation with obvious shortcomings.

4. Legislation such as this pits different segments of our society (i.e., labor, management, governmental) against one another in a setting where the real need, if we are to survive, is for cooperation. MESA does a better job here than most other agencies, even though by promoting such cooperation they do not come up with good horror stories for the 6:00 o'clock news.

I will appreciate your consideration of my views when you vote on this measure.

Sincerely,

PAUL A. MATTHEWS.

CARLSBAD, N. MEX.
June 2, 1977.

Senator HARRISON SCHMITT,
Room 5229, Dirksen Building,
Washington, D.C.

DEAR SENATOR SCHMITT: This is to ask your support in defeating—or at least in moderating—Senate bill 717, Mine Safety Legislation.

As we understand it, the proposed legislation would put all mining under the Federal Coal Mine Health & Safety Act. This would seem to ignore the vast differences in mining conditions between those encountered in potash mining, for example, and those encountered in coal mining. Continuing to treat coal separately, as in the past, would seem to be the better approach.

Saddling the inherently safe domestic potash mining industry with the same restrictions that apply to coal mining would place a great competitive burden upon our industry without any gain in safety. In my opinion, this would be contrary to the best interests of the approximately 2,800 families directly associated with potash mining in the Carlsbad area.

Thank you for your consideration.

Very truly yours,

R. W. SNOW.

UNITED NUCLEAR-HOMESTAKE PARTNERS,
Grants, N. Mex., May 31, 1977.

Hon. HARRISON SCHMIDT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: The Uranium Industry strongly opposes Senate Bill 717 which would move the present safety regulations out of the Federal Metal and Nonmetallic Mine Safety Act and put them under the Federal Coal Mine Health and Safety Act of 1969.

The new bill would apply the same set of rules for *all* mining, it fails to take into account the extensive, complex and immensely important operating differences between hard rock mining and coal mining. In my 40 years experience in the industry I have found that the Metal Mine Safety regulations have stood up well under the test of time. In the uranium industry we find that our work requires special treatment of many areas of the safety regulations and it would be very difficult and dangerous to switch all rules over to those applying to coal operations.

The Federal Metal and Nonmetallic Mine Safety Act has worked well in the area of hard rock mining, why then take a statute which has worked poorly in another segment and apply it to all mining.

There is yet another reason why we ask that the Senate not take up the SB–717 at this time, in essence apply the Federal Coal Mine Health and Safety Act of 1969 to all mining—coal and hard rock alike. At the very time this legislation is advancing in the Senate, a subcommittee of the House Committee on Education and Labor is about to undertake oversight hearings—hearings to find out how the same 1969 Coal Act is working in practice.

It is our opinion in the Uranium Industry that we have a good safety record under MESA, it is operating well, and we are strongly opposed to its being changed at this time. Considerable added cost would have to be met to change equipment, ventilation and methods of doing our work of mining to meet new but not actually better regulations.

It is our hope that you will vote against SB–717 and help our industry prosper without new uncalled for regulations.

Respectfully yours,

PAUL M. PRICE,
General Manager.

CARLSBAD, N. MEX.,
June 2, 1977.

Re: S. 717—Mine Health and Safety Amendments Act of 1977.

Senator HARRISON SCHMITT,
Dirksen Building,
Washington, D.C.

DEAR SENATOR SCHMITT: Motherhood, mine safety and apple pie are three subjects in the American way of life which would seem to have no points in similarity. Wrong. If all Mothers were alike we would not need laws concerning child abuse and if all mining were alike, one set of laws could apply to all mining, and it would be pretty dull if there were only one recipe for apple pie.

To take the Coal Mine Safety Act of 1969, delete the word coal and apply it to all underground mines is unwise, unfair and onerous. Mines when grouped by product produced, including coal, have many different operating parameters. Including, but not limited to: depth, temperature, wet-dry, explosive atmosphere, height-width of bed or seam, flammability of ore mined, method of mining, type of equipment used, etc.

I strongly urge that metallic-non-metallic mining and coal mining be kept as separate entities. I additionally urge that mining be kept in the Department of Interior.

Thank you for your consideration.

Sincerely,

JOHN MCGRAW.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to express my own appreciation to Senator SCHMITT for the very gracious things he said about the handling of the bill, and I hope very much that all other Members feel the same way.

I would like to express my appreciation to my own staff colleague who has been with me on the bill, Don Zimmerman, who is the minority counsel on the Committee for Human Resources, and to Steve Paradise, who has the same role with Senator WILLIAMS, and to Mike Goldberg, who is the staff expert on the subject matter of this bill. I appreciate very much the service they have rendered to us all.

Mr. WILLIAMS. Mr. President, from our side of the aisle, the appreciation is equal to that of the minority to Don Zimmerman and Senator JAVITS. We have conducted our working relationship, I think, in the finest fashion in this difficult and complex area that has been before us for a long time. I think we have fashioned a worthy product.

We have had some new full participants since we last met on mining matters here. From the Banking Committee came Steve Paradise, now general counsel to the Committee on Human Resources. Mike Goldberg has been really the most dedicated new member of our mine legislation team. We are grateful for that, and for all the cooperation we have had on both sides.

Mr. President, we have no notice of further amendments to be offered on this side.

Mr. JAVITS. Neither have we.

ADDITIONAL STATEMENTS SUBMITTED

Mr. CANNON. Mr. President, I rise to express my concern regarding certain provisions of S. 717 which would adversely affect the hard rock mining industry and also to indicate my opposition to enactment of S. 717, as written.

One of my strongest objections to S. 717 is that it would combine all mining, both coal and noncoal, under a single legislative umbrella. It has, for many

years, been recognized that although coal and noncoal mining have one basic similarity, that is, extraction of minerals from the earth, the similarity just about ends there. Generally speaking, coal deposits are geologically very similar, and usually occur as flat-horizontal deposits. The engineering involved in coal mining is very similar from seam to seam. These factors add up to the fact that the health and safety concerns involved with coal mining are similar in all underground coal mines. They are likewise similar in surface coal mines. In noncoal mining, however, nearly every mineable deposit of valuable minerals is unique, requiring unique engineering and giving rise to unique health and safety concerns. This is not to say that each noncoal mine requires custom designed health and safety standards, but it does point out the need for flexibility in the formulation and enforcement of standards.

As Congressman MORRIS UDALL, chairman of the House Interior and Insular Affairs Committee stated in a speech discussing surface mining legislation on January 25 of this year: "I believe, that geologic circumstances of hardrock mining are considerably different than fossil fuel extraction." Mr. UDALL continued, "We started out 4 years ago to write a surface mining bill that would cover all minerals, and we soon discovered that the problems were quite different and that you cannot include the same kind of provisions for both kinds of mining."

I agree with Mr. UDALL's rationale as it applies to surface mining. These differences are even more pronounced in mine health and safety, particularly in underground mines. Lumping all mining under one health and safety law would undoubtedly promote an effort to gain uniformity among standards and enforcement mechanisms, an effort certainly not justifiable on any health or safety basis. Even worse, having one law would require the repealing of the existing Metal Act, a move I feel is both unjustified and unwise. Statistical analysis of past data on disabling injuries resulting from accidents in hardrock mines show such mines to be safer historically than coal mines. I question the wisdom of abandoning a proven safety program simply in an effort to promote uniform standards and enforcement mechanisms.

In addition, Mr. President, one of the major effects of S. 717 would be to transfer responsibility for enforcement of mine health and safety from the Secretary of the Interior to the Secretary of Labor. The rationale for such a transfer seems to be that the Department of the Interior has a basic conflict of missions between the responsibility of the Department to promote development of the Nation's mineral resources on the one hand, and its responsibility to enforce the mine health and safety laws on the other.

I believe this argument about conflicting interests ought to be reexamined. The creation of the Mining Enforcement and Safety Administration—MESA—in July 1973, separated the Interior Department's responsibility to enforce mine health and safety laws from its responsibility to promote mineral development in the United States. I am convinced that the present administrative organization within the Department of the Interior eliminates the possibility of these conflicts. At the same time, the present administrative organization retains the very constructive relationship which ought to exist between MESA, which is responsible for mine safety enforcement, and the mineral research functions of the Department of the Interior. The enforcement of mine health and safety regulations by MESA is greatly enhanced by the immediate availability of the Bureau of Mines, an invaluable source of consultative and research capability within the same department. This source would be lost by the proposed transfer.

Thank you, Mr. President.

Mr. HEINZ. Mr. President, last year the Congress adjourned before completing consideration of the Mine Health and Safety Act. Although action last year would not have prevented the most recent mine disasters, the fact that Pennsylvania miners suffered serious accidents and fatalities during the first few months of 1977 points out the need for swift efforts to improve mine safety administration.

In March of this year, nine miners went to their deaths when an uncharted flooded abandoned mine wall collapsed into an active coal mine in Schuylkill County, Pa. For those of you who may not recall the daily news reports, let me remind you that the Porter Tunnel mine disaster created a devastating effect on the families of those nine miners who died in the Tower City, Pa., mine. This disaster also let the world know that this Government has not yet been able to establish the kind of safety and health standards we need to assure the safest possible working conditions for those people who we ask to risk their lives to provide us with energy and minerals.

In its safety reviews for the first quarter of this year, the U.S. Mining Enforcement and Safety Administration—MESA—reported that Pennsylvania ranked second in the Nation in nonfatal disabling injuries in surface metal and nonmetal mines. Unfortunately, these accidents appear to be at least partially the result of the weaknesses which are inherent in the current administration of the mine safety laws in this country.

Because I too am concerned about the miners and their families in this country, I was pleased to join my distinguished colleagues in February of this year in cosponsoring S. 717, the Federal Mine Safety and Health Amendments of 1977. While this bill will not solve all the probems related to mine safety, I believe that if it results in the prevention of only one fatality we will have done our job.

The bill we will consider today has three major features. First, it combines the health and safety programs for all of our Nation's mines into a single, uniform law. While this creates a uniform procedure by which the law would be enforced, it does not contemplate that all standards will apply uniformly to all types of mining. Second, the bill transfers the responsibility for enforcement of the existing law from the Interior Department to the Department of Labor. The enforcement of our mine health and safety laws by the Department of Interior involves a basic conflict in its missions. On the one hand, Interior is expected to work in close cooperation with the mining industry to maximize production, while on the other, it is called to interrupt production when necessary for mine safety reasons. This transfer contemplates a change in philosophy in the enforcement of mine safety laws and would be in the best interest of vigorous enforcement of health and safety standards. Finally, this legislation is designed to streamline every aspect of the enforcement mechanism so that the system is responsive to the demonstrated safety and health deficiencies in our mines and the needs of our Nation's miners.

If this Nation ever expects to increase production of its vast resources, we must establish reasonable and safe standards that will provide the American miner with a safe place to work. President Carter has indicated that he would like to expand our energy policy to include increases in the production of coal to twice the amount we produce today by 1985. This policy includes the efficient exploitation of our minerals. If we set upon this course we must take the necessary steps that will give our miners confidence that, in achieving this goal, we will have their health and safety in mind. Without our commitment to safe standards, there will be nothing to encourage young people to go into an admittedly hazardous occupation and nothing to encourage existing miners to continue their line of work.

Mr. CHURCH. Mr. President, the Federal Mine Safety and Health Amendments of 1977 is a carefully reasoned effort to improve our Nation's mine health and safety programs. This legislation is long overdue.

This measure is very similar to the bill I cosponsored last year. Unfortunately, that bill, S. 1302, failed to reach a vote by the full Senate before Congress adjourned.

So we should delay no longer. As noted in the report accompanying S. 1302—

> Every working day of the year, at least one miner is killed and 65 miners suffer disabling injuries in our nation's mines.

The extent and frequency of mining mishaps in the United States is appalling. It is all too apparent that existing laws and enforcement programs are inadequate to provide a level of safety for miners that one would except from an advanced, industrialized nation.

Many of you, I am sure, will recall the disastrous fire at the Sunshine Silver Mine in 1972 when 91 miners perished. Such disasters should serve to remind us that all too often, health and safety legislation receives national attention only after terrible loss of life. Must we witness still more mine disasters before we act to rectify the weaknesses in our mine safety laws?

Mining is a very important industry in Idaho. It has played a vital part in the

development of our State and is the economic foundation of the communities in Shoshone County. The industry accounts for approximately 5 percent of the total wages paid in the State of Idaho.

But as importnat as this industry is, our first concern must be for the safety of the miners who work a mile or more beneath the surface. Industry scare talk about reduced production cannot change the fact that needless loss of life continues in our Nation's mines. The need for legislative improvements in our mine safety laws is imperative.

Miners still go into the mines without basic safety training; minimal civil penalties for safety violations discourage the capital investment necessary to improve dangerous working conditions; and the Government is without the power to bring continuing violation to a halt.

In May of 1972, I suggested that the transfer of mine safety responsibility from the Department of Interior to the Department of Labor would be in the best interest of vigorous enforcement of health and safety standards. I am pleased that this bill has adopted that approach, recognizing that the enforcement of these laws by the Department of the Interior involves a basic conflict in its missions. On the one hand, Interior is expected to work in close cooperation with the mining industry to maximize production on minerals while on the other, it is called to interrupt production when necessary for mine safety reasons.

Basically, this transfer to the Labor Department contemplates a change in philosophy in the enforcement of mine safety laws. In 1975, under the Department of Interior, enforcement of these laws in underground mines, open pit mines, crushed stone operations, sand and gravel operations, and mills showed that underground mine operations were regulated most lightly, having the lowest violation-to-closure ratio—lower than any of the other categories. And this, despite the fact that 36 percent of the fatalities in mines and mills for 1975 occurred in underground mines.

The argument that such a transfer would result in the enforcement of mine safety laws by OSHA is spurious. The bill will allow MESA to maintain its independence within the Department of Labor. Under no circumstances will its functions be subsumed by OSHA.

The effectiveness of mine safety enforcement has been further compromised by the existence of two separate laws: the Metal and Nonmetallic Mine Safety Act of 1966 and the Coal Mine Health and Safety Act of 1969. This division means duplication of effort and results in a diminished enforcement capacity.

I endorse this legislation's concept of combining protection of all mine workers under a single, comprehensive statutory plan. This bill adopts the best features of existing statutes and transfers administration to the Department of Labor's Mine Safety and Health Administration. It is a good bill. It will benefit many. It is a bill that is needed—now.

Mr. SCHWEIKER. Mr. President, I rise in support of S. 717, the Federal Mine Safety and Health Act and would like to commend the distinguished chairman of the Committee on Human Resources (Mr. WILLIAMS) for his leadership in the development of this legislation.

I am sure all of my colleagues are aware that mining is the most hazardous occupation in America. The 1974 Annual Report on Occupational Safety and Health states that about 1 out of every 1,500 mine workers was killed on the job or died from work-related injuries or illnesses in 1973. This compares to 1 out of every 2,800 railroad workers, 1 out of every 4,000 construction workers, and 1 out of every 12,400 workers for all those covered by the Occupational Safety and Health Act. In addition, I am certain all of us remember vividly the tragedies which occurred at Farmington, the Sunshine Mine, Buffalo Creek, Scotia, and most recently at Tower City in my own State of Pennsylvania. We have an obligation to do everything we can to reduce the appalling rate of accidents and deaths in the mining industry and to prevent the recurrence of major disasters. I believe passage of S. 717 will be a significant step toward fulfillment of that obligation.

Mr. President, in addition to expressing my wholehearted support for this legislation, I would like to comment in particular on two provisions of the bill which I have authorized.

Section 103(i) of the Federal Coal Mine Health and Safety Act of 1969 requires the Secretary to conduct one spot inspection every 5 working days of mines which liberate excessive quantities of methane or other explosive gases or in which there exist other especially hazardous conditions. As the author of this provision, I felt it would force the Secretary to focus his inspection and enforcement efforts on those mines which represent the greatest potential threats to the health and safety of miners. However, when our committee held hearings last Congress on the Scotia disaster, in which 26 people were killed in two methane explosions, I was distressed to learn that the Scotia mine was not subject to frequent inspections under section 103(i). This mine liberated 240,000 cubic feet of methane per day and was the gassiest mine in the district in which it was located. Yet it had not been subjected to frequent inspections because the Department of Interior had administratively defined "excessive quantities" of methane or other explosive gases as 1 million cubic feet liberated within a 24-hour period. Under the Department's definition, only 57 mines were subject to frequent inspections.

I felt the Department's guidelines subjected far too few mines to frequent spot inspections under section 103(i). Therefore, I offered an amendment to expand the Department's definition and to establish an inspection schedule for mines liberating less than 1 million cubic feet of explosive gases per day. Under my amendment mines liberating more than 1 million cubic feet of explosive gases per day will still be subject to one spot inspection every 5 working days. But mines liberating more than 550,000 cubic feet of such gases per day must be inspected every 10 working days and mines liberating more than 200,000 cubic feet of explosive gases per day must be inspected once every 15 working days. This amendment was adopted last year during the Labor and Public Welfare Committee's consideration of S. 1302 and has been retained as section 104(h) of S. 717.

I believe section 104(h) will cover the most hazardous mines in the country without placing an undue inspection burden on the Secretary. It is my hope that frequent inspections of especially hazardous mines will prevent disasters such as the one which occurred at Scotia.

The second provision of S. 717 to which I would like to direct my colleagues attention is section 105(d). This section provides the Secretary with a new enforcement tool in his efforts to insure compliance with the provisions of the mine safety law. Under section 105(d), if the compliance record of the operator reflects a pattern of violations of health or safety standards which are of a significant and substantial nature, the Secretary shall give written notice to the operator that such a pattern exists. If during any inspection within 90 days of the issuance of this notice any violation is discovered which is also of a significant and substantial nature, an order of withdrawal, closing the section of the mine affected, will be issued. The withdrawal order will remain in effect until the violation which resulted in the order has been abated.

Once a withdrawal order has been issued under section 105(d)(1) and a subsequent inspection of the mine discloses another violation which could substantially contribute to the cause and effect of a mine safety or health hazard, a withdrawal order will be issued under section 105(d)(2) and remain in effect until the violation has been abated. Subsequent to this, the operator is subject to further withdrawal orders under section 105(d)(2) each time a violation of a substantial and significant nature is discovered, until an inspection of the mine in its entirety discloses no violations of any health or safety standards which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard.

I offered the amendment to add this new section during the committee's consideration of S. 717 and was pleased that it was adopted. I believe the need for this new enforcement tool was demonstrated by the Scotia experience. In that case, the inspection history showed recurrent violations which reflected an implicit disregard for the standards of health and safety dictated by the law. Yet the Secretary was able to deal with these violations only on a case-by-case basis. That was not enough. Clearly, there was a problem much larger than that reflected by individual violations. This new section will enable the Secretary to address that larger problem by notifying the operator that a pattern of violations exists and that the pattern must be broken and underlying problems resolved. I believe

this will permit the Secretary to deal more effectively with chronic violators, who through their implicit contempt for the law, endanger the health and safety of their employees. I hope the Secretary will make use of this new tool and work diligently toward insuring safe and healthful conditions in every mine in this Nation.

Mr. President, in closing, I would like to urge my colleagues to support S. 717. It is good legislation and the compelling need to insure the safety and health of this Nation's miners demands its enactment.

Mr. BAYH. Mr. President, today and yesterday, the Senate has been considering long-awaited legislation which will provide equal protection against threats to health and safety for all of our Nation's miners. I am pleased to be a cosponsor of this legislation.

The need for the enactment of a stronger health and safety status for our Nation's miners is evidenced by a brief look at statistics. The evidence of work-related injuries for miners currently exceeds the all-industry rate by about 14 percent. Approximately 1 out of every 1,500 miners was killed on the job or died from work related injuries in 1973 as compared with 1 out of every 4,000 construction workers, and 1 out of every 12,400 for all workers protected by OSHA.

Currently, the protection of the health and safety of miners is provided under two separate statutes, the Coal Mine Act of 1969 and the Metal and Nonmetallic Mine Act of 1966. These statutes, differ dramatically in both scope and enforcement mechanisms. For instance, the Coal Act covers both the health and safety and miners, the Metal Act covers only the safety. The Coal Act provides for civil penalties and for definitive standards; the Metal Act does not provide for civil penalties nor does it require mandatory standards. As a result of these differing statutes, miners from metal or hard rock industries do not have the same standards of protection as miners from the coal industry. The major purpose of S. 717 is to provide a uniform statute which will assure that all miners will be protected equally under the law.

I feel equal protection for metal and nonmetal miners is crucially important. For 3 years, 1972, 1973, and 1974, fatalities from metal and nonmetal mines exceeded fatalities in coal mines.

It is important to stress that this legislation will not require the same standards for coal and for hard rock mines. We all recognize that there are substantive and tangible differences in these types of mines. What the bill will require is that the procedure used in formulating standards and the enforcement of these standards shall be equitable for all miners.

The other major provision of S. 717 is the transfer of the Mine Enforcement and Safety Administration from the Interior Department to the Labor Department. MESA is currently charged with the enforcement of mine safety under the Coal Act of 1969. Under the provisions of S. 717, MESA could be transferred to the Department of Labor and would be given the enforcement responsibilities for the health and safety of all miners. I feel this transfer is necessary in light of the competing goals of the Interior Department for maximum coal production.

I am very pleased the Senate is moving forward with this important legislation, and I urge my colleagues in the House of Representatives to join our efforts to provide equal protection for all our Nation's miners.

Mr. THURMOND. Mr. President, I support increased mine safety and healthier working conditions for our Nation's miners, but I do not believe S. 717 is the best approach to assure this end.

S. 717 embodies a worthy goal, but it is impractical and represents an unwarranted increase in Federal control over our daily lives. I am particularly concerned about uncertainty over compliance obligations on the part of small businesses which will flow from the increased regulation in S. 717. Additionally, I am concerned about confusion over standards, limited access to governmental advisory services, lack of knowledge by mine operators and miners as to how to contest governmental citations and enforcement actions, and additional recordkeeping and reporting burdens.

I believe that most Americans want more freedom and less Government redtape. Government regulation already costs $120 billion annually. This is in excess of $2,000 per family per year. It engages the efforts of over 63,000 Federal Government workers. S. 717 will add to that burden of overregulation.

I cannot, in good conscience, vote for S. 717, when all indications are that we will be creating another bureaucratic monster.

Mr. HUDDLESTON. Will the Senator yield for an inquiry?

Mr. WILLIAMS. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. I want to congratulate the Human Resources Committee on their continuing efforts to improve safety in the mining industry and, in particular, to thank the distinguished Senator from New Jersey for his longstanding commitment to this cause. Miners and workers everywhere know they have a friend in the Senator from New Jersey whose efforts on their behalf have been steadfast.

The advances which have been made since enactment of the 1969 Coal Act have been great. However, mining remains the most hazardous occupation in the Nation. As pointed out in the committee's report on the bill before us today, the rate of work related injuries and illnesses still exceeds the all industry rate by 14 percent.

And the fact that about one out of every 1,500 mine workers is killed on the job or dies from work-related injuries or illnesses, compared to one out of every 12,400 for other workers, is tragically ample evidence that our efforts in this area cannot be diminished.

I agree that the enforcement activity of the Mining Enforcement and Safety Administration more properly belongs in the Department of Labor rather than the Department of Interior. And I applaud the intent of this bill to maintain MESA as an independent agency within the Labor Department.

However, I am troubled by the possibility that once transferred to the Department of Labor, mining enforcement will somehow lose its independence, and that it might be merged with or diluted by other worker safety programs.

Mr. WILLIAMS. The Senator raises a good point. I am thankful for the Senator's support of this bill and I know of his great concern for the safety and health of our Nation's miners.

I know that mining has its own highly specialized technology and for this reason I quite agree with the Senator that the mining enforcement program should remain a separate entity within the Department of Labor. This bill is designed to insure that the technical expertise of MESA will not be lost and that the enforcement activities of MESA will not be diminished.

The bill provides for a separate Assistant Secretary of Labor for Mine Safety and Health and a separate, independent Mine Safety and Health Review Commission to administer the Mine Health and Safety law.

Also, section 305 requires that separate budget accounts be maintained for MESA and OSHA to prevent a commingling of the appropriations of these two agencies.

The bill also provides that the number of inspectors engaged in the enforcement of the Coal and Metal Acts, and in enforcement of other worker safety programs by other agencies in the Department, shall not be diminished.

Further, the bill requires that, even within MESA, in assigning inspectors, due consideration is to be given to their previous experience in either the coal or hard rock segments of the mining industry.

Finally, in order to assure that the experienced personnel of MESA will be available to the Secretary of Labor, the bill provides for the transfer of MESA personnel from the Department of the Interior to the Department of Labor without reduction in grade or classification. These people are highly skilled and should not be lost in the mine safety effort.

Mr. HUDDLESTON. Will the Senator yield for a question on that last section? Section 301(c)(1) also grants the Secretary of Labor the authority to reassign such transferred personnel. Would such reassignments be permissible only within the mining enforcement function and not to other functions of the Department?

Mr. WILLIAMS. This is the intent of this section. The idea is to give the new Assistant Secretary of Labor for Mine Safety and Health the opportunity to reevaluate the thrust and administration of the program and to enable him to reassign personnel from one aspect of mine safety and health to another as he deems necessary.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be pro-

posed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce than the Senator from California (Mr. CRANSTON) and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—78

Abourezk	Gravel	Muskie
Allen	Hart	Nelson
Anderson	Haskell	Nunn
Baker	Hatfield	Packwood
Bayh	Hathaway	Pearson
Bentsen	Hayakawa	Pell
Biden	Heinz	Proxmire
Brooke	Hollings	Randolph
Bumpers	Huddleston	Ribicoff
Burdick	Humphrey	Riegle
Byrd, Harry F., Jr.	Inouye	Roth
	Jackson	Sarbanes
Byrd, Robert C.	Javits	Sasser
Case	Johnston	Schweiker
Chafee	Kennedy	Sparkman
Chiles	Leahy	Stafford
Church	Long	Stennis
Clark	Lugar	Stevens
Culver	Magnuson	Stevenson
DeConcini	Mathias	Stone
Dole	Matsunaga	Talmadge
Domenici	McGovern	Weicker
Durkin	McIntyre	Williams
Eagleton	Melcher	Young
Eastland	Metcalf	Zorinsky
Ford	Metzenbaum	
Glenn	Moynihan	

NAYS—18

Bellmon	Griffin	Morgan
Cannon	Hansen	Schmitt
Curtis	Hatch	Scott
Danforth	Helms	Thurmond
Garn	Laxalt	Tower
Goldwater	McClure	Wallop

NOT VOTING—4

Bartlett	McClellan	Percy
Cranston		

So the bill (S. 717), as amended, was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Mine Safety and Health Amendments Act of 1977".

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

SEC. 101. The first section of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows: "That this Act may be cited as the 'Federal Mine Safety and Health Act of 1977' ".

DEFINITION AND APPLICABILITY

SEC. 102. (a)(1) Section 2 of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "coal" wherever it appears.

(2) Section 2(g)(1) of such Act is amended by striking out "the Interior" and inserting in lieu thereof "Labor".

(b)(1) Section 3(a) of such Act is amended by striking out "the Interior" and inserting in lieu thereof "Labor".

(2) Section 3(d) of such Act is amended by deleting the semicolon at the end thereof, and inserting in lieu thereof "or any independent contractor performing services or construction at such mine;".

(3) Section 3(h) of such Act is amended to read as follows:

"(h) 'Mine' means (1) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (2) private ways and roads appurtenant to such area, and (3) lands, excavations, underground passageways, shafts, slopes, tunnels, and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this Act the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment.".

(4) Sections 3 (d), (e), (g), and (j) of such Act are each amended by striking out the word "coal" wherever it appears.

(5) Section 3 of such Act is amended by striking out the word "and" at the end of paragraph (l), by striking out the period at the end of paragraph (m) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs:

"(n) 'Administration' means the Mining Enforcement and Safety Administration in the Department of Labor; and

"(o) 'Commission' means the Federal Mine Safety and Health Review Commission.".

(c) Section 4 of such Act is amended by striking out the word "coal".

(d)(1) Section 5(c) of such Act is amended by striking out "Labor" and inserting in lieu thereof "the Interior".

(2) Section 5(f) of such Act is amended by striking out the word "coal" wherever it appears, and by striking out "section 106" and substituting "section 107".

TITLE II—MINE SAFETY AND HEALTH STANDARDS AMENDMENTS

AMENDMENT TO TITLE I

SEC. 201. Title I of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

"DUTIES

"SEC. 101. (a) Each mine operator (1) shall furnish to each miner employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or harm to such miner; and (2) shall comply with the safety and health standards and all rules, regulations, and orders promulgated under this Act; and

"(b) Each miner subject to the provisions of this Act shall comply with the safety and health standards and all rules, regulations, and orders promulgated under this Act which are applicable to his own actions and conduct.

"MANDATORY SAFETY AND HEALTH STANDARDS

"SEC. 102. (a) The Secretary may by rule promulgate, modify, or revoke any mandatory safety or health standard for the health and safety of miners, including standards for mine rescue and firefighting operations, and for the prevention of accidents, injuries, or health hazards in mines which are subject to this Act in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), and the following provisions:

"(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 103 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within sixty days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than one hundred and fifty days. When the Secretary receives a recommendation accompanied by appropriate criteria from the National Institute for Occupational Safety and Health that a rule be promulgated, modified, or revoked, the Secretary must, within sixty days after receipt thereof, refer such recommendation to an advisory committee pursuant to this paragraph, or publish such a proposed rule pursuant to paragraph (2) of this subsection, or publish in the Federal Register his determination not to do so, and his reasons therefor. The Secretary shall be required to request the recommendations of an advisory committee appointed under section 103, if the rule to be promulgated is, in the discretion of the Secretary which shall be final, new in effect or application and has significant economic impact.

"(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking a safety or health standard in the Federal Register. If the Secretary determines that a rule should be proposed and in connection therewith has appointed an advisory committee as provided by paragraph (1) of this subsection, the Secretary shall publish a proposed rule or the reasons for his determination not to publish such rule, within sixty days following the submission of the advisory committee's recommendation, or the expiration of the period of time prescribed by the Secretary in such submission. In either event, the Secretary shall afford interested persons a period of thirty days after any such publication to submit written data or comments on the proposed rule. Such comment period may be extended by the Secretary upon a finding of good cause,

which the Secretary shall publish in the Federal Register. Publication shall include the text of such rules proposed, in their entirety, and a comparative text of the proposed changes in existing rules, and shall include a comprehensive index to the rules, cross-referenced by subject matter.

"(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed mandatory health or safety standard, stating the grounds therefor and requesting a public hearing on such objections. Within sixty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the mandatory safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing. Any hearing under this subsection for the purpose of hearing relevant information shall commence within sixty days after the date of publication of the notice of hearing. Hearings required by this subsection shall be conducted by the Secretary, who may prescribe rules and make rulings concerning procedures in such hearings to avoid unnecessary costs or delay. Subject to the need to avoid undue delay, the Secretary shall provide for procedures that will afford interested parties the right to participate in the hearing, including the right to present oral statements and to offer written comments and data.

The Secretary may require by subpoena the attendance of witnesses and the production of evidence in connection with any proceeding initiated under this section. If a person refuses to obey a subpoena under this subsection, a United States district court within the jurisdiction of which a proceeding under this subsection is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpoena. A verbatim transcript shall be taken of any such hearing and shall be available to the public.

"(4)(A) Within ninety days after certification of the record of such hearing, the Secretary shall promulgate, modify, or revoke such mandatory standards, and publish his reasons therefor as he deems appropriate.

(B) In the case of a proposed mandatory health or safety standard to which objections requesting a public hearing have not been filed, the Secretary, within ninety days after the period for filing such objections has expired, shall promulgate, modify, or revoke such mandatory standards, and publish his reasons therefor as he deems appropriate.

(C) In the event the Secretary determines that a proposed mandatory health or safety standard should not be promulgated he shall, within the times specified in paragraphs (A) and (B) of this subsection, publish his reasons for his determination.

(D) Any mandatory health or safety standard may contain a provision delaying its effective date for such a reasonable period as the Secretary determines may be necessary to insure effective compliance.

"(5)(A) The Secretary, in promulgating mandatory standards dealing with toxic materials or harmful physical agents under this subsection, shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life. Development of mandatory standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the mandatory standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(B) The Secretary of Health, Education, and Welfare as soon as possible after the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977 but in no event later than eighteen months after such date and on a continuing basis thereafter, shall, for each toxic material or harmful physical agent which is used or found in a mine, determine whether such material or agent is potentially toxic at the concentration in which it is used or found in a mine. The Secretary of Health, Education, and Welfare shall submit such determinations with respect to such toxic substances or harmful physical agents to the Secretary. Thereafter, the Secretary of Health, Education, and Welfare shall submit to the Secretary all pertinent criteria regarding any such substances determined to be toxic or any such harmful agents as such criteria are developed. Within sixty days after receiving any criteria in accordance with the preceding sentence relating to a toxic material or harmful physical agent which is not adequately covered by a mandatory health or safety standard promulgated under this section, the Secretary shall either appoint an advisory committee to make recommendations with respect to a mandatory health and safety standard covering such material or agent in accordance with paragraph (1) of this subsection or publish a proposed rule promulgating such a mandatory health and safety standard in accordance with paragraph (2) of this subsection or shall publish his determination not to do so.

"(6) Any mandatory standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such mandatory standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring miner exposure at such locations and intervals, and in such manner so as to assure the maximum protection of miners. In addition, where appropriate, any such mandatory standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the operator or at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. Where appropriate, the mandatory standard shall provide that where a determination is made that a miner may suffer material impairment of health or functional capacity by reason of exposure to the hazard covered by the mandatory standard, that miner shall be removed from such exposure and reassigned. Any miner transferred as a result of such expoure shall continue to receive compensation for such work at no less than the regular rate of pay for miners in the classification such miner held immediately prior to his transfer. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his designated physician.

"(7) The Secretary shall, to the extent practicable, promulgate separate mandatory health and safety standards applicable to mine construction activity on the surface.

"(8) In promulgating, modifying, or revoking mandatory standards as authorized in this title, or in publishing any rule as authorized in this title, the Secretary shall not reduce the protection afforded miners below that provided by any safety or health standard previously in effect.

"(b)(1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary mandatory standard to take immediate effect upon publication in the Federal Register if he determines (A) that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or to other hazards, and (B) that such emergency standard is necessary to protect miners from such danger.

"(2) Such mandatory standard shall be effective until superseded by a mandatory standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

"(3) Upon publication of such standard in the Federal Register, the Secretary shall commence a proceeding in accordance with section 102(a) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than nine months after publication of the emergency standard as provided in paragraph (2) of this subsection.

"(c) The Secretary is authorized to grant a variance from any mandatory standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an operator to participate in research approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers. No such variance shall be granted until the Secretary shall find that the granting of such variance will not adversely affect the health or safety of the miners, and the Secretary notifies the miners affected directly and by publication in the Federal Register.

"(d) Upon petition by the operator or representative of miners, the Secretary may issue an order for a variance from the application of any mandatory health or safety standard to a mine if the Secretary determines that an alternative method of achieving the result of such standard exists which will at all times insure at least the same measure of protection afforded by such standard, or that the application of such standard would result in a diminution of health or safety to the miners. Upon receipt of such petition, the Secretary shall give notice thereof to the operator or the representative of miners in the affected mine, as appropriate, shall publish notice thereof in the Federal Register, and shall cause such investigation to be made as he deems appropriate. The Secretary shall provide an opportunity for a public hearing on such petition at the request of the operator, the representative of miners or other interested party. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. The Secretary shall issue a decision and order on all such petitions which shall incorporate his findings of fact with respect thereto and shall send a copy thereof to the operator or the representative of the miners, as appropriate. The order so issued shall prescribe the conditions the operator must maintain, and the prac-

tices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such order may be modified or revoked upon application by an operator, miner, representative of miner or by the Secretary, in the manner prescribed for its issuance under this subsection.

"(e) The provisions of subsection (d) shall not apply with respect to any mandatory standard enacted by title II of this Act and in effect on the date immediately prior to the effective date of the Federal Mine Safety and Health Amendments Act of 1977 or to any mandatory standard promulgated pursuant to that title prior to such date.

"(f) Any person who may be adversely affected by a mandatory standard issued under this section may, at any time prior to the sixtieth day after such standard is promulgated, file a petition challenging the validity of such mandatory standard with the United States Court of Appeals for the District of Columbia circuit or the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. No objection that has not been urged before the Secretary shall be considered by the court, unless the failure or neglect to urge such objection shall be excused for good cause shown. The validity of any mandatory health or safety standard shall not be subject to challenge on the grounds that any of the time limitations in this section have been exceeded. The procedures of this subsection shall be the exclusive means of challenging the validity of a mandatory standard.

"ADVISORY COMMITTEES

"SEC. 103. (a) The Secretary may appoint advisory committees to assist him in his standard setting functions under section 102(a) of this Act, and to advise him on other matters relating to safety and health in mines. Each such advisory committee may include as a member one or more designees of the Secretary of Health, Education, and Welfare, the National Bureau of Standards of the Department of Commerce, and the National Science Foundation, and shall include among its members persons qualified by experience and affiliation to present the viewpoint of operators of such mines and an equal number of persons similarly qualified to present the viewpoint of workers in such mines, as well as one or more representatives of mine inspection or safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations or technicians or professionals specializing in safety or health, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of operators and miners) shall have an economic interest in any proposed rule.

"(b) Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such committee reimbursement sufficient to cover the actual costs to the State resulting from such representatives' membership on such committee.

"INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

"SEC. 104. (a) Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare shall make frequent inspections and investigations in mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards, (3) determining whether an imminent danger exists, and (4) determining whether or not there is compliance with the mandatory health or safety standards or with any notice, order, or decision issued under this title or other requirements of this Act. In carrying out the requirements of this subsection, no advance notice of an inspection shall be provided to any person, except that in carrying out the requirements of clauses (1) and (2) of this subsection, the Secretary of Health, Education, and Welfare may give advanced notice of inspections. In carrying out the requirements of clauses (3) and (4) of this subsection the Secretary shall make inspections of each underground mine in its entirety at least four times a year, and of each surface mine in its entirety at least two times a year: *Provided,* That the Secretary shall develop guidelines for additional such inspections of mines based on criteria including, but not limited to the hazards found in mines subject to this Act, and his experience under this Act and other health and safety laws. For the purpose of making any inspection or investigation under this Act, the Secretary or the Secretary of Health, Education, and Welfare or any authorized representative of the Secretary or the Secretary of Health, Education, and Welfare shall have a right of entry to, upon, or through any mine.

"(b) In making his investigations of accidents or other conditions relating to health or safety in a mine under this Act, the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, resides, or transacts business, upon the application by the Secretary, shall have jurisdiction to issue such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(c)(1) Each operator shall make, keep, and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses in the mines subject to this Act. In order to carry out the provisions of this paragraph such regulations may include provisions requiring operators to conduct periodic inspections.

"(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring operators to maintain accurate records of and to make periodic reports on, work-related deaths, injuries, and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job in the mines subject to this Act.

"(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring operators to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any applicable mandatory health and safety standard promulgated under this Act. Such regulations shall provide miners or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each miner or former miner to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each operator shall promptly notify any miner who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable health and safety standard promulgated under section 102, or mandated under title II, and shall inform any miner who is being thus exposed of the corrective action being taken.

"(4) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons.

"(d) Any information obtained by the Secretary, or by the Secretary of Health, Education, and Welfare under this Act shall be obtained in such a manner as to impose a minimum burden upon operators, especially those operating small businesses, consistent with the underlying purposes of this Act. Unnecessary duplication of effort in obtaining information shall be reduced to the maximum extent feasible.

"(e) Subject to regulations issued by the Secretary, a representative of the operator and a representative authorized by his miners shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any mine under subsection (a) for the purpose of aiding such inspection and to participate in pre- or post-inspection conferences held at the mine. Where there is no authorized miner representative, the Secretary or his authorized representative shall consult with a reasonable number of miners concerning matters of health and safety in the mine. Such representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under this subsection. To the extent that the Secretary or authorized representative of the Secretary determines that more than one representative from each party would further aid the inspection, he can permit each party to have an equal number of such additional representatives. However, only one such representative of miners who is an employee of the operator shall be entitled to suffer no loss of pay as a result of such participation under the provisions of this subsection. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

"(f)(1) Whenever a miner or representative of the miners has reasonable grounds to believe that a violation of this Act or of a

mandatory health or safety standard exists, or an imminent danger exists, such miner or representative shall have a right to obtain an immediate inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, signed by the miner or by the representative of the miners, and a copy shall be provided the operator or his agent no later than at the time of inspection, except that, the name of the person giving such notice and the names of individual miners referred to therein shall not appear in such copy. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title. If the Secretary determines that a violation or danger does not exist, he shall notify the miner or representative of the miners in writing of such determination.

"(2) Prior to or during any inspection of a mine, any miners or representatives of miners employed in such mine may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act or of any imminent danger which they have reason to believe exists in such mine. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation or order with respect to such danger and shall furnish the miners or representative of miners requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

"(g)(1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

"(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as they may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of mines subject to this Act.

"(h) Whenever the Secretary finds that a mine liberates excessive quantities of methane or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine some other especially hazardous condition, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine during every five working days at irregular intervals. For purposes of this subsection, liberation of excessive quantities of methane or other explosive gases shall mean liberation of more than one million cubic feet of methane or other explosive gases during a twenty-four hour period: *Provided, however,* That when the Secretary finds that a mine liberates more than five hundred thousand cubic feet of methane or other explosive gases during a twenty-four hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every ten working days at irregular intervals: *Provided further,* That when the Secretary finds that a mine liberates more than two hundred thousand cubic feet of methane or other explosive gases during a twenty-four hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every fifteen working days at irregular intervals.

"(i) In the event of any accident (whether or not resulting in an injury or death) occurring in a mine, the operator shall promptly notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

"(j) In the event of any accident occurring in a mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or return affected areas of the mine to normal.

"CITATIONS AND ORDERS

"SEC. 105. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an operator of a mine subject to this Act has violated this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to this Act, he shall, with reasonable promptness, issue a citation to the operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The requirement for the issuance of a citation with reasonable promptness shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

"(b) If upon any followup inspection of a mine, an authorized representative of the Secretary finds (1) that a violation described in a citation issued pursuant to subsection (a) has not been totally abated within the period of time as originally fixed therein or as subsequently extended, and (2) that the period of time for the abatement should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to immediately cause all persons to be withdrawn from, and to be prohibited from entering such area until an authorized representative of the Secretary determines that such violation has been abated, except the following persons:

"(1) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, or an authorized representative of the Secretary, to eliminate the danger or violation described in the order;

"(2) Any public official whose official duties require him to enter such area; or

"(3) Any legal or technical consultant, or any representative of the miners of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine or an authorized representative of the Secretary, for the proper investigation of the conditions described in the order.

"(c)(1) In the case of a violation of any mandatory safety or health standard which is of such nature as could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, and which is caused by an unwarranted failure of such operator to comply with such safety or health standards, the citation shall include a statement to that effect. If, during the same inspection or any subsequent inspection of such mine within ninety days after the issuance of such citation, an authorized representative of the Secretary finds another violation of any safety or health standard and finds such violation to be also caused by an unwarranted failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violations, except those persons referred to in subsection (b) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

"(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall promptly be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in the mine of other unwarranted violations until such time as an inspection of such mine discloses no such violations. Following an inspection of the mine which discloses no unwarranted violations, the provision of paragraph (1) of this subsection shall again be applicable to that mine.

"(d)(1) If an operator has a pattern of violations of mandatory health or safety standards in the mine which are of such nature as could have significantly and substantially contributed to the cause and effect of mine health or safety hazards, he shall be given written notice that such pattern exists. If, upon any inspection within ninety days after the issuance of such notice, an authorized representative of the Secretary finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, the authorized representative shall issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (b) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

"(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a mine health or safety hazard. The withdrawal order shall remain in effect until an authorized representative of the Secretary determines that such violation has been abated.

"(3) If, upon an inspection of the entire mine, an authorized representative of the Secretary finds no violations of mandatory health or safety standards that could significantly and substantially contribute to the cause and effect of mine health and safety hazards, the pattern of violations that resulted in the issuance of a notice under paragraph (1) of this subsection shall be deemed to be terminated and paragraphs (1) and (2) of this subsection shall no longer apply. However, if as a result of subsequent violations, the operator reestablishes a pattern of violations, paragraphs (1) and (2) shall again be applicable to such operator.

"(4) The Secretary shall make such rules as he deems necessary to establish criteria for determining when a pattern of violations of mandatory health or safety standards exists.

"(e) During the abatement period for a violation of the applicable limit on the concentration of respirable dust, the operator of the mine shall cause samples described in section 202(a) of this Act to be taken of the affected area during each production shift.

"As soon as possible after an order relating to failure to abate excessive dust concentra-

tions is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person or team of persons, to the extent such persons are available, who are knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team or persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentration. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the mine.

"(f) (1) If, upon any inspection or investigation pursuant to section 104 of this Act, the Secretary or an authorized representative shall find employed at a mine a miner who has not received the requisite safety training under section 116 of this Act, the Secertary or an authorized representative shall issue an order under this section which declares such miner to be a hazard to himself and to others, and requiring that such miner be immediately withdrawn from the mine, and be prohibited from entering the mine until an authorized representative of the Secertary determines that such miner has received the training required by section 116 of this Act.

"(2) No miner who is ordered withdrawn from a mine under paragraph (1) of this subsection shall be discharged or otherwise discriminated against because of such order; and no miner who is ordered withdrawn from a mine under paragraph (1) of this subsection shall suffer a loss of compensation during the period necessary for such miner to receive such training and for an authorized representative of the Secretary to determine that such miner has received the requisite training.

"(g) Each citation or order issued under this section, or a copy or copies thereof, shall be prominently posted in accordance with section 110 of this Act, and as prescribed in regulations issued by the Secretary.

"(h) Any order issued under subsection (b), (c), or (d) shall remain in effect until modified or terminated by the Secretary or his authorized representative, or modified, terminated or vacated by the Commission or the courts pursuant to section 106 or 107.

"PROCEDURE FOR ENFORCEMENT

"SEC. 106. (a) If, after an inspection or investigation the Secretary issues a citation or order under section 105, he shall, within a reasonable time after the termination of such inspection or investigation, notify the operator by certified mail of the civil penalty proposed to be assessed under section 111(a) for the violation cited and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. A copy of such notification shall be sent by mail to the representative of miners in such mine. If, within fifteen working days from the receipt of the notification issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the citation or the proposed penalty or penalties, and no notice is filed by any miner or representative of miners under subsection (d) of this section within such time, the citation and the penalty or penalties, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency. Refusal by the operator or his agent to accept certified mail containing a notice under this subsection shall constitute receipt thereof within the meaning of this subsection.

"(b) (1) If the Secretary has reason to believe that an operator has failed to correct a violation for which a citation has been issued within the period permitted for its correction the Secretary shall notify the operator by certified mail of such failure and of the penalty proposed to be assessed under section 111 by reason of such failure, and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. A copy of such notification shall at the same time be sent by mail to the representative of the mines. If, within fifteen working days from the receipt of notification issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the notification or proposed penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency. Refusal by the operator or his agent to accept certified mail containing a notification issued under this subsection shall constitute receipt thereof within the meaning of this subsection.

"(2) The Commission may grant temporary relief from any order issued under section 105(b) of this Act, under such conditions as it may prescribe, if—

(A) a hearing has been held in which all parties were given an opportunity to be heard;

(B) the applicant for such relief shows that there is substantial likelihood that the findings of the Commission will be favorable to the applicant;

(C) such relief will not adversely affect the health and safety of miners in the mine; and

The Commission shall provide a procedure for expedited consideration of such cases.

"(c) (1) No person shall discharge or in any manner discriminate against or cause to be discharged or discriminated against or otherwise interfere with the exercise of the statutory rights of any miner, representative of miners or applicant for employment in any mine subject to this Act because such miner, representative of mines or applicant for employment has filed or made a complaint under or related to this Act, including a complaint notifying the operator or the operator's agent, or the representative of the miners at the mine of an alleged danger or safety or health violation in the mine, or because such miner, representative of mines or applicant for employment is the subject of medical evaluations and potential transfer under a standard published pursuant to section 102 of this Act or because such miner, representative of mines or applicant for employment has instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding, or because of the exercise by such miner, representative of miners or applicant for employment on behalf of himself or others of any statutory right afforded by this Act.

"(2) Any miner or applicant for employment or representative of miners who believes that he has been discharged, interfered with, or otherwise discriminated against by any person in violation of this subsection may, within sixty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall commence within fifteen days of the Secretary's receipt of the complaint, and if the Secretary finds that such complaint was not frivously brought, the Commission, on an expedited basis upon application of the Secretary shall order the immediate reinstatement of the miner pending final order on the complaint. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall immediately file a complaint with the Commission, with service upon the alleged violator and the miner, or applicant for employment, or representative of miners alleging such discrimination or interference and proposing an order granting appropriate relief. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the Secretary's proposed order, or directing other appropriate relief; and such order shall become final thirty days after its issuance. The Commission shall have authority in such procedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation as the Commission deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay and interest. The complaining miner, applicant, or representative of miners may present additional evidence on his own behalf during any hearing held pursuant to this paragraph.

"(3) Within ninety days of the receipt of a complaint filed under paragraph (2) of this subsection, the Secretary shall notify the miner, applicant for employment, or representative of miners in writing, of his determination whether a violation has occurred. If the Secretary, upon investigation, determines that the provisions of this subsection have not been violated, the complainant shall have the right, within thirty days of notice of the Secretary's determination, to file an action on his own behalf before the Commission, charging discrimination or interference in violation of paragraph (1) of this subsection. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and thereafter shall issue an order, based upon findings of fact, dismissing or sustaining the complainant's charges and, if the charges are sustained, granting such relief as it deems appropriate, including, but not limited to, an order requiring the hiring or reinstatement of the miner, applicant for employment or representative of miners to his former position with back pay and interest or such remedy as may be appropriate. Such order shall become final thirty days after its issuance. Whenever an order is issued sustaining the miner's charges under this subsection, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) as determined by the Commission to have been reasonably incurred by the miner, applicant for employment or representative of miners for, or in connection with, the institution and prosecution of such proceedings shall be assessed against the person committing such violation. Proceedings under this section shall be expedited by the Secretary and the Commission. Any order issued by the Commission under this paragraph shall be subject to judicial review in accordance with section 107 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of sections 109 and 111(a) of this title.

"(d) If, within fifteen working days of receipt thereof, an operator of a mine notifies the Secretary that he intends to contest the issuance or modification of an order issued under section 105, or a notification issued under subsection (a) or (b) of this section, or the reasonableness of the length of abatement time fixed in a citation or modification thereof issued under section 105, or any miner or representative of miners notifies the Secretary of an intention to contest the issuance, modification, or termination of any order issued under section 105, or the reasonableness of the length of time set for abatement by a citation or modification thereof issued under section 105, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a

hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and thereafter shall issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation, order, or proposed penalty, or directing other appropriate relief; such order shall become final thirty days after its issuance. The rules of procedure prescribed by the Commission shall provide affected miners or representatives of affected miners an opportunity to participate as parties to hearings under this section. The Commission shall take whatever action is necessary to expedite proceedings for hearing appeals of orders issued under section 105.

"JUDICIAL REVIEW

"SEC. 107. (a)(1) Any person adversely affected or aggrieved by an order of the Commission issued under this Act may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the operator has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit, by filing in such court within thirty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have exclusive jurisdiction of the proceeding and of the question determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside, in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings such respect to question of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The Commission may modify or set aside its original order by reason of such modified or new findings of fact. Upon the filing of the record with it, after such remand proceedings, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(2) The court shall have the power to grant such temporary relief or restraining order as it deems just and proper, under such conditions as it may prescribe if—

"(A) a hearing has been held in which all parties were given the opportunity to be heard,

"(B) the applicant for such relief or order shows that there is substantial likelihood that the findings of the court will be favorable to the applicant, and

"(C) such relief will not adversely affect the health and safety of miners in the mine.

"(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the operator has its principal office or in the Court of Appeals for the District of Columbia Circuit, and the provision of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within thirty days after issuance of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such thirty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 106, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the operator named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 111, in addition to invoking any other available remedies.

"PROCEDURES TO COUNTERACT DANGEROUS CONDITIONS

"SEC. 108. (a) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that conditions or practices in such mine are such that an imminent danger exists, such representative shall determine the extent of the area of such mine throughout which the danger exists, and issue an order requiring the operator of such mine to cause all persons, except those referred to in section 105(b), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger and the conditions or practices which caused such imminent danger no longer exist. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 105 or the proposing of a penalty under section 111.

"(b)(1) If, upon any inspection or investigation of a mine, an authorized representative of the Secretary finds (A) that potentially dangerous conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representatives of the miners of such mine. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including, an opportunity for the operator or a representative of the miners to present information relating to such notice.

"(2) Upon the conclusion of such investigation and an opportunity for a public hearing upon request by an interested party, the Secretary shall make findings of fact, and shall, by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in section 105(b), to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Any hearing under this paragraph shall be of record and shall be subject to section 554 of title 5 of the United States Code but without regard to subsection (a)(3).

"(c) Findings and orders issued pursuant to subsection (a) of this section shall contain a detailed description of the conditions or practices which cause and constitute a situation of imminent danger, and all orders issued pursuant to this section shall contain a description of the area of the mine throughout which persons must be withdrawn and prohibited.

"(d) Each finding made and order issued under this section shall be given promptly to the operator of the mine to which it pertains by the person making such finding or order, and all of such findings and orders shall be in writing, and shall be signed by the person making them. Any order issued pursuant to subsection (a) or (b) may be modified or terminated by an authorized representative of the Secretary. Any order issued under subsection (a) or (b) shall remain in effect until modified or terminated by the Secretary or modified or vacated by the Commission, or the courts pursuant to section 107(a) or 108(e).

"(e)(1) Any operator notified of an order under this section or any representative of miners notified of the issuance, modification, or termination of such an order may apply to the Commission within ten days of such notification for reinstatement, modification or vacation of such order. The Commission shall forthwith afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, vacating, affirming, modifying, or terminating the Secretary's order. The Commission and the courts may not grant temporary relief from the issuance of any order under subsection (a) of this section.

"(2) The Commission shall take whatever action is necessary to expedite proceedings under this subsection.

INJUNCTIONS

"SEC. 109. (a)(1) The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (A) violates or fails or refuses to comply with any order or decision issued under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative, in carrying out the provisions of the Act, or (C) refuses to admit such representatives to the mine, or (D) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (E) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or (F) refuses to permit access to, and

copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act.

"(2) The Secretary may institute a civil action for relief including permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the mine is located or in which the operator of such mine has his principal office whenever the Secretary believes that the operator of a mine is engaged in a pattern of violation of the mandatory health and safety standards of this Act, which in the judgment of the Secretary constitutes a continuing hazard to the health or safety of miners.

"(b) In any action brought under subsection (a) of this section, the court shall have jurisdiction to provide such relief as may be appropriate. In the case of an action under subsection (a)(2), the court shall in its order require such assurance or affirmative steps as it deems necessary to assure itself that the protection afforded to miners under this Act shall be provided by the operator. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce any order under clause (a)(1) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless prior thereto, the district court granting such relief sets it aside or modifies it. In any action instituted under this section to enforce an order or decision issued by the Commission or the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Commission or the Secretary, as the case may be, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"POSTING OF NOTICES, ORDER, AND DECISIONS

"SEC. 110. (a) At each mine subject to this Act there shall be maintained an office with a conspicuous sign designating it as the office of the mine, and a bulletin board at such office or at such conspicuous place near an entrance of the mine, in such manner that notices, orders, citations, and decisions required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice, order, citation, or decision required by this Act to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent for not less than thirty days.

"(b) The Secretary shall (i) cause a copy of any notice, order, citation, decision required by this Act to be given to an operator to be mailed immediately to a representative of the miners in the affected mine, and (ii) cause a copy thereof to be mailed to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine. Such notice, order, citation, or decision shall be available for inspection.

"(c) In order to insure prompt compliance with any notice, order, citation, or decision issued under this Act, the authorized representative of the Secretary may deliver such notice, order, citation, or decision to an agent of the operator, and such agent shall immediately take appropriate measures to insure compliance with such notice, order, citation, or decision.

"(d) Each operator of a mine subject to this Act shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a mine subject to this Act shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine, and such official shall receive a copy of any notice, order, citation, or decision issued under this Act affecting such mine. In any case, where the mine is subject to the control of any person not directly involved in the daily operations of the mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any mine subject to the control of such person, and such official shall receive a copy of any notice, order, citation, or decision issued affecting any such mine. The mere designation of a health and safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

"PENALTIES

"SEC. 111. (a) The operator of a mine in which occurs a violation of a provision of this Act or a mandatory safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, shall be assessed a civil penalty of not more than $10,000 for each such violation.

"(b) Any operator who fails to correct a violation for which a citation has been issued under section 105(a) within the period permitted for its correction may be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

"(c) Whenever an operator violates a provision of this Act or a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, any director, officer, or agent of such operator who knowingly authorized, ordered, or carried out such violation shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under section (a), (b), (d), (e), or (f) of this section.

"(d) Any operator who willfully violates a provision of this Act or a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, shall, upon conviction, be punished by a fine of not more than $25,000 or by imprisonment for not more than one year, or both; except that if the conviction is for a violation committed after a first conviction of such person for any violation of this Act, punishment shall be a fine of not more than $50,000 or imprisonment for not more than five years, or both.

"(e) Any person who gives advance notice of any inspection to be conducted under this Act shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

"(f) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both.

"(g) Any operator who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $10,000 for each violation.

"(h) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission of not more than $250 for each occurrence of such violation.

"(i) Whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a mine, including, but not limited to, components and accessories of such equipment, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary applicable to such equipment, and which does not so comply, shall, upon conviction, be punished by a fine of not more than $25,000 or by imprisonment for not more than one year, or by both.

"(j) The Commission shall have authority to assess all civil penalties provided in this Act. In assessing civil monetary penalties, the Commission shall give due consideration to the gravity of the violation, the good faith of the person charged, the history of previous violations, and the appropriateness of the penalty with respect to the size of the business of any mine operator being charged: Provided, That, in proposing civil penalties under this Act, the Secretary may rely upon a summary review of the information available to him and shall not be required to make findings of fact concerning the above factors.

"(k) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation occurred or where the operator has its principal office. Interest at the rate of 8 per centum per annum shall be charged against a person on any final order of the Secretary, the Commission, or the court. Interest shall accrue after thirty days after the issuance of such order.

"(l) No proposed penalty which has been contested before the Commission under section 106(a) shall be compromised, mitigated, or settled except with the approval of the Commission. No penalty assessment which has become a final order of the Commission shall be compromised, mitigated, or settled except with the approval of the court.

"(m) This section shall not be applicable with respect to title IV of this Act.

"ENTITLEMENT OF MINERS

"SEC. 112. If a mine or area of a mine is closed by an order issued under section 104, section 105, or section 108 of this title, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a mine or area of a mine is closed by an order issued under section 105 or section 108 of this title for a failure of the operator to comply with any health or safety standards, all miners who are idled due to such order shall be fully compensated after all interested parties are given an opportunity for a public hearing, which shall be expedited in such cases, and after such order is final by the operator for lost time at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Whenever an operator violates or fails or refuses to comply with any order issued under section 104, section 105, or section 108 of this Act, all miners employed at the affected mine who would have been withdrawn from, or prevented from entering, such time or area thereof as a result of such order shall be entitled to full compensation by the operator

at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated. The Commission shall have authority to order compensation due under this section upon the filing of a complaint by a miner or his representative and after opportunity for hearing subject to section 554 of title 5, United States Code.

"ADMINISTRATIVE PROVISIONS

"SEC. 113. (a) The Secretary is authorized and directed to administer the provisions of this Act through a Mining Enforcement and Safety Administration established under section 302 of the Federal Mine Safety and Health Amendments Act of 1977. The Secretary, acting through the Assistant Secretary for Mine Safety and Health, shall have authority to appoint, subject to the civil service laws, such officers and employees as he may deem necessary for the administration of this Act, and to prescribe powers, duties, and responsibilities of all officers and employees engaged in the administration of this Act.

"(b) Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act.

"THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

"SEC. 114. (a) The Federal Mine Safety and Health Review Commission is hereby established. The Commission shall consist of five members, appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

"(b)(1) The terms of the members of the Commission shall be six years, except that—

"(A) members of the Commission, first taking office after the date of enactment of the Mine Safety and Health Amendments Act of 1977, shall serve, as designated by the President at the time of appointment, one for a term of two years, two for a term of four years and two for a term of six years; and

"(B) a vacancy caused by the death, resignation, or removal of any member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term.

Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(2) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Commission shall appoint such employees as it deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general pay rates. Upon the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the administrative law judges assigned to the Arlington, Virginia, Facility of the Office of Hearings and Appeals, United States Department of the Interior, shall be automatically transferred in grade and position to the Federal Mine Safety and Health Review Commission. Notwithstanding the provisions of section 559 of title 5 of the United States Code, the incumbent Chief Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior assigned to the Arlington, Virginia facility shall have the option, on the effective date of the Federal Mine Safety and Health Amendments Act of 1977, of transferring to the Commission as an administrative law judge, in the same grade and position as the other administrative law judges. The administrative law judges (except those presiding over Indian Probate Matters) assigned to the Western Facilities of the Office of Hearings and Appeals of the Department of the Interior shall remain with that Department at their present grade and position or they shall have the right to transfer on an equivalent basis to that extended in this paragraph to the Arlington, Virginia administrative law judges in accordance with procedures established by the Civil Service Commission. The Commission shall appoint such additional administrative law judges as it deems necessary to carry out the functions of the Commission. Assignment, removal, and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5362 and 7521 of title 5, United States Code.

"(c) The Commission is authorized to delegate to any group of three or more members any or all of the powers of the Board, except that two members shall constitute a quorum of any group designated pursuant to this paragraph.

"(d)(1) An administrative law judge appointed by the Commission to hear matters under this Act shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, as signed to such administrative law judge by the chief administrative law judge of the Commission or by the Commission, and shall make a decision which constitutes his final disposition of the proceedings. The decision of the administrative law judge of the Commission shall become the final decision of the Commission forty days after its issuance unless within such period the Commission has directed that such decision shall be reviewed by the Commission in accordance with paragraph (2) of this subsection. An administrative law judge shall not be assigned to prepare a recommended decision under this Act.

"(2) The Commission shall prescribe rules of procedure for its review of the decisions of administrative law judges in cases under this Act and which shall meet the following standards for review (the provisions of section 557(b) of title 5, United States Code, with regard to the review authority of the Commission are hereby expressly superseded to the extent that they are inconsistent with the provisions of paragraphs (A), (B), and (C) of this subsection):

"(A) PETITIONS FOR DISCRETIONARY REVIEW.—(i) Any person adversely affected or aggrieved may file and serve a petition for discretionary review by the Commission of a decision of an administrative law judge within thirty days after the issuance of such decision. Review by the Commission shall not be a matter of right but of the sound discretion of the Commission.

"(ii) Petitions for discretionary review shall be filed only upon one or more of the following grounds:

"(I) A finding or conclusion of material fact is not supported by substantial evidence.

"(II) A necessary legal conclusion is erroneous.

"(III) The decision is contrary to law or to the duly promulgated rules or decisions of the Commission.

"(IV) A substantial question of law, policy, or discretion is involved.

"(V) A prejudicial error of procedure was committed.

"(iii) Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record when assignments of error are based on the record, and by statutes, regulations, or principal authorities relied upon. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the administrative law judge had not been afforded an opportunity to pass. Review by the Commission shall be granted only by affirmative vote of two of the Commissioners present and voting. If granted, review shall be limited to the questions raised by the petition.

"(B) REVIEW BY COMMISSION AT ITS OWN INITIATIVE.—At any time within thirty days after the issuance of a decision of an administrative law judge, the Commission may in its discretion (by affirmative vote of two of the Commissioners present and voting) order the case before it for review but only upon the ground that the decision may be contrary to law or Commission policy, or that a novel question of policy has been presented. The Commission shall state in such order the specific issue of law, Commission policy or novel question of policy involved. If a party's petition for discretionary review has been granted, the Commission shall not raise or consider additional issues in such review proceedings except in compliance with this paragraph.

"(C) SCOPE OF REVIEW.—For the purpose of review by the Commission under paragraph (A) or (B) of this subsection, the record shall include (i) all matters constituting the record upon which the decision of the administrative law judge was based, (ii) the rulings upon proposed findings and conclusions, (iii) the decision of the administrative law judge, (iv) the petition or petitions for discretionary reveiw, responses thereto, and the Commission's order for review, and (v) briefs filed on review. No other material shall be considered by the Commission upon review. The Commission either may remand the case to the administrative law judge for further proceedings as it may direct or it may affirm. set aside, or modify the decision or order of the administrative law judge in conformity with the record. If the Commission determines that further evidence is necessary on an issue of fact it shall remand the case for further proceedings before the administrative law judge.

"(e) In connection with hearings before the Commission, or its administrative law judges, under this Act, the Commission and its administrative law judges may compel the attendance and testimony of witnesses and the production of books, papers, or documents, or objects, and order testimony to be taken by deposition at any stage of the proceedings before them. Any person may be compelled to appear and depose and produce like documentary or physical evidence, in the same manner as witnesses may be compelled to appear and produce evidence before the Commission and its administrative law judges. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States and at depositions ordered by such courts. In case of a contumacy, failure, or refusal of any person to obey a subpoena or order of the Commission or an administrative law judge, respectively, to appear, to testify, or to produce documentary or physical evidence, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides, or transacts business, shall, upon the application of the Commission, or the administrative law judge, respectively, have jurisdiction to issue to such person an order requiring such person to appear, to testify, or to produce evidence as ordered by the Commission or the administrative law judge, respectively, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 115. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

"MANDATORY HEALTH AND SAFETY TRAINING

"SEC. 116. (a) Each operator shall have a health and safety training program which shall be approved by the Secretary. The Secretary shall promulgate regulations with respect to such health and safety training programs no more than one hundred and eighty days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977. Each training program approved by the Secretary shall provide no less than that—

"(1) new miners shall receive no less than forty hours of training if they are to work underground. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescue device and use of respiratory devices, hazard recognition, escapeways, walk around training, emergency procedures, basic ventilation, basic roof control, electrical hazards, first aid, and the health and safety aspects of the task to which he will be assigned;

"(2) new miners shall receive no less than twenty-four hours of training if they are to work on the surface. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescuer device where appropriate and use of respiratory devices where appropriate, hazard recognition, emergency procedures, electrical hazards, first aid, walk around training and the health and safety aspects of the task to which he will be assigned;

"(3) all miners shall receive no less than eight hours of refresher training no less frequently than once each twelve months, except that miners already employed on the effective date of the Federal Mine Safety and Health Amendments Act of 1977 shall receive this refresher training no more than ninety days after the date of approval of the training plan required by this section;

"(4) any miner who is reassigned to a new task shall receive training in accordance with a training plan approved by the Secretary under this subsection in the safety and health aspects specific to that task prior to performing that task.

"(b) Any health and safety training provided under subsection (a) of this section shall be provided during normal working hours. Miners shall be paid at their normal rate of compensation while they take such training, and new miners shall be paid at their starting wage rate when they take the new miner training. If such training shall be given at a location other than the normal place of work, miners shall also be compensated for the additional costs they may incur in attending such training sessions.

"(c) Upon completion of each training program, each operator shall certify, on a form approved by the Secretary, that the miner has received the specified training in each subject area of the approved health and safety training plan. A certificate for each miner shall be maintained by the operator, and shall be available for inspection at the mine site, and a copy thereof shall be given to each miner at the completion of such training. When a miner leaves the operator's employ, he shall be entitled to a copy of his health and safety training certificates. False certification by an operator that training was given shall be punishable under section 111 (a) and (g) of this Act; and each health and safety training certificate shall indicate on its face, in bold letters, printed in a conspicuous manner the fact that such false certification is so punishable.

"(d) The Secretary shall promulgate appropriate standards for safety and health training for mine construction workers.

"(e) Within one hundred and eighty days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the Secretary shall publish regulations which shall provide that mine rescue teams shall be available for rescue and recovery work at each underground mine in the event of an emergency. The costs of making advance arrangements for such teams shall be borne by the operator of each such mine.".

AMENDMENTS WITH RESPECT TO INTERIM MANDATORY HEALTH STANDARDS

SEC. 202. (a) Section 202(e) of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

"(e) References to concentrations of respirable dust in this title means the average concentration of respirable dust measured with a device approved by the Secretary and the Secretary of Health, Education, and Welfare.".

(b) Section 318 of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking subsection (k) thereof.

AMENDMENTS WITH RESPECT TO INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

SEC. 203. Title III of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "101" in section 301(a) each time it appears therein, and inserting in lieu thereof, in each instance, "102", by inserting the words "of the Interior in coordination with the Secretary" after the word "Secretary" in section 301(b), and by striking section 301 (c) and (d) thereof.

TITLE III—MISCELLANEOUS PROVISIONS

TRANSFER MATTERS

SEC. 301. (a) Except with respect to the functions assigned to the Secretary of the Interior pursuant to section 501 of the Federal Coal Mine Health and Safety Act of 1969, the functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, as amended, and the Federal Metallic and Nonmetallic Mine Safety Act of 1966 are transferred to the Secretary of Labor, except those which are expressly transferred to the Commission by this Act.

(b)(1) The mandatory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and mandatory health and safety standards and regulations under the Federal Coal Mine Health and Safety Act of 1969 which are in effect on the date of enactment of this Act shall remain in effect as standards and regulations applicable to metal and nonmetallic mines and to coal mines respectively under the Federal Mine Safety and Health Act of 1977 until modified, amended, or revoked in accordance with the provisions of this Act.

(2) Within sixty days after the date of enactment of this Act, the Secretary in consultation with the Secretary of the Interior shall establish an advisory committee under section 103 of the Federal Mine Safety and Health Act of 1977 which shall, within one hundred and eighty days after the date of the establishment of such advisory committee, review the advisory health and safety standards issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and recommend to the Secretary which of those standards (or any modification of such standards which does not substantially diminish the health and safety of miners) should be promulgated as mandatory health and safety standards under this section. The Secretary shall publish, within sixty days after any recommendations of the advisory committee under this paragraph, each of the standards so recommended for adoption with or without modification as a proposed mandatory health and safety standard under this section by publication of such standard in the Federal Register, and afford interested persons a period of twenty-five days after publication to submit written data or comment. Within thirty days after the close of the comment period specified in the preceding sentence, the Secretary shall promulgate by publication in the Federal Register a mandatory standard based upon the advisory committee recommendation with or without modification, and the data and comments received thereon, unless the Secretary determines that such a standard will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register.

(c)(1) All unexpended balances of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any functions transferred under the provisions of subsection (a) of this section to the Secretary shall be transferred to the Department of Labor or the Commission, as appropriate. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary of Labor shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this Act.

(2) All orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission or other authorized officials, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department, agency, or component thereof, functions of which are transferred by this section; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Secretary of Labor or the Federal Mine Safety and Health Review Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this section had not been enacted.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary of Labor. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Secretary as

may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(d) For purposes of this sertion, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any officer or officer of such agency or department.

(e) The Director of the Office of Management and Budget in consultation with the Secretary of Labor and the Secretary of the Interior is authorized and directed to make such determinations as may be necessary with regard to the dispositions of personnel, personnel positions, property, records, assets, liabilities, contracts, obligations, commitments, unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions transferred by this Act as he may deem necessary to accomplish the purposes of this Act.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 302. (a) There is established in the Department of Labor, a Mining Enforcement and Safety Administration to be headed by an Assistant Secretary of Labor for Mine Safety and Health appointed by the President, by and with the advice and consent of the Senate. The Secretary is authorized and directed, except as specifically provided otherwise, to carry out his functions under the Federal Mine Safety and Health Amendments Act of 1977 through the Mining Enforcement and Safety Administration.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following paragraph:

"(109) Assistant Secretary of Labor for Mine Safety and Health.".

(c) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(64) Chairman, Federal Mine Safety and Health Review Commission.".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(109) Members, Federal Mine Safety and Health Review Commission.".

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

AMENDMENTS WITH RESPECT TO MINE SAFETY AND HEALTH ADMINISTRATION

SEC. 303. (a)(1) Section 501(a) of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out the word "coal" wherever it appears therein, and by striking out "The Secretary and" inserting in lieu thereof "The Secretary of the Interior and".

(2) Section 501(a) of the Federal Coal Mine Health and Safety Act of 1969 is further amended by inserting immediately after paragraph "(10)" thereof, the following new paragraph:

"(11) to, upon the written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds upon which such request is made determined whether any substance normally found in a mine has potentially toxic effects in the concentrations normally found in the mine or whether any physical agents or equipment found or used in a mine has potentially hazardous effects, and shall submit such determinations to both the operators and miners as soon as possible;" and

by renumbering the current paragraph "(11)" as "(12)".

(3) Section 501(b) of such Act is amended by striking out the word "coal" each time it appears therein, and by adding after the word "Welfare" the following: "through the National Institute for Occupational Safety and Health established under the Occupational Safety and Health Act of 1970"; and by striking out the period at the end thereof and inserting "of the Interior in coordination with the Secretary".

(4) Section 501(c) is amended by inserting "of the Interior" after the words "the Secretary" each place it occurs; and by inserting the words "in coordination with the Secretary" after the words "and Welfare" each place it occurs.

(5) Section 501(d) of such Act is amended by striking out the word "coal".

(6) Section 501(e) of such Act is amended by inserting after the word "Secretary" the last time it occurs therein, the words "of the Interior" and by striking "$30,000,000" and by inserting, in lieu thereof "$60,000,000".

(7) Section 501 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall compile accurate statistics on work injuries and illnesses occurring in the mines subject to this Act.".

(b) Section 502 of such Act is amended by striking out the word "coal" each time it appears therein.

(c)(1) Section 503(a) of such Act is amended by striking out the word "coal" each time it appears therein.

(2) Section 503(a) of such Act is amended by striking out "and the Secretary of Labor,".

(3) Section 503(b) of such Act is amended by striking out the word "coal" each time it appears therein.

(d)(1) Section 503(f) of such Act is amended by striking out the word "coal".

(2) Section 503(g) of such Act is amended by striking out the word "coal".

(3) Section 503(h) of such Act is amended by deleting "$5,000,000" and by inserting in lieu thereof, "$10,000,000", and by inserting before the final period the following: "*Provided*, That no less than one-half of such sums shall be allocated to coal producing States".

(e)(1) Section 505 of such Act is amended by striking out "the mining of coal" and inserting in lieu thereof "in mining".

(2) Section 505 of such Act is further amended by changing the period at the end of the second sentence thereof to a colon, and adding the following language: "Provided however, That, to the extent feasible, in the selection of persons for appointment as mine inspectors, no person shall be so selected unless he has the basic qualification of at least five years practical mining experience and in assigning mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to the extent possible to their previous experience in the particular type of mining operation where such inspections are to be made."

(f) Section 506(b) of such Act is amended by striking out the word "coal" each time it appears therein.

(g)(1) Section 511(a) of such Act is amended by striking out the word "coal".

(2) Section 511(b) of such Act is amended by striking out the word "coal".

(h) Section 502 of such Act is amended by adding the following new subsection (c):

"(c)(1) The National Mine Health and Safety Academy shall be maintained as an agency of the Department of the Interior. The Academy shall be responsible for the training of mine safety and health inspectors under section 505 of this Act, and in training of technical support personnel of the Mining Enforcement and Safety Administration established under section 302 of the Federal Mine Safety and Health Amendments Act of 1977; and for any other training programs for mine inspectors, mining personnel, or other persons as the Secretaries of Labor and Interior shall jointly designate. In performing this function, the Academy shall have the authority to enter into cooperative educational and training agreements with educational institutions, State governments, labor organizations, and mine operators and related industries. Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the user.

"(2) In performing its function pursuant to this section, the National Mine Health and Safety Academy shall use the facilities and personnel of the Department of the Interior, and such other personnel as shall be mutually agreed upon by the Secretaries of Labor and Interior. The Secretary of the Interior may appoint or assign to the Academy such officers and employees as he deems necessary for the performance of the duties and functions of the Academy.

"(3) The Secretary of the Interior shall conduct his safety research responsibilities under section 501 of this Act in coordination with the Secretary of Labor, and the Secretaries of Labor and the Interior are authorized to enter into contractual or other agreements for the performance of such safety related research.".

(i) Section 7(b)(5) of the Small Business Act is amended by striking out the word "coal".

SAVINGS PROVISION

SEC. 304. Nothing contained in this Act or any amendment made by this Act shall be construed to reduce the number of inspectors engaged in enforcement of the Federal Coal Mine Health and Safety Act of 1969 and Federal Metal and Nonmetallic Mine Safety Act as in effect prior to the effective date of this Act or to reduce the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970.

BUDGET PROVISION

SEC. 305. In the preparation of the Budget message required under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), the President shall set forth as separate appropriation accounts amounts required for appropriation for mine health and safety pursuant to the Federal Mine Health and Safety Act of 1977 and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970.

REPEALER

SEC. 306. (a) The Federal Metal and Nonmetallic Mine Safety Act is repealed.

(b) Section 405 of the Act of November 16, 1973, Public Law 93-153 is repealed.

EFFECTIVE DATE

SEC. 307. Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the first day of July 1978. The Secretary of Labor and the Secretary of the Interior are authorized to establish such rules and regulations as may be necessary for the efficient transfer of functions provided under this Act. The amendment to the Federal Coal Mine Health and Safety Act of 1969 made by section 202 of this Act shall be effective immediately upon enactment.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Calendar No. 165, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1529) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. GRAVEL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until we have some order in the Chamber. The Chair asks all who are conversing please to remove themselves from the Chamber. The Senator will not proceed until order has been restored in the Chamber.

The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, first, I should like to say that we shall go through a laying down of the statements tonight and shall not engage in any debate on the subject.

Two, there will not be any votes on this bill this evening.

I ask unanimous consent that, on tomorrow, when the bill is taken up again, Senator DOMENICI or I be recognized so we may open up the formal debate or offer amendments if we so desire.

The PRESIDING OFFICER. Is the Senator's request that, immediately following morning business, the two Senators be recognized?

Mr. DOMENICI. That is correct.

Mr. STEVENSON. Reserving the right to object, Mr. President, the distinguished majority leader is on the floor. I wonder, before we agree to such an order for the Senator from Alaska, whether he can tell the Senate when we are coming in tomorrow?

Mr. ROBERT C. BYRD. Yes; the Senate will come in at 10 o'clock and resume consideration of this measure at about 10:30.

Mr. STEVENSON. Mr. President, I know some Members of the Senate have a meeting with the President at 10 in the morning. I should not want, speaking for myself, to be prejudiced by such an order. If it is the understanding that the Senator from Alaska and the Senator from New Mexico will be recognized when this bill is taken up tomorrow morning, but that there will be no amendments offered or voted on before 10:45, let us say, I shall have no objection.

Mr. GRAVEL. I think I can assure my colleague that there will be no votes before 10:45, or probably until in the afternoon. The first thing we shall do upon the return of the Senators is attempt to negotiate, if possible, a time limit. I know that the matters involved in this measure are of some note and will certainly take several hours.

Mr. ROBERT C. BYRD. I think I should revise my statement by saying that the Senate can come in at 9:30 tomorrow and resume consideration of this measure at 10. As the Senator has indicated, I do not foresee any votes occurring during the first hour and a half.

Mr. GRAVEL. We can make that assurance, that there will be no votes until 11 a.m. or after, for certain.

Mr. STEVENSON. Mr. President, that is not my only concern. Is it planned to make opening statements tonight?

Mr. GRAVEL. No; our plan is simply to file opening statements tonight and not make them. Then, tomorrow, we can begin discussing amendments.

Mr. ROBERT C. BYRD. Let me put it in the form of a unanimous-consent request.

Mr. GRAVEL. If the Senator will yield, I have a unanimous-consent request at the desk right now and the Senator from Illinois has a reservation on it.

Mr. ROBERT C. BYRD. I understand, but let me proceed in this way.

ORDER FOR SENATE TO RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST THAT SENATE RESUME CONSIDERATION OF S. 1529 AT 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the hours of 10 a.m. tomorrow, the Senate resume consideration of the pending measure, S. 1529.

Mr. GRAVEL. The unanimous-consent request that I have is that at 10 o'clock, either Senator DOMENICI or I may be recognized to take up the measure, call-up amendments, or whatever we decide to do. But this as a guarantee, ironclad, from us that there will be no votes before 11 a.m. I cannot imagine that there will be any even at 11. I think it is a matter of our getting some seasoning on the issue and finding out where we are.

Mr. STEVENSON. May we go one step further and have the Senator assure me and others that not only will there be no votes before 11 o'clock, but we will not be foreclosed any opportunity to offer amendments or motions to table or other such motions to any amendments then pending at 11 o'clock?

Mr. GRAVEL. Prior to 11 o'clock?

I would make that part of my unanimous-consent request.

Mr. BAKER. Mr. President, will the Senator put that in the unanimous-consent request? Otherwise, the Senator from Illinois might also determine there would be prejudice to his right to make any motion, or to make any amendment, or substitute, or other parliamentary device, to any measure that may be considered before 11 o'clock.

I hope that is not his request because I can think of circumstances that could be disposed of before 11 o'clock. I would hate to think they were tentative until that time.

Mr. DOMENICI. Mr. President, might I offer this to the Senator from Illinois?

Mr. GRAVEL. I yield.

Mr. DOMENICI. I think he knows the general subject matter. From my standpoint, so long as the principal request that Senator GRAVEL and I be recognized in the morning when we convene, I think we could agree for ourselves that under such recognition we will not offer an amendment until the hour he has requested.

I do not know what we will do in the meantime, but I have no desire to do that without the Senator being here, if that is what he is talking about.

Mr. GRAVEL. I hope we will not restrict it to an amendment. We might be able to take up minor amendments. There is no reason to strap ourselves like that.

If I can state it this way, I ask unanimous consent that Senator DOMENICI or I be recognized in the morning and I ask unanimous consent that no vote occur before 12 o'clock.

Mr. LONG. Mr. President, reserving the right to object, I feel we should not make that at this time. I do not see any reason why those who have amendments to offer and those who have differences of opinion cannot accommodate one another and work out an arrangement where everybody has his day in court and his chance to state his case and explain his side of the argument and then vote.

I believe we would best proceed in that fashion. I do not see that the Senator is going to have any difficulty as manager of the bill getting recognition tomorrow and I do not think it is necessary to have unanimous consent.

I believe we would be best advised to go over until tomorrow and, as far as the Senator from Illinois is concerned, if he cannot be on the floor, I will be here to protect his rights. So that we just proceed to do business as usual in the regular order. We do not need unanimous consent.

Mr. GRAVEL. I would not disagree with that approach.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I, of course, will not object.

It is my understanding from the able chairman of the Subcommittee on Water Resources (Mr. GRAVEL) that we will place our opening remarks in the RECORD this evening but that there will be no discussion of the provisions of the measure or amendments. Feelings, we know, are intense on some matters on which debate will be focused. All Members of the Senate can be assured that there will be no legislative legerdemain by the managers of this important measure, Senator GRAVEL and Senator DOMENICI. They, as well as all the members of the Committee on Environment and Public Works, are knowledgeable and under-

standing of the provisions contained in S. 1529.

Mr. GRAVEL. I assure the chairman of the full committee (Mr. RANDOLPH), who is always eminently fair, that this is our intention.

It would be my plan to introduce my statement in the RECORD, giving a brief explanation of the bill. This way, it will be printed and available to read in the morning. Also, in the morning, after the opening, I will summarize again what is before us for those Members who might want to get a better feel for how they want to approach it.

I suggest, Mr. President, if my colleague from New Mexico is in agreement, that I withdraw my unanimous-consent request and we proceed as is normal in this body, that is, that the managers of the bill would be recognized first in the morning. I would be surprised as to the contrary on that. We can give personal assurances and be prepared to back them up with a unanimous-consent request, if so desired, that there be no votes until a time certain.

Mr. LONG. Will the Senator yield?

Mr. GRAVEL. On this issue, I think, we are all concerned about lock and dam 26 and the user charges. I think the Senator from Louisiana is correct, it has been highly talked about. I think we can make our case, vote up or down, see where everybody is, and dispose of it.

Mr. LONG. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. LONG. It seems to me in the very heated controversies——

The PRESIDING OFFICER (Mr. MATSUNAGA). Does the Senator reserve the right to object?

Mr. LONG. Mr. President, reserving the right to object, it seems to me that in the heated controversies that occur, we do ourselves no favor and we do not make the Senate look good to start this bantering and this jockeying to try to see who can get his amendment in first, and who can offer his amendment to the title rather than to the bill, and who can offer and get his amendment in one place or another.

We just want to fact these things fairly and squarely without anybody seeking any advantage and just see how we want to do business.

Do we want to do business this way or do we want to do business in some other way, and let everybody hear the options discussed and then let it be agreed that we will vote on the proposals.

Basically, Senator DOMENICI has one proposal suggested, Senator STEVENSON had another, I might have another. But as long as we all agree in the best traditions of the Senate that each person's idea will be accorded the dignity of a vote—I see our distinguished majority leader nodding, that is the kind of fine leadership he always provides this Senate—it is not a question of who is right, but what is right, and when we hear the arguments and both sides have done the best they can to explain themselves and marshal their evidence, then we should all be willing to cheerfully accept the verdict of the Senate.

I do not know why we cannot do business that way and avoid this foolishness of one side or the other trying to jockey for some kind of advantage.

All I want to do is have my side of the argument heard and the Senate to vote on it. I certainly want Senator DOMENICI or any other Senator to have the same opportunity I have.

I would not ask anything for myself that I would not ask for others.

I think the distinguished floor manager of the bill, the very able leader, Parliamentarian, and former speaker of the Legislature of the State of Alaska before he came here, likes that approach also.

I mean, all this squabbling to offer a substitute, and then a substitute for a substitute, and then to amend the title rather than to amend the bill, and then an amendment and make points of order, it seems to me does the Senate no favor. But we ought to work it out in such a fashion as to offer the Senate the options—do we want to do it this way, that way, or some other way? Then let the Senate decide how it wants to do it.

Mr. DOMENICI. Mr. President, reserving the right to object, do I correctly understand that that is the way the Senator from Louisiana would like to work out this series of amendments?

Mr. LONG. Yes. I would like Senators to discuss the matter and agree among themselves on the order in which we will vote. First, I think we should discuss the issue somewhat.

Mr. DOMENICI. Certainly.

Mr. LONG. So that everybody has made his position clear for the record. In the course of doing that, if someone did not hear it, he might be buttonholed as he came parading through here and have explained what was said in his absence. Let us discuss it enough to know the issues and vote. I think that would serve the Senate.

Mr. DOMENICI. The problem I have with my good friend from Louisiana is that there are four of us here participating in this. I do not think the Senator is suggesting that we are going to waive the rules of procedure in the Senate; and even if we were deciding on that this evening, we do not know who else has some interest in this and might come along and change it. The Senator from Louisiana and the Senator from Illinois know that there is a pending amendment I have proposed.

I think the Senator from Louisiana is saying that after discussion, long or short, he would like the Senate to vote on my amendment, up or down. Is that correct?

Mr. LONG. Someone might want to amend the amendment. If they want to do so, they are privileged to have a vote on their amendment, too. Someone might want to move to table.

I am not trying to deny anybody his rights. All I am saying is that I think that at the moment we would be best advised simply for no one to claim an advantage over anyone else. If the Senator has an amendment pending, more power to him.

I am suggesting that we would do best to discuss our procedure among Senators. I am sure there will be a considerable amount of discussion and plenty of time to do it during the next day.

Mr. GRAVEL. Mr. President, I think the suggestion of the Senator from Louisiana is very fine. If we proceed with that kind of approach, we will be able to dispatch this bill with alacrity which will please the majority leader and make a contribution to the tough schedule the Senate has carved out for itself.

On that note, I withdraw my objection to the unanimous-consent request.

Mr. DOMENICI obtained the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield, without losing my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry, if the Senator will yield to me for that purpose.

Mr. DOMENICI. I yield.

Mr. ROBERT C. BYRD. Was my request ever ruled on? I heard a lot of reservations to object.

Mr. DOMENICI. What was the request?

Mr. ROBERT C. BYRD. That the Senate, at 10 o'clock tomorrow morning, proceed to the consideration of the pending measure.

The PRESIDING OFFICER. That request has not yet been ruled upon.

Mr. ROBERT C. BYRD. I did not think so.

The PRESIDING OFFICER. The request to recess until 9:30 a.m. has been agreed to.

Is there objection to the request of the majority leader?

Mr. LONG. Mr. President, reserving the right to object, what is the request?

Mr. ROBERT C. BYRD. That the Senate resume consideration of the pending measure at 10 o'clock tomorrow morning.

Mr. STEVENSON. Mr. President, reserving the right to object—and I will not object—I began this by simply observing that I have a meeting with the President at 10, and I do not want to be prevented from meeting with the President at that time.

With the assurances that have been given to me by the Senator from Alaska, the Senator from Louisiana, and the Senator from New Mexico that I would not be prejudiced, I will not object.

Mr. ROBERT C. BYRD. I thank Senators for not objecting.

I point out that without this request, we would automatically proceed to the consideration of the measure earlier than 10 o'clock tomorrow. I am just trying to render a little assistance to all Members.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, on behalf of the Committee on Environment and Public Works, I bring to the Senate today S. 1529, the Water Resources Development Act of 1977.

Title I of this bill contains construction authorizations for 12 Corps of Engi-

neers projects, and phase I authorizations for 5 more. Title I also provides for studies and modifications of 13 potential and existing projects, deauthorization of 3 projects, and 10 policy changes. Seventeen States, the territory of Guam and the trust territory of the Pacific are directly affected in title I, as well as the Nation as a whole. Title II authorizes $443 million in increased monetary authorizations for 11 river basins. The total cost of the bill is approximately $740 million.

Mr. President, there are many in this body who will recall that in the last week of the 94th Congress, the committee brought to the Senate floor the Water Resources Development Act of 1976. That bill contained, in addition to projects and modifications similar to those in this legislation, sections authorizing the reconstruction of locks and dam 26 at Alton, Ill., and initiation of a system of waterway user charges.

It was evident that the controversy surrounding those two items would cause such a prolonged debate that passage of the entire bill was threatened. The committee therefore moved to strike those two sections. At the same time we promised to address the issues of locks and dam 26 and waterway user charges early in the 95th Congress with a view toward reporting and passing legislation as soon as possible.

Mr. President, we have kept our promise. Legislation was introduced, S. 790, which authorized both locks and dam 26 and a system of waterway user charges. This bill was jointly referred to the Committee on Commerce and the Committee on Environment and Public Works. The Subcommittee on Water Resources held 6 days of hearings in April and May on Locks and Dam 26, user charges, river basin authorizations, and miscellaneous items. In the course of subcommittee markup sessions, it was determined that the two major issues should be separated from the rest of the omnibus bill. This decision was made in order to insure that the river basin authorizations and other purely public works matters would not be delayed in the Commerce Committee.

Both S. 790 and the Water Resources Development Act of 1977, S. 1529, were reported on May 16. Today we are considering S. 1529.

I would like to discuss several of the policy changes in this legislation. Section 112 authorizes the Corps of Engineers to survey, plan, construct and operate regional water supply projects. Since 1958 the Corps has had authority to design multipurpose projects that include water supply. In an effort to help reduce our national water supply shortages, both present and future, this section expands existing authority to include single-purpose water supply projects. Let me emphasize that the beneficiaries of these projects will repay the full cost, as is currently required. An exception could occur if the Chief of Engineers determines that small rural communities lack the resources to meet the repayments. In such cases, the chief can recommend another level of cost recovery which would be at least full recovery of principal, if not interest.

Section 121 authorizes the Corps of Engineers to provide technical assistance to States and local governments in alleviating localized flooding problems. Under existing authority, the Corps can develop project reports on small flood control projects at the request of local government entities. If an economically feasible solution cannot be developed, however, the Corps normally discontinues such studies. This section would allow the Corps to complete plans and specifications. The actual construction of such projects would be at non-Federal expense.

Section 105 requires recovery of one-half the costs of any part of a project resulting in windfall benefits to a single landowner through land enhancement. Such cost recovery only applies to projects in which single land owners receive at least 10 percent of the project benefits.

Section 110 establishes a Water Resources Mitigation Advisory Board which will assist the Congress and the Corps of Engineers in evaluating damage mitigation claims. This Board will have no power to make decisions on such claims. It will be valuable, however, in supplying independent judgment on these issues. This section was in the 1976 Water Resources Development Act as it passed the Senate, but was dropped in conference.

Section 114 clarifies the responsibility of Congress over rehabilitation or reconstruction of existing navigation projects. Under this section, the corps may only rebuild a project under existing 1909 act authority if the construction in no way alters the capacity or location of the project. If the capacity is expanded or the location changed, any rehabilitation must be authorized by Congress.

Section 116 raises the individual project limitation on small beach erosion control projects under Corps of Engineers continuing authority from $1 million to $2 million. Under existing authority, the corps can construct small beach erosion control projects without specific congressional authorization if the Federal costs do not exceed $1 million. While this limitation has not been raised since 1970, construction costs have increased considerably. This section therefore raises the Federal share for such projects to $2 million.

Mr. President, S. 1529 authorizes construction for 12 Corps of Engineers projects. Ten of these have final Chief of Engineers reports and environmental impact statements. Nine have Federal costs of less than $15 million. One project, Beargrass Creek, Ky., is authorized contingent upon completion of a final Chief's report and environmental impact statement.

The three construction authorizations which are more than $15 million are:

Atlantic Intracoastal Waterway bridges in North Carolina, at Federal cost of $18.7 million. This project has been approved by the President and transmitted to Congress.

Wears Creek, Mo., phase I of this $29 million flood control project was authorized in the Water Resources Development Act of 1976. Construction must be initiated, however, prior to implementation of a vitally needed HUD urban renewal project in the area. Section 106 of S. 1529 authorizes construction of this project.

Construction of flood control works on the Levisa Fork of the Big Sandy River, the Cumberland River, and on the Tug Fork of the Big Sandy River, Kentucky and West Virginia. A devastating flood virtually wiped out several communities in that area in April of this year. Section 119 authorizes the Corps of Engineers to design and construct such flood control structures as necessary to prevent recurrence of such a disaster. The estimated cost is $100 million.

Other sections of the bill provide for studies of areas experiencing serious water resources problems; deauthorization of no-longer needed projects; fish mitigation matters, cost sharing changes, and other modifications of existing projects. I shall not go into detail on these unless I am asked for clarification.

Title II of the bill provides increased monetary authorizations for the prosecution of 11 river basin plans. These plans include project for flood control, navigation, power, and related purposes. It should be emphasized that none of these are new project authorizations. This increased monetary authorization will enable work to continue on projects which have been authorized and are underway. Three hundred and fifty-eight million dollars of the $443 million is in the President's budget. The additional $85 million was added for contingencies.

Mr. President, this bill is smaller than most bills of this type. Last year's bill, which did not include river basin monetary authorizations, totaled over $1 billion in Federal funds. The items in this bill have received careful consideration. I would like at this time to pay tribute to the other Members of the Subcommittee on Water Resources, particularly the ranking minority member, PETE DOMENICI. His expertise and diligent attention contributed a great deal to our hearings and markup discussions, and I appreciate his assistance.

I am prepared now to yield the floor to Senator DOMENICI.

Mr. RANDOLPH. Mr. President, the measure under consideration by the Senate is of great importance. The waters of the United States are one of our most abundant and useful resources. This Nation has been involved in the development of this resource for nearly two centuries. Without the development of our water resources, the growth that this country has enjoyed would not have been so great.

This legislation, reported from the Committee on Environment and Public Works, authorizes 17 new projects to be carried out by the Army Corps of Engineers and modification of authorities of several existing projects. The total authorization contained in S. 1529 is $740 million, of which $443 million is an increase in the monetary authorization limitation for 11 river basins.

The projects recommended for authorization by the committee will con-

tinue the important development of our water resources. Projects are authorized for flood control, water supply, navigation, beach restoration and other purposes. These are useful projects and respond to various local water problems. Seventeen States and one territory have projects in this bill.

The committee bill authorizes construction of 12 projects recommended by the Chief of Engineers. These projects were developed from studies initiated by the Committee on Environment and Public Works. These projects are located in all regions of the Nation and are of many types. The bill also continues a new authorization procedure for the phase I engineering and design stage of project development. Five projects of this type authorization are recommended in the bill.

The legislation also contains several provisions amending the authority of the Corps of Engineers to carry out general activities. These are important changes in procedures of the corps and will be of benefit to water resources development generally. Several of these deserve special recognition. I have long been concerned with the question of dam safety. The committee in this legislation also recognizes this problem.

Section 107 specifically provides that each report of the Chief of Engineers and the Soil Conservation Service which recommend impoundment of water as solution to a problem shall specifically report on factors involving dam safety in the project document. This is an important step forward and hopefully will do much to provide the Congress with sufficient data on the safety of our authorized dams.

Another section—section 110—authorizes the establishment of a Water Resources Mitigation Board, the purpose of which is to hear claims of individuals who are affected by construction of a corps project and to recommend to the Committee on Environment and Public Works and the corps a solution to the controversy. This provision was contained in the Water Resources Development Act of 1976 when it passed the Senate but was deleted in conference.

Section 112 of the bill provides an authorization for the Corps of Engineers to develop water supply projects. Previously, the corps could have water supply as an element of a project but it could not be the prime project element. Many areas of the country are experiencing difficulty in obtaining water from municipal and industrial water supplies. This authority to the corps can be very beneficial in providing adequate supplies. The full cost of providing such water will be repaid to the Federal Government by the local interests who obtain the water. It is important that this be understood since water supply is not necessarily in the national interest but is of local importance.

Finally, section 121 authorizes the corps under section 208 of the Flood Control Act of 1954 to survey and plan small stream clearing and snagging projects for local governments. Quite often, the study of a local flooding problem will not lead to an economically feasible solution under Federal criteria. This does not mean that the project is not of local importance. This new authorization to the corps will allow the corps to plan, design, and prepare specifications for a project which the local government will then construct with other funds. Under this authority Federal revenue-sharing funds may be used by the local government for this purpose.

There is one project authorization contained in this legislation which is of special importance to me. In April of this year, severe flooding occurred in southern West Virginia, eastern Kentucky, and eastern Tennessee. The Tug Fork flooded to such an extent that two towns in West Virginia—Williamson and Matewan—were virtually destroyed. Other smaller communities were adversely affected.

Many of these localities had local protection projects which were breached in this severe flooding. The corps under existing authorities could repair these facilities. However, because of the potential for such severe flooding in the future a greater level of protection is called for. Section 119 of this bill authorizes the corps to construct in Kentucky and West Virginia those projects which will provide protection against a flood of at least the April severity.

The project authorization is for additional floodwalls and levies in both Kentucky and West Virginia and a cutoff on the Tug Fork which will straighten the course of the stream and reduce the tendency toward flooding. The estimated cost of this work is $100 million.

I ask unanimous consent that a letter from Col. George Bicher, district engineer of the corps, describing the work to be undertaken be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Huntington, W. Va., June 8, 1977.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: In view of the keen interest in the legislation which was reported out of the Senate Public Works Committee on 16 May 1977, we have developed a brief summary sheet for the proposed flood protection plan for the Tug Fork Valley which the legislation references. A copy of the summary sheet is inclosed.

It is understood that those measures which the proposed legislation is intended to authorize for the Tug Fork Valley consist of projects specifically for the protection of Williamson and Matewan and the additional projects contained in our "Plan V." It is further understood that other projects may be added to the plan if found necessary and advisable by the Chief of Engineers.

Sincerely yours,

GEORGE A. BICHER,
Colonel, Corps of Engineers, District Engineer.

FLOOD PROTECTION PLAN FOR TUG FORK ENVISIONED BY PENDING LEGISLATION

Pending authorization legislation initiated by the Senate Public Works Committee would authorize and direct the Corps of Engineers to design and construct a system of flood protection measures in the Tug Fork Valley. Concurrent actions by the Congress to provide initial appropriations upon passage of the authorizing legislation would allow the immediate design and initiation of construction of the two key projects (Matewan Cutoff and Williamson Levee) included in the overall plan.

The authorization would provide specifically for the design and construction of projects to protect the cities of Matewan and Williamson. It further would provide for design and construction of the projects included in the plan developed by the Corps in its planning studies. This plan, which has become known as Plan V, is one of six alternative plans considered for protection of communities in the valley. The authorization also would provide for the addition of projects for other communities which were damaged in April 1977, if found necessary and advisable by the Chief of Engineers

The plan envisioned by the legislation, then, would consist of seven (7) floodwall and/or levee projects, one major channel cutoff project, and one channel modification project. The proposed projects, along with their estimated design and construction costs, are as follows:

Cost, July 1976 Public Law

Project:	
Buffalo Creek levee	$2,200,000
Fairview floodwall	10,000,000
West Williamson floodwall/levee	13,300,000
South Williamson floodwall	7,500,000
Williamson floodwall	7,700,000
East Williamson floodwall	6,800,000
Matewan cutoff	20,300,000
Matewan levee	6,600,000
Welch channel modification	8,600,000
Total	83,000,000

Each of the floodwall and/or levee projects included above would be designed to preclude flood waters from entering damage susceptible areas within the respective communities. As a minimum, the communities would be afforded protection from all future floods ranging in magnitude up to a flood equivalent to the April 1977 flood.

The cutoff project would consist of an open cut, approximately 1,300 feet long and 300 feet deep, through the neck of a 4½ mile loop of the Tug Fork just downstream of Matewan. Tug Fork would be relocated through the cut. About six million cubic yards of material would be removed from the cut and placed in the existing streambed around the loop, thus creating flat, developable land. Dikes would be constructed across the existing channel at the upstream and downstream ends of the cut to prevent floodwaters from entering the loop area. A total of approximately 420 acres of bottomland located within the loop would be provided a high degree of flood protection.

The channel modification project proposed for Welch would be designed to improve the hydraulic carrying capacity of Tug Fork, Elkhorn Creek, and Browns Creek through that community. This project would reduce flood heights for all frequencies of floods which might occur along either of these three streams which converge in this community.

Final design of the key projects (Matewan Cutoff and Williamson Floodwall) could commence immediately upon authorization and receipt of funding. It is estimated that construction could be initiated on these two projects within 21 months of initiation of the final designs and that an additional 22 months would be required for construction of these key projects. Design and construction of the entirety of Plan V would require approximately five years.

Mr. RANDOLPH. Mr. President, the damage in southern West Virginia alone

from this flooding is estimated at $75 million and this may go higher. This project is of vital importance to people of the area. Because of the situation existing after this flooding it would have been very difficult for the corps to have developed a favorable cost-benefit ratio for this project. The committee, therefore, waived the cost-benefit analysis on this project. This procedure is rarely used by the committee but was found to be necessary because of the extraordinary severity of this damage. This procedure will only be recommended by the committee in those future situations that are unique and necessary for solution of a problem similar to those in the Tug Valley.

Mr. President, I would take this opportunity to commend Senator GRAVEL, chairman of the Subcommittee on Water Resources, for his diligence in developing this important legislation and bringing it to the Senate for consideration. Senator DOMENICI, ranking minority member of the subcommittee, also provided valuable leadership during committee consideration of this bill. All members of the Committee on Environment and Public Works must be commended for their efforts which provide the Senate with the opportunity to work its will on this water resources bill.

Mr. President, this bill contains many excellent provisions and many necessary projects. I recommend that the Members of the Senate give careful consideration of this measure. I urge the passage of S. 1529.

Mr. DOMENICI. Mr. President, I wish to express my general support for S. 1529, and to urge its passage by the Senate.

This is not to mean that I believe it is a perfect bill. There are provisions in this legislation that establish principles that will return to haunt the Senate. But there are many more good provisions—sections of the bill that establish a more rational and effective national water resources program.

Probably the section that goes farthest toward this goal is section 112, creating a new authority for the development of water supply projects. I was honored to sponsor the legislation that led to this section (S. 1143) with the cosponsorship of the distinguished chairman of our full committee (Mr. RANDOLPH), the distinguished ranking member of the full committee (Mr. STAFFORD) and the distinguished chairman of the Subcommittee on Water Resource (Mr. GRAVEL).

Section 105, for example, creates a procedure assuring some recovery from those receiving major windfall benefits from a water resources project. The section covers situations when a single land owner can be expected to receive at least 10 percent of a project's benefits. In such cases, the local sponsor of the project must agree to contribute half the cost of those portions of the improvements that relate to that windfall benefit. I agree that it would be unfair to insist on this money "up front". But I believe this is very fair that the sponsor provide this refund to the taxpayers either initially, or when the benefit is realized through development, sale or more intensified land use.

A number of projects in recent bills involved such windfall benefits to owners of land adjacent to those projects. It is equitable national policy that some of this money be shared directly in the project's cost. I would hope that the local sponsor would assure that the direct beneficiary be responsible for making this payment.

Another section, section 114, augments the responsibility of Congress over the work under the direction of the Chief of Engineers, restraining the corps' unbridled discretion to move forward to rehabilitate navigational projects, without specific congressional approval. The section states that this discretion shall hereafter be limited to projects where there is no change in size or location, in other words, straight repair.

The 1909 act has long been used by the corps as a way to bypass the authorizing committees of Congress when making a decision to construct a major navigational replacement facility. This issue was brought into focus when the courts halted the scheduled reconstruction of locks and dam 26 at Alton, Ill., because the court ruled that the corps had proceeded illegally. The Secretary of the Army has stated that he wishes this discretionary authority to be clarified by Congress. This section provides that clarification.

One of the problems this body continually faces is the question of whether a community deserves special cost sharing on a corps project. We are not evenhanded in our policies. Section 110 provides a mechanism to give the Congress better information and advice on which to make decisions.

AMENDMENT NO. 442

Mr. DOMENICI. Mr. President, in the spirit of what we have just arrived at here, and in no way attempting to take advantage of anyone, I call up my amendment No. 442.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself and Mr. ANDERSON, Mr. GRAVEL, Mr. NELSON, Mr. PROXMIRE, Mr. CULVER, Mr. CLARK, Mr. HUMPHREY, Mr. MCCLURE, Mr. STAFFORD, Mr. WALLOP, Mr. CHAFEE, Mr. MUSKIE, Mr. MCGOVERN, and Mr. LUGAR, proposes amendment No. 442.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, after line 15, insert the following:

TITLE III

"SEC. 301. This title may be cited as "The Inland Navigation Improvement Act of 1977".

"SEC. 302. (a) The Congress finds that construction of an inland navigational system that imposes no costs on the direct beneficiaries of such system is unfair to the operators and users of competing modes of transportation and creates distortions in transportation usage that are wasteful of the Nation's resources. The Congress further finds that certain improvements, including the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, are necessary for the effective operation of the Nation's inland waterway system.

"(b) The Congress declares that national economic development requires the maintenance of an adequate inland waterway system but, as a matter of equity and efficiency, that the commercial users of this inland waterways system should contribute a portion of the Federal navigation-related costs involved in building, operating, maintaining, and rehabilitating such waterways.

"(c) It is, therefore, the purpose of this Act both to establish a system of user charges that will promote greater equity and efficiency among all modes and demonstrate the economic feasibility of projects on the inland waterways of the United States, providing a market test for their need, and to authorize the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, as a way to promote the more efficient operation of the existing waterway system.

"SEC. 303. (a) Not later than ten months after the date of enactment of this Act, the Secretary of Transportation shall, after consultation with the Secretary of the Army, and after conducting public hearings and permitting not less than forty-five days for public comment, publish in the Federal Register preliminary regulations on a proposed system of user charges (including a method of collection) intended to recover that portion of the Federal navigation-related costs of the operation, maintenance, new construction, and rehabilitation of the inland waterways of the United States described in subsection (e) of this section. After receiving comments on the preliminary regulations required by this subsection, the Secretary shall, no later than January 1, 1979, promulgate final regulations that establish a schedule and method of collection of user charges to be paid by commercial users of the inland waterways of the United States and submit such regulations to the Congress. Notwithstanding any other provision of law, such charges shall become effective on October 1, 1979, unless disapproved or amended under the terms of subsection (b) of this section, and, after they become effective shall not be modified to any significant degree unless such modification is submitted to Congress under the terms of subsection (b) of this section. In establishing user charges under this section, the Secretary of Transportation is directed to assure that user charges that apply to any particular existing segment of the inland waterways of the United States shall be set at a level so as not to cause serious economic disruption among the commercial users of such segment. The Secretary of Transportation is also required to establish the scale of user charges under this section so that, even after full implementation of this section, no user charge affecting a particular shipment exceeds 1 per centum of the value of that shipment, including transportation costs.

"(b)(1) The final regulations first submitted to the Congress under subsection (a) of this section shall take effect as provided in such subsection, unless, during the 60-day period beginning on the date the Secretary of Transportation submits such regulations to the Congress, the Congress adopts a joint resolution disapproving such regulations. In the event the Congress adopts such a joint resolution amending such regulations, the regulations, as amended, shall take effect as provided in subsection (a).

"(2) In the event the Congress disapproves such regulations, or any significant modification thereto subsequently submitted to it, the Secretary of Transportation shall, within 90 days after the date of adoption of the joint resolution disapproving such regulations or significant modifications, submit revised regulations or significant modifications, as the case may be. Such revised regulations or significant modifications shall take effect

180 days after the date they are submitted to the Congress unless, during the first 60 days after the date of such submittal, the Congress adopts a joint resolution either amending or disapproving such revised regulations or significant modifications.

"(3) In the event the Congress, during the 60-day period beginning on the date regulations establishing user charges or significant modifications thereto are submitted, adopts a joint resolution amending any regulations (other than the first such regulations submitted to the Congress under subsection (a)), or any significant modifications thereto, such amended regulations or significant modifications shall take effect 180 days after the date such regulations or significant modifications were submitted to Congress.

"(c) The schedule of user charges promulgated under this section shall, to the extent reasonable and equitable, be assessed annually on the basis of (1) the costs of operating, maintaining, constructing, and rehabilitating the inland waterways of the United States, and various segments thereof, during the preceding fiscal year; (2) the volume of traffic; (3) seasonal and other repetitive peak demands for use of the inland waterways of the United States; and any other factors that the Secretary of Transportation finds reasonable and equitable.

"(d) The Secretary of Transportation, in promulgating final regulations under this section, is authorized to utilize, but is not limited to, one or more of the following mechanisms as a way to recover a portion of the Federal navigation-related costs from the users of the system: (1) license fees; (2) congestion charges; (3) charges based on ton-miles over a given segment; (4) lockage fees; and (5) charges based on the capacity of cargo vessels, loaded and unloaded, over various segments of the inland waterways of the United States. No charge shall be collected from, or imputed to, the use of any inland waterway that is not operated and maintained by the United States.

"(e)(1) Final user charges shall be adequate to recover (A) 100 per centum of the Federal navigation-related expenditures of the Secretary of the Army, acting through the Chief of Engineers, on the operation and maintenance of the inland waterways of the United States in accordance with paragraph (2) of this subsection, and (B) 50 per centum of the Federal navigation-related capital expenditures on new construction and rehabilitation of the inland waterways of the United States in accordance with paragraph (3) of this subsection.

"(2) During the first year that user charges established under this section are effective, such charges shall be equal to 20 per centum of the total expenditures described in subparagraph (A) of paragraph (1) of this subsection, and shall be increased by 20 per centum of such total expenditures for each of the succeeding four years until 100 per centum of such total expenditures is reached.

"(3) During the sixth year that user charges established under this section are effective, such charges shall, in addition to the charges in subparagraph (A) of paragraph (1) of this subsection, be equal to 10 per centum of the total expenditures described in subparagraph (B) of paragraph (1) of this subsection, and shall be increased by 10 per centum of such total expenditures for each of the next succeeding four years until the maximum of 50 per centum of such total expenditure is reached.

"(f) Funds collected under this section shall be deposited in the general fund of the Treasury.

"SEC. 304. Failure to pay any user charges established under this Act shall subject the violator to a forfeiture of not more than $5,000 per day, and prohibit the violator from the use of any lock on the inland waterways of the United States that is operated and maintained by the United States during the period of violation of this Act. Such forfeiture shall be collected by the Secretary of the Army, acting through the Chief of Engineers.

"SEC. 305. No later than three years after the effective date of the regulations established under section 303 of this Act, the Secretary of Transportation in cooperation with the Secretary of the Army, shall submit to the Congress a report on the implementation of section 303 of this Act. Such report shall describe—

"(a) the economic impact or user charges on the commercial users of, and consumers of goods capable of being shipped on the inland waterways of the United States;

"(b) the economic impact of user charges on a regional and national basis;

"(c) the effectiveness of user charges in establishing a more balanced national transportation system;

"(d) the effectiveness of user charges in promoting the more efficient use of public investments in the Nation's system of waterborne transportation and reliance on the private sector; and

"(e) the effectiveness of user charges in providing for the balanced use of the Nation's water resources.

"SEC. 306. In establishing and revising any regulations promulgated to provide for the recovery of operation, maintenance, construction, and rehabilitation costs under this Act, the Secretary shall allow, as an offset or deduction, the payment of any Federal tax enacted subsequent to enactment of this Act, including a tax on fuels, that may be imposed, by the United States, as a tax exclusively on vessels subject to the user charges authorized under section 303 of this Act.

"SEC. 307. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to replace locks and dam 26, Mississippi River, Alton, Illinois and Missouri, by constructing a new dam and a single, one-hundred-and-ten-foot by one-thousand-two-hundred-foot lock at a location approximately two miles downstream from the existing dam, substantially in accordance with the recommendations of the Chief of Engineers in his report on such project dated July 31, 1976, at an estimated cost of $421,000,000.

"(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to replace, at Federal expense as a part of project costs authorized in subsection (a), terrestrial wildlife habitat inundated as a result of the construction of the project on an acre-for-acre basis in the respective States of Missouri and Illinois and to manage such lands as are thus acquired by the Secretary for wildlife mitigation purposes. The Secretary is further authorized to provide project-related recreation development on or in the vicinity of Ellis Island, Missouri, that requires no separable project lands and includes facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp, and a beach, at an estimated cost of $4,000,000 to be cost shared with the State of Missouri and administered in accordance with the provisions of the Federal Water Project Recreation Act (Public Law 89–72) and undertaken independently of the navigation features of the project.

"(c) The channel above Alton, Illinois on the Mississippi River shall not exceed nine feet, and neither the Secretary of the Army nor any other Federal official shall study the feasibility of deepening the navigation channels in the Minnesota River, Minnesota; Black River, Wisconsin; St. Croix River, Minnesota and Wisconsin; the Mississippi River north of Cairo, Illinois; the Kaskaskia River, Illinois; and the Illinois River and Waterway, Illinois unless specifically authorized by a future Act of Congress.

"(d) There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the provisions of subsections (a) and (b) of this section for fiscal year 1978 and succeeding fiscal years. Any funds which have been allocated to a replacement project for locks and dam 26, prior to enactment of this Act, shall be available for the project authorized in this section and shall remain available until expended.

"SEC. 308. (a) There is hereby created an Upper Mississippi River System Council (hereinafter referred to as 'Council') consisting of the Secretary of Transportation, the Secretary of Agriculture, the Secretary of the Army, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, and the Governors of the States of Wisconsin, Minnesota, Iowa, Missouri, and Illinois. The Secretary of the Interior shall serve as Chairman of the Council.

"(b) The Congress hereby authorizes and directs the Council to prepare a comprehensive master plan for the management of the Upper Mississippi River System in cooperation with the appropriate Federal, State, and local officials. A preliminary plan shall be prepared by January 1, 1981. The plan shall be subject to public hearings in each affected State. The Council shall review all comments presented at such hearings and submitted in writing to the Council and shall make any appropriate revisions in the preliminary plan, and shall by January 1, 1982, submit to the Congress for approval a final master plan. Public participation in the development, revision, and enforcement of said plan shall be provided for, encouraged, and assisted by the Council. The Council shall, within 150 days of enactment of this Act, publish final regulations in the Federal Register specifying minimum guidelines for public participation in such processes. Approval of the final master plan shall be granted only by enactment of the Congress. Changes to the master plan proposed by the Council shall require enactment by the Congress to become effective. All related activities inconsistent with the master plan or guidelines shall be deemed unlawful.

"(c) The master plan authorized under subsection (b) of this Section shall identify the various economic, recreational, and environmental objectives of the Upper Mississippi River System, recommend guidelines to achieve such objectives, and propose methods to assure compliance with such guidelines and coordination of future management decisions affecting the Upper Mississippi River System, and include any legislative proposals which may be necessary to carry out such recommendations and objectives.

"(d) For the purposes of developing the comprehensive master plan, the Council is authorized and directed to conduct such studies as it deems necessary to carry out its responsibilities under this Section, with provision that it utilize, to the fullest extent possible, the resources and results of the Upper Mississippi River resources managements (GREAT) study conducted pursuant to Section 117 of the Water Resources Development Act of 1976 (Public Law 94–587) and of other ongoing or past studies. The Council shall request appropriate Federal, State, or local agencies to prepare such studies, and any Federal agency so requested is authorized to conduct any such study for the purpose of this Section. Studies conducted pursuant to this Section shall include, but not be limited to, the following:

"(1) The Secretary of the Army shall pro-

vide for the Secretary of the Interior to undertake a study to determine: (a) the carrying capacity of the Upper Mississippi River System, (b) the long and short-term systemic ecological impacts of: (1) present and any projected expansion of navigation capacity on the fish and wildlife, water quality, wilderness, and public recreational opportunities of said Rivers, (2) present operation and maintenance programs, (3) the means and measures that should be adopted to prevent or minimize loss of or damage to fish and wildlife, and (4) a specific analysis of the immediate and systemic environmental effects of any second lock at Alton, Illinois, and provide for the mitigation and enhancement of such resources and shall submit his report containing his conclusions and recommendations to the Congress and the Secretary of the Army;

"(2) The Secretary of the Army shall provide for the Secretary of Transportation to undertake studies to determine: (a) the relationship of any expansion of navigational capacity on the Upper Mississippi River System to national transportation policy, (b) the direct and indirect effects of any expansion of navigational capacity on the nation's railroads and on shippers dependent upon rail service, and (3) the transportation costs and benefits to the nation to be derived from any expansion of navigational capacity on said River System. The Council, acting through the Secretary of Transportation, is directed to immediately initiate a specific evaluation of the need for a second lock at Alton, Illinois and the direct and indirect systemic effects and need for such a second lock at Alton, Illinois;

"(3) Studies and demonstration programs, including a demonstration program to evaluate the benefits and costs of disposing of dredge spoil material in contained areas located out of the floodplain. Said program shall include, but shall not be limited to, the evaluation of possible uses in the marketplace for the dredge spoil studies and demonstration programs to minimize the environmental effects of channel operation and maintenance activities;

"(4) Development for the Upper Mississippi River System of a computerized, analytical inventory and system analysis to facilitate evaluation of the comparative environmental effects of alternative management proposals.

"(e) Guidelines developed pursuant to this Section shall include, but not be limited to, guidelines for channel maintenance, minimization of dredging volumes, alternate uses of dredged material, barge fleeting, protection of water quality, fish and wildlife protection and enhancement, wilderness preservation, and management of the wildlife and fish refuges within and contiguous to the Upper Mississippi River System.

"(f) To carry out the provisions of this section, there are authorized to be appropriated to the Council $20,000,000. The Council is authorized to transfer funds to such Federal, State, or local government agencies as it deems necessary to carry out the studies and analysis authorized in this section.

"(g) The Upper Mississippi River System consists of those river reaches containing commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; St. Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois.

"(h) Except for the provisions of Section 307 of this Act, and necessary operation and maintenance activities, no replacement, construction, or rehabilitation that expands the navigation capacity of locks, dams, and channels shall be undertaken by the Secretary of the Army to increase the navigation capacity of the Upper Mississippi River System, until the master plan prepared pursuant to this section has been approved by the Congress.

"(i) the lock and dam authorized pursuant to Section 307 of this Act shall be designed and constructed to provide for possible future expansion. All other construction activities initiated by the Secretary of the Army on the Upper Mississippi River north of Cairo, Illinois and on the Illinois River north of Grafton, Illinois, shall be initiated only in accordance with the guidelines set forth in the master plan.

"Sec. 309. As used in this Act, the term—

"(a) 'user charges' means a charge established by the Secretary of Transportation, under the authority of section 307 of this Act, to be paid by the owner or operator of shallow-draft cargo vessels that use the inland waterways of the United States for commercial purposes;

"(b) 'inland waterway of the United States' means any improved waterway operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than oceangoing vessels, and does not include the Great Lakes, their interconnecting channels, and the Saint Lawrence Seaway.

"(c) 'Commercial users' means common, contract, or other carriers for hire and owners or operators of private shallow draft cargo vessels."

Mr. DOMENICI. Mr. President, having offered my amendment, I have no desire to vote on it quickly. It is the pending amendment; and I am willing to allow the Senate to adjourn shortly, pursuant to the unanimous-consent request made by the distinguished leader.

Mr. President, this amendment would basically incorporate into S. 1529 the provisions of S. 790—both the construction of locks and dam 26 and implementation of waterway user charges—as reported to the Senate by the Committee on Environment and Public Works.

I am honored that I am joined in sponsoring this amendment by several of my colleagues familiar with the issues. They are Senators ANDERSON, CHAFFE, CLARK, CULVER, GRAVEL, HUMPHREY, LUGAR, MCCLURE, MCGOVERN, MUSKIE, NELSON, PROXMIRE, STAFFORD, and WALLOP.

I believe this amendment, as does S. 790, represents a fair resolution to these issues. By offering this amendment now, we intend to give the Senate a chance to vote soon on these important issues involving national transportation policy.

Specifically, this amendment adds a title III to S. 1529. The new title would do three essential things:

First. It authorizes the immediate reconstruction of locks and dam 26, at an estimated cost of $421 million.

Second. It authorizes an administrative process to develop, subject to congressional veto, a system of waterway user charges to be phased in over a decade, beginning in fiscal year 1980. Unlike the committee bill, this amendment also places a percentage lid on the user charge, even after the full, 10-year phase-in. I believe this is an important addition, one that I know concerned many of my colleagues. To allay concerns among consumers, farmers, and shippers, the new language at the end of section 303(a) would prohibit any user charge exceeding 1 percent of the price of the commodity after shipment.

Third. It authorizes the development of a master plan for the Upper Mississippi River system that is somewhat more comprehensive than the one in S. 790.

Mr. President, this represents a compromise. It is an effort on our part to develop an amendment acceptable to the Senate, and one that resolves these two, interwoven issues in a fair and reasonable manner.

I might note that the administration has made it clear that President Carter will veto the reconstruction of locks and dam 26 unless it is accompanied by a reasonable system of user charges.

Mr. President, I urge adoption of the amendment.

Mr. LONG. I ask unanimous consent that a letter I had written discussing the user charge issue to my colleagues and with my colleagues appear in the RECORD at this point. I will discuss the matter at greater length tomorrow.

Mr. DOMENICI. Mr. President, I ask unanimous consent that a letter from the cosponsors of my amendment be made a part of the RECORD immediately following the letter of the Senator from Louisiana.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., June 21, 1977.

DEAR COLLEAGUE: There are several important reasons why waterway user charges should not be linked to the authorization for Lock and Dam 26.

For the bulk movement of cargo, water transportation is by far the most efficient. On a ton mile basis, barge lines carry 16 percent of the cargo, and they use only 2 percent of the fuel required by the transportation industry. To shift a substantial segment of the barge traffic to the railroads would entail an enormous waste of fuel at a time when we should be seeking to conserve. We should be doing the opposite. Other arguments for tolls on the waterways will not stand analysis.

In many cases it is not made clear who the actual beneficiary is For example, competition for cargo among barge lines is so severe that revenues per ton mile are minimal, and, if tolls were levied, the barge lines would be forced to raise freight rates. This means that it is the farmer shipping his grain or the consumer buying coal or other products who is the beneficiary of water navigation rather than the carrier.

The charge that a subsidy is enjoyed by water carriers ignores the fact that far greater subsidies have been conferred upon the railroad industry, which is now seeking to place a toll on its competitors. Railroads have been the recipients of billions of dollars under the 1973 Regional Rail Reorganization Act, relief from passenger losses, last year's rail revitalization legislation, federal railroad retirement contributions, original land grants with all of their valuable mineral deposits, special tax concessions, and so on. To argue that federal assistance to the inland waterways (which from 1824 to 1975 totalled about $4.5 billion) jeopardizes the financial stability of the railroads (for whom last year's rail legislation alone carries a $6 billion plus price tag) is ludicrous. That the Senate understands the absurdity of this kind of reasoning is apparent from the last floor vote taken on user charges: 71 to 17 against user charges on August 3, 1976.

In addition to the provision of subsidies for our inland waterways, we also subsidize airlines and trucks. When a user charge finally was levied on these other two modes, it was placed on the ticket or on the gas pump. It was not imposed as part of a system of toll gates along the entire transportation network.

We will soon be considering an energy tax bill that imposes an energy tax on everyone. The entire transportation sector will be subject to this tax by virtue of the enormous quantities of fuel consumed. It is a far better approach to impose that charge on everyone rather than single out one kind of user for discriminatory treatment.

Unfortunately, the railroads are continuing their selfish, behind-the-scenes efforts to force up barge rates so they can raise their rates on cargo that railroads are presently carrying. We want to help the railroads modernize, but the answer is not to do it by the kind of cutthroat methods that have brought the railroads to their present predicament.

We hope you will join us in rejecting user charges in connection with the construction of Lock and Dam 26.

Sincerely yours,

Russell B. Long, John C. Stennis, Tom Eagleton, John C. Danforth, James O. Eastland, J. Bennett Johnston.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., June 21, 1977.

DEAR COLLEAGUE: Today we introduced an amendment that we will present during the debate on S. 1529, the Omnibus Water Resources Bill. This amendment accomplishes three things:

1. It authorizes the immediate reconstruction of Locks and Dam 26, at an estimated cost of $421 million.

2. It authorizes an administrative process to develop, subject to Congressional veto, a system of waterway user charges that would be phased in over a decade, beginning in fiscal year 1980. There also is a specific limitation in the amendment stating that no user charge, even after the full 10-year phase-in, can be set at a level greater than 1 per cent of the delivered value of the commodity, a limitation that we believe protects shippers and consumers alike.

3. It authorizes the development of a master plan for the Upper Mississippi River system.

The interrelated questions of Locks and Dam 26 and waterway user charges need to be resolved. The transportation balance of this nation requires such a resolution. The Administration supports such a balanced approach. We believe that this amendment provides a fair and effective way to resolve these issues this year, providing assurances of the timely construction of Locks and Dam 26, while treating the American taxpayer and other modes of transportation fairly and reasonably.

We hope that you will support this amendment when it is raised during debate on S. 1529. We would welcome your cosponsorship.

Sincerely,

Dick Clark, Gaylord Nelson, Mike Gravel, Bill Proxmire, Robert Stafford, John Chafee, George McGovern, Pete V. Domenici, Wendell Anderson, Edmund S. Muskie, Malcolm Wallop, Jim McClure, John Culver.

Mr. GRAVEL. Mr. President, I ask unanimous consent that during the consideration of S. 1529, the following staff members of the Committee on Environment and Public Works have the privilege of the floor: John Yago, Richard Harris, Ann Garrabrant, Phil Cummings, Wes Hayden, Hal Brayman, Steve Swain, Bailey Guard, and Lee Rawls.

I make the same request for Perry Pendley of Senator HANSEN's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Steve Bell, of my staff, be granted floor privileges for the remainder of the debate on the bill S. 1529.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Michael Hammond of my staff be granted the privileges of the floor so long as the pending measure is before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that Tom Allison and Doug Svendson, both with the staff of the Commerce Committee, be accorded the privileges of the floor at all times during the consideration of S. 1529.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States stated that he has approved and signed the bill (S. 521) to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks.

MESSAGES FROM THE HOUSE

At 12:55 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House has agreed to, without amendment, the joint resolution (S.J. Res. 63) to amend the Federal Home Loan Bank Act.

At 4:45 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that:

The House agrees to the amendments of the Senate to the bill (H.R. 583) to amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses.

The House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6823) to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes.

The House disagrees to the amendments of the Senate to the bill (H.R. 6689) to authorize fiscal year 1978 appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Service personnel system, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ZABLOCKI, Mr. FASCELL, Mr. DIGGS, Mr. WOLFF, Mr. RYAN, Mrs. MEYNER, Mr. FOWLER, Mr. BROOMFIELD, Mr. BUCHANAN, and Mr. BURKE of Florida were appointed managers of the conference on the part of the House.

That the House insists upon its amendment to the bill (S. 1474) to authorize certain construction at military installations, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. NEDZI, Mr. PRICE, Mr. CHARLES H. WILSON of California, Mr. BRINKLEY, Mr. DAVIS, Mr. KAZEN, Mr. WON PAT, Mr. WHITEHURST, Mr. BOB WILSON, and Mr. BEARD of Tennessee were appointed managers of the conference on the part of the House.

That the House disagrees to the amendments of the Senate to the bill (H.R. 7552) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1978, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STEED, Mr. ADDABBO, Mr. ROYBAL, Mr. PATTEN, Mr. FLYNT, Mr. BOLAND, Mr. MAHON, Mr. MILLER of Ohio, Mr. McEWEN, and Mr. CEDERBERG were appointed managers of the conference on the part of the House.

The House insists upon its amendment to the bill (S. 826) to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; that Mr. BROOKS, Mr. MOSS, Mr. FASCELL, Mr. MOORHEAD of Pennsylvania, Mr. ROSENTHAL, Mr. FUQUA, Mr. CONYERS, Mr. HORTON, Mr. ERLENBORN, and Mr. BROWN of Ohio were appointed managers of the conference on the part of the House; and that Mr. UDALL, Ms. SCHROEDER, and Mr. GILMAN

were appointed additional managers on the part of the House on sections 206, 401(c), 607, 608, 612, 714, and 716 of the House amendment and modifications thereof committed to conference.

The House disagrees to the amendment of the Senate to the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. MOSS, Mr. DINGELL, Mr. ROGERS, Mr. SATTERFIELD, Mr. WAXMAN, Mr. MAGUIRE, Mr. DEVINE, Mr. BROYHILL, and Mr. CARTER were appointed managers of the conference on the part of the House; and Mr. BREAUX, for the consideration of section 108(a) of the House bill and modifications thereof committed to conference.

The House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1678. An act to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "James A. Haley Veterans Hospital";

H.R. 2931. An act to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts;

H.R. 7643. An act to name the Veterans' Administration hospital located at 200 Springs Road, Bedford, Mass., the "Edith Nourse Rogers Memorial Veterans' Hospital."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker has signed the following enrolled bill and joint resolution:

H.R. 6823. An act to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes.

S. Res. 63. Joint resolution to amend the Federal Home Loan Bank Act.

The enrolled bill and joint resolution were subsequenty signed by the Acting President pro tempore (Mr. BURDICK).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1528. A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to amend the Consolidated Farm and Rural Development Act (with accompanying papers); to the Committee on Agriculture, Nutrition, and Forestry.

EC–1529. A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to amend section 2 of the Act of May 6, 1974 to extend for one year certain special pay provisions relating to physicians and dentists in the uniformed services (Department of Defense and Public Health Service) (with accompanying papers); to the Committee on Armed Services.

EC–1530. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations for fiscal year 1979 (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC–1531. A letter from the Acting Secretary of Interior transmitting, pursuant to law, notice that the Comptroller General of the Virgin Islands has been transfered prior to the transmittal of the proposed letter requesting approval of a transfer of the Government Comptroller before the sixty days notice period; to the Committee on Energy and Natural Resources.

EC–1532. A letter from the Acting Secretary of Interior transmitting, pursuant to law, the annual report of the Government Comptroller on the Fiscal Condition of the Government of Guam for the year ended June 30, 1976 (with an accompanying report); to the Committee on Energy and Natural Resources

EC–1533. A letter from the Acting General Counsel of the Treasury transmitting, pursuant to law, documents that have been published in the Federal Register concerning countervailing duties on commercial fish imported from Canada (with accompanying papers); to the Committee on Finance.

EC–1534. A letter from the General Manager of the Tennessee Valley Authority transmitting, pursuant to law, copies of a report of TVA's intention to alter a system of records, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–1535. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Food Stamp Receipts—Who's Watching the Money?" (CED–77–76) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1536. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "U.S. Assistance Provided for Resettling Soviet Refugees" (ID–76–85) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1537. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Force of the Public Utility Holding Company Act has been Greatly Reduced by Changes in the Securities and Exchange Commission's Enforcement Policies" (FGMSD–77–35) (with an accompany report); to the Committee on Governmental Affairs.

EC–1538. A letter from the Office of the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Tenth Annual Report of the Equal Employment Opportunity Commission for the fiscal year ending June 30, 1975 (with an accompanying report); to the Committee on Human Resources.

EC–1539. A letter from the President of the National Academy of Sciences transmitting, pursuant to law, a report entitled "Drinking Water and Health" (with an accompanying report); to the Committee on Human Resources.

EC–1540. A letter from the General Counsel of the National Council on Radiation Protection and Measurements transmitting, pursuant to law, a report entitled "Financial Statements and Supplemental Schedules for the Year Ended December 31, 1976 and Auditors' Opinion" (with an accompanying report); to the Committee on the Judiciary.

EC–1541. A letter from the Administrator of the Veterans Administration transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children; and for other purposes (with accompanying papers); to the Committee on Veterans Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–238. House Joint Resolution No. 4 adopted by the Legislature of the State of New Hampshire requesting appropriate action by the Congress, acting by consent of two-thirds of both Houses to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION No. 4

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever ⅔ of both Houses deem it necessary; and

"Whereas, we believe such action vital; now, therefore, be it

"Resolved by the Senate and House of Representatives in General Court convened:

"That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States and that the state of New Hampshire requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and be it further

"Resolved, that copies of this resolution be sent by the Secretary of State to the New Hamsphire members of both Houses of Congress and the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

POM–239. Senate Joint Resolution No. 16 adopted by the Legislature of the State of California relative to tuna fishing; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION 16

"Whereas, The tuna fishing industry is an important contributor to the welfare of the people of California and of the nation, providing employment to numerous persons, providing substantial revenues to the state, and providing high quality protein at a reasonable price to the American people; and

"Whereas, The extinction of the American tuna fishing industry would have disastrous

economic consequences, resulting in the unemployment of a large number of hard-working, highly trained crew members as well as thousands of cannery workers and employees of allied industries, and in a rapid increase in the price of tuna for the American people; and

"Whereas, American tuna fishing boats are making efforts to preserve the porpoise and are developing and employing techniques which are reducing the incidental mortality of porpoises in connection with tuna fishing operations; and

"Whereas, If tuna fishing boats are prohibited from operating under the jurisdiction of the United States, the result may be an increase in the mortality rate of porpoises since boats operating under the jurisdiction of other nations are making no effort to prevent the incidental mortality of porpoises, and since research being carried on by the American tuna fishing industry will be curtailed; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take prompt actions to assure the continued operation of the American tuna fishing industry, consistent with continuing efforts to reduce the incidental mortality of porpoises; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the United States Secretary of Commerce, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-240. House Concurrent Resolution No. 72 adopted by Legislature of the State of Louisiana urging and requesting the President of the United States, the Congress and the Internal Revenue Service to simplify the federal personal income tax forms to allow for easier computation and completion by the taxpayers; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 72

"Whereas, the forms used for the computation of federal personal income tax are extremely cumbersome, confusing, and complex; and

"Whereas, this complexity causes great difficulty to all taxpayers and forces an increasingly greater number of taxpayers to seek professional assistance in completing these forms; and

"Whereas, the cost of professional assistance places an additional load on the already overburdened taxpayer; and

"Whereas, the end result of this process is a frustrated taxpayer, who is forced to shoulder a crushing tax burden imposed by rules and regulations which he cannot understand; and

"Whereas, it is this frustration which causes many prominent political commentators and a former Secretary of the Treasury to predict an imminent taxpayer rebellion, and

"Whereas, the foundation of this great nation is firmly grounded on the bedrock of a taxpayer rebellion precipitated by the imposition of taxes which were less onerous than those imposed today; and

"Whereas, the continued flow of tax revenues is absolutely dependent upon the voluntary compliance of the taxpayer; and

"Whereas, this voluntary compliance is imperiled by the complexity of the federal personal income tax forms.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the President of the United States, the United States Congress and the Internal Revenue Service are hereby urged and requested to take such steps as are necessary to simplify the federal personal income tax forms to allow for easier computation and completion by the taxpayers.

"Be it further resolved, that copies of this Resolution shall be transmitted to the President of the United States, the presiding officers of the United States Congress, the members of the Louisiana Congressional Delegation in the Congress, and the Internal Revenue Service."

POM-241. House Concurrent Resolution No. 100 adopted by the Legislature of the State of Louisiana memorializing the United States Congress to pass legislation to require the labeling of imported beef; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION No. 100

"Whereas, it has come to the attention of the American public that billions of pounds of beef are imported int- this country annually for domestic consumption; and

"Whereas, such beef imports are compounding the problems that are facing the beef producers of this country; and

"Whereas, such competition has forced many cattle producers out of the beef business; and

"Whereas, we believe that the American consumer has the right to know whether or not the beef that he or she is purchasing is domestic beef or imported beef; and

"Whereas, presently the American consumer has no way of knowing whether the beef that he or she buys is domestic beef or imported beef; and

"Whereas, we believe that the passage of legislation which would require the labeling of imported beef would speak directly to this pressing situation and would alleviate somewhat the overall financial problems now facing the beef producers of this country.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Congress of the United States is hereby memorialized to take immediate action toward the introduction and final passage of legislation which would require the labeling of imported beef.

"Be it further resolved that copies of this Resolution be forwarded to the president of the United States Senate, the speaker of the United States House of Representatives and to members of the Louisiana congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENSON, from the Committee on Banking, Housing and Urban Affairs:

With an amendment:

H.R. 6415. An act to extend and amend the Export-Import Bank Act of 1945 (Rept. No. 95-279).

By Mr. PROXMIRE, from the Committee on Appropriations:

With amendments:

H.R. 7554. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-280).

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Without amendment:

S. Res. 201. An original resolution authorizing supplemental expenditures by the Committee on Energy and Natural Resources for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. MAGNUSON, from the Committee on Appropriations:

With amendments:

H.R. 7555. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-283).

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

With an amendment:

S. 9. A bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes (together with minority views) (Rept. No. 95-284).

By Mr. HOLLINGS, from the Committee on Appropriations:

With amendment:

H.R. 7556. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-285).

DEPARTMENT OF DEFENSE AUTHORIZATION—CONFERENCE REPORT (REPT. NO. 95-282)

Mr. STENNIS submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

John A. Gronouski, of Texas, to be a member of the Board for International Broadcasting.

Donald Gordon MacDonald, of Florida, to be an Assistant Administrator of the Agency for International Development.

Milton A. Wolf, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

William V. Shannon, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

John Andrew Linehan, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Donald R. Norland, of Iowa, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenitpotentiary of the United States of America to the Republic of Botswana, to which office he was appointed during the last recess of the Senate.

Donald R. Norland, of Iowa, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho, to which office he was appointed during the last recess of the Senate.

Donald R. Norland, of Iowa, a Foreign

Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland, to which office he was appointed during the last recess of the Senate.

Herman J. Cohen, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

POLITICAL CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination:

Nominee, Milton A. Wolf.
Post, Ambassador.
Contributions, amount, date, and donee:
1. Self, see attached schedule A.
2. Spouse, see attached schedule B.
3. Children and Spouses, see attached schedule C.
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses, none.
7. Sisters and spouses, see attached schedule D.

I have listed above the name of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

SCHEDULE A

Amount, date, and donee:
1973, none.

1974

$3,000, Metzenbaum for Senate Committee.
$100, Louis Stokes for Congress Committee.
$1,500, Professionals for Metzenbaum Committee.
$1,500, Citizens for Metzenbaum Committee.
$1,500, Workers for Metzenbaum Committee.
$2,500, Citizens for John Glenn.
$1,000, Jackson Planning Committee.

1975

$1,000, Citizens for Glenn Committee.
$1,000, Jackson Planning Committee.

1976

$1,000, Metzenbaum for U.S. Senate.
$100, Church for President.
$1,000, Jimmy Carter for President.
$125, Bud Zumwalt Senate Campaign.
$250, James Buckley—Friends of James Buckley.
$100, Dematte for Senate Committee.
$1,000, Stanton for Senate.
$1,000, Gary R. Familian for Congress.
$1,000, Moynihan for Senate.
$500, Virginians for Zumwalt.
$1,000, Metzenbaum for U.S. Senate.
1977, none.

SCHEDULE B: ROSLYN C. WOLF—CONTRIBUTIONS

Amount, date, and donee:
1973, none.

1974

$3,000, Metzenbaum for Senate Committee.
$1,500, Professionals for Metzenbaum Committee.
$1,500, Citizens for Metzenbaum Committee.
$1,500, Workers for Metzenbaum Committee.
$2,500, Citizens for John Glenn.

1975

$1,000, Citizens for Glenn Committee.

1976

$1,000, Metzenbaum for U.S. Senate.
$1,000, Jimmy Carter for President.
$1,000, Stanton for Senate.
$1,000, Gary R. Familian for Congress.
$1,000, Metzenbaum for U.S. Senate.
$125, Bud Zumwalt Senate Campaign.
$500, Virginians for Zumwalt.
1977, None.

SCHEDULE C: CHILDREN AND SPOUSES—CONTRIBUTIONS

Amount, date, and donee:

1974

Caryn (Wolf) Wechsler:
$2,500, Citizens for John Glenn.

1976

$1,000, Metzenbaum for U.S. Senate.
$1,000, Jimmy Carter for President.

1976

Steve Wechsler:
$1,000, Metzenbaum for U.S. Senate.
$1,000, Jimmy Carter for President.

1974

Nancy Wolf:
$2,500, Citizens for John Glenn.

1976

$1,000, Metzenbaum for U.S. Senate.
$1,000, Metzenbaum for U.S. Senate.

1976

Sherri Wolf:
$1,000, Metzenbaum for U.S. Senate.

SCHEDULE D: SISTERS AND SPOUSES—CONTRIBUTIONS

Amount, date, and donee:

1974

Anita (Wolf) Stein:
$100, Metzenbaum for Senate Committee.

1976

$100, Metzenbaum for U.S. Senate.
$500, Metzenbaum for U.S. Senate.

1974

Marty Stein:
$100, Metzenbaum for Senate Committee.

1976

$100, Metzenbaum for U.S. Senate.
$500, Metzenbaum for U.S. Senate.

Nominee: William Vincent Shannon.
Post: Ambassador to Ireland.
Contributions, amount, date, and donee:
1. Self, $100, September 27, 1976, Environmental Action.
2. Spouse, none.
3. Children and Spouses: Three Sons: Liam, Christopher, David, none.
4. Parents (deceased).
Charles B. McNelly and Cecilia B. McNelly none (McNellys are parents-in-law).
5. Grandparents (deceased).
6. Brothers and Spouses: John J. Shannon, none.
7. Sisters and Spouses: Robert and Margaret McLoughlin, Warren and Mary Willett, John and Clare Graham, None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: John A. Linehan.
Post: Ambassador to Sierra Leone.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses, Mark (single)—$25.00 to Ramsay Clark, September, 1974; Andrew (single), none; Sarah (single), none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses, Miss Gertrude L. Linehan, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Norland, Donald R.
Post: Ambassador to Botswana, Lesotho and Swaziland.
Contributions, amount, date, and donee:
(If none, write none)
1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and Spouses, $75.00, 1972, Dick Clark.
7. Sisters and Spouses, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Herman J. Cohen.
Post: Ambassador—Senegal.
Contributions, amount, date, and donee:
1. Self, Herman J. Cohen, none.
2. Spouse, Suzanne Cohen, none.
3. Children and Spouses, Marc Cohen, Alain Cohen, both minors, none.
4. Parents, Morris Cohen: Names. Mother: Fannie Cohen, Father, deceased, none.
5. Grandparents, all deceased more than 20 years ago, Abraham Zauzner, Sara Zauzner, Abraham Cohen, Rachel Cohen.
6. Brothers and Spouses, Mr. and Mrs. Theodore Cohen, none.
7. Sisters and Spouses, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

By Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation:

Fabian Chavez, Jr., of New Mexico, to be Assistant Secretary of Commerce for Tourism.

John McGrath Sullivan, of Pennsylvania, to be Administrator of the Federal Railroad Administration.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MAGNUSON. As in executive session, from the Committee on Commerce, Science, and Transportation, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 13, 1977, at the end of the Senate proceedings.)

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1678. An act to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "James A. Haley Veterans' Hospital"; to the Committee on Veterans' Affairs.

H.R. 2931. An act to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts; to the Committee on Governmental Affairs.

H.R. 7643. An act to name the Veterans' Administration hospital located at 200 Springs Road, Bedford, Mass., the "Edith Nourse Rogers Memorial Veterans' Hospital"; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STAFFORD:

S. 1723. A bill to amend the Internal Revenue Code of 1954 to permit small corporations to delay for one month the fourth quarterly installment of Federal income taxes; to the Committee on Finance.

By Mr. PROXMIRE (for himself and Mr. GARN):

S. 1724. A bill to establish a Neighborhood Reinvestment Corporation; to the Committee on Banking, Housing and Urban Affairs.

By Mr. NUNN:

S. 1725. A bill to amend part D of title IV of the Social Security Act so as to extend through September 30, 1979, the period with respect to which States may receive payment on account of certain child support collection and paternity determination services, and for other purposes; to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. MCINTYRE, Mr. NUNN, Mr. NELSON, Mr. PACKWOOD, Mr. ANDERSON, Mr. HATHAWAY, and Mr. WEICKER):

S. 1726. A bill to amend the Small Business Act to declare a national small business economic policy, provide for an ongoing program of advocacy and economic research and analysis for small business, and to increase the exchange of pertinent information and the level of cooperation between the Small Business Administration and other departments, agencies and instrumentalities of the Federal Government; to the Committee on Small Business.

By Mr. CRANSTON:

S. 1727. A bill to permit marketing orders to include provisions concerning marketing promotion, including paid advertisement, of raisins and distribution among handlers of the pro rata costs of such promotion; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ANDERSON (for himself and Mr. KENNEDY):

S. 1728. A bill to authorize the Secretary of Health, Education, and Welfare to establish a grant program designed to develop methods of prevention and treatment relating to domestic violence, and for other purposes; to the Committee on Human Resources.

By Mr. CURTIS:

S. 1729. A bill to amend the Rural Electrification Act of 1936 in order to permit the use of the Rural Electrification and Telephone Revolving Fund to repair and replace certain electric power and telephone lines and equipment damaged or destroyed in rural areas by natural disasters; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIBICOFF:

S. 1730. A bill to provide for an additional Assistant Secretary in the Department of the Treasury; to the Committee on Governmental Affairs.

By Mr. STENNIS (for himself and Mr. TOWER) (by request):

S. 1731. A bill to amend section 2 of the Act of May 6, 1974 to extend the special pay provisions for physicians and dentists in the uniformed services; to the Committee on Armed Services.

By Mr. BURDICK:

S. 1732. A bill for the relief of Thet Tong Mah; to the Committee on the Judiciary.

S. 1733. A bill for the relief of Quon Wing Woo; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1734. A bill to amend the Employee Retirement Income Security Act of 1974 to encourage diversification of investment by retirement benefit fund managers; to the Committee on Finance and the Committee on Human Resources, by unanimous consent.

By Mr. WALLOP:

S. 1735. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits on account of receipt of workmen's compensation; to the Committee on Finance.

By Mr. MATSUNAGA:

S.J. Res. 64. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Human Resources.

By Mr. KENNEDY (for himself, Mr. BAYH, Mr. BROOKE, and Mr. HUMPHREY):

S.J. Res. 65. A joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD:

S. 1723. A bill to amend the Internal Revenue Code of 1954 to permit small corporations to delay for 1 month the fourth quarterly installment of Federal income taxes; to the Committee on Finance.

Mr. STAFFORD. Mr. President, today I am introducing a bill that would benefit certain small business corporations by delaying the date for payment of fourth quarter estimated taxes.

Businesses that would be subject to this exemption, those with gross annual receipts of $250,000 or less, are typically individually manned or family owned businesses, or fledgling corporations struggling to survive the early stages of their development.

A large proportion of such corporations work on a very tight cash flow basis, so that even requirements that would seem minor to larger corporations, such as advance payment of taxes or any slight increase in estimated taxes, are critical. Also corporations of this size do not usually have the same sort of forecast budgeting and planning staffs that enable large corporations to better estimate advance tax payments.

According to the Library of Congress Research Service, Economics Division, a 1-month delay in payment of taxes by these corporations would cost the Federal Government between $1.1 and $4.3 million in fiscal year 1978. Thus, while this bill would have a positive impact on the cash flow of the affected corporations, the economic effect on the Federal Treasury would be negligible.

I ask unanimous consent that the memorandum prepared for me on this matter by the Congressional Research Service be printed in the RECORD, and I invite the support of my colleagues for this equitable measure.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MAY 25, 1977.

To The Honorable Robert T. Stafford.
From Economics Division.
Subject Analysis of potential legislation to delay payment of estimated taxes by small corporations.

This memorandum is in response to your request for an analysis of potential legislation which would delay the date for payment of fourth quarter estimated taxes by corporations with gross annual receipts of less than $250,000 from the 15th day of the twelfth month of the corporation's tax year to the 15th day of the first month following the close of the corporation's tax year. Our estimates are that such a change would cost the Federal Government between $1.1 and $4.3 million in fiscal year 1978 and, therefore, would have a negligible economic effect.

It is not possible to estimate precisely the amount of fourth quarter estimated tax payments of corporations with gross annual receipts of less than $250,000. Corporate tax return data published by the Treasury Department are broken out by size of business receipts, but the relevant category is "$100,000 to $500,000." In 1972 (the last year for which data in sufficient detail are available) corporations with gross annual receipts of $500,000 had aggregate Federal income tax liability after tax credits of $1.65 billion; corporations with gross receipts less than $100,000 had aggregate Federal income tax liability of $426.6 million.[1] These data were used as the basis for the estimate of the cost to the Federal Government in fiscal year 1978 of delaying by one month the fourth quarter estimated tax payment by these corporations. Three steps were involved in the calculations:

First, the tax liability figures were adjusted upward proportionate to the expected increase in total corporate income tax collections in 1978 versus 1972.

Second, the estimated total collection figures for these corporations were divided by 4 to obtain the fourth quarter estimated tax payment.[2]

Third, the amount of the estimated fourth quarter payment was multiplied by 6.3 percent (approximately the current average rate of interest on the public debt) and divided by 12 to obtain the cost to the Federal Government of the one month delay in receipts.

These procedures produced estimated costs to the Federal Government, in additional interest charges, of approximately $1.1 million if the one month delay in fourth quarter payments applied to corporations with annual receipts less than $100,000, and approximately $4.3 million if the delay applies

[1] Department of the Treasury, Internal Revenue Service, Statistics of Income 1972, Corporation Income Tax Returns, Publication 16 (3-77), Table 7, page 69.

[2] The fourth quarter payment is not always equal to one fourth of the actual liability (in fact, it may rarely be) because the amount of estimated tax liability may change during the year, and for small corporations the prospective tax liability may not exceed the $40 exemption from the estimated tax, or may not exceed the exemption until late in the tax year. However, this procedure should provide a reasonable approximation.

to corporations with receipts less than $500,000. Thus, the cost to the Government of a one month delay which applied to corporations with receipts less than $250,000 would be expected to fall within this range.

These amounts of revenue are sufficiently small that no noticeable economic effects would be expected, except for a positive impact on cash flow of the affected corporations.

By Mr. PROXMIRE (for himself and Mr. GARN):

S. 1724. A bill to establish a Neighborhood Reinvestment Corporation; to the Committee on Banking, Housing and Urban Affairs.

Mr. PROXMIRE. Mr. President, I am today introducing legislation to establish the experimental Urban Reinvestment Task Force and its Neighborhood Housing Services project as an ongoing program for neighborhood preservation.

The Urban Reinvestment Task Force is only 3 years old, but its success is evident. Through task force programs, such as Neighborhood Housing Services, the Federal Government provides a catalyst to stimulate local resources, rather than operating a full scale program. It spent only $2.5 million last year in Federal funds. Yet it has had a disproportionate impact on the revitalization of marginal urban neighborhoods, and provides a model of what can be done with ingenuity and cooperation at minimal public expense.

Here is how the program works:

The Urban Reinvestment Task Force, composed of the Secretary of Housing and Urban Development, a Governor of the Federal Reserve Board, the Comptroller of the Currency, the Chairman of the Federal Deposit Insurance Corporation, and the Chairman of the Federal Home Loan Bank Board sponsors the program. It has been financed largely by the HUD research budget, at an annual level of $2.5 million, increasing to $4.5 million this year. It also receives support from the Federal Home Loan Bank system.

The typical NHS is located in a blue-collar neighborhood with a preponderance of homes suitable for home ownership, but which is beginning the familiar cycle of decline, with owner occupancy giving way to absentee ownership, maintenance decreasing, city services diminishing, and local lenders losing confidence in the community.

Localities can apply for assistance to neighborhoods that meet NHS criteria. Once a neighborhood is selected as an NHS area, NHS staff helps the community devise a coordinated reinvestment strategy to stabilize and upgrade the neighborhood for the benefit of its existing residents.

The NHS approach to the cycle of decline is to restore confidence and promote local self-help. With the technical assistance and support of the task force, community residents, local lenders, and representatives of local government establish a local Neighborhood Housing Service as a nonprofit corporation.

The Urban Reinvestment Task Force provides technical assistance and seed capital for a "high risk" revolving loan fund. The local government agrees to improve public services and operate a concentrated code inspection and compliance program, coordinated with NHS. Local lenders serve on the NHS Board and agree to make every effort to reinvest in the neighborhood through conventional mortgage loans, refinancings, and home improvement loans. The financial institutions contribute to NHS operating expenses which typically support a staff of three operating out of a storefront or a house in the neighborhood. Bankable loans are referred to financial institutions. Marginal loans are made through the revolving loan fund. The staff provides counseling and assistance on home improvements, working with local brokers, lenders, contractors, and public officials. An effort is made to keep the neighborhood from attracting speculators, which would tend to drive existing residents out of the neighborhood.

According to task force staff director, Mr. William Whiteside, in testimony before the Senate Banking Committee, the program contains six key elements. It is local; it is nongovernmental; it is nonbureaucratic; it is a self-help effort; it is not a giveaway; it concentrates on specific, targeted neighborhoods.

The first NHS began in Pittsburgh in 1968. In 1972, the Federal Home Loan Bank Board adopted the Pittsburgh model and brought it to several other cities. In 1974, the Urban Reinvestment Task Force was created by an interagency agreement between the Federal Home Loan Bank Board and the Department of Housing and Urban Development. In 1975, three other financial regulatory agencies were added to the task force membership. In that year, the task force received a commitment from HUD's research office to fund it at an annual level of $2.5 million through fiscal year 1978 and $1.5 million in fiscal year 1979. Last year, Congress increased that amount to $4.5 million for fiscal year 1977 which will support NHS activity in almost 50 communities.

So far the program is operating in 30 localities, and will probably be in 50 by the end of 1977.

Fifty neighborhoods, in a country with tens of thousands of neighborhoods may seem like a drop in the bucket. However, NHS has had a powerful catalytic effect in promoting cooperation among communities, financial institutions, and local officials. By encouraging lenders to work together with community residents and restoring pride in marginal neighborhoods, it has demonstrated the ability of older urban communities to revive and has arrested the spread of blight.

The Neighborhood Housing Services program has provided a model that is being imitated widely, using community development block grant funds, as well as reinvestment pools established by financial institutions. The fact that the Urban Reinvestment Task Force operates as a consortium of the financial regulatory agencies makes it clear to participating lenders that NHS operates with the blessing and encouragement of the financial supervisors, and the task force staff has used this entree to good advantage.

Each local NHS can point to dramatic statistics, reflecting a substantial increase in mortgage and home improvement loans, building permits, elimination of code violations, and a substantial increase in home ownership in its target neighborhoods. This significant and visible improvement in the high-impact NHS neighborhoods, of course, spills over into surrounding communities. It encourages residents to stay or move back into what was dismissed as a declining area. It stabilizes property values. It improves the tax base. It restores confidence on the part of appraisers, brokers, and lenders in older urban neighborhoods generally. It has been a real consciousness-raiser for bankers.

In the 24 NHS areas, some of which are only 6 months old, for example, the high risk funds have made loans to over 1,100 families. This, in turn, has encouraged local lenders to make conventional mortgage loans in the target neighborhoods by hundreds more, at no cost to the Government. In the Pittsburgh NHS area, home improvement lending by local financial institutions has doubled, building permits have nearly tripled. The target neighborhood has taken on a new self-confidence. In the Baltimore NHS, which was only established in August 1974, the percentage of home ownership in one portion of the target neighborhood has already doubled. Several abandoned, boarded up buildings have been restored as attractive homes. Over 2,403 construction projects in the target neighborhood have provided jobs for scores of local residents, mostly financed by bank or savings institution loans rather than Federal dollars. The Federal contribution has quite properly gone to provide the stimulus. But the bulk of the expenditure and the personal commitment is generated locally.

Mr. President, I believe the task force approach is well worth emulating. It gives the taxpayer an enormous payoff for a small expenditure. It energizes local resources rather than encouraging reliance on the Federal dole. This is the best kind of role for the Federal Government to play. The time has come to establish the Urban Reinvestment Task Force as an ongoing entity to make NHS available to more communities in more cities.

The bill I am offering today will provide statutory authority for the task force and convert it from an ad hoc demonstration project into a free-standing public corporation modeled on such institutions as the National Legal Services Corporation and the Corporation for Public Broadcasting.

The bill reconstitutes the present Urban Reinvestment Task Force as a Neighborhood Reinvestment Corporation. It retains the existing Board of Directors in order to preserve the links to the financial regulatory agencies and HUD. It would also carry over the present staff and the special relationship with the Federal Home Loan Bank system, which originally sponsored NHS and still contributes to its budget.

As the program has expanded, it has become increasingly dependent on HUD's research budget; HUD's research program, of course, is intended to support a

wide range of research projects and demonstrations. When a demonstration such as NHS proves its worth, it is appropriate to give it independent status. Establishing the program as a free-standing public corporation with its own annual appropirations would preserve its special virtues as a nonbureaucratic, catalytic program, while permitting the NHS model to gradually reach additional neighborhoods.

The bill funds the corporation at an annual level of $10 million in fiscal year 1979, $15 million in fisca year 1980, and $20 million in 1981. This will permit a gradual increase in the number of local projects from the present level of 30–40 to about 200. But the structure provided in the bill will avoid turning NHS into a big bureaucracy. It will retain the decentralized character of the program, and retain the primary emphasis on community residents and cooperating lending institutions. We anticipate that HUD will continue funding NHS in at least the amount of $4.5 mililon during fiscal year 1978.

The bill permits review by the Office of Management and Budget of the corporation's budget, and requires annual reports to Congress as well as audit by the General Accounting Office.

By Mr. NUNN:

S. 1725. A bill to amend part D of title IV of the Social Security Act so as to extend through September 30, 1979, the period with respect to which States may receive payment on account of certain child support collection and paternity determination services, and for other purposes; to the Committee on Finance.

Mr. NUNN. Mr. President, I am today introducing amendments to part D of title IV of the Social Security Act to extend through September 30, 1979, the period in which States will receive matching Federal payments for the costs of child support collection and paternity establishment services provided to nonwelfare individuals.

When title IV D was originally enacted by Congress, it was felt that services to nonwelfare recipients were essential to prevent the possibility of individuals with marginal incomes from finding it necessary to apply for public assistance. In essence, it was to keep the potential recipient off the welfare rolls. Unless the law is amended, however, the Federal financial participation in nonwelfare recipients will terminate on June 30, 1977, and the States must then bear the entire financial burden for services to these people. Since the Federal Government finances the bulk of public assistance payments and has the most to gain from any welfare savings, it is only fair and logical that the Federal Government bear a portion of these costs to insure that these services are continued at an effective level.

This amendment also provides that no advance Federal matching for child support costs will be made to a State for a calendar quarter commencing after January 1, 1978, unless the State has submitted a report of the amount of all child support collected and disbursed and of the expenditures made for the calendar quarters which began 6 months prior to the calendar quarter for which the advance payment would have been made.

They also include a provision which requires that in determining the pro rata share to which the United States is entitled under section 403(b)(2)(B) of the Social Security Act, the Secretary shall determine the appropriate reimbursement of the Federal Government of the child support collections which should have been distributed and reported by the State for the quarter as required by section 457 of the Social Security Act.

A technical amendment is also included to correct an enrolling error in Public Law 95–30.

I believe that the passage of these amendments are essential to the continued success of the child support program, and I hope that the Senate will act expeditiously on their passage.

By Mr. HUMPHREY (for himself, Mr. MCINTYRE, Mr. PACKWOOD, Mr. NELSON, Mr. NUNN, Mr. ANDERSON, Mr. HATHAWAY, and Mr. WEICKER):

S. 1726. A bill to amend the Small Business Act to declare a national small business economic policy, provide for an ongoing program of advocacy and economic research and analysis for small business, and to increase the exchange of pertinent information and the level of cooperation between the Small Business Administration and other departments, agencies, and instrumentalities of the Federal Government; to the Committee on Small Business.

A COMPREHENSIVE RESPONSE TO THE NEEDS OF SMALL BUSINESS: THE SMALL BUSINESS ECONOMIC POLICY AND ADVOCACY REORGANIZATION ACT OF 1977

Mr. HUMPHREY. Mr. President, I have today introduced with my colleagues, Senators MCINTYRE, PACKWOOD, NELSON, NUNN, ANDERSON, HATHAWAY and WEICKER, comprehensive legislative to give small business the priority status it must have among the Nation's fiscal and monetary policymakers in order to assure the survival of our competitive, capitalist enterprise system.

The survival of that system directly depends on the existence of a strong and vigorous small business community. This in turn requires the establishment of a national small business investment policy, serious and responsive consideration of basic small business problems by the Nation's fiscal and monetary policymakers, and a stronger, more effective Small Business Administration.

PARAMOUNT PROBLEMS OF SMALL BUSINESS

Under the best of economic circumstances much of the Nation's small business community must struggle for existence. Capital investment needs of these enterprises are more often than not met on a residual basis—if they are met at all—after the demands of large corporate, Federal, State, and municipal borrowers are satisfied.

Moreover, small businesses are being buried under an avalanche of Federal regulations and reporting requirements, typified by the Occupational, Safety, and Health Administration and the Employee Retirement Income Security Act. Under these and other programs small businesses are required to process huge quanties of paperwork and observe volumes of often counterproductive or irrelevant regulations. Many times such regulations and requirements necessitate the employment of attorneys and other experts that small businesses find difficult if not impossible to afford.

In addition, the Small Business Administration itself must be strengthened so that it can fully perform its role as champion of the interests of small businesses, both within SBA itself and before other Federal and State departments, agencies, and instrumentalities whose policies, programs and activities impact on this sector of the economy.

THE SCOPE AND IMPORTANCE OF SMALL BUSINESS

Mr. President, these problems and the needs of small business are of major consequence to our economic system. More than 95 percent of the Nation's commercial and industrial entities are small businesses. More than half the Nation's labor force is employed by small businesses. Nearly half of our gross national product is produced by small businesses.

If the Congress and the administration fail to respond to these needs we will be setting the stage for greatly diminished business competition and consignment of our economic system to the hands of the Fortune 500. In effect, we will be turning our back on the Nation's prime source of new technology and technological innovation in a period when we are rapidly losing our position of world leadership in these areas.

MAJOR PROVISIONS OF THE BILL

The bill which I have introduced today the Small Business Economic Policy and Advocacy Reorganization Act of 1977, responds to the requirements of the small business community that I have outlined The legislation would:

First. Establish within SBA the Division of Advocacy, Economic Research, and Analysis to represent and promote the interests of small business before Federal departments and agencies, make recommendations to these instrumentalities for policy and program improvements benefiting small business, and build and maintain a comprehensive small business economic data base;

Second. Establish a national small business economic policy requiring the President to annually assess the capital investment needs of small business and propose policy and program incentives to help assure these needs are met through private sector investments;

Third. Raise the office of the Small Business Administrator to executive level I, equivalent to Cabinet rank, thus setting the stage to give the SBA Administrator the opportunity for full participation in Cabinet consideration of policies and programs effecting small business;

Fourth. Create the Small Business Economic Council, headed by the SBA Administrator, with the Secretaries of

the Treasury, Commerce, Labor, and Agriculture, and the Chairmen of the Federal Reserve Board, the Securities and Exchange Commission, the Federal Trade Commission, and the Council of Economic Advisers as members. The Council would advise the President on the impact of Federal policies and programs on small business, and work to achieve maximum coordination and cooperation between Federal departments and agencies and the SBA;

Fifth. Require the Federal Deposit Insurance Corporation and other Federal bank regulatory agencies to disclose, through quarterly call reports, the volume of commercial bank credit extended to commercial and industrial borrowers. The data would be broken down on the basis of asset size and sales of borrowers to determine how much credit is flowing to small and medium as compared to large commercial and industrial borrowers.

Mr. President, both Senator MCINTYRE and I considered including in the bill a proposal to establish a Small Business Management Institute within the SBA to strengthen its ability to provide adequate and timely management and technical assistance to small business on a regional basis. As it is, this urgent need among many small businesses is often met by SBA on a too-little-and-too-late basis. However, such a provision was not made a bill because Senator GAYLORD NELSON, chairman of the Select Small Business Committee, and a cosponsor of this measure, has introduced and has held hearings on legislation to create small business development centers which will serve to meet this and related small business requirements. I am a cosponsor of this legislation. When enacted, Senator NELSON'S proposal will completely dovetail with the purposes and provisions of the bill which Senator MCINTYRE and I have introduced with his valued support and encouragement.

JOINT HEARINGS TO BE HELD

The Small Business Economic Policy and Advocacy Reorganization Act of 1977 reflects both the Joint Economic Committee's recommendations to strengthen small business and proposals developed by Senator THOMAS J. MCINTYRE, chairman of the Subcommittee on Government Regulation and Small Business Advocacy of the Select Committee on Small Business.

Because of this shared interest, a joint hearing will be held on the legislation by the JEC's Subcommittee on Economic Growth and Stabilization, of which I am cochairman, and Senator MCINTYRE'S subcommittee. Senator MCINTYRE and I will cochair the hearing which will be held at 10 a.m., June 29, in room 424 of the Russell Senate Office Building. Other hearing days will be scheduled shortly.

The following witnesses will testify June 29:

LIST OF WITNESSES

K. Michael Benz, Vice President, Council of Smaller, Enterprises—Cleveland.

Dr. Burkeley Burrell, President, National Business League.

Professor George A. Doyle, Chairman, Economics and Foreign Relations Department, Assumption College, Worcester, Massachusetts.

Richard L. Lesher, President, Chamber of Commerce of the United States.

Herbert Liebenson, Staff Vice President on Government Affairs, National Small Business Association.

Leo McDonough, Executive Vice President, Smaller Manufacturers Council—Pittsburgh.

Mike McKevitt, Washington Counsel, National Federation of Independent Business.

Hugh B. O'Malley, General Counsel, Small Business Service Bureau.

Lewis Shattuck, Executive Vice President, Small Business Association of New England.

Walter Stults, Executive Vice President, National Association of Small Business Investment Companies.

William J. Tetzlafe, Executive Director, Independent Business Association of Wisconsin.

Mr. President, I ask unanimous consent to have the Small Business Investment Policy and Advocacy Reorganization Act of 1977 printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Economic Policy and Advocacy Reorganization Act of 1977".

TITLE I—ADVOCACY AND ECONOMIC RESEARCH AND ANALYSIS

SEC. 101. Section 4(b) of the Small Business Act is amended to read as follows:

"(b)(1) The management of the Administration shall be vested in an Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall be a person of outstanding qualifications who is familiar and sympathetic with small business needs and problems. The Administrator may not engage in any other business, vocation, or employment than that of serving as Administrator. In carrying out the programs administered by the Small Business Administration, including its lending and guaranteeing functions, the Administrator may not discriminate on the basis of sex or marital status against any person or small business concern applying for or receiving assistance from the Small Business Administration, and the Small Business Administration shall give special consideration to veterans of the Armed Forces of the United States and their survivors or dependents.

"(2) The Administrator shall appoint—

"(A) a Deputy Administrator who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator;

"(B) an Associate Administrator for Minority Assistance who shall be responsible to the Administrator solely for the formulation of policy relating to the Administration's programs which provide assistance to minority small business concerns and in the review of the Administration's execution of such programs in the light of such policy.

"(C) an Associate Administrator for Finance who shall be responsible to the Administrator solely for the development, execution, and administration of:

"(i) all loan programs specified in section 7 of this Act; and

"(ii) those programs and activities specified in titles IV and V of the Small Business Investment Act of 1958;

"(D) an Associate Administrator for Procurement Assistance who shall be responsible to the Administrator solely for the development, execution, and administration of the procurement assistance programs and activities specified in section 8 of this Act;

"(E) an Associate Administrator for Advocacy and Economic Research and Analysis who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall be responsible to the Administrator solely for the development, execution, and administration of those duties specified in section 9 of this Act;

"(F) an Associate Administrator for Investment who shall be responsible to the Administrator solely for the development, execution, and administration of the investment programs specified in title III of the Small Business Investment Act of 1958.".

SEC. 102. Section 5316(11) of title 5, United States Code, is amended by striking out "(4)" and by inserting in lieu thereof "(6)".

SEC. 103. Section 9 of the Small Business Act is amended to read as follows:

"SEC. 9. (a) There is established in the Administration a division to be known as the Advocacy and Economic Research and Analysis Division (hereinafter referred to as the 'Division'). The Division shall be headed by an Associate Administrator for Advocacy and Economic Research and Analysis.

"(b) The Associate Administrator for Advocacy and Economic Research and Analysis shall perform the following duties on a continuing basis:

"(1) establish and maintain a small and medium-sized business economic data base from which there can be disaggregated and published at least quarterly the following information as it pertains to small and medium-sized businesses:

"(A) layoff rates;

"(B) net business formation;

"(C) contracts and orders for plant and equipment;

"(D) building permits;

"(E) stock prices;

"(F) money balance;

"(G) average work week;

"(H) new orders;

"(I) vendor performance;

"(J) changes in sensitive prices;

"(K) changes in total liquid assets;

"(L) changes in inventories on hand and on order; and

"(M) such other information as may be appropriate.

"(2) study the ability of financial markets and institutions to meet the debt and equity capital needs of small and medium-sized businesses.

"(3) examine the role of small and medium-sized businesses in the American economy and the contribution which small and medium-sized businesses can make in improving competition, encouraging economic and social mobility for all citizens, restraining inflation, spurring production, expanding employment opportunities, increasing productivity, promoting exports, stimulating innovation and entrepreneurship, and providing an avenue through which new and untested products and services can be brought to the marketplace;

"(4) recommend specific measures for creating an environment in which all businesses will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for small and medium-sized businesses successes and failures;

"(5) determine the impact of the tax structure on small and medium-sized businesses and make legislative and other proposals for altering the tax structure to enable all small and medium-sized businesses to realize their potential for contributing to the improvement of the Nation's economic well-being;

"(6) develop proposals for changes in the policies and activities of any department, agency, and instrumentality of the Federal Government which will better fulfill the purposes of the Small Business Act and communicate such proposals on a timely basis to the appropriate departments, agencies, and instrumentalities of the Federal Government, the Council, the Senate Select Committee on Small Business, and the Committee on Small Business of the House of Representatives.

"(7) measure the direct costs and impact of Federal regulations and policies on small and medium-sized businesses; and make legislative and non-legislative proposals for eliminating excessive or unnecessary regulations on small businesses and communicate such proposals on a timely basis to the Council, the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives;

"(8) analyze proposed and pending legislation as to its impact on small and medium-sized businesses and propose additions, corrections, or deletions to such legislation, if needed, to minimize any potential harmful impact on small and medium-sized businesses; such impact studies and proposals shall be transmitted on a timely basis to the Council, President, and the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives;

"(9) develop and maintain a set of rational, objective criteria to be used to define small and medium-sized business for use by the Administration and each department, agency, and instrumentality of the Federal Government;

"(10) evaluate the efforts of Federal departments, agencies, and instrumentalities, and business and industry to assist minority enterprises;

"(11) make such other recommendations as may be appropriate to assist the development and strengthening of minority and other small and medium-sized business enterprises;

"(12) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other Federal department, agency, and instrumentality which affects small and medium-sized businesses;

"(13) counsel small and medium-sized businesses on how to resolve questions and problems concerning the relationship of the small and medium-sized business to the Federal Government;

"(14) represent the views and interests of small and medium-sized businesses before other departments, agencies, and instrumentalities of the Federal Government whose policies and activities may impact small and medium-sized businesses; and

"(15) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government which are of benefit to small and medium-sized businesses, and information on how small and medium-sized businesses can participate in or make use of such programs and services.

"(c) Each department, agency, and instrumentality of the Federal Government, including the Office of Management and Budget and the General Accounting Office, is authorized and directed to cooperate fully with, and to furnish to, the Administrator such reports and information as he deems necessary to carry out and accomplish the duties under this section.

"(d) In carrying out the duties of this section, after consultation with and subject to the approval of the Administrator, the Associate Administrator for Advocacy and Economic Research and Analysis may—

"(1) employ and fix the compensation of such additional staff personnel as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the rate for GS–17 of the General Schedule;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code;

"(3) consult with experts and authorities in the fields of small business investment, venture capital, investment and commercial banking and other comparable financial institutions involved in the financing of business, and with individuals with regulatory, legal, economic, or financial expertise, including members of the academic community; and individuals who generally represent the public interest;

"(4) hold hearings and sit and act at such times and places as he may deem available.

"(e) The Administrator shall transmit on July 1, 1978 and annually thereafter to the Senate Select Committee on Small Business, the Committee on Small Business of the House of Representatives, the President, and the Council a comprehensive report containing the findings and specific recommendations of the Associate Administrator for Advocacy and Economic Research and Analysis with respect to each of the duties and functions referred to in subparagraph (b) of this section, including specific legislative and administrative proposals and recommendations. The report shall not be submitted to the Office of Management and Budget or to any other department, agency, or instrumentality of the Federal Government for any purpose prior to transmittal to the Senate Select Committee on Small Business, the Committee on Small Business of the House of Representatives, the President, and the Council. Such report shall be included in the report specfied in section (10) (a) of this Act.".

SEC. 104. Title II of Public Law 94–305 is repealed.

TITLE II—DECLARATION OF SMALL BUSINESS INVESTMENT POLICY

SEC. 201. Section 9 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(f) The Congress declares that the Federal Government is committed to an ongoing policy of utilizing all reasonable means, consonant with our Nation's overall economic policy goals and the preservation of its competitive free enterprise system, to establish private sector incentives that will help assure that adequate capital at reasonable cost is available to small business and medium-sized businesses. To fulfill this policy, departments, agencies and instrumentalities of the Federal Government shall use all reasonable means, in consultation with the Small Business Economic Council established in subsection (h) of this section, to coordinate planning activity to create and sustain circumstances which promote investment in the small business and medium-sized business sector of the Nation's economy, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in achieving productivity gains for the economy of the Nation.

TITLE III—SMALL BUSINESS ECONOMIC POLICY REPORT

SEC. 301. Section 9 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(g) The President shall annually present a Small Business Economic Policy Report to Congress at the time he presents his annual Economic Report to Congress as required under section 3 of the Employment Act of 1946. The Small Business Investment Economic Report shall include—

"(1) an estimate of the volume of investment capital currently being applied to small and medium-sized business;

"(2) an evaluation of present and emerging trends in the volume of investment capital available to small and medium-sized business;

"(3) an assessment of Federal Government policies and programs and other economic circumstances which may impact upon small business activities and which influence the availability and cost of capital for small and medium-sized business investment; and

"(4) a plan, to be prepared and submitted to Congress biannually, as part of the Small Business Economic Policy Report, containing recommended long and short term policy and program proposals and priorities for carrying out the Small Business Investment Policy set forth in subsection (f) of this section.".

TITLE IV—SMALL BUSINESS ECONOMIC COUNCIL

SEC. 401. Section 9 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(h)(1) To assist the Administration in performing the duties specified in subsection (b), there is established a Small Business Economic Council (hereinafter referred to as the 'Council') which shall consist of the Administrator, the Secretary of Treasury, Secretary of Commerce, Secretary of Labor, and Secretary of Agriculture, or their designees who serve at a level no lower than that of an assistant secretary; the chairman of the Board of Governors of the Federal Reserve, or his designee who serves at a level no lower than that of a Governor; the Chairman of the Securities and Exchange Commission and Chairman of the Federal Trade Commission, or their designees who serve at a level no lower than that of Commissioner; and the Chairman of the Council of Economic Advisors.

"(2) The Chairman of the Council shall be the Administrator. The Council shall meet at least quarterly and at the call of the Chairman.

"(3) The duties of the Council are to consult with and advise the President in the preparation of the Small Business Economic Policy Report required in subsection (g), to make recommendations to the President and take such actions as are necessary to implement and coordinate all Federal department, agency, and instrumentality policies, programs, and activities that are designed to protect and promote the economic interests of small business, to facilitate the making available pertinent data and information requested by the Administrator from Federal departments, agencies, and instrumentalities, to develop a comprehensive and concise profile of the status of small business in all economic sectors, to inventory the resources available to small business throughout the Federal Government, to anticipate or examine existing problems generated by the Federal departments, agencies, and instrumentalities which may impact upon small business and develop and propose solutions to such anticipated or existing problems.".

TITLE V—SMALL BUSINESS ADMINISTRATOR

SEC. 501. Section 5312 of title 5, United States Code, is amended by adding the following new paragraph:

"(14) Administrator of the Small Business Administration.".

SEC. 502. Section 5314 of title 5, United States Code, is amended by striking paragraph (14).

TITLE VI—SMALL BUSINESS CREDIT INFORMATION

SEC. 601. Section 7(a) of the Federal Deposit Insurance Act is amended by adding at the end thereof the following new paragraph:

"(7) Beginning with the first report due after June 30, 1978, such reports of condition required to be made by paragraph (3) of this subsection shall contain a schedule showing the number and dollar amount of commercial and industrial loans to borrowers meeting the following criteria:

"(A) borrowers having, at the time of application of the loan, assets of:

"(i) less than $100,000;

"(ii) $100,000 or more, but less than $500,000;

"(iii) $500,000 or more, but less than $1,000,000;

"(iv) $1,000,000 or more, but less than $5,000,000;

"(v) $5,000,000 or more, but less than $10,000,000;

"(vi) $10,000,000 or more, but less than $20,000,000;

"(vii) $20,000,000 or more, but less than $50,000,000;

"(viii) $50,000,000 or more, but less than $100,000,000;

"(ix) $100,000,000 or more, but less than $250,000,000;

"(x) $250,000,000 or more, but less than $500,000,000;

"(xi) $500,000,000 or more, but less than $1,000,000,000;

"(xii) $1,000,000,000 or more, but less than $2,000,000,000;

"(xiii) $2,000,000,000 and above; and

"(B) borrowers having had, during their most recent full fiscal year at the time of application of the loan, annual sales of:

"(i) less than $100,000;

"(ii) $100,000 or more, but less than $500,000;

"(iii) $500,000 or more, but less than $1,000,000;

"(iv) $1,000,000 or more, but less than $5,000,000;

"(v) $5,000,000 or more, but less than $10,000,000;

"(vi) $10,000,000 or more, but less than $20,000,000;

"(vii) $20,000,000 or more, but less than $50,000,000;

"(viii) $50,000,000 or more, but less than $100,000,000;

"(ix) $100,000,000 or more, but less than $250,000,000;

"(x) $250,000,000 or more, but less than $500,000,000;

"(xi) $500,000,000 or more, but less than $1,000,000,000;

"(xii) $1,000,000,000 or more, but less than $2,000,000,000;

"(xiii) $2,000,000,000 and above.

"(C) The information required to be submitted in subparagraphs (A) and (B) of this section shall be collected and published (1) for insured State nonmember banks (except District banks), by the Corporation, (2) for insured national banks and insured District banks, by the Comptroller of the Currency, and (3) for insured State member banks, by the Board of Governors of the Federal Reserve System, in such a manner as to show both for each reserve district and for all reserve districts combined the cumulative totals of loans of each category specified in subparagraphs (a) and (b) which were made by (i) banks having assets of less than $300,000,000, and (ii) banks having assets of $300,000,000 or more.".

Mr. McINTYRE. Mr. President, it is with great pleasure that I join with Senator HUMPHREY in sponsoring what I believe will be one of the landmark pieces of legislation for the small business community. If enacted, this bill will cause the executive branch to give the small businessman the attention he so richly deserves.

The problems confronting small businesses today are legion. From every direction the smaller concern is being bombarded by Federal regulations and policies that at the very least burden the entrepreneur, if not inhibit his growth or even cause him to cease doing business. As we are all aware, many people in Government are anxious to talk about the importance of small business and the contribution it makes to our economy and our fundamental way of life, but few officials are willing to step forward and make concrete proposals as to how we might assist the independent businessman in coping with Government regulations and promote economic policies that will help foster and assure an environment conducive to the independent enterprise. Since small concerns represent the leading edge of innovation, competition, and economic diversity, the Government's benign neglect of this critically important economic sector borders on being a national disgrace.

Productivity, balance of payments, and employment are all integrally dependent upon whether we permit and encourage entry of new firms into the marketplace and do everything possible to assist the continuance of those companies already in existence. This measure sets a framework and a basis for genuinely coming to grips with helping the small- and medium-sized business concern by establishing a national small business economic policy for all Federal departments, agencies and instrumentalities and as well as strengthening the role of the Small Business Administration advocate.

Last year the Congress amended the Small Business Act by providing for a Chief Counsel for Advocacy who would be appointed by the President, by and with the advice and consent of the Senate. Public Law 94305 makes the advocate accountable to no one in the executive branch—neither the President or the SBA Administrator. Consequently neither President Ford, or to date President Carter, has chosen to nominate an individual for this critically important position. This bill overcomes this problem by having the advocate report to the Administrator while at the same time leaving it a Presidential appointment subject to Senate confirmation.

Title I also expands the Advocate's responsibilities by making him responsible for economic research and analysis. To emphasize the importance of the economic unit, his title is changed to Associate Administrator for Advocacy and Economic Research and Analysis. One of his key duties would be to establish an economic data base and develop and maintain what amounts to a small business economic index which would be published quarterly.

There are 14 other subject areas for which the Associate Administrator has responsibility. For example, he is to examine on a continuing basis: Whether smaller concerns are able to obtain sufficient capital, why nearly 400,000 companies cease doing business annually, how the Federal tax structure is impacting small firms, and how Federal policies, regulations, and legislation might be modified to lessen the burden on the small business community.

The remaining V titles of the bill are designed to assist SBA in undertaking the economic, regulatory and policy review mandated in title I. A small business investment policy is established in title II which states that the Federal Government is committed "to establish private sector incentives that will help assure that adequate capital at reasonable cost is available to small and medium-sized businesses."

Title III directs the President to submit annually to the Congress a Small Business Economic Policy Report which would describe the volume of investment capital being utilized by smaller firms, an evaluation of the trends in availability of such capital, and an assessment of Federal policies and programs that impact on the small business economic sector. The President would also prepare a plan biennially on how the Government can best carry out and implement the small business investment policy spelled out in title II.

To assist the President in the preparation of his Small Business Economic Policy Report and to help SBA in developing a sophisticated economic unit within the agency, there is established a Small Business Economic Council. The Council would also be responible for, among other thing, anticipating and examining existing small business problems generated by the Federal Government and develop and propose solutions for such problems.

The Council would consist of the Secretaries of Treasury, Commerce, Labor, and Agriculture and the Chairman of the Securities and Exchange Commission, the Federal Trade Commission, the Federal Reserve, and the Council of Economic Advisers. The new Council would meet at least quarterly and would be chaired by the SBA Administrator who would serve as an executive level I appointee.

The Administrator's level is upgraded in order for him to participate at the highest policy levels within the executive branch. Presently, other Cabinet members view the Administrator as serving at a position equivalent to that of an Assistant Secretary of a department. This attitude has caused past SBA Administrators to experience major difficulties in obtaining the cooperation of other departments and agencies in obtaining statistical data and in giving input on policies and regulations affecting his small business constituency. Title V of this bill rectifies this sorry state of affairs by giving the Administrator equal standing with other members of the Cabinet.

As a member of the Banking Committee, I served for several years as the chairman of the Small Business Subcom-

committee. During my service in that capacity, I became acutely aware of the paucity of data describing how much debt capital is being disbursed to the Nation's small- and medium-sized companies. The Senate select committee has dealt with this issue for the last 4 years by attempting to persuade the Board of Governors of the Federal Reserve System to disaggregate all commercial and industrial loans in order to gage whether smaller firms are obtaining sufficient capital. Regrettably, this information has not been made available.

Title VI addresses this matter by directing the banking regulators to classify all business loans according to asset size and sales volume of the commercial borrower. Since all insured banks are already reporting quarterly the amount of commercial and industrial loans that they have made, this information should not create any new reporting burden.

In conclusion, Mr. President, it is my intention as chairman of the Subcommittee on Government Regulation and Small Business Advocacy of the Select Committee on Small Business to move forward in consideration of this measure in joint hearings with my distinguished colleague, Senator HUBERT HUMPHREY, who is chairman of the Subcommittee on Economic Growth and Stabilization of the Joint Economic Committee.

Mr. HATHAWAY. Mr. President, I am pleased to join a number of my distinguished colleagues in cosponsoring the Small Business Investment Policy and Advocacy Reorganization Act of 1977.

This measure establishes a comprehensive framework through which the far-reaching economic decisions of our Federal Government can take better account of the needs of our Nation's small business community.

There are over 13 million small businesses in the United States, and these businesses constitute 97 percent of all the business entities. Small business accounts for over half of all private employment, 43 percent of business output, and over one-third of the gross national product.

The bill establishes as a policy goal of the Federal Government that it use all reasonable means to "create and sustain circumstances which promote investment in the small business sector of the Nation's economy."

To implement this goal, the President will be required to submit to Congress a Small Business Investment Policy Report at the same time he presents the annual Economic Report. Also, a Small Business Economic Council is set up to concern itself with achieving these goals on an ongoing basis. It is to be composed of the Secretaries of Treasury, Commerce, Labor, and Agriculture, and the Chairmen of the SEC, FTC, and Federal Reserve. The Administrator of the Small Business Administration is made Chairman of this body. Further, he will be a level I appointment, as are all Cabinet members, to insure he is fully a peer to these other officials.

These provisions are similar to those contained in the Full Employment Act of 1946, and are intended to insure that an intensive and ongoing scrutiny be given to the effect which all Federal programs and policies have on small business, as is presently the case with employment, under the mandate of the 1946 act.

The bill would require the Small Business Administrator, through his Office of Advocacy, to break out in detail the complex economic data to reflect the status and needs of small business. Similarly, it would impose a similar task on our Federal banking regulatory agencies, to disaggregate the existing data to the extent to which small business receives financial assistance from banks throughout the Nation.

I am particularly pleased to support this bill since it is consistent with, and complementary to, S. 1442, the 1978 SBA authorization bill which I introduced on May 2 and which passed the Senate on May 19 of this year. That measure similarly mandated that SBA establish a comprehensive data base and devote its primary personnel emphasis to management assistance programs to benefit small business. It also included a title directing all our Federal procurement agencies to give special priority to placing contracts with small businesses located in areas of high unemployment.

I hope the bill introduced today also receives prompt and favorable consideration by this body and I look forward to considering it on an expedited basis as a member of the Select Committee on Small Business.

By Mr. CRANSTON:

S. 1727. A bill to permit marketing orders to include provisions concerning marketing promotion, including paid advertisement, of raisins and distribution among handlers of the pro-rata costs of such promotion; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to amend the Agricultural Marketing Act of 1937, as amended, to allow a Federal marketing order for raisins. The bill is a companion measure to H.R. 6266 sponsored in the House by Congressmen John Krebs and Bernie Sisk in whose districts almost all domestic raisins are grown.

Mr. President, this legislation would make two changes in existing law, thereby streamlining the marketing of U.S. raisins. First, the legislation would permit the establishment of a Federal marketing order for the advertisement and marketing of raisins. Second, it would provide for the distribution of the pro-rata costs of that promotion among raisin handlers.

At the present time, the marketing and distribution of raisins are regulated by a State marketing order, while control over volume and grade lies with the Federal Government. This dual regulation is time consuming for the handlers of raisins and lacks coordination. These problems would be eliminated by placing all activities pertaining to the marketing of raisins under the jurisdiction of the Federal Government, as proposed in my bill.

Currently growers and handlers of raisins pay an assessment to cover the cost of generic advertising of the fruit. Under this bill, funds spent by a raisin producer or handler for his own advertising would be credited against the assessment he otherwise would have to pay, thus encouraging brand promotion. This would be beneficial to U.S. growers who compete with foreign producers who are often subsidized by their governments.

Mr. President, when the House Committee on Agriculture held hearings on H.R. 6266, the Department of Agriculture recommended that a 2-year time limitation be placed on the bill's implementation, thus approving the marketing order on an experimental basis only. The Department subsequently indicated that it would have no objections to a review being made at the end of the 2-year period to determine whether an extension of this type of marketing order authority is desirable. The bill I am introducing today mandates a review of raisin-marketing procedures at the end of the 2 years.

Mr. President, I want to make it clear that this bill is merely enabling legislation. The growers must vote on the details of the marketing order and approve it by a two-thirds majority, that is, either two-thirds of the producers or by producers of two-thirds of the total volume of raisins. In addition, the order must be approved by the handlers of at least 50 percent of the volume of U.S. raisins. It is my understanding that the raisin industry supports this legislation.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c (6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended—

(1) by inserting "raisins," after "apples,"; and

(2) by inserting ", raisins," after "with respect to almonds".

"SEC. 2. Within a period of 60 days following the second anniversary of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report which shall describe in detail how this Act has been implemented including, but not limited to, information as to the issuance or amendment of any affected order, the annual amount of assessments collected, in the aggregate and by size and class of handler, the manner in which such assessments were collected, the amount of direct expenditures credited against the pro rata expense assessment obligations of each handler, and the purpose to which such assessments and such direct expenditures of each such handler were devoted.".

By Mr. ANDERSON (for himself and Mr. KENNEDY):

S. 1728. A bill to authorize the Secretary of Health, Education, and Welfare to establish a grant program designed to develop methods of prevention and treatment relating to domestic violence, and for other purposes; to the Committee on Human Resources.

BATTERED WOMEN

Mr. ANDERSON. Mr. President, in recent years the public has become increasingly aware of a shocking problem in this country—violence against children and spouses in the home. In 1973, the Congress responded to the tragic, perplexing problems of child abuse and neglect through passage of the Child Abuse Prevention and Treatment Act, which is due for extension this year. The problem of domestic violence, or violence between spouses, however, has not yet been addressed through legislation, largely because of its "hidden" nature. Domestic violence, like child abuse, is seen as such a shameful, stigmatic experience by those involved that much of it goes unreported, according to law enforcement officials and other authorities in the field.

Recent studies and investigations, however, reveal these alarming statistics:

Nearly 2 million American couples have used a lethal weapon on one another during their marriage, while more than 2 million couples report a beating between a husband and wife;

Police records show that over a fourth of all murders and a far larger percentage of aggravated assaults occur between spouses;

Most women who leave the home after being beaten are relentlessly pursued, beaten again, and live in constant fear of having their children kidnapped or beaten by their husbands.

Court protection for battered spouses is limited. State laws vary widely, and abused spouses often find themselves shunted between civil, criminal, and family court and are frequently advised not to bring a complaint at all;

In many jurisdictions the "spouse immunity" doctrine prevents spouses from suing one another for assault and battery.

The FBI estimates that the number of spouse beatings reported are three times the number of rapes. There is a rape every 3 minutes;

As Richard J. Gelles, a well-known authority in the study of interfamilial violence, has said:

> Standing in sharp contrast to the picture of the American family as the source of love, sympathy, understanding, and unlimited support is the realization that the family is also the source of assaults, violence and homicide.

Although some important efforts have been made to address these problems both at the community and State level through emergency shelters and other programs, it is clear that existing programs are inadequate when viewed in relationship to the dimensions of the problems. In my home State of Minnesota, for example, the St. Paul Women's Advocates Shelter serves over 600 abused spouses per year. They have had to turn away four times that many spouses who seek their assistance. The Harriet Tubman Women's Shelter in Minneapolis has the capacity to serve 16 women and children and has sheltered 140 women and children since they opened their doors in March. In the month of March alone, the shelter had to turn away 82 women and children seeking assistance. In response to this situation, the Minnesota Legislature recently passed legislation to provide support of up to $40,000 to each of four shelters in the State in a 2-year pilot program. While this effort is commendable, it is only a drop in the bucket toward meeting the tremendous need that exists in Minnesota alone.

Mr. President, I am today introducing legislation that would establish a demonstration program to support projects in the prevention, identification and treatment of domestic violence and to concentrate on family rehabilitation and support as well as on emergency shelter and protection of threatened family members. S. 1728 would also provide a means to closely examine existing domestic violence laws and programs for the purpose of making recommendations for their improvement. It would also coordinate Federal, State, and local efforts to prevent, identify, and treat domestic violence and would complement previous and ongoing research and training efforts in the National Institute of Mental Health, the Law Enforcement Assistance Administration and other Federal agencies.

For the information of my colleagues, I ask unanimous consent to have printed in the RECORD an article concerning domestic violence which appeared in the Minneapolis Star on February 23, 1977, together with the text of S. 1728.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Domestic Violence Prevention and Treatment Act of 1977".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States;

(2) the known dimensions of domestic violence are believed to represent only a small portion of the actual number of incidents of domestic violence;

(3) occurrences of domestic violence which are not reported to law enforcement authorities or other authorities are a widespread phenomenon in the United States;

(4) domestic violence is a complex problem which—

(A) affects families from a wide range of social and economic backgrounds; and

(B) is interrelated with a number of other family problems, including alcohol and drug dependency, child abuse, unemployment, pregnancy, and divorce;

(5) the effectiveness of State laws, and State and local community programs, in identifying, preventing, and treating domestic violence is unknown; and

(6) existing Federal programs have not provided the direction, coordination, resources, and leadership necessary to develop and implement effective means for solving problems of domestic violence.

(b) It is the purpose of this Act—

(1) to establish a grant program designed to support demonstration projects which—

(A) develop methods for the identification, prevention, and treatment of domestic violence; and

(B) provide for family rehabilitation and support, and for emergency shelter and protection for individuals who are victims of domestic violence or who are directly threatened by domestic violence;

(2) to review the effectiveness of existing laws and programs relating to domestic violence; and

(3) to coordinate Federal, State, and local efforts designed to identify, prevent, and treat domestic violence.

ESTABLISHMENT OF GRANT PROGRAM

SEC. 3. (a) The Secretary of Health, Education, and Welfare, acting through the Director of the National Institute of Mental Health, shall make grants to, and enter into contracts with, State and local government agencies, and private nonprofit organizations, to carry out the provisions of this section.

(b) Any agency or organization which desires to receive a grant, or enter into a contract, under this section shall transmit an application to the Director. Such application shall be in such form, and shall be transmitted at such times and in accordance with such procedures, as the Director may reasonably require. The Director may award a grant, or enter into a contract, under this section for—

(1) the support of local organizations which are carrying out programs primarily designed to—

(A) identify the causes of domestic violence; and

(B) develop and implement effective means for the prevention and treatment of domestic violence;

(2) the development and establishment of training programs for professional, paraprofessional, and volunteer personnel in the fields of law, social service, mental health, and other related fields who are or will become primarily engaged in areas relating to the problems of domestic violence; and

(3) the support of demonstration projects which are likely to result in the development and implementation of methods of preventing and treating domestic violence, including demonstration projects relating to self-help programs, emergency shelter programs, the operation of telephone systems to provide assistance in emergencies, and the prevention and treatment of social problems related to domestic violence.

(c) The Director, in awarding grants or entering into contracts under this section, shall give priority to those applications which—

(1) are designed to deal directly with specific and serious problems relating primarily to domestic violence; and

(2) are likely to be successful in carrying out the purposes of this section.

(d) The Director shall carry out such research and other actions as he considers necessary to—

(1) determine the nature and extent of problems relating to domestic violence; and

(2) review the effectiveness of the grant program carried out by the Director under this section.

ALLOCATION OF FUNDS

SEC. 4. (a) Not less than 60 percent of any funds appropriated to carry out this Act for any fiscal year shall be used by the Director for the purpose of making grants and entering into contracts in accordance with the provisions of section 3(a).

(b) Not less than 5 percent of any funds appropriated to carry out this Act for any fiscal year may be used by the Director to provide technical assistance to any private nonprofit organization which desires to transmit an application under section 3(b). The Director may provide such assistance to a private nonprofit organization, upon a request for such assistance, if the Director determines that such organization does not possess the resources and expertise neces-

sary to develop and transmit an application without such assistance.

CLEARINGHOUSE FUNCTIONS

SEC. 5. (a) The Director shall establish and maintain a national information and resource clearinghouse on domestic violence. The clearinghouse shall—

(1) collect, analyze, prepare, and disseminate information relating to domestic violence;

(2) obtain information relating to domestic violence from public and private agencies and organizations which are concerned with domestic violence;

(3) furnish to such agencies and organizations, upon request, information relating to domestic violence, including such information prepared by Federal, State, and local agencies; and

(4) collect and disseminate information to educational institutions in order to increase public awareness and understanding of domestic violence.

(b) The Director, in maintaining the clearinghouse, shall take such action as may be necessary to coordinate the activities of each agency, department, and instrumentality of the Federal Government with respect to the collection, preparation, and dissemination of information relating to domestic violence.

STUDY OF STATE LAWS

SEC. 6. (a) The Director, in cooperation with the Administrator of Law Enforcement Assistance and the head of any other Federal agency involved with domestic violence, shall carry out a study of State laws, practices, and policies relating to domestic violence.

(b) The Director shall prepare and publish recommendations, based upon the study carried out under subsection (a), with respect to appropriate revisions in State laws, practices, and policies relating to domestic violence.

COORDINATION

SEC. 7. The Director, in carrying out the provisions of this Act, shall seek to coordinate his activities with other activities relating to domestic violence carried out by the Director and by the heads of other Federal agencies.

REVIEW OF PROJECTS

SEC. 8. The Director shall review the effectiveness of demonstration projects carried out under this Act. The Director shall transmit a report to the Secretary, not later than 60 days afer the close of each fiscal year, which shall include the findings of the Director in conducting such review for the fiscal year involved. The Secretary shall transmit each such report to the President and to each House of the Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated to carry out the provisions of this Act $15,000,000 for fiscal year 1979, $20,000,000 for fiscal year 1980, and $25,000,000 for fiscal year 1981.

DEFINITIONS

SEC. 10. For purposes of this Act—

(1) the term "clearinghouse" means the national information and resource clearinghouse established and maintained under section 5(a);

(2) the term "Director" means the Director of the National Institute of Mental Health;

(3) the term "domestic violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by an individual against the spouse of such individual or against an individual withh whom such individual is cohabitating; and

(4) the term "Secretary" means the Secretary of Health, Education, and Welfare.

[From the Minneapolis Star, Feb. 23, 1977]

BATTERED WIVES WED TO MAYHEM

(By Nancy Pirsig)

Marilyn, 31, seems strong, confident and outspoken. She has two daughters, has been happily married for nine years, works part-time for a social service agency and is in graduate school.

She's also in therapy for periodic depression after being married for two years in the '60s to a man who beat her.

"Since the divorce, the first time I talked about the beatings was a year ago, to my very best friend," she confides. "You can't imagine the shame."

Her first husband's verbal abuse didn't surprise her. "That's how you attack someone, with your mouth," she said. "And I was good at it." The first beating "came as a real shock. I couldn't believe what was happening. It never had occurred to me anyone would hit me.

"He would hit me on the arms and the side, not the head, and not any severe injuries," she says. The only time she saw a doctor after a beating was during early pregnancy, when she feared a miscarriage. More than once her husband, Pete, pointed a loaded gun at her and threatened her. Describing a particularly terrifying incident she says, "It seemed like it was happening to someone else."

Her husband told her, during the beatings, that she deserved them because she was worthless, nagged him too much and in general was a lousy wife. Marilyn describes herself as a classic over-achiever, a perfectionist, with a poor self-image. So she accepted his arguments. And she tried to be a better wife. She didn't dare show anger, she says, "because that would have given him another excuse to hit me. I always felt like I should have done something different, like 'I should have said such-and-such' or 'It wasn't his fault because I . . .' "

She felt isolated, too. "We lived far away from my family, which was back on the farm. All our friends were his friends." She was in college or working as a secretary where everyone else was a single. "I felt nobody had anything in common with me," she said.

Once, when Pete slapped her before they were married, Marilyn went to a clergyman for advice. "He said, 'Well, Pete had been drinking so he couldn't help himself' and we'd be able to work it out after we were married."

Marilyn left, the first time, when he threatened their baby, as well as her. "It was like that gave me an excuse, like society gave me permission to leave."

But she went back, yielding to his willingness to see a marriage counselor. Then Marilyn learned her husband had been seeing other women almost from the start of their marriage.

"I didn't want it to be my fault that we couldn't work things out, I didn't want the burden of throwing him out," she says. The counselor helped her see that if her husband again was unfaithful it was clearly his choice to abandon the marriage, not hers. And that's what happened. But the blame for a failed marriage was lifted from Marilyn's mind; she knew she had tried everything to save it.

"You really can't win," she now thinks. "If you leave immediately, everyone says you didn't give him a chance, he loves you, he wants to change, you have to stick by him and see that he gets help, all those arguments. And then if you stick it out, everyone says, 'How could you put up with that for so long?' "

Almost 10 years later, the psychological scars linger. It scares her to see Mary Hartman's TV neighbor who frequently bears evidence of beatings. "Once a guy has instilled that fear he doesn't have to do anything. You're just always terrified of what he might do."

Marilyn is not her real name but she's a real person, living in Minneapolis. She and the other three Twin Cities women who appear in this article under fictitious names are examples of how being beaten by a husband affects a woman's life and outlook.

Statistics on battered women anywhere in the country are hard to find. A committee of the Community Planning Organization of St. Paul made an extensive study of wife abuse in Ramsey County. Its report, in a section headed "Documentation of the Problem," is typical: "All attempts by this committee to accurately document the severity of the problem . . . within this community have proven unsuccessful because more local agencies do not record cases of abuse to women separately."

The extent of the problem in Hennepin County is the subject of a study by a task force from the Community Health and Welfare Council.

The subject is popular, information abounds, yet not more than a fraction of abused women have been reached. Thousands of Minnesota women suffer from repeated physical abuse from the men they live with.

Some of them may be your friends and neighbors.

Elizabeth, 35, is a petite, pretty woman with long dark hair and a quiet, assured air. She was divorced more than 10 years ago and lives with her 15-year-old son. As a social worker in Ramsey County who saw beating victims among her clients, she was attending a day-long forum on battered women. When the audience broke into small discussion groups she startled her table by declaring she had herself been a battered wife.

"I lived in a fantasy world," Elizabeth said later of her five years of marriage.

"I felt incredibly ashamed, and also guilty, like I was being selfish and wrong if I thought about getting out of my marriage. I felt as though I hadn't lived up to expectations—Craig's or mine or society's. I was an inadequate wife."

She felt inadequate, though at the time she was acting out the "super-mom syndrome:" working, going to school, taking care of a baby, and worrying "because the house wasn't spotless at all times." Even with 10 couples as friends—all living in a low-rent housing project while going to school—she felt isolated.

"The women were all into 'shoulds,' how you should live your life, the right way to be, and they put a lot of pressure on me. Several of their husbands were in law school so if I talked about divorce or separation they would debate the legal aspects and question whether I had enough to go on." She was afraid of their husbands, believing that all of them secretly beat their wives.

After their son was born, Elizabeth says, her husband became totally dependent on her, to the point of not getting out of bed unless she forced him. When the baby was 3 months old she took herself to a psychiatric ward because of severe depression. A doctor prescribed tranquilizers and antidepressants and said nothing was wrong with her physically, "even though I weighed 90 pounds, was a physical wreck and was getting no sleep."

Although the doctors did suggest that Craig was the real problem, Elizabeth couldn't deal with that possibility "because somehow that would be my fault, too." It was easier to accept a diagnosis of post partum depression.

In Elizabeth's "out"—living in a fantasy world—she may have daydreamed about being rescued from her weekly beatings by a kind, handsome man who would love and care for her. At any rate, when Craig accused her of unfaithfulness she felt in a way he was right, even though she had never acted on her fantasies.

Craig was "terribly jealous," she says, to the point of hiring a private detective and bugging the house. To the point of accusing her of an affair with the man next door after he came to borrow some aspirin, and telling

her parents about it. To the point of beating her and knocking her down the steps of a neighbor's house into the mud when a man opened the door for her—because her arms were full of dishes from a potluck party.

"No one at the party came to my help," she recalls.

The next night she realized she had done nothing wrong at the party and was brooding about the incident while making dinner.

"Craig had just finished beating me, holding me up against the cupboard. My son was sick and crying. The paper boy came to collect, and Craig yelled at me to answer the door even though he wasn't doing anything and I had to get the money from him. Finally, I burned myself on the stove accidentally, and I knew I couldn't make a sound because he would beat me again."

At that point Elizabeth walked out the back door and into a hospital psychiatric ward. There she decided on a divorce, to her enormous relief.

There remains the fear. Ten years later she still knows in her bones that "at any moment he could come and kill me." His constant psychological abuse was a counterpoint to the physical beatings, making her feel guilty, inadequate and bad. Now she wonders, "How could I have been so dumb?"

Elizabeth is working on a master's degree now. She has never remarried.

Over and over the victims of battering reported in the literature, like those interviewed, tell of buying their husbands' evaluations of themselves, to the point where they genuinely feel they are bad, worthless and deserving to be hit; to the point of believing they are totally alone, different from other people, and possibly crazy; to the point of turning themselves in to a hospital.

Over and over they go back to their husbands to try to make things work—if they ever get up courage to leave in the first place. Staff members at Women's Advocates, who run a women's shelter in St. Paul, say they may feel apprehensive to see a woman go back but they know she has to make the hard decisions herself. All they can do is offer support for a woman, whatever her decision, and keep the door open in case she must come back.

Over and over there are women who tell their doctors or psychiatrists about being beaten but who are given little sympathy, no support—and transquilizers. Presumably, the better to help them bear their situation.

Stephanie, 29, tried talking to her gynecologist but "he really turned me off. He said something like 'Oh. You have problems? Well, here's some Valium.' This says to a woman that she's weak, she can't handle her own problems."

On the other hand, Stephanie also encountered "my first real ally" in a doctor. He was in a hospital emergency room where she went for treatment of a concussion after a heavy beating. The doctor treated her with compassion and respect, was not judgmental, and followed up on her case. Months later, when she checked herself into a psychiatric ward after phoning him, he came to her room immediately.

"He explained that while most of the people there were mentally ill, I was not; that circumstances were just overwhelming me till I didn't know how to handle them. This was terribly comforting and reassuring to me." The head psychiatrist prescribed tranquilizers, with Stephanie declined to take.

"I was being punished for not being a good wife," Stephanie said her husband kept telling her when he began slapping and knocking her around about two years after their marriage. He put her down constantly, told her she was screwed up, even crazy. As the psychological abuse grew more intense she began believing it. But she had no way to deal with her problems because Darryl refused to discuss anything.

"I was on edge all the time, scared to death inside all the time," says Stephanie, a slender blonde with a high school education.

"Whenever we got into an argument the fear just overcame me because I knew what he was capable of. Then he would get angrier because of my fear, and the more angry he got the more afraid I would get."

Twice, Darryl's beatings were exceptionally severe. The first occurred at 2 a.m., when she was asleep and he came home drunk. "It just came on from nowhere, it was so bizarre I don't really know what happened. I was in shock for a long time. I couldn't believe it happened." The second resulted in the concussion, after which Stephanie lost her secretarial job because she couldn't function.

Though she told a number of relatives and friends, "no one was any help" and, in fact, Darryl's family pressured her to stay with him. Too, they appeared to blame Stephanie for being beaten, denying that Darryl had learned such behavior at home. Years later Darryl's mother let slip the fact that her husband had beaten her, too.

Twice, for several weeks each time, Stephanie and her two children lived at Women's Advocates. Although she filed for divorce during her first stay, Darryl begged her to explain why, and agreed to counseling. With her conscience telling her she must make her feelings crystal clear to him, she finally went back for several months.

"But he was too anxious and wouldn't give it the time we needed to work through all that fear and hate and guilt. He would trap me in a chair and rant and rave for four or five hours at a time." So she finally ended their six-year marriage one year ago.

Because Darryl had visiting rights with their children, they have a continuing relationship.

"I really doubt if he would ever hurt me again," Stephanie says. "It scared him very badly those two times, to see what he was capable of; plus the courts are on to him now. But the possibility for violence is always there and that's why I can't live with him."

The problem cuts across all racial, social and economic groups, according to all the literature. Though men who beat their wives may more frequently have less education than those who don't, there are plenty of documented cases among doctors, lawyers, judges and others of supposedly high intelligence. And studies show wife abuse is as prevalent in "wealthy" counties as in "poor" ones, among people with middle or upper levels of income, employment and education as among those with lower.

Though data from police files and social service agencies show a preponderance of abuse cases among working-class or poor people, it's clear that a woman with some money can go places or get help on her own; she doesn't ordinarily show up in such files. And many middle-class women silently endure the abuse to protect their husbands' reputations as well as their friends' impression of a happy marriage; not to mention their sole source of income.

The picture of wife abuse that emerges clearly shows it to be not a grossly abnormal act, not an occasional outburst by a disturbed individual, but a quite normal, prevalent and accepted way of life in U.S. society.

Though physical fighting may be almost unthinkable to some men and women, to others it is a common way to deal with anger and one's problems.

"I called the police so many times, they finally said they wouldn't come to my house any more if I didn't file charges. I love him but I can't live with him," says Marianne, an American Indian pursuing a divorce after two years of stormy marriage.

Her husband is large and strong—"the police always sent two or three squad cars for him"—and, having worked as a bouncer, "he knew how to hurt you so it wouldn't show; it was very insidious. Like pushing you so you'd fall but it could be called an accident. I went down the stairs so many times I thought of getting a nice carpet to go down on, and padding against the radiator at the bottom."

It started when she got pregnant—a time when beatings pick up in many marriages, studies show. Her job had ended and she thought she'd spend a nice summer "lying around and living on unemployment. But without the job I became isolated, and Al made it uncomfortable for my family and friends to come over. I didn't realize what was happening to me mentally."

Marianne, 31, believed she was as worthless as Al kept claiming. "Even when he was gone for four days, shacking up with some 18-year-old, and he'd show up drunk, it was my fault he'd gone, my fault he drank. And I bought the whole bit. I got so numb I didn't even have feelings. You know how a plant is when you bring it home and it doesn't do anything for a long time? That's how I was the whole summer, just dormant."

Then one day she read an article stating that men don't beat their wives because they drink, they frequently drink to get up the courage to beat their wives, then use the drinking as an excuse.

"It's like that article woke me up, opened my eyes, it fit so perfectly." And Marianne started to grow again, analyzing her situation and determining not to "play Al's games" any more.

"Which is really hard to do after years of playing them," she says. "You know exactly where to hit a person to hurt them, and they do the same to you. So you never deal with what's really wrong underneath."

When she was seven months' pregnant, Al, after being gone for several days, came home drunk and threw her down the stairs. Labor pains started the next morning. Although the baby was born alive it shortly developed hyaline membrane disease and died. But "Al would never admit he was responsible for our baby's death," adding to Marianne's growing anger.

At one point, Marianne said, she was "getting so mad I hit him and chipped the bones in my hand." She knew she had to get away from him and, with no place to go, turned herself in to a psychiatric ward. She was given tranquilizers.

After one further beating, which injured a leg, she finally did file an assault charge; but the day she was supposed to appear in court her leg injury kept her bedridden. Al finally was picked up on drug charges, receiving a stayed sentence provided he attend counseling sessions. He didn't, which eventually resulted in his serving 15 days in the workhouse and then being treated for chemical dependency—after more than a year of Marianne's efforts to try to get him into treatment.

"He was sick that whole time," she says. "That's like having cancer and ignoring it."

She says Al has gotten less violent: he hasn't hurt her since the night she stood up to him about a year ago. "He came sneaking in the House when he thought I was gone and he had a girl with him. I was hiding behind the inner front door with a blackjack, and as soon as he got the door open I hit him with it. He was caught between the door and the girl behind him and I really hit him good.

"It made him see I wasn't going to be pushed around. He has to deal with me as I am and he's not going to intimidate me. I know the minute I stop asserting my rights he's going to walk all over me again."

Al still phones. And one night last summer he broke into her house at 3 a.m., terrifying her. Marianne now is almost resigned to the thought that she'll never get rid of him. "It's a sick obsession some of these guys have," she said.

The four women interviewed exemplify some of the complicated factors involved in wife abuse across the country.

The women emphasized their own psychological state as their worst enemy: all reported confusion, shame, isolation and extremely low self-esteem, blaming themselves (as their husbands blamed them) for whatever was wrong with their marriage. The theme "it was as if it were happening to someone else" recurs, indicating how far from reality they existed at times.

Frequently alcohol or drugs seemed to make their husbands more abusive, yet that made it more difficult for them to blame the man. Finally, there's a fear that stops a woman from doing anything that might provoke her husband's anger, a fear that can linger for 10 years.

Unlike most battered women, the four in this story had all chosen, and had been able, to get out of their marriage.

TWO SHELTERS TO BE OPEN TO THREATENED WOMEN

Women in the Twin Cities area soon will have two shelters available for refuge from men who threaten physical abuse or who beat them. Women's Advocates in St. Paul started one of the first programs in the nation to provide temporary shelter, help and support for abused women.

Women's Advocates is located at 584 Grand St. and is licensed to house 12 persons. Capacity will more than double when rehabilitation is completed on a building next door. That facility is expected to open by fall.

In Minneapolis, The Harriet Tubman Women's Shelter is scheduled to open March 6 with a capacity of 16 women and children.

The location of the shelter will not be made public, to prevent attacks by angry men, such as have been experienced in St. Paul and elsewhere. But its phone number will be available from police and from various agencies that deal with women who have been abused.

Sharon Vaughan and Kenyari Bellfield will share a full-time coordinator's position. Additional staff members will include five full-time advocates, including a child advocate, plus volunteers.

Mary Pat Brygger, family counselor at Family and Children's Service and temporary coordinator of the shelter, says the house is expected to be filled at all times. That's been the experience of Women's Advocates. In 1975, Women's Advocates reported 40 percent of their cases or 260 women were from Minneapolis.

The Minneapolis house is named for Harriet Tubman, a noted former slave who spoke nationwide against slavery and led more than 300 slaves to Freedom. Her dream was to found a shelter for the homeless and the destitute.

People wishing to become working or supporting members of the corporation can contact Denise Gamache at the Harriet Tubman Women's Shelter Inc., Box 7026 Powderhorn Station, Minneapolis, Minn. 55407.

YOU CAN HELP WOMEN WHO ARE BATTERED

Here are some things you can do if you suspect a friend, neighbor or colleague is being beaten.

Get involved. Bring the subject into the open. In extreme situations, the woman's life may be at stake.

Be a friend. Let the woman know she can talk to you openly and confidentially. It will probably be a great relief to her just to have someone to talk to.

Be supportive, not judgmental. Suggest that she doesn't have to live that way. But let her reach her own decisions—and respect them. Don't probe into why the man is beating her or ask if she did something to deserve it. Reinforce the idea that "No one deserves to be beaten."

Give her the booklet "Resources for Battered Women," prepared by the Twin Cities Consortium on Battered Women. It's available from the Walk-in Counseling Center, 2421 Chicago Av. S., Minneapolis, Minn. 55404.

By Mr. RIBICOFF:

S. 1730. A bill to provide for an additional Assistant Secretary in the Department of the Treasury; to the Committee on Governmental Affairs.

Mr. RIBICOFF. Mr. President, at the request of the administration, I am introducing legislation to authorize an additional Assistant Secretary of the Treasury. As in the case of the present five Assistant Secretaries of the Treasury, the position would be filled by nomination by the President subject to Senate confirmation, with compensation at level IV—$50,000—of the executive schedule.

The Secretary of the Treasury advises that this position is required in order to establish an Assistant Secretary who would be responsible for law enforcement. He advises further that the budget cost would be nominal and the individual appointed would be responsible directly for supervision over the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms, the Federal Law Enforcement Training Center, the Bureau of Engraving and Printing, and the Office of Foreign Assets Control.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 234 of the Revised Statutes, as amended (31 U.S.C. 1006), is amended by striking out "five Assistant Secretaries of the Treasury" and inserting in lieu thereof "six Assistant Secretaries of the Treasury".

SEC. 2. Section 5315 of title 5 of the United States Code is amended by striking "(5)" at the end of paragraph (23) and inserting in lieu thereof "(6)".

By Mr. STENNIS (for himself and Mr. TOWER) (by request):

S. 1731. A bill to amend section 2 of the act of May 6, 1974, to extend the special pay provisions for physicians and dentists in the Uniformed Services; to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Texas (Mr. TOWER), I introduce, for appropriate reference, a bill to amend section 2 of the act of May 26, 1974, to extend for 1 year certain special pay provisions relating to physicians and dentists in the Uniformed Services.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, D.C., June 17, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation to amend section 2 of the Act of May 6, 1974 to extend for one year certain special pay provisions relating to physicians and dentists in the uniformed services (Department of Defense and Public Health Service).

This proposal is a part of the Department of Defense Legislative Program for the 95th Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to help insure a level of military health professional staffing in an all-volunteer environment that will enable the military medical departments to continue to provide adequate health services for our armed forces.

Public Law 93–274 modified the special pay structure for physicians and dentists in the uniformed services. That Act created a new type of special pay for physicians called variable incentive pay and amended three other types of special pay for physicians and dentists. The affected provisions are as follows:

1. Special pay: physicians (37 U.S.C. 302).
2. Special pay: dentists (37 U.S.C. 302b).
3. Special pay: continuation pay for physicians and dentists who extend their service on active duty (37 U.S.C. 311).
4. Special pay: medical officers who execute active duty agreements (37 U.S.C. 313, the new type of special pay).

Sections 302 and 302b provide a special pay for physicians and dentists in graduated amounts ranging from $100 to $350 per month depending on length of service. Section 311 provides a special continuation pay for physicians of flag rank, certain physicians undergoing initial residency training, and dentists who extend their service on active duty. The amount paid may not exceed four months basic pay for each additional year of agreed service. Section 313 provides a variable incentive pay for physicians below flag rank (with certain stated exceptions) who execute active duty agreements. This provision authorizes variable payments not to exceed $13,500 per year for each year of agreed service.

Section 2 of Public Law 93–274 provided that the authority for the variable incentive pay (section 313) would expire on June 30, 1976 and that the authority for the other special pays would expire on June 30, 1977, unless otherwise extended by Congress. The Fiscal Year Adjustment Act (Public Law 94–273) extended these authorities from June 30 to September 30 of the appropriate year to accord with the change in the Government's fiscal year. Subsequently, the authority for variable incentive pay was extended for one year to September 30, 1977. Thus, authority for all four of these special pays will expire on September 30, 1977.

Historically, the two health professions covered by this legislation have been among the most difficult groups to attract and retain on active duty. As documented in our 1976 report to the Armed Services Committee on variable incentive pay for medical officers, the provisions of P.L. 93–274 significantly increased retention and recruitment of physicians. Even with this pay and under quite optimistic assumptions, however, the Department of Defense expects to remain two to seven percent below authorized medical personnel end strength during the remainder of the 1970's. Medical strength was 6.3% below authorized strength as of September 30, 1976. If the pay provisions covered by P.L. 93–274 are not extended, these shortfalls would increase substantially.

The expectations for dental officers are more encouraging; however, without the special pays authorized for dentists, dental recruiting and retention might fall.

The Department of Defense recommends extension of these special pays for health professionals. This extension will ameliorate

the significant problems in meeting physician goals which would otherwise obtain, and will give the Department of Defense time to complete a review of the personnel policies used to maintain a given health force. The Optimum Health Force Study will estimate, for different force sizes, the least-cost mix of personnel policies which still meet necessary constraints on quality, productivity, experience, and career progression. Upon completion of this review, the Department of Defense will determine whether additional legislation with respect to these two professions is necessary.

COST AND BUDGET DATA

The FY 1978 President's Budget provided for the continuance through FY 1978 of the current provisions of Sections 302, 302b, 311, and 313 of Title 37, Uinted States Code. Accordingly, the enactment of this legislation would not result in an increase to the Department's FY 1978 budget. FY 1979–81 costs are incurred as the result of execution of 2, 3, or 4 year variable incentive pay contracts in FY 1978. The estimated costs (in thousands of dollars) as a result of this legislation, as shown in the budget, are:

	Fiscal year 1978	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981
Special pay	$47,467	------	------	------
Continuation pay	20,117	------	------	------
Variable incentive pay	35,150	$20,812	$15,115	$9,027
Total	102,734	20,812	15,115	9,027

Sincerely,

DEANNE C. SIEMER.

By Mr. MATHIAS:

S. 1734. A bill to amend the Employee Retirement Income Security Act of 1974 to encourage diversification of investment by retirement benefit fund managers; to the Committee on Finance and the Committee on Human Resources, by unanimous consent.

Mr. MATHIAS. Mr. President, I am today introducing legislation to insure that managers of large, tax-exempt private pension assets and others diversify their investments to include the stocks of a larger number of corporations in their portfolios.

My bill would modify the prudent man rule to this extent: It would permit sound investment strategies which are designed to take into account the impact of inflation and would provide for preserving and increasing the real value of future retirement benefits by investments in securities of small corporations and in venture capital investment funds. In addition, the prudence requirement would have to evaluate the soundness and growth potential of the total investments of a plan rather than on an investment-by-investment basis.

This would prevent the prudent man rule from continuing to artificially discourage pension investment in new and expanding smaller companies. Economic growth in our Nation depends upon the availability of a sufficient supply of venture capital for the risk-takers and entrepreneurs who have the initiative to start new businesses and to develop imaginative new ideas. These, of course, create private sector jobs; 64 percent of the pension trustees surveyed by the International Foundation of Employee Benefit Plans in 1976 reported that as a result of the 1974 pension reform act they were less willing to invest in anything other than blue-chip type investments. The purpose of this new bill is to provide a rational standard for judging prudence in a total investment package, and thus correct an unintended side effect of the 1974 pension reform act.

This measure will provide added protection to pensioners by insuring the needed diversity in portfolios which is so important to sound management. The bill thus actually strengthens the original intent of Congress.

Mr. ROBERT C. BYRD subsequently said:

Mr. President, I ask unanimous consent that a bill introduced today by the Senator from Maryland (Mr. MATHIAS), relative to the Employee Retirement Income Security Act of 1974, be jointly referred to the Committees on Finance and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. WALLOP:

S. 1735. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits on account of receipt of workmen's compensation; to the Committee on Finance.

Mr. WALLOP. Mr. President, today I am introducing legislation to correct an abuse in our social security system that does injustice to thousands of disabled Americans. This bill will end an arbitrary and discriminatory classification of social security disability payments. It will repeal section 224, the workman's compensation offset provision, of the Social Security Act.

One of the purposes of the Social Security Act is to keep American families from becoming destitute due to the loss of earnings by the family breadwinner in the event of crippling disability. Under the Social Security Act, a disabled worker who meets certain conditions is eligible for monthly disability payments, based on the amount of contributions which the worker has made to the social security fund. Yet a disabled worker may not be entitled to the full amount of monthly cash disability benefits if he is also receiving monthly benefit payments or if he has received a lump sum award under the Federal or State workman's compensation plan. The injustice of this provision is that the final effect of such an offset reduction may be a total or partial loss of social security disability benefits.

The reason why this provision strikes me and other Senators as unfair is that the Social Security Act does not require a similar reduction in disability benefits if a disabled worker receives benefits from any one of the following Federal or private programs; the Civil Service Retirement Act, Railroad Retirement Act annuity, Veterans' Administration disability benefits, or coverage under private disability insurance policies or damage received in tort action. In fiscal 1970 over 2 million veterans received disability payments and 184,000 people received payments under Civil Service Retirement Act provisions. Only a small fraction of the social security disability recipients also receive workmen's compensation payments, only 1.4 percent also receive overlapping veterans' benefits and 14 percent receive benefits from private insurance paid for by their employers or unions.

There is no rational basis for this perverse distinction between workmen's compensation and other disability payment programs. In most States, workmen's compensation is a substitute and is in lieu of an award by a court. State workmen's compensation plans are generally financed by the contribution of employers which in effect, are part of an employee's total compensation.

This section discriminates against Federal social security recipients who are receiving workmen's compensation payments. Section 224 arbitrarily singles out those who receive workmen's compensation for the reduction and offset treatment. I see no reason why the law should differentiate between disabled workers who receive social security disability payments and those who receive workmen's compensation from the sources previously mentioned. Such a provision is both arbitrary and discriminatory and I urge the Senate to move quickly to remove this section from the Social Security Act.

By Mr. MATSUNAGA:

S.J. Res. 64. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Human Resources.

NATIONAL POLICY OF VOLUNTARY POPULATION STABILIZATION

Mr. MATSUNAGA. Mr. President, 9 years ago a book was published which caused many Americans, myself included, to become deeply concerned about the future of this country—indeed, of the world. Prof. Paul Ehrlich's "The Population Bomb" described the dire effects of population growth on the world's resources, and his predictions were very sobering. In response to this concern, I introduced House Joint Resolution 853 during the 91st Congress, to provide for the creation of a national policy on population stabilization. I have reintroduced an identical version of this legislation in every subsequent Congress.

Mr. President, I am pleased to reintroduce this legislation in conjunction with the news conference being held by "Zero Population Growth", an organization which calls for the development and implementation of a national policy to stabilize U.S. population by voluntary means. I am also pleased that my good friend and colleague, Congressman JAMES SCHEUER, is introducing similar

legislation in the House of Representatives this week.

At the present rate of growth, world population is expected to double in 30 years. Yet, under the hypnosis of the phrase "baby bust," coined to describe recent drops in birth rate, many Americans have tended to attribute the population problem to the underdeveloped countries. It is true that America's current birth rate is the lowest our statistics have recorded, and while this isolated fact is encouraging, other considerations indicate that celebration is premature. The United States constitutes only 5 percent of the world's population, but it consumes a full one-third of the world's resources. Mr. President, how can we continue this high rate of consumption, even if our population increases at a lower rate?

Other demographic considerations are equally grim. At present, the U.S. birth rate is 14.8 per thousand, yet this figure still greatly exceeds the death rate of 9 per thousand. Consequently, U.S. population is still increasing by 1.2 million annually by natural means. The latest figures released by the Immigration and Naturalization Service show that an additional 400,000 legal immigrants enter the United States annually, and it is estimated that twice this number enter our country illegally.

The total actual, annual increase in the U.S. population is therefore between 1.75 million and 2.5 million. My colleagues can clearly see that the current low fertility rate has hardly stemmed the population increase in the United States until we adopt an intelligent, national population policy, such as my proposal calls for, we can look forward to continued growth and increase shortages of our already scarce resources.

Mr. President, the State of Hawaii has an immigration rate of 4.8 times that of the national average. I am, therefore, very familiar with the problems precipitated by uncontrolled growth. The State of Hawaii is currently experiencing many social and economic problems resultant from a limited land and economic base. Solutions to these problems are rapidly becoming more complex due to a high rate of immigration from the South Pacific and Asia, and in-migration from the mainland United States. Based on figures from 1970–75, Hawaii is currently experiencing a net annual in-migration rate of 6,000 per year. Hawaii's current population is 860,000 and its projected population in the year 2000 is 1.2 million.

One aspect of American life for which we can all be grateful, is the advanced medical technology with which our doctors practice. As we all know, the post war years of 1946–63 witnessed an unprecedented "baby boom," partly as a result of advanced gynecological and pediatric techniques, and partly as a result of improved economic factors. Many born during that period have reached their reproductive years and, consequently, could trigger a second "baby boom," simply because the number of childbearers has increased. Current estimates project the number of fertile women in 1980 to be 50 million. Unless appropriate measures are enacted and effectively implemented, we could be faced with the grave problem of having insufficient resources to sustain the expected new lives.

It is not difficult to understand that an inverse relationship exists between the quality of life and over-population. Indeed, it has been remarked that none of the world's problems can be solved unless its population explosion is first controlled. Scientific research has repeatedly demonstrated that animals placed in a crowded environment become violent and show signs of psychological strain. In highly industrialized, technologically advanced nations such as the United States, unchecked population growth will make it increasingly difficult to solve urgent social, economic, and political problems.

Unfortunately, this prediction is too readily apparent: schools are becoming less efficient institutions; scarcity of jobs causes frustration and hostility; and privacy is becoming a luxury. In underdeveloped nations, population growth obstructs economic progress and raises the spectre of starvation, mass unemployment, and civil strife. More subtle, perhaps, but just as alarming is the realization that if our finite resources have to be divided among more and more people, cultural variety and diversity will inevitably decrease; a uniform, "mass production mentality" will prevail over individual considerations.

Mr. President, it is indeed a bleak picture I have portrayed but we have no choice: our choice is between planning for a gradual transition from unchecked population growth to stabilization or doing nothing and leaving the growth process to the forces of disease, social stress, resource depletion, starvation, and other social catastrophes. I support the first choice and am confident that legislation such as this voluntary population stabilization resolution will help in checking potential disaster.

Although this measure is not an end in itself, it is a sound and much needed beginning. As a nation, we are fortunate to be in a position to stabilize painlessly, if we start planning now. By reducing our national birth rate from the current 1.8 to 1.6 children per woman, and trimming our total legal and illegal immigration to 150,000 annually by 1985, we can stabilize our population near the turn of the century, in time for most of us alive today to enjoy a reasonable quality of life during our later years.

The United States is a leading advocate of world population control and is the largest, single financial contributor to international family planning programs. But this is not enough. We need a national policy on voluntary population planning, and I stress the word voluntary. It is not my intent to prescribe any method to coerce couples into bearing fewer children. Rather, I believe it is imperative to explore such vital areas as more sophisticated contraceptives and family planning to present couples with alternatives available to them, and to encourage their consideration of the widespread repercussions their decisions have on our ecosystem. My resolution insists upon government's respect for human choice and individual conscience. These two considerations must be preserved if American democracy is to survive.

It is time to set up specific birth rate and immigration goals to insure a smooth transition from unchecked growth to stabilization at an optimum level. These objectives could be readily modified later in light of future demographic, social and economic trends.

I see my resolution as providing an ethical framework for this Nation as it shapes a population policy; one which is clearly committed to the principles of voluntarism, human rights, dignity, and our ethical traditions.

Mr. President, the nuclear population bomb has not yet been detonated. I urge my colleagues to give thoughtful consideration to the resolution which I have introduced and to act decisively on it during the 95th Congress for the well-being of our nation and the survival of our planet. I ask unanimous consent that the text of my proposal be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 64

Whereas continued population growth beyond that already inevitable brings no social or economic benefits to our society, and

Whereas continued population growth magnifies social, economic, and political problems and, in conjunction with uncontrolled technology and high levels of per capita consumption, causes pollution and degradation of the environment, and

Whereas all citizens of the United States seek a world with healthy environment, clean air and water, uncluttered land, copious open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced, and

Whereas stabilizing population, concurrent with other measures to solve the problems of poverty, discrimination, urban decay, and environmental deterioration, would enhance the well-being of the people of our Nation, and

Whereas adoption of a national policy of population stabilization would lend credibility to the United States efforts to encourage solutions to the explosive population growth which, throughout the less developed world, obstructs economic progress, creates massive unemployment and perpetuates widespread malnutrition and poverty, and

Whereas the demographic profile of the United States requires that population stabilization can only take place over a period of decades, and

Whereas delaying development of public policies to stabilize population magnifies the problems and the cost of their eventual solution, and

Whereas the provision of accurate and objective knowledge about the implication of demographic phenomena for our society will enhance the ability of individuals to make rational choices and decisions, and

Whereas more effective coordination of Federal programs related to population is necessary to insure their effective implementation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to encourage, develop, and implement, at the earliest possible time, policies which will, by voluntary means consistent with human rights and individual conscience, move to stabilize the population of the United States and thereby promote

the future well-being of the citizens of this Nation and the entire world.

ADDITIONAL COSPONSORS

S. 1353

At the request of Mr. THURMOND, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1353, to amend chapter 81 of title 28, United States Code.

S. 1379

At the request of Mr. SASSER, the Senator from Oregon (Mr. HATFIELD), the Senator from Michigan (Mr. RIEGLE), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1379, the Taxpayer Assistance Fairness Act.

AMENDMENT NO. 442

At the request of Mr. DOMENICI, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 442, to be proposed to the bill (S. 1529), the Water Resources Development Act.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. CRANSTON, the Senator from Vermont (Mr. LEAHY), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Concurrent Resolution 26, declaring a state of war against amyotrophic lateral sclerosis.

SENATE RESOLUTION 200—SUBMISSION OF A RESOLUTION RELATING TO THE CONSIDERATION OF H.R. 6415

(Referred to the Committee on the Budget.)

Mr. STEVENSON submitted the following resolution:

S. RES. 200

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act were waived with respect to the consideration of H.R. 6415. Such waiver is necessary because operating authority for the Export-Import Bank will expire under the existing statute on June 30, 1978, three months prior to the end of the 1978 fiscal year. In order to bring the bank's operating authority into conformity with the budgetary fiscal year, the Committee on Banking, Housing, and Urban Affairs is recommending adoption of H.R. 6415, as amended. The bill provides for a three-month extension of the Export-Import Bank Act of 1945, as amended. The Bank receives no appropriated funds, but is subject to statutory limits placed on its authority to commit funds derived from its operations. H.R. 6415 does not authorize increases in the annual ceilings placed on the Bank's authority to commit funds, and should cause no change or delay in the appropriations process. The extension of the Bank's operating authority was contemplated at the time the First Concurrent Resolution on the Budget for Fiscal Year 1978 was considered and will not affect the Congressional budget. The press of major legislative business before the Committee on Banking, Housing, and Urban Affairs prevented the Committee from taking up the extension prior to May 15.

SENATE RESOLUTION 201—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Energy and Natural Resources, reported the following resolution:

S. Res. 201

Resolved, That section 1(a)(3)(E) of Senate Resolution 78, 95th Congress, agreed to February 11 (legislative day, February 1), 1977, is amended by striking out the amounts "$240,000" and "$14,000" and inserting in lieu thereof "$265,000" and "$32,000", respectively.

AMENDMENTS SUBMITTED FOR PRINTING

WATER RESOURCES DEVELOPMENT ACT—S. 1529

AMENDMENT NO. 442

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI. Mr. President, I am today submitting an amendment to S. 1529, an amendment which would basically incorporate into S. 1529 the provisions of S. 790—both the construction of locks and dam 26 and implementation of waterway user charges—as reported to the Senate by the Committee on Environment and Public Works.

I am honored that I am joined in sponsoring this amendment by several of my colleagues familiar with the issues. They are Senators ANDERSON, CHAFEE, CLARK, CULVER, GRAVEL, HUMPHREY, MCCLURE, MCGOVERN, MUSKIE, NELSON, PROXMIRE, STAFFORD, LUGAR, and WALLOP.

I believe this amendment, as does S. 790, represents a fair resolution to these issues. By offering this amendment now, we intend to give the Senate a chance to vote soon on these important issues involving national transportation policy.

Specifically, this amendment adds a title III to S. 1529. The new title that would do three essential things:

First. It authorizes the immediate reconstruction of locks and dam 26, at an estimated cost of $421 million.

Second. It authorizes an administrative process to develop, subject to congressional veto, a system of waterway user charges to be phased in over a decade, beginning in fiscal year 1980. Unlike the committee bill, this amendment also places a percentage lid on the user charge, even after the full, 10-year phasein. I believe this is an important addition, one that I know concerned many of my colleagues. To allay concerns among consumers, farmers, and shippers, the new language at the end of section 303(a) would prohibit any user charge exceeding 1 percent of the price of the commodity after shipment.

Third. It authorizes the development of a master plan for the Upper Mississippi River system that is somewhat more comprehensive than the one in S. 790.

Mr. President, this represents a compromise. It is an effort on our part to develop an amendment acceptable to the Senate, and one that resolves these two, interwoven issues in a fair and reasonable manner.

I might note that the administration has made it clear that President Carter will veto the reconstruction of locks and dam 26 unless it is accompanied by a reasonable system of user charges.

Mr. President, rather than attempt to explain the amendment in detail, I believe it would be more helpful to my colleagues to utilize portions of the explanations from the report by the Committee on Environment and Public Works. While this report fails to discuss the new 1 percent cap on user charges, I believe it fairly explains the philosophy behind the amendment. Therefore, Mr. President, I ask unanimous consent that a copy of pertinent portions of that committee report, plus the text of our amendment, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 442

On page 35, after line 15, insert the following:

TITLE III

"SEC. 301. This title may be cited as "The Inland Navigation Improvement Act of 1977".

"SEC. 302. (a) The Congress finds that construction of an inland navigational system that imposes no costs on the direct beneficiaries of such system is unfair to the operators and users of competing modes of transportation and creates distortions in transportation usage that are wasteful of the Nation's resources. The Congress further finds that certain improvements, including the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, are necessary for the effective operation of the Nation's inland waterway system.

"(b) The Congress declares that national economic development requires the maintenance of an adequate inland waterway system but, as a matter of equity and efficiency, that the commercial users of this inland waterways system should contribute a portion of the Federal navigation-related costs involved in building, operating, maintaining, and rehabilitating such waterways.

"(c) It is, therefore, the purpose of this Act both to establish a system of user charges that will promote greater equity and efficiency among all modes and demonstrate the economic feasibility of projects on the inland waterways of the United States, providing a market test for their need, and to authorize the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, as a way to promote the more efficient operation of the existing waterway system.

"SEC. 303. (a) Not later than ten months after the date of enactment of this Act, the Secretary of Transportation shall, after consultation with the Secretary of the Army, and after conducting public hearings and permitting not less than forty-five days for public comment, publish in the Federal Register preliminary regulations on a proposed system of user charges (including a method of collection) intended to recover that portion of the Federal navigation-related costs of the operation, maintenance, new construction, and rehabilitation of the inland waterways of the United States described in subsection (e) of this section. After receiving comments on the preliminary regulations required by this subsection, the Secretary shall, no later than January 1, 1979, promulgate final regulations that establish a schedule and method of collec-

tion of user charges to be paid by commercial users of the inland waterways of the United States and submit such regulations to the Congress. Notwithstanding any other provision of law, such charges shall become effective on October 1, 1979, unless disapproved or amended under the terms of subsection (b) of this section, and, after they become effective, shall not be modified to any significant degree unless such modification is submitted to Congress under the terms of subsection (b) of this section. In establishing user charges under this section, the Secretary of Transportation is directed to assure that user charges that apply to any particular existing segment of the inland waterways of the United States shall be set at a level so as not to cause serious economic disruption among the commercial users of such segment. The Secretary of Transportation is also required to establish the scale of user charges under this section so that, even after full implementation of this section, no user charge affecting a particular shipment exceeds 1 percent of the value of that shipment, including transportation costs.

"(b)(1) The final regulations first submitted to the Congress under subsection (a) of this section shall take effect as provided in such subsection, unless, during the 60-day period beginning on the date the Secretary of Transportation submits such regulations to the Congress, the Congress adopts a joint resolution disapproving such regulations. In the event the Congress adopts such a joint resolution amending such regulations, the regulations, as amended, shall take effect as provided in subsection (a).

"(2) In the event the Congress disapproves such regulations, or any significant modification thereto subsequently submitted to it, the Secretary of Transportation shall, within 90 days after the date of adoption of the joint resolution disapproving such regulations or significant modifications, submit revised regulations or significant modifications, as the case may be. Such revised regulations or significant modifications shall take effect 180 days after the date they are submitted to the Congress unless, during the first 60 days after the date of such submittal, the Congress adopts a joint resolution either amending or disapproving such revised regulations or significant modifications.

"(3) In the event the Congress, during the 60-day period beginning on the date regulations establishing user charges or significant modifications thereto are submitted, adopts a joint resolution amending any regulations (other than the first such regulations submitted to the Congress under subsection (a)), or any significant modifications thereto, such amended regulations or significant modifications shall take effect 180 days after the date such regulations or significant modifications were submitted to Congress.

"(c) The schedule of user charges promulgated under this section shall, to the extent reasonable and equitable, be assessed annually on the basis of (1) the costs of operating, maintaining, constructing, and rehabilitating the inland waterways of the United States, and various segments thereof, during the preceding fiscal year; (2) the volume of traffic; (3) seasonal and other repetitive peak demands for use of the inland waterways of the United States; and any other factors that the Secretary of Transportation finds reasonable and equitable.

"(d) The Secretary of Transportation, in promulgating final regulations under this section, is authorized to utilize, but is not limited to, one or more of the following mechanisms as a way to recover a portion of the Federal navigation-related costs from the users of the system: (1) license fees; (2) congestion charges; (3) charges based on ton-miles over a given segment; (4) lockage fees; and (5) charges based on the capacity of cargo vessels, loaded and unloaded, over various segments of the inland waterways of the United States. No charge shall be collected from, or imputed to, the use of any inland waterway that is not operated and maintained by the United States.

"(c)(1) Final user charges shall be adequate to recover (A) 100 per centum of the Federal navigation-related expenditures of the Secretary of the Army, acting through the Chief of Engineers, on the operation and maintenance of the inland waterways of the United States in accordance wih paragraph (2) of this subsection, and (B) 50 per centum of the Federal navigation-related capital expenditures on new construction and rehabilitation of the inland waterways of the United States in accordance with paragraph (3) of this subsection.

"(2) During the first year that user charges established under this section are effective, such charges shall be equal to 20 per centum of the total expenditures described in subparagraph (A) of paragraph (1) of this subsection, and shall be increased by 20 per centum of such total expenditures for each of the succeeding four years until 100 per centum of such total expenditures is reached.

"(3) During the sixth year that user charges established under this section are effective, such charges shall, in addition to the charges in subparagraph (A) of paragraph (1) of this subsection, be equal to 10 per centum of the total expenditures described in subparagraph (B) of paragraph (1) of this subsection, and shall be increased by 10 per centum of such total expenditures for each of the next succeeding four years until the maximum of 50 per centum of such total expenditure is reached.

(f) Funds collected under this section shall be deposited in the general fund of the Treasury.

"SEC. 304. Failure to pay any user charges established under this Act shall subject the violator to a forfeiture of not more than $5,000 per day, and prohibit the violator from the use of any lock on the inland waterways of the United States that is operated and maintained by the United States during the period of violation of this Act. Such forfeiture shall be collected by the Secretary of the Army, acting through the Chief of Engineers.

"SEC. 305. No later than three years after the effective date of the regulations established under section 303 of this Act, the Secretary of Transportation in cooperation with the Secretary of the Army, shall submit to the Congress a report on the implementation of section 303 of this Act. Such report shall describe—

"(a) the economic impact or user charges on the commercial users of, and consumers of goods capable of being shipped on the inland waterways of the United States;

"(b) the economic impact of user charges on a regional and national basis;

"(c) the effectiveness of user charges in establishing a more balanced national transportation system;

"(d) the effectiveness of user charges in promoting the more efficient use of public investments in the Nation's system of waterborne transportation and reliance on the private sector; and

"(e) the effectiveness of user charges in providing for the balanced use of the Nation's water resources.

"SEC. 306. In establishing and revising any regulations promulgated to provide for the recovery of operation, maintenance, construction, and rehabilitation costs under this Act, the Secretary shall allow, as an offset or deduction, the payment of any Federal tax enacted subsequent to enactment of this Act, including a tax on fuels, that may be imposed, by the United States, as a tax exclusively on vessels subject to the user charges authorized under section 303 of this Act

"SEC. 307. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to replace locks and dam 26, Mississippi River, Alton, Illinois and Missouri, by constructing a new dam and a single, one-hundred-and-ten-foot by one-thousand-two-hundred-foot lock at a location approximately two miles downstream from the existing dam, substantially in accordance with the recommendations of the Chief of Engineers in his report on such project dated July 31, 1976, at an estimated cost of $421,000,000.

"(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to replace, at Federal expense as a part of project costs authorized in subsection (a), terrestrial wildlife habitat inundated as a result of the construction of the project on an acre-for-acre basis in the respective States of Missouri and Illinois and to manage such lands as are thus acquired by the Secretary for wildlife mitigation purposes. The Secretary is further authorized to provide project-related recreation development on or in the vicinity of Ellis Island, Missouri, that requires no separable project lands and include facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp, and a beach, at an estimated cost of $4,000,000 to be cost shared with the State of Missouri and administered in accordance with the provisions of the Federal Water Project Recreation Act (Public Law 89-72) and undertaken independently of the navigation features of the project.

"(c) The channel above Alton, Illinois on the Mississippi River shall not exceed nine feet, and neither the Secretary of the Army nor any other Federal official shall study the feasibility of deepening the navigation channels in the Minnesota River, Minnesota; Black River, Wisconsin; St. Croix River, Minnesota and Wisconsin; the Mississippi River north of Cairo, Illinois; the Kaskaskia River, Illinois; and the Illinois River and Waterway, Illinois unless specifically authorized by a future Act of Congress.

"(d) There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the provisions of subsections (a) and (b) of this section for fiscal year 1978 and succeeding fiscal years. Any funds which have been allocated to a replacement project for locks and dam 26, prior to enactment of this Act, shall be available for the project authorized in this section and shall remain available until expended.

"SEC. 308. (a) There is hereby created an Upper Mississippi River System Council (hereinafter referred to as "Council") consisting of the Secretary of Transportation, the Secretary of Agriculture, the Secretary of the Army, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, and the Governors of the States of Wisconsin, Minnesota, Iowa, Missouri, and Illinois. The Secretary of the Interior shall serve as Chairman of the Council.

"(b) The Congress hereby authorizes and directs the Council to prepare a comprehensive master plan for the management of the Upper Mississippi River System in cooperation with the appropriate Federal, State, and local officials. A preliminary plan shall be prepared by January 1, 1981. The plan shall be subject to public hearings in each affected State. The Council shall review all comments presented at such hearings and submitted in writing to the Council and shall make any appropriate revisions in the preliminary plan, and shall, by January 1, 1982, submit to the Congress for approval a final master plan. Public participation in the development, revision, and enforcement of said plan shall be provided for, encouraged, and assisted by the Council. The Council shall, within 150 days of enactment of

this Act, publish final regulations in the Federal Register specifying minimum guidelines for public participation in enactment of the Congress. Changes to the master plan proposed by the Council shall require enactment by the Congress to become effective. All related activities inconsistent with the master plan or guidelines shall be deemed unlawful.

"(c) The master plan authorized under subsection (b) of this Section shall identify the various economic, recreational, and environmental objectives of the Upper Mississippi River System, recommend guidelines to achieve such objectives, and propose methods to assure compliance with such guidelines and coordination of future management decisions affecting the Upper Mississippi River System, and include any legislative proposals which may be necessary to carry out such recommendations and objectives.

"(d) For the purposes of developing the comprehensive master plan, the Council is authorized and directed to conduct such studies as it deems necessary to carry out its responsibilities under this Section, with provision that it utilize, to the fullest extent possible, the resources and results of the Upper Mississippi River resources management (GREAT) study conducted pursuant to Section 117 of the Water Resources Development Act of 1976 (Public Law 94-587) and of other ongoing or past studies. The Council shall request appropriate Federal, State, or local agencies to prepare such studies, and any Federal agency so requested is authorized to conduct any such study for the purpose of this Section. Studies conducted pursuant to this Section shall include, but not be limited to, the following:

"(1) The Secretary of the Army shall provide for the Secretary of the Interior to undertake a study to determine: (a) the carrying capacity of the Upper Mississippi River System, (b) the long and short-term systemic ecological impacts of: (1) present and any projected expansion of navigation capacity on the fish and wildlife, water quality, wilderness, and public recreational opportunities of said Rivers, (2) present operation and maintenance programs, (3) the means and measures that should be adopted to prevent or minimize loss of or damage to fish and wildlife, and (4) a specific analysis of the immediate and systemic environmental effects of any second lock at Alton, Illinois, and provide for the mitigation and enhancement of such resources and shall submit his report containing his conclusions and recommendations to the Congress and the Secretary of the Army;

"(2) The Secretary of the Army shall provide for the Secretary of Transportation to undertake studies to determine: (a) the relationship of any expansion of navigational capacity on the Upper Mississippi River System to national transportation policy, (b) the direct and indirect effects of any expansion of navigational capacity on the nation's railroads and on shippers dependent upon rail service, and (3) the transportation costs and benefits to the nation to be derived from any expansion of navigational capacity on said River System. The Council, acting through the Secretary of Transportation, is directed to immediately initiate a specific evaluation of the need for a second lock at Alton, Illinois and the direct and indirect systemic effects and need for such a second lock at Alton, Illinois;

"(3) Studies and demonstration programs, including a demonstration program to evaluate the benefits and costs of disposing of dredge spoil material in contained areas located out of the floodplain. Said program shall include, but shall not be limited to, the evaluation of possible uses in the marketplace for the dredge spoil studies and demonstration programs to minimize the environmental effects of channel operation and maintenance activities;

"(4) Development for the Upper Mississippi River System of a computerized, analytical inventory and system analysis to facilitate evaluation of the comparative environmental effects of alternative management proposals.

"(e) Guidelines developed pursuant to this Section shall include, but not be limited to, guidelines for channel maintenance, minimization of dredging volumes, alternate uses of dredged material, barge fleeting, protection of water quality, fish and wildlife protection and enhancement, wilderness preservation, and management of the wildlife and fish refuges within and contiguous to the Upper Mississippi River System.

"(f) To carry out the provisions of this Section, there are authorized to be appropriated to the Council $20,000,000. The Council is authorized to transfer funds to such Federal, State, or local government agencies as it deems necessary to carry out the studies and analysis authorized in this Section.

"(g) The Upper Mississippi River System consists of those river reaches containing commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; St. Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois.

"(h) Except for the provisions of Section 307 of this Act, and necessary operation and maintenance activities, no replacement, construction, or rehabilitation that expands the navigation capacity of locks, dams, and channels shall be undertaken by the Secretary of the Army to increase the navigation capacity of the Upper Mississippi River System, until the master plan prepared pursuant to this section has been approved by the Congress.

(i) The lock and dam authorized pursuant to Section 307 of this Act shall be designed and constructed to provide for possible future expansion. All other construction activities initiated by the Secretary of the Army on the Upper Mississippi River north of Cairo, Illinois and on the Illinois River north of Grafton, Illinois, shall be initiated only in accordance with the guidelines set forth in the master plan.

"SEC. 309. As used in this Act, the term—

"(a) 'user charges' means a charge established by the Secretary of Transportation, under the authority of section 307 of this Act, to be paid by the owner or operator of shallow-draft cargo vessels that use the inland waterways of the United States for commercial purposes;

"(b) 'inland waterway of the United States' means any improved waterway operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than ocean-going vessels, and does not include the Great Lakes, their interconnecting channels, and the Saint Lawrence Seaway.

"(c) 'Commercial users' means common, contract, or other carriers for hire and owners or operators of private shallow draft cargo vessels."

GENERAL STATEMENT

Two of the more controversial issues to come before the Committee on Environment and Public Works are addressed in this bill: authorization of the reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Ill., and the imposition of waterway user charges.

It is the view of the Committee that these two issues must be resolved together, because inland waterways are the sole exception to the principle of both water resources and national transportation policy that direct beneficiaries repay a portion of the Federal costs. These issues are, in fact, linked. They are different facets of the same issue: How the Federal Government can best promote an efficient inland navigation system that is equitable to other transportation forms and the Federal taxpayer. The administration has endorsed the linking of these two issues.

The issue of replacement of Locks and Dam 26 is not new to the Committee on Environment and Public Works. The controversy surrounding this proposed project came to the attention of the committee in 1975 when the Federal district court in the District of Columbia ruled against the Secretary of the Army's authorization for replacement.

During the ensuing time, a great deal of discussions were devoted by the Committee to the proposed rehabilitation or replacement of the facility at Alton, Ill. In 1976, the Committee held 5 days of hearings and authorized a replacement lock and dam as recommended by the Secretary of the Army and the Chief of Engineers together with a system of user charges similar to this bill.

The Senate was unable to approve the Committee's recommended legislation on Locks and Dam 26 and user charges during the closing days of the 94th Congress. Following adjournment, the Committee continued to consider proposed alternative methods of providing a safe and efficient lock and dam at this point on the Mississippi River. All recommended alternatives were carefully considered and hearings conducted again this year to obtain additional views of interested parties and those of the new Carter administration.

The proposed replacement of Locks and Dam 26 raised questions regarding policies of the Army Corps of Engineers with respect to repair or replacement of facilities which are no longer structurally sound or economically efficient. Prior to 1975, the corps replaced obsolete facilities under the authority of the act of March 3, 1909. If the Secretary of the Army approved, based on a finding that a reconstruction was essential for continued use and consistent with other proposed improvements for the system, work could go forward without specific authorization, subject only to the appropriation of funds.

This authority was challenged in the courts and the Secretary of the Army has since taken the position that he will request specific authority for projects such as locks and dam 26. This bill provides the authorization for this project.

But the Committee recognizes that the question of Locks and Dam 26 is not an isolated issue. It must be addressed and resolved in the context of an overall inland navigation program, which also addresses the question of who is to pay.

According to calculations of the Corps of Engineers, two-thirds of the annual "benefits" from a rebuilt locks and dam 26 are due to "delay reduction." That is a $53,411,000 annual benefit to barge operators, and it is a taxpayer-provided benefit from just this one project. It is the committee's view that those taxpayer-provided benefits should be, in part, recovered by the Federal Government not simply accrued by the barge operators. A system of waterway user charges achieves this objective.

Since Congress initiated the inland navigation program in 1824, considerable sums of money have been appropriated for improving and maintaining the navigable waterways of the United States. The committee has determined that water transportation continues to have an important and useful role in the national economy and is an integral part of the Nation's transportation system. A viable waterway system is important not only to shippers but also to consumers of goods. It is clearly in the national interest to have an inland waterway network in suf-

ficient repair to move goods economically and efficiently from producer to consumer.

According to a study by the Congressional Budget Office, the inland waterway system users received a Federal subsidy exceeding 40 percent of the industry's revenues. The rail, air, and highway modes received subsidies from the general fund in the range of 1 to 3 percent of industry revenues. In contrast to other modes, waterway users make no contribution to operating and maintaining their rights of way.

Taxpayer-provided improvements to a single mode necessarily create imbalances. Because of this relationship, the committee approved the provision authorizing collection of user charges on the inland waterways. Such charges are to be imposed over a 10-year period and are designed eventually to collect 100 percent of the operation and maintenance costs and 50 percent of the new construction costs for the inland system. The committee believes balanced transportation and fairness require that the commercial users of the federally supported transportation facilities should pay a portion of the costs of developing and maintaining these facilities in the future.

It will be increasingly hard to win taxpayer, and thus political, approval of continued financing for new work on the waterways without some form of user charge. A gradual imposition of a reasonable user charge system meets that problem.

The waterways industry testified that it believed there was need for more study before action was taken to implement a waterway user charge. The committee believes that a number of safeguards are built into this legislation to protect the interests of the waterway industry and the public, while creating an action mechanism establishing user charges. Moreover, the bill, based on testimony from concerned waterway interests, provided protection of marginal waterways from economic hardship.

During the period lasting from enactment until January 1, 1979 the Department of Transportation will conduct hearings, issue draft legislations, review comments, and study this issue before issuing final regulations. Once these regulations are sent to Congress, they are subject to a special provision allowing Congress time to reject or amend them.

At the end of fiscal year 1982, 3 years after the effective date of the charges, the administration will report to the Congress and the public on the actual effects, allowing for a possible mid-course correction. The committee believes this is a reasonable approach and one that will protect taxpayers and consumers.

WATERWAY USER CHARGES

Section 303 establishes, for the first time in our Nation's history, a system of user charges to be paid by the commercial cargo vessels that use the 25,000 miles of federally built and maintained inland waterways. Federal waterway expenditures are now a full Federal subsidy to the barge operators with no cost recovery. The schedule of charges in the bill, to be implemented in phases over a decade beginning October 1, 1979, eventually would recover 100 percent of the Federal costs of waterway operations and maintenance and 50 percent of new waterway construction costs, based on the appropriations in the preceding fiscal year. This section applies only to commercial, shallow-draft vessels. It does not apply to recreational vessels, which already pay a fuel tax, nor does it apply to international traffic. Specifically excluded from the charge system are waterways not operated and maintained by the Federal Government, such as the New York State Barge Canal, which is operated by the State of New York.

IMPLEMENTATION

On January 1, 1979, administrative regulations setting a specific user charge schedule will be submitted to the Congress for review. Prior to that time, there is a period of 10 months when the Secretary of Transportation, in consultation with the Secretary of the Army, will study alternatives and publish preliminary user-charge regulations. During that period, not less than 45 days must be allowed for public comment and at least one public hearing must be held on alternatives to allow all interested parties to comment.

General guidance is provided to the Secretary on how to establish user charges that are reasonable and equitable.

The Secretary must consider such factors as traffic volumes and seasonal peaks in setting charges, and he may establish user charges that utilize techniques such as licensing fees, congestion charges, ton-mile charges, lockage fees, capacity fees, or any other equitable system or combination thereof. The Secretary must set the charges so they do not impose any unreasonable economic burden on the users of any specific waterway segment. Thus, while variations in the charges on various segments are permitted, they must be undertaken with care to assure they will not cause the closing of any segment or economic hardship on any particular use. The Secretary could also determine that a nearly uniform system—such as license fees or lockage fees—would be the most effective, practical, and reasonable way of developing a user charge system that recovers a portion of the annual investment of the taxpayers. The committee was impressed by arguments for possible congestion tolls as a way to provide cost recovery while improving waterway efficiency.

Following promulgation of final regulations on January 1, 1979, a period of 60 days is provided to give the Congress an opportunity to review the charges and their impact, and to disapprove or pass legislation to amend the regulations by joint resolution. This period of 60 days provides time to examine the actual effects on waterways users and the balance between competing forms of transportation. Such a well-controlled, cautious legislative experiment is preferable to additional theoretical studies in determining what the real economic impact of user charges will be.

The bill includes a procedure for resubmittal and consideration of amended regulations, similar to the timetable in the initial congressional veto procedure. This also extends to any significant changes in the regulations, such as a restructuring that would eliminate or add any major form of cost recovery, or sharply alter the cost impacts on any waterway segment or group of users. Resubmittal is not necessary for minor, conforming changes that may be needed periodically to assure the efficient and equitable collection of user charges.

On October 1, 1979, if the regulations are not disapproved, the percentage of annual costs noted below will be collected from the commercial users of the inland waterways.

The schedule is based on estimates by the Corps that it spent $140 million for operating and maintaining the inland waterways and $240 million for construction on the inland waterways during fiscal year 1976.

Fiscal year	Operation and maintenance percentage	Construction percentage	Estimated dollar recovery
1978	(1)	----	----
1979	(1)	----	----
1980	20	----	$28,000,000
1981	40	----	56,000,000
1982 [2]	60	----	84,000,000
1983	80	----	112,000,000
1984	100	----	140,000,000
1985	100	+10	164,000,000
1986	100	+20	188,000,000
1987	100	+30	212,000,000
1988	100	+40	236,000,000
1989 and thereafter	100	+50	260,000,000

[1] No recovery.
[2] Study due to advise Congress on impact of initial phase-in.

REASONS FOR THE PROVISION

The initial phase of national waterway improvements has been accomplished at full Federal expense: Some $4 billion to build the system, plus approximately an equal sum to operate and maintain it.

While free waterway transportation was a legitimate Federal interest when there was need to find a mode of transportation to compete with the railroad monopolies, partially-free waterways are sound public policy today. The expenses are growing dramatically, major replacements and expansions are contemplated and competing modes are experiencing financial difficulty.

In a real sense, the United States appears ready to embark on a major program to rehabilitate its inland waterways, now consisting of 25,000 miles of improved waterways and 212 navigational locks and dams. Costs estimated at $3.4 billion in lock building remain to complete projects now authorized. Projects valued at billions of dollars more are under consideration. As the Nation enters this second phase—the phase of major reconstruction typified by the authorization in this bill to rebuild locks and dam 26 at Alton, Ill.—the question of who pays for those improvements must be addressed.

The committee believes that participation by the users in the financing of waterway operations and improvements will lead to a more realistic assessment of the needs for improvements, since the users will no longer be asking for something "free." It is expected that users will focus their attention on those new projects that will offer real benefits. Once such an improvement is paid for, even in part, by the users, the Congress can be assured that the expenses are more likely to be in the Nation's interest. A user charge will provide a real-world market test of a proposed project. If the users are willing to repay a portion of the cost of the project, even if spread throughout the system, then the Congress can, with far greater confidence, assume the project is economically viable. By minimizing the current subsidy advantage to the waterway users, the committee also believes it will result in a more rational national approach to transportation policy.

The barge industry has more than doubled its national market share in recent years. If this had been achieved strictly through efficiency, this increase would be commendable. But as important in this growth has been the existence of a free right of way provided to the industry, at the expense of competitors who must either finance their own right of way or pay taxes toward its upkeep.

Complete Federal financing of waterway construction and operation has led to several problems. The traffic delays at Locks and

Dam 26 are symptomatic of the larger issues at stake. The capacity problem is a direct function of free funding. As long as a free system is provided, delays and future capacity problems are to be expected.

STUDIES AND ANTICIPATED RESULTS

President Carter is the eighth successive President to support the imposition of waterway user charges. Because of this broad interest, many recent studies have been made of waterway user charges and their possible impact. For example, the 1973 report of the National Water Commission recommended user charges for full recovery of operation, maintenance, and capital costs:

"There is no longer any rational justification for assumption by the Federal Treasury of the entire cost of construction, operating, and maintaining navigable waterways."

In September 1973, Transportation Secretary Coleman stated in the study of National Transportation Policy:

"Economic efficiency and consideration of equity also lead in the direction of some form of cost sharing. Insofar as it is practicable and administratively feasible, the identifiable beneficiaries of federally improved and maintained waterways should bear some share of development and operating costs through a system of user charges."

A November 1975 report by the General Accounting Office found only minimal impact and many benefits from imposition of user charges to recover operation and maintenance costs.

The Department of Transportation June 1976 study of "Regional Market, Industry and Transportation Impacts of Waterway User Charges" concluded that: "Predictions of substantial, generalized impacts on water carriers as the result of user charges appear unsupported. . . ."

A December 1976 study for the Corps of Engineers "Potential Impacts of Selected Inland Waterway User Charges," found little noticeable effect on most waterways from cost recovery systems.

Probably the most thorough review was the three-volume study issued in March 1977, by the Department of Transportation, "Modal Traffic Impacts of Waterway User Charges."

Among its conclusions:

"It was found that delivered commodity price impacts rarely exceeded 1 or 2 percent for 100 percent recovery of Federal O.M. & R. (operation, maintenance, and repair) expenditures and were more commonly only a fraction of 1 percent. Projected market forces other than user charges were generally found to have a more substantial impact than navigation cost recovery. . . .

"In general, these price and income effects were measured in fractions of 1 percent, although certain commodities may experience slightly larger increases . . .

"Although segment tolls are relatively high in comparison to other rivers, coal traffic on the Monongahela, Allegheny, and Kanawha Rivers should not be adversely affected by user charges. Average barge haulage of coal is between 10 and 25 miles on the rivers. Overall impacts of user charges on final delivered price are minimal and less than 5 percent of barge rates.

"A phased implementation of user charges would limit absorption of the tolls by barge and terminal operators by allowing natural traffic growth to offset any traffic diversion caused by the tolls and by permitting the orderly retirement of uneconomic facilities and equipment.

"User charges for the recovery of 100 percent of Federal O.M. & R. expenditures on the inland waterway system would have small impacts on the cost of producing steel in the areas bordering the river system—a fraction of 1 percent of total costs even for the worst case."

The question of impact was the center of the committee's inquiry during its hearings. William Vickerey, professor of political economics at Columbia University and a leading transportation economist, in testimony before the Committee on Environment and Public Works stated:

"User charges are not costs to the society. They are transfers. Any revenue that is obtained by user charges is going to be used in some other way to reduce taxes somewhere else. The net effect is going to be to benefit consumers."

Harry Gobrecht, director of transportation and physical distribution of the U.S. Gypsum Co., which ships both on company-owned barges and by rail, was asked during Committee hearings if user charges would "have a big negative impact on your overall company's transportation costs?" He responded:

"No. I firmly believe, and the reason I am here, is that with imposition of the user charges, it is going to have the effect of allowing the railroads to compete more equitably throughout the United States. I believe that if this occurs, then there is going to be an advantage in railroad freight rates that will far offset the modest increases in the imposition of the user charges."

In short, Mr. Gobrecht noted the possibility that the cost to consumer of any modest increase in barge rates will be more than offset by improved rail rates in those areas where rail is the only mode of transportation. Accordingly, the consumers of the Nation may actually benefit from the imposition of user charges. When coupled with savings to the taxpayer, user charges become a precondition to sound public policy with respect to inland navigation.

Testimony was received from groups strongly opposing user charges. Robert F. Stauffer, general counsel, National Coal Association, testified:

"Such charges would not only impede the orderly development and distribution of this vast, low-cost source of energy, but it would also have extensive adverse impact on the coal industry itself, on industries dependent upon coal, and on America's consumers of energy . . . If user charges are imposed, we certainly see the cost of about 125 million tons of coal going up."

The members considered more likely the arguments involving barged coal costs stated in the March 1977 study of the Department of Transportation:

"Overall impacts of user charges on final delivered price are minimal and less than 5 percent of barge rates . . . Diversion to alternative distribution patterns is unlikely given that average user charges on coal traffic are only 11 cents per ton at 100 percent recovery levels."

Testimony showed that the price of coal had risen 125 percent over the last 3 years, with coal demand still rising. If a 125-percent price increase had not damaged coal usage, the committee is persuaded that the cost impact of waterway user charges, averaging less than 1 percent of the value of coal after the full decade-long phase-in, is likely to have a negligible adverse impact on the coal industry.

It should be noted that half of the coal traffic is controlled by two companies with combined annual revenues of $1.5 billion and ownership of 3,000 barges. One major steel company, with revenues of $8.6 billion, has barge shipments exceeding the total, combined traffic on the Arkansas and Missouri Rivers. One major oil company, with annual sales of $4.3 billion, controls the largest fleet of liquid cargo barges.

J. W. Hershey, President of the National Waterways Conference, Inc., and Chairman of American Commercial Lines, Inc., testified that S. 790 would create "competitive chaos" and "massive discrimination." He described the bill as the product of "intellectual chaos" and a "rash disregard" for its consequences, and mentioned its "grave deficiencies." He said it establishes "life-or-death power over American communities" and imposed "unacceptable disruptions of trade patterns." Steelmakers, he says, would be "gravely injured" under the bill. Petroleum refiners would be placed at a "substantial disadvantage." He described the gradual approach, including administrative rate setting, Congressional veto, and mid-course correction, as "utterly lacking in substance."

The Committee found the documentation of the Department of Transportation more logical.

Great variation in freight rates exist on the waterways because of the unregulated nature of most waterway traffic. Variations occur, both by segment and by season. The average rates on some rivers, such as the Monongahela (4.9 mills per ton-mile) is nearly twice the rates charged on the Ohio (2.7 mills per ton-mile), into which the Monongahela flows. Grain rates in late summer typically run three times the levels charged in the spring. The percentage effect of S. 790 is far below any of these variations.

It was also argued, in this energy conscious era, that the Nation needs to promote waterway usage because it is so energy efficient, regardless of other factors. But the committee found persuasive evidence that waterways are not necessarily the most energy efficient mode of transportation.

A study, "Energy Intensity of Barge and Rail Freight Hauling," by the Center for Advanced Computation at the University of Illinois found that "rail is 10 to 23 percent less energy intensive than barge." This was based on average train movements, not necessarily moving in the most direct route. Point-to-point unit trains are nearly twice as efficient as barge movements. One reason is the meandering nature of rivers, making any river trip between two points far longer in miles than a rail trip.

Questions have also been raised as to whether S. 790 imposes a "tax." It is the view of the committee that S. 790 does not impose a tax, but a "user charge" similar to those recovering the costs of Federal hydropower projects, water supply projects, or recreational developments. It is not a revenue measure, but a charge in return for a service. Its cost is based on the cost of making the service available, and therefore is not analogous to a general tax. Its scope is limited to a percentage of the costs on the inland waterways operated and maintained by the Federal Government. Those who don't receive the service, don't pay.

The Congressional Research Service examined constitutional arguments against S. 790 advanced by the waterways industry. The Service concluded:

"While no definitive determination can be made as to the constitutionality of this legislation other than by a judicial body, the weight of these cases (cited by the waterways industry) would appear to support the validity of S. 790."

Section 304 makes any commercial user of the inland waterways that fails to pay a required user charge subject to a civil fine of up to $5,000 a day, plus a prohibition against the use of any Federally operated and maintained lock during the period of violation.

Section 305 requires the Secretary of Transportation, in cooperation with the Secretary of Army, to submit to Congress by October 1, 1982, 3 years after the date the user charges become effective, a report on the implementation of section 4 to provide the Congress with the information it would need to make a possible midcourse correction, if appropriate. The Committee believes this is an important section that assures reasonable implementation of user charges.

This examination will cover the impacts, if any, on the commercial users of the waterways and the consumers of goods that are capable of being shipped on the inland waterways, and the impacts, if any, in a regional or national basis. The study will

analyze the effectiveness of user charges in fostering a more balanced national transportation system, and the effectiveness of user charges in promoting more efficient public investment, balanced use of water resources, and reliance on the private sector.

Section 306 automatically reduces the user charges collected under this act by the amount of any fuel tax or other special tax imposed on the commercial barge companies using the inland waterway. This would provide automatic assurance against double charges, should the Congress determine at a later date that a fuel tax on barges is appropriate.

LOCKS AND DAM 26

Section 307 authorizes the reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Ill., by replacing it with a new dam and a single, 1,200-foot lock, with contingencies for a second lock, at an estimated cost of $421 million.

The existing Locks and Dam 26 is located about 18 miles upstream from St. Louis, Mo., and serves as a key element in the Nation's inland waterway system. It is situated at a central location in the inland navigation system: All waterborne commerce shipped between the Ohio River, the lower Mississippi River, the Missouri River, and the Gulf Intracoastal Waterway and the upper Mississippi River or the Illinois River must pass through these locks.

The present structure, completed in 1938, has two lock chambers: One 600 feet long and the other 360 feet long. Major problems are currently associated with this structure, centered on its deteriorating conditions and its capacity in relation to future traffic growth on the river. The structure has experienced settlement and some loss of foundation material.

While the facility is not in danger of collapse, the costs of maintenance are growing. River traffic at Locks and Dam 26 reached about 53 million tons in 1974, and is expected, by the Corps of Engineers, to reach the project's estimated physical capacity of 73 million tons in the mid-1980's. Traffic delays are expected to increase significantly as capacity is approached. But the committee believes that reconstruction, which will take 8 to 10 years, can be achieved, if started now, before the capacity of the existing site is reached. The Department of Transportation, assuming a continued trend to larger, more efficient barges, and operational improvements, estimates capacity at the present locks "prudently in the range of 75–85 million tons per year * * * It seems likely that the capacity of a single 1,200-lock in the new dam is well in excess of 100 million tons per year."

The Corps of Engineers has reviewed this problem for many years. It studied the option of rehabilitating the existing structure. It examined reconstruction with a variety of sites and locations. The solution recommended by the Chief of Engineers and approved by the committee was chosen over rehabilitation of the existing facility, which utilized a scheme of a canal and new temporary lock on the Missouiri shore.

Corps recommended plan

	October 1976 price level
Estimated cost: [1]	
Federal cost	$419,000,000
Non-Federal cost	2,000,000
Total	421,000,000

[1] Rounded.

Project Economics (6⅞ percent October 1976 costs.)

	Federal	Non-Federal	Total
Annual charges:			
Interest and amortization [1]	$34,518,000	$140,000	$34,658,000
Operation and maintenance	924,000	232,000	1,156,000
Replacements	107,000	------	107,000
Economic losses	130,000	------	130,000
Total	35,679,000	372,000	36,051,000
Net annual charges [2]	------	------	32,179,000

[1] Includes interest during construction.
[2] Gross annual costs less O. & M. costs no longer required at the present facility.

	October 1976 price level
Annual benefits:	
Transportation rate savings	$20,270,000
Delay reduction	53,411,000
Recreation	375,000
Area redevelopment	3,281,000
Total	77,337,000
Benefit-cost ratio	[1] 2.4

[1] Previously stated BCR was 3.9. This was reduced by inclusion of local transportation costs, revision of projections and updated prices. In order to make all costs comparable we have added local haulage of grain to the waters edge which had not been previously included. In addition, projections were revised as part of the review process, for coal and petroleum to reflect the current energy situation.

The committee recognizes that there has been much discussion on what form of corrective action should be undertaken. There was opposition to the 18-foot sill depth of the new proposal, which was viewed as a first step toward a 12-foot channel on the Upper Mississippi. It was argued that this will result in irreparable harm to the Upper Mississippi aquatic environment. The railroad industry has objected to the economics, especially as it applies to the loss of railway traffic. Committee members directed the General Accounting Office to make an independent report on the possibility of rehabilitation in lieu of new construction.

The railroad industry strongly opposed reconstruction of Locks and Dam 26, as leading eventually to an entire reconstruction and expansion of the Upper Mississippi system, and argued that it would potentially divert hundreds of millions of dollars in potential rail revenues to the "free" waterways. Environmentalists argued that Locks and Dam 26 would be the opening wedge not only to a rebuilding of the Upper Mississippi facilities but to its deepening, vastly increasing traffic and pollution on the river, which is currently maintained at a depth of 9 feet.

In a March 1977 report to the Committee on Environment and Public Works, the Department of Transportation said:

"The impact of the proposed single 1200-foot lock on railroad revenues does not appear to be significant. A single 1200-foot lock at Alton, Ill., will not cause significant diversion of existing rail traffic to the waterways."

The committee finds that proposals recommended by the Chief of Engineers appear to provide a logical approach to relieve the concerns for increased waterway depth, environmental impacts, and bulk commodity transportation economics. For example, the corps is directed to replace and manage at Federal expense, the wildlife habitat that will be inundated as a result of the construction of the project, on an acre for acre basis, in Missouri and Illinois. The corps is also authorized to provide project-related recreation development at Ellis Island, Mo., and include facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp, and a beach. The estimated cost is $4 million, of which the State of Missouri will provide half the funds. These lands will be administered in accordance with the provisions of the Federal Water Project Recreation Act.

The Mississippi River channel above its confluence with the Illinois River is established at no greater than nine feet, and no Federal official is authorized to study the feasibility of deepening the navigation channels in the Minnesota River, the Black River, or the Saint Croix River unless specifically authorized by a future act of Congress.

With these safeguards, the committee believes the immediate reconstruction of Locks and Dam 26 is in the national interest.

AMENDMENT NO. 446

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted an amendment intended to be proposed by him to the bill (S. 1529), the Water Resources Development Act.

AMENDMENT NO. 447

(Ordered to be printed and to lie on the table.)

Mr. LONG. Mr. President, Public Law 455 of the 84th Congress authorized construction of the Mississippi River-Gulf Outlet, a 70-mile tidewater channel designed to provide an alternate route for oceangoing vessels calling at the Port of New Orleans. As constructed, the channel extends from the Industrial Canal in New Orleans to the open waters of the Gulf of Mexico in the vicinity of Breton Sound.

At its upper reaches, from approximately Paris Road to its junction with the Industrial Canal, the channel also serves as part of the Gulf Intracoastal

Waterway, which extends from Florida to Mexico.

The Industrial Canal which extends from Lake Pontchartrain to the Mississippi River, with a lock at the river end, is not a Federal project. It was constructed by and entirely with funds of the board of commissioners of the Port of New Orleans, an agency of the State of Louisiana, commonly known as the Dock Board, which administers the public wharves and landings of the Port of New Orleans, and which is also the local assuring agency for the Mississippi River-Gulf Outlet.

To accommodate the Gulf Intracoastal Waterway and as a saving of Federal funds, the dock board has leased to the United States the right to use that portion of the Industrial Canal which extends from the Mississippi River-Gulf Outlet to the river and also the lock located at the juncture with the Mississippi River.

The Industrial Canal, which was constructed in 1918 and is also designed to accommodate oceangoing traffic, is now lined with wharves and industries, both public and private, and the Dock Board and others have also made substantial port-oriented investments along the north bank of the Mississippi River-Gulf Outlet.

In fact, the tidewater region served by the confluences of the Mississippi River-Gulf Outlet, the Industrial Canal, and the Gulf Intracoastal Waterway has been dubbed "Centroport" by the Dock Board and figures most prominently in that board's short and long range plans for port development.

As noted, the only connection between the Gulf Intracoastal Waterway, the Mississippi River-Gulf Outlet system, and the Mississippi River itself, is the now antiquated lock that was built by the Dock Board in 1923.

Because of the extraordinary volume of traffic, that lock is and has been for many years a source of extensive delays of up to 80 hours to both oceangoing and coastal traffic, at enormous expense to those industries and at great inconvenience and expense to their customers.

For this reason and also because of its limited size and its inadequate sill depth, that lock is and has been a marked deterrent to development in the Centroport area and the growth of commerce both in the area and on the Gulf Intercoastal Waterway.

The Congress, through Public Law 455 and its adoption of House Document 245, took note of this then developing problem by authorizing a new lock, together with a connecting channel, to be constructed in the vicinity of Meraux, La., when it became "economically justified by obsolescence of the existing industrial canal lock, or by increased traffic." Such justification has existed for a number of years.

On March 29, 1977, the Corps of Engineers held a public meeting in New Orleans to receive comments on the two sites proposed for the new lock. This meeting was held at the direction of the President of the United States as a follow-up of his review early this year of some 30 plus waterway projects in the Nation.

As a result of this review and public meeting, the President directed that no further consideration be given to the Violet Site in the vicinity of Meraux. The President further directed that only a lock at the site of the existing lock should be considered.

One of the objects of the amendment that Senator JOHNSTON and I are submitting today is to provide the authority to proceed with the existing lock site. It also has as its purpose to lessen the burden that local interests would have to share since such relocation would greatly increase the cost of the project, disproportionate to the benefits that the local area would receive.

Relocation of the lock and connecting channel from its originally contemplated site is to move it from an essentially rural, undeveloped area to the inhabited and industrialized area along the Industrial Canal, which has been under lease to the United States since World War II.

While the precise location and plans for the new lock remain to be developed, it is believed that the new lock can be constructed around the old lock without interfering with its use. However, widening of the forebays and navigation channel will be required, and this means that certain industrial and residential lands will have to be acquired and the industries and residences located thereon relocated. Also considerable modification or reconstruction of the existing crossings of the canal by bridges and utilities will have to be performed.

The estimated cost of a lock at the Meraux site is $327,801,000, and the non-Federal portion of this cost is $41,546,000. The estimated cost for a lock at the existing site is $363,132,000, but the non-Federal costs which must be funded by the State of Louisiana are $100,717,000.

Inasmuch as over 80 percent of the traffic using this lock is interstate and not local, it is inequitable to ask the State of Louisiana to provide over 2½ times the amount which would have been required for a lock at Meraux as set forth in the original authorization, Public Law 455 of the 84th Congress.

For the past 33 years, the State of Louisiana has provided the Federal Government at a growing expense to the State with a section of channel and a ship lock as part of the Gulf Intracoastal Waterway. This grant to the Federal Government during the World War II emergency situation, has continued way beyond the time originally contemplated in the agreements drawn up in 1944.

Adequate connection not only between the Mississippi River-Gulf outlet but the nationally important commerce on the Gulf Intracoastal Waterway that must move through this lock is being delayed by a lock that reached its capacity in 1971.

Mr. President, the Port of New Orleans area is the No. 1 grain exporter in the world. It is the No. 2 port in the Nation with a value of $8.6 billion in foreign commerce in fiscal year 1976. It is one of the top five ports in the world with 140 million tons moving through its area in 1975.

This undersized 54-year-old lock built by the Port of New Orleans and leased to the Corps of Engineers has been carrying its peak design capacity tonnage for years, with increasing delays experienced by waterway operators transiting the lock. The corps has estimated tonnage demand for this lock will increase at the rate of 1 million tons per year for the next 50 years. Moreover, the new lock has been authorized by Congress since 1956.

Mr. President, inasmuch as a new lock has been found to be economically justified by obsolescence of the existing industrial canal lock and increased traffic, replacement and expansion of said lock should now be approved. Further, inasmuch as the President has directed the location for said lock, the additional expenses to local interests as compared to the Lower Meraux site should be borne by the Federal Government.

In view of the foregoing, I strongly urge adoption of the measure I am introducing together with my colleague, Senator JOHNSTON.

CONSUMER CONTROVERSIES RESOLUTION ACT—S. 957

AMENDMENTS NOS. 443 AND 444

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill (S. 957) to promote commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers, and for other purposes.

AMENDMENT NO. 445

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (S. 957), supra.

ADDITIONAL STATEMENTS

PLACING SALT II IN PERSPECTIVE

Mr. NUNN. Mr. President, few would question the importance of the strategic arms limitation negotiations now taking place in Geneva, or the desirability of obtaining a satisfactory SALT II agreement. Prevention of destabilizing developments in the balance of strategic nuclear deterrence between the United States and the Soviet Union quite properly has been characterized as a shared interest between the two countries which overrides economic, political and ideological differences. Soviet concern over the U.S. cruise missile, and our own concern over the Soviet backfire bomber, continued Soviet investment in civil defense, and the huge megatonnage of their ICBM's reflect respective fears that certain strategic programs if permitted to continue unchecked, could upset per-

ceptions of the balance, if not the balance itself.

Yet, even a satisfactory resolution of these and other outstanding issues in Geneva, and the attainment of a verifiable SALT II agreement will exert only moderate influence upon the overall military balance between the United States and the Soviet Union. During the past decade this balance has moved in a direction distinctly unfavorable to us.

I am disturbed by the degree in our country to which the significance of SALT has been inflated. The distinct impression is being offered by some that failure to achieve a satisfactory SALT II agreement by October 3 would mean dark and dangerous consequences for the United States—indeed, the world.

Failure, we read, would threaten the entire fabric of détente.

Failure, we read, would lead to an uncontrollable arms race.

Failure, we read, would lead to sharp increases in the defense budget.

Failure, we read, would increase the chances of military confrontation between the United States and the Soviet Union.

Failure, we read, would heighten the risk of nuclear armageddon.

Mr. President, this speculation is at best an exaggeration and, at worst, a gross distortion of the facts. The worst thing that could happen to our country at Geneva would be to be hurried into a sloppy, insufficiently verifiable agreement because of a self-imposed sense of urgency and an inability to appreciate the limits of SALT. Such an agreement would be worse than no agreement at all.

President Carter understands this, and has personally assured me and the Senate leadership that this government will not sacrifice substance for speed in reaching a SALT II accord. I believe the President deserves the commendation of the American public for his refusal to place the false anxieties of some over the fundamental security interests of us all. I know he has the strong support of the Congress, which on countless occasions has expressed its determination to achieve a verifiable and meaningful SALT agreement—however long it takes.

Declarations of the doom awaiting us if we fail to reach an accord by October the third certainly do not strengthen the hands of our negotiators. They serve to divert public attention from what I believe are more fundamental issues. SALT is important, but it does not hold out the prospect of a promised land of lower defense budgets, an end to military competition, or an era of good feelings transcending the more basic antagonisms separating American and Russian societies. Even the best obtainable SALT II agreement will do little more than codify further the rough strategic nuclear parity between the United States and the Soviet Union. This parity has magnified further the significance of the Soviet advantage in non-nuclear forces.

Mr. President, I would remind my colleagues that arms control agreements in this century have rarely resulted in reductions in defense spending by the signatories of those agreements.

I would remind my colleagues that strategic arms are but one component of a broader military balance between the United States and Russia.

I would remind my colleagues that expenditures on our strategic nuclear deterrent account for less than 10 percent of the defense budget.

I would remind my colleagues that the most disturbing developments in the military balance between the United States and the Soviet Union during the past few years have taken place not in the field of nuclear arms but rather in conventional forces.

I would remind my colleagues that the principal consequence of strategic nuclear parity has been to emphasize the deficiencies in our own nonnuclear forces.

I would remind my colleagues that nothing we could conceivably obtain at SALT could in itself arrest the steady erosion of Western military power at the conventional level.

Mr. President, as long as the United States maintained a genuine and perceptible strategic and tactical nuclear superiority over the Soviet Union we could offset Soviet advantages in conventional forces by the threat of nuclear retaliation. In fact, until the mid-1960's, America's nuclear superiority was believed alone sufficient to deter any major Soviet aggression in Europe or elsewhere. Although the Soviets and their East European allies maintained, as they do today, pronounced superiority over NATO in conventional forces, the threat of massive nuclear retaliation against the Soviet Union was adequate to deter the use of those forces.

Since the late 1960's, however, the credibility of the U.S. strategic nuclear guarantee to Europe has been under serious challenge. The emergence of formidable Soviet strategic nuclear retaliatory capabilities and the subsequent elimination of U.S. strategic superiority has rendered the American homeland itself a potential target in the event of war in Europe. Doubts, first voiced by French President Charles DeGaulle, over whether an American President would risk a nuclear holocaust for his own country in defense of anything other than American territory, persist to this day.

Mr. President, no SALT II Agreement can reverse the waning credibility of our strategic deterrent as a means of guaranteeing the security of Western Europe. But even more important is the fact that no SALT II Agreement can halt the continuing deterioration in the balance of conventional forces between East and West. President Carter and Secretary of Defense Harold Brown's recent call for a stronger NATO conventional deterrent at the London summit reflect an acute awareness of this interdependence of nuclear and conventional deterrence. It is because of this interdependence that we must be exceedingly careful not to incorporate in a SALT II Agreement anything that would prevent NATO from achieving a conventional balance with the Warsaw Pact. Restriction on conventional applications of cruise missile technology could serve to heighten the risk of nuclear war by foreclosing to NATO a promising means of improving its conventional deterrent.

Similarly, acceptance of limitations on forward-based battlefield nuclear systems without equivalent limitations on intermediate range missiles deployed in western Russia would also weaken another chance of decreasing the risk of nuclear war.

Mr. President, the dramatic expansion in the size and capabilities of Soviet forces which has taken place during the past decade is graphic testimony to the recognition on the part of the Kremlin that the emergence of stategic nuclear parity has enhanced the political and military advantages of conventional forces. Strategic nuclear parity unaccompanied by the maintenance of a credible conventional and tactical nuclear response to any aggression does not adequately protect the security of the free world.

It is for this reason that we must be under no illusions as to the limitations of SALT. As important as the negotiations in Geneva are, they must be placed in the proper perspective.

ARE THE CARTER ENERGY HARDSHIPS NECESSARY?

Mr. HATCH. Mr. President, I am puzzled by the alleged energy crisis and, also, by the remedy that President Carter has proposed. If a crisis of this magnitude existed, it would be clearly perceived and attested by all experts. There would be general agreement, and the existence of the crisis would not be contested. It is hard for crises to hide and to be seen only by a few.

I am, therefore, puzzled, because I have not seen any extensive outside or independent evidence that corroborates the administration's claim that we are running out of energy. I have, however, seen a lot of evidence that challenges this claim.

For example, on April 27, the Wall Street Journal reported that at current rates of consumption and decontrolled prices we have enough natural gas to last between 1,000 and 2,500 years. The Journal goes on to say:

> The President's energy advisers know this. It was explained to them recently in a briefing by specialists of the American Gas Association. Experts in ERDA have been trying to tell the White House too, but have been snubbed apparently on the ground that this news would take the sting out of the scare.

The Government's Energy Research and Development Administration has estimates showing that the Nation would be awash with natural gas if the price were decontrolled and "exotic" sources are brought into production. I also notice that the American Gas Association does not support the President's doomsday view. In their April 11 "Energy Analysis" they conclude:

> The results of this analysis indicate that the potential resource of natural gas has not been depleted and is not near depletion. It shows that new drilling regions have not

been exploited and still have in place a large percentage of our national gas resource. It also indicates that drilling costs are certain to be higher in these frontier regions. Because federally regulated national gas rates are based on past drilling experience in generally less costly areas, the regulated price has limited higher cost drilling in more risky but potentially more productive areas.

The paradox of large amounts of drilling in the face of dwindling reserves exists because federal regulation of interstate wellhead gas prices has constrained drilling to regions which are inexpensive and have been extensively explored. Few "giant discoveries" can be expected in these areas and so the statistics have been mistakenly interpreted to indicate that resource depletion is near. Frontier areas, which are admittedly more expensive drilling regions, contain large volumes of gas which can be developed. Price incentives in the intrastate market have already demonstrated a dramatic turn-around in drilling in the mature, well-developed intrastate areas.

It seems that the oil situation is also different from the darkly painted doomsday picture. At the annual meeting of the American Physical Society on April 27, specialists revealed that 70 percent of the oil that originally filled the so-called depleted reservoirs was still there, but was unavailable because the price controls limit extraction to conventional methods. The oil is unavailable because the cost of production is higher than the price for which the Government will allow the oil to be sold. Experts said that somewhere between 15 and 60 percent of the remaining oil in the known fields could be recovered. If we only got out 30 percent of it, the amount would equal all of the oil that the United States has produced in its entire history.

The President does have the suspect CIA report, which the White House issued on the day of the President's televised energy message. After all, something was necessary to justify the high energy taxes that Carter proposed.

However, two private research organizations immediately challenged the CIA report. National Economic Research Associates of New York stated that the CIA had reached its conclusion "by making a pessimistic judgment on every element of the situation, which in itself suggests that things are not really as bad as all that." The Stanford Research Institute also revealed that a report it had completed disputed the CIA conclusion that world energy resources are dangerously low. The Stanford report concludes that there is "no need for international hysteria regarding 'dwindling' energy resources."

The Brookings Institution report, "Setting National Priorities," concludes that "given sound pricing policies, there are no grounds for alarm about the world's long-run supply of energy resources." The few studies that support the President's scare tactics about energy, such as the study done by the Workshop on Alternative Energy Strategies at MIT, are worthless because they leave prices out of the picture. As the Wall Street Journal pointed out in their May 18 editorial, the author of the MIT study gets an F in basic economics. It is hardly surprising as he has no training in economics.

The United Nations has also recently issued a report compiled by 70 experts—geologists, engineers, economists—that disagrees with Carter's televised warning that "we are running out of gas and oil." The U.N. experts point out that rising prices would make it economical to tap new sources of gas and oil that are too expensive to develop at the current prices. They concluded that there is enough gas and oil to see the world through a "period of transition to the use of renewable energy sources, even if this transition period should last a hundred years or more."

It seems like the crisis that Carter is worrying about is at least 100 years down the road, and that it is not even a crisis then because we will have made the transition to other energy sources—unless the market incentives that will produce energy are blocked by Government controls.

The U.N. report states that most of the world's oil and gas resources have probably never been discovered, because "most of the world, particularly in the developing countries, offshore and on the ocean floor, has never been systematically explored for oil and gas."

If we turn to the so-called unconventional energy sources, such as oil-bearing shale and tar sands, we find that energy is even more abundant.

Dr. William Brown, an energy expert with the Hudson Institute in New York, says that—

More oil can be gotten from shale in Colorado alone than present conventional oil reserves worldwide. And I'm only talking about high grade shale. If you include the low grade shale, you get ten times that much.

In his recent book, "The Next 200 Years," futurologist Herman Kahn, the director of the Hudson Institute says:

The basic message is this: Except for temporary fluctuations caused by bad luck or poor management, the world need not worry about energy shortages or costs in the future. And energy abundance is probably the world's best insurance that the entire human population (even 15 to 20 billion) can be well cared for, at least physically, during many centuries to come.

There are a great number of experts who do not agree with Carter that there is an energy crisis. On the other hand, there may be some experts who agree with Carter. Let us give the President the benefit of the doubt for the moment and look at the plan that he has brought to the Congress. Is it an energy plan or an antienergy plan? It seems to me that an energy plan would be a plan designed to increase our supply of energy, and an antienergy plan would be a plan designed not to increase our supply of energy. I cannot find what it is in the Carter energy plan that is going to increase the supply of energy.

What I can find in the Carter plan, though, are taxes—and in abundance. Taxes on American manufacturers, taxes on American workers traveling to work, taxes on American consumers. As we all know, taxes do not increase the living standards of people who work and produce; they lower them. As we all know, taxes do not lower prices of cars, and houses, and food, and clothes, and transportation. They raise them. Prices are already too high. Living standards are already growing too slowly. This country does not need higher prices and lower living standards. What kind of plan is that for an American President to bring to the American Congress for the American people?

What is even clearer: Taxes on energy will not increase the supply of energy. The Carter program is an anti-energy plan. What underpins it is a philosophy of despair—a philosophy that the American people have neither the wit nor the will to produce the energy they need. I could understand a program designed to force energy austerity on the American people if it was implemented after an effort had been made to increase the supply of energy. But before such an effort is made, no, I cannot support that. And I certainly cannot support a Government-imposed austerity program when it is Government itself that has held down the supply of energy to the American producer and consumer. Why should we reward the Government for this failure by giving the Government greater control over the production and use of energy? It seems to me that the Government has done such a bad job that the task should be taken away from Government before the situation becomes worse.

We are not running out of energy. We are running out of energy only at the currently fixed prices. We are only running out of known oil and gas that cost the least to produce. To the extent that there is an energy problem, it is because Government has held prices down below what it costs today to find and develop additional energy supplies. Just as it costs more today to build a house or buy a pair of shoes than it cost 5 years ago, so does it cost more to find and develop new sources of oil and gas. If the Government fixed the price of housing, we would soon have a housing crisis nationwide, just as do those cities that have long-standing rent controls. There will always be a shortage whenever the Government fixes the price below what it costs to produce. The Government can cause a shortage of any commodity—from food to clothes, from housing to medicine—just as it has caused a shortage of energy. But a Government-caused shortage is not a crisis. What we need to find out is whose interest is being served by this crisis? I cannot see that it is the interests of American workers, manufacturers, farmers, and consumers.

If we in the United States have an energy crisis, then what is the situation in the rest of the world? Except for the few oil-rich Arab countries and Iran, the situation has got to be much worse. Yet we hear no political trumpets in other lands announcing an energy crisis. Why is it that it is the United States, which is one of the most energy-rich of all nations and which has the productive capacity to produce the goods with which to purchase the energy it wants, that has the energy crisis?

I am afraid that the answer is that an atmosphere of crisis has been generated for the purpose of increasing the taxes

on the American people and to create a wholly new bureaucratic agency with unprecedented power. James Madison, the fourth President of the United States, could have been describing the Carter energy strategy when he spoke 180 years ago of "the old trick of turning every contingency into a resource for accumulating force in the Government."

Some people who doubt that there is an energy crisis say the crisis has been rigged by the oil companies in order to get higher prices. But I am afraid that it may turn out that the crisis has been rigged by the Government in order to get higher taxes and to accumulate in Washington more centralized power over the economy.

Senate Republican staff have computed what the Carter energy program would cost the American consumer in higher taxes. By 1985 the gasoline tax alone will add $35 billion each year to the huge tax burden that our people already suffer, and this gasoline tax burden will rise to $50 billion each year shortly thereafter.

The wellhead tax on crude oil will cost Americans another $16 billion each year by 1980, and this huge added tax burden will rise to $23 billion by 1982.

The natural gas tax will add another $14.4 billion to the consumers' tax burden, and the fuel oil tax will add about another $4 billion.

The real purpose of the Carter energy program begins to come clear. It is to rise $70–$90 billion each year in the new tax revenues for the Government. Just think of all the Government spending programs and handouts and new bureaucratic jobs that this huge sum will finance. What we have here is an unprecedented transfer of income from the American people to the Government that can only mean a precipitous decline in the living standards of the American people.

When Carter announced his program he said that his plan was to give the energy taxes back to the people in the form of rebates. But he is backing away from the gas tax rebate even quicker than he backed away from his income tax rebate. Within a few days of Carter's announcement of his energy proposal, his energy chief, James Schlesinger, admitted on CBS's "Face the Nation" that there was no commitment to rebate all energy taxes to the public, "because we want to integrate our energy proposals into welfare reform and into tax reform." Carter himself has made similar remarks. Congressman ULLMAN, whose committee writes the tax laws in the House, says he sees the proposed energy taxes as a possible source of funding for social security.

So what is clear is that the proposal to put high taxes on people's transportation and utility bills is firm, but the proposal to rebate these taxes back to the people is not. As Schlesinger said, "the President would like to have some flexibility."

What that means is that the President, the Congress, and the Federal agencies will have enormous sums of money to spend on programs that they think the country needs. I can hear them now: "To rebate this money to the taxpayer would be inflationary, especially when we need this program, that program, and the other." What this energy program is all about is that the Government has run out of money to spend, has enormous deficits and piled up debt, and has found a new source of tax revenues.

What do we get in return for this new heavy tax burden besides a new energy bureaucracy with power to dictate energy uses to Americans? The answer is—nothing. Not another barrel of oil, not another cubic foot of gas. Just more Government and higher taxes and lower living standards.

And what will be the impact of this antienergy program on jobs, employment, and the economic recovery? If more out of the price of every product is going to have to go to pay higher energy taxes, then there is less for the worker, the investor, and the producer of energy. The higher energy taxes are not going to cause higher employment in Detroit, or in the construction of refineries. But it will cause higher employment in Washington.

The proposal of higher energy taxes is not going to remove any of the existing uncertainty in the business community that is holding down the investment spending that is needed for the economy to grow and to bring down the rate of unemployment. Instead, it has caused greater uncertainty. How can any business commit investment funds when the President has introduced such uncertainty into the energy picture? Firms can no longer assume that they can purchase energy in the market, even if they are willing to pay higher prices. They have to consider that they may be allocated a certain amount of energy, and they will wait to learn that amount before they make any major investment decisions. Meanwhile, the unemployed sit and wait, and taxpayers foot the bill.

If the Carter energy program goes through, firms will see that the amount of energy they will have will depend not upon what they can purchase in the market, but upon the outcome of the political competition for favorable treatment by Washington. This is why the Carter program has a chance of being passed by the Congress, even though it is a bad program. It is hard for Members of Congress to turn down a chance to be in a position in which everybody from the giants of industry to the little man has to come to them asking for favors and help. The Carter program would create such a mess that everybody in the country would have to come to the Congress asking for a waiver from this, an increased allocation of that, special treatment here, and favors there. Unable to bid for energy in a free market, they will have to bid for it in Washington. Nothing could have been designed that would greater increase the power of Government. And it is hard for Members of Congress to vote against having more power.

Why is it that an American President who advocates human rights abroad is so intent on infringing our human rights at home? Our right to express our values in a free market and decide for ourselves our own lifestyle and our own uses of energy resources is equivalent to the rights of Russians to freely travel to attend the conferences that they choose and to write and speak the ideas that they wish to express. How do Carter's energy dictates differ from the decree issued by Queen Elizabeth I in the 16th century that peasants were not allowed to wear knitted stockings?

The Carter energy program is based on the silly notion that there is a fixed amount of energy. The idea seems to be that we must conserve it so that we run out of energy a little later rather than a little sooner. If there is a fixed amount of energy and if the U.S. Government forces austerity on the American people and requires them to reduce their living standards and change their way of life in order to consume less energy, it only means that other nations can loosen their belts and consume more energy. Energy resources will simply flow away from Americans to other people. That is why some European leaders have given the Carter proposal high marks. The Carter administration and the U.S. Government cannot legislate worldwide austerity. Why should the American Government lower the living standards of its own people in order that other nations can consume more energy than they otherwise would at a lower price than they would otherwise have to pay?

Some people answer this question by saying that since Americans consume more energy per capita than any other people, they automatically must be wasting energy and should be punished. This guilt-ridden attitude ignores the fact that Americans produce more goods per capita which can be traded for energy than any other people. If others can use energy more productively than we can, they can afford to buy it for their own use. No one has to sell us their energy resources. They are free to keep them for themselves if they can make better use of them, or to sell them to others.

Who is Carter to assume that he and his energy bureaucrats know what are the best uses of energy resources? No government has such knowledge. Energy affects everything that we do. To give Government control of energy is to give Government even greater power over all of our lives. The result of Federal energy will be to make all private sectors of the economy at odds with each other in a political competition in which each seeks the favor of Government in order to increase its share of the distribution of energy. In this way the favor of Government becomes the most important factor in the success of any undertaking or enterprise. There is no better way to build the power of Government.

There was never any energy problem in America until Government got involved in regulating energy, in fixing the prices of energy, in scheduling extraction rates, in taxing away profits, in blocking energy development in the name of everything that can be invoked. The price of gasoline was always low

in the United States until the last few years when Government action at home and abroad began interfering with production and exploration. Crude oil production has been hurt by price controls, by revocation of the depletion allowances, and by confiscation abroad of crude oil producing properties. All of this was done in the name of protecting people from big oil, but all it has done is to build the power and income of Government at the consumer's expense. Now that Government has driven up the price of gasoline and held down the supply of energy, it has set the stage for a new attack on the rights of Americans to decide how they use the incomes that they earn.

Government has no criterion by which it can decide which uses of energy are efficient and desired by the public. Responsible management of energy resources consists of their use in ways that meet consumer demand. Profits guide producers into such uses. People will not spend their money in ways that do not produce satisfactions for them, and individuals themselves are the best judges of how to allocate their money between competing desires in order to maximize their satisfaction from their income. Government cannot step into this private process without reducing the satisfaction that people derive from their income.

I am puzzled why in the Carter energy proposal it is the Government that gets the higher price in the form of a tax, rather than the producers of energy who would have an incentive to find and deliver more energy. The Government is not in the business of producing energy—and we had better keep it that way or we will have another Post Office, another Amtrak—so it cannot supply us with more energy in exchange for the highest tax. Letting the Government benefit from the higher price, instead of the energy producers, wastes half of the effect of the price rise. People are encouraged to consume less, but producers are not encouraged to produce more.

It was only a short time ago that many of the people who are supporting the Carter program were saying that a higher price would not result in a reduction in energy use. The demand for gasoline, for example, was said to be inelastic, so people would not economize on their use of gasoline just because the price went up. This was what was said when the higher price was to go to the producers. I notice that now that the higher price is to go to the Government as a tax, these same people are saying that it will result in people using less gasoline. Why is it, that the demand for gasoline is more elastic if the Government gets the higher price than if the private producers get the higher price?

There are other things about this Government-orchestrated energy crisis that should be noted and strongly protested—such as the political use of the CIA in concocting an energy report designed to scare people into supporting the Carter proposal.

I also notice that the Carter plan is supported by people who advocate an end to economic growth in the United States. I am afraid that what we have operating here are efforts to build pressures for the redistribution of income and wealth in the United States. It is harder to build such a political constituency when the economy is growing and people can see that they can better themselves by learning, working, and saving—in short, by participating in economic activity. However, if economic growth is stopped, opportunities for people to better themselves in these ways are foreclosed. In this case more people may turn to political activity in efforts to better themselves through redistribution. As this happens, incomes will drop further, thus accelerating the process. We must ever keep before our eyes that there is a class of ideologues who do not want more growth and higher per capita incomes for all Americans, but who, instead, want equal incomes even if it means lower incomes for all.

The Carter energy program is an assault on the living standards and liberties of the American people. Never before has any program come before the Congress that would do so much to harm the well-being of the American people and so little to help them.

I reject Carter's program to give the Federal Government a greater tax command over the incomes of the American people. I reject this extension of Government transfer payments. I reject this bureaucratization of energy resources. I reject this extension of governmental power. I reject this reduction in the liberties of a free people.

Today in the United States the budget of Government is larger than the value of the national income of France. It is six times the size of the GNP of Sweden and 50 percent of the total production of the Soviet Union. In the United States, Government takes from Americans in taxes a sum greater than the combined value of every marketable good and service that the total population of France can produce in 1 year. Does anyone really believe that the American people receive services in return from Government that are equal in value to the total production of the French nation? No one believes this. Yet it does not stop us from continually expanding the size of Government. That is what shows whose interests are represented in Washington.

Since the American people's gasoline, heating, and utility bills are going to be higher than before, Government should not add to this growing burden by placing higher taxes on top of rising prices. Instead of adding to the burden, the Government should do what it can to soften the impact of the higher prices by removing the taxes that are already on energy fuels, such as the gasoline tax. I believe it is no better than an open question whether the energy crisis is real or whether it is a power grab and a scheme for raising revenues for the real crisis—runaway spending in Washington.

VOLUNTEER INCOME TAX ASSISTANCE PROGRAM FOR THE ELDERLY

Mr. HUMPHREY. Mr. President, the people are somewhat cynical about their Government. And I do not feel inspired to scold them for lack of faith and confidence because frankly, Mr. President, even a congenital optimist such as myself can understand their feelings when it comes to our tax code.

Form 1040 is the major annual experience of most citizens with the workings of their Government and its administrative bureaucracy. This contact directly involves the people's hard earned paychecks. It can reinforce the cynicism through frustration and inequity, or it can be a model of efficiency and thoughtfulness in an inherently unpleasant situation, tending strongly to dissipate the cynicism.

These are my premises, and for these reasons I welcomed the opportunity of joining Senator CHURCH yesterday in cosponsoring an amendment to H.R. 7552 which would boost support for the voluntary tax assistance program, especially directing additional aid in the preparation of tax forms by the Nation's elderly.

The amendment, fully supported by all organizations representing the elderly, adds $300,000 to the appropriation for training volunteer IRS tax assistants. This amount will increase the assistance force trained between May 1, 1977, and April 30, 1978, by 50 percent, or 10,000 volunteers. Of the total of 30,000 trained volunteers, 12,750 will be from among the elderly and will assist other older Americans. The increase made possible by our amendment permits assistance in the preparation of about 240,000 more tax returns than would be otherwise possible. And 100,000 of these would be filed by aged taxpayers.

Mr. President, I believe in the principle that no person should unwittingly pay more taxes than he minimally owes under law. In recent years, Congress has taken special cognizance of the unique circumstances faced by senior citizens in securing adequate and stable income, and as a consequence has provided a number of tax provisions exclusively for the elderly. I have supported this approach as fair and compassionate. But one result has been that older Americans confront a more complex and meticulous task to fully avail themselves of the advantages offered them under the Internal Revenue Code. Senator CHURCH has mentioned some of these tax benefits, but the list is even more extensive. These people need help, or congressional good will and intent will prove for naught in an alarmingly high number of cases.

Mr. President, $300,000 is a small price to pay to diffuse cynicism and better assure all Americans their due under our tax laws. I am grateful to Senator CHURCH for his continued efforts on behalf of older Americans and am pleased to have been associated with him in offering this amendment. I thank all of my colleagues for their support in passing this important amendment yesterday.

A DAZZLING MARKETPLACE

Mr. GOLDWATER. Mr. President, when I returned from the Paris air show in 1973 after the United States had stopped building the SST, I reported to the President as his representative that the foreign aircraft manufacturers could not believe that the United States would suddenly stop progress which they had been engaged in so long that they were absolutely dominant in the field of airframe, engine, avionics, manufacturing, in the world. In an editorial written by Robert Hotz in Aviation Week & Space Technology of June 13, he comments on several matters that happened at the Paris air show just ended, but particularly important are his comments on what has happened among the foreign markets as a result of the President's decision to not sell American equipment to foreign countries. There is no question that these countries are going to buy military aircraft, and if they do not buy them from the United States they are going to buy them elsewhere. To put it in another way, they are going to become armed regardless of what President Carter wants or does not want.

It would do Members of this body well to read, particularly the last several paragraphs of Mr. Hotz's editorial so that they will have a better understanding of just what we are engaged in as the President, in my opinion, in a mistake of judgment further weakens the declining dominance of American importance in the air by his decisions. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DAZZLING MARKETPLACE

The 32nd Paris air show was sparkling in midcourse last week with a brilliance and technical scope that may well make it the most important in the long history of this unique international aerospace marketplace. Show Director Henry Lafont's gamble with the weather by moving the show a week later into June paid off during the first seven days. There was little rain except at night and in brief sprinkles. A long spell of cool, invigorating weather added a briskness to activity. Paris air show veterans who have slogged through heavy mud aid have been soaked to the bone by inexorable all-day chilling downpours appreciate how much fine weather is a vital ingredient for a sparkling show both in the air and on the ground.

There were great stretches of sun and fleecy cumulus clouds that whipped the national ensigns and house pennants along the chalet rows. These flags were lowered to half mast on the afternoon of June 3 in tribute to Sam Nelson, director of flight operations of Fairchild Industries, who ended his 10,000 hr. of flying just short of the main runway threshold in failure to recover his A–10 attack plane from the second of two successive loops.

The inadequate emergency fire and rescue forces deployed at Le Bourget angered many professional observers by the obsolescence of their equipment and the maddening length of time to respond. No modern military air base would have tolerated such ancient firefighting equipment and such a lackadaisical alert during a period of active flying. It took the ground vehicles over 3 min. to reach the burning wreck. Helicopters were even later. The management of the show, which has been vigorous in imposing overly stringent safety requirements on pilots, certainly owes them a modernly equipped and fully alerted ground safety organization.

The fiftieth anniversary of Charles Lindbergh's solo transatlantic flight to Le Bourget did not emerge as a dominant theme as did Apollo and other themes in prior years. But his presence was felt in the minds of those pioneers who have seen the technology grow into the wonders filling the air above the plaque that marks the spot where he cut the throttle of the Spirit of St. Louis' Wright engine. The American tribute to Lindbergh's achievement was tastefully done and the petite figure of Anne Morrow Lindbergh moved unobtrusively among the ancient aircraft of the Le Bourget Air Museum. There she dedicated memorials to those who tried to fly the Atlantic and failed. She noted that it took equal courage to just try, whether success or failure terminated the flight.

Demonstration flying was generally clean and precise. It remained well within genuine safety limits, but suffered from the usual interruptions by French ground controllers who appear overly sensitive to safety rules when non-French aircraft are flying. The closing of Le Bourget to all but private and charter operations opened more flying time for show aircraft, making the flying display one of the longest and most varied in show history. The brief five-day appearance of the key Soviet aircraft was understandable because of their urgent test programs. But it was peculiar because they missed the most heavily attended technical days.

There was an extremely high degree of business activity across the whole aerospace spectrum, with some market segments obviously buzzing louder. They were:

Business flying.—This was by far the biggest display of new business flying aircraft in our memory. It showed a growing spectrum of aircraft from single seater aerobatic aircraft and gliders to the new tri- and twinjet and turbo-prop designs. Countries such as Brazil, Poland, Italy, Switzerland and Germany are expanding their role in these markets.

Trainers.—The market for new training aircraft is expanding in many parts of the world where new air forces are being created. It must also meet new challenges of existing air forces whose character and training philosophies are changing. This is one of the most highly competitive market areas, with at least a dozen companies developing new trainers with an equipment industry creating new products to support them.

Missiles.—The tactical missile technology is maturing into a whole new generation of sensors and stand-off weapons in the air and anti-aircraft mobile systems on the ground. Here again, Le Bourget emphasized how many firms are now fielding new products in this area and what a wide choice of new technology is available to buyers.

Avionics.—The static displays of avionics equipment ranging from electronic warfare systems to airborne operations management systems for transports were one of the most interesting parts of the show and emphasized the heavy influence technological change is exerting on this market.

There were no new non-Russian airliners on display, but the future airline market was being shaped along the chalet rows where manufacturers and airline managers were jockeying through the semi-final steps toward commitments for a new generation of more operationally efficient and ecologically acceptable airliners. Le Bourget left little doubt that the transport business will burst out of its current doldrums well before the next Paris air show.

President Jimmy Carter's presence was also felt at Le Borget, where his pronouncements on the aerospace export market had sharp impact.

Among the Americans they spread gloom, confusion and anger. Among the Europeans they spread joy and vitality among competitors that were feeling the strong pressure of U.S. advanced technology and are now suddenly busy refurbishing their own products for the export market. France has pushed the Mirage 2000 fighter back into the export market and had 130 foreign aerospace delegations as official guests not only at Le Bourget but also for more detailed inspection of the French aerospace industry. The British, whose exports faced a declining future, feel revived by the Carter policies and are planning, along with the French, to enter any market from which the U.S. officially withdraws. The Carter policies have also dampened European enthusiasms for U.S. partners who might limit their marketing in third country sales.

Whatever the eventual recovery of the Carter Administration on its naive and misguided export policies, they have already done so much damage around the world that U.S. industry will be a long time recovering from the impetus given to foreign competitors.

FOREIGN RELATIONS AND THE 95TH CONGRESS

Mr. BAYH. Mr. President, last week the Senate passed five important pieces of legislation which will have a significant impact on the conduct of foreign affairs. In addition to authorizing U.S. participation in the international banking system, the United Nations and continuation of U.S. bilateral economic and military assistance programs, last week also saw important debate on the vital question of U.S. policy in the Far East and Latin America. On the issues of the withdrawal of ground forces from Korea and U.S. policy toward Cuba, I am sure debate will continue. Beyond this point, all the legislation the Senate approved last week and which I voted for provides, I believe, the basis of a coherent and consistent foreign policy that the American people can understand and support.

INTERNATIONAL FINANCIAL INSTITUTIONS

The largest single item of legislation in dollar terms passed by the Senate was a bill authorizing some $5.2 billion in U.S. contributions to international lending institutions—the World Bank Group, the Asian Development Bank and Fund, and the African Development Fund. This authorization is large partly because it extends over 3 and, in one case, 4 years.

The purpose of these institutions is to provide loans to the developing countries of the world at both commercial and concessional rates. The United States has been a charter member of most of these banks and is, in most but not all cases, the leading contributor. However, in almost every instance, our share of support is decreasing while other developed countries such as West Germany, Canada, and Japan are assuming a greater share of contributions.

Clearly, it is in our interest to promote the development of the nations of the so-called Third and Fourth Worlds in a peaceful way and in as efficient a manner as possible. Assisting in the development

of the private sector of those nations well along the road of development can provide expanded markets for our own country's exports. Further, we have a humanitarian obligation to help the very poorest of countries, where incomes are low and life expectancy is short. Assistance that will result in concrete results measured in terms of reducing infant mortality and increasing literacy is an important element in fulfilling this responsibility. As John F. Kennedy warned in his inaugural address:

If a free society cannot help the many who are poor, it cannot save the few who are rich.

Of course, these nations should not expect the United States or any other country to put their houses in order for them. In the final analysis they must address the difficult problems involved in curbing population growth that so compounds the problem of poverty. Still, we cannot refuse to help them help themselves. The fact that 460 million of the world's population suffers from either outright starvation or continued and numbing malnourishment gives us some idea of the size of the problem we face.

By "we" I do not mean the American people alone. I am talking about our economic allies who also have a stake in the development process.

U.S. BILATERAL DEVELOPMENT AID

Some $1.6 billion of carefully planned and programed foreign aid was passed by the Senate in our approval of S. 1520, the foreign economic aid bill. About one-third of these funds will be channeled in support of food and nutrition programs. In addition, the economic assistance bill provides over $350 million in population planning, health, education, and human resources development program.

Over the last decade U.S. foreign economic assistance has remained relatively stable in constant dollar terms at about $2 billion. Since 1973 with the advent of the "New Directions" policy, Congress has repeatedly emphasized a grassroots, people-oriented strategy to make sure that those who need our aid most receive it. This shift has permitted us to concentrate more fully on human needs. I should point out that while S. 1520 authorizes the expenditure of large sums of money, those sums represent only 0.3 percent of the total Federal budget request for fiscal year 1978.

MILITARY ASSISTANCE AND U.S. SECURITY

In approving a military aid bill authorizing some $3.192 billion for military assistance programs and security supporting assistance, the Senate recognized the importance of the special relationship this country has with Israel and authorized $1.785 billion in foreign military sales—FMS—credits and security supporting assistance. Importantly, the Senate adopted amendments to terminate or otherwise provide for a phase out at an earlier date of FMS credits and military training programs for countries that have engaged in gross and systematic violations of human rights such as Argentina and Ethiopia. Such amendments ought to be taken as evidence that nations engaging in the repression and persecution of those seeking to realize basic human and political rights should not expect sympathetic consideration for military assistance from the United States.

This should extend to the sale of military weapons abroad as well. When we realize that there are presently $32 billion in approved sales orders now "in the pipeline," of which $9 billion in sales are planned for fiscal 1978 alone, it is clear that somehow our priorities are misplaced. As an "arms merchant" for the world we are making roughly 19 times the effort to arm the world as we are to help feed the world under legislation also adopted by the Senate this past week. The President has undertaken an extensive review of our efforts in this area. I applaud him for this and hope that the focus both of Congress and the administration can continue to shift away from the promotion of arms sales.

Certainly, the United States is not a lone actor in this field. It will be important that we enlist the help of our allies such as France who so often compete with us in the sale of expensive and sophisticated weapons to countries which might be better off without this lethal hardware. Also, we must not overestimate our ability to unilaterally halt arms traffic. Yet we must recognize as the major weapons supplier we do have a major responsibility in this area.

U.S. RELATIONS IN THE FAR EAST

Yesterday, the Senate expressed its concern about the direction of U.S. policy with respect to our defense commitment with South Korea and the normalization of relations with Cuba. On each of these matters, extensive discussion was undertaken. Two resolutions were adopted which I voted in favor of concerning the withdrawal of ground forces from South Korea and diplomatic recognition of Cuba. Neither of these resolutions was legally binding. They only express the sense of the Senate at this particular time.

In the case of the President's announced intention to withdraw U.S. ground forces from South Korea, I think this is long overdue. It is simply no longer necessary for the security and survival of the Republic of Korea for U.S. ground forces to remain. However, it is only reasonable to expect us to continue to provide sufficient air cover and naval support to assist South Korean troops in repelling any invasion from the North. It is absolutely necessary to assure Japan as to our intentions to remain a Pacific power committed to stability and peaceful change in the Far East. A successful takeover of South Korea by the North would certainly present the Japanese with a grave security threat. The maintenance of U.S. air and naval forces in the area—about 8,000 servicemen—can discourage such a foolhardy course of action from being taken by the Communist regime in Pyongyang.

The amendment on United States-Korean relations said basically that troop withdrawals should be carried out in a way consistent with the security interests of the United States, South Korea, and Japan and should consider, as well, maintaining stable relations among the countries of East Asia.

I might add that when I personally discussed this matter with leaders of the People's Republic of China during my visit there last November, PRC officials indicated no intention to support a North Korean misadventure. They did indicate support for a peaceful solution of the Korean problem. It is clear that a renewal of hostilities on the Korean peninsula would only worsen the problem of China's relations with the Soviet Union. Therefore, I hope that we can look to the PRC to serve as a moderating influence in that region in the years ahead. Unfortunately, the debate surrounding the issue of U.S. withdrawal from Korea did not, I think, properly reflect this aspect of the situation in the Far East.

On another issue involving our relations with nations in the Far East, I supported amendments barring aid in the form of reparations, international loans, or bilateral economic aid to the Socialist Republic of Vietnam, Laos, or Cambodia. We owe these governments nothing. While I am not opposed to efforts aimed to normalizing relations with these countries, I do not think it is fair to ask the American people to pay for the mistakes of their national leaders or for the damage which resulted due to a campaign of conquest undertaken by Hanoi. The tragedy of Vietnam has already inflicted enough suffering on the American people. They should not be asked to pay any more. I will continue to oppose any form of war reparations to the present Government of Vietnam.

HUMAN RIGHTS

In each of the foreign relations bills considered, the Senate appropriately took into account the question of human rights. In this hemisphere, we were able to affirm the application of these considerations against dictatorships of the left as well as the right. It was in this spirit, that the Senate approved a resolution that human rights violations of the Castro government should be considered in any negotiations leading to normalization of relations with that country.

The point is that human rights has become a cornerstone and a more meaningful reference point in our diplomacy. However, if we are serious about enhancing the prospects for human rights for the people now living under oppressive regimes, we must make sure that our policies are geared to promote human rights, not just talk about them. It was this consideration I had in mind when I opposed Senator JAMES ABOUREZK's amendment to the international bank bill that would have mandated a "no" vote by U.S. Representatives to these institutions. In my estimation this would have prevented U.S. officials from engaging in negotiations with other members of a particular institution for the purpose of mustering support to block a loan to a nation that had engaged in systematic human rights violations. In the last analysis, this would have been self-defeating and not achieved the results intended by its supporters.

Brave people the world over behind the Iron Curtain and in the detention cells of countries in our own hemisphere and elsewhere have spoken out against the denial of political liberty, against persecution on account of race, religion, or creed and in favor of rights guaranteed in international agreements. In a very real sense, this awakening could be our Nation's greatest strength. Our own heritage provides an automatic association with the desire for greater freedom throughout the world. We must never be timid about clearly stating our approval of these developments, nor should we ever disassociate ourselves from the process.

ARMS CONTROL VERIFICATION

In the fifth and final piece of legislation reported by the Senate Foreign Relations Committee and passed last week, the Senate adopted by an amendment which I had cosponsored providing for an adequate verification by the Arms Control and Disarmament Agency of key elements of major arms control agreements. When we considered the incredibly destructive nature of nuclear weapons, it is clear that arms control agreements must provide adequate safeguards if we expect them to be understood and supported by the American people. This amendment will not be restricted to the strategic arms limitation agreement now being negotiated with the Soviet Union but will apply to other arms agreements as well. While the outcome of SALT II negotiations is still in some doubt, we must be very sure that Congress will have sufficient opportunity to review the degree to which compliance with such agreements can be monitored.

For the Senate, this amendment presents a special opportunity. Since we are the body which ratifies treaties, the timely reports from the Director of the Arms Control and Disarmament Agency will provide us with a greater depth of knowledge we can use in judging the genuine workability of arms control. I hope this will also provide for an enhanced atmosphere of partnership with the executive branch of Government. Certainly, it is a good amendment and I am proud of being one of its cosponsors.

Mr. President, I think the debate during the past week has demonstrated that the Senate intends to maintain its role as a full partner in the conduct of foreign policy. President Carter has provided, I think, fresh approaches to the difficult problems of international development, arms control and an end to the irrational enmity that has too long characterized our relationships with countries of growing importance in the international arena. Such progress together with a continued American commitment supported and understood by our people to promote peaceful development rather than confrontation can truly reduce the instances of violence and increase the chances for international peace and justice.

SHADOW EUROPEAN ECONOMIC POLICY COMMITTEE

Mr. HATCH. Mr. President, the Shadow European Economic Policy Committee met recently in Paris to assess the recent economic summit in London. The committee consists of a group of independent professionals in the United States and Europe and functions similarly to the Shadow Open Market Committee in the United States. It examines the policies proposed by the OECD and offers an independent evaluation of European economic policies.

Having recently participated in Joint Economic Committee hearings on this subject, I was particularly interested to learn the views of independent European economic experts. I was encouraged to find these Swiss, French, Belgian, British, Dutch, German, and Canadian economists making the same case that Senator ROTH, myself, and others in the Senate, and Representatives KEMP, ROUSSELOT, and others in the House made earlier this year. I would like to quote from the committee's views on economic growth, employment, and taxes.

Growth can be increased by transferring resources from inefficient public uses to more efficient private uses. The growth of domestic and international bureaucracies during recent decades is one of the principal factors slowing growth. Subsidies to public sector monopolies and high tax rates that reduce incentives to work and invest add to the burdens that governments impose on their citizens.

Government can reduce unemployment most effectively by providing more incentives to employ labor and to seek work. Tax reduction offers the most effective means of increasing incentives to work. Tax reduction, moreover, increases future real wages by encouraging investment. There is no reason to trade future growth for current employment. The policies we recommend to increase employment now are the same policies we recommend to increase growth and future standards of living.

Mr. President, if the West is to regain its economic confidence and strength, the countries in the West need to take these recommendaitons to heart and act on them. Unfortunately, the U.S. Congress has already voted down tax rate reductions several times this year. Neither have we made any headway in transferring resources from inefficient public uses to efficient private uses, and our economic growth continues to lag. The policies we have recently recommended to the Europeans are at odds with those suggested in the committee's statement. I believe that the United States must exercise economic leadership and get our productive forces in motion again by removing the tax barriers to full employment. The U.S. Congress must not continue to let bureaucratic interests stiffle the forces of economic growth.

I ask unanimous consent to have the statement of the committee printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SHADOW EUROPEAN ECONOMIC POLICY COMMITTEE—SEEPC

The basic problem for economic policy in Europe is to reduce inflation and increase employment until sustained noninflationary growth is achieved. These goals were agreed upon by the seven heads of government at their London meeting. We share their objectives and have met in Paris to discuss effective ways of achieving these goals.

Past policies have left a residue of slow growth, inflation and high unemployment. Current polices are not well designed to achieve stable prices, reduce unemployment and raise living standards. Investment remains low. Standards of living will not rise more rapidly unless investment increases more rapidly.

Policymakers continue to talk and act as if the fixed exchange rate system remains in effect. They pursue discredited policies of expansion or contraction to trade-off inflation and unemployment. They interfere in exchange markets to adjust the balance of payments. They urge others to adopt policies to foster export-led growth. They intervene directly to control prices and wages.

None of these policies recognizes the substantial changes in economic arrangements that have occurred in this decade. The new arrangements make the simultaneous attainment of price stability and sustained growth feasible. We are now living in a world of floating exchange rates and preannounced monetary growth rates. Floating exchange rates are the only solution when countries' rates of inflation differ. But policymakers must adapt to the new system if we are to realize its full potential for stability, growth and employment.

ENDING INFLATION

Many factors affect the price level, but sustained, persistent inflation never occurs without excessive monetary growth. Current high average rates of inflation are mainly the result of the substantially higher average rates of monetary growth in this decade.

Attempts to end inflation quickly degenerate into stop-and-go-policies, increase the average level of unemployment, waste resources and have little lasting effect on inflation. Stop-and-go-policies have not worked anywhere, and cannot be expected to work now. Policies of attempting to hold exchange rates within specified ranges without adjusting rates of monetary growth produce exchange rate crises and add to uncertainty by making policy more variable and less effective. Furthermore, these policies have no rationale in the new environment. Ending inflation requires central banks and governments to choose a stable, long-term path for monetary growth. Target rates of monetary expansion must be chosen, and maintained, in relation to the trend rates of growth of the economy. If this is done, inflation can be ended, everywhere, by the early 1980's.

We urge governments to reduce monetary growth gradually so as to achieve stable price levels early in the next decade. A regime of floating exchange rates offers the opportunity to reach this objective but requires discipline.

Policymakers must accept responsibility for reaching the targets they announce and must adopt procedures adequate to control money. Policies to smooth short-term fluctuations in exchange rates and interest rates are self-defeating; they prevent central banks from reaching monetary growth targets, and add to uncertainty. Methods for improving control of money are available and should be implemented. These policies if pursued generally, are the only effective way to reduce fluctuations in interest rates and exchange rates.

GROWTH

The long-term increase of living standards depends on available resources and their efficient use. Monetary growth and inflation make no contribution to real growth. To the extent that countries wish to grow faster, they can do so only if they save and invest more or use resources more effectively.

To meet the long-run objectives of increasing growth, and stability, the size of the public sector should be reduced. This can be done by holding the growth of the public sector below the growth of the economy. Additional incentives can be provided by reducing tax rates as income rises. Information about the future cost of new public programs should be made available in a systematic way, so rational choices can be made about the future use of resources.

Growth can be increased by transferring resources from inefficient public uses to more efficient private uses. The growth of domestic and international bureaucracies during recent decades is one of the principal factors slowing growth. Subsidies to public sector monopolies and high tax rates that reduce incentives to work and invest add to the burdens that governments impose on their citizens.

Public programs must be financed either by taxes or by real saving. Deficits in the public budget should not be an excuse for exceeding non-inflationary monetary targets. The return to stability will not be achieved if monetary policy is used to hide fiscal recklessness. Short sighted policies of this kind have raised inflation and reduced real growth in recent years. Unemployment has increased.

The long-term objective of fiscal policy should be lower tax rates and a budget position close to balance on average. Fiscal policy can contribute most to stability and growth if these objectives are announced now and achieved by the early 1980's.

UNEMPLOYMENT

We are concerned by the increase in the average rate of unemployment in this decade. We believe that a reduction in unemployment is an attainable goal. Achieving the goal requires policies based on a proper understanding of the principal causes of the increase in unemployment.

Most current unemployment cannot be eliminated permanently by manipulating aggregate demand. The average rate of unemployment will not be substantially changed by more activist monetary and fiscal policies.

Principal causes of current unemployment include the changing role of women in the labor market and the increased labor force participation of young workers who change jobs frequently. High unemployment compensation is an effective means of shifting the burden of unemployment from the unemployed to the whole community. But, high unemployment compensation increases unemployment. Unemployment is increased also by high tax rates and other government policies that lower incentives to work. Policies that make layoffs costly reduce incentives to expand employment and contribute to unemployment.

Government can reduce unemployment most effectively by providing more incentives to employ labor and to seek work. Tax reduction offers the most effective means of increasing incentives to work. Tax reduction, moreover, increases future real wages by encouraging investment. There is no reason to trade future growth for current employment. The policies we recommend to increase employment now are the same policies we recommend to increase growth and future standards of living.

CONCLUSION

Our program to achieve sustained non-inflationary growth differs from the proposals of the OECD, the IMF and other international organizations. The reason is that international organizations have not fully recognized the changed environment in which monetary and fiscal policies operate. The OECD recommendations to European members do not recognize that floating exchange rates and monetary targets leave little scope for demand management. Incomes policies, guideposts, social contracts are costly and ineffective ways of achieving objectives. The IMF recommendations for control of domestic credit expansion rather than money growth have no rationale in a world of floating exchange rates. Their proposals are a poor substitute for effective policies that can reduce inflation and increase growth.

Inflation can be ended. Unemployment can be reduced. Standards of living can be raised. And Europe can achieve these objectives as a society of free men.

Karl Brunner, University of Rochester and Universität Bern.

Allan H. Meltzer, Carnegie-Mellon University, Pittsburgh.

Peter Bernholz, Universität Basel.

André Fourcans, ESSEC, Paris.

Michèle Fratianni, Catholic University, Leuven.

Brian Griffiths, City University, London.

Pieter Korteweg, Erasmus University, Rotterdam.

Manfred J. M. Neumann, Freie Universität, Berlin.

Michael Parkin, University of Western Ontario, London/Ontario.

Jean-Jacques Rosa, University of Paris.

WORLD FOOD COUNCIL

Mr. HUMPHREY. Mr. President, I would like to share with my colleagues the text of a speech delivered by my good friend, Secretary of Agriculture Bob Bergland, before the third ministerial session of the World Food Council. The Secretary made these comments in Manila.

I am pleased to say that the Secretary shares my opinion that this Nation must do more to both increase the supply of food in developing countries while, simultaneously, improving the food distribution systems that exist. We know from years of painful experience that increasing the supply of food will not necessarily mean that the increased food will go to the hungry.

The World Food Council has had a somewhat troubled history in the 3 years since it was created. Despite this legacy, this tribune is filled with promise. The creation of such a body by the World Food Conference of 1974 in Rome holds promise for all the nations of the world, both poor and rich, to collectively decide on policies which may alter the world food economy.

I am pleased that the Secretary of Agriculture has decided to participate in these important meetings. His knowledge and attitude concerning world food problems gives me confidence that this Nation, under fresh leadership, will embark on a trail that will lead to victory in the battle against world hunger and poverty.

Secretary Bergland expresses some extremely important themes in his message. Perhaps the most important point that he makes is that this meeting is ultimately concerned with human beings rather than nation-states. I agree that our concern must finally be with people, not with regimes that we might hold in distaste. If we use food as a weapon—assuming that we can—to let regimes fall, then we must be ready to live with the consequences. Personally, I find such options morally untenable. Political debates, in my view, should be decided on other grounds and should not involve the lives of innocent bystanders.

In his remarks Secretary Bergland reaffirms his commitment to grain reserves. I applaud him for bringing up this issue before the World Food Council. The establishment of a true international grain reserve is a humanitarian endeavor that requires cooperation from both sides of the North-South dialog.

Time is wasting in the battle against world hunger. We must move boldly ahead or prepare ourselves for the consequences of poverty and hunger.

Mr. President, I ask unanimous consent that the text of the Secretary's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF AGRICULTURE BOB BERGLAND BEFORE THE THIRD MINISTERIAL SESSION OF THE WORLD FOOD COUNCIL, MANILA, THE PHILIPPINES, JUNE 20, 1977

It is an honor to represent my government and the people of the United States at this session of the World Food Council.

I know all of you here today join me in paying tribute to Sayed Marei, our first president of the council, without whose leadership and dedication we would not be able to bring our hopes and plans to this session. His excellent work will continue—I know—under our new president—Secretary Tanco, whose dynamic leadership in agriculture in his own country has been widely recognized.

This is the third annual meeting of the World Food Council. I need not remind you of the importance of this meeting. The usefulness of this session may well determine the future of the World Food Council. I have come here to contribute what I can to make this council a success.

The United States Government has reviewed the major issues currenty on the North-South agenda and has begun to establish its own priorities. We believe it is very important to focus directly on the problems of the hundreds of millions who live in extreme poverty. The North-South dialogue is about human beings as well as nation-states. Our objective must be to assist individuals in their efforts to achieve a better and more satisfying life. We must design policies and programs for development, trade, and assistance which focus on meeting the basic human needs of the poorest people. Food is among the most basic human need. Indeed, adequate food is a human right and for this reason the United States regards the work of this council as vital.

We are here today to affirm our common commitment to the objective of eliminating hunger and malnutrition. I know President Carter shares my belief that all nations—regardless of differences in culture, economic systems, or level of development—have a common goal of providing adequate food for the world's population. Unless this goal can be achieved, and unless we, as people and nations working together, can assure an adequate diet for all people, our other economic and political goals become meaningless and will never be achieved. As President Carter said last month, "We know a peaceful world cannot long exist one-third rich and two-thirds hungry."

Thus, food must be an area of international cooperation, not international conflict. Problems of hunger and malnutrition must bring forth the best of our national political commitments. Food must not be regarded as a weapon or as an issue which divides us in either purpose or action.

President Carter wishes the delegates to this World Food Council success in their deliberations, knowing that all of you and your leaders share our commitment to a common task.

The World Food Council is the highest political body dealing exclusively with issues of food. It is the forum where these issues can be defined and discussed and courses of action recommended to appropriate national and international bodies for decisions and implementation.

This council should be a forum where issues of malnutrition, hunger, and agricultural development can be discussed openly and frankly without regard to political ideology, economic system or levels of economic development. The government of the United States comes to this conference in this spirit.

This council was created during a time of crisis. Supplies of food were scarce, and prices were high. During the last year, grainstocks have increased rapidly and grain export prices have fallen sharply. But large numbers of people still are undernourished and, in this sense, the world food crisis still is with us. All of the topics on our agenda recognize this fact and seek to deal with it. Accordingly, my initial remarks will present my government's policies on a range of food and agriculture related issues.

The majority of the world's very poor live in the rural areas of developing countries, and therefore, the basic problems of poverty, unemployment, and hunger cannot be solved without improvements in the agriculture of these countries. Efforts to increase food production in poor countries must be continued and expanded. Also serious efforts to improve distribution must be made to assure that food actually reaches the undernourished people.

We welcome the contribution of the conference on international economic cooperation toward our common objectives in food and agriculture. That conference reaffirmed the need for concerted efforts by all countries to achieve satisfactory rates of food production in the developing countries. It is contributed to the establishment of a $1 billion international fund for agricultural development. The conference also took actions which will contribute to the attainment of an international emergency food reserve coordinated by the world food program and will lead to improvement in the availability of essential agriculture inputs. Agreements were reached on other substantive matters which need not be debated again in this session. My government regards the results of this conference as significant and helpful in the task we are continuing in this meeting.

The United States will continue to make a major contribution to programs aimed at promoting agriculture development. The Foreign Assistance Act of 1974 requires that the United States development assistance focus on helping the poor majority in the poorest countries. The United States Bilateral Aid Program awaiting final action by the Congress calls for more than $700 million in food and agricultural development programs. Also, the United States plans to contribute $800 million per year from 1978 through 1980 to the World Bank's International Development Association. About 30 percent of these funds are distributed on a concessionary basis for food and agricultural projects in the most needy countries. Finally, the United States has pledged $200 million to the International Fund for agricultural development.

Increased production is central to long-term world food security. But food security also requires assurance that adequate supplies will be available in the event of shortfalls in production caused by weather or other adverse events. Supplies should be adequate to prevent extreme swings in prices that create economic hardship for the poor in all nations and for almost all in poor nations.

In order to improve world food security, the United States already has taken action to establish a domestic foodgrain reserve. This reserve will be accumulated during this period of adequate supplies and low prices for return to the market during periods of short supplies and high prices. We commend the similar actions by other countries such as India, the Philippines and others.

But food security is not the sole obligation of the United States or a few nations. The world should not want its food security to rest in the hands of a few nations. Responsibility for world food security must be shared widely. Therefore, the United States hopes the International Wheat Council soon can lay the foundation for negotiations of an agreement which would include a coordinated system of nationally-held reserve stocks. We believe a world food security system should include these features: First, a reserve stock mechanism must be designed to reduce wide fluctuations around the long-term trend in market prices. We are willing to consider price indicators to trigger reserve actions. Second, the cost of reserve stocks must be shared among both exporting and importing nations. Special provisions should be made to assist poor nations in meeting their share and third, we must prevent interruptions in trade for grains which prevent adjustments in consumption and production in times of extreme surplus and scarcity.

We recognize it will be difficult to negotiate a mutually acceptable scheme for assuring world food security. But we must find means to overcome these difficulties. The world need not suffer once again the hardship of the world food crisis of 1972–74. We must find the will and the wisdom to create an international system of world food security in which the burdens of maintaining the system are equitably shared. We must take advantage of the current easing of supplies to insure that we do not miss an opportunity to achieve this goal.

In addition to reducing wide fluctuations in commercial prices and assuring that grain is always available in commercial markets, the United States recognizes that food aid must play an important role in helping many nations to meet their basic food requirements.

The United States regards food aid as one of its most important contributions to development. Food aid programs should be designed primarily to meet the needs of people in developing countries, not the surplus disposal needs of developed countries. The United States now is seeking to improve its own food-aid programs in several ways. We want to maintain food-aid levels even in years of tight supply. Foodgrain reserves are one means to do so. We will make every effort to maintain our total level of food aid at a fair share of the World Food Conference target of 10 million tons. We want to make greater use of food aid as a developmental tool through longer-term support for agricultural development projects and by using funds generated from sales under concessionary food aid programs for agreed upon development projects. We also are reviewing ways in which food aid can make a maximum contribution to development, especially in the poorest nations. I should add that the United States recently agreed to contribute up to 125,000 tons to the international emergency food reserve as part of our cooperation with other nations.

I mention these initiatives to you now to demonstrate the United States' commitment to international cooperation to eliminate hunger and malnutrition. We invite all nations to join with us to move swiftly toward that goal. I must add that external assistance and international cooperatives can be effective only in combination with commitment and investments by developing countries themselves.

This meeting of Ministers is a unique opportunity which we cannot afford to misuse. We must fulfill our obligations to the hungry of this world. We must instill a sense of renewed dedication and common commitment so that national governments and international institutions will strengthen their efforts to solve this most fundamental problem of mankind. We must set forth the directions for concerted efforts to eliminate hunger from our world.

In summary, I believe we representatives of governments must recommit ourselves to the high goals set forth by the World Food Conference of 1974. We must assure that the community of nations and the organizations which serve them direct their best efforts to achieve these goals.

I trust that, during this session the Council will dedicate itself to this purpose.

INITIAL WORKING PAPER ON POLITICAL STRATEGY—A MEMORANDUM WRITTEN BY PATRICK H. CADDELL

Mr. HEINZ. Mr. President, a few weeks ago, ABC News made public a memorandum written by Patrick H. Caddell, President Carter's pollster, entitled "Initial Working Paper on Political Strategy." The Caddell memorandum is a detailed analysis of the situation the Carter administration confronts in its first year in office and recommends many political and public relations measures to help achieve the administration's goals.

The memorandum has been quoted frequently, often out of context. Because this document has obviously had considerable impact on the activities of the Carter administration and generated broad public interest, I believe it is appropriate to make the text of the memorandum available to the American people, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

INITIAL WORKING PAPER ON POLITICAL STRATEGY

(By Patrick H. Caddell)

The following memorandum is in response to your letter of November 29th. Obviously, this is only one perspective and it requires the additional perspectives of Jody, Hamilton and Stu—among others. A final plan must have input from the issues people, from the rest of our political advisors and, of course, your own goals and ideas.

In devising a strategy for the Administration it is important to recognize we cannot successfully separate politics and government. If the Administration is to be successful, if it is to lead, it must move constituency groups such as Congress, special interest groups, the party, and the various factions in the general country. To do these things, it must operate from a strong political base. And, finally, to follow the logic to

its end, the best way to insure a political base is to run a successful government. In the end the people almost always recognize and reward good performance and punish bad performance.

Unfortunately, one of the pitfalls I have seen many "executive" administrations succumb to is the desire to have "good government" by divorcing government and politics. Following the early twentieth century "reform" movement, many people instinctively feel that "good" is necessarily apolitical. The result of this divorce is too often that the voters perceive that they unfortunately got a different person from the man they elected. Candidates fail to keep the implicit campaign promises they have made. Occasionally the result of "apolitical" government is positive, but most times it leads to disappointing the voters and eventual political disaster.

When politics is divorced from government, it often happens that the talented, well-meaning people who staff the administration act without understanding the reasons "they all" were elected and instead pursue policies which run contrary to public expectations and desires.

Essentially, it is my thesis that governing with public approval requires a continuing political campaign—though one conducted in a different framework.

This paper is an outline of possible approaches to that effort. Obviously it cannot stand alone. It can only be a method of implementing your own priorities and policies. Political strategies must accommodate real needs.

In planning the political end, we are waiting for a post-election survey on the public's expectations of the Carter Administration and their own sense of its priorities and promises. This survey will also help to analyze the successes and failures of the election campaign. Unfortunately, the survey will not be available for several weeks. A full analysis of the actual election results is also underway. It is being hampered by the inability of states and localities to finalize and report election results. When these components are available, we can prepare a more comprehensive final document in January.

This memo is divided in two parts: an analysis of the current political situation and a series of suggestions on specific political strategies for early stages of government.

THE CURRENT POLITICAL SITUATION

Governor Carter, just as every President, will have a "honeymoon" period after the transition. Right now he has, at least superficially, vast public approval. I suspect, however, that what we will find in the survey data is that approval is given cautiously. The public remains uncertain about what to expect from Carter. Fifty percent of the public still does not know where Carter stands on the issues. While this is an advantage in that large parts of the electorate can project their own desires onto Governor Carter, it also means voters can't establish a firm picture of him in their minds. As we know from the electoral survey, the Governor is viewed as a man who can be a strong leader with a vision—a man who has the ability to take charge of the government. Voters feel he may be able to reorganize the federal government, making it responsive to the ordinary people. One of his great strengths is that he is perceived to be concerned about the average person. Furthermore, people still see Jimmy Carter as outside the traditional political establishments. They feel he brings a new sense of doing business to the government and feel that he will staff it with a new generation of leaders.

On the other hand, the election race has also left the Administration with weaknesses:

(1) Carter is still viewed as inexperienced.

(2) He is viewed as an individual who often flipflops on issues and positions—a situation that we must be careful of, given the way the realities of government may force seeming changes in campaign positions.

(3) Carter was also viewed during the election as a person who "overpromised". There was considerable skepticism about many of his proposals.

(4) Most importantly, of course, is the general sense that Carter is a "risk" as President. Because he is an "unknown", whose actions and behavior can only be discerned when he is finally in office, many voters worry.

In formulating any strategy for the Administration, we must keep these weaknesses in mind. They are the problems that the political activity of the Administration must try to solve; they are the pitfalls that the Administration is most likely to stumble in.

The election: Why was Carter elected?

The reasons Jimmy Carter became President Carter can be divided into three groups:

(1) The personal factors based on comparisons that could be made between Jimmy Carter and Gerald Ford, either in terms of their personal qualifications or in terms of their individual stands on the issues,

(2) The partisan factors which separated the two parties and would have favored any Democrat in times of economic trouble, and

(3) The social and psychological factors—e.g. the feeling it was time for a change in the country—that would have favored any challenger. These were offset to some extent by comparable factors—e.g. the desire to stick with a "safe" incumbent—that work in the opposite direction.

Looking first at the personal factors, we see both pluses and minuses in the comparisons voters made of Jimmy Carter and Gerald Ford:

(1) Carter was seen as a potentially stronger and more decisive leader; particularly when compared to the "passive" image of Ford. This perception worked particularly well in two areas—the desire for some kind of generalized "change" and the idea that Carter as an "outsider" would bring some kind of fresh air to the Washington scene. People felt he could and would change the normal way of doing business in Washington and that he would be able to create and manage a government that could carry out that vision. Carter was seen as a practical antipolitician.

(2) Coupled with this was the one strong personal issue of the campaign—reorganization. Reorganization was unique among the issues of 1976 in that one candidate created it, nurtured it, and for all practical purposes, kept it as his own throughout the year. It can be argued that one weakness of the fall campaign was a failure to continue to stress this issue. It was a strong point not only because it was so personally connected to Jimmy Carter, but also because it played so well on voters' feelings about government and politics and "Washington".

(3) President Ford and Governor Carter scored about evenly on the questions of trustworthiness and honesty. Carter, however, was seen as personally more responsive and concerned—more inclined to take the day-to-day needs of the voters into his decisionmaking. His "concern" ratings, even at the low points of the campaign, were always exceptionally high.

(4) On the negative side of the personal comparisons, the largest was the inability to "define" Jimmy Carter. Part of this is simply the reverse side of the positive we saw in point (1). Because Carter was not the same kind of politician as others, he did not present the same familiar cues that voters were used to looking for. The whole "fuzziness" business—which a number of people have pointed out cannot be based on any content analysis of his speeches—is, in my mind, to a great extent the result of the fact that voters were confronted with contradictory cues. Our earliest "imagine President Carter" interview, for example, showed that almost everyone who mentioned that Carter was a "Southerner" used that piece of information to assume that he was conservative on racial issues. Confusion in the minds of the voters—or a "fuzzy" image—resulted when voters discovered blacks to be among Carter's most prominent supporters. We never succeeded during the campaign in helping voters resolve all the contradictory cues—to synthesize a clear image of the candidate.

(5) Flowing out of this problem—though perhaps it is a problem of any challenger, voters tended to find Carter a "risk". The normal bias toward an incumbent was accentuated by the fact that this challenger was a particularly unknown one, and the circumstances of his rise were particularly rapid. Once again, this is something of a Catch 22 type situation: voters won't vote for people they don't know. Any campaign mistake—such as Playboy—is far more damaging for a relative unknown than it is for a sure and steady incumbent.

When we look at the partisan issues that might have been at work, two points stand out:

(1) The economic issues were as beneficial to the Democratic candidate as they would have been to any Democrat. Unhappiness with Republican economics was widespread and despite the claims of the "feelin' good" commercials, most Americans did not believe that the economy was on the road to recovery. This sense that Democrats could perform better on the economy was tempered in some ways though. Carter held a long lead over Ford among those whose concern was unemployment. He had something of a lead on the "economy in general" but was virtually tied with Ford among those whose primary economic worry was inflation. This leads directly into the other side of the issue.

(2) Democrats are by definition overpromisers; they are expensive. The Ford campaign, with a little help from ours, did a fair job of tying Jimmy Carter to the Congress and to those negative aspects of the Democratic party image that involve Federal spending. The cautious, "cheap" Jimmy Carter of the primaries was to some extent transformed into a typical, "expensive" Democrat. While Carter held the lead on some economic issues, Ford held the lead on controlling spending and even on reducing taxes.

Coupled with this basic partisan problem was a failure to attract new constituencies to the Democratic party. While Carter held most of the majority party and manged to bring in "extra" votes from the rural, Protestant areas, he was unable to hold his early long leads among the younger, white collar, college-educated, middle income suburban group that is rapidly becoming the majority of America. We will look at this problem in the next part of this memorandum as we examine the demographic bases of victory.

On the level of social/psychological factors, we see three major factors. The first two represent that same dualism we have seen above—too much of a good thing is bad:

(1) The good thing was, of course, a desire for change in the country. The voters came into this election year basically convinced that the country was off the track and that something needed to be done to put it back on that track. In the end it was probably this desire for change that led enough voters to take the risk and vote for Carter.

(2) Operating at the same time, was desire for sanitary and security after all the troubles of the past decade. When, in the

primary season, we talked about a "restoration" rather than a "revolution" I think we were hitting the proper tone. One problem that the campaign had was that when Carter had to unify the party in the fall, he necessarily looked less like a man who would change things and also less like a man who would restore things—instead he became part of the same old gang.

(3) Another theme—which in the end I think broke about evenly between Carter and Ford—was the desire on the part of most Americans to "feel good" about things. Vietnam, Watergate, and recession had left people hungry for something solid. Whether it was the images of Plains, Georgia, or the high school marching bands of the Ford spots, people wanted something they could identify with. The Ford people caught on later than we did, but they did a good job on the theme too.

Strategies and constituencies

Rather than looking solely at the reasons that the election turned out as it did, we can also look at some of the strategic factors that played a role and some of the demographic groups that contributed to the final results. Among the key points that occur to me are the following:

(1) Early on, the Carter campaign created a basic strategy: The original idea of carrying the South coupled with Democratic states such as Minnesota, Massachusetts, etc. and in carrying New York and the two major industrial states that we won in the primaries, Ohio and Pennsylvania, was almost exactly the result on election day. The only divergence was the loss of Virginia in the South and the gain of Wisconsin in the mid-West. This was a fragile coalition at best. It required convincing enough Northern Democrats to support a Democrat, and white Southern Democrats—who are traditionally more conservative—to support a Southerner. In the end, the decline in the South that took place in October because of ideology, was reversed only by regional pride. This had some disturbing implications, however, for the future.

(2) Carter carried small towns: Despite the common media perceptions that Carter's victory was won in the large cities, a careful analysis of the election results disputes that fact. Although Carter in percentage terms tended to run as past Democrats had in urban areas and in some cases below that, the margins he carried away tended to be smaller than the margins obtained by Hubert Humphrey and John Kennedy. The secret to Carter's success in Pennsylvania, Ohio, Wisconsin, and other states was his ability to cut into traditional Republican margins in rural areas and small-town communities, and to some extent, in the suburbs. Had he not been able to better traditional showings in these areas, he would have lost. The traditional Democratic cities can no longer provide the margin of victory.

(3) Carter had much of the "traditional" coalition. There has been a desire in recent elections to reconstruct the "New Deal" coalition. It has been a problem since the New Deal coalition is essentially premised on carrying a majority of the white electorate. something the Democratic candidate had been unable to do since the 1940's with one exception—Johnson's victory in 1964. In some of the traditional Democratic groups Carter did very well while in others he ran far below par.

A demographic analysis of this election shows two major conclusions:

(1) Jimmy Carter managed to garner the "traditional" majorities from a number of "New Deal coalition" groups. Unfortunately, the size of many of those groups is shrinking in the general population.

(2) To make up the difference—and to win the election—Jimmy Carter did far better than is "traditional" among a number of groups that did not participate in the old coalition.

Looking first at some of the traditional groups, we can make these observations:

(1) Carter won a majority of Catholics. Though suspicions existed throughout both the primary and general election campaigns that these voters would be a problem, Carter received a good majority (in the high 50's range). However, compared to previous years his showing was somewhat below par. Carter did have a nagging weakness with these voters (and perhaps more aptly with "urban ethnics" rather than simply with Catholics). One problem that our analysis uncovered was that Carter ran extremely well among Catholic Democrats, but that the ties that have traditionally bound Catholics to the Democratic party are weakening. Other analysis suggests that Carter tended to run better with Catholics outside the urban areas than Democratic presidential candidates have in the past, and ran worse with urban Catholics (often the "ethnics").

(2) Jewish voters. It appears that Carter received over 60 percent of the Jewish vote—not the level the Democrats "normally" receive, but close enough to make the election viable. It is somewhat difficult to measure the Jewish vote since many upper income Jewish voters are scattered though other demographic groups in regional breakdowns. I suspect that Carter did very well with lower and middle income Jewish voters and did somewhat worse with upper income Jewish voters. This economic division among Jews is not related strictly to Carter, but has to do with the basic political-economic alignments. Jewish voters were particularly suspicious of Carter on the "religion" issue. In the end it was their dissatisfaction with Ford and the Republicans that prompted them to go with him.

(3) Black voters. Carter received about the same enormous percentage of black votes as George McGovern did in 1972. In black lower-income precincts his margin succeeded 90–95 percent of the vote. However, post-election exit polling indicates that blacks in integrated areas, as in past elections, did not support him in those same proportions. Carter was helped greatly when blacks in the South increased their turnout for the Presidential election. The increased turnout was responsible for several of the Southern victories. In addition, Carter also did well with the Spanish vote—particularly where it counted most, South Texas.

(4) The labor vote. Carter received almost two-thirds of the labor vote, which was an important ingredient in his success. Drawn by the economic issue and dissatisfaction with the Republicans, this vote was crucial to victory. On the negative side, like many of the components of traditional Democratic coalition, the "labor vote" has been shrinking.

(5) The poor. Carter did exceptionally well with poor voters, whether white or black. Again, the number of these voters in the electorate is declining.

(6) The young. Carter carried young voters, though not by the margin we might have expected for a Democratic nominee. His plurality among voters under 35 was significantly below that which he deserved, given the issue and ideological preferences of that voter group, which tended to be the most liberal in the country. Much of this came from a personal suspicion of Governor Carter, coupled I think with a failure on our part to articulate some of their issue concerns, which differ from those of older Democratic groups.

(7) The Democratic areas. Although Carter received good percentages in Democratic areas they rarely exceeded percentages received by John Kennedy in 1960 or even Hubert Humphrey in the three-way race in 1968. More significantly, however, was the fact that the number of votes cast, particularly in Democratic cities, was down considerably. Chicago, which used to make up over a third of the electrorate, contributed only one-fourth of the vote in Illinois, thus denying Carter victory in that state. New York City dropped from being more than 40% of the state electorate to less than 30%, making New York far closer than it should have been. Indeed, in some of the major industrial states the drop-off in vote from 1960 is staggering; New York cast 800,000 less votes in 1976 than in 1960, Pennsylvania, 500,000, Ohio and Illinois about 150,000 less.

In the South, the vote seems to be based on economic and class divisions. Carter appears to have carried poor whites and poor blacks while losing middle and upper income whites in the South. It appears he took what we call the "up-country" Wallace voters out, while losing the wealthy, suburban, and more "conservative" areas.

Another problem with the traditional coalition by geography can be seen both in Pennsylvania and Ohio. In Pennsylvania Carter's margins were lower in almost all of the 18 counties that Hubert Humphrey won, even though Humphrey faced a three-way race with Wallace. For example in Allegheny County (Pittsburgh) Carter received only a 25,000 vote plurality where Hubert Humphrey had a 100,000 vote plurality. In Philadelphia, Carter received about a 250,000 vote plurality, while Humphrey received just slightly less than a 300,000 vote plurality. In the Wilkes-Barre-Scranton area Carter's margin was half of what Humphrey had in 1968. To compensate, of course, in the more than 50 counties in the rest of the state that Humphrey lost in 1968, Carter did far better. Even though Carter lost many of those counties, the margins by which he lost were often one-fifth to one-seventh of those Humphrey lost by. In county after county where Humphrey lost the county by 4,000 or 5,000 votes, Carter would lose it by only a few hundred votes.

The same situation prevailed in Ohio. In that state, despite the fact that Cleveland is twice as large as Cincinnati, the latter city managed to deliver a larger plurality than Carter received in Cleveland. In normal circumstances that would have resulted in the Democrat losing the state. However Carter ran so well for a Democrat in Southeast and Central Ohio that he was able to preserve a slim victory. In fact in many rural counties, Carter ran as well as any Democrat since Johnson in 1964. His performance was often 15 to 20 points over the normal Democratic mean in those small counties. This was particularly true of Southern Ohio counties, whose population have some roots in the South—the counties below the "accent line."

In short, we have a situation where Carter ran behind most recent Democrats in most of the urban Democratic centers and ran ahead of most recent Democratic candidates in all the other areas. As we will see this has profound implications both positive and negative for the future.

To sum up these observations about the traditional groups, it seems clear that while Carter benefited from their support, he may owe his election more to the non-traditional groups that helped him to do better in unexpected places. Carter's performance among "traditional" groups is impressive when compared to McGovern's showing in 1972, but when placed in longer-term historical perspective, it simply cannot explain the

victory. Looking at some of those non-traditional groups:

(1) White Protestants. Carter received somewhere between 40–45% of the vote of white Protestants. This is an exceptionally good showing for a Democrat, and more than offsets any Catholic-Jewish defection. Much of this gain of course was in the South, but it was not limited strictly to there. Carter's performance among white Protestants in the North was also exceptional.

(2) Better-educated, white-collar people. Although Carter did not run as well with these voters as we had hoped early in the contest, he did well. Among the college-educated, white-collar, middle and upper-middle income voting groups, there was tremendous suspicion of Carter, particularly when he was viewed as a traditional Democrat or when the "risk" issue was raised. Nonetheless he did better than Democrats traditionally have among these voters. However, this group is growing so large that simply doing slightly better than the past is not sufficient to guarantee election. If there is a "future" in politics, it is in this massive demographic change. We now have almost half the voting population with some college education, a growing percentage of white-collar workers and an essentially "middle-class electorate".

(3) Rural, small-town voters. As we discussed above, Carter ran exceptionally well for a Democrat in these areas, in fact well enough to preserve the victory in critical states.

Three groups emerge from the election as ones that we ought to be especially concerned about, either because of poor performance or because of various problems we saw in depth during the campaign.

(1) Voters from 25 to 35. Carter never did well with this group, even during the primaries. As I indicated above, we carried voters under 35 but only by a slight margin. These voters tend to be the least partisan and most liberal in the electorate. Their liberalism is somewhat different from the traditional definition. In fact, they tend to be more economic conservatives and social liberals. We never seemed able to achieve any kind of visceral relationship with them. Part of this was the cultural difference between a Southern Baptist and a group of voters who are culturally quite liberal. Governor Carter's political style also seemed to alienate these voters.

(2) Women. We gained tremendously with women at the end, running almost as well with them as we did with men. Of course, a tremendous amount of the campaign over the last two weeks was devoted to shoring up our declining position with women. The problems among women were all attributable to character questions about Governor Carter. Women were most concerned with what had happened because of the personalities of Johnson and Nixon; the "unknown" quality of Governor Carter concerned them. On issues, however, women were far more in line with Governor Carter's positions than were men—particularly on issues such as defense spending, growth, environment, education, and so on.

If one wants to narrow Carter's problems even further, one would have to point to non-working housewives. They were the bulk of the women with doubts. In the end, many of them followed their instinct for change and selected Governor Carter—cautiously.

(3) The West. Governor Carter's weakness in the West has been somewhat exaggerated. There were a number of close states in the West, and with a few breaks we could have garnered as many as a third or more of the electoral votes in that region. Nonetheless, it is important to realize that this was always our weakest area—primary and general. Voters in the West were least familiar with Governor Carter. They also seemed to have more problems relating to a deep Southerner, than even Northeasterners.

One other concern that we need to note is a general one on turnout. While the overall turnout—at 53%—was slightly less than 1972, it conceals some differences. Turnout in the South, both black and white, was up strikingly, while turnout in many Northern areas was down, in some cases by 6 to 7 points from 1972. This hurt Carter margins in many Northern states. A general concern of the next four years must be finding ways to inspire voters and get them to the polls.

Ideology and partisanship

One way to look at the divisions of the election is in partisan and ideological terms. The network exit surveys show Carter apparently carried about 80% of the Democrats. Of course, the number of Democrats has been shrinking—this margin was almost not enough. It is interesting that 80% is about what Carter received in the last pre-election surveys. This would suggest to me that we lost the rest of the Democrats to Ford, while picking up the Independent and moderate voters as final decisions were made. Had Carter been able to carry 85% of the Democratic vote, matching past Democratic performances, the result would have been a victory by several additional percentage points.

Carter carried slightly less than half of the Independents, but this was a group where Carter's last-minute gains were greatest. A week or so before the election, we were losing Independent voters by as much as 10 points. Had that happened, we certainly would have lost the election. As it was, we got about 47–48% of the Independents in the last minute movement of the campaign.

Carter received only about 10% of the Republican vote. While this is double what John Kennedy received in 1960, it is only on a par with what Humphrey received in 1968.

Carter also succeeded in carrying Liberals by a significant margin. However, his percentage did not duplicate those of Kennedy or Humphrey. Some Liberals, particularly younger ones, defected to Gerald Ford. Carter also carried moderates, again a movement toward the end of the campaign. Had he not been able to regain a majority position with moderates in the closing days, a victory would have been unlikely.

Carter suffered his greatest losses from the summer margins with Conservatives, as expected. While he did run somewhat better than Kennedy or Humphrey with Conservatives, it should be noted that they have become a larger and larger block of the electorate. There is no question that losing them by 20 points was disappointing and jeopardized the whole election.

Plotting a political future

Given the immediate aftermath of the 1976 election and the long-term forces that are at work in this country, the time is ripe for political realignment in America—for the construction of a political coalition based on a successful Carter Administration.* While a number of forces have made this possible, the most striking of these has been the decline of partisanship.

American politics over the last two decades has observed an historic decline of partisanship. Republicans have gone from more than 30% of the electorate to less than 20%. Democrats have declined from majority status to only about 40% of the electorate. The difference has been made up with increasing numbers of people who think of themselves as Independents and who split their tickets when they vote.

The number of Independents is growing because the number of young people in the voting population is growing. The parties are literally "dying". Each new cohort of younger voters is less and less partisan than the last. However, those that are partisan are overwhelmingly Democrats. The majority of the young voters, however, do not become partisans. They are disenchanted with issues and ideology in American politics.

Over the next few years, Jimmy Carter will have new opportunities to shift the partisan balance to take advantage of the 1960's and 1970's. For a Democrat to accomplish this goal the basic problem he will face is that he must restructure the set of issues and positions of the Democratic Party—the old ideology—which has been so enduringly successful, so that he both holds the older parts of the party and captures the growing segments of the overall electorate—the young and the middle class.

Given our earlier discussion of Carter's weaknesses it's instructive to note that in 1980 the mean voting age will reach its lowest level in this century and then will swing up again. Potential gains in support depend on bringing large numbers of young voters back or bringing them into the system for the first time. In addition, we must bring back voters who have fled the system that has failed them. Actually building the coalition requires us to face three separate problems:

(1) Defining the things Governor Carter wants to say and do,

(2) Defining the groups that can and will participate in the construction, and

(3) Dealing with the opposition—both well-meaning and antagonistic.

If we first look at the definition of policy, we see that the Democratic Party can no longer depend on a coalition of economic division. Whatever our short-term economic troubles of the "haves" versus the "have-nots", a tremendous growth in economic prosperity has produced more "haves" in our society than "have-nots". Many older voters are becoming more conservative, if not in an economic sense at least in a social-cultural sense. Younger voters fit the model, they are more likely to be social liberals and economic conservatives. More importantly they perceive a new cluster of issues—the "counter-culture" and issues such as growth versus the environment; where old definitions do not apply. In short, the old language of American politics really doesn't affect these voters.

Furthermore, as we have pointed out previously, voters have become less "ideological". Too many observers still seek to define American politics in the old structures of the liberal-conservative continuum.

We must devise a context that is neither traditionally liberal nor traditionally conservative, one that cuts across traditional ideology. However, trying to be "liberal" on some issues and conservative on others is not likely to result in a new coalition, but will appear as an attempt to play both sides of the issue. It runs the risk of alienating the ideologues on both sides.

What we require is not stew, composed of bits and pieces of old policies, but a fundamentally new ideology. Unfortunately, the clear formulation of such an ideology is

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*It should be constantly borne in mind that a coalition is just that—it is not a consensus. Both the opportunities of Johnson and Nixon—after massive victories—were lost when the responsible people came to believe that they could achieve consensus and basically—ignore politics. A coalition is composed of many different factions of people who basically don't like each other much and are competing for the various rewards and favors that government can offer. The trick is finding a mixture of rewards and favors that will hold 51% of the voters together in a reasonably stable block.

beyond the intellectual grasp of your pollster. However, I think it can be argued clearly that we are at one of those points in time, when—as Marx or Hegel would have argued, neither the thesis nor the antithesis really works. We need a synthesis of ideas. To borrow from the philosophy of science, we desperately need an ideological "paradigm" to replace the "free market capitalist model" that we don't really want. American society does not need another "patch-up" job; it needs some kind of direction.

One of the considerations we must take into account as we construct new ideology is that the issues have changed. For example, the most important "growing" issue in America is the debate between "quality of life" and "quantity of life." This is most evident in the rise of the various "no growth" movements. These issues do not fit easily into the traditional patterns, since much of the substance of the issue cuts across traditional lines. The poor black and the liberal suburbanite may have been united in opposition to the war in Vietnam, but they have strongly and sharply contrasting personal interests when it comes to a question of growth and the environment. For ghetto blacks it is logical and moral to put economic growth—jobs—ahead of social considerations; the suburbanite must consider his own environment and the impact his desire to have better quality may have on the rights others have to live at all. The issues are not simple—only the level of debate remains simple.

Our most successful primary opponent, Jerry Brown, was successful because he was able to present an ideology that fitted no tradition in a rhetorical style that was refreshing to voters. One can enumerate a number of the groups that might be components of a new coalition. I consider all of these groups potential Democrats, or, at worst, as up in the air:

(1) The Minorities—Blacks, Spanish and poor voters are the traditional Democratic vote and are unlikely to move away, as long as the party fulfills the easy task of being more sensitive to their concerns than the Republicans.

(2) Blue collar ethnics: Unfortunately, these voters are no longer solely motivated by economic concerns—which have traditionally made them Democrats. They are now concerned with social issues, particularly those relating to change in society. This is one of the most vulnerable groups in the Democratic coalition. Since many of its policy objectives are at odds with those of the poor and minority groups. One issue that unites both the minorities and blue collar voters in this society is the need for economic growth to provide a larger pie for everyone. This has been the traditional Democratic argument that has held these groups together. Unfortunately, it is an issue that young and upwardly mobile voters do not support.

(3) Young voters. Young voters are often non-voters. But, when they vote are often more liberal than those they follow and are least likely to galvanize around traditional economic and social issues. They tend to care about concepts of equal justice, "balanced" growth in the society and the environmental lifestyle issues. They're not, as I would point out, liberal in any traditional sense. Today's "land use planning" is yesterday's "snob-zoning."

(4) Women: Women are not going to be attracted to a new coalition simply by arguments about equal rights. They differ from their male counterparts on issues such as growth (more restrictive), culture (more liberal), and civil liberties.

(5) White-collar and professional, the college-educated. This is the largest rising group in the population. It must be attracted in significant numbers if Democrats are to be successful in the future. These are voters who are often, however, cautious on the questions of increased taxes, spending, and particularly inflation, an issue which mobilizes this group in a conservative fashion.

(6) The rural, small-town voters: These voters are concerned, not only with the substance of things like farm policy, but also with the question of values and the protection of a way of life they view as integral to the society. Much of their support can be won with the proper Administration programs.

(7) Non-voters: Nonvoters are different from voters, not because they distrust or dislike the government more—a universal feeling—but rather because they lack a sense of efficacy. They do not feel that they can affect the decisions or actions of the government. We must find an inducement for them to vote.

(8) The South. All of these parts of the coalition will not be enough unless the South can be changed from a step-child of the country into an integral part of the national scene. The South has traditionally been in opposition to national political policy, in part because of its own sense of uninvolvement and in part a reaction against an imposed inferiority. I find it amazing that some of the most aggressive, progressive state governments in America are in the South and they have massive voter support. Yet, when we reach the national stage the rhetoric of progress still carries so many symbolic negatives that they oppose similar programs on that level. One of the major tasks of the Carter administration is to involve the South in national policy. While a new rhetorical style is necessary to attract younger voters all over the country, it is particularly important in the South as means of overcoming the instinct of opposition that exists toward traditional rhetoric. There must be generally a translation of support for state progress into support for national progress. One of the problems that has always struck me about the South is the fact that young people interested in politics participate in local and state government rather than national politics. In the past there was no future in national politics, but Jimmy Carter's election, more than any other factor, opens new possibilities up for the younger, progressive individuals in the South. No longer need they focus all their attention of state and local issues. The consequence of not weaning the South away from regional pride is a potential loss of that region in 1980.

(9) Small businessmen. These people were strong supporters before the fall slump. They left in the fall over the inflation issue. Yet on many issues: taxes, government spending and, most of all, government regulation. We ought to be able to get a lot of them back with an attack on the excess regulatory efforts that make life so tough for small businessmen.

There are two major groups of potential opponents who need to be assessed: the Democratic party—the Republican party. In many ways, the former may be more dangerous than the latter.

Although Jimmy Carter is the successful nominee of this party, his support from the activist levels of that party has come more because he imposed victory on them than because they chose him or his point of view. To be frank, Jimmy Carter is not particularly popular with major elements of the Democratic party, whether it be activists, the Congress, labor leaders, or the political "bosses". Each of these groups presents potential problems in a primary situation. Each must be carefully watched and to the extent possible pacified over the next four years so we do not experience a party splitting primary situation. Given the realities of the country I think it's fair to say that more of the opposition to Carter programs will come from Democrats than from Republicans. In my definition there are 4 groups of Democrats that are potential adversaries. They are as follows:

(1) The liberal establishment.—Traditional liberals in the Democratic party, in many ways are as antiquated and anarcronistic a group as are the conservative Republicans. However, because of their representation in the establishment, the media and in politics they have a weight in public affairs far greater than their numbers. They have been openly hostile in the past to Governor Carter not only because he has a different set of national priorities, but also because of differences over style and approach. This wing is composed of individuals such as Ted Kennedy, George McGovern, and Mo Udall. For these people there is little risk in challenging an incumbent President coupled with overwhelming desire to do so. There are already rumblings from Senator Kennedy—privately—that he senses problems with Governor Carter and that Carter is unnecessarily antagonistic to him. He and others may develop a mind-set that enables them to build up seemingly rational arguments for opposing the President's policies and even instigating political opposition.

(2) The Congress: The new leadership, despite of, perhaps because of its very newness is likely to be more aggressive and assertive than past leadership. A Democratic President diminishes the importance of the leadership in the Congress. Carter's quick rise from relative obscurity to the White House is by its very nature a direct threat to the style and experience of the men who make up the leadership of the Congress. While they intend to cooperate, they are anxious to be independent. Their recent years of opposition has done nothing for their willingness to cooperate with the Executive Branch.

(3) The Young Turks: A group of young Senators and Governors has risen to power since 1972. They have been elected because they speak to different concerns of the American public than their older colleagues. They tend to be "against" large governments, more strident against special interest, and more concerned about a lot of the new issues. They are not wedded to political tradition or to political protocol. They are, on the whole, articulate and politically ambitious. They represent the coming generation of power and if not handled properly, maybe want to exercise their right to challenge quickly. The group includes Gary Hart, the Dick Clark, the Joe Biden, the Jay Rockefeller, Don Riegle and of course Jerry Brown—who must be viewed as the single largest threat on the horizon within the Democratic Party. He speaks well, has a new definition of American politics, and is shrewd and ambitious to boot, and he is already beginning to test the water.

(4) Organizations: Both labor organizations and Democratic city machines are often predominantly Catholic and ethnic. Although they are often ineffective in the general election situations, they can be decisive at primary time. They are less able to deliver for a candidate then they are to deliver against a candidate. This group, however, should be the easiest for Carter to dominate. They have party loyalties that go back for many years and a willingness to accept any status quo that provides them with power and patronage.

When we turn to the Republicans, we find them in deep trouble. Their ideology is restrictive; they have few bright lights to offer to the public. Given the antiquated machinery of the Republican party, the rise

of a moderate, attractive Republican in their primary process is hard to imagine. The Republican Party seems bent on self-destruction. Of course, a similar problem in the Democratic Party was evident a scant 4 years ago. Any Republican potential depends on their ability to serve as a legitimate opposition force and, of course, to benefit from the mistakes and failures of the Carter Administration. They will also have to raise the issues of defense, inflation, taxes, and the "forgotten" middle-class in ways that under-cut Carter particularly among middle-income voters, white-collar voters, and the college educated. One must assume that they will pursue this strategy. We have an opportunity to co-opt many of their issue positions and to take away large chunks of their normal Presidential coalition by the right actions in government. Unfortunately, it is those same actions that are likely to cause rumblings from the left of the Democratic Party.

Some tactical and strategic conclusions

This review of the political situation leads immediately to a number of practical conclusions. These fall roughly into three categories: the beginning of a program to identify and deal with both potential supporters and opponents, the reconstruction of the Democratic National Committee and the formulation of government policies that lead to the successful implementation of policy. The whole second section of this paper will deal with those policies. On the first of the points, however, some conclusions are clear:

(1) We need to decide on the coalition we want to reach. Only by clearly identifying the supporters we want can every level of the administration know the directions in which its political efforts should run. We should equally work hard to identify opponents early and deal with them before the confrontation stage. Particularly with potential opponents inside the party, a little care now is a lot easier than making repairs in 1979. One part of this program should involve identifying the supporters of people like Kennedy and Brown—supporters who are basically good Democrats—and making our own alliances with their base. Furthermore, we can make an effort to maintain good personal relationships with the principles themselves, so as not to add personal fuel to what are otherwise unemotional disagreements.

(2) One key element of any coalition is the South. President Carter must use regional sentiment, regional appointments and his own personal leadership—through visits and political contacts—to maintain the base in the South and, if possible to end the sense of apartness that has kept the South isolated for so long. A common ground has to be constructed between the Northern Democratic Party and the Southern wing; otherwise the coalition of 1980 will be as fragile and as susceptible to splitting as was the coalition of 1976. The only difference will be that the Republicans will have had three long years to think about how to do it.

(3) Also deserving immediate attention as part of the coalition are Catholics and ethnics. We have a program at the moment in the transition and appointments area—to bring in blacks, and to bring in women. Our affirmative action program appears a somewhat "elitist" operation. I suspect parts of it don't go over well with Catholic, ethnic voters who themselves feel neglected and who are basically suspicious of Governor Carter. Gino Barroni has already been in our offices suggesting that it would not take much to indicate concern for ethnic Catholics, to provide them participation in the process, to give them some appointments, and to involve them, much as we do blacks and women. There is no reason to believe our support will increase simply by ignoring these voters

Turning to the Democratic National Committee, a number of points are imperative. Perhaps the most crucial area for action in these early days is the restructuring and staffing Committee. It is my belief that we should consider making the DNC more than it has been under past Presidents; we should make it an active, vibrant political arm of the Carter White House. There are a number of areas where the DNC should have responsibility. To do all this we need:

(1) A New Chairman: It is clear that if the DNC is going to be "Carterized" and made a political wing of the White House, that requires a chairman who is a loyalist, and essentially a Carter insider. I suspect that any move that brings in someone who has an independent constituency and other political interests, is going to result in an inability of the DNC to really carry out the functions we need. I think that the DNC chairman's selection be along the lines of someone who is both a loyalist, an insider, and a person who is willing to take direction from the Governor's political and personal staff.

(2) The DNC must build an operating organization for Carter. This means not only bringing in Carter activists into the structure of the DNC itself, but building strong organizations in states and in cities for the future. Utilizing the DNC in this way to reward supporters, co-opt adversaries, and merge other political organizations into alliances. One of the functions, particularly in 1978, should be identifying and hopefully co-opt—the people who might help staff opposing presidential campaigns. One of the best ways, I think, to limit the potential opposition in the future is to remove from the job market as many of those with the experience and talent in presidential politics as can be accommodated.

(3) Patronage. The DNC should serve as a patronage center in working with the White House in the staffing of not only the government in Washington but the regional offices and also the rewarding of projects, etc., which would be beneficial in certain areas. The DNC must take an active role in trying to preserve relations with other Democratic officials, smoothing the ruffled feathers that will invariably develop. It must also be clear that political attention has to be given to filling of second, third and fourth level jobs in the Administration. Although the departments and agencies are not meant to be political centers of any sort, obviously it is important that people who join the government be people who understand how Jimmy Carter became President and why. Having supporters who are cognizant of that, who are committed to his goals and principles is not a negative thing. There are many positions in these departments that are not only substantively important but are also politically sensitive. It is important that the President not simply allow his Cabinet Officers to fill those positions without some consultation—at this stage with personal staff, later perhaps at the DNC—on the talented and able supporters who can fill those positions.

(4) The DNC should immediately begin a non-publicized working group that begins planning the 1980 campaign. Jerry Rafshoon and I should probably function with this group from the beginning.

(5) The DNC also should set up a number of programs to help incumbents and to help the party with elections. If the DNC, given the new election laws, becomes an active service organization for the party and for those seeking election, then long term relationships can be built and maintained and—in a cruder sense—political I.O.U.'s can be gained.

(6) Fund raising. In order to make these programs viable and to support the political needs of the Carter Administration as well as the party, a tremendous amount of money will be needed over the next few years. The Party requires first-rate fund raisers, but more importantly, some commitment from the President and his staff to help in raising the money so that his political operations can be carried out.

One item that does not fit in this outline is voter registration and turnout. A simple examination of the election numbers makes it imperative that the post card registration take place nationally. Beyond that there needs to be some study of ways to induce voters to vote. Part of the problem, of course, is the lack of efficacy voters feel which can only be solved by responsive and successful government. However, perhaps there are other incentives, whether they be tax credits or the like, that can be devised to induce people to go to the polls and to vote. Increasingly higher turn-outs almost certainly mean a greater political success for Governor Carter; lower turn-outs put his political future in some danger. Finally, and I repeat this in the next section, there needs to be some kind of semi-formal political strategy group with the responsibility for devising and implementing the political component of governmental strategy. This group should obviously not be publicized, but should be formal and regular, consisting of government officials, political officials, close insiders, and close outsiders. It should regularly review ideas, and suggest programs for solving the Administration's political problems. There needs to be a continually active group that both tries to understand and to make others sensitive to problems and to shape and to implement a positive political strategy.

It should be noted that we face four immediate political problems:

(1) The economy is slow—so slow that budget and policy promises may be impossible to meet. We need an early economic speech.

(2) The KCIA investigation may embarrass many Democratic Congressmen. We can't go on the defensive; anti-Washington and ethics rhetoric must be ready.

(3) Our budget people must be made sensitive to spending what we have well, rather than thinking up new ways to spend.

(4) Jerry Ford may try to leave us with a phony "balanced" budget; we must be prepared to expose and debunk any games he might try to play to leave Carter as a "big spending liberal."

We also need to keep two dates in mind—the mid-term elections in 1978 and mid-term party conference. No matter what we do, the mid-term elections will be viewed to some extent as a referendum on the Administration. We have a huge proportion of freshman/sophomore Representatives, though the Republicans are vulnerable in the Senate.

One function of the DNC and the "strategy" committee should be to coordinate as election program. A visible effort will help Congressional relations by making friends and will also insure against embarrassment in November 1978. This project should consist of several phases:

(1) Using the DNC to explore and coordinate the maximum amount of campaign help it can provide, and

(2) Using the overall political strategy committee to coordinate Congressional/Administration relations. Many Congressional problems can be solved if Congressmen can coordinate their needs with the agencies.

We particularly need to begin an early program to identify "marginal" Congressmen and begin to help them early.

The mid-term convention could be the scene of a mad attack on the Administration

or it could be a very positive event. We need to plan a strategy for it that takes into account:

(1) The nature of the participants, who may be activists, and

(2) The party rules that will govern the convention. We need to develop an immediate strategy for dealing with this.

(3) In order to broaden the coalition there needs to be some thought given to a better political definition of the issues and concerns that exist. Since Governor Carter is neither a traditional liberal or a conservative, he is uniquely positioned to this. We need a more conscious framing of his approach and philosophy that would attract larger numbers of voters. Implicit in this is the need for more consciousness of political rhetoric attempting to avoid the old rhetorical habits which turn-off voters. We need to find new ways, both rhetorical and symbolic, to communicate with and move the public. I think a conscious effort to deal with the political problems and make members of the administration sensitive to them will result not only in strong support for Governor Carter's programs and stronger support for his re-election in 1980, but also for a strong and vibrant party after 1984.

THE GOVERNMENT

All of the strategies of the DNC and all the political forethought in the world will have relatively little impact on the future of the Carter Administration when compared to the impact of the actual performance of the Administration. The voters will look directly at the job the Administration does and will decide what they think about it. In this section, I will first of all try to discuss the mood I see in the country. Secondly, I want to discuss the issues directly—what the people want and what they expect from the new Administration. Finally, I'll discuss the implementation of policy, including thoughts on appointments and scheduling.

The mood of the country: Goals for the administration

The US—battered by the events of the last decade and skeptical of the future, has in the past year reached a state of cautious stability. People are slightly more optimistic than a year or two ago, yet on the whole pessimism still reigns. Trust in the government and in our institutions remains at an all-time low. The belief that an individual can influence the government or the political system also remains low.

Americans have no real expectation that the government is willing or able to solve the country's problems. Voters are no longer willing to grant authority to leadership; no longer are willing to follow merely because the government suggests that they do so. This skepticism is most visible in the energy and the economic areas. The government can promulgate energy regulations, can ask the people to conserve, but as long as the public refuses to believe that there is an energy crisis, they are unwilling to follow.

The country simply doesn't listen to the government when it speaks about the economy. It does not believe what it's told, since recent experience has shown time and time again that Rosy predictions are followed by worsening economic conditions. Instead, the consumer looks at his own economic situation, at the prices in the grocery store, and at the gas pump. He doesn't see good news.

The basic linkage essential to democracy—the idea that the public votes and public policy follows—is threatened. People feel the President can't do much about the problems that face them. Furthermore, the public is no longer psychologically attached to any party or intellectually satisfied by an ideology. The country is in a crisis.

Of course, the signs are far from all bad. The public has a firm belief in the basic strength of the nation. They still have faith in the basic institutions of America, even though they don't believe leaders of those institutions. They want good leadership and some clear vision of the future.

Right now, instincts are competing in the mind of the American public. One is an instinct for change. People sense that things don't work well and want to shake them up. The second is a desire to restore basic values—change things back, to bring back the values that America had when it was at it's height.

Some of our problems even present their own opportunities. The breakdown of party and the failure of ideology also mean that rigid divisions in the society have lessened. There is a willingness to compromise for the common good. Where hostility was recently the hallmark of relationship between many groups, there is a willingness to work out a new social contract and to accommodate differences. Leadership that offers fresh ideas has the opportunity to reshape the basic structure of this society.

I see five basic thematic goals for the Carter Administration that are in line with what most Americans want in their hearts. The first of these is a sense that the bad times are being healed—that we are recovering, as Gerald Ford said, from our long national nightmare. This should lead to the second and third themes directly—the restoration of trust in government and the creation of a sense among people that government has a plan and a purpose. Finally, the people need to be convinced that all of this is being translated into a new ideology of progress and into new working relationships between individuals and groups. We can look at each of these points in some additional detail:

(1) Healing: There is a tremendous need in the country for a period of healing and unity. People want to put aside division and recrimination in search of accommodation and joint purpose. Ford started the process to some extent. We have an opportunity, free from all connection with past, to speed it along.

(2) Restoring Trust: The basic trust between the people and their government, particularly at the federal level must be restored. The public must have a sense that Carter wants to do the right thing. Basic faith in the institutions and our leader can be restored. More importantly, a sense of personal efficacy can be restored. This cannot be done in any grandiose way; the public is too cynical.

(3) Giving a Sense of Purpose: One of the things lacking in America is a basic sense of purpose: A sense of goals for the future. Americans have been different from other people in that the nation has been trying to accomplish certain things, to go someplace. The country now lacks any sense of immediate goals. There is a need to realize that a yearning exist and to provide an articulated vision of where the country is going. This should be a job of the Inaugural Address.

(4) A New Ideology: There is a need to redefine the context of issues for the public. This involves dealing with issues, offering unique solutions, and providing a new rhetoric. It also requires a willingness to recognize the complexity of our problems and to share that complexity with the public.

(5) New Working Relationships: There is a need to build a process by which various groups are able to work together and are seen working together: the Executive Branch, the Congress, state and local governments, the people in an ordinary sense, business, labor, consumer groups, and so on.

One of the major reasons the Carter Administration must sell these themes is that it desperately needs to buy time. Most of the proposals Governor Carter has will require 2 or 3 years to implement. Without trust, the country won't be able to wait that long. We need a series of small promises and projects accomplished quickly that provide evidence that longer term goals will also be realized.

In presenting these themes to the American people Governor Carter has some unique strengths. We run the risk of losing these as we start worrying about the day to day affairs of government. (The old cliche about mistaking style for substance, usually works in reverse in politics. Too many good people have been defeated because they tried to substitute substance for style; they forgot to give the public the kind of visible signals that it needs to understand what is happening.)

I think some of the following stylistic points—along with their substantive counterparts—must be stressed:

(1) President Carter is an open man: He wants the public to see what he is doing, unafraid of press scrutiny, willing to share his ideas and proposals openly and with the American public.

(2) President Carter is different from other politicians: President Carter is not tied to simply old answers and old solutions with the sense that very little can be accomplished. He is bold, willing to try new ideas, willing to question old solutions and willing to deal with issues in complicated fashion, but in the process also willing to try new solutions and if they are found to be inadequate, willing to again, try something else.

(3) President Carter is not part of the establishment: It is crucial that President Carter keep the image that he is not part of the traditional political establishment. That he is not satisfied with what he finds in Washington, that he is, as he has said, "disgusted with the laxity and looseness of approach in Washington" and has really come to clean house. This must be also reflected in his appointments. Already there is skepticism that Governor Carter is going to mean change because of the large number of established figures that the public and press seem to perceive as leading nominees through the Administration.

(4) The Carter Administration is compassionate and competent. There is little to be said about this theme that has been a hallmark throughout the campaign.

(5) The Carter Administration is not ideological.

(6) President Carter's Administration is responsive to ordinary people: Carter has an intimate relationship with people; he is anxious to relate to them, and to restore power to them.

It is crucial that all discussion and action on issues, the Governor's personal activity as President, and Administrative behaviour reflect and emphasize these themes. If they do, the public will begin to get the point. Given where the issues resist immediate solution, the public will still have a sense of what is being attempted. Hopefully, they will then grant us the time to do the job.

Early approaches

The first days of the Administration are crucial because they will define the Administration for much of the public for the whole four year period. Jimmy Carter must state early—perhaps in his inaugural address—that we face austere times, but he must also offer hope that the country can get better. First impressions will either validate or contradict the themes that the Administration seeks to broadcast. There are six immediate approaches that I would recommend:

(1) Easy Victories: As stated earlier, it is crucial that Carter obtain a series of easy early victories that give the sense of prom-

ise for the longer term. Therefore, in every major issue area that we plan to undertake during the Administration, I would recommend that one or two small goals be set and accomplished as quickly as possible. Having done this, the President can then turn to the people and say "I've accomplished what I said I would do in the time period the same thing will happen with the programs that we are undertaking over a longer course of time." Use early victories as signals that the entire issue program will succeed.

(2) New Rhetoric: One of the things that has made Jerry Brown successful is his willingness to use new language. This is a route that is open as well to President Carter. Candor should be the hallmark to his approach and he should attempt to avoid as many traditional political rhetorical terms as possible. He needs to discuss complexity with the people. He should also be willing to state the obvious, even when it's unpleasant. Part of this rhetoric must be to set clear limits to what Government can do—as Jerry Brown has successfully done. Too often the American public understands a situation and yet discovers that none of its public officials will say to them what they already know. Carter can make great strides if he is able to do this.

(3) New Style: Carter needs to set a new style in government with his own actions. I would suggest that this be one of austerity, of cutting back on "imperial" frills and perks. By symbolic actions he can, perhaps, accomplish on a national level what Governors like Brown and Dukakis have done at the state level with "life style" actions. It is sure to excite the public and to give them a sense of both his seriousness and his down-to-earth style.

(4) Challenging Old Ways: It is crucial that President Carter challenge old assumptions and old answers. He should constantly indicate his displeasure with solutions that aren't working and constantly raise the question "why" to traditional answers. This is vital in areas like economic policy, education policy, energy, a host of other subjects. He should also attempt in this way to raise "new" issues, such as growth and the environment. The image should be "bold", "imaginative" and "skeptical".—In short, "refreshing".

(5) New Relationships: Carter should emphasize early on his ability and willingness to work with all groups of people, whether it be the Congress, the business community, labor, citizen groups, etc. The effort early on is to establish good working relationships that last, later on when the battles come. The idea is to suggest that he is accessible, interested, and willing to work with other people. Already the press is looking unsuccessfully, for signs of "Imperial Withdrawal".

(6) New Accommodations: The new administration can benefit if it can bring people together, both to accomodate each other and to work together. Business, labor and citizens can work together in new ways. Perhaps an early conference or council can help make this work.

Much of what President Carter accomplishes will be a reflection of public approval or disapproval of his personal style and behavior. He can do much to both restore confidence, build credibility and gain support from his programs by the style with which he undertakes the Presidency. The best style would involve lots of contact with the people, active involvement. With this in mind, let me review some ideas that I and others, including the Governor have had for stylistic approaches:

(1) Fireside Chats: This is really a positive idea. It gives the President an opportunity to talk directly to the people to explain his programs, what he is trying to accomplish and why, and build a sense of personal intimacy with the people.

(2) Town Meetings: If possible, I'd like to see the President go once a month, no more than twice a month, to different parts of the country and conduct town meetings. Essentially, he should allow 400–500 people to gather in an auditorium to hear him, to question him, to raise questions, to have an interchange in a way that has never been attempted by a President of the United States. I think it could have a dramatic impact on the public to see the President be willing to go out and meet and talk and answer questions from the country. Rosalynn, the Family and the Vice-president could do likewise, ombudsman style.

(3) Visit Departments: One of the things that would be both helpful to morale in the departments and be an example to other officials, would be to occasionally go to the departments, meet with civil servants and explain the Administrations goals, while listening to their problems. Make them feel part of the administration.

(4) Press Conferences: As frequently as possible and when they make some sense.

(5) Question Periods: Not only should we support fireside chats, we should also attempt to find, even if we must fund it from another area, opportunities for people to question Governor Carter on the media, and in particular, on television. The program that was produced the night before the election was, I think, quite sucessful. A similar model could be effective all the time. I realize that there are questions of whether or not this would be a news event, but even if time had to be purchased it would bring the "town meeting" concept into peoples living rooms.

(6) Adding people: Carter ought to ask ordinary citizens, ordinary people who are not experts to be involved in various commissions and meetings, whether on education, energy, the economy, or whatever. It could be announced that this effort will involve citizens, getting ordinary men and women to participate for a day, a week, or whatever in the government. Welfare and unemployed people might consult on their problems. Carter might also invite ordinary people to the White House for dinner to discuss problems. They could both give their ideas and also serve as a public sounding board for new proposals. This idea may seem strange, but I don't think it's as off base as it sounds. It would be a symbolic gesture, involving the people in the decision making process.

(7) Cabinet Officers and Agency Heads: One of the things that the President ought to do is send cabinet officers and agency heads out to the public, to public meetings around the country just as he does, to answer questions, to hold hearings, to be involved with the people.

(8) Working Jobs: The President might consider the proposal in Harrison Welford's memo to have those who head up safety and agency safety and regulation groups to work in the industries they are supposed to monitor. As Harrison suggested, mine safety people could work a day in the mines, those covering food regulations could work in a chicken processing factory, etc. Such a public exposition by the President and follow-thru would both acquaint the civil servants with the real world in which they are regulating, but it would also serve to the public as a signal that the President is making the government responsive to people's actual day-to-day concerns in life.

(9) One Department Approach: The President might pick one area—one department or program like HUD or Medicaid for a full court press effort to deal with inefficiency and waste. One agency or department could be made the focal point of an effort at rooting out inefficiency and insensitivity with a lot of fanfare and resources brought to bare.

(10) Handling abuse calls: This continues one of Jody's ideas. Apparently when the Governor was in Georgia he handled complaints of citizens himself. We might have the President involved in taking actual cases occasionally. Attempting to press personal needs through the bureaucracy or whatever. Such an effort would certainly be dramatic and might have an impact on the bureaucrats who would never know when the President or one of his cabinet officers is calling to test the speed and the sensitivity of the organizations that are supposed to serve people. An occasional willingness to take up the cause of an individual who can't get satisfaction from the government could be a tremendous symbol to the average American.

(11) Abuses: On a periodic basis the President ought to be furnished with examples of abuse in two areas—inefficiency or waste in departments and lack of compassion or concern for ordinary people. On a regular basis, the President might expose these, thus communicating to the public, his continued concern over problems such as inefficiency and insensitivity.

Issues

There are an enormous number of issues facing the new Administration. However, I think we must consider taking a dozen or so particular issue areas, identifying our long term ones, and then finding a specific part of the issue that can be dealt with successfully, quickly. I will enumerate the issues I feel have the greatest impact on the public. Three, however, stand out clearly. They are government reorganization, the economy and the energy crisis:

(1) Reorganization: There is no other issue with which Governor Carter is more closely identified in the public mind than the question of reorganization. There is no other issue the public understands less about and yet has more hope for than solving the mismanagement in the Federal government. Many voters suspect that Carter may fail at government reorganization because of bureaucratic intransigence or because the Congress will stop him when they see a lack of a popular support for reorganization. Obviously, the second situation can be headed off by an aroused public. We must help them understand reorganization by giving them small examples that will build support for a long term effort at complete reorganization of the government.

The issue is attractive both because it is "new" and because it cuts across ideological, partisan and demographic lines. The transition memo on reorganization was, I thought, well done in suggesting ways that reorganization could be approached. For the purposes of this paper, I will attempt to touch only the basic principles and the immediate short term needs.

To begin with, the President must explain to the public the purpose of reorganization and what he hopes to gain from it. To increase efficiency, to have fewer employees, to lower expenditures, to restore trust in government, to bring ethical standards, to make the government competent, to make it work on the things that it can do best, to make the government compassionate for people, to make participation possible, to simplify things or whatever—the public must be made to understand what his goal is—so success or failure will be measured in Carter's terms. Secondly, the approach that he is going to take to the problem must be explained. Voters must understand he is not attempting to shift simply the boxes around, but really to streamline government and make it responsive to the people. This must be one of his fireside chats.

Some of the proposals that the Harrison memo suegested could be undertaken immediately. They include instituting zero-based budgeting—with adequate explanation, issu-

ing executive orders on opening up the government and instituting sunshine provisions, and declassifying materials—important given the KCIA affair. In addition, the Administration can set ethical standards for government employees. Small deregulatory efforts, such as the CAB might also be used—this is one area that is attractive to both consumers and to business—the restructuring and straightening out the tremendous mess that exists.

In addition, we might establish and support an agency for consumer affairs.

These strike me as being some quick and easy possibilities. There are obviously others. Whatever is done there should be examples that fit the themes of government reorganization. Since it is an ongoing process, government reorganization should be staged, beginning with the small items that will build confidence. As the Administration gets into particular departments and agencies it can devise public strategies that emphasize and explain reorganization. If the public truly understands Governor Carter's feelings about reorganization and gains some sense from small examples of what it can do, I think we are likely to find growing support for reorganization.

(2) The Economy: Inflation and Unemployment: President Carter has promised the people that he will have a balanced budget by fiscal year 1981. Yet the slowdown of the economy makes attaining the goal difficult. The economy is an area where government has lost credibility with the public. They don't follow government suggestions or believe reports or analysis of the economic situation. The bitter experience of double digit inflation has changed the way the consumers behave and has left them fearful of another round of inflation. We need an economic policy that can successfully stimulate the economy, with consumers participating but which does not scare consumers by increasing the inflation rate. We know that perceptions of inflation have a direct bearing to how consumers react to economic stimulus.

At the moment, consumers are becoming more inclined for the first time in several years to increase purchases of durable goods and automobiles. However, their actual purchases have not increased even though they feel that this might be a good time to buy. This reluctance to buy is due to concern about inflation. We know from our own economic studies that for most consumers inflation is measured by the cost of food, energy prices and the tax they pay. We need action in the economic area on two fronts: solving unemployment and the slowdown and keeping inflation under control.

Simply providing a one-shot tax cut for the public will not necessarily result in spending that will help the economic recovery. The public has come to view government expenditures as one of the principal causes of serious economic trouble. Consumers would be most willing to accept a package that provides high stimulus in high unemployment areas and allows for cutting government spending in other areas. The public wants to feel the government is doing its bit to help the economy but their view of what helps the economy does not necessarily accord well with economic theory. however, we can cut expenditure in areas that don't involve jobs—eliminating limousines, for example.

The President needs to use his personal influence to try to increase consumer confidence. The President can create an atmosphere where consumers believe that the economy will perhaps get better. Our post election surveying has already shown that the public believes that President Carter will be better for the economy than Ford was.

While we have an opportunity to increase confidence, taking it creates the danger that if nothing is accomplished, the President will be hurt early in his Administration.

Any unemployment plan we propose should consider not only a tax cut—getting money out to the public—but also symbolic gestures that indicate a sensitivity to slowdowns. Special efforts in high unemployment areas such as home construction would be good, e.g. making mortgages more available. There is a tremendous potential in the housing market but consumers are unwilling to buy at current prices, particularly with difficult mortgage terms. We might try to quickly implement some of the proposals the Governor made in the campaign: rewarding businesses that do not lay off employees, helping businesses hire employees, announcing an "urban CCC" to employ teenagers. While a lot of these proposals will have little immediate impact on the economy, they will help stimulate confidence among both business and consumers. More confidence will make some of the "real" stimulus proposals more effective.

It must be understood that simply suggesting a tax cut is not going to move the public far. The last time they were given a tax cut most of them initially saved tremendous amounts of it—anticipating depleted savings and continued high inflation.

If one wants to stimulate the economy, we must alleviate fears of inflation. Simply telling the public that inflation is not a problem is not going to do the trick.

Much of the inflation that takes place doesn't seem to bother the consumer. The consumer is most sensitive to inflation that affects his own household in five significant areas: food prices, energy cost, health costs, housing costs and taxes. Governor Carter needs to find an anti-inflation strategy that directly controls the essentials of the family budget and stabilizes prices in these areas. The political impact of this would be greater and would do more to improve general confidence than a similar "overrall" improvement.

(3) Energy: This is a vital area the President must face. He must convince the country not only that here is a real crisis but that the public can gain from supporting a real energy program. As I noted above, the public is skeptical about the actual seriousnes of the problem and doubts the need to make sacrifice. To succeed, the President will have to propose an energy program that is both equitable and fits into a larger set of economic/social concerns. Announcing the Department of Energy might dramatize things in this area.

(4) Tax Reform: Tax reform encompasses the whole question of basic, equal justice efforts, even if they are small ones, must be begun to convince the public that the President and the Administration are concerned with solving the current injustice. The public has been promised tax reform time and time again, but now feels it only results in more and more advantages to the rich and to corporations. Quick symbolic action is needed.

(5) Crime: I think that this is one of the real "sleeper" issues in the country. It should be approached on two levels. We must move away, as the Governor said in the campaign, from repeating traditional solutions. Everything from speeding the court system to mandatory sentencing must be explored. Crime is an increasing worry of Americans. Another potential issue is putting white collar crimes on the same level as other crimes, another "equity" issue. We need a small quick success here. The policy people should find it.

(6) Welfare: There is no issue in the country that has such a broad appeal as the idea of somehow reforming welfare. Few people are against helping those who are disadvantaged, but most want those who can work to get off welfare. Whatever reforms could be instituted—even in a small way—would result in a positive impact.

(7) Growth and the Environment: That is an issue which has a strong and potential divisive future. It tends to pit lower income people, blue collar workers, and minority members against suburban, often liberal people with the Democratic Party and pits rancher/farmer Republicans against business Republicans. It can be a very dangerous issue. It is, however, an area where there is a general consensus on the need for real policy. Most people are concerned about protecting the environment. The Administration might consider taking on "newsworthy" problems such as dolphin killing during tuna hunts on the West Coast, which are low cost and yet have emotional and symbolic appeal to many people.

(8) Defense: Defense includes budget items such as the B–1 Bomber. Among other things, the Governor must institute his promised process—attacking waste in the Defense Department. Blatant examples of spending that do not enhance our security must be exposed to defang both conservative opposition and liberal skepticism.

Efforts to strengthen the military would also get a good response from the public which has become "harder" over the past year.

(9) Civil Rights: As a white Southerner. the Governor is probably more able to do something about harmony between the races. than any recent President. There needs to be some thought about how to approach this. There will be both moral and social pressure to help alleviate the divisions in race. Because there is a general willingness in the country to move away from divisions there may be some opportunities of providing accommodation in this area. One worry I have in this area is that our "affirmative" actions may provoke a backlash among either the Southern base or among Northern Catholic ethnics. This would not be so much an evidence that they feel neglected. We must guard against becoming prejudiced in reverse.

Concerns about bussing that the Governor has had might be used as a counterweight to other prointegration and civil rights efforts.

(10) Foreign Policy: This is an area in which it is hard for a pollster to say what the President ought to do. The country wants peace and stability. Carter can work on problems such as nuclear proliferation, the SALT talks, world economy problems, decreasing arms sales, and the Middle East. Perhaps most importantly, what is needed from the Governor is to define America's role and responsibility in the world. Another inaugural theme?

(11) I see a variety of other issues which which are important at the moment, and just listing them one finds:

(a) Cities.
(b) Education.
(c) Elderly.
(d) Health Care.
(e) Gun Control.
(f) Neighborhoods.
(g) Cultural Issues.

In the early days of the Administration, however, I think that we ought to focus on four or five issues and phase in other issues on a time scale that makes sense. Much of this will depend on what Stu's people develop in terms of issue possibilities by the end of the week. The issue staff needs to take up the job of finding quick successes. One good idea I've heard is to "adopt" some of last year's vetoed bills as our own for quick action, since they will probably pass anyway. Are there some we can happily push?

Implementation, strategy, and scheduling

To bring this memorandum to a close I want to sketch out briefly some thoughts

on how the goals that have been outlined can actually be implemented and also a rought schedule for that implementation.

The implementation will require the cooperation of three different groups of people: a strategy group that sets direction the officials of the government (and a few other such as Mrs. Carter) who both try to turn that direction into policy and also try to explain to the American people, and a unified communications operation that conveys the whole picture to the American people.

Just as I said in the political section, the Administration needs an on-going semi-formal strategy group from both inside and outside the government to put together basic political concerns and make sure that they are reflected in policy. This will also be responsible for making sure that the "substantive" leaders of the government are aware of and take into consideration both the broad outlines of policy and the needs that Jimmy Carter has. Finally, it is important that all those who are responsible for the public face of the administration understand the strategy and make their areas of responsibility responsive to that plan. Jody will obviously have to educate these people to the Administration's needs, to draw guidelines for them and to monitor their efforts. This will require a formal structure to coordinate the public face.

Obviously all of this is at the mercy of the appointments process. Jimmy Carter has given the American people a commitment to bring new, fresh blood to Washington. For his own success, it is vital that that commitment be kept. There are too many bright, talented people in Washington whose vision of what can be done is severely restricted by what has been done in the past. We need people who can follow the President's lead when he demands bold and innovative solutions. We also need to make sure everyone in the government understands what Governor Carter wants, why he won, what he promised and how people will judge success.

Turning to the schedule, I've tried to pull together some of the ideas from throughout the paper into a unified plan for the initial stages of the Administration.

Time-frame and activity:

Pre-inaugural—A "fireside" chat to review with the country what he promised in the campaign and how he proposes to go about it, including some kind of time-table. Contrary to other politicians, Carter can show he remembers and will keep his promises.

The inaugural—Using the address to lay down a new ideology of progress for America. Setting some kind of foreign policy tone. Making symbolic gestures in terms of personal style. (Perhaps by ostentatious use of guests such as Bob Dylan, Martin Luther King, Sr. and perhaps an older, conservative to make some points.)

The first week—Zero-based budgeting announced to departments as something to begin thinking about.

Further symbolic gestures (cutting down limos for the brass, "sunshine" orders). Abolition of at least some of the 1200 boards and agencies. The pardon proclamation. Submission of the "reorganization" authorization legislation to Congress.

The first few months—Perhaps an attack on "big steel" for its recent misbehavior. Strict conflict of interest rules issued. Additional fireside chats including one each on the economy and the budget. We need to inform the consumer on the complexity of economic problems, the need for stimulus and what the Administration is trying to do. In this, Carter can announce:

(a) inflation strategy
(b) unemployment strategy
(c) long term economic outlook

State of the Union—where the country is—

Implementations of "workdays"—a day in the mine for the Bureau of Mines and so on. An effort to end some unneeded regulation. (CAB, ICC) An energy policy—perhaps in the context of forming the unified energy agency that has been promised. The first town meeting—perhaps in the West or Middle west. President visits departments. A fireside chat on government reorganization. Weekly announcements of "waste rooted out". Establishment of the citizens, labor, business working groups. A concentrated reorganization assault on one agency or program. Beginning the "personal handling" system where Carter deals with a citizen's problems.

Six months out—Fireside chat reviewing promises and progress. Always let people know you are still working on what they want done.

Some of these ideas may not work; some of them simply may not work out. However, given the precarious political start of the Administration, it is vital that we get off to a quick and successful beginning. Carter needs to gain personal credibility and restore the trust of the people. If he can do this, he may convince them to give him a chance, to give him the time, to solve some of the long term problems of the country. If we don't buy the time quickly, given their mood today, the American people may turn on us before we ever get off the mark.

SUMMARY OF THINGS TO BE DONE

I. Political strategy

A. Decide the coalition you want:
1. Indentify the groups you need.
2. Set the goals and issue.
3. Coordinate long range plans.
B. Identify your opponents:
1. Try to determine their strategy.
2. Co-opt their major supports.
3. Co-opt their coalition.
4. Define a policy/ideology that defangs them.
C. Revitalize the DNC:
1. Get it a chairman.
2. Make it responsive:
(a) Co-opting opponents.
(b) Coordinating patronage work.
3. Get a '78 planning committee ready:
(a) To focus on Congressional election:
(b) To focus on the mid-term convention.
4. Review the rules.
5. Get a 1980 planning group going:
(a) To plan a campaign.
(b) To coordinate legislation and policy with politics.
(c) To do voter registration.
6. Get fund raising going.
7. Coordinate state and local parties.

II. Governmental strategy

A. Set guidelines for:
1. Rhetoric.
2 and 3. Goals and Themes: Convey these to the operating levels.
4. Early approaches.
B. Get an issues perspective (from Stu).
C. Set a strategy.
D. Begin a "style" program (i.e. eliminating perks).
E. Get the strategy group going.
F. Develop a schedule of event.
G. Develop on-going structure to fill jobs and "recover" jobs.

SUMMARY SCHEDULE

Date, political, and governmental:

Jan. 1, 77: Strategy Group Operating Plan for DNC; develop timetable for Government projects (transmit decisions on rhetoric, themes, goal, early approaches to Administrative personnel).

Jan. 10, 77: Governmental Policy Plan.

Jan. 15, 77: Opponents Plan, Identify them, plan co-opting them, plan co-opting constituents.

Jan. 20, 77: Choose DNC strategy.
Feb. 1, 77: A "coalition" plan formulated.
March 1, 77: Have DNC plan prepared.

SAVING ENERGY IN INDUSTRY: THE GERMAN EXAMPLE

Mr. KENNEDY. Mr. President, the energy efficiency of German industry stands as an example for the United States if we are to reduce our dependence on imported oil. For a variety of reasons West Germans consume less than half the oil used in the United States yet their standard of living and industrial production rivals our own.

In an article in the June 20 Washington Post, Gunter Haaf, a scientific writer for the German weekly, Die Zeit, explains how the Germans have accomplished this feat and how they hope to maintain energy consumption at its present level until the year 2000 without a decrease in the living standard. Efficiency and conservation are the key elements, for Germany as they must be for the United States as well.

Mr. President, I ask unanimous consent that the article "Energy-Efficient Germany" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY-EFFICIENT GERMANY

(By Gunter Haaf)

HAMBURG.—Comparing automobile advertisements in West German and American newspapers recently, I noticed an interesting contrast. The accent in the United States these days is on mileage, while the emphasis here is on speed. In other words. West Germans still seem to be racing around their roads as if they had all the gasoline in the world while Americans appear to be desperately trying to save energy.

But these differences are deceptive. For if West Germans seem to be less concerned about energy conservation than Americans are, their actual consumption of energy is significantly lower. And their standard of living remains high. The government here, moreover, plans a drastic reduction in the growth of energy use between now and the end of the century. According to government calculations, this reduction will not stunt the expansion of the economy, which so far has flourished handsomely.

Thus Hans Matthofer, the minister for research and technology is correct when he boasts that West Germany is "far ahead" of the United States in energy conservation. His conclusion is borne out by statistics showing that per capita oil consumption here is less than half of what it is in America.

In my view, West Germany's ability to save energy without sacrificing economic success can essentially be summed up in one word—efficiency.

Studies made by the Federal Energy Agency in Washington indicate, for example, that the West German metallurgical industry uses 32 per cent less energy than the same U.S. industry to produce a ton of steel, and 42 per cent less energy to manufacture a ton of paper. Individuals here are also conscious of the need for energy conservation.

Unlike Americans, who squander an estimated 30 per cent of their country's energy through waste. West Germans have acquired the habit of thriftiness.

They keep the doors of their houses closed tightly, and they remember to shut off the lights. They turn the temperature down at

night, and they rarely let their car motors idle. Many West German homeowners also buy their heating oil once a year, usually at lower summer prices, and ration themselves through the winter.

Much of this thrift has been stimulated by the high cost of energy, which is heavily taxed. About 60 per cent of the price of gasoline, currently selling for the equivalent of $1.35 per gallon, represents taxes. There are premiums as well on the horsepower of automobiles, and construction codes have lately been tightened to penalize builders whose walls and windows allow heat to escape.

Efforts have been made, too, to design technical equipment that utilizes energy more effectively. Big boilers that service entire apartment buildings, for instance, are being replaced by small kitchen and bathroom heaters that turn out hot water adequately but rather sparingly.

Despite all this, a problem that has been challenging the West German authorities within recent years is how to restrain people from dissipating energy in their desire to benefit from the economic boom that has been taking place here.

The rise of a younger generation accustomed to affluence has led, for one thing, to the disappearance of old virtues. As a consequence, it is no longer easy to persuade West Germans to economize on energy.

In addition, West Germans have become increasingly "Americanized" in the sense that they feel that they have earned the right to own television sets and a complicated array of electrical appliances, occupy large and comfortable dwellings and have their merchandise packaged in plastic, which is made from imported petroleum.

And, as I have mentioned, they are even more transfixed than Americans by the idea of possessing fast cars. Indeed, one of the major debates going on here at the moment is over a proposal to impose speed limits on freeways.

The longer-term problem is being compounded as well by widespread protests against nuclear energy plants, primarily because the issue of radioactive waste disposal is in doubt.

On the whole, though, there are reasons to look toward West Germany's energy future with a degree of optimism.

Some specialists forecast that intelligent planning, combined with improved technology, can keep West German energy consumption at its present level until the year 2000 without a decrease in the living standard. Government projects are for a 2.8 per cent energy growth rate until 1985 and a drop to 1.8 per cent for the 15 years after that.

West Germans also hope that President Carter triumphs in his crusade to conserve energy in the United States. For, as they see, perhaps selfishly, that will mean that more oil is available for them.

WHY GRAIN RESERVES ARE NEEDED

Mr. HUMPHREY. Mr. President, I would like to share with my distiguished colleagues an editorial from the June 16 issue of the Minneapolis Tribune.

This particular editorial concerns the need for grain reserves. The editorial points out that an international system would be most desirable but if that is not possible a U.S. system should be established.

Recent signs indicate that many Americans are becoming complacent about the need for grain reserves. In the past 2 years we have been blessed with bumper harvests. Grain prices, particularly the price of wheat, have fallen to annual lows. Our country elevators are full and in some places they are storing wheat on the ground.

All of this has tended to help the citizens of this great Nation forget world hunger. Times of plenty have caused us to revert back to thinking that our supplies of food are invulnerable.

As I have said many times before this body, this Nation must prepare itself to meet various contingencies. If we are unwilling to plan for the future, then we must pay the price. And the price of world food insecurity may be intolerable both here and abroad.

The need for grain reserves dates back to Biblical times. As my colleagues may recall, we may once again have the opportunity to have reserves with the passage of the farm bill. This legislation, as passed by the Senate, establishes a small reserve. While this particular reserve may not meet world needs, it is a beginning.

Mr. President, I ask unanimous consent that a copy of the Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, June 16, 1977]

WHY GRAIN RESERVES ARE NEEDED

Increasing world food stocks raise a familiar but unresolved question: Is there a need for a long-term U.S. policy to maintain grain reserves? We think that such a need exists. It should be met by an international system, but slow progress toward that goal would be no excuse for the United States to avoid acting on its own.

Unfortunately, the current accumulation of grain supplies gives the false impression that the question is moot. Some observers are concerned with a potential repetition of agricultural policies of the 1950s and '60s, which created such excesses of government-held grain that getting rid of it was a major concern. And some point to the 1970s as a period when American agriculture flourished as government intervention was cut back.

But it is nearly always a mistake to expect a duplication of history. A clear turning point in world agriculture occurred in 1972, when world grain production dropped and the Soviet Union made huge, unexpected purchases in the United States. Less noticed was the trend in the preceding decade, which the University of Minnesota's Willard Cochrane examined in a recent article. On average, world consumption in the '60s had been exceeding production. The difference came from surpluses built up earlier. Soviet purchases virtually eliminated the surpluses, and good U.S. harvests the next few years did not fully offset poor crops elsewhere.

The divergence between production and demand is likely to continue. Unlike the current situation, with good growing weather over most of the world last year and a similar pattern so far this year, adversities will recur. Therefore, the build-up in grain supplies is unlikely to mature into a problem of permanent, excessive surpluses. So it might seem that recent experience shows a hands-off government policy to be the best incentive to production; that farmers, recognizing the likelihood of rising prices in the long term, will plant accordingly.

But that is not necessarily the right conclusion. If one reason for high farm prices is rising demand, another is rising cost—for example, the cost of energy, which the Upper Midwest Council predicts will "adversely affect farm income and will increase food prices." The temporary build-up in grain stocks has pushed prices down, but the high costs remain. Cochrane suggests a possible consequence: a sequence "which reduces the rate of growth in output and increases prices through income losses and business failure."

A small grain reserve, year to year, amplifies the erratic price swings that add to such problems. That's because in such conditions a relatively small increase (or decrease) in food production in a major growing area has disproportionately large effects on world markets. Wheat prices have ranged from about $1.30 a bushel in 1972 to over $5.50 in 1974 to below $2.50 this year, with lots of zigzags in between.

In contrast, stabilization programs dampen price swings, increase farmer confidence and help assure continued production to meet needs that by all indications will increase. Grain reserves form an essential adjunct to such a policy. As the debate over the new agriculture bill shows, any such policy carries substantial costs. But the costs of a hands-off policy, with unplanned reserves privately financed, would probably be higher.

ENERGY

Mr. CRANSTON. Mr. President, our distinguished colleague from Ohio (Mr. METZENBAUM) came to California last weekend to address the Democratic Forum Energy Conference in Los Angeles.

It was a tough but perceptive speech—quite critical of the administration's energy program—and a thorough examination of various alternatives we face. Although each of us have our own views of the various energy issues the Senator analyzes, I am sure he has given us much food for thought. Many of the participants in the conference commented to me that they thought his speech was outstanding.

As I would like to share Senator METZENBAUM's speech with our colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF HOWARD M. METZENBAUM BEFORE DEMOCRATIC FORUM ENERGY CONFERENCE, JUNE 18, 1977

I, like 210 million Americans, agree with the President that our country is facing a tremendous energy challenge. There is no question that the continued well-being of our economy and our country demands that we reduce our dependence on foreign oil, as well as maximize the utilization of our domestic resources.

During the past several months, I have very carefully studied the President's proposals. I have attended extensive hearings—read detailed reports and studies—and met personally with many members of the Administration's energy team.

Based on this study of the plan, I am convinced that the President has correctly stated the sense or urgency with which we must address the Nation's energy problems. But while the President is correct in asking the Congress to expeditiously consider his energy program, I believe it is first essential that Congress carefully analyze all the alternatives available to us to increase production and conserve energy. It is the duty of Congress to closely scrutinize every aspect of the Administration's plan—to offer constructive criticism—suggest alternative ap-

proaches—and to finally enact the best possible energy plan. For example, a careful examination of mandatory conservation programs may reveal that we can achieve the President's conservation goals without resorting to massive price increases and a complicated tax rebate program. Similarly, while it is necessary to provide oil and gas producers with adequate price incentives, it is impossible to intelligently determine a fair price without data pertaining to the actual cost of production and the amount of existing reserves. No such data exists today.

Last week, in his press conference, the President acknowledged that his plan was not infallible—that there are other proposals. He said:

"We don't consider ourselves infallible . . . and I don't say that everything we propose has got to be passed just as though we put it forward."

It is in this context that I will address my concerns with respect to the Administration's plan and the need to consider alternatives.

To begin with, it seems that the Administration's plans cannot achieve its stated goals. I am not alone in this conclusion. Many others, more expert than I, concur. Let me cite just a few:

1. A G.A.O. Study, issued less than two weeks ago, contained the following conclusion—We believe that it is somewhat incongruous to ask Congress to establish a set of national energy goals, and then propose a national energy plan that is not expected to achieve them . . . we believe the plan should be redesigned to provide a reasonable opportunity of achieving the stated goals.

2. A Congressional Budget Office Study reached a similar conclusion in a major report to Congress which stated: (The) Administration's estimates of the magnitude of input savings are over optimistic.

3. In evaluating the Administration's chances of limiting foreign oil imports to seven million barrels per day, Dr. Hans Landsberg, a senior economist at Resources For The Future, had a two-word comment—"About nil." Continuing on this subject, Landsberg stated: "Barring much more drastic conservation measures, this proposal will mean additional oil imports."

But this is not new to the Administration. The plan itself projects that with full implementation, energy demand would still increase by a whopping 25 percent between 1976 and 1985—only 4 percent less than if no energy plan is enacted at all.

The thrust of these studies is clear—almost without exception, every outside analysis of the Administration's energy program has reached the same conclusion—the plan raises energy costs a total of $90 billion or more by 1985, but it cannot accomplish even its stated goals. Let's not forget that two Presidents—President Ford and President Carter—both publicly stated that a $12 billion tax cut would provide a major stimulus to the economy. Imagine the impact of an average consumer drain of almost that same amount each year for the next seven years.

It is not enough, though, to criticize the Administration's plan. I recognize this, and I will suggest several alternatives later in my remarks. A group of us in the Senate Energy Committee are presently exploring a number of different possibilities that we hope could attain the same objective expressed by the President without having so great an economic impact on the American consumer.

But first let me address what I believe is the fundamental problem in the Administration's plan—its singular reliance on price as a means of stimulating production of domestic reserves and as a way of inducing conservation.

A careful study of the costs associated with the production of oil and natural gas clearly demonstrates that while greatly-increased prices have provided producers with record profits, the increased profits have not been accompanied by noticeable increase in production.

In 1972, before the OPEC price increase, the average price for a barrel of U.S. crude oil was $3.39. Unbelievably, a recently completed in-House FEA study reported that even at this low price, Exxon's producing operation earned a 71 percent pre-tax rate of return on net investment. They were not alone. Mobil had a 49 percent rate of return; Amoco a 43.9 percent; and Gulf a 44.7 percent—all four figures based upon a $3.39 price per barrel.

These figures are particularly distressing when one considers that the average price of domestic crude is $8.50—a price the Administration now wants to raise to the OPEC cartel price of $13.50.

The national energy plan, on commenting on this price increase, masterfully understates the obvious:

"This price should provide all the incentives needed for the development of new oil production in the U.S."

Indeed it should. It is bad enough that American consumers are forced to pay exorbitant prices—but now these prices are to be set by the OPEC cartel—not the U.S. Government—not even the oil companies. In short, the Administration has asked American consumers to pay the OPEC monopoly price for domestic oil without any guarantee or reason to assume that increased production will follow.

As a matter of fact, there is every reason to believe that production will remain essentially the same despite increased prices. Dr. Walter Measday, Chief Economic Advisor of the Senate Antitrust and Monopolies Subcommittee, recently testified that:

"The (oil) companies have determined that it is not in their economic interests at this time to develop their leases."

The Administration's proposal also provides a special bonus to producers of Alaskan oil without any justifiable reason. Only last month, Mr. O'Leary acknowledged that these revenues will amount to a windfall for the oil companies—more than $2 billion for British Petroleum, Arco, and Sohio.

Oil is not alone in its departure from any semblance of reasonable pricing. The price of new natural gas is tied to the BTU equivalent of crude oil delivered to the refinery—in common language, a $1.75 per MCF for new natural gas.

This price is six and a half times the 26 cents price agreed to by producers in a July 1971 F.P.C. case "which would provide an incentive for substantial increases in exploratory and development activities."

Three and a half times the last judicially-approved "just and reasonable" price of 52 cents.

Three times the 60 cents range which an F.P.C. staff report said should produce ample returns and incentives.

And about 25 percent over the recently established $1.42 price which is presently being litigated in the courts—a case which the Administration is now legislatively attempting to by-pass.

There has been much made of Congressional action with respect to the deregulation of natural gas. Many of us in Congress are strongly opposed to deregulation. But I must point out that the Administration, by tying the price of natural gas to the BTU equivalent of oil, would effectively deregulate it in 1979 when mandatory oil price controls expire. Although the Administration has announced its intention to extend oil price controls through 1985, no legislation has as yet been sent to Congress from the White House. If the Administration is still of the same mind, then we should have that legislative proposal.

Last week, during a hearing before the Senate Energy Committee, I asked Mr. O'Leary how the Administration determined the $1.75 price for natural gas. He responded that the price was established through a "give and take" by interested parties and was set to eliminate any uncertainty.

Having just listened to Mr. O'Leary's presentation, I'm still unclear why we can't have the same degree of certainty if we establish a 52 cents price—or a $1 price—or even a $1.25 price.

But the facts are that the Administration simply doesn't have the data to determine producer's costs, despite their authority to get it. When the Chairman of the Energy Committee, Senator Jackson, recently asked Mr. O'Leary how soon the Administration could get data with respect to the actual costs of discovery and production, his answer was:

THREE OR FOUR YEARS

I was a businessman for a long time and I know that no business would tolerate this kind of practice. This information is available. As a matter of fact, two weeks ago, I received a copy of a confidential accounting study of a major Gulf oil natural gas field. The study was conducted by the prestigious accounting firm of Price Waterhouse. It showed that Gulf's average total exploration and production costs will be 24 cents per MCF during the twenty-year contract. I want to note that the study was dated January, 1976. The 24 cents per MCF price was broken down as follows: 10.09 cents for investment; 8.6 cents for expenses; and 4.7 cents for royalty purchaser costs.

These figures show beyond a doubt that high natural gas prices are not justified. While natural gas companies will respond to this by saying that these figures are the exception—I challenge them to prove their point. Let them submit to Congress their detailed expense figures and profits on other contracts.

When this 24¢ price is compared with the Administration's proposal to increase the price of new natural gas to $1.75 per MCF, only one conclusion can be drawn—skyrocketing profits for the natural gas companies. According to the Administration's own estimates, the non-rebated gas pricing provisions will increase producer revenues $15.3 billion by 1975—an estimate based on the $1.42 figure currently challenged in court. While the Administration makes this figure sound like a bargain for consumers when compared to the $86 billion cost of deregulation, it's like telling a person who has been robbed of $100 to be happy because someone on the next block was robbed of $600.

I want to emphasize that these profits do not go to struggling companies. They go to Houston Natural Gas, whose earnings rose 35 percent in 1976 over 1975—Texas Gas Corporation, whose earnings rose 35.7 percent in 1976—and Columbia Transmission Company, the pipeline subsidiary of the Nation's largest integrated company, whose earnings rose an amazing 85.5 percent in 1976. They also go to the oil companies who own 13 of the 14 largest natural gas companies.

One of the major goals of the national energy plan is the acceleration of the development and utilization of coal. But the President's plan provides no safeguards against escalating coal prices—an omission which becomes all the more serious when we recognize that since 1970, the average price per ton of coal has dramatically increased in some cases as much as 300 to 400 percent.

This problem has been further exacerbated by the increasing move of the petroleum companies into the coal industry. A few facts illustrate this point: of the top fifteen coal companies, six are major petroleum companies. Twenty-four oil and gas companies control approximately 44 percent of the leased coal reserves—of these twenty-four companies, only eight actually are producing coal.

For example, Exxon controls the fifth largest amount of coal reserves held by an individual firm. But in 1975, Exxon produced less than three million tons, or only 1/53 of one percent of its reputed reserves. A recent study I made indicated that in general, coal production has declined or failed to increase significantly when a previously independent coal company is acquired by an oil company. And that raises the entire question of whether or not the petroleum companies should be forced by law to get out of coal—uranium—solar—and other alternative energy resources.

In 1976, the President said, "I support a legal prohibition against ownership of competing types of energy, oil and coal, for example."

In 1977, Mr. Schlesinger, speaking for the President said horizontal divestiture is not a priority.

I say to you today that while horizontal divestiture may not be a priority of the President's, it is a priority of some of us in Congress.

Earlier, I alluded to the total cost to consumers if the Administration's plan was fully implemented—between 90 and 100 billion dollars by 1985. The price tag on the gas guzzler tax—$7.7 billion—the crude oil equalization tax—$15.3 billion—the standby gasoline tax—$39.7 billion—and oil and natural gas consumption taxes—$40.6 billion. If the rebates are not included in the plan, the cost could be as high as $222 billion. Whether or not these taxes and rebates will be legislated into law is the very issue before Congress.

The sums of money contemplated in the plan's tax proposal are, in a word, astronomical. But will they accomplish substantial energy savings? Alice Revlin, head of the Congressional Budget Office, in testimony before the Senate Energy Committee, stated that the wellhead tax, a provision which will cost consumers $15.3 billion in higher taxes and higher prices will only save 25,000 barrels per day out of a total of 17 million barrels per day—less than 2/100 of one percent.

We could probably save this much if it rains during the July 4th weekend. The Comptroller General, in a G.A.O. Report on the President's plan, concluded that the gap between what the plan can accomplish and its stated goals are even greater than the Congressional Budget Office Study indicated.

But it is not enough for Congress to tell the American people that the President's energy plan will cost too much and accomplish too little. It is up to the Congress to provide its own alternatives which will bring about much-needed energy conservation. If we believe there is an energy crisis, and I do—and if we believe a wartime conservation effort is necessary, and I do—then tough mandatory programs which fall equally on all Americans are necessary. A gas-guzzler tax is not the answer. The Energy Policy and Conservation Act of 1975 provided minimum standards for fleets of cars. I believe we should apply these same standards to every new car, not just the fleet average.

Shouldn't we also be considering a standby gas rationing program which the President could put into effect if other conservation methods are ineffective? Or should we try to use mandatory means other than rationing? While I am not prepared to say which alternatives are the best, I am prepared to say that there are other viable alternatives which would be more effective than higher prices alone.

Many of us in Congress are considering the elimination of natural gas pilot lights—a measure which could save as much as 3 percent of gas consumption alone—and a direction in which California has already moved. There are other possibilities—strict enforcement of the 55 m.p.h. speed limit, a measure which the best energy authorities indicate could save as much as 4 percent of the total gasoline used in the country. The list goes on—mandatory insulation for all houses—mandatory industrial conversion from oil and gas to coal—all proposals that should be considered.

The message is clear—we can, and must, give serious consideration to tough mandatory conservation programs which can accomplish substantial energy savings without massive and unjustified price increases.

I salute the President and join with him in support of the enactment of a Consumer Protection Agency. But I urge him to show this same concern in the design of our energy plan—a plan which must be equally consumer-oriented. The American people are told that the excessive taxes they are being asked to pay will be rebated to them. But now they are told that the Administration isn't sure exactly how much, or in what way, this will happen. And the oil companies are now saying, "Give us fifty percent of the rebate to use for exploration." That would be tantamount to a 7½ billion dollar extra bonanza for the oil companies.

We talk about equity—but where is there equity when the President asks Americans to pay billions of dollars in higher prices and additional taxes, while the energy companies receive windfall profits. We talk about fairness—but what is fair about a program that doesn't place an equal share of the load on all Americans? We talk about the need for a program that will quickly and significantly reduce energy consumption—but what sense is there in enacting a plan that cannot accomplish its own goals?

We need an energy plan that is fair to the consumer. We need a program that doesn't penalize one group at the expense of another. We need a program that will significantly reduce energy consumption without massive price increases. We need these programs now.

Congress cannot do it alone. Neither can the Administration. Only by working together can we hope to enact a comprehensive plan that protects the consumer and accomplishes substantial energy savings. The time is now.

NATIONAL COUNCIL OF SENIOR CITIZENS' PROGRAM FOR THE 95TH CONGRESS

Mr. WILLIAMS. Mr. President, approximately 3,000 delegates from the National Council of Senior Citizens met a few days ago to advance a comprehensive legislative program for the elderly.

Over the years the National Council of Senior Citizens has played a leading role in winning enactment of landmark legislation for older Americans: medicare, the Older Americans Act, the 20-percent social security increase in 1972, the national hot meals program for the aged, the older American community service employment program, the restoration of the section 202 housing for the elderly program, and many others.

These measures have helped considerably to strengthen the economic well-being of the elderly.

However, much more remains to be done to improve the quality of life for older Americans.

The National Council of Senior Citizens has charted out a course of action which merits the close and careful attention of the 95th Congress.

I am particularly pleased that several of their proposals are either identical or similar to legislation I have sponsored, including:

Reestablish the Social Security Administration as an independent, nonpolitical agency outside the Department of Health, Education, and Welfare.

Provide social security cost-of-living adjustments on a semiannual basis, instead of only once a year.

Establish a special index to measure more accurately and fairly the impact of inflation upon older Americans.

Extend medicare coverage to include out-of-hospital prescription drugs.

Fund the title IX Older American Community Service Employment Act at the full $200 million for fiscal 1978.

Mr. President, I ask unanimous consent that the National Council of Senior Citizens legislative program for the 95th Congress be printed in the RECORD in order that Members of Congress can have an opportunity to read it in detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROGRAM FOR THE 95TH CONGRESS

To the Congress and the People—

It is now two years since members of the National Council of Senior Citizens gathered in Washington, D.C. to bring the message of America's elderly to their duly elected Representatives and Senators.

Since that time we have seen major changes in the make-up of our political body—both in the Administration and in the Congress.

In the White House we now have a President who was chosen by the people of America—a man who was elected with the support of millions of senior citizens.

In the Congress there are several new faces—many of these men and women who owe their victories to the campaign activities of members of the National Council of Senior Citizens, working with community and labor groups to elect candidates pledged to a better life for people of all ages.

We extend a sincere welcome to our new friends in Congress and wish them well in their efforts to fulfill those pledges. We are fortunate also that in this, the 95th Congress, we are able to welcome back so many of those with whom we have worked in the previous session of Congress, and, in a great number of cases, many sessions before that.

While we will be addressing ourself at this Biennial Legislative Conference of the National Council of Senior Citizens to particular bills and programs which we would like to see enacted by Congress, we cannot ignore the role of the Executive, nor the large part which Administration influence plays in securing passage of particular bills and the creation of needed programs.

It is largely because of this influence that we, the older men and women of America, place this mesage before Congress in a spirit of hope and expectation.

For eight long years, the Nixon-Ford Administration had turned back all of the major programs to help the elderly which had been created by the Congress of the United States.

When Congress proposed a 20 per cent

increase in social security benefits in 1972, Nixon opposed it.

When Congress passed Section 202, the program for senior citizen housing, Nixon, and later Ford, refused to implement it.

When Congress moved to make improvements in the Medicare program, Ford sent up a budget message shifting the burden of the cost of the program onto the backs of the elderly.

It is as though, for eight long years, the senior citizens of this country have been exiled from the mainstream of American life—their needs and their problems ignored by the Chief Executive of the United States.

With the election of President Jimmy Carter last Fall, older Americans felt that the long exile had ended.

Their feeling of confidence in the new administration was well-founded. In five months it has moved forward on more fronts to advance the cause of the elderly than did the previous administration in eight years.

Among the first of President Carter's proposals to help older people are those to put an end to skyrocketing health care costs—costs which have risen beyond any other single item on which Americans spend their money.

And health care costs take up a far larger portion of the income of the elderly than they do for any other age group.

More recently, President Carter has moved to restore the financial stability of the social security funds, funds on which 33 million Americans have come to depend as a principal source of income.

These two steps alone have given new heart and new hope to Americans of all ages.

And they have given the Congress its first opportunity in many years to work with a President who makes the health and well-being of the American people the primary concern of our nation.

The National Council of Senior Citizens applauds the President's early initiatives in hospital cost containment and in social security, and urges swift action by Congress to see these first steps through into law as quickly as possible.

While applauding these first steps, however, we also caution the Administration and the Congress to recognize these proposals for what they are—merely first steps on the beginning of a long, long journey. This implies no criticism of President Carter, but simply a reminder of the realities of the situation.

President John F. Kennedy, beginning his own brief administration said, "The journey of a thousand miles starts with a single step."

It is our hope that the journey begun by President Carter will lead to the enactment of national health security, full employment which includes employment of older Americans as well as young, and a stable program of income maintenance for those no longer in the labor force.

It will not be an easy journey. In this, the first Democratic administration in nine years we find ourselves in the midst of an economy as slothful as any since 1929.

Not only is the nation plagued with inflation and unemployment, but its cities, suffering severe financial crises, have been forced to cut back on essential services, services desperately needed by the elderly poor.

Although, after five months of a new Administration, the first hopeful signs of an improved economy have begun to appear, there is little visible change in the condition of most of the underprivileged in this country.

The answer to these underprivileged cannot be, as some would have it, "Less is Better," nor can they be told that they must "lower their expectations."

Our expectations are greater than they have been in nearly a decade.

We look to the Carter Administration, to his promises, to the Democratic Platform, and to the 95th Congress for action and a new direction—a direction away from the one in which our nation has been looking for the past eight years.

This new direction, towards which President Carter and the 95th Congress must point, envisions a restoration of dignity to those segments of our society least able to prosper independently.

The goals of senior citizens, goals for which we strive and which we ask the President and Congress to keep before them on their journey, are the same goals of Americans of all ages. We seek high quality health care, adequate, affordable housing, and income security.

We have been ignored for eight long years. From now on, when the Administration and Congress consider the priorities of this country, and determine where efforts must be made to improve the quality of individual life, we, the senior citizens of America, expect to be counted.

LEGISLATION ON INCOME POLICY

Social Security

For the past several years, senior citizens have been bombarded by alarms and scare stories to the effect that our social security system was not soundly financed. Some critics went so far as to proclaim that in the next few years the system would either go broke or have to reduce benefits.

In early May, the Carter Administration detailed proposals which represent a constructive and practical solution to both the short-run and long-run problems of financing our social security system.

The reasons for the short-run problem are the simultaneous high unemployment and high inflation rates of the last several years. High unemployment causes total dollar wages to fall and this causes a decline in contributions to the system. Inflation, on the other hand, causes total benefit outlays to rise, since benefits are automatically adjusted upward as the cost-of-living rises. Thus, the short-run problem cannot be blamed on the social security system, but on a malfunctioning economy. Indeed, it is in large measure a remedy, both for the economy and for older people caught in the squeeze between unemployment and inflation.

The long-run problem is a result of two unrelated difficulties. One is a technical, but easily correctable error in the automatic cost-of-living adjustment which may unintentionally overcompensate retirees in future years.

The second problem arises from anticipated demographic changes early in the twenty-first century. The projected changes indicate that the retirement age population will be much larger due to the baby boom of the fifties, while the working age population will not grow similarly if the lowered birth rates of recent years continue into the future. Assuming that there are no adjustments in labor force participation or no unexpected changes in unemployment rates or birth rates, this could mean that proportionately fewer workers will be required to support a relatively larger retired population than is currently the case. Given all the uncertain guesses which prophets use to foretell the future, it is likely that the anticipated problems are exaggerated. Nevertheless, the social security system is not the problem; it is the answer!

We do know that a drastic improvement in the economy in the short-run and a long-run commitment to full employment will increase the income to the social security system, will encourage workers to continue in their jobs to more advanced ages, and will encourage potential workers to enter the labor force and will enable them to find jobs. Full employment will help to make it possible for today's workers and for workers of the future to provide adequately for the older members of their families so that they may retire, when the time comes, with dignity and independence.

NSCS reaffirms its support for the social security system, and emphasizes the following tenets:

Social Security is a compact between the government and the American people. There is a clear Congressional commitment to the program and the assurance of future benefit payments.

Social Security is a social insurance system, which unlike private insurance, does not have to possess the large reserves necessary to guarantee future obligations. The proof of the system's soundness is our faith in the continuation of the American Government and its ability to tax.

The Social Security system is not regressive when benefits as well as taxes are taken into consideration. And this is the proper way to assess the equity of the tax.

The Social Security system is still, and will continue to be a good buy. Unlike private insurance, protection is kept up-to-date through automatic cost-of-living escalation provisions and the investment is without the risk of private pension plans. There is no way for the Social Security contributor to get better protection for the same amount of money.

But a Presidential message does not by itself do the job. The Congress must translate the program into law. We urge the Congress to pass this program this summer:

Infuse countercyclical general revenue contributions from the Treasury to the trust funds when unemployment is at six per cent or higher. The level of general revenues should equal the amount of social security taxes lost due to unemployment. The general revenue infusion should cover the period 1975 to 1978, with future transfers based upon the recommendation of the Social Security Advisory Council.

Phase in the removal of the ceiling on the wage base subject to payroll taxes for the employer. This approach not only increases revenues to the system, but does so at a cost to employers that is substantially lower than the Ford Administration proposal of raising the tax rate on employers by .03 per cent.

Raise the wage base for employees in four steps of $600 each above the automatic rise in the wage base in the years 1979, 1981, 1983 and 1985. This provides greater coverage for workers along with a net gain in revenues for the social security system. It is more equitable than the Ford Administration proposals which would have burdened lower income workers without providing any additional protection.

Raise the contribution rate for the self-employed from 7 to 7.5 per cent.

Move up the tax rate increase of one per cent each on employers and employees scheduled for the year 2011, one-quarter per cent each to be implemented in 1985 and the remainder in 1990.

The above proposals, taken together, guarantee the solvency of the social security system through the end of the century.

Correction of the unintended technical error in the automatic cost-of-living adjustment—"decoupling"—together with the above proposals, will bring the system close to actuarial balance. We urge the Congress to enact legislation in line with the Administration's proposals:

Correct the technical error in the cost-of-living adjustments so that benefits for future retirees will replace the same proportion of pre-retirement earnings as received by current retirees. Benefits at the time of re-

tirement should be determined by a wage-indexed formula which allows retirees to share in productivity increases in the economy. The purchasing power of benefits after the year of retirement should be maintained by automatic cost-of-living adjustments.

The National Council of Senior Citizens appeals to the 95th Congress to make the Social Security Act a more perfect and even more viable instrument to provide for the income needs of retired Americans in the most dignified manner possible.

We request that Congress:

Consistent with the spirit of the President's proposal, restore to the Social Security Act the provision for general revenue financing that was included from 1944 through 1950. The language of that provision, which would again be appropriate, reads: "There is also authorized to be appropriated to the Trust Funds such additional sums as may be required to finance the benefits and payments provided for in this Title."

Enact legislation which would restore the Social Security Administration to its original status as an independent agency outside of the Department of Health, Education, and Welfare, under the direction of a bipartisan governing board appointed by the President with the advice and consent of the Senate, and separate the transactions of the Social Security Trust Funds from the unified federal budget.

Reverse the Administration's reorganization of the Social and Rehabilitation Service, which now places Aid to Families with Dependent Children under the jurisdiction of the Social Security Administration, adding additional burdens to that agency which are unrelated to the primary function of administering an entitlement program.

Adjust the automatic escalator clause of the Social Security law to permit cost-of-living benefit increases on a semiannual basis.

Oppose pressures to abolish the retirement test under Social Security. Eliminating the retirement test would cost between $6 and $7 billion and would benefit only about six per cent of retirees, largely those who are least in need. In a very real sense, the expense would be borne by older widows, the disabled, and all the low benefit recipients who cannot work to supplement inadequate incomes, since they would be sacrificing alternatives that might have helped them.

Eliminate the monthly retirement test which unfairly allows retirees who may work during some, but not all, months of the year to collect benefits in months where earnings do not exceed $250, even though annual earnings may exceed the annual limitation of $3,000. Retain only the annual retirement test.

Support the elimination of lump-sum retroactive payments to workers retiring after age 65, when these payments would permanently reduce the beneficiaries' monthly checks.

Eliminate all aspects of the Social Security law which discriminate on the basis of sex.

Extend the social security system to include mandatory coverage of all workers, including state and local jurisdictions.

Oppose the Administration's proposal to reduce the benefits for dependents who are age 18 through 22 and in school.

Promote research and informed discussion on the issue of withdrawal from the Social Security system on the part of states and cities.

SUPPLEMENTAL SECURITY INCOME (SSI)

The supplemental security income (SSI) program was enacted over three years ago in order to provide aged, blind and disabled Americans with a federally mandated income maintenance program. It established federal eligibility standards and payment levels and it moved towards eliminating inequities in the program among the various states.

The SSI program has come a long way since it was first established in 1974 toward helping our aged, blind and disabled population to achieve a better life. There continue to be areas, however, where the Social Security Administration needs to improve its administrative capability and where the Congress needs to enact legislative changes to make the program more responsive to the needs of the population it serves.

The most urgent administrative problem is to enroll the many persons who are eligible for SSI benefits in the program. First, these people must be made aware of their entitlements by stronger and more effective outreach methods and, second, they must be enrolled as recipients in the most expeditious manner possible.

The most pressing legislative problem with which Congress must deal is the inadequate level of benefits for SSI recipients. The federal benefit level of payments is too low to ensure a decent minimum level of income for all recipients. Elderly, blind and disabled persons must be guaranteed a sufficient income standard to be able to pay for high-cost housing, high-priced food, skyrocketing fuel costs and the other necessities of life. Presently, the SSI federal benefit floor is substandard and does not even provide income at the poverty level.

To improve the Supplemental Security Income program, the National Council of Senior Citizens requests that Congress enact the following provisions:

Raise SSI benefits to a level commensurate with a dignified living standard. The BLS Intermediate Budget level for older retired persons should be used as the guide for a federal SSI standard of payments.

Assure that SSI recipients do not lose other essential benefits, such as food stamps, Medicaid, public housing and veterans' pensions, when their income rises because of SSI or Social Security increases. In addition, SSI recipients in "cash out" states should be permitted to elect to receive food stamps at current value instead of the cash payment.

Liberalize the income and resource exclusion amounts for SSI and periodically thereafter liberalize them automatically to reflect increases in the cost of living, with the eventual aim being to eliminate the SSI resource test entirely.

Allow normal SSI payments to continue for those individuals who are hospitalized or are in other medical institutions for short periods of time.

Increase advance payments to individuals who are presumptively eligible for SSI benefits to the level of their presumed benefits until final eligibility is determined.

Eliminate the presumptive dependency rule which automatically reduces benefits by one-third when an elderly individual or couple has shared living arrangements with other family members.

EMPLOYMENT OF OLDER WORKERS

During the present period of high unemployment, older workers have been hit most severely with problems of long-term unemployment. Thousands of older workers have become so discouraged that they have dropped out of the labor market entirely. Their numbers are no longer even counted among the unemployed, and thus the problem of joblessness among older workers tends to be virtually ignored.

As a result of this economic recession, unprecedented numbers are claiming early retirement benefits under Social Security, although this means reduced benefits for the rest of their lives. Other older workers, not yet eligible to draw retirement benefits, are faced with inadequate future retirement income because of the erosion of protection in existing pension plans.

Of course, the real solution to our economic problems is full economic recovery. But there are, certainly, very real steps which the Congress can take to alleviate some of the hardships of the unemployed, whether they be old or young.

The National Council of Senior Citizens, therefore, calls upon the Congress to support the following measures:

Enact legislation containing the principles, goals and objectives enunciated in the Humphrey-Hawkins Full Employment and Balanced Growth Act (S. 50 and H.R. 50).

Establish an older workers' office in the Department of Labor within the Employment and Training Administration to insure the continued success of the Title IX program and to insure that the needs of older workers are better understood and met by the Department of Labor.

Fund Title IX of the Older Americans Act at the authorized level of $200 million for fiscal year 1978.

Direct the Administration on Aging to take all necessary steps to employ well-qualified older workers in positions to establish, coordinate, evaluate and service clients in the programs of the Older Americans Act.

FOOD STAMPS

The Food Stamp program was created to assure that those Americans with low incomes would not go hungry or suffer from nutritional inadequacy. The present program expires on November 30, and must be renewed. Any proposals to alter the present Food Stamp program must be made with the principle of providing food to the needy as the paramount concern. And, any proposals must be made with an eye to their effects on the elderly, since they were one of the primary target groups of the Congress when the program was first enacted.

We recommended that the Congress do the following to make the Food Stamp program more responsive to the needs of low-income people:

Liberalize the eligibility requirements of the program and institute cost-saving measures in administration only, not in benefits.

Eliminate the purchase requirement for food stamps in order to enable greater participation by needy households and to eliminate vendor abuse.

Introduce an adequate standard deduction to replace the cumbersome present system of itemized deductions.

Allow working families an additional deduction in the amount of 20 per cent of earned income, to cover taxes and other work-related expenses, such as commuting costs, union dues, etc. Special consideration should be given for employment-related child care costs.

Provide an excess housing allowance when overhead is in excess of 50 per cent of net income in order to further assist the least well-off recipients. An excess housing allowance of up to $75.00 of net income should be applied in determining both eligibility and benefit levels.

Continue to base eligibility on current income instead of retroactive income accounting which unfairly penalizes the unemployed.

Do not make restrictive changes in the asset test. The asset test unfairly penalizes the thrifty and works inequitably in a variety of ways. Encourage further study for more equitable and simple treatment.

Keep the program administratively simple—with no monthly reporting, countersigning of food stamps or photo identification cards.

Provide simplified eligibility and certification procedures, particularly for SSI recipients who usually have little, if any, fluctuations in income.

TAXES

The average retired person spends nearly all of his income on necessities—food, housing, transportation and health care. All of these items continue to rise rapidly in cost.

With regard to taxes, the elderly are not asking for any special favors or privileges. Instead, what we are asking—for all Americans—is an end to tax preferences and special privileges favoring corporations and wealthy individuals which have essentially shifted an unfair and unequal share of the tax burden to workers and middle-income people.

The National Council of Senior Citizens urges the Congress to enact the following proposals:

Substantially reform the tax structure to close loopholes in individual and corporate income taxes, and provide progressive effective tax rates at substantially lower levels to more fairly distribute the burdens of taxation across income levels which relieving middle and lower income individuals.

Consistent with support for major tax reforms, we do not ask for preferences for the elderly through the existing individual income tax system. Cash, goods and services are obviously better suited to helping low-income individuals and families than deductions, exemptions and exclusions. These methods are worth more to upper-income individuals than to those with lower incomes and are worth nothing to those whose income is too low to file an income tax return.

Encourage states to place greater reliance on the income tax than the sales tax by:

1. disallowing deductions of state and local taxes in calculating federal liabilities. This would deny states a subsidy and instead encourage them to decrease reliance on sales taxes.

2. using the revenue gains for the federal government from the above action to provide a credit based on state income tax liabilities with a maximum ceiling per household which declines as income rises. This would provide an incentive to states to increase reliance on personal income taxes.

3. having the federal government increase its counter-cyclical revenue sharing.

Encourage states to reduce the regressive nature of the sales tax through a credit or rebate against state and local taxes targeted at lower income households, including both sales and property taxes, as a replacement for existing "circuit breaker" and homestead exemption programs. Such a credit or rebate, based on average—not actual—tax burdens, should gradually diminish as income rises. Consideration should also be given to providing rebates to family units whose state income tax liability is less than the amount of credit entitlement. Equity requires that both the elderly and nonelderly be included.

Do not encourage states to expand "circuit breaker" relief or homestead exemptions in their current form. Instead, a system like that described above is preferable. Property tax relief programs work unfairly and are an inadequate source of income supplementation to low-income individuals and families.

Provide adequate federal income maintenance or housing allowances to all lower income households instead of support to states or individuals to expand property tax relief. Federal action in the area of property tax-relief assistance would only serve to encourage states to change their tax structures to gain maximum federal dollars and thus increase reliance on the property tax.

Because of its very important relationship to the matter of the stability of states' fiscal structure, we urge the federalization of responsibility for all income maintenance programs, such as Aid to Families with Dependent Children, Medicaid, and Unemployment Compensation.

COST-OF-LIVING

Establish a price index representing the purchasing patterns of the elderly so that cost-of-living increases in program benefits will more fairly reflect the effects of inflation on the elderly. Such an index should be issued every six months.

RIGHTS OF ELDERLY CONSUMERS

Prescription Drugs

Although the elderly in the United States represent only 10 per cent of the population, they account for at least 23 per cent of all prescription drug expenditures. The average number of prescriptions for older people is more than twice that for the population as a whole, and not only do older Americans buy more drugs, but they are least able to afford them.

Prescription drugs outside of hospitals and nursing homes are not covered by Medicare, and yet federal and state statutes encourage inflated drug prices for consumers. Seventeen-year drug patents provide monopoly power to brand name manufacturers; state anti-substitution laws prevent consumers from purchasing lower priced brand or generic equivalent drugs; and state statutes, rules, regulations and professional codes of conduct prevent prescription drug advertising and stifle competition.

NCSC therefore urges Congress to take the following action in order to protect our nation's elderly from prescription drug abuses:

Encourage the proposed Federal Trade Commission rules outlawing attempts to restrict or hinder retail pharmacies from advertising or disclosing prescription drug prices and preempting state and pharmaceutical code bans on drug advertising.

Enact laws requiring pharmacists to substitute lower priced generic equivalents or brands for higher priced brands, unless otherwise indicated by the prescribing physician and require that savings in cost be passed on to the consumer.

Amend patent laws to provide for a three-year, rather than seventeen-year, protection period for drug developers and to require prescription drug patent holders to license other drug manufacturers who want to produce the drug during the patent period.

Advocate greater quality control of prescription drugs by the Food and Drug Administration.

HEARING AID DELIVERY SYSTEM

Over one-half of the nation's 14.5 million hearing-impaired people are elderly. Those who require hearing aids often cannot afford to pay the average price of $350 for them, and neither hearing tests nor hearing devices are covered by Medicare. In addition, many people who cannot possibly benefit from a hearing aid, because of the nature of their hearing loss, are often persuaded to purchase them by unscrupulous dealers seeking to make a profit.

The present hearing aid delivery system is impeded by a serious conflict of interest, since dealers who evaluate hearing loss and recommend aids are also businessmen who sell aids. Most states do not require a trial period for hearing aid purchases, and most states do not have an effective impartial hearing aid complaint procedure. Older persons who may buy useless aids because of dealers' misrepresentations or imprecise testing often have no recourse and are stuck with their purchases.

The National Council of Senior Citizens urges members of Congress to support the following actions:

Advocate state laws which require medical and/or audiological evaluation prior to the purchase of a hearing aid, provide for a trial period for the use of a hearing device, establish a balanced hearing aid board (including consumers) and mandate a well-publicized and effective complaint procedure and strong consumer protection provisions.

Urge promulgation of the proposed Federal Trade Commission rule providing for a trial period for hearing aid purchasers, restricting misleading advertising and prohibiting door-to-door hearing aid sales without prior customer consent.

CREDIT

Older, retired persons often have a more difficult time getting credit than do other Americans. They have been discriminated against in the past because of age and lack of gainful employment at the time of application. Even though statistics show that older persons are the best credit risks of any group in our population and although retirement income is, in fact, more regular and dependable than employment income, our nation's elderly still face many problems in this area. In addition, many elderly purchasers have been victims of fraudulent credit schemes, severely depleting their fixed incomes.

In order to protect our nation's elderly, the National Council of Senior Citizens urges Congress to support the following measures:

Monitor the new regulations recently promulgated by the Federal Reserve Board under the Equal Credit Opportunity Act Amendments to see that older Americans are treated fairly, as was intended by the law.

Advocate the development of federal, state and local educational programs for older persons about managing money and using credit wisely, including how and where to apply for credit, requirements of the truth in lending law, rights under the Equal Credit Opportunity Act Amendments, and recourse and rights if an older person is turned down for credit.

RISING ENERGY PRICES

As we have seen during the extremely harsh winter of 1976–1977, older persons are particularly vulnerable to rising energy costs. As a group, our nation's poor elderly consume less energy than any other group, and yet they spend a much higher proportion of their total budget on energy. Since this population lives on low, fixed incomes, they may be forced to forego other necessary items in their budget in order to maintain fuel and utility expenditures. As energy prices rise, therefore, older people may be forced to cut down on the quality and quantity of their food, medical services, medical supplies and transportation.

The National Council of Senior Citizens is particularly concerned about the problem of rising energy prices and asks Congressional support for the following:

Development of policies to reduce the high utility rates older persons pay due to the inverted rate structure of utility companies. Persons who use less energy should pay a lower rate than those who consume more energy.

Urge the development of policies which prevent the arbitrary cut-off of utilities of older people when they are temporarily unable to pay their bills.

Work for the expansion of home repair and winterization programs for older persons and all lower income individuals primarily dependent on fixed incomes, including supporting the use of Title XX, revenue sharing, Community Development, Older Americans Act, and CETA resources for such programs; and urging the Federal Energy Administration to devote more attention to the impact of rising energy prices on the elderly and low-income population.

Investigate rate-setting practices of fed-

erally-assisted power systems, for the purpose of developing model practices to assure low-income and other consumers equitable rate structures.

Promote state laws providing for the election rather than the appointment of public utility commissioners and laws requiring commissioners to hold hearings in various areas around a state in order to encourage greater public participation.

THE URBAN CRISIS

During the course of the last year, the plight of America's cities has become an issue of general consternation and concern.

Of the 40 largest cities in our nation, in 1976, ten were categorized as declining and vulnerable, and all of them were cities in the Northeastern and Midwestern sections of the country.

In addition, most American cities were faced with financial problems of such great magnitude that city services to all citizens were cut drastically, city employees were laid off in large numbers, city residents fled even faster to suburban areas and businesses left central cities in ever-increasing numbers.

A grave consequence of this problem is the effect of these difficulties upon the remaining residents of our central cities, many of whom are the elderly and the low-income population. For these citizens with little or no mobility, the resulting cuts in services mean more poverty, untended health needs, increasing crimes against the elderly and the poor, and unsafe, unsound and unsanitary housing conditions.

The National Council of Senior Citizens takes cognizance of the financial and social crisis of our nation's urban areas and urges the Congress to take immediate action to assist the economies of our largest cities. Of course, the most important contribution which the federal government can make is to create conditions of full employment. Urban recovery will really only be possible when all persons in the work force who are able to work can have the opportunity to hold jobs. In the immediate future, this requires increased public service employment and public works projects.

In addition to these measures to increase employment, the National Council of Senior Citizens urges Congress to initiate the following policies to revitalize the economy of our cities:

Federalize all income maintenance programs and the Medicaid program to immediately relieve the states and localities of an enormous financial burden.

Increase federal assistance to urban areas experiencing the most serious economic problems in the forms of new federal facilities and the awarding of federal contracts.

Revise funding allocation formulas for federal assistance programs, such as the Community Development Block Grant program and general revenue sharing to reflect the recent economic changes which have occurred in the nation.

Establish a procedure for loan or loan guarantee emergency assistance for cities faced with serious fiscal crises, either through an already existing federal financial agency or by creating a new entity to deal with this problem.

Target training, investment and employment programs to central cities, and allow businesses to utilize existing vacant urban renewal and other city land and structures to employ local city residents.

CRIMINAL JUSTICE

The National Council of Senior Citizens recognizes the necessity of recodifying the criminal laws of our country, but we are opposed to the Criminal Justice Reform Act of 1975, commonly known in the past as S–1.

We, therefore, urge the Congress of the United States not to adopt any law reforming the criminal code which contains provisions formerly contained in the Official Secrets Section of S–1. These provisions presented a grave danger to our Constitutional guarantees of free speech, freedom of assembly and freedom of the press.

HEALTH POLICY

Health Care

Enactment of national health security continues to be the highest priority of the National Council of Senior Citizens, as well as of the nation as a whole. Only the provisions of National Health Security can assure delivery of high quality, comprehensive health services and containment of health care costs.

The National Council of Senior Citizens was formed during the long campaign on behalf of Medicare and was in the forefront of the efforts to secure enactment of this important health legislation. We are, therefore, seriously concerned about the inflationary tendencies in the medical services sector which threaten not only the financing of the Medicare program, but the adequacy, effectiveness, and access to health care for the entire nation.

During fiscal year 1976, the United States spent $139 billion for health care, an average of $638 for every man, woman and child. This figure represents a 14 percent increase over the previous year and makes the percentage of expenditures in the United States for health the greatest of any nation in the world. However, we cannot claim to be the healthiest nation in the world.

If the present system is allowed to continue, estimates are that personal health care expenditures in this country will rise to more than $250 billion by 1981. It is, therefore, imperative that we have National Health Security enacted without delay. This is the only approach which guarantees a more equitable, efficient, effective, and more financially manageable health care delivery system.

NCSC urges Congress to resist any excuses of a faltering economy and any half-way measures and implores Congress to move as expeditiously as possible to enact a Health Security program to assure all Americans—old and young alike—equal access to comprehensive and coordinated health services of high quality at economical costs. We wholeheartedly support the Kennedy-Corman National Health Security Bill (S. 3 and H.R. 21).

Until a national health system becomes operational, we resist any incremental efforts that might work against the long-range goal of a viable National Health Security program. Health needs for older Americans should be provided in the context of a total Health Security program. Long-range goals must be firmly stated and kept clearly in mind during any transition period.

The National Council of Senior Citizens remains committed to the following three basic principles for a Health Security system: (1) no deductibles, no co-payments or coinsurance, no billing of the patient; (2) to finance costs of programs through general revenues from progressive income taxes, including the use of payroll taxes as long as general revenues are included as a major financing source; and (3) to eliminate health care bonanzas to the health insurance industry.

Until the enactment of a National Health Security system, we urge Congress to resist all efforts to cut back benefits under Medicare and Medicaid. The aged now pay out-of-pocket medical payments which are higher than those which they paid before Medicare became law. It is therefore essential that this financial burden be reduced, not increased any further. As far as the Medicaid program is concerned, it is particularly disturbing that this health program, which was specifically designed to serve the poor and medically indigent, has become the prime target for recent cutbacks.

State and local governments have suddenly found themselves in the untenable position of yearly accelerations in expenditures with simultaneous relative declines in revenues. Their response to this fiscal pressure has been to cut expenditures in Medicaid and other assistance programs. The real answer to the problem, however, lies in the complete federalization of Medicaid. This would ease the burden on the states and localities, as well as address the concomitant problems of uniformity of eligibility standards for Medicaid, a uniform package of reimbursable medical services and uniform reimbursement rates for services.

We strongly urge Congress to immediately support and enact reforms in the Medicare and Medicaid programs which can help to ameliorate health care costs and problems among our senior citizens until we have a National Health Security program. These reforms are as follows:

Part A and Part B of Medicare should be combined, the premium payments under Part B should be eliminated and the federal government should underwrite the net increase in cost of the combined program from general revenues. Pending such action, the Part B premium should be frozen at the current level. In addition, the deductibles in Part A should be rolled back to 1975 levels.

Benefits now provided under Medicare and Medicaid should be expanded and payable without coinsurance or deductibles. Inpatient hospital services, regardless of prior hospitalization, should be covered for up to 120 days and without limits if these services are furnished in a nursing home owned by or affiliated with a hospital or in a comprehensive health service organization.

Medicare law should be amended to encourage payment for care in comprehensive group practices to a greater degree. Hospital utilization under the pre-paid or contract arrangement is about one-half of what it is under the fee-for-service system. The present "reasonable costs" reimbursement formula neither rewards efficiency nor discourages waste, and it, in fact, abandons an opportunity to use money as an inducement to superior performance.

Prescription drug costs should be covered by Medicare for out-patient treatment as well as for hospital care.

Participating qualified health professionals should be reimbursed for service on the basis of established fee schedules, with no direct patient billing.

Institutional provider payment should be based on prior budget approval or on the basis of average payments to all hospitals tendering similar services under comparable circumstances in the same geographical area.

Fee schedules and budgets should be negotiated at the local level by representatives of consumers, health care providers and the administering agencies.

Regulations should require that providers bring costs within standardized rates during a specified time period.

Medicaid should be federalized immediately and pending such action, federal standards for Medicaid state plans should be strengthened to include provisions for mandatory eligibility for the medically needy, improved uniformity of benefit packages and greater conformity of eligibility standards and reimbursement practices. Furthermore, federal requirements should urge that the state plan contain provisions for a Medicaid fraud and abuse unit, adequately staffed and subject to prescribed

federal guidelines for auditing and inspections.

Medicaid inspection and financial auditing activities should be completely federally funded. Moreover, there should be a federal cadre to periodically sample state inspection and auditing activities to ascertain compliance with federal guidelines.

Mental health needs of older Americans, which are at present being neglected, should be met through an expansion of federal and state government programs designed to improve all fields of mental health—including prevention of mental illness, treatment, research, education and training.

Adequate coverage, with emphasis on outpatient care, should be provided for treatment of mental illness under a comprehensive health care program. Outpatient services under Medicare should be substantially increased and any limitations on in-patient care should be in terms of length of illness rather than as a lifetime limit.

HOSPITAL COST CONTAINMENT

The President recently proposed a plan to limit annual hospital cost increases to no more than nine per cent over the previous year's level. The experience last year alone was a 15 per cent inflationary rise in hospital costs.

While the proposed Hospital Cost Containment Act of 1977 includes many provisions long supported by the National Council, it falls short of our goals. The Act would not impose a limit on physician fees, nor does it remedy the decline in the number of doctors who accept the assignments for payment of services under Medicare. In spite of its shortcomings, the National Council of Senior Citizens looks upon the proposal as a good beginning in controlling medical inflation and a modest step in the direction of eventual enactment of National Health Security.

We, therefore, urge Congress to immediately enact the following:

The Hospital Cost Containment Act of 1977 with the inclusion of specific language which recognizes this as a precursor of a national health program.

LONG-TERM CARE

In general, the Medicare program provides coverage for elderly people requiring short-term care in acute-care hospital settings. For those patients, however, who do not require intensive care, but who instead need longer term treatment in a nursing home, health related facility or in-home settings, Medicare coverage is deficient. The National Council of Senior Citizens believes that chronic, longer term disabilities must be addressed in any system attempting to provide adequate health care services, and further that the medical profession and governmental agencies must immediately address the problem.

At present, governmental and private health insurance protection is geared toward patient coverage in highly skilled acute-care medical facilities. As a result, many patients are spending a great deal of time and money in hospital settings when they could have nursing-home care, or in medical facilities when they could be cared for at home by properly trained health aides or by their own families if support services were available. Many older Americans are improperly placed in highly skilled hospital settings which are inappropriate and costly.

The entire process of assessing the most beneficial health-care setting for an elderly person must be reformed. Cure may not be the appropriate goal for a chronically ill individual, and a nursing-home setting may not be the most appropriate placement for all older patients. Health care must be individualized, and it must provide the maximum amount of independence for the patient. Chronically ill people may fare better in their own home settings, and therefore alternative means of caring for such patients must be fostered and developed. Health services and health security plans should offer substitutes for traditional institutional care for our nation's elderly. In-home alternatives certainly must be developed and offered for the chronically ill.

The National Council of Senior Citizens urges Congress to adopt the following measures:

Liberalize the present restrictions in Medicare for home health care benefits. This includes dropping the term "skilled" from the phrase "skilled nursing care," eliminating the three-day prior hospitalization requirement, and combining the number of visits allotted under Parts A and B of Medicare.

Require that the Department of Health, Education, and Welfare develop regulations to raise federal standards for nursing homes, including the requirement that one registered nurse per 25 residents be on duty around-the-clock in a skilled nursing facility and that one licensed practical nurse per 25 residents be on duty around-the-clock in intermediate care facilities. In addition, one physician must be on call 24 hours a day in both skilled and intermediate care facilities.

WELFARE REFORM

Provide long-term care services as part of the supplementary medical insurance program (Part B, Medicare) to encourage the creation of community long-term care centers.

Give nursing home inspectors greater latitude to enforce health and safety regulations, including the power to withhold administrative funds while still allowing operating revenues to continue, and require periodic unannounced inspections of nursing home facilities.

Introduce an incentive system into reimbursement mechanisms, thus allowing an efficient and well-run facility a higher reimbursement rate.

Appropriate sufficient funds to create a nationwide nursing home ombudsman program, including a national rating system for every nursing home in the country.

Make day care facilities, homemaker and home health aides and out-patient clinics for the elderly available and eligible for federal reimbursement under Medicare and federal-state reimbursement under Medicaid.

Require DHEW to conduct annual audits of nursing homes, hospitals and other facilities participating in the Medicaid program and each state and local agency distributing Medicaid funds, and require annual audits of providers of services under Medicare as well.

Broaden the coverage of home health services and post-hospital home health services in a state's Medicaid program.

Make funds available to social service agencies to train homemakers in shopping, cleaning, light cooking, laundry and personal care services.

Appropriate sufficient funds to insure the development of courses of study in geriatric medicine in all medical and nursing schools.

Urge the President to develop and enact a coordinated social support system for the frail elderly through his Domestic Council's Committee on Aging, as was originally recommended by the Federal Council on Aging.

The National Council of Senior Citizens agrees with President Carter's observations that the present welfare system does not "constitute the rational and coherent system that is adequate and fair for all the poor." We disagree that it is possible to design a fair and equitable system with "no higher initial costs than the present system." Such a goal holds welfare recipients as hostages to a balanced budget, presumably until 1981.

The implication is that the only "real" costs are the dollar figures that show up in the federal budget. This point of view ignores the burden of states and localities, and the unsystematic, inefficient and unfair outcome of permitting state and local jurisdictions to make eligibility and benefit determinations based on their own ability to finance their decisions and their own ordering of priorities. It also ignores the cost in terms of human misery, social unrest and the waste of human potential. These concerns, in fact, are at the heart of the problem of "welfare reform."

As the years have demonstrated, welfare is a national problem, created by the failures in our basic social institutions—unemployment, which often results in premature retirement without provision of adeqaute income replacement, the high costs of and uneven accessibility to health care, and family structure breakdowns. This was partially recognized in 1935, when, together with the Social Security Act, the federal-state system of Public Assistance was enacted. Appreciation of the federal responsibility for welfare was acknowledged when the Supplemental Security Income program was established, placing a federal floor on assistance for the aged, blind and disabled. Even here, only partial "reform" was enacted. The income guarantee is grossly inadequate and the stringent eligibility requirements are ill-conceived.

The time has now come for reform of all of the nation's welfare programs, including establishing a realistic federal level of benefits, nationwide eligibility standards and meaningful jobs for those who are expected to work. Clearly, state supplementation must not be required to maintain levels of adequacy.

The National Council of Senior Citizens has never expected the millennium to come solely by a change in the Administration. But, we did—and do—expect movement in the right direction. Our strongest criticism is not that details of a complete overhaul of the welfare system were not proposed, but that not even a starting point was indicated. We believe that there is an obvious starting point that would be of great significance to the elderly and the poor of all ages and in the best interests of the nation—health care.

We believe this for at least two reasons: First, the present health delivery system is inefficient, inequitable and less effective in maintaining health than the experience of other industrial countries indicates is possible. Enormous outlays for care of illness have not brought corresponding increases in the well-being of our nation's people. Blank-check financing of an irrational health delivery system—which has an insatiable appetite for dollars—robs this nation of dollar resources which might be put to better uses. Even with the accelerating expenditures on Medicare, Medicaid, private health insurance and the simultaneous rise in personal expenditures, we have not been getting our money's worth.

We have learned from the experience of Medicare and Medicaid that a financing mechanism alone for health care is not a sound approach. The delivery system must be changed so that there are internal incentives for efficient and effective service delivery with access for all. Additionally, health care cannot be "cashed-out," since there is neither any way of accurately predicting a household's future medical needs nor any guarantee that necessary services will be available as needed. Our second point, therefore, is that without the assurance of adequate health care which is comprehensive, universal, accessible to all and available at reasonably predictable total costs, we cannot possibly design a good cash transfer system. We do not know what an adequate level of

cash benefits is when we—as individuals and as a nation—do not also know that adequate health care is available at predictable costs. It is placing the cart before the horse to consider the cash transfer system without first considering a national health insurance system given our experience with Medicare and Medicaid.

Under these circumstances, we urge the Congress to study the issue of welfare reform, debate the alternative proposals and establish priorities to enact legislation which will relieve the American people, our states and our localities of the unnecessary burden which the present system imposes on all of us. Congress should:

Federalize the Medicaid program as a precursor to a national health system. Establish generous and uniform eligibility criteria, uniform coverage and uniform reimbursement practices.

Enact National Health Security, H.R. 21 and S. 3, without delay.

Recognizing that the inevitable outcome of the current debate over our nation's energy policy will be higher costs to consumers for energy—and probably all goods and services—it is very important that a mechanism be set in place to supplement the income of the poor and elderly for whom even the present cost of energy is prohibitive.

The poor and elderly use less energy than other segments of society, but spend a significantly larger proportion of their income on their vital energy needs. Thus, President Carter's heavy reliance on conservation through higher prices, though important as a national policy, is lost on those for whom energy prices are already well beyond their means and for whom any further cutback on energy usage would mean tragedy.

The FEA and the Washington Center for Metropolitan Studies in conjunction with the Energy Policy Project of the Ford Foundation, have come up with some rather stark statistics on the energy consumption pattern of the poor and elderly compared to other sectors of society. For instance, persons whose annual disposable income was below $2,000 in 1976 spent 50 per cent of their income on home heating fuel compared to four per cent for those whose income was between $10,000 and $20,000. And, the poor use less energy than those who are better off. In 1972, poor households, then 18 per cent of the total population used, on average, less than one-half as much natural gas, electricity and gasoline as the 20 per cent of the population with the most income. The difference in consumption patterns between the poor and the rich is even greater when "indirect" energy consumption is considered.

Indirect energy consumption includes the energy used in producing goods and services. The transportation and storing of all products requires energy usage too. To state the obvious—the rich consume a great deal more energy than the poor. When the direct and indirect energy consumption levels are included, the poor consume about one-third as much energy as the rich.

The obvious conclusion is that the poor don't have to be forced to conserve—they are doing it now!

The National Council of Senior Citizens is in basic agreement with the need for a national energy policy. But we have serious reservations about the impact on the income distribution and the care that the Administration has taken to insure that the poor will not, once again, be thrown to the wolves!

We urge the Congress to consider the following concerns:

We, the elderly, our children and grandchildren, do not have a guarantee that tax monies collected will be redistributed.

We have had no guarantee that there is a high priority in targeting rebates to those who need their incomes protected the most.

We are concerned that proposals which use the income tax mechanism may omit the very poorest who do not file income tax returns.

Any rebate for which we have to wait a year to receive will do us little or no good. Our needs are day to day and week to week.

We appreciate the need to conserve our scarce energy resources. We shall do our part; we hope that Congress will insist that upper income groups and business interests do theirs.

CONSUMER PROTECTION

The National Council of Senior Citizens has long been concerned with the issue of consumer protection, and it has been our feeling that regulatory agencies within the federal government have become too closely involved with the industries they are charged to regulate.

The Consumer Protection Act, which establishes an Agency for Consumer Advocacy, has recently been introduced into the Congress. It calls for the authorization of $15 million initially for fiscal year 1978, $20 million for FY 1979 and $25 million for FY 1980. The new agency will be empowered to represent consumer interests before regulatory agencies and the courts and will be able to use agencies in court to block policies it opposes.

NCSC urges the Congress to support this important piece of legislation and to support the following concept relating to consumer advocacy as well:

The requirement that all merchandise sold in retail establishments have prices marked clearly, especially with the advent of computerized checkouts and electronic scanning equipment, and that all register receipts be easily readable.

SUCCESSES

During the past session of the 94th Congress, NCSC achieved some notable legislative successes, for which members around the country and here in Washington labored diligently. We are extremely proud of these accomplishments and salute all of our members and friends for their hard work.

The following specific proposals were enacted into law:

All states are now required to "pass through" federal cost-of-living increases in SSI benefits directly to recipients, instead of using increases to reduce state supplemental SSI costs.

In determining eligibility for SSI, the Social Security Administration no longer considers the value of an applicant's home as a resource.

Federal housing assistance is not to be counted as income in order to determine eligibility for SSI.

The Social Security Administration is now prohibited from mailing out notices accompanying social security and SSI checks which make any references to elected federal officials.

Many of the nation's elderly are now assured of dignified access to multi-purpose senior center activities through the institution of revised group eligibility standards for some social service programs, rather than individual means tests for eligibility.

The Senate Special Committee on Aging, its existence threatened by the reorganization of the Senate committee structure, has been continued and is now a permanent Special Committee.

The Section 202 Housing program to develop housing specially designed for the elderly and handicapped was rejuvenated and given $750 million in loan authority for fiscal year 1977, an increased borrowing capacity of $2.5 billion and an interest factor of 6½–7 per cent, rather than an interest rate of 8½–9 per cent.

In addition to these achievements, NCSC became the largest single sponsor of 202 Housing, with seven projects under our jurisdiction.

COMMUNITY AND SOCIAL SERVICES

Social Service Programs

The enactment of the title XX (Social Services) program in 1975 was a cautious step toward the development of a comprehensive system of personal social services and other support services in our country. A basic tenet of the Title XX legislation, in fact, was that services to individuals should foster the highest degree of independence and self-sufficiency possible.

For the elderly, social services should be readily available, regardless of the socio-economic status of the individual and should assure, to the greatest extent possible, that an older person may continue to remain in his own home or community. The Western European experience has demonstrated that progress in developing community services and care for the elderly requires separation from the strictly medical model which emphasizes institutional and in-patient hospital care.

The National Council of Senior Citizens asks Congress to enact the following proposals to allow greater accessibility to Social Services programs, greater participation in programs for all senior citizens and greater flexibility in programs to serve the elderly:

Adjust authorizations in Social Service programs to reflect cost-of-living increases.

Coordinate Title XX programs with other service programs, both private and public, to further assist the elderly.

Provide services to prevent and protect older persons from abuse, neglect and exploitation, including 24-hour emergency service for those in extreme jeopardy.

Provide appropriate care arrangements on a temporary or permanent basis for those who cannot remain in their own homes, including organized day care, senior centers and residential congregate housing.

Expand access to homemaker services, home health services, transportation assistance, counseling services, shopping assistance and personal or telephone visiting services to encourage older persons to return to their own homes after hospitalizations or periods in other medical institutions.

Provide adequate services to encourage the elderly to participate in social activities, recreational facilities and educational programs, including activities in multipurpose senior citizen centers.

Charge the Public Services Administration within HEW to provide leadership to the states to develop an effective personal care system in each state and locality.

Ensure the coordination of the Administration on Aging and the Public Services Administration in developing non-institutional care programs.

Require that all social service programs for the elderly employ qualified persons age 55 and older in at least 80 per cent of their positions and further require that the user of services have direct input into the planning of all programs.

Ensure that all social services programs be publicized in bilingual material, clearly expounded, to attract the maximum number of participants into the program.

OLDER AMERICANS ACT

The Older Americans Act has been the single most important vehicle for planning and coordinating the diverse services for older people in this country since its inception in 1965. Approximately 11 million elderly

people have been reached through the mechanism of Title III of the Act, and five million low-income individuals over the age of 60 have been among those served.

The Older Americans Act has succeeded in establishing over 50 state units on aging and more than 500 area agencies. These units and area agencies are the focal points in each state and area to determine the needs of older Americans, and they also evaluate the extent to which the needs of the elderly are being met. Further, the Act has succeeded in spawning several successful model projects, including the Title VII Nutrition program and the highly successful Legal Research and Services for the Elderly. The National Council of Senior Citizens is one of eleven groups under contract to run a legal services program on a nationwide basis.

In addition, Title IX of the Older Americans Act, the Senior Community Service Employment program, is the only federal program which deals with the problem of unemployed older people. At present, the program employs almost 15,000 people over the age of 55 in various community service positions. One of these Title IX programs, the National Council of Senior Citizens Senior AIDES, currently includes over 3,700 participants.

NCSC wholeheartedly supports the Older Americans Act and its vital role as an advocate for our nation's elderly. We urge Congress to appropriate funds for the Act with the following important modification:

Current services levels should be supported for the fiscal year 1978 appropriation in real dollar terms, not in nominal dollars, so that services can, in fact, be maintained at current levels.

TRANSPORTATION

Transportation systems must accommodate the needs of the elderly and the handicapped. These people should be given every opportunity to acquire the mobility necessary for their needs—including their work, recreation and access to vital services.

To enable older Americans and handicapped individuals to be better served by transportation facilities, the National Council of Senior Citizens urges Congress to endorse the following proposals:

Promote the extensive use of the low-floor, wide-door, ramped bus in all public bus transportation systems.

Concentrate all transportation funds under one roof, preferably the Urban Mass Transportation Administration (UMTA), instead of within the thirty federal agencies that now distribute transportation funds.

Create a special division within UMTA to advise and assist transit authorities and nonprofit groups to obtain funds, including operating funds, to solve special service transportation needs of the elderly and handicapped, especially dial-a-ride services.

Pass legislation requiring all transit authorities throughout the nation to provide free transportation to the elderly at off-peak hours.

Promote the concept of reduced rate air fares on a stand-by basis for the elderly and handicapped.

FEDERAL COUNCIL ON AGING

Although the first national conference on Ethnic Speaking Elderly asked the Department of Health, Education, and Welfare to establish three additional positions on the Federal Council on Aging to accommodate bilingual persons of ethnic origin, over 55 years of age, this matter has still not been resolved.

The National Council of Senior Citizens wholeheartedly supports this request since members of the Federal Council on Aging should be sensitive to the needs of all older Americans.

MANDATORY RETIREMENT

Public policy regarding "compulsory" retirement is indicated in the provisions of the Age Discrimination in Employment Act of 1967, which makes it unlawful for an employer to discharge an employee aged 40 to 65 solely on the basis of age, unless such provisions are part of a bona fide employee benefit plan. By setting an upper limit in the act, the law accepts age 65 as the age at which "mandatory" retirement is not unlawful age discrimination.

Yet, a growing body of evidence indicates individual variations in the aging process are large, and—as we are all personally aware—the aging process occurs gradually over a lifetime and is not an abrupt change in functional capacity that comes about at a given chronological age. Additionally, the shibboleth that intelligence declines with age results from fallacious comparisons of test scores of older people with limited schooling with the younger generation with much more schooling.

For all these reasons, we are strongly in favor of eliminating the upper age limit in the Age Discrimination in Employment Act. We believe that this change is a necessary statement of principle, but we are not so unrealistic as to believe that it could be sufficient to resolve all the complexities underlying the issue of "mandatory" retirement.

First, a truly voluntary retirement decision requires that both an existing and suitable job slot and adequate income replacement, or some combination of the two be available. If either element is absent, the decision is made by default. For the most unfortunate, both elements may be absent and public assistance may be required.

We are against retirement policies that remove the choice from the employee. We are just as strongly against compelling the older worker to continue on the job when he really would like to retire. This compulsion exists, in fact, in the absence of a pension plan or other wage replacement program.

Additionally, society as a whole gains nothing if a worker fills a job slot by displacing another employable individual. Therefore, in order to maximize individual potential for all age groups and to contribute to the output of the economy, full employment is essential.

On the other side of the "compulsory" retirement question is the adequacy of income replacement. Needless to say, retirement means a considerable loss in income for almost all retirees.

Evidence from the Social Security Administration's Survey of New Beneficiaries, 1968–70, indicates that most so-called "compulsory" retirement—along with private pension protection—occurs most frequently in industries and occupations that have higher than average pre-retirement earnings and are highly unionized. Lack of both a retirement policy and pension coverage is the next most often encountered experience. "Compulsory" retirement in the absence of private pensions is modest; the occurrence of pension coverage without a retirement age policy is rare.

It appears to be no coincidence that both the industrial sectors and the major occupational group which are characterized by so-called "compulsory" retirement and pension coverage are generally highly unionized.

The relationship points up an important factor in the proper understanding of the issues relating to retirement policy, namely, that where rule for retirement based on age is a part of a collective bargaining agreement, the retirement is not in fact "compulsory" and should not be so characterized. It is a group decision, mutually arrived at, taking into account the many complex factors and tradeoffs. It is more accurately characterized as voluntary—though the volition is exercised by the group. This explains the correlation between so-called "compulsory" plans and high earnings replacement rates referred to above, since it would be most unusual for a union to enter into an agreement establishing a fixed retirement age without also including provision for acceptable income security subsequent to retirement.

In summary, we oppose "compulsory" retirement based on the arbitrary criterion of age, which is unilaterally imposed by employers.

We urge Congress to consider the following proposals which move not only to remove the legal sanction implicit in the age limitation in the Age Discrimination in Employment Act, but work towards eliminating the contribution of an imperfect labor market and less than adequate retirement income:

Eliminate the age 65 limit in the Age Discrimination in Employment Act.

Vigorously support measures which would lead to sustained full employment.

Develop incentives for employers in the public and private sectors to devise work schedules which would provide part-time employment for older workers to facilitate gradual retirement.

Expand programs such as Title IX of the Older Americans Act which provide part-time jobs for lower-income older workers in community service.

COLLECTIVE BARGAINING

For many retired workers, the major source of income—aside from social security benefits—is a private pension. Unlike social security benefits, however, even the best of private pension plans do not usually have automatic cost-of-living adjustments. Therefore, pension checks that were barely adequate years ago have now become just a token remembrance of former earnings in terms of their purchasing power.

The least fortunate are the oldest, whose pensions reflect the lower wage levels of earlier years. Today, they are in the thankless position of making hard choices: food or medicine; heat or eyeglasses; bus fare or loneliness. Certainly, the industries, the shops and the offices to which they gave their most productive years owe them more than this.

Nevertheless, many employers are unwilling to share their current rewards with those who made them possible. Unfortunately, unions are unable by law to bargain for adjustments in pensions and other fringe benefits for their retired workers without the consent of the employer.

NCSC therefore urges Congress to remedy this inequity:

We call for Congressional action which would recognize the rights of unions to bargain with employers for pension benefits and other fringe benefits for retirees.

HOUSING

Increasing property taxes, higher utility rates and rising maintenance costs all are factors that have contributed to the crisis in housing for older Americans. Elderly renters continue to pay, on average, 35 per cent of their monthly income for housing, a figure which rises to an incredible average of 48 per cent for renters over 75 years of age. Aged homeowners have been hardest hit by sharp increases in property taxes which have jumped 47 per cent in the past five years.

Recognizing that housing is the leading expenditure for most elderly people, Congress recently reactivated the highly successful Section 202 housing program for the aged and handicapped. NCSC has been authorized

to sponsor seven new 202 housing projects, making it the single largest sponsor.

Since reactivation of the program, the Department of HUD has been overwhelmed with applications from nonprofit groups wishing to sponsor the construction of new Section 202 housing projects. Responding to this demand, Congress has increased overall borrowing capacity from $750 million to $3.3 billion to be spent over the next three years. It is hoped that this new influx of $2.5 billion will generate a rapid increase in new housing starts for the Section 202 program.

The nationwide public housing program has also been revitalized by Congress, and HUD has been mandated to use at least $85 million out of its total public housing funds for new construction. Approximately 14,000 new or substantially rehabilitated public housing units are to be constructed and 10,000 existing units will be acquired and renovated.

An unanswered question remains: What can be done to keep rents at an affordable level for low-income people, given the soaring construction costs of new housing and escalating operating costs of both new and existing housing? One vehicle. the Section 8 rent supplement program, has some potential in assuring that low-income persons will not have to pay more than 25 per cent of their income towards rent.

A major difficulty in the Section 8 program, however, is that it requires the eligible lower-income candidate to be matched with eligible rental units that meet certain rental pricing guidelines and certain physical standards of repair. Often, particularly in older urban areas, there are few vacancies available that are within the acceptable price range and not physically substandard. If both rental unit criteria—price and state of repair—are not met, an otherwise eligible individual or family will not have access to the Section 8 subsidy of his rental costs. The answer lies in building more new housing for modest income households.

The Section 202 Housing program is unique in that it provides new housing which carries with it the Section 8 rental subsidy for a portion of the units. The innovative coupling of two complementary programs may be expected to generate even greater success than achieved in past years.

Revitalizing public housing and the Section 202 programs for low-income, aged and handicapped persons represents a good start. But current housing programs have only scratched the surface. The demand for housing is still far in excess of the supply.

Therefore NCSC urges:

The Department of HUD, having recently been granted substantial increases in loan authority, to raise the annual level of expenditures from the current $750 million to $1 billion.

Further development of creative and innovative concepts in congregate housing for the elderly. Research prepared for HUD clearly indicates the success of existing congregate housing.

Continued evaluation of the successes and failures in public housing and further expansion of public housing in the manner most likely to prove successful.

IMPROVED STATISTICS: A PREREQUISITE FOR PUBLIC POLICY FORESIGHT

Mr. HUMPHREY. Mr. President, last week I had the pleasure of addressing the North American Conference on Labor Statistics which was convened in Minneapolis. In those remarks I commented on the ever more vital role played by the statistics profession in the design and implementation of public policy. Frankly, without timely, accurate and uniform statistics, public policymaking is no more than a guessing game, based upon one's own personal observations and intuition.

In my remarks, I also outlined very briefly some major elements in an investigation of the underlying changes and trends occurring within our Nation and the world economy which the Joint Economic Committee has proposed to undertake. The study flows from the conclusion of many observers of the Congress that we must improve our capacity to look ahead and to think more comprehensively in the development of policy choices.

Mr. President, I ask unanimous consent that the full text of my remarks on June 13 to the North American Conference on Labor Statistics be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY TO THE NORTH AMERICAN CONFERENCE ON LABOR STATISTICS

It is a pleasure to be here among so many economists and statisticians, upon whose expertise and advice many of us in public life depend so heavily.

When you have been involved in the public policymaking business as long as I have, you learn the value and importance of timely, accurate and uniform statistics. Without such information, public policymaking is no more than a guessing game, based upon one's own personal observations and intuition.

While the Canadian and U.S. national statistical systems are perhaps the best in the world today, our system is far from what it can and should be. Its organizational structure remains highly fragmented, its advocacy weak, and its funding grossly inadequate.

Our Federal Statistical System today consists of 108 separate agencies collecting economic data. In many cases:

More than one agency collects data relating to a particular activity;

The quality of data produced by different agencies often varies widely;

Too much of the data collected still suffers seriously in terms of its comparability and compatability; and,

In many instances, the system fails to capture and present data needed by policymakers in addressing crucial national and subnational problems and opportunities.

Furthermore, as you know, tens of billions of dollars are now disbursed and allocated each year by Federal, State and local governments based upon such data and statistical measurements. It is more important than ever that the latest and most accurate data possible are available and used. Without it, the difficult formula decisions that are made in Congress cannot be fully carried out.

Those of you in this audience, of course, are particularly familiar with the system as it relates to labor statistics, including the problems we all share in this area with respect to defining and reporting employment and unemployment statistics, especially within our nation's center cities, rural areas and individual sectors of the economy.

As Dr. Shiskin knows, having appeared before the Joint Economic Committee so frequently, he and his associates at the Bureau of Labor Statistics have our utmost confidence and support regarding their continuing efforts to improve the quality and maintain the integrity of BLS's operations. He also knows—despite our tough questioning—that we recognize BLS as being among the best of statistical operations within the Federal system.

Dr. Shiskin is an outstanding public servant. Both his professional talents and his personal intetgrity have been tested during his tenure as Commissioner. We all owe him a debt of gratitude for his many accomplishments, not the least of which has been his objectivity.

Continued improvements in the quality of BLS statistical measurements and data are expected in the future, as I'm sure you will hear from Commissioner Shiskin and his associates. Contributing to such improvements, hopefully, will be:

The work yet to be undertaken by the National Commission on Employment and Unemployment Statistics, authorized by Public Law 94-444;

A study now underway which I requested the General Accounting Office to undertake relating to needed improvements in our overall Federal statistical system; and,

The long-range program for Federal statistics now under public review, and prepared by the Statistical Policy Division of OMB.

In addition to all of these efforts, I want to discuss with you today another related effort, which the Joint Economic Committee, under the leadership of Congressman Bolling and myself, hopes to launch soon, if approved by the Congress.

The Committee plans to conduct a major investigation of the underlying changes and trends occuring within our nation and the world economy. The Committee, through this inquiry, hopes to help identify some of the significant factors, conditions, emerging events and changes that are occurring or likely to occur that may affect the future growth and development of the nation.

We hope to help illuminate the crucial structural changes occuring in our economy and their implications for public policy. The principal areas of the investigation would be:

The basic demographic changes and what they mean:

The impact of materials and commodity supply and prices in the economy;

Long-range trends in public sector finances—for example, urban finance and Social Security funding;

Capital formation;

Changing patterns of industrial and corporate organization;

International money market, trade and investment projections;

Research, innovation and productivity; and

The economic consequences of wars, natural disasters and other disruptions.

As I have said before, we will undertake these investigations in a manner that will show their significance for public policymaking. We believe that such studies and analysts are needed by Congressional policymakers to understand the cross impacts and strategic implications of these emerging trends and changes.

Public policymakers seldom are provided with the perspective they need to place important events and changes in a framework in which they can see and understand the "whole," as well as the "parts."

If we are to cope with the complex and interrelated problems and opportunities of the late 20th century, it is essential that we improve the capacity of government to look ahead and to think more comprehensively in the development of policy choices.

Despite the good statistics we were provided during the post war period revealing the baby boom of that era, for example, little was done to relate the significance of that change in population make-up to public policies affecting elementary, secondary and higher education demands in the years that followed.

We waited until most of those children were literally at the school door before we

realized that there were not enough classrooms or teachers to accommodate them. And we have been playing "catch-up" ball with respect to meeting their changing needs ever since. Even today, 25 years later, we haven't seemed to learn to think ahead regarding their needs and problems.

These young people now are looking for jobs and homes for themselves and for their families. But what are many of them finding?

No jobs, despite the good education that many of them finally managed to obtain;

No houses, despite the abundance of land, building materials and construction skills available to build them; and

No hope, despite the promises of several generations of political leaders serving them.

Thirty-five million more of these young people have been looking for their first job in this decade than were looking during the 1960's. And, they now are competing with millions of older women who are entering the labor force for the first time. Millions of these young people are trying to establish new households with few options available to buy or even rent decent shelter within their limited income resources.

And let's not lose sight of the sharp decline in births in the United States since 1956.

We have been wrestling with the changing demands of the post-war baby boom group these past 25 years. But the decline in births since the mid 50's has been creating another new set of problems today, such as surplus classrooms and teachers. By 1985, there will be further serious problems, such as tight labor markets, and possibly an over-expansion of our housing stock.

Our nation's policymakers not only need good data and statistical measurements, they also need to have such information presented to them in a way that makes its significance for national, subnational or international policy clear; especially as it relates to the future. It is in this area that we desperately need to have your talents and your techniques applied. And, you can do it.

Here in my home state of Minnesota we understand the importance of this assignment.

In January of 1975, and then again in January of this year, the Minnesota State Planning Agency, in cooperation with the Commission on Minnesota's Future, presented to a joint session of the State Legislature its analysis of state demographic, social, and economic trends—past, present and likely future.

They gave legislators something they had never had before—an informed perspective within which they could relate the policy work of their committees to the bigger picture. And as a result, more forward-looking and comprehensive policies new are being constructed to meet the anticipated needs of the people of the state in areas such as housing, education, energy, criminal justice, transportation and in jobs.

And it is this vital additional function that the Joint Economic Committee wants to serve within the Congress. We feel we can help the standing committees of the Congress to better understand how basic changes and events in the economy may be affecting their respective policy work and areas of legislative jurisdiction. We want to provide a better framework for national decisions—one that reflects the real conditions, present and future, in our nation and the world.

Recent changes in both House and Senate rules require standing Committees to give attention to "foresight" and to conduct studies on future developments and requirements. To carry out this task, committees will need more than timely, accurate and uniform statistical measurements.

They will need the help of the statistical and economic professions to provide them with good trend data, projections and forecasts, designed to identify problems before we are overwhelmed by them.

The statistical profession has a crucial role to play and more attention to it is needed. I hope our Joint Economic Committee can help focus this attention in the future.

In many socio-economic areas you are the wizards of the 20th century. Your electronic "crystal balls," with all of their limitations, are vast improvements over what has been available in the past.

I know that occasionally you get frustrated with some of us who seem to have more questions than there are answers. But bear with us, and work with us.

We need to work more closely together in the future, because together we share the burdens of the policy making process, not for ourselves, but for the nation and its future.

SENATE NOW HAS HAD GENOCIDE CONVENTION BEFORE IT FOR 28 YEARS

Mr. PROXMIRE. Mr. President, 28 years ago this week, President Truman transmitted to the Senate the International Convention on the Prevention and Punishment of the Crime of Genocide. In an accompanying message, he endorsed its provisions and urged this body to ratify it. "By giving its advice and consent," Truman wrote, "the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of the principles of law and justice."

In the convention, genocide means any of those acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including:

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group;

Fifth. Forcibly transferring children of the group to another group.

The convention was adopted unanimously by the United Nations in December of 1948. The United States took a leading role in its formulation. President Truman included it as one of the most important achievements of the General Assembly's first session.

President Truman was not, however, the only President to give it his support. Six Presidents in fact have endorsed its provisions. President Kennedy, for example, stated that—

There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

President Nixon stated that—

Ratification would demonstrate unequivocally our country's desire to patricipate in the building of international order based on law and justice.

The United Nations Universal Declaration of Human Rights declares that "the foundation of freedom, justice, and peace in the world" is based upon the recognition of the "inherent dignity and of the equal and inalienable rights of all members of the human family." The Genocide Convention puts these lofty principles into the framework of international law. It has come time for this Nation to endorse it unequivocably.

WHERE THE DOCTORS AREN'T

Mr. HATHAWAY. Mr. President, the Portland, Maine, Press Herald recently carried a story describing a report which claims that at least 70 communities in Maine suffer from a critical shortage of physicians.

The story was written by Ken Holmes, a reporter on that newspaper who worked earlier this year as an intern in my office.

The report, prepared by the Human Services Development Institute at the University of Maine, is the first of its kind to apply Federal standards for minimal physician availability.

The results, while not surprising, are certainly disturbing. In Maine, a rural and geographically large State, communities have always had trouble attracting and keeping physicians. The report's findings—that 70 communities in Maine lack adequate coverage by doctors—shows how widespread the problem is.

The Health Professions Educational Assistance Act which I cosponsored is designed to lessen the critical shortage of professional health care in underserved areas. It can, among other things, provide Federal funds to place doctors in areas of critical need.

In August I intend to take the Senate Health Subcommittee to Maine to hold hearings on the problems encountered by communities in trying to provide adequate health care for their citizens.

Mr. President, I request unanimous consent that the Portland Press Herald articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHERE THE DOCTORS AREN'T

(By Ken Holmes)

A report due for release next week will pinpoint some 70 communities in Maine which suffer from what is considered by federal standards to be a critical shortage of physicians.

The report is the first of its kind ever undertaken in a state in the nation with the specific goal of identifying areas of physician shortages.

Particularly as a result of study, the communities named are eligible to receive physicians who would locate in the towns and be paid by the National Health Service.

The study was conducted by Gerrard Barber, Ph.D., and Thomas Frank, both of the Human Services Development Institute of the University of Maine, Portland-Gorham. It was funded by the Bureau of Health Planning and Development of the state's Department of Human Services.

In doing the study, the two worked closely with Ellen Naor, data director of the state bureau, and Chester M. Bradeen of the Maine Health Systems Agency (MHSA).

Among the towns identified as having physician shortages are six towns in Cumberland County, nine towns in York County and 20 Penobscot County towns.

Earlier local studies have prompted the federal government to classify a number of

other Maine communities as having critical physician shortages. Included in this grouping is all of Aroostook County, and parts of Washington, Penobscot, Hancock, Waldo, Somerset and Androscoggin Counties.

One of the prime uses of the study will be to assist MHSA in obtaining federal-paid doctors for shortage areas of research in Maine, according to Bradeen, of research. MHSA is a federally-funded non-profit corporation whose purpose is to develop a statewide health planning model.

Bradeen said the U.S. Department of Health, Education and Welfare defines an area of critical need if it has less than one primary health care doctor per 4,000 residents. The national average for primary care doctors is about 68.2 per 100,000 people. This works out to more than two and one half times as many physicians than are found in Maine's areas of critical shortage.

Communities identified in the Maine study, according to Bradeen, will not automatically be officially designated as having critical physician shortages. They must first apply to the Department of Health, Education and Welfare for such status.

Bradeen said in the past there have been problems in Maine with this application procedure. This was because some communities were not aware of their eligibility to apply into the program. Additionally, many communities were unable to gather enough local interest to successfully complete the application process.

But MHSA is now attempting to become more involved in application work and will actively approach communities which qualify for possible designation, according to Bradeen.

"Hopefully, we'll take over all these responsibilities," he said. "We intend to work closely with local communities in developing applications, and we'll also try to show people that there's programs which could help them."

Only after receiving official designation by the federal government, Bradeen said, can communities apply to receive a federal physician. In reviewing both applications for official designation and for placements of federal doctors, federal officials work closely with local organizations such as MHSA, he said.

The eventual goal of MHSA, according to Bradeen, is to develop a comprehensive plan identifying all areas in the state with shortages in any of the health care professions.

When such a study is completed, he said, a number of Maine communities may be able to obtain other federal medical personnel, such as dentist or paramedics.

No other state has yet come close to developing such an overall plan, Bradeen said. The most that has been attempted in the rest of the country are comprehensive studies for specific areas within a state, or statewide studies with no local breakdowns.

The current study was entitled "Analysis of Physician Shortages in Maine." It evaluated the number of doctors in communities located further than 10 miles from a hospital.

These communities were grouped into 21 cluster areas, or areas with natural geographic or cultural ties. Of these 21 clusters, five were found to qualify for possible status as critical shortage areas, Bradeen said.

The report and others to follow will also be used for statistical purposes by both the Maine Bureau of Health Statistics and by the National Center for Health Statistics.

WHERE THE SHORTAGES ARE

Towns, by county, which are eligible for designation as critical shortage areas are:

Androscoggin County: Mechanic Falls and Poland.

Cumberland County: Casco, Raymond, Gray, N. Yarmouth, Baldwin and Standish.

Franklin County: Kingfield.

Hancock County: Great Pond, Amherst, Aurora, Mariaville, Osborn, Eastbrook, Franklin, Sullivan, Sorrento and Gouldsboro.

Knox County: Washington.

Lincoln County: Somerville and Jefferson.

Oxford County: Gilead, Bachelder's Grant, Mason, Stoneham, Lovell, Stow, Brownfield, Hiram and Porter.

Piscataquis County: Kingsbury and Wellington.

Penobscot County: Woodville, Kingman, Webster, Springfield, Carroll, Lakeville, Grand Falls, Greefield, Greenbush, Milford, Bradley, Clifton, Alton, Bradford, Hudson, Charleston, Dixmont and Newburgh.

Somerset County: Athens, Harmony, New Portland, Anson, Starks, Mercer, Lexington and Highland.

Waldo County: Winterport and Frankfort.

York County: Parsonsfield, Cornish, Limerick, Hollis, Buxton, Waterboro, Newfield and Acton.

PROJECT LUBEC—IN A WAY, IT MIGHT BE CALLED A MEDICAL MIRACLE

(By Ken Holmes)

Residents of Lubec, the nation's easternmost town, used to have to travel nearly an hour's drive to reach the nearest dentist. Until 1972 only one physician served the approximately 6,000 people in the town.

In the five years since 1972, however, health care in Lubec has entered the twentieth century, and in the process the community has become a nationally-cited model in the field of rural health care.

According to Robert C. MacBride, Lubec physician and lesder in the transformation, Lubec's dramatic turnabout has occurred because he and local residents recognized Lubec's health care shortcomings and decided to do something about them.

"We squeaked loud enough and long enough and got results," MacBride said.

The result of the effort is impressive. Lubec, served only by MacBride from 1956 until 1972, now has two full time general practitioners, and a pediatrics specialist will soon arrive in town. Two full-time dentists, two dental assistants, two nurses, a part-time dental hygienist and a part-time pediatrics nurse also serve the town.

And perhaps most obviously impressive is that all, doctors included, are housed in Lubec's new half million dollar community health facility.

It was the late 1960s when Dr. MacBride decided the health care situation in the Lubec area had reached the crisis stage. MacBride gathered a group of local townspeople together and outlined his plan for a family health care center, where emergency cases could be treated and a full range of health services, except for those requiring hospitalization, could be offered.

Within a few years Project Lubec, as MacBride's group was called, had obtained a federal grant of $103,000 and had amassed, all told, nearly $140,000. Using the money, a temporary clinic was opened in 1972 providing a home for the community's first health care facility.

During the same time period, MacBride has also been working in other areas to bring attention to Lubec's medical care crisis. His efforts included a trip to Washington, D.C., to testify before a Senate subcommittee chaired by Sen. Edward Kennedy.

MacBride was able to secure a $20,000 grant from the Maine Regional Medical Program. The money, according to Russell Newhall, current director of the Washington County Health Plan, couldn't have been put to better use.

Using the funds, the town hired professional personnel to make a detailed study of the health care situation. The same personnel then developed a plan through which Lubec's situation could be improved, and then guided the town through application procedures for several federal programs.

"In a little town like Lubec, there's no one to do the planning work. The town desperately needed some assistance in going after grants," Newhall said.

The success of the study began to show by 1972, when Lubec was officially designated by the U.S. Public Health Service as eligible for medical personnel through the National Health Corps.

Under provisions of this program, physicians and dentists agree to serve with the federal government on a straight salary for a period of two years. Participants in the program are then placed in areas needing additional medical personnel. Patients' fees are used to pay for staff support, such as nurses and janitors and also to pay for building maintenance. Any funds left over revert back to the federal government.

The first physician obtained under the program arrived in Lubec in mid-1972. By the end of that year the town also had a dentist under the same program.

From its 1972 beginnings, Lubec's National Health Service Corps staff has expanded to include a second dentist and a specialist in pediatrics, who will soon be joining the staff in Lubec.

The number of patients the Lubec staff serves has also expanded, MacBride says, to the point that "we actually make money for the federal government."

Lubec's second physician, Dr. Mark Battista, has since replaced the original National Health Corps physician, and is in private practice.

The two dentists, though, are both Health Corps employees and, according to MacBride, take in enough in fees to pay salaries, building maintenance costs, and send back to the government more than enough to cover their salaries.

A second success in Lubec came in 1972 with the acceptance by the federal government of an application for a family health care center grant.

According to Newhall, whose Washington County Health Plan has since taken over the administration of this program, the grant was a blessing for both Lubec and the county.

The program provides that qualified regions receive grants which are used to help pay for the medical costs of low income families, explained Newhall.

The program accepted its first enrollee in late 1974, Newhall said. Today, over 3100 people, or about 10 per cent of Washington County's population are enrolled in the program. They receive benefits which range from substantially reduced charges for non-hospital care to completely free non-hospital medical care. Families eligible for coverage under the program include all whose incomes are less than twice the national poverty level income.

The community health center grant program, as it is now called, has proved a blessing for a region as poor as is Washington County, where about a third of the population earns less than 125 per cent of the poverty level. Newhall said the program will distribute $217,000 this year to area residents.

Newhall said that community health center grant program would never have happened without Dr. MacBride's interest and action.

"Dr. MacBride got the whole thing rolling by bringing attention to Lubec's problems. The area had never had a good, knowledgable spokesman who had been able to tap the interest of the outside community," Newhall said.

Lubec's health care effort got a third break in 1974 when the U.S. Department of Health, Education, and Welfare awarded funds to construct a long planned community health care facility.

Projected construction costs for the facility had been about $240,000 when plans were first formulated in the early 1970s. By the time the facility was actually built, the price tag had risen to a half million dollars, MacBride said.

Under provisions of the grant, the federal government provided 90 per cent of the center's construction costs. Lubec residents raised the other ten per cent through private contributions.

Completed in 1975, Lubec's facility was one of the first in the country to be constructed with the aid of federally housed funding. According to MacBride, the center has offices for three physicians, four fully equipped dentists' offices and both space and equipment for a dental hygienist.

MacBride, now 60, says he's busier today than he's ever been, and shows no signs of resting on his past accomplishments.

"Many areas of health care are now being addressed in Lubec, but many areas are still not being addressed at all," the doctor says. "The time is coming when we must do this."

He said although improvement has been made in the care of the aged, the retarded and handicapped, and in local immunization programs, there is still work to be done in these areas. One new program along this line is called "Us in a Bus," in which medical personnel visit and assist the parents of disabled children.

And MacBride, who emphasizes the role others have played in Lubec's successes, also says that other rural communities should consider following Lubec's lead.

Other communities, he says, can do this by starting a planning group to determine the community's needs and priorities.

"Then they should get together and do it" the doctor says. "Its like the old adage. Time, patience and perseverance will accomplish all things."

ONE MAN'S CONTRIBUTION

Mr. SASSER. Mr. President, I would like to take this opportunity to enable my colleagues to have an informative glimpse into the life of one of Tennessee's unsung heroes, Mr. Richard W. Smith of Oneida. This perceptive essay is the work of one of his granddaughters. With distinct pleasure, I ask unanimous consent that the essay, "One Man's Contribution," be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

ONE MAN'S CONTRIBUTION

(By Amy Wright)

A part of my family history of which I am the proudest is the contribution of time, interest, and energy given by my grandfather, Richard W. Smith to his family, town and county.

Being a former school teacher, a former city alderman, a former school board member, a former hospital board member, a former plateau electric board member and deacon in his church, Richard W. Smith's life shows his early interests were in the welfare of others. After working for the Southern Railroad for forty-four years, he retired in 1970.

In his native Scott County in East Tennessee, Smith found many years ago that, politically, he was certainly in the minority party since he was a democrat. He was an honest, hard-working man who believed in his party and worked the best he knew how to help.

One of the highlights of his political association was when he was selected to be the Scott County Campaign Manager for Estes Kefauver in 1949. This began a wonderful friendship between these two men and Smith recalls many fond memories of his association with Estes Kefauver. The articles, pictures and letters he has shown me have made me more aware of the many interesting things about this relationship between Smith and Senator Kefauver. Smith describes this man from Chattanooga as "a man who never forgot a name." Smith told me how much he admired and believed in the young Tennessean and how proud he was when Senator Kefauver was considered as a nominee for President on the democratic ticket in 1956. His faith in this man was proven.[1]

Even though Senator Kefauver was not nominated to run on the democratic ticket. Smith told me how proud he was of the many great things. Kefauver had accomplished. He showed me the book that Senator Kefauver wrote while he was a member of Congress entitled, "20th Century Congress," and gave me a copy for my very own. He was especially proud of Kefauver's being made chairman of the Senate Crime Investigating Committee which toured the country and became so widely publicized because of the television coverage.[2]

Senator Kefauver died in 1963 and Smith attended the funeral in Madisonville. Smith had lost a good friend. After Kefauver's death, Smith was selected to be Scott County's Campaign Manager for the dynamic man from Carthage, Albert Gore, Sr. Gore remained in the Senate until 1970 when he was defeated by a young republican, Bill Brock. Smith recalls how very important and interesting it was to work for these men. Through them he met some very good people. Four of the men he worked with are now Federal Judges. They are Frank Wilson, Frank Gray, Charles Neece and Harry O. Phillips. These men were State Campaign Managers for Kefauver and Gore and were appointed Federal Judges at the recommendation of Kefauver and Gore.[3]

Even though Smith is no longer able to go to the polls and get out and work for his candidates, he can work for them by telephone and there is still no one more interested in all the candidates than he. He is very proud to be able to vote on an absentee ballot and follows the results of the elections with great interest.

He was very interested in Jimmy Carter in the last election and taped all the speech and debates of the Presidential candidates and the acceptance speech of Jimmy Carter He was honored with an invitation to the Inauguration and also to the many parties honoring Carter and Mondale. Even though he couldn't attend, he was proud to add these invitations to his collection of political mementoes. He was able to accept the invitation to the Inauguration of Lyndon B. Johnson in 1965.

This quiet spoken, modest man is a native of Oneida in Scott County, Tennessee. He is a much admired man with strong convictions in God and his fellowmen. He has been a strong democrat all his life and has influenced the lives of many people. Through his close association with Kefauver and Gore, he has been able to help many people in Scott County. Back during the war, many servicemen were brought home to sick beds of relatives or when loved ones died. Often times, he could even get results quicker than the Red Cross. In his quiet easy manner, Smith could get much more done than others.

As I have said, Richard W. Smith has always shown a great interest in the welfare of others. His entire life has been devoted toward that goal. He has shown a special interest in the things my brother and I have done and has always been there to advise and help us. He is very proud that we are both attending Middle Tennessee State University. In fact, the bumper stickers on his car show—Carter, Sasser and MTSU. When my brother and I registered to vote, much to the disappointment of our strong republican father, we registered as democrats, of course. Our party is really growing in Scott County and we are proud to be a part of it, which is really a part of our grandfather.

We are very proud of this man, Richard W. Smith. His love, compassion and patience have taught us many important values and he has really made an impression on our lives.

No, the name of Richard W. Smith may not appear in our history books and his name may not be known to millions of people but he can be proud that the lives of all he has touched have been made better. As to his interests in others, what better feeling can he have.

His contribution has been great.

[1] Richard W. Smith, interview, Oneida, Tennessee, March 18, 1977.

[2] Richard W. Smith, interview, Oneida, Tennessee, March 22, 1977.

[3] Richard W. Smith, interview, Oneida, Tennessee, March 24, 1977.

THE SUPREME COURT AND TAX-FUNDED ABORTIONS

Mr. HELMS. Mr. President, yesterday the U.S. Supreme Court decided three landmark cases dealing with abortion. These cases dealt with the decisions of State and local officials not to provide at taxpayers' expense abortions which are not medically necessary.

These decisions of the Supreme Court are a vindication of all of us who have for so long maintained that tax dollars should not be used to finance the killing of unborn children and that it is constitutional for the Congress to deny the use of taxpayers' funds for this purpose. A majority of both the House and the Senate, in passing the so-called Hyde amendment, has agreed with this proposal and it is gratifying that the Supreme Court has agreed with this majority sentiment.

Although a small, well-financed coterie of proabortionists have tried to use the judicial system to thwart the will of the Congress, the Supreme Court has cleared the way for an end to such obstructionism.

In the case of Beal against Doe, the plaintiffs, who were otherwise eligible for medical assistance under Pennsylvania's medicaid plan, were denied assistance in obtaining elective abortions since they could not obtain a doctor's certification that the abortions were medically necessary. They contended that the requirement of medical necessity was contrary to the objectives of the medicaid program. The Supreme Court did not agree. The Court held that title XIX of the Social Security Act does not require the funding of elective, nontherapeutic abortions under the medicaid program. The Court laid great emphasis upon the fact that when Congress passed the medicaid program, elective, nontherapeutic abortions were unlawful in most States and that Congress did not intend to overrule existing State laws.

In the case of Maher against Roe, the plaintiffs attacked a Connecticut Welfare Department regulation that limits medicaid benefits for abortions which are medically necessary. The plaintiffs asserted that the equal protection clause requires a State whose welfare program finances the expenses of childbirth and medically necessary abortions to also finance the performance of nontherapeutic abortions. They also argued that the Supreme Court's 1973 abortion cases of

Roe against Wade and Doe against Bolton requires a State to finance the performance of elective abortions. Again, the Supreme Court disagreed. The Court ruled that Connecticut's decision to make childbirth a more attractive alternative than abortion did not violate the equal protection clause. The Court relied upon its earlier opinion in Dandridge against Williams in which it stated that—

> The Fourteenth Amendment gives the Federal Courts no power to impose upon the States their economic view of what constitutes wise economic policy or social policy.

The Court further ruled that the right to an abortion recognized in Roe against Wade does not require a state to finance a nontherapeutic abortion.

In Poelker against Doe, the plaintiff attempted to obtain an elective abortion at a city-owned public hospital which prohibited the performance of abortions except when there was a threat of grave injury or death to the mother. They argued that the policy of a publicly financed hospital to provide services for childbirth, but not for elective abortions constituted discrimination. Here, too, the Court did not agree. It found that the constitutional question presented was identical in principle with that of a State's refusal to provide medicaid benefits for abortions while providing benefits for childbirth. It concluded that the hospital's policy is constitutional.

Mr. President, Congress also has taken action to prohibit the use of taxpayers' money to finance the performance of nontherapeutic or so-called convenience abortions through the medicaid program. Congress enacted a limitation known as the Hyde amendment to the Labor/HEW Appropriations Act for fiscal year 1977 to provide that—

> None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Upon the Hyde amendment becoming law, a suit was filed to enjoin its enforcement. The plaintiffs alleged that the decision of Congress to encourage childbirth rather than abortion as a method of family planning violated the equal protection clause.

Representative HENRY HYDE, former Senator James Buckley, and I intervened as parties to this case. When a preliminary injunction prohibiting the enforcement of the Hyde amendment was granted in that case, we directed our attorneys to make a direct and immediate appeal before the U.S. Supreme Court, where that case is presently pending.

Because the Supreme Court so clearly held that the decision to prohibit the expenditure of State funds for nontherapeutic abortion is constitutional, our attorneys have today filed a petition with the Supreme Court requesting that it stay the preliminary injunction of the district court and allow the Hyde amendment to go into effect. It is altogether likely that if the Court acts on our petition in a timely manner that the injunction barring enforcement of the Hyde amendment can be lifted within the next few days.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION REPORT

Mr. MAGNUSON. Mr. President, pursuant to section 302(b)(2) of the Congressional Budget and Impoundment Control Act of 1974, I am submitting a report on how the Committee on Commerce, Science, and Transportation intends to divide its budget allotment among the direct spending and entitlement programs under its jurisdiction, and I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

REPORT TO THE SENATE PURSUANT TO SEC. 302(b) OF THE CONGRESSIONAL BUDGET ACT (FISCAL YEAR 1978)

[In millions of dollars]

Function/subfunction categories	Direct spending jurisdiction		Entitlement programs that require appropriation action	
	Budget authority	Outlays	Budget authority	Outlays
150—Payment to Republic of Panama	2	2	----------	----------
300—Natural resources, environment and energy: 306—Other natural resources; NOAA—miscellaneous trust funds	10	11	----------	----------
400—Commerce and transportation:				
403—Other advancement and regulation of transportation, promote and develop fishery products and research	8	8	----------	----------
Bureau of Economic Analysis	.87	.82	----------	----------
Science and technical research	14	14	----------	----------
General administration	.500	.400	----------	----------
404—Ground transportation:				
Trust fund share of highway safety programs				
Gift and donations				
405—Air transportation: Grants-in-aid for airports	540,000		----------	----------
406—Water transportation:				
Operating differential subsidies	384,716		----------	----------
Federal ship financing fund		−19,675	----------	----------
Special studies, services, and projects	.562	.545	----------	----------
St. Lawrence Seaway Development Corporation		−2,000	----------	----------
Miscellaneous trust revolving funds		.14	----------	----------
Coast Guard retired pay			157	157
600—Regional rail transportation: Protection amounts			50	50
800—General Government:				
852—Federal Power Commission	.89	.89	----------	----------
Payment to the States				
Corps of Engineers—Permanent appropriations	5	5	----------	----------

THE GOOD WORK OF SEABEE DETACHMENT 0618 IN THE BIG HORN NATIONAL FOREST

Mr. WALLOP. Mr. President, today I would like to commend a group of Americans that have served this country, and the State of Wyoming with their skills and weeks of hard work each year. As a rancher and State Senator from Wyoming, my friends back home have talked with me about the good work that Seabee Detachment 0618 has been doing in the Big Horn National Forest. I want to extend my congratulations and thanks for the excellent work that the Seabees have done in the Big Horn National Forest.

My friend, John Curran, who is the district ranger of the Big Horn National Forest, has told me that the Seabees have recently completed several important projects in the national forest. They have completed a large storage addition, repaired major portions of the Hunter work center water system which had been damaged by frost, improved and graded many of the forest's recreation roads, and used heavy equipment to install erosion control devices on several miles of road. I understand that the Seabees will soon be lending their support to the installation of a bridge and water system in a part of the national forest. These are jobs that would otherwise be extremely difficult for the Forest Service to accomplish with its own human resources and equipment. The Seabees work long and hard hours in order to complete these projects and help both the Forest Service and the public to preserve and enjoy the national forest. In addition, their activities maintain Seabee Detachment 0618 in a high state of preparedness for the defense of this Nation. We all are the beneficiaries of reserve activities such as theirs.

I wish to express the appreciation of the people of Wyoming and the Nation for the contribution the Seabee Detachment 0618 has made to the national forests in my State. I commend them and hope that they will accept this statement in the CONGRESSIONAL RECORD as a token of my thanks.

IN SUPPORT OF THE ARMED SERVICES COMMITTEE

Mr. HOLLINGS. Mr. President, on June 14, 1977, the South Carolina General Assembly passed a concurrent reso-

lution memorializing the U.S. House of Representatives to oppose the elimination of the Armed Services Committee of the House of Representatives as one of the standing committees of the Congress.

On behalf of the senior Senator from South Carolina (Mr. THURMOND) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. 2205

A concurrent resolution memorializing the U.S. House of Representatives to oppose the elimination of the armed services committee of the House of Representatives as one of the standing committees of the Congress

Whereas, the House Armed Services Committee has for many years been a bulwark in the Congress in the support of a strong national defense; and

Whereas, consolidation of the responsibilities of the Armed Services Committee with other committees threatens to reduce the effectiveness of the excellent job which has been done by it for many years; and

Whereas, the elimination of the Armed Services Committee will seriously dilute congressional oversight into defense matters. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly, by this resolution, respectfully memorializes the United States House of Representatives to retain the Armed Services Committee as one of the standing committees of that body to insure the continuing vital role of the committee in the protection of a strong national defense.

Be it further resolved that a copy of this resolution be forwarded to the Speaker of the House of Representatives and members of the House from South Carolina in Washington, D.C.

AMERICA'S FUTURE DEPENDS ON WATER RESOURCES DEVELOPMENT

Mr. CURTIS. Mr. President, for several years now Americans have been hearing about an energy shortage. There was a time a few years ago when many of the public were skeptical about whether or not there was a real energy crunch in the country, or if it was something that was concocted by politicians and the fuel industry.

It was only a matter of time until the reality of the situation hit home. We now find that most Americans believe there is a real energy crunch, and that most are aware of the seriousness of the situation.

While we are grappling with possible solutions to the energy crisis there is another crisis facing us. It is being taken far too lightly, as was the impending energy crisis just a few years ago. I remind my colleagues of this situation because such national crises can only be minimized by early recognition of the problem and by early steps to deal with it.

I am talking about the water shortage. It may be difficult for States along the eastern coast to believe a water problem exists, where most of the Atlantic coast has just experienced one of the most severe and wettest winters in history. Yet, I assure you of the very real water shortage that much of the rest of the Nation is experiencing.

For the third consecutive year drought conditions are being experienced throughout the Midwest and West. One need only to talk to a resident of northern California to understand the seriousness of the water shortage where rationing has limited water consumption to less than 50 percent of normal. One need only visit a farm in South Dakota to see the disastrous effects the water shortage has brought on agriculture and the family farm operation.

Yet, the Federal Government, many States, and individuals in policy positions do not seem to be taking the water shortage very seriously.

The second conference of Governors of the 10 Missouri River basin States was held in Omaha on May 3 through 5, this year. At that meeting, State executives gave reports of projected drought impacts ranging from 25 percent to more than 75 percent in their respective States for this year. Agricultural losses have been projected to be as high as $2 billion in those States alone.

The Water Resources Subcommittee of the Environment and Public Works Committee is aware of the seriousness of the water situation, and already this year has held several days of hearings on a national water policy. Most national and regional organizations concerned with water resources have devoted annual conferences to discussions of this grave situation.

At the same time we have a new administration which takes a dim view of water resources development. We have heard statements from administration officials and from some Members of Congress that many projects for water resources development were viable 20 years ago when there was a surplus of water, but that they are no longer viable when there is a water shortage. Others have complained that projects are too old and that those which have taken many years to develop should be abandoned.

I suggest to those critics that the time of need for water resources projects is when there is a shortage of water, not when there is a surplus. Furthermore, the criticism about the time taken to develop water resources projects is unwarranted.

Indeed, at a time when critics say that greater care should be used in planning resources development, I believe it is a testimonial to the general care taken by Federal agencies in the planning process for water developments in the past, that several years are required for studies, engineering, hearings and planning.

Besides the strict requirements for appraisal and feasibility studies, and specific steps that must be followed in engineering and studies to determine benefits and costs, water resources projects require specific congressional authorization and are subject to careful scrutiny in the appropriations process. Yet, the slow development has been used by critics as a reason to abandon projects that have taken several years to develop.

While time is needed to insure careful and orderly study and planning, I agree that too much time has been spent in getting projects to the construction stage. We should indeed streamline our planning and study processes. They should allow for proper detailed study of costs, engineering, impacts and benefits, and still allow timely completion of those prerequisites for swifter construction of projects that have progressed through all scrutinies with approval.

Mr. President, I find it interesting to hear critics of water resources development complain that projects that have taken so long to develop should be abandoned, because many of those same critics have been partly responsible for the delays in the studies, planning process, and construction when they have filed court suits, testified in congressional hearings, and otherwise been active to arouse local opposition to project developments.

It is one thing to be opposed to any resources development generally on the grounds of impact on the environment, and another to use arguments against the length of the planning process as a basis for abandonment. The first position can be understood, but the second indicates a vicissitude that is not honest among environmental opposition to project development.

The fact is that with all of the controversy now surrounding water resources development, we do have a very real and serious problem of water supply. I think it is time that we put the single interest arguments behind us. The Nation cannot afford to court this public disagreement long because while it is being argued in the press and in the courts, we are growing closer and closer to a point of extensive and widespread water shortage.

Anyone who doubts the seriousness of likely future water shortages should be aware of information quoted in the water and food and fiber paper prepared by the United Nations Water Conference which was held on March 14–25 of this year in Mar del Plata, Argentina. That paper cited water availability statistics from a 1973 Food and Agricultural Organization publication entitled "Man's Influence on the Hydrologic Cycle," Irrigation and Drainage Paper No. 17, by J. C. I. Dooge, and others.

According to the research reported in that source, 95 percent of the world's water is in the seas. Of the remaining 5 percent, 4 percent is frozen in the polar regions. That leaves just 1 percent which is contained in all the lakes, rivers, moisture in the atmosphere, soil and vegetation, and in the underground. Furthermore, of this 1 percent that is liquid fresh water, only about one-half is readily available to man. The estimated distribution of this one percent includes: .05 percent biological, 0.1 percent in rivers, 0.1 percent in the atmosphere, 0.2 percent in the soil, 1.0 percent in lakes, and 98.55 percent underground. Half of the underground water lies within a half mile of the surface and is considered obtainable.

Mr. President, in the hearings of the

Water Resources Subcommittee of the Senate Committee on Environment and Public Works, considerable testimony was given by expert witnesses who said that water resources development and impoundment offered the only solutions to drought relief and future water needs in the long term.

Some interesting statements were made by climatological experts. Their observations and positions are contrary to the current policy proposals and trends within the administration concerning water resources for the future.

In times of drought such as we have been experiencing in the Midwest and West, we obviously must learn and practice common conservation methods in the home, business, and in our daily uses of water. But, as those experts stated in hearings before the Water Resources Subcommittee, all of the temporary conservation practices we can apply will not provide water for future needs and for times of future drought.

Without the excellent reservoir system of northern California, much of that State would have been completely without water a year ago. Likewise, the drought would have been more severe in much of the West and Midwest without the water resources developments of the past. The many flood control, domestic water, and reclamation structures have helped to minimize the effects of the 3-year drought.

No one knows for sure—no one has hazarded a guess that I know of—how much worse the drought would be if all of the current reservoirs and projects had not been built and were not now in existence. I will dare an estimate that agricultural losses would have been several billion dollars more; that many communities would have since run out of water completely where they depend on well systems from river streams that have had water levels stabilized by surface impoundments; that we would have had to begin rationing of water 2 years ago—in the first year of the drought—in most of the West.

It seems ironic to me that we are insistent on a very costly program to clean up the Nation's air pollution for the future health and well-being of the people, yet we call development for future water sufficiency and agricultural production too costly. Our top policymakers are confused in their thinking.

Some of the experts who testified in the hearings this year discussed this situation. They said there is great danger now in setting discount rates and interest rates on economic grounds for construction of projects where in 30 or 40 years down the road the costs of having undertaken specific projects at this time may be of much higher value because of human needs and the health and well-being of our children and grandchildren.

At the present time we are requiring public and private utilities, businesses, and manufacturers to install air pollution control devices that cost hundreds of millions of dollars. I know of no source that has compiled the exact cost figures to date, but I would guess the total bill for scrubbers and other air pollution control devices in the past 5 years has been many billions of dollars. As we move to the final phases of air pollution control, the costs will be several billion dollars per year.

I think everyone should know that there is very little difference in Federal financing of such programs and in non-Federal financing. The only thing is that the non-Federal financing does not show up as a line item in the Federal budget each year where it would be subject to close public scrutiny. So even though we are not using appropriated Federal dollars to build the air pollution control devices, we are really causing the expenditure of billions of dollars which the citizens must pay.

The public and private utilities must raise rates to cover the much higher costs of construction of new utility plants and to convert existing plants to meet air quality standards and to cover the increased costs of energy production as a result of decreased efficiency because of operation of pollution control devices. Businesses raise prices to cover the costs of their operations. In all of these, the citizens and consumers are paying the bill, just as they would be in paying higher Federal income taxes. The big difference is that they tend not to look to the Federal Government as the source of responsibility for the higher costs, but to the public and private utilities and companies that have to pass the costs on to consumers. In addition, the public suffers indirectly from the tighter availability of money for housing, new and improved transportation systems, health services, and in many other areas which need the capital that is going into the air pollution control program.

Now, Mr. President, I am not speaking against clean air or our Federal efforts to bring air pollution under control for a healthy environment in the future. What I am saying is that with all of the impetus on the programs we have for clean air, it is ironic that Federal officials turn around and complain that the expenditure of funds to build water resources projects for the future should not be made and that water resources developments are too costly.

We have heard statements from the White House and Interior Department chastising water resources development as being uneconomical or not having favorable benefit-cost ratios. I would be interested to see the reaction these sheltered policy makers would get if they were to go into the communities in northern California, or into the fields in South Dakota.

In short, Mr. President, I think we cannot put too high a price or value on water. I agree with those who have said we need to reevaluate our policies for determining justification of water resources projects. But, I suspect my recommendations are at odds with those made by some. I think policy reformulation that looks at all needs and benefits will lead to advancement of worthwhile projects rather than a prohibition against any further development. The deciding factors of course will be determined by the degree of importance given to criteria that consider human needs and scientific information available.

I think we should not so narrowly confine benefits of a water resources project to those of its primary and secondary purposes such as in flood control and domestic water supplies. Either of these in itself may be justification enough to build a project if thousands of lives are at stake, or if the survival of an entire community is dependent on future drinking water. But, if there is to be fish and wildlife, recreation, energy production or savings, and groundwater stabilization that will occur with a given project in place, it is only logical that these be considered benefits of the project.

The problem is that at the present time we put dollar figures on all the costs of a project and the possible negative effects it will have, but then refuse to put values on many of the benefits the project will have because those benefits may not be considered primary purposes of the project. I will be the first to admit that there are probably few opportunities left in the continental United States for development of single purpose projects such as hydroelectric or flood control structures. But even those single purpose projects have had many other benefits over the years, in recreation, fish and wildlife, and other areas.

Mr. President, in the 70 years that crop statistics were kept through 1975, farms irrigated by reclamation projects produced nearly $50 billion worth of food, fiber, and forage. That is more than eight times the total of $6 billion spent by the Federal Government under the reclamation program up to that time. Again, no one knows or has hazarded a guess as to how much less agricultural production there would have been in that time without the existing reclamation development; or how the lesser production would have impacted on family farm incomes, local tax revenues, food prices across the country, and on our foreign agricultural sales and balance of trade deficit.

Mr. President, I am not against clean air; nor am I against clean water; nor am I against protecting our environment and preserving our natural resources. What I am talking about is the preservation of our natural resources—and the preservation of man along with them. I think it is proper that we take steps to stop air pollution and clean up our rivers and streams. And, I think that we should do everything in our power to insure that our resources developments are wisely planned with concern for the environment.

Unfortunately we now have a wave of organizational leaderships that have taken positions against any and all water resources impoundment and development. It is interesting to note that they do not offer solutions as to where water is to be obtained to meet our needs in the future; but that they are against anything new that will change the environment to other than a pristine condition.

I wonder if they would have us go back to the days before the discovery of America when travel was by sailing ships that used no fuel to pollute the seas but which had serious disease outbreaks and death; or if they would have

us go back to the days before modern plumbing and sanitation when whole continents suffered massive killer plagues.

I think the concern being expressed today for our future environment is good. We should care. The concern being voiced by conservationists and many local and State officials is helping us to formulate better plans for more careful and considerate development of our land and its resources. But I do not think the doomsday preachings of some of the organized lobbyists against resources development are to the benefit of the Nation or our future.

We have had similar admonishments in the past: The preachings of zealots at the turn of the century who foresaw the end of the world if man took to the skies because we would be encroaching on the heavens which were the exclusive domain of the Creator. Statements that "if God had wanted man to fly he would have given him wings," were common in the early days of flight. Few people today question the tremendous benefits we have acquired from our space program.

I doubt very much that doomsday is upon us. I doubt very much that there is some preordained limit to which man may strive for development and advancement. Indeed, those doomsday forecasters who preach moral boundaries would do well to consider the wisdom of a little observation made frequently by former Agriculture Secretary Earl Butz.

Mr. Butz noted that God created the apple; and that God created the worm; and that God then created man with the intelligence to keep the worm out of the apple.

I believe that our Creator did give us the knowledge to be able to advance and develop, and I believe man is wise enough to be able to survive and have our planet survive with him for many thousands of years to come.

Unfortunately, I believe also that the doomsday attitudes of some people in influential positions could cause panic that would stop or reverse orderly development to the detriment of man's survival. I can see the current Washington attitudes against water resources development leaning in this direction.

Mr. President, with less than one-half of 1 percent of the world's water usable by man, and with less than two-hundredths of 1 percent or one five-thousandth of all the world's water being fresh liquid water above ground and in the atmosphere, it is obvious that any means of conserving water for future use must include impoundment and storage.

I believe that man in his wisdom will be able to meet the challenge of future water needs, to insure sufficiency of water supplies without undue environmental loss. But we will not be able to meet the challenge if the present close-minded attitude in Washington is allowed to prevail against any and all water resources development.

The drought of the past 3 years has probably done more to raise concern among local and State officials as to future water resources development. That concern includes worry about the adamant opposition to any and all water resources development by some national organization leaders.

Recently, the Nebraska Association of Resources Districts carried an editorial in its newsletter on this issue that tells the problem of the current controversy over water development better than any other article I have seen. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEBRASKA NATURAL RESOURCES NEWS,
Lincoln, Nebr., January 31, 1977.

EDITORIAL

How often have we all heard it said during the last several years that Nebraska's most valued resources are its land and its water? It has apparently become vogue to recognize and to espouse this fact in a time which will no doubt be labeled as an era of environmental reawakening. This is not bad and I do not intend here to criticize those who make that statement for making it because it is good to hear it reiterated as a true fact. I am however expressing concern myself with the fact that many people do not yet recognize it is true when they hear it . . . and that many of those people who mouth the words do so without fully appreciating the impact of the words themselves . . . and that those same people often mouth the words without doing anything more to prove their truth.

Some men have recognized our land and water resources as basic and of utmost importance to mankind and his future on this planet and have talked of this knowledge in past decades. Then, perhaps as now, most of such talk fell upon deaf ears, but obviously some also listened to the words.

Small handfuls of men have not only listened but reacted and done their parts to preserve and to properly utilize the nation's land and water resources. Those people for the most part were doers, not talkers, and their actions were the only means they knew to convey their recognized need for protection of the resources they worked with. Those doers have handed down their convictions to a very few close friends, neighbors and relatives, each of whom practices what they had come to know as conservation of the soils and the waters of their own lands.

These good and forward thinking citizens of this land are today the nucleus of the conservation action which has already taken place in America. They are seldom, if ever, the members of the new-found conservation movement who have become so vocal in the last several years. In fact, many long time practicers of good conservation believe they have little in common with this new breed of conservationist. But, those doers of conservation, who have lived and worked with their convictions for conservation do indeed have things in common with the talkers of conservation and can learn much from those who have yet to truly live and work with their convictions.

Today, more and more of the people who work with the soil and water resources of this land and with their conservation, protection and proper development, recognize that very few Americans can honestly state they understand the values of proper resources development and good conservation work. Americans generally do not understand how one man's actions with regard to the soils and the waters present upon his own land can have any bearing upon the lives of his neighbors or his neighbors' neighbors of his posterity. Perhaps that lack of understanding . . . lack of knowledge . . . about resources and about their interelationships with each other and about their effects upon mankind itself can be blamed upon the conservation leaders of the past . . . those men who were the doers and not the talkers.

Perhaps, also, it can be blamed upon the few talkers of that preexisting conservation group who spent most of their time talking to their own kind and not to the general public who really need to hear the words. Most speeches and discussions extolling the virtues of good land and water management are given to audiences of men and women who already recognize the needs for such action or they would not have attended the meeting to begin with. Consider for a moment the group which will read my opinions here stated and my case is confirmed.

Those who really needed to "get the good word" were at home reading their newspapers, magazines or books, or listening to the radio or to the television, or talking to others who were equally unconcerned at the corner drug store or coffee shop, or working late at their desks or behind their machines in an effort to make more money from their real estate investments.

Lately, those people who were at home reading their newspapers, magazines or books or watching TV or listening to their radios were learning all about conservation for the first time. They were being educated not by the established practicers of conservation, but instead by the new-found conservationist movement which has been exercising its lungs in this environmentally conscious decade by decrying the attrocities which have been imposed upon the world's citizenry by itself. These new conservationists were quick to learn that critical situations aroused the listening ability of the citizenry. The conservation leaders of the past were also once aware of this as well . . . remember that many strengths of the original conservation movement occurred during the "dirty thirties."

Be that as it may, the new found conservationists have struck the right cords on the banjo and have gained extensive recognition for their concerns for our environment. Many people who have listened to them have indeed come to believe that no one has had that concern for the environment before, and that the new conservationists are the only salvation for the environmentally degraded planet Earth.

Let the established practitioners of conservation learn from these recent experiences that they should long ago have been decrying the concerns for proper use of the nation's land and water resources in addition to practicing their convictions, telling not only their farm neighbors, but everyone in this nation. We know that they believed in conservation and some of us also know from their work that they did truly have concerns for the total environment but did not sell themselves and their ideas to the general public. Perhaps, had they been quicker to cry out there never would have been a need for the new conservationist movement to arise and, as some believe, to overreact to the situation as it appears today.

The new conservationists also could learn from their predecessors, the doers of conservation work. First, that they are not the only ones to concern themselves with abused and misused resources and that much attention has already been given by men to their effects upon the land and water resources of the world. The practitioners of good conservation have been working and although everyone recognizes that much is yet to be done those new conservationists should make themselves aware of the past and the work already completed or underway to properly preserve mankinds' rights to future enjoyment of the Earth. They should give credit to the diligent perserverance of those who have practiced conservation and instead of accusing all citizens of unconcern lend a hand to the doers so that together they might interest the masses in proper care of the land and water that nation is so fortunate to have.

The new conservationists could also learn

some realities which must eventually temper their current convictions . . . understanding that proper conservation of land and water resources is not synonymous with total preservation of nature, but rather synonymous with utilization to the highest extent possible without deterioration of the resources being utilized. Mankinds' needs demand that uses be made of the resources but those demands do not require destruction.

If both sides of the current environmental feuds would try to envision the other's viewpoints and learn to join hands for a common purpose . . . the protection of the world's natural resources while satisfying mankind's needs . . . the work of conservation would be sooner completed.

To accomplish this joining of hands, the established conservation practitioners must start to tout their successes to the world and not just to themselves. They must also recognize that they have not yet totally succeeded with their work and in fact have had many failures. They new conservationists must, at the same time, recognize that some things have been done and that total nonuse of resources is impossible if mankind is to obtain its needs from utilization of resources.

Together, the new and the old conservation movements can both succeed; separate they will continue to fight each other while the rest of the world goes on without understanding the value of proper conservation work.

DIRECT ELECTION AMENDMENT

Mr. BAYH. Mr. President, tomorrow the Judiciary Committee will consider Senate Joint Resolution 1, the proposed constitutional amendment to abolish the Electoral College and provide for direct popular election of the President and Vice President.

Two weeks ago a brief commentary on this subject by Roscoe Drummond appeared in the Christian Science Monitor. Mr. Drummond's comments are very perceptive. I would like to share them with the Senate. I ask unanimous consent that Mr. Drummond's commentary be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

ABOLISH THE ELECTORAL COLLEGE

(By Roscoe Drummond)

WASHINGTON.—It is quite likely that in the next presidential election the majority of the nation's voters, not the majority of the Electoral College, will decide the outcome.

It is evident that there is growing support in Congress and in the country for abolishing the Electoral College and substituting for it the direct election of the president and the vice-president.

Congress has taken a long time to respond to public opinion on this matter. Ever since professional polling began nearly 40 years ago, the American public has shown itself overwhelmingly in favor of doing away with the Electoral College which is the last barrier to direct election to the two nationally chosen federal executives.

The latest Harris survey confirms the steadily mounting support for such an amendment. It shows a 74-to-11 percent popular demand for abolishing the Electoral College. Support has rarely been under 60 percent.

The prospect now is that if the Senate submits the enabling amendment this session, ratification can come in time to take effect in 1980.

I am not being cozy or indecisive when I express the hope that the Senate will examine closely and debate fully the proposed amendment before passing it along to the states to take it or leave it.

My own judgment is definitely that on balance it would be desirable to end the recurring risk of a candidate receiving the lesser popular vote becoming president by an Electoral College majority vote. But there are honest and intelligent theoretical arguments against abandoning the state-by-state electoral vote which deserve to be brought out fully in Senate debate and widely understood by the public before the final decision is taken.

One such argument is advanced by columnist George Will in an article in Newsweek. He notes that the electoral system, combined with the custom in which the winner in each state gets all the state's electoral votes, however narrow the majority, "encourages ideological third parties." And as the end result he sees direct vote for the president further weakening the two-party system and the stability of our political system.

The sponsors of the amendment to abolish the Electoral College propose to get around this possible consequence by having a run-off presidential election if neither of the two leading candidates gets at least 40 percent of the vote. The apprehension on this point is that this could provide a further incentive for third parties to try to force a run-off vote in order, as Mr. Will puts it, "sell their support" to one of the leading contenders.

I have called this a theoretical argument. The contention that the American voters will rally to third parties because of voting directly for president is without proof or probability. It seems to me wiser to reduce the risk of minority presidents, even if it means accepting the possibility of increasing the power of third-party movements.

If the two-party system has been weakened in recent years in favor of voter independence, it has been its own fault and nothing else. It is certainly a greater risk to continue the danger of electing a president who gets fewer votes. This is not a theoretical danger; it is real and has happened three times in our history. It has come perilously close other times, as it did last year.

The fact is that after the Electoral College lost most of its independence in the mid-18th century, the two-party system grew in strength. I can see the two-party system being nourished, not weakened, by the direct election of the president.

ALASKA GIRLS STATE RESOLUTION

Mr. STEVENS. Mr. President, recently 45 outstanding young women from my State attended Alaska Girls State in Sitka. As you know, each year Girls State is held across the Nation and is an excellent experience in government procedure for thousands of girls. This year the legislature of Alaska Girls State passed a resolution concerning the d-2 lands which I believe reflects the feelings of most Alaskans. Our decision with respect to these lands will profoundly affect the lives of our young people and I feel that it is important that their views be heard. These are the future leaders of Alaska and of our Nation and their interest and involvement in the issues of today is welcome and necessary. I am sure that the resolution will be of great interest to all of my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION No. 5

(This resolution is concerned with: Use of Federal lands in Alaska.)

Be it resolved by the legislature of Girl's State 1977:

Whereas, The future of Alaska is inexorably tied to the use of Federal lands in Alaska; and

Whereas, Alaska has traditionally used Alaska's Federal lands for a variety of purposes including, but not limited to, recreation, subsistence and sport hunting and fishing, mining, agriculture and timber harvest; and

Whereas, Congress is now considering the future of 80 million acres of land withdrawn for study pursuant to Section 17(d)(2) of the Native Claims Act as potential additions to the National Park, the National Wild Life and Refuge, the National Forest and National Wild and Scenic River Systems; and

Whereas, The Congressional decision on the use of these lands will greatly affect Alaska and Alaskans; now, therefore,

Be it resolved by the Legislature of Girls State 1977 That Alaska Girls State urges the U.S. Congress to place Alaska's d-2 lands in a system or systems which allow and promote flexible management to insure that Alaska's lands are protected but will also provide the opportunity for appropriate development of resources contained in these lands; and be it

Further resolved, That a copy of this resolution be sent by the Secretary of the Alaska Girls State Senate to the Honorable Senator Ted Stevens, the Honorable Senator Mike Gravel, the Honorable Congressman Don Young and the President of the United States.

DETENTION OF FOSTER PARENTS PLAN DIRECTOR IN ETHIOPIA

Mr. PELL. Mr. President, almost 1 month ago the new revolutionary government of Ethiopia detained Leslie Fox of New York, the director of Foster Parents Plan International in Ethiopia. Foster Parents Plan, whose international headquarters is in Warwick, R.I., is a private voluntary organization whose many humanitarian and developmental activities in the developing world do much to complement the various government and U.N. sponsored foreign assistance programs benefitting the neediest people of the world.

When Mr. Fox was arrested in southern Ethiopia on about May 24, he was directing a staff of 65 Ethiopians engaged in vitally needed programs of village development such as the creation of a water supply system; building and equipping schools, clinics, and community centers; and conducting training in sanitation and agricultural techniques. Mr. Fox was accused in an Ethiopian radio broadcast of being an American intelligence agent, but no formal charges or evidence of wrongdoing have been produced by the Ethiopian authorities.

I have confirmed that Mr. Fox is in no way connected with the U.S. Government and has engaged in no intelligence activities. By now, it seems to me that the Ethiopian authorities must have come to the same conclusions. Yet the appeals for Mr. Fox's release expressed by his family and Foster Parents Plan International, whose activities the Ethiopian authorities profess they wish continued, go unheeded.

I call upon the Ethiopian Government

to release Mr. Fox immediately. To continue to hold him can only cause Foster Parents and other private voluntary organizations to reconsider providing assistance in areas such as southern Ethiopia where it is most needed. Mr. Fox is dedicated to the strictly humanitarian objectives of the Foster Parents Plan in Ethiopia. It would be a shame, indeed, if true friends of Ethiopia such as Leslie Fox were to become discouraged and fearful of continuing their fine work.

S. 1353, A BILL TO PROVIDE REVIEW BY THE SUPREME COURT OF THE UNITED STATES FOR DECISIONS OF THE U.S. COURT OF MILITARY APPEALS

Mr. THURMOND. Mr. President, recently, I introduced S. 1353, a bill which would permit the U.S. Supreme Court, by writ of certiorari, to review cases in the U.S. Court of Military Appeals. Since the bill was introduced, many questions have been asked concerning the effect of the bill. Included in my statement is a series of questions and answers, which address the issues raised:

1. Question: What is the current procedure for obtaining civilian judicial review of a court-martial conviction?

Answer: Civilian courts have no jurisdiction for direct review of court-martial convictions. Unlike his civilian counterpart, a service member has no right to seek direct review in the Supreme Court through a writ of certiorari.

Rather, the current procedure for obtaining judicial review of a court-martial conviction requires a collateral attack in the Federal courts. The most common method of collateral attack is habeas corpus (28 U.S.C. 2241). However, collateral attacks may also take the form of a suit for back pay (28 U.S.C. 1491, 1346), an action in the nature of mandamus (28 U.S.C. 1361), a request for declaratory judgment (28 U.S.C. 2201), a request for injunctive relief (Fed.R.Civ.P. 65), or a tort action. In Middendorf v. Henry, — U.S. —, 44 U.S.L.W. 4401 (1976), the petitioners brought a class action under Fed.R.Civ.Proc. 23 seeking habeas corpus relief.

In addition to selection of the form of collateral attack, a service member generally must exhaust available remedies in the military system. Available remedies vary with the case but may include direct appellate review—both automatic and discretionary, application to the board for correction of military records, a petition for writ of error coram nobis or for extraordinary relief to the U.S. Court of Military Appeals, a request for administrative relief under Article 138, UCMJ, and an application for deferment of post-trial confinement.

Thus, review by the Supreme Court presently requires an accused to go through the military court system, exhausting other remedies as necessaary, and, then through the civilian court system. This procedure is inefficient, costly, time consuming, and redundant.

2. Question: Why is S. 1353 desirable?

Answer: S. 1353 is desirable principally because the decisions of the U.S. Court of Military Appeals are the only ones by a Federal criminal tribunal for which there is no statutory provision for Supreme Court review over Constitutional questions. The Constitutional questions presented in military cases have been basic, particularly in the areas of speech and privacy.

3. Question: What are the advantages of this bill to the Government?

Answer: The advantages of S. 1353 to the Government are: (a) it would attest that USCMA is equal to a U.S. Court of Appeals in the area of its jurisdiction, (b) it would provide an opportunity for the Government to seek relief from U.S. Court of Military Appeals decisions which appear inconsistent with decisions of other Federal courts on Constitutional questions, and (c) it should have the effect of encouraging consistency in U.S. Court of Military Appeals decisions.

4. Question: What are the advantages of this bill to service members?

Answer: Besides encouraging consistency of decisions of the U.S. Court of Military Appeals, S. 1353 provides the accused service member with the opportunity to petition by writ of certiorari for direct appeal to the Supreme Court. This would significantly reduce the demands of time and expense of counsel to pursue the procedural steps in cases such as Middendorf v. Henry, supra.

5. Question: What is the potential impact on the workload of the Supreme Court occasioned by the enactment of this bill?

Answer: Although any answer to this question is necessarily speculative, probably the impact would be minor. Most opinions rendered by the U.S. Court of Military Appeals interpret the Uniform Code of Military Justice. It is unlikely that the Supreme Court would review decisions resting on a statute as to which the U.S. Court of Military Appeals has special expertise.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William L. Harper, of Georgia, to be U.S. attorney for the northern district of Georgia for the term of 4 years vice John W. Stokes, Jr., resigning.

William T. Moore, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years vice R. Jackson B. Smith, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, June 28, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

(This concludes additional statements submitted today.)

ORDER FOR A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders or their designees have been recognized under the standing order, there is a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. KENNEDY, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. William V. Shannon, which would mean the 1-day rule would be waived, and I do this at the request of Mr. KENNEDY.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, the distinguished majority leader and I have discussed this, and there is no objection to proceeding to executive session and no objection on this side of the aisle to the confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM V. SHANNON TO BE AMBASSADOR TO THE REPUBLIC OF IRELAND

The second assistant legislative clerk read the nomination of William V. Shannon, of the District of Columbia, to be Ambassador to Ireland, which had been reported earlier today.

Mr. KENNEDY. Mr. President, I am delighted, as I am sure all of us in the Senate are, that President Carter has nominated William V. Shannon of Massachusetts, the distinguished editorial writer for the New York Times, to be the next Ambassador of the United States to the Republic of Ireland. I was pleased to accompany him to his confirmation hearing at the Committee on Foreign Relations this morning, and I am equally pleased to urge his prompt confirmation by the Senate.

I have known Mr. Shannon well for many years, and I am confident that he will be an outstanding and extremely effective Ambassador in Dublin, both in his presentation of official U.S. policy to the Irish Government and in his interpretation of events in Ireland for the State Department.

It has been the custom in recent years to select distinguished Americans of Irish descent for the Embassy in Dublin. Certainly, the Shannon family generously fulfills that standard. Mr. Shannon's parents were immigrants to the United States from County Clare. His wife Elizabeth's ancestors came from Ireland to Texas five generations ago. The names of his three sons—Liam Anthony, Christopher Andrew, and David Patrick—are also a tribute to their Irish heritage. Irish Americans, and Irish men and women everywhere, can be proud that five of Ireland's "wild geese" are now returning home with such great honor and distinction.

I am also confident that Mr. Shannon will avoid some of the pitfalls and discomforts that have occasionally marked our Ambassadors in the past.

Too often, it is fair to say, some of our envoys to Ireland have been known more for their equine interests, than for their diplomatic skills.

One Ambassador was of such renown as a horseman and horse breeder that his colors were flown by thoroughbreds in virtually every racing meeting in Britain and Ireland during his service in Dublin. Once, at a major outdoor diplomatic function in Killarney honoring the President of Ireland, the American Ambassador firmly planted both his radio and his television set on the lawn, so that he and his family could watch the

British Derby. The Ambassador's horse placed first at Ascot, but the President of Ireland was relegated to second place at Killarney.

Not all our Ambassadors, of course, were horsemen. On another occasion, the Ambassador solemnly disavowed a link to racing, and insisted instead that he "hoped to be a golfing ambassador."

Another, David Gray, arrived in 1939 and stayed much longer than expected. His wife was the aunt of President Franklin Roosevelt. He complained on occasion that his health was being endangered by Irish hospitality. He had come with the intention of staying only for a year. But as he said after 7 years in office, he "could not have been expected to know that his wife's nephew would be a perennial President of the United States."

Those were, of course, the World War II years, a period of unfortunate strain in Irish-American relations. When it came time for Gray's departure, the story is that he came to visit President de Valera for the official farewell. They spent 20 minutes in total silence, each refusing to speak—although it is said they managed a smile at the end, when the official photographers came to record the parting.

And finally, there is the report involving a subsequent ambassador who had some difficulty in presenting his credentials on arrival. In the confusion of the ceremony, he handed his hat to the Chief of State and presented his credentials to the chief messenger.

I am confident that Bill Shannon will be an ambassador of a different sort. He will get both his priorities and his protocol straight, and both America and Ireland will be the winners.

At this critical time, especially in regard to our hopes for peace and an end to the violence in Northern Ireland, President Carter has chosen a wise and sensitive ambassador with broad experience and understanding of historical and contemporary events.

I look forward with great anticipation to his service as ambassador, and I warmly commend him to all the Members of the Senate.

Mr. President, I ask unanimous consent that three recent editorials, praising Mr. Shannon's selection, from the New York Times, the New York Post, where Mr. Shannon served for 13 years as a Washington correspondent and columnist, and the Washington Star may be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 1977]

AMBASSADOR SHANNON

We do not normally comment on commendable ambassadorial appointments. But a Senator named Kennedy has informed the Irish on both sides of the Atlantic that their next United States Ambassador is to be William V. Shannon, our own Bill Shannon, who has been sorting out right from wrong on this page, with rigor and wit, with signature and without, for the last 13 years. With selfish reluctance, we approve President Carter's choice. The full measure of the nation's gain will become evident only when we contrive to publish his forthcoming ambassadorial dispatches, predictably full of good works and perceptive analyses.

With Marianne Moore, Bill Shannon can truly say, "I am troubled, I'm dissatisfied, I'm Irish." As reporter, columnist, editorial writer and author, he has been troubled by the human condition and never satisfied with his understanding. Yet he has rendered his counsel in the clear, soothing voice of the Irish—with a special affection for the American-Irish and their principal sport, politics.

Bill's parents, Nora McNamara and Patrick Joseph Shannon, made the great journey from County Clare to America, Ireland's loss, like The Times' is sure to be remedied when their son settles into Dublin.

[From the New York Post, May 6, 1977]

OUR NEW MAN IN DUBLIN

Appointment of William V. Shannon as U.S. Ambassador to Dublin will be this country's—and Ireland's—gain and journalism's loss. We derive special satisfaction from the selection because Shannon began his notable newspaper career on The Post, where he served with distinction as our Washington correspondent and columnist for thirteen years.

Many of us remember him as a valued, thoughtful and imaginative colleague who later achieved further recognition as a perceptive columnist and editorial writer on The Times. He brings unique qualities of independence and spirit—as well as informed involvement with Ireland's past and present—to the post. The selection is as unconventional as it is distinguished.

[From the Washington Star, May 11, 1977]

AMBASSADOR SHANNON

We have noted with what editorial writers call more than passing interest—and, we admit, with a certain collegial pride—that a member of our curious trade is to be an ambassador. President Carter is sending William V. Shannon to Dublin.

If the President had to pick an editorial writer—not that we fancy Mr. Shannon's trade was really the provocation of it—he could not have done better.

Mr. Shannon, though he keeps office in Washington, is on the editorial board of *The New York Times*. He writes many of the unsigned editorials. But there comes a season every year when the regular *Times* pundits go away for a rest and Mr. Shannon, the ready utility man, discards anonymity and the burden of institutionality and writes under his own signature.

The transformation, if we may say so, is remarkable—as remarkable as the process by which the sturdy caterpillar becomes a dazzling butterfly. We editorial writers write too much, as a rule, about transitory, unimportant things: budgets and bureaucracies and the latest political outrages, that sort of thing. Mr. Shannon, during his seasonal outing as an identifiable presence on the *Times* op-edit page, puts aside the transitory for the eternal. He writes about children and learning and manners and morals. And he does it with the grace and trenchancy that one expects of a man who looks through the ancestral mists to Dublin as his cultural heritage—to the city of Swift and Burke, Yeats and Joyce and Shaw.

Now he's going there as ambassador. It is not, for the time, very good news for the craft of editorializing. It is very good news for those who will be reading his cables. And it is a nice occasion for his colleagues in this calling to note.

Mr. KENNEDY. Mr. President, I had the good fortune to attend the hearings on Mr. Shannon's nomination this morning. In the exchanges between the members of the Foreign Relations Committee and Mr. Shannon, he was asked if any substantial problems existed in the relationship between the United States and Ireland. Mr. Shannon indicated that the relationship was basically sound and that he was very hopeful that he could play an important part in continuing the warm and very special relationship which exists between Ireland and the United States.

He went on to talk about some of the perplexing problems that exist in Ireland as it relates to the troubles in the North. He very clearly indicated that the role of the United States, as expressed by the administration, is limited, but that there are certain awarenesses and common understandings of our relationship with the people of Ireland that may be helpful in ending the crisis. He reminded the committee that 10 Presidents of the United States could trace their ancestry to the Protestant stock of Northern Ireland, so that America's Irish heritage reflects not only the Catholic community, but the Protestant community as well.

He noted as well that we have a continuing and warm relationship with Great Britain. So America has close ties to all of these elements which are in one respect or another involved in the tragedy of the North—the Irish Government, the British Government, and the communities in the North. The current conflict brings bloodshed and violence to innocent people of both the Protestant and the Catholic communities, and is a sorrowful part of the world community.

All of us wish Mr. Shannon extremely well on this occasion. It is important that we have as ambassador a man of Mr. Shannon's stature, with his understanding of history and his great grasp of the American political dimension. He brings extraordinary qualities of judgment, compassion, and understanding to this important assignment. In whatever way he possibly can, he will try to move the course of peace forward in that beleaguered part of the world.

So, it was a special pleasure to attend the confirmation hearings and to hear his response to the members of the committee on the future of the relationship between the people of Ireland and the United States. I think we are extremely fortunate, echoing the sentiments of a number of the members of that committee, to be able to confirm the President's outstanding nomination to this position. I extend my very deep appreciation to the leadership in permitting us the opportunity to act on this nomination so expeditiously this evening.

I am glad to yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, we Vermonters are by nature tactiturn and perhaps overly reserved in what we say or when we say it. But this Vermonter, at least, is even prior to his Vermont heritage by heritage an Irishman, and there are times when I must admit that my Irish nature overcomes my taciturn Vermont or New England nature, not with the eloquence, I might say, of my distinguished colleague from Massachusetts, a fellow New Englander, also a leading member of the Irish American

community in this country, and I must only echo what he has already said about Mr. Shannon.

I, too, am extremely pleased by his nomination by the President. I think that it is a very positive step, certainly one in keeping with what the President has laid out as his own guidelines in such nomination.

I would hope, in fact I know that this will also express our continuing concern, the Ambassador-designate's concern about the situation in Northern Ireland, not a concern that is expressed because the United States seeks to meddle or seeks to impose any type of a solution there, assuming one is even possible, but probably a concern that all of us with young children have, and that is the fact that as we watch the strife in that very, very troubled part of the world, we see the strife being passed on from generation to generation and really there is nothing more troubling to me than to watch photographs of young children, whether they are taking the role of "kill the Catholics" or "kill the Protestants," it is troubling, distressing, disturbing, to see that and know that one more generation carries on this very, very unhappy precedent.

So I hope that that will be a major concern of Mr. Shannon as it is of all of us. But I think—on a probably happier, more pleasant note—that it is an extremely rewarding move that the President has made, certainly rewarding to me as an Irish American, and I am pleased. As I said before, I can only say that I totally echo and completely agree with the words of my distinguished colleague from Massachusetts, and I yield back my time.

Mr. KENNEDY. I thank the Senator from Vermont for his comments. I can attest to his lineage of Irish ancestry, because I had the opportunity to meet a number of them recently in Burlington, Vt., and the map of Ireland was clearly written in their wonderful faces.

I could not see our distinguished minority leader, Mr. President, and not mention, of course, the Irish heritage in the State of Tennessee. One of the most noted judges in the State of Tennessee was Judge Killen, from Nashville. It is a documented historical fact that Judge Killen used to release all of the Irish prisoners in his city jail on St. Patrick's Day. Once, at the turn of the century, there were 19 inmates, 2 of whom were black. But none denied their Irish ancestry, and all of them were freed.

So it is a pleasure to see the distinguished minority leader this evening and to express my appreciation to him for expediting this splendid nomination. We will make sure that all of those who hold affection for that misty isle across the sea will duly note the gracious accommodation he has made.

Mr. BAKER. Mr. President, I stand in absolute awe of the depth and the extent of our colleague's knowledge of Tennessee history. I confess to our colleague from Massachusetts that this is a brand new facet of the distinguished history of Tennessee that has now been brought to my attention, that clearly and obviously is abundant justification for my support, indeed my enthusiasm, for this nomination.

I conferred with the distinguished majority leader and suggested that it was inevitable, perhaps, that someone named Shannon would be Ambassador to Ireland. Now the distinguished Senator from Massachusetts has added this extra aspect of justification for this eminent nomination, and I am pleased, as I have already announced, to join in urging that the Senate proceed to executive session tonight and quickly dispatch this distinguished nomination, and to thank my fellow Senator for his enrichment of my Tennessee heritage.

The PRESIDING OFFICER (Mr. MATSUNAGA). As the grandfather of an Irish-Japanese-American, and as the junior Senator from the "Ireland" State of Hawaii, the Chair wishes to join the Irish Americans from Massachusetts, Vermont, Tennessee, and West Virginia in urging the confirmation of the nomination of Mr. Shannon.

Mr. KENNEDY. Mr. President, this little colloquy shows the extraordinary wisdom of our majority leader. If this nomination had been brought up earlier when the Senate was deliberating the important bill before us, Mr. Shannon might never have been confirmed—because our total membership would have been recalling incidents of Irish history and, I am sure, joining us in praise for the nominee.

So again let me express my appreciation for the leadership's willingness to give us this opportunity, the few of us who are here, to participate in this very warm endorsement of an outstanding Presidential nomination.

I am now prepared to move the Senate's confirmation of the nomination of Mr. William V. Shannon to be the Ambassador of the United States to the Republic of Ireland.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Massachusetts for his kind references to the leadership. May I say I would thoroughly enjoy sitting for a day and listening to the Members of the Senate pay just tribute to the Irish. I daresay that no one in the Senate could regale the Senate with the kind of interesting Irish history that has just been demonstrated by the distinguished Senator from Massachusetts, whose heart is as stout as the Irish oak and as pure as the lakes of Killarney.

Mr. KENNEDY. The majority leader has quoted Irish poetry again this evening, as he did at the ceremony for the swearing in of our former majority leader, Mike Mansfield, also of Irish heritage, as Ambassador to Japan.

All of us continually acquire new understanding of the depth of our leader's interest in Irish folklore and poetry, and we are delighted to see further evidence of it this evening.

Mr. ROBERT C. BYRD. Mr. President, it is for the reason that I am part Irish.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, while we are in executive session, there are two nominations on the Executive Calendar that have been there since they were reported yesterday, and placed on the calendar. They are Calendar Orders Nos. 286 and 287. I ask unanimous consent that the Senate proceed to the consideration of those two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the nominations.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Richard Blumenthal, of Connecticut, to be U.S. attorney for the District of Connecticut.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

ENVIRONMENTAL PROTECTION AGENCY

The second assistant legislative clerk read the nomination of Thomas Cash Jorling, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 9:30 a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 o'clock a.m.

At the hour of 10 o'clock a.m., the Senate will resume the consideration of the bill (S. 1529) authorizing the construction, repair, and preservation of certain public works on rivers and harbors.

Rollcall votes will occur during the day on tomorrow, and I would anticipate a rather long day, tomorrow being Wednesday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:46

p.m. the Senate took a recess until tomorrow, Wednesday, June 22, 1977, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1977:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

John Newhouse, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Leon Sloss.

DEPARTMENT OF JUSTICE

Ronald S. Reed, Jr., of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years vice Bert C. Hurn.

Frank J. Anderson, of Indiana, to be U.S. marshal for the southern district of Indiana for the term of 4 years vice Charles L. Loos.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Charles A. Gabriel, xxx-xx-xx... R (brigadier general, Regular Air Force), U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 21, 1977:

DEPARTMENT OF STATE

William V. Shannon, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

DEPARTMENT OF JUSTICE

Richard Blumenthal, of Connecticut, to be U.S. Attorney for the District of Connecticut for the term of 4 years.

ENVIRONMENTAL PROTECTION AGENCY

Thomas Cash Jorling, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, June 21, 1977*

The House met at 12 o'clock noon.

Elder E. E. Dickerson, New Chicago Church of God in Christ, Memphis, Tenn., offered the following prayer:

Most gracious and eternal God, we honor and praise Thy name; for Thy name is worthy. We come to Thee with the assurance that Thou art able to save and help each one of us this very moment. Lord, send Your word and bless Your people everywhere. Supply our needs and let Your will be done on Earth and Your glory be revealed. Forgive all manner of sin and heal all manner of diseases; lead us on to victory. Make our daily lives a living testimony of Thy saving and keeping power. May we present dedicated bodies and minds to Thy glory. These blessings and all others are asked through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7552. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7552) entitled "An Act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHILES, Mr. MCCLELLAN, Mr. SASSER, Mr. DECONCINI, Mr. WEICKER, and Mr. YOUNG to be the conferees on the part of the Senate.

ELDER EUGENE E. DICKERSON

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, I am proud and honored that the prayer at the opening of today's House session was given by the Elder Eugene E. Dickerson, a distinguished constituent of the Eighth District of Tennessee. It is because of the sponsorship of our very own House Speaker O'NEILL that we have been blessed with Elder Dickerson's meaningful and highly spiritual message this morning. And on behalf of my constituency, I simply want to say thank you.

This very fine religious servant is currently the pastor of the New Chicago Church of God in Christ of Memphis. Since he was ordained in 1951 to the Ministry of the Church of God in Christ, he has devoted his life to religious services enabling many fellow Tennesseans to benefit from his teachings and his wisdom. In addition to his religious duties, he is the president and founder of the Dickerson Brothers Christian Alliance. When called to serve among the ranks of our U.S. militia during World War II, Elder Dickerson acted as Chaplain of the 4072d Quartermaster Service Battalion for 30 months in the Pacific.

My fellow colleagues, we were indeed fortunate this morning to have Elder Dickerson in our midst. His presence and his inspirational message were perfect introductions to the beginning of a busy day of legislative work.

APPOINTMENT OF CONFEREES ON H.R. 6161, CLEAN AIR ACT AMENDMENTS OF 1977

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, DINGELL, ROGERS, SATTERFIELD, WAXMAN, MAGUIRE, DEVINE, BROYHILL, and CARTER, and an additional Member, Mr. BREAUX, solely for the consideration of section 108(a) of the House bill and modifications thereof committed to conference.

CONFERENCE REPORT ON H.R. 4088, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1979

Mr. FUQUA submitted the following conference report and statement on the bill (H.R. 4088) to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1978:

CONFERENCE REPORT (H. REPT. NO. 95-448)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1977:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,354,200,000;

(2) Space flight operations, $267,800,000;

(3) Expendable launch vehicles, $134,500,000;

(4) Physics and astronomy, $228,200,000;

(5) Lunar and planetary exploration, $153,200,000;

(6) Life sciences, $33,300,000;

(7) Space applications, $239,800,000;

(8) Aeronautical research and technology, $234,000,000;

(8) Space research and technology, $99,700,000;

(10) Energy technology applications, $7,500,000;

(11) Tracking and data acquisition, $280,200,000;

(12) Technology utilization, $9,100,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Construction of central hydraulic system, Hugh L. Dryden Flight Research Center, $420,000;

(2) Construction of additional technical processing facilities, Goddard Space Flight Center, $3,100,000;

(3) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, $2,830,000;

(4) Modification of chillers in central heating and cooling plant, Lyndon B. Johnson Space Center, $2,540,000;

(5) Modifications for utility control system, John F. Kennedy Space Center, $2,130,000;

(6) Rehabilitation of main heating plant, Langley Research Center, $790,000;

(7) Rehabilitation of unitary plan wind tunnel, Langley Research Center, $980,000;

(8) Modification of central chilled water system, Lewis Research Center, $860,000;

(9) Modifications for utility control system, National Space Technology Laboratories, $620,000;

(10) Large aeronautical facility: construction of national transonic facility, Langley Research Center, $23,500,000;

(11) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, $13,500,000;

(12) Various locations: rehabilitation and modification of 64-meter antenna components, $1,750,000;

(13) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $40,700,000;

(B) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, $1,730,000;

(C) Rehabilitation of barge channels, John F. Kennedy Space Center, $2,090,000;

(D) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $18,610,000;

(E) Rehabilitation and modification of Shuttle facilities, at various locations, $1,750,000;

(14) Space Shuttle payload facility: modifications and addition for Shuttle payload vertical processing, John F. Kennedy Space Center, $6,410,000;

(15) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $18,900,000;

(16) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,950,000;

(17) Facility planning and design not otherwise provided for, $11,780,000.

(c) For "Research and program management," $846,989,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any majority facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) The authorization for appropriation to the National Aeronautics and Space Administration of $6,500,000, which amount represents that part of the authorization provided for in section 1(b)(4) of the National Aeronautics and Space Administration Authorization Act, 1976, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

(i) The authorization for appropriation to the National Aeronautics and Space Administration of $6,000,000, which amount represents that part of the authorization provided for in section 1(b)(14)(B) of the National Aeronautics and Space Administration Authorization Act, 1977, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

(j) No part of any funds available to the Administrator may be used for the design or procurement of a prototype supersonic transport aircraft.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (16), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (17) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no

costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation hereafter enacted by the Congress.

SEC. 7. Paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1977 (Public Law 94-307), is amended by striking out "$1,288,100,000" and inserting in lieu thereof "$1,383,100,000".

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1978".

And the Senate agree to the same.

OLIN TEAGUE,
DON FUQUA,
ROBERT A. ROE,
JAMES F. LLOYD,
DALE MILFORD,
JOHN WYDLER,
LARRY WINN, JR.,
Managers on the Part of the House.

WARREN MAGNUSON,
ERNEST F. HOLLINGS,
ADLAI STEVENSON,
WENDELL H. FORD,
BARRY M. GOLDWATER,
HARRISON SCHMITT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1978 for Research and Development, Construction of Facilities, and Research and Program Management, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The NASA request for fiscal year 1978 totaled $4,034,789,000. The House authorized $4,053,829,000 and the Senate amendment authorized $4,038,789,000. The committee of conference agrees to a total authorization for fiscal year 1978 of $4,049,429,000, as follows:

SUMMARY, FISCAL YEAR 1978

	Budget request[1]	House	Senate	Committee of Conference
Research and development:				
Space Shuttle	$1,349,200,000	$1,349,200,000	$1,354,200,000	$1,354,200,000
Space flight operations	267,800,000	270,800,000	265,800,000	267,800,000
Expendable launch vehicles	136,500,000	129,500,000	136,500,000	134,500,000
Physics and astronomy	224,200,000	229,200,000	226,200,000	228,200,000
Lunar and planetary exploration	158,200,000	161,200,000	150,200,000	153,200,000
Life sciences	33,300,000	33,300,000	33,300,000	33,300,000
Space applications	233,800,000	211,900,000	239,800,000	239,800,000
Earth resources operational systems	0	26,900,000	0	0
Aeronautical research and technology	$231,000,000	$236,500,000	$231,000,000	$234,000,000
Space research and technology	97,700,000	101,700,000	97,700,000	99,700,000
Energy technology applications	4,500,000	9,500,000	4,500,000	7,500,000
Tracking and data acquisition	281,700,000	278,700,000	281,700,000	280,200,000
Technology utilization	8,100,000	9,100,000	9,100,000	9,100,000
Total	3,026,000,000	3,047,500,000	3,030,000,000	3,041,500,000
Construction of facilities	161,800,000	158,340,000	161,800,000	160,940,000
Research and program management	846,989,000	847,989,000	846,989,000	846,989,000
Grand total	4,034,789,000	4,053,829,000	4,038,789,000	4,049,429,000

[1] Includes Carter amendments to original fiscal year 1978 budget request.

The points in disagreement and the conference resolution of them are as follows:

1. The House authorized $1,349,200,000 for the Space Shuttle program, agreeing with the NASA request.

The Senate authorized $1,354,200,000, an increases of $5 million to provide for a more efficient orbiter production program reflecting schedule adjustments to accommodate an earlier start on production activities funded by the $95 million added to this program in fiscal year 1977 through the Economic Stimulus Appropriations Act, 1977.

The conference substitute authorizes $1,354,200,000 for the Space Shuttle program.

2. NASA requested $267,800,000 for the space flight operations program. The House authorized $270,800,000, an increase of $3 million, the net result of adding $5 million to the space transportation system operations subprogram for space industrialization studies, and reducing the space transportation system operations capability development subprogram by $2 million.

The Senate authorized $265,800,000, agreeing with the House in its $2 million reduction in the subprogram, space transportation system operations capability development.

The conference substitute authorizes $267,800,000 for the space flight operations program, including $2 million for space industrialization studies.

3. The House authorized $129,500,000 for the expendable launch vehicles program, a reduction of $7 million in the NASA request, believing that maturity of the program should enable NASA to achieve greater economies in the area of supporting activities.

The Senate authorized $136,500,000, an amount identical with the NASA request.

The conference substitute authorizes $134,500,000.

4. NASA requested $224,200,000 for the physics and astronomy program. The House increased the request by $5 million with the added funds to be used for augmenting the supporting research and technology base in the university community.

The Senate authorized $226,200,000, an increase of $2 million in the NASA request, believing that NASA should pursue more aggressively its responsibilities with respect to the upper atmospheric research, technology, and monitoring program assigned to it by title IV of the National Aeronautics and Space Act of 1958, as amended.

The committee of conference authorizes $228,200,000 for the physics and astronomy program.

The conferees agree that NASA should make every effort to provide the support necessary to enhance the contribution of educational institutions to the physics and astronomy program including work in the area of upper atmospheric research.

5. NASA requested $158,200,000 for the lunar and planetary exploration program. The House authorized $161,200,000, an increase of $3 million in the requested amount. The increase resulted from the addition of $7 million to initiate development of the lunar polar orbiter mission, the addition of $1 million to augment the planned level of activities and to offset the effects of inflation in supporting research and technology, and a reduction of $5 million in Mars follow-on studies, believeing that future Mars mission definition could be accomplished with less funding.

The Senate authorized $150,200,000 reducing the NASA request for Mars follow-on mission definition studies by $8 million.

The conference substitute authorizes $153,200,000 for the lunar and planetary exploration program.

The conferees request that NASA conduct the preparatory work with the objective of presenting the lunar polar orbiter project as a high priority new initiative in its fiscal year 1979 budget request.

6. NASA requested $233,800,000 for the space applications program. The House authorized $211,900,000, a reduction of $21,900,000 in the request. The House reduction is the net result of transferring the Landsat-D spacecraft project and the $26,900,000 associated therewith to a new line item in the bill, and the addition of $5 million to the subprogram, weather and climate observation and forecasting, to offset the effects of inflation and thereby maintain a reasonably constant level of effort in this subprogram area.

The Senate authorized $239,800,000, increasing the NASA request by $6 million, of which $2 million was for the inclusion of a proven multispectral scanner on the first Landsat-D spacecraft, $2 million was for studies in the subprogram, space communications, to define and develop a satellite based system for conducting surveillance of the 200-mile limit, and of which $2 million was to support, within the subprogram, environmental quality monitoring, the investigation of the potential of satellite systems to detect and monitor oil spills in U.S. waters.

The conference substitute authorizes $239,800,000 for the space applications program.

The conferees request that NASA allocate $2 million of the amount authorized for the space applications program to provide for the inclusion of a proven multispectral scanner on the first Landsat-D spacecraft. The conferees also direct that NASA allocate within

the space applications program such funds as are necessary to develop and investigate fully the potential contributions of space technology to the subprograms of weather and climate, space communications and environmental quality as these potentials are addressed in the respective House and Senate reports on this bill. In addition to oil spills, NASA should also investigate the application of space technology to the monitoring and control of other ocean pollution problems such as waste disposal.

7. The House established a new research and development appropriations line item program entitled, "Earth Resources Operational Systems" not included in the NASA request, and authorized $26,900,000 for the program to include those activities associated with the Landsat-D spacecraft development project. This action reflects a transfer of the Landsat-D project and the funding requested therefor from the space applications program.

The Senate did not include a comparable line item program in its amendment to the bill.

The conference substitute does not include this line item since the functions of and the funding for this activity have been included in the space applications program.

8. NASA requested $231 million for the aeronautical research and technology program. The House increased the request by $5,500,000 with $3 million to be applied to accelerate work on the superplastic forming and diffusion bonding of materials and to reverse the downward trend in independent university aeronautical research, and with $2,500,000 to be applied to establish a new subline item for agricultural aircraft systems technology, increasing the request of $1 million for this activity to a total of $3,500,000.

The Senate authorized the NASA request of $231 million for this program.

The conference substitute authorizes $234 million for the aeronautical research and technology program.

In increasing the authorized amount for the aeronautical research and technology program, the conferees note the importance of aeronautical research to the economy and request NASA to continue to emphasize this function through increased funding and manpower commitments to assure the Nation retains its favorable competitive position in domestic and international markets.

9. The House authorized $101,700,000 for the space research and technology program, an increase of $4 million in the NASA request. This increase was to be applied to the research and technology base subprogram and to be divided equally to offset the effects of inflation and to augment advanced propulsion technology efforts, particularly in the area of fundamental research and exploratory development in new propulsion concepts.

The Senate authorized the NASA request of $97,700.000 for this program.

The conference substitute authorizes $99,700,000 for the space research and technology program.

The conferees agree that the increase of $2 million above the request is to be used to augment work on advanced propulsion concepts including electric and gaseous core reactor propulsion.

10. NASA requested $4.500,000 for the energy technology applications program. The House authorized $9,500,000 adding $5 million to the request to significantly broaden the system definition effort and to initiate a comprehensive environmental impact and benefit analysis on a satellite solar power system concept.

The Senate authorized $4,500,000, the NASA request.

The conference substitute authorizes $7,500.000 for this program.

The conferees agree that $4 million of the amount authorized for this program is to be applied to studies on the satellite polar power system concept.

11. The House authorized $278,700,000 for the tracking and data acquisition program, a reduction of $3 million in the NASA request, expecting that greater economies could be achieved in the program.

The Senate authorized $281,700,000, the amount of the NASA request.

The conference substitute authorize $280,200,000 for the tracking and data acquisition program.

12. NASA requested $860,000 for the construction of a crew training facility for the Space Shuttle program at the Lyndon B. Johnson Space Center.

The House did not authorize this facility, indicating that NASA had not substantiated this facility on the basis of an 8-year life-cycle cost. The House also expressed its concern about the existence of the neutral buoyancy facility at the Marshall Space Flight Center and the cost that would be incurred in operating two facilities.

The Senate authorized the construction of this facility project noting that testimony stated a net savings of $3.3 million would accrue over a period of 8 years.

The conference substitute does not include this facility project as a line item.

The conferees agree that the astronaut crew training facility is deferred pending a consolidated update by NASA of the justifications, cost and current schedule therefor with particular reference to life-cycle costs. This consolidated update is to be submitted to the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Should NASA continue to believe there exists a pressing and unique need for this facility, NASA, following a reasonable period for committee review such as 30 days after the submission of such consolidated update, may proceed with the acquisition of such facility utilizing existing resources in accordance with procedures set forth in annual NASA authorization acts.

13. NASA requested $18,610,000 for a construction of facilities project for modifications to the Michoud Assembly Facility to support the manufacturing and final assembly of external tanks for the Space Shuttle program. The House reduced the request by $2,600,000 believing that construction of a new chemical waste treatment facility included in the project should be deferred until completion of final design of the facility.

The Senate authorized this "Construction of Facilities" line item in its entirety at the requested amount of $18,610,000.

The committee of conference adopts the Senate position.

The conferees request that the results of the bench tests conducted to assist in the design of the chemical waste treatment facility be submitted to the authorizing committees of the House and the Senate.

14. The House authorized $847,989,000 for the "Research and Program Management" appropriations category increasing the NASA request for personnel travel by $1 million.

The Senate authorized the NASA request of $846,989,000 for this appropriations category.

The conference substitute authorizes $846,989,000 for the "Research and Program Management" appropriations category.

15. The Senate amendment added two clarifying provisions to the bill to conform to the requirements of the Congressional Budget Act of 1974. First, the words "to become available October 1, 1977" were added to the second line of section 1 following the word "Administration". Second, the words "and to the extent provided" were inserted in the first line of subsection 1(e) after the word "specified,".

The House bill did not include the foregoing language.

The committee of conference adopts the Senate provisions.

16. The House bill consolidated the two projects for large aeronautical facilities as items 10(A) and 10(B) in subsection 1(b)(10).

The Senate amendment established each of these projects as an individual line item noting they are major, individual, unrelated and separate undertakings and believing they should be presented accordingly. The remaining line items in subsection 1(b) were renumbered accordingly.

The conference substitute adopts the Senate position.

17. The House adopted as section 1(h) a prohibition against the use of any funds available to the Administrator of NASA for the design or procurement of a prototype supersonic transport aircraft.

There was no comparable provision included in the NASA authorization request to the Congress for fiscal year 1978.

The Senate did not include an equivalent provision in its amendment to the bill.

The conference substitute adopts the House provision.

18. The House adopted a section 7 in its bill entitled, "Sunshine in Government" requiring NASA employees with specified financial interests to file publicly available statements thereon, and requiring the Administrator of NASA to implement the requirements of the section and to file a report to the Congress thereon. There was no comparable provision included in the NASA authorization request for fiscal year 1978.

The Senate amendment did not include a comparable provision.

The conference substitute does not include this provision.

OLIN TEAGUE,
DON FUQUA,
ROBERT A. ROE,
JAMES F. LLOYD,
DALE MILFORD,
JOHN WYDLER,
LARRY WINN, Jr.,
Managers on the Part of the House.

WARREN MAGNUSON,
ERNEST F. HOLLINGS,
ADLAI STEVENSON,
WENDELL H. FORD,
BARRY M. GOLDWATER,
HARRISON SCHMITT,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 7552, TREASURY-POSTAL SERVICE APPROPRIATIONS, FISCAL YEAR 1978

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7552) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1978, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Messrs. STEED, ADDABBO, ROYBAL, PATTEN, FLYNT, BOLAND, MAHON, MILLER of Ohio, MCEWEN, and CEDERBERG.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, WEDNESDAY, JUNE 22, 1977, TO FILE CONFERENCE REPORT ON H.R. 7552, TREASURY-POSTAL SERVICE APPROPRIATIONS, FISCAL YEAR 1978

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on

Appropriations may have until midnight tomorrow night, Wednesday, June 22, 1977, to file a conference report on the bill (H.R. 7552) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1978, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 826, DEPARTMENT OF ENERGY ORGANIZATION ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 826) to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, I do so because the gentleman from North Carolina (Mr. BROYHILL) had several questions that he wished to ask.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, could I ask the gentleman from Texas (Mr. BROOKS) if this is the bill which creates the new Department of Energy, and are we going to conference on this bill or on the Senate bill?

Mr. BROOKS. If the gentleman would yield, Mr. Speaker, the gentleman is correct. It does create a Department of Energy. We acted on the Senate bill, and this would provide that we go to conference with the Senate with respect to our differences.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. BROYHILL moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, S. 826, insist on the "Sunset Provisions" of title IX of the bill as passed by the House.

TITLE IX—SUNSET PROVISIONS

SEC. 901. The provisions of this Act shall expire on December 31, 1982.

The SPEAKER. The gentleman from North Carolina (Mr. BROYHILL) is recognized for 1 hour.

Mr. BROYHILL. Mr. Speaker, I do not intend to take the full hour. More and more, we hear from back home that our constituents are concerned about the continuing creation of new departments and new agencies without active oversight by the Congress into how these agencies have operated and whether or not they are adhering to the guidelines that have been laid down and the policies that have been suggested by the Congress. More and more Members are interested in this subject and have introduced what has come to be called "sunset" legislation. I have been informed that 150 or more of our colleagues in the Congress have introduced sunset legislation which would apply to all of the Federal agencies.

It would seem to me that here, where the Congress is creating the first department in the executive branch in many years, that this is an excellent opportunity for the Congress to assure that adequate oversight of this agency is going to be had. The only way I know to assure that, is that at the end of 5 years the agency has to come back and get a new lease on life. That is, we just pass a bill extending the life of the agency for another 5 years. This would insure that all Members would have a chance to not only be heard at the hearings, but would have ample opportunity not only in the committee but on the floor of the House to offer any amendments if they felt they were necessary, or to at least express themselves on the way this agency is being operated.

I would point out to the Members and have them recall that this is an agency that, at its outset, calls for $10 billion in expenditures and for some 20,000 people who will be employed by this new Department of Energy.

When one sees what has happened not only in the proliferation of agencies in the Federal Government but when one sees what has happened in the growth of some of these departments and agencies, I believe it is imperative that this sunset provision stay in the bill when it comes back to the House.

I have heard rumors, and I do not know whether I should even repeat them, that there may be an effort made to drop this amendment. I believe that the vote in the House showed that the overwhelming majority of the Members approved this amendment when it was before us. I believe this is indicative of the deep interest in sunset provisions that is held by Members of this House. I would like to see a majority insist that this sunset provision stay in the bill and not be dropped in the conference.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I thank my colleague, the gentleman from North Carolina (Mr. BROYHILL) for yielding to me. I was most happy to support this amendment when the gentleman from North Carolina offered it, for several reasons. I believe the gentleman has touched on some, but I would like to go over them again.

First of all, not only is this a new beginning agency, but it will probably be the most powerful agency of the Government, will it not?

Mr. BROYHILL. That is right. It will have authority to decide who will have energy, what energy resources will be available, who will have them and in what amount. He who controls energy in this country controls the shape of our economy.

Mr. HILLIS. That is the very point I wanted to make.

Secondly, historically, when Congress has created agencies they have tended to let the agencies go their own independent route. We have never taken the time to give the necessary oversight to the agencies in the past. Is that not true?

Mr. BROYHILL. You can have perhaps an oversight hearing for a day or two but then only those members of that subcommittee, and in most cases not even the members of the full committee, have opportunity to question witnesses who make their views known at the time of the hearing.

Through the sunset mechanism where a bill has to come back to the floor of the House to be debated and to be passed by both Houses and signed by the President, that gives all 435 Members in the House equal opportunity to make their views known concerning the actions of this agency.

Mr. HILLIS. If the gentleman will yield further, will this agency have the power and authority to issue rules and regulations that would be far reaching and have the effect of law?

Mr. BROYHILL. That is very, very true. The new department will have control over the supply of energy, over the price of energy, and who gets it.

Mr. HILLIS. It seems to me, too, that the sunset move here is something we have been talking about and debating in Government that needs to be done. Here is the first attempt to put it in place and try it out. Second, it gives the oversight that is necessary, as the gentleman has mentioned. Third, it seems to be only human that if the administrator of the agency and those immediately under him know that Congress is going to take such a close, long, hard look, it would tend to make them more responsive; would the gentleman not agree?

Mr. BROYHILL. That is correct, and I do appreciate the contribution of the gentleman from Indiana.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Arizona.

Mr. RHODES. I thank my good friend, the gentleman from North Carolina, for yielding. I congratulate him on having brought to the attention of the House the importance of upholding the House's position in this matter

What the House has actually done in adopting the Broyhill amendment is to implement one of the main campaign points that the present President of the United States made. As I think we all remember, during the campaign the President frequently spoke for sunset legislation and zero-based budgeting. I think that certainly the Broyhill amendment goes right along that line; but even if it did not, I would still be in favor of this because of the very far-reaching im-

port of the department which we are creating here.

I cannot help but hearken back to the days when we created the Department of Health, Education, and Welfare. If we had had some provision similar to the Broyhill amendment when we created that Department, I venture to say that it would be a very different-looking Department today than it is. It would not have gotten so completely unmanageable and ungovernable as, in my opinion, the Department of HEW is today. While I could not quote him, I would not be too surprised if the present Secretary of that Department and some of his predecessors might not agree with me on that. Had we had the Broyhill amendment at that time, within a very short period of years it would have been incumbent upon the Congress to take a look at it to make sure whether it really was making sense, and if it did not make sense, to pare it down, build it up, or let it die, as it appeared to be correct.

I hope that the Department of Energy will work. I happen to have been in favor of creating a Department of Energy for quite some time, but I cannot really be sure that taking all of these spare parts and putting them together is precisely the proper thing to do. I do not know that we have the correct mix. I do not know whether we should have the Department set up as it now is or in some other way.

Many of us have been worried over the fact that the Federal Power Commission's functions have been put into the Energy Department—a regulatory agency being put in the same department as an operating agency. It seems sort of like putting the skunk in the hen house, and I am not sure but what Congress in 3 years or 5 years, or whatever, would be well served to take a look at how it is working. Also I think it would put the people who operate that Department on notice that at least for this period of time they had better fly right and pay attention to the intent of Congress; otherwise, they might find themselves deactivated and dethroned after a definite period of years has elapsed.

I like the idea; I hope that it succeeds; and I congratulate again the gentleman for having brought it to our attention. I intend to support the resolution.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

I only ask for this time to observe to the House that there is good reason for the gentleman's privileged motion to instruct the conferees. When this bill was considered on June 3 in the House, by an overwhelming rollcall vote of 202 in favor and 126 opposed, the Broyhill sunset amendment providing for an expiration of the Department on December 31, 1982, was adopted. But it was adopted only after vociferous opposition from the chairman of the committee. It was adopted in the Committee of the Whole without a rollcall. He subsequently asked for a rollcall in the full House in an attempt to defeat it and made plain his opposition to what he considered to be an unnecessary amendment.

So I think that this is an extra occasion for us to instruct the House conferees and bind them to the House position.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. Mr. Speaker, I will be glad to yield to the gentleman from Texas (Mr. BROOKS) for purposes of debate only for 5 minutes, and if he wants more time I will be glad to yield him more time.

Mr. BROOKS. My distinguished friend, the gentleman from North Carolina, is very gracious to do that.

I want to say that this sunset request on the sunset provision is interestingly viewed by me as just a gratuitous insult to the proposed conferees, a total waste of time. If the Members want a mandate on the entire bill, they can just say the conferees are instructed to defend the entire bill. That is what our responsibility is and that is what we will do.

There is no necessity for selecting out every amendment to the bill and saying we should be aware of it. We are aware of it.

I will make the House position clear to the conferees in general, those being from the Senate, and hopefully we can get the House position adopted. But no effort on our part can instruct the Senate conferees.

This move is an interesting ploy to get the time and to discuss it; and we can talk about sunset legislation until sunset. I would appreciate the House opposing this so that we can go on and try to get to conference, if that is what the Members want done with this legislation.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. Mr. Speaker, at this time I yield for purposes of debate only to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I take this time only for the purpose of expressing the determination of many of us to include this amendment in the final bill. I have never been one to predict what might happen, but certainly I will predict that if the conference report comes back without this provision, there will be a rollcall on the conference report and I for one will do my best to defeat the conference report.

Mr. BROYHILL. Mr. Speaker, there being no other requests for time, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROYHILL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 179, not voting 26, as follows:

[Roll No. 355]

YEAS—228

Abdnor	Fish	Moakley
Addabbo	Flynt	Moore
Akaka	Forsythe	Moorhead, Calif.
Anderson, Calif.	Fowler	Mottl
Andrews, N.C.	Frenzel	Murphy, Pa.
Andrews, N. Dak.	Frey	Myers, Ind.
Archer	Gammage	Nichols
Armstrong	Gephardt	O'Brien
Ashbrook	Gilman	Pettis
AuCoin	Ginn	Pressler
Badham	Glickman	Pritchard
Bafalis	Goldwater	Pursell
Barnard	Goodling	Quayle
Baucus	Gore	Quie
Bauman	Gradison	Quillen
Beard, R.I.	Grassley	Rahall
Beard, Tenn.	Gudger	Railsback
Bedell	Guyer	Rangel
Benjamin	Hagedorn	Regula
Bennett	Hall	Rhodes
Biaggi	Hamilton	Rinaldo
Blanchard	Hammer-schmidt	Risenhoover
Blouin	Hansen	Robinson
Bonior	Harkin	Roe
Bonker	Heckler	Rousselot
Breaux	Hefner	Rudd
Brinkley	Heftel	Runnels
Broomfield	Hightower	Ruppe
Brown, Mich.	Hillis	Russo
Brown, Ohio	Holland	Santini
Broyhill	Hollenbeck	Sarasin
Buchanan	Holt	Satterfield
Burgener	Holtzman	Sawyer
Burke, Fla.	Hubbard	Schroeder
Burleson, Tex.	Huckaby	Schulze
Butler	Hughes	Sebelius
Byron	Hyde	Shipley
Caputo	Ichord	Shuster
Carr	Ireland	Skelton
Carter	Jacobs	Skubitz
Cederberg	Jeffords	Slack
Chappell	Johnson, Colo.	Smith, Iowa
Clausen, Don H.	Jones, Okla.	Smith, Nebr.
Clawson, Del	Kasten	Snyder
Cleveland	Kelly	Spellman
Cochran	Kemp	St Germain
Cohen	Ketchum	Stangeland
Coleman	Keys	Stanton
Conte	Kildee	Stark
Corcoran	Kindness	Steers
Cornwell	Kostmayer	Stockman
Crane	Lagomarsino	Stratton
Cunningham	Latta	Studds
D'Amours	Leach	Symms
Daniel, Dan	Lederer	Taylor
Daniel, R. W.	Lent	Treen
de la Garza	Levitas	Trible
Delaney	Lloyd, Tenn.	Tsongas
Derrick	Lott	Vander Jagt
Derwinski	Lujan	Waggonner
Devine	McClory	Walgren
Dickinson	McDade	Walker
Dicks	McDonald	Wampler
Dornan	McEwen	Watkins
Duncan, Tenn.	Madigan	White
Early	Maguire	Whitehurst
Edgar	Markey	Wilson, Bob
Edwards, Ala.	Marks	Winn
Edwards, Okla.	Marlenee	Wirth
Emery	Marriott	Wolff
English	Martin	Wydler
Ertel	Mathis	Wylie
Evans, Del.	Michel	Yatron
Evans, Ind.	Mikva	Young, Alaska
Findley	Milford	Young, Fla.
	Miller, Ohio	Zeferetti
	Mitchell, N.Y.	

NAYS—179

Alexander	Burlison, Mo.	Evans, Ga.
Allen	Burton, John	Fary
Ambro	Burton, Phillip	Fascell
Ammerman	Carney	Fenwick
Anderson, Ill.	Cavanaugh	Fisher
Annunzio	Chisholm	Fithian
Applegate	Clay	Flood
Ashley	Collins, Ill.	Florio
Aspin	Conable	Flowers
Beilenson	Conyers	Foley
Bevill	Corman	Ford, Mich.
Bingham	Cornell	Ford, Tenn.
Boggs	Cotter	Fountain
Boland	Danielson	Fraser
Bolling	Davis	Fuqua
Bowen	Dellums	Gaydos
Brademas	Dingell	Giaimo
Breckinridge	Downey	Gibbons
Brodhead	Drinan	Gonzalez
Brooks	Duncan, Oreg.	Hanley
Brown, Calif.	Eckhardt	Hannaford
Burke, Calif.	Erlenborn	Harris

Harsha	Moorhead, Pa.	Ryan
Hawkins	Moss	Scheuer
Horton	Murphy, Ill.	Selberling
Howard	Murphy, N.Y.	Sharp
Jenkins	Murtha	Sikes
Jenrette	Myers, Gary	Sisk
Johnson, Calif.	Myers, Michael	Simon
Jones, N.C.	Natcher	Staggers
Kastenmeier	Neal	Steed
Kazen	Nedzi	Steiger
Koch	Nix	Stokes
Krebs	Nolan	Stump
Krueger	Nowak	Teague
LaFalce	Oakar	Thompson
Le Fante	Oberstar	Thone
Leggett	Obey	Thornton
Lehman	Ottinger	Traxler
Lloyd, Calif.	Patten	Tucker
Long, La.	Patterson	Ullman
Long, Md.	Pattison	Van Deerlin
Luken	Pease	Vanik
Lundine	Pepper	Vento
McCormack	Perkins	Volkmer
McFall	Pickle	Walsh
McKay	Pike	Waxman
Mahon	Preyer	Weaver
Mann	Price	Weiss
Mattox	Reuss	Whalen
Mazzoli	Richmond	Whitley
Meeds	Roberts	Whitten
Metcalfe	Rodino	Wiggins
Meyner	Rogers	Wilson, C. H.
Mikulski	Roncalio	Wilson, Tex.
Miller, Calif.	Rooney	Yates
Minish	Rose	Young, Mo.
Mitchell, Md.	Rosenthal	Young, Tex.
Moffett	Rostenkowski	Zablocki
Montgomery	Roybal	

NOT VOTING—26

Badillo	Eilberg	Mineta
Baldus	Evans, Colo.	Mollohan
Burke, Mass.	Flippo	Panetta
Collins, Tex.	Harrington	Poage
Coughlin	Jones, Tenn.	Solarz
Dent	Jordan	Spence
Diggs	McCloskey	Udall
Dodd	McHugh	Wright
Edwards, Calif.	McKinney	

The Clerk announced the following pairs:

On this vote:

Mr. Collins of Texas for, with Mr. Burke of Massachusetts against.

Mr. Coughlin for, with Mr. Wright against.

Mr. McCloskey for, with Mr. Edwards of California against.

Mr. Spence for, with Mr. McHugh against.

Mr. Panetta for, with Mr. Jones of Tennessee against.

Mr. Dodd for, with Mr. Eilberg against.

Mr. Evans of Colorado for, with Mr. Harrington against.

On this vote:

Mr. Dent with Mr. Flippo.

Mr. Baldus with Mr. Diggs.

Mr. Badillo with Ms. Jordan.

Mr. Solarz with Mr. Mineta.

Mr. Mollohan with Mr. Udall.

Mr. BONKER changed his vote from "nay" to "yea."

Mr. WAXMAN and Mr. FORD of Michigan changed their vote from "yea" to "nay."

So the preferential motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the Chair appoints the following conferees: Messrs. BROOKS, MOSS, FASCELL, MOORHEAD of Pennsylvania, ROSENTHAL, FUQUA, CONYERS, HORTON, ERLENBORN, and BROWN of Ohio.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints as additional conferees on sections 206, 401(c), 607, 608, 612, 714, and 716 of the House amendment to S. 826 and modifications thereof which have been committed to conference the following Members: Mr. UDALL, Mrs. SCHROEDER, and Mr. GILMAN.

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR DEPARTMENT OF DEFENSE, FISCAL YEAR 1978

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JENNET JUANITA MILLER

The Clerk called the bill (H.R. 1405) for the relief of Jennet Juanita Miller.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PATRICIA R. TULLY

The Clerk called the bill (H.R. 2661) for the relief of Patricia R. Tully.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CHRISTOPHER ROBERT WEST

The Clerk called the bill (H.R. 2662) for the relief of Christopher Robert West.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MRS. CHONG SUN YI RAUCH

The Clerk called the bill (H.R. 3081) for the relief of Mrs. Chong Sun Yi Rauch.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MILOS FORMAN

The Clerk called the roll (H.R. 3085) for the relief of Milos Forman.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERIC ACT OF 1977

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3849) to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere and to authorize appropriations for the Committee for fiscal year 1978, with a Senate amendment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "National Advisory Committee on Oceans and Atmosphere Act of 1977".

SEC. 2. ESTABLISHMENT.

There is hereby established a committee of 15 members to be known as the National Advisory Committee on Oceans and Atmosphere (hereinafter in this Act referred to as the "Committee").

SEC. 3. MEMBERSHIP, TERMS, AND DUTIES.

(a) MEMBERSHIP.—The members of the Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President. Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in those areas of direct concern to the Committee, including, but not limited to—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

(b) TERMS.—(1) The term of office of a member of the Committee shall be 3 years; except that, of the original appointees, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years.

(2) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual

may be reappointed to the Committee for more than one additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office, or until 90 days after such date, whichever is earlier. The terms of office for members first appointed after the date of enactment of this Act shall begin on July 1, 1977.

(c) CHAIRMAN.—The President shall designate one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(d) DUTIES.—The Committee shall—

(1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

SEC. 4. REPORTS

(a) IN GENERAL.—The Committee shall submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and shall submit such other reports as may from time to time be requested by the President or the Congress.

(b) REVIEW BY SECRETARY.—Each annual report shall also be submitted to the Secretary of Commerce, who shall, within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

(c) ANNUAL REPORT SUBMITTAL.—The annual report required under subsection (a) shall be submitted on or before June 30 of each year, beginning with June 30, 1978.

SEC. 5. COMPENSATION AND TRAVEL EXPENSES.

Members of the Committee shall each be entitled to receive compensation of $100 per day for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEC. 6. INTERAGENCY COOPERATION AND ASSISTANCE.

(a) LIAISON.—The head of each department or agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Committee and offer necessary assistance.

(b) AGENCY ASSISTANCE.—The Committee is authorized to request from the head of any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out the functions assigned under this Act. The head of each such department, agency, or instrumentality is authorized to cooperate with the Committee, and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman, without reimbursement for such services and assistance.

(c) ADMINISTRATIVE ASSISTANCE.—The Secretary of Commerce shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the provisions of this Act.

SEC. 7. REPEAL AND TRANSFER.

(a) REPEAL.—The Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere) (33 U.S.C. 857-6 et seq.) is hereby repealed.

(b) TRANSFER.—All personnel, positions, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions specified by the Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere), are hereby transferred to the National Advisory Committee on Oceans and Atmosphere established by this Act. The personnel transferred under this subsection shall be so transferred without reduction in classification or compensation except, that after such transfer, such personnel shall be subject to reductions in classification or compensation in the same manner, to the same extent, and according to the same procedure as other employees of the United States classified and compensated according to the General Schedule in title 5, United States Code.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated for purposes of carrying out the provisions of this Act not to exceed $480,000 for the fiscal year ending September 30, 1978. Such sums as may be appropriated under this section shall remain available until expended.

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the House amendments to the Senate amendment.

The Clerk read the House amendments to the Senate amendment, as follows:

On page 1, line 4, of the Senate engrossed amendment, strike out "15" and insert "18".

On page 2 of the Senate engrossment amendment, strike out lines 1 through 14 and insert the following:

qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

On page 2, lines 17 and 18, of the Senate engrossed amendment, strike out "5" each place it appears and insert "6".

On page 6, line 15, of the Senate engrossed amendment strike out "$480,000" and insert "$520,000".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

ALASKAN OIL

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, when the Alaskan pipeline carries oil for the first time, it will mark not only the completion of the most ambitious construction project of the decade, but the beginning of a new phase in what must be considered an ongoing project.

The scale of this accomplishment can be imagined when we realize that the oil will not reach the port of Valdez, Alaska, for at least 30 days. Tremendous physical, geographical, and environmental difficulties have been overcome to complete the pipeline, but further vigilance must be maintained to prevent damage to the fragile tundra.

And, there remains one major question: What do we do with the oil when it arrives?

On the west coast, we expect a surplus of 400,000 barrels of oil per day when the pipeline reaches peak production. Somehow, that oil must get to the Gulf, Midwestern, and Eastern States where it is needed. It seems unlikely that we will be able to develop a system to do so efficiently before August, when the first shiploads of Alaskan crude are due.

We must still answer this question before the oil from the North Slope can become a major part of our Nation's oil supply. Nevertheless, completion of the pipeline is indeed a major accomplishment. After years of controversy, the project has been completed on time at no public expense. Prudhoe Bay crude oil will now become a secure—but not inexpensive—addition to our domestic energy supplies.

PERSONAL EXPLANATION

(Mr. TREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TREEN. Mr. Speaker, the record of yesterday's action on the Agriculture appropriations bill indicates that I did not vote on the Michel amendment concerning sugar payments. I am at a loss to explain why I was not recorded as voting against the amendment. A perusal of the debate on the amendment demonstrates my presence and active interest in the defeat of the Michel amendment, and I remained on the floor of the House until the vote on Mr. CONTE's motion, actively soliciting the opposition of many of my colleagues to this amendment,

I was on the floor and attempted to vote "no." For some reason I was not recorded. I ask unanimous consent for this statement to appear in the permanent RECORD.

PERSONAL EXPLANATION

Mr. BRECKINRIDGE. Mr. Speaker, I was unable to vote on rollcall No. 331, the conference report on H.R. 5840, Export Administration Amendments of 1977, as I was attending a funeral in my own district.

For the same reason, I also missed roll-

call No. 332, the State-Justice-Commerce-Judiciary apropriations bill.

Had I been present, Mr. Speaker, I would have voted "aye" on rollcall No. 331 and "nay" on rollcall No. 332.

AUTHORIZING THE CLERK TO MAKE CORRECTION IN THE ENGROSSMENT OF H.R. 6161, CLEAN AIR ACT AMENDMENTS OF 1977

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 254) instructing the Clerk to make a correction in the engrossment of the bill H.R. 6161 to amend the Clean Air Act, and for other purposes.

The Clerk read the title of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 254

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is instructed to make the following correction in the engrossment of the bill (H.R. 6161) to amend the Clean Air Act and for other purposes reflecting the adoption of the amendment of Mr. Moss as it appeared in the Congressional Record of Monday, May 23, 1977 (pages H4841 and H4842), and the conferees are authorized to consider the same:

At the end of section 117(b) of the bill strike out the close quotation marks and period following and insert in lieu thereof the following:

"(C) the construction of such treatment works would create new sewage treatment capacity which (i) may reasonably be anticipated to cause or contribute to, directly or indirectly, an increase in emissions of any air pollutant in excess of the increase provided for under the provisions referred to in subparagraph (B) for any such area or (ii) would otherwise not be in conformity with the applicable implementation plan, or

"(D) such increase in emissions would interfere with, or be inconsistent with, the applicable implementation plan for any other State.

In the case of construction of a treatment works which would result, directly or indirectly in an increase in emissions of any air pollutant from stationary and mobile sources in an area to which section 127 applies, the quantification of emissions referred to in subparagraph (B) shall comply with the requirements of section 127(c)(5)(B).

"(3) Nothing in this subsection shall be construed to amend or alter any provision of the National Environmental Policy Act or to affect any determination as to whether or not the requirements of such Act have been met in the case of the construction of any sewage treatment works.".

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, we have no copies before us, I say to the gentleman.

Mr. STAGGERS. It is in the CONGRESSIONAL RECORD.

Mr. BAUMAN. That is fine, but we do not have that RECORD before us.

Does the gentleman have copies of it?

Mr. STAGGERS. The Clerk will have to continue to read the concurrent resolution, then, because I do not have any copies with me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. BAUMAN. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, and I do so merely for the purpose of asking the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), whether the purpose of this action here is solely to include in H.R. 6161 an amendment that was adopted on the floor of the House, but which was not included in the printed bill, is that correct?

Mr. STAGGERS. That is entirely correct. Also the gentleman from Illinois (Mr. MADIGAN) agreed to the amendment and agreed it was a good amendment and it was passed by a voice vote at that time. This is the exact language of that amendment that we are trying to get back in the bill that was left out by the engrossing clerk.

Mr. MADIGAN. The amendment which the gentleman from West Virginia now wishes to include, but which was omitted as a result of a printer's error, was adopted by a voice vote of the committee without objection by either the majority or the minority sides, is that correct?

Mr. STAGGERS. That is correct.

Mr. MADIGAN. Mr. Speaker, I wonder how it would happen that the printer would overlook such an amendment? Does the gentleman from West Virginia have any explanation as to why that might have occurred?

Mr. STAGGERS. I have no explanation as to that. I do not know how they work. I believe that is just one that was missed, it was a human error.

Mr. MADIGAN. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE LEGISLATIVE APPROPRIATION BILL FOR 1978

Mr. SHIPLEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative appropriation bill for 1978.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JOHN T. MYERS. Mr. Speaker, I reserve all points of order on the bill.

Further, Mr. Speaker, in the action taken earlier this afternoon in which the defense appropriation bill conference report would be filed at a later time, I ask unanimous consent to reserve all points of order on that bill also.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 6689, FOREIGN RELATIONS AUTHORIZATION ACT, 1978

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6689) to authorize fiscal year 1978 appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, to make certain changes in the Foreign Service personnel system, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and, without objection, appoints the following conferees: Messrs. ZABLOCKI, FASCELL, DIGGS, WOLFF, RYAN, Mrs. MEYNER, Messrs. FOWLER, BROOMFIELD, BUCHANAN, and BURKE of Florida.

CONFERENCE REPORT ON H.R. 6823, COAST GUARD AUTHORIZATION FOR FISCAL YEAR 1978

Mr. MURPHY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 6823) to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 15, 1977.)

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York for 30 minutes.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the passage of H.R. 6823, as reported by the commit-

tee of conference. The committee has reported its agreement on an amendment to H.R. 6823, as amended by the Senate, which would authorize appropriations for the Coast Guard for fiscal year 1978.

H.R. 6823 was passed by the House on May 16, 1977, and on May 25, 1977, was passed by the Senate by striking all after the enacting clause and substituting Senate language. On June 9, 1977, the appointed conference managers met and agreed to recommend to their respective Houses, that the House recede from its disagreement to the Senate amendment and agree to accept that amendment with another amendment, substituting a new text for the Senate language. The conference report was submitted and adopted in the Senate on June 15, 1977. The conference report, House Report 95–418, was filed in the House and printed on page 19090 of the CONGRESSIONAL RECORD on June 15, 1977.

In past years, the requirements for annual authorization of Coast Guard appropriations has been somewhat limited, and annual budget requests were based upon general authority contained in various statutes. With passage of the Congressional Budget Act of 1974 and the experience of the Committee on Merchant Marine and Fisheries with that act, it became abundantly clear that it would be necessary to carefully review many of the annual budget requests of the Coast Guard to properly make decisions in the authorization area. Because of this need, the committee developed and proposed an expansion of the authorization area. Because of this need, the committee developed and proposed an expansion of the authorization process last year which was incorporated into Public Law 94–406.

Now the committee can carry out its required oversight responsibilities by reviewing all of the interrelationships involving needs for procurement; the cost effectiveness of maintenance and improvement of existing vessels, aircraft, and facilities; the expenditures of significant funds on operating expenses and the personnel necessary to carry out the Coast Guard's responsibilities. Therefore, the authorization bill this year includes authorization for operating expenses, for alteration of obstructive bridges, and for research, development, test, and evaluation—in addition to the acquisition, construction, and improvement authorization of former years.

At this time I would like to note that our colleagues in the Senate have been most understanding and appreciative of the learning pains we are all having with the Budget Act and the broadened Coast Guard authorization process. This was highlighted by a conference which resolved disagreements in a most timely and efficient manner.

The total authorization under the bill as agreed to by the conferees has been raised somewhat, but still amounts to a little over $1.2 billion. While some of the figures are a bit larger than previously authorized by the House, they reflect a consensus of opinion that these are minimal acceptable levels for the Coast Guard to carry out its multimissioned and varied responsibilities. Again, I want to assure you that it represents funding which is beneficial to all segments of our great Nation. It contains approximately $887.5 million for operating expenses; $330.3 million for acquisition, construction, and improvement of vessels, aircraft, and facilities; $19.1 million for the alteration or removal of obstructive bridges over navigable waters; and $25.6 million for research, development, test, and evaluation.

As I previously indicated when H.R. 6823 was before the House on May 16, 1977, the committee exercised restraints in its additions. Likewise, I now believe that our colleagues in the Senate have acted with restraint and firmly believe that their additions can also be justified. The bill provides for some other authorizations and provisions deemed necessary by the Senate. I will now defer to the chairman of the Subcommittee on Coast Guard and Navigation, the Honorable MARIO BIAGGI, to explain in somewhat more detail the exact breakdown of the authorization figures and what was agreed to by the committee of conference.

Mr. Speaker, at this time I yield such time as he may consume to the distinguished chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from New York (Mr. BIAGGI) for brief explanation.

(Mr. BIAGGI asked and was given permission to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I also urge the support of the House in passing H.R. 6823, as reported by the committee of conference. As you no doubt are aware, the Committee on Merchant Marine and Fisheries has been and continues to be gravely concerned over the Coast Guard's capability to perform the duties with which it has been charged by the Congress. The Senate has likewise shown considerable concern and has provided a somewhat larger authorization than the House previously passed. Although the overall increase is $21.3 million for a total authorization level of $1,262,521,000, the managers on the part of both Houses consider this to be within acceptable limits.

If the Coast Guard is to meet its all-encompassing and ever-increasing duties and obligations which the Congress has placed upon this service-to-the-public organization, then we must provide the necessary funds and the personnel. I again call your attention to the fact that the U.S. Coast Guard, as part of the Department of Transportation, is a multimission organization providing the general public with numerous services on a day-to-day basis. It is charged with the primary responsibility of enforcement, or assisting in the enforcement, of all applicable Federal laws on or under the high seas and waters subject to the jurisdiction of the United States; the promotion of safety of life and property and the protection of the marine environment in these areas; the maintenance of aids to maritime navigation, icebreaking, and rescue facilities; and engaging in oceanographic research. The Coast Guard has also been charged with the safety of our ports and waterways through the operation of vessel traffic services and port safety controls while also regulating foreign and domestic vessels carrying oil or other hazardous polluting substances. This service also, pursuant to title 14 of the United States Code, is an Armed Force, maintaining a readiness to operate as a service in the Navy, upon declaration of war or when the President otherwise directs. A recently added duty is the responsibility for the enforcement of an extended fisheries zone to 200 miles established by the Fishery Conservation and Management Act of 1976, Public Law 94–235.

I find no need to call your attention to the *Argo Merchant* disaster and the related problems it engendered; however, I do call your attention to the Coast Guard's stepped-up boarding program of foreign tankers and the need to have it continued. This authorization provides for some of the equipment and, in particular, some of the personnel to examine vessels entering our ports so that the marginal and substandard vessel operators will think twice before ordering their vessels into our waters.

The administration requested operating expense authorization of $875,261,000; the House added $7,560,000; and the Senate added $12,260,000 for a total authorization request of $887,521,000. The House additions reflected our concern for more marine safety and environmental protection personnel which the Senate wholeheartedly concurs with. They also share our concern over the severity of the winter of 1976–77 in causing extensive damage and have authorized $2.5 million more than the House originally did for the replacement of many aids to navigation which were lost or destroyed and are absolutely necessary for the safety of our vessels and for the environmental safety of our waterways. It also provides for essential repair of onshore and offshore facilities. The Senate added and the managers agreed to $2.5 million for additional fisheries enforcement personnel which includes $0.5 million for Cordova, Alaska, Station personnel. I would also like to note that some of the additions, which relate to pollution prevention and cleanup and maritime safety, could be utilized to begin implementation of the administration's plans as outlined in the President's message to the Congress on March 17, 1977.

With respect to the acquisition, construction, and improvement of vessels, aircraft, and facilities, the House authorized a total of $314.5 million and the Senate had authorized $332.2 million. The managers have authorized a total of $330.3 million. They agreed to add $100,000 for Loran–C coverage to protect Lake Pontchartrain Causeway and reduce the total authorized by $2 million as a result of a review of cost estimates for additional icebreaking capability. Both Houses showed concern over the Coast Guard's capability to perform its icebreaking, search and rescue, and port safety missions. The authorization reflects this concern with increases for improvement in vessel traffic services and equipment for the Puget Sound, Houston/Galveston, and New Orleans areas. Both Houses also included authorization for a replacement icebreaker for the Great

Lakes, together with two additional tugboats with icebreaking capability. The Senate authorized and the managers agreed to $5 million for vessel reactivation for fisheries enforcement purposes, $5.8 million for two additional helicopters at Cordova, Alaska, station and $1.8 million for construction of a barracks hangar for those helicopters. This year, as in prior years, questions continue to center upon the necessity for additional icebreaking capability. The authorization provides for continuation of the harbor tug replacement program by authorizing the construction of three more tugs with icebreaking capability, and for the design and construction of an icebreaker, compatible with existing modern conceptual designs for the Great Lakes. The Senate additions primarily reflect its concern over the Coast Guard's capability to respond to its recently enlarged fisheries enforcement responsibilities and complements the concerns previously shown by the House. The total authorization for vessels, aircraft, shore establishments and aids to navigation should provide for a continuing program of upgrading, improving, and modernizing equipment and facilities to meet the needs of today.

The committee of conference agreed to adopt the level of authorization, contained in the House bill, of $19.1 million for the alteration or removal of bridges which obstruct the free movement of navigation on the navigable waters of the United States. This represents an increase of $4 million above the administration's request and above the level authorized by the Senate. The increased amount is to provide for the initiation of removal of the Central Railroad of New Jersey bridge over Newark Bay, N.J., and approximately $375,000 for the alteration of the Port Terminal Railroad Association bridge crossing Green's Bayou in the Houston, Tex., area.

Authorization for research, development, test, and evaluation had been set at $24.8 million by the House, $2 million above the administration's request, to provide major emphasis and support for a more concentrated effort in the development of oil pollution response capability. The Senate version authorized $800,000 more, and this was acceptable to the managers, thereby establishing a total authorization of $25.6 million.

The total authorization is for $1,262,251,000, which includes $887,521,000 for operating expenses; $330,300,000 for acquisition, construction, and improvement; $19,100,000 for bridges; and $25,600,000 for research and development.

I, once again, would like to repeat that I feel we cannot stress too strongly that every item in this authorization is badly needed if the Coast Guard is to carry out its designated missions. One of the difficulties is that the administration and the Congress in past years have been less than generous in providing funding for the Coast Guard. This agency, probably more than any other agency, provides a Federal service second to none and has always endeavored to be of assistance to the general public. Even at this moment, because of the recent additional responsibilities for enforcement of the 200-mile fisheries zone, the Coast Guard is operating vessels built during World War II and vintage aircraft handed down from the Air Force. The Subcommittee on Coast Guard and Navigation, the Merchant Marine and Fisheries Committee, and the committee of conference have considered the administration's desires to reduce outlays and the need to stay within certain anti-inflation limitations; however, I can assure you that the benefits to the Nation from this investment will be larger than the additions we have agreed to. Additionally, the expenditures will primarily benefit those business segments such as shipbuilding, aircraft manufacturing, and construction which will experience excess capacity.

This bill also authorizes a year-end strength for active-duty personnel of 39,145 and provides for average military training student loads. Funds for use in connection with a sewage plant in North Marin County, Calif., and replacement of Coast Guard facilities at the Coast Guard yard are authorized. It adds a new section to title 14 which places into positive law the present accounting practice of merging obligated balances.

In addition to the above changes, the Senate added—and the Managers agreed to—a new section to the bill which would extend a present exemption from Coast Guard inspection for certain fishery tender and cannery tender vessels and vessels used in processing or assembling fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The present exemption which would terminate on July 11, 1978, has been extended until January 1, 1983. In 1967, the Coast Guard attempted to inspect these vessels under authority which had not been enforced until that time. The Congress proposed to exempt these vessels but instead approved a 5-year exemption in 1967 which was again extended for 5 years in 1973 to 1978. Presently, the Coast Guard and the National Marine Fisheries Service are supporting a joint effort to encourage regional fishing industries to develop voluntary vessel safety standards. Accordingly, the Coast Guard offered no opposition to this extension.

As a further change, the Senate added—and the Managers agreed to—language specifically authorizing the Coast Guard to assist the Department of Health, Education, and Welfare in providing medical emergency helicopter transportation to civilians, on an available, reimbursable, and "not to interfere" basis.

Mr. Speaker, in this authorization bill, it is my firm belief that the respective committees in both Houses have reported a bill which is realistic and conservative in meeting Coast Guard needs and in meeting the President's overall budgetary objectives. I, therefore, urge all Members to support the passage of H.R. 6823 as agreed to by the committee of conference.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. RUPPE), for 30 minutes.

Mr. RUPPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues in supporting H.R. 6823, the Coast Guard authorization bill for fiscal year 1978. The conference report we have before us today provides the Coast Guard with a minimum authorization of funds necessary to meet the Coast Guard's ever-expanding responsibilities.

The Coast Guard's responsibility for domestic icebreaking to meet the reasonable demands of commerce is of major importance to my area and is in the national interest. This past winter was one of the most severe on record. The extreme cold weather placed a severe strain on the Coast Guard's icebreaking resources and resulted in extensive damage to aids to navigation not normally subject to ice damage.

The bill would authorize $78 million for the construction of a large icebreaker—$60 million—and two 140-foot replacement harbor tugboats with icebreaking capability—$17.8 million—in addition to the one 140-foot harbor tug requested by the administration. I should note that the 140-foot tug-class vessels are multipurpose craft that will replace 30-year-old tugs in the lakes and coastal regions, also beset by ice, that are most costly to maintain. This need has been recognized in last week's action by the Appropriations Committee of the other body, which also reflects the additional or specialized personnel needs of the Coast Guard including the search-and-rescue forces destined to restore a search-and-rescue mission to a remote station at Portage, Mich.

The House bill contained a conservative $4 million authorization of funds to replace or repair aids to navigation damaged during the severe winter. The conferees agreed to $6.5 million which proved closer to the Coast Guard's latest estimate of the actual damage suffered.

An area not addressed in the House bill concerned the enforcement of the 200-mile exclusive fishery conservation zone established by the Fishery Conservation and Management Act of 1976. The other body authorized $5 million to reactivate two Coast Guard patrol vessels and $2 million to man these vessels, and increased the personnel ceiling by 120 personnel—including those necessary to man the reactivated patrol boats—to be utilized in enforcing the fishery conservation zone. I believe these additions are necessary for the Coast Guard to effectively enforce the 200-mile zone and support their inclusion.

The committee of conference also agreed to several other items. The authorization provides $4 million for the removal of the Central Railroad of New Jersey Bridge over Newark Bay, N.J., and $100,000 for the provision of a Loran-C collision system for the Lake Pontchartrain Causeway. The conference report also provides $385,000 for the alteration of the Port Terminal Railroad Association Bridge crossing Green Bayou, in Houston, Tex.

I support the conference report. I believe it contains the authorization necessary for the Coast Guard to carry out its diverse and challenging responsibilities. I urge you to support its passage.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank the gentleman for yielding.

By how much does the conference report exceed the amount when the bill passed in the House?

Mr. BIAGGI. Mr. Speaker, if the gentlewoman will yield, it is $21.2 million.

Mrs. FENWICK. More than it was when it left here?

Mr. BIAGGI. Yes.

Mrs. FENWICK. I see. I thank the gentleman.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I join my colleagues in urging the House to adopt the conference report on H.R. 6823, the Coast Guard authorization bill for fiscal year 1978.

Over the years, the role of the Coast Guard has been greatly expanded. Today, the Coast Guard has a leading role in such diverse responsibilities as search and rescue, maintenance of aids to navigation, enforcement of marine pollution laws, oil and hazardous substance spill containment and cleanup, enforcement of the 200-mile fishery conservation zone and licensing of deepwater ports. The Committee of Conference has reported a bill which I believe will provide the authorization necessary for the Coast Guard to meet these ever-increasing responsibilities under law.

Rather than discuss each individual item, I would like to highlight several of the agreements reached by the Committee of Conference which I feel are significant.

The Fishery Conservation and Management Act of 1976 extended the fishery management jurisdiction of the United States to a new 200-mile fishery conservation zone. In order to enforce this zone effectively, the Senate bill authorized $5 million to reactivate two Coast Guard patrol vessels—one to be located on the East Coast and one on the West Coast—and $2 million for personnel to man the reactivated patrol boats to be utilized in enforcing the fishery conservation zone. The Committee of Conference agreed to accept the Senate provision.

The severe cold conditions that prevailed across the Nation last year resulted in increased use of icebreaking resources and damage to aids to navigation not normally subject to ice damage. The House bill provided a conservative $4 million to replace or repair equipment and facilities damaged during the winter season. The Senate bill provided for $6.5 million. The Senate bill is closer to the Coast Guard's estimate of the actual damage suffered. Also, the House bill provided $72.8 million and the Senate bill $78 million for the construction of a large icebreaker and two large tugs of icebreaking capability in addition to the harbor tug requested by the administration. The difference in cost was based on different cost estimates for the construction of the large icebreaker. The House conferees agreed to recede from their position and accept the Senate version on both issues.

This summer there should be a sharp increase in the amount of tanker traffic in the Cordova, Alaska, area resulting from the opening of the Trans-Alaska pipeline. This resulted in the concern that the Coast Guard air station at Cordova was not adequately equipped for search and rescue. The Senate bill would authorize $3.8 million for the procurement of two additional short-range recovery helicopters for Cordova, $1.8 million for a shelter-barracks for the helicopters and 16 personnel to man the air station. The Committee of Conference agreed to accept the Senate provisions.

A provision contained in the House bill but not contained in the Senate bill is of great importance to my area. This is the provision of $100,000 for a LORAN–C Collision Avoidance System to provide much needed protection to the Lake Pontchartrain Causeway from vessel collision. The Lake Pontchartrain Causeway has been subject to 13 rammings by vessels since 1955. In several of these rammings, entire sections or slabs of the bridge have collapsed into the lake. Cars—and in one instance a Trailways bus—have plunged into the lake through these missing sections resulting in the loss of 9 lives. The conference report authorizes this much needed protection for this heavily traveled causeway.

The conference report also authorizes $4 million for the removal of the Central Railroad of New Jersey Bridge over Newark Bay, N.J.; $375,000 for the alteration of the Port Terminal Railroad Association Bridge crossing Green Bayou in Houston, Tex.; provides for the exemption of certain fishing industry vessels in Alaska, Oregon, and Washington from Coast Guard inspection; and authorizes the Coast Guard to provide medical emergency helicopter transportation services to civilians in certain instances.

I believe the committee of conference has reported a good bill. It will provide the necessary equipment and facilities to enable the Coast Guard to carry out its enormous responsibilities. I urge you to support its passage.

Mr. MURPHY of New York. Mr. Speaker, I have no further request for time.

Mr. RUPPE. Mr. Speaker, I have no further request for time.

Mr. MURPHY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING SPECIAL PAY PROVISIONS FOR REENLISTMENT AND ENLISTMENT BONUSES

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 583) to amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That (a) section 308(d) of title 37, United States Code, is amended to read as follows:

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a member who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his additional obligated service is of the total reenlistment or extension period for which the bonus was paid."

(b) Section 308(f) of such title is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978".

SEC. 2. (a) Section 308a(b) of title 37, United States Code, is amended to read as follows:

"(b) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a person who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his enlistment period for which the bonus was paid.".

(b) Section 308a(c) is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978".

SEC. 3. The amendments made by this Act shall become effective on July 1, 1977.

Mr. NICHOLS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I do so mainly because of the fact that I have been one of the main opponents of this amendment offered in the other body that would offer a regrettable recoupment procedure for these reenlistment bonuses. However, realizing the short time before the reenlistment procedures expire, which would be on June 30, I will not object today but rather take this time to compliment the chairman of the subcommittee for doing an outstanding job in seeing that the directives to the Department of Defense for reenlistment procedures have been done so very equitably.

Questions also were raised as to women's rights and nonjudicial punishments and also as to the fact that qualifications might be updated. It was only under the leadership of the gentleman from Alabama (Mr. NICHOLS) that we have been able to solve these problems.

Today I only compliment the distinguished gentleman from Alabama, and I withdraw my reservation of objection.

Mr. NICHOLS. Mr. Speaker, if the gentleman from South Carolina will

yield, H.R. 583 as passed by the House, would simply extend from June 30, 1977, to September 30, 1978, the current authority for payment of enlistment and reenlistment bonuses to certain enlisted members of the Armed Forces. The Senate passed H.R. 583 but added an amendment which would require a recipient of an enlistment or reenlistment bonus to refund a proportional part of such a bonus if he fails to maintain proficiency in the technical skill which was the basis for being paid the bonus.

Mr. Speaker, the Military Compensation Subcommittee of which I am the chairman, held hearings on the amendment added to H.R. 583 by the Senate. Based on the information provided by the Department of Defense during those hearings, we have concluded that the Senate amendment is a good amendment. Accordingly, I am urging on behalf of the Committee on Armed Services that the House accept the Senate amendment to H.R. 583.

I include the following:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1977.

Hon. BILL NICHOLS,
Chairman, Military Compensation Subcommittee, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to my letter to you of May 19, 1977, concerning the intent of the Department of Defense in implementing the Senate amendment to H.R. 583, a Bill to extend the special pay provisions for reenlistment and enlistment bonuses.

It has been brought to my attention that one of the Department's regulatory provisions as stated in the referenced letter could be misinterpreted to the detriment of our enlisted members. The specific provision concerns application of the authority to terminate a member's bonus entitlement when the qualifications for a military specialty are upgraded. It is the Department's intent that individual termination of contracted bonus entitlements and recoupment actions would not be authorized in this circumstance.

I am, therefore, enclosing a new letter which I believe will clarify this point. I am also requesting that this letter be substituted for my previous letter and made a part of the record of hearings on H.R. 583 held by the full House Armed Services Committee on June 14, 1977.

Again, I wish to express the Department's appreciation for your tireless efforts and unwavering support in expediting enactment of H.R. 583.

Sincerely,

JOHN G. FINNERAN,
Vice Admiral, USN,
Deputy Assistant Secretary of Defense.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C.

Hon. BILL NICHOLS,
Chairman, Military Compensation Subcommittee, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to further advise you and the members of your Committee of the intent of the Department of Defense in implementing the Senate amendment to H.R. 583, a Bill to extend the special pay provisions for reenlistment and enlistment bonuses. Enactment of H.R. 583, as amended by the Senate, would extend the bonus authorities through the end of fiscal year 1978. It would also provide the Secretary of Defense with the authority to terminate a member's entitlement to unpaid installments, and to recoup a pro rata share of advance bonus payments, if he fails to maintain adequate technical qualification for continued duty in the critical military skill for which the bonus was being paid.

As an extension of my testimony during the hearings held by the Subcommittee on this matter on May 17, 1977, I wish to reemphasize that regulations issued by the Department implementing this authority would ensure that:

The level of technical qualification required of a bonus recipient to continue receiving his bonus installments will be the same as that required of non-bonus recipients for effective performance of duty and retention in the particular military specialty.

If the qualifications for a military specialty are upgraded, all individuals holding that specialty will be given additional training and a reasonable time to acquire the higher skill level. Individual termination of contracted bonus entitlements and recoupment actions are not authorized in this circumstance.

No action will be taken to disqualify a member until the adequacy of his training program has been reviewed and it has been determined that further training would serve no useful purpose.

Established service skill qualification determination and reclassification procedures will be rigidly adhered to with application of the most objective measurements available.

No bonus entitlement termination or recoupment action will become effective until the full review, counseling and appeal process available to all enlisted members under existing service regulations for removing skill designation has been accomplished.

Harassment of bonus recipients through this authority will not be permitted.

At the time bonus entitlement is established, the member will be required to sign a written agreement that he has been advised and understands the terms of the active service commitment entitling him to a bonus, the conditions under which continued entitlement to unpaid installments may be terminated and a pro rata portion of advance bonus payments recouped.

As you are well aware, the Department of Defense authority to pay enlistment and reenlistment bonuses in selected critical skills will expire on June 30, 1977, unless extended. The bonuses provided by this authority are vital to the accession and retention of sufficient manpower to meet our defense commitments. Your understanding and support in expediting enactment of H.R. 583 are greatly appreciated.

Sincerely,

JOHN G. FINNERAN,
Vice Admiral, USN,
Deputy Assistant Secretary of Defense.

Mr. Speaker, let me say also I appreciate the very complimentary remarks of my friend, the gentleman from South Carolina. They were totally unexpected. We appreciate his not pursuing the matter further. We believe that the Senate amendments improve the bill. The matter was approved in its entirety by the full committee by a vote of 23 to 2.

I ask the House to agree to H.R. 5833, as amended by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama to dispense with further reading of the Senate amendments?

There was no objection.

The SPEAKER pro tempore. Is there objection to the first unanimous consent request of the gentleman from Alabama?

There was no objection.

A motion to reconsider was laid on the table.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1978

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7558) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7558, with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, June 20, 1977, the Clerk had read through line 8 on page 24.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1992), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490g); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $182,600,000, of which $1,481,000 shall be for the coordination of rural development activities as authorized by section 603 of the Rural Development Act of 1972, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(1) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That in addition, not to exceed $500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $1,000,000 of this appropriation may be used for employment under 5 U.S.C. 3109.

Mr. AuCOIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it had been my intention to offer an amendment to this section of the bill to add 500 new positions to the Farmers Home Administration and thus help the agency cope with an ever-increasing workload and to help it deliver housing in a better manner to rural America.

In consultation with the chairman of the committee and members of the com-

mittee, I will not offer that amendment today. I respect the chairman of the committee and the work that the gentleman has done. The gentleman has assured several of us who are concerned about the Farmers Home Administration and rural housing that his committee will be responsive to the additional needs the agency may have once it reorganizes under new leadership.

I am persuaded by that argument and I will not offer my amendment for 500 new positions. However, I do, Mr. Chairman, want to say to my colleagues today that there is no question this agency is inadequately staffed and must be better staffed if it is to meet the needs that exist in the rural areas and small towns of this country.

As a member of the Housing Subcommittee, I have seen time and time again where housing programs not only are authorized, but are funded for urban America under programs of the Department of Housing and Urban Development; but this agency, the Farmers Home Administration covers the needs of rural America, which are largely invisible problems that escape public notice and the needs it attacks go begging for attention.

I do not think I need to stand before many of my colleagues today and talk about the incredible backlogs that this agency now faces. I could read a list that I think would shock most of us.

I will, however, point out that this agency, as of January 1 of this year, had a backlog of unprocessed farm loan applications totaling over 15,000. That is almost a 16-month backlog. The backlog on applications for individual home loans is almost an 8-month backlog, totaling over 79,000 applications.

Now, we cannot solve problems just by increasing the size of the bureaucracy. We all understand this. But if we look at the fact that there are fewer people in this agency today than there were in 1971, and that the bill does nothing to overcome that, I think we can see that if we do not increase the numbers of personnel out in the field, a day of reckoning is going to come.

I hope the chairman will look at this issue in the next year, and if the other body, in its deliberations, comes in with somewhat of a higher number of personnel, I hope he will consider those figures.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I am glad to see that my colleague has withheld an amendment at this point. We do have a problem this year, as was pointed out earlier, in that the top level of management personnel in the Department came aboard only 4 to 5 weeks ago.

There is another factor which I would like to call to the attention of the gentleman. That is the fact that the Appropriations Committee has regularly provided additional personnel for the Farmers Home Administration. Those additional people have been kept off by reason of personnel ceiling limits imposed by the executive branch. In 1976, we increased the total number by 750 new positions. Following that. we increased it by 400 new positions.

But, I also would like to call to the gentleman's attention that only recently the subcommittee directed a request to the investigating staff of the Appropriations Committee to make a study of the Farmers Home personnel requirements. We will have a full report from our own investigators in this matter. At the present time, I am sure the gentleman read some of the articles, such as one which appeared in the Wall Street Journal, about the people in the Department in Washington who had little to do.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(On request of Mr. WHITTEN and by unanimous consent Mr. AuCoin was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. I would say that this happened at a time when the new management personnel had not yet taken over, and many Civil Service people had their own duties to perform, but had no one to direct them to do any new activities. That has been corrected now. This subcommittee had recommended a great increase in the jurisdiction of this agency, feeling that it was best fitted to carry on these activities.

Mr. AuCOIN. I appreciate the points the chairman is making, and I compliment him for the gains he has made in the bill. I do not think any of us want to accelerate or increase the number of top management personnel in Washington who are sitting around without any idea of what they are doing.

My concern is about what is happening out in the field. For the benefit of my colleagues, I would like to mention one statistic for the record in this regard. In fiscal year 1971, the Farmers Home Administration had 7,700 permanent full-time employees. By fiscal year 1976, the permanent full-time employment level had fallen to 6,798. I must point out to my colleagues that during that period of time the delinquency rate for the Farmers Home Administration rose to 20 percent, and the backlog of unprocessed applications ballooned to over 140,000. Those are the problems that exist in the field which I think we ultimately have to solve, and I certainly hope the investigators of the committee will focus on this particular problem.

If not, I assure my colleagues on the committee that I will be back next year.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the distinguished gentleman from the State of Washington.

Mr. McCORMACK. Mr. Chairman, I would like to congratulate the gentleman for the amendment he has presented, and for his sagacity in withdrawing it at this time, with the understanding that there will be a study on this subject. I would also like to congratulate the chairman of the subcommittee, the gentleman from Mississippi (Mr. WHITTEN) for planning to initiate a study in this area, which is very important.

If I may ask the gentleman from Oregon one question, for the benefit of the members of the committee and the chairman, I wonder if the gentleman would pronounce the State he represents in the Congress, the name of the State he represents.

Mr. AuCOIN. Mr. Chairman, I would be delighted. It is "Orygun." "Orygun." We spell it: "O-r-y-g-u-n," and we expell people who get that wrong.

Mr. McCORMACK. I thank the gentleman.

I hope the Members will consider that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, $5,673,804,000, of which not to exceed $46,804,000 shall be available for Federal administrative expenses: *Provided*, That funds provided herein shall remain available until expended in accordance with section 16 of the Food Stamp Act of 1964, as amended: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending September 30, 1978, to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household: *Provided further*, That funds provided herein shall be expended in accordance with section 15(b) of the Food Stamp Act of 1964, as amended: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations.

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT: On page 38, lines 12 and 13, strike the figure "$5,673,804,000" and insert in lieu thereof: "$5,000,000,000".

Mr. ROUSSELOT. Mr. Chairman, there has been a great deal of discussion about the skyrocketing cost and spectacular growth in the food stamp program. During the first year of its operation, the overall cost at the State and Federal levels was $36 million. In 1976, the cost was $5.6 billion—an increase of 14,200 percent. The number of persons participating in the program has also risen dramatically. In 1965, 1 individual in 439 received food stamps. Today, that number is 1 in 9. My amendment, to reduce the appropriation to $5 billion, will help to bring under control the burgeoning growth of this unwieldy program at the same time returning it to those it was originally intended to help—the truly poor and needy.

Mr. Chairman, the dollar figure in this amendment is not just picked out of thin air. Five billion dollars is more than adequate to cover all the families who are in fact at the poverty level of $5,820 a year for a family of four. In addition, I have provided a 15-percent allowance for work expenses, such as day care, to bring the figure to $6,850. In other words, $5 billion is more than adequate to cover all families who require food stamps. It

should be noted that my amendment in no way affects money appropriated for the elderly program or any other phases of elderly support programs. It is strictly limited to bringing the food stamp program under control and removing from entitlement those individuals not legally permitted to participate.

The Appropriations Committee, in its report on page 87, has recognized the extent to which fraud saps the food stamp program budget:

> The committee remains concerned about widespread irregularities and abuses in the food stamp program. These abuses and irregularities not only result in increased costs but also make it more and more difficult to retain the program for those who are truly in need of it.
>
> Testimony before the committee reveals that 7 percent of all recipients, or well over one million persons, were not eligible for food stamps at all. In addition, 18 percent of all recipients received more stamps than they were entitled to. In total, it is estimated that about $430,000,000 per year, or 7.5 percent of the budget request, will be distributed to ineligible persons or overissued.

Let me emphasize those statistics—7 percent of all recipients—over 1,000,000 people—were not eligible to receive food stamps and 18 percent of all recipients received more stamps than entitled to—all at a cost to the taxpayers of $430 million. Why should the average working man or woman who makes $8,000—or $9,000—or $10,000 a year subsidize that kind of abuse.

Mr. Chairman, it is time to get those individuals above the poverty line off the food stamp program. By enacting my amendment we will say to the program's administrators, "Do a better job—cut out the waste and direct the program to the truly poor and the truly needy, including the elderly. The Congress is saying make the program work the way it was originally intended."

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Idaho, a hard-working member of the Agriculture Committee. I know the gentleman is most familiar with the Food Stamp program.

Mr. SYMMS. Mr. Chairman, I compliment the gentleman from California (Mr. ROUSSELOT) for his very excellent amendment. I would say that I think the amendment is very moderate in its approach in pointing up the restraint that should be put on this program. I might say also that one of the consequences we are finding down in the Department of Agriculture is that, as the economy has been picking up, there has been less need for the Food Stamp program.

The CHAIRMAN. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. SYMMS. Mr. Chairman, if the gentleman will yield further, what I was pointing out is that the economy has been picking up and unemployment has been going down, and, therefore, there has been less demand on the program. I think that it would be incumbent upon the House, for that reason, to accept the gentleman's amendment.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's comment. I urge my colleagues to vote for this amendment.

Mr. WHITTEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. ROUSSELOT).

May I say to the Members of the Committee that the pending amendment would strike $673,804,000 from the funds in the bill for food stamps.

I would like to call the attention of the Members to the fact that the eligibility for food stamps is fixed by law.

It is agreed, I believe by several polls, that probably 75 to 85 percent of the American people are for the food stamp program and other food programs. But I also believe fully three-fourths of the American people feel that there is a lot of waste in this country in connection with the food programs and this committee dealt with those subjects in the hearings.

We developed from witnesses handling the program that in several places there is a real breakdown in carrying out the law and in preventing waste. One of them is in connection with vendors who have the job of distributing the stamps.

There is another weakness in the basic act and that is that once you are on welfare, you automatically qualify for food stamps. Welfare eligibility, in turn, is determined by the laws of the various States.

Another problem that we have in connection with this bill is the fact that the seriousness of the violations vary considerably from a national standpoint. This is because frequently the charge, or the crime that is alleged, is of a small or insignificant amount so that the U.S. attorney who has to handle all of these cases has great piles of these types of cases while he is very busy with what he considers more serious or felony-type cases.

That is the situation which we face. In this instance, as I say, again the committee was confronted with the making of recommendations to the Congress of funds to carry out the various laws that call for the money that it takes to provide these stamps.

The amendment before us would cut $673,804,000.

The gentleman from California (Mr. ROUSSELOT) was good enough to read out of the report in which we pointed out the facts. But our committee did not stop there. Our committee said it is estimated that, in the past, about 7.5 percent of the budget request has been distributed to ineligible persons or overissued. We put 7 percent of the funds in reserve where they could be held back and not used unless released by the Bureau of the Budget because of necessity.

So the committee, while realizing that we were dealing in an area where the money has to be spent if the participants request it, did not know what unemployment was going to be, or employment I might say, and did not know whether we would succeed in getting the various States to make this a State crime and enforce it. Not knowing what to expect, we did the best thing we could think of and that was to put in the 7 percent funding reserve which was equivalent to the estimated amount of waste in past years due to overissuance and ineligibility. This means that the money we are initially making available is a little over $5 billion. That would be divided into four parts under the act, one-fourth for the first 3 months, and so on. In case additional funds prove to be needed, that 7 percent can to be used to meet the demands of the law. Otherwise, we would have to go through the appropriation process again. So instead of following the gentleman's suggestion of wiping it out, knowing we had to pay it, and having to come back with a supplemental and going through all this again, we put the money in here and put it in reserve where it could be utilized if the necessity arises. This is to prevent having to go through this process again.

I know my friend, the gentleman from California, enjoys this type of approach.

I know he is sincere about it, not only on this bill but each and every one along this line. But I think we got ahead of him in this instance, because we put it in reserve to start with. The law says that under certain conditions they are entitled to it and it has to be paid. So we give them the money to meet what they say is legitimate. We give them the money that may be called for under the law.

I hope the Members will defeat this amendment and go along with the committee. If we cannot, we may have to be bedeviled with it again.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ROUSSELOT, and by unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my distinguished subcommittee chairman's yielding.

The gentleman is aware that at the present spending level, according to OMB, we will be lucky under this program to get the $5 billion expenditure in fiscal year 1977.

Mr. WHITTEN. I missed the word the gentleman said. We would be "lucky"?

Mr. ROUSSELOT. We would be "lucky" in a reverse sense, to get an expenditure level of $5 billion on food stamps this year on the basis of the current level of expenditure. As of the end of May it was $3 6 billion so far in fiscal year 1977. We have just a few months to go. The gentleman knows that last year this committee appropriated $5.5 billion for this food stamp program. The supplemental carried an extra $700 million, so that means there is more in the pipeline than $5.5 billion. We will be lucky to come close to $5 billion, so the committee's 7-percent reserve could well stay in place.

All I am doing is saying we have proven by the record this year that the expenditure level of $5.6 billion is not needed. All we are doing is trying to trim it to $5 billion. If for some reason unemployment goes way up, the gentleman knows full well we could come back with a supplemental. All I am saying is that $5.6 billion is just not needed.

Mr. WHITTEN. The time, I believe, is mine. May I say that I do not know if we would be "lucky" to reach this point. I think that is kind of a loose handling of the word "lucky." But may I say this, that the legislative committee is writing new law that has to do with the food stamp program for the coming fiscal year.

Mr. ROUSSELOT. If the gentleman will yield, that is what they said last year.

Mr. WHITTEN. To a degree we are working in the dark. They would remove the requirement that any cash has to be paid in by the recipients. There are many other provisions pending. This is an inexact science, not an exact science. We put approximately $400 million in reserve, and I think that is the best way to handle it.

Mr. Chairman, last year we pointed out to the then Secretary that he had ample authority under the law to curtail program abuses and irregularities through his regulatory provisions. Since the Secretary had authority to clean up the program, our committee cut the budget for food stamps by $2,154,286,000.

In response to the recommendations of our committee as approved by the House, the then Secretary of Agriculture agreed that his Office could meet most of the problems through administrative directives. Approximately a year ago, that Secretary issued such regulations.

Subsequently, the Federal district court on June 18, 1976, issued an injunction banning the implementation of the regulations.

Upon taking office, the new Secretary of Agriculture cancelled the previously proposed regulations.

The committee notes that the authorization expires this year and a new law has to be enacted.

Therefore, since the legislative committee is now in the process of writing a new law, we have recommended the budget request, but we have placed 7 percent of the funds in reserve.

In connection with the authorizing law, I would like to mention one provision of the present law. When the present law was being considered by the House I voted to deny food stamps to strikers. However, the Congress provided that striking workers can receive food stamps. Therefore, it would not be proper for our committee to withhold funds for food stamps for someone on strike, since they are eligible to receive stamps under the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOLEY. Mr. Chairman, I move to strike the necessary number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from California has just stated in response to the comment made by the chairman, the gentleman from Mississippi (Mr. WHITTEN) that the authorizing committee was in the process of reporting the bill that that was what was said last year. But I think the gentleman will be easily able to determine by addressing himself to the gentleman sitting on his left—and I use that direction advisedly—the gentleman from Idaho (Mr. SYMMS) that the Committee on Agriculture is under a unanimous-consent agreement to vote no later than noon tomorrow on all remaining amendments to the food stamp section of the farm bill and to report that food stamp section. We have requested a hearing of the Committee on Rules on the combined farm-food stamp legislation for Tuesday next, the 28th of June.

We have a tentative agreement from the leadership to bring to this floor H.R. 7171, which will be the combined farm and food stamp bill, the first week after we return from the 4th of July recess, the week of the 11th of July.

If there is any time when I think again we could argue that it is a misdirection of a legislative process to impose limitations on an appropriation bill, it is under these circumstances when the hard work done by the Agriculture Committee on both sides of the aisle to bring to this House a food stamp and farm bill is about to be realized. Within less than 3 weeks this will be on the floor and it will be considered and it will be under an open rule, and any Member wanting to offer an amendment to the food stamp section will be able to do so.

There is no excuse at this time for abusing the legislative process by bringing forth this amendment and any other amendments that may come forth today on the food stamp portion of the legislation.

There are some new departures that are going to be undertaken in the committee bill. One of those departures will be to cut 1¼ million people from the food stamp program. But at the same time the committee has recommended and it will be subject to amendment, the elimination of the purchase requirement—which by various estimates will cost, because it brings new people into the program who are currently eligible but currently do not participate, perhaps $400 or $500 million.

The President's statement to the committee in testimony from Secretary Bergland was that the President did not want the program we are about to bring forward to exceed in any substantial way the current program, but it is in my judgment a very great mistake for us to move too drastically to cut this appropriation before the committee brings the bill to the House has an opportunity to work its will on the legislation.

I hope all my colleagues will join me in opposing this amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague, the distinguished chairman of the Agriculture Committee, yielding. Let me again review with the gentleman the statement in the Appropriation Committee report from page 87 and 88:

> The Committee remains concerned about widespread irregularities and abuses in the Food Stamp Program. These abuses and irregularities not only result in increased costs but also make it more and more difficult to retain the program for those who are truly in need of it.
>
> Testimony before the Committee reveals that 7 percent of all recipients, or well over one million persons, were not eligible for food stamps at all. In addition, 18 percent of all recipients received more stamps than they were entitled to. In total, it is estimated that about $430,000,000 per year, or 7.5 percent of the budget request, will be distributed to ineligible persons or overissued.

I know the two of us talked last night about the effort now being made in the Agriculture Committee to revise the food stamp laws. I know the gentleman has some specific restraints that he hopes will be part of that legislation.

What is the gentleman's estimation as to what the funds are that will be needed to cover that change in law, assuming that it occurs for 1978?

Mr. FOLEY. For fiscal year 1978 it is a matter, as the gentleman knows, involving some degree of estimate, but I think we will probably bring in a bill reported by the committee that will have approximately $5.4 billion for fiscal year 1978.

Mr. ROUSSELOT. That is $5.4 billion.

Now, as the gentleman knows, in fiscal year 1977 we appropriated $5.5 billion and we had a supplemental that added $700 million. All of that will be in the pipeline. Does not that supply adequate slush to provide for an adjustment of $5.5 million appropriation?

Mr. FOLEY. The gentleman uses the word "slush."

Mr. ROUSSELOT. Well, excess fat, or slush.

Mr. FOLEY. Let me say this to the gentleman. The food stamp program is administered under laws as set in the Congress, under guidelines and conditions through which that program is available. There are two major circumstances that can affect the cost of this program. One of them is the level of unemployment. In the last year there has been a significant drop in costs just due to the recovery in the economy.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. FOLEY. Mr. Chairman, the second thing that can affect the program is the level of food costs themselves, and these things are of course subject to drought and crop conditions and things over which no one in this Chamber has any control.

So I would say to the gentleman that while I hope that the $5.4 billion estimate is a correct one, that there are these conditions which could affect the cost.

In addition to that, if the Congress agrees to do so and eliminates the purchase requirement, we are not giving any additional benefits to any persons, but some people not now participating may elect to participate. We do not know to what precise degree that will occur.

So I am extremely cautious when I respond to the gentleman from California and say to the gentleman the program will cost $5.4 billion and no more in fiscal year 1978.

What concerns me is that we focus on the legislation on the rules for this program, what requirements there will be, and that is the way to see to it that the program is designed for the maximum efficiency, the maximum reduction in costs, consistent with the purposes of the program. For that reason I must reluctantly, but strongly, disagree that this is an appropriate amendment, especially at this time so few days before we bring the food stamp program to the floor.

Mr. ANDREWS of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think what we are getting into now is semantics. We are all pretty close together. We are all concerned about the escalating cost of the food stamp program. We are all concerned, as I said yesterday in the well, that the subcommittee has discovered that 7 percent of those getting food stamps are not eligible and an additional 18 percent are getting more food stamps than they are entitled to.

I commend the gentleman from Washington, the chairman of the Committee on Agriculture, for moving to eliminate the benefits of some of these noneligible receivers. The gentleman has been very frank in pointing out that by putting teeth in the bill to eliminate the misuse of the program by those not eligible, they will save some funds and by eliminating cash requirements they are going to add some to those already eligible but are not participating and the gentleman's best estimate is $5.4 billion.

The amount in the bill is $5.6 billion, with a reserve of $400 million that was put in, as the chairman, the gentleman from Mississippi (Mr. WHITTEN) pointed out, because we are concerned about it resulting in a net figure of $5.2 billion.

Mr. Chairman, I have a letter from the Assistant Secretary of Agriculture and their best estimate is they will need $5.3 billion. It looks like we are all around the mulberry bush.

Let me assure everyone that none of the funds appropriated can be spent unless they are applied for. If we do not appropriate them and they are applied for, they are going to be spent, in any event, because this is one of those unique programs over which the Committee on Appropriations has little or no control. People come in for food stamps and as conditions warrant it, we may well irrespective of what amendment we pass on the floor of the House end up spending $6 billion, or we may well spend $4.7 billion as the extreme. I am sure my colleague, the gentleman from California, realizes that. That is why we appreciate the statement of my colleague, the gentleman from Washington, that his committeee is going to try to tighten up the extremely loose application that this program has been suffering from for all these years.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I am glad to yield to my colleague.

Mr. FOLEY. Mr. Chairman, the food stamp program, as I said, depends on circumstances. Its outlay depends on circumstances that no one can predict with regard to the cost of food in the future, the levels of unemployment, the number of people who are eligible and others eligible who do not seek to participate.

The gentleman from North Dakota and I are very strong supporters of certain commodity programs in the agriculture side of the picture. The gentleman and I both know we have no way of telling what the market prices will be on grain. All we can do is make some general estimates.

I think the committee position should be sustained in this case, because I think the amendment of the gentleman from California is so deep a cut, considering the fact that we have some uncertainties before us, it would not be well advised to follow this amendment.

I hope particularly with this bill about to come to the floor we could sustain the position of the distinguished Subcommittee on Appropriations and reject the amendment.

Mr. ANDREWS of North Dakota. It is really not that deep a cut, because the committee has a net figure of $5.2 billion with the $400 million in reserve, so as I say, we are all talking within a narrow range that can be completely overcome, by conditions over which we have no control.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield.

Mr. ROUSSELOT. I think, on the basis of what our distinguished chairman of the Agriculture Committee has said, that circumstances pretty much dictate what is happening or what will happen in this food stamp program, on the basis of the expenditure level going on right today, it will clearly be less than $5 billion for this fiscal year 1977. OMB says that as of the end of May $3.6 billion has been spent on this program. On the basis of the experience for this fiscal year—and I think that the gentleman from Washington is correct when he says that we should go on the basis of circumstances—the circumstances are entirely different than when we appropriated this money 1 year ago and when we added $700 million on a supplemental this year.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

(By unanimous consent Mr. ANDREWS of North Dakota was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. So, I think that the point of the gentleman from Washington is well taken. I would say to him that circumstances now show that we do not need $5.6 billion. We only need $5 billion. That is not a huge cut. It is merely a trim at the top, and I do commend the committee for what they have done in setting aside the 7-percent reserve. I would like to remind my colleagues that there is a surplus from the supplemental appropriation which could easily handle any additional flexibility that is needed.

Mr. FOLEY. Mr. Chairman, will the gentleman yield further?

Mr. ANDREWS of North Dakota. I yield.

Mr. FOLEY. I just want to state my respectful disagreement with the figures cited by the gentleman from California. If we are talking about fiscal year 1977, the estimated cost of this program, the information that I have, is that the estimate of the total cost for the remainder of the fiscal year, from its beginning, will be $5.5 billion. So, I disagree with the gentleman.

Mr. ROUSSELOT. We had a briefing yesterday in the Budget Committee, the so-called early alert system that we use and the shortfall in this program can run anywhere from $500 million to $600 million. So, I am just saying that on the basis of what we have been told is being spent today I can only assume that the Congressional Budget Office and others are accurate. As a matter of fact, in this whole bill there is a shortfall of $2.1 billion on the expenditure side. So I would just say to my colleague that we just are not spending at a $5.6 billion level.

Mr. ANDREWS of North Dakota. Let me read one sentence from a letter we received from the Assistant Secretary of Agriculture this afternoon:

> Based on this projection, the average monthly participation would be 16.1 million persons, and the new budget authority required to operate the program would be $5,332,000,000.

That is for fiscal year 1978, so that shows how close all these figures are.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield.

Mr. WHITTEN. May I point out again that our friend from California refers to as of today. I think all of us just agreed on this, that we are dealing with what everybody agrees is a variable. First, we have new legislation which will be brought in; we do not know what that will be.

Second, the rate of unemployment will make changes in the amounts, and that varies from week to week and month to month. We do not know who will apply, among those who might be eligible, and who will not apply. So, with all those factors involved here, the subcommittee

has done a good job of recommending to the full committee, and the full committee has approved it.

The other point I wish to make, as was pointed out by my friend and colleague from North Dakota, is that if there are participants eligible under the law, we have to provide them the stamps, but if they are not eligible, this money is never withdrawn from the Treasury. So, it is the fact that the funds reserved here still will not come out of the Treasury unless the number of participants is sufficient to bring them out. The funds reserved will not be spent unless required for eligible participants. It is unwise at this point to put a limit here, the only effect of which would be to have us come back and go through the hearings and bring in a supplemental which, for those on the Budget Committee, is the last thing we would like to have to do.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, one of the reasons that I would take this time today is that I am a member of the authorizing committee which has been working on this food stamp legislation for the last 3 or 4 weeks or for an even longer period of time, and according to the proponents of the legislation, we are going to have a more efficient operatoin of this legislation than we have had in the past.

It is interesting to note that when this program started out, according to the committee report here, the Committee on Appropriations had about a $300 million appropriation some 15 years ago, and it is now up to a $5.5 billion appropriation. I think if we do in fact want to put a cap or a restraint in what is being done by the bureaucrats in the Department of Agriculture who administer this program, then we have no choice but to support the Rousselot amendment.

The Committee on Agriculture I think will vote out a bill tomorrow morning. It has not taken away some of the abuses that Members are so well attuned to. The college students will still be eligible, strikers will still be eligible. It has become an education program. We have stricken nutrition from the legislation. We have taken away the purchase requirement. And so all of these things have taken place. The committee has refused to put a cap on it up to now. There was a mistake in the case numbers which have been reported to our committee of anywhere from 20 to 40 percent. With the excesses that have taken place is this program, this is one way that the Members of the House can express their wishes to the Department of Agriculture to tighten up the program.

Most of the liberalization of the food stamp program in the last 10 or 15 years has been done through regulatory, bureaucratic promulgation of regulations. It has not been done, necessarily, by congressional action. But the one thing that the Congress could do is to put a cap on this thing right here today.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the distinguished chairman who has worked so diligently in the committee.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out that the $5.3 billion figure cited by the the gentleman from North Dakota represents the departmental estimate of what we call current services if nothing were changed in the food stamp program bill for fiscal year 1978. This figure is actually 5.358 billion. The current services for this year, fiscal year 1977, on the other hand, are expected to be $5.5 billion. By contrast, for fiscal year 1978, under the bill currently being developed in the House Agriculture Committee—this amount would be $5.32 billion, or less than the present program if it were simply extended without change. This, of course, does not take into account any amendments which may be adopted on the floor.

The gentleman's amendment would not provide adequate coverage for this year or for next year. Although we hope neither of these occur, we must recognize that there may be increases in food costs or shifts in unemployment—which could affect the cost of this bill. I would hope the gentleman could focus on the legislation itself and the design of the program, rather than set speculative and artificial limits.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, let me reemphasize that all this Congress has done is that we appropriated $5.5 billion for fiscal year 1977. This was the year my good colleague (Mr. FOLEY) was just discussing. We had a $720 million add-on, to give a figure of $6.2 billion for this fiscal year of 1977.

That will be carried over, even if the Department of Agriculture is correct that they only spend $5.3 billion, and that is not what OMB said will be spent on the basis of accountability which they have given to the Budget Committee. My belief is that it will be somewhat less than the $5.5 billion, probably $5 billion even. There would still be well over $700 million excessive dollars still in the pipeline for the kind of flexibility for which the gentleman from Washington has asked.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me for a correction?

Mr. SYMMS. I promised to yield to the gentleman from North Dakota, and then I will be happy to yield to the chairman.

Mr. ANDREWS of North Dakota. Mr. Chairman, I want to point out in response to what my colleague, the gentleman from Washington (Mr. FOLEY), said—and I hope this will help clarify the difficulties in setting a finite figure—is that the letter from the Secretary of Agriculture points out that the estimates for this program are highly dependent on next year's economic conditions. So this $5.3 billion estimate I was quoting from the Department of Agriculture could be up or down by $200 million or even $400 million, depending on when the figures come out, based on economic conditions.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. SYMMS) has expired.

(On request of Mr. WHITTEN and by unanimous consent, Mr. SYMMS was allowed to proceed for 1 additional minute.)

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, my friend, the gentleman from California (Mr. ROUSSELOT), used the words: $5.5 billion plus $700,000,000. I call his attention to the fact that $4.7 billion was initially appropriated and the $5.5 billion includes the supplemental appropriation of $720 million. We have the book here before us, if the gentleman would like to see it.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, with great respect for the gentleman from North Dakota (Mr. ANDREWS), I point out to the gentleman that the $5.3 billion figure is based on the Department's estimates of what would happen if we did not change the program at all.

Mr. ANDREWS of North Dakota. That is right.

Mr. FOLEY. The program expires on September 30, and the work already completed by the Committee on Agriculture with respect to this legislation clearly indicates that there will be major changes proposed to the House next month.

Mr. SYMMS. Mr. Chairman, I thank the gentleman from Washington (Mr. FOLEY) for his contribution, and I appreciate his comments.

I would say that this all depends on what our confidence in the future is. I happen to have some confidence in the future myself, and I am surprised that the Members on the other side of the aisle would not have the same confidence in the future, as to where we are going with the economy, with unemployment figures, and with jobs in this country.

It appears to me as though we ought to give the Department of Agriculture and Mr. Carter a vote of confidence and support the Rousselot amendment.

Mr. CORRADA. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. ROUSSELOT and to point out the obvious inequities that would be caused by any national reduction in the existing operation of the food stamp program.

On the surface, any attempt to trim the national budget may seem patently desirable, and we are all conscious of the fact that budget reductions in Federal programs may be a worthwhile goal.

But, in the case of the food stamp program, we are not talking about a grant or contract program which benefits a few individuals, or any program which may constitute a dubious enterprise clearly not in the national interest.

Since its inception, the food stamp program has been a vital national program, providing many families with an

access to a nutritional diet which they would not otherwise be able to afford.

In recent years, with rising food prices and a deepening national recession, the food stamp allotments—in many cases—are just barely adequate to supplement the average family nutritional input.

In Puerto Rico, we have a very high rate of participation in the national food stamp program. This is caused, not only by high unemployment, but by the fact that Puerto Ricans, while U.S. citizens, have limited participation in other Federal welfare programs due to legislative restrictions. Most notable of these exceptions and restrictions is the limited participation of Puerto Ricans in the supplemental security income, SSI, program. While efforts are underway to alleviate this situation and bring Puerto Ricans to the mainland level in the SSI program, the fact that we are restricted in our SSI participation has increased the total amount of participants in food stamps.

The food stamp program has helped the general economy of Puerto Rico since Congress mandated our participation in the program. The arrival of food stamps in Puerto Rico helped pull the islands through a devastating period. It sustained many families. It offered access to an adequate nutritional diet for many individuals and any attempt to deny their participation in the program through a reduction in national benefits would have a severely negative impact on Puerto Rico.

I hope the amendment offered is defeated.

It constitutes, in sum, an attempt to foster a fiscally responsible image at the expense of many who have no real political power to oppose this attempt, and live under the constant threat of merely coping for survival in what many of us consider an increasingly affluent society.

The amendment flies in the face of equal justice under law, and seeks to undermine the proven worth of the food stamp program as a vital ingredient in making this society one that offers the basic elements of decency to all its citizens.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to the Rousselot amendment to cut $673.8 million from the food stamp program.

I oppose this amendment for two reasons. To begin with, the Appropriations Committee has determined that present eligibility rules and the projected need for this program require the full funding of $5.6 billion recommended by the administration. It is conceivable that a funding reduction on this amount could force the program to suffer from lack of funds before the end of the next fiscal year. This would have the effect of penalizing everyone for the irregularities committed by a few. It is the oversight of the program that should be tightened and not the funding.

My second reason is that these funds are desperately needed to assure an adequate diet to millions of people who live near or below the poverty level in this affluent country. Children, who account for approximately half of all food stamp recipients, without sufficient nutrition levels have difficulty maintaining their concentration in school. The elderly, with their special dietary needs, are forced to look for less desirable sources of protein—especially in view of the spiraling levels of inflation in the price of food.

I cannot see the justification for cutting funds for the program when the added appropriation in this bill of $159 million is barely half of the increase appropriated for the current fiscal year. I think that this amendment is ill-timed and ill-advised. Cutting appropriations for basic social programs without regard for whom it hurts and how badly it hurts them is the worst kind of appropriations cut. I urge my colleagues to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The question was taken; and on a division (demanded by Mr. ROUSSELOT) there were—ayes 27, noes 58.

RECORDED VOTE

Mr. ROUSSELOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 262, not voting 17, as follows:

[Roll No. 356]

AYES—154

Abdnor	Gibbons	Mottl
Archer	Gilman	Myers, Gary
Armstrong	Ginn	Myers, Ind.
Ashbrook	Goldwater	Nichols
AuCoin	Goodling	O'Brien
Badham	Gradison	Pettis
Bafalis	Grassley	Pritchard
Barnard	Gudger	Quayle
Bauman	Guyer	Quillen
Beard, Tenn.	Hagedorn	Railsback
Bennett	Hall	Regula
Bevill	Hammer-schmidt	Rhodes
Brinkley	Hansen	Roberts
Broomfield	Harsha	Robinson
Brown, Mich.	Hightower	Rogers
Brown, Ohio	Hillis	Rousselot
Broyhill	Holland	Rudd
Burgener	Holt	Runnels
Burleson, Tex.	Hubbard	Santini
Butler	Ichord	Satterfield
Byron	Ireland	Sawyer
Cederberg	Jenkins	Schulze
Chappell	Johnson, Colo.	Sebelius
Clausen, Don H.	Jones, Okla.	Shuster
Clawson, Del	Kasten	Skubitz
Cleveland	Kelly	Smith, Nebr.
Coleman	Kemp	Snyder
Corcoran	Ketchum	Stangeland
Coughlin	Kindness	Stanton
Crane	Lagomarsino	Stockman
Cunningham	Latta	Stratton
Daniel, Dan	Leach	Stump
Daniel, R. W.	Lent	Symms
Derwinski	Levitas	Taylor
Devine	Lloyd, Tenn.	Teague
Dickinson	Lott	Thone
Dornan	Lujan	Treen
Edwards, Ala.	McClory	Trible
Edwards, Okla.	McDonald	Vander Jagt
Emery	McEwen	Waggonner
English	Madigan	Walker
Erlenborn	Marlenee	Walsh
Ertel	Marriott	Wampler
Evans, Ind.	Martin	Whitehurst
Findley	Mathis	Wiggins
Fish	Michel	Wilson, Bob
Fithian	Milford	Winn
Flynt	Miller, Ohio	Wydler
Forsythe	Mitchell, N.Y.	Wylie
Fowler	Montgomery	Young, Alaska
Frenzel	Moorhead, Calif.	Young, Fla.
Frey		

NOES—262

Addabbo	Anderson, Calif.	Annunzio
Akaka	Anderson, Ill.	Applegate
Alexander	Andrews, N.C.	Ashley
Allen	Andrews, N. Dak.	Aspin
Ambro		Badillo
Ammerman		Baucus
Beard, R.I.	Hamilton	Patterson
Bedell	Hanley	Pattison
Bellenson	Hannaford	Pease
Benjamin	Harkin	Pepper
Biaggi	Harrington	Perkins
Bingham	Harris	Pickle
Blanchard	Hawkins	Pike
Blouin	Heckler	Pressler
Boggs	Hefner	Preyer
Boland	Heftel	Price
Bolling	Hollenbeck	Pursell
Bonior	Holtzman	Quie
Bowen	Howard	Rahall
Brademas	Huckaby	Rangel
Breaux	Hughes	Reuss
Breckinridge	Hyde	Richmond
Brooks	Jacobs	Rinaldo
Brodhead	Jeffords	Risenhoover
Brown, Calif.	Jenrette	Rodino
Buchanan	Johnson, Calif.	Roe
Burke, Calif.	Jones, N.C.	Roncalio
Burke, Fla.	Jones, Tenn.	Rooney
Burlison, Mo.	Jordan	Rose
Burton, John	Kastenmeier	Rosenthal
Burton, Phillip	Kazen	Rostenkowski
Caputo	Keys	Roybal
Carney	Kildee	Ruppe
Carr	Koch	Russo
Carter	Kostmayer	Ryan
Cavanaugh	Krebs	Sarasin
Chisholm	Krueger	Scheuer
Clay	LaFalce	Schroeder
Cochran	Le Fante	Seiberling
Cohen	Lederer	Sharp
Collins, Ill.	Leggett	Shipley
Conable	Lehman	Sikes
Conte	Lloyd, Calif.	Simon
Conyers	Long, La.	Sisk
Corman	Long, Md.	Skelton
Cornell	Luken	Slack
Cornwell	Lundine	Smith, Iowa
Cotter	McCormack	Solarz
D'Amours	McDade	Spellman
Danielson	McFall	St Germain
Davis	McKay	Staggers
de la Garza	Maguire	Stark
Delaney	Mahon	Steed
Dellums	Mann	Steers
Derrick	Markey	Steiger
Dicks	Marks	Stokes
Diggs	Mattox	Studds
Dingell	Mazzoli	Thompson
Downey	Meeds	Thornton
Drinan	Metcalfe	Traxler
Duncan, Oreg.	Meyner	Tsongas
Duncan, Tenn.	Mikulski	Tucker
Early	Mikva	Udall
Eckhardt	Miller, Calif.	Ullman
Edgar	Minish	Van Deerlin
Eilberg	Mitchell, Md.	Vanik
Evans, Del.	Moakley	Vento
Evans, Ga.	Moffett	Volkmer
Fary	Mollohan	Walgren
Fascell	Moore	Watkins
Fenwick	Moorhead, Pa.	Waxman
Fisher	Moss	Weaver
Flood	Murphy, Ill.	Weiss
Florio	Murphy, N.Y.	Whalen
Flowers	Murphy, Pa.	White
Foley	Murtha	Whitley
Ford, Mich.	Myers, Michael	Whitten
Ford, Tenn.	Natcher	Wilson, C. H.
Fountain	Neal	Wilson, Tex.
Fraser	Nedzi	Wirth
Fuqua	Nix	Wolff
Gammage	Nolan	Wright
Gaydos	Nowak	Yates
Gephardt	Oakar	Yatron
Giaimo	Oberstar	Young, Mo.
Glickman	Obey	Young, Tex.
Gonzalez	Ottinger	Zablocki
Gore	Patten	Zeferetti

NOT VOTING—17

Baldus	Edwards, Calif.	McKinney
Bonker	Evans, Colo.	Mineta
Burke, Mass.	Flippo	Panetta
Collins, Tex.	Horton	Poage
Dent	McCloskey	Spence
Dodd	McHugh	

Mr. BRODHEAD changed his vote from "aye" to "no."

Messrs. HAGEDORN, LENT, and NICHOLS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 39, line 13, add the following new paragraphs: "*Provided further*, That no funds appropriated in this Act shall be used to make food stamps available for the duration of a strike to a household while its principal wage-earner is, on account of a labor dispute to which he is a party or to which a labor organization of which he is a member is a party, on strike: *Provided further*, That such ineligibility shall not apply to any household that was eligible for and participating in the food stamp program immediately prior to the start of such strike, dispute, or other similar action in which any member of such household engages: *Provided further*, That such ineligibility shall not apply to any household if any of its members is subject to an employer's lockout."

Mr. WHITTEN. Mr. Chairman, I wish to reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN) reserves a point of order against the amendment.

The gentleman from Ohio (Mr. ASHBROOK) is recognized for 5 minutes in support of his amendment.

Mr. ASHBROOK. Mr. Chairman, this amendment has been offered on a number of occasions, the last time on June 21, 1974. I would call to the attention of Members of this House who may not be conversant with this subject, pages 20613 through 20615.

The amendment at that time, the amendment I would say, failed by a mere 15 votes. It is my hope that the temper in the House has changed since that time because there have been numerous abuses of this program in paying food stamps to strikers.

I would also point out that only yesterday the Supreme Court narrowed the welfare rule. Let me cite one statement by Justice Blackmun, who spoke for the majority and said:

Exclusion of individuals who are out of work as a result of their own conduct . . . is consistent with the goal of (the Federal program), namely, to aid the families of the involuntarily unemployed.

While the case did not specifically refer to food stamps for strikers, the case in question did refer to welfare benefits for families of strikers, people who quit their jobs and people fired for misconduct. There is no question in my mind that the majority of the American people do not want food stamps paid to strikers.

I know that it will be said this should be done next week when we have the regular food stamp authorization.

I suggest in the past we have had this amendment before us on the appropriation bill. I think it is proper to have it again this year.

Mr. Chairman, I would urge my colleagues to support this amendment to limit the runaway food stamp program.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Mississippi insist on the point of order?

Mr. WHITTEN. Yes, Mr. Chairman.

Mr. Chairman, I would like to point out that with regard to the pending amendment that the language provides not only the limitation, but it provides that food stamps shall not be available for the duration of a strike to a household while its principal wage earner is out of work on account of a labor dispute.

The question of "on account of a labor dispute" would require, first, an investigation and determination.

Next it says to which he is a party. That in turn would require an investigation and a determination of whether he is "a party."

Then it goes further and says "a labor organization of which he is a member is a party". That, too, would require an investigation and a determination.

Going down further we come to the statement where it says "immediately prior to the start of such strike." I do not know how anybody—even though that would require special duties—I do not know how a fellow would perform those duties by knowing how to anticipate what is just in advance of a strike. Certainly it would require a very far-seeing man, knowing some of the things we read about.

Then it goes further and says, "or other similar action in which any member of such household engages."

All of these, Mr. Chairman, would require special duties.

As I read the last proviso it says:

Provided further, That such ineligibility shall not apply to any household if any of its members is subject to an employer's lockout.

That, in turn, would require a special investigation and special determination.

Now, turning to Deschler's Procedures, I am glad to see this book has brought together the prevailing opinion, the opinion of the former Parliamentarian, and on page 380 at the bottom of the page we read in section 11.2:

Where an amendment, in the guise of a limitation, imposes additional determinations and duties on an executive, it may be ruled out as legislation on a general appropriation bill in violation of clause 2, rule XXI.

I go down further, Mr. Chairman, to the Parliamentarian's note. Mr. Deschler, as we recall, served many, many years here and made many decisions from which to conclude. His note is carried to this effect:

Section 11.5. The extra duties which may invalidate an amendment as being "legislation" are duties not now required by law.

Then he goes further and says:

The fact that they may be presently in effect on a voluntary basis does not protect an amendment from a point of order under clause 2, rule XXI.

I respectfully submit that the bill just makes appropriations to the Department of Agriculture.

The duties to be performed are by the employees of the Department of Agriculture. I respectfully submit that the investigations required by the pending amendment, the conclusions that are required, all would be necessary to carry out the amendment. None of those are performed at present, either voluntarily or by law, by people employed by the Department of Agriculture.

So, Mr. Chairman, I believe that even under the law that applies to appropriations for the Department of Agriculture, the Chair would have to find this amendment subject to the point of order, and therefore, out of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. ASHBROOK. I do, Mr. Chairman.

I fully recognize the fact that the Congress has had this exact amendment before it on a number of occasions, and in no way would make it in order if it were not. I would suggest, however, that in the food stamp program, determinations must be made. By its very nature, the food stamp program does not go to all American families, but goes to families after complete investigations as to the income of the family, as to whether they are at work; if they are not at work, why they are not at work.

I would further point out that nine States limit all forms of welfare to strikers. The case in point yesterday in the Supreme Court justified that particular ruling by the States. Programs are administered by the States, and I suggest that it does not call upon the Department of Agriculture to ask any questions or have any duties that are not now in law.

Mr. WHITTEN. Mr. Chairman, could I be heard further?

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I respectfully submit that the gentleman's statement that this is an exact wording of that earlier precedent is not correct, or at least it does not appear to be correct to me. However, I would like to insist that the amendment now pending speaks for itself, and is not in accord with that upon which the gentleman has reported to the Chairman.

The CHAIRMAN. Does the gentleman from Washington desire to be heard on the point of order?

Mr. FOLEY. I do, Mr. Chairman.

Mr. Chairman, I rise in support of the point of order raised by the distinguished chairman of the subcommittee. The food stamp program legislation mandates the program throughout the United States, and mandates the Secretary to conduct such a program throughout the United States. It is administered locally, but the program benefits are paid for 100 percent by the Federal Government, and the program is operated under the rules and regulations promulgated by the Secretary.

At the present time, no limitations exist, although issues of this kind have arisen before, on the participation of any household with respect to a labor dispute. The Secretary is not personally required to issue any regulations or require any determinations on evasions in conducting the program with respect to a household having a member engaged in a labor dispute or to determine what a labor dispute is, or to determine whether the member is a member of a union involved in a labor dispute; nor is he required to determine whether such a family, if it is found, was eligible to participate prior to the time the labor dispute occurred.

Moreover, the Secretary is not presently required to make a determination, nor are the agents, of whether a work

dispute or labor dispute results from a lockout rather than a strike. All these determinations would have to be made by the Secretary, encompassed in regulations and rulings, and the Secretary would have to respond to specific requests for clarification from the States.

I strongly urge that the point of order is valid in that it imposes additional duties on the Secretary not now required by law, and requires him to conduct investigations to oversee agents with regard to these findings. Accordingly, I maintain that the amendment is out of order and that the point of order should be sustained.

Mr. WHITTEN. Mr. Chairman, I would like to point out one thing which I do not think was made clear. The provisions of the amendment that was held in order differed from the amendment that we have here. The amendment that was quoted by the gentleman from Ohio, the proponent of the amendment, was not tested by a point of order.

No ruling was had on an amendment similar to this one. It was on a different amendment under different circumstances.

The CHAIRMAN (Mr. STRATTON). The Chair has had an opportunity to examine the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) and also to consult the precedents.

The amendment offered by the gentleman from Ohio (Mr. ASHBROOK) does provide that no funds appropriated in this act shall be used to make food stamps available for the duration of a strike to a household while its principal wage earner is, on account of a labor dispute to which he is a party or to whom a labor organization of which he is a member is a party, on strike.

The amendment further provides that such ineligibility shall not apply to any household if any of its members is subject to an employer's lockout.

The amendment on this general subject which was offered in 1974, the Chair would point out, was not challenged by a point of order.

The amendment that was offered in the 92d Congress in 1972, which was ruled in order, was in fact different, from the amendment presently being offered by the gentleman from Ohio (Mr. ASHBROOK).

The Chair would state that the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) differs in a number of significant respects from the amendment held in order in the 92d Congress, 2d session, insofar as it does specify that the ineligibility would apply to an individual who was the principal wage earner of a household, that it applies to one who is determined to be a member of a labor organization which is on strike, and it further requires, in order to be carried out, a determination whether that individual in the household, or any of its members, is subject to an employer's lockout.

In the opinion of the Chair, the amendment does, therefore, impose additional duties upon a Federal official who is not merely the recipient of information—going beyond language that was held in order in previous Congresses and, therefore, does amount to legislation on an appropriation bill. Therefore, the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and mergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000; $273,019,000.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 41, line 19, after "$273,019,000" insert ", except that no funds appropriated under this paragraph may be used for the promulgation or enforcement of any prohibition on the distribution of saccharin in interstate commerce."

Mr. VOLKMER. Mr. Chairman, today I offer an amendment to this appropriation bill which will prohibit the use of any funds appropriated for the Food and Drug Administration which may be used for the promulgation or enforcement of any prohibition or ban on saccharin.

Everyone is aware of the controversy surrounding the FDA's statement of its intent to ban saccharin. Since 1971 extensive research on this subject has produced evidence that saccharin may have caused cancerous tumors in rats. The controversy over the FDA's recent actions has brought into focus some serious problems with the present law in terms of testing procedures, extrapolation of data, and the fact that there is no provision for any kind of risk/benefit analysis.

That is permitted, by the way, only in reference to drugs.

Under present law the FDA has had no choice but to proceed. There is a need for a close examination and revision of this law.

The importance of my amendment is that it will give the Congress time to evaluate the law in question, and we do not want to be hasty in such an evaluation.

In the meantime, there is a valid question as to the testing procedures and methods, and as to new testing procedures.

I would like to digress for just a moment to point out that just recently we have been advised of two reports, one from Canada and one from this country, as to epidemiological studies on humans having cancer or bladder cancer. I would like to point out that just as recently as April 14, in a statement by Mr. Kennedy, the Commissioner of the Food and Drug Administration, he said at that time with regard to these types of tests that—

Some people still stress that saccharin has never been proved to cause a single cancer in a single human being. As late as this week the press reported studies comparing people who uses saccharin with those who don't. The studies are not new, and FDA is fully acquainted with them.

Those studies, Mr. Chairman, show that saccharin did not prove cancerous to people who use it.

The studies found no evidence of increased bladder cancer in saccharin users. This is not surprising. From animal studies we can estimate that the risk of bladder cancer in humans may be increased by only 0.04 percent by saccharin. To measure such a small statistical increase in human risk would require the study of not thousands but tens of thousands of people and not for two to four years, but for decades. We simply can't wait that long.

Those are the words of Mr. Kennedy himself.

Yet we find reports of just this morning, Tuesday, June 21, that the Food and Drug Administration is delaying the drafting of a new regulation banning saccharin until next fall "because of a new Canadian study concluding that human males using artificial sweeteners face an increased risk of bladder cancer."

How many were used in that study? Very few. As I understand it, there were 480 males and 152 females used in the study. They say that is adequate now, but before, in April, they said they had to have tens of thousands.

I would like to say again that, as to the testing procedures, according to testimony before the Senate committee and the hearings of the Office of Technological Assistance, this statement was made by Dr. Oates:

The human use of saccharin is now sufficient to permit a more definitive evaluation of the consequences of this exposure in terms of cancer of the bladder and other sites. An epidemiologic study initiated at this time could address this question in a group in which the use of saccharine is well defined and will allow observations regarding any increase in cancer incidence to proceed for a sufficient period of time to encompass the long latency period typical for many chemical carcinogens.

What he is saying basically is that people have been using saccharin for 20 or 30 years and we have over 30,000 bladder cancer cases a year in this country.

There is no question that the legislation should permit those types of studies on human beings when that is available. That applies not only to saccharin, but that same testing procedure should apply to all matters, whether they relate to drugs or food additives, that have been around that long, rather than just relying on rat and mice tests.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. VOLKMER) has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, on June 10 I offered an amendment to the Justice Department appropriation bill which would have prohibited the use of

any funds for the enforcement of the proposed ban. I withdraw that amendment largely as a result of assurances I received that the bill introduced by the subcommittee of the gentleman from Florida (Mr. ROGERS)—which provides for a new study and an 18-month moratorium on the ban—would reach the floor within 1 month of those assurances. I believe that is the most effective approach to this situation.

However, Mr. Chairman, I had received as of that same day a report from the United Press. Mr. Kennedy was on that same day, on Friday the 10th, in Los Angeles; and he used the same words that many of us have heard when he has commented about our actions. He said that there is little hope his office will reverse the proposal to ban saccharin, and that it would set a bad precedent if legislators overrule him and his agency. He also remarked that it was a dangerous precedent if legislators overrule a regulatory agency because of public resentment.

By the way, Mr. Chairman, we tried to verify those remarks through his agency. They would neither confirm nor deny those remarks. Therefore, I must take them to be true.

Mr. Chairman, I do believe that it is the responsibility of this Congress to review all legislation, including the legislation under which FDA operates. There is no question in my mind, from the studies that I have made, that we need a strong evaluation and time to evaluate the legislation that applies to testing procedures and benefit ratios or analyses as they apply to whether or not we have the type of test that they presently use on a limited number of mice and rats, and sometimes only on mice and not rats. That makes a difference, Mr. Chairman.

If they continue only with that type of test, and if they raise a red flag based on that sort of test, when there is a larger benefit of the use of the matter to the public, that should only raise a yellow flag, not a red flag; and we should require additional testing.

For that reason, Mr. Chairman, I am offering this amendment. It provides the Commissioner with a clear statement of the will of the Congress and of the American people to the effect that he should delay his ban.

I would like to say, in regard to that, that in this same article, they have now said there was a delay in the drafting of new regulations banning saccharin probably until next fall because of the new Canadian study.

Mr. Chairman, I am glad to hear that; I am very pleased to hear that. If that is the case and if we are going to have the bill of the gentleman from Florida delayed for 18 months, on that basis, fine; then my amendment should be proper because we will not need the money in the next 12 months. FDA will not need that money at all because we will have delayed them for at least 12 to 18 months.

On that score also, Mr. Chairman, I would like to comment that we received a report this morning.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. VOLKMER) has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. To continue, Mr. Chairman, my office received a report this morning from an Associated Press reporter. He said he was calling to confirm whether or not we were going to introduce the saccharin amendment at this time. I told him that we definitely were.

The reporter said that the people at FDA had told them that because of yesterday's action, this action for a delay would be postponed, and the proponents of the amendment would back off from pushing the amendment. In other words, they are attempting to slow everything down, giving them time to act, perhaps, when the pressure is off or the matter has cooled down a little bit.

Mr. Chairman, I do not believe that this Congress should wait for that. I believe Congress should act now and act responsibly, and I believe that the time setting is appropriate. Let us put emphasis on the legislation that is to be brought before this House, I believe, within a month by the gentleman from Florida.

AMENDMENT OFFERED BY MR. WHITTEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VOLKMER

Mr. WHITTEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN as a substitute for the amendment offered by Mr. VOLKMER: On page 41, line 19, after "$273,019,000" insert "*Provided*, That no portion of these funds may be utilized for the promulgation or enforcement of any prohibition of the continued use of saccharin as a food additive at existing levels, which would be in effect prior to September 30, 1978."

Mr. WHITTEN. Mr. Chairman, I feel that the gentleman from Missouri (Mr. VOLKMER) has given a very good description of the situation which faces us.

Our committee has been hearing the annual budget justification of the Food and Drug Administration for many years.

In the last 10 years, for instance, the Congress has provided $1,654,468,000. During that period of time the FDA has been making various and sundry tests of sugar substitutes and many, many other things.

Mr. Chairman, it is surprising to me, as chairman of this subcommittee, that during all that period and through all the research that our own Food and Drug Administration has made, they have come up with no such conclusion. Rather, they have been permitting the use of saccharin over that period of time, which clearly shows that their own tests have not demonstrated any danger in the use of saccharin; else, they would have so advised us.

It is surprising to me to learn that here were tests that were run in our neighboring country of Canada that were used for the statements that have been made in the press and elsewhere. Statements that the head of the Food and Drug Administration's opposition is based on a test performed in a foreign country. Even though it is our next door neighbor and our friend, it is still a foreign country, and this despite the fact that our own tests have indicated otherwise.

The amendment offered by the gentleman from Missouri (Mr. VOLKMER) is a flat prohibition that would be from now on so far as the appropriation that we make here is concerned. It is easy to believe that the gentleman's amendment was intended to just provide for the period for which we are making the appropriations, but that was not said. There is no indication that it might not come up again. But, since that would be the effect, and I have discussed this with the members of our subcommittee, I have offered this amendment which would prohibit the issuance of any ban from now until September 30, 1978. I offered the amendment to provide for a clear cut-off on a date certain.

In our reasoning, we again point out that they have been researching saccharin during the years. I notice in the paper where our great and good friend, the gentleman from Florida who has done great work in the area of health has asked, according to the press, that the Food and Drug Administration, since their own tests did not show any danger, that they withhold this ban for 18 months. I also read in the press where they refused to do this. Then I read of a further development where the present head of the Food and Drug Administration said he is going to hold the ban up for 2 months.

Well, Mr. Chairman, it just leaves everybody in an atmosphere of uncertainty. Therefore I feel that to explicitly extend it throughout the next fiscal year would be best, especially in view of the very earnest request by my friend, the gentleman from Florida, that they hold it up for 18 months. This is especially true in view of the fact that our findings so far have not gone to the extent of proving any danger. Incidentally, as we all know, the testimony shows that in the testing in Canada they were using the equivalent of the amount of saccharin that would go into 800 bottles of diet cola or diet drink a day. So we have provided $1 million in our bill for research and testing, based on a practical basis. We have tried to define that by saying this research should be based on dosage levels equivalent to not more than several times the probable cumulative intake We would give them the time and the money to do what is needed to be done based on an everyday practical basis.

Further, Mr. Chairman, I would like to emphasize that I have sympathy for that law which brought part of this about, and that was the Delaney amendment. But that amendment was written in the 1950's. At that time, the measuring

devices could measure parts per million. In the 1960's our measuring devices had become so sensitive we could measure parts per billion. Now in the 1970's we can measure parts per trillion. Parts per trillion means one million times more sensitive than when the law was written.

I trust that our friend, the gentleman from Florida and his subcommittee will review this whole subject.

What we are doing here, is saying to the Food and Drug Administration that, since they have found no evidence to support this, although they have been at work on this all these years and have spent all this money, let us take it through the next fiscal year and then, by that time, we will be able to consider such legislation as is deemed appropriate.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. VOLKMER, and by unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

I would just like to go over the amendment briefly, so I believe I understand it. In other words, the gentleman's amendment is basically to do the same thing as mine, except to make it clear that the language will last only until September 30, 1978, where mine left it open.

Mr. WHITTEN. That is true.

Mr. VOLKMER. My intent was that since it was an appropriation bill, it would be only in effect during the period of that appropriation.

Mr. WHITTEN. My opinion is that the effectiveness of both would be the same.

Mr. VOLKMER. Right. When the gentleman says not any prohibition, he includes existing levels. Those are existing levels of saccharin being used prior to September 30, 1978; is that correct?

Mr. WHITTEN. The intent is to preserve the status quo for the remainder of this fiscal year and for the coming fiscal year and then give our friend, the gentleman from Florida, and his committee the chance to rewrite it.

Mr. VOLKMER. So under the gentleman's amendment, the FDA, if this passes and becomes law, would not be able to issue a ban on saccharin prior to September 30, 1978?

Mr. WHITTEN. That is right. The other language, in my opinion, would also prevent them from increasing the amount but would require them to preserve existing levels.

Mr. VOLKMER. My point is, though, they could continue tests?

Mr. WHITTEN. We provide money and tell them to continue testing.

Mr. VOLKMER. But they cannot ban saccharin; is that right? They would not be able to ban saccharin prior to September 30, 1978?

Mr. WHITTEN. That is right.

Mr. VOLKMER. All right. I thank the gentleman.

Mr. ANDREWS of North Dakota. Mr. Chairman, I rise in support of the substitute amendment offered by the chairman of our subcommittee.

This substitute makes a good deal of sense. It takes care of the concern that our colleague, the gentleman from Missouri, has expressed. Really we need to keep the feet of this agency, the Food and Drug Administration, to the fire. This is the agency that one month came out and said that farmers could not use DES to feed cattle because there were residues found in the liver, and a month later they OK'd the use of DES in a morning-after birth control pill. Yet their own figures before our committee said that a woman would have to eat 175 tons of the most grossly contaminated beef liver ever found in any of their tests to equal one morning-after series of birth control pills. One action cannot be sustained by the other.

The gentleman from Mississippi has done just exactly what our subcommittee wanted done. We put in the report $1 million for research to find out what is the true story on saccharin. The American public needs to be protected by the facts, and this 1-year date certainly gives the Food and Drug Administration, I think, the impetus to go ahead and conduct the research so that we will protect the public by facts, ascertained in American laboratories and we will not have capricious rulings made that can harm any number of tens of millions of Americans who need a diet supplement because of a dietetic condition. I wholeheartedly support the amendment offered by our chairman, and I hope that the committee will endorse it.

Mr. JOHN T. MYERS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Indiana.

Mr. JOHN T. MYERS. I thank the gentleman for yielding.

I subscribe to what the gentleman is saying, and I certainly support what our chairman is attempting to do here. But it does concern me that, as I understand, the present intention of the FDA is to order sometime effective I believe October 1, 1977 a ban on the use of saccharin and the manufacture of saccharin. But in the event we adopt this amendment and it stays in the appropriation bill through the Senate and is signed into law, what happens then if the FDA comes along the first of September and issues an immediate ban on saccharin? The damage has been done, and people are denied the use of saccharin.

I know what the intention is here, but is there anything to preclude or prohibit the FDA from speeding up the process and invoking their ruling prior to October 1 this year?

Mr. ANDREWS of North Dakota. I think the gentleman can be well assured that if this amendment as proposed by the gentleman from Mississippi, our subcommittee chairman, is adopted, the Food and Drug Administration will be well advised not to monkey around with it before the beginning of the next fiscal year because they know clearly what the intent of Congress is. I would imagine the gentleman can bet $10 against 10 cents that they will not put a ban in on September 1 even though they are not technically prohibited from doing so.

Mr. JOHN T. MYERS. If the gentleman will continue to yield, I think the record should be clear here that that is the intent.

Mr. ANDREWS of North Dakota. It will be if Congress votes it.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

Our colleague and distinguished member of the subcommittee, the gentleman from Indiana, poses a question that is an appropriate question. The language that we have written here would not technically take effect until October 1, 1977.

But the agency has been cooperative. It has in the past announced that the latest Canadian finding would make them delay it about 2 more months. So I think in view of our relationship that we could anticipate they would under no circumstances move in this short period remaining until next fiscal year.

On the other hand, if we had tried to include this short period within the scope of the amendment we would have been directing ourselves to funds appropriated last year and the amendment would possibly have been subject to a point of order. If we do it this way, I think we will have the full cooperation of the Food and Drug Administration.

Mr. JOHN T. MYERS. Mr. Chairman, if the gentleman will yield, I think it should be clear the intent of the Congress is that there should be no attempt to ban saccharin before October 1, 1978.

Mr. WHITTEN. That is clearly the intent and the desire of the subcommittee as reflected by the subcommittee chairman.

Mr. ANDREWS of North Dakota. Mr. Chairman, the restriction on action should have a date certain so that if definitive and reliable tests show there is a carcinogen which would affect the American public adversely action will be taken before this date.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the feeling of Members about saccharin. I think all of us have concern about the proposed FDA action.

A rider on an appropriation bill is not the way to approach the subject. It should be carefully considered by the authorizing committee. Moreover, the amendment would have the effect of going beyond what I think the Members want to do.

Furthermore, I do not think we should ask Members to go on record now on an appropriations bill on a subject as serious as the saccharin issue is until we have had a hearing on the new Canadian study which shows a correlation between saccharin and human bladder cancer. The study has not yet been published, so we have not yet seen it. We will consider it during hearings which I intend to schedule for July 15.

I have introduced legislation that would provide an 18-month delay in the implementation of the ban. My concern is that in our anxiety to do something

and respond quickly to the emotions of our constituents, and I think we want to react promptly to people and express their feelings, that we may do something we would not want to do.

Where the amendment states:

. . . no funds . . . may be used for the promulgation . . .

I do not have much problem there for this period of time, but we also include in this amendment, and even in the substitute:

. . . or enforcement of any prohibition . . .

on the continued use of saccharin. Now, suppose there is a batch of saccharin that is adulterated. Suppose a batch of saccharin is poisonous.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to the gentleman from Mississippi for just a minute.

Mr. ROGERS. Suppose we have a batch that is poisonous, where a poisonous substance accidentally got into it. This amendment states that FDA cannot enforce—

any prohibition on the continued use of saccharin as a food additive at existing levels . . .

Mr. WHITTEN. Mr. Chairman, will the gentleman yield on that point?

Mr. ROGERS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, if it is adulterated then part of it is not saccharin. The word "saccharin" means saccharin. The gentleman's illustration about something else in it makes it something else other than saccharin, so that is not saccharin.

Mr. ROGERS. If it is saccharin, it can be poisonous and we would have said we cannot do anything to keep that from getting to the public.

The Federal Food, Drug, and Cosmetic Act is a complicated law and it should not be amended by a rider on an appropriation bill.

If it is used in a diet drink, is that covered by the amendment? It is not just saccharin, as the gentleman said. Maybe his amendment does not go to dietary products containing saccharin.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, which line of argument is the gentleman going to follow? If it is not saccharin, then it is something else.

Mr. ROGERS. May I say, I used the gentleman's illustration to show this.

Mr. WHITTEN. The gentleman is using both sides of the illustration.

Mr. ROGERS. Because it is so complicated, there are many sides to the argument. I do not think the House wants to get in the position of saying we cannot stop poisonous foodstuffs being marketed, even if it is saccharin.

The committee has already scheduled hearings on legislation to postpone implementation of the ban for 18 months. We are considering it. The hearing date is set. The Commissioner of Food and Drugs has already said that the effective date of the ban will be postponed another 2 months so FDA can reevaluate its position based on the new Canadian human study. I just think this is not a wise action at this time.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(At the request of Mr. BURLISON of Missouri, and by unanimous consent, Mr. ROGERS was allowed to proceed for 1 additional minute.)

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, on the hearings that the chairman anticipates, to what extent does the gentleman intend to bring in the Delaney clause or the Delaney amendment to examine the basis for that and the applicability of it in 20 or 30 years after it is initiated?

Mr. ROGERS. I do not contemplate any consideration of possible changes in the Delaney clause at that time. We will be considering the advisability of an 18-month delay on any FDA action; but we will also examine the studies by Canada and other countries who also have made epidemiological studies as well as a new study done by Ernst Wynder of the American Health Foundation in New York. We want to look at all these studies and evaluate them.

In my view, it is a more reasoned approach. I think everybody wants to go on record as to doing something to allow saccharin to remain on the market. We will have an opportunity to do that, but I would urge caution in the approach.

Mr. MARTIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express some reservations about the arguments which have been offered here. I would like, if I may, to have the attention of the authors of the two versions of the amendment, so that I might explore a couple of questoins.

I like the idea of the objective they seek, and support it; but what I am concerned about is the way this approach would work by putting a limitation on the appropriation. The question that I have is how would it work if the Food and Drug Administration does ban saccharin before the fiscal year which is controlled by this limitation?

Now, I understand this question was just put by the gentleman from Indiana and was partially answered by the gentleman from North Dakota to the extent "they damn well better not," but it seems to me they still have the authority and the responsibility under the Delaney clause to impose a ban. If they impose that ban before this target date, then what happens? Will it suddenly become legal?

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, may I say they would have that authority. Under an appropriation bill, of course, when we try to help in matters such as this, we are only trying to buy time in order that Congress may go into the matter thoroughly. The appropriations made by this bill would be available October 1, so the period up to October 1 could not be reached here.

In our working relationship with the Food and Drug Administration, I want to make it clear that we want to treat them fairly. They are our agency. They are the country's agency. We look to them regularly. I do not anticipate any hesitancy by that agency in cooperating with this Congress during this brief period of months, based on our experience back through the years. But I agree, we could not reach that period of time before October 1 in the bill we have here.

Mr. MARTIN. Mr. Chairman, if the gentleman will let me pose the question in another way, if the FDA does impose the ban, then under the period of time controlled by this amendment saccharin would still be illegal?

Mr. WHITTEN. I would have to agree, that would be true under the law.

Mr. JOHN T. MYERS. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Indiana.

Mr. JOHN T. MYERS. If the FDA should violate the spirit of the Congress and impose the ban, and under the terms of the substitute amendment it says that they are also prohibited from enforcing any ban, so after the new fiscal year starts they could not enforce, even though they might place it in violation or prohibit manufacture and sale.

Mr. MARTIN. But I only ask the gentleman to consider the precarious position we would be in if the Food and Drug Administration, having announced and imposed a ban on the use of saccharin, is then prevented from enforcing that ban. Saccharin would still be illegal, and no soft drink manufacturer or food manufacturer is going to package an illegal product.

Mr. JOHN T. MYERS. The gentleman uses the word "precarious." I might add that if the FDA should violate the spirit or intent of Congress, they would be the ones who would be in a precarious position next year.

Mr. MARTIN. Let me pose another question to the authors of the amendments.

What happens between now and the time when this amendment runs out, which would be October of next year, 1978, what happens if during that time some additional evidence comes to light?

Mr. WHITTEN. The subcommittee chaired by Mr. ROGERS, dealing with this legislation, assured us that the committee would meet June 15, which has already passed. I presume he means July 15. They will get busy on this, and I trust will bring out legislation. Of course, feeling as he does and having asked for an 18-month delay and having called his committee together to deal with the subject, it is a little hard for me to understand why we have these positions here unless it be a matter of jurisdiction. Jurisdiction is governed by the rules of the Congress, and if the Congress says that it is appropriate to have it here, that makes it all right. We can recommend, and the committee does recommend at least the protection we have in our power.

Mr. MARTIN. The chairman, of course, realizes that I do not have jurisdiction in either one of these committees, but I do have a question. What happens if evidence does turn up, if evidence appears which indicates that there is some clear and present danger to the public,

evidence which we do not at this moment have; how can the FDA or the Congress overcome the language which the gentleman has imposed? Would we not have to wait for that time period to run out?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent Mr. MARTIN was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. At least, if it came up here, this holds the matter open until such time as this bill clears the Senate and goes to the President. We would have that time in which to act. I would not wait until the 15th day of July to have hearings. If such evidence comes down here, I would call the committee together this afternoon and get action.

Mr. MARTIN. I have one further question. At the present time, the FDA has removed saccharin from the GRAS list of substances generally regarded as safe, and therefore requires that a warning label be on each package of saccharin. Would that authority still be present? Could they still require that under the gentleman's amendment?

Mr. WHITTEN. All this comes under the law which prohibits food additives, and everything the gentleman has read and that I have read provides that the FDA is going to let people buy these packages over the counter. They could put five times as much saccharin in their coffee or in their cola as they have now. They just keep them separate. The law prohibits additives, so that if it is not added, but kept separate by the manufacturer, there is nothing to limit that.

Mr. MARTIN. I think the gentleman misunderstands my question. My question is, would the FDA be able to require warning labels under the amendment offered?

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield, I would like to comment briefly on that, if I may. It is my understanding that if we do have the bill to be offered by the gentleman from Florida before us within some time—and hearings will start July 15, which bothers me a little bit because of what I was told on the 10th of June on this floor—but the next thing I anticipate is that the legislation will provide for a warning mechanism. I believe that legislation would pass or take precedence, since it would be passed after an appropriation bill and it would take precedence.

If it did not, there is no question in my mind that the promulgation of it does not prohibit a warning, just a prohibition of continued use. The warning does not prohibit the use. It only warns about the use. I do not believe this amendment would in any way deny a warning.

Mr. MARTIN. I thank the gentleman for his clarification.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, I had hoped we would have the 18-month bill out in June, within the month, about the middle of July. Since then, the Canadian studies showing an increase in cancer have come out.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. MARTIN) has again expired.

(On request of Mr. ROGERS and by unanimous consent, Mr. MARTIN was allowed to proceed for 2 additional minutes.)

Mr. MARTIN. Mr. Chairman, I yield further to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, since that study has come out, showing an increase in cancer in humans—not in animals, but in humans—we felt that the House should be protected before we vote on a measure, to hear the scientist on that study. We did not want the House or the Members to be in a position of sticking their necks out before we know what is going on.

It does not affect anything, so far as allowing the normal process to proceed, because we are having hearings announced July 15—I was in error; it is July 15, not June 15—and we will hear from the scientists on the new study and all of the others on humans. I would think the Members would want that before they vote on this issue.

The Food and Drug Administration said maybe their ban they hoped would be effective around August. They said now 2 more months beyond that. So I see no problem with the Congress and everyone getting on record and expressing their displeasure, if that is what it is, about it. But I do have a concern that this goes to limit too much, even poisonous saccharin, from being offered in the marketplace. I think it is not a wise action to take at this time.

Mr. MARTIN. Mr. Chairman, I have one further question to put to the author of the amendment, and that is this: If this limitation is adopted, what would it say to the Food and Drug Administration if they chose to limit the concentration of saccharin which might be added to a packaged food or artificially sweetened soft drink? Would they be able to impose that?

Mr. WHITTEN. If the gentleman will yield, the language speaks for itself.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. MARTIN) has again expired.

(On request of Mr. VOLKMER, and by unanimous consent, Mr. MARTIN was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I would like to say that, under those circumstances, again this is a prohibition. And so far as going to prohibiting maximum amounts, I believe that under this language they would not be able to do so, except to the extent that if it is an adulterated product. I will put it that clear. I would also like to comment that what bothers me a little bit is what I am hearing from the gentleman from Florida. If the FDA or someone else comes up with another study on July 18 or July 22, this is very conveniently coming about. Some of them are 2 or 3 years old. That they are coming about now means we may have to delay again.

I would like to point out one thing to the Members and to the gentleman in the well. It is very obvious to me that Commissioner Kennedy said on April 14 that for a study to be valid you have up to 10,000 people studied. This Canadian study was less than 10,000 people altogether. If that is really all they need, why did he not say, "We did not study it"? It is just a matter to delay again. I do not believe we need to know exactly, because I think we are going to find out that those were people who went around and asked people who had known bladder cancer if they had used saccharin, and some of them answered yes. They then indicated that it was saccharine-caused bladder cancer. We all know that some were not saccharine-caused bladder cancers.

I believe that is going to be the result of the Canadian study.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment.

I think this amendment illustrates the dangers of something that we are seeing far too much of, and that is legislation on appropriation bills. When we consider appropriation bills, it seems to me we ought to confine ourselves to amendments affecting the purpose for which the money is to be spent and how much money is to be appropriated. I believe we ought to adopt rules that would prevent this kind of an abuse of the process which permits substantive changes in a program by way of a sudden amendment on which no hearings have been held and which cannot be considered in an orderly manner.

I am a member of the Health Subcommittee chaired by the able gentleman from Florida (Mr. ROGERS). We sat for days in hearings, and I attended all the hearings, at which a great many witnesses testified. We heard testimony from eminent scientists in their fields with respect to all the tests and testing procedures on the carcinogenicity of saccharin.

The gentleman from Mississippi (Mr. WHITTEN) is just plain not accurate when he says that the action of FDA has been taken precipitously and is based solely on tests in our neighboring country of Canada—although with respect to scientific information, it seems to me that it makes no difference from what country the information is derived.

The fact of the matter is that there are a dozen tests, dating back to 1948, which have demonstrated the carcinogenicity of saccharin. With respect to urinary bladder cancers, there are six tests, including one in 1959, one in 1972, one in 1973 by the FDA itself, and another one in 1973. Those four tests were all conducted in the United States. Some of them were taken at levels of saccharin ingestion, the equivalent of just one bottle of diet soda per day per human being. Then there were two additional tests in

Canada, one in 1973 and one in 1977, showing bladder cancers from saccharin ingestion. The FDA did not act until the last test because it was the first which eliminated an impurity—OTS—that might have caused the cancers shown in the prior tests.

There have been six other tests in the United States, one in 1948 and several in 1973, which indicate other kinds of cancer resulting from saccharine injestion, including cancer of the lymph glands and leukemia, as well as malignant cancer of the uterus, the ovary, the breast, and the lung.

So we have a strongly established record of the carcinogenicity of saccharin.

The question is: Do we want carcinogens in our food?

We have directed the FDA to try to protect the American people with respect to taking carcinogens out of food. I think that when we take the FDA to task for doing what it should do in protecting the American people from the ingestion of carcinogens, we are making a grave mistake. I think the precedent we would be setting by taking this action would be exceedingly unfortunate. That gets us in the business as nonscientists of second-guessing scientific agencies and qualified experts that we set up for that purpose with respect to every drug with which they treat, if the action they happen to take proves to be inconvenient or unpopular.

There is a tremendous effort on behalf of industry in this country—at least some elements of industry—to try to discredit the testing procedures for determining the carcinogenicity of substances. There is an effort on behalf of some to ridicule animal tests and question the amount of saccharin in particular that was fed to these laboratory animals to determine their carcinogenicity.

Every scientist that came before us in the committee—and there must have been 60 or 70 of them—said that these tests were valid. They all said that the only practical way they can determine carcinogenicity is through tests on animals. They cannot make these tests on humans. We cannot feed human beings substances in order to see if they are going to get cancer from those substances, because that would be an unconscionable action that our society properly would not permit.

The evidence was also universal that the purpose of these tests was to determine carcinogenicity, and that there is no threshold with respect to carcinogens. That is to say, once it is determined that a substance is cancer producing, there is no safe limit ascribed to it.

So this effort to try to discredit the tests and the testing procedures is very destructive and mischievous.

We have new tests that have just been brought out, however—and this came about after the gentleman from Florida (Mr. ROGERS) introduced his bill, which I did not cosponsor, to delay for 18 months the operation of any ban on saccharin. These Canadian tests were of humans with bladder cancer. Our committee will be holding hearings to go into these tests.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, the scientists who worked on these tests said that the conclusion from those tests was that saccharine will cause as many as 1200 new cases of bladder cancer annually in Americans at current levels of use. Dr. Kennedy, director of the FDA, said the study showed that people who use artificial sweeteners, including saccharin and cyclamates, had a 60-percent greater likelihood of getting bladder cancer than people who did not use these substances.

I do not think we ought to take the scientific responsibility upon ourselves by second-guessing the scientific agencies that we set up to do this job. I think it is highly mischievous.

Also, I think we ought not to tamper with the Delaney amendment. The Delaney amendment says that if there are cancer-producing substances in your food, you do not want to weigh the risks and benefits. Mr. Chairman, I think that makes sense. I just do not think we want, under any circumstances, to have cancer-producing substances in our food.

There is a real difference between what one puts in his food and what he can buy over the drug counter. When one goes to the drugstore, he is looking for something that may be dangerous to him. He is likely to read the labels carefully. But when he goes to buy food substances, he is not reading labels. He is not particularly worried about something that could be carcinogenic and dangerous to him when he is selecting foods.

The Delaney amendment is not even involved in the saccharin situation, however, as the FDA has made 100 percent clear. It would have had to ban saccharin as a food additive under the basic pure food and drug law which requires food additives to be proven safe, even if there were no Delaney amendment, the food companies are just using the saccharine situation as an excuse for getting rid of the Delaney amendment.

Mr. Chairman, I think that an outright ban is dangerous.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from North Carolina.

Mr. MARTIN. Mr. Chairman, a little bit earlier in the gentleman's remarks, he made the point that if a substance is carcinogenic, it would be carcinogenic at any level, and there would be no threshold for carcinogenicity.

Mr. OTTINGER. That is what all the scientists told our health subcommittee.

Mr. MARTIN. That is not quite so because recently, in the last year or so, there have been a series of studies which have begun to show threshold effects in a series of compounds known to be carcinogenic.

I would mention that there is a threshold of carcinogenicity in nitrilotriacetic acid—NTA—which is sometimes used in detergents.

It has also been found that selenium is carcinogenic, with a threshold effect, as is also true of calcium salts. The same is true of the most potent of all the carcinogens which we know as aflatoxin.

A series of studies have established very clearly that aflatoxin is a very powerful carcinogen and does have a threshold effect.

I would also call the gentleman's attention to the fact that in the appendix of the recent study done by the Office of Technology Assessment, there is a finding that saccharin also has a threshold effect.

I thought the gentleman would want to know that.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, I would like to answer my friend, the gentleman from North Carolina (Mr. MARTIN); and that is by saying that during all the days that I sat hearing testimony before our committee, I heard nobody testify contrary to there not being a threshold level with respect to carcinogens.

At any rate, Mr. Chairman, this shows how complicated this question is. Indeed, many of the questions which the gentleman from North Carolina asked the author of this amendment indicates quite clearly that banning all distribution of saccharin could be very mischievous.

Mr. Chairman, if we found, after this amendment were to be adopted, that the dangers were much greater than we anticipated, we would have to have a new appropriation bill to correct the situation, which does not make sense. The amendment would even prohibit the FDA from acting against adulterated saccharin as the gentleman from Florida (Mr. ROGERS) has pointed out. We ought to consider this kind of complicated matter in the authorizing committee and with a great deal more sophistication than is indicated in this amendment.

Mr. Chairman, I hope the amendment is defeated.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I missed part of the discussion.

I would like to know whether the gentleman in the well would support the Rogers bill providing for the 18-month delay.

Mr. OTTINGER. I would support an orderly phase out. I think we ought to stand behind the FDA. In my opinion, we do not want carcinogens in our food. With respect to the practical matter of getting it out of the food supply, however, I think it might be well to have some flexibility since so many people presently depend on it and so many jobs are at stake; I could support a phase out over, say, a period of 2 years to permit the industry to develop a safe substitute.

Mr. VOLKMER. In other words, what the gentleman is telling me is that he does not support the Rogers bill; is that correct?

Mr. OTTINGER. I would not support the Rogers bill in its present form and did not cosponsor the Rogers bill. That is the bill, however, that will be subject to hearings and orderly consideration if the gentleman's amendment is defeated.

Mr. MAGUIRE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will try not to take the full 5 minutes. I think it would be extremely unwise for this body today, after a very partial debate, to make a hasty decision on this matter. I think it would be foolhardy for us to do so.

One out of four Americans alive today is going to get cancer in some form. Two out of three of those people are going to die of cancer. We now know that 60 to 90 percent of all cancers are caused by environmental polluting substances of one sort or another. We also know that there are very, very few chemical compounds that have carcinogenic properties. There are very few of them. So if somebody tells us that if you take enough of this or if you take enough of that, if you take enough of sugar or enough of water or beet juice, or whatever it is, you are going to get cancer, that that is absolutely false.

It is also true that the very best way we have to determine what is or what is not a cancer causing substance is through testing with animals. It was through animal tests that the Canadians found that saccharin has carcinogenic properties.

I am sure the gentleman who discussed thresholds a moment ago, the gentleman from North Carolina (Mr. MARTIN) did not really mean to say that he could guarantee that no individual or any particular group of the population would not be affected.

The real issue with saccharin is whether or not individuals are going to get cancer after certain exposures, and the fact of the matter is that we do not have the information which would make it possible for us to guarantee that the very young or the very old, or the sick, or others who might be exposed also to other substances which might have carcinogenic effects, will not get cancer. So we do have that problem.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I will be happy to yield to the gentleman from North Carolina when I have finished my statement.

So, Mr. Chairman, what is at stake here is whether we are going to take a vote here today which, in effect, will be going contrary to all the legislation that we have produced in the past 20 years, by permitting a carcinogenic substance to be in the food supply of American citizens.

Barring a proper debate on this, which the chairman, the distinguished gentleman from Florida (Mr. ROGERS) indicates will be necessary at a later time, it would be extremely hasty, extremely foolhardy and extremely ill advised for this House today to act on such a complex issue where all the weight of the scientific evidence is clearly on the side of: We ought to be safe and we ought to protect our people.

I think that is what is at issue.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from North Carolina.

Mr. MARTIN. Mr. Chairman, I take this time to clarify what I meant about saccharin and the threshold level of carcinogens. Saccharin is found to have a threshold effect, based on experiments using test animals which have been exposed to various levels of saccharin. The fact is that it is only at the highest levels that they have been exposed to, 5 percent or 7 percent of their diet, or 2,500 milligrams per-kilogram of body weight, and where they are exposed to that amount every day during the period of time when they are being tested, including when they are in the womb prior to birth. It is only when exposure has been at that level that you get a significant increase in bladder tumors. Likewise, at exposures below that level there is no significant finding of an increase of bladder tumors in the test rats which are fed extreme dosages of saccharin.

Mr. MAGUIRE. I believe the gentleman from North Carolina would agree with me that in the use of test animals the testing is done with a limited number of animals at high dosages in order to deal with the problem of the statistical validity of the tests. Once you have the positive results you can then conclude that people or animals who will ingest any amount of that substance are placing themselves at hazard. I am sure the gentleman would agree that that is a scientifically valid statement.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. MAGUIRE was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I detect a diminution in the patience of Members, so I will yield to the gentleman for only a very short moment, and then we will conclude.

Mr. OTTINGER. I thank the gentleman for yielding.

I just meant to point out that the gentleman from North Carolina said something that shows the extreme importance of defeating this amendment, that in the saccharin tests where there were pregnant animals involved, as with DES, the incidence of cancer was many times greater in the offspring than in the original adults. This poses an additional problem with respect to pregnant women. We could find that, as with DES, cancer will be much more prevalent in their children than in the parent who took the saccharin.

Mr. MAGUIRE. That is correct. The gentleman is quite correct. May I appeal to this body to allow the appropriate subcommittee and committee of the House to deliberate on this complex issue.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

I will be very brief. All I want is for the Members to know that I am supporting the substitute of the gentleman from Mississippi.

Mr. Chairman, I yield back the remainder of my time.

Mr. FOUNTAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for a number of years I have had the privilege of serving as chairman of the Intergovernmental Relations and Human Resources Subcommittee which has oversight jurisdiction for the Food and Drug Administration. The subcommittee has exercised close surveillance over that Agency during the past 12 years and has found a great deal wrong with its operations. However, in this instance I believe FDA is proceeding responsibly, although its proposed ban on saccharin was originally announced in an unnecessarily heavy-handed manner.

If the subsequent announcement of FDA's intention to make saccharin available as an over-the-counter, nonprescription drug had been made at the time FDA announced its proposed ban, the intense public reaction that resulted would probably have been avoided. The manner in which the proposed ban was announced was surely not conducive to acceptance or calm evaluation by the public.

There are serious questions about the safety of saccharin. Although very large doses of saccharin were fed to the animals in the laboratory studies, the experts tell us this is the appropriate testing method because, of the relatively small number of animals used. Moreover, experts tell us that there is no known or acceptable safe level of ingestion for any cancer-causing substance. While I do not know what the situation is, frankly, I do not think we should ridicule the testing methods which our best scientists say are sound.

Mr. Chairman, I believe we should give the Food and Drug Administration a chance to examine carefully the more recent Canadian studies which have reportedly concluded that saccharin causes cancer in human beings, not just in laboratory animals.

As I understand it, the Food and Drug Administration is not going to ban the use of saccharin as an over-the-counter drug for the benefit of diabetics and those who are suffering from obesity and need a noncaloric sweetener for health reasons.

As strongly as I might have the desire to vote for this or the substitute amendment from a purely political point of view, because of the tremendous pressure that has been brought to bear upon this Congress, I really think it would be a serious mistake for us to overreact by interfering at this stage with the Food and Drug Administration's regulatory process which the Congress established to protect the health of the American people.

I think we ought to give them adequate time to complete their evaluation of the scientific evidence. It would be impru-

dent, in my view, to prohibit regulatory action for the arbitrary period contemplated by this amendment when we do not presently know the extent of the health danger to which the American people may be exposed.

I do not know what the answer is, but I do think we ought to proceed carefully until we know more about the facts.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, I do want to say it would not be correct to claim that just because a substance causes cancer at the highest dose that it is, therefore, going to cause cancer with the lower dose. That is not true with the rat studies.

The gentleman has referred to second generation studies on rats which were done by the FDA before the second Canadian study, and they found bladder tumors only in those second generation rats which were exposed at both times, in utero and throughout their lives. For those that were exposed to the 2 percent, there was no significant incidence of cancer found. Therefore, it is not correct to say that a low dosage also causes cancer.

Mr. FOUNTAIN. What the gentleman says may be so, although experts have informed our subcommittee that scientists cannot establish a minimum dose level below which a cancer-causing substance can be considered safe. Let me say also, Mr. Chairman, and I do not think this is generally known, that doubts about the safety of saccharin are not new. Saccharin has had a long and checkered history as an artificial sweetener.

In 1911, the Federal Government declared saccharin to be a "poisonous and deleterious substance" and outlawed it in foods intended for general use. This ruling was made after finding that use of saccharin by humans in quantities over three-tenths of a gram per day could cause digestive difficulties.

From 1911 until the late 1950's, the sale of saccharin was permitted only as a nonprescription drug and for use in special dietary foods needed by diabetics and others who had to restrict their sugar intake. The vastly expanded use of saccharin in soft drinks and other products occurred because FDA failed to control the situation—not as the result of any Government decision.

The first evidence from animal tests that saccharin might be a cancer-causing agent came to the attention of FDA during the 1948 to 1950 period. But FDA scientists were unable to conclude at that time that saccharin was the cause of the cancers found. A number of studies made in the last 15 years, however, have tended to show that saccharin is a cancer-causing substance. The recent Canadian animal study is viewed by FDA as confirming those earlier studies.

Much discussion is going on right now as to what to do—if anything—about the situation. The proposed regulations, as I mentioned, will not take effect for some time, and there is always the chance that they will be withdrawn if further evaluation of the Canadian studies does not confirm that saccharin was responsible for the animal cancers.

There is also the possibility that cyclamates—widely regarded as superior to saccharin because they are sweeter and leave no bitter aftertaste—may be on the way back to public use. Cyclamates were banned several years ago when animal studies indicated these sweeteners caused cancer, but recent, more extensive animal testing has not shown this to be the case.

In fact, the studies showing cyclamates caused cancer were done with a mixture of cyclamates and saccharin. It is quite possible that saccharin was the guilty substance in those experiments.

I wrote to the FDA Commissioner last September to complain of FDA's failure to take timely action on Abbott Laboratories' petition to remarket cyclamates as a food additive. The FDA has finally agreed to give Abbott a hearing on this matter, as the law intends, and I understand that a prehearing conference was recently held. Consequently, it is still possible that cyclamates might be back on the market before any final action is taken on saccharin.

In any event, we must proceed with caution, lest we risk losing the protection we now have from harmful food additives. At the very least, however, I see little reason why those with a real medical need for saccharin should not be able to purchase it if no other artificial sweetener is available. As I stated earlier, this is now FDA's position also.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, in the colloquy with the other gentleman from North Carolina (Mr. MARTIN), the gentlemen failed to take into account the fact that one cell can be transmuted and then cancer can spread from that point. So that while it is true to say one is less likely to get cancer at lower levels, I do not think the gentleman from North Carolina can say, neither he nor anybody else on the face of this Earth can say, that when we have a carcinogen that we can take a safe level of it and we are not going to get cancer, because one cell can do the job.

Mr. FOUNTAIN. I thank the gentleman for his contribution. That is precisely what expert witnesses have said is possible in testifying before the subcommittee I chair. Moreover, our subcommittee is presently holding hearings to evaluate the national cancer program. We have received evidence that the cancer death rate in the United States has been steadily increasing since 1930, even after adjusting for the aging of the population, but we do not know precisely why. That is the reason we should exercise care in dealing with food additives that may be carcinogenic.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I am saying we are going to have a hearing on July 15 and Members will have an opportunity to vote on this and on the 18-month ban.

This is not the right way to do this. We could have really a poisonous lot and we could do nothing about it. This is not the way to do it. We ought to defeat the amendments.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

I want to say to my friend, the gentleman from North Carolina (Mr. FOUNTAIN), and my friend, the gentleman from Florida (Mr. ROGERS), that if their committee had been holding hearings now this amendment would not have been offered. They have been putting them off for one reason or another. I repeat, if they had been holding hearings, this amendment would not have been offered.

I trust we can have a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN) as a substitute for the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER), as amended.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 45, noes 35.

So the amendment, as amended, was agreed to.

Mr. AKAKA. Mr. Chairman, I was not present on Monday, June 20, as I was on official business in Hawaii. If present, I would have voted against the Michel amendment to the Agriculture Appropriations Act, and would have made the following speech:

In the past 2 years, sugar prices have fallen sharply. Growers have been receiving less than the cost of production for their product. The President and Secretary Bergland have determined that a program offering payments of up to 2 cents per pound of sugar should be undertaken to assist producers and processors through the present period of low prices.

No one will get rich from this program. It will, however, allow the domestic sugar industry to exist until the market price reaches 13½ cents per pound. It will keep our country's sugar industry in business so that thousands of workers will not have to be laid off. If the Michel amendment passes, it will have the effect of destroying the President's program completely and will force one of our Nation's largest industries into bankruptcy.

The elimination of the sugar program would work a particular hardship on one single State—Hawaii. Almost 95 percent of the sugar grown here is produced by 15 corporate farms or plantations. The

State as a whole produces 1,100,000 tons of sugar per year. Passage of the Michel amendment would be devastating to the State's economy since the sugar industry, now losing money, is the third largest industry in Hawaii.

The President has devised a plan to give interim relief to the sugar industry and at the same time hold down the price of sugar. It must be kept in mind that under the President's approach, the price of sugar will not increase to the consumer. If we allow the Michel amendment to eliminate this approach, the President will be forced to limit sugar imports as recommended by the International Trade Commission, and the price of sugar will go up to the consumer. I know that this is what those who represent the corn industry want so that corn-based sweeteners will sell for considerably less than sugar.

The issue here, however, is not one of sugar versus corn. The issue that we face today is are we going to allow cheap foreign imports to destroy one of our Nation's most important industries and throw thousands of American workers out of work. The President's plan is fair to industry, labor, and to consumers. I urge you to prevent any interference with the President proposals, and vote against the Michel amendment.

Mr. McFALL. Mr. Chairman, in the supplemental appropriations bill enacted by the Congress last month, $100 million was appropriated for the emergency drought and flood conservation program, DFCP. At the time, both the Congress and the administration believed that this amount would be sufficient to meet the emergency conservation needs created by the drought in my own State of California and throughout the West. Unfortunately, we know that this is not the case.

In California, for example, the first 2 weeks of program sign-up resulted in approximately 15 million worth of applications. This is in contrast with the $11.5 million allocated to the State from the $100 million appropriation.

In my own congressional district, applications totalling $3,362,461 were received, but only $2,388,200 could be allocated for use in this nine-county area. That is about $1 million the program is short in my congressional district alone.

I wish to emphasize the importance of the conservation projects this program makes possible. Through such measures as drilling new wells, lining open irrigation ditches with cement or replacing them with a pipeline, and providing for better water management between neighboring farmers, this program enables farmers to immediately construct conservation measures that can make the crucial difference in having enough water to make it through the growing season with a minimum of crop damage due to drought.

Besides the need to provide additional funding to meet current pending requests, another difficulty has arisen with this emergency program. The Department of Agriculture cannot legally provide assistance for conservation measures put in effect before May 4, 1977. Now in my congressional district and throughout California, many farmers took emergency steps authorized by this program before May 4.

It is not that these farmers were particularly more farsighted than their neighbors since the President declared much of California to be in a state of emergency on January 20. By the end of February it was apparent that this would be a low-water year.

The problem was created by the fact that many farmers could not wait until the late spring for the Congress and the President to enact this program. So they went ahead and constructed the water system improvements mandated by the drought. Now they find they cannot receive the Federal assistance their neighbor can get, simply because they finished their conservation measures before May 4. I believe we have an obligation to provide funds to assist these people.

Earlier this year, the President and the Congress committed the Federal Government to provide assistance to farmers in drought stricken areas if they needed to institute emergency conservation measures. The $100 million we provided to fulfill that commitment has now proven to be inadequate. I urge that the Congress provide an additional $50 million to fulfill our commitment to these disaster stricken farmers.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments adopted by the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7558) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ALLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 35, not voting 18, as follows:

[Roll No. 357]

YEAS—380

Abdnor	Cochran	Grassley
Addabbo	Cohen	Gudger
Akaka	Coleman	Guyer
Alexander	Collins, Ill.	Hagedorn
Allen	Conte	Hall
Ambro	Conyers	Hamilton
Ammerman	Corcoran	Hammer-
Anderson, Ill.	Corman	schmidt
Andrews, N.C.	Cornell	Hanley
Andrews,	Cornwell	Hannaford
N. Dak.	Cotter	Harkin
Annunzio	D'Amours	Harrington
Applegate	Daniel, Dan	Harris
Ashley	Daniel, R. W.	Harsha
Aspin	Danielson	Hawkins
AuCoin	Davis	Heckler
Badham	de la Garza	Hefner
Badillo	Dellums	Heftel
Bafalis	Derrick	Hightower
Barnard	Dickinson	Hillis
Baucus	Dicks	Holland
Bauman	Diggs	Hollenbeck
Beard, R.I.	Dingell	Holt
Beard, Tenn.	Downey	Holtzman
Bedell	Drinan	Horton
Beilenson	Duncan, Oreg.	Howard
Benjamin	Duncan, Tenn.	Hubbard
Bevill	Early	Huckaby
Biaggi	Eckhardt	Hughes
Bingham	Edgar	Hyde
Blanchard	Edwards, Ala.	Ichord
Blouin	Edwards, Okla.	Ireland
Boggs	Ellberg	Jeffords
Boland	Emery	Jenkins
Bolling	English	Jenrette
Bonior	Erlenborn	Johnson, Calif.
Bonker	Ertel	Johnson, Colo.
Bowen	Evans, Del.	Jones, N.C.
Brademas	Evans, Ga.	Jones, Okla.
Breaux	Evans, Ind.	Jones, Tenn.
Breckinridge	Fary	Jordan
Brinkley	Fascell	Kasten
Brodhead	Fenwick	Kastenmeier
Brooks	Findley	Kazen
Broomfield	Fish	Ketchum
Brown, Calif.	Fithian	Keys
Brown, Mich.	Flood	Kildee
Brown, Ohio	Florio	Kindness
Broyhill	Flowers	Koch
Buchanan	Flynt	Kostmayer
Burgener	Foley	Krebs
Burke, Calif.	Ford, Mich.	Krueger
Burke, Fla.	Ford, Tenn.	LaFalce
Burleson, Tex.	Forsythe	Lagomarsino
Burlison, Mo.	Fountain	Latta
Burton, John	Fowler	Le Fante
Burton, Phillip	Fraser	Leach
Butler	Frenzel	Lederer
Byron	Fuqua	Leggett
Caputo	Gammage	Lehman
Carney	Gaydos	Lent
Carr	Gephardt	Levitas
Carter	Gibbons	Lloyd, Calif.
Cavanaugh	Gilman	Lloyd, Tenn.
Cederberg	Ginn	Long, La.
Chappell	Glickman	Long, Md.
Chisholm	Goldwater	Lott
Clausen,	Gonzalez	Lujan
Don H.	Goodling	Luken
Clay	Gore	Lundine

McClory	Pepper	St Germain
McCormack	Perkins	Staggers
McDade	Pettis	Stangeland
McEwen	Pickle	Stanton
McFall	Pike	Stark
McKay	Preyer	Steed
Madigan	Price	Steers
Mahon	Pritchard	Steiger
Mann	Pursell	Stockman
Markey	Quie	Stokes
Marks	Quillen	Stratton
Marlenee	Rahall	Studds
Marriott	Railsback	Stump
Martin	Rangel	Taylor
Mathis	Regula	Teague
Mazzoli	Reuss	Thompson
Meeds	Rhodes	Thone
Metcalfe	Richmond	Thornton
Meyner	Rinaldo	Traxler
Michel	Risenhoover	Treen
Mikulski	Roberts	Trible
Milford	Robinson	Tsongas
Miller, Calif.	Rodino	Tucker
Minish	Roe	Udall
Mitchell, Md.	Rogers	Ullman
Mitchell, N.Y.	Roncalio	Vander Jagt
Moakley	Rooney	Vanik
Moffett	Rose	Vento
Mollohan	Rosenthal	Volkmer
Montgomery	Rostenkowski	Waggonner
Moore	Roybal	Walgren
Moorhead, Calif.	Rudd	Walker
	Runnels	Walsh
Moorhead, Pa.	Ruppe	Wampler
Moss	Russo	Watkins
Murphy, Ill.	Ryan	Waxman
Murphy, N.Y.	Santini	Weaver
Murphy, Pa.	Sarasin	Weiss
Murtha	Satterfield	Whalen
Myers, Gary	Sawyer	White
Myers, Michael	Scheuer	Whitehurst
Myers, Ind.	Schroeder	Whitley
Natcher	Schulze	Whitten
Neal	Sebelius	Wiggins
Nedzi	Seiberling	Wilson, Bob
Nichols	Sharp	Wilson, C. H.
Nix	Shipley	Wilson, Tex.
Nolan	Sikes	Winn
Nowak	Simon	Wirth
O'Brien	Sisk	Wright
Oakar	Skelton	Wylie
Oberstar	Skubitz	Yates
Obey	Slack	Yatron
Ottinger	Smith, Iowa	Young, Alaska
Patten	Smith, Nebr.	Young, Mo.
Patterson	Snyder	Young, Tex.
Pattison	Solarz	Zablocki
Pease	Spellman	Zeferetti

NAYS—35

Anderson, Calif.	Cunningham	Mattox
	Delaney	Mikva
Archer	Derwinski	Miller, Ohio
Armstrong	Devine	Mottl
Ashbrook	Dornan	Quayle
Bennett	Frey	Rousselot
Clawson, Del	Gradison	Shuster
Cleveland	Hansen	Symms
Collins, Tex.	Jacobs	Van Deerlin
Conable	Kelly	Wolff
Coughlin	McDonald	Wydler
Crane	Maguire	Young, Fla.

NOT VOTING—18

Baldus	Fisher	McKinney
Burke, Mass.	Flippo	Mineta
Dent	Giaimo	Panetta
Dodd	Kemp	Poage
Edwards, Calif.	McCloskey	Pressler
Evans, Colo.	McHugh	Spence

The Clerk announced the following pairs:

Mr. Panetta with Mr. Evans of Colorado.
Mr. Burke of Massachusetts with Mr. Fisher.
Mr. Mineta with Mr. Kemp.
Mr. Edwards of California with Mr. Spence.
Mr. Dent with Mr. Flippo.
Mr. Baldus with Mr. McCloskey.
Mr. McHugh with Mr. Giaimo.
Mr. Dodd with Mr. Pressler.

Mr. ROUSSELOT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 7558, the bill just passed.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 7797, FOREIGN ASSISTANCE APPROPRIATIONS, FISCAL YEAR 1978

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 95–449) on the resolution (H. Res. 649) waiving certain points of order against H.R. 7797, making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 7589 MILITARY CONSTRUCTION APPROPRIATION ACT, 1978

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 618 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 618

Resolved, That during the consideration of the bill (H.R. 7589) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 2, line 1 through page 6, line 16.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution waives certain points-of-order which would otherwise prevent the consideration of the bill (H.R. 7589) military construction appropriation for fiscal year 1978.

Clause 2, rule XXI prohibits consideration of appropriation bills prior to final enactment of the authorizing legislation. Since the Budget Act sets a timetable for action on appropriations, waivers of this rule have been necessary for several measures and is recommended in this case by the Committee on Rules.

It should be noted that the authorizing legislation has already passed both Houses and that the Senate has appointed conferees. No serious differences are noted between the authorizing legislation and the appropriation protected by this rule.

Mr. Speaker, I am aware of no controversy over the rule and I urge its adoption to permit consideration of the military construction appropriation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule waives points of order against H.R. 7589, the military construction appropriation bil for 1978. The waiver is necessary because this bill violates vlause 2 of rule XXI. Clause 2 prohibits appropriations which have not been authorized and legislation on general appropriation bills.

The necessary authorization, H.R. 6990, the Military Construction Authorization Act for 1978, was passed on the House floor on June 6, 1977, but has not yet been signed into law. Therefore this waiver is necessary if the appropriation bill is to move on schedule.

Mr. Speaker, this bill appropriates a total of $2,819,501,000 for fiscal year 1978. By way of comparison, the amount appropriated for fiscal year 1977 was $3,-461,397,000. The 1978 appropriation represents a decrease of $641,896,000 from the previous year.

Mr. Speaker there was no controversy over the adoption of this rule in the Rules Committee, and I urge its passage here.

Mr. Speaker, I have no requests for time and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 358]

YEAS—404

Abdnor	Beard, R.I.	Buchanan
Addabbo	Beard, Tenn.	Burgener
Akaka	Bedell	Burke, Calif.
Alexander	Bellenson	Burke, Fla.
Allen	Benjamin	Burleson, Tex.
Ambro	Bennett	Burlison, Mo.
Ammerman	Bevill	Burton, Phillip
Anderson, Calif.	Biaggi	Butler
	Bingham	Byron
Anderson, Ill.	Blanchard	Caputo
Andrews, N.C.	Blouin	Carter
Andrews, N. Dak.	Boggs	Cavanaugh
	Boland	Cederberg
Annunzio	Bolling	Chappell
Applegate	Bonior	Chisholm
Archer	Bonker	Clausen, Don H.
Armstrong	Bowen	
Ashbrook	Brademas	Clawson, Del
Ashley	Breaux	Clay
Aspin	Breckinridge	Cleveland
AuCoin	Brinkley	Cochran
Badham	Brodhead	Cohen
Badillo	Brooks	Coleman
Bafalis	Broomfield	Collins, Ill.
Barnard	Brown, Mich.	Collins, Tex.
Baucus	Brown, Ohio	Conable
Bauman	Broyhill	Conte

Conyers	Ichord	Pease
Corcoran	Jacobs	Pepper
Corman	Jeffords	Perkins
Cornell	Jenkins	Pettis
Cornwell	Jenrette	Pickle
Cotter	Johnson, Calif.	Pike
Coughlin	Johnson, Colo.	Preyer
Crane	Jones, N.C.	Price
D'Amours	Jones, Okla.	Pritchard
Daniel, Dan	Jones, Tenn.	Pursell
Daniel, R. W.	Jordan	Quayle
Danielson	Kasten	Quie
Davis	Kastenmeier	Quillen
de la Garza	Kazen	Rahall
Delaney	Kelly	Railsback
Dellums	Kemp	Rangel
Derrick	Ketchum	Regula
Derwinski	Keys	Reuss
Devine	Kildee	Rhodes
Dickinson	Kindness	Richmond
Dicks	Koch	Rinaldo
Diggs	Kostmayer	Risenhoover
Dingell	Krebs	Roberts
Dornan	Krueger	Robinson
Downey	LaFalce	Rodino
Drinan	Lagomarsino	Roe
Duncan, Oreg.	Latta	Rogers
Duncan, Tenn.	Le Fante	Roncalio
Early	Leach	Rooney
Eckhardt	Lederer	Rose
Edgar	Leggett	Rosenthal
Edwards, Ala.	Lehman	Rostenkowski
Edwards, Okla.	Lent	Rousselot
Eilberg	Levitas	Roybal
Emery	Lloyd, Calif.	Rudd
English	Lloyd, Tenn.	Runnels
Erlenborn	Long, La.	Ruppe
Ertel	Long, Md.	Russo
Evans, Del.	Lott	Ryan
Evans, Ga.	Lujan	Santini
Evans, Ind.	Luken	Sarasin
Fary	Lundine	Satterfield
Fascell	McClory	Sawyer
Fenwick	McCormack	Scheuer
Findley	McDade	Schroeder
Fish	McDonald	Schulze
Fithian	McEwen	Sebelius
Flood	McFall	Seiberling
Florio	McKay	Sharp
Flowers	Madigan	Shipley
Flynt	Maguire	Shuster
Foley	Mahon	Sikes
Ford, Mich.	Mann	Simon
Ford, Tenn.	Markey	Sisk
Forsythe	Marks	Slack
Fountain	Marlenee	Smith, Iowa
Fowler	Marriott	Smith, Nebr.
Fraser	Martin	Snyder
Frenzel	Mathis	Solarz
Frey	Mattox	Spellman
Fuqua	Mazzoli	St Germain
Gammage	Meeds	Staggers
Gaydos	Metcalfe	Stangeland
Gephardt	Meyner	Stanton
Gibbons	Michel	Stark
Gilman	Mikulski	Steed
Ginn	Mikva	Steers
Glickman	Milford	Steiger
Goldwater	Miller, Calif.	Stockman
Gonzalez	Miller, Ohio	Stokes
Goodling	Minish	Stratton
Gore	Mitchell, Md.	Studds
Gradison	Mitchell, N.Y.	Stump
Grassley	Moakley	Symms
Gudger	Moffett	Taylor
Guyer	Montgomery	Thompson
Hagedorn	Moore	Thone
Hall	Moorhead, Calif.	Thornton
Hamilton	Moorhead, Pa.	Traxler
Hammer-schmidt	Moss	Treen
Hanley	Mottl	Trible
Hannaford	Murphy, Ill.	Tsongas
Hansen	Murphy, N.Y.	Tucker
Harkin	Murphy, Pa.	Udall
Harrington	Murtha	Ullman
Harris	Myers, Gary	Van Deerlin
Harsha	Myers, Michael	Vander Jagt
Hawkins	Myers, Ind.	Vanik
Heckler	Natcher	Vento
Hefner	Neal	Volkmer
Heftel	Nedzi	Waggonner
Hightower	Nichols	Walgren
Hillis	Nix	Walker
Holland	Nolan	Walsh
Hollenbeck	Nowak	Wampler
Holt	O'Brien	Watkins
Holtzman	Oakar	Waxman
Horton	Oberstar	Weaver
Howard	Obey	Weiss
Hubbard	Ottinger	Whalen
Huckaby	Patten	White
Hughes	Patterson	Whitehurst
Hyde	Pattison	Whitley
Wiggins	Wright	Whitten
Wilson, Bob	Wydler	Young, Mo.
Wilson, Tex.	Wylie	Young, Tex.
Winn	Yates	Zablocki
Wirth	Yatron	Zeferetti
Wolff	Young, Fla.	

NAYS—0

NOT VOTING—29

Baldus	Evans, Colo.	Panetta
Brown, Calif.	Fisher	Poage
Burke, Mass.	Flippo	Pressler
Burton, John	Giaimo	Skelton
Carney	Ireland	Skubitz
Carr	McCloskey	Spence
Cunningham	McHugh	Teague
Dent	McKinney	Wilson, C. H.
Dodd	Mineta	Young, Alaska
Edwards, Calif.	Mollohan	

The Clerk announced the following pairs:

Mr. Panetta with Mr. Spence.

Mr. Burke of Massachusetts with Mr. McCloskey.

Mr. Evans of Colorado with Mr. Cunningham.

Mr. Edwards of California with Mr. Pressler.

Mr. Dent with Mr. Teague.

Mr. Baldus with Mr. John L. Burton.

Mr. McHugh with Mr. Carr.

Mr. Dodd with Mr. Young of Alaska.

Mr. Flippo with Mr. Fisher.

Mr. Giaimo with Mr. Mollohan.

Mr. Ireland with Mr. Skubitz.

Mr. Carney with Mr. Skelton.

Mr. Mineta with Mr. Charles H. Wilson.

Mr. Mollohan with Mr. McKinney.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KREBS. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks during general debate on the military construction appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATION ACT, 1978

Mr. McKAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7589) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from New York (Mr. McEWEN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. McKAY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7589, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Utah (Mr. McKAY) will be recognized for 30 minutes, and the gentleman from New York (Mr. McEWEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. McKAY).

Mr. McKAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to recognize the good work of the committee and particularly the cooperation we have had from the minority, due to the constant efforts of the gentleman from New York (Mr. McEWEN). Our mutual cooperation has enabled us to recommend to the House a reasonable and prudent bill, considering the budget constraints and all the problems we face in providing for readiness in our military establishment. The needs of military construction for our Armed Forces are many and varied, from air fields, storage facilities, naval shipyards and bases to housing. All of these facilities are necessary to support the Armed Services as well as the Volunteer Army.

Sometimes the committee winds up in a guessing game as to what it can or ought not do. For example, force levels and deployments change; new standards on pollution and on energy conservation are adopted. These all impinge upon the need for military bases and facilities.

With regard to the major programs in this bill, we have had major emphasis in this committee to try to get support for three particular items this year. Aside from those that are absolutely necessary for new functions or replacing some that have way outlived their useful lives, or where new locations demanded facilities immediately, much new construction has been deferred. We have put particular emphasis on maintenance so that we would not have to build new facilities any more quickly than is necessary. If we have a good maintenance program, then that may save us the expense of some new facilities.

In pollution control, we are, for example, in the United States in violation of existing pollution standards in some States, which we are trying to overcome, and we ought to be setting an example.

In energy conservation, this committee started some 3 years ago to put an emphasis on energy conservation so that we would use less and less energy in the military to accomplish the same ends.

I think a little history on the fiscal year 1978 bill might be useful here. The Ford administration, before they left, recommended a cut of something around $1 billion to the military construction budget, based on a proposed blue-ribbon committee to review domestic bases, locations and forces. Of course, that committee was never appointed. The new administration followed this approach, except that they raised their request by $310 million and decided to conduct the review within the Department of De-

fense. The Secretary of Defense directed a long-range study of base requirements to see where we needed to go, what savings could be made, and where new construction should be programed.

The committee in its hearings and in discussions with the Secretary of Defense tried to take into account the administration's view in its own deliberations to accommodate that situation. There is nothing that is more offensive to the public than constructing a brand new building and then walking away from it because we have had a change in deployment.

So given these circumstances, the committee tried to hold down expenditures until the final judgments and reviews are completed, which we do not expect to be finished until late October.

The budget was $3,015 million. The committee reduced this by $196 million. That is a 6¾ percent reduction, compared with an average of 10 percent for the previous 5 years. In the 1977 supplemental, this committee provided for labor intensive construction; energy, conservation, pollution abatement, and operation and maintenance amounting to $117 million, to help our unemployment situation and to provide needed facilities and repairs. These are labor intensive projects. Even considering that increase, we have reduced the appropriation by some $80 million.

The committee has deferred a number of projects pending completion of the Secretary of Defense's review of domestic basing and its relationship to the European and the Korean situation. However, the committee has made known in its report that it has no intention of undermining any of our commitments and mutual security arrangements either in Europe or in Asia.

The committee has trimmed some $70 million from the Army's budget in regard to their request for Europe. This is a general cut not directed to any specific project and is designed to discharge unilateral U.S. action and to encourage NATO infrastructure funding of items needed in the common defense. The committee supports these programs, but wants to encourage a unified approach to problem areas which in the long run yields a better coordinated and more lasting solution.

There are sufficient funds to cover this shortfall if NATO does not meet these costs in a timely manner. The Army has saved, for example, in the last 6 months, some $83 million in contracts. If that condition continues to any significant extent, we are convinced that there will be sufficient funds as a result of savings in existing contracts to cover any emergency need.

The committee has encouraged the use of collocated operating bases in Europe as a good common effort.

An example of some of our deferrals, the Members might be interested to know, is a B–1 bomber simulator to be built at "various locations" rather than a specific base. The committee deferred this until decisions are finally made as to production and where it would be bedded down.

The committee allowed a $7.3 million appropriation at Diego Garcia, in the Indian Ocean, to finish what we started in the last few years there.

The committee has brought forward an extremely tight budget for military construction for fiscal year 1978. I think it is wise at this point to give you some warning, one might call it, or at least put the Members of the House on notice, that there is presently a $24 billion backlog in military construction and a $500 million backlog in housing operation and maintenance. Substantial programs will be needed to meet these backlogs once the base structure issues have been resolved.

There will very likely be changing standards of pollution control and energy conservation, so we may have additional costs in those areas. New systems such as the B–1, the MX mobile missile, and the east coast Trident may require many millions of additional dollars.

So this committee fully expects that next year there could be an increase of as much as $1 billion or $2 billion to provide the facilities needed by the military and to maintain ourselves in a proper strategic readiness posture. We have trimmed as far as we dare and have tried to effect as prudent a management as we can.

Mr. Chairman, I would indicate to the members that if they will look in our report, they will find an outline as to where there has been a cut by this committee, what the recommendations were from the authorization committee, as well as an outline of what is provided for each individual State and installation.

Mr. McEWEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope the Committee will accept the recommendations of our committee.

Mr. Chairman, the gentleman from Utah (Mr. McKAY), our distinguished chairman of the Military Construction Appropriations Subcommittee, has ably described this bill. I would like to compliment him, and my other colleagues on this subcommittee, on coming up with an excellent bill. As was true last year, the extremely limited time allowed for full consideration of a bill which requires the individual scrutiny of many line items, and the fact that its markup had to be accomplished before we had an approved authorization bill, made this a difficult task. Nevertheless, through a conscientious effort on the part of the members of the committee and of a very competent staff, all aspects of this bill have been thoroughly examined.

I am supporting this austere bill as being the best possible bill under the circumstances. I believe that for several reasons, which I will explain, some needed projects have been omitted or deferred. As a result, I believe, we can anticipate a much larger bill in fiscal year 1979.

As indicated in the report, the fiscal year 1978 military construction funding request has been sharply reduced below previous levels. The Department of Defense and the individual military services are conducting an overall review of long-range basing plans and base utilization. Projects which might be affected by the outcome of these studies have been omitted pending completion of this action. I heartily approve of this review, which should result in better basing and which, in the long term, should provide better use of the funds we appropriate.

Also, while the funding request which came to us was austere, there were some items contained in it which seemed to lack completeness of planning or full justification. The committee felt obliged to defer action on them. For both of these reasons, this is a small bill.

I am somewhat concerned over the large amount of money in this year's funding request which comes under the blanket headings of "various and unspecified locations." This is understandable on classified projects, when firm locations are identified for the committee during classified hearings. We know both what this money is being requested for and where it will be spent before we prepare a bill for you to vote on. What I refer to, however, are those instances wherein a project has been identified, but a firm location has not been established. As an example, $19.5 million is included to start site preparations to accommodate the Poseidon submarine squadron which will be returning from Rota, Spain, in 1979. This is a worthwhile, needed project and, after several briefings and questioning during hearings, I am convinced that the Navy's preferred site of Kings Bay, Ga., is the best location for this activity. However, since a firm decision on basing has not yet been made, the project is shown on the State list in our report, not as Kings Bay, Ga., but rather as an "east coast retrofit site" under "various and unspecified locations." I chose this as an example because, should there be an east coast Trident site, the site selected for the Poseidon squadron would also become the Trident site—a project which would involve over $1 billion in construction money. Therefore, while I approve the project and believe Kings Bay is the best location, I would have preferred it if a firm location had been established before providing initial funding to what could become a very costly project. I hope that planning action by the military services will result in a vast reduction of "various and unspecified locations" amounts in future funding requests.

Mr. McKAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, at the outset, let me state that the fiscal year 1978 military construction request now before you is one which does not fully meet the present needs of any of the services. Further, I believe it is accurate to say that it also does not meet the needs of the Nation. This is not the fault of the committee. Actions taken by both the Ford and Carter administration resulted in what amounted to a last minute, unparalleled decimation of the comprehensive military construction program which had been approved by the Secre-

tary of Defense. I am told the cut took place on a Saturday afternoon late in December, when $1 billion worth of badly needed projects were cut from the DOD-approved program on the theory that some new kind of blue ribbon panel would conduct another study on overall base structure requirements.

These studies are continually taking place and very little seems to come from them.

Some day, I feel that it would be wise for an appropriate committee of the Congress to instigate a study on studies. It would be very interesting to learn how much money and how many man-hours are expended by the Government conducting studies that lead nowhere. This practice is not confined to the Department of Defense.

In any event, most of the cut was confirmed by the Carter administration. Cut from the program were facilities which are highly important to the performance of the missions assigned to the services, plus energy conservaton projects; and housing and related structures which would provide benefits to the men and women in uniform and their families were dropped in too many localities. Some projects which would have corrected dangerous situations were abandoned.

As a result, the program before you represents a program which falls short of meeting the mission, personnel, and safety requirements of the services. It does not address the energy conservation needs of the Nation, and it does not go far enough in protecting the environment.

I do not want to dwell too long on the subject of the program as it was prepared for approval by OMB but I cannot let this opportunity pass without adding my personal observation that, in this austere program, we are talking about a loss of jobs in the construction industry which is still depressed and which is hungry for an opportunity to bid on new programs. The opportunity is present for needed construction; construction which must be completed within a very few years, and this is a favorable time to do it. There is a parallel situation on maintenance of buildings. There is still far too much deferred maintenance. Buildings that are not maintained properly deteriorate more rapidly. They become more costly to maintain and their useful life is shortened. All of this means jobs and a stimulus to the economy.

I look with particular favor on efforts to provide additional funds for maintenance. The problem of maintenance continues to grow and it is very difficult to convince the Department that a more realistic effort should be made to overcome it. Continuing deficiency on maintenance programs adds to the cost and inefficiency of inadequate structures.

Because of all of these reasons, I had hoped it would be possible to have a substantial number of projects added to this bill in the House and Senate through both the authorizing and appropriating process.

I feel that the committee, acting within the limits of budget restrictions, has done a responsible and good job. I commend the chairman, the members, and the staff for the forthright manner in which they carried out their mission. I will also say that they have had good training for a number of years.

The committee is continuing the uphill fight to move projects out of congested Washington and to defeat efforts to bring still other projects into Washington. Some departments in the military constantly scramble to get closer to the throne. I applaud the subcommittee for its efforts to insure that existing facilities be utilized to the fullest possible extent before new facilities are built and bases closed.

I do not concur with some of the actions of the committee, notably with the attitude of the committee with respect to Hunter-Stewart and Fort Benning in Georgia. I detect what may be too strong an inclination to tell the military how it should or should not carry out its responsibilities. This is not our prerogative. We can express our views and we should do so. When it appears that we are giving directions, we may be overstepping.

Mr. McKAY. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I appreciate being recognized at this time by the gentleman from Utah (Mr. McKAY). I would like to thank him and the gentleman from New York (Mr. McEWEN) and all the members of this subcommittee for the long hours and midnight oil which they have burned. I also would like to say to them though, that none of us have all knowledge or wisdom. We are all fallible, even when we try so hard not to be.

Therefore, Mr. Chairman, it is an uncommon man who can, as my grandfather said, turn over a new leaf so as to look at things fresh and new, and so as to reconsider and to reevaluate. Yet, that is the responsibility of each and every one of us, not only on this floor, but as we go to conference. Mr. Chairman, that is the point which I will address at this time.

I would like to preface these remarks by a story on the perspective of one man as compared to the perspective of another. It relates to a farmer from Texas visiting my State of Georgia. He was visiting a friend there. He went to his small Georgia farm, and he asked his friend from Georgia how big his place was.

The Georgia farmer said, "My place goes down to the bridge, along the creek to the tree line, along the fence to the road and back again."

The Texas farmer said, "My, my, it sure isn't much, is it?" He said, "Why back in Texas we can get into our car early in the morning and drive all day long, and if we are lucky, we will be on the other side of our spread by sundown."

To which the Georgian promptly responded, "I once had a car like that myself."

The point, Mr. Chairman, is the fact that we do see things differently; and as men of good will, we ought to try to see the points that our colleagues and friends have.

With that in mind, I wish to present the OSUT perspective, the one-station unit training concept, which, in a nutshell, is this: One-station unit training in the Army combines basic and advanced combat arms training at one base and at one unit. It eliminates dead time. It shortens the training cycle, and therefore, Mr. Chairman, it is a cost-effective concept. There is no quarrel with it and no testing is needed for it.

At Fort Sill, Okla., artillery is affected, and it has been implemented. It has proved to be effective.

At Fort Knox armor combines basic with advanced. It has been implemented.

At Fort Benning, Ga., the home of the infantry, it is being implemented. We have there advanced infantry already which will in the future be combined with basic infantry; and that is the name of the game. It is cost effective.

Yet, Mr. Chairman, this concept has been delayed by requirements of this committee for further testing.

Mr. Chairman, I appreciate the fact that this committee wishes to be certain; but the time for testing is over. The time for action is here.

Let me give just some brief background to show that my remarks, Mr. Chairman, are not parochial in nature. In March of 1974, the Fort Benning mission was that of a mechanized division post, and it has not been good, Mr. Chairman, to let it lie fallow.

In 1974, under Secretary of the Army Callaway, we set out to go from 13 divisions to 16 fighting-ready divisions. Under that concept, the mission of Fort Benning was changed from that of a mechanized division to infantry basic and advanced training, OSUT, one station unit training. There was a shifting of gears, the community impact of which was in derogation of that which it formerly was. It was not good for my community of Columbus to have this transformation because people who are in training like this do not buy cars, or houses, or even go to the grocery store. And the fact that it has lain fallow has degraded the mission even more. That mission has been delayed because of the further tests required in the committee report, a report that does not have the force and effect of law but which, nevertheless, delays, because of the fact that the armed services do respect the recommendations of this committee and do not implement the plans until they have the green light.

But I say in that respect, Mr. Chairman, that the legislative committee on which I serve, the Committee on Armed Services, also has checked and we also have heard from witnesses and we have provided the authority.

The CHAIRMAN. The time of gentleman has expired.

Mr. McKAY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

Mr. BRINKLEY. The part that I lead myself to, Mr. Chairman, is that Fort Benning function in the Army today with reference to its mission is neither fish nor fowl. The gentleman from New York (Mr. McEWEN) has been there and

he knows the value of the post. And I think all parties can agree on the excellence of it, and I must express my concern, parochial as it may seem to be from this Member of the Congress, at seeing a fight over a mission of lesser status than that of the past, and to be thought of as parochial, when the 1974 status was far more preferable.

This committee in its report refers to the GAO perspective. What about it? If, Mr. Chairman, that was so important, why was not the GAO auditor called before this concerned committee to be interrogated and to be cross-examined? Particularly in view of all of the other witnesses who did appear testifying to the fact that one station unit training was cost effective and the time was now to implement it.

The concern originated because of Fort Dix, N.J., and the fact that there was apprehension that that fine post may have been closed. It will not be closed and on that basis it has been shown that OSUT is fully justified costwise. The GAO concurs with this.

So I would most sincerely ask that in conference this committee take into careful consideration the views of the Army and the authorizing committee, and that it entertain the views of the other body receptively, in conference, with a view toward yielding to the other body if that, when considered fresh, seems to be the very best decision. I know your minds are not closed on this subject, but I just wanted to emphasize how strongly I feel about it; I have conversed with you, I have agonized with you and I ask for your understanding now. I hope there will be reconciliation so that we might proceed with what I consider a good project.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McEWEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

Mr. BRINKLEY. I thank the gentleman.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, I just want to say to the gentleman from Georgia that certainly in this Member's view the gentleman is not at all parochial in advancing his support of Fort Benning, Ga.

Also may I say that the gentleman from Georgia is quite right that I have visited this post on two occasions and on both occasions I have been impressed with it. This is a fine facility and it certainly should be utilized to its maximum.

I can well understand the gentleman's feeling of frustration—if you will—in getting this matter resolved. I will say to the gentleman that in our report, on what we said on one station unit training, we are not closing the door on one station unit training at Fort Benning, but we do say—and, I feel personally, correctly so—that the Army has not answered some of our questions, but I think it is going to be resolved. I think the gentleman from Georgia knows the frustrations I have had over a military installation in my district that I think has the sort of germane facilities that should be utilized. So I understand the feelings of my friend from Georgia, and I am confident we are going to work it out and that we are going to see some of the assets of the Army more fully utilized.

Mr. BRINKLEY. I thank the gentleman for his remarks. I, too, have visited Fort Drum in New York and can comment that that base also is underutilized, and it is not good management.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SCHULZE).

Mr. SCHULZE. Mr. Chairman, while I do not have any argument with the contents of this military construction appropriations bill, I do wish to share with my colleagues my concern for that section of the legislation which appropriates a little more than $41 million for chemical weapons security.

This appropriation was requested, because of the increasing fear that some unauthorized persons or even terrorists groups could penetrate our existing chemical facilities and seize some very lethal chemical agents in order to accomplish some political objective.

Now I do not purport to be an expert in security policy nor do I wish to second-guess the Department of Defense or the House Armed Services or Appropriations Committees. However, it would seem to me that the solution arrived at by these groups, that is to provide $41 million for the first phase of a new security program, does not address the real problem. That is, whether or not these chemical agents should remain in our weapons arsenal or whether a good portion of them should be destroyed.

Mr. Chairman, a portion of our chemical stockpile is in liquid form, especially our mustard gas agents. Picture, if you will, a storage facility lined with rows and rows of 50 gallon drums filled with this liquid agent. It is my understanding that the Army has no immediate plans to convert these bulk agents to munitions form. And, as presently constituted, these bulk agents could not be used in a battlefield scenario.

Why then, do we insist in presenting a potential terrorist group with such an inviting target?

The proposed $41 million is intended to be used in the upgrading of physical security at seven chemical weapons storage sites in the United States. This upgrading program is to consist of intrusion detection alarms, high security locks, perimeter lighting, fencing, and increased guards. With all due respect to those experts in physical security, the fact remains that the chemicals are there and conceivably could fall into the wrong hands at any given time.

If this cold hard fact was not true, the Army would not bother with such security measures. But, what good are chain link fences and perimeter lighting when a possible intruder is armed with some of today's modern weaponry? Weapons like the man-portable missile would, needless to say, have little trouble with a chain link fence or a storage barn with high security locks. And, we know that these weapons are in the possession of terrorist groups and will probably continue to be in even larger amounts in the future.

And, what about the terrorist? In a recent article in Army magazine, Joseph J. Liebling, Deputy Assistant Secretary for Security Policy stated that—

> The threat from terrorists is very significant . . . they have some highly trained people . . . fanatics motivated by an ideology . . . and with the objective of gaining world attention for their cause.

One can only imagine the panic a group like this could cause by simply getting their hands on a few gallons of nerve agent or mustard gas.

Mr. Chairman, I am willing to support this appropriations bill, but I feel it is important for my colleagues to realize that no matter how sophisticated the security systems on these storage facilities, the ultimate target still exists.

The most sensible solution to this problem is to encourage the administration to seek an international ban on lethal chemical weapons as is currently being discussed by the conference of the Committee on Disarmament—CCD—in Geneva. To this end, I have introduced legislation which would support the President in this pursuit to eliminate this most inhumane form of warfare. I would urge my colleagues to consider this legislation very carefully.

As Secretary Liebling put it, referring to terrorists:

> These reckless people . . . because of their desire for world attention, may at any time decide to attempt an incident that could severely affect the national security of the United States.

I would hope, Mr. Chairman, that this incident would not involve chemical agents.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. SCHULZE. I yield to the chairman of the subcommittee.

Mr. McKAY. Just for the information of the gentleman, this committee has no jurisdiction over whether we ultimately use those weapons or not, but the committee has recognized there are some concerns about whether security is adequate so we avoid the catastrophe the gentleman referred to. As a result, until the decision he is referring to is made, the committee is making every effort and taking every step to cure any deficiencies in physical storage and has included in the bill $41 million for that greater security.

Mr. SCHULZE. I agree with the gentleman and with the steps they are taking, but eventually I would hope we could eliminate the problem and the need for such security.

Mr. McKAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. Mr. Chairman, I thank the chairman of the subcommittee for yielding to me.

I thank the chairman of the subcommittee and the members of the committee for having seen fit to include in this

appropriation $5,300,000 for the Portsmouth Naval Shipyard to modernize and expand its electric power generating capabilities. But, as the chairman of the subcommittee knows, I am also concerned that $2,650,000 authorized for the dredging of port facilities to accommodate repair and overhaul of the SSN-688 was not included in the bill.

I have had conversations with the chairman of the Military Construction Subcommittee about this concern and I want to have him state on the record and confirm for me that the primary reason for not funding the dredging at this time, or rather the paramount considerations in that decision—primarily in view of the fact that a good portion of the $5 million for electrical power improvements is going to be used to improve the SSN-688 operations at the yard—was the budgetary constraints the chairman mentioned in his opening remarks, along with the further fact that this class vessel will not be available for overhauling until 1983 and will not be available on the east coast for repair until sometime in 1980 or 1981. As I said I have had dealings and conversations with the chairman on this question and I am wondering if he is willing to confirm on the record my earlier understanding.

Mr. McKAY. Mr. Chairman, the gentleman is absolutely correct. The committee reviewed the request for that facility and also added $8 million for housing, which indicates the committee has concern about the future of that base and is preparing for any eventuality. The gentleman is absolutely correct. The budgetary constraints and the slippage in production of the SSN-688 means that there will have to be more time for funding and programing.

Mr. D'AMOURS. I thank the chairman for that very generous consideration and reassurance.

Mr. McKAY. I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I rise in support of the pending legislation and also to pay my compliments to the committee for its report which refers in a rather pointed manner to the situation which has existed for nearly 4 years at the Aberdeen Proving Ground in Harford County, Md.

As the committee report correctly indicates, the major facility at Aberdeen, the U.S. Army Ordnance School and Center has been the subject of continuous study over this period. I have in my own office stacks of Army studies 6 inches thick all purporting to consider what will be the future of the Ordnance School and Center which has been located at Aberdeen since the early part of this century.

The question still remains open, as your report indicates, at a time when this subcommittee has been called upon to appropriate nearly $7 million more for part of the Aberdeen complex, providing increased chemical security, as mentioned earlier in this debate.

Three years ago your committee authorized construction of a PX which at considerable cost is being concluded at Aberdeen.

Still we do not know whether the 5,000 civilian and military personnel and the trainees at the Ordnance School will remain there. The Maryland Delegation, all eight House Members and the two Senators, have repeatedly stated their case to the Defense Department. Last year the Secretary of the Army finally decided that we had made our case and that the Ordnance School and Center should remain there. Still a decision has not been made by the Secretary of Defense and the consequence has been economic disruption, because the community depends a great deal on this facility. Nearly 15,000 people are employed or are stationed there. Real estate values have been affected. Rentals are also affected. It is past time for a decision.

This is a classic case of what many Members have undergone, in their own districts, that is, the indecision of the military.

I have a high regard for the fighting capacity of the U.S. Army and the Defense Establishment. I must also confess if they fought wars the way they make decisions on facilities, we would by now be subject to the enemy's control.

I do thank the committee for its concern and its expression. It certainly merits the thanks of the gentleman from Marvland and the Maryland delegation.

I thank the gentleman from New York for yielding. The gentleman has been very helpful many times in regard to this matter.

Mr. Chairman, at this point I include an excerpt from the committee report:

The committee is concerned at reports of continued instability at Aberdeen Proving Ground, where sizable military construction investments have been made. The committee has heard testimony that the Department of the Army recommended last winter that the Ordnance Center and School be left in place at Aberdeen rather than transferred, but the committee has since been advised that the Department of Defense has directed a fourth restudy of this question. The committee finds it difficult to understand what a further restudy could demonstrate and is concerned about the ability of the Army and of the installation to plan effective long-range needs, especially military construction requirements, with this continued turbulence factor. The committee recognizes Aberdeen as a significant and on-going military post making vital contributions to our national defense and urges that the Army utilize the Proving Ground to the fullest as a point of consolidation for more effective management. The committee notes that the General Services Administration surveys have suggested that the post might be underutilized to some extent and urges that the Army obviate such criticism by more thoroughgoing use of the land and buildings available at this well-established post, which receives significant support from the community of Aberdeen and from Harford County and the Baltimore area.

Mr. McKAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I certainly want to pay my compliments to the Military Construction Subcommittee of the Committee on Appropriations. I think they have done an excellent job here. It is a little austere. They have included some very, very good projects.

Mr. Chairman, again, as was the case during the debate on the military construction authorization bill for fiscal year 1978, I will not attempt to offer an omnibus amendment to this bill; however, before we vote, I would like to reiterate my concerns about this bill in three areas.

The first is to point up the very real austerity of this bill. Secondly, I would like to stress what I feel are major deficiencies in the bill; and thirdly, to call to your attention a tentative decision in this bill which could waste over $1 million of the taxpayers' money.

To begin with, I cannot emphasize enough the fact that the level of funding for domestic military construction and family housing programs in this appropriations bill is inadequate and insufficient. Indeed, one might say that this bill is extremely austere, as the following brief comparisons will indicate.

Estimates for new budget authority enacted to date for all fiscal year 1977 military construction projects amount to almost $3.5 billion. The year before, total new budget authority approved for military construction amounted to approximately $4.1 billion. Before us today, we are asked to accept a bill which appropriates only $2.8 billion—or the smallest request since fiscal year 1974. In the meantime, construction costs have continued their upward spiral, at times approaching an annual rate of 12 percent or more. The bottom line is that reduced funding levels coupled with rapidly rising construction costs have dramatically limited our ability to make real progress toward reducing our current $24.6 billion facilities backlog in this important support area.

In addition, as you may recall, our first concurrent resolution substantially reduced overall defense expenditures for fiscal year 1978. Yet even this austere target resolution allocated about $3.0 billion to our Appropriations Subcommittee for military construction—or $196 million more than this bill before us today.

Next, I would like to highlight what I feel are noticeable deficiencies in this bill. In particular, there is a definite paucity of new construction initiatives designed to reduce energy consumption and protect the environment. As a matter of fact, I would hope that in their preparations for the eventual conference on this bill, our House conferees review the innovative lead taken by the Senate Committee on Armed Services in their military construction authorization bill for fiscal year 1978.

In their deliberations, the Senate made substantial additions to the administration request in three priority areas: Energy conservation, polution abatement, and urgent operational projects. In all, about 250 new projects totaling slightly less than $370 million were added to the revised administration request for military construction and family housing. Moreover, the Senate was also acutely

aware of the depressed state of the construction industry—where the jobless rate is two to three times the national average in many areas—and felt that military construction projects with short leadtimes would help improve overall employment in the same manner as the public works jobs bill. As a matter of fact, in its report (S. Rept. 95–125), the Senate Committee on Armed Services estimated that these additional projects would create approximately 50,000 new jobs in the construction industry alone.

At this point, I would like to reassure my colleagues that the Senate Committee on Armed Services did not arbitrarily or capriciously gather up every favorite project that had not previously been selected. In evaluating and selecting these new projects to be added, the committee established two extremely valid criteria. First of all, before a project was even considered, it had to be capable of being placed under contract early in the fiscal year, preferably within the first 6 months. Second, the project had to be at a military installation which was not scheduled for either closure or significant reduction in the foreseeable future. The services were then asked to arrange unfunded projects which successfully met these criteria in order of priority in three categories: Energy conservation, pollution abatement, and operational. In addition, a small number of projects were added back to improve upon the security of chemical weapons under the control of the Army. Finally, these lists were scrutinized very carefully by the committee to weed out those projects whose benefits to national security were deemed marginal.

I commend these additional projects to our House conferees for possible inclusion in this bill in conference. From conversations with potential conferees from both the House and the Senate, it is my expectation that these projects will be included in the final conference report on the military construction authorization bill for fiscal year 1978.

Finally, I would like to again call to your attention a line-item decision that will in all likelihood end up costing the taxpayers a great deal of money, whereas the action was intended as a cost-saving move. I am speaking about the $550,000 included in this bill for consolidation of the Air Force Environmental and Radiological Health Laboratories at Brooks Air Force Base. The committee cited as rationale the necessity for meeting NEPA and OSHA standards.

I do not at this time intend to offer an amendment to delete this project. However, if the committee had held a public hearing on this matter, such action would surely have uncovered the existence of a voluminous GAO report challenging the wisdom of this consolidation.

The report mentions, among other things, that top level laboratory operating personnel believe, despite headquarters claims to the contrary, that the proposed consolidation will be less efficient than the current laboratory structure. Deficiencies include a design inadequate for large-scale analytical sample testing and inadequate space for missions to be performed. The report further states that qualified officials see no technical reason for consolidation of radiological and environmental health functions.

The report additionally raises serious questions as to the adequacy of Air Force cost estimates. GAO estimates that the Air Force has underestimated costs associated with the consolidation by about $1 million. The Air Force has submitted a revised estimate, but as nearly as I can tell, these are largely unsupported numbers which still fall significantly short of GAO estimates.

These are matters which could and should have been covered in hearings. They are matters for serious reservation. The Appropriations Committee has expressed reservation enough to withhold its approval of expenditure of funds pending further study. The Senate is so reserved about the matter that none of its committees have included this project in any of its bills.

Mr. Chairman, serious questions have been raised about this project which are as yet unanswered. They should be answered. I have raised a few, and there are more. What, for example, is to become of the physical facility at McClellan Air Force Base which was not only designed as an environmental health lab but also designed for expansion as mission requirements mounted? And why is that prior planning now being ignored?

In light of the many uncertainties surrounding this project, I strongly urge my colleagues on the committee not to insist on this project in conference. The case for urgency is shaky at best, and the apparent drawbacks are significant. If this project must be accomplished, we should insist on adequate justification which has not been forthcoming. Caution in this matter is our best protection, and I urge it on my colleagues.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. Certainly, I yield to the chairman.

Mr. McKAY. I understand the gentleman's concerns, and I am sympathetic to them. Of course, as we go from here to the conference with the Senate, we are required to hold to the House position as far as possible, knowing full well that any time the two Houses meet certain compromises will have to be struck. The gentleman, of course, is very supportive of those programs which we both feel are going to have to come eventually.

Mr. LEGGETT. The chairman's generous and cooperative spirit is very much appreciated.

Mr. McEWEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of H.R. 7589. This legislation provides the funding for essential projects and facilities which support our worldwide national defense effort. Included among these is the causeway project at Mare Island Naval Shipyard in California. Mare Island Naval Shipyard is an important support and repair base which services our nuclear power submarines and other types of vessels.

The completion of the causeway project will help to insure that Mare Island remains a viable support center by removing hazards to navigation and enhancing the navigability of the lower Napa River. The completion of this project will also have a positive impact on commercial shipping and the long-range economic development of the area and the Mare Island complex.

Again, I strongly support the legislation under consideration and I want to commend and thank Chairman GUNN McKAY, Mr. McEWEN of New York, and the other members of the Military Construction Appropriations Subcommittee for their efforts on this measure.

Mr. MITCHELL of New York. Mr. Chairman, the bill before us is deserving of support. It represents a modest request for an overall program of major importance to the defense preparedness of our Nation.

In terms of constant dollars, the committee is actually giving the Department of Defense less money for vital construction projects than at any time in recent years.

The committee is aware of this and has readily acknowledged that next year's bill, of necessity, will have to be considerably higher to meet military construction needs.

In the interim, it is expected the Secretary of Defense will complete the special Presidentially directed study to examine the current domestic basing structure. It is to this study that I wish to direct my remarks.

We all recognize changes in our basing structure, at home and abroad, are in the offing. Realistically, we also know the order of the day will likely involve base closures and mission realinements focusing on consolidation of operation, in an attempt to satisfactorily respond to budgetary constraints and the constantly changing force structure.

It is my firm belief, a belief shared by a great number of my colleagues, that the Department of Defense, as it proceeds with its study of domestic basing structure and develops recommendations, would be well advised to keep in mind the relationship of DOD spending policies to and their affect on area and regional economies.

It is also my firm belief that there is merit to the argument that a policy calling for a more equitable distribution of defense operations and dollars best serves the national interest.

There is a strong feeling, one that is easily quantified, that the Northeast and Midwest sections of our country have not shared in the hoped for equitable distribution of defense operations and dollars and as a result have suffered. The economic distress so evident in this vast quadrant of the country is attribut-

able to many factors, one of which is the pattern of defense spending and decisionmaking. The bill before us is a case in point.

This year, as has happened every year in recent memory, the bulk of military construction dollars are for projects in the South and West. Only a small percentage of the overall appropriation is for installations in the section of the country experiencing the most severe hardships because of the high rate of unemployment and the general deterioration of the economy—the Northeast-Midwest States.

Military construction is not the only area in which the Northeast-Midwest area has come out on the short end of the stick, so to speak, as a result of the implementation of defense policies.

We have suffered a disproportionate share of base closures, mission reductions and cuts in military and civilian personnel.

I mention the foregoing because I think it essential that all of us in positions of responsibility, here in the legislative branch, or beyond Capitol Hill in the executive branch, take notice of what has happened, perhaps unwittingly, in decades past with respect to the adverse impact on a region's economy as a result of defense policies. Not only is it our responsibility to take notice of what has happened, but we must vow collectively to be a partner to corrective action.

As the administration continues with its important assignment involving the future of our base force structure, it should keep in mind the opportunity at hand to recommend to Congress a comprehensive program which will focus attention on equity in the Nation's defense spending policies.

There are several actions the administration can take toward this end.

If base closures and major mission reductions are foreordained, as has been indicated by some, those base closures and major mission reductions should not come where there is a proven need for more, not less, defense activity—the Northeast and Midwest.

As new missions are identified and new weapons systems are deployed, priority consideration should be given to their location where the most good would come of it, in terms of strengthening the Nation's economy and having a positive impact on overcoming regional distress. This can be accomplished in the Northeast and Midwest without sacrificing defense requirements.

In the area of procurement, the Federal Government, which is the highest volume purchaser of goods and services in the world with the Department of Defense as its biggest buyer, a concerted effort must be made to effectively implement a policy already on the statute books giving priority to procurements in labor surplus areas, where the need for economic activity and the jobs generated is greatest.

These views have already been communicated to the President and to the decisionmakers within the Department of Defense. It is my understanding a detailed analysis is presently underway with a response anticipated in the near future.

Clearly an opportunitay for constructive action serving the best interest of the Nation, without compromising in terms of the effectiveness or efficiency of defense operations, is evident. It is my hope that opportunity will be seized upon. We are watching and waiting—hopefully.

Mr. PANETTA. Mr. Chairman, the Secretary of Defense is conducting a comprehensive study of the Army's potentially expanding domestic stationing requirements resulting from new foreign policy initiatives toward phased reductions in certain foreign-based troop levels. In line with this study, the decision by the Military Construction Subcommittee of Appropriations to defer "without prejudice" construction projects at Fort Ord, Fort Lewis, Fort Stewart/Hunter Army Airfield, Fort Wainwright, Fort Benning, Fort Hood, and others, is a prudent one in view of the differing facilities requirements that will be demanded by the newly evolving missions of domestic defense installations.

I share the view that we are at a crossroads in our Nation's foreign policy. And that the direction we seem to be taking will lead to bolstering our defense at home in lieu of continued overextension of our military presence abroad. I am convinced that Fort Ord has a vital role to play in our newly evolving defense posture. I know that Representative GUNN MCKAY, chairman of the Military Construction Subcommittee of the Appropriations Committee, shares my conviction. He has indicated that since these funds have been included in the Military Construction Authorization bill the flexibility is there to continue with that constructon or expand upon it depending on the conclusion of the study.

In the past we have concentrated on the construction and maintenance of foreign military bases. The time has come to focus on the needs of our domestic defense installations. I am pleased that the Secretary of Defense is reviewing the overall question of the Army's worldwide division stationing. The significance and potential this review holds for the 16th Congressional District is underlined by Secretary of the Army Clifford Alexander's recent announcement that he will visit the Fort Ord complex in October.

Mr. DICKS. Mr. Chairman, the Navy's Trident subbase is being constructed in my district.

This bill contains not only the money to continue construction of the base, but also two other items which are essential to my district and to the Navy. These are the Trident community impact assistance and defense access funding. I am very pleased that the committee has recommended that these needs will be met in fiscal 1978, and would like to thank Chairman MCKAY for his consideration. I would also like to ask Chairman MCKAY to clarify a statement in the committee report, that the Department of Defense share of community impact is rapidly being approached. It is my understanding that the Department of Defense is reassessing the fiscal impact of the Trident base, that this fiscal impact study will be released at the end of June, that the phrase "Department of Defense share" in the committee report refers to the previous impact estimate of $38.9 million and not the estimate currently being prepared.

Mr. Chairman, I would also like to take this opportunity to address a third item essential to my district, but which unfortunately was deleted from the military construction authorization bill, the Navy family housing at the Trident base.

According to HUD, the primary problem facing Navy families moving to my district will be the high cost of housing. Traditional sources of low-income housing are not adequate to handle Trident impact; rental units are not available; and new houses are too expensive.

According to Navy and HUD figures, an E–7 cannot qualify for a mortgage on a new house, but an E–7 with three children, qualifies for low-income housing.

Despite the urgent need for housing near the Trident base, the House Armed Services Committee deferred 520 units of family housing. Instead, the committee proposed that the Navy families locate off base housing in the private community or wait for assignment to existing military housing in the area. The Armed Services Committee and the Appropriation Committee also questioned the need for four and five bedroom units, and the criteria for assignment to base housing.

According to Navy figures, 1,811 Trident families will be eligible for base housing in 1980, and 2,421 families by fiscal year 1982. Navy families assigned to other installations near the Trident base, bring the total of eligible families in Kitsap County by 1982 to 4,204.

The Navy's family housing survey projects a deficit of 1,745 suitable base and off-base housing units in 1982. The 225 units needed will have 4 and 5 bedrooms.

Affordable off base housing is not available. A February 1977 study funded by the Federal Home Loan Bank of Seattle and a Seattle savings and loan company revealed an overall vacancy rate in Kitsap County of 3.5 percent. Most of these vacancies were in one- and two-bedroom apartments. Only one three-bedroom unit was available and no four- and five-bedroom units. Apartments renting for $150 to $200 per month had an even lower rate of 2.4 percent.

Although low vacancy rates are not unusual for Kitsap County, the current lack of multifamily units is also attributed to a limited supply of land. This shortage of land is due to lack of sufficient water and sewer services and speculation on land that is already zoned for multifamily use. Local governments are reluctant to rezone additional land for multifamily use until existing multifamily zoned land is developed.

According to the February study, market rents in Kitsap County are $159 for a studio apartment, $187 for a one-bedroom unit, $225 for two bedrooms, and $247 for three bedrooms. A three-bedroom house rents for an average of $319 and $347 is the median for a house with four or more bedrooms. New houses and apartments rent for 10 to 20 percent more. Although these rents may seem low by Washington, D.C., standards, the rent for a two-bedroom apartment in

Kitsap County has almost tripled in the last 7 years.

The February rent study was also used to determine eligibility for low-income housing under the HUD section 8 program. The following table compares monthly housing costs, 1977 income limits, and adjusted pay for an E–7 living in the Trident area.

The rank of E–7 was chosen because many of the Trident personnel will be highly skilled. This table shows that enlisted personnel below the rank of E–8 with three children are eligible for assisted housing. E–8's, E–9's, and officers with income at or above the median income of $15,000 can obtain a mortgage for a new home. In East Bremerton, near the Trident base, a new home costs from $40,000 to $55,000. In East Port Orchard, farther from the base, homes cost less; average prices range from only $34,000 to $50,000. Older, cheaper homes are available in Bremerton, but require higher down payments, higher interest rates, and higher maintenance costs. Although prices for new homes are climbing at the rate of 1 percent a month, the market is strong. The community is willing and able to build housing for those who can afford it. The county asks only that the Navy build enough units on base to house all lower pay grade personnel who are eligible for Navy housing.

Although current policy is that E–1's, E–2's, and E–3's are not eligible for housing, Kitsap County would benefit from having the lower pay grade families live on base instead of off base. I have been advised that county officials would support such a change in policy. The county is having enough difficulty providing adequate housing for the existing low-income elderly and families. Low-income Navy families living off base increase the demand for a very limited supply.

According to county figures, 7,104 households are now eligible for low-income housing. By 1980, this number will increase to 8,821. The current supply of subsidized units is only 1,491, and the current deficit is 5,613. To help meet this demand, Kitsap County is actively pursuing additional subsidized units through HUD and the Farmers Home Administration. A new FHA office has been established in the county to process applications for the 502, 515, and self-help housing programs.

The county has also received a special allocation of section 8 units for a total allocation of 150–200 units per year. Although Kitsap County would support a change in Navy housing policy, such that lower pay grade personnel would be eligible for base housing, the county and I do not support the recommendation of the House committees to provide a relatively larger number of two-bedroom units than three-, four-, and five-bedroom units. If lower pay grade personnel tend to be those who are just starting families, it does not follow that more two-bedroom units should be provided. The committee's recommendation to increase the number of two-bedroom units will force an estimated 70 families to seek housing off base.

The current inventory of 5-bedroom units in the Kitsap County family housing is 26. In January of 1976, 41 officer families and 70 enlisted families were eligible for these units. In February of 1977, no five- or even four-bedroom units were for rent in Kitsap County, and only one three-bedroom unit was available. The median rent on a three-bedroom house was $319 and four- and five-bedroom houses were for sale beginning at $45,000. Small families at any pay grade do not need base housing as much as military families with two or more children.

Mr. Chairman, we need housing and we need affordable housing. I believe that it is the responsibility of this Congress to provide housing for the Navy personnel who will move to my district because of the Trident base. These people will be the Navy's finest and they deserve a decent place to live when they arrive. Deferring the Trident housing request places an unfair burden on the people who live in Kitsap County now and the military and civilian families who will be moving there because of the Trident base.

Mr. McKAY. Mr. Chairman, I have no further requests for time.

Mr. McEWEN. Mr. Chairman, we have no further requests for time.

Mr. McKAY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $483,659,000, to remain available until expended.

Mr. BRINKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise only to submit for the RECORD what I hope will be a scholarly presentation of the rules of the House as related to this bill.

Mr. BRINKLEY. Mr. Chairman, the gentleman from Utah (Mr. McKAY), and I have had a long association as men of good will and understanding. The gentleman is a good man and a good Member of Congress, and I say to him that I am sincerely saddened to see his unyielding commitment to a position which I feel is a wrong position, but one represented to him as the truth, the whole truth, and nothing but the truth, when it is not.

I am saddened that he has chosen to implement that position through the report accompanying this bill. For, you see, that is doing by indirection what the rules prevent by direction. I am sure the gentleman from Utah would never consciously violate the rules of this House in letter or in spirit. I am certain he would take umbrage at any suggestion to the contrary, as I would also take in his defense.

I am equally certain, however, about the rule against legislation upon an appropriation.

Let me read you language in the report:

"The committee does not question the suitability of Fort Stewart Hunter Army Airfield for an infantry division minus one brigade but, nevertheless, prohibits the Army from proceeding with this project until overall questions on division stationing have been resolved." • • •

Also, at another point: "The training ranges are provided only on the condition that the Army carefully conduct a test for initial entry training (infantry) at two stations. Control groups should be recruits receiving infantry one-station unit training. Not less than 5 weeks training using an integrated program of instruction should be conducted at each of the two stations. If such a test is not practical, the Army should propose an alternative test for the committee's consideration. The test should include a comparative analysis of the training performance of both groups. The Army should either control the factors which could affect the training performance or provide a quantitative analysis of those factors. Specifically, an account of the use of discretionary time used for reinforcement or remedial training should be included. Evaluation of test results should be performed by an organization independent of the training establishment. Cost data should be gathered on the variable costs of the separate groups."

There is no question about the restrictive nature of that language. Now what are the rules of the House? On the subject of legislation on an appropriation, they are very clear. Rule 21, clause 2 provides in part as follows:

"Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures, etc., etc. . . ."

Deschler's procedure, section 26, clause 11.1 recites the following ruling

"Parliamentarian's Note: The application of any limitation on an appropriation bill places some minimal extra duties on federal officials, who, if nothing else, must determine whether a particular use of funds falls within that prohibited by the limitation. But when an amendment, while curtailing certain uses of funds carried in the bill, explicitly places new duties on officers of the government or implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order."

Section 26, clause 11.3 recites another ruling as follows:

"It is not in order, in an appropriation bill, to impose additional duties on an executive officer or to make an appropriation contingent upon the performance of such duties."

Now from those rules, we can clearly know that were the language in the report contained in the bill, it would be subject to a point of order. The committee is doing by indirection that which it cannot do directly. It is an avoidance of the rules, and that is true for however long it has been done and it is true no matter what the practice has been. That practice does not make it right in this bill or in any other.

The authorizing committee in this case, the Armed Services Committee, has also reviewed these projects and has provided authorization for them, but the Appropriations Committee comes along and sets itself up as a legislative committee in addition to its proper function of appropriating. I am distressed over this practice.

The report is also puzzling in that it refers to a GAO audit relating to one-station unit training and predicates its requirement for further testing thereupon. This has every appearance of being a subterfuge, and I hasten to add that the chairman of this committee would never consciously tolerate that; but if this report were really so important that it would prevail over every single witness who testified before the committee, then why did not the committee at least call the GAO auditor who was in charge of the audit to personally testify? Surely it was not because of unconcern with accuracy, because this committee spent long hours and burned the midnight oil in reaching its conclusions. Could it then have been because of a preconceived judgment, perhaps subconsciously arrived at, for which the GAO report provided prima facie justification?

The GAO official in charge briefed me and my staff without hesitation on the findings on one-station unit training, findings which never challenged the superiority of one-station unit training over two-station training, but questioned if two-station should not have been tested in terms of its practicality, in the event one-station unit training meant that posts had to be closed. In other words, for GAO it came down to a matter of post utilization—if all major Army installations will continue to be used for some purpose, then one-station unit training is without a doubt preferable.

One-station unit training is cost effective. It has been proven at Fort Sill for artillery and at Fort Knox for armor. It would be equally true at Fort Benning for infantry. Its concept is one station and one unit for basic and advanced training, eliminating dead time and shortening the combined training periods.

Another thing should be mentioned that bothers me, and should concern all of us—this thing about borrowed personnel from the executive branch. From whom does the Appropriations Committee borrow personnel to supplement its staff investigations team, and on what authority? Why are they needed? Are they required in order for the Appropriations Committee, however unwittingly, to intrude into the legislative committee function? Has the Appropriations Committee become the "super committee" of this Congress, or are legislative committees still equal partners?

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. McKAY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill? Are there any amendments to the bill?

Mr. McKAY. Mr. Chairman, there being no amendments, I move that the committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHARP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7589) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DAVIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 16, not voting 26, as follows:

[Roll No. 359]

YEAS—391

Abdnor	Burke, Calif.	Edwards, Okla.
Addabbo	Burke, Fla.	Eilberg
Akaka	Burleson, Tex.	Emery
Alexander	Burlison, Mo.	English
Allen	Burton, Phillip	Erlenborn
Ambro	Butler	Ertel
Ammerman	Byron	Evans, Del.
Anderson, Calif.	Caputo	Evans, Ga.
	Carney	Evans, Ind.
Anderson, Ill.	Carr	Fary
Andrews, N.C.	Cavanaugh	Fascell
Andrews, N. Dak.	Cederberg	Fenwick
	Chappell	Findley
Annunzio	Clausen, Don H.	Fish
Applegate		Fithian
Archer	Clay	Flood
Armstrong	Cleveland	Florio
Ashbrook	Cochran	Flowers
Ashley	Cohen	Flynt
Aspin	Coleman	Foley
AuCoin	Collins, Ill.	Ford, Mich.
Badham	Collins, Tex.	Ford, Tenn.
Bafalis	Conable	Fountain
Barnard	Conte	Fowler
Baucus	Corcoran	Fraser
Bauman	Corman	Frenzel
Beard, R.I.	Cornell	Frey
Beard, Tenn.	Cornwell	Fuqua
Bedell	Cotter	Gammage
Bellenson	Coughlin	Gaydos
Benjamin	Crane	Gephardt
Bennett	Cunningham	Gibbons
Bevill	D'Amours	Gilman
Biaggi	Daniel, Dan	Ginn
Bingham	Daniel, R. W.	Glickman
Blanchard	Danielson	Goldwater
Blouin	Davis	Gonzalez
Boggs	de la Garza	Goodling
Boland	Delaney	Gore
Bolling	Derrick	Gradison
Bonker	Derwinski	Grassley
Bowen	Devine	Gudger
Brademas	Dickinson	Guyer
Breaux	Dicks	Hagedorn
Breckinridge	Diggs	Hall
Brinkley	Dingell	Hamilton
Brodhead	Dornan	Hammer-schmidt
Brooks	Downey	
Broomfield	Drinan	Hanley
Brown, Calif.	Duncan, Oreg.	Hannaford
Brown, Mich.	Duncan, Tenn.	Hansen
Brown, Ohio	Early	Harkin
Broyhill	Eckhardt	Harris
Buchanan	Edgar	Harsha
Burgener	Edwards, Ala.	Hawkins
Heckler	Mikva	Schroeder
Hefner	Milford	Schulze
Heftel	Miller, Calif.	Sebelius
Hightower	Minish	Seiberling
Hillis	Mitchell, N.Y.	Sharp
Holland	Moakley	Shuster
Hollenbeck	Mollohan	Sikes
Holt	Montgomery	Simon
Horton	Moore	Sisk
Howard	Moorhead, Calif.	Skelton
Hubbard		Skubitz
Huckaby	Moorhead, Pa.	Slack
Hughes	Moss	Smith, Iowa
Hyde	Mottl	Smith, Nebr.
Ichord	Murphy, Ill.	Snyder
Ireland	Murphy, N.Y.	Solarz
Jacobs	Murphy, Pa.	Spellman
Jeffords	Murtha	St Germain
Jenkins	Myers, Gary	Staggers
Jenrette	Myers, Michael	Stangeland
Johnson, Calif.	Myers, Ind.	Stanton
Johnson, Colo.	Natcher	Steed
Jones, N.C.	Neal	Steers
Jones, Okla.	Nedzi	Steiger
Jones, Tenn.	Nichols	Stockman
Jordan	Nix	Stratton
Kasten	Nowak	Studds
Kazen	O'Brien	Stump
Kelly	Oakar	Symms
Kemp	Oberstar	Taylor
Ketchum	Obey	Thompson
Keys	Ottinger	Thone
Kildee	Patten	Thornton
Koch	Patterson	Traxler
Kostmayer	Pattison	Treen
Krebs	Pease	Trible
Krueger	Pepper	Tsongas
LaFalce	Perkins	Tucker
Lagomarsino	Pettis	Udall
Latta	Pickle	Ullman
Le Fante	Pike	Van Deerlin
Leach	Preyer	Vander Jagt
Lederer	Price	Vanik
Leggett	Pritchard	Vento
Lehman	Pursell	Volkmer
Lent	Quayle	Waggonner
Levitas	Quie	Walgren
Lloyd, Calif.	Quillen	Walker
Lloyd, Tenn.	Rahall	Walsh
Long, La.	Railsback	Wampler
Long, Md.	Regula	Watkins
Lott	Reuss	Waxman
Lujan	Rhodes	Weaver
Luken	Rinaldo	Weiss
Lundine	Risenhoover	Whalen
McClory	Roberts	White
McCormack	Robinson	Whitehurst
McDade	Rodino	Whitley
McDonald	Roe	Whitten
McEwen	Rogers	Wiggins
McFall	Roncalio	Wilson, Bob
McKay	Rooney	Wilson, C. H.
Madigan	Rose	Wilson, Tex.
Mahon	Rosenthal	Winn
Mann	Rostenkowski	Wirth
Markey	Rousselot	Wolff
Marks	Roybal	Wright
Marlenee	Rudd	Wydler
Marriott	Runnels	Wylie
Martin	Ruppe	Yates
Mattox	Russo	Yatron
Mazzoli	Ryan	Young, Alaska
Meeds	Santini	Young, Fla.
Metcalfe	Sarasin	Young, Mo.
Meyner	Satterfield	Young, Tex.
Michel	Sawyer	Zablocki
Mikulski	Scheuer	Zeferetti

NAYS—16

Burton, John	Holtzman	Rangel
Chisholm	Kastenmeier	Richmond
Conyers	Maguire	Stark
Dellums	Miller, Ohio	Stokes
Forsythe	Mitchell, Md.	
Harrington	Moffett	

NOT VOTING—26

Badillo	Evans, Colo.	Mineta
Baldus	Fisher	Nolan
Bonior	Flippo	Panetta
Burke, Mass.	Giaimo	Poage
Carter	Kindness	Pressler
Clawson, Del	McCloskey	Shipley
Dent	McHugh	Spence
Dodd	McKinney	Teague
Edwards, Calif.	Mathis	

The Clerk announced the following pairs:

Mr. Panetta with Mr. Spence.

Mr. Dent with Mr. Del Clawson.

Mr. Baldus with Mr. Kindness.

Mr. Evans of Colorado with Mr. Carter.

Mr. Burke of Massachusetts with Mr. McCloskey.

Mr. Giaimo with Mr. Bonior.
Mr. Shipley with Mr. Edwards of California.
Mr. Teague with Mr. Fisher.
Mr. Badillo with Mr. Mathis.
Mr. Dodd with Mr. Pressler.
Mr. McHugh with Mr. Flippo.
Mr. Mineta with Mr. Nolan.

Mr. MITCHELL of Maryland changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McKAY. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I made on the bill just passed and to include extraneous matter and tabulations.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. McKAY. Mr. Speaker, I further ask that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7636, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1978

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7636) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1978, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. YATES, McKAY, LONG of Maryland, EVANS of Colorado, MURTHA, DUNCAN, DICKS, WHITTEN, MAHON, McDADE, REGULA, ARMSTRONG, and CEDERBERG.

IN MEMORY OF JESSE JAMES WARR, JR.

(Mrs. SPELLMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SPELLMAN. Mr. Speaker, yesterday morning I attended funeral services for a dear friend—a quiet, calm man who, perhaps more than any other single individual, was responsible for bringing about peaceful change at a time and place when there was a potential for violence.

The time was just a few short years ago. And the place was—and is—my home, Prince Georges County, Md.

Jesse James Warr, Jr. was the first black person to serve as chairman of the County Board of Education. The long road that led him to that position was not an easy trek.

Many of you were here in Congress when the Prince Georges suburbs were embroiled in controversy over court-ordered school busing. It seemed there was shouting and posturing on every side. Trouble was freely predicted and many county residents feared that prediction might become father to reality.

But Prince Georges, then the tenth largest school system in the country, sustained the trauma without the ugliness that has so scarred other communities. Jesse Warr was one reason why. He remained calm in a sea of storms, silent in the face of racial slurs and, above all, responsible in the midst of anger.

As a parent, a school board member, and just recently, as an educator himself, Jesse's contributions to quality education for all children and to better understanding between the races have left a lasting mark on the community he served so long and so well.

At his funeral service, the esteem in which he is held was apparent by the throngs of people and their obvious sorrow at his loss. His son, Jesse James Warr III, delivered a moving eulogy of his father. It was not a community leader of whom he spoke. It was of a warm, strong, very human husband and father.

The strength of the Warr family was clearly demonstrated yesterday. They—who will miss him the most—were generous enough to share their precious memories of him with those of us who came to mourn.

I, too, would like to share something of Jesse with my colleagues. Last June 8, he was the commencement speaker at Fairmont Heights High School. He quoted from the last will and testament of Mary McCleod Bethune. I quote it to you now, because it is Jesse Warr's true legacy as well as hers:

I leave you love;
I leave you hope;
I leave you the challenge of developing confidence in one another;
I leave you a thirst for education;
I leave you a respect for the use of power;
I leave you faith;
I leave you racial dignity;
I leave you a desire to live harmoniously with your fellow men;
I leave you a responsibility to our young people.

PERSONAL EXPLANATION

(Mr. BROWN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Michigan. Mr. Speaker, I take this time to attempt to explain the inexplicable.

Recently, it was brought to my attention that although I was a cosponsor of the original so-called Dingell-Broyhill amendment to the Clean Air Act; was a cosponsor of the modified Dingell-Broyhill amendment; and, actively supported its enactment while opposing the amendment of the gentleman from North Carolina (Mr. PREYER), I am recorded in rollcall No. 289 as having voted "aye" on the Preyer amendment.

For the past several days I have attempted to establish that somehow within the electronic device voting mechanism some recording error had occurred, but I have been forced to accept the fact that I must have voted in error, notwithstanding my clear recollection of having voted in opposition to the amendment.

Not only is it my clear recollection that I voted "no," but at least one of my colleagues recalls viewing a monitor during the course of the vote which reflected me as voting in opposition to the amendment and the electronic device shows no change in my vote.

Mr. Speaker, I ask unanimous consent that these remarks appear in the permanent RECORD.

WISCONSIN CITIZENS SPEAK OUT—WILL CONGRESS LISTEN?

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTEN), is recognized for 5 minutes.

Mr. KASTEN. Mr. Speaker, a constituent from Mequon, Wis. said in a letter to me the other day:

It seems our elected officials no longer work for the people who elected them, but for their own pocketbook.

This concern was expressed in many ways by hundreds of other Ninth District residents who recently returned my 1977 Legislative Questionnaire.

While the results of the questionnaire are still being tabulated, additional comments on the questionnaires, and letters written to explain answers and express views on issues not covered in the questionnaire give great insight into what is on the mind's of the people.

They are angry over high taxes, disillusioned about the lack of accountability and responsibility in Congress, and frustrated with Government intervention in their lives. In different ways, many people expressed the feeling that Congress neither understands them nor stands up for them.

CONGRESSIONAL PAY RAISE

To most people, the automatic $13,000 congressional salary increase—which I strongly opposed—was a symbol of an unaccountable, irresponsible Congress that ignores their views as well as their hopes and dreams. This issue dominated their comments.

In answer to the question, "Should Congressmen be required to vote on their pay raises?" Mr. and Mrs. Dennis Wiebelhaus of Slinger succinctly countered: "The taxpayers should."

Mrs. Ruth Hokanson of Glendale suggested that the pay raise issue be decided by the people through a referendum, and many others agreed.

Herb Dammann of Fort Atkinson said:

We should be allowed to vote on the pay raises of the Congressmen since they apparently do not wish to do it, with concern for the people, who are paying their salaries.

John Best of West Bend wrote:

Government has adjusted itself so that they are untouchables as far as constituents are concerned; as witness the congressional pay raise. I didn't get any raise. Their raise just reflects larger taxes for me, with the same income to pay them.

Harvey Pitt of Dousman thinks that Congressmen should not have allowed the pay raise to take effect "when that is more money than farmers make in a year."

Commented Mrs. Richard Hollenbach of Port Washington:

How silly it must look to other nations how our great American democracy treats its common worker and how its government gives itself such large sums of money.

"INTEGRITY IN HIGH PLACES"

Said a resident of Watertown:

The skids are under democracy unless we get back integrity in high places. The only hope I see is some of the younger members who are bucking the establishment. What a task! May they not weary of it!

A Muskego woman attached this comment to her questionnaire:

These are our responses as "middle class" Americans. That term has become a millstone around our necks. We pay the taxes of the rich and the welfare payments of the poor and get the benefits of neither. We worked hard to get to "middle class" and all we got was the shaft. Maybe the government will help. Ha!

EFFECT OF BIG GOVERNMENT

Richard Schruba of Shorewood is concerned about the growth of big Government and its effects on the individual. He said:

Massive government spending and programs can only reduce the importance and dignity of the individual and make people less responsible for other people by letting the government take the burden on its back.

Joseph J. Gribble of Milwaukee wrote:

We must stop the stifling of individual initiative that's been such an important force of our economy. We need more recognition and rights for those people who are achievers and less for those who are on welfare.

Roger Hahn of Whitefish Bay wrote that:

The American taxpaying citizen today is faced with far too much government at all levels. And the trend is toward further lawmaking, further regimentation, further law enforcement. I think this is a sad situation for the American taxpayer who is forced to pick up the tab!

Steve McLain of Sussex wrote:

I'm sure it's no secret to you that much of the incentive of working harder toward more financial gain has been taken away with the socialistic, Robin Hood approach government has taken over the last few years.

A couple from Brookfield wrote:

After we pay our federal taxes, Social Security pension, health insurance, union dues, state taxes and others, we have an income on par with welfare people . . . I ask you, when will our government listen to the small working class like ourselves?

David Toporek of Waukesha commented:

I work for a living. Thus I pay the greatest portion of taxes and suffer the most from all those regulations and laws that seem to be popping up.

LOW INCOME TAXES

Mr. and Mrs. Walter Grunow of Dousman said:

Congressmen should just stop to think what it would be like to live like some of the people who have to live on low incomes and have to pay high taxes, insurance, or a $40,000 debt on their homes.

A woman from Eagle wrote:

We do not feel Congress has any idea of how so very many people live and how very frugal they must be.

Writing about the pay raise and inflation spurred by excessive spending, Mr. and Mrs. Tim Mitchell of Waukesha concluded:

We need more honesty and a return to some of the more basic principles that made our country what it was intended to be.

ENERGY TAXES OPPOSED

Many people said they opposed an energy plan that was based on taxes. A Pewaukee resident said:

President Carter's high fuel tax plan isn't the answer. It will only cause more inflation and unemployment.

Many people took the time to suggest alternative ways to conserve energy. One typical comment was from Mrs. Schossow of Shorewood, who wrote,

I cannot understand why busing is never mentioned when there is so much crying about gasoline.

John Thomas of Oconomowoc wrote:

I don't mind sacrifice—I can do that—but I resent being taken advantage of—which I believe the government is doing to us.

And finally, Stanton W. Smith of New Berlin, part owner of a small business, explained his concern about big government and suggested a most interesting legislative remedy. He wrote:

I am finding it extremely difficult and extremely frustrating to show a profit what with our present Big Brother government seemingly bent on destroying my initiative. I would like to see legislation introduced changing the Congressional Elections to April 15th! I rather suspect we would witness a thorough house cleaning!

Mr. Speaker, people in the Ninth District are sending Congress a message: reduce Federal spending, lower taxes, curb the bureaucracy, and increase congressional accountability and responsibility.

I share their concerns, and I will continue to work to represent them in Washington.

KOREA FMS CUTS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, section 668 of the Foreign Assistance Act of 1961 requires the President to report to Congress on: First. Progress made by the Republic of Korea toward modernizing its armed forces; second, the role of the United States in mutual security efforts in the Republic of Korea; and third, prospects for a phased reduction of U.S. Armed Forces in Korea in coordination with Korea's movement toward military self-sufficiency. Congress received the first of six annual section 668 reports in September 1976.

Section 668 which was added to the Foreign Assistance Act by an amendment I offered to the International Security Assistance Act of 1976 provides useful information to monitor the improvement of the South Korean armed forces and the continuing usefulness of American security assistance. I would like, therefore, to call to the attention of my colleagues the following sections of the September 1976 report which contain information pertinent to any decision to support a cut in FMS credits for the Republic of Korea such as the one that will be proposed in an amendment to the Foreign Assistance Appropriations bill.

The information follows:

THE MILITARY BALANCE

The North and the South are relatively comparable in the number of deployed ground force divisions. The edge in manpower is with the South. But the North Korean People's Army (KPA) probably has superior firepower because of a sizeable advantage in numbers of tanks and self-propelled artillery pieces.

In the air, the North has a substantial numerical advantage, with over twice the number of fighters as the ROK, although over one-half of these are old aircraft. In modern, high performance fighters, the North Korean numerical advantage is relatively small. The South has an advantage in total airlift capability.

In air defense the North has some distinct advantages. In addition to its numerical advantage in fighter aircraft, the KPA has double the number of anti-aircraft artillery pieces and missile launchers. The North has an extensive radar net with high early-warning capability. It has also invested tremendous amounts of money and labor in underground installations which greatly increase the survival capabality of its weapons, particularly its air force. ROK aircraft, however, are also effectively sheltered. Thus a crippling first strike by either side against the opposing air forces would be very difficult, and an air war would likely be one of attrition.

At sea the North has a far larger number of craft than the South. While it has fewer large vessels, it has substantial numerical advantage in smaller patrol craft. A number of these are armed with the Soviet Styx missile, a highly effective anti-ship weapon. The ROK has about one-third as many missile equipped craft. Moreover, the North has acquired submarines, some of them domestically produced, and is continuing to manufacture them. The ROK has no submarines and at present only a limited anti-submarine capability.

As regards logistic support, the ROK has a far stronger economy and more highly-developed industry than the North. However, a smaller proportion of the ROK economy is devoted to military production, and in absolute terms the North's current capability for producing military equipment, particularly heavy equipment such as armored personnel carriers is probably superior. Moreover, the North has direct land communications with both the Soviet Union and the PRC, which could provide substantial logistic support in the event of a conflict, even if they did not become militarily involved.

CAUSE OF IMBALANCE

The ROK forces' relative weakness in numbers and quality of materiel inventories reflect: (a) a major long term build-up of North Korean forces at the expense of other segments of the society; (b) ROK emphasis on overall economic growth in contrast to North Korean stress on military expenditure; and (c) in recent years budgetary limits on US assistance. While the ROK has steadily increased its defense expenditures (as indicated in Table 1) that increase until recently has largely been used to absorb O&M costs;

by 1974, the ROKs had assumed 100 percent of the O&M costs.

ROK FORCES IMPROVEMENT PLAN (FIP)

President Park, in mid-1975, directed the development of a Five-Year program to eliminate or reduce the long existing military imbalance vis-a-vis North Korea. Specifically, the Republic of Korea sought to develop, within five years, a force structure capable of meeting and defeating a North Korean attack, with US logistical support only. President Park further directed maximum expansion of ROK defense industries in order to reduce the outflow of foreign exchange and to reduce dependence on foreign sources of supply. Initiation of this plan was accompanied by a major increase in the defense budget and imposition of a new income tax surcharge for that purpose. With this tax the ROKG has increased the defense budget's share of GNP to 5.3 percent in 1975 and 7.3 percent (projected) in 1976. Recognizing that the ROK cannot develop the capability of deterring the USSR or the PRC from active support of North Korean aggression, however, the Korean Government would continue to rely on the US to do this and to provide logistical support.

Based on President Park's direction, the ROK Joint Chiefs of Staff developed a multi-project Force Improvement Plan designed to improve the relative balance between ROK and North Korean military power. The plan included a few projects to be initiated in late 1975, but generally phased the program over the Five-Year period 1976 to 1980. The cost of this program is estimated between $4 to 5 billion, 65 percent of which is foreign exchange.

The FIP is militarily justifiable and is generally consistent with US objectives. The high rate of growth of the ROK economy, without putting at risk future economic growth, would be capable of supporting the plan in local currency; however, the ROKG would find it difficult to provide foreign exchange in the quantities and at the times required. Therefore, substantial US credit assistance is needed.

EVOLUTION OF THE SECURITY ASSISTANCE PROGRAM

By fiscal year 1977, the entire US support effort will be in the form of FMS credit plus a small amount of grant-type funds for packing, crating, handling and transportation and training. Since FMS credit will eventually be repaid with interest, the ROK will be funding essentially 100 percent of their defense costs in fiscal year 1977 and beyond. At the same time the ROKG is making increasing use of commercial credits for defense purchases.

However, as indicated above, the ROK's ability in the near term to finance the foreign exchange requirements of its continuing heavy defense burden is limited. While the percentage of Korean GNP devoted to defense is increasing, for the next several years the ROK will look to the US for continued FMS credits to fund selected items of the force improvement plan which support US objectives in the ROK.

REDWOODS—HOW MUCH IS ENOUGH?

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I recently had the privilege of addressing the Commonwealth Club of California on the subject of the proposed expansion of Redwood National Park.

The matter is of great concern to the residents of the northern counties of my district where lumbering is the principal industry. Park expansion threatens not only the loss of thousands of jobs, but the disruption of the local economy as well. And the proposed legislation is not required to save the redwoods, since over 30 State and national parks, with over 181,000 acres of old growth timberlands guarantee that the redwood is preserved forever.

Since park expansion affects only my congressional district many of my colleagues have asked me for information on the subject. While I welcome any opportunity to discuss the subject with my colleagues, I feel my remarks to the Commonwealth Club may provide considerable background information, which they may find informative.

The remarks follow:

REMARKS OF CONGRESSMAN DON H. CLAUSEN

"REDWOODS—HOW MUCH IS ENOUGH?"

On the cover of the Commonwealth Club brochure, the phrase "dedicated to getting the facts" is very prominent.

Your May 16th bulletin announced that my friend Bill Ruckelshaus, former EPA Administrator now with the Weyerhaeuser Timber Company, was to speak on the subject "Can Industry Survive the Environmentalists?" Believe me, that is a question very much on the minds of my North Coast constituency and, in particular, the counties of Humboldt and Del Norte—commonly referred to as the "Land of the Tall Trees" by the preservationists, and the "Fastest Growing Redwood Timberland In the United States" by those involved in the forest products industry and supporters of multiple-use conservation.

To some of you, the issue of jobs versus Redwood Parks may sound like a repeat performance of Bill Ruckelshaus' presentation. Suffice it to say, the Redwoods controversy is a microcosm of what's taking place all over America and, potentially, throughout the world as we move toward establishing a reasonable and needed energy policy while simultaneously addressing the desired balance between meeting the economic, environmental and social goals of all Americans.

As a leading natural resource management consultant said to me one day, "The future for timberland investments in Humboldt County leaves much to be desired—there are lots of uncertainties caused by the park controversy and other government land-use proposals and decisions."

Del Norte County has 73% of its land area owned by state and federal government. Add to this the establishment of the Coastal Commission and it now has only two percent of its land area not directly controlled by government in some form.

This same "cloud of uncertainty" hangs over the entire population—the people who have worked all their lives in the woods or in the mills, the mom and pop grocery stores and other small independent business enterprises, the secretaries, the young people thinking about their jobs, their future. Should I buy that car? Should I commit myself to making those house payments?

Is it any wonder that they have reacted so vigorously and forecfully to Congressman Burton's proposal to take thousands of acres out of production forever and add them to the Redwood National Park?

Can you blame 7,000 of them for demonstrating at the Congressional hearings in Eureka; or for sponsoring the logging truck convoy to San Francisco; or the unprecedented convoy across the country to Washington, D.C?

To put this all in perspective for you people in the Bay area, let's "get to the facts" as presented by Dr. William McKillup, the forestry expert, whom the California Resources Agency contracted with, to respond to the "Burton Bombshell" dropped on the people of Humboldt County.

The projected job loss for Humboldt County would be 1660 jobs. The population of Humboldt is 100,000.

Apply that same job loss and population ratio to San Francisco and you immediately have 16,000 more unemployed. Apply it to California and you have the equivalent of over 400,000 jobs lost; nationwide, the equivalent of over 4 million jobs.

Can you understand why we're upset?

The 48,000 Burton-Carter proposal has a potential overall cost impact of $1.1 billion dollars.

According to the Department of the Interior and the study of the California Resources Agency, the estimates for 20 years are:

Land Acquisition—$400 Million;
Job Income Loss—$520 Million; and
Loss in Regional Taxes—$192 Million.

In addition, the existing park was originally predicted to cost $92 million in 1968. To date, the present park has cost $172 million, with another $109 million pending in Federal Courts on final costs for severance damages.

If the same people making the estimates in 1968 are responsible for the current projected estimates and their experience is the same, a multiplier of 3 would have to be applied to the above figures.

In any event, you can understand why I have labeled this Redwood Park the most controversial, complex and costly conservation proposal ever considered by the Congress.

The Carter Administration and Congressman Burton have acknowledged our great emphasis on the "loss of jobs" issue and have literally been burning the midnight oil to respond with a "jobs package," payments in-lieu-of taxes, and a retraining and rehabilitation program.

But, as I write to Administration officials, "I am most appreciative of your willingness to provide for economic assistance to those who may be dispossessed of their livelihood as a result of park enlargement. On the other hand, we are dealing not only with an economic liquidation but a cultural and social one as well."

What I mean is that the future of individual jobs is at stake here, but so is the future of the entire area.

The unemployment in the two affected counties exceeds 14%—for above the state or national averages. The proposed expansion will boost an already too high rate much higher.

We had a similar situation in 1968. At that time the people of the area were also particularly disturbed by the threat to jobs and economic stability. Time has proven these fears were justified as tourism estimates failed to take up the slack from the unemployment caused by the removal of lands from production.

In 1968 we thought we settled the controversy by a compromise which established a 58,000 acre park and seashore extending from Redwood Creek to Smith River, a distance of 50 miles.

I was involved in working out that compromise. Now expansion proponents want us to compromise some more.

The North Coast people keep saying, "How much is enough?" when we've got 30 state Redwood Parks from Santa Cruz to the Oregon border. 181,000 acres of Redwoods

already preserved in parks—why do they need more? Why don't they develop what they already have?

These are good questions.

It is of particular significance when you read the statement of Newson B. Drury, former director of the National Park Service and Executive Director of the Save-the-Redwoods League.

He said: "The best and most representative of the coast Redwood Forests are now in the California State Parks. They are being carefully and intelligently protected.

Contrast this statement with former Sierra Club Director David Brower's opening sentence in the book, "The Last Redwoods:" "The Sequoias of the California coast, a scenic treasure belonging to all the world and which the public has thought were saved, are in their last years unless the public learns of the peril to them."

Let me quote from the January 1964 issue of the Sierra Club Bulletin: "In a dozen years or so, no Redwoods will be left except those in state hands." How much is enough? How much credibility is involved? How much intellectual dishonesty should be tolerated?

I challenged the credibility and the intellectual honesty of the book, "The Last Redwoods," in a speech right here in San Francisco to the National Wildlife Federation.

There are many beautiful pictures of Redwoods presented in the book but the accompanying text leaves the reader with the impression that the trees are being threatened and caused such lifelong conservationists as George Collins of Conservation Associates and Norman B. Livermore of the Sierra Club to label the book "misleading".

Would you believe that every grove of Redwoods pictured in "The Last Redwoods" was already protected forever in a park when the book was published? And, the book was published 14 years ago!

When the Redwood Park was first established, we inventoried the Redwood Region's local, state and federal park and recreation lands that were then managed and protected.

We found we have over six million acres already set aside for management by Federal, State and local government. This six million acres consists of parks, wilderness areas, national seashores and multiple-use conservation areas—all committed to public use and enjoyment—located in the coastal range of Northern California.

Last week in Washington, my wife and I attended a dinner honoring our former governor, Ronald Reagan, where I talked to him about the current park legislation. This past Monday he telephoned to give me a few statistics concerning the original Redwood National Park.

These figures are very illuminating in that they show that in 1968 the best Redwood acres were already preserved by the State.

The 1968 Act created 58,000 acres of land coming almost equally from State and from Federally acquired lands.

The specific acreage figures point out how well the Redwoods were already protected at that time.

Consider this: of the superlative tree groves, 1,760 acres were to come from the State, and only 320 acres were in the Federal addition; of the old growth in the park, 18,000 acres were in State lands as opposed to 10,000 in the Federal area.

Compare those two categories with these two: of the cut over land in the park, 10,500 acres were in the Federal portion with only 2,000 in the State lands. The Federal Government addition contained 5,000 acres of non-timber land with only 2,000 non-timbered acres on State lands.

Incidentally, California has never transferred ownership of the three State Parks in question to the Federal Government as the 1968 plan envisioned.

These figures tell one story loud and clear—the best Redwood acres are already in State Parks.

It is also interesting to note that in 1968 the Federal Government took over 28,000 acres to acquire a little more than 10,000 acres of old growth.

In 1977, it proposed to take about 48,000 acres to acquire another 10,000 acres of old growth.

The laudable goal of "protecting the Tall Trees" (the tallest in the world) is allegedly the justification for expanding the Redwood National Park.

My reaction to this "laudable goal" is that it is unwarranted, unnecessary and unaffordable and is, in fact, a "smokescreen for a land grab."

Why do I say this and what facts do I have to support my position?

First, let me state that I have lived in and flown over Redwood Country all my life. As a result, I have observed, first hand, the impact of the elements on these lands.

Second, we have aerial photographs of Redwood Creek and the Tall Trees Groves from 1936, 1954, 1964, 1974 and 1977 which reveal no significant changes in the channel or creek bed before, during and after extensive logging in the area.

Third, the tallest of our trees grow in alluvial flats, fed by natural nutrients which flow from watersheds during heavy precipitation periods. The dampness of the area, sustained by summer fogs, is the reason Redwoods and Fir grow so large and so rapidly in these river basins.

Fourth, speculation that a bedload of gravel will raise the level of the creek bed, causing the tall trees to fall, is dubious, particularly since these trees have withstood the natural erosive process for 600 years.

In fact, in 1964 we had the largest flood ever. Unusual climatic conditions created the heaviest run-off of water in the river basins of Northern California. To put the extent of this flooding into perspective, the Eel River (which is just south of Redwood Creek) sent 920,000 cubic feet per second boiling into the Pacific Ocean in December, 1964.

At this rate it discharged enough fresh water every 40 seconds to supply San Francisco's needs for a full day. Put another way, its flow on December 22nd would supply all of the city's water needs for the next six years. But the Tall Trees are still standing.

During the decade prior to that flood, outmoded logging techniques disturbed the forest soils a great deal. But the Tall Trees are still standing.

Of course, there are a number of trees that fall naturally each year as a result of death, old age or disease—a part of nature's own "thinning" process. In the so-called "worm" area near the Tall Trees, some 150 trees will topple each year, according to forestry experts.

Finally, we have learned through sedimentation studies and geological research that the vast majority of erosion in the Redwood Creek Basin—almost all of it—is the result of the natural processes in slide prone areas over which we have no control.

And we have learned that the majority of the erosion comes from the upper portion of the basin 20 miles or more from the park where the slopes are steep—and where there is no logging.

Dr. Richard Janda, of the U.S. Geological Survey Team, stated flatly, "Park expansion will not provide a solution to the erosion in Redwood Creek."

What is being done to protect the existing park?

Today, we have new timber harvest plans, where small patch cutting has replaced the larger clear-cut methods of the past and must be approved by several governmental agencies and be in compliance with the stringent California Forest Practices Act.

Highly restrictive timber management practices are being implemented. The National Park Service conducts on the ground inspections of harvesting operations with the State of California to assure that the agreements between the land owners, the Attorney General, the Resources Agency and the Interior Department are working effectively.

As I have stated, there is an alternative to park expansion if our objective is to protect the Tall Trees.

The alternative lies in the uncommitted acreage already authorized in the 1968 Act that granted the Secretary of the Interior discretionary authority to adjust the boundaries to protect scenic areas.

Originally, there were 2,400 acres under this provision—a portion of which has already been used.

With that existing authority, the Secretary could handle most, if not all, of the fragile areas near the Tall Trees.

But it doesn't require 48,000 acres to protect either the sensitive areas or the park itself.

I have repeatedly said "we don't need a bigger park, we need a better park."

In my view, there are three critical and very important requirements.

1) The existing state and federal parklands should be under single park management.

2) A circumventing highway should be built to handle the commercial and through-traffic between Orick and Crescent City. The existing roadway on Highway 101 could then become a beautiful "Redwood Parkway" to accommodate the leisurely traffic and the park visitors. This combination would preserve the parklands and simultaneously provide a safer, more energy efficient route.

3) A master plan and development of park facilities should be immediately adopted and funded, thus providing visitor and interpretive centers for telling the Redwood Story.

All of the above could be accomplished at a fraction of the cost estimated for the Burton-Carter expansion proposals and would assure a beautiful and meaningful Redwood unit of the National Park System.

What about the future? Are Redwoods an endangered species? What do we natives of Humboldt County have in mind for the future?

Let me attempt to dispel the untruthful mythology that surrounds the Redwoods.

How many times have we heard that the last Redwood is about to fall?

One impression commonly held is that the Coast Redwood is becoming virtually extinct. This is not so. The species still occupies almost the same geographic area it occupied at the time of arrival of white men.

"There may well be more individual Redwood Trees now than when men began to utilize them."—my words? No! These are the words of a policy statement from the Society of American Foresters.

The Coast Redwood is the fastest growing conifer in North America.

Today's Forestry Techniques provide maximum production and protection for our commercial Redwood forests. We have an extensive tree nursery program. We have tree farms.

We have transferred the U.S. Forest Service Redwood Research Program from U.C. Berkeley to the heart of the Redwood growing area—Humboldt State University at Arcata and its outstanding natural resources program.

Every acre of private land harvested is either reseeded or replanted immediately.

In clear cut lands of 20, 40, 60 and 100 years ago are thriving and beautiful Redwood Forests today.

"Redwoods Forever" is the common denominator of the dreams of preservationists, recreationists, timber growers and harvesters, loggers and the Redwood Region natives who live, work and play in the forests which provide them with the fundamental necessities of life.

It has been difficult to erect and maintain bridges of understanding between those who want to guarantee park quality stands of Redwoods Forever through the technique of eternal preservation and those who would enable the Coastal Redwood Forests to regenerate, grow and strengthen themselves through intensive scientific management and conscientious human care.

The Redwood forest growth rate has increased 56 percent during the past 14 years. The young growth has more than doubled in the past 18 years and will double again by the year 2000—"if"—and that's a big "if"—If we can keep our land—if we can retain our land base for growing Redwoods forever.

And, that's what the battle of the Redwoods is all about.

And, yes, "Redwoods Forever" has connotations of a very special kind for the people who live, work and worship in Redwood Country.

To those men, women and their children, "Redwood" means a job, shelter, food and clothing. It means jobs for other people in small businesses dependent on these payrolls and their purchasing power. It means tax dollars to provide good schools and jobs for our teachers.

It means an opportunity to stay and live in a thriving community of your own choosing with promise for the future—the right to live in a community where one is known and respected, where an individual has the opportunity to use hard-bought skills to earn a decent living wage.

These people are proud people. They don't want welfare or food stamps—they want their jobs—they want their land. There is a concern that if these Redwood lands are taken by the Government, the skilled jobs will disappear, investments will dry up and the familiar communities, where friends and families have been born and lived and buried, will cease to exist.

Yes; there is pride in Redwood Country:

Pride in the Giant Trees;

Pride in the Manly Skills to harvest them and make them grow again;

Pride in the wood of the tree itself and the essential products it provides for man throughout the world.

Redwood has unique characteristics which make it indispensable for uses—not only in homes, in churches and in schools, but throughout industry. In cooling towers, because it does not shrink, each year it saves the nation billions of gallons of critical water.

Because it safeguards purity and imparts neither taste nor odor to foods and beverages, it is used in tanks and storage vats in the food processing industry.

It is basic for tanks holding chemicals, which are needed for other human essentials such as leather tanning, oil refining, paper making, etc.

A world without Redwood—or without Redwood products—would be a poorer place for man to live.

Without the Redwood forests yielding their bounties for the people of the Redwood region, Del Norte and Humboldt Counties could become economic disaster areas and a tax burden to the nation.

Both Redwood forests for production and Redwood forests for parks play a dynamic role in the economic and social world of California. There must continue to be a place for both.

Isn't this the message an increasing number of Americans are trying to convey to their legislators and congressmen? We want parks and payrolls. We want jobs and protection of the environment. We need energy and a viable economy. We want balance.

Redwoods Forever means forests for growing people as well as for growing trees.

These are my people.
This is our land.
This is our country.
How much is enough?!!!

CLEAN AIR LEGISLATION VITAL FOR AMERICA'S ELDERLY—AND EVERYONE ELSE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 15 minutes.

Mr. PEPPER. Mr. Speaker, conferees from the House and Senate will soon begin ironing out differences in the versions passed by their respective Houses of H.R. 6161, the Clean Air Act Amendments of 1977.

I am hopeful that, during conference sessions, House conferees will see their way clear to accept the somewhat more stringent auto emission standards contained in the Senate version. As I pointed out during House debate on this legislation, heart and respiratory ailments particularly prevalent among America's elderly are exascerbated by contaminated air. This fact is of particular concern to me as chairman of the House Select Committee on Aging.

The most vulnerable segments of our population, the elderly and the very young, require the most stringent controls possible on air pollution, and require them as quickly as possible. I wish to commend my friend and colleague, the chairman of the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee, Representative PAUL ROGERS, for his strong stand for stricter standards.

In recent weeks articles have appeared in newspapers around the country which document, or comment on, the seriousness of the situation. I include in the RECORD at this point several of the articles:

UNIONS, HOUSE HIERARCHY TEAM UP FOR DIRTY AIR

(By Phil Galley)

With a little help from the House Democratic leadership, Rep. Paul Rogers (D., West Palm Beach) might have won his fight last week to crack down on auto pollution.

But the leadership, which hasn't been able to deliver any of the big ones to organized labor so far this year, sat on its hands while the auto industry and allied labor unions successfully twisted enough arms to take the "clean" out of the Clean Air Act.

It was not insignificant that former United Auto Workers president Leonard Woodcock and his successor, Doug Fraser, observed the House debate on the bill from the Speaker's box—a section of the gallery reserved for guests of Speaker Thomas P. (Tip) O'Neill.

They left their privileged vantage point only to lobby members outside the House door.

"Jobs" was the rallying cry of those who knocked the teeth out of the administration-backed clean air amendment authored by Rogers, chairman of the House Subcommittee on Public Health and the Environment.

"Health effects do mean something," Rogers argued before last Thursday's vote. "It has been shown that 80 to 90 percent of cancer comes from the environment, as well as heart conditions and lung disease. We know what can be done, and we should do it."

Rep. John Dingell (D., Mich.), who led the fight against stringent federal controls on auto exhaust fumes, said it would be "cheaper (for consumers) to buy aspirin" than to risk higher auto costs and a loss of jobs under the Rogers bill.

One cynic observed, "The same crowd will be back before Congress demanding a national health insurance program."

By a vote of 202 to 190, the House approved the Dingell amendment that would delay and weaken federal controls on auto pollution. It sets standards for carbon monoxide and oxides of nitrogen, which experts consider the most dangerous to health, two to three times weaker than the Rogers proposal.

Dingell argued that the tougher standards would cost the auto industry thousands of jobs and hit consumers by adding up to $350 to the price of a new car.

Dingell's argument won't hold water, according to Rogers.

For one thing, Woodstock, in his testimony on the legislation, skirted the question of jobs. Not once, says a Rogers aide, did the former union leader say the tougher standards would cost auto industry jobs.

Woodstock argued that the Rogers bill was unnecessarily stringent and could hurt car sales by adding to the price.

Citing government figures, Rogers pointed out that the average price of American-made cars has increased $1,970 in the last 10 years. Only $270 of that can be attributed to anti-pollution devices required by the government.

The real consumer issue was never understood, the Florida Democrat feels.

The Rogers bill would have required auto manufacturers to do assembly-line testing of the anti-pollution devices they install on their cars. His subcommittee has found that many of the emission control devices on cars are not holding up. Rogers proposed requiring periodic inspections and making it unlawful for car companies not to honor the warranty on anti-pollution devices, as many refuse to do.

Dingell, whose district is the home of the Ford Motor Co., gutted these proposals. His version would allow the manufacturer to specify replacements for broken anti-pollution devices and to choose the service department that installs the parts.

This means, according to consumer advocates, that auto companies can force their own parts and service on consumers, who might have gotten the part and labor cheaper somewhere else.

"They'll be in a position to charge $200 for a $50 part and then talk about how clean air standards are hurting consumers," said one congressional aide.

[From the Washington Star, May 30, 1977]

IF YOUR EYES WATER IN BALTIMORE, HERE'S WHY

BALTIMORE.—According to experts, there is no escaping Baltimore's summer smog, which turns the air opaque, causes a stale smell and makes citizens' eyes water.

Baltimore's air pollution is steadily getting worse and the experts say the situation will not improve at least until the 1980s.

George P. Ferreri, chief of the state Bureau of Air Quality and Noise Control, says the only way to control the growing pollution problem is to reduce use of vehicles—a solution he says is unrealistic at this point.

Dr. Norman Shutler, an Environmental Protection Agency official, said long-term projections for vehicle usage "make the air quality picture frightening."

They point to various reasons for continued pollution problems, in spite of measures taken at the federal and state level to clean up the air:

Federal laws to limit pollution from new cars are working slower than anticipated.

The bulk of gains in air quality from regulating industry have already been made.

The many federal attempts to control automobile pollution at the state level are no nearer reality than several years ago, and vehicle usage is still growing.

Maryland's air quality agency has only indirect authority over the automobile, which is the major source of air pollution. At the Department of Transportation, which has direct control over automobile usage, air pollution is a minor area of concern.

The amount of hydrocarbons and carbon monoxide in the air, which are the two major automobile pollutants, was expected to decrease from 1973–1977 in the Baltimore area.

According to 1973 EPA projections, the percentage of hydrocarbons should have gone down 65 per cent and carbon monoxide should have been reduced 35 per cent by 1977.

However, mid-1977 figures show the total of hydrocarbons and carbon monoxide from vehicles has actually grown more than 200,000 tons, a combined increase of 35 per cent.

Hydrocarbons react with sunlight to form the smog that stifles metropolitan areas when the air that normally carries the pollution away stagnates.

Both smog and carbon monoxide are health hazards that irritate the eyes and respiratory tract and aggravate cardiac conditions.

[From the Washington Star, June 1, 1977]

THE "DIRTY AIR" ACT?

Perhaps the best way to describe the House action on Clean Air Act amendments is to say the lawmakers struck a blow for dirty air.

After voting on Wednesday to allow a substantial increase in air pollution in national parks and other protected areas, the House on Thursday knuckled under to the auto companies, the auto unions and other motoring interests and passed legislation to delay and weaken controls on auto exhaust emissions.

The Wednesday amendment permits construction of power plants near national parks and forests where the pristine air quality was protected by the Clean Air Act of 1970. The amendment was prompted by plans to build the huge Intermountain Power Project in Utah near several national parks, which is designed to provide electric power for the Los Angeles area.

The amendment almost surely will result in lowering the air quality in some Western areas and will make the large national recreational areas less attractive to visitors, but whether it will have a significant effect on the nation's health is at least debatable.

The more significant amendment was to delay and weaken controls on auto exhaust fumes, which are by far the biggest source of air pollution. In an effort to control this pollution, the 1970 act established limits on the amounts of hydrocarbons, carbon monoxide and nitrogen oxide that could be emitted by autos and established a timetable for the auto industry to meet the limits.

The exhaust standards were supposed to have been met by 1975 but auto makers, pleading that they haven't had time to develop the necessary technology, obtained three delays from Congress. The House amendment approved Thursday not only grants further delay to the 1980–81 models but more than doubles the carbon monoxide and nitrogen oxide limits established in the 1970 act.

Perhaps the U.S. auto industry can explain why it can't meet the Clean Air Act's emission standards when some foreign auto makers can.

Maybe it can also explain why it can produce cleaner cars for sale in California, where state standards are stiffer than national, and can't produce them for nationwide sale.

We're inclined to think there's more than a grain of truth in the comment Thursday by Rep. Henry Waxman of California, who said of the auto companies: "If they had spent the money to meet the standards instead of lobbying, we wouldn't be here fighting this fight and we'd have healthier people across the country."

If the Senate, like the House, lets the industry off the hook, the alternative may be for the states to follow California's lead in protecting Americans' lungs.

"A CONVERSATION WITH JIMMY CARTER," AN INTERVIEW IN THE NEW YORK TIMES BOOK REVIEW

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I believe that Members of the House of Representatives and Senate will read with considerable interest an interview conducted with President Carter by Harvey Shapiro, a poet and the editor of the New York Times Book Review, published in that journal on June 19, 1977.

The text of the interview follows:

A CONVERSATION WITH JIMMY CARTER

(By Harvey Shapiro)

"Hands have no tears to flow," said the President. We were alone in the Oval Office, and Jimmy Carter was reciting Dylan Thomas, unsmiling, his eyes turned inward as I hadn't seen them on the television screen. This text was deep inside his head. I thought from his relaxed sprawl in the easy chair beside me, his gray cardigan unbuttoned, that he enjoyed the tune the words made in the room, sounding off the full-length portrait of George Washington before us. Behind us was the familiar set: the bank of windows looking out on the Rose Garden, the large Presidential desk with Harry Truman's old sign on it, "The Buck Stops here." It was 9:15 a.m., Wednesday, May 25.

Q. When I told my 12-year-old son that I was going to see you this morning he said I'd probably be depressed because we're about the same age and you look a lot younger.

A. I'm getting older every day, very rapidly. (Laughter.)

Q. I want to talk to you about your new book of speeches, which Simon and Schuster just published, but before I do I'd like to say that I think we have a poet in common—Dylan Thomas.

DYLAN THOMAS

A. O.K. Great. I spend, still spend, a good bit of time reading those of his poems that are my favorites.

Q. How did you come across his work?

A. I would guess back in 1954, 1955. I was running a fertilizer business, and I didn't have any employees, and I didn't have many customers, so I had a workshop in the back, and I would sit on the fertilizer sacks and read. One day I was reading an anthology of modern poets, and I never had heard of Dylan Thomas. One of the poems was "A Refusal to Mourn the Death by Fire of a Child in London." I didn't understand the poem when I read it, but the last line said, "After the first death there is no other." And I thought about it for a while and I went back and read the poem again. I couldn't understand it still, so then I went back up to my little desk in the front and I diagramed all the sentences and I finally understood what Dylan Thomas was saying. After that night my three sons and I would take a poem by Dylan Thomas and try to study and learn it and argue about it. And later, in 1974, we had a special session in the Legislature in Georgia. About 10 or 12 members of the Senate and I listened to the recordings of Dylan Thomas reciting his own poetry. And we did this three or four afternoons after the special sessions writing the Constitution. I just always like the way he expressed himself, the words that he used. I think he was a great poet, and I hope that some day Westminster Abbey will honor him. (Laughter.)

Q. I wondered how that campaign was going.

A. Probably we can't take any more action on it, but I think at least they're thinking about it.

Q. You never met him?

A. There was a Senator in the Georgia Legislature who knew him, a guy named John Gaynor, who lived in Greenwich Village for about six or eight months. He was a very wealthy young man and he just went up there on a kind of spree, and he could quote almost all of Dylan Thomas's poems. One of the others that I used to quote in some of my speeches was "The Force That Through the Green Fuse Drives the Flower."

Q. I met him when I was teaching at Cornell; I guess it was about 1949, when he just came over. It was his first trip. You know his second trip was the famous trip in which he got drunk and made a scandal of himself. And he was a frightened man when I saw him. He had lost touch with his own work.

A. Oh, I know. He was very productive in his young years, and then he did lose track of it.

Well, Caitlin [his wife] is still alive. In fact, I saw an interview in one of the British newspapers after I talked with the Bishop of Westminster saying that someday she hoped they would recognize him.

Q. Those lines of his that precede your autobiography, "Great is the hand that holds dominion over/Man by a scribbled name." What do they mean to you?

A. It's hard to relate Dylan Thomas's poems to practical government. And I particularly wanted a quote from Dylan Thomas in the preface of the book. To me it means that quite often the strength of a powerful person in his thrust on a city or a nation or a world can be insensitive. And the line that I think summarizes my concept of the poem is "Hands have no tears to flow." Sometimes the separation between power and people is unrecognized by the strong leaders. And the insensitivity that's inherent in power, that ought to be a warning to us. But it's hard to say what Dylan meant.

Q. Is there any American poet who comes that close to you?

A. Well, I like a lot of them. But James Dickey is my favorite. I like him personally, and I like his poems. He's also a good friend. I thought his recitation at the gala preceding the inauguration was superb. I thought it was the most moving thing of the whole program. We had superb artists there.

Q. You begin your autobiography "Why Not the Best?" with three quotations. The first is Reinhold Niebuhr's "The sad duty of politics is to establish justice in a sinful world." And then a Bob Dylan stanza, and then the Dylan Thomas lines that we've

been talking about. Do those three quotations describe a mental landscape for you? Three compass points, signposts?

A. I don't know. I think in some ways you can tell the interrelationship between Dylan Thomas's poems that I cherish and the Reinhold Niebuhr quote. I've studied Niebuhr for a long time. I always wanted to meet him. I have had some correspondence with his wife. And June Bingham, who wrote a superb analysis of Niebuhr's teachings, I've gotten to know as well. I was broken up three or four years ago when I read that he had died, because he was one of the people in the United States that someday I wanted to meet.

WRITING AS SELF-DISCOVERY

Q. To most writers, writing is an act of self-discovery. Did you learn something about yourself writing your autobiography?

A. Well, yes. I think that it's hard to describe exactly what I found. I think the main discovery was how deeply tied my consciousness still is to my early days, to our presence in the community and on the farm, and the thoughts that I evolved as a child, how they carried over into my subsequent careers as an engineer and naval officer, businessman and politician. The new book is one that I haven't read all the way through. I very seldom wrote a speech. I just would deliver it without a text, in my own words, sometimes fumbling, and after I got to be Governor, the State Patrol Agent who traveled with me would take a portable recorder and just record the speech and take it back and give it to a secretary to transcribe. And I think that that speech-book probably also, similar to what my autobiography did, let me kind of see how, early in my political career, the basic themes that I still espouse were evolved. The book does portray, much better than the news reports of the campaign and even the news reports during my term as Governor, what I am and what I stand for and the basic commitments that I have as a political leader.

The Law Day speech was again an extemporaneous speech. In fact, I didn't even know anybody ever recorded it. Hunter Thompson found a tape of it. But I think that those concerns that I've expressed, sometimes even in an anguished way, sometimes in a faltering way, have become more and more significant in my life and in my consciousness, and I don't think anybody can find a book, even including the autobiography that better describes what I believe.

SPEECHES

It's a strange thing that you can go through your campaign for President, and you have a basic theme that you express in a 15- or 20-minute standard speech that you give over and over and over, and the traveling press—sometimes exceeding 100 people—will never report that speech to the public. The peripheral aspects become the headlines, but the basic essence of what you are and what you stand for and what you hope to accomplish is never reported.

Q. I suppose that's because they've reported it the first several times you said it.

A. No, that's not true. They never reported it.

Q. I thought I read the outstanding quotes from the speeches in the press.

A. I doubt that you did in the standard speech.

Q. You say a lot of the speeches were extemporaneous, and some you carefully prepared. I know Pat Anderson worked for you during the Presidential campaign on some of the speeches. And Jim Fallows is working with you now.

A. Yes.

Q. You seem to go about most things methodically. Did you have a model for your speeches, any great speakers or speeches of the past?

A. I've got collections of speeches. For instance, I've got a book that has all the inaugural speeches since the nation was founded on one side of the page, and the other side of the page gives the historical circumstances at the time the speech was given. And then I've got collections of speeches by Adlai Stevenson, John Kennedy, which I've read very carefully. But I don't have any particular person that I try to emulate.

Q. How do you go about preparing speeches now? For example, your recent foreign policy address at Notre Dame?

A. I list the points that I want to make, just like an engineer. In a non-sequential way. I just turn 30 or 35 different items in my mind and then try to drive them into four or five themes. I go down the list and put A, B, C, D, and E by each one of those 35 or so points. I rearrange those and then write individual paragraphs in the structure.

Q. Your staff is in on this?

A. Yes, they are. I have an excellent staff. Now for instance, in the foreign policy speech, I get not only my own ideas but ideas from Dr. Brzezinski and others who have an interest. Of course in this office a lot of those points that are made in a speech like the Notre Dame speech had been evolved over long hours of debate and discussion and honing down points. Because when I, for instance, meet with somebody like Crown Prince Fahd today, my concepts of what ought to be done in the Middle East are pretty well evolved.

I'll make very few speeches. I've made one on domestic affairs to the U.A.W. and one on foreign affairs at Notre Dame. I don't have any major speeches scheduled.

Q. On the actual writing of the speech, though, does Jim Fallows play a role?

A. Yes. Jim kind of collects the ideas from everybody, including myself, and puts together the framework of the speech and gives it back to me. I go through it and cross out the things I don't like and delineate things I want to add and send it back to Fallows. He checks back with other people and then during the foreign affairs speech I'd left the office and went up to the Truman Balcony and got a table and spent several hours just rewriting the whole speech and cutting it down and then sent it off to be typed. When I got on the plane to go to Notre Dame I had the speech text, and I figured the speech was about 10 or 15 percent too long, so I edited out 10 or 15 percent of the text.

VISION OF AMERICA

Q. I suppose your main theme in the speeches, as reflected in the title of your book "A Government as Good as Its People," is the goodness and compassion and honesty of the average American. Arthur Schlesinger Jr., who is reviewing it for the Book Review [published June 5], points out that that theme runs somewhat counter to the, let's say, to the Niebuhr quote that you just talked about: "The sad duty of politics is to establish justice in a sinful world." And it also runs counter to the testimony of some of the best Southern writers since World War II beginning with Allen Tate, Ransom, Warren, Faulkner and continuing with Flannery O'Connor, Carson McCullers and Walker Percy. Do you see that as a conflict?

A. No I don't.

Q. That is your main theme?

A. It is. When you compare what Thomas Jefferson evolved, for instance, in the United States—our Constitution—the Government was an inspiration. The evocation of what our Government ought to be, I think, was an inspiration not only to our own people but ultimately to the whole world. This democratic country, with its equality of opportunity and so forth. That stays there, and I think the people still have a hunger for a concept of their own Government that they can admire and cherish and which inspires them. In recent years—with Vietnam, Cambodia, Watergate, the C.I.A.—there's been a derogation of that concept and that vision of what government stands for. And during my own campaign, when this theme was current, I saw a need, and still see a need, for the Government to restore itself to its former vision. And I think that the people have demanded in recent years and have been discouraged when their demands are not met: a Government as good as they are or would like to be.

So we have some things, our religious beliefs and the ideal of what our Government ought to be, that are stabilizing forces. And I think that this is not incompatible with historical trends. There comes a time in a crisis when the superb qualities of human beings in a collective fashion are evoked in a religious concept or in a governmental structure that transcends the mundane commitments of people. But it stands there then as a reminder of what people can do. So I don't see the conflict.

SOUTHERN WRITERS

Q. But it's rather a smiling vision of America, and of its people, that comes through in the book, which runs somewhat counter to Southern writers who see man as fallen. Southern writers rediscovered fallen man. And if one thinks of government as in part an instrument to help man protect himself from his own base nature, from his own egocentric sins, I don't see that reflected in your book.

A. Well, there's one difference, I think, and that is that individual human beings, you know, have their failings, their fears and doubts, frustrations and prejudices. But a collection of what people cumulatively profess to be—as expressed in laws and government, constitutions—is a reminder to us when we have individual shortcomings that we can restore ourselves.

Sometimes we're constrained by Christian or Jewish or Moslem ethics expressed in religious beliefs. Sometimes we're constrained by laws or customs or morals, I think—in that particular quote from Niebuhr, for instance: "The sad duty of politics is to establish justice in a sinful world." But he goes on to say that government is what the laws are and that there's an almost perfect concept expressed in the Christian ethic, that there's an ultimate pattern for government, but the struggle to reach it is always unsuccessful. The perfect standard is one that human beings don't quite reach, but we try to. I think that Niebuhr does say that there is inherent selfishness, or failure, callousness, pride—they exist. So I think that during the campaign period, when these speeches were made, the failures of our Government were much more profound than our people expected, and I think they were much more profound than our people deserved.

Q. Have any of the Southern writers I mentioned, or others, meant anything to you?

A. Well, yes. I think Faulkner is the one that I've studied most. I've read all of Faulkner's books, and have them all, as a matter of fact. And on many occasions I've read them aloud to my children. I think he has most accurately analyzed, as you just pointed out, the fallibility of human beings and the basic weakness of mankind, and has encapsulated those struggles between good and evil, pride and humility, achievement and failure perhaps better than any other Southern writer. My wife's favorite is Carson McCullers.

I think those Southern writers have analyzed very carefully the buildup in the South

of a special consciousness brought about by the self-condemnation resulting from slavery, the humiliation following the War Between the States and the hope, sometimes expressed timidly, for redemption. I think in many ways now that those former dark moods in the South of recrimination against self and others and alienation from the rest of the nation—I think they've been alleviated.

Q. You say in your autobiography that you read three or four books a week. Is that still true?

A. I don't read that many books now. I probably read a couple of books a week now. I have so many other things to read. Right now I've got a file that thick, transcripts of the Nixon-Kissinger-Mao-Chou conversations, which wouldn't be classified as a book because it's not available, but it's something I have to read.

THE WRITER IN AMERICA

Q. Tell me, what do you see as the role of the writer in America? Is he entertainer, preacher, teacher, dreammaker?

A. Well, I think all those. I know when I write something—and I've only written one book, in a very amateurish way—but when I wrote that book I really searched as deeply as I could within my own self to express things so other people could share with me the knowledge about things that I have experienced and also a vision of things as they might be. And I think that this effort is well worthwhile. I think that obviously when this is done by talented people—and I don't have talent in that respect—that it's something that helped to shape my life. It's like the Dylan Thomas poem which he worked on sometimes for years and never was satisfied with.

Q. Is there anything that you see that Government can do for writers? I know that Leonard Randolph [Director of the Literature Program of the National Endowment for the Arts] would like more money for the Poets in the Schools program, which is a most successful program; more money for libraries, which are very hard-pressed these days, so that they can purchase small-press books and books of poetry.

A. Well that's hard to say. When I was Governor I was very interested in the library programs and did a lot for them. I think my first public job, by the way, was on the Sumner County Library Board. I'm now in the process of choosing someone to head up the National Endowment for the Humanities and am getting some of the candidates for the position to write for me a brief description of what could be done by the Endowment, which is quite distinct from the National Endowment for the Arts. But I don't have any clear concepts yet of what I can do that's better. I try to let my own presence as President be felt in the entertainment world.

When I was Governor we had a banquet at the Governor's mansion for all the Georgia writers, just to show that we appreciated them, knew them and understood them. But for a specific new Government program, I couldn't answer your question affirmatively.

HUMAN RIGHTS

Q. Is there anything that you can do or that the Government can do to help all those writers—I think P.E.N. lists 495—around the world who are in prisons or insane asylums? Is there anything that we can do to help the dissident writers in Russia?

A. I think my Notre Dame speech expresses my feeling about the power of words as clearly as I can. It's obvious that in our society the most significant action that can be taken is the evocation of a concept or an idea by words. In totalitarian governments the people who are being punished or condemned for illegal actions—that action is almost always words. I think, just to constantly keep it in the forefront of the world consciousness, a concern about the freedom of expression, is something that I can do, and we've had remarkable success so far. I don't believe there's a world leader on earth now who doesn't have a constant preoccupation with the concept of human rights. This was not the case six months ago. And I think just that in itself shows that we have some possibility for alleviating it.

Q. Thank you, Mr. President.

STATEMENT OF THE HONORABLE DONALD M. FRASER UPON THE INTRODUCTION OF A CONCURRENT RESOLUTION ON MARINE SCIENTIFIC RESEARCH

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, I rise today in order to introduce into the House of Representatives a concurrent resolution endorsing the efforts of the U.S. Delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which assures the right to conduct marine scientific research beyond the territorial sea of any country.

I am presently serving as a Congressional Adviser to the U.S. Delegation to the Law of the Sea Conference in New York and have been an adviser to the delegation for several years now. Among the various issues under negotiation—marine pollution, fisheries, navigation rights, international seabed regulation, and others—the issue of marine scientific research is very important.

Our scientists from major oceanographic institutions, such as Wood's Hole and Scripps, and the scientists from every other nation in the world must not be constrained from learning about oceanographic processes and, therefore, about our planet.

Mr. Speaker, I believe that the right to conduct marine scientific research in the area of our oceans beyond territorial seas is a basic right for all mankind and will redound to the benefit of all mankind.

I urge my distinguished colleagues to familiarize themselves with this and other Law of the Sea issues, to visit the Law of the Sea Conference in New York before it concludes its session on July 15, 1977, and to read the concurrent resolution which will be printed below these comments.

Thank you, Mr. Speaker.

Concurrent resolution endorsing the efforts of the United States delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty to assure the right of individuals to conduct marine scientific research beyond the territorial seas of any country

Whereas all countries would benefit from a better understanding of oceanic processes;

Whereas marine scientific research is essential to achieve a better understanding of oceanic processes;

Whereas the right to conduct marine scientific research is established under international law;

Whereas any country which prohibits marine scientific research beyond the territorial seas of such country will hinder the study of oceanic processes; and

Whereas the Third United Nations Conference on the Law of the Sea is examining the problem of conducting marine scientific research beyond the territorial seas of any country and is considering possible solutions to such problem: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby endorses the efforts of the United States delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which assures the right of any individual to conduct marine scientific research beyond the territorial seas of any country.

THE NATIONAL PARK SERVICE IS NOT EQUIPPED TO DRAW A TRANSPORTATION PLAN FOR GATEWAY PARK

The SPEAKER. Under a previous order of the House, the gentlewoman from New York, Ms. HOLTZMAN is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, I wish to bring to the attention of my colleagues testimony I gave before the Senate explaining my concerns about legislation authorizing the National Park Service to carry out transportation projects in connection with the Gateway National Recreation Area:

TESTIMONY OF REP. ELIZABETH HOLTZMAN (D-N.Y.)

Mr. Chairman, Members of the Subcommittee, I appreciate your giving me the opportunity to testify here today about the need to exclude the Gateway National Recreation Area from any proposed ground transportation projects under H.R. 4804, the Bingham-Williams bill.

I would note at the outset, Mr. Chairman, that the federal government should make national parks more accessible to the general public. In addition, I believe it should be the policy of the federal government that national parks should enhance the areas surrounding national parks, not destroy them. My concern with this bill, however, is that it specifically authorizes the Secretary of the Interior, presumably through the National Park Service, to carry out transportation projects for the Gateway National Recreation Area, despite the Park Service's lack of any demonstrated capacity to deal with transportation needs of an urban park.

The Park Service's inability in this regard was vividly illustrated several months ago in the Service's Discussion Draft Management Plan for Gateway. The Draft included a transportation plan for the Breezy Point area of the Park which estimated that, at peak periods, 1,875 buses daily would cross the Marine Parkway Bridge within a five hour period. That averages out to 375 buses an hour.

Since the Belt Parkway is closed to bus traffic, the buses would have to come down Flatbush Avenue—375 buses an hour down a congested urban street.

At the present time, not one street in the entire nation carries even half as many buses hourly. Flatbush Avenue now carries 25 buses an hour; the Park Service plan would, therefore, have meant a fifteen-fold increase in bus traffic on an already jammed street.

I don't have to describe to you how my constituents, who live in the area of Flatbush Avenue, reacted to the prospect of an endless stream of buses, fumes, noise and

traffic congestion. Gateway, which had been viewed as an asset to our community, began to be perceived as a massive and destructive intrusion.

Thus, the chief impact of the Park Service's transportation plan has been to stimulate opposition to the park itself. Indeed, the plan has been seized upon by those who fought to exclude Floyd Bennett Field from Gateway in order to establish a private airport, as a pretext for opposing park development.

Furthermore, the bill does not adequately protect the interests of those who live in the affected areas, such as the communities around Gateway. The environmental impact of a transportation project is only one of seven factors to be considered; there is no requirement that a public hearing take place during the planning of a project, but only prior to implementation; there is no requirement that the concerns of the affected areas be listened to, not merely heard, and preservation of the neighborhoods surrounding a park is not even an articulated goal of the bill.

In light of the foregoing, Mr. Chairman, I must oppose the inclusion of Gateway National Recreation Area in the coverage of this bill. Until the Park Service has demonstrated that it understands the special transportation needs of an urban park and that it can plan for these needs in a manner that does not disrupt the surrounding communities, it cannot be given free reign to impose impractical and destructive plans on Gateway.

HELSINKI AND CENSORSHIP

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, trust is the missing ingredient in East-West relations today. To say that is almost to belabor the obvious, but it still needs saying. And one reason we are short on mutual trust nearly 2 years after the Helsinki accords were signed to promote trust is that a central feature of the accords—the gradual removal of obstacles to the flow of information—is not being implemented.

In the course of an enlightening debate on NBC television Sunday, June 12, Robert Kaiser, a former Moscow bureau chief for the Washington Post, made the point that Americans "find it difficult to trust a government which does not seem to trust its own citizens." Mr. Kaiser, who was one of three Americans, including Father Theodore Hesburgh of Notre Dame, debating against three Soviet citizens on the subject of human rights in United States-Soviet relations, argued eloquently that censorship in the U.S.S.R. was a major impediment to good relations. He said:

Trust requires openness, and without trust there is little hope that detente will bring any significant benefits to our country or to yours.

The same point was made in a thoughtful Wall Street Journal editorial 3 days later. The newspaper picked up testimony presented to the Commission on Security and Cooperation in Europe on behalf of the unofficial Soviet Helsinki watchers. That testimony argued the need for precise international definitions of what can and cannot be censored, what information can be circulated without breaching national security. The need for such criteria is undeniable; so is the difficulty of establishing them. Even in the United States we have great problems deciding, on occasion, what information the Government may properly keep secret. But the Soviet Helsinki watchers suggested one definition with which it is impossible to argue. Information about court proceedings and about penal conditions, they held, should by its nature be protected from any censor's stamp. No one should be held criminally accountable for circulating such information.

When we consider that Soviet authorities are now holding nine Helsinki watchers in prison just for disseminating that kind of information about events inside the Soviet Union, we can realize how far the U.S.S.R. still is from the sort of open society in which Americans can repose a degree of trust. But if we think about it, Mr. Kaiser's point about the link between censorship and trust is a very important insight. And the Wall Street Journal's suggestion of an international conference to define the concept of state secrets is an idea worth considering.

Mr. Speaker, I am sure that Mr. Kaiser's opening remarks on the NBC debate and the Journal editorial, "The Belgrade Watch," is of great interest to our colleagues:

ROBERT KAISER. One question we need to deal with today is why we in America care what the Soviet Government does or doesn't do to its own citizens. Why does that matter to us?

Father Hesburgh thinks it matters because we are all human beings, and I agree with him. But there is more to it than that.

The Soviet Union and the United States are unique countries. We can destroy each other. We both know that and we're both afraid of that. Détente, what the Soviets call relaxed international tensions, is meant to help us avoid the confrontations that could lead to disaster. To succeed, détente must be accompanied by trust. The United States and the Soviet Union have to be able to trust each other. But Americans find it difficult to offer full trust to a country which deprives its citizens of what we think of as basic human rights. We find it difficult to trust a government which doesn't seem to trust its own citizens.

Let me explain what I mean.

In America we generally have the right to say and publish what we think. The Washington Post published my articles. The Communist Party published its opinions in its own newspaper, The Daily World. Maoists and Trotskyites, and even Nazis, publish their opinions, too.

But in the Soviet Union every newspaper publishes the same opinions. You never get two Soviet newspapers taking different positions on the same political issue. All of them always agree with the party line.

The Soviet Government says this is okay because Soviet citizens all agree on political questions, they all support the party line.

Well, I lived in the Soviet Union for three years. I speak Russian, I talked to a lot of Russians, and I can assure you that human nature has not been revolutionized in that country. People there disagree with each other just as often as they do anywhere else. But Russians cannot express different opinions publicly, where anyone else can see or hear them. They are denied the right of free expression, in other words, and that is important to Americans.

It's important because we don't know what the real public opinion is in the Soviet Union. We don't know anything about the arguments that must go on among the small group of men that run that country.

Now, American politics may be crazy, but at least they are conducted out in the open. The Soviet Ambassador in Washington can find out who the friends and enemies of détente are. He can try to persuade senators or Cabinet members to his view on an issue. He can follow American public opinion.

Not only that, except for the costs of our intelligence operations, which our government foolishly tries to hide, our defense budget is an open book. We tell the world what our weapons are, what they can do, how many we have, anything a rival could hope to know, except maybe how we make them. The Soviet Government hides the size of its defense program, even from its own people. It doesn't reveal details about Soviet weapons.

Equally important, the Soviet Government won't let its own citizens find out what people in other countries or other governments think about developments in the Soviet Union. Soviet newspapers don't report, just to cite one example, the criticisms of Soviet censorship which are often made by leaders of Communist Parties in Europe. Soviet newspapers haven't told their leaders anything about the buildup of rocket forces in their country which alarms many Americans.

Censorship is an ugly business. Effective censorship, like the Soviet Government's censorship, makes it impossible for people to make up their own minds about important public issues. Censorship allows the leaders of the Soviet Union to manipulate public opinion and ignore facts or opinions that they don't like.

Now, our Soviet colleagues may say that what the Soviet Government lets its people say or know is none of my business. I can't argue with that. But I can say one thing: I don't think Americans will ever be able to really trust a country which cannot allow its citizens to publish or read whatever they want to. Trust requires openness and without trust there is little hope that détente will bring any significant benefits to our country or to yours.

Thank you.

NEWMAN. Mr. Borovik?

GHENRIH BOROVIK. Thank you. Thank you very much for this facility to say something.

I agree with Bob Kaiser that one of the main questions of our relation is trust of each other, and a very significant role in this for the press.

[From the Wall Street Journal, June 15, 1977]

THE BELGRADE WATCH

One of the most publicized "routine" diplomatic events of our time will start to take shape today in Belgrade. Diplomats are beginning work on the ground rules for a full-dress fall "follow-up" conference mandated by the 1975 Helsinki agreement. To the surprise of both the critics and the signers of Helsinki, the Belgrade follow-up has become the focus of international concern for human rights, which should make the diplomats think twice before writing it off as a procedural ritual.

As a former critic of Helsinki, we find this surprise a pleasant one. Back in 1975, when the leaders of Europe, the U.S., Canada and the Vatican gathered at this summit, we ap-

plauded the British, Dutch and West German success in including some limited human rights provisions in the so-called "Basket Three" section of the Final Act. But we expected that these provisions would be made meaningless by cynical diplomacy, and that the Helinski glitter was merely the culmination of Russia's 20-year campaign to legitimate its Eastern Europe hegemony. We wrote: "Jerry, Don't Go." Fortunately, we were wrong.

We failed to foresee what an impact Helsinki would make on public opinion both inside and outside the Communist bloc. In East Germany, several hundred thousand citizens asked for exit visas to rejoin relatives in the West. In Czechoslovakia, several hundred intellectuals, including some formerly prominent liberal Communists, signed the "Charter 77" manifesto urging the government to observe Helsinki's call for civil, political and religious rights. Their stand drew support from dissidents in Poland, Rumania and Yugoslavia.

In the Soviet Union itself, Moscow dissidents founded a "Public Group to Promote Observance of the Helsinki Agreements in the USSR," and branches sprang up in Lithuania, Georgia, Armenia and the Ukraine. These groups have produced more than 20 signed reports, the last two coming after the arrests of nine of their leaders.

Together with some private research groups in the West, these groups have mounted a "Helsinki Watch" independent of official diplomacy. Even the U.S. Commission on Security and Cooperation in Europe, the official joint Legislative-Executive Helsinki monitoring group, started its effective work on the initiative of Congress and in spite of some State Department obstruction. Most of this activity pre-dated and to some extent provoked President Carter's celebrated statements on human rights.

In the last two years, public opinion both East and West has seized on the Helsinki agreement as a vehicle for a universal standard of human rights. The potential of such a standard has scarcely been realized. In the past, Marxist ideology has twisted the meaning out of universal declarations of rights, insisting that the civil liberties we know were bourgeois distractions inapplicable to a workers' state. Now, even among those exposed to 60 years of empirical socialist experience, the Western idea of individual protection against arbitrary state action seems to exert considerable appeal. If such an idea takes root in the Communist bloc countries, as some dissidents think it is doing, the results could profoundly affect their internal life and ultimately East-West relations.

This development should be a long-term strategic goal of the West, and we doubt that it will be furthered by too prudent an approach to Belgrade. Of course, the provision for a follow-up conference has helped give weight to the Helsinki accords, and we wouldn't want to be so obnoxious that we jeopardized this forum. It would be pointless just to exchange polemics, as the Soviets have indicated they are prepared to do. Yet surely there is a middle ground for maneuver. Perhaps, for instance, the Dutch should be given the task of chiding the Soviets for case by case violations, while the U.S. pushes more general points.

The State Department could do worse than accept the advice of the Moscow Helsinki Watch Group's thoughtful "summary report" on Belgrade. This report observes that East-West disputes on human rights will hinge on the scope of loopholes like "state interests," so that the natural follow-up will be to define them precisely. If it violates Soviet state interests for an American reporter to see a scientist's paper on ESP, to take a current example, then maybe the Belgrade meeting should call for a conference to define just what constitutes a state secret.

The ultimate success of Belgrade, however, is not likely to derive from diplomatic maneuvering. The vitality of the Helsinki agreement has come from its resonance with the hopes of an international public. The job of our ambassadors is not to avert some short-term diplomatic inconvenience, but to keep these hopes alive.

A REPORT ON THE NICARAGUAN LOBBY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, last week the House Appropriations Committee voted 22 to 21 to prohibit military aid to Nicaragua because of massive violations of human rights by the Somoza regime there. I was surprised by the intensity of the debate and the closeness of the vote in view of the fact that the State Department was not actively lobbying to restore the aid. In fact, the State Department has stated that it is withholding the 1977 military assistance funds already appropriated because of its concern about the human rights situation in Nicaragua. From the debate in full committee it became clear that a pro-Nicaraguan lobby was at work, apparently involving former Representative William Cramer. I am appending the articles from the Tampa Tribune on this subject.

I want to make clear that members of the Appropriations Committee who opposed my amendment did so on philosophical grounds, as is their right. They simply came to different conclusions on this issue. I, however, am convinced that it is in the U.S. national interest to insure that U.S. arms are not used by a government to repress its own people. Nicaragua is one such example where U.S. arms are being used for repression. There, the Subcommittee on Foreign Operations held extensive hearings and made a clear and convincing case, which resulted in full committee endorsement of the military aid cutoff to Nicaragua.

I also want to state that William Cramer has every right to lobby in favor of military aid for the Nicaraguan Government. The issue at stake here is whether Cramer and an assistant, Raymond Molina, complied with the Foreign Agents Registration Act. That I leave to the Justice Department to investigate. The Tampa Tribune articles follows:

[From the Tampa Tribune, June 16, 1977]

CRAMER NICARAGUA ARMS AID LOBBYIST

(By Jack Nease)

WASHINGTON.—Former Rep. William C. Cramer of St. Petersburg, now general counsel to the Republican National Committee, has been active in behind-the-scenes lobbying to obtain $3 million in military aid to Nicaragua—a country accused by two congressional committees of using its National Guard to beat and torture civilians.

Cramer's Washington law firm registered as a foreign agent for the Nicaraguan government last week and said it expects to be paid $50,000 in fees and expenses for the lobbying effort.

This is in addition to the $57,000 in fees paid the firm within the last three years by the Institute de Formento Nacional, the joint government-private Nicaraguan economic development agency.

There is nothing illegal about Cramer's efforts. He has met all requirements of the Foreign Agents Registration Act of 1938.

Questions are expected to be raised, however, about the propriety of a senior and influential official in the Republican party lobbying on behalf of a foreign government. Cramer's Washington law firm, Cramer, Haber and Becker, is paid $100,000 a year to handle legal affairs for the Republican National Committee and Cramer is frequently active in planning procedure and stategy for the committee.

Because the Justice Department is slow in processing registration statements by foreign agents, Cramer's new contract with the Nicaraguan government did not become public until yesterday—the day after the House Appropriations Committee debated military aid to Nicaragua.

The committee voted, 22 to 21, to prohibit military assistance to Nicaragua and the issue is expected to be hotly debated again next week when the $7 billion foreign aid appropriations bill reaches the House floor.

Two Floridians—Reps. Bill Young, St. Petersburg Republican, and Rep. Bill Chappell, Ocala Democrat—voted to permit military sales to Nicaragua. A third Floridian on the committee, Democrat Robert L. F. Sikes of Crestview, was absent when the vote was taken.

A State Department official had testified before an appropriations subcommittee that the Nicaraguan National Guard, which serves as both its Army and police force, was guilty of brutal treatment to civilians in the country and was being denied further military assistance until the situation improves.

Another congressional panel, a subcommittee of the House International Relations Committee, last year documented instances of torture, rape and inhumane imprisonment by Nicaraguan officers.

The Nicaraguan governemnt has fought back with an expensive public relations campaign, preparing and dissiminating political propaganda from offices in New York and Washintgon. Both are registered as foreign agents and directly describe their efforts as political propaganda.

The country is seeking $2.5 million for military equipment and $600,000 for military training. Latin American officers are trained either in the Panama Canal Zone or bases in this country.

Cramer's lobbying efforts began only recently and he took a back-door approach in describing to the Justice Department his political activities in registering as a foreign agent.

His registration statement said he and his law firm would "render such services as to be determined to be in the best interest of the Government of Nicaragua and relating to earthquake reconstruction."

"The full nature of such services are presently being explored and are not totally determinable," he added.

The registration form also asks: Will the activities on behalf of the foreign principal include political activites?

"Probably 'yes', but as yet not fully determined, but will probably involve economic and military assistance and such agencies involved relating thereto, both U.S. and international," Cramer said in a statement received by the Justice Department June 10.

"I thought it was peculiar that they would need military assistance to help in earthquake reconstruction," said one Justice Department official yesterday.

Much of Managua, Nicaragua, was destroyed by an earthquake in December, 1972.

Cramer's registration statement said fees and expenses expected from Nicaragua from the new contract are expected to be $50,000

beginning June 2, and "approximately 50 per cent would be for expenses."

In the past, Cramer has assigned a portion of his office report to expenses in reporting on money paid him by other lobbying clients.

Rep. Young, who now holds Cramer's former seat in Congress, said Cramer had talked to him twice about military aid to Nicaragua and, "It was my understanding he was contacting all members" of the appropriations committee.

Other committee sources confirmed Cramer had been active in lobbying for the country. And late Tuesday morning, when the issue came before the committee, Cramer entered the crowded committee room and silently watched the proceedings.

Almost all Republicans and many conservative Democrats on the committee voted for military aid to Nicaragua. Their attempt was led by Rep. Elford A. Cederberg of Michigan, ranking Republican on the panel.

Cederberg argued that when this country cut off military aid to Guatemala, that country purchased machine guns from Israel, a major beneficiary of the foreign aid bill.

Opponents of the action, led by Rep. Edward Koch, New York Democrat, quoted a pastoral letter of Nicaraguan Catholic Bishops, read from every church pulpit in the country in January, which accused President Anatasio Somoza of "inhuman and humiliating treatment" of Nicaraguan peasants ranging "from torture to rape to summary execution."

Rep. Clarence Long, Maryland Democrat who heads the panel's foreign aid subcommittee, read from the report of an International Relations subcommittee which described particularly painful forms of torture, including electrical shocks to sex organs.

Young, Long's Republican counterpart, did not take part in the debate. Previously Young had lead unsuccessful efforts to amend the bill on two other questions.

Cramer, 55, was elected to the House in 1954, the first Republican elected from Florida since Reconstruction. He was in the House until 1969, when he ran unsuccessfully for the Senate.

Since then, he has been affiliated with law firms in St. Petersburg, Miami and Washington lobbying for a diverse group of clients. At one time, Cramer, an opponent of anti-poverty programs while in the House, was paid $25,000 a month to lobby for extension of a modified anti-poverty program.

He also was paid almost $52,000 by the Appalachian Organization of Surface Miners to help sustain former President Ford's veto of strip-mining legislation.

[From the Tampa Tribune, June 18, 1977]

U.S. PROBING CRAMER LOBBY DEAL TIMING

(By Jack Nease)

WASHINGTON.—Justice Department attorneys are investigating circumstances surrounding registration as a foreign agent by the Washington law firm of William C. Cramer, general counsel to the Republican National Committee.

The investigation is an attempt to determine, among other things, whether Cramer began lobbying for continued military assistance to Nicaragua more than 10 days prior to registering as a foreign agent for that country.

Cramer, a former congressman from St. Petersburg, denies any violation of the Foreign Agents Registration Act of 1938. The law requires a person to register with the attorney general within 10 days of becoming an agent of a foreign government.

Cramer said he registered as a foreign agent with the Justice Department on June 10. He said his activity on Capitol Hill in behalf of Nicaragua in May, going back until at least May 19, was "as legal counsel, adviser and consultant" to The American-Nicaraguan Council, a lobby group that lists the same address and room number as Cramer's Washington law firm.

Neither Cramer nor his law firm have registered with Congress as lobbyists for Nicaragua. Cramer says he doesn't have to because, although he has talked to members of Congress about military assistance for Nicaragua, he has not asked them to vote for or against any particular measure.

"I was a consultant," Cramer said of his talks with Republican members of the House Appropriations Committee. "I talked about strategy."

Earlier this week the committee voted, 22 to 21, to prohibit military assistance to Nicaragua in this year's $7 billion foreign aid bill. The country has been accused by two congressional committees of using its National Guard, which serves as both army and police force, to torture, beat and inhumanly imprison civilians.

Sixteen Republicans and five Democrats voted to continue military aid to Nicaragua. Twenty one Democrats and one Republican voted against continued military assistance, estimated at about $3 million.

The action does not affect another $15 million in economic development funds included in the bill for Nicaragua.

In registering with the Justice Department as a foreign agent for Nicaragua, Cramer's Washington law firm said it expected to be paid about $50,000 by the Nicaraguan government beginning June 2.

This is in addition to the $57,000 in fees paid the firm and its partners during the last three years by the Institute de Formento Nactional, the Nicaraguan economic development agency financed jointly by the government and private industry.

The law firm, Cramer, Haber and Becker, is paid another $100,000 a year to handle legal work for the Republican National Committee. Cramer, a unsuccessful candidate for the Senate seven years ago, is general counsel to the committee and frequently advises party officials on policy and strategy.

The Justice Department investigation began, it has been learned, in response to a complaint by Rep. Edward Koch, New York Democrat, and has since been expanded.

At least one Justice Department attorney has been interviewing members of Congress and their aides in an attempt to learn whether efforts by Cramer and others have changed the votes of any committee members.

In separate interviews, at least three Democrats who voted with the Republicans, including Rep. Bill Chappell Jr. of Ocala, said Cramer had not talked with them and that they would have voted for Nicaragua anyway.

But Cramer freely acknowledged talking to Republicans about the issue. He said he talked to Rep. Elford Cederberg, Michigan Republican "with regard to strategy" on the question.

Cederberg, ranking Republican on the appropriations committee, offered during Tuesday's meeting the almost-successful motion that would have restored Nicaraguan military aid. The issue is scheduled to come to the House floor Wednesday.

A key issue in the Justice Department investigation is what lobbying on behalf of Nicaragua took place before and during a May 19 meeting of the House Appropriations subcommittee on foreign operations.

It was at that meeting that the subcommittee, 5 to 4, voted to prohibit military aid to Nicaragua.

Cramer, interviewed late Thursday evening in the parking lot in front of the Capitol, said he attended the meeting "as a consultant to these people—not as a lobbyist."

By "these people", Cramer said he referred to the American-Nicaraguan Council.

"When we were retained to work with the government of Nicaragua, we registered (as a foreign agent)," Cramer said of his law firm.

A Capitol Hill policeman said Cramer is allowed to park in the Capitol parking lot "as a courtesy to former members."

In another interview yesterday, Cramer added a few details.

"We got a check June 2 but it hasn't cleared yet," he said of the Nicaraguan government's payment to his firm.

He made a distinction between visiting members of the subcommittee and lobbying them.

"I did not contact any member of the subcommittee," said Cramer. "Ray Molina did contact Bill Young. Subsequently Molina and I visited Bill Young, acting as a consultant, not as a lobbyist. I was a consultant. I talked about strategy."

Rep. Young, St. Petersburg Republican, is ranking minority member of the foreign operations subcommittee.

Molina, a Miami resident, is one of the names listed on a lobby registration statement filed by The American-Nicaraguan Council with the House Clerk's office June 3. The organization said it was formerly known as Citizens For The Truth About Nicaragua and listed as its address 475 L'Enfant Plaza S.W., Suite 4100, the address of Cramer's law firm.

Cramer, Haber and Becker were listed as legal counsel for the lobbying group.

The lobby group listed no employer and said it could not estimate its anticipated expenditures because they would be "based upon contributions received by the committee."

In a place on the lobby registration form where an organization is asked to state its legislative interests, the group said: "Any legislative activity that is determined by this committee, which is composed of U.S. citizens, to be unfair and inequitable based upon the facts."

Molina signed the statement.

"Information was delivered by the organization to the subcommittee," Cramer said. But he said he did not consider himself a lobbyist on the issue then "because no one was asked to vote yea, nay or otherwise.

Cramer said Cederberg set Republican policy on the Nicaraguan question by attending the subcommittee hearing and saying he did not think the appropriations bill should single out any country by name. The Carter administration has asked for maximum flexibility in dealing with foreign countries.

Cederberg is not a member of the subcommittee, but Cramer said he is allowed to attend meetings of all subcommittees and vote because of his chairmanship of another subcommittee.

There is no official tabulation of the subcommittee vote, but Koch's staff does not list Cederberg as voting.

Voting against continued military aid for Nicaragua were Reps. Clarence Long of Maryland, subcommittee chairman; Yvonne B. Burke, California; David Obey of Wisconsin; Edward Roybal of California; and Koch. All are Democrats.

Voting for continued aid were Charles Wilson of Texas; Silvio Conte of Massachusetts, Virginia Smith of Nebraska, and Young of Florida. All except Wilson are Republicans.

Wilson, who lead the argument in favor of continued military assistance to Nicaragua and reserved the right to offer an amendment on the subject on the House floor, said he was interested in the issue by Rep. John Murphy, who attended West Point with Nicaraguan President Somoza.

Wilson said he thought the Nicaraguan Catholic priests who persuaded Koch to make an issue of the military aid were radicals.

Koch is an announced candidate for mayor of New York City.

[From the Tampa Tribune-Times, June 19, 1977]

NICARAGUA FIGHTING POSSIBLE LOSS OF AID

(By Jack Nease)

WASHINGTON—Sixteen years ago, no country in the world could claim closer ties to the United States than the Central American nation of Nicaragua.

It was major training site and launching area for the ill-fated Bay of Pigs invasion in 1961. It maintained a close relationship with the Central Intelligence Agency and the United States military.

Now, because of allegations by Nicaraguan Catholic priests of torture and repressive tactics by the Somoza regime, the country is in danger of losing all U.S. military aid. The issue is expected to come before the House of Representatives this week and a close vote is expected.

President Anastasio Somoza is fighting back with an expensive public relations and lobbying campaign. During the last six months of last year he paid a New York public relations firm, MacKenzie McCheyne, Inc., $78,332 in fees and expenses for efforts to enhance the country's image.

The company is owned by Ian R. MacKenzie, a citizen of Argentina. It does business as the Nicaragua Government Information Service.

Until May of this year, the information service paid a woman with offices in the National Press Building in Washington $2,000 a month to write magazine and newspaper articles, press releases, letters and telegrams on behalf of the government.

In June, Nicaragua retained the Washington law firm of William C. Cramer, general counsel to the Republican National Committee, to lobby for—among other things—$3.1 million in continued military aid for the country. The Cramer firm registered as a foreign agent for Nicaragua June 10.

Seven days earlier, on June 3, a front-group called the American-Nicaraguan Council registered with the Clerk of the House of Representatives as a lobby organization.

It listed Cramer's law offices as its address and the Cramer firm as its legal counsel. It also listed, without title, the name of Raymond Molina as someone connected with the organization.

Molina, a resident of Miami, is vice president of Petersen Enterprises Inc. He testified April 5 before the House Appropriations subcommittee on defense of Nicaragua.

A veteran of the Bay of Pigs invasion, Molina is a United States citizen. He is not registered as a foreign agent. He told the committee his company had once held a $2.5 million contract with the government of Nicaragua but did not have one at the time of his testimony.

The Justice Department, at the request of Rep. Edward Koch, New York Democrat, is investigating whether Cramer and Molina complied with provisions of the Foreign Agents Registration Act of 1938. The law requires that a person or firm file with the attorney general within 10 days of becoming agent of a foreign government.

Both Molina and Cramer visited various congressional offices in May. Cramer said he was acting as a consultant and legal adviser at the time—not as a lobbyist or foreign agent.

A key point in the investigation is when Molina or Cramer talked with two Republicans, Rep. Elford Cederberg of Michigan, ranking minority member of the House Appropriations Committee, and the Rep. Bill Young of St. Petersburg, ranking minority member on the foreign operations subcommittee.

As of late Friday evening, it appeared that neither Cederberg—who offered a pro-Nicaraguan amendment that came within one vote of passing—nor Young had been interviewed by Justice Department officials. Several other congressmen and their aides had been questioned.

Young replaced Cramer in Congress, and at one time the two men were politically very close. They were part of the so-called ICY political machine in Pinellas County, named for the initials of Cramer aide Jack Insco, Cramer and Young.

But in recent years Young has tried to dissociate himself from political structures of the past and there has been relatively little contact between Young and Cramer. Young has said he first became aware of Cramer's interest in the Nicaraguan question May 19.

It was on that date that the subcommittee voted 5 to 4 to ban Nicaragua from receiving any military assistance from funds in the $7 billion foreign aid bill. Young, two other Republicans and a Democrat were on the losing side of that vote.

Rep. Clarence Long, Maryland Democrat who heads the subcommittee, helped sustain the prohibition in the full committee by citing excerpts from the record of a hearing of an international Relations subcommittee held last year.

The record was crammed with allegations of torture, rape, inhuman imprisonments and other brutality by the Nicaraguan National Guard. The National Guard in that country serves as both army and police force and would receive any military assistance included in the foreign aid bill for Nicaragua.

The country is seeking $600,000 for military training and $250,000 in a direct military arms appropriation. Since the arms appropriation can be used as a 10 per cent down payment on weapons, this amounts to $2.5 million in arms aid.

A separate $15 million in economic assistance to Nicaragua is not affected by the prohibition on military aid.

The dramatic fall of Nicaragua from favored friend to besieged and threatened regime is illustrated in records on file with the Justice Department and hearings held by House subcommittees.

Start with the foreign agent's registration of Frank M. Berry, a former U.S. Secret Service agent assigned to the White House for ten years. He registered as an agent for Nicaragua in January 1957, and continued to work for the country until his death in October, 1973.

For most of those years he was a $2,500-a-month body guard and security agent for the Somoza family. By the end of his registration his salary apparently had been cut to $1,500 a month.

In 1963 Berry reported traveling with Somoza in the three previous years to military installations in the United States and to New York City, Miami, Houston and Washington, D.C., "where he either visited his family, consulted his bankers or as in the case of Washington consulted with both members of the United States military or the CIA."

(At that time the president of Nicaragua was Luis Somoza, son of the first Anastasio Somoza, who ruled Nicaragua for 20 years beginning in 1937. In 1967 Luis younger brother, named Anastasio after his father, became president and remains ruler of that country.)

Almost 10 years later, Berry the Somoza body guard, reported that on Dec. 23, 1972, "almost the entire City of Managua was destroyed by an earthquake. Hotel Inter-Continental where I reside was partially destroyed but hopefully will soon be repaired."

The earthquake and efforts by both Nicaragua and the U.S. Embassy in that country to aid Nicaragua citizens resulted in an expensive public relations campaign by the government.

Warren Weil Public Relations of New York City registered as a foreign agent for Nicaragua to publicize reconstruction efforts. "By revealing reconstruction plans and progress, it is believed that such information will contribute to a more positive image of Nicaragua in the United States," Andrew Weil wrote to the Justice Department.

Weil worked for an outfit named Sullivan Sarria & Associates, which has offices in Fort Lauderdale and New York. Until mid-1976, it did business as the Nicaragua Government Information Service and for the first six months of that year reported receiving $206,120 in fees, mostly from the government of Nicaragua.

Among its activities, it reported helping arrange news interviews with the Associated Press and United Press International when President Somoza visited New York and giving information to the Washington Star about "Nicaragua's assistance to Guatemala following February (1976) earthquake."

A contract between Warren Weil Public Relations and Sullivan Sarrias said Weil was to find opportunities for Ivan Osorio, vice minister of planning for Nicaragua, to talk and write about the earthquake reconstruction program.

"The purpose of this exposure for the Managua program would be to demonstrate the professionalism of the Nicaraguans as well as their progress in reconstruction," said the contract.

It could not be determined if this propaganda effort was paid for with money sent Nicaragua for earthquake relief.

Until the middle of last year, Ian R. MacKenzie, a citizen of Argentina living in New York City, worked for Sullivan Sarria & Associates. But on July 1, he took over the whole contract and started doing business as the Nicaraguan Government Information Service.

He said he would be paid $3,000 a month for his services. His report for the year reflects these payments, but expenses paid him for entertainment, travel and other items pushed the total paid him by the Nicaraguan Government to $78,332. He has not filed any reports with the Justice Department this year.

Also filing as an agent for Nicaragua and the Nicaraguan Government Information Service for the last half of 1976 was Joan Worden, doing business as Worden and Co. on the seventh floor of the National Press Building in Washington.

She reported being paid $2,000 a month in fees and $4,574 in expenses through February, 1977. She told the Justice Department she resigned as a representative of the Nicaraguan Government Information Service in May of this year.

Cramer, a former U.S. representative from St. Petersburg, said in a foreign agent's registration form filed June 10 that his law firm expected to be paid $50,000 for its services on behalf of Nicaragua.

Within the past three years Cramer and his law partners have received another $57,000 in fees from the Institute de Formento Nacional, an economic development agency financed jointly by private industry and the Nicaraguan Government.

His Washington law firm, Cramer, Haber and Becker, is paid $100,000 a year to do legal work for the Republican National Committee. Cramer is general counsel to the committee and frequently advises party officials on policy and strategy.

H.R. 5796, LEGISLATION DENYING FOREIGN TAX CREDIT FOR TAX PAID OR ACCRUED TO REPUBLIC OF SOUTH AFRICA

The SPEAKER. Under a previous order of the House, the gentleman from

New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, on March 30, I introduced H.R. 5796, a bill to deny the foreign tax credit for any tax paid or accrued to the Republic of South Africa. I believe that this legislation is of major importance and, therefore, I would like to take a few minutes to share with you the highlights of this proposal and the reasons why I felt that it was necessary to introduce such legislation.

The United States for too long has neglected the continent of Africa. We only recently passed a bill to repeal the Byrd amendment which was in direct violation of the United Nations' sanctions imposed upon trade with Rhodesia. At the end of last year, the United States vetoed a move to permit Angola to join the United Nations, even after we had stated through the then Secretary of State that we were going to develop a more forward-looking foreign policy with respect to this continent. In short, then, our Government has not had the most favorable record with Africa and given this new administration's stated desire to improve relations in Africa, I thought that an important first step should be taken with regards to the abhorrent regime in South Africa and our relationship with that nation.

The apartheid regime in South Africa is most assuredly the most basic illustration of how individuals can have their human rights violated. I am certain that my colleagues in this body do not need to have the appalling story retold of how bloodshed and chaos is now the order of the day in many tiny villages throughout that nation as a result of the intransigence on the part of the white minority government. Now it appears that the black majority is unwilling to wait until negotiations are successful and produce the end result desired. Open warfare will now be the order of the day, for the black majority will not allow the white minority to deny them basic rights any longer.

In order to perhaps hold off the violence as long as possible, I propose that this nation deny to our foreign corporations doing business in South Africa the foreign tax credit. The tax credit provides a dollar-for-dollar offset of the foreign tax against the U.S. tax. The drafters of this proposal thought that the nation in which our corporations are doing business have a primary right to tax the income which is derived from that association, with the home country maintaining the right to tax that income provided a double taxation does not occur. Now I say that given the political climate in South Africa, we in the Congress must make it clear that we will not encourage corporations to do any further business with this nation, and that if they do they will be penalized for such action. Many of my colleagues might question what benefits could be derived from the Congress taking such action.

First, it would be a clear signal to the regime in South Africa that the United States does not intend to support in any manner their abhorrent activities in that nation. Apparently this point is necessary for us to keep emphasizing in light of South Africa's failure to negotiate in good faith with the various black factions at the bargaining table.

Second, and perhaps most important has to do with economics and South Africa's dependence upon our Nation as a viable trading partner. The United States conducts 25 percent of the total amount of trade it transacts on the continent with the Government of South Africa. In line with this is the fact that over 300 of our most prestigious corporations are operating in South Africa. Clearly it would seem to me that if the Congress were to deny the foreign tax credit, many of these businesses would not find it profitable to trade any longer with the regime in South Africa and thus we would see a decline in the heretofore prosperous economy of South Africa. It is my thesis that rather than have their economy suffer, the leaders in South Africa would soon begin to negotiate with the black leaders in an effort to win back American trade.

America must begin to reflect the ideals upon which our Republic was founded. This legislation affords us that opportunity with respect to our relations with the nation of South Africa. I would hope that my colleagues would carefully study my legislation in the hope that we might at least be able to conduct hearings on this matter to ascertain the sentiments of the Congress and help the President as he seeks to conduct a progressive foreign policy.

REMARKS BY LINDY BOGGS ON INTRODUCTION OF THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 15 minutes.

Mrs. BOGGS. Mr. Speaker, I rise today to request the support of my colleagues for the Domestic Violence Prevention and Treatment Act of 1977, which I am cosponsoring today with my distinguished colleague, Representative NEWTON STEERS.

Three months ago Representative STEERS and I cohosted a luncheon here in the Capitol for two women who have been working with victims of domestic violence, Dr. Veronica Maz, of the House of Ruth of Washington, and Mrs. Erin Pizzey, of London, England.

The luncheon came at a time when the public and the Congress were becoming increasingly aware of how widespread and serious is the problem of spouse assault. At the luncheon the participants had the opportunity to hear firsthand about the experiences of battered women and those in the system who try to help them, and much profitable dialogue was exchanged. Since then Representative STEERS and I have been discussing and studying a variety of approaches for legislation and today we are cosponsoring the Domestic Violence Prevention and Treatment Act of 1977.

Our study of the small amount of statistics available indicates there is still a serious lack of reliable information on the incidence and nature of domestic violence, but the evidence does indicate possible relationships between spouse assault and other family problems, including child abuse, drug and alcohol abuse, unemployment, pregnancy, and divorce.

Our bill directs HEW to establish through the National Institute of Mental Health—NIMH—a demonstration grant program to support local groups—both public and private nonprofit—in community efforts to develop means of preventing and treating domestic violence. Through these demonstration projects, community groups could test out a variety of approaches to various aspects of spouse assault, including but not limited to emergency shelters, counseling, job training, hot lines, self-help programs, training of volunteers and professionals, and coordinating existing community resources and programs which have an impact on family violence. The bill focuses on direct demonstration grants so that most funds will be used to support direct assistance to battered spouses, while at the same time providing valuable information about prevention and treatment strategies which will be helpful to other communities around the country.

Because there continues to be a significant lack of reliable data about spouse assault, the bill also directs NIMH to continue its efforts to conduct research in this important area. Currently the child and family mental health section of NIMH has been conducting some incidence studies, but further research in this area is sorely needed. However, the research component of the bill does not overshadow the measure's main aim, the support of services to families at the community level, because the bill mandates that 60 percent or more of all funds allocated must be put toward the demonstration projects.

Another important function authorized in the bill is a clearinghouse on domestic violence to be operated through NIMH. The clearinghouse is charged with collecting available information about domestic violence and possible sources of help, so that it can be readily available to community groups who call on NIMH for advice and assistance. Through the clearinghouse the information generated by the demonstration projects will become available to groups working on spouse assault throughout the country.

Usually the first public agency which deals with family violence is the police, who are called to the scene when the violence escalates to the point of grievous bodily harm or when it disturbs the neighbors. For a wide variety of reasons the legal system remains ill-equipped to properly handle domestic violence. Therefore, this bill requires NIMH to initiate, in cooperation with such Federal agencies as LEAA, a comprehensive study of State laws, practices, and policies which relate to domestic violence. Upon completion of the study a report will be made to the President and the Congress, including recommendations for possible changes in the criminal and civil justice systems of the States.

Domestic violence is not a narrow problem in isolation from the rest of society; on the contrary, spouse assault is related to a variety of issues already being addressed by many Federal programs, including child abuse, law enforcement, drug and alcohol abuse, community mental health, unemployment compensation and job training and countless others. Consequently it is especially necessary that this interdisciplinary problem of family violence be addressed in coordination with other Federal efforts. Our legislation mandates strong coordination between NIMH and related agencies, including but not limited to LEAA, CSA, ACTION, CETA, Child Abuse, and others working on issues related to family violence. The bill also requires systematic review of the effectiveness of the demonstration projects to insure that the goals of the act are accomplished.

Like rape and child abuse, domestic violence has been a hidden problem—hidden because the victim is often unable or embarrassed to ask for help. Spouse assault is a widespread and serious problem, not confined to the homes of the poor or the alcoholic, as many believe. Spouses are abused in affluent suburban homes as well as in the ghettos. A surprising finding to many is evidence found by the NIMH incidence studies that many husbands are assaulted frequently and severely by their wives. In fact, in the category of assaults resulting in death, men are the victims almost as frequently as are women.

We must face reality and provide help for the families caught in the violent cycle of spouse assault. I am hopeful that our bill and the discussion which it will produce will help everyone understand the enormity of the problem and will act as a catalyst to bring together the various programs, organizations, and laws that can be helpful in offering early relief and long-range solutions.

Mr. STEERS. Mr. Speaker, today, after nearly 6 months of investigation and research, my distinguished colleague, Congresswoman LINDY BOGGS and I are introducing the Domestic Violence Prevention and Treatment Act of 1977. The term "domestic violence" refers to acts of serious physical aggression between family members, primarily that between spouses. Senators EDWARD KENNEDY and WENDELL ANDERSON are introducing an identical version in the Senate today.

Recent studies have shown a greater recognition and prevalence of violence within the family. A March 1977 University of New Hampshire study reveals that relatives are the largest single category of murder victims.

According to one London study, domestic disputes account for 30 percent of homicides there. In California, almost one-third of all female homicide victims in 1971 were murdered by their husbands. The Boston City Hospital reports that about 70 percent of all the assault victims received in its emergency room were spouses who have been attacked in their homes, usually by their spouse or lover.

I have become involved in this issue, because it has become apparent to me that its widespread and alarming occurrence on all socioeconomic levels is not sufficiently understood by society. As domestic violence is increasingly recognized as a treatable social problem, its victims seem to come forward in increasing numbers. Yet, small local groups have been left to tackle the problem, largely unaided by local, State, and Federal authorities. I believe it is time we face reality and provide help for the families caught in the violent cycle of spouse assault. The fact is that battered men and women do not "enjoy" perpetuating or submitting to physical brutality, any more than children "enjoy" being hurt, any more than rape victims "enjoy" being assaulted.

This is why Mrs. BOGGS and I are introducing legislation which is designed to establish within the National Institute of Mental Health a grant program to support demonstration projects to identify, prevent, and treat domestic violence at the grassroots level, to provide for family counseling and support and for emergency shelter in order to protect victims of such violence. The measure also provides for a study of the effectiveness of existing laws and programs at all levels relating to domestic violence, as well as for review and coordination of ongoing Federal, State, and local efforts designed to identify, prevent, and treat the problem. NIMH is also authorized to continue and expand its research efforts in this area.

In my own district of neighboring Montgomery County, our county council has found it necessary to provide funds for an emergency shelter to provide protection and supportive services for spouse assault victims. Further, our police department has agreed to report on the nature of domestic violence calls so that we may more accurately identify the extent of the problem.

In January, when one of my aides who is affiliated with the District of Columbia local emergency shelter, the House of Ruth, brought up the issue of spouse battering, I decided to look into the problem. Unfortunately, my study was abruptly thwarted by a dearth of reliable information on the subject. It was then that I initiated a questionnaire to all known emergency shelters dealing with spouse assault victims to determine the nature and extent of the problem. I also wrote to every Governor seeking information about existing administrative and legislative solutions to treating the domestic violence on the State and local levels.

It soon became evident that there was a great deal of activity directed at treating the problem by local shelters with little or no effective coordination of those activities with law enforcement officials, neighboring hospitals, mental health clinics, et cetera. A small number of States—13—reported legislation primarily concerned with treating victims vis-a-vis aiding or establishing emergency shelters and the establishment of incidence vis-a-vis mandatory reporting by law enforcement officials on the specific nature of domestic violence calls.

It was at this time that Congresswoman BOGGS, who is a member of the board of directors of the House of Ruth, and I decided to sponsor a luncheon—symposium on the subject. The luncheon speakers, legal experts on domestic violence and the law, authors on spousal abuse and directors of emergency shelters, all confirmed the wide incidence of battering, the human tragedies which flow from it, the lack of adequate facilities to treat the problem, the failure of State and local statutes to provide adequate protection of its victims, and most importantly, the failure of society as a whole to recognize the severity of the problem.

Shortly thereafter, my staff along with staffers from the office of Congresswoman BOGGS and Senator ANDERSON, initiated a series of meetings with various Federal agencies to discuss existing family abuse programs. From these meetings, it became apparent that no one agency under existing mandates could effectively spearhead a comprehensive approach to identify, prevent, and treat the problems of battered spouses on the Federal, State, and local level. This is why I am joining with Congresswoman BOGGS and Senators KENNEDY and ANDERSON to introduce this legislation.

Our bill provides for what we believe to be a comprehensive and reasonable approach designed primarily to help provide direct supportive services at the grassroots level while simultaneously encouraging systematic study of methods to identify, treat, and prevent family violence. This first section of the bill, for which not less than 60 percent of its appropriated funds must be spent, provides for demonstration grants designed to provide for family rehabilitation and support, emergency shelter to house victims, and training of both professionals and volunteers who are primarily engaged in areas directly related to domestic violence.

Not less than 5 percent of the funds appropriated must be used to provide technical assistance to any private or nonprofit organization which applies for a demonstration grant and lacks the resources and expertise necessary to develop and transmit an application without such assistance.

Second, the measure provides for a national information clearinghouse and resource center to serve as a focal point through which all information related to domestic violence can be collected, analyzed, and usefully disseminated.

The third major provision of the bill directs the Secretary to coordinate an "effectiveness" study of State and local laws dealing with domestic violence and directs NIMH to make recommendations to Congress pursuant to the findings of that study.

Finally, the measure provides for appropriate coordination of existing abuse programs on the Federal level and review by the Director of the effectiveness of demonstration projects carried out under the act.

I am hopeful that this legislation will provide a forum to bring this problem out in the open—as has been done in my district—and provide a cordinated Federal effort to help its tragic victims.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order today of the gentlewoman from Louisiana (Mrs. BOGGS).

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INTERLOCKING DIRECTORATES AND THE FTC

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the enclosed article by Arthur H. Courshon, chairman of the board of Washington Federal Savings and Loan Association of Miami Beach, Fla., former president of the National League of Insured Savings, chairman of the executive committee of the National League of Insured Savings, and a leader in the savings and loan industry, appearing as the lead article in the May National Savings and Loan Journal, would, I thought, be of particular interest to the committees having jurisdiction of matters affecting savings and loan associations and commercial banks and to all those Members who have any kind of an interest in either banks or savings and loan associations. Mr. Speaker, I am including Mr. Courshon's excellent article in the RECORD immediately following my remarks:

INTERLOCKING DIRECTORATES AND THE FTC

(By Arthur H. Courshon)

(A Federal Trade Commission administrative law judge recently ruled that Perpetual Federal Savings and Loan Association, Washington, D.C., must remove seven directors either from its board, or from the boards of three of the largest commercial banks in the District of Columbia.

(In a 50-page opinion, the judge stated that even though banks are exempt from Section 5 of the FTC Act, and S&Ls are subject to similar Federal Home Loan Bank Board conflict of interest regulations pertaining to interlocks, the FTC nevertheless has the authority and jurisdiction to take action against a savings and loan. Perpetual has filed an appeal. Earlier this year the National Savings and Loan League filed an amicus brief in support of both the Perpetual case and the Courshon lawsuit which is discussed below.)

The Federal Trade Commission, which has been seeking to acquire what many consider to be a legally questionable regulatory posture over the nation's savings and loan associations, changed its position in a recent federal court action in Washington, D.C.

The action was brought against the FTC by Washington Federal Savings and Loan Association, Miami Beach, Fla., and this writer has attempted to establish that the FTC's statement of policy regarding interlocking directorates between S&Ls and commercial banks was illegal, in that it was an attempt to coerce savings and loan directors into resigning from bank directorships before the substantive legal questions regarding interlocks were answered.

While the lawsuit was dismissed by the District Court Judge in the District of Columbia, it was done so only after the FTC admitted in open court that, indeed, its Statement of Policy had no legal basis whatsoever, thus leaving no legal question for the court to decide.

The policy statement involved was issued last August, and said in effect that beginning January 1, 1977, the FTC would begin to take actions against individual directors involved in interlocks. It published the policy statement without seeking public comment and during a time when it already had an action outstanding against Perpetual Federal, a Washington, D.C., savings and loan association, on the question of interlocks with commercial banks.

The policy statement appeared to suggest that even though the outstanding action was still months if not years away from resolution, that the FTC would begin wholesale actions after January 1 to eliminate all interlocking directorates between banks and savings and loan associations.

The statement, in fact, did force resignation of S&L directors throughout the country either from bank boards or savings and loan boards—even though the legal questions surrounding interlocking directorates have yet to be decided. And the FTC, as a result of the lawsuit, conceded such interlocks are not illegal, or per se, against the public interest.

The lawsuit sought to bring out the fact that the policy statement intended to coerce director resignations illegally.

CLARIFICATION SOUGHT

Prior to bringing the action, this writer and others sought clarification—without success—from the FTC of its policy statement. Although a number of attempts were made to contact the FTC to ask the Commission to withdraw the statement until the outstanding case was completed, the FTC failed to even acknowledge these requests.

Indeed the Commission gave its answer only one day prior to the opening of the court proceeding that led to the FTC's admissions that the statement could not be relied upon by the FTC to force directors to resign.

Yet the policy statement was widely construed throughout the savings and loan industry that directors of S&Ls, who also were directors of banks, should resign one position or the other before January 1, or face the imminent threat of an action by the FTC against them as individuals.

Many directors resigned because of this threat—which the FTC did nothing to dispel until the lawsuit was brought against it.

Happily, as a direct result of that lawsuit many directors didn't resign. The suit brought out the fact that the interlock issue is far from resolved, and showed that not only is the FTC still adjudicating the matter, but that Congress is also looking into it.

ORAL ARGUMENTS

The FTC admitted during its oral arguments against the motion for a preliminary injunction toward the policy statement not only that the statement was not intended to coerce directors into resigning by January 1, but that some interlocks may well be legal.

Judge William E. Bryant, who presided in the case, noted this point in his memorandum and order in the lawsuit. He said, "the Commission has expressed its belief that interlocks of this nature may be illegal in some circumstances but legal in others."

As such, the judge said, "the court concludes it is most sensible to permit the adjudicatory process to run its course . . ." The adjudicatory process, of course, is the already pending action brought by the FTC against Perpetual Federal.

The judge's order in the case indicated how far the FTC had backed away from its previously seeming intransigence on this issue. Judge Bryant stated, "The issues this court must consider are . . . most unusual. For plaintiffs ask the court to enjoin the Commission from relying on or enforcing a statement of policy which the Commission concedes is without any legal effect whatsoever and which, therefore, the Commission lacks the power to enforce."

He added that "the Commission cannot in any legal sense 'rely on' the statement either in Perpetual or in any other adjudicatory proceeding."

CONTROVERSY DISPELLED

Indeed, the controversy surrounding the policy statement, as widely interpeted by the savings and loan industry and not previously clarified by the FTC, was dispelled by the court action.

Judge Bryant stated it this way: "In view of the Commission's concessions that the policy statement is not a rule and that plaintiffs are under no present obligation to resign from either of their directorships, no . . . controversy exists . . . "

It was in its brief filed in the lawsuit that this first became plain. The FTC said, in fact, that "the Commission would readily agree to a specific finding by this Court that the Statement of Policy expressed no determination that bank/savings and loan association interlocks are unlawful, and established no such standard."

Separately, the FTC brief said that "If such a standard is ever established, it will be through adjudicative proceedings such as Perpetual." The brief stated that ". . . the Commission intends to establish its policy with respect to bank/savings and loan association interlocks through adjudication."

The brief further brought out the fact that the statement of policy was not a regulatory determination.

Despite these disclaimers, which the FTC was forced to make because of the courtroom proceeding, it—or its staff—was content to allow the "misunderstanding" among thousands of savings and loan and bank directors to continue.

The writer contends that the FTC knew full-well how the policy statement was being interpreted, and chose not to clear that up—until it was forced to do so by this lawsuit.

Judge Bryant's decision in this case was of course the correct one. The policy statement doesn't have any legal effect—and never did.

Unfortunately, numerous directorships were ended—perhaps unnecessarily and under issues—because the FTC chose not to respond fully to informal queries.

This should represent a major lesson to financial institutions to keep a vigilant eye on this kind of agency bootstrapping operation—where the thrust of its actions is that blind compliance is necessary to avoid breaking the law, when the action taken by the agency may not be the law at all.

A LOVER'S QUARREL WITH THE WORLD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the distinguished pastor of the First United Methodist Church of Coral Gables, Fla., of which my wife is a member is Dr. Walter N. Kalaf. Dr. Kalaf is a very learned minister, deeply dedicated to his work, and a pastor who gives great spiritual leadership to his congregation. I go with my wife to services at the First United Methodist Church and always immensely enjoy the able and inspiring sermons preached by Dr. Kalaf. All of his sermons are of the highest excellence but I was particularly impressed by his ser-

mon on June 5, 1977, and I told him that it was so inspiring to me that I wished him to send it to me and let me have the privilege of putting it in the CONGRESSIONAL RECORD for the edification and inspiration of all the Members who read this RECORD. I used some of the thoughts in this sermon in a recent commencement address I delivered at Florida State University, which I deemed very appropriate to that occasion. Hence, Mr. Speaker, I insert the sermon of Dr. Kalaf at this point in the RECORD following my remarks:

A LOVER'S QUARREL WITH THE WORLD

(A Baccalaureate sermon in honor of the high school class of 1977 by Walter N. Kalaf (preached Sunday, June 5, 1977, First United Methodist Church, Coral Gables, Fla.)).

Scripture: Romans 12:9-21.

Text: Romans 12:21 "Do not be overcome by evil, but overcome evil with good."

Robert Frost, like many a poet before him, wrote his own epitaph:

I would have written of me on my stone:
I had a lover's quarrel with the world.

Unless something like this could be written about your life when it has completed its earthly span, it will not have been the life of worthy achievement and wholesome fulfillment it ought to be. With this in mind, let's think together for a few minutes about some rather straightforward advice given to an embattled group many centuries ago. "Do not be overcome by evil, but overcome evil with good." These words of the Apostle Paul's are good counsel not only for Christians. They reflect a valid insight about life itself, the inevitable battles it will encounter if it strives for goodness, and the conditions which will determine whether those battles will be won or lost. Anyone who takes this advice seriously will, of necessity, find himself perpetually engaged in a quarrel with the world.

And it had better be a lover's quarrel, and not merely a quarrel. For real life is neither blind to what is unworthy in its object, nor is its affection diminished by what it sees. When lovers quarrel, therefore, their quarrel is conducted within the bounds of loyalty, and its aim is always reconciliation on a higher level.

Consider, then, your relationship to the world which must have both your loyalty and your censure if you are to be faithful to the challenge, "Do not be overcome by evil, but overcome evil with good."

I. Is it not true that we are inevitably overcome by evil when we love the world uncritically?

There is a delightful story of two little boys of this space age. They were playing together in what some of us would have called a tree house, but which they called their "space platform." All around them and on them were the props and paraphernalia which made them, by imagination's magic, adventurers in outer space. Down below their mother called out, "Dinner is ready." And one of the boys said to the other, "I think earth is calling."

How insistently the world calls us, coaxing us to come down to a lower level of living. How subtly it teases us with the suggestion that our idealism is impractical, our moral standards are unrealistic, our impulses to self-giving and generosity are unnatural. So it is that one of life's greatest tragedies repeats itself in every generation—the waning of idealism, the dilution of commitment, the compromise of lofty standards and convictions as we move from youth to maturity.

How rare is the person whose character becomes finer and whose spirit grows more luminous as his material and social success advances. Earth is always calling, and when we love it uncritically, how easy it is to be overcome by evil.

C. S Lewis once observed that we think we are finding our place in the world when in reality the world is finding its place in us. He was talking about "worldliness," that quaint, old-fashioned word we don't hear very much anymore. Perhaps the reason we don't use the word today is that the fact it describes is so common to us all, and people rarely condemn, or are even aware of, the sins of which they themselves are guilty.

To be sure, the world deserves to be loved. God made it, and he put us in it to discover its secrets, enjoy its beauties, and develop its potentialities. There is no world-despising emphasis in the mainstream of the Hebrew-Christian tradition. But God help us when we love the world uncritically—when we have no quarrel with those things in it which weaken our character and thwart the life of the spirit.

Leslie Stephen said about his father: "He once smoked a cigar and found it so delicious that he never smoked again." We can laugh at that seemingly incredible suspicion of pleasure which characterized the devout of a bygone era. But look around today at the vice we tolerate, the filth we condone and encourage by our patronage at the box office and newsstand, the casual attitude toward sex which is undermining the institution of the family—all in the name and for the sake of pleasure—and ask yourself honestly if what you see can be labeled progress over that so called stuffy era when pleasure was inclined to be suspect as dangerous to the life of the spirit?

God help us when we love the world so uncritically that we have no quarrel with those things in it which cause human beings unjust hardship and undeserved misery. "My God," exclaimed General Bramwell Booth of the Salvation Army as he worked in the slums of the East End of London, "how I detest the enemy which has wrought this havoc." Is anything like his moral indignation in your heart when you see the slums of our city, or when you hear of demonic exploitation of children and youth by powerful syndicates dealing in pornography and drugs, or when you read of the disease and starvation which still scourge whole nations of people in this day when the technological skill to obliterate these things from the face of the earth is in man's hands?

A wise and sensitive man of our time has given us a list of penetrating questions by which we can examine our spiritual reflexes.

How do we react in the presence of injustice? Does a great cause stir anything deep within us? Are we more concerned about things to live for, or things to live *on*? For which would we make the greater sacrifice—to *be* something or to *own* something? For what would we be willing to suffer more—our social position or our personal integrity?

Which causes the deeper pain—the loss of possessions, or the lowering of our sense of honor?

Does the sight of indecency shame us, the report of lewdness disgust us, or the recital of smut nauseate us?"

How easy it is, when we love the world uncritically, to lose that quality of mind and spirit which make us agents of the world's redemption. We had better maintain a lively lover's quarrel with the world if we are not to be overcome by evil.

Horace Mann concluded his final commencement address at Antioch College with these words: "Be ashamed to die until you have won some victory for mankind." No sincere follower of Christ can escape this challenge. But if he is to be faithful to it he must first win a victory for himself over the pressure of the world to stifle his idealism, muffle his conscience, mute his sensitivity, and shrink his compassion.

II. If it is true that we are inevitably overcome by evil when we love the world uncritically, is it not also true that we cannot overcome evil with good if we criticize the world unlovingly?

A man wise in the ways of matrimony reminds us that in many an argument between a husband and wife "there may come a moment when the husband says, 'But darling, do be reasonable.' If he says that," says this well-seasoned husband:

"I, for one, am quite sure that he has lost his case, for 'darling' never has been reasonable, and 'darling' never will be reasonable, and the more he proves that 'darling' is wrong, the more resentful 'darling' will be. Indeed, the measure of her resentment will probably equal the measure of his convincing proof that she is wrong! This is the place for love to say, 'Let's bring our reasoning to a close.' They may be able to talk matters over in a calmer atmosphere, but a quarrel never ends satisfactorily at the place where reason leaves it. There is no healing in reason, and it is much more important for the man to prove that he loves his wife than to prove her wrong. He will get a very barren victory in the latter case, but a wonderful victory in the former."

So it is with the quarrel you must have with the world. It must be a *lover's* quarrel, with no self-righteous smugness in it. When love is the motivation for our quarrel with the world, our aim is always to build, and never to destroy.

To be sure, we need
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor—men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
In public duty and private thinking—

Of course we need such men. God grant that we quarrel enough with the world to be such persons ourselves. But let us never forget that "if (we) were to speak with the combined eloquence of men and angels (we) should stir men like a fanfare of trumpets . . . but unless (we) had love, (we) should do nothing more. If (we) had the gift of foretelling the future and had in (our) mind not only all human knowledge but the secrets of God, and if, in addition, (we) had that absolute faith which can move mountains, but had no love . . . (we) should amount to nothing at all. If (we) were to sell all (our) possessions to feed the hungry and, for (our) convictions, allowed (our bodies) to be burned, and yet had no love, (we) should achieve precisely nothing."

It is never enough merely to be right, if our aim is to lift the fallen and heal the wounds of the broken. Righteousness without compassion repels rather than attracts, Criticism without sympathetic understanding invites resistance rather than acceptance.

Our age is witnessing a renaissance of deep conviction about the world and its welfare. This is encouraging to a point, but encouragement is modified when we observe the attitudes of many persons of strong conviction. Theirs too often is a quarrel with the world that seeks to destroy the opposition rather than to win it by persuasion. Said the late Roy L. Smith:

"There is something just a little terrifying about the way certain self-appointed individuals make themselves the guardians of public opinion and undertake to punish

those who deviate in any way from the line of thought or action approved by this or that "patriotic" organization. Let a thoughtful man offer a protest against a social or an economic danger, and immediately he stands in danger or being labeled as a Communist or at least as a fellow traveler. Let another man come up with a few disconcerting questions concerning the scriptures, and he at once becomes a "modernist, "if not an "atheist." Let still another crusade for better housing, and he is called a New Dealer. Let him issue a warning against . . . the mounting menace of alcoholism, and he becomes a "prohibitionist."

"We have coined an entire vocabulary designed to damn by designation."

This is even more disturbingly true today of the radical left than it is of the radical right.

One wonders which is more of a threat to the vitality of Christianity in today's world—Christians who love the world so uncritically that they are indistinguishable from it, or Christians who criticize the world so unlovingly that no one is drawn to their faith or wants to be like them?

III. In the final analysis, it is always what we are far more than what we say and do which determines whether or not our quarrel with the world will be redemptive in its influence.

Perhaps you have heard Arthur Guiterman's lovely tribute to a greater teacher.

Mark Hopkins sat on one end of a log
And a farm boy sat on the other.
Mark Hopkins came as a pedagogue.
And taught as an elder brother.
I don't care what Mark Hopkins taught,
If his Latin was small and his Greek was naught,
For the farm boy he thought, thought he,
All through lecture time and quiz,
"The kind of a man I mean to be
Is the kind of a man Mark Hopkins is."

Granted, because of the "knowledge explosion" which has taken place in the past decade or two, it is more difficulty for this sort of thing to happen between today's youth and their parents and mentors than it was for members of my generation and all the generations which went before ours. Alan Valentine of Yale University has edited a book of letters which fathers have written to their sons. In the introduction he writes: "Modern life, modern psychology, Marxian democracy and nuclear fission have made today's young man more remote from the values and ways of thought of his grandfather than his grandfather was from those of Erasmus and Plato." He then makes the rather shattering point that a man born in 1900 could communicate on more common ground with John Bunyan and Benjamin Franklin than with his own teen-aged grandson.

I rather suspect that the parents here are even more ready to agree with Dr. Valentine than are the members of the Class of 1977, for they, more than once, have had something said to them similar to what a young boy in a recent cartoon said to his father: "I was looking at some of your old textbooks. You must be terribly misinformed."

Even so, something of the experience the poet described in his tribute to Mark Hopkins keeps happening, for we human beings are natural hero worshipers. We just can't help ourselves. Someone comes along who has something about him which strikes fire within us. Our admiration mounts, and with it our desire to be like him, do what he does, want what he wants. Let me close, then, with two questions. What kind of persons are you choosing as your heroes? What kind of a hero are you going to be to those who come after you?

As you ponder these questions, always remember that the agents of redemption in the world are never arguments. They are always persons—clean, high-minded, loving persons, who get that way, and stay that way, because they keep up a lively lover's quarrel with the world. So it is that they are not "overcome by evil, but overcome evil with good."

STATEMENT OF THE HONORABLE JOHN W. MURPHY ON HUMAN RIGHTS AND NICARAGUA, JUNE 21, 1977

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, there has been a tragic error made in the decision to delete foreign assistance appropriations to Nicaragua in the amount of $3.1 million. By a single vote margin of 22 to 21, we have meted out a severe punishment to the strongest ally and supporter the United States has in Latin America. This unconscionable tragedy is geometrically compounded by the fact that the punishment is based totally on unfounded allegations, baseless innuendo, and guilt by declaration.

What compounds the error even further is the fact that all the charges are made by sworn enemies of the elected government. Some of these enemies have themselves attempted assasinations, committed kidnapings and murders of representatives of the Government of Nicaragua and the people of Nicaragua.

And the final blow is that all of these charges have been uncritically, unquestioningly accepted by some Members of Congress who are apparently unaware that they have been duped by those opposed to the Government of Nicaragua, including an organization known as the Washington Office on Latin America. It is a group which is well known for its solicitation and aggressive funneling of antagonistic witnesses against the Government of Nicaragua into congressional hearings and meetings. I will document for you their techniques of channeling witnesses' testimony into Congress. Both terrorists and known Communists have been their "witnesses."

I will outline for Members: First, the nature of the opposition to the Government of Nicaragua; second, the facts—the true facts—as obtained by our own State Department and intelligence agencies; third, the relationship between the United States and the Government of Nicaragua, and fourth, the position of the administration and of those of us in Congress who have made an effort to look past the anti-U.S. pressure groups to determine what the true facts really are.

THE NATURE OF THE OPPOSITION TO THE GOVERNMENT OF NICARAGUA

First let us know with whom we are dealing. Opposition to the Government of Nicaragua is not exactly a benevolent or objective consortium. Nor is there necessarily a cohesion and unity of purpose binding the opposition into a reasonable political force. Most of the information foisted off as fact consists of second and third hand stories, seldom substantiated by any fact-finding efforts or credible support. Much of the so-called evidence is in the form of simple letters signed by persons, including clergymen, whose credibility and backgrounds are less than outstanding. And of the alleged atrocities and crimes blamed upon the existing Government which may have occurred, there is displayed compelling evidence that they were instead committed by the opposition for the sole purpose of discrediting the Government.

And finally, defenders of the opposition point at newspaper headlines which claim an ever-rising repression by the Government. Since La Prensa is the loudest voice of dissent, let me first address myself to the publisher's credentials:

Dr. Pedro Joaquin Chamorro is the owner and publisher of La Prensa, which he inherited from his father in 1948, rather than by any record of journalistic excellence. In the years since then, Dr. Chamorro has proven himself to be of wide-ranging interests beyond a journalistic search for truth:

He has organized an armed invasion of Nicaragua;

He was convicted of conspiracy in the assassination of the former President of Nicaragua;

He met with Fidel Castro and Che Guevara to seek support for an armed revolution against the Nicaraguan Government;

He conducted a second armed invasion;

He led public riots in the streets of Managua;

He has been banished from Nicaragua twice for such activities as these;

He has openly advocated defiance of the Nicaraguan constitution—which requires citizens to vote—he called for abstention;

He became head of the UDEL—Union for Democratic Liberation—party board of directors, a coalition of small parties, in the main made up of Communists;

And not last in importance to today's discussion, he has become well known as being blindly obsessed with the notion of himself becoming President of Nicaragua.

It is small wonder that such a man as this would do everything in his power to discredit the legitimate government. Yet he lives in total freedom in Managua where he runs a rather prosperous opposition newspaper and oversees his other financial interests. That is not a sign of a government which oppresses those not in accord with its views.

Father Miguel D'Escoto is a Nicaraguan Maryknoll missionary, publisher of Orbis Books and the Maryknoll magazine, and the chairman of the board of Fundeci, a closed corporation set up with members of his own family, to take advantage of $7 million in private American sources for a "low-cost housing project." In one of his books, he is the creator of a concept of a "new noncapitalistic" system for Nicaragua which requires "the relinquishing of possessions and privileges." Failure to bring this about peacefully will justify, according to Father D'Escoto, and I quote him, "The use of violence and guerrilla warfare." I find it difficult to imagine where such a unique doctrine of creative gov-

ernment fits in with the responsible positions of the Catholic Church. Father D'Escoto is simply a political activist in sheep's clothing, closely associated with an organization calling itself Nonintervention in Nicaragua, with the support of the North American Congress on Latin America—a well-known Marxist organization. His letter and lobbying campaigns have advocated precisely what this Congress has done—cut off aid to Nicaragua.

Father Fernando Cardenal is a Nicaraguan Jesuit priest who was removed from his position as dean of student affairs at the Universidad Centroamericana for promoting political unrest among the students and advocating open subversion. He has testified at length before this Congress in opposition to the Government of Nicaragua. Yet he lives in complete freedom in Nicaragua, travels abroad at will, as does his brother, the Marxist poet Father Ernesto Cardenal. Again, hardly the kind of unbiased testimony upon which to base the decimation of relationships between two major nations of the Western Hemisphere.

And finally, one more group, known as the Washington Office on Latin America, co-directed by Messrs. William Brown and Jose Eldridge. WOLA is a militant group which lobbys extensively against right wing Latin countries. Mr. Brown is considered to be an anti-American radical, while Mr. Eldridge is known as a leftist pro-Allende Chilean supporter. That they were instrumental in organizing negative presentations to congressional hearings is without question; as a matter of fact, I have before you today a document from them which very specifically instructs witnesses in the fine art of biased testimony, unfounded facts and erroneous statements. In the document Mr. Bill Brown, discusses his plans to visit Central America to dig up witnesses to participate in hearings and coach them in the form and even the substance of their testimony.

The WOLA document contains six quoted paragraphs that constitute part of the text of the original proposal for congressional hearings, presumably the source being the international organizations subcommittee. They outline the "nature and scope of the proceedings" and indicate some of the "distinguished representatives" who will testify, including Pedro Joaquin Chamorro from Nicaragua—the aforementioned leader of two armed invasions.

The document, including the abovementioned quoted paragraphs, is couched in some of the most pejorative language I have ever seen used to prepare for an "open and frank discussion" before a congressional committee. For example, Mr. Brown admonishes witnesses on page 3 of his instructions that it is "imperative that testimony be sharp, penetrating and critical of U.S. involvements wherever necessary." And the document leaves no doubt that the author considers this "necessary." I think a person of even limited perception can determine the motivation of the author, the thrust of any testimony resulting from the document, and the totally biased, anti-United States—and in this case, anti-Nicaraguan Government leanings of the Washington Office on Latin America.

Other portions of the memo are even more pejorative in their blatant, distorted and frequent misstatement of alleged conditions in the country I am most familiar with, Nicaragua. One is led to ask why hearings were held at all. The author of these paragraphs has already made up his mind.

These gentlemen organize and coach witnesses before this Congress, draft and edit the prepared statements of various opposition leaders to present a consistently biased, incomplete and erroneous point of view, and continually issue reports and statements seeking to discredit legitimate Nicaraguan Government programs such as the aid-assisted invierno program to upgrade the standard of living of the rural poor.

I have no basic conceptual problem with the rights of any of these gentlemen, under our American system of government, to exercise their freedoms of press, speech, and assembly to advocate a change in the government. But they have chosen to do so through violence, deceit, stealth, murder, lies, distortions, armed revolt, and a multitude of similar approaches to forced change which is abhorrent to any democratic government on the face of the Earth—including our own. And the most distressing of all is the fact that it is these people who the Congress has chosen to believe in our misguided and erroneous action to cut off aid to Nicaragua, our closest Latin ally.

THE FACTS ON HUMAN RIGHTS IN NICARAGUA

The facts of current conditions in Nicaragua must be looked at in light of an atrocity perpetrated by Communist terrorists in Nicaragua during Christmas week in 1974. This event shocked almost all civilized people—except of course those who would destroy United States-Nicaragua relations.

I point out that since the 1974 atrocity, a "state of seige" has been imposed which is within the constitutional provisions—article 195—of Nicaragua. This means that certain preliminary due process constitutional guarantees have been temporarily suspended. This has meant that detention—which is loosely similar to our grand jury investigations and oddly enough adopted and based on procedures established by the U.S. Armed Forces—has been extended for some periods. But once the accused is charged publicly, he is afforded all of the rights of due process.

Let me briefly explain the reasons for these minimal and temporary losses of due process. The Government of Nicaragua, and in turn the United States, was severely jolted by a terrorist attack on December 27, 1974.

A private party of Nicaraguans were giving a farewell dinner for the then American Ambassador. Subsequent to his leaving the home of the host, the former minister of agriculture, with three protective aides, the premises were invaded by more than a dozen FSLN thugs with machine guns, carbines, and pistols. They terrorized 30 guests and attendants, shot and killed three guards and the host, Mr. Castillo. Taking hostages, these criminals made four demands on President Somoza: First, the release of 14 convicted criminals who also happened to be members of the FSLN; second, a sizable ransom now known to be $1 million; third, the broadcast and publishing of their "manifesto"; and fourth, safe passage to Cuba. President Somoza, to save lives, submitted to all of these demands and arranged the terrorists' passage while substituting as hostages for the innocent, the Archbishop of Managua Monsignor Miguel Obando y Bravo and the Ambassadors of Spain and Mexico, Jose Garcia-Banon and Joaquin Mercado.

Here are four killings—that are a matter of record—by a political terrorist group supported by Fidel Castro—that is also a matter of record. There have been no deaths in this vein that can be found perpetrated by the Government of Nicaragua.

The enemies of United States-Nicaragua relations shed crocodile tears over alleged and unproven abuses, yet ignore such an atrocity.

Where is their lament for the innocent dead in this case?

Aside from this incident, let me make one final comment on the meaning of this case. The FSLN activists travel back and forth to Cuba where they receive ideological and paramilitary training, which is proof Cuba is giving moral and indirect support to a revolutionary organization. There would even be financial and weapons support by Castro if, in the words of our intelligence people, the "FSLN mounted an effective campaign" against Nicaragua. We know that Castro entertains a special hostility toward President Somoza and Nicaragua. President Somoza is acutely aware of this and is being forced to take what I consider minimum steps to protect his country.

His concern over Cuban intervention is, in my judgment, not exaggerated.

The Castro regime has taken dead aim at Nicaragua since 1962 and is bent on turning it from a strong U.S. ally into a pro-Communist satellite in the Caribbean. I am joined in this assessment by our intelligence people who state, and I quote from our people on the scene, that our "country Nicaragua team is unanimous in believing that possibility is genuine."

And so, the Government of Nicaragua, in protecting its country from subversion by the Communists have made it possible for the Communists to harp on these protective measures as "abuses". In the words of our State Department:

> The anti-guerrilla campaign has generated numerous "stories" of repression and abuse against the rural population by the national guard. Most of these appear to have been exaggerated or unfounded, however, and a concerted pattern of strong repression by the government has not emerged so far.

And this is why we have, incredibly, punished our strongest ally in Latin America. We have listened to "stories" that are based on hearsay, unfounded and put forth by persons who are enemies of the Government of Nicaragua—and

the United States. One day of hearings were held for witnesses in support of the Government of Nicaragua. They were protesting the lies perpetrated by anti-Government witnesses on April 5, 1977, before a House committee. I would quote here the testimony of an American businessman with extensive experience in Nicaragua and with the areas where the alleged atrocities took place. He testified:

EXCERPT FROM A STATEMENT BY RAYMOND MOLINA, VICE PRESIDENT OF LATIN AMERICA AFFAIRS, PETERSEN ENTERPRISES INC., ORLANDO, FLA.

I would like to express my appreciation to the honorable chairman and members of this distinguished Subcommittee on Foreign Operations of the House Appropriations Committee for the opportunity to submit this written statement relative to the hearing which took place on Nicaragua on April 5, 1977.

My name is Raymond Molina and I am Vice President of Latin American affairs of Petersen Enterprises, Inc. of Orlando, Florida.

* * * * *

As regards Nicaragua, I feel the hearing overlooked many aspects which are enormously important. As an American businessman with many years of residence in Nicaragua, I have traveled all over the country in the course of my business which is directly involved in helping with the development of the country's human resources through vocational training. I have personally visited those areas mentioned in this hearing where human rights violations are supposed to have taken place and I know the mood of the people. I am, therefore, a first-hand witness of conditions in the country and my personal experience and findings are not at all in accord with the testimonies I heard from those basing their allegations on second and third party testimonies.

Nicaragua enjoys every known freedom including the freedom of worship, travel, political suffrage, work ownership of property and all others. As a businessman, I know there is a valid free enterprise system in the country. The only restraint of freedom is confined to those persons who through acts of lawlessness, transgress the freedoms and rights of others under the law.

* * * * *

I am not saying that there have not been any violations of human rights in Nicaragua. Even we, in the United States, do not have an unblemished record in this area either today or in the past. But it is entirely wrong to exaggerate conditions in Nicaragua. Some of the statements made by the church and other sources which I heard at the hearing were grossly misquoted or misrepresented by other witnesses.

* * * * *

A case in point is the almost obsessive rashness to rely on press reports. In one glaring case, used frequently in the hearing, great reliance and believability was placed in a pastoral letter by Nicaraguan bishops which was said to have made reference to a purported massacre of 44 men, women and children in the village of Varilla. This is entirely false. A simple reading of this pastoral letter will show the church made no reference to this purported incident, which has since been unequivocally denied by the Nicaraguan Government.

Mr. Speaker, the facts regarding the charges that there is absolute supression of political expression and the functioning of all democratic processes in Nicaragua and that there have been terrorist activities on the part of the national guard are as follows: Our intelligence evaluation and my own personal knowledge based on frequent visits to Nicaragua indicate conditions regarding the above were excellent until the outrage of Christmas week 1974. Official documents from our State Department indicate the situation regarding political expression was "good," and our intelligence sources indicate that the "Government of Nicaragua performance in this field is substantially better" than anti-Nicaraguan propagandists and detractors would have the world believe. In terms of freedom of expression, since December of 1974, there has been a silencing of La Prensa and its guiding light, the upper class terrorist Pedro Joaquin Chamorro, whom the Washington Office on Latin America promoted as the witness to testify before the Congress on conditions in Nicaragua. This firebrand whom our own State Department and others claim has been allowed to "run amuck" and "run wild" with the press—La Presna—since 1948 is a living testament to the freedom of political expression during 27 erratic years in the newspaper business in Nicaragua. To return to the charge of "suppression of political expression" our U.S. in-country team in Nicaragua states "freedom of expression exists—in Nicaragua—and is utilized fully in private and public meetings."

The facts regarding the allegations that there are wholesale violations of human rights in Nicaragua are totally false. While there may be isolated instances of such violations—as can be found in even the most advanced of societies—the U.S. team, including the State Department, have found not a shred of evidence to support such charges. To the contrary, they have found no "consistent pattern of gross abuse of human rights," and certainly no Government policy advocating such abuse and nothing that would remotely put Nicaragua in violation of 502(b) of the Foreign Assistance Act.

I quote a document supplied to me by the State Department entitled "Human Rights Report—Nicaragua":

III. Official attitudes toward and actual observance of internationally recognized human rights and freedoms.

A. Integrity of the person.

It has been widely alleged in Nicaragua during the past year that the national guard has resorted to arbitrary arrest and physical abuse of detainees on a large scale in its efforts to uncover and disrupt the Sandinista organization. The available evidence indicates that several thousand persons have been questioned by the guard, and an undetermined number of these may have been subjected to a degree of physical and psychological harassment. A smaller number of suspects have also been detained for up to 8 weeks during the investigation, and a relatively few cases have been referred to a military court for trial on charges of terrorism. Most of these detained in the anti-Sandinista campaign have been released and all detainees have been accounted for. Less frequent allegations have also been noted of more methodical physical abuse and torture in a few cases. Such extreme violations, however, appear to reflect isolated lapses rather than any official policy to employ such methods systematically. No cases of unlawful killing have been documented.

With the exception of the anti-guerrilla campaign, the Nicaraguan Government has been relatively conscientious in respecting personal rights in this category, even under the state of siege. A few cases were reported during the previous decade of arbitrary arrest and prolonged detention without charges, all involving members of the Nicaraguan Socialist Party, a Soviet-support Communist organization. Prior to the Sandinista attack in 1974, the Nicaraguan judiciary had developed a fairly good reputation for independence and integrity.

B. Other important freedoms.

Strict media censorship is the single major violation of other human freedoms imposed under the state of siege. The opposition press had been permitted a free rein for many years prior to 1975. Freedom of movement, religion, assembly, and association have been generally respected also. The Government has permitted the UDEL opposition movement to conduct organizational activities and large rallies with no more than sporadic, low-level harassment. Political exiles have been permitted to return and live normally so long as they abstain from covert political activity against the regime. Prominent opposition figures have occasionally been harassed or restricted in their efforts to travel abroad, and 27 members of UDEL had their civil rights suspended for six months in 1974 for having advocated abstention in that year's presidential election. Such advocacy is prohibited by the constitution. No violations of religious freedoms have been reported. Active trade union movements not controlled by the Government have been subjected to occasional harassment by security officials and the labor ministry.

Another State Department analysis supplied to me states:

"While constitutional guarantees have technically been suspended, daily life and most institutions have continued with only limited disruption."

Mr. Speaker, the charge of the WOLA, that is the most vicious, is that in Nicaragua:

In spite of many years of repression, strong and potentially viable political coalitions survive, and continue to strive for meaningful democratic expression . . . but are robbed at the polls . . . and in these efforts political leaders daily face death, torture, "disappearance" . . . and the threat of exile.

The facts according to our own intelligence sources are that the political opponents of the Government of Nicaragua according to the U.S. Government's own evaluation "remain relatively ineffective and without a wide, solid popular base." Even though they organized a murderously successful criminal act in December 1974, the FSLN cannot do on the large scale what they achieved on the small. For example, our intelligence tells me the FSLN was promised financial aid and an armed action campaign by Castro if they could get their act together, but they are so disorganized they could not achieve any effective campaign.

As to the allegations of political prisoners, torture, "disappearance" and the threat of exile, our intelligence sources can confirm—

No political prisoners;
No executions;
No torture, and
No disappearances.

The so-called disappearances refer to certain suspected terrorists detained for interrogation such as the 13 members of the December terror squad who were arrested. But there is no record within the U.S. Government of anyone permanently disappearing from the streets of Managua or anywhere else in the country.

President Somoza, according to our analysts, "takes great pride in the fact" that there are no political prisoners in Nicaragua, and the State Department, based on our intelligence reports, confirmed to me that an impressive and virtually ironclad case can be made to substantiate this.

In addition to the refutation of charges of human rights violations by Raymond Molina, other reputable citizens of Nicaragua claimed the testimony of Bill Brown's WOLA group was untrue. In terms of due process, torture, ill-treatment, disappearances, political activity and religious freedom, I quote excerpts from the testimony of people who should know—the people of Nicaragua.

Dr. Aristidis Somarriba, lawyer, testified:

At all times, prisoners investigated by the military tribunals have enjoyed all the rights of due process of law. In accordance with Nicaraguan law, as in the case with other Latin American courts whose legal tradition goes back to Roman law, fugitives are cited and if they do not present themselves, a defense attorney is appointed for them. Consequently, no law or right has been violated as was stated at these hearings on April 5 by William Brown.

Reference also was made at that hearing to Miss Liana Benavides, a Costa Rican national. It is natural that congressmen of the Costa Rican Assembly should take an interest in her case, but there has been no evidence whatsoever that she was tortured or ill-treated in any way. During her detention she was visited by members of her family, high officials of the Costa Rican Government and the International Red Cross, whose statements support what I have just said.

Prof. Gustavo Wilson, director, Colegio Bautista, testified:

Those of us who, however, modestly, are spiritual leaders of the Evangelical Protestant tradition, are deeply concerned over any form of human rights violations. However, it is important that we should not be mislead by oversimplistic charges of human rights transgressions. All too frequently the charges are not substantiated by any real first-hand evidence.

* * * * *

Let me be specific: We have heard a great deal about the disappearances of peasants and the arbitrary detention of individuals. On the other hand, no mention has been made of the fact that these disappearances have occurred in rural areas of the country where terrorists are operating with the full support of another country. These, terrorists have coerced the peaceful peasantry and have murdered a number of them in cold blood. In addition, this small band has even murdered their own companions.

These actions—repugnant to any decent person—have been fully documented as part of the legal proceedings taken against the terrorists. They have openly admitted these crimes and accepted full responsibility for them.

Prof. Norberto Herrera, rector, Polytechnic University, testified:

I would like to stress to this distinguished subcommittee that Nicaragua is a country which has every known freedom. We have the right to work, to travel, to worship and political suffrage. If indeed we have any genuine infringements on our rights, they are to be found among those natural conditions of a growing and developing society which relate to poverty, disease and the lack of knowledge. It is, however, precisely these areas that are the utmost concern to the Government of Nicaragua and where most of the programs being undertaken are being carried out to eliminate these deficiencies.

Mr. Dennis Gallo, businessman, testified:

Here, before this subcommittee, it has been alleged that the Government of Nicaragua violates human rights. Credence has been given to malicious press reports and testimonies have been heard from persons and institutions which have distorted the image of the Government of Nicaragua. However, no one has come forward to explain that groups of terrorists have brought intranquility to my country and have forced the government to take extraordinary measures to protect the institutions and the internal order within the constitutional order of things.

Mr. William Dona Morice, business administrator fellow, testified:

Therefore, when the issue of human rights is discussed in terms of Nicaragua, it should not be forgotten that the conditions which are creating the risk of human rights violations is not only foreign sponsored but the work of a very small minority working outside the law and totally against the wishes of 2.3 million inhabitants. I have traveled all over my country and I found very little evidence of the alleged human rights violations which I have read about in the international press. It has to be a matter of concern to every law-abiding Nicaraguan that the image which is being projected abroad by unrepresentative militant political activists is a completely distorted picture of the real situation within the country.

* * * * *

In conclusion, I would like to emphasize the importance of understanding the situation of Nicaragua in its proper perspective. The real and permanent solution to any form of human rights violations lies precisely along the road which the government is currently following and which is based on respect by all of our constitutional laws and the implementation of programs designed to raise the quality of life of even the most humble Nicaraguan.

Twenty-eight Catholic priests testified:

STATEMENT BY CATHOLIC PRIESTS IN NICARAGUA (TRANSLATION)

In common accord we state that in Nicaragua there is ample and unrestricted freedom of worship; that the Catholic Church has been able, as we can vouch for, to carry out its Apostolic message in all freedom and even more so with the efficient support of the State. Relations between the Catholic Church and the State have always been broad and understanding and full of profound respect and sincere appreciation towards the Church and its ministers.

We also state that for some time the Church has been working in the country among the peasants and lowest income sectors of the cities, with freedom and help of the authorities.

Signed:

Leon Pallais G., Jacobo Ortegaray, Monsenor Francisco Aranda, Fray. Domingo Del P. Fernandez, Pbro. Jose Carlos Jiron B., Monsenor Victor Manuel De Jesus Soto Gutterrz, Pbro. Donaldo Garcia, Monsenor Roberto Belamatamoros, Frav Rafael Herranz, Carlos Caballero S.J., Monsenor Noel Agusto Buitrago B., Canonigo Jose Del Carmen Quintana, Presbitero Pedro Gonzalez R., Presbitero Santiago Perez Davila.

Etanislao Zabala, Monsenor Noel Buitrago B., Pbro Jose F. Gomez S., Monsenor Jose Suazo R., Pbro Benito Pititto L., Monsenor Miguel A. Guevara B., Fray Jesus Abad R., Monsenor Felix A. Andino C., Monsenor Juan B., Fray Juan Jose Uroz, P. Barnardino Formiconi, Canonigo Agustin Hernandez Bornos, Canonigo Francisco Salazar Aguado, Presbitero Haroldo Machado S.

RELATIONS BETWEEN UNITED STATES AND NICARAGUA

Mr. Speaker, I can best sum up United States-Nicaragua relationship by citing our long history of friendship, mutual support and defense, and trade.

I urge Members to look at the facts as they exist, and not at fabrications by those who would destroy an ally.

We have a strong friend in Nicaragua in a part of the world where we desparately need them.

Uncritical acceptance of unjust accusations and their dissemination would constitute not only a denigration of the U.S. Congress, but an injustice of great magnitude and inestimable harm to a country, a people, and a government that are a strong friend to the United States.

Again, referring to the State Department assessment of our relations I quote:

U.S. RELATIONSHIP AND U.S. INTERESTS

Relations with the U.S. have traditionally been cooperative and friendly. There are no bilateral issues in dispute. Nicaragua tends to support U.S. positions in international FORA and to follow our lead on significant issues. Our own interest in Nicaragua focuses on our desire to retain this support and to assist the Government of Nicaragua in its program of reconstruction and rural development. U.S. investment in the country is in the vicinity of $75 million.

The strong identity of the United States with Nicaragua is characterized in a State Department report on political issues:

Nicaraguan foreign policy stresses the maintenance of the closest possible ties with the United States. Nicaragua voted with the U.S. in the last U.N. General Assembly on the anti-Zionism resolution, on Korea, and on the decolonization resolutions. The GON is increasingly nervous about a potential threat from Cuba, particularly after Angola, and this reinforced the impulse to identify with the U.S.

Mr. Speaker, I ask Members to look at the support Nicaragua has given us in the United Nations—especially when compared to Communist-influenced Costa Rica. A partial listing of the vital issues in which that nation supported us will give an indication of the kind of courage this government of only 2.3 million people has.

First. Terrorism: Nicaragua has always supported and worked hand in hand with the United States in the common cause against international terrorism and has opposed the Soviet bloc on this issue.

Second. The expulsion of Nationalist China: Nicaragua was the only Latin American country that supported the position of the United States to avoid the expulsion of China from the United Nations. Costa Rica refused to support the United States.

Third. Israel: Whenever the United States asks Nicaragua to speak in defense of an Israel position in the United Nations—and it is usually by request of the U.S. mission—the Nicaraguan delegation has supported Israel's position. During the last year in the General Assembly, on a vote on a draft resolution against Israel, Nicaragua joined with

the United States in support of Israel's position.

Fourth. Disarmament: At the request of the U.S. delegation, Nicaragua has taken the floor and argued against the U.S.S.R. and for the American position on disarmament.

Fifth. South Korea: At the request of the United States—Nicaragua cosponsored the U.S.-backed Korean peace plan.

Sixth. Puerto Rico: Whenever Cuba has presented draft resolutions in different committees and the General Assembly calling for Puerto Rican independence, Nicaragua has supported the United States.

Seventh. Cuba: Whenever the Cuban delegation has insulted the U.S. Government and/or their President, for example, Eisenhower, Kennedy, Nixon, Nicaragua has taken the floor in defense of the United States and its several administrations.

Eighth. In the Security Council, Nicaragua has consistently supported the different motions presented by the United States.

Ninth. Nicaragua was one of two Latin American countries that supported the U.S. military base in Iceland. Costa Rica voted against it.

Tenth. Cuba: Nicaragua voted with the United States against lifting the O.A.S. ban on Cuba. Costa Rica was in favor.

On a historical note, Nicaragua was the second country to declare war on the Axis countries in World War II and was the first Latin American country to give the United States rubber and raw materials for the war effort. Nicaragua was the No. 1 exporter of rubber to the United States in World War II.

Testimony by the State Department as recently as April 1977 indicated an increasing concern on the part of the State Department based mainly on allegations contained in articles in the New York Times and Time magazine and a pastoral letter issued by Nicaraguan bishops in early February. These reports appear, again, to be based mainly on hearsay and have been proven to be unfounded or not credible. Allegations of misuse of aid funds, another favorite charge of anti-Nicaraguan groups—but in this case more subject to verification—proved to be totally unfounded. I am sure that in the long term the allegations of ill-treatment will also prove to be—in the main—propaganda.

Mr. Speaker, the fact of the matter is that the Carter administration—which certainly cannot be faulted for its high standards in the international area in terms of human rights—has requested that Nicaragua not be retaliated against or punished by the Congress through the withholding of these foreign assistance funds. I would hope that the Congress would act as responsibly toward a government that has been our friend and ally and which should continue to be supported by the U.S. Government which has taken freely of that little country's friendship and support.

ANNOUNCEMENT AS TO VOTE

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, I was compelled to be absent from one vote on Thursday, June 16, 1977, in order to attend a meeting at the White House. I missed rollcall vote No. 347, and would like to announce how I would have voted had I been present. Rollcall No. 347. House agreed to a motion to resolve itself into the Committee of the Whole; 342 yeas to 4 nays. I would have voted "yea."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN) to revise and extend their remarks and include extraneous matter:)

Mr. KASTEN, for 5 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. DON H. CLAUSEN, for 20 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. COTTER, for 10 minutes, today.
Mr. PEPPER, for 15 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Mr. FRASER, for 10 minutes, today.
Ms. HOLTZMAN, for 15 minutes, today.
Mr. FASCELL, for 5 minutes, today.
Mr. GLICKMAN, for 10 mnnutes, today.
Mr. KOCH, for 10 minutes, today.
Mr. RANGEL, for 5 minutes, today.
Mr. ALEXANDER, for 60 minutes, today.
Mrs. BOGGS, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MURPHY of New York, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $966.

Mr. CORRADA to revise and extend his remarks prior to vote on Rousselot amendment.

Mr. BAUMAN to revise and extend his remarks in the Committee of the Whole during consideration of H.R. 7589, military construction appropriation bill, today.

Mr. BROWN of Michigan, to address the House for 1 minute, with his remarks to appear in the permanent RECORD following rollcall No. 289, May 26, 1977.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. ERLENBORN.
Mr. YOUNG of Florida.
Mr. SCHULZE.
Mr. FREY.
Mr. CRANE.
Mr. WHALEN.
Mr. BADHAM.
Mr. KASTEN.
Mr. WINN in two instances.
Mr. HOLLENBECK.
Mr. RUPPE.
Mr. WIGGINS.
Mr. DORNAN in two instances.
Mr. WYDLER.
Mr. CARTER.
Mr. COLEMAN.
Mr. JEFFORDS.
Mr. LAGOMARSINO in six instances.
Mr. SYMMS in two instances.
Mr. DERWINSKI in two instances.
Mr. STANGELAND in two instances.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. RYAN.
Mr. NIX.
Mr. OTTINGER.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. TEAGUE in two instances.
Mr. DENT.
Mr. MCDONALD in four instances.
Mr. EILBERG in two instances.
Mr. WALGREN.
Mr. MURPHY of Pennsylvania.
Mr. KILDEE.
Mr. BRADEMAS.
Ms. HOLTZMAN in 10 instances.
Mr. DODD.
Mr. JACOBS.
Mr. MONTGOMERY.
Mr. VENTO.
Mrs. SCHROEDER.
Mr. BYRON.
Mr. BROWN of California in two instances.
Mr. DICKS.
Mr. MOSS.
Mr. FUQUA in five instances.
Ms. MIKULSKI.
Mr. ROE.
Mr. LEDERER.
Mr. DELANEY.
Mr. DERRICK.
Mr. WIRTH in two instances.
Mr. DRINAN.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 63. Joint resolution to amend the Federal Home Loan Bank Act.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6823. An act to authorize appropriations for the United States Coast Guard for fiscal year 1978, and for other purposes.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 22, 1977, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1740. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a followup report on actions taken on recommendations contained in the 1975 annual report of the National Voluntary Service Advisory Council (final report), pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

1741. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Donald R. Norland, Ambassador-designate to Botswana, Lesotho, and Swaziland, and his family, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

1742. A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting the audit report for the Council for calendar year 1976, pursuant to section 14(b) of Public Law 88-376; to the Committee on the Judiciary.

1743. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children; and for other purposes; to the Committee on Veterans' Affairs.

1744. A letter from the Acting General Counsel of the Treasury, transmitting notice to the determination of Secretary of the Treasury to temporarily waive countervailing duties on certain fish from Canada which are subject to bounties or grants, together with the reasons therefor, pursuant to 88 Stat. 2051 [19 U.S.C. 1303(e)]; to the Committee on Ways and Means.

1745. A letter from the Comptroller General of the United States, transmitting a report on the enforcement policies of the Securities and Exchange Commission; jointly to the Committees on Government Operations, and Interstate and Foreign Commerce.

1746. A letter from the Comptroller General of the United States, transmitting a report on the use of U.S. funds to aid the resettlement of refugees from the Soviet Union; jointly, to the Committees on Government Operations, International Relations, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE: Committee of conference. Conference report on H.R. 4088 (Rept. No. 95-448). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 649. Resolution waiving certain points of order against H.R. 7797. A bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-449). Referred to the House Calendar.

Mr. SHIPLEY: Committee on Appropriations. H.R. 7932. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-450). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 7933. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-451). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 7900. A bill to amend the Flammable Fabrics Act to prohibit the manufacture for sale in commerce of articles of interior furnishing intended for use in any public facility unless such articles conform with requirements established by the Consumer Product Safety Commission designed to make such articles fire resistant; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (for himself, Mr. REUSS, Mr. BROWN of Michigan, Mr. NEAL, Mr. HUBBARD, Mr. DERRICK, Mr. ALLEN, Mr. D'AMOURS, Mr. PATTISON of New York, Mr. CAVANAUGH, Ms. OAKAR, Mr. MATTOX, Mr. VENTO, Mr. WATKINS, Mr. HYDE, Ms. FENWICK, Mr. LEACH, Mr. CAPUTO, and Mr. HOLLENBECK):

H.R. 7901. A bill to amend certain Federal laws for the purpose of providing financial and other assistance with respect to the weatherization of dwelling units, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. BARNARD:

H.R. 7902. A bill to amend section 5146 of the Revised Statutes with respect to the qualifications of directors of national banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BAUCUS (for himself, Mr. AKAKA, Mr. BADILLO, Mr. JOHN L. BURTON, Mr. DELLUMS, Mr. DRINAN, Mr. FRASER, Mr. HARRINGTON, Ms. HOLTZMAN, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. MOSS, Mr. NEDZI, Mr. OBERSTAR, Mr. PEPPER, Mr. PURSELL, Mr. RONCALIO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SIMON, Mrs. SCHROEDER, Mr. UDALL, Mr. WATKINS, Mr. WEAVER, and Mr. YOUNG of Alaska):

H.R. 7903. A bill to establish in the Department of Housing and Urban Development an Office of Indian and Alaska Native programs and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. BOWEN (for himself and Mr. MOORE):

H.R. 7904. A bill to update the upland cotton allotment system, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS (for himself, Mr. JEFFORDS, Mr. PERKINS, Mr. QUIE, Mr. BEARD of Rhode Island, Mr. PRESSLER, Mr. MILLER of California, Mr. KILDEE, Mr. HEFTEL, Mr. HAWKINS, and Mr. BIAGGI):

H.R. 7905. A bill to amend the Rehabilitation Act of 1973 to extend certain programs established in such act, and for other purposes; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 7906. A bill to amend the Railroad Retirement Act of 1974 to eliminate deductions from supplemental annuities on account of private pensions; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself, Mr. DUNCAN of Tennessee, Mr. MURPHY of New York, Mr. MURPHY of Pennsylvania, Mr. WINN, Mr. DAVIS, Mr. HILLIS, Mr. FINDLEY, Mr. MCCLORY, Mr. WHITEHURST, Mr. ZEFERETTI, Mrs. PETTIS, and Mr. VANDER JAGT):

H.R. 7907. A bill to establish a program of comprehensive medical, hospital, and dental care as protection against the cost of ordinary and catastrophic illness by requiring employers to make insurance available to each employee and his family, by Federal financing of insurance for persons of low income, in whole or in part according to ability to pay, and by assuring the availability of insurance to all persons regardless of medical history, and on a guaranteed renewable basis; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DELANEY (for himself, Mr. CORNELL, Mr. BIAGGI, Mr. FITHIAN, Mr. TRAXLER, Mr. OTTINGER, Mr. HANLEY, Mr. AKAKA, Mr. LAGOMARSINO, Mr. FARY, Mr. ROUSSELOT, Mr. BADHAM, Mr. CLEVELAND, Mr. DORNAN, Mr. EILBERG, Mr. MURPHY of New York, Mr. CAPUTO, Mr. GOLDWATER, Mr. RUDD, Mr. LENT, Mr. YATRON, Mr. KILDEE, Mr. MOFFETT, Mr. LUKEN, and Mr. WALGREN):

H.R. 7908. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, or for his dependents; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mr. SYMMS, and Mr. HANSEN):

H.R. 7909. A bill to authorize additional appropriations for the acquisition of lands and interests in lands with the Sawtooth National Recreation Area in Idaho; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.R. 7910. A bill to direct the Institute of Medicine of the National Academy of Sciences to conduct a 1-year review and evaluation of all available information respecting the toxicity and carcinogenicity of food additives, including information respecting the ability to predict the effect on humans of food additives found to cause cancer in animals and whether there should be a weighing of risks and benefits in making regulatory decisions respecting such additives, and to direct the Secretary of Health, Education, and Welfare to permit the continued use of saccharin as a food, food additive, drug, and cosmetic for 18 months; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 7911. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. GEPHARDT:

H.R. 7912. A bill to prohibit use of Federal funds to perform abortions except where the life of the woman would be endangered; to the Committee on Interstate and Foreign Commerce.

By Mr. GEPHARDT (for himself, Mr. YOUNG of Missouri, Mr. FAUNTROY, Mr. WHITEHURST, Mr. DUNCAN of Tennessee, Mrs. FENWICK, Mr. GRASSLEY, Mr. CUNNINGHAM, Mr. WALKER,

Mr. EILBERG, Mr. LOTT, Mr. GUYER, Mr. RAHALL, Mr. WINN, Mr. HANNAFORD, Mr. SIMON, Mr. MURPHY of Pennsylvania, Mr. HEFTEL, Mr. ERTEL, and Mr. EVANS of Georgia):

H.R. 7913. A bill to amend title 18 of the United States Code to change the applicability of certain provisions now applying only to females so that those provisions apply to both males and females and for other purposes; to the Committee on the Judiciary.

By Mr. GEPHARDT (for himself, Mr. KILDEE, Mr. LEVITAS, Mrs. SPELLMAN, Mr. VENTO, Mr. ROBINSON, Mr. MARRIOTT, and Mr. HEFNER):

H.R. 7914. A bill to amend title 18 of the United States Code to change the applicability of certain provisions now applying only to females so that those provisions apply to both males and females, and for other purposes; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 7915. A bill to assure that the Federal Government protects and serves the interests of consumers, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and the Judiciary.

By Mr. HYDE (for himself and Mr. RAILSBACK):

H.R. 7916. A bill to amend title 28 of the United States Code to provide for the appointment of a special prosecutor in appropriate cases, and for other purposes; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 7917. A bill to provide an open season for participation in the survivor benefit plan under chapter 73 of title 10, United States Code; to the Committee on Armed Services.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. BADILLO, Mr. BLANCHARD, Mr. CAPUTO, Mr. FAUNTROY, Mr. GRASSLEY, Mr. LAFALCE, Mr. LUNDINE, Mr. MCKINNEY, Mr. ROUSSELOT, and Mr. VENTO):

H.R. 7918. A bill to amend the Federal Financing Bank Act of 1973 to require that the receipts and disbursements of the Federal Financing Bank be included in the Federal Budget, and for other purposes; jointly, to the Committees on Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. MURPHY of Pennsylvania:

H.R. 7919. A bill to prohibit lobbying activities by Members of Congress and certain Federal officials while they are in office and for a period of 2 years after they leave office; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 7920. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 7921. A bill to amend title 39 of the United States Code to prohibit the Postal Service from limiting regular daily mail delivery to fewer than 6 days each week, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RINALDO:

H.R. 7922. A bill to amend title 39, United States Code, to establish congressional review of postal rate decisions, to increase congressional oversight of the U.S. Postal Service, to abolish the Board of Governors of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 7923. A bill to amend title 38 of the United States Code in order to entitle veterans with service-connected disabilities rated as total to domestic and overseas travel on military aircraft on a space-available basis; to the Committee on Veterans' Affairs.

By Mr. ROE (for himself and Mr. LEDERER):

H.R. 7924. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

By Mr. SEIBERLING (for himself, Mr. PATTISON of New York, and Mr. RANGEL):

H.R. 7925. A bill to amend the Clayton Act to maintain competition among the energy-producing industries, and for other purposes; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 7926. A bill to repeal section 506 of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. STEERS (for himself and Mrs. BOGGS):

H.R. 7927. A bill to authorize the Secretary of Health, Education, and Welfare to establish a grant program designed to develop methods of prevention and treatment relating to domestic violence, and for other purposes; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, and the Judiciary.

By Mr. SHIPLEY:

H.R. 7932. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1978, and for other purposes.

By Mr. MAHON:

H.R. 7933. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes.

By Mr. AKAKA (for himself and Mr. HEFTEL):

H.J. Res. 526. Joint resolution establishing the Hawaiian Native Claims Settlement Study Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of California (for himself and Mr. STEED):

H.J. Res. 527. Joint resolution to provide for the designation of a week as National Lupus Week; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.J. Res. 528. Joint resolution designating the American rose as the national floral emblem of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI:

H. Con. Res. 255. Concurrent resolution expressing the request of the U.S. Government that the Government of the Union of the Soviet Socialist Republics provide Valentyn Moroz with the opportunity to accept the invitation of Harvard University; to the Committee on International Relations.

By Mr. FRASER:

H. Con. Res. 256. Concurrent resolution endorsing the efforts of the U.S. delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty to assure the right of individuals to conduct marine scientific research beyond the territorial seas of any country; to the Committee on International Relations.

By Mr. ROE:

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress with regard to the reduction of mail delivery service; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON of California (for himself, Mr. AMMERMAN, Mr. BAUCUS, Mr. BEARD of Tennessee, Mr. BEDELL, Mr. BENJAMIN, Mr BURGENER, Mr. PHILLIP BURTON, Mr FLORIO, Mr. FLOWERS, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. JENRETTE, Mr. JOHNSON of Colorado, Mr. LENT, Mr. MCCORMACK, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Illinois, Mr. MURPHY of Pennsylvania, Mr. OBERSTAR, Mr. PIKE, Mr. PRESSLER, Mr. SHIPLEY, Mr. SKUBITZ, and Mr. SPENCE):

H. Con. Res. 258. Concurrent resolution expressing the sense of the Congress that the U.S. Postal Service should not reduce the frequency of mail delivery service; to the Committee on Post Office an Civil Service.

By Mr. GEPHARDT:

H. Res. 650. Resolution to direct the Committee on Interstate and Foreign Commerce to make an investigation and study of telecommunications policy; to the Committee on Rules.

By Mr. MINISH:

H. Res. 651. Resolution to halt the ban on saccharin; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA:

H.R. 7928. A bill to authorize the Secretary of Commerce to sell two obsolete vessels to Mid-Pacific Sea Harvesters, Inc., and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Ms. OAKAR:

H.R. 7929. A bill for the relief of MacArthur V. Delos Reyes; to the Committee on the Judiciary.

By Mr. RUDD:

H.R. 7930. A bill for the relief of Health Maintenance Associates, a professional corporation of the State of Arizona; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 7931. A bill for the relief of Kahsay Teferi Saduk; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

131. Mr. QUILLEN presented a petition of William A. Roscoe, Erwin, Tenn., relative to the repeal of the withholding tax law, which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6666

By Mr. HAGEDORN:

Page 3, immediately after line 10, insert the following new subsection:

(b) Paragraph (1) of section 1006(c) of the Legal Services Corporation Act (42 U.S.C. 2996e(c)(1)) is amended by inserting immediately after "Corporation" the following:

"(1) or participate in any litigation unless the Corporation is a party to such litigation".

Page 3, line 11, strike out "(b)" and insert in lieu thereof "(c)".

H.R. 7797

By Mr. ROYBAL:

Page 21, after line 14, insert the following new section:

SEC. 509. None of the funds appropriated or made available pursuant to this Act shall be used to provide international military education and training to the Government of Argentina.

By Mr. YOUNG of Florida:

On page 3, line 21: Strike "$257,000,000" and insert in lieu thereof "$247,000,000".

On page 3, line 22: Strike "$120,000,000" and insert in lieu thereof "$110,000,000".

On page 5: Strike line 3 through line 5.

On page 7, beginning on line 21 and continuing on line 22: Strike "$2,214,700,000" and insert in lieu thereof "$2,114,700,000".

On page 8, line 2 after the word "Syria", strike the period and insert the following: ": *Provided further*, That none of the funds appropriated or otherwise made available in this paragraph shall be obligated or expended for the Southern Africa Special Requirements Fund.".

On page 15, line 9: Strike "$200,000,000" and insert in lieu thereof "$127,024,700".

On page 15: Strike lines 20 through 24.

On page 16: Strike lines 1 through 3.

On page 11 strike lines 15 through 18, and insert in lieu thereof: "SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly or indirectly any assistance to Uganda, Mozambique, Ethiopia, Cambodia, Cuba, Laos or the Socialist Republic of Vietnam, nor shall any funds herein appropriated or made available be channeled through or administered by international organizations, voluntary agencies, or any other comparable organization or agencies in order to finance any assistance to Uganda, Mozambique, Ethiopia, Cambodia, Cuba, Laos, or the Socialist Republic of Vietnam.".

On page 16, line 18: Strike "$950,000,000" and insert in lieu thereof "$473,000,000".

On page 16: Strike lines 4 through 9.

EXTENSIONS OF REMARKS

ITALY'S COMMUNIST REALITIES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a commentary by Rowland Evans and Robert Novak. I believe their analysis offers an accurate assessment of the dangers of Eurocommunism in Italy.

I also believe the Carter administration has not sufficiently voiced America's concern about the possible inclusion of the Italian Communist Party in a future Italian Government. In my opinion, the United States must make clear that, while we do not want to interfere in an internal political matter, we are very interested in the composition of any Italian Government. Our nonintervention must not be viewed as noninterest in Italy. It is my strong hope that President Carter will make it quite clear that we would view the inclusion of the Communist Party in an Italian Government as a serious development for the Atlantic Alliance and Western security.

The commentary follows:

ITALY'S COMMUNIST REALITIES

(By Rowland Evans and Robert Novak)

ROME.—The spic-and-span Communist headquarters of Western Europe's richest Communist Party, in both votes and money, would make an American politician drool. But the illusion that here is a Communist Party with "a human face" vanishes the instant that party operatives reveal their doctrine on questions of world politics.

Indeed, the decision of the Carter administration—though backed by Italy's democratic parties—to issue its manifesto of noninvolvement in the political "processes" of Western allies harboring Communist parties may have come with undue haste and exaggerated emphasis. Party leaders here make preposterous claims out of it. ("Carter is looking at Italian reality in a new way," one told us.)

More important, the party's real view of the U.S.-Soviet struggle is chillingly anti-American, yet the Carter "non-involvement" policy issued in April now makes it difficult for the United States to advertise that fact without violating its own edict.

Sergio Segre, a leading Communist specialist in foreign affairs and member of the ruling central committee, found himself unable to say whether the United States or the Soviet Union gives the "higher expression" to human rights. Calling it a "senseless comparison," Segre told us in a rebuke to Carter that "to be avoided at all costs" was any U.S.-Soviet "confrontation" on the human-rights question—for example, pitting the condition of American blacks against the plight of Soviet dissidents.

How about imperialism, a much-favored slander against the United States? We asked Segre to consider not just Soviet military control of Eastern Europe but also current Soviet activities in southern Africa and elsewhere, compared with last year's refusal by the United States to get involved in Angola.

The response was quick and confident: "Even your own officials like [U.N. Ambassador Andrew] Young and President Carter himself have said that Communist troops in Angola created stability, and that is not imperialism."

As for Eastern Europe, Segre told us, Moscow has troops there as part of the Warsaw Pact, just as the United States has troops in Western Europe as part of NATO. But, he was asked, is not the purpose of Soviet troops in East Germany, Poland, Hungary and Czechoslovakia to guarantee Moscow's military control and economic domination of those countries?

"There is a question about what function Soviet troops have in Eastern Europe," Segre said. He added the party's routine disclaimer on the Soviets' 1968 occupation of Prague.

Embroidering that curious perception of imperialism, Ugo Pecchioli, an articulate, 52-year-old executive committee member with growing influence in the party's foreign-policy apparatus, came close to equating U.S. membership in NATO with "imperialism."

"Certainly the American presence has conditioned the political development of the countries of Western Europe," he told us. "[Consider] the prevalence of American interests, American armaments—NATO uses American arms, not European. And we have learned about the CIA operations from hearings in your Congress" (a reference to undercover U.S. help for democratic parties in past Italian elections).

And Soviet imperialism? "There is no element of Soviet imperialism in Eastern Europe," he said. "Imperialism totally suffocates the life of a country." He repeated Segre's line about Soviet-Cuban intervention in Angola. "Even the U.S. has admitted in the last few weeks that Cuban troops in Angola brought an element of stability and democratization."

Given these convictions, to swallow the Communist Party's new doctrine on NATO—that, should they ever attain power here, the Communists would continue Italy's NATO membership but press hard for the "obsolescence" of both pacts—requires a staggering act of faith.

If much else is unclear about Italy's second largest party, this fact emerged from our discussions: The new doctrine on NATO, which was widely advertised in last summer's election campaign, seems to rest on a foundation of hot air.

Considering the party's contorted view of the U.S.-Soviet struggle, its pledge to tolerate continued membership in NATO is not principled. Rather, it is merely a tactic to appear more acceptable to the Western-oriented middle class in its appeal for votes—a tactic that, in other areas, appears to have damaged the party's working-class base, triggered a potentially serious inner-party debate over future strategy and, at least, for the moment slowed its drive toward power.

ENVIRONMENTALISTS SUPPORT REPRESENTATIVE HOLTZMAN'S AMENDMENT ON BRIDGE TOLLS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1977

Ms. HOLTZMAN. Mr. Speaker, the Natural Resources Defense Council, Inc., the environmental group which brought suit to enforce New York's clean air plan, supports the amendment I introduced to prevent the imposition of tolls on currently free bridges in New York City. As the following statement points out, the resources council supported this amendment, which has now passed the House and Senate, because it will help to reduce pollution in the city.

[From the Natural Resources Defense Council, Inc., New York, N.Y.]

ENVIRONMENTALISTS SUPPORT REPRESENTATIVE HOLTZMAN'S AMENDMENT ON BRIDGE TOLLS

Attorneys for Environmental groups today applauded Rep. Elizabeth Holtzman's amendment to the Clean Air Act.

Ross Sandler and David Schoenbrod, staff attorneys at the Natural Resources Defense Council, stated:

"In 1974 the environmental groups went to court to enforce the State's clean air plan. That plan included the requirement to put tolls on bridges in order to raise money to subsidize buses and subways. Because the State and City refused to implement that plan, the fare increased from 35 cents to 50 cents, and the Federal Court thereafter ordered that the tolls be placed on the bridges in time to prevent another fare increase. The Holtzman amendment confirms the principal for which we have fought and won in court; the Governor and Mayor must act to preserve and enhance New York's

great mass transit system. The amendment, if passed by the Congress, will direct the Governor and Mayor to define and implement a unified plan for reducing pollution, traffic congestion and improving the bus and subway system through all available financial means.

"The Holtzman amendment will insure that our court victory compelling the Governor and Mayor to place the highest priority on financing mass transit will not be subverted. The Holtzman amendment confirms that principle and recognizes that improved bus and subway service is necessary for clean air and the long term economic viability of New York."

BEEF IMPORTS AND THE FAMILY FARM

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. STANGELAND. Mr. Speaker, you would have to look far and wide to find a stockman in my part of the country who is not aware of the danger that looms ahead for the traditional family farm in the wake of spiraling beef imports.

As the people who are right in the middle of the financial crunch, brought on by the combination of natural disasters and unnatural Federal meddling, all of us can recite the chilling history—chapter and verse.

In fact, we are so close to the situation, we can't for the life of us believe that any thinking Washington official cannot see this grave danger to America's most basic industry for himself.

Sure. We can admit that our concern is for the very enterprise that supports our region of America—and why not? But you would think anybody can figure out that the real, long-range danger is to all America itself.

If Government in Washington does not take positive action to relieve this situation, the continuing reduction of our domestic beef cow herds—in the face of America's exploding population growth—will lead to serious national shortages of beef within the next 2 years. And, once again, "America, the Bountiful" will be forced to rely on foreign producers to fill its needs.

Only this time—unlike the energy crunch where a natural resource is running out on America—it will be because Government actually encouraged America to run out on a vital, life-giving resource that is naturally self-replenishing.

In my "first hundred days" on Capitol Hill, I have found that the pragmatic logic of the family farmer too often gets lost in the clamor of so many other voices demanding action on other regional and national matters.

The only way the farmers are going to win this battle for survival is to make our voice so loud and insistent that the urgency of the danger has to get through. That is the way we got the import quota legislation in 1964 and that is the only way we are going to get the legislative changes and administration action needed to close some of the import loopholes that have been slowly choking the family farm to death in the ensuing 13 years.

That is why I have joined with 19 other "cattle-country" Congressmen to insist that the International Trade Commission expand the scope of its public hearings on beef imports to cover all the financial woes of domestic producers—because all of them are interrelated.

As I said in my statement before the first of those hearings last week in Rapid City, S. Dak.: It is essential for the ITC to make realistic recommendations. Since a good share of the beef cattle industry's problems stem from Government interference in the first place, it is imperative that government explore ways to correct those problems. And a good place to start is with the Beef Import Act.

We can agree—it is important for Government to learn about our problems through these hearings. But the family farmer has a right to expect the learning process to produce action.

WBOC–TV NOTES THE HIGH COST OF GOVERNMENT

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BAUMAN. Mr. Speaker, during the past week, the House has passed a large part of one of the biggest Federal budgets in the Nation's history. We have voted to spend billions of the taxpayer's hard-earned dollars on projects ranging from aiding the poor to the most esoteric technological research in the most advanced areas of science.

What are the taxpayers receiving in return? Not nearly as much as would be the case if those same billions were allowed to remain in private sector of our as yet somewhat free economy. The Life Underwriters Association has just released a study demonstrating that for each dollar doled out by the Federal Government, it costs $3 for administration. For private groups, it cost only 8 cents to administer that same dollar.

WBOC–TV in Salisbury, Md., recently commented on these figures and I would like to bring these views to the attention of my colleagues:

TAX DOLLARS

No one likes taxes, but we suspect there would be less grumbling about them if we knew and felt sure that our hard earned tax dollars were being well spent. On the local level, where we have more personal control, there's a general feeling that we are getting our money's worth . . . but on the state and federal level, there is a rising tide of discontent.

One of the biggest goals of government these days is to eliminate poverty. A lot of money has been spent on it . . . and there's no quarrel with the goal itself . . . but government handling of it is something else. The Life Underwriters Association recently released a study comparing the results of work in this field as performed by government on one hand, and non governmental groups on the other . . . and the results should not be any great surprise.

It shows that for every dollar finally getting to the needy, the cost of distribution by churches is only about 8 cents . . . for the same by normal charity groups, the cost is about 28 cents. But for each dollar doled out by the federal government, it costs three dollars to distribute. That might explain why we have so many bureaucrats and a growing number of poor people. Bureaucrats have no worries about profits and loss . . . there is no market discipline . . . and the bigger their budget the more people they can hire to work for them . . . and the bigger their employee list, the higher their grade in rank and pay.

Big spending programs, by the government, to fight social ills started way back in 1933 . . . and 44 years and trillions of dollars later, we have little to show for it, except a lot more people dreaming up many more new ways to spend our money, and costing us more everytime they do it.

OUR NATION LOST ONE OF ITS OUTSTANDING LEADERS OF THIS CENTURY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. FREY. Mr. Speaker, last week our Nation lost one of its outstanding leaders of this century, Dr. Wernher von Braun. His death brings to a close a remarkable career of accomplishment and one that contributed greatly to our Nation's space efforts that made the United States the first country to place a man on the Moon.

It is important to remember the noteworthy achievements of Dr. von Braun which developed from his consuming interest in rocketry that began as a young boy in Germany. In the five decades that have followed, he has been preeminent in the development and application of rocketry in science, industry and space exploration, and research. These endeavors have made invaluable improvements to the quality of human life.

Dr. von Braun stands as a model and an inspiration to those who are dedicated to the development of knowledge for the benefit of mankind. The many missions that are sponsored today by the National Aeronautics and Space Administration are largely possible as a result of the mental vigor that Dr. von Braun applied throughout his career in working with the Nation's space program.

He believed that today's missions can be reduced in thought to common denominator: To explore the Earth and its surroundings, conduct aeronautical research, and put the results to work for the benefit of all people.

Advances that have been made through the application of the knowledge now available are in the area of communications, education, medicine, environmental monitoring and control, as well as for the better use of Earth's natural resources. That knowledge will continue to be applied for the solutions of the problems and needs of the world's people.

Mr. Speaker, from the beginning of our space age, Dr. von Braun served as an effective team leader and was recognized as having the insight and knowledge needed to inspire others with enthusiasm in behalf of the needs of our Nation's space endeavors. He was a man

of accomplishment and vision. He gave without reserve to the furthering of our Nation's knowledge of the principles of aerodynamics and rocket propulsion needed for our country.

There is no question that Dr. von Braun will be remembered as a pioneer and hero of the American space age. His accomplishments are many and will be remembered as indicative of the man himself. Our Nation has lost a great mind and a great man.

PERSONAL EXPLANATION

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. RYAN. Mr. Speaker, on June 2, June 6, and June 10, I was absent when the House voted on several measures. Had I been present, I would have voted as follows:

JUNE 2, 1977

Roll No. 297.—House Resolution 603, the rule under which H.R. 6804, the Department of Energy bill was considered, was agreed to by a vote of 345 to 2: Yes.

Roll No. 298.—An amendment by Mr. CONYERS to H.R. 6804, creation of the Department of Energy, seeking to establish an independent National Energy Board responsible for energy pricing, was rejected by a vote of 83 to 277: No.

Roll No. 299.—An amendment by Mr. Moss to the Department of Energy bill, striking the Secretary's authority to regulate the wellhead price of natural gas and giving that power to the Federal Energy Regulatory Commission; and limiting the Secretary's authority to issue regulations of general applicability, was agreed to by a vote of 236 to 119: Yes.

Roll No. 300.—An amendment by Mr. UDALL to the Department of Energy bill, seeking to strike certain powers of the Department relating to Federal leases, was rejected by a vote of 170 to 180: No.

Roll No. 301.—An amendment by Mr. LEVITAS to the Department of Energy bill, providing for congressional veto of rules and regulations promulgated by the Department, was accepted by a vote of 200 to 125: Yes.

JUNE 6, 1977

Roll No. 311.—An amendment by Mr. CRANE to H.R. 6990, authorizing funds for military construction installations, seeking to eliminate the applicability of the Davis-Bacon Act, requiring the payment of prevailing wages to construction contracts in the bill, was rejected by a vote of 76 to 298: No.

Roll No. 312.—H.R. 6990, authorizing construction at military installations, passed by a vote of 351 to 24: Yes.

JUNE 10, 1977

Roll No. 331.—The conference report on H.R. 5840, the Export Administration Amendments of 1977, was agreed to by a vote of 306 to 41: Yes.

Roll No. 332.—An amendment by Mr. BURGENER to H.R. 7556, appropriations for the Departments of State, Justice, and Commerce, seeking to prohibit the use of any funds for salaries or expenses of diplomatic personnel assigned to Cuba or the Swiss Embassy in Cuba, was rejected by a vote of 139 to 206: No.

A GRIM REMINDER

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. HOLLENBECK. Mr. Speaker, June 15 marked a day of sorrow and reflection for Lithuanians throughout the world. On this day in 1940, Lithuania lost its independence. Oppressed for centuries because of their geographical location, Lithuanians have suffered invasions from the East by the Russians and from the West by Teutonic knights. They have demonstrated incredible spiritual and ethnic strength by surviving these continued attacks.

Ever since this gallant Baltic country was incorporated into the Soviet Union by the Russians, the Lithuanians have struggled to throw off the chains of their conquerors. Thousands of these freedom fighters have sacrificed their lives in an attempt to secure independence for their beloved country. From 1944 to 1952 alone, approximately 50,000 Lithuanian freedom fighters gave their lives as part of an organized resistance movement. However, the cessation of armed guerrilla warfare has not resulted in the end of resistance against Soviet domination. Rather, it has created the impetus for the introduction of passive protest.

Even today, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime. The protests of the Lithuanian people against the denial of their right to national self-determination, and religious and political freedom continues despite Soviet oppression. With this in mind we must attempt to match the courage of Lithuania by reaffirming our dedication to the principles of self-determination, and human rights.

The convening of the Belgrade Conference represents the perfect setting for the implementation of these ideals. It is our obligation to confront the Soviet Government with the fact that despite being cosigners of the Helsinki Accords, they have blatantly ignored many of the provisions guaranteeing human rights. We must continue to speak out against the denial of human rights and not succumb to any temptations which permit us to neglect the inhumane treatment of those less fortunate throughout the world. Instead, we should continue to fight vigorously for those rights to which all peoples are entitled.

June 15 marked a grim reminder for all of us that there are people in the world who do not possess even the most basic of human rights. We must extend whatever support we can to the people of Lithuania and their dreams for freedom. Let us hope for the day when our Lithuanian friends can celebrate their renewed independence, rather than commemorate the day of their homeland's invasion.

TUITION RELIEF—AN IDEA WHOSE TIME HAS COME . . .

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DELANEY. Mr. Speaker, because of the widespread interest in the "Tuition Tax Relief Act" which I introduced on February 9 to provide families the choice of a $1,000 deduction or a $250 credit for tuition at educational institutions from grammar school through the university, I requested the Congressional Budget Office to prepare a cost estimate of this urgently needed legislation. H.R. 3403 now has 50 cosponsors in the House and a similar measure, S. 834, is picking up considerable bipartisan support in the Senate. Many of my colleagues have heard from their constituents in support of this concept. I would like to share the CBO's report with them.

According to a recent HEW estimate, the total Federal, State, and local expenditure for public education in the United States is approximately $97 billion. Some 5.3 million schoolchildren, however, gain nothing from that figure. Those children constitute 10.7 percent of our elementary and secondary school population, but they do not attend public schools.

The cost of their education is far lower than in the public sector. For example, in 1973, the per pupil cost in parochial elementary schools was $310. In public schools, it was about $700. The annual cost per public school pupil in average daily attendance in New York City alone during the 1975–76 was $2,507. Considering the desire of parents across the country to place their children in independent institutions of learning, there can be no doubt that, for much less money, private institutions are delivering educational services at least equal to those provided by their public counterparts.

The tax break provided under H.R. 3404 would result in a tax loss to the Federal Government of $190 million in fiscal 1978. In fiscal 1979, when the bill would be fully operational, the cost would be $1.272 billion. That is not a small sum, but it is still a bargain.

It is a bargain, for example, because private education on the elementary and secondary level is literally keeping public education alive in some areas of the country. Many of our great cities would be financially crippled if their private school systems had to close their doors. Imagine the impact on New York, Baltimore, Philadelphia, Chicago, Detroit, Boston, or Los Angeles if, next September, hundreds of thousands of additional pupils appeared on the doorsteps of the public schools. That would be, in some cases, "the straw to break the camel's back." It would drive up urban taxes fantastically, and might be the beginning of the end for urban government as we have come to know it.

This is a matter having special impact on low-income families and minorities. Across America, tens of thousands of black and Hispanic families are support-

ing, sometimes through heroic efforts, their own educational systems. They are building a solid base of pride and accomplishment that is enabling them to realize for themselves the promise of America, just as former minorities have done before them in the face of discrimination and misunderstanding.

In Washington, D.C., 65 percent of the pupils enrolled in urban Catholic schools are black, while another 5 percent are Hispanic. In Chicago, 53 percent are black and 23 percent Hispanic. In New York City, 11 percent are black and 28 percent Hispanic.

Every year, Congress appropriates billions of dollars for compensatory education and other Federal programs to help disadvantaged children. It is certainly reasonable to add some small measure of financial encouragement for those families who are "lifting themselves up by their own bootstraps" in the true American spirit.

As an aside, many people may not be aware of the "blurring" of distinctions between public and private schools. A number of public school systems—particularly those with reputations for excellence—actually enroll out-of-district students on a tuition basis. I understand, for example, that tuition in the Clayton, Mo., public schools ranges from $1,324 for elementary school to $1,721 for senior high schools. Charges in the Montgomery County public school system in Maryland apparently range from $1,940 to slightly over $2,000.

H.R. 3403 also provides a tax break for those paying public or private college tuition. This provision accounts for the bulk of the "tax loss" under the bill: $249 million for fiscal 1978 and $1.668 billion for fiscal 1979—when the legislation would be fully in effect. From a rigorous cost-benefit perspective, this actually makes sound economic sense. A cut-and-dried financial analysis cannot possibly factor in the myriad social and economic variables which clearly demonstrate the secular advantages of the bill. These variables, by the way, are almost always considered in the review processes for the billions of dollars of so-called "development" funding which our Government sends abroad through multilateral and foreign aid institutions. Yet, they must of necessity be overlooked in such a CBO cost estimate.

In my own State of New York, there are over 129 private colleges. Some of them are teetering on the edge of bankruptcy, many are dipping into their endowments to meet day-to-day expenses, and all have been forced to raise tuition skyhigh because of the dual effects of inflation and recession. The independent colleges of America are a precious national resource, and their survival is worth many times over any "revenue-loss estimate" involved in H.R. 3403.

Tuition relief is definitely an idea whose time has come. I respectfully direct the attention of my colleagues to CBO's cost estimate:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 11, 1977.

Honorable JAMES J. DELANEY,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of April 26 requesting cost estimates of H.R. 3403, a bill which would provide a tax credit/deduction option for tuition expenses incurred at institutions of higher education, vocational schools, secondary schools, and elementary schools.

The information you requested is enclosed. The estimated cost of H.R. 3403 in fiscal year 1978 is $439 million, of which $249 million is attributed to postsecondary education and $190 million to elementary and secondary education. In fiscal year 1982, the total cost is projected to rise to $3,204 million, with $1,835 attributed to postsecondary education and $1,369 to elementary and secondary education.

The response was prepared by Frank Russek (telephone: 225-5058) of the Tax Analysis Division with assistance from Richard Wabnick of the Human Resources and Community Development Division.

I hope that this will be helpful to you. If you have any questions, please do not hesitate to contact us.

Sincerely,

ALICE M. RIVLIN,
Director.

FIVE-YEAR COST AND DISTRIBUTION ESTIMATES OF H.R. 3403

H.R. 3403 offers taxpayers the option of a non-refundable tax credit (maximum $250) or a reduction from gross income [1] (maximum $1,000) for tuition expenses incurred on behalf of a full-time student attending an institution of higher education, a vocational school, a secondary school, or an elementary school.

Table 1 provides cost estimates of H.R. 3403 for fiscal years 1978 through 1982, and estimates of the costs attributable to tuition paid at postsecondary institutions, and at elementary and secondary schools. Table 2 through 4 present the distributional impact of H.R. 3403 by income classes according to calendar year tax liabilities. A discussion of the estimating procedure is presented in the appendix.

TABLE 1.—ESTIMATED REVENUE LOSS FROM H.R. 3403 [1]

[In millions of dollars]

	Fiscal year—				
	1978	1979	1980	1981	1982
Total cost	439	2,940	3,002	3,122	3,204
Cost for postsecondary students	249	1,668	1,727	1,796	1,835
Cost for elementary and secondary students	190	1,272	1,275	1,326	1,369

[1] Assumes that 15 percent of the reduction in calendar year tax liabilities is reflected in lower payments during the corresponding fiscal year.

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[1] Since the tax deduction proposed by this bill is one which is subtracted before reaching adjusted gross income (an "above the line" deduction), it will benefit those using the standard deduction as well as those who itemize their deductions.

TABLE 2.—DISTRIBUTION OF TAX SAVING FROM H.R. 3403

[Dollar amounts in millions]

AGI class	Calendar year liability									
	1978		1979		1980		1981		1982	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
0 to $5,000	$82	3	$76	2	$69	2	$59	2	$52	2
$5,000 to $10,000	237	8	208	7	169	5	159	5	122	4
$10,000 to $15,000	437	15	340	11	289	9	232	7	211	6
$15,000 to $20,000	523	18	482	16	454	14	359	11	294	9
$20,000 to $25,000	436	15	441	15	424	14	422	13	390	12
$25,000 to $35,000	711	24	850	28	992	33	1,129	35	1,268	39
$35,000 to $50,000	265	9	319	11	373	12	430	13	485	15
$50,000 to $75,000	151	5	184	6	216	7	251	8	290	9
$75,000 to $100,000	45	2	55	2	63	2	75	2	87	2
$100,000 and over	43	1	52	2	62	2	74	2	85	2
Total	2,928	100	3,007	100	3,110	100	3,190	100	3,284	100

Note: Details may not add to total because of rounding.

TABLE 3.—DISTRIBUTION OF TAX SAVING ATTRIBUTABLE TO TUITION PAID AT POSTSECONDARY INSTITUTIONS

[Dollar amounts in millions]

AGI class	Calendar year liability									
	1978		1979		1980		1981		1982	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
0 to $5,000	$58	3	$53	3	$51	3	$43	2	$37	2
$5,000 to $10,000	159	10	143	8	118	7	114	6	90	5
$10,000 to $15,000	229	14	191	11	172	10	142	8	133	7
$15,000 to $20,000	254	15	233	14	239	13	182	10	163	9
$20,000 to $25,000	238	14	231	13	210	12	206	11	188	10

TABLE 3.—DISTRIBUTION OF TAX SAVING ATTRIBUTABLE TO TUITION PAID AT POSTSECONDARY INSTITUTIONS—Continued

[Dollar amounts in millions]

AGI class	Calendar year liability									
	1978		1979		1980		1981		1982	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
$25,000 to $35,000	$420	25	$501	29	$576	32	$653	36	$716	38
$35,000 to $50,000	157	9	189	11	219	12	251	14	278	15
$50,000 to $75,000	91	5	111	6	130	7	151	8	168	9
$75,000 to $100,000	27	2	33	2	38	2	44	2	50	3
$100,000 and over	26	2	31	2	37	2	43	2	48	3
Total	1,659	100	1,716	100	1,790	100	1,829	100	1,871	100

Note: Details may not add to total because of rounding.

TABLE 4.—DISTRIBUTION OF TAX SAVING ATTRIBUTABLE TO TUITION PAID AT ELEMENTARY AND SECONDARY SCHOOLS

[Dollar amounts in millions]

AGI class	Calendar year liability									
	1978		1979		1980		1981		1982	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
0 to $5,000	$24	2	$23	2	$18	1	$16	1	$15	1
$5,000 to $10,000	78	6	65	5	51	4	45	3	32	2
$10,000 to $15,000	208	16	149	12	117	9	90	7	78	6
$15,000 to $20,000	268	21	249	19	215	16	177	13	131	9
$20,000 to $25,000	198	16	210	16	214	16	216	16	202	14
$25,000 to $35,000	291	23	349	27	416	32	476	35	552	39
$35,000 to $50,000	108	8	130	10	154	12	179	13	207	15
$50,000 to $75,000	60	5	73	6	86	6	100	7	37	3
$75,000 to $100,000	18	1	22	2	25	2	31	2	37	3
$100,000 and over	17	1	21	2	25	2	31	2	37	3
Total	1,269	100	1,291	100	1,320	100	1,361	100	1,413	100

Note: Details may not add to total because of rounding.

APPENDIX

Methodology

The following procedure was employed to derive the cost estimates of H.R. 3403:

1. Full-time student enrollment by income class was projected through 1982 for (a) postsecondary schools, and (b) private elementary and secondary schools.

2. Tuition expenses were projected through 1982 for attendance at (a) postsecondary schools and (b) private elementary and secondary schools.

3. For each income class, enrollment and tuition data were matched with tax data to determine the reduction in tax liability resulting from application of the deduction or the credit, whichever produced the larger reduction in taxes.

4. For each income class, the aggregate revenue loss was estimated by multiplying the per-student tax reduction by the number of students in that income class.

Enrollment data

To estimate the distribution of students by adjusted gross income class, we began with the October 1975 Census Population Survey which provides a distribution of full-time college students and pre-college students in primary families (a close proxy to dependent students) by family income. To provide more detail for the distribution of students from families with adjusted gross income above $25,000, the students from these families were distributed according to the distribution of taxpayers in the following income brackets: $25,000–$35,000; $35,000–$50,000; $50,000–$75,000; $75,000–$100,000; and $100,000 and above.

A five-year projection of the distribution of students was obtained in the following way:

1. The income brackets were inflated to reflect the projected growth of income (as estimated by CBO) between 1975 and future years. For example, a 10 percent growth in income would change the $0–$5,000 bracket to $0–$5,500.

2. The 1975 percent distribution of enrollment by family income was adjusted to fit the projected income brackets in each future year. The effect of this was to move students into higher family income brackets with the passage of time. By interpolation, a percent distribution for the original income brackets (i.e, $0–5,000; $5,000–$10,000; etc.) was then obtained for use with the tax file.

3. These percent distributions were applied to projections of total full-time enrollment which were derived from growth rates based on data from the National Center for Educational Statistics. The resulting distributions of students are presented in Table A–1.

Tuition Data

Based on estimates obtained from the American Council on Private Education and discussions with CRS staff, it was assumed that the tuition costs at private elementary and secondary schools in 1978 would be $400 and $800, respectively. The assumption was made that these costs would rise by 7 percent annually.

To estimate tuition expenses for students attending postsecondary institutions, we began with the 1974–1975 percent distribution of enrollment by tuition brackets. Five-year projections of this distribution were made by adjusting tuitions for inflation, using an index based on data from the National Center for Education Statistics. The following table shows the distributions for the period 1978–1982. This table (A–2) indicates that 5.0 percent of those enrolled in college in 1978 are expected to attend schools charging tuitions between $100 and $200, while 29.4 percent are expected to attend schools with tuitions above $1,000.

The percentages in Table A–2 were applied to the number of postsecondary students by income class to obtain an estimate of the percentage of students in each class attending schools with different tuitions. Because of data limitations, it was assumed that the proportion of students attending high and low cost schools would not vary by income class. This probably overstates the number of high income students in low-cost schools, and thus understates somewhat the total cost of H.R. 3403.

Tax Data

The IRS tax file was simulated to determine average marginal tax rates and average tax liabilities by income class. To approximate those taxpayers most likely to have children in school, the sample was restricted to heads of households and married couples filing jointly who claimed dependent exemptions. The results of the simulation are shown in Table A–3.

TABLE A–1.—ESTIMATED DISTRIBUTION OF ENROLLMENTS IN THOUSANDS

Adjusted Gross Income	0–5	5–10	10–15	15–20	20–25	25–35	35–50	50–75	75–100	100 plus	Total
Postsecondary enrollment:											
1978	416	742	1,069	1,187	1,098	1,812	611	323	90	84	7,432
1979	377	663	889	1,115	1,062	2,135	720	380	106	99	7,546
1980	365	547	799	1,027	966	2,432	820	433	121	113	7,623
1981	306	529	659	843	942	2,730	920	486	136	127	7,678
1982	276	414	614	752	859	2,962	999	528	147	138	7,689

TABLE A-1.—ESTIMATED DISTRIBUTION OF ENROLLMENTS IN THOUSANDS

Adjusted Gross Income	0-5	5-10	10-15	15-20	20-25	25-35	35-50	50-75	75-100	100 plus	Total
Secondary enrollment:											
1978	32	60	152	202	221	375	127	65	19	17	1,270
1979	31	51	109	188	235	441	149	77	23	21	1,325
1980	22	38	84	161	237	512	171	87	24	22	1,358
1981	21	35	66	133	235	571	193	99	29	26	1,408
1982	20	25	56	99	215	644	217	112	32	29	1,449
Elementary enrollment:											
1978	118	250	680	870	571	772	261	133	38	35	3,728
1979	110	210	487	808	606	905	305	157	45	41	3,674
1980	89	167	385	698	617	1,054	353	180	51	47	3,641
1981	79	145	294	576	610	1,175	398	203	59	54	3,593
1982	75	105	254	426	560	1,326	447	230	66	61	3,550

IMPROVING OUR COMMUNICATIONS SYSTEM

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. NIX. Mr. Speaker, in the area which I represent, indeed in the country, concern intensifies as to the future of a service we all enjoy and have grown to depend upon—the telephone. In recent years the Federal Communications Commission has taken actions which are steering the course of the telephone industry away from that which produced the finest communications service anywhere in the world at prices almost everyone can afford.

I share the concerns of many of my constituents which are very well expressed in the following letter from one of them, the Reverend Leon H. Sullivan:

PHILADELPHIA OIC, INC.,
Philadelphia, Pa., April 11, 1977.

Hon. ROBERT N. C. NIX,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN NIX: It is our feeling that today this country has the finest communications system in the world at costs lower by comparison to any other nation.

We are concerned, therefore, by recent decisions of the Federal Communications Commission which could possibly alter our nation's telephone system. The decision to permit direct connection to the telecommunications network of equipment not supplied by the Telephone Companies and the authorization of "specialized common carriers" to furnish private line inter-city service over selected high usage routes could possibly erode Telephone Company revenues in those areas and ultimately result in increased rates for residence customers.

Telephone Companies have been able to keep residential rates low over the years through a pricing structure that enables low income and fixed income families all over our country to use the service and afford it.

If this pricing structure is altered and certain business rates are lowered at the sacrifice of residence rates increasing, some customers will be faced with the choice of modifying their service or even doing without it. Doing without could be the choice that many low income groups would have to make.

For these reasons, we feel that this entire matter should be fully aired in Congress and urge your support of Bill H.R. 8 introduced in the House and Bill S. 530 that has been introduced in the Senate.

Sincerely,

Rev. LEON H. SULLIVAN,
General Chairman.

It is out of my conviction that the misgivings expressed in this letter are well founded that I join many of my colleagues in sponsoring the Consumer Communications Reform Act of 1977.

THE FIRST LADY'S MISSION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial, which appeared in the Santa Barbara, News Press, June 14, 1977. The editorial comments on the seven nation tour made by First Lady Rosalynn Carter.

The editorial follows:

THE FIRST LADY'S MISSION

Now that Mrs. Rosalynn Carter's 13-day tour of seven Latin American nations is at an end, it seems pertinent to take a clear, candid look at the mission.

Although there seems little doubt that the wife of the President made a personal hit wherever she went, we must confess to a considerable uneasiness about having U.S. diplomacy conducted in this fashion. Mrs. Carter has shown sympathy, charm and intelligence in her talks with the leaders of the various nations and in her public appearances. But in a role requiring the utmost in training, experience and knowledge of foreign affairs, the only qualification Mrs. Carter had was that she is the wife of the President of the United States. It is not enough.

Whatever the heads of the host nations thought privately, they accorded her typical Latin American courtesy and hospitality. However, aside from the fact that she kept telling them, "I will take it back to my husband," it must have been uppermost in their minds that this was not the way to conduct important, complex and delicate diplomatic discussions.

In anticipating the difficulties in Brazil, which canceled its 25-year-old military accord with the United States and rejected $50 million in loan credits because of our stand on human rights and nuclear power, an official traveling with Mrs. Carter stated: "She has to convince them that we are not anti-Brazil and want to improve relations, and that's a hell of a task." It is, indeed.

President Carter has used other members of his family on diplomatic missions, although not on such a high level as his wife's. We think it no reflection on the Carter family to say that we wish he would keep his close relatives at home and let our top diplomats attend to our diplomacy in foreign lands.

NUCLEAR POWER IS STILL THE ANSWER

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. SYMMS. Mr. Speaker, with the debate on the merits of nuclear power for electric generating plants in full swing many commentaries from both sides of the issue are being circulated throughout the Congress. Much to the consternation of Ralph Nader and others who desire an energy deficient and centrally controlled society, a vast majority of the American people favor increased use of nuclear power to meet our Nation's energy needs. A November 1976 Harris poll found that by 61 to 22 percent the people favored increased use of nuclear power. That survey, conducted under the complete and independent control of the Harris organization also reveals that political leaders "badly underestimate" public concern over potential energy shortages and their economic consequences.

Also, the survey revealed that by 63 to 23 percent the public considers nuclear power to be more safe than nonsafe. In addition, the survey found that environmentalists are more certain now than a year ago of the inevitability of nuclear power to meet electricity demand. By a 53 to 45 percent majority environmentalists believe that nuclear plants are safe.

Furthermore, there were popular referendums in seven States last year on whether or not to further restrict the use of nuclear power. In each of these States the public voted by a large majority not to place further restrictions on nuclear power.

Mr. Speaker, it seems as though Mr. Nadar and company are not as influential with the public at large as some might think. The time is long overdue when Members of Congress and their staff realize this. The May 1, 1977, issue of Electrical World contained an excellent editorial entitled "Nuclear Power is Still the Answer." I would like to include it in my remarks at this time:

NUCLEAR POWER IS STILL THE ANSWER

My engineering economics professor, Paul Jeynes, had a favorite story about an elementary-school class project. The Project, which was a life-cycle study of a chicken, almost foundered when the sex of the chick could not be determined, and therefore no name could be given to it. A committee was

appointed to investigate, and dutifully reported back that they had determined that it was a rooster. "How?" asked the teacher. The chairman replied, "Well, we voted on it." The participants in the much-debated Ford Foundation study of nuclear energy must have used the same reasoning when they assessed the uranium resource base of the US. And yet, that assessment may determine the death of the breeder program in this country.

To our knowledge, no even reasonably comprehensive geological survey of uranium deposits and their assay exists. The Ford study bases its conclusions on ERDA estimate. However, history has repeatedly shown that such resource estimates are of highly questionable accuracy. This provokes the following thinking:

There is no definitive inventory of uranium resources.

The best current estimates, therefore, could be grossly in error.

There is no logical reason to suspect that any such gross error would necessarily be on the side of conservatism.

We are dealing here with the future energy security—and, therefore, the economic security—of the country. Prudence would appear to dictate that we must assume that such errors in resource estimation as do exist should be considered to be both large, and on the side of overstatement. The consequence of not doing so could be a serious devaluation of the importance of the breeder. This, subsequently, could cripple the country's light-water-reactor base at some point after the nation has become dependent on it.

There are those, including the participants in the Ford Foundation study, who anticipate that a drastic increase in coal use will take up any slack that may develop in the nuclear program because of a breeder cutoff, plus that created by the withdrawal of oil and gas as boiler fuels. Such a radical displacement hardly seems likely when we consider the barriers that have already been raised. Incipient tough strip-mining legislation, the nondegradation rulings, totally inadequate transportation facilities, a rapidly shrinking and possibly nonexpandable coal-mining labor force, and capital needs that do not appear easily met, all cry "wait" to those who plan too heavily on coal.

Too, the recent Mitre Corp study for ERDA shows the social balance to be tipped strongly against coal-fired generation and in favor of nuclear in the anticipated number of deaths attributable to these activities. It appears, then, that a strong light-water-reactor program, ultimately supported by the breeder, provides the most attractive alternative for providing our energy needs.

The morbidity of the breeder program that will inevitably result from this latest input to government policy, therefore, should not be permitted to divert the industry from its nuclear path. It may be that some day, if we kill our own breeder now, we will be forced to embrace a foreign breeder to support our LWRs. But for now, we must push forward to ensure that, on that day, we have the LWRs to support.—William C. Hayes.

PUSHING THE WRONG BUTTON

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DERRICK. Mr. Speaker, on June 15, 1977, the House of Representatives voted on an amendment to prohibit the use of Veterans' Administration funds for benefits for persons who have had their military discharges upgraded from anything less than a general discharge, except for those individuals who qualify under present law.

I inadvertently voted "no" by pushing the wrong button. I favored the amendment and meant to vote "aye."

PHILADELPHIA'S CARDINAL KROL MARKS 40 YEARS IN PRIESTHOOD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. EILBERG. Mr. Speaker, this Thursday, June 23, John Cardinal Krol, head of the Roman Catholic Archdiocese of Philadelphia, will belatedly celebrate the 40th anniversary of his ordination in the priesthood. This celebration was delayed so as to coincide with the cardinal's 10th anniversary as a cardinal, and it was held in St. Peter's Basilica in the Vatican during the week of the canonization of one of his predecessors, Bishop John Neumann.

In connection with this happy occasion, Mr. Speaker, the Catholic Standard and Times of the Archdiocese of Philadelphia published the following article in its June 16, 1977, edition:

CARDINAL'S 40 YEARS "INTERESTING, SATISFYING"

For Cardinal Krol, the week of the canonization of his predecessor, Bishop John Neumann, the fourth bishop of Philadelphia, will be doubly memorable.

On Thursday, June 23, the Cardinal will offer Mass on the papal altar in St. Peter's Basilica in Rome to mark his own 10th anniversary as a cardinal and to celebrate officially the 40th anniversary of his ordination to the priesthood.

He will be joined in the jubilee celebration by his priest-classmates from Cleveland, his home diocese, and Philadelphia. He has also invited other priest-jubilarians from Philadelphia to join him in the ceremony, and he has asked Sisters and Brothers marking jubilees of religious profession and married couples celebrating golden and silver wedding anniversaries to participate in the Mass.

Among these concelebrating the Mass will be Auxiliary Bishop Gerald V. McDevitt, who is marking the 35th anniversary of his ordination to the priesthood and his 15th year as a bishop.

Cardinal Krol, who was ordained in Cleveland on Feb. 20, 1937, said he delayed his jubilee celebration so that he could concelebrate with his classmates in the Vatican basilica "as an expression of fidelity to the Vicar of Christ."

The anniversary of his elevation to the cardinalate is June 26, but the Cardinal will be back in Philadelphia on that day to offer Mass on the Benjamin Franklin Parkway as the official local celebration of the canonization of Bishop Neumann.

Recalling the origins of his own priestly vocation, Cardinal Krol said, "When I graduated from high school, I didn't know for sure what I wanted to be, but I did know for sure what I didn't want to be—and that was a priest."

"God reversed that decision," Cardinal Krol said with a smile, "and I have always been grateful for the marvelous gift of the priesthood."

"Serving God and His people," the Cardinal said, "has been far more interesting and far more satisfying than any other type of work I could have imagined."

"It is a most notable and sublime vocation," he said, "not only to strive for personal holiness, but to help others to attain holiness and union with Christ. In the priesthood, there is an eschatological, an otherwordly dimension to all your activities, since you're trying to help people not only to attain some joy in this life, but permanent joy in everlasting life."

"I'm particularly grateful," Cardinal Krol said, "to have the gift of the priesthood in the Church where we have the guarantee of a sure teacher, the Vicar of Christ on earth."

"This is most important today," he continued, "when even within the Church there appears to be a variety of teachers. We have the joy and the certainty of having a teacher who presents Gospel truth in its purity.

"In an age when many have what Scripture called 'itching ears,' we have the assurance of full, crystal-clear Gospel truth being transmitted. We have the assurance of an infallible teaching authority in a world in which people are hungering for truth. It is a joy and a consolation to be a priest in such a Church."

JOB CORPS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. CARTER. Mr. Speaker, the Job Corps program was conceived as a way to help young people have a second chance at obtaining an education and a skill with which to earn a decent living. That program has been an extremely successful one. But as with all programs, such success truly can be measured only in terms of individuals.

Through former Kentucky Senator Earle C. Clements, I obtained a copy of a speech delivered by one such individual whose success is a tribute to the Job Corps program.

Dr. Warren Rhodes, a 1967 graduate of the Breckinridge Job Corps Center near Senator Clement's hometown of Morganfield, Ky., delivered the commencement address at his alma mater on May 25. I believe that the Members will find Dr. Rhodes' speech both delightful and inspiring, and I include it for the RECORD:

BRECKINRIDGE'S MAY 25, 1977, GRADUATION CLASS

I know how you are feeling today because I just graduated a few days ago and received a doctoral degree in clinical psychology. Of course you are feeling good because I was, too. If you would ask me what the key speaker at my graduation ceremony talked about, I could not tell you because I was ego-tripping; so, I'm not going to stand up here and give you a long speech. I just want you to know that I know it feels good to be graduating and to be wearing your cap and gown. Can't you see, I still have my cap and gown on now. Boy, it felt good to hear that man call my name and to walk across that stage.

As I was sitting with the other doctoral candidates at my graduation, I began to think about another graduation—ten years ago—when I was sitting where you are now sitting and feeling what you are now feeling. I was graduating from Breck, feeling proud to have succeeded, obtaining a skill in retail

sales. That's where it started: I went back home to a job arranged by Job Corps, attended night school and passed the high school equivalency, went to Morgan State College and received a degree in psychology, after which I received a master's and finally a doctoral degree from the University of Illinois. While I have graduated from a number of educational institutions, the most important graduation occurred here, ten years ago. I say most important because all achievements I have or shall obtain find their base in the changes in attitude developed here at Breck.

Probably like many of you, I entered Breckinridge job corps center because I was not very successful in regular public school programs. At the age of 18, having completed only 8 years of school, I became quite frustrated and quit.

My having had several run-ins with the police probably led my friends, neighbors and family to believe that I was headed for an unproductive and useless existence. Breck offered me an opportunity to brighten my future, a future which appeared so bleak at such an early age.

The story is the same for probably many of you here today. I left the streets of Baltimore, just as you left the streets of Jackson, Atlanta, Raleigh and Petersburg, making one last attempt at altering the path that seemed laid out.

Recently, I read an interesting article about George Foreman. The article went something like this: George Foreman, from Marshall, Texas, was a school drop-out and juvenile delinquent who was rescued by the job corps. I, too, was rescued by jobs corps, and so were the majority of you graduating today.

Now that you are graduating, what does the future hold for you, I ask? If you have not already asked that question, the time has come for you to address it. Take a minute and just ask yourself, what will I be doing this time next year? Two years from now? Even ten?

If you believe the phrase, "as we live now, so we determine our future," you will know that you largely determine your future. The shape of the future is determined now. If you accept this fact, then it becomes easy to set a future course of which you can be proud.

To some extent, you have already begun to set that course. Just by joining the job corps you took a step toward determining your future. Your graduation symbolizes the fact that you have taken another step toward significantly determining the course of your life.

What steps are to be taken now? The attitudes and skills acquired here at Breck should be used in determining future steps—steps occurring in the present that ultimately determine the future.

Ten years ago, I left Breck a person different from the one who joined; a person who was aware that he could actively shape things to come. So too do you leave Breck now: you are different—a changed person, a person who can set goals and successfully strive toward them.

So you must go back to Jackson, go back to Atlanta, go back to your home across the country, and behave in ways that are indicative of a changed person. You are now members of an elite group, and you should be proud.

Go home and be the best bricklayer on the job, the best cook, the best refrigerator repairman and repairwoman, the best college student . . . whatever your future plans may entail, you hold the key and you can open the door. You have the energies, abilities and the knowledge to be one of the best.

I chose a doctorate in clinical psychology as my personal goal and strove towards obtaining that degree. My success is not indicative of my having a superior intellect, but of my determination to apply all I did have to obtaining my personal goal. So don't think I'm going to let you get away with the excuse that, "Dr. Warren Rhodes is very different from me; he had abilities that I don't have". I'm saying that, by applying the skills and talents that you have and have acquired here at Breck, you can be just as successful in obtaining any personal goals you undertake. Your graduating today demonstrates your abilities to achieve a goal which, some time ago, probably seemed unreachable.

That is not to say that the road ahead is going to be an easy one. In many cases, you may be going back to the same pressures that forced you to seek help in the Job Corps in the first place. You may still have to deal with those pressures, but you now have new weapons for dealing with them. Besides the technical know-how necessary for your vocation, you've gained skills necessary for getting along with co-workers and supervisors, greater independence and a sense of responsibility and, most importantly, you've acquired the knowledge and the attitude that you have the abilities to succeed.

So keep the faith, baby, and keep on keeping on.

GOLDWATER POINTS OUT THE RELATIVE PROLIFERATION POTENTIAL OF CENTRIFUGE ENRICHMENT AND BREEDER REACTORS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WYDLER. Mr. Speaker, the President has based his decisions on our development of nuclear energy on the potential for nuclear proliferation. The selection of one course of action versus another has been measured by the proliferation potential. Unfortunately, it is neither a simple matter to evaluate, nor to reach absolute strategies on this issue. Congressman GOLDWATER has reviewed the decision to pursue increased uranium enrichment capacity by developing the centrifuge enrichment process. I believe all the Members could benefit by studying his analysis:

THE BREEDER REACTOR VERSUS CENTRIFUGE ENRICHMENT AS A ROUTE TO PROLIFERATION

The Committee on Science and Technology recently spent the week of June 6, 1977 receiving testimony from government, industry and public witnesses on the Liquid Metal Fast Breeder Reactor (LMFBR) program, and specifically on the Administration's plan to indefinitely defer a key element of that program, the Clinch River Breeder Reactor (CRBR). The original impetus for this approach has been the concern that wide scale use of breeder reactors might accelerate the spread of plutonium, a material usable in nuclear weapons. It has therefore been suggested that action by the U.S. towards deferring its own breeder program (and the reprocessing of spent fuel from light water reactors as well) might provide the leadership for other industrial nations to do the same, thereby slowing the proliferation of nuclear weapons.

There can be little question that effective actions must be taken to address the proliferation problem. It is a vital matter which affects the future of mankind. One can question, however, whether the deferral of the Clinch River Reactor and the reprocessing of spent fuel are effective steps toward controlling proliferation or whether those deferrals are instead fraught with penalties to our energy supply capability. They may be both. Whichever they may be, it is not my intent to answer those questions today. They will be decided by careful deliberation in both Houses of Congress. What I do wish to point out, however, is what appears to me to be a fundamental flaw in at least one portion of the Administration's logic for deferring the Clinch River Reactor and the use of plutonium fuel. That flaw is part of the answers to the question "what do we do instead if we decide not to aggressively develop the breeder reactor?"

The Administration's answer, at least as far as nuclear power is concerned, is that we will develop other sources of nuclear fuel. Specifically, it is proposed that for the short term the U.S. should increase its capacity to enrich natural uranium to the concentration of fissionable material (uranium-235) needed as fuel for light water reactors. Our capacity will be increased not only to the extent needed for domestic reactors, but also to supply part of the international market, so that the U.S. can remain an assured supplier of nuclear fuel to other nations. This latter action is intended to decrease the incentive for other nations to develop their own enrichment or reprocessing facilities. At the same time, recognizing that our supply of uranium is a limited resource, the Administration proposes to draw more of the fissionable uranium 235 from this resource in the operation of the proposed new enrichment plants. Only one tenth of one percent of U-235 will be left in the waste stream (tails) of the new enrichment plants, rather than the two or three tenths of one percent that has been the previous (and planned future) practice, based on economics and other considerations. To achieve this 0.1 percent "tails assay," even additional enrichment capacity will be required.

The nonproliferation logic of this approach begins to break down when one considers how the Administration plans to provide this additional enrichment capacity. It is with a process called the gas centrifuge, which has been under expanded development in the U.S. since the early 1960's. Its primary advantage is that it requires much less electric power for operation than the existing gaseous diffusion process, and is therefore potentially more economical. No argument so far. However, the product of enrichment plants of any kind is uranium enriched in the isotope U-235, a material, depending on the percentage of enrichment, that can be used in nuclear weapons, just as plutonium from a breeder reactor or reprocessing plant. Are we then, in "switching" from breeder reactors to centrifuge enrichment plants, not trading one type of proliferation problem for another? To answer this, let us examine just how easily the product of a centrifuge enrichment plant can be converted to weapons usage.

Fuel for nuclear power reactors is usually enriched to 3-4 percent in U-235, a material which requires a certain number of processing stages and processing time in an enrichment plant. Nuclear weapons material, on the other hand, must be about 90 percent enriched in U-235, requiring more processing stages and time. Can a plant designed for the lower enrichment level be modified to produce the higher level material? Very definitely, the answer is yes. Operation of an experimental centrifuge cascade by the U.S. about 15 years ago confirmed that the centrifuge process can easily produce uranium of weapons grade quality from natural uranium.

The production of weapons grade material is even more readily accomplished if slightly enriched uranium rather than natural uranium is available as feed to the gas centrifuge. If 3-4 percent enriched uranium, which will be in wide scale use as fuel for light water reactors were to be used as the feed into

a centrifuge cascade, only 10–15 percent of the effort normally needed to reach nuclear bomb grade uranium would be required. This is because 85–90 percent of the work needed to enrich natural uranium to weapons grade is already expended in bringing the natural uranium to the 3–4 percent enrichment level. In simple terms, this means that a relatively small centrifuge plant using 3 percent enriched material as feed would be able to "jump" the uranium to a weapons grade level with modest effort. Of course, if even higher enriched material, say at a level of 20 percent or above were available as feed, an even smaller number of gas centrifuges located in a smaller area would be able to produce weapons grade material.

Today, a number of free world countries are involved in research and development or construction of centrifuge machines which are capable of producing bomb grade material precisely as just described. These include the U.S., West Germany, the Netherlands, Japan and Australia. This, of course, does not mean that these nations are undertaking to create nuclear bomb material.

Many other countries have the capability to build centrifuges of the 1960 or later vintage for a nuclear weapons material capability if they so desire. It should be pointed out that one of the factors inhibiting the use of gas centrifuges in the civilian nuclear power program is the fact that they have not yet been demonstrated to be economically viable as a source of nuclear fuel. However, we should not confuse economics with the capability of a nation to produce gas centrifuge machines for the purpose of making weapons grade material. The capital investment needed for a small weapons-oriented centrifuge enrichment plant is not great. The United States, for example, could have built a small centrifuge enrichment plant capable of producing weapons grade uranium based on the technology available in the 1960's, but had no reason to do so.

Since our national policy is to control all aspects of the proliferation of nuclear weapons, the centrifuge route for weapons material cannot be ignored. A small enrichment plant does not have the problem of handling radioactive fission products and the difficulties of dealing with power reactor grade plutonium that are inherent in breeder reactors and reprocessing plants.

This is not to say that centrifuge enrichment plants are a proliferation risk. They add to the potential, but this can be controlled. The Administration must believe so, because despite its great concern over proliferation, the Administration proposes to build several new centrifuge plants. The key point, however, is that the same argument can be made for the breeder reactor and reprocessing plants—they add to the proliferation potential but they too can be controlled by appropriate technical and institutional measures. Why does the Administration fail to recognize this? If the U.S. develops and builds centrifuge enrichment plants, then that technology will eventually come into widescale use in the same manner the Administration fears for breeder reactors and reprocessing plants. Yet, the Administration fears the one and embraces the other. The logic is faulty.

A nonproliferation policy which ignores the enrichment route as a means of obtaining weapons materials would give the American people a false sense of security. Our policy must be an active rather than passive one that recognizes that reprocessing technology is available worldwide, that enrichment processes are available worldwide, that breeder reactors are under development worldwide, and that all countries want to be less dependent than they have been on imports of energy.

LITTLE BISHOP OF PHILADELPHIA RECEIVES SAINTHOOD

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LEDERER. Mr. Speaker, at this time yesterday morning, I was in St. Peter's Basilica in Rome, completing my 2½-day stay in the Eternal City. I completed my stay by attending a concelebrated Mass at the altar of St. Leo. The Mass was concelebrated by the Reverend Monsignor Charles E. McGroarty, S.T.L., and Rev. Robert P. Lepleiter. A unique experience at the Mass was that I was joined by an American girl named Eileen, a man and wife from Czechoslovakia—behind the Iron Curtain—from that area of Bohemia where America's newest saint, John Nepomucene Neumann, was born.

I traveled to Rome to be present on Sunday, June 19, at St. Peter's Basilica for the solemn canonization of John Nepomucene Neumann, the first American citizen male saint.

His Holiness, Pope Paul VI, proclaimed:

"He (Bishop Neumann) was close to the sick, he was at home with the poor, was a friend to sinner, and today is the honor of all immigrants.

I join with my brother and sister Philadelphians in a feeling of pride and spiritualism which we will carry with us for the rest of our lives. It is a feeling that I can never convey in a speech or on paper.

I pay special tribute to his Eminence John Cardinal Krol, the Reverend Monsignor James C. McGrath, J.P.D., the Fathers Graham, Sister Victoria Nolan, Rev. Francis Litz, C.SS.R., the Redemptorist Order, and the many brothers, nuns, priests, and laity, for their tireless efforts and help in the culmination of the final step to sainthood of the little bishop of Philadelphia.

I would like to express my great appreciation to Monsignor McGroarty, Rev. Father Robert Lepleiter, Father John P. Collins, Frank L. Rizzo, mayor of Philadelphia, Anthony Zecca, deputy mayor, John Connelly, a native businessman, Philadelphia detectives Divine and McGrath, who represented the city of Philadelphia, and archdiocese so ably. I would also like to express my gratitude to fellow Philadelphians, Jules Junker, Thomas Kelly, my wife, Eileen, and the thousands of other Philadelphians who celebrated in Philadelphia.

In a brief audience on Sunday after the canonization, I greeted his Holiness, Pope Paul VI, with warmest wishes from the men and women of good will of the Third Congressional District of Pennsylvania, which is the home of the Liberty Bell, the Basilica of St. Peter and Paul, St. Peter, the Apostle Church, where the remains of John Nepomucene Neumann rests. Mr. Speaker, indeed the American church is proud. The legend of my boyhood is today a reality.

MARTIN LUTHER KING CHILD CARE CENTER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. OTTINGER. Mr. Speaker, on Saturday, June 11, I had the privilege of attending a reception at the Martin Luther King Child Care Center which is sponsored by the New Rochelle Community Action Agency. I would like to take this opportunity to commend the executive director, Napoleon Holmes, the education director, Linda Lattimer, and the terrific staff for their perseverance and creativity in making this program a success; they have done wonders.

At this time I would like to share with my colleagues an article from the New Rochelle Standard Star which describes the day care program in detail:

MARTIN LUTHER KING CHILD CARE CENTER

(By Harriet Edleson)

The Martin Luther King Child Care Center is alive and running smoothly at 95 Lincoln Ave. in New Rochelle.

Since the New Rochelle Community Action Agency, (CAA), took over the funding of the facility from the city in September, 1976, the center has undergone several changes, all positive according to Napoleon Holmes, executive director of CAA.

Enrollment has increased from approximately 40 to 55 youngsters a new director, Linda Lattimer, is at the helm, and breakfast has been added to the regular daily schedule.

The educational quality of the facility has also improved, Holmes said.

The children take more trips to such places as the city's firehouse and the Bronx Zoo, and even have appeared on television's "Romper Room."

But the child care center is the only day care facility in the city which does not have an independent source of funds, according to Holmes. The Community Action Agency, which receives federal money from the Community Services Administration, (CSA), as well as funding from the state, county and city, is supporting the center's $120,000 operating budget. Holmes said that the CAA has proposals before CSA and the Department of Health, Education and Welfare, for grants to support the center.

In the interim, he said, "New Rochelle Community Action Agency provides what ever the care center needs to function." Other funds come from private contributions and fund-raising events planned by the parents' committee.

The center has a capacity of 110 children and will be able to service that number once it gets more funding.

But for the 55 youngsters ages 2 years, 9 months to 5 years, the center provides a total learning environment.

"It's an environment for children where they can have experience with concepts that they need for later learning," said Linda Lattimer. Mrs. Lattimer, who was educational director at the Adam Clayton Powell Early Childhood Center in the Bronx and a teacher at the Mount Vernon Day Center, incorporates a theme into the daily programs at the Martin Luther King center.

Each week of the school year teachers emphasize a different topic with the children after breakfast. Vocabulary, health and safety, animals, parts of the body, colors and shapes, numbers, holidays and letters are among the themes.

The teacher introduces the theme and works with the youngsters at their own level.

During work time the children have a choice of five areas including art, blocks, the doll corner, the library corner and a play area. "It's (the program) learning through playing and doing," said Mrs. Lattimer. "The children act out relationships in the doll corner. They act out feelings which are important for emotional growth."

In the play area they experience colors and textures. "They have the freedom to create," she continued.

The parents whose children attend the center also have easy access to other services provided by the Community Action Agency, since both are located in the same building. Family planning, the Well-Baby Clinic, legal aid, the youth bureau are among the other components available at the agency.

"It can serve the total family," said Mrs. Lattimer.

Children come to the child care center as early as 7:45 a.m. and stay until 5:30 p.m. The hours are geared to working parents. There are separate classrooms for 3-year-olds, 4-year-olds and 5-year-olds, in addition to a general room for all ages with teacher supervision.

The center plans to expand its kindergarten to a day-long program in cooperation with the New Rochelle Public School System. Youngsters who have completed the program will be eligible for first grade. Although no transportation system exists, the board of directors hopes to institute bus service as soon as funding permits.

IN SUPPORT OF HOUSE RESOLUTION 88

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. MURPHY of Pennsylvania. Mr. Speaker, I rise in support of House Resolution 88. As a citizen of Irish-American descent, I am disturbed whenever I read or hear about the violation of human rights in Ulster. To think that the United States, the country which champions the cause of human rights and that has been so good to the Irish people, is involved is even more disturbing. I would like to take this time to share with my colleagues in the House the following resolution of the Pittsburgh City Council in support of House Resolution 88:

RESOLUTION No. 457

Whereas, the people of Pittsburgh believe in the preservation of human rights for all men and women; and

Whereas, the population of Pittsburgh is made up of a variety of ethnic groups including Irish-American; and

Whereas, our nation is calling on the House Committee on International Relations of the House of Representatives to hold hearings on possible American involvement in the conflict in Northern Ireland;

Now, therefore, be it

Resolved, That the Council of the City of Pittsburgh fully urges the House of Representatives to adopt Resolution 88 so that the House Committee on International Relations can determine if any officials, agencies, or instrumentalities of the federal government are directly or indirectly involved in the hostilities in Northern Ireland and to determine the nature and extent of any such involvement.

THROWING THE BABY OUT WITH THE BATH WATER—ETHIOPIA EJECTS NAVY MEDICAL TEAM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. McDONALD. Mr. Speaker, one of the finer contributions our Navy has made over the years has been the work of its naval medical research units over the world. These units have advanced the cause of medicine and medical research in areas where it was sorely needed. Now one of these units NAMRU–5, is a casualty of the new Marxist Government of Ethiopia as it attempts to break all ties with the United States. This is a shame, but not unusual as Marxism wherever it advances brings death and destruction setting civilization backwards. The story from the Navy Times of May 30, 1977, follows:

EVICTED BY ETHIOPIA—FATE OF NAMRU 5 UNDECIDED BY NAVY

(By Rosemary Purcell)

WASHINGTON.—Exactly what is going to happen to Naval Medical Research Unit 5, one of five U.S. military activities ordered out of Ethiopia last month, hasn't been decided.

Officials told *Navy Times* that they don't know the fate of the equipment left behind, nor could they say what is going to happen to the research projects that were being conducted by NAMRU 5.

The unit employed 69 people—eight Navy medical officers, six enlisted, two civilians, 52 Ethiopian nationals and one British national.

The administrative officer of the unit and a chief hospital corpsmen were allowed to stay a few days to close the facility and pack "non-fixed" equipment and research data. The equipment was shipped to the U.S. Embassy in Addis Ababa, a Navy spokesman said.

NAMRU 5 was established in 1965 by agreement between the United States and the Ethiopian governments for a cooperative program of medical research.

The base laboratory was on the grounds of the Central Laboratory and Research Institute in Addis Ababa. A 22-bed clinical research unit was supported and staffed by the U.S. Navy under separate arrangement in adjacent St. Paul's Hospital. A permanent field station was maintained at Gambela, a town in the southwestern lowlands of Ethiopia.

The unit's mission was to conduct research and development on infectious diseases in sub-Saharan Africa. The unit and its personnel were unique to Ethiopia and filled a need for vital epidemiological and medical research in the country.

NAMRU 5's personnel not only were involved as consultants, but they held faculty positions at the University and served on Ministry of Public Health, Ethiopian Medical Association and related committees.

The opportunities for research in so-called tropical and subtropical infectious diseases are unlimited in Ethiopia.

Among some of the unit's research programs were epidemiology of parasitic and arthropodborne viral diseases, the evaluation of drug susceptibility of malaria parasites, malaria vaccine field trials, pathophysiology and therapy of typhus fever, louseborne relapsing fever, and other tropical infectious diseases of military importance.

The military personnel who were attached to NAMRU 5 have been ordered to new duty stations. At press time it was not known if the unit is going to be re-established and sent to another country.

The Navy also has medical research units in Cairo, Taipei and Jakarta.

BUILD THE B–1

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. SYMMS. Mr. Speaker, we are all aware of the impending decision regarding production of the B–1 strategic bomber to be made by President Carter during the next 2 weeks. I have repeatedly encouraged expeditious production of this airplane, for I consider it to be one of the most vital defense programs underway at this time. The B–1 bomber system is the only weapon system ready for production that can prevent the Soviet Union from achieving an unacceptable margin of strategic superiority over the United States in the 1984–86 time period.

An editorial entitled "Build the B–1" by Edward J. Walsh came to my attention recently, and I would commend it to my colleagues in Congress and urge their support for this effort:

BUILD THE B–1

(By Edward J. Walsh)

The recent observance of the 50th anniversary of Charles Lindbergh's first transatlantic flight stirred the imagination of the American people, not with the boisterous fanfare of Lindy's reception in Paris, but with a kind of reverence, which is an acknowledgement of greatness, mellowed by time. But the vast growth in the world of flight which Lindbergh pioneered was celebrated in a different way that same week, with the awarding of the prestigious Collier Trophy for excellence in aviation to the men and women of Rockwell International Corporation, the designers and builders of America's newest strategic weapon in the defense of freedom, the B–1 manned bomber.

It was Lindbergh the man who impressed our national consciousness; he himself said that plenty of pilots could have made his landmark flight with a plane as reliable as the *Spirit of St. Louis*. But Lindbergh's love of freedom, so aptly celebrated, is shared by the men who built the B–1 in this supersonic age, to fly at twice the speed of sound, or within 200 feet of the earth at 600 miles per hour.

The B–1 program was conceived by Rockwell in recognition of America's need for a new bomber to serve in the keeping of peace. In conjunction with intercontinental ballistic missiles (ICBM) and submarine-launched missiles (SLBM), the manned bomber forms a crucial "Triad" of strategic weapons systems which sensible Russians know cannot be defeated. Of the three, the bomber has the obvious advantage of recallability: its launch does not signal the outbreak of war, but can prevent it. And the B–1 can do it best.

Currently, our bomber force is composed of the lumbering B–52, nearly thirty years old and highly vulnerable to modern Soviet antiaircraft defenses; and the FB–111, a smaller, faster plane which, however, cannot reach the Soviet Union from the United States. In the 1980s, these aircraft will not provide a believable deterrent to an aggressive Soviet Politburo. In a nutshell, reliance on the B–52 and the FB–111 for much longer will endanger an already shaky peace.

The B–1 can do the job; it can scare the Russians. Although smaller than the B–52, it can carry twice as many bombs and missiles; being smaller, it uses less fuel, and flies twice as fast. In addition, the B–1 possesses a unique new terrain following guidance system which enables it to fly near the ground at high speeds, avoiding detection by enemy radar, and thus vastly increasing the probability of completing its assigned mission.

Unfortunately, the defense of freedom and the maintenance of peace, which are the ultimate goals of the B–1 program, are not popular these days with some of the most powerful lobbies in Washington. While polls have consistently demonstrated the support of the American people as a whole for a stronger national defense, more than twenty separate organizations have pledged to oppose production of the B–1, and have expressed themselves vociferously in the streets, in the media, and in the halls of Congress. Spearheaded by the American Friends Committee, which still defends the bloody communist regimes in Vietnam and Cambodia, the opponents of the B–1 endanger the cause of peace by pretending to espouse it.

The case against the B–1 is wrongheaded and, occasionally, hypocritical. While no one denies the bomber's many-faceted effectiveness as a strategic weapon, the anti-B–1 forces point to the cost of the plane, a complex subject, and employ a variety of slick arguments simply to claim that it is not needed.

On the matter of cost, the B–1, at $77.7 million per plane in 1986 dollars, is expensive. But critics forget, or ignore the fact that airplanes, like other commodities, are subject to inflation, and politically-motivated delays in the program have driven costs up substantially. In light of the crucial need for the plane from a no-nonsense standpoint of national defense, a prompt decision to build it would ultimately result in lower costs, as the ravages of inflation are mitigated. As of now, 88 percent of the cost increases in the program since 1970 have been due to inflation. The other 12 percent, due to design changes and overruns which Rockwell freely concedes, is nevertheless a defense industry record low.

The fact is that Rockwell's B–1 program is nothing if not economical. Suggested alternatives, for example, that the B–52 fleet be modernized, or that transport planes be "armed" with cruise missiles, are far more costly than the B–1, and far less effective. Rockwell estimates that fitting the B–52s with new engines would cost $40 million per plane, without providing the capabilities of the B–1 to conserve fuel, avoid enemy defenses, and return home safely. The lives of the crews, it seems, are not a consideration in the arguments of the B–1 critics.

The idea that noncombatant aircraft, even more defenseless than the B–52, can be loaded with cruise missiles and sent on kamikaze missions is equally pernicious. Heavy transport planes are slow to take off, even on alert, and could conceivably be destroyed with their nuclear cargoes before getting off the ground. The B–1, toughened to withstand a nuclear firestorm, can be in the air within minutes from short runways at remote airfields throughout the U.S.

The case for full-scale production of the B–1 is supported by the facts: technological, economic, and strategic. Recently, a U.S. Navy task force off the coast of Florida was badly surprised when a Soviet "Bear" turboprop bomber zoomed in low overhead, undetected by Navy radar. The "Bear" shuttles nonstop regularly from Moscow to Havana, yet is not the Russians' best aircraft. The Soviets themselves have a new strategic bomber, the supersonic "Backfire," already in production, and U.S. intelligence estimates are that 75–100 Backfires are currently in service.

With the "Backfire" the Soviets are prepared for the possibility of nuclear war. It is therefore not unreasonable that America should be able to convince them that war would be a bad idea. This is the objective of the B–1 program. The grim reality is that, in this dangerous world of ours, a substantial investment must be made in national defense. The Soviet "Backfire" bomber, which easily outperforms both American bombers now in use, is nonetheless inferior to Rockwell's B–1. And, as we ponder the question President Carter asks rhetorically in his autobiography, "Why Not the Best?", it's useful to consider a comment by Rockwell's unflappable B–1 test pilot, former Air Force Colonel Charles C. Bock, Jr., who, responsing to the shrill charges of the anti-B–1 crowd, said simply: "We can't be hurt by the truth."

THE KISLIK FAMILY

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WALGREN. Mr. Speaker, all of the nations who signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to that promise, Members of Congress are conducting a vigil on behalf of the families who remain separated.

At this time, I would like to bring to attention the situation of the Kislik family.

Three years ago, the authorities told Vladmir Kislik, "Your wife and child may go to Israel, but you will have to stay." The reason for such refusal was due to the secret classification of his former job as a metallurgical engineer. Wanting their child to grow up in Israel, the Kisliks decided to accept the enforced separation which they hoped would only be a temporary one. Unable to work in his field because of his application to be reunited with his wife and son, Kislik joined four other Jews in Kiev who protested with a 24-hour hunger strike during the 25th International Communist Party Congress.

Without work, without family, Kislik keeps his spirits up by conducting a private seminar on problems of science and technology. Now he has been warned to "discontinue it" or face imprisonment. In May 1976, after speaking to his wife in Israel, his phone was disconnected.

His wife, Yevgenia Kislik, has made this statement from Israel which genuinely portrays the tragedy, pain, and injustices plaguing this family:

It is already over two years since Vladmir Kislik applied for the permit of the Soviet authorities to leave for Israel. At present, he has been living in an atmosphere of surveillance and harassment.

In the middle of October (1974) Kislik was arrested by KGB agents dressed in civilian clothes laying in wait near his home As soon as Kislik came near the house one of the women living there ran outside shouting, "You, Israeli spy, traitor, I'll see to it you shall sit in prison for five years." At this very moment the men who were waiting for Kislik showed their documents and took him away to the militia offices . . .

The preparations for arrest were so obvious that a group of people who witnessed the arrest wrote a letter of protest and went to the militia offices in order to explain Kislik's complete innocence. As an answer, each one of these people was called in separately and told that all who would sign the letter would be dismissed from work immediately. The letter of protest remained unsigned.

At present, Kislik cannot stay in his apartment and cannot find work. The atmosphere surrounding Kislik is full of insults, the aim of which is to break the willpower of a man who has decided to go to Israel. During the years of his studies in the Institute he encountered expressions of anti-Semitism. Though one of the best students, he was sent to work in far away Chelyabinsk. Kislik was not accepted for the post-graduate course in Moscow and he did his PhD by correspondence. Having worked in Kiev Institute of Nuclear Research, Kislik wrote more than ten scientific papers but his name was mentioned last in these papers and in some of the most recent, his name did not appear at all. The decision to leave the USSR for Israel was a difficult one for Kislik to make, but it was a firm decision and no force will make him change it.

The sufferings of the Kislik family are indeed unfair. Their hardships explicity portray facts about the disgrace of Soviet justice. It is our obligation, one which we must never forget, to record and document the unjust sufferings of divided families, and to aid them in their struggle to reunite. I hope that our vigil here will help, to some extent, to fulfill that solemn obligation.

AN EMIGRANT'S ODE TO THE STATUE OF LIBERTY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. VENTO. Mr. Speaker, I would like to have this poem, "An Emigrant's Ode to the Statute of Liberty," which was written by Patrick J. McCourt, a charming Saint Paul, Minn., Irish gentleman, inserted in today's CONGRESSIONAL RECORD. I think it is a beautiful tribute to this country and reminds us of the faith and trust which are the basis of America:

"AN EMIGRANT'S ODE TO THE STATUE OF LIBERTY"

Beautiful lady in the sky
Whose torch of life is held on high
Lighting the way for a better day
For all of us who came your way!

You may be hew'd from genuine marble
But your heart is a heart of gold
And you are an angel of Freedom
Most gracious to behold
By all of us emigrants
Regardless if we were young or old.

Whether we came from Russia, Italy,
Poland, Israel, Scandinavia, Greece,
Germany, or County Cork
Our hearts were gently warmed
By the skyline of New York.

As we approached your harbor
We realized at a glance
What a wonderful gift to America
From her kindly friends in France;
When first we touched our weary feet
Upon your blessed land
Even your nightly shadows
Welcomed us with open hand.

We looked toward the sky with a joyful silent tear
As our hearts cried out to Heaven,
"Thank God! Thank God!
We are really here!"

AGONIZING CHOICE IN AFRICA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial, which appeared in the Oxnard, Calif., Press Courier, June 3, 1977. The editorial analyzes the choices for the Carter administration in developing its policy for southern Africa:

AGONIZING CHOICE IN AFRICA

President Carter has placed a commitment to the cause of human rights at the head of the list of guiding principles of his foreign policy. To emphasize that this means a break with the past, he declared in his Notre Dame commencement address: "We are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in our fear."

Obviously, Americans can be prouder of a policy based on positive values and objectives than one that is fearful and defensive. Presumably, that is what the President had in mind.

As far as results are concerned, a policy that thwarts Communist ambitions is likely to do more for human rights than one that does not. A tyrannical disregard for human rights is a characteristic of all the Communist regimes that the Soviet Union has helped establish, and the "Cold War" policy of containing communism was not as devoid of a moral basis as President Carter seems to be suggesting.

While Carter was reviewing his policy at South Bend, two of his emissaries—Vice President Walter Mondale and United Nations Ambassador Andrew Young—were trying to convey U.S. concern for human rights in southern Africa.

Young ended a sweep through black African capitals with a tense visit to the stronghold of apartheid, the Republic of South Africa, where he warned the whites in power that their racial policies eventually would isolate them and bring them down. Mondale presumably conveyed the same message to Prime Minister John Vorster in Vienna, though with less than Young's evangelical fervor.

Mondale had to recognize that the Vorster government may yet be the instrument to nudge Ian Smith into a timely and bloodless transition to majority rule in Rhodesia, and to settle the future of Namibia with ballots instead of bullets. South Africa can be a moderating and stabilizing influence in that region even if its government is resisting U.S. pressure to speed up a political and social evolution away from apartheid.

Subjecting the white governments of South Africa and Rhodesia to tougher economic sanctions, as black leaders are urging, would isolate and weaken them, to be sure. And it could be done in the name of human rights.

But, what then?

Any such action would only leave their black populations prey to the strongest and most militant of nationalist movements—those prepared to assert their power with the backing of Soviet arms and Cuban troops.

It is an unfortunate but apt cliche that the issues in southern Africa cannot be viewed in strict terms of black and white. And the shades of gray in the moral realm are accompanied by a strong tinge of red in the political developments which the West's hesitant policies are encouraging.

President Carter has conceded that the United States has to be "selective" in raising human rights issues in different areas of foreign policy. The selection of the right amount of pressure to place on South Africa or the beleaguered white regime in Rhodesia, in the face of Soviet ambitions to capitalize on racial unrest, demands the most cautious judgment, and may pose for the United States an agonizing choice between the lesser of two evils.

MANUEL F. COHEN

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. MOSS. Mr. Speaker, it was with great sadness that I learned of the death of Manuel F. Cohen last Thursday. Those of us who were privileged to know Manny are going to miss him very much.

Manny Cohen represented all that is good about America. Born in Brooklyn, the son of a milk truck driver, Manny reached the very pinnacle of a world that is usually reserved for those with a more luxurious upbringing. After going to law school at night, Manny joined the staff of the Securities and Exchange Commission in 1942, and rose through the ranks to become its chairman under President Johnson—the only person ever to accomplish this feat. As chairman, Manny had a profound impact on the board rooms and counting houses of our country. That impact was always directed at protecting the little guy from the abuses of those who were more powerful.

Manny appeared before us on many occasions, and was never at a loss for words. Indeed, Manny had an answer for everything, and his testimony was almost always instructive. But more than missing Manny Cohen the expert, we will miss Manny Cohen the man. More than the wisdom, we will miss the wit, the charm, and the enormous zest for life displayed by this man. I can recall when we would be discussing a very complex point and the analysis became quite esoteric, Manny would grin and wink and say that the argument at that point became quite "Talmudic." You did not have to be Jewish to grasp his meaning.

When Manny finally left the public service and entered the private practice of law, he quickly became the lawyer's lawyer, the expert's expert. But even at this stage of his life, Manny continued to give of himself. Today, for example, a distinguished group that has been known as the "Cohen Commission" will meet to hold public hearings on proposed major changes in the accounting profession. Manny was looking forward to those hearings—he thought that there were things to be done and, characteristically, he wanted to get on with it.

To Manny's wife, Pauline, and to his children, Susan and Jonathan, we express our sympathy. Their sense of loss is shared by all of us whose lives were touched by this unique individual.

THE UNITED STATES AND HUMAN RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. CRANE. Mr. Speaker, last week, the leaders of 35 nations met in Belgrade to review global efforts on the part of each nation with respect to the 1975 Helsinki Accords and each nation's responsibility on the basic issue of human rights. Although much has been said and written on the subject of human rights and the part it must play in a nation's foreign and domestic policy, inconsistency in this regard has proven to be of detrimental value to the nations that do not apply their ideology uniformly and equally.

I would like to share with my colleagues an article which appeared on June 12, 1977, by William Randolph Hearst entitled "The U.S. and Human Rights":

THE U.S. AND HUMAN RIGHTS

(By William Randolph Hearst, Jr.)

NEW YORK.—The leaders of 35 nations will meet in Belgrade starting Wednesday—among them the United States and the Soviet Union—for the purpose of reviewing the 1975 Helsinki accords on European security, which contains certain guarantees on human rights. This is the provision that has occupied such a dominant role in the evolving foreign policy of the Carter administration.

The conference will provide the first nose-to-nose confrontation of Washington and Moscow on a public platform since President Carter assigned human rights his top priority shortly after taking office. It will follow what can only be described as a good deal of pushing and shoving behind the facade of stolidity maintained by the two global giants.

While increasing numbers of friends of the United States confess frankly their bewilderment at the President's sharp emphasis on human rights to the exclusion of other problems and seek clues as to what our real foreign policy is as it relates to black Africa, for instance, or the Middle East, or the foundering economies in Europe, a definite response seems to be shaping up in the Kremlin.

This counter-move by the Kremlin, which can surface at Belgrade, may seek to link human rights activists inside Russia with illegal activities of the Central Intelligence Agency, an effort to bring worldwide embarrassment to the U.S.

In addition, The Hearst Newspapers' White House correspondent, John P. Wallach, has learned that Soviet leader Leonid Brezhnev will appear before the Supreme Soviet to defend his sudden firing of President Nikolai Podgorny on the basis that Podgorny was an "enemy of detente" who attempted to blame Moscow's increasing human rights problems on the 1975 Helsinki accords.

Key man in the Kremlin's force play is Russian dissident Anatoly Sharansky, 29 years old and a Jew, who, according to a Moscow prosecutor will be tried for treason, a crime that can be punished by death before a firing squard. The Kremlin spokesman alluded also to a link between Sharansky and the CIA. It evoked memories of the anti-

American trial of U–2 Pilot Francis Gary Powers in 1960, and raised the spectre of a repeat performance of that nasty episode.

There is here, on the eve of the Belgrade conference, the first tangible effort by a major power to discredit Carter's human rights campaign. If Moscow continues to "expose" its dissidents as spies for the United States, it will just about neutralize any issue of human rights. "Spies"—real spies, that is—are not accorded such things as human rights.

The whole issue of the violation of human rights is, of course, based on the most noble of ideals. No one can possibly deny, as an ultimate worldwide goal, the sanctity of human rights for all people. It must be admitted, however, that Mr. Carter's posture in this area is confusing.

The Administration became downright churlish in condemning a half-dozen Latin American nations for human rights violations, but seeks to establish diplomatic relations with both Cuba and Hanoi where human lives—never mind human rights—have small value. We forge ahead with diplomatic relations with Red China which is quite possibly the world's record-holder in political deaths and ideological incarcerations, while wagging our finger at Russia, many of whose dissidents have vocal friends back in the U.S. or other Western capitals.

What troubles the world, and should trouble our own diplomatic corps, is this nation's inconsistency about human rights. We are not applying our pressure evenly. In some respects we're like bull-headed drivers who elect to be clobbered so we can maintain our right of way.

For example, in a speech that was virtually ignored by the press last week, Robert S. Strauss, Mr. Carter's special trade representative, told 200 bankers, consuls and UN ambassadors that in Mr. Carter's system of priorities, the fostering of human rights abroad comes ahead of expanding American foreign trade.

This statement startled many of the international business leaders in attendance, for they know how many countries—those in the so-called Second World as well as in the Third World—are eagerly awaiting expanded U.S. trade to solve many of their problems. They wonder, for instance, if the human right of free expression transcends the human right to eat, and which, in the order of priorities, should come first.

The Carter people have been dabbling at foreign policy for six months now, and it seems to me that it may be time to wonder if our leaders are not being too simplistic in their great pronouncements. There has been an uncommon amount of gear-shifting and back-tracking on the part of too many of the leaders who are supposed to be speaking for all of us. These amenders of statements range from the President, himself to our tongue-tumbling ambassador to the UN, Andrew Young.

Diplomacy is a difficult art. Most of all it is predicated on the principle in physics that for every action there is an equal and opposite reaction. Increasingly, an observer of the Carter operation has the feeling that our spokesmen and policymakers are not gauging or estimating prospective reactions.

There is reason to believe that we have booted our responsibility in Africa, probably because of our oversimplified thinking, to the extent that some of our allies will now have to bail us out.

It is obviously the opinion of Ambassador Young, as well as of his boss, President Carter, that the basic issue in Africa is black versus white. And that since blacks are in the majority, they must, perforce, ultimately win in any showdown for power. There is, however, much more to it than that.

Paris correspondent Bernard D. Kaplan, in a dispatch to The Hearst Newspapers, revealed a few days ago that French President Valerie Giscard d'Estaing sought unsuccessfully to convince President Carter that the U.S. has responsibilities to help the pro-Western anti-Marxist regimes in black Africa.

Failing to make out a case with Carter, the French President has been active in both east and west Africa in bringing aid and support to the harassed anti-leftist regimes that wish to stand with the Western World, but are receiving no other support from the West.

One would think we should have learned our lesson in Angola, where we turned our back on appeals for help from the anti-Marxist forces and surrendered that country and its vital military base to the Soviet and Cuba.

Just as it is wrong to view Africa's problems as merely black or white, it is improper to believe that any other diplomatic issues are clearly defined as black or white—and that includes the issue of human rights. Things are just not all that simple.

SOLAR ENERGY RESEARCH INSTITUTE

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WIRTH. Mr. Speaker, as you know, Colorado has been selected as the site of the new Federal Solar Energy Research Institute.

As you can imagine, I am excited about this and proud that Colorado was chosen for this important new project. Solar energy holds enormous potential for America's future. Not only is it an abundant source of energy, but is is one which will have significant positive impact on our environment and our economy.

Because I have received so many inquiries on SERI, I would like to share with my colleagues some facts about SERI, a historical perspective on how it came about, and some prospects for the immediate future.

SERI will be an important addition to Colorado's economy. It is estimated the project will involve $4 to $6 million in spending during the first year, $7 to $12 million in the second year, and $10 to $20 million in the third year.

According to officials of the Energy Research and Development Administration—ERDA—up to 75 professional staffers will be employed initially at the facility. That number could rise eventually to 500 depending upon funding, national priorities, and SERI's performance.

The Institute's personnel will be headquartered for up to 5 years in a newly developed office park just outside of Denver, known as Denver West. Construction of the permanent SERI site—atop a 300-acre plateau above Golden—is an option which can be exercised by ERDA anytime during the first 5 years. The property for the Institute will be donated to the Federal Government by the State of Colorado, if the option is exercised.

The location offers numerous advantages. Situated west of Denver on the Front Range corridor at the foot of the Rockies, it offers good access to Stapleton International Airport, the University of Colorado, Colorado State University, the Colorado School of Mines, the Denver Federal Center, and many residential communities. This corridor is also the home of Martin-Marietta—where the Viking space vehicle was built—the headquarters of Johns-Manville, Coors, Ball Bros. Research Corp., a major IBM installation, and an increasing number of clean, high technology industries.

The story of how the SERI site came to Colorado illustrates the care which ERDA exercised for this important project. On March 15, 1976, ERDA officials distributed a request for proposals soliciting responses for a proposed management-operations plan for SERI. Twelve hundred copies of the RFP were sent to the States and various organizations which might be interested in submitting such a proposal. A well-attended conference was held in Washington, D.C., on April 15, 1976, to talk to the potential proposers about SERI.

What ERDA officials described as "timely proposals" were received last July 15 from 20 organizations. Several proposals were received later, but they were found to be unresponsive to ERDA's request.

Those making proposals had to meet certain requirements established by the Government: Work had to start by July 1, 1977; the proposing entity had to agree to be dedicated solely to the management and operation of SERI and accept work solely at the direction of ERDA. In addition, agreement in principle had to be reached on draft contract terms and conditions, an acceptable equal employment opportunity program had to exist, agreement had to be made that ERDA would direct the project, appropriate conflict of interest provisions in the contract had to be accepted, proof of the capability of furnishing an initial and optional future site for SERI had to be shown, and necessary certifications and representations had to be made.

ERDA's Source Evaluation Board—SEB—formally presented initial findings to ERDA's Administrator last October 5. The SEB's initial evaluation was based solely on its analysis of the written proposals.

ERDA believed that, to get the best manager-operator for SERI, oral and written communications should take place with 19 of the proposers. This occurred between last November 3 and this January 19. During this period, each proposal underwent a cost analysis, reference check and an in-depth study of management and technical capabilities.

February 11 was set for the final submission of all information to the SEB. which then completed final evaluation, ranking the various proposals. The Colorado proposal led the list, followed by Arizona, New England, California, New Mexico, Michigan, and the others.

ERDA officials said that throughout the evaluation and ranking, the proposals fell into three distinct groups, but that there were "two clearly superior" proposals—Colorado's and Arizona's. The two proposals were close to one another in quality, the SEB said, but indicated that the strengths of the one submitted by Colorado and the Midwest Research Institute—MRI—made it

the best. The SEB cited "sufficient discriminators," including Midwest's "second tier" of management, as one reason for Colorado's No. 1 ranking.

A word about Midwest Research Institute is in order, here, Mr. Speaker. MRI is an independent, nonprofit organization which is headquartered in Kansas City, Mo. Midwest Research, which performs research for industry, Government, foundations and other public and private groups through a number of different divisions will operate SERI as a separate, autonomous division.

ERDA officials said that MRI's proposal ranked first in both senior management and in other key personnel areas, second in the operation plan and procedures and third in organization. In manpower resources, the Colorado-MRI proposal again ranked No. 1. Also cited as a major strength of the proposal was the fact that the proposed director of the institute had solar experience, and that MRI had important industrial, general management and research management experience. In sum, ERDA officials said that the proposal had "no major weaknesses."

Mr. Speaker, as I have said, the prospects for the future are exciting. Those who would like more detailed information about SERI should write to Mr. Dan Taylor, c/o SERI, 1536 Cole Boulevard, Golden, Colo. 80401.

Again, Mr. Speaker, thank you for giving me this opportunity to speak about SERI—an important part of our Nation's quest for energy independence.

TRIBUTE TO DAVID M. FREES, JR.

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. SCHULZE. Mr. Speaker, I am proud to share with my colleagues the accomplishments of one of my constituents, David M. Frees, Jr., on the occasion of his retirement from a long and fruitful career of public service as a member of the Phoenixville Jaycees.

Beginning with the presidency of his high school class in 1959, Dave has been an acknowledged leader in his community. As a church council member, president of the Phoenixville Jaycees, president of the Phoenixville Chamber of Commerce, president of the North Central United Fund, International Jaycee Senator, and willing and vigorous supporter of service, Scouting, and community groups, Dave Frees has been a sterling example to his community and has provided its youth with an example they would do well to emulate.

Over the years, many groups have bestowed an array of well-deserved honors on this outstanding individual. Twice named to the "Outstanding Young Men of America," recipient of the B'nai Brith Brotherhood Award, Boy Scouts of America Distinguished Citizen Award, and Pennsylvania House of Representatives Citation for Outstanding Community Service, Mr. Frees marks his retirement from the Jaycees with the thanks and praise of a host of his fellow Pennsylvanians.

Mr. Speaker, I am proud to call David Frees my friend and to add my sincere congratulations and appreciation for a job well done.

ARCHBISHOP MAKARIOS, PRESIDENT OF CYPRUS, ADDRESSES COMMONWEALTH HEADS OF GOVERNMENT CONFERENCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. EILBERG. Mr. Speaker, during the course of the recent Commonwealth Heads of Government Conference in London, Archbishop Makarios, President of the Republic of Cyprus, spoke out in very strong terms about the continuing crisis in his country.

Those of us in the Congress who have for so long championed the cause of a free Cyprus, and those of us in the Congress who have for so long fought the battle for human rights, will be deeply moved by the archbishop's remarks, a summary of which I place in the RECORD for the edification of my colleagues:

The President of Cyprus, Archbishop Makarios, in his speech before the Commonwealth Conference, denounced Turkey and the Turkish-Cypriot leadership for trying to convert the northern part of Cyprus either into a Turkish protectorate or into a part of Turkey itself.

He warned that the situation in Cyprus was very grave and fraught with danger to peace in the whole of the area, and reiterated that the Cypriot people would never accept accomplished facts brought about by the use of force. On the other hand, he said, he was ready to accept a compromise that would not endanger the independence, sovereignty and territorial integrity of the Island.

The Cypriot President dismissed often repeated Turkish claims about 'oppression' exercised during the 11-year period before the Turkish invasion and the alleged 'economic warfare' being waged against Turkish-Cypriots.

He quoted parts of the reports submitted by former U.N. Secretary General, U Thant, and present Secretary General, Kurt Waldheim, which showed conclusively that from 1963 Turkish-Cypriots had chosen to isolate themselves in their own enclaves not because of Greek-Cypriot oppression but because the Turkish-Cypriot leadership had deliberately adopted a policy of isolation. That attitude, which lasted 11 years, was a sign that Turkish partition intentions were part of an old plan.

Commenting on the 'economic warfare' allegedly waged against Turkish-Cypriots, the Archbishop said it was natural for the Cypriot government to react to the efforts made by Turkish occupation forces and the Turkish-Cypriot leadership to exploit property belonging to Greek-Cypriots in areas seized by the Turkish armed forces.

He pointed out that no one could seriously claim that an effort to prevent a thief from enjoying the fruits of his plunder could be interpreted as economic oppression.

President Makarios then recalled the long and unsucessful talks that had been held between the two communities under the auspices of the U.N. Secretary General, which had been followed by a climate of relative optimism when he met with the Turkish-Cypriot leader, Mr. Denktash, in the presence of Dr. Waldheim and agreement was reached on resuming talks in Vienna and Nicosia. The talks were held in Vienna in April and in Nicosia a few days ago, and again no progress was registered. For, he said, it became clear that the Turkish-Cypriot side was using military force to impose an agreement that would be tantamount to partition, in spite of guidelines agreed on with Mr. Denktash on the establishment of a federal state administered by a central government that would ensure the unity of the Island. It was now clear that the aim was that the Turkish-held northern part of the Island, the so-called "Turkish-Cypriot Federal State," should either remain as a Turkish protectorate or be annexed to Turkey.

President Makarios said that although the U.N. had repeatedly made efforts to settle the Cyprus crisis by passing certain resolution, and many countries had tried either separately or collectively to persuade Turkey to adopt an attitude of moderation, persistent Turkish intransigence had blocked all chances of agreement. He stressed that it should always be borne in mind that Turkish action in Cyprus constituted an aggression that violated basic universal principles and human rights, and that it was the duty of all countries to defend such principles.

The Archbishop made it clear that there was only one administration in Cyprus, namely the Cypriot government, which was internationally recognized. The puppet administration in the Turkish-held part of the Island received orders from Ankara. He said Turkish-Cypriots deliberately refused to take part in the Cypriot government because this helped their partition plans. He also denounced Turkish intransigence on the question of missing persons.

He expressed the hope that the new Turkish government would use a more constructive approach to the Cyprus problem. He recalled that some countries which had tried to help prior to the elections had claimed that the lack of progress at the latest round of intercommunal talks was due to the elections that were to be held in Turkey. Elections were now over, and the new Turkish government should take into serious account the attitude of other countries and world public opinion.

President Makarios concluded by congratulating Queen Elizabeth on her silver jubilee, referring to her as a symbol of the old and new strong ties that held peoples of various nationalities closely linked within the Commonwealth.

Meanwhile, the Commonwealth Conference spokesman, summing up the debate on Cyprus, described it as a very constructive one. He said, "the views expressed by President Makarios were given a warm welcome by the majority of the Commonwealth leaders and the Conference adopted two fundamental principles: the continuation of the intercommunal talks and the implementation of the U.N. Resolutions on Cyprus." He also revealed that suggestions were made for the withdrawal of the Turkish troops from the Island.

INCREASE IN THE SAWTOOTH NRA DEVELOPMENT FUNDS

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DICKS. Mr. Speaker, I have introduced legislation which, if enacted, would increase the authorization ceiling for the acquisition of lands within the Sawtooth National Recreation Area in

the State of Idaho. I am greatly pleased that both of my colleagues from Idaho, Congressman GEORGE HANSEN and Congressman STEVE SYMMS, are cosponsoring this legislation with me.

The Sawtooth National Recreation Area was originally created in 1972, with a land acquisition ceiling of $19,802,000. We have subsequently found that this original ceiling does not enable the Forest Service to fulfill the purposes for which the Sawtooth National Recreation Area was created by Congress. Under this legislation, moneys from the land and water conservation fund will be available for the additional purchase of land and water, as well as interests in land and water, within the designated recreation area.

As a member of the Interior Subcommittee of the House Appropriations Committee, I am aware of many projects designed in some manner to preserve the natural beauty of our Nation. Few are as deserving as this project in Idaho. I respectfully urge my colleagues in the House to approve this essential and, according to the Forest Service, necessary cost of preserving the scenic and historic values present in this spectacular area of our Western frontier.

CRUISE MISSILE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial, which appeared in the Oxnard, Calif., Press-Courier, June 6, 1977. The editorial comments on the importance of the cruise missile as part of America's strategic deterrent forces.

The article follows:

CRUISE MISSILE NO "CHIP"

Secretary of State Cyrus Vance, acutely aware that too much publicity about U.S. arms limitations proposals seemed to irritate the Russians in March, is having much less to say about the recent follow-up talks in Geneva.

That is understandable, because the give-and-take of arms negotiations demands privacy. The results—workable agreements—are what count.

From the inevitable leaks and speculation, it is now a fair guess that any new strategic arms limitation treaty (SALT) to be concluded in 1977 would have to assign the thorny issue of cruise missiles to a separate interim "protocol." That it might call for a moratorium on development or deployment of the U.S. cruise missile is a red flag.

Figuring out how to deal with the strategic applications of the relatively slow, low-flying cruise missile is a staggering problem for arms negotiators. It may be an insoluble one if the two sides cannot agree on verification procedure to distinguish between cruise missiles with one range and payload and those with another. The same dilemma confronts the negotiators in dealing with the Soviet Backfire bomber, which has the same dual potential as a short-range tactical weapon or a long-range strategic weapon.

The important thing at this stage is to avoid thinking of U.S. cruise missile technology as a "bargaining chip" in the arms negotiations. It is not. Long-range cruise missiles carrying nuclear warheads may eventually be brought under a SALT agreement, but this should not deter the full development of cruise missiles, with an eye to their deployment in various configurations.

In addition to its potential role in the array of U.S. strategic deterrent forces, the cruise missile could have significant tactical value in countering the worrisome build-up of Warsaw Pact forces in Eastern Europe. As a sea-launched weapon, it can help the Navy counter the growing Soviet naval deployment in the Mediterranean, South Atlantic, Indian Ocean and Western Pacific.

The Russians know the potential of the cruise missile better than anyone. They already have 300 of them deployed, and are working on a new version with a higher speed and more accurate guidance system.

The American versions, which are still in the developmental stage and being tested at the Pacific Missile Test Center at Point Mugu, are going to be better. The Russians know that, too.

Cruise missile technology is having a destabilizing effect on the strategic balance between the United States and the Soviet Union. No one can help that, and new technology in other fields will continue to affect it. That is a challenge for SALT negotiators.

In the meantime, however, it would be folly for the United States to slow down or suspend its cruise missile program as a condition for negotiations that may or may not lead to this new weapon's inclusion in some future SALT agreement.

DR. WERNHER VON BRAUN—A MAN OF VISION, A LIFE OF DEDICATION

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WINN. Mr. Speaker, last March we paid tribute to a man who has probably contributed more to the U.S. space program than any other individual. The occasion was Dr. Wernher von Braun's 65th birthday. Today, I am here to eulogize Dr. von Braun—last Thursday marked the end of a remarkable career.

Dr. von Braun was truly a unique individual. He was unique because he had the vision to conceive an idea, nurture and develop that idea, and watch it grow to maturity. That idea being the exploration of space. Another aspect of Dr. von Braun that makes him unique is that he did not view the task of space exploration as an end in itself, but as merely a means to help solve the problems of humanity. This is exemplified by the space communication system, earth resources monitoring satellites, and weather observation satellites. All of these systems being used to solve down-to-earth human problems.

Another unique aspect of Wernher von Braun is that legacy of knowledge that he leaves to the world. Wernher von Braun opened new frontiers and ushered in the space era. I can think of no greater tribute to a man than to have him immortalized in his own work. I extend my condolences to Dr. von Braun's family and my thanks to a truly great man.

TIME DOESN'T FADE CLOCK-MASTERS PAST

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BYRON. Mr. Speaker, I am most pleased and honored to bring to the attention of my colleagues in the House of Representatives the achievements and patriotic service of Samuel D. Appler, a resident of Westminster, Md.

Mr. Appler served in World War I and participated in the ceremonies when our great Nation honored its first Unknown Soldier.

The interesting life Mr. Appler continues in central Maryland was well reported by Dean Minnich in the Carroll County Times newspaper. I would like to share this article:

TIME DOESN'T FADE CLOCKMASTER'S PAST

(By Dean Minnich)

November 10 was cold and forbidding, and the weather promised to get worse. The 26 members of the band of the 5th Maryland Regiment were summoned to the armory in Pikesville. They were transported to Washington, D.C. and put up for the night in the basement of the Capitol. They weren't told much.

Above them, in the Rotunda, the first Unknown Soldier lay in State. It was 1921, and the following day, the Unknown Soldier would be put to rest with great ceremony.

Other countries were honoring the lost and nameless soldiers of The Great War. Great Britain, France, Italy, Belgium—each built a monument to those who had lost not just their futures, but their pasts as well.

Samuel D. Appler was a 23-year-old reservist who played the clarinet in the band. Since returning from French battlefields, the band had played ir parades and concerts. Martial music, foot-tapping, high-spirited stuff, for the most part.

On Nov. 11, 1921, the band and the country took a step backward, back to Alsace-Lorraine and the Argonne. Back to the trenches. The wind blew cold through the band's light dress uniforms. It was a bleak day. Appler remembers the cold more than anything else.

The music they played that day was familiar. In France, he had helped carry the dead and wounded from the front lines to the medics. There had been plenty of funerals. What the war did not take, the great flu epidemic tried to claim.

"Funeral marches. I could've played it in my sleep," he recalls. "But we only lost one man in the band. They didn't know what to do for it. They swabbed our mouths with iodine, but that's all they could do."

He saw many unknown soldiers; soldiers whose names were known, but who were strangers. He has remembered them often down through the years. That grim day in 1921 has grown in significance, even though the details of it are not as clear in his memory as they once were.

He lives now on Woodside Drive in Westminster, having retired in 1965 as a construction superintendent in the Baltimore area.

His days are gentle. He has a wood shop where he has made 14 Grandfather clocks on special order. There is a garden, and he has written some poetry.

"I was born in New Windsor in 1898. My father got a job with the post office in Cumberland and moved the family there when I was about 5."

Within a few months, his mother died. The family came back to the Baltimore area, and by the time he was eight, he and his

three sisters had been placed in various homes. He spent eight years in the Baltimore Manual Training School.

"That's where I learned my trade," he says.

He graduated at 16 and went to work, first for the B&O railroad, then for the Sparrows Point steel mills. He almost got killed there, and decided that kind of work wasn't for him. He joined the Army at 18.

After the war, he played second clarinet in city bands for a few months, "Until it began to interfere with my social life. My girl friend was getting tired of missing all the events. Then I worked at the post office awhile, until they put me on the night shift."

It was then that he turned to carpentry for a living.

He doesn't play the clarinet any more. "I was never a gifted musician. I had to struggle for what I did, practice all the time."

But there are times when he hears the music of that Army band playing the funeral march at that first ceremony over the grave of the Unknown Soldier.

On that day in 1921, most people thought it had been the war to end all wars . . .

CLINCH RIVER BREEDER REACTOR SUPPORTED AS A DEMONSTRATION PLANT AND AS A TEST FACILITY FOR ALTERNATIVE FUEL CYCLES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. TEAGUE. Mr. Speaker, I wish to bring to the attention of the Members of Congress the recent, excellent testimony by Mr. G. W. Hardigg of Westinghouse, one of the prime contractors for the CRBR. Mr. Hardigg supports the decision to continue with the CRBR and argues very effectively in favor of this. At the same time he also makes the following points about the CRBR, which should be kept in mind:

The CRBR as currently designed, has sufficient flexibility to serve as a test bed for alternative fuel cycles.

FFTF cannot fully test alternative fuel cycles because the most important aspect of a breeder, the breeding blanket, cannot be added to the FFTF.

There are numerous examples in the civilian nuclear power program of demonstration reactors which were never commercialized.

These points should serve to answer much misinformation that is being repeated in the debate about the CRBR.

I hope that you will study the following excerpts of his testimony, and seriously consider it when voting on the authorization for the CRBR:

STATEMENT OF GEORGE W. HARDIGG

Mr. Chairman, I am George W. Hardigg, General Manager of Westinghouse Advanced Nuclear Systems Divisions.

We fully support the President's determined efforts to focus the attention of the American public and the international community on the serious aspects of the energy crisis and its implications. We also appreciate his efforts to eliminate waste and conserve our nation's valuable energy resources. We are convinced that such commitments reinforce the need to move forward at the same time with the research, development and demonstration of the most promising of the resource-efficient energy supply technologies.

Those who have looked in depth at the broad spectrum of energy technology are all too well aware that the nation has very few options—nuclear or non-nuclear—to help solve our energy problems in our lifetime and well into the next century. None has received as much detailed attention and support from both government and industry as the nuclear fission concept with the ultimate objective of demonstrating a viable breeder capability.

To confirm the validity of this 30 year investment, the next logical step in the progression of the U.S. breeder R&D program is the 350 MWE Clinch River demonstration plant. I might note that other nations have taken this course with their breeder demonstration plants. The U.S.S.R., France, and the U.K. have each completed and have been operating their demonstration plants in the 250–350 MWe range. Further, they are committed to the construction of demonstration breeder power plants in the 600–1200 MWe range. These three countries, plus West Germany and Japan, retain today a firm commitment to breeder demonstration.

The Clinch River plant is among the most technologically advanced of any of these, reflecting the latest requirements of the Nuclear Regulatory Commission, as well as the most current materials capabilities, fabrication techniques, fuels behavior, core and prudent extrapolation of component design. Today over 4,400 professionals and highly skilled employes in 22 states are dedicated to completing the detailed design, fabrication, and proof-testing of this first-of-a-kind equipment.

Of the 2.8 billion dollars that has been invested by the United States government in the LMFBR R&D program, $380 million has been expended on this project. Of this total nearly $102 million has been contributed by the more than 700 participating electric utilities. In addition to this utility contribution for the Clinch River project, American industry has invested over 150 million dollars in the LMFBR technology. While these sums of money are vast, the total is roughly equivalent to what the United States is currently paying for imported oil every few weeks.

Mr. Chairman, the level of support for the high temperature breeder program is the largest of any energy R&D concept in the United States. The potential benefits of this type of support compared to the cost have been assessed many times and repeatedly confirmed in terms of potential contribution to our energy needs. Alternatives to continuing with this program as previously planned have been reviewed many times by the U.S. and other nations. The conclusion of such assessments by those who have a responsibility and accountability for meeting our national energy needs have consistently supported pursuit of the LMFBR program and moving forward promptly with the demonstration plant phase.

The consequences of termination of the program have also been assessed. Evidence from the most recent assessments show that we cannot afford to delay the demonstration plant phase any longer. This is particularly relevant now that the U.S. and other nations have reaffirmed their commitments to increased dependence on the light water reactors, with the resultant demands that are placed on uranium reserves.

We strongly recommend that Clinch River Breeder Reactor demonstration plant project be completed as rapidly as possible. Only in this way can the nation be assured of a demonstrated energy option that can be used if and when the need arises. We know that similar recommendations have been made by many other responsible organizations in the U.S. that have continuing strong commitments to supplying the energy systems needed for this nation and others.

Several options to the currently constituted Clinch River project have been proposed in the past; naturally, each of these have some merit and potential for contributing to progress on breeder technology development. However, none of these alternatives can achieve the totality of the objectives of the Clinch River demonstration project. These objectives were developed, jointly by industry and government after many years of detailed analysis, as necessary to advance important R&D program objectives and demonstrate the breeder concept to the satisfaction of those who will need such results.

For example, the Clinch River plant as currently designed has sufficient flexibility to serve as a test-bed for alternate fuel systems. This includes other possible cycles involving thorium, uranium–233, uranium–235 and uranium–238. It is important to emphasize that moving forward with the Clinch River project at this time is the best and most expedient method available to the U.S. to demonstrate the performance of alternate fuel systems in a high temperature power reactor. Delay of the Clinch River project will only postpone the possibility of demonstrating these alternate fuel systems.

It has been suggested that the Clinch River plant project could be terminated, and the Fast Flux Test Facility (FFTF) modified to test some of the major Clinch River plant components. As designed FFTF can provide much important R&D and confirmatory test information on certain LMFBR components, equipment and systems. But FFTF cannot be used for the wide range of large component confirmation tests needed in the LMFBR program. FFTF, while a large radiation test facility, has a relatively small heat generating capability and has been designed with many complex systems and support facilities for this role. FFTF will be operated to provide rapid and effective accumulation of irradiation effects data on fuels and core materials. Even with major modifications, FFTF could not fulfill its primary role as a radiation test facility, and also be able to provide meaningful tests on the large plant components, equipment and systems so important to the Clinch River project and to the LMFBR R&D program. Basically, these two projects are significantly different, although utilizing similar technology and plant features. Each has been designed to achieve unique and different objectives; both are needed very much at this stage of the LMFBR R&D program to demonstrate the breeder option.

Much evidence is available over many years that proves that there is simply no valid argument that mandates that even a highly successful demonstration program will automatically result in a commitment of that technology of future deployment, particularly in the civilian economy. The civilian nuclear power program is replete with examples where even highly successful research, development and demonstration of an important reactor plant concept did not result in further commercial use, despite the fact that the programs were backed extensively by government, large industrial organizations and utilities.

Mr. HARDIGG. I would like to follow up on Mr. Berkey's point. The normal breeder reactor is the highly reactive central region surrounded by fertile material, either the thorium or Uranium-238. The plant is designed to provide coolant only to cool the central core in the FFTF because there is no power generated except for a small amount of what we call gamma heating in the outer stainless steel surrounding assemblies.

Therefore, in order to provide FFTF with a blanket, a very cursory mental analysis indicates to me that I would have to significantly increase the pumping power to provide cooling to the blanket assemblies that you would install in the FFTF.

Therefore, I believe that it would be necessary to make major revisions to the reactor and the plant itself.

A CLOSER LOOK AT CONSUMER PROTECTORS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. ERLENBORN. Mr. Speaker, in 1975 the Government Operations Committee minority views to the bill creating an Agency for Consumer Protection accurately outlined the bill's three premises:

First. The customer is gullible,

Second. The businessman is venal, and

Third. The Government is infallible.

We explained in those views why none of these will stand close scrutiny, and why, as a consequence, it is folly to try institutionalizing millions of consumer voices.

The editorial in the May 1977 Soap/Cosmetics/Chemical/Specialties magazine takes this observation one step further in explaining the reason self-appointed consumer advocates draw these inferences. It concludes that some of these consumer "protectors" support a consumer protection agency bill because of an arrogant desire to substitute their personal vision of order for the apparent disorder of the marketplace.

The editorial provides revealing insights into whether the Government should take consumer advocacy out of the hands of the public under the assumption that the consumer has proven to be incompetent.

The article follows:

CONSUMER REGULATION ABOUT TO BACKLASH?

Those who advocate greater regulation of the marketplace have been called many names by industry over the past few years. Most of these names presume an inherent distrust of, if not hostility toward, the free enterprise system. And if consumer advocates, environmentalists, etc., are not accused of being economically ingenuous they are often charged with politically subversive intentions.

Few critics, however, have questioned the personalities of some of the most vocal consumer "protectors," as opposed to trying to ascribe real and imagined motives to their actions. In a speech delivered before the Swiss-American Chamber of Commerce in Geneva and adapted for publication on the New York Times "Op-Ed" page, Robert T. Quittmeyer, president of Amstar Corp., does just that.

"I believe," he says, "the root of the regulatory impulse is often arrogance. If you scratch an advocate of regulation you are likely to find, very close to the surface, an arrogant desire to substitute some personal vision of order for the apparent disorder of the marketplace.

"Arrogance is a common human trait. Most businessmen are arrogant, particularly if they are chief executives.

"Happily, there are checks against rampant arrogance in business. The ablest people will not work for a martinet very long, and a business that can't attract and hold good people tends to dry up and blow away. A businessman who arrogantly offers a product he thinks the public ought to want soon finds he is much more a servant than a master.

"But when arrogance is embodied in public policy, there are no effective checks on it. It becomes institutionalized—immortalized.

"The compulsion to regulate is almost based on the idea the people are uninformed, undiscriminating and irresponsible."

There are signs that the public is beginning to quarrel with this aspect of consumer regulation. People may indeed be irresponsible but they are not too frequently uninformed, not in this age of an information explosion. And they obviously value their freedom to take risks, to choose how to live their lives, to forge, as much as possible, their own destiny. They've been given the facts and they prefer to smoke cigarettes, to live along the San Andreas fault, to ingest "empty calories," etc.

There comes a time when an institution that has become too smug, too arrogant, too out of touch with the needs and desires of its followers begins to lose its constituency. It happens in government, in religion; it happens in art, in fashion. And it may be about to happen in the more messianic consumer protection circles, whether in government or out. One more decision out of Washington like the saccharin ban and "consumer liberation," as Mr. Quittmeyer calls it, may very well be the next liberation movement.

The argument is not with the need to regulate some business practices, to protect the quality of our air and water, to insure that the work environment is free from unnecessary hazards, etc. It is with bad law and excessive regulation. And it is with those whose utopian pursuit of consumer safety makes few if any allowances for gray areas, scientific judgments, advancing science and technology or common sense.

The Amstar president puts it most succinctly: "We have long asserted that certain freedoms are basic and inalienable. Why not add another: the freedom of the consumer not to be treated as an incompetent."

JEAN LUNING

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WIRTH. Mr. Speaker, with great sadness I note the passing of Jean Luning, a member of my Colorado staff, killed in automobile crash on June 18, and buried today. Jean was loving parent, loyal friend, tenacious caseworker, and dedicated environmentalist. We shall miss her.

From the first days of the 1974 campaign there has remained within the staff a feeling of family, and Jean's passing is a great loss for us all. We shall do our best to reach out and extend to her children, Ernie and Buffy, the commitment which their mother carried. We want to be as persistent as she in caring for the needs of our constituents, in casework well done. And we must push harder to reach the goals she worked for in Indian Peaks, a wonderful wilderness area with great potential.

The contributions Jean Luning made—through family, friendship, her helping hand, and her vision of the world—can go on through the rest of us.

BILBO MITCHELL HONORED FOR WORK IN CHURCH

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. MONTGOMERY. Mr. Speaker, this Sunday a very close friend of mine, Bilbo Mitchell, will be afforded a signal honor when he is installed as verger in the Episcopal Church of the Mediator in Meridian, Miss. The installation will be conducted by Bishop Duncan M. Gray, Jr. Being a member of the Church of the Mediator myself, I am well aware of the many contributions Mr. Mitchell has made to his church parish. His devotion and unselfish dedication are known to all members and deeply appreciated by all members. Out of tribute to Bilbo, I would like to include at this point in the RECORD, an article which appeared in a recent edition of our hometown newspaper extolling the some 30 years of service of Mr. Mitchell and the importance of his being elevated to the position of verger. The article reads as follows:

[From the Meridian (Miss.) Star, June 19, 1977]

Meridianite Bilbo Mitchell will probably never forget Sunday, June 26.

That's the day he will be officially installed as Verger in the Episcopal Church of the Mediator by Bishop Duncan M. Gray, Jr.

He will also be distinguished as the only Verger in a Mississippi Episcopal Church.

A special service for this installation is scheduled for 5 p.m. Sunday, June 26, in the church located on the corner of 35th Avenue and 38th Street. Afterwards, the members of the congregation will be served supper in the parish hall.

According to Rev. G. Michael Bell, rector of the Church of the Mediator, "we wanted to recognize Bilbo for his outstanding devotion and service to the church parish by instituting this office."

An old office still used in the Church of England and in some churches in this country, the Verger traditionally represents the wardens and vestry in the church procession.

As Verger, Mitchell will oversee the acolytes, ushers, altar guild and all altar functions. He will also be charged with receiving visiting clergy with the rector.

His black robe, to be worn as he leads all processions, and the mace, a staff heralded by the seal of the parish, have been ordered from England. He will use this mace to officially seal all marriage and baptismal certificates in the church.

A member of the Episcopal Church since 1946, Mitchell "has touched the lives of over 200 young men and women by working with them in the church," says Rev. Bell. Although first serving at St. Paul's Episcopal Church, he has held membership in the Church of the Mediator for the last 22 years.

Working under six different priests, he has prepared more than 100 young people to serve as acolytes for the Church. Five of these acolytes, adds Mitchell, are now priests. At present, his title is acolyte warden.

Queried about the service and his new title, he says, "I feel very honored." And apparently so does his wife, Julie Clarie, his son, Bilbo, and his daughter, Rose Marie.

"We are trying to notify many of his old friends and former acolytes of this special service so that they can make plans to attend," explains Rev. Bell.

Additional information on the service and

supper June 26 can be obtained by calling the church office.

A GOOD JUDGE IS HAMSTRUNG

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DORNAN. Mr. Speaker, there is a tendency among many Americans to blame the courts for the rampage of crime which our Nation is experiencing. And by and large, this blame is laid on the right doorstep.

The Federal courts in particular are responsible for turning criminals out on to the street to rape, steal, mug, and murder again. More and more frequently, these criminals have received suspended sentences, short prison terms or simple reprimands. Or, once convicted by a State court, criminals find themselves free again thanks to the beneficence of the Federal court system of appeals.

This is wrong and the American people know it is.

Since it seems, at times, that most judges in America are dedicated to the fallacious theory that punishment of the criminal does not deter crime, it is particularly encouraging to learn that, on the California bench, there are still judges who believe that criminals should be punished. One such judge is Harry V. Peetris.

Judge Peetris recently sent me a copy of the remarks he made in open court which reveal the extent of which a good judge's hands are tied by Federal Court which tries to conform to the rulings of the Federal judiciary.

I would like my colleagues to learn of the daily frustrations of a just man who knows his duty to the law and tries to exercise it honorably. To that end, I would like Judge Peetris' letter and remarks reprinted in the CONGRESSIONAL RECORD.

The remarks follow:

THE SUPREME COURT,
Los Angeles, Calif., March 29, 1977.

Hon. ROBERT DORNAN,
U.S. Congress, U.S. Capitol, Washington, D.C.

DEAR BOB: Our present laws which prevent judges from severely sentencing criminals to protect society is in a state of crisis.

A classic example of this problem is a case in which I sentenced a man today. He is Robert Leroy Biehler who had been convicted by a jury of four counts of murder in the first degree, and found to have used a gun in each crime.

He killed for the following reasons: (1) hired for money; (2) to take over prostitution activities; (3) to eliminate a 15-year-old eye witness to one of his murders; (4) to remove his supplier of cocaine. Biehler also threatened to kill key witnesses in his trial to keep them from testifying.

He is an ex-convict who had served two terms in prison for armed robbery and burglary and an extra term for parole violation.

The most severe sentence I could impose under the present law leaves him eligible for parole in five years and ten months from today.

I am enclosing, for your interest, a portion of my remarks made in open court which reveal this to the public, and urges a change in the laws that only we can accomplish.

Sincerely,

HARRY V. PEETRIS.

Judge Peetris' remarks to the court follows:

The court, in considering sentence at this time, will take into consideration the statements of counsel, the investigation and recommendation of the probation officer, and all that it observed during the four month trial, including the testimony of the defendant.

In conformance with the New Sentencing Act of 1976, the court will discuss the reasons for the sentence it will render today. It is, of course, the obligation of the court alone to accomplish in sentencing Mr. Biehler his punishment, his deterrence from committing such crimes in the future, the deterrence of others, and ultimately the protection of society.

The behavioral conduct of Mr. Biehler throughout the time he has been before this court commencing in June, 1976, to the present time has always been respectful, very knowledgeable, and cooperative. The long legal proceedings we have just completed were not in any way lengthened by his actions.

In looking at his behavioral conduct, however, which forms the basis of the crimes he now stands convicted of, as revealed during the trial, reflects that it was criminally motivated, cold-blooded, devoid of human feeling, male chauvinistic, and done in the manner of professional executions.

The motivation for his first killing in 1966 was to take over a criminal prostitution business. His victim sat in her living room next to her fifteen-year-old son, having just whispered over the telephone that she was afraid and asked for help, when he placed the gun deeply into her ear and fired.

The sole reason the boy, after begging for his life, became defendant's second victim was, as Mr. Biehler stated, that he did not want to leave an eye witness to the first murder. He again placed the gun deeply into his ear and fired. The defendant's goal of killing the eye witness to avoid detection was accomplished for a period of ten years.

The next five years the defendant spent in state prison on a parole violation and, upon being released, accomplished his third killing. The victim this time was his supplier of cocaine, who also after begging for his life was shot with a sawed-off rifle. Defendant then placed his body in a plastic garbage bag and buried him in the forest.

One year later he attempted his fourth murder as a paid killer who disguised himself with a wig, moustache, overalls, and carrying a fake toolbox packed with cotton and a gun. After placing his gun deep into the victim's ear and firing, he shot her three more times in the head. She miraculously survived, but remained partially paralyzed necessitating the use of a cane.

Two months later, after getting more money for the killing, he returned this time pressing the gun deep into her ear and eye and firing it. He then pressed it against the back of her head and heart, and after firing it said, "This time she's really dead."

In considering what degree of punishment would be fit for these cruel and vicious killings which were spread over a nine year span, the only appropriate penalty would be death.

In considering whether such a sentence should be mitigated due to the circumstances of the crimes of Mr. Biehler's background, a meticulous search of the entire record reveals no mitigating circumstances. He has twice before been convicted of a felony, once for armed robbery and once for burglary, both offenses involving the use of guns, and he served two separate terms in state prison and a third term for parole violation. His decision to lead his recent life of crime was made while in prison, as stated by him, and commenced days after his release on parole.

The law providing for death for his crimes during this very trial was declared unconstitutional because it did not provide the opportunity for the judge to consider mitigating circumstances. Hence, it is not available in this case.

The next proper sentence, in its absence, would be imprisonment for life without the possibility of parole. Such a sentence is still today provided for in our law for such crimes as kidnapping for ransom with injury or trainwrecking with injury. It does not include the crimes in this case and, therefore, is not available.

The next step downward in severity would be to give consecutive sentences for each murder to be served separately instead of running at the same time. Such sentencing would require Mr. Biehler to serve seven years on each of the four murders before he would be eligible for parole, six months on the attempted murder and 80 months on the four uses of a weapon, for a total of some 35 years before he would be eligible for parole.

Unfortunately, the law does not permit such sentencing. First of all, Penal Code Section 669 requires that sentences in all five counts merge into the first count of murder. The case of *People* v. *Walker*, October, 1976, requires that the four consecutive five years to life sentences for the four uses of a weapon merge into the first murder count. The theory of the law is that the sentencing judge cannot be so archaic as to sentence a person to more than one mortal life in prison. The footnote in one of the cases expounding that law provides that they were not taking into consideration "parole." Unfortunately, as sentencing judge, I have to face the reality of the effect of my sentence in considering punishment and the protection of society. The reality is that the total sentence of Mr. Biehler merges into one life sentence for which he is eligible for parole in seven years. Since he has been in custody one year and two months, he will be eligible in five years, ten months from today.

One might take comfort in the fact that the Adult Authority or the new Community Release Board to be will look severely on the heinous facts of this case and not consider an early parole.

Mr. Biehler will take comfort, however, in the fact that his crime partner, Maida Sue Ellington, who hired him to murder, and who was convicted in a separate trial last July for murder in the first degree and attempted murder in the first degree and sentenced to life in prison, has just had her parole release date set last month. It was for release in eight years. She had not only hired the defendant, but actively participated in setting up the victim for him to shoot on both occasions.

The sentence that the law permits me to render also fails to provide protection or security for the prosecution's witnesses who in this case came forward under threats of death from the defendant and testified in the trial. There were four women whose testimony was the most damaging against the defendant and each demonstrated stark fear of him while on the witness stand. In view of his demonstrated scorn for women, his continual use of them as objects, and his attitude that women want to be slapped around and dominated was best verbalized by the defendant on the stand when he characterized himself as a "14 carat male chauvinist." Considering his attitude toward women, his threats and proclivity to kill, along with his hatred of them for testifying, their concern for their lives is real. I can now by my sentence protect the lives of

these women for no more than about seven years.

The present state of the law is deplorable, not only because it so restricts the sentencing of Mr. Biehler, but because it fails to deter any criminal from the use of a gun to kill eye witnesses or arresting officers. The advantage of getting away with the crime when compared to the small degree of additional punishment may make it seem well worth the risk.

Although the law provides for an additional five years to life to be served by a criminal each time he uses a gun in certain crimes, in order to deter the use of a gun in this case where Mr. Biehler used a gun in all five crimes, the present law does not permit me to sentence him to any additional time.

Many citizens have already, feeling that the courts are not protecting them from the use of guns by criminals, armed themselves. Until society realizes the limitations on the judges in this regard, and change the law, only then can the proliferation of guns by both criminals and citizens be halted.

The law now properly permits the sentencing judge to be lenient when the case calls for it. It prevents the judge, however, from being severe enough in the serious case in order to punish the defendant or protect society. This law can only be changed by the people through their elected representative in the legislature.

Until the public realizes that they are the future victims and accomplish this change, only then can judges protect them by their sentences and begin to reverse the new phenomenon of citizens taking the law into their own hands and finding themselves being prosecuted as criminals.

Any such change of the law making it more severe, however, would not apply to this defendant as he will be sentenced according to the law as it stands today.

Thank God for men and women with the courage of Judge Harry V. Peetris.

WHAT ENERGY POLICY?

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, the Press-Courier, published in Oxnard in my congressional district, recently commented on President Carter's energy program and the ensuing congressional debate. The Press-Courier found that both the President and Congress have neglected a central issue concerning the Nation's impending energy crunch.

The Press-Courier noted that congressional action on the energy program was focused on "who" should control oil and gas prices, "skirting the more pertinent issue of whether they should be controlled at all."

I insert the editorial in full for the benefit of my colleagues:

WHAT ENERGY POLICY?

Despite the spirit of urgency President Carter has tried to impart, Congress is heading for the same dead end on energy policy that it reached when the pressure for action was coming from the Nixon and Ford administrations.

The House was diverting itself recently on the issue of who should control oil and gas prices, skirting the more pertinent issue of whether they should be controlled at all. It entertained a proposal that the government takes over all foreign oil purchases, when the real problem is U.S. dependency on foreign suppliers for 47 percent of this nation's oil.

Carter announced an energy program in April and urged that the nation pursue it with "the moral equivalent of war" to reduce its reliance on foreign oil and avert disastrous fuel and power shortages in the 1980s. So, why is the Gallup poll now reporting that 48 per cent of Americans are not even aware that nearly half of their most basic fuel is coming from abroad?

Either the President's message didn't get through, or half the people who heard it are skeptical of everything that's being said about the energy crisis. The reason for that may well be the abundance of gasoline on the market, at prices deceptively controlled by the government and giving the impression there's nothing to worry about.

Energy Administrator John O'Leary predicts Americans will use record quantities of motor fuel this summer—5.5 per cent more than last year's all-time high.

So much for the moral equivalent of war.

Since Carter's energy message in April we've seen mostly a war of words—conflicting opinions of whether the energy problem is as serious as the President described it; and if it is, whether he developed the right strategy to solve it.

One body of opinion holds that energy shortages, at least in the immediate future, could be averted if the government would simply get out of the way. Oil and gas reserves which now look perilously low would increase significantly if prices were decontrolled and it became economical to develop new sources.

There is compelling logic to that argument, but Congress has a blind spot for any logic that might increase the earnings of oil and gas companies, even if it is those companies that are going to have to produce the oil and gas the nation needs. And even the conservation side of Carter's program is in trouble.

His proposed taxes on gasoline and inefficient cars are nearly dead issues, both because existing fuel-efficiency mandates may accomplish as much and because of the inequitable plan he advanced for rebating revenue the taxes would produce. The administration also is backing away from its original estimates on what might be accomplished under its proposed incentives for insulating homes and converting to solar heating systems.

Congress is about to create a new Department of Energy to manage U.S. energy policy. But is it going to manage the all-out production of oil, gas, and alternate energy sources in a free marketplace where supplies increase with the incentive of demand? Or is it only going to manage a conservation program preparing Americans for the inevitable shortages that price regulation will create?

FREEDOM OF THE ARTS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. JEFFORDS. Mr. Speaker, I would like to bring to the attention of my colleagues the following statement on freedom of the arts. This statement, given to me by Ronald Slayton, curator of the Thomas W. Wood Art Gallery in Montpelier, was endorsed by representatives from 25 nations and from 15 of the United States at the Third International Conference on Arts and Communication recently held in Florence, Italy.

The statement follows:

MESSAGE FROM THE FLORENCE CONFERENCE ON ARTS AND COMMUNICATIONS, 1977

We affirm the basic right to freedom of arts expression; that the duty and privileges of governments and their institutions should be to recognize, sponsor and preserve such liberties.

The rights include freedom of expression in all media of the arts and comprise the thoughts, attitudes, moods and ideas of an aesthetic nature.

Furthermore, we urge that governments sponsor creative artistic endeavor by public monies and the conscious effort to establish a favourable societal climate for the arts and to view the arts as a policy to improve the human ecology.

We support the moral position of all of those who challenge restrictive measures.

We propose that works of art, historic sites of aesthetic value and the environment should be preserved.

The foregoing statements are based on the belief that participation in the creative arts is beneficial to mankind and can promote greater heights of achievement and world communion.

OFFERS AMENDMENTS TO FOREIGN ASSISTANCE APPROPRIATIONS BILL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. YOUNG of Florida. Mr. Speaker, I would like to take this opportunity to remind my colleagues that the Foreign Assistance Appropriations bill for fiscal year 1978 is scheduled to come before the House on Wednesday, June 22, 1977. I have previously called attention to the minority views on this bill, and again, I strongly urge each Member of this body to consider those views very carefully and to understand fully the implications of the information included in them. Today, I wish to outline the amendments which I will be offering to the Foreign Assistance Appropriations bill, and the reasoning behind them.

The first amendment I plan to offer would reduce our contribution to the United Nations Development Program to $110 million. This is equal to the fiscal year 1977 appropriation plus a 10-percent increase, which is similar to increases in our domestic programs for fiscal year 1978.

The second amendment would eliminate a $50 million appropriation for the Sahel development program. The United States has provided substantial amounts of assistance to the eight countries of the Sahel. In addition, these countries will be receiving $62 million in direct bilateral aid in fiscal year 1978. As of March 31, 1977, there is still $45.6 million in unobligated funds available for the Sahel.

An amendment will be offered by Congressman ICHORD and myself which would eliminate $100 million for the Southern Africa Special Requirements Fund. This fund was previously entitled the "Zim-

babwee Development Fund" and we are concerned that this is a poorly planned program.

My fourth amendment would prevent any money appropriated in this bill to be used to finance, directly or indirectly, Cambodia, Laos, the Socialist Republic of Vietnam, Cuba, Uganda, or Ethiopia.

My fifth amendment would reduce the U.S. contribution to the Asian Development Bank to $127,024,700—the fiscal year 1977 appropriation plus a 10-percent increase.

My sixth amendment would eliminate our contribution of $400 million to the World Bank.

My seventh amendment would eliminate our contribution of $40 million to the International Finance Corporation.

Finally, my eighth amendment would reduce the U.S. contribution to the International Development Association to $473 million—the fiscal year 1977 appropriation plus 10 percent.

There should not be any necessity for me to explain why U.S. dollars should not be directed by any method to Cambodia, Laos, or Vietnam. The frequently and clearly stated opinions of the majority of the American people opposing such assistance make that part of the amendment clearly defensible.

With the exception of Ethiopia, no "direct" aid to any of these countries is programed in the foreign assistance appropriations bill, however, considerable financial assistance is planned for Uganda, Ethiopia, and Vietnam through the United Nations development program (UNDP), for which $120 million is recommended in this bill. We are told that the UNDP plans to provide Vietnam with $44 million over the next 5 years, and $30 million to Uganda and $42 million to Ethiopia during the same time period. The International Development Association (IDA), the "soft loan" window of the World Bank, made "soft" loans, at no interest and repayable over a 50-year period, of over $48 million to Uganda, and over $292 million to Ethiopia in 1976.

Uganda, under the rule of Idi Amin, is one of the most ruthless and corrupt governments in existence today. Murder, rape, and assassination have been reported on numerous occasions in Uganda. Even if our President had not committed our Nation to an overriding concern for flagrant violations of human rights on a worldwide basis, it would be impossible for the American people to swallow any contribution of American money to Uganda with the understanding that such funding could only help to stabilize and maintain Idi Amin's control over that country.

The situation in Ethiopia is just about as bad. Ethiopia has closed the U.S. Military Mission and other U.S. facilities and asked our personnel to leave the country. They have—to put it bluntly, kicked us out. Ethiopia also has been accused of gross and systematic violations of human rights and in addition, is now receiving substantial economic and military aid from the Soviet Union, plus military advisors from Cuba. U.S. monetary support to these nations under whatever auspices, is surely not in the best interest of our Nation or in keeping with the will of the American people. And, our most expedient method of stemming it is to place mandatory restrictions on our contributions to the multilateral organizations which provide assistance to these countries.

I have heard the arguments against this amendment, Mr. Speaker. The most frequently cited argument is that we cannot allow these international institutions to be inflicted with the personal "politics" of the contributing nations. I understand that when these organizations were established, it was considered essential that they be entirely "apolitical". But in relinquishing our right to exercise control over which nations receive grants and loans from these organizations, we seem to have also relinquished our right to have influence over how our money is spent. This year we are being asked to contribute over $2.3 billion to the multilateral organizations, and once we appropriate that money, we lose almost complete control over that $2.3 billion. It is a fact that the operating expenses of these organizations is abnormally high. Top executives of the international financial institutions receive salaries of over $100,000 a year. Some of the employees of the international banks make as much as 57 percent more than comparable positions in the U.S. Civil Service. Additionally, over 40 percent of the employees of the World Bank Group are earning more than $36,000 a year, and this income is tax free. In the hearings before our subcommittee, not one of the executives of these international financial institutions appeared to testify. We have requested detailed information concerning lending practices of these institutions, and in several cases we are still waiting for the information. During the hearings, specific questions were asked concerning how U.S. participation in these institutions is in our national interest and again, answers have still not been provided. In effect, we are being asked to expend more than $2.3 billion in American taxpayer dollars this year for these institutions and after the money is appropriated, Congress will have little or no influence over how the money is spent. I feel very strongly, Mr. Speaker, that the time has come for us to insist on some control over these multilateral programs, because I do not believe they are doing the job they were intended to do, for our country or for others.

We are willing to help those in need when the help actually gets to them. However, there are too few examples of multilateral money ever getting to the "poorest of the poor." In fact, when the money from the international banks finally reaches the local borrowers, the interest rates on these loans to the "poorest of the poor" are usually very high. As an example, when the Inter-American Development Bank provided a loan for a rural development program for small farmers in Colombia, the interest rate paid by the farmer was 17 percent.

In light of what I find to be evidence of less than prudent care of the money received and distributed by the multilateral institutions, I do not believe that the "evolution" of these institutions to this point is representative of the intent of their founders, and therefore, I do not believe that their "constitutions" are so sacred that they cannot be challenged, or questioned. The argument of those who oppose this amendment is that if we put conditions on the spending of our portion of the money used to support these organizations other countries will exercise the same privilege, and the organizations will not be able to function. I do not believe it. They will take our money, restricted or otherwise. I can state, however, that our continued support of them, without some restriction, is not responsible any longer, politically or financially.

What exactly can we tell the American people that we are getting in return for their investment? Are we getting any monetary return? Are we getting any humanitarian return—have we any assurance at all that the money we are contributing is getting to the poor and needy people of the world? Are we making any friends through our contributions that will support us later if we need that support? Is there any justification, beyond historical precedent, for our investment in this phase of our Foreign Aid program? In Cambodia, Laos, Vietnam, Cuba, Ethiopia, and Uganda—I think not. It is being wasted—millions and millions of taxpayer dollars, hard-earned by our constituents, are going down the drain, and that fact, stacked up against the possible but not probable "demise" of the multilateral organizations is enough for each of us to conscientiously and enthusiastically support these amendments.

This is a definitive action, Mr. Speaker, but the time has come for a definitive action. The Secretary of State has told me that this administration plans to double our foreign aid program in the next 5 years, and that the main thrust of that program will be through the multilateral organizations. President Carter has told the American people that they will have something to say about our foreign aid program, and he will consult them, and keep them informed. The two statements are not consistent. Apparently first they are going to be told and then they are going to be asked. I do not think that is such a good plan, Mr. Speaker, and I do not think our constituents are going to think it is such a good plan either.

The Treasury Department's Assistant Secretary for International Affairs, C. Fred Bergsten, stated that the U.S. deficit is estimated to be $20 billion this year. He added that this huge deficit is helping to stabilize the world economy. He said that the United States can easily absorb big trade deficits and by doing so "make a contribution to the stability of the International Monetary System." It is amazing to me that an official of the United States would advocate the need for a U.S. deficit, with all of its economic problems, in order to help other countries keep from having those same economic problems.

Fortunately, we are not powerless to

do something about it. We do have a choice, in fact we have the ultimate choice—and we can begin making that choice, as our constituents have asked us to do, by curtailing our appropriations to the multilateral institutions right now.

By taking that action, we have an opportunity to notify these organizations that we will not stand mute on this subject any longer. We want to know how our money is spent, and we want to know specifically how much of it is eaten up in administrative costs, how much actually reaches the needy people of the world, to whom it is going and why. If they wish to receive our continued and considerable support, they must begin to act responsibly, as I believe their founders always intended for them to do.

DOUBLE STANDARDS ON HUMAN RIGHTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DERWINSKI. Mr. Speaker, Allan Brownfeld is a syndicated columnist whose specialty lies in foreign policy. Based on his experiences in this field, he discusses, in an article appearing in the Lima News—Lima, Ohio—of June 9, the Carter administration's policy regarding human rights and the contradictions that are more and more apparent each day. The article follows:

DOUBLE STANDARD ON HUMAN RIGHTS

(By Allan C. Brownfeld)

When President Carter first enunciated his human rights policy, many Americans, including this writer welcomed this departure from the amoral policy being pursued by the Nixon-Kissinger-Ford administration.

The refusal of President Ford to meet with Alexander Solzhenitsyn, for example, was an outrage to American concerns over justice in the world. The cynical policy of doing business with tyrannical governments and ignoring the pleas of their religious minorities, dissidents and ethnic groups was a betrayal of something important in the American spirit. To the extent that Jimmy Carter offered a return to a policy based upon principle, even those who opposed his election were eager to support him.

Yet, in the few short months that this "human rights" policy has been in force, what we seem to be observing is not an end to a cynical foreign policy, only a new form of cynicism. More and more, the "human rights" policy is one aimed solely at pro-Western countries—Argentina, Uruguay, Chile, South Africa, Brazil, South Korea, etc.—and hardly at all at Communist China, the Soviet Union or other Eastern bloc states.

When Vice President Mondale traveled to Europe to criticize South Africa's violations of human rights, he went from his Vienna meeting with Prime Minister Vorster to Belgrade, Yugoslavia. He did not criticize Marshall Tito's repressive and totalitarian regime. Instead, just as he chastised Vorster, he embraced Tito. This, however, is only one graphic example of the Carter administration's unusual double standard.

Consider some other elements of the Carter record. Despite gross violations of human rights, the Communist government of Vietnam has received an American pledge that its entrance into the U.N. will not be vetoed (just as South Africa was assured that we would not veto efforts to expel it).

While criticizing Castro for his role in Africa, very little has been heard about the denial of human rights within Cuba itself, and the U.S. has, despite the criticisms, been busily moving toward a "normalization" of relations with Castro.

When it comes to Cambodia, where perhaps the most brutal form of genocide in the 20th century is under way, neither President Carter nor Secretary of State Vance has said a word.

The Carter administration's moves toward recognition of Communist China (where no human rights whatever exist) is part of the reason for its silence on Cambodia. Fortunately, others in Washington have been willing to speak out. After hearing testimony about the mass murders taking place in Cambodia, Rep. Stephen Solarz, (D-N.Y.,) said, "This is one of the most monstrous crimes of the century. I would compare it to Hitler's killing of six million Jews. . . . Would the rest of the world be silent? I have talked with many of our foreign service people. One in Bangkok who has monitored the Cambodian situation since the takeover—his judgment is that the allegations are absolutely correct. . . . The question is, what can we do about it?"

Then, the Carter administration's strong push for repeal of the Byrd amendment, which permitted the U.S. to import Rhodesian chrome in violation of U.N.-imposed sanctions, clearly showed a strange double standard concerning human rights in Africa. Rep. Robert W. Daniel, (R-Va.,) noted the rhetoric about "human rights" and "majority rule" was really beside the point in this matter—the main reason for singling out Rhodesia "is that by so doing we shall ingratiate ourselves with the leaders of black African nations."

Rep. Daniel continued; "Let us consider these leaders to whom it is hoped we shall endear ourselves by this step. . . . For one, there is President Macias of Equatorial Guinea. It is reported that this great leader has killed 50,000 of his subjects . . . has caused one-fourth of the nation's original inhabitants to flee into exile and . . . has instituted a system of slavery.

"Then there is Jean B. Bokassa, self-proclaimed emperor of an unfortunate land he now calls the Central African Empire, who has tortured hundreds of minority tribesmen to death according to the signs of the Zodiak."

The list goes on and on. The Carter administration has said not a word of criticism about such depredations in black Africa, reserving all of its rage for the pro-Western states of Rhodesia and South Africa. There is no doubt that Rhodesia and South Africa are worthy of criticism, but why only these two? They are hardly the most serious violators of human rights on the unfortunate African continent.

Discussing the unusual posture of the Carter administration, Sen Carl Curtis, R-Neb., declared, "If the U.S. normalizes relations with Cuba and Vietnam, it will mean a betrayal of freedom throughout the world. The administration has shown a decided tendency to be one-sided in its approach to human rights. . . . There has developed a perceptible move toward lessening our aid to such governments as those of Chile and South Korea at the same time we appear to be moving steadily toward so-called "normalization" of relations with Cuba and Vietnam. Such a policy bespeaks of inconsistency and lack of realistic priorities. . . . It is dishonest to carp about Chile and South Korea while turning aside from the charnel pits of Vietnam and the concentration camps of Castro's Cuba."

Before the administration discusses ethics in the world, it should enter that world arena with clean hands itself. At the very least, it should apply proper standards as stringently to our declared enemies as it does to our friends.

TRUE TAX REFORM MUST REMOVE THE TAX BIAS AGAINST SAVING AND INVESTMENT, BY DR. NORMAN TURE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. KEMP. Mr. Speaker, I want to bring to the attention of my colleagues an important article by Dr. Norman Ture, former director of tax studies for the National Bureau of Economic Research, regarding the present bias in our Federal tax system against savings and investment. As he put it:

The present tax system is heavily weighted against personal market-oriented effort and against those activities which increase productivity and production capability. In particular, one finds that federal, state and local taxes greatly increase the cost of saving relative to the cost of consumption, and of capital formation compared with consumption uses of available production capacity.

I believe that the wealth of this Nation is not increased by constantly stimulating consumption and demand through easy monetary and fiscal policies, but by rewarding thrift and productivity. The two are closely interrelated because productivity cannot increase unless investment capital—the tools and machinery which generate wealth—is increased. In order to do this society must, at some point, forego current consumption for future consumption—in other words, save and invest.

I believe, as Dr. Ture does, that any true tax reform must encourage saving, thrift, investment, and productivity. I commend him for his long time and very able leadership in this vital area of national debate.

The article follows:

[From the Wall Street Journal, June 21, 1977]

TAX REFORM SHOULD ENCOURAGE SAVING

(By Norman B. Ture)

As the time approaches for President Carter to divulge his proposals for major tax reform, concern and anxiety about the long-term thrust of tax policy heightens. Whatever its details may be, the administration's tax program can serve one constructive purpose—to shift the emphasis from Mickey Mouse tax proposals aimed at fine-tuning the economy in the short run to the basic structural tax changes required for economic efficiency and growth over the long run.

We will all benefit if the policy debate puts aside the seemingly obsessive concern with which tax gimmick will do more to increase next quarter's consumption demand and turns instead to basic changes that will reduce constraints on the expansion of aggregate production.

Whether this happy outcome will materialize will depend on the focus which the administration gives to its proposals. If it continues the futile chase of that tax policy will-o'-the-wisp—redistribution of income—the result will be even more severe tax burdens on those activities which provide the momentum for economic progress. On the other hand, if it looks to the basic economics of taxation, it may come up with a simpler, fairer and more nearly neutral tax system.

No perfectly neutral tax has ever been devised, of course. Every tax changes the cost of something relative to the cost of other things. Notwithstanding, tax policy should aim at minimizing such distortions. Tax-induced relative cost changes distort the allocation of the economy's resources, and should be used only for special purposes.

AGAINST SAVING

The present tax system is heavily weighted against personal market-oriented effort and against those activities which increase productivity and production capability. In particular, one finds that federal, state and local taxes greatly increase the cost of saving relative to the cost of consumption, and of capital formation compared with consumption uses of available production capacity.

In very large part, this bias against saving is inherent in the income tax because the tax is levied both on the portion of current income wihch is saved and also on the future income purchased by the saving when the future income is realized. In contrast, income used for consumption is taxed only once.

To illustrate this income tax bias, imagine a no-tax economy. A person with $10,000 of income might wish to use, say, $9,000 for current consumption and save the remaining $1,000. Suppose the prevailing yield on saving is 10%. Then his $1,000 of saving gives him an additional $100 of income each year so long as he maintains his capital intact. Since he can either consume or save his income, each dollar he saves is a dollar of foregone consumption. To obtain an additional $100 of income each year, he must forego $1,000 of consumption. The cost to him per dollar of additional income, then, is $10.

Now suppose an income tax is imposed at a flat rate of, say, 20%. The individual's disposable current income is reduced from $10,000 to $8,000. Suppose he were to use his disposable income in the same proportions as before: $7,200 for consumption and $800 for buying future income. With the same yield, his $800 of saving will buy him $80 of additional income per year. But he'll pay a tax of 20% on this additional income, too, winding up with only $64 of after-tax additional income. To obtain $64 more income, he must now forego $800 of current consumption; the cost to him per dollar of additional income is now $12.50. Unless it is assumed the person is completely indifferent to this change in relative costs, he will not continue to save the same proportion of his disposable income. Instead of saving $800 out of his $8,000 of disposable income, he'll save some lesser amount.

This isn't the end of the story. Adding in the corporate income tax, the tax on capital gains, state and local income and property taxes, federal and state estate, inheritance and gift taxes, and a miscellany of other state and local taxes which are also imposed on the same income provided by saving, the tax system very substantially increases the cost of saving compared with consumption. Even with all of the alleged "tax shelters" available for corporations and upper-bracket individual taxpayers, the aggregate amount of taxes paid on income that is saved (and on the returns to savings) raised the cost of saving relative to the cost of consumption by about 90% in 1976.

This antisaving bias of the tax system—its effect of increasing the cost of saving far more than the cost of consumption—results in less saving out of any given amount of pretax income than if taxes rested with equal weight on saving and consumption uses of income. Since by definition the amount invested in adding to the stock of capital in any period of time just equals the amount saved in that period, the present tax system reduces the proportion of the economy's total production capability allocated to capital formation. The nation's stock of capital is, as a consequence, less than it would be under a more neutral tax system and smaller in relation to the labor force. Unless someone has repealed the law of diminishing returns, the result is lower productivity and real wages for labor, less employment and lower total output.

In this light, the antisaving bias in the present tax system is not a matter of concern only to so-called "fat cats." The disproportionately heavy taxation of savings distorts the relative costs of consumption and saving for all of us. To be sure, the higher one's tax bracket, the greater this distortion. But we are all savers as well as consumers, and we are all injured by a tax system which increases the costs we must incur to provide the additional income we want in the future for our retirement, for provision against catastrophe, for educating our children, or simply to accumulate wealth. More generally irrespective of our individual saving proclivities, all of us bear the cost of this antisaving bias in the form of less total production capability, less total output and less total income than we might have.

And when account is taken of the fact that labor receives two-thirds to three-fourths of the additional income generated by additional capital, it is clear that the tax penalty on saving and capital formation bears more heavily on wage and salary earners than on coupon clippers.

Thus, a major concern of tax reform should be to provide tax relief for saving. The ultimate solution, very likely too drastic a step for the near future, is to remove current saving, no matter by whom or in what form, from the tax base while fully taxing all of the gross returns on saving. Short of this fundamental revision, there are any number of ways in which this relief might be provided in addition to the two mentioned above. High on the list should be a substantial reduction in the corporate income tax, if not its outright repeal.

The currently popular argument against reducing the tax barriers to saving and capital formation is the assertion that there is no need to reduce corporate income taxes because they now contribute a smaller share of total tax revenues than they used to. Professor Lester Thurow of MIT, for example, argued on this page recently ("Business Doesn't Need a Tax Break," April 29) that declining corporate taxes had actually resulted in an increase in after-tax profits relative to GNP. He compared the periods of 1966–73 with 1947-53 and claimed to find that return to capital as a percent of GNP had increased to 11.6% from 10.2%. As a result, he argued, business doesn't deserve a tax break.

The best that can be said about this argument is that it is economically irrelevant. Corporate income tax cuts have had virtually nothing to do with the decline in corporate income tax collections as a proportion of GNP. The principal reason corporate income taxes have declined relative to GNP is simply that taxable corporate income has fallen relative to GNP.

DIDN'T DEDUCT LIABILITIES

Professor Thurow makes it seem otherwise by, among other things, counting interest payments on corporate debt as part of his gross return on capital figure. That would have been acceptable if he had deducted the tax liabilities of the interest recipients, but he didn't. (Nor did he include the tax liabilities of dividend recipients, though admittedly both figures would be difficult to find.)

In fact, the fraction of GNP represented by gross returns to corporate capital ranged from a low of 14 percent to a high of 17.7 percent in the period 1947–53, averaging 15.4 percent. For the eight years 1966–73, the ratio was between 12.7 percent and 15.9 percent, and averaged 14.1 percent.

Moreover, if one approximates corporate profits from the National Income and Product Accounts, making no adjustment for inventory profits or for replacement cost for depreciation purposes (and basing capital consumption allowances on straight-line depreciation and the very long service lives assumed by the Commerce Department's Bureau of Economic Analysis), the resulting, very generous measure of corporate profits as a fraction of domestic GNP (gross domestic product) ranged between 10.9 percent and 14.2 percent in the 1947–53 period. It was far lower in 1966–73, ranging from a low of 8 percent to a high of 11.5 percent. Finally, corporations were subject to a stiff excess profits tax in 1950–53, a monstrous fiscal mistake which was avoided during the Vietnam years. The wonder is not that corporate profits tax liabilities declined as a fraction of GNP between the two periods but that they didn't decline far more.

In any event, the pertinent tax policy issues on which the administration and the Congress should focus are not concerned with small wriggles in the ratio of corporate income tax liabilities to GNP. The most demanding of these issues is whether the United States should be content with a tax system that so severely penalizes private saving and capital formation compared with consumption. Tax reform to reduce, if not to eliminate, this antisaving bias should be seen not as tax favors for the well-to-do, but as benefiting everyone. Considerations such as these, one must hope, will be the stuff of which Mr. Carter's program is fashioned.

U.S. CATHOLIC CONFERENCE URGES "AYE" VOTES ON CUTS IN MILITARY AID TO ARGENTINA, NICARAGUA, AND SOUTH KOREA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DRINAN. Mr. Speaker, on June 22 the House of Representatives is scheduled to consider the foreign assistance appropriation bill (H.R. 7797). At that time, we will have the opportunity to demonstrate clearly that our commitment to human rights is not confined to rhetoric alone, but embraces concrete actions to deny the tools of oppression to governments which systematically violate the human rights of their citizens.

Specifically, three amendments will be offered to the foreign aid appropriation. One would prohibit the use of any funds to provide military education and train-

ing to the Government of Argentina. The second will seek to restore to the Government of Nicaragua military assistance which was eliminated from the legislation in committee. Finally, an amendment will be offered to limit military aid to the Republic of Korea to the level of fiscal year 1977, unless the President submits a report to the Congress stating that South Korea is making substantial progress toward the observance of human rights.

All of us are familiar with the record of these three governments as violators of internationally recognized human rights. The termination of the military education and training program for Argentina, the denial of military assistance to Nicaragua, and the retention of the existing ceiling on military aid to South Korea would constitute a clear signal that the United States will no longer provide military aid on an unquestioning basis to repressive dictatorships simply because they share our opposition to communism.

The U.S. Catholic Conference has formally endorsed these three cuts in our foreign assistance program, and that organization has urged Members of Congress to support amendments to terminate military aid to Argentina and limit aid to South Korea, and oppose any amendment to restore funds for Nicaragua.

The letter from the U.S. Catholic Conference follows:

UNITED STATES CATHOLIC CONFERENCE, DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, D.C., June 20, 1977.

DEAR REPRESENTATIVE: It is our understanding that the House will soon be considering the FY/78 foreign aid appropriations bill (H.R. 7797), which includes appropriations for military aid. Insofar as that legislation affects military aid, we wish to address elements concerning Argentina, Nicaragua and South Korea.

Argentina. Congressman Roybal intends to submit an amendment to the effect that no funds appropriated or made available pursuant to this legislation shall be used to provide international military education and training to the government of Argentina.

We urge you to support this amendment because of the serious human rights situation in Argentina. In May 1977, the Catholic Bishop of Argentina expressed serious concern over the numerous disappearances and kidnappings, the torture of prisoners, and the long periods of detention without charge to which many are subject.

Nicaragua. It is our understanding that there will be an attempt to re-introduce the military aid to Nicaragua which was eliminated from the legislation in committee.

We urge you to reject any attempt to reintroduce such an appropriation. The Catholic bishops of Nicaragua recently described their country as being in a state of terror. We believe it would require extraordinary justification to provide the present regime in Nicaragua any military aid because of the climate of violence and institutional disorder there.

South Korea. Congressman Harkin intends to propose an amendment which limits military aid to South Korea to the level of FY/77, unless the President submits a report to the Congress stating that South Korea is making substantial progress in the observance of internationally recognized standards of human rights.

We urge you to support this amendment because it is an important step in the defense of human rights without placing South Korea's military security in jeopardy.

With cordial good wishes, I am

Sincerely yours,

REV. J. BRYAN HEHIR,
Associate Secretary.

REVEREND LAWRENCE B. CASEY, BISHOP OF THE DIOCESE OF PATERSON, N.J., ESTEEMED ADMINISTRATOR, BELOVED PASTOR, OUTSTANDING LEADER, AND GREAT AMERICAN 1906–77

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. ROE. Mr. Speaker, this morning the people of my congressional district, State of New Jersey—priests, religious, and laity—joined with the congregation of the Diocese of Paterson in mourning the passing of one of our Nation's most distinguished members of the clergy, longtime personal friend and neighbor, esteemed administrator, beloved pastor, outstanding leader, and great American, the Most Reverend Lawrence B. Casey, bishop of the Diocese of Paterson, whose standards of excellence in unselfish devotion to God and mankind have truly enriched the spiritual, educational, recreational, and cultural endowments of our community, State and Nation. Memorial services were held at St. John's Cathedral today for Bishop Casey who was called to his eternal rest on June 15 within hours after the announcement of his resignation as bishop of Paterson for reasons of health.

It is indeed my privilege and honor to seek this congressional memoriam to him and request, Mr. Speaker, that you and our colleagues join with me in extending our most sincere condolences to the remaining members of his immediate family:

IMMEDIATE FAMILY

Nieces and nephews of Bishop Lawrence B. Casey:

Lawrence Casey (wife, Rita), Waterport, New York.

Patrick Casey (wife, Joyce), Mesquite, Texas.

Linda Wyngaard (Mrs. Michael), Middleton, Wisconsin.

Maureen Staloff (Mrs. Walter), Ava, New York.

Kathleen Kelley, Liverpool, New York.

Eileen Cole (Mrs. C. Wharton), Universal City, Texas.

Gregory Kelley, Universal City, Texas.

Aunt: Ella Keenan (Mrs. Clarence), Niagara Falls, New York.

Cousins:

Sister Joseph Mary, Elmira, New York.

Helen Keenan, Niagara Falls, New York.

Julie Keenan (Mrs. W.H.), Rockville, Maryland.

Mary Bailey (Mrs. Herbert), Rush, New York.

Marcella Temple (Mrs. Lee), Lyons, New York.

Mr. Speaker, in addressing the quality of leadership and richness of wisdom that Bishop Casey imparted to all of us, young and adults alike, who had the good fortune to know him, I would like to reflect on the words of Pope Benedict XV over a half-century ago in declaring an essential element for the canonization of a saint which truly epitomizes the lifetime of good works of Bishop Casey:

Works, even the most simple, performed with constant perfection in the midst of inevitable difficulties, spell heroism in any servant of God . . . only this one thing is required of all, namely, that each one be a man in his own state of life.

In attesting to Bishop Casey's attainment of this qualifying criteria of achievement, with your permission, I would like to insert at this point in our historical journal of Congress several excerpts from the highly prestigious newspaper of the Paterson Diocese, the Beacon, which most eloquently portrays the inner greatness and exemplary accomplishments of Bishop Casey that has truly endeared him to all of our people. Excerpts from the June 16, 1977, issue of the Beacon announcing the resignation of Bishop Casey for health reasons are, as follows:

FOR HEALTH REASONS: POPE PAUL ACCEPTS BISHOP'S RESIGNATION

WASHINGTON.—Pope Paul VI has accepted the resignation of Bishop Lawrence B. Casey as bishop of Paterson for reasons of health.

Announcement of the resignation was made here Tuesday by Archbishop Jean Jadot, apostolic delegate in the United States.

Bishop Casey came to Paterson after spending 13 years as auxiliary bishop of Rochester—where he grew up and was ordained, and where he had spent his entire priestly career.

Lawrence Casey was born in Rochester, September 6, 1905, the son of Joseph L. and Agnes M. Switzer Casey. The schools he attended were all in Rochester—Corpus Christi and Holy Rosary parochial schools, and St. Andrew's and St. Bernard's seminaries.

He was ordained a priest June 7, 1930, and served for two years as assistant pastor in St. Mary's Church, Rochester. He began a long career in church administration in 1932, when he was appointed secretary to Bishop John F. O'Hern of Rochester and vice chancellor of the diocese. He continued as secretary to other Rochester bishops—Bishop (later Cardinal) Edward F. Mooney, beginning in 1933, and Bishop James E. Kearney, beginning in 1937.

During his years as secretary to the bishops, he was also chaplain at Our Lady of Mercy High School and at the Monroe County Jail.

He was named pastor of Holy Cross Church, Rochester, in 1946, and the following year was appointed a domestic prelate with the title of monsignor. He became pastor of Sacred Heart Cathedral, Rochester, in 1952, and in 1953 was appointed auxiliary bishop of Rochester. In that capacity Bishop Casey was an active participant in the deliberations of the Second Vatican Council, and issued regular reports on council proceedings from Rome for readers of The Courier-Journal, Rochester diocesan newspaper.

In 1966 Bishop Casey was appointed the fifth bishop of Paterson, succeeding the late Bishop James J. Navagh, and was installed May 12 of that year.

One of his chief concerns as bishop of Paterson has been the implementation of the directives of the Vatican Council at the diocesan level. Toward that end he instituted many organizations designed to improve communication and insure better representation in diocesan decision-making—among them

the Diocesan Pastoral Council, the Priests' Senate, the Sisters' Council and the Council of the Laity—and convoked a diocesan synod, the second in the diocese's history, in 1971.

Bishop Casey was an active member of the Latin America committee of the National Conference of Catholic Bishops for several years, and traveled to South America in connection with that assignment.

His pastoral letters and other public statements as bishop of Paterson have centered on both devotional responsibilities and social concerns of the Church. One of his most widely-quoted pastorals dealt with the need of Christians to follow Christ's message of love in dealing with those of other races.

He has also been deeply concerned with the growth of the permanent diaconate program and vocations in general: the quality of religious education; handicapped children and adults; and interfaith relations.

Bishop Casey founded The Beacon shortly after beginning his assignment in Paterson. He was a regular contributor to the paper with his weekly column, "By the Way," which won the Catholic Press Association "best spiritual column" award this year. A collection of his favorite columns was published this year by Paulist Press under the title, "The Heart Remembers, Too."

Bishop Casey marked his 11th anniversary as bishop of Paterson in May, 1977, and has held the post longer than any of his four predecessors.

THE FIFTH BISHOP OF PATERSON: BISHOP CASEY STEERED LOCAL CHURCH THROUGH YEARS OF PROFOUND CHANGE

(By Gerald M. Costello)

The resignation of Bishop Casey as the fifth bishop of Paterson ends a term of 11 years during which the diocese—along with the rest of the American Church—underwent a period of unprecedented change.

On the national and international level, Bishop Casey will probably be best remembered as the bishop who enunciated the position of the universal Church in the celebrated case of Karen Ann Quinlan. But at home, in Paterson, he will be thought of as the bishop who steered the local church through the far-reaching changes of the post-Vatican II years. With some Catholics opposed to any change at all and others eager to see a thorough overhaul, it was a period which called for leadership skilled in the arts of compromise and reconciliation—an area in which Bishop Casey has been especially effective.

That the diocese has been able to weather the storm of the postconciliar years so well is not only a tribute to the bishop, it is a reflection of the change in attitudes which he underwent himself—and in which he has taken a particular pride.

Many other bishops in his age group returned from the Vatican Council with a fuller appreciation of the problems of the Church throughout the world, but without any profound change in their own style of leadership. That was not the case with Bishop Casey. He attended all four sessions of the Council and returned to Rochester with a new vision of the Church. Acutely attuned to the need for reform, he looked for new ways to use his own position to place the Church squarely in step with the times.

The opportunity came with his appointment to the Paterson Diocese in the spring of 1966, a scant few months after the Council ended.

Under this style of leadership, Paterson earned a reputation as a diocese where a progressive spirit flourished and responsible experimentation was welcome. At the same time, it has been known as a diocese which never lost its respect for traditional values. It was a style of leadership which several years ago earned Bishop Casey a description—from the Jesuit theologian, Father Walter Burghardt—as one of a handful of forward-looking bishops in the country. It was a description in which the bishop took a quiet sense of pride.

Many people have commented on Bishop Casey's pastoral qualities. The fact is that he has never stopped being a pastor, and to him the Paterson Diocese has been one large parish—a parish with problems, like all parishes, but at the same time one with all the love and happiness and satisfaction that a vibrant parish will provide.

TRIBUTES TO BISHOP

"It is with sorrow and regret that I have learned of Bishop Casey's resignation for reasons of health. His ministry as a bishop in God's Church has been characterized by total devotion and service to those entrusted in his care. He has been not only a personal friend but also a source of great admiration for me because of his exemplary qualities as a bishop and leader of the Diocese of Paterson. The state of New Jersey owes him much for all he has done for our people. We shall sorely miss him but we pray that God will grant him comfort in his illness, and, if it be His will, a return to good health."—Archbishop Peter L. Gerety of Newark

"I admire Bishop Casey not only for the way he has administered the diocese of Paterson but also for his heroism in the face of serious illness. He did an extraordinary amount of work, even in recent times when I'm sure he didn't feel up to it at all. He was not only a wonderful example to his priests, but to the lay people as well. I regret that he found it necessary to step down. The diocese of Paterson holds nothing but happy memories for me, and I'm sorry that the people of Paterson are losing such a fine bishop and fine administrator."—Retired Archbishop Thomas A. Boland of Newark

"The news of Bishop Casey's resignation as the fifth bishop of the Church of Paterson fills us with deep sorrow. Because of his illness, Bishop Casey feels that he can no longer give the full measure of service that has always been characteristic of his 47 years of pastoral ministry to the People of God in the Church of Paterson and in the Church of Rochester. Bishop Casey has, indeed, served the Lord and His people well.

"My auxiliary bishops and the entire Church of Rochester join me in expressing our gratitude to Bishop Casey for the many blessings his ministry has brought to our lives. May the Lord now sustain him in his illness."—Bishop Joseph L. Hogan of Rochester

"It is extremely difficult for me to accept the reality that Bishop Lawrence Casey will be without administrative and pastoral responsibilities. That is the image of him which I have fondly had for more than 35 years. His willingness to serve the Church, its priests, religious and laity with compassionate understanding and dynamic zeal has always inspired my appreciation and admiration."—Bishop John A. Donovan of Toledo

"Bishop Casey's resignation marks the end of a wonderful era for the Paterson Diocese. For the diocese as a whole he has been an outstanding leader and spiritual guide; on a personal level he is a good friend as much as 'the man in charge.' Bishop Casey has worked tirelessly for this diocese and its people; I hope the Lord will give him comfort in the days ahead."—Msgr. Joseph R. Brestel, vicar general

"It is impossible to think of Bishop Casey as 'stepping down.' He never shied away from anything. His courage in leadership now gives way to courage in suffering. His resignation from office is resignation to Gods will. Now that he has been relieved of the heavy burdens of the position which he bore so well these past 11 years, I pray with all the people of the diocese and his many other friends that this great bishop and friend will have peace in mind and soul."—Msgr. Frank J. Rodimer, diocesan administrator

"Bishop Casey's decision to resign will mean a loss to the Catholic press as well as to the Paterson Diocese. He has been one of the foremost supporters of the Catholic press in the country—through his own award-winning column, through his role as publisher and prime promoter of The Beacon, and through his encouragement for Catholic reading in general. All of us in the Catholic press are richer for his efforts."—James A. Doyle, executive director, Catholic Press Association

Mr. Speaker, I know that you and our colleagues here in the Congress would want to join with me in a moment of silent prayer to the memory of a truly great man whose lifetime of dedication, brotherly love, and good will in administering to the cares and needs of our people has placed him in the highest level of reverence and respect amongst all mankind. Now, most assuredly, with abiding comfort in the faith that God had given him, the Most Reverend Lawrence B. Casey is reposing under the Almighty's eternal care. May he rest in peace.

WHISTLE-BLOWERS HALL OF FAME: JOHN McGEE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mrs. SCHROEDER, Mr. Speaker, the Government employee I would like to bring to my colleagues' attention today is John McGee, an engineer who blew the whistle on the black market theft of U.S. fuel supplies to Southeast Asia.

Mr. McGee's story is taken from a Washington Monthly article by Taylor Branch entitled "Courage Without Esteem: Profiles in Whistle-Blowing" copyrighted May 1971:

WHISTLE-BLOWERS HALL OF FAME: JOHN McGEE

Most whistle-blowers receive treatment in the Fitzgerald mold, but without the notoriety. Take John M. McGee, for example. A middle-level engineer, he went to Bangkok in May, 1967, to monitor the delivery of petroleum, oil, and lubricants (POL) to Thailand and South Vietnam for the Navy Fuel Supply Office. He immediately began complaining to his supervisor, Arlie Rankin, that huge quantities of petroleum were being stolen for a well-organized black market because of a lax and corrupt system of invoice controls. "He told me that everything had gone smoothly before I arrived, and that he would have me fired if I caused any trouble," said McGee. "That's when we began to develop personality differences, because I wanted to get an investigation into the whole mess. The delivery system is so big and confusing that even the officials don't really know who's responsible."

Things deteriorated rapidly after McGee wrote the Navy Fuel Supply Office in Washington and requested (without success) that headquarters look into the monitoring system. Supervisor Rankin finally took the highly unorthodox step of ordering McGee to stay out of his office (where the records were kept) and to communicate only in postmarked letters. "It's kind of funny, looking back on it," says McGee, "but at the time I didn't think so. I mean, here were

two grown men working closely together on a multi-million dollar operation and playing like little kids. We saw each other every day but business had to be conducted by mail, with big postal delays. One week he wrote me 17 letters and I had to reply. Pretty soon I got fed up and complained to him, in a letter, that our communications system was 'gobbledy-gook.' Then he cited me for disrespect in an official letter of reprimand, on the grounds that I had called his correspondence system 'gobbledy-gook.' "

This document, known as the "gobbledy-gook reprimand," was appealed up through the NFSO personnel command, but the appeal was not acted upon. McGee appealed through grievance channels to the Commanding Officer of the NFSO, Captain Richard Jones, for an investigation of the POL system and was turned down. He then asked for an investigation by the Air Force Office of Special Investigations, which did probe the matter but classified its report and filed it away. He then wrote for help from the Civil Service Commission, which declined and termed the matter a "personality disagreement" after consulting—in standard procedure McGee's supervisor. Finally, McGee received a personal visit from an authorized representative of the NFSO Commanding Officer who delivered a "resign or be fired" ultimatum.

"That was the real turning point," recalls McGee. "Resigning would have meant breach of contract, and I would have been required to pay for transporting my family and belongings back to the States and to reimburse the Navy for sending me over. Getting fired would have meant that I couldn't expect to get another job. I would have had to buckle under and do what they wanted, except that I tape recorded the ultimatum conversation, and the guy really hit the ceiling when I told him because he knew the ultimatum was illegal."

In March, 1968, John McGee, disabled war veteran with a soft country accent, who "just wanted to get to the bottom of this"—blew the whistle by writing a letter to Senator William Proxmire. The Senator demanded an investigation by the General Accounting Office, and a preliminary report showed that 52 per cent of all petroleum deliveries to Thailand (about 5.5 million gallons) had been stolen over a 10-month period in 1967. The situation looked worse in South Vietnam. The GAO released a more complete report on July 28, 1970, which detailed the techniques of the theft and the weaknesses of control. Although both the oil companies and the government agencies are required to keep records for inspection, the GAO study was limited and contained no precise estimates of the problem "because of the nonavailability of knowledgeable personnel and of pertinent records pertaining to POL activities in Southeast Asia. . . ." The petroleum thefts were carried on by organized rings of truck drivers and others, who sold the goods on the black market. They did very well. So did the American oil companies, because the government was forced to step up its POL orders to make up for the stolen quantities. Everyone was getting along nicely except the public, a critical but distant party to the arrangement. And the public didn't seem to mind, which is why McGee looked so foolish when he rocked the boat on the taxpayers' behalf.

Having exposed a major scandal against the public interest. John McGee received the whistle-blower's reward and was transferred to Washington, where he was filed away in the bureaucracy. "I didn't have any job or any duties," he said. "I just occupied a desk. I read the Post in the morning and the Daily News in the afternoon."

After more than six months of these tasks, he was again transferred in June, 1969, to a bureaucratic Siberia substitute at Pensacola, Florida. This took place on the direct order of Secretary of the Navy John Chafee, reacting to severe pressure from Senators Proxmire and Montoya. McGee arrived in Pensacola and was assigned to a nonexistent program, which required him only to keep up with correspondence regarding its proposed birth. The program, which McGee believes is a good one, began a little more than a year later; but it is still in preliminary snarls, understaffed, and beset with all the problems of low priority.

"I am still radioactive around here,' says McGee. "I have been for more than three years. Once you go outside with criticism, that happens to you. The people down here are afraid that I'll find some small skeletons in their closet. No matter how much I try to explain the circumstances of the petroleum incident, they still think I'm a risk. And most of the people resent me, too. They know that Secretary Chafee put me down here, and they believe that I got my job because of political pull with Senators—that I'm a privileged character. It's no fun, but your skin gets pretty thick after awhile."

John McGee plans to stick it out with the government because he has so many years invested toward retirement and because he can't get a good job recommendation. He is discouraged that his actions and the GAO reports have not really cleaned up the POL delivery system in Southeast Asia.

Of course, McGee's controversy concerned a relatively major scandal, though small compared to the C–5A, and the GAO reports actually took it to the back pages of some newspapers. Nothing at all is heard about more puny fish. "There is no telling the number of people who get quick medical discharges after they make waves or speak out," says B. B. Bray, staff director and federal employee ombudsman for a House subcommittee. "They get sent to a psychiatrist and then out, or they get reorganized. The personnel people say well he's got a file this thick, which indicates that he has a poor personality, a bad disposition, and that nobody can get along with him.

"Things haven't gotten a bit better in the last 10 years, and maybe worse," he continued. "The system is such that responsibility never gets pinned down to those people who hurt the public. Not only do they fire the complainants, but they get promoted. There is a cancerous element in these things: the agencies are more interested in finding out who complained than in the substance of the complaint. The Pentagon will spend a thousand dollars to cover up a nickel error, and the other departments aren't much better. I've talked to an awful lot of employees who are afraid of becoming another Fitzgerald."

THE UNITED STATES AND HUMAN RIGHTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial. It appeared in the June 12, 1977, issue of the Hearst newspapers and comments on the Carter administration's policy on human rights:

THE U.S. AND HUMAN RIGHTS

(By William Randolph Hearst, Jr.)

NEW YORK.—The leaders of 35 nations will meet in Belgrade starting Wednesday—among them the United States and the Soviet Union—for the purpose of reviewing the 1975 Helsinki accords on European security, which contains certain guarantees on human rights. This is the provision that has occupied such a dominant role in the evolving foreign policy of the Carter administration.

The conference will provide the first nose-to-nose confrontation of Washington and Moscow on a public platform since President Carter assigned human rights his top priority shortly after taking office. It will follow what can only be described as a good deal of pushing and shoving behind the facade of stolidity maintained by the two global giants.

While increasing numbers of friends of the United States confess frankly their bewilderment at the President's sharp emphasis on human rights to the exclusion of other problems and seek clues as to what our real foreign policy is as it relates to black Africa, for instance, or the Middle East, or the foundering economies in Europe, a definite response seems to be shaping up in the Kremlin.

This counter-move by the Kremlin, which can surface at Belgrade, may seek to link human rights activists inside Russia with illegal activities of the Central Intelligence Agency, an effort to bring worldwide embarrassment to the U.S.

In addition, The Hearst Newspapers' White House correspondent, John P. Wallach, has learned that Soviet leader Leonid Brezhnev will appear before the Supreme Soviet to defend his sudden firing of President Nikolai Podgorny on the basis that Podgorny was an "enemy of detente" who attempted to blame Moscow's increasing human rights problems on the 1975 Helsinki accords.

Key man in the Kremlin's force play is Russian dissident Anatoly Sharansky, 29 years old and a Jew, who, according to a Moscow prosecutor will be tried for treason, a crime that can be punished by death before a firing squad. The Kremlin spokesman alluded also to a link between Sharansky and the CIA. It evoked memories of the anti-American trial of U–2 pilot Francis Gary Powers in 1960, and related the spectre of a repeat performance of that nasty episode.

There is here, on the eve of the Belgrade conference, the first tangible effort by a major power to discredit Carter's human rights campaign. If Moscow continues to "expose" its dissidents as spies for the United States, it will just about neutralize any issue of human rights. "Spies"—real spies, that is—are not accorded such things as human rights.

The whole issue of the violation of human rights is, of course, based on the most noble of ideals. No one can possibly deny, as an ultimate worldwide goal, the sanctity of human rights for all people. It must be admitted, however, that Mr. Carter's posture in this area is confusing.

The Administration became downright churlish in condemning a half-dozen Latin American nations for human rights violations, but seeks to establish diplomatic relations with both Cuba and Hanoi where human lives—never mind human rights—have small value. We forge ahead with diplomatic relations with Red China which is quite possibly the world's record-holder in political deaths and ideological incarcerations, while wagging our finger at Russia, many of whose dissidents have vocal friends back in the U.S. or other Western capitals.

What troubles the world, and should trouble our own diplomatic corps, is this nation's inconsistency about human rights. We are not applying our pressure evenly. In some respects we're like bull-headed drivers who elect to be clobbered so we can maintain our right of way.

For example, in a speech that was virtually ignored by the press last week, Robert S. Strauss, Mr. Carter's special trade representative, told 200 bankers, consuls and UN am-

bassadors that in Mr. Carter's system of priorities, the fostering of human rights abroad comes ahead of expanding American foreign trade.

This statement startled many of the international business leaders in attendance, for they know how many countries—those in the so-called Second World as well as in the Third World—are eagerly awaiting expanded U.S. trade to solve many of their problems. They wonder, for instance, if the human right of free expression transcends the human right to eat, and which, in the order of priorities, should come first.

The Carter people have been dabbling at foreign policy for six months now, and it seems to me that if may be time to wonder if our leaders are not being too simplistic in their great pronouncements. There has been an uncommon amount of gear-shifting and back-tracking on the part of too many of the leaders who are supposed to be speaking for all of us. These amenders of statements range from the President, himself, to our tongue-tumbling ambassador to the UN, Andrew Young.

Diplomacy is a difficult art. Most of all it is predicated on the principle in physics that for every action there is an equal and opposite reaction. Increasingly, an observer of the Carter operation has the feeling that our spokesmen and policymakers are not gauging or estimating prospective reactions.

There is reason to believe that we have booted our responsibility in Africa, probably because of our over simplified thinking, to the extent that some of our allies will now have to bail us out.

It is obviously the opinion of Ambassador Young, as well as of his boss, President Carter, that the basic issue in Africa is black versus white. And that since blacks are in the majority, they must, perforce, ultimately win in any showdown for power. There is, however, much more to it than that.

Paris correspondent Bernard D. Kaplan, in a dispatch to The Hearst Newspapers, revealed a few days ago that French President Valerie Giscard d'Estaing sought unsuccessfully to convince President Carter that the U.S. has responsibilities to help the pro-Western anti-Marxist regimes in black Africa.

Failing to make out a case with Carter, the French President has been active in both east and west Africa in bringing aid and support to the harassed anti-leftist regimes that wish to stand with the Western World, but are receiving no other support from the West.

One would think we should have learned our lesson in Angola, where we turned our back on appeals for help from the anti-Marxist forces and surrendered that country and its vital military base to the Soviet and Cuba.

Just as it is wrong to view Africa's problems as merely black or white, it is improper to believe that any other diplomatic issues are clearly defined as black or white—and that includes the issue of human rights. Things are just not all that simple.

ANOTHER VIEW ON AIR POLLUTION LEGISLATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BROWN of California, Mr. Speaker, in this morning's Washington Post there appeared another view on why the Clean Air Act legislation has not yet cleaned up the air.

I present this other view for my colleagues' review.

The article follows:

FOR SAFETY'S SAKE, STOP BREATHING

(By Art Buchwald)

My weatherman came on the TV screen the other night and, after predicting warm and humid temperatures, he said, "As for the air-quality index, it's very unhealthy and should stay that way for a few days."

Then the news show went to a commercial showing two elderly people sitting in a canoe on a quiet river talking about "occasional irregularity" and what they do about it.

While the commercial was on my wife said to me, "What does it mean?"

"What does what mean?" I said.

"The business about the air quality being unhealthy."

"I guess it means that the air is not fit to breathe for the next few days."

"Then what are we supposed to do?" she wanted to know.

"That's a good question. It's probably not serious or they wouldn't have mentioned it on television. Otherwise people would panic, and if they panicked they wouldn't buy whatever they're trying to sell on TV."

"How come," my wife wanted to know, "the government bans everything that is dangerous to our health but permits the air we breathe to remain polluted?"

"Well, in the Washington area we don't have any industry so all the bad air comes from the exhausts of automobiles. You can't ban automobiles no matter how dangerous they are to your health."

"Why doesn't the government demand they make automobiles that don't pollute the air?"

"It's been trying to for some time, but every time it sets a time schedule for new clear air standards, the auto lobbyists get Congress to postpone it."

"Don't the lobbyists breathe the same air we do?"

"I imagine they do. But they have to weigh the fees they get for lobbying against their own health. Besides, it's my understanding that the automobile companies have excellent medical plans for their lobbyists, including free vacations to Arizona, in case they get sick from breathing all the gunk in the air."

"You would think congressmen would care about air quality. After all, they and their families have to breathe the same air," she said.

"Congressmen are more concerned with votes than they are with living. If you told a congressman he could get the United Auto Workers' union backing in his district if he stuck his nose in the tailpipe of a trailer truck, he'd do it."

"How bad does the air quality on TV have to get before someone will do something about it?"

"Pretty bad. I think if the weatherman keeled over as he was giving his forecast, then people might get upset. But we're so used to having him tell how dangerous the pollution is that nobody pays any attention to him any more."

"Why doesn't the President do something about it?" my wife asked. "He and Rosalynn and Amy are all breathing the same air we are."

"They never tell the President what the pollution count is in Washington because they're afraid he'd move back to Plains, Ga. The most they do is keep him out of the Rose Garden on a bad day."

"I don't understand," she said. "This is the capital of the nation. People here have the power to do anything they want to, including blowing up the world, and no one does a thing about us poisoning each other to death."

"That's not their job," I said. "All Washington is concerned with is death and taxes—and we seem to be getting both."

My wife sighed. "I wish Anita Bryant cared as much about clean air as she does about homosexuals. I'll bet you we'd get some action then."

DIMINISHING DEMOCRACY BY ENLARGING IT

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BADHAM. Mr. Speaker, as the Members of this House prepare for consideration of the instant voter registration proposal I hope that every Member is thinking about the implications of the proposal and the effect passage might have on our republican form of government. This is an appropriate time, therefore, for the points raised in a recent editorial of the New Republic to be considered by every Member of the House. I insert the text of this editorial with my remarks in the hope that a large number of my colleagues will take the time to read and consider this most important editorial:

[From the New Republic, June 18, 1977]

DIMINISHING DEMOCRACY BY ENLARGING IT

"The same voices that opposed women's suffrage, registration of blacks and the 18-year old vote are at work," charges Democratic National Chairman Kenneth Curtis. Curtis is referring to the down-the-line opposition by Republicans in Congress to the highest priority item in President Carter's election reform package—universal voter registration. The plan, scheduled to reach the House floor later this month, would permit a citizen of voting age with an appropriate identity card (such as a driver's license) to show up at the polls on election day, register and vote for President, Senator and Representative.

Let's get the politics of this proposition up front. Last November, 45 million Americans who were eligible to vote did not cast ballots. A substantial proportion of these were not registered, and it is a fair guess that most of the non-registrants are nominally or potentially Democrats. That likelihood is agreed to on both sides of the aisle, and it is public knowledge that President Carter's advisers have told him that liberalization of registration laws and procedures could be crucial to his reelection efforts. But universal registration is being sold and resisted for other reasons besides the fact that it constitutes another leg up for the majority party.

Voter turnout reached a modern high of 63 percent in 1960 and has dropped steadily ever since, down to 53 percent in last year's election. For reasons not altogether clear, this decline in voting is commonly regarded as a certain indication that the democracy is faltering. Voting is good citizenship, say the civics texts, and when people stay away in droves, something must be wrong and something must be done about it. So the administration's impulse to act hinges on the unstated theory that when participation falls below a heretofore unspecified level, the federal government acquires the duty to prime the pump, to devise some means to stimulate turnout.

The administration's theory is that nonvoters are being deterred by restrictive and unnecessary registration requirements. Attorney General Griffin Bell focused this argument when he told the House Administration Committee that most state registration laws constituted a form of discrimination

against "those who are less educated, less affluent, more urban and nonwhite" by making it harder for them to vote. Bell did not supply many particulars. But it is true that the U.S. remains the only major democracy where the responsibility to register lies entirely with the citizen, and thus laziness, indifference, inconvenience and forgetfulness are free to prey upon the turnout statistics. It is also true that in the last two states where universal registration was tried last year, Minnesota and Wisconsin, voter turnout increased by three and a half percent.

And it is possible that some aspects of our current registration system constitute an abridgement or denial of the right to vote. If so, they should be struck down, go the way of literacy tests and lengthy residency requirements. The Attorney General is in a good position to effect that change. But it is quite a different proposition to dislodge a registration procedure (in effect since the turn of the century) in an effort to produce a higher turnout at the polls. We believe it is the obligation of the federal government to eliminate unreasonable or arbitrary barriers to the free exercise of the franchise, but not to assure that a certain acceptable level of voters exercise that franchise.

What if election day registration doesn't work? What if we abandon preregistration in return for the same marginal increases nationwide as were recorded in Minnesota and Wisconsin, then discover that the same tendency toward declining participation reappears? What next? Voting by telephone? Forcing people to vote? After all, recent declines in voting have coincided precisely with the elimination of most major barriers to registration, suggesting that there may be other causes for declining participation.

Indeed there are. In the past few years, voting analysts have begun to chart a change in the meaning of the response, "I am not interested in politics." Lack of interest used to mean apathy; it distinguished the passive, quiescent citizen from those for whom politics were relevant or important. Now expressions of disinterest have come to indicate a conscious rejection of politics rather than an apathetic withdrawal. A majority of citizens who tell pollsters they have no interest in politics are disenchanted or distrustful. Many citizens don't vote because they don't think their vote counts for much or they don't consider voting an effective way to achieve change. During last year's primaries, where overall turnout was about one third, they added another reason, one that is a more fundamental indictment of the democratic process. "Im not voting because I dont want to feel responsible for the result," is what they said.

Following Indochina and Watergate, respect for American institutions and leaders dropped to an all time low. Jimmy Carter knows all this. It elected him. Why is it so surprising that declining confidence on the part of citizens shows up in a short-term trend toward non-voting? Universal registration masks the symptoms, but it doesn't treat the cause. It won't help cure the underlying attitudes of frustration and disbelief to temporarily hype the voting turnout statistics.

In opposing universal voter registration, Republicans have raised the spectre of massive fraud. This has been brushed aside as partisan scare tactics. It is quite true that there were no instances of fraud last year in Minnesota and Wisconsin. There almost never are in those states. We would find the evidence more convincing if it came from Mingo County, West Virginia; East Los Angeles, California; Newark, New Jersey; Philadelphia, Pennsylvania; Cook County or East St. Louis, Illinois; Providence, Rhode Island; Baltimore, Maryland; or Plaquemines or St. Bernard parish in Louisiana; or some of the other places around the country where election fraud is, or until recently has been, a way of life. Election officials from some of these places—Democrats as well as Republicans—have argued vigorously against universal registration on the grounds that the proposed guarantees against fraud will not protect the integrity of the system. Who should know better?

In fact, the proposed safeguards in the administration's bill are clearly inadequate. Of course there would no longer be an official, certified list of all eligible voters, nor any possibility of signature verification. The bill provides for a post-election audit of five percent of all election day registrants. What happens when it is found that some of these were deceased voters reincarnated for one more day of good citizenship? Precisely nothing, because with the secret ballot there is no way of knowing whether or how these post-mortem voters affected the outcome. A party leader in Baltimore said, "This legislation will make a crook out of me." The temptation to steal will be so great and the system will make it so easy, he says, that he'll have to do it on grounds that this counterpart would never be able to resist.

We believe the problem of potential fraud is quite serious and the Democrats are making a serious mistake in treating it as a partisan matter. A memorandum prepared in the criminal division of the Justice Department details some of the fears of those who must prosecute electoral fraud. The memorandum makes clear that fraud is widespread in both state and federal elections, and that the proposed safeguards in the current bill are not only inadequate to police the new registrants, but would eliminate the bases for most successful vote fraud prosecutions under curent laws.

We are being asked to trade off any serious hope of protecting the integrity of the voting lists in return for potentially higher turnout. With the safeguards gone, the public will be more receptive to charges of electoral fraud. And if those who forewarn of wholesale fraud are remotely correct in their estimates, the whole business will surely continue the spiral of declining confidence in the American political process.

The Carter electoral reform package also includes abolition of the electoral college (see "A Bad Idea Whose Time H3s Come," *TNR*, May 7). One problem we have with that idea is the danger of a deadlock and demands for a recount if the vote is close. Consider what happens when these two proposals are combined. Ballot tampering, which now usually is restricted to local races, would carry an enormous premium: the stakes involved in election fraud are just as high as the power of the elective offices in dispute. One fraudulent presidential vote in Philadelphia will be precisely equal to one legitimate vote cast in Minneapolis. In the case of a close election—like 1960 when Kennedy beat Nixon by 110,000 out of 68 million votes cast—the validity of every vote in the country would be thrown into doubt, and chaos could result.

Turnout in America was highest during the latter decades of the 19th century, but the 70 and 80 percent levels were swelled by notorious double voting. Voter registration was initially instituted around the turn of the century precisely to reduce such fraud. From the day the reform began, however, it had the accompanying effect of diminishing the size of the electorate by calling on citizens to do more than merely turn up or be turned up at the polls.

Focusing exclusively on turnout percentages obscures some grounds for optimism which may be found in electoral trends today. With the growth of voter independence from the straight party-line habit, voting is more sophisticated and conforms more closely than ever to the textbook model of an informed, issue-oriented electorate. Ticket-splitting is on the upswing; ideology and issues are more important even as they are muted by television's leveling effects; and traditionally inactive segments of the electorate are seeking representation and political expression through the ballot box.

There is something to be said for the American textbook model of citizenship. Voting, to paraphrase John Stuart Mill in his essay on de Tocqueville, is one of the things the individual does for the public; not only is the commonweal his weal—it partly depends on his exertions. Representative democracy should not be judged on the basis of how many people can be hectored, cajoled, shammed or trucked to the polls, but on how many citizens will take the trouble to properly qualify, inform themselves and willingly discharge the franchise. Voting should be made as easy and convenient as possible so long as ease, convenience and turnout are not valued ahead of the integrity and the substance of the democratic process itself.

PUBLIC FINANCING OF CONGRESSIONAL CAMPAIGNS

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WIGGINS. Mr. Speaker, the following statement was made by Mr. Thomas McCoy, a Washington fundraiser, before the House Administration Committee in opposition to public financing of congressional campaigns.

The statement is so utterly refreshing in its candor and its commonsense as to deserve reproduction here.

Public financing of campaigns has been characterized as a reform. It is not. It does not solve problems: it creates them.

Rarely has a witness on this issue been more squarely on target. The views of Mr. McCoy are worthy of the careful scrutiny of each Member.

STATEMENT

(By Thomas McCoy)

Mr. Chairman and Members of the Committee:

My name is Thomas McCoy. I am a political fundraising consultant with offices in Washington. I am testifying at my request to urge the rejection of the Campaign Financing Act of 1977 and to urge that you at least consider the repeal of the 1974 amendments to the Campaign Reform Act of 1971, and that portion of the 1971 Act providing for Public Financing of Presidential General Elections.

First, I think we should clear up the question of what we are talking about. We are not talking about "public financing of elections"—we have always had that—we are talking about using taxpayers' money to finance campaigns. These are two different things. The issue has been masquerading under a misnomer since its inception and I think in fairness to the public it should be stopped. I have been as guilty as others in using a misleading euphemism to cover the issue.

The Campaign Reform Act of 1971 was a valuable addition to campaign legislation in that it provided for full disclosure of contributions and expenditures. In consequence it permitted voters to make more educated judgments on what kind of financial support a candidate received, from whom, and whether or not there was any relationship between a member's votes and

his contributors' interests. It accomplished its objective of a more enlightened electorate without the suggestion that elected officials are so inherently venal that they must be restricted in their political associations.

The Campaign Reform Act of 1974 and the proposed new legislation rest on a totally different premise—one that I believe to be totally wrong. The unstated proposition is: that the political stream has become so polluted by campaign contributions that it presents a hazard to the public and further that the public has become so concerned over this condition that they have lost all confidence in the quality of the water and demand that these pollutants be kept out of the stream. If these corrupting elements are replaced with pure taxpayers' money, everything will be all right and the public confidence will be restored.

Nothing could be further from the truth.

I am pleased to say that I have worked professionally in behalf of a number of incumbent Congressmen and Senators. I am further pleased to state my belief that none of them, nor any other of the other candidates for public office for whom I have worked, have sold their votes or compromised their obligation to the public for campaign contributions of whatever size. There is no evidence of which I am aware that any Senators or Congressmen so betray their trust for campaign contributions.

There is no poll of which I am aware that shows any lack of voter confidence in elected officials that results from or is related to campaign contributions.

The only poll we have had on the subject, of any worth, is the use of the dollar checkoff on Federal Income Tax Returns. In that poll the taxpayers have rejected taxpayer financing of campaigns by large margin. In fact only 26% of the taxpayers have ever voted in favor. While you will be told that the result reflects a lack of understanding and general apathy, I have reached a different conclusion. I believe that the vast majority of citizens reject the basic premise that their lawmakers are corrupt or corruptible and I believe that they have reached this conclusion with reason. That reason being that by and large they have been well served by a group of honorable and responsible men and women who have voted in the manner they believed best served the public interest.

I have come to my present position with regard to taxpayer financing of campaigns reluctantly.

In 1972 I thought the idea was worthy of a test and I helped form The Dollar Checkoff Committee. We requested and received the support of Senators Brooke, Case, Clark and Pell and Congressmen Anderson, Cohen, Seiberling and Udall. We raised a little money and did mailings to major employers, public and private, trade unions and trade associations, urging them to engage in educational efforts to make the public aware of the new opportunity to participate in public financing of elections.

The results unfortunately were not what I had hoped but they were informative. The conclusion is simple. The majority of the people will not accept the product even when it is given away. They were offered an opportunity at no apparent cost and they rejected it.

When the public understands fully that they bear the costs, the outcome is even more decisive. The people of Maryland were permitted to add on 2 dollars to their tax payments in order to clean up the "evils of private money in state elections". A staggering 3.4 percent responded positively. To me the conclusion is easy. An overwhelming majority of Maryland voters do not believe that their interests are abused by the present system of private financing of campaigns.

In 1976, the voters in Oregon voted down taxpayer financing of state elections 2 to 1.

Mr. Chairman: I am a liberal Democrat and also a small d democrat. The public was asked to consider a proposition and they rejected it. It is now proposed that Congress tell them they must accept that which they have refused and an additional plate as well because it is good for them. This is a concept so elitist as to be offensive to anyone who believes in democracy. Either the people are sovereign or they are not.

No one will deny the inherent power of Congress to appropriate any amount of money, however silly the purpose. This is clearly a risk and a benefit of representative government. Such, however, is not the situation in the case in hand. Congress, unwilling to make a direct appropriation for the financing of campaigns, unsure of the public will, chose a device, "the dollar checkoff", to test that will. Well, the test has been given and the proposition has failed.

WHAT SHOULD BE DONE

In the first place you should reject the Common Cause thesis that the Congress of the United States is one big vending machine. You are asked to believe that the United Auto Workers can make a major contribution and buy a vote, and that the bankers can stand in line and make their contributions and buy a vote of their choosing. It simply is not so. John Gardner says, "A lot of Congressmen were bought and sold in 1976, just like the good old days. . . ." Inasmuch as he names none, he damns the entire bodies.

If John Gardner knows and I repeat knows of any single member of Congress who was bought, or has sold himself, he has an obligation to make this public. The fact is, he does not and he cannot.

If you decide that taxpayer financing is not in the public interest, then you will have to consider seriously the repeal of the contribution limits contained in the '74 Act. The Supreme Court's rejection of expenditure limits in the Buckley case has left us with a situation so manifestly unfair to poor candidates running against rich ones that I believe the Congress should do away with all limits and let the candidates raise what they will, from whomever they will, in whatever amounts they can. When the contributions are reported, their constituents will make their judgements and vote accordingly and democracy will be enhanced and not hindered by artificial devices.

Any system is wrong that permits a Mr. Heinz to spend 2 million dollars of his own money in his own behalf and denies a Mr. Green the right to accept a contribution in excess of $1,000, however pure the motives of his potential large contributors.

One obvious problem with contribution limits is that they deny the ability of a group, however small, of mounting a real effort in behalf of a controversial candidate raising an important issue.

It has been stated that under the present law there could have been no McCarthy Campaign in '68 when a handful of people put up the two hundred thousand dollars necessary for the New Hampshire primary.

In this regard it seems to me you should consider the effects of this kind of legislation on volunteers who have until now played an important role in campaigns. It is pure conjecture on my part, but my guess is that with every further encroachment by government into the election process there is no less reason for citizen involvement. The attitude may well be, "If the government is paying for it, why should I volunteer my time, car or anything else?".

You should reject our of hand any suggestions for taxpayer financing of House and Senate campaigns. Any method devised for providing public money on a matching basis will be unmanageable or meaningless from the point of view of auditing. The Federal Election Commission has a FY '77 budget of 8 million dollars. They have only had the auditing responsibilities for 15 candidates. Imagine the size of the budget and staff required to aucit 1,000 matching funds accounts, contributors and expenditures.

It has taken the FEC the 12 months since Milton Shapp dropped out of the Presidential contest to determine that certain of his contributions were improper. We still don't know anything about the propriety of either the Ford or Carter accounts because they have not yet been audited or if they have, the Commission has not seen fit to release same. What happens if the FEC now discovers that either the Ford or Carter campaign had a few improper contributions in their first filings for certification. Do we run the election over—Reagan against Carter, Ford against Udall? I don't know, but if they had not been certified they probably couldn't have gone on to nomination.

I believe the Congress should stop playing games with the political system that has served this nation well—not perfectly—but well for 2 hundred years. Let us assume the basic decency of elected officials until it is otherwise proven. When it is proven, then let the voters determine their future. No campaign contribution is going to corrupt an honest man and no campaign reform law is going to keep a crook from selling his vote. The proponents of election control will cite the case of Tongsun Park and the socalled "Korean Bribery Scandal". I know of no vote of interest to Korea that was cast because of a campaign contribution.

Mr. Chairman: We have come to a point in America where the "there ought to be a law" syndrome seems to be a strong force. As one who calls himself a liberal, I find myself disturbed by this trend because I find that too often these suggested laws pose a threat to personal freedom and initiatives. They generally are aimed at or result in social control. There are necessarily, laws that attempt to control social behavior and are justified. I am convinced, however, that such control should only be applied in the face of a clear and present danger and in the the case of campaign financing, that danger has not been demonstrated.

LAG IN BUILDING BREEDER PLANTS TERMED COSTLY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. TEAGUE. Mr. Speaker, a recent article in the New York Times by Victor K. McElheny underscores the potential problems associated with the delay in developing the nuclear energy breeder option. I commend this to my colleagues who will be faced with a vote on this issue in the near future:

[From the New York Times, May 30, 1977]

LAG IN BUILDING BREEDER PLANTS TERMED COSTLY

(By Victor K. McElheny)

Delays in developing breeder nuclear power plants could cost the United States economy hundreds or even thousands of billions of dollars over the next 75 years, two staff members of the Electric Power Research Institute have concluded.

According to Rene H. Males and Richard G. Richels, the staff members, a 20-year delay in commercializing breeders would add $100 billion in 1976 dollars to the nation's energy

bills, even if supplies of all major fuels—coal, oil, gas and uranium—were generous.

The little-noticeable analysis by members of the Palo Alto, Calif., center which administers a $200 million annual research program for the electric utility industry, is considered likely to figure in Congressional debates over the Carter Administration's plan to postpone commercialization of the breeder indefinitely.

Breeders, cooled by liquid sodium metal, are designed to produce both electric power and extra amounts of nuclear fuel.

URANIUM IS TRANSMITTED

The breeder transmits uranium 238, which normally does not enter nuclear reactions, into a substance that does, plutonium. In principle, breeders would extend the world's nuclear fuel supplies at least 60-fold.

Many analyses issued before and since the administration for nuclear and other energy sources were announced in April have said that a combination of slowed future growth in energy use and generous supplies of uranium would remove the need to build large numbers of breeders in the United States.

A study organized by the Mitre Corporation for the Ford Foundation estimated that United States reserves of uranium ore costing less than $30 a pound would total 2.5 million tons, and that another 3 million tons would be available to between $30 and $100 a pound.

Such estimates were far more optimistic than those adopted by many geologists, the National Academy of Sciences in a 1975 report, or by Michael A. Lieberman of the University of California at Berkeley, a leading student of the problem.

STUDY IS REVIEWED

In a report dated April 12, Mr. Males and Mr. Richels reviewed the Ford-Mitre study in the light of some changed assumptions, including a complete prohibition of plutonium fuels until breeders were commercialized, a less rapid rate of introducing breeders into the economy, and less generous energy supplies.

Even with supplies of oil, gas, coal and uranium flowing freely, the two researchers found, the cost of doing without the breeder altogether would cost a minimum of $329 billion.

The anticipated cost of developing the breeder from now to the point of commercialization in the United States would be $7 billion if the program maintained the pace contemplated before the Carter Administration cutbacks.

In a telephone interview last week, Mr. Richels said, "We're just trying to find out what happens if things turn out more pessimistically."

He added, "It's an insurance policy argument, and it tells where the payoffs are for new information." The largest payoff, Mr. Richels said, would come from more exploration for uranium to determine the size of the resources more accurately and avoid "costly errors."

The Palo Alto report examined costs if breeders became commercial in the year 2000, the 2020, or never, at different levels of energy supply.

If supplies of coal, oil and gas remained generous, but those of uranium fell to a medium-forecast level of 1.8 million tons at a cost below $30 and another 0.7 million tons between $30 and $100, Mr. Males and Mr. Richels estimated, the added costs of deferring the breeder until 2020 would exceed $1,000 billions, and $2,000 billion if the breeder were never introduced at all.

If the uranium supplies remained moderate and coal and oil supplies fell to this level also—through a one-third decline for coal and a one-sixth decline for oil—the costs of postponing the breeder would go up to $1,892 billion, and of doing without the breeder altogether to $4,171 billion, the study concluded.

These costs would amount to 3.1 and 6.7 percent of the gross national product expected over the 75-year period. The electric power researchers used the Ford Foundation's predictions of rates of future economic growth and of a slowing of energy demand because of rising prices.

FAIR LABOR STANDARDS ACT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DENT. Mr. Speaker, some weeks ago—with great public flourish—the U.S. Chamber of Commerce published and disseminated a purported study, euphemistically entitled, "Federal Minimum Wage, State by State Impact Analysis." We read their "study," Mr. Speaker, and swallowed hard. The chamber, by selectively extrapolating from two limited academic studies on the minimum wage, as applied to incorrect and irrelevant data, has misled the Congress in falsely predicting discrete adverse employment and economic consequences from the enactment of either the Dent bill or the Carter administration proposal.

While the chamber was proclaiming the parade of horribles its study apparently revealed, a few of us were quietly dissecting their effort, primarily because of our concern that any new law not cause unemployment or other economic adversity; in that same view, however, it was necessary to point out the full measure of the chamber's deceit so that it would be evident to even their most ardent supporters.

In summary, the author of one of the two actual studies relied upon by the chamber in its "analysis," Prof. Edward M. Gramlich of the University of Michigan, has advised me that—

I agree with you that the Chamber made some rather blatant assertions . . . Mincer (the other study the Chamber "analysis" cites in support thereof) does not have any inflation estimates in his article—that they must have gotten from my paper and their estimate is much too high. . . . The Mincer article does have employment estimates higher than any other respectable article, but the Chamber's numbers are much too high for even his paper. . . . There should be little effect on adult employment. Where they get a loss of 2 million job opportunities and 700 layoffs is a mystery to me—Mincer wouldn't have predicted anything like that. . . . *I clearly agree with you that the Chamber's numbers are way off.*" (Emphasis added)

Apart from the chamber's distorted applications of the Gramlich and Mincer studies, we might next ask how their estimates could still be so outrageously escalated beyond obvious reality. The answer is almost mindboggling, especially given the reputation of its economists the chamber would have us embrace; for example, in the case of alleged job loss estimates, the chamber economic team took theoretical ratios provided by the aforementioned studies and applied them to population rather than employment figures. This has the effect of producing job loss estimates more than double what the source study would have produced.

Mr. Speaker, I am attaching at the conclusion of these remarks a more explanatory analysis of the chamber's work so that all Members will be able to ascertain for themselves the misleading and groundless nature of the chamber study. I am also attaching a letter I recently received from George Meany, president of the AFL–CIO, which, I believe, adequately and accurately describes this latest effort in the continuing 40-year saga of the chamber's attempt to subvert one of our Nation's most humanitarian and necessary laws.

I might add, Mr. Speaker, that I recently received another communication from the chamber which purportedly included "refined" and "revised" job loss estimates. Although this reflected some concession that the previous estimates were inaccurate, the changes were truly inconsequential and did not address the gross inadequacies I have identified. To my regret therefore, the chamber did not deem its near-contemptuous act to this Congress of representing as respectable patently distorted and misleading information as sufficiently significant to merit "revision" or "refinement." Thus, the chamber apparently intends that its previous estimates should stand and that we should therefore continue to tolerate its inept arrogance in a matter, such as this, that has so many genuinely compelling human ramifications.

1977 AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

FACT SHEET ON FEDERAL MINIMUM WAGE STATE BY STATE IMPACT ANALYSIS [1]

I. Introduction

On March 16, 1977, Dr. Carlson presented a statement on H.R. 3744, Fair Labor Standards Amendments of 1977, before the Subcommittee on Labor Standards of the House Education and Labor Committee. In his statement, he charged that the Dent bill would "Eliminate over 2 million full- or part-time jobs in the private sector—equivalent to 1½ million man-years," and "Increase consumer prices by about 3 percent."

In addition to the overall U.S. estimates, Carlson presented detailed figures by color and age and sex of worker. In his state-by-state Impact Analysis, he presented not only National estimates but he projected figures on job losses, labor cost increases, and consumer price increases for each of the 50 states.

This fact sheet is designed to point out some of the more glaring errors in the Carlson document. These errors are so pervasive as to discredit both the Chamber testimony and the Carlson state-by-state document.

II. Documentation

While the Chamber document purports to be a "technical analysis," it lists no sources for the basic data. Nor, does it include a statement on methodology. It does cite as references an August 1976 paper by Jacob Mincer, "Unemployment Effects of Minimum Wages," Journal of Political Economy, Vol. 84, Number 4 Part 2 and a 1976 paper by Edward M. Gramlich, "Impact of Minimum Wages on Other Wages, Employment and Family Incomes," Brookings Papers on Economic Activity, 1976 II.

[1] This is a critique of a document prepared by Dr. Jack Carlson, Vice President and Chief Economist, Chamber of Commerce of the United States.

After a considerable amount of investigation, it appears that Dr. Carlson related the two studies cited above to employment numbers in Regional Economic Projections series (REPS 76–R–1, prepared by the National Planning Association, (June 1976). There is no reference to this series in the Chamber documents and the NPA was not aware that their data were being used by the Chamber of Commerce but there appears to be no other possible source for the base figures.

III. Job loss estimates

Dr. Carlson used certain ratios developed in the Mincer article, cited above, to estimate numerical job loss. However, the estimates of job loss cited by Dr. Carlson are more than twice as great as the Mincer ratios would yield. Clearly Dr. Carlson derived his job loss estimates by applying Mincer's ratios to population rather than employment figures. This error results in more than doubling the job loss estimates.

Furthermore, Carlson relied heavily on the Mincer study as being the "best study available." The Chamber apparently defines "best" as that study which produces the largest adverse impact of minimum wages. The Gramlich study, also cited by the Chamber, presents estimates which are significantly smaller than Mincer's. Furthermore, Gramlich hedges on adverse effects of minimum wage legislation. Gramlich states:

"The results . . . give one ambiguous but probably negative verdict on increases in the minimum wage (for teenagers), one fairly clear positive verdict (for adult males), and one very clear positive verdict (for adult females)."

Therefore, while Mincer's study indicates that a proposed minimum wage increase would mean job losses for women, Gramlich lists women as the "main beneficiaries" of minimum wage increases.[2] In terms of teenagers, the Mincer study implies job losses which are 7 times as large as the Gramlich estimates. Both studies largely ignore the actual record of the 40-year history of the minimum wage legislation. They are based on theoretical models and the results reflect the built-in assumptions.

IV. Labor cost increases

Carlson gives no methodology but obviously based his cost estimates on adding the cost of a "ripple effect" to the direct cost of raising the minimum wage. The cost estimates, therefore include the estimated cost of raising to the proposed minimum wage the wages of workers paid less than the minimum—plus the cost of an arbitrary "ripple" effect for wages above the minimum. Carlson assumes this cost to be equal to 25 percent of the direct cost of increasing the wages of those paid less than the proposed minimum. If the so-called ripple effect is excluded, that Chamber's figure on labor cost increase becomes .7 of one percent instead of 2.9 percent.

This built-in ripple effect on wages throughout the wage structure is contrary to findings in all Labor Department studies. These studies showed indirect or ripple effects to be minimal and to be confined to those workers being paid at or within a few cents of the proposed minimum.

V. Consumer price increase

Carlson's estimates of Consumer Price Increases—or "inflation effects"—presumably are based on Gramlich's paper as Mincer has no such data. However, Carlson's projected increase in CPI resulting from the proposed minimum wage increase is more than double the Gramlich estimate.

VI. Conclusion

The paper released by the Chamber of Commerce demonstrates an unwillingness to accept official government studies of the historical effects of minimum wage legislation and an inability to use correctly those theoretical studies which are "best" in their view.

The Chamber's numbers not only mislead. They are simply wrong.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 13, 1977.

Hon. JOHN H. DENT,
Chairman, Subcommittee on Labor Standards, the House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DENT: In its testimony before your subcommittee, the U.S. Chamber of Commerce presented what it claimed was an authoritative analysis of the impact of your bill to increase the minimum wage above the poverty level. The enclosed analysis of the Chamber's document, prepared by AFL–CIO economists, makes it clear that the Chamber is misleading the Congress.

For example, in its estimates of job loss, the Chamber first relied on the most extreme study it could find—a study disputed by other economists and belied by the repeated studies of the impact of minimum wage increases conducted by the Department of Labor in both Republican and Democratic administrations. Then the Chamber applied these "worst case" theoretical ratios to population rather than employment figures, thus producing job loss estimates more than double what the source study would have produced.

The Chamber has resorted to the outlandish trick of manufacturing numbers and then inflating these to produce a predetermined result. By assuming a "ripple effect" for wages above the minimum—despite substantial evidence to the contrary in Labor Department studies—the Chamber has come up with statistics that were plucked from thin air.

Its inflation estimates are equally ridiculous. In this instance, they are more than double the "worst case" study, but the Chamber offers no evidence or figures to back up its claims.

For example, the Chamber's exaggerated job loss figures are less than 4 percent for each of the Southern states except Alabama. For Alabama, it shows a whopping 13.4 percent with no explanation for the difference.

The sum of the Chamber's analysis is a fraud.

Given the reputation of the Chamber's economists, it strains credulity to believe these distortions were simply statistical errors. Rather, it is plain that the Chamber is deceiving the Congress and the American people by making figures lie. In every instance, the Chamber has ignored documented, official, historically accurate government studies and relied on "worst case" theories and then "embroidered" those theories.

I suggest that the Chamber's testimony deserves to be completely ignored by the subcommittee.

Sincerely,

GEORGE MEANY,
President.

HOMEOWNERSHIP BILL

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. KASTEN. Mr. Speaker, several weeks ago I introduced the Young Families Housing Act, a bill designed to make possible the goal of homeownership for millions of American families who have been priced out of the market.

The bill provides for graduated monthly mortgage payments, allowing the monthly mortgage payment to more closely reflect a typical family's income growth over a period of years. The bill would also permit a first-time home buyer to save for a downpayment on a home through a tax-free savings account.

A recent article in the Chicago Tribune reported the experience of one Chicago area home-building firm when it launched an experimental graduated mortgage payment plan. As the article points out, the program has "caught on like wildfire."

Because I believe the Young Families Housing Act offers a positive approach toward reversing a trend that could deny the average young person the chance of owning a home, I commend this article to the attention of my colleagues:

[From the Chicago Tribune, June 19, 1977]

GRADUATED-PAYMENT LOANS KEEP HOME SALES PACE UP

(By Gary Washburn)

An innovative graduated payment mortgage plan (GPM) featuring reduced monthly mortgage payments in the early years of ownership, unveiled a few weeks ago by a Chicago area home-building firm, has "caught on like wildfire," a company spokesman says.

Ross Vittore, vice president of mortgage finance for the Hoffman Homes division of the Hoffman Group, Inc., said last week that sales at the firm's seven suburban subdivisions have been running roughly double the normal projections since the introduction of GPM.

"We were optimistic going into the program and I think we can say honestly that it's surpassed all our expectations," Vittore said. "The response has been astonishing."

From May 21, when the GPM program started, to June 14, he reported that 68 per cent of the firm's purchasers have opted for GPM financing. Vittore said that he would not reveal the actual number of sales for competitive reasons.

Under the Hoffman plan, home buyers interested in GPM financing are screened by FLIP Mortgage Corp., a New Jersey firm. A computer terminal at Hoffman offices feeds information—including projected income of the buyer, mortgage interest rate, and term of the loan—to a FLIP computer. FLIP then responds with the size of loan the prospective buyer can qualify for using conventional financing and GPM.

Qualified borrowers who opt for a GPM are referred to two Chicago area savings and loan associations that have agreed to make the loans.

The GPM, based on the theory that the borrower's income will rise, is designed to allow families previously priced out of the home market to buy a house and to permit families that already own homes to move up to more expensive ones.

To illustrate how the GPM works, Hoffman gives an example:

A buyer making a 10-per-cent downpayment on a $40,990 house with a 30-year mortgage at 9 percent interest might have to earn $17,500 annually to qualify for a traditional mortgage, whose monthly payments would be $294.30.

A GPM buyer, by contrast, might have to earn only $13,750 annually to qualify for a loan for the same house. Monthly payments in the first year of ownership would be $217.41, which would rise to $323.34 by the sixth year, leveling off for the remainder of the mortgage term.

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[2] Gramlich wrote, in part: "The evidence suggests that the adult females are the main beneficiaries of increases in the minimum wage. Can it be that George Meany is a feminist?"

Vittore said that at Main Street of Frankfort Square, a Hoffman subdivision in south suburban Frankfort aimed at first-time home buyers, 75 percent of the purchasers who have opted for GPM would not have been able to qualify for a conventional loan. Homes range in price from $41,000 to $52,000.

Eighty percent of the Frankfort Square GPM purchasers were previously renters. Family income (in most cases both husband and wife work) has averaged $19,400. The average down payment has been 11 per cent of purchase price. Average age of the head-of-household has been 28 years.

For all Hoffman subdivisions, this is how the figures break down: 61 per cent of the purchasers had been renting; average family income has been $22,900; average down payment, 14.3 per cent of purchase price; and average age of the household head, 29.8 years.

Vittore said he initially thought that educating the public to the GPM concept "would be the main hurdle" for the program, but he said he underestimated purchasers' ability to grasp the new mortgage form.

He added that his firm has been contacted by banks and savings and loan associations interested in GPM and the FLIP computer analysis and he said that other builders—big and small—have requested information.

Like his boss, Jack Hoffman, Hoffman Group president, Vittore believes that the company will enjoy an edge over the competition for a limited time. Other builders eventually will begin offering GPMs to attract customers, he said.

LAST CHANCE TO PREVENT AIR POLLUTION IN OUR NATIONAL PARKS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BROWN of California. Mr. Speaker, when the Clean Air Act conference committee meets, one of the key issues to be resolved is the issue of significant deterioration, or nondegradation of our Nation's air. The House adopted, in what was surely a hasty vote, the Breaux amendment on this issue, which will allow up to 18 days each year of pollution in our national parks and recreational areas. It would not be facetious to say that if this amendment becomes law, we should all plan on going to the most scenic regions of the United States now, while we can still count on clean air and good visibility, instead of later, when our planned vacations might just coincide with one of those 18 days of pollution.

This issue is more complicated than this, as I tried to point out in the House floor debate, but it is also as serious as this.

I would like to insert an article from the June 19 issue of the Los Angeles Times to illustrate this point. The article follows:

THREAT TO LAST OF CLEAN AIR

(By Michael Frome)

There should be places where vacationing Americans can get away from air-pollution alerts and thickening layers of smog—and, fortunately, there still are: recreation areas and resorts that rank among our most attractive travel destinations. Their fate and future, though, hinge on environmental legislation before Congress.

The House of Representatives, in fact, already has voted to sanction an exemption to air quality standards in key western areas relatively free of pollution.

"If this becomes law it would be the same as putting a city of half a million people next to a national park," warned Rep. Paul Rogers of Florida, chairman of the House subcommittee on health and the environment. The Senate defeated a similar amendment. If the House view prevails in conference, the President doubtless will be urged to veto the legislation.

The waiver to the 1970 Clean Air Act was voted specifically to allow construction of the $6 billion Intermountain Power Project a few miles east of Capitol Reef National Park in southern Utah. It's part of the shift in priorities in the West from environmental quality and tourism to production of energy for urban centers elsewhere. If this pattern continues, one of this country's most wild, fragile and spectacularly scenic areas will be altered radically in character, complete with sacrifice of its clean air.

SOURCE OF SERIOUS POLLUTION

The Four Corners power plant in northwestern New Mexico, fueled by the world's largest strip mine, already has become a source of serious pollution. Other coal-fired plants are designed to furnish huge amounts of cheap power for Phoenix, Tucson, Las Vegas, San Diego and Los Angeles. But because such plants could not meet Los Angeles' air quality requirements, utilities have chosen to burn the coal at mine mouths in Utah where regulations are lenient, and thus generate the Los Angeles power.

The effects of this construction would create layers of smog over Capitol Reef, Bryce Canyon, Zion, Mesa Verde, Canyonlands, Arches and Grand Canyon national parks, Monument Valley in Navajo Tribal Park, national forests and neighboring resorts. It has been estimated that one-fifth of the entire national park system, including national recreation areas such as Lake Powell, national monuments and historic sites, would be degraded.

"These areas were established to preserve completely natural and healthy areas of the country," Rita Molyneaux, of the National Parks and Conservation Assn., declared at a recent Senate hearing in Washington. "Clean air, as an integral part of their value, should not be allowed to deteriorate in quality in any degree."

Ms. Molyneaux's organization is part of a coalition of environmental, consumer, health and medical, tourist and real estate interests pressing for prevention of significant deterioration of air quality in clean air regions of the West. Their goal is to obtain Class I protection from the Senate for national parks, monuments, wildlife refuges and wilderness areas, and hope this position prevails in conference with the House.

Powerful opposition from utilities, manufacturing and the United Automobile Workers has thwarted effective pollution regulation with arguments that jobs must take precedence, yet the entire tourist industry and the quality of life are being endangered in the Southwest. After all, who wants to travel to a scenic overlook to gaze upon a curtain of smoke? Or to live in the midst of it?

Vacation travel should be a healthful experience. Medical authorities relate air pollution to pulmonary and other diseases in children and adults, so the escape from poisoned city air for even a little while is wholly beneficial.

"AIR CONSERVATION" URGED

Dr. Carl Shy of the University of North Carolina, testifying in behalf of the American Lung Assn. before a recent Senate hearing, urged "deliberate air conservation" to insure protection of public health.

Despite assorted laws, regulations and the expenditure of public funds, air quality continues to worsen. Congress has granted one delay after another to the automobile industry in producing cars that emit fewer pollutants. Experts and agencies measure things in terms of "goals" and "standards" and "acceptable levels," ever subject to revision and modification. Goals never are toughened—at least not yet—and when determined to be "not attainable" the public is expected to settle for something less.

Still, there is always a brighter side. A sign seen recently in front of a hotel in Hawaii reads, "Please turn off your ignition while parked on the hotel driveway and help conserve clean air."

When private institutions and average citizens consciously accentuate the positive and eliminate the negative they forge effective public policy that makes its way into law.

VICE ADM. ROBERT L. J. LONG, USN, A DISTINGUISHED NAVY CAREER CONTINUES

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DODD. Mr. Speaker, it is with a great deal of pride and pleasure that I call my colleagues' attention to the fact that a resident of my Second Congressional District, Vice Adm. Robert L. J. Long, USN, has been nominated by the President to become Vice Chief of Naval Operations—our Navy's second highest ranking officer.

This selection caps an already distinguished Navy career for the admiral, who is a resident of Groton, Conn., and I urge our colleagues in the other body to speedily confirm his nomination.

Mr. Speaker, Admiral Long is one of the many men in our Navy's submarine service of whom this Nation has every right to be most proud. We in eastern Connecticut, who have worked and lived with them for many years, know them to be the true "elite" of the U.S. Navy.

Ably led by Admiral Long, who has served as Deputy Chief of Naval Operations for Submarine Warfare since September 1974, these officers and men form our most important line of defense against the naval threat of the Soviet Union.

It is a tribute to the entire submarine service, and certainly to the personal and professional qualities of Admiral Long, that the President decided that the next Vice Chief of Naval Operations should be a submariner.

Mr. Speaker, Bob Long has served our country in its Navy for some 37 years, during a career which took him from the decks of a World War II battleship, the U.S.S. *Colorado* (BB-45), to the bridges of what were at the time, our Nation's newest fleet ballistic missile nuclear submarines, the U.S.S. *Patrick Henry* (SSBN 599) and the U.S.S. *Casimir Pulaski* (SSBN 633).

During this career, he has assumed positions of increasing responsibility and carried out demanding tasks with great distinction.

Among the important positions Admiral Long has filled, in addition to

commanding the *Patrick Henry* and the *Pulaski*, were:

Executive assistant and naval aide to the Undersecretary of the Navy. He received his first Legion of Merit and was cited for "contributing significantly to decisions made at the highest levels of the Navy Department."

Commander of Service Group Three. He was responsible for providing significantly improved maintenance and logistic support to the 7th Fleet during the Vietnam war and was awarded a second Legion of Merit.

Commander, Submarine Force, U.S. Atlantic Fleet, June 1972 to September 1974. During critical periods such as the 1973 Middle East war, Admiral Long was responsible for the operations of approximately two-thirds of our Nation's submarines.

Deputy Chief of Naval Operations for Submarine Warfare. In this position, he has overall responsibility for every facet of our country's submarine and deep submergence programs.

He was awarded a Third Legion of Merit for his service as Deputy Commander for Fleet Maintenance and Logistic Support of the Naval Sea Systems Command.

As Deputy CNO for Submarine Warfare, the admiral has represented the Navy in an exemplary manner while testifying many times before the Armed Services and Appropriations Committees of both Houses of the Congress.

The son of the late Trigg Allen and Margaret (Franklin) Long, Admiral Long was born in Kansas City, Mo. on May 29, 1920. He attended Washington University in St. Louis and was graduated with distinction from the U.S. Naval Academy, in the Class of 1944, on June 9, 1943. That graduation was accelerated due to the war emergency.

He went to sea aboard the battleship *Colorado* as fire control division officer and assistant gunnery officer while this ship took part in the American island-hopping campaign across the Pacific. He won a Bronze Star during operations against the Japanese in the Philippine and Ryukyu Islands.

Following the war, while at Naval Submarine School in New London/Groton, Conn., in my district, the admiral won the L.Y. Spear Award for standing first in his class. From there, he served on the submarine U.S.S. *Corsair* (SS–435) from November 1946 to August 1949.

The next 2 years were spent as Assistant Professor with the Naval Reserve Officer Training Unit, University of North Carolina. After serving as executive officer of the submarine U.S.S. *Cutlass* (SS–478) he attended the Naval War College at Newport, R.I.

He then went to the first of three ship command tours as commanding officer of the submarine U.S.S. *Sea Leopard* (SS–483). Following two staff tours, first in the submarine weapons readiness section of the Office of the Chief of Naval Operations and then as Flag Secretary for Commander Submarine Force, U.S. Atlantic Fleet, he spent 1 year under instruction in the Office of the Director of Naval Reactors and 3 months under instruction at Naval Guided Missile School. He assumed command of the U.S.S. *Patrick Henry* (Gold) crew in August 1960 and the U.S.S. *Casmir Pulaski* (Blue) crew in October 1963.

In July 1965, he began work with the fleet ballistic missile project in the Bureau of Naval Weapons. He next served as executive assistant and naval aide to the Under Secretary of the Navy. After promotion to rear admiral, he became Commander Service Group Three in September 1968. From there he went to Naval Ship Systems Command as Deputy Commander for Fleet Maintenance and Logistics Support. In June 1972, he was promoted to vice admiral and became Commander Submarine Force, U.S. Atlantic Fleet and was there until he reported as Deputy Chief of Naval Operations, submarine warfare, in September 1974.

Vice Admiral Long is married to the former Sara Helms of Jacksonville, Fla. They have three sons: Charles Allen, William Trigg, and Robert Helms.

Mr. Speaker, I think that Admiral Long's exceptional career convincingly demonstrates that the President has made an excellent choice for our next Vice Chief of Naval Operations.

I know his family is extremely proud of him at this moment, and I salute his many achievements and urge my colleagues in Congress to do the same. We wish him well in his new assignment.

ANTHONY TO CELEBRATE PRIEST'S ANNIVERSARY

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WHITE. Mr. Speaker, the town of Anthony in my district in west Texas recently staged a day-long celebration honoring the 25th anniversary of Msgr. Gonzalo Morales into the priesthood. Monsignor Morales has been pastor of St. Anthony's Catholic Church in the town of Anthony for the past 16 years. He has served his parish, his people, and his faith with superb dedication and accomplishment, and it is an honor for me to so note for the RECORD. In recognition of his singular attributes, he was elevated to monsignor by the Catholic Church in 1971. Today, in addition to his continuing parish duties, Monsignor Morales is assigned to the diocesan curia as defender of the bond in the matrimonial court. He is also diocesan director for the Spanish speaking, and is consultant and examiner for parish priests. I join the people of Anthony in celebrating the silver anniversary of a man who serves his fellow man.

I submit for the RECORD the following article printed in the Las Cruces, N. Mex., Sun-News, May 27, 1977:

ANTHONY TO CELEBRATE PRIEST'S ANNIVERSARY

On June 4 the Rev. Msgr. Gonzalo Morales of Anthony will be honored by parishioners and townspeople in commemoration of the 25th anniversary of his ordination to the priesthood.

"As in most celebrations of this kind there will be a blending of the feasting and the fasting, the secular and the religious," according to committee chairman Luis Padilla.

Activities will range from Mayor Adrian Baca's declaration of "Monsignor Morales Day" to an elaborate community reception and supper with mariachi entertainment, to a comprehensive commemorative book compiled by the people of the parish, to a most solemn Thanksgiving Mass, Padilla said.

Reception and supper will be in St. Anthony's Parish Center on June 4 from 6 to 9 p.m. Interested parties may call 882-2264 for information and reservations.

Mass will be celebrated by 25 priests, among them Bishop Sydney Metzger of El Paso and the bishop of San Antonio, Diecese priests, and priests from Mexico City, Torreon, Chihuahua, Juarez, and others. Mass will be said on June 5 at 4 p.m. in the Gadsden High School. St. Anthony's Church is not large enough to accommodate the more than 3,000 expected to attend.

Monsignor Morales came to St. Anthony's church in August, 1961, one year after the new building was dedicated. The old church a block away had been retired and lent out as a base for civic service functions, including day care and a hot-lunch for elderly.

The Rev. Morales led the Golden Jubilee celebration of the Parish in 1965 and broke ground for the new St. Anthony's Center, dedicated in December, 1966.

In the early days the Monsignor expanded his time to provide all services, Mass, confessions and counseling, to the prison population of La Tuna, the Federal Correctional Institution in Anthony, during its chaplain's extended illness.

Some current programs at St. Anthony's include the Cursillos (Retreats) conducted for men and women three days each month, and the "Queen of Our Lady of Guadalupe" contest and festival.

"Monsignor Morales has been a good shepherd and has tended St. Anthony's devotedly. He has also made innovative changes," Padilla said. One was his commission of an artist to paint a backdrop on the walls behind the altar. The artist created a work of rivers and tall trees that give the feeling of worshipping outdoors in a woodland glen, Padilla said.

The work was financed through a legacy left to the Rev. Morales by his brother, Padilla said.

The Monsignor was ordained in St. Patrick's Cathedral in El Paso in 1952. He recently went to a class reunion commemorating that event at St. James Church in San Antonio where he was one of seven jubilarians to be honored at a special ceremonial Mass involving 92 concelebrants.

Before he became pastor at St. Anthony's, he served at Holy Family Church, was chaplain for Providence Hospital, and taught Religion and English Literature at Loretto Academy. He was pastor for five years at San Elizario Mission, during which time he remodeled the rectory and the church.

He was elevated to Monsignor in 1971 and currently is assigned to the Diocesan Curia as Defender of the Bond in the Matrimonial Court. He is also diocesan director for the Spanish speaking and is consultant and examiner for parish priests.

He studied in San Francisco and Santa Barbara, Calif., Mexico City and San Antonio. He holds a Bachelor of Arts degree.

HUNGER IN WEST AFRICA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WHALEN. Mr. Speaker, I am pleased to note the support for international dialogs on food and development problems being provided by the Charles

F. Kettering Foundation. One of the fruits of this program was a recent trip organized by the Overseas Development Council to Mali and Senegal, two countries in the West African Sahel region. The recent $200 million commitment by the United States to the multi-donor Sahel Development Program is a clear indication of our growing awareness of development needs in that part of the world. This commitment was announced on a preliminary basis at the Ottawa meeting in May of the Club of the Friends of the Sahel after the House approved $50 million for authorization in fiscal year 1978.

I was particularly gratified to see the United States be the first of the donor nations to commit funds, partly because I had the opportunity to visit four Sahelian nations in April and view their problems and prospects first-hand. I would like to insert for the RECORD at this point an account by Mr. Phillips Ruopp, Director of International Affairs for the Kettering Foundation, of his recent trip to West Africa which includes interesting and thoughtful observations:

[From the Dayton (Ohio) Journal Herald, June 11, 1977]

A LOOK AT THE FACE OF HUNGER IN ARID WEST AFRICA

(By Phillips Ruopp)

Mali. Twice as big as Texas but not on the map of most Americans. If we know its name at all, it is probably because of Timbuktu or the 1968–1973 drought that devastated the countries on the southern edge of the Sahara.

Mali. Labelled by the UN one of the world's least developed countries. Population up from 5.8 to 7.4 million in the latest census, I was told while waiting for a plane at a place called Mopti. A nation of small farmers and nomadic herders.

During the first two weeks of May, I was one of a group of 18 Americans who visited Mali and Senegal, both former French colonies in West Africa. We went to find out what these two developing countries are doing to raise enough food to satisfy the basic needs of their people. We also wanted to learn how to help them achieve agricultural self-reliance.

Senegal, like Mali, is just recovering from the latest of the dry spells that come with Biblical regularity to that part of the world, called the "Sahel." Senegal is only the size of South Dakota and its population numbers about 5 million. It is not much better off than Mali. We arrived when the land was parched in both countries. I could easily imagine the drought, a dry season stretched into years.

The American group came from some 12 states. They were meant to be a mixed bag, and they were. In addition to those active in agriculture, business, and labor, there were city and foundation managers, a churchman, a couple of journalists, and a few congressional staffers and other Washington specialists. Politically, they were Democrats, Republicans, and Independents. There was one politician.

The group looked at the development needs of Mali and Senegal from various angles. For example, two members were not only leaders of their farm organizations but practical farmers, one from Texas, the other from Georgia. The blacks in the group were often reminded of their own experience growing up poor in the rural South. We had a lot to share with each other, not only as we tried to sort out the sights and sounds of West Africa but as we helped one another understand where we came from back home.

Even though the trip was organized by the Overseas Development Council as a direct give and take with West Africans about food and development, those in our group who knew rural America, painfully as well as intimately, talked about the similar consequences of rural poverty in West Africa and the U.S. They were quick to recognize that poverty is relative, but they hit the rest of us with a simple question about our own country: Why are there so many miserably poor and badly fed people in a nation as rich as the U.S.?

So West Africa showed us not only itself. It also showed us ourselves. It brought the submerged "underdeveloped" nation here at home to the surface of our thoughts and discussions. This nation of poor Americans may be more or less invisible to the majority of us most of the time, but it is here in our midst, concentrated in our inner cities, scattered through our countryside from Georgia to Maine, from Texas to Ohio.

Traveling in West Africa made us acutely conscious of the differences between rich and poor Americans, between rich and poor nations—and between the affluent elite in developing countries and the farmers on whom their economies depend. That dependence may be the reason why African leaders are becoming more interested in the productivity and well-being of their poor, among the poorest of the world's poor. Small farmers and farm workers are still the economic backbone of the world's low income countries.

The purpose of the trip was to learn about food and development, about the relationship between the two. That brings us to the bottom line: hunger, hunger in its many forms, sheer hunger, malnutrition, the bloated bellies of some children which can still be seen during the dry season in West Africa. And the consequences of hunger and malnutrition: low energy, permanent physical handicaps, and disease—especially disease. We not only heard about the effects of diseases which invade the bodies of people and cattle when their resistance is low. We saw them, touched them.

One overwhelming lesson we learned in West Africa is that hunger is not foreign, that hunger everywhere must be ended. The small farmers we met there, women perhaps more than men, made us realize that it can be ended. They are good at what they do, resourceful, ready to try new techniques if they can be assured the risk won't wipe them out. They are tough and adaptable without forgetting how to dance and sing their pleasure in living. They are survivors.

There may be explanations for hunger—in West Africa or America—but there is no excuse for it.

COLLEGE BASEBALL HALL HONORS RALPH LAPOINTE

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. JEFFORDS. Mr. Speaker, I would like to call to the attention of my colleagues a recent honor bestowed upon one of Vermont's greatest sports heroes, the late Ralph R. Lapointe.

Mr. Lapointe, a one-time major league baseball star, is best remembered by Vermonters for his long service and winning record as baseball coach at the University of Vermont.

His outstanding record in this position was recently recognized by his election to the College Baseball Coaches' Hall of Fame. I am sure that Ralph's wife, Kit, and his brother, George "Zum" Lapointe—an outstanding baseball player in his own right—are extremely proud of this well-deserved distinction, as are all Vermonters.

Mr. Speaker, I would like to insert in the RECORD the following article, which appeared recently in the Burlington Free Press:

COLLEGE BASEBALL HALL HONORS RALPH LAPOINTE

The University of Vermont's most successful baseball coach, the late Ralph R. Lapointe, has been elected to the American Association of College Baseball Coaches' Hall of Fame.

Lapointe will be inducted into the Hall of Fame at the annual Coaches' Hall of Fame Dinner in Atlanta in January, 1978. At that time, plaques will be presented to Lapointe's family (Mrs. Cathryn A. Lapointe, sons David and Tom and daughter Michele), UVM and the College Coaches Hall of Fame located at Western Michigan University in Kalamazoo, Mich.

Glen Tuckett, President of the American Association of College Baseball Coaches, said that "Lapointe joins the more than 50 current and former college baseball coaches in the Hall of Fame. This is the most prestigious and meaningful honor that can be bestowed upon a college baseball coach."

"I'm so terribly pleased that Ralph has won this fine award, but more pleased that so many people still think of him. This award is a living memorium to Ralph. I'm very thrilled," said Mrs. Ralph "Kit" Lapointe. "Two great things have happened to baseball at UVM in the last two weeks, this award, of course, and the bringing back of UVM baseball to varsity status."

Lapointe posted a 216–127–2 record for 16 years at UVM and never had a losing season. Before beginning his head coaching duties at his alma mater, Lapointe was a standout high school and collegiate football player at Winooski High School, his hometown, and at UVM.

Before returning to Vermont in 1951, Lapointe signed with the Philadelphia Phillies and was called up to the majors in 1946 late in the season. It was in 1947 that Lapointe had a great rookie year, hitting .308 and playing top defensive ball at shortstop. That .308 average was the highest for a National League rookies and he was named Sporting News' Rookie of the Year.

Lapointe finished his major league career with the St. Louis Cardinals, closing out his professional years with stints at Rochester and Toronto, both in the International League, and finally with Tulsa of the Texas League.

In Vermont state college competition, Lapointe guided his Catamounts to a stunning 72–15–1 record and won or shared 13 state titles. In the Yankee Conference, Lapointe led Vermont to the championship in 1962 (eventually losing to Holy Cross in the championship game of Region I) and a tie for the crown in 1965. His Conference coaching record was 65–55–1.

The 1962 season was Lapointe's best. Vermont was 21–6, placing second in the NCAA Region Tournament. Vermont also went to the regional finals in 1956, when his team was 18–6.

Lapointe sent eight players into professional baseball, including current Jacksonville University baseball coach, Jack Lamabe.

Soon after Lapointe passed away in 1967, UVM unveiled an oil portrait of him which today hangs in the lobby of the Roy L. Patrick Gymnasium. Each year the champion of the Yankee Conference receives the Ralph R. Lapointe Trophy. That award began in 1968.

THE SPECIAL INTERESTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. JACOBS. Mr. Speaker, the following just might be of special interest to everybody:

[From the Wall Street Journal]

THE SPECIAL INTERESTS

Republicans and oil-state Democrats deserved to lose in the Ways and Means Committee this week. Both the President's wellhead oil tax and their "plowback" alternative would rip off the consumer by raising his taxes. All the oilmen lobbied for was a 20% slice of the windfall. The politicians decided instead to keep the whole thing for themselves.

Having dispatched the oilmen, the politicians now turn to the real fun, carving up the pie the tax would generate. Next week Ways and Means will relish the juicy questions: How much for mass transit in Manhattan? How much for Solar Research Inc. in the Umpteenth Congressional District? How much for oil-heated homes in the Northeast? How much for the voting poor?

Given what we increasingly consider an unsavory choice, we guess we still prefer the oilmen to the politicians. Somehow it seems to us that the public interest would benefit more if the windfall is spent to buy oil wells than if it is spent to buy votes. But from the same fear of competition that makes the airlines love the CAB, the oilmen are not much help in achieving the one step that would solve most of the nation's energy problems, the restoration of market pricing for petroleum and other sources of energy.

Jimmy Carter rails against the "special interests," but his own legislation will set a record for creating them. The real battle of the special interests seldom fits the stereotype "oil industry" versus "consumer." The consumer is in danger, all right, but chiefly as an innocent bystander. The contestants in the battle are more likely to be Octopus Oil versus Gulliver Oil. Or Octopus and Gulliver versus the League of Lilliputian Wildcatters. Or Oilman versus Gasman.

Left to itself this sort of competition benefits the consumer. He gets trampled when the government is persuaded to take sides. We have seen few better examples than Mr. Carter's energy program. He would outlaw natural gas prices above $1.75 a thousand cubic feet, thus depriving the consumer of conventional natural gas sources that will cost more than that to produce. Instead, the consumer will have to buy liquefied natural gas or gasified coal at $4.00. If Gasman says we should deregulate instead, Mr. Carter cries "special interest!" The special interests who benefit from his program, who indeed are created by it, go unmentioned.

It is by no means clear, similarly, that deregulation is in the short-term self-interest of the oil companies. They have been in the business long enough to sense that, contrary to the popular impression, deregulation would not allow them to collect higher prices in the marketplace. On a theoretical level, the market price of petroleum products is determined by the cost of the marginal barrel of oil, which comes at the world price. Confirming this on a practical level, pretax product prices in the U.S. are basically the same as those in Europe, where refiners buy all their crude oil at the world price.

Deregulation would, however, unleash the uncomfortable forces of competition. In particular, current energy prices would be enough to pay for the development of deep natural gas fields, and for exotic sources of natural gas. The often-proposed deregulation of new natural gas would not aid the oil giants, whose reserves of old gas were discovered in the process of exploring for oil. Even if its price were deregulated, much of it is already committed at low prices under long-term contracts.

At the current price of energy, Gasman can afford to look for gas for its own sake. Oilman does not want this competition. It was the oil companies that first talked of "an energy crisis," and Mr. Carter's wizards have swallowed hook, line and sinker. Under their proposals newly discovered oil will be allowed something close to the world price. But newly discovered gas will sell not at an energy equivalent price of newly discovered oil, but at the energy-equivalent of average oil.

So in all, it's quite comfortable for the oil companies to stay under price controls, collecting their fees for importing foreign oil into a market protected from the competition of potential domestic energy sources. The government legislates this protection, giving imports a higher price than domestic production, and then discovers a crisis because imports go up. To stop that, it proposes a tax to make the consumer pay more for oil, and the companies lobby for a 20-percent rakeoff of that. The politicians excoriate the oil companies as "special interests" while themselves dipping into the consumer's pocket for higher taxes with which to hand out favors.

It is a sordid spectacle all around. It would be so easy to maximize U.S. energy production, without further cost to the consumer, and put maximum pressure on the OPEC cartel. All that's needed is to deregulate prices, getting the clumsy government out of the fray before it tramples everyone, and set the forces of competition working for the consumer rather than against him.

GUAM FEARS DRUG TRAFFIC

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. WON PAT. Mr. Speaker, Guam appears to be in danger of becoming a center of international drug traffic.

The evidence to support my growing concern was presented by columnists Jack Anderson and Les Whitten in an article which appeared in the June 21, 1977 Washington Post.

The charges made by Anderson and Whitten are nothing new. For some time Government of Guam officials, Federal drug agents, and my own office have voiced similar concerns.

It is my belief that the problems associated with the use of Guam as a major transfer point for drug smugglers has created a fallout of crime on the island itself. Local law enforcement officials have repeatedly pointed out, crime—and more importantly, violent crime including rape and murder—has dramatically increased on Guam during the past 3 years.

Government of Guam officials are powerless to halt the growing menace to the safety of our citizens. And Federal drug officials have only a limited presence there. What is needed, and needed now, is more Federal agents on Guam, including customs officials.

I have in the past discussed this subject with our colleague, LESTER WOLFF, chairman of the House Select Narcotics Abuse and Control Committee and again I am asking him to bring his select committee to Guam in the near future to personally investigate the full extent of drug traffic on the island. Further, I fully intend to seek additional funding for extra manpower from every possible Federal source, including the U.S. Customs Service, the Department of Justice, and the Law Enforcement Administration.

The current hard work and dedication of Guam police officials and their Federal counterparts to control the drug traffic problem are deeply appreciated. But they deserve the full backing of the Federal Government if they are to ever be successful in their fight against these insidious criminals whose mainstay of support is corrupting our young people.

At this point, I request that the column by Messrs. Anderson and Whitten be included in the RECORD so that my colleagues can fully understand my concern:

GUAM: UNLIKELY CROSSROAD FOR DRUGS

(By Charles Rodrigues)

The unlikely island of Guam has become the crossroads of the subterranean drug traffic. Millions worth of heroin, opium and marijuana are routed through Guam to underworld drug dealers in the United States.

The international narcotics racketeers keep shifting the hub of their smuggling network from one airport to another. They have moved the operation like a floating crap game from Miami to Asuncion to Panama City to Hong Kong. Now they have settled, at least temporarily, on the picturesque little volcanic island of Guam in the mid-Pacific.

Secret intelligence reports describe how narcotics are smuggled through the Guam gateway. Heroin has been secreted in the household effects of U.S. personnel returning home from overseas. It has been packed between the double walls of vases which, one report explains, "have to be broken to determine the contents."

Couriers have carried up to a pound of heroin strapped to their waists. Young women have been caught "with heroin taped to their legs or in body cavities."

The ground crews of a major airline, according to one intelligence report, are working with the smugglers. "Unwitting flying personnel" from the two Air Force bases on Guam "may also be used" the report suggests.

The intelligence reports identify one smuggling ring by the nickname "Mog Fog." This underground organization channels an incredible $12 million worth of heroin through Guam each month, plus a high-potency, opium-coated marijuana concoction known in the drug culture as "Thai sticks." The authorities have no accurate estimate how many of these deadly delicacies are distributed through Guam.

"Mog Fog," according to a secret report, "is based in Guam, with branches in Bangkok, Hong Kong, Manila, Honolulu, California and New York, with connections in Missouri, Nevada, Texas, Illinois and Connecticut."

The heroin trade generates "tens of billions" of dollars each year. The profits are enormous, yet so elusive that the authorities don't have a solid estimate of the amount. But some idea of the high stakes can be gained from the profit margins. A kilogram of pure heroin, costing $15,000 at the source,

may eventually be worth $1.5 million in the streets.

This dirty money is laundered primarily through foreign banks. The drug smugglers used to hide their illegal profits in Swiss and Mexican banks. But both countries have become more cooperative with the U.S. authorities. So today, the racketeers stash most of their heroin returns in Caribbean banks.

The banks of the Bahamas, Cayman Islands, Haiti, Jamaica, Netherlands, Antilles Islands and Panama are doing a booming business in dirty money. Most of the banks are branches of distinguished U.S. banks. These overseas branches are virtually free of the reporting requirements which make it difficult for the home offices to handle mob money.

An astonishing 75 U.S. banks have offices, for example, in the Bahamas. Thus the Bahamas have more American banks than do the states of Alaska, Arizona, Delaware and Idaho combined. The Cayman Islands, to name another unlikely banking center, has 51 American banks.

Intelligence sources also suspect that major drug dealers keep anonymous accounts in certain banks in Bangkok, Hong Kong and tiny Liechtenstein. Middle Eastern dealers, who smuggle Afghanistan heroin into Europe with a smaller flow into America, reportedly do their banking in Iran.

At the end of the economic chain are the street people—teenagers who earn $50 a day acting as lookouts for the pushers in Harlem; spikers who for $5 will help an addict find a vein that hasn't collapsed from repeated puncturing; couriers, bagmen and gunsels who handle the dope; and finally, the street dealers who peddle the stuff to the addicts.

Footnote: The Custom Service, given its manpower shortage, is remarkably effective at intercepting smuggled narcotics. But tracking the dirty money is one of the most difficult investigative chores in law enforcement. The Internal Revenue Service set up a special unit in 1970 to concentrate on the drug racket. But for a mix of reasons, ranging from tightened laws to bureaucratic politics, the unit has been disbanded. The Drug Enforcement Agency, meanwhile, has acquired a full-time "dirty-money" expert.

COMMENTS ON THE GOA BREEDER LETTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. BROWN of California. Mr. Speaker, recently there has been widely circulated a letter from GAO concerning the breeder reactor. Today I have sent a "Dear Colleague" letter to Members of Congress with my comments on the GAO statement, which I insert below:

COMMENTS ON THE GAO BREEDER LETTER

DEAR COLLEAGUE:

I am writing to send you more information concerning the upcoming vote, probably occurring next week, on the two billion dollar Clinch River Breeder Reactor Project (CRBRP). I will offer an amendment to the FY 1978 ERDA Authorization, H.R. 6796, to reduce funding for this commercialization project from the $150 million in the committee bill to the $33 million requested by the President for termination costs and completion of preliminary design.

My reasons for supporting the President's deferral of the CRBRP were given in an earlier "Dear Colleague" which is reprinted on page E3854 of the June 16 Congressional Record. With this letter I am enclosing comments on a widely circulated GAO letter on the breeder as well as quotes from knowledgeable academic and government sources on CRBRP. I am enclosing my comments on the GAO letter in order to correct mistaken impressions which might result concerning the role of the Clinch River Project in the whole breeder program.

The GAO letter states that the United States should not abandon the nuclear fission option at this time nor should it abandon the liquid metal fast breeder reactor (LMFBR) research and development effort. I completely agree. My amendment is not anti-nuclear or anti-breeder; more than a half a billion dollars remains for a vigorous research and development effort on the LMFBR. Moreover, the whole advanced nuclear program receives roughly $700 million which is more than the Administration's request for solar energy and energy conservation R&D put together. My amendment will not discriminate against the nuclear option, either in the short term with light water reactors or in the long term with advanced reactors.

The GAO letter goes on to say that the LMFBR effort is a research and development program. With my amendment, this statement is true—with the CRBRP funded, the program becomes a commercialization effort. Quoting from Dr. James Schlesinger, "The Clinch River plant, the demonstration plant, was justified as part of the commercial program, a program for commercialization. I know that full well because at the time I was chairman of the AEC. I told the staff to go away and to bring me a cost benefit study on the demo plant by itself, and one could not emerge from such a study with a positive benefit-cost ratio, simply looking at the demo plant in isolation as an R&D experiment. It had to be embedded in an entire program of commercialization. So the Clinch River plant turned out to be integral to the program of commercialization." It is only the premature commercialization of the plutonium breeder which my amendment seeks to avoid.

I have reprinted below quotes from several sources on the Clinch River Project. If you are interested in cosponsoring my amendment, please call my staff at 225-6161.

Sincerely,

GEORGE E. BROWN, JR.,
Member of Congress.

Edward Teller, "Father of the H-bomb", June 9:

"I believe it is reasonable in every respect to pursue the path of international cooperation and I would like to suggest we put our strongest bets on the thorium cycle which will provide us with fuel, I estimate, to the coming of the next ice age at least, and that we can safely reduce the work on the fast breeder to a low inexpensive level on a cooperative basis. A consequence of this would seem to me that we can, with considerable saving of money and with practically no sacrifice, discontinue our present effort on the Clinch River Breeder."

Twenty-one Eminent Scientists and Economists, Jan. 5 "Nuclear Power Issues and Choices", Ford-Mitre Report:

"We believe therefore that the breeder program should deemphasize early commercialization and emphasize a more flexible approach to basic technology. In such a program, with a longer time horizon, the Clinch River project, a prototype demonstration reactor costing $2 billion, is unnecessary and could be canceled without harming the long-term prospects of breeders."

AIRLINE DEREGULATION: THE WRONG REMEDY

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. COLEMAN. Mr. Speaker, last month I held a public hearing in Kansas City, Mo. to gather firsthand information on the effects that proposals to deregulate the airline industry would have on our metropolitan area.

Kansas City is home to the major overhaul and corporate facilities of Trans World Airlines. TWA employs close to 10,000 people making it the largest private employer in the community. Kansas City is also proud of its new international airport which serves over 2 million passengers a year. Thanks in large part to this new facility, Metropolitan Kansas City is becoming a major convention center. The hotel-motel business is growing and a significant number of other airline-related businesses are blossoming. The viability of the airline industry also plays a major role in spurring new residential development which translates into a large tax base for the area's various communities, school districts, and other tax-levying entities.

There is no doubt that the Metropolitan Kansas City area greatly depends on a healthy, financially sound, and growing airline industry. But, the Congress is shaking the foundation of this stability. Today, as the airline industry faces skyrocketing costs thanks in large measure to increased fuel bills, and a profit margin that is relatively low, the Congress is toying with the idea of airline deregulation.

Over 400 persons attended my public hearing on airline deregulation. The vast majority made it clear that the proposals introduced by Senators KENNEDY, CANNON, and PEARSON, and supported as late as yesterday—June 20—by President Carter, would not accomplish what the sponsors claim, but would, in fact, threaten the very existence of private enterprise in the air transportation field.

Proponents of the Kennedy-Cannon bill make several laudable claims. They say airline deregulation would increase airline efficiency, lower fares, create better service, and, let the marketplace dictate the future of airline service.

However, most of these proponents, and the sponsors themselves, apparently have no front-line experience in the airline industry, but rather have listened to academicians and theoreticians. I, on the other hand, have listened to the top management, pilots, flight attendants, mechanics, trainees and other personnel who, on a daily basis, support an airline industry that is, without question, the best and most efficient in the world. With all due respect to the Senators, I must lend more credence to the voices of highly trained professionals in air transport than to Washington bureaucrats.

The proposals to deregulate the airlines are already taking their toll. Trans World Airlines has been struggling the

past few years with higher fuel prices, stricter noise regulations, and higher operating costs. Now, with the threat of deregulation hanging over its head, TWA is finding it almost impossible to attract investment capital which it sorely needs to continue operation. Most airline stock has dropped in the last few years which indicates a lack of confidence among banks, insurance companies and private investors. The uncertainty over what effects deregulation would have is continuing and broadening this lack of confidence in the investment community.

TWA is in a serious economic squeeze right now as it faces the prospects of meeting Federal noise regulations over the next 6½ years. By the early 1980's TWA will have to ground or retrofit 100, 707's. The cost of retrofitting those planes is approximately $200 million, and the airline could probably raise that amount of money—but the alterations would make their airplanes fuel-inefficient. The only sensible solution is for TWA to buy new airplanes, but this would cost approximately $3 billion and without long-term stability, for example, a forthright "no" to deregulation. TWA will not be able to accomplish this goal.

The only way our major airlines will be able to continue operation and avoid mergers, or perhaps even nationalization, is to make a reasonable profit. Over the past 5 years, one airline, which is considered one of the most financially solvent, made a 3.6 percent return on its investments. This is not only the worst return among all major industries, but it is less than a third of what the Civil Aeronautics Board considers a reasonable profit.

How are the airlines expected to continue operating if they are struggling to make a miniscule profit while fighting increased operating expenses?

DEREGULATION IS ANTILABOR

If one looks at the fixed costs of all major airlines, they will find that labor, in the form of salaries and benefits, accounts for up to 50 percent of those costs. Any deregulation plan that mandates lower fares and more routes would automatically mean trimming the ranks of the men and women who work for the airlines.

In other words, deregulation is antilabor. Between 30,000 and 60,000 employees of TWA alone would be affected by deregulation. Many jobs in the airline industry are highly technical and difficult to transfer to other industries. A member of the International Association of Machinists and Aerospace Workers made it clear:

Even if I could find another job and was willing to uproot my family and move to another community, I would lose my seniority and the other benefits that I have accrued over the last 15 years with one airline.

Proponents of deregulation promise lower fares and better service through increased competition. But, industry leaders report that would not be the case. There might be lower fares on the highly profitable, glamour runs between New York and Miami or Chicago to Los Angeles, where the leisure traveler looks for the lowest possible ticket price. But, the business traveler who needs to get from his office to a convention or a board meeting, and who cares more about convenience than the cost of the ticket, may be left high and dry. I am also deeply concerned for the thousands of Americans who live in smaller communities that now are served by airlines who can cross-subsidize their routes. These communities could be left with no air service at all, or at best with a small commuter service that has not the capacity to offer safe, high quality service.

The effects of airline deregulation on the safety record of American air carriers should be given the most careful scrutiny before Congress seriously considers this proposal. While deregulation proponents claim that the Federal Aviation Administration would continue its role of safety overseer, the fact is that the FAA is already incapable of fulfilling this role. The major airlines have attained their superior safety record through self-enforcement.

As one mechanic said at my hearing:

If we have reached 100 percent of the FAA safety requirement, we try for 200 percent, because it's awfully hard to climb out on a wing to fix something when that plane is flying at 30,000 feet.

That is exactly the point. Major airlines have a vested interest in keeping their airplanes the safest in the world. A traveler wouldn't go near an airline that was not safe. But what happens if deregulation goes into effect, and the marketplace is flooded with little, poorly capitalized and understaffed airlines? Where would they cut corners? How could the undermanned FAA monitor these newcomers into the marketplace? How safe would these airlines be? Can we take the risk?

Clearly, the ramifications of airline deregulation are broad. Investors would lose confidence in the industry. The financially weakened fleets would go bankrupt or, at best, be merged with others creating an oligopoly. Hundreds of thousands of highly skilled employees would be laid off or dislocated. Communities would lose millions of dollars in tax revenues. Small communities would be left virtually isolated without air service in a day and age that requires quick, efficient mobility.

What the airline industry sorely needs is not blanket deregulation, but a swift and sure mandate to the CAB which would require it to serve the industry and the public as it was originally established to do. It must make decisions within a reasonable time frame in order to allow the airlines to more effectively plot their course for the future. The hardships placed on our air carriers by the CAB have been inexcusable. Nine years to decide a route application case is ridiculous. If the CAB could be reformed and required to do what it is supposed to do, the airline industry would have all it needs to move forward.

I will support a measure that would accomplish CAB reform, but I will steadfastly oppose a blanket airline deregulation proposal that will, according to experts in the industry and not Washington bureaucrats, bankrupt some airlines, eliminate service to hundreds of communities, throw thousands of people out of work, and very likely result in the nationalization of airlines at a cost that looms far above the tax drain which this Nation has experienced with its rail system.

SOCIALIZED MEDICINE: SPEAKING FROM EXPERIENCE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. McDONALD. Mr. Speaker, I would like to call the attention of my colleagues to a speech on socialized medicine by a physician who has experienced its effects in two countries.

Dr. R. Gordon Hepworth was born and trained in Great Britain and practiced under England's National Health System until 1953, when he emigrated to Canada. After training in urology, he became a certified specialist, fellow of the Royal College of Surgeons of Canada as well as the American College of Surgeons and became head of the Division of Urology at St. Vincent's Hospital, Vancouver, British Columbia, in 1963.

Dr. Hepworth served as chairman of the board of the Trade Health Committee in Vancouver, as well as a member of government health committees. He left Vancouver in 1976 and now practices urology in Memphis, Tenn.

With this background, plus having authored a number of articles on national health insurance, Dr. Hepworth is eminently qualified to speak on the topic of socialized medicine. Following is a talk entitled "Some Evil Aspects of Socialized National Health Insurance," which was presented by Dr. Hepworth at the Doctor's Hospital of Memphis on June 9, 1977:

REMARKS BY DR. R. GORDON HEPWORTH

National Health Insurance is a topic which in its enormity is not even surpassed by the whole field of foreign affairs. By that, I mean to say that the costs of National Health Insurance, in any country where a so-called comprehensive program has been introduced, have surpassed the amount spent in foreign diplomacy.

GREAT BRITAIN

I would like first to trace for you briefly the development of Socialized Health Services in Great Britain. The largest factors initially were the remuneration of physicians and the financial support of hospitals. The ultimate disposition of health care for the individual was developed by the introduction of a capitation fee for family practice. The general practitioner was paid so much per person per month whether the person became ill or not. Such a group is still referred to as the "panel." If the group was generally healthy, then the physician's work load was light and his income good. If the group generally suffered ill-health, the physician's work load was heavy and he worked hard for his money. The geographic distributions of a practice thus influenced the work load so ultimately it became necessary that physicians be *directed* to work in less attractive areas. Such a system was influenced by the establishment of local Practice Committees who,

composed of lay personnel, selected doctors for certain areas. A doctor could have between 1,500 and 2,000 individuals on his panel. The average G.P. would see up to 120 patients at the office in a day as well as do up to 60 house calls. Anyone with suspected major illness was referred to the hospital outpatient or emergency department.

Emergency service was and is immediate. The patient is usually seen in emergency by a second year house officer—a senior intern or junior resident—who determines admission is necessary or denies admission. The patient is then admitted under the acute surgeon of the day and a member of his staff, from intern to senior resident, will determine treatment. Most of the emergency surgery or medical treatment is done by the senior intern or resident and checked by the appropriate specialist the next day. The specialist himself will do a number of elective cases during the week; he will make rounds possibly two to three times a week and delegate the majority of pre and post-operative care to his junior staff.

Whilst such a system is mechanically efficient, it leaves the patient with no choice of doctor above and beyond his general practitioner. It is a cold, impersonal system which works. Specialists are usually salaried part-time, so many half-days per week. I would like to add that very wide experience is gained by those in training under such a program.

The financing of hospitals was another matter. Since this became a total responsibility of government and many small hospitals were downgraded to convalescent status at the outset, it rapidly became a problem of shortage of beds. Since few hospitals or beds have been constructed, waiting lists have grown in length. There was a proliferation of administrators, specialists were appointed by the allocation of so many beds per specialist in many centers. One result of this policy was, for example, in 1954 there were four urologists to serve the City of Leeds having a population of some two million people and only one thousand acute care beds available in the city. Just over a year ago, I investigated two areas of Great Britain. In London the average waiting list for a hospital bed, for elective surgery, was four to five years. In Cardiff outpatients were on a waiting list for diagnostic X-rays, for example, G.I. tract, barium enema or I.V.P.'s for six to seven months.

During this period the costs of these services have risen astronomically high as to totally permanently damage the British economy, and taxation is one of the highest in the world. On a very high income earned, it is entirely possible for taxation to run as high as 90% of net income. There is also massive indirect taxation. It is true to say that no one in Great Britain is denied health services; patients may have to wait up to seven years for it, but it is not a direct cost to the individual. In fact, waiting for a bed has become so long that almost 40% of the population is now involved in the purchase of private insurance, the cost, of course, is individual and voluntary and is above the cost of the National Health Insurance. National Health Insurance is financed out of taxes. Private insurance entitles the purchaser to a bed in a private nursing home and helps pay the physician's fee.

The Labour government has threatened to close these private hospitals but has been unable to do so because of their contribution to the overall picture.

CANADA

Canada firmly resolved to avoid the pitfalls of the British system and set about the introduction of a socialized National Health Insurance Plan in 1968.

Arguments for the introduction of such a scheme were the high cost of health care to the individual, denial of health services to the underprivileged and the elimination of a double standard of care. Even the indigent should be entitled to equivalent health care to the rich. The principles established by the government were that the scheme be universal, that it be comprehensive, that it be portable coverage from province to province and that there be no deductible. To satisfy physicians demands and avoid the obvious evils of a capitation fee, the fee for service principle was to be preserved in the scheme. It was also determined that costs would be shared on a Federal-Provincial cost sharing formula.

Where hospitalization was involved, it was initially set up so that patients were admitted to hospital for one dollar a day. That cost covered all meals, X-Rays, treatments, medications, tests—in fact all but physician's services. These were initially covered by three private insurance companies. The Medical Association of British Columbia signed an agreement on behalf of all physicians to accept as payment in full the amount these companies would pay for each physician procedure. The physicians were allowed to set their own fee schedule on the basis they would allow company representatives to participate and also there was to be an annual increase in fees tied to the cost of living index.

This sounded so much like a good scheme it was supported by the doctors and I personally received much criticism from colleagues when I said that within ten years these companies would be taken over by the government and that we had all been sold down the river by the President of our own association. In fact, I felt we would be forced to negotiate our fee schedule with the government.

In three years the government of British Columbia set up the British Columbia Medical Plan in competition with the other companies and five years after the initial agreement was signed with these companies, the companies were absorbed by the British Columbia Medical Plan and all fee increases were frozen by the government. It was easy for them to do this because first they published the gross income of all doctors in the newspapers and started a publicity campaign condemning those "fat cats" of the profession.

From that day all negotiations of contracts for the profession had to be carried out directly with the government. They then resorted to another tactic. They told the medical association that "X" number of dollars total were available and told the doctors to divide it up as they wished. This set family practitioners warring with internists so that soon the profession was fragmented and colleagues were sniping at each other over fees and the fee schedule.

Because of the moratorium on increases and because of holding down the "abysmal" cost of medical services as the government called the situation, physician's increases did not equal the increased cost of living over some four years of negotiations. No wonder that today a prostatectomy in B.C. is worth $275, a cystoscopy $25, and hospital visit $5, an appendectomy $125, and medical consultation including blood work some $35.

The doctor here will realize that to compete in a socialist economy with other workers, all of whom are unionized, it is essential to do a volume practice. For example, a lumberman cutting down trees for a living, earned in a five month period some $20,000 working an 8 to 10 hour day—hard manual labor with no college background. For the balance of the year he could moonlight earning some $15–20,000 in six months, producing a net taxable income of $35–$40,000. The average taxable income of a general practitioner in B.C. working 10 to 12 hours daily with 2–3 weeks holiday per year was $35–$40,000—and this following a six or seven year training period.

The real point is that to live comfortably like a lumberman may, it is necessary to process a volume of patients. This brings me once again to care. I found it personally unsatisfactory to do five or six surgical cases daily five days a week and see ten to fifteen patients in the office each afternoon. I do not say these people did not get good care or good service, but it is a type of care where the patient becomes a number instead of an individual, and to me such service leaves much to be desired from the patient's viewpoint.

Let me turn for a moment to financing of the British Columbia Medical Plan set up to pay physicians. A family would pay about $110–120 per quarter premium for total coverage of all services. In the case of a unionized employee, the employer would be required to furnish half the cost and the other half (the employee's half) would be handled as a payroll deduction.

This does not totally finance the plan. Some of the money comes from general taxation.

It is a simple fact that the day the President of the Medical Association signed an agreement with initially the plans, and subsequently the government, he inserted into the situation a third party, so that the patient was no longer responsible for his own bill. The responsibility fell upon the government. Some doctors decided to extra-bill patients for the amount they felt they were not getting paid for additional or exceptional services. The government's first reaction was to require that such billing must be agreed upon by patient and doctor prior to the service and that agreement must be given in writing. Subsequently, the government legislated extra billing as illegal for participants in the medicare scheme.

You may argue that physicians could well handle this problem by refusing to be in the scheme and this is true. Let me tell you that when the British scheme came into effect in 1946 over 70% of doctors said they would opt out. The day after the legislation passed the House of Commons and Lords and became law, less than 10% opted out. In Canada some 30% said they would not join the scheme—less than 2% stayed outside. In my experience doctors are unreliable when it comes to presenting a united front. Also, Medical Associations are often filled with pseudo-politicians. For example, in Great Britain one of the Association's negotiators became a government employee shortly after the plan was effected and a similar thing happened in Canada.

HOSPITAL SERVICES

Let me turn for one moment to the results of socialization of hospital services. First, almost all voluntary aid ceased as people felt funding of hospitals was a government matter. The $1 a day fee cost more to collect than the income it generated, and in fact a recent increase to $4 a day in B.C. still does not pay for the clerks and administrative personnel required to collect it. The hospital is funded for new construction one third by the federal government and two thirds by the provincial. New equipment is on a local community one third cost with two thirds being supplied by the provincial government. In practical terms what does this mean? Say the surgeons want new equipment, it first must be voted on and passed by the equipment committee of the medical staff, next it is subject to veto by the O.R. supervisor, next it is subject

to veto by the hospital administrator and finally it is subject to cut backs by the provincial government. Therefore you can plan on receiving 25% of requested equipment.

The hospitals are said to have maintained their voluntary status. It is true they are run by local boards. But since these boards are subject to total fiscal control by the provincial government, their power is very limited. In fact, the government uses them as a political buffer in case of public criticism of hospital policy.

How are the hospitals financed? There is a 5% sales tax in the province and the rest comes from general taxation. Today, in Canada better than 25% of the gross national product goes into health care.

In Ontario 29% of the provincial budget also goes into health care. Since 1972 Ontario's spending on health insurance has risen 101%, whilst the population has risen only 10% and total provincial revenue 79%.

There is no question that so called "free" medical care generates work. The volume of medical claims increased 60% in 5 years with a population growth of 6%. Patients will go to a doctor to treat minor ailments they would previously have treated at home.

Because of increased costs, because of government control, the pressure has been for fewer beds. Patients in Canada wait 6–10 weeks for elective surgery or elective medical investigation. One way for a government to cut costs is to keep down hospital expenses.

SUMMARY

Let me then summarize for you the advent of socialized National Health Insurance and its effects, for both are predictable. First, the politicians determine there is a need on the basis so many are unable to afford health care, on the basis it is too costly for those who can afford it and on the basis that no one, be it doctor or hospital, should profit from ill-health. Second, they offer to the public a "free" health service. They ask would you prefer to voluntarily pay a premium or have a payroll deduction and the answer is always an option for a payroll deduction. Thirdly, they point to existing services as being profiteering and encourage the spreading of stories about excessive fees by doctors and even hospitals. Fourthly, they insidiously invade the private sector by coverage of indigents, welfare cases and the elderly, by control where it can be exerted like the control of hospital costs. Fifthly, they point to, or allege, dishonesty in dealings by health care personnel or hospitals with governmental fiscal agencies and give widespread publicity to this. It does not matter if it is subsequently proven dishonest, for the damage has already been done. Finally, they legislate on behalf of the people universal coverage without telling the true costs. Often initial income for health personnel is high as an incentive to support the scheme, but ultimately it is utterly and invariably lower, because increases never come when they are promised and may never come at all.

Out of all this comes increased employment for there have to be administrators, clerks and accountants both at federal and provincial levels and they have to be in large numbers establishing a giant bureaucracy financed out of health care costs. The costs for administration are enormous, much more than any comparable private insurance company.

What of the services? They suffer most of all. Patient care becomes impersonal, work load increases, receipts for health workers and hospitals go down. Beds, equipment and services generally have to be curtailed. Waiting lists develop at hospitals. There is quantity care but no quality. Doctor's office procedures are downgraded for the government refuses payment so such work load is thrown into the hospitals.

In every country where there has been introduced Socialized National Health Insurance, the costs of health care have escalated, taxes have become exteremely high, hospital waiting lists have developed and the quality of care has deteriorated.

In the event of the implementation of such a scheme, the most important single thing for the doctor to remember is that he must preserve the fiscal relationship with his patient and must never accept an overall situation where a third party becomes responsible for the patient's account.

I realize tonight I am preaching the converted. I believe it is important for each one of us to do homework, to be knowledgeable about National Health Insurance, and to go out and tell the truth about it to the public. Members of this profession have too often buried their heads in the sand and this is no time for Osterich disease.

THE B–1 BOMBER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. DORNAN. Mr. Speaker, I wish to submit for the RECORD a copy of a recently conducted interview with Mr. John W. R. Taylor regarding the B–1 bomber. "The Guardian of Liberty." It has appeared in numerous aerospace publications. I want it to have the broader circulation afforded by the CONGRESSIONAL RECORD.

Mr. Taylor is the third editor of "Jane's All the World's Aircraft" which is published in London. "Jane's" is universally recognized as one of the foremost publications on every type of military and civilian aircraft, space vehicle, and aerospace engine used in the world today, as well as more specialized air vehicles such as gliders and lighter-than-air balloons and airships. "Jane's" reputation for thoroughness and objectivity in evaluating these aircraft remains untainted. In the aviation community, once the information is printed in "Jane's"—it is believed.

Mr. Taylor makes some valuable contributions to the debate over the B–1 bomber as it regards the overall military capabilities of the United States and the Soviet Union. I invite my colleagues to read this incisive interview. I plead with my colleagues to do so:

THE B–1 BOMBER

John W. R. Taylor is only the third editor that the prestigious "Jane's All the World's Aircraft" has had in its 69-year history. The book was started in 1909 by Fred T. Jane, the son of the clergyman and the publisher of the fledgling "Jane's All the World's Ships."

The latest edition of "Jane's All the World's Aircraft" contains some one-and-a-half million words and 1,500 illustrations.

The facts and specifications for the book are gathered by a staff of researchers in London and then personally verified, item by item, by Taylor himself during a grueling, May-through-December schedule of 16-hour days.

The sources Taylor relies on for much of his information are closely-held secrets.

A short, scholarly looking gentleman, described by one acquaintance as "a stereotype of the English Colonel just back from a tour in India," he comes well equipped for his job.

A journalist and a former technical public relations man for an aircraft company, he began his career as an aircraft designer under Hawker-Siddeley's famous World War II-era designer, Sir Sidney Camm.

At the age of 20, after giving up his studies as an architect, Taylor was immersed in designing and building the planes that kept the Germans at bay during the Battle of Britain.

Although he has never flown an airplane, there is little he doesn't know about what makes one tick; and more importantly, how good they are at their job.

He gives high marks to both the B–1 and the Soviet bomber, the "Backfire."

In the preface to the latest edition of Jane's, he called the B–1 the "wholly essential and uniquely flexible counterpart" to the Backfire.

To find out more about his feeling toward the B–1, the Backfire and the strategic balance between the world's superpowers, we went to London to talk to him.

Following are excerpts from that interview:

Interviewer: Do you think America and Russia are evenly mtached now?

Taylor: I think probably, at the moment, they are very evenly matched in terms of big weapons. If they ever start dropping these things on each other, they would wipe out life. It would be stupid. But you have to look several levels below that and look at what is likely or what is possible. And the possibility obviously is a confrontation in the middle of Europe. And here the Russians are building up every advantage. One thing they didn't have for years was a helicopter, like the one the U.S. uses that can dash in and shoot up everything in sight. Well, they've got the Mi–24 now, one version of which not only carries a squad of eight soldiers, but four anti-tank missiles and 128 rockets. Another version is a specialized gun ship, with much the same armament plus "see-in-the-dark" sensors that give it day and night all-weather capabilities.

They've got these things situated in batches at the north and south end of the front in Europe; the idea being that if there is a confrontation of any sort, these helicopters will slip around behind NATO lines, put down their troops, and shoot up everything in sight. This is something they didn't have before. They also have a new fighter-bomber, which NATO calls Sencer, a tactical aircraft in the F–111 class. This is a very formidable weapon. Quite simply, in Central Europe, they are building up an extremely strong, tactical, conventional air force. If you've got only a maximum nuclear level, it means that anytime anything happens, you're going to have to start using those things. But you really don't want to. So you have got to have methods of retaliation at every level, whatever the other side does. Besides problems in Central Europe, the Russians could try a low key conventional, tactical nuclear weapons attack on any spot; very low key, much lower than slamming a thousand MIRVed missiles into America. They might decide to send over three or four Backfires with three or four convetional bombs and say "we have this capability and what are you going to do about it?" Would you immediately slam back with a thousand nuclear warhead missiles? Not if you've got any sense. But what are you going to do? You can't fly five B–1's back at them because at the moment you haven't got five B–1's. You've always got to be able to retaliate at a similar level. If you ever have to fight a war, you have to be able to fight it at any level, but be better at it. The B–1 can make

you that much better. It's so much a better airplane than the Backfire.

Interviewer: But the Russians claim that the Backfire is only a tactical bomber, that it is not in same class as the B–1.

Taylor: There are quite a few fellows who actually believe that. But I don't believe that. This plane will attack anywhere in America, except parts of Florida, with one flight refueling. Or it can attack anywhere in America without a flight refueling if it lands in Cuba. I call that a strategic aircraft. But what is a strategic aircraft? Is it one that bombs only America from Russia or vice versa? What about one that bombs England from East Germany? It sure looks strategic to us. If it were based at the London airport, that wouldn't make it an airliner. Merely calling it tactical aircraft doesn't make it so. I go wild when I hear people putting forward this idea just to get a SALT agreement at any cost. It's just not valid.

Interviewer: In the preface to the 1976 edition of "Jane's" you said that the U.S. should build the B–1. Why do you think it is necessary?

Taylor: I'm enthusiastic about the B–1. I believe that we've kept the peace now for 30 years by being strong ourselves and by having the other side be strong too, so that there is a balance. The essential thing in the world is to maintain this balance. I don't want to see America overwhelmingly stronger than Soviet Russia or Russia overwhelmingly stronger than America. I want to see a balance on both sides that is maintained. I think that if either side is immensely stronger than the other, they might be tempted to do something silly. Anyone with a big enough stick could look at the other side and say "let's have a good slosh now and get it over with before he gets a big stick too." I'm not interested in fighting wars. I'm interested in preventing them.

Interviewer: How do the Chinese fit into the strategic balance picture?

Taylor: Regrettably, the Chinese seem quite convinced that the Russians are hostile. They are utterly convinced that if they fight the Russians, we are going to be on their side, and they are quite convinced they have got to fight the Russians. It's ideological—no more than that—but they seem obsessed by it. I think we've got to get this idea out of their minds. It's deadly frightening. And it could happen anywhere, in Africa, the Middle East. It needn't be in their own country.

Interviewer: So you think the battle ground would be . . .

Taylor: What is wrong with Armageddon? That's halfway between Russia and Africa, which Russia and China have been carving up between them in terms of influence. Interesting coincidence, isn't it? But I see this as a much greater danger than America against Russia, because you two are too strong, too powerful. I can't see an all-out nuclear war between you two. We could only see a war between America and Russia if one of you became too strong.

Interviewer: If the Chinese are so certain that there will be a war with Russia, why don't the Russians preempt them. They are much stronger.

Taylor: I don't know. I don't think the Russians want a war quite honestly.

Interviewer: How do you feel about the level of military power that exists today?

Taylor: As I said, it's necessary to have a balance. Why, if I were sitting in a room with four Russians and you had 100 B–1's while they had no Backfires, I would say "you're stupid cafs; you should be building them". You see, you've got to keep this balance. But when we've got balanced forces, then we can start talking about SALT and start scaling them down to something sensible, get them down to a level that people can afford, never too low though. This is the danger, you must not scale down too far. The moment you get rid of all of your nuclear weapons, you are sunk. In terms of manpower and conventional weapons, the other side has the permanent advantage. Once we get back to steamroller warfare, we're sunk. They can out-number us in any field, and they really outnumber us in NATO versus the Warsaw Pact nations.

Interviewer: How bad of an imbalance is there?

Taylor: Well, the Warsaw Pact countries have two-and-a-half planes to every one of ours. You see, this is the point people often miss. When we replace one airplane with another, newer one that is, say four times better than the earlier one, we only buy one fourth as many. We may have a much better airplane, but we have fewer of them. The Russians replace their planes on a one-for-one basis. If they get rid of 20 MIG 17s, they replace them with 20 MIG-23s. Their strength goes up incredibly.

Interviewer: Are there any particular areas of the world where trouble could develop between the U.S. and Russia?

Taylor: I'd say the north of Norway or the Balkans. They could just nibble off the north of Norway, feeling as Hitler did when he invaded the Rhineland, that no one wants to get involved in a big shooting match over a small place. Would we go to war over the north of Norway? Or over the Balkans? I don't know. If the Russians start nibbling off the north of Norway, are you going to risk losing the whole of America over this? The north of Norway is very nice. It keeps watch on things coming down around the North Cape and on to the Azores, but it isn't worth losing 60 million Americans to keep it.

Interviewer: So where do we draw the line?

Taylor: What we've got to do is match them on whatever level they want to start anything. Be strong. Make it clear that whatever anyone nibbles off anything or tries to nibble off anything or attacks anything, we'll do some thing about it. Regrettably, I'd say at the moment we have a number of examples of where a country has attacked another country and occupied an area, and kept it. We've got to prevent that.

Interviewer: If the Russians were to send the Backfire against the United States, would there be much chance of intercepting it?

Taylor: Well, you have nothing at all really to counter it. Look at your North American Aerospace Defense Command. You have 315 Delta Darts. That's a 20-year old aircraft. You have no surface-to-air missiles. You disbanded the lot. Your home defenses have been run right down. You have no defense against an aircraft that can go Mach 2.2 over the target—the Backfire—with a very nasty missile. Now one thing the Russians have achieved with their missiles is a high degree of accuracy. I can't talk about what the Backfire carries because it's classified. But what it does carry is a very potent and a very accurate weapon. Just imagine 50 Backfires each with one of these missiles attacking 50 American cities. I consider this a tremendous threat personally. I think that to laugh it off because they've only got 50 or 60 of these planes and they really don't look too big, is ridiculous. It is a nasty thing to have on the other side, especially if you've got no defenses. On the other hand, the Russians have 2,600 fighters defending their country and 12,000 missiles on 10,000 launchers. They still believe that air defense is necessary. They still believe a strategic bomber is necessary.

Interviewer: Do you think the B–1 can penetrate their defenses?

Taylor: Yes, I would think so. It's not really threatened now by anything they have in their inventory. To do that they would need an effective Airborne Warning And Control System (AWACS) which they haven't got. There are only three AWACS in the world. Yours, the E–3A AWACS, which will detect anything over land and sea at any time. It's almost perfect. And your Hawkeye which used to be extremely good over water, but not much good over land, although now it's a good deal better over land, but it's got a short range. The Russians have their Tu–126, Moss, as NATO calls it, which has no capability whatsoever over land and very little over water. So at the moment, they are lacking the aircraft they need to detect the B–1 coming in. They need an AWACS to pick up the plane coming in and a fighter with a downward-looking radar and a snap-down missile. Although America has this, the Russians are still several years off. The B–1 will be an effective penetrator. I wouldn't want to try to stop it.

Interviewer: What about the alternatives that have been suggested for the B–1—cruise missiles launched from a standoff bomber such as the B–52 or a stretched version of the FB–111?

Taylor: I have great respect for the B–52. It's been a great airplane for its time, but it is 20 years old. As for the FB–111, it's not big enough in any way. No, it couldn't be done. It's not in the same class. You've got to have a big airplane to do a big job. But it will cost money. I'm always amused at how we Britons sit over here and spend your money just to keep us safe, but I do see it as being necessary. It is an essential airplane in our eyes. I don't see any alternative to the B–1. It will be our big stick as well as yours. And it will be the big stick of NATO as well. As I said earlier, I'm not interested in fighting wars, I'm interested in preventing them. The B–1 with its flexibility can help do that. You know, one nagging thought is growing now—the Russians believe that they could survive a nuclear war. They have a shelter building and an evacuation scheme. They feel a very high proportion of their population could survive a nuclear war, and come back in two years. Things would be back to normal in two years. A nuclear war would cost America a very high proportion of its population. So when you've got a nation that believes it can bounce back in two years and that a very high percentage of its people will live, you've got an entirely different situation building up. It makes the nuclear missile even less of a deterrent, not more. It would probably be better to have an aircraft that can provide a more flexible attack pattern.

Interviewer: What kind of flexibility would the B–1 provide to offset this belief of the Russians?

Taylor: Well, it's got several interesting features. For one thing, it's recallable. If you are threatening people and things begin to break down, and you push the buttons (to launch the missiles), why that's it, isn't it? But with the bomber, you can dispatch it and still have time to settle your differences while showing your resolve. And there's another thing to think about. There is a possibility—and it's only a possibility at the moment—that there will be an answer, a defense against the MIRVed warhead missile (a missile that carries more than one warhead) within the foreseeable future. The Russians are now playing with lasers and the Americans have brought down a couple of target drones. It's only a matter of time until we find a defense against these types of warheads. Now it may be that the flexibility of an airplane would be better in those circumstances. It might stand a better chance of getting through. It seems, too, that the fact a B–1 could launch a greater variety of weapons—it doesn't always have to use a megaton warhead—gives you much more flexibility, a much greater degree of freedom between an all-out strike or something scaled down. And a bit more time to change your mind.

Interviewer: Do you think the Russians are aiming for superiority in the arms race?

Taylor: Yes, I think they are aiming for superiority, but I'm not altogether convinced they are doing that to be aggressive. They may be doing it out of fear. When you look out from inside the Soviet Union, you're not just looking at one country, America. You're looking at a whole batch of other countries, all of which are pretty powerful. I know the old Lion is not what he was, but he's still got quite a bite at one end. And France still has quite a strong defense posture. It's not a weak country. It has 18 ballistic missiles, all pointed in the right direction and 32 nuclear bombers pointing in the right direction as well as its missile submarines.

Interviewer: What do you think about the opposition that has been raised to the B–1 in the U.S.?

Taylor: Most of it is due to the high cost. But really, I do not think the cost is the main consideration. It's a question of what it does for you. Does it keep you alive? What's it worth to stay alive? If there is anything else that will do the job less expensively, by all means build it. But, in this case, there just isn't anything else.

Interviewer: Can you see any areas in which commercial aviation or other industries could benefit from the technology of the B–1?

Taylor: I'm sure there will be, but I don't know just what. Perhaps the blended wing-body concept might be applied to a supersonic airliner. But, again, I don't really think that's significant. You are building an airplane that's necessary for your defense. Why bother whether it's going to make washing machines or television better. You're not going to be here to use your washing machine anyway if you don't have the B–1. There's another false argument concerning the B–1 and it is one of the most stupid. One of the American newspapers quoted someone from the state of Illinois saying that the state would spend so much in taxes on the B–1 and they weren't going to get more than about a quarter of that back in contracts. So what? We've got counties in this country that have no aircraft production but they still paid their taxes before the Battle of Britain. And it's just as well they did, you know. We didn't say we weren't going to defend Wales because it doesn't build airplanes and won't pay any taxes toward them. This is stupid, it's a phony argument. You can produce many phony arguments on this sort of thing, but what matters is that you need an airplane to do a job, to keep you free, to keep you alive. If it's vital, you've just got to have it. There's no alternative. It's as simple as that.

Interviewer: Do you feel that the B–1 development program has been well-run?

Taylor: Of course. I would compare it to our Concorde. The Concorde's program has been absolutely outstanding. Now here's an airplane that has broken completely new ground and it's been the most trouble free program you could ever imagine. It's really been a fantastic program. And the same way, I think your program has been very well conducted. You haven't lost an airplane. You've got more hours than you were supposed to have at this point. This is good. One particular criticism—and I don't know how valid this is now—was at one point you were overweight, and might have to cut out a bomb bay. Well, so what. You've only got maybe 75,000 pounds of bombs left. This is dreadful. You can only drop 20 nuclear weapons rather than 24 or 28. So what? You can take out a country the size of Wales and Scotland with one airplane.

This is a powerful weapon of defense, but one we will probably never have to use if we have the foresight to build it in sufficient numbers.

SCIENTIFIC PROGRESS MUST BE CONTINUED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1977

Mr. FUQUA. Mr. Speaker, continued advancement of science and technology is an investment in the future of our Nation. We must not let this investment wither and die.

Emphasis certainly should be placed on the unlimited opportunities from practical utilization of our advanced scientific knowledge. However, at the same time we must give the freest possible rein to our creativity and imagination in initiating open-ended scientific investigation.

It is not easy to weigh the value of "undiscovered knowledge" and no one can ever guarantee success. But the odds are favorable only if we persevere. Without great men who persevered before us, we might still be living on a flat Earth.

To appreciate and understand the importance for America to continue to advance scientifically, there must be an informed American public. This is very skillfully done in two recent editorials in newspapers from my State of Florida.

One, the Tallahassee Democrat, is in the heart of my Second Congressional District in north Florida. The other is the Miami Herald, in south Florida.

I think this is significant because, although there are many differences of opinions, these editorials approach the issue in two very different ways. Both conclude with the same message: The need to continue a strong effort in basic scientific research.

The editorials are as follows:

[From the Tallahassee Democrat, June 11, 1977]

SCIENTIFIC PROGRESS MUST BE CONTINUED

A two-year study of the status of scientific progress in the country, conducted for the National Science Foundation, is encouraging in many respects. But there are some warning clouds on the horizon.

The study shows the U.S. continues to lead the world in scientific achievement. American science and technology were found to be generally strong, competitive and dynamic.

Some problems lurk on the horizon, however, and the study report enumerates some of these. Most of these problems are related to an apparent decline in what is called the scientific support system.

Research and laboratory facilities are becoming outdated, with less money available to support them. Long-term funding for basic research is becoming less certain. There is a shift away from basic research to applied and mission-oriented research. Not enough young scientists are being trained.

The decline in basic research seems to be the one thing that concerns the people conducting the study the most. They see this change in direction a foreboding trend.

Perhaps it is. Basic research concerns learning about nature and how things work. It adds to fundamental knowledge which often pays off in practical inventions and technology. Transistors and polio vaccines are given as examples of what can result from basic research.

There has been a strong momentum in America's basic research effort since the early 1960s. We felt we had to catch up after neglecting science for too many years. Some slow down should be expected. The danger is in slowing down too much.

There is no cause for alarm at the present. But the warning signals should not be ignored. In our modern world, science plays a significant role which shouldn't be neglected.

Perhaps the study for the National Science Foundation will help alert Americans to the need to continue a strong effort in both academic science and in basic research.

[From the Miami Herald, June 8, 1977]

DEAF EAR TURNED TO SCIENCE AS SPUTNIK'S WARNING FADES

In 1957 when the Russians put into orbit a sphere the size of a beachball called *sputnik* (more or less literally, "fellow traveler") the American public was dumbfounded. The Soviets had trumped our scientific ace, which was supposed to be world supremacy in research and development.

The country quickly mobilized to make scientific study and research the number one thing. Congress poured out money for years. Scientists immediately poured out sweat. The U.S. landing on the moon was the ultimate achievement.

The beep-beep of *sputnik* was first heard 20 years ago. At such a pace does time pass. Perhaps, however, we need a strong reminder as we contemplate the present.

It was noted recently that nothing much had happened in the field of U.S. electronic development, which was the byproduct of the lapsed space program in its intense form, since the mass production of the pocket calculator.

In basic research, though, the slowdown is more serious if less dramatic. A two-year study supported by the National Science Foundation (NSF) has gently rung an alarm with this conclusion:

"Although American science and technology remain generally strong, competitive and dynamic, sufficient warning signs of emerging problems have arisen to alert policy makers to ensure that these downward trends do not worsen."

In short, scientifically we're slipping. American know-how, a commodity, is not going where it was—ever upward.

The NSF study found the decline beginning at the end of the 1960s.

Research and laboratory facilities are becoming outmoded now with less support money. Not enough young scientists are being trained. And there has been a notable shift away from basic research to mission-oriented research.

Since the NSF was looking mainly at the universities, its observation that the "decline of supporting resources that are essential for the continual progress of university research" is particularly critcal.

Government support for research and development plant and equipment dropped from $126 million in 1965 to $29 million in 1974. It rose a little the next year but the trend has been pronounced. The 1975 national figure of $44 million for basic research may be compared with annual research grants to the University of Miami of about $40 million in all fields and the second largest in the South, to see how relatively small it has become.

We are no advocate, goodness knows, of big federal spending. It is clear, though, that the scientific genius fed by research grants in the last two decades and long identified with the United States is beginning to tarnish.

Another *sputnik* should not be needed to bring that talent back to life.

HOUSE OF REPRESENTATIVES—*Wednesday, June 22, 1977*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Walk as children of light for the fruit of light is found in all that is good and right and true.—Ephesians 5: 8, 9.

Almighty God, who dost reveal Thyself in endless ways, make our wandering minds receptive to Thy truth and our wayward hearts responsive to Thy love as we wait upon Thee. In this moment of prayer we pause to ask for guidance and strength as we step out into the unknown paths of a new day. We seek the sense of Thy presence which renews our spirits, restores our minds, refreshes our hearts, and makes us ready for our duties.

May this needy world with all its differences and divisions not blind us to the dawning of a new day of human brotherhood when people shall learn to live together in peace, with justice and good will in every heart. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4088) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6111. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

PETITION TO DISCHARGE HOUSE JOINT RESOLUTION 19, PROHIBITING USE OF FEDERAL FUNDS FOR BUSING STUDENTS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, last Thursday, 225 Members of the House voted in favor of the Mottl amendment to the Labor-HEW appropriations bill. The amendment would prohibit the use of Federal funds for busing students to any school other than the school nearest a student's residence.

This vote indicates that the majority of the House rejects busing as a means of realizing our commitment to equal educational opportunity for all young people. Now that the intolerable silence of the House on busing has been broken, it is time for the House to speak out.

On January 4, 1977, RON MOTTL introduced House Joint Resolution 19 to accomplish through constitutional amendment what the majority of the House sought to accomplish last Thursday through the appropriations process.

House Joint Resolution 19 has been ignored by the House Judiciary Committee. In order to bring it to the House floor for the consideration it deserves and requires, 190 Members have signed Discharge Petition No. 1. Only 28 additional signatures must be obtained to bring House Joint Resolution 19 to the floor. This morning, I am sending personal letters to each of the 225 supporters of the Mottl amendment commending those who have signed Discharge Petition No. 1 for their efforts to confront the busing issue, and urging those who have not signed the petition to do so.

RESOLUTION CONDEMNING THE CUTTING OFF OF MILITARY AID TO OUR FRIENDLY ALLY, NICARAGUA

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, as we begin discussions on foreign assistance programs I wish to include in the RECORD a resolution condemning the cutting off of military aid to Nicaragua passed by the Republican National Hispanic Assembly last week.

The resolution reads as follows:

RESOLUTION CONDEMNING THE CUTTING OFF OF MILITARY AID TO OUR FRIENDLY ALLY, NICARAGUA

By the Leadership Conference of the National Republican Hispanic Assembly of the United States in Las Vegas, Nevada, June 17, 1977

Be it resolved, that the Republican National Hispanic Assembly believes that the United States should acknowledge and strongly and unequivocally support its allies and the friendly nations that have proven such friendship and support over the years.

Be it further resolved, that historically, in recent decades, Nicaragua traditionally has been friendly and has voted and supported U.S. foreign policies in all international forums and has done much for the betterment and uplifting of the human welfare of its people within the framework of constitutional government and the two-party system which prevails in that country.

Be it further resolved, at this critical time when U.S. foreign policy is in such disarray, this Assembly expresses its disagreement with the recent action of the Appropriations Committee of the Congress of the United States in the cutting off of all military assistance programs to such proven friendly nations as Nicaragua, a country that offers great promise in uplifting the welfare of its people.

Be it further resolved, the Republican National Hispanic Assembly expresses its deep concern on the dangerous trend of the U.S. foreign policy toward Latin America, where the United States, against its best interests, has severed its relations with traditionally friendly allies by cutting off the military assistance programs to various friendly nations.

Be it further resolved that the Republican National Hispanic Assembly requests that all appropriate actions should be taken immediately by the Congress of the United States and the Carter Administration to re-establish all military assistance programs to the affected friendly nations in Latin America.

SENATE AMENDMENT TO H.R. 3695, REVISING GRANTS TO STATES FOR FACILITIES FOR CARE FOR ELIGIBLE VETERANS

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3695) to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities or furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "State Veterans' Home Assistance Improvement Act of 1977".

SEC. 2. Subchapter V of chapter 17 of title 38, United States Code, is amended by striking out section 644 in its entirety.

SEC. 3. Subchapter III of chapter 81 of title 38, United States Code, is amended by—

(1) amending section 5031(c) to read as follows:

"(c) The term 'construction' means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for any such buildings.";

(2) amending section 5031(d) to read as follows:

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a construction project, including architect fees, but excluding land acquisition costs.";

(3) amending section 5032 to read as follows:

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.";

(4) amending section 5033 to read as follows:

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes and meeting the requirements of this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.";

(5) amending section 5034(2) to read as follows:

"(2) General standards of construction, repair, and equipment for facilities constructed with assistance received under this subchapter.";

(6) striking out in section 5034(3) "nursing home";

(7) striking out in section 5035(a) "for furnishing nursing home care";

(8) amending section 5035(a)(4) by striking out "nursing home care to veterans" and inserting in lieu thereof "to veterans the level of care for which such application is made"; by striking out "10 per centum" and inserting in lieu thereof "25 per centum"; and by striking out "nursing home" and inserting in lieu thereof "such level of";

(9) amending section 5035(b)(3) to read as follows:

"(3) the application contains such reasonable assurances under subsection (a) of this section as the Administrator may determine to be necessary, and";

(10) inserting in section 5035(c) "notice and" after "applicant";

(11) amending section 5035(d) by inserting "(1)" before "Upon"; by striking out "requested with respect to such project in such application," and inserting in lieu thereof "so approved,"; and by inserting at the end of subsection (d) the following new paragraph:

(2) No one State may receive in any fiscal year in the aggregate under this subchapter more than one-third of the amount appropriated for carrying out this subchapter in such fiscal year.";

(12) striking out in section 5035(e) "approved application" and inserting in lieu thereof "application, whether or not approved,"; and

(13) amending section 5036 by striking out "of facilities for furnishing nursing home care"; by inserting immediately before the comma following the word "subchapter" where it first appears "(except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities)"; by striking out "nursing home care" where it appears the second time and inserting in lieu thereof "domiciliary, nursing home, or hospital care"; and by striking out "facilities," where it appears the third time and inserting in lieu thereof "construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter),".

SEC. 4. (a) The heading at the beginning of subchapter III of chapter 81 of title 38, United States Code, is amended by striking out "Nursing Home Care" and inserting in lieu thereof "Domiciliary, Nursing Home, and Hospital Care".

(b) The table of sections at the beginning of chapter 17 of such title, is amended by striking out

"644. Authorization of appropriations.".

(c) The table of sections at the beginning of the heading of subchapter III of chapter 81 of such title, is amended by striking out "NURSING HOME CARE" and inserting in lieu thereof "DOMICILIARY, NURSING HOME, AND HOSPITAL CARE".

SEC. 5 (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall be effective October 1, 1977.

(b)(1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code, and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification.

Mr. ROBERTS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I do not intend to object, but I take this time to ask the distinguished chairman, the gentleman from Texas, to explain this matter, and I yield to the gentleman from Texas for that purpose.

Mr. ROBERTS. Mr. Speaker, this bill passed the House on April 4. It is an administration proposal. The bill would expand and improve the current program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans. The House-passed bill increased by $5 million the annual authorization for grants to the States, increasing the authorization from $10 million to $15 million annually.

The Senate amendment contains the same authorization as that passed by the House.

The Senate amendment contains several technical amendments: however, there are only three minor substantive changes.

The proposed amendment would remove the 3-fiscal-year limitation on the availability of sums appropriated for the programs and substitute a provision which makes such funds available until expended.

In addition, it would increase the allowable nonveteran population receiving care in State home facilities from 10 to 25 percent in order to make appropriate allowances for veterans' spouses, surviving spouses, and surviving parents of servicemen who died in the line of duty.

Finally, the proposed amendment would provide that no more than one-third of the total amount appropriated for the program in any given fiscal year may be granted to any one State.

The principal thrust of this legislation is to encourage the 19 States that currently have no State veterans facilities to participate in this program and to encourage those currently participating in the program to update or modernize their facilities.

We have carefully reviewed the proposed amendment and find it acceptable.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I support the gentleman's unanimous consent request to concur with the Senate amendments to the bill H.R. 3695.

This bill, Mr. Speaker, was agreed to by this body on April 4 of this year. It combined the Federal grant program for remodeling State domiciliary homes and hospitals for veterans with the Federal grant program for constructing new veterans nursing homes. At the same time, the bill made eligible for Federal funds those States that wish to construct new veterans homes. Instead of $5 million annually for each program, the bill authorized $15 million for the two combined programs.

The Senate amendment, Mr. Speaker, would make several relatively minor changes in the House-passed bill.

It would increase the amount of Federal funds any one State may receive from 20 percent to one-third of the total amount appropriated for the program in that fiscal year.

It would lower from 20 years to 7 years the period during which the Federal Government could recover its investment if the State facility is not used for its intended purpose.

It will increase from 10 percent to 25 percent the limitation on nonveteran admissions to State nursing homes, hospitals, or domiciliaries, thus permitting spouses and widows of eligible veterans and Gold Star Mothers to be admitted in greater numbers.

It would remove the 3-year limitation on the availability of unexpended funds and permit the availability of funds for the intended purpose until expended.

These amendments, Mr. Speaker, will not alter the basic thrust of the House-passed bill. A number of States that do not presently operate State veterans homes and are interested in constructing them, including my own State of Arkansas, will be able to qualify for Federal grants under this program.

I shall support the gentleman's request and urge that it be approved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7797, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT, 1978

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 649 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 649

Resolved, That during the consideration of the bill (H.R. 7797) making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived: beginning on page 2, line 8 through page 3, line 11; beginning on page 3, line 17 through page 5, line 7; beginning on page 5, line 17

through page 6, line 13; beginning on page 7, line 11 through page 8, line 15; beginning on page 9, lines 1 through 25; beginning on page 13, line 9 through page 14, line 18; beginning on page 15, lines 3 through 10; and beginning on page 15, line 20 through page 16, line 19; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 5, line 17 through page 6, line 13; and beginning on page 9, lines 1 through 11.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, the rule as read is a routine rule. It waives certain points of order on the appropriation bill made necessary because of the fact that authorizations have not become law. It also waives one or two reappropriations. This is the reappropriation of nonexpended balances made available for use in the future.

There was no controversy before the Committee on Rules concerning the rule. Of course, the matter that the rule makes in order is very controversial; but I urge adoption of the rule, in order that we can proceed to debate the provisions of the foreign assistance appropriation bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statement just made by the gentleman from Missouri. I would like to point out that this bill appropriates a total of $7,046,454,000, which is an increase of $1,449,957,000 over the amount appropriated last year. To put this amount in perspective, Mr. Speaker, this is the largest foreign aid bill since 1952, when post war reconstruction was under way following World War II. Not only is this the largest bill in over 25 years, Mr. Speaker, but the largest part of the increase over 1977 is for international financial institutions. This bill appropriates $2,123,000,000 for these international financial institutions.

I hasten to point out when Congress makes these contributions to such institutions, we practically lose control of how the money is spent.

For example, one of these lending institutions, IDA, has in the past committed 40 percent of its loans to India. This money has been used for domestic programs, while they have been using their own money to buy weapons from the Soviet Union and to develop a nuclear capability. Many of the countries we provide bilateral aid to will receive tremendous increases. For example, the Dominican Republic will get 16 times the fiscal year 1977 level. How will they be able to administer such an increase in these countries?

While our bilateral program—over which we exercise some control—is being increased by one-fifth over fiscal year 1975, our contributions to the multilateral banks—over which we have no control—will have doubled during the same period of time.

This year's budget request of $7.6 billion is the first step in plans to double our foreign aid program over the next 5 years. In the meantime, we are supposed to balance the budget, Mr. Speaker. As a member of the Budget Committee, I ask how we are going to balance the budget, if we are going to increase our "give-away" bill alone by $1.5 billion in one single year. As I indicated the other day, that promise by the President to balance the budget by fiscal year 1981 is one promise I hope to help him keep, and certainly today I am going to be voting against this legislation on final passage as a move in that direction.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I just say to the gentleman that I think it is a confession of the bankruptcy of the budget system when the gentleman from Missouri was able to stand here a moment ago and say that this is a routine rule. The fact of the matter is that all year long we have been passing rules that waive the rule against having appropriations without authorization bills. We have before us a piece of legislation that should require prior legislative action on fundamental foreign policy questions before we address the dollar amounts. This is such a bill.

I just point to one example. The bill restores a number of programs and a great deal of money for international organizations that the House cut out a few weeks ago in the Lott amendment. I must confess, reading as I have every page of the report, that there is little justification for a number of programs that are unauthorized in law. In fact, one is the $100 million for the Southern Africa Fund.

Procedurally I believe we certainly have a right to expect the authorizing committees in both Houses to act before we address a multibillion dollar bill such as this. While the gentleman from Missouri is correct, it has now become routine, that does not make it right, and I would suspect that we ought to probably put this bill off until such time as we have acted finally on the authorizing legislation.

Mr. LATTA. I thank the gentleman for his comments, but I might point out that under the procedure outlined in the Budget Act, there is not any other way we can pass this legislation. We do have certain time schedules to meet under the Budget Act, and perhaps those time schedules in the future will have to be amended to do what the gentleman would like to see done.

I, for one, would like to see our authorization bills come forward in regular fashion, be passed, and signed into law before the appropriation bills come to the floor, but in this case there is no way we can do that. As a consequence, we must ask for these waivers. I am supporting the rule, even though I oppose the bill, just to expedite the business of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 41, not voting 43, as follows:

[Roll No. 360]

YEAS—349

Addabbo	de la Garza	Hyde
Akaka	Delaney	Jacobs
Alexander	Dellums	Jeffords
Ammerman	Derrick	Jenkins
Anderson, Calif.	Derwinski	Jenrette
Anderson, Ill.	Dicks	Johnson, Calif.
Andrews, N. Dak.	Dodd	Johnson, Colo.
Annunzio	Dornan	Jones, Tenn.
Applegate	Downey	Jordan
Archer	Drinan	Kasten
Armstrong	Duncan, Oreg.	Kastenmeier
Ashley	Duncan, Tenn.	Kazen
Aspin	Early	Kelly
AuCoin	Edgar	Kemp
Barnard	Edwards, Ala.	Keys
Baucus	Edwards, Calif.	Kildee
Beard, R.I.	Eilberg	Kindness
Beard, Tenn.	Emery	Koch
Bedell	English	Kostmayer
Benjamin	Erlenborn	Krebs
Bennett	Ertel	Krueger
Biaggi	Evans, Del.	LaFalce
Bingham	Evans, Ga.	Lagomarsino
Blanchard	Evans, Ind.	Latta
Blouin	Fary	Le Fante
Boggs	Fascell	Leach
Boland	Fenwick	Lederer
Bolling	Findley	Leggett
Bonior	Fish	Lehman
Bowen	Fithian	Lent
Brademas	Flood	Levitas
Breaux	Florio	Lloyd, Calif.
Breckinridge	Flowers	Lloyd, Tenn.
Brinkley	Foley	Long, Md.
Brodhead	Ford, Mich.	Luken
Brooks	Ford, Tenn.	Lundine
Broomfield	Forsythe	McClory
Brown, Calif.	Fountain	McCormack
Brown, Mich.	Fowler	McDade
Broyhill	Fraser	McEwen
Burgener	Frenzel	McFall
Burke, Calif.	Frey	McKay
Burke, Fla.	Fuqua	Madigan
Burleson, Tex.	Gammage	Maguire
Burlison, Mo.	Gaydos	Mahon
Burton, John	Gephardt	Mann
Burton, Phillip	Gibbons	Markey
Butler	Gilman	Marks
Byron	Ginn	Marlenee
Caputo	Glickman	Marriott
Carney	Goldwater	Martin
Carr	Gonzalez	Mathis
Carter	Goodling	Mattox
Cavanaugh	Gore	Mazzoli
Cederberg	Gradison	Meeds
Chappell	Gudger	Metcalfe
Chisholm	Guyer	Meyner
Clausen, Don H.	Hagedorn	Mikulski
Clay	Hall	Mikva
Cleveland	Hamilton	Milford
Cochran	Hanley	Miller, Calif.
Cohen	Hannaford	Miller, Ohio
Coleman	Harkin	Mineta
Conable	Harrington	Minish
Conte	Harris	Mitchell, Md.
Corcoran	Hawkins	Mitchell, N.Y.
Corman	Heckler	Moakley
Cornell	Hefner	Moffett
Cornwell	Heftel	Mollohan
Cotter	Hightower	Moore
Cunningham	Holland	Moorhead, Calif.
D'Amours	Hollenbeck	Moorhead, Pa.
Daniel, Dan	Holt	Mottl
Daniel, R. W.	Holtzman	Murphy, Ill.
Danielson	Horton	Murphy, N.Y.
Davis	Howard	Murphy, Pa.
	Hubbard	Murtha
	Huckaby	Myers, Gary
	Hughes	

Myers, Michael	Roybal	Traxler
Myers, Ind.	Rudd	Treen
Natcher	Runnels	Trible
Neal	Ruppe	Tsongas
Nedzi	Russo	Tucker
Nichols	Ryan	Udall
Nolan	Santini	Ullman
Nowak	Sarasin	Van Deerlin
O'Brien	Satterfield	Vander Jagt
Oakar	Sawyer	Vanik
Oberstar	Scheuer	Vento
Obey	Schroeder	Waggonner
Patten	Schulze	Wagren
Patterson	Sebelius	Walker
Pattison	Seiberling	Walsh
Pease	Sharp	Wampler
Perkins	Shipley	Weaver
Pettis	Shuster	Weiss
Pike	Sikes	White
Preyer	Simon	Whitehurst
Price	Sisk	Whitley
Pritchard	Skelton	Wiggins
Pursell	Slack	Wilson, Bob
Quie	Smith, Iowa	Wilson, C. H.
Rahall	Spellman	Wilson, Tex.
Railsback	St Germain	Winn
Rangel	Stangeland	Wirth
Regula	Stanton	Wolff
Reuss	Stark	Wright
Rhodes	Steed	Wydler
Richmond	Steers	Wylie
Rinaldo	Stockman	Yates
Roberts	Stokes	Yatron
Robinson	Stratton	Young, Fla.
Rodino	Studds	Young, Mo.
Rogers	Stump	Young, Tex.
Roncalio	Thompson	Zablocki
Rooney	Thone	Zeferetti
Rose	Thornton	

NAYS—41

Abdnor	Grassley	Ottinger
Allen	Hammer-schmidt	Quayle
Ashbrook		Quillen
Bafalis	Hansen	Risenhoover
Bauman	Harsha	Rousselot
Bevill	Ichord	Smith, Nebr.
Brown, Ohio	Jones, N.C.	Snyder
Clawson, Del	Jones, Okla.	Spence
Collins, Tex.	Ketchum	Steiger
Crane	Lott	Symms
Devine	Lujan	Taylor
Dickinson	McDonald	Volkmer
Edwards, Okla.	Michel	Watkins
Flynt	Montgomery	Whitten

NOT VOTING—43

Ambro	Eckhardt	Pickle
Andrews, N.C.	Evans, Colo.	Poage
Badham	Fisher	Pressler
Badillo	Flippo	Roe
Baldus	Giaimo	Rosenthal
Beilenson	Hillis	Rostenkowski
Bonker	Ireland	Skubitz
Buchanan	Long, La.	Solarz
Burke, Mass.	McCloskey	Staggers
Collins, Ill.	McHugh	Teague
Conyers	McKinney	Waxman
Coughlin	Moss	Whalen
Dent	Nix	Young, Alaska
Diggs	Panetta	
Dingell	Pepper	

The Clerk announced the following pairs:

Mr. Pepper with Mr. Andrews of North Carolina.
Mr. Dent with Mr. Fisher.
Mr. Panetta with Mr. Hillis.
Mr. Nix with Mr. Rostenkowski.
Mr. McHugh with Mr. McCloskey.
Mr. Teague with Mr. Badham.
Mr. Waxman with Mr. Conyers.
Mr. Staggers with Mr. Bonker.
Mr. Rosenthal with Mr. Buchanan.
Mr. Ireland with Mr. Flippo.
Mr. Giaimo with Mr. Long of Louisiana.
Mr. Eckhardt with Mr. Whalen.
Mr. Badillo with Mr. Coughlin.
Mr. Baldus with Mr. Beilenson.
Mr. Burke of Massachusetts with Mr. Skubitz.
Mr. Evans of Colorado with Mr. Roe.
Mr. Ambro with Mr. Pressler.
Ms. Collins of Illinois with Mr. Solarz.
Mr. Diggs with Mr. Young of Alaska.
Mr. Moss with Mr. Pickle.
Mr. Dingell with Mr. McKinney.

Messrs. JONES of Oklahoma and BROWN of Ohio changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement: The Chair would hope that it would be the desire of this body to adjourn by 7 o'clock p.m. this evening.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1978

Mr. LONG of Maryland. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7797) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes; and pending that motion, I ask unanimous consent that general debate on the bill be limited not to exceed 1½ hours, one-half of the time to be controlled by the distinguished gentleman from Florida (Mr. YOUNG) and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7797, with Mr. KAZEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Maryland (Mr. LONG) will be recognized for 45 minutes, and the gentleman from Florida (Mr. YOUNG) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we submit, for the Members' consideration today, the foreign assistance and related programs appropriations bill for fiscal year 1978. First, I commend all the members of the subcommittee for their contributions, their hard work, and their cooperation in fashioning this difficult bill before us today—probably the most difficult job of balancing that I have seen since I have been in Congress.

I especially commend the gentleman from Florida, Mr. YOUNG, who is a very valuable ranking member and who has been a joy to work with.

The committee has held many hours of detailed hearings and has studied the requests with care. In presenting these requests, I am going to state the round numbers, because we get inundated with all of these odd amounts. I shall recommend that anybody who wants the exact amounts can look in our reports which are available to everyone. So if the Members will forgive me, I shall just give the general round amounts.

The committee recommends a total appropriation of $7 billion in this bill, a half billion dollars below the budget estimates, but $1,500,000,000 above the fiscal year 1977 appropriation level. The largest part of this increase over fiscal year 1977 can be attributed to the international financial institutions which account for $1 billion of this increase, or roughly two-thirds. A half billion dollars of the increase for the international banks is for callable capital for which the previous administration did not request an appropriation.

In response to the committee's request, however, the new administration did agree that Congress should be allowed to act on all capital increases and therefore transmitted a budget request for these callable capital amounts. Also, international banks, such as the World Bank and the International Finance Corp., which normally do not request funds on a regular basis, are asking for funds this year. In addition—and this is important—$300 million is recommended for a special balance of payments loan to Portugal, which also impacts on this increase over fiscal year 1977.

Many important subjects are addressed in the report. We have directed an effort to channel more funds, both bilateral and multilateral, into the areas of light capital technology with the idea of placing more aid directly to the poor and encouraging more self-development. The fact is, raising the level of life of the 1 to 2 billion people in the developing world is far beyond the resources of the United States even when aided by those other developed nations which from time to time choose to help.

We have also addressed the subject of human rights. The committee recommends the deletion of all military assistance, training and credit sales funds to Ethiopia, Nicaragua, and Uruguay; the deletion of military credit sales to Argentina, Brazil, El Salvador, and Guatemala—which incidentally declared that they did not want these credits—and the reduction of military assistance by $3 million, military training by $200,000 and military credit sales by $3 million to the Philippines. Incidentally, although the Philippines is an area of overriding security interest, the State Department indicated to me, personally, that was an acceptable cut. The committee proposes to monitor the progress made by the Administration in the entire human rights area during the coming year.

The committee also recommends the continued funding of the various Middle East programs which amount to about $2.3 billion. The United States has a vital stake in a peaceful resolution of the Middle East situation, which at the moment seems "touch and go."

The committee recommends an appropriation of $4.1 billion for activities

carried under title I of this bill which includes the basic economic and military grant assistance programs. This total includes but is not limited to $1 billion for the development assistance accounts such as food and nutrition, population planning, health, education and general technical assistance; one-quarter billion dollars for international organizations; $25 million for American schools and hospitals abroad, a very valuable program; $20 million for Italy relief assistance; $50 million for the Sahel development program; $39 million for narcotics control; $2.2 billion for security supporting assistance, which includes most of the Middle East funding and the southern African funding; and one-quarter billion dollars for military assistance and training.

Under title II of the bill, the committee recommends an appropriation of approximately two-thirds of a billion for military credit sales, a reduction of about $32 million below the budget request and about $23 million below the fiscal year 1977 appropriation level. The committee also addressed the need for the administration to reduce the amount of U.S. arms sold around the world and especially in the Middle East. Hopefully, international negotiations will be undertaken by the major arms suppliers to discuss a coordinated effort in reducing worldwide arms sales.

The committee also recommends an appropriation of approximately $2.3 billion for title III activities which includes $81 million for the Peace Corps, $53 million for migration and refugee aid, $10 million for the emergency refugee fund, and $2.1 billion for the international financial banks.

The breakdown of the international banks category includes the Asian Development Bank, $200 million, the Inter-American Development Bank, $523 million; the World Bank, $400 million; the International Finance Corporation, $40 million; the International Development Association, $950 million, and the African Development Fund, $10 million.

Lastly, the committee has recommended approval of the limitation request of approximately $5.5 billion for the Export-Import Bank. I recommend that all Members seeking greater detail read the report.

Mr. Chairman, I urge adoption of the bill.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I unfortunately heard this rule debated in the Committee on Rules yesterday. There were several things that came up while I was there on another matter that was disturbing to me.

Now, it is true that once we put money into these international banks, we lose all control of how they spend that money; is that true?

Mr. LONG of Maryland. That certainly is and it is an aspect that I am not very enthusiastic about. This is an administration program—one it very much wants. The Chair wanted a greater cut, but the majority of the subcommittee felt strongly that the new administration was entitled to the money to carry out its foreign policy.

Mr. CHARLES H. WILSON of California. Mr. Chairman, if the gentleman will yield further, there was discussion of at least one water project in Africa in which $50 million is being appropriated. Is that coming from one of the international banks or is that a direct appropriation to the country involved?

Mr. LONG of Maryland. That will be a direct appropriation; but other countries will also be contributing on their own. There would be bilateral contributions by various countries. Our line will total, it is expected, altogether $1.5 billion over the next 10 years.

Mr. CHARLES H. WILSON of California. About $1.5 billion?

Mr. LONG of Maryland. Yes; but this is not part of multilateral organizations and it is not all for water projects.

Mr. CHARLES H. WILSON of California. Are there any other projects.

Mr. LONG of Maryland. I think the Foreign Aid bill provides a small amount for various water projects.

Mr. CHARLES H. WILSON of California. We will agree it is rather peculiar. We have been asked not to fund some water projects here where we have drought conditions in our own country, yet we are starting an enormous program overseas in another country where a program is going to call for at least $1.5 billion. It does present quite a thought.

Mr. LONG of Maryland. Could I point out that probably the Public Works projects around the world are greater than the gentleman indicated; but this particular project is not only for water, it includes irrigation; the area has been afflicted with drought for a great many years, it also includes money for education, technical assistance and also to reduce some of the most terrifying diseases that anybody in the world has ever been affected with; river blindness, which affects many people. It is a familiar sight to see little boys walking older men around because they have lost their sight. That is standard.

Then there is sleeping sickness. Part of this money will go for programs to alleviate these diseases.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I thank the gentleman.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentleman from Maryland has referred to the Members of the Committee of the Whole to the report. I have read your report from cover to cover. It seems to me nowhere do I see any justification for what I deem to be a major change in policy regarding our Foreign Aid; that is, a shift from bilateral aid, over which the U.S. Government has some degree of control and direction and instead, moving toward multilateral lending institutions over which, as the gentleman's report indicates, we have virtually no control.

In fact, I gather the gentleman's committee could not get any official of these lending institutions to testify and could not get requested information; yet these fund officials get salaries higher than similar American officials.

Was there any testimony from any officer of the State Department or any U.S. Government official able to explain this fundamental foreign policy change? What justification did they give?

Mr. LONG of Maryland. Well, we have had some testimony on that. Let me point out that to some extent this big increase is a temporary bulge, or at least that is what we were so informed. In the recent past, we have not been asked to appropriate funds for several of these banks such as the World Bank and the International Finance Corp. It is expected the amount for these banks would go down, or so we were told.

However, then we hear over the media worldwide, and I think the President has also indicated to some people at the White House—I did not happen to be there—that we do hope in the future to increase the foreign aid program, especially the multilateral aspects of it.

Let me tell the gentleman from Maryland that as far as that shift goes, I feel very strongly that the American Congress should keep control over our foreign aid. I do not view with joy this movement towards the multilateral institutions, but let me point out that this is something the administration wanted, and a majority of the subcommittee felt strongly that a new administration needed the flexibility in order to carry out its foreign policy.

Mr. BAUMAN. What the gentleman is telling us is that in lieu of any major policy statement or testimony from, I would assume, at least the Secretary of State, which should have been made, there was only a discussion at the White House, and that was the basis on which this major change in policy was made?

Mr. LONG of Maryland. No, we were given testimony before the committee. I cannot say that it was in as much detail as perhaps the gentleman from Maryland would have preferred, but we were given explanations which, I suppose, satisfied the State Department even if it might not have satisfied the chairman of the committee.

Mr. BAUMAN. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman from Maryland and the ranking minority member of the committee for bringing in a bill which does represent a viable balance between a number of conflicting points of view. With regard to the point just made by the other gentleman from Maryland (Mr. BAUMAN) with regard to the increasing trend toward multilateral aid, I would point out that this is not a new trend. This is something that had developed during previous administrations.

A question arises as to the degree to which we should move in this direction, but I would point out that offsetting the lack of U.S. control over the ultimate

fate of these funds, we have to consider that the multilateral procedures reduce the U.S. annual contribution substantially and encourage the contribution of other nations which we would not otherwise be able to obtain in some of these situations. So, it would help us to achieve a goal of reduced U.S. financial involvement in these programs, which I am sure the other gentleman from Maryland (Mr. BAUMAN) would want to encourage in every way.

But, the point that I originally wished to comment on was the concern that the gentleman in the well has demonstrated, and the initiative he has taken in the area of light capital technology, to which he made passing reference. I want to commend him again for the language and the effort represented in this bill toward this kind of initiative, which I am personally convinced—and many other Members of the House are convinced—represents one of the most promising ways toward alleviating many of the developmental difficulties of the underdeveloped countries.

I want to pay special tribute to the very large contribution which the gentleman in the well, the gentleman from Maryland, has made in this area, and to point out to him, probably unnecessarily, that his initiative and influence has spread beyond the foreign aid area; that we now are paying more attention to light capital technology, or so-called appropriate technologies, in this country and in many other parts of the developed world as well. This is one of the areas which holds promise for solving many of the problems which are of deep concern to all of us in the Congress.

Mr. LONG of Maryland. Mr. Chairman, I want to thank the gentleman from California for his very generous remarks.

Let me point out that the gentleman, too, has been one of the stalwarts in this area, and his support for this type of program has been a very, very important factor. I want to even go beyond what the gentleman said. It is not only one of the chief hopes, it seems to me, for the development in the poor countries of the world, to many, it is the only hope. One billion to two billion people in this world are living under conditions which put one in a state of shock even to see, people living on the streets, who have no home at all.

If we devoted practically our entire budget to foreign development, in my opinion, we could not solve the development problems of those countries. So the work of raising up the poor countries, making the poor people better off, has to be done by them. What we need to do is not just to pour money and high-powered ideas into these countries, but to show them how to help themselves in very simple ways.

Mr. BROWN of California. If the gentleman will yield further, this is a particularly appropriate point because it occurs prior to a discussion that we will have in a few days, probably, about the export of nuclear technology to various parts of the world. And, of course, it is the position of the administration that we should make some effort to control this burgeoning export of nuclear technologies. And the gentleman's concern with light capital technologies is just the antidote to this overconcern with the shipment of these high-technology items to other parts of the world.

Mr. LONG of Maryland. I thank the gentleman for that contribution.

Mr. Chairman, let me point out that one of the major concerns was not shipping too much nuclear technology to various underdeveloped countries throughout the world; but it is the fear of a nuclear arms race. Because once they have nuclear technology for energy, they are most of the way, maybe 90 percent of the way, toward developing a nuclear explosive. It has been pointed out by experts that once you have a little equipment for nuclear power, it is not too hard to develop a nuclear explosive. And once one country gets a nuclear capacity, the country next door is forced to develop the same capacity for aggressive actions. Of course, that is a great fear we have, and one of the reasons we are trying to control the spread of nuclear technology around the world.

Let me point out—and I think this is where the gentleman's remarks come in—that nuclear proliferation around the world would be wrong even if weapons were not involved, even if there were no hope of proper weaponry, because this is fantastically expensive from the standpoint of capital requirements. It is really too expensive in the United States, because we see one company after another withdrawing from the nuclear power business because they found it too expensive, even with heavy Government subsidies. U.S. companies are losing money right and left on it. Imagine putting nuclear power in poor countries around the world. There is only so much foreign aid to go around. If we do it, it is going to be done at the expense of education, roads, and health, development in these countries. So they pay a very heavy price for this nuclear technology. This is the opposite pole from the light capital technology which we are trying to promote, which consists really of trying to get little farmers on little plots of land a $70 or a $90 spreader or plow, or something like that, with which he can work his own piece of land and is not thrown off into the big cities.

Mr. BROWN of California. If the gentleman will yield further, the gentleman is not only correct but he is extremely perceptive on this point. The export of the nuclear technologies, for example, would take away from some other important needs outside the energy field. But it also takes away from the export by the United States of more appropriate energy supply needs; for example, the export of our solar energy technologies or other more appropriate types of technologies which can be helpful.

Even windmills are coming back into popularity in Holland, for example. This is an example of a technology which many of the underdeveloped countries can use. It is not capital intensive, and it is extremely helpful to their development prospects.

Mr. LONG of Maryland. Mr. Chairman, I agree. This country is putting billions of dollars into ERDA for nuclear research, and comparatively speaking, it is putting pennies into solar energy development and other alternative energy development projects, such as coal and getting more oil out of oil wells. Because two-thirds of all the oil that was ever in Texas is still there, but it is just too hard and too expensive to get it out.

These are areas where we should be conducting our research, but instead we are doing more in the nuclear area. I want to point out also that this starves the other areas of research, because when we pay our smart people and universities around the country $350 or $500 a day for their expertise and their contributions in the nuclear area, we are taking the best brains in the country away from alternative energy sources. So the consequence is that the stress in the nuclear area has starved our efforts to search for other types of energy sources, not only in this country but abroad.

I think we should begin moving toward light capital technology so we can use more of the funds to finance development projects for the poor. The real hope of development is in light capital, and I would hope that we do not put too much money in these areas because I think foreign aid money corrupts. As soon as we put large sums of money in foreign aid, we attract large groups of people who are in there trying to get the money, and this distorts the whole development program. I hope we can place more emphasis on this movement toward light capital technology, because I believe that will in the end be the answer.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the subcommittee, the gentleman from Maryland (Mr. LONG), has done a very good job in presenting the details of this bill. I would like to commend the subcommittee chairman for a really outstanding job, in my opinion. He conducted very lengthy hearings, and during the time of the hearings he really dug into some of these questions and developed specific statements as opposed to general statements. The gentleman presided over the committee very well during these hearings and presided over several rather fiery markup sessions successfully.

I want to compliment the gentleman from Maryland (Mr. LONG) and all the members of the subcommittee, even those with whom I have had strong disagreements, because the disagreements were well thought out and presented well. The arguments on both sides were, I thought, handled on a very high level.

Mr. Chairman, I rise in general support of a generous foreign aid program on the part of the United States—a foreign aid program that insures that the dollars will get to those people who actually need the help and will be used in those countries that are at least neutral rather than hostile toward the United States.

These preliminary statements set the tone of the remarks I will be making

throughout the day. I want it understood that in some of the presentations I may make today, that I am not attempting to kill the foreign assistance program, but I would like to bring this program of ours to the point where I can support it. I cannot support the one before us today as it stands.

Mr. Chairman, I would like the people of my district to be able to answer and to be able to say on foreign aid that yes, they support it. Today they do not.

I would suggest that if each one of us went back home to the people of our districts and actually told them the facts, the figures and the specifics of our foreign aid program, how it was conducted, who got the money, et cetera, I am satisfied that there would be something like a political revolution in this country because today the people of America do not support the foreign aid program; and most of them have no idea about some of the really outrageous inclusions in this program.

Mr. Chairman, while I think our bilateral foreign aid program is actually handled pretty well, in this bill we have some increases in development assistance that are rather hard to justify. It is difficult to justify an increase in aid to a country whose aid level has quadrupled in 1 year's period of time. The truth is that in this particular bill we have aid to one country that is 16 times more than it was in the last year.

Mr. Chairman, I am not saying that the program is not necessary or is not a good program. I am suggesting that it is going to be difficult to efficiently and cost-effectively administer a program that is being increased 16 times in just 1 year.

I would like to have a generous foreign aid program in which the taxpayers in the United States and their Representatives in Congress have something to say concerning the program. They should have something to say about what that foreign aid program is, where those dollars are going, and they should be able to find out what happened to those dollars.

That is not the case today. There has already been discussed the question of the great emphasis on our contribution to the international financial institutions. That is true.

In this bill our direct bilateral aid programs have been increased from 10 to 15 percent, while our multilateral aid and assistance through the World Bank, through the Asian Development Bank, and through the other international financial institutions is 86 percent larger than it was last year.

Mr. Chairman, on May 25 of this year, Secretary of State, Cyrus Vance told me and several of our colleagues that it is the plan of this administration during the next 5 years to double our foreign aid, with most of the emphasis on that increase going to the multilateral organizations.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I want to be sure that I understand the gentleman's point.

Secretary Vance has said, then, that they plan to double the foreign aid program; is that correct?

Mr. YOUNG of Florida. That is exactly what he said, and I was somewhat surprised and astonished by that statement. I would be very happy to show the gentleman the notes I took at that hearing so that he can read, in my own handwriting, the quotes that I recorded for myself to think about and to talk about later on.

Mr. Chairman, this foreign aid bill today is over $7 billion. That means that what they plan is that by the end of 5 years—and that is not very far away—it is going to be over $14 billion.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, did anybody from Congress, when Secretary Vance was so testifying, suggest that he might have to have the support of the House of Representatives in order to double the amounts of money?

Mr. YOUNG of Florida. As a matter of fact, I would say to the gentleman that this was suggested to him by several Members of this body and of the other body. I felt that the message they received at that particular meeting was not really very favorable to that plan.

Mr. ROUSSELOT. Did the Secretary justify what this great new increasing need would be, other than our just giving away money? Was it for people like Idi Amin? To whom was it going?

Mr. YOUNG of Florida. Mr. Chairman, let me respond to that question by saying that an Under Secretary, Richard Cooper, stated that what the plan was is to have this great economic development program all over the world with marketing agreements, in other words, price-support agreements, on many of the basic commodities that we export or import. In other words, these programs were going to be used to keep up the prices so as to stabilize the rest of the world's economy.

Mr. ROUSSELOT. Would some of this money go for water projects?

Mr. YOUNG of Florida. Let me get to that point in just a moment.

Subsequent to that, another Under Secretary, an Under Secretary of the Treasury, stated that the U.S. balance-of-payments deficit should be allowed to remain as a deficit in order to help stabilize the economies in the other countries of the world.

That is all well and good, but this balance-of-payments deficit is one of the problems we are having in our country today. We have one of the largest balance-of-paymets deficits today that we have ever had.

And that, my friends, is felt in the pocketbooks of every one of our constituents back home in the neighborhood and the precincts of our congressional districts because this adds to the cost of the product and the services that they are buying.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would ask the gentleman from California did the Secretary of State, Cyrus Vance, make a statement comparing the contributions of the United States with those of other countries?

Mr. YOUNG of Florida. At that particular meeting we did not get into that question.

Let me tell you about another conversation that did take place at that meeting—and I did not intend to take a lot of time on this subject—but I mentioned Under Secretary Cooper talking about these marketing agreements, or whatever they want to refer to them. Mr. Cooper also said that it was their plan to use the international banks as an eventual umbrella, as a catalyst for all international finances.

Just stop and analyze what that means for just a second. We are going to be, in effect, creating an international order of moneychangers, because they will have control of that money from the United States and other contributors, and when that happens, they and their various representatives can set their own rules and this Congress will not have any authority, period, on how those U.S. tax dollars are used once they go into these international banks.

And I do not like that.

Let me give another reason why I do not like it. Take a look at the headline in the afternoon Washington Star of yesterday that says "Ugandans Reported Fleeing Massacre."

We all know what has been happening in Uganda, and we know what has been happening there with Idi Amin and his administration, of wiping out and murdering his opposition. The press says that this very same thing is happening in Uganda today.

Recently, I read another story, I do not know whether it is true or not, but I read another story where Idi Amin said that he had eaten some of his opponents and they were a little salty. So when this bill states that American tax dollars are going to be used for laudable purposes only, one of the things I want to do is to make sure that Uganda and Idi Amin do not get American tax dollars.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield further?

Mr. YOUNG of Florida. I yield further to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would like to say that I share the gentleman's concern about the international banks and the amount of money we are contributing to supply them with funds in this bill. I supported the last foreign aid authorization, but I have not always done so. But, Mr. Chairman, I am very concerned about the great increase in the amount of moneys we are putting into these international banks, money that will be beyond our control and that, also, and worse, can be used for purposes that we here in Congress are absolutely and flatly opposed to.

I also would like to mention we frequently hear from people in the administration and on the outside who say that the United States is not contributing its share in the whole field of foreign aid. But one thing that they never talk about is that we do make contributions that are not counted, in the form of investments, private investments by Amer-

ican citizens and American business investments in foreign lands that create jobs and that create wealth in those countries. I think that should be taken into consideration when we make such comparisons. We should be interested in the result—a better standard of living—more than in the means to achieve that result.

Mr. Chairman, I want to thank the gentleman from Florida, Mr. YOUNG, very much for bringing these things to our attention. I believe it is information that we should consider very carefully when we are deciding how to vote on this bill today.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from California for his very excellent contribution to this debate.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I just wanted to say to the gentleman from Florida, Mr. YOUNG, that he has pointed up something that bothered me a great deal in the reading of the report. That is that the bill rather hypocritically, I believe, pretends to prohibit giving aid to Uganda, Vietnam, and Ethiopia. That is true in one sense but as we continue to read the bill closely that only deals with direct bilateral aid. Yet, as the gentleman has pointed out, we are giving a billion dollars more than we did last year to these multilateral lending institutions which have earmarked funds in the future for these very same countries, Uganda, Vietnam and Ethiopia. There is a basic contradiction, when they say that we are banning all aid to these countries when, in fact, we are saying: We will not give it to you with this hand but we will be glad to give it to you with the other hand. This prohibition should be complete and not half-hearted.

Mr. YOUNG of Florida. The gentleman makes the point well, and I appreciate his helping to establish that point once again.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. YOUNG of Florida. I will be happy to.

Mr. CARTER. I thank the gentleman for yielding.

I was interested in last year in the amounts that were given to the countries in the Middle East. I notice last year we gave to Syria $70 million. At the same time we gave to Egypt approximately $700 million; to Greece, $700 million; to Turkey, $1 billion; and to Israel about $3.2 billion. Could the gentleman give me an idea of what we are giving to these countries this year, what this bill will do? It is my understanding that Egypt will get in the neighborhood of $750 million; is that correct?

Mr. YOUNG of Florida. The gentleman's figures are accurate.

Mr. CARTER. Yes, sir, and at the same time we are giving our friend, and one of our true friends in this area, something over $1 billion—Israel—is that correct?

Mr. YOUNG of Florida. Actually, it will amount to more than that when we add up all of the accounts, and the gentleman is correct. Israel has been our friend, we have been their friend. As I stated earlier, if the gentleman will allow me at this point, there are items in this bill that I do support, and the minority enthusiastically supports. The Israel account is one of the accounts that we think is good. We are helping an ally and we strongly support that portion of the bill.

Mr. CARTER. We are increasing the amount to Syria from $70 to $90 million. Could the gentleman tell me why this is being done?

Mr. CARTER. Is it not true that Syria is considered in the Russian orbit and under the Russian influence? Am I correct in that?

Mr. YOUNG of Florida. There are some who believe that. I would point out to the gentleman that also in that part of the world we are providing additional funds to Lebanon, and it was suggested that we go into Lebanon to rebuild some of the very projects that were military targets, and that confrontation, of course, still has not been settled. The language of the report does provide that the money is not to be used to rebuild that port facility that was such a strategic military target until hostilities there have ceased.

I started to comment to the gentleman from California when he had raised the question about water projects, and before our time runs out I want to make some comment on that. Yes, there are many dollars going into water projects in various parts of the world.

Mr. ROUSSELOT. If the gentleman will yield, I will ask, are they ecologically sound projects?

Mr. YOUNG of Florida. That is a good question. I do not think there has been an Environmental Protection Agency study on any of these projects.

Mr. ROUSSELOT. Does the gentleman not think we should do that?

Mr. YOUNG of Florida. Let me just tell the gentleman what some of these projects are.

In Egypt we are providing—these are through the international banks and direct aid—agricultural drainage; Kenya, water supply; Kenya, hydropower; Morocco, irrigation; Morocco, hydropower; India, irrigation; Indonesia, irrigation; the Philippines, irrigation; Syria, water supply; Thailand, water supply; Greece, irrigation; Romania, irrigation; Romania, hydropower; Yugoslavia, water supply; Bolivia, hydropower; Mexico, water supply; Panama, water supply and sewage.

That is only through the World Bank. There is another list through IDA, which is the soft loan window of the Bank. Through the IDB there is another list. Through the Asian Development Bank, there is another list. It goes on and on and on.

In Chad, for example—we are going to be talking about this later—there is $3 million through IDA for the Sahelian water supply; Colombia, hydropower; Egypt, Nile Delta drainage. It just goes on and on.

This bill is full of water projects for other parts of the world, and, of course, there are those in this Congress who believe we have not done enough for our own water projects in the United States.

Mr. ROUSSELOT. I appreciate the gentleman's comments.

Mr. CARTER. If the distinguished gentleman from Florida will yield, does it not seem to the gentleman in the well that we are building up an enemy in Egypt by giving them $750 million this year? Perhaps we would be financing a war here, just as we financed the so-called Soccer War in Central America, and the war between Pakistan and India years ago. Is that not correct? Does that not follow that we are financing a war in this case against one of our friends?

Mr. YOUNG of Florida. I hope that is not the case. The President says that is not the case. I hope he is right.

Mr. CARTER. There is one other question. We have had some serious disasters in this country. Recently we had a flood in West Virginia and eastern Kentucky which caused the loss of at least $200 million. The administration has said that loans to these people who have lost their homes and are suffering should be at no less than 6⅝ percent. These people are our people who have suffered all these losses and yet we are giving to Romania and Yugoslavia all these millions of dollars. I would like to ask the gentleman in the well how he can reconcile the differences between the treatment we have shown to our own people and that proposed for foreign countries.

Mr. YOUNG of Florida. I do not try to reconcile those differences because I have recognized them and I have asked some of the same questions and I have some of the same concerns.

I would say to the gentleman that unless we can reform this bill and make it one which the American people can support, then I do not intend to support it either.

Mr. CARTER. I thank the gentleman.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, we had a devastating flood in our part of Colorado last year. Elderly people who were wiped out do not qualify for the loan program. They are just totally destroyed economically and they get no aid or help. Also we cut out flood control projects or drinking water projects or irrigation projects in this country which were projected to cost only $200 million and here we are passing a foreign aid bill costing billions of dollars.

I must say I agree with the gentleman.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, our country's inhumanity to our own citizens makes millions of us mourn.

Mr. JOHN T. MYERS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana (Mr. JOHN T. MYERS).

Mr. JOHN T. MYERS. Mr. Chairman, last week when we had the energy research and development appropriation bill before us, there was a Conte-Derrick amendment which struck 16 of these water projects from the bill because the authors said they were too expensive and a waste of money. I have searched the desk and I do not find any similar amendment to this bill. Is the gentleman aware whether or not we will have a

Conte-Derrick proposal on this bill to strike some of these water projects from this bill?

Mr. YOUNG of Florida. I am not aware that there will be such an amendment from the two gentlemen the gentleman from Indiana mentioned, but I am sure there will be one such amendment.

Mr. JOHN T. MYERS. I am sure the gentleman from Massachusetts, who is on the floor, would want to offer an amendment on this point to eliminate waste from this bill.

Mrs. BURKE of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Chairman, is the gentleman aware of section 101 of the bill which provides:

SEC. 101. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

Mr. JOHN T. MYERS. Mr. Chairman, if the gentleman will yield further, this is exactly what the proponents of the projects in the country talked about last week. Most projects were started or authorized before 1962 and met all the criteria under the rules at that time.

Mrs. BURKE of California. These projects would be subject to the same provisions as any project within the United States.

Mr. JOHN T. MYERS. But are they?

Mrs. BURKE of California. Yes.

I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlewoman from California very much for her contribution.

Because of the time limitations, let me hurriedly make one other point.

The Members are going to hear in the argument today that the dollars we attempt to reduce in some cases are dollars going to the poorest of the poor. I suggest we pay close attention to that argument, because some of the dollars that supposedly were going to the poorest of the poor last year went to Saudi Arabia and Kuwait and Brazil and some others who by no stretch of the imagination could fall into the category of the poorest of the poor.

Mr. Chairman, let me state that in some cases when the poorest of the poor finally get the money, if they do, and oftentimes they do not, in the cases where the money finally does get to the poorest of the poor in some parts of the world we find examples in some countries where the poorest of the poor finally were able to borrow some of the money and they paid interest rates as high as 16 percent to borrow the money that the American taxpayer has provided so generously.

Mr. LONG of Maryland. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I thank the chairman for yielding to me.

At the outset of my remarks I would like to point out that this committee is now chaired by a new chairman the distinguished gentleman from Maryland (Mr. LONG), who is a good friend and who is doing a superb job.

I want to not only commend the gentleman for that job, but to tell the gentleman I truly enjoy working with him on the committee.

I also want to point out that the gentleman from Florida, who is the ranking minority member, is also new to that position on the committee. With all the sincerity I can muster, and it is total and complete, I want to tell the gentleman that I really enjoy working with him.

Also—how can I put it—to hear the gentleman on the floor with the command of the programs, both in committee and on this floor, is a delight. I just want to commend the gentleman for his hard work on the committee. We may not agree on every matter, but I just have the highest admiration and respect for the gentleman's grasp of the legislation.

Now, Mr. Chairman, I would like to talk about a matter that will come up during the amendment process. Fortunately, the matter that I am going to mention is in the bill and I hope it stays in the bill. It is a cut off of military aid to Nicaragua. There will be, it is no secret, there will be an attempt to remove that provision and to restore the military training and military credit sales to Nicaragua. I would like to alert this House to it, because the people who lead that fight happen to be able distinguished Members and friends. They happen to be so able that I always have great trepidation when we are in opposition, particularly when the fight, as I understand it, will be led by a really close friend of mine, the gentleman from Texas (Mr. CHARLES WILSON), and another colleague who has the congressional district next to mine in New York, the gentleman from New York (Mr. JOHN MURPHY). They are very able. They are good friends, and they are dead wrong on this issue.

Mr. Chairman, I would like to alert the House to some of the questions that will come up. There will be a question, "Why Nicaragua?" The report of the gentleman from Ohio (Mr. STOKES) in the dissenting opinion in the committee report indicates there are 66 countries that engage in human rights repression. The gentleman mentions the United States as one.

So the question that is posed is, "Why Nicaragua?" The answer to that is a very simple one. We cannot apply in every instance the same relief to every situation. We cannot cut all aid to all countries which violate human rights because other factors, especially U.S. national security interests, must at times, regrettably override on human rights concerns.

I think my friends in the House know that I am opposed to repression, whether it is repression on the left, as in the Soviet Union, Cuba, or Vietnam, are very repressive states—and I have denounced them on the floor regularly—or repression on the right, whether it exists in Chile, the Republic of South Africa or Rhodesia.

Now, why Nicaragua? Well, it very much compares to what we in the Congress did last year with respect to Uruguay. When I proposed ending training and military credit sales to Uruguay, it being the charnel house of Latin America comparable to Chile, people said, "Why Uruguay?" and the State Department opposed my efforts. The fact is, this Congress said no to U.S. military credit sales to Uruguay based on the reports we had and the committee hearings that we held, establishing the oppression by the Uruguayan Government against its own people, and we won, notwithstanding State Department opposition.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. KOCH. This year, the Secretary of State, Cy Vance, came before our committee and said in effect "You were right about Uruguay, and we are not asking for training and military credit sales for Uruguay this year." It was pointed out that as a result of the cutoff of U.S. military aid things are changing for the better in Uruguay. And matters will change for the better in Nicaragua as well because of the military aid cutoff in this bill. We are not talking about a lot of money. We are talking about $3,100,000 in military credit sales. The fact is that Nicaragua already has $58 million in U.S. economic aid now in the pipeline, obligated but not expended. The fact is that the State Department says that human rights matters are so bad that they are not even going to give Nicaragua last year's training and military credit sales appropriations. They are holding back that $3 million. Should this Congress give them next year's military credit sales, fiscal year 1978, when the State Department says that they will not give them last year's, fiscal year 1977, because of the situation there? That would be idiocy. And this very bill gives Nicaragua about $15 million in new economic aid, by the way.

I urge every Member to take a look at the fact sheet on the scope of military aid to Nicaragua which I placed on the desk and shall append to this statement, and I urge every Member to listen to the debate. I would hope, at the conclusion of debate on the Wilson-Murphy amendment, which comes toward the end of the bill, that Members would agree with the committee, which has held hearings on the subject, that we are right and that aid should be cut off. Then, next year the State Department will come in and say what they said last year about Uruguay. They will say, "You were right; you cut off aid to Nicaragua; we opposed you; and you were right."

Support us, and you will not be wrong when you do.

I am appending the views which I filed with my colleagues YVONNE BURKE and ED ROYBAL, which appeared in the committee report. I am also appending two news reports from March of this

year and an editorial of today's date which appeared in the Washington Post on this matter:

ADDITIONAL VIEWS OF HON. EDWARD I. KOCH, HON. YVONNE B. BURKE, AND HON. EDWARD R. ROYBAL

The subcommittee found it very difficult to deal with the human rights issue in this Foreign Assistance Appropriations bill. There was much controversy over whether to specifically ban funds to nations whose regimes practice a consistent pattern of gross violations of basic human rights, or simply to give the new administration flexibility in this regard. What has emerged from the subcommittee, we believe, is a reasonable compromise which makes some cuts, but for the most part gives the administration flexibility. The subcommittee agreed to a cut-off of military aid to Ethiopia and to a ban on FMS credit to Argentina, Brazil, El Salvador, and Guatemala, those countries which had already rejected such aid.

The only other actions taken by the subcommittee on human rights grounds were a ban on military aid to Nicaragua and a slight reduction in military aid to the Philippines. These actions are based on extensive hearings which the subcommittee held concerning both these countries. We would like to summarize the hearings on Nicaragua and explain why the subcommittee took the action that it did.

The hearings on Nicaragua were prompted in part by the pastoral letter of the Nicaraguan Catholic Bishops, read from every Church pulpit in the country in January of this year, which accused the Somoza regime of "inhuman and humiliating treatment" of peasants ranging "from torture to rape to summary execution". For those of us who have been concerned about the human rights situation in Nicaragua, this pastoral letter, issued by the normally reserved and conservative hierarchy of the Nicaraguan Catholic Church, serves as irrefutable documentation of the horrors that have been alleged for quite some time. The pattern of repression in Nicaragua is different than in other countries, and therefore has been more difficult to establish. The atrocities do not usually occur in the capital city of Managua, but rather in the countryside where lines of communication are almost non-existent. Only the Catholic Church has ongoing contact with the entire country, and thus is able to document abuses, which it has now done. This pastoral letter is of such importance that we are attaching it. The letter follows:

PASTORAL LETTER, ROMAN CATHOLIC BISHOPS OF NICARAGUA,
January, 1977.

As bishops of Nicaragua placed at the services of the People of God, to teach, rule and sanctify their church, we feel the duty to announce the good news of salvation, updating His message in order to renew the sense of justice in our country. The events and situations of the present time urge our consciences as shepherds to present to you this message of hope and of love.

Our duty to preach freely at all times and places the message of the Gospel (Ev. Nunt. No. 78) is not fulfilled without the renewal of the joys and hopes of mankind.

As we invite you to live a new year more in harmony with the Gospel which we announce, we would like to reflect with you about some problems that are troubling the consciences of the Christian people and those of the citizens in general.

We are distressed by the suffering of our people, be it urban dwellers, or campesinos, rich or poor, civilians or military personnel who beg to God in search for the protection of the right to life and the peaceful enjoyment of the product to their work.

Unfortunately many of the sufferings are caused and produced by many of our own Nicaraguan brothers.

With no partisan political motives we present and recall here some of the many facts with the only intention of obtaining the sincere involvement of each and all of us who are committed to the search for peace.

The state of terror force many of our campesinos to flee in desperation away from their own places and farmland, in the Mountains of Zelaya, Matagalpa, and Las Segovias.

The arbitrary accusations and subsequent detentions because of old quarrels and personal envy still continues to disturb the peace.

Inquiries of those under suspicion still continue utilizing methods which are humiliating and inhuman; from tortures and rapes to executions without a previous civil or military trial.

It has been verified that many villages have been practically abandoned; houses and personal property have been burned and the people, desperate and without help, have fled.

These actions far from bringing justice, rather inflame passions and disturb the public order. They even put the government officials beyond the jurisdiction of the institutional laws of the nation and of all same principle of public order, and similarly to the so-called freedom movements that call themselves liberated but that actually favor the free burst of passions, lead to personal vendettas and end up in "new lords" who take charge of the government with no regard for the right to enjoy the exercise of human liberties.

We make this global outline of the problem that disturbs us, not with the purpose of exhausting its very aspect but to provoke a serious, constructive, and socially shared reflection. The grave moral and social consequences that at present are undermining the public order so demand it.

As an actual consequence of these events the confusion and ills of the nation are growing:

On the one hand the accumulation of land and wealth in the hands of a few is increasing.

On the other hand, the powerless campesinos are deprived of their farmlands through threats, and are taken advantage of because of the state of emergency.

Many crimes are left aside without corresponding legal sanctions which damages the respect for the fundamental rights.

The number of prisoners who have not been presented for trial and who cannot have legal recourse is increasing.

INTERFERENCE IN THE RELIGIOUS REALM

Another violation that disturbs the practice of the fundamental liberties is the interference in the religious realm.

In some village of the Segovias the commanders demand special permission for each religious meeting of Catholics.

In other locations in the mountains of Zelava and Matagalpa, the patrols have occupied the Catholic chapels using them as barracks.

Some Catholic delegates of the Word of God have been forced to suspend their cooperation with the missionary priests.

There are cases in which delegates of the Word have been taken prisoners by members of the Army, have been tortured and others have disappeared.

Some committee leaders of grassroots have run the same fate.

Human dignity

All these practices and others like them, contrary to human dignity and the fundamental rights of man, degrade civilization and are totally contrary to the plan of God, Christ is categorical in what he says in this respect: "What you did with one of these the least of my brothers, you did to me." (Mat. 25, 40)

Let us reflect: Who are profiting of this situation of terror and unjust extermination?

Do we possibly wish to usurp God's right and make ourselves the masters of life and death?

Can the mere personal convenience of a few be the criterion for harassing one's neighbor?

Can violence be the remedy or path for the renovating change of our institutions?

We reject all types of violence.

"To take away life is to take away peace."

To violate rights and the constitutional laws of the Nation is to provoke institutional disorder.

To destroy man unjustly is to tempt God.

Christian hope

The Christian faith constantly demands the change of attitudes for conversion under the laws of God and the better coexistence with our neighbors. "The time has come. The Kingdom of God is close at hand. Accept the faith and believe in the Good News." (MCl 15).

We all want to earn a living and our daily bread without disturbances of repressive forces. We do not want to feel ourselves fenced in but free to serve God and our neighbors with love and self-denial.

It is true that while we live on this earth we shall not be able to fully realize a life of justice and love; but at least let us lay the foundation so that in a climate of esteem and mutual respect we can build a country that loves to work trying to carry out the Christian task of living in a climate of love without destructive hatreds.

CONCLUSION

The perspective of the new year invites us to review seriously our deeds and our present social order which are the result of the attitudes of our consciences.

Peace is born in the intimacy of our conscience. Pope Paul VI tells in his new call to peace for the year 1977, "If you desire peace, defend life." As Christians, as citizens, we have the unescapable obligation to seek this peace building it up from the depth of our hearts.

We sum up this call to the conscience of all Nicaraguans, to our governmental authorities. Concretely we are for:

1. Guarantees of life and of work and a return to civil rights.

2. Proper trials for common crimes as well as for those called political crimes.

3. Freedom to promote a more just and equitable order. All this cannot be achieved without freedom of expression and without religious freedom.

For all we impart our blessing with the words of the Apostle St. Peter: "There is no need to be afraid to anybody. Do not worry about their threats. Simply continue worshipping the Lord Christ in your hearts and always have your answer read for people that may ask you the reason for the hope that you all have." (IPE 3:14–15)

Issued in Managua, on the eighth day of January of the year 1977.

MANUEL SALAZAR E.,
Bishop of Leon and president of the E.C.
SALVADOR SCHUAFFER, R.,
Bishop of Vicariate of Bluefields and vice president of the E.C.
LEOVIGILDO LOPEZ F.,
Bishop of Granada.
MIGUEL ORANDO BRAVO,
Archbishop of Managua.
JULIAN L. BARNI S.,
Bishop of Matagalpa.
PABLO A. VEGA,
Bishop, prelate of Juigalpa.
CLEMENTE CARBANZA L.,
Bishop of Esteli and Secretary of the E.C.

On April 6 three witnesses appeared before the Subcommittee. Mr. Charles Bray Deputy Assistant Secretary of State for Inter-American Affairs, presented the position of the State Department. He said that the Department was aware of brutal treatment of civilians by the Nicaraguan National Guard,

had communicated its concern to the Nicaraguan government, and is withholding fiscal year 1977 military assistance funds until there is an improvement in the human rights situation. The Department, however, added two qualifications: it was not sure whether "abuses reflect Government policy or inadequate command and control procedures of the Nicaraguan National Guard"; the State Department also stated that there were "tentative" indications that the human rights situation may be improving, and therefore, wanted 1978 military aid funds appropriated in case the situation did improve. Representative Koch questioned both of these qualifications. First, Representative Koch stated that President Somoza should be held accountable for the atrocities committed by the Nicaraguan National Guard in view of the fact that the State Department itself has described the National Guard as "the personal instrument and principal power base for the ruling Somoza family." But, as Mr. Koch said at the hearing, "even if these atrocities reflect inadequate command and control procedures, the fact that the United States created the Nicaraguan National Guard and has put more money, per capita, into the training of that National Guard is evidence that our training program has done little to make that combined armed force-police force more professional. In fact, just the opposite is true: we are in part responsible for the actions of the Nicaraguan National Guard because of our long association with it."

The second witness at the April 6 hearing was Mr. Bill Brown of the Washington Office on Latin America. He stated that his office was in contact with many Church people in Nicaragua, who confirmed the charges made by the Nicaraguan Catholic bishops. Mr. Brown said that his latest soundings indicated that there was no basis to say that the human rights situation was improving in Nicaragua. He also gave a concise history of U.S. intervention in Nicaragua and of our support of the Somoza regime. That history is relevant and startling. The U.S. Marines occupied Nicaragua for several years in the late 1920's and fought guerrillas being led by conservative leader, Augusto Sandino. The U.S. Marines did not succeed in destroying the guerrilla movement, and the United States decided to turn the execution of the war over to the Nicaraguan national guard: in effect, "Nicaraguanization of the war." The United States rebuilt the Nicaraguan national guard into a more efficient armed force. Unfortunately, Gen. Anastasio Somoza subsequently used the national guard to seize the presidency. His family has controlled the economic and political life of Nicaragua ever since, relying on the Nicaraguan national guard to maintain itself in power. For the last 40 years the United States has provided assistance to that national guard. Thus, the repression which Somoza uses to intimidate the populace is not new. The only thing that is new is our desire to focus on human rights concerns as a factor in our relations with Nicaragua.

The third witness of the April 6 hearing was Mr. Raymond Molina of Petersen Enterprises, an American businessman. His testimony concentrated on the guerrilla threat which, he said, was strong and massively supported by Cuba. Congressman Clarence Long, chairman of the subcommittee, asked Mr. Raymond Molina if he had any business transactions in Nicaragua, to which he replied that, indeed, he has had several contracts with the Nicaraguan Government.

At the request of Congressman John Murphy, who is not a member of the Appropriations Committee, a second hearing was held to allow Nicaraguans, both pro and con, to come and testify on human rights in their country. Prior to that hearing we wanted to learn more precisely of the nature, and extent of the guerrilla threat in Nicaragua and of the support it receives from Cuba. Is Nicaragua being threatened by a large growing insurgency which is aided by Cuba in some overwhelming fashion? Certainly those who attempt to justify Somoza's anti-democratic security measures believe so. Rep. Koch wrote the State Department asking for an assessment. The memorandum the State Department provided indicates that neither the internal threat nor Cuban support for that threat is as massive as some witnesses would have had us believe. In fact, estimates of guerrilla strength are set at about 50 fighting men in a country of 2.5 million people, and it appears that the most important element of Cuban support now is ideological and psychological, such as radio broadcasts.

On April 21, eight witnesses appeared before the subcommittee. Six of the witnesses spoke in support of the Somoza regime: Aristides Somarriba, Carlos Dubon, Dennis Gallo, Noberto Herrera, Gustavo Wilson, and William Donamorice. The sum of their testimony was that the Catholic bishops of Nicaragua were relying on hearsay and secondhand testimony when they made their charges of repression, and that in some cases the leftists guerrillas had stolen national guard uniforms and used them in committing these atrocities. These witnesses also said that the charges by the Nicaraguan Catholic bishops had prompted many different investigations in order to determine the truth of the allegations. Again, they stressed the leftist terrorist threat as being the main reason for the continuation of martial law.

Interestingly, none of these witnesses even attempted to discredit the Nicaraguan Catholic Bishops on the basis of political bias. The following exchange is illustrative:

Mr. KOCH. Would you characterize the archbishops of Nicaragua as radicals on the left?

Professor WILSON. I would say definitely they are not characterized as such, but they are following the general tendency that has been issued by the See of Rome, and they are trying to wave away a little bit from the former standing of the Church.

* * * * *

Mr. KOCH. Did I understand you to say that in effect what they were doing was carrying out Vatican II, and that was what your reference was to the Vatican?

Professor WILSON. There is a new change.

* * * * *

Mr. KOCH. In effect they are in the spirit of the current Vatican. That is the nature of the Roman Catholic archbishops in Nicaragua. Isn't that what you just told me.

Professor WILSON. It says clearly in their statement that they are appealing not only to one group but to all groups.

Two Nicaraguan witnesses came to testify on repression in their country. Father Miguel d'Escoto, a Maryknoll missioner, relayed the concern of Catholic clergy in Nicaragua, both Americans such as the Capuchin priests, and Nicaraguan priests, that the human rights situation was very poor and that there was no indication that conditions were improving. He also pleaded that American aid, both military and economic, be cut off. He stressed that the Somoza regime relied, both materially and psychologically, on American support, and that a complete ban on aid would send a strong signal to that regime. Finally, he said that General Somoza was in effect the best friend the Communists ever had in Nicaragua, because Somoza's repressive tactics were slowly driving legitimate, peaceful and democratic opposition elements into an alliance with the guerrillas.

The other witness, Julio Molina Mendoza, a member of the Nicaraguan Congress and a member of its Human Rights Commission, made the point that the "investigation" by the Nicaraguan Congress into the human rights situation was a sham: every attempt he had made to start specific inquiries had been stopped. Chairman Clarence Long asked him whether he was worried about reprisals when he returned to his country. Julio Molina said that he accepted that risk. Indeed, he does face great risk. After the hearing he told staff members of Congressman Koch that he has previously been jailed and tortured by the Somoza regime. Hopefully, with as much international attention on Julio Molina as there now is, no action will be taken against him. It should also be noted that another Nicaraguan, newspaper editor Pedro Joaquin Chamorro, was invited to testify. He was, however, prevented from leaving Nicaragua because of civil court action being taken against him.

The major point which emerged from these hearings is that the substance of the charges made by the Nicaraguan Catholic bishops remains unchallenged. The Catholic bishops of Nicaragua stand by their statements, and no reputable international or Nicaraguan organization has refuted these charges. Amnesty International is now preparing a report on Nicaragua, and there are no indications that its findings will rebut the bishops' allegations. The Somoza regime is responsible for the torture, rape, and summary execution of peasants. Those atrocities are being committed by the Nicaraguan national guard, which the United States continues to train and equip. The United States has a special responsibility to end military aid to the Somoza regime, because for the last 40 to 50 years the United States has sponsored that government to a greater or less extent. Some may say the subcommittee action is an improper interference in the internal affairs of that country. The fact is that the special supportive relationship that the United States has maintained with the repressive Somoza dictatorship has been the real intervention. An end to military aid to the Nicaraguan National Guard, whose primary function is internal security, is an important signal not only to Somoza but to all of Latin America that the United States will not support repression on the part of foreign regimes.

We question the wisdom of providing military aid as a "carrot" to the Somoza regime to improve human rights, given the track record of that dictatorship. But even if one accepts the State Department strategy to improve the situation in Nicaragua, only substantial improvement over a reasonable period of time would warrant reconsideration of military aid to Nicaragua. Since this cut-off applies only to 1978 funds, the Administration is able to request funds for FY 1979 if it sees improvement, or if there is a drastic turn-around, the subcommittee would entertain a supplemental request. But as of this time, we believe that this cut-off will serve an important function in driving home the human rights message which President Carter has so eloquently proclaimed.

EDWARD I. KOCH.
YVONNE B. BURKE.
EDWARD R. ROYBAL.

FACT SHEET ON THE CUTOFF OF MILITARY AID TO NICARAGUA

Q. What evidence is there of serious violations of human rights in Nicaragua?

A. In January of this year, the Catholic Bishops of Nicaragua charged, in a pastoral letter read from every church pulpit in that country, that the Somoza regime is responsible for "inhuman and humiliating" treatment of peasants ranging "from torture to rape to summary execution". Further documentation from American Capuchin priests in Nicaragua, as reported in Time magazine and the New York Times, confirmed this view. Finally, the State Department has testified that the human rights situation is so grave in Nicaragua that it is withholding 1977 military aid funds for that country.

Q. Why single out Nicaragua and not other repressive countries?

A. First, the subcommittee held extensive hearings on human rights in Nicaragua and established a clear and convincing record

that systematic repression exists in Nicaragua, despite ample opportunity for supporters of the Somoza regime to refute the charges of abuse. Second, the U.S. has a special responsibility to end support for the repressive Somoza regime because the U.S. originally created the Nicaraguan National Guard in the 1930's, which Anastasio Somoza then used to seize power in that country. The Somoza family has controlled Nicaragua ever since, using the Nicaraguan National Guard to maintain itself in power. U.S. military support has continued ever since. The cut-off of military aid to Nicaragua will send an important message to the Somoza regime—and the Nicaraguan people—that the U.S. does not support repression in that country.

Q. Why not allow the Carter administration "flexibility"?

A. In cases where congressional committees make a convincing record that repression exists in a country receiving U.S. arms, it is the right and duty of Congress to take action. Last year, the House Appropriations Committee cut off military aid to Uruguay because of the repression there, despite the strong protests of the Ford administration. This year the Carter administration said that it agreed with that action and continued the ban on military aid to Uruguay. Congress can provide a certain amount of leadership on the human rights issue when it approaches the issue cautiously and soberly.

Finally, it is important to point out that the State Department is not actively lobbying in support of military aid for Nicaragua. Apparently, the State Department does not wish to be put in the position of defending the Somoza regime's abuses of human rights. The lobbying on this issue instead comes from the Nicaraguan Government information service, which is the public relations arm of the Somoza regime. A restoration of military aid to Nicaragua at this time will send a message of approval to the Somoza regime, which would be disastrous for the State Department's attempts to persuade Somoza to end his repressive tactics.

[From Time magazine, Mar. 14, 1977]

NICARAGUA—SOMOZA'S REIGN OF TERROR

A 15-man patrol of the crack "General Somoza" battalion surrounded the village of Varilla in Nicaragua's Zelaya province. With the troops were several *jueces de mesta* (police magistrates). The official charge that brought them there: five of Varilla's *campesino* families had aided antigovernment guerrillas. The soldiers shot, bayoneted or strangled four men, eleven women and 29 children. After dumping the bodies in an unmarked pit, the magistrates divided the villagers' land among themselves.

The massacre at Varilla two months ago was not unique, according to a pastoral letter by Nicaragua's Roman Catholic bishops. The letter, which has not been published because of government censorship, was read from pulpits in January. It accuses President Anastasio ("Tachito") Somoza Debayle's National Guard of subjecting innocent peasants to "inhuman" abuse "ranging from torture and rape to summary execution" during the government's two-year drive against leftist guerrillas. The bishops buttressed their charges with testimony from rural missionaries—who claim that dead and kidnaped *campesinos* number in the hundreds.

The indiscriminate killing began after gun-toting members of the Sandinist National Liberation Front (FSLN)* staged a spectacular invasion of a 1974 Christmas party honoring the U.S. ambassador. They took hostage a dozen leading businessmen and members of Somoza's government including his Foreign Minister and ambassador to Washington. Swallowing his pride, Somoza negotiated the ministers' release, paid the guerrillas $1 million, and let them and 15 imprisoned FSLN members fly to Cuba. But then he declared martial law, which is still in force, and set out to crush the Sandinistas, who have received support, training and some arms from Castro's Cuba.

Somoza has accomplished that. Last November, in a clash with National Guard troops, the Sandinistas' secretary-general, Carlos Fonseca Amador, 40, was killed en route to a meeting, laid out under a mango tree and photographed; his fingertips were then sliced off for exact identification. Other ranking leaders of the leftist rebel movement have also been killed. Last month, in an unpublicized trial in Managua, 36 captured guerrillas and 74 of their compatriots who were tried *in absentia* drew sentences ranging from 18 months to 129 years in prison.

Rights Violations. The poorly armed guerrilla bands that remain in the hills spend more time running than fighting. Reports TIME Correspondent Bernard Diederich: "Some government patrols go for ten months without spotting a single *guerrillero*. But the killing goes on. Sources close to the National Guard say that the soldiers' orders are to 'clean out the hills.' The latest crop of guerrillas may be dead or in hiding, but 'this time the government wants to be sure that no new guerrilla base area will rise again. They intend to eliminate the peasants.'"

Spokesmen for Somoza insist that the bishops' charges are grossly exaggerated. Many *campesinos*, they explain, have not been killed, but simply fled their homes to avoid the fighting. U.S. Ambassador James Theberge, however, takes the reports seriously: "We have reason to believe that some of the allegations of human rights violations are accurate, and our concern has been made clear to the Nicaraguan government on various occasions in the past year."

Critics of the Somoza family's corrupt, baronial, four-decade reign hope that the Carter Administration will make that concern more explicit. Says a leading opposition member: "Nicaragua is a case where Carter can show that his advocacy of human rights is not just words. That is why Somoza is so nervous." Should the Administration choose to act, it has substantial leverage. Nicaragua's National Guard relies on U.S. weapons and is scheduled to receive $2.5 million in military sales credits in fiscal 1977. Loss of that aid is something that the American-trained Tachito Somoza (West Point, '46) would surely like to avoid.

BISHOPS IN NICARAGUA SAY TROOPS KILL CIVILIANS IN FIGHTING LEFTISTS

MANAGUA, NICARAGUA, March 1.—Nicaragua's Roman Catholic bishops have accused government forces of resorting to widespread torture, rape and summary executions of civilians in their battle against leftist guerrillas in this impoverished Central American republic.

Documents prepared by the church list the names of hundreds of peasants who have been killed or have simply disappeared—and are presumed dead—in the last two years in the provinces of Matagalpa and Zelaya.

Church sources also said that government troops had carried out two mass executions involving a total of 86 civilians, among them at least 29 children, in the mountains of Zelaya since December.

PRIESTS TELL OF KILLINGS

According to American Capuchin priests, who are among the few outsiders still able to visit the area of conflict, victims are usually shot in the head for suspected collaboration with the guerrillas. But they and other sources confirmed that, on occasion, remote hamlets have also been bombed by light aircraft of the Nicaraguan National Guard, the country's only armed force.

A spokesman for President Anastasio Somoza Debayle, the 51-year-old West Point graduate whose family has ruled this country since 1936, said that many of the church's charges were false and others were exaggerated. He said that most of those listed as missing had simply left the region to avoid involvement in the fighting.

The guerrila group, known as the Sandinist National Liberation Front, has been active sporadically in Nicaragua since 1961, but the Government launched its vast offensive against it only after it kidnapped several prominent politicians and businessmen during a Christmas party in 1974.

The hostages were released unharmed in exchange for a dozen imprisoned rebels and a ransom of $1 million, but the Government responded by imposing martial law, suspending all constitutional rights and dispatching an infantry battalion to the northern mountains where the guerrillas were most active.

GUERRILLA RANKS DECIMATED

Since then, the regime has decimated the ranks of Sandinists, who took their name from Gen. Augusto Cesar Sandino, a prominent fighter against American occupation forces here between 1927 and 1933, and who are now seeking the overthrow of the Somoza dictatorship and its replacement by a Marxist government.

Last November, the main Sandinist leader, Carlos Fonesca Amador, and his top aide, Eduardo Contreras Escobar, both of whom had secretly entered Nicaragua after a period in Cuba, were killed on successive days. Last week, 36 guerrillas were given prison sentences ranging from 18 months to 129 years, while 74 others were tried in absentia and some 20 more have sought exile in Mexico in recent months.

Since the offensive began two years ago, the priests of Matagalpa and Zelaya, most of whom are foreign, have been complaining that the National Guard has instituted a reign of terror in the region, routinely killing and torturing peasant men, raping women, burning homes and stealing crops and property.

Since representations to General Somoza brought no easing of the repression, Nicaragua's Catholic bishops, many of whom are reputed to be conservatives, reportedly felt obliged to issue a pastoral letter on human rights.

LETTER READ FROM PULPITS

The message could not be published in the censored local press, but it was read from many pulpits throughout the country last month. Its main complaints were the following:

Suspects are subjected to "humiliating and inhuman treatment ranging from torture and rape to summary execution;"

Many villages have been abandoned with homes burned and inhabitants forced to flee;

Another document prepared by American Capuchin priests listed the names of 181 persons who had disappeared or been executed in the province of Zelaya between February 1976 and January this year.

"This is only a partial list," one of the priests said, "because we can't reach all the communities and it is sometimes months before we hear of a mass killing. On other occasions, helicopters bring in bodies and bury them in mass graves, but we don't know who the victims are or where they came from."

The list, for example, does not include the 44 members of the Pérez, González and Maldonado families who were reported executed

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* Named for Augusto Cesar Sandino, a guerrilla leader who fought against occupying U.S. Marines in the late 1920s and was executed in 1934 by the founder of Nicaragua's ruling dynasty, Tachito's father Anastasio ("Tacho") Somoza Garcia.

late in January at a hamlet known as Varillal, 53 miles northeast of the town of Matagalpa.

LAND IS REPORTED SEIZED

According to church sources, a National Guard patrol with the code name Hilario, composed of one officer, seven "police judges," or sheriffs, and about a dozen soldiers executed four men, 11 women and 29 children, including some 1 and 2 years old. After the victims were buried in a mass grave, their land was divided up among the "police judges," the sources said.

At Kaskita, 77 miles northeast of Matagalpa, 42 persons were either executed on the spot or taken away by the National Guard late in December for supposed collaboration with the Sandinists, even though peasants of the area say that guerrillas have not been sighted there in many months.

Seven days after the killings an old woman brought 14 children, presumed orphans, out of the mountains to a nearby town.

The headquarters of the National Guard's northern zone is at Rio Blanco, on the border of Matagalpa and Zelaya provinces, but some of the prisoners are taken to a small barracks at Wasiala, 45 miles northeast of Matagalpa, for questioning. There they are kept in a dark cave-like hole in the hillside between interrogation sessions at which torture is considered "normal".

MANY HAMLETS ARE EMPTY

Prisoners are frequently suspended by their fingers or thumbs and beaten in the stomach or forced to swallow a button attached to a string that is then tugged violently. Those that are subsequently executed are buried in an improvised cemetery just east of Wasiala.

Captured Sandinist guerrillas, many of whom are middle-class students, often fare better than the peasants of the area. Since the guerrillas are invariably brought to Managua for interrogation by military intelligence, relatives frequently hear privately that they are being held.

Subsequent execution is therefore very rare, according to reliable political sources, but most of those involved in the recent trial complained that they had been tortured in captivity.

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[From the Washington Post, June 22, 1977]

NO MORE NICKELS FOR NICARAGUA

It's a disgrace that for 40 years the United States has supported the military instrument, the National Guard, by which the Somoza family has ruled Nicaragua as its personal turf. But thanks to the life that the Carter administration has breathed into the human-rights cause, there's now a good chance to cut the Nicaragua military off. A $3.1 million Nicaraguan item was rejected 22 to 21 in the Appropriations Committee last week. An effort will be made today on the House floor to put it back into the $7 billion military-aid bill. It's only a few nickels, but the effort should be voted down.

House members might consider that because of the Nicaraguan government's repressions, the State Department hasn't yet turned over last year's appropriation. It made a lukewarm formal request for a new appropriation but did not push it in the face of the opposition mobilized by Rep. Edward Koch (D-N.Y.). The loss to the prestige of the Somoza family, if military aid for Nicaragua were ended, would doubtless be severe. Indeed, that's the point. But what would be the loss to American security? Asked that question, Assistant Secretary of State Lucy Benson replied, "I cannot think of a single thing."

Traditionally, many moderates and conservatives in Congress have hesitated to act on human-rights allegations on grounds that the sources of such allegations tend to be "leftists." Here, however, the strongest case against the regime has been made by Nicaragua's united Catholic bishops, members of the establishment, who in a January pastoral letter denounced their government's "arbitrary detentions, torture, rape and executions without previous trial." Note, too, that the government's friends had the opportunity, in House hearings, to reply. Even witnesses summoned by Rep. John Murphy (D-N.Y.), an old classmate of Gen. Somoza, could find no political bias in the bishops' statement.

Why, some will ask, jump on little Nicaragua, which has so often gone out of its way to accommodate the United States? The answer is that by accepting of the Somoza family's small favors, the United States has made possible its large abuses. Fortunately, Nicaragua is not, say, South Korea, where security considerations complicate human-rights considerations. By the State Department's own word, no factor of American security requires the United States to persist in military support of a regime that, we believe, scarcely a single American would willingly accept for himself.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I had not intended to take the floor at this time, but I did not want to let the record stand unchallenged about the breakfast meeting with the Secretary which the gentleman from Florida has spoken of, and which I also attended. The fact of the matter is that this meeting was called so that the Secretary could consult with Members interested in the forthcoming meeting of the Conference of International Economic Cooperation that was about to take place in Paris.

The Secretary told us that he was thinking of saying in Paris that the administration would recommend to the Congress a doubling of developmental assistance over a 5-year period—not all kinds of assistance, not the very large totals of military assistance or security supporting assistance, but only the developmental assistance, which is a small percentage of this bill. The Secretary told us he was thinking of making this statement at the CIEC meeting as a partial response to the hopes of the developing countries that the United States would accept the target which other developed countries have accepted of seven-tenths of 1 percent of GNP as a target for our developmental assistance. He pointed out that the United States could not accept such a target, since our official development assistance is running at only about twenty-five one-hundredths of 1 percent of GNP.

The important point I want to make is that, as a result of the negative reaction on the part of a number of Senators and Representatives at that breakfast meeting, the Secretary in fact abandoned the idea of announcing a proposal for doubling assistance. In other words, he consulted with the Congress and then modified his position in the light of that consultation. Surely we want the Secretary, hopefully, to continue to ask us before he goes to meetings. I frankly think it is most unfair for the gentleman from Florida to come here and tell us that the Secretary has called for a doubling of foreign aid when in fact the Secretary, after consultation with the Congress, precisely did not make the proposal he was considering.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I have to stand up for the gentleman from Florida on this. I was invited to that meeting, but I was also invited, at the same time, to the White House.

The CHAIRMAN. The time of the gentleman from New York (Mr. BINGHAM) has expired.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I yield further to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I was also, at the same time, invited to the White House for a meeting with Vice President MONDALE. And since he is the Vice President, I thought that meeting ought to receive priority. All I have heard about this proposal is what I read in the newspapers. Again and again I have been trying to get the State Department to come to this committee and Congress first, before it makes proposals or announcements. But again and again I have been called up by reporters to comment on various announcements made by the State Department. Quite often this would be the first I had heard of the proposal. There had been no attempt on the part of the State Department to consult with me. It has not been systematic, but sometimes they consult us in advance and sometimes they do not. I think the State Department is open for criticism of the kind the gentleman from Florida has just made.

Mr. BINGHAM. But the fact of the matter is that the Secretary never made the proposal publicly that he was going to double development aid and that he did abandon that proposal after the breakfast meeting.

Mr. LONG of Maryland. I never heard of the original proposal or the abandonment officially of it.

Mr. YOUNG of Florida. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations for foreign assistance for fiscal year 1978. This bill in large part represents the means by which we implement our foreign policy objectives in tangible form. It is a good bill which responds to those objectives and our humanitarian and security interests around the world, and I urge its support.

Mr. Chairman, I would like to briefly outline some of the major programs funded in this bill, along with some explanation of the more controversial items.

For economic development assistance, we have provided $970.6 million, a reduction of $35.7 million below the budget request. This is the heart of our bilateral assistance program, and contains fund-

ing to help alleviate the poverty and misery of the world's poorest people.

This includes $535 million for food and nutrition, probably the most important component of our bilateral assistance program. Some 15 percent of the world's population is undernourished, according to the U.N., and the number of people having per capita energy intake below minimally accepted requirements is expected to reach 800 million people by 1985. Nearly one-half of all the world's child deaths are in some way attributable to malnutrition. AID's food and nutrition programs really hit hardest at the major problem of the rural poor—the need for increased agricultural production—and these programs deserve our full support.

For population planning we have included $160 million. The problems of inadequate food supply and overpopulation go hand in hand. Without effective family planning, all the gains of our food and nutrition program will literally be swallowed up by population increases.

Experience with the population planning program has shown that it is just about the most cost-effective way of improving the health and nutritional status of the mothers and children who constitute about 70 percent of developing country populations.

For health programs, we have provided $100 million. Development efforts over the past 20 years have helped improve the health of the millions of poor people in the developing countries. Death and disease rates have declined rapidly, but they are still considerably above those found in the United States and other industrialized nations.

For example, in Africa, 1 in 7, or 15 percent of all children die before their first birthday as compared to 1 in 50, or 2 percent, in the United States. Life expectancy in developing countries is still only 50 years or less, compared to 71 years in the United States.

Today, some 85 percent of the people in developing countries still lack adequate access to basic health services. AID's health programs respond to that need.

For education, we have provided $80 million. The majority of these funds support nonformal, vocationally oriented training programs. Some 80 percent of AID's 1978 education program will go to countries with per capita incomes under $500. Despite continued efforts in this area, half of the primary school aged children in Africa and one-third of this age group in Asia remained out of school in 1970. The percentage remains nearly as high today.

The median educational attainment in Africa is less than 1 year; in Asia it is only 2 years. Two-thirds of the adults aged 15 and older in developing countries are illiterate. AID's education program responds to this situation.

For international organizations, our contributions to the United Nations agencies and other multilateral aid bodies, we provided $257 million.

In particular, I would like to mention the $120 million which we have provided for the United Nations development program, UNDP. This amount is needed to demonstrate our recognition of the importance of our relations with the developing countries of the world; our recognition of the seriousness of developing countries' needs for increased assistance; and to serve as an example to other donors, especially the OPEC countries, that they should support a program we value very highly. Only through substantially increased funding will the UNDP be able to meet its program target of $3.46 billion for the next 5 years, setting the organization on a sound financial footing.

The UNDP is the center of the entire United Nations economic development program, and is the world's largest supplier of technical assistance—the vital first step in economic assistance activity. President Carter singled out this program as being of the utmost importance in his speech several weeks ago at the United Nations.

For its second programing cycle, through 1981, 80 percent of the UNDP's funds are scheduled for countries with a per-capita GNP of $500 or less. In addition, American contributions as a share of total contributions have steadily decreased over the past 11 years. I urge continued support for this agency.

We have provided $20 million for relief and rehabilitation assistance to Italy. This is to further assist the victims of the earthquakes which occurred in the Fruili region of Italy, and will assist in rebuilding only a small portion of the $3.3 billion worth of damage which was caused by the earthquake.

For the Sahel development program, we have provided $50 million. The U.S. program focuses on achieving Sahelian food self-sufficiency and alleviating rural poverty. We can ill afford to turn our backs on a people who suffered through the drought of 1972–74.

During that time, as many as 100,000 people died from starvation; crop production fell by 25 percent; and increased population pressures burdened the already overcrowded arable land and urban centers. The $50 million provided in this bill is a small part of a multinational effort to assist the Sahel, and I would urge its strong support.

For the Middle East, we have provided funds to support our efforts to find a diplomatic solution to the conflict and historical tension in that region. That package includes $785 million for Israel in security supporting assistance and $1 billion in military sales credits for Israel, half of which need not be repaid.

We have also provided a $300 million balance-of-payments loan to Portugal in order to encourage the development of democratic institutions in that country, and $100 million to ease the transition to majority rule in southern Africa. We also provided $20 million for Lebanon, to assist in the reconstruction of that country in the wake of its recent civil war.

We also included $7.5 million for Cyprus, the amount currently authorized by the House. I understand that the authorization will eventually be $15 million, and if that is the case then I would anticipate increasing this amount to the fully authorized figure in conference.

For the Peace Corps, we have included $81 million. This amount will permit an expansion of volunteer activities, and the promotion of increased attention to culturally appropriate technology.

Finally, Mr. Chairman, we have appropiated some $2.1 billion for the international financial institutions. I believe we will be discussing many of these institutions during later consideration of this bill. At this point, I would recommend that my colleagues read the additional views concerning these institutions which appear on page 78 of our committee report.

In essence, our multilateral assistance program complements our bilateral program, with each having particular strengths. The U.S. share in each of these institutions has declined sharply in recent years, with our share in the latest replenishment of these institutions at approximately 25 percent. By contrast, the U.S. share of the combined GNP of all donor countries is 38 percent. It can hardly be argued that we are doing more than our fair share. In fact, we may be doing less than our fair share.

These banks provide considerable assistance to the very poorest of the rural poor in developing countries, through the development of agriculture, water supplies, and other rural development activities.

To my regret, we have already cut $493 million from the request for these institutions. I would strongly urge my colleagues to oppose any attempts to make further cuts.

Mr. Chairman, this bill indicates our perception of the importance of American interests in an increasingly interdependent world. Just as no man is an island, neither is any nation in our modern industrialized world society.

This bill responds to our vital economic and political interests in the developing countries of the world, while being consistent with our domestic priorities.

I urge the adoption of this bill.

Mr. Chairman, I certainly want to thank the chairman and the members of the committee for their attention to this very important piece of legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, I would like to commend the gentleman from Massachusetts (Mr. CONTE) for his remarks and I wish to associate myself with those remarks.

Mr. CONTE. Mr. Chairman, I want to thank the gentleman again, and I want to thank the chairman for his attention to this legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, it is not easy to oppose this bill. The stated purposes of it are to help the less fortunate in the world. I am a compassionate person, and wish I could personally help all these people.

And I would support programs that I could be assured did just that.

But I find so much evidence that they help only a minority—frequently a rather well-to-do minority—or that the funds are wasted by an uncaring bureaucracy in the particular country. I simply will not vote to force the U.S. taxpayer to pay hard-earned money for such purposes—not when I have people in my district tell me they have to borrow money to pay their Federal income taxes.

I am not alone in this. Recently, I asked my constituents if they favored a continuation of this country's foreign economic and financial assistance program; 82 percent said "No."

Mr. Chairman, I will oppose enactment of H.R. 7797, the fiscal year 1978 foreign assistance appropriations bill.

I do so, although I am a member of the subcommittee, and recognize the desirability of committee unity of legislation it reports.

I do so, even while applauding the valiant efforts of our chairman, the gentleman from Maryland (Mr. LONG) to reduce the overall amount, to cut specific components in the bill, and to change the direction of individual programs.

I commend as well, the ranking minority member, the gentleman from Florida (Mr. YOUNG) for his courageous, untiring efforts to cut out unnecessary expenditures and restore congressional control over these appropriations.

TWO ANNIVERSARIES

Mr. Chairman, this year we mark the 30th anniversary of the Marshall plan, which helped rebuild Europe.

Winston Churchill termed it "the most unsordid act in history."

We look back on it with nostalgia and even wonder, for it was a foreign aid program with a beginning and an end, in fact a successful end.

This year also marks a quarter century of trying to repeat the Marshall plan's success in almost every area and country in the world.

With notable exceptions, the results are discouraging—comparisons with the Marshall plan are odious—and the costs staggering: Some $180 to $190 billion outside Europe.

Why have our foreign aid programs since 1952 been unsuccessful when compared to the Marshall plan?

First, let us be candid: The European nations spent far more on reconstruction than we did. Our offer was a tremendous morale booster at the proper psychological time. Further, it came from outside power with no designs of conquest. We could provide disinterested advice and criticism.

The aid went to a relatively small, homogeneous—if not always friendly—area, already industrialized, literate, and with technological and scientific expertise equal to ours.

The European Community, largely at Congress insistence, made its own country-by-country estimate as to reconstruction needs. A Congress with a Republican majority, and a Democratic administration did their homework, and did it well.

All of this, perhaps is why our foreign aid programs since 1952 have been unsuccessful when compared to the Marshall plan.

RECONSTRUCTION AND ECONOMIC DEVELOPMENT

We failed to distinguish between reconstruction and economic development. Rallying a despairing industrialzed continent does not mean you have discovered the secret of economic development.

We probably should have dissolved the whole Marshall plan bureaucracy in the early fifties—imbued as it was with the reconstruction mentality. After a decent interval, we could have established a research center—perhaps independent of Government—to consider realistic programs for assistance to the underdeveloped countries. For this new task required far more subtlety and humility than did helping to rebuild Europe.

Instead, we retained the same organization—now folded into the State Department—which attempted the heavy capital investment techniques so useful in Europe in largely rural agricultural countries in Asia, Africa, and Latin America.

There were voices of protest—notably from Prof. P. T. Bauer now of the London School of Economics—that such capital investment would benefit but a few people, while dislocating the economy in many countries; would prop up inefficient and dictatorial regimes; and simply was not suited to the needs of the majority of rural peoples in these countries.

Such voices were brushed aside as hopelessly conservative, lacking in compassion, against progress.

Interestingly enough, the "New Directions" in foreign assistance but recently legislated by Congress, sound much like what Professor Bauer was advocating 20 years ago.

Bauer, of course, objects to one basic point, still part of our assistance program, whether bilateral or multilateral: It is government-to-government, with all the slippage this entails. It encourages centralized planning and control. It will not result in genuine widespread economic development, least of all among peasants and farmers.

WHY I OPPOSE THIS BILL

What about the bill at hand? What are my reasons for opposing it?

I object to it on two major counts: First, because of the new foreign policy this bill presages; second, because of the vast difference between promise and results for which so much money has been and is to be spent. Let us consider these points in order.

A NEW FOREIGN POLICY

A foreign assistance appropriations bill is also a nuts and bolts—and I use that phrase advisedly—description of U.S. foreign policy.

We should realize that what we are considering today is a real change in foreign policy.

This is the largest foreign aid bill since 1952. But President Carter wants that figure doubled in the next few years.

The largest part of the increase in this bill is for the international lending institutions—the World Bank and its progeny. But President Carter wants the largest share of the increase in the next few years to go to these same institutions, and their United Nations counterparts.

More foreign aid, much more—$15 billion or more—to be paid by the U.S. taxpayer by 1980.

Less and less control over how that money is spent, by 1980.

That is the Carter foreign policy, and lest we did not understand, it has been repeated by Secretary of State Cyrus Vance and AID Director John Gilligan.

IRONY

This is indeed ironic. Congress has expended much energy the last few years trying to reestablish its powers with respect to foreign policy.

Along comes a President of the majority persuasion, and already that power—for money is power—is being dealt off to an international bureaucracy in solid measurable chunks, to be increased with each fiscal year.

THE INTERNATIONAL BUREAUCRACY

This gilded bureaucracy, protected by its international charter, is under no requirement to report to Congress or any other merely national body before, during, or after its policy and loan decisions.

Our attempts in committee to effectively reduce funds for these institutions were defeated. We were told our representatives had pledged to replenish the banks' funds, and it would be in bad taste for Congress to renege on such pledges.

We were defeated in attempts to attach certain conditions to funds we provided. After all, we were told, these are international institutions, and to penetrate the corporate veil would wreak havoc.

A POOR ARGUMENT

Finally, supporters of the banks argued Congress was not giving as much money as the appropriations figures seemed to indicate. A goodly amount was in the form of callable capital—a credit guarantee—which would not, except in the most unlikely circumstances, ever result in drawdowns from the Treasury.

This argument fails on two counts.

Callable capital is a grant of power to these banks. It is the basis for their borrowing money on the open market—including the U.S. capital market—for their own lending operations. Their development policies depend upon obtaining funds to loan. When callable capital is increased, we in effect are saying, "We approve your policies." These banks do not deserve such a vote of approval.

The argument is, as well, a bland way of ignoring the great increases in the bill for replenishment of paid-in capital and concessional or soft loan funds. In both instances the United States gives hard cash.

THE TREND

Here is the trend: In fiscal year 1977 we appropriated $745.1 million for paid-in capital and concessional funds. This year, Mr. Carter asked for $1.6 billion for these two funds, a mere 115 percent over last year. The committee agreed to $1.2 billion, 72 percent over fiscal year 1977. I suppose on that account someone will trumpet that we "saved" $400 million in the international lending institutions program.

And for you futurologists, let it be noted the President has indicated he wishes more of our assistance to the banks and the U.N. in the form of soft-loan funds. Once more, these are not mere bookkeeping devices; they involve actual appropriations.

Compare all this with the requests for bilateral economic assistance programs—programs administered by AID and over which Congress has some direct control. This year the President asked for an 18-percent increase, and the committee agreed to about 13 percent. Those two figures, a 115-percent increase for the internationals, as against 18 percent for the bilaterals, are benchmarks for our future foreign policy.

NEW DIRECTIONS OR NEW DESCRIPTIONS?

Let us consider our U.S. foreign aid programs in more specific terms.

A few years ago, Congress enacted the "New Directions" for such programs. In sum they directed such be designed to aid the poor in other lands by improving food production, nutrition, health, education, and population planning.

Have AID and State Department planners and program directors followed the New Directions?

"Perhaps," says the Congressional Budget Office, in its February 1977 paper, "Bilateral Development Assistance, Background and Options."

CBO suggests AID projects are beginning to be more consistent "with the New Directions emphasis on assistance to the poorest peoples in the recipient countries."

But, then it adds a cautionary comment:

It is possible that some of the changed emphasis merely represents changes in the ways bilateral development projects are described to Congress. (Pp. 21–22.)

Possible indeed.

To the same question, Prof. Roy Prosterman, Washington State University, a longtime student of foreign aid, answers "No." He has developed a grading system to determine to what extent both AID and multilateral development assistance programs really reach the poor, which system is cited in the CBO paper.

In his testimony before our subcommittee, Professor Prosterman gave a grade of C plus to AID programs, insofar as compliance with the New Directions policies, the same grade as last year. No improvement.

MULTILATERALS EVEN WORSE

He added:

However, while AID's performance is mediocre—and it would have to be further discounted in the "slippage" between the projects as proposed to Congress and as actually immediate future. Such a review should tilateral agencies in general is even worse. We have graded IDA (plus "Third Window" another soft-loan variant) projects for the current fiscal year, using the same New Directions standards, and on that basis given them a 1.5 or D plus; and they are about the best of the multilaterals—the IDB, for example would come out even worse.

TWO COMMENTS ON AID PROGRAMS

Perhaps I should have been prepared for this. In "Issues—'78—Perspectives on Fiscal Year Budget 1978," prepared by OMB for the Ford administration, we have this commentary:

A thorough review of U.S. foreign aid programs should be undertaken to clarify objectives and identify the appropriate mix of programs to meet these objectives in the immediate future. Such a review should focus on the roles and missions of the major assistance programs—AID, P.L. 480, food aid, and U.S. contributions to the international development banks. The review should also examine the full range of other aid activities to determine where redirection, consolidation and other changes would be desirable. (P. 35.)

This would seem to be confirmed by a separate source, the February 1977 CBO paper referred to above:

The agreement among Western aid donors that more aid should be provided to the poor does not appear to have significantly increased the amount of coordination among major aid donors or substantially changed the distributions of Western aid. The common theme has not been translated into common practice because too much confusion exists about who the poor are, about the amount of assistance actually being redirected to them, and about the best use of foreign aid to improve their lives. (P. 24.)

WHO IS TO BLAME?

Certainly we in Congress cannot simply blame AID and State. We have approved economic development assistance programs, and security assistance programs, and international organizations economic development programs, plus innumerable regional and special funds, running in every direction. Today we support some 600 or so bilateral projects in 60 countries, while the United Nations Development Fund and the international banks each have thousands of projects in many more countries.

Yet, they all repeat the same theme in their justifications: We are doing it for the poorest of the poor, and thereafter follows the litany of the new directions.

UNDP TO BE "REEVALUATED"

CBO would seem to have something, when it queries as to whether there are changes in descriptions of foreign assistance projects rather than changes in directions.

During our hearings, AID and State representatives described the United Nations development country program as—and I am using their terms—"effective, efficient, well coordinated," and even "viable."

It was somewhat surprising, thereafter, to be informed on May 25, 1977, that State was establishing special teams to evaluate UNDP country programs as to their effectiveness and efficiency, as to whether there was duplication and lack of coordination, perhaps even waste.

Here, prudence would seem to dictate that at the very least, we deny any increase in funding for UNDP until these teams finish their evaluation of UNDP programs.

MY BASIC APPROACH

In fact, that is my basic approach to the entire bill this year. So much dissatisfaction has been expressed by so many different sources—some of which I have quoted—that this hardly seemed the time to vote increases in our foreign assistance programs.

What comes through after all the testimony heard and justifications read is: A lack of focus; too many projects scattered about in too many countries; far too much financing of sociological studies, and plans to establish more planning groups or conferences.

Thus, we were recently advised by AID that $18 million additional are to be expended in fiscal year 1977 in planning how to plan Egypt's economic development; that 15 students from Liberia are to receive master's degrees in public administration in various U.S. universities—in the name of food and nutrition; that $500,000 is to be spent for a leadership conference in Papua-New Guinea.

THE UNRWA

We find a refugee relief project that for longevity rivals anything in our own country. The United Nations Relief and Work Administration, UNRWA, has been handling emergency relief programs for Palestinian refugees since 1951. In many case, three generations of Arab refugees have been and are still being nourished and educated by UNRWA. This year it will receive at least $52 million, for a grand total of $720 million contributed by the United States. We are told it employs 16,000 Palestinians, and cares for 820,000 other Palestinians, but whether they are refugees, members of the PLO, or simply migrants who know a good thing when they see it, is hard to determine. We have paid 70 percent of this refugee program since 1951. The Arab nations, whether oil rich or not, contribute practically nothing.

OPEC OIL PRICES AND AID PROGRAMS

The underdeveloped countries, according to our foreign aid boosters, are in dire economic condition in great part because of OPEC's oil increases, which cut into their foreign exchange far more than into ours. Thus, we should increase our aid to them.

But the OPEC nations continue to collect the exorbitant oil price increases, and as a palliative offer very selective economic development assistance, generally on "hard" terms.

Might it not be suggested to the OPEC nations that a far more effective form of relief for the poor of Africa, Asia, and Latin America would be to reduce oil charges to these countries? Or is that too sensible?

PROLIFERATION AT THE U.N.

Further confusion is contributed by the proliferation of U.N. development agencies. I have already mentioned the new State Department study to evaluate the UNDP programs.

The Washington Post, in a May 12 editorial, called attention to a reason for continuing confusion in multilateral aid. It referred to plans to turn "Habitat"—the U.N. Conference on Human Settlements—into a permanent organization. The plans are floundering, but the Post remained quite calm about this. It commented:

There is no reason why every international consciousness-raising session has to spawn a permanent organization—though the temptation to do so in the name of "follow-up" has proven irresistible to at least three other U.N. conferences of the 1970's. Surely the problems of settlements can be treated with-

in the confines of existing development and planning agencies.

The editorial quoted from Senator ABRAHAM RIBICOFF's Government Operations Committee's February 1977 report on International Organizations:

> The large number of international organizations engaged in similar or closely related activities threatens the continued effectiveness and efficiency of the system of international organizations.

To that the Post says:

> Amen. Ten of the 65 organizations surveyed by the Committee had been created in the last ten years. If the recent rate of proliferation continues, there will be 855 different organizations by the year 2000.

Now there, I submit, is a worthy project for sunshine, sunset, and zero-based budgeting advocates.

To such verbal broadsides, the U.N., our State Department, and apparently Congress are impervious. This year in the authorization bill we have all sorts of ambitious little organizations up for a bit of funding here and there. There is the U.N. Associate Experts program—which is supposed to improve recruiting of Americans for the U.N. Secretariat, with a training program in the field under the guidance of U.N. experts.

Perhaps Americans no longer seek out employment in the U.N. because of its absurd actions over the last few years.

There is the International Year of the Child—surely an appeal which no one could resist. Everyone wishes to help children. But the authorization report informs us the $750,000 requested—and fortunately not funded in our bill—is "to support a small secretariat staff in UNICEF to raise funds, provide resources for the less-developed countries to establish health, nutrition, and education programs to meet the special needs of children."

But we had just increased funding for UNICEF to $25 million. And it is supposed to do all that which the "small" $750,000 secretariat proposes to do. Someone is not reading the Post editorials.

THE MULTILATERAL MYSTIQUE

There seems to be a certain mystique surrounding the international lending institutions: Selfless, enormously wise men, precociously brilliant in economic development, making decisions that benefit mankind, and always in a businesslike way.

Thus, it was a bit unsettling to read in the "1976 Annual Report of the National Advisory Council on International Monetary and Financial Policies," that under Mr. Robert McNamara, the International Bank, IDA, et al., had loaned so much money at such a fast pace, and with so little regard as to whether the rates charged were covering expenses, as to be lectured by the U.S. Secretary of the Treasury at the annual meeting in September 1975. Thereafter, the pace of loans was slowed, and interest and carrying charges increased to cover expenses in 1976.

Even more interesting are the comments in the Congressional Budget Office issue paper, March 1977, "I.F.I.'s: Background and Budget Options."

CRITIQUE OF THE MYSTIQUE

The CBO issue paper destroyed one of my most cherished beliefs: It said that among the arguments favoring IFI lending "is the supposed expertise of their staffs. While it is true individual staff members of IFI's, the World Bank in particular, have contributed significantly to the study of economic development, it is difficult to put much faith in this argument."

The CBO paper adds an even more interesting thought:

> If a body of development experts is what is desired, it need not be directly associated either in a national government or an international institution.

The CBO paper later notes that IFI loans simply are a credit line, which frequently relieves the recipient country of using its own funds for economic reform or assistance to the poor. It is very difficult, if not impossible, to tie strings on such loans. Fungibility is the term we use for this marvelous convertibility of money and credit.

THE IDB

Of particular interest were the CBO paper's comments on IDB—the Inter-American Development Bank—which many of my colleagues argue is so important, efficient, and dedicated to helping the "poorest of the poor." The paper notes the IDB was organized in 1958 out of dissatisfaction with the World Bank. A bank for "social projects" was needed, which the World Bank ignored.

However, CBO says:

> Over the years, this emphasis on social projects was reduced, and more industrial and infrastructure projects were undertaken. Today it is difficult to distinguish between lending priorities of IDB and the World Bank.

So much for helping the poorest of the poor.

QUALITY OF IDB STAFF

But there is more. What about the quality of the IDB staff?

> Unlike the IBRD, the IDB does not maintain an extensive staff to evaluate the needs of borrowing countries and to aid in the identification of suitable projects.
>
> The IDB leaves to the member countries the responsibility for determining development priorities. This lack of a large analytical staff has left the IDB open to occasional charges that its project selection criteria are inadequate and that it is a borrowers bank. (Pp. 7–8.)

This jibes to a remarkable degree with Professor Prosterman's evaluation that the IDB is "even worse (than IDA and AID) insofar as development assistance to the poor is concerned."

It is this IFI which received $586 million in fiscal year 1977, including $256 million in paid-in capital and concessional funds, and will receive $523 million in fiscal year 1978 including $165 million in similar funds.

SUMMING UP

There is no combination of outside institutions and policies which can readily transform the underdeveloped countries. Many such institutions and policies today are, in my judgment, hindering this development.

Most of the poor in most of the poor countries live in rural areas. The first objective would seem to be to increase food production, and many of the other improvements in the quality of life will follow thereafter.

Men and women and their families must have some motivation for such increased food production. You cannot expect them to work harder, to take additional risks, to use new methods, if the resulting surplus goes to the landlord, or—even more frequently today—is appropriated by their government.

India could produce far more grain than it does. It has roughly the same amount of arable land and rainfall as the United States. But its government has been locked into a state-socialist mythology, and its food policies do exactly the opposite from encouraging greater food production. The peasant producing food surpluses in the more fertile agricultural areas cannot sell on the open market to the food-deficit areas in his country. The food is redistributed under government control.

Egypt is struggling to escape the consequences of the same socialist mythology. Domestic food production is discouraged, because of rigid government control over pricing and distributing food. Egypt makes up its food deficit by imports. It subsidizes the price of food sold domestically to keep its urban poor quiet. This means continuous foreign exchange problems, unless the United States simply gives Egypt foodstuffs. Insofar as improving domestic agricultural production, this is a completely self-defeating policy. But it is government policy.

And government-to-government aid subsidies simply perpetuate such stupid policies.

Recently, we held a hearing on a proposed $300 million balance-of-payments loan to Portugal. According to the testimony, Portugal was going to subject itself to rigid austerities to reorder its chaotic economy.

However, its economic planning proposed expenditures for a new steel mill, for increasing the capacity of its one existing steel mill—steel is in oversupply in the world market—and for four nuclear powerplants. All of these require enormous capital investment, the importing of expensive technology, and materials from abroad. Nor, in the end, do they furnish many jobs.

We are not financing these projects directly, but our money will enable Portugal to use other funds for such purposes. Portugal has a 20-percent unemployment rate, and its agricultural production is badly out of whack.

This is the type of lopsided development assistance we have been engaged in for years, as have the international banks.

What is needed in so many countries is less government control, and more land-tenure security so that farmers can enjoy the fruits of extra labor, and sell surpluses on the open market. As has been shown in certain countries in Asia, such reform can result in greatly increased production per acre.

Perhaps some improvement in food

production in the underdeveloped countries will come about as the result of the joint efforts of church groups and private volunteer agencies employing light capital technology, and a new foreign agricultural extension program worked out by the universities and colleges.

In other words, development organizations separate from government and international lending institutions.

But, for the present, I find confusion, contradiction, and waste in most of our foreign assistance policies and programs.

I will vote against appropriating $7 billion to perpetuate such policies.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CHARLES WILSON).

Mr. CHARLES WILSON of Texas. Mr. Chairman, first of all, I would like to make this point that was never made in committee concerning Nicaragua. The U.S. advisory group in Nicaragua monitors the military assistance program to assure that money and training are not provided to those units of the Nicaraguan National Guard which are charged with civil law enforcement functions. It is very important. None of this assistance goes to the police in Nicaragua.

Second, I am very, very, very worried about the serious application of a double standard in the case of Nicaragua. I would like to read to the House a list of countries that are listed as "Not Free" by Freedom House: Bolivia, Panama, Burma, Afghanistan, Jordan, Nepal, Oman, Syria, Tunisia, Yemen, Yugoslavia, Cameroon, Gabon, Ghana, Sudan, and Zaire, many of whom receive aid.

Nicaragua, on the other hand, is listed as "Partly Free." On the matter of double standards I think we should be exceedingly careful. I would like to read to the Members just a few headlines: "Police in Houston Pictured as Brutal and Unchecked."

In case my friend from New York says, "What else would you expect of a barbarian place like Houston?" I would like to read another headline where it says:

"Attica: Where Time Ran Out."

"North Carolina: Justice or Vengeance for the Wilmington 10?"

"Israel as Occupier: 'Excessive Force' or Strict Security?"

"The Sunday Times said a 5-month investigation by its reporters have shown that Israeli interrogators routinely ill-treat and often torture Arab prisoners."

I have been to Israel many times. I do not believe that. Neither do I believe the testimony given by some Catholic priests who obviously, in my judgment, were very serious extremists on this issue.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. WRIGHT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 6, 1977:

H.R. 6752, An act to amend the Water Resources Planning Act (79 Stat. 244) as amended.

On June 10, 1977:

H.R. 5306, An act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

On June 15, 1977:

H.R. 2992, An act to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended;

H.R. 4390, An act to authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes;

H.R. 5040, An act to authorize additional appropriations for the Department of State for fiscal year 1977; and

H.R. 6774, An act to make certain technical and miscellaneous amendments to provisions relating to higher education contained in the Education Amendments of 1976.

On June 17, 1977:

H.R. 6692, An act to extend certain programs under the Education of the Handicapped Act.

On June 20, 1977:

H.R. 6197, An act to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978.

On June 22, 1977:

H.R. 5840, An act to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act.

The SPEAKER pro tempore. The Committee will resume its sitting.

The Committee resumed its sitting.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT, 1978

The CHAIRMAN. When the Committee rose, the gentleman from Maryland (Mr. LONG) had 8 minutes remaining, and the gentleman from Florida (Mr. YOUNG) had 6 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I regret that more Members are not attending this debate. I think many people tend to have a knee-jerk reaction to the label "foreign aid" either one way or another. Unfortunately the bill usually passes. I think today we are hearing discussion of some fundamental changes in the direction of our foreign aid policy that all Members might benefit from hearing.

I do draw the attention of the Members to the section of the bill which creates a Southern Africa Special Requirements Fund. This particular section, as I understand it, will be subject to an amendment to strike to be offered by the gentleman from Missouri (Mr. ICHORD). I read the report very carefully and I cannot find any justification for this except a statement that the House voted on this special economic assistance on May 12, 1977. It seems to me when the House voted for it by a majority of only four votes, that the Appropriations Committee might at least go into the background of a program that is so closely contested.

If one does read the minority views they addressed this new fund. This fund could very well be used to finance bloodshed and violence in Africa. As the minority views point out, many millions of dollars of aid are already authorized in multilateral or bilateral arrangements for this area. I hope the amendment will be adopted.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I just wanted to make several observations. First of all, I do want to commend the Secretary of State, who has been the subject of some discussion here this morning because of his initial indication that he did want to double the U.S. foreign assistance over the next few years. I put out a press release attacking the administration for making that announcement at the same time that they were talking about a substantial cutback in the Labor-HEW appropriation bill, for instance. I attacked their position as being inconsistent.

I was informed subsequent to that press release that, in fact, the administration has reconsidered their position, and in large part because of the consultation they had with Members of Congress they are no longer pursuing that route.

I agree with the gentleman from New York (Mr. BINGHAM) they ought to be given credit and not blame when they recognize that they are taking a position which is not supported by, I believe, the majority of the American people.

Second, I do want to just raise one point in relation to the international financial institutions. I hope no one here believes because of the comments being made that those institutions are not in fact audited. They are in fact audited. The firms that do the auditing are American firms. In the case of two of the firms the auditor is Price Waterhouse, a well-known reputable firm.

Let me make one additional remark in terms of the aid to the Somoza regime which was cut off in this bill. Under ordinary circumstances I oppose singling out countries for deletion from this bill. I tried to prevent that from happening in most cases in the committee.

I opposed the limitation on Argentina, for instance; but I do believe in the case of Nicaragua we have another situation.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LONG of Maryland. Mr. Chairman, I am sorry, we just do not have the time to yield further.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the remaining 4 minutes.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY) a portion of that time, if the gentleman would like to complete the statement.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Florida.

All I was going to say is that I do be-

lieve we should resist general cutting off funds for specific countries here in the Congress; but I do think when a compelling case is made and the only country for which a compelling case was made in our committee record was, in fact, Nicaragua, I believe the Congress has the right as the body which does provide the money around here, the right to exercise our judgment, provided we do it in a select and disciplined way. I think that under the leadership of the gentleman from New York (Mr. KOCH), the committee tried to do that in the case of that one country.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman from Wisconsin said that these international banks are audited. If the gentleman misunderstood my statement, I apologize. Any time I have ever discussed audits relative to international banks here or in the subcommittee, it was in regard to the fact that we were not able to obtain any audits on any loans made by these banks to any country or to any organization or any business interest. We could not get an audit, and we asked for them repeatedly, time after time. We were offered—listen to this—we were offered "financial evaluations" of certain loans that had been made, provided that we promised we would not reveal the contents of those financial evaluations to anybody outside the subcommittee.

Now, we deal in the open. Our subcommittee has done all its work in the sunshine. We just were not able to agree to that provision. So at this point not only have we not evaluated any audits, we have not even seen any financial evaluations.

Mr. Chairman, I invited myself to attend a meeting of the governors of the World Bank where they considered loan applications so that I could get an idea how American dollars were going to be used. I have a very pointed letter from Mr. McNamara, after we lunched together, but the letter turns me down. The chairman, the gentleman from Maryland (Mr. LONG) was at that luncheon, by the way. The letter turns me down and in effect says, "Nothing doing. You can't come."

I am on the subcommittee handling this money, a Member of the U.S. Congress, yet I cannot go to a meeting of the directors of the World Bank when they are talking about spending millions of dollars of money given to them by the U.S. taxpayers. In my opinion, that is not proper recognition of our obligation to answer the American people for their dollars we appropriate.

Mr. Chairman, I reserve the balance of my time.

Mr. LONG of Maryland. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I would like to commend the committee and the chairman and the ranking minority member for the attempts to bring within this bill a concept of human rights.

Mr. Chairman, in addition, the administration has shown responsiveness to human rights by eliminating "internal security" as a justification for fiscal year 1978 security assistance programs. Congress has further laid a great deal of the groundwork for military aid cutoffs and redirection in policy, by passing legislation requiring the executive branch to submit human rights reports on those nations receiving security assistance.

Despite these improvements, President Carter has requested and the House of Representatives has voiced support for retention of U.S. sponsored military education and training programs for military officers of some 44 countries. All but six of these countries belong to the Third World continents of Asia, Africa, and Latin America.

The main objective for the foreign military training is to keep channels open and to encourage a more democratic, more professional military establishment in these 44 countries. Hopefully such a military establishment would consequently be more responsive to human rights in their countries. Unfortunately, this goal has not often been realized. Rather, the Pentagon's influence through military education and training programs has encouraged, not inhibited, the military in these countries from becoming more politicized and institutionalized. Frequently these military regimes, right and left, have applied coursework learned by their military officers to foster torture and stifle individual freedoms. Course titles, as extracted from a Department of Defense computer printout, include "counterinsurgency," "psychological warfare," "intelligence" and "military police, civic affairs." These are taught at the U.S. Army School of the Americas at Fort Gulick, the Canal Zone; the Army Command and General Staff College, Fort Leavenworth, Kans.; and the U.S. Army Infantry and Ranger School, Fort Benning, Ga., among others.

U.S. officials no doubt support the military training with the belief that the program prevents foreign officers from turning to the Soviet Union. The underlying assumption here is, of course, that the closer the Armed Forces are to the United States, the less likely other nations, particularly the Communist ones, would be able to obtain influence over these militaries. However, counteracting nationalism has often been espoused by Third World military officers. The goals of nationalism have not always been in the best interest of the United States. Despite our efforts to prevent any countervailing governments, nationalist military rule has occurred in such nations as Libya and Peru. There always exists the possibility that application of the doctrines taught through the international military and education training program can be used in opposition to U.S. alliance and against those who would pose "threats" internally.

More than two decades of U.S. training of Argentine military, for example, have not encouraged the democratization and the professionalism of the Argentine Armed Forces. Instead, courses in civic action and psychological warfare have reinforced the role of the military. Based largely on shared experiences at such training facilities as the one in the U.S. Southern Command in Panama, Latin American military officers of authoritarian regimes have developed the common ideology of "national security." To these military rulers, often dissent in any form is considered a threat to the state and warrants a military rather than legal, constitutional responses.

It is no secret that a majority of those currently in power in Chile were participants in U.S. military training. Other leaders include Omar Torrijos of Panama, Hugo Banzer, dictator of Bolivia, and Somoza of Nicaragua. It would seem that the United States is short circuiting its goals for the long term peace and security when it supports these kinds of rulers. For when these leaders are eventually deposed by their people, we are also deposed, through guilt by association.

I also believe that it is the duty of this Congress to examine this country's participation in the IMET program on a country-by-country basis in order to make sure that it is in compliance with section 660 of the Foreign Assistance Act which prohibits appropriations of funds for use of military assistance or training in those countries where dual police and military enforcement activities exist.

The General Accounting Office—GAO—recommended in a report to Congress on February 19, 1976 that clarification of intent regarding indirect support to military units performing law enforcement functions and to military assistance to countries under martial law be sought by the Congress. I believe this advice is sound and long overdue. Introspection of the benefits of U.S. military training for foreign officers must take place before further damage is done.

Mr. KETCHUM. Mr. Chairman, I rise to voice my strong opposition to the massive appropriations of this bill. At a time when the efforts of our Nation should be directed toward balancing the budget and maintaining a strong defense, this House is considering a comprehensive foreign assistance package for 1978 of over $7 billion—an increase of $1.4 billion from this fiscal year.

Just last week the administration was working against the efforts of citizens across this country to eliminate vitally needed water projects, and today it expresses its disappointment that the bill has not included an additional $552 million. How much longer are we to put up with generous foreign aid programs when the domestic necessities of our people suffer as a consequence? I find little merit in an administration which campaigned for fiscal restraint and domestic compassion in November but fails to make good on promises in June.

Furthermore, the current preoccupation with human rights by the administration has led the Committee on Appropriations to urge that certain countries of the non-Communist world be monitored for noncompliance to "basic human rights" as determined by the White House and State Department. To become involved in the internal affairs of friendly nations while virtually ignoring those of others is a classic example of Government double standards and counterproductivity. Should action ever be taken in the form of an economic repri-

mand with our allies, their only alternate course will be to seek out the assistance of the Soviet Union.

Mr. Chairman, this is an irresponsible piece of legislation which has been given little forethought. The mistakes of our past have not served as lessons for the future but have simply been magnified by a leadership which finds it easier to appropriate funds in foreign assistance than to take a decisive stand toward fiscal responsibility.

Mr. BIAGGI. Mr. Chairman, just over 13 months ago, a massive earthquake which registered 6.5 on the Richter scale, struck the Friuli region of Italy with shocking fury. The day after the earthquake, I introduced H.R. 13631 which provided $25 million in emergency assistance for Italy. My bill was approved as part of a supplemental appropriations bill and I had the pleasure of attending the White House ceremony at which President Ford signed the measure.

Now, over 1 year later, the need for additional U.S. aid to Italy is just as compelling. I am therefore most gratified to rise in support of this legislation which contains some $20 million in additional aid to Italy. These funds are desperately needed not only to combat the effects of the May 6, 1976, earthquake, but also to repair the damages caused by a subsequent, severe earthquake which struck on September 15.

The casualty and damage figures from these earthquakes are startling. A total of 951 persons lost their lives and another 2,400 were seriously injured. More than 12,000 persons were forced to evacuate the region. The homes of some 32,000 persons were completely destroyed, while those of 157,000 persons were seriously damaged. In addition, many businesses were destroyed and damage to the region's agriculture was especially serious.

I have met on several occasions, with Mr. Arturo Constantino, the top American official overseeing the Italian earthquake relief effort. He has advised me of the very prudent distribution of the $25 million in U.S. aid. Almost 80 percent of the funds expended, went to rebuild schools for children and centers for the aged. He is to be commended for his outstanding leadership and dedication to this important cause.

The additional $20 million provided in this bill will be gratefully appreciated by the Italian people. In light of the fact that the comparable Senate bill contains $35 million, the final figure will very likely be close to the $25 million level provided last year.

As I have pointed out on numerous occasions, our assistance has more than just humanitarian benefits. The Western world has grown increasingly concerned about the growth of Eurocommunism. Nowhere is the emergence of communism more evident than in Italy. The Italian Communist Party narrowly missed capturing last year's Italian Government elections. Without the United States' generous and visible assistance to the earthquake victims, the Communists might have reaped a political bonanza by making the earthquake a political issue. Our continuation of aid may preserve democracy in Italy.

This Nation has amassed an impressive record with respect to providing aid to the needy victims of natural disasters throughout the world. This legislation reflects our commitment as we are again providing important assistance to nations suffering from natural disasters, such as the African Sahal. Last year, we provided some $25 million for disaster assistance covering such varied calamities as a typhoid outbreak in Ecuador; a power shortage in Haiti; and an earthquake in Turkey. These represent compassionate expenditures.

Certainly, the tragedy which struck and continues to affect Italy, merits our continued response. The devastation and suffering cannot be measured merely in dollars and cents. We are talking about the separation of families, the destruction of homes and businesses, and the loss of economic livelihoods for thousands of Italians. The pleas of the people of Italy must be answered again this year. I therefore urge the expeditious passage of this legislation today, and its early approval by the President.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

I thank the gentleman for yielding. Mr. Chairman, I rise today in support of H.R. 7797, the foreign assistance and related programs appropriation bill for fiscal 1978. This bill provides funding for two measures this body endorsed several weeks ago—H.R. 6714, the International Development and Food Assistance Act, and H.R. 6884, the International Security Assistance Act of 1977. It provides aid for food and nutrition, population planning, and, most important, security supporting assistance.

I support this bill particularly because of its assistance for Israel. It is very important at this time for Congress to reaffirm its support for Israel as Prime Minister Menachem Begin and his Likud party take power and attempt to put together a coalition government to manage the affairs of Israel. This bill goes a long way toward ensuring the continued security of this strong ally of ours—it provides $785 million to help Israel meet substantial financial burdens. Of this amount, $635 million would continue imports of sorely needed U.S. agricultural and industrial commodities and related services.

Just as important is an additional $1 billion in foreign military credits for Israel, which will allow it to acquire needed military equipment and services. Half of this amount, which is a loan, will be forgiven, and the rest will be extended with concessionary interest rates on long terms.

Movement toward a permanent peace in the Middle East now appears to have promise of gaining renewed momentum. Realizing that promise will depend in part on continuing strengthening of the economies of the region. In light of recent pronouncements by the administration that have been interpreted by people in my district as representing radical changes in our policy in this area, I am happy that this bill continues our longstanding commitment to the people of Israel. I urge my colleagues to give their support to H.R. 7797.

Mr. GIAIMO. Mr. Chairman, I intend to vote in favor of final passage of this foreign assistance appropriations bill for fiscal year 1978, which is below the targets assumed in the budget resolution for budget authority and just about on target in outlays.

Mr. Chairman, with this bill we mark completion of House action on appropriations for the international affairs function for fiscal year 1978.

The targets in the first budget resolution for international affairs were $9,300 million in budget authority and $7,300 million in outlays. The House has already considered and passed the two other appropriations bills impacting on this function: the Agriculture appropriations bill which provided $922 million in budget authority and $1,092 million in outlays for the food-for-peace program; and the State, Commerce, Justice appropriations bill which provided $1,551 million in budget authority and $1,233 million in outlays for conduct of foreign affairs and foreign information and exchange activities.

The foreign assistance appropriations bill before us today, which provides for the military assistance programs in the national defense function, as well as for the foreign economic and financial assistance programs, totals $7,046 million in budget authority and $3,154 in outlays, is below the targets in the resolution by $434 million in budget authority and $35 million in outlays.

Taken together with the appropriations bills already passed, $2,990 million in outlays from prior year foreign aid project authorizations, the anticipated activity levels of the Export-Import Bank and other trust fund and offsetting receipt estimates, the total international affairs function will be below target by some $872 million in budget authority and essentially on target in outlays.

Mr. Chairman, I fully appreciate the long and difficult task the subcommittee faced in bringing this bill to the floor within the congressional budget targets. I know it faced considerable pressures to increase these amounts and to bring out a bill with much greater spending than is included in the bill before us today. We faced these pressures in the budget committee, too, so I am particularly pleased to support this bill, which I believe provides adequate funding for essential foreign aid programs within existing fiscal constraints.

I urge you to support the funding level included in the bill as it has been reported by the Appropriations Committee.

Mr. MILLER of Ohio. Mr. Chairman, it is appropriate at this time when we are discussing aid to other nations that we reflect upon certain needs here at home. At our present rate of consumption, we will run out of some 10 critical materials by the year 2000. This is a serious matter, but we have a way to ease these shortages through the use of the so-called barter amendment.

As many of the Members may recall, on December 11, 1974, I offered an amendment to the Foreign Assistance Act that added language authorizing the President, when he determines it in the national interest, to extend assistance to an aid recipient country when that country agrees to exchange necessary or

raw material it controls, for such assistance. Necessary or strategic petroleum, other fossil fuels, minerals, or any other natural substance in short supply in the United States.

My amendment was agreed to overwhelmingly by a recorded vote of 244 to 136. Subsequently, the language was retained in conference with the Senate, and became incorporated as section 32 of the Foreign Assistance Act of 1974—Public Law 93-559.

By approving my barter amendment to the foreign assistance program, the Congress recognized two very important issues. One, the United States should get something in return for the billions of dollars we send overseas each year in the form of foreign aid. Barter arrangements, coordinated and utilized properly, can better justify foreign aid expenditures. Second, the Congress realized the United States faces critical shortages of basic raw materials necessary to the operation and growth of our economy. Through barter agreements with foreign aid recipients, this country can gain access to the abundant yet undeveloped natural resources that exist around the world. In doing so, we enhance our strategic stockpiles at less cost, and assure that our vulnerability to future world market disruptions in the flow of raw materials is minimized.

For the record, a description of the amendment language follows:

EXCHANGES OF RAW MATERIALS

Subsection (a) authorizes the President to furnish assistance to any country in exchange for raw materials that it controls, when the President determines that the furnishing of such assistance is in the U.S. national interest. The term raw materials means fossil fuels, metals, minerals or any other natural substance which is in short supply in the United States.

Subsection (b) authorizes the President to allocate any raw materials transferred to the U.S. for any purpose authorized by law, including sales.

Subsection (c) provides that funds received from the disposal of any raw materials received pursuant to the provisions of this section shall be deposited in the miscellaneous receipts in the U.S. Treasury.

H.R. 4895, Strategic Materials Stockpile Act, was approved by the House on March 31 this year and sets up a program within the General Services Administration to acquire critical and strategic raw materials through barter with foreign countries. This legislation provides the inter-agency coordination needed to take full advantage of the existing barter law. With such authority I expect the administration to move quickly to see that the taxpayers will start to get something of real value in exchange for the billions of dollars we send overseas annnually under this bill.

Mr. ALEXANDER. Mr. Chairman, I want to take this opportunity to report on the implementation of section 504 of this bill, the "foreign debt collection" provision, which the House first approved via an amendment I offered on the House floor during consideration of the 1976 Foreign Assistance Appropriations Act.

Earlier this year, I shared with my colleagues the latest Department of Treasury statistics on outstanding delinquent debts owed to our Government by foreign countries and international organizations. As of December 31, 1976, according to the Treasury Department, the principal and interest due and unpaid 90 days or more on U.S. loans and credits totalled $1,027,871,357.

In view of the increased level of the arrearages as compared with December 31, 1975, delinquencies totalling $677,130,954, I wrote Assistant Secretary of the Treasury for International Affairs C. Fred Bergsten to ascertain what countries had been excluded from aid under this provision of the 1976 and 1977 foreign aid appropriations bill. The text of the Assistant Secretary's response follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 19, 1977.

HON. BILL ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR MR. ALEXANDER: Thank you for your letter of May 3 in which you noted the improvements that have been realized by the Treasury Department and the creditor U.S. Government agencies in the reporting of foreign debt arrearages. The operation of a timely, accurate reporting system continues to be one of our priority objectives.

I am cognizant of the recurring provision in the Foreign Assistance Appropriations Act cited in your letter, and am utilizing the National Advisory Council (NAC), chaired by the Treasury Department, as a coordinating mechanism to assure compliance with it.

When the amendment took effect on September 30, 1976, defaults of over one year covered by the amendment had already occurred on loans to two countries: Uganda and Laos. The relevant agencies were informed of this by the NAC, and the agencies took steps to comply with the amendment. I understand that aid had already been halted to these countries for other reasons. The default of Laos still exists; however, Uganda has since eliminated its defaults of over one year and is no longer ineligible for aid because of this amendment.

The NAC periodically surveys the appropriate creditor agencies regarding defaults covered by the amendment. To date, we are not aware of any other instances in which the provision was applicable.

I hope this information is of use to you.

Sincerely,

C. FRED BERGSTEN.

Following publication of the most recent arrearage statistics the State Department, which jointly shares responsibility for foreign debt collection with Treasury, wrote Government Operations Committee Chairman BROOKS and issued a fact sheet explaining and clarifying, from its point of view, the Treasury statistics. The text of the State Department's letter to Chairman BROOKS and its fact sheet on debt arrearages follows:

DEPARTMENT OF STATE,
Washington, D.C. June 1, 1977.

HON. JACK BROOKS,
Chairman, Subcommittee on Legislation and National Security, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you on the subject of delinquent international debts, and in particular regarding the recently published statistics on year-end 1976 debt arrearages owned to the United States by foreign governments.

As Department spokesmen have noted in past appearances before your Subcommittee, we fully share your view that loans extended by the United States should be honored and repaid on schedule. I was therefore concerned to see information showing that arrearages had increased by $346 million during 1976. Only after closely examining the data did I appreciate that they presented a very misleading picture of both our records in pursuing delinquencies and the credit standing of individual countries.

Over $228 million of the increase is attributable to debt owned by the Khmer Republic and Vietnam. Data also show a $191 million increase in delinquencies on military sales which I am told reflected primarily difficulties other than any intentional failure to pay. These problems have apparently now been largely resolved, and data show "arrearages" on military sales declining by $280 million in the first quarter of 1977. About $250 million of this decline was due to the regulation of accounts with Greece, Jordan, and Kuwait. When Khmer Republic/Vietnam debt and the military sales arrearages are excluded from the data base, total arrearages actually declined by more than $70 million in 1976. As the attached background paper indicates, a very large portion of the remaining arrearages relate to a few unique situations (such as debt attributable to Cuba, China, Korean Conflict logistical support) where circumstances impede our ability to collect.

I should note that the highly summarized data showing year-end 1976 delinquencies for Greece and Turkey may be somewhat misleading. The arrearages for these countries are almost entirely attributable to the long-standing and complex issue of Korean Conflict logistical support and to credits provided under the Foreign Military Sales program. Questions regarding the latter issue have been resolved and I can report that both Greece and Turkey are current on their Foreign Military Sales payments. Consequently, the published data do not in any way reflect adversely on the United States opinion of the credit standing of these countries and, in fact, are not representative of the record both countries have established in repaying their financial obligations to the United States.

While I believe that debtor countries worldwide have a generally good record in maintaining their debt servicing payments, I assure you that we will continue to press for improved collection results.

Sincerely,

JULIUS L. KATZ
Assistant Secretary for Economic and Business Affairs.

FACT SHEET: DEBT AND DEBT ARREARAGES

1. Outstanding long-term principal indebtedness of foreign countries on U.S. Government credits (exclusive of indebtedness arising from World War I) totaled about $39 billion as of December 31, 1976.

2. Debts due to the United States are being repaid continuously.

Of the approximately $69 billion in long-term USG credits utilized in the period July 1, 1945 through December 31, 1975, repayments of $45 billion (including $13 billion in interest) have been received.

In the fiscal year ended June 30, 1976, the U.S. Government collected U.S. dollars 2.2 billion in principal (plus foreign currency collections of principal amounting to the equivalent of $180 million) on government long-term credits.

3. As of December 31, 1976, principal and interest due and unpaid 90 days or more on foreign debts owed to USG agencies totaled approximately $1,046 million. (This includes arrearages on long-term debt, short-term debt, and accounts receivable and involves more than 20 USG lending programs and/or agencies.)

A large proportion of the arrearages relates to a few unique situations where circumstances currently impede our ability to collect debts owed. These include:

$237 million attributable to the Khmer Republic and Vietnam. This figure includes

not only arrearages but is largely debt not yet due according to the original repayment schedules.

$106 million attributable to the Republic of China, and involving a number of issues including the proper allocation of claims between the ROC and the PRC, the correct evaluation of these claims, and the problems of government succession. This figure excludes some $47 million of principal and interest due from the Republic of China for assets left on the Asian Continent, for which Export-Import Bank by agreement with that government has deferred from pressing.

$73 million owed by Cuba which will be pursued as soon as the state of our bilateral relations permit.

$200 million arising from logistical support provided by the U.S. to other nations during the Korean conflict. The arrearages relate to the accounts of six countries (Colombia, Ethiopia, Greece, the Philippines, Thailand, and Turkey). The history of this debt is complex and presents a unique situation as illustrated by the fact that the House Committee on Government Operations (1976) has recommended in its 37th report, that "Congress should consider legislation removing the Korean War debt claim . . . from the Treasury Department's category of outstanding U.S. debts." The issue of these debts has been under intensive study by the Departments of State, Defense, and Treasury.

The four cases cited above (Khmer Republic/Vietnam, China, Cuba, and Korean Conflict logistic support) account for approximately 60 percent of the December 31, 1976, arrearages.

4. Collection of the remaining arrearages is a prime objective of all USG lending agencies. When lending agencies have exhausted their usual means of collecting overdue payments, the Department of State and U.S. Embassies overseas have the responsibility of pursuing collection efforts.

A $35 million arrearage owed by Iran has received particular attention. The U.S. has been in regular communication with Iran for the past four years in an effort to collect this debt owed on two surplus property agreements signed in 1945 and 1948. Negotiations have been complicated by the fact that Iran has—since 1974—made payments dependent on the settlement of a larger Iranian claim against the U.S. for damages they say were done to Iranian railways by Allied military forces during World War II. We have stressed that we can see no factual or legal connection between the debt owed to the U.S. (which has been recognized by Iran and on which payments have been made) and the Iranian claim. Nevertheless, we have given the Iranian claim against the USG careful study. After a good deal of research, we concluded the Iranian claim, as presented, was groundless. We officially advised the Iranians in detail of our conclusions in June 1976, and continue to urge full payment of the debt owed to the USG.

The $21 million arrearage owed by Zaire reflects the serious debt servicing problem confronted by that country. Discussions regarding Zaire's debt took place in 1976 within the framework of the "Paris Club." The U.S. and ten other creditor countries participated in the discussions which followed an agreement between Zaire and the IMF on a stabilization program. The analysis by the IMF of Zaire's economic situation indicated clearly that a rescheduling of her external debt was an essential element in Zaire's economic recovery. The IMF view was shared by all creditors, and an ad referendum Paris Club agreement reached on June 17, 1976, provided for a rescheduling of a major portion of Zaire's 1976 debt service. A bilateral U.S.-Zaire debt rescheduling agreement implementing the Paris Club agreement will soon be signed. This will, in effect, regularize the arrearages that are attributable to Zaire in the year-end 1976 data.

5. Preliminary data show total arrearages (due and unpaid 90 days or more) have increased by $346 million during 1976, rising from $701 million (12/31/75) to $1,046 million (12/31/76). This increase does not, however, indicate any widespread incidence of intentional failure to pay on the part of debtor countries.

Over $228 million of the $346 million increase in arrearages during 1976 is attributable to debt owed by the Khmer Republic and Vietnam.

The increase in 1976 also reflects the fact that, while arrearages on long-term debt other than that owed by the Khmer Republic and Vietnam declined by $71 million, there has been a $191 million increase in arrearages attributable to short-term and accounts receivable debt related to financing military sales. These are due primarily to difficulties other than the intentional failure to pay. This situation appears to have subsequently been resolved, and Department of Defense records show that arrearages attributable to financing military sales declined by about $280 million during the first quarter of 1977. Some $250 million of this decline was due to the regularization of accounts with Greece, Jordan and Kuwait.

(It should be noted that about 93 percent of the arrearages reported as of 12/31/76 are related to the following categories of debt:

the unique situations involving the Khmer Republic/Vietnam, the Republic of China, Cuba, and Korean Conflict logistic support debt,

debt owed by Iran and Zaire,

short-term accounts receivable debt related to financing military sales.

This indicates that debtor countries have, on the whole, a very good record of paying their debts to USG agencies in accordance with established repayment schedules.)

6. The National Advisory Council (NAC) on International Monetary and Financial Policies is continuing its oversight and coordination with respect to identification and collection of delinquent debts owed to the U.S. Government. At its weekly Staff Committee meetings, when the Council considers and makes recommendations on proposed loans by United States Government agencies, the status of arrearages and delinquencies on indebtedness to the United States is reviewed. This practice accords with the terms of the NAC's Action dated September 15, 1976, which states, inter alia, that:

"The National Advisory Council believes that the existence of significant debt arrearages to the U.S. Government or its agencies is an important consideration in passing judgment on specific loan proposals. As a general policy, the Council recommends that loans to countries whose governments are in arrears 90 days or more on debts which they or their agencies owe to the United States Government or its agencies should be deferred and, where appropriate, disapproved. Exceptions to this general rule must be explicitly approved."

USG agencies also coordinate to implement the 1976 Alexander/Brooke Amendment to the Foreign Assistance and Related Programs Appropriations Act.

Mr. Chairman, while I commend the diligence of both departments in their efforts to secure the prompt collection of outstanding delinquent foreign debts, I would urge that they join together in reporting to the Congress the precise status and level of arrearage owed our Government by foreign nations and international organizations.

Mr. REUSS. Mr. Chairman, an attack is being made on the appropriations contained in H.R. 7797, the 1978 foreign assistance appropriations bill, to provide U.S. funds for bilateral and multilateral economic assistance programs in the developing countries.

Proposed amendments to H.R. 7797 would seriously limit foreign aid to nations that need it the worst. If these amendments are passed it would be impossible for the United States to contribute any funding to many major international development programs, not the least of them the World Bank and the International Development Association.

To cut the United States off from these bodies would be disastrous.

We have succeeded in reducing the U.S. share in these banks during the current replenishments to 25 percent. That means that every dollar we contribute generates $3 in contributions from other donors. Our funding of these banks gives us tremendous leverage in bringing contributions to them from other countries of the western industrialized world. As such it is a cost-effective mechanism for promoting economic development in the poor countries.

The IDA V agreement, negotiated over a period of 2 years among 23 countries, is likely to collapse unless the United States contributes its full $800 million share to the first installment. That total was already cut $225 million in committee—a disturbing move. The IDA agreement was given global attention in the communique which President Carter and the heads of government from six other nations issued at the conclusion of the summit meeting in London this spring. It is a major element in overall North-South relations, and was endorsed as such as the recent Conference on International Economic Cooperation in Paris. Any disruption of IDA could trigger a serious breach in relations between the United States and the developing countries, and other donor countries as well.

In addition to the $800 million requested for IDA V, the administration is seeking $375 million for the third installment of our contribution to the fourth replenishment of IDA. All other countries have already made their full contribution to IDA IV, while the United States has contributed only half of its pledge. Any further reduction in the appropriation would give rise to serious doubts as to whether the United States intends to carry through on the contribution which it agreed in 1973 to make to IDA IV.

As you know, the administration is requesting a total of $2.6 billion for the banks in the fiscal year 1978 appropriations bill. Of this total, over $1 billion is for callable capital. It is included in the appropriations bill at the request of the Congress. The chances of any of these funds ever leaving the Treasury are extremely remote. The remaining $1.6 billion will, over time, lead to budgetary outlays, but only over a long period of time.

Mr. DODD. Mr. Chairman, first of all, I would like to congratulate you, and the members of your committee, for the fine work that you have done, and for the very thoughtful report that accompanies H.R. 7797, the Foreign Assistance Appropriations bill for fiscal year 1978.

In the context of our consideration of this bill, I would like to briefly address two points which are of particular concern to me.

As you know, Mr. Chairman, I have introduced a resolution, cosponsored by 26

of my colleagues, which calls for a full review of all direct and indirect aid moneys, to be conducted by your committee in cooperation with the Committees on Banking, Finance and Urban Affairs, on agriculture, and on International Relations. The stated objective of the study is to ascertain ways of increasing the degree of congressional control over the totality of our foreign assistance.

The Congress presently has a great deal of difficulty in securing the data necessary to fully account for all of the aid moneys and resource transfers which each year flow from this country to overseas nations. In addition, the Congress still appropriates only a relatively small portion of our total aid moneys following a prior country-by-country review of the projected allocations by the appropriate committee of the House.

This situation troubles me, many of my colleagues, and many of the American people. This is why I am particularly pleased by the explicit language of the report accompanying H.R. 7797. This language requires that the agency for international development and the Department of the Treasury provide your committee—during the consideration of fiscal year 1979 appropriations—with comprehensive data detailing the totality of U.S. aid channeled through 19 different outlets, on a country-by-country, program-by-program, and a year-by-year basis—including fiscal year 1979.

This is, I believe, the first time that this will have be done, and I feel that this information will prove invaluable in allowing Congress to become a full-fledged participant in the foreign aid decisionmaking process.

It is my opinion that only when such information is attained on a comprehensive and regular basis will the Congress be in a position to assure that both our direct and our indirect aid dollars are dispensed through institutions whose lending policies reflect the overall aid objectives endorsed by this Congress—such as a priority emphasis on aid projects which directly reach the rural poor.

Second, Mr. Chairman, I am particularly pleased by the statement in the report which recognizes the less than adequate protection that American citizens incarcerated overseas have been receiving from the governments holding them as well as from their own.

As you know, Mr. Chairman, a number of us in the Congress have become increasingly alarmed by the treatment suffered by the 35 American citizens currently being held on drug charges in Bolivian jails. Not only is there evidence that Bolivian procedures have been abusive of the basic human and civil rights of these citizens, but also that the U.S. State Department efforts to assure that these individuals receive adequate protection have been less than satisfactory. While I believe that the new administration is now engaged in a serious attempt to improve this deplorable situation, concrete results have yet to materialize.

Thus, Mr. Chairman, I feel that it was most appropriate for you to call on the Department of State and on the Agency for International Development to pay close attention to the rights of such citizens while carrying out their respective responsibilities.

I am confident that you, and the members of your committee will be following the situation of American citizens jailed in Bolivia, and elsewhere, very closely in the months to come, and that you will be examining the efforts of U.S. State Department officials as well as the degree of cooperation that they receive on the part of the foreign governments.

I will certainly be keeping a close eye on all positive developments in this area, and I hope that if there is no evidence of reasonable improvement in the situation in Bolivia, for instance, that this Congress will consider reducing or terminating the military assistance that it receives in next year's appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, namely:

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday, as I sat in the Rules Committee and listened to testimony about the Foreign Assistance Appropriation bill, a number of things disturbed me. The $7.04 billion price tag of the bill was a little unsettling. The loss of congressional control—one even might say power of suggestion—over the use of huge sums of the taxpayers money profoundly disturbed me. But, the thing that struck me as somehow the most absurdly ironic was that billions of our people's money was being appropriated, part of which, was going to build other people's dams and irrigation projects. Meanwhile, the Congress sits here with bated breath, waiting to find out if our own water projects will somehow survive a Presidential veto.

Now, I do not oppose the construction of water projects as a form of assistance. Perhaps, more than many of my colleagues, I understand the enormous economic benefits to be derived from such projects. I know all too well the plain, simple truth that water projects have tremendous potential for raising the standard of living for millions of our fellow human beings around the globe. I can appreciate the amount of work and sacrifice represented by the accomplishment of a country like Israel, for instance, which has made the desert bloom again. We know something about that in the San Joaquin Valley of California. Our people with a lot of hard work and the help of some irrigation projects turned this fairly arid region into a billion-dollar-a-year agricultural center, feeding millions of our fellow Americans as well as many more of the hungry overseas.

I can greatly sympathize with the people of the Sahel region in Africa which has suffered 10 years of drought. I know that funds proposed for that region are needed to combat the disastrous effects of such a calamity. But, Mr. Chairman, parts of the western region of our country are also suffering from drought—2 years of the worst drought in our history. We desperately need assistance, too.

With these facts in mind, and I must admit a certain sense of frustration, I had an amendment drafted yesterday. It is a short amendment, really a limitation. It simply says that none of the funds in the foreign assistance appropriation bill can be used for water projects. I had planned to offer this amendment today. But, upon reflection, I have decided to postpone this action at least for this year. I have voted for foreign aid bills in the past with the clear understanding that some of the funds would be used for water projects overseas. I know these funds are desperately needed in some regions. I do not fault the recipient countries who understand, perhaps better than some in our own Government, the benefits to be derived from water projects.

Therefore, Mr. Chairman, I am delaying any action on my part to cut off water projects overseas at least for the time being. It is my hope that perhaps our own administration can benefit from the thinking of other governments. I have faith that this administration will not spend billions of taxpayers' dollars overseas while neglecting the needs of our people at home.

Water is life in my part of the country. I cannot sit idly by while life-sustaining, food-producing water projects are arbitrarily knifed out of the Federal budget when at the same time our people's money is being sent overseas to fund somebody else's water projects.

If this administration wants to balance the budget as it says it does, it must get some priorities straight. The interest of the American people must be protected first before we extend our bounty overseas, regardless of how badly it may be needed.

Mr. Chairman, I note a section, section 101, on page 10 of the proposed legislation. I am particularly intrigued with the reference on lines 10 and 11 contained in that section 101, if the Members wish to take a look at it. It points out that none of the funds in this legislation shall go for reclamation, flood control, et cetera, projects that do not meet a certain criteria. It cites the memorandum of the President of the United States, dated May 15, 1962. That is fine and dandy. But those of us who are familiar with what this recent administration has done, in particular, actions by certain individuals within OMB and the administration, they have set a whole new set of standards totally different in connection with benefits-to-cost ratios in connection with interest rates chargeable to the project, so that in fact what we are saying here, if we in fact follow the language as used in this particular proposed section, is that they do not have to meet anywhere near the high standards that projects within this country must meet. It would amount to a double standard with the advantage going to the foreign countries.

The CHAIRMAN. The time of the gentleman from California (Mr. SISK) has expired.

(By unanimous consent, Mr. SISK was allowed to proceed for 3 additional minutes.)

Mr. SISK. Mr. Chairman, I normally do not take the time of the House on this particular piece of legislation. As I have said, I have normally supported foreign aid. In fact, I think with only one exception I have voted for it through the years. But I am indeed frustrated by some of the things I have seen and heard.

I see the gentleman sitting in front of me now. I have great respect for the gentleman. He is a good friend of mine. But he was down here defending this whole $7.4 billion bill. Since I am going to use the name of my good friend, the gentleman from Massachusetts (Mr. CONTE), I may want to yield to him. I am not certain. But he offered an amendment the other day to cut a matter of a few million dollars out of a bill that was very important to a lot of us. I just want to note that I do not object to the gentleman's promoting a bill here that he in all good conscience believes is a good bill. But I do call my friend's attention to priorities. I am going to look very closely at this legislation and the comments made here before I vote to send $7 billion overseas in this little jewel and at the same time cut out projects in this country that our people need very desperately.

In addition to that, when I asked in the Committee on Rules about the situation regarding the money in the pipeline, I was told there is, in addition to this $7 billion, some $15 billion in the pipeline.

Frankly, Mr. Chairman, I simply want to say that I think it is a matter of looking at our priorities and making some very firm determinations. I for one am not going to spend $7 billion of the taxpayers' money overseas in connection with this bill.

Mr. JOHN T. MYERS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Indiana.

Mr. JOHN T. MYERS. Mr. Chairman, I rise to ask a question of the gentleman.

What is the criteria contained in the memorandum of the President dated May 15, 1962? Is the gentleman familiar with that memorandum?

Mr. SISK. Mr. Chairman, I have referred to that memorandum, and I noticed this provision. It is a criteria that we have had for a number of years, as my colleague is aware, and it sets out the interest rates we have been using for a great many years in determining benefit-to-cost ratios.

All I am saying is that by going back to that memorandum, which is now 15 years old and under which we have been living in the past, we may tend to forget that we have a whole new ball game now, and we have to live by new criteria in this country.

Mr. JOHN T. MYERS. The benefit-cost ratio is one criteria, but many of the stumbling blocks that have been created since that memorandum, such as the requirements for public hearings, the environmental impact statements which are extremely costly, limitations on what may now be considered as benefits, and participation by a host of other local, State, and Federal agencies to name just a few of the new requirements.

Are these same conditions going to be met by these other countries before funds will be approved for their water projects?

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to add to the comments made by the gentleman from California (Mr. SISK).

I am on the Subcommittee on Europe and the Middle East of the Committee on International Relations, and during our hearings on the money requests for the Middle East I was astonished to see that there are a number of requests for highway construction and for municipal utility construction in Middle Eastern countries. I am sure that every one of us has unmet highway needs and unmet municipal utility requests from our home districts. It is difficult for me to support a bill that contains items like this that are so generously funded at a time when our home district needs are not being met.

I wish the gentleman from California (Mr. SISK) would persist in offering an amendment which would strike municipal water projects and highway projects from this bill. If he does, I think he will find a great deal of support for such an amendment, and the effect upon our foreign aid program would be beneficial because it would cause our foreign aid dollars to be concentrated more fully in areas of humanitarian needs, that is, increased food production and attention to population matters.

I have asked for this time, however, Mr. Chairman, to call attention to a different matter, and that is the question of disaster relief for the Government of Romania.

Mr. Chairman, on April 5, 1977, by a vote of 322 to 90 the House approved a $20 million fiscal year 1977 supplemental authorization of disaster relief for Romania. This was to aid the people of Romania to recover from an earthquake that struck that country on March 4 killing 1,500 people, injuring 11,000 more, and leaving 34,000 families homeless. Structural losses exceeded $1 billion. The House made its judgment on the basis of our consistent humanitarian response to the victims of natural disasters whether they be in Italy, Turkey, Yugoslavia, or Romania. The Members of the House also took note of the fact that Romania does not participate in Warsaw Pact maneuvers nor permit them to take place on Romanian soil and that Romania, alone, of the Eastern bloc countries has diplomatic relations with Israel.

The Senate passed the House bill, authorizing $20 million, by a voice vote on April 6, 1977. The legislation was signed into law on April 18.

AID has been able to obligate $7 million from the fiscal year 1977 disaster relief account. However, the remaining $13 million authorized for Romania remains unappropriated and unavailable therefor.

However, I now understand that OMB has approved an additional fiscal year 1977 supplemental appropriations effort that would include $13 million for Romania. This should come to Congress for consideration in the near future.

I would hope that Congress can expeditiously consider this appropriation for Romania and approve it by the same large margin by which it approved the authorization.

I would like to remind my colleagues that this aid is for humanitarian purposes only and would largely go for medical supplies and for rebuilding medical facilities destroyed by the earthquake.

Mr. Chairman, I would like to ask the chairman of the subcommittee, the gentleman from Maryland (Mr. LONG), if in his opinion the subcommittee can consider expeditiously the supplemental appropriation request for Romania so that this money can be available to that earthquake-stricken country. Can the gentleman give any indication as to the disposition of this subcommittee toward considering this request?

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, this subcommittee will, of course, always consider a supplemental request. We have not received it yet, however. We will just have to wait and see.

Mr. FINDLEY. The gentleman knows of no disinclination on the part of the subcommittee to consider it expeditiously and favorably; is that correct?

Mr. LONG of Maryland. We will try to move as quickly as possible on the matter if the proposal is a sound one. As the gentleman knows, we would, of course, have to hold hearings on it.

Mr. FINDLEY. Yes, I understand.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I certainly commend the gentleman from Illinois (Mr. FINDLEY), and I support the providing of money for Romania, just as I did when the committee provided relief for Guatemala after its earthquake and for the victims of the disaster in Italy.

However, I am quite surprised that the gentleman in the well is encouraging the gentleman from California (Mr. SISK) to offer an amendment against water projects and roads, stating that his reason for his position is because these projects are so badly needed at home.

The gentleman from Kentucky (Mr. CARTER) will tell us that they have had a disaster down in West Virginia and Kentucky, and the fact is that they have been wiped out.

If they need help, they have to get a loan from the SBA at an interet rate of 6⅝ percent.

The gentleman is not being very consistent when he urges this mischievous amendment, on one hand, and on the other hand, he comes in asking that Romania be taken care of.

Mr. FINDLEY. I can assure the gentleman that if the people in Kentucky suffered on a scale similar to that of Romania and requested Federal relief I am sure they would get a quick response from the Congress, including my support.

Mr. CONTE. Yes, at 6⅝ percent.

What we are going to do for Romania, what we did for Italy, and what we did for Guatemala is an outright grant.

Mr. FINDLEY. That is correct.

May I say that I would be glad to sup-

port grants for natural disasters wherever they occur.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

In any part of the world I support compassionate assistance.

I voted to help Bangladesh when it was flooded. I voted to help Guatemala when it suffered an earthquake and I also voted to help Italy. I shall continue.

I voted to help the starving Swahilis, and I will continue to do that.

Now, however, Mr. Chairman, we are going to find that we are giving our money to different groups who dole it out without accounting to us for what they are doing. These institutions are the different development banks, the Asian Development Bank, the Export-Import Bank, and the International Development Agency. We have no control over them whatsoever. We give them the largest proportion of the funds that they have. Yet, we have no right to say or decide where those funds are going.

Mr. Chairman, if we look at what we are doing today, under one of these proposals Libya, an avowed enemy of the United States, and Colonel Quaddafi, its commander, is going to receive $5 million in aid.

If we consider the country of Uganda, with its horrendous leader, Idi Amin, we find that they are getting $30 million via a loan through one of our development groups, while the people of our own country are suffering. Our own people need disaster assistance; and if they want help, they must pay 6⅝ percent interest on the funds that they are receiving from SBA.

If we go to Romania—and I like the Romanians personally; they are a very fine people, but they are behind the Iron Curtain and they are communistic—we find that we are giving them assistance.

Mr. Chairman, if we look at what we have given to the country of Yugoslavia, for instance, over $2 billion over the years, we know it is controlled by Tito.

Let us look at what has happened to that country over the years. Mikhailovich was their leader in World War II. He led the Yugoslavs, and his group, 10,000 of them, were trying to get across the border into Czechoslovakia. The English tried to assist them. Tito and his followers had all of the 10,000 people machine-gunned to death. It took 3 days to do that.

Yet, Mr. Chairman, we are supporting Tito's regime in Yugoslavia today. I want to tell the Members that this is contrary to the will of the majority of the American people.

Mr. Chairman, I want to say that some of my good friends who have gotten into the diplomatic whirl, wearing striped pants and morning coats, have lost their feeling for reality, and they lose touch with their constituents. They live in high style, hobnobbing with the big wigs, eating caviar, fish eggs that is; and they forget the people they are serving and strew their tax money to the four winds of the Earth.

They vote all this money to foreign countries. It is absolutely in opposition to the will of their people.

I trust that in looking over this legislation that we see just what we are doing and that is that we are subverting the will of the people in giving such assistance beyond compassionate aid.

If we want to give foreign aid the best way to give it is in the form of family planning and birth control. In the future the amount which we will have to give will be diminished as the population goes down. Perhaps our amount of foriegn aid should be triggered on the use of funds for family planning.

Mr. Chairman, I oppose this bill in its present form. I hope that we can in some way regain control of the money which is being dispersed without the will of the American people and without the knowledge and direction of this Congress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

International organizations and programs: For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, as amended, and of section 2 of the United Nations Environment Program Participation Act of 1973 $257,000,000: *Provided*, That not more than $120,000,000 shall be available for the United Nations Development Program, not more than $25,000,000 shall be available for the United Nations Children's Fund, not more than $1,000,000 shall be available for the United Nations Educational and Training Program for Southern Africa, not more than $500,000 shall be available for the United Nations Namibia Institute, not more than $3,000,000 shall be available for the United Nations Decade for Women, not more than $2,000,000 shall be available for the United Nations Capital Development Fund, and not more than $5,600,000 shall be available to strengthen the International Atomic Energy Agency's safeguards program out of the total contribution made available to the Agency.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 3, line 21: Strike "$257,000,000" and insert in lieu thereof "$247,000,000".

On page 3, line 22: Strike "$120,000,000" and insert in lieu thereof "$110,000,000".

Mr. YOUNG of Florida. Mr. Chairman, what this amendment does is to reduce our contribution to the United Nations development program, the UNDP, but by only $10 million.

As I said in my opening remarks, I am not trying to kill this bill, I am trying to get a change of direction. I believe this Congress ought to do this if we are going to be truly representative of the thinking of their constituents. I believe if we all went back to our home districts and talked to the voters about our foreign involvements and how they are being supported by their tax dollars and asked them which part of our foreign aid program they liked the least, they would say the United Nations and these multilateral banking programs.

By this amendment we will still leave it at $110 million, and that is 10 percent over what it was last year.

What in effect we are trying to do by this amendment is to make the UNDP increase compatible with the increases in domestic aid programs.

A good portion of the money spent through UNDP supposedly goes to the neediest nations in the world but, Mr. Chairman, a lot of this money in fiscal year 1976 went to Saudi Arabia, Kuwait, and Iran. I would just very respectfully submit that these nations are not the neediest of the needy. These nations are wealthy nations. These are some of the very nations that have doubled, tripled, and quadrupled the cost of a barrel of oil. Let us talk about what they are going to do with this year's appropriation and appropriations over the next 5 years. They plan to provide programs for Mozambique totaling 18 million dollars. Mozambique, of course, is ruled by a Marxist leader. They intend to provide Uganda with 30 million dollars, and I do not think I have to make any more comments about Uganda. I have already done that once today. But for the benefit of those who might not have been in the Chamber at the time, let me talk about this headline that was in yesterday afternoon's paper that says, "Ugandans Reported Fleeing Massacre." That is another massacre this year.

As a matter of fact, the Washington Post this morning reported that the European Common Market had cut off all aid to Uganda—and I say more power to them.

Ethiopia—and that, of course, is the country that kicked us out—is not only going to get some bilateral aid through this bill but they are also going to get $42 million from UNPD.

Vietnam is going to get $44 million through UNDP. Angola is going to get $10,250,000 through UNDP, and Cuba, $13,500,000 through UNDP.

On Cuba we made a mistake. When the United States decided to recognize Cuba by exchanging lower-level diplomats, we gave Fidel Castro credibility and recognition in the world community that he could not have gotten any other way. But now he has it. What has he done for us? Nothing good. Castro is still involved in Angola. As a matter of fact, Castro is alleged to be involved in many parts of Africa.

What about Panama? Castro has been involved in stirring up anti-American feelings in Panama that are going to ultimately lead to a new treaty in Panama where the United States has practically no involvement.

Puerto Rico—Castro has been involved in stirring up anti-American feelings in Puerto Rico, and I just do not believe that American tax dollars ought to go to Cuba or to Vietnam or to Angola, whether they go from us direct to those nations or whether they go from us to those nations through the pipeline of the UNDP.

I would like to say, Mr. Chairman, that our former colleague, Mr. Brad Morse, who is the administrator of UNDP, in my opinion is one of the more outstanding people in public service today. He does a good job in administering the job that he is given to administer. He does not set the policy. He does not decide where the dollars are going to go. I have a problem with UNDP. If I had my preference, I would strike the whole amount for UNDP, but I am not trying to kill this bill. I am trying to make this bill one that I and the people of America can support. So let us put UNDP in the same column that our

direct aid programs fall into, and that is from a 10- to a 15-percent increase over fiscal year 1977. That is what this amendment does. It allows UNDP to have what they had last year, plus a 10-percent increase. I think that is more than fair considering that I think we ought to give them a message. I think we ought to let them know that we do not approve of how they are using our money in many instances.

Mr. OBEY. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, I think that if there is any one place where the United States has not done very well the last few years, it has been in the United Nations. We have taken some pretty bad beatings. We have had an awful lot of countries who should be voting with us on occasion who are voting against us, and that institution has been so politicized that our ability to function in it in a way that can make Americans feel happy about it has been severely strained.

But let me suggest that the one area within the United Nations' operation which has not been all that politicized has been the UNDP. We have been able as much as possible to keep international politics out of it, and it seems to me that to the extent that we could have our own way, for instance, and limit the ability of UNDP to provide some assistance to countries we do not necessarily like—to that extent we would have succeeded in politicizing about the only part of the United Nations that is not so politicized as to be almost useless at this point in our history.

So I would suggest that—much as I might not be happy with Mr. Castro and certainly not with Mr. Amin—I certainly would not be all that happy if I saw that we were able to pressure the UNDP operation into being more political with its loans, because, given the complexion of the United Nations, I think that would last only so long in terms of being of benefit to us and would have a snapback effect against us and some of our closest supporters around the world.

Let me also suggest that we did not give the UNDP the full budgeted amount. We cut it $10 million from the administration request and I think that was a prudent act.

The former chairman of the committee last year, Mr. Passman, used to make the remark about how tired he was to hear comments about "good old Brad." Well, at the risk of eliciting that same response, let me say I think we owe Brad Morse, the Director of the UNDP, more than just a token expression of appreciation on the House floor from time to time. He has done an exceptional job in bringing administrative sense into that operation. He has not been able to accomplish miracles overnight but he has done an acceptable job. He has been able during the last year to reduce the headquarters staff by 14 percent and the field by 17 percent and he has saved in administrative overhead for the program about $4 million. That is no small accomplishment and I do not think we should, after the exceptional job he has done especially over the last year, send signals that we are not appreciative and are not fully supportive. That is the important thing. We should not be sending signals that we are not fully supportive of the UNDP as it is now being administered by him and by his people.

It would just seem to me the committee funding level is an appropriate and responsible level and I urge the Members to oppose the amendment.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlewoman for yielding.

The gentleman from Wisconsin, Mr. Chairman, has made the point on a number of occasions about politicizing the UNDP or the international banks or whatever. We might want to pay attention to this question of politicizing and what has been happening in the world today. If we look at this map we can see that somebody has been politicizing. It has not been us but somebody has been.

I hope the Members will stop and take a look at the chart which was provided by the Army and take a look at who has been politicizing in the world. Looking at the map of the world here, we can see those who at one time were friendly to us or at least neutral, and look at the number of the Russian military advisors now in those nations and the millions of dollars that they have spent in those countries for military assistance and we will find out who has been politicizing. Maybe it would do us good to recognize that there has been a lot of politicizing in the world and we have not been doing it. But maybe we should be doing some. It is like football. It is like a game when the offensive team is going down the field but then suddenly the defensive side gets the ball and they just suddenly turn and hand it back to the offensive side. It is hard to win playing that kind of game.

The question of politicizing is very important and we should give some concern to what is good for America for a change.

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I think this chart, assuming it is accurate, points out the amount of money that Russia is giving in many parts of the world. This chart is a good illustration of why we should not be increasing our foreign aid programs to these countries. We should be reducing or eliminating such aid.

I think it also illustrates the fact of how wrong we have been in believing that we could buy these friends. Most of the countries to which aid goes in this bill have turned against us in times when they have been needed. Many of them do not abide by the human rights our President advocates and that we have tried to support in various amendments to bills covering our so-called replenishment to various international financial institutions.

It shows, I think, very clearly that all this money that we have poured out has not improved human rights or conditions. In many cases it has worked to the disadvantage of many of our good allies, such as Israel.

Anyway, I compliment my colleague, the gentleman from Florida, for offering this amendment. It is a very small restraint on an unwarranted increase.

Also, I thank the gentlewoman from Nebraska for bringing this chart of Soviet military assistance to our attention.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise in opposition to the amendment. I hope very much that nobody thinks we give money to those who suffer from poverty and great disadvantage in the hope of buying people. We are a great Nation. We have great responsibilities. We have been blessed with great wealth and good fortune by Almighty God.

I think that this fund, this sum that is suggested in the bill, is appropriate to our resources and to our blessings and to our responsibility. I would very much regret seeing this amendment pass.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this amendment to reduce funding for the United Nations development program.

We have already cut $10 million from the $130 million which was requested for the UNDP. It would be a serious mistake to cut any further.

The amount contained in the bill demonstrates our recognition of the importance of our relations with the developing countries of the world; our recognition of the seriousness of developing countries' needs for increased assistance; and our desire to serve as an example to other donors, especially the OPEC countries, that they should support a program we value so highly. Only through substantially increased funding will the UNDP be able to meet its program target of $3.46 billion for the next 5 years, setting the organization on a sound financial footing.

The UNDP is the world's largest supplier of technical assistance—the vital first step in economic assistance activity. President Carter singled out this program as being of the utmost importance in his speech at the United Nations some weeks ago.

For its programing cycle through 1981, 80 percent of the UNDP's funds are scheduled for countries with a per capita GNP of $500 or less. Of the 20 principal recipients, 15 have a per capita GNP of $200 or less. Projects in these countries are specifically designed to benefit the poorest of the poor, and emphasize such areas as basic agriculture, water, fuel, and disease control.

The U.S. share of UNDP contributions has steadily declined from 38 percent in 1966 to 19 percent in 1977. In terms of per capita contributions, the United States ranks No. 19, behind such countries as Qatar, Kuwait, Libya, Bulgaria, the United Kingdom, and Germany.

In 1976, UNDP-executed projects provided direct financial benefits to the United States through the awarding of contracts, the provision of U.S. consultants and expert services to other countries, and the purchase of equipment and supplies. The total return to the United States was approximately $87 million.

There has been much criticism of UNDP projects in such countries as Uganda, Mozambique, Cuba, Vietnam, and so forth. There are several points which should be made about such assistance.

First of all, UNDP assistance is provided in the form of internationally recruited consultants and experts, some equipment related to project activities only, and training abroad when necessary. All UNDP funds are disbursed directly to the U.N. executing agencies who, because of their technical expertise, are responsible for the execution and implementation of approved projects.

No UNDP technical assistance funds go to the governments of these countries, but instead they are managed and administered by the UNDP and the U.N. agencies strictly, for U.N. expenses.

In addition, all UNDP activities and programs are thoroughly reviewed and examined twice a year by member countries serving on the UNDP council, one of which is the United States.

The administrator of the UNDP is now and always has been a U.S. citizen. Our former colleague, Brad Morse, has made a number of improvements in UNDP management since his appointment to that post.

He has reduced the top heaviness of the Secretariat by eliminating one deputy administrator and 40 other officials at the senior level. He has also reduced the professional staff by 83 posts in 1976 alone.

The administrative budget was reduced by $2 million in 1976 and by $4 million in 1977.

Morse collected an impressive 89 percent of the 1976 voluntary contributions pledged to UNDP and reduced the unpaid pledges for prior years from $41.6 million at the end of 1975 to $21.9 million at the end of August 1976. He also eliminated the $40 million 1976 cash deficit that UNDP was facing.

In short, Mr. Chairman, the UNDP serves a vital purpose in providing technical assistance to the very poorest countries of the world.

In order to encourage further contributions by other donors, to reinforce our leadership position in the organization, and to support the full achievement of UNDP's program goals, I urge the defeat of this amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. YOUNG of Florida and by unanimous consent Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield.

Mr. YOUNG of Florida. I am sure the gentleman has no question in his mind as to who controls the dollars that are spent in Uganda. I am not even going to speak to that point.

The reason I wanted the gentleman in the well to yield specifically is because it was his question in the subcommittee to Mr. Morey that produced the chart that shows that $30 million of UNDP money is going to Uganda over the next 5 years. Again, I say that if the gentleman has any doubts as to who that is going to help in Uganda, I would like to talk to him about Idi Amin and some of the things that are taking place over there.

Mr. CONTE. UNDP assistance to Uganda is provided in the form of internationally recruited consultants and experts, some equipment related to project activities only, and training abroad when necessary. All UNDP funds are disbursed directly to the U.N. executing agencies who, because of their technical expertise, are responsible for the execution and implementation of approved projects, and these funds are used to pay for the executing agencies incurred costs. Thus, no UNDP technical assistance funds go to the Government of Idi Amin, but instead are managed and administered by UNDP and the U.N. agencies for U.N. expenses.

Again, these are projects and experts and technical assistance for the poor people of Uganda. They are suffering enough without our putting another cross on their backs besides having that leader over there.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, President Carter addressed the United Nations General Assembly this spring and placed significant emphasis on the United Nations as a vehicle for attacking a multitude of global political, economic, and social problems. In according the United Nations a high priority in our foreign policy considerations, the President ended an era of neglect toward this institution and many Members of the House have commended him for what is considered to be a long ovedue shift in our policy toward the United Nations system.

Mr. Chairman the UNDP focuses on the poorest areas of the world. In fact, during the next 5 years, almost 55 percent of its projected expenditures will go to countries with per capita incomes of less than $200 per year.

The U.S. contribution represents 20 percent of all voluntary pledges but not more than 10 percent of the total project activities. Moreover, in terms of contributions the United States gives less to the U.N. Development Program than 16 other countries. In fact, in 1977, the United States contributed $100 million to UNDP but received $197 million in contracts and procurement due to the efforts of the U.S. Mission to the United Nations. The United States has so increased its share of procurement contracts that even our allies began to complain when they perceived the decline of the U.S. contribution.

Furthermore, the critics ignore the fact that no UNDP project is undertaken without a significant contribution by the government concerned. In fact, 55 percent of the total program costs are met by the recipient country in the form of cash and in-kind contributions.

Mr. Chairman, by far one of the most blaring omissions by the detractors of the United Nations development program is their failure to realize that technical assistance is provided to developing nations on the basis of nonpolitical considerations, that is on technological and economic terms, and not subject to the vagaries of bilateral relations between countries.

Mr. Chairman, and my distinguished colleagues, in your deliberations today, I urge you not be misled by emotion. I ask you to be mindful of the fact that the United Nations has been engaged in a continuing effort of development assistance as a means of bringing peace and security based on economic self-determination for millions of people around the globe. This effort now absorbs 85 percent of all U.N. resources. Yet, the peaceful resolution of conflict is the side of the story that never gets told. The United Nations system surely has problems and we should not ignore them. However, these problems must be weighed against the positive achievements of U.N. worldwide activities in order to be placed in their proper perspective.

Mr. Chairman, I urge the defeat of this amendment.

AMENDMENT OFFERED BY MR. LOTT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. LOTT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. LOTT as a substitute for the amendment offered by Mr. YOUNG of Florida: Page 3, line 19, strike out "and of" and all that follows through "$257,000,000" on line 21 and insert in lieu thereof "$226,000,000".

Page 3, line 22, strike "$120,000,000" and insert in lieu thereof "$110,000,000".

Page 3, line 23, strike out "$25,000,000" and insert in lieu thereof "$20,000,000".

Page 4, line 1, strike out "$1,000,000" and insert in lieu thereof "$500,000".

Page 4, line 3, strike out "not more" and all that follows through "Fund," on line 7.

The CHAIRMAN. The gentleman from Mississippi (Mr. LOTT) is recognized for 5 minutes in support of his amendment.

Mrs. SMITH of Nebraska. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from Mississippi (Mr. LOTT) for 5 minutes in support of his amendment.

Mr. LOTT. Mr. Chairman, quite frankly, I have been surprised by the amount of debate and the excitement that has been generated by just reducing the amount for the UNDP by $10 million.

My amendment would reduce that $10 million plus $21 million in addition in programs for the international organizations.

This part of the foreign aid bill is somewhat like a cat with nine lives. We had a vote on this section on May 12 on an amendment that I offered. That amendment deleted $25,750,000 for the United States volunteer contributions to international organizations and programs. That amendment was adopted by a vote of 233 to 171.

Specifically, Mr. Chairman, my amendment would again reduce the $10 million for the UNDP, still leaving $110 million. It would reduce from $25 million to $20 million the amount available for the United Nations Children's Fund. It would reduce from $1 million to $500,000 the amount available for United Nations educational and training programs for southern Africa. It would knock out $500,000 that would be available for the United Nations Namibia Institute. It would delete the $3 million available for the United Nations Decade for Women, and it would knock out the $2 million that would be available for the United Nations Capital Development Fund.

Mr. Chairman, I urge my colleagues to take just a minute to look at the committee report. In view of what is included in these international organizations and programs, the list is unbelievable to me. We are not talking about knocking out a lot of these programs. We are talking about small reductions in several of these programs. We do not even touch, for instance, some of the other programs such as the U.N. University, for which $10 million is included in this bill.

Another thing, just to give two examples, this section is above what the authorization bill provided for and it also includes funds in areas where the President did not ask for funds, as an example, the United Nations Decade for Women. No request was made by the administration for funds for that program and yet this bill would put in $3 million. Also there was no request made by the administration for funds in the U.N. Namibia Institute, yet this bill provides $500,000.

Mr. Chairman, I do not see any sense in prolonging the debate on this substitute amendment. I think it is a very small amount. I made the point in debate on May 12 in support of my amendment that this volunteer international organizations and programs has more funds in it than were provided for education and environmental areas.

I mean, where are our priorities? I do not know about the other Members of this body, but I just do not feel I can go back to my district and defend this kind of expenditure in foreign aid, if you will, after listening to some of the debate we have heard today already about what is happening in Kentucky with the problems they have had, and with the drought in the West of this country and they cannot get a measly $50 million to provide them with the aid they need. Yet we turn right around and provide in this bill $257 million for international organizations and programs.

I cannot even find out what some of these programs are all about.

I believe that we as responsible Members of this body had better take a look at what we are voting on.

This is such a small amount, it is not as if we were trying to knock out $1 billion, we are talking about $31 million. Frankly, I would like to see the leadership on the committee accept this amendment.

But, Mr. Chairman, I do urge the Members to take a look at this amendment offered as a substitute, take a look at the report, and then make this small reduction in funding.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, in view of the request of the gentleman from Mississippi, I would be happy to accept the gentleman's amendment for this side of the aisle.

Mr. LOTT. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, what the gentleman from Mississippi is saying is that he is merely putting a restraint on increases and in a few cases cutting back on previous requests because the money has in many cases not gone to help children or people but has gone to enrich dictators and to enhance bureaucracies in governments that really have no concern for human rights, is that correct?

Mr. LOTT. Mr. Chairman, the gentleman from California, Mr. ROUSSELOT, is absolutely right.

We already have had a debate on this authorization before. We have tried cutting back on the funds, and we made the point, on some of the increased authorizations that were requested in that bill, yet the Committee on Appropriations comes right along, after we had tried to save some of the money in the authorization bill and puts the money right back in.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. LOTT was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield for a question?

Mr. LOTT. I would be glad to.

Mr. OBEY. Mr. Chairman, I was wondering if the gentleman from Mississippi could clear up something for me, and that is what does the amendment provide on the U.N. Environmental Fund?

Mr. LOTT. I do not believe that this amendment deals with the United Nations Environmental Fund.

Mr. OBEY. My understanding is that it knocks out the entire program.

Mr. LOTT. Section 2 of the United Nations Environment Program Participation Act of 1973, we have reduced the amount, that is not what the gentleman is talking about, from $257 million to $236 million.

Mr. OBEY. I am sorry, but I still do not understand the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, I believe the amendment offered by the gentleman from Mississippi actually strikes the environmental program.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, that is my information: that it strikes the entire amount.

Mr. LOTT. The gentleman from Wisconsin is correct.

Mr. OBEY. It strikes the entire amount for the environmental program.

Mr. LOTT. The gentleman is correct.

Mr. OBEY. I thank the gentleman from Mississippi.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, again it is rare for me to be on the floor defending this bill because the first foreign aid bill I voted for in my life was the foreign aid bill we had last year. Up until that time I consistently opposed them because I did not think they took into account sufficiently the human rights question. I did think they were overloaded with military aid to a number of countries that I did not think we ought to be that closely associated with, and I thought a good amount of money in the bill was wasted. I will still grant that I think a fair amount of money in this bill is wasted, as one can say for almost every Government program that one can look at.

But let me just point out that I really think this amendment is far from being the little restraining amendment that the gentleman from Mississippi has described it as being. If we take, for instance, the United Nations Environment Fund, what this amendment does is to knock out that entire fund. That small program, I submit, is one of the most useful international programs we have going on at this time.

How many Members recall, for instance, just a few months ago when we found out through the newspapers that AID money had been used to export toxic substances, pesticides being used in Egypt and Pakistan which were killing people because they were not being used under the same conditions that we require them to be used here in the United States? The U.N. Environment Fund is in the process of trying to set up an international alert system which will explain to people who know very little about it what some of these toxic substances are, and I think that is the least that we owe the people we share this planet with. I will also submit it is the least that we owe to ourselves. It does us precious little good if this country takes action after action to restrict the use of dangerous pesticides, to restrict the use of dangerous toxic substances, and then allow, because we have not assisted in education programs especially in the underdeveloped areas of the world, the continued proliferation of the uses of these kinds

of chemicals. Our entire ecosystem becomes polluted, even though we ourselves have taken very responsible actions in this area.

I think that what the gentleman does especially in this area is, frankly, irresponsible, and I would urge the Members to vote against the amendment.

Mrs. BURKE of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to discuss one thing that has been pointed out by the gentleman from Mississippi. He says that we voted overwhelmingly for the deletion of these funds in the authorization bill. It is true that there was a vote on the authorization bill. At that time, however, there had been no request from the administration for two items that now have been requested, and I think those two items are very important.

One of those items is $5 million for UNICEF that will be cut by the gentleman's amendment. Many of us see ads in the magazines for UNICEF, and in my district there is great support for UNICEF. I do not know about anyone else's district, but I believe the people of my district do not want to see children starve anywhere in this world. They send their money, and they contribute willingly.

It is true we may have a drought in California, but I do not know anyone who has died of thirst. I will say one thing: The people who are victims of the drought in California do not want to see children die of thirst anywhere in this world.

UNICEF is one of those programs that has been one of the best assets of our country as we address the needs of people.

Another thing that should be clarified here is the allocation of $3 million for the U.N. Decade of Women. This allocation is a commitment that was made by the United States in Mexico City. Other countries have come in to provide their money, yet we have not made an allocation of the money that we promised to give. This money is not for meetings or conferences; this money is for three regional centers throughout the world to assist with some of the problems of survival that women have.

There is one other issue that keeps coming up that I think we should address, and that is Uganda.

I think we should distinguish between the people of Uganda, who are just as good as people anywhere in the world, and a dictator that we abhor. I hated Hitler but there is no one who could have made me say I would not give the money to the Jews in those concentration camps, to those people who were his victims.

The UNDP money goes to feed some of the families we are talking about who are being slaughered by Idi Amin. If we want to give some help to the people in Uganda we should give help to the people who are his victims. The way to overthrow Idi Amin is to give these people assistance, the people who are running for their lives and who are dying and who cannot even buy basic commodities.

The items included here are items necessary for humanitarian efforts. I hope the day never comes when I have to represent anyone who is going to tell me: Send guns to kill as many as you can and send ammunition to every place you can find someone who will accept it but do not ever feed a starving child as we do with UNICEF.

Mr. Chairman, I rise in opposition.

Mr. TSONGAS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I address my remarks to the amendments now on the floor and those we will be hearing from in regard to the international development lending institutions.

Thirteen years ago I was living in Wolisso, Ethiopia, a place most of you have never heard of. The people I lived with were just that: people, just like you and I, except where we are well clothed, they were not, and whereas we are well fed, they were not. We worry in this country about being overweight and giving up our gas-guzzler cars. These people worried about survival on the most basic level.

The students I taught came from many miles away and did not see their families for 9 months. They came with one change of clothes—those they had on their backs. I got to where I could recognize my students from afar by the clothes they were wearing because they had nothing else.

They were also ill fed. Due to circumstances I at one point had to live on their diet and I became quite ill. I changed my diet because I had the money to do that. They did not have the money and they did not change their diet.

They were also without health care. One of my students, whom Members have never met, died, and he died because he did not have the kind of health care we take for granted. Almost every one of those students I taught had illnesses we have never even considered, the kinds of things that are just academic to us.

Well, I remember those students. I remember those people. And when I see well-fed and well-nourished and well-clothed members of the richest and most resource-wasteful country on Earth who joyously seek to take a bare standard of living from those people, it makes me sick. I think anyone who votes for these amendments or anything like them should be forced to spend 60 days in Wolisso, Ethiopia. He will come back thinner but he will come back more humane.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the last two arguments we heard have been very eloquent. I do not think anybody in this Chamber wants to stop anybody from having something to eat. In my opening comments I said ours was a generous Nation and I want to see us create a foreign aid program that would be generous, but one in which the dollars and the help and the food would get to the people that needed it.

Mr. Chairman, contrary to the discussion we just heard in the well, we need to point out that, first of all, the major effort on the part of the United States to feed hungry people in the food-for-peace program. That food-for-peace program is not included in any of these amendments. As a matter of fact, food for peace is not even included in this bill; so those arguments, as valid as they are, do not go to the point that we are discussing today.

I invite the gentleman who just left the well, if the gentleman would do so, to read the testimony precented to this subcommittee which proved to us that these dollars are not getting into the hands of the people that need them. I would suggest that the gentleman will find very little evidence that the help is going to the needy. To the contrary, we find these programs full of dollars for administrative costs, for bureaucracy, for travel, and items like that.

I would suggest to the gentleman that he might read those transcripts. I think the gentleman would have a real eye opening experience.

Mr. Chairman, we get on the floor and talk about assisting other people and we talk about broad theories and great philosophies, and that is fine. I agree with most of those theories and philosophies. I am trying to make our foreign aid program do what so many of us believe that it should do, but it does not really do now.

I would hope that our comments, as emotional as they might be, would be directed at the matters before us and not at suggesting that we are opposed to hungry children getting fed, because that is not the case. To the contrary, if we are successful, we are going to find that more hungry people and more needy people are going to get the help that we want to give them than under this bill as it was reported.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, I want to emphasize again that the amendment would knock $5 million out of the United Nations childrens program, leaving $20 million, which is what the executive branch requested; so I do not want anybody to get the impression it knocks it all off.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, UNICEF is probably one of the most popular of our international programs. I am sure we all realize that in this scientific and this very technical world in which we are becoming more and more independent, the children need to know and respect each other; would not the gentleman agree to that?

Mr. YOUNG of Florida. Mr. Chairman, I would answer the gentlewoman by repeating my earlier comments. Of course, I do not want anybody to be hungry, I do not care where they live.

Mr. Chairman, I am attempting to make this a program that will accomplish that. I am trying to let the people in the United Nations and the World Bank and IDA and all these institutions know that that is what we want to happen. We do not want to see our money being used in other parts of the world

for projects that we would not even support for our own people in the United States, as, for example, water projects.

Mr. Chairman, I do not want to see anybody go hungry, but if we are going to spend $7 billion, I want as much of that $7 billion to go to the people we want to help as we possibly can accomplish.

Mr. Chairman, this bill does not do that. We can talk about theory and philosophy all we want. We can talk about helping needy people all we want. This bill does not do it. If the Members would read the transcripts and see the questions that were asked and see the lack of answers the subcommittee got, they would agree this bill does not do what they say it does.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I know both the gentleman from Florida and the gentlewoman from Nebraska (Mrs. SMITH) sat through the hearing where testimony was taken as to how the money in this bill was and is to be spent.

Mr. YOUNG of Florida. Exactly.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, all those of us who support the amendment are saying, both the gentlewoman, Mrs. SMITH and the gentleman from Mississippi (Mr. LOTT) is that in our judgment on the basis of the record we need to trim this money that is not being properly spent.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that there is a temptation on the part of any Member to feel that this is one bill in which we can make cuts and ravages, because it has no constituency at home. To some degree, that it true.

But yesterday a bipartisan group of us were invited to breakfast with the President. Members of the leadership from both sides of the aisle were present.

The President expressed his personal concern over any additional cuts in this bill. He said such reduction would raise very serious questions abroad as to the credibility of the United States and the commitments that we have made in good faith to these ongoing programs. I have a letter from the President that I shall put into the RECORD at the conclusion of my remarks. It is under yesterday's date, and is addressed to the Speaker.

The President points out that the Appropriations Committee already has reduced the administration's request for the international participatory institutions by almost half a billion dollars.

He goes on to say that any further reductions would seriously impair our ability to participate effectively, and would have a seriously adverse effect on the foreign policy of the United States.

The President points out in his letter that the administration is seeking money for the third installment of our contribution to the fourth replenishment of the International Development Association fund. He points out that all other countries—let us think about this—all other countries have already made their full contributions to IDA, while the United States has contributed only half of its pledge.

It is not as though we were carrying the full weight of International Development alone, as indeed we were for a number of years immediately following World War II. We did that as a humanitarian gesture. Winston Churchill called the Marshall Plan the most unsordid act in the history of international relations.

Today, however, the United States, as a percentage of its gross national product, is not first among those giving and lending to the developing world. Every major industrial nation devotes a greater percentage of its gross national product to this kind of activity than does the United States. That puts us in a position of which we cannot be justly proud.

For that reason, and for the reason that the President earnestly desires the right and power to continue to fulfill our commitments made in good faith to these humanitarian institutions, and for the reason that the committee already has reduced by almost a half billion dollars the amounts requested by the President, I very earnestly request a no vote on these amendments so that we can hold intact what the committee, in its wisdom, has brought to the House.

Mrs. BURKE of California. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentlewoman.

Mrs. BURKE of California. May I ask the gentleman from Texas one question? The gentleman from Mississippi has again stated that the President only requested $20 million for UNICEF. Is it not true that in House Document 95–161, after our vote on the authorization, the President requested the amount for UNICEF, which is the $25 million that is reflected in this bill, which will be partially deleted by $5 million by this amendment?

Mr. WRIGHT. Yes, the gentlewoman is exactly correct.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course, I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. I am sure the gentleman has studied the Lott amendment carefully enough to know that in most cases, with one or two exceptions that might be add-ons, after the authorization committee acted, the Lott amendment basically conforms with what the administration requested? The gentleman is aware of that?

Mr. WRIGHT. I would not agree, I would say to my friend from California. I have studied the Lott amendment, and I have taken it item by item.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. WRIGHT. Mr. Chairman, let me just say that I have looked at the Lott amendment, and I have examined the line items to which it refers, and I believe it cuts dangerously below what we should be contributing to these international institutions.

Mr. Chairman, under permission previously granted, I want to insert into the RECORD of the debate at this time a letter from the President of the United States.

The CHAIRMAN. I understand that the gentleman obtained that permission in the House before we went into the Committee of the Whole.

Mr. WRIGHT. The Chairman is correct.

The letter is as follows:

THE WHITE HOUSE,
Washington, D.C., June 21, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I understand that the FY 1978 appropriations for the international development banks are scheduled to come to the House floor shortly. I am writing to request your support for passage of the bill with funding levels as close as possible to those which I originally requested.

As you know, the Appropriations Committee reduced our request for the banks by almost half a billion dollars. I believe that any further reductions would seriously impair our ability to participate effectively in the ongoing activities of the banks and would therefore have a seriously adverse effect on the foreign policy of the United States.

It is of particular importance to obtain an appropriation for the International Development Association (IDA) as close as possible to my original request. We are deeply concerned with the Committee's recommendation to cut $225 million from that request. Any further reductions would be disastrous.

The entire IDA V agreement, negotiated over a period of two years among twenty-three donor countries, will have to be renegotiated unless the United States contributes its full $800 million share to the first installment. The agreement was given global attention in the communique which I, along with my colleagues from six other nations, issued at the conclusion of the Summit meeting in London in early April. It is a major element in overall North-South relations, and was endorsed as such at the recent Conference on International Economic Cooperation in Paris. Any disruption of IDA V would trigger an extremely serious breech in relations between the United States and the developing countries, and would adversely affect relations between the United States and other donor countries as well.

In addition to the $800 million requested for IDA V, the Administration is seeking $375 million for the third installment of our contribution to the fourth replenishment of IDA. All other countries have already made their full contributions to IDA IV, while the United States has contributed only half of its pledge. Any further reduction in the appropriation would give rise to serious doubts as to whether the United States intends to carry through on the contribution which it agreed in 1975 to make to IDA IV.

I also seek your support to avoid any language which would prevent the use of funds appropriated in the bill for bank lending to Indochina. Specifying that U.S. funds could not be used for loans to these countries by the multilateral development institutions would in all probability make it impossible for these institutions to accept our funds. It would, in effect, jeopardize continued U.S. participation in the banks. I support the language on this issue recommended by the Committee, which is similar to language contained in the Foreign Assistance and Related Program Appropriations Act for FY 1977.

Sincerely,

JIMMY CARTER.

Mr. JOHN T. MYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have just heard the majority leader, the gentleman from Texas (Mr. WRIGHT) who is one of the more eloquent Members of this body, recite what transpired at the breakfast meeting yesterday morning with the leadership from both sides of the aisle, that the President did not want to see this bill cut because it would violate a commitment or an agreement that we have with other nations.

Mr. Chairman, I am not suggesting that our Nation should violate a commitment or that we should not honor the agreements which we have made. But it does seem to me that just last week, when we had the public works and energy research and development appropriation bill before this House, we dealt with a request from the same President asking for a cut list, originally taking out more than 30 water projects. These were water projects containing agreements which had already been entered into with State and local governments. In every project, State and local governments had already committed dollars and other commitments, yet the President asked us to cut those. He wants to keep a commitment with some other nation, but he does not—the same President—want to honor commitments we have made with people of our own country.

Mr. Chairman, it seems to me that this is a little inconsistent. If it is a commitment he is concerned about, then that commitment should also lie with the water projects in his own country, some of which were almost complete, one or two almost ready to close the gates, to provide much-needed water for communities, to carry out needed flood control, and various irrigation needs. Irrigation districts and flood control groups have made agreements with the United States that they would receive the water and have water protection.

Yet this same President who yesterday morning requested that we do not want to cut this because it would violate a commitment, did not hesitate to request us to break a commitment with our own people. He asked us to break contracts in our country, yet to not break similar commitments to other countries.

Sure, no one wants to take food out of hungry people's mouths, whether they are children of some other nation or of our own. The gentlewoman from California suggested that we are taking food out of people's mouths. Do not let any one suggest that any food going to Uganda will not go where President Idi Amin wants it to go. It will make little difference who administers the program, they will get their head chopped off if the food does not go where Amin wants it to go. Let us not kid ourselves.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. JOHN T. MYERS. I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, what will happen to the funds that will go to Yugoslavia? Who will control their expenditure?

Mr. JOHN T. MYERS. Of course, we will only be encouraging and helping those who suppress human rights.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHN T. MYERS. I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, in this debate I think we are losing sight of the fact that the President changed his position on these funds the other day. I presume the majority leader knew that, since he got permission to insert the letter before we went into the Committee of the Whole. It is nice for the President to come down at the last minute and tell us what he thinks. The fact of the matter is, when the authorization bill was before us, the House did not support any aid for most of these programs, including the U.N. Decade for Women, the Year of the Child, and the President still has not asked, so far as I can tell, for any money for the U.N. Namibia Institute.

All of these are programs to which the Lott amendment addresses itself. These cuts are certainly in order. This is the largest foreign aid bill we have faced in this Congress in the last three decades. It is $2 billion or more over last year's amount, and there has been no justification given in the report for these enormous increases.

The gentleman from Mississippi (Mr. LOTT) has made the simple and brief suggestion that we should carefully make specific cuts and these cuts are directed to programs that not even the President himself wanted last January.

Mr. Chairman, we are trying to do this to help the President accomplish what he said he was going to do, and that is to balance the budget.

Mr. JOHN T. MYERS. Mr. Chairman, some of us have not seen the latest edition of the letters coming out of the White House. I say that if we have a commitment to be honored it should be to the taxpayers of this Nation, that commitment should be honored by this Congress.

Mr. BAUMAN. Mr. Chairman, I will say to the gentleman that if the President continues this practice of saying that he wants to balance the budget in 4 years and continues to spend as he has, there will be no way he can live up to his promise, and we can all believe that.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would first like to point out that this subject of foreign aid generates quite a bit of debate.

My good friend, the gentleman from Indiana (Mr. JOHN T. MYERS), who just spoke, has made the point that the President seems to be inconsistent. I do not think that is a fair thing to say about the President. My judgment is that the President or any President in his first 6 or 7 months in office is in that legitimate period that we call a "honeymoon," and he is entitled to make adjustments and to change his mind again and again as he looks at a subject before he finds that he has a firm position.

I do not think there is anything inconsistent in the President's position on the so-called water projects, and the President's insistence on the funds in this bill, and specifically in his insistence on certain funds for international organizations.

I believe the majority leader, the gentleman from Texas (Mr. WRIGHT), was correct in emphasizing the President's commitment as contained in this bill to the international organizations and specifically the United Nations.

Mr. Chairman, I would like to point out that we are not overgenerous in our support of the United Nations. Over the years we have cut down our contributions. A number of these contributions are for programs which the United States consistently supports, and it seems to me that if we have an international policy going back over a number of administrations of supporting a certain project, then we ought to come up with our budgeted share of the funds. That is really what is at issue here.

My experience has been that we benefit indirectly of course, from effective U.N. programs. The UNDP program is one of the most effective. It has been streamlined recently, and it has been brought into focus in terms of its emphasis. It has received—and I think properly so—the support of many nations of diverse philosophies. I think we should in this bill maintain our budgetary commitment to the UNDP.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Mississippi (Mr. LOTT) are two of my best friends. They are dedicated Members. I think their motives are good. But I do not believe this is the time and the place to make a cut since in fact we have reduced some of our payments as a result of congressional cuts in U.N. programs.

The U.N. is not a perfect institution. Periodically I have to remind the Members of that. But it is a necessary institution, and our record overall at the U.N. is a good one. We have behaved responsibly. We have supported sound programs, and we have survived the disarray of General Assembly sessions. What we are speaking of now is a legitimate and not too great budgetary support of effective international programs.

That is the issue before us.

Mr. Chairman, at the risk of losing my no longer impeccable conservative credentials, I would urge opposition to the two amendments.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, there is one other commitment that I know the gentleman is aware of. A few years ago Congress passed an authorization for participation in the United Nations Environmental Fund. The money in this bill is pursuant to that commitment that was made, I think, 3 years or 4 years ago.

If we take this money out, it wipes out U.S. participation in the United Nations environmental program, contrary to the commitment that Congress has made. I would take away U.S. support for the Earth-watch program which is attempting to establish baselines on the oceans and the atmosphere around

the world. It would undercut the efforts to clean up the Mediterranean and so on.

Does the gentleman agree that this is a commitment which we ourselves have shared in the past?

Mr. DERWINSKI. Yes, and I also agree with the gentleman that when the U.N. is acting in a positive, acceptable fashion, it deserves our support.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute amendment, which I think is a mischievous amendment.

Let us keep in mind now that this would reduce the U.N. Environmental Fund by 100 percent. It would wipe it out.

This would reduce the United Nations Development program by $10 million, and the U.N. Children's Fund, one of the most meritorious programs of all, by $5 million. It would cut the U.N. educational and training program for southern Africa, where it is desperately needed, by $500,000. It would delete $500,000 for the U.N. Namibia Institute. It would wipe out our contribution to the U.N. Decade for Women. It would delete our contribution to the U.N. Capital Fund.

Mr. Chairman, the United Nations Environmental Fund is particularly important. It deals with the U.N. commitment to health, it deals with our oceans, with our natural disasters, with energy, and with environmental management generally. This is a tremendously valuable program.

Mr. Chairman, as far as the Children's Fund is concerned, it continues to be one of the U.N.'s most effective organizations. It has helped millions of sick, undernourished, and impoverished children and their mothers in the least and lesser developed countries of the world. It is a tremendously meritorious program, and the sum of money that we have set in the bill, $25 million, is still grossly inadequate to do the job.

Mr. Chairman, I strongly urge that the substitute amendment be defeated.

Mr. Chairman, we have now spent a long time on the first two companion amendments. There are 10 amendments to go. It is 2 p.m. We are making very slow progress.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I strongly oppose the pending amendment and the substitute.

I would like to offer a consideration that has not been mentioned here before. The fact of the matter is that the attitude of the United States on the development programs for the developing countries is going to have an impact on what happens to oil prices.

The Saudi Arabians have been very cooperative in the matter of holding the price of oil down. They made it very clear at the Paris meetings of C.I.E.C., which I referred to before, that our attitude toward development, our attitude toward the hopes and aspirations of the developing world, is going to have a real impact on whether the Saudis can continue to hold the line on oil prices.

If as a result of making the cuts we are talking about here today, we get price increases in oil that would cost the American people billions and billions of dollars, then the cuts would be false economy of a devastating sort.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to ask the author of the substitute amendment, the gentleman from Mississippi (Mr. LOTT) a question, and the question is this: What does the United Nations know about the subject of equal rights? I ask this, because, if I understand the gentleman's substitute amendment correctly, the gentleman is trying to cut out $3 million that goes to the United Nations Decade for Women's "World Plan of Action," is that correct?

Mr. LOTT. That is correct.

Mr. SYMMS. I thank the gentleman from Mississippi (Mr. LOTT) very much.

Mr. Chairman, is anyone seriously suggesting that true equal rights is going to be granted or that progress toward equal rights will be made in the nations of the world that are under one party or other dictatorial rule? It is ludicrous to suggest, for example, that we are contributing anything toward equal rights by giving money to be used for the benefit of Communist nations. In Communist nations there is a perverse kind of equality when it comes to human rights. Everybody is equal in misery except the party bosses. And what about those dictatorships in Africa? There are currently 15 one-party states and seventeen dictatorships on that continent alone. It is a mockery of true equality to suggest that by giving $3 million to an organization made up in part of such nations that we are somehow going to advance the cause of equal rights.

I suggest we reject this request and support this amendment. If we are going to give $3 million to the cause of equal rights let us use it as partial payment of a B–1 bomber. At least we will know that the money is going to something that protects equal rights against dictatorship and tyranny.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of both amendments first of all, because I think it is appropriate when we have such a large appropriation in front of us that we look at it in every respect, but our Committee on Appropriations has looked very carefully at some of these expenditures that we are now asking to put a little restraint on them and one would almost think from what we hear that we are shutting off these programs, and we are not.

In its report the Appropriations Committee says, in talking about the United Nations Development Program that:

> With such an immense operation underway the committee wonders if efficient administration is possible? The committee believes if the UNDP could slow down its operation and concentrate on a number of good projects the needs of the poor would be better served.

All the gentleman from Florida (Mr. YOUNG) and the gentleman from Mississippi (Mr. LOTT) are trying to do is to slow down wild expenditures in these "foreign giveaway" programs.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I think this is an eminently fair amendment. The United Nations spills as much money as this amendment will save. They waste their money not on trying to help needy children, but on endless debating and passing resolutions condemning Israel as racist; on holding International Labor Organization meetings in which they refuse to consider human rights as an issue, on meetings of the Human Rights Commission at which they refuse to condemn Idi Amin as the most brutal dictator in Africa. That is the record of the U.N.

The United Nations is a fraud and everybody knows it. You should have the courage to admit it. Yet we go right on pouring money down this international rathole. And when we call for a modest cut in this multi-billion-dollar bill one would think the end of the world was going to occur. I believe it would be a good day for the people on the East River, in Paris, in Geneva, where the United Nations bureaucrats hang out, if we were to cut down a little bit on this mindless spending. I think this is of importance to the American taxpayers now paying close to 40 percent of their incomes in taxes each year. This calls for a simple $30 million reduction in programs that not even the President thought were necessary. I urge a yes vote.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I oppose both amendments. I have already argued the case. The Lott amendment is even worse than the amendment offered by the gentleman from Florida (Mr. YOUNG). I hope both amendments are defeated. I would like to say a word on the proposed $5 million reduction on UNICEF.

UNICEF is the most well-known and one of the UN's most successful and respected programs. It directs its assistance to those most in need of help—the children and mothers of the world's poorest nations.

If there is hope for the world's poor, it must lie in improving conditions not only for the present, but also for the future. The hope for the future lies with answering the immediate needs of today's children. In such vital areas as medical care, nourishment, and education, UNICEF is filling an all-important role.

UNICEF came into existance in 1946 to work with children left destitute after World War II. In 1976 it worked in 103 countries and territories.

For fiscal year 1976, 121 countries contributed $80 million to UNICEF. The U.S. contribution was $20 million, or 20

percent of this total. At this year's pledging conference, the Executive Director of UNICEF estimated that total contributions would reach $92 million. If the U.S. contributes $20 million, its share would fall to 21.7 percent

A $20 million contribution would probably mean that the U.S. would no longer be the largest contributor to UNICEF. The Swedes plan to contribute $25 million—$20 million was the U.S. level in fiscal year 1976 and 1977.

All of UNICEF's funds come from voluntary contributions of member states. UNICEF's assistance takes the form of provisions of various type of commodities as well as technical assistance. In this way, UNICEF is able to answer immediate needs as well as plan for long-range assistance.

In 1976, UNICEF estimated program expenditures were the following: Maternal and child health—54.4 percent; education—18.5 percent; child nutrition—9.4 percent; emergency aid—6.8 percent; children's social services—4.6 percent; country program planning and preparation of projects—6.3 percent.

Total UNICEF expenditures since 1946 total more than $1 billion. I again urge the defeat of these two amendments.

The CHAIRMAN. The Chair recognizes the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I support both amendments.

(By unanimous consent, Mrs. SMITH of Nebraska yielded her time to Mr. YOUNG of Florida.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentlewoman from Nebraska (Mrs. SMITH) for yielding the time.

Mr. Chairman, the distinguished majority leader read a letter to the Speaker from the President of the United States—very eloquent and very persuasive—and it talked about how there was not enough money in this bill for the international financial institutions. Mr. Chairman, nothing in either of these amendments goes to the international financial institutions. We are not even talking about them in these amendments.

While we are on that subject though, we ought to point out that the money appropriated by this bill to the IFI's is 86 percent higher than it was in fiscal year 1977.

On the subject of the United Nations my amendment pertains to the United Nations Development Program. The subject of human rights has been raised on this question. It was just a few months ago that the representative to the United Nations from the United Kingdom asked the United Nations Commission on Human Rights to investigate human rights violations in Uganda by the Amin government, and they were rejected totally. How much interest in the preservation of human rights does the UN have if they will not even investigate what everyone in the world knows is going on in Uganda?

The main amendment, to eliminate this money from the UNDP program should be recognized for what it is. Even with the adoption of this amendment, our contribution to the UNDP will be larger than it has ever been before.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I just want to reiterate what I said before. In addition to all of the other damaging aspects of this amendment, this amendment totally wipes out our commitment to the United Nations Environment Fund. It does us little good if we clean up our environment if the rest of the world continues to pollute, because we suffer the same effects even though we have invested billions and billions of dollars. To deny money for this fund which would stimulate the rest of the world, especially the underdeveloped sections of the world, to meet their own responsibilities after they become educated to what the problems are, is just penny-wise and pound-foolish. It would operate against our own national interest, and for that reason and for that reason alone, I would urge that we oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I think it would be a mistake if this body would adopt either of the amendments pending. Adopting the proposed cuts would be harmful to our foreign policy. Some of the international programs, particularly support for humanitarian and technical assistance programs, which we have, and other nations have supported, would be placed in jeopardy. The proposed funds for UNDP programs are not excessive and therefore should not be cut.

Mr. Chairman, I urge the Committee to vote down both amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to both amendments, but especially to the substitute amendment. The substitute amendment is simply irresponsible. If we pass it, we would be abrogating America's leadership in the United Nations in important areas. This amendment would affect the Capital Fund, the Decade for Women, the Namibia Institute, the education and training program for southern Africa, UNICEF, United Nations development program, and the Environmental Fund. Our contribution to some of these programs would be eliminated and others would be reduced substantially. I cannot think of anything that would be more deleterious to our foreign policy than to pass this substitute amendment.

Mr. ASHBROOK. Mr. Chairman, we should delete $20 million from the United Nations development program. This would maintain the U.S. contribution to the UNDP at the same level as for fiscal year 1977.

Frankly, I think the appropriation deserves to be cut even more. In looking through the hearings of the Subcommittee on Foreign Operations, it is clear that the UNDP has engaged in a large number of questionable activities.

One such case is UNDP assistance to Vietnam. In January of this year the UNDP Governing Council approved a $44 million allocation for the Socialist Republic of Vietnam for 1977–81. What makes it even harder to understand is that the United States joined in the consensus approval of the allocation.

Another $30 million is budgeted for the next 5 years for Uganda. It is hard to believe that with all the atrocities committed by Mr. Amin that the UNDP would be giving Uganda one dime.

More than $12 million has gone to Cuba between 1972 and 1976. Again, the UNDP is helping to prop up a dictator.

The taxpayers of this Nation should not have to pay for such programs. I think a $100 million appropriation to the UNDP is more than adequate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. LOTT) as a substitute for the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 232, not voting 19, as follows:

[Roll No. 361]

AYES—182

Abdnor	Dingell	Jones, N.C.
Andrews, N. Dak.	Dornan	Jones, Okla.
Archer	Duncan, Tenn.	Jones, Tenn.
Armstrong	Edwards, Ala.	Kasten
Ashbrook	Edwards, Okla.	Kelly
Badham	Emery	Kemp
Bafalis	English	Ketchum
Barnard	Erlenborn	Kindness
Bauman	Ertel	Lagomarsino
Beard, Tenn.	Evans, Del.	Latta
Benjamin	Evans, Ga.	Lent
Bennett	Evans, Ind.	Levitas
Bevill	Fish	Lloyd, Tenn.
Bowen	Fithian	Lott
Breaux	Flowers	Lujan
Brinkley	Flynt	McDonald
Brooks	Foley	McEwen
Broomfield	Fuqua	McKay
Brown, Mich.	Gammage	Mahon
Brown, Ohio	Gibbons	Marlenee
Broyhill	Gilman	Marriott
Burgener	Ginn	Martin
Burke, Fla.	Glickman	Mathis
Burleson, Tex.	Goldwater	Michel
Butler	Goodling	Milford
Byron	Grassley	Miller, Ohio
Carter	Gudger	Minish
Chappell	Guyer	Mitchell, N.Y.
Clausen, Don H.	Hagedorn	Montgomery
Clawson, Del	Hall	Moore
Cleveland	Hammer-schmidt	Moorhead, Calif.
Cochran	Hansen	Mottl
Coleman	Harsha	Murphy, Pa.
Collins, Tex.	Hefner	Murtha
Corcoran	Hightower	Myers, Ind.
Cornwell	Hillis	Nichols
Coughlin	Holland	O'Brien
Crane	Holt	Pettis
Cunningham	Hubbard	Pickle
Daniel, Dan	Huckaby	Pressler
Daniel, R. W.	Hughes	Quayle
Davis	Hyde	Quillen
Derrick	Ichord	Regula
Devine	Jenkins	Rhodes
Dickinson	Jenrette	Rinaldo
	Johnson, Colo.	Risenhoover

Roberts	Smith, Nebr.	Waggonner
Robinson	Snyder	Walker
Rogers	Spence	Walsh
Rousselot	Stangeland	Watkins
Rudd	Steed	White
Runnels	Stockman	Whitehurst
Russo	Stratton	Whitten
Santini	Stump	Wiggins
Satterfield	Symms	Wilson, Bob
Schulze	Taylor	Wilson, C. H.
Sebelius	Thone	Winn
Shipley	Treen	Wydler
Shuster	Trible	Wylie
Sikes	Vander Jagt	Young, Fla.
Sisk	Volkmer	Zeferetti

NOES—232

Addabbo	Ford, Tenn.	Nowak
Akaka	Forsythe	Oakar
Alexander	Fountain	Oberstar
Allen	Fowler	Obey
Ambro	Fraser	Ottinger
Ammerman	Frenzel	Patten
Anderson, Calif.	Gephardt	Patterson
	Gonzalez	Pattison
Anderson, Ill.	Gore	Pease
Andrews, N.C.	Gradison	Pepper
Annunzio	Hamilton	Perkins
Applegate	Hanley	Pike
Ashley	Hannaford	Preyer
Aspin	Harkin	Price
AuCoin	Harrington	Pritchard
Badillo	Harris	Pursell
Baucus	Hawkins	Quie
Beard, R.I.	Heckler	Rahall
Bedell	Heftel	Railsback
Bellenson	Hollenbeck	Rangel
Biaggi	Holtzman	Reuss
Bingham	Horton	Richmond
Blanchard	Howard	Rodino
Blouin	Jacobs	Roe
Boggs	Jeffords	Roncalio
Boland	Johnson, Calif.	Rooney
Bolling	Jordan	Rosenthal
Bonior	Kastenmeier	Roybal
Bonker	Kazen	Ruppe
Brademas	Keys	Ryan
Breckinridge	Kildee	Sarasin
Brodhead	Koch	Sawyer
Brown, Calif.	Kostmayer	Scheuer
Buchanan	Krebs	Schroeder
Burke, Calif.	Krueger	Selberling
Burlison, Mo.	LaFalce	Sharp
Burton, John	Le Fante	Simon
Burton, Phillip	Leach	Skelton
Caputo	Lederer	Skubitz
Carney	Leggett	Slack
Carr	Lehman	Smith, Iowa
Cavanaugh	Lloyd, Calif.	Solarz
Cederberg	Long, La.	Spellman
Chisholm	Long, Md.	St Germain
Clay	Luken	Staggers
Cohen	Lundine	Stanton
Collins, Ill.	McClory	Stark
Conable	McCormack	Steers
Conte	McDade	Steiger
Corman	McFall	Stokes
Cornell	Madigan	Studds
Cotter	Maguire	Thompson
D'Amours	Mann	Thornton
Danielson	Markey	Traxler
de la Garza	Marks	Tsongas
Delaney	Mattox	Tucker
Dellums	Mazzoli	Udall
Derwinski	Meeds	Ullman
Dicks	Metcalfe	Van Deerlin
Diggs	Meyner	Vanik
Dodd	Mikulski	Vento
Downey	Miller, Calif.	Walgren
Drinan	Mineta	Wampler
Duncan, Oreg.	Mitchell, Md.	Waxman
Early	Moakley	Weaver
Eckhardt	Moffett	Weiss
Edgar	Mollohan	Whalen
Edwards, Calif.	Moorhead, Pa.	Whitley
Eilberg	Moss	Wilson, Tex.
Evans, Colo.	Murphy, Ill.	Wirth
Fary	Murphy, N.Y.	Wolff
Fascell	Myers, Gary	Wright
Fenwick	Myers, Michael	Yates
Findley	Natcher	Yatron
Fisher	Neal	Young, Mo.
Florio	Nedzi	Young, Tex.
Foley	Nix	Zablocki
Ford, Mich.	Nolan	

NOT VOTING—19

Baldus	Giaimo	Poage
Burke, Mass.	Ireland	Rose
Conyers	McCloskey	Rostenkowski
Dent	McHugh	Teague
Flippo	McKinney	Young, Alaska
Flood	Mikva	
Gaydos	Panetta	

The Clerk announced the following pair:

On this vote:

Mr. Teague for, with Mr. Panetta against.

Mr. HORTON changed his vote from "aye" to "no."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The Clerk will read.

The Clerk read as follows:

Sahel development program: For necessary expenses to carry out the provisions of section 121, $50,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 5: "Strike line 3 through line 5."

Mr. YOUNG of Florida. Mr. Chairman, what this amendment does is to strike from the bill the $50 million for the Sahel development program.

I offer this amendment for a number of reasons. No. 1, this item provides for projects or programs very similar to the ones we struck from the public works appropriation bill, relative to water projects in the United States.

Some of the funds in this bill, we think, will be for water and irrigation projects in the Sahel area of Africa. I say, "we think," Mr. Chairman, because we do not know, and after all the questions that were asked of the witnesses who appeared before the subcommittee, we found that the witnesses did not know either.

So here we have a $50 million funding, which is just a down payment, by the way, because this is supposed to be a 10-year program, and the total U.S. share will very likely be as much as $2 billion.

I hope that the Members are paying attention to this now, because someday somebody back home is going to ask us about this.

Mr. Chairman, this is one of those issues about which constituents often ask, "Well, Congressman, how in the world did that ever get through the Congress?" Well, the truth is that it went through when nobody was listening.

We are making the down payment with this fund on a 10- to 15-year program, and the U.S. share is going to go as high as $2 billion. And if the Members read the transcript—I know that takes a lot of time, and I know all the Members could not be at the hearings—they will find that when the questions were asked of the witnesses, there were very few answers. The fact is that they do not know today what they are going to do with this money. They do not know to what project the money is going to be applied. Many of the questions that were asked were very penetrating, and the answers were practically nil.

Let me tell the Members what else is taking place in many areas of Africa. It is not that we are against Africa; it is not that we are against helping Africa. Just let me tell the Members what else other help is happening in the Sahel area.

From 1973 to 1974 the United States provided $110 million to this area for emergency drought relief. That was direct aid. From 1974 to 1977 the United States has provided $240 million of direct aid including the Public Law 480 food program.

And today, Mr. Chairman—and just listen to this—what is happening in the Sahel area from the standpoint of aid and assistance is this: There is money being spent and personnel being provided in the Sahel area from AID, the Peace Corps, the International Development Association, the World Bank, the African Development Bank, the United Nations development program, the U.N. development fund, UNICEF, the U.N. Food and Agriculture Organization, the World Health Organization, the World Meteorological Organization, the International Labor Organization, the Organization for Economic Cooperation and Development, and some 10 to 15 private and voluntary organizations, some of which we have also helped with funds and personnel.

Mr. Chairman, I submit that adding another layer of dollars and personnel is not going to do anything more than confuse the issue even further.

It has been suggested that the Sahel development program would help solve the problem of duplication and waste. That is a fine suggestion, and in theory it is good. The philosophy is great, but the witnesses who testified for this appropriation did not know how the funds were going to be used. I asked them to identify projects.

I asked the question: "What specifically are you going to do?" They could not tell us. The transcript is nearly void of information as to what this money is going to be spent for, other than to coordinate all of these other activities.

I suggest, Mr. Chairman, that $50 million is an awfully big price tag to put on an effort just to coordinate hundreds of millions of other dollars that are being spent in the Sahel area.

I remind the Members again, Mr. Chairman, that some of these funds for these projects are supposed to be going into irrigation projects, projects to provide water for agriculture and water for power. They are very much like the U.S. projects that we struck out of a similar bill earlier, and the funds in that bill were going to be spent in American congressional districts.

Mr. ICHORD. Mr. Chairman, will the gentleman yield on that point?

Mr. YOUNG of Florida. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, let me ask the gentleman, did the subcommittee receive any testimony about the cost-benefit ratio of any of these projects?

Mr. YOUNG of Florida. Mr. Chairman, we did not receive any information at all, because, first of all, let me say again that if we look at the record, we find that they could not tell us what they were going to do with the money.

I asked the witnesses time and time again to identify the projects. I asked, "What are you going to do? Are you go-

ing to dig a ditch? Are you going to build a dam?"

They did not know. Maybe they have decided on an answer since they testified, but they have not told me as of today. The witnesses were asked many direct questions, but they did not know exactly what they were going to do with the money.

Mr. ICHORD. Mr. Chairman, I predict that the gentleman will win on this amendment if the House considers it on its merits.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is a case of the United States picking up the pieces for another group of former French colonies.

As the gentleman from Florida (Mr. YOUNG) has said, we have not received adequate information about this project, although we tried very hard to get it. We were told that there was going to be another meeting in Ottawa the last of May, to fill in the blank spaces in this proposal. But we only hear that it will provide technology, infrastructure, and some roads, and it will require lots of money from the United States.

We do not know the real agricultural history of this area. Were these river basins ever under cultivation? Must they be cleared after the 15 years estimated to rid them of the dread diseases—sleeping sickness, river blindness, et cetera, which have prevented any communities from being established?

How practical are these development plans? We have been told that the French have been working on them for 15 years. They will be dominated by French-speaking technicians, et cetera. I suggest to my colleagues that they read the chapter on the Sahel development program in the 1976 Review Development Cooperation, published by the OECD. They could get the full flavor of the French approach, of the grandiose, enormously expensive, heavy capital investment programs that the French are proposing.

Our AID representatives over there were far more cautious and realistic in their proposal.

Mr. Chairman, I hope that, until we receive better assurance and more information about what would be done with our money, we will oppose this program.

Mrs. BURKE of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I do think that it is necessary for us to clarify of what this program consists and what the development plan will be. First of all, who will contribute to it and what the money will be used for?

Mr. Chairman, I know that everyone here is familiar with the fact that literally hundreds of thousands of people have died in the Sahel during the drought; we helped those people because we believed that we had a responsibility to help them. The Sahel is a region where drought reoccurs, as we all know.

As a result, Mr. Chairman, our President on May 19, entered into a commitment and agreement that the necessary approach would be long-term development of the Sahel through a multilateral organization, the Club des Amis du Sahel that would be contributed to by a number of nations. The Club met in Canada at the end of May and made a long-term commitment for money to assist not with water projects, but with a list of various programs which I will itemize:

RAINFED AGRICULTURE	
Operation Haute Vallee (Mali)	2,000
Sahel food crop protection	1,600
Integrated pest management	3,400
Soil and water resource management (The Gambia)	700
Sahel water data network and management	1,000
Integrated rural development, Eastern O.R.D. (Upper Volta)	700
INRAN/applied agricultural research (Niger)	1,000
Crop production research and seed multiplication (Chad)	1,500
IRRIGATED AGRICULTURE	
OMVS data and institutional development	4,300
Niger River development planning	1,000
Volta Valley development	2,000
LCBC institutional development	1,000
Casamance regional development (Senegal)	3,600
ECOLOGY	
Land conservation and revegetation (Senegal)	1,000
Renewable resource management and conservation (Mauritania)	1,000
HUMAN RESOURCES	
Agriculture and human resources development (Upper Volta)	2,000
SAED training (Senegal)	1,000
Agronomic Institute (Senegal)	1,000
HEALTH, NUTRITION, POPULATION	
OMVS—Health research program	1,600
Demographic data collection and analysis	1,000
TRANSPORTATION AND INFRASTRUCTURE	
Regional rural roads	6,000
SAHEL DEVELOPMENT PROGRAM	
Planning, management and research	10,600
Sahel regional aid coordination and planning	1,000

I would like to recite some of the contributions that have been agreed to and some of the commitments that have been made.

Canada has committed $700 million within the next 7 years.

Germany has committed $110 million increasing to $550 million between 1978 and 1982.

France has committed $1.2 billion between 1978 and 1982.

Mr. Chairman, the UNDP will provide about $200 million.

There will be other areas of contribution. The U.N. Development Fund will contribute something like $150 million. Switzerland will give from $3 million to $10 million.

Mr. Chairman, all of these countries do believe that it is necessary to ameliorate the drought conditions. They do not want to see hundreds of thousands of people die in the future. These nations, therefore, have agreed to financially participate in the Sahel programs. Our country has concurred with this desire.

Many question what the monetary contributions would effect. A great deal of it is for such things as agricultural programs, not water projects. It would be for food crop protection, integrated pest management, soil and water resource management, water data, applied agricultural research crop production, seed multiplication, and ecology and land conservation.

In addition to that, Mr. Chairman, there is a great deal set aside for health research and demographic data collection. This is necessary to turn drought stricken land into productive land.

Therefore, Mr. Chairman, if we look at the amount of money that will be spent in this project, not just by us, but by various countries around the world which have a concern. There is approximately $11 million for water projects that are actually developmental planning. These specifically apply to the Upper Volta Valley development and some of those other projects, which are a very small part of the total regional development concept.

Mr. Chairman, I understand that there is a great concern in terms of the amount of information that was presented during the hearings. A lot of it was not available at the time of the hearings. The commitment and the agreement were being arrived at the May 24 meeting in Canada. After that meeting took place, we did get the material; and when this bill was marked up in committee, we had the information. Perhaps everyone did not look at it. There may have been some persons who just felt that it was unnecessary to become walking advisers. However, I think our President is not trying to get us to adopt wild schemes. I do not think that the leaders of other Sahel participatory nations are involved in anything revolutionary. They are concerned with a development program that, in the long run, will save many, many lives.

Mr. Chairman, it is a worthwhile program, and I hope the Members will vote in opposition to this amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I hope that the Committee of the Whole will approve the entire $50 million.

A lot has been asked about what is this program, what does the program do? The program in this part of the world is focusing on achieving food self-sufficiency and trying to alleviate some of the poverty based on the strengths of the existing agricultural and livestock production systems now in Sahel.

Let me say, first of all, that the Congress has strongly supported this program in the past. In fact, it was the Congress in the authorization bill that provided the impetus for the program. Out of this interest has sprung up what is known as the Club des Amis du Sahel or the Friends of Sahel. This group provides a unique coordinating mechanism that is planning the development strategy for the region. The group is composed both

of donor countries and of the Sahelian countries themselves.

Because of the special problems of the Sahel, certain infrastructure projects are being taken to promote water basin development for irrigation and electric power. However, these projects are being designed in order to prevent unacceptable environmental damage and to insure broad sharing of their benefits. Unlike some of the projects that we tried to remove here just a few days ago.

After having motivated the creation of the groups, it seems appropriate that the United States should do its share to contribute to its support. The United States is limited to a 15-percent share of the total contribution to the Sahel project. In fact, this $50 million will not come close, as total contributions are over $800 million so far.

The experience of the Sahel drought, the mobilization of emergency international relief resources, and the lack of long-term development programs motivated African and donor country awareness of the need to deal with the fundamental problems of the Sahel. This $50 million is necessary to continue that awareness.

We can ill afford here today to turn our backs on those people who suffered through that drought of 1972 to 1974. During that time, as the gentlewoman from California (Mrs. BURKE) just told us, more than 100,000 people died from starvation; crop production fell by 25 percent; and increased population pressures burdened the already overcrowded arable land and urban centers of the Sahel.

If the Members really want to see a devastating sight, talk about earthquakes or hurricanes and floods, you should have gone down and seen the area of the Sahel after the 1972–74 drought. There you would have seen people with their ribs sticking out, children with big protruding bellies because they could not get a handful of wheat to eat.

All we are trying to do here is to give them a little money to make them self-sufficient so that they will not come with begging hands to the Congress of the United States, or anyone else in the world, so that they can supply their own food to take care of their own needs.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. I must say that we are all impressed by the gentleman's very persuasive argument, but because his argument is so very persuasive, because the need is so very great, does not the gentleman believe that holding the feet of the bureaucrats to the fire is a good idea so that we can find out how they are going to work this program, how well it will work, and how it will fit in with all of the many other programs that have been going on there since 1972?

Mr. CONTE. Yes; keep the bureaucrats' feet to the fire not by taking more food away from those people. What we are doing there is trying to get them to plan, get them in this club with these other people, these other donor countries who serve as kind of supervisors and directors to them on how they should irrigate their crops and what kind of seeds they should use, what kind of fertilizer they should use so they can grow their own crops.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. OBEY, and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Would the gentleman agree that in fact this program does precisely what the gentleman from Florida suggested, which is not to leap in without knowing what we are doing? Much of the money we are providing in this $50 million appropriation is for planning purposes. It is a very small bite. It is a rational, disciplined step-by-step approach to try to develop an area rather than just throwing money at it before we really know what we are doing.

Mr. CONTE. The gentleman is absolutely right. This is a really new experience. I participated in a conference in Lesotho in Africa this year, and I use this as an example that maybe more countries in Africa should follow this particular program.

Mr. OBEY. If the gentleman will yield further, would not the gentleman also agree that less than one-quarter of the money in this appropriation is to go for water projects; the rest is for other kinds of unrelated projects?

Mr. CONTE. Yes; agricultural programs and so forth. The gentleman is absolutely right.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have heard a lot of talk about foreign travel lately. I have even seen some articles appearing in national publications about it. So let me tell the Members about the FAO-findings mission that I went on a short while ago together with two of my colleagues on the African Subcommittee, my good friend, the chairman, the gentleman from Michigan (Mr. DIGGS) and the ranking minority member, the gentleman from Ohio (Mr. WHALEN).

We went to the Sahel in April precisely in order to be able to make a judgment about the extent to which this program was working and, prior to the authorization of the funds for the Sahel, whether or not we could justify to our colleagues in the Congress, and to the citizens of this country, the kind of expenditures that are called for in it. While we were there, we went, among other places, to Timbuktu. This was no pleasure trip. Let me tell you it was so hot that the temperature reached 106 degrees in the shade and 120 degrees in the Sun. In fact, it was so hot that even the camels were prostrate.

That evening in Timbuktu we were put up in what passed for a hotel. I have to tell you that the Sahelians, whatever their other problems may be, have a very sophisticated sense of the political pecking order in the House, because the gentleman from Michigan, the chairman (Mr. DIGGS) was given a room in the hotel that not only had a fan but also had a mosquito net; the ranking minority member, the gentleman from Ohio (Mr. WHALEN), got a room that did not have a fan but at least had a mosquito net; while I, as the junior member of the delegation, got a room that not only did not have a fan but did not have a mosquito net either.

About 1 o'clock in the morning, practically driven crazy by the murderous mosquitoes and the sweltering heat, I was forced out of my room to spend the rest of the evening sleeping on the sands of the Sahara. But let me tell the Members that as miserable as I was, it was like nothing compared to the misery of the 25 million people who live in the eight Sahelian countries of Africa, where 50 percent of the children die before they reach the age of 5, where over 95 percent of the people are illiterate, where the average life expectancy is no more than 38 years, and where the per capita income is somewhere between $70 and $80 a year.

A few years ago the people in the Sahel were the victims of one of the worst tragedies in human history.

As a result of a drought which lasted for several years, over 100,000 of them died of starvation. Millions of their animals died as well. Now the drought is more or less over but the underlying development problems of the Sahel remain.

As a result of the international attention which was focused on the Sahel during the drought a few years ago, an 18-member consortium of countries involving many of our allies in Western Europe and Japan, as well as the United States, got together in cooperation with the eight countries of the Sahel, to launch what is literally an unprecedented international effort, involving a consortium of donor countries and an alliance of recipient countries, in a long-term effort to make the Sahel agriculturally self-sufficient.

If we were to adopt this amendment and to withdraw our participation from the Sahel development program, it would have the most unfortunate consequences for the willingness of the other countries to participate in this effort.

This Sahel development program is the direction in which international development efforts ought to be going, because it calls for not only the efforts of our own country, but the efforts of many other countries as well. It is a truly cooperative effort. It is an effort which is proportionate to the enormous needs of the Sahel.

I would think by the end of this century, if our country, by virtue of participation in the Club des Amis du Sahel, would have made it possible for the peoples of this part of the world to live to a ripe old age, to learn how to read and write, and to feed themselves without

fear of another drought, we would have made a contribution to the people of the poorest part of the world, of which we can justly be proud.

This is the real answer to the problems of Africa. The answer is not to send arms into the continent. This is the kind of foreign aid program of which this Congress and this country can be proud.

I urge the Members to reject this amendment.

Mr. LONG of Maryland. Mr. Chairman, we have, I believe, another 8 or 10 amendments to be offered; and it has been my observation that usually the essential arguments are made by the first four speakers. We have had four speakers so far.

I ask unanimous consent to limit the debate on the amendment and all amendments thereto to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ASHBROOK. Mr. Chairman, I object.

Mr. LONG of Maryland. Mr. Chairman, I move that the debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and on a division (demanded by Mr. ASHBROOK), there were—ayes 52, noes 12.

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred two Members are present, a quorum.

The pending business is the demand of the gentleman from Ohio (Mr. ASHBROOK) for a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I rise in favor of this amendment to cut $50 million out of foreign aid to build water projects in foreign countries.

Mr. Chairman, a commitment was made a number of years ago in my area of Oklahoma to build the Lukfata Dam project. That commitment has not been fulfilled. The commitment has been put on the "hit list" even though the Lukfata water project meets all economic and environmental requirements.

Mr. Chairman, a commitment was made a number of years ago to help our people in that area of the State. I am concerned about people, but I would like this House to know that the area where the Lukfata project is located is an area where we have as high as 18 to 20 percent unemployment. We have 25 percent of our people making less than $3,000 a year, with a median income for a family in my Third Congressional District of Oklahoma slightly less than $6,500. I cannot and will not support $11 million for water projects in foreign countries when at the same time the administration cannot support $200,000 to continue the needed Lukfata Dam in my area.

Mr. Chairman, I am concerned about trying to provide economic growth and development for the people in my district, an undeveloped area, that many people call the last frontier. An area where the children of the citizens do not have an opportunity to have a job to allow them to stay, live, work and raise their families.

Mr. Chairman, I stand here basically to ask that if we are going to place some money in water projects that we fund the needed water projects of the United States before we spend the taxpayers' dollars for projects in foreign countries.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I really do not think that anyone can do a better job than the gentleman from New York (Mr. SOLARZ) did in indicating why we ought to support this program; but let me indicate one other point for those of us who believe that it is not wise to move into greater emphasis upon multilateral programs.

Let me point out that this is not a multilateral program. We retain our ability to deal with this program in our own way on a bilateral basis. The projects we will be financing in this case will be projects which are carried out, in the main, by American personnel.

This is one Member who does not recognize that the commitment of $50 million in this instance implies anything in terms of future commitments. I think we have to retain our ability to examine this program as it goes down the line. I strongly urge that we support the program and oppose the amendment.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield.

Mr. SKUBITZ. Is Mr. SOLARZ a member of the committee, or not?

Mr. OBEY. Mr. SOLARZ, I would point out, is a member of the African Subcommittee of the International Affairs Committee. I would submit that he knows as much about this program as almost anyone.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I would like to direct a question to the propounder of the amendment, the gentleman from Florida (Mr. YOUNG). Normally, I follow my leader, Mr. CONTE, on the floor, but I was taken aback by one thing he said. He referred to the fact that this was a small amount, only $50 million. It is my understanding, and it so reads in the report, that if we get started we might as well make up our minds that the Members of this body are going to be called upon to appropriate between $1 billion and $1.5 billion for this.

Mr. YOUNG of Florida. The gentleman is absolutely correct. The report is accurate. This is only a down payment on a 15-year program.

Mr. ASHBROOK. I might also point out that, like some of the other projects I have watched in the last 15 years, that $1.5 billion might not handle it. I can think of what I like to refer to as the "tar baby project" in this city, where once you get stuck, you get stucker and stucker and stucker. It could run far over $1.5 billion.

Mr. YOUNG of Florida. I just have an idea that 10 years from now, when we look back at this program and ask what we got for it and what the people of Sahel got for it, we will be scratching our heads and searching for answers.

Mr. ASHBROOK. I have watched a lot of these so-called small programs. They are like time bombs which have been planted through the years. They sound small at the time but as years go by they expand and expand and expand.

Mr. Chairman, I had prepared a similar amendment. My amendment would also delete funding for the Sahel developing program. I cannot understand why we are appropriating $50 million for drought relief for some nations in Africa when our own Nation is suffering drought conditions. I suggest this effort to cut out this ridiculous project.

The $50 million appropriation, moreever, is just the tip of the iceberg. According to the committee report, "This is the initial U.S. appropriation for a program of which it is expected that the United States will provide approximately $1 billion to $1.5 billion over a 10-year period." This is the old tar baby approach. You get stuck and then you get stucker and stucker and stucker.

To make matters even worse, the United States has already provided millions of dollars to these nations through other aid programs. It is estimated that the cost of the other programs is as much as an additional $62 million for fiscal year 1978.

As my colleagues are aware, many Midwestern States and Western States are enduring one of the worst droughts in recorded history. Farmers are hard hit, some to the point of being forced out of business. Yet here we are today, not talking about how to help Americans but how to bail out a group of African nations at an ultimate cost of $1 billion or more.

I also cannot help but recall how several weeks ago the House defeated an attempt to provide $20 million for snow removal cost reimbursement to State and local governments. This provision would have given important financial relief to many State and local governments hit by the severe storms of the past winter. States affected included Ohio, Pennsylvania, Michigan, and Indiana. In addition, President Carter refused to declare the stricken areas of Ohio a disaster area.

Are we now to provide millions—if not billions—of dollars in aid to the Sahel region of Africa after refusing to provide needed relief to our own State and local governments? Again, I say, this is a case of misplaced priorities and misplaced dollars.

I urge that the House delete this $50 million appropriation.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I would be remiss if I did not speak out in opposition to this amendment. I was in the Sahel region about 4 years ago, where I witnessed the worst human suffering I have ever seen anywhere, anyplace, anytime, in my life. It was unimaginable. I saw the people with their sunken cheeks and glassy eyes and the children with their bodies distorted from hunger. It was truly heartrending.

As a "have" nation, I think we are morally obligated to help the people of the Sahel to help themselves. I am under no illusions that providing money for this project will buy any friendship in the United Nations or elsewhere in the world, but I cannot, with the horrible memories of what I saw, in good conscience vote to support this amendment and say that we should not help those poor, unfortunate people. I urge a "no" vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

(By unanimous consent Mr. SKUBITZ yielded his time to Mr. YOUNG of Florida.)

Mr. BADHAM. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Florida (Mr. YOUNG).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I am sorry that I was not alert to that last request. I will object to all transfers.

I do object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I almost feel as though I ought to apologize to my colleagues in the House for not being a world traveler. I have never been to the Sahel area but, Mr. Chairman, I have been to places in the United States where I have seen people starving with their bellies protruding, their teeth falling out, and a great number of them being unable to read because their eye deficiencies have not been taken care of.

Mr. Chairman, in some places where I have seen that, I have done what I could personally to help feed some of those people; and I did not call a press conference when I did it. But we can hear those same arguments anywhere in the world and even in the United States. I can show the Members some people in the State of Florida who eat cat food and dog food at the end of the month because their social security check has run out. Do not tell me about hungry people. They are all over the world. We ought to do all we can to help them, but I do not think we ought to do it by lining the pockets of some administrators and bureaucrats who have a big fancy job with a lot of travel supposedly coordinating some of these things.

Let me read from the Washington Post of May 8, 1977, an article by Francis Moore Lapp and Joseph Collin. They say this:

Agricultural exports from the Sahelian countries dramatically increased during the early 1970's, in the face of drought and widespread hunger. Still, a U.N. Food and Agriculture Organization survey, squelched by displeased aid-seeking governments, documented that every Sahelian country, with the possible exception of mineral-rich Mauritania, actually produced enough grain to feed its total population, even during the worst drought year. So, while many went hungry, it was not because of scarcity of agricultural production or even of food.

We should get down to the facts. Are they producing food in the Sahelian countries or not? According to the Washington Post, the United Nations says they do.

Are there equal problems in the United States? Yes, there are. If anyone wants to go with me to see some of these people, I would be glad to take them. I do not have to go to Sahel. Right now there are such people in the State of Florida and in other sections of the United States. Do not tell me about those who are hungry. Every time the cost of living goes up, veterans who are on pensions and people who are on social security or on railroad retirement or retired civil employees lose buying power. In some cases when social security increases do come about veterans receiving certain benefits have those VA benefits reduced because of the social security increase.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Mr. Chairman, I rise in support of the amendment.

(By unanimous consent, Mr. BADHAM yield the balance of this time to Mr. YOUNG of Florida.)

Mr. YOUNG of Florida. Mr. Chairman, I do not like to get emotional on something like this because I want to help needy people in as many parts of the world as I possibly can. But while helping them, I think we should get more for the dollar than we are getting today. And we are not, in my opinion, getting enough for every dollar we put into our various foreign aid programs the way they stack up today. Hopefully, we are going to be able to turn it around. Hopefully, some of us will stand up and speak out on some of these items, despite the fact that they do not sound too popular here. Hopefully, we will get to an aid program that will be generous and that will actually get to the people who need the aid.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Chairman, I shall not support this amendment, because I do not know enough about the project, which the committee recommends, to take it upon myself to try to kill it. However, I certainly believe that all the Members who support this recommendation project in Africa, but who voted last week to cut water reclamation projects here in the United States, should think about the difficult position in which they put other Members who represent areas with projects being killed.

My friends who oppose this amendment would do well to be thinking about this problem in the future. There is little point in trying to help countries overseas if, at the same time, we support legislation to weaken our own country. If we destroy our own reclamation projects and our own energy programs, we become a weaker nation. It is hypocritical then to say that we are going to help other countries, or be able to help them if we make ourselves weaker.

Mr. Chairman, we should be guarding against this sort of inconsistency in the future.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MCCORMACK. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Washington (Mr. MCCORMACK).

I think it is a great contradiction on our national priorities to be funding at the level we are in this bill, through IDA and the World Bank, water projects all over the world at a time when we have refused to take care of our own water projects in the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have enormous respect for the gentleman from Florida (Mr. YOUNG), who has been of great help to us on the committee. But in this case I think the gentleman has gone far beyond what is wise and prudent in the way of a cut.

This amendment cuts out completely a very valuable program. We should keep in mind that this part of the world has suffered more than probably any other part of the world in history from drought and from diseases such as river blindness. Many older people of the Sahelian region suffer from the dreaded river blindness. Many of them suffer from sleeping sickness, malaria, measles, and parasitic diseases.

The purpose of the money in this bill is to develop food projects primarily. Irrigation is only a small part of it. The money would also go for land conservation and training, and in general it would be used to try to rehabilitate on a cooperative basis a whole area. Efforts would be made to change the whole nature of the region in order to improve the lives of 25 million people. I think that if we walk out on this program, we would be walking out on a very important effort to rehabilitate this area.

Mr. Chairman, I oppose the gentleman's amendment, and I urge that the Members vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 28, noes 58.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 255, not voting 18, as follows:

[Roll No. 362]

AYES—160

Abdnor	Fountain	Murphy, Pa.
Allen	Frey	Murtha
Andrews, N.C.	Fuqua	Myers, Ind.
Archer	Gammage	Natcher
Armstrong	Gaydos	Nichols
Ashbrook	Ginn	Pike
Badham	Goldwater	Pressler
Bafalis	Goodling	Quayle
Barnard	Gradison	Quillen
Bauman	Grassley	Regula
Beard, Tenn.	Gudger	Rhodes
Bennett	Guyer	Rinaldo
Bevill	Hall	Risenhoover
Breaux	Hammer-	Roberts
Brinkley	schmidt	Robinson
Brooks	Hansen	Rogers
Brown, Mich.	Harsha	Rousselot
Broyhill	Hefner	Rudd
Burgener	Hillis	Runnels
Burke, Fla.	Holland	Santini
Burleson, Tex.	Holt	Satterfield
Butler	Hubbard	Schulze
Byron	Huckaby	Sebelius
Carter	Hughes	Shipley
Chappell	Ichord	Shuster
Clausen,	Jenkins	Sikes
Don H.	Jenrette	Skelton
Clawson, Del	Johnson, Colo.	Smith, Nebr.
Cleveland	Jones, N.C.	Snyder
Coleman	Jones, Tenn.	Spence
Collins, Tex.	Kasten	Stangeland
Conable	Kelly	Stockman
Corcoran	Kemp	Stump
Cornwell	Ketchum	Symms
Crane	Kindness	Taylor
Cunningham	Latta	Thone
Daniel, R. W.	Lent	Treen
Davis	Lloyd, Tenn.	Trible
Derrick	Lott	Vander Jagt
Devine	Lujan	Volkmer
Dickinson	McDade	Waggonner
Dornan	McDonald	Walker
Duncan, Tenn.	McEwen	Walsh
Early	Mann	Watkins
Edwards, Ala.	Marlenee	Whitehurst
Edwards, Okla.	Martin	Whitley
English	Michel	Whitten
Ertel	Milford	Wiggins
Evans, Del.	Miller, Ohio	Wydler
Evans, Ga.	Minish	Yatron
Evans, Ind.	Mitchell, N.Y.	Young, Fla.
Fithian	Montgomery	Young, Mo.
Florio	Moore	Young, Tex.
Flowers	Moorhead,	
Flynt	Calif.	

NOES—255

Addabbo	Burton, John	Fenwick
Akaka	Burton, Phillip	Findley
Alexander	Caputo	Fish
Ambro	Carney	Fisher
Ammerman	Carr	Foley
Anderson,	Cavanaugh	Ford, Mich.
Calif.	Cederberg	Ford, Tenn.
Anderson, Ill.	Chisholm	Forsythe
Andrews,	Clay	Fowler
N. Dak.	Cochran	Fraser
Annunzio	Cohen	Frenzel
Applegate	Collins, Ill.	Gephardt
Ashley	Conte	Giaimo
Aspin	Corman	Gibbons
AuCoin	Cornell	Gilman
Badillo	Cotter	Glickman
Baucus	Coughlin	Gonzalez
Beard, R.I.	D'Amours	Gore
Bedell	Daniel, Dan	Hagedorn
Beilenson	Danielson	Hamilton
Benjamin	de la Garza	Hanley
Biaggi	Delaney	Hannaford
Bingham	Dellums	Harkin
Blanchard	Derwinski	Harrington
Blouin	Dicks	Harris
Boggs	Diggs	Hawkins
Boland	Dingell	Heckler
Bolling	Dodd	Heftel
Bonior	Downey	Hightower
Bonker	Drinan	Hollenbeck
Bowen	Duncan, Oreg.	Holtzman
Brademas	Eckhardt	Horton
Breckinridge	Edgar	Howard
Brodhead	Edwards, Calif.	Hyde
Broomfield	Eilberg	Jacobs
Brown, Calif.	Emery	Jeffords
Brown, Ohio	Erlenborn	Johnson, Calif.
Buchanan	Evans, Colo.	Jones, Okla.
Burke, Calif.	Fary	Jordan
Burlison, Mo.	Fascell	Kastenmeier
Kazen	Murphy, Ill.	Sharp
Keys	Murphy, N.Y.	Simon
Kildee	Myers, Gary	Skubitz
Koch	Myers, Michael	Slack
Kostmayer	Neal	Smith, Iowa
Krebs	Nedzi	Solarz
Krueger	Nix	Spellman
LaFalce	Nolan	St Germain
Lagomarsino	Nowak	Staggers
Le Fante	O'Brien	Stanton
Leach	Oakar	Stark
Lederer	Oberstar	Steed
Leggett	Obey	Steers
Lehman	Ottinger	Steiger
Levitas	Patten	Stokes
Lloyd, Calif.	Patterson	Stratton
Long, La.	Pattison	Studds
Long, Md.	Pease	Thompson
Luken	Pepper	Thornton
Lundine	Perkins	Traxler
McClory	Pettis	Tsongas
McCormack	Pickle	Tucker
McFall	Preyer	Udall
McKay	Price	Ullman
Madigan	Pritchard	Van Deerlin
Maguire	Pursell	Vanik
Mahon	Quie	Vento
Markey	Rahall	Walgren
Marks	Railsback	Wampler
Marriott	Rangel	Waxman
Mathis	Reuss	Weaver
Mattox	Richmond	Weiss
Mazzoli	Rodino	Whalen
Meeds	Roe	White
Metcalfe	Roncalio	Wilson, Bob
Meyner	Rooney	Wilson, C. H.
Mikulski	Rosenthal	Wilson, Tex.
Mikva	Roybal	Winn
Miller, Calif.	Ruppe	Wirth
Mineta	Russo	Wolff
Mitchell, Md.	Ryan	Wright
Moffett	Sarasin	Wylie
Mollohan	Sawyer	Yates
Moorhead, Pa.	Scheuer	Zablocki
Moss	Schroeder	Zeferetti
Mottl	Seiberling	

NOT VOTING—18

Baldus	Ireland	Poage
Burke, Mass.	McCloskey	Rose
Conyers	McHugh	Rostenkowski
Dent	McKinney	Sisk
Flippo	Moakley	Teague
Flood	Panetta	Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Burke of Massachusetts against.

Mr. CAPUTO changed his vote from "aye" to "no."

Mr. MITCHELL of New York and Mr. VOLKMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of sections 531, 533, and 534 of the Foreign Assistance Act of 1961, as amended, $2,214,700,000: *Provided*, That of the funds appropriated under this paragraph, $785,000,000 shall be allocated to Israel, $750,000,000 shall be allocated to Egypt, $93,000,000 shall be allocated to Jordan, and $90,000,000 shall be allocated to Syria.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD:

On page 7, beginning on line 21 and continuing on line 22: Strike "$2,214,700,000" and insert in lieu thereof "$2,114,700,000".

On page 8, line 2 after the word "Syria" strike the period and insert the following: ": *Provided further*, That none of the funds appropriated or otherwise made available under this paragraph shall be obligated or expended for a Southern African Special Requirements Fund."

(By unanimous consent, Mr. ICHORD was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. Mr. Chairman, in introducing this amendment to delete the appropriation of $100 million for the Southern African Special Requirements Fund, I will not try to bore my colleagues with my oft repeated warnings of the consequences of our ill-considered African policy or my fears regarding the potential for black-white genocide in Zimbabwe. I did that on the authorization bill.

Today I would like to emphasize the attitude of the American public. The American public are not naive, Mr. Chairman, and are not about to be duped by the rhetoric of the State Department blindly following the policies of the frontline nations. There is no clearly spelled out Southern African policy, Mr. Chairman. We have cast our lot with Great Britain and with the frontline nations, backing Nkomo and Mwgabwe, who is an out-and-out Marxist. In fact, Nkomo was just about to pull out of the Popular Front at one time because of Mwgabwe.

I have had one of my friends, Rev. John Kanodereka, visiting me and the Members around the House.

My black friend, the Reverend John Kanodereka, second man to Bishop Muzorewa of Zimbabwe, has been visiting with several members of the committee and several Members of this House. All they ask is that before we set up this $100 million for the Southern African Special Requirements Funds, to go to Zimbabwe and see actually what is going on. I know he has met with at least three Members already. He will be meeting with other Members before the end of the week.

Our policy, the policy we are following now, is to impose from the outside, Mr. Chairman, a minority black government on Zimbabwe which can no more govern Zimbabwe than I can or any Member of this House.

The simple fact is that Nkomo is only supported by the frontline nations, because he is the brother-in-law of Kuanda of the nation of Zambia. Is that the way to make foreign policy? That is the reason why we have this $100 million Southern Africa Special Requirements Fund.

Mr. Chairman, I will not yield at this time. I will yield to the gentleman for several questions if I have time to yield, or if the gentleman will get me additional time, but not at this time.

Nkomo could not get 10 percent of the vote in Zimbabwe. If we actually are sincere in helping the Zimbabwean people, why not put some pressure on the United Nations, actually put up a fund to sponsor a free election in Zimbabwe and see who will get the votes. Nkomo could not get over 10 percent of the votes in the Nation of Zimbabwe, and here I am asked to waste $100 million of the taxpayers' money.

Mr. Chairman, since the debate on the authorization of this Special Requirements Fund, I have been the recipient of numerous letters from across the country on this subject. I share the

thoughts of the electorate with the Members at this time. Here is one:

Since the amendment was defeated, the bill sets a precedent for the tax dollars of the American people to be used to aid Communist governments. However, as I see it, Congress has no power to obligate the people of the United States to pay tribute to any foreign nation, Communist or otherwise—Miss K. R., Arlington, Va.

Here is another one:

The recent vote on the Africa "transition" fund is a prime example of the ludicrousness of our foreign aid policies—this fund will be used to arm Marxist guerrillas—Mr. D. D., Washington, D.C.

I think this gentleman is telling the truth, because there are no restrictions on this fund as to how a frontline nation can use it.

Here is another one:

It certainly is a manipulative and clever way to aid communistic dictatorships and all the gory murder that goes with it. If Rhodesia and S. Africa are illegitimate so is the United States and by the same logic, the U.S. should be forced to return the country to Indian rule and return the land to Mexico—Mrs. V. M., Lexington, Va.

Here is another one:

How President Carter can justify his interference in the internal affairs of Rhodesia and South Africa is beyond my comprehension. I hope you will continue to speak out on the side of commonsense—Mr. M. L., Oak Park, Illinois.

Another quote:

It is completely against all American traditions and ideals for this nation to support and finance terror and massacres, then slavery, to give the Soviet total control of Africa. Congress must stop all aid to the Soviet controlled black states which endanger the survival and freedom of all Africans of any race or color—Mr. C. S., Quakertown, Pa.

Another quote:

I am writing you because I am deeply disturbed by the U.S. Government's present antagonistic foreign policy of informal discrimination against South Africa and its economic boycott of Rhodesia. Both these friendly nations are militantly anti-communist and pro Western. Not only is our present Southern African policy unAmerican, immoral and black racist, but it just won't work! Please write me if you need to know more of what I saw during my South African visit. P.S. All racism is evil! Isn't that so?—Sgt. D. C., U.S. Army Europe.

These, Mr. Chairman, are just a few extracts from the many letters I have received. Another, from an individual in one State, speaking against the Special Requirements Fund, requested a copy of the vote on my amendment so he could see how Congressmen from his State voted. These are the views of our constituents.

What is apparent is that the American people are concerned, are informed, and are opposed to our present course with regard to Southern Africa. I would point out to my chairman, the chairman of this subcommittee, that the Senate has deleted the South African Special Requirements Fund, another reason why we should delete it in this bill. I almost substituted "policy" for "course" a while ago, but that would have been a glaring mistake. The fact is, we do not have a purposeful, comprehensive policy with respect to Africa, and it is the absence of such a policy and our piecemeal, expedient, ill-conceived approach which the American people oppose.

To talk in terms of human rights and majority rule without being able to define those rights, Mr. Chairman, or who constitutes a majority, is absolutely ludicrous. We who are trying to impose a minority black government upon the Zimbabwean people, both black and white; we as elected representatives of the American people, can no longer be part of this folly. We must take the initial step in forcing a reassessment of our African policy by rejecting the funding of $100 million for the ill-conceived and illogical Southern Africa Special Requirements Fund.

If this Congress wants to throw away $100 million in such fashion, God help the Congress. It only desires to spend money without knowing anything about Zimbabwe.

On behalf of the American people, in the interest of economy, if not in the interest of forcing a clearer policy, Mr. Chairman, I urge support of this amendment.

Mr. BONKER. Mr. Chairman, I would like to speak against the amendment.

Mr. Chairman, I rise to oppose this amendment because I think it is ill timed for the Congress to cut off money the administration feels is necessary to ameliorate the problems in southern Africa. We all know of the situation in Zimbabwe, Namibia, and, potentially, South Africa. If our Government is going to have any influence in developments and events in that part of the African Continent, we are going to need the resources to do the job. I would like to point out that the administration has provided us with a list of how that money is going to be spent, should the Congress appropriate it.

Also, it needs to provide the resources necessary to meet the economic difficulties of the nations which have been identified as recipients of these funds.

But I would like to ask the gentleman from Missouri, the author of the amendment, a question. Since he has based most of his arguments in favor of his amendment on developments in Zimbabwe, I would like for him to tell the Committee where he gets the information on how this money is going to be used in any way in Zimbabwe.

Mr. ICHORD. I can tell the gentleman from Washington that there is no restriction on the money whatsoever. It goes to the frontline nations. The gentleman has to go back to the authorization bill, read the authorization bill and the language of the authorization bill, and he will see there is no restriction on it.

Mr. BONKER. In the committee report it says that it is the intent of the committee that none of the funds earmarked in section 533——

Mr. ICHORD. Which report is the gentleman reading from?

Mr. BONKER. The Committee on International Relations report on the authorization bill. It says that it is the intent of the committee that none of the funds earmarked in section 533 should go to South Africa or Southern Rhodesia.

Mr. ICHORD. I does not say that none of the funds should go to the guerrillas and for warfare against the Government of Zimbabwe at the present time.

I say to the gentleman why did he not sponsor a free election under the United Nations auspices, get the United Nations off of its derriere and go over there and see that they hold an election.

What you are going to do is bring about black and white genocide, I will state to the gentleman from Washington, if you do not watch out, because you do not know what is going on in Zimbabwe, Southern Rhodesia, or Rhodesia, or whatever name you want to call it.

Mr. BONKER. I would just like to remind the Committee there is no money in this bill, and every indication we have from the administration states that no money is going to be spent in Zimbabwe. I think the gentleman from Missouri is reading into this language things that just are not there. He would have this committee vote on this amendment on that basis.

Mr. ICHORD. If the gentleman will yield further, the gentleman is putting words in my mouth. I recognize there is no money in this which is going into Zimbabwe. But it is going to the frontline nations who are supporting Nkomo who has only 10 percent of the support in Zimbabwe, both black and white. He could not get 10 percent of the vote. He could not rule Zimbabwe any better than the gentleman could rule Zimbabwe. That is the fact of the situation.

Mr. BONKER. The administration has provided us with a breakdown of how that money would be spent. They said the money would be going to countries like Botswana and Lesotho. There is no reference directly or indirectly that money would be going to Zimbabwe. I am glad the gentleman has expressed strong support for democratic elections. I assume when we get to the subject of Argentina, he will express similar sentiments.

Mr. ICHORD. If the gentleman will yield, the gentleman apparently knows more about Argentina than I do, but he does not know anything about Zimbabwe.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as a member of the committee I would like to comment about how this appeared to me as I listened to the attempts of the State Department and the AID officials to justify it.

I think they could compete for the "flexible flier award" of the Advertising Copywriters of America. First, they came before our committee and said they needed $100 million to compensate whites leaving Southern Rhodesia. That was before we all got to saying "Zimbabwe." They made some very convincing arguments. Then they came back, the same people, with the same articulate justification, saying that the money would go to the blacks within Rhodesia, to help

upgrade their economic status. And then we were told that the money would not go to Rhodesia at all but it would go to the countries around Rhodesia for the travails and expenses of liberation. So we said, "What for?" and that is where they got even more hazy.

Well, there is, of course, importing. This includes importing of different items, food, hardware, and most anything else.

Then there is transportation. We do not know what kind of transportation it is. I see now there is a neat recommendation that part of the funds be used for a jet airport.

Mr. Chairman, I would suggest that we have a real understanding of where our hard-earned taxpayers' money is going, and what for, before we vote money for this kind of a program. I urge the Members to support this amendment.

Mr. ICHORD. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I would like to reiterate that the Senate has deleted the southern African special requirements fund. I will ask the gentlewoman, is that not her understanding?

Mrs. SMITH of Nebraska. That is the information I have.

Mr. Chairman, I yield back the balance of my time.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Missouri (Mr. ICHORD), the author of the amendment, has indicated that we ought to be promoting a situation in Rhodesia whereby the people of that country, black as well as white, would be entitled in a free election to choose their own leaders and their own form of government. I believe that is in fact our policy with respect to Rhodesia. I would like to suggest, therefore, to my colleagues on the committee that if they agree with the gentleman from Missouri (Mr. ICHORD), and if they agree with the President of the United States, that we ought to be promoting an effort on the part of the Rhodesian people to be in a position to choose their own leaders, then they ought to vote against this amendment, and let me tell the Members why.

We are now engaged in a very delicate diplomatic exercise designed to facilitate a transition to majority rule in Rhodesia.

Mr. ICHORD. Mr. Chairman, since the gentleman used my name, will he yield to me?

Mr. SOLARZ. I will be happy to yield to the gentleman as soon as I have finished.

Mr. Chairman, it is not going to be very easy to facilitate this transition to majority rule. There is entrenched opposition to such a transition on both sides. If we are going to succeed in our effort, we are going to need the good will, first and foremost, of the frontline black African States that have a tremendous amount of political influence with the Patriotic Front which is now engaged in fighting for its independence in Rhodesia.

In the absence of their sympathetic support for the kind of diplomatic initiative in which we are now engaged, the chances are that no matter how theoretically attractive our diplomatic proposals may be, they will ultimately be rejected by the very men and women who are engaged in the fight for independence in Rhodesia itself. Without their agreement, we are never going to get a peaceful transition to majority rule in Rhodesia, no matter how hard we try.

I think it is obvious on the face of it that this southern African special requirement fund, which enables the administration to provide up to $100 million to the countries of southern Africa, will put us in a much better position to wield our influence more effectively with the frontline African states.

The fact is that these countries are suffering significant social and economic dislocations as a result of the struggle for independence in Zimbabwe. There are over 25,000 Zimbabwian refugees in squalid refugee camps in Zambia, in Mozambique, and in Botswana. These people need our help, and our willingness to provide assistance to those refugees, and to the frontline African states, will enhance our capacity to persuade the front-line African states, whose cooperation with our initiative is indispensable, to persuade the Patriotic Front to accept a negotiated transition to majority rule.

There is, I believe, one other reason why we ought to vote against this amendment, and that is that right now, as the struggle for independence in Zimbabwe proceeds, the Soviets and their allies are providing armed assistance to the Patriotic Front. We are not providing any military assistance, and we are not about to provide it either. But as time goes on and the Russians fill that vacuum, the people of Africa are going to be looking to us to see what we are prepared to do in a very tangible way to manifest our support for the struggle for majority rule as well. It seems to me that providing money for economic and social assistance, as we propose to do in this southern Africa special requirements fund, is a much more meaningful way of manifesting our sympathy for the struggle for majority rule in Zimbabwe than providing military assistance instead, which obviously is not a practical political possibility.

Mr. Chairman, the alternative to providing this assistance is to do nothing. I think that if we are to stand aside completely from their struggle, if we were to wash our hands of it entirely, it would have catastrophic consequences for our effort to promote majority rule in Zimbabwe, which is obviously very much in the interests, not only of the people of Zimbabwe, white and black alike, but of the people of our country as well.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

Mr. ICHORD. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. SOLARZ) be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. ASHBROOK. Reserving the right to object, Mr. Chairman, if we are going to limit time, I will object.

Will the gentleman from Maryland (Mr. LONG) inform us of his intentions?

Mr. LONG of Maryland. If the gentleman will yield, Mr. Chairman, we are moving along at a very slow rate.

We would like to try to get every amendment limited to about one-half hour, if we could.

The strategy I have in mind is that we have two speakers, each taking 5 minutes on each side, with the limit being 20 minutes all together, and then try to limit debate for about 10 minutes more.

Even at that rate, Mr. Chairman, we will be here until about 8 o'clock tonight.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ASHBROOK. Yes, Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

Mr. LONG of Maryland. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be limited to 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 71, noes 14.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I think we ought to keep a balanced perspective on this matter.

Who originally asked for a fund like this one? President Gerald Ford, who hardly is a proponent of communism.

Who now asks that we support it? President Jimmy Carter, who hardly wants to aid and abet the spread of communism in Africa.

Mr. Chairman, the money is to help the President to build peace and achieve, if possible, a negotiated settlement in southern Rhodesia or Zimbabwe. It is for the purpose of protecting not only the interests of the African people, but our own interests, that this money was provided as requested by the President.

If we want to fight communism in Africa, I would suggest that the way to do so is by showing friendship for the people of Africa. If we want the Communists to take over Africa, let us just turn our backs upon the people of Africa. That is the best way to help the Communist side to advance in Africa.

This is an opportunity to help the President to be a force for peace and for good in Africa. I urge the defeat of this amendment.

The CHAIRMAN. The Chair recog-

nizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I have listened to this debate, and I continue to wonder where I am. I am not sure it is a representative body anymore. We have two or three speakers who talk, and then the floor manager seeks to close debate. I object to that most strenuously. Also, insofar as the content of the debate is concerned, it is in turn interesting to note that we keep talking about majority rule in one country, Rhodesia. Well, a couple of weeks ago I asked the Department of State for the present status of the African nations, as to the degree in which nations were free and had free elections of their leaders, and one party or two parties. And I do not normally trust the State Department, but in this instance they sent me a letter listing the African countries and it contained the words following most of them: not free, not free, one party, not free, not free, one party, and so forth. Here the entire debate has centered around Rhodesia and South Africa, two of the freest countries in Africa.

I think we had better take a more balanced look at this, as the gentleman from Alabama (Mr. BUCHANAN) has suggested. To approve this $100-million fund will be to further domination by radicals and Communists in southern Africa.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, enormous forces have been at work and are working in South Africa. I fear personally that these forces will lead to enormous bloodshed to an extent that will make 100 million dollars look like trivia.

It may well be that the bloodshed will come regardless of what this Congress does but I for one would feel a lot more comfortable about my role with the legislative branch if I were on the side of providing the President with this tool in the form of $100 million which, hopefully, can be used to reduce the bloodshed, the torment and the misery of the people of that region and hopefully help lead that region to the direction of majority rule.

I therefore oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I strongly oppose any attempt to reduce or eliminate the $100 million which we have included in this bill for the Southern Africa Special Requirements Fund.

We are at a crossroads in our relations with nations in Africa. After decades of neglect, of treating Africa as the "Forgotten Continent," we are finally recognizing that we as a nation can no longer afford to ignore the tremendous economic and political problems in that part of the world.

Vice President Mondale has recently returned from discussions with Prime Minister Vorster regarding the situation in southern Africa, and Ambassador Young has recently outlined to African leaders the desire of the Carter administration to assist in the search for peaceful solutions to the problems of the region. We must remember that the alternative to a peaceful solution is growing violence, and perhaps continental war.

The problems associated with the search for political change in southern Africa have created major economic difficulties as well for nations in that region. These difficulties include balance of payments problems, disruptions of transport and power systems, and large numbers of refugees.

The $100 million of the Southern Africa Special Requirements Fund is designed to help meet the very real needs of the peoples of southern Africa. These funds are targeted for specific purposes in specific countries—this is by no means a slush fund. These funds will help the countries of southern Africa to meet the economic needs of their people—thereby contributing to political stability and the prevention of violence which might otherwise be associated with the political changes which are evolving in that volatile part of the world.

I urge the maintenance of the $100 million approved by the Foreign Operations Subcommittee.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri (Mr. ICHORD). This would, as you know, strike the entire $100 million from what is now referred to as the Southern Africa Special Requirements Fund.

Originally this special account went by the name of the Zimbabwe Development Fund. This $100 million was to be made available to whichever faction succeeded in replacing the current Government of Rhodesia. House opposition to this method of encouraging the overthrow of the Smith government resulted in the name change.

Now we are told that the real purpose of this fund is to assist and help bring about the social and economic development of certain African nations. We are advised that keeping this money in the bill will bring tranquility to a troubled continent.

Let me make it clear that I want peace in Africa just as badly as the most ardent opponent of this amendment. But this $100 million will not do anything to bring about a peaceful resolution of a most complex situation. My hunch is that if the Ichord amendment is defeated we will simply have created yet another slush fund for certain State Department officials, not to mention our United Nations Ambassador, to play around with. Rather than discuss the shortcomings of our African policy at this point, I will simply urge my colleagues to vote in favor of the pending amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. TSONGAS).

Mr. TSONGAS. Mr. Chairman, in 1958 Ghana became independent. The most potent force in Africa is not Marxism and it is not democracy, it is African nationalism. And that has been in force for 20 years now.

In East Africa and in West Africa when the United States started to support nationalism, it became a question of too little too late.

Now the issue is South Africa and we have a chance in this amendment to again be too little too late. If you want to be for a ship that is going down, then vote for the amendment. If you want to be for the future of what Africa is going to be, great, then you vote down this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I think one thing should be clarified with regard to some of the statements which have been made about the Southern Africa Special Requirements Fund. Technically, this fund was deleted from the Senate bill. It was also deleted from the House bill. The House has earmarked in this bill $100 million which accounts for the deletion. The Senate earmarked $80 million for the same countries that are earmarked in this bill to accomplish the same purposes. The only difference is the difference in amount of $80 million in the Senate version and $100 million in the House version. It is therefore incorrect to say that the Senate had deleted this because they simply called it an earmarked fund and set aside $80 million instead of $100 million that we are providing here.

Mr. Chairman, I certainly oppose this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to this amendment. I think the gentleman from Missouri has been his usual frank and forthright self in offering this amendment. He said, and I quote him I think precisely.

"We must force a reassessment of our African policy."

The adoption of this amendment, make no mistake about it, would signal a clear retreat from the change in policy that was begun under the prior administration by Secretary Kissinger, approved by President Ford, and now continued by the new Carter administration.

I think the gentleman certainly has a right, obviously, to disagree with our African policy, but those of us who believe that it was high time that we changed that policy and that we begin working positively and affirmatively to bring about majority rule in southern Africa applaud this Special Requirements Fund as one way of implementing those new foreign policy goals.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Florida.

The CHAIRMAN. Is there objection

to the request of the gentlewoman from Nebraska?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. SMITH of Nebraska. Mr. Chairman, I would like to emphasize the point that the Department of State did not know what it wanted to do with this money. First it was going to be used to help the white Rhodesians, then the black Rhodesians; and now it is going to help the countries around there. It does not indicate any policy that has been well set up and established. They do not know what they are going to do, and the bill does not say what they are going to do with the money. So we today do not know.

Mr. Chairman, I urge that we vote for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in opposition to the Ichord amendment. I would like to make three observations in an effort to set the record straight. First, there are no funds in either the authorization bill or in this bill for southern Rhodesia.

Second, what is the purpose of the funds? They would be expended for three purposes: to achieve economic development in that part of the African Continent; to provide assistance for refugees; and to help those nations who have sustained severe losses as a result of a drop in raw material prices.

Third, let me reiterate what the Senate has done. The Senate has adopted the same restrictive language which the House adopted in consideration of the authorization bill, that is, the funds may not be used for four countries unless and until the President asks for a waiver on the basis that it is in the interest of U.S. foreign policy to do so, while the Senate Foreign Relations Committee did not specifically establish a Southern African Special Requirements Fund, it did recommend $100 million for southern African countries. This later was reduced to $80 million during floor consideration.

Mr. Chairman, I urge my colleagues again to reject the Ichord amendment as they did during consideration of the authorization bill.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAUMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. BAUMAN. Mr. Chairman, I hope the enacting clause is stricken because if this amendment is not adopted, I do not think that the bill ought to be passed.

I greatly regret the fact that the parliamentary game plan this afternoon is apparently to cut off debate on highly important amendments which will be offered. That game can be played by both conservatives and liberals. This is not the Baltimore County Council or the PTA of Dundalk. This happens to be the Congress of the United States of America, and on a bill of this magnitude at least we ought to allow debate and amendments without restrictions on time.

I flatly deny the statement of the gentleman from Illinois that this special fund in any way offers continuity from the foreign policy of the last administration. It has been reported by the national publication, Human Events, that Secretary Kissinger told a group of Republican Congressmen last week that he had attempted repeatedly in his policies not to side with extremists in any African nations, black or white, but rather he promoted a middle-of-the-road policy which would guarantee the rights of all people.

Mr. Kissinger was also reported to have said in that publication that the African policy of the Carter administration as presently expressed by Ambassador Young and as expressed by this $100 million special aid fund, will lead either to racial holocaust or the communization of southern Africa or both, and that it could have repercussions in this country.

I would have to say that the account of Mr. Kissinger's views was substantially correct and we should seriously consider his views.

I do not think there is any continuation of past African policy. It is a radical departure, and this policy will bring about a disaster on the African continent, possibly guaranteeing Communist control of the area.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me observe first I support fully what the gentleman has expressed about full and complete debate on this matter and he may have noticed that I was one of those who rose in opposition to the motion to limit time for debate.

I would say in explanation of what I said in suggesting as I did that I felt that this special requirements fund offered continuity in foreign policy, that it is my recollection that it was under Secretary Kissinger back in April, I think of 1975, when he went to the so-called front-line countries.

Mr. BAUMAN. Which eventually produced the so-called Lusaka statement.

Mr. ANDERSON of Illinois. And he went there to enlist their aid in trying to bring about a solution to the problems in Rhodesia.

As has been repeatedly stated, the moneys under this do not go to Rhodesia but would be used for the development of these underdeveloped countries.

Mr. BAUMAN. The gentleman misses my point. I do not want the funds to go to Rhodesia or Mozambique or Angola or any nations engaged in this war. I would point out there is $65 million in this bill already for bilateral aid to the frontline nations and under multinational lending institutions they have been provided millions of dollars.

In my view, this fund can be used for only one reason, to prop up and promote the guerrilla movements now occurring. I do not think radical politicization of these countries and the use of guerrilla warfare is any way to achieve peaceful transition by these nations to popular control. The minority calls this an international slush fund and I believe it is exactly that. Despite all the good expressions of intent, this is decidedly wrong.

We are rushing toward international bloodshed. This special fund is the first time that this country has ever established a fund to be used to aid Communist controlled countries, such as Mozambique and Angola. Certainly these countries are not friendly to democracies anywhere. They are Communist-inspired dictatorships. I do not think we make any points by going in and backing them with a $100 million fund.

I urge the Members to think carefully. The vote on this same amendment several weeks ago was 208 to 204, and they had to switch votes at the last moment to get that vote. I urge your support for the Ichord amendment.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the motion.

I apologize to my distinguished friend, the gentleman from Maryland, but I think that we should have a little more time to discuss this motion. I wish there were more Members on the floor of the House who could hear this debate. I am sure if there were, they would not have to rely upon the doorkeepers when the Members come in to tell them how to vote, but they would be able to vote upon the merits of the amendment as brought out by the debate that we are engaging in on the floor of this House.

The gentleman from Alabama, Mr. Chairman, has blatantly misconstrued my remarks.

I am not contending that anyone is trying to consciously lure the Government of Rhodesia or Zimbabwe over to the Communists. What I am saying, and I reiterate, that we have no purposeful policy, I would state to the gentleman from Illinois, or well-defined African policy. We are blindly following the lead of the front-line nations. We are trying to impose a minority black government from the outside on Zimbabwe.

Now, the gentleman from Illinois may support that kind of policy, but the gentleman from Missouri will never support that kind of policy.

What I am saying, and I would address myself to the gentleman from Illinois, that when we try to impose an outside minority black government, we are asking eventually for an Idi Amin type of government or a Marxist type of government.

Mr. Chairman, I am going to set up an appointment, if the gentleman will give him one, for my friend John Kanodereka, the second right-hand man of

Bishop Muzorewa, with the gentleman from Illinois to inform him of what the actual facts are inside Zimbabwe. Nkomo gets his power from Kwanda, the leader of Zambia. Nkomo is a Matabele. They are the descendents of the old Zulu tribe which at one time conquered most of what is now Rhodesia. But today, they only constitute at the most 15 percent of the population. The head of AMC is Bishop Muzorewa of the Mashonas. He is a Mashona. They constitute 80 percent of the population and many of the Matabele are with Bishop Muzorewa.

What I am saying is Nkomo could not get over 10 percent of the vote, and that is the policy that we are following. It should not be the policy of the United States. It is a policy that follows Great Britain and the front-line nations, which I state will eventually end up with both black and white genocide.

I state to the gentleman from Illinois, why not use the gentleman's eloquence; why not use the gentleman's resourceful intellect to come up with a program that will give us free elections to transfer power.

I am not here for the status quo. I am here for a change. I would state that Ian Smith at the present time is ready to turn over the Government of Rhodesia to a majority government, but he is not ready to turn it over to Nkomo, and I do not blame him, because it will result in both black and white genocide.

Therefore, I rise in opposition to the motion because I want my amendment adopted. I say to the gentleman from Illinois to look a little harder at this matter with my friend John Kanodereka about what is going on inside Rhodesia and what kind of policy the gentleman is supporting.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Maryland (Mr. BAUMAN).

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, the arguments are here again for an ill-conceived and poorly thought out program. It is already in the fourth phase of what it is liable to be.

Let me state this, in this fourth phase $1 million of the $100 million is set up for a special study to examine the development requirements for Southern Africa. If we are going to spend $1 million to do that, why spend the other $99 million until the $1-million study is completed.

Number two, AID is scheduled to submit a report to this Congress of the United States not later than September 30 of this very year outlining their progress in meeting the U.S. objectives in that region and of the proposed uses for the special requirements fund.

Mr. Chairman, these studies and these reports are going to come about after the fact. Why even do them if we are not going to pay attention to them?

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, since I did rise in opposition on the motion offered by the gentleman from Maryland, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment. The committee has recommended appropriations for security supporting assistance for the Southern African Special Requirements Fund as defined in the International Security Assistance Act of 1977, which passed the House May 24. It would be used for the countries of Southern Africa to address the problems caused by economic dislocation resulting from the conflict in that region.

Now, let us clear up some misconceptions. No funds are included for Southern Rhodesia or Zimbabwe, as it is otherwise called. If the House version of the authorization bill prevails none of the assistance from the fund may be furnished to Mozambique, Angola, Tanzania, or Zambia unless the President determines and so reports to Congress that the assistance would further the foreign policy interests of the United States. I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ICHORD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. ICHORD. Mr. Chairman, I ask unanimous consent to withdraw the point of order that a quorum is not present.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RECORDED VOTE

The CHAIRMAN. The pending business is the request of the gentleman from Missouri (Mr. ICHORD) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 209, not voting 25, as follows:

[Roll No. 363]

AYES—199

Abdnor	Brooks	Conable
Allen	Broomfield	Corcoran
Ambro	Brown, Mich.	Cornwell
Anderson, Calif.	Brown, Ohio	Crane
Andrews, N.C.	Broyhill	Cunningham
Andrews, N. Dak.	Burgener	D'Amours
Archer	Burke, Fla.	Daniel, Dan
Armstrong	Burleson, Tex.	Daniel, R. W.
Ashbrook	Butler	Davis
Badham	Byron	de la Garza
Bafalis	Caputo	Derwinski
Barnard	Carter	Devine
Baucus	Cavanaugh	Dickinson
Bauman	Chappell	Dornan
Beard, Tenn.	Clausen, Don H.	Duncan, Tenn.
Bennett	Clawson, Del	Edwards, Ala.
Bevill	Cleveland	Edwards, Okla.
Bowen	Cochran	Eilberg
Breaux	Cohen	Emery
Brinkley	Coleman	English
	Collins, Tex.	Erlenborn
		Evans, Del.
		Evans, Ga.
		Evans, Ind.
		Fish
		Flowers
		Flynt
		Frenzel
		Frey
		Fuqua
		Gammage
		Gilman
		Ginn
		Glickman
		Goldwater
		Gonzalez
		Goodling
		Gradison
		Grassley
		Gudger
		Guyer
		Hagedorn
		Hall
		Hammer-schmidt
		Hanley
		Hansen
		Harsha
		Heckler
		Hightower
		Hillis
		Holland
		Holt
		Hubbard
		Huckaby
		Hyde
		Ichord
		Jeffords
		Jenkins
		Johnson, Colo.
		Jones, N.C.
		Jones, Okla.
		Jones, Tenn.
		Kasten
		Kazen
		Kelly
		Kemp
		Ketchum
		Kindness
		Kostmayer
		Krebs
		Lagomarsino
		Latta
		Leach
		Lent
		Levitas
		Lloyd, Calif.
		Lloyd, Tenn.
		Lott
		Lujan
		McClory
		McDade
		McDonald
		McEwen
		Mahon
		Marlenee
		Marriott
		Martin
		Mathis
		Michel
		Milford
		Miller, Ohio
		Mitchell, N.Y.
		Montgomery
		Moore
		Moorhead, Calif.
		Mottl
		Murphy, Pa.
		Myers, Ind.
		Natcher
		Neal
		Nichols
		O'Brien
		Pettis
		Pickle
		Pressler
		Quayle
		Quillen
		Railsback
		Regula
		Risenhoover
		Roberts
		Robinson
		Rogers
		Rousselot
		Rudd
		Runnels
		Ruppe
		Russo
		Satterfield
		Schulze
		Sebelius
		Shipley
		Shuster
		Sikes
		Sisk
		Skelton
		Skubitz
		Smith, Nebr.
		Snyder
		Spence
		Stangeland
		Stockman
		Stratton
		Stump
		Symms
		Taylor
		Thone
		Trader
		Treen
		Trible
		Vander Jagt
		Volkmer
		Waggonner
		Walker
		Walsh
		Wampler
		Watkins
		White
		Whitehurst
		Whitten
		Wilson, Bob
		Winn
		Wydler
		Wylie
		Young, Fla.
		Young, Mo.
		Young, Tex.
		Zeferetti

NOES—209

Addabbo	Edwards, Calif.	Madigan
Akaka	Ertel	Maguire
Alexander	Evans, Colo.	Mann
Ammerman	Fary	Markey
Anderson, Ill.	Fascell	Marks
Annunzio	Fenwick	Mattox
Applegate	Findley	Mazzoli
Ashley	Fisher	Meeds
Aspin	Fithian	Metcalfe
AuCoin	Florio	Meyner
Badillo	Foley	Mikulski
Beard, R.I.	Ford, Mich.	Mikva
Beilenson	Ford, Tenn.	Miller, Calif.
Benjamin	Forsythe	Mineta
Biaggi	Fowler	Minish
Bingham	Fraser	Mitchell, Md.
Blanchard	Gaydos	Moffett
Blouin	Gephardt	Mollohan
Boggs	Giaimo	Moorhead, Pa.
Boland	Gibbons	Moss
Bolling	Gore	Murphy, Ill.
Bonior	Hamilton	Murphy, N.Y.
Bonker	Hannaford	Murtha
Brademas	Harkin	Myers, Gary
Breckinridge	Harrington	Myers, Michael
Brown, Calif.	Harris	Nedzi
Buchanan	Hawkins	Nix
Burke, Calif.	Hefner	Nolan
Burlison, Mo.	Heftel	Nowak
Burton, John	Hollenbeck	Oakar
Carney	Holtzman	Oberstar
Carr	Horton	Obey
Cederberg	Howard	Ottinger
Chisholm	Hughes	Patten
Clay	Jacobs	Patterson
Collins, Ill.	Jenrette	Pattison
Conte	Johnson, Calif.	Pease
Corman	Jordan	Pepper
Cornell	Kastenmeier	Perkins
Cotter	Keys	Pike
Coughlin	Kildee	Preyer
Danielson	Koch	Price
Delaney	Krueger	Pritchard
Dellums	LaFalce	Pursell
Derrick	Le Fante	Quie
Dicks	Lederer	Rahall
Diggs	Leggett	Rangel
Dingell	Lehman	Reuss
Dodd	Long, La.	Rhodes
Downey	Long, Md.	Richmond
Drinan	Luken	Rinaldo
Duncan, Oreg.	Lundine	Rodino
Early	McCormack	Roe
Eckhardt	McFall	Rooney
Edgar	McKay	Rosenthal

Roybal	Staggers	Vento
Ryan	Stanton	Walgren
Santini	Stark	Waxman
Sarasin	Steed	Weaver
Sawyer	Steers	Weiss
Scheuer	Stokes	Whalen
Schroeder	Studds	Whitley
Seiberling	Thompson	Wilson, Tex.
Sharp	Thornton	Wirth
Simon	Tsongas	Wolff
Slack	Tucker	Wright
Smith, Iowa	Udall	Yates
Solarz	Ullman	Yatron
Spellman	Van Deerlin	Zablocki
St Germain	Vanik	

NOT VOTING—25

Baldus	Fountain	Rose
Bedell	Ireland	Rostenkowski
Brodhead	McCloskey	Steiger
Burke, Mass.	McHugh	Teague
Burton, Phillip	McKinney	Wiggins
Conyers	Moakley	Wilson, C. H.
Dent	Panetta	Young, Alaska
Flippo	Poage	
Flood	Roncalio	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Baldus against.

Mr. McDADE and Mr. RISENHOOVER changed their vote from "no" to "aye."

Mr. JOHNSON of California and Mr. WOLFF changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL MILITARY EDUCATION AND TRAINING

International military education and training: For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, as amended, $30,000,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 9, line 25—

Strike the period, add a colon, and insert the following: "None of the funds appropriated under this paragraph shall be used to provide international military education and training to the Government of Argentina."

Mr. ROYBAL. Mr. Chairman, the amendment before the House is an amendment that simply prohibits funds to be used to train the military in Argentina.

I present this amendment because it is illegal for this country to provide funds for this purpose. Section 660 of the Foreign Assistance Act specifically prohibits the use of military assistance funds:

To provide training or advice, or provide any financial support for police, persons or any other law enforcement forces for any foreign government.

In February of 1976 the CIA released a report stating that in light of section 660 serious legal questions arise when U.S. support is provided to countries when the military assumes civilian law enforcement authority. There is no doubt that there has been a state of siege in Argentina, not starting yesterday or last month, but a state of siege since November of 1974. All constitutional guarantees have been suspended. Arrests have been made without warrants or charges. The right of habeas corpus has been abolished. There is also no doubt that the military is in complete control of all police functions, including border, provisional, and military police. They are in charge at the present time of detention centers, and prisons, of interrogations, and door-to-door searches, and they have completely circumvented the once-established judicial system. Everyone in Argentina is tried by martial law courts or by a court that the military itself has created. All of this is not hearsay. Every word that I have spoken has been confirmed several times, first, by the CIA and then, second, by the Department of State itself that has submitted to the Congress of the United States four reports confirming the fact that this is true.

Testimony before the committee was, indeed, sad. We had testimony presented by several individuals who agreed with the Argentine Commission on Human Rights, who said that, "The denial of due process, the suspension of the judicial system and trade unions, the systematic kidnaping and execution of persons from all strata of society, and the use of torture in its most hideous form is so pervasive in Argentina today as to lead to the inescapable conclusion that the pattern of human rights violation there is deliberate; it is ongoing; and it is persistent."

The Department of State also said in November with regard to a report made by the Amnesty International Commission that their report was basically correct and generally accurate. The report states that at least 15,000 persons have disappeared or have been abducted over the last 2½ years, that torture is a routine policy of the military government, and that in four prisons alone there were 4,600 inmates. The report listed almost 500 cases of persons who were either kidnaped or officially detained and never heard of again.

This is perhaps the reason why so many organizations have taken a definite stand against our making these funds available to Argentina. On May 19 the Jewish Argentine Association, which represents 450,000 Jews in Argentina, made public their denunciation of a spreading anti-Semitic atmosphere in Argentina itself. The U.S. Catholic Conference has taken a stand, and many other similar organizations. It is also a well-known fact that we would also be in violation under section 502(b) of the Foreign Assistance Act. It states that it is the policy of the United States not to provide military assistance "to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights." The International Security Act of 1977 recently approved by the House strengthened that human rights commitment for it prohibits foreign aid for the purpose of, or which are likely to have the effect of aiding, directly or indirectly the efforts of foreign governments to repress the legitimate rights of the population in such countries. Contrary to the Universal Declaration of Human Rights, Argentina is definitely in violation.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ASHBROOK. Reserving the right to object, Mr. Chairman, I would ask the gentleman from Maryland (Mr. LONG) if we are going to limit debate? Would the chairman indicate whether or not we are going to limit debate on this amendment? The gentleman has asked for additional time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

I would like to do that because the way we are going, we are going to be here until midnight. I would like very much to have debate on this amendment and all amendments thereto end at 5 o'clock.

The CHAIRMAN. There is already one request pending for 1 additional minute. The gentleman from Ohio (Mr. ASHBROOK) has reserved the right to object.

Mr. ASHBROOK. Mr. Chairman, I will make it simpler. I will object.

The CHAIRMAN. Objection is heard.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from California is essentially identical to one I offered some 4 weeks ago on the authorization bill. At that time the amendment failed by a vote of 200 to 187, by the narrow margin of 13 votes. I will not take the time of the Committee to recite once again the list of horrors which essentially is the history of the current military regime in Argentina. That has been done both in the debate on the authorizing bill and just now by the author of the amendment, the gentleman from California (Mr. ROYBAL).

That situation is very well documented. The Videla government is clearly engaging in a consistent pattern of gross violations of human rights. Under prohibitions placed into law by the 94th Congress, that makes under U.S. law these funds for military assistance and training illegal.

There must be a better way for Congress to spend our own people's money.

If there is any single basic rule in foreign policy, it should be that we mean what we say. This Congress has passed laws stating its intention not to provide military assistance to governments which systematically, consistently violate the human rights of its own people. We have had the votes to put that into law and the question now is whether we are going to give that law any substance and any meaning.

There was a gentleman I quoted some 4 weeks ago, namely the President of the United States, and I do believe the

President means what in his eloquence he says and that he will be supporting this amendment.

In his speech at Notre Dame, the President said:

> Being confident of our own future, we are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in that fear. I am glad that is being changed. For too many years, we have been willing to adopt the flawed and erroneous tactics of our adversaries, sometimes abandoning our own values for theirs. We have fought fire with fire, never thinking that fire is better quenched with water . . . What draws us together as a people, perhaps more than anything else, is a belief in human freedom. We want the world to know that our nation stands for more than financial prosperity.

Acceptance of the amendment offered by the gentleman from California would not isolate us from Argentina; it would not affect our economic aid, our trade, the ability of our ambassador to exchange his views with the Argentinians; it would not even affect the $40 million of military equipment which is under contract for delivery to Argentina in the coming months. What it would affect is our ability to take pride in our own policy; it would help free our foreign aid program from the timid amorality which has blurred its purpose in the past, and help demonstrate to the world—and to our own people—that this Congress means what it says.

Finally, we are not discussing foreign aid.

Reasonable people in this Chamber can and do disagree about the wisdom of economic aid to countries with regimes of which we do not approve.

We are talking about training of the military of a repressive regime, probably, by the State Department's own admission, the single most repressive government to receive military aid under this legislation.

There is absolutely no excuse, if we mean what we have said in the statutes and if the President means what he has said so eloquently in the past, for this Congress to sanction these funds to be used for repression of the people of Argentina, and I urge adoption of the amendment.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. ROYBAL) to bar funds for military training assistance for Argentina.

Mr. Chairman, on May 23, the House rejected an attempt to eliminate these training funds for Argentina. The reasons for maintaining our military training program in Argentina are just as valid today as they were in May.

It is very difficult for me to understand why some of the Members on the other side of the aisle praise the administration for its policy on human rights on the one hand and then, on the other, condemn the administration for how it wants to implement that policy.

I must repeat what Assistant Secretary Todman for Inter-American Affairs has said about security assistance. He says—

> It is a political tool that provides us an opportunity to exert some influence on (government's) attitudes and actions.

The administration wants to retain these funds for Argentina so that is may have flexibility in pursuing its goals in human rights and in promoting hemispheric security.

If we cannot maintain a dialogue with Argentina on the question of human rights, we will restrict the possibility of exercising any significant influence on them.

Already, there have been millions of dollars cut from security assistance programs for Argentina. A further cut now of $700,000 would most likely produce a reaction by Argentina which would obstruct any chance to use quiet diplomacy to achieve success for human rights in Argentina.

I also find it difficult to understand why the training programs for Argentina should be so controversial when you look at what courses are included: "aircraft rotor-propeller repair," "aircraft electrician," "aircraft instrument repair," "maintenance management," "quartermaster officer advanced," "academic instructor school," "English language," and "personnel management officer."

Considering that these courses are clearly not designed for police training or civilian police action, I believe we should support the administration's request to retain military assistance training funds for Argentina.

We must be willing to give the administration an opportunity to work for the improvement of human rights according to its assessment of how best to achieve it.

I strongly urge my colleagues to reject this amendment.

Mr. Chairman, I would like at this time to ask the ranking minority member, the gentleman from Florida (Mr. YOUNG) a question.

Could the gentleman advise me as to what the administration's position was on this amendment in the committee markups?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, in response to the question, it is my recollection that the administration made no attempt to testify on this subject; but spokesmen from the administration did tell me personally that they would be opposed to this amendment, that they thought it was a rather serious move.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I believe that this amendment is based on a sincere concern for the human rights situation in Argentina. However well-intentioned, though, it does not take into consideration some of the internal struggles of Argentinian politics and, therefore, might well hinder rather than help the improvement of human rights in that nation.

I would like to refer my colleagues to an article in the June 1 issue of the Economist which describes the efforts of Argentina's President, Lt.-Gen. Jorge Rafael Videla, to move his country closer to democracy. I quote this article:

> For some time it has appeared that President Videla's rate of advance towards the modern, stable democracy that he wants to create in Argentina has been much less than a centimeter a day; at times, indeed, it has seemed as if the leader of the moderates is fighting trench warfare with the hardliners closing in on him. But after a tense month General Videla is again slowly winning ground. He has not allowed himself to be panicked by a wave of sensational scandals which were being used by hardliners to try to get him to switch to their line—or to displace him.

This article goes on to describe not only General Videla's battles with hardliners, but also those with anti-Semitics, and extreme right paramilitary organizations.

Now is not the time to allow our good intentions to antagonize further United States-Argentinian relations and to risk destabilizing the efforts of a man who may move Argentina toward a stable democracy and an improved human rights situation—something beyond the capability of this amendment.

International military education and training instructs military officers in American values as well as methods. It increases and improves contacts between men of potential influence in developing nations and U.S. officials.

Regional military training programs are viable only through the participation of individual nations that are part of a region. To deny military training funds to a particular state, therefore, undermines the regional training program.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I want to make it clear that the Argentine Government repels me. I also want to make it clear that I believe we are providing far too much in military aid to far too many countries, most especially in Latin America.

Mr. Chairman, I cannot help but recall a year ago when I questioned General Fish about the need for military aid to Latin America. After asking him the same question about 12 times, I finally got him to admit to the fact that in the eyes of the administration, the previous administration, at least, there was not a single country in Latin America which faced a cross-border military threat from its neighbor. But having said that, let me say that my basic position has been that unless there is an extraordinary reason for Congress to act, that it should not proceed to single out on a country-by-country basis individual countries for exclusion under this bill. In the committee what I tried to do was limit, with one exception—and I will explain that at a

later point in the debate—the number of countries we excluded from this bill to those countries which were already mentioned by the authorizing committee. I did that for one very simple reason. I do not think this country can afford to have three or four different foreign policies at the same time; one on the part of the President and the State Department; another on the part of the Banking Committee; another on the part of the Committee on International Relations, and the fourth on the part of the Committee on Appropriations. It gets a little confusing to try to figure out what one policy is, let alone four. That is the situation we will find ourselves in if we keep trying on an individual country-by-country basis to adopt these kinds of amendments.

Let me make it clear that I do not want this kind of money going to Argentina, and I hope that the administration will use the capability it has to try to bring about a change in the actions of the Argentine Government; and if it does not succeed in that effort, I hope it will then strike out the very military program the gentleman from California and the gentleman from Massachusetts are trying to strike out by this amendment. But, I really believe that this administration is sincere in its commitment to human rights. I do not believe the administration is being inconsistent when the President presses very hard for human rights, and at the same time asks the Congress to exercise at least some discipline in moving in its own regard on human rights, because I think that enables him to be most effective in trying to obtain the human rights gains which I think we all want.

I really believe that the most effective way we can promote human rights in this instance is to leave the administration the flexibility that it is asking for to deal with Argentina and other countries. I want to repeat a point I was making earlier. If we are to effectively maintain Congress traditional right and authority to withhold from an individual country, in the event we think the situation becomes so bad that that is required, then I think we have to proceed in a disciplined manner. In the case of Nicaragua, the committee built a very thorough and specific case in the record which justified a cutoff of aid to that country. We did not do so in this instance. Members can look in the record our committee built and can find very little in the case of Argentina. We had an entire day of hearings in the case of Nicaragua.

I think Congress must proceed in a rational manner if it in fact is going to maintain a real possibility down the line of exercising its option to cut off aid to countries if we do think a sufficient record has been built to justify it. So, I think, just in the interests of retaining that right, that we ought to turn down this amendment and keep the committee recommendation in the case of Nicaragua.

Mr. LONG of Maryland. Mr. Chairman, in the interest of trying to get this bill through sometime before midnight, I would like to ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LONG of Maryland. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 73; noes 22.

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred four Members are present, a quorum.

The pending business is the demand of the gentleman from Maryland (Mr. BAUMAN) for a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. ROYBAL).

It was just 1 month ago on May 23, 1977 that we debated a similar amendment to H.R. 6884, the International Security Assistance Act of 1977. At that time, I expressed concern about the effects of such actions that single out selected countries for legislative reprimand in response to their domestic political situations.

The use of such inflexible legislative actions provides no solutions for the people we seek to help and in fact ties the hands of our diplomats who seek to bring about constructive change. If we are to exercise any influence in the direction we wish to move, then we should maintain a dialog and flexible working relationship.

As was stated by the Assistant Secretary of State for Inter-American Affairs, the Honorable Terence Todman,

We need to be able to pursue our objectives in accordance with the situation that we are facing. If there is legislation that says 'you must do this,' then you may find yourself in a bind, being obliged to follow a procedure that might not at that moment bring about the results that you are trying to accomplish.

I think, as long as there is a feeling of confidence between the Legislative and Executive Branches, an agreement on the objectives that we are pursuing and acceptance of the fact that we are going to be honest and straightforward in pursuing those objectives. It is better to leave us with flexibility to use the methods at the moment that are best suited to achieving that.

I believe that the State Department and the administration is being candid and straightforward in the pursuit of our human rights objectives in Argentina. Already this year, the administration has withheld $36 million in fiscal year 1977 credits, made drastic cuts in fiscal year 1978 authorizations and prevented munitions control license approval for police functions or use in the internal situation.

We have had no time to measure the effectiveness of these actions. The complete elimination of our security assistance program at this point is not justified and is inadvisable. It would be far more useful if we allow the administration to use the tools of a modest program to advance the cause of human rights and our other real interest in the region.

In closing, I would like to say that such action as proposed in this amendment was considered by the appropriate subcommittee and full Committee on International Relations during the authorizing process. In addition, the full House considered such action last month. In all cases, the amendments were rejected.

In its May 25, 1977 editorial, the New York Times urged the United States to avoid the worst in Argentina, stating:

AVOIDING THE WORST IN ARGENTINA

Things are getting so bad in Argentina that the regime which the United States so rightly chastised only three months ago, now urgently needs some American help to block the fascist movement stirring in the wings.

By the perverse standards that must now be applied to Argentina, the present regime of President Jorge Videla is, alas, moderate. Its record on civil and human rights is deplorable. Political parties operate under severe restrictions. Trade unions are under direct military control. Scores of people have been abducted from their homes only to turn up later in military custody. This is the state of affairs that led the Carter Administration to cut military aid in February. But the situation has now developed to the point that the United States had better give the devil his due to forestall something yet more abhorrent.

No Argentine government in the past twenty years has been able to reconcile the realities of international economics with the domestic political strength of Peronism—the deeply rooted alliance of economic nationalists and militant labor organizations. That failure has nurtured the growth of a tenacious guerrilla movement. The Montoneros which the army has been unable to stamp out. Time result has been a state of permanent crisis that has now brought this attractive and wealthy society to the brink of bloody street battles.

Poised to claim power now is a group of extreme right-wing generals whose goals and methods are well expressed by their leader, Gen. Iberico Saint-Jean. "First we will kill all the subversives; then we will kill their collaborators; then . . . their sympathizers; then . . . those who remain indifferent; and, finally, we will kill those who are timid."

In recent weeks, these generals have begun a series of "investigations" aimed at intimidating and perhaps imprisoning some of the country's most distinguished moderates Gen. Alejandro Lanusse, one of the most successful recent Presidents, is already behind bars. Those threatened are Jose Martinez de Hoz, the present Minister of Economy and Alejandro Orfila, the Secretary General of the Organization of American States. Argentina's significant Jewish community has been a special target of the campaign and several prominent Jewish fam-

ilies have been the objects of both legal and extra legal action.

If these hard-line generals seize power, they will surely further disrupt Argentina's economy, deal an even more disastrous blow to the cause of human rights and raise the chances of full-scale civil war. Only if they are headed off can President Videla regain his moderate bearings and be persuaded to move toward long-overdue national political reform and reconstruction.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Chairman, the fact is that, as we have heard from the gentleman from California (Mr. ROYBAL), who offered the amendment, nothing has really changed in Argentina in the last 40 years. We have the same type of regime in Argentina that we saw in the thirties in Italy, Germany, Japan, and Spain.

Despite the fact that we are talking about a very small amount of money, I think it is time that we sent a message to Argentina. It has been stated by one of the Members that an adequate record has not been established by the committee. I think the record has been established by the Government of Argentina, and it is time that this House deal with the situation and send a message to the Argentine Government.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I rise in strong support of the amendment.

We have been told that our Government cannot have four different foreign policies. The fact is, though, that laws that are passed by this Congress become the foreign policy.

This amendment was defeated the last time, but not overwhelmingly; a switch of 13 votes would have carried the amendment. At that time there were 46 Members absent.

Mr. Chairman, I think this amendment should be adopted and we should make this a matter of foreign policy on the floor of the House today.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. ROYBAL), which would eliminate the funding for the military training program for Argentina for fiscal 1978. I am one of the cosponsors of the amendment, and my reasons for supporting this elimination of military training for Argentina are summarized in the dissenting views contained in the Appropriations Committee report accompanying this bill. I am appending a copy of these views, which I signed along with the sponsors of the amendment, Representative EDWARD R. ROYBAL, and Representative YVONNE B. BURKE:

DISSENTING VIEWS OF HON. EDWARD R. ROYBAL, HON. EDWARD I. KOCH, AND HON. YVONNE B. BURKE

We intend to offer an amendment to delete $700,000 in military training assistance to Argentina from the 1978 foreign aid appropriations bill. Our position is based on the substantial evidence before Congress showing a pattern of human rights violations involving murder, repression and torture by the military junta in Argentina. Continued military training support to this government would be totally contrary to our U.S. foreign aid laws.

The Foreign Assistance Act of 1976 states that it is U.S. policy not to provide military assistance "to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights." The International Security Assistance Act of 1977, recently approved by the House, strengthens that human rights commitment. It prohibits foreign aid assistance for "the purposes of, or which are likely to have the effect of, aiding directly or indirectly, the efforts of foreign governments to repress the legitimate rights of the populations in such countries contrary to the Universal Declaration of Human Rights." Our Foreign Operations Subcommittee approved similar language in the 1978 foreign aid appropriations bill.

Our amendment would simply ensure compliance with these provisions in the case of Argentina.

Since 1974 Argentina has been in an official state of siege. Military concentration camps and detention centers have been created. All federal, provincial and municipal police have been placed under the total control of the military. The Armed Forces now carry out all police functions including house-to-house searches, arrests, traffic control, intelligence gathering and interrogation.

Testimony before congressional committees documents that the Argentine government has consistently and systematically violated human rights. The number of persons kidnapped, tortured or executed runs into the thousands and has been increasing in recent months. Since March of last year, 5,000 people have been killed and thousands others have been arrested, or kidnapped. Further testimony describes the terrorist activities of "death squads" composed of active duty and retired military and police personnel.

A three man Amnesty International investigative delegation to Argentina, which included Representative Robert Drinan, reported that at least 15,000 persons have disappeared or been abducted over the last 2½ years, that torture is a routine policy of the government and that in 4 prisons alone there were over 4,600 inmates.

Defense Department records show that about 4,000 members of the Argentine Armed Forces have been trained by the United States since 1950—almost one-third of them since 1970. Within the United States, Argentine military personnel have been trained at top level command and staff colleges such as the Naval War College and the Army Command and General Staff College—at least 34 officers have graduated from the Army College, including General Carlos Laidlaw, the present head of the Argentine Secret Police. The U.S. Government trained 139 members of the Argentine military in 1976; 157 in 1977; and an estimated 186 is projected for 1978 unless training funds for Argentina are deleted.

Since March, the military government has begun a new wave of arrests and kidnappings. Public statements have been issued by the U.S. Catholic Conference and the Assembly of Argentine Bishops protesting the torture, kidnappings and disappearances. Concerns are being increasingly voiced over the wave of anti-Semitism being conducted by the Argentine government.

Clearly there is no justification for the U.S. to provide continued military training to a government which has only used its U.S.-trained personnel to police and repress its people. We urge your support of our amendment to end military training assistance to Argentina.

EDWARD R. ROYBAL,
EDWARD I. KOCH,
YVONNE B. BURKE.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Chairman, I rise in support of the amendment of my colleague from California (Mr. ROYBAL). I would like to commend him for his effort in bringing this matter before the House.

A little over a month ago, this body considered and approved H.R. 6884, the International Security Assistance Act. During the debate on this legislation, we considered an amendment offered by our colleague from Massachusetts (Mr. STUDDS) an amendment nearly identical to the one now before us. At that time, I urged my colleagues to accept this amendment which seeks to put reason into our aid programs and that will put some force into the new administration's statements which call for a foreign policy in support of human rights.

Today, I again rise to urge all of my colleagues to support this amendment to delete the $700,000 earmarked for military training assistance for Argentina. It is long past time that we in Congress accept more responsibility for our foreign aid programs and by adopting this amendment, we will be doing just that.

Mr. Chairman, on a number of occasions, I have shared my own personal involvement in the nightmare experienced by a constituent of mine, Ms. Olga Talamante, at the hands of the Argentine Government. To dramatize the conditions existing in Argentina, I believe it would be instructive to again recount the horrors Ms. Talamante had to endure.

Olga Talamante spent 16 months in an Argentine prison, as a result of fabricated charges of "political subversion." During her first few days in custody, Ms. Talamante was subjected to lengthy interrogation, which included vicious beatings and torture by means of an electric shock instrument. When she complained about her treatment, a gun was placed at her head and she was forced to sign a confession. Nearly a year later, in September of 1975, after a quasi-legal process which included torture, death threats against the judge, and the bombing of the defense attorney's home, Olga was convicted of violating the vague and hastily enacted antisubversion laws. Ms Talamante received a 3-year prison sentence.

In March 1976, Olga Talamante was released from prison and deported as an undesirable alien. Her release came about unannounced, days after the present military junta ousted President Isabel Peron. I am convinced that the primary reason Ms. Talamante was released was because of the pressure applied on the Argentine Government by this country.

Mr. Chairman, while the experiences of Ms. Talamante were indeed horrible and brutal, her treatment was by no means unlike that which any detainee is subjected to. The nightmare experienced by Ms. Talamante is not an iso-

lated instance of a U.S. citizen being arrested and brutally tortured by Argentine officials. Since the release of Olga Talamante in March 1976, we know of three other Americans, Ms. Patricia Ann Erb, Ms. Gwenda Loken Lopez, and Father James Weeks, who endured beatings and torture by the Argentine military regime. It is worth noting that although Ms. Talamante was not arrested by the military regime now in power, but by its predecessor, her case demonstrates the continuity of repression by the police and military forces over the past several years.

Today, Ms. Talamante, Ms. Erb, Ms. Lopez, and Father Weeks are all free. But what of the thousands of men and women being detained in Argentine prisons, guilty only of believing in democratic principles and being critical of those in power. These political prisoners do not have available to them the resources and influence of the United States to assist in their release. The situation in Argentina has not improved since last year; in fact, reports of torture in Argentina prisons persist, as well as more shocking reports of murder and assassination occurring in Argentina since the military junta took control of the government in March 1976.

The fact that military training assistance to Argentina actively supports disregard for human rights compels me to rise in support of this amendment. It is on the basis of my own personal experience on behalf of Ms. Talamante that I am compelled to urge all of my colleagues to take greater responsibility for the foreign policy of the United States. Let us take this opportunity to fulfill our obligation, our moral obligation, to put substance behind the rhetoric in support of human rights. By adopting this amendment we will be demonstrating to the world that our commitment to human rights is real.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, the amendment before us is a simple one: it deletes the funds earmarked for the International Military Education and Training Program for Argentina, a nation whose government has drawn severe criticism from individuals of conscience throughout the world, including Secretary of State Vance and President Carter, as a particularly outrageous violator of human rights. On June 15, the Senate voted without dissent to amend the International Security Assistance Authorization so as to prohibit all military assistance to Argentina, including military education and training funds, as of September, 1978. On May 24, the House narrowly defeated, by a margin of 187 to 200, a similar amendment to ban all military assistance to the Argentine dictatorship.

The amendment before us is a more narrow one than that adopted by the Senate and narrowly rejected by the House. It deletes only the $700,000 appropriation for the International Military Education and Training Program—a program which we know trains Argentine military officers in techniques euphemistically labeled "internal security." In Argentina, this means government terror. I urge my colleagues to adopt the amendment before us and place the United States on record as firmly opposed to the outrageous and systematic human rights violations of the Argentine Government.

Mr. Chairman, I visited Argentina on November 6 to 15 as part of an official amnesty international delegation investigating the human rights situation in Argentina. I believe that I am the only Member of Congress who has visited that nation since the coup d'etat of March 24, 1976 installed the present military junta. After lengthy discussions with government officials, journalists, political leaders, and Argentine citizens, our delegation concluded that the denial of basic human rights in Argentina is pervasive, systematic, and of an officially sanctioned, continuing nature. As the delegation concluded in its report:

> The state of martial law which is currently in force deprives all citizens in Argentina of the most fundamental civil rights and political rights, and their constitutional guarantees. What it means in practice is that merely on suspicion of subversion, a citizen may be abducted or arrested, held for a long period incommunicado, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress.
>
> [N]o one can rely on legal protection, and in view of the practice of the security forces, no one is safe from abduction and torture. Amnesty International believes that there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured, and have been killed. The actions taken against subversions have therefore been self-defeating: in order to restore security, an atmosphere of terror has been established; in order to counter violence, legal safeguards have been removed and violent illegalities condoned.

As a result of these massive and systematic abuses of human rights, Secretary of State Vance announced on February 24 the administration's decision to reduce Argentina's military sales credits for fiscal 1977 from an authorized level of $36 million to $15 million. Reflecting the seriousness of the Argentine Government's abuses of fundamental liberties, this was by far the largest reduction in military aid due to human rights violations. Shortly after Secretary Vance's announcement, the Argentine military junta announced that it would reject the remaining $15 million in military credits based upon a so-called intrusion by the United States into its internal affairs.

It is, of course, absurd to characterize a decision to reduce American military sales an "intrusion" into the affairs of another nation. Such action represents rather the simple and unassailable decision of our Government not to provide the tools of violence and repression to a military dictatorship which denies its citizens their most basic human rights.

This action is particularly appropriate where the military assistance has a direct bearing on domestic repression. This is the case with the $700,000 Military Education and Training Program which this amendment would terminate.

Seven hundred thousand dollars is a small sum, but its symbolic significance is considerable. The actions of the Argentine Government have been so outrageous that the United States should go on record as refusing to supply it with any military assistance. Our amendment would accomplish this important goal. The military training program, however, has more than symbolic importance. More than 4,000 members of the Argentine armed forces have been trained in this program since 1950, more than one-third of them since 1970. Among the graduates is Gen. Carlos Laidlaw, the present head of the notorious Secretariat of State Information, the Argentine secret police.

The training program proposed for Argentina in 1978 includes several activities which are directed toward internal security, which in Argentina today usually means government-supported campaigns. The proposed training would include: Counterinsurgency; psychological warfare; military counterintelligence; and a mysterious category called "civic action," which presumably deals with the repression of those who protest the actions of the government.

It is not surprising that so many of the military training programs involve internal security, for Argentina faces no external threat. It is engaged in no disputes with its neighbors; it is threatened by no one. This absence of an external threat and strategic significance makes the amendment before us entirely appropriate and without dangers to either Argentina or the United States.

Based upon my experiences and observation in Argentina and my contacts since then, I can assure my colleagues that the human rights violations perpetrated by the military junta and its allies are truly appaling. Perhaps the most outrageous single action of the Videla regime is its refusal to publish a list of the thousands of individuals who have been imprisoned without charge or trial for political reasons. The families of these individuals have no way of knowing whether their relatives are alive or are among the many who have been abducted and murdered by the government-sponsored terror squads which operate with impunity. Even among those nations which are universally recognized as violators of human rights, the refusal of the Argentine authorities to release a comprehensive list of political prisoners is a singularly outrageous action.

Since the release of the Amnesty International report in March, the situation in Argentina has worsened. I have received from Amnesty International a list of 142 individuals who have disappeared since that time. This list does not include those who are known to be imprisoned or assassinated; it includes only individuals whose whereabouts and well-being are a mystery to their families.

Mr. Chairman, I will not detail the human rights violations of the Argentine Government; to do so would require far too much time. Suffice it to say that the

military junta has suspended virtually all civil rights and individual liberties; prohibited all political activity; suspended parliament; imposed strict censorship upon the press and arrested many of the country's most prominent journalists; authorized arrest and indefinite detention without charge or trial; replaced civilian courts with military tribunals for all crimes pertaining to "subversion;" permitted widespread torture; and engaged in abductions and assassinations of its citizens.

The left-wing terrorists whose violent acts contributed to the government's massive human rights violations have, by the admission of President Videla, been almost completely wiped out. Yet the human rights violations continue. In its effort to combat terrorism, the military has in fact created a far broader and more violent form of terrorism. It is time for the United States to disassociate itself unequivocally from this repressive regime, to cease providing it with any weapons, and to terminate the training of its military officers—training which includes internal security programs. The amendment before us would accomplish these goals, and I urge my colleagues to act favorably upon it.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Chairman, I rise in support of the Royal amendment to H.R. 7797. Ample evidence exists to demonstate the total lack of concern for human rights in Argentina, and I believe we should go father than the prohibition of military credit sales as provided for in this legislation.

I would like to bring one particular example of Argentina's repression to the attention of my colleagues. A young woman named Patricia Erb was born in the United States and moved to Argentina when she was just a year old. Her parents are Mennonite missionaries.

She eventually became a student at the University of Buenos Aires where she majored in sociology. As a part of her studies, she began to work among the poor of that city. Such social activism was viewed with suspicion by the government and Patricia Erb became politically undesirable.

In September, 1976, she was kidnapped by several men in plain clothes. Her family was also bound, gagged, and carried off. They, however, were returned home the following day while Patricia was placed in a concentration camp.

During the 10 days she spent in this camp, she was repeatedly beaten, given electric shocks, and raped. Upon her release, she was immediately put on a plane and sent out of the country. She has now returned to the United States where she is studying at a liberal arts college in Kansas. She is 20 years old.

Mr. Chairman, how many more stories like this one are waiting to be told? How many more victims are dead or still languishing in prisons? As of March 23, 1977, Amnesty International listed 489 persons who have disappeared in Argentina since the coup of March, 1976. Estimates of such disappearances range from 2,000 to 5,000 cases.

Let us not condone these travesties of human rights by continuing to provide military training assistance to Argentina. I urge the adoption of the Roybal amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I am not opposed to this amendment because I want to aid Argentina; I am opposed to the amendment because I do not think it will be effective.

I do not think this amendment will affect Argentine behavior. I do not think it will stop tortures. I think it will be just about as effective as the Jackson-Vanik amendment was in helping to get Jewish immigrants out of Russia.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, yesterday, for the first time, I had the opportunity to see the personal dimension of what goes on and the extent of the brutality in Argentina when a young girl came into my office, a devout Christian girl, who has always lived in Argentina.

She was taken out of her home into captivity in a remote part of the city. She was subjected to brutal repeated torture and without cause.

Mr. Chairman, once we grasp the personal significance of what is going on in Argentina, I do not think there is any way we can rationalize our continued support for military training there. In fact, the girl told me that she had heard about the military training which they got, most of it from the United States.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, the evidence against Argentina's violation of human rights is overwhelming.

How long are we going to continue training their military turned policeman, using the excuse that the President must have flexibility?

It has been said that what we do here will not stop torture. At least, let us not be a part of that torture. If we vote, in effect, for Argentina, we will be supporting the torture that is going on in that country at the present time.

Mr. Chairman, I feel that this House should definitely not be part of Argentina's regime of torture and flagrant violation of human rights.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate on the amendment.

Mr. LONG of Maryland. Mr. Chairman, the Chair supports the amendment of the gentleman from California (Mr. ROYBAL).

The human rights situation in Argentina has deteriorated steadily since the coup of March 1976. Amnesty International estimates that today there are between 5,000 and 6,000 political prisoners, most of them detained without charges or trial. B'nai B'rith says that anti-semitism and anticlericalism are rampant in Argentina and the Catholic Bishops of Argentina publicly denounced the practices of the regime.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. LONG) has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. The Chair finds that a quorum is present.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. ROYBAL) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 180, not voting 30, as follows:

[Roll No. 364]

AYES—223

Addabbo	Emery	McCormack
Akaka	English	McFall
Allen	Ertel	McKay
Ambro	Evans, Ga.	Maguire
Ammerman	Evans, Ind.	Markey
Anderson, Calif.	Fenwick	Marks
	Fish	Marlenee
Aspin	Fisher	Mazzoli
AuCoin	Fithian	Meeds
Baucus	Florio	Metcalfe
Beard, R.I.	Ford, Mich.	Meyner
Bellenson	Ford, Tenn.	Mikulski
Benjamin	Fowler	Mikva
Bennett	Fraser	Miller, Calif.
Bevill	Frenzel	Miller, Ohio
Biaggi	Gammage	Mineta
Bingham	Gaydos	Minish
Blanchard	Gephardt	Mitchell, Md.
Blouin	Glickman	Moakley
Boland	Gore	Moffett
Bolling	Grassley	Mollohan
Bonior	Hall	Moorhead, Pa.
Bonker	Hamilton	Moss
Brademas	Hanley	Mottl
Breaux	Hannaford	Murphy, Pa.
Brinkley	Harkin	Murtha
Brodhead	Harrington	Myers, Gary
Brown, Calif.	Harris	Myers, Michael
Buchanan	Heckler	Natcher
Burke, Calif.	Hefner	Neal
Burton, John	Heftel	Nichols
Caputo	Hightower	Oakar
Carney	Holland	Oberstar
Carr	Hollenbeck	Ottinger
Cavanaugh	Holtzman	Patterson
Chisholm	Howard	Pattison
Clay	Hughes	Pease
Cohen	Jacobs	Perkins
Coleman	Jeffords	Pike
Collins, Ill.	Jenrette	Pressler
Corman	Johnson, Calif.	Preyer
Cornell	Johnson, Colo.	Pursell
Cornwell	Jones, N.C.	Quayle
Cotter	Jones, Okla.	Quie
D Amours	Jones, Tenn.	Rahall
Daniel, Dan	Jordan	Railsback
Danielson	Kastenmeier	Rangel
Delaney	Keys	Reuss
Derrick	Kildee	Richmond
Dicks	Koch	Rinaldo
Diggs	Kostmayer	Risenhoover
Dodd	Krebs	Rodino
Dornan	Le Fante	Roe
Drinan	Leach	Rogers
Duncan, Oreg.	Leggett	Rosenthal
Early	Lehman	Roybal
Eckhardt	Lloyd, Calif.	Runnels
Edgar	Long, Md.	Russo
Edwards, Calif.	Luken	Santini
Edwards, Okla.	Lundine	Sarasin

Sawyer	Stark	Walker
Scheuer	Steers	Wampler
Schroeder	Stockman	Watkins
Seiberling	Studds	Waxman
Sharp	Thompson	Weaver
Shipley	Thone	Weiss
Sisk	Trible	Whalen
Skelton	Tsongas	Wilson, Bob
Slack	Udall	Wirth
Smith, Iowa	Van Deerlin	Wolff
Smith, Nebr.	Vander Jagt	Wydler
Solarz	Vanik	Yates
Spellman	Vento	Young, Mo.
St Germain	Volkmer	Zeferetti
Staggers	Waigren	

NOES—180

Abdnor	Flynt	Murphy, N.Y.
Alexander	Foley	Myers, Ind.
Anderson, Ill.	Forsythe	Nedzi
Andrews, N.C	Fountain	Nix
Andrews, N. Dak.	Frey	Nowak
	Fuqua	O'Brien
Annunzio	Giaimo	Obey
Applegate	Gilman	Patten
Archer	Ginn	Pepper
Armstrong	Gonzalez	Pettis
Ashbrook	Goodling	Pickle
Ashley	Gradison	Price
Badham	Gudger	Pritchard
Bafalis	Guyer	Quillen
Barnard	Hagedorn	Regula
Bauman	Hammer-schmidt	Rhodes
Beard, Tenn.		Roberts
Boggs	Hansen	Robinson
Bowen	Harsha	Roncalio
Breckinridge	Hillis	Rooney
Brooks	Holt	Rousselot
Broomfield	Horton	Rudd
Brown, Mich.	Hubbard	Ruppe
Brown, Ohio	Huckaby	Ryan
Broyhill	Hyde	Satterfield
Burgener	Ichord	Schulze
Burke, Fla.	Jenkins	Sebelius
Burleson, Tex.	Kasten	Shuster
Burlison, Mo.	Kazen	Sikes
Butler	Kelly	Simon
Byron	Kemp	Skubitz
Carter	Ketchum	Snyder
Cederberg	Kindness	Spence
Chappell	Krueger	Stangeland
Clausen, Don H.	LaFalce	Stanton
	Lagomarsino	Steed
Clawson, Del	Latta	Stokes
Cochran	Lent	Stratton
Collins, Tex.	Levitas	Stump
Conable	Lloyd, Tenn.	Symms
Conte	Long, La.	Taylor
Corcoran	Lott	Thornton
Coughlin	Lujan	Traxler
Crane	McClory	Treen
Cunningham	McDade	Tucker
Daniel, R. W.	McDonald	Waggonner
Davis	McEwen	Walsh
de la Garza	Madigan	White
Derwinski	Mahon	Whitehurst
Devine	Mann	Whitley
Dickinson	Marriott	Whitten
Dingell	Martin	Wilson, Tex.
Duncan, Tenn.	Mathis	Winn
Edwards, Ala.	Mattox	Wright
Eilberg	Michel	Wylie
Erlenborn	Milford	Yatron
Evans, Colo.	Mitchell, N.Y.	Young, Alaska
Evans, Del.	Montgomery	Young, Fla.
Fary	Moore	Young, Tex.
Fascell	Moorhead, Calif.	Zablocki
Findley		
Flowers	Murphy, Ill.	

NOT VOTING—30

Badillo	Flippo	Nolan
Baldus	Flood	Panetta
Bedell	Gibbons	Poage
Burke, Mass.	Goldwater	Rose
Burton, Phillip	Hawkins	Rostenkowski
Cleveland	Ireland	Steiger
Conyers	Lederer	Teague
Dellums	McCloskey	Ullman
Dent	McHugh	Wiggins
Downey	McKinney	Wilson, C. H.

The Clerk announced the following pairs:

On this vote:

Mr. Panetta for, with Mr. Lederer against.
Mr. McHugh for, with Mr. Teague against.

Messrs. LUJAN and BROWN of Michigan changed their vote from "aye" to "no."

Mr. DORNAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 11, line 17, after the word "directly" and "or indirectly".

Mr. YOUNG of Florida. Mr. Chairman, this amendment will bring this language of section 107 almost identical to what it was in the bill passed by the House for fiscal year 1976 on this very same subject. This is a section that limits the funds in this bill. It says they shall not go to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

Now, in the full committee I offered this amendment. It was amended to strike out the words "or indirectly."

Now it reads that none of the funds shall go to those foreign countries directly to help Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

That is a little silly. Since we are not giving aid to these countries directly, it does not mean anything. I simply point out, if we do not want American tax dollars going to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam directly, then I would think we also would not want them going to those same countries indirectly. It is the same thing. It is just a different route, but American tax dollars will still end up in the same place. I hope we will support the amendment.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want my money being used for Vietnam or Uganda or the other countries being mentioned, either; but the fact is that the amendment offered by the gentleman from Florida will go far beyond what the gentleman suggests; because if, in fact, the amendment is adopted, what we will do is destroy our ability to participate in any of the international financial institutions. What we have to decide here is purely and simply whether we believe that it is in our national interest to continue to participate in the international financial institutions or whether it is not.

We made the judgment a long time ago that it was in our own national interests, that it was a way to depoliticize aid programs around the world, and it was a way to encourage other countries to carry their fair burden. Up until these institutions were created, we were bearing a great deal of that burden almost alone.

Let me point out that I have a letter here from the Assistant Secretary of the Treasury for International Affairs, Mr. C. Fred Bergsten. He says:

Specifically, the fact that U.S. funds could not be used for loans to specific countries of for specific commodity production would almost certainly make it impossible for these institutions to accept U.S. funds and would jeopardize continued U.S. participation in the banks.

The terms and conditions on which the United States contribution, and the contributions of all other countries, are made available to the international development banks are laid down in their Articles of Agreement and in the replenishment resolutions of the Boards of Governors of these institutions. Neither the Charter nor such resolutions contain provisions permitting the banks to agree to receive funds subject to a unilaterally imposed restriction that the funds not be used for loans to certain countries or for certain commodities. In fact, any decision with respect to particular loans must be made in accordance with the multilateral decision-making process and the criteria for making loans established in the Charter.

So, Mr. Chairman, I would simply point out again that if we adopt this amendment, the international financial institutions apparently will not be able to accept our money. That will mean that the ability of those institutions to function will crumble. It will mean that our ability to participate in those institutions will come to a halt. It will also mean that we will invite every other country in the world to make the same kinds of restrictions on their money, and that means, in effect, that the entire purpose of the international institutions will have been gutted, and eventually we will have effectively and indirectly destroyed the capacity of those institutions to function.

I do not think we want to do that. I think it is in our own national political and economic interest to continue to participate in these multilateral programs. I very strongly urge defeat of the amendment.

Mr. CHARLES WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Would the gentleman not agree with me that since 1945, these multilateral lending institutions made it possible for the United States to reduce its share of aid furnished by the West to underdeveloped countries from 100 percent to about 25 percent?

Mr. OBEY. We have reduced our participation substantially. This is about the only effective way we can do it.

Mr. CHARLES WILSON of Texas. Really, this is a vote for or against the international lending institutions, which is the true effect of this amendment, is it not?

Mr. OBEY. Well, it certainly is, as far as I see it, and I think the effect, as I say, would be to lead a worldwide effort to destroy those institutions. I do not think it is in our national interest to destroy the ability of the developed countries of the world to strengthen the economies of the underdeveloped part of the world. We are not going to be able to survive very long in a world in which

two-thirds of the world is starving to death, and that is what these institutions are designed to prevent.

Mr. CHARLES WILSON of Texas. I thank the gentleman.

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thank you for the recognition before the other gentleman from Maryland, because I probably would have gotten no time at all.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. Every time I have raised this issue, saying, "Let us not send any of our money directly or indirectly," I hear the same argument, that it is going to destroy the international banks. I say, baloney, let us find out, let us put the limitation on and see what happens.

I am betting that the international banks and the United Nations are going to take our money, limitation or not. And I say let us find out. Give them a chance to refuse it.

Mr. BAUMAN. Mr. Chairman, I would just add that this amendment has been portrayed as some sort of an effort to destroy the international lending institutions. The bill contains the largest increases for these institutions that they have had in years. What this amendment attempts to do is to make an honest subcommittee out of this subcommittee by truly enforcing what they say in this provision in the bill. We all know precisely what will happen if we do not adopt this ban on indirect aid. Instead of giving bilateral aid, we will give it to the lending institutions, and Vietnam and all of the rest of the countries will get the money just the same. What crass hypocrisy. If we do not want these international outcast countries to benefit from the American taxpayers' dollars, then it should go by no route, indirect or direct or otherwise.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for the point he has made. This is not a vote for or against multilateral lending institutions. This is a limitation on the ability of Congress to provide taxpayer dollars for circuitous aid to Vietnam, Laos, Cambodia, and, as the gentleman pointed out, Uganda. We ought to vote "yes" and find out whether the international lending institutions will accept U.S. money or not. Any aid, bilateral or multilateral, to the Communist regimes would be turning our backs on American POW/MIA's, Vietnam veterans, human rights, and U.S. taxpayers. I ask for a yes vote.

Mr. BAUMAN. Mr. Chairman, the gentlemen who express such great support for these lending institutions are the same ones who complain in the report that the lending officials would not come to the Hill and testify, they would not give us audits, they would not give any information, they would not even let the gentleman from Florida attend one of their meetings. And yet you trust them explicitly to carry out the will of this Congress. That is indeed preposterous.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding.

Mr. Chairman, right now we are seeing one of the greatest shell games perpetrated by this Congress upon the American people. It is the old left-pocket, right-pocket game. The American people are not so stupid that they will not see what you liberals are doing. You say you will not take the money out of their left pocket and give it to our enemies. Then you vote to take it out of their right pocket and give it to our enemies. Voters are smart enough to see what you are doing. I think it is a shell game and they will see through it.

Mr. GILMAN. Mr. Chairman, I move to strike the last word and request permission to revise and extend my remarks.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. YOUNG), who is merely defining our intent—an intent that has been spelled out on many prior occasions. He is spelling out that we do not intend to give any funds to Uganda, to Cambodia, Laos, or to the Socialist Republic of Vietnam directly or, by his words, "indirectly". If we intend not to support these nations, then we should have no compunction about supporting this amendment.

What we are saying to the world is that we object to the manner in which these nations have acted in the world body of nations. Uganda is obviously reflecting its disdain for all humanitarian laws, and we certainly know how Cambodia, Laos, and the Socialist Republic of Vietnam have reacted to our demands for a full accounting of our missing in action. There are more than 1300 still missing in action in Southeast Asia. Neither Vietnam nor Cambodia nor Laos have responded to any of our requests for assistance in accounting for our missing. We certainly should not be rushing headlong into assisting them by way of financial reparations or financial assistance of any kind as would be permitted if we deleted the verbiage which is being proposed by the gentleman from Florida.

Accordingly, I urge my colleagues to support this worthy amendment.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the distinguished gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's statement on behalf of this amendment and congratulate him for his leadership on behalf of the MIA's. I also appreciate the point he makes about not rewarding Vietnam for their abuse of the handling of the missing in action question. It seems to me that any aid would be very definitely a reward to Vietnam for slowly dribbling out names and holding the lives and the fortunes and the hopes and aspirations of hundreds of American families hostage. We must not reward Hanoi for that type of behavior so diametrically opposed to everything this Nation and its human rights cause stands for.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York for his remarks and for his consistent and diligent efforts in trying to obtain an accounting of our missing in action.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I might have the attention of my colleague, the gentleman from Wisconsin (Mr. OBEY).

When I was attempting to listen to the comments of the gentleman from Wisconsin (Mr. OBEY) a few moments ago concerning this particular amendment, I did not have the bill in front of me. I have now secured it and have read the section.

Does the gentleman support the language in that section as presently written?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, is the gentleman referring to section 107?

Mr. SISK. Yes; section 107.

Mr. OBEY. Yes; sure, I support it.

Mr. SISK. Mr. Chairman, could the gentleman explain this to me: Just how sincere are we attempting to be with the American people?

Let me bring this to the attention of my colleagues. I am actually amazed at this action of the committee. I have great respect for my colleague, the gentleman from Maryland (Mr. LONG), as well as for my colleague, the gentleman from Wisconsin (Mr. OBEY), but let me quote what the committee came out with here. Perhaps some of the Members have not read it. This is what it says:

> None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

I assume that the intent of that language was that we do not want American taxpayers' money going to those countries, is that correct?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I will respond to his question.

Mr. SISK. I yield to the gentleman from Wisconsin temporarily and only briefly, because I do have some further comments I want to make.

Mr. OBEY. Mr. Chairman, let me explain the reason why that language has been put in there. I do not want any money that we appropriate to go directly to those countries, no, but I also do not want us to be put in a situation where, because our charter does not allow it, we effectively destroy the international organizations. That is what we would do if we added the word "indirectly," because then they cannot, according to the Assistant Secretary of the Treasury, accept our money. We did this with

the Inter-American Bank in 1975, and they did not accept our money.

Mr. SISK. Mr. Chairman, if I may take my time back, let me say to my friend and colleague that I think we ought to have the courage to stand up and be counted and not try to hide behind any gobbledygook or any fallacious language here.

It is amazing to me that we have colleagues here who would admit that they support this language but they will not support language absolutely denying any money to the countries of Uganda, Laos, and the Socialist Republic of Vietnam. I am absolutely appalled at this.

Mr. Chairman, I support the amendment offered by the gentleman from Florida (Mr. YOUNG), and I hope the amendment is adopted. I just cannot believe that we could be that shortsighted, and I hope we stop trying to kid the American public.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that it is difficult for me to rise in opposition to this amendment, especially in view of my own family history, but unhappily, the amendment creates more problems than it solves.

First, let us keep in mind now the fact that section 107 of the bill before you forbids bilateral aid to these four countries. Further no U.S. bilateral aid was requested.

Second, the Foreign Assistance Act of 1961, as amended, contains a prohibition against providing bilateral assistance to any Communist country without a Presidential waiver and congressional notification.

Third, many of the authorizing bills that are presently being considered and are in the conference stage have various country restrictions dealing with Southeast Asia. One such authorizing bill which cleared the Senate last week dealt with assistance to be provided to Southeast Asia through the international financial institutions. I think it can safely be said that these country restrictions are being thoroughly aired.

Mr. Chairman, the net effect of the gentleman's amendment would be to place an unacceptable restriction on our contributions to these banks and to the international organizations. The basic question is this: Do we want the United States to participate in these various international organizations?

Let me say that it is easy for us to say that if we put this amendment through, then they will change their charters. But then I think we would be opening up a Pandora's box, because that means that every other country that belongs to these banks would also have a right to put in their own restrictions, and I do not believe the banks could function in that event.

I want to say that the committee plans to monitor the activities of these international banks to see where they are going and whether they are going to the Communist countries.

We want to direct more aid to the poor, but we cannot cripple the international banks that we pledged to cooperate with. We cannot hogtie our foreign policy.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I would like to salute the gentleman from Maryland (Mr. LONG) for his statement and associate myself with his remarks.

I have had something to do with international organizations; and in my judgment, this amendment is the most pernicious I have ever heard offered on this floor in terms of destroying the international structure that was built up following World War II.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, it has been suggested that we are engaging in some kind of flimflam to fool the American people.

I think there is some flimflam going on around here today, all right; and the authors of this amendment know very well that if it is adopted, our ability to participate in or to control the loans made by any of the international banks will be effectively destroyed.

Mr. Chairman, this is an under-the-table attempt to gut our ability to participate in the multilateral financial institutions. We ought to recognize it for that fact.

If we want to sustain the ability of this country to participate in those institutions, we have to oppose this amendment. We have no other choice.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, may I ask the gentleman this question: Have we ever conditioned our contributions to IDA or the World Bank at any time before in the history of those institutions? Has the United States ever done that before?

Mr. LONG of Maryland. No, we never have. It is impossible under the charters of the banks. We have tried, but we have not succeeded.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, may I ask the gentleman this question: Are there any funds in this bill for the World Bank?

Mr. LONG of Maryland. Yes, there are.

Mr. WOLFF. I thank the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I oppose this amendment. I think it is a mischievous amendment. I accepted it as it originally went through when it applied only to direct contributions; but I oppose the extension to indirect sources.

Mr. Chairman, I hope very much that this amendment will be voted down.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to appeal for a moment, if I may, to my friends in this Chamber who consider themselves of the liberal persuasion.

Speaking for a moment about pernicious legislation, let us also talk a minute about duplicity.

On the last vote I voted to cut out the funds for Argentina, as I voted last time to cut out the funds for Argentina. I am going to vote to cut out the funds for Nicaragua because I do not believe that the country we represent wants us to support repressive regimes throughout this world.

Mr. Chairman, I agree with those who stand up and so eloquently speak out for human rights; but let me say that this Member is getting a little tired of hearing selective liberals talking in defense of selective human rights.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I am really interested in the comment about a pernicious amendment and about how this language is so devastating.

I would say to the gentleman who made that comment that if he voted for the fiscal year 1976 foreign aid appropriation bill, he voted for that language.

Mr. Chairman, let me read what it said:

> None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance, directly or indirectly, any assistance to North Vietnam, South Vietnam, Cambodia or Laos.

If that kind of language is so pernicious today, why was it not pernicious when the gentleman voted for it on March 4 of last year?

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding.

I refer back to what our colleague, the gentleman from California (Mr. SISK) said in a direct question to the gentleman from Wisconsin (Mr. OBEY). He indicated very clearly that he did not want taxpayers' money to go to these countries and Mr. OBEY agreed.

However, Mr. Chairman, the question the gentleman from California (Mr. SISK) did not have time to ask was, "What if our taxpayers' money is put in an envelope and mailed to a third party and they give it to those countries?" What do you call that? That is what those who oppose this amendment will be doing if the Young amendment fails.

Mr. Chairman, that is what we are talking about here. We are talking about subterfuge, and everybody knows it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would say to my friend that I used the term "duplicity" because those who want to support human rights selectively are able to find the rhetoric to do just that.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to point out that under this bill we provide $100 million for the United Nations Development Fund. Over the next 5 years that organization has scheduled $30 million for Uganda, $17 million for Laos, $44 million to North Vietnam, also $20 million for Argentina, $42 million for Ethiopia and $13.5 million for Cuba. Do you wonder why the phrase "indirectly" does not make any difference in this bill? I submit it makes a great deal of difference. I submit that if we want to have our congressional intent mean anything we must adopt this amendment. Our intent will be thwarted if it is not adopted and further we will be made a laughingstock.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me. I want to congratulate the gentleman for having highlighted one facet of the difficulties the House has been subjected to that has irritated me and has infuriated the people of our Nation who look to universal morality and consistency of position on this issue.

I must point out that once you have said "selective morality" that you have said it all. I congratulate the gentleman because it is that inconsistency in the House and in other legislative forums of this country that turns off the American public and does violence to a respectful relationship between the people of America and the Congress.

AMENDMENT OFFERED BY MR. CONTE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. CONTE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE as a substitute for the amendment offered by Mr. YOUNG of Florida: On page 11, line 18, strike out "or" and add after "Vietnam" "or Cuba".

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that under the rules of germaneness this amendment is out of order inasmuch as it relates to the bill but not to the amendment pending.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. CONTE. No. Mr. Chairman, I will rely on the Parliamentarian.

The CHAIRMAN (Mr. KAZEN). The Chair will state that this is not a proper substitute because it goes to a different subject. The point of order is, respectfully, sustained.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Florida (Mr. YOUNG).

Mr. Chairman, first of all, I am sorry that the freshman Member of the House did not give me the courtesy to yield because I wanted to agree with the gentleman on selective amendments on human rights. I have argued that in the committee. I think it is wrong. I did have an amendment that was adopted in committee which would handle this situation and which we will discuss later in section 113. But it was my amendment in the full committee that knocked out the word "indirectly" which was submitted by the gentleman from Florida (Mr. YOUNG). The gentleman's amendment was defeated and I was sustained in the full committee.

The problem with prohibiting indirect funding for various countries is that it essentially negates our ability to contribute to either the International Financial Institutions or to a number of other international organizations such as the United Nations Environmental Fund, the United Nations Children's Emergency Fund, and the United Nations Development Program.

The Charters of the International Financial Institutions and of various United Nations Agencies prohibit the designation of funds for specific purposes, or in this case, the prohibition of contributions for specific countries or uses.

The reason is obvious—these are not supposed to be politicized agencies and lending institutions. The advantage of these institutions is that they represent pooled, cooperative resources.

The administration and the Congress have decided on numerous occasions that American participation in these multilateral agencies furthers our foreign policy and economic interests. If we intend to continue to participate in these agencies, we cannot prohibit our contributions from going to certain countries.

Aside from the fact that a prohibition on indirect aid would effectively end our participation in these institutions, we should oppose such an attempt on policy grounds.

The strength of the development assistance programs of the international organizations and financial institutions is their nonpolitical, universal support for humanitarian and technical assistance projects. Despite intense politicization in other organizations in the United Nations system, the technical assistance programs have served all countries, including Israel.

Indeed, the United Nations Development Program record in Israel has been outstanding. When the UNDP office closed, after Israel no longer required technical assistance, the Jerusalem Post praised its work and noted that "in contrast with the political arm of the United Nations, the technical assistance administration has always shown impartiality."

Mr. Chairman, we have no right to prohibit our contributions from going to certain countries, any more than we would want other countries to be able to prohibit the use of funds for our allies—such as Israel.

A prohibition upon indirect expenditures would essentially destroy and terminate American participation in multilateral lending and assistance agencies. I believe that would be a grave mistake, and urge that the prohibition upon indirect aid be defeated.

In answer to the colloquy the gentleman from Florida had with the gentleman from Oklahoma, let me clear the record. The amendment that he mentions was adopted by the House, but it was defeated in our conference. There is no such language on the books today, and this would be defeated also because it just cannot work.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Let me just point out, as the gentleman in the well points out, as much as the Arabs and the Jews have disliked each other, they have not tried to use these international institutions in any way that would favor their own political beliefs. In the differences between India and Pakistan, as much as they oppose each other, they did not play that game; Greece and Turkey did not play that game; and I submit that it is dangerous for us to play it as well.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

The gentleman from Massachuetts has made a very good point, and I want to emphasize it. There is no way in which this could survive a Senate-House conference, so it is an exercise in futility.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some strange things have been going on around here today as we talk about whom we are going to aid and whom we are not going to aid. But the American people should be, if they are not, listening to the kinds of things that we are doing around here in the name of helping other people and in the name, ostensibly, of not helping other people. I refer to the language on page 11 of the bill that says we will provide no direct aid to Uganda, no direct aid to Laos, Cambodia, or the Socialist Republic of Vietnam. And that is how it should be, and that is how the American people—the people who sent us here to legislate in their interests—want it to be.

I commend the gentleman from Florida for saying, let us be honest with the American people; let us be honest with other people throughout the world; let us be honest and say we do not want any aid from our taxpayers to go to these people directly or indirectly.

Then we have the accusation from the gentleman from New York that this introduction of an amendment is a pernicious amendment by the gentleman from Florida (Mr. YOUNG).

Then we have the gentleman from Maryland who said that with this pernicious language in here, we will not be able to control—and his word was "control"—the international lending bodies, the majority of whom we support by almost a majority of the moneys that go in there.

I say now it is about time to be honest with the American people, and support the amendment; if we want to aid Uganda, if we want to aid Loas, if we want to aid Cambodia, if we want to aid the Socialist Republic of Vietnam, then let us tell the American people that we want their tax dollars to go to aid those people.

And if we do it, let us tell them that we do it directly or indirectly by the amendment offered by the gentleman from Florida with whose remarks I associate myself.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague yielding.

I still do not believe that the argument has been made yet why we should not include the language "indirectly." The gentleman has made the point very clear. Many of the people who have spoken have said, "Oh, I do not think we should give it directly," but then they turn around and through fuzzy confused logic say that maybe we should allow the funding to be passed on indirectly.

The gentleman in the well makes the point whether it is directly or indirectly the American people have said overwhelmingly they do not think we should be aiding countries such as Uganada, Vietnam and such other countries that are clearly dictatorships.

Mr. BADHAM. If the gentleman will yield back, is he saying by the rejecting of this amendment, which hopefully will not happen, that if we do not want to aid them directly then we do want to aid them indirectly?

Mr. ROUSSELOT. The gentleman is absolutely correct. So no matter how Members may try to fuzz it up, a vote against this amendment means such Members really want the funds to go directly to the institution.

Mr. BADHAM. I do not think the gentleman wants that, nor do the American people want that.

Mr. JOHN T. MYERS. Will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Indiana.

Mr. JOHN T. MYERS. Mr. Chairman, why is the section in the bill at all? It is clearly not the intent of the Congress that the taxpayers' money should go to these nations. Both of the sections should mean exactly the same, and to make sure they do we must have the amendment offered by the gentleman from Florida, and to clarify what the intent of the Congress is the amendment ought to be adopted.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. LONG of Maryland. Mr. Chairman, I was on my feet seeking recognition.

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. LONG of Maryland. Mr. Chairman, I rise to ask unanimous consent for a limitation on the debate.

The CHAIRMAN. Will the gentleman make his request.

Mr. LONG of Maryland. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

Mr. ASHBROOK. Mr. Chairman, I object.

Mr. BAUMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LONG of Maryland. Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 10 minutes.

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ASHBROOK. Mr. Chairman, my understanding is that the Chairman recognized the gentleman from New York (Mr. BINGHAM) and he was halfway down the aisle.

The CHAIRMAN. The Chair saw both gentlemen at the same time, and he did recognize the gentleman from New York; because the Chair had to, by custom and rule, I believe, recognize the chairman of the subcommittee.

Mr. ASHBROOK. The Chairman has been eminently fair and I will say nothing further.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I simply want to make one point, that is that we are dealing with an international organization. If we attach strings to our appropriation, the international organizations simply will not accept them; so if we want to kill the appropriations for the international organizations, I suggest we adopt the amendment. I hope we will not.

The CHAIRMAN. The Chair recogniezs the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I used the word pernicious before, for the simple reason as the gentleman from Ohio has just explained, it is pernicious in the sense it would destroy the internation institutions. I am not attacking anybody's motives in that connection.

Let me just say with respect to those who have said there are Members who are partial in their support of human rights, there may be some.

(By unanimous consent, Mr. OBEY yielded his time to Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I thank the gentleman. I was not sure whether those remarks were directed at me or at others like me. I would like to remind those that I was one who fought the hardest for the Jackson-Vanik amendment to see if we could enforce human rights in the Soviet Union.

(By unanimous consent, Mr. MCDONALD yielded his time to Mr. DAVIS.)

Mr. DAVIS. Mr. Chairman, I take this time to ask the chairman of the subcommittee one question. How much money of these international banking funds have we in the United States ever received? We are a member of the international community, are we not?

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, the gentleman is following a good principle of court; "Never ask a question unless you know the answer."

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. RUNNELS).

Mr. RUNNELS. Mr. Chairman, I yield to the gentleman from South Carolina. I do not believe the gentleman is satisfied with the answer.

Mr. DAVIS. Mr. Chairman, I would ask the chairman, seriously, we have one of the largest deficits already. By passing this legislation, we create a larger deficit. Have we applied for any money in the past or have we ever received any?

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, I seriously doubt that we have, that is correct. The purpose of multilateral institutions is to help the undeveloped countries of the world.

Mr. DAVIS. Mr. Chairman, does the chairman wish to reply further?

Mr. LONG of Maryland. Mr. Chairman, I am saying that American companies do benefit.

Mr. DAVIS. Where do they benefit, at what locations in America?

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield further, they sell goods to the various developing countries. These countries buy American goods with the money we supply to the multilateral institutions.

Mr. DAVIS. Where are these companies located?

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. DAVIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, let us quit kidding the American people and vote for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I think we have forgotten one thing in this debate. It is obvious over the years that more and more of our aid has gone to these multinational organizations.

It is also obvious from this debate that these organiza ions are acting against the wishes of this Congress and the American people. I think it is about time

that we took a closer look at the way these organizations operate.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I agree with what the gentleman from New York has just said. Until such time as this Congress passes effective human rights legislation to cover all of the operations of the World Bank, we are going to be faced time and time again with these specific exemptions. I do not approve of them, but until such time as we get an overall human rights stand that covers the World Bank, I am going to be forced to vote for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I am persuaded that it makes no sense to deny direct bilateral aid to repressive countries such as Uganda and Vietnam, to cite just two, and to then actually provide such aid indirectly to the same countries through an intermediary such as an international lending institution. To those who say that international banks such as the World Bank will not accept our money, if it is conditioned on the human rights situations in borrowing countries, I say: Let the banks change their charters to reflect a concern with human rights.

I will vote for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I, too, would like to emphasize the words of the gentleman from New York (Mr. STRATTON) and of the gentleman from Iowa (Mr. HARKIN). I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I support the Young amendment because it is time for us to quit fooling ourselves and the American people by saying we are against giving aid to Vietnam and then sanction through inaction the giving of aid through the circuitous route of multilateral lending institutions to which America contributes more money than any other nation. American taxpayers' money, whether given directly through foreign aid, or indirectly through the world banks, is still our money aiding Communist regimes. Obviously, the American people can see through this false front. It is time we close this loophole.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I rise in strong support of the amendment.

Mr. Chairman, one of the most important international developments in recent decades has been a growing sense of world interdependence. A manifestation of this interdependence has been the flow of aid from the developed to the undeveloped world. Just as importantly, various multilateral institutions, including the United Nations, have provided sizable resources to help the underdeveloped countries of the world.

In providing financial aid to developing countries, both bilaterally and multilaterally, the United States has assumed a tremendous international responsibility—a responsibility which we have had some difficulties in meeting in recent years largely because of the sheer volume of those responsibilities as well as numerous American domestic problems.

Because of increasing problems and responsibilities, our taxpayers, more than ever before, command credibility and fiscal responsibility from their elected officials. In voting for any foreign aid programs, I believe that the Congress must insure that we are not giving away American taxpayer dollars to countries that can already afford to pay for American services. Just as importantly, I believe that the United States should not be giving away American money, bilaterally or multilaterally, to Communist regimes regardless of those countries' needs.

That is why I support the amendment by Mr. YOUNG of Florida to the Foreign Assistance Appropriations Act. Mr. YOUNG should be commended on his amendment which prevents international banks and lending institutions from using money contributed by the United States for aid to Cuba, Indochina, or the African nations of Uganda, Mozambique, or Ethiopia.

In the past I have opposed any American aid to any Marxist government—and I do so again. Like many of my colleagues on both sides of the aisle, I believe that the Congress must be sincere with the American taxpayer. If we are to have any credibility in our policies at home and abroad, we must be honest—we simply cannot tell the American taxpayer that the Congress opposes bilateral aid to Marxist governments and then have the Congress approve American aid to those countries through the circuitous route of multilateral lending institutions. U.S. money, even though contributed to an international financial organization, is still American taxpayers' dollars—tax dollars which, in many cases, are being sent to Communist regimes.

I would like to make it clear that I am not against financial aid to developing countries. What I am against is aid to socialist and Marxist countries which have continued to violate virtually all humanitarian laws and which have not fully cooperated with the United States in relation to such matters as our American POW's and MIA's.

Given our many domestic and international problems, the American people, more than ever, must be mindful of where, how, and why their money is being spent. I believe that the Congress must insure that it is doing its best to provide for a credible and consistent foreign policy—and I believe that Mr. YOUNG's amendment is a step in that direction.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, there is an analogy in criminal law here. There is not a single member in this body who wants to be on record as giving aid to these countries, but if they vote against this amendment, they are an accessory any way you figure it. The American people will figure that out. You can be certain of that.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate.

Mr. YOUNG of Florida. I appreciate the many expressions of support.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close debate.

Mr. LONG of Maryland. Mr. Chairman, I oppose this amendment. This is an attempt to make something which is very complicated seem very simple and it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and on a division (demanded by Mr. OBEY) there were—ayes 79, noes 39.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 295, noes 115, not voting 23, as follows:

[Roll No. 365]

AYES—295

Abdnor	Burgener	Dodd
Addabbo	Burke, Fla.	Dornan
Allen	Burleson, Tex.	Duncan, Tenn.
Ambro	Butler	Early
Ammerman	Byron	Edwards, Ala.
Anderson, Calif.	Caputo	Edwards, Okla.
Andrews, N.C.	Carney	Ellberg
Andrews, N. Dak.	Carter	Emery
Annunzio	Cavanaugh	English
Applegate	Cederberg	Ertel
Archer	Chappell	Evans, Del.
Armstrong	Clausen, Don H.	Evans, Ga.
Ashbrook	Clawson, Del	Evans, Ind.
AuCoin	Cleveland	Fary
Badham	Cochran	Fish
Bafalis	Cohen	Fithian
Barnard	Coleman	Florio
Baucus	Collins, Tex.	Flowers
Bauman	Conable	Flynt
Beard, R.I.	Corcoran	Fountain
Beard, Tenn.	Cornwell	Fowler
Benjamin	Cotter	Frenzel
Bennett	Coughlin	Frey
Bevill	Crane	Fuqua
Biaggi	Cunningham	Gammage
Blanchard	D'Amours	Gaydos
Boland	Daniel, Dan	Gephardt
Bowen	Daniel, R. W.	Gibbons
Breaux	Danielson	Gilman
Brinkley	Davis	Ginn
Brooks	de la Garza	Glickman
Broomfield	Delaney	Goldwater
Brown, Mich.	Derrick	Gonzalez
Brown, Ohio	Derwinski	Goodling
Broyhill	Devine	Gore
Buchanan	Dickinson	Gradison
	Dingell	Grassley
		Gudger

Guyer	Mahon	Ryan
Hagedorn	Mann	Santini
Hall	Marks	Sarasin
Hammer-schmidt	Marlenee	Satterfield
Hanley	Marriott	Sawyer
Hannaford	Martin	Scheuer
Hansen	Mathis	Schulze
Harkin	Mattox	Sebelius
Harris	Mazzoli	Sharp
Harsha	Michel	Shipley
Heckler	Mikulski	Shuster
Hefner	Miller, Ohio	Sikes
Heftel	Minish	Sisk
Hightower	Mitchell, N.Y.	Skelton
Hillis	Moakley	Skubitz
Holland	Mollohan	Slack
Hollenbeck	Montgomery	Smith, Iowa
Holt	Moore	Smith, Nebr.
Horton	Moorhead, Calif.	Snyder
Howard	Mottl	Spence
Hubbard	Murphy, Ill.	Staggers
Huckaby	Murphy, N.Y.	Stangeland
Hughes	Murphy, Pa.	Stanton
Hyde	Murtha	Steers
Ichord	Myers, Gary	Stockman
Jacobs	Myers, Michael	Stratton
Jeffords	Myers, Ind.	Stump
Jenkins	Natcher	Symms
Jenrette	Neal	Taylor
Johnson, Colo.	Nedzi	Thone
Jones, N.C.	Nichols	Thornton
Jones, Okla.	O'Brien	Traxler
Jones, Tenn.	Oakar	Treen
Kasten	Patten	Trible
Kazen	Patterson	Tucker
Kelly	Pepper	Van Deerlin
Kemp	Perkins	Vander Jagt
Ketchum	Pettis	Vanik
Keys	Pickle	Volkmer
Kindness	Pressler	Waggonner
Koch	Preyer	Walgren
Krebs	Pritchard	Walker
Krueger	Pursell	Walsh
Lagomarsino	Quayle	Wampler
Latta	Quie	Watkins
Le Fante	Quillen	Weaver
Leach	Rahall	White
Lent	Regula	Whitehurst
Levitas	Rhodes	Whitley
Lloyd, Calif.	Rinaldo	Whitten
Lloyd, Tenn.	Risenhoover	Wilson, Bob
Lott	Roberts	Wilson, C. H.
Lujan	Robinson	Winn
Luken	Roe	Wolff
Lundine	Rogers	Wydler
McClory	Rooney	Wylie
McDade	Rousselot	Yatron
McDonald	Rudd	Young, Alaska
McEwen	Runnels	Young, Fla.
McKay	Ruppe	Young, Mo.
Madigan	Russo	Young, Tex.
		Zeferetti

NOES—115

Akaka	Findley	Nowak
Alexander	Fisher	Oberstar
Anderson, Ill.	Foley	Obey
Ashley	Ford, Mich.	Ottinger
Aspin	Ford, Tenn.	Pattison
Bellenson	Forsythe	Pease
Bingham	Fraser	Price
Blouin	Giaimo	Railsback
Boggs	Hamilton	Rangel
Bolling	Harrington	Reuss
Bonior	Hawkins	Richmond
Bonker	Holtzman	Rodino
Brademas	Johnson, Calif.	Roncalio
Breckinridge	Jordan	Rosenthal
Brodhead	Kastenmeier	Roybal
Brown, Calif.	Kildee	Schroeder
Burke, Calif.	Kostmayer	Seiberling
Burlison, Mo.	LaFalce	Simon
Burton, John	Leggett	Solarz
Carr	Lehman	Spellman
Chisholm	Long, La.	St Germain
Clay	Long, Md.	Stark
Collins, Ill.	McCormack	Steed
Conte	McFall	Stokes
Corman	Maguire	Studds
Cornell	Markey	Thompson
Dellums	Meeds	Tsongas
Dicks	Metcalfe	Udall
Diggs	Meyner	Vento
Downey	Mikva	Waxman
Drinan	Milford	Weiss
Duncan, Oreg.	Miller, Calif.	Whalen
Eckhardt	Mineta	Wilson, Tex.
Edgar	Mitchell, Md.	Wirth
Edwards, Calif.	Moffett	Wright
Erlenborn	Moorhead, Pa.	Yates
Evans, Colo.	Moss	Zablocki
Fascell	Nix	
Fenwick	Nolan	

NOT VOTING—23

Badillo	Flood	Poage
Baldus	Ireland	Rose
Bedell	Lederer	Rostenkowski
Burke, Mass.	McCloskey	Steiger
Burton, Phillip	McHugh	Teague
Conyers	McKinney	Ullman
Dent	Panetta	Wiggins
Flippo	Pike	

Messrs. MAZZOLI, HOWARD and TUCKER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: Page 11, section 107, line 17, after "assistance" add "or reparations to".

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. What was the motion of the chairman of the committee to section 107? Was that a 10-minute limitation on that?

The CHAIRMAN. It was a limitation on the amendment and all amendments thereto. This is a separate amendment.

The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, the word "assistance" implies voluntary action. The word "reparation" implies a debt due. This amendment is to put to rest the question that was raised by the letter that President Nixon sent out to the Vietnamese in 1973. That letter, which was 1 week after the peace agreement, was as follows:

TEXT OF MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TO THE PRIME MINISTER OF THE DEMOCRATIC REPUBLIC OF VIETNAM FEBRUARY 1, 1973

The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of The Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on January 27, 1973, the United States undertakes this participation in accordance with its traditional policies. These principles are as follows:

(1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

(2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of 3.25 billion of grant aid over five years. Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

(3) The United States will propose to the Democratic Republic of Vietnam the establishment of a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

(4) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

(a) The needs of North Vietnam arising from the dislocation of war;

(b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

(5) The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.

(6) The two members of the Commission will function on the principle of respect for each other's sovereignty, noninterference in each other's internal affairs, equality and mutual benefit. The offices of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

(7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of The Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27, 1973.

NOTE REGARDING OTHER FORMS OF AID

In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars depending on food and other commodity needs of the Democratic Republic of Vietnam.

UNDERSTANDING REGARDING ECONOMIC RECONSTRUCTION PROGRAM

It is understood that the recommendations of the Joint Economic Commission mentioned in the President's note to the Prime Minister will be implemented by each member in accordance with its own constitutional provisions.

Mr. Chairman, although that letter is moot today, this body has never taken a position on that letter, and it is time that we did to say that no reparations should be given to the Government of Vietnam. This House have never taken action. Actually it is time for us to move today.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

The Chairman has examined the gentleman's amendment and agrees entirely with it. As far as I am concerned, I will accept it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I am pleased that I can accept this amendment. But I would first like to engage the gentleman in brief colloquy, if I might, to establish his intent. The way I read the amendment, it is not the gentleman's intent to tamper with the other language or the meaning and the

intent of the other language in section 107; his amendment merely adds to what we are attempting to do?

Mr. WOLFF. That is correct.

Mr. YOUNG of Florida. So on the question of Laos, Cambodia, or Vietnam, there is no question that our only subject is reparation through either direct or indirect assistance.

Mr. WOLFF. That is correct.

Mr. YOUNG of Florida. I thank the gentleman. We are prepared to accept the amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

It is my understanding that this would be similar to the Glenn amendment offered in the other body in action taken last week. Would that be the intention of the gentleman?

Mr. WOLFF. I am sorry; I did not hear the gentleman.

Mr. ASHBROOK. This would seem to me to be similar to the Glenn amendment which was adopted in the other body last week.

Mr. WOLFF. That is correct.

Mr. ASHBROOK. The amendment of the senior Senator from Ohio.

Mr. WOLFF. That is correct.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for trying to put to rest finally the great amount of contention and debate that has been focused on President Nixon's letter to the Vietnamese, a letter which was raised for the first time when the Montgomery committee went to Hanoi about a year ago. At that time the Vietnamese suggested that there had been some secret communications between President Nixon and their Government. In our recent discussions in a radio conference, a telephone conference with President Nixon that was conducted under the auspices of our distinguished chairman, the gentleman from New York (Mr. WOLFF) and his committee, it was pointed out by President Nixon that there were no other agreements and that this letter spelled out what had been discussed previously by way of aid; that there was a breach by the Vietnamese; and that, therefore, no reparations were agreed upon at that point, based upon the agreement. Therefore, I urge support of this amendment to put to rest finally all of the discussion and debate that has been going on surrounding the Nixon letter to the Vietnamese.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

I want to compliment the gentleman and thank him. I support the amendment.

Mr. WOLFF. I thank the gentleman.

Mr. WEISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must say that I find this to be an extremely distressing day, and this current amendment that is pending perhaps puts the cap on it.

I remember being in the hospital with a case of pneumonia in the latter part of 1972, in December of 1972 and in the early part of 1973.

I remember listening to the reports of what our bombers had been doing in Vietnam in the so-called Christmas bombing as a direct and clear act of vengeance.

I remember the statements that were made by the leaders of this country, including the President of the United States, committing the United States to help to rebuild and to repair the damage that was wrought against Vietnam.

It seems to me that we have admitted as recently as the early part of this year through the Secretary of State of the United States, Mr. Vance, the great mistake that the Vietnam war and the American participation in that war was.

I do not care what kind of subterfuge or evasion we or any one of us or anybody in the executive branch wants to engage in. The fact is that this country gave its word of honor that it was in fact going to provide aid and assistance by way of reparation to Vietnam, and for us to be engaging in this kind of legislative attempt at turning our back on our word is, I think, shameful.

I would hope that this amendment would not just be accepted but that we would have a vote on it.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I want to commend a new Member of the House for having the courage and humanity and integrity to get up and speak the truth.

If there is anything we owe to the Vietnamese, it is reparations. We bombed a country that did nothing to the people of this country except try to defend their own point of view. We intervened in a civil war. We voted in August of 1973 to withdraw from that war and in effect said we had made a mistake, and we are now in the process of trying to exculpate ourselves from any moral obligation to the country that we destroyed.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to my colleague, the gentleman from California.

Mr. DORNAN. Mr. Chairman, if the gentlemen from New York or Ohio want to give that reparation message to a very special audience, come to the Capitol-Hilton Hotel on the 14th and 15th of July and meet the mothers and fathers and wives of our missing in action men from the Vietnam war. Some of their men were tortured to insanity or death. Many are still unaccounted for. Not even a pathetic few bones.

I still wear the bracelet of a man who was stripped naked and was beaten to death over an 8-day period for escaping overnight. You are wrong, gentlemen. Reparations is a vicious insult to these heroes.

Mr. WEISS. Mr. Chairman, I appreciate the suffering that went on. I am not suggesting that we withdraw our recognition and commitment to those of our American people who suffered and died in that war, but I am saying that their death and suffering does not in any way absolve us of our commitment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, the gentleman in the well, the gentleman from California, apparently has forgotten that there were wrongs on both sides. I seem to recall My Lai.

Mr. DORNAN. I have not forgotten My Lai, but there were wrongs on the other side and they diminish by tens of thousands any atrocities committed by our side.

Mr. LONG of Maryland. Mr. Chairman, in view of the fact that both the chairman and the minority leadership has accepted this amendment, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ASHBROOK. Mr. Chairman, I object.

Mr. LONG of Maryland. Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.

The motion was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.

The Chair at this time recognizes the proponent, the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, actually the question of reparations is really moot, because the agreement that was made in Paris was breached by both sides. Therefore, no reparations are due; however, I think it is important that we go on record in answer to the letter that was originally sent out by President Nixon. That letter was withheld from the American people and withheld from the Congress.

I think it is important that we as a Congress either ratify that letter now or vote down the proposal that was made by the President at that time. I think this is the question that is involved. The fact is that we should separate, very clearly separate, the question of the missing in action from the question that is before us today of reparations. Compassion dictates that regardless of reparations or not, it is important that information on people from both sides be given to those who have lost people in the war.

Mr. BURKE of Florida. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Florida.

Mr. BURKE of Florida. Mr. Chairman, I happened to be part of that conversation on two occasions with the President at the time the gentleman talked with him. I think it is fair to bring out the fact that the President at that time, President Nixon, made the direct statement that he told the other side that regardless of the letter, and so did Mr. Kissinger when he was Secretary of State, that he alone had no right to make any commitments, that it had to be done with the approval of the U.S. Congress; so to say now that we had an agreement because of some letter is also erroneous. We never had an agreement of any kind.

I think it is about time, and I do not mind standing up and saying, I think it is about time to stop the nonsense of what we owe somebody, unless we really owe them. We ought to debate that in the Congress of the United States at some time.

Mr. WOLFF. Mr. Chairman, I just want to make one point on that. Actually, the negotiators in Paris have made no reference whatever to reparations. Any time that question is referred to, they say the question is moot and, therefore, they will not consider it. All negotiations must start from scratch.

The CHAIRMAN. Is there any member of the committee who wishes to be recognized in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York (Mr. WEISS) as an opponent of the amendment.

Mr. WEISS. Mr. Chairman, my distinguished friend from Florida (Mr. BURKE) has just said that the Congress ought to, at some time, debate what the commitment for reparations really was. I have no problem with that premise or proposition at all. What I object to is this kind of 5-minute or 10-minute sloughing off of an obligation, a national commitment, entered into or made by the President of the United States, and assuming that on that basis we have honorably dealt with the issue.

It seems to me, Mr. Chairman, and my colleagues, that if we want to go on record as a body of the House of Representatives of the United States as to how we really feel about the issue, then we ought to have a resolution introduced in proper form, have full public hearings on it, and have this House debate that issue. But, it seems to me that for us to sort of tack onto a provision the word "reparations," as a denial of a commitment does dishonor to this House. But, I think worse than that, it does dishonor to the people of the United States. We ought to have no part of it.

Mr. KOCH. Mr. Chairman, I support the Wolff amendment because I do not believe that we owe Vietnam any reparations. As my colleagues know, in 1973 after the signing of the Paris accords, North Vietnam invaded South Vietnam thereby violating those accords. In my judgment by that act they wiped out any promise of payment by the United States.

I was an early opponent of our involvement of the civil war in Vietnam and I consistently stated that my opposition was based on the fact that the governments of North and South Vietnam were both oppressive and that we should not be assisting either oppressor in that battle. Now, Vietnam—united under a totalitarian government, responsible for the deaths of multi-thousands of innocent people and responsible for the retention in prison camps of tens-of-thousands of political prisoners—has no claim upon the United States for reparation. I have no objection to—and indeed I support—establishing normal diplomatic relations with Vietnam. I hold this view notwithstanding Vietnam's oppressive form of government. We have normal diplomatic relations with other governments whose form of government I deplore—such as the Soviet Union and Chile, to cite two opposites. But the issue of establishing normal diplomatic relations is completely separate from the issue of reparations—the latter I am firmly opposed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 33, answered "present" 1, not voting 40, as follows:

[Roll No. 366]

AYES—359

Abdnor	Byron	Evans, Ga.
Addabbo	Caputo	Evans, Ind.
Akaka	Carney	Fary
Alexander	Carr	Fascell
Allen	Carter	Fenwick
Ambro	Cavanaugh	Findley
Ammerman	Cederberg	Fisher
Anderson, Calif.	Chappell	Fithian
	Clausen, Don H.	Florio
Andrews, N.C.	Clawson, Del	Flowers
Andrews, N. Dak.	Cleveland	Flynt
Annunzio	Cochran	Foley
Applegate	Cohen	Ford, Mich.
Archer	Coleman	Forsythe
Armstrong	Collins, Ill.	Fountain
Ashbrook	Collins, Tex.	Fowler
Ashley	Conable	Frenzel
Aspin	Conte	Frey
AuCoin	Corcoran	Fuqua
Badham	Cornell	Gammage
Bafalis	Cornwell	Gaydos
Barnard	Cotter	Gephardt
Baucus	Coughlin	Giaimo
Bauman	Crane	Gibbons
Beard, R.I.	Cunningham	Gilman
Beard, Tenn.	D'Amours	Ginn
Benjamin	Daniel, Dan	Glickman
Bennett	Daniel, R. W.	Goldwater
Bevill	Danielson	Gonzalez
Biaggi	Davis	Goodling
Blanchard	de la Garza	Gore
Blouin	Delaney	Gradison
Boggs	Derrick	Grassley
Bonker	Derwinski	Gudger
Bowen	Devine	Guyer
Brademas	Dickinson	Hagedorn
Breaux	Dicks	Hall
Breckinridge	Dingell	Hamilton
Brinkley	Dodd	Hammer-schmidt
Brodhead	Dornan	Hanley
Brooks	Downey	Hannaford
Brown, Mich.	Duncan, Oreg.	Hansen
Brown, Ohio	Duncan, Tenn.	Harkin
Broyhill	Edgar	Harris
Buchanan	Edwards, Ala.	Harsha
Burgener	Edwards, Okla.	Heckler
Burke, Fla.	Eilberg	Hefner
Burleson, Tex.	English	Heftel
Burlison, Mo.	Ertel	Hightower
Butler	Evans, Del.	Hillis
Holland	Miller, Ohio	Schulze
Hollenbeck	Mineta	Sebelius
Holt	Minish	Sharp
Horton	Mitchell, N.Y.	Shipley
Howard	Moakley	Shuster
Hubbard	Moffett	Sikes
Huckaby	Mollohan	Sisk
Hughes	Montgomery	Skelton
Hyde	Moore	Skubitz
Ichord	Moorhead, Calif.	Slack
Jacobs	Moorhead, Pa.	Smith, Iowa
Jenkins	Moss	Smith, Nebr.
Jenrette	Motti	Snyder
Johnson, Calif.	Murphy, Ill.	Solarz
Johnson, Colo.	Murphy, N.Y.	Spellman
Jones, N.C.	Murphy, Pa.	Spence
Jones, Okla.	Murtha	St Germain
Jones, Tenn.	Myers, Gary	Staggers
Kasten	Myers, Michael	Stangeland
Kazen	Myers, Ind.	Stanton
Kelly	Natcher	Steed
Kemp	Neal	Steers
Ketchum	Nedzi	Stockman
Keys	Nichols	Stratton
Kildee	Nix	Studds
Kindness	Nowak	Stump
Koch	O'Brien	Symms
Kostmayer	Oakar	Taylor
Krebs	Oberstar	Thompson
Krueger	Obey	Thone
LaFalce	Ottinger	Thornton
Lagomarsino	Patten	Traxler
Latta	Patterson	Treen
Le Fante	Pattison	Trible
Leach	Pease	Tsongas
Leggett	Pepper	Tucker
Lehman	Perkins	Udall
Lent	Pettis	Van Deerlin
Levitas	Pickle	Vander Jagt
Lloyd, Calif.	Pike	Vanik
Lloyd, Tenn.	Pressler	Vento
Long, La.	Preyer	Volkmer
Long, Md.	Price	Waggonner
Lott	Pritchard	Walgren
Lujan	Pursell	Walker
Luken	Quayle	Walsh
Lundine	Quie	Wampler
McClory	Quillen	Watkins
McCormack	Rahall	Waxman
McDade	Regula	Weaver
McDonald	Reuss	Whalen
McEwen	Rhodes	White
McFall	Rinaldo	Whitehurst
McKay	Risenhoover	Whitley
Madigan	Robinson	Whitten
Mahon	Rodino	Wilson, Bob
Mann	Roe	Winn
Markey	Rogers	Wirth
Marks	Rooney	Wolff
Marlenee	Rousselot	Wright
Marriott	Rudd	Wydler
Martin	Runnels	Wylie
Mathis	Ruppe	Yatron
Mattox	Russo	Young, Alaska
Mazzoli	Santini	Young, Fla.
Meeds	Sarasin	Young, Mo.
Meyner	Satterfield	Young, Tex.
Michel	Sawyer	Zablocki
Mikulski	Scheuer	Zeferetti
Milford	Schroeder	
Miller, Calif.		

NOES—33

Beilenson	Ford, Tenn.	Rangel
Bingham	Fraser	Richmond
Bolling	Harrington	Roberts
Bonior	Hawkins	Roncalio
Burke, Calif.	Holtzman	Rosenthal
Burton, John	Jordan	Roybal
Chisholm	Kastenmeier	Seiberling
Corman	Maguire	Simon
Dellums	Metcalfe	Stokes
Eckhardt	Mikva	Weiss
Edwards, Calif.	Nolan	Yates

ANSWERED "PRESENT"—1

Drinan

NOT VOTING—40

Anderson, Ill.	Emery	Poage
Badillo	Erlenborn	Railsback
Baldus	Evans, Colo.	Rose
Bedell	Fish	Rostenkowski
Boland	Flippo	Ryan
Broomfield	Flood	Stark
Brown, Calif.	Ireland	Steiger
Burke, Mass.	Jeffords	Teague
Burton, Phillip	Lederer	Ullman
Clay	McCloskey	Wiggins
Conyers	McHugh	Wilson, C. H.
Dent	McKinney	Wilson, Tex.
Diggs	Mitchell, Md.	
Early	Panetta	

Mrs. MEYNER changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk continued to read the bill.

Mr. LONG of Maryland. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. WRIGHT, having assumed the Chair, Mr. KAZEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7797, making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. LONG of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 7797 just under consideration, and on the amendment offered by the gentleman from New York, Mr. WOLFF.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LONG of Maryland. Further, Mr. Speaker, I ask unanimous consent that in revising my remarks I may include certain extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 6138, TO PROVIDE EMPLOYMENT AND TRAINING OPPORTUNITIES FOR YOUTH

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 6138) to provide employment and training opportunities for youth:

CONFERENCE REPORT (H. REPT. No. 95-456)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6138) to provide employment and training opportunities for youth, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Youth Employment and Demonstration Projects Act of 1977".

TITLE I—YOUNG ADULT CONSERVATION CORPS

AMENDMENT ESTABLISHING THE CORPS

SEC. 101. The Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new title:

"TITLE VIII—YOUNG ADULT CONSERVATION CORPS

"STATEMENT OF PURPOSE

"SEC. 801. It is the purpose of this title to establish a Young Adult Conservation Corps to provide employment and other benefits to youths who would not otherwise be currently productively employed, through a period of service during which they engage in useful conservation work and assist in completing other projects of a public nature on Federal and non-Federal public lands and waters.

"ESTABLISHMENT OF YOUNG ADULT CONSERVATION CORPS

"SEC. 802. To carry out the purposes of this title, there is hereby established a Young Adult Conservation Corps to carry out projects on Federal or non-Federal public lands or waters. The Secretary of Labor shall administer this title through interagency agreements with the Secretaries of the Interior and Agriculture. Pursuant to such interagency agreements, the Secretaries of the Interior and Agriculture shall have responsibility for the management of each Corps center, including determination of Corps members' work assignments, selection, training, discipline, and termination, and shall be responsible for an effective program at each center.

"SELECTION OF ENROLLEES

"SEC. 803. (a) Enrollees of the Corps shall be selected by the Secretaries of the Interior and Agriculture only from candidates referred by the Secretary of Labor.

"(b)(1) Membership in the Corps shall be limited to individuals who, at the time of enrollment—

"(A) are unemployed;

"(B) are between the ages sixteen to twenty-three, inclusive;

"(C) are citizens or lawfully permanent residents of the United States or lawfully admitted refugees or parolees;

"(D) are capable, as determined by the Secretary of Labor, of carrying out the work of the Corps for the estimated duration of each such individual's enrollment.

"(2) Individuals who, at the time of enrollment, have attained age sixteen but not attained age nineteen and who have left school shall not be admitted to membership in the Corps unless they give adequate assurances, under criteria established by the Secretary of Labor, that they did not leave school for the purpose of enrolling in the Corps and obtaining employment under this title.

"(c) The Secretary of Labor shall make arrangements for obtaining referral of candidates for the Corps from the public employment service, prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302 of this Act, sponsors of migrant and seasonal farmworker programs under section 303 of this Act, the Secretaries of the Interior and Agriculture, and such other agencies and organizations as the Secretary of Labor may deem appropriate. The Secretary of Labor shall undertake to assure that an equitable proportion of candidates shall be referred from each State.

"(d) In referring candidates from each State in accordance with subsection (c), preference shall be given to youths residing in rural and urban areas within each such State having substantial unemployment, including areas of substantial unemployment determined by the Secretary of Labor under section 204(c) of this Act to have rates of unemployment equal to or in excess of 6.5 per centum.

"(e)(1) No individual may be enrolled in the Corps for a total period of more than twelve months, with such maximum period consisting of either one continuous twelve-month period, or three or less periods which total twelve months, except that an individual who attains the maximum permissible enrollment age may continue in the Corps up to the twelve-month limit provided in this subsection only as long as the individual's enrollment is continuous after having attained the maximum age.

"(2) No individual shall be enrolled in the Corps if solely for purposes of membership for the normal period between school terms.

"ACTIVITIES OF THE CORPS

"SEC. 804. (a) Consistent with each interagency agreement, the Secretary of the Interior or Agriculture, as appropriate, in consultation with the Secretary of Labor shall determine the location of each residential and nonresidential Corps center. The Corps shall perform work on projects in such fields as—

"(1) tree nursery operations, planting, pruning, thinning, and other silviculture measures;

"(2) wildlife habitat improvements and preservation;

"(3) range management improvements;

"(4) recreation development, rehabilitation, and maintenance;

"(5) fish habitat and culture measures;

"(6) forest insect and disease prevention and control;

"(7) road and trail maintenance and improvements;

"(8) general sanitation, cleanup, and maintenance;

"(9) erosion control and flood damage;

"(10) drought damage measures; and

"(11) other natural disaster damage measures.

"(b)(1) The Secretary of the Interior and the Secretary of Agriculture shall undertake to assure that projects on which work is performed under this part are consistent with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and such other standards relating to such projects as each Secretary shall prescribe consistent with other provisions of Federal law.

"(2) The Secretary of the Interior and the Secretary of Agriculture shall place individuals employed as Corps members into jobs which will diminish the backlog of relatively labor intensive projects which would otherwise be carried out if adequate funding were made available.

"(c) To the maximum extent practicable, projects shall—

"(1) be labor intensive;

"(2) be projects for which work plans could be readily developed;

"(3) be able to be initiated promptly;

"(4) be productive;

"(5) be likely to have a lasting impact both as to the work performed and the benefit to the youths participating;

"(6) provide work experience to participants in skill areas required for the projects;

"(7) if a residential program, be located, to the maximum extent consistent with the objectives of this title, in areas where existing residential facilities for the Corps members are available; and

"(8) be similar to activities of persons employed in seasonal and part-time employment in agencies such as the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Bureau of Outdoor Recreation, and Soil Conservation Service.

"(d)(1) The Secretary of the Interior and the Secretary of Agriculture, pursuant to agreements with the Secretary of Labor, may provide for such transportation, lodging, subsistence, medical treatment, and other services, supplies, equipment, and facilities as they may deem appropriate to carry out the purposes of this part. To minimize

transportation costs, Corps members shall be assigned to projects as near to their homes as practicable.

"(2) Whenever economically feasible, existing but unoccupied or underutilized Federal, State and local government facilities and equipment of all types shall, where appropriate, be utilized for the purposes of the Corps centers with the approval of the Federal agency, State, or local government involved.

"(e) The Secretary of Labor, in carrying out the purpose of this title, shall work with the Department of Health, Education, and Welfare to make suitable arrangements whereby academic credit may be awarded by educational institutions and agencies for competencies derived from work experience obtained through programs established under this title.

"CONDITIONS APPLICABLE TO CORPS ENROLLEES

"SEC. 805. (a) Except as otherwise specifically provided in this subsection, Corps members shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

"(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), Corps members shall be deemed employees of the United States and any service performed by a person as a Corps member shall be deemed to be performed in the employ of the United States.

"(2) For purposes of subchapter 1 of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and provisions of that subchapter shall apply, except that the term 'performance of duty' shall not include any act of a Corps member while absent from the member's assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Secretary.

"(3) For purposes of chapter 171 of title 28 of the United States Code, relating to tort claims procedure, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee of the Government' as defined in section 2671 of title 28, United States Code, and provisions of that chapter shall apply.

"(4) For purposes of section 5911 of title 5 of the United States Code, relating to allowances for quarters, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in that section, and provisions of that section shall apply.

"(b) The Secretary of Labor shall, in consultation with the Secretaries of the Interior and Agriculture, establish standards for—

"(1) rates of pay which shall be at least at the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

"(2) reasonable hours and conditions of employment; and

"(3) safe and healthful working and living conditions.

"STATE AND LOCAL PROGRAMS

"SEC. 806. (a) Consistent with interagency agreements with the Secretary of Labor, the Secretaries of the Interior and Agriculture may make grants or enter into other agreements—

"(1) after consultation with the Governor, with any State agency or institution;

"(2) after consultation with appropriate State and local officials, with (A) any unit of general local government, or (B) (i) any public agency or organization, or (ii) any private nonprofit agency or organization which has been in existence for at least two years;

for the conduct under this part of any State or local component of the Corps or of any project on non-Federal public lands or waters or any project invoving work on both non-Federal and Federal lands and waters.

"(b) No grant or other agreement may be entered into under this section unless an application is submitted to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, at such time as each such Secretary may prescribe. Each grant application shall contain assurances that individuals employed under the project for which the application is submitted—

"(1) meet the qualifications set forth in section 803(b),

"(2) shall be employed in accordance with section 805(b),

"(3) that the activities funded—

"(A) will result in an increase in employment opportunities over those opportunities which would otherwise be available,

"(B) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits).

"(C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

"(D) will not substitute jobs assisted under this title for existing federally assisted jobs, and

"(E) will not result in the hiring of any youth when any other person is on layoff from the same or any substantially equivalent job.

'(c) Thirty percent of the sums appropriated to carry out this title for any fiscal year shall be made available for grants under this section for such fiscal year and shall be made on the basis of total youth population within each State.

"SECRETARIAL REPORTS

"SEC. 807. The Secretary of Labor, the Secretary of the Interior and the Secretary of Agriculture shall jointly prepare and submit to the President and to the Congress a report detailing the activities carried out under this title for each fiscal year. Such report shall be submitted not later than February 1 of each year following the date of enactment of this Act. The Secretaries shall include in such report such recommendations as they deem appropriate.

"ANTIDISCRIMINATION

"SEC. 808. (a) No persons with responsibilities in the operations of such programs shall discriminate with respect to participation in such programs because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) The Corps shall be open to youth from all parts of the country of both sexes and youth of all social, economic, and racial classifications.

"TRANSFER OF FUNDS

"SEC. 809. Funds necessary to carry out their responsibilities under this title shall be made available to the Secretaries of the Interior and Agriculture in accord with interagency agreements between the Secretary of Labor and the Secretaries of the Interior and Agriculture.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 810. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1978 and for each fiscal year ending prior to October 1, 1980, for the purpose of carrying out this title.".

TITLE II—YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

YOUTH PROJECTS AND ACTIVITIES AUTHORIZED

SEC. 201. Title III of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new part:

"PART C—YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 321. It is the purpose of this part to establish a variety of employment, training and demonstration programs to explore methods of dealing with the structural unemployment problems of the Nation's youth. The basic purpose of the demonstration programs shall be to test the relative efficacy of different ways of dealing with these problems in different local contexts, but this basic purpose shall not preclude the funding of programs dealing with the immediate difficulties faced by youths who are in need of, and unable to find, jobs. It is explicitly not the purpose of this part to provide make-work opportunities for unemployed youth; instead, it is the purpose to provide youth, and particularly economically disadvantaged youth, with opportunities to learn and earn that will lead to meaningful employment opportunities after they have completed the program.

"SUBPART I—YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS

"ENTITLEMENT PILOT PROJECTS AUTHORIZED

"SEC. 325. (a) The Secretary shall enter into arrangements with prime sponsors selected in accordance with the provisions of this subpart for the purpose of demonstrating the efficacy of guaranteeing otherwise unavailable part-time employment, or combination of part-time employment and training, for economically disadvantaged youth between the ages of sixteen and nineteen, inclusive, during the school year who resume or maintain attendance in secondary school for the purpose of acquiring a high school diploma or in a program which leads to a certificate of high school equivalency and full-time employment or part-time employment and training during the summer months to each such youth.

"(b) Each prime sponsor who applies for and is selected by the Secretary to carry out a pilot project under this subpart shall guarantee such employment to each such unemployed youth who resides within the area or a designated part thereof served by the prime sponsor and who applies to that prime sponsor for employment. The Secretary shall provide to each prime sponsor, from funds appropriated for carrying out this subpart, in combination with any funds made available by such prime sponsor according to an agreement made pursuant to section 327(a)(4)(F), the amount to which that prime sponsor is entitled to under subsection (c).

"(c) Each prime sponsor shall be entitled to receive, for each youth who is provided employment by that prime sponsor, the costs associated with providing such employment. Such costs shall take into account funds made available by such prime sponsor under section 327(a)(4)(F).

"EMPLOYMENT GUARANTEES

"SEC. 326. Employment opportunities guaranteed under this subpart shall take the form of any one of the following or combination thereof:

"(1) Part-time employment or training or combination thereof during the school year, not to exceed an average of twenty hours per week for each youth employed, and not to last less than six months nor more than nine, on projects operated by community-based organizations of demonstrated effectiveness which have a knowledge of the needs of dis-

advantaged youth; local educational agencies (as defined in section 801(f) of the Elementary and Secondary Education Act of 1965); institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965); nonprofit private organizations or institutions engaged in public service; nonprofit voluntary youth organizations; nonprofit private associations, such as labor organizations, educational associations, business, cultural, or other private associations; units of general local government; or special purpose political subdivisions either having the power to levy taxes and spend funds or serving such special purpose in two or more units of general local government.

"(2) Part-time employment on an individual basis in any of the institutions and under the same conditions provided for in clause (1).

"(3) Part-time employment on either a project or individual basis in any of the institutions and under the same conditions as provided in clause (1) which includes as part of the employment on-the-job or apprenticeship training.

"(4) Full-time employment during the summer months, not to exceed forty hours per week for each youth employed, and not to last less than eight weeks, in any of the institutions described in clause (1) of this section.

"SELECTING PRIME SPONSORS

"SEC. 327. (a) In selecting prime sponsors to operate youth incentive entitlement projects, the Secretary shall—

"(1) select prime sponsors from areas with differing socio-economic and regional circumstances such as differing unemployment rates, school dropout rates, urban and rural variations, size, and other such factors designed to test the efficacy of a youth job entitlement in a variety of differing locations and circumstances;

"(2) take into consideration the extent to which the prime sponsors devote funds made available under title I and section 304(a) (1), (2), and (3) of this Act for the purpose of carrying out a youth incentive entitlement project or for supportive services;

"(3) take into consideration the extent to which new and different classifications, occupations, or restructured jobs are created for youth;

"(4) select only prime sponsors which submit proposals which include—

"(A) a description of the procedure to be utilized by the prime sponsor to publicize, consider, approve, audit, and monitor youth incentive projects or jobs funded by the prime sponsor under this part, including copies of proposed application materials, as well as examples of audit and client characteristics reports;

"(B) a statement of the estimated number of economically disadvantaged youth to be served by the prime sponsor, and assurances that only such disadvantaged youth will be served;

"(C) assurances that the provisions of section 352 and 353 are met relating to wage provisions and special conditions;

"(D) assurances that the prime sponsor has consulted with public and private nonprofit educational agencies including vocational and postsecondary education institutions and other agencies which offer high school equivalency programs; public employers, including law enforcement and judicial agencies; labor organizations; voluntary youth groups; community-based organizations; organizations of demonstrated effectiveness with a special knowledge of the needs of such disadvantaged youth; and with the private sector in the development of the plan and assurances that arrangements are made with appropriate groups to assist the prime sponsor in carrying out the purposes of this subpart;

"(E) assurances that arrangements are made with the State employment security agencies to carry out the purposes of this subpart;

"(F) an agreement that title I funds planned for economically disadvantaged youth employment programs and funds available for the summer youth program under section 304 for youth eligible under subsection (a) will be used in support of the project authorized under this subpart;

"(G) assurances that the employment of eligible youth meets the requirements of eligible activities under section 328;

"(H) assurances that participating youth shall not be employed more than an average of twenty hours per week during the school year and not more than forty hours per week during the summer;

"(I) assurances that a participating youth is not a relative of any person with responsibility for hiring a person to fill that job;

"(J) assurances that whenever employment involves additional on-the-job, institutional, or apprenticeship training provided by the employer, and if such training is not paid for in full or in part by the prime sponsor under any other program authorized under this Act, wages may be paid in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938, and with the balance being applied to the cost of training;

"(K) assurances that arrangements have been made with the appropriate local education agency or with the institution offering a certified high school equivalency program that such youth is enrolled and meeting the minimum academic and attendance requirements of that school or education program and with employers that such youth meet the minimum work and attendance requirements of such employment and that any employment guarantee is conditioned on such enrollment; and

"(L) assurances that the prime sponsor will make available the data necessary for the Secretary to prepare the report required by section 329.

"(b) In approving a prime sponsor to operate a youth incentive entitlement pilot project under this subpart the Secretary may also test the efficacy of any such project involving—

"(1) the use of a variety of subsidies to private for-profit employers, notwithstanding the provisions of sections 326 and 328 (a), to encourage such employers to provide employment and training opportunities under this subpart, but no such subsidy shall exceed the net cost to the employer of the wages paid and training provided;

"(2) arrangements with unions to enable youth to enter into apprenticeship training as part of the employment provided under this subpart;

"(3) a variety of administrative mechanisms to facilitate the employment of youths under an entitlement arrangement;

"(4) the inclusion of economically disadvantaged youths between the ages of nineteen and twenty-five who have not received their high school diploma;

"(5) the inclusion of occupational and career counseling, outreach, career, exploration, and on-the-job training and apprenticeship as part of the employment entitlement; and

"(6) the inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

"SPECIAL PROVISIONS

"SEC. 328. (a) Employment and training under this subpart shall develop the participant's role as a meaningful member of the community, and may include, but is not limited to, employment and training in such fields as environmental quality, health care, education, social services, public safety, crime prevention and control, transportation, recreation, neighborhood improvement, rural development, conservation, beautification, and community improvement projects.

"(b) No funds for employment under this subpart shall be used to provide public services through a nonprofit organization, association, or institution, or a nonprofit private institution of higher education, or any other applicant, which were previously provided by a political subdivision or local educational agency in the area served by the project or where the employment and training takes place, and no funds will be used under this subpart to provide such services through such an organization or institution which are customarily provided only by a political subdivision or local educational agency in the area served by such project or where the employment and training takes place.

"REPORTS

"SEC. 329. The Secretary shall report to the Congress not later than March 15, 1978, on his interim findings on the efficacy of a youth incentive entitlement. The Secretary shall submit another report not later than December 31, 1978 concerning the youth incentive entitlement projects authorized under this subpart. Included in such reports shall be findings with respect to—

"(1) the number of youths enrolled at the time of the report;

"(2) the cost of providing employment opportunities to such youths;

"(3) the degree to which such employment opportunities have caused out-of-school youths to return to school or others to remain in school;

"(4) the number of youths provided employment in relation to the total which might have been eligible;

"(5) the kinds of jobs provided such youths and a description of the employers—public and private—providing such employment;

"(6) the degree to which on-the-job or apprenticeship training has been offered as part of the employment;

"(7) the estimated cost of such a program if it were to be extended to all areas;

"(8) the effect such employment opportunities have had on reducing youth unemployment in the areas of the prime sponsors operating a project; and

"(9) the impact of job opportunities provided under the project on other job opportunities for youths in the area.

"SUBPART 2—YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS

"STATEMENT OF PURPOSE

"SEC. 331. It is the purpose of this subpart to establish a program of community conservation and improvement projects to provide employment, work experience, skill training, and opportunities for community service to eligible youths, for a period not to exceed twelve months, supplementary to but not replacing opportunities available under title I of this Act.

"DEFINITIONS

"SEC. 332. As used in this subpart, the term—

"(1) 'eligible applicant' means any prime sponsor qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302(c)(1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 30[illegible] of this Act;

"(2) 'project applicant' shall have the same meaning as in section 701(a)(15) of this Act;

"(3) 'eligible youths' means individuals who are unemployed and, at the time of entering employment under this subpart, are ages sixteen to nineteeen, inclusive; and

"(4) 'community improvement projects' means projects providing work which would not otherwise be carried out, including, but

not limited to, the rehabilitation or improvement of public facilities; neighborhood improvements; weatherization and basic repairs to low-income housing; energy conservation including solar energy techniques, especially those utilizing materials and supplies available without cost; and conservation, maintenance, or restoration of natural resources on publicly held lands other than Federal lands.

"ALLOCATION OF FUNDS

"SEC. 333. (a) Funds available to carry out this subpart for any fiscal year shall be allocated in such a manner that not less than 75 per centum of such funds shall be allocated among the States on the basis of the relative number of unemployed persons within each State as compared to all States, except that not less than one-half of 1 per centum of such funds shall be allocated for projects under this subpart within any one State and not less than one-half of 1 per centum of such funds shall be allocated in the aggregate for projects in Guam, the Virgin Islands, American Samoa, the Northern Marianas, and the Trust Territory of the Pacific Islands.

"(b) Of the funds available for this subpart 2 percent shall be available for projects for Native American eligible youths, and 2 percent shall be available for projects for eligible youths in migrant and seasonal farmworkers families.

"(c) The remainder of the funds available for this subpart shall be allocated as the Secretary deems appropriate.

"COMMUNITY CONSERVATION AND IMPROVEMENT EMPLOYMENT PROJECTS

"SEC. 334. The Secretary is authorized, in accordance with the provisions of this subpart, to enter into agreements with eligible applicants to pay the costs of community conservation and improvement youth empoyment projects to be carried out by project applicants displaying eligible youths and appropriate supervisory personnel.

"PROJECT APPLICATIONS

"SEC. 335. (a) Project applicants shall submit applications for funding of projects under this subpart to the appropriate eligible applicant.

"(b) In accordance with regulations prescribed by the Secretary, each project application shall—

"(1) provide a description of the work to be accomplished by the project, the jobs to be filled, and the approximate duration for which eligible youths would be assigned to such jobs;

"(2) describe the wages or salaries to be paid individuals employed in jobs assisted under this subpart;

"(3) set forth assurances that there will be an adequate number of supervisory personnel on the project and that the supervisory personnel are adequately trained in skills needed to carry out the project and can instruct participating eligible youths in skills needed to carry out a project;

"(4) set forth assurances that any income generated by the project will be applied toward the cost of the project;

"(5) set forth assurances for acquiring such space, supplies, materials, and equipment as necessary, including reasonable payment for the purchase or rental thereof;

"(6) set forth assurances that, to the maximum extent feasible, projects carried out under this subpart shall be labor intensive; and

"(7) set forth such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

"PROPOSED AGREEMENTS

"SEC. 336. (a)(1) Each eligible applicant desiring funds under this subpart shall submit a proposed agreement to the Secretary, together with all project applications approved by the eligible applicant and all project applications approved by any program agent within the area served by the eligible applicant. With its transmittal of the proposed agreement, the eligible applicant shall provide descriptions of the project applications approved by the eligible applicant and by any program agent within the area served by the eligible applicant, accompanied by the recommendations of the eligible applicant concerning the relative priority attached to each project.

"(2) The definition and functions of a program agent shall be as set forth in section 204(d) of this Act.

"(b) The proposed agreement submitted by any eligible applicant shall—

"(1) describe the method of recruiting eligible youths, including a description of how such recruitment will be coordinated with plans under other provisions of this Act, including arrangements required by section 105 of this Act, and also including a description of arrangements with school systems and the public employment service (including school cooperative programs); and

"(2) provide a description of job training and skill development opportunities that will be made available to participating eligible youths, as well as a description of plans to coordinate the training and work experience with school-related programs, including the awarding of academic credit;

"(3) set forth such other assurances as the Secretary may require to carry out the purposes of this subpart.

"(c)(1) In order for a project application submitted by a project applicant to be submitted to the Secretary by any eligible applicant, copies of such application shall have been submitted at the time of such application to the prime sponsor's planning council established under section 104 of this Act (or an appropriate planning organization in the case of sponsors of Native American programs under section 302 of this Act or migrant and seasonal farmworker programs under section 303 of this Act) for the purpose of affording such council (and the youth council established under section 346) an opportunity to submit comments and recommendations with respect to that application to the eligible applicant. No member of any council (or organization) shall cast a vote on any matter in connection with a project in which that member, or any organization with which that member is associated, has a direct interest.

"(2) Consistent with procedures established by the eligible applicant in accordance with regulations which the Secretary shall prescribe, the eligible applicant shall not disapprove a project application submitted by a project applicant unless it has first considered any comments and recommendations made by the appropriate council (or organization) and unless it has provided such applicant and council (or organization with a written statement of its reasons for such disapproval.

"APPROVAL OF AGREEMENTS

"SEC. 337. (a) The Secretary may approve or deny on an individual basis any of the project applications submitted with any proposed agreement.

"(b) No funds shall be made available to any eligible applicant except pursuant to an agreement entered into between the Secretary and the eligible applicant which provides assurances satisfactory to the Secretary that—

"(1) the standards set forth in subpart 4 of this part will be satisfied;

"(2) projects will be conducted in such manner as to permit eligible youths employed in the project who are in school to coordinate their jobs with classroom instruction and, to the extent feasible, to permit such eligible youths to receive credit from the appropriate educational agency, postsecondary institution, or particular school involved; and

"(3) meet such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

"WORK LIMITATION

"SEC. 338. No eligible youth shall be employed for more than twelve months in work financed under this subpart, except as prescribed by the Secretary.

"SUBPART 3—YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 341. It is the purpose of this subpart to establish programs designed to make a significant long-term impact on the structural unemployment problems of youth, supplementary to but not replacing programs and activities available under title I of this Act, to enhance the job prospects and career opportunities of young persons, including employment, community service opportunities and such training and supportive services as are necessary to enable participants to secure suitable and appropriate unsubsidized employment in the public and private sectors of the economy. To the maximum extent feasible, training and employment opportunities afforded under this subpart will be interrelated and mutually reinforcing so as to achieve the goal of enhancing the job prospects and career opportunities of youths served under this subpart.

"PROGRAMS AUTHORIZED

"SEC. 342. (a) The Secretary is authorized to provide financial assistance to enable eligible applicants to provide employment opportunities and appropriate training and supportive services for eligible participants including but not limited to—

"(1) useful work experience opportunities in a wide range of community betterment activities such as rehabilitation of public properties, assistance in the weatherization of homes occupied by low-income families, demonstrations of energy-conserving measures including solar energy techniques (especially those utilizing materials and supplies available without cost), park establishment and upgrading, neighborhood revitalization, conservation and improvements, and related activities;

"(2) productive employment and work experience in fields such as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control, preservation of historic sites, and maintenance of visitor facilities; and

"(3) appropriate training and services to support the purpose of this subpart, including but not limited to—

"(A) outreach, assessment, and orientation;

"(B) counseling, including occupational information and career counseling;

"(C) activities promoting education to work transition;

"(D) development of information concerning the labor market, and provision of occupational, educational, and training information;

"(E) services to youth to help them obtain and retain employment;

"(F) literacy training and bilingual training;

"(G) attainment of certificates of high school equivalency;

"(H) job sampling, including vocational exploration in the public and private sector;

"(I) institutional and on-the-job training, including development of basic skills and job skills;

"(J) transportation assistance;

"(K) child care and other necessary supportive services;

"(L) job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youths, in order to improve work relationships between employers and youths;

"(M) community-based central intake and information services for youth;

"(N) job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible, and referral to employability development programs;

"(O) programs to overcome sex-stereotyping in job development and placement;

"(P) programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

"(b) In order to carry out this subpart, a Governor or a prime sponsor may enter into contracts with project applicants (as defined in section 701(a)(15)) or employers organized for profit but payments to such employers shall not exceed the amounts permitted under section 101(5), or may operate programs directly if, after consultation with community-based organizations and nonprofit groups, a Governor or prime sponsor determines that such direct operation will promote the purposes of this subpart.

"ALLOCATION OF FUNDS

"SEC. 343.(a) From the sums available for this subpart—

"(1) an amount equal to 75 percent of such funds shall be made available to prime sponsors for programs authorized under section 342 of this Act;

"(2) an amount equal to 5 percent of the amount available for this part shall be made available to Governors for special statewide youth services under subsection (c) of this section;

"(3) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for Native American eligible youths (deducting such amounts as are made available for such purposes under section 333(b) of this Act);

"(4) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for eligible youths in migrant and seasonal farmworker families (deducting such amounts as are made available for such purposes under section 333(b) of this Act); and

"(5) the remainder of the funds available for this subpart shall be available for the Secretary's discretionary projects authorized under section 348.

"(b)(1) Amounts available for each of the purposes set forth in paragraphs (1) and (2) of subsection (a) shall be allocated among the States in such a manner that—

"(A) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons within each State as compared to the total number of such unemployed persons in all States;

"(B) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons residing in areas of substantial unemployment (as defined in section 204(c) of this Act) within each State as compared to the total number of unemployed persons residing in all such areas in all States; and

"(C) 25 percent thereof shall be allocated in accordance with the relative number of persons in families with an annual income below the low-income level (as defined in section 701(a)(4) of this Act) within each State as compared to the total number of such persons in all States.

"(2) In determining allocations under this subsection, the Secretary shall use what the Secretary determines to be the best available data.

"(3) Amounts available to prime sponsors under paragraph (1) of subsection (a) of this section shall, out of the total amounts allocated to each State under such paragraph, be allocated by the Secretary among prime sponsors within each State, in accordance with the factors set forth in paragraph (1) of this subsection.

"(c) The amount available to the Governor of each State under paragraph (2) of subsection (a) of this section shall be used in accordance with a special statewide youth services plan, approved by the Secretary, for such purposes as—

"(1) providing financial assistance for employment and training opportunities for eligible youths also are under the supervision of the State;

"(2) providing labor market and occupational information to prime sponsors and local educational agencies, without reimbursement;

"(3) providing for the establishment of cooperative efforts between State and local institutions, including occupational and career guidance and counseling and placement services for in-school and out-of-school youth;

"(4) providing financial assistance for expanded and experimental programs in apprenticeship trades, or development of new apprenticeship arrangements, in concert with appropriate businesses and labor unions or State apprenticeship councils;

"(5) carrying out special model employment and training programs and related services between appropriate State agencies and prime sponsors in the State, or any combination of such prime sponsors, including subcontractors selected by prime sponsors, with particular emphasis on experimental job training within the private sector.

"(d)(1) Not less than 22 percent of the amount allocated to each prime sponsor under paragraph (1) of subsection (a) of this section shall be used for programs under this subsection.

"(2) The amount available to each prime sponsor under paragraph (1) of this subsection shall be used for programs for in-school youth carried out pursuant to agreements between prime sponsors and local educational agencies. Each such agreement shall describe in detail the employment opportunities and appropriate training and supportive services which shall be provided to eligible participants who are enrolled or who agree to enroll in a full-time program leading to a secondary school diploma, a junior or community college degree, or a technical trade school certificate of completion. Each such agreement shall contain provisions to assure that funds received pursuant to the agreement will not supplant State and local funds expended for the same purpose.

"(e) Programs receiving assistance under paragraph (1) of subsection (a) of this section shall give special consideration in carrying out programs authorized under section 342 of this Act, to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

"ELIGIBLE APPLICANTS

"SEC. 344. Eligible applicants for purposes of this subpart, except section 348, are prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302(c)(1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 303 of this Act.

"ELIGIBLE PARTICIPANTS

"SEC. 345. (a) Eligible participants for programs authorized under this subpart shall be persons who—

"(1)(A) are unemployed or are underemployed or are in school and are ages sixteen to twenty-one, inclusive; or (B) if authorized under such regulations as the Secretary may prescribe, are in school and are ages fourteen to fifteen, inclusive; and

"(2) are not members of households which have current gross family income, adjusted to an annualized basis (exclusive of unemployment compensation and all Federal, State, and local income-tested or needs-tested public payments) at a rate exceeding 85 percent of the lower living standard income level, except that, pursuant to regulations which the Secretary shall prescribe, persons who do not meet the requirements of this subparagraph but who are otherwise eligible under this subpart may participate in appropriate activities of the type authorized under paragraph (3) of section 342(a). Notwithstanding the provisions of this subsection, 10 percent of the funds available for this subpart may be used for programs which include youths of all economic backgrounds to test the desirability of including youths all economic backgrounds.

"(b) For purposes of this section, the term 'lower living standard income level' means that income level (adjusted for regional and metropolitan and urban and rural differences and family size) determined annually by the Secretary based upon the most recent 'lower living standard budget' issued by the Bureau of Labor Statistics of the Department of Labor.

"CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

"SEC. 346. The Secretary shall not provide financial assistance to an eligible applicant for programs authorized under section 342 unless such eligible applicant provides assurances that the standards set forth in subpart 4 of this part will be met and unless such eligible applicant submits an application in such detail as the Secretary may prescribe. Each such application shall—

"(1) describe the programs, projects or activities to be carried out with such assistance, together with a description of the relationship and coordination of services provided to eligible participants under this subpart for similar services offered by local educational agencies, postsecondary institutions, the public employment service, other youth programs, community-based organizations, businesses and labor organizations consistent with the requirements of section 105 and 106 of this Act, and assurances that, to the maximum extent feasible, use will be made of any services that are available without reimbursement by the State employment service that will contribute to the achievement of the purposes of this subpart;

"(2) include assurances that the application will be coordinated to the maximum extent feasible, with the plans submitted under title I, but services to youth under that title shall not be reduced because of the availability of financial assistance under this subpart;

"(3) provide assurances, satisfactory to the Secretary, that in the implementation of programs under this subpart, there will be coordination, to the extent appropriate, with local educational agencies, postsecondary institutions, community-based organizations, businesses, labor organizations, job training programs, other youth programs, the apprenticeship system, and (with respect to the referral of prospective youth participants to the program) the public employment service system;

"(4) provide assurances satisfactory to the Secretary that allowances will be paid in accordance with the provisions of section 111(a) of this Act and such regulations as the Secretary may prescribe for this subpart;

"(5) provide assurances that the application will be reviewed by the appropriate prime sponsor planning council in accordance with the provisions of section 104;

"(6) provide assurances that a youth council will be established under the planning council of such eligible applicant (established under section 104 of this Act) in accordance with subsection (b) of this section;

"(7) provide assurances satisfactory to the

Secretary that effective means will be provided through which youths participating in the projects, programs, and activities may acquire appropriate job skills and be given necessary basic education and training and that suitable arrangements will be established to document the competencies, including skills, education and training, derived by each participant from programs established under this subpart.

"(8) provide assurances that the eligible applicant will take appropriate steps to develop new job classifications, new occupations, and restructured jobs;

"(9) provide that the funds available under section 343(d) shall be used for programs authorized under section 342 for in-school youth who are eligible participants through arrangements to be carried out by a local educational agency or agencies or post-secondary educational institution or institutions; and

"(10) provide such other information and assurance as the Secretary may deem appropriate to carry out the purposes of this subpart.

"(b) Each youth council established by an eligible applicant shall be responsible for making recommendations to the planning council established under section 104 of this Act with respect to planning and review of activities conducted under this subpart and subpart 2. Each such youth council's membership shall include representation from the local educational agency, local vocational education advisory council, postsecondary educational institutions, business, unions, the public employment service, local government and non-government agencies and organizations which are involved in meeting the special needs of youths, the community served by such applicant, the prime sponsor, and youths themselves.

"(c) No program of work experience for in-school youth supported under this subpart shall be entered into unless an agreement has been made between the prime sponsor and a local educational agency or agencies, after review by the youth council established under subsection (b) of this section. Each such agreement shall—

"(1) set forth assurances that participating youths will be provided meaningful work experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment not subsidized under this in-school program;

"(2) be administered, under contracts with the prime sponsor, by a local educational agency or agencies or a postsecondary educational institution or institutions within the area served by the prime sponsor, and set forth assurances that such contracts have been reviewed by the youth council established under subsection (b) of this section.

"(3) set forth assurances that job information, counseling, guidance, and placement services will be made available to participating youths and that funds provided under this program will be available to, and utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

"(4) set forth assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youths;

"(5) set forth assurances that the eligible applicant will advise participating youths of the availability of other employment and training resources provided under this Act, and other resources available in the local community to assist such youths in obtaining employment;

"(6) set forth assurances that youth participants will be chosen from among youths who are eligible participants who need work to remain in school, and shall be selected by the appropriate educational agency or institution, based on the certification for each participating youth by the school-based guidance counselor that the work experience provided is an appropriate component of the overall educational program of each youth.

"REVIEW OF PLANS BY SECRETARY

"SEC. 347. The provisions of sections 108, 109, and 110 of this Act shall apply to all programs and activities authorized under 342.

"SECRETARY'S DISCRETIONARY PROJECTS

"SEC. 348. (a)(1) The Secretary of Labor is authorized, either directly or by way of contract or other arrangement, with prime sponsors, public agencies and private organizations to carry out innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance to productive working lives. Such programs shall include, where appropriate, cooperative arrangements with educational agencies to provide special programs and services for eligible participants enrolled in secondary schools, postsecondary educational institutions and technical and trade schools, including job experience, counseling and guidance prior to the completion of secondary or postsecondary education and making available occupational, educational, and training information through statewide career information systems.

"(2) In carrying out or supporting such programs, the Secretary of Labor shall consult, as appropriate, with the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture, the Director of the ACTION Agency, and the Director of the Community Services Administration.

"(3) Funds available under this section may be transferred to other Federal departments and agencies to carry out functions delegated to them pursuant to agreements with the Secretary.

"(b) The Secretary and prime sponsors, as the case may be, shall give special consideration in carrying out innovative and experimental programs assisted under this section to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

"(c)(1) In carrying out its responsibilities under this subsection and under section 161 of the Vocational Education Act, the National Occupational Information Coordinating Committee shall give special attention to the problems of unemployed youths. The Committee shall also carry out other activities consistent with the purposes of this title, including but not limited to the following:

"(A) assisting and encouraging local areas to adopt methods of translating national aggregate occupational outlook data into local terms;

"(B) assisting and encouraging the development of State occupational information systems, to be used in the maintenance of local job banks and job vacancy reports, accessible to local schools, and including pilot programs in the use of computers to facilitate such access;

"(C) in cooperation with State and local correctional agencies, encouraging programs of counseling and employment services for youth in correctional institutions;

"(D) providing technical assistance for programs of computer on-line terminals and other facilities to utilize and implement occupational and career outlook information and projections supplied by State employment service offices and to improve the match of youth career desires with available and anticipated labor demand;

"(E) in cooperation with State and local educational agencies, and other appropriate persons and organizations, encouraging programs to make available employment and career counseling to presecondary youths; and

"(F) providing technical assistance for programs designed to encourage public and private employers to list all available job opportunities for youths with the appropriate eligible applicant conducting occupational information and career counseling programs, local public employment service offices and to encourage cooperation contact among such eligible applicants, employers and offices.

"(2) All funds available to the National Occupational Information Coordinating Committee under this Act and under section 161 of the Vocational Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

"SUBPART 4—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS; DISTRIBUTION OF FUNDS

"SEC. 351. (a) There are authorized to be appropriated for the fiscal year 1978 such sums as may be necessary to carry out the provisions of this part.

"(b) Of the sums available for carrying out the provisions of this part—

"(1) fifteen percent shall be available for subpart 1;

"(2) fifteen percent shall be available for subpart 2; and

"(3) seventy percent shall be available for subpart 3.

"WAGE PROVISIONS

"SEC. 352. Rates of pay under this part shall be no less than the higher of—

"(1) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, but in the case of an individual who is fourteen or fifteen years old, the wage provided in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938;

"(2) the State or local minimum wage for the most nearly comparable employment, but in the case of an individual who is 14 or 15 years old the wage provided in accordance with the applicable provisions of the applicable State or local minimum wage law; or

"(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer, except that—

"(A) whenever the prime sponsor has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

"(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2) of this section, but if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate prime sponsor, the employer, and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within 30 days after the initiation of the agreement procedure referred to in this subparagraph, the labor organization, prime sponsor,

or employer may petition the Secretary of Labor who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

"(C) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, youths to be employed in such jobs shall be paid at rates not less than are provided in paragraph (1) or (2) of this section, but if there is a dispute with respect to such new or different job classification or occupation, the Secretary of Labor shall, within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

"(D) in the case of projects to which the provisions of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under subparts 2 and 3 of this part under $5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage, but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

"SPECIAL CONDITIONS

"SEC. 353. (a) The Secretary shall provide financial assistance under this part only if he determines that the activities to be assisted meet the requirements of this section.

"(b) The Secretary shall determine that the activities assisted under this part —

"(1) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

"(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of non-overtime work or wages or employment benefits);

"(3) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(4) will not substitute jobs assisted under this part for existing federally assisted jobs;

"(5) will not employ any youth when any other person is on layoff by the employer from the same or any substantially equivalent job in the same area; and

"(6) will be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, or otherwise reducing the regular work force not supported under this part, in anticipation of filling the vacancy so created by hiring a youth to be supported under this part.

"(c) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining agreements have been complied with.

"(d) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this part, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

"(e) Activities funded under this part shall meet such other standards as the Secretary may deem appropriate to carry out the purposes of this Act.

"(f) Funds under this part shall not be used to provide full-time employment opportunities (1) for any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except (A) during periods when school is not in session, and (B) where such employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience, or (2) for any person who has not attained a high school degree or its equivalent if it is determined, in accordance with procedures established by the Secretary of Labor, that there is substantial evidence that such person left school in order to participate in any program under this part.

"SPECIAL PROVISIONS FOR SUBPARTS 2 AND 3

"SEC. 354. (a) Appropriate efforts shall be made to insure that youths participating in programs, projects, and actvities under subparts 2 and 3 of this part shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high schoool diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the Secretary.

"(b) The Secretary is authorized to make such reallocation as the Secretary deems appropriate of any amount of any allocation under subparts 2 and 3 of this part to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided thirty days' advance notice of the proposed reallocation to the eligible applicant and to the Governor of the State of the proposed reallocation, during which period of time the eligible applicant and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected eligible applicants of any decision to reallocate funds, and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

"(c) The provisions of section 605(b) of this Act shall apply to subparts 2 and 3 of this part.

"ACADEMIC CREDIT, EDUCATION CREDIT, COUNSELING AND PLACEMENT SERVICES, AND BASIC SKILLS DEVELOPMENT

"SEC. 355. (a) In carrying out this part, appropriate efforts shall be made to encourage the granting by the educational agency or school involved of academic credit to eligible participants who are in school.

"(b) The Secretary, in carrying out the purposes of this part, shall work with the Department of Health, Education, and Welfare to make suitable arrangements with appropriate State and local education officials whereby academic credit may be awarded, consistent with applicable State law, by educational institutions and agencies for competencies derived from work experience obtained through programs established under this title.

"(c) All activities assisted under this part, pursuant to such regulations as the Secretary shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participation in the project to (1) permanent jobs in the public or private sector, or (2) education or training programs.

"DISREGARDING EARNINGS

"SEC. 356. Earnings received by any youth under this part shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally assisted programs.

"RELATION TO OTHER PROVISIONS

"SEC. 357. The provisions of title VII of this Act shall apply to this part, except to the extent that any such provision may be inconsistent with the provisions of this part.".

TITLE III—MISCELLANEOUS PROVISIONS

TRANSITION PROVISIONS

SEC. 301. In order to provide for an orderly transition to youth employment and training activities funded under part C of title III and title VIII of the Comprehensive Employment and Training Act of 1973 (as added by this Act), the Secretary of Labor shall use the funds available from appropriations under the Economic Stimulus Appropriations Act of 1977 for youth employment and training activities, to the maximum extent consistent with law, in such a manner as to be in accordance with the provisions of such part C and such title VIII.

TRANSFER OF FUNDS TO NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

SEC. 302. Section 4 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

"(f) Of the amounts available for the Secretary's discretionary use under this Act, the Secretary shall transfer an amount which shall be not less than $3,000,000 and not more than $5,000,000 for any fiscal year to the National Occupational Information Coordinating Committee established pursuant to section 161(b) of the Vocational Education Act of 1963, for the purposes described in section 348(c)(1) of this Act.".

NATIVE AMERICAN PROGRAMS

SEC. 303. (a) The heading of section 302 of the Comprehensive Employment Training Act of 1973 is amended to read as follows: "NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS".

(b) Section 302(a) of such Act is amended (1) by striking out the word "and" in clause (1) of such section and inserting in lieu thereof a comma, and (2) by inserting after "native" in such clause (1) a comma and the following: "and Hawaiian native".

(c) Section 302(b) of such Act is amended by inserting before the semicolon at the end of clause (2) a comma and the following: "and Hawaiian natives".

(d) The first sentence in section 302(c)(1) of such Act is amended by inserting after "body," the following: "and such public and private nonprofit agencies as the Secretary determines will best serve Hawaiian natives,".

(e) Section 701(a) of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following:

"(16) 'Hawaiian native' means any individual any of whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.".

WAIVER OF LIMITATION ON FUNDS FOR TITLES III AND IV

SEC. 304. The limitations of section 4(e) of the Comprehensive Employment and Training Act of 1973 shall not apply to appropriations for summer youth employment programs under section 304(a), part C of title III (as added by this Act), and title IV of such Act for the fiscal year 1978.

SPECIAL VETERANS PROVISIONS

SEC. 305. (a) With respect to programs carried out with funds appropriated after January 1, 1977, for each of the fiscal years 1977 and 1978 under the Comprehensive Employment and Training Act of 1973, as amended, the Secretary of Labor (hereinafter in this section referred to as the "Secretary") shall take appropriate steps to provide for the increased participation in public service employment programs and job training op-

portunities supported under such Act of qualified disabled veterans (as defined in section 2011(1) of title 38, United States Code) and those qualified Vietnam-era veterans (as defined in section 2011(2)(A) of such title) who are under thirty-five years of age (hereinafter in this section referred to collectively as "eligible veterans"), including, but not limited to—

(1) providing for individual prime sponsors to develop local goals, taking into account the number of qualified eligible veterans and the number of qualified persons in other significant segments of the population in the area served by such sponsors, for the placement of such eligible veterans in job vacancies occurring in such public service employment programs; and

(2) requiring that representatives of appropriate veterans organizations or groups be invited to serve as temporary members of prime sponsors' planning councils (established under section 104 of such Act), the States' Manpower Services Councils (established under section 107(a)(1) of such Act), and the National Commission for Manpower Policy (established under section 502(a) of such Act).

(b)(1) The Secretary shall make available such sums and shall assign such personnel as may be necessary to carry out fully and effectively his responsibilities under subsection (a). The Secretary shall report to the Congress within 60 days of enactment of this Act on the amount so made available and the personnel so assigned.

(2) In preparing the regular reports on the client characteristics of participants under the Comprehensive Employment and Training Act of 1973, the Secretary shall take all reasonable precautions to ensure that eligible veterans are not counted more than once.

(c) The Secretary, in carrying out his responsibilities under this section, shall consult with and solicit the cooperation of the Administrator of Veterans' Affairs.

SPECIAL CONSIDERATION

SEC. 306. (a) Section 205 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

"(d) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title.".

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(f) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title.".

CLARIFYING AMENDMENT

SEC. 307. Clause (A) of section 608(a)(1) of the Comprehensive Employment and Training Act of 1973 is amended to read as follows:

"(A) who has been eligible for unemployment compensation benefits for fifteen or more weeks;".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

CARL PERKINS,
AUGUSTUS F. HAWKINS,
JOHN H. DENT,
EDWARD P. BEARD,
MICHAEL O. MYERS,
JOSEPH A. LE FANTE,
TED WEISS,
W. CLAY,
BALTASAR CORRADA,
ALBERT H. QUIE,
RONALD A. SARASIN,
JAMES M. JEFFORDS,
CARL PURSELL,
Managers on the Part of the House.

GAYLORD NELSON,
ALAN CRANSTON,
WILLIAM D. HATHAWAY,
DON RIEGLE,
HARRISON WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
J. JAVITS,
ORRIN G. HATCH,
JOHN H. CHAFEE,
RICHARD SCHWEIKER,
ROBERT STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6138), to provide employment and training opportunities for youth, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Title I of the House bill amends the Youth Conservation Corps Act to establish a year-round young adult conservation corps program, authorized for three years, which would be administered by the Departments of Agriculture and the Interior with interagency agreements with the Secretary of Labor.

Title II of the House bill adds a new Part C to title III of the Comprehensive Employment and Training Act. The new Part C provides for two basic programs: (1) section 318 provides for a limited entitlement program for economically disadvantaged youth, 16–19 years, who either remain in or return to school for either a high school diploma or its equivalent, by guaranteeing to each participating youth 20 hours of work per week during the school year and 40 hours of work during the summer months; further, the section allows for wage subsidies in the private sector; and (2) section 319 provides for a variety of innovative demonstration projects funded by prime sponsors, Governors and the Secretary.

The Senate amendment adds a new title VIII to the Comprehensive Employment and Training Act. The new title is divided into three parts: Part A establishes a year-round young adult conservation corps program, authorized for one year, which would be administered by the Department of Labor with interagency agreements with the Secretaries of Agriculture and the Interior. Part B establishes a program of community improvement projects, which would employ youths on labor-intensive community improvement projects, to perform work which would otherwise not be carried out. (The House bill has no comparable provision, although it is an authorized activity under sections 318 and 319.) Part C provides for comprehensive youth employment projects funded by prime sponsors, Governors and the Secretary.

The conference agreement provides (1) a three year authorization for the Young Adult Conservation Corps as a new title VIII of the Comprehensive Employment and Training Act and (2) a new Part C of title III of that Act authorizing (a) Youth Incentive Entitlement Pilot Projects, (b) Youth Community Conservation and Improvement Projects, and (c) Youth Enmployment and Training Programs.

TITLE I—YOUNG ADULT CONSERVATION CORPS

Both the House bill and the Senate amendment establish a year-round conservation corps program. The House bill amends the Youth Conservation Corps Act placing the administration of the program jointly within the Department of the Interior and Agriculture. The Senate amendment amends the Comprehensive Employment and Training Act placing the administration of the program within the Department of Labor.

The House recedes.

The statement of purpose in the House bill and the Senate amendment are essentially similar. However, the Senate amendment specifies that it is the purpose to provide benefits to youths who would not otherwise be productively employed and also specifies work on non-Federal public lands and waters.

The House recedes.

The House bill directs the Secretaries of the Interior and Agriculture to expand the current youth conservation corps program to add a year-round program and provides that individuals employed will be referred by agencies affiliated with the U.S. Employment Service, prime sponsors or other agencies according to inter-agency agreement with the Secretary of Labor.

The Senate amendment directs the Secretary of Labor to establish a year-round young adult conservation corps program on Federal and non-Federal lands. Enrollees will be selected by the Secretaries of the Interior and Agriculture only from candidates referred by the Secretary of Labor. The Secretary of Labor will make arrangements to obtain candidates from the public employment service, prime sponsors, sponsors of Native American programs, sponsors of migrant and seasonal farm worker programs, the Secretaries of the Interior and Agriculture and other agencies deemed appropriate. The Senate amendment also provides that no less than one-half of one percent of the candidates will be from any one State.

The House recedes with an amendment to strike the provision requiring that not less than one-half of one percent of the candidates will be from any one State.

The House bill provides that eligible youths must be ages 19 through 23, or 16 (or have completed high school) but not 19, in the case of individuals who have left school and give adequate assurance pursuant to criteria established by the Secretaries that they did not leave school for the purpose of joining in this program. The Senate amendment provides that individuals 16 through 23 years, inclusive, are eligible but that no individual shall be enrolled if solely for the purpose of membership for the normal period between school terms. The House bill further provides that enrollees shall be physically capable as determined by the Secretaries of Agriculture and the Interior. The Senate amendment provides that they shall be physically and mentally capable as determined by the Secretary of Labor.

The House recedes, with an amendment retaining the House provisions on assurances for youths who have left school, and requiring that enrollees be capable of carrying out the work.

The House bill provides that preference will be given to enrollees who reside in areas of substantial unemployment as defined in title II of CETA. The Senate amendment provides that preference shall be given to rural and urban areas having substantial youth unemployment including areas of substantial unemployment as determined under title II.

The House recedes, with an amendment giving preference to enrollees from areas of substantial total unemployment.

The House bill provides for a maximum enrollment period of one continuous twelve

month period or two or more periods totaling twelve months. The Senate amendment also provides for a twelve month term, but provides that it must be served in three or less periods.

The House recedes.

Under the Senate amendment the Secretaries of the Interior or Agriculture in consultation with the Secretary of Labor determine the location of the camps. The House bill has no specific provision.

The House recedes.

The House bill specifies that corps members shall be placed into jobs which will diminish the backlog of relatively labor intensive projects which would otherwise be called out if adequate funding were available. The Senate amendment has no comparable provision.

The Senate recedes.

The work specified for the corps is essentially the same in the House bill and the Senate amendment. However, the House bill specifies that sanitation cleanup and maintenance may be on State as well as other public lands, and the Senate amendment specifies drought damage measures.

The House recedes. The conferees included a specific reference to drought damage measures in order to assure that consideration will be given to such measures as an eligible activity.

The Senate amendment specifies that work performed under this part shall be consistent with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. The House bill has no comparable provision.

The House recedes.

The House bill specifies certain criteria for which projects shall be given priority. Included is one that the project be productive. The Senate amendment has similar factors for the approval of the appropriate projects. The Senate amendment includes the requirement that projects have lasting impact and that they provide work experience to participants in skilled areas required for the accomplishment of productive work.

The House recedes with an amendment to require that projects be productive.

The House bill includes the Bureau of Outdoor Recreation in the list of agencies. The Senate amendment does not.

The Senate recedes.

The House bill provides that the Secretaries of the Interior and Agriculture shall provide for the safety, health, and welfare of the corps members. The Senate amendment provides that the Secretary of Labor, shall in consultation with the Secretaries of the Interior and Agriculture, set standards for reasonable hours and conditions of employment and safe and healthful working and living conditions.

The House recedes.

The Senate amendment provides that, to minimize transportation costs, corps members shall be assigned to projects as near to their homes as practicable. The House bill has no similar provision.

The House recedes.

The Senate amendment provides that the Secretaries of the Interior and Agriculture, pursuant to agreements with the Secretary of Labor, may provide for such transportation, lodging, subsistence, medical treatment and other services, supplies, equipment, and facilities as they may deem appropriate. The House bill has not similar provision.

The House recedes.

The House bill provides that whenever economically feasible existing but unoccupied or underutilized Federal, State or local government facilities and equipment of all types shall be utilized for the purposes of the corps where appropriate with the approval of the Federal, State, or local government agency involved. The Senate amendment includes military facilities and equipment.

The Senate recedes.

The House bill provides that the Secretaries of the Interior and Agriculture shall jointly extend the grant program for State projects under the existing Youth Conservation Corps Act, so as to provide increased employment to young adults to develop, preserve and maintain non-Federal (including State and local) public lands and waters within the State, and such employment may include employment on projects which assist the selective cutting and thinning of timber on such lands for essential fuel purposes. The House bill also provides for the purposes of this part "local" includes any political subdivision of the State. The Senate amendment provides that consistent with interagency agreements with the Secretary of Labor, the Secretaries of the Interior and Agriculture may make grants or enter into agreements (1) after consultation with the Governor, with any State agency or institution, (2) after consultation with appropriate State and local officials, with (a) any unit of general local government or (b) any public agency or organization or any private nonprofit organization which has been in existence for at least two years for the conduct under this part of any State or local component of the corps or of any project or non-Federal public lands or waters or any project involving work on both non-Federal and Federal lands and waters.

The House recedes. Although the Secretaries of the Interior and Agriculture may make grants to local governments and other entities, it is expected that arrangements in most cases will be made with the States and that the States will coordinate arrangements with other eligible entities.

The House bill provides that not more than 30 percent of the sums appropriated to carry out the Young Adult Conservation Corps Program shall be made available for grants to the States for each fiscal year and should be made on the basis of total youth population within each State. The Senate amendments provide that there shall be reserved in an amount which shall not be less than 30 percent of the funds available to carry out the State and local programs and special projects for any fiscal year.

The Senate recedes with an amendment specifying that 30 percent of the funds will be available for the State program.

The House provides that each grant application shall contain assurances satisfactory to the Secretaries of the Interior and Agriculture that individuals employed under the State grant projects program meet the eligibility criteria and are paid wages in accordance with the regular Federal program. Further the House bill provides certain labor standards which will (1) result in an increase in employment opportunities over those opportunities which would otherwise be available, (2) will not result in displacement of currently employed workers, (3) will not impair existing contracts or services or result in a substitution of Federal for other funds in connection with the work that would otherwise be performed, (4) will not substitute jobs assisted under this title for existing Federally assisted jobs, and (5) will not result in the hiring of a youth when any other person is on layoff for the same or any substantially equivalent job. The Senate amendment has general provisions for labor standards applicable to the whole of the bill which include all the protections included in this section of the House bill.

The Senate recedes.

The House bill provides that the Secretaries of the Interior and Agriculture shall enter into agreements with the Secretary of Labor with respect to the administration of the labor standards provisions in the Youth Adult Conservation Corps program. The Senate amendment has no similar provision.

The House recedes.

The House bill provides that the Secretaries of the Interior and Agriculture shall prepare jointly and submit to the President and to the Congress a report detailing the activities carried out under the Young Adult Conservation Corps program. Such report shall be submitted not later than February 1 of each year following the date of enactment of this act. The Secretaries shall include in this report such recommendations as they deem appropriate. The Senate amendment has no similar provision.

The Senate recedes with an amendment which requires the Secretaries of Labor, Agriculture and the Interior to prepare and submit a joint annual report.

Both the House bill and the Senate amendment provide that the corps members shall not be deemed Federal employees except for certain provisions. The exceptions in the House bill include: (1) the Internal Revenue Code; (2) provisions relating to allowances for quarters (Section 591 of Title V of the U.S. Code); and (3) a special provision for the Federal Employees Compensation Act which provides that performance of duty shall not include any act of a corps member while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary. The Senate has less specific provisions.

The Senate recedes.

The House bill prohibits discrimination with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs. The Senate amendment would be covered by the general provisions of the Comprehensive Employment and Training Act.

The Senate recedes.

The House bill provides that the corps shall be opened to youth from all parts of the country of both sexes and youth of all social economic and racial classifications. The Senate amendment has no similar provision.

The Senate recedes.

The House bill provides that the administration of the conservation corps program shall be pursuant to inter-agency agreements entered into by the Secretary of Labor with the Secretaries of the Interior and Agriculture. The Senate amendments provide that the Secretary of Labor shall administer this program through interagency agreements with the Secretaries of the Interior and Agriculture. Pursuant to such inter-agency agreements, the Secretaries of the Interior and Agriculture shall have a responsibility for the management of each corps center including the determination of corps members' work assignments, selection, training, discipline and termination and shall be responsible for an effective program in each center.

The House recedes. While the Senate prevailed in its position that the Department of Labor will serve as the "umbrella" agency for the Young Adult Conservation Corps, the conferees intend that the two land management agencies, the Departments of the Interior and Agriculture, will have the responsibility for the day-to-day operation of the program. In addition, the conferees emphasize that, as provided in the conference agreement, these agencies will participate in the development of the pool of candidates to be referred for enrollment in the corps and that the Secretaries of the Interior and Agriculture have the responsibility for final selection of any candidates referred by the Department of Labor. The transfer of funds provision is intended to ensure that the Departments of the Interior and Agriculture will have the necessary funds readily available for prompt implementation of this program. The conferees expect that the transfer of funds appropriated for the purposes of this program will be expeditious.

The Senate amendment provides that funds necessary to carry out responsibilities under this program shall be made available

to the Secretaries of the Interior and Agriculture in accordance with interagency agreements between the Secretary of Labor and the Secretaries of the Interior and Agriculture. The House has no similar provision, however appropriations would be made directly to the Departments of the Interior and Agriculture.

The House recedes.

The House bill provides that there are authorized to be appropriated such sums as necessary for the fiscal year beginning October 1, 1977 and for each of the two succeeding fiscal years. The Senate amendment provides that there are authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1978.

The Senate recedes.

The House bill provides certain technical amendments to the Youth Conservation Corps Act. The Senate amendment has no similar provision.

The House recedes.

TITLE II—YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

Title II of the House bill adds a new Part C to title III of the Comprehensive Employment and Training Act. The new Part C is entitled "Youth Innovative Demonstration Projects".

The Senate amendment adds a new title VIII to the Comprehensive Employment and Training Act. The new title VIII is entitled "Youth Employment and Training".

The conference agreement provides that the heading of title II will be "Youth Employment Demonstration Programs."

The House bill provides for the establishment of pilot, demonstration and experimental programs to test the efficacy of different ways of dealing with the problem of youth unemployment, and the House bill provides that it is explicitly not the purpose of Part C to provide make-work opportunities for unemployed youth; instead, it is the purpose to provide youth with opportunities to learn and earn that will lead to meaningful employment opportunities after they have completed the program. The Senate amendment states that the purpose of Part C of Title VIII is to establish comprehensive youth programs supplementary to programs under Title I.

The Senate recedes with an amendment specifying that a variety of employment and training programs, as well as demonstration programs, are authorized.

SUBPART 1—YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS

The House bill establishes a pilot entitlement program for economically disadvantaged youth, 16–19 years, who either remain in or return to school for either a high school diploma or its equivalent by guaranteeing each participating youth an average of 20 hours of work per week during the school year and 40 hours per week during the summer. Further, the program provides for wage subsidies in the private sector. The Senate amendment has no similar provision.

The Senate recedes.

The House bill requires the Secretary to take into consideration in funding the Youth Incentive Entitlement Pilot Projects the extent to which new and different classifications, occupations, or restructured jobs are created for youth. The Senate has no comparable provision.

The Senate recedes. The conferees believe that it is the major purpose of the youth entitlement pilot project to test the effectiveness of a job "guarantee" to economically disadvantaged youth who pursue their high school education or its equivalent. Therefore, the conferees expect the Secretary to set aside sufficient funds to insure full funding of each pilot project and to design the program to take into account possible increases in the number of youths who might enroll in the projects throughout the year. The conferees recognize that this may limit the number of projects that may be funded, but believe that this is outweighed by the need to test the effects of the youth entitlement on reducing youth unemployment, encouraging youths to stay in or return to schooling, and on the community.

SUBPART 2—YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS

The Senate amendment establishes a program of Youth Community Conservation and Improvement Projects. The House bill has no directly comparable provision although such projects are an authorized activity.

The House recedes.

The Senate amendment specifically includes weatherization in the definition of community improvement projects. The House bill does not.

The House recedes with an amendment to also include solar energy-conserving measures as an eligible activity.

The House bill provides that prime sponsors may use no more than 30 percent of their allocation for community improvement projects and that these projects may use no more than 25 percent of their funds for supplies and equipment. The Senate amendment has no comparable limitations.

The House recedes. The Conferees intend that funds under the program are to be principally used to provide jobs and job training. However, the conferees do not want to unduly restrict activities under this new program, or to make the work experience less meaningful for lack of proper or adequate tools. The conferees intend that the Secretary will closely monitor the program and insure that expenditures for equipment and supplies are kept within reason. The conferees are aware that some of these activities, such as weatherization and housing rehabilitation, will require greater expenditures for materials, such as insulation and lumber, than regular public service jobs. Applicants are encouraged to use other programs and funds to provide or supplement supplies and materials; but, where this is not possible, funds are available under this program for needed materials and equipment. It is not the Conferees' intent that these funds be used to purchase expensive machinery.

SUBPART 3—YOUTH EMPLOYMENT AND TRAINING PROGRAMS

The House bill specifies that eligible activities shall be designed to make a significant long-term impact on the structural unemployment problems of youth with particular emphasis on disadvantaged youths and others with special problems. The Senate amendment provides for employment opportunities and appropriate training and supportive services for eligible youths.

The Conference agreement states that the employment and training activities shall be designed to have a significant long-term impact on the structural unemployment problems of youth.

Both the House bill and the Senate amendment authorize a wide range of employment, training, and supportive services. Specifically mentioned in the House bill: child care; programs conducted by community-based organizations; job development, placement, and placement assistance; programs to overcome sex stereotyping and to increase the labor force participation of minorities and women; and upgrading of title I programs. The Senate amendment does not specifically mention these programs, but does provide for the attainment of postsecondary degrees.

The conference agreement combines major elements of both the House bill and the Senate amendment.

The Senate amendment describes the special statewide youth services for which the funds available to the Governor are to be used. The House bill has no comparable provision.

The House recedes.

Both the House bill and the Senate amendment provide that 75 percent of the funds available shall be distributed by formula among geographical areas and the remaining 25 percent shall be available to the Secretary. In the House bill this amount is available for innovative and experimental programs; in the Senate amendment 2.5 percent is set aside for Indians, 2.5 percent for migrants and the remainder for innovative and experimental programs.

The House bill provides that 5 percent of the funds distributed by formula shall be available to the Governors. The Senate amendment provides 10 percent to the Governors. The Senate amendment also provides that 15 percent of the part C funds shall be for inschool youth programs jointly administered by prime sponsors and local education agencies. The House bill allows this as an eligible activity, but does not set aside a specific percentage of the funds.

The conference agreement provides that, of the funds available for subpart 3—

(1) 75 percent of the funds available for such subpart shall be allocated by formula to prime sponsors;

(2) 5 percent of the total amount available for part C shall be allocated by formula to Governors for special statewide services;

(3) not less than 2 percent of the total amount available for part C shall be made available for Native American programs (deducting funds available under subpart 2 for Native American projects);

(4) not less than 2 percent of the total amount available for part C shall be made available for migrant and seasonal farmworker programs (deducting funds made available under subpart 2 for migrant and seasonal farmworker programs); and

(5) the remainder of the funds available for subpart 3 shall be available for the Secretary's discretionary projects.

The conference agreement also provides that not less than 22 percent of the funds allocated to each prime sponsor are to be used for in-school youth programs operated under joint agreements between the prime sponsor and the local education agency or agencies in the prime sponsor area.

The House bill provides that the geographical allocation shall be 75 percent on the basis of the number of unemployed and 25 percent on the number of low-income persons; the Senate amendment provides for 37.5 percent on the basis of the number of unemployed; 37.5 percent of the number of unemployed residing in areas of substantial unemployment (as defined in title II) and 25 percent on the number of low-income persons.

The House recedes.

The Senate amendment also contained a provision requiring that no less than 0.5 percent of the funds would be distributed to each State.

The Senate recedes.

The House bill provides that the Secretary shall use the most recent and best data for making the allocations; the Senate amendment provides that he shall use the 3 consecutive months of highest unemployment in the previous calendar year.

The Senate recedes with an amendment which requires that the Secretary will use the best available data for making the allocations. It is the intention of the managers that the Secretary, in allocating funds appropriated by P.L. 95–29, will use the calendar 1976 data, and that for purposes of allocating funds to prime sponsors on the basis of the numbers of unemployed in areas of substantial unemployment, he shall make such allocations on the basis of the highest unemployment for 3 consecutive months for each area.

The House bill requires an application coordinated with the title I plan with a prohibition on reducing services to youth under

that title and maximum use of free services from the employment service. The Senate amendment requires a modification of the title I plan, a description of the relationship of the services under this part with similar services offered by other agencies and coordination with other agencies including the employment service with respect to youths referred to the program.

The Senate recedes with a technical amendment.

The House bill requires that youth and representatives of youth-serving agencies be added to the prime sponsor planning agencies when reviewing applications. The Senate amendment requires the establishment of a youth council to make recommendations to the prime sponsors' planning council; the youth council is to be composed of representatives of the local education agency, the local vocational education advisory council, junior and community colleges, business, unions, the employment service, other youth-serving agencies and youth.

The House recedes with a technical amendment.

The Senate amendment provides that allowances be paid in accordance with section 111(a) of CETA. The House bill has no comparable provision.

The House recedes.

The Senate amendment requires that all activities shall provide appropriate counseling and placement services. The House bill has no comparable provision.

The House recedes.

The Senate amendment requires youth to be consulted and their views taken into consideration. The House bill has no comparable provision.

The Senate recedes.

The Senate amendment requires that youths participating in community improvement projects and youth employment and training programs be experiencing severe handicaps in obtaining employment. The House bill has no comparable provision.

The House recedes with an amendment to include individuals with dependents and those who are handicapped.

The Senate amendment requires that 22 percent of the funds allocated to each prime sponsor are to be used for in-school programs to be carried out pursuant to joint agreement between the prime sponsors and the local education agencies. The House bill has no comparable provisions.

The Senate amendment requires an agreement between the prime sponsor and a local education agency for the in-school youth programs required to be funded out of the prime sponsor's allocation and, for any program of work experience for in-school youth, specifies the conditions of such agreement. The House bill has no comparable provision.

The House recedes with an amendment to prohibit use of funds for this program to supplant State or local funds used for similar purposes. The conferees expect that there will be close cooperation between the prime sponsors and local education agencies in the development of programs to serve eligible youths.

The Senate amendment provides that prime sponsors shall give special consideration to community-based organizations of demonstrated effectiveness in carrying out the authorized programs. The House bill provides that programs of community-based organizations of demonstrated effectiveness are eligible.

The House recedes with an amendment adding employer-related non-profit organizations as an eligible group.

The Senate amendment provides for assurances that youth will acquire appropriate skills, education, and training and for arrangements for certifying competencies derived from programs under this part. The House bill has no comparable provisions.

The House recedes with an amendment providing for documenting competencies derived.

The House bill limits eligibility to youths between ages 16 to 21, inclusive. The Senate amendment has the same age limits but permits the Secretary, by regulation, to expand the age limits down to 14 and up to 23.

The conference agreement provides that the Secretary may expand the age limits down to 14 by regulation, and that 14- and 15-year-olds may be paid wages in accordance with subsection (b) of section 14 of the Fair Labor Standards Act.

The Senate amendment requires that to be eligible youths must be either unemployed or in school. The House bill has no comparable provision.

The House recedes with an amendment adding that a youth is also eligible if underemployed.

The House bill limits eligibility to youths with household income below the lower living standard income level with an exception that 10 percent of the funds may be used for programs which include youths of all economic backgrounds. The Senate amendment limits eligibility to youths with income at or below 70 percent of the lower living standard income level but exceptions may be prescribed by the Secretary for certain activities.

The Senate recedes with an amendment which limits eligibility to youths with incomes at or below 85 percent of the lower living standard income level, except that 10 percent of the funds may be used to include for programs youth of all economic backgrounds to test the desirability of including youths of all economic backgrounds.

The conferees expect that 10 percent of the funds will be used for programs which include youths of all economic backgrounds without income limitations.

The Senate amendment requires the National Occupational Coordinating Committee to give special attention to the problems of unemployed youth and to perform specified other functions relating to localized occupational information and counselling. The House bill has no comparable provisions.

SUBPART 4—GENERAL PROVISIONS

The House bill provides that 25 percent of the funds appropriated for part C are available only for the youth incentive entitlement program. The Senate amendment has no similar provision.

The conference agreement provides that 15 percent of the funds available for part C of title III are for subpart 1, 15 percent for subpart 2, and 70 percent for subpart 3.

The Senate amendment defines eligible applicant to include prime sponsors under title I and sponsors of Native American and migrant programs under title III. The House bill has no comparable definition, but funds would be distributed only to prime sponsors under title I.

The House recedes.

Both the House bill and the Senate amendment establish labor standards which are of the same effect, except as noted below.

The standards in the House bill are applicable to sections 318 and 319 only. The standards in the Senate amendment (except for the wage provisions which are applicable to parts B and C only) are applicable to all programs. The House bill requires the payment of the prevailing rates of pay for persons employed in similar public occupations by the same employer; the Senate amendment requires the prevailing rates of pay for occupations and job classifications of persons employed by the same employer. The House bill requires the Secretary to take into consideration the extent to which new and different classifications, occupations, or restructured jobs are created for youth. The House bill requires prime sponsors to enter into agreements with employers and any labor organizations representing employees engaged in similar work if they create new classifications, occupations, or restructured jobs in public occupations.

The conference agreement carries out the intent of both the House bill and the Senate amendment that appropriate efforts should be made to develop new or restructured occupations and job classifications when they hold promise of facilitating the employment of youths with a variety of skills and work experience. At the same time, the conferees wish to insure that existing jobs would not simply be retitled or phased out with youth substituted for adult workers currently filling those jobs. The wage standards provided in the conference agreement, therefore seek to promote the interests of both youths and currently employed workers and to engage prime sponsors, employers, and labor organizations in a cooperative effort to expand employment opportunities for the youths.

In general, the conference agreement provides that youths employed under part C shall be paid no less than the applicable Federal or State minimum wage. However, if youths are hired to fill an existing occupation or job classification, the prevailing wage paid by the same employer would apply, unless the prime sponsor, the employer, and the labor organization that represents employees engaged in similar work in the same area enter into an agreement for wages below the prevailing rates for the existing jobs. In the case of reclassified or restructured jobs, prime sponsors, employers, and the labor organizations (where they exist) are expected to enter into an agreement specifying appropriate wages, and if no agreement is reached within 30 days, the prime sponsor, employer, or labor organization involved may petition the Secretary of Labor who shall establish appropriate wages for the reclassified or restructured jobs. In the case of new or different job classifications or occupations, the Federal or State minimum wage would apply, but any dispute as to whether a job is actually new or different from an existing, restructured, or reclassified job could be submitted to the Secretary of Labor for a decision within 30 days; if he or she finds that the job is not new or different, the provisions relating to existing, restructured, or reclassified jobs would apply.

The conferees emphasize that these wage standards have been formulated for this legislation in order to deal wtih the unique problems of youths who are seeking to make their way into the Nations workforce. Implementation and administration of the standards will be closely monitored.

Both the House bill and the Senate amendment encourage the granting of academic credit for the activities of participants. The Senate amendment in addition specifies that the Secretary shall work with the Secretary of HEW to make suitable arrangements with appropriate State and local education officials to achieve this goal.

The House recedes.

The House bill authorizes the Secretary, Governor or prime sponsor to contract with project applicants (governmental and nonprofit organizations) and for-profit employers but limits payments to the latter to the amount permitted under title I of CETA. They may operate programs directly after consultation with community-based organizations and non-profit groups. The Senate amendment has no directly comparable provision.

The Senate recedes with a technical amendment.

The Senate amendment authorizes training and technical assistance. The House bill has no comparable provision, however training and technical assistance is authorized under existing section 315 of CETA.

The Senate recedes. The conferees note that the provision of training and technical assistance is already authorized under title III of CETA and expect the Secretary to utilize his authority in providing such assist-

ance to prime sponsors for these youth programs.

The Senate amendment authorizes the Secretary of Labor to prescribe such additional standards as appropriate. The House bill has no comparable provision.

The House recedes.

The Senate amendment prohibits the provisions of full-time employment opportunities to any person who has not attained the compulsory school attendance age, except for specified exceptions. The House bill has no comparable provision for title II, but has a similar provision under title I.

The House recedes with an amendment to allow full-time employment during the periods when school is not in session.

The House bill requires the Secretary of Labor to report to Congress by March 15, 1978 on the progress of the programs. The Senate amendment has no similar provision.

The Senate recedes.

The House bill provides for the disregard of earnings received under this part in determining the eligibility of a youth's family for Federal or federally-assisted benefits based on need. The Senate bill has no comparable provision.

The Senate recedes.

The Senate amendment authorizes the Secretary to reallocate funds for community improvement projects and youth employment and training programs if he determines that the eligible applicant will not be able to use the funds within a reasonable time. The House bill has no comparable provision.

The House recedes.

TITLE III—MISCELLANEOUS

The House bill waives the provisions of section 4(e) (limiting funds for titles III and IV to 20 percent of the total CETA appropriation) for part C of title III and title IV for fiscal year 1978. The Senate amendment declares that provision ineffective for fiscal years 1977 and 1978.

The Senate recedes with an amendment to include appropriations for the summer youth employment program under section 304(a).

The Senate amendment provides that the Secretary of Labor shall transfer from his or her discretionary funds, an amount not less than $3,000,000 and not more than $5,000,000 for any fiscal year to the National Occupational Information Coordinating Committee. The House bill has no similar provision.

The House recedes.

The Senate amendment changes the title of the Indian Manpower Programs (section 302 of the Comprehensive Employment and Training Act) to "Native American Employment and Training Programs" and includes Hawaiian natives as an eligible group. The House bill has no similar provision.

The House recedes.

The Senate amendment provides that the Secretary of Labor shall take appropriate steps to insure the increased participation of qualified disabled veterans and Vietnam-era veterans under age 27 in the Comprehensive Employment and Training Act programs.

The House bill has no similar provision.

The House recedes with an amendment to raise the eligible age level to under 35 years and to provide that, in the development of local goals, prime sponsors take into account the number of persons in other significant segments of the population to be served, as well as the number of eligible veterans. The conference agreement also deletes references to certain secretarial steps which are already in the law.

In deleting the references to the Secretary's responsibilities under title 38, U.S.C., the public information and outreach program under Public Law 93-567, and the significant segments and special consideration provisions of CETA, the conferees wish to note that such provisions of the law have not been adequately carried out in the past. The conferees expect that such provisions will be fully enforced and implemented by the Secretary in attempting to meet the employment needs of veterans. The conferees believe that the interests of Vietnam-era veterans would be served by improving the coordination of CETA services with existing readjustment and other veterans benefit programs such as those authorized under title 38, U.S.C. Accordingly, the conferees expect the Secretary to provide the necessary technical assistance and other resources needed to improve prime sponsors' awareness of existing veterans programs, to utilize more effectively current CETA services for veterans, and to increase prime sponsors' understanding of the unique readjustment problems of Vietnam-era veterans.

The conference agreement further deleted the requirement that the Secretary of Labor consult with the Deputy Assistant Secretary for Veterans' Employment. The conferees note that under the law, the Deputy Assistant Secretary is the principal adviser to the Secretary on all matters relating to veterans' employment and believe that such consultation would be a matter of normal procedure as to the veterans provision in the conference agreement.

The conference agreement also requires the Secretary to develop data on the participation of veterans under this Act to be included in the regular report on client characteristics of the veteran population being served, and to take all possible precautions to insure that those veterans being served will be counted not more than once.

The Senate amendment provides that for the public service employment programs, when a prime sponsor is filling teaching positions with CETA titles II and VI funds, special consideration shall be given to unemployed persons with previous teaching experience who are certified in the State in which the position and applicant are located and who are otherwise qualified. The House has no similar provision.

The House recedes.

The Senate amendment clarifies the eligibility requirement for the new title VI program to read: "has been eligible for unemployment compensation for fifteen or more weeks". The House bill has no similar provision.

The House recedes.

The Senate amendment provides that it is the sense of Congress that the Secretary of Labor should use funds for demonstration projects which coordinate the delivery of manpower and social services, and that the Secretary of Labor encourage prime sponsors to work with local education agencies in the allocation of public service jobs. The House bill has no similar provision.

The Senate recedes. However, the conferees expect that the Secretary of Labor will consider using funds for demonstration projects which coordinate the delivery of manpower and social services and that the Secretary should encourage prime sponsors to work with local education agencies in the allocation of public service jobs.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
JOHN H. DENT,
EDWARD P. BEARD,
MICHAEL O. MYERS,
JOSEPH A. LE FANTE,
TED WEISS,
W. L. CLAY,
BALTASAR CORRADA,
ALBERT H. QUIE,
RONALD A. SARASIN,
JAMES M. JEFFORDS,
CARL PURSELL,
Managers on the Part of the House.

GAYLORD NELSON,
ALAN CRANSTON,
WILLIAM D. HATHAWAY,
DON RIEGEL,
HARRISON WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
J. JAVITS,
ORRIN G. HATCH,
JOHN H. CHAFEE,
RICHARD SCHWEIKER,
ROBERT STAFFORD,
Managers on the Part of the Senate.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ECONOMIC STABILIZATION OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING SESSION TOMORROW

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs' Subcommittee on Economic Stabilization may be permitted to sit during tomorrow's session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman tell us; is he marking up a bill or holding hearings?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. I thank the gentleman for yielding.

This is to mark up the bill H.R. 2596, the Human Resources Development Act of 1977.

Mr. ROUSSELOT. Mr. Speaker, I must object.

The SPEAKER pro tempore. Objection is heard. The Chair will state it takes 10 people to object. The objectors will have to remain standing.

(Messrs. ASHBROOK, BAUMAN, EDWARDS of Oklahoma, RHODES, MICHEL, MILLER of Ohio, PRESSLER, BURKE of Florida, LAGOMARSINO, and DORNAN also objected.)

The SPEAKER pro tempore. A sufficient number have objected.

Objection is heard.

1976 ANNUAL REPORT OF UNITED STATES CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with Title 5, United States Code, Section 1308(a), I hereby submit the 1976 Annual Report of the United States Civil Service Commission. This Report was prepared based upon activities of the U.S. Civil Service Commission prior to my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *June 22, 1977.*

REPORT ON EFFORTS OF THE ADMINISTRATION TOWARD SETTLEMENT OF THE CYPRUS PROBLEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 173)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by Public Law 94–104, this report describes what has occurred during the last sixty days toward settlement of the Cyprus problem and the efforts the Administration has made toward that goal.

In my last report, I promised to work closely with the Congress on this problem, and to devote whatever effort might be required to bring about a truly just and lasting peace in Cyprus. I emphasized as well the importance of continuing to strengthen the ties of friendship and cooperation between the United States and Greece and Turkey, our two major allies in the eastern Mediterranean.

Since my last report on April 15, there have been only a few significant developments with regard to Cyprus. This pause is to some extent a reflection of understandable preoccupation of the parties with the Turkish national elections of June 5. Even so, talks between the two Cyprus communities took place in Nicosia in late May and early June. These discussions allowed some clarification of the positions presented during the earlier meetings in Vienna which had taken place under the chairmanship of the United Nations Secretary General. The United Nations Security Council authorized a further six-month extension of the mandate of the United Nations Peacekeeping Force on Cyprus (UNFICYP) on June 15, and we expect that the negotiating process will resume at an early date between the two Cypriot communities.

I would add that while I was in London in conjunction with the NATO Summit meeting in May, I met separately with the Greek and Turkish Prime Ministers. Secretary Vance, National Security Adviser Brzezinski and the Special Representative for eastern Mediterranean matters, Clark Clifford, were also present. I used the opportunity for a brief discussion of the Cyprus problem as well as a review of other elements of our relationship with these two valued NATO allies. Mr. Clifford also had separate discussions with both Prime Minister Caramanlis and Prime Minister Demirel. I believe both governments now appreciate the depth of our interest and determination to assist in achieving a lasting Cyprus settlement.

We intend to work actively during the summer months and into the fall toward this end. I would hope it will soon be possible in these periodic reports to Congress to record real progress toward the just and lasting Cyprus settlement which the United States seeks.

JIMMY CARTER.

THE WHITE HOUSE, *June 22, 1977.*

IS THE EXECUTIVE BRANCH ILLEGALLY LOBBYING ON THE CONSUMER PROTECTION AGENCY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK), is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, legislation for the proposed Consumer Protection Agency has generated much opposition. To bolster lagging support for the Agency President Carter has reiterated his strong support for it and how its passage is one of his legislative priorities. It is completely proper and expected for a President to have a legislative agenda. Each of our recent Presidents have.

Questions have been raised on whether or not the Office of Consumer Affairs—OCA—of the Department of Health, Education, and Welfare has been engaged in illegal lobbying. From memoranda I have seen and which are included at the end of my statement, there is evidence that such lobbying has taken place. This being the case I have asked the General Accounting Office to investigate this matter.

Since these memoranda were first made public—in large part in Human Events on May 21, 1977—there have been reports that several career HEW employees have been detailed to the White House to continue their activities. Copies of several of these internal HEW memoranda follow:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 23, 1977.

Memorandum to: Professional Staff, OCA.
From: Frank McLaughlin.
Subject: Message from the Special Assistant to the President for Consumer Affairs.

What the Special Assistant for Consumer Affairs will need from the Office of Consumer Affairs:

1. All professionals must be thoroughly cognizant of principal elements of proposed CPA legislation, arguments for the bill, arguments against the bill and against various sections of the bill and refutations of arguments against. PDI and GC will pull together packets of materials.

2. Arguments directed at and a plan for presenting them to business, attempting to enlist business support (or at least drop outright opposition) must be prepared. PDI will prepare.

3. Examples and case histories must be drawn up to buttress arguments to business. PDI will prepare.

4. The legislative history of S200 and HR 7575 must be thoroughly combed and arguments for and against the legislation, as well as for and against each section culled out, examined, analyzed and a method of dealing with them and short arguments pertaining to them in support of the bill prepared. GC will prepare with EP&P assistance.

5. An analysis of and opinion on the restraints (legislative, judicial, and executive) on OCA lobbying on behalf of CPA must be prepared immediately, discussed and understood by all professionals. GC will prepare.

6. A paper dealing specifically with the relationship to and the potential contributions of the CPA to the regulatory reform effort must be prepared leaning heavily on economic arguments. EP&P will prepare with assistance of GC.

7. A plan for explaining the Administration's position on CPA to local consumer and other public interest groups, including steps they can take in support of the bill must be prepared. External Liaison will prepare with assistance of GC and PA.

8. A paragraph or two must be prepared immediately, explaining why a representative of business is taking a job to push legislation opposed by most of business. PDI will prepare.

9. Form responses to consumer and general press inquiries on the Administration's position must be prepared. PA will prepare with assistance of External Liaison.

10. All materials prepared will be reviewed by Frank McLaughlin and presented to the Special Assistant for her clearance. The writer is under instruction from the Special Assistant to informally clear and coordinate OCA efforts with Congress Watch, CFA, and other public interest lobby members.

11. Frank Marvin and Frank McLaughlin will tactfully revise our presentation for the Senate Appropriations Committee to reflect our strong support of CPA and de-emphasize OCA's past romance with the consumer representation plan. The Special Assistant suggests we discuss our new role with Committee staff so that the Chairman receives no surprises. The Special Assistant wants to be kept closely advised.

Since hearings on the CPA may open as early as April, the above assignments deserve top priority and output is on ASAP basis.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., March 25, 1977.

Memorandum for: Professional Staff, OCA.
From: Frank McLaughlin.
Subject: Second Message from Esther Peterson.

Additionally, the Special Assistant to the President for Consumer Affairs, in her advocacy of the CPA bill will need:

12. The Congressional Records of the 94th Congress should be screened for those Congressmen whose comments suggest that they are borderline on CPA. Their objections and their concerns should be noted, and answers thereto prepared in a convenient document. General Counsel will prepare with assistance of Economic Policy & Planning.

13. Canned editorial materials and sample letters to the editor should be prepared for possible use. Public Affairs and External Liaison will prepare.

14. President Carter's August 1975 press conference on consumer affairs, his fireside chat statements, his telephone comments to citizens, and his Clinton, Massachusetts, transcript should be screened for comments and ideas relating to possible amendments to CPA—particularly the possibility of including an office or division to facilitate citizen petitions to government. Recall the way that CPSC and NHTSA turn some "petitions" into "letters," General Counsel and Economic Policy & Planning will prepare.

15. A paper should be prepared distinguishing "Consumer Interests," "Public Interests," and "Labor Interests." EP&P will prepare. Esther suggests you talk to Gardner Means personally.

16. A list of past and projected examples of business/consumer common interests and cooperative endeavors. PP&I will prepare.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 25, 1977.

Memorandum for: Professional Staff, OCA
From: Frank McLaughlin
Subject: Third Message from Esther Peterson

Esther called to say:

17. For one of her upcoming speeches it might be advantageous to explore the theme "The First 10 Years of Consumerism Hasn't Brought the Doom and Gloom Predicted." She is suggesting that things which are accepted now were regarded by some in business as radical demands by consumer advocates in the 60's. The idea would be to suggest that the same nay sayers are equally wrong on CPA. P/A should explore.

18. Esther is sending us (for Curt Jernigan) a speech by Gardner Means comparing "consumer interest" with "labor interests" and "public interests."

19. Esther will need a floor plan of Senators and Congressmen on Committees having jurisdiction over CPA. She will need buildings, office numbers, telephone numbers, names and telephone members of key aides, and suggested routing plan to conserve time. GC should give priority to this.

P.S. Esther is rapidly losing her voice to a cold.

MARCH 29, 1977.

Memorandum to: Allan Finkel.
Through: Frank McLaughlin.
From: C. R. Cavagnaro.
Subject: Top Priority Request For Information.

We have a request for information from Congress Watch and CFA and I would hope that we could supply this information to them on a priority basis by c.o.b. Friday, April 1.

The requests are:

1. Could we provide them with five or more specific examples of where CPA, if it had been operative in '76, could have intervened on behalf of consumers and influenced or impacted on a regulatory or agency decision. This information would graphically illustrate how CPA would operate and would be greatly useful in contact work with Congressmen.

2. Under the McCloskey amendment there is a list of "organizations" within government that would be "folded-in" to any new CPA. This does not necessarily recognize that some of these federal consumer offices are in fact very effective with their ongoing programs and it may be counterproductive to automatically "fold-in" their activities into a CPA. Based on this rationale will you please develop a priority list which would indicate which organizations on the McCloskey list be "preserved" and which could be "folded-in" without adverse consequences to consumers.

P.S. As discussed with Chuck, I believe that Curt Jernigan's shop should have some input on the examples of decisions that were made last year and would have benefited from a CPA influence.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., March 31, 1977.

Memorandum to: Division Directors.
From: Frank McLaughlin.
Subject: Follow-up on Two Assignments and New Assignment.

In the attached memorandum of March 29, General Counsel is requested to develop a list of regulatory or other agency decisions made in 1976 where the existence of a CPA might have changed the direction of the decision on behalf of consumers. I would like the list to show potential savings to consumers and government had such intervention existed, and I would have no objection to including the past two or three years. While this assignment was directed to the General Counsel, any ideas from other Divisions (to GC) would be helpful. This is a priority assignment.

Congressman Horton's office confirmed to Esther Peterson the need to include new avenues for citizen petition, influence on government to counter expected business opposition (see assignment #14). Perhaps this opposition could also be ameliorated by reference to affirmative sampling and opinion research on certain actions by CPA.

Assignment Item:

20. Esther would like a report on existing telephonic systems of communicating with government, e.g., NHTSA hot line, CPSC hot line, Federal Information Center number, etc. The report should include new ideas for improvements. Chuck Cavagnaro has assignment with input from Howard Seltzer.

Attachment

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., April 1, 1977.

Memorandum to: Chuck Cavagnaro.
Through: Frank McLaughlin.
From: Robin Lee.
Subject: Request for Information of March 29, 1977.

The following are some possible examples of where CPA, if it had been operative in 1976, could have intervened on behalf of consumers.

I see at least 5 categories of examples:

(1) Agency proceedings where OCA was prevented from participating due to technical expertise;

(2) Agency proceedings in which there was no consumer input;

(3) Illegal actions of agencies;

(4) Undue delay in agency action taken; and

(5) Actions OCA may have taken if it had been independent—the clearest example being our varying positions on CPA legislation.

I have tried to provide an example of each type. The last type, however, is difficult for me, being a newcomer to this office.

1. Acrylonitrile copolymers: The presence of acrylonitrile copolymers in beverage and other food containers presents a serious health hazard to consumers. FDA has stayed the use of acrylonitrile copolymers in beverage containers and has proposed interim safe levels for other containers. A new consumer protection agency would have a staff of scientific experts to study this problem and comment on appropriate safe level for the compound. Frequently, the cost and lack of access to scientific expertise precludes consumer representation in regulatory proceedings.

2. Common or Usual names for Substitutes for Margarine or Butter: In this case, FDA set regulations for industry in an advisory letter that was still in force at the time FDA issued the identical guidelines in proposed regulation form. No public comment was allowed before the advisory letter was written. A CPA could have possibly intervened before the letter or requested reconsideration immediately after the letter was issued.

3. Deboned Meat: USDA allowed mechanically deboned meat to be sold from 1974 to April 1976 without issuing any interim regulations. For that amount of time consumers were buying meat containing pulverized bone of varying percentages without this appearing on the label. USDA was allowing adulterated food products to be sold without doing studies to prove its safeness. Some consumer groups brought suit and prevented USDA from continuing this illegal action. A CPA could have performed this same function absent the Dole food amendment.

4. Red Dye No. 2: In 1964, Red Dye No. 2 was suggested to be harmful. FDA finally banned it in January 1976. This action appears to be due to pressure from consumer advocates. Possibly an independent agency could have spurred FDA action sooner.

5. Sugar: In the ITC's investigation of harm to domestic sugar producers, no grass roots consumer interests were represented. This is true even though the Commission was to make recommendations to the President on possible course of action to alleviate the problem. A CPA could have intervened and provided testimony representing consumers views. (This would be true absent the Dole amendment.)

6. Coffee: Two House Subcommittees investigating the high price of imported coffee determined that the high prices had been encouraged by the State Department due to their lack of opposition to price increases. A CPA might have been able to intervene in this instance and present consumer views to persuade the State Department to act otherwise.

THE ISSUE IS NOT ENERGY OVER ABSTINENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, the House will soon consider whether to approve or defer the commercialization of the liquid metal fast breeder reactor at Clinch River in Tennessee. The issue is complex and infected with numerous confusions. For example, some have attempted to portray the projected deferral of the Clinch River reactor as an abandonment of breeders generally; while others have spoken even more loosely of the deferral being a rejection of nuclear fission itself. Such assertions give one a sense of high drama and no doubt lead many to believe that a vote for the Clinch River program is a vote for energy over abstinence. This is clearly not the case. For example, the breeder, far from being comprehensively forsaken, is scheduled to enjoy funding well in excess of $500 million and fission power has been given a place of central prominence in our national energy program.

It is time to shrink from hyperbole and to consider facts. The real questions before us have to do with whether the reactor scheduled to be commercialized at Clinch River is really the best from the standpoint of design, economic viability, and proliferation resistance. If the answers to these questions are no, as I believe they are, or even if they are highly uncertain, as I think almost anyone who studies the data would agree, then the question becomes: "How much time do we have to reconsider our options and at what costs?" There are many answers to this question, but even the most conservative analysts concede that commercialization need not come at this moment. Using assumptions on uranium resources and projected electrical growth that are extremely favorable to the breeder, Dr Schlesinger calculates that commercialization can still be deferred at least 7 years beyond previous estimates.

We seem then to have a luxury frequently denied us—namely that of time. Time enables us to perfect our programs rather than seal in our mistakes. It allows us to resolve important uncertainties regarding the capital cost differentials between breeder reactors and light water reactors; it permits us to evaluate the relative scarcity or abundance of uranium at various prices; and it enables us to learn more about safeguards and the likely growth rate of nuclear power. Time enables us, in short, to make decisions carefully, in sequence, in light of progressively expanding information, and therefore, at lower levels of risk. This concept of sequential decisionmaking, so fundamental to prudent investment analysis, has been surprisingly overlooked by some of my colleagues in their current eagerness to commit public funds. I hope to say more about these economic considerations in the days to come.

Time is important in one other respect. It provides support for our nonprolifera-

tion efforts around the world. These, too, have been much mischaracterized and much misunderstood. Currently, the United States is attempting to persuade other States to do something we all should have done some time ago: Consider ways of making nuclear power less potentially destabilizing and more secure. Our success in this regard has been tentative and incremental, as is often the case when one begins to effect fundamental change. But there are now important glimmers of hope and success. Nations that once viewed our efforts with bewilderment, now look with interest at our proposals and, much more significantly, at our actions. Hostility has been replaced by intrigue, as others join with us to study ideas for making nuclear fuel cycles more resistant to proliferation and theft. Having led in the dissemination of these technologies, it is now our role to lead in making them more safe.

But these efforts at international reevaluation can hardly seem credible if, coincident with their initiation, the United States locks in domestically on the least safeguardable of all breeder variants.

It is time that we pause from our hurried and ill considered rush toward commercial commitment to consider these far reaching questions and implications. At stake is not only finding a better investment for the United States, but a more secure system of nuclear power for the world as well.

THE CONSUMER PROTECTION ACT OF 1977: A BALANCED AND REALISTIC ALTERNATIVE TO THE AGENCY FOR CONSUMER PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, after extensive deliberation, I have concluded that the creation of an Agency for Consumer Protection is not in the best interest of American Consumers. But at the same time, I believe that consumers need stronger, more independent representation before Federal agencies and departments. Such representation can be accomplished without the need to create another separate layer of bureaucracy, no matter how well intentioned that bureaucracy purports to be.

Accordingly, I introduced a bill yesterday entitled the "Consumer Protection Act of 1977," (H.R. 7915), similar to S. 902 introduced by Senator JIM PEARSON of Kansas, which provides that representation by doing the following:

First. Reorganizes consumer offices in each department and significant Federal agency into Offices of Consumer Counsel. The head of that Office in each agency, the Consumer Counsel, shall by appointed by the President, with the advice and consent of the Senate, and shall be "independent" in all respects from the respective agency, or department.

Second. Each Consumer Counsel, acting as an ombudsman and advocate, shall, among other responsibilities outlined in the bill, have the power and the duty to represent consumers before his agency and to intervene in his agency's actions. Such Consumer Counsel shall not have the power to commence or intervene in proceedings before any other agency, and shall not have the power to sue.

Third. Creates a Division of Consumer Protection and Advocacy in the Department of Justice headed by an Assistant Attorney General for Consumer Protection and Advocacy. He or she, while working within the Department of Justice would work with the various Consumer Counsels, and is authorized, under circumstances outlined in the bill, to file lawsuits in Federal court on behalf of consumers.

Fourth. Neither the Consumer Counsel nor the Assistant Attorney General shall have any power to issue interrogatives, or take any other action except as currently authorized under law or as permitted in the bill.

This legislation recognizes that consumer protection is needed most in light of the hundreds of crucial Federal regulations issued by each agency, and that expertise to analyze and review those regulations cannot possibly occur in a "super-agency" which, by its nature, will generate its activity on those big, sensational, grandstanding items which will immediately gain national attention but have little relevance to those multitude of "small" decisions which have the greatest effect on all of us.

This bill is not perfect. But it is a fair and workable compromise position with which I think both business and consumer interests can live. It also clearly is an effort to further President Carter's reorganization plans, would give teeth to consumer representation, and will not lead to fears of the creation of a new Agency.

When and if the Agency for Consumer Protection legislation comes to the floor, I intend to offer this bill as a substitute.

CONSUMER FEDERATION OF AMERICA HONORS FRANK ANNUNZIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, FRANK ANNUNZIO, a longtime champion of consumer rights, has been honored by the Consumer Federation of America with its highest award, the Philip Hart Public Service Award, and I can think of no Member of this body who is more deserving of that recognition.

As chairman of the Consumer Affairs Subcommittee of the Committee on Banking, Finance and Urban Affairs, FRANK ANNUNZIO has achieved passage of many pieces of landmark consumer legislation, although he has only been chairman of the subcommitte for 2½ years. In that short period of time he has authored the Equal Credit Opportunity Act amendments which prohibit discrimination in lending based on age, race, color, religion and national origin.

He is the author of the Truth in Leasing Act which for the first time established guidelines for the leasing of consumer personal property such as automobiles and furniture.

He was the author of the credit card antisurcharge bill which prohibits a merchant from adding additional charges to a customer who chooses to use a credit card rather than pay with cash. In that same line, he has been a leader in encouraging merchants to offer discounts from the regular price to customers who pay with cash.

He was also the author of the Debt Collection Practices Act which passed the House in April and is now pending before the Senate.

At present Chairman ANNUNZIO is working on legislation to control credit card abuses, ranging from sending unsolicited credit cards through the mail to questionable billing tactics.

There follows an editorial which appeared in the June 11 issue of the Chicago Sun-Times praising Mr. ANNUNZIO for the Consumer Federation award, and Chairman ANNUNZIO's speech at the award ceremony.

I congratulate FRANK ANNUNZIO not only for the award, but for the outstanding job that he is performing for all consumers.

DUE CREDIT

Efforts by Rep. Frank Annunzio (D-Ill.) to help consumers over a period of many years were recognized this week by the Consumer Federation of America. He and Sen. Edward M. Kennedy (D-Mass.) received Philip Hart Public Service Awards, named in honor of the late senator from Michigan.

It was deserved. Annunzio, a backer of the proposed Consumer Protection Agency, has led in fights against unscrupulous finance companies. As chairman of the Consumer Affairs subcommittee he wrote the Equal Credit Opportunity Act and the law banning extra charges for credit-card purchases.

We wish him success in his current fight against collection-agency abuses.

REMARKS OF THE HONORABLE FRANK ANNUNZIO, SEVENTH ANNUAL AWARDS DINNER, CONSUMER FEDERATION OF AMERICA, L'ENFANT PLAZA HOTEL, WASHINGTON, D.C.

June 7, 1977.

I deeply appreciate receiving the Philip Hart Public Service Award of the Consumer Federation of America. I congratulate your other honorees here tonight, Senator Kennedy, Robert Partridge, Morton Mintz, Carol Foreman, and Gladys Kessler. They have indeed performed outstanding service for consumers of America and are most worthwhile recipients of our honors.

I want to take time tonight to thank the Consumer Federation of America for all of its efforts in helping the Consumer Affairs Subcommittee pass landmark consumer legislation. We have won many tough fights, and with the help of CFA we are going to win a lot more.

During my term as Chairman of the Subcommittee the Consumer Federation helped pass the Equal Credit Opportunity Act amendments, the credit card anti-surcharge bill, Truth in Leasing, and the Debt Collection Practices Act; which is now pending before the Senate. I am proud of that record, but I am equally proud to publicly acknowledge that Consumer Federation was a partner in our successes. So I say to you, who are working at the grass roots level trying to make things better for consumers, your efforts are appreciated, they are meaningful, and everyone of you are sharing the honor that I am receiving tonight.

When I was elected Chairman of the Consumer Affairs Subcommittee I decided that

my first task would be to complete the work on the Equal Credit Opportunity Act. During the 93rd Congress the original Act was passed, but it banned discrimination in credit granting only on the basis of sex and marital status. Attempts to include other categories were defeated.

Quite frankly, I was warned not to seek further amendments to the Act since it might bring about a defeat on the first bill that I handled as Chairman. That was just the type of challenge I needed because I am a fighter, particularly in the area of discrimination. Why should anyone be denied credit solely because they are a certain age, or were born in another country, or are a member of a minority group.

Despite those warnings of a possible defeat, and with the help of the Consumer Federation, we were able to pass the Equal Credit Opportunity Act amendments, and it is a piece of legislation of which everyone can be proud.

I am no stranger to discrimination battles, as Director of Labor of the State of Illinois some 25 years ago, I signed the first directive in this country banning discrimination in employment.

I have fought against discrimination all my life and I have won every fight that I have been in, and I will continue to fight until every person is judged on his or her merit, not because they happen to be black or white, old or young, male or female, rich or poor.

There is a great deal of talk now about so-called Truth in Lending simplification legislation. I am in favor of simplifying our laws, but I will never support any effort that will subvert or weaken any consumer legislation, particularly Truth in Lending. Too many people worked too long and too hard to put that landmark legislation on the statute books. I am proud that I was the author of the anti-garnishment section of Truth in Lending, a provision that has been credited with saving thousands of jobs and helping working men and women to establish better lives for themselves.

We are told by some experts that Truth in Lending has become too technical and that consumers are using the fine print of the law and regulations to file nuisance suits against businesses. These same experts contend that the consumers have too many rights now. But let me ask—where were these experts when consumers, prior to Truth in Lending, were being cheated by hidden interest costs that amounted to as much as 100 percent a year? And where were these experts when consumers were being plagued by shoddy workmanship and shabby products? And where were these complainers when poorly educated consumers were being forced to pay millions of dollars in extra charges because of the fine print in contracts? And where were they when lawyers for businesses flooded courtrooms with suits against consumers who were never told of their rights, and in many cases, were never even notified that court action was being taken against them?

And where were those experts when I first came to Congress and conducted an investigation into a finance company that was charging servicemen interest rates as high as 60 to 70 percent? A serviceman who was even a week late in making a payment might find his car repossessed and end up owing a balance twice as much as the original amount he financed.

To make matters even worse, the majority of the members of the board of directors of this company were retired admirals and generals. My investigation put that company out of business, and I might add that company did $63 million a year in business.

Where were the experts who plead for no government interference in the free enterprise system when a company in that system was conducting a juice racket against servicemen, many of whom were giving their lives to protect that very free enterprise system.

In order to combat those military loan sharks we establish credit unions at military installations overseas, and those overseas credit unions alone have saved servicemen more than $100 million in interest charges that they formerly had to pay to the legal loan sharks.

And where are those experts today when we seek to pass debt collection legislation so that everyone who owes a debt is not classified as a deadbeat and harassed and threatened by professional merchants of misery?

Yes, where the Hell were all the experts when the consumer was getting hit over the head with a sledge hammer? But now that the consumer fights back with a tack hammer the experts cry foul.

I'll support legitimate Truth in Lending simplification, but if there is any attempt to weaken the basic premise of the law that the great American Paul Douglas dedicated his life to, I will do everything within my power to stop such a move.

I mentioned the Debt Collection Practices legislation, and tonight I want to ask for your help in seeing that bill become law. The bill has passed the House and is presently in the Senate, and there is a massive lobbying campaign being conducted by debt collectors trying to defeat the bill. We cannot stand by and let that happen, for if we do we will be condoning tactics such as stealing crutches from a crippled woman in order to get her to pay a bill—or telling a mother to put her child up for adoption in order to pay a debt collector—or telling a woman whose husband is dying of cancer that the only way the debt collector will stop harassing her about the debt of her husband is when she sends the debt collector the death certificate.

The debt collection industry can operate with honor and there are many legitimate companies. But there are also many companies without honor, integrity or decency, and I want to put those companies either out of business or put their owners in jail.

So tonight I am asking you to let the Members of the Senate know that the Debt Collection Practices Act must be passed. You have never let me down in the past and I know you will not let me down now, and you can be assured that with God's help I will never let you down.

Once again, thank you for the honor which you bestow upon me tonight.

SOCIAL SECURITY FINANCING AN URGENT PRIORITY FOR CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut, Mr. COTTER is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, millions of Americans are dependent on our social security system, and millions more will need its benefits in the future. The fiscal solvency of the system, now threatened by a number of causes, is therefore a critical priority for Congress.

With your permission, I would like to share with my colleagues remarks Social Security Commissioner Cardwell and I made at a recent seminar on this subject.

ADDRESS OF CONGRESSMAN WILLIAM R. COTTER

The Social Security System—our subject today—was created in response to the economic and human disaster of the Great Depression. Two months before the Presidential election of 1932, Fortune magazine described the extent of this disaster.

One out of every five Americans was out work.

The resources of city welfare departments were running out. "City after city has been compelled to abandon a part of its dependent population," said Fortune.

Dallas excluded blacks and Hispanic Americans from its relief programs.

New Orleans declared it would not accept any new applicants for relief.

Omaha decided two-thirds of its aid recipients would have to be discontinued.

In St. Louis, when city officials dropped 13,000 from its relief rolls, some of the unemployed moved into shacks built in the city dumps, now their only source of food.

Retired Americans, not immediately affected by the massive unemployment, began to experience the insecurity of the times. For them, the disaster occurred when the banks closed and their lifetime savings were wiped out. The country had no uniform system of old age benefits, just a patchwork of private pension plans. When their bank account disappeared, many elderly Americans had nothing except the nearly exhausted city and State welfare programs.

"The civilization of the past hundred years, with its startling industrial changes, has tended more and more to make life insecure." These were the words of Franklin Roosevelt when he signed the Social Security Act on August 4, 1935. "Young people," he said, "Have come to wonder what would be their lot when they came to old age."

Only the Federal Government had the will and the resources to alleviate the insecurity of older Americans with a system of social security

In 1935, the goal of this new Social Security System was to guarantee a minimum level of benefits for retired workers. The benefits were supposed to provide a floor to which private pensions and savings would be added.

Over the years, Congress made more and more Americans eligible for coverage under this system.

In 1939, the wives widows and children of workers became eligible.

In 1954, disabled workers were added.

In 1958, the dependents of disabled workers.

Finally, in 1965, those children of beneficiaries in school between the ages of 18 and 21.

The system's expansion into these new categories has obviously contributed to its liability, but it would be a mistake to attribute the system's financial crisis to this fact alone. In 1935, President Roosevelt's Secretary of Labor, Frances Perkins, predicted that, "perhaps in the 1980's it would be necessary for the Congress to appropriate money to make up for deficits."

This was prophetic. The Social Security Administration now says the disability Trust Fund will run out of money by 1979.

The Old Age and Survivors Trust Fund could be broke by the mid-1980's.

The Hospital Trust Fund. which finances Medicare, could be depleted by the late 1980's—or even sooner, if health costs continue to rise uncontrollably.

How did the system get into this fix? There are two basic causes we should understand: Population and inflation.

Unlike a private policy, benefits under the Social Security System are paid from a trust fund financed by workers and employers. Those of us who work are paying the benefits our parents enjoy. Therefore, it is clear that the trust fund's solvency depends partly on the ratio of working Americans, who pay the fund, to retired Americans, who take money out of the fund.

The problem is that America's population is growing older. Our birth rate peaked in 1957 at the ratio of 3.7 children to every woman. It has declined ever since. Today, only 1.8 children are born for every woman in the country, and this decline is expected to continue past the year 2000.

This decrease in population growth means that the number of workers entering the job market will decline in relation to the number of workers entering retirement. Today,

there are three workers for every one Social Security recipient. By the late 1990's, the ratio will be only two to one.

Inflation, the second problem, plays havoc with entitlement programs like Social Security. The rate of inflation since 1973 has been the highest since the Great Depression. This suggests an obvious problem with the cost of living features built into the Social Security System. Before 1972, each increase in benefits was voted by Congress separately.

This changed when Congress installed a mechanism to raise benefits automatically, in pace with inflation. To finance this change, the wage base—on which Social Security taxes are calculated—goes up automatically as well.

Inflation therefore increases both the level of benefits and the wage base. Since the wage base is not only used to calculate your social security taxes, but also to determine your future benefits, inflation creates a fiscal pressure on the system known as the "double indexing of benefits." A problem that will be responsible for up to fifty percent of the social security deficits projected for the future.

We have talked about the social security system's fiscal crisis and some of the causes. Mr. Cardwell will help explain some of the administration's proposed solutions.

These proposals are urgent and they require the immediate attention of Congress. Millions of Americans are dependent on social security. They deserve a system that, in the future, will remain financially sound.

Appropriations from general revenues could be one way to make up for future deficits. As early as 1935, as I mentioned at the beginning of this speech, Roosevelt's Secretary of Labor predicted that Congress might have to appropriate money in the 1980's if the system's trust fund ran out

However, I see problems with the Federal budget if Congress decides to use this approach. One of the strengths of the present trust fund is that there is a relationship between contributions and benefits. The use of general revenues to finance the system would sever this relationship. Worst of all, we could open a Pandora's box if we begin to dip into the Treasury to pay for benefits. Once the precedent is established, what is to keep future administrations and Congresses from increasing the Treasury's contribution every time there's a financing problem? And since social security is so expensive, wouldn't the budgetary pressure created by diverting Treasury funds into the system take money away from other Federal priorities, like tax and welfare reform?

One leading proposal in the Ways and Means Committee would finance the system with one-third of the money coming from the employer, one-third from the employee and one-third from general revenues. That means the Federal budget would lose at least $30 billion every year. I don't think we can afford that.

Financing is not the only problem the Ways and Means Committee must examine in the social security system. There are five areas in particular I want to discuss briefly: proposals to eliminate the retirement test, advance the retirement age, make the tax less regressive, change the disability program and, finally, guarantee that only needy students receive benefits.

Basically, the retirement test deprives Social Security recipients of one dollar in benefits for every two dollars of income over a $3,000 limit. Some members want to eliminate this test. Why?

In 1935, as I have said, Social Security was perceived as a floor on income, to which other pensions and income would be added. But for millions of recipients today, Social Security has become the ceiling of their income. Eight million recipients, for example, have no source of income except their monthly Social Security check.

If the retirement test were eliminated, more recipients could supplement their benefits with other income. This proposal is popular in Congress, but it would cost $7 billion in 1978 and, eventually, take 3.9 percent of the average worker's paycheck.

The retirement age has also come under criticism. The productive life of the average American is longer today than it was in the 1930's. Yet, many Americans are forced out of their jobs at the arbitrary age of 65, and forced into the Social Security System, even if they still are able to work and still want to work. If Congress were to advance the retirement age, there would be less pressure on these older workers to retire, and less fiscal pressure on the system.

The Social Security tax, as you know, is one of the most regressive taxes we have. The first-dollar-of-coverage provision, for example, means that many workers pay a Social Security tax even if they pay no other Federal taxes because their income is too small. Congress should consider changes in this provision.

In the area of disability insurance, Congress must simplify the review process and clarify the definition of disability. Some workers, to qualify for disability insurance, have to go to State, Federal and appeal boards before they can get any benefits. This should be simplified. Secondly, the definition of disability is too vague and leads to inconsistencies. It should be more carefully defined.

Finally, student benefits should be reexamined. By 1982, student benefits will take $2.5 billion out of the system annually. These benefits, which today average over $1,900 a year, are granted regardless of the recipient's income and real need.

These are important problems, but financing is our number one topic today. As I said before, Congress has a serious responsibility to keep Social Security fiscally sound in the future. How this is to be done is an important priority for the Carter Administration, so now I would like to turn the platform over to Commissioner Cardwell.

REMARKS BY JAMES B. CARDWELL

The recent report of the Social Security Board of Trustees confirmed what most of us already knew—the deficits incurred by social security in 1975 and 1976 will continue this year and into the future unless remedial legislation is enacted.

The problems confronting social security are readily understandable. The program operates on the basis of current cost financing. Annual income to the trust funds, consisting of social security taxes plus interest earned on the invested balances, approximates annual expenditures, including benefit payments and administrative expenses. Any excess of expenditures over income is absorbed by the trust fund reserves.

In 1975, expenditures exceeded income by $1.5 billion; in 1976, the deficit was $3.2 billion; and in 1977, it is expected to reach $5.6 billion. Clearly, this drain cannot be permitted to continue.

It is this record of deficits that has caused the last three Trustees reports to urge additional financing of the social security cash benefit programs over both the short and long term.

Social security's trust fund reserves endow it with a certain resiliency and like a basically sound business, it will not founder just because of a few bad years. Like a business, social security's reserves have acted as a financial cushion during this period of a seriously depressed economy. But the question now is how many bad years can the reserves support.

It is clear that the social security reserves, like those of any business, are not unlimited and cannot absorb deficits, year in and year out. At some point, there must be a day of reckoning.

The Board of Trustees has predicted that that day of reckoning for the Disability Trust Fund will be reached in 1979 and for the Old-Age and Survivors Insurance Trust Fund by some time either in 1982 or 1983—unless legislation to correct the imbalance is enacted.

This reckoning is already upon the Congress. They cannot, they must not, wait until 1979 to do something; they cannot wait until 1983 to act.

While precipitous action should be avoided, undue delay would be equally unconscionable. The more than 33 million current beneficiaries and the 104 million people whose social security taxes support the system—in fact, virtually all Americans—must be reassured about the program's financial integrity and essential soundness.

Under traditional methods of financing, which rely exclusively on the payroll tax, an additional $83 billion would be needed by 1982 to continue the flow of benefits and maintain actuarially sound reserves. But even if the short-term obstacles were overcome, additional problems would loom in the future.

In its 1977 report, the Social Security Board of Trustees addresses both the short- and long-term components of the trust fund deficits. A thorough understanding of the Administration's comprehensive proposals for dealing with both components requires an appreciation of the conditions responsible for them.

From the short-term standpoint, above average unemployment levels mean fewer workers and their employers paying into the trust funds; secondly, inflation affects the Consumer Price Index, to which social security benefits are tied by law, resulting in increased expenditures for benefits; and finally, recent Supreme Court decisions permit husbands and widowers to receive benefits based on their wives' earnings without having to submit to a dependency text. These rulings alone will increase social security expenditures by about $0.5 billion in 1977.

In addition to being influenced by these factors, the long-term deficit is affected by a benefit structure that would permit people retiring in future years to receive payments that, in some cases, would be larger than their preretirement earnings. This fault in the benefit structure, which in effect overindexes the benefits for future retirees, accounts for about one-half of the projected 75-year deficit of 8.2 percent of taxable payroll.

The other significant long-range factor is demographic in nature. A projected increase in the aged population compared to people of working age means that, in future years, a relatively smaller number of workers will be supporting more beneficiaries. This would add dramatically to long-term unfinanced costs.

The last two Administrations have presented specific proposals to the Congress to eliminate the near-term deficits and to correct the overindexing of the benefit formula. This Administration has gone even further and has presented to the Congress a plan that would refinance the system at least until the turn of the century and would eliminate almost all of the long-term 75-year deficit.

Before I describe the details of the Administration's proposals, let me first set the stage by indicating the choices for additional revenue development that are available, particularly as they affect the short term.

First, the wage base—that is, the amount of a worker's earnings subject to the tax—can be increased; or the tax rate itself, which is applied to the wage base, can be raised; or general taxes can be used; or a choice can be made from a combination of these approaches.

In looking at the Administration's proposals, I would note that the President had already set the foundation for some of his

choices during his campaign. During the campaign, he pledged to avoid increases in the tax rate for the middle and lower income worker, and to make maximum use of the wage base as a source of further social security financing.

As I think you will see, his position in the campaign against tax rate increases and in favor of wage base increases is carried over into the proposals that were presented to Congress just about a month ago. These proposals include the following basic elements:

First: The most innovative aspect of the Administration's recommendations is the limited use of general revenue funds to compensate the social security system for income not realized when the rate of unemployment exceeds 6 percent. Retroactive to 1975, an amount equal to the difference between payroll taxes actually collected and the amount that would have been collected if unemployment had not exceeded 6 percent would be transferred from general revenues to the social security trust funds. Since this method of financing constitutes a departure from tradition, it would be enacted temporarily, subject to renewal only if recommended by the next Advisory Council on Social Security.

A by-product of this financing device would be the ability to maintain trust fund reserves at a lower level than previously had been considered safe. Since the funds would not have to sustain the entire impact of a recession, a 33 percent reserve—rather than a 50 percent reserve—would suffice.

Second: Beginning in 1979, the wage base on which employers pay taxes would be increased in three annual steps until the ceilings for employers is eliminated entirely in 1981. Let me note here that under traditional financing—that is, financing based on equal sharing of the cost of the program between employees and employers—employers would have to pay even more than under the Administration's plan. Moreover, since benefit levels are tied to the wage base on which workers pay social security taxes, this proposal would produce additional revenue without resulting in higher benefit levels.

Third: Also starting in 1979, social security taxes paid by the self-employed would be increased from 7 to 7.5 percent. This would restore the historical ratio of 1.5 to 1 between the basic social security tax paid by the self-employed and that paid by employees.

Fourth: Beginning in 1978, a portion of the Hospital Insurance (HI) trust fund would be shifted to the two cash benefits trust funds.

Fifth: In addition to automatic increases in the wage base, the amount of employee income subject to social security tax would be increased by $600 in each of four alternate years—1979, 1981, 1983, 1985. This would bring earnings subject to tax to $30,300 in 1985.

And finally: A new eligibility test for dependents' benefits would limit payments to whichever spouse had the lower income over the preceding three-year period. This proposal stems from the recent Supreme Court decisions requiring equal treatment for men and women.

In the short run, these measures would not only prevent exhaustion of the trust funds, but would result in adequate trust fund balances by 1982 without increasing the tax rate on workers' wages beyond those already legislated for 1979 and 1981.

For the long term, the Administration recommends, first, "decoupling"—that is, separating the granting of cost-of-living increases to current beneficiaries from the computation of initial benefits for future beneficiaries—and, secondly, advancing part of the tax increase planned for the year 2011 and 1985, with the balance imposed in 1990.

These proposals are in keeping with the Administration's pledge to correct the short-term deficit in the cash benefits trust funds by raising the wage base rather than the tax rate. These measures would also stabilize replacement rates for future beneficiaries while restoring public confidence in the financial integrity of the social security system.

The President's proposals merit serious consideration. They are innovative and achievable. We do not have the choice of accepting these recommendations or doing nothing; the choice rests between these proposals and tapping some other source of income. Regardless of the decision, increasing social security revenues cannot be a completely painless procedure. I believe that careful scrutiny of this package will demonstrate that it spreads the financial burden equitably without unduly affecting any segment of the population.

Concerns about social security must not be confined to additional revenue development and decoupling, as urgent as these actions may be. We must also give attention to the overall structure of the system and its relationship to other pension systems, other governmental income maintenance programs and, most important, the impact of the present concept on our economy and our future population mix, workforce and lifestyle.

All of these things need to be addressed. The Administration proposes that they indeed be addressed—beginning immediately and on the assumption that the existing system will be put on an adequate financial footing through adoption of its year 2000 financing plan.

To end this, the task of a full assessment of the social security system and its impact on our future will be assigned to a new Citizens Advisory Council on Social Security to be appointed this year, to make recommendations to the public and the Congress in 1979. Only when this is done will the Administration's full program for reform of social security be complete.

PADEREWSKI—POLISH PIANIST AND PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO), is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the 36th anniversary of the passing of Ignacy Jan Paderewski, the great statesman, composer, and pianist of Polish descent, whose memory will be honored with special services in the Memorial Amphitheatre of the Arlington National Cemetery on Sunday, June 26.

Paderewski was born on November 18, 1860 at Kurylowka in Podolia, Russian Poland, where he began a brilliant career in music. He was playing the piano at age 3, composing at age 7, and had already graduated from the Warsaw Conservatory and was teaching music at the age of 18.

Not only was Paderewski a great statesman, but he was a great patriot, and at every opportunity and at every forum at his disposal, he consistently delivered the inspiring message of his vision of a strong and independent Poland.

When World War I broke out in 1914, he dedicated himself to the cause of Poland. Through his efforts, enormous sums of money were collected and a powerful pro-Polish movement in the United States gained impetus.

At the conclusion of World War I, Paderewski returned to Poland and succeeded in forming a coalition government of which he became Prime Minister. He withdrew from politics in 1921 and retired to California where he continued his musical career, but when Germany attacked Poland in 1939, Paderewski became president of the new Polish Parliament in Exile.

Paderewski died in the United States in 1941. His body was buried at his estate in Switzerland and "his heart is temporarily interred at the mast of the Maine Memorial at Arlington National Cemetery to be one day returned to a free and independent Poland."

I am glad to have this opportunity to call attention to the outstanding career of Paderewski both in music and in politics. As the anniversary of Paderewski's death approaches, it is appropriate that we remember and honor him, for he kept alive the vision of a free Poland through some of Poland's most turbulent years, and rededicate ourselves to those principles of freedom and self-determination which he supported so staunchly.

A brief biography of Paderewski follows:

IGNACY JAN PADEREWSKI (1860–1941)

Ignacy Jan Paderewski, Polish pianist, composer and stateman, was born on November 19, 1860, at Kurylowka in Podolia, Russian Poland. He began to play the piano at age three, and to compose at seven; he graduated into an instructorship at the Warsaw Conservatory at the age of eighteen. He also studied music in Berlin, and Vienna where he was a pupil of the great Theodor Leschetizsky.

Following debuts in Vienna (1887), Paris (1889), London (1889) and New York (1891), Paderewski quickly gained world reknown which made him the highest-paid instrumental artist in history and placed his name alongside that of Franz Liszt as one of two greatest pianists of all time. His first considerable work was the Opera Manru, played first at Dresden on May 29, 1901, and in 1902 in New York. The Minuet in G, originally one of six humoresque for piano solo, has come to rival that of Beethoven in popular favor.

Paderewski's unprecedented success as a pianist all over the world never caused him to forget his own country, and to the Poles of America he delivered the following inspiring message: "The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life."

When World War I broke out in 1914, he dedicated himself to his country's service. He was president l'honneur of a non-party group of Poles who organized a "General Committee of Assistance for the victims of the War in Poland." Paderewski established branches in Paris and London; he went to the United States, where he remained four years, giving numerous concerts and championing the cause of Poland. He collected enormous sums and created a powerful pro-Polish movement in the U.S. The value of his propagandist work was realized when, on January 22, 1917, President Wilson alluded to a "united, independent and autonomous Poland."

After the victory of the allies, Paderewski returned to Poland on December 23, 1918. He declared himself independent of all political parties and succeeded in forming a coalition ministry, of which he became prime minister. He went to Paris on April 6, 1919, as Poland's first delegate to the Peace Conference.

He abandoned his political career in 1921, and retired to his California estate and resumed his musical career. Many recordings and one motion picture (The Moonlight

Sonata, 1936) have preserved samples of his unique art for posterity.

Later, he established his home in Morges, Switzerland. When Germany attacked Poland in 1939, and President Moscicki fled for Romania, Paderewski was asked to succeed him, but declined because of ill health. In January, 1940, in France, he became president of the new Polish Parliament in Exile. In December of 1940, Paderewski came to the United States and died seven months later on June 29, 1941. His body was buried at his estate in Switzerland and his heart is temporarily interred at The Mast of The Maine Memorial at Arlington National Cemetery to be one day returned to a free and independent Poland.

THE B–1 BOMBER DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, on Friday the Defense appropriations bill is scheduled for consideration. Congressman ADDABBO has stated his intention to offer an amendment to strike B–1 funding. Numerous developments have occurred since an amendment to strike B–1 production funds was considered last year. Among the more recent developments was a letter to the President from Congressman BOB CARR and other House Members stating their opposition to the B–1. Subsequent to that letter, I, along with other supporters of the B–1 bomber, met with the President to discuss the project.

I would like to share with my colleagues the following which may be of benefit in the ensuing debate:

First. A copy of my letter to the President following the meeting of June 7, 1977;

Second. A copy of the June 8, 1977, Air Force reply to my inquiry concerning allegations of congressional critics of the B–1; and

Third. The Air Force's position on Congressman CARR's allegations against the B–1.

JUNE 12, 1977.

The Hon. JIMMY CARTER,
Washington, D.C.

DEAR MR. PRESIDENT: Thank you for inviting my additional views in rebuttal to the opponents' arguments against full production of the B–1 Bomber. As I explained last Tuesday during our meeting at the White House, I perceive a general feeling of increasing insecurity among our people with the age of the B–52 which has been the mainstay of the Air Force for more than twenty years.

The opponents of the B–1 seem to rest their case on two main arguments against production.

The opponents argue: (1) that a cheaper option would be to develop a 747 which carries a cruise missile with an air launch capability.

A wide-bodied aircraft (747) carrying cruise missiles offers an easy target for the enemy and is extremely vulnerable. Unlike the B–1, the air frame is soft and not built to withstand nearby nuclear blast. The large aircraft requires more runway and its scramble speed is slow.

Used as a stand-off bomber, the large aircraft is readily visible on enemy radars and an easy target for interceptors. If we were to deploy cruise missiles in 747 type aircraft without a penetrating bomber, the Soviets could respond by expanding their airborne warning and controlled aircraft coverage, forcing the cruise missile carrier further from the target. This reduces the target coverage available and the effectiveness of such a system as a deterrent.

In addition, while the cruise missile offers a number of attractive advantages, it is not a substitute for a penetrating manned bomber. Cruise missiles cannot penetrate heavily defended targets and their relatively slow speed compared to the B–1 make them vulnerable to Soviet defenses. Even though the cruise missile is small in size it lacks the electronic counter-measures necessary to hide it from defending radar. Its rigidly preprogrammed navigation system does not allow for adjustments to avoid mobile defenses. It should also be noted that the B–1 has the option of firing air-to-surface missiles giving it the capability of destroying targets heavily defended for even the B–1.

The opponents urge (2) a modernization of the B–52 as an alternative to the B–1.

The most extensive modification of the B–52 would include newer and larger engines, a larger wing to extend the range and payload capability, an expanded bomb bay to allow carriage of surface-to-air missiles, and B–1 type avionics. Even with these modifications, which would cost close to $30 million per aircraft, the B–52's performance would be short of what is required to meet Soviet defenses in the 1980's.

The B–52–X low level penetration speed is approximately two-thirds that of the B–1.

The B–52–X penetration altitude is still almost twice that of the B–1.

The B–52–X's payload is two-thirds that of the B–1.

The B–52–X would have a larger radar image than the current B–52 because of the larger air frame and larger engines that would be required for its modernization. The present technology of electronic countermeasures would not be adequate to hide the larger image produced by the B–52–X.

While we may be able to keep the B–52 flying into the 1990's, it would not be an effective nuclear delivery vehicle.

Thanking you again for your leadership, I am

Sincerely,

BILL ALEXANDER,
Member of Congress.

DEPARTMENT OF THE AIR FORCE
Washington, D.C., June 8, 1977.

Hon. BILL ALEXANDER,
House of Representatives

DEAR MR. ALEXANDER: Attached is the Air Force response to Congressman Carr's allegations concerning the B–1, as requested. While Mr. Carr's letter to President Carter is lengthy and appears substantive, the claims laid against the B–1 are inaccurate. To state that the B–1 is inadequate to meet the future threat and that the Air Force has failed to consider all significant facets of the future threat, are allegations that are not based on facts—and they will be difficult for knowledgeable people to accept.

Exhaustive, detailed studies and in-depth analyses have verified the unique and outstanding characteristics of the B–1 weapon system design and its ability to perform against projected severe threats. Many of these studies involved participation or review from persons and agencies outside the DOD (Mr. Nitze, Mr. David, Dr. May, the Government Accounting Office and the Air Force Scientific Advisory Board). From the very early 1960 design explorations to the detailed performance evaluation completed last Fall in preparation for the DSARC III review, intelligence projections of the threat have played a key role in defining the requirement to modernize the bomber force. Intelligence estimates have always postulated that the Soviets probably could develop and deploy, advanced air defenses such as Airborne Warning and Control Systems with look-down radar with an overland capability, look-down shoot-down interceptors, and improved low altitude capable surface-to-air missiles. The B–1 has been designed to cope with these advanced defenses, as well as having performance growth potential to counter future defensive developments. The cumulative effects of low altitude and high speed penetration plus employment tactics present formidable and complex problems to even the most advanced defenses, as the detailed studies have shown.

Cruise missiles are not a direct alternative to the B–1 because they cannot do the total job of the bomber. A wide body standoff cruise missile carrier, such as a militarized 747, would be less capable and less cost-effective than the B–1 in performing the strategic mission of the future. A wide body standoff cruise missile launcher would be slower in base escape and less able to withstand nuclear effects than a B–1 and therefore more vulnerable to almost any form of attack including SLBMs. Also, a force composed solely of cruise missiles and standoff launchers simplifies Soviet defensive problems. The capacity of a 747 carrier, for example, would provide an extremely lucrative target for Soviet defenses. AWACS and long range interceptors could be deployed on the periphery, and low altitude capable surface-to-air missiles could be deployed as barriers to be concentrated around high value targets. Such reasonably attainable defense options by the Soviets could severely attrite an all cruise missile force.

Unlike the penetrating bomber, which is capable of carrying a large number of weapons (conventional and nuclear) to fixed or mobile targets anywhere in the world under a variety of circumstances, the standoff-only launch platform is limited to benign launch environments and the cruise missiles must fly over areas which have been accurately mapped and transformed into a numerical representation of the terrain profile.

The cruise missile once launched will follow its preplanned course regardless of any changes in the Soviet defensive order of battle; consequently, it cannot adjust to uplanned contingencies as can the penetrating bomber. A stand-off launch platform with ALCMs cannot provide the same real-time strike assessment and flexibility of striking alternate planned targets, imprecisely located targets, or withholding unnecessary attacks that the penetrating bomber can.

However, the cruise missile, when employed as a complement to the penetrating bomber, has significant military potential. Lanuched from penetrating bombers against lightly defended or undefended targets, cruise missiles will reduce bomber threat exposure, expand target coverage, dilute, complicate and perhaps saturate the defenses, and will enhance the effectiveness of the entire force.

In summary, the requirement for the B–1 is based on the need to modernize an aging bomber force to maintain a high confidence deterrent against nuclear attack or coercion. The design of the B–1, which has proven its capability through flight test, will fulfill the future strategic deterrent role required of a modernized bomber force. The B–1 is ready for production now.

The House Armed Services Committee Staff has also requested that the Air Force prepare comments on Congressman Carr's letter. We are providing them a copy of the attached indicating that a copy has been provided to you.

We are pleased to be of assistance in providing this information, and hope it will be of use to you. If we may be of further as-

sistance, please do not hestiate to contact us.

Sincerely,

W. MULLINS,
Colonel, USAF,
Deputy Director, Legislative Liaison.

AIR FORCE POSITION ON CONGRESSMAN CARR ALLEGATIONS AGAINST THE B–1

CONGRESSMAN CARR

"Even if we assume the B–1 will be a successful program in that it will produce airplanes capable of many thousands of flight hours, it is clear that its life as a useful deterrent weapon will be extremely short, if it has any at all; when its deterrent life is exhausted, we will have a choice between retiring it early and cutting our losses as we did with the B–58, or draining additional tens of billions from our Treasury for continued operation of a known invalid weapon."

AIR FORCE POSITION

History does not support this assertion. Despite rapidly advancing technology, the B–52 has remained a credible deterrent for over two decades because of the B–52's built-in growth potential and ability to adapt operationally with changes in the threat. The B–58 was retired primarily because its maintainability resulted in prohibitive operational and support costs and not because of advancing technology. Considerable engineering has been incorporated into the B–1 to produce a reliable, relatively easily maintained system and one that has growth provisions, such as, space, electrical and hydraulic power, cooling capacity, and weapons carriage options to address the uncertainties of future years.

CONGRESSMAN CARR

"But just as the B–70 would have been vulnerable to Soviet technology of the late 1960s, so the B–1 will be vulnerable to Soviet technology of the 1980s."

AIR FORCE POSITION

The basic mission and design of the B–70 called for only high altitude, Mach 3 penetration of the Soviet Union and its design was optimized for that role. The development of a high altitude nuclear burst SAM had the potential of reducing the effectiveness of the B–70 as a high altitude penetrator. The B–70, because it was designed for the high altitude mission, could not effectively fly the low level penetration mission under surface-to-air missile defenses.

Since the days of the B–70 there has been extensive, detailed study of bomber penetration of the Soviet Union. The results have consistently shown that a high speed bomber capable of flying at very low altitudes and equipped with air-to-surface missiles such as the SRAM poses an almost insurmountable problem to the Soviet defenses. The result is the B–1.

The flexibility of design and payload capability of the B–1 is the result of the threat-counter-threat synthesis. Not only can it fly supersonic at high altitude, but it can also fly at high subsonic speeds close to the terrain thereby allowing it to adjust to changes in Soviet technology. Additionally, the B–1 design incorporates features such as complete self-sufficiency for dispersal to austere airfields, quick reaction capability during alert postures, fast escape profile from its base, and hardness to the effects of nuclear detonations which provide a very high level of survivability and dispersal potential—important qualities the B–70 lacked.

The B–1's high penetration speed, approaching the speed of sound at near tree top level, combined with its very small radar detection characteristics and advanced electronic countermeasures will severely complicate enemy detection, tracking and interceptor attack problems and will provide an enhanced capability to avoid or confuse enemy terminal defenses. Employing Short Range Attack-Missiles (SRAM) the B–1 could strike defended targets or destroy those defenses if precise delivery of a gravity weapon is required.

The B–1 was designed from the onset as a flexible weapon system, able to counter the projected threats and to have the growth potential to face future threat developments.

CONGRESSMAN CARR

"While it is true that Soviet look-down technology is primitive compared to ours, it would be imprudent to assume that by 1985 they will not have systems roughly comparable to ours of 1975. Even against defensive weapons somewhat less capable than the AWACS, F–14, and F–15—

The ability of the B–1 to fly low will be of no use.

The smaller cross-section of the B–1 will not be small enough to inhibit Soviet detection, tracking, and destruction.

The higher speed of the B–1 will complicate Soviet peripheral defense problems, but it will not make them unduly difficult.

Although a lookdown shoot-down defense will be the principal threat faced by the B–1, we recall no briefings in which B–1 advocates have raised this question. If, as we suspect, the B–1 advocates have similarily avoided this issue in their presentations to you we suggest this is a confession of the weakness of their case. We also suggest that although the B–1 supporters have had some success protecting it from the Soviet look-down threat in debate, they cannot expect to protect it against the real thing in combat."

AIR FORCE POSITION

Intelligence projections of the threat, including a look-down shoot-down defense, have been considered and have strongly influenced the requirement to modernize the bomber force. Intelligence projections have continuously postulated that during the time frame of the B–1 the Soviets could develop and deploy advanced air defense systems, such as look-down shoot-down interceptors, improved low-attitude SAMs and an AWACS with a look-down overwater capability. Therefore, the B–1 has been designed to cope with these advanced defenses. Since the mid-to-late 1960s, both DOD and a significant portion of the aerospace industry have used these intelligence projections in a series of studies and analyses to define the available technology and the system design/effectiveness required to insure a viable B–1 weapons system.

The three characteristics of low altitude, high speed, and small radar cross-section are individually identified by the critics and then summarily dismissed. Admittedly, none of the three characteristics cited will, in isolation, insure B–1 survivability. It is the combined effect of the three plus two not mentioned, electronic countermeasures (ECM) and employment tactics, that produce the overall effectiveness of the B–1. To begin with, low-altitude penetration delays detection by the defenses. If detected, the high penetration speed stresses the defenses by reducing the reaction time available to intercept and atttack the B–1. Add to these effects the benefits of low radar cross-section plus sophisticated ECM and the defenses become further stressed adding additional time delays and uncertainty which significantly degrade the capability of countering the B–1. Finally, employment tactics such as defense dilution through force massing and selection of weak areas in the defense network also increase bomber survival. The B–1 is capable of passive detection of active defenses at ranges sufficient to allow avoidance of a large number of defensive systems. Those few that cannot be avoided can be neutralized with SRAMs carried by the B–1.

In summary, the cumulative effects of B–1 characteristics and employment tactics produce a complex problem to even a sophisticated defense. There are a large number of effectiveness studies available which support this assessment. The 1974 "Joint Strategic Bomber Study," which has been widely briefed to many agencies including members of Congress, incorporated very large numbers of look-down shoot-down interceptors of F–14/F–15 quality operating with AWACS of E–3A quality. The study assumed only 50% ECM effectiveness for the B–1 against AWACS (use of more sophisticated B–1 ECM capabilities against AWACS could have resulted in a greater degradation). The study showed that B–1s are survivable and that B–1 dominated forces were the most cost-effective alternative against such advanced defenses.

CONGRESSMAN CARR

"We are told our AWACS will be able to function effectively in an intense non-nuclear war in the European theatre. If this is true, it must also be true that a Soviet AWACS, even if less capable than ours, will be able to function effectively against our B–1s, for the Soviet AWACS will have by far the easier task."

AIR FORCE POSITION

The large Soviet border area that must be covered by look-down radars is a much more difficult problem than the detection of air attacks in the relatively constricted area in which opposing forces would have to penetrate in the European theater. To provide the Soviet perimeter with the same type of redundant coverage provided by U.S. AWACS in Europe would likely be prohibitive due to immense investment in new look-down capable aircraft. The number of Soviet AWACS orbits that could be mounted by the projected numbers of AWACS aircraft that might be available in the 1980s would allow penetration by a large percentage of the B–1 force. If the Soviet look-down capability is indeed less capable than the E–3A, this would allow even more undetected penetrations.

Since the distances involved in the strategic air defense mission require the fighters to position themselves many hundreds of miles from their airfield, the time on station is significantly reduced from that of a European tactical scenario. Additionally, the required number of fighter aircraft needed to maintain both AWACS orbit coverage and homeland defense would be a drastic increase over that of the tactical mission.

Unlike tactical aircraft engaged in performance of their primary mission in the NATO environment, during the perimeter penetration phase of the B–1 mission, the B–1 crew can devote total crew resources to avoidance and/or degradation of the Soviet defensive threat. Further, the B–1 is not operating in total isolation but can expect, through careful SIOP mission planning, mutual ECM support from other bombers in the area. Finally, AWACS itself is not a lethal threat to the penetrating B–1 but rather a control system. The interceptor, even if provided attack information by the AWACS, still has to solve his portion of the intercept problem. His ability to do so is significantly degraded by the B–1's high speed, low altitude terrain-following penetration, changes in course profile, and combination of ECM and low radar cross section. It is the combined contributions of all the B–1 design and performance characteristics that mesh into a formidable and effective penetrating system.

CONGRESSMAN CARR

"The B–1 will have only whatever jamming equipment it can carry itself. In contrast, Soviet fighter/attack aircraft, seeking to penetrate our AWACS screen will have internal jammers plus dedicated jamming aircraft plus ground jammers to help them."

AIR FORCE POSITION

Studies and tests of the E-3A show that overlapping coverage by E-3A orbits with suitable coverage geometry can unmask a jamming attack in central Europe where ingress options are limited. However, the large land mass that must be protected by Soviet AWACS coverage, makes such coverage very demanding on the defense. The B-1's jamming capability will be more effective than that carried by smaller fighter and ECM escort aircraft. In addition, the B-1 will have a dedicated crew member to operate its countermeasures systems and can benefit from mutual ECM support which is part of careful mission planning procedures.

CONGRESSMAN CARR

"Thus, even if the Soviets are ten years behind us, they will still be able to neutralize the B-1 only two or three years after it enters the force in substantial strength. We are sure you will agree that so miniscule a useful deterrent life cannot begin to justify the cost of so expensive a program."

AIR FORCE POSITION

For the reason stated earlier, the Soviets will not be able to neutralize the B-1 in the foreseeable future much less in two or three years after it enters the force. But even if the technology were available, the resources needed to develop a defense in sufficient numbers to counter low flying B-1s would divert considerable Soviet engineering and production capacity from offensive systems to defense which is to our overall benefit.

An implication of the above quote is that the Soviets have the technology and the resources to counter every U.S. capability.

Conceptually, an offense may eventually be countered by some defense if enough resources are expended on defense and if offense remains static. However, we should not unilaterally abdicate the offense/defense struggle to the Soviet Union by throwing up our arms and crying "it's no use."

Despair is not a rationale premise upon which to base a nation's defense program.

CONGRESSMAN CARR

"In addition, the cruise missile force has an advantage which, while unrelated to the look-down threat, is highly significant. Its combination of extreme accuracy and low unit cost makes it the ideal vehicle for destroying large numbers of hard targets—that is, for countering whatever Soviet industrial hardening program may exist. At the same time, its long warning time precludes its use in a first strike, and renders it non-destabilizing."

AIR FORCE POSITION

The look-down defense represents only a limited portion of the overall defense in depth concept utilized by the Soviets. We believe that several current Soviet SAMs have a capability to engage cruise missile sized targets flying in the low subsonic speed/low altitude regime. We additionally recognize the Soviet potential to upgrade current SAM systems. The various known modifications to the existing SAMS illustrate Soviet ability to improve systems.

With regard to the future, the Soviets have under development a new, transportable, strategic SAM which we believe will have significant capability against the cruise missile. Against SAMs the cruise missile lacks the classic operational defense tactics to avoid, degrade, and/or destroy. They cannot avoid SAM's defending targets or SAMs whose location is unknown, cannot degrade because they lack a defensive countermeasures system, and cannot destroy the SAM site as the B-1 does with the SRAM. A number of transportable systems are projected for 1986 and are expected to have a large engagement zone against cruise missiles. We believe that if the U.S. were to employ only cruise missiles, production of the new SAM could be accelerated as was the SA-2 when many new sites were deployed in a single year.

The B-1 will inherently have the ability to detect and avoid SAM sites or degrade SAM capability with ECM. Additionally, the Short Range Attack Missile (SRAM) may be utilized by a bomber crew to suppress SAM sites as required.

Likewise, the B-1 with its long time of flight precludes its use in a disarming first strike, and renders it nondestabilizing.

CONGRESSMAN CARR

"We have under development the ramjet-powered Advanced Strategic Air Launched Missile (ASALM), which offers essentially the same range, size and cost of the present cruise missile but which flies at very high supersonic speed throughout its flight profile."

AIR FORCE POSITION

The ASALM, currently a technology development program, is sequenced for procurement no earlier than the mid-1980s if the technology feasibility demonstrations in FY 1979 are successful. The current ASALM program is time phased for an ASALM system development decision in FY 1979 when results will be available from the ASALM "proof-of-concept" flight demonstrations.

If employed in a high altitude flight profile, the ASALM is expected to have approximately the same range as the short range version of the air launched cruise missile (ALCM), and thus will be incapable of covering the total target system when employed as a standoff weapon. If employed in a low altitude profile, the ASALM's low altitude range will be less than 100 nautical miles at low level penetration altitudes.

When carried on a penetrating bomber SRAM, ALCM, and ASALM provide a substantially increased bomber footprint and versatility of weapon delivery to match the targeting requirements and maximize bomber capability. When carried on a non-penetrating aircraft, these weapons lose much of their versatility and become easier to defend against.

CONGRESSMAN CARR

"The cruise missile is criticized for lack of countermeasures (ECM). It is possible to incorporate ECM into a cruise missile; we did it in the early 1970s and are now developing a new improved cruise missile ECM. Whether ECM in a cruise missile justifies its cost and size penalties remains to be seen; we suspect it does not. But it can be done. In any case, we simply cannot afford to rely on ECM. Even the B-1 advocates concede this point, since if ECM were sufficient to insure penetration there would be no need to replace the B-52. In the race between our electronic countermeasures and Soviet electronic counter-countermeasures, it is impossible to predict with confidence who is ahead at any given point until the battle has actually taken place. Our deterrent is far more secure if it relies on the certainties of large numbers."

AIR FORCE POSITION

ECM can be included in the cruise missile as had been planned in the 1970 Subsonic Cruise Army Decoy (SCAD) program. However, once again, the cost and range penalties must be taken into account.

Although ECM confidence cannot be defined, two things are certain: (1) ECM and radar grow from the same technological base; (2) since we have developed AWACS and Advanced Interceptors (F-14 and F-15) today, we are ahead in the technological base which also supports ECM against these advanced systems.

ECM by itself cannot insure penetration but must be matched with the basic air vehicle characteristics. When compared to the B-52, the B-1's lower penetration altitude, lower radar-cross section, and higher speed complement its ECM to produce a higher level of overall vehicle effectiveness. While future ALCMs might use some form of basic electronic countermeasures, weight and power requirements will most certainly preclude them from having the sophisticated, multi-purpose capability of the B-1 ECM equipment.

We agree that a deterrent based on large numbers enhances security. We must, however, add that a diversity, within the large number of weapons, further enhances the deterrent force. By presenting the Soviet defenses with a mix of weapons, each presenting a different problem, we limit their ability to negate that force of whatever size with a single initiative.

CONGRESSMAN CARR

"Vulnerability of the launch vehicle is cited as a problem. This can be handled in two ways. First, we can easily increase the range of the missile to enable the mother aircraft to stand back out of range of Soviet defenses. This involves some cost and size penalties, but these are not prohibitive. Neither is the cost of a new launching rack designed to carry a larger missile. Second, we can incorporate ECM into the mother vehicle. As we have said, we do not want to rely exclusively on ECM. But there is reason to believe ECM can be more effective for a cruise missile launcher than for a penetrating bomber, and we find it strange that B-1 advocates are willing to allow ECM for their vehicle but not for its competitor."

AIR FORCE POSITION

Although longer cruise missile range and ECM on the carrier aircraft are possible, the impact (cost and performance) of each must also be assessed. The longer range cruise missile would cost more and increase its vulnerability to defenses. Increasing missile range, and therefore size, could result in a larger radar cross-section and require higher penetration altitudes. This would offer the Soviets a better incentive to point defend critical targets with surface-to-air missiles. Additionally, increased cruise missile size would decrease the number of cruise missiles that could be carried or the effective range capability of the carrier.

ECM can be installed on the carrier; however, because of the carrier's large radar cross-section, slower speed and relatively high flight altitude and lack of high maneuverability and evasive capabilities, it would be impractical to defend with ECM alone. Even if ECM is installed, the standoff carrier presents a less demanding defensive problem than a penetrating bomber. The standoff only carrier may be countered by extending the defended air space further and further beyond the Soviet borders through forward-based long-range interceptors, and picket ships equipped with surface-to-air missiles. As a result, ALCM accuracy becomes degraded because of long flights over open ocean or ice packs where TERCOM navigation updates cannot be performed.

To mount such an extended perimeter defense, major sacrifices in defense depth over the homeland would be required. However, with the threat of a mix of penetrating cruise missiles and penetrating bombers that together could attack the entire target system, defense depth would regain its importance over an extended perimeter. The initiative would remain with the offense, and successful penetration would be far less sensitive to cruise missile range.

The cruise missile is not a competitor to the B-1. It complements the manned bomber. When the cruise missile is employed as a complement to the penetrating bomber, concentration of defenses solely to counter cruise

missiles is prevented. Cruise missile employment, which allows launch before or after penetration of Soviet radar coverage, provides high operational flexibility.

CONGRESSMAN CARR

"The cruise missile does not have a human to guide it, and is therefore unable to look at its targets and make last minute adjustments in targeting plans. This is true, but the B–1 pilot does not see his target either. The B–1 is unable to penetrate Soviet terminal defenses; therefore, against high-value targets it must standoff several tens of miles and fire Short Range Attack Missiles (SRAM)."

AIR FORCE POSITION

The effective range of the B–1 radar exceeds the lethal range of Soviet SAM systems. The B–1 crew can, therefore, perform radar damage assessment decisions and withhold weapons or fire SRAM either forward, laterally or behind the aircraft if it is determined that the target has not been destroyed.

The B–1 is able to penetrate SAM defenses. However, no vehicle should be exposed to any defense unless necessary. Even the cruise missile, whose radar cross-section is significantly less than the B–1, is susceptible to attrition by SAM systems. For that reason, the cruise missile will be applied against the lesser defended targets. The B–1, on the other hand, can penetrate to the near vicinity of defended targets, suppress terminal SAM defenses with SRAM and then penetrate to the target. Alternatively, the B–1 can launch the virtually invulnerable SRAM through the terminal defenses, thereby enhancing its chance of approaching subsequent targets.

CONGRESSMAN CARR

"As cruise missile technology has progressed in giant strides over the past five years, the B–1 advocates have been forced to retreat to suggestions that the B–1 should be used as the cruise missile launcher. For several reasons, this is a very poor and cost-ineffective solution."

AIR FORCE POSITION

The employment concept of the B–1 does not include use as a standoff-only cruise missile carrier. There are indeed cost-effective reasons to use the compatible cruise missile (ALCM) with the B–1 operating as a penetrating bomber. Once the B–1 penetrates enemy defenses, the ALCM could be used to increase the foot print of the B–1 on the target system as well as decrease B–1 contact with area defenses. The essential point is the flexibility provided by a penetrating manned bomber. As new munitions are developed, like ALCM, ASALM, or precision guided bombs, they can be carried by the B–1 thereby improving the capability of the bomber force. A standoff-only force lacks this flexibility.

CONGRESSMAN CARR

"Assume the B–1 and the 747 in cruise-missile-launching configuration cost the same, although this probably overstates the cost of the 747 by at least 50%. The 747 will nevertheless carry twice as many cruise missiles as the B–1, and therefore, provides twice as much capability per dollar."

AIR FORCE POSITION

The concept of cost-effectiveness is used incorrectly in the above statement. Capability is not simply dollars per missile; rather, it is dollars per weapon on target. The results of numerous studies performed on the subject of modernizing the strategic force indicates that the B–1 is the most efficient modernization concept. It is significant to note that as the threat increases the cost effectiveness of the B–1 increases relative to alternative systems, including the standoff cruise missile launcher.

The current B–1 unit flyaway cost in 1977 dollars is $57.7M for a highly sophisticated military aircraft with complete offensive and defensive avionics systems. The current cost for an unmilitarized, less sophisticated commercial 747 model is $43.8M. Militarizing the 1977 model 747 would add considerable cost, yet it would be a less flexible and capable system, than the B–1.

CONGRESSMAN CARR

"Loiter time of the 747 is very substantially longer than the B–1 at any level of aerial tanker availability from zero to infinite. This could be important in maintaining airborne alert during a crisis of several days' duration. The placing of a fleet of 747 cruise missile launchers on airborne alert would provide a dramatic counter-threat, for example, to a Soviet civil defense evacuation. And it could be maintained at far less cost than the Soviets could maintain the industrial shut-down which would accompany their evacuation."

AIR FORCE POSITION

This statement indicates a misunderstanding of the impact of aerial refueling. With refueling, either the B–1 or the 747 could be maintained on orbit. Airborne alert is a design feature of the B–1 and has long been proven in B–52s. In fact, the B–1 is twice as fuel efficient as the CMC–747 and, therefore, would require approximately half the tanker support that the CMC–747 would require.

Airborne alert is a very costly mode of operation for extended periods of time in terms of resources, fuel, maintenance, and flight crews. To compensate for this expensive mode of alert, high prelaunch survivability has been designed into the B–1 and can be maintained through a combination of basing, upgrade ground alert posture options and generally taking full advantage of the B–1s improved base-escape characteristics. In addition the B–1's prelaunch survivability is further enhanced by its selfsufficiency and wide dispersal capabilities.

POSTPONEMENT OF REDUCTION IN MEDICAID PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS. Mr. Speaker, I know a number of Members of the House are deeply concerned about the financial impact on their States of the reductions in medicaid payments recently announced by the Secretary of Health, Education, and Welfare because of a failure by the State to meet the requirements of the law for annual reviews of medicaid patients in long-term care institutions. The Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee, which has legislative jurisdiction over the medicaid program, took the issue under consideration within days after the Secretary made his announcement. Our concerns were several:

First. We wanted to assure that any action we took would not signal to the States that they could disregard the requirements of the law. It is important to keep in mind what the law requires here; simply this, that the State agency which administers medicaid assure once a year that a qualified medical person should look to see that the poor and helpless aged and disabled people who are receiving care in nursing homes and mental hospitals paid for by medicaid should be in those institutions, that they are receiving care proper for their condition, and that it is not feasible to provide for their needs more adequately and humanely in a different institution or outside of an institution. The State is required to send teams—only once a year—into long-term care institutions to perform this medical or independent professional review;

Second. We wanted to protect the States against imposition of the reductions specified in the law in cases where their lack of compliance was more technical than real—that is, where they were judged not to have complied with the law because they missed by a few days performing an annual review in one or two institutions out of several hundreds in the State;

Third. We wanted to relieve the States of the immediate imposition of the reductions, where notice by HEW had been short.

The subcommittee adopted an amendment designed to address these concerns. The amendment provides the States 6 additional months before any reduction would be suffered. It further provides that if the States can demonstrate compliance with the terms of the law at that time, for the full year of 1977, then the Secretary is authorized to waive previously assessed reductions. The slate could be wiped clean.

Further, the amendment clarifies that a State would be considered to be in compliance if it had made a good-faith effort to perform review in all facilities, and had, in fact, reviewed all of the very large institutions, and 98 percent of the others. The amendment was added to H.R. 3, a bill to reduce fraud and abuse in medicare and medicaid, which is currently pending before the full Commerce Committee and is expected to reach the floor shortly.

However, the very short time available between the Secretary's announcement of the medicaid reductions and the time when the payments will actually be reduced has made it apparent that action on the subcommittee's reported amendment cannot easily be completed by both the House and the Senate before the July 1 deadline. Therefore, we have been in touch with our Senate colleagues to find a quick way to effect a temporary postponement of the scheduled reductions. This morning the Senate Finance Committee acted, with our informal concurrence, by adding an amendment to H.R. 1404—a tariff bill which has already passed the House—providing that the reduction will not be imposed in the coming July quarter. I am assured this bill will return to the House and reach the House floor before July 1.

THE STATUS OF OKLAHOMA'S INTRASTATE NATURAL GAS SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I would like to call the attention of my distinguished colleagues to an in-depth study presented to the Senate Energy and Natural Resources Committee by Gov. David L. Boren of Oklahoma. This recently prepared study, "The Status of Oklahoma's Intrastate Natural Gas System and the Effects of Free Market Pricing at the Wellhead on Reserves and Production Therefrom," was prepared for Governor Boren by Dr. William W. Talley II, senior partner in the resource analysis and management group in Oklahoma City and chairman of the Governor's Advisory Council on Energy for the State of Oklahoma.

I believe this in-depth study will provide a special insight into the future of this country's natural gas system, since Oklahoma ranks third among the States as an exporter of energy, is the third largest natural gas producing State and is the seventh largest natural gas consuming State. As you may also know, Oklahoma is the only State in which the results of a free market price for natural gas at the wellhead can be examined in detail.

The Oklahoma study refutes Dr. Schlesinger's and Mr. O'Leary's contentions that—

> Unrelated or higher prices do not result in any additional supplies, but do produce substantial new profits for producers.

In fact, it demonstrates that the wellhead prices for new natural gas in Oklahoma: First, exceeded $1.75 per Mcf in 1976 and early 1977, second, are representative of and have tracked the actual cost of finding new natural gas, third, have resulted in a doubling of the number of drilling rigs operating and fourth, have dramatically increased the new natural gas reserves added to the Oklahoma intrastate system.

Mr. Speaker, this study provides the Congress with a unique opportunity to evaluate the effects of deregulation of natural gas in an area where deregulation has already taken place and, as such gives us all a chance to better evaluate the effects of deregulation on the Nation as a whole. I insert this study into the RECORD at this point:

THE STATUS OF OKLAHOMA'S INTRASTATE NATURAL GAS SYSTEM AND THE EFFECTS OF FREE MARKET PRICING AT THE WELLHEAD ON RESERVES AND PRODUCTION THEREFROM

EXECUTIVE SUMMARY

The study supports conclusions in regard to the changes in Oklahoma's intrastate natural gas system.

Oklahoma's intrastate natural gas system has been and continues to be representative of the free market system as to wellhead pricing. Adequate supplies for all users supplied by the intrastate market are available and should continue to be available even with deregulation of new interstate natural gas prices at the wellhead.

Total intrastate natural gas reserves in Oklahoma have increased four out of five years since 1972.

1976 annual new reserve additions from newly drilled wells were 123 percent above those added in 1972.

1976 annual net reserve additions, new reserve additions less withdrawals, were 454 percent over those added in 1972.

1976 annual consumption was only 31 percent over that consumed in 1972.

Intrastate natural gas reserve additions have exceeded withdrawals since 1972. In fact, since 1973 reserve additions have exceeded withdrawals by more than 49 percent.

In 1976 the average Oklahoma residential consumer paid $1.54 per mcf, well below the national average for residential consumers of $1.81 per mcf.

1976 deliverability of natural gas to Oklahoma's intrastate consumers was 34 percent above the peak day delivery capability in 1972.

These conclusions are based on the two basic conditions that (1) due to competitive free market pricing of natural gas, Oklahoma's natural gas producers have been able to find and develop natural gas reserves for the intrastate markets and (2) competition between intrastate market purchasers has resulted in Oklahoma's consumers having adequate supplies of natural gas and no curtailments to firm customers with delivered consumer prices well below the national average.

BATTLE FOR HUMAN RIGHTS IN SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, I am pleased to be a participant in the "Helsinki's Unfulfilled Promise" series—a project inaugurated by the distinguished gentleman from Massachusetts (Mr. DRINAN). It is an honor for me to have this opportunity to inform my colleagues about the plight of two Soviet families who have been struggling vigorously to emigrate to Israel and to bring to the attention of the general public the harsh reality of the battle for human rights in the Soviet Union.

The Zavurov family began to leave the Soviet Union in 1936. Since that time 400 members of that family have taken part in a remarkable exodus outside of the Iron Curtain. The vast majority of the Zavurov clan are living in Israel and several other family members reside in the United States and Canada. At this time 18 family members remain in the Soviet Union.

Amner Zavurov, a watch repairman, and his brother received permission in August 1975 for their families to leave the country. But in October 1975, suddenly, this permit was revoked—just the first of a number of injustices this family has endured. Meanwhile the families' baggage was being checked through a custom's point in Tashkent.

The alleged reason for rescinding the permit, according to Soviet officials, was that the Zavurov's did not possess an internal passport. In reality the authorities had themselves taken away this passport.

One would have thought that the Zavurov's had been severely punished by this authoritarian quarantine. But Soviet officials did not stop there.

Rather Amner Zavurov was sentenced to 3 years of prison for being unemployed—he could not be employed without an internal passport. Such is the classic example of authoritarian coercion; the authoritarian regime trumping up charges to withhold from its citizenry the freedoms which in our own country we hold as inherent and clear.

The saga of Amner Zavurov and his family does not end there: First he was dragged before a kangaroo court without his own defense attorney and without an appearance before the court himself, as he refused to participate in such a proceeding; then he was sentenced for 3 years, but his sentence was not even read to him in his own language. Later Amner's wife—reportedly distraught from this series of incredible events—threw herself in front of a car in an attempt at suicide.

At this point the rest of the Zavurov family, still in Soviet Russia, are continuing to struggle for recognition for their right to emigrate to Israel.

The other Soviet family, the Prestin's, I will touch upon only briefly as another Member of Congress will be discussing their plight in full detail. Vladimir Prestin has been especially active in the fight to have the Soviets abide by the Helsinki Accords. In 1971 he applied to emigrate to Israel with his family and was subsequently refused passage. He has been through the "ring" of abuses which in many respects makes the Zavurov story seem mild—his home searched, his phone disconnected he has suffered terrible personal abuse and suffers from polyarthritis.

Unrelenting, Soviet officials have refused to yield to this man who has helped organize the "refusnik" effort. Prestin has said of his battle:

> We are not aware that official Soviet attitudes favor policy of total assimilation, but we Jews are a true minority and are entitled under the Soviet constitution to the same cultural, . . . facilities shown to all other ethnic and minority groups.

It is clear to me from these two examples and other cases, which I have heard of, that the Soviet Union has not been living up to the principles it agreed to in signing the Helsinki Accords of 1975 in accordance with the Universal Declaration of Human Rights. The Congress must join the brave Soviet Jews, like the Zavurovs and Prestins, to force the Soviets to abide by the spirit and law of the Helsinki Accords—in specific to promise to reunite separated families in a humanitarian and expeditious way through emigration. The Helsinki Accords state in the section on "Human Contracts," that—

> The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old.

Such is the promise of the Helsinki Accords—that families would be reunited and individual human rights given complete respect. And such is the "promise unfulfilled." I hope my colleagues and I can work effectively over the months in seeing that indeed the "promise" is fulfilled.

COMMODITY AGREEMENTS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I would like to note an important and I believe heartening development on one of the several battlefronts of the struggle against inflation. It concerns the price of internationally traded raw commodities, both food and nonfood, and the position the Carter administration has taken on this significant front.

President Carter's April 15 anti-inflation message recognized the importance of gyrations in world commodity prices to our own inflation problem and suggested ways that these prices might be stabilized. But at the same time he, as well as other officials in his administration, indicated a much more sympathetic view than was taken by the preceding administration toward the demands of the less-developed countries for new international commodity agreements—agreements that, according to the poorer countries, should not only stabilize prices but actually raise them. Was there a conflict here? At stake are prices of such important products as copper, sugar, natural rubber, coffee, tin, and cocoa. Negotiations were already in motion as a result of reluctant agreement by the prior administration at the Nairobi conference of the United Nations Conference on Trade and Development—UNCTAD.

In its task of keeping a watchful eye on all aspects of the inflation problem, the Subcommittee on Economic Stabilization, of which I am chairman, became concerned about the possible inflation impact of the effort to negotiate price raising commodity agreements. We sought to clarify the views and policy objectives of the administration at a hearing, held on June 8.

Mr. Speaker, what we learned was most assuring. Fred Bergsten, Assistant Secretary of the Treasury for International Affairs, described the administration's objectives stating:

> Our primary purpose in pursuing them (commodity agreements) is to reduce the risk of inflationary pressures in the United States. Indeed, we will sign no commodity agreement unless we are convinced that it will promote that objective.

Both Mr. Bergsten and his fellow witness, Julius Katz, Assistant Secretary of State for Economic and Business Affairs, went on to point out that well-constructed commodity agreements, using buffer stocks to add to supplies at times of a sharp runup in prices, could have a useful counterinflationary effect. Their testimony seemed to bear out the findings of a recent report published by the Overseas Development Council, prepared by Dr. Jere R. Behrman of the University of Pennsylvania. In that report, Dr. Behrman concluded that if eight basic commodities had been subject to stabilization agreements in 1962–73, developing countries' revenues would have risen by $5 billion, and economic gains for the United States alone—by curbing both inflation and unemployment—would have amounted to $15 billion a year.

Secretaries Bergsten and Katz also argued that to the extent commodity agreements prevent disastrous price declines, they can help insure a sustained volume of investment in new mines and plantations and thus help keep the global supply of these materials expanding. And Mr. Katz assured us:

> I would have to emphasize that we do not view commodity agreements as an instrument to increase resource transfers to developing countries by fixing prices above their equilibrium levels.

Mr. Speaker, it may not prove possible to negotiate any meaningful new international commodity agreements. The few now in effect, including the tin and coffee agreements, have not proved effective because market forces and such factors as the weather in Brazil, have overwhelmed for the time being their price-stabilizing provisions. But at least we can take some satisfaction in knowing that the administration's primary objective in the ongoing negotiations is to minimize this particular source of inflation and hopefully to head off another world commodity price explosion such as occurred in 1973–74, which contributed significantly to our bewildering double-digit inflation of that period. The U.S. negotiating objective, I am glad to say, is not just to meet the demands of the producing countries for higher prices.

Fortunately, Mr. Speaker, fears of a new world commodity price boom that were expressed in 1976 and earlier this year have proved unwarranted, at least for the time being. All of the principal commodity indexes are now well below their recent peaks, and this is one good sign for the future course of consumer prices in the United States. But the problem could break out again at any time, and well-designed commodity agreements might be a way of heading off another price surge. The Banking Committee will continue to keep a close watch on the international aspects of the inflation problem, and we will expect to be involved directly if international negotiations—for example, for the proposed Common Fund to finance commodity buffer stocks—culminate in agreements for which congressional approval is required.

CONFERENCE REPORT

Mr. STEED submitted the following conference report and statement on the bill (H.R. 7552) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978:

CONFERENCE REPORT (H. REPT. NO. 95–455)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7552) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19 and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 13, 17, 21, 22, 23, 24, 26, 27, 28, 29, 32, 33, and 34, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$938,500,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: $7,300,000, of which $750,000 shall be available only for activities, including contract support, of the National Clearinghouse of the Federal Election Commission; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,024,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 9, 10, 11, 12, 14, 15, 18, and 25.

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Managers on the Part of the House.

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MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7552) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1978, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—TREASURY DEPARTMENT

Office of the Secretary

Amendment No. 1: Appropriates $29,400,000 for salaries and expenses as proposed by the Senate instead of $29,100,000 as proposed by the House.

Bureau of Government Financial Operations

Amendment No. 2: Appropriates $147,000,000 for salaries and expenses as proposed by the Senate instead of $170,000,000 as proposed by the House.

U.S. Customs Service

Amendment No. 3: Appropriates $384,700,000 for salaries and expenses as proposed by the Senate instead of $383,000,000 as proposed by the House.

In view of the critical need for additional personnel in the Customs Service, the managers on the part of the House and the Senate direct that the Secretary of the Treasury take immediate action to recruit and bring on board sufficient personnel to fill all existing vacancies in the Service as well as the 206 additional personnel allowed by the House and the 100 additional personnel allowed by the Senate, an increase of 306 above 1977.

The authorized personnel ceiling of the Customs Service is hereby established at 14,132 permanent full-time positions. It is the desire of the managers that the employment level in the Customs Service be maintained as nearly as practicable at that level during fiscal year 1978.

Bureau of Engraving and Printing

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting language concerning the Bureau of Engraving and Printing Fund. The purpose of this language is to authorize the Secretary of the Treasury to set prices for work and services provided by the Bureau of Engraving and Printing adequate not only to recover both direct and indirect costs of the Bureau but also to accumulate in the Fund sufficient reserves to permit the acquisition of capital equipment and provide adequate future working capital.

Bureau of the Public Debt

Amendment No. 5: Appropriates $118,214,000 for administering the public debt as proposed by the Senate instead of $175,000,000 as proposed by the House.

Internal Revenue Service

Amendment No. 6: Appropriates $51,000,000 for salaries and expenses as proposed by the Senate instead of $50,719,000 as proposed by the House.

Amendment No. 7: Appropriates $870,300,000 for accounts, collection and taxpayer service as proposed by the Senate instead of $870,000,000 as proposed by the House.

The managers are agreed that the additional $300,000 is to be used for the Volunteer Income Tax Assistance training program for taxpayer assistance to the elderly.

Amendment No. 8: Appropriates $938,500,000 for compliance instead of $941,500,000 as proposed by the Senate and $928,500,000 as proposed by the House.

The managers are agreed that the reduction below the budget request should not be accomplished by reducing the level of audit coverage. The managers direct that the level of audit coverage be maintained at not less than 2.43% during fiscal year 1978.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $17,580,000 for salaries and expenses of the White House Office.

Executive residence

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $2,157,000 for operating expenses of the Executive Residence.

Official residence of the Vice President

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Official residence of the Vice President

Operating expenses

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $121,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Special Assistant to the President

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $1,327,000 for salaries and expenses for Special Assistance to the President.

Council on International Economic Policy

Amendment No. 13: Deletes $1,450,000 for salaries and expenses as proposed by the Senate.

Council on Wage and Price Stability

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $2,100,000 for salaries and expenses of the Council on Wage and Price Stability.

Domestic Council

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $1,850,000 for salaries and expenses of the Domestic Council.

Office of Drug Abuse Policy

Amendment No. 16: Appropriates $1,200,000 for salaries and expenses instead of $1,100,000 as proposed by the House and $1,300,000 as proposed by the Senate.

Office of Federal Procurement Policy

Amendment No. 17: Appropriates $1,840,000 as proposed by the Senate instead of $1,681,000 as proposed by the House.

Unanticipated needs

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $1,000,000 for Unanticipated Needs.

TITLE V—INDEPENDENT AGENCIES

Civil Service Commission

Amendment No. 19: Appropriates $20,000,000 for Intergovernmental Personnel Assistance as proposed by the House instead of $15,000,000 as proposed by the Senate.

Federal Election Commission

Amendment No. 20: Appropriates $7,300,000 for salaries and expenses instead of $8,000,000 as proposed by the House and $7,000,000 as proposed by the Senate. Restores language stricken by the Senate and earmarks $750,000 for the National Clearinghouse of the Commission instead of $2,000,000 as proposed by the House.

General Services Administration

Federal Buildings Fund

LIMITATIONS ON AVAILABILITY OF REVENUE

Amendment No. 21: Establishes a limitation on the availability of revenue in the Federal Buildings Fund of $1,332,789,000 as proposed by the Senate instead of $1,340,000,000 as proposed by the House.

Amendment No. 22: Establishes a limitation of $20,479,000 for construction of certain buildings as proposed by the Senate instead of $27,520,000 as proposed by the House.

Amendment No. 23: Deletes $17,000,000 as proposed by the House for construction of a Federal Office Building in Savannah, Georgia. This item is deleted without prejudice due to lack of authorizing legislation.

Amendment No. 24: Makes typographical correction.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making available $2,559,000 for the Ambassador Bridge Border Station and $7,400,000 for acquisitions and improvements of certain United States Postal Service properties.

Amendment No. 26: Establishes a limitation of $462,310,000 for real property operations as proposed by the Senate instead of $462,480,000 as proposed by the House.

Amendment No. 27: Makes typographical correction.

Amendment No. 28: Establishes a limitation on the amount of funds which may be accumulated from revenues paid into the Federal Buildings Fund of $1,332,789,000 as proposed by the Senate instead of $1,340,000,000 as proposed by the House.

Federal Supply Service

Amendment No. 29: Appropriates $160,000,000 for operating expenses as proposed by the Senate instead of $160,430,000 as proposed by the House.

National Archives and Records Service

Operating expenses

Amendment No. 30: Allocates $3,500,000 for the National Historical Publications and Records Commission instead of $4,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Automated Data and Telecommunications Service

Amendment No. 31: Appropriates $8,024,000 for operating expenses instead of $7,831,000 as proposed by the House and $8,217,000 as proposed by the Senate.

Federal Preparedness Agency

Amendment No. 32: Appropriates $38,800,000 for salaries and expenses as proposed by the Senate instead of $39,376,000 as proposed by the House.

Amendments Nos. 33 & 34: Make typographical corrections.

TITLE VI—GENERAL PROVISIONS

Amendment No. 35: Deletes language proposed by the Senate which provides that none of the funds available under this Act shall be available for administrative expenses in connection with the reduction of the six-day mail delivery services provided by the Postal Service.

The issue of six day mail delivery is now before the appropriate legislative committees of the Congress. The managers are agreed that this matter should not be considered in an appropriation measure at this time.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1978 recommended by the Committee of Conference, with comparisons to the fiscal year 1977 amount, the 1978 budget estimates, and the House and Senate bills for 1978 follow:

New budget (obligational) authority, fiscal year 1977	$9,481,572,317
Budget estimates of new (obligational) authority, fiscal year 1978	7,593,496,000
House bill, fiscal year 1978	7,522,028,000
Senate bill, fiscal year 1978	7,476,247,000
Conference agreement	7,478,254,000

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1977	−$2,003,318,317
Budget estimates of new (obligational) authority, fiscal year 1978	−115,242,000
House bill, fiscal year 1978	−43,774,000
Senate bill, fiscal year 1978	+2,007,000

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DENNIS DECONCINI,
LOWELL WEICKER,
MILTON R. YOUNG,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STEIGER (at the request of Mr. RHODES), from 4 p.m. on June 22 and for June 23 and 24, on account of official business.

Mr. PEPPER (at the request of Mr. WRIGHT), until noon today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PRESSLER) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma for 60 minutes, June 23, 1977.

Mr. ASHBROOK for 30 minutes today.

Mr. FINDLEY for 5 minutes today.

(The following Members (at the request of Mr. BONIOR) and to revise and extend their remarks and include extraneous matter:)

Mr. GLICKMAN, for 5 minutes, today.
Mr. REUSS, for 5 minutes, today.
Mr. COTTER, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. DODD, for 5 minutes, today.
Mr. ALEXANDER, for 60 minutes, today.
Mr. MCDONALD, for 5 minutes, today.
Mr. ROGERS, for 5 minutes, today.
Ms. HOLTZMAN, for 30 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. WEISS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER on his special order to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,127.

Mr. KOCH to revise and extend his remarks and include extraneous matter during general debate and amendment process on foreign assistance appropriation bill.

Mr. WRIGHT to revise and extend his remarks on foreign assistance appropriation bill and include a letter from the President.

Mr. MONTGOMERY to revise and extend his remarks following the remarks of Mr. BADHAM.

Mr. ASHBROOK to revise and extend his remarks during debate today on H.R. 7797, foreign assistance and related programs appropriation bill, immediately before the vote on the Young of Florida amendment on the UNDP.

(The following Members (at the request of Mr. PRESSLER) and to include extraneous matter:)

Mr. EDWARDS of Alabama.
Mr. KEMP in three instances.
Mr. FREY.
Mr. STEERS.
Mr. COUGHLIN.
Mr. KETCHUM.
Mr. HYDE.
Mr. ABDNOR.
Mr. MCCLORY.
Mr. ASHBROOK in five instances.
Mr. WHITEHURST.
Mr. SPENCE.
Mr. SYMMS in two instances.
Mr. DERWINSKI in two instances.
Mr. ANDERSON of Illinois in two instances.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. RODINO in two instances.
Mr. TEAGUE in 10 instances.
Mr. MURPHY of Pennsylvania.
Mr. WALGREN.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. ALLEN.
Mr. EILBERG in 10 instances.
Mr. BINGHAM.
Ms. MIKULSKI.
Mr. BONKER.
Mr. MCDONALD in three instances.
Mrs. SCHROEDER.
Mr. ICHORD.
Mr. MURPHY of Illinois.
Mr. HAMILTON.
Mr. LLOYD of California.
Mr. BRINKLEY.
Mrs. LLOYD of Tennessee.
Mr. EDWARDS of California in two instances.
Mr. BYRON.
Mr. ROGERS.
Mr. BEILENSON.
Mr. BAUCUS.
Mr. DODD.
Mrs. SPELLMAN.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 7 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, June 23, 1977, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1747. A letter from the Executive Secretary of the Department of Health, Education and Welfare, transmitting proposed final regulations regarding the treatment of assets and income resulting from settlement of claims on certain Indian properties in determining expected family contributions under Federal student aid programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1748. A letter from the Executive Secretary of the Department of Health, Education and Welfare, transmitting proposed final regulations governing the Follow Through programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1749. A letter from the Executive Officer, Office of the Special Representative for Trade Negotiations, Executive Office of the President, transmitting a report on the activities under the Freedom of Information Act of the Office of the Special Representative for Trade Negotiations during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1750. A letter from the Assistant Secretary of the Interior, transmitting notice of his approval of the application from the Pleasant Valley County Water District of Ventura County, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1751. A letter from the Secretary of Transportation, transmitting the 10th and final report of activities under the High Speed Ground Transportation Act of 1965, covering the period from fiscal year 1966 to the present, pursuant to section 10(b) of Public Law 89-220 [49 U.S.C. 1640(b)]; to the Committee on Interstate and Foreign Commerce.

1752. A letter from the Special Prosecutor, Watergate Special Prosecution Force, Department of Justice, transmitting the final report of the Watergate Special Prosecution Force; to the Committee on the Judiciary.

1753. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Patuxent River and tributaries, Maryland, in response to section 208 of the Flood Control Act and a resolution of the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

1754. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower and Reserve Affairs and Logistics), transmitting a report on Department of Defense procurement from small and other business firms during October 1976 to December 1976, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1755. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a followup report on actions taken on recommendations contained in the 1976 annual report of the Defense Manpower Commission, pursuant to section 6(b) of the Federal Advisory Committee Act; jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. NIX: Committee on Post Office and Civil Service. Report on Allocation of Budget Authority and Outlays (Rept. No. 95–452). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. Report on Subdivision to Subcommittees of Revised Budget totals for fiscal year 1977 (Rept. No. 95–453). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 7462. A bill to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1978 (Rept. No. 95–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of conference. Conference report on H.R. 7552 (Rept. No. 95–455). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference Report on H.R. 6138 (Rept. No. 95–456). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO:

H.R. 7934. A bill to amend the Clean Air Act to permit the revision of certain transportation control plans, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 7935. A bill to amend the Labor Management Relations Act, 1947, to provide that every collective-bargaining agreement shall be accompanied by an estimate of the impact of such agreement upon the cost of products and services of the employer involved in order to inform the public of the economic impact of such agreement; to the Committee on Education and Labor.

H.R. 7936. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, and for his dependents; to the Committee on Ways and Means.

By Mr CORMAN (for himself, Mr. LEDERER, Mr. MICHAEL O. MYERS, and Mr. PATTERSON of California):

H.R. 7937. A bill to create a national system of health security; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. FAUNTROY (for himself and Mr. LEACH):

H.R. 7938. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. FISH (for himself, Mr. GILMAN, Mr. HORTON, Mr. PATTISON of New York, Mr. MCHUGH, and Mr. ROBINSON):

H.R. 7939. A bill to amend the Immigration and Nationality Act, to facilitate the admission of aliens for temporary employment; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. AKAKA, Mr. AMMERMAN, Mr. BEDELL, BOWEN, Mr. BRECKINRIDGE, Mr. BROWN of California, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. KREBS, Mr. MCHUGH, Mr. NOLAN, Mr. RICHMOND, Mr. THORNTON, and Mr. WEAVER):

H.R. 7940. A bill to amend the Food Stamp Act of 1964, as amended, by simplifying administration, encouraging participation, and eliminating fraud, and for other purposes; to the Committee on Agriculture.

By Mr. HAGEDORN (for himself, Mr. BUTLER, Mr. GRASSLEY, and Mr. ROBINSON):

H.R. 7941. A bill to amend the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HAMMERSCHMIDT (for himself, Mr. BEARD of Tennessee, and Mr. HARSHA):

H.R. 7942. A bill to amend title 38 of the United States Code to deny veterans' benefits to certain individuals whose discharges from service during the Vietnam era under less than honorable conditions are administratively upgraded under temporarily revised standards to discharge under honorable conditions; to the Committee on Veterans' Affairs.

By Mr. KASTENMEIER (for himself, Mr. APPLEGATE, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. DORNAN, Mr. ERTEL, Mr. FINDLEY, Mr. HIGHTOWER, Mr. LAFALCE, Mrs. LLOYD of Tennessee, Mr. MARKEY, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. PATTEN, Mr. PERKINS, Mr. PRICE, Mr. RAHALL, Mr. STEIGER, Mr. WHITEHURST, Mr. WYDLER, and Mr. YATES):

H.R. 7943. A bill to amend title 39 of the United States Code to prohibit the Postal Service from limiting regular daily mail delivery to fewer than 6 days each week, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NATCHER:

H.R. 7944. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation amounts received under certain scholarship programs; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 7945. A bill to amend title 5, United States Code, to repeal the provisions therein requiring mandatory separation of employees who reach age 70; to the Committee on Post Office and Civil Service.

By Mr. STARK (for himself, Mr. BLACK and Mr. RYAN):

H.R. 7946. a bill to amend the Indochina Migration and Refugee Assistance Act of 1975 to extend the period during which refugee assistance may be provided; to the Committee on the Judiciary.

By Mr. AKAKA:

H.R. 7947. A bill to remove certain restrictions on certain land transferred by the United States to Hawaii before it attained statehood, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7948. A bill to amend the Merchant Marine Act, 1920, by establishing a program of development grants for those seaports located in the domestic offshore states, territories and possessions of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 7949. A bill to amend the Federal Water Pollution Control Act relating to the discharge of pollutants into open ocean waters; to the Committee on Public Works and Transportation.

By Mr. BADILLO:

H.R. 7950. A bill to amend the Clean Air Act to permit the revision of certain transportation control plans, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7951. A bill to amend the Clean Air Act to permit the revision of certain transportation control plans, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER (for himself, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, Jr., Mr. DERWINSKI, Mr. EDWARDS of Oklahoma, Mr. HYDE, Mr. KETCHUM, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. NEAL, Mr. PRITCHARD, Mr. PURSELL, Mr. ROBINSON, Mr. SARASIN, Mr. TREEN, Mr. WALKER, and Mr. WHITEHURST):

H.R. 7952. A bill to amend the General Education Provisions Act to prevent the termination of funding without a formal administrative hearing; to the Committee on Education and Labor.

By Mr. BUTLER (for himself, Mr. BADHAM, Mr. BAUMAN, Mr. BROWN of Ohio, Mr. BROWN of Michigan, Mrs. COLLINS of Illinois, Mr. CORCORAN of Illinois, Mr. D'AMOURS, Mr. ROBERT W. DANIEL, Jr., Mr. DUNCAN of Tennessee, Mr. ENGLISH, Mr. FAUNTROY, Mr. HANLEY, Mr. HANNAFORD, Mr. IRELAND, Mr. LAGOMARSINO, Mr. LENT, Mr. LLOYD of California, Mrs. LLOYD of TENNESSEE, Mr. PRITCHARD, Mr. PURSELL, Mr. TRIBLE, Mr. WAMPLER, Mr. WHITEHURST, and Mr. CHARLES WILSON of Texas):

H.R. 7953. A bill to require the preparation of small business impact statements in connection with Federal agency rules, and for other purposes; to the Committee on Small Business.

By Mr. BYRON:

H.R. 7954. A bill to improve agency responsiveness to citizen complaints and inquiries, to require submission to Congress of information on administrative procedures used to handle citizen complaints and inquiries, and for other purposes; to the Committee on Government Operations.

By Mr. DEL CLAWSON (for himself, Mr. ANDREWS of North Dakota, Mr. CARTER, Mr. CLAY, Mr. GRASSLEY, Mr. HANSEN, Mr. MCEWEN, Mr. MARRIOTT, Mr. MARTIN, Mr. MILLER of Ohio, Mr. REGULA, Mr. ROUSSELOT, Mr. RUDD, Mr. RYAN, Mr. THONE, and Mr. YOUNG of Missouri):

H.R. 7955. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. CONABLE (for himself and Mr. COHEN):

H.R. 7956. A bill to amend the Golden Nematode Act for the purpose of providing assistance under such act for persons whose commercial production of crops have been adversely affected by the infestation of golden nematode; to the Committee on Agriculture.

By Mr. HANNAFORD:

H.R. 7957. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated; to the Committee on Ways and Means.

By Mrs. HECKLER (for herself and Mr. PRESSLER):

H.R. 7958. A bill to restore to Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. HECKLER (for herself and Mr. HORTON):

H.R. 7959. A bill to amend the Internal Revenue Code of 1954 to provide certain corporate income tax reductions and to in-

crease the amount of the surtax exemption; to the Committee on Ways and Means.

By Mr. HEFTEL:

H.R. 7960. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS (for himself, Mr. McCLOSKEY, Mr. HARRINGTON, Mr. NOLAN, Mr. ST GERMAIN, Mr. RANGEL, Mr. RICHMOND, Mr. CORMAN, Mr. NEAL and Mrs. KEYS):

H.R. 7961. A bill to amend the Motor Vehicle Information and Cost Savings Act to provide minimum fuel economy standards for every passenger automobile manufactured in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. JENRETTE:

H.R. 7962. A bill to amend title 39, United States Code, to establish congressional review of postal rate decisions, to increase congressional oversight of the U.S. Postal Service, to abolish the Board of Governors of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JONES of Oklahoma (for himself, Mr. MARRIOTT, Mr. LOTT, Mr. MOAKLEY, Mr. PATTERSON of California, Mr. ALLEN, Mr. BEARD of Tennessee, and Mr. EDWARDS of Oklahoma):

H.R. 7963. A bill providing that the tax treatment of certain transportation expenses between a taxpayer's residence and place of work shall be determined without regard to Revenue Ruling 76-453; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. MOFFETT, Mr. BYRON, and Mr. KOSTMAYER):

H.R. 7964. A bill to authorize the Secretary of Transportation to make grants for the construction of bikeways; to the Committee on Public Works Transportation.

By Mr. LATTA:

H.R. 7965. A bill to increase the appropriations ceiling for development of Perry's Victory and International Peace Memorial, Ohio; to the Committee on Interior and Insular Affairs.

By Mr. LEACH:

H.R. 7966. A bill to provide for campaign finance reform of congressional elections; to the Committee on House Administration.

By Mr. RUNNELS:

H.R. 7967. A bill to exempt the Rio Grande project, New Mexico-Texas, from the acreage limitation provisions of Federal reclamation laws which limit the acreage of irrigable land which may receive irrigation benefits from, through or by means of Federal reclamation works; to the Committee on Interior and Insular Affairs.

By Mr. RUPPE:

H.R. 7968. A bill to amend the Federal Crop Insurance Act, and for other purposes; to the Committee on Agriculture.

By Mr. TUCKER:

H.R. 7969. A bill to amend section 109 of the State and Local Fiscal Assistance Act of 1972 to provide that user fees and service charges collected by States and local governments for public services be counted as taxes for purposes of allocating funds under that act; to the Committee on Government Operations.

By Mr. WHITEHURST:

H.R. 7970. A bill to designate certain lands within the National Forest System as wilderness; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DEL CLAWSON (for himself and Mr. CORCORAN of Illinois):

H.J. Res. 529. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as National Family Week; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.J. Res. 530. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court, a restriction on the use of prior convictions except when they are an element of the crime charged, and the right of a defendant in a criminal case to be informed of the evidence against him; to the Committee on the Judiciary.

By Mr. MEEDS:

H. Con. Res. 259. Concurrent resolution to authorize the printing of a revised edition of the American Indian Policy Review Commission Final Report as a House Document; to the Committee on House Administration.

By Mr. KOCH (for himself, Mr. BEDELL, and Mr. BLANCHARD):

H. Res. 652. Resolution relative to the freedom of the citizens of Romania, and for other purposes; jointly, to the Committees on International Relations, and Ways and Means.

By Mr. McDONALD:

H. Res. 653. Resolution to disapprove the continuation of the President's authority to waive the freedom of emigration requirements for the granting of most favored nation status to Romania; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McFALL introduced a bill (H.R. 7971) to validate the conveyance of certain land in the State of California by the Southern Pacific Transportation Co.; which was referred to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

193. By the SPEAKER: Memorial of the Assembly of the State of New York, relative to the revitalization of urban areas through cultural means; to the Committee on Banking, Finance and Urban Affairs.

194. Also, memorial of the Legislature of the State of South Carolina, relative to retaining the Armed Services Committee as a standing committee of the House of Representatives; to the Committee on Rules.

195. Also, memorial of the Legislature of the State of South Carolina, relative to retaining the Veterans' Affairs Committee as a standing committee of the House of Representatives; to the Committee on Rules.

196. Also, memorial of the House of Representatives of the State of Washington, relative to retaining the Veterans' Administration Hospital in Vancouver, Wash.; to the Committee on Veterans' Affairs.

197. Also, memorial of the House of Representatives of the State of Illinois, relative to busing of schoolchildren to achieve racial balance; jointly, to the Committees on Education and Labor, and the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

132. The SPEAKER presented a petition of the city council, Santa Monica, Calif., relative to providing Federal funds for low-cost spaying and neutering clinics; which was referred to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6761

By Mr. EDWARDS of Oklahoma:

On page 4, line 4, insert immediately after the period the following new clause:

"(g) any activity, including youth camp activities which are conducted by a religious organization as defined under section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt from taxation under section 501(a) of such Code."

H.R. 7797

By Mr. MOORE:

Page 21, immediately following Line 14, add the following new section:

"Section 509. None of the funds appropriated or made available to International Financial Institutions pursuant to this Act shall be used for the purpose of establishing or expanding production of sugar, palm oil or citrus crops if the United States is a producer of the same, similar or competing agricultural commodity."

Page 21, immediately following Line 14, add the following new section:

"Section 509. None of the funds appropriated or made available to International Financial Institutions pursuant to this Act shall be used by the United States representatives to those institutions for the purpose of establishing or expanding production of sugar, palm oil or citrus crops if the United States is a producer of the same, similar or competing agricultural commodity."

H.R. 7932

By Mr. MITCHELL of Maryland:

Page 10, line 19, after line 18:

"JOINT COMMITTEE ON DEFENSE PRODUCTION

"For salaries and expenses of the Joint Commitee on Defense Production, $225,000."

SENATE—*Wednesday, June 22, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. EDWARD ZORINSKY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has taught us to pray without ceasing, help us to pray not only with our lips but in our hearts. May our worship, our praise, and our

thanksgiving arise from our inmost being. Whatever we do, great or small, seen or unseen, may our service be an offering to Thee. Grant us grace to walk in the steps of Him who taught us to pray "Thy kingdom come. Thy will be done on Earth as it is in heaven." May that kingdom begin in us and find its way into men's hearts until all earthly kingdoms come under Thy rulership. Through Him whose name is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1977.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD ZORINSKY, a Senator from the State of Nebraska, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. ZORINSKY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Tuesday, June 21, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

UPGRADING MILITARY DISCHARGES

Mr. BAKER. Mr. President, there has been considerable discussion lately within the Congress and the press concerning the President's program to automatically upgrade the undesirable discharges of certain categories of Vietnam veterans and to make these veterans eligible for benefits now available only to those who received honorable and general discharges. This program bypasses the traditional case-by-case review of each applicant, whereby extenuating circumstances and the need for compassion can be taken into account by the Discharge Review Board, and institutes automatic upgrading and eligibility for veterans' benefits to veterans who meet certain criteria. I understand that some 161,000 undesirable discharges are eligible for upgrading under this program.

I have seen the argument made that, because hindsight has persuaded us that our involvement in the war was probably a mistake in the first place, it is wrong to distinguish between those who served to the best of their ability and those whose conduct was less than honorable. All of us know that many thousands of our young men responded to their Nation's call with honor and fulfilled their obligation to defend their country under circumstances which were always difficult and often demoralizing.

We have heard much about the difficulties which Vietnam veterans have faced upon their return to this country—their treatment as outcasts and their long and bitter search for employment. I have expressed before to my colleagues my belief that there should be some recognition that these men and women served honorably. Moreover, I believe it is only fair that those who received undesirable discharges should have the opportunity to seek review, to set forth mitigating circumstances, and to have their discharges upgraded in the manner accorded other veterans of other wars. In my view, however, the wholesale upgrading and granting of veterans' benefits to those who received undesirable discharges, like the President's pardon of draft evaders, further blurs the distinction between those who gave their best efforts to their country and those who did not. This program drags down the men who served courageously, many of whom suffered disabling wounds, many of whom gave their lives, to the level of the lowest common denominator.

For these reasons, I was pleased to note the passage by the House of an amendment offered by Congressman ROBIN BEARD of Tennessee, to the HUD–VA appropriations bill. This amendment prohibits the use of any funds in the bill for veterans' benefits for those who receive an "honorable" discharge as a result of the President's special discharge program. Congressman BEARD's amendment will allow the Congress the opportunity to fully and carefully consider the wisdom of bestowing veterans' benefits, traditionally considered well-earned rewards for honorable military service, to those who were unwilling to comply with that standard.

Mr. President, I have no further requirement or request for my time under the standing order. I am prepared to yield back the remainder of my time. I do yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with statements therein limited to 3 minutes.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Ohio (Mr. GLENN) I ask unanimous consent that the Senate go into executive session at this time to consider the nomination of Milton A. Wolf, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Milton A. Wolf, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

APPOINTMENT OF SENATOR GLENN AS A CONFEREE ON S. 826

Mr. RIBICOFF. Mr. President, I ask that the Senator from Ohio (Mr. GLENN) be appointed as a conferee to S. 826, to establish an Energy Department for consideration of the following issues: sharing of responsibility for building conservation standards program between the Housing and Energy Departments; sharing of responsibility for the automobile efficiency standards program between the Energy and Transportation Departments; assignment of pricing regulatory matters within the Energy Department; and energy planning.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive sessions, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7636) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. YATES, Mr. MCKAY, Mr. LONG of Maryland, Mr. EVANS of Colorado, Mr. MURTHA, Mr. DUNCAN of Oregon, Mr. DICKS, Mr. WHITTEN, Mr. MAHON, Mr. MCDADE, Mr. REGULA, Mr. ARMSTRONG, and Mr. CEDERBERG were appointed managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3849) to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere and to authorize appropriations for the committee for fiscal year 1978, with an amendment, in which it requests the concurrence of the Senate.

At 2:13 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3695) to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes.

REPORT ON SETTLEMENT OF THE CYPRUS PROBLEM—MESSAGE FROM THE PRESIDENT—PM 87

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by Public Law 94-104, this report describes what has occurred during the last sixty days toward settlement of the Cyprus problem and the efforts the Administration has made toward that goal.

In my last report, I promised to work closely with the Congress on this problem, and to devote whatever effort might be required to bring about a truly just and lasting peace in Cyprus. I emphasized as well the importance of continuing to strengthen the ties of friendship and cooperation between the United States and Greece and Turkey, our two major allies in the eastern Mediterranean.

Since my last report on April 15, there have been only a few significant developments with regard to Cyprus. This pause is to some extent a reflection of understandable preoccupation of the parties with the Turkish national elections of June 5. Even so, talks between the two Cyprus communities took place in Nicosia in late May and early June. These discussions allowed some clarification of the positions presented during the earlier meetings in Vienna which had taken place under the chairmanship of the United Nations Secretary General. The United Nations Security Council authorized a further six-month extension of the mandate of the United Nations Peacekeeping Force on Cyprus (UNFICYP) on June 15, and we expect that the negotiating process will resume at an early date between the two Cypriot communities.

I would add that while I was in London in conjunction with the NATO Summit meeting in May, I met separately with the Greek and Turkish Prime Ministers. Secretary Vance, National Security Advisor Brzezinski and the Special Representative for eastern Mediterranean matters, Clark Clifford, were also present. I used the opportunity for a brief discussion of the Cyprus problem as well as a review of other elements of our relationship with these two valued NATO allies. Mr. Clifford also had separate discussions with both Prime Minister Caramanlis and Prime Minister Demirel. I believe both governments now appreciate the depth of our interest and determination to assist in achieving a lasting Cyprus settlement.

We intend to work actively during the summer months and into the fall toward this end. I would hope it will soon be possible in these periodic reports to Congress to record real progress toward the just and lasting Cyprus settlement which the United States seeks.

JIMMY CARTER.

THE WHITE HOUSE, *June 22, 1977.*

REPORT OF THE CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT—PM 88

The ACTING PRESIDENT pro tempore (Mr. ZORINSKY) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

In accordance with Title 5, United States Code, Section 1308(a), I hereby submit the 1976 Annual Report of the United States Civil Service Commission. This Report was prepared based upon activities of the U.S. Civil Service Commission prior to my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *June 22, 1977.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 192. A resolution authorizing the printing of the committee print entitled "Compendium of Materials on Zero-Base Budgeting in the States" as a Senate document (Rept. No. 95-286).

S. Res. 201. A resolution authorizing supplemental expenditures by the Committee on Energy and Natural Resources for inquiries and investigations (Rept. No. 95-287).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment, with an amendment to the title:

S. Res. 183. A resolution relating to kickbacks among medicaid providers (Rept. No. 95-288).

By Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation:

S. Res. 202. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to consideration of S. 1522. Referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Alan William Wolff, of the District of Columbia, to be a Deputy Special Representative for Trade Negotiations.

Stuart Evan Seigel, of the District of Columbia, to be an assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BAYH, from the Committee on the Judiciary:

John M. Rector, of Virginia, to be Assistant Administrator of Law Enforcement Assistance.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, June 22, 1977, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 63) to amend the Federal Home Loan Bank Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time

and, by unanimous consent the second time, and referred as indicated:

By Mr. LEAHY:

S. 1736. A bill to amend title 38, United States Code, to provide Federal loans and loan guarantees to veterans for the purchase and installation of heating and cooling systems which utilize solar energy; to the Committee on Banking, Housing, and Urban Affairs.

S. 1737. A bill to provide more Federal assistance under certain housing programs for dwelling units which utilize solar energy; to the Committee on Banking, Housing, and Urban Affairs.

S. 1738. A bill to authorize Federal assistance under the Consolidated Farm and Rural Development Act with respect to using solar energy in residential structures on family farms; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McGOVERN:

S. 1739. A bill entitled "Postal Service Act of 1977"; to the Committee on Governmental Affairs.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1740. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1979; to the Committee on Commerce, Science, and Transportation.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1741. A bill to amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER:

S. 1742. A bill for the relief of Maria Lucia Pontes; and

S. 1743. A bill for the relief of Doctor Jesus Fernandez Tirao and his wife, Benylin-Lynda Obiena Tirao; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1744. A bill to authorize the Secretary of the Interior to convey certain property to Morris L. Porter, Seldovia, Alaska; to the Committee on Energy and Natural Resources.

By Mr. McINTYRE (for himself and Mr. NELSON):

S. 1745. A bill to amend the Employee Retirement Income Security Act of 1974 to implement certain recommendations of the Commission on Federal Paperwork with respect to such Act, to facilitate the establishment of employee retirement plans by small businesses, and for other purposes; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

By Mr. HUDDLESTON:

S. 1746. A bill to amend the Federal Crop Insurance Act, as amended, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN:

S. 1739. A bill entitled "Postal Service Act of 1977"; to the Committee on Governmental Affairs.

Mr. McGOVERN. Mr. President, today I am introducing the Postal Service Act of 1977, which is intended to provide the basis for Congressional action to amend the Postal Reorganization Act of 1970.

The 1970 legislation, which abolished the old Post Office Department and created the U.S. Postal Service has proved, in its implementation, to be unresponsive to the needs and wishes of the American people in the reliable dispatch and delivery of mail.

A summary of the Postal Service Act of 1977 is as follows:

Sec. 1. Title.

Sec. 2. Postal Rate Commission decisions in rate, fee and classification cases are subject to Congressional veto. Congress will have sixty days to veto such decisions. Both Houses must concur. Only the decision as a whole is subject to veto; there is no item veto. Appropriations are authorized to cover any shortfall created by a veto. Except for these provisions, Postal Rate Commission decisions will be final.

Sec. 3. A more precise methodology for the setting of postal rates is established to reaffirm Congressional intent in the Postal Reorganization Act of 1970. Rates are to be based on short term variable costs with a 60% ceiling on attributable costs. Institutional costs will be allocated according to other criteria outlined in the law. In addition, the Postal Service may not include more than 2% for contingencies or provisions for recovery for prior year losses in costs to be covered by postal rates.

Sec. 4. Authorization for public service appropriations is increased from the current 10% of 1971 postal appropriations ($920 million) to 15% of the prior fiscal year's operating expenses. The provisions in the Postal Reorganization Act reducing the amount of public service authorizations beginning in 1979 is eliminated.

The authorization is for only a two-year period, rather than the permanent authorization included in current law.

It is also specified that the money is authorized for, among other things, six-day a week delivery, the operation of rural post offices, and a modern research and development program.

Public service appropriations may not be used to reduce parcel post rates in unfair competition against private enterprise.

Sec. 5. The Postal Rate Commission's budget is separated from the Postal Service's and the Postal Service will no longer have any control over the Postal Rate Commission's finances.

Sec. 6. A maximum size limitation of 100 inches in girth and length combined and a maximum weight limitation of 70 pounds are uniformly applied to parcels mailed from all post offices. Currently, size and weight limitations vary according to the class of post office.

Sec. 7. Both the Postal Service and the Postal Rate Commission may represent themselves without the prior consent of the Attorney General in court cases arising out of Postal Rate Commission proceedings on rate, classification, and service matters.

Sec. 8. The Postal Service Board of Governors is abolished and the Postmaster General and Deputy Postmaster General are to be appointed by the President with Senate confirmation.

Sec. 9. The Postal Service must hold a public hearing in any community where it is considering closing a post office.

Sec. 10. The Postal Service is required to follow procedures for disposing of excess property followed by other federal agencies. This provision applies only to properties turned over to the Postal Service as a result of the passage of the Postal Reorganization Act of 1970.

Sec. 11. The Postal Service may not begin any capital program exceeding a total cost of $250 million until receiving a recommendation from Congress. The recommendation will be based on hearings and studies conducted by Congress on the proposals submitted by the Postal Service. The recommendation on a specific project must be transmitted to the Postal Service within four months after submission of the proposal to Congress.

Sec. 12. No provisions in this act are intended to have an effect on the collective bargaining process outlined in the Postal Reorganization Act of 1970.

Sec. 13. Effective date—90 days after date of enactment.

This bill is similar to H.R. 7700 which has been introduced in the House of Representatives by Congressman JAMES HANLEY, chairman of the House Subcommittee on Postal Operations and Services and Congressman CHARLES H. WILSON, chairman of the Postal Personnel and Modernization Subcommittee.

The bill is also related to S. 1692, which I introduced with Senator MELCHER and Senator BURDICK earlier this month.

My purpose in introducing this measure is to provide additional options and alternatives for the Senate Governmental Affairs Subcommittee on Energy and Nuclear Proliferation and Federal Services, which is presently considering postal reform legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Postal Service Act of 1977"

CONGRESSIONAL REVIEW OF RATE, FEE, AND CLASSIFICATION DECISIONS

SEC. 2. (a) Section 3624 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) Any final decision of the Commission under this section shall take effect if, and only if—

"(A) the Commission delivers a copy of such final decision to the Senate and to the House of Representatives; and

"(B) before the close of the 60-day period which begins on the day on which the copies of such final decision are delivered to the Senate and to the House of Representatives, the Congress does not adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of disapproval.

"(2) The 60-day period referred to in paragraph (1) of this subsection shall be computed by excluding—

"(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

"(B) any Saturday and Sunday, not excluded under subparagraph (A) of this paragraph, when either House is not in session.

"(3) For purposes of this subsection, the term 'concurrent resolution of disapproval' means only a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the taking effect of the final decision transmitted to the Congress by the Postal Rate Commission on ———', the blank space therein being filled with the day and year.".

(b) Section 2401 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) There are authorized to be appropriated to the Postal Service each fiscal year such sums as may be necessary to offset any reduction in the estimated revenues of the Postal Service which results from any adoption of a concurrent resolution by the Congress under section 3624(e) of this title disapproving any final decision of the Postal Rate Commission.".

(c) Section 3641(e) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the Congress adopts a concurrent resolution under section 3624(e) of this title disapproving any final decision of the Commission, any such temporary change shall be effective for a period ending not later than 30 days after the date of the adoption of such concurrent resolution.".

CHANGING RATES AND FEES

SEC. 3. (a)(1) Section 3621 of title 39, United States Code, is amended to read as follows:

"§ 3621. AUTHORITY TO FIX RATES AND FEES

"The Postal Rate Commission may change rates of postage and fees for postal services in accordance with this chapter. Postal rates and fees shall be reasonable, equitable, and sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States. Postal rates and fees shall provide sufficient revenues so that the total estimated income and appropriations to the Postal Service will equal as nearly as practicable total estimated costs of the Postal Service. For purposes of this section, 'total estimated cost' includes (without limitation)—

"(1) operating expenses;

"(2) depreciation on capital facilities and equipment;

"(3) interest on debt and amortization of debt discount and expenses; and

"(4) a provision for contingencies, not to exceed 2 percent of an amount equal to the total of those items referred to in paragraph (1) through paragraph (3) of this section, for unforeseeable and uncontrollable occurrences;

but does not include a provision for repayment of past losses.".

(2) The item relating to section 3621 in the table of sections for subchapter II of chapter 36 of title 39, United States Code, is amended by striking out "classes" and inserting in lieu thereof "fees".

(b) Section 3622 of title 39, United States Code, is amended to read as follows:

"§ 3622. RATES AND FEES

"(a) The Postal Service shall propose rate schedules to the Postal Rate Commission recommending changes in a rate or rates of postage or in a fee or fees for postal services if the Postal Service determines that each such change would be in the public interest and in accordance with the policies of this title.

"(b)(1) Upon receiving any proposal from the Postal Service, the Commission shall make a decision on the request for changes in rates or fees in each class or subclass of mail or type of service in accordance with the policies of this title and the requirements of this subsection.

"(2) Each class or subclass of mail or type of service shall bear those postal costs attributable to that class, subclass, or type because the costs vary with the volume of that class or subclass or type of service. Attributable costs shall be those costs which vary with volume over 3 years or less. If attributable costs exceed 60 percent of total estimated costs, the attributable costs of each class, subclass, or type shall be reduced to an amount that is determined by multiplying the attributable costs of the class, subclass, or type by a fraction whose numerator is 60 and denominator is a whole number equal to the percentage of total estimated costs determined to be attributable.

"(3) The remaining costs not attributed under paragraph (2) of this subsection shall be apportioned, after deducting an estimated amount for public service appropriations, among each class or subclass of mail or type of service as a revenue burden on the basis of—

"(A) the quality and character of the mail service provided to both the sender and the recipient, including collection, speed of transmission, privacy, and priority of handling and delivery;

"(B) the effect of the proposed rates on the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(C) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(D) the educational, cultural, scientific, and informational benefit of the mail matter to the Nation; and

"(E) the relative demand for each class or subclass of mail or type of mail service.".

(c) Section 3626(a)(1) of title 39, United States Code, is amended by inserting before the semicolon at the end thereof a comma and the following: "as may be reduced under section 3622(b)(1) of this title".

AUTHORIZATION OF APPROPRIATIONS TO UNITED STATES POSTAL SERVICE

SEC. 4. (a) Section 2401(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, there are authorized to be appropriated to the Postal Service, for each of the fiscal years ending September 30, 1979, and September 30, 1980, an amount equal to 15 percent of the total operating expenses of the Postal Service for the immediately preceding fiscal year.

"(2) Notwithstanding any other provision of law, no appropriation shall be made to the Postal Service under paragraph (1) of this subsection for any fiscal year beginning on or after October 1, 1980, unless previously authorized by legislation enacted by the Congress after the effective date of the Postal Service Act of 1977.

"(3) Expenditures which may be made by the Postal Service from funds appropriated under paragraph (1) of this subsection shall include expenditures for—

"(A) the continued operation of post offices in communities in which post offices may not be deemed to be self-sustaining;

"(B) the establishment of research and development programs equivalent in direction and scope to research and development programs carried out by communications businesses in the private sector of the economy; and

"(C) the continuation of the frequency of mail delivery service in effect on June 1, 1977.".

(b) Section 2401(i) of title 39, United States Code, is amended to read as follows:

"(i)(1) Any appropriations made under this section shall not be expended or otherwise used in such a manner as to effect a reduction in any rate for zone rated parcel post as required in chapter 36 of this title.

"(2) Any rate for zone rated parcels shall recover—

"(A) any attributable cost determined under section 3622(a) of this title;

"(B) any direct or indirect cost which is a consequence of providing services for zone rated parcels; and

"(C) a fair share of any other costs."

POSTAL RATE COMMISSIONS BUDGETS

SEC. 5. Section 3604(d) of title 39, United States Code, is amended to read as follows:

"(d) The Commission annually shall prepare and submit to the President a separate budget of the expenses of the Commission, including expenses for facilities, supplies, compensation, and employee benefits. The President shall include the budget of the Commission, with his recommendations but without revisions, as a separate item in the budget required by section 11 of title 31 to be transmitted to the Congress.".

SIZE AND WEIGHT LIMITS

SEC. 6. (a) Section 3682 of title 39, United States Code, is amended to read as follows:

"§ 3682. SIZE AND WEIGHT LIMITS

"(a) The maximum size of mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds.

"(b) The Postal Service may establish size and weight limits for letter mail in the same manner prescribed for changes in the mail classification schedule under subchapter II of this chapter.".

(b) The amendment made by subsection (a) of this section is not effective until the zone rate for a parcel, measuring over 84 inches in length and girth combined, is at least equal to the minimum rate for a 25-pound parcel addressed to the same zone

LEGAL REPRESENTATION

SEC. 7. (a) Section 409(d) of title 39 United States Code, is amended to read as follows:

"(d)(1) Except as provided in paragraph (a) of this subsection, the Attorney General of the United States shall furnish the Postal Service, under section 411 of this title, with any legal representation the Postal Service may require. With the prior consent of the the Attorney General. The Postal Service may represent itself through its own attorneys or through attorneys whose services may be obtained by contract.

"(2) The Postal Service may represent itself in litigation arising under chapter 36 of this title without obtaining the consent of the Attorney General. The Posal Service may represent itself in such litigation through its own attorneys, or through attorneys whose services are obtained by contract.".

(b)(1) Subchapter I of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3605. LEGAL REPRESENTATION

"The Commission may represent itself in litigation arising under this chapter without obtaining the consent of the Attorney General. The Commission may represent itself in such litigation through its own at-

torneys or through attorneys whose services are obtained by contract.".

(2) The table of sections for subchapter I of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new item:

"3605. LEGAL REPRESENTATION.".

ORGANIZATION OF POSTAL SERVICE: RATE, FEE, AND CLASSIFICATION DECISIONS OF POSTAL RATE COMMISSION

SEC. 8. (a)(1) Section 202 of title 39, United States Code, is amended to read as follows:

"§ 202. POSTMASTER GENERAL

"The chief executive officer of the Postal Service is the Postmaster General, who shall be appointed by the President, by and with the advice and consent of the Senate. The pay of the Postmaster General shall be at an annual rate equal to the annual rate of basic pay, as in effect from time to time, for level I of the Executive Schedule of section 5312 of title 5.".

(2) The table of sections for chapter 2 of title 39, United States Code, is amended by striking out the item relating to section 202 and inserting in lieu thereof the following new item:

"202. POSTMASTER GENERAL.".

(b)(1) Section 203 of title 39, United States Code, is amended to read as follows:

"§ 203. DEPUTY POSTMASTER GENERAL

"The deputy chief executive officer of the Postal Service is the Deputy Postmaster General, who shall be appointed by the Postmaster General. The Postmaster General shall fix the term of service of, and shall have the power to remove, the Deputy Postmaster General. The pay of the Deputy Postmaster General shall be at an annual rate, fixed and adjusted by the Postmaster General, not more than $2,500 less than the annual rate of basic pay of the Postmaster General, as in effect from time to time.".

(2) The table of sections for chapter 2 of title 39, United States Code, is amended by striking out the item relating to section 203 and inserting in lieu thereof the following new item:

"203. DEPUTY POSTMASTER GENERAL.".

(c)(1) Section 205 of title 39, United States Code, is amended to read as follows:

"§ 205. GENERAL AUTHORITY OF POSTMASTER GENERAL

"The Postmaster General shall direct and control the expenditures and review the practices and policies of the Postal Service and perform other functions and duties prescribed by this title.".

(2) The table of sections for chapter 2 of title 39, United States Code, is amended by striking out the item relating to section 205 and inserting in lieu thereof the following new item:

"205. GENERAL AUTHORITY OF POSTMASTER GENERAL.".

(d)(1)(A) Section 102 of title 39, United States Code, is amended to read as follows:

"§ 102. DEFINITION

"As used in this title, 'Postal Service' means the United States Postal Service established by section 201 of this title.".

(B) The table of sections for chapter 1 of title 39, United States Code, is amended by striking out the item relating to section 102 and inserting in lieu thereof the following new item:

"102 DEFINITION.".

(2) Section 204 of title 39, United States Code, is amended by striking out "Board" and inserting in lieu thereof "Postmaster General.".

(3) Section 207 of title 39, United States Code, is amended by striking out "Board" and inserting in lieu thereof "Postmaster General".

(4) (A) Title 39, United States Code, is amended by striking out section 402.

(B) The table of sections for chapter 4 of title 39, United States Code, is amended by striking out the item relating to section 402.

(5) Section 1001(d) of title 39, United States Code, is amended by striking out "of the Board or".

(6) Section 1002(a) of title 39, United States Code, is amended by striking out "Governor or".

(7) Section 1011 of title 39, United States Code, is amended by striking out "Board" and inserting in lieu thereof "Postmaster General".

(8) Section 2402 of title 39, United States Code, is amended to read as follows:

"§ 2402. ANNUAL REPORT

"The Postmaster General shall submit to the President and to the Congress an annual report concerning the operations of the Postal Service under this title.".

(9) (A) Section 3623(a) of title 39, United States Code, is amended by striking out "make a recommended" and inserting in lieu thereof "render a".

(B) Section 3623(b) of title 39, United States Code, is amended—

(i) by striking out "submit" the first place it appears therein and inserting in lieu thereof "render";

(ii) by striking out "submit to the Governors" and inserting in lieu thereof "render"; and

(iii) by striking out "recommended".

(C) Section 3623(c) of title 39, United States Code, is amended by striking out "make a recommended" and inserting in lieu thereof "render".

(10) (A) The heading for section 3624 of title 39, United States Code, is amended by striking out "Recommended decisions" and inserting in lieu thereof "Decisions".

(B) Section 3624(a) of title 39, United States Code, is amended by striking out "recommend" and inserting in lieu thereof "render".

(C) Section 3624(c)(1) of title 39, United States Code, is amended—

(i) by striking out "recommended" the first place it appears therein;

(ii) by striking out "transmit its recommended" and inserting in lieu thereof "render its"; and

(iii) by striking out "to the Governors under subsection (d) of this section".

(D) Section 3624(d) of title 39, United States Code, is amended to read as follows:

"(d) The Commission shall determine the date or dates on which the new rates, fees, mail classification schedule, and changes in the schedule shall become effective. The decisions of the Commission shall be final, subject to the provisions of subsection (e) of this section, and shall not be subject to approval, allowance under protest, modification, or rejection by the Postal Service.".

(11) (A) Title 39, United States Code, is amended by striking out section 3625, and by redesignating section 3626 through section 3628 as section 3625 through section 3627, respectively.

(B) Section 3626 of title 39, United States Code, as so redesignated by subparagraph (A), is amended by striking out "3626 of this title" and inserting in lieu thereof "3625 of this title".

(C) The table of sections for subchapter II of chapter 36 of title 39, United States Code, is amended by striking out the items relating to section 3624 through section 3628 and inserting in lieu thereof the following new items:

"3624. DECISIONS OF COMMISSION.
"3625. REDUCED RATES.
"3626. ADJUSTING FEES AND REDUCED RATES.
"3627. APPELLATE REVIEW.".

(12) (A) The first sentence of section 3627 of title 39, United States Code, as so redesignated by paragraph (11)(A), is amended—

(i) by striking out "decision of the Governors to approve, allow under protest, or modify the recommended"; and

(ii) by inserting "under section 3624(c) of this title" immediately after "Postal Service Commission".

(B) The second sentence of section 3627 of title 39, United States Code, as so redesignated by paragraph (11)(A), is amended by striking out "and the Governors".

(C) The last sentence of section 3627 of title 39, United States Code, as so redesignated by paragraph (11)(A), is amended by striking out "or Governors".

(13)(A) Section 3641(a) of title 39, United States Code, is amended—

(i) by striking out "transmit a recommended" and inserting in lieu thereof "render a"; and

(ii) by striking out "to the Governors".

(B) Section 3641(d) of title 39, United States Code, is amended—

(i) by striking out "transmits its recommended" and inserting in lieu thereof "renders its";

(ii) by striking out "to the Governors under section 3624(d) of this title"; and

(iii) by striking out "Governors" and inserting in lieu thereof "Commission".

(C) The first sentence of section 2641(e) of title 39, United States Code, is amended—

(i) by striking out "transmit to the Governors" and inserting in lieu thereof "render a decision"; and

(ii) by striking out "recommended".

(D) The second sentence of section 3641(e) of title 39, United States Code, is amended by striking out "transmitted its recommended decision to the Governors" and inserting in lieu thereof "rendered its decision".

(14) Section 3684 of titel 39, United States Code, is amended by striking out "Governors" and inserting in lieu thereof "Postmaster General".

(15) Section 5206(c) of title 39, United States Code, is amended by striking out "Board" each place it appears therein and inserting in lieu thereof "Postmaster General".

POST OFFICE CLOSINGS AND CONSOLIDATIONS

SEC. 9. Section 404(b)(1) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall conduct a hearing relating to such proposed closing or consolidation during such 60-day period in the area which would be affected by such proposed closing or consolidation.".

SURPLUS AND EXCESS PROPERTY

SEC. 10. (a) Section 410(b)(4) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) chapter 10 (relating to management and disposal of Government property), except that the provisions of such chapter shall apply only to property held by the Postal Service at the time of its establishment by section 201 of this title, as enacted by section 2 of the Postal Reorganization Act; and".

(b) Section 401(5) of title 39, United States Code, is amended by inserting before "to acquire" the following: "subject to the

provisions of section 410(b)(4)(F) of this title,".

REVIEW OF PROPOSED CAPITAL INVESTMENTS

SEC. 11(a) Chapter 20 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"S. 2011. REVIEW OF PROPOSED CAPITAL INVESTMENTS

"(a) The Postal Service may not carry out any capital investment project having a total estimated cost which exceeds $200,000,000 unless the Postal Service, before commencing such project, transmits a report to the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives. Such report shall contain a detailed description of the project involved, together with a justification for such project.

"(b) The Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives, upon receiving any report from the Postal Service under subsection (a) of this section, shall review the project involved and conduct such hearings with respect to such project as each committee considers necessary Each such committee shall transmit recommendations to the Postal Service with respect to such project no later than 4 months after receiving a report under subsection (a) of this section.

"(c) The Postal Service may not commence any capital investment project with respect to which a report has been transmitted by the Postal Service under subsection (a) of this section until the Postal Service has received recommendations with respect to such project from the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives under subsection (b) of this section. The Postal Service shall take such recommendations into account in making its final determination with respect to carrying out the project involved.

"(d) For purposes of this section, the term 'capital investment project' means any project the cost of which is not properly chargeable, under generally accepted accounting principles, as an expense of operation and maintenance.".

(b) The table of sections for chapter 20 of title 39, United States Code, is amended by adding at the end thereof the following new item:

"2011. REVIEW OF PROPOSED CAPITAL INVESTMENTS.".

EFFECT ON COLLECTIVE BARGAINING AGREEMENTS

SEC. 12. Nothing in this Act, or in any amendment made by this Act, affected—

(1) any collective bargaining agreement entered into by the United States Postal Service which is in effect on the effective date of this Act;

(2) the authority of the United States Postal Service under chapter 12 of title 39, United States Code, to engage in collective bargaining with respect to any collective bargaining agreement into which the United States Postal Service may enter; or

(3) any obligations entered into by the Postal Service in any future collective bargaining agreement.

EFFECTIVE DATE

SEC. 13. The provisions of this Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1740. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1979; to the Committee on Commerce, Science, and Transportation.

Mr. MAGNUSON. Mr. President, I introduce today, at the request of the Department of Transportation, and on behalf of myself and my colleague, Mr. PEARSON, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1979.

I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Traffic and Motor Vehicle Safety and Motor Vehicle Information and Cost Savings Authcrizations of 1979".

TITLE I—TRAFFIC AND MOTOR VEHICLE SAFETY

SEC. 101. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act such funds as are necessary for the fiscal year ending September 30, 1979."

TITLE II—MOTOR VEHICLE INFORMATION AND COST SAVINGS

SEC. 201. Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by adding the following at the end theerof:

"There are authorized to be appropriated to carry out this title such funds as are necessary for the fiscal year ending September 30, 1979."

SEC. 202. Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by adding the following at the end thereof:

"There are authorized to be appropriated to carry out this title such funds as are necessary for the fiscal year ending September 30, 1979."

SEC. 203. Section 321 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1964) is amended by inserting the following immediately after the first sentence of the section:

"There are authorized to be appropriated to carry out this title such funds as are necessary for the fiscal year ending September 30, 1979."

SEC. 204. Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1930g) is amended by adding the following at the end thereof:

"There are authorized to be appropriated to carry out this title such funds as are necessary for the fiscal year ending September 30, 1979."

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 16, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill.

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1979.

Title I of this bill would authorize the appropriation of such funds as are necessary to implement the National Traffic and Motor Vehicle Safety Act of 1966 for fiscal year 1979.

Title II of this bill would authorize the appropriation of such funds as are necessary to meet the expenses for the continued effective implementation of Titles I–IV of the Motor Vehicle Information and Cost Savings Act for fiscal year 1979. No authorization is being sought for Title V of the Act, the new Automotive Fuel Economy Program, consistent with the previous handling of this title by the authorization committees of the Congress.

It is the judgment of this Department, based on available information, that no significant environmental impact would result from the implementation of this legislation.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

BROCK ADAMS.

Enclosure.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1741. A bill to amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

Mr. MAGNUSON. Mr. President, I introduce today, at the request of the Department of Transportation, and on behalf of myself and my colleague, Mr. PEARSON, a bill to amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation.

I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Authorization Act of 1977."

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 601(a)(1) of the Rail Passenger Service Act (45 U.S.C. 601(a)(1)) is amended by:

(1) striking from clause (1) the word "and" following "September 30, 1977," and by inserting the following before the semicolon and the end thereof: ", and for the fiscal year ending September 30, 1979, such sums as are necessary for the payment of such expenses";

(2) by striking from clause (2) the word "and" following "September 30, 1977," and by inserting the following before the semicolon at the end thereof: ", and for the fiscal year ending September 30, 1979, such sums as are necessary for the payment of such costs";

(3) by striking from clause (3) the word "and" following "September 30, 1977," and by inserting the following before the semicolon at the end thereof: ", and for the fiscal year ending September 30, 1979, such sums as are necessary for the payment of such additional operating expenses"; and

(4) by inserting the following before the period in clause (4): ", and for the fiscal year ending September 30, 1979, such sums as are appropriate for such payment".

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 15, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To amend the Rail Passenger Service Act to provide additional financing for the National Railroad Passenger Corporation."

The proposed bill would amend section 601(a)(1) of the Rail Passenger Service Act ("Act") to authorize to be appropriated to the Secretary for the benefit of the National Railroad Passenger Corporation for the fiscal year ending September 30, 1979, such sums as are necessary to pay the operating and capital expenses of the Corporation, including payment of operating and ownership expenses incurred in the Northeast Corridor, and to continue to make payments for the permanent reduction of outstanding loan balances guaranteed pursuant to section 602 of the Act. Our actual appropriation requests, while anticipated to be similar to fiscal year 1978 levels, will depend upon future events and determinations.

The proposed legislation will not have an adverse impact on the environment, nor will it have an inflationary impact on the economy.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

BROCK ADAMS.

Enclosure.

By Mr. STEVENS:

S. 1744. A bill to authorize the Secretary of the Interior to convey certain property to Morris L. Porter, Seldovia, Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, the legislation which I introduce today would quiet title to 83.52 acres of land now in dispute between Morris L. Porter of Seldovia, Alaska, and five granddaughters of the late Anisum Alexanderoff.

In 1931, Anisum Alexanderoff was issued an Indian allotment which conveyed this land to him subject to the condition that it could not be alienated or sold without the approval of the Secretary of the Interior. In 1945, Mr. Alexanderoff died and Morris L. Porter purchased the subject property in good faith from the U.S. Commissioner who was administrator of Mr. Alexanderoff's estate. Mr. Porter moved onto the property and over the years has made several improvements.

In 1953, Mr. Porter discovered that the U.S. Commissioner had no authority over probating Mr. Alexanderoff's estate, since such authority was vested in the Secretary of the Interior. At that time, Mr. Porter began his long, arduous attempt to obtain clear title. To complicate matters, in 1955 it was discovered that Mr. Alexanderoff had a surviving widow, Agnes Alexanderoff, who legally was the sole heir of Mr. Alexanderoff's estate and was entitled to the 83.52 acres.

In 1961, Agnes Alexanderoff died and in 1971 it appeared that this matter might finally be resolved. However, in 1972 it was discovered that Mrs. Alexanderoff had five daughters by a previous marriage and it was determined that each inherited an undivided share in her estate consisting of Anisum Alexanderoff's Native allotment of 83.53 acres of land.

Mr. President, Mr. Porter and his sons have been residing on this property since his original purchase in 1945. However, he has not been able to enjoy clear title to this land due to the interests of Mr. Alexanderoff's heirs and to the interest of the U.S. Government as trustee.

The bill which I offer today would resolve this matter once and for all. It would authorize the Secretary of the Interior to convey by quitclaim deed title in these 83.52 acres to Morris L. Porter. It would further authorize the Secretary of the Interior to require by purchase or exchange any interest in this property held by the heirs of Anisum Alexanderoff.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, by quitclaim deed, to Morris L. Porter, Seldovia, Alaska, all right, title, and interest of the United States in and to the property known as United States Survey Numbered 1811, containing 83.52 acres, more or less, according to the official plat thereof in the Seldovia Recording District, Third Judicial District, State of Alaska, including any right, title, or interest acquired pursuant to section 2 of this Act.

SEC. 2. The Secretary of the Interior is authorized to take such action as may be necessary to acquire, by purchase or exchange, any right, title, or interest in or to the property referred to in the first section of this Act which may be held by the heirs of Anisum Alexanderoff or Agnes Alexanderoff, both deceased, on the date immediately preceding the date of the enactment of this Act.

SEC. 3. There is authorized to be appropriated such sum, not to exceed $30,000, as may be necessary to carry out the provisions of this Act.

By Mr. McINTYRE (for himself and Mr. NELSON):

S. 1745. A bill to amend the Employee Retirement Income Security Act of 1974 to implement certain recommendations of the Commission on Federal Paperwork with respect to such act, to facilitate the establishment of employee retirement plans by small businesses, and for other purposes; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

Mr. McINTYRE. Mr. President, I am introducing today a bill which proposes to reduce paperwork and reporting burdens under the Pension Reform Act of 1974, and also to make it legally permissible for pension funds once more to invest in companies other than the largest 500.

IMPLEMENTING PAPERWORK COMMISSION RECOMMENDATIONS

The starting point for this bill is the December 3, 1976, Report of the Commission on Federal Paperwork, of which I am cochairman. That Commission, after a prolonged study, made a series of 15 recommendations for consolidation and simplification of pension reporting among the three agencies which are presently involved: Internal Revenue Service, Department of Labor, and the Pension Benefit Guaranty Corporation.

As a result of the Small Business Committee's continuing study of these matters and the 4 days of hearings held jointly with the Senate Finance Committee during May 1977, it is now possible to make specific recommendations to encourage the full implementation of simplified reporting as was contemplated by the Commission and by the Congress in the original act—the Employee Retirement Income Security Act of 1974, or ERISA.

SINGLE ANNUAL REPORT

One major Commission on Federal Paperwork recommendation to cut paperwork is a single annual report.

It is the first part of this bill which would mandate that, in the future, businesses would file only a single annual report with a single filing date.

The Treasury Department testified on May 10 that ERISA paperwork was cited by 20 percent of the companies which terminated their pension plans in 1975 and 1976. In numbers this would amount to more than the total number of plans that were terminated annually in the years prior to enactment of ERISA. A single annual report, available to all of the interested Government agencies, will sharply decrease the paperwork burden that has already prompted many companies to cancel their plans.

The "single report" proposal is backed up by other provisions of this bill calling for an agreement with a time certain—180 days—by the agencies concerned, on how information gathered in this form can be shared and made available to the several agencies for their varying purposes. We also provide for review of all the existing forms in the process of compilation of the single master form. This section of the bill is aimed at implementing several recommendations of the Paperwork Commission to review, consolidate, or eliminate specific forms.

Such a coordination between the agencies involved is implied by section 3004 of the original Pension Reform Act. This bill would bring this consolidation to a head by requiring that it take place within a time certain, and that the results be reported to the interested committees of Congress within the specified 180-day period.

ADDITION OF SMALL BUSINESS MEMBER TO THE ERISA ADVISORY COUNCIL

The 1974 Pension Reform Act provides for an ERISA Advisory Council, but the council falls short of fulfilling the needs of small business in several respects.

Small business needs a strong voice in the administration of our pension funds. The statistics show that 96½ percent of all pension plans have less than 100 participants, and 93 percent have less than 25. Yet, the act did not distinguish between large and small business representatives on the council, and no spokes-

man for small firms was in fact appointed to the original council.

After the storm of protest over the original pension reporting forms, a representative of an association of small business pension consultants was finally nominated to the board. However, he was placed in a position designated for a "public interest" member. Because of that action, there was criticism by public interest pension organizations.

It is clear to me that with small business sponsoring roughly 96½ percent of the retirement plans covering some 11 percent of the covered employees, there should be representation on the Advisory Council of smaller employee plans and/or a small businessman who rendered services predominantly to these small enterprises. In my view that proportion should be a minimum of 11 percent of the number of members. My bill would provide by law that the council be expanded by one member and that at least one small business representative be appointed.

We would change also the present law so that the council would be advisory both to the Department of Labor and the Internal Revenue Service. The present deliberations are available to the Labor Department, but not to the IRS. Coordination can certainly be improved by making both of these agencies concerned parties to its proceedings.

IMPORTANCE OF PENSION INVESTMENT POLICIES

The assets contained in pension firms at the end of 1976 reached a level of $445 billion, and are rapidly growing. Yet virtually no attention has been given to the economic and social implications of the investment of these funds. We heard testimony at these hearings that pension fund managers have been badly frightened by the Federal enactment of rules for prudent investment of funds and their personal liability under the ERISA statute.

This is confirmed by the survey of the International Foundation of Employee Benefit Plans in which it was found that 64 percent of the respondents felt less willing, after ERISA, to place their funds in anything other than "blue chip" investments.* Pension trustees would rather be "safe than sorry." This in further indicated by statistics of the Securities and Exchange Commission showing that the book value of all common stock holdings of pension funds over the past 2 years has dropped by about 6 percent.

In fact, the secretary of the National Federation of Independent Business, who also serves as one of its pension trustees, testified that the investment standards of its fund restricts purchases to securities which are only AA and higher. Few of any small- or medium-sized enterprises can meet these standards and are therefore precluded from receiving funds from this small business source.

We have heard from venture capital organizations in New England that the pension funds trustees, who previously would be willing to invest a small portion of their funds in venture capital and smaller firms, have withdrawn from this medium following enactment of ERISA.

*See *Pensions & Investments*, September 27, 1976, p. 10.

Plainly, there is a problem and it is almost universally recognized.

If our economy is to deliver on the promise of retirement security—5, 10, 20 years in the future, it must have the productive capacity to do so. This will mean supporting more elderly people who are no longer a part of the work force. It will mean that we must make more efficient use of all of our resources, especially of capital.

Funding new businesses today is one of the most important tasks before us as a nation. Small businesses have been encumbered with excessive regulations, burdened with excessive paperwork, and hamstrung with regressive business tax policies. ERISA added to those injuries by denying small businesses access to the most rapidly growing source of capital in the country.

The record of small business in moving the economy ahead to higher productivity has been magnificent. Over half of all major inventions and innovations have come from this sector, as indicated by a table published by the U.S. Commerce Department in 1967, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOME IMPORTANT INVENTIVE CONTRIBUTIONS OF INDEPENDENT INVENTORS AND SMALL ORGANIZATIONS IN THE TWENTIETH CENTURY

Xerography, Chester Carlson.
DDT, J. R. Geigy & Co.
Insulin, Frederick Banting.
Vacuum Tube, Lee De Forest.
Rockets, Robert Goddard.
Streptomycin, Selman Waksman.
Penicillin, Alexander Fleming.
Titanium, W. J. Kroll.
Shell Molding, Johannes Croning.
Cyclotron, Ernest O. Lawrence.
Cotton Picker, John and Mack Rust.
Shrink-proof Knitted Wear, Richard Walton.
Dacron Polyester Fiber "Terylene," J. R. Whinfield and J. T. Dickson.
Catalytic Cracking of Petroleum, Eugene Houdry.
Zipper, Whitcomb Judson and Gideon Sundback.
Automatic Transmission, H. F. Hobbs.
Gyrocompass, A. Kaempfe, E. A. Sperry and S. G. Brown.
Jet Engine, Frank Whittle and Hans Von Ohain.
Frequency Modulation Radio, Edwin Armstrong.
Self-Winding Wristwatch, John Harwood.
Continuous Hot-Strip Rolling of Steel, John B. Tytus.
Helicopter, Juan De La Cierva, Heinrich Focke, and Igor Sikorsky.
Mercury Dry Cell, Samuel Ruben.
Power Steering, Francis Davis.
Kodachrome, L. Mannes and L. Godowsky, Jr.
Air Conditioning, Willis Carrier.
Polaroid Camera, Edwin Land.
Heterodyne Radio, Reginald Fessenden.
Ball-Point Pen, Ladislao and Georg Biro.
Cellophane, Jacques Brandenberger.
Tungsten Carbide, Karl Schroeter.
Bakelite, Leo Baekeland.
Oxygen Steelmaking Process, C. V. Schwarz, J. Miles, and D. Durrer.

The Commerce Department concluded:

From a number of different points of view, however, we are persuaded that a unique cost-benefit opportunity exists in the provision of incentives aimed at encouraging independent inventors, inventor-entrepreneurs, and small technologically based businesses. The cost of special incentives to them is likely to be low. The benefits are likely to be high.

Mr. MCINTYRE. But, without capital, businesses are stuck. Existing firms cannot grow and new firms are not created.

In effect, the prospects of many successful independent small businesses become a holding operation; while they wait for a bigger company to come buy them out.

With this bill, we will open the door to the entrepreneur who needs capital. Venture funds, the companies that have provided capital for so many new product-oriented companies in industries like electronics and other high technology areas, will once again have some access to the money tied up in pension funds.

I would like to add at this point that the Washington presentation of a group of small business organizations, which includes the Smaller Business Association of New England, the Independent Business Association of Wisconsin, the Council of Smaller Enterprises of the Greater Cleveland Growth Association, the Smaller Manufacturers Council of Pittsburgh, and the Small Business Council of the Greater Syracuse Chamber of Commerce showed last month that one of the most pressing problems facing small business today is capital development. These organizations specifically recommended changes in the ERISA investment policy which would permit the type of investment proposed by this bill.

SUMMARY

The language I have proposed in this bill would go a long way toward recognizing the major problems observed by the Commission on Federal Paperwork and in our hearings. It would remove what is perceived as a legal prohibition in ERISA against pension trustees investing in innovative and growth businesses. It should enhance our ability to provide real retirement security benefits in the future.

My bill fits the Commerce Department's prescription for progress. It would cost nothing; on the contrary it would save millions of dollars in fees from filling out reports. It would, I hope, remove some barriers to the operation of the free enterprise system which have come about as a consequence of ERISA. In my opinion, enlightened investment policy in this area will bring compensatory returns to retirees through stronger funds and a stronger economy.

It is certainly not the intention of this bill to force or compel any investments in small business. It merely seeks to make it possible for a pension trustee of a fund, which has several sets of safeguards in the statute, and who finds a good, sound investment opportunity in a proven venture capital firm or promising small enterprise, to go ahead with this investment and not be stymied by the law.

Mr. President, I ask unanimous consent that the text and a technical analysis of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "ERISA Small Business Paperwork Reduction and Investment Act".

SEC. 2. SINGLE ANNUAL REPORT.—Within 60 days after the date of enactment of this Act, the Secretary of the Treasury and the Secretary of Labor, acting jointly, shall prescribe a single form and a single annual filing date for employee benefit plans (as defined in paragraph (3) of sec. 3 of the Employee Retirement Income Security Act of 1974) which will satisfy the requirements of both sec. 103 of that Act and Sections 6057 and 6058 of the Internal Revenue Code of 1954.

SEC. 3. COORDINATION BETWEEN INTERNAL REVENUE SERVICE, DEPARTMENT OF LABOR AND PENSION GUARANTY CORPORATION WITH RESPECT TO THE GATHERING OF CERTAIN INFORMATION.—Section 3004 of the Employee Retirement Income Security Act of 1974 (relating to coordination between the Department of the Treasury, the Department of Labor and the Pension Benefit Guaranty Corporation) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of the Treasury, the Secretary of Labor, and the Executive Director of the Pension Benefit Guaranty Corporation shall enter into an agreement within 180 days after the date of enactment of the ERISA Small Business Paperwork Reduction and Investment Act under which one agency, but not all three, shall collect the information required to be submitted under sections 103 and 104(a)(1)(B), section 3001, and title V of this Act and under sections 6057 and 6058 of the Internal Revenue Code of 1954 and transmit that information which is within the administrative responsibility of the other agencies to the appropriate officials of the Department of Labor, the Department of the Treasury, or the Pension Benefit Guaranty Corporation, as may be appropriate. The Secretaries and the Executive Director shall also explore the feasibility of having only one agency collect information similar to the information reported for 1976 on Internal Revenue forms 5498, 5499, 5501, 5504, and 5505."

SEC. 4. SIMPLIFIED STATEMENTS OF ACCRUED BENEFITS OF BENEFICIARIES.—Paragraph (3) of section 104 (b) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(3) Within 210 days after the close of the fiscal year of the plan, the Administrator shall furnish to each participant, and to each beneficiary receiving benefits under the plan a simplified statement of—

"(A) in the case of a plan which is a defined contribution plan (as determined by the Secretary)—

"(i) the account balance at the beginning of the year, for the participant or beneficiary,

"(ii) the amount of contribution made on his behalf during the year,

"(iii) any forfeiture allocated to his account,

"(iv) the amount of profit or loss allocated to his account,

"(v) the account balance at the end of the year,

"(vi) the amount of his vested benefits, and

(vii) a statement of any loans which may have accrued against his account;

"(B) in the case of a plan which is a defined benefit plan—

"(i) a statement with respect to current benefits under the plan,

"(ii) a statement as to future benefits anticipated under the plan, and

"(iii) a statement by the employer that the employer is required by law to fund the benefits under the plan and that he is using acceptable actuarial assumptions in doing so; and

"(C) for all plans—

"(i) where and how additional information may be obtained, and

"(ii) what assistance in connection with the plan is available from the Department of Labor and other sources."

SEC. 5. SMALL BUSINESS REPRESENTATION ON ADVISORY COUNCIL.—(a) Subsection (a) of section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) is amended—

(1) by striking out "fifteen members" in paragraph (1) and inserting in lieu thereof "sixteen members", and

(2) by inserting after "pension plan;" the following: "at least one of whom shall be a representative of small businesses sponsoring retirement plans or small businesses rendering services predominantly to such small business plans;"

(b) Subsection (b) of such section is amended—

(1) by inserting "and the Executive Director of the Pension Benefit Guaranty Corporation" after "the Secretary" each place it appears, and

(2) by inserting after "this Act" the following: ", and the Secretary of the Treasury with respect to the carrying out of his functions under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954,".

(c) Subsection (c) of such section is amended by inserting immediately after the first sentence thereof the following: "Beginning in 1978, the executive secretary shall be furnished to the Council in even-numbered years by the Secretary of the Treasury.".

SEC. 6. CERTAIN STUDIES.—The Secretary of Labor shall consult with the Internal Revenue Service and the Commission on Federal Paperwork or its successor, if any, for the purpose of exploring the feasibility of implementing the Commission's recommendations number 13 and 14 contained in the report by the Commission of December 3, 1976, on the Employee Retirement Income Security Act of 1974.

SEC. 7. DELAY IN ACTING UPON REQUESTS.—If a business applicant for an exemption, waiver, or other administrative action under the Employee Retirement Income Security Act of 1974, or under those provisions of the Internal Revenue Code of 1974 relating to employee benefit plans, has not received a determination thereon postmarked within 180 days of its submission to the agency concerned, such applicant will be held harmless from any penalty or other adverse governmental action as a result of acting in accordance with such request for the period beginning 180 days after submission and extending for one calendar year thereafter.

SEC. 8. PROGRESSIVE REPORT.—The Secretary of Labor and the Secretary of the Treasury shall report jointly to the Congress on their progress in carrying out sections 2 through 7 of this Act within 180 days of the date of enactment.

SEC. 9. CERTAIN MODIFICATIONS IN THE PRUDENT MAN RULE.—Paragraph (1) of section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended—

(1) by inserting after "their beneficiaries" the following: "over the long-term, taking account of the necessity of improving the productivity of the economy of the United States and its international competitiveness and its capacity to sustain the real income value of future retirement benefits to beneficiaries of the plan", and

(2) by inserting after "with like aims" the following: "noting the special character of such plans as set forth in the text of this section preceding subparagraph (A)".

SEC. 10. ADDITIONAL CONSIDERATIONS AND STATUTORY DUTIES.—Section 409 of the Employee Retirement Income Security Act of 1974 is amended by inserting after "each such breach," the following: "(taking into account the policy set forth in section 404 (a) of this Act)".

SEC. 11. APPLICATION OF PRUDENT MAN RULE TO DEFINED BENEFIT PLANS.—Section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) is amended by adding the following new paragraph:

"(3) In the case of defined benefit plan, as defined in section 3(35), the prudence requirement of paragraph (1)(B) is not violated solely because an investment may be in a venture capital organization or in a smaller business."

DESCRIPTION AND SECTION-BY-SECTION ANALYSIS OF THE ERISA SMALL BUSINESS PAPERWORK REDUCTION AND INVESTMENT ACT

BACKGROUND

The legislation entitled the "ERISA Small Business Paperwork Reduction and Investment Act" was co-authored by Senator Gaylord Nelson, Chairman of the Senate Small Business Committee, and Senator Thomas J. McIntyre, senior majority member of that committee, and also co-chairman of the Commission on Federal Paperwork. It was introduced in the U.S. Senate on June 16. The bill is drafted as an independent bill which would amend certain sections of the Employee Retirement Income Security Act of 1974 (the Pension Reform Act) P.L. 93-403. The major provisions are designed to simplify the reporting by business, and particularly smaller and medium-sized business, to both the government and plan beneficiaries; to improve small business input to the development of policy, regulation, and forms; to strengthen the coordination among the principal agencies administering ERISA; and to exercise increased oversight by Congress of the ERISA regulatory process.

The objective of the investment provision is to restore access to pension fund assets for investment in smaller firm and venture capital organizations, at least to the extent that it existed before the enactment of ERISA.

CONTENTS

Sec. 1. Title of the bill: ERISA Small Business Paperwork Reduction and Investment Act.

Sec. 2. Single annual report.

Sec. 3. Coordination among principal agencies administering ERISA on access to single report.

Sec. 4. Simplified statement of accrued benefits of beneficiaries.

Sec. 5. Small business representation on Advisory Council.

Sec. 6. Study of feasibility of implementing remainder of Paperwork Commission's recommendations.

Sec. 7. Consequence of government inaction upon business request.

Sec. 8. Report to Congress on implementation of this legislation.

Sec. 9. Modifications to Sec. 404 of ERISA re prudent man rule policy.

Sec. 10. Modification of Sec. 409 of ERISA re fiduciary duties.

Sec. 11. Application of prudent man rule to defined benefit plans.

REVENUE CONSEQUENCES

Commission on Federal Paperwork estimated that full implementation of its recommendations of December 3, 1976, as proposed in this bill, could save the federal government about $50 million initially and $5 million annually thereafter.

PAPERWORK IMPACT

The major thrust of this bill is a massive reduction in federal paperwork. Consolidation to a single report would, according to the recommendations of the Paperwork Commission, enable the elimination of at least six

forms: 5498, 5499, 5501, 5504, 5505 and perhaps the EBS–1.

It would be illuminating to determine the numbers of such forms which are filed annually to determine the savings in reporting, savings in the physical transmission of the report, processing time, storage costs, preparation fees and other expenses which may be involved.

The Paperwork Commission further estimated that savings to businesses from adoption of the recommendations embodied in this bill would approximate $357 million initially and about $283 million annually. Thus, according to the Commissions calculations, the saving to government and business over the next decade could reach $2.99 billion from the consolidation and reduction of reports.

OTHER POTENTIAL ADVANTAGES

In view of the authors of the bill, a reduction of administrative costs in the magnitude indicated, would have a positive effect on the level of benefits to beneficiaries. It was hoped that these savings would strengthen existing pension plans and encourage the formation of new plans.

Reducing the amount of management time and aggravation caused by reporting should result in more efficient operation of smaller businesses and a better overall climate for maintenance and expansion of the private pension system.

The bill recognizes the requirement that if the U. S. economy does not become more efficient and productive in the future, there will be a general decline in the standard of living, particularly among the increasing number of retirees. It proceeds from the premise that the small business community will be able to contribute to the solution of these problems.

The access of the deserving small businesses and venture capital organizations to a relatively large aggregation of capital under the investment policy suggested by the bill could facilitate growth and formation of promising enterprises, with every benefit to the economy and retirement security that results from increased competition and a dynamic free enterprise system.

In instances where small firms which are recipients of pension fund investments are successful, there can be a direct additional monetary benefit to beneficiaries of the fund.

SECTION-BY-SECTION ANALYSIS

Section 2 proposes that a single annual report be prescribed for submission to the Departments of Treasury and Labor within 60 days of enactment.

Sections 3, 6, and 8 provide the means for implementing this central recommendation.

Section 3 proposes that the three principal agencies concerned, Internal Revenue Service, Department of Labor and Pension Benefit Guaranty Corporation, agree within 180 days of enactment upon a system whereby each agency can obtain the access which it requires to the information contained on a single annual report.

Section 4 proposes a simplified statement of group benefits to beneficiaries. This would assist employees by making their benefit information available in precise and understandable form, according to the standard assumptions of each plan. It would help the employers by avoiding the necessity of doing calculations of each individual beneficiary actual entitlements in each year. The Paperwork Commission Report of December, 1976, provides a graphic representation of the format of such a simplied statement on pages 26 and 27.

Section 5 proposes that the ERISA Advisory Council created by Sec. 512 of the statute be expanded from 15 to 16 members and that at least one of the members should be a representative of small employer-sponsored retirement plans, or small businesses rendering services primarily to such small business plans.

The Section also makes the deliberations of the Advisory Council available to all of the principal administering agencies: Internal Revenue Service, Department of Labor, Pension Benefit Guaranty Corporation, rather than only Department of Labor as under present law.

To facilitate coordination, the Executive Director of the Council would be alternated between Department of Labor and Internal Revenue Service.

Section 6 recommends that a study be conducted jointly by the Departments of Labor and Treasury and the Commission on Federal Paperwork or any successor body, on the feasibility of implementing two remaining recommendations of the Federal Paperwork Commission, as follows—

Recommendation No. 13. ". . . consider the least burdensome method of collecting insurance commission information.

Recommendation No. 14. ". . . consider alternatives to achieving the purpose of the three percent reporting requirements of ERISA in a less burdensome manner.

Background on these Paperwork Commission proposals are found on pages 57–59 of their report.

Section 7 proposes that the burden of inertia be upon the government in the consideration of ERISA-related requests for action. Thus, if a business has not received a determination within 180 days of its request to an agency, it would be held harmless from any adverse governmental action related to such requests for the 180-day period, plus one full year thereafter.

Section 8 provides a mechanism for Congress to monitor the progress toward achieving results of the action. It calls for a joint report by the two departments concerned to the House and the Senate charting their progress in carrying out the foregoing sections of the Act. The report will be due on a date certain, 180 days after enactment.

Section 9 is an approach to the increased investment conservatism by pension fund managers after enactment of ERISA.

It recommends that the prudent man rule be modified by providing an additional new policy declaration which encompasses the unique character of pension funds in providing incomes to large numbers of beneficiaries for the indefinite future. Through centuries of development of trust law, the conventional purposes of investment have been to serve the needs of surviving spouses, or children, or limited classes of beneficiaries. Typically the corpus of the trust contains quite limited assets, which must be conserved. This has been the context in which the common law prudent man doctrine has developed. The contrast between the two situations is apparent.

This policy would then be keyed into the operative "prudent man" section.

The intent of Sections 9–11 are not to eliminate the standards of prudence for investment in venture capital organization or small businesses. Each investment decision in this area would presumably be researched and documented. The policy provisions of Sections 9 and 10 are intended to offer overall guidance and support for those trustees who wish to take a long-term view of their function in order to make investments of this type.

Section 10 would supplement Section 9 by amending Section 409 of ERISA relating to personal liabilities of trustees in the exercise of their fiduciary duties by adding a reference in Sec. 409 to the same policy described above.

Section 11 would add a further subsection, Sec. 404(a)3 to the prudent man section, 404, of ERISA. The structure of 404(a)3 would parallel Sec. 404(a)2. It provides a gloss on the prudent man rule for defined benefit pension plans as 404(a)2 does for individual retirement accounts.

It provides that the size of the business alone—either in a direct investment by a fund or as a part of a portfolio of a venture capital organization invested in by the fund—would not disqualify such an investment under the prudent man standard.

The intent of proposing a limitation to defined benefit plans in the first instance is that, under defined benefit plans, beneficiaries enjoy the two sets of additional protections:

Sec. 4062 of ERISA which obligates 30% of the net worth of a sponsoring employer to cover any unfunded liabilities of such a plan; and

All of Title IV of ERISA which sets up termination insurance for defined benefit plans and creates the Pension Benefit Guaranty Corporation to administer this program.

The testimony at the joint hearings by the Senate Small Business Committee and the Private Pension Plans Subcommittee of the Senate Finance in May of 1977 emphasized that an attempt to enact the "modern portfolio rule" of appropriately diversified investments and risks as a protection for trustees in this regard raises certain hazards. Witnesses pointed out that content of such a rule would be in dispute at any particular time, and would tend to be modified over a period of time. Thus, its precise content at time of investment decision might be in doubt. This problem would worsen in proportion to the time elapsed between the time of the investment and its later review.

Sections 9–11 are therefore put forward as an alternative or supplement to the "modern portfolio theory" approach to enabling a wider range of investment of pension funds. It is intended that these sections would limit litigation over venture capital and small business investments by establishing a policy that the smaller size of the business alone does not constitute a disqualifying feature for pension fund investment.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a bill introduced today by the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Wisconsin (Mr. NELSON), relative to amending the Employee Retirement Income Security Act, be jointly referred to the Committees on Finance and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. HUDDLESTON:

S. 1746. A bill to amend the Federal Crop Insurance Act, as amended, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HUDDLESTON. Mr. President, earlier this year I introduced S. 1575, the Farm Production Protection Act. It is a bill designed to revise, revamp, and extend the Federal Crop Insurance Corporation.

When I introduced S. 1575 I indicated in my introductory remarks that I did not feel the bill was the ultimate solution to the highly complex crop insurance problem. I said it was merely another proposal in a long list of proposals.

I have been exploring several other approaches to providing a viable crop insurance program to meet the needs of the American farmer. And I rise today to introduce S. 1746, which I feel is an approach that should be considered.

In my judgment, introduction of crop

insurance legislation is particularly timely because of the adverse weather conditions many of our agricultural producing areas have experienced during the last few years. As a result, the Federal Crop Insurance Corporation is experiencing severe financial difficulties. I hasten to point out that Federal crop insurance is available in less than half the counties of the United States. And it is not available for all crops.

The Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, which I chair, has jurisdiction over crop insurance. There have been five crop insurance proposals introduced in the Senate. It is my intention to allow a reasonable time to pass so that other proposals may be introduced and then to hold hearings. I anticipate more bills will be introduced.

Mr. President, I do not endorse the bill I am introducing today. Nor do I endorse any other crop insurance proposal. S. 1746 is another approach. And I feel that all avenues toward a solution of the crop insurance puzzle should be explored.

I ask unanimous consent that S. 1746 and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FEDERAL CROP INSURANCE CORPORATION—CAPITAL STOCK

SECTION 1. Section 504(a) of the Federal Crop Insurance Act (52 Stat. 72, as amended; 7 U.S.C. 1504(a)) is amended by striking out "$100,000,000" and inserting in lieu thereof "$400,000,000".

MANAGEMENT OF FEDERAL CROP INSURANCE CORPORATION

SEC. 2. Section 505 of the Federal Crop Insurance Act (52 Stat. 72, as amended; 7 U.S.C. 1505) is amended to read as follows:

"MANAGEMENT OF CORPORATION

"SEC. 505. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter called the "Board") subject to the general direction and supervision of the Secretary of Agriculture. The Board shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture (including a person whose duties include providing services to consumers), one person experienced in the insurance business who is not otherwise employed by the Federal Government and three active farmers who are not otherwise employed by the Federal Government. The Board shall be appointed by, and hold office at the pleasure of, the Secretary of Agriculture. The Secretary of Agriculture shall not be a member of the Board.

"(b) Vacancies in the Board so long as there shall be four members in office shall not impair the powers of the Board to execute the functions of the Corporation, and four of the members in office shall constitute a quorum for the transaction of the business of the Board.

"(c) The Directors of the Corporation who are employed in the Department of Agriculture shall receive no additional compensation for their services as directors, but may be allowed necessary traveling and subsistence expenses when engaged in the business of the Corporation away from their duty stations. The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS-18 in section 5332 of title 5 of the United States Code per day when actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on business of the Corporation away from their homes or regular places of business.

"(d) The manager of the Corporation shall be its chief executive officer, with such power and authority as may be conferred on the manager by the Board. The manager shall be appointed by, and hold office at the pleasure of, the Secretary of Agriculture.".

FEDERAL CROP INSURANCE CORPORATION—PERSONNEL

SEC. 3. Section 507 of the Federal Crop Insurance Act (52 Stat. 73, as amended; 7 U.S.C. 1507) is amended by—

(1) striking out ", and county crop insurance committeemen" in subsection (a);

(2) striking out the comma after the word "title" in subsection (b) and all that follows down through the end of subsection (b) and inserting in lieu thereof a period;

(3) striking out subsection (c) in its entirety;

(4) redesignating subsection (d) as subsection (c) and amending such subsection (as redesignated) to read as follows:

"(c) The Corporation may contract with, and transfer funds to, other agencies and offices of the Department of Agriculture, or the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for assistance in carrying out this title: *Provided*, That any employee of such other agencies and offices responsible for performing functions under this title shall be responsible directly to the Corporation without the intervention of any intermediate office or agency."; and

(5) redesignating subsection (e) as subsection (d).

FEDERAL CROP INSURANCE PROGRAM

SEC. 4. Section 508 of the Federal Crop Insurance Act (52 Stat. 74, as amended; 7 U.S.C. 1508) is amended by—

(1) amending subsection (a) by—

(A) inserting "(1)" immediately after "(a)";

(B) inserting immediately after "Commencing with crops planted for harvest in 1948" the following: "and terminating with, but including, crops planted for harvest in 1978";

(C) adding at the end thereof a new paragraph as follows:

"(2) With respect to crops planted for harvest and other agricultural production initiated in 1979 through 1983—

"(A) if sufficient actuarial data are available, to insure producers of agricultural commodities wherever such commodities are produced commercially, subject to the limitations herein, at such time as the Board determines that insurance on any such commodity has been developed to the point that it can be offered to the producers thereof. Such insurance shall, for any commodity, be offered under any plan or plans determined by the Board to be adapted to the commodity. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: *Provided*, That, with respect to field crops insured under this title, such insurance shall not, except in the case of tobacco, extend beyond the period the insured crop is in the field. Any insurance offered against loss shall not cover in excess of the cost of production for the producer for the agricultural commodity insured, as determined by the Board pursuant to the provisions of section 521 of this title. Insurance provided under this subsection shall not cover losses due to the neglect or malfeasance of the producer, or to the failure of the producer to reseed to the same crop in areas and under circumstances where the Corporation determines it was practical to so reseed, or to the failure of the producer to follow established good farming practices. The Board may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk involved. For each ocmmodity involved, the Corporation shall not offer insurance in any area not suited to the production of such commodity or in any county where the production of such commodity is below a minimum county production level as established by the Corporation, except that the Corporation may, if it is deemed practical to do so, offer insurance on a commodity in a county in which production falls below such level through the office serving another county which meets the minimum requirement. The Corporation shall report annually to Congress the results of its operations on each commodity insured.

"(B) to insure producers against actual losses they may incur when they are unable to plant any non-conserving agricultural crop to harvest on all or any portion of their farm acreage during any 12-month period because of a flood. Insurance issued under authority of this subpararaph shall be subject to the applicable provisions of subparagraph (A) of this paragraph".;

(2) amending subsection (b) to read as follows:

"(b) To fix adequate premiums for insurance at such rates as the Board deems sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. For the purpose of encouraging the broadest possible participation in the crop insurance program, effective beginning on January 1, 1979 and only with respect to crops planted for harvest and other agricultural production initiated in 1979 through 1983, not to exceed 33⅓ per centum of each participant's calculated premium shall, to the extent that funds therefor are available, be paid by the Federal Government; and the remaining portion of each such premium shall be paid by the participant. Premiums shall be collected at such time or times and shall be secured in such manner, as the Board may determine.";

(3) in subsection (c), striking out "in the agricultural commodity or in cash, under rules prescribed by the Board: *Provided*, That indemnities may be determined on the same price basis as premiums are determined for the crop with respect to which such indemnities are paid. The Corporation shall provide for the posting annually in each county at the county courthouse of a list of the indemnities paid for losses on farms in such county." and substituting in lieu thereof the following: "under rules prescribed by the Board.";

(4) striking out subsection (d) in its entirety and substituting in lieu thereof the following:

"(d) And directed, through the 1983 crop year and in addition to providing reinsurance pursuant to subsection (f) of this section, to offer, under such terms and conditions as it deems consistent with sound reinsurance principles, reinsurance on multiple peril crop insurance risks, subject to the limitations of this title, in a sufficient number of counties to enable the Corporation to accumulate reliable data for an evaluation of the potential of a nationwide program of Federal reinsurance of crop insurance."; and

(5) inserting in subsection (f) immediately after "Notwithstanding any other provision of this title" the following: "and effective only through the 1983 crop year".

COMPENSATION OF THE CROP INSURANCE ADVISORY COMMITTEE

SEC. 5. The second sentence of section 515 of the Federal Crop Insurance Act (52 Stat. 77; 7 U.S.C. 1515) is amended to read as follows: "The compensation of the members of such committee shall be determined by the Board, but shall not exceed the daily equivalent of the rate prescribed for grade GS-18 in section 5332 of title 5 of the United States Code when actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized under section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.".

FEDERAL CROP INSURANCE ACT—APPROPRIATIONS AND REGULATIONS

SEC. 6. Section 516 of the Federal Crop Insurance Act (52 Stat. 77, as amended; 7 U.S.C. 1516) is amended to read as follows:

"APPROPRIATIONS AND REGULATIONS

"SEC. 516. (a) There are hereby authorized to be appropriated such sums, not in excess of $12,000,000 for each fiscal year beginning after June 30, 1938, through the fiscal year ending on September 30, 1978, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: *Provided*, That expenses in connection with the purchase, transportation, handling, or sale of the agricultural commodity and the direct cost of loss adjusters for crop inspections and loss adjustments may be considered by the Corporation as being nonadministrative or nonoperating expenses for the purpose of such appropriations. The Corporation is authorized to use premium income for administrative and operating costs within limits prescribed in applicable appropriations made after June 30, 1938, and before September 30, 1978.

"(b) There are further authorized to be appropriated such sums for each fiscal year beginning after September 30, 1978, as may be necessary to cover the operating and administrative costs of the Corporation, including the direct cost to the Corporation of loss adjustors for crop inspection and loss adjustments, and principal and interest on the debts of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine.

"(c)(1) There is hereby identified in the United States Treasury a separate fund of $500,000,000 (hereinafter in this subsection called "the fund") which shall be available to the Corporation without fiscal year limitation as a revolving fund for its use in covering Federal premium payments authorized under section 8(b) of this title.

"(2) There are hereby authorized to be appropriated, from time to time, such amounts as may be necessary to restore the fund when it has been reduced by the Federal premium payments made pursuant to section 8(b) of this title.

"(3) If at any time the Board determines that moneys in the fund exceed any present and any reasonable expected future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(d) If at any time the moneys available to the Corporation from premium income and the Corporation's reserve for losses are insufficient to enable the Corporation to indemnify all outstanding claims for proven losses, the Corporation is authorized to issue to the Secretary of the Treasury, for the purpose of obtaining additional funds to cover such claims, notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury: *Provided*, That at no time may the outstanding notes or other obligations issued under this subsection together total in excess of $500,000,000. Redemption of such notes or obligations shall be made by the Corporation from appropriations available under subsection (b) of this section and premium income. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder, and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(e) The Secretary and the Corporation, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this title.".

TECHNICAL AMENDMENT

SEC. 7. Section 518 of the Federal Crop Insurance Act (55 Stat. 256, as amended; 7 U.S.C. 1518) is amended by inserting "sorghum, livestock or poultry commercially produced for food or fiber," immediately following "tame hay,".

COST OF PRODUCTION

SEC. 8. The Federal Crop Insurance Act (52 Stat. 72–77, as amended; 7 U.S.C. 501–520) is amended by adding at the end thereof a new section as follows:

"COST OF PRODUCTION

"SEC. 521. To facilitate the setting of levels of insurance coverage and permium rates with respect to insurance offered on agricultural commodities under this title, the Board shall determine for each year national and regional cost of production figures for each commodity for which insurance under this title is offered. The determinations shall be based on the Board's estimates of the costs incurred in the production of the commodities, taking into consideration joint products, such as the value of cottonseed and the value of grazing in the case of wheat, and regional variations in production methods and requirements,

and shall include, but not be limited to—

"(a) a charge for all direct or variable costs, such as labor, power and machinery, seed, fertilizer and chemicals, custom services, irrigation, interest on operating capital, and other materials;

"(b) a charge for overhead costs (a proportionate share, if applicable), such as personal property taxes, electricity, sales taxes, insurance, farm auto costs, and other such costs not directly related to the production of a specific crop;

"(c) a charge for management; and

"(d) a charge for land based on a composite land allocation using share rent, cash rent, and average acquisition value. The Board shall, to the extent such information is available with respect to an agricultural commodity, utilize the cost of production determinations made by the Secretary of Agriculture pursuant to the requirements of the Agricultural Act of 1970, as amended, as the base figures for its determinations under this section.".

DISASTER PAYMENTS

SEC. 9. Notwithstanding any other provision of law, no person shall be eligible to receive disaster payments for production losses with respect to an agricultural commodity under any program of the Department of Agriculture other than indemnification payments made pursuant to the Federal crop insurance program under the Federal Crop Insurance Act, as amended herein, in any county in the United States in which crop insurance under such Act is offered for such agricultural commodity.

FARMER INFORMATION PROGRAM

SEC. 10. (a) In order to assure that all farmers are made aware of the availability of crop insurance under the Federal Crop Insurance Act, as herein amended, and are provided detailed information with respect to the provisions of the crop insurance program under such Act, the Federal Crop Insurance Corporation shall, in cooperation with the Agricultural Stabilization and Conservation Service of the Department of Agriculture, undertake an information program for farmers concerning the Federal crop insurance program, which shall include, but not be limited to—

(1) notification by letter, to the extent practicable, of all farmers of the availability of such insurance,

(2) broadcast, through direct contact and use of all available media, of information on the program,

(3) counseling services on the county level, and

(4) making available, at the county level, brochures and pamphlets describing the program in detail. This information program shall not include sales promotion activity in any form and shall be completed within 2 years after the date of enactment of this Act.

(b) There are hereby authorized to be appropriated in the fiscal years beginning on October 1, 1978, and October 1, 1979, such sums, but not less than $5,000,000 annually, as Congress may determine necessary to implement the farmer information program provided for in this section.

STUDIES

SEC. 11. The Federal Crop Insurance Corporation shall perform studies assessing the feasibility of—

(a) insuring under the Federal Crop Insurance Act, as amended, the risk of production loss due to prevention of planting caused by natural disaster other than flooding; and

(b) individual risk underwriting under the Federal crop insurance program.

The Corporation shall complete these studies and submit a report setting forth the findings of the study and recommendations for the implementation of these findings to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than two years after the effective date of this Act.

EVALUATION OF FEDERAL CROP INSURANCE PROGRAM

SEC. 12. The Secretary of Agriculture shall initiate not later than October 1, 1981, a complete evaluation of the Federal crop insurance program under the Federal Crop Insurance Act, as amended. This evaluation shall include an assessment of alternatives to Federal crop insurance, including (1) assumption by private insurors of the crop insurance program, (2) Federal reinsurance of private crop insurors, and (3) direct payments for disaster loss in lieu of indemnification through insurance. The Secretary shall submit a report setting forth the findings of the evaluation and recommendations for the

implementation of these findings to the President and Congress not later than September 30, 1982.

SECTION-BY-SECTION ANALYSIS

SECTION 1—FEDERAL CROP INSURANCE CORPORATION—CAPITAL STOCK

Section 1 amends section 504(a) of the Federal Crop Insurance Act, as amended, which authorizes a capital stock of $100,000,000 for the Federal Crop Insurance Corporation, to be subscribed by the United States of America. This section would increase the authorized capital stock from $100,000,000 to $400,000,000.

All $100,000,000 of presently-authorized capital stock has been issued and subscribed, and, because of the occurrence of disastrous weather conditions throughout the country during the last year, these assets will probably be exhausted by the Corporation in the near future in covering indemnity claims for crop losses. In addition, this bill provides for a major expansion of the crop insurance program under the Act in the near future, and an adequate loss reserve will have to be established for the expanded program.

SECTION 2—MANAGEMENT OF FEDERAL CROP INSURANCE CORPORATION

Section 2 amends section 505 of the Federal Crop Insurance Act, as amended, which authorizes the establishment of a Board of Directors and the appointment of a manager for the Federal Crop Insurance Corporation.

This section would increase the membership of the Board of Directors from 5 to 7. Also, while present law specifies that the Board shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business; under this section, the composition of the Board would be changed to include: the manager, 2 other persons employed in the Department of Agriculture (including a person whose duties include providing services to consumers), one person experienced in the insurance business, and three active farmers.

This section would also increase the compensation for members of the Board not employed by the Federal Government from not in excess of $50 a day to not in excess of the daily equivalent of the rate prescribed for persons employed by the Federal Government at the GS–18 level. Authorized travel reimbursement would be increased from transportation costs and a maximum of $10 a day per diem to transportation costs and subsistence expenses or per diem in lieu of subsistence expenses, as provided for in section 5703 of the United States Code for persons intermittently employed in the Government service.

SECTION 3—FEDERAL CROP INSURANCE CORPORATION—PERSONNEL

Section 3 amends section 507 of the Federal Crop Insurance Act, as amended, which provides for the appointment of personnel to conduct the business of the Federal Crop Insurance Corporation.

Subsection (c) would be deleted in its entirety. Subsection (c) authorizes the Board to establish or utilize committees or associations of producers in the administration of the Federal crop insurance program. The Corporation has never had occasion, since this authority was established in 1938, to establish or utilize such groups, and foresees no such occasion in the future.

In conjunction with the repeal of subsection (c), reference to county crop insurance committeemen would be deleted from subsection (a), and reference to employees of such committees and associations would be deleted from subsection (b).

This section also would amend subsection (d) which authorizes the allotment of funds available under the Federal Crop Insurance Act to other bureaus and offices of the Department of Agriculture, and the transfer of such funds to other agencies of the State and Federal governments, for their assistance in carrying out the Act. The amendment would change the language of subsection (d) to conform with the current terminology and practices, and would transfer this authority from the Secretary of Agriculture to the Corporation.

SECTION 4—FEDERAL CROP INSURANCE PROGRAM

Section 4 amends section 508 of the Federal Crop Insurance Act, as amended, which authorizes the establishment of the Federal crop insurance program.

Subsection (a) would be amended by providing for the termination of the present program at the end of the 1978 crop year and adding a paragraph authorizing an expanded crop insurance program for agricultural production initiated in 1979 through 1983. Under this new program—

(1) crop insurance would be available for livestock and poultry commercially produced for food and fiber, as well as the other agricultural commodities set out in section 518 of the Federal Crop Insurance Act (see section 7 infra);

(2) the restrictions on the number of counties and the number of agricultural commodities for which crop insurance would be available would be removed—i.e., nationwide crop insurance for all agricultural commodities would be authorized;

(3) the coverage available would be keyed to "cost of production"—an insured could obtain protection up to 100 percent of his or her costs of production, as determined pursuant to section 521 of the Act (see section 8 infra); and

(4) producers could be insured for losses incurred when they are prevented from planting due to flooding.

Subsection (b) would be amended by dropping reference to the payment of premiums in commodities rather than cash, since this procedure is not utilized in the program, and by adding a provision for Federal subsidization of a portion of the cost of the insurance premiums. Effective for agricultural production initiated in 1979 through 1983, and for the purpose of encouraging the broadest possible participation in the crop insurance program, one-third of each premium would be paid to the Federal Crop Insurance Corporation by the Federal Government (to the extent that the Federal funds therefor are available).

Subsection (c) would be amended by deleting referenecs to the payment of indemnities in the agricultural commodity, determination of indemnities on the same price basis as premiums are determined, and the posting annually at each county courthouse of a list of indemnities paid in that county.

Subsection (d) which provides for the purchase, sale, and storage of agricultural commodities used in premium payments and loss indemnification would be deleted in its entirety. A new provision would be substituted which would direct the Corporation to offer reinsurance to private insurors on multiple peril crop insurance risks, up through the end of the 1983 crop year. Reinsurance would be offered in a sufficient number of counties to enable the Corporation to accumulate reliable data for an evaluation of the potential of a nationwide Federal reinsurance program.

Subsection (f) would be amended to terminate the Puerto Rico reinsurance program at the end of the 1983 crop year, in conformity with similar "sunset" provisions in section 8.

SECTION 5—COMPENSATION OF THE CROP INSURANCE ADVISORY COMMITTEE

Section 5 amends section 515 of the Federal Crop Insurance Act which provides for the establishment of an advisory committee to advise the Corporation. This section would increase the compensation for members of the advisory committee, when actually employed, from not in excess of $10 a day to not in excess of the daily equivalent of the rate prescribed for persons employed by the Federal Government at the GS–18 level. The provisions for reimbursement for travel costs would be referenced to section 5703 of title 5 of the United States Code which covers the travel expenses of persons in the Government service employed intermittently.

SECTION 6—FEDERAL CROP INSURANCE ACT—APPROPRIATIONS AND REGULATIONS

Section 6 amends section 516 of the Federal Crop Insurance Act, as amended, which provides for appropriations and regulations under the Act.

Under present law, appropriations are authorized for the operations and administrative expenses of the Federal Crop Insurance Corporation, not to exceed $12,000,000 annually. Under section 516(a), as amended by this section, this authorization would terminate at the end of fiscal year 1978. A new subsection would be added to section 516 authorizing appropriations for future years. The new authorization would set no maximum limit on the annual appropriation and would permit the use of appropriated funds to cover payments on principal and interest on the debts of the Corporation, as well as operating and administrative costs.

Section 6 also would add a new subsection to section 516 establishing a separate $500,000,000 fund in the United States Treasury, to be available to the Corporation for the purpose of covering Federal premium payments on crop insurance contracts. Appropriations would be authorized for the restoration of the fund when it has been reduced by such premium payments. If the Board were to determine that the $500,000,000 was in excess of any present and reasonably-expected future requirements of the fund, the excess could be transferred to the general fund of the Treasury.

An additional new subsection would be added to section 516 authorizing the Corporation to borrow funds from the United States Treasury whenever the monies available to the Corporation from premium income and the Corporation's reserve for losses were insufficient to cover all claims for proven losses. The borrowing authority would be limited to $500,000,000. The loans would be repaid through subsequent appropriations and premium income. The interest rate on such loans could not be less than current market yields on United States obligations of comparable maturities.

SECTION 7—TECHNICAL AMENDMENT

Section 7 amends section 518 of the Federal Crop Insurance Act, as amended, which defines the term "agricultural commodity" as used in the Act. Sorghum and livestock or poultry commercially produced for food or fiber would be added to the list of commodities included under the term.

SECTION 8—COST OF PRODUCTION

Section 8 adds a new section 521 at the end of the Federal Crop Insurance Act requiring the Board of Directors of the Federal Crop Insurance Corporation to make an annual determination of the cost of producing the commodities insured under the Act. The amendment made by this bill to section 8 of the Act (see sction 4 supra) provides that insurance shall be available in amounts up to the cost of production; and the new section is intended to facilitate the setting of levels of coverage and premium rates for insurance under the Act, as so amended.

This new section would require the Board to make cost of production determinations both on national and regional levels. Also, the Board would have to (1) consider the value of joint products and regional variations in production methods and requirements, and (2) utilize, to the extent such information is available with regard to a

particular commodity, the cost of production determinations made by the Secretary of Agriculture pursuant to the requirements of the Agricultural Act of 1970 as base figures, in making its determinations.

The new section also sets out an illustrative list of cost items to be incorporated into the general determination. These are divided into four cost areas: direct or variable costs, overhead, management, and land.

SECTION 9—DISASTER PAYMENTS

Section 9 provides that, in counties in which crop insurance under the Federal Crop Insurance Act is available for a particular agricultural commodity, no person shall be eligible to receive disaster payments for production losses with respect to such commodity under any Department of Agriculture program other than the Federal crop insurance program. By contrast, under present law, any farmer who has a wheat, cotton, or rice allotment, or feed grain base may receive disaster payments under the commodity programs for loss of production due to natural disasters or conditions beyond the control of the producer and crop insurance indemnity payments on the same loss (if the farmer has insurance coverage).

SECTION 10—FARMER INFORMATION PROGRAM

Section 10 requires the Federal Crop Insurance Corporation, in cooperation with the Agricultural Stabilization and Conservation Service of the Department of Agriculture, to undertake a farmer information program concerning Federal crop insurance, to include: notification, by mail, of the availability of crop insurance, media broadcasts of information about the program, counseling services, and publication of brochures and pamphlets on the program.

This program would be intended to insure that all farmers are aware of the availability of Federal crop insurance under the Federal Crop Insurance Act, as amended by this bill, and not as a sales promotion activity.

The program would last two years, and appropriations of not less than $5,000,000 annually, would be authorized for fiscal year 1979 and 1980.

SECTION 11—STUDIES

Section 11 requires the Federal Crop Insurance Corporation to perform studies assessing the feasibility of (1) multiple peril prevented planting insurance, and (2) individual risk underwriting. The studies would have to be completed in 2 years, and a report of findings submitted to the Agriculture Committees of the Senate and House of Representatives.

SECTION 12—EVALUATION OF FEDERAL CROP INSURANCE PROGRAM

Section 12 requires the Secretary of Agriculture to initiate a complete evaluation of the Federal crop insurance program under the Federal Crop Insurance Act, no later than October 1, 1981. The evaluation would have to be finished and a report setting forth the findings of the evaluation and recommended actions submitted to the President and Congress, no later than September 30, 1982. The evaluation would include an assessment of the various alternatives to Federal crop insurance.

ADDITIONAL COSPONSORS

S. 123

At the request of Mr. INOUYE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 123, to amend the Social Security Act.

S. 204

At the request of Mr. HART, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 204, the Federal Sentencing Standards Act.

S. 800

At the request of Mr. HART, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 800, the Conservation and Solar Energy—Federal Buildings Act of 1977.

S. 921

At the request of Mr. HART, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 921, the Tax Expenditure Review Act.

S. 1180

At the request of Mr. CHURCH, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1180, the Endangered American Wilderness Act.

S. 1183

At the request of Mr. MCCLURE, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1183, to provide for rangeland improvement by permitting work in lieu of payment for grazing permits.

S. 1260

At the request of Mr. HART, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1260, the Health Protection Tax Act.

S. 1623

At the request of Mr. MCGOVERN, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1623, to amend the Energy Reorganization Act of 1974.

SENATE RESOLUTION 202—ORIGINAL RESOLUTION REPORTED RELATING TO THE CONSIDERATION OF S. 1522

(Referred to the Committee on the Budget.)

Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation, reported the following resolution:

S. RES. 202

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 1522, a bill to increase the appropriations authorization of fiscal year 1977 and 1978 and to authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972, and for other purposes. The waiver is necessary in order to provide additional funding for carrying out programs relating to the reduction of porpoise deaths and injuries during tuna fishing operations.

SENATE RESOLUTION 203—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL PRINTING

(Referred to the Committee on Rules and Administration.)

Mr. CHURCH (for himself and Mr. DOMENICI) submitted the following resolution:

S. RES. 203

Resolved, That there be printed for the use of the Special Committee on Aging one thousand five hundred copies of its committee print, "Protective Services for the Elderly."

AMENDMENTS SUBMITTED FOR PRINTING

GI BILL IMPROVEMENT—S. 457

AMENDMENT NO. 448

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON. Mr. President, today I join with my colleague (Mr. DURKIN) who serves as the vice chairman of the Health and Readjustment Subcommittee, which I am privileged to chair, on the Committee on Veterans' Affairs in submitting for printing and appropriate referral this amendment to S. 457, a bill introduced earlier this session by Mr. DURKIN, to extend the period of time a veteran has to use his or her GI bill entitlement. As my colleagues are aware, the Senator from New Hampshire has been most active and interested in GI bill legislation. If my colleagues will recall, his insistence upon consideration of the 1976 GI bill amendments during the waning hours of the 94th Congress assured a cost-of-living increase last year in the amount of the monthly benefit for the veterans attending school under the GI bill.

In this session, Senator DURKIN has introduced three other measures in regard to the GI bill program, S. 449, a bill to authorize acceleration of GI bill educational assistance allowance payments, S. 458, a bill to make comprehensive educational and vocational counseling services available to any eligible veteran, and S. 956, a bill to authorize the Administrator to waive, in certain instances, the 2-year period of operation requirement.

Major aspects of each of these bills are included in the amendment we submit today, as well as an across-the-board allowance rate increase of 6.3 percent, very substantial increases in the reporting fees paid to educational institutions, and modifications regarding certain of the requirements enacted in Public Law 94-502 last year regarding educational institution standards and procedures.

Mr. President, earlier this year on "Meet the Press," I was asked about the difficulties some veterans have had in obtaining an education under the GI bill. For those veterans living in States where low-cost public education is not generally available, the GI bill uniform payment formula does not go as far in meeting what is often a high cost of education as it does for other veterans who live in States which have devoted considerable tax dollars to developing accessible low-cost public education.

I responded to that question with the promise that the Committee on Veterans' Affairs would look into this problem and, if possible, come up with a remedy. My colleagues will recall that in 1974, this body passed and forwarded to the House a provision as part of H.R. 12628, the 1974 GI bill amendments, to establish a partial tuition assistance allowance of a school's yearly tuition charges up to $720 per ordinary school year. The VA would have paid up to 80 percent of a school's yearly tuition charges up to

$1,000 after excluding the first $100 of tuition. The House, however, rejected this measure which would have provided relief to those veterans enrolled in higher cost programs of education.

Thus, after research and in fulfillment of my commitment, I join with Senator DURKIN in presenting this amendment. It will be considered by the Subcommittee on Health and Readjustment of the Committee on Veterans' Affairs in the hearings to be held on the GI bill on Friday, June 24, and Wednesday, June 29 at 9 a.m. each day.

Mr. President, the amendment we introduce today includes more than a program for providing special assistance to veterans burdened with the cost of tuition and fees at higher-cost schools. I would like at this time to summarize the entire amendment:

SUMMARY OF AMENDMENT NO. 448 TO S. 457

Title I of the Amendment provides increases of 6.3% in the amount of educational assistance allowance provided under chapters 31, 34, 35, and 36 of title 38. These GI bill educational benefits are increased by 6.3%—the current estimate of the increase in the cost-of-living between October 1, 1976, the effective date of the last GI bill increase, and October 1, 1977, the effective date of the increase provided by this title.

Section 101 amends section 1504(b) of chapter 31, title 38, United States Code, to increase the monthly subsistence allowance payable to disabled veterans in training under that chapter. Chapter 31 authorizes vocational rehabilitation training for disabled veterans. In addition to the monthly subsistence allowance provided by chapter 31, disabled veterans training under chapter 31 also have full tuition, books and supplies paid by the Veterans' Administration. At the end of March, 1977, 20,200 disabled veterans were enrolled in a program of vocational rehabilitation under chapter 31, of which 15,400 were enrolled in college. Under this section the amount of monthly subsistence will be increased from $226 to $240 a month.

Section 102 amends chapter 34 of title 38, United States Code, to increase by 6.3% the amount of monthly allowances paid to veterans enrolled in flight training or in educational institutions.

Clause (1) amends section 1677(b) of chapter 34, title 38, United States Code, to increase by 6.3% the amount of monthly allowance for which a veteran enrolled in a flight training course is entitled. Under the flight training program the Administrator pays to the veteran an educational assistance allowance computed at the rate of 90 percent of the course's established charge for tuition and fees. The amount of the veteran's educational entitlement is proportionally reduced by the amount of the tuition divided by the amount of monthly educational assistance to which the veteran is entitled. At the end of November 18,282 veterans were enrolled in a program of flight training under the GI bill. Under this section, the amount of monthly assistance is increased from $270 to $287 a month.

Clause (2) amends section 1682(a) of chapter 34 of title 38, United States Code, to increase by 6.3% the amount of the educational assistance allowance paid to veterans training under chapter 34. The full-time institutional rate to which a veteran with no dependents is entitled is increased from $292 to $310. Three-quarter and half-time rates are also adjusted upward by 6.3%.

Clause (3) amends section 1682(b) of chapter 34, title 38, United States Code. This provision provides a 6.3% increase so that the maximum amount payable to a service-person in pursuit of a program of education shall be computed at the rate of the established charges for tuition or $310 (increased from $292) per month for a full-time course—whichever charge is less.

Clause (4) amends section 1682(c) of chapter 34, United States Code, to increase by 6.3% the amount of the monthly educational assistance allowance rate payable to veterans pursuing a farm cooperative program. The full-time assistance rate for a veteran with no dependents pursuing a farm cooperative program is increased from $235 to $250 a month, the rate for a veteran with one dependent is increased from $276 to $293 a month, and the rate for a veteran with three dependents is increased from $313 to $333 a month. The monthly farm cooperative dependents allowance is increased from $18 to $19 for each dependent in excess of two. Three-quarter and half-time farm-cooperative assistance rates are proportionately increased.

Clause (5) amends section 1692(b) of chapter 34, United States Code, to increase by 6.3% the amount of the tutorial assistance allowance that the Administrator pays on behalf of a veteran wtih a deficiency in a subject required or indispensable to the satisfactory pursuit of the veteran's approved program of education. The maximum amount of monthly tutorial assistance allowance is increased from $65 to $69 and the maximum amount of annual tutorial assistance is increased from $780 to $828—or 12 months multiplied by $69 a month maximum payments.

Clause (6) amends section 1696(b) of chapter 34 of title 38, United States Code, to increase by 6.3% the maximum amount of monthly educational assistance allowance payable for a full-time course under the Predischarge Education Program (PREP) from $292 to $310 per month.

Section 103 increases by 6.3% the amount of educational assistance allowances provided under chapter 35, of title 38, United States Code. Chapter 35 provides educational benefits to the spouse and children of veterans with a permanent and total service-connected disability or the spouse and children of a veteran who dies as a result of a service-connected disability. Those entitled are known as "eligible" persons.

Clause 1 amends section 1732(b) of chapter 34, of title 38, United States Code, to increase by 6.3% the amount of educational assistance allowance paid in behalf of an eligible person pursuing a full-time educational program consisting of institutional courses and alternate phases of training in a business or industrial establishment. The maximum monthly allowance under this provision is increased from $235 to $250 a month.

Clause 2 amends section 1742(a) of chapter 35, of title 38, United States Code, to increase by 6.3% the amount of the special restorative training allowance from $292 to $310 a month. These benefits are payable to the parent or guardian of the child in need of such training. Further, if the tuition and fees applicable for any such course are more than $98—presently $92—per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed that monthly figure if the parent or guardian elects to have the entitlement reduced by 1 day for each $10.34—presently $9.76—that the special training allowance paid exceeds the basic monthly allowance.

Section 104 amends chapter 36 of title 38, United States Code, to increase by 6.3% the amount of the educational assistance allowance paid veterans and eligible persons for correspondence courses and on-job and apprenticeship training courses under such chapter. In addition, section 104 increases by 6.3% the maximum amount of veteran education loans, provided under section 1798 of title 38.

Clause 1 amends section 1786(a) of chapter 36, title 38, United States Code, to increase by 6.3% the amount of educational assistance allowance payable for pursuit of a program by correspondence. The amount of entitlement of any veteran or eligible person is reduced by one month for each $310—presently $292—paid to the eligible veteran or eligible person for the course.

Clause (2) amends section 1787(b) of chapter 36 of title 38, United States Code, to increase by 6.3% the amount of monthly educational assistance allowance payable to a veteran or eligible person pursuing a full-time program of apprenticeship or other on-job training. For a veteran with no dependents the monthly assistance allowance is increased from $212 to $225 a month for the first six months, from $159 to $169 a month for the second 6 months, and from $106 to $113 for the final 6 months. Rates for veterans with dependents are also increased by 6.3%.

Clause (3) amends section 1798(b) of chapter 36 of title 38, United States Code, to increase by 6.3% the aggregate amount any veteran may borrow under the veterans loan program. The aggregate amount of the loan is computed by multiplying the number of months to which the veteran is entitled times the monthly maximum allowance—increased from $292 to $310 a month.

Title II of the amendment establishes a program of accelerated educational assistance payments to a veteran, thus making it possible for more veterans to receive a greater amount of monthly GI bill assistance when attending a high-cost program of education. Additionally, title II extends, in certain circumstances, the period of time within which a veteran must utilize his GI bill entitlement. The title also extends this acceleration option to chapter 35 eligible persons.

Section 201 amends chapter 34 of title 38, United States Code, to add a new section 1682A. Veterans enrolled in a program of education with tuition and fees of greater than $1,000 for a school term—defined as 2 consecutive semesters or 3 consecutive quarters—would be eligible to accelerate his GI bill benefits to the extent that he has a sufficient number of months of entitlement to complete his course of study. Generally, if the veteran does not have a standard undergraduate degree, then he may accelerate the number of months he has remaining in excess of the number he needs to obtain such a degree, subject to other limitations. A veteran must be enrolled as a full-time student. The institution in which the veteran is enrolled must certify that less than 35 percent of the total number of students enrolled were students receiving educational assistance from the Veterans' Administration. Further, in order to be eligible, a veteran must have received a loan from the Veterans' Administration pursuant to the new subsection (f) of section 1798 added by section 202 of this Amendment.

The program will operate as follows: An eligible veteran will apply for an accelerated payment within four weeks after the beginning of the term. But only when the veteran has satisfactorily completed the school term—as certified by the institution to the Administrator—will payment of the amount of accelerated benefits to which the veteran is entitled be made.

The amount of benefits which the veteran may accelerate is limited to the amount by which the institution's tuition and fees exceed $1,000 for the school year. In no event would the veteran be entitled to receive more than twice the amount of educational assistance allowance to which he would normally be entitled in any school term. Fur-

ther, in any one school year, the veteran could not accelerate in excess of one-half of the number of months in excess of the months the veteran needs to complete his program of education, unless during that school term the veteran could normally be expected to complete his program of education.

Prior to the lump sum payment, paid upon satisfactory completion of the school term, an eligible veteran is entitled to a loan under a special direct-loan provision established by section 202 of the Amendment. Under this provision, a veteran who meets the general veteran education loan needs test, as provided for in section 1798 of title 38—but not the requirement of having exhausted other loan sources—will be entitled to borrow up to the amount of the accelerated benefit to which the veteran is entitled; thus the present $1,500 loan maximum amount could be exceeded. At the time of application for the loan, the veteran will assign his accelerated benefits to the VA to repay the loan. If a veteran fails to complete satisfactorily the school term for which this special loan has been received, the veteran will not be eligible to participate again in this acceleration program until the principal and interest due thereon have been repaid in full.

Subsection (b) of section 201 amends chapter 35 of title 38, United States Code, by adding a new section 1738 to make "eligible persons"—as defined in section 1707 (1) of chapter 35—eligible for the accelerated payment program provided by new section 1682A and new subsection (f) of section 1798.

Section 203 extends, in certain instances, the period of time that a veteran has to use his GI bill educational assistance allowance—the so-called "delimiting period". Under current law, a veteran has or had 10 years from the date of discharge or until May 31, 1976—whichever date is later—to attend school under the GI bill. On May 31, 1976, over 3.6 million post-Korean Conflict—cold war and Vietnam-era—veterans lost entitlement to GI bill benefits. Of this number, approximately 482,000 veterans were enrolled in training. Since that date Vietnam-era veterans have lost entitlement to benefits each day as a result of the 10-year delimiting period. Under the terms of this provision, an eligible veteran who is enrolled as a full-time student in an approved program of education at the time his delimiting date passes would be entitled under certain circumstances, to continue using his entitlement—45 months of benefits under present law—to the extent the veteran has entitlement, for an 11th and 12th year, in order to complete that program of education.

During the additional two years of eligibility—the 11th and 12th year—the veteran must continue to pursue on a full-time basis the same approved program of education in which he was enrolled at the time his delimiting date passed. During the 11th year, the veteran would be eligible for an amount of benefits equal to one-half the normal benefit amount; during the 12th year, he would be eligible for one-third the normal amount.

There is one exception to the general rule that a veteran must be a full-time student in his 10th year and in his 11th and 12th years. If the veteran was employed in a public safety occupation, was receiving benefits under the Omnibus Crime Control and Safe Streets Act of 1968, and was enrolled on not less than a half-time basis, in a program of education appropriately related to such veteran's public safety occupation, at the time his delimiting date passed he would be eligible for an extension of the delimiting period as long as he continued in such program on at least a half-time basis, subject to the same time limitations as for a full-time student.

Clause (2) of section 203 provides for an extension of the delimiting period in those instances where a veteran was prevented from initiating or completing such veteran's chosen program of education within the regular 10-year—or depending upon the circumstances, 12-year—delimiting period. The Administrator is empowered to extend the delimiting period if he determines from the evidence that the veteran was prevented from initiating or completing his program of education as a result of a physical or mental disability or impairment—including a readjustment problem—which was not the result of the veteran's own willful misconduct. The Administrator may grant an extension of the applicable delimiting period for such length of time as he determines that such veteran was prevented from initiating or completing such program of education.

Subsection (b) of section 203 amends section 1712 of chapter 35 to make applicable to recipients of educational assistance allowance under that chapter—eligible persons—a comparable two-year extension of the delimiting period provided for in section 203(a) of this Amendment.

Title III of the Amendment makes amendments to provisions in title 38 relating to the education and training programs.

Clause (1) of section 301 amends section 1663 of title 38 to provide eligible veterans with more extensive VA educational counseling. This provision, similar to that passed by the Senate during the last session as part of S. 969—ultimately enacted into law as Public Law 94–502—requires the Administrator to make available to any eligible veteran—upon such veteran's request—comprehensive counseling services including vocational and educational counseling and testing. In addition, the Administrator is mandated to carry out an effective outreach program to acquaint all eligible veterans with the availability and advantages of the counseling services provided.

Clause 2 of section 301 eliminates the requirement that the Department of Defense file with the Congress progress reports with respect to the implementation of the Pre-Discharge Education Program (PREP). Public Law 94–502 terminated eligibility for new enrollments into the PREP program generally, except for those service persons enrolled in the chapter 32 education program who are in the last six months of their enlistment. Currently, there are no service-persons eligible to enroll in the PREP program.

Clause (1) of section 302 amends section 1794(b) of title 38, United States Code increase by 100% the amount of reporting fees paid to educational institutions. These fees reimburse educational institutions for filing with the VA required reports in regard to enrolled veterans attending school under the GI bill. Currently, these reporting fees are $5 and $6—the greater amount being paid when the institution has agreed to hold a veteran's benefit check at registration and deliver it to the veteran at the time the veteran registers—so-called "advance payment". The measure would increase the amount of these certification fees to $10 and $12 respectively, in recognition of the increased reporting requirements law imposed by P.L. 94–502 and recent VA regulations.

In addition, section 302 provides for the payment of an additional $5 annually to an educational institution for each veteran who is enrolled during the school term as a full-time student and who satisfactorily completes the school term and is so reported to the VA.

Clause (2) of section 302 would amend section 1788(a) of title 38, United States Code, by reducing the number of clock-hours which an institutional trade or technical course must offer to assure that veterans who are enrolled in such course are eligible for full-time benefits under the GI bill. The number of hours are reduced from 27 to 25 in a course approved under section 1775 where classroom or theoretical instruction does not predominate, and from 22 to 20 hours in a course approved under section 1775 when theoretical or classroom instruction does predominate. In addition, the amendment provides that there can be not more than five hours of supervised study as part of non-accredited courses, if they are to qualify as full-time courses. This section is similar to that passed by the Senate last year as section 509 of S. 969.

Clause (1) of section 303(a) provides the Administrator with the authority to waive the requirements of the "two-year rule" pursuant to prescribed regulations when he determines that a waiver would be in the interest of the eligible veteran and the Federal Government. This waiver is similar to that provided for under the "85–15" rule as amended by Public Law 94–502—as amended by section 303(2) of this Amendment. The two-year rule, as expanded by Public Law 94–502, generally provides that a course of study must be offered for at least two years before the Administrator may approve the payment of educational benefits to an eligible veteran who is enrolled in the course. The law presently does not provide the Administrator any discretion in the application of this rule.

Clause (2) of section 303(a) makes specific the authority of and the requirement for the Administrator to prescribe regulations implementing the "85–15" rule codified at section 1673 as amended by Public Law 94–502.

Subsection (b) of section 303 also requires the Administrator, in consultation with the Commissioner of Education, representatives of educational institutions and of appropriate State agencies and other appropriate officials and persons, to report to the Congress his recommendations for legislation or administrative action in regard to the implementation of the unsatisfactory progress provisions of section 1674(2) of title 38 as amended by Public Law 94–502. This section provides that, unless the Administrator finds there are mitigating circumstances, progress will be considered unsatisfactory at any time the eligible veteran is not progressing at a rate that will permit such veteran to graduate within the approved length of the course based on the training time as certified to the Veterans' Administration. The report required by this section is to be submitted no more than 90 days after the date of enactment of this Act.

Subsection (c) of section 303 generally provides the Administrator with the authority to provide, pursuant to prescribed regulations, equitable relief when the Administrator finds that as a result of passage of section 701 of Public Law 94–502 educational institutions incurred an undue hardship. Section 701 of that public law amended section 3101 of title 38 to make specific the invalidity of powers of attorneys insofar as the negotiation of veterans' benefits checks were concerned. Notwithstanding the general preclusive purport of the non-assignability provisions of section 3101, prior to the enactment of Public Law 94–502, in 1972 the VA General Counsel had ruled that when the payee of a benefit check has designated the address of an attorney-in-fact as the payee's address and also executed a power of attorney to negotiate the benefit check, such transaction was not generally prohibited.

Paragraph (1) authorizes the Administrator to provide such relief as he deems necessary to an accredited institution of higher learning or an accredited high school, which has in its possession certain benefit checks payable to a veteran or eligible person, which was mailed to the institution.

The course must have been offered under the PREP program or outside the United States. The course must have been commenced prior to December, 1976, and completed not later than June 30, 1977. In addition, the school must hold a power of attorney to negotiate such check, the power of attorney must have been executed prior to December 1, 1976.

Paragraph (2) authorizes the Administrator provide to an accredited correspondence school such relief as he deems necessary if such school has in its possession certain benefit checks payable to a veteran or eligible person for lessons completed prior to January 1, 1977. The power of attorney must have been executed by the veteran or eligible person prior to December 1, 1976. In addition, the course must have been taken by a veteran or an eligible person residing in the continental United States.

Section 304 amends section 2014(b) of title 38, United States Code, to require the Chairman of the Civil Service Commission to submit to the President and the Congress not later than 6 months beyond the date of enactment of this Act, a report on the need for continuation after June 30, 1978, of the authority for veterans readjustment appointments (VRA) contained in section 2014(b) of title 38. Currently, under that subsection, certain veterans of the Vietnam era are eligible for a special Civil Service appointment at a grade not to exceed GS–5 under certain circumstances. Any veteran released from service under conditions other than dishonorable is eligible for a VRA for a period of one year following release from service, or 6 months following the date such veteran terminates enrollment in a program of education under the GI Bill. Authority for making VRA's under the subsection is scheduled to expire on June 30, 1978.

Section 305 is a technical amendment to section 101(29) of chapter 1 of title 38, United States Code, to strike the date of the end of the Vietnam era as that date "determined by Presidential proclamation or concurred resolution of the Congress" and replacing it with May 7, 1975, the date set as a result of Presidential proclamation.

Section 305(b) is a technical amendment to section 2007(c) of chapter 41 of title 38, United States Code, to correct section 2007 (c) to require the Secretary of Labor to report section 2004 determinations in regard to local veterans employment representatives (LVER) requirements. Currently, as codified, the Secretary is mistakenly required to report on "section 2001" determinations—an incorrect reference to the chapter 41 definitions.

Section 306 authorizes the Administrator of Veterans' Affairs to conduct, pursuant to either interagency agreement or a delegation of authority, the programs carried out under section 420 of the Higher Education Act of 1965, as amended—the Veterans Cost-of-Instruction (VCI) program. The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is also authorized to enter into such an agreement to effect such a transfer. In addition, any funds appropriated for the purpose of carrying out such purposes of the VCI program may be transferred from HEW to the V.A. The section specifically requires the agreement or the delegation of authority to provide for appropriate HEW technical and support assistance to the Administrator for the purposes of carrying out the VCI program.

Title IV establishes the effective dates for the provisions contained in this Act. All sections will be effective on October 1, 1977, except as follows: sections 201 and 202 (regarding the accelerated payments and special loan program) will be effective on January 1, 1978; section 203 (regarding the delimiting date extension) will be effective on October 1, 1977, but retroactive to May 31, 1976, so as to reinstate the eligibility of Post-Korean Conflict veterans which expired on that date; sections 303, 304, 305, and 306 (regarding various general remedial provisions) will be effective upon enactment.

Mr. President, at this time we have no precise cost information as to the expense of the various measures included as part of this amendment. A very rough estimate places the fiscal year 1978 cost at $1.3 to $1.5 billion. In view of the fiscal limitations imposed by the limits on the levels of spending adopted by the first concurrent resolution for the veterans function as well as by this body's desire to be fiscally responsible, we will certainly have to evaluate the cost-generating provisions of the legislation should the official cost estimates reveal that the expenditures resulting from enactment would be excessive.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 448

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "GI Bill Improvement Act of 1977".

TITLE I—GI BILL RATE INCREASES

VOCATIONAL REHABILITATION

SEC. 101. The table contained in section 1504(b) of title 38, United States Code, is amended to read as follows:

"Column I Type of training	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$240	$298	$350	$26
Three-quarter-time	181	223	263	19
Half-time	120	149	175	13
Farm cooperative, apprentice, or other on-job training:				
Full-time	209	253	292	19";

VETERANS' EDUCATIONAL ASSISTANCE

SEC. 102. Chapter 34 of title 38, United States Code, is amended by—

(1) striking out in the last sentence of section 1677(b) "$270" and inserting in lieu thereof "$287";

(2) amending the table contained in section 1682(a) of title 38, United States Code, to read as follows:

"Column I Type of program	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$310	$369	$421	$26
Three-quarter-time	233	276	316	19
Half-time	155	185	211	13
Cooperative	250	293	333	19";

(3) striking out in section 1682(b) "$292" and inserting in lieu thereof "$310";

(4) amending the table contained in paragraph (2) of section 1682(c) to read as follows:

"Column I Basis	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$250	$293	$333	$19
Three-quarter-time	187	220	250	15
Half-time	125	147	167	10";

(5) striking out in section 1692(b) "$65" and "$780" and inserting in lieu thereof "$69" and "$828", respectively; and

(6) striking out in section 1696(b) "$292" and inserting in lieu thereof "$310".

SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SEC. 103. Chapter 35 of title 38, United States Code, is amended by—

(1) striking out in section 1732(b) "$235" and inserting in lieu thereof "$250"; and

(2) striking out in section 1742(a) "$292", "$92", "$92", and "$9.76" and inserting in lieu thereof "$310", "$98", "$98", and "$10.34", respectively.

CORRESPONDENCE COURSES, ON-JOB TRAINING, AND EDUCATION LOANS

SEC. 104. Chapter 36 of title 38, United States Code, is amended by—

(1) striking out in section 1786(a)(2) "$292" and inserting in lieu thereof "$310";

(2) amending the table contained in paragraph (1) of section 1787(b) to read as follows:

"Column I Periods of training	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$225	$253	$276	$12
Second 6 months	169	197	220	12
Third 6 months	113	140	164	12
Fourth and any succeeding 6-month periods	56	84	107	12";

and

(3) striking out in section 1798(b) "$292" and inserting in lieu thereof "$310".

TITLE II—ACCELERATED PAYMENT AND DELIMITING PERIOD EXTENSION

ACCELERATED PAYMENT

SEC. 201. (a) Chapter 34 of title 38, United States Code, is amended by inserting after section 1682 the following new section:

"§ 1682A. Accelerated payment of educational assistance allowances

"(a) The Administrator shall, in accordance with the provisions of this section and

section 1798(f) of this title and regulations which the Administrator shall prescribe under such sections, accelerate the payment of educational assistance allowances (hereinafter in this section referred to as "accelerated payment") to an eligible veteran (for purposes of this section, 'eligible veteran' includes 'eligible person' as defined in section 1701(a)(1) of this title) who makes application and is eligible therefor. An accelerated payment shall be made by increasing the amount of the educational assistance allowance otherwise payable to such veteran for any school term and proportionally reducing the educational entitlement of such veteran under section 1661 of this title.

"(b) An eligible veteran who makes application for accelerated payment shall be eligible for such payment only upon the satisfactory completion of the school term for which such accelerated payment is to be made and only if—

"(1) such veteran was enrolled as a full-time student during such school term;

"(2) such veteran was entitled to an educational assistance allowance under section 1661 during such school term;

"(3) such veteran has received a loan from the Veterans Administration for such school term pursuant to section 1798(f) of this title;

"(4) the tuition and fees of the educational institution in which such veteran was enrolled are in excess of $1,000 for such school term;

"(5) such application was filed with the Administrator within four weeks after the beginning of the school term for which such accelerated payment is to be made;

"(6) the educational institution in which such veteran was enrolled has certified to the Administrator that such veteran satisfactorily completed such school term; and

"(7) the educational institution in which such veteran was enrolled has certified for such school term that less than 35 per centum of the total number of students enrolled in such institution were students receiving educational assistance benefits from the Veterans' Administration.

"(c)(1) An eligible veteran enrolled in an institution of higher learning shall, if otherwise eligible under this section, be entitled to an accelerated payment for—

"(A) the number of months equal to the number of months of entitlement such veteran may have in excess of the number of months necessary to complete a program of education leading to a standard undergraduate college degree, if such veteran has not successfully completed such a program, or

"(B) the number of months equal to the number of months of entitlement such veteran may have remaining in excess of the number of months necessary to complete the veteran's program of education, if such veteran has successfully completed a program of education leading to a standard undergraduate college degree.

"(2) An eligible veteran enrolled in an educational institution which is not an institution of higher learning shall, if otherwise eligible under this section, be entitled to an accelerated payment for—

"(A) the number of months equal to the number of months of entitlement such veteran may have remaining in excess of the number of months necessary to complete such veteran's program of education, or

"(B) nine months, whichever period is the lesser.

"(d)(1) In no event may the amount of accelerated payment for any school term exceed (A) an amount equal to the educational assistance allowance to which such veteran was otherwise entitled under section 1682 for such school term, or (B) the amount by which the expenses of tuition and fees are in excess of $1,000 for such school term, whichever is the lesser.

"(2) In no event may the number of months of entitlement accelerated by a veteran for any school term exceed one-half the total number of months of entitlement the veteran may accelerate under this section unless such veteran can reasonably be expected to complete the program of education being pursued during the school term for which accelerated payment is to be made.

"(e) As used in this section, the term 'school term' means—

"(1) in the case of an institution of higher learning operating on a quarter system, three such consecutive quarters;

"(2) in the case of an institution of higher learning operating on a semester system, two such consecutive semesters; or

"(3) in the case of an educational institution not an institution of higher learning, any approved time division of a program of education within which segments of the program are completed.".

(b) Chapter 35 of title 38, United States Code, is amended by inserting after section 1737 the following new section:

"§ 1738. Accelerated payment of educational assistance allowances

"An eligible person shall be entitled to an accelerated payment of educational assistance allowances pursuant to the provisions of section 1682A of this title.".

(c)(1) The table of sections at the beginning of chapter 34 of such title is amended by inserting

"1682A. Accelerated payment of educational assistance allowances."

below

"1682. Computation of educational assistance allowances.".

(2) The table of sections at the beginning of chapter 35 of such title is amended by inserting

"1738. Accelerated payment of educational assistance allowances."

below

"1737. Education loans.".

(d) The Administrator of Veterans' Affairs, in consultation with the Commissioner of Education in the Department of Health, Education, and Welfare, shall, not later than sixty days after the date of enactment of this Act, notify each appropriate educational institution that accelerated payments (as provided for in subsection (a) of this section) are available for certain students enrolled at such institutions, specifying the full conditions and procedures governing such payments.

EDUCATION LOAN ELIGIBILITY IN CONNECTION WITH ACCELERATED PAYMENT

SEC. 202. Section 1798 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f)(1) Notwithstanding the requirement in subsection (c)(2) of this section, each eligible veteran or eligible person entitled to a loan under the provisions of subsections (a) and (b) of this section who, pursuant to section 1682A of this title has applied and is eligible for an accelerated payment under such section is entitled to a loan under this subsection.

"(2) At the time of application for such loan in connection with such accelerated payment, the veteran shall assign to the benefit of the Veterans' Administration the amount of the accelerated payment for which the veteran is entitled for the school term for which the veteran has applied.

"(3) Unless the Administrator finds there are mitigating circumstances, an eligible veteran who fails to complete satisfactorily any school term for which a loan has been received under this subsection is not eligible for receipt of any accelerated payment under section 1682A until such time as such veteran has repaid in full the principal amount of and interest due on such loan.

"(4) Notwithstanding the provisions of subsection (b)(3) of this section, a veteran entitled to a loan under this subsection shall be entitled to a total loan amount equal to the amount of accelerated payment for which the veteran is entitled for the school term for which the veteran has applied for such payment.".

DELIMITING PERIOD EXTENSION

SEC. 203. (a) Section 1662 of title 38, United States Code, is amended by—

(1) inserting "(1)" after "(a)" and inserting at the end of such section the following new paragraph:

"(2)(A) Notwithstanding the provisions of paragraph (1), any veteran shall be permitted to use any of such veteran's unused educational entitlement under this chapter after the delimiting date otherwise applicable to such veteran, as provided in paragraph (1), if such veteran was pursuing an approved program of education at the time of the expiration of such veteran's eligibility and such veteran was—

"(i) enrolled on a full-time basis, or

"(ii) on a part-time basis if such veteran was (aa) employed in a public safety occupation, (bb) receiving educational benefits, a loan, or compensation under any program provided for in the Omnibus Crime Control and Safe Streets Act of 1968, and (cc) enrolled under this chapter on not less than a half-time basis in a program of education appropriately related to such veteran's public safety occupation.

"(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting period is extended under this paragraph—

"(i) may continue to use any unused entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis (or on a part-time basis, but in no event less than a half-time basis, if such veteran was a part-time student at the time of expiration of such veteran's eligibility and was permitted to continue using such veteran's unused entitlement under the provisions of clause (ii) of subparagraph (A) of this paragraph) in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility until such entitlement is exhausted, until the expiration of two years, or until such veteran has completed the approved program of education in which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1), whichever occurs first;

"(ii) shall be entitled in the eleventh year of eligibility to an educational assistance allowance equal to one-half the amount of educational assistance allowance authorized for an eligible veteran whose delimiting period has not expired or been extended by this paragraph; and

"(iii) shall be entitled in the twelfth year of eligibility to an educational assistance allowance equal to one-third the amount of educational assistance allowance authorized for an eligible veteran whose delimiting period has not expired or been extended by this paragraph."; and

(2) inserting immediately before the period at the end of paragraph (1) (as redesignated by clause (1) of this section) a semicolon and "except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability or impairment which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented

from initiating or completing such program of education".

(b) Section 1712 is amended by redesignating subsection (f) as (g) and inserting after subsection (e) the following new subsection:

"(f) Any eligible person shall be entitled to an additional period of eligibility beyond the maximum period provided for in this section pursuant to the same terms and conditions set forth with respect to an eligible veteran in section 1662(a)(2), except that the tenth year of eligibility for purposes of this subsection for such person shall be the last year of such person's period of eligibility and the eleventh and twelfth years shall be the first and second years, respectively, following such last year.".

TITLE III—OTHER EDUCATION AND TRAINING AMENDMENTS

COUNSELING SERVICES AND PREP REPORT ELIMINATION

SEC. 301. Chapter 34 of title 38, United States Code, is amended by—

(1) amending section 1663 by—

(A) striking out the first sentence and inserting in lieu thereof the following: "The Administrator shall make available to any eligible veteran, upon such veteran's request, comprehensive counseling services, including but not limited to, vocational and educational counseling and testing."; and

(B) inserting at the end thereof the following new sentence: "The Administrator shall carry out an effective outreach program to acquaint all eligible veterans with the availability and advantages of such counseling."; and

(2) striking out in section 1698(b) "and periodically thereafter submits progress reports with respect to the implementation of such plan," after "report),".

REPORTING FEES AND VOCATIONAL COURSE MEASUREMENT

SEC. 302. Chapter 36 of title 38, United States Code, is amended by—

(1) amending section 1784(b) by—

(A) striking out "$5" and "$6" in the second sentence and inserting in lieu thereof "$10" and "$12", respectively; and

(B) inserting after the second sentence the following new sentence: "Each of the amounts of reporting fees prescribed in the preceding sentence shall be increased by $5 for each veteran or eligible person enrolled in a program of education as a full-time student under this chapter or chapter 34 or 35 of this title, who satisfactorily completes a school term (as defined in section 1682A of this title) during the calendar year for which such reporting fee has been paid."; and

(2) amending section 1788(a) by—

(A) inserting in clause (1) "and not more than 5 hours of supervised study" after "two and one-half hours of rest periods";

(B) striking out in clause (1) "27" and inserting in lieu thereof "25";

(C) inserting in clause (2) "and not more than 5 hours of supervised study" after "net of instruction" the first time it appears; and

(D) striking out in clause (2) "22" and inserting in lieu thereof "20".

EDUCATIONAL INSTITUTION ADMINISTRATIVE PROCEDURES AND OPERATION PERIOD WAIVER

SEC. 303. (a)(1) Section 1789(c) of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "The Administrator may waive the requirements of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.".

(2) Section 1673(d) of title 38, United States Code, is amended by inserting a comma and "pursuant to regulations which the Administrator shall prescribe," after "determines".

(b) The Administrator, after consultation with the Commissioner of Education, representatives of educational institutions and appropriate State agencies, and other appropriate officials and persons, shall submit to the President and the Congress, not later than 90 days after the date of enactment of this Act, a report on the need for legislative or administrative action in regard to section 1674 of title 38, United States Code, as amended by section 206 of Public Law 94-502, and the regulations prescribed thereunder, including such other specific recommendations as the Administrator deems appropriate.

(c)(1) Where an accredited institution of higher learning or an accredited high school—

(A) has in its possession veterans' or eligible persons' benefits checks made payable to a veteran or eligible person and mailed to such educational institution for a course offered (i) under the provisions of subchapter VI of chapter 34 of title 38, United States Code, or (ii) outside the United States, and which course was commenced by such veteran or eligible person prior to December 1, 1976, and completed not later than June 30, 1977; and

(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the educational institution to negotiate such benefit check,

the Administrator may, where the Administrator finds there is undue hardship on such educational institution, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe.

(2) Where an accredited correspondence school—

(A) has in its possession veterans' or eligible persons' benefits checks made payable to a veteran or eligible person and mailed to such school for lessons completed by the veteran or eligible person and serviced provided by the school prior to January 1, 1977; and

(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the school to negotiate such benefit check,

the Administrator may, where the Administrator finds that (i) there is undue hardship on such educational institution and (ii) the courses were taken by veterans or eligible persons residing in the continental United States, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe.

VETERANS READJUSTMENT APPOINTMENTS REPORT

SEC. 304. Section 2014(b) of title 38, United States Code, is amended by inserting at the end thereof the following new sentence: "The Chairman of the Civil Service Commission shall submit to the President and the Congress, not later than six months after the date of enactment of the GI Bill Improvement Act of 1977, a report on the need for the continuation after June 30, 1978, of the authority for veterans readjustment appointments contained in this subsection.".

TECHNICAL AMENDMENT

SEC. 305. (a) Chapter 1 of title 38, United States Code, is amended by striking out in section 101(29) "such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress" and inserting in lieu thereof "May 7, 1975".

(b) Chapter 41 of title 38, United States Code, is amended by striking out in section 2007(c) "2001" and inserting in lieu thereof "2004".

VETERANS COST-OF-INSTRUCTION TRANSFER AUTHORITY

SEC. 306. Notwithstanding any other provision of law, (1) the Administrator of Veterans' Affairs is authorized to conduct, pursuant to an interagency agreement or a delegation of authority, the programs carried out under the provisions of section 420 of the Higher Education Act of 1965, as amended; (2) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is authorized to enter into such interagency agreement or to delegate to the Administrator his or her functions, powers, and duties under such section; and (3) pursuant to such agreement or delegation of authority, funds appropriated for the purpose of carrying out such section may be transferred from the Department of Health, Education, and Welfare to the Veterans' Administration for use for the purposes for which they are authorized and appropriated. Any such agreement or delegation of authority shall provide for all appropriate technical and support assistance to be provided by the Commissioner to the Administrator for the purposes of effectively carrying out the programs conducted under such section in institutions of higher learning.

TITLE IV—EFFECTIVE DATES

SEC. 401. The provisions of this Act shall become effective on October 1, 1977, except that the provisions of sections 201 and 202 shall become effective on January 1, 1978, the provisions of section 203 shall be effective retroactive to May 31, 1976, and the provisions of sections 303, 304, 305, and 306 shall be effective upon enactment.

Amend the title so as to read: "A bill to amend chapter 34 of title 38, United States Code, to authorize accelerated payment of educational assistance allowances under such chapter under certain circumstances; to extend the delimiting period by providing for payment of partial educational assistance allowances for up to two additional years to enable full-time students to complete their programs of education; to provide for a reexamination and mitigation of possible inequities arising under certain educational institution administrative procedure provisions enacted in Public Law 94-502; and for other purposes.".

Mr. DURKIN. Mr. President, I am pleased to join with the distinguished Chairman of the Senate Committee on Veterans' Affairs, Senator CRANSTON, in submitting this amendment as a substitute to S. 457. I introduced S. 457 earlier this year to extend the delimiting date for those veterans pursuing a full-time course of study under the GI bill. Since I have been in the Senate, I have advocated increased benefits and necessary reform of the GI bill for this Nation's Vietnam era and cold war veterans. Earlier this Congress I introduced S. 457, S. 449 to authorize the acceleration of educational assistance payments, S. 458 to make comprehensive counseling services available to any eligible veteran, and S. 956 to authorize the Administrator of Veterans' Affairs to waive the 2-year period of operation requirements in the case of courses offered by the branches or extensions of certain educational institutions.

Although the amendment we are introducing today will not go as far as the legislation I had introduced earlier this year, it is a practical and a positive response to many of the problems I have pointed out in the GI bill as presently written.

The comprehensive legislation we are introducing is aimed at resolving many of the deficiencies in the educational programs for Vietnam era and cold war

veterans. Our amendment will incorporate the concept of accelerated tuition assistance into the GI bill. Accelerated tuition is aimed at helping several groups of Vietnam era veterans:

First. Unemployed veterans, who cannot afford to attend college or vocational school with GI bill benefits at current levels;

Second. Veterans living in States without readily available low-cost community colleges;

Third. Veterans enrolled in graduate schools; and

Fourth. Veterans now underemployed who find they cannot afford to give up their present employment to attend school under the GI bill in order to qualify for better jobs.

Accelerated tuition is specifically designed to help veterans in States that do not have low-cost colleges. In those States, it is often too expensive for the veteran to attend school with only his GI benefits. South Dakota, Vermont, and Nevada do not have any schools which cost less than $750 for a year's tuition. North Dakota, New Mexico, Arizona, Hawaii, Colorado, Nebraska, Louisiana, Wyoming, Montana, Mississippi, Maine, Idaho, Utah, Rhode Island, Delaware, Alaska, New Hampshire, Indiana, Ohio, and Pennsylvania all have less than 10 schools in the entire State which cost less than $750.

We have worked hard to insure that the accelerated payments are directed to students seriously pursuing their course of study. Our amendment has included many restrictions on accelerated tuition which are designed to prevent potential abuses with the program. The provision allows for a loan to be given the veteran at the beginning of the term and the accelerated tuition is paid to the veteran to repay the loan only after the veteran has satisfactorily completed the term. Entitlement to accelerated tuition is limited to full-time students in institutions where costs are greater than $1,000 and where there are less than 35 percent veterans. In any school term, the veteran can accelerate only half of his eligible months and he is eligible for acceleration of entitlement only to the extent that he has more months than is necessary for a degree.

A second major provision of this amendment extends for up to 2 years or until completion of the program, the 10-year delimiting period for those veterans who are full-time students in their 10th year of eligibility and who lose their benefits as a result of the expiration of the 10-year period. On May 31 of last year, 3.6 million post-Korean veterans lost their benefits under the GI bill. Of these 3.0 million veterans, 482,000 were caught by the 10-year deadline while in the middle of educational programs made possible by benefits provided by the Veterans' Administration. The effect is that 482,000 veterans who were in training for productive employment as of May 31, 1976, will not be able to continue their training because of the delimiting date. And of the 3.6 million veterans who have lost their benefits under the GI bill, many have used only a small portion of their entitlement.

The extension of the delimiting date is limited to full-time students and to students enrolled in training programs funded through the Law Enforcement Assistance Administration who are pursuing courses related to their public service careers. Benefits are limited to 50 percent in the first year of the extension and 33.3 percent in the second year. Unless the extension is provided and these veterans are allowed to complete their training and find worthwhile employment, we have squandered our initial investment of money and the veterans have lost their initial investment of time and energy. For every dollar invested in the GI bill, the Government gets back $4 in higher taxes as a return on its investment.

The remaining provisions of this comprehensive legislation will provide for a 6.3 percent cost-of-living increase in GI bill benefits and comprehensive counseling services. In addition, this measure will allow the Administrator to waive the 2-year rule when he finds in the interest of the veteran and Federal Government.

Mr. President, although these provisions may not be as extensive or far-reaching as bills which I have previously introduced, I will be working actively with the distinguished chairman of the Committee on Veterans' Affairs for the passage of this legislation. Unemployment among Vietnam era veterans ages 20 to 24 is 16.4 percent, compared to 12.3 percent of all persons in that age bracket. For ages 25 to 30, the veterans unemployment rate is 9.2 percent—0.9 percent higher than the national average. This legislation will go a long way to provide the post-Korean veteran with the full educational opportunity necessary to find worthwhile employment. While this substitute amendment does not provide the same benefits that were in the bills I had introduced earlier this year, the financial limitations imposed by the Budget Committee have made it clear that this represents the maximum possible level of benefits. Although I do not believe that these benefits represent what our veterans deserve, we cannot be blind to the financial constraints under which we must operate.

HUGH SCOTT AND HARRY BYRD ROOM—SENATE RESOLUTION 181

AMENDMENT NO. 449

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the resolution (S. Res. 191) designating certain rooms in the U.S. Capitol as the Hugh Scott Room and the Harry Flood Byrd, Sr. Room.

SOCIAL SECURITY ACT AMENDMENT—S. 123

AMENDMENT NO. 450

(Ordered to be printed and referred to the Committee on Finance.)

Mr. INOUYE. Mr. President, today I am submitting an amendment in the nature of a substitute to S. 123, legislation which would amend the Social Security Act in order to provide for the independent recognition of psychologists under Medicare and to insure their active participation under our Professional Standards Review Organization legislation. The modifications from my original proposal are primarily technical in nature and all of the original cosponsors of this bill have agreed to accept these changes. I am pleased at this time to also list Senators CRANSTON and JACKSON as cosponsors.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 1861(r) of the Social Security Act is amended by inserting immediately before the period at the end thereof the following: ", or (6) except for the purposes of section 1814(a), section 1835, and subsections (j), k), (m), and (o) of this section, a psychologist, but only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

SEC. 2. Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"(aa) The term 'psychologist' means an individual licensed or certified as such by State law for the independent practice of psychology and who (A) has a doctoral degree in psychology and at least two years of supervised clinical experience, or (B) is a member of (or meets the eligibility requirements for membership in) the National Register of Health Service Providers in Psychology or of any other national professional organization of such providers which the Secretary finds imposes comparable eligibility for membership requirements.".

SEC. 3. (a) Section 1155(b)(1) of the Social Security Act is amended—

(1) by inserting "(especially in the development of review criteria and the conduct of peer review services in the particular specialty of health care involved)" immediately after "utilize", and

(2) by inserting "and psychology" immediately after "dentistry".

(b) Section 1162(e)(1) of such Act is amended by inserting ", but including psychologists" immediately after "other than physicians".

(c) Section 1163(a)(1) of such Act is amended by inserting "and one psychologist" immediately after "eleven physicians".

(d) Section 1163(b) of such Act is amended—

(1) in the first sentence thereof, by striking out "Members" and inserting in lieu thereof "The physician members", and

(2) by inserting, immediately after the first sentence thereof the following new sentence: "The psychologist member of the Council shall be an individual of recognized standing in the appraisal of psychological practice.".

(e) The amendments made by subsection (c) shall be effective in the case of appointments to the National Professional Standards Review Council made after the date of enactment of this Act.

(f) Section 1167(c) of such Act is amended—

(1) by inserting ", no psychologist," after "No doctor of medicine or osteopathy",

(2) by inserting ", psychologist," after "such doctor of medicine or osteopathy", and

(3) by inserting "or a psychologist" after "a doctor of medicine or osteopathy".

(g) The amendments made by subsection (f) shall be effective with respect to professional actions taken by psychologists after the date of enactment of this Act.

CONSUMER CONTROVERSIES RESOLUTION ACT

AMENDMENTS NOS. 451 AND 452

(Ordered to be printed and to lie on the table.)

Mr. HAYAKAWA submitted two amendments intended to be proposed by him to the bill (S. 957), the Consumer Controversies Resolution Act of 1977.

AMENDMENTS NOS. 453 AND 454

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill (S. 957), supra.

AMENDMENT NO. 455

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 957), supra.

AMENDMENTS NOS. 456 THROUGH 461

(Ordered to be printed and to lie on the table.)

Mr. McCLURE submitted six amendments intended to be proposed by him to the bill (S. 957), supra.

SCHOOL LUNCH AND CHILD NUTRITION—S. 1420

AMENDMENT NO. 462

(Ordered to be printed and to lie on the table.)

Mr. CLARK submitted an amendment intended to be proposed by him to the bill (S. 1420) to amend the National School Lunch Act and the Child Nutrition Act of 1966.

NOTICES OF HEARINGS

HEALTH AND READJUSTMENT SUBCOMMITTEE

Mr. CRANSTON. Mr. President, on Friday, June 24, and on Wednesday, June 29, the Health and Readjustment Subcommittee, which I chair on the Committee on Veterans' Affairs, will conduct hearings in regard to the programs of veterans' educational assistance allowances—the GI bill. In addition to overseeing the operation of the current program, the subcommittee will consider new legislation in regard to the GI bill, to include S. 229, S. 236, S. 326, S. 449, S. 457 and amendments thereto I am submitting today, No. 448, S. 458, S. 956, S. 1421, and S. 1660.

Both hearings will start at 9 a.m. in room 6226 of the Dirksen Senate Office Building. Persons interested in providing testimony to the subcommittee should contact Jack Wickes at 224-9126.

AGRICULTURE TRANSPORTATION PROBLEMS

Mr. HUDDLESTON. Mr. President, I wish to announce that the Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, which I chair, of the Committee on Agriculture, Nutrition, and Forestry, will hold hearings at 10 a.m. on July 12 and 15 in room 322 Russell Senate Office Building to consider transportation problems affecting agriculture, forestry, and rural development.

Concern is growing throughout the Nation over the capability of many of our privately owned and operated transportation companies, particularly our railroads, to haul food to feed our people, lumber to build our homes, and raw materials, industrial products and finished goods to keep our economy strong.

The railroads, for example, recently announced that they are going to seek approval from the Interstate Commerce Commission to abandon thousands of miles of track. According to information developed by my subcommittee, as much as 10 percent of the 200,000 miles of class I railroad in the United States today, and possibly even more, may be abandoned within the next 3 to 5 years.

Every State in the Nation, including my own State of Kentucky, will feel the repercussions if essential rail services should be halted.

During our hearings, we will examine the potential impact on agriculture and forestry of railroad abandonments, many of which are proposed for rural areas of the country. Other related problems which we hope to explore include freight car utilization and the extent to which the poor condition of many railroad branch lines contributes to increased operating costs for the railroads, shortages of equipment for rail users, and higher prices for consumers.

But the problems are not confined to rail transportation alone. Questions also have been raised about whether there is enough motor transport service, particularly during harvest time, when both trucks and rail cars are in short supply. The poor condition of many country roads presents still another problem. In addition, concern is mounting in many areas of the country about the unsafe condition of bridges. According to the National Association of Counties, there are 105,500 bridges on and off the Federal highway system in need of repair or replacement.

During our hearings, we hope to learn more about the problems that exist in the agriculture transportation system and the extent to which such problems impede the movement of agricultural and other products to markets and raise prices to American consumers.

Because of time constraints, oral testimony will be received only from selected witnesses, which, in the opinion of the subcommittee, are likely to best represent the interests affected. However, written testimony will be accepted for the record. For further information, please contact the hearing clerk, Committee on Agriculture, Nutrition, and Forestry, 322 Russell Senate Office Building, (202) 224-2035.

ADDITIONAL STATEMENTS

HUMAN RIGHTS AND HUMAN BEINGS: THE MAREV CASE

Mr. HELMS. Mr. President, in August of 1976, toward the close of a hot summer and before the beginning of a very cold winter, Spas and Ivanka Marev, along with their daughter of 15 months, Penka, came to Washington from their home in Chicago. The Marevs handlettered a large sign with the legend: "Bulgarian Communist Government Holds as Hostages Our 2 Children for Over 9 Years!! Please Help!" Then they took up their stand on C Street just opposite the main entrance to the Department of State, with an American flag, making their mute appeal to the conscience of the American people.

At first the Marevs thought they would spend a few days, or at most a few weeks, at their post. But month passed into month, and the Marevs remained at their posts all through the bitterest winter the United States has known for many years.

Finally, on June 8, 1977, the Marevs' two daughters, Rumyana and Yordanka, arrived in New York, and the family, so long separated, was at last reunited.

That, of course, is not the whole story. There is much more to it, and much that bears reporting.

Spas Marev, now 41, was a dock laborer and steelworker in Bulgaria. Even though he was a worker in what was supposed to be a workers and peasants state, he early understood the oppressive nature of the Communist totalitarian regime, especially when the government collectivized agriculture and took away his adopted father's small farm. [His father, a blacksmith, had died when Marev was still only a child.]

Marev decided that flight was infinitely preferable to life even in his homeland. In 1952 he made his first attempt at escape was caught, and spent 25 days in jail.

In 1956 he tried again and failed, and spent a year and a half in prison. In 1962 he tried to seek asylum on a Greek freighter in a Bulgarian port, but was refused asylum. Finally, in 1968, he and his wife, Ivanka, who comes of a peasant family, received permission to take a brief tour to Istanbul. When they got there, they sought and received political asylum with the Turkish authorities.

They had had to leave their small children—ages only 1 and 3 at the time—with Ivanka's mother, since the Bulgarian Government as a general rule does not allow an entire family to travel abroad, so that some family members will in effect be hostages for the return of others. Spas and Ivanka Marev faced a difficult choice, but they felt they had no other option, and they believed that before long the Government of Bulgaria would relent and permit their small children to rejoin them. They were almost wrong.

After some time in a refugee camp in Italy, the Marevs were admitted to the United States in 1968, and eventually became American citizens in 1974 and 1975. Their daughters meanwhile were treated as virtual orphans, taken from their grandmother's care and relegated to an orphanage. The Marevs never ceased to think of their children, and sought by all ways open to them to be reunited with them. They were unsuccessful in everything they tried. Representations on their behalf by the State

Department were unavailing. Finally, almost in despair, they took their savings and came to Washington to begin their lonely demonstration outside the State Department.

Once they took up their position, they soon discovered that representatives of the Department of State were less than wholly sympathetic with their difficulties. One State Department official with whom they dealt tried on several occasions to get them to abandon their demonstration.

The Marevs on more than one occasion received the distinct impression that the State Department was more interested in defending the position of the Bulgarian Government in the dispute than it was in assisting them in recovering their children. In any case, it is undeniable that in some 8 years, from 1968 to 1977, all the polite remonstrances of the State Department with the Bulgarians had achieved nothing, and it is even possible to conclude that—especially after the Marevs began their demonstration—the State Department did not wish to help them very much in reuniting their family.

Finally, after a considerable delay, in early May the Marevs learned through the State Department that a court case was scheduled for May 20, in a court in Varna, Bulgaria, which would deprive them of their parental rights, and probably block forever any opportunity the Marevs might have to recover their children. In desperation, they turned to the Congress for the help the State Department seemed so reluctant to give them.

Among other Senate offices, the Marevs visited my office in early May, and I was able to make a small contribution to the Marevs' heroic fight. I offered to work closely with them in order to assist them in their cause. And intervention seems to have been needed. For example, when the State Department refused to transmit a statement by the Marevs to the Varna court requesting that their children be returned to them, the Marevs—who are not wealthy people—spent more than $100 to send the telegram themselves. It further developed, when I asked the State Department to act on the Marevs' behalf, that the Sofia Embassy did not intend to dispatch anyone to the hearing to make sure that the Marevs had some sort of voice in the proceeding.

However, after some very strong protests against this were lodged by my office, the Sofia Embassy did send a representative to Varna. The outcome was that the court postponed the case until the end of the year, on the pretense that it had not known the whereabouts of the parents before.

In the intervening time, the Marevs had actively sought the assistance of a number of congressional and senatorial offices in their cause. In the House of Representatives, Congressman LARRY MCDONALD of Georgia had interceded with the State Department on their behalf some time previously.

In May, the Republican Study Committee took a major interest in their case, and helped to organize letters to President Carter and the Bulgarian Minister of Foreign Affairs, Petur Mladenov. Their letter of May 16 to Minister Mladenov said, among other things:

> Surely you must realize that by continuing to deny permission for these young girls to emigrate you propagate a negative world attitude toward your Government. Positive action in this case, and in those others still pending, would be a significant move which would reflect favorably on the Peoples Republic of Bulgaria.

The letter was sponsored by Congressman ROBERT LAGOMARSINO, of California, and went out over the signatures of 15 Representatives with political philosophies across the spectrum: DONALD FRASER, TENNYSON GUYER, BILL ARCHER, BALTASAR CORRADA, JACK KEMP, ROBERT DORNAN, JAMES BLANCHARD, MILLICENT FENWICK, WILLIAM BRODHEAD, J. DANFORTH QUAYLE, RICHARD SCHULZE, ALLEN ERTEL, HERMAN BADILLO, and EDWARD KOCH.

Other Representatives, such as PAUL TRIBLE, of Virginia, sent separate letters. CLEMENT ZABLOCKI, chairman of the House Committee on International Relations, made inquiries with the State Department on the Marevs' behalf, as did DANTE FASCELL, chairman of the Special Commission on the Helsinki agreements.

On the Senate side, the Senate steering committee also assisted the Marevs when the case was brought to its attention. The distinguished Senator from Arizona (Mr. GOLDWATER) wrote a strong letter on their behalf, and I did what I could to work closely with the Marevs, as I have already noted.

The news media also gave some attention to the Marev case. The Washington Post had reported on the beginning of their vigil when they took up their positions in August of 1976. In the week preceding the trial of May 20, The Washington Star gave frontpage coverage to the Marevs' situation, although the reporter, Henry Bradsher, tended to approach it from the State Department point of view. Journalist Jeffrey St. John devoted his commentary on WRC–TV on May 20 to an excoriation of the role played by the State Department in this instance.

The upshot of this pressure brought to bear through the Congress and the media was that by June 1 the Bulgarian Government had decided to permit the Marev children to join their parents. In early June there were some delays and disputes as to the way in which the children should be brought to the United States, but finally these difficulties were resolved and a few days ago the Marev family was reunited, in the spirit of the Helsinki accords.

The lesson to be drawn from this is that even Communist governments—sometimes especially Communist governments—are sensitive to world opinion and the pressure of moral outrage, which our Department of State seems to transmit only feebly if at all, at least where Communist countries are concerned. The Marev case demonstrates once again the truth of what Alexandr Solzhenitsyn and many other Soviet dissidents have told us about Communist societies: We must make our displeasure known when they violate human rights, we must intervene both in the moral and material sphere in order to protect the rights of those oppressed within Communist countries. It is only in this way that we may be true to our own moral ideals and at the same time defend our own quite practical interests in the world.

INDIANS FACE ANNIHILATION IN PARAGUAY

Mr. PROXMIRE. Mr. President, the report from Paraguay indicate that two Indian societies in that ccuntry face virtual annihilation. The Washington Post, in an article last week, reported that the Guarani and Guayaki Indian populations have been decimated.

The Guarani Indians, a pre-Columbian society which numbered about 150,000 in 1900, have been reduced to an estimated 30,000 individuals. The Guayaki population has been virtually destroyed. Only 1,000 Guayakis remain out of an estimated 10,000 a century ago.

Accompanying the near extermination of the Indian population is a blatant racial hatred on the part of the whites and mestizos—mixed Indian-whites. The Post stated—

> According to a survey by Paraguayan anthropologists. . . 77 per cent think (the Indians) are "like animals" because they have not been baptized. On the ranches in the Chaco scrubland of western Paraguay, the name for Indian is "pig."
>
> "They know the white man values them less than a horse or cow" said The Most Rev. Anibal Maricevich, bishop of Concepcion, on the Chaco frontier.

Individual Members of Congress have already reacted to the condition of the Paraguayan Indians. The Post repeated Senator JAMES ABOUREZK'S comment that—

> A government dedicated to the extermination of a part of its people does not deserve our aid any more than a convicted, self-confessed murderer deserves to receive a government welfare check.

But we need more than statements by concerned individuals condemning such atrocities. We must go on record as a nation, for now and for all time, against the destruction of national, ethnical, racial or religious groups.

In Paraguay, according to the Post, "Much of the country does not consider killing Indians a crime." Mr. President, let us tell the world that we consider killing these Indians a crime. I urge the Senate to support the Genocide Convention to commit this Nation to oppose the crime of genocide.

MERCY

Mr. CASE. Mr. President, in connection with the Senate's deliberations on normalizing relations with Cuba, I call attention to an item in this morning's New York Times which addresses the human rights problem in Cuba, particularly the case of Huber Matos.

To many in this country, the Matos case symbolizes the Castro government's willingness to disregard the human rights of its own citizens and to deny them the personal freedoms and individual liberties which the Cuban Revolution said intended to restore and protect—or so Mr. Matos and others

thought as they fought side by side with Fidel Castro against the Batista regime.

Those days have passed, and so, too, the high hopes that Mr. Matos held for the Cuban Revolution. Since the fall of 1959, he has been in Castro's jails serving a 20-year sentence for "treason." But, as the Times article points out, Matos' prison term "contrasts strikingly with the 15 years Fidel Castro got under the Batista regime for leading a military attack on an Army barrack." Even more ironical—Castro served but 20 months of his sentence. Huber Matos, on the other hand, has served in excess of 200 months, approximately 17 years.

Mr. President, like the author of this article, I, too, want to urge the administration to pursue the Matos case and the human rights issue in general when the United States and Cuba exchange diplomatic personnel later this year. I point out that the Senate made its position clear last Thursday when it passed by a vote of 91 to 1, the following amendment, which I coauthored as part of the Foreign Relations Authorization Act:

It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of U.S. citizens whose persons or property are the subject of such negotiations be protected.

Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

I ask unanimous consent that the New York Times article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MERCY

(By Irving Howe)

In the discussions that may soon be held between United States and Cuban representatives, might not our man say a quiet word about Huber Matos? That it would help smooth relations if he were released from jail and allowed to leave Cuba?

A former teacher, Mr. Matos joined Fidel Castro's troops in the fight against Batista's dictatorship. Rising rapidly in rank, he became head of the rebel army's Column Nine, which led the takeover of Cuba's second largest city, Santiago de Cuba. After Castro's victory, Mr. Matos became Chief of the Second Military District with its seat in Camaguey. About his bravery in battle and devotion to the guerrilla cause there could be no doubt.

In 1959 Mr. Matos grew concerned about the growing influence of the Communists in the new regime. Fidel reassured him: the Cuban Communists, who had not even fought against Batista, would never take control. How valid this reassurance was, it soon became clear.

In October, Mr. Matos sent in his resignation, saying he wanted to retire from public life. That was all, just retire. A few days later, Mr. Castro flew to Camaguey Province and had Mr. Matos arrested. A show trial followed at which Mr. Castro made a seven-hour speech but refused to submit to cross-examination. This trial, says Theodore Draper in his book on Cuba, "will go down in recent Cuban history as the equivalent of the Moscow trials of the 1930's."

Be that as it may; Mr. Matos was sentenced to twenty years in prison, a sentence that contrasts strikingly with the 15 years Fidel Castro got under the Batista regime for leading a military attack on an army barrack.

Mr. Castro served only 20 months. Mr. Matos, whose "treason" consisted in wanting to return to private life, has now served seventeen years. Seventeen years!

No pleas from human rights groups, no whispered embarrasments from foreign friends who regard Castroism as "different" from other Communist dictatorships, nothing has thus far been able to soften the heart of the ruler in Havana. The sick and broken Huber Matos must serve the full 20 years—such, apparently, is the dispension of "the new society."

Leave aside justice, leave aside human rights. Might not the American representative at future negotiations at least say a word about mercy?

THE SHIFT TO COMMONSENSE PRIORITIES

Mr. HATHAWAY. Mr. President, I am encouraged by the Occupational Safety and Health Administration's recently announced policy to redirect its efforts and institute a commonsense approach to the regulation of safety and health hazards in this Nation's workplaces. All of us believe strongly in the need to protect American working men and women from on-the-job hazards but some of us have been dismayed by reports that OSHA has, in the past, concentrated on trivial requirements at the expense of the real threats to workers' lives. Cancer-causing chemicals, workplace substances which can affect the reproductive functions of workers and their families, and a myriad of other dangers to health found in the work environment dramatically underline the need for an effective worker protection effort.

OSHA has described its new initiatives in a booklet entitled, "The Shift to Common Sense Priorities." My office received this booklet recently and I am told that it has been sent to every Member of Congress. I have found it extremely helpful in understanding just how OSHA intends to improve this program. I commend this publication to your attention, just as I commend OSHA for narrowing its focus to workplace safety hazards, and workplace threats to health.

LOOKING FORWARD TO LOOKING BACK

Mr. MATHIAS. Mr. President, as the 1977 commencement season draws to a close, I would like to call to the attention of my colleagues George F. Will's very stimulating reflections on the purposes of education and the purview of the commencement speaker.

On May 26, Mr. Will examined these questions in a thoughtful and thought-provoking column in the Washington Post. Like most of my colleagues in this Chamber, I have given a fair number of commencement talks myself and so feel reasonably qualified to judge these matters. I know both the effort that goes into choosing words important enough for such an important occasion and the worry that sets in as soon as you have chosen those words—worry about whether they will seem as important to the graduates as they seem to you.

Knowing all of this only increases my admiration for George Will's learned and witty disquisition. I have filed it away and intend to remind myself of his words whenever I am asked to address a future graduating class. I am sure many of my colleagues will find it equally valuable and therefore ask unanimous consent that Mr. Will's article entitled "Looking Forward to Looking Back," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOKING FORWARD TO LOOKING BACK

(By George F. Will)

SAN DIEGO, CALIF.—On a hill overlooking the bay, under the sort of slightly overcast sky that people here consider inclemency, San Diego University recently conferred upon me the commencement speaker's privilege of dispensing gratuitous advice to a captive audience. I was tempted to lecture sternly about shoes.

Academic gowns focus attention on the shoes that protrude beneath, and I tremble for my country when I see sneakers and semi-platform shoes worn to commencements by the rising generation. Fortunately, the other end of the student matters more. And this small university is properly proportioned to function, so students here have their minds well tended.

Having turned 36, I am entitled to lecture the young. I am more than halfway through my allotted threescore-and-10 years and am on life's downward slope. It is traditional to pour upon graduates syrupy talk about the future's belonging to them. But it is better to be able to offer congratulations because the past "belongs" to them.

A teacher of mine was fond of saying to me, "I want to make philosophy genius-proof, not fool-proof." It was painfully obvious to both of us that I would be no obstacle to the genius-proofing of anything. But his point was this: The world has suffered much from the bright ideas of clever people who are so uninformed about the past that they do not know that they are addressing old, wrong questions in old, wrong ways.

Understandably, undergraduates have employment on their minds. But they should be protected from the acquisition of merely "useful" knowledge.

Commencement would be a melancholy ceremony if those graduating had devoted four years to looking ahead nervously to the next four decades of necessitous employment in the workaday world. Rather, education should be primarily an inoculation against the disease of our time, which is disdain for times past.

Emerson lamented that college education often was a ship "made of rotten timber, of rotten, honeycombed, traditional timber without so much as an inch of new plank in the hull." But education should produce people laden with traditional timber, not brimming with new ideas. After all, most new knowledge is false.

As Princeton's president, Woodrow Wilson wrote often and well about the university as society's "seat of vital memory," an "organ of recollection" for the transmission of the best traditions. He regarded education as a conserving enterprise, a way of making young people artificially "old" by steeping them in seasoned ideas.

"We seek to set them securely forward at the point at which the mind of the race has definitely arrived, and save them the trouble

of attempting the journey over again," Wilson said.

"We are in danger of losing our identity and becoming infantile in every generation. . . . We stand dismayed to find ourselves growing no older, always as young as the information of our most numerous voters. . . . The past is discredited among them, because they played no part in choosing it."

Some people think that such reverence for tradition violates the spirit of democracy, which they think involves nothing but deference to opinions of the most numerous voters. G. K. Chesterton knew better:

". . . Tradition is only democracy extended through time. . . . Tradition may be defined as an extension of the franchise. Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to men being disqualified by the accident of birth; tradition objects to their being disqualified by the accident of death. Democracy tells us not to neglect a good man's opinion, even if he is our father."

So the class of '77 should live with a crick in its neck, figuratively speaking, a crick in its neck from looking backward. That may not be a heroic posture, but it is prudent. And it is the duty of conservatives like me to affirm homey virtues like prudence at movable feasts like commencements.

So wherever they are heading, I wish graduates Godspeed, or such speed as is prudent while looking backward.

WHITE HOUSE DENIES REPORT THAT STUDY INDICATES CONGRESS SUPPORTS B–1

Mr. PROXMIRE. Mr. President, yesterday the Washington Star published a story that the White House had conducted a study which concluded that Congress was likely to approve funding for the B–1 bomber. Given the most recent votes in the Senate to postpone a final decision on the B–1, I thought this report unusual if not in error.

During a news conference at the White House on June 21, Jody Powell offered a clarification on this subject which, in effect, denied knowledge of any such report on behalf of the President and top advisers normally responsible for such matters.

In the interest of accuracy, I ask unanimous consent that Mr. Powell's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MR. POWELL'S REMARKS

Mr. POWELL. I have a couple of other things just to mention here. There were reports this morning of a White House study of Congressional sentiment on the B–1 which reportedly showed that the Congress was likely to approve funds of some level for the B–1, whatever the President's decision was on it. So far as I have been able to determine, let me say I have not been able to find anyone who knows of, has heard of, or has seen such a study.

The President knows nothing about it. Hamilton knows nothing about it. Frank Moore knows nothing about it, and indicates that no such study has ever been discussed in their staff meetings. So I can't prove it, but I have been unable to determine it.

Q. Jody, they say they never even sat down and did kind of an analysis of a head count.

Mr. POWELL. That is correct.

Q. Just verbally amongst themselves.

Mr. POWELL. That is correct because in effect Frank pointed out to me that he had specifically avoided any such process or activity because he did not feel it was appropriate at this particular time.

Q. On the same subject, is the President's meeting with Secretary Brown today on that subject?

Mr. POWELL. No, it is not on the B–1. The B–1 is not on the agenda. I understand it is just a general discussion of defense matters.

Q. Can we assume at this point the Pentagon has not provided yet a recommendation to the President on the B–1 matter?

Mr. POWELL. I don't know if you can assume that. I will take the question.

Q. What was the meeting of Brzezinski yesterday—Brown, Brown, Vance and Brzezinski?

Mr. POWELL. I will have to check.

Q. I thought you had an answer yesterday.

Mr. POWELL. I did have an answer yesterday. I didn't bring my yesterday's scheduling thing in here.

Q. Does the B–1 strike you?

Mr. POWELL. No, it doesn't, as a matter of fact.

Q. Do you still expect that announcement this month on the B–1?

Mr. POWELL. Yes.

Q. This week? Next week?

Mr. POWELL. I asked the President about it. He said to inform you that he would, as he promised, have a decision before the end of the month.

Q. Can you be more specific?

Mr. POWELL. No, I can't. I wouldn't expect something in the next day or so, no.

Q. You say you would not?

Mr. POWELL. I would not.

Q. What about the recommendation—

Mr. POWELL. Just for your guidance, I frankly don't know. That is my best guess for you.

Q. Midge Costanza has apparently recommended the President have a direct meeting with some of these non-Congressional B–1 opponents. Do you know anything about that recommendation?

Mr. POWELL. I have heard of such a suggestion. I would guess that there are requests for opponents or proponents of varying degrees, that if we met with all of them it would be this time next year before we finished the meeting process. So I don't know what the——

Q. Was the President aware of the demonstration out there yesterday? Is he normally made aware of demonstrations like this?

Mr. POWELL. I frankly don't know if he was aware of it or not.

ZERO-BASED REGULATORY REVIEW

Mr. HELMS. Mr. President, as a free people Americans have traditionally recognized the value and importance of economic liberty. It is vital to our interests because it is the main ingredient of all other freedoms that we enjoy; it is the creative source of American genius and the mainspring of American civilization.

Through economic freedom, we have prospered, and this prosperity has in turn allowed us to pursue other goals individually and as a nation. The successes we have experienced in science, technology, art, education, and many other fields of human endeavor, would not have been possible were it not for economic liberty. Ralph Waldo Emerson surely had these thoughts in mind when he observed that, "a creative economy is the fuel of magnificence."

But I fear that the dead hand of bureaucracy is destroying the creativity of the American people, and stifling initiative. Nowadays almost every aspect of human activity in the United States is subject to Federal regulations and controls. Last year, the Federal Register contained more than 60,000 finely printed pages of rules and regulations handed down by the countless regulatory bodies of the Federal Government. In the name of "safety," "environment," and "consumer protection," we are adding costs to the manufacture and production of goods and services, restricting economic growth, and strangling the free enterprise system.

Some of these regulations may be necessary; but many are clearly unreasonable, unworkable, ineffective, injurious, unfair, outmoded, or simply too expensive. Even the most conscientious advocates of regulatory reform are immured in the shadow of these regulations, so great is their volume and number. They are as helpless and discouraged as the House and Senate committees which are charged with the oversight responsibility of tracking these regulations and evaluating them. As a result, the committees exercise only periodic, selective review of actions taken by the agencies. Who is watching the store?

The answer to the problem, suggests Mr. Irving S. Shapiro, chairman of the Board of E. I. du Pont de Nemours, may lie in what he aptly calls zero based regulation. President Carter has already proposed that we eliminate wasteful and obsolete Federal spending programs by applying zero-based budgeting principles. Mr. Shapiro, in a recent address to the Atlanta Rotary Club, argues persuasively that this practice needs to be complemented by zero-based regulatory review in order to eliminate unnecessary rules and regulations.

Mr. President, I would like to share this excellent address by Mr. Shapiro with my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHY NOT ZERO BASED REGULATION?

(Address by Irving S. Shapiro, Chairman of the Board, E. I. du Pont de Nemours & Co.)

Major public attention now is focused on the energy dilemma, and this is all to the good. Energy is a serious matter that holds potentially grave implications for our national future. But, at the same time, energy is not the only economic issue that the public should be worried about—and be doing something about.

Unemployment remains at stubbornly high levels. Our productivity growth lags that of other nations. There are well-documented forecasts that we are in for less economic growth and more inflation than we have traditionally experienced. These prospects raise questions fully as serious as those posed by dwindling energy supplies.

Will our private economy, under all these new pressures, be able to accumulate the hundreds of billions of investment dollars to create the necessary numbers of new jobs, as well as trim the jobless rolls? Will our economy be able to generate all the additional products and services that an expanding population will demand? Will we be able to afford the future? Or must our living standards and personal opportunities decline?

I am an optimist. I believe we will find the funds to do the things we have to do. I believe our living standards will not decline in any significant way. I believe the opportunities for our children can be as great, if not greater, than they were for our generation.

But I also believe firmly that—in order to assure all of these results—we are going to have to take a hard look at our national commitments and set some priorities. Our resources of investment capital, technical innovation and raw materials—just like energy—are not unlimited.

In addition to the normal job, product and services demands, the people of this country have decided on a better quality of life. They have decided, among other things, that our water and air must be protected from pollution and that our industrial plants and products must be made safer. To accomplish these ends, an unprecedented government regulation of business has been authorized.

No one objects to goals such as clean water, clean air and safe industrial operations. Some of the means being used to achieve those goals, however, are quite a different matter. With the vast social and economic agenda we have in this country, it is vital we make certain that such goals are being pursued in cost-effective ways and that we are not scattering any scarce investment dollars on unneeded, premature or excessive objectives.

Unfortunately, I believe that, in our zeal to better the physical quality of our lives, all due care was not taken in building the legal and regulatory structure. Preventing pollution and improving safety turned out to be far more complicated than we initially thought. Many of the basic laws and regulations were devised in haste and in at least partial technical ignorance. Energy was not then a major concern; it is now.

Fortunately, the time would seem to be ripe for regulatory reform.

To identify waste and obsolescence in Federal spending programs, President Carter has directed that the next Federal budget be framed on Zero Based Budgeting principles. Each spending program will be reviewed, from scratch, to make certain it is still needed and, if it is, in what amount.

For the identical reasons, I think we need to begin Zero Based Regulatory Review—to make certain that all of these very expensive environmental and health regulations, existing and proposed, are still needed in their original dimensions.

Is there enough evidence of misdirection to justify Zero Based Regulatory Review? Let me give you some examples from a study conducted by my company. I do this not in any effort to encourage your sympathies for Du Pont, but because I know Du Pont best and believe our experience can be duplicated all through American industry. Here are our findings:

By 1985, Du Pont will be required to invest more than $3 billion in response to just three existing or anticipated water, air and noise laws or regulations. That sum is equal to a whopping 30 percent of our total projected construction expenditures over that period. In addition, these investments would eventually involve additional operating costs of some $1 billion each and every year.

We'd have no complaint if the projected $3 billion would actually buy commensurate advancements in public benefits. Our study shows, however, that this will not be the case—not by a shockingly wide margin.

Of the total of more than $3 billion by 1985, our engineering report estimates that less than 25 percent is certain to result in identified benefits that would not otherwise be achieved in cleaner air, cleaner water or improved worker protection against noise. Our experts say the unnecessary spending would come in three categories, which might be called "Too Much"—"Too Soon"—and "Too Extravagant."

"Too Much" involves cases in which we would be required to invest more money for additional water quality controls even after the government's own environmental targets have been reached.

"Too Soon" involves proposals that would require us to invest money to control a minor part of a major air quality problem, and before the scientific facts verifying the extent of the problem have been determined with reasonable certainty.

"Too Extravagant" involves plans that would require us to invest money for specific new noise controls even though other, less expensive means to achieve the goal already exist, with their effectiveness proved in 20 years of actual experience.

In this tight economic era, I don't believe our company—or the country—can afford to splurge on technology for the mere sake of technology, which is what those three categories add up to.

It will be the people who will bear the costs of such regulatory overruns in the end. People will pay for them eventually through higher prices, higher taxes, reduced employment—or a combination of all three.

Therefore, I believe it is in the public interest to identify areas of overcommitment and use such facts to seek obvious reforms and new regulatory directions. Let me give you a little more detail on Du Pont's study, so you can see how we reached our conclusions.

The first category of regulatory waste—more controls even after national goals are reached—looms in the water quality law. This now specifies that by 1977 industries should be utilizing "Best Practical" technology to treat their discharge. In many areas, that will be sufficient to make the water fishable and swimmable, the national water quality goals. Unfortunately, the law also calls for the addition of "Best Available" technology by 1983—everywhere, even on waterways where the 1977 measures have achieved the basic goal of fishable and swimmable waters. The obvious question is, why go further when the goal is met? Why spend more money on more equipment and, incidentally, burn more energy to operate it?

A good example of what I'm talking about is the Sabine River in Texas. At our large plant on this river, we have had a comprehensive environmental control program for 30 years. As a result of our and others' efforts, the river's quality has been maintained at or even above fishable-swimmable standards. Engineering studies show that our $15 million investment to date is sufficient to sustain such water quality into the future. The government's 1983 standards, however, would require us to invest an additional $10 million to $15 million, plus annual additional operating charges of nearly $5 million.

The second category of environmental spending we question involves one phase of the overall effort against air pollution. The Clean Air Act requires the Environmental Protection Agency to regulate certain pollutants, and hydrocarbons is one that EPA is moving against. The indicated cost for Du Pont is $550 million.

We have two concerns. First, there are serious questions about the relative contributions made by industrial sources, transportation sources, and natural sources such as forests and swamps. Second, even EPA experts agree that the ultimate effect of hydrocarbons is far from documented.

What is known about hydrocarbons is that, under certain environmental conditions, they react to form photochemical oxidants—what Los Angeles calls smog. What is not known today is whether the oxidant control strategy of EPA is valid. At a major conference in Raleigh last year, EPA scientists reviewed the evidence and pronounced it "conflicting." We agree, and in view of this official uncertainty we believe this situation warrants further study to determine in there really is a problem—and, if so, to what extent—before regulatory requirements are set.

The third major category of regulatory spending we challenge is where other equally efficient but less costly approaches exist. The noise regulations now being proposed by government agencies provide a classic example.

There are two ways to approach the problem of insuring that workers are not harmed by noise. One is to eliminate the generation of noise. Another is to provide adequate hearing protection for the workers. The approaches can, of course, be combined.

The government proposes to reduce the generation of noise to the "lowest level feasible." That would involve many changes in machines and industrial processes and these would be required regardless of cost. If this failed to bring the noise level below a certain standard, then hearing protection would be provided to workers. We estimate that the government's proposal would cost Du Pont about $750 million.

We see a better way. We would turn the government's proposal around. Over the past 20 years, while Du Pont has utilized some engineering to suppress noise levels, we have emphasized a comprehensive program of hearing protection, and there is proof that this approach works. Medical examinations of workers over that 20-year period demonstrate completely the success of our program.

Focusing on the real goal—protecting employees against hearing loss—we found a way to meet it that is cost effective. It would be distressing and wasteful to be forced to spend an additional $750 million for changes in our plants, when the health protection goal is already being met.

Taking these air, water and noise laws and regulations together, we find that—unless there are changes—we will be forced to spend well over $2.3 billion on environmental projects that will deliver no significant benefits. What are we and the public giving up? What could Du Pont do with $2.3 billion if it could be spent to boost our productive capacity?

We could build or expand about 20 plants, based on recent investment averages. These 20 plants would provide about 15,000 jobs in Du Pont, and at least as many more in downstream customer industries. Of course, some jobs would be created in building and operating the environmental facilities that we are talking about, but only about half as many. So we would lose two ways: Waste of resources, and less growth in employment.

That's the Du Pont story, on just three of the many new environmental and health regulations. Apply our findings to total national environmental expenditures, present and proposed, by all of basic industry, and you find potential regulatory overruns that project capital investment waste in national scandal proportions.

Fortunately, there is time to do something about it—and President Carter has promised regulatory reform. What the country urgently needs, I suggest, is a periodic Zero Based Regulatory Review of all capital-intensive regulatory programs.

We now know a lot more about water and air pollution, for example, than we did when those basic laws and subsequent regulations were adopted. Our pollution abatement technology undoubtedly has made strides. Yet the laws and regulations remain as they were. They should be reviewed, from scratch, and only those investments actually needed to achieve clear-cut additional public benefits should be required.

We already have a splendid example of the savings that Zero Based Regulatory Review might identify. In 1972, the Congress created

a Federal commission to review progress of the water quality law and regulations and to recommend any changes indicated by experience and by new scientific and engineering evidence. In effect, this was a Zero Based Regulatory Review commission.

Among other things the water commission—in a finding similar to Du Pont's—found that the requirements now scheduled for 1983 were not justified as a general rule because the 1977 technology alone would bring clean water to many areas. In conclusions supported by the National Academy of Sciences, the water commission declared that billions of investment dollars could be saved—without lowering the water quality standards—if the 1983 standards were postponed until scientists and engineers can determine where they might be needed on a selective basis.

I would suggest that endorsement of the water commission's careful study and findings would provide the Administration a logical place at which to start on Zero Based Regulatory Review. Then it could direct at least the major regulatory agencies—as it already has directed every office of government on the budget—to make a Zero Based Review of their basic laws and major regulations, existing and proposed.

The Congress also is moving in this direction, with proposals for "sunset" laws requiring that regulatory programs be totally rejustified every five years—in effect, Zero Based Regulatory Review.

Zero Based Regulatory Review could provide a showcase for constructive business-government relations in action, with both sectors working together to achieve—without waste of capital and energy resources—the goals the public has demanded.

Zero Based Regulatory Review would make enlightened political leadership as well as self-evident common sense. Why spend additional money where national goals already have been achieved, or where the public benefit is obscure at best? Such questions should always be important. In times like the present—when national job, product and services demands continue unabated, when the energy dilemma deepens—such questions rise to the level of national interest imperatives.

We can have a clean environment and a strong economy. Those goals are complementary, not mutually exclusive.

We can have both, if we would but take our American common sense—and our unsurpassed technical excellence—and institutionalize them into the laws and regulations of the land.

AMERICAN YOUTH HOSTEL ACT OF 1977

Mr. HUMPHREY. Mr. President, last week the Washington Post's District Weekly section had an article on the Washington International Youth Hostel's move to larger quarters. The Washington hostel is now the largest in the country, and the only in a major U.S. city.

In his article, Paul Hodge mentions the American Youth Hostel Act of 1977 which I introduced in the Senate on April 28. Congressman RICHARD NOLAN from the Sixth District of Minnesota has introduced the companion bill in the House. Our bill would create a cost-sharing program in the amount of $9 million for the renovation of surplus buildings as youth hostels.

Mr. President, I ask unanimous consent that the text of Mr. Hodge's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington, June 16, 1977]

CITY'S YOUTH HOSTEL MOVING TO FRANKLIN PARK HOTEL

(By Paul Hodge)

The Washington's International Youth Hostel, the busiest of America's growing chain of 194 youth hostels, will move next week from a trio of small townhouses at 16th and P Streets NW to a new downtown home, the eight-story, 163-room Franklin Park Hotel, at 1332 I St. NW.

With a capacity of 400, the turn-of-the-century hotel will give the nation's capital the largest youth hostel in the country and the only one in a major city offering low-cost overnight accommodations to members of American Youth Hostels and hosteling organizations in 48 other countries. Hostels cater to young people, especially those hiking, bicycling and traveling on their own.

The new hostel's location, in the heart of Washington's 14th Street topless bar and porno strip, but opposite the recently restored Franklin Park, "has caused some people to say we're crazy," says Robert W. Yeates, executive director of American Youth Hostels.

But the old hotel is four times larger than the present AYH hostel, is downtown close to bus terminals, Metro, cafeterias and tourist spots, and with the influx of hundreds of healthy youngsters and foreign travelers "we see it as the beginning of a comeback for that neighborhood," said Yeates.

The influx began last Thursday when two Australian girls and one French girl arrived in Washington to find the 16th Street hostel full and became the first hostelers to spend the night in the new downtown hostel. Dozens have been placed there since.

The 16th Street hostel, formerly a boarding house for girls, was bought 10 years ago by the AYH national headquarters, with more than $50,000 of its $225,000 cost raised in a citizen fund drive headed by then Interior Department Secretary Stuart Udall.

The Franklin Park Hotel was bought by a member of AYH's national board of directors, Ron Mitchell, because the non-profit AYH was unable to move fast enough to purchase it, Yeates said. Mitchell owns several hostels in Colorado and has agreed to sell the Washington facility to AYH at cost if the organization decides to buy it.

"We want to own a Washington hostel, and the city could use two or three," Yeates said. The money from the sale of the 16th Street building will go into the AYH hostel development fund.

Retired Dutch sea captain Herman Voogel and his American wife, Joan, houseparents at the hostel here since 1970, will continue as houseparents in charge of the enlarged hostel.

The 16th Street building has been sold to the Christian Service Corps, which operates a "Christian Peace Corps" and the Christian Inn next door. However, in a complicated land deal, the property is being swapped for 1515 16th Street, which currently is leased by the D.C. Human Resources department as one of the city's two emergency shelters for destitute families with children. Robert Wolpe, of Bethesda, one of the new owners of the youth hostel building, said it will be renovated and be leased for office space and to Human Resources.

The Franklin Park Hotel, where business has been poor since the 1968 riots here, is in good condition and needs only fresh paint, a new kitchen and a new marquee, said Mitchell. Its long-term residents, including a woman there more than 30 years, will be permitted to stay, though residents later may be required to become AYH members (membership costs $5–12 a year).

Long-term residents account for about half of the present hostel's occupants, sustaining it during quiet winter months. Initially probably more than two thirds of the new hostel's occupants also will be non-AYHers, Mitchell says. The present hostel frequently has had to turn away youth hostel members over the past three years because of insufficient bunk space "and it's a real trick trying to balance the economics of sustaining the hostel and the theory of providing the maximum space for youth hostelers," said Yeates.

The Youth Hostel movement, born in Germany in 1909 as part of an outdoor, back-to-nature movement, has since spread to 49 nations—including many Iron Curtain countries—and now boasts more than 4,500 hostels where traveling members can find a dormitory bunk and communal kitchen in which to make a meal. They include barns, castles, homes, old churches, railroad stations, hotels, a three-masted sailing ship and even a former city jail in Ottawa.

In April, two Minnesota congressmen, Sen. Hubert H Humphrey and Rep. Richard Nolan, introduced the American Youth Hostel Act of 1977. It would provide $9 million in matching grants to renovate old, surplus buildings around the country and develop a national youth hostel system comparable to that in most European nations.

So far, however, the growth of hosteling in the U.S. has been slow, with few hostels outside New England and the Midwest until recent years. Virginia got its first hostel only this month, a summer-only camp of tents and cabins at the Chickahominy Boy Scout Camp, a six-mile bike ride from downtown Williamsburg.

Of the present 194 hostels chartered in the U.S., 81 are actually motels or hotels called "supplemental accommodations," which give hostelers a discount but which are still relatively expensive. The Jackson Hole, Wyoming, hostel, a motel in a ski area, costs $13.50 a night, and New York City's hostel is the Prince George Hotel, where even with the discount the overnight charge is $17.

The overnight charge at the new Washington International Hostel will be $4.50 a night, an increase over the $3 charged at the present hostel and the highest charge at any regular AYH hostel in the country. Most U.S. hostels charge about $2 a night for members, plus a slightly higher fee for non-members permitted to stay a maximum of three days on an introductory AYH pass.

The $4.50 charge is necessary to cover the mortgage, taxes and high operating costs of a downtown hotel—despite its nonprofit status AYH has had to pay taxes on its hostel here—but $4.50 is still cheaper than any place else in town, Mitchell said. The YMCA here charges $12 a night and the Franklin Park Hotel has been charging $15.

THE WEST FRONT OF THE CAPITOL

Mr. PROXMIRE. Mr. President, a bill is now pending that, if passed, would appropriate funds for extending the West Front of the Capitol. In the past, I have opposed the extension, and I plan to oppose it again this year.

In a column that recently appeared in the Washington Post, George F. Will eloquently states some of the arguments against extending the West Front of the Capitol. Although the West Front is in need of repair, Mr. Will makes it clear that extension is a poor solution to the problem. Rather, he feels that the symbolic and historical importance of the West Front make it incumbent upon the Congress to preserve, rather than destroy it. Extending the West Front of the

Capitol would reduce the view of the dome, and would alter the West facade which embodies the principles of a bicameral legislature. Further, the extension cannot be justified on the basis of needed space, for, as Mr. Will so aptly points out, much of the existing space within the Capitol is inappropriately utilized.

Mr. Will's column is a succinct statement of the issue that will soon be before Congress. Mr. President, I ask unanimous consent that Mr. Will's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 16, 1977]

ANOTHER MINDLESS ATTACK ON THE WEST FRONT

(By George F. Will)

The resilience of bad ideas is demonstrated, again, by the fact that, again, some elements in Congress propose tacking an extension onto the nation's foremost public building, the Capitol. This benighted proposal tests Congress's sense of trusteeship, the hallmark of civilization.

Pierre Charles l'Enfant, whose mark on the Federal City has been lasting and beneficient, saw Jenkins Heights as "a pedestal waiting for a monument." So today it is Capitol Hill, crowned by the dome that, according to a distinguished architect, "is better known throughout the civilized world than any object except the Great Pyramid. . . . As a dome and as a symbol, it is the most successful ever built."

The Capitol's West Front overlooks the green sweep of the Mall, and the Washington Monument and Lincoln Memorial. It is the face Congress presents to the executive branch, which is scattered below in less distinguished buildings along Pennsylvania and Constitution avenues.

It is, therefore, appropriate that the West Front is the last exposed portion of the original Capitol, the last visible link with the government's infancy. And it would be intolerable for Congress to bury this beneath an unnecessary and indefensible extension.

Advocates of the extension use two arguments that demonstrate that two weak arguments do not make one strong argument. They argue that Congress needs additional space, and that an extension is the only solution to the structural weakness of the West Front.

No one denies that the West Front needs to be repaired. The perfidious British burnt the Capitol in 1814, and the West Front was damaged again in 1851 when there was a fire in the quarters that then held the Library of Congress. And the soft sandstone wall has suffered from the elements.

Congressmen and senators who favor the extension insist that restoration cannot make the wall safe—that it must be buttressed by an extension. But an engineering study commissioned by Congress says restoration is feasible, and the American Institute of Architects emphatically says restoration is preferable. The idea that restoring the wall is beyond the wit of man is plainly an idea that beggars belief.

Worse than Congress's trying to solve its space problems at the expense of the Capitol's architectural integrity would be Congress's doing so before allocating existing space sensibly. No one contends that the various "hideaway" offices awarded to senior legislators are perquisites indispensible to the commonweal. And no one doubts that space gained by the proposed extension would be used, at least in part, for more such perquisites.

Before congressmen and senators, seeking Lebensraum, commit vandalism on the symbol of American democracy, they should expand underground and should remove from the Capitol such occupants as the disbursing office, barber shops and the most conspicuous offender, the sprawling domain (at least 42 rooms) of the Capitol architect, who is the most persistent advocate of the extension.

The flimsiest argument for the extension is that it would not cost "much" more than restoration of the West Front. Conceivably that is true; certainly it is irrelevant. A good price does not make a bargain of a bad idea.

The extension (60 feet at its widest point) would reduce the view of the splendid dome and would flatten the west facade, the contours of which express the bicameral legislative principle. With the National Historic Preservation Act of 1966, Congress declared that "the historical and cultural foundations of the nation" should be preserved "to give a sense of orientation to the American people." Yet some legislators contemplate burying a splendid achievement of the republic's earliest architects, completed over 150 years ago. These legislators would do this for the narrowest reasons of convenience, reasons that could be used to justify paving the Mall for parking.

There are barbarians within the Capitol's gates. Fortunately, there are formidable persons—Sen. Ernest Hollings (D-S.C.) conspicuous among them—whose sense of trusteeship is commensurate with the grand building entrusted to them.

Preservation is a civilizing task; it involves discerning and cherishing the most excellent work of previous generations and holding it in trust for subsequent generations. Preservation of the Capitol is a test of Congress's fitness for trusteeship, the most important measure of fitness to govern.

APPEAL FOR RECONSIDERATION BY INDIA OF ANNEXATION OF SIKKIM

Mr. PELL. Mr. President, 2 years ago the Indian government headed by Indira Ghandi forcibly annexed the tiny Himalayan kingdom of Sikkim through "a mixture of force majeure and political chicanery," to quote from a recent article in the London Observer.

Now that a new government has been installed in New Delhi, it is my fervent hope that the annexation of Sikkim will be reconsidered and serious thought given both to restoring Sikkim's international status under the 1950 treaty with India and to restoring the monarchy headed by Chogyal Palden Thondup Namgyal.

My colleagues may recall that Mr. Morarji Desai, the current Prime Minister of India, served as Deputy Prime Minister in the late 1960's. At that time, he proved to be a friend of Sikkim. Since his government is pledged to right the various wrongs of his predecessor, I urge him not to overlook the wrongs done to Sikkim and its people by Mrs. Ghandi.

Sikkim now is a contradiction in terms. If Sikkim is a real part of India, then the Sikkimese people are entitled to freedom of political expression. As matters stand now, the governor of Sikkim, who was appointed by Mrs. Ghandi, rules with virtually absolute power.

Prime Minister Desai has done much to restore the reputation and democratic image of India in the world community. A magnanimous gesture toward Sikkim would, I am confident, be widely applauded and recognized as a reaffirmation of respect for a small nation's right to exist as an independent and distinct entity.

Mr. President, the London Observer of May 15 and the Calcutta Stateman of May 20 ran very perceptive articles on the situation in Sikkim. I ask unanimous consent that the full text of those articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Observer, May 15, 1977]

NOW SIKKIM HOPES TO WIN FREEDOM

The King and the people of Sikkim hope now that India's new rulers will restore some measure of autonomy to the tiny Himalayan kingdom which Mrs. Indira Gandhi annexed in 1975 through a mixture of force majeure and political chicanery.

Fearing such a move which would throw him out of a job, Sikkim's puppet Chief Minister Landhup Borji Kazi, and his adventurous British wife rushed to New Delhi last week to plead with the Prime Minister Morarji Desai.

Kazi, who swore undying loyalty to the Congress Party until its electoral rout, is now trying to join the Janata Party. Desai has not yet acceded to the appeal.

In the meantime, The King of Sikkim, Chogyal Palden Thondup Namgyal, has written to Morarji Desai, whom he describes as "a genuine man," suggesting a review of the Sikkim takeover. He is waiting to be invited to New Delhi for consultation.

Two years of imprisonment petty insults and humiliations by the Indian Officials, a miraculous recovery from illness, and the loss of all powers and symbols of ranks have left the King in a sombre mood.

But when I met him in Calcutta on Friday his first encounter with a journalist since the Gangtok Palace was attacked by Indian troops on 9th April 1975 the Chogyal was as unyielding as ever about "the illegal, unconstitutional and farcial annexation."

Readily agreeing that Sikkim can survive without a sovereign he added: "Since the Janata Party or Government is committed to setting right all wrongs and injustices perpetrated by the Congress, I am hopeful that it will be done in our case, too."

Nothing less than the restoration of the country's international status under the 1950 treaty with India, which Mrs. Indira Gandhi unilaterally scrapped, will satisfy this man.

His stand is backed by the Sikkimese of all stations who complain that they have only exchanged a benevolent hereditary monarch for a dictatorial one appointed by New Delhi. In the best British colonial tradition, an Indian civil service governor is Sikkim's de facto ruler. The Sikkim Janata President, Nar Bahadur Bhandar, says that the governor's authoritarian style of functioning still perpetuates Mrs. Gandhi's emergency in Sikkim.

The Chogyal recalls that as Indian Deputy Prime Minister in the late sixties, Desai proved a magnanimous friend to Sikkim. But he shows a realistic awareness of the mounting political and Parliamentary hurdles that Desai might have to face in restoring Sikkim's autonomy.

[From the Statesman, May 20, 1977]

REAPPRAISAL OF SIKKIM—TEST FOR JANATA STATESMANSHIP

(By Sunanda K. Datta-Ray)

Among the legacies of misrule awaiting the Prime Minister's attention is the question of finding for the Sikkimese dilemma an answer that fulfills local aspirations while also respecting those concepts of justice and democracy to which the Janata Party is pledged. To suggest that all problems disappeared with the 1975 merger is to ignore the polit-

ical instability, growing communal fears, administrative chaos and economic stagnation from which the Himalayan State has suffered ever since.

Leaving aside the events leading up to the union and the manner in which it was achieved, the point now to be noted is that the brave attempt being made to parade the State's achievements relies almost exclusively on plans that were sanctioned and initiated by the earlier regime. Old schemes are being dusted down, aired and flaunted in deceptively new gift wrapping. Some of these projects were delayed because the Congress Government did not agree to release funds. Or, like the watch assembly unit, they were waiting for New Delhi's clearance of feasibility reports drawn up years ago. Others—the much advertised Temi tea factory for instance—were in gestation and have only recently reached fruition.

A paper pulp factory, the Lagyap power installation, the pedestrian walk from Deorali to Gangtok, and the Dikchu copper and lead mines below the sacred shrine of Kabi where Bhutias and Lepchas swore fealty to each other in a misty past are all relics of the Durbar's economic strategy which received high praise from the Planning Commission. Sikkim's proposed university has not progressed beyond the old night college. The new tourist lodge near the monastery of Pemayangtse—the Sublime Perfect Lotus—was part of an ambitious scheme to attract visitors with ropeways, ski grounds, fishing lodges and guest houses. Even the Gangtok Secretariat, now nearing completion, was designed in the sixties to reflect resurgent Sikkim's traditional culture in a distinctive style with upturned eaves and stylized heraldic beasts.

ACCUSING SON

More relevant, however, than these inherited assets is the reason why Gangtok should feel compelled to undertake an unconvincing public relations exercise in this Year of the Serpent. An explanation lies in the unrest that mars Sikkimese life. Mrs. L. D. Kazi's estranged protégé, Mr. Nar Bahadur Khatiawada, the former Youth Congress luminary who joined the Congress for Democracy in February, has been making impetuous speeches accusing the Chief Minister of betraying public trust and of taking far-reaching constitutional decisions that lay outside his mandate. Some of his public revelations are indeed startling.

Even more telling are the charges levelled by the moderate and responsible young president of the Sikkim Janata Party, Mr. Nar Bahadur Bhandari, who says that though the Emergency has been lifted, Sikkim continues to "suffer from its lingering effects". A brilliant orator. Mr. Bhandari was alleged to have been beaten, tied up a sack, left in a gutter, and then jailed under MISA. His movements are even now, apparently, restricted: and his charge of an "authoritarian style of functioning" goes to the heart of discontent in what was once a tranquil retreat nestling in the protective shadow of Kanchenjunga.

The fear that has now been removed from the rest of the country still stalks among the orchids, magnolias and rhododendrens of Sikkim. A Scheduled Caste leader, Mr. B. B. Smith, complains that Ministers are victimising Government employees. Corruption charges vitiate the climate. But amidst their troubles, the Sikkimese recall Mr. Morarji Desai's magnanimity when, as Deputy Prime Minister, he apparently admitted that New Delhi owed Gangtok Rs 14 crores in excise refund. They are hopeful that India's restored vigour will endow her leaders with courage and vision.

Some, at least, of this upsurge can be traced to the imbalance inherent in the Constitution (38th Amendment) Act which subordinated the elected Assembly and Cabinet to an all-powerful nominee of the Centre. Clause 3(G) of the Act reads: "The Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may from time to time deem fit to issue, act in his discretion".

ABSOLUTE RULER

Lawyers might argue that this vests the Governor with discretionary power only in respect of law and order and relations between the Nepalese majority and indigenous Bhutia-Lepchas who comprise only 25 per cent of the population. But under the Congress, it meant permanent Governor's Rule for Sikkim. Ministers have to wait on the Governor for their orders, even in matters of party strategy. Civil servants expect, and receive, direct instructions from Raj Bhavan which is now Burra Kothi in fact as well as in popular usage. The sanction for a drain or the sinking of a tubewell depend, in practice, on gubernatorial pleasure; and a senior civil servant was reprimanded for not supplying His Excellency—the honorific is punctiliously used—with satisfactory flower seedlings for the 400-acre grounds of the former abode of British Residents accredited to Tibet, Bhutan and Sikkim.

Several factors account for this colonial bias. A 400-year-old tradition of sacerdotal monarchy dies hard in any case. But it has not been allowed to perish in Gangtok where the republican Governor has slipped into royalty's role with far greater assurance and assertiveness than any anointed sovereign. The calibre of Congress politicians, and especially the methods through which they were catapulted into office in the 1974 elections, hardly enables them courageously to defend their constitutional rights. Nor can they be blamed too much for not fully grasping the scope and nature of legally permissible gubernatorial authority. Since this has never been defined, "special responsibility" has become a magic formula to command instant obedience. It is exploited to restrict initiative hamper the evolution of a mature political personality.

Executive actions intensify the suffocating quality of public life. The preemptory dismissal of Justice S. K. Prasad of the Sikkim High Court and of Justice Hariomal of the Central Court was a precursor to similar moves elsewhere. The strength of the local police, which was less than 350 in 1973, has been more than doubled. An armed police and hamper the evolution of a mature political personality.

New Delhi's liberal philosophy cannot possibly reconcile this concentration of massive powers in the person of a nominated official, with Mr. Chavan's Lok Sabha promise "to ensure the speedy economic and social development of the people of Sikkim under democratic conditions". Parliament was also told in 1974 that "the request (for merger) is a reflection and a conscious expression of the traditional sentiment and popular wish in Sikkim to fully participate in the main stream of Indian life".

Our mainstream is no longer quite as authoritarian as Gangtok's favoured style. Sikkim's economic and social boasts would have been repudiated by a less tolerant people. Nor can democratic conditions so easily be suppressed anywhere else.

It is significant that two years of parliamentary blessings in Sikkim have produced only a handful of ineffective cooperatives. Against a total grant of about Rs 36 crores for four Development Plans during 1953, 1975, New Delhi provided Gangtok with Rs 13.15 crores for 1975–76 and Rs 12.15 crores for 1976–77 in addition to lavish ad hoc and project aid. But, trickling through so many hands, there is little enough left for actual investment. Jobs have been created but they tend to benefit the far more enterprising people of Darjeeling and Kalimpong who do not now lack sponsors in Gangtok. A rash of unsupervised concrete buildings is reducing the once picturesque capital town into a drab slum without colour or character. The Governor ordered that all walls should be painted pink and roofs blue for Mrs. Gandhi's visit. The effect is unbelievably tawdry.

Yet the administration is stiffened with officers on secondment from the all-India services. Lacking commitment to Sikkim's distinctive culture or long-term growth, they are interested only in quick results and in chalking up superficial successes on private score cards. Meanwhile, about a hundred gazetted civil servants of the old cadre remain uncertain of their professional future. Their reconciliation with the new order is, at best, uneasy.

But the worst damage has been done to communal harmony which had carefully been built up through years of painstaking effort. Revenue Order Number One, forbidding the sale of Bhutia-Lepcha land to Nepalese, is still in force, but is widely breached. More ominous is the futility of legislative parity through reserved seats. Politically aware Bhutia-Lepchas argue that MLAs returned from overwhelmingly Nepalese constituencies can give little protection. They say that a unique way of life will be extinguished unless the system again gives genuine weightage to Sikkim's original dwellers by providing for representatives who fully reflect the minority group's views and are answerable only to other Bhutia-Lepchas. Failing this, dismayed by the plight of their kindred in Darjeeling, and fearful of the future, many Bhutia-Lepchas, once proudly garbed in brocade and turquoise, are now seeking recognition as a Scheduled Tribe.

ROYAL CONCERN

Mr. Desai has recently relaxed restrictions on Chogyal Palden Thondup Namgyal who had been a virtual prisoner since April 9, 1975, when military action was taken against the Sikkim Guards and the palace. Visitors were banned and Sikkimese civil servants are still forbidden by the State Government to meet him or to attend their religious festivals in the Tsuklakhang royal chapel. Denied an allowance shorn of his diplomatic privileges, his property confiscated, with limitations imposed on business opportunities, and subjected to petty humiliations, the 54-year-old prince, his relatives and retainers manage only on occasional doles from New Delhi.

"Sikkim can survive without a sovereign" readily admits Chogyal Palden Thondup Namgyal. But he also insists that the fate of 200,000 people, now confined in a straitjacket that makes mockery of democracy, cannot so easily be dismissed. The amelioration of their wrongs will put to the test the Janata Party's foresight and statesmanship.

HUGHES AIRWEST SUPPORTS AIRLINE REGULATORY REFORM

Mr. PERCY. Mr. President, Hughes Airwest, one of the Nation's largest regional airlines, has recently publicly announced its strong support for airline regulatory reform. Hughes Airwest serves 55 cities in 8 Western States, Canada, and Mexico. It serves such major points as Las Vegas, where it boards 1,548 passengers daily, and smaller points such as Page, Ariz., where it enplanes 5 passengers daily.

Unlike certain other regional service carriers, Hughes Airwest apparently is not fearful of competition. It believes

that competition will strengthen it by permitting it to develop new routes.

The airline further believes that none of its 4,000 employees will be adversely affected because of less Government regulation. I ask unanimous consent to have printed in the RECORD a May 5, 1977, memorandum from Russell V. Stephenson, general manager of Hughes Airwest, to Hughes employees. An airline regulatory reform bill that includes many of the best provisions of S. 689—the Cannon-Kennedy bill—and S. 292—the Pearson-Baker bill—will be marked up soon by the Commerce, Science and Transportation Committee. It is important to note that an aggressive and successful airline is solidly behind reform.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To all employees of Hughes Airwest.
From General Manager.

One of the most discussed subjects in the airline industry today is that of deregulation of the industry, or regulatory change. Though there is no single position on this issue, the predominant voice is that of opposition to any change in the current system.

After a great deal of deliberation and careful analysis, the officers of your Company have taken a position supporting the need for change, and subscribe to several elements of the Cannon-Kennedy Bill, provided there is a transition period in which to adjust from the present system of protective regulation to a new, more competitive system.

Hughes Airwest is not fearful of competition. In fact, we feel that fare flexibility within a reasonable zone, provisions making it easier for carries to enter new markets, and greater freedom to withdraw from unprofitable areas, will strengthen our Company. We feel we can compete with any airline, provided there is this transition period for adjustment to the "new ball game".

Your Company has taken this poistion after it became obvious that there will be reform, either by legislation or by CAB action. President Carter has specifically designated the airlines as his first target of regulatory reform. The man rumored to be the next CAB Chairman obviously supports the views of the President, both through his past actions and appearances before the CAB.

Therefore, we decided it would be better to try to influence the course of the change than to put our heads in the sand and say it would go away. It won't. Whether by legislation or by action of the CAB, we will have additional competition: Las Vegas-Reno, Phoenix-Las Vegas are prime examples; these are two of our most lucrative, exclusive routes. We must have a timely way to combat that competition by being able to shift capacity to some of the promising possibilities that exist, Las Vegas-Reno, and Phoenix to South Texas, for example.

Unlimited deregulation could destroy our industry. On the other hand, controlled change, which includes a fair shake for airlines our size, a period to adjust, and a speeding up of the currently slow process of handling route awards could be a positive factor.

Our successful equipment plans carried out over the last six years, and those now being worked out for the next several years, will give us the operational capability we need. A dedicated work force can give us the people element so essential to good customer service. Together, they form the base from which we can be successful. The "strategy" is simple, one that has made Braniff effective against several of its competitors: fly more trips than your competitors with a relatively smaller, less expensive aircraft. This, coupled with efficient and effective customer service, is a winning combination.

During the next several months, we will be sending you additional information as to what and why of our plans. The program includes who are carrying the ball on this and other subjects of interest to Hughes Airwest. We are not now well known in Washington; we will be.

Our view is not the "popular" one, which is to leave everything as is. We believe that view is unrealistic, that we must find ways to cope with what is most likely to occur in this time of change.

How does this affect you?

Our judgment is that two types of airlines can survive the adjustment period and then take advantage of the opportunities. One type is the airline with large resources, like United. The other type is the high productivity airline that can move quickly and has the flexibility to take advantage of the opportunities and which can offer an efficient and effective, if not fancy, service. This type of airline must also have a work force which recognizes that the dollars spent for labor costs will be "industry standard" dollars but that they must be spent productively to survive.

Given those assumptions, we believe we will be geared up to protect our work force during the transition period and beyond as we capitalize on opportunities that present themselves.

In summary then, we recognize that the transition from the present regulatory environment to a more competitive system will be difficult. We believe, however, that the long-term benefits for all of us at Hughes Airwest can far outweigh the short-term problems.

Sincerely,

RUSSELL V. STEPHENSON.

REMARKS OF THE HONORABLE ANGIER BIDDLE DUKE ON THE PANAMA CANAL TREATY

Mr. PELL. Mr. President on June 11, former Ambassador Angier Biddle Duke delivered the commencement address to the 1977 graduates of the Ravenscroft School in Raleigh, N.C. Ambassador Duke chose as his subject the Panama Canal negotiations and expressed his hope that, just as young people started us on the road out of Vietnam, so also would today's young people help crystallize national opinion in favor of a new Panama Canal treaty.

Ambassador Duke correctly recognizes the Panama Canal issue as a hemisphere-wide issue, not simply a bilateral matter with a small nation. Ambassador Duke, who served as Consul in Argentina and as Ambassador to El Salvador, knows Latin America extremely well and has done a great service in putting the canal issue in its proper persepective. I commend it to my colleagues and ask unanimous consent that the full text of Ambassador Duke's address be printed in the RECORD.

There being no objection, the commencement address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE ANGIER BIDDLE DUKE

Thank you very much for that warm and friendly introduction. It is great to be back in North Carolina where my roots are and from whence many good memories have derived. When I was a boy every summer was spent with my grandparents in Durham and I still have so many friends and relatives in this state that this wonderful occasion is less like a visit than a homecoming.

Now as to memories, I can clearly recollect my own graduation day, from St. Paul's School in Concord, New Hampshire. I remember the dress my mother wore, the fact that I had on a white stiff collar and the school tie; but for the life of me I cannot recall who the commencement speaker was, nor a word of what he had to say. So I am comfortable with you, members of the Ravenscroft graduating class, in the sure knowledge that both the speaker and his message are an acceptable and forgettable part of the background noises as the gears of your life are shifted today.

I will try to keep you awake, and with that object in mind, I would like to share with you a concern of mine that within a matter of days will become an issue for our Congress and President to debate and decide. The outcome will affect your lives. Furthermore, the involvement of your generation may well be a determining factor in what evolves. It was the young people who started us on the road out of Vietnam; I am hopeful that the young today will help crystallize national opinion on the subject of the Panama Canal.

Now that the negotiations for a reasonable treaty with Panama over the future of the Canal are on the threshold of a successful conclusion, we are entering the critical period of Congressional consideration and decision. It would be tragic if at this very moment of breakthrough in achieving an equitable solution to this dangerous problem, there would be miscalculation as to where our true national interests lie.

As one who has been stationed in two Latin American posts, I was not surprised by Alan Reedy's May 22nd dispatch to the NEW YORK TIMES from Mexico City when he wrote that guerrilla wars in Central America owe much "to the unwillingness of ultraconservative and military oligarchies to contemplate even partial social reform." Similarly, there is danger here in the United States that we may shortsightedly permit our own ultraconservatives to determine what our policy is to be, thus foreclosing the golden opportunity for a fresh start in relations with our Latin and Caribbean neighbors. Upon this resolution of the Panamanian issue hinges the fate of our inter-American policy.

Virtually every nation in the Americas and in the OAS supports the Panamanian government's position. In vetoing the U.N. Security Council resolution supporting Panama, the United States stood alone in the Hemisphere. It is time we appreciated that the waterway is much more a hemispheric rather than solely a U.S. resource. Nine Latin nations depend more heavily for their ocean cargo transportation on the Canal than we do: El Salvador, Nicaragua, Ecuador, Peru, Chile, Colombia, Guatemala, Panama and Costa Rica.

It is fair to state that most, if not all, U.S. companies that do business in Latin America want to see the Canal issue resolved. They realize that their trade and investment infrastructure all over the Southern continent would be seriously menaced by our failure to come to terms on this issue. Henry Geyelin, President of the Council of the Americas, based in New York, has stated that "a renegotiation of the treaty is the best way to create a more favorable investment climate."

On the other hand, we ought not to exaggerate the economic importance of Canal traffic, when it directly affects less than one percent of the U.S. gross national product. About one-tenth of all our exports and im-

ports transit the isthmus. Less than four percent of the tonnage carried in U.S. intercoastal trade goes through the Canal, compared with 50 percent in 1924. More and more world traffic has been diverted from the facility, whose locks can accommodate neither supertankers nor giant container ships. The Canal's 1976 deficit was $8 million. It has been losing money since 1973. In the light of these facts, it would do injury to our larger interests if we narrowed our policy to considerations of Canal revenues.

From the standpoint of professional military people, those who are responsible for our defense, know what is involved. On a recent visit to the Canal Zone, General George S. Brown, Chairman of the Joint Chiefs, emphasized the Defense Department's commitment to working out a new treaty. In this era of missiles and briefcase bombs, our strategy must reckon with "worst case" possibilities based on the Canal's nonavailability. The Pentagon recognizes that the Canal is vulnerable to sabotage by a single guerrilla with a few sticks of dynamite. Loss of one sluiceway could drain Gatun Lake, requiring two years to refill it.

Since the start of World War II we have maintained virtually two separate navies in the Altantic and the Pacific. 24 U.S. aircraft carriers are too big to go through the Canal. Nuclear submarines can use it, but must surface when doing so.

Ought we not have learned from Vietnam that we can protect the Canal only if the Panamanian people accept our presence there? They would if the issue is defused with an agreement that both nations can feel is acceptable to their interests. To protect the Canal's operations against a hostile countryside, according to Helen C. Low of the Overseas Development Council, "would call for a fortress regime which would itself rapidly become untenable."

The point is that there is more likelihood of continuing passage in a friendly environment than under conditions of a growing state of siege.

I am sure that the visceral opposition to any change in Canal Zone arrangements ignores military, political and economic realities of American self-interest. Governor Reagan's position has been that we own the Canal: "We bought it, we paid for it, we built it, and we intend to keep it." These views convey the hard line advanced by U.S. citizens who reside in the Zone. Their lobby got 37 Senators (enough to prevent ratification of any treaty, even though some are no longer in the Senate) to co-sponsor a 1974 resolution, and win passage by 264 members of the House, for an amendment that would have withheld funds from an official negotiating team in 1975.

U.S. Canal Zone citizens have every right to be heard, but at this impasse in our hemispheric relations, they are our colonials who must not be allowed power of decision over the fortunes of the entire nation.

For the first time in a decade of drift, a solution is at hand. As I see it, those of us who support President Carter and believe that through this hard-won treaty he can demonstrate to all Latin American countries that mutually beneficial partnerships are possible, should do what we personally can to assure chances for ratification.

I hope you in North Carolina will do what you can to support ratification; and I assure you that it will make a difference if you let your Senators know how you stand.

It is in the kind of commitment to such issues as this that determines the personality of a generation. How will yours be classified?

As I look out over those of you gathered here to graduate, I wonder how many of you would call yourselves cynics—how many idealists, and how many a confusing mixture of both. I say confusing mixture, but for all I know that may describe the realists among you. As you probably already learned—there is a time for both attitudes: a time to question, punch holes and challenge ideas—I trust you will do that on the Canal issue—and, there is a time to believe, take that leap of faith and trust in others.

For many years, esoteric concepts of cynicism and idealism were the privileged postures of the skeptical but hopeful teens. But no more. Those postures have been transformed into applied attitudes to the harsh and unavoidable realities of life which are introduced to students such as yourselves through creative new curricula, community service programs, work opportunities and the media. No longer are you simply shown the problems and told that you will be responsible for the shaping of a new world order . . . just as soon as you get through algebra and French! You are engaged right now. You have been given the tools necessary to recognize problems, but, more importantly, you have been encouraged to have the guts to imagine solutions; to dare to change; to create an alternative. It takes curiosity to open your eyes; application and discipline to learn; tenacity and perseverance to live what you believe; imagination to see past your own secure vision and a sense of humor to put it all into perspective.

It is now when you feel most keenly and painfully the need to *do* something—to have an impact on problems that you see; to get involved and feel that you are doing something meaningful with your life. On the other hand, it is also now when you feel the most overwhelmed by the magnitude and diversity of the world's problems and resort to withdrawal and apathy. It is now that you need encouragement, reinforcement and enlightenment as you find your way through this most confusing age in which you are growing, an age of dreams and hovering disillusionment. If you value yourself and believe you have something of importance to give others, then you will persist and strengthen your beliefs and values.

So much emphasis has been placed on "independence" in this country lately that has had the effect of virtually celebrating loneliness and isolation. The great cry goes out: "I don't want to get involved." For reasons of career and convenience many have opted not to engage or commit themselves and instead tend to accept what may come their way with no strings attached.

"Not getting involved" may solve the problem of immediate present time, but it will do little to enrich the quality of your lives, enhance your own growth or contribute to a better world around you.

In many ways, you are a part of the flipside of the sixties and early seventies, when the liberal arts phenomenon gripped the college along with a heavy dose of student involvement in politics and the running of their own campus community. The ingredients were creative curricula, social conscience, political indignation, radical outbursts, free love and free pot. Everyone wanted to be heard and everyone had something to say. Campuses buzzed with talk, ideas, emotions. Students spent hour upon hour sharing concepts, testing each other's views and listening. Some of it was nonsense. Some of it meaningful. The liberal arts experience was heralded on the campus greens even more than in the actual Art History or literature classes themselves. The more traditional professions of banking, law and party politics smacked of the "war-making" establishment, so English, Sociology, Psychology and Religion were the majors of the day.

Today, the secure professions are once more in demand and students seem to know from their first semester what they want to do and how they will major. Surely the uncertainty of changing world economics plays a part in this shift as well as a slight perspective on the casualties of the sixties; the liberal arts unemployed; the communal disasters; the burnt-out druggies; the war that went on anyway . . . You are indeed the flipside but I would make one suggestion—strike a balance. Set your sights for specific achievement goals but do not neglect time well-spent sharing ideas, learning about others, listening to the human voice as well as the click of the computer. Do not be tempted to measure yourself by grades alone but by the quality and sincerity of your striving. Be a critic or a cynic when it comes to pat ideas and learning by imitation. Be the idealist when only that mysterious act of faith in the human spirit will enable you to reach out your hand again and again in the face of rejection.

THE MARINE CORPS YOUTH FITNESS CHAMPIONSHIP COMPETITION

Mr. TALMADGE. Mr. President, physical fitness should concern every American. Our sedentary lifestyles have caused us to become a nation plagued by obesity and poor physical condition. Today's leaders are faced with the responsibility of educating our Nation's young people on the importance of keeping in shape.

If we can encourage an awareness at an early age, then perhaps we can reverse the unfortunate trend toward poor physical fitness in this country.

The U.S. Marine Corps plays an important role in promoting physical fitness among our Nation's youth by sponsoring the Marine Corps Youth Fitness Championship Competition at the Marine Barracks in Washington. This year, 108 students representing 18 high schools from 13 States across the country participated in the national competition.

I am proud to announce that several young athletes from Georgia captured top honors at the national championship.

Bobby Byrd, a senior from Joseph Wheeler High School in Marietta, Ga. placed first in the individual competition. This outstanding young athlete also received a $2,000 scholarship for being the highest scoring senior and student in the championship. Bobby's brother Allen Byrd, was the second place individual champion.

I am also pleased to note that Joseph Wheeler High School won the third place team trophy on the national level. The team led by Coach Rego Rue included Bobby and Allen Byrd, Jeff Aycock, Chris Williamson, Carl David, and Frank Gallo.

We should be proud to live in the most technologically advanced society in the world. But the modern conveniences which we now enjoy have had a harmful effect on the health of our citizens.

I congratulate Joseph Wheeler High School and these young men for setting a fine example for young people of today, and I commend them for serving as outstanding representatives of their school and the State of Georgia.

LAW OF THE SEA NEGOTIATIONS

Mr. MAGNUSON. Mr. President, the United Nations Law of the Sea Conference is once again in session. The prospect of a treaty grows more gloomy each day as the fight over deep seabed hard minerals remains intense.

Prospects for maximum freedom of scientific research in the oceans are equally clouded. More and more nations are seeking to restrict scientific research on the basis of distrust and uncertainty,

and this poses a real threat to continued advancement of our understanding of the ocean and its processes.

On September 9, 1976, I spoke on the Senate floor of the danger of arbitrary control of ocean science research by coastal nations which feel that science is power to be circumscribed rather than an endeavor to be advanced. That threat grows ever so more real because of the text of the draft treaty—the Revised Single Negotiating Text—now before the Conference. The text of the RSNT—Article 60 of Committee III—sets forth a "consent regime" for research. A coastal State would hold a broad power of consent over all research within 200 miles of its shore, but may not withhold its consent except under certain generalized conditions. The difficulty is that these provisions are far too vague. As drafted, under circumstances of uncertainty—which would be many—the coastal State has the residual right to withhold its consent. The potential for abuse under this system simply must be further limited, and clearer provisions drafted.

Article 61 injects the added danger of a "gag-rule" on research results. If the coastal State has the right to determine which research may threaten its economic interests and thereby stop publication of its results, scientific discovery will be further retarded.

There are two examples of the unacceptability of the present draft Law of the Sea treaty. A much better analysis than mine is contained in a paper prepared by the Ocean Policy Committee of the National Academy of Sciences. I ask unanimous consent that that paper be printed in its entirety at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE MARINE SCIENTIFIC RESEARCH ISSUE IN THE LAW OF THE SEA NEGOTIATIONS

A Statement of the Ocean Policy Committee Commission on International Relations National Academy of Sciences National Research Council.

MARINE SCIENTIFIC RESEARCH AND THE COMMON HERITAGE

Almost a decade has passed since Arvid Pardo, the Maltese Ambassador to the United Nations, startled the diplomatic world by his proposal that the United Nations declare the seabed and its resources "beyond the limits of present national jurisdiction" to be "The Common Heritage of Mankind" and thus, not subject to appropriation by any nation for its sole use.

This phrase, "The Common Heritage of Mankind," rang throughout the world with great resonance. At the 25th General Assembly in 1970, after three years of debate, the United Nations formally adopted the concept of the oceans as "The Common Heritage of Mankind" and voted to convene, within three years, a Third United Nations Law of the Sea Conference to formulate an international sea law treaty that would translate this vital concept into reality.

In the Law of the Sea negotiations, which began in 1973, delegates have been more concerned with national pride, national rights, and national resources, than the "common heritage" concept. The most notable effect of the negotiations so far, after five long and difficult sessions, has been the movement towards increased coastal state jurisdiction through the very considerable extension of national boundaries seaward. Swept up in this move to a 200 mile economic zone is the question of jurisdiction over scientific research. Customary law clearly supports complete freedom for scientific research in the water column beyond the territorial sea. In the current Law of the Sea negotiations, however, proponents of the economic resource zone concept argue that authorization for all scientific research must go along with the regulation of the exploitation of fisheries and mineral resources from the zone. The 200 mile economic zone encompasses approximately 37% of the ocean area (see map).

Nature knows no artificial boundaries. Ocean phenomena do not stop at national boundaries, or stop at the edge of the continental shelf. Scientific curiosity does not cease as one moves from deep water to shallow water, or from one area of the deep sea into the economic zone. The importance of scientific research to a better understanding of the marine environment is axiomatic. Since marine scientific research yields knowledge of social utility, it is difficult to understand how any State can erect barriers that restrict mankind from learning what must be known about the ocean in order to optimize its use for the benefit of all.

Because ocean phenomena do not respect national boundaries, if an individual coastal State has control over marine scientific research projects in its zone, it can control the flow of benefits of that proposed research to neighboring States. Thus, the refusal of one State can deny the benefits of new knowledge to others. Four examples of present research programs follow:

Example 1—It is now generally accepted that changing patterns of ocean currents have a profound effect upon our climate. It is believed that the causes of extraordinary cold or warm years, periods of drought, or extra heavy rainfall, can be traced back to the ocean. However, it will probably be many years before the complex set of interactions are sufficiently well understood so that it will be possible to make useful forecasts.

One area where the relationship may be less complicated, and thus the opportunity for useful forecasts may occur sooner, is the timing and intensity of monsoon conditions over India and Pakistan and their relationship to the water temperature in the Arabian Sea which, in turn, is controlled by ocean currents along the east coast of Africa. Indian agriculture is dominated by the timing and rain content of the southwest monsoon. Sucessful forecasting of the monsoon requires an understanding of the ocean-atmosphere interaction and monitoring of the ocean and atmosphere over much of the Arabian Sea. Achievement of the necessary understanding will require research and monitoring of ocean temperatures and currents off the coasts of Kenya, Somalia, South Yemen, Oman, Pakistan, and India. To the extent that undue restrictions are applied to marine scientific research in the western Arabian Sea, achievement of the capability to forecast the monsoon will be correspondingly delayed.

Example 2—The ocean floor off Northwest Africa is a region of rich biological productivity because cold, but nutrient rich water is "upwelled" from beneath the surface at certain times. The reasons for the occurrences of upwelling south of Dakar have perplexed oceanographers because the timing of the upwelling does not seem to coincide with the wind patterns that are usually associated with this phenomenon. Recently tentative interpretation of limited evidence suggests that the upwelling in these areas is controlled by complex wave-like sub-surface ocean currents that radiate out from the equator in the Gulf of Guinea. This hypothesis is presently undergoing preliminary testing in a cooperative program between scientists from the United States, France, and the Ivory Coast. If these tests are successful, the next step will probably require a large research program which will include oceanographic studies within the 200 mile economic zone of all of the coastal States along the Gulf of Guinea from Congo, Gabon, Equatorial Guinea, Cameroon, Nigeria, Benin, Togo, Ghana, Ivory Coast, Liberia, and Sierra Leone, as well as the coastal States which have the most to gain from such a study, which may include Guinea, Guinea-Bisseau, Gambia, and Senegal. If, as the Revised Single Negotiating Text permits, a significant number of the coastal States surrounding the Gulf of Guinea refuse to sanction such studies, the program will be in grave difficulty.

Example 3—The most productive fishery in the world centers off Peru and extends to Ecuador and Chile. Periodically the oceanographic conditions that maintain this rich fishery change; cold, nutrient rich water is no longer brought up from below and warm water moves in from the North. This condition is referred to as "El Nino." A major "El Nino" such as occurred off Peru in 1972 resulted in a drastic reduction of the fisheries and concurrent economic loss. The ability to predict ahead and to prepare for a major "El Nino" is of great economic importance to Peru and to other nations.

Studies to date suggest that "El Nino" is not an isolated phenomenon, but is closely linked to changing wind patterns and ocean currents in the tropical Pacific. Thus the ability to develop a successful forecast of "El Nino" requires access to weather and oceanographic observations from the entire South Pacific area. In particular, it will require oceanographic observation from the economic zones of Colombia, Ecuador, and Chile, as well as Peru.

Example 4—A few years ago, the Woods Hole Oceanographic Institution made a series of studies along the continental shelf of West Africa. Permission was requested from all the necessary coastal States for the *R/V Atlantis II* to perform the research. The primary purpose was to accumulate knowledge about the geologic history of the West African continental margin area and the geologic structure of the shelf. At the same time the study provided some evidence about which shelf areas might be more likely than others to have oil and gas resources. Two coastal States refused to allow the Woods Hole ship to work on their continental shelf. Although the program was not a failure because of these two refusals, the results were incomplete and interpretations more difficult. The problem is somewhat analogous to attempting to solve and then interpret a jigsaw puzzle with a number of missing pieces. The larger the number of missing pieces the more difficult the task and the more likely the interpretation will be wrong, even in those areas where the research was completed. An analogous program off the coast of East Africa and the Arabian Sea has never been carried out because of the negative response to preliminary inquiries from a significant number of States in the region.

THE PRESENT STATUS OF MARINE SCIENTIFIC RESEARCH

As the protracted Law of the Sea negotiations continue, more and more coastal States are adopting restrictive positions concerning scientific research. In the past year the records of the U.S. National University Oceanographic Laboratory System, which coordinates the activities of the academic fleet, indicate that about half of the scheduled cruises for work in waters over which other

nations claim control have been cancelled because requests were denied, or have been hindered sufficiently to prevent the cruise taking place. Some requests were never acknowledged; sometimes approval came too late for the program to be successfully conducted. At least 18 nations were involved one way or another in inhibiting science in this way. It is believed that oceanographic vessels from other countries have suffered from a similar problem.

Unless there is a significant change in the Revised Single Negotiating Text during the next session of the Law of the Sea negotiations, it seems clear that these denials and hindrances will become even more numerous. The result will be that urgently needed research on pollution, fisheries management, and the understanding of climate, will not be undertaken in the economic zones of countries which are consistently difficult to deal with. No one should underestimate the importance of these areas. The 200 mile economic zones are the areas of major ocean currents, the region where perhaps 90% of oceanic biological activity occurs, where the interaction of atmosphere and ocean in determining climate is most effective, where most of the world's undersea earthquakes occur, and where the answers to some of the most complex and challenging problems concerning the history of the earth are to be found.

The concern and unhappiness of the U.S. oceanographic community about the present state of affairs is manifest. This community has attempted to explain the problem in a number of international forums including the United Nations Law of the Sea Conference. Sympathetic as this community is to the real and honest concerns of many countries, we believe that it is in the interest of all countries to support the principle that the search for knowledge about the sea, openly conducted and freely disseminated, is to the benefit of all mankind and must be preserved with great care.

In the opinion of the oceanographic community, the essential objectives to be secured in any treaty concerning scientific research in the economic zone are the following:

1. To establish the right to conduct all research beyond the territorial sea (except for carefully specified and limited types);

2. To provide predictability in the response of the coastal State so that the planning and conduct of research are facilitated. Predictability must be assured in determining (a) whether a particular project needs consent, and (b) whether consent will be granted. Criteria for these decisions must be specific, objective and timely;

3. To secure protection for the researching State or organization against arbitrary or unreasonable restrictions resulting from differences in interpretation of conditions and obligations;

4. To ensure that the procedural provisions of the treaty provide predictability in the planning and in the conduct of research; and

5. To maintain the traditional practice to publish and disseminate research results.

In return the oceanographic community believes it should accept the following responsibilities:

1. To keep the coastal State fully informed concerning the nature, objective, schedule and participants of the proposed research project;

2. To insure the rights of the coastal State to be represented in the program;

3. To provide the coastal State with preliminary and final reports;

4. To share the data and samples; and

5. To seek to provide the coastal State with assistance in interpretation of results.

The Revised Single Negotiating Text of the Third Committee provides for substantially similar obligations as proposed by the oceanographic community, but does not meet the five essential objectives. A brief explanation of the changes needed in the Revised Single Negotiating Text is attached.

In summary, under the Revised Single Negotiating Text the coastal State is in complete control; its consent is required for all oceanographic research conducted in its economic zone or continental shelf. The Text leaves decisions regarding what research activities may be conducted and where they may be conducted, in significantly large areas of ocean space, to individual coastal States, and offers no assurance that the coastal State will respond in a predictable manner to proposed research programs. Even if the coastal State consents to the research activity, there is no assurance that the consent will not be withdrawn while research is being conducted. Even beyond these restrictions the Text goes so far as to permit the coastal State to prevent publication of certain research.

For these reasons many oceanographers feel that they would be better with no treaty than with the present treaty. The present treaty imposes a highly complex series of obligations on the researcher, but fails to provide for any right to conduct marine scientific research in the economic zone. Unless changes are made in the Revised Single Negotiating Text, the forthcoming Law of the Sea will cripple future marine scientific research which will be critical to the survival of the oceans and mankind.

APPENDIX

Although conforming amendments are required in the Committee II text, the key articles in the Committee III text are 60, 61, 64, and 65.

Article 60 sets out a consent regime. Paragraph 1 states that "marine scientific research activities in the economic zone or on the continental shelf shall be conducted with the consent of the coastal State." Paragraph 2 of Article 60 states that "the coastal State shall not withhold its consent unless that project: (a) bears substantially on the exploration and exploitation of the living and non-living resources; (b) involves drilling or the use of explosives; (c) unduly interferes with economic activities performed by the coastal State in accordance with its jurisdiction; and (d) involves the construction, operation, or use of artificial islands, installations and structures. . ." Article 60 must be modified so that the conditions under which the coastal State consent is required are clarified and so that the article supports evidence of a right to conduct certain research. Modifying this provision will secure the essential objective of the oceanographic community to establish the right to do all research beyond the territorial sea except for carefully specified and limited types.

Article 61 requires coastal State consent to publish or make internationally available the findings of a research project "bearing substantially upon the exploration of the living and non-living resources of the economic zone and on the continental shelf." This provision is harmful because it provides the coastal State the right to restrict or prevent publication of research results thereby denying to the investigator and to the entire international community the great advantages of established scientific practice and tradition. This article must be deleted to meet the essential objective of publishing and disseminating research results.

Article 64 provides for a tacit consent regime. The Text requires four months of advanced notification to the coastal State. The research may proceed with a research project unless, within two months of the original notification, the coastal State has communicated to the State or organization conducting the research:

(a) the withholding of consent because the proposed research program bears substantially upon the exploration and exploitation of the living and non-living resources;

(b) a statement to the effect that "the information provided regarding the nature or objective of the research project is inaccurate and does not conform to the manifestly evident facts"; or

(c) a request for supplementary information "relevant to determining more precisely the nature and objectives of the research project."

Although the theory of tacit consent could be useful, the qualifications placed in this article on the theory render it virtually meaningless; for example, a coastal State may continuously request additional information. Only by revising this article can we maximize acceptable predictability in the response of the coastal State so that the planning and conduct of research are facilitated.

Article 65 authorizes a coastal State to stop a research project already underway. It says in effect that if the coastal State has reason to believe that the work of the researching State is different than what the researching State said it was going to do in its original notification, the coastal State can stop the program. Furthermore, the coastal State can also stop the program if it decides that the researching State has not fulfilled obligations from a prior project. (For example, not providing reports and results of previous research programs in the area.) This draft article must be sharply modified so that the conditions under which cessation of research can be required are clarified and so that it provides acceptable predictability and secure protection for the researching State against unreasonable restrictions.

Oceanographers are pessimistic about how the Revised Single Negotiating Text will be interpreted and its potential effect on the conduct of marine scientific research. The following four scenarios exemplify the regime now proposed in the Revised Single Negotiating Text.

Example 1—The researching State sends notification to a coastal State about a proposed fundamental study on the dynamics of upwelling which it is planning in the coastal State's economic zone. Under paragraph 2, Article 60 the researching State assumes the coastal State cannot refuse consent. The coastal State replies with a statement that says in effect, come ahead, but in our view this research bears substantially on the exploration and exploitation of our living resources, and, therefore, does require our consent. Furthermore, we insist on clearing your publication after you have completed the research (Article 61). Such an action would effectively halt that research program.

Example 2—Same program, different coastal State; the coastal State continues to ask for more information under Article 64 until the upwelling season is passed. Such action effectively stops that research program.

Example 3—Same program, different coastal State; there is a major fishery in the upwelling area and the coastal State responds to the notification with a message which says in effect, we think the research program will disturb our fishing effort. Thus, consent is denied under Article 60, paragraph 2(c) since the program will "unduly interfere with the economic activities performed by the coastal State."

Example 4—Same program, different coastal State; no problems are raised and the program gets underway. However, as the ship pulls into the local port it suddenly finds that the program cannot continue until the researching State does more work in helping

the coastal State in assessing the results of a different program done the previous year.

These four scenarios offer only a slight indication of the problem that could face the scientists. An international regime must be established that serves the world community interests in the oceans and its resources. The legal regime proposed in the Revised Single Negotiating Text, which enables coastal States to forbid, to control, or to halt marine scientific research in 37% of the ocean, is contrary to this interest.

Mr. MAGNUSON. Mr. President, in addition, two useful articles on this subject—one from the June 13 edition of the New York Times and one from Nature, volume 267, June 2—may help explain the views of our marine scientists. I ask unanimous consent that these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 13, 1977]

SCIENCE GROUP FEARS SEA RESEARCH LIMITS—NATIONAL ACADEMY SAYS PROPOSALS IN DRAFT OF SEA LAW WOULD HAMPER MARINE STUDIES

(By Bayard Webster)

The National Academy of Sciences has protested proposed restrictions on marine scientific research as outlined in a tentative draft of the International Law of the Sea. The academy has sent a letter to the United States delegation to the Law of the Sea Conference, now under way at the United Nations, saying that such restrictions would be a disservice to mankind.

The 14-page statement was delivered to Elliot L. Richardson, head of the United States delegation, and to marine science centers. Its distribution last week came at a time when the 154-nation conference was preparing to discuss regulations concerning the so-called international 200-mile "economic zone."

These proposed regulations give nations the right to control the use of the oceans within 200 miles of their coastlines. The economic zone encompasses about 37 percent of the total area of the oceans and is the sector in which most marine resources are found and where the origins of climate change are located.

HAMPERED RESEARCH FEARED

The conference, which began on May 23 and will continue through July 15, is the sixth session to have been held since 1973 in a so-far fruitless effort to work out a mutually acceptable law that would govern the use and exploitation of the world's oceans and seabed.

But regulations now being considered in the "working text" of the law would seriously hamper marine research connected with climate change and ocean food production that could have worldwide benefits, the Academy letter stated.

The working text, known to the conference members as the "revised single negotiating text" would require the consent of a coastal state before a research project could be conducted within 200 miles of its shore.

Consent could be denied for research that "bears substantially on the exploration of the living and non-living resources" of the area, or that involves drilling or interferes with fishing or other economic activities.

PROJECTS COULD BE HALTED

The Academy also noted that coastal states would have the power to squelch publication of research results from some types of projects as well as the right to halt a project if they believed that the experimental work differed from the description given in the original proposal.

Such restrictions could "cripple future marine scientific research which will be critical to the survival of the oceans and mankind," the Academy stated.

Pointing out that ocean phenomena and the bounty of the seas do not respect national boundaries, the Academy, the Federal scientific advisory body, emphasized that one nation's refusal to allow scientific research could deny the benefits of new knowledge to a host of other countries.

"Nature knows no artificial boundaries," the Academy's letter stated. "Ocean phenomena do not stop at national boundaries or stop at the edge of the continental shelf. Scientific curiosity does not cease as one moves from deep water to shallow water, or from one area of the deep sea into the economic zone.

APPEAL TO SOCIAL UTILITY

"Since marine scientific research yields knowledge of social utility," the statement continued, "it is difficult to understand how any state can erect barriers that restrict mankind from learning what must be known about the ocean in order to optimize its use for the benefit of all."

The Academy cited actual and potential restrictions that affected or could affect broad research programs:

A study by the Woods Hole Oceanographic Institution of the oil and gas resources of the West African continental shelf became impossible to complete because two coastal states refused to allow the Woods Hole ship to work on their continental shelf.

The timing and rain content of the monsoons that affect India's agricultural output are unknown quantities that are being studied. An understanding of them requires research and monitoring of the ocean off the coasts of Kenya's Somalia, South Yemen, Oman, Pakistan and India—countries that may have the power to prohibit or delay such research.

Periodic climate changes affect the most productive fishery in the world off Peru, Ecuador and Chile. To develop successful climatological forecasts requires access to scientific observations from the entire South Pacific area and the obstruction of any one state, under the proposed Law of the Sea, could block the research, which would be of great economic importance to many south American nations.

Because of these potential curbs on scientific research, the Academy is recommending that the final draft of the proposed Law of the Sea include provisions that would insure the right of scientific research to be conducted without restrictions in the 200-mile zones.

The Academy proposed modifications that would guarantee wide freedom of research, except for specified, limited types of projects; the establishment of procedures for obtaining project consent from the states involved, and preservation of the right to publish and disseminate the results of research.

In addition, the Academy recommends that the nation undertaking the research be required to keep the coastal state fully informed of the nature, objective and timetable of a proposed project. The country involved should also have the right to be represented in the research work and should be given status reports, a share in the data and samples and assistance in interpreting the results.

[From Nature magazine, June 2, 1977]

TWO-HUNDRED-MILE ZONES: THE THREAT TO MARINE SCIENCE

(By Colin Norman)

As the sixth session of the gruelling Law of the Sea Conference opened in New York last week, the National Academy of Sciences warned that the latest draft treaty could "cripple" marine scientific research. The Academy's warning, contained in a letter sent to Elliot Richardson, head of the US delegation to the conference, claimed that oceanographic research is in fact already being seriously hampered by restrictions imposed by some coastal nations.

The chief concern is that the draft treaty now under discussion (called the Revised Single Negotiating Text, in United Nations parlance) would give coastal states the right to regulate scientific research conducted within 200 miles of their shores. Since the coastal regions contain some of the most interesting oceanographic phenomenon, such as the major currents, virtually all of the oceans' biological activity and most of the world's undersea earthquakes, the Academy is worried that the treaty could put major areas of scientific research off limits.

The revised single negotiating text would require that the consent of a coastal state be obtained before a research project is conducted within 200 miles of its shore. Consent could be denied for research which "bears substantially on the exploration of the living and non-living resources", involves drilling, or interferes with fishing or other economic activities. In addition, the coastal state would have the power to veto publication of research results from some types of projects, and it would have the right to halt a project if it believed that the research differed from the description given in the original proposal. Such restrictions could "cripple future marine scientific research which will be critical to the survival of the oceans and mankind", the Academy stated.

The Academy is therefore urging that the draft be modified to provide the following conditions for research projects conducted outside a nation's territorial water (which will probably be 12 miles), but inside the 200-mile "Economic Zone":

Freedom of research should be guaranteed except for carefully specified and limited types of projects.

Specific criteria should determine whether or not a project requires prior consent, and a definite procedure should be established for obtaining consent. The chief objective would be to ensure that no unreasonable or arbitrary restrictions are imposed.

Freedom to publish and disseminate research results should be preserved.

In addition, the Academy recommends that the nation undertaking the research should be required to keep the coastal state fully informed of the nature, objective and schedule of a proposed project. The coastal state should also have a right to be represented in the project, and it should be given preliminary and final reports, a share in the data and samples, and assistance in interpreting the results.

To support its contention that the provisions contained in the draft treaty would seriously hamper research, the Academy cites evidence that a number of coastal states are already exercising strict controls over projects within 200 miles of their shores. In particular the Academy notes that "in the past year the records of the U.S. National University Oceanic Laboratory System, which cordinates the activities of the academic fleet, indicate that about half of the scheduled cruises for work in waters over which other nations claim control have been cancelled because requests were denied, or have been hindered sufficiently to prevent the cruise taking place. Some requests were never acknowledged; sometimes approval came too late for the program to be successfully conducted. At least 18 nations were involved in one way or another in inhibiting science in this way".

In spite of the Academy's strong plea, oceanographers do not hold much hope that

the final version of the Law of the Sea Treaty (if such a document ever emerges) will protect marine research from arbitrary or unreasonable restrictions. Coastal states sometimes claim that research vessels are used as a cover for military or commercial operations and their activities should therefore be tightly monitored and controlled. Moreover, since the oceanographic research fleet belongs almost exclusively to the developed countries, there's little immediate incentive for developing countries to grant freedom of research within their economic zones.

[From the Economist, June 18, 1977]

RUSSIA'S MERCHANT FLEET

The Russian merchant marine minister, Mr. Timofei Guzhenko, arrived in London this week on a hastily arranged visit for talks with the British government. Western shipping companies, led by the British, have been clamouring for government action to check Soviet encroachment on their liner trade through rate-cutting. After a year spent trying to reach a commercial agreement with the Russians over rates in the North Atlantic, both American and European shipping leaders are pessimistic about any settlement unless political pressure is put on the Russians.

Mr. Guzhenko's visit to London was an obvious attempts to pour oil on troubled shipping waters. His arrival coincided with regular Anglo-Soviet maritime talks normally held at official level. He heard Britain's trade secretary, Mr. Edmund Dell, warn him that Britain wanted Russian rate-cutting to stop and more Anglo-Russian trade shipped in British vessels.

The Russian response was to agree that there should be further talks. They are clearly worried about western governments taking concerted action to shut out Soviet vessels. In May the head of America's Federal Maritime Commission, Mr. Karl Bakke, called for congress to legislate against third-flag (read Soviet) carriers practising cut rates. Yet only a year ago Mr. Bakke staved off such a bill when he was trying to reach a commercial agreement with the Soviet state shipping organisation, Morflot.

Although bulk trade is involved in bilateral deals, the big row is really over Soviet moves on general cargo on regular liner routes. Russia itself generates only 1.6% of international seaborne trade in general cargo, but its fleet has a carrying capacity for 9%. Swashbuckling price-cutting has enabled the Russians to carve a growing share of cross-trade in the North Atlantic and Pacific and with East Africa.

Cross-trade is trade up for grabs between any two destinations and theoretically open to any carrier no matter what his nationality; i.e., Russians carrying New Zealand lamb to Britain would be cross-trading, whereas a New Zealand vessel wouldn't be. Most cross-trade is general cargo carried on ships operating in "conferences"—cartel arrangements which apportion shares of trade on specific routes to participating national shipping companies and set the rates. The Russians are members of only 12 of the 350 such conference arrangements and prefer to set about increasing their tiny share of trade by operating as cut-price independents. They are aiming at juicy high-value traffic, such as American liquor on the Atlantic routes and Japanese electronics exports on the Pacific.

The West's cartels are also threatened by the desire of developing countries to build up their own merchant fleets. An Unctad agreement (not yet ratified by enough countries to come in force) lays down that trade between any two countries should be split; 40% for each, with 20% for cross-traders. This puts all the cross-traders under pressure.

Since western countries such as Britain, Greece and Norway are leading cross-traders they can hardly attack Russia's right to have a share in it. But they are furious about the cut-price rates being charged by the Russians—between 15% and 25% below the conference rates. According to some of the more hawkish voices in western shipping, the Russians are practising political pricing for a variety of economic and strategic purposes. Not only do the Russians want to earn foreign exchange and ruin western shipping firms, say the hawks, but they seek the strategic advantages of becoming the world's biggest carrier with a fleet of liner vessels that would also be handy for shipping military equipment anywhere in the world.

An active, ubiquitous merchant fleet would also be helpful for Russia in dealings with developing countries: trade follows the shipping flag too, as British nineteenth-century history showed. Telling a poor country that you will regularly run cargo ships to and from it is a marvellous way of winning friends in the third world. This is the important political difference between liner trade and the freelance tramp trade of bulk carriers and tankers, which is what flag of convenience fleets practise.

RUSSIA'S ODD FLEET

Naturally, the Russians retort that their lower rates simply reflect the greater efficiency of Soviet shipping and accuse Western lines of indulging in under-the-counter price-cutting too, even within conferences. Some western observers also reject the strategic interpretation; they think that the Russians landed themselves with a surplus of general cargo liners through miscalculation. Now they are obliged to deploy it as best they can.

Apart from Poland, Comecon shipbuilding did not really take off until the late 1960s. At that time, the dry cargo tonnage in the Soviet fleet was a rough assortment of hulks, much of it built outside Russia, and much of it very old. The Russians decided to embark on a major programme of fleet modernisation and expansion, the effects of which began to be felt in the early 1970s. Russia now has the world's seventh largest merchant fleet (chart 1), and the largest tonnage of general cargo vessels.

They miscalculated, however, the growth of world and Comecon trade. They now find themselves exposed to world markets with a fleet too large for their needs. Their socialist book-keeping (and crew wages) allow them to operate these ships at rates which would never be possible for western operators. Aggressive rate-cutting is also a way of putting pressure on western lines to admit the Russians to conferences (which allocate future share according to established business) and so permit them eventually to increase their rates and operate profitable lines with prices in line with western shipping firms. So communist rate-cutting makes good capitalist sense, even if it rocks the conference boats.

The oddities in the Russian merchant fleet show up when Soviet trade is compared with the profile of its fleet. While some 80% of Russian foreign trade by volume consists of bulk or bulkable commodities (oil, coal, ores, timber, grain and fertilisers, etc), tankers and bulk carriers only account for about a third of the tonnage (excluding fishing vessels). Dry bulk cargo accounts for some 40m-50m tonnes of seaborne foreign trade, for which the Russians have only 1.2m tonnes of carrying capacity and so they have to charter bulk carriers from the west.

Soviet seaborne imports and exports of general cargo are estimated at around 9m tonnes a year, only one sixth of Russian carrying capacity for such cargo. Some of this spare capacity is used for carrying cargo that would normally be better carried in bulk ships, had Russia enough of them. Lloyd's Register shows Russia as having 1,831 general cargo ships, totalling 7.7m gross registered tonnes (chart 2). East German sources indicate that over 300 of them are deep-sea liner vessels, operating on the 57 regular lines that Soviet ships operate. Of these 25 are essentially cross-trading, carrying cargoes that are not Russian imports and exports. An analysis by Lambert Brothers in London of movements of a sample of 160 Soviet ships in 1975 suggested that about 37% of their tonne-miles were devoted to cross-trading.

Russian success on some routes has been striking. According to the magazine Seatrade, Russian liners (together with vessels from East Germany and Poland—the two other Comecon countries with significant fleets) have cornered 35% of cargoes between northern Europe and the Mediterranean; 25% between northern Europe and the west coast of South America; and over 20% of traffic between the Gulf of Mexico ports and the Mediterranean. In the Far East, the Russian Fesco shipping company has already acquired 12% of liner traffic between Japan and the American west coast. In the past two years, Russian liners have been moving aggressively into North Atlantic traffic. They have also gained a 10% toehold in shipments between northern Europe and East Africa, where rates quoted by the Russian Besta Line are said by the General Council of British Shipping to be 30% below those of the 17 companies in the East Africa Conference.

One route where the Russians start with a major advantage is Europe-Far East, where they can put cargoes on their developing trans-Siberian 9,000-kilometre "landbridge", thereby running a much cheaper service than going the whole way round by sea. Their success here is worrying British shipping. Liner services at each end suck in the cargo, and the Russians are planning to expand both the feeder services in the Baltic and Pacific as well as increase the carrying capacity across the mainland by completing a second relief freight railway line along half the distance and a major container handling port at Wrangel Bay on the Russian Pacific coast, capable of handling up to 70,000 containers a year. This will double the existing handling capacity at the Pacific end. Philips and ICI are two companies said to be big users of the Russian landbridge, which is already reckoned to have captured 10 percent of traffic between Europe and the Far East.

SOVIET ACCOUNTING

Western shipping firms maintain that Soviet accounting completely falsifies any basis on which they try to justify their lower rates. Russian shipping lines are not required to pay depreciation on their vessels (while western firms have depreciation which works out to an amount equivalent to about 35 percent of the operating costs of general cargo vessels, 50 percent for container ships). Likewise, the Russian lines do not have to pay insurance themselves; it is covered by the state. And Russian seamen are reported to earn only $30 a week, while a western seaman gets $150.

The Russian shipping strategy is wider than cross-trading. In most bilateral trade, the Russians manipulate fob and cif prices (buying fob and selling cif) to ensure that at least 50 percent of the trade goes in Russian vessels. In some cases the Russian-shipped percentage of bilateral trade is much higher: 84 percent of trade between Russia and Britain travels in Russian vessels: 75 percent between Russia and Japan. The Russians claim that 52 percent of their trade is carried in foreign vessels, but, because of the preponderance of oil and bulk cargoes, most of this is for bulk carriers and tankers.

Russia's surplus cargo liner capacity and rate-cutting would worry Western shipping companies less were it not for its plans to

modernise it with container and ro-ro (roll-on/roll-off) vessels for liner traffic (chart 3). The Russians have only 14 proper container ships and four ro-ro vessels. Britain has 87 container ships, and Japan 48.

But by 1980 the Russians plan to increase their container and ro-ro number to nearly 40. About 20 percent of the world's new container liner ships on the stocks are being built for Comecon. Western shipping leaders fear that Russia's conciliatory noises in London this week could just be a ploy to defuse criticism while its fleet continues to expand.

Mr. MAGNUSON. Mr. President, as I stated last September, Mr. President, I could not support a Law of the Sea treaty which opens the door to arbitrary control over scientific research in the ocean. Ideology has no place in the search for knowledge. I believe that while reasonable conditions may be needed to protect the interests of a coastal state, unrestricted control over scientific research is intolerable to the "common heritage of mankind" concept.

LINDBERGH MEMORIAL—HON. FRANCIS L. KELLOGG

Mr. PELL. Mr. President, I would like to call the attention of my colleagues to a ceremony which occurred at the recent Paris Air Show when the Honorable Francis L. Kellogg, president, World Wildlife Fund, made some remarks on the occasion of the presentation of a permanent memorial in memory of Charles A. Lindbergh's epic flight 50 years ago. The ceremony took place at the new Musee de l'Air at Le Bourget, Paris, France, on June 4, designated by the French Government as "Lindbergh Day." Mrs. Lindbergh responded to Mr. Kellogg's speech as did the Minister of Transportation, M. Marcel Cavaillé, the Director of the Museum, General Lissarrague, le Prefect, Ministry of Culture, M. Maurice Roche, and other French officials.

The display which symbolizes a high watermark of French-American amity was made possible through the generosity of an American company, Hamilton Standard of Windsor Locks, Conn., a division of United Technology. It consists of a duplicate vintage propeller to the one this company installed on the *Spirit of St. Louis*. Their thoughtful generosity commemorates for all future museum visitors a great American achievement and a great American hero.

Francis Kellogg has devoted much of his life to public service. He has helped shape the course of the World Wildlife Fund as a director of the U.S. organization since 1962 and president since 1974. He is also a trustee of the international organization. Concurrently, he was appointed Special Assistant to the Secretary of State for Refugees in 1971 and served in this capacity until 1975; subsequently, he was senior adviser of the U.S. mission to the United Nations—a career notable for its dedication to the conservation of our planet and to the alleviation of the suffering of refugees.

I ask unanimous consent that the text of his remarks at the Musee de l'Air be printed in the RECORD, as translated from the original French text by the Library of Congress:

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE FRANCIS L. KELLOGG

Mr Secretary, your Excellencies, General, Mr. Prefect, Mrs. Lindbergh, my French and American friends . . .

A few days after the liberation of Paris in World War II, Winston Churchill arrived in this old and wonderful city. The Place de la Concorde was full of people.

Mr. Churchill began his speech with the following words: "Listen; today I shall speak French."

My friends, today I am talking to you in French.

We are here because in 1927 a young man by the name of Charles Lindbergh landed in Bourget. This was an extraordinary event. You, Frenchmen, received him very warmly. Therefore we are all here to commemorate this exceptional man.

Charles Lindbergh was not only interested in aviation but also in the protection of nature and the conservation of wild animals. For this reason, the World Wildlife Fund and the Club Explorateur have organized the "Charles A. Lindbergh Memorial Fund" and are proud to be here at this memorable occasion.

Thank you.

A BILL TO ESTABLISH A NATIONAL CENTER FOR THE HANDICAPPED

Mr. SPARKMAN. Mr. President, it is the right of every American to receive a free public education and subsequently enter the job market. Education thereby permits the individual to legitimately gain a livelihood and attain economic independence—two factors commonly considered to enhance a person's feelings of self-worth and personal dignity. To deny any potentially able individual the opportunity to be employed is a moral offense and a tragic waste of human resources.

S. 1596, a bill to establish a National Center for the Handicapped, is designed to help insure that the resources of more than 35 million physically and mentally handicapped persons will be optimally utilized. The Center, which will operate within the Office of the Secretary of the Department of Health, Education and Welfare, will feature three essential functions to serve the needs of all handicapped persons throughout the country: education, research, and service. An inspection of each of these proposed functions should provide convincing evidence to favor the acceptance of this bill.

EDUCATION

Public Law 94–142, the Education for All Handicapped Children Act, greatly ameliorated the difficulties handicapped children faced in receiving a public education tailored to fit their special needs. However, no other types of educational programs for handicapped adults are presently upheld by Federal laws. Consequently, programs in career education and continuing education are virtually nonexistent in many geographic areas.

Under S. 1596, the Center would sponsor training and continuing education programs for administrative and managerial personnel from model education and rehabilitation centers across the country. In both classroom training and on-the-job experience in a model center or workshop, trainees would be introduced to techniques and curricula designed to teach the handicapped necessary job and job-related skills.

RESEARCH

According to a recent study on the education of the handicapped by the White House Conference on Handicapped Individuals, only a small proportion of Federal funds is appropriated each year for research in special education for the handicapped.

The research component of the National Center for the Handicapped would utilize its educational centers and rehabilitation workshops to evaluate prior research findings and test out newly developed programs geared to facilitate employment of the handicapped.

SERVICE

The service component would operate model rehabilitation workshops and educational centers in which handicapped individuals would learn practical job-related skills and those which would also enable them to more easily adapt to their work environment; students and interns would receive on-the-job training in these centers.

Although the Rehabilitation Act of 1973, section 503, initially helped to change the unfavorable hiring practices of employers who discriminated against the handicapped, realistic vocational rehabilitation programs to develop the eligibility of handicapped persons for the labor market have been slow to emerge. The National Center for the Handicapped would strive to accelerate the rehabilitation process through its comprehensive and timely services to handicapped individuals.

FRIENDS IN THE GRANGE

Mr. STEVENS. Mr. President, last month the House Subcommittee on General Oversight and Alaska Lands held hearings on an issue of great importance to the State of Alaska. These hearings dealt with the future of some 80 million acres of public lands which are withdrawn for study as potential additions to the national forests, national parks, wildlife refuges, and wild and scenic rivers systems. Congress will be considering the ultimate future of these lands in the next 18 months.

One of the potential uses of some of the lands under the withdrawal are for agricultural development. It has been estimated that certain areas under d–2 consideration, most specifically the Yukon flats region in interior Alaska, can be developed into major production areas for agricultural products. However, this potential may never be realized if an unwise decision on these lands is made which would preclude this development of agricultural potential.

One of the witnesses at that hearing was John Scott, president of the National Grange, who dealt with the importance of agricultural development in Alaska during his testimony before the House subcommittee. A recent editorial in the Fairbanks Daily News-Miner, commented on Mr. Scott's testimony and on the future of agricultural development in the interior of Alaska. I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRIENDS IN THE GRANGE

We may have a lot of national conservation organizations lined up against Alaskan interests in the d–2 hearings, but Alaskans had at least one big ally—The National Grange.

The testimony of John W. Scott, head of the national farming society, before the House Alaska lands subcommittee hearings April 28 shows the Grange understands the national and international implications of the d–2 proposals far better than even most Alaskans.

With Mr. Scott's testimony, the Grange stands opposed to all but the least restrictive d–2 bills. He cites the agricultural potential of Alaska and the interests of Alaskan citizens in his testimony.

"While we appreciate the (subcommittee) chairman's desire to have input from the public sector, since the lands in question are of 'national interest' because they are public lands, we respectfully urge you and your subcommittee to make a concerned judgment on the views of the residents of the state," Scott said at the beginning of his testimony. "After all, it is their interest that will be immediately affected by the land withdrawals, not the public sector in Chicago or Denver."

He cites "numerous sections" of the Udall d–2 bill "which . . . are not in the best interest of the state or the nation." The Udall bill, plus previous federal withdrawals and classifications, "would place 46½ per cent of Alaska's entire land area in wilderness classification," he pointed out. "The designation in total acreage of wilderness is greater than the combined areas of the states of California and Washington."

He also brings up the fact that the federal government's control over land access and wildlife management would take primary responsibility for wildlife programs away from the State of Alaska. "Sport hunting can thus be prohibited in these areas," he observes, and subsistence hunting and fishing will also be under federal regulations.

Mr. Scott also charges that the agricultural potential of Alaska is not recognized by most d–2 legislation.

"Over the past five years work with grain crops in interior Alaska has established a small grains industry with yields comparable to or exceeding those of lower latitude grain producing areas," he reported. "Of particular promise from the world food standpoint is exceptionally high protein content of Alaskans grains, ranging from 3 to 7 per cent higher than grains produced elsewhere."

The Udall bill takes some 5,694,700 acres of potential agricultural soils, which is more than a third of Alaska's total agricultural potential. Of this, 4 million acres is considered prime agricultural land and it makes up almost 5 per cent of the d–2 proposal.

"Agriculturally speaking, Alaska is in a unique position," Mr. Scott notes. "World-wide urban pressures, increased food consumption, increased population and better diets make Alaska one of the few places where vast acreages of virgin potential agricultural land still exist.

"Alaska must look to world markets for selling its agricultural products, and it must react to the world-wide demand for agricultural products," he continued. Economically, it may not be feasible to produce certain products in parts of Alaska now. In a very few years, however, the question is not going to be "is it economical to produce food," but "whether we can produce food here? Increasing demand will very likely make it economically feasible."

"It is because of the agricultural potential of the Alaska lands that we must oppose H.R. 39 and S. 500 and similar bills that withdraw vast acreages from public lands under the Alaska Native Claims Settlement Act," he concluded. "We do not feel that such action would be in the best interests of Alaska or the remaining 49 states."

Mr. Scott's words are very welcome to Alaskan ears. We hope other national organizations truly concerned with resource development, food and public land use were also listening that day.

ADJUSTING THE COST-OF-LIVING ADJUSTMENT MECHANISM

Mr. CHURCH. Mr. President, the Senate Committee on Aging has conducted several hearings recently on the impact of inflation upon older Americans.

These hearings have made it clear that some of the sharpest price increases have been in areas where the elderly have their greatest expenditures: housing, energy, food, medical care, and transportation.

These items typically account for about 4 out of every 5 dollars in the aged's limited budgets.

As things now stand, social security beneficiaries receive a cost-of-living adjustment each July provided the consumer price index—the Government's inflationary yardstick—increases by 3 percent during the appropriate measurement period.

The automatic escalator provision provides valuable protection against rising prices for older Americans.

However, I think that it can be and should be improved. This is why I have introduced S. 1243, the Social Security Cost-Of-Living Improvement Act.

First, S. 1243 would authorize semi-annual cost-of-living increases during periods of rapid inflation, instead of only once a year.

Civil service retirees now receive two cost-of-living increases per year—in April and October. I know of no sound reason that social security beneficiaries cannot have more timely adjustments.

Second, my bill would authorize a special index to measure more accurately the impact of inflation upon the elderly for purposes of computing benefit increases.

Two recent articles in the New York Times and the New York Post provide clear and convincing reasons for a special index for older Americans.

The Community Council of Greater New York has determined that a retired couple's budget increased by more than 47 percent during the past 5 years, while overall living costs rose by 40 percent.

It is no wonder that many older Americans find themselves in a losing race with living costs.

Inflation is probably the elderly's No. 1 enemy. A special index would provide added protection by giving appropriate weight to price hikes in several areas affecting older Americans.

Mr. President, I ask unanimous consent that the two articles in the New York Times and the New York Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Post, June 8, 1977]

COSTS HERE LEAP FOR RETIREES

(By Joseph Kahn)

A retired couple in this city needs $206 a month more to live on than five years ago, according to an analysis by the Community Council of Greater New York.

A 47 per cent increase in living costs has brought a couple's monthly budget up to $641.

The level of living is that of elderly couples who live in rented apartments which they furnish themselves, use public transportation, are in relatively good health, eat out occasionally and take an infrequent modest vacation.

A BREAKDOWN

More than half of the older couple's budget is required for essentials such as food at home, rent and heat, utilities, medical care and telephone, the total amounting to $381 of the $641.

The Council noted that the 47.4 per cent rise in the couple's budget was higher than the increase in living costs generally which had gone up only 40 per cent in a five-year period from Oct. 1971 to Oct. 1976.

A wide gap was shown between average social security benefits payable to a retired couple and the cost of a moderate budget standard.

$338 IN BENEFITS

The average nationwide benefit for a retired worker and spouse in October 1976 was $338, or approximately $300 below the cost of living at a moderate level for the couple.

Bernard Shiffman, the Council's executive director, said "facts such as these cannot be ignored as we move forward in the public debate of the many issues raised under the Carter Administration's social security and welfare reform proposals."

The council's analysis further revealed that in October 1976, a retired man living alone would need $419 a month, while the older retired woman needed $404 a month to maintain a moderate living level.

In conclusion, the council noted that "even persons fortunate enough to have automatic cost of living increases in their retirement benefits, whether social security or other types of payments, can experience difficulties because adjustments in their income do not keep pace with the increase in the cost of living."

[From the New York Times, June 13, 1977]

SOCIAL SECURITY CHECKS FALL SHORT IN BUDGETS OF NEW YORK'S ELDERLY

(By Peter Kihss)

For a moderate living style in New York City an elderly retired couple had to spend

$641.25 a month, as of last fall, compared with the then nationwide average Social Security payment of $337.72 for a retired worker and dependent, according to the Community Council of Greater New York.

The retired couple's monthly budget cost had gone up 47.4 percent in five years, outpacing the 40 percent rise in living costs generally.

For a retired man living alone, the research and coordinating group reckoned a budget need of $418.85 a month, and for a retired woman, $403.50. The budgets were calculated as of last October, measured against October 1971.

The living standard was based on renting and furnishing apartments, using public transportation, taking modest vacations and staying in relatively good health. It allowed for an occasional restaurant dinner.

A COAT ONCE IN 5 YEARS

Each person would buy a coat once in five years. The man would get a haircut once a month, the woman twice a year. An allowance for launderette services included the equivalent of four hour's paid household help and tips each month to insure ability to keep up the home.

A telephone allowance provided for small overcharges for local service or long-distance calls. Life insurance was presumed paid up to age 65. More than half the budget—$381—was held nondiscretionary, including food at home, rent, heat, utilities, medical care and telephone.

The study noted that the average Social Security benefit for retired single persons last October was $223.97, compared with $337.72 for couples. For the average worker just retiring last fall, the benefit would be $232.33 for a single person and $341.03 for a couple.

While the maximum Social Security benefit as of last December was $412.70 for a single person or $619.05 for a couple, the Community Council said that it was "difficult for most wage earners to achieve maximum benefit payments from Social Security."

"Not only have many workers earned wages that have been below the maximum creditable for benefit calculations," the study said, "but that maximum has been subject to frequent upward adjustments over the years

"Since the calculation of benefit payments includes wages in earlier years when maximum taxable benefits were lower, few beneficiaries will be entitled to the maximum allowable benefits at the time of their retirement."

INFLATION GALLOPS ON

Even automatic cost-of-living increases in benefits, as in Social Security, do not usually catch up with inflation. For instance, Social Security benefits rise on July 1, when there has been a consumer price index increase of 3 percent in the year's first quarter compared with the year before. This means there is a time lag of several months—and additionally, there is no increase if the cost of living rise is under 3 percent.

Following are the council's calculations for living costs for retired couples, single men and single women as of last October:

Budget item	Couple	Man	Woman
Food at home	$147.55	$87.10	$73.89
Restaurant meals	20.80	10.40	10.40
Rent and heat	155.80	131.95	131.95
Utilities	18.00	14.50	14.50
House furnishings	16.25	9.10	9.10
Household supplies	12.35	6.30	6.30
Laundrette service	$27.10	$16.90	$16.90
Clothing and upkeep	31.85	17.10	14.75
Personal care	17.55	8.65	8.90
Medical care	50.25	25.15	25.15
Transportation	32.05	16.05	16.05
Reading material, tobacco, recreation	80.45	39.45	39.45
Telephone	9.30	9.30	9.30
Gifts, contributions, miscel.	41.95	26.90	26.90
Total	641.25	418.85	403.50

TAX REFORM SHOULD ENCOURAGE SAVING

Mr. HELMS. Mr. President, when the administration's tax stimulus proposals were sent to Congress early this year, there were a number of suggestions that the package had more politics than economics, more stimulus for inflation than output; and that it had more old-hat Keynesianism than contemporary thought.

One of the brightest economists in Washington today is Norman Ture. He, unfortunately, is not one of the top policymakers in the administration, but he does contribute some of his valuable time to the cause of good public policy. For example, he has provided a great deal of assistance to Congressman JACK KEMP and Senator JIM MCCLURE in the preparation of the Kemp-McClure Jobs Creation Act of 1977. I am proud to cosponsor this important bill, and I hope that at least portions of that bill will receive favorable consideration during the course of upcoming congressional consideration of tax reform.

One of the most important targets of tax reform is the bias now in our tax system against savings. Our Nation reinvests less than 20 percent of our GNP into new and replacement productive capacity. That is not enough. Unless we devote more resources to investment, we will not have the jobs or the higher standard of living we all want for our Nation in coming years.

In an article in yesterday's Wall Street Journal, Dr. Ture points up just what should be done and why we should do it.

Mr. President, the message in the article is important to a proper understanding of this issue and the course we should take.

Mr. President, I ask unanimous consent that "Tax Reform Should Encourage Saving," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 21, 1977]

TAX REFORM SHOULD ENCOURAGE SAVING

(By Norman B. Ture)

As the time approaches for President Carter to divulge his proposals for major tax reform, concern and anxiety about the long-term thrust of tax policy heightens. Whatever its details may be, the administration's tax program can serve one constructive purpose—to shift the emphasis from Mickey Mouse Tax proposals aimed at fine-tuning the economy in the short run to the basic structural tax changes required for economic efficiency and growth over the long run.

We will all benefit if the policy debate puts aside the seemingly obsessive concern with which tax gimmick will do more to increase next quarter's consumption demand and turns instead to basic changes that will reduce constraints on the expansion of aggregate production.

Whether this happy outcome will materialize will depend on the focus which the administration gives to its proposals. If it continues the futile chase of that tax policy will-o'-the-wisp—redistribution of income—the result will be even more severe tax burdens on those activities which provide the momentum for economic progress. On the other hand, if it looks to the basic economics of taxation, it may come up with a simpler, fairer and more nearly neutral tax system.

No perfectly neutral tax has ever been devised, of course. Every tax changes the cost of something relative to the cost of other things. Notwithstanding, tax policy should aim at minimizing such distortions. Tax-induced relative cost changes distort the allocation of the economy's resources, and should be used only for special purposes.

AGAINST SAVING

The present tax system is heavily weighted against personal market-oriented effort and against those activities which increase productivity and production capability. In particular, one finds that federal, state and local taxes greatly increase the cost of saving relative to the cost of consumption, and of capital formation compared with consumption uses of available production capacity.

In very large part, this bias against saving is inherent in the income tax because the tax is levied both on the portion of current income which is saved and also on the future income purchased by the saving when the future income is realized. In contrast, income used for consumption is taxed only once.

To illustrate this income tax bias, imagine a no-tax economy. A person with $10,000 of income might wish to use, say, $9,000 for current consumption and save the remaining $1,000. Suppose the prevailing yield on saving is 10%. Then his $1,000 of savings gives him an additional $100 of income each year so long as he maintains his capital intact. Since he can either consume or save his income, each dollar he saves is a dollar of foregone consumption. To obtain an additional $100 of income each year, he must forego $1,000 of consumption. The cost to him per dollar of additional income, then, is $10.

Now suppose an income tax is imposed at a flat rate of, say, 20%. The individual's disposable current income is reduced from $10,000 to $8,000. Suppose he were to use his disposable income in the same proportions as before: $7,200 for consumption and $800 for buying future income. With the same yield, his $800 of saving will buy him $80 of additional income per year. But he'll pay a tax of 20% on this additional income, too, winding up with only $64 of after-tax additional income. To obtain $64 more income, he must now forego $800 of current consumption; the cost to him per dollar of additional income is now $12.50. Unless it is assumed the person is completely indifferent to this change in relative costs, he will not continue to save the same proportion of his disposable income. Instead of saving $800 out of his $8,000 of disposable income, he'll save some lesser amount.

This isn't the end of the story. Adding in the corporate income tax, the tax on capital gains, state and local income and property

taxes, federal and state estate, inheritance and gift taxes, and a miscellany of other state and local taxes which are also imposed on the same income provided by saving, the tax system very substantially increases the cost of saving compared with consumption. Even with all of the alleged "tax shelters" available for corporations and upper-bracket individual taxpayers, the aggregate amount of taxes paid on income that is saved (and on the returns to savings) raised the cost of saving relative to the cost of consumption by about 90% in 1976.

This antisaving bias of the tax system—its effect of increasing the cost of saving far more than the most of consumption—results in less saving out of any given amount of pretax income than if taxes rested with equal weight on saving and consumption uses of income. Since by definition the amount invested in adding to the stock of capital in any period of time just equals the amount saved in that period, the present tax system reduces the proportion of the economy's total production capability allocated to capital formation. The nation's stock of capital is, as a consequence, less than it would be under a more neutral tax system and smaller in relation to the labor force. Unless someone has repealed the law of diminishing returns, the result is lower productivity and real wages for labor, less employment and lower total output.

In this light, the antisaving bias in the present tax system is not a matter of concern only to so-called "fat cats." The disproportionately heavy taxation of savings distorts the relative costs of consumption and saving for all of us. To be sure, the higher one's tax bracket, the greater this distortion. But we are all savers as well as consumers, and we are all injured by a tax system which increases the costs we must incur to provide the additional income we want in the future for our retirement, for provision against catastrophe, for educating our children, or simply to accumulate wealth. More generally, irrespective of our individual saving proclivities, all of us bear the cost of this antisaving bias in the form of less total production capability, less total output and less total income than we might have.

And when account is taken of the fact that labor receives two-thirds to three-fourths of the additional income generated by additional capital, it is clear that the tax penalty on saving and capital formation bears more heavily on wage and salary earners than on coupon clippers.

Thus, a major concern of tax reform should be to provide tax relief for saving. The ultimate solution, very likely too drastic a step for the near future, is to remove current saving, no matter by whom or in what form, from the tax base while fully taxing all of the gross returns on saving. Short of this fundamental revision, there are any number of ways in which this relief might be provided in addition to the two mentioned above. High on the list should be a substantial reduction in the corporate income tax, if not its outright repeal.

The currently popular argument against reducing the tax barriers to saving and capital formation is the assertion that there is no need to reduce corporate income taxes because they now contribute a smaller share of total tax revenues than they used to. Professor Lester Thurow of MIT, for example, argued on this page recently ("Business Doesn't Need a Tax Break," April 29) that declining corporate taxes had actually resulted in an increase in after-tax profits relative to GNP. He compared the periods of 1966–73 with 1947–53 and claimed to find that return to capital as a percent of GNP had increased to 11.6% from 10.2%. As a result, he argued, business doesn't deserve a tax break.

The best that can be said about this argument is that it is economically irrelevant. Corporate income tax cuts have had virtually nothing to do with the decline in corporate income tax collections as a proportion of GNP. The principal reason corporate income taxes have declined relative to GNP is simply that taxable corporate income has fallen relative to GNP.

DIDN'T DEDUCT LIABILITIES

Professor Thurow makes it seem otherwise by, among other things, counting interest payments on corporate debt as part of his gross return on capital figure. That would have been acceptable if he had deducted the tax liabilities of the interest recipients, but he didn't. (Nor did he include the tax liabilities of dividend recipients, though admittedly both figures would be difficult to find.)

In fact, the fraction of GNP represented by gross returns to corporate capital ranged from a low of 14% to a high of 17.7% in the period 1947–53, averaging 15.4%. For the eight years 1966–73, the ratio was between 12.7% and 15.9%, and averaged 14.1%.

Moreover, if one approximates corporate profits from the National Income and Product Accounts, making no adjustment for inventory profits or for replacement cost for depreciation purposes (and basing capital consumption allowances on straight-line depreciation and the very long service lives assumed by the Commerce Department's Bureau of Economic Analysis), the resulting, very generous measure of corporate profits as a fraction of domestic GNP (gross domestic product) ranged between 10.9% and 14.2% in the 1947–53 period. It was far lower in 1966–73, ranging from a low of 8% to a high of 11.5%. Finally, corporations were subject to a stiff excess profits tax in 1950–53, a monstrous fiscal mistake which was avoided during the Vietnam years. The wonder is not that corporate profits tax liabilities declined as a fraction of GNP between the two periods but that they didn't decline far more.

In any event, the pertinent tax policy issues on which the administration and the Congress should focus are not concerned with small wriggles in the ratio of corporate income tax liabilities to GNP. The most demanding of these issues is whether the United States should be content with a tax system that so severely penalizes private saving and capital formation compared with consumption. Tax reform to reduce, if not to eliminate, this antisaving bias should be seen not as tax favors for the well-to-do, but as benefiting everyone. Considerations such as these, one must hope, will be the stuff of which Mr. Carter's program is fashioned.

GIVE MINING IN ALASKA A CHANCE

Mr. STEVENS. Mr. President, one of the major issues facing this Congress is the resolution of the d–2 lands issue. These lands are public domain lands which have been withdrawn for study as potential additions to the national forests, national parks, wildlife refuges, and wild and scenic rivers systems. Congress will be considering the ultimate future of these lands in the next 18 months and must make a rational and reasonable decision concerning the final designation of the management systems which these lands will be dedicated to.

Alaska has long been known for its mineral potential, and the lands under consideration by Congress contain vast mineral potential which has yet to be explored or inventoried. One of the real problems facing Congress is that it may make a decision which will preclude mineral exploration without adequate information as to the minerals contained within the lands it deals with. Congress must carefully consider any decision which would prevent or preclude the exploration or development of mineral potential in Alaska. Alaska remains America's last great storehouse of mineral wealth and must be protected from intemperate and precipitous decisions concerning the future development of Alaska's minerals.

A recent article in the Alaska Construction & Oil magazine points this out. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE MINING IN ALASKA A CHANCE

(By R. C. Babcock, Jr., Exploration District Manager, Bear Creek Mining Co.)

(EDITOR'S NOTE.—The author has been with Bear Creek Mining Co., the exploration subsidiary of Kennecott Copper Corporation, for over 20 years. He was involved in Alaska exploration as a geologist in the early 1960's, and now manages Bear Creek's exploration program in the Northwest, including Alaska. He has extensive experience and knowledge of mining operations on the North American continent as well as Australia and New Zealand.)

The future for minerals production in Alaska is potentially very bright, in fact it is exciting. For several decades, and as recently as only a few years ago, the well known and often productive mineral districts of Alaska were being prospected, drilled and evaluated by many companies and individuals, and discoveries were made. The Beluga coal fields, Lost River tin-fluorite, iron and copper-nickel deposits in Southeast, the Ruby Creek copper deposits—all these resulted from this re-exploration of known mineral occurrences. More recently exploration near these same areas resulted in discoveries at Arctic and Picnic Creek in the Brooks Range, and perhaps the large molybdenum discovery of U.S. Borax near Ketchikan fit in this class.

The existing aspect of the current exploration programs is that, unlike a few years ago, new, unprospected areas are being explored. And significant discoveries are being made. In the Brooks Range significant staking activity on the west end of the Range indicates a new base metal district may be taking shape. On the extreme east end of the range, rumors of new lead-zinc finds imply significant discoveries may result from federal government d-2 studies. Uranium discoveries are being made on the Seward Peninsula and in the ranges south of the Kobuk. Massive exploration efforts in the central lowlands of the state for both uranium and base metals are having some success. Exploration in the Alaska Range has disclosed a new volcanogenic zinc-lead province. To the southwest, rumors again indicate important discoveries of base metals, gold and coal, both on and off the withdrawn d-2 lands. On the Alaska Peninsula many new porphyry copper systems are being discovered. And in Southeast thorough grass roots exploration has resulted in several entirely new discoveries of both volcanogenic as well as prophyry copper-molybdenum deposits. With all this very encouraging activity, new and viable mineral deposits are sure to be found.

Whether or not these discoveries will ever benefit Alaskans or anyone else is a serious question. Both the State and Federal governments are asking Alaskans and all Americans to consider how these potentially mineralized lands will be used, with the unfortunate implication that for much of it perhaps nonuse is best. It is quite clear that we do not know, for instance, what the d-2 lands hold, and yet it is also clear that the decisions to be made by Congress on just this one issue will spread out to encompass the d-1 lands, and strongly influence potential use of adjacent state and private lands.

The issue of land classification in Alaska appears to be entirely political. Rational evaluation and judgment is being attempted, but is then thrown out by those very people in Congress who must make the decisions. In spite of the extensive private and public exploration, and the new discoveries on and near the d-2 lands, reports produced by and for the federal agencies and committees continuously tell us the d-2 lands are unmineralized. The preservationists argue that if a major part of Alaska is not given park status, it will be mined, logged, farmed, built upon, and otherwise completely covered by an adverse cultural explosion.

Americans are presently discussing with the Bureau of Land Management new regulations for use of the surface lands by the mining and exploration industry. These proposed regulations are so stiff that exploration and development may be seriously jeopardized. The Forest Service has been operating with similar, but not quite as stringent regulations governing mining activity for several years. Both agencies *must* review their lands throughly and often to find areas with wilderness, park, and aesthetic values, and then recommend classification accordingly. With such restrictive management and an obligation to block out withdrawals, how can anyone believe that our multiple use agencies offer no "protection" for our land. The score is not 115 to 0, it leans heavily in the other direction. When you consider the 260 million acres of federal land in Alaska, you can see that perhaps none of it will be open to the public as we once might have believed. The existing alternative to prohibitive park and wilderness management of federal lands is not a permissive management system, but a restrictive one.

Kennecott began in Alaska, and for 70 years has played an integral role in the development of Alaska's mineral resources. Kennecott can continue to explore for and develop mineral resources only if incentive is not destroyed by massive land withdrawals and other restrictive land use legislation and regulation. We are concerned that practically all of the legislative proposals developed thus far for the large d-2 lands contemplate the dedication of vast acreages to single or restricted use classification which would exclude, among other important activities, mineral exploration and development. And it is apparent to us the nature of the d-2 decision will have a major impact on the classification and potential use of the other federal lands, the state lands, and even the private lands in Alaska.

LAND USE LEGISLATION

Legislation under the Alaska Native Claims Settlement Act of 1971 withdrew over 80 million acres (since described as d-2 lands) for consideration as possible additions to the National Park, National Wildlife Refuge, Wild and Scenic River or National Forest systems. Although Alaska is a large state, this withdrawal amounts to over 20 percent of its land and could bring to one-third the total Alaskan lands surrendered to the four federal and land management systems.

Proposed legislation regarding the d-2 land status reflects a wide divergence of viewpoints regarding basic land use policy and various alternative land use classifications. These proposals range from a minimum of 67 million acres under Representative Young's 1975 bill to a maximum of over 120 million acres in Representative Udall's 1977 presentation. In addition, proposals have been submitted by the State of Alaska and the State-Federal Land Use Planning Commission, the Department of Interior, Representative Dingell, and others.

With few exceptions the d-2 land classification proposals now in Congress in some way would permanently establish inflexible, and for practical purposes irrevocable, restrictive land use for excessively large areas. They do not contain workable mechanisms for management of our resources based on changing public needs and reassessment of land values, and they openly impose their land classifications on adjacent state and private lands.

MULTIPLE LAND USE

It is the interest of Alaska and the nation for the vast resource potential of Alaska to remain under some form of land management program which recognizes the value and efficacy of multiple use. Alaska resources are yet unmeasured. Public needs and demands are uncertain and constantly changing. Management systems that focus on narrow resource use to the exclusion of all other uses are unnecessary and undesirable.

Land management policies for Alaska should stress maximum public benefit, a continuing program of resource evaluation, and a flexible management program with provision for periodic review and change in land usage. The state should retain the prime responsibility for developing statewide goals, plans and administrative systems, and should share with the federal government in the management of federal lands within the state. Mineral exploration and mineral development should continue to be given a dominant position in such a management policy, which must also emphasize agriculture, silviculture, subsistence, and recreation.

The General Mining Laws are being studied and revised to aid in the clarification of traditional mineral rights and titles throughout the country, and such modernized laws as, for instance, the recent Federal Land Policy and Management Act of 1976 (BLM Organic Act) now form an integral part of the land management policy in Alaska. The institution of a discretionary permit and lease system for d-2 lands, as has been proposed for Alaska by the State-Federal Land Use Planning Commission and others, is inconsistent with present efforts to provide orderly state-wide land management. It could only inhibit access for the determination of natural resource potential, and slow down natural resource development in much of Alaska.

Environmental safeguards for much of our western lands already exist in the form of U.S. Forest Service rules and regulations and the new BLM Organic Act, which monitor and control mineral exploration and mining activity, so that exploration by industry can be conducted without undue damage to the environment. Recognition of these regulations as part of an Alaskan land management policy, for both state and federal lands, will provide a management system acceptable to both government and industry. Both agencies have the ability now to negotiate cooperative management agreements where ownership is mixed, making possible the type of regional management desired by the state without the need for elaborate new agencies or management systems.

PECULIARITIES OF DEVELOPMENT

Ore deposits are uncommon concentrations of minerals formed by very localized and exceptional geologic processes. Their locations are fixed by nature, and they must be mined where they are found. There are not "alternative" mine sites. While individual ore bodies are discreet and occupy geographically insignificant areas, they do tend to occur in clusters and within broad belts defined by large-scale geologic features. This aspect of ore deposits is of great aid to the explorer—but to identify favorable belts and then find a deposit, he must first search very large areas. Even in the intensity explored smaller states, new mineral districts and belts have been discovered in recent years. Several massive sulfide copper-zinc ore bodies have been discovered in Wisconsin in the last few years in an area and in a geologic environment from which there has been no past production.

The concentration of effort and time that has been spent on exploration in Alaska is, of course, much less than in the conterminous states. Mineral exploration and development is a time consuming process. The typical time span from search to production is between 10 and 20 years. This span is apt to be greater in Alaska because the geological data used to direct initial exploration is scant, and because the working season is limited. The exploration and development process is necessarily sequential, and the long times involved cannot be significantly or practically condensed by accelerated activity. Evaluation of large blocks of land for minerals must necessarily be a long-range activity, one which allows a thorough search, efficient development, and continuous review and re-evaluation as changing economics and needs dictate.

Only in the early exploration stage is the mineral industry a user of large amounts of land. Such exploration is extremely transient and has insignificant impact, if any, on other land uses. Mining operations are confined to very small areas. A relatively large mine usually occupies less than one square mile. According to the U.S. Bureau of Mines, mining has utilized only 0.16 percent of the nation's total land area, including land used for ancillary purposes, during the past four decades. With today's reclamation capabilities, the acreage permanently disturbed by mining is extremely small; in fact, right now in the U.S. more land is being reclaimed than is being used for mineral production. Provision of adequate enenvironmental safeguards in mining today is insured by the requirements of NEPA and other existing federal and state regulatory programs.

REQUIREMENTS FOR MINERAL DEVELOPMENT

Obviously, an ore deposit must be found, delineated and evaluated before it can be developed for production, and years of exploration are required to make the discovery. Modern exploration is very costly, especially in Alaska, and is among the most risky of all business ventures, but nevertheless exploration goes on because current laws allow mining when a suitable deposit is found. Mining, in turn, is a capital-intensive, high-risk and, contrary to popular opinion, not a highly profitable business. New mines are developed because they generally offer a reasonably predictable long-term return on investment. It follows that mineral resource development by private initiative is dependent upon the following basic conditions:

Access to large areas of land for exploration.

The exclusive right under known terms to develop and mine a discovery.

Security of tenure.

Surface transportation access for receipt of supplies and delivery of products.

Without these conditions, the mineral resources of Alaska's public lands will remain unknown and not utilized. By providing these basic conditions, wise management of all resources can be achieved.

It is quite apparent that development of mineral resources is one of the few means available for providing jobs and opportuni-

ties in rural Alaska. At a time when large and expensive efforts are being made by state and federal agencies to encourage self-sufficiency in Alaska, development of a geographically dispersed industrial base is important, and could be provided by industry and the traditional conditions of free enterprise. Incorporation of the basic conditions necessary for mineral resource development as an integral part of an Alaskan land management policy would insure that development of this industrial base is both orderly and timely. Withdrawal of land from exploration appears contradictory and unnecessary.

SOME EFFECT OF PROPOSED WITHDRAWALS

The effects of massive land withdrawals on mineral development can be illustrated by consideration of two areas of Alaska where Kennecott is currently active.

The extent of the Ambler Copper Belt on the south flank of the Brooks Range was unknown ten years ago. Recognition of the existence of this major metalliferous province came as the result of persistent and costl, exploration by Kennecott over a ten-year period, during which an exploration data base was developed from scratch. After another ten years, exploration of most of the belt has not progressed beyond a preliminary stage. Indeed, large segments of the belt which are within d-2 withdrawal areas remain virtually unexplored.

Clearly, the Ambler Copper Belt contains metal resources of great magnitude. Kennecott's Arctic deposit contains drill-indicated reserves of between 30 and 35 million tons of high-grade copper-zinc-silver mineralization. Kennecott's nearby Bornite deposit contains additional significant mineralization. The belt contains numerous untested mineral occurrences, and it is highly probable that other deposits will be identified. As recently as 1974, the Anaconda and Sunshine mining companies announced the discovery of a copper-zinc-silver deposit in this belt 40 miles east of the Arctic deposit. Probably the Ambler Copper Belt contains mineral resources ultimately capable of producing between $200 million and $500 million worth of metal annually.

The metalliferous belt extends westward through the proposed Kobuk Valley National Monument and continues into the proposed Noatak National Arctic Range. Eastward, the belt continues through the two southern prongs of the Gates of the Arctic National Park. These proposed withdrawals contain 40 percent of the Ambler Copper Belt. Withdrawals proposed in Udall's HR 39 would contain 80 percent of the belt. Furthermore, withdrawals, together with the proposed Selawik National Wildlife Refuge effectively box in the unwithdrawn central segment of the belt which contains Kennecott's deposits. Obviously, the development of these deposits would be inhibited if surface access is blocked by the withdrawals as proposed.

Multiple use management of most of the currently withdrawn lands on and around the Ambler Copper Belt, with environmental safeguards provided by existing and proposed laws and regulations, is both reasonable and necessary. Unique scenic areas are limited, and can be protected, while at the same time natural resource values can be determined. Thorough and timely mineral exploration and development would contribute substantially to the prosperity of the Kobuk Valley and Alaska.

The Alaska Peninsula is an example of an area with nearly unknown mineral resource potential that is undergoing renewed exploration activity by Kennecott and other companies.

Prospects in the Iliamna Lake area can be related to several broad geologic features which delineate a major porphyry copper-molybdenum, iron, and precious metal province. In the Chignik area, there is a cluster of base metal prospects which, together with other deposits and metal occurrences in the Unga Island-Port Moeller area, define another, similar metal province. Extension and connection of these metal provinces along the narrow, mountainous backbone of the Alaska Peninsula is logical, and can be supported by continuity of geological conditions and a number of prospects. Coal, oil, and natural gas possibilities are also under evaluation in these and adjacent areas.

The probability for discovery of a major mineral deposit is considered equally good throughout the entire projected metal province from Lake Clark to Unga Island, but time and thorough evaluation will be needed to make this discovery. It is certain that superficial examinations conducted in one or two short field seasons will not be sufficient to reach major logical decisions regarding mineral resource potential or restrictive land classification.

Many of the d-2 land proposals call for addition of land to National Parks or Monuments in which mineral exploration and mining would be prohibited, with potential access to mineral areas eliminated—yet these lands clearly hold excellent mineral potential.

The proposed Iliamna Resource Range, Iliamna Wildlife Range, or Alaska Peninsula Wildlife Range would also effectively lock up large areas, since provisions for mineral exploration and development permits are vague and conflicting, with broad discretionary powers vested in the Secretary of Interior. Increasingly, such discretionary powers are invoked to the detriment of exploration and mineral development.

The Alaska Peninsula is an area where determination of natural resource values is just beginning, and land uses are being established through emerging native corporation ownership and mineral and petroleum exploration. Restrictive classification of this potentially valuable land should be avoided. Scenic values could be protected by existing monuments, a small monument at Aniakchak Crater, and by numerous existing environmental regulations.

RECOMMENDATIONS

Kennecott strongly recommends the application of a multiple-purpose management system to all Alaska lands except for a few extraordinary scenic or recreational areas of limited size. A multiple use management system should incorporate guidelines similar to those promulgated by the U.S. Forest Service to regulate surface use during exploration and mining activity on National Forests. Application of this management scheme incorporating reasonable restraints to protect the surface environment would obviate the need for additional special laws and agencies to manage mineral development on d–2 and other federal land in Alaska. This, together with preservation of our nation's general mining laws will result in an improved minerals management system for all federal land. Incorporation of special minerals management principles for d–2 lands, or for all of Alaska for that matter, appears redundant and unnecessarily complicated.

It is our recommendation that the federal lands in Alaska, with the exception of a few limited scenic or recreational areas, be open and freely accessible for mineral exploration and development under conditions of reasonable tenure and appropriate restraints for protection of the environment. Management of these lands by one of our existing multiple use agencies is clearly the wisest, safest, and most economical means of accomplishing this. Accessibility for exploration and development could provide immeasurable benefits to Alaska and the nation, and in light of the exciting exploration now underway, these benefits may not be too far in the future. Mining operations undoubtedly will require less than 0.16 percent of the d–2 land or any other part of Alaska, and will provide no danger of destroying the beauty of this great state. They will help to suppl' Alaskan self-sufficiency, and will provide th' jobs and opportunities necessary for the) ide and self-respect of all Alaskans. Mining will be good for Alaska, given a chance.

INTELLIGENCE: PUTTING THE CART BEFORE THE HORSE

Mr. CHURCH. Mr. President, in the June 22 editions of the New York Times an editorial appeared on the subject of the current debate over whether intelligence operations in the United States should be consolidated under a single umbrella agency.

The trouble with this debate is that—as the Times points out—it is the wrong one. It is an argument over structural organization rather than a discussion of legislative remedies to insure that intelligence abuses never again take place.

To quote the Times:

As experienced observers of Washington could have predicted, the bureaucracies rose immediately to contend over power and money, the stuff of life in the capital. That battle—obsessive and debilitating—will certainly delay, perhaps even undermine, the effort to achieve legislative controls over intelligence activities.

I commend the Times editorial to my colleagues, Mr. President, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WRONG DEBATE ABOUT INTELLIGENCE

A battle is raging in Washington, fierce as only conflicts over budgets, turf and power on the banks of the Potomac can be. This particular fight involves control of the intelligence apparatus of the United States. Is it to be consolidated under a superdirector of Central Intelligence as the director of the Central Intelligence Agency, Stansfield Turner, is proposing? Or should control continue to be dispersed, with the National Security Agency and the National Reconnaissance Office remaining under the Department of Defense, as the Defense Secretary, Harold Brown, is arguing?

The joining of this issue constitutes the first major debate concerning the intelligence agencies since the Senate established its Select Committee last year. Unfortunately, the questions first posed are not the right ones. The Select Committee was created because after the discovery of widespread and horrifying abuses of power—and of the rights of American citizens—in the conduct of both foreign and domestic intelligence operations. A temporary committee of inquiry under the chairmanship of Senator Frank Church concluded in 1976 that a legislative program to bring intelligence operations firmly within the rule of law was urgently required.

But somehow that urgency seems to have gone the way of an alcoholic's New Year's resolve. Though the Senate did manage to establish a permanent intelligence oversight committee with real power, the test of the will of Congress remains legislation that would define areas of appropriate intelligence activity, limits of authority and curbs on lawlessness.

But the legislation emerging from the committee deals instead with structural reorganization. As experienced observers of Washington could have predicted, the bureaucracies rose immediately to contend

over power and money, the stuff of life in the capital. That battle—obsessive and debilitating—will certainly delay, perhaps even undermine the effort to achieve legislative controls over intelligence activities.

But it is not too late to unhitch the horse and put it before the cart. In its first annual report, the Senate Intelligence Committee promised to produce charters for the intelligence agencies; it should immediately turn to that task. The Church committee left the blueprint for a charter that would limit the C.I.A. to foreign operations, severely restrict and control covert activities, require written approval for operations in order to leave a paper trail to responsible officials, shut down the political intelligence work of the F.B.I. and carefully circumscribe its preventive intelligence activities.

No doubt questions of structure and of the quality of America's intelligence apparatus require attention—as soon as the intelligence activities of the nation have been legislated into conformity with the Constitution and laws of the United States.

(This concludes additional statements submitted today.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 10 a.m. today.

There being no objection, the Senate, at 9:39 a.m. recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore (Mr. ZORINSKY).

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of S. 1529, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1529) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 442

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 442, which the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) and others propose amendment numbered 442.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Mal Sterrett, Matt Scocozza, and Ron Johnson, of the Commerce Committee staff, and Kermit W. Almstedt, of my staff, be accorded the privileges of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAVEL. I ask the same thing for Jerry Gouche.

Mr. DOMENICI. I ask the same for Peter Gold of Senator ANDERSON's staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 10:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:45 a.m. today.

There being no objection, the Senate, at 10:05 a.m., recessed until 10:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NELSON).

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parlimentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. What is the pending business before the Senate?

The PRESIDING OFFICER. Amendment 442 to S. 1529 is the pending business.

Mr. DOMENICI. Mr. President, in my opinion amendment 442 involves two of the more controversial issues that will come before Congress during this session: the possible reconstruction of locks and dam 26 on the Mississippi River at Alton, Ill., and the need to impose a system of reasonable water user charges. This amendment is essentially Senate bill 790, as reported by the Committee on Environment and Public Works, and now pending on the Senate calendar.

This amendment adopts the view of the Committee on Environment and Public Works, and I might add, the view of President Carter, that these two issues, reconstruction of locks and dam 26 and user fees, must be resolved at the same time.

The question which must be resolved, as I see it, is this: How can the Federal Government best promote an efficient inland navigation system that is equitable both to other transportation forms and to the American taxpayer? This is a vital question, and it raises the issue of why inland waterways are the sole exception to the principle that direct beneficiaries must repay a portion of the Federal costs of both water resources and national transportation projects. According to a study by the Congressional Budget Office, the inland waterway system and its users received a Federal subsidy exceeding 40 percent of the industry's revenues. I repeat that: The Federal subsidy in this event exceeds 40 percent of the commercial industry's revenues.

The barge industry, in terms of its growth under these circumstances which I consider to be most favorable treatment, if not the most favorable treatment, has doubled its national market in recent years. If that were achieved strictly through efficiency, it would be commendable. But as significant in this growth has been the existence of the free rights-of-way provided to the industry by the taxpayer, I believe at the expense of competitors, who must either finance their own rights-of-way or pay user taxes toward their construction and upkeep.

I think, Mr. President, throughout this debate, there will be some suggestion that the imposition of user fees will cost the consumer.

There will be all kinds of statements, I assume, credibly made, as to how much.

This Senator in his opening remarks wants to make this point, and I will make it repeatedly. But I firmly believe that ultimately reasonable user fees for the inland waterway system will save the consumers of the United States.

(At this point Mr. MORGAN assumed the Chair.)

Mr. DOMENICI. Mr. President, it is pretty hard to distinguish taxpayers from consumers because in many instances they ultimately end up being the same: when we consider the subsidy which comes from the consumer called taxpayer or when we consider the inefficiency in that mode of transportation and balance that against the other modes of transportation which either succeed or suffer depending on at which one we are looking because they are in this unfair competition.

We have the statement that has been made over and over by Department of Transportation heads and Secretaries of Transportation and, indeed, every President since Franklin D. Roosevelt in 1939, that to balance this mode of transportation across this country we must impose some reasonable share of the cost of the inland system on those who use it.

When we add all those up, I believe it will come out as many economists told us in hearings, that ultimately prospering modes of transportation in competition with this one that gets a free ride will end up benefitting the consumers of America, not hurting them.

Secretary of Transportation Brock Adams put it this way when he testified before the Committee on Environment and Public Works:

The really major point here is that commercial users receive major benefits from Federal expenditures, while the full burden of those expenditures falls on the shoulders of the taxpayers. It is simply not equitable, not just, that profit-making businesses should have this much of their costs met by the American taxpayers.

I emphasize again, "this much of their costs met by the American taxpayers."

Some argue that this is an antibarge amendment, or conversely, a prorailroad amendment.

I can say to the Senate that from this Senator's standpoint, I got involved in this neither with an antibarge sentiment nor a prorailroad sentiment. In fact, I was unaware when I began my involvement in this—that might be incredulous to some—that this had been a longstanding issue between the railroads and the barge companies.

I got involved in it because the committee on which I am ranking member had so diligently, under the leadership of Senator GRAVEL of Alaska, considered over and over again what we should do about the reconstruction of locks and dam 26—and again I use the word "reconstruction" because they have already built this system once. We have already paid for this system once with taxpayers' dollars. We are starting a second goaround. This is the second major facility in this inland system that we are about to reconstruct for the benefit of commercial barge traffic on this system.

I got involved in that and the issue became very clouded as to whether or not we needed it, whether or not we should build it, and other alternatives; should we try some other engineering scheme?

But clearly throughout all of those hearings, the issues began to fix themselves with reference to how much longer we will permit this inland water system, commercially speaking, to go without paying any of its share of the operation and maintenance costs of the system. How much longer will we proceed without letting them pay some share of the reconstruction cost?

Mr. President, I have additional remarks; I will summarize them.

Suffice it to say that the amendment before the Senate, supported by many Senators with diverse constituency, including those who are concerned about the farmers and their export products, basically, in this Senator's opinion, is, No. 1, essential if we are going to ever authorize the construction of locks and dam 26.

It is clear to me that those who do not want locks and dam 26 authorized for reconstruction have many reasons. But obviously, the fact that this system is free and we are going to reconstruct a major facility under a free, totally subsidized system, again, just drags on that locks and dam and almost makes it impossible.

Second, this Senator believes that the President, through his Secretary of Transportation and, I understand, by direct communication with certain Senators, has said that the authorization of locks and dam 26 without an in place, to be implemented, user fee on the inland system to recoup some or all of the tax dollars that go into it, will be vetoed.

Third, this approach, which is a fixed-in approach and which now has a cap, which I will describe shortly, is the best way to handle those who presently rely upon the inland system either for transportation, for their business interests, or for their employment opportunities.

Mr. President, as I said earlier in my remarks, in a very short period of time this mode of transportation has doubled—doubled in tonnage capacity as contrasted with significantly less growth in any other mode.

It is obvious why. Those who are proponents of it can give any reason they want. They can talk about it being economic; they can talk about it being direct; they can talk about it being easy. But the plain and simple facts are that the reason it has grown so much is that it is free. That is it, plain and simple.

My approach in this amendment, cosponsored by the majority member of this committee and some 12 other distinguished Senators from both sides of the aisle, recognizes nonetheless, that even though it is free and should stop being free, we cannot go from free to a major charge instantly without hurting someone.

So what my amendment does is take 18 months from the time it is law for the Transportation Department to go into the field and set schedules and rates. It comes back to us and we have 60 days to veto it by joint resolution in the Congress.

But we have some very important guidelines for the Department of Transportation in this amendment.

First, whatever they do must be implemented in five incremental installments starting in October of 1979. For 5 years thereafter they incrementally impose this fee on the consumer users for only one purpose, that is, to recoup back to the Federal Government the operation and maintenance cost of this system to the taxpayers of America.

That means 18 months. A little more time. Then for 5 years after, those who have relied upon the graciousness of the Federal Government in giving them this free, and they have relied upon it, are given that amount of time to adjust to the incremental imposition aimed at an ultimate goal of 100-percent recoupment of operation and maintenance.

Mr. President, midway through that 5 years, so that no one will think we intend anyone to be arbitrary or that we want to deny hearings or that we want to deny the Secretary of Transportation an opportunity to get the facts, two things occur. The Secretary of Transportation has to have a full review of the economic impact of the first 2 years of such incremental user fees and he must report to Congress on some very specific instructions, including a discussion of its economic impact and its relevancy.

At that time, they will also report as to the recoupment of capital improvement money. Five years from the beginning of this imposition—not next month, not next year, but 5 years from October of 1979—they will begin again to phase in additional fees, in five incremental annual installments, aimed at a goal set by Congress in this bill, if it is adopted, to recoup 50 percent of the capital outlay, annualized, for the inland system.

That means that at the end of 10 years, this fee will reach a point—10 years from October of 1979, incrementally imposed—that the commercial barges will begin to pay to the United States Treasury 50 percent of the annual capital costs that the taxpayers will bear and 100 percent of operation and maintenance.

Mr. President, I have many detailed facts as to what that will mean in terms of various users. I am not going to give those at this point, because I assume they will be raised in the course of debate.

However, it became obvious to me a short time ago, No. 1, that it did not matter how small we made this user fee. The commercial barge companies were not going to give up the free ride. I am certain that if this bill would recoup only 25 percent of what the taxpayers pay for them to use this system, to make money to compete with other modes of transportation that do not have that—no matter what we propose—they would be here in full force, suggesting that somehow their longevity by way of a free ride was equitable, and there is no relationship.

This is not in any way to satisfy them, because I honestly believe that their greed will continue forever; and, in the free enterprise system, I do not blame them for it. But we should call it what it is—an absolutely unequivocal free ride.

Even though I knew that in no way would they ever get off this gravy train, I was concerned, and some other Senators were concerned, because in this system that we are imposing, we have to go out into the field and figure it out. It is a very complicated thing.

There were rumors that it might be 50 cents a ton for American wheat going from Minnesota to New Orleans; $2 a ton. I even heard rumors that it might cost 50 cents a bushel. I cannot blame Senators from farm States that ship on it, from coal States that ship on it, from energy States that ship on it, for being concerned.

So, the last thing we have done in this amendment, in order not to appease the barge owners, for that appeasement is beyond the possible, but to show genuinely that we never intended that this kind of fee be unreasonable, and to prove what we knew would happen, that it would be rather insignificant. This Senator and numerous cosponsors have put a section in the bill that says that in no event, when fully implemented, will this user fee be more than 1 percent of the cost of the commodity being delivered on the system. I do not think that for many hauls and for many products it will even be that. But for those who are concerned, we have worked that out, and that is now in the amendment.

Some might ask how broad this is, and I want to make sure Senators understand what it does not include. It does not include the Great Lakes and does not include any deep ports. This is typically what is known as the commercial barges, and everyone knows what it means. We have excluded in this bill those things that might concern some in terms of relevancy of a user charge.

Some might ask, "Do we do this anywhere else?" I remind Senators that the St. Lawrence Seaway project, which preceded this Senator by many years—and I am sure there are Members of this

body who worked on it for years—is the most recent approach to inland transportation by this country. It is complicated by being international in nature, but it has the same characteristics. The Federal tax dollar maintains it; the Federal tax dollar built it. Since it is a creature of this era, it does contain charges for the commercial users, be they American, Canadian, or otherwise.

For those who are concerned, we did not model this statute on that project, but it turns out that it will be fairly close at the end of 10 years to the kinds of fees charged on that waterway system.

I cite some comparisons: St. Lawrence Seaway tonnages, 54 million; user charges, $25.8 million; inland waterways, estimated $582 million; today's charges, zero. However, if the 1 percent worked out to be the maximum, and if it were what we recovered, it would be $268 million on today's market. No increase in the business and no inflation. They are almost identical in terms of ratios: 54 to 58; 25 to 26. Dropping the zeroes, those would be the relationships of the St. Lawrence Seaway to this proposal.

Transportation Secretary Brock Adams put it this way when he testified before the Committee on Environment and Public Works:

> The really major point here is that commercial users receive major benefits from Federal expenditures, while the full burden of those expenditures fall on the shoulders of the taxpayers. It is simply not equitable, not just, that profit-making businesses should have this much of their costs met by the American taxpayers.

Some argue that this is an antibarge amendment, or conversely, a pro-railroad amendment. That is not its purpose. I have no preference for one mode against another. Neither should U.S. policy.

Something is drastically wrong when we have a situation where Federal taxpayers are subsidizing completely one mode of transportation to the detriment of another. It was revealed to our committee, in testimony, that farmer cooperatives in Iowa had to raise money to keep the Rock Island Railroad alive, while taxpayers funded the barges.

A review of the railroad industry by Isabel H. Benham, senior vice president of the brokerage house of Shearson Hayden Stone, Inc., came to this conclusion:

> The choice is clear. The industry must either succumb to greater governmental regulatory power and possible nationalization or be given the opportunity through governmental action to compete on a more equitable basis with its competition.

Throughout our history, the United States has had a policy under which the taxpayers built and maintained waterways at no cost to the commercial users of the waterways. Over recent years, we have spent some $4 billion to construct waterways, and a like amount to maintain them.

With the proposed reconstruction of locks and dam 26, we are about to start a second-generation of waterway facilities on the upper Mississippi system. It is the time now to determine once and for all whether future costs will be borne by the taxpayers, or shared by the taxpayers and the big barge companies that benefit directly. And make no mistake, there is a major benefit to the barge industry in the reconstruction of locks and dam 26.

According to calculations by the Corps of Engineers, two-thirds of the annual "benefits" from a rebuilt locks and dam 26 are due to "delay reduction." That is a $53,411,000 gift each and every year to the barge operators from the American taxpayers. This amendment, would at least in part, allow that windfall to be shared with the American taxpayers.

A system of waterway user charges will establish greater equity and efficiency among transportation modes, and will help to demonstrate the economic feasibility of new projects on the inland waterways. Cost sharing will lead to a more realistic assessment of the true need for improvements. Something "free" is always "needed." The traffic delays at locks and dam 26 are a direct function of free funding. As long as any system is free, delays and future capacity problems must be expected.

But when it is no longer free, users will focus their attention on those new projects that truly offer a cash return. Once such an improvement is paid for, even in part, by the users, we can be assured that the expense is more likely to be in the Nation's interest. User charges will provide a real-world market test of a proposed project. If the users are willing to repay a portion of the cost of the project—as they do for highways and irrigation projects and hydropower projects—then the Congress can, with far greater confidence, assume the project is economically viable.

It is sometimes argued that it would be unfair to impose this cost now, after the decades of free funding. Let me explain how this amendment works, and how I believe it presents a fair approach to the problem.

The barge industry has testified that there was need for more study before action was taken to implement a waterway user charge. I urge my colleagues to review this amendment, together with Senate Report No. 95–215 on S. 790 and they will find numerous safeguards built into this legislation to protect the interests of the waterway industry and the public. It establishes a ceiling of 1 percent on user charges, relative to the delivered price of commodities carried on the waterways. It provides a safety valve protecting marginal waterways from economic hardship. It applies only to commercial, shallow-draft vessels; it does not apply to recreational vessels, which already pay a fuel tax, nor does it apply to international traffic. It would not apply to the Great Lakes. It would not apply to waterways that are not operated and maintained by the Federal Government, such as the New York State Barge Canal, which is operated by the State of New York. And it would not take full effect until fiscal year 1989.

Under this amendment, after the decade-long phase-in, user charges would collect 100 percent of the annual operation and maintenance costs and 50 percent of the new construction costs for the inland system.

By January 1, 1979, administrative regulations establishing a specific user charge schedule will be submitted to the Congress for review. Prior to that time, the Secretary of Transportation, in consultation with the Secretary of the Army, is given 10 months to study alternatives and to publish preliminary user-charge regulations. This process is an open one, allowing for hearings and public comment.

In setting fees, the Secretary will be expected to utilize techniques such as licensing fees, congestion charges, ton-mile charges, lockage fees, capacity fees, or any other equitable combination of these alternatives. These charges must be set, as I have noted, so they do not impose any unreasonable economic burden on the users of any specific waterway segment.

Once final regulations are submitted on January 1, 1979, a period of 60 days is provided to give the Congress an opportunity to review the charges and their impact, and to disapprove or pass legislation to amend the regulations. Other studies can and should be completed in the same time frame to provide data to assist the Congress in proceeding at that time. This period for congressional review allows time to examine the actual effects on waterways users and the balance between competing forms of transportation.

And there is a further check to assure fairness. Three years after the charges go into effect, the Secretaries of DOT and the Army will report on implementation, providing the Congress with information necessary to make a possible midcourse correction, if that is appropriate.

If the regulations are not disapproved, the charges would take effect October 1, 1979, under this amendment.

Some of my colleagues have argued that it is "irresponsible" for the Senate to consider delegating the user charge issue to DOT. I would agree if the Senate told DOT "go collect user charges, and we will forget about it." That is not what this amendment does. This amendment allows the waterway users and operators to determine the fairest charge system. All Congress should do is to set a level of charge that is reasonable and how it is to be phased in. This flexibility, with the congressional veto, provides the best possible procedure, allowing full input by the barge industry and their customers.

When Congress tells water users of a dam they must repay the cost of the water supplied, Congress does not legislate the cost per cubic foot of water used. We do not set hydropower rates, except to say they must cover costs. This amendment gives very specific guidelines to the Secretary. It says exactly what portion of Federal expenditures must be collected yearly. It tells DOT what forms of collection to use, such as license fees, lockage fees, and congestion tolls. It tells DOT to send the regulations back to Congress for review. And it says report again after 3 years for a midcourse correction. I doubt if many laws we enact are so replete with checks and balances.

Mr. President, to clarify those points, I ask unanimous consent to have printed in the RECORD the schedule of charges,

as they are to be phased in, based upon estimates of the Corps of Engineers that it spent $140,000,000 for operating and maintaining the inland waterways and $240 million for inland waterways construction during fiscal year 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal year	Operation and maintenance percentage	Construction percentage	Estimated dollar revenues
1978	(1)		
1979	(1)		
1980	20		$28,000,000
1981	40		56,000,000
1982 [2]	60		84,000,000
1983	80		112,000,000
1984	100		140,000,000
1985	100	+10	164,000,000
1986	100	+20	188,000,000
1987	100	+30	212,000,000
1988	100	+40	236,000,000
1989 and thereafter	100	+50	260,000,000

[1] No recovery.
[2] Study due to advise Congress on impact of initial phase-in.

Mr. DOMENICI. Mr. President, we know what the costs will be of this amendment. But what about the impacts? I believe I can demonstrate clearly that they will be negligible, much to the contrary of the propaganda by the barge industry. Because of the 1-percent cap, the maximum charge on a $3 bushel of grain could be 3 cents. There have been numerous recent studies on waterway user charges and their impact to show that the impact will often be much less.

The 1973 report of the National Water Commission recommended user charges. The September 1975, study of National Transportation Policy by Transportation Secretary Coleman concluded that user charges were necessary. A November 1975, report by the General Accounting Office found only minimal impact and many benefits from imposition of user charges. The Department of Transportation's June 1976 Study found that—

Predictions of substantial, generalized impacts on water carriers as the result of user charges appear unsupported . . .

A December 1976, study for the Corps of Engineers, "Potential Impacts of Selected Inland Waterway User Charges," determined there was little noticeable effect on most waterways from cost recovery systems.

The most thorough review of this subject was a three-volume report issued in March of this year by the Department of Transportation, which I shall be discussing later. Nearly every reputable economist favors user charges. One of them, William Vickerey, professor of political economics at Columbia University and a leading transportation economist, told our Committee on Environment and Public Works that:

User charges are not costs to the society. They are transfers. Any revenue that is obtained by user charges is going to be used in some other way to reduce taxes somewhere else. The net effect is going to be to benefit consumers.

Harry Gobrecht, director of transportation and physical distribution of the U.S. Gypsum Co., which ships both on company owned barges and by rail, was asked during committee hearings if user charges would "have a big negative impact on your overall company's transportation costs?" He responded:

No. I firmly believe, and the reason I am here, is that with imposition of the user charges, it is going to have the effect of allowing the railroads to compete more equitably throughout the United States. I believe that if this occurs, there is going to be an advantage in railroad freight rates that will far offset the modest increases in the imposition of the user charges.

But what about the barge users? Their response, typically, goes this way: "We need more study, endless study." The opponents of this amendment argue for more study. What better study could there be than the action-forcing DOT regulations, with a congressional veto. This guarantees that it will not be a "paper" study. The same persons who are favoring more study of waterway user charges objected to an 18-month study on the possible rehabilitation of locks and dam 26. I believe the argument against another waterway study is even more valid.

Robert F. Stauffer, general counsel, National Coal Association, testified:

If user charges are imposed, we certainly see the cost of about 125 million tons of coal going up.

That sounds ominous, until one examines facts. DOT found that—

Overall impacts of user charges on final delivered price (of coal) are minimal and less than five percent of barge rates.

They estimated user charges at 11 cents per ton. Will that hurt the market for $20-a-ton coal?

That price of coal had risen 125 percent over the last 3 years, with coal demand still on the rise. If a 125-percent price increase had not damaged coal usage, how can my colleagues succumb to the belief that an added cost of less than 1 percent—after 10 years—can damage the coal market? How can it be expected to damage the coal business when half the coal traffic is controlled by 2 companies with combined annual revenues of $1.5 billion and ownership of 3,000 barges?

My colleagues must also recognize the great variation that already exists in freight rates on the waterways. Variations occur both by segment and by season. Grain rates in late summer typically run three times the levels charged in the spring. The percentage effect of this amendment is far below any such variations.

Another argument by the barge industry is that we must promote waterway usage because it is so energy efficient, regardless of other factors. But that is not true. A study by the University of Illinois found that "rail is 10 to 23 percent less energy intensive than barge." This was based on average train movements. Point-to-point unit trains are nearly twice as efficient as barge movements.

Questions have also been raised as to whether this amendment imposes a "tax." It does not. It establishes a "user charge" similar to that used to recover the costs of Federal hydropower projects, water supply projects, recreational developments, or grazing fees. Water supply cost-recovery is not a tax. Recreational and grazing fees are not taxes. User charges under this amendment are charges based on the cost of making the service available. The scope of this amendment is limited to a percentage of the costs of the inland waterways operated and maintained by the Federal Government. Those who do not receive the service, do not pay.

The Congressional Research Service examined this issue at my request and concluded: "While no definitive determination can be made as to the constitutionality of this legislation other than by a judicial body, the weight of these cases, cited by the waterways industry, would appear to support the validity" of an amendment such as this one.

I would also note that there is an automatic provision in this amendment that will reduce the user charges collected by the amount of any fuel tax or other special tax imposed on the commercial barge companies using the inland waterway. This automatically assures against double charges.

Before closing I would like to make a few comments about locks and dam 26, and its proposed replacement with a new dam and a single, 1,200-foot lock. I am not as convinced as some of my colleagues are of the need to replace it. The structure is not in danger of collapse. Nor is it at its capacity. The Department of Transportation, logically assuming a continued trend to larger, more efficient barges, and operational improvements, estimates capacity at the present locks "prudently in the range of 75 to 85 million tons per year."

But I am willing to accept the counsel of my colleagues that its reconstruction is needed, so long as a system of user charges are included.

Mr. President, I would conclude with this thought. The barge industry has received a free-ride from the taxpayers for decades, while its competition paid its own way. I believe that such an imbalance is unfair to American taxpayers and unfair to competiting modes. This amendment will correct that imbalance. I recommend its adoption.

Mr. GRAVEL. Mr. President, I support amendment 442.

The Committee on Environment and Public Works has considered the issue of locks and dam 26 and waterway user charges in great detail, beginning with an onsite inspection of the project at Alton, Ill., in 1975.

We continued with 5 days of hearings in the summer of 1976. We heard all viewpoints. While the issue of waterway user charges was not formally before us at that time, many of the witnesses expressed strong feelings relative to that subject. In fact, I believe in 1975, in speaking to a waterway user convention, I indicated that some day Santa Claus would stop bringing them all the beneficence they have experienced. That some day I think is now. As a result of the efforts of the Senator from New Mexico we are undertaking what, in my mind, is a very, very just action.

This year the Subcommittee on Water Resources had still another series of hearings, this time on locks and dam 26 and on user charges. Four days of hearings were devoted to these topics.

As chairman of the subcommittee, I wish to express my strong conviction that the amendment offered by Senator DOMENICI is the only reasonable approach to the issues of locks and dam 26 and the waterway user charges.

The amendment is very similar to the bill reported from the Committee on Environment and Public Works last month. The only major change is the additional language assuring that no user charge will be above 1 percent of the average price for that commodity

This language, as stated by my colleague, should allay the fears of anybody in the agricultural industry that they would be bearing an unfair burden or would be taxed unfairly on their commodities as they attempt to get them to market.

Locks and dam 26 needs replacement. Locks and dam 26 is the choke point of the entire Mississippi River. Were those locks and dam to fail—and that possibility exists since we have some structural deficiencies—all of the traffic on the Mississippi River feeding that great part of the United States and the traffic going into the Great Lakes system on the Illinois River would be shut down.

I think it is imprudent on the part of Congress and this Nation not to move forward with the reconstruction of that particular facility.

I think it is apropos, since that facility is the choke point of the entire river system, and since the barge industry is the main user of that river system, that we should couple together, as has been done in this amendment and as the committee attempted to do, the fees that would be charged for the barge industry with the replacement of locks and dam 26.

I think it is a very proper marriage. There are those who will speak out against the user fees that have been put forward which, I think, any reasonable person has to accept as proper and moderate. I say moderate because the fees for operation and maintenance start 2 to 3 years from now, essentially in 1980, and go forward at a rate of 20 percent the first year, 40 percent the second year, 60 percent the next year, 80 percent the next year, and then 100 percent 5 years hence. The fees for recoupment of capital go forward at 10, 20, 30, 40, and 50 percent. After these fees are in place in 1990, the Federal taxpayer will still be paying out as a grant some of the cost for the capital improvements of our waterway system.

Certainly this use charge is not too much to ask. This charge has been the product of numerous studies. The Water Commission study in 1974 recommended, whenever possible, to clear the accounts, to have an intelligent economic determination within our economy. It recommended that whenever it is possible to clearly affix the cost of doing something with respect to water, we should affix it so that those who are the chief beneficiaries are those who pay the costs.

In this particular case it is the products that are shipped on our water systems that will bear the cost of the improvements. This will be translated into the marketplace, and that is as it should be. The person who buys a bowl of cornflakes or a bowl of wheaties or any other commercial item which travels on our waterway systems has a transportation cost involved. There is no reason why the person who buys those cornflakes should not pay the minuscule amount involved in bringing those cornflakes to the breakfast table.

There is nothing unusual or unfair about that. In fact, it is abundantly fair. It is the way our free enterprise system works, and that is the way it should work. There is no reason why this type of economic activity should be diffused into the entire tax base of this Nation.

There are many costs that do need to be diffused broadly, but certainly this kind of economic activity is not one of them and, particularly, when this kind of economic activity competes with other forms of transportation that do pay a fair share of the capital improvements produced by the Federal Government for their benefit, meaning our highways and our railroads.

So I would hope that those who address themselves to this issue would be moderate in their approach. I would hope that we could dispatch the subject in a reasonable period of time.

I do want to place in the RECORD a letter to the majority leader from Brock Adams, who is speaking in behalf of the President. I think it is generally known that the President of the United States, Jimmy Carter, will veto this bill if it comes to his desk with locks and dam 26 and without a system of user fees.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 20, 1977.

ROBERT C. BYRD,
Majority Leader,
U.S. Senate
Washington, D.C.

DEAR SENATOR BYRD: As you are aware, I testified on May 2, 1977, before the Water Resources Subcommittee of the Senate Committee on the Environment and Public Works concerning the position of this Administration on the issues of Lock and Dam 26 and Waterway User Fees. I indicated that the Administration strongly favored the imposition of a user fee system, to be imposed gradually over five years, which would recoup 100 percent of waterway operating and maintenance costs and all or a substantial portion of new construction costs. Federal expenditures on waterways through the Corps of Engineers and the Coast Guard are now approaching $1 billion a year. Commercial waterway users are thus receiving a major benefit from these Federal expenditures, while the full burden of those expenditures falls on the shoulders of the taxpayer. It is simply not equitable, not just, that large, profit-making businesses should have their costs met by the Federal government to this extent.

I further indicated that it was the position of the Administration that before any new lock and dam facilities are authorized at site 26 in Alton, Illinois, an 18-month engineering field testing effort should be undertaken concerning the possibility of rehabilitating the existing lock and dam facility and expanding the lock capacity to 1200 feet. We believe, through new engineering techniques, that rehabilitation is a viable possibility that deserves very serious consideration since it could cost considerably less taxpayer money than construction of a new lock and dam. In view of the fact that Department of Transportation studies indicate that a 1200 foot lock capacity will not be necessary until at least 1990, and the fact that construction will require 8 to 11 years, there is ample time for the rehabilitation possibility to be properly explored. Repairs on the existing lock and dam are now being undertaken that will assure that the facility can function safely until any rehabilitation or construction is completed.

As you know, however, the Senate Environment and Public Works and Commerce Committees have reported a bill (S. 790) at some variance with this position. While the Public Works version contains a user fee provision, it would also authorize a new lock and dam. The Commerce Committee voted in favor of authorizing a new lock and dam and to have DOT study user fees over 18 months.

Because of the importance of this legislation to overall transportation planning and because of its impact on the President's efforts to balance the budget, I feel I should inform you and the Senate of the President's very firm intention to veto any bill authorizing construction of a new Lock and Dam 26 prior to completion of the 18-month field test which does not also contain a provision for the establishment of waterway user charges.

I am hopeful that, working within this constraint, we will be able to enact legislation satisfactory to the various interests involved, and I look forward to working with you in this regard. I would be happy to meet with you at any time to review the basis for the Administration's views on this matter.

Sincerely,

BROCK ADAMS.

Mr. GRAVEL. Now, everybody except the environmentalists are for the replacement of locks and dam 26, and I think that is sound.

But let me caution that this bill is going to be vetoed. It will be easy to veto, because it is the kind of bill that so often, in my mind falsely, is accused of being a pork barrel. Well, to my mind, these are capital improvements that must be made in our waterway system of the Nation.

But I can assure you in a political shootout between the President and Congress on this issue, it will be very easy for him to shoot us down if he so desires.

So I would hope Congress would be aware of this and would vote to couple these two items together so that we can take them to the House in conference.

Again let me state I can understand that some will oppose the user charges. I will be very attentive to the arguments as to why this segment of American industry should not bear its fair burden of benefits that are received from the taxpayers.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I know that other Senators want to be recognized, and I will only take a moment.

I ask unanimous consent that Rick Herod of the Committee on Environment and Public Works staff, and John Bacher and Mary Goedde of Senator HAYAKAWA's staff be granted floor privileges.

The PRESIDING OFFICER (Mr.

HART). Without objection, it is so ordered.

Mr. NELSON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DOMENICI. I would be pleased to yield.

Mr. NELSON. Mr. President, I ask unanimous consent that Jeffery Nedelman of my staff be permitted the privileges of the floor during the consideration of the pending legislation and the votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, will the Senator yield for a similar request?

Mr. DOMENICI. I yield.

Mr. STEVENSON. Mr. President, I ask unanimous consent that Cathy Shepard of my staff be permitted the privileges of the floor during the debate and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Stuart Brahs of my staff be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 499

Mr. DOMENICI. Mr. President, I have a modification to my amendment that is unprinted, and I send it to the desk. It is a technical amendment, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will state the modification.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the technical modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

The modification is as follows:

In submitted amendment No. 442, in section 303(a), strike:

"The Secretary of Transportation is also required to establish the scale of user charges under this section so that, even after full implementation of this section, no user charge affecting a particular shipment exceeds 1 percent of the value of that shipment, including transportation costs."

and substitute the following:

"The Secretary of Transportation is also required to establish the scale of user charges under this section so that, even after full implementation of this section, no user charge affecting a particular type of shipment exceeds 1 per centum of the value of such shipment, including transportation costs, based on recent average prices.".

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I have a letter signed by various Senators that was printed yesterday in the RECORD.

I ask unanimous consent that it be printed in the RECORD again and I call to the attention of the reporter that Senator MUSKIE's signature was misread and he is the signator, not Senator JOHN DURKIN.

If that can be corrected, I ask unanimous consent that it be so corrected, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., June 21, 1977.

DEAR COLLEAGUE: Today we introduced an amendment that we will present during the debate on S. 1529, the Omnibus Water Resources Bill. This amendment accomplishes three things:

1. It authorizes the immediate reconstruction of Locks and Dam 26, at an estimated cost of $421 million.

2. It authorizes an administrative process to develop, subject to Congressional veto, a system of waterway user charges that would be phased in over a decade, beginning in fiscal year 1980. There also is a specific limitation in the amendment stating that no user charge, even after the full 10-year phase-in, can be set at a level greater than 1 per cent of the delivered value of the commodity, a limitation that we believe protects shippers and consumers alike.

3. It authorizes the development of a master plan for the Upper Mississippi River system.

The interrelated questions of Locks and Dam 26 and waterway user charges need to be resolved. The transportation balance of this nation requires such a resolution. The Administration supports such a balanced approach. We believe that this amendment provides a fair and effective way to resolve these issues this year, providing assurances of the timely construction of Locks and Dam 26, while treating the American taxpayer and other modes of transportation fairly and reasonably.

We hope that you will support this amendment when it is raised during debate on S. 1529. We would welcome your cosponsorship.

Sincerely,

Dick Clark, Gaylord Nelson, Mike Gravel, Bill Proxmire, Robert Stafford, John Chaffee, George McGovern, Peter Domenici, Wendell Anderson, Ed Muskie, Malcolm Wallop, Jim McClure, John Culver.

UP AMENDMENT NO. 500

Mr. NELSON. Mr. President, I send to the desk an amendment, which I understand is acceptable to the manager of the bill, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes unprinted amendment No. 500.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 308 add a new section as follows:

SEC. 309. The Secretary of the Army, acting through the Chief of Engineers and on consultation with the Secretary of Transportation, shall within 120 days of the date of enactment of this Act, promulgate final regulations in the Federal Register implementing nonstructural improvements designed to minimize congestion, and thereby extend the useful economic life of all locking facilities on the Illinois River and Mississippi River. Such improvements shall include, but shall not be limited to, specifications covering tow size and configuration, lockage priorities, traffic scheduling, and lockage aids such as switchboats.

Renumber subsequent sections accordingly.

Mr. NELSON. Mr. President, this amendment requires that the Secretary of the Army, in cooperation with the Secretary of Transportation, shall, within 120 days of the date of enactment of this act, promulgate final regulations in the Federal Register implementing nonstructural improvements at all locking facilities on the Mississippi and Illinois Rivers. This language is designed to minimize congestion and delays and thereby extend the useful economic life of these navigational facilities.

There are delays in navigating locks and dams throughout the Mississippi and Illinois river system. The delays at locks and dam No. 26 grow worse as the Midwest grain crop is harvested and barges laden with grain begin their shipment to New Orleans and the gulf coast. There is dispute surrounding the average amount of time consumed by these delays, but there is no dispute that such delays cost shippers, farmers, and consumers money. Furthermore, there is no dispute that certain actions can be taken, certain procedures used, to minimize the delays now.

There is no doubt that techniques exist to substantially reduce the delays that are commonly experienced at locks and dam No. 26 and at other locks throughout this river system. Techniques commonly used by the corps on the Ohio River should be in place on the Mississippi and the Illinois.

Almost 2 years ago, in July 1975, the corps received a final report—a report contracted by the corps from the Peat, Marwick, Mitchell and Co. entitled "Evaluation of Operational Improvements at locks and dam No. 26, Mississippi River." The corps had called on the Peat, Marwick, Mitchell and Co. to: First, analyze the current traffic situation, second, using the corps' growth and capacity estimate, anticipate future problems, and, third, make recommendations concerning how this growth might be more efficiently handled given the capacity of the existing structure.

The conclusions of this consultant's report—a report that is based upon field testing, not simply "paper analysis"—are startling. The Peat, Marwick, Mitchell and Co. report states that for approximately $3.7 million invested over a 10-year period, a total of $40.7 million worth of benefits—benefits primarily derived from reducing delays—could be achieved. In July 1975, these series of recommendations had a benefit-cost ratio of 28 to 1; that is, for every dollar the Government puts in, it gets back 28.

The improvements covered by the "nonstructural" definition include, but are not limited to, "ready to serve" barges. In this case, the tows enter the lock in a configuration 105 feet wide, 595 feet long. Most barges and tows are now 105 feet wide and 1,195 feet long. If barges are not "ready to serve" these must be double locked. This means a 1,195-foot long barge enters a 600-foot long lock and must be broken in half. The front part is then winched out and the second half is navigated through the facility. This procedure consumes between two to three times the amount of time required for a "ready to serve" barge.

Barge scheduling, traffic management, and the use of switchboats are other techniques used throughout the inland navigation system that can and should be adopted to the Mississippi and Illinois.

Once congressional action has been completed on the authorization for the replacement and once Judge Richey has settled the question of the adequacy of the environmental impact statement, then the corps will begin its 8-to-10-year construction program. During this period, the delays will only grow worse, costs to shippers and consumers will only increase. Therefore, there is no reason why the corps should not do everything possible to implement nonstructural methods to minimize delays.

This amendment simply orders the corps to implement proven mechanisms that will substantially reduce delays while the replacement facility is under construction.

Mr. President, I will just read the amendment, which is very short. The amendment provides that:

> The Secretary of the Army, acting through the Chief of Engineers and in consultation with the Secretary of Transportation, shall within 120 days of the date of enactment of this Act, promulgate final regulations in the Federal Register implementing non-structural improvements designed to minimize congestion, and thereby extend the useful economic life of all locking facilities on the Illinois River and Mississippi River. Such improvements shall include, but shall not be limited to, specifications covering tow size and configuration, lockage priorities, traffic scheduling, and lockage aids such as switchboats.

Mr. President, a study was done at the request of the Corps of Engineers on the question of traffic at the dam.

The study was done at the request of the Corps of Engineers by Peat, Marwick, Mitchell & Co., entitled "Evaluation of Operational Improvements at Locks and Dam No. 26, Mississippi River."

The corps itself had called on the Peat, Marwick, Mitchell & Co. to: First, analyze the current traffic situation; second, using the corps growth and capacity estimate, anticipate future problems; and, third, make recommendations concerning how this growth might be more efficiently handled given the capacity of the existing structure.

The conclusions of this consultant's report states that for approximately $3.7 million invested over a 10-year period, a total of $40.7 million worth of benefits, benefits primarily derived from reducing delays, could be achieved.

If a new dam is going to be built, the current dam will have to be used for 8 to 10 years, and implementation of these recommendations would reduce the delay time at the locks and dam No. 26.

So, it is a necessary procedure to go through to handle traffic for the next 8 to 10 years while the new dam is being built.

The cost-benefit ratio in a July 1975 study was concluded to be 28 to 1.

Mr. DOMENICI. Mr. President, I commend the Senator bringing his amendment to the floor.

I simply say for the benefit of the Senate that, if the commercial barge owners had their way, we would not even get this. They get to use these free. But they do not even want anyone telling them when they should schedule the use of the free system.

In fact, a study would indicate that the congestion caused by not being able to adequately control the flow of barges at just this lock costs the barge company $42 million a year in lost time, which is one of the reasons we are prompted to build the new structure for $450 million or $500 million so that they can get through quicker.

The Senator is saying at any event while we are doing all this, discussing and talking about user fees, we are authorizing the Corps for the first time to get involved in the business of scheduling with teeth rather than leaving it up to the barge owners who do not even want us to inquire as to why they wait so long and why they do not schedule differently; it is just their domain.

So I commend him for it, and from our side we will be glad to accept it.

Mr. GRAVEL. Mr. President, I am willing to accept the amendment.

Mr. NELSON. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. RIBICOFF. I thank the distinguished manager of the bill. Mr. President, may I have his attention for a colloquy for a few minutes?

Mr. GRAVEL. Yes.

Mr. RIBICOFF. Mr. President, I note with concern that section 102 of the measure before us authorizes the U.S. Army Corps of Engineers to undertake the so-called phase I design memorandum stage of advanced engineering and design for two water supply projects in Massachusetts—the Millers River Basin project and the Northfield Mountain project. I voice my particular concern over this authorization as these two projects involve the diversion of water from the Connecticut River.

While I can appreciate the need of the metropolitan district commission of Massachusetts to locate viable sources for its water supply, the diversion of water from the Connecticut River could have disastrous economic and environmental ramifications for many communities in the Connecticut River Valley, both in my State and in Massachusetts.

For far too many years the Connecticut River has been the dumping ground for domestic sewage and industrial waste. The greater the water flow in the river, the more these wastes are diluted and removed. However, the diversion of water from the river will reduce the flow during certain seasons and the concentration of wastes will have a serious impact on the river's ecosystem as well as recreational use of the stream.

I am informed by the Corps of Engineers that it presently contemplates that both of these projects would utilize water only during periods of high flow—at a flow rate of 17,000 cubic feet per second. However, these high flows result in a certain self-cleansing process during which many of the suspended solids in the river are removed. I understand that, if there is a decrease in the river's flow, there will be additional settlement of the solids, resulting in despoliation along the banks and bottom. This condition creates the potential for additional flooding.

Although the Corps of Engineers has prepared an environmental study of these projects, I have been advised that this report does not sufficiently evaluate the potential impact of a diversion. Serious questions remain about the effect of the diversion of waters from the Connecticut River on the region, particularly as an analysis conducted by the Essex Marine Laboratory emphasizes that much more knowledge and understanding of the Connecticut River estuary is required before a thorough assessment of possible adverse effects of diversions from the Connecticut River could be accomplished. Inasmuch as the corps' environmental statement is based primarily on the Essex Marine Laboratory's assessment, it would appear that its report is incomplete.

Mr. President, I wish to also advise my colleagues that almost a year ago the New England River Basins Commission, in its 1976 priorities report to the Water Resources Council, specifically removed the Northfield Mountain and Millers River Basin projects from its priority list. This action was taken after the Connecticut representative to the commission objected to the inclusion of either of the projects in the priorities report. This move was taken after the Connecticut Assembly adopted a resolution opposing a Connecticut River diversion. The Massachusetts representative to the Commission concurred in this action and noted that "we feel it would be unwise for NERBC to give priority to studies that encourage such diversion."

Mr. President, I ask unanimous consent that the text of the Connecticut Assembly's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD. as follows:

"SENATE JOINT RESOLUTION NO. 4—RESOLUTION OPPOSING CONNECTICUT RIVER DIVERSION

"Resolved by this Assembly:

"Whereas, the General Court of the Commonwealth of Massachusetts has authorized the Boston Metropolitan District Commission to construct water supply diversion facilities from Northfield Mountain in Franklin County, Massachusetts to the Quabbin Reservoir for the express purpose of diverting out-of-basin three hundred seventy-five million gallons a day of Connecticut River spring freshet waters; and

"Whereas, a report prepared by the United States Army Corps of Engineers entitled 'Northeastern United States Water Supply Study' recommends not only the Connecticut River diversion via Northfield Mountain but also a diversion project of sixty-eight million gallons a day from the Miller's River basin, a tributary of the Connecticut River; and

"Whereas, the State of Connecticut holds the Connecticut River to be one of its

greatest and most valuable resources for water supply, water pollution control, navigation, recreation, fish and wildlife, and maintaining the ecology of the river and its estuarine resources; and

"Whereas, a report by the Capitol Region Planning Agency (now the Capitol Region Council of Governments) anticipates that the greater Hartford Metropolitan District Commission will have to turn to the Connecticut River as source of water supply between 1990 and 2000; and

"Whereas, the State of Connecticut and its subdivisions have riparian rights to the waters of the Connecticut River, an interstate waterway; and

"Whereas, the Commonwealth of Massachusetts has neither sought the consent of, agreement with, or offered quid pro quos to the State of Connecticut for implementing proposed out-of-basin water diversions.

"Now, therefore, be it resolved, that the members of this Assembly oppose the diversion of the waters of the Connecticut River and the Millers River, or any other tributary of the Connecticut River, by the Boston Metropolitan District Commission or any other agency; and

"Be it further resolved, that this assembly urges the State's Attorney General's office and the State's Department of Environmental Protection to forcefully represent and assert the state's riparian Interests to the Connecticut River in these and any other water diversion issues before any state, interstate, or federal agency, commission, and court; and

"Be it further resolved, that the clerks of this Assembly cause a copy of this resolution to be sent to the Governor, the Attorney General, the Commissioner of Environmental Protection, Massachusetts Governor Michael Dukakis, Secretary Evelyn Murphy, Massachusetts Executive Office of Environmental Affairs, R. Frank Gregg, Chairman, New England River Basins Commission, Lt. Gen. W. C. Gribble, Jr., Chief of Engineers, United States Army Corps of Engineers, and Kenneth F. Plumb, Secretary, Federal Power Commission."

Mr. RIBICOFF. Mr. President, Governor Ella Grasso of Connecticut has voiced her deep concern over the long-range impacts of any diversion of Connecticut River waters. In a recent letter to me Governor Grasso has declared that—

It is my strong belief that this authorization should not be allowed unless it carries with it a proposal for a full environmental review and an analysis of the long range impact of river diversion on affected states.

Mr. President, I ask unanimous consent that the full text of Governor Grasso's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
Hartford, Conn., June 21, 1977.

Hon. ABRAHAM A. RIBICOFF,
Russell Senate Office Building,
Washington, D.C.

DEAR ABE: It is my understanding that the Senate Wednesday is expected to consider an authorization to the Army Corps of Engineers to conduct a reevaluation of the cost of diverting water from the Connecticut River to tho Boston area.

As you know, the State of Connecticut has indicated its strong concerns that all environmental and other long range impacts of the diversion be studied prior to any precipitous action on the diversion project. This phflosophy, also, was underscored by a joint Massachusetts-Connecticut priorities report of the New England River Basins Commission (NERBC) which stated that action on the diversion should await detailed evaluation of all impacts.

I am disturbed that the authorization before the Senate will constitute the first of several phases designed to implement and construct facilities to divert Connecticut River water.

It is my strong belief that this authorization should not be allowed unless it carries with it a proposal for a full environmental review and an analysis of the long range impact of river diversion on affected states. This study should be conducted jointly by the Corps and the NERBC. It should involve, as much as possible, the participation of the states along the river basin.

It is important that these evaluations be made, and made prior to any firm commitments that could lead to construction of diversion facilities. I remain concerned about the long range importance of developing a prudent diversion policy and I believe that authorizations targeted only at cost considerations would be shortsighted.

I urge your support in this matter.

With best wishes,

Cordially,

ELLA GRASSO,
Governor.

Mr. RIBICOFF. Mr. President, earlier this year I received considerable correspondence from various Connecticut officials and groups, voicing their deep concern over and opposition to any diversion of the Connecticut's waters. Included were a joint statement of the Connecticut River Committee, a resolution of the Court of Common Council of Hartford and letters from officials of the town of Windsor, the town of Portland and the town of West Hartford. I believe these comments warrant our colleagues' careful attention and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF HARTFORD,
Hartford, Conn., March 29, 1977.

This is to certify that at a meeting of the Court of Common Council, March 28, 1977, the following RESOLUTION was passed, as amended.

Whereas, Northeast Utilities and the Massachusetts Metropolitan District Commission are now working to implement plans to divert water from the Connecticut River at the Northfield Mountain pumped storage project for use by communities outside the river basin; and

Whereas, The decision to divert is being made without consulting Valley communities and despite strong opposition from them; and

Whereas, Present and future water needs of Connecticut Valley communities have not been determined; and

Whereas, The Connecticut River system has not been studied to determine the amount of water that can be withdrawn on a daily and annual basis without damage to it; and

Whereas, The Massachusetts and Connecticut Steering Committees for the Connecticut River Valley are requesting that the Federal Power Commission not grant Northeast Utilities a license amendment which would enable Connecticut River water to be diverted at Northfield until comprehensive studies demonstrate the appropriateness of the impending action, and until a satisfactory regulatory body exists which would monitor and manage the River in the interests of present and future generations of the Connecticut River Valley; now, therefore, be it

Resolved, That the Hartford Court of Common Council go on record as being opposed to diversion of Connecticut River water at Northfield until adequate diversion studies are completed and until a competent River management system is established reflecting Valley interests; and be it further

Resolved, That the Hartford Court of Common Council go on record as fully supporting the request of the Massachusetts and Connecticut Steering Committees for the Connecticut River Valley; and be it further

Resolved, That the Hartford Court of Common Council urge the Federal Power Commission to conduct public hearings in the Connecticut Valley whenever such license amendment to divert water at Northfield is applied for; and be it further

Resolved, That the Hartford Court of Common Council respectfully request that the Federal Power Commission waive its usual formal regulations for public hearings and conduct these hearings in such manner as to permit informal testimony by Valley residents and communities so that their views can be aired; and be it further

Resolved, That the Town Clerk is hereby instructed to forward a copy of this resolution to the Federal Power Commission, The National Water Resources Council, The Environmental Protection Agency, The Advisory Commission on Intergovernmental Relations, The New England River Basins Commission, Governor Ella Grasso, The Connecticut Congressional Delegation, The Massachusetts Steering Committee on the Connecticut River, and the Connecticut Steering Committee on the Connecticut River, the Hartford Commission on the City Plan and the Hartford Flood Control Commission; and be it further

Resolved, That the Hartford Court of Common Council hereby requests that the City Manager in conjunction with the Corporation Counsel take all necessary and appropriate action to protect the general welfare of the residents of the City of Hartford from Northeast Utilities and the Massachusetts Metropolitan District Commission who are attempting to divert water from the Connecticut River; and be it further

Resolved, That the Hartford Court of Common Council further requests that the City Manager and the Corporation Counsel keep Council informed, on a regular basis, as to what steps they are taking in this regard.

ROBERT J. GALLIVAN,
City Clerk.

JOINT STATEMENT ON THE ISSUE OF CONNECTICUT RIVER DIVERSION

Diversion of the waters of the Connecticut River is being projected by the Massachusetts Metropolitan District Commission as a solution to the future needs of their client population. This decision has been made independently of and without consultation with the Connecticut River valley communities who would be directly affected by such action. Representatives of both state and local governments, and of private institutions, have responded by creating Steering Committees in Massachusetts and Connecticut to protect their interests in regard to the issues of the River and to be their voice in the formulation of policy affecting the River. These Committees of Connecticut and Massachusetts jointly request that no amendment to the license of Northeast Utilities be granted which would allow diversion of Connecticut River waters via Northfield Pumped Storage Operation, nor funds for the construction of diversion facilities be appropriated, until:

(1) comprehensive scientific, planning, and legal studies produce sufficient data to insure that the interests of valley citizens are protected;

(2) a continuous system of water quality

monitoring is established in the lower Connecticut River;

(3) an institutional mechanism for making regional policy decisions bearing on riverine resources and rights is devised and initiated.

Brief explanations of these matters follow.

COMPREHENSIVE STUDIES

In spite of previous studies in the Connecticut River basin, we do not feel that sufficient data exist to thoroughly assess the environmental and socio-economic impacts of the diversion of Connecticut River water. For example:

(1) Although extensive studies have been conducted evaluating the effect on anadromous fish of temperature changes as the result of diversion, no data from the Connecticut River exist concerning the fates and sinks of dissolved and particulate pollutants, such as heavy metals, PCBs, and pesticides, and the effects these pollutants would have on anadromous fish as the direct result of diversion.

(2) In view of recent publicity concerning the accumulation of long-lived radio-active wastes in sediments of the Hudson River downstream from the Indian Point nuclear power station, we strongly recommend a study of residual concentration of radio-active isoptopes by sediment and/or biota in the Connecticut River, and the potential effects of these isotopes on water quality and safety.

(3) Since earlier studies of the potential environmental impact of river diversion were not concerned principally with the lower estuary, where salt intrusion is most active, we recommend that a study of estuarine hydraulics be undertaken so that a predictive ability is developed to forecast the movement of dissolved salts upstream as the consequence of reduced flow produced by diversion.

(4) We further recommend that a review of planning studies of future water supply and demand in the Connecticut River valley be conducted to insure that adequate consideration be given to local needs for the future.

(5) Finally, a legal study should be made to determine the responsibility of the Metropolitan District Commission to safeguard Connecticut valley riparian rights, and to determine an equitable *quid pro quo* to riparians for the diversion of Connecticut River water.

MONITORING PROGRAM

In order to protect the riverine ecosystem in the Connecticut River and to safeguard the interests of its riparians against adverse impacts as the result of diversion, a system to monitor various water quality parameters should be established as follows:

(1) Establish a system of continuous measurement of critical attributes of the donor system relating to its capability to simultaneously provide the resource and assimilate waste materials. Minimal criteria would include Shannon-Wiener diversity, coliform counts, BOD, pH, DO, P/R, conductivity, turbidity, temperature, and flow rate on a continuous 24 hour basis.

(2) Analyze these data to determine the minimum number of stations which must be maintained to continuously provide the significant data that would indicate changes in the river as they occur.

(3) Formulate a mathematical program relating quantity of supply withdrawn to the effect on the measured characteristics of the river, Federal Water Pollution standards, present and projected populations in the donor and receiver areas, present and projected agricultural needs, and present and projected economic criteria.

(4) Steps 1–3 would define the normal parametric state of the river. Experts should monitor anomalous effects, such as those accompanying "peak" or minimum flow conditions and recommend revisions of the basic policy as indicated by such conditions.

(5) No further diversion should be allowed unless the river is at least at the quality required by Federal Water Quality Standards throughout its length from the point of diversion downstream.

POLITICAL MECHANISM

Since there is now no institutional mechanism that provides residents in the Connecticut River valley a voice on matters concerning the protection and development of riverine resources, such a mechanism must be developed immediately and prior to the authorization of river diversion. This mechanism, perhaps a Connecticut River Basin Authority, would derive its mandate from a compact among the four states that share the river. It would speak for the entire river valley on matters pertaining to allocation of resources, and the rights and responsibilities resulting from those allocations. Although the Connecticut River valley cannot be considered an isolated entity with respect to state or regional resources, it is clear that the communities in the valley should command an articulate and powerful voice with regard to their interests.

Our committees wish to emphasize the fact that we have not addressed specifically at this time all the deficiencies which exist and must be remedied prior to river diversion. We simply have attempted to highlight a few issues of concern that presently seem particularly relevant. We trust that the Federal Power Commission will hold public hearings on Northeast Utilities' proposed amendment for diversion, and that it will conduct these hearings in such a manner as to permit informal testimony by citizens of the Connecticut River valley so that all their views may be aired.

TOWN OF WINDSOR,
Windsor, Conn., April 5, 1977.

Senator ABRAHAM A. RIBICOFF,
U.S. Senator,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: Diversion of the waters of the Connecticut River is being projected by the Massachusetts Metropolitan District Commission as a solution to the future needs of their client population. This decision has been made independently of and without consultation with the Connecticut River valley communities who would be directly affected by such action. I urge that no amendment to the license of Northeast Utilities be granted which would allow diversion of Connecticut River waters via Northfield Pumped Storage Operation, nor funds for the construction of diversion facilities be appropriated until an appropriate mechanism for making regional policy decisions bearing on riverine resources and rights is devised and initiated.

The decision by the Federal Power Commission on the license amendment to Northeast Utilities to divert will have a significant and irreversible impact on alternatives or options for the development and use of the river by the one and a half million people who live in the Connecticut River Valley. We are confident that the decision by the F.P.C. will reflect the needs and desires of the residents of the Connecticut Valley, the area which will be most affected by the proposed diversion.

We further trust that the F.P.C. will initiate public hearings in this basin on the diversion amendment and that, waiving its usual formal regulations, the F.P.C. will conduct these hearings in such a manner as to permit informal testimony by valley residents so that their views can be aired.

Very truly yours,

JOHN R. WELCH,
Mayor.

TOWN OF PORTLAND,
Portland, Conn., March 16, 1977

Hon. ABRAHAM A. RIBICOFF,
U.S. Senator,
Hartford, Conn.

DEAR SENATOR RIBICOFF: Diversion of the waters of the Connecticut River is being projected by the Massachusetts Metropolitan District Commission as a solution to the future needs of their client population. This decision has been made independently of and without consultation with the Connecticut River Valley communities who would be directly affected by such action. Representatives of both state and local governments, and of private institutions, have responded by creating Steering Committees in Massachusetts and Connecticut to protect their interests in regard to the issues of the River and to be their voice in the formulation of policy affecting the River. These Committees, on behalf of valley communities in Connecticut and Massachusetts, jointly have requested that no amendment to the license of Northeast Utilities be granted which would allow diversion of Connecticut River waters via Northfield Pumped Storage Operation, nor funds for the construction of diversion facilities be appropriated until:

(1) comprehensive scientific, planning, and legal studies produce sufficient data to insure that the interests of valley citizens are protected;

(2) a continuous system of water quality monitoring is established in the lower Connecticut River;

(3) an institutional mechanism for making regional policy decisions bearing on riverine resources and rights is devised and initiated.

The decision by the Federal Power Commission on the license amendment to Northeast Utilities to divert will have a significant and irreversible impact on alternatives or options for the development and use of the river by the one and a half million people who live in the Connecticut River Valley. We are confident that the decision by the F.P.C. will reflect the needs and desires of the residents of the Connecticut Valley, the area which will be most affected by the proposed diversion.

We further trust that the F.P.C. will initiate public hearings in this basin on the diversion amendment and that, waiving its usual formal regulations, the F.P.C. will conduct these hearings in such manner as to permit informal testimony by valley residents so that their views can be aired.

Very truly yours,

MARIE T. LARSON,
First Selectman.

WEST HARTFORD TOWN COUNCIL,
March 22, 1977.

Senator ABRAHAM A. RIBICOFF,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: West Hartford has been following the proposal of the Massachusetts Metropolitan District Commission to divert the waters of the Connecticut River to Boston with deep concern. We are joining with other towns in the Valley asking the Federal Power Commission to give us the opportunity to articulate our feelings about this along with any other citizens or groups in a public hearing. We are opposed to the diversion for the following reasons:

1. The Connecticut River has received a great deal of attention by the Connecticut Department of Environmental Protection during the last several years. It is the goal of the DEP to clean the river and make it again usable for recreational use.

2. The river has for the past century been used as a dumping ground for domestic sewage and industrial waste. The more water flowing in the Connecticut River means that there is greater dillution of these wastes. By diverting water from the river, the concentration of wastes will have a greater detri-

mental impact on fish life and recreational uses of the Connecticut River.

3. Each year sees fluctuations in the amount of runoff contributing to the Connecticut River. Some years the flows are very low, and some years the flows are very high. During those years when the flows are low, any diversion will result in slower sluggish river flows.

4. The diversion of water to Boston could result in a decrease in flows to the point where the self-cleansing characteristics of the existing river will be adversely affected. As the velocities of the river decrease, as a result of the diversion, there will be additional settlement of solids being carried by the river water. This could result in deposition along the banks and the bottom, and could create additional flooding problems.

In conclusion there are too many questions regarding the possible adverse affect that should be answered prior to any agreement to divert water from the Connecticut River. The burden of responsibility to prove that there is no detrimental affect should be on the people proposing this diversion. West Hartford falls within the drainage area of the Connecticut River and therefore stands with all the Connecticut Valley towns in opposing this diversion until valid proof has been presented showing that there will be no permanent adverse results that would affect this valuable environmental asset.

Sincerely,

ANNE P. STREETER,
Mayor.

Mr. RIBICOFF. Mr. President, in light of the many expressions of concern which have been raised and which I have discussed, I shall address a few questions to the distinguished manager of S. 1529:

First. Will the phase I design memorandum authorized by this bill include a more comprehensive and thorough environmental assessment than has been previously developed by the corps?

Mr. GRAVEL. The Senator is correct. The phase I stage of project development contemplates an updating of the environmental impact statement. That document will address all questions raised about the projects since the initial EIS was prepared.

Mr. RIBICOFF. I thank the manager.

Second. In connection with my first question, will a formal environmental impact statement be presented by the corps on the effects of any diversion on the entire Connecticut River Estuary before any action is taken to proceed with either of these projects? Will this document be prepared in cooperation with agencies such as the New England River Basins Commission? Will an environmental impact statement be reviewed by the Environment and Public Works Committee before it further considers any diversion proposal?

Mr. GRAVEL. The answer to all the Senator's questions is yes. All possible effects will be fully assessed by the Corps of Engineers in the preparation of the phase I project document.

Let me say, further, that a review of the EIS will be made by the committee prior to any construction authorization for these projects.

Mr. RIBICOFF. The next question is this: Would the distinguished floor manager agree that any specific diversion must be considered within the context of water resources and needs of the entire region, such as New England or the Northeast? In this regard, to what extent will diversions in their totality and their impact on the Connecticut River Basin be considered in determining whether or not to grant authority for further action?

Mr. GRAVEL. The original authorization which gave rise to these two projects was the Northeast Water Supply Study contained in the 1974 Water Resources Development Act. This is a regional study, and all possible impacts were to be studied by the Corps of Engineers in developing the projects.

Mr. RIBICOFF. The final question: How long would you anticipate that it would take to complete a definitive study of the diversion?

Mr. GRAVEL. Based upon prior experience with phase I reports, I would anticipate that the portion of the project developed would take 2 to 3 years.

Mr. RIBICOFF. I thank the distinguished manager for his knowledge and his courtesy.

Having been a resident of Massachusetts and lived in Springfield, I believe the Senator would appreciate the significance of the diversion upstream of these waters, and how important it is for the lower part of Massachusetts as well as the entire State of Connecticut; and I do appreciate his committee's keeping up their continued concern with the importance of this particular problem.

Mr. GRAVEL. Mr. President, I can assure the Senator that it will receive my personal attention in a very strong capacity, because the Senator is quite right; I was born and raised on the banks of the Connecticut River. I swam frequently in that river as a child, and also in the Quabbin Reservoir, where the diversion is going.

The Senator's concern is well founded, because of the importance of that diversion to the entire New England area. I appreciate his concern in recognizing this very sensitive problem and monitoring it very closely. I will couple his interest with my own in seeing that a proper appropriation is made.

Mr. RIBICOFF. The interest of the chairman is reassuring to the Governor of Connecticut, the people of Connecticut, and the members of the Connecticut River Basin Commission; and I express my appreciation to the chairman on their behalf.

Mr. GRAVEL. I thank my colleague.

Mr. DOMENICI. Mr. President, I join the Senator from Alaska in his reassurances, and also in commending the Senator from Connecticut. I know of his busy schedule today. He is concerned about something that is important to his constituents.

We are delighted to consider with the Senator these projects. His concerns are important to our side. We commend him for his diligence, and it is our pleasure to be of help in this situation.

Mr. RIBICOFF. Again, with the voice and the energy and the devotion of the Senator from New Mexico joined with that of the Senator from Alaska, the people of Connecticut can sleep easier tonight.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second

Mr. STEVENSON. What was the request?

Mr. DOMENICI. I am asking for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. DOMENICI. Was Senator RIBICOFF's hand raised on that?

Mr. RIBICOFF. Yes.

Mr. DOMENICI. Is there a sufficient second, Mr. President?

The PRESIDING OFFICER. There is not a sufficient second.

Mr. DOMENICI. We will make the request at a later time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 415

Mr. DANFORTH. Mr. President, I call up my amendment No. 415.

The PRESIDING OFFICER. While the amendment of the Senator from New Mexico is pending, further amendments to the bill are not in order.

Mr. DANFORTH. Mr. President, I ask unanimous consent that amendment No. 415 may be considered at this time.

The PRESIDING OFFICER. And that amendment No. 442 be laid aside?

Mr. DANFORTH. And that amendment No. 442 be laid aside until the completion of action on amendment No. 415.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH), for himself and Mr. EAGLETON, proposes an amendment numbered 415:

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 19 and 20, add the following section:

SEC. 132. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to prosecute the plan for Trimble Wildlife Area replacement, in substantial accordance with the feasibility report, dated September 1976, with such changes as may be within the discretion of the Chief of Engineers, at an estimated cost of $3,970,000.

Mr. DANFORTH. Mr. President, this amendment has been cleared with the managers of this bill. It authorizes the Corps of Engineers to acquire a tract of real estate in western Missouri to replace the Trimble Wildlife Area, which is about to be inundated by the filling of the Smithville Reservoir in the area of Smithville, Mo.

The Corps of Engineers was directed by the bill which authorized the construction of the Smithville Reservoir to locate a site for the relocation of the Trimble Wildlife Area. They have done so; this site has been agreed to by the Governor of our State, and now what is required is action by Congress to specifically authorize the acquisition of this tract.

Mr. GRAVEL. Mr. President, I wonder if our colleague might give us the name of the location involved.

Mr. DANFORTH. Yes. Mr. President, the name of the tract to be acquired is known in Missouri as Jackass Bend.

Mr. GRAVEL. I must say that the people of Missouri have interesting names. We have some like that in Alaska also.

I have no objection to this amendment. I commend the Senator for bringing the matter to our attention and attending to the needs of his constituency.

Mr. DOMENICI. Mr. President, I have no objection. In fact, I think this is among the best ideas in the bill. I commend the Senator on bringing it to our attention; I do not know how it got by the committee without being in the bill. I am glad to accept it on our side.

Mr. DANFORTH. I think it is the best amendment offered today.

Mr. DOMENICI. Since my pending amendment was offered yesterday, I will not even disagree with that.

Mr. EAGLETON. Mr. President, I wish to thank Senator DANFORTH for his leadership on this Trimble Wildlife Area matter. I fully support his amendment.

Mr. DANFORTH. Mr. President, I call for a vote.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 442

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New Mexico.

The Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the managers of the bill for helping to bring it to the floor of the Senate, and also those, including the Senator from Missouri, on the Committee on Commerce, Science and Transportation, which has also acted upon this measure.

Mr. President, the bill authorizes the construction of a new locks and dam 26 at Alton, Ill. The need for that facility has been under discussion for many years. It was recognized by the Congress as far back as 1970 when funds were first appropriated for a replacement. The Congress annually thereafter approved funds for the replacement, through 1974.

Construction of the new locks and dam was enjoined by the District Court for the District of Columbia. Since then the issue has been before the Congress on several occasions. Last year the Committee on Public Works held extensive hearings and recommended construction of a new dam with a single 1,200-foot lock as part of the omnibus water resources bill of that session.

The bill was brought to the floor in the last days of Congress and time did not permit full discussion. Then, not to jeopardize more than 100 other projects in the bill, I, and other Members, agreed to support the deletion of the authorization of this facility. The chairman of the Public Works Committee (Mr. RANDOLPH), the chairman and ranking minority members of the Water Resources Subcommittee, the Senator from Alaska, and the Senator from New Mexico, gave me assurances then that locks and dam 26 would be considered at the earliest possible time this year.

Those commitments have been met and I am grateful to them for their expeditious handling of this matter.

Little has changed since the last Congress. The Committee on Public Works has, for the second time, recommended the construction of a new facility, and, as I mentioned, the Commerce Committee has also approved legislation calling for the immediate construction of new locks and dam.

The need for a new locks and dam at Alton, Ill., has been amply demonstrated. The dam is in bad shape. It is a 40-year-old deteriorating facility. Its locking capacity is inadequate. The site for the dam has proved highly unstable. It was built on wood friction piles sunk into a sand foundation. The Mississippi and Illinois Rivers merge just above Alton, and the heavy waterload from the combination of these two rivers has pushed the dam downstream inch by inch. The dam has cracks in it. Lock walls have shifted toward the river by as much as 1 foot.

In addition to the structural problems, locks and dam 26 is a bottleneck. I do not think anyone, Mr. President, save the representatives of the railroads, denies that larger locking capacity is essential. The locks and dams upstream from Alton are adequate to meet present and projected traffic. Upstream traffic of the Illinois and Mississippi Rivers is about 108 million tons annually. Locks and dam 27 downstream, the only other facility on the entire system downstream, and which must handle the same amount of traffic as locks and dam 26, has a 1,200-foot lock and a 600-foot dam. It can handle 148 million tons per year.

Locks and dam 27 operates at only 35 percent of its capacity now, while locks and dam 26 struggled last year to push through slightly less than 60 million tons. That is less than half of the capacity of the one other facility below the confluence of the Illinois and the Mississippi Rivers.

On the average, a tow going through locks and dam 26 last year had to wait 7 hours to complete the locking operation. During the peak harvest period the delay went as high as 40 hours. Delays will only increase in the future as traffic grows.

So, Mr. President, the locks and dam is not only unsafe but it is a very costly constraint in the navigation system.

This bill authorizes a single 1,200-foot lock and a dam that will replace the existing facility. That single 1,200-foot lock will remove the bottleneck.

Since capacity everywhere else on the system is already larger than the capacity at Alton, this new single 1,200-foot lock will simply make the facility conform to the capacity of the rest of the system.

The new lock will not generate pressure to expand the navigation facilities anywhere else on the system as some allege, and the Department of Transportation has testified to that effect.

The dam cannot be rehabilitated or repaired in a way that makes economic sense. The General Accounting Office has reviewed three rehabilitation proposals. It found two of them highly defective. They were rated as uncertain and involving an unknown degree of risk. The cost estimates were described as too optimistic, and the scope of the work was deemed insufficient. No cost was assigned in any of these rehabilitation or repair proposals to the catastrophic economic consequences which would result if the river were periodically closed to traffic by deficiencies of the patched-up dam.

The GAO estimated that the third proposal, the Corps of Engineers rehabilitation proposal, would cost $341 million. It acknowledged that with that amount the facility could be rebuilt with little or no risk to the existing structure. But the cost of that rehabilitation approaches that of replacement, and with none of the benefits of the longer useful life. So a third proposal for rehabilitation is not a useful proposal either.

The locks and dam cannot be rehabilitated at a significant savings over the new facility. A rehabilitated dam would entail extensive operation and maintenance cost which would make the final price higher than the cost of a new structure. It will take $10 million this year in operating and maintenance costs just to keep locks and dam 26 open to traffic. If we continue to spend whatever is needed to repair or rehabilitate locks and dam 26, we will keep the construction from failing but it will be a constant, difficult, and costly fight and the repaired dam will never have the same structure as a new foundation built on rock.

Both committees recognize, as does, I believe, a majority of the Senate, that this facility must be replaced, and soon.

I emphasize "soon" because we are at the 11th hour. The most optimistic schedule for construction of the new dam with a 1,200-foot lock is at least 8 years. Construction delays can easily extend the period for another year or more. Given the necessity for prior congressional authorization and subsequent appropriations, followed by a period of bids and letting of contracts, it is unlikely that construction can get underway before 1979. Thus, authorization for a new locks and dam must be enacted in this session to assure that the lock is ready by the time it is needed.

Mr. President, the main issue is not the need to replace the facility. Now public attention has focused on the question of user fees. Well, that is an issue, but there are many of us in this body who

are willing to support a sensible system of user fees. I am not against a system of user fees.

I do not think the real issue is whether or not they have user fees. The real issue is whether it is responsible for the Congress—indeed, whether it is constitutional for Congress—to legislate user fees through taxes to raise hundreds of millions of dollars annually without knowing what it is doing, or to delegate, as this amendment proposes, its revenue-raising responsibilities to the executive branch, subject to some congressional veto that might not be possible to be exercised.

We do not know how much to raise, we do not know from whom to raise it, for whose benefit to raise it, or by what means to raise these large sums of money. So it would be, in my judgment, more prudent to act when we do have the answers to some of these questions. We can act, then, without delaying a system of user fees that makes sense and raises the revenues or, perhaps, even more revenues than are contemplated by the amendment offered by the Senator from New Mexico.

(Mr. ANDERSON assumed the chair.)

Mr. LONG. Will the Senator yield at that point?

Mr. STEVENSON. I yield happily to the Senator from Louisiana for a question.

Mr. LONG. May I say that my concern about the user issue is the relationship of two competitive industries one to the other. I have a prepared statement, which I shall deliver in the course of the debate, setting forth all we have done to help the railroads. It is very impressive—far more, may I say, than has been done to help the waterways.

Is the Senator aware of the fact that the railroads are importuning Senators to vote for user fees on the other fellow without asking that a similar fee be put on themselves?

Mr. STEVENSON. Yes, that has certainly been the case. The railroads have been the principal mode that have been fighting this lock and dam. They are proposing the use of user fees.

Mr. LONG. Is the Senator familiar with what a water-compelled freight rate is?

Mr. STEVENSON. I think I understand what the Senator is getting at. I think he is suggesting that, under this amendment, rather than Congress delegating its responsibility to the executive branch, we may be delegating it to the private transportation sector.

Mr. LONG. As I understand it, the railroads would like to put about $1 billion of charges on their competitors who move cargo on the waterways. Now, if they are successful in doing that, they might succeed in raising the cost of the barge carriers to the extent that the railroads might capture some of their cargo. But what would be their more likely big benefit would be that they could raise their own rates, because they are competing with the waterways. I have read some articles about this subject by the young writer for the Washington Post and—perhaps it has been discussed in another place that I did not read about it, but nothing has been said about these water-compelled freight rates.

What happens is that all sorts of measures are taken by which a railroad will reduce its rates to get business it otherwise might not get. Most of us are familiar with a backhaul rate, for example. A railroad will offer a very greatly reduced rate to someone to put cargo aboard the railroad provided that the car is there empty and will have to come back anyway. So, sometimes, they will have a backhaul rate far below what the regular rate would be to haul the freight.

The water-compelled rate is something different. That does not depend on whether there is an empty freight car that needs to be returned or not. The idea of a water-compelled rate is that there is a waterway parallel to a railroad and the railroad reduces its rate to keep cargo from going on the water. In many cases, that is very successful.

Now, I think we have a right to anticipate that railroad rates will increase and if we do not look into this and this is not made clear, we are not informing the public of what is going on. What is involved here is that barge transportation, being very, very competitive, would have to increase its rates when a toll goes on. Now, if they raise their rates, that makes it possible for the railroads to raise their rate. In many cases, farmers and others shipping their products on the railroads do not even know about the fact that when the price is raised on the bargeline, up will go those rail rates, and so-called water-compelled rates.

Please understand that the bargelines do not compel the railroads to put the water-compelled rates in. This is a device that the railroads have been using down through the years to keep the bargelines from having business, and to put the business on the railroad rather than the bargeline. Many people have expressed concern to me that, from the point of view of the consumer, that where he will take the real beating will be the increase in the water-compelled rates up and down the Mississippi Valley and in other areas, when the bargelines are compelled to pay these user fees.

Does the Senator have any familiarity with that problem?

Mr. STEVENSON. I think the Senator is making a good point. Yes, the bargelines would be forced to raise their rates. Then the railroads can raise their rates. Or the railroads might be able to undercut the bargelines and effectively do in a major source of competition. Then, if they succeed, they will be left with control of transportation and are in a position to charge their higher rates.

What the Senator is suggesting, very rightly, is that for all of the rhetoric on this issue, this boils down to a vicious fight between two competing modes of transportation. We are being asked to take sides in that fight before we know what the consequences of taking sides would be.

It may be that we ought to impose a system of user fees and that, if we do so sensibly and after hearings and after study by the Department of Transportation, it could recover many of the operating and construction costs, without any of these adverse consequences that the Senator is referring to. But we do not know that at this point.

Mr. LONG. Yes, the Senator is right about that.

Furthermore, I say to the Senator, in the statement that I have prepared, I shall demonstrate that what has been done for the railroads and what is being done for the railroads greatly exceeds that which is being done for the water carriers. Now, if we are going to impose a big burden on one of these carriers to pay for the benefit he is getting out of the Government, I fail to understand why there should not be a similar burden on his competitor for what he is getting out of the Government.

For example, is the Senator familiar with the initial handouts to the railroads, the land grants of all that land out in the West? Is he familiar with that?

Mr. STEVENSON. Yes, I am familiar with that. I have not heard, as, perhaps the distinguished Senator from Louisiana has, of any proposals to make the trucking industry pay 50 percent of all the operating and maintenance costs for federally supported highways across the country, or 100 percent of operating costs, or 50 percent of the construction costs for all of the interstate highways in the country. I have not heard that suggested by anybody.

Mr. LONG. Furthermore, we passed a bill, only last year or perhaps the year before, I believe they call it the 4R Act, which commits us to spend billions of dollars on helping to rehabilitate and rebuild the railroads. We have undertaken to start this Federal investment for private gain for the railroads already. It is my understanding that the railroads are going to be asking us for $18 billion over the next 10 years to improve the railroads in the country.

I want to cooperate, I do not want to hurt the railroads. I want to provide them what they need. Mind you, that is $18 billion, on top of giving them billions of dollars of resources in the West, much of which has coal and all sorts of mineral deposits under it.

Here we have the railroads, by any fair comparison, getting more benefit than the barge lines are from Federal participation. I happened to handle one of those bills myself, and I was criticized by some of my liberal colleagues. I am not angry about it. They have a right to be critical. But I was criticized as being the spokesman for the robber barons when we gave the railroads that break in that tax bill last year. Does the Senator recall that?

We gave them a break that we did not give others, and we were accused, those of us who favored it, sponsored it, spoke for it, of helping the vested interests, you might say. While it is not customary to refer to them that way nowadays, one cannot help but think of how the early-day railroad tycoons used the monopolistic potential of the railroad industry to drive navigation absolutely off the Mississippi River, for example. In other areas,

they used those techniques to destroy competition in a very ruthless sort of way. They actually did get the reputation back in that time of being the robber barons of those days.

A lot of little people were injured by this type of ruthless destruction of little industry competitors out there on the river.

Now, the Senator does not want to see that happen, does he?

He wants to see free and fair competition, I take it, between those two major industries in moving bulk cargo.

(At this point Mr. PELL assumed the chair.)

Mr. STEVENSON. I think that is one of the most important considerations. I do not want to do anything that upsets the fair balance between all these modes.

As I say, I would like to produce some additional revenues, too. But I do not think we now can do that without running the risk of causing not only competing modes of transportation to suffer, but also many of the shippers, the receivers of shipments, the communities up and down these waterways would suffer.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENSON. The main parts can be explained later in this amendment. But, on the face of it, they are unintelligible, let alone the consensus of the provision which requires recovery of 100 percent of all operating maintenance costs. Does the Senator realize how much that is?

That is about $183 million at present levels. That does not include construction costs.

Mr. LONG. If we pass the President's recommendation with regard to the tax at the well on oil being made into diesel fuel gasoline, and use it to make electricity and for other purposes, it is estimated that about 25 percent of that tax will be borne by the transportation industry, is the Senator familiar with that?

Mr. STEVENSON. Yes. I might point out to the Senator from Louisiana that this amendment offered by the Senator from New Mexico would obscure, but I suspect for procedural reasons, not permit a system of user charges that includes tax.

Mr. DOMENICI. Will the Senator yield on that point?

Mr. STEVENSON. Yes.

Mr. DOMENICI. Just for a question.

Mr. STEVENSON. For a clarification.

Mr. DOMENICI. The Senator is aware that this amendment, formerly Senate bill 790, has a provision within it that at any time, either before the implementation or after, if the Congress of the United States imposes a fuel tax effective on commercial barges, that such a fuel tax will be given a full credit against any user fees to be imposed or in place at that time.

Mr. STEVENSON. If that is the intent of the Senator, why does he not permit the executive branch to study the tax and recommend that?

Mr. LONG. Will the Senator yield?

Mr. STEVENSON. I yield.

Mr. LONG. That is very good news.

Now, would the Senator do the same thing for the railroads? Say they both use diesel fuel and neither is paying any tax on it. Now, what the railroads are looking for from this Government greatly exceeds in money what the barge lines are looking for. So why not say that when we put the proposed tax on energy, that work out to about $3½ billion of taxes on the transportation industry, why do we not agree they will both pay and they will both get the benefits according to the needs of each?

So we will look at the needs of these people and say that if the railroads need to be rehabilitated, we will help rehabilitate them—and they do need it.

If there is some special need over and above what we anticipate with regard to the barges, we will look at their problem, too.

We all recognize that if we do that, it will be the railroads getting the lion's share of the benefits. In fact, that is how it is going to work out anyway. We understand that now. But let us assume we make them both pay on the same basis. They pay what amounts to about 3 cents a gallon—perhaps as much as 7 cents.

But that, certainly, is as much per gallon as the trucks are paying on the interstate highways. So we say, "All right, let's treat them both the same." And say that we put that energy tax on, they will get a credit, and that way we can just forget about this amendment. It will not make a bit of difference, just as if we did not have it at all.

I am curious to know if the Senator is willing to treat the railroads the same as the barges. If he is, we are really getting somewhere.

Mr. DOMENICI. Is the Senator talking about——

Mr. LONG. Is he willing to agree that the same tax and the same tax credit would be levied on the railroads that is levied on the barge lines and they both get the credit, so that we proceed to put a tax on the energy and we treat the railroads the same as the barge lines and they both get the same consideration?

Mr. DOMENICI. Mr. President, I am delighted to answer as long as I state what I understand to be the facts. The facts are that the barge companies pay zero. We start from free from there. And we are not talking about transportation costs, not talking about fuel. They pay zero.

At this point, all we are asking is that they pay for their right-of-way.

I say to the good Senator from Louisiana that there is no doubt that it is the only mode of transportation that gets its rights-of-way maintained and operated and constructed free today. That is the point where we start.

If the Senator is willing to say, "Let's let them pay for their right of way and its operation and maintenance," then talk about a fuel tax, if he would like. I do not know why we would be putting a tax on the railroads. The Federal Government does not pay for their right of way. We pay for the barge companies' rights-of-way. So we start with that one.

I say to the Senator, let us put a user tax on the barge companies and then come back when they have paid their right-of-way costs and see if it makes any sense to talk about a fuel tax on the railroads and the barge companies, because we would have to ask for what?

We would have to ask for what? If we talk about paying back some subsidy, we are paying the railroad. Let me say what it sounds like. I say in all respect, during our hearings on this bill—and I do not know where the Senator from Illinois got the notion there were not any hearings on this; there were 4 full days.

Mr. STEVENSON. Will the Senator yield?

Mr. DOMENICI. And the Senator testified, as I recall.

Mr. STEVENSON. If the Senator will yield at that point, what I said was that there are provisions, including the 1-percent ceiling, that have not had hearings. That is what I meant to say.

Mr. DOMENICI. Let me clarify that. At every point in the hearings with the experts before us, we would say, "How much is this apt to cost for wheat, for coal, for energy, totally implemented in full, 10 years," and they were all using figures never in excess of 1 percent—never in excess of 1 percent.

That is where we got it. We did not ask them, they told us, and every economist said it.

Let me conclude with the Senator from Louisiana and tell him what his request to me and his suggestion to the Senate sounds like to me.

One witness came before us, I say to my good friend from Louisiana, and he said he was shipping sand and gravel on the Kentucky River and it was not worth very much money. He went through 21 little locks we pay for and up this stream we maintain. He was one that impressed us because he was a little fellow shipping cheap sand. I do not know why he should be shipping it on expensive locks, but he was.

His final remarks were, "Well, if you put this user fee on and we have to pay for this, then I think maybe we'll have to come back over to the Congress and ask the Congress to subsidize the barge owners so they'll be able to run on this system."

That is a fairy tale, that is Alice in Wonderland.

Here is this fellow paying nothing and he has grown accustomed to it and he says, "If you make us pay a user fee, we'll be over there asking you to subsidize our transportation company so we can ship sand and gravel up and down this Kentucky River."

That is another reason that it appears to me the issue is not a fuel tax on energy. The issue is not what the good Senator and his committee wants to give the railroads of America as subsidies because they are in trouble.

The issue is this: let us try to let them start with some footing that is competitively equal. One has one of the most major expenses of transportation, right-of-way, and the construction of it paid totally by the taxpayer. They are the barge companies. The other does not have that.

I say to both Senators that if they want to go into the western land grants, I will go into the western land grants

with them; and I will prove to them, right down to a nickel, that the Federal Government got back two or three times the value of that land. For all those years, until recently, every railroad company that had tracks across granted land in the West—and I do not think many people know this—was obligated by law to give the Federal Government a 50-percent freight rate in exchange for that right-of-way.

All through the war, the military people went across that granted land at 50-percent freight rates, compared with the rates charged Mr. Jones, and it amounts to well over $2 billion that the Federal Government was given in credit.

I still have not seen one penny that commercial barge owners are willing to pay to their Government for the latter having spent in excess of $4 billion in operation and maintenance and construction up to this time.

So, speaking of competition, get rid of the first noncompetitive feature, and even they can have rates along the waterway which they can lower in order to be competitive. Let the waterway users pay for their rights-of-way, and then we will see whether that other thing goes away or not. But how can there be any competition when their right-of-way is free and the other is not?

One last remark to the Senator from Illinois, who asked me a question. The Senator from Louisiana talks about these preferential rates along waterways so that the railroad could compete. I will give one example. In the State of Iowa, there is presently a request to shut down 20 percent of the railroad lines because they cannot compete in the shipping of grain, because there is a river a few miles away which does not pay anything, which the commercial barge owners get free. That is the essence of my argument.

Let us look at the Senator's notion as to whether the railroads need less subsidies or more. We are starting with apples and oranges with Senator LONG's notion, by looking at what each gets today. That is not the issue. The issue is one aspect of competition—rights-of-way; and it is maintenance and construction of needed right-of-way facilities. We are looking at it, and we cannot get around the notion that today it is free for them, except that it costs the taxpayers money.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. LONG. The Senator covered several points, and I want to respond to his basic argument.

The Senator talks about comparing apples and oranges. Here we have, on the one hand, a water highway, just like the high seas, freely available to anybody to go out there, whether he is in a raft or a canoe or a barge. It is free to anybody on God's green Earth to go out and enjoy and compete on.

Here, on the other hand, you have a monopolistic organization that owns a road built for themselves. They use it exclusively for themselves, for their own advantage, with every kind of discriminatory freight rate, and with interlocking directorships to help take advantage of a situation to put freight on their carrier.

So you have a monopoly on one hand wanting to assess a free highway on the other.

The Mississippi River, for example, was there. It was a free highway, available to everybody, when Columbus discovered America.

When the Illinois Central, for example, built their line parallel to the Mississippi River, they knew the river was there. All you had to do was look at it. Now they would contend that because they built that railroad and raped the public every way they knew how, back in those old robber baron days, there is a burden to tax the other guy, because they built something for their own selfish advantage. That is a fairly weak argument, in my judgment.

Furthermore, Mr. President, we are talking about modern day situations, of course. So far as this Senator is concerned, there are a lot of things we should do to help the railroads. But we should not do it by stealth. We should not do it furtively. We should not do it by sneaking up on somebody to destroy his competitor. We should take a look at the situation of both and say that if they are competing on a fair and reasonable basis, that will continue.

I, for one, have supported and will continue to support legislation to uphold the railroads where they are getting the worst of it. I voted for Amtrak and a lot of other things to help the railroad industry. However, about the last thing I want to do is to try to help one group, such as the rail industry, by doing an injustice to their competitor. If you look at it in terms of who is benefiting whom, you have to take a look at what we are doing for the railroads, and I have a statement about this.

I want to say just a word about what the Senator said about those rail rates, about what a great thing they did for Uncle Sam; they gave Uncle Sam the benefit of half rates. Half of what are you talking about? Half of the water-compelled rate? Half of the backhaul rate? Half the rate you charge your friends? Or are you talking about half the rate you charge the poor soul who cannot help himself, who is captured and has to put his cargo on the railroad?

I know something about the economics of railroad transportation. Generally speaking, where you parallel a waterway, you cut the rate to where you are doing business below cost, in order to keep that waterway from getting any business.

Then you proceed to make it back by charging twice as much or four times as much to the inland point where there is no water competition.

So if you are talking about charging half the rate to the Government, you start out by charging the farmer three times what you should have charged him to begin with. That is a great break, that you only made a 50-percent profit on what you charged the Federal Government, especially in view of the fact that the Federal Government gave you billions of dollars and sustained you all through the years, and charged twice what would have been charged anyone else to carry the cargo. I will go into greater detail on that later.

If we look at the whole picture, no one can say that the railroads have not been favored as no one else has been favored. Someone may find an industry that has been benefited more, but I hardly think they will say that it is an industry that competed in the most vigorous fashion against all the economic competition, with all the discriminatory rates the railroad charged to keep others from competing.

I heard of an example down in South Carolina. There was a little fellow who had a barge that left on a Monday, and then he would be back on Sunday, and he would leave again on Monday. So the railroad proceeded to fix the rates so that on Monday their freight rate was about one-quarter of what it was on the other 6 days of the week. So on the day the little barge took off, the railroad had a rate with which nobody could make any money. You could not do anything but lose money on Monday. Of course, if you changed the sailing date to Tuesday, they would shift the date to Tuesday. You could not do anything but lose on Tuesday. It is similar to the way they ran the packet boats off the Mississippi River. I do not want to see that type thing happen again, and I doubt that anybody here really wants that to happen.

I do think, in fairness, we ought to maintain and continue the competitive climate between those two industries unless someone can show us the good reason why we ought to do it otherwise, and so far I have not seen it.

But I will on my own time and without trespassing on the Senator's time proceed to demonstrate in this debate what we have done for the railroads.

I really think one would say that comparing the two where you just permit in one case someone to compete for business out on a water highway freely available to everyone, including the railroads—I do not see why they could not put the locomotive on the barge line if they wanted to—but where in the one case you have something freely available for everybody to use, why those people should be penalized because a railroad runs parallel.

Mr. HART. Mr. President, will the Senator yield for a couple of observations?

Mr. STEVENSON. I thank the Senator from Louisiana.

Yes; I will yield for some brief observations, and then I hope the Senator from New Mexico would answer some questions about the meaning of this amendment.

Mr. HART. I thank the Senator from Illinois. Just two remarks, and I am not a sponsor of the amendment here nor identified with any side. But, first of all. I think it is unfair to talk about the railroads these days—how much money is being spent on the railroads.

There are profitable railroads in this country in the West and South, and they are making it without a lot of Federal subsidies, so I think we ought to distinguish between them, and I have my own

questions about the amount of Federal money being spent on subsidization of the eastern railroads. But a judgment has been made on that, so I do not think it is fair to lump all the railroads into the same category about the degree of Federal subsidization.

The second thing is I think it is important to point out that it is not the big monopolistic railroads with every Federal subsidies across the board against sort of unsubsidized small barge operators. The barge companies are big. Many of them are wholly owned subsidiaries of giant corporations. They are being helped by the Federal Government in a variety of ways, so I think it is important to realize in both cases of railroads and so-called barge companies that we are dealing with very large corporations here, and it is not the big railroads against the small barge operators.

I thank the Senator from Illinois.

Mr. STEVENSON. Mr. President, as I said earlier, I favor some system of user fees, and I suspect it is necessary not only to produce revenues for the construction and maintenance of facilities on inland waterways, but also to redress ill-balances between competing modes of transportation.

But we have no assurance in this instance with the amendment by the Senator from New Mexico that to redress one imbalance we will not create another and, in the bargain, cause serious economic hardship for not only segments of the transportation industry but for the shippers, the receivers, who rely on inland waterways, and for regions and communities that rely on them also.

I think it would be useful for all of us if we first understood better what the amendment by the Senator from New Mexico did and did not do, and then with some better understanding we would be in a better position to decide what action to take on it.

As I say, I am not unsympathetic to user fees. I support user fees in principle but I think on the basis of what I know about the history of this legislation, and after reading this amendment, it would be wiser to get a report from the administration, get some studies, run it through the committees and act with benefit of some knowledge of what the consequences of our action are going to be.

Let me ask the Senator from New Mexico, first of all, what he means by inland waterways, and whether he can give us a list of all the harbors and rivers and the other part of the inland waterways system that would be affected by this proposal.

The conversation and debate is about the Mississippi River, but the inland waterways, by his own definition, include improved waterways operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than oceangoing vessels.

That definition is going to pick up facilities in almost every State of the Union.

I ask the Senator if he can, before he calls upon us to approve legislation that will impose a user fee, a tax or whatever you want to call it, on the operation and maintenance costs for all of these inland waterways and the construction costs, 50 percent of the construction costs, associated with these inland waterways, tell us what is included.

I saw, for instance, the distinguished junior Senator from Minnesota here a moment ago. Surely the Port of Duluth in that State is by that definition an inland waterway. Can the Senator tell us what all the inland waterways are that would be affected by this legislation?

Mr. DOMENICI. Yes, I can tell the Senator that the bill itself does not include the Great Lakes and the interconnecting channels, and the St. Lawrence Seaway, which already receives user fees, and I can also tell the Senator——

Mr. STEVENSON. If the Senator will——

Mr. DOMENICI. Let me tell the Senator what the general definition means, in response to his question. It is areas that are dredged by the United States Government or locks built thereon for barge traffic and only commercial barges will pay the user fees, as the Senator knows.

Mr. STEVENSON. Well, surely the harbor at the Duluth is dredged.

How about Muscooten Bay at the confluence of the Sangamon River in Illinois? That is regularly dredged by the Corps of Army Engineers. It must dredge harbors and rivers throughout the United States.

Can the Senator tell me—I have a list now of all the facilities that are dredged by the Corps of Engineers—whether that would be affected by this proposal?

Mr. DOMENICI. If they are dredged for commercial traffic, for commercial barge traffic, and they are not part of the Great Lakes or the St. Lawrence Seaway or the interconnecting channels, they, too, are covered.

I would say to the Senator that my amendment is much more restrictive than that recommended. I think the Senator knows there is a suggestion that we ought to go beyond the inland waterways, as I have defined it—the Secretary of Transportation and the President have spoken on that—but that is not part of this approach. It is the inland water system as I have defined it here.

Mr. STEVENSON. Well now, if the Senator will respond again, where in this amendment he has offered are the Great Lakes excluded? Where is Burns Ditch, Michigan City or Milwaukee or Duluth or any other port that is operated and maintained with its harbor dredged by the Corps of Army Engineers excluded?

Mr. DOMENICI. If the Senator will look at page 16 of the printed amendment he will find the language I have referred to.

Mr. STEVENSON. Does the Senator exclude barge traffic between Puget Sound and Alaska?

Mr. DOMENICI. I do not know if there are any Corps projects there that may—without which it will not work, and I do not know if they dredge the Sound that the Senator is referring to, but I think we can read it. It says:

any improved waterway operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than oceangoing, and does not include the Great Lakes, their interconnecting canal, and the St. Lawrence Seaway.

While I am saying that, I would say, in rebuttal once again to a statement made by the good Senator from Louisiana (Mr. LONG), if we do not have to dredge that Missisippi to which he referred, and if we did not have any lock or dams on it, he is absolutely right. Ships can run up and down and should at will. But the point is they cannot run up and down that river without tax dollars doing something to make it so that they can, and even the courts have recognized that difference. They have said we have the right to use those rivers, but that does not mean you have the right to use them free if tax dollars are used to improve it and thus make it usable.

So you can admire it as much as you want, you can put a sailboat on it and say it sails and what do we need the Government for. Well, you sail that sailboat, but the issue here is you will not get commercial barges up and down that river without $300 million or $400 million a year in tax dollars spent on it.

Mr. STEVENSON. The Senator has still not responded to my question, which is simply to find out what these inland waterways are.

In the case of the barge traffic between the lower 48 and Alaska, there is dredging. Maybe that is included, maybe it is not, I do not know.

If the Great Lakes are excluded, as the Senator says, why should not the dredging, the construction, and the costs of maintaining facilities on the inland waterways, including on the Great Lakes, be included? By what logic are they excluded and the Mississippi River included? Maybe they should be included.

Mr. DOMENICI. The Senator might want to add some. That is his prerogative. I cannot answer it any better.

I will tell the Senator this: The language I am referring to is completely understood and it is completely documented. If the Senator wishes, I will bring the Corps of Engineers down here. It is defined as 25,000 of inland waterways maintained by the Corps of Engineers, which maintenance is primarily so that it can be used for commercial barges.

I think you can look on that list and find any city you want, any river you want, any harbor you want, and you can decide whether it is in line or not.

We can argue about all other expenses. Why do we not charge for the Coast Guard? Perhaps the Senator wants to propose that we want to charge for Coast Guard activities. It does not seem to me to be relevant to what we were trying to do, which is to make competing modes of transportation as near as possible in the basic competitive beginning, and that was the purpose of this bill.

Mr. STEVENSON. I thank the Senator, and I share that objective. I agree with it. We should try to put these modes of transportation on the same competitive basis.

He mentioned this only applies to commercial barges. My next question to him

is, Where is that reference in his amendment? There is a reference to commercial vessels. But I cannot find a reference to commercial barges and, of course, commercial vessels are much larger than barges. Is this intended to include excursion vessels and fishing vessels? And if it is intended to include only barges as opposed to every other kind of vessel that is used for commercial purposes, what is the rationale for that distinction?

Mr. DOMENICI. Again, I say to the Senator, I can do no better than refer to page 16. I believe it is defined there. Before I read the definition I once again tell the Senator that my definition is not the only one around and not the only game in town. Various persons have suggested that it should include recreational vehicles.

I did not choose to do that. Our hearings indicated that that would be burdensome, probably unnecessary, and probably yield little. They already pay a fuel tax, incidentally, for their fuel.

So on page 16 I read the definition starting on line 8:

User charges mean a charge established by the Secretary of Transportation under the authority . . .

et cetera, and it says:

. . . to be paid by the owner or the operator of shallow draft cargo vessels that use . . .

Continuing on and closes with:

. . . for commercial purposes.

Mr. STEVENSON The Senator has read a provision of his amendment which refers to user charges. Is it true that this amendment would prevent the administration from recommending that system of charges which it has already recommended, namely a fuel tax?

Mr. DOMENICI. I will try to answer that again, I say to the Senator, this way: My express language is in this amendment, which the Senate has before it, which the Senator knows will be preceded by 18 months of evaluation to arrive at a rate schedule, 60 days for Congress, then it will start to run, and then it will take 10 years to be implemented. The language in this bill says that at any time in that entire history if the fuel tax is imposed, it shall be given full credit against the user charges imposed under this amendment.

The Senator can interpret it as he will. I interpret it to mean that if Congress at a later date wants to impose a fuel tax they can look at this rate schedule and say:

We will get full credit. It might have more merit. It might alleviate some problem. If you do it you will get full credit.

So, contrary to the Senator's inference that it will preclude it, I say it supports it as an option open to Congress if they so choose.

Mr. STEVENSON. Mr. President, I read that as prohibiting the administration proposing that which it wants to propose, namely a tax on fuel used by vessels on the inland waterways, and it may very well be that is the most sensible way of imposing the user fee charge The point is it is being imposed. It is ruled out not because it is an unsound proposition. It is ruled out for extraneous reasons, I believe.

Mr. DOMENICI. Mr. President, will the Senator yield on that point?

Mr. STEVENSON. I yield.

Mr. DOMENICI. I do not think it is extraneous reasoning when the administration recommends it and today supports this approach. In fact, I think it is recognition of the real problem that this Congress does not want to face up to, a user tax, and they recognize that to hang on a tax will probably never happen and they support this because it will give you a chance to impose that if you like and get credit for it.

Mr. STEVENSON. If the administration is supporting this amendment, it is news to me, and I most recently discussed it with representatives of the administration this morning, and that representative was the Vice President.

Mr. DOMENICI. Is the Senator suggesting that the Secretary of Transportation as of today does not support this amendment?

Mr. STEVENSON. I am suggesting that there is no administration support for any of the proposals the Senate will act on today, including the Senator's amendment.

Mr. DOMENICI. I will state what I think it is at this point for the Senator, and the Senator before we vote may produce a position.

Secretary Adams appeared before our committee, and he said their preference was not to build thi. lock at all but to study it for 18 more months, and in the meantime during that 18 months we would have time to impose user fees. He suggested that was the administration's position, and their preference, would be in that 18 months that you put a tax on. When asked if we were to authorize it, would he favor these user fees, his response was yes. I understand he testified recently in the House of Representatives and directly supported these user fees as contained in this bill.

I will read from his testimony of June 15, before an appropriate House committee:

Taking a realistic view of the chances of enacting a fuel tax based on user charges in the near future, the administration is prepared to support the general approach that has been proposed in the Senate. We believe the legislation, similar to the Senate Environment and Public Works' version of S. 790, would permit the administration to accomplish its expressed goal with respect to waterway user charges. The approach will give us an opportunity to review the various alternatives, check our impact analysis, while also allowing us to involve the public and interested constituency in framing the detail of the correct recovery rgeulations.

Mr. STEVENSON. As I said earlier, I think anyone could support this general approach if you make it general enough, including this Senator from Illinois.

But I have discussed this with representatives of the administration, and it is my impression the administration does not support the Domenici amendment and has, I believe, taken no position on the Domenici amendment, and I say that after recent conversations with the Vice President.

Mr. LONG. Mr. President, will the Senator yield at this point?

Mr. STEVENSON. I yield to the Senator from Louisiana.

Mr. LONG. Let me just refer the Senator to some items in this 1978 appropriations bill.

$680 million for Amtrak; $400 million for grants to the Northeast Corridor improvement program; $600 million for Federal loans; $200 million for rail rehabilitation; $45 million for computer subsidies; $84 million for local rail assistance programs. That adds up to $2,009,000,000.

What I am suggesting is that if we want to talk about the transportation industry paying more it would be well, if we are going to put a tax on that, the tax include the diesel fuel that the railroads use, which is not taxed presently, and include the diesel fuel that the bargelines use.

In doing so, we would encourage the more efficient use of energy.

One other thing we will do, if we do what is suggested here, is raise the costs to the bargelines. We do not have a similar charge on the railroads, and thereby we tend to shift cargo from the more efficient user of energy to the less efficient user of energy. In doing that, if we transfer a substantial portion of that tonnage that is moving on the waterways over on to the railroads, that will be an enormous waste of energy, and it will also cost society more, because it is more expensive to move this bulk cargo, ordinarily going by water, onto the railroads.

None of that is consistent with our policy of trying to make efficient use of energy. I suggest that if we are going to put the charge on one, we ought to put it on the other, particularly in view of the fact that the railroad industry is getting a lot of help here.

It is perfectly all right with me to do more of it, if the need is there; I am perfectly willing to provide funds, whether by tax credits, by direct Federal grants, or whatever it takes to rehabilitate that industry and make it everything it should be.

But I am concerned about the approach where you penalize one industry by putting a burden on it that its competitor does not have to contend with. In doing it in that fashion, while it is true that the bargelines did not pay for that waterway that is out there, on the other hand, they are not getting the kind of benefits that we are talking about here, that I just listed. And they have not had the benefit of those big land grants that I will mention later on in the discussion, nor are they going to get some of the things we are going to do to rehabilitate the railroads, in addition to what has already been done. The railroads are going to be very big beneficiaries of the things we are going to do to modernize them and help them do what should be done to improve them.

I think we should keep in mind that what we are going to pass, if we pass the President's recommendations with regard to energy, will impose a burden on the railroads and will impose a burden on the waterways insofar as they must purchase fuel. We will increase their purchase price of diesel fuel by somewhere between 3 and 7 cents a gallon.

If you want to look at it that way, and the Secretary of Transportation suggested we do look at it that way before the House Ways and Means Committee, you must, in fairness, say that amounts to a user fee on the bargelines, it also amounts to a user fee on the railroads, and some of that money should be used to improve the transportation system of the United States.

If we take that approach, we will be paying for it one time; but if we take the approach suggested here, we will be paying three times, because, first, the consumers will have to pay the increased cost of service on the water. Then, second, they will have to pay the second time when the railroads raise those water-compelled rates. Then, third, they will have to pay again when the energy tax on the oil is passed through.

What difference does it make to the consumer whether he has to pay the charge at the pump or at the well? In any event, he has to pay more money for his energy, more money for his fuel.

I believe that what I suggest is a far better approach, the approach Mr. Brock Adams suggested before the House Ways and Means Committee.

As to the tax the committee is recommending, I would like to recommend to the Senate that the part that is borne by the transportation industry be considered as a charge by that industry for services to be provided, and that we use that money where needed most by the transportation industry that provides the service. Some could be used to help mass transit, or to improve bus transportation, or whatever other use can be made of highway-oriented money.

As I say, if we take that approach, the public will be paying just one time. If we take the approach of the Domenici amendment, I suggest it will mean that the public will pay three times for what is sought here: First when the barge line seeks to pass on to the public that levy charged against it, second when the railroads raise those water-compelled rates, and third when the energy tax is passed through on the fuel used by both these carriers.

It would be a far better approach to make them pay one time, and to assess the charge on the energy that will be used in both cases, diesel fuel, simply by saying in our law that it is a user fee, and we are going to assess it on both, because both will be getting the benefits. We are going to be benefiting the railroads by the things I have discussed here, and we will benefit the bargelines by maintaining modern water highways, which are the most efficient of any means of transportation we have to move bulk cargo within the United States.

If we want to conserve energy, what we should be doing is trying to bring about an arrangement, where possible, where some of the traffic that is moving on the highways be moved over to the rails, and find some way to compensate the truckers for that, because you get a lot more ton mileage per gallon on the railroads than you do on the highways; and we would also be seeking to shift a lot of that rail cargo over to the barge-lines, because we get more efficient use of fuel there.

What is sought here is exactly the opposite of what we should be doing in an effort to conserve energy.

Mr. STEVENSON. Mr. President, as the Senator points out, a fuel tax might be the most easily administered form of user fee, and yet it is the one form that the administration, in making its recommendations, would be prevented by this amendment from proposing.

I have now the statement of the Secretary of Transportation before the Subcommittee on Water Resources of the Committee on Environment and Public Works. That is the subcommittee chaired by the Senator from Alaska and the ranking Republican member of which is the Senator from New Mexico.

The Secretary says, under date of May 2:

> The complete details of the proposal have not yet been worked out, and we will work with the Congress on this matter once we have a detailed proposal to present. I can tell you, however, what some of the basic points will be. We are going to ask for a fuel tax which would go up in increments over the next five years so that at the end of that period there would be full recovery of inland waterway operating, maintenance and rehabilitation costs. In addition, all or some portion of the cost with interest of new construction would be recovered over the life of a project.

That seems to be the approach that the administration favors. The fuel tax is not one that it will be permitted to recommend under this amendment if it becomes law.

I wonder if the Senator from New Mexico would answer a few more questions, so that we can better understand the effect of his amendment.

Mr. DOMENICI. For clarification, before the Senator does that—I do not want the Senator to think that I am trying to read something into this RECORD about the administration position that is not so.

Mr. STEVENSON. No, of course not.

Mr. DOMENICI. The Senator was reading from the first hearing of the Secretary before the Senate committee. As the Senator knows, much has evolved since then. I was reading from his later testimony before the House of Representatives on June 15 of this year, when S. 790 had already been reported out, and my references were to that.

Mr. STEVENSON. Very well. I do not think the matter is worth pursuing. The administration, so far as I know, favors a fuel tax, and it is my understanding that the administration has no position on this amendment. I think we can clarify that before we finish.

Mr. DOMENICI. We will clear that up. Will the Senator from Illinois yield me 2 minutes, before the Senator from Louisiana leaves the floor?

Mr. STEVENSON. Yes, I yield.

Mr. DOMENICI. I want to say something to my friend from Louisiana. I still do not understand, but I will in due course, what the Senator's amendment, when he presents it, is going to be.

I would never want to suggest anything to the Senator which would imply that I know something about a subject on which he has not been informed. I would not want to do that. But I would suggest that if the Senator is suggesting a substantial, flat fuel tax for the barges, it is my impression that the Senator is most interested in the lower Mississippi. I am not saying exclusively, but that is his interest. It is my understanding from the hearings that a flat, nonincremental fuel tax will have a most significant penalty on the lower Mississippi as contrasted with the rest. I say that in all honesty. It appears to me they have to pay going down, and they have large open space, and then they have to pay all the way coming back up, during all of which time they are burning fuel.

Mr. LONG. If the Senator will yield, let me say what I am suggesting. What I am suggesting is this: When we levy this energy tax which the President is recommending, and which the House Ways and Means Committee has agreed to recommend, we simply take the approach Mr. Brock Adams seems to have taken as Secretary of Transportation in appearing before that committee, and say, "All right, we are going to take the part of this tax being borne by the transportation industry and we are going to use that money for transportation."

All we have to say in the legislation is that this part of it is a user charge on the transportation industry. The railroads will pay it on their diesel, the barges will pay it on their diesel, the truckers will pay it on their diesel, the automobiles will pay it, and the buses will pay it on whatever fuel they may use. We simply spread the benefit of it wherever it is needed the most.

At the moment I believe a better case can be made for rehabilitating the railroads than most of the suggestions I have heard. That is one of the best cases that could be made.

We would have a tax where the barges would pay their share and the railroads would be the big ones on the taking down end. That, to me, is an approach which has a great deal of appeal.

May I say I have discussed this matter with the Secretary of Transportation and he has expressed a great deal of interest in this approach. He has indicated that he thought that was a fine idea. It is up to someone else to sell it to the President. I believe he has exercised about as much independence as a Secretary could exercise as a Cabinet member at this moment. If the Congress wants to do business that way, it just might work.

May I say to the Senator that it just might resolve the problem the Senator is concerned about.

Mr. DOMENICI. I will be anxiously waiting to discuss it with the Senator. At this point it seems to me that to impose such a fuel tax on the entire transportation industry in the interest of setting up a trust fund would be to ignore the reality that the railroads are in desperate shape as they are now. But perhaps we can justify taxing them more to set up this fund. We will see.

Mr. LONG. If the Senator will permit me to trespass on his time one more

moment, they will pay the tax I am talking about anyway. The question is whether they will get any benefit out of it. From the point of view of this Senator, it is only fair that the competitive relationship between the carriers should be maintained. That is one of my big objections to the approach the Senator has.

As far as raising more money to help pay for transportation in this country, I guess I am sort of numb when it comes to asking people to vote for more taxes. I have suffered enough on that. I have asked Senators to vote for taxes for airlines, to vote for taxes for black lung, for social security and what not. It may be my duty to do it again. I will be out here asking Senators to vote for more taxes.

There is no point in misleading anybody. The tax I am referring to I predict Congress will have to pay anyway. I would hope we are not going to wind up taxing the public two or three times for something, when the public should only be taxed once. I thank the Senator.

Mr. STEVENSON. Mr. President, I wonder if the Senator from New Mexico would explain to the Senator what is meant in section 303(c) by navigation related expenditures. What would those expenditures include?

Mr. DOMENICI. What page is the Senator referring?

Mr. STEVENSON. Section 302(c)(1). I am reading it from the CONGRESSIONAL RECORD so I do not have the page in the amendment.

Mr. DANFORTH. If the Senator from Illinois will yield, is he on page 3 of the amendment, line 5?

Mr. STEVENSON. I do not have a printed copy of the amendment. I am reading from the CONGRESSIONAL RECORD.

Now I have received a copy of the amendment. It appears on page 3, but I was asking the Senator about the recovery of 100 percent of Federal navigation related expenditures of the Secretary of the Army, which, according to the CONGRESSIONAL RECORD, appears in section 303(c)(1).

Mr. DANFORTH. If the Senator will yield, try page 6, line 12. Is that the reference?

Mr. STEVENSON. Yes. There is a discrepancy between the printed amendment and the CONGRESSIONAL RECORD. This is (e)(1).

I wonder if the good Senator from New Mexico could explain what it is for which these charges will recover 100 percent. They are navigation related expenditures on the operation and maintenance of the inland waterways of the United States. Does that include, for example, all dredging?

Mr. DOMENICI. The first language found on page 3 of the printed amendment is talking about recovering that portion of Federal navigation related costs. I think it would be fair to say to the Senator that those words are more or less words of art which are presently fixed.

What we are talking about is the Corps of Engineers maintains a bookkeeping and auditing system. Since some of the projects and some of the work have joint objectives—flood prevention and navigation, and the like—this is to say that that portion which is navigation related is what we are attempting to recover, and not that portion which historically and by books and bookkeeping records has been charged to a project but are not related to navigation.

Mr. STEVENSON. I thank the Senator. That is helpful. That is what I wanted to make clear. Is he suggesting, then, that the costs of maintaining and constructing levees, which are navigation related, are not to be included?

Mr. DOMENICI. Rather than to say they are not included, it would be better to say that we have a system wherein a percentage of that facility is ascribed to various public benefits. It could be 5 percent navigational in its purpose and goal, in which event 5 percent would be as defined and related to the recovery equation.

Mr. STEVENSON. Is it possible to determine what percentage of the levee is related to navigation and to flood control? It could be argued with some logic that 100 percent is, at least with respect to the levees in my State, necessitated in large part by improvements in the waterways which have been made for navigational purposes.

(Mr. ANDERSON assumed the chair.)

Mr. DOMENICI. I do not know as much, obviously, about the Senator's levees as he does. But let me say we are changing nothing in this. When they bring their final authorization request before an authorizing committee to construct the kind of facility the Senator is talking about, he will actually find a schedule. They will break it up and sometimes have a levee that is 5-percent navigational, 95-percent flood prevention, and that runs its course in Congress. It has been doing that for some time.

Mr. STEVENSON. Then the Senator is suggesting that the Army Corps of Engineers will determine how much in taxes or user fees is to be raised by assigning some percentage of the projects, including the levees, to navigation and another to flood control or some other purpose. Is that correct?

Mr. DOMENICI. What I am saying to the Senator is that, during that 18-month period that we have been referring to for their rulemaking and establishment of their schedules, they will also establish what the annual operation and maintenance of the inland water system, as defined, is. If the Senator is suggesting that in so doing, they are going to have to use their historic method of assessing between multipurpose and multioriented projects, the answer is yes. I believe that history is defined and anyone could find it.

If the Senator thinks we ought to dictate to them a better way, certainly it is his prerogative to do it. But I do not think we are leaving a wide open door, if that is what the Senator is suggesting.

Mr. STEVENSON. The Senator is suggesting that history will dictate the action of the Corps of Engineers. My basic suggestion is that the Congress of the United States dictates the policies of the United States to the executive branch. In this instance, if it is left to history established by the Army Corps of Engineers, it is a history that can be changed by the Army Corps of Engineers.

Are the salaries of the Army Corps of Engineers and personnel benefits a part of navigation-related costs?

Mr. DOMENICI. Are their salaries, did the Senator ask, going to be operation and maintenance?

Mr. STEVENSON. Are salaries of the Army Corps of Engineers personnel, and the benefits that they are entitled to, related to navigation costs?

Mr. DOMENICI. To the extent that employees of the Corps of Engineers are employed in that kind of work, indeed, they are. They do much of their work by third party contractors. They also would be, to the extent defined and what we pay them, included.

Mr. STEVENSON. And that division would be made by the Army Corps of Engineers.

Mr. DOMENICI. That division has been made, historically, by the Corps and the committee of Congress. They do it every year in the budget. The answer is that, unless we want to change it here, they will continue to do that.

Mr. STEVENSON. I do not think it is clear at all, from this amendment, that it is going to be the Army Corps of Engineers which determines the costs that are to be recovered through the taxes or the user fees. That is what is emerging from this colloquy.

Let us take another example. The boats which pick up deadheads, logs, and the like, are their expenses navigation-related costs?

Mr. DOMENICI. Yes.

Mr. STEVENSON. Before the Senate acts upon this amendment, which would recover these uncertain costs over a long period of time, 100 percent of them within a few years, can the Senator give us any statement as to what the navigation-related costs amounted to?

Mr. DOMENICI. The committee's report, on page 7—that is the Inland Navigation Improvement Act—found that $140 million was spent in operating expenses for the year 1976 and $240 million for construction during that particular year.

I know that the Senator understands that the construction one would, perhaps, have more variation in it, depending upon the projects, than would the operation one.

Will the Senator yield to me for just a moment to make a technical modification?

Mr. STEVENSON. Yes, I yield to the Senator for that purpose.

Mr. DOMENICI. Mr. President, in reading the amendment, in referring to a section, I found that on page 16, we should have been referring to section 303 and not 307, on line 13. I send to the desk a further modification of my amendment and ask that it be stated.

The PRESIDING OFFICER. The further modification will be stated.

The assistant legislative clerk read as follows:

On page 16, line 13, strike "307" and insert in lieu thereof "303".

The PRESIDING OFFICER. Is there objection to the further modification?

Without objection, the amendment is so modified.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

Mr. STEVENSON. Mr. President, will the Senator withhold that request?

Mr. DOMENICI. I am pleased to withhold it.

Mr. STEVENSON. Mr. President, according to figures I have been supplied, the operating and maintenance expenditures of the corps—which I assume are navigation-related, but perhaps not—amounted to $158 million in fiscal 1976; $147 million, which was close to the figure provided by the Senator from New Mexico, for fiscal 1975; and $183 million for fiscal 1977. Those are O. & M. figures, provided by the corps.

Are O. & M. navigation-related operating and maintenance expenditures that are referred to, that we have been discussing? Are they the same?

Mr. DOMENICI. Not knowing any more than what the Senator just said, I would think they are the same thing, but I do not know. Maybe they include something else.

O. & M. is operation and maintenance; that is a different definition than if we put some words in front of it that mean inland and that mean navigation-oriented. So I do not know.

Mr. STEVENSON. Can the Senator give us any estimates as to what these navigation-related expenditures on the operation and maintenance of the inland waterways will amount to by the time all of them are recovered through a system of user fees, as he proposes?

Mr. DOMENICI. Is the Senator asking that I give an approximation of what O. & M. and half of capital improvements might amount to in the year 1990?

Mr. STEVENSON. I am starting with O. & M. I think that, before we enact this tax, we ought to have some idea of what it is intended to collect.

Mr. DOMENICI. Between $140 million and $175 million.

Mr. STEVENSON. By 1980?

Mr. DOMENICI. The first year we impose it—October of 1979.

Mr. STEVENSON. Are there any estimates for subsequent years?

Mr. DOMENICI. I do not think I can give the Senator any estimate. We can give a 5- or 6-year history, if the Senator would like one, so he can judge it against inflation, or judge it against increased traffic. But we have put that 1-percent cap in there so that everyone will understand the ultimate impact. I see no other way to charge user fees for operation and maintenance than to let somebody who is paying it out annually determine what it is and try to collect it.

Mr. STEVENSON. I know that the Senator from Missouri has been very patient. I want to yield the floor to him so that he can ask some questions, too, but let me ask one more question.

The Senator has mentioned the 1-percent cap. That, as I understand it, is a cap on user fee charges of 1 percent of the value of the commodities that are shipped on the inland waterways. Is that correct?

Mr. DOMENICI. That is correct.

Mr. STEVENSON. Over what period of time? How will that be capped? With the value of commodities fluctuating, the user fees are established today for the future. Yet the value of the commodities and the volume of the commodities, the shipments in the future, are unknown at that point.

Mr. DOMENICI. The best way I can say it, I say to the Senator, is that it is a cap. The bill contemplates an incremental increase annually, so I would assume it is a cap against which, or toward which, a schedule will move in annual increments, but never exceed.

The Senator is correct. The price of commodities will vary. This morning, I stated that this price can be an average and I discussed that with him. We need some management tools to determine the average price of a commodity over a period of time. They will have to judge their schedule against that cap of 1 percent. I do not think it is going to be all that difficult.

I think it will be well within it for most distances and for most commodities. But it is there so no one will think we are leaving a very broad open door for somebody to arbitrarily set a very high user fee.

Mr. STEVENSON. Maybe we can get some clarification by just asking what the cap would be today. Roughly $5 billion worth of commodities went through just one facility, just locks and dam No. 26, last year.

I do not know what the value of all the commodities is that is transported in all segments, through all the facilities that are operated by the Army Corps of Engineers in all the inland waterways.

Can the Senator enlighten me? Does he know what the value is of all of the commodities that, say, went through all these facilities last year and on the basis of experience last year what the 1-percent cap would amount to?

Mr. DOMENICI. Yes, I can give the Senator a rough approximation. I will do that by saying first that we are only giving an example. We will give the Senator a cap and the cap is at the end of the implementation.

The Senator is talking about a hypothetical, that is, if it was all in effect this year and being charged, and he wants to know what the value of the products is.

I would tell the Senator, between $30 billion and $35 billion, and if he wants to apply the 1 percent as a rough cut, that would be between $300 million and $350 million that he could work with in arriving at a fair and equitable user fee for that year.

I do not assume we would ever use the whole 1 percent. It is a cap. But that is what is given us by the Department of Transportation; the general belief that the 1 percent is realistic as a cap.

Mr. STEVENSON. If I may ask the Senator further, that is based on the value of commodities that traveled on the inland waterways last year, at present, would be larger 5 years from now.

The $35 billion the Senator mentioned refers to the value of all commodities that are transported in the inland waterways, when?

Mr. DOMENICI. That is the estimate that Transportation gives us as of right now in preparation for these discussions, and in analyzing the 1 percent, that is their estimate of annual passthrough right now in present dollars, present commodity prices.

Mr. STEVENSON. For all of the inland waterways?

Mr. DOMENICI. That is the figure with which we are supplied.

Mr. STEVENSON. Many of those inland waterways do not have large facilities such as locks and dam No. 26. Many of them could not support the imposition, any user fees, without serious economic damage to economic interests and to communities.

Can the Senator give us some idea as to how that $350 million cap would be distributed among all of the facilities on the inland waterways?

Mr. DOMENICI. No, I cannot.

Mr. STEVENSON. Mr. President, I will yield to the Senator from Missouri, if he would like. I am grateful to the Senator for his patience.

Mr. DOMENICI. Before the Senator takes the floor, I wonder if he would yield. I need about a 5-minute recess.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Before that, I want 1 minute.

Mr. DANFORTH. Mr. President, I withdraw my request.

Mr. DOMENICI. Mr. President, I say to the Senator from Illinois that I have just received a personal communication from Mr. Brock Adams indicating that the administration supports the amendment that is pending before the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. I ask unanimous consent that Mike Singer of the Commerce Committee staff be granted the privileges of the floor.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, what is the request of the Senator?

Mr. DANFORTH. Mr. President, I ask unanimous consent that Mike Singer of the Commerce Committee staff be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that a member of my staff, John Mulkey, be accorded the priv-

ilege of the floor during the remainder of the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. DECONCINI. I yield.

Mr. SCHMITT. I ask unanimous consent that Dick Burdette, of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 502

Mr. DECONCINI. Mr. President, I am submitting in lieu of my printed amendment No. 406, an unprinted amendment for Mr. GOLDWATER and myself. This unprinted amendment adds a section to the original amendment. This additional section gives the Corps of Engineers the authority to immediately conduct a study of McMicken Dam for the purpose of determining what rehabilitation is necessary to repair the structure.

Mr. DOMENICI. Mr. President, if the Senator will yield, I ask unanimous consent that the Senator from Arizona be permitted to take up his amendment at this time, setting aside the pending amendment with the understanding that upon the completion of the amendment submitted by the Senator from Arizona, we will return to the pending amendment, No. 442.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself and Mr. GOLDWATER, proposes an unprinted amendment numbered 502.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 13 and 14, insert the following:

"SEC. 130. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 83-209 (67 Stat. 449) approved August 7, 1973, at an estimated cost of $7,000,000.

"(b) The Secretary of the Army, acting through the Chief of Engineers, shall make a study of such plans as he may deem reasonable and appropriate for the rehabilitation or reconstruction of McMicken Dam in Trilby Wash area at an estimated cost of $250,000.

"(c) All authority of the Secretary of the Air Force over such detention basin and channel is transferred to the Secretary of the Army.".

On page 34, redesignate sections 130 and 131 as sections 131 and 132, respectively.

Mr. DECONCINI. Mr. President, this amendment deals with a problem that has existed west of Phoenix, Ariz., in Maricopa County, for some time. This involves what is known as the McMicken Dam, built in 1956 to provide flood protection to Luke Air Force Base. Since then, the land between the dam embankment and the Air Force base has been graded and leveled for crop irrigation.

Inspections of McMicken Dam conducted by the Corps of Engineers exposed transverse cracks within the earthen embankment. Further, during the period of March 28 to April 18, 1977, the Maricopa County Flood Control District conducted additional investigations and attempted temporary remedial repairs to the embankment using its own manpower and equipment.

The work has not progressed well, and the problem still exists. Catastrophic failure of the embankment occurring with a relatively large amount of water in storage could result in tremendous floods, not only for the residents in the crop producing area, but also for Luke Air Force Base and populated areas near the Santa Fe Railroad.

Presently the storage basin is dry. However, according to the corps, the potential for significant flooding in this area is believed to be several thousand percent higher after the first week of July than during May and early June. This flood potential continues high throughout August and most of September.

The Corps of Engineers and Maricopa County have developed a temporary plan to alleviate the potential for large scale human suffering and property damage should heavy rains occur. Due to the nature of this emergency, and the fact that the corps has no authority to perform permanent repairs to the structure, this temporary plan of controlled breaching was developed.

The amendment would simply start the process for permanent repair to McMicken Dam by giving the corps authority to initiate such repairs. It would also hasten the repairs by transferring authority over McMicken Dam from the Secretary of the Air Force to the Secretary of the Army, where it belongs.

This amendment would involve no appropriation at this time. An appropriation of funds, however, would have to come later.

Mr. President, I ask that the amendment be approved, and I hope that the management will accept it.

Mr. GRAVEL. Mr. President, we have no objection to the amendment. We think it is a good amendment, and we commend the Senator from Arizona for being so vigilant in attending to the affairs of his constituents.

Mr. DOMENICI. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on my amendment No. 442.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 503

Mr. CURTIS. Mr. President, I ask unanimous consent to set aside the pending amendment, so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. With the understanding that immediately thereafter amendment 442 will be before the Senate?

Mr. CURTIS. Yes, definitely.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment of the Senator from Nebraska.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS) proposes an unprinted amendment numbered 503:

On page 34, after line 13, insert the following:

SEC. 130. The project for the town of Niobrara, Nebraska, as authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to relocate existing Nebraska Highway No. 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway No. 14, at an estimated cost of $1,600,000.

Mr. CURTIS. Mr. President, this is not a new project. I will explain what it is all about.

A number of years ago the Army engineers built a storage dam on the main stem of the Missouri River near Yankton, S. Dak. The purpose of that dam was to stabilize the river for navigation and provide flood control downstream.

The little village of Niobrara was nearby. It developed that seepage from the reservoir of this dam was about to destroy the town; so a few years ago Congress passed an act whereby the town was moved to a new site. That was all worked through; it was approved by the executive branch, and it has been carried out. We are well pleased with it.

However, there was one factor not taken care of. That is to connect the new town with the road. That is what this amendment provides for.

I have discussed this matter with the leaders in charge of the bill, and I hope they will see fit to accept the amendment.

Mr. GRAVEL. Mr. President, we have no problem in accepting this amendment. I think it is a very fine amendment but we want to make clear that in accepting the amendment we do not approve, de facto, the plan of the Nebraska Highway Department. We would rather see that technical decision made by the Corps of Engineers in conjunction with the technical people of Nebraska.

Mr. CURTIS. If the distinguished chairman will yield, I will say that is perfectly all right with us.

Mr. GRAVEL. I commend the Senator for his attention to the interests of his

constituency, and I yield to the Senator from New Mexico.

Mr. DOMENICI. The amendment is perfectly fine on this side of the aisle. I commend the Senator for bringing it to our attention. It is well within our policy.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRAVEL. Mr. President, if the Senator from New Mexico will permit me, I would like to propose another minor amendment, get that out of the way, and then we can proceed in a manner acceptable to the Senator from New Mexico.

Mr. DOMENICI. Very well.

UP AMENDMENT NO. 504

Mr. GRAVEL. Mr. Prseident, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. GRAVEL. Mr. President, before proceeding, I ask unanimous consent that we set aside amendment No. 442, and that it be taken up immediately upon the disposition of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL), for himself and Mr. BELLMON, proposes an unprinted amendment numbered 504:

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 5, strike "in Alaska";

On page 25, after line 14, add the following:

(e) Section 203 of the Water Resources Development Act of 1976 (P.L. 94-587, 90 Stat. 2946) is amended as follows:

(1) Subsection (a) (1) is amended by striking "in Alaska",

(2) Subsection (b) is amended by striking "Alaska" in the first sentence and

(3) Subsection (i) is amended by striking "Alaska".

Mr. GRAVEL. Mr. President, last year in the Water Resources Development Act of 1976, we created a hydroelectric revolving fund. When that fund passed the Senate it was a fund that applied to the entire Nation. Any hydro project in the Nation could apply to this fund for a guarantee or loan to go forward with a hydroelectric development project which contained 90 percent or more hydropower benefits.

In conference, because of the complexity of the proposal and the use of this hydroelectric fund, it was deemed necessary by the House Members to require that this fund only apply to the State of Alaska.

At the time I felt it was very odd that we would restrict this beneficial fund only to Alaska, but obviously acquiesced in order to get the project going forward. But now as I have informed other Members of the Congress about the existence of this fund people are desirous of seeing the fund apply to all States and not just the State of Alaska.

What this amendment does is to strike the language which limits the fund only to Alaska and permits the fund to be used for projects in every State in the United States. I do not think this amendment is of a controversial nature. It is something which is desirable for the Nation and to all Members of the Senate, I am sure.

I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, this would be just once again reaffirming what the Senate's will on this matter was, having been changed by conference. I support the amendment and hope it will be agreed to. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 442, AS MODIFIED

Mr. DANFORTH. Mr. President, I wonder if the Senator from New Mexico would be willing to entertain some questions at this point.

Mr. DOMENICI. I would be delighted to.

Mr. DANFORTH. How does amendment 442 differ from Senate bill 790 as reported by the Committee on Environment and Public Works?

Mr. DOMENICI. Let me say to my good friend from Missouri the only substantive change, or the main substantive change, is the 1-percent cap that has been referred to. That is the one which we modified so that the price can be the average price of the commodity. That is the main one.

The other is that it includes the proposal which had been pending before the committee submitted by Senator NELSON for a master plan study of the entire system. Those are the two changes.

Mr. DANFORTH. Is it the opinion of the Senator from New Mexico that the 1-percent cap makes any significant change in the contents of Senate bill 790 as reported by the Committee on Environment and Public Works?

Mr. DOMENICI. That is difficult to answer specifically, I say to my friend. I believe it makes a difference. Whether it would have made a difference in the bill's acceptability or not, I do not know. Let me mention two ways I believe it helps this approach.

First, I would say to the Senator from Missouri that in the hearings the one witness who impressed this Senator the most from all of the barge representatives and barge owners was a small operator who was on a part of this overall system on the Kentucky River. He was hauling only sand and gravel. It was a very high cost segment of the system. We were confronted with the problem of how we would handle that particular kind of problem. We tried to cover it in the bill and in the report by saying we had heard from a few of those, but that is not to say they are predominant among the barge owners or that they are in the minority. We tried to use general language saying in no event would it be uneconomic, after looking at particular barge businesses.

When we put this 1-percent cap on, we have eliminated that kind of concern, because that kind of low-cost, sand-and-gravel kind of shipment, high increment part of the system, will have a cap on it.

The second way it helps the bill and changes it is that, as a matter of fact, what most of us thought would be a maximum based upon testimony is now in concrete. When they go to their incremental rates, when they go to their scheduling, they cannot exceed it. That always substantial fears, in this Senator's opinion, among those who may have anticipated substantially more, and were concerned about the impact on their particular enterprise or shipment. Aside from that, I cannot think of how it will have much difference.

Mr. DANFORTH. Am I correct in thinking that the principal study on economic effects of a user fee was made by the Department of Transportation and issued in March 1977?

Mr. DOMENICI. I would say to the Senator from Missouri—he asked if that was the principal one—I would agree that it is, qualifying that, however, by saying that the Corps of Engineers have done one. There have been innumberable studies. I cannot refer to them specifically.

Mr. DANFORTH. The Department of Transportation did issue a study in March of 1977, did it not?

Mr. DOMENICI. They did, and we have it.

Mr. DANFORTH. In that study, an analysis was made of the additional cost to commodities shipped on the river system as a result of the user fee; is that correct?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. In the CONGRESSIONAL RECORD for June 21, 1977, the Senator inserted the Department of Transportation study, or excerpts from it. I particularly refer to page S. 10334.

Mr. DOMENICI. Of what? Of that CONGRESSIONAL RECORD?

Mr. DANFORTH. Of the CONGRESSIONAL RECORD for that date.

Mr. DOMENICI. We do not have that before us, but the Senator can go ahead, if he wants to read from it.

Mr. DANFORTH. The Senator stated that among the conclusions of the Department of Transportation it was found that delivered commodity price impacts rarely exceeded 1 or 2 percent for 100 percent recovery of Federal O.M. & R., operation, maintenance, and repair, ex-

penditures and more commonly only a fraction of 1 percent.

The Senator's arguments all along, I believe, and the findings of the Department of Transportation, were that the increased cost in commodities would be a fraction of 1 percent; is that right?

Mr. DOMENICI. Yes, that is correct.

Mr. DANFORTH. Is it fair to say that with the exception of a few specific industries, for example, sand and gravel, the 1 percent cap is about what the Senator anticipated in any event?

Mr. DOMENICI. Yes, that is correct. In fact, I believe I said that in my response to the second question. We had heard all kinds of statements as to what it was going to cost. Most of the evidence revealed it would be under 1 percent for most commodities. In the interest which has been exhibited by some Senators, to wit, we ought to have more to say legislatively about how this fee is imposed. I think the 1 percent is a significant add-on. It is a parameter that we are setting legislatively.

But it has not changed what we expected. If there are any people who thought it was going to be more, they can now be assured it is not.

Mr. DANFORTH. The point is, though, that with a few exceptions, the economic impact of this bill is the same now as it was before the 1 percent cap was put on. Is that not right? And the 1 percent cap, which is the only, principal, change made by the Senator's amendment, adds virtually nothing as far as the economic effect this legislation would have, is that not right?

Mr. DOMENICI. There are some high-cost increments, as I explained to the Senator, which are obviously capped and benefitted. It does not have much economic impact, but I repeat that it certainly delimits the room that the Department of Transportation has in their evolving of the schedule. They have to start by saying, in no event can it be beyond that. They might have gone upwards and found two.

Mr. DANFORTH. But as a matter of fact, 1 percent of the value of the commodities shipped on the river is higher than what the Senator has anticipated the total revenues generated by such a fee to be. Is that not right?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. The Department of Transportation, which estimated that, generally, the amount of the fee would be about 1 percent or less than the value of the commodities, also estimated that the effect of a 100-percent recovery of operation, maintenance, and repair would mean the diversion of about 10 percent of shipping from the rivers to other modes of transportation. Is that not correct?

Mr. DOMENICI. Well, that is their worst-case example. I do not remember by what point in time it would be applicable. If the Senator wants to take the worst-case example, yes.

Also, I suggest to the Senator that I think it includes another characteristic. That is immediate imposition of the full O. & M. recovered immediately. I do not think anyone has done one over 10 years in its impact.

Mr. DANFORTH. The figure 10 percent was used by the Department of Transportation for diversion, and it is certainly within the realm of possibility——

Mr. DOMENICI. Yes.

Mr. DANFORTH. As found by the Department of Transportation, and analyzing the effect of this bill, that there would be roughly a 10-percent diversion. That is unassailable, is it not?

Mr. DOMENICI. Well, that is unassailable as a possibility and, also, that is assuming that it all occurs in 1 year. That is unassailable if the Senator wants to use those characteristics.

Mr. DANFORTH. Whether it is 1 year or down the road, it still has had a substantial impact.

The point I want to make to the Senate is that the principal economic argument here, as far as the Senator from Missouri is concerned, is not the increase in the cost of the commodities, because, if that is only 1 percent, while I do believe that that is a substantial amount of money in gross, it is not as devastating to the shipper of commodities as a 10 percent diversion is to the shipping industry.

The principal argument that I believe is involved here economically is that, according to the Department of Transportation, a 100 percent recovery of operation, maintenance, and repair, by itself, would amount to a 10 percent diversion of transportation from the river to something else, presumably to the railroads. That is why we have such intense interest in this bill from the railroads and from the barge companies. It is going to have a tremendous impact on their business, on their segment of the economy. And the Department of Transportation, in making its analysis, based its 10 percent diversion estimate on a 100 percent recovery of O.M. & R., without any consideration as to recovery of capital expenditures.

I believe it is fair to say that, under the Senator's proposal, 50 percent of capital expenditures in dollar amount, while it would vary, is approximately equal to 100 percent of recovery of O.M. & R.

Mr. DOMENICI. That is more or less ballpark, that is correct.

Mr. DANFORTH. Therefore, what we are talking about is not 1 percent of the cost of commodities. What we are talking about is a displacement, a diversion of somewhere in the neighborhood of 10 to 20 percent in what is river transportation, freight hauled on the rivers, to the railroads. That is exactly why the railroads and the barge industry are so intensely involved in this particular bill.

Is that not a fair statement?

Mr. DOMENICI. I do not believe it is a fair statement. I think the phase-in in 10 years changes considerably the 10 percent. I also believe, and I say this in all sincerity, that I think one could make the argument that the Senator has made, that basically concerns itself with diversion. But I really believe that when we look at the projected growth of the barge industry and look at its historic growth, we shall find that probably, the 10 per.cent, if it ever occurs, is a 10-percent diminution in what otherwise would be an extremely rapid growth that is totally out of focus with the rest of transportation growth in the country.

So I do not think one need be terribly concerned that, 10 years from now, a lot of people are going to be out of work. I do not think that the major companies, that own most of these barges—and they are not the Ma and Pa that the Senator from Louisiana was talking about; they are United States Steel, Ashland Oil, Midland Pipe—I do not think they are going to go broke. I do not think their employees are going to be out of work.

Somebody said, "What about the facilities that they have built?" Let me say, in all honesty, to the Senator, that if they built facilities that are growth-oriented and built for the future, there is no doubt in this Senator's mind that if they were projecting future growth and built exactly for what they thought they need 10 years from now, it may be 12 years or 13 years before they get that growth, but they are going to grow. It is a question of balancing the modes, and they will not get as big a share of the pie, as we move down these next 10 years, as they have been receiving the past 20.

Mr. DANFORTH. That is exactly the point. The Senator believes their share of the pie is too big, but that is exactly the issue to be debated here: What is the share of the pie? I think that that is what the bill is all about.

In fact, the purpose of the amendment is set forth in section 302(c). It pertains to what the Senator calls equity among all modes of transportation and what would be accomplished. The principal thing that would be accomplished by this amendment is a shift of transportation in the neighborhood of 10 to 20 percent from river transportation to other modes of transportation. That is what is known as equity.

My position is just this: That the railroads have come to Congress, year after year, for one kind of help or another—not in the form of building locks and dams, because that does not have anything to do with railroads. They have come to Congress to be bailed out for Amtrak, to be supported by ConRail, to have their pension plans bailed out. Now what they are doing is saying, "Look, you have not yet done enough for us. What we want you to do for us now is to hurt our competition and to create a situation so that 10 to 20 percent of the commerce that is being transported on barges will be shifted over to the railroads."

Let me ask the Senator from New Mexico some questions on another subject.

I call the Senator's attention to section 303(a) of his amendment.

It is my understanding, and the Senator can correct me if I am wrong, that the procedures to be followed under his amendment are that the Secretary of Transportation is to promulgate regulations by no later than January 1, 1979, setting forth user fees, is that correct?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. If the Senator will look at section 303(a), the words used are, "No later than January 1, 1979."

Therefore, I take it that January 1,

'979, is not a date certain, is that correct?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. There is nothing in this amendment that would preclude the Secretary of Transportation from promulgating regulations on a date earlier than January 1, 1979, is that so?

Mr. DOMENICI. That is correct, subject only to how quickly one could do this complicated job.

Mr. DANFORTH. Yes, but he could, if he was ready to do it.

Mr. DOMENICI. Surely.

Mr. DANFORTH. Put out his regulations on, say, December 15 or December 1, is that correct?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. And then it is my understanding from section 303 that Congress has 60 days in which to act by joint resolution, is that right?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. Are those 60 legislative days or 60 calendar days?

Mr. DOMENICI. In this bill, they are calendar.

Mr. DANFORTH. They are calendar.

Mr. DOMENICI. And if the Senator wants to set a date certain, we will be delighted to. We had no intention, we assumed they would publish them.

Mr. DANFORTH. May I just follow through with this line of questioning?

Mr. DOMENICI. Certainly.

Mr. DANFORTH. So it would be, under the system as set forth in the Senator's amendment, 60 calendar days from the day of promulgation for Congress to act right?

Mr. DOMENICI. I beg the Senator's pardon, I was checking the language he was reading and did not hear him.

Mr. DANFORTH. Sixty calendar days for Congress to act?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. So if, for example, the Secretary of Transportation were to promulgate user fees on Halloween of 1978, 60 calendar days would elapse before New Year's of 1979, right?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. And Congress would not be in session at that time, would it?

Mr. DOMENICI. It might be, it might not be.

Mr. DANFORTH. Well, there is an election in November of 1978. Normally, Congress is not in session during that time?

Mr. DOMENICI. Well, I think we come back on some occasions, but that is correct.

Mr. DANFORTH. In any event, even if it should be over Christmas week, it would not be in session, would it?

Mr. DOMENICI. I assume it would not.

Mr. DANFORTH. Yes.

Also, the Senator states in his amendment that Congress must act by joint resolution.

I would like to make inquiry of the Chair, does the President of the United States sign a joint resolution?

The PRESIDING OFFICER. The Chair would respond to the Senator from Missouri that the question that has been put is not a parliamentary inquiry with respect to any parliamentary matter pending on the floor of the Senate and the answer to the question would have to be developed in the course of the debate between the Senator and the managers of the bill.

Mr. DANFORTH. I thank the Chair. Then I will call attention to——

Mr. DOMENICI. I will stipulate to that effect.

Mr. DANFORTH. The Senator will stipulate to that effect?

Mr. DOMENICI. For that kind of resolution to have the force and effect of law, it must be signed by the President.

Mr. DANFORTH. That is correct. And that is the difference between a joint resolution and a concurrent resolution; is that not correct?

Mr. DOMENICI. Correct.

Mr. DANFORTH. So that while a concurrent resolution is simply a matter that is passed by both Houses of Congress, a joint resolution is a resolution which must be passed by both Houses of Congress, then sent to the President, and he can either sign it or in the alternative he can veto it; right?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. So the resolution that has been provided for here is one which can be vetoed by the President?

Mr. DOMENICI. That is correct.

Mr. DANFORTH. Now then, what we have here, what is called the opportunity for Congress to review the actions of the Secretary of Transportation, I would suggest that the role Congress would play under the procedure set forth in this amendment is either zero or is very close to zero for the following reasons:

First, under any circumstances, for Congress to do anything in 60 days, under the best of circumstances, is to act with blazing speed.

Second, the Secretary of Transportation must submit his regulations no later than January 1, 1979; he could submit his regulations if he wanted to do, really, his will, 15, 30, even 60 days earlier, therefore, absolutely precluding any action by Congress as a practical matter.

Third, after Congress gets through acting on the joint resolution, whatever Congress would do to either vitiate the action of the Department of Transportation or to amend it could promptly be vetoed by the President of the United States whose Secretary of Transportation has promulgated the regulations in the first place.

Therefore, I would suggest that the procedures for congressional review as found in this bill are absolutely meaningless.

Now, I would like to turn to another point.

Mr. PERCY. Will the Senator yield on that point?

Mr. DANFORTH. Certainly.

Mr. PERCY. I think this colloquy has been very helpful in pointing out one of the very great problems in the amendment before us. Certainly, the opinions we had on congressional action and the ability to work its will here has been, in fact, greatly diminished by the colloquy that has just been promulgated by the Senator from Missouri. I think the explanation that has been given must be correct, is that true?

Mr. DOMENICI. That is correct.

Mr. PERCY. To support what has been said.

Mr. DOMENICI. I say to the Senator from Illinois, a number of Senators have asked me about this. I assumed someone would raise the issue. I have no firm feelings on it. This is how it came out of the committee.

If the Senator wants to make it concurrent and that date certain, it is certainly all right with me.

This is the way it is on the floor, and I do not think it is conclusive of the bill.

It is one approach and there are probably a number of approaches people would like to consider. If they present them, as floor manager of the amendment I will consider them.

Mr. PERCY. I think if it is not amended, we have clearly established a diminished role of Congress in determining this matter.

I thank the distinguished Senator for his explanation.

Mr. SCHMITT. If the Senator will yield for a question, as to whether it is possible that the President might veto such a resolution, would the Senator explain further why he thinks such a veto would be possible if the President's Secretary of Transportation had in fact put forward the major elements?

Mr. DANFORTH. Yes.

Let us assume that the Secretary of Transportation reflects the position of the administration and is a spokesman for the administration. The Secretary of Transportation, under this procedure, would develop and promulgate regulations, which regulations would set forth the user fees. Congress would then have 60 days in which to amend or vitiate the administration's position, but then the President would have the possibility to veto what Congress has done. The result of this is that Congress would have no meaningful role to play at all.

Mr. SCHMITT. I thank the Senator for that explanation.

Mr. STEVENS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DANFORTH. I yield.

Mr. STEVENS. Mr. President, I ask unanimous consent that Marly Monroe, of my staff, have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I ask whether the Senator from New Mexico has a CONGRESSIONAL RECORD.

Mr. DOMENICI. Yes.

Mr. DANFORTH. I ask that the Senator from New Mexico turn to page 20088 in yesterday's CONGRESSIONAL RECORD. He will note that there is a table in the middle of the page.

Mr. DOMENICI. Yes.

Mr. DANFORTH. Am I correct in stating that this table has formed the basis for projections of estimated dollar recoveries as a result of a user fee?

Mr. DOMENICI. Yes, that is true.

Mr. DANFORTH. I only want to point out to the Senator from New Mexico that there is absolutely no inflation factor built into this table.

Mr. DOMENICI. That is correct. It is

an estimate and is informative, and nothing more.

Mr. DANFORTH. My understanding is that the inflation rate for construction is significantly higher than the rate of inflation in the economy in general. I point that out because the figures that the Senator from New Mexico has used in his "Dear Colleague" letters and in his general arguments have had nothing in them about the effect of inflation, particularly the effect of inflation in the construction industry. Therefore, the fees that would be required to cover these costs are not included.

Mr. DOMENICI. I think the commodity goes up in price. The O. & M. may go up in price; construction may go up in price. This is merely informative.

I also say to the Senator that the thrust of my argument has been the subsidy, and the Senator has not talked about it going up as each of these goes up, and it will go up, too. The amount they are getting from the taxpayer will go up, as I assume that should go up.

Mr. DANFORTH. The final point I wish to make at this time is with respect to the subsidies, because I think the Senator from New Mexico has argued very persuasively, as he always argues, that no user fees are paid by railroads, or that there is no such thing as a user fee subsidy, or that there is a lack of user fee subsidy for railroads; that, therefore, the barges should pay a user fee on the waterways.

However, my feeling is that that is not a very fair way to go about conducting the argument, for the reason that there is no such thing as a lock or dam or channel on the railroad. The railroads are operating on rights-of-way that were given to them by the Government, in the first place. Therefore, I would view the absence of a user fee as no more than a form of subsidy for the barge industry, which form of subsidy is appropriate to that particular industry.

There are other forms of subsidy which are appropriate and today in use with respect to the railroads. Amtrak, for example, bailed the railroads out of their passenger business, which was not profitable. ConRail is a form of subsidy costing the taxpayers presently about $0.5 billion a year, in order to purchase stock and debentures in the freight systems for the railroads. Query: Will the taxpayers ever get that money back?

The taxpayer subsidizes the railroad pension system to the tune of a quarter of a billion dollars a year. Congress has provided grants to railroads of $95 million for the continuation of services, tax expenditures of $70 million a year, which are not available to the barge lines.

So, really, the question is not one of user fee, which is a particular kind of matter of interest to the barge companies. The question is subsidy and in what form the subsidy comes.

In dollar amounts, the subsidies for the railroads, if we include Amtrak, is about $1.5 billion a year; and if we do not include Amtrak, it is close to $1 billion a year.

Excluding Amtrak, let us talk about the relative subsidies which are provided railroads and which are provided the barge industry.

The Senator from New Mexico has argued that the railroads' figure is total amount of subsidy as a percent of revenue, and on that basis he has argued that the subsidies are greater for the barge companies than for the railroads. I state that as a percent of revenue, it is not a meaningful figure; because it would provide a lower relative subsidy for the more profitable means of transportation and the one that generates the biggest revenue—namely, the railroads.

So that the only meaningful way to analyze the amount of subsidy that these two industries are receiving is in subsidy as it is related to ton miles transported. What is the Federal subsidy per ton-mile for railroads? What is the subsidy today per ton-mile for the waterways?

That is the relevant question. If you look at those figures, they are approximately the same.

The subsidy per ton-mile for the waterways is now 1.3 percent per ton-mile, and for the railroad 1.2 percent per ton-mile or almost the same.

So then the real question here is what is the subsidy by the only meaningful kind of way to compare the subsidy, and it turns out that today without a user fee the subsidy is approximately the same.

Finally, I would like to make one point with respect to the question of diversion from the rivers to other modes of transportation. If it is true that this is a 10 to 20 percent shift in ton-mile transported, that 10 to 20 percent has to be related to something meaningful, and what it is related to is the economy in our part of the country, and the lives of people whose livelihoods depend on the river.

Today the barge industry, the terminal industry, the shipbuilding industry, industries which are directly related to the river transportation enterprise employ 415,000 people.

River transportation now accounts for $5.5 billion of direct revenue, and twice that much, about $11 billion, in indirect revenue in the inland river valleys.

So when we are talking about a diversion of 10 to 20 percent, you are talking about a very substantial impact on people and on the economy, a very substantial shift.

Again when we get to the question of equities I think it is perfectly reasonable to help the railroads. In fact, I was the person who introduced the amendment to the Energy Department bill which would place coal slurry pipelines under the Interstate Commerce Commission.

So I am very concerned about the health of the railroads. But Congress has been subsidizing railroads one way or another approximately to the same extent in the ton-miles that it has subsidized the barge industry. But what I do not believe is fair is to say we should help the railroads by hurting the competition to the railroads, and this is exactly what this amendment would do.

Mr. DOMENICI. Mr. President, I will be brief.

I want to compliment the Senator from Missouri for his superb argument and analysis here today, and I want to assure him with reference to the joint resolution with respect to the veto of what the Department of Transportation might end up recommending, that this precise language has been in the bill since it was reported last year from the Committee on Public Works. This is the first time anyone has raised it publicly. I give the Senator my assurance if he can work something out that will make it easier, more meaningful, for Congress to have an input, he will have this Senator's support.

Having said that, I want to make just two or three arguments. There seems to be some concern, and I believe it is genuine, on the part of the Senator from Missouri that this approach is going to put someone out of business because of the enormous change in competition we are going to cause.

I asked the Department of Transportation to give me some figures here on what it costs today from various points on the river system per ton to ship on that system from one city to another, and then asked them to get the counterpart, the same weight and rate from the railroads and then from the trucks.

I am not going to go into detail other than to tell the Senator I really would not be here if I thought it was going to create a situation where the barges would not be competitive. I repeat, with the freebies they are absolutely on the go while railroads are going down, and I believe a couple of rate charges will show why.

Peoria to the Gulf for grain, barges $4.75; railroad $6 to $11, depending upon the size of the shipment. Trucks $30 per ton Iowa to the Gulf grain; $5.30 to $6 on barges; $11 to $11.60 same tonnage on railroads. Port Arthur to Baton Rouge, crude oil, $3.28 barges, $7.62 railroads.

I think the Senator's arguments are best summarized: If we are going to talk about the railroads—and I told the Senate I did not intend to be here taking up their cudgels—but Otto Eckstein, an economist who appeared before this committee, had his testimony submitted to the committee by a witness wherein he—he is a former economic adviser to the President, not this President—was quoted as saying, and here is what he said, and I did not use the words, he did:

> The freebie inland waterway system is one of the coffin nails on our railroads which the Federal Government is now forced to rescue through subsidies and possible nationalization.

So the question is which comes first, the chicken or the egg. The subsidy of the railroads that the Senator talks about, according to most economists, is most prompted by the fact that their major competitor does not have the same basic competitive starting point because their rights-of-way are paid for by taxpayers.

Let me just say for the Senator that it summarizes under two headings that all of these figures are actual Federal obligations, money spent by the Federal Government, not loans but actual outlays.

I would just tell the Senator this: Since 1946 through 1975 these are the two relevant figures: Railroads' actual dollar outlays by this Government, $1.79 billion; water, about half inland, $14.680 billion.

If you look at the chart you will see that as the barges became prominent as commercial shippers—and they were not always prominent for they were preceded by the Federal system, the Federal Government owning the first barges and built the first locks for them—but since they became prominent that is when the subsidy started to the railroads, and it was there from the beginning on water, including inland, since 1946.

One further comment.

Mr. DANFORTH. Mr. President, will the Senator yield on just that one point?

Mr. DOMENICI. One further comment: There are other subsidies involved on the inland system that are not recovered and would be very difficult to grab hold of. For instance, the Maritime Administration provides a loan guarantee program to assist the big barge companies in purchasing commercial vessels. They presently have $285 million in guaranteed loans outstanding for the inland barge system covering the purchase of 1,200 barges and 94 river tugs.

One last point before I yield, and I will be glad to do that. I want once again to make part of the record a summary made by the Congressional Budget Office, "Subsidies to the various modes of transportation as a percentage of the industry revenues."

The Senator has alluded to that as being of one of my facts and said that he had another basis. But I want to tell the Senate what the CBO found, using a percent of industry revenues. Air carriers in 1974 1 percent; 1975 1 percent; 1976 1 percent. Highway transportation not available until 1976. Then it is estimated at 1 percent. Rail freight 1 percent in 1974; 1975 2 percent; 1976 3 percent. Then inland navigation 1974 47 percent of the industry's revenues is a subsidy; 1975 44 percent; 1976 41 percent.

I acknowledge that one might have a different way of explaining the relative subsidy posture of the Government vis-a-vis the three or four transportation modes, but I also submit that this is a relevant one, and I believe it is made by a neutral body.

Mr. DANFORTH. Yes, of course, the CBO is a neutral body, and I am sure they answered very honestly the question that was asked.

The only problem is that the wrong question was asked because it is not a meaningful figure and it is not relevant to compute subsidy as a ratio or as a percentage of revenue. The reason that is so can be demonstrated by a simple example.

Supposing I have $1 in my pocket and Senator STEVENSON has $20 in his pocket, and the Senator from New Mexico gives each of us $1. The Senator from New Mexico has given me 100 percent of what I had but he is giving Senator STEVENSON 5 percent of what he had. It is not a meaningful figure.

The most meaningful question is to ask what is the Federal Government paying to various types of transportation in the way of subsidy per ton mile of trade carried. The answer to that question, exclusive of Amtrak, which was bailing railroads out of the passenger business, is that they are giving them almost exactly the same subsidy as a percentage of ton miles.

With respect to total subsidy, let us not just go back 20 or 30 years, but let us go back to the year one. If we include in subsidies the present day value of lands that have been granted to the railroads over the history of this country, which have a present day value of something like $10 billion, I am informed by my staff that since the year one, since the beginning of this country, the total amount of subsidies that were given to the waterways was about $4.6 billion, and the total amount of subsidies that were given to the railroads was about $20 billion. So it is 20 to 4.6.

So, I think if we take the entire picture and present these statistics in a really meaningful way we will find out that the railroads have done quite well over the history of this country and that if we view subsidies as a totality, as a total question, they are getting more or about exactly the same amount per ton mile when they transport goods; the railroads are getting about the same amount as the waterways.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. DOMENICI. I will yield in a moment. I agreed to yield to the junior Senator from Minnesota.

Mr. ANDERSON. About 5 minutes.

Mr. SCHMITT. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I will yield the floor or for a question, whichever the Senator prefers.

Mr. SCHMITT. Mr. President, I address one question to the Senator from Missouri.

He raises an interesting point having to do with the question of whether the rails or the waterways are carrying the larger or equal subsidy per ton mile.

Will the Senator from Missouri tell me in his calculations of the nearly equal percentage of subsidy per ton mile did he include consideration of the relative density of the cargo? There are some major differences in the cargo that is hauled by rail versus that hauled by waterways. The waterways are particularly adaptable to large bulk and dense cargoes. It would seem to me that would bias the particular calculations in favor of the waterways.

Mr. DANFORTH. The answer is no. No such calculation was made.

Mr. SCHMITT. I thank the Senator.

Mr. DOMENICI and Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Does the junior Senator from Wisconsin desire the floor?

Mr. ANDERSON. Mr. President, I was at the Public Works Committee hearing this morning when apparently this conversation took place between the Senator from Illinois and the Senator from New Mexico which suggested that the administration was opposed to the Domenici amendment in its present form.

The Vice President and I spoke just a few minutes ago. He stated that the administration fully supports the Domenici amendment and he regrets the confusion following the conversation he had this morning with Senator STEVENSON. He also regrets that what he said may have left the impression that the administration's position was otherwise.

If I could make just one further point, the Senator from Missouri earlier was talking about the 1-percent cap. I think in fairness to the Senator from New Mexico, a number of us urged him to adopt that figure. I do not challenge the point that he made. But the mathematics of the Senator from New Mexico fit well within that 1-percent cap. The problem was many of the opponents of user fees were using figures that exceeded that by a substantial amount and so to put a cap in brought the figures back down to earth.

I accept the Senator's point, but I thought Senators should know where the 1 percent came from, and I do think it is significant and important in light of the allegations that were being made.

Mr. DOMENICI. Mr. President, I thank the junior Senator from Minnesota.

To the extent that I did not mention in the Chamber the part that he played and the part that his senior Senator, Senator HUMPHREY, played, and the part Senator NELSON, and others, played in arriving at this 1-percent cap, the reason I did not was that the junior Senator from Minnesota was not here and I thought it might not be appropriate. But it is fair to say that, while I might have understood all along that the testimony indicated it probably would not ever exceed that, there was genuine concern, especially among some of the constituents of the Senators I have named, and others, as to how it might ultimately turn out in the process.

I commend them for working on the issue and for their assistance in our arriving at the 1-percent, maximum cap that is in the amendment before us.

Mr. STEVENSON and Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield so that I may ask a question?

Mr. STEVENSON. Mr. President, I yield to the Senator from West Virginia for the purpose of asking a question of the Senator from New Mexico.

Mr. RANDOLPH. Mr. President, I appreciate my able colleague from Illinois (Mr. STEVENSON) giving me this opportunity because I have sought, not, let us say, eagerly, but perhaps earnestly to ask a question.

I ask this question of the able Senator from New Mexico (Mr. DOMENICI). We have been talking about certain criteria and certain impact of subsidy over the years. I wish to have the Senator respond by indicating to him that tonnages carried by over-the-river or over-the-water methods are not competitive with scheduled airlines or even air cargo carriers. Is this correct?

Mr. DOMENICI. That is absolutely correct.

Mr. RANDOLPH. We go from that to highway carriers. What is the competitiveness there? It is very slight, is it not?

Mr. DOMENICI. It is not easy to be as quick with an answer there, but I would say it is very slight.

Mr. RANDOLPH. Very slight. In the first instance, as I know, it is practically none; in the second instance it is only slight.

That leaves us, of course, with the competition with the rail systems of the country. That is correct, is it not?

Mr. DOMENICI. That is correct.

Mr. RANDOLPH. This is the impact point, is it not?

Mr. DOMENICI. Yes.

However, if the Senator will yield for only a moment, let me ask when he speaks of the trucks I think we both agree their competitiveness versus the waterways is as we stated it. But it is correct, is it not, that the trucking industry pays a user fee by way of a fuel tax that is incorporated in the national trust fund for highway construction which they then use as their mode of transportation?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMENICI. I thank the Senator.

Mr. RANDOLPH. As we come to the impact of the amendment or the amendment as hoped for by the Senator from New Mexico, what is the situation as it affects the waterborne carriers from the standpoint of the tonnages that they would lose to the railroad systems?

Mr. DOMENICI. I state to my distinguished chairman that the Department of Transportation has completed a study on this subject, on the question that he raises, and under the worst case history, and if the entire fee was imposed all at one time—because that is the only economic model they punched in—it is possible tha there would be a diversion of up to 10 percent of traffic to other modes of transportation.

And I would say to the Senator, I know he could not make it, but I regret that he was not here when this discussion occurred, and I will repeat it: the growth of the barge industry as a hauler of commodities in this country in the last 15 years is unparalleled by any of the others. It has almost doubled in a short period of time; and I am confident that with the incremental 10-year phase-in, all we are talking about on the barge lines is that they might not grow as fast as they have been growing. They will not be materially affected. Rather, there will be a return to a bit of balance where the railroads will begin to get some additional amount of traffic they could not otherwise get because of the tremendous rate disparity, partially brought about by the subsidization of the rights of way by American tax dollars.

Mr. RANDOLPH. I am grateful for the explanation. I could not be present earlier, and the Senator knows that the reason was a valid one.

I ask this further question, which I think is entirely proper: Has the Senator himself, as he has modified or at least has talked of modifying his amendment, discussed the matter with the two modes of transportation that we are thinking of, the water transportation and the rail transportation industries? Have you discussed the amendment with persons who are, let us say, knowledgeable in both fields from the standpoint of ownership or operation?

Mr. DOMENICI. I am delighted that the Senator has asked that question. No one has asked it this morning.

I have not talked directly, but I think it is safe to say the barge owners do not like it. They would not like it if it were only 25 percent recoupment of operation and maintenance.

The railroads are not too happy, either, because of the 1 percent lid. But I say that in the context, they are not too sure what it means in terms of a better balance of the type the Senator was asking me about.

They are quite certain that this lock, in and of itself, is of serious damage to the railroad industry in that part of the country; so they are being asked to swallow a lot, so to speak.

The authorization of the facility which Senator STEVENSON includes as part of his amendment, and the cap on the process, that has to be evaluated over the next 18 months to be put in place. I do not think we have either of them very happy, and let me conclude by saying that maybe that makes it right.

Mr. RANDOLPH. May I ask whether the able Senator is going to have time to continue consultations with both groups, if that is a fair question, or whether he feels that is a proper role of a legislator?

Mr. DOMENICI. I do not know what there is to consult about. I hope we will vote shortly. I have not heard of any other approaches on either side of this equation. I am willing to stay here and answer questions, but I would like to get the issue resolved.

ADDITIONAL STATEMENTS SUBMITTED

Mr. BAKER. Mr. President, I support the amendment of Senator DOMENICI which would authorize the reconstruction of locks and dam 26, now a bottleneck in the heart of our inland waterway system, and establish a system of user charges designed to recover the costs of operating the inland system and half the costs of the construction of new facilities.

My State of Tennessee is served by three major waterways—the lower Mississippi, the Tennessee, and the Cumberland. Annually approximately 4 billion tons of bulk cargo are shipped into the State of Tennessee on these systems and over 65 billion additional tons are carried through waters within the State on the lower Mississippi system.

Many arguments have been made for a continuation of the present 100-percent Federal subsidy to these systems and parochial interests have suggested that this subsidy is a benefit to my State. There are several reasons why I believe these arguments are incorrect.

Beyond the philosophical principle that Government should not interfere in fair competition between industries—the Federal subsidies to railroads equal 3 percent of annual revenues, to barges 41 percent—the practical considerations of continued Government support for improvements to our inland system, as rehabilitation and expansion are necessitated by increased traffic, must be taken into account. Major reconstruction at locks and dam 26 and at Pickwick Dam on the Tennessee River are badly needed in order to keep pace with increased volumes of traffic at these points. These projects will cost $421 million and $110 million, respectively.

The proponents of these projects will face increasing opposition for funding of such projects in the future as the result of: First, budgetary constraints; and second, regional opposition from areas which do not directly benefit from the system.

Additionally, the participation of industry in the financing of these improvements will enhance economic analysis of needed improvements and private sector input in the selection and prioritization of construction projects.

I have expressed to the sponsors of this proposal on several occasions my concern that the potential impacts of any such system on the consumer be carefully considered and that the system imposed not result in anticompetitive impacts detrimental to the waterway industry. I am pleased that the proposal now before us responds to these issues in three ways:

First. The Department of Transportation final regulations must be reported to Congress in January 1979, and must lie before the Congress for 10 months before they can be implemented. Congress can during that time by joint resolution either reject or amend the regulations.

Second. The charges amounting to 100 percent of operating costs and half of construction costs are phased in gradually over 10 years.

Third. A ceiling of 1 percent of the value of any shipment on the system is imposed, so that the final charge may not change the cost of goods carried on the waterways by more than 1 percent—in many instances the amount of the charge will be substantially even less than that.

Mr. President, I am disappointed that some representatives of the barge industry have charged that this proposal will be detrimental to the waterway system. I believe the opposite will be true.

When the costs of the inland system are shared by the users of the system, Federal programs to maintain and improve that system will respond much more quickly to the needs of the system. Bottlenecks will be eliminated and tonnages will increase.

THE NEED FOR A NEW LOCK AND DAM 26

Mr. HUMPHREY. Mr. President, I would like to share with my distinguished colleagues my views regarding the need for the construction of a new lock and dam 26 at Alton, Ill.

The simple reality is that the construction of a new lock and dam 26 is essential from the standpoint of assuring the growth of economies spanning the Mississippi from New Orleans in the South to Minneapolis-St. Paul and beyond in the North.

Not only does the Mississippi River

region need this facility, but the Nation as well.

What we are talking about here today is a mode of transportation, water, and a transportation system that Americans have enjoyed for much of this Nation's history. Commerce along the Mississippi was vital to the growth of the Frontier West a century and a half ago. Trade on the Mississippi has been important ever since. Farmers in my home State of Minnesota are dependent on petroleum and fertilizer coming up the river from New Orleans. At the same time, these same farmers are shipping grain for export that is so important to our balance-of-payments situation.

The statistics on this are striking. Fifty-four percent of all grain marketed for export from the Upper Midwest goes to New Orleans. Of this amount, 80 percent goes by barge via the Mississippi. In the future, as we endeavor to build our export markets, the river will play an increasingly important role in this Nation's success in the international marketplace.

The building of a sound inland waterway system is becoming more imperative as our traditional supplies of energy become exhausted. Water traffic is the most energy efficient mode of transportation available. I believe that it is important as a matter of national energy policy to encourage energy efficient modes of transportation.

There is no doubt that the existing facility at Alton has a limited capacity. In fact, the capacity of this structure is so limited that future increases in growth may not have access to the river. Now, I am against uncontrolled growth. I believe that we must consider all of the costs of increasing the volume of traffic on the Mississippi, particularly the environmental costs. We must consider the ecology of the Mississippi in determining how much barge traffic should grow. We all must be concerned with this issue. We must preserve our environment for future generations to enjoy. I could not agree to any action that is inconsistent with this goal.

Some have suggested that Congress should simply consider repairing the existing structure. I think that the evidence indicates that repairing the existing facility simply will not work.

The General Accounting Office has reviewed three proposals to repair the dam. The less expensive proposals were regarded as uncertain or possible in theory but based on assumptions not proven and involving an unknown degree of risk.

The cost estimates for repairing the existing facility were reported by GAO to be too optimistic and the scope of the work too inadequate. Also, no cost was assigned in these alternatives to the economic consequences of what would happen if the river was frequently closed because of deficiencies of a patched up dam.

We cannot wait any longer to replace locks and dam 26. The existing structure was built in 1938. Piecemeal repair would undoubtedly prove to be penny-wise and pound foolish. We are just putting off the day when we will have to totally build a new lock and dam.

The existing structure poorly serves the interests of the American people. At the present time there are excruciating delays for traffic going through the present facility. It is not uncommon to have delays of up to 3 days. These holdups add millions of dollars to the cost of products that go up and down the river.

A single 1,200 foot lock is the minimum needed to meet growing traffic on the river. This particular size was not picked at random. There have been dozens of studies by nearly as many groups. The proposal that we will have before us has been reached only after the most meticulous review. I remind my colleagues that the Army Corps of Engineers would have preferred to build a more expansive facility. The structure we will have before us is not grandiose. It is minimal.

In closing my remarks, I would like to review a few essential facts with my distinguished colleagues. The first fact is that we would be authorizing a minimal structure. The second fact is that this facility is important to the welfare of the American people. The third and final point is that new construction is the only safe and fiscally responsible thing to do. The safest rehabilitation plan that Congress has reviewed would cost $341 million, which is almost as much as the $421 million proponents of the new facility would seek to authorize.

Today, I hope that the distinguished Members of this body will join with me in an effort to strengthen a most essential segment of our Nation's transportation system. To do so would be to invest in the future so that the welfare of our citizens is served in a productive and efficient manner.

USER CHARGES

Mr. STAFFORD. Mr. President, my position on this amendment was articulated well by Transportation Secretary Adams when he testified to our Committee on Environment and Public Works. I favor—and favor strongly—user charges as fair, reasonable, and too-long-overdue policy. But I am also concerned about the real need for the immediate reconstruction of locks and dam 26. As I explained in the additional views I filed with the report on S. 790, we should take the opportunity to see if we cannot save the American taxpayer hundreds of millions of dollars provided by a workable rehabilitation scheme.

Nevertheless, I am willing to accept the arguments of my colleagues for the construction of the new dam, if it includes the system of waterway user charges proposed in this amendment.

Few changes in the Nation's transportation policies are so long overdue. The American taxpayer is subsidizing the Nation's leading oil, coal, chemical, steel, and grain companies—the principal beneficiaries of the inland system—to the tune of about $400 million a year, just in spending by the Corps of Engineers. These private beneficiaries pay not one dime in return. No other transportation mode is completely subsidized at the public's expense. Highway and airport users pay taxes into a trust fund while railroads and pipelines must go into the private capital market for funds. Only the barge industry is given a free ride by the taxpayers.

Every President since Franklin Roosevelt has stated that the rational development of the Nation's inland waterway resources can occur only within the context of a user charge mechanism. One governmental commission and report after another has noted that without user charges the Nation's inland waterway system creates inequities and inefficiencies, preventing development of a coherent national transportation policy. Within the past 2 years alone, two Presidents, two Secretaries of Transportation, the General Accounting Office, the Congressional Budget Office, and studies by the Departments of Transportation, Interior, Commerce, and the Army have examined the users charge issue. Invariably, these studies have recognized the inequities and inefficiencies that arise due to the lack of a user charge system.

This inequity has two facets. First, it is fundamentally unfair when the Federal taxpayer, composed of many low- and middle-income persons, must subsidize large, wealthy corporations, the owners of the barge lines. This is not economic growth. This is merely an income transfer from the poor to the wealthy.

Second, it is also fundamentally unfair to competing modes of transportation when one mode is singled out for special favors. The railroads calculate that complete subsidization of the inland waterway system costs them $500 million a year. A Congressional Budget Office report concluded that the reconstruction of lock and dam 26 alone could cost the midwestern railroads between $261 to $348 million a year. With many of the area's rail lines either in bankruptcy or a weak financial condition, it seems to me quite irrational to continue such major subsidization of the inland waterway system.

What we appear to be headed for, without user charges, is a spiral of increasing barge subsidies. Where will it end? No doubt in major rail subsidies. Do we really want that? Do we really want a nationalized rail system? This Senator does not. I believe user charges play fair with the taxpayers, while creating a better national balance in transportation.

Another aspect of these inefficiencies is highlighted by the rationale for construction of a new lock and dam at Alton, Ill. Here we are told congestion delays warrant a new, larger structure. What such an argument ignores is that as long as new capacity is provided free, demand will grow to an infinite degree. Capacity projections for a free navigational system will always be self-fulfilling, because there is no market constraint. There is no market check on the appetite of the beneficiaries of a free system for new, more expensive projects. This, in turn, leads to slipshod analyses of whether new projects are truly needed or not.

I believe that the case for user charges is, as a 1971 Department of Transportation study said, "logically impeccable."

Or as the 1973 National Water Commission stated:

> There is no longer any rational justification for assumption by the Federal Treasury of the entire cost of construction, operating, and maintaining navigable waterways.

Although the issue has been studied repeatedly, and recent commentators have stated that there is simply no case on the other side, opponents of user charges still ask for more study. Such a plea strikes this Senator as an effort by those enjoying an entrenched privilege to delay the day of reckoning.

Several points must be made on the issue of the need for additional study. First, the proposal in this amendment is itself a controlled legislative experiment. There is an initial period for rulemaking when the views of the barge industry will be taken fully into account. Both the 10-year phase-in and the midterm assessment at the end of the third year of implementation are designed to allow for careful monitoring by the Congress. Studies can never measure the real world. They are little more than crystal balls. In contrast, this amendment calls for a gradual phase-in so that future studies will have the advantage of hard data to work with on the economic consequences of user charges.

In advocating a controlled legislative experiment to phase in user charges, I do not want to leave the impression that the issue of economic impact has not been studied. The General Accounting Office in its November 1975 report found that recovering 100 percent of the costs of operation and maintenance would have minimal impacts, and that in fact, any diversion of traffic would be to pipelines, not rail. Studies by the Departments of Interior and Transportation last year and this also found minimal impacts. The Department of Transportation study generally found price increases of less than one-half of 1 percent. And that is after a 10-year phase-in under this amendment.

In dismissing the arguments for additional study, I do not mean to disregard the economic consequences of user charges, however minimal. But it is important to stress that whatever the consequences, they flow as a result of the end of a privileged status of complete public subsidization, not enjoyed by any other mode of transportation.

As a recreational boater, I am quite familiar with our inland waterway network. But I should point out that as a recreational boater, I already pay in effect a user charge—a fuel tax—while the real beneficiaries of the Nation's systems of locks and channels—the barge industry—pay nothing.

Mr. President, I urge the Senate to adopt the Domenici amendment.

NEED FOR LOCKS AND DAM 26

Mr. CULVER. Mr. President, the Senate is currently considering an amendment to the omnibus water resources bill of 1977. As a cosponsor of this amendment, I strongly believe it represents an appropriate and fitting resolution of the Senate's long and careful deliberation on what corrective action should be taken at locks and dam 26 near Alton, Ill.

Earlier this year the Senate Committee on Environment and Public Works, on which I serve, approved legislation, S. 790, addressing the need for replacement of the present structure at Alton, Ill. The proposed amendment essentially incorporates the major provisions of this bill. After a thorough discussion, the committee voted to authorize construction of a new dam with one 1,200-foot lock at No. 26. This action was accompanied by the specific prohibition of a 12-foot channel, and any studies thereof, on the Mississippi River and by the development of a master plan for the future management of the Mississippi River. Currently, a patchwork of Federal and State agencies is involved in the environmental, recreational, and commercial uses of the Mississippi River, working at cross-purposes in many instances. To prevent an uncoordinated use of this great natural resource, this amendment would establish a congressionally approved master plan for integrating the various policies affecting this waterway.

Finally, this amendment creates a system of user charges for commercial traffic on our inland navigable waterways. This system of charges will help to assure a balanced national transportation plan. Of the major modes of transportation, only barges do not pay for the system they use, and the inland navigational system is subsidized almost totally by the Federal Government. Language has been included that will assure that no user charges on a particular shipment will exceed 1 percent of the value of that shipment. These changes will be phased in over a period of 10 years, and the Secretary of Transportation will determine, after an appropriate period of rulemaking, the specific form of such fees.

Mr. President, I believe that proposed public policies should be fully studied and researched before any decision is made, and we have followed such a course of action throughout our consideration of suggested improvements to remove the costly delays and structural deficiencies at locks and dam 26. The Senate Water Resources Subcommittee has conducted extensive hearings over the last 2 years, and I, along with several other Members of the Senate, have visited the site personally. In addition, there have been numerous studies by the U.S. Department of Transportation, DOT, the U.S. Army Corps of Engineers, consulting firms, private groups, and several State agencies. Additional studies will only serve to muddy the waters further.

There is no doubt in my mind that construction of a new dam with one 1,200-foot lock at Alton, Ill., is essential to the economy of Iowa and the entire Midwest. I do not think anyone wishes to restrict the timely and easy flow of commodities and grain on the Mississippi River. This river transportation is important to our increasing reliance on the use of coal for energy production and the export of grain to all parts of the country and the world. Locks and dam 26 is at the crossroad of the inland waterway system. More tonnage passes through locks and dam 26 than through the Panama Canal, and $12 billion worth of commodities were shipped through this structure last year. Iowa farmers need this new structure.

I think it has been demonstrated that a 1,200-foot lock is needed at Alton, Ill. The present structure is inefficient and inadequate to handle existing traffic and projected increases. Last year, for instance, a tow had to wait an average of 8 hours to get through locks and dam 26, and during peak periods delays were even longer. This results in higher prices for the commodities and goods shipped on the Mississippi River. The U.S. Department of Transportation earlier this year conducted a comprehensive study of the transportation economics of proposed improvements at the present structure, and this report concluded that a 1,200-foot lock will be needed before the end of this century to process efficiently projected increases in traffic flows. The DOT study concluded that—

> The impact of the proposed single 1,200-foot lock on railroad revenues does not appear to be significant.

Additionally, the DOT reported that one 1,200-foot lock will not necessarily generate pressure to expand the locks and dam system above Alton, Ill., and I am hopeful the proposed master plan will counter any unnecessary tendencies to expand it.

As you know, President Carter has strongly indicated that he will veto any legislation authorizing replacement of locks and dam 26 without authorizing user charges for commercial waterway traffic. This amendment would hopefully assure that any authorization of locks and dam 26 will not be vetoed, and that construction, which will take 8 to 10 years, can begin next fiscal year. This amendment is an environmentally sound, transportation-efficient, and appropriate economic course of action. With the establishment of a gradual system of user charges which will help to provide for a balanced transportation system, the prohibition of a 12-foot channel, the development of a master plan for the future use of the river, and other safeguards in this amendment, I believe we have developed a proper response to this issue if we authorize replacement now. If we wait any longer, inflation will more than eat up any potential savings that might result from various studies. I hope my colleagues will support this amendment.

Recently, editorials from several Iowa newspapers have commented on the action taken by the Senate Committee on Environment and Public Works earlier this year. I believe they present a useful discussion of the issues, and I ask unanimous consent to have them made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Ottumwa Courier, May 23, 1977]

RIGHT ON, JIMMY

(By Jim Crane)

Transportation Secretary Brock Adams says Jimmy Carter will veto any bill authorizing a new lock and dam on the Mississippi at Alton, Ill., if the measure does not impose a user fee.

That ought to put the clamps on those who want to exempt the river-shipping interests from paying their own way.

Adams wants congressional action on the proposed 1,200-foot lock and dam to be delayed 18 months for an engineering field study.

That kind of study may be needed if the Corps of Engineers existing studies are as biased as its critics say.

There seems to be no arguing with the fact that something must be done at Alton if river traffic is to continue. The lock carries not only Mississippi traffic, but river traffic from the Illinois River, meaning that it has to have greater capacity than the upriver locks.

That seems to argue in favor of constructing a new locks and dam. But we'll let the engineers and lawmakers argue that point.

The important point is that finally it appears that barge interests will have to pay part of the cost of operating their highway system. And the sooner the better.

[From the Wallaces Farmer, June 11, 1977]

PUSH FOR ACTION ON LOCKS AND DAM 26

The controversy surrounding Locks and Dam 26 near Alton, Ill., drags on.

Early last month, the administration attempted to scuttle any immediate plans for rebuilding the aging facility by recommending another 18-month study period.

Sen. John Culver (D-Iowa) reacted with an amendment to authorize construction of a new dam and 1200-ft. lock in fiscal 1978. The amendment was adopted by the senate committee on Environment and Public Works. It deletes the proposed engineering study and clears the path for congressional action.

In Culver's words: "This issue has been studied and analyzed thoroughly by agencies and committees the last 3 years, and further delay will only make the project more expensive." On that, we couldn't agree more.

It is estimated that a delay could cost $40 million annually in increased construction costs. And there is no assurance another study will be more conclusive than those conducted the past 3 years. In fact, if the evidence presented has been on target, it seems likely that a second study would also recommend replacement as the most economic, feasible alternative.

It doesn't take another study to prove that the dam can't handle the present traffic. Operating at near peak efficiency, only 46 million tons of freight can be moved steadily thru the complex. That capacity was reached in 1970. Last year, 59 million tons were squeezed thru, and shipping is increasing at a rate of 2 to 3 million tons a year. With locks operating at such a volume, tows have been delayed 18 to 21 hours before going thru the lock. During the main shipping season, waits can exceed 3 days.

Such delays raise the cost of water transportation. More than half the commerce moving thru the lock is farm related. So higher transportation costs mean higher prices for fertilizer and machinery—and in some instances, * * *

The situation was illustrated dramatically last year when the structure was closed for emergency repairs. Hundreds of grain barges were stalled for days. Grain prices plunged, while shipment costs climbed. In the end, it cost farmers thousands of dollars a day.

It will take 8 to 10 years to construct a new facility, so prompt legislative action is vital. Additionally, the senate committee has endorsed a user's fee to defray part of the investment expense.

The plan is backed by most farm organizations, cooperatives, agri-industry, and big labor. Strong grass roots support is now needed to keep the wheels turning. Each day it is delayed costs time and money.

[From the Des Moines Register, May 5, 1977]

USER FEES FOR BARGES

The Carter administration and the Iowa Transportation Commission both endorsed the concept of waterway user fees this week. But it looks like a loser in Congress, even though it has been attached to a bill authorizing a costly benefit for barge owners and users: a new dam and locks at Alton, Ill.

This linkage, which the Iowa DOT endorsed, had brightened the never-too-bright chances for enactment of fees this year. Unfortunately, Transportation Secretary Brock Adams' endorsement of fees turned out to be a blow against them.

Adams proposed a fuel tax. This is the logical way to levy and collect a transportation user fee, but politically it was the kiss of death, because, as a tax, it must go to Senator Russell Long's Finance Committee. Long is so opposed to ending the barges' free ride that it will snow on Capitol Hill in July before a barge fuel tax comes out of his committee.

Truck operators pay fuel taxes (that is, their customers do) to help build and maintain the highways they use. Railroads (that is, their shippers) pay property taxes on the "highways" they use. To continue providing free "highways" for barges is to knuckle under again to powerful interests who know what a good thing they have and are able to lobby effectively to preserve it.

Secretary Adams was right when he told a Senate hearing that "it is simply not equitable that profit-making businesses should have this much of their costs met by the American taxpayer." (Waterway upkeep is close to $1 billion a year, Adams said.) Iowa DOT Commission Chairman Robert Rigler expressed the same feeling: "It is unfair to tax trucks and railroads but not barges."

Supporters of free waterways have no effective answer to the argument of fairness, so they zero in on the bottom line, profit: It would cost Iowa farmers more to ship their grain, and Iowa utilities more to receive their coal, if barge transport were compelled to pay its way. The proposal before Congress is for waterway users to ultimately pay half of the maintenance cost.)

Shippers situated where they can take advantage of waterways would pay more. But for the larger number whose location compels them to rely on rail and highway transport it now is a case of paying taxes to cut the expenses of more favorably located shippers. Transportation costs what it costs, and 215 million Americans pay for it. Subsidized, artificial rates merely transfer some of an unchanged total cost from one group of pockets to another.

[From the Burlington (Iowa) Hawkeye, May 11, 1977]

LOCK AND DAM 26

Lock and dam 26 at Alton, Ill., would be replaced with a new dam and a 1,200-foot lock, with construction starting immediately, under a proposal approved by the Senate Public Works Committee last week. The committee majority agreed with Sen. John Culver that the new structure "is the most economical, transportation-efficient means of resolving the costly delays and structural problems which now exist." Culver and Sen. Wendell Anderson of Minnesota had sponsored the amendment calling for the new lock and dam.

The action followed two years of heated argument over the future of 26 which has been the major bottleneck in river transportation. The Culver-Anderson solution will not necessarily settle the argument.

On one hand, environmentalists have seen the Lock and Dam 26 replacement as the beginning of an enlargment of all dams on the river and the dredging of a 12-foot channel to accommodate ever larger tow boats, with tragic results for wildlife and recreational areas along the river banks.

From another direction has come opposition from the railroads who see this as one more government subsidy to river transportation and unfair competition in freight movement with the railroads.

Culver and Anderson attempt to meet those objections with specific restrictions in the amendment adopted by the committee The proposal would authorize user fees to be paid by barge operators to help defray the cost of the river transportation system and put them on a more nearly equal footing with the railroads.

The amendment also specifically prohibits a 12-foot channel or any deepening of the upper river and even forbids the Corps of Engineers from making studies for a deeper channel without specific authorization by Congress.

Further, the legislation calls for development of a master plan for the future management of the river. "This will help us balance the competing commercial, recreational and environmental uses of the river in the years ahead," Culver says, "so that it does not become a barge canal."

It is that objective that commends the project to our support. Neither environmentalists nor railroads will be completely happy. They have opportunity to be heard further as the bill moves through Congress. But move it should. We should get on with a new Lock and Dam 26, with the proposed restrictions and, even more urgently, with the development of the master plan.

UP AMENDMENT NO. 505

Mr. STEVENSON. Mr. President, I send to the desk an unprinted amendment which I offer as a substitute for the amendment, as amended, proposed by the Senator from New Mexico.

The PRESIDING OFFICER (Mr. NUNN). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) offers an unprinted amendment No. 505 as a substitute for amendment No. 442, as modified.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted by amendment No. 442 (as amended) offered by the Senator from New Mexico, insert the following:

TITLE III—INLAND NAVIGATION

SEC. 301. This title may be cited as the "Inland Navigation Improvement Act of 1977".

SEC. 302. (a) The Secretary of the Army (hereafter in this title referred to as the "Secretary"), acting through the Chief of Engineers, is authorized to replace locks and dam 26, Mississippi River, Alton, Illinois and Missouri, by constructing a new dam and a single, one-hundred-and-ten-foot by one-thousand-two-hundred-foot lock at a location approximately two miles downstream from the existing dam, substantially in accordance with the recommendations of the Chief of Engineers, in his report on such project dated July 31, 1976, at an estimated cost of $421,000,000.

(b) The Secretary, acting through the Chief of Engineers, is authorized and directed to replace, at Federal expense as a part of project costs authorized in subsection (a), terrestrial wildlife habitat inundated as a result of the construction of the project on an acre-for-acre basis in the respective States of Missouri and Illinois and to manage such lands as are thus acquired by the Secretary for wildlife mitigation purposes. The Secretary is further authorized to provide project-related recreation development on or in the vicinity of Ellis Island, Missouri, that requires no separable project lands and includes facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp,

and a beach, at an estimated cost of $4,000,000, the cost of which shall be shared with the State of Missouri and administered in accordance with the provisions of the Federal Water Project Recreation Act (Public Law 89–72) and undertaken independently of the navigation features of the project.

(c) The navigation channel above Alton, Illinois, on the Mississippi River and the Illinois River (for a distance determined by the Secretary to be necessary for the efficient use of the locks and dam authorized by this title) is established at nine feet. Neither the Secretary nor any other Federal official is authorized to study the feasibility of deepening any other navigation channel in the Minnesota River, in the State of Minnesota; Black River, in the State of Wisconsin; Saint Croix River, in the State of Minnesota and Wisconsin; Illinois River, in the State of Illinois; or the Mississippi River North of its juncture with the Illinois River, in the State of Illinois, unless specifically authorized by an Act of Congress enacted after the date of enactment of this title.

(d) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of subsections (a) and (b) of this section for fiscal year 1978 and succeeding fiscal years. Any funds which have been allocated to a replacement project for locks and dam 26, prior to the enactment of this title, shall be available for the project authorized in this section shall remain available until expended.

SEC. 303. (a)(1) The Upper Mississippi River Basin Commission (hereafter in this section referred to as the "Commission") is authorized and directed, in cooperation with appropriate Federal, State, and local government agencies, to prepare a comprehensive master plan for the management of the Upper Mississippi River which can be a guide to both public and private entities making decisions affecting the Upper Mississippi River. The Commission shall hold public hearings on such plan in each affected State, and, shall, by January 1, 1981, prepare a preliminary plan which it shall submit to the appropriate authorizing committees of the Congress. By January 1, 1982, after reviewing the comments received by it at the public hearings held on the development of the master plan, the Commission shall submit a final master plan to the Congress for approval. In preparing such final proposed master plan, the Commission shall provide a method for and encourage public participation, including an opportunity for interested persons to submit written comments to the Commission. After January 17, 1982, the Commission may submit to the Congress any amendments to the master plan it deems necessary and appropriate.

(2) Such master plan, and any amendments thereto, shall be deemed to have been adopted only if approved by the Congress as provided in this paragraph. The Congress shall express its approval of the master plan, or any amendment thereto, by the adoption of a concurrent resolution.

(3) Copies of the approved master plan, and any approved amendments thereto, shall be provided to the appropriate Federal, State, and local government agencies. In addition, a suitable number of copies of such plan shall be made available to the public.

(b) The master plan developed under this section shall identify the various economic, recreational, and environmental objectives to be achieved in the region of the Upper Mississippi River, recommend guidelines for the coordination of management decisions of public and private entities affecting the Upper Mississippi River, and include any legislative proposals which may be necessary to carry out such recommendations and objectives.

(c) For the purposes of developing the comprehensive master plan, the Commission is authorized and directed to conduct such studies as it deems necessary to carry out its responsibilities under this section, with provision that it utilize, to the fullest extent possible, the resources and results of the Upper Mississippi River resources management (GREAT) study conducted pursuant to section 117 of the Water Resources Development Act of 1976 (Public Law 94–587) and of other ongoing or past studies. The Commission shall request appropriate Federal, State, or local agencies to prepare such studies, and any Federal agency so requested is authorized to conduct any such study for the purpose of this section. Studies conducted pursuant to this section shall include, but not be limited to, the following:

(1) Studies concerning the environmental effects of present and projected traffic levels, including the impact of any new navigation-related construction activities upon fish and wildlife, water quality, wilderness, and public recreational opportunities, particularly with respect to the environmental values of the Upper Mississippi River system, and including a specific analysis of the environmental effects of dredging and of any future expansion of the lock and dam authorized in section 302 of this title.

(2) Studies concerning the economic impacts of present and projected traffic levels, including an analysis of alternative methods for meeting future intermodal bulk commodity transportation needs of the regions served by the Mississippi River system and a specific evaluation of the economic effects of a demand for any second lock at Alton, Illinois.

(3) Studies and demonstration programs including a dredge and spoil disposal program (to include alternate uses of dredged material) to evaluate the equipment effectiveness of improved dredging and other equipment in minimizing the environmental effects of channel operation activities.

(4) Development for the Upper Mississippi River system of a computerized analytical inventory and system analysis to facilitate evaluation of the comparative environmental effects of alternative management proposals.

(d) Guidelines developed pursuant to this section shall include, but not be limited to, guidelines for channel maintenance, minimization of dredging volumes, alternate uses of dredged material, barge fleeting, protection of water quality, fish and wildlife protection and enhancement, wilderness preservation, and management of the wildlife and fish refuges within and contiguous to the Upper Mississippi River system.

(e) To carry out the provisions of this section, there are authorized to be appropriated to the Commission $20,000,000. The Commission is authorized to transfer funds to such Federal, State, or local government agencies as it deems necessary to carry out the studies and analysis authorized in this section.

(f) Except for the provisions of section 302 of this title, and necessary operation and maintenance activities, no replacement or construction of locks and dams shall be undertaken by the Secretary of the Army to increase the traffic capacity of the Upper Mississippi River system, until the master plan prepared under this section has been approved by the Congress. Following approval of the master plan, construction of any lock on the Upper Mississippi River, and construction of any second lock on the Mississippi River at Alton, Illinois, shall be initiated only under an Act of the Congress, except that the lock and dam authorized by section 302 of this title shall be designed and constructed to provide for future expansion. All other construction activities conducted by the Secretary on the Upper Mississippi River shall be conducted only in accordance with the guidelines set forth in the master plan prepared under this section.

SEC. 304. (a) The Secretary of Transportation shall conduct a thorough and complete study of the need for and consequences of establishing a system of user charges for the inland waterways of the United States. Such study shall include an analysis of—

(1) the effect such a system of charges would have on the businesses and farms along the inland waterways which depend on use of the present mode and cost of water transportation;

(2) the effect such a system of user charges would have on the national economy and the regional economies of those regions along the inland waterway;

(3) the effect such a system of user charges would have on those who ship or receive commodities by the inland waterways and their dependence on the inland waterways;

(4) the various forms of user charges that could be established, and the comparative impacts of each on the interests specified in this subsection;

(5) the administrative costs of alternative user charges;

(6) the need for assistance for persons and communities adversely impacted by user charges;

(7) the benefits other than commercial navigation which come from the maintenance and operation of the inland waterways;

(8) the amount and competitive effect of Federal and State subsidies and taxes on the different modes of inland freight transportation, and the type of user charges, that would be equitable to all modes; and

(9) such other matters as the Secretary of Transportation deems appropriate and necessary.

(b) The Secretary of Transportation shall submit, to the President and Congress, a final report of the results of the study conducted under subsection (a) within 18 months after the date of enactment of this title. Such report shall include such recommended legislative and administrative actions as the Secretary of Transportation deems necessary and appropriate.

(c) There are authorized to be appropriated, for the fiscal year ending September 30, 1978, not more than $5,000,000 to the Secretary of Transportation to carry out the purposes of this section. Such sums shall remain available until expended.

SEC. 305. As used in this title, the term—

(a) "user charges" means a fee or charge to be paid by the owner or operator of shallow-draft cargo vessels using the inland waterways of the United States for commercial purposes, including licenses fees, congestion charges, charges based on ton-miles over a given segment of such waterways, lockage fees, and fees based on the capacity of cargo vessels, loaded and unloaded, over various segments of such waterways; and

(b) "inland waterways" means any improved waterway operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than ocean-going vessels.

Mr. STEVENSON. Mr. President, this amendment differs from my previous proposal only in technical matters.

Mr. President, I did not say previously that the administration opposed the Domenici amendment. I said that from my conversations with the Vice President. it appeared that it was neutral on the Domenici amendment.

That is not the case. It has now been made clear that the administration supports the Domenici amendment, and, of course, the Vice President supports the administration's position.

I said that this morning not only because of conversations with the administration, but because I thought it somewhat implausible that the administration would support an amendment which

would prevent the administration from imposing its own system of user fees, which is a fuel tax.

Now, Mr. President, I think I understand one of the reasons why, notwithstanding that this amendment would prevent the administration from proposing its own proposal, and that reason was brought up by the Senator from Missouri.

The effect of this amendment is to exclude Congress from any effective participation in the development of the user fee system. As the Senator from Missouri brought out, Congress, under this amendment, would have an opportunity within 60 days to veto a user fee system, but it could do so only by a joint resolution; and, of course, a joint resolution is subject to a Presidential veto. So the congressional veto could be vetoed by the Presidential veto, and that, I suspect, is one of the reasons why the administration supports this amendment.

Mr. President, there is a good deal of confusion on the Senate floor and in the galleries about user fees and who is for or against them. I happen to be for a user fee, but I oppose this amendment because it is unworkable; its effects are unpredictable, it may be unconstitutional, and, at the very least, it delegates to the executive branch revenue raising responsibilities of the Congress.

I do not want to prolong this discussion. I would like to discuss briefly the cap, and do so illustratively.

We have talked over many other parts of this amendment, and made the point that it is unworkable, it is unpredictable, and it may be unconstitutional. I mention just another example, the cap, which was referred to by the distinguished Senator from New Mexico.

As the Senator from New Mexico conceded earlier, that cap, based on current commodity values, would be at about $350 million. If we put inflation in, making reasonable assumptions about the value of commodities in 5 years, that cap will be up to somewhere around $450 million.

That is no cap at all. Among all the many other uncertainties of this bill is the big uncertainty as to how the cap would be applied, to what section of the inland waterways, to what shippers, and to what kinds of commodities. It is possible that it could be applied only to the Mississippi River, the Ohio River, the Illinois River, or to other such segments, and be ineffective. Even if it were somehow possible to distribute it throughout the inland waterway system, still a $450 million cap is no cap at all.

Mr. President, barge rates are unregulated. They are not set, as railroad rates are. They vary, going up and down in response to market conditions. It is not uncommon to have variations in the rate for shipment of a given commodity by barge between two points by as much as 300 percent in one season. The rates are constantly fluctuating.

It is the unregulated nature of these rates that makes the caps suggested by the Senator from New Mexico unworkable. It would be impossible to calculate whether a user charge was or was not exceeded, exceeding the 1 percent of the value of all of the commodities or of a particular shipment, because of the wide variations and constant changes in transportation costs.

The value of the commodities, which is the basis for the 1 percent cap, includes, under this amendment, transportation costs. With variations in rates of 300 percent or more, depending largely on seasonal demands, the charges can easily be less than 1 percent 1 day and more than 1 percent the next. Furthermore, the variation of rates from one carrier to another and one shipper to another add another dimension to the complexity of the rates for barge transportation.

The only way this so-called cap could work would be to subject all rates for transportation on the inland waterway system to comprehensive regulation by some agency, and there is no other appropriate agency except the Interstate Commerce Commission. I do not believe many Members of this body at this time are ready to support such a wholesale transportation rate regulation. If anything, transportation regulation of all of the modes of transportation should be reduced.

Because of these fundamental flaws, I urge my colleagues to oppose this amendment.

The specific problem I have mentioned with respect to this unworkable and very high cap is just indicative or typical of the kinds of problems which are inherent in voting for user charges without having a user charge proposal before us. This amendment delegates too much, it leaves too much unanswered.

I might add, Mr. President, that the modification of the original cap in this amendment, while designed to alleviate some of the problems I have mentioned, would not do so. It attempts to base a 1 percent limitation on average cost, but it does not say what average cost is. It will not cure the problem. We cannot calculate average costs for rates that are unregulated, unpublished, and negotiated between individual shippers and carriers or individual movements. That would be impossible unless, and I do not believe this is desirable, we require the imposition of a regulatory system which mandates publication and filing of many additional individual rates which are negotiated between shippers and carriers.

Since the imposition of a new system of regulation, with all the required paperwork and manpower, does not seem desirable, I do not believe the Domenici amendment is desirable.

So, Mr. President, I have offered my amendment as a substitute.

I offer this amendment, with Senators LONG, STEVENS, EAGLETON, DANFORTH, EASTLAND, MAGNUSON, HUMPHREY, JOHNSTON, and YOUNG as cosponsors.

What it would do very simply, Mr. President, is to authorize the replacement of locks and dam 26 and also require a study of user feasibility by the Department of Transportation. When that study is completed, with all of the guidelines in this amendment, then the Congress would be in a position to legislate a sensible system of user fees and, hopefully, recover sufficient revenues and redress whatever imbalances exist between competing modes of transportation. It is not possible now. Under my amendment it would be possible.

Mr. LONG. Will the Senator yield?

Mr. STEVENSON. Will the Senator withhold that for a moment? The Senator from Alaska has been trying to get the floor. I would be happy to yield to the Senator from Alaska.

Mr. STEVENS. If the Senator from Louisiana will permit me, I just want to add a few words and ask the Senator from New Mexico a question or two.

I am a cosponsor of this amendment. I happen to feel that the approach of the Senator from New Mexico is a first step down the wrong road.

As has been pointed out in the newspapers, while it does not go to the extent of establishing user charges for all Federal actions on the inland waterways, I think it goes further than most people realize. I happen to believe, as I said, it is just the first step.

I am pleased to cosponsor the amendment of the Senator from Illinois. His amendment requires a study of these various other forms of user charges which could be established and the impact they would have if this precedent is followed.

My specific question to the Senator from New Mexico is this: I would ask my good friend, in terms of the definition of inland waterway he has in his amendment, are the improvements which the Corps of Engineers makes through dredging of waterways that support shallow draft navigation sufficient to be determined to require repayment under the user charges of his amendment?

I will state to the Senator, that that is my understanding of it. If the Corps of Engineers removes a shoal from a navigable river which supports commercial shallow draft barge and tug traffic, that is an improvement and it is a maintenance of that waterway by the United States. Therefore, it would require a user charge. Does the Senator concur in that opinion?

Mr. DOMENICI. Yes.

Mr. STEVENS. I appreciate the frank answer of my friend. This amendment of the Senator from New Mexico goes much further than anyone realizes. I think we have in our State approximately half of the navigable waters of the United States. They are now being used for commercial shallow draft barge traffic of all forms. Almost annually the Corps of Engineers will remove some shoals.

Mr. DOMENICI. Are they used for commercial cargo hauling?

Mr. STEVENS. Yes; our colleague in the other body, Congressman DON YOUNG, was a riverboat captain on such a waterway.

The impact of this user charge required to repay that work would be prohibitive as far as the very rural areas of America are concerned. My concern is not the direct concern of the Senator from Illinois, but it is the extension of this user charge and where it is going. If they can charge for the removal of a shoal by the Corps of Engineers, the next thing they are going to do is to charge for annually replacing the navigation buoys. After that they will

charge for any improvements made to the various small boat harbors.

Mr. GRAVEL. Will my colleague yield?

Mr. STEVENS. Yes.

Mr. GRAVEL. My colleague knows, as well as I do, we have no locks and dams on the Yukon or any of the navigable rivers in the State of Alaska.

Mr. STEVENS. That is correct. But if we read the amendment, it does not require the improvement. It requires the activity of the Corps of Engineers in terms of the maintenance of an inland waterway. I say again the problem is that this is going too far. I do not think——

Mr. DOMENICI. Where is the Senator reading?

Mr. GRAVEL. Certainly we are not trying to go ahead and tax people who are not receiving any benefits. The waterway systems of Alaska are not receiving any benefits, as we understand them. If we can focus on the language, let us reason together and correct what may be a misunderstanding, if one does exist.

Mr. STEVENS. I do not have a misunderstanding. I think this is the first step. We can correct it now but what is going to protect us from the next Congress which decides to extend the principle? On page 6——

Mr. GRAVEL. Let me tell my colleague, if the next Congress were to authorize a lock and dam on the Yukon I would vote to tax them or to charge a fee just like in any other State in the United States. I do not think we should be any different.

I do not mind setting the precedent, but if we can accommodate my colleague, we would be prepared to correct the bill and make sure we are not hitting people unjustly.

Mr. DOMENICI. Let me put it this way, Mr. President: This amendment covers inland waterways as defined in this bill, and I will define it for the Senator.

Mr. STEVENS. I just read it.

Mr. DOMENICI. And it excludes specifically the Great Lakes, interconnecting canals, and the Saint Lawrence Seaway. It requires that the Corps of Engineers be involved in either the maintenance of an inland system or that there be a project on that inland river that the Corps of Engineers built and maintains primarily for navigation.

Even then, it is only the kind of operator that we have described that pays.

Mr. STEVENS. That is exactly the kind of operator we have. They are running these things for profit. If the Senator looks at his amendment on page 6, subparagraph (e)(1), he is talking about recovering 100 percent of the Federal navigation-related expenditures of the Secretary of the Army on the operation and maintenance of inland waterways as defined in this bill.

Mr. DOMENICI. That is right.

Mr. STEVENS. That is a substantial amount of money spent in rural America, particularly in rural Alaska. I do not see any reason for including general user fees.

As a matter of fact, as I told the Senator from Illinois at the leadership meeting yesterday morning, and I shall not quote the President, but it is my understanding that the administration has not come down in favor of general user fees. The Senator from Minnesota was there. I am surprised to hear that the administration is supporting this amendment which, in fact, takes a first step toward general user fees.

The main point of it is that we should not do this in this fashion, in my opinion. This is a tax. What it is saying to these people is:

> You are going to be taxed for using waterway systems because we have used the Corps of Engineers to assure, through maintenance and operation, that they can, in fact, be used for waterborne commerce.

I have envisioned a more rapid increase in waterborne commerce in our State. I think it has grown substantially in the last few years. I do not see any reason to start on this course.

With due respect, I do not think a step down the road to hell is progress. That is what this amendment is, in my opinion. It is saying, if we go this far, what are we going to do with the airlines? Are we going to start saying the airlines ought to be paying for navigation aids along the way?

Mr. DOMENICI. They pay for them now.

Mr. STEVENS. They do not pay for them. We make substantial payments out of the Federal Treasury annually. I am on that subcommittee. We make payment for the air navigation system. We do charge the consumers a user tax. It was put on by my good friend here, and I remember standing here debating that tax and the limit of that tax on the purchaser of the ticket.

Let us tax the consumer, but let us not tax the person who is trying to provide transportation through the inland waterway system. This is the wrong approach.

I support the Senator from Illinois because he has faced the problem in its entirety. He has not faced just the problem of locks and dam 26. His amendment says there should be a complete study of the total forms of user charges that might be imposed here and what the effect of those might be. Let us see where we are going before we take this first step.

I say advisedly to my friend that this locks and dam 26 is being used as the key to open the door to a system of taxation that will make the country rue the day if we ever take that step, because it goes farther into the area of air commerce than I know.

The precedent is there. We do not pay, we do not force the users to pay. I am talking about the users. The people who operate the airlines do not pay the cost of maintaining the navigation system. Those taxes come from the consumer. We have limited them and we have put them into a fund and we have assured that they will be used properly.

Mr. DOMENICI. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. DOMENICI. Let me say this to the Senator: He had told me many days ago that he could not support this amendment. He is here, in his usual eloquent manner, describing a problem that he sees. But let me say to the Senator, we have been now, for years, discussing this problem of user fees for inland navigation. The Senator is talking about this amendment of the Senator from Illinois being the right approach because it prescribes a study. I do not attribute to the Senator from Alaska what I am going to say, but a study means we are never going to get a user fee, I say to the Senator. We have studied this until there is not any more room for study. I have put in the record that since 1970—not preceding that, because preceding that, every President since Roosevelt, in 1939, recommended and sent up evaluations of why we should assess a reasonable fee on the inland waterway users. But just since 1970, there are 14 major studies, I say to the Senator—on the effect, the impact, how it will work, and then, especially, on areas right around it versus areas far away—of the whole inland waterway system and what impact it will have to try to collect operation and maintenance money paid by the taxpayer from those who use it commercially.

If the Senator thinks this is a foot in the door, let me say, we have been talking about the fact that it will have to be a pretty big door in terms of the inland waterway users. It will have to get mighty big before there would be any impact on them that would take away the freebies they have been getting and will continue to get under the Domenici amendment, because half of the capital improvements will be free.

Mr. STEVENS. I do not think it is a freebie to maintain a waterway that God put there for our use.

Mr. DOMENICI. They could not use it without tax dollars.

Mr. STEVENS. Then take tax dollars and keep it up, but do not say we are going to have it maintained——

Mr. DOMENICI. That is what we have been doing.

Mr. STEVENS. The Senator is admitting it is a tax.

Mr. DOMENICI. No, we have been using Americans' tax dollars to pay for them and we are saying the users ought to pay a charge and reimburse part of the kitty that comes out of our tax dollars.

Mr. STEVENS. The Senator is admitting that this is a tax. That is what it is and that is what it ought to be called.

Mr. DOMENICI. What about grazing fees? Is that a tax?

Mr. STEVENS. The majority have suggested that if we have a wellhead tax, which I do not support, we ought to divert that tax and use it for the maintenance of things like inland waterways or we ought to use it for additions to trust funds, highway trust funds, and use it for transportation charges. So the people who consume that energy are the ones who are going to have to pay to maintain the system that they must have in order to consume the energy.

I could see that coming. I could see some system like that coming if we are going to have a wellhead tax, which I hope we do not.

Mr. DOMENICI. Who is suggesting that?

Mr. STEVENS. The Senator from West Virginia. It is a very good suggestion, but

again, he is saying, "Let us use tax dollars." What the Senator from New Mexico is saying is that we are going to get down to the point where someday, the operator of an aircraft is going to pay through a user charge which the consumers now pay when they pay a tax on an airline ticket. That is the proper way to go and everyone can see it. It is distributed fairly to the people who benefit from the system, and it is not going to put out of business the very people we need in order to keep commerce going in this country, particularly in rural America.

Again, I do not like to have a public disagreement with my colleague, but this one, in terms of the future of waterborne commerce in our State, bothers me a great deal. Even if we correct this bill, the precedent is too great.

I thank the Senator from Illinois for yielding to me.

Mr. STEVENSON. Mr. President, will the Senator yield to me?

Mr. GRAVEL addressed the Chair.

The PRESIDING OFFICER (Mr. CULVER). The Senator from Illinois is recognized. The Senate will be in order. The Senator will suspend until the Senate is in order.

The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, the plain fact is that we do not know what costs are going to be recovered by this bill. That is my basic objection to it. What it will recover is dredging costs, as the Senator from Alaska was indicating. Most O. & M. costs are not for operation of locks and dams, they are for dredging.

It will cover buoys and all other kinds of navigational aids. It will recover some part of the cost of constructing and maintaining levees.

Mr. GRAVEL. Will the Senator yield?

Mr. STEVENSON. I wish to yield to the Senator from Louisiana for a question.

Mr. LONG. Mr. President, I was discussing with the Senator the parliamentary situation. While I would like to make my speech in extenso, I believe most people have heard my views on this matter already and not enough different is in it to make much difference. I would suggest, if it is all right with the Senator from Illinois, that we agree to limit debate and vote in the next half hour. That will give each side 15 minutes to summarize their arguments, if that is all right with the Senator.

Mr. DOMENICI. Reserving the right to object, is the Senator from Louisiana saying 30 minutes on the Stevenson substitute; 15 minutes for him, 15 minutes for me?

Mr. LONG. Yes. Is that all right?

Mr. DOMENICI. Can we get the yeas and nays now so we will have it done?

Mr. LONG. If it is all right with the Senator.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. STEVENSON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. I believe I have the floor.

This amendment is a bill reported by the Committee on Commerce. Its provisions are familiar to all Members. I do not need any more. But I have not asked others. I believe the Senator from Minnesota might like to be heard, but as far as I am concerned, 15 minutes is more than enough.

Mr. DOMENICI. Reserving the right to object, is there anyone on our side that wants to be heard?

I withdraw my objection.

The PRESIDING OFFICER. The Senator from Louisiana will please restate it.

Mr. LONG. Mr. President, that we limit the time for further debate to one-half hour, 15 minutes controlled by Senator DOMENICI and 15 minutes controlled by Senator STEVENSON, and that at the end of the half hour, we vote.

Mr. DOMENICI. Reserving the right to object, do we understand that immediately following that, in the event the Stevenson amendment fails, we will vote on the Domenici amendment, was that part of the agreement?

Mr. LONG. That is not in the agreement because I believe Senator STEVENSON, or someone, might have another amendment they might want to offer in the event that is the case.

I would suggest that what is best is to get bills through. If we can get to a key vote, as on the Stevenson amendment, we are making progress, regardless of how they vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Alaska.

Mr. GRAVEL. Will the Senator yield to me?

Mr. DOMENICI. Surely.

Mr. GRAVEL. Speaking to the point raised before about precedent, this does not create any new precedent. It is very common in corps projects such as recreation, which is ample precedent. There we have 50–50 matching where the local people have to come up with the money. On water supply projects we have a mandatory 100-percent repayment. So the Corps of Engineers will do the necessary things for a water supply system and give the local people a number of years to pay it off.

We are trying to fulfill the recommendations of the National Water Commission of 1974, which I think laid down a very good principle, and this is that if we have improvements made with Federal tax dollars and we can identify the beneficiaries we ought to be smart enough to say that the chief beneficiaries should pay for part of the improvements.

All this Domenici amendment does is accomplish that by the year 1990, that is how moderate it is, that 100 percent of the cost of maintenance and operation and 50 percent of the capital improvements will be recovered through user fees.

That is not inordinate. That is not precedent setting. It only makes good sense to begin to clear the accounts.

Speaking for the State of Alaska, we have extensive inland waterways. We do not happen to have any dams or locks on these waterways, but if we do build them and if we do have extensive dredging to maintain these waterways so that our inland boat system can function and can bring products to the various parts of Alaska, then I say we ought to pay our fair share like anybody else.

I see nothing wrong with that. I do not think there is anybody in the State of Alaska who would want to continue what we have today, which is a ripoff situation. Whenever possible, if we can do things in an intelligent and orderly manner, if we can recognize where capital costs go and where they should be apportioned, we should do it. I would not want to see an extension of the present system, which I think is abominable.

Mr. HART. Will the Senator yield?

Mr. GRAVEL. I am happy to.

Mr. HART. Is it the understanding of the Senator from Alaska that the effect of the Stevenson amendment would be to continue the suggested $400-plus million for construction of locks and dam 26?

Mr. GRAVEL. Yes.

Mr. HART. Now, the Senator from Alaska (Mr. STEVENS) earlier made the objection that the problem with the Domenici approach was that it used locks and dam 26 as a vehicle to get a user fee.

That argument cuts both ways.

What makes the Domenici amendment have any appeal whatsoever, to some of us—or I should say it the other way around—what calls into question the Domenici amendment is the fact that it contains or supports almost a half billion dollars for the construction of locks and dam 26.

From what I have seen of that as a member of the committee, I think it is an outrageous expense and I still oppose it. So I think one can use the obverse argument of Senator STEVENS that the problem with this amendment is that it does, in fact, contain almost half a billion dollars to build that locks and dam when a lot of experts think it could be elsewhere for about one-tenth of that.

I think it is safe to say that some of us think locks and dam 26 is the B–1 bomber of our national transportation policy and I think we ought to be discussing that.

Also, I do not want to attack the sponsor from the other side, but I think those who are attacking his user fee ought to also understand there are a lot of us who feel the user fee is fair who do not at all like the provision in that amendment which would lay out half a million dollars.

Mr. DOMENICI. Will the Senator yield?

Mr. HART. Yes.

Mr. DOMENICI. The Senator can levy that B–1 attack on this amendment that is pending. That is all it does, authorize construction of the controversial lock and has little effect, saying study the user fee for 18 months, which is back where we were 2½ years ago.

But the Senator does not have to attack my amendment to have the frontal position he is talking about because it is the Stevenson amendment which is pending, which we will vote on in about 25 minutes, because that is all it does is authorize it and it says, study it again, in terms of user fee.

Mr. GRAVEL. As my colleague knows, I disagree with the view that this project is the B–1 bomber of national transportation policy. I think locks and dam 26 should be built.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAVEL. Will the Senator yield me an additional minute?

Mr. DOMENICI. Yes.

Mr. GRAVEL. I think we should marry these two subjects together, because we will never get a more important point in the entire system than locks and dam 26 and we will never get a better opportunity for an up and down vote on user fees.

In my mind, they should go together and both pass. I think it would be in the best interests of the country.

But I can appreciate many Members like the Senator who want to see the added discipline on that project of paying their way.

I think that is a problem, and this discipline here is moderate. Again, let me say it starts in 1980 and ends in 1990 and at that point in time the users are only paying 80 percent of the capital replacement.

That, in my mind, is very moderate and generous.

Any move now for further study is a move to kill the whole possibility of a user charge.

Let me just say, that the lack of user charges will doom this bill because it will be vetoed as sure as God made green apples.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time does the Senator from New Mexico have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. DOMENICI. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, I want to speak for a moment directing my attention to the Senator from Minnesota (Mr. HUMPHREY).

In the Senator's absence, his new colleague, the junior Senator from Minnesota, clarified for this body any confusion about where the administration lies on this bill.

On the floor, he informed the Senate that the President and the administration support the Domenici amendment.

Now, having said that, I remind the Senate that the President through Brock Adams before both committees of the Congress, ours and the appropriate House committee, has said rather clearly that any bill which authorizes Locks and Dam 26, by a controversial cost of half a billion dollars restructuring of one that we have already built and paid for, without user fees for the inland water system will be vetoed.

They did not like mine because they wanted perhaps a fuel tax and a hundred percent recovery on operation, maintenance, and capital improvements. We cannot get that. Anyone can pass judgment on why we cannot get it. I believe we cannot get it because it is a tax, and nobody in this body is going to impose a tax specifically on the inland water users of this country. If they wanted to do so, they have had every President since FDR to ask to do it.

So make no bones about it. Anyone who votes for Adlai Stevenson's substitute is voting to reconstruct Locks and Dam 26, a half billion dollars immediately, as soon as the corps can build it.

Second, they are forever dooming user fees for the inland water commercial barge companies.

Third, they are inviting a veto.

Fourth, but most important, it is not right. We built that system once. We are building it again.

The amendment that will follow Senator STEVENSON'S amendment is a fair one. Eighteen months from now, we will begin to impose, in annual, one-fifth incremental installments, a recoupment of a hundred percent of operation and maintenance, 5 years thereafter, in equal installments, 50 percent of annualized capital outlays.

In no event—as the good Senator from Minnesota helped work out with me—when you are all finished with that, at the end, will that exceed 1 percent of the average price of the commodities shipped on the inland water system. If it is $3 grain and 12 years from now it is still $3 and the whole 1 cent is on for the longest haul possible, which is the only way you could get the maximum fee, they will pay 3 cents a bushel as a fee; so that we will continue to help them by maintaining that system at the taxpayers' expense, and the reconstruction that will go on in the future. Not the past construction, I say to the Senator; the new construction.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DOMENICI. I yield myself 1 additional minute.

As to the arguments about what we gave the railroads, I say that we gave them all something. We are now starting the second give-it-to-them, because it is going the second time. We built this whole system with taxpayers' dollars. Now we are going to build it a second time for the inland water users.

This is not a user fee on the little mand-pa barge owner. It is a user fee on the major corporations, which have had a bonanza. Their profit ratio in the transportation field is unparalleled. The railroads are barely making it, and the barges are making 19 percent to 20 percent on their capital and investment. Why? Their competitor has to buy his own right-of-way. Their competitor has to pay for everything.

These barge owners get the entire inland water system paid for tax dollars. It is no wonder that they are competitive; no wonder their charge is half price. It is no wonder they would like to keep it as it is and have farmers from my State and from other States say to us, "Don't support this. It's going to hurt the farmer." It is not going to hurt the farmer one bit. I would not be here if it would. It will help American transportation and will relieve the taxpayer from paying hundreds of millions of dollars by which they are subsidizing the inland water system.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield 6 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, it is my estimate, based on information I have seen, that since the beginning of the inland waterway industry, the Government has spent $4.6 billion on the waterways.

Fundamental to the amendment offered by the Senator from New Mexico is the idea that since you did something for the waterways, you should put this tax on them. It is not proposed to put a similar tax on their competitor parallel to them, the railroad industry.

Let us look at some of the things that have been done recently for the railroad industry.

In fiscal year 1978, $68 million for Amtrak; $400 million in grants for the railroads in the Northeast corridor; $600 million of favorable Federal loans; $200 million for railroad rehabilitation; $45 million in commodity subsidies; $84 million of local rail assistance programs. That is a total of $2 billion in 1 year.

The barge industry received $4.6 billion throughout the history of the country. This year, $2 billion went to the railroads. Last year, we gave ConRail $2.1 billion. That is almost as much in 2 years for the railroads as the waterways received in the history of the United States.

Furthermore, Mr. President, under the land grants, these railroads were well taken care of. They received 9 percent of the entire surface area of the United States. An area as big as Texas was given to the railroads. That is pretty good giving, when you give an area as big as the State of Texas. A lot of that land contains high grade coal, which is worth untold billions of dollars.

We put $7 billion of Government money into the railroad retirement fund alone. Add up those few things. That does not include favorable tax treatment we gave them, some of which I advocated—which I was severely criticized for advocating, by the way—running into several hundreds of millions of dollars a year for the railroad industry. We have been good to the railroad industry.

If we are going to have tolls for the transportation system, the railroads should pay for what they are getting, just as the waterways pay for what they are getting.

What is wrong with the Domenici proposal? It is to help the railroads make more money at the expense of their competitors. It is something to offset the balance between the two competitive systems.

Mr. President, there are all sorts of transportation expenses, running into many billions of dollars a year, that are not financed by a tax or fee in addition to the ones I have mentioned. There are transportation expenses for urban transit, and we should do more to modernize the subways in New York and things of that sort. We ought not to do some of that with the user charge approach on the subways. We should spread the burden out uniformly. Everybody should pay his share.

We can do it with the energy proposal, and that is something Brock Adams advocated which was popular on the House side.

As for the Senator's amendment, I suppose it is appropriate, inasmuch as he is from New Mexico, where they do not have waterways, to crucify one form of transportation that does not exist in New Mexico, for the benefit of another form of transportation, which does. Even so, the victim must pass its cost on to all consumers in the country, in addition to the cost of their products. In other words, the cost of chemicals and other things that are manufactured from petrochemicals—the feed stocks, the sulfur, and all the things that come up and down that river—must be put on all people who eventually consume the product.

Furthermore, we will raise enough money to pay for the cost of the locks and dam. We will raise in charges on energy tax of $14 billion if we do what I am going to advocate.

If we just give the transportation industry its share of the $14 billion that Brock Adams suggested—and he was very well received when he suggested that on the House side—that is enough money to rehabilitate the railroads; that is enough money to do whatever needs to be done which is being suggested with regard to the waterways; and that is enough money to help the subways in New York and the Metro in the District, if they need some. Wherever you have a transportation system in bad shape that needs help, that is where you can find the money to do it. If you did it that way, you would do it in the energy-efficient way. If you did it the way the Senator from New Mexico is suggesting, you would be transferring cargo from the barge lines to the railroads. There would be a loss of energy, because you can move cargo around more efficiently, with a lot less energy, on the waterways than you can on the railroads. Everybody knows that.

Mr. President, when we bring out the energy tax bill, in my judgment, we should attribute to the transportation industry that part that is going to be borne by the transportation industry and call it a user charge.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, will the Senator yield me 1 additional minute?

Mr. STEVENSON. I yield.

Mr. LONG. So far as I am concerned, locks and dam 26 could be put on that bill, too.

That is one the President probably will not veto.

I know this much about taxes, when you are trying to get $14 billion of taxes out of somebody, beggars cannot be choosers. When you are trying to get that kind of money out of the public, you have got to go along with other people's ideas as well as your own if that is the kind of money you want to raise.

So, Mr. President, the Senator says this bill is dead if it goes down to the White House with the Stevenson amendment. Well, it is dead if it goes to the House with the Domenici amendment. Under the House precedents, all it takes is a single objector in the House, and there will be an objector there, I can assure the Senator, to object that this is a revenue bill that was initiated in the Senate of the United States.

Now, the Senate would be more sympathetic to the Senator on that problem than the House would because the Senate likes to expand its jurisdiction where it can. The House wants to protect its jurisdiction. The objection will be made, and all you do is get the bill back with a little tag that will say that under the Constitution revenue bills must originate in the House of Representatives and, in the opinion of the House, this appears to be a revenue bill, and they will send the bill back to you.

The Senate has been trying to argue for years that an appropriation bill was not a revenue bill. Every time we send the House an appropriation bill they send it back. We cannot even go to court to argue whether that is the case or not because the House will not consider it if you violate their view that this is a matter of that sort or that an appropriation bill was a revenue bill that should originate in the House of Representatives.

So you talk about a frustrating thing, all you do if you send this bill there with the Domenici amendment will be to have the House send it back to you, in my opinion.

Mr. STEVENSON. Mr. President, I yield 1 minute to the Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I will take less than a minute.

I would like to add to Senator LONG's list of "goodies" the railroads have sought and have received from the Congress. There is one "small" item that has escaped his attention.

I used to be chairman of the Railroad Retirement Subcommittee. Just a few weeks ago, the railroads came in to the Senate Appropriations Committee and pointed out they had made a "slight actuarial mistake" on the Railroad Retirement Fund. The railroads asked for an additional $0.5 billion from the U.S. Treasury to rectify that slight actuarial mistake. I hope Senator LONG will add this to his "goodie" list.

I yield back the remainder of my time.

Mr. STEVENSON. Mr. President, I am for user fees, but I cannot be for this amendment offered by the Senator from New Mexico because it is unworkable; its effects are unpredictable; it may be unconstitutional and, at the very least, it delegates to the executive branch, the Department of Transportation, the Department of Army, the authority, the congressional authority, to raise hundreds of millions of dollars.

My amendment simply authorizes the replacement of the most critical navigational facility in the United States, and that is locks and dam 26.

There are no alternatives to replacement. The alternatives such as rehabilitation and repair have all been studied and they all have been discarded as either unsafe or more expensive.

The hour is late. It will take maybe 10 years to get this facility constructed, and already it is unsafe and unequal to the traffic demands of the Mississippi River.

This amendment will also authorize the study of user fees. On the basis of that study early in 1979 the Congress can enact user fees if that is its desire, and not as we are urged to do now enact a pig in a poke.

We will have an opportunity then to act with the benefit of a very careful study.

I am ready to yield back the remainder of my time.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CULVER). The Senator has 4 minutes remaining of his time.

Mr. DOMENICI. And the Senator from Illinois?

The PRESIDING OFFICER. The Senator also has 4 minutes remaining on his time.

Mr. DOMENICI. I want to use my 4 minutes. I just want to make a few remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have tried my best today, and for the past 18 months as we worked on this bill, to make a point that I was not here representing the railroads, and I hope my friend from Louisiana believes me on that. I am not. Let me say this, however.

Mr. LONG. Mr. President, will the Senator yield? If I suggested such a thing or the Senator reached such a conclusion let me set him straight. I do not intend that and never meant to infer it.

Mr. DOMENICI. I thank the Senator.

Let me make this point. You are worried about freebies you have given the railroads in the last few years. If you are, then you just leave the inland waterways free and you will never see an end to freebies you are going to have to give to the railroads because you are in a Catch 22 position right now.

If you continue to let the inland waterway system grow, doubling every 10 or 15 years with their operation, maintenance and construction costs on their right-of-way free, there is no way, and every Secretary of Transportation since

the time of Roosevelt has said, that you will not have a viable railroad system.

So the longer we wait, the more you can come back in 4 or 5 years and add up your list of freebies to the railroads because they will be needed. Then you will say, "we must give freebies to the inland waterways because we are giving them to the railroads."

That is not even the issue. The issue is that one of the reasons you have to give the railroads subsidies, freebies as you have called them, is that the inland waterway pays nothing. That is the very issue.

Second, let me just say this: I have already laid out in the RECORD what the railroads got for their original rights-of-way, and I cannot take the time to talk about your 9 percent of the surface they were given in the West. Suffice it to say that any economic study says the Federal Government has been paid back three times by the 50 percent reduction of railroad rates from those railroads in exchange for that land that was given to them to go out in the frontier and build a railroad system.

There is no economist in the United States who has studied this issue who has not concluded that inland waterways must begin to pay part of the taxpayers' subsidy going to them if we want a viable transportation system in this country.

Lastly, the Senator from Illinois is worried about the delegation of authority. I hate to use this, but that is really, in this Senator's opinion, a red herring. I had this studied, and our Government collects $5 billion a year in fees where they have been delegated authority. There is a reasonable return of dam hydropower and other costs charges. We have not said, "Bring each one back to us because we are worried what it will be." There are $5 billion of those.

This will collect approximatley $250 million after 10 years after it begins under numerous guidelines set forth in this legislation.

In conclusion to the Senate, if there is concern about the language in my amendment, which Senator STEVENSON's amendment will nullify, it will nullify that amendment in total, and if there is fear about that joint or concurrent resolution, I will tell you now that I will amend it in due course to make it for both bodies without any Presidential involvement to veto the schedule that the Department of Transportation will bring back in 18 months under my amendment. So there need be no fear. I do not intend that to be another piece of legislation with the President involved.

Mr. President, I yield the floor at this time.

Mr. STEVENSON. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. STEVENSON. Yes.

Mr. ZORINSKY. Mr. President, I rise in strong support of the Domenici amendment and in firm opposition to the amendment being offered by the Senator from Illinois and others.

Every Member of this body is well aware that every President since Franklin Roosevelt has supported the implementation of a waterway user charge. I am sure my colleagues must know that along with Franklin Roosevelt, this group includes Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, and Jimmy Carter. I must say for the most part, this is a truly fine group of Americans and I am very proud to associate myself with them in support of a waterway user charge. I can only hope that other Members of this body would follow our past and present Presidents' astute leadership.

I find it especially ironic that the great President of the common people, Harry Truman, supported the waterway user charge and as I look at the study amendment, I am amazed to see that the two Senators from President Truman's home State of Missouri are cosponsors of the amendment that precludes implementation of this user charge that Harry Truman supported.

But, not only is it an historical fact that every President since Roosevelt has supported the charge, it is also an historical fact that the concept of a waterway user charge has been studied at least 18 times since 1938 costing at least $1 million to the taxpayers and only heaven knows the actual amount over $1 million.

Now come the sponsors of another so-called new Federal Government study asking up to $5 million of our taxpayers' money to study what has already been studied to death. It is no wonder we presently do not have a user charge implemented today. It has simply been studied out of existence.

It just seems terribly ironic to me to have been worrying about budgetary ceilings in trying to meet this Nation's energy crisis and now today being faced with a request for a $5 million Government study. I recall listening to the senior Senator from Idaho as he managed the recently passed ERDA authorization legislation. Time and again, money—the same amount that is proposed for the new study—was precluded from being spent on possible solutions to this Nation's energy crisis because of budgetary limitations. It seems ridiculous to be spending $5 million for a study while denying those same dollars for energy research and development. I certainly think that the people of this Nation would prefer that this money be spent on solving our Nation's energy crisis than on a new Government study.

I wonder if my colleagues are aware that this three-volume study entitled "Model Traffic Impacts on Waterway User Charges" was completed as recently as March 1977. It cost the taxpayers $400,000. In addition since 1975 close to $600,000 has been spent studying waterway user fees. That is $600,000 out of this country's taxpayers' pockets—in the last 2 years. This amount of money has been spent and is gone. The money is spent and the studies are complete. To propose a new study simply wastes the $600,000 recently spent. I ask you why? Up to $5 million, I cannot believe it. I know the younger generation of this country would clearly see through this and aptly call this situation a ripoff. Not only are the taxpayers of this country asked to provide a waterway users subsidy out of their pockets but with the study amendment they will also be denied tax relief. They will be required to bear the tax burden of another $5 million study which is wasteful, unnecessary and duplicative of what has already been done. I can only conclude that this situation should be known as a "Ripoff upon a Ripoff."

I would like to ask my good colleagues who are sponsors of the study amendment that should their amendment prevail, and the study is completed, if the study calls for implementation of a user charge, can I have their commitment to support legislation implementing the waterway user charges?

Mr. President, I have had delivered to every Senator's desk a copy of a letter I have received from the Secretary of Transportation, Brock Adams, which clearly spells out the fact that further studies are simply unnecessary and a wasteful use of the taxpayers' money.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 17, 1977.

Hon. EDWARD ZORINSKY,
U.S. Senate, Washington, D.C.

DEAR SENATOR ZORINSKY: This is in response to the questions in your letter of May 20, 1977, dealing with pending legislation on waterway user charges. Listed below are your questions followed by our answers:

1. Will it require 18 months for the Department of Transportation to complete the study with which it will be tasked if Senator Long's proposal is adopted?

A. No, we believe the matter has been sufficiently studied to support the level of user charges being proposed. We have enough facts and figures on hand to complete the type of study envisioned by Senator Long in a much shorter time than 18 months.

2. How much money has been expended for the completion of the volume study entitled "Model Traffic Imports of Waterway User Charges"?

A. The preparation of a three volume study has required an expenditure of $400,000 since the Spring of 1975. A number of reports were prepared since then and one more, dealing with the deep draft sector, is nearing completion. The initial study effort was started under the provisions of Section 80(c) of the Water Resources Development Act of 1974.

3. What if any other expenditures have been made to study the issues raised by the proposal?

A. We have been informally advised by the Corps of Engineers and the Maritime Administration that their approximate expenditures for recent studies raised by the user charge proposal were $140,000 and $20,000 respectively. The Department of the Interior study was probably completed at a figure between these outlays.

4. Have the issues raised by the proposed waterway user charge study already been exhaustively studied?

A. It is our firm belief that the issues raised by the proposed Congressional user charge study have already been exhaustively studied and that further Federal expendi-

tures for more studies would be an imprudent use of Federal funds.

If I may be of further assistance to you in this mater, please let me know.

Sincerely,

BROCK ADAMS.

Mr. STENNIS. Mr. President, I support the replacement of locks and dam 26. I oppose the imposition of waterway user fees until Congress has enough information about the consequences of such charges, and can make a rational judgement on the matter.

In the first place, I think that it defies all logic that the two matters should be combined and the one made hostage to the other. On the face of it, one would have to conclude that the case for waterway user charges is too weak to stand on its own feet. I can think of no other reason why the imposition of such charges should be made a condition for a new locks and dam 26.

There is no disagreement that a new lock and dam structure at Alton, Ill., is necessary. The Committee on Environment and Public Works says so. The Committee on Commerce, Science, and Transportation says so. The administration says so, although they have not yet decided whether it should be at the same site or a new one nearby. The Government is of a single mind in this matter. We need a new lock and dam because the present one is worn out and inadequate.

So what are we waiting for? So that we can first pass another law that would not otherwise pass? I trust that any such distortion of reasoning will be rejected out of hand by the Senate.

It would be well to try to look at this problem from the point of view of someone not in Congress and not in Washington, and not already committed to one side or another of these two separate issues. It must seem very strange to such a person that the two issues should be considered all a part of one problem.

Take a grain farmer in the State of Washington, who ships his crop down the Columbia River to Portland by barge for export. He must be wondering what kind of reasoning process is being used here in Congress and the administration. He reads that only 11 percent of all the barge tonnage in the United States goes through locks and dam 26. None of it is his. He does not know what user charges are going to do to his business. He does not think Congress knows either, and he is probably right.

He is wondering who it is that those people there in the Capitol think is going to pay that waterway user charge. The answer to that question he is pretty sure he knows. He, the farmer, is going to pay it, and it will come right off the top of the price he gets for his grain. He expects that it might shift some of his crop back and forth between barge and rail but he surely known that it will be he who pays the difference.

That farmer also knows that at present a part of his Federal taxes are spent to maintain the locks and dams on the Columbia River. I am sure that he has very little realistic hope that his taxes are going to be reduced by the amount of user fees he would be required to pay.

The farmer is thinking as a businessman, but the fact is that every consumer, and that means every American, is up against the same problem, in a smaller way. The inland waterway system covers a very large part of the Nation, and is very heavily involved with the industrial heartland. The commodities that move by water are bulk cargoes that are basic to a very diversified spectrum of industries—ore, coal, bulk chemicals, steel, fertilizers, petroleum, grain, and so forth. What it costs to move these cargoes is ultimately reflected in the cost of a product to a consumer, whether it be a kilowatt hour of electricity or aluminum siding for his house. Almost everything that is processed and sold has basic components that move by water. If those components are made to cost more the impact is of course inflationary.

There are some unusual aspects of this controversy between inland waterway transportation and the railroads. For example, the press reports various environmental and conservation groups standing square behind the railroad interests. Behind the low navigation dam at Alton, the pool or reservoir follows the natural banks of the river, paralleled by the railroads on the banks. It is used extensively by sailboaters and other recreationists. Surely those boaters must view the railroads as more offensive than the water surface they are using, from the point of view of noise, and intrusion on the natural landscape. From a conservation aspect, it is certain that the railroads use a greater amount of critical resources—fuel, steel, timber and, of course, the very land areas that they occupy, and do not enhance with their appearance.

I would point out also that the waterways are very much a part of any solution to the energy problem that the Nation, the Congress, and the administration are facing. Barges move a great deal of fuel—both coal and oil—already, and their capacity to expand must be relied upon as coal production rises. Also, they use less energy per ton-mile than any other means of transportation.

It seems very difficult to get this whole controversy into proper perspective. What in fact is at stake here in the way of revenues? It may come as a surprise to note that in 1975 the total revenues of all barge carriers was only 4.2 percent of railroad freight revenues. This is a very small fraction indeed of the railroad revenues, and if the problem of competition between water and rail is to be put in perspective, that small fraction must be kept in mind. The water revenues are only 4.2 percent of rail revenues. The answer to the problems of the railroads is not going to be found in this controversy.

Mr. President, there are two problems to be dealt with here. As to user charges, the economic consequences have not been adequately evaluated. They may cause unforeseen disruptions in the economy. An 18-month delay for a more thorough gathering of facts and analysis of them is prudent, and I urge this course of action.

The second problem is, of course, locks and dam 26 and the answer to this one is clear. A new structure is needed and we should get on with it without further delay. I urge the Senate to authorize this action.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. STEVENSON. I yield back my time.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment of the Senator from Illinois. The clerk will call the roll.

The legislative clerk called the roll.

At this point, Mr. MOYNIHAN assumed the chair as the Presiding Officer.

Mr. DOMENICI. Regular order, Mr. President.

Mr. GRAVEL. Mr. President, may we have order?

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE) and the Senator from Texas (Mr. BENTSEN) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) is necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—44

Allen	Hollings	Ribicoff
Anderson	Huddleston	Roth
Bumpers	Humphrey	Sasser
Burdick	Inouye	Schweiker
Danforth	Jackson	Scott
DeConcini	Johnston	Sparkman
Durkin	Laxalt	Stennis
Eagleton	Long	Stevens
Eastland	Magnuson	Stevenson
Ford	McClellan	Stone
Garn	Melcher	Thurmond
Haskell	Moynihan	Tower
Hatch	Packwood	Williams
Hatfield	Pearson	Young
Heinz	Percy	

NAYS—51

Baker	Domenici	Metcalf
Bayh	Glenn	Metzenbaum
Bellmon	Goldwater	Morgan
Biden	Gravel	Nelson
Brooke	Griffin	Nunn
Byrd, Harry F., Jr.	Hansen	Pell
	Hart	Proxmire
Byrd, Robert C.	Hathaway	Randolph
Cannon	Hayakawa	Riegle
Case	Helms	Sarbanes
Chafee	Javits	Schmitt
Chiles	Kennedy	Stafford
Church	Leahy	Talmadge
Clark	Lugar	Wallop
Cranston	Mathias	Weicker
Culver	McClure	Zorinsky
Curtis	McGovern	
Dole	McIntyre	

NOT VOTING—5

Abourezk	Bentsen	Muskie
Bartlett	Matsunaga	

So Mr. STEVENSON'S amendment was rejected.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. DOMENICI. Mr. President, there was a motion to reconsider a motion to lay on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Wisconsin.

HOUSING AND COMMUNITY DEVELOPMENT ACT

Mr. PROXMIRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6655.

The PRESIDING OFFICER (Mr. MOYNIHAN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6655) to amend certain Federal laws pertaining to and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROXMIRE. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to.

The PRESIDING OFFICER appointed Messrs. PROXMIRE, SPARKMAN, WILLIAMS, MCINTYRE, CRANSTON, STEVENSON, BROOKE TOWER, GARN, and HEINZ conferees on the part of the Senate.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

The Senate continued with the consideration of S. 1529.

Several Senators addressed the Chair.

Mr. GRAVEL. Mr. President, I have the floor. I yield to the Senator from Wisconsin.

PRIVILEGE OF THE FLOOR

The following Senators requested and, by unanimous consent, were granted the privilege of the floor in behalf of the following staff members:

Mr. PROXMIRE, Don Chamblee; Mr. PERCY, Hal Smith; Mr. JOHNSTON, Skip Walton; Mr. DURKIN, Reid Ashinoff, Mr. GLENN, Tom Dougherty; Mr. HUMPHREY, Joe Kinney; Mr. KENNEDY, Jay Urwitz; Mr. LEAHY, Judy Heffner; Mr. BUMPERS, Mike Barrier; Mr. ZORINSKY, Chip Terrill; Mr. DOLE, Bob Downen; Mr. MCCLURE, Kit Caples.

Mr. GRAVEL. Mr. President, now that we have disposed of that, could we try to work out an accommodation so that everyone will know what is going on?

The PRESIDING OFFICER. Will Senators please cease their conversations and take their seats? Senators will cease their conversations or retire to the cloakroom.

Mr. GRAVEL. Mr. President, speaking to the Senate, we have just had a watershed vote on one of the key items in the bill. I do not know what other amendments will be coming up, but I do know we will be accepting or have worked out accommodations on all the amendments I know of at this point in time, so that we can take them up and dispose of them very rapidly.

Right now I would like to ask the Senator from Illinois if he has thought of what he would next like to do, and if he would like to apprise the body of that. We will accommodate schedules here as nearly as we can, and move forward with some alacrity; we have had one vote, if we need to have a few others to find out what the Senate wants to do, that might be helpful. I think there is a possibility—and I know this will make the majority leader happy—that we might not have to be on this bill very much longer.

Other than the disposition of this issue, we can handle the rest of the bill in 15 or 20 minutes. I yield to my colleague from Illinois.

Mr. STEVENSON. Mr. President, I have another amendment in the nature of a substitute to the amendment offered by the Senator from New Mexico which should not take long to discuss.

Mr. GRAVEL. Would the Senator want to agree on a time limitation at this time?

Mr. STEVENSON. I would be willing to agree to a half-hour on each side.

Mr. DOLE. Will the Senator withhold the request for the agreement now? Some of us who want to speak have not spoken yet.

Mr. DOMENICI. I do not know what the amendment is. How can I agree to a half hour?

Mr. STEVENSON. The Senator from Alaska was pressing me.

Mr. GRAVEL. I will withhold any request for time. I was trying to accelerate the situation. If my colleague might accommodate us, we can have a couple of Members take up some rapid amendments and then he can seek recognition to call up his next amendment. We have the Members here right now. It would not take more than 4 or 5 minutes at the very most to get these smaller amendments out of the way.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

UP AMENDMENT NO. 506

Mr. MCCLELLAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, amendment No. 442 will be laid aside.

The clerk will state the amendment of the Senator from Arkansas.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. MCCLELLAN), proposes an unprinted amendment No. 506.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 13 and 14, insert the following:

SEC. 130. The St. Francis River Basin Project, Arkansas and Missouri, as authorized by the Act of June 15, 1936 (49 Stat. 1508), is modified to require the Secretary of the Army, acting through the Chief of Engineers to study improvements for flood control purposes in St. Francis Lake and Floodways in Poinsett County, Arkansas, in accordance with the reconnaissance report thereon by the Corps of Engineers, dated April 15, 1977. Such study shall be transmitted to the Congress ten months after enactment of this Act.

On page 34, lines 14 and 17, redesignate sections 130 and 131 as 131 and 132, respectively.

Mr. NELSON. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Senators will suspend until the Senate is in order. Will Senators please take their seats? Will those who wish to converse have the kindness to go to the cloakrooms?

The Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, this is a very small matter. It only affects one county in the St. Francis River Basin in the State of Arkansas, but they do have a problem there. This amendment simply provides for a study to be made and a report made thereon within 10 months after the enactment of this act. The amendment has been worked out in consultation with the manager of the bill. I trust it will be accepted.

Mr. GRAVEL. Mr. President, speaking for myself, I am prepared to accept the amendment. I congratulate the Senator from Arkansas.

Mr. MCCLURE. On behalf of the minority, we accept the amendment.

Mr. RANDOLPH. Will the Senator from Alaska yield?

Mr. GRAVEL. I yield.

The PRESIDING OFFICER. Will the Senators please cease their conversations so that order may be returned to the Chamber?

The Senator from West Virginia.

Mr. RANDOLPH. Will the manager of the bill yield?

Mr. GRAVEL. I yield.

Mr. RANDOLPH. Mr. President, I wish for the record to indicate no man has been more cooperative in connection with water resources and navigation projects, and the development of these resources in our country than the senior Senator from Arkansas (Mr. MCCLELLAN). I did have the opportunity to talk with him, as others have regarding his amendment. I believe his proposal is meritorious and is a very modest approach to something which is very important not only to him but to the people in the area. In this case, I rise to say that I believe the action of the manager in accepting this modified amendment is well taken.

Mr. MCCLELLAN. I thank the distinguished Senator. As I say, this is not a big item or issue but it is very important to that local situation. I am most grate-

ful to the Senators for their favorable consideration. I yield back the remainder of my time.

Mr. GRAVEL. I am happy to do that. I do want to thank the chairman of the full committee who did negotiate and work out the compromise.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 507

Mr. CHURCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, amendment No. 442 will continue to be laid aside.

The clerk will state the amendment of the Senator from Idaho.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH), for himself and Mr. MCCLURE, proposes an unprinted amendment No. 507.

The legislative clerk proceeded to read the amendment.

Mr. CHURCH. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 1529

On page 34, between lines 13 and 14, insert the following:

SEC. 130. (a) Section 8 of the Act entitled "An Act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin reclamation project in Idaho, and for other purposes" (90 Stat. 1211), approved September 7, 1976, is amended to read as follows:

"SEC. 8. (a) Beginning on December 31, 1977, and each year thereafter until the completion of the claims program, the Secretary shall make an annual report to the Congress of all claims submitted to him under this Act, listing each amount claimed, a brief description of the claim, and the status or disposition of the claim including the amount of each administrative payment and award under the Act. Such report shall not be disclosed to the public in a form which would reveal the names of the claimants and shall be maintained in such a manner as will protect the privacy of such claimants.

"(b) Information acquired by the Secretary from or about claimants under this Act shall (1) be maintained in such a manner as will protect the privacy of such claimants and the confidentiality of information provided by such claimants, and (2) shall not be required to be disclosed under section 552 of title 5, United States Code, but shall be deemed a record which is contained in a system of records for purposes of section 552a of such title.".

(b) The amendments made by this section shall be effective as if enacted on September 7, 1976.

On page 34, lines 14 and 18, redesignate sections 130 and 131 as sections 131 and 132, respectively.

Mr. CHURCH. Mr. President, I am offering, with Senator MCCLURE, an amendment to section 8 of Public Law 94-400, the Teton Dam Disaster Assistance Act. This law was enacted to compensate the victims of the Teton Dam disaster last year. There has been considerable concern that the names and the details of the compensation will be made public. Although I have stated—and I still believe—that these concerns could be resolved by administrative action, it is apparent that an amendment has become necessary.

Section 8 of the act reads:

At the end of the year following approval of this Act and each year thereafter until completion of the claims program, the Secretary shall make an annual report to the Congress of all claims submitted to him under this Act stating the name of each claimant, the amount claimed, a brief description of the claim including the amount of each administrative payment and award under the Act.

The concerns that have been voiced are over the possibility that this report will be made public. As an author of the act, I can attest that this was not the intent of Congress. The intent was to insure that claimants would be fully and fairly compensated. If claimants felt that they were not appropriately compensated, effective congressional review would be impossible unless sufficient data were available to the Congress.

With this purpose in mind, there would be two entities in possession of fully detailed information on the claims submitted by the victims of the Teton Dam disaster: the Congress and the administration. The Congress would have this information in the report required by section 8. Because the Congress is specifically exempted from the Freedom of Information Act, disclosure of this information by the Congress would be a decision resting solely with the Congress.

With respect to the administration, Mr. President, it is my view that full disclosure of data on the Teton Dam disaster claims would fall under the Privacy Act, and not the Freedom of Information Act. It is the purpose of the Privacy Act to prevent the executive branch from disclosing information of a personal nature without the express permission of the person involved. Each Teton Dam claim clearly contains the kind of information covered by the Privacy Act.

Nevertheless, the Solicitor General of the Department of the Interior has determined that the report required by section 8 should be subject to disclosure. The Secretary of the Interior has stated that, as Secretary, he feels constrained from overriding this determination, but, speaking for himself and as Governor of Idaho when the Teton Dam collapsed, he would support action to prevent disclosure, including the amendment we offer today.

In a decision of the Idaho U.S. District Court, restraining the Government from revealing the amounts claimed and the names of claimants under the Teton Dam Disaster Assistance Act, Judge Marion J. Callister discusses a startling Government contention:

The Government argues that submission of this annual report to Congress shows congressional intent for public disclosure. While it is true that Congress has specifically requested that this information be given to them at the end of each year, it has not determined that this information should in any way be made public.

It is this contention by the Government, now on appeal, that has convinced me of the need for the amendment Senator MCCLURE and I are offering. When confronted with the erroneous interpretation that a congressional request for information evidences the intent to make that information public, it is apparent that further clarification is needed. I therefore urge adoption of our amendment.

Mr. President, this amendment has been agreed to, I understand, by the managers of the bill. As I said, it relates to maintaining the confidentiality of disaster relief claims which are paid to the victims of the Teton Dam disaster in Idaho. We believe this amendment conforms to the original intent of the compensation bill passed by the Congress last year.

Needless to say, the claim information will be fully available to the two committees of the Congress and to the executive branch of Government, but the amendment will protect the confidentiality of the personal information of the claimants.

This objective has the endorsement of Cecil Andrus, who as Governor of Idaho called for the objective this amendment serves. I believe it has the full endorsement and support of the managers of the bill and has been cleared with the appropriate committees.

Mr. President, I ask unanimous consent that a statement of the Secretary of the Interior, Mr. Andrus, in a news release dated April 13, 1977, be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

ANDRUS CITES SUPPORT FOR TETON CLAIMANTS' PRIVACY AS INTERIOR SEEKS APPEAL OF FREEDOM OF INFORMATION RULING

Secretary of the Interior Cecil D. Andrus today said that—although his Department has recommended appeal of a U.S. District Court decision barring disclosure of the names of Teton Dam damage claimants—he will personally testify for a bill in Congress that would protect the claimants' privacy.

The Secretary, who formerly was Governor of Idaho, said he recognized that as a legal and institutional matter the court decision needs to be appealed. But he added that he personally stands by his previous position that the names of claimants should not be publicly disclosed, and will submit testimony to that effect in Congressional hearings.

The unusual situation developed following a Freedom of Information Act administrative appeal within the Interior Department. Representatives of news media in Idaho initially had been turned down by the Bureau of Reclamation when they requested the names of persons asking Federal compensation for losses resulting from the failure of the dam last June 5 and the serious flood that followed.

On appeal within the Department, the Freedom of Information Act was found to require disclosure of claimants' names, the amounts of their claims, and the amounts paid them. But before the information was disclosed, some claimants obtained an injunction from the U.S. District Court in Idaho, forbidding disclosure of names of claimants and the amounts claimed by each.

"Based on advice of counsel, I am convinced that the District Court decision misconstrues the Freedom of Information Act

and sets an unfortunate precedent on several legal issues," Andrus said.

Andrus stated, however, that he is willing to submit testimony in favor of legislation now pending in Congress which would modify the law which authorized payment of Teton Dam losses.

"This legislation," Andrus said, "will provide a satisfactory solution to the question of disclosure of Teton Dam claims information. By modifying the 1976 Teton Dam law, it will permit the names of claimants to be withheld without necessity for the incorrect interpretation given the Freedom of Information Act in the District Court's decision."

The proposed new legislation would permit the disclosure of Teton Dam claims information only in a form which would not reveal the names of claimants.

Andrus pointed out that the Congress will have ample time to consider the legislation before a decision on the appeal of the District Court is reached.

Mr. GRAVEL. Mr. President, I am pleased to accept the amendment.

Mr. McCLURE. Will the Senator yield?

Mr. GRAVEL. I yield.

Mr. McCLURE. Mr. President, I thank my colleague for yielding. I am cosponsor of this legislation, Mr. President.

Mr. President, I rise again on behalf of the victims of the Teton Dam disaster which occurred a little over 1 year ago in the State of Idaho. The problem I address today is one of great importance to the people damaged by the failure of the Teton Dam, since it involves their right to maintain the privacy of their financial affairs and status. Today, many of these people have filed claims and received payments under the special legislation we passed shortly after this disaster struck. They did so with the clear understanding information they provided under the relief procedure set up in that bill would be kept in strictest confidence and not disclosed for the general public to review. A newspaper reporter challenged this right to maintain privacy of the amount claimed, the amount paid and the category for which the payment occurred for each claimant. The Department of the Interior agreed that victims' claims were a matter of public record, and under the Freedom of Information Act, would be released, virtually for whatever purpose the recipient of the information chose. Subsequently, a class action was filed by the claimants and the Federal District judge hearing the case issued a temporary injunction prohibiting disclosure of the names and amounts claimed on several grounds, but most basically that the particular information in question came under the exceptions outlined in the Freedom of Information Act, and that to allow disclosure or publication of that information would constitute an invasion of privacy.

The amendment I offer today solidifies that judge's decision in this matter and assures the victims of the Teton Dam disaster that their private finances will not now be made public because they sought compensation for their damages.

This information is clearly of a personal nature, exempt from disclosure under the Freedom of Information Act, disclosure of which would constitute an unwarranted invasion of personal privacy. Moreover, it can be seen to include commercial and financial information also exempt from the requirements of Freedom of Information.

In our highly technological society, release of the categories of information would give a substantial advantage to competitors and could do considerable harm to the claimant. A competitor having access to the information could compete for customers by implying charges were too high, overhead too high, or business not needed. No claims can be determined exactly. Education, training, ability, and experience are all factors which are used to determine amounts claimed. Difficulty lies in recall of small items of personal property and the amount of value attached thereto so that two people of apparently similar circumstances may have claims that vary substantially. Unwarranted discord could result. Discrepancy between the amount claimed and the amount paid, while perfectly consistent with the claim procedure and the honesty of the claimant, could infer that the claimant was not honest in business. Forcing a claimant to disclose all details of his claim to defend his integrity is totally unwarranted. Affirmative representations were made to the victims that information provided to the Bureau of Reclamation would be kept in strictest confidence, and although not legally binding, disclosure now would destroy the claimants' reasonable expectations and cast doubt on the good faith of the Government. Disclosure of all requested categories has a great potential for misunderstanding, false charges, and recrimination which makes adjustment of a severely victimized group much more difficult and could result in adverse psychological effects. Moreover, this type of disclosure is tantamount to publishing a directory of names and amounts for every fast-buck artist that wants to operate in the vicinity.

Mr. President, the victims of the Teton Dam disaster have suffered enough without having to endure this added affront. In the West, a man's finances are his private affair, and to force disclosure of the estimated value of his holdings and what he was actually paid by the Government in compensation therefore heaps insufferable indignity on a proud and independent people.

I hope my colleagues will agree with the right of these people to maintain privacy in this regard, and will take favorable action on the amendment.

Mr. GRAVEL. I yield back the remainder of my time, Mr. President.

Mr. CHURCH. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 508

Mr. NELSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, amendment No. 442 is temporarily laid aside. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) for himself and Mr. PROXMIRE, proposes an unprinted amendment No. 508.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 1529

On page 13, line 14, after "(c)" strike everything through "terminated." on page 13, line 17, and insert in lieu thereof the following:

"(1) The authorization of the Kickapoo River, Wisconsin flood control project, provided by Section 203 of the Flood Control Act of 1962 (76 Stat. 1173, 1190) is hereby terminated.

(2) The Secretary of the Army, acting through the Chief of Engineers, shall immediately undertake such modification and landscaping of the uncompleted project for safety, aesthetic, and ecological purposes as the Secretary deems necessary. Such modification shall include, but shall not be limited to, demolition and removal of the outlet control structure and the right abutment.

(3) (i) The Secretary of the Army, acting through the Chief of Engineers, shall take no action to dispose of works and interests in lands related to the project which are under his jurisdiction for eighteen (18) months following the date of enactment of this Act.

(ii) If Congress, by law, has not otherwise provided for the disposal of the project lands within eighteen (18) months of date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall immediately proceed to dispose of such lands and interests under his jurisdiction pursuant to the applicable provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)."

Mr. DOMENICI. Mr. President, is this still under the unanimous-consent request which says that when we are finished we revert to my amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Mr. NELSON. Mr. President, this amendment addresses itself to the Kickapoo River Dam in Wisconsin, which was on the President's list of water projects not to be funded. I happen to agree with the President's recommendation.

Mr. President, this amendment supplements the decision of the Senate Environment and Public Works Committee to deauthorize the Kickapoo River Dam; the Corps of Engineers La Farge Lake flood control and channel improvement project.

The committee agrees with Wisconsin's two Senators, Wisconsin's governor, and President Carter that this project should be immediately deauthorized and terminated. However, the committee's action—on page 13, lines 14–17 of S. 1529—in simply deauthorizing the project, does not give the corps any instructions as to what to do with the land and the works in which the Federal Government has a multimillion dollar investment.

This amendment does two things: First it stipulates that the Secretary of

the Army, acting through the Chief of Engineers, shall immediately undertake such modifications and landscaping necessary for safety, aesthetic, and ecological purposes, including the demolition of the outlet control structure, and second, it mandates that the Secretary of the Army shall take no action for 18 months to dispose of the acquired 9,500 acres of land. If, within this time period, Congress, by law, has not otherwise provided for the disposal of these lands, the Secretary shall then proceed to dispose of this interest, pursuant to the applicable provisions of the Federal Property and Administrative Services Act of 1949.

There is no question that the partially completed structure, the outlet works, along the Kickapoo River must be secured to prevent accidents. Moreover, a great deal of earth has already been moved and the Government, in my judgment, has the responsibility to restore the area to the condition in which it found it before construction began.

The State of Wisconsin has organized several task forces consisting of local, State, and Federal officials and citizens to make recommendations concerning possible uses of the acquired lands. There are several options that bear close examination. For example, Wildcat Mountain State Park could be extended to include some of the project lands. The National Park Service has identified some of the 9,500 acres as worthy of perpetual protection. A substantial portion of the project lands has already been designated as a national natural landmark.

The Interior Department has also determined that the 12-mile stretch of river between Ontario and La Farge meets the requirements as a recreational segment of the wild and scenic rivers program. This option should be explored. Several other choices, including returning all the land to the public at auction, should be discussed.

The 18-month freeze on land disposal would allow the State to conduct this work and furnish the Congress with a recommendation.

The committee agrees with the President that this project should be deauthorized. This amendment would set in motion a logical and reasonable approach to a congressional decision to terminate the Kickapoo River Dam.

Mr. GRAVEL. Mr. President, I am very pleased to accept this amendment. Again, I think it is worthy. I congratulate the Senator for bringing it to our attention.

I believe the minority has no objection.

Mr. DOMENICI. I have no objection on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCLURE. Mr. President, under the previous unanimous-consent agreement, will it be in order for the Senator from Idaho to offer an amendment now, laying aside temporarily the amendment of the Senator from New Mexico?

The PRESIDING OFFICER. That will be in order. The amendment No. 442 will be laid aside.

UP AMENDMENT NO. 509

Mr. McCLURE. Mr. President, I have an amendment at the desk in behalf of myself and Senator Church.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) for himself and Mr. CHURCH, proposes unprinted amendment No. 509.

On page 35, between lines 13 and 14 insert the following.

The Secretary of the Army is authorized to transfer funds to the relevant state agencies for the construction of fish hatcheries authorized under the Lower Snake River Fish and Wildlife Compensation Plan authorized under Section 102 of P.L. 94-587 (90 Stat. 2971), the Water Resources Development Act of 1976 enacted on October 22, 1976.

Mr. McCLURE. Mr. President, the Senate passed the Lower Snake River Fish and Wildlife Compensation Plan last year, which is the first attempt by Congress to begin mitigating for the millions of salmon and steelhead that have been killed by the four Lower Snake River Dams. This year, we are attempting to get funding to begin plans for fish hatcheries in the Pacific Northwest. We are especially concerned about getting funding for the construction of a summer chinook fish hatchery at McCall, Idaho. The amendment I am proposing today would give the Corps of Engineers the authority to transfer the money for the construction of the McCall fish hatchery to the Idaho Fish and Game Department so that construction can begin immediately.

There is the immediate danger of extinction of the summer chinook salmon run. We must act as fast as possible to get this hatchery into production to try and save this run. The Idaho Fish and Game Department can expedite the construction process much faster than the corps, which is bound by a slower process. The transfer of this money is a critical factor in getting production started.

There is no question about the need for the hatchery at McCall. The corps and the Idaho Fish and Game Department have been conducting a small pilot rearing program at the State-owned site for the last three years and have determined that the site is proven for rearing summer chinook salmon. The Pacific Northwest Regional Commission has granted $150,000 to the Idaho Fish and Game Department for the design of the new hatchery. That design work is now underway. Efforts made by the Governors of the Northwest, the Senators from Idaho, and the Senate Environment and Public Works Committee have made the early design work possible. All involved have done so with the understanding that design work would be completed this summer so that actual construction could begin as soon as funds were appropriated. The funding and construction schedule of the Idaho Fish and Game Department will allow incubation to start by the fall of 1979 and fish releases as soon as the spring of 1980. Unless construction begins this year by the Idaho department, we cannot even begin to meet this schedule and we may loose the summer chinook run. If we can take the time and money to pass a $58 million mitigation plan to try and save the fish runs, we should utilize that money in the best manner possible while we still have a chance to save the summer chinook run.

Idaho Fish and Game, as outlined by the compensation plan, will operate and maintain this hatchery. All we are asking today is to speed up the clock and allow the fish and game department to utilize the construction money—money that will eventually be spent on this project but is needed today for the vital hatchery at McCall, Idaho.

Mr. President, this has been cleared by the managers of the bill on both sides of the aisle.

The State was not able to go ahead with this because they had no money to do it. The Idaho Fish and Game Department made arrangements through the Northwest Regional Commission. Now the Corps of Engineers suddenly tell us they do not have the legal authority to participate in the manner that the State and the Northwest Regional Commission have been led to believe that they had. This amendment simply corrects any possible misapprehension as to their legal authority.

I yield to my colleague.

Mr. CHURCH. Mr. President, I am happy to join my colleague in proposing this amendment. This problem needs to be rectified and will be with the passage of this amendment. I hope the Senate will support it.

Mr. CURTIS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLURE. I am happy to yield.

Mr. CURTIS. Mr. President, I ask unanimous consent that Mr. Jack Odgaard of my staff be permitted the privilege of the floor during debate on this bill and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. I might inquire of the Senators from Alaska and New Mexico if my statement is correct that this amendment is acceptable.

Mr. GRAVEL. Very much so. I am prepared to accept it for our side.

Mr. DOMENICI. I accept it on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT 510

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment numbered 510.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 13, insert the following: after the word "ownership", insert a comma (,).

On page 33, line 16, after the word "members", strike the word "of" and insert in its place the following phrase, "acting through"

On page 33, line 25, strike the words "benefit and"

On page 34, line 1, strike everything after the word "facilities" and insert in lieu thereof a period (.).

Mr. BELLMON. Mr. President, this is an almost technical amendment that relates primarily to the operation of an entity in Oklahoma, the Kaw Reservoir Authority. It simply clarifies the relationship with the Corps of Engineers. I believe it has been discussed with the principal author and the ranking member. I ask that they accept it.

Mr. GRAVEL. We have no problem with it on our side.

Mr. DOMENICI. We have no problem on our side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 442

The PRESIDING OFFICER. The question recurs on amendment No. 442.

UP AMENDMENT NO. 511

Mr. STEVENSON. Mr. President, I send to the desk an unprinted amendment which I offer as a substitute to amendment 442.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) on behalf of himself and others proposes unprinted amendment No. 511, in lieu of modified amendment No. 442.

Mr. STEVENSON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of amendment 442 (as amended) proposed by the Senator from New Mexico insert the following:

TITLE III—INLAND NAVIGATION

SEC. This title may be cited as the "Inland Navigation Improvement Act of 1977".

PART A—AUTHORIZATION OF LOCKS AND DAM 26

SEC. 302. (a) The Secretary of the Army (hereafter in this part referred to as the "Secretary"), acting through the Chief of Engineers, is authorized to replace locks and dam 26, Mississippi River, Alton, Illinois and Missouri, by constructing a new dam and a single, one-hundred-and-ten-foot by one-thousand two-hundred-foot lock at a location approximately two miles downstream from the existing dam, substantially in accordance with the recommendations of the Chief of Engineers in his report on such project dated July 31, 1976, at an estimated cost of $421,000,000.

(b) The Secretary, acting through the Chief of Engineers, is authorized and directed to replace, at Federal expense as a part of project costs authorized in subsection (a), terrestrial wildlife habitat inundated as a result of the construction of the project on an acre-for-acre basis in the respective States of Missouri and Illinois and to manage such lands as are thus acquired by the Secretary for wildlife migration purposes. The Secretary is further authorized to provide project-related recreation development on or in the vicinity of Ellis Island, Missouri, that requires no separable project lands and includes facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp, and a beach, at an estimated cost of $4,000,000, the cost of which shall be shared with the State of Missouri and administered in accordance with the provisions of the Federal Water Project Recreation Act (Public Law 89–72) and undertaken independently of the navigation features of the project.

(c) The navigation channel above Alton, Illinois, on the Mississippi River and the Illinois River (for a distance determined by the Secretary to be necessary for the efficient use of the locks and dam authorized by this title) is established at nine feet. Neither the Secretary nor any other Federal official shall study the feasibility of deepening any other navigational channel in the Minnesota River, in the State of Minnesota; Black River, in the State of Wisconsin; Saint Croix River, in the States of Wisconsin and Minnesota; Illinois River, in the State of Illinois; and the Mississippi River, north of its juncture with the Illinois River, in the State of Illinois, unless specifically authorized by an Act of Congress enacted after the date of enactment of this title.

SEC. 303. There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the provisions of section 302 for fiscal year 1978 and succeeding fiscal years. Any funds which have been allocated to a replacement project for locks and dam 26, prior to the date of enactment of this part, shall be available for the project authorized in this part and shall remain available until expended.

SEC. 304. (a)(1) The Upper Mississippi River Basin Commission (hereafter in this section referred to as the "Commission") is authorized and directed, in cooperation with appropriate Federal, State, and local government agencies, to prepare a comprehensive master plan for the management of the Upper Mississippi River which can be a guide to both public and private entities making decisions affecting the Upper Mississippi River. The Commission shall hold public hearings on such plan in each affected State, and, shall, by January 1, 1981, prepare a preliminary plan which it shall submit to the appropriate authorizing committees of the Congress. By January 1, 1982, after reviewing the comments received by it at the public hearings held on the development of the master plan, the Commission shall submit a final master plan to the Congress for approval. In preparing such final proposed master plan, the Commission shall provide a method for and encourage public participation, including an opportunity for interested persons to submit written comments to the Commission. After January 1, 1982, the Commission may submit to the Congress any amendments to the master plan it deems necessary and appropriate.

(2) Such master plan, and any amendments thereto, shall be deemed to have been adopted only if approved by the Congress as provided in this paragraph. The Congress shall express its approval of the master plan, or any amendment thereto, by the adoption of a concurrent resolution.

(3) Copies of the approved master plan, and any approved amendments thereto, shall be provided to the appropriate Federal, State, and local government agencies. In addition, a suitable number of copies of such plan shall be made available to the public.

(b) The master plan developed under this section shall identify the various economic, recreational, and environmental objectives to be achieved in the region of the Upper Mississippi River, recommend guidelines for the coordination of management decisions of public and private entities affecting the Upper Mississippi River, and include any legislative proposals which may be necessary to carry out such recommendations and objectives.

(c) For the purposes of developing the comprehensive master plan, the Commission is authorized and directed to conduct such studies as it deems necessary to carry out its responsibilities under this section, with provision that it utilize, to the fullest extent possible, the resources and results of the Upper Mississippi River resources management (GREAT) study conducted pursuant to section 117 of the Water Resources Development Act of 1976 (Public Law 94–587) and of other ongoing or past studies. The Commission shall request appropriate Federal, State, or local agencies to prepare such studies, and any Federal agency so requested is authorized to conduct any such study for the purpose of this section. Studies conducted pursuant to this section shall include, but not be limited to, the following:

(1) Studies concerning the environmental effects of present and projected traffic levels, including the impact of any new navigation-related construction activities upon fish and wildlife, water quality, wilderness, and public recreational opportunities, particularly with respect to the environmental values of the Upper Mississippi River system, and including a specific analysis of the environmental effects of dredging and of any future expansion of the lock and dam authorized in section 302 of this title.

(2) Studies concerning the economic impacts of present and projected traffic levels, including an analysis of alternative methods for meeting future intermodal bulk commodity transportation needs of the regions served by the Mississippi River system and a specific evaluation of the economic effects of a demand for any second lock at Alton, Illinois.

(3) Studies and demonstration programs including a dredge and spoil disposal program (to include alternate uses of dredged material) to evaluate the equipment effectiveness of improved dredging and other equipment in minimizing the environmental effects of channel operation activities.

(4) Development for the Upper Mississippi River system of a computerized, analytical inventory and system analysis to facilitate evaluation of the comparative environmental effects of alternative management proposals.

(d) Guidelines developed pursuant to this section shall include, but not be limited to, guidelines for channel maintenance, minimization of dredging volumes, alternate uses of dredged material, barge fleeting, protection of water quality, fish and wildlife protection and enhancement, wilderness preservation, and management of the wildlife and fish refuges within the contiguous to the Upper Mississippi River system.

(e) To carry out the provisions of this section, there are authorized to be appropriated to the Commission $20,000,000. The Commission is authorized to transfer funds to such Federal, State, or local government agencies as it deems necessary to carry out the studies and analysis authorized in this section.

(f) Except for the provisions of section 302 of this title, and necessary operation and maintenance activities, no replacement or construction of locks and dams shall be undertaken by the Secretary of the Army to increase the traffic capacity of the Upper Mississippi River until the master plan prepared under this section has been approved by the Congress. Following approval of the master plan, construction of any lock on the Upper Mississippi River, and construction of any second lock on the Mississippi River at Alton, Illinois, shall be initiated only under an Act of the Congress, except that the lock and dam authorized by section 302 of this title shall be designed and constructed to provide for future expansion. All other construction activities conducted by

the Secretary on the Upper Mississippi River shall be conducted only in accordance with the guidelines set forth in the master plan prepared under this section.

PART B—USER CHARGES PLAN

SEC. 310. (a) In order to recover a reasonable portion of the costs incurred in the operation and maintenance of the inland waterways and of rehabilitation of and new construction on the inland waterways, the Secretary of Transportation shall develop and submit to the Congress for approval, and (if approved) administer, a user charges plan for the establishment, maintenance, and collection of a system of user charges for the use of the inland waterways of the United States. Such system of user charges, to the extent equitable and practicable, shall be designed to ensure that the level of user charges applied to each segment of the inland waterways will not cause economic disruption to the commercial users of that segment. The Secretary of Transportation shall, in the user charges plan developed under this section, specify the manner in which such user charges shall be computed, assessed, and collected.

(b) In developing the user charges plan under subsection (a), the Secretary of Transportation shall take into account—

(1) the effect such a system of user charges would have on the businesses and farms along the inland waterways which depend on use of the present mode and cost of water transportation;

(2) the effect such a system of charges would have on the national economy and the economies of regions along the inland waterways;

(3) the effect such a system of user charges would have on those who ship or receive commodities by the inland waterways and their dependence on the inland waterways;

(4) the various forms of user charges that could be established, and the comparative impacts of each on the interests specified in this subsection;

(5) the administrative costs of alternative user charges;

(6) the need for assistance for persons and communities adversely impacted by user charges;

(7) the benefits other than commercial navigation which come from the maintenance and operation of the inland waterways;

(8) the amount and competitive effect of Federal and State subsidies and taxes on the different modes of inland freight transportation, and the type of user charges that would be equitable to all modes; and

(9) such other matters as the Secretary of Transportation deems appropriate and necessary.

SEC. 311. (a) The Secretary of Transportation shall, on or before August 1, 1978, submit to the Congress, the Secretary of Commerce, the Interstate Commerce Commission, the Secretary of the Army, the Governor of each State bordering the inland waterways, and to any other interested party, a preliminary user charge plan developed under section 310. In addition, the Secretary shall cause a copy of such preliminary plan to be published in the Federal Register. During the 60 days occurring immediately after the date of publication of such preliminary plan in the Federal Register, the Secretary of Transportation shall afford any interested party (including those recipients of such preliminary plan specified in this subsection) an opportunity to submit comments on such preliminary plan.

(b) The Secretary of Transportation shall conduct public hearings on such preliminary plan, in such places as he deems appropriate, including places adjacent to the inland waterways system, as the Secretary determines will best afford those persons directly affected by the imposition of a user charge an easily accessible opportunity to attend such hearings.

(c) No later than January 15, 1979, the Secretary of Transportation shall submit a final user charges plan to the Congress, along with such accompanying documents and materials the Secretary determines necessary to facilitate Congressional consideration of the user charges plan. Such materials shall include an analysis and summary of all responses received to the preliminary plan by the Secretary under subsection (a), and an accurate summary of the testimony received at the public hearings held under subsection (b).

(d) During the 45 calendar days occurring immediately after the date on which the final user charges plan is submitted to the Congress, but before the resolution referred to in section 312 has been reported or ordered reported in either House, the Secretary of Transportation may submit to the Congress any amendments to the user charges plan as the Secretary deems necessary. Such amendments shall be considered as a part of the final user charges plan originally submitted to the Congress and shall not operate to extend the time for consideration of such final user charges plan by the Congress in any way.

(e) The final user charges plan submitted by the Secretary of Transportation shall take effect only if approved by a concurrent resolution of the Congress adopted according to the provisions of section 312. Any person who fails to pay a user charge assessed under a user charges plan which becomes effective under the provisions of this title shall be subject to a civil fine of not more than $5,000 for each day such failure occurs. In addition, such person, while such failure continues, shall be prohibited from using any lock in the inland waterway. Such civil fine shall be collected by the Secretary of the Army, acting through the Chief of Engineers.

SEC. 312. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions described in subsection (b) of this section and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, the term "concurrent resolution" means only a concurrent resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the Congress of the United States approves the Inland Waterways user charges plan, transmitted by the Secretary of Transportation on ———, 19—", including such modifications and revisions as are submitted by the Secretary under section 311(d) of the Inland Navigation Improvement Act of 1977. The blank spaces are to be filled appropriately.

(c) No later than the first day in session following the day on which an inland waterways user charges plan is transmitted to the Senate and the House of Representatives under section 311, a concurrent resolution shall be introduced (by request) in the Senate by the Chairman of the Committee of the Senate to which the final user charges plan is referred, or by a Member of the Senate designated by such chairman, and shall be introduced (by request) in the House by the Chairman of the Committee of the House to which the final user charges plan is referred, or by a Member of the House designated by such chairman.

(d) A concurrent resolution with respect to an inland waterways user charges plan shall be referred to a committee or to two or more committees jointly in each House by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee or committees shall submit their recommendations within 45 calendar days following the date of the introduction of such concurrent resolution.

(e) If the committee or committees jointly to which is refered a concurrent resolution introduced pursuant to subsection (c) have not reported such concurrent resolution at the end of 45 calendar days after its introduction, such committee or committees shall be deemed to be discharged from further consideration of such concurrent resolution and such concurrent resolution shall be placed on the appropriate calendar.

(f) When the committee or committees jointly have reported, or have been deemed to be discharged from further consideration of a concurrent resolution with respect to an inland waterways user charges plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the concurrent resolution is agreed to, the concurrent resolution shall remain the unfinished business of the respective House until disposed of.

(g) Amendments to the concurrent resolution, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the concurrent resolution are not in order.

(h) If, prior to the passage by one House of a concurrent resolution of that House, that House receives a concurrent resolution with respect to the same inland waterways user charges plan from the other House, then—

(1) the procedure in that House shall be the same as if no concurrent resolution had been received from the other House; but

(2) the vote on final passage shall be on the concurrent resolution of the other House.

SEC. 313. In the event a user charges plan becomes effective, according to the provisions of this part, the Secretary of Transportation, on and after the date such plan becomes effective, is authorized to promulgate such regulations as are necessary for the administration of such plan. In addition, the Secretary may, after the end of the first complete calendar year occurring after the effective date of such plan, and after notice and hearing, revise the amounts of such user charges in such plan in light of changing economic conditions affecting the users of the inland waterways.

SEC. 314. As used in this part, the term—

(a) "user charges" means a fee or charge to be paid by the owner or operator of shallow-draft cargo vessels using the inland waterways of the United States for commercial purposes, including licenses fees, congestion charges, charges based on ton-miles over a given segment of such waterways, lockage fees, fuel taxes, and fees based on the capacity of cargo vessels, loaded and unloaded, over various segments of such waterways; and

(b) "inland waterway" means any improved waterway operated and maintained by the United States, the improvement to which are primarily for the use of commercial vessels other than ocean-going vessels.

Mr. STEVENSON. Mr. President, I offer this amendment in behalf of myself, Senators PERCY, EAGLETON, HUMPHREY, DOLE, and others.

Mr. President, my amendment would add a new title III of S. 1529 in order to provide for a comprehensive compromise on both the issues of building a new lock and dam at Alton, Ill., and the question of whether user charges should be imposed on the inland navigation system of the United States. While this compromise may not satisfy either those in total opposition to user charges or those adamantly in favor of them, I believe it represents a good middle ground and hope that my colleagues here will support it so that this legislation can move forward in a responsible way.

In addition to providing for all the protections of the environment and establishing a statutory 9-foot channel on the Mississippi and the Illinois Rivers above Alton, Ill., as recommended by both the Committee on Environment and Public Works and the Committee on Commerce, Science and Transportation, my amendment would require the Secretary of Transportation to develop a plan for imposing user charges to recover a reasonable portion of the costs incurred in the operation and maintenance of the inland waterways and the rehabilitation and construction activities of the Corps of Engineers on the inland waterways. The amendment gives the Secretary flexibility in creating such a system. The system of user charges to be created is required to be designed to ensure that the level of user charges applied to each segment of the inland waterway system will not cause economic disruption to the commercial users of that segment. Furthermore, the Secretary, in creating a plan for a system of user charges, is required to take into account the following factors:

1. The effect such a system of user charges would have on the businesses and farms along the inland waterways which depend on use of the present mode and cost of water transportation.

2. The effect such a system of charges would have on the national economy and the regional economies of those regions along the inland waterways.

3. The effects such a system of user charges would have on those who ship or receive commodities by the inland waterways and their dependence on the inland waterways.

4. The various forms of user charges that could be established, the comparative impacts of each on the interests specified in this subsection.

5. The administrative costs of alternative user charges.

6. The need for assistance for persons and communities adversely impacted by user charges.

7. The benefits other than commercial navigation which come from the maintenance and operation of the inland waterways.

8. The amount and competitive effect of federal and state subsidies and taxes on the different modes of inland freight transportation, and the types of user charge that would be equitable to all modes; and

9. Such other matters as the Secretary of Transportation deems appropriate and necessary.

Mr. President, under my amendment, the Secretary would be required to submit a preliminary user charge plan to the Congress, the Secretary of Commerce, the Interstate Commerce Commission, the Secretary of the Army, the Governor of each State bordering the inland waterways, and to any other interested parties on or before August 1 of 1978. A 60-day comment period is provided for, and public hearings would be required, including hearings in places adjacent to the inland waterway system. After taking into account comments received, the Secretary would be required to submit a final user charges plan to the Congress no later than January 15 of 1979. This is where it departs in largest part from the amendment offered by the Senator from New Mexico: Subsequent to this date, the Secretary would have 45 days in which to submit revisions to Congress to the plan. The final user charge plan submitted by the Secretary of Transportation would take effect only if approved by concurrent resolution of the Congress after that resolution was considered by all appropriate committees for 45 calendar days, after which those committees not reporting would be automatically discharged.

In other words, it provides for a study, it provides for hearings, a report, a plan to Congress, then guarantees a vote on the proposal after involvement by the Congress and all of its appropriate committees.

That concurrent resolution would be a privileged matter. It would be voted on by both Houses of Congress in an expeditious manner. This vote would operate to authorize the beginning of construction on the replacement.

Mr. President, I believe that this mechanism provides a good middle ground position. It would allow all appropriate committees of the Senate and the House to review the proposed system of user charges and to make recommendations to the full Senate with respect to the proposals put forth by the Secretary. It would require the Secretary to study community and regional impacts in detail as part of the creation of a system of user charges, and the effects on competing modes of transportation. And, as I say, it would guarantee a vote in the Senate and the House on a system of user fees.

So it is a middle ground. It is a sensible proposal. It does involve Congress, as the Domenici amendment does not, in the formulation of a reasonable system of user fees. Consequently, for the additional reason that it authorizes the replacement of locks and dam 26, I urge that the Senate approve it.

Mr. DOLE. Will the Senator yield?

Mr. GRAVEL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENSON. Mr. President, I did not yield the floor.

Mr. GRAVEL. I would be happy to hold off until he finishes.

The PRESIDING OFFICER. The Chair was in error. The Chair thought the Senator from Illinois had yielded the floor. The Senator from Illinois has not.

Mr. STEVENSON. I would be happy to yield in a moment, but I did promise the Senator from Kansas and also the Senator from Illinois.

Mr. GRAVEL. I am happy to hold off.

Mr. DOMENICI. Would the Senator, before he yields, permit me to ask him a question about the procedure?

I am just wondering whether or not the Senator intends to vote on his amendment tonight. If he does, I assume that would require that we agree to a time limitation on this amendment.

If that is going to occur, I would if there is any other amendment after it.

We have patiently waited and let everybody get their amendments in.

Will there be others, or if we agree to follow the Senator's, will it be followed by a vote on mine, or not?

Mr. STEVENSON. Mr. President, I have no other amendments. I do not know about others.

I think this amendment is clear. It was probably understood by all Members.

I have no desire to speak beyond what I have said, except in response to comments or questions by Members.

Mr. DOMENICI addressed the Chair.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DANFORTH. Will the Senator yield?

Mr. STEVENSON. I yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, in the event that the amendment of the Senator from Illinois is not agreed to—and I hope it is agreed to—in the event it is not, I would then offer one or two, I think, very simple, straightforward amendments to the amendment offered by the Senator from New Mexico, and I would imagine the Senator from New Mexico would agree to them.

Mr. DOMENICI. The Senator has no other amendments by way of substitutes?

Mr. DANFORTH. No.

Mr. DOMENICI. Could I propose a unanimous-consent request while the Senator from Louisiana is here to see if it would work?

Mr. STEVENSON. Mr. President, I yield to the Senator from New Mexico without losing my right to the floor.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be 20 minutes on the Stevenson amendment, 10 minutes on each side, equally divided between the Senator from Illinois and the Senator from New Mexico, and that immediately thereafter there be 20 minutes on the amendment of the Senator from New Mexico, 10 minutes on each side, and when that time has expired that we would vote on the Domenici amendment.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, what provisions would be made for amendments to amendments, in the event such were offered?

Mr. STEVENSON. Mr. President, no amendments to my amendment are in order in the third degree?

Mr. DOMENICI. I say to the majority leader, I thought there were none, other than the two proposed by the Senator from Missouri, and I would agree to whatever he wants for those two and that would be all.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas has indicated he would have amendments, too.

Mr. DOLE. The Senator from Kansas objects.

The PRESIDING OFFICER. Objection is heard.

Mr. PERCY. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. Yes.

Mr. PERCY. I thank the Senator.

I am sorry we were not able to reach unanimous agreement on a time limitation.

The Senator from Illinois will take just a few moments to comment on the pending amendment of which he is a cosponsor, with Senator STEVENSON as the sponsor.

I would like first, however, to express my great appreciation to all of the Senators who have participated in this decision. The distinguished Senator from Alaska, the distinguished Senator from New Mexico, my distinguished colleague from Missouri (Mr. DANFORTH), my distinguished colleague from Kansas (Mr. DOLE), and Senator DOMENICI have contributed immensely to a better understanding of this matter.

We all agree that we need this project and appreciate the help of the Senator from Alaska in moving it forward. However, we are also faced with the realities of the situation: the need to provide a means to adequately develop a plan to finance the project.

I certainly am pleased with the diligent effort of the Committee on Public Works for holding extensive hearings on locks and dam 26. This issue certainly is no stranger to this Chamber and I believe it does deserve our complete support.

As U.S. Senator from Illinois, where the usage of the lock and dam system in the Mississippi is absolutely crucial to our economy, I have particular interest in insuring that any action taken by the Senate meet both State and national objections. Along with Senator STEVENSON, I support the construction of a new dam and a single 1,200-foot lock. My position today, as it has been in the past, is based on the necessary long-term gains from this proposal. The single 1,200-foot lock provides long-term benefits reinforcing our national goals of economic growth, energy conservation, and environmental preservation.

Economics have played a key role in this controversy; the facts and findings of countless studies have often been in conflict. However, throughout this period of overstudy and inaction several facts remain indisputable.

First, economic risk accompanies the less costly rehabilitation proposals. This unknown degree of risk in the rehabilitation of the dam is an unacceptable alternative to me, especially considering the cost involved in rehabilitating a rehabilitation. Time delays do nothing but add costs to an inevitable project; costs the taxpayers will have to bear. Our economy could receive a severe blow if grain, fuel, and other vitally important commodities do not reach their markets. Throughout my experience in private industry, minimizing economic risk was essential to fulfilling sound business practices and goals. The same basic principle should apply to public policy. A program to rehabilitate the present dam, inadequate and beyond repair, would present unacceptable future economic risk.

Economic growth, which is key to economic stability, should be a prime consideration of locks and dam 26. The strategic positioning of locks and dam 26 on the Mississippi River makes both national and international trade dependent on its efficient operation. An estimated 10 million tons of grain are loaded, inspected, and moved through locks and dam 26 from Illinois-based grain facilities each year, with 80 percent of this grain destined for foreign markets. Economic expansion, both nationally and internationally, is a major concern of us all. Our transportation system must accommodate such growth. It is unreasonable for us to replace a lock with one that has no capacity for growth. Because of the size of the longest present lock, 600 feet, many barges now have to be divided in half in order to pass through the locks. This causes delays up to 72 hours in high peak usage periods, such as harvest time. A single 1,200-foot lock would resolve this problem by accommodating longer, more efficient barges.

Railroad interests say increased river traffic will hurt their industry financially. At the same time, figures issued by the Department of Transportation indicate that from 1970 to 1990 railroads will enjoy a 65 percent in traffic through increases in population and industrialization. Economic growth must be planned and a new dam and single 1,200-foot lock accommodate this projected growth.

Energy conservation, a top national priority, must be included in our review of locks and dam 26. Waterway transportation is one of the most energy-efficient means of transport. For example, energy consumption per ton mile by waterborne traffic uses an estimated 540 Btu's, compared to railway consumption of 680 Btu's and truck consumption of 2,340 Btu's. Waterborne transportation is energy efficient and must be developed, especially considering our limited energy resources. A national energy policy must encourage such modes of transportation. The proposed new locks and dam 26 is consistent with this goal.

Another national concern, the impact on the environment, has been most controversial in the study of locks and dam 26. Some environmentalists say any improvement to the channel will make the Mississippi a sterile ditch. To this point, however, some hundred years of improvement work on the river, including dredging, has been done without severe damage to the river. In fact, building the locks and dam on the Upper Mississippi for a 9-foot channel was actually a major improvement for recreational activities on the river.

Following completion of that project the Corps of Engineers turned over to the Bureau of Fish and Wildlife, and the States, some 194,000 acres of marsh and backwater for wildlife refuges. By establishing an Upper Mississippi River System Council to manage the development of the upper Mississippi, I am confident that locks and dam 26 will not harm our environment.

One controversial issue I have not addressed is that of users' fees. I have purposely done so because I believe that building a dam and charging users' fees are separate issues, each meriting its own evaluation. I do believe the waterway users have a responsibility to help pay for the economic benefits provided them, and I support the adoption of users' charges to bring an end to the inequities of the Federal subsidization of the inland waterway system. However, this issue should not jeopardize the passage of authorization for constructing a new locks and dam 26, which is so vital to our economy.

I strongly support, and ask my distinguished colleagues to join in that support of the construction of a new dam with a single 1,200-foot lock. This will help strengthen our economy and finally bring action on an issue that has been studied and denied too long. We simply cannot delay any longer.

Mr. President, I again commend the distinguished Senator, the floor manager of the bill, the Senator from Alaska (Mr. GRAVEL), for his leadership in seeing that we do move forward. I commend the Senator from New Mexico (Mr. DOMENICI) for recognizing the practical necessity of finding a way to support this economically.

The day of the free lunch is over. We are at the junction now that we were at in the 1950's, when we faced up to the fact that we needed to have an Interstate Highways System. With that, we had to find a way to pay for it, and to provide for the payment for the highways. We must provide for this same adequate payment for our waterway system.

The amendment now before the Senate, offered by Senator STEVENSON, which I cosponsor, provides for the study of users' fees, with an 18-month limitation on that study, with the recommendations coming back to the appropriate congressional committees for review; and if the recommendations are not reported within 45 days, the legislation automatically will be discharged for floor action. This discharging procedure will enable it to be brought to the floor for debate and vote and gives absolute assurance that it will be brought to the floor for consideration.

Congress gets into this act, and that is why I believe it has the support of the distinguished Senator from Missouri (Mr. DANFORTH).

Mr. DOMENICI. It goes to both Houses, does it not?

Mr. PERCY. It requires the action of both Houses.

The DOT recommendations as amended by Congress will then become law, when approved by both Houses by concurrent resolution. In this case, there are no ifs, ands, or buts about the fact that Congress keeps and retains the authority which is vested in Congress. Congress can act in a positive manner. I have heard no challenge to this amendment as to its constitutionality. It will stand up and not be subject to challenge, indecision, debate, procrastination, or potential delay.

The Senator from Illinois is to be commended for working out this amendment. I wholeheartedly endorse and support it, and I hope it will be agreed to.

Also, for the sake of the leadership, I hope we can set a time limitation on these amendments, so that we can move the work of the Senate forward.

I thank my distinguished colleague for yielding.

Mr. STEVENSON. I thank the Senator for his remarks and his support.

Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, having voted against the original Stevenson substitute, I am now a cosponsor of the second Stevenson substitute, for a very particular reason—because Congress will have a chance to work its will on something other than just another study.

It seemed to this Senator all along that there should be some assurance that rather than just another study, we would have an opportunity to work our will on a plan developed by the Secretary of Transportation at some time in the future, and some early time.

As I understand the Senator's amendment, the preliminary plan would come to Congress in August of 1978. A final plan would come to Congress in January of 1979. As I read the language—and it is much like an amendment the Senator from Kansas has been working on—there are safeguards that would indicate that the committee could be discharged.

The point is that, sooner or later, because of the efforts of the distinguished Senator from New Mexico, we are going to face up to the question. It is not so much whether we vote today or whether we vote 6 months or a year from now on a total plan, if it is in fact a responsible plan.

I have been impressed by the efforts of the distinguished Senator from New Mexico (Mr. DOMENICI) and by the arguments in support of implementing waterway user fees. Nevertheless, I am concerned about some of the critical questions that must be answered before Congress proceeds with some implementation. Perhaps they have been answered to the satisfaction of a number of Senators. However, in order to obtain definitive answers to these questions, it does appear that an intensive study should be conducted at our direction, addressed to the specific problems bearing on the issue of user fees.

As the Senator from Kansas looks at the issue, we should address the following points, and perhaps others, in the study:

User fees may have an adverse impact on employment in the water transportation industry and on related business operations.

Water carrier transportation may be more fuel efficient and less polluting than alternative carriers.

Higher waterway transportation costs may well result in higher commodity costs to consumers and in higher railroad transportation costs.

Establishment of user fees on navigation systems could logically extend to new taxes on other water functions—that is, irrigation, water supply, reclamation, and flood control projects financed by the Federal Government.

User fees could result in the closing of some segments of the 15,000 miles of commercially navigable inland waterway system in the United States.

The Senator from Kansas, of course, is concerned about agriculture, about producers, about farmers. There is no doubt in the mind of this Senator that if there is a user fee, it probably will be subtracted from the producer of the commodity, the user of that system, and the end result will be a deduction for the farmer, with no corresponding benefit to the consumer.

In addition to the items specifically mentioned, there are serious discrepancies in existing reports about relative comparisons of Federal aid and subsidies to barges, railroads, aviation, and other transportation systems. I think it is essential that we know, when we act on a plan, whether allegations of unfair subsidies are accurate.

As I understand the distinguished Senator from Illinois, is it correct that the first report would come to Congress in August of 1978?

Mr. STEVENSON. The Senator is correct. The initial report would come to Congress on August 1. It would be issued on August 1, 1978, but then it would be subject to a period of 60 days, during which comments would be received from the public and hearings would be held.

After that, it is contemplated that revisions might be made in the plan, and the plan itself would come to Congress no later than January 15, 1979.

Mr. DOLE. So, in effect, we would have a comprehensive plan submitted to Congress within an 18-month period. Is that correct?

Mr. STEVENSON. That is correct.

Under this proposal, the committees have 45 days, and then there is action on the floor. It is probable that Congress would act one way or another, finally, late in February or early March 1979.

Mr. DOLE. As the Senator from Kansas understands the language, the plan would be referred to the appropriate committee, and they would have 60 days?

Mr. STEVENSON. Forty-five days.

Mr. DOLE. In which time they could consider the plan, amendments could be offered to the plan, rejected or adopted; and if no action is taken at the end of 45 days, is the committee then discharged from further consideration?

Mr. STEVENSON. That is right. If they have taken no action, they are automatically discharged, and it becomes a privileged matter.

Mr. DOLE. How long after the committee is discharged would the Senate have to act or would either body have to act?

Mr. STEVENSON. A motion to bring it up would then be highly privileged. Any Member could bring up the matter.

The motion to bring it up would not be debatable, so I cannot tell you precisely but, presumably, it would come up very shortly after the expiration of that 45 days, the leadership having a lot to do with the precise time.

Mr. DOLE. The point the Senator from Kansas wishes to stress is if we are sure of a vote on Congress taking some action, and sure of taking action on the Secretary of Transportation's plan for comprehensive action.

Mr. STEVENSON. That is correct. There are no ifs, ands, and buts. The Senator from Illinois made that clear a while ago. There will be a vote.

The procedure is similar to the procedure in the Reorganization Act of the executive branch which has been used, and thus guarantees a vote. There is no escaping the vote so long as there is one Member of the body who wants one.

Mr. DOLE. Mr. President, it would seem to me that there are certain guidelines set forth in the amendment, but certainly points that should be included would be studying the effect of a user charge system on businesses along the inland waterways that depend heavily on water transportation; the effect of a navigational user fee system on the national economy in general; the effect on consumers, both directly and indirectly, resulting from such charges; the review of various forms of user charges that could be implemented, the different impact of each; the effect of such fees on other modes of inland transportation; the type of user charge, if any, that would be fair to all modes and, of course, the effect on producers and the effect on the energy supply.

Of course, these are not the only questions. I am certain the study would address other questions, but these points would provide some insight and some guidelines.

So I am pleased to cosponsor the amendment of the distinguished Senator from Illinois.

I yield.

Mr. STEVENSON. I thank the distinguished Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I have just this minute had an opportunity to look at the procedural language which would obtain once the motion to proceed to the consideration of the concurrent resolution is made.

It says that the motion is highly privileged, is not debatable, shall not be subject to amendment or to a motion to postpone or a motion to proceed to the consideration of other business. It says nothing about a tabling motion.

Would the Senator accept a modification saying that it would not be subject to a motion to table?

Mr. STEVENSON. Mr. President, I would accept such a modification. The point is well taken. On such a modification not only would a vote be guaranteed but an up-or-down vote would be guaranteed. I would be happy to accept it.

Mr. ROBERT C. BYRD. It would be vital to have that language in there, else there would be no guarantee that such a motion would be voted on. It could be tabled.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Will he send the modification to the desk?

Mr. STEVENSON. I do modify that amendment and I send the modification to the desk.

Mr. ROBERT C. BYRD. Mr. President, while the Senator is sending that modification to the desk, I have another suggestion.

The proposal before us requires the

Secretary, on formulating the plan, to take into account the effect of charges with respect to nine specific, potential problems. One particular area, however, which I think is relevant to the impact of user fees, is not mentioned: national energy policy.

I would like to suggest that we add this to the list, so that the Secretary of Transporation will be directed to analyze, and take into account:

The effect such a system of charges would have on national energy policy, and on the allocation and price of fuels.

I am not aware of any comprehensive data which link the impact of user charges to our energy problems. I think this is particularly important in view of President Carter's proposals on energy policy. One of the mainstays of that policy is increased use of coal as an energy form. Coal is the principal commodity transported by water, accounting for more than 18 percent of all ton miles of traffic on the Mississippi River system in 1972. The second major commodity transported by water is petroleum.

In my opinion, it is vital that any proposal for user fees be integrated with national energy policy.

I hope that this modification will be accepted, as I believe that it is crucial for the Congress to be aware of how a system of charges will impact on the price and distribution of fuels.

I wonder if the Senator would be willing to accept that suggestion as a modification to his amendment?

Mr. STEVENSON. Mr. President, the distinguished majority leader has made another wise suggestion. Certainly the Secretary should consider the effect of user charges on any particular system on national energy policy, and I would be happy to accept such a modification.

UP AMENDMENT NO. 512

Mr. President, I modify the amendment as suggested by the distinguished majority leader, and send this modification to the desk.

Mr. ROBERT C. BYRD. Was the first modification included, the modification on the tabling motion?

Mr. STEVENSON. Yes.

The PRESIDING OFFICER (Mr. RIEGLE). The amendment is so modified.

Mr. ROBERT C. BYRD. Would the Senator like the language I have suggested for the second modification?

Mr. STEVENSON. Yes.

Mr. GRAVEL. Has the modification been accepted? I wanted to speak on the amendment.

Mr. STEVENSON. The amendment has been modified.

Mr. ROBERT C. BYRD. Would the clerk read the modification to make sure it comports with the understanding of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the clerk will read the modification.

The assistant legislative clerk read as follows:

On the last line of page 12 after "postpone," insert the words "or a motion to table,"

On page 9, after line 2 add the following: "(10) the effect such a system of user charges would have on national energy policy, and on the allocation and price of fuels."

On page 8, last line, strike "j and"

On page 9, line 2 strike the period and insert "; and"

Mr. ROBERT C. BYRD. I thank the Senator for accepting my recommendation.

Mr. STEVENSON. I thank the majority leader.

I yield to the Senator from Missouri.

Mr. DANFORTH. Do the considerations to be examined by the Secretary of Transportation include the effect that a system of user fees would have on the barge terminal and shipbuilding industries?

Mr. STEVENSON. Yes, the language would include anything that the Secretary of Transportation wants to consider. It also affects regional economies; it affects businesses along the inland waterways; the need for assistance to persons and communities adversely affected; certainly in the broad language requiring consideration of its effect on all the businesses, the Secretary would be required to consider the effect on terminals.

Mr. DANFORTH. So the Secretary, under this substitute, would consider the effect of the system of user fees on employment of those who are dependent on the shipping, shipbuilding, and waterway servicing industries.

Mr. STEVENSON. Yes. I should have mentioned earlier the provision which requires the Secretary to give consideration to the effect on those who ship or receive commodities which, of course, include terminals and those dependent on the inland waterways, which would include those dependent on terminals.

So it is clearly the intent to include terminals and those employed by them and the employees of all other businesses dependent on the inland waterways.

Mr. DANFORTH. I thank the Senator.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. STEVENSON. Yes.

Mr. DOLE. Just in a general way, I think point No. 9 does leave the door open for the Secretary to consider any other matters you have indicated, and I assume it would be almost impossible to have a total laundry list of the things the Secretary should consider because things may change in 18 months.

I am concerned about not only farms and businesses along the waterways but farms and businesses that may be located away from the waterway. But I assume the Secretary will read the record and will study not only matters specifically mentioned but any other matter that should be properly dealt with.

Mr. STEVENSON. Well, Congress is making that right now, and it will have an opportunity, if this amendment is approved, later on and, of course, we will have a final say as opposed to the amendment offered by the Senator from New Mexico, so any oversights or mistakes by the Secretary of Transportation can be corrected in the policymaking branch of the Government, the Congress.

Mr. GRAVEL. Mr. President, I shall be brief. Then Senator DOMENICI can speak, and I hope we can get to a vote on this.

Let me say, I oppose this very strongly, as strongly as I have the last amendment, for the very simple reason that we have lost sight of the fact of what is happening here and what we are attempting to do. A study is very fine. In fact, we could still have the study, and they could still come back to Congress as a result of that study because before the Domenici amendment is implemented, they have 3 years.

So if the Department of Transportation found something, then the study would obviously be made public. They could come back and reverse the decision of Congress since we are going to have to have a decision of Congress.

So, essentially what we have is an amendment here that structures it so that we have to have not one vote to make this law, but we have to have two votes of Congress to make this the law. This is very unusual. But what is even more unusual and what is really the crux of the destruction of the possibility of user charges is that the forces who are opposed to user charges will come back 18 months from now. Locks and dam 26 will not be in the bill. Then, of course, they will have what they wanted and so it will be very easy for them to fight straightforward against user charges.

There is no way we can find out what the President's views would be on this amendment. My judgment would be that he would veto it. But I can assure this body that if the President were to ask me my opinion, if this amendment prevails, I would recommend to the President that he veto it because this would be an insidious way of destroying what we are trying to accomplish.

These two issues are married together for a very good reason, and the good reason is we do not have a prayer of getting through user charges in the House of Representatives if we do not have locks and dam 26 tied to it.

So if this amendment prevails, Mr. President, I will be the first to put forth an amendment this afternoon asking that we delay locks and dam 26 for 18 months so that when this study comes back to Congress so will locks and dam 26.

The administration wanted an 18-month period to look at it again. They may well get it. And I think that there are enough votes in this body to delay that.

Mr. DOMENICI. Mr. President, I have a letter for the Senator here.

Mr. GRAVEL. I can assure you that we do not want to play any games. We want to be in a straightforward fashion.

If there is something in the study we have 3 years to act on it. But the time is ripe to make a decision now on user charges and the time will never be riper in the history of this Nation. We will never have a situation where we are holding hostage at the chokepoint of the Mississippi the main improvement needed on the entire waterway systems of this country, and that is locks and dam 26.

To divorce these two issues, and that is essentially what this amendment does, is to divorce these two issues and in so doing I think we destroy the possibility

of ever securing an intelligent user cost to this Nation.

Be assured that it is a lot more difficult to tax than it is to give. So the way we are setting this up is to give and then come back and later tax when we have no candy to give with the tax.

Obviously, that is wrought with self-destruction for what I think is a very intelligent proposal. We should pass the Domenici amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Illinois yield for a question?

Mr. GRAVEL. I have the floor, and I yield the floor at this point in time to the majority leader who can be recognized in his own right.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I think that if the amendment by Mr. STEVENSON should be adopted, the Senate should be assured that there is going to be a vote on the matter at some point in time and I assure that is the intent of the Senator.

Yet in looking through the procedural provision, I find that there is not that assurance because the matter could be filibustered.

Mr. STEVENSON. Yes.

Mr. ROBERT C. BYRD. So I ask the Senator if he would be willing to further modify his amendment to use some of the boilerplate language that is included in the Budget Reform Act to provide that debate in the Senate shall be limited to not more than 50 hours. He could work out the language. This would be the general overall provision that the Senate is limited to not more than 50 hours, the time to be equally divided and controlled between the majority leader and minority leader or their designees.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. This would give further assurance to those who are rightly concerned there would be some way found to avoid a vote.

Mr. STEVENSON. Yes.

Mr. President, the procedure in the bill would, I believe, guarantee a vote, but it does not guard, as the distinguished majority leader mentions, against a filibuster.

So, to nail it down even tighter and to prevent a filibuster, I would again be happy to accept the very sound modification offered by the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, will the Senator so modify his amendment?

Mr. STEVENSON. Mr. President, I so modify my amendment and send the language to the desk.

The PRESIDING OFFICER. The amendment is so modified and the desk will await that language.

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the Stevenson amendment——

The PRESIDING OFFICER. There is a quorum call under way.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 513

Mr. STEVENSON. Mr. President, will the clerk report the modification?

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

Page 13, line 5, after "of," insert the following: "Debate on any concurrent resolution shall be limited to not more than 50 hours in each House to be equally divided between the majority leader and the minority leader, or their designees, at which point the vote would occur on the concurrent resolution."

Mr. STEVENSON. Mr. President, I have modified my amendment in accordance with the language suggested.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 446

Mr. HANSEN. Mr. President, I ask unanimous consent that the Domenici amendment be temporarily laid aside, and that I be permitted to call up my amendment, which is printed and at the desk.

The PRESIDING OFFICER. Without objection, both amendments are laid aside.

Mr. DOMENICI. That is, on the condition that they are the pending business.

Mr. HANSEN. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an amendment numbered 446:

On page 34, line 14, strike lines 14 through 19 and in lieu thereof add a new section 130, as follows:

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 14, strike lines 14 through 19 and in lieu thereof a new section 130, as follows:

SEC. 130. The project of Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbor Act of 1950 (Public Law 81-516), is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

Mr. HANSEN. Mr. President, essentially what my amendment would do is to permit the Corps of Engineers to have an opportunity to provide some repair work on a yearly basis on the Snake River in western Wyoming, in order to overcome the deficiencies that have resulted from some now observed errors in design and some other shortcomings; and, instead of trying to rebuild, reconstruct, and redesign the entire levee system on the Snake River in western Wyoming, this will be a much cheaper way of operating.

This amendment would give the Corps of Engineers the authority to make repair on an annual basis, and on that basis the benefit to cost ratio becomes 3.5 to 1. If they had to go in and were called upon to redesign and reconstruct, the benefit to cost ratio would be .3 to 1.

The amendment would add a new section to the act giving the Corps of Engineers the responsibility for operating and maintaining a system of levees in the Snake River in Jackson, Wyo.

In 1964, this levee system in Teton County was completed at a cost of $2.2 million. The system was constructed to afford to the area adequate protection from the major floods which had, on seven occasions since 1890, taken place on the Snake River in Jackson Hole.

However, shortly after the completion of construction, operation and maintenance problems became apparent. According to the Corps of Engineers, these problems were the result of flow conditions and the availability of materials for construction. Specifically, the Corps of Engineers finds the original project deficient in the following ways:

First. The levees will not safely pass the original design discharge.

Second. The riprap toe design did not adequately account for stream degradation.

Third. The riprap is not of adequate thickness to withstand impingement shear forces.

Fourth. The riprap height is not adequate.

As I say, the Corps of Engineers has advised my office that the cost of completely reconstructing these levees is $15 million yielding a benefit cost ratio of 0.3. The more advisable solution according to the corps, is continued maintenance due to a benefit cost ratio of 3.5:1. At current cost levels maintenance will be $72,000 annually.

Mr. President, the amendment seems clearly in the public interest. I think it has been cleared with the managers of the bill on both sides.

Mr. GRAVEL. Mr. President, I think it is a very fine amendment and I compliment our colleague from Wyoming on his efforts.

Mr. DOMENICI. The amendment is acceptable to our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield to the Senator from Alaska.

UP AMENDMENT NO. 514

Mr. GRAVEL. Mr. President, I send to the desk an amendment, and ask that it be handled under the same proviso as the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. Without

objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) proposes an unprinted amendment—

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 5, strike all thru line 9.

Mr. GRAVEL. Mr. President, what this does is eliminate the Baker River project in Washington, which has already been approved, by a 201 resolution. Its inclusion here would be redundant.

Mr. DOMENICI. I have no objection, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I think, now that the amendment of the Senator from Illinois has been spoken to——

Mr. DOMENICI. I have not spoken to it.

Mr. GRAVEL. All right. I think we should hear from the Senator from New Mexico. I yield the floor.

AMENDMENT NO. 511, AS MODIFIED

Mr. DOMENICI. Mr. President, first I suggest to the Senator from Illinois—I am not going to ask him a question, but I am going to suggest that my reading of his amendment and all of the added language that he has provided for indicates it will only see to it that the Senate has a vote on a motion to proceed to consider.

I would ask that the Senator check it over and see if my interpretation is correct; because it would appear to me that that is correct, although I do not believe that the amendment—and I will explain in detail—provides anything by way of user fees. I think we have protected a procedure for that vote, but nothing to get a vote up or down on, on user fees.

Having said that, let me say what I think about this amendment. I regret to say it, because I believe that the Senator from Illinois has in times past indicated he is for user fees. I honestly believe he probably would like to see us have user fees one of these days. But all we have now, under this amendment, in my opinion, is a new coat of paint on an old barge; and before we ever get user fees for the people of this country, even that new coat of paint will be worn off and we will not have one.

In summary, if all those procedural things that the Senator has worked out actually ever came into being, what the Senator really has is a one-House veto of user fees. If the Senator will look at it in that context, that is what he has. He is talking about the Congress having an input. What he really has is a method which will assure that either body of this Congress—if all of these procedural things he has worked out are right, and if what he has worked out for the Senate works out over there in the House, a completely different body—will have a one-House veto of user fees as recommended by the secretary after an 18-month study, and after it maybe went to some committees which might study it if they wanted to. But if they did not study it, the Senator would bring it to each floor anyway. There would be a vote and either House could veto it.

Mr. President, all the arguments have been made for user fees today. All the arguments have been made to delay it. There are people in this body who genuinely are concerned about what kind of user fee scheme and schedule will evolve under the Domenici amendment. I want to say three or four things and then I will yield the floor.

First, I have told this body that the congressional input in my amendment will be modified so that a concurrent resolution can veto the user fees before they go into effect, after they have been studied in the field and before they are implemented. I assure the Senators I will do that. When my amendment comes up I will amend it so both bodies can veto the user fees schedule which comes into being.

Having said that, this body, having voted down the first Stevenson amendment by a margin of seven votes, if it adopts this amendment with all the good faith of the Senator from Illinois, will be authorizing the construction of this half-billion-dollar locks and dam. They are being told, "Sometime and someplace you will get a chance, we think, but we are going to make sure it comes to the floor and you can say yes or no." All I ask is, why all of that?

That is why we have been here today, to decide whether we want user fees or not. That is what has been before the Public Works Committee for 18 months. They have taken testimony on this issue.

The amendment which this amendment will defeat already has all the protection everyone wants. It has an economic test. It says that the Secretary of Transportation, before he puts it in, must make that test. If Senators do not like that, they can veto it with a two-House veto, concurrent as I have just described, before it ever goes into effect.

Mr. President, we have studied user fees. We can come up with another shopping list, if we like, of more than 10 things that they ought to consider. Maybe they ought to consider the impact on the airlines and add that to the shopping list before we put in user fees. If that was not in there, maybe we ought to add that.

We are going to study all modes of transportation and the impact of user fees before we ever bring it back here, and then we have to again have a vote after it goes to committee.

Mr. President, I am told, and I am just passing on the information, that the administration was opposed to the first amendment because it authorized locks and dam 26 irretrievably and we would never get user fees on it.

I am told, and we can confirm this, that they are opposed to this amendment, that it once again will get locks and dam 26 out there with a half billion dollars committed with no user fees tied to it.

Having said that, I have great admiration and respect for our leader and for Senator ADLAI STEVENSON, but I believe it is strange that here in the Senate we are trying to make sure, by looking through the parliamentary books of this institution, that we put in every little sentence to make certain we are going to get a chance to vote someday. I just do not think any of us are that infallible.

Even if that procedure was intended to do that, I know the determination of certain Members of this institution, and more so in the House, to never have user fees. The count on a procedure written into a bill that will assure we are going to get a vote in both Houses is to me tantamount to saying we are never going to have user fees. It is a one-House veto.

I will add this to those who think user fees are equitable. Let us face up to it. The only way we are going to get them is if the Senate passes them and we take it to the House of Representatives in conference and we say we are not going to get an omnibus water bill, and we are not going to get locks and dam 26, without them. That is the only way we are going to get user fees. When we add to it the President helping by saying, "Unless you put user fees on it, I will veto it," then we will get it.

If a Senator wants to muddy up the water with a one-house veto after we have voted here today and gone through all of this, to once again go through all that and be voting on a bill we have to feel confident provides an absolutely certain procedural way to get a vote, it seems to me that anyone who votes for this amendment is just saying, "I want Locks and Dam 26 built, the President be damned, user fees be damned. One of these days we may get them, but we want our way. Let us build that lock and put this stumbling block in for another 4 or 5 years, while we study it again, while we go through a series of procedures" which could be rendered meaningless by one smart Senator or smart Representative who could keep us from ever voting on it, or render the vote so diffuse that it would be useless.

I urge that we remain consistent, that we vote this amendment down, and we get on with authorizing the dam with a 10-year implementation of user fees as provided in my amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. STEVENSON. Mr. President, I will be very brief.

Mr. President, the Senator from New Mexico and also the Senator from Alaska are to be commended for bringing this matter to the floor. I do not think our differences are large. I support user fees. The method by which we get there is what is binding us.

The Senator from New Mexico is quarreling with the Constitution of the United States. Every act of the Congress is subject, in effect, to a one-House veto. The Constitution created a bicameral legislature. Every act of the Congress requires the concurrence of both Houses. That is what is required in this instance.

As I tried to indicate before, I support a system of user fees. My quarrel with the Domenici amendment is that it does not create a system of user fees. That

is one of the quarrels with it. It is unworkable. It is unconstitutional. Its effects are certainly unpredictable. As the Senator from Louisiana pointed out, it cannot even get through the other body. It would be subject to a point of order by one Member of the other body.

This amendment is constitutionally sound. It requires the study and a report by the executive branch. Then, in the manner contemplated by the Constitution, it involves the representatives of people, through their committees and through both bodies of the Congress. Contrary to what the Senator said, it guarantees a vote.

The motion to proceed after committees are discharged is highly privileged. The Senator from New Mexico or any Senator can make that motion. It will be brought to a vote. If on that motion he is defeated then the body, the Senate or the House, which defeats it, has made its judgment on user fees. If the judgment is to enact a system of user fees, then, thanks to the modification suggested by the distinguished majority leader, debate on the proposal is limited in each House to 50 hours.

It is this procedure which is constitutionally sound, which involves the Congress as well as the executive branch in the formulation of the user fee system, and which will result in a user fee system, if it is possible to devise one that is sound.

I personally hope it is. By that, I mean one that covers a large part of the costs of operating and constructing these facilities and also maintains a fair competitive balance between competing modes of transportation.

Mr. President, I think the issue is understood well now by the Members. I have no desire to speak further on it. If there are no other comments to be offered, I think we should vote.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

Mr. GRAVEL. Will the Senator withhold that for a moment?

Mr. ANDERSON. Mr. President, I ask unanimous consent that Susan Martell be given the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily for the presentation of an amendment by the Senator from Nebraska and that, thereafter, we return to the pending amendment.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

UP AMENDMENT NO. 515

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS) proposes unprinted amendment No. 515.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment will be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 13 and 14 add the following new section:

That the water resources development project for Harlan County Lake on the Republican River, Nebraska, authorized by the Act of August 18, 1941 (Public Law 228, 77th Congress), as amended, is further amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to replace, renovate, and upgrade the existing Federal facilities of the project, and provide for maintenance and operation of those facilities.

SEC. 2. The work authorized by this Act shall include purchase of a dredge, dredging of channels, construction of breakwaters, replacement and extension of outdated water access facilities, the performance of necessary bank stabilization and appropriate filling activities, and such other items as are identified in connection with these activities located at Gremlin Cove, Patterson Harbor, Hunter Cove, and Methodist Cove/Pheasant Point in the June, 1977 report of the Army Corps of Engineers.

SEC. 3. All work and activities authorized by this Act shall be carried out at Federal expense, at a first cost presently estimated to be $4,811,100.

Mr. CURTIS. Mr. President, this is not a new authorization. This deals with a project authorized in 1971 and built soon thereafter. It is a multipurpose project. It is old enough now that it needs some work done on it. Also, the changing water levels, due to the use of water as well as periodic drought, call for some dredging, the purchase of a dredge, and replacement and extension of existing Federal facilities. There were other matters in a previous amendment that I introduced that were objected to. Those objections have been removed. It is our intention to confine this to the Federal facilities there at the project.

I understand that the managers of the bill are willing to accept the amendment.

Mr. GRAVEL. We are, very much so, Mr. President. I thank the Senator for accommodating us on this amendment. We did have some difficulties with the original amendment he had. He was very gracious in changing his amendment. We feel the revised amendment is a proper amendment. We are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. I thank the distinguished manager of the bill and the Senator from New Mexico very much.

UP AMENDMENT NO. 511 (AS MODIFIED)

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Illinois.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I think we are prepared to vote.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, does the Senator from Illinois yield back his time?

Mr. GRAVEL. There is no time limit on this, Mr. President.

The PRESIDING OFFICER. Is the Senator ready to vote?

Mr. STEVENSON. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 511) as modified, of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TOWER (when his name was called). Mr. President, on this vote, I have a pair with the Senator from Texas (Mr. BENTSEN). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. FORD (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent on official business.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) is necessarily absent.

The result was announced—yeas 39, nays 52, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—39

Anderson	Hatfield	Pearson
Bumpers	Heinz	Percy
Burdick	Hollings	Roth
Byrd, Robert C.	Huddleston	Sasser
Danforth	Humphrey	Schweiker
DeConcini	Inouye	Scott
Dole	Jackson	Stennis
Durkin	Johnston	Stevens
Eagleton	Laxalt	Stevenson
Eastland	Long	Stone
Garn	Magnuson	Thurmond
Haskell	Morgan	Williams
Hatch	Packwood	Young

NAYS—52

Allen	Chafee	Gravel
Baker	Chiles	Griffin
Bayh	Church	Hansen
Bellmon	Clark	Hart
Biden	Cranston	Hathaway
Brooke	Culver	Hayakawa
Byrd, Harry F., Jr.	Curtis	Helms
	Domenici	Javits
Cannon	Glenn	Kennedy
Case	Goldwater	Leahy

Lugar	Moynihan	Schmitt
Mathias	Nelson	Sparkman
McClure	Nunn	Stafford
McGovern	Pell	Talmadge
McIntyre	Proxmire	Wallop
Melcher	Randolph	Weicker
Metcalf	Riegle	Zorinsky
Metzenbaum	Sarbanes	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Ford, for.
Tower, for.

NOT VOTING—7

Abourezk	Matsunaga	Ribicoff
Bartlett	McClellan	
Bentsen	Muskie	

So Mr. STEVENSON's amendment, as modified, was rejected.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAVEL. Mr. President, I wish to make an announcement. I think that at this point we have satisfied the controversial nature of the bill. That is an assumption I am making. I think we would be prepared to have a rollcall vote on the Domenici amendment as is, or we could withdraw the order for the yeas and nays and have a voice vote on it. Many Members are in the Chamber. Why do we not go along with the rollcall vote on it, and we will be prepared for final passage, except for a few amendments which we are prepared to accept? That means that we would have the whole bill disposed of in the next 15 minutes.

I ask unanimous consent that the vote on the Domenici amendment be of a 10-minute duration.

Mr. ROBERT C. BYRD. I do not think the Senator should do that. Senators do not have notice of it.

Mr. GRAVEL. All right; I will not make that request.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 516

Mr. DOMENICI. Mr. President, I have an unprinted amendment that I will send to the desk in a moment.

I say to the Senator from Missouri (Mr. DANFORTH) that this unprinted amendment will take care of the problem we discussed on the floor. It will change the review of Congress from a joint resolution to a concurrent resolution. It will assure that the report will be forthcoming on January 1, not before, and it will give us 90 days thereafter instead of 60.

I send to the desk the unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes unprinted amendment No. 516.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 10, delete "no later than" and insert "or."

Page 4, line 9, delete "60" and insert "90."

Page 4, line 12, delete "joint" and substitute "concurrent."

Page 4, line 13, delete "joint" and substitute "concurrent."

Page 4, line 19, delete "joint" and substitute "concurrent."

On page 5, line 1, delete "joint" and substitute "concurrent."

Page 5, line 7, delete "joint" and substitute "concurrent."

Mr. GRAVEL. Mr. President, I have no objection to the amendment, and I am prepared to vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOMENICI. Mr. President, in establishing this guideline of a 1-percent "cap" or ceiling on the amount of the allowable user charge, we do not intend that the fee system be tied to an individual bargeload-by-bargeload valuation of the shipments involved, which would be unworkable. Rather, we envision a fee system based on broad commodity classifications and periodically employing recent historical price data for valuation purposes.

We envision that DOT, during its initial regulatory processes, would establish a fee system designed to not impact types of commodities prices by more than 1 percent, and that it would subsequently, at regular intervals—perhaps semiannually—evaluate, and if necessary, adjust the user fee system. It is not intended that this 1-percent cap create a right to rebates for individual shipments, but that it serve as an administrative guideline for DOT.

It is most important that the user fee system finally adopted be susceptible to efficient administration. To achieve this goal, it must be relatively simple and uncomplicated. Equally important, it must be readily understandable so that its basic fairness and equity will be apparent to all. Finally, the purpose of the user fee system is to help finance the operation of our waterway system. The basic purpose of this cap is to insure that there will be no significant adverse effect on commodity producers, and that they will not be unduly disadvantaged as the user fee system is phased in. It is not intended that the cap preclude the imposition of user fees on backhauls or on loads of goods not for sale.

We would still expect, of course, that longer haul shipments would pay more than shorter haul shipments of the same commodity; as would shipments on higher cost waterway segments as compared to lower cost segments.

In summary, the cap is intended to provide a needed measure of stability for commodity producers. Within this general guideline, however, we would expect the Secretary to design the user charge schedules so as to accommodate the other vital goals of administrative simplicity, equity between river segments, the efficient allocation of resources and the effective management of the Nation's waterways.

OPPOSING WATERWAY USE FEE—S. 1529

Mr. BELLMON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. BARTLETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BARTLETT

The Omnibus Rivers and Harbors Act will likely address the question of waterway user fees. This is clearly not the first effort to levy some sort of user charge on the commerce moving on our nation's 25,000 mile system of inland waterways. A plan presented by Senator Buckley which would have imposed a fuel tax on the users of inland waterways was soundly defeated during the last session. S. 790, which will be added as an amendment to S. 1529, has been carefully combined with a provision to fund locks and dam 26. Senator Domenici has forcefully promoted this idea, and the administration has insisted that it will not support total funding for locks and dam 26 unless the act contains a section providing for waterway user charges.

I oppose the imposition of a user fee for several reasons. The most obvious being that it would eliminate the only inherent advantage of water transportation—its low cost—and deny to the general public the extensive benefits which result from water resource development programs. Such programs provide water supply, pollution abatement, flood control, and recreation, in addition to the primary benefit of low-cost, bulk transportation.

A water use fee will drive up the cost of such basic commodities as coal, industrial chemical petroleum, iron and steel, fertilizer, and grain—to name just a few. We should not minimize the role played by toll-free waterways in keeping the cost of these materials down, for it is estimated that waterborne shipments comprise 16 percent of all domestic freight between cities. This commerce moves by water because it is the cheapest form of transportation available.

Proponents of the user fee often describe the present situation as fundamentally unfair to other modes of transportation. Senator Domenici has stated that toll-free water transportation represents a "'waste of taxpayers' dollars" and a direct subsidy that "helps to drive rail lines into bankruptcy," However, there appears nothing distinctive in the uncompensated financing of navigation systems from general funds. In various levels of government have long provided uncompensated funding to all modes of transporation. In fact, other modes are financed at much higher levels.

In fiscal 1974, for example, the federal government appropriated $382 million for maintenance and construction of waterway facilities. Although most highway expenditures are funded by highway use taxes, the federal outlay of uncompensated general funds for highways amounted to 1.2 billion dollars in the same year. And total uncompensated outlays from general funds by all levels of government on highways and streets totaled $5.5 billion in 1974.

The Federal Railroad Administration's aid to rail freight operations in fiscal 1976 amounted to $420 million. Railroads, in addition, last year won passage of a bill au-

thorizing $6.4 billion for their revitalization. In comparison, the total cost of waterway maintenance and construction since the inception of the Corps of Engineers in 1924 has amounted to $4.6 billion. These figures show that the inland navigation system has not been singled out for preferential treatment.

The supporters of a waterway fee have tried to popularize the myth that water transportation serves mainly to increase the profits of big corporations with little, if any, public benefit. Actually, competition for barge commerce is intense. Most carriers are small. And most waterborne traffic is not regulated by the Interstate Commerce Commission, so the carriers are free to set rates in direct response to changing competitive pressures. Savings are transmitted by reduced shipping rates. The same competitive forces would necessarily cause user fees to be transmitted to the shipping public. This increased cost of shipping would be passed on directly to consumers all across the country.

The user fee provision, if allowed to stay in S. 1529, would place an economic burden upon a state such as Oklahoma, which has come to rely upon the Kerr-McClellan Waterway for much of its bulk shipping. This Waterway has attracted over three billion dollars in private development since it was completed in 1971. And public development by local units of government that are served by the Waterway has already exceeded one billion dollars. This development by local units of government encourages continued economic growth for the tax paying residents of each of these communities. The Corps is presently reanalyzing the benefits of the Kerr-McClellan Waterway, and early indications are that benefits will far exceed that which was originally estimated prior to construction.

The low cost of water transportation has opened up national markets for all types of industry in Oklahoma. In addition, it has streamlined the movement of grain produced in the Midwest to markets throughout the world.

This economical movement of goods is especially important to the steel industry, which must compete with the steel producers of Japan and Europe. Higher steel prices resulting from increased shipping cost would cause the price of steel goods to rise in this country, as well as damage our delicate balance of trade.

My colleagues should keep in mind that barge shipment is the most energy-efficient means of transportation available. We should not penalize an industry that accounts for such a small amount of the total energy consumption in the United States by imposing a user charge.

I believe it is clear that a waterway use tax would have a negative effect upon many industries, on productivity in the farm belt, on inflation, and on international trade. A government-financed study of waterways and the possible effect of user charges on them, conducted by Ernst and Ernst, has recently concluded that no user charges of any kind should be imposed upon the inland waterway system until its impact has been futher exposed. In this respect, I must agree with the position taken by the Commerce, Science, and Transportation Committee.

The study to which I refer found that there is still little known about the specific types of impacts that imposing a user charge would have on: producers of goods who utilize the inland waterway, barge operators, final consumers, and barge competitors. This final group would include railroads. With the general rise in water shipping cost, there is a probability that freight costs would also rise in the rail industry, due to changes in the competitive market.

I think that the available evidence indicates that it would not be in the public interest to pass a user charge law. Therefore, I will oppose efforts to include such a user charge provision in the Omnibus Rivers and Harbors Act.

Mr. NELSON. Mr. President, I join Senators HUMPHREY, ANDERSON, CLARK, CULVER, MCGOVERN, MUSKIE, STAFFORD, DOMENICI, and others as a cosponsor of this compromise amendment that will, after nearly 3 years of debate, resolve the controversy surrounding locks and dam No. 26.

This amendment provides the congressional authorization for the immediate replacement of the existing facility near Alton, Ill., with a new dam and single 1,200-foot lock designed to last another 50 years. It provides adequate environmental and economic safeguards to prevent the corps from incrementally and systemically expanding the navigational capacity of the Upper Mississippi River system without congressional approval. And, finally, it provides for a gradual, 10-year phase in of a modest cost recovery user charge.

This amendment is a good compromise. It is not by any definition of the term a perfect piece of legislation. It is not everything I would have wanted. Nonetheless, it is a reasonable coming together of very divergent views in an attempt to responsibly address a most complicated and controversial issue.

First, it authorizes a new dam and single 1,200-foot lock to be built approximately 2 miles downstream from the existing facility substantially in accordance with the recommendations of the Corps' Board of Engineers for Rivers and Harbors May 1976 report. Construction will begin immediately after design work is finished and the adequacy of the environmental impact statement is determined by Judge Richey. The construction will cover an 8- to 10-year timetable.

I do not believe that on the merits of the argument a conclusive and persuasive case has been made for immediately authorizing this replacement project. It seems to me that President Carter's recommendation was correct that engineering field tests should have been conducted to determine whether or not a more cost-effective way exists of providing adequate, safe, and efficient navigational capacity at Alton, prior to authorization. When the possibility of saving at least $150 million exists, it seems to me that the Congress ought to take the time to determine whether or not we can save the taxpayers of this Nation a rather substantial sum of money.

Last September everyone agreed that the outstanding engineering questions should be evaluated over the congressional adjournment. The GAO—the investigative arm of the Congress—began to look into these questions. Regrettably, since Congress was not in session, due to the change in administrations, and because of a lack of funding, the indepth work agreed to, in debate on the floor of the Senate, was never completed. However, at the same time, every Senator who expressed an interest in this issue agreed that such an evaluation, over the adjournment, would not delay the project once more nor increase the costs 1 cent since funds would not become available until fiscal 1978, beginning October 1, 1977. Everyone agreed that this issue would be resolved in time for fiscal year 1978 consideration.

It is unfortunate that the studies were not done. I believe the failure to obtain a firm answer on these engineering questions is a grave error and a major liability in making a case for immediate authorization. I am supporting this provision with serious reservations. It seems to me that it is important for the Senate to keep its word with the American people. The issue should be resolved this summer.

I want to give notice to the Senate that should this compromise fail and the legislation is vetoed by the President or the conference becomes deadlocked, I will seek the support of the administration for funds to conduct the necessary field tests since the issue will be dead for the remainder of this Congress.

Second, the question of the master plan for the Upper Mississippi River System. The Upper Mississippi is an outstanding natural resource. The environmental impact statement issued by the corps clearly demonstrates that a substantial expanded barge navigation is a threat to the natural beauty and recreation value of this area. The Mississippi is a working river—it always has been one and it will continue to be an integral part of the economic life of the Midwest. We must draw the line and strike a balance between the degradation posed by unlimited expansion and total preservation.

The master planning section of this amendment will help the Congress strike such a balance. Simply, it provides that the Departments of Interior and Transportation undertake baseline ecological and intermodal transportation studies, respectively, to determine the various environmental and economic impacts of continued expansion of navigational capacity. The amendment covers both the Upper Mississippi and the Illinois Rivers, the two major components of the Upper Mississippi River System. The master plan would be developed with the consultation of other professional organizations and the active participation of local, State, and Federal officials. Public participation in each and every step of the process is mandated. The master plan would be submitted to the Congress in 1982 and would have the effect of law after the Congress, by law, approves it.

Over 3 years ago, I entered this dispute because it was clear from the evidence and the findings of the court that the Corps of Engineers had plans to systematically and incrementally expand the navigational capacity of the Upper Mississippi River System with or without the proper congressional authorization. The evidence is compelling that the corps, notwithstanding their public statements to the contrary, has long-range plans for a 12-foot channel and a huge expansion of river traffic on the upper Mississippi.

The feasibility studies for the 12-foot channel from New Orleans to Cairo are well underway. Phase I of the 12-foot

channel project on the Illinois has been completed. The duplicate locks program on the Illinois is authorized at a 12-foot navigation depth. For some unexplained reason, the corps refuses to release the draft environmental impact statement for this program.

In any event, the intent of the corps is clear—they want to build and expand.

The Congress should now reassert its responsibility to curb the ravenous appetites of the corps. It should make clear that the Congress, and not the Engineers, make water resource policy. The Congress should make it unmistakably clear that it views the Upper Mississippi and Illinois Rivers as a system. Congress should make it clear that it wants to know the systemic, eccnomic, and ecological impacts of the whole program, not just individual bits and pieces.

The master planning language contained in this compromise amendment will give the Congress the information it needs to make an informed decision. It will insure that the critical environmental values are considered and protected and that a proper balance is maintained between economic values and recreation and environmental values.

Finally, this amendment contains a provision to phase-in, over a 10-year period, a system of user charges. The President and various members of the administration have repeatedly told the Congress, in open hearings and by letter, that any authorization bill will be vetoed if the legislation does not contain a provision implementing a reasonable cost recovery charge.

Thus, there is very little chance that there will be a new lock and dam No. 26 without such user charge provision. Any attempt to override a Presidential veto would almost certainly fail. These two issues—an authorization and user charges—are linked and cannot be separated. The White House has informed my office that the 18-month study of the user charge question is not acceptable to the administration.

If the bill is vetoed, this issue will be dead for the remainder of this Congress. We will have to start from scratch a year and a half from now with no hope for an early resolution of the controversy. That course of action is in no one's interest.

Therefore, we are left with an amendment that speaks to the President's concerns, an amendment that contains authorization for a new facility, and a comprehensive study provision that will provide the necessary information to Congress for future decisions respecting the economic and recreation use of the river.

In summary, it seems to me that this compromise achieves the maximum in reconciling conflicting viewpoints, and at the same time, resolving an important issue in a timely fashion.

The compromise has three major elements:

First, it authorizes construction of a new lock and dam immediately. On this point, the administration has withdrawn its insistence that an 18-month field test be undertaken before a final decision was made to either repair and expand the present lock and dam or construct a new one.

Until very recently, it had been the administration's position that the President would veto any proposal that did not contain both the 18-month test and some provision for user fees. As a compromise, the administration has now stated that it would withdraw its insistence on the field tests, but that any bill without reasonable user fees would be vetoed.

I am prepared now to support the administration on immediate construction, even though it was agreed last September in Senate debate to conduct field tests and complete them for Senate consideration, prior to congressional appropriations beginning October 1, 1977. Through no fault on the part of the Senate, those studies were not done. I regret that the proper studies were not done, but I see no prospect that such studies will now be required by Congress. On that point, there is universal agreement.

Second, the compromise contains my amendment for development of a comprehensive master plan for the river which I have advocated for the past 3 years. This provision requires a comprehensive study of the potential for river traffic, weighed in balance with environmental and recreation values. The objective is to provide the Congress with adequate information to make appropriate decisions respecting the future use of the river for all purposes.

This provision will establish an important precedent for the proper management of our water resources. The administration supports this provision.

Third, the compromise contains the user fee proposal supported by the administration. Without it, as previously noted, the President will veto the bill and the same issue will be before the Congress 2 years from now with no better prospect for resolution then than now.

It seems to me now is the time to settle this question.

Mr. President, there should be no dispute over the merits of sections 307(c) and 308 of the Domenici amendment, the so-called master planning and environmental protection sections. This language simply implements a rather logical public policymaking principle—that the Congress ought to know what it is doing before it does something. I trust, this is not an unreasonable proposition.

This issue of locks and dam No. 26 has been before the Congress for almost 3 years because the corps attempted to illegally quadruple the navigational capacity of the Upper Mississippi River System without congressional authorization. It is before the Senate today because the corps was caught acting illegally in beginning a systemic and incremental expansion of navigation that would have cost the Federal taxpayer in excess of $10 billion. This issue is before the Senate this morning because the corps had plans and, in my view, continues to have plans to expand the navigational capacity vastly beyond the scope envisioned by this replacement project.

I call attention to Judge Richey's September 1974 decision stating that the arguments presented by the barge industry and those groups who support the National Committee on Locks and Dam No. 26 that this replacement project has no relationship to any future plans are truly "unworthy of belief."

Anyone who knows anything about this project recognizes the critical role locks and dam No. 26 plays as the key navigational facility for the entire Upper Midwest River System. The public record developed by the court and the Senate Environment and Public Works Committee on the systemic nature of the river system is conclusive.

The master planning sections of this amendment require a comprehensive evaluation of the economic and environmental benefits and costs of further expanding the Upper Mississippi River System's navigational capacity beyond the additional tonnage provided by this new and larger 1200-foot lock.

It requires that the Department of Interior undertake baseline ecological studies to determine the carrying capacity of this outstanding natural resource. It requires that studies be undertaken, over a 4-year period, to determine what impacts expanded navigation will have on the recreational values of this resource. It will attempt to gather the necessary baseline data so that the Congress will be able to draw a line and strike a balance that will permit continued economic growth and continued ecological enhancement.

This amendment requires that the Department of Transportation undertake data gathering studies to evaluate the intermodal transportation impacts of continued barge expansion throughout the upper Midwest. These studies will insure that there is not a conflict in national transportation policy and programs.

This language requires public and state participation at each and every stage of developing a master plan for this river system. And it requires that the Congress, by law, adopt the master plan before any additional capacity is provided.

This is a landmark water resource policy decision. In 1970, the National Environmental Policy Act (NEPA) was signed into law. Section 102 of NEPA requires that for every Federal action having "a significant impact on the quality of the human environment," an environmental impact statement must be prepared detailing possible economic and ecological impacts and alternatives. NEPA has worked well and is the cornerstone of this Nation's environmental program.

The master planning language contained in this amendment wholly endorses the principles contained in NEPA. It embraces planning before action. It supports evaluation before very large amounts of tax dollars are spent. It requires that we know what the consequences of our actions will be before we begin. It recognizes that this project has enormous systemic implications. And it tells the corps, in no uncertain terms, that this is a system and the impacts of

proposed future actions, both economic and environmental, will have to be evaluated and approved.

We are saying, in effect, through this master planning amendment, that Judge Richey, in ruling that the proposed replacement project is, in fact, the first step in a systemic expansion, is correct. However, the Congress will not permit any additional expansion unless it determines, after reviewing the master plan submitted in 1982, that it is in the public interest to do so.

Mr. RANDOLPH. Mr. President, the Committee on Environment and Public Works has worked arduously during the past 3 years to recommend to the Senate a solution to the issue of replacement of locks and dam 26 on the Mississippi River. Last year, the committee reported a water resources bill which authorized replacement of the facility and a system of user charges. To avoid extended flow debate at the close of the last session, the Committee agreed to drop these provisions so that other valuable projects could be approved by the Senate and subsequently become law.

On the Senate floor last year, Senator GRAVEL and I indicated that the committee would, as expeditiously as possible, address locks and dam 26 during this session of the 95th Congress. The committee conducted 4 days of hearings to inform Members of the issues surrounding locks and dam 26 and user charges. The committee ordered reported a bill (S. 790) which was jointly referred to Environment and Public Works and Commerce because of the joint jurisdictional nature of user charges. The Environment and Public Works version authorized replacement of the locks and dam as recommended by the Corps of Engineers and the institution of user charges over a phased-in period of 5 years. The vote in the committee to report this issue was 14 to 1.

The amendment offered by Senator DOMENICI seeks to implement basically what the committee recommended. Other amendments may be offered but the only significant difference will be relating to the implementation of user charges.

Locks and dam 26 is an important element in our overall transportation system. It is even more important as the hub of inland water transportation on the Mississippi River. The replacement of this facility is crucial if the flow of goods both up and down the Mississippi River is to continue in an expeditious manner. I believe that it is essential by 1990 that a new facility be in place or substantially under construction which can adequately meet anticipated traffic on the Mississippi River.

Mr. HART. Mr. President, I do not support the construction of a new 1,200-foot lock at Alton, Ill. In my judgment, the evidence has not established that the present structure cannot be rehabilitated and restored to modern standards for an expenditure of funds far less than the $421 million needed for a new structure. Mr. William Wahler, one of the Nation's foremost experts and consultants on dam safety and repair, has determined that the present structure can be modernized for $50 million. I find it very difficult to disagree with Mr. Wahler's figures for several reasons. First, the engineering consultants retained by the General Accounting Office to study the matter agree closely with Mr. Wahler's conclusions. So, too, do the engineering consultants of the Western Railroad Association. Finally, Mr. Wahler's credentials and professional reputation are impeccable. In fact, he has been retained by the Government to study the safety aspects of numerous Federal reservoir projects following the Buffalo Creek disaster, and is engaged in that review process at the present time.

In addition, I am greatly concerned about the environmental impacts of increased barge traffic on the Upper Mississippi and Illinois Waterways which a 1,200-foot lock will encourage and facilitate. The estimate of the Corps of Engineers that traffic will increase from 73 million tons to only 86 million tons is simply not credible. However, even if such a "minor" increase were to occur, it would represent a 17 percent increase in traffic, most assuredly calling for a system-wide environmental impact statement for the new 1,200-foot lock.

I believe the far more credible and sound evidence supports the conclusion that a 1,200-foot lock will increase the capacity of locks and dam 26 to at least 120 million tons, and probably closer to 140 million tons. This is the conclusion of Dr. Joseph Carroll, the director of the Pennsylvania State Transportation Institute, and the acknowledged foremost authority on navigation capacity estimates.

If Dr. Carroll is correct in his conclusion—which I strongly believe him to be—there is absolutely no question that a systemwide environmental analysis and EIS are necessary for the new 1,200-foot lock at Alton. It is equally clear that no such analysis has been performed to date.

I would like to call another matter to my colleagues' attention. The President has stated forcefully his intention to veto any legislation authorizing a 1,200-foot lock at Alton which does not also contain a provision for the repayment of construction and operation and maintenance charges on the Nation's waterways by their beneficiaries. In short, a charge to the users of the system, rather than a continued free ride at the expense of the American taxpayer. In a sense, the only surprising element of this position is that it has never been enacted previously. For years and years the barge operators have reaped the benefits of public expenditures for navigation improvements at the expenses of competing modes of transportation and the the general public. It is time to put a halt to this inequity, which, as stated by Secretary Adams, has now reached a cost of nearly $1 billion a year.

I believe it is time that we brought free enterprise to the navigation industry. The river carriers have played a significant role in the development of this Nation. Surely they would not balk at the opportunity to participate truly in its competitive free enterprise system. In this regard, I ask unanimous consent that a recent column by James J. Kilpatrick, entitled "Pity the Bargemen, But Not Much," be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PITY THE BARGEMEN, BUT NOT MUCH

(By James K. Kilpatrick)

Victor Hugo is authority for the political truism that no army can overcome an idea whose time has come. Under that guiding principle, the Senate should vote overwhelmingly this month for the imposition of user charges on the nation's barge operators.

You can search through the whole range of federal activities, and find nothing that even remotely compares with the bonanza the taxpayers have provided the barge men.

At a cost of some four billion dollars, the taxpayers have provided 25,000 miles of inland canals, locks, dams and waterways. Another four billion dollars have been spent on maintenance and operation of the system. And toward this monstrous cost, the barge operators have contributed not one red cent in direct user payments.

Today the barge industry collects annual revenues in the neighborhood of one billion dollars. The taxpayers provide subsidies estimated at $400 million a year to keep the system going—40 per cent of total revenues. This contrasts with subsidies of 1 per cent for truckers and air carriers, and 3 per cent for railway freight. The barge companies are resisting the payment of even one thin dime.

What unconscionable arrogance is this? The opponents' arguments boil down to four contentions: No user charges ever have been imposed; therefore they ought not to be imposed now. User charges would raise the cost of barge-transported goods to consumers. User charges would divert some barge traffic to competing trucks and railways, thereby causing unemployment among the poor barge operators. Finally, the question is so complex that it ought to be studied for another 18 months, at the very least, before congressional action is taken.

Humbug! There might have been some feeble justification, a century ago, for providing a "free" competitive service as a check against the railroad barons. That justification, if it ever existed, has no meaning today.

Yes, user charges presumably would be passed on to consumers, but the costs are fair and their burden would be infinitesimal. On barge-transported coal, for example, we are talking about 11 cents a ton. There is no reason why coal consumers should not pay this charge.

As for the poor barge operators: A handful of giant corporations control much of the waterway traffic. Let us shed a tear for the poor little Texas Gas Transmission Company and the Eastern Gas & Fuel Associates. Their corporate revenues annually run to $1.5 billion, over $200 million of which is in barge revenues. Together they own 3,000 barges and carry about half the coal traffic on the inland waterways. Or let us weep for U.S. Steel, Ashland Oil, Central Soya, and Drave Corporation. Their collective sales exceed $16 billion a year. How do their spokesmen keep a straight face in opposing fair user charges for the facilities the taxpayers now provide them for nothing?

The question of user charges has been studied, and studied, and studied, *ad nauseam* and *ad infinitum*. Every president since Roosevelt has recommended a system of user charges. Thousands of pages of congressional testimony have been accumulated. Under the cynical orthography of politics, the world study is spelled s-t-a-l-l.

The Senate Committee on Environment and Public Works has recommended a schedule of user charges that would be phased in over a 10-year period. Not until fiscal 1980 would the barge operators be assessed anything at all. Beginning in 1989, user charges would

amount to 100 per cent of the costs of maintenance and operation, and to 50 per cent of the annual construction costs.

Nothing that I have said should be construed as criticism of the inland waterway system as such. Barge operations are an essential part of a comprehensive transportation program. But it violates every elementary concept of fairness to argue that the barge lines should get a free ride at the taxpayers' expense, while the railways go broke. That proposition is simply bilge—and the barge boys know it.

Mr. HART. Finally, Mr. President, the Department of Transportation has determined unequivocally that a 1,200-foot lock at Alton is not needed until at least 1990. The corps has estimated a construction time of 8 years. Accordingly, construction need not commence until at least 1982. The point, very simply, is that we need not rush to judgment of this issue. The pressure of a few concentrated industries with an obvious self-interest in free river transportation should not be permitted to turn our attention from determining sound environmental, transportation, and budgetary policy. I, for one, have no interest in making the Mississippi River a superhighway for barges regardless of who pays the bill. The Upper Mississippi River is a national treasure, and we must treat it with concern and delicacy.

THE INLAND WATERWAYS AND OUR NATIONAL TRANSPORTATION SYSTEM

Mr. CHURCH. Mr. President, I rise in support of the amendment offered by the Senator from New Mexico, Mr. DOMENICI. Last year, I voted against waterway user fees primarily due to my fear that they might potentially harm the marketability of Idaho's agricultural products.

The high cost of moving our farm products to distant markets led me to push for the opening of the port of Lewiston, Idaho, enabling bulk products to be shipped down the Snake and Columbia Rivers, some 464 miles to the ocean and on to foreign lands.

The amendment now pending, however, contains a provision which would place an absolute limit on user charges so that, even after the full 10-year phase-in, no charge could be set at a level greater than 1 percent of the delivered value of the commodity. I believe this limitation protects shippers and consumers alike; and means that Idaho farmers need have no concern about getting their products to market in the future.

I am also pleased that the amendment grants Congress a veto power over the administrative implementation of user charges. This will provide the necessary oversight to insure that such charges remain fair and equitable.

The charges contemplated in this bill will reduce, but not end, the Federal subsidy to barge traffic on our island waterways. This harmonizes with the treatment given other types of public transportation. Whether it be by rail, truck, bus, airplane, or barge, the American taxpayer contributes to the support of each system.

The cost of a ticket does not pay for the cost of the ride on any form of public transportation. It is true of the airplane. Former Transportation Secretary Coleman once estimated that an airline passenger paid for only a third of the ride. And it certainly is true of the bus.

An example worth noting: Our Nation's largest bus company has routes covering 99,000 miles of roads and highways, which cost $468 billion just to build. More than one-third of this cost came from general taxes. Thus, the bus lines, or the trucking industry for that matter, receives a substantial subsidy, without taking into account the much larger expense in design and construction of highways required to accommodate heavy bus and truck loads. Nothing is wrong with this public contribution, but it ought to be recognized and acknowledged.

The railroads, too, have been the recipients of large amounts of Federal assistance. From the early land grants that led to the settlement of the West to the most recent efforts to rebuild and revitalize a deteriorating national rail freight and passenger system, the American people have seen the wisdom in helping sustain the railroads to help move goods and people.

Unfortunately, each of these recipients of Federal assistance, has, from time to time, accused another of being "subsidized." Such attacks only serve to confuse the people, and work against the preservation of a balanced and comprehensive transportation system. Federal involvement in securing an efficient and reliable system is essential. It is an investment in the future, and a sound one at that.

I shall vote for this amendment, not to put an end to Federal aid to our inland waterways, but to put the barges into closer harmony with other elements of our transportation system. Railroads, planes, buses, and trucks are funded by a mix of Government assistance and user fees. The inland waterways will not be hurt by requiring users to share some of the burden that the taxpayers have borne alone for almost 200 years. The waterways are in good condition, and it is my belief that, as a result of user participation in their operation, maintenance and construction, they can be sustained and expanded in the future, with a larger measure of public confidence and support.

Mr. GRAVEL. Mr. President, I think we are ready for the vote on the Domenici amendment, on which the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SASSER (after having voted in the negative). Mr. President, on this vote I have a live pair with Senator MUSKIE. I voted "nay." Senator MUSKIE would vote "yea" if he were here. Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent on official business.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Texas (Mr. BENTSEN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) is necessarily absent.

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—71

Anderson	Eagleton	Metcalf
Baker	Ford	Metzenbaum
Bayh	Glenn	Morgan
Bellmon	Goldwater	Nelson
Biden	Gravel	Nunn
Brooke	Griffin	Pearson
Burdick	Hansen	Pell
Byrd, Harry F., Jr.	Hart	Percy
Byrd, Robert C.	Hatch	Proxmire
Cannon	Hathaway	Randolph
Case	Hayakawa	Riegle
Chafee	Helms	Sarbanes
Chiles	Hollings	Schmitt
Church	Huddleston	Stafford
Clark	Humphrey	Stevenson
Cranston	Inouye	Stone
Culver	Javits	Talmadge
Curtis	Kennedy	Thurmond
Danforth	Leahy	Tower
DeConcini	Lugar	Wallop
Dole	Mathias	Weicker
Domenici	McClure	Williams
Durkin	McGovern	Young
	Melcher	Zorinsky

NAYS—20

Allen	Jackson	Roth
Bumpers	Johnston	Schweiker
Eastland	Laxalt	Scott
Garn	Long	Sparkman
Haskell	Magnuson	Stennis
Hatfield	Moynihan	Stevens
Heinz	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sasser, against.

NOT VOTING—8

Abourezk	Matsunaga	Muskie
Bartlett	McClellan	Ribicoff
Bentsen	McIntyre	

So Mr. DOMENICI's amendment (No. 442) was agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 517

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) for himself and Mr. ZORINSKY proposes unprinted amendment No. 517.

Mr. MELCHER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

TITLE IV

SEC. 401. This title may be cited as "The Comparative Macroeconomic Inland Freight Transportation Study Act of 1977."

SEC. 402. The Congress finds that there is a need to determine the competitive effect of federal and state subsidies, direct and indirect, and taxes on the different modes of inland freight transportation.

SEC. 403. The Secretary of Transportation is directed to conduct a thorough and complete study regarding the economic impact and competitive effects of taxes, subsidies, user fees, and other similar charges on the different modes of inland freight transportation. Such study shall include an analysis of the amount and competitive effect of federal and state subsidies, direct and indirect, and taxes on the different modes of inland freight transportation, and the types of user charge, if any, that would be equitable to all modes.

SEC. 404. The Secretary of Transportation shall submit to the President and the Congress a final report containing the results of the study conducted under subsection 403 within eighteen months after the date of enactment of this Act. Such report shall include such recommended legislation and administrative actions as the Secretary deems necessary and appropriate.

SEC. 405. There are authorized to be appropriated not more than $1,000,000 to the Secretary of Transportation to carry out the purposes of this section.

The PRESIDING OFFICER. Will the Senate kindly come to order?

Mr. GRAVEL addressed the Chair.

The PRESIDING OFFICER. Will the Senate be in order?

The Senator from Montana has been recognized.

Mr. GRAVEL. Mr. President, will the Senator from Montana yield to me for one moment?

Mr. MELCHER. I am glad to yield.

Mr. GRAVEL. Mr. President, by way of information to the body, if we could have some order——

The PRESIDING OFFICER. The Senator will kindly suspend.

Will the Senate be in order? Senators who wish to converse will kindly withdraw. The Senate will be in order.

The Senator from Alaska.

Mr. GRAVEL. Mr. President, this is one of five amendments that the committee will be accepting and I believe the minority will also be agreeing to.

After that, we are prepared to go to final passage. There is no desire to have a rollcall vote on final passage, so on this piece of legislation there would be no rollcall vote. The majority leader may wish to——

Mr. ROBERT C. BYRD. Mr. President, we cannot be sure of that. I do not know what other Senators will ask for.

Mr. PROXMIRE. Mr. President, I hope we will have a vote on final passage. This is a big bill. I hope we have a rollcall vote.

Mr. ROBERT C. BYRD. A voice vote is fine with me. I would not want to assure Senators that there might not be a rollcall vote.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

Mr. ROBERT C. BYRD. There is the answer.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, the only point I wish to make is that we will quickly dispose of five amendments if the body will be patient.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I say to the Members of the Senate that I shall be very brief.

This is an amendment that is a portion of the Commerce Committee's work and is not one that has been attacked or doubted in any way.

It provides a study that the Department of Transportation has cleared and is in favor of for within an 18-month period various modes of freight transportation systems would be——

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MELCHER. Within an 18-month period various modes of freight transportation systems would be studied to see whether or not the public funds that are involved are equitable and whether or not they contribute to competition.

It requires an authorization of $1 million, and it is hopeful that within that period the study will come up with hard, cold facts as developed by the Department of Transportation to determine what are truly the needs for a balanced freight system within the country.

The railroads, the truckers, and the freight forwarders are all for it, and Secretary Adams endorses it.

I hope the Senate will accept it.

Mr. GRAVEL. Mr. President, I think it is a good amendment and it should be accepted. We accept it.

Mr. DOMENICI. Mr. President, I have no objection.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. ALLEN and Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

UP AMENDMENT NO. 518

Mr. ALLEN. Mr. President, I call up an unprinted amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes unprinted amendment No. 518.

Mr. ALLEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . (a) The project for navigation improvements in Mobile Harbor, Theodore Ship Channel, Alabama, approved by resolutions of the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives dated December 15, 1970, and modified by section 112 of the Water Resources Development Act of 1976, is hereby further modified to provide that the non-Federal interest shall contribute 25 per centum of the costs of areas required for initial and subsequent disposals of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interest to contribute 25 per centum of the construction costs as set forth in section 1 shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Alabama, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.".

THEODORE SHIP CHANNEL

Mr. ALLEN. Mr. President, as many Senators know, the Port of Mobile is being improved by construction of the Theodore Ship Channel, which will provide port facilities which are more capable of accommodating an increased volume of deep-draft shipping. The need for the Theodore Channel increases each year with major increases in commerce and industry in the Southeast. The need for the channel is made even more acute by the scheduled completion of the Tennessee-Tombigbee Waterway in the mid-1980's, which will cause Mobile to be one of the country's major ocean ports. The additional shipping burdens which will be placed on Mobile made absolutely necessary the construction of the Theodore Ship Channel.

Mr. President, the State of Alabama, in participating in the Theodore Channel project, as matters now stand, will be required to spend almost half of its total contribution to the budget for compliance with Federal environmental regulations. The State of Alabama did not contemplate that its contribution would be required to be diverted to that purpose and, frankly, does not have additional funds to supplement the funds already budgeted for the channel project.

Inasmuch as the State of Alabama is incapable both of meeting the burden of its direct contribution to the channel project itself and the requirements of Federal environmental regulations, Congressman JACK EDWARDS has asked that I seek to amend S. 1529 to add a provision designed to modify the Theodore Channel project legislation to direct that the 25 percent non-Federal contribution to the construction of the channel shall be waived in those aspects directly touching on environmental improvements.

There is precedent for the procedure proposed, and I am advised that similar provisions have been enacted with respect to navigation projects in the Great Lakes region, in Louisiana, and in Texas. I might point out that in the case of Louisiana and Texas, both projects involved ports in direct competition with the Port of Mobile.

Mr. EDWARDS has set forth in some detail the arguments in favor of modifying the Theodore Channel project budget to guarantee that State funds are utilized

for the channel itself rather than being diverted to comply with Federal environmental regulations. He has addressed both the Subcommittee on Public Works of the House Committee on Appropriations and the Subcommittee on Water Resources of the House Committee on Public Works on the subject at length.

Mr. President, I therefore ask unanimous consent that remarks Congressman EDWARDS made in those subcommittees be inserted in the RECORD at the conclusion of my own remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. ALLEN. I am introducing on behalf of myself and Senator SPARKMAN an amendment at this time so that the managers of the bill and other interested Senators will have an opportunity to give the matter their careful attention prior to the bill being before the Senate. I, of course, stand ready to provide whatever additional information may be desired.

This is an amendment that I have cleared with the manager of the bill and the ranking minority member of the committee. It has to do, as I have stated, with the Theodore Ship Channel in Mobile Harbor.

Under the resolution of the Senate and the House Committees on Public Works, there was to be a non-Federal contribution toward the project of 25 percent of the cost. Arrangements were made with the State and local governments to pay that 25 percent of the cost.

Subsequent thereto, certain environmental requirements were placed on the project that make it impossible for the State and local governments to contribute the 25 percent of the whole cost of the project. This amendment would require the local governments to pay the 25 percent of the actual construction cost of the channel, but would relieve them of paying the cost of the environmental requirements.

STATEMENT TO THE WATER RESOURCES SUBCOMMITTEE, PUBLIC WORKS COMMITTEE

Mr. Chairman, it is a pleasure to present my views on the need to reauthorize the Theodore Ship Channel.

I would like to say right at the start that I am deeply concerned over the abrupt turn of events in the planning and budgeting associated with this project. Because of changes in the scope and cost of the Channel, the program now requires Congressional reauthorization. Pending completion of that action, additional funding will not be allocated to the project, and so we are at an empasse. We desperately need the Committee's full support in the resolution of this problem.

This situation poses a very serious dilemma. On the one hand, $154 million in private capital has already been expended in private plant construction in the industrial park with an additional $646 million to be committed over the next few years. Several plants are nearing completion. Some production is underway by others and hundreds of people are already on the job. These industries to a large extent, are totally dependent on the timely completion of the deepdraft Channel. Yet, even under the best of circumstances, construction work on the Channel would not begin until early-to-mid 1977 and would take two or more years to complete. In my opinion, Mr. Chairman, we have a serious problem on our hands.

Before I go into a discussion of the economics of the project, I would like to briefly describe the problems as I see it, and then explain what must be done to get the program back on track.

The Theodore Ship Channel was authorized under Section 201 of the Flood Control Act (Public Law 89-298). Initially, the total Federal cost was estimated to be $7.3 million. However, because it became necessary to revise the dredge disposal plan and because of a desire—as expressed by local interests—for an additional shoreline turning basin and a barge channel, the cost of the project far exceeds the ceiling set by Section 201. Since the estimated Federal cost is now $39.7 million, the original authorization is no longer valid. Congress must now reauthorize the program before any additional investigations or construction work can be undertaken, and this accounts for the reason why the President did not request any funds for Theodore in the FY 1977 budget.

Last year the Congress appropriated a total of $680,000 to complete preconstruction planning and to initiate construction work on the Channel. The appropriation for fiscal year 1976 and an unspecified portion of the appropriation for the transition quarter have been expended to finalize the Phase One Design Memorandum and Environmental Impact Statement. As this work was completed some months ago, preconstruction planning activity is about to drop off to zero, and that worries me.

Congressional reauthorization must come this year. If this happens, I would then expect the Corps of Engineers to develop a capability for the project covering the remainder of fiscal year 1977. At that time, I would also urge the Appropriations Committee and the Corps to consider reprogramming a sufficient sum of money for the Channel from other projects where slippage has occurred. With the appropriations remaining from the transition quarter budget plus the additional funds that would be derived from a reprogramming action plus the $2 million already appropriated by the State and now available for the project, it would be possible to support further investigations or limited construction work until a full-scale construction program could be initiated with the passage of fiscal year 1978 appropriations. While by no means ideal, this course of action would minimize delays to six to eight months.

The principal purpose for construction of the Channel, the locally financed industrial park, and state docks facility, is to meet a rapidly expanding need by diverse industries nationwide for port facilities capable of accommodating deep-draft shipping. Since additional facilities able to satisfy these requirements do not exist in the Mobile Harbor area today, construction of the Theodore Channel will overcome a serious obstacle to the further economic development of the region, and capitalize on the construction of the Tennessee-Tombigbee Waterway now under construction.

The economical and commercial benefits promised by this project are impressive. The total benefit/cost ratio in this case is 2.7 to 1.0, according to the latest estimates. The projected benefits are so high because the project is attracting major industries that will bring about significant economic growth and substantial savings in transportation costs as well. The direct economic consequences of completing the "initial" phase of industrialization at Theodore Park will be generated by a total capital investment of more than $800 million. This, in turn, will result in the creation of some 1,720 jobs, an increase in net annual personal earnings of $31.6 million, $8.1 million more in bank deposits, and new retail sales in the amount of $6.7 million by 1980. To summarize, the industrialization brought about by the construction of the Theodore Channel will have far reaching economic consequences for Mobile County, the State of Alabama and the entire Southeast.

In order to insure that both the industrialization of Theodore and the construction of the Channel progress in as orderly and timely manner as possible, this project will need the Committee's full support. On June 9, I introduced a bill recommending modification of the authorization under which the project was initially approved. Mr. Chairman, this bill was referred to this Committee. A similar bill was introduced in the Senate.

Mr. Chairman, I strongly urge that your Committee approve this proposal and reauthorize the project at the earliest possible date so that full-scale construction work can be started and the project completed within a reasonable period of time.

Mr. GRAVEL. Mr. President, if the Senator will yield, I think this is a proper amendment. We have a precedent for doing this, and I think it is a very good amendment.

Mr. DOMENICI. Mr. President, I concur. I think this is consistent with the original intent, and we should therefore accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

UP AMENDMENT NO. 519

Mr. INOUYE. Mr. President, I have an unprinted amendment at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE) proposes an unprinted amendment No. 519.

The amendment is as follows:

On page 34, after line 13, insert the following:

Section 5 of the Flood Control Act approved August 18, 1941 (33 U.S.C. 701n) is amended by inserting at the end thereof the following: "The Chief of Engineers is also authorized to accomplish advance measures using amounts in the emergency fund, when in his discretion local and State efforts are unable to complete emergency work for control of lava flow, in order to provide the minimum necessary protection to prevent loss of life and serious damages to improved property when such volcanic activity is reasonably imminent.".

Mr. INOUYE. Mr. President in February 1976, the U.S. Geological Survey published a report on Mauna Loa, a volcano in Hawaii, the largest, most active volcano in the world. The report predicted that before July 1978 we will experience a major eruption, thereby endangering the people of the city of Hilo.

This amendment would amend the Flood Control Act to authorize emergency protection work in the event of this volcanic eruption.

So, Mr. President, today I rise to urge your approval of an amendment that is of the utmost importance to my State, and in particular, to the residents of the city of Hilo on the big island of Hawaii.

My amendment, that would amend the Flood Control Act approved on August 18, 1941, in order to authorize emergency protection work in the event of anticipated volcanic eruption, is needed now so that the people of Hilo can be assured that they will be protected from the lava flows emanating from Mauna Loa, which is expected to erupt before July of 1978.

In February of 1976, the U.S. Geological Suryey's Hawaiian Volcano Observatory prepared a report on Mauna Loa entitled, "Mauna Loa Volcano—the Past, Present, and Prospects for the Future." Although I will highlight the most salient aspects of this report, I ask unanimous consent that this brief report be made a part of the RECORD at the conclusion of my statement.

One of the largest and most active volcanoes on Earth is Mauna Loa. In the past, Mauna Loa has erupted about every 3 to 4 years, although at irregular intervals. Prior to July 1975, however, Mauna Loa had not erupted since June 1950. In all of Mauna Loa's recorded activity, this 25-year period of dormancy has been the longest hiatus of interruption between eruptions.

The eruption, which occurred on July 5–6, 1975, was small by Mauna Loa standings—less than 30 million cubic meters of lava were erupted. The details of this eruption, however, are unimportant, compared to what this eruption portends for Hawaii County for the future. During our recorded history, summit eruptions of the type that occurred in July of 1975 are almost invariably followed by larger flank eruptions. These flank eruptions generally occur on one of the two rift zones of Mauna Loa—the southwest rift or the northeast rift. Eruptions that occur on the southwest rift can threaten south Kona and western Ka'u; eruptions that occur on the northeast rift can flow toward Hilo, threatening a population of approximately 38,000.

During the week following the eruption of July 1975, thousands of small- to medium-sized earthquakes occurred beneath Mauna Loa. These quakes were concentrated along the northeast rift of the volcano, between an altitude of 9,000 and 10,000 feet. Thus, the seismic pattern suggests that large volumes of magma were injected into the northeast rift, and that much of it will be erupted to the surface at some future time.

Since 1852, six eruptions have occurred along Mauna Loa's northeast rift, and each of these eruptions was preceded by one or more summit eruptions. For more information about the seismic and volcanic pattern of Mauna Loa's recorded activity, I wish to refer you to figure 1 of the U.S. Geological Survey's February 1976 report. The most common pattern of the Mauna Loa eruptive cycle is that represented by the 1940–42 sequence. The 1940–42 eruptions consisted of three distinct phases—a summit eruption in April of 1940, another summit eruption in April of 1942, and a rift outbreak which followed the second summit eruption by 2 days.

This cycle of separate eruptions: summit—summit—flank, constitutes the typical Mauna Loa eruptive pattern. This basic cycle has been repeated in various combinations for all historic Mauna Loa eruptions from the volcano's northeast rift.

Thus, because of the historical precent, the U.S. Geological Survey's Hawaiian volcano observatory has concluded that the eruption of July 5–6, 1975, was merely the first of three phases that will culminate in a flank eruption. In addition, based on the July 1975 seismic activity, they consider it likely that the northeast rift has already been primed, and that a future eruption will take place from that rift. It is on these grounds that the observatory scientists have predicted that the expected flank outbreak will occur before July of 1978.

The purpose of my amendment is to insure that funds are authorized to be expended in order to undertake other emergency measures or protection work in preparation for the future eruption of Mauna Loa.

At this time various Federal and State governmental agencies and branches of the military are involved in planning for the diversion of lava from destructive paths that may threaten Hilo. The U.S. Geological Survey's Hawaiian volcano observatory is providing technical advice to government agencies who will be responsible for lava diversion efforts and it is establishing a better monitoring system to provide an early warning of renewed eruptive activity from Mauna Loa.

Mr. President, I have conferred with the managers of the bill, and they have assured me they will accept the amendment.

Mr. GRAVEL. Mr. President, if there was ever an amendment that deserved passage, it is this one. It is offered in anticipation of a disaster, and is to protect the people of the area. It is certainly a worthy amendment.

Mr. DOMENICI. I agree, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

AMENDMENT NO. 416

Mr. JOHNSTON. Mr. President, I call up my printed amendment No. 416, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an amendment numbered 416.

The amendment is as follows:

On page 34, between lines 13 and 14, insert the following:

"SEC. 130. The Mississippi River-Gulf Outlet, as authorized by Public Law 84–455, is hereby redesignated as the 'Allen J. Ellender Ship Channel' and any Federal law, regulation, map, or other document referring to such outlet shall be held to refer to the outlet as the Allen J Ellender Ship Channel.".

Redesignate sections 130 and 131 of the bill as section 131 and 132, respectively.

Mr. JOHNSTON. Mr. President, this amendment names the Mississippi River-Gulf outlet after the late great Senator Allen J. Ellender. He was instrumental in getting the MRGO authorized, and actually pushed the plunger for the beginning of construction there. I know every Member of the Senate will join me in this honor for the memory of Senator Ellender.

Men of vision have dreamed and talked about a short cut to the deep waters of the Gulf of Mexico from New Orleans for more than a century.

First official discussion of an alternate outlet to the often fog-shrouded, winding, silting Mississippi River is recorded in a congressional report in 1874.

Today there is such an alternate route to deep water—the Mississippi River—Gulf Outlet, a federally financed tidewater ship channel that extends a total distance of 77 miles from the inner harbor in the city of New Orleans through the eased entrance at the Gulf of Mexico, a waterway approximately 40 miles shorter than the Mississippi River route.

This project came into reality because of the astute leadership offered by the late U.S. Senator Allen J. Ellender, who served in the Senate from 1937 until his death in 1972.

Senator Ellender, a native of Montegut in Terrebonne Parish, La., understood the need to improve the waterways and port facilities of our Nation in order to develop world trade and commerce.

He lived alone after his wife died in September 1949, and led a spartan life, cooked his own food, exercised regularly, and devoted his life to the U.S. Senate and service to our Nation.

He did not gain his information from hearsay. He made it a point to visit the areas and study the needs and opportunities of every project that attracted his interest.

He believed in a strong America—an America that traded with other nations of the world—an America with a strong merchant marine and the facilities in our land to serve them expeditiously and efficiently to keep down costs for the ultimate consumer and to help America's farmers and manufacturers prosper—to create jobs and build a better America.

He was a friend of the New Orleans industrialist-engineer, Col. Lester E. Alexander, and they often talked of a short cut to the sea—a short cut on tidewater that could reduce the risks of fog, of ships running aground in the Mississippi's lower reaches during low water, and the problems of handling ships and cargo in areas where the river rises and falls as much as 14 feet at different times of the year.

Before World War II, they agreed that another channel to the sea was the answer to many of the problems that beset the maritime industry—a vital link between the vast Mississippi River Basin and the ocean trade routes. After Colonel Alexander's death, Senator Ellender joined with the other community leaders to work for the seaway. Senator Ellender brought this need forcibly to the attention of the Congress, and in 1943, the Congress responded by authorizing the U.S. Army Corps of Engineers to study and select the best route for such a seaway.

In 1947, 2 years after the corps report was completed, the Board of Engineers for Rivers and Harbors concurred with the recommendation of the division engineer of the corps that the project be located on the east side of the Mississippi River.

The seaway was authorized in 1956, and planning was started that very same year, through the leadership given by Senator Ellender, working closely with

his colleague Senator RUSSELL B. LONG and the late Congressman T. Hale Boggs.

Senator Ellender worked tirelessly to make certain that work was progressing timely and that the people of the Nation were getting what they paid for. On July 25, 1963, the Mississippi River-Gulf Outlet was dedicated in ceremonies attended by Government, civic, and business leaders. It was Senator Ellender who detonated the blast that started the construction of the waterway.

Mr. GRAVEL. Mr. President, with obvious pride, we endorse this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. LONG. Mr. President, I join with my colleague in thanking the distinguished managers of the bill and the Senate for accepting this amendment. I think it is a fine tribute to my former colleague, the late Senator Allen J. Ellender.

The PRESIDING OFFICER. The bill is open to further amendment. Are there further amendments?

AMENDMENT NO. 447

Mr. LONG. Mr. President, I have an amendment at the desk, amendment No. 447, which I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG), for himself and Mr. Johnston, offers an amendment numbered 447.

The amendment is as follows:

On page 34, between lines 13 and 14, insert the following:

"SEC. 130. The Act entitled 'An Act to authorize construction of the Mississippi River-Gulf Outlet', approved March 29, 1956 (Public Law 84-455, 70 Stat. 65), as amended by section 186 of Public Law 94-587 (90 Stat. 2941), is further amended by deleting all after the colon following the phrase 'cost of $88,000,000' and substituting therefor the following: '*Provided*, That the same having been found economically justified by obsolescence of the existing industrial canal lock and increased traffic, the replacement and expansion of said lock or the construction of an additional lock in the area of the existing lock is hereby approved, said new lock to have minimum dimensions of 1,200 feet long, 150 feet wide, and 50 feet over sills, with immediate connecting channels, 36 feet by 500 feet except that width may be reduced to not less than 300 feet between the Mississippi River and Florida Avenue if in the opinion of the Chief of Engineers such reduction is necessary to avoid unacceptably severe relocations, and that in recognition of the importance of this connection to the Nation's economy and defense, the Chief of Engineers will assure beneficial completion at the earliest possible date: *Provided further*, That the conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall likewise apply to the construction of said lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries and utilities beyond those of the Meraux site shall be borne by the United States: *And provided further*, That such conditions of local cooperation shall not apply to the relocation, replacement, modification, or construction of bridges or to the substitution of tunnels (at a cost not to exceed $94,500,000) required as a result of the construction of said lock and connecting channels if the Secretary of the Army, after consultation with the Secretary of Transportation, determines prior to the construction of such bridges or to the substitution of tunnels that the Federal Government will not assume the costs of such work in accordance with section 132(a) of the Federal-Aid Highway Act of 1976 (Public Law 94-280); and before construction of the bridges may be initiated the non-Federal public bodies involved shall agree pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91-611) to (a) hold and save the United States free from damages resulting from construction of the bridges or the substitution of tunnels and their approaches, (b) subject to reimbursement as aforesaid, provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the bridges and their approaches, and (c) maintain and operate the bridges or tunnels and their approaches after construction is completed.' ".

On page 34, line 14, strike out "SEC. 130" and insert in lieu thereof "SEC. 131".

On page 34, line 18, strike out "SEC. 131" and insert in lieu thereof "SEC. 132".

Mr. LONG. Mr. President, this amendment would comply with the President's request as to the relocation of the industrial waterway at New Orleans, La.

The lock involved connects the ship channel on the so-called Tidewater Channel which we just named for Allen J. Ellender with the Mississippi River.

In view of the additional cost required by the President's program in changing it, we feel that the Federal Government should bear 80 percent of the additional cost.

If in conference the conferees can find some way of knocking the matter out, I am sure we would be as happy to have it built where it had been agreed to prior to that time, or handling it some other way would be all right, too.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. LONG. Yes.

Mr. GRAVEL. I am sure the President is probably not personally aware of this, because if it were attributed to him that the administration has raised the costs of the project, in my opinion unconscionably——

Mr. LONG. I would not want to get the bill vetoed in order to comply with the President's recommendation, but it seems to me that if the President wanted it done that way, that would be the appropriate way to do it.

Mr. DOMENICI. Mr. President, if the Senator will yield, I have a question there. This does not have anything in it about user fees, does it?

Mr. LONG. No. As a matter of fact, we understand there is eligible money available for the project as originally designed.

Mr. DOMENICI. Mr. President, as I understand the amendment, it does not provide for any additional cost. We move it back to its old site, where we had originally planned to put it; is that correct?

Mr. LONG. It requires some additional costs. It provides for a larger lock, and there will have to be a modern bridge in connection with it, because of the large lock. So in doing it this way, it will cost more money than would be true the other way. Of course, the new lock will be a modern lock, to serve the modern traffic. The older lock was built approximately 50 years ago. But this is basically what was authorized, except with the appropriate changes to make it fit the New Orleans area, inside the metropolitan area, rather than down below, the way it has been suggested.

Mr. DOMENICI. Mr. President, on our side, I am not going to object. I would like the Senator to know that I have not had time to consider the matter, nor has the minority staff, and we have not had any hearings.

But on the Senator's explanation, we will take it and do our best as we go to conference to sustain it. In the meantime, if we have any additional questions, we will ask the Senator in the intervening time.

Mr. LONG. I thank the distinguished Senator, and I am sure that if the bill can accommodate it, the conferees will modify it to whatever extent seems proper under the circumstance.

I realize there is work yet to be done on the bill, but I am hopeful that we will be able to accommodate our amendments and that this can be worked out.

Mr. JOHNSTON. Mr. President, I join my colleague in thanking the distinguished manager and the minority manager of the bill.

I join with Senator LONG in cosponsoring adoption of the proposed amendment to S. 1529, to further amend Public Law 455, 82nd Congress, 1st session.

I believe as he does that the amendment is necessary to provide for Federal responsibility for added costs being imposed by the Federal Government so as to achieve Federal aims in what is essentially a Federal project. The need for a new lock and channel serving the port of New Orleans has been manifest for years. Its replacement has been contemplated for years and was provided for in Public Law 455 adopted in 1956. That statute required that the new constructions be located in the vicinity of Mereaux, La. Assurances of local cooperation were furnished in contemplation that the new constructions would be at that site which is essentially a rural location with consequent low costs attendent at such a location. The Federal Government now wants to move the site to that of the original lock, which is an industrial and populated area within the city of New Orleans. The purpose is to avoid alleged spoilation of the marsh lands that would have been traversed at Mereaux. The added costs of moving the project to the urban area, solely to achieve Federal aims of environment protection should be a Federal responsibility. It should be observed that the local agency has long generously provided use of its facilities at nominal cost to the United States. These facilities have become grossly inadequate to meet the demands of commerce in the area and the time has long past for the Congress to recognize its responsibilities and provide the much needed new lock and channel. In doing so it will only be doing what it should have done long ago and in doing so

it should not seek to impose upon local interests, who have already been so generous, a greater burden than what was originally anticipated solely to achieve Federal aims. More specifically, the Congress should not seek to impose upon these local interests the added and uncontemplated burden of acquiring urban lands and of building or restoring utility connections and arteries of transportation that will be severed in such urban area by this Federal project, when such added costs will be incurred solely to accommodate Federal aims and desires regarding environmental protection. That responsibility should be that of the Federal Government. I believe, as does Senator LONG that Public Law 455 did not intend that result as regards the connecting channel. Accordingly, I urge S. 1529 be amended so as to further amend Public Law 455 to make that intention clear and so that the Congress will clearly state and recognize its financial responsibility in the matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

UP AMENDMENT NO. 520

Mr. GRAVEL. Mr. President, I believe at this point we have set aside all of the amendments of Senators. I send to the desk a technical amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) offers an unprinted amendment No. 520.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 4, strike "are".

Mr. GRAVEL. All this amendment does is take out the word "are," which is an extra word on the line which does not belong there.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1529) was ordered to be engrossed for a third reading, and was read the third time.

ADDITIONAL STATEMENTS SUBMITTED

Mr. STAFFORD. Mr. President, I support passage of S. 1529, the Omnibus Water Resources bill. It contains two items that hold particular significance for the people of Vermont. One is a deauthorization for the unneeded and undesirable Victory Lake. This project has been proposed for deauthorization by the corps, and this section would achieve that end.

The other section calls for a study of the use of small hydropower sites, an idea which has received great backing in Vermont. Much of the work on this idea is due to the untiring efforts of J. George Butler of Jacksonville, Vt. I ask unanimous consent that several letters to Mr. Butler on this subject and an editorial entitled "Harness the Little Dams" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SWEDISH EMBASSY.

Mr. J. GEORGE BUTLER,
Jacksonville, Vt.

DEAR MR. BUTLER: Thank you for your letter of June 3 regarding the use of small streams for production of hydro power in Sweden.

Yes, there is a growing interest in Sweden today for the use of small hydro-power units in the 100 kW size range. The idea is to manufacture standardized units in relatively large series and then adapt each unit for a specific site by e.g. using adjustable turbine blades. Preferably should sites which in the past have been used for grinders, sawmills etc. be used. It is estimated that about 1 TWh, or approximately 1.5% of the installed hydro-power capacity today could be produced annually if the plans are realized.

We have no written material, or the above mentioned development program, available here at the embassy. If you are interested in further detail I suggest that you write to

Statens Industriverk
Box 16315
S–10365 Stockholm
Sweden

Statens Industriverk (Swedish State Industrial Board) has the responsibility for the program and they should be able to provide you with current information.

We appreciate your interest in Sweden and will be happy to hear from you again if you have any further questions.

Enclosed you will find an information sheet entitled "Energy Supply in Sweden" which will give you a brief background on the current energy situation in Sweden.

Sincerely,

LARS-INGE HELANDER,
Assistant Scientific Attaché.

DEVELOPMENT AND RESOURCES CORP.,
New York, N.Y., December 15, 1976.

Mr. J. GEORGE BUTLER,
Town Agent,
Jacksonville, Vt.

DEAR MR. BUTLER: Thank you for your letter of November 24th.

I share your belief that the development or redevelopment of small hydro sites will make a most valuable contribution to our energy resources, especially in the New England states where the alternatives are costly and are becoming costlier. Utilities, including electric cooperatives, interested in expanding their generating capacity would certainly be well advised to look carefully at any hydro opportunities available to them before deciding to invest in something else.

The figure of 10 mills per kwh appeared in a newspaper report of an interview with me, and may reflect some misunderstanding of what I said. The point I would want to make is that the *operating costs* of a small hydro station are not likely to exceed 10 mills per kwh; in fact I am pretty sure they will be a good bit less. This compares with *fuel costs* of 19 to 20 mills in a conventional oil- or coal-fired generating plant.

My company has looked at a few specific opportunities for the redevelopment and expansion of abandoned or existing hydro sites. In terms of capital costs we are generally finding that investment per kw installed will be comparable to the capital costs of new nuclear and coal-fired plants, though obviously each case has to be examined on its merits and one does not wish to generalize too freely from these examples. Overall production costs from small hydro in reasonably favorable situations may turn out to be round about 30 mills per kwh. My own personal view is that in a short time—some would say right now—this is going to look attractive in comparison with any of the alternatives.

My company is already actively engaged in examining the undeveloped hydro potentials of some of the Northeastern states. We would be interested in knowing more about the potentials in Vermont, and if you are interested we would be glad to keep in touch with you. We hope in due course to be able to offer our services to any public or private organizations who are concerned to procure the development and management of these valuable and hitherto neglected resources.

Sincerely,

DAVID E. LILIENTHAL,
Chairman of the Board.

FEDERAL POWER COMMISSION,
New York, N.Y., August 2, 1976.

Mr. J. GEORGE BUTLER,
Jacksonville, Vt.

DEAR MR. BUTLER: This is in response to the questions posed in your letters of June 26, 1976, and July 8, 1976. We apologize for our delay in responding to your request.

As of January 1, 1972, the total undeveloped hydroelectric capacity in Vermont was 338,750 and the total for New England was 3,318,153 kilowatts. This included potential additions at existing plant locations. The information on undeveloped hydroelectric sites are extracted from various river basin surveys and project investigations. The river basin studies encompass those prepared by Federal agencies, various Federal-state entities, and others, including the water resources appraisal studies prepared by the staff of the Federal Power Commission. The data is published about every four years in a Federal Power Commission publication called "Hydroelectric Power Resources of the United States—Developed and Undeveloped (January 1, 1972). The estimates of conventional undeveloped water power aggregate the potential capacity of hundreds of individually identified sites. The possibilities of developing any one of these specific sites depend on many considerations which unfortunately vary over time. Most sites that have been included have shown indication of engineering feasibility. Some of them have evidenced economic feasibility as well. Not all sites, however, have been analyzed in sufficient detail to evaluate all the primary factors necessary to form a conclusive picture. Projects with proposed installations of less than 5,000 kW are generally not included in the undeveloped listings. The Dickey-Lincoln Project of 830,000 kW is included as a potential project on the St. Johns River in Maine. Passamaquoddy is not included as an undeveloped project since it is primarily a pumped storage tidal project.

Almost every proposed flood control reservoir must be examined in the light of multiple purpose use of the land and water as required by the National Environmental Policy Act (NEPA) of 1969. This includes the possibilities of utilizing the potential head that will be created to generate electricity. Unfortunately, flood control reservoirs in the eastern U.S. are generally unsuitable for hydroelectric power due in some cases to the volumes of water available, low heads, and seasonal water variations. Some existing flood control reservoirs have made provisions for the future installation of hydroelectric facilities should they be desired. It is interesting to note that many hydroelectric projects serve as flood control regulators just by the fact of their storage capabilities.

In the "Comprehensive Water and Related Land Resources Investigation of the Con-

necticut River Basin" published in June 1970—Volume IV screening studies performed by the Corps of Engineers indicated that a possible future hydroelectric site of 20,000 kW was technically feasible at Ball Mt. Reservoir. An additional site was also feasible slightly downstream of the Townshend Reservoir. More definitive information is available in the aforementioned report.

Hydroelectric units are generally restricted in New England to serving the peak load. Peak load is the maximum load and is normally of short duration about two or three hours in winter and about seven hours in summer. Hydropower is highly adaptable to meet sudden or sharp power needs, since the turbines are capable of almost instantaneously supplying energy to meet a demand, while a steam generating unit must be heated up slowly. Fossil steam or nuclear steam are best adapted to meet base load demands where it is desirable that a unit produce power continuously, while hydro's advantage is that it can be used to meet peak demands. The initial costs of a hydro plant are high, due to the necessity of constructing dams, spillways, and dikes, large amounts of earth moving, and large expensive equipment. Generally speaking, the smaller the installation the higher the cost per kilowatt of capacity. Hydro's greatest advantage is that its operating cost, i.e. fuel, are very low when compared to fuel costs for a fossil fueled or nuclear fueled plant. For example, a 1,500 kw hydroelectric plant operating at about a 23 percent capacity factor (2,000 hours a year) will produce three million kWh of energy, saving about 200,000 gallons of oil. It is important to remember however, that hydro and steam capacities serve different functional needs on a utility system.

Unless a hydro installations capacity is dependable, that is, can be sustained throughout a fixed time period its value is very limited. Small units on marginal streams with limited storage potential and no regulation add very little to the overall system capability and represent high capital cost investment. Ancillary features such as switchyards and transmission lines necessary to connect the plant to an existing or new system place high capital cost additives to the installations already high cost. In many cases the plant is remotely located in respect to the load it is expected to serve. Environmental constraints, fish and wildlife considerations, public hostility and lack of financing play a large part in the continuing decline of hydroelectric capacity as a vital contributor to the energy scene. Your suggestion of using small swift flowing streams for power development would probably meet with instant enmity from most Vermonters.

Development of small package hydro turbine-generator units used in European countries has not progressed in the U.S. It is possible that increasing interest will spur industry to investigate this potential source of additional revenue. Companies such as Leffel and Company and Allis-Chalmers do manufacture small turbine-generators but not of the package type.

Very good information is available on water resources development in Vermont. The New England River Basins Commission in cooperation with the State of Vermont has published a limited edition of "Water and Related Land Resources of Vermont—June 1974. Copies can be secured through the Agency of Environmental Conservation or the State Planning Office in Montpelier, or from the New England River Basin Commission in Boston.

Sincerely,

JAMES D. HEBSON,
Acting Regional Engineer.

Ref Small hydro-electric power plants
M. J. GEORGE BUTLER,
Jacksonville, Vt., U.S.A.

DEAR SIR, in reply to your letter from June 23, 1976, we inform you on small hydro-electric plants in Germany as follows:

Approx. 5,000 plants with capacities between 30 and 1000 kW exist in our country. The total capacity is likely to be 300 MW, roughly estimated. Generally, the electricity produced will be supplied on the public supply network owned by regional utility. The plants are rised from mills and industrial plants shut down.

A significant contribution to cover energy demand can't be expected from this plants, because the reliability is relatively small, by reason of varying stream flows. The electricity produced by this plants, in a normal flow year can be estimated as maximal 1.200 million kWh, i.e., approx. 0.4% of the total production in Germany (in 1975).

In reply to the question no. 1 and 2 we give you some addresses of European manufacturers of hydraulic machines (enclosed).

We have no data concerning installation costs, and we ask you to contact with a native consulting firm.

To question no. 3: The German utilities pay from 3 to 8 Dpf/kWh to the small power plants. This price depends from the tariff time, network situation and production reliability, and will be agreed as the case may be. There are not limited tariffs.

We advise to ask your questions also to the organization of small plant carriers:
Bundesverband der Arbeitsgemeinschaften Kleinkrafwerke e. V., Friedrich-Ebert-Str. 14.

Yours sincerely,
VEREINIGUNG DEUTSCHER ELEKTRIZITÄTSWERKE

HARNESS THE LITTLE DAMS

(By John B. Oakes)

Tucked away in one paragraph of the 28-page fact sheet issued last month by the White House on President Carter's national energy program is this intriguing statement:

"The President has directed the Corps of Engineers to report within three months on the potential for additional hydropower installations at existing dams throughout the country—*especially at small sites*" (emphasis added).

With these words Carter somewhat rectified his failure to make any mention, in his previous addresses to the nation and to Congress, of this long-neglected source of supplementary energy production that is relatively cheap, readily available and environmentally acceptable.

Carter may have deliberately played down the potentialities of small-scale hydroelectric power because he did not wish to risk confusing it in the public's mind with those large-scale power and water-control projects on which he has been locked in battle with Congress.

There is no relation, however, between the two. One involves generation of electric energy through rehabilitation of small dams and installation of small plants to serve local needs on a decentralized basis without seriously damaging the regional ecology. The other is typified by such ruinous pork barrels as Dickey-Lincoln in Maine—so hideously expensive that it is doubtful that they can ever become economically justifiable, quite aside from the permanent environmental damage they cause.

It is quite a different story with small-scale hydropower. During the 19th and early 20th centuries, thousands of dams were built for a variety of purposes on millstreams and small rivers throughout the country, particularly in New England and New York. They powered gristmills, sawmills, paper mills; and eventually some were fitted out with installations for local generation of electric power, which ultimately fell into disuse or were removed altogether.

It is these sites—plus many untapped navigation and flood-control dams in the Middle West—that afford a valuable and available source of easily, quickly and cheaply developed hydroelectric power. Ronald A. Corso, an official of the Federal Power Commission, estimates that if only 10 per cent of the 50,000 existing small dams in the U.S. were developed to an average capacity of 5,000 kilowatts the resultant hydroelectric production could save the equivalent of 180 million barrels of oil a year, about 6 percent of present oil imports. Put another way, these small dams could produce 24,500,000 kilowatts, increasing the present supply of hydroelectric power in the U.S. by more than one-third.

Rep. Richard Ottinger of New York points out that in his state alone there are more than 600 such untapped dams, which—if only 10 per cent of them were put to work at that small 5,000 kw. capacity—could provide the equivalent of the total electric consumption of a city bigger than Albany. And on almost every tumbling stream of New England, there stand several of these ancient dams—3,000 in all—harking back to a simpler past, when their water power was tamed to turn the mill wheels of another day. If small generators were installed in but 10 per cent of these, they could produce enough electricity to supply a population equal to that of Boston.

From the investigations already conducted by such public agencies as the Federal Power Commission and by such private ones as the Development and Resources Corporation, enough is already known about potential hydroelectric generation at small sites to warrant immediate and intensive Federal encouragement of this use of a permanently renewable natural resource.

Here is where Congress comes in. One way to encourage small-scale hydropower technology, to which American manufacturers have given scant attention, would be through Federal grants to demonstrate various new techniques in small-scale power development. Another might be through low-interest loans for rehabilitation of existing dams and installations of small turbines and generating plants. Another might be through a form of investment tax credit.

The real problem isn't identifying the sites, as Carter seems to think, or in determining whether small scale hydro production is economically feasible.

The real problem is overcoming the inertia of old patterns of thought and the hostility of old vested interests, especially of the power companies. As President Carter says, this is a time for innovation—and the irony is that in this case, innovation means going back to first beginnings with modern technology now waiting to be used.

Mr. FORD. Mr. President, the measure we are now considering includes a provision of extreme importance to my State, and I urge my colleagues to support its adoption.

This legislation authorizes additional flood protection to the people of eastern Kentucky and southern West Virginia who were victims of devastating floods this past April. Under the bill, the Army Corps of Engineers is authorized to design and construct new flood control measures to prevent another disaster of

similar magnitude and severity from occurring again.

Modifications to the existing flood protection structure, as determined by the corps are authorized in the vicinity of Pikeville and Pineville, Ky., and Williamson and Matewan, W. Va.

In addition, the corps is provided authority to determine what new flood control measures are both necessary and advisable to protect these and other flood-damaged locations from the likelihood of future floods.

Mr. President, at this time I wish to get clarification from the committee of the phrase "other flood damaged localities and their immediate environs." It is my understanding that this language is intended to cover all of the flood damaged localities along these two river systems. Although towns and communities in Kentucky such as Cumberland, Baxter, Harlan, Loyall, Wallins Creek, Middlesboro, Barbourville, Williamsburg, Evarts, Betsy Laune, Allen, Martin, Prestansburg, Paintsville, Louisa, Belfrey, Freeburn, Phelps, South Williamson, Warfield, and Beauty were not named it is my understanding that they are included within the phrase I have quoted because they were flood damaged localities. Is this correct?

Mr. RANDOLPH. The Senator from Kentucky (Mr. FORD) is quite correct. The project recommended by the Corps of Engineers for the Tug Fork and Levisa Fork of the Big Sandy River will provide protection to all communities which were damaged by the recent flooding. Not all communities will receive works of protection. However, all work undertaken by the corps, be it floodwalls and levees or to the stream closing activities, will be useful in preventing future flood damage for all communities in both West Virginia and Kentucky.

Mr. FORD. I commend the committee for including authorization for this sorely-needed assistance in this measure. I hope that it can soon be enacted into law so that the corps can begin to initiate action to relieve the serious and ever-present threat of floods for the people who live in this area.

Mr. HUDDLESTON. Mr. President, I wish to reemphasize the point made by my colleague, Senator FORD, that section 119 of S. 1529 is not limited in its application to the communities included in the legislative language. There are a number of unnamed Kentucky communities located along the Big Sandy River that were severely damaged by the flood. The welfare of the people who live in these communities is just as important as that of residents of those communities mentioned in the legislation.

Congressman PERKINS informs me that he scheduled two meetings last Saturday with residents in the Belfry and Pikeville areas for the Corps of Engineers to brief them on its proposals and plans for providing protection from floods which might occur in the future. Congressman PERKINS reports that the people were generally disappointed that the corps has not been given sufficient direction to provide flood protection to Kentucky communities. He has asked Senator FORD and myself to make clear that the authorization contained in this legislation allows the corps to dredge, deepen, clear, and snag the Big Sandy River, including both the Tug Fork and the Levisa Fork and their tributaries. So I want to again make that point for purposes of legislative history. Again, we must not forget the communities in Kentucky as they suffered no less nor sustained less damage than West Virginia and Virginia communities.

I believe it is imperative that no time be lost in alleviating the potentially critical flooding conditions in this area that has received numerous Presidential disaster declarations in the past; and, for this purpose I have offered language for the report to accompany S. 1529. I quote from the text of the report:

> The Committee is aware that Section 119 of S. 1529 would authorize funds to deal with these disasters and this legislation is currently moving through the Congress toward enactment. The Committee would expect the Secretary of the Army to be alerted to this legislation so that the Department of the Army would be in a position to initiate the appropriate budget request at the earliest possible date. For its part, the Committee would be willing to entertain and consider reprogramming requests or budget requests in an early fiscal year supplemental request for relief of these disastrous conditions. In addition, the Committee expects the Corps of Engineers to submit to appropriate committees of the Congress within six months its schedule and plan for flood protection measures to be undertaken.

THE IMPORTANCE OF INLAND WATERWAYS TO OUR NATION

Mr. ALLEN. Mr. President, from the time of De Soto, from the landing at Jamestown, explorers and immigrants sought out the rivers of America. They explored them. They claimed them. They built towns along them. Sometimes it was to their consternation, but they suffered floods in return for transportation, communication, and the fertile alluvial soil. Philadelphia, Boston, and New York were vying for commerce along the eastern seaboard when Iberville and Bienville selected river mouths to found the great cities of Mobile and New Orleans.

More than a century later, while most of Alabama remained a wilderness, Napoleonic immigrants followed the Mobile and Tombigbee Rivers upstream some 200 miles to what is now Demopolis, where they hoped to thrive as a vine and olive colony. The French settlement was unsuccessful in producing wine. Nevertheless, their inheritors, long ago absorbed into what would become a truly American culture, still see a future tied to the river. Demopolis sits at the juncture of the Tombigbee and Black Warrior Rivers—the southern terminus of the Tennessee-Tombigbee Waterway.

The Tennessee-Tombigbee Waterway itself was a dream of Andrew Jackson. He wanted to see the Union preserved—and he wanted to see it joined in a common economic destiny by the marriage of the waters of the Gulf of Mexico with the waters of the Tennessee and the Ohio. It was a dream of commerce, industry and jobs that is still with us, and it is coming true.

The descendants of Andrew Jackson's ragged army of Indian fighters who stayed on in Alabama once the land was made safe for settlement long waited for the day when the rich bottomland along the Coosa, the Chattahoochee, the Warrior, the Tombigbee, and the Tennessee could be planted and harvested without the year-in, year-out threat of ruinous floods. Only in recent years has that day come. And it came to pass because of the American commitment to a better life.

I am concerned, Mr. President, over what appears to be an acute preoccupation among some of our elected leaders with fulfilling present-day desires at the expense of future needs. The preeminence of the United States has been achieved largely as a result of great works initiated years ago by many who did not live to witness the fruits of their labors. The men of vision who shaped America's greatness never expected to see a day when they would stop, wipe the sweat from their brow, and say, "This is it, we are finished, the American dream has been achieved."

RIVER VALLEY PROGRESS

Much of the progress registered in Alabama and in numerous other States is directly attributable to multiple-purpose water resource development programs. The Tennessee Valley, as is well known, was once a drain on the entire national economy. Today it is one of America's prime industrial showplaces. When the Tennessee River was harnessed, this ended the devastating floods which had washed away the top soil and left a gullied, treeless region incapable of supporting its people. When the river was brought under control, the region found new strength because of low-cost, hydroelectric power, a dependable year-round water supply, water recreation opportunities galore, and efficient inland waterway transportation.

These water-related advantages turned the economic tide for the Tennessee Valley—as has happened in valley after valley throughout America. It has been a cooperative effort, too. The Federal Government stepped in only because local citizens and local government could not do the job alone. The Federal Government provided the expertise, but non-Federal participants did their part, too.

For this reason, I am tired of hearing that the beneficiaries of the inland waterways have contributed "not a single dime" to make the system work. That refrain began, Mr. President, when the sponsor of S. 790 as reported by the Environment and Public Works Committee proposed the imposition of "user charges" on inland waterway commerce. The truth is that the Federal Government may be the principal beneficiary. No longer does Washington have to crank out the unemployment checks and other forms of welfare assistance. With rare exceptions, river valley residents have jobs. The President does not have to call out the Army every spring to evacuate thousands of flood victims and care for them in National Guard armories. The flood protection program works.

And the Federal Government probably gets more revenue in increased corporate and individual income taxes from new industries which the river programs gen-

erate than these programs cost. In my judgment, this is a wise and prudent Federal investment.

Contrary to the views expressed by the sponsor of S. 790, the Federal Government is not the only contributor to the inland waterways program. State governments participate actively in river developments, often spending many millions of dollars on a single project. County and local governments spend their funds, too, as well as private enterprises. All are really "partners" in river basin development and they have long engaged in an ambitious joint venture to develop, operate, and maintain a set of interdependent activities for their mutual benefit.

Enactment of S. 790 could well amount to a breach of contract between the Federal Government, as one partner, and the other partners in this joint undertaking. This is particularly true with respect to the inland navigation program.

The participation in a joint venture is not a forced one. Each of the parties joins in the common effort in expectation of receiving benefits at least equal in value to the costs of that party's participation. If the investments of the participants are large, involving the construction of works having a long life, there is an implicit understanding that each of the parties will continue to meet his respective obligations in the joint venture for an extended period of time. The parties acquire a moral if not a legal equity in the continuation of that arrangement.

A PARTNERSHIP IN ACTION

The inland waterways are such a joint venture. Each of the parties has an established role to play in cooperation with other participants to accomplish their common objective, which is the development of an efficient water transportation system. Under this arrangement, the Federal Government has always provided and maintained the in-channel improvements that are necessary to establish a controlled and usable depth of water. Yet, according to the U.S. Water Resources Council, non-Federal interests provide 7 percent of the construction costs and 8 percent of the operation, maintenance and rehabilitation costs of in-channel improvements. That would include provision of lands, easements and rights-of-way, dredged material disposal sites, and the like—all necessary for the construction and maintenance of navigation improvements.

State and local governments accept the responsibility for preparing the river port facilities—including docks, warehouses, elevators, transfer equipment, lines, communications, police and fire protection, street and road connections, et cetera. The contribution in dollar figures is enormous. In 1972, State and local expenditures for river and harbor facilities totaled $527 million, compared with $425 million by the Federal Government, according to the Transportation Association of America. Since 1958 alone, the State of Alabama has sold $13.3 million in general obligation bonds as the State government's contribution to the inland waterway development in my State. That figure excludes bonds for harbor improvements and dock facilities at the State docks at Mobile, which handles cargo from or destined to such cities as Birmingham, Tuscaloosa, and Montgomery.

Private industry does its part by supplying the barges for hauling freight, warehouses for storing it, and railroad spurs to take goods in and out of the port area. The capital investment—and the tax base which is created—is incalculable, but surely pales the Federal investment of but $5 billion since 1824. Private investment in transport equipment and inland waterway facilities commonly amount to at least double the Federal expenditure on an annual basis.

So, the Federal Government has not independently constructed, through its investments of taxpayers' dollars, a national system of inland waterways. It has, instead, stimulated and encouraged other public and private agencies to invest their capital. Together they provide a transport service on waterways that have been made more navigable by the Federal agencies.

Based on those understandings and arrangements, an extensive inland waterways transportation system has been built in the United States. Many large industries, important segments of the farm economy and a substantial number of communities are now economically dependent upon this mode of cost-efficient transportation. Should any actions be taken now by one of the joint venture partners to upset the basic partnership arrangements, critical repercussions may be experienced by the dependent user groups.

Any actions of such a nature could have the additional effect of compromising the investments made in the system by those who participated in good faith as venture partners. It would seem that such considerations should act as a powerful deterrent, restraining each of the partners from taking such damaging steps unless an urgent and compelling need arose to do so.

FEDERAL ROLE AS VENDOR?

Unfortunately, some people are promoting the expedient argument that it is not really a party to a joint-venture arrangement—that it is instead only an impartial vendor of services to other waterway users. What the Federal Government is asserting indirectly is that it—that is, the general public—receives little or no benefit from these waterways improvements. It is saying that these investments cannot be vindicated except by requiring the other users of the waterways, the ones who are being benefited, to finance them through a system of user charges.

It is difficult to believe that the Congress intends to repudiate both established national policies and the legislative provisions it dictated in authorizing the investments it has made in the Nation's waterways. The waterways policy intent of the Congress has been stated in many public documents. For example, in section 500 of the Transporattion Act of 1920, the Congress states explicitly that:

It is hereby declared to be the policy of Congress to promote, encourage and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster in full vigor both rail and water transportation.

In 1924, the Federal Government established its own bargeline, the Federal Barge Line Service, which it operated until 1953. The bargeline offered service on the Mississippi and the Warrior-Tombigbee Rivers as a "pilot project" to give evidence that the Federal Government considered it vitally important to have a fully developed inland waterway transportation industry. It is important to note that, in connection with the Federal bargeline operation, the enabling legislation required local interests to provide suitable river terminal facilities.

There is nothing in the record, in fact, which would give support to a contention that the Federal Government ever intended to restrict its role to that of a commercial vendor, selling or renting its waterways improvements to the other users. Instead, the record is replete with evidence which sustains the obvious interpretation that the U.S. Government followed a deliberate and calculated policy designed to encourage and stimulate the development of an inland waterway transport system through cooperative arrangements with local and State governments and the private sector.

If the Congress in its wisdom decides now that the traditional methods of building and operating the waterways transportation system are not producing the results intended, then it has ample cause for changing those methods. However, no charge has been made that the public welfare objectives of the waterways industry are not being served adequately.

Yet, I fear that supporters of S. 790 who would terminate the Federal Government's commitment ot orderly and efficient river transportation are belittling the public value that lies at the very heart of this historic policy. Perhaps this is not a time to extol the contributions of the past. It is a time to face the exigencies of the present and the future. In the context of the present state of the Nation—and of the world—this is a time to take note of the essential contributions of the waterways in combatting the world food crisis, in achieving energy self-sufficiency, in maintaining an adequate defense, and in arising to the challenge of a growing trade deficit.

THE WORLD FOOD CRISIS

In the Third World of Latin America, Africa, and much of Asia, the proliferating masses of humanity are rapidly outpacing the world's food supply. The tragedies of Burma, Bangladesh, and the Sahel region of Africa appear as prolog. Scientists put forward evidence that the world's climates are cooling. The threat is real and growing that the hungry and desperate populations may well become a tinder box to be ignited by fanatics and terrorists. In the nuclear age, the flames would be fanned by the Soviet Union.

Only two countries, the United States and Canada, will soon remain as net exporters of foodstuffs. The OPEC countries command the world with oil. The United States and her sister nation, whether we like it or not, are going to have to sway much of the world, for bet-

ter or for worse, with food. The surpluses which once overflowed our granaries are gone. Few priorities can be higher than maximizing the output of American agriculture and facilitating the movement of export foodstuffs from the interior to the coastal ports.

Water transportation and farm efficiency.—Taking first the maximizing of farm output, the low cost of waterway transportation permeates almost every element of farm efficiency. Particularly in the Corn Belt, extensive regions receive most of their inbound phosphatic and nitrogenous fertilizers, in addition to pest and weed control materials, via the Mississippi and its tributary rivers, a large portion all the way from the gulf coast. The navigable rivers and lakes are a critical channel of agricultural energy supply, bringing into farm regions massive gasoline and diesel fuel shipments for tractors and trucks, and also coal for electric utilities and cooperatives serving farm areas. Even the iron and steel incorporated into farm machinery is produced from coal brought via river barge to the steel mills and from iron ore transported over the Great Lakes. Water transportation in the United States is a pervasive factor for rising efficiency in the production of foodstuffs, both for domestic consumers and for the world.

Magnitude of exports via the Inland Waterways.—The role of American waterways in transporting farm products is even more striking. The emerging dominance of the United States in world food supply is measured by the soaring export of grains and soybeans. These rose from 32.2 million tons in 1960 to 84.3 million in 1974. This achievement has been a triumph over geography. The caprice of Nature has placed the major food-producing regions of this country in the continental heartland, principally in the upper Mississippi basin, and secondarily in the basins of such rivers as the Missouri, the Columbia, and the Arkansas—many hundreds of miles from coastal ports. But, all rivers lead to the sea, and fully half of the increase in exports since 1960 has been carried to the coasts on the waterways—mainly on the Mississippi River and its tributaries. By 1974, 87.9 percent of all farm crop exports from the seaports of Baton Rouge and New Orleans arrived at these ports by river barge, having originated at such northern points as Kansas City, Minneapolis, and central Illinois.

Waterborne shipments to domestic consumers, particularly in the populous coastal areas, are likewise at stake. An outstanding instance is the barging of feed grains from the upper Mississippi and Missouri basins into the Southeast for animal and poultry feeding. This waterborne flow underlies the supply of these foods in major population centers along the Atlantic coast.

The response of heightened railroad efficiency.—The expansion in water carriage in the postwar era spurred the railroads to action. By the mid-1970's, the east-west lines in the Mississippi basin had developed multiple-car systems and reduced rates for moving grains from inland counties to the navigable rivers for transshipment to the coasts by barge. Meanwhile, the principal railroad lines leading to the coastal ports and to Southeastern feeding areas have instituted profitable, highly efficient unit trains and other multiple-car systems, also at reduced rates, and in large-volume shipments modeled on the scale of river barging. I commend the railroads for their vision, use of new and improved methods of their leadership, and for their innovative increasing efficiency in transportation.

Surely, a key factor in the growing role of the American Middle West as food purveyor to the world and to the populous coastal regions of this country has been the distinctive geographical pattern of our river and lake systems, associated with the inherent advantage of water carriage and with the competitive enterprise of water carriers as a spur to railroad innovation. To take the heart out of this actuating force by the crippling device of user charges would be a costly setback to the Nation's rising potentials and responsibilities in a hungry world.

WATER CARRIAGE AND THE PROGRAM FOR ENERGY INDEPENDENCE

The Nation's energy problem is no less critical. Year by year, our dependence on petroleum imported from the Middle East and other insecure sources has been rising. The emergence of a new military crisis in that turbulent region of the world remains a daily possibility. Another oil embargo, such as that which struck the Western World in 1973, would find our industries, electric utilities, farms, and transportation systems far more vulnerable, and the voices in our domestic councils which at that time called for military intervention would rise to a higher pitch of insistence. Meanwhile, the Soviet Union, with superior and growing naval power in the Middle East, watches for opportunity.

A national policy which encourages all feasible measures of achieving energy independence should stand high on the governmental agenda. These measures, of course, are numerous. They include offshore and Alaskan petroleum and gas development, progress in the use of oil shale, solar energy, nuclear power, and wind-driven turbines. None of these should be neglected. But, taken as a group, they are all either inadequate, of uncertain technological feasibility, or capable of sufficient effect only after long delay.

The single more immediate solution lies at hand in our abundance of domestic coal. The Nation's coal reserves are sufficient to last for centuries. In this sphere, too, the technologies of coal gasification and liquifaction remain developmental. Our one clear and present opportunity lies in large-scale expansion in the use of coal by established and proven methods, particularly in the production of electric power.

Water carriage as a solution to the distance barrier.—Because of its low cost, water transportation surmounts the most critical barrier to the increased use of coal, the high cost of conventional overland transportation. Most of the Nation's feasible coal reserves lie in the Ohio River Basin, in southern Illinois, and in the Western States of North Dakota, Montana, and Wyoming—far from major centers of energy demand, particularly from the populous coastal and Great Lakes areas. In spite of the rapid increase in the use of unit trains, the average railroad charge per ton rose from $3.71 in 1973 to $5.15 in 1975, about one-third of the total mine value.

The distance barrier is now being penetrated in ever-rising tonnages by water transportation Coal is moving by water from the Ohio Basin and southern Illinois to the Twin Cities and Chicago and to southern destinations such as Memphis, Mobile, Galveston, Pensacola, and Tampa. The main feasible alternative to waterborne coal for these Gulf Coast communities is scarce fuel oil or natural gas.

Cooperative rail-water interchange now enhances the speed of growth. Low sulfur coal, originated in Montana by the Burlington Northern Railroad, began moving eastward in 1976 to Superior, Wis., for shipment over the Great Lakes to the Detroit area. From Wyoming, the Burlington Northern is to bring coal to the St. Louis area for transshipment by river barge all the way to Louisiana and east into the upper Ohio River basin. All this is low-sulfur coal, a major contributor to meeting clean air standards and conserving fuel oil. These are only beginnings. During the remainder of this century, waterborne domestic coal in greatly expanded tonnages will play a strategic role in achieving energy independence.

Water carriage and high voltage electric transmission.—The distance barrier to coal-based energy is likewise being breached by a combination of water carriage and high-voltage electric transmission lines. Over two-thirds of all the coal produced in the United States is mined in the basin of the Ohio River. River barges carry millions of tons from the mining areas to riverside generating stations. Because of the low delivered fuel cost, the riverside capacity is being expanded far beyond the requirements of local consumers, serving, in addition, remote load areas far from the Ohio Valley.

Major utility companies on the Upper Ohio already have a total generating capacity of 28,000 megawatts, as against the area peak demand of only 6,100. The remainder is delivered outside the area by transmission lines of as high as 765,000 volts, providing backup power through system interconnections to relieve shortages in innumerable communities, extending as far as Detroit, N.Y., and eastward into coastal Virginia. This riverside complex thus serves as a central power bank for the entire northeast quadrant of the United States. Waterborne coal on the Ohio River lies at the base of the system.

User charges and energy independence.—In this highly mechanized and growing society, critically dependent on energy supply, our continuing and rising reliance on highly insecure overseas fuel sources endangers our progress toward full employment and inflation restraint, compromises our foreign policy, and places in hostage vital elements of our

military security. A reasonably high degree of energy independence is a national dedication of highest priority. In this dedication, our system of domestic water transportation is a key strategic weapon. User charges would dismember it.

THE U.S. BALANCE OF PAYMENTS

In this era of unstable currencies, no national government can disregard the competitive strength of its industries and its balance of payments. The U.S. export of agricultural commodities, principally of grains and soybeans, is a dominating element in maintaining the international strength of the dollar. The value of farm exports in 1974 was $17.2 billion, over fivefold the Nation's net favorable balance on all goods and services combined.

Remembering the enormous and growing waterborne movement of export farm products from interior areas to the coastal ports, and the associated stimulus to railroad transport of these products, it is clear that the resulting low cost at which American farm products are moved to the world market is a determining factor in their competitive strength abroad.

Competitive efficiency: Chemicals, oil, steel.—The competitive position of all American industry rests on productive efficiency, low cost, and competitive price, both in reaching export markets and in meeting import competition. The efficiency of major industries rests directly on the low cost of water transportation to such a degree that the locations of numerous plants in successive stages of processing constitute far-flung, water-based, logistical systems. These industries include chemicals, oil refining, iron and steel, and coal, among others.

The huge chemical complex in West Virginia and eastern Ohio is critically dependent on waterborne mineral products and high-tonnage petrochemicals brought up the rivers from the gulf coast and from Middle Western oil refineries. The products of this industry are essential to innumerable industries throughout the Northeast—steel, glass, paper, fabrics, medicines, automobile parts, home and office appliances, food wrappings, and containers, among countless others. The serious impairment of its water transport base would be critically damaging to this basic industry.

Numerous oil refineries extending along the Mississippi, the Ohio, and other interior rivers rely on river barging to reach, not only their petrochemical customers, but for distribution of a large portion of their gasoline, fuel oil, and other products. In the upper river valley markets, these refineries are in direct competition with imported petroleum products and with products produced from imported crude oil. The enormous growth of oil imports, of course, impairs the U.S. balance of payments. But, because of their higher prices, petroleum products refined abroad exert a more serious impact.

Since 1959, the American steel industry has been engaged in a continuing contest with imports. Most of this industry relies on iron ore and concentrates transported over the Great Lakes. The lakes are likewise an important source of fluxing stone, and the steel industry of the Pittsburgh District rests on a base of waterborne coal.

Import competition: steel and coal.—Even more critical to the steel industry, however, is the downbound movement of domestic steel on the Ohio and Mississippi Rivers from Pittsburgh, Chicago, and other northern centers to the lower Mississippi Valley and the gulf coast. In these southern markets, American steel is in direct and vigorous competition with millions of tons of steel imports, and the southern markets are too far away to be reached competitively by rail or truck. The dollar income at stake in this competition is measured in the hundreds of millions and the jobs in tens of thousands.

On the same pattern of competition, domestic coal moves down the rivers to the gulf coast in direct competition with fuel oil, rising volumes of which are produced from imported crude. Moving by river, rail, and lake, growing volumes of U.S. coal are exported to Canada.

User charges to protect imports from domestic competition.—Waterway user charges would institute still another discrimination in favor of imports in U.S. coastal markets. The U.S. inland waterways include well over 1,000 miles of sheltered deep-draft channels in the downstream reaches of our rivers. The seaport of Baton Rogue, for example, is 235 miles up the Mississippi River from the open ocean. The 52-mile Houston ship channel, the Hudson River inland to Albany, and the Sacramento upstream to Sacramento, Calif., are other examples. In reaches such as these, foreign-flag ships move competitively in the same stream of traffic as U.S. domestic commerce.

All user charge proposals of necessity advocate exemption of foreign commerce moving in these waters. They seek imposition only on domestic shipping. Let us consider the large volume of American steel which moves in shallow-draft barges from Chicago and Pittsburgh to Houston, Tex. As a part of its long journey, this steel must traverse the reach of the Mississippi River downstream from Baton Rouge and, subsequently, the Houston ship channel, an aggregate distance of 190 miles. Steel from Japan and the Common Market inbound in deep-draft, foreign-flag ships moves in these same reaches. Under a user charge regime, only the American steel would pay. The competitive foreign steel would be totally exempt. Numerous other American products would suffer this adverse discrimination—coal in competition with imported petroleum, as well as chemicals and fertilizers, for example. The user charge would constitute a tariff in reverse in favor of foreign products in foreign bottoms.

There appears little doubt that a cost-recovery waterway user charge would entail a sacrifice of dollars in the international markets substantially in excess of the limited sums the Government might collect from water carriage, dwarfed in scale as the industry would be.

Is the Senate ready to take the responsibility of ending a policy that this Nation has come to depend on to such an extent and so ingrained that the consequences of a turnabout are ominous? I do not think so.

IN SUPPORT OF URBAN FLOODING PROVISION

Mr. BELLMON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. BARTLETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BARTLETT

Included in the Water Resources Development Act of the 94th Congress was a provision authorizing construction of local, urban flood control projects in conjunction with ongoing federal feasibility studies. The purpose of this provision was to assure local interests that they could initiate flood control improvements with the understanding that the cost of these improvements would be assumed by the federal government. Unfortunately, a termination date of December 31, 1977 was written into the law.

In response to this situation, I introduced earlier this year, S. 1306. In doing so, I pointed out the extreme necessity of perpetuating this important program. I am pleased to note that the Environment and Public Works Committee has recommended that the termination date be eliminated and that the program be extended through 1985. Inclusion of his extension in the 1977 Omnibus Rivers and Harbors Act will prove to be highly beneficial to the many local communities which have postponed needed flood control projects.

As you know, without the cooperation which this provision affords, completion of flood control projects requires several years of feasibility studies and authorization efforts. After being alerted to a flood control problem, the Corps of Engineers does what is called a reconnaissance report. If this report indicates the need and potential viability of a federal project, the Corps then proceeds with an in-depth survey report which takes two or three years. The survey report is then submitted to Congress, which then may take two or more years to study the project before proceeding with authorization.

Once Congress does authorize the proposal, the Corps then goes into what they call Phase One and Phase Two, which is planning and design of the project. This ordinarily takes as much as three or more years. Finally, after all of these lengthy steps, the construction begins. The indictment of the whole system is that the actual construction is the easiest step, often taking less than two years.

District engineers have lived with these procedures for many years and have suffered the abuses of many people who for good reason cannot understand why a flood control project requires ten or fifteen years for completion.

Extension of Section 134(a) of the Water Resources Development Act will enable the federal government to participate in a cooperative effort with local units of government on the projects that the local unit has planned and implemented.

The intention of this law is not to have the Corps take over every local flood control project initiated by communities across the country, but to create a situation where efforts may be coordinated on certain specific projects which the district engineer has certified.

Section 108 of S. 1529 extends the program through 1985. Approval of this extension will greatly enhance the ability of local interests to raise funds for flood control projects—including bond issues—because people will know that a solution and actual project work are imminent rather than years in the future. In addition to the highly successful pilot project on Mingo Creek in Tulsa, other

potentially eligible programs have been brought to my attention. These include the Sims Bayou Project and the Cypress Creek Project in Houston, and an ongoing project in Enid, Oklahoma.

Without a mutually cooperative economic incentive, which Section 108 provides, local officials are discouraged from taking initiative to solve local problems. This legislation will benefit everyone involved, since protection will be afforded much sooner and at a much lower cost than going through the drawn-out process followed in normal Corps procedure. I thank the members of the Public Works Committee for acting favorably on my legislation, and I hope that my colleagues will consider the extreme necessity of this provision, including it in the final version of S. 1529.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 5885, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5885) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

Mr. GRAVEL. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 5885 be stricken; that the text of S. 1529, as amended, be inserted in lieu thereof; and that H.R. 5885, as so amended, be considered as having been read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent that S. 1529 and S. 790 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. EASTLAND (after having voted in the negative). Mr. President, on this vote, I have a live pair with the Senator from Maine. If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "no."

I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent on official business.

I also announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Pennsylvania (Mr. HEINZ) are necessarily absent.

The result was announced—yeas 81, nays 9, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—81

Allen	Gravel	Morgan
Anderson	Griffin	Moynihan
Baker	Hansen	Nelson
Bayh	Hart	Nunn
Bellmon	Haskell	Packwood
Brooke	Hatch	Pearson
Bumpers	Hathaway	Pell
Burdick	Hayakawa	Percy
Byrd, Robert C.	Helms	Randolph
Cannon	Hollings	Riegle
Case	Huddleston	Sarbanes
Chafee	Humphrey	Sasser
Chiles	Inouye	Schmitt
Church	Jackson	Schweiker
Clark	Javits	Scott
Cranston	Johnston	Sparkman
Culver	Kennedy	Stafford
Curtis	Leahy	Stennis
Danforth	Long	Stevens
DeConcini	Lugar	Stevenson
Dole	Magnuson	Talmadge
Domenici	Mathias	Thurmond
Durkin	McClure	Tower
Eagleton	McGovern	Weicker
Ford	Melcher	Williams
Glenn	Metcalf	Young
Goldwater	Metzenbaum	Zorinsky

NAYS—9

Biden	Hatfield	Stone
Byrd, Harry F., Jr.	Laxalt	Wallop
Garn	Proxmire	
	Roth	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Eastland, against.

NOT VOTING—9

Abourezk	Heinz	McIntyre
Bartlett	Matsunaga	Muskie
Bentsen	McClellan	Ribicoff

So the bill (H.R. 5885), as amended, was passed, as follows:

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive flood waters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance wtih the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

SOUTH ATLANTIC COASTAL REGION

The project for beach erosion control at Jekyll Island, Glynn County, Georgia: House Document Numbered 94-533, at an estimated cost of $3,399,000.

The project for navigation for the Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818) is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document numbered 94-597 with respect to Hobucken, Core Creek, and Fairfield bridges at an estimated cost of $18,700,000.

MIDDLE ATLANTIC COASTAL REGION

The project for beach erosion control at Coney Island, Borough of Brooklyn, New York: Final Reprt of the Chief of Engineers, dated August 18, 1976, at an estimated cost of $2,019,000.

RAHWAY RIVER BASIN

The project for flood control on Robinson's Branch at Clark, Scotch Plains, and Rahway, New Jersey: Final report of the Chief of Engineers, dated October 10, 1976, at an estimated cost of $11,702,000.

The project for flood control on the main stem of the Rahway River and Van Winkles Brook, Springfield, New Jersey: Final report of the Chief of Engineers, dated October 24, 1975, at an estimated cost of $7,345,000.

CHEHALIS RIVER BASIN

The project for flood control on the Chehalis River at South Aberdeen and Cosmopolis, Washington: Final report of the Chief of Engineers, dated February 8, 1977, at an estimated cost of $11,486,000.

KODIAK HARBOR

The project for navigation improvements at Kodiak Harbor, Alaska: Final report of the Chief of Engineers, dated September 7, 1976, at an estimated cost of $7,874,000.

TERRITORY OF GUAM

The project for flood control on the Agana River, Territory of Guam: Final report of the Chief of Engineers, dated March 14, 1977, at an estimated cost of $3,260,000.

SEC. 102. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the following water resources development projects, substantially in accordance with, and subject to the conditions recommended by the Chief of Engineers, in the reports hereinafter designated.

CONNECTICUT RIVER BASIN

The project for water supply in Massachusetts, diverting water from the Millers River Basin to Quabbin Reservoir, near Springfield, Massachusetts: Final report of the Chief of Engineers, dated September 10, 1976, at an estimated cost of $400,000.

The project for water supply in Massachusetts, diverting water from the Connecticut River Basin by way of the Northfield Mountain project to Quabbin Reservoir: Final report of the Chief of Engineers, dated September 10, 1976, at an estimated cost of $400,000.

PUGET SOUND

The project for navigation on the Blair and Sitcum Waterways, Tacoma Harbor, Washington: Final report of the Chief of Engineers, dated February 8, 1977, at an estimated cost of $200,000.

CHEHALIS RIVER BASIN

The project for navigation at Grays Harbor, Washington: In accordance with the final report of the Chief of Engineers, at an estimated cost of $1,000,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

GULFPORT HARBOR

The project for channel deepening for navigation at Gulfport Harbor, Mississippi, in accordance with the final report of the Chief of Engineers, at estimated cost of $1,805,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

(b) The Secretary of the Army is authorized to undertake advanced engineering and design for the projects in subsection (a) of this section after completion of the phase I design memorandum stage of such projects. Such advanced engineering and design may be undertaken only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and Public Works and Transportation of the House of Representatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which

may be under consideration. There is authorized to carry out this subsection not to exceed $5,000,000. No funds appropriated under this subsection may be used for land acquisition or commencement of construction.

(c) Whenever the Chief of Engineers transmits his recommendations for a water resources developing project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, the Chief of Engineers is authorized to undertake the phase I design memorandum stage of advanced engineering and design of such project if the Chief of Engineers finds and transmits to the Committees on Public Works and Transportation of the House of Representatives and Environment and Public Works of the Senate, that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations. Authorization for such phase I work for a project shall terminate on the date of enactment of the first Water Resources Development Act enacted after the date such work is first authorized. There is authorized to carry out this subsection not to exceed $4,000,000 per fiscal year for each of the fiscal years 1978 and 1979.

(d) Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adapted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

SEC. 103. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310), as amended by section 48 of the Water Resources Development Act of 1974 (88 Stat. 12), is further amended to read as follows:

"SEC. 7. (a) The project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that an amount not to exceed $6,500,000 is authorized for mitigation of fish losses attributed to the Libby Dam project, including the reregulating dam and any additional hydropower units that may be installed.

"(b) Funds authorized for mitigation pursuant to subsection (a) shall be transferred to the State of Montana for construction or expansion of fish hatcheries of the State of Montana.".

SEC. 104. Section 181(a)(2) of the Water Resources Development Act of 1976, approved October 22, 1976 (Public Law 94–587, is amended by striking out "(A)" after "constructed" and the following: ", and (B) unless such construction is not in conflict with the report of the Secretary of the Army, acting through the Chief of Engineers, submitted pursuant to section 85 of the Water Resources Development Act of 1974".

SEC. 105. Whenever the Secretary of the Army, acting through the Chief of Engineers, or the Secretary of Agriculture, acting under Public Law 83–566, as amended, submits a project to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives that can be anticipated to provide benefits, more than 10 per centum of which are produced by an increase in anticipated land value to a single nonpublic corporation or individual, the Secretary of the Army or the Secretary of Agriculture, as appropriate, shall, prior to the construction of such project, require that the local sponsor of such project enter into an agreement with the Secretary of the Army or the Secretary of Agriculture, as appropriate, that provides that the sponsor contributes, either prior to construction or when such benefits are realized, 50 per centum of the project's costs allocated to such benefits.

SEC. 106. (a) The authorization of phase I engineering and design contained in section 101(a) of the Water Resources Development Act of 1976 (Public Law 94–587, 90 Stat. 2918) for flood protection for Jefferson City on Wears Creek, Missouri is hereby terminated.

(b) The project for flood protection for Jefferson City on Wears Creek, Missouri as described in the report of the Chief of Engineers dated October 21, 1975, is hereby authorized at an estimated cost of $29,110,000.

SEC. 107. Any report that is submitted to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary of the Army, acting through the Chief of Engineers, or the Secretary of Agriculture, acting under Public Law 83–566, as amended, which includes construction of a water impoundment facility, shall include information on the possibility of failure of such facility due to geologic or design factors, the potential impact of the failure of such facility, and information on the design features that would prevent, lessen, or mitigate such possibility of failure or the impact of failure.

SEC. 108. Section 134(a) of the Water Resources Development Act of 1976 (Public Law 94–587, 90 Stat. 2929) is amended by striking "1977" from the last sentence and inserting in lieu thereof "1985".

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and recommend remedial measures with respect to flood control, bank stabilization, sedimentation, and related purposes on the Homochitto and Buffalo Rivers, Saint Catherine and Coles Creeks, Bayou Pierre, and other major tributaries draining into the Mississippi River between Bayou Pierre and the Buffalo River in the State of Mississippi.

SEC. 110. (a) There is hereby established a Water Resources Mitigation Advisory Board (hereinafter referred to as the "Board"), which is authorized to evaluate complaints of any existing or potential adverse impact of any proposed or existing water resources project undertaken by the Secretary of the Army, acting through the Chief of Engineers, and to make recommendations on any requested mitigation.

(b) The Board shall be comprised of three members. One member shall be a Federal employee serving at the pleasure of the President. Two members shall be appointed by the President from the general public for terms of three years. Such public members, while attending meetings of the Board, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Anyone who has been an employee of the United States Army Corps of Engineers shall be ineligible to serve as a public member of the Board.

(c)(1) The Board shall meet at least four times annually to review matters referred to it by any State or local public agency, the Secretary of the Army, the Committee on Environment and Public Works of the Senate, or the Committee on Public Works and Transportation of the House of Representatives. At such meetings, the Board is authorized to review all information relating to any request for mitigation of an authorized project, and to recommend changes in the project that can be achieved administratively or by appropriate legislation. Any recommendation by the Board shall include a statement evaluating the equity of the mitigation request; an estimate, if appropriate, of the cost of such alteration and the effect such cost would have on the relation of total project benefits to costs; and an explanation of how the mitigation request meets or fails to meet established national water resources policy. Recommendations by the Board are advisory and not subject to judicial review.

(2) A copy of any recommendation by the Board under paragraph (1) of this subsection shall be transmitted to the Secretary of the Army and to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, as well as any interested State or local public agency. Following a review of any such recommendation, the Secretary of the Army shall notify the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives of any decision or proposal based upon such recommendation, together with a statement detailing any disagreement with the Board's recommendation.

(d) For the purposes of this section, "mitigation" means any change in project operations, any construction of new facilities or devices that would alleviate any anticipated or actual damages, or other adverse and definable unintended effects, or any change in requirements for local interests to provide, pay for, or share in the costs of any features of any project undertaken by the Secretary of the Army, acting through the Chief of Engineers.

(e) The Board shall, from time to time, report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on issues and problem areas brought before it for advisory opinions, together with any recommended changes in the procedures or practices of the Secretary of the Army, acting through the Chief of Engineers, that would alleviate such problems in future projects.

(f) The sum of $250,000, beginning in the fiscal year ending September 31, 1978, is authorized to be appropriated each fiscal year to carry out this section.

SEC. 111. (a) The authorization for the Victory Lake project for flood control and other purposes on the Moose River, town of Victory, Essex County, Vermont, contained in the Flood Control Act of 1936 as amended by the flood control Acts of 1938 and 1941, is hereby terminated.

(b) The authorizations for the Lafayette Dam and Reservoir and the Big Pine Dam and Reservoir on the Wabash River, Indiana, contained in section 204 of the Flood Control Act of 1965 (795 Stat. 1081), is hereby terminated.

(c)(1) The authorization of the Kickapoo River, Wisconsin flood control project, provided by Section 203 of the Flood Control Act of 1962 (76 Stat. 1173, 1190) is hereby terminated.

(2) The Secretary of the Army, acting through the Chief of Engineers, shall immediately undertake such modification and landscaping of the uncompleted project for safety, aesthetic, and ecological purposes as the Secretary deems necessary. Such modification shall include, but shall not be limited to, demolition and removal of the outlet control structure and the right abutment.

(3)(i) The Secretary of the Army, acting through the Chief of Engineers, shall take no action to dispose of works and interests in lands related to the project which are under his jurisdiction for eighteen months following the date of enactment of this Act.

(ii) If Congress, by law, has not otherwise provided for the disposal of the project lands within eighteen months of date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engi-

neers, shall immediately proceed to dispose of such lands and interests under his jurisdiction pursuant to the applicable provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)."

SEC. 112. This section may be cited as the "Water Supply Act of 1977".

(a) Because many regions of the Nation confront water shortages that can be expected to continue or to increase, and because such shortages are, in part, aggravated by a lack of any coordinated, national policy for the efficient and productive use and reuse of water, the Congress declares that there is a national interest in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes.

(b)(1) In carrying out a policy to encourage a more efficient use and supply of water as a way to benefit municipal, industrial, and agricultural development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to survey, plan, construct, and operate projects for the storage of water needed to meet present and anticipated demand, and for its transportation to regions of the Nation with present or anticipated water shortages: *Provided*, That each such project must be specifically authorized by law enacted subsequent to this Act.

(2) The costs allocated to water supply in any project constructed as a result of the authority of subsection (a) of this section shall be repayable, with interest, by the water users over a period of not more than fifty years from the date that water is first delivered, pursuant to contracts with municipalities or other public organizations except as provided in subsection (d). Such contracts shall be precedent to the commencement of construction of any unit or stage of the project. The contracting organization shall be responsible for the disposal and sale of water surplus to its requirements, but revenues therefrom shall be used only for payment of operation and maintenance costs, interest, and retirement of the obligation assumed in the contract.

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the costs of the project allocated to municipal water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary of the Army, acting through the Chief of Engineers, is authorized to recommend modified cost-sharing and repayment schedules for that portion of the water supplied under this section to a municipal system serving a rural community, whether incorporated or unincorporated, with a population of less than ten thousand, which is not part of a larger population center.

SEC. 113. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through deposition of dredged material.

SEC. 114. Section 4 of the Act of July 5, 1884 (23 Stat. 147), as amended by the Act of March 3, 1909 (33 U.S.C. 5), is hereby amended to read as follows:

"SEC. 4. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate, maintain, and keep in repair and rehabilitate any project for the benefit of navigation belonging to the United States or that may be hereafter acquired or constructed: *Provided*, That whenever in the judgment of the Secretary of the Army, the condition of any of the aforesaid works is such that its reconstruction or replacement is essential to efficient and economical maintenance and operation, as herein provided for, the Secretary may proceed with such work: *Provided further*, That the reconstruction or replacement does not increase the facility's scope or capacity or change the location of an existing facility: *And provided further*, That nothing herein contained shall be held to apply to the Panama Canal.".

SEC. 115. Notwithstanding the provisions of section 1 of the Act of June 21, 1940, entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" (54 Stat. 497), as amended, the Port of Houston Authority Bridge over Greens Bayou approximately 2.8 miles upstream of the confluence of Greens Bayou, Texas, and the Houston Ship Channel is hereby declared to be a lawful bridge eligible for replacement under such Act.

SEC. 116. (a) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, as amended, is amended by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

(b) The amendment made by this section shall not apply to any project under contract for construction on the date of enactment of this Act, except in those cases where the authorized project includes periodic beach nourishment in accordance with section 1(c) of the Act approved July 28, 1956.

SEC. 117. (a) Any resolution previously or hereafter adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives for review of flood control and river and harbor reports is automatically deauthorized if no funds are expended for such survey within five years following its approval.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to submit to the Congress, within six months of enactment of this section, a list of all existing survey studies that have an inactive or deferred status. All surveys on such list may be deauthorized within ninety days thereafter by resolution of either the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

SEC. 118. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to make a study in cooperation with the government of the Trust Territory of the Pacific Islands for the purpose of providing a plan for the development, utilization, and conservation of water and related land resources of such territory. Such study shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development, and shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 119. (a) In order to alleviate the critical conditions created by a natural disaster in April, 1977, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct, at full Federal expense, flood control measures including, but not limited to, levees, floodwalls, cut-offs, and other appurtenant facilities, and to provide modifications to existing flood protection structures as appropriate, at or in the vicinity of Pikesville, Kentucky, on the Levisa Fork of the Big Sandy River; Pineville, Kentucky, on the Cumberland River; and Williamson and Matewan, West Virginia, on the Tug Fork of the Big Sandy River, that the Chief of Engineers determines are necessary and advisable to afford these communities and other flood damaged localities and their immediate environs on both the Levisa and Tug Fork of the Big Sandy River and Cumberland River a level of protection against flooding at least sufficient to prevent any future losses to these communities from the likelihood of flooding such as occurred in April, 1977, at an estimated cost of $100,000,000: *Provided*, That non-Federal interests shall hold and save the United States free from damages due to the construction works, and maintain and operate all the works after their completion in accordance with regulations prescribed by the Secretary of the Army.

(b) With respect to the works authorized by subsection (a) of this section, an economic analysis of the projects is hereby waived.

SEC. 120. When submitting any report on a project which includes benefits for recreation, the Secretary of the Army, acting through the Chief of Engineers, or the Secretary of Agriculture, under authority of Public Law 83-566, as amended, shall describe the benefits of other, similar recreational facilities within the general area of the project, and develop a unit value for recreational attendance which is consistent with the unit values used to justify existing recreation facilities.

SEC. 121. Section 208 of the Flood Control Act of 1954 (68 Stat. 1253, 1266), as amended, is hereby further amended by adding "(a)" after "SEC. 208." and adding a new subsection "(b)" as follows:

"(b) Upon request of the Governor of a State, or appropriate official of local government, the Secretary of the Army, acting through the Chief of Engineers, is further authorized to provide designs, plans and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or political subdivision for its use in carrying out projects, for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.".

SEC. 122. (a) The Stamford Harbor, Connecticut navigation project which was adopted by the River and Harbor Act of 1919 is hereby modified to provide that for the upcoming maintenance dredging, only, non-Federal interests shall furnish without cost to the United States an area located between the harbor's East Branch Channel and Kosciszko Park for the disposal of the material dredged and contribute 25 per centum of the costs of constructing a dike to retain the sediments. Non-Federal interests shall also acquire all easements and rights-of-way required for construction at the site and hold the United States free of damages incurred during construction. Immediately following completion of the dredging the dike structure will be conveyed to the city of Stamford for future maintenance.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection

Agency that for the area to which such construction applies, the State of Connecticut, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the Stamford Harbor area for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 123. The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood South, to remove natural shoals as they occur, at an annual average cost of $200,000, allowing commerce to continue: *Provided*, That responsible local interests furnish assurances satisfactory to the Chief of Engineers that they will (a) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (b) accomplish without cost to the United States such alterations, relocations, and/or rearrangement of facilities as required for dredging and disposal of dredged materials; (c) hold and save the United States free from damages due to the dredging and disposal of dredged materials, excluding damages due to the fault or negligence of the United States or its contractors; (d) comply with the applicable provisions of the United Relocations Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1894); and (e) comply with all other Federal and State laws and regulations applicable to the dredging and disposal of dredged materials.

SEC. 124. (a) Section 203(e) of the Water Resources Development Act of 1976 (Public Law 94–587, 90 Stat. 2946) is amended to read as follows: "The Secretary is authorized to make expenditures from the fund for the phase I design memorandum stage of advanced engineering and design for any project that meets the requirements of subsection (a)(2) of this section, if appropriate non-Federal public authorities, approved by the Secretary, agree with the Secretary, in writing, to repay the Secretary for all the separable and joint costs of preparing such design memorandum, if such report is favorable and the appropriate non-Federal authorities are able, on the basis of the report, to borrow money to pay such costs based on the security of the project or its revenues. Following the completion of the phase I design memorandum stage of advanced engineering and design under this subsection, the Secretary shall not transmit any favorable report to Congress prior to being repaid in full by the appropriate non-Federal public authorities for the costs incurred during such phase I. The Secretary is also authorized to make expenditures from non-Federal funds deposited in the fund (as an advance against construction costs) for costs incurred during such phase I if the Secretary agrees with the appropriate non-Federal authorities to reimburse said costs if the report is not favorable and the appropriate non-Federal authorities are therefore not able to borrow money to pay such costs based on the security of the project or its revenues: *Provided*, That payments by the Secretary under this subsection for phase I reimbursement shall be subject to appropriations acts.";

(b) Section 203(g)(1) is amended by striking "anticipated" in the first sentence and by adding at the end of the third sentence ", as determined in the agreement between the Secretary and the non-Federal authorizing.";

(c) Section 203(g)(2) is amended to read as follows:

"(A) In consideration of the obligations to be assumed by non-Federal public authorities under the provisions of this section and in recognition of the substantial investments which will be made by these authorities in reliance on the program established by this section, the United States shall assume the responsibility for paying for all costs over those fixed in the agreement with the non-Federal public authorities, if such costs are occasioned (1) by acts of God, (2) failure on the part of the Secretary, acting through the Chief of Engineers, to adhere to the agreed schedule of work or a failure of design or (3) are otherwise necessary to be paid by the United States to permit operation of the project in accordance with the initial determination of feasibility: *Provided*, That payments by the Secretary of such costs shall be subject to appropriations acts.

"(B) Any Federal funds required to complete the project pursuant to subparagraph (A)(3) of subsection (g) shall be repaid to the Treasury with interest by the non-Federal public authorities from revenues received from the sale of power. Payments shall commence following retirement of all bonds issued by the non-Federal public authorities, for the project. Interest payable under this subparagraph shall be at the rate the Federal Government must pay on such obligations at the time of payment pursuant to subparagraph (A)(3) with accrual of interest beginning after all prior bonds are retired."; and

(d) Section 203(h) is amended by inserting "and (2)" after "(g)(1)" in the first sentence.

(e) Section 203 of the Water Resources Development Act of 1976 (Public Law 94–587, 90 Stat. 2946) is amended as follows—

(1) subsection (a)(1) is amended by striking "in Alaska";

(2) subsection (b) is amended by striking "Alaska" in the first sentence; and

(3) subsection (i) is amended by striking "Alaska".

SEC. 125. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a study of the possible rehabilitation of the hydroelectric potential at former industrial sites, millraces, or other types of facilities constructed in the past, and the possible conversion of such sites for use as new, small hydroelectric projects that will serve rural areas or communities. The Secretary of the Army, acting through the Chief of Engineers, is further authorized and directed to provide technical assistance to local public agencies or cooperative in any such rehabilitation at sites identified under this section, or that would qualify under the terms of this section.

SEC. 126. (a) That those portions of the Trent River in the city of New Bern, county of Craven, State of North Carolina, bounded and described as follows, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States:

All of those tracts or parcels of land lying and being in Craven County, North Carolina, in the city of New Bern between the high water mark of Trent River as it formerly existed, and the bulkhead marking the southern boundary of the lands of the New Bern Redevelopment Commission Project Numbered NCR–71, and more particularly described as follows:

TRACT ONE

Beginning at a point which lies south 12 degrees 12 minutes west 499.296 feet from the southwest corner of the intersection of Tryon Palace Drive and United States Highway North 70; and running thence along the former high water mark of Trent River, the following courses and distances:

north 79 degrees 07 minutes 24 seconds west 2.65 feet;
north 8 degrees 20 minutes east 12.45 feet;
north 44 degrees 57 minutes west 30.00 feet;
north 89 degrees 45 minutes west 22.00 feet;
south 66 degrees 45 minutes west 35.00 feet;
south 12 degrees 25 minutes west 76.00 feet;
north 76 degrees 35 minutes west 40.00 feet;
north 7 degrees 20 minutes east 54.00 feet;
north 24 degrees 45 minutes east 43.00 feet;
north 24 degrees 45 minutes west 29.00 feet;
north 53 degrees 30 minutes west 26.00 feet;
north 15 degrees 00 minutes east 21.00 feet;
north 77 degrees 15 minutes west 15.00 feet;
north 10 degrees 00 minutes east 19.00 feet;
north 83 degrees 45 minutes west 28.00 feet;
south 37 degrees 55 minutes west 26.00 feet;
south 20 degrees 45 minutes west 26.00 feet;
south 10 degrees 00 minutes west 30.00 feet;
south 49 degrees 45 minutes west 34.00 feet;
north 84 degrees 55 minutes west 24.00 feet;
north 12 degrees 10 minutes east 100.00 feet;
east 7.00 feet; north 11 degrees 00 minutes east 56.00 feet;
north 28 degrees 15 minutes west 34.00 feet;
north 89 degrees 35 minutes west 15.00 feet;
south 17 degrees 40 minutes west 23.00 feet;
south 12 degrees 45 minutes west 44.00 feet;
north 78 degrees 30 minutes west 85.00 feet;
south 11 degrees 00 minutes west 74.00 feet;
south 79 degrees 35 minutes east 9.00 feet;
south 6 degrees 30 minutes west 39.00 feet;
north 84 degrees 35 minutes west 41.00 feet;
north 9 degrees 35 minutes east 124.00 feet;
north 76 degrees 50 minutes west 54.00 feet;
south 11 degrees 00 minutes west 108.00 feet;
south 84 degrees 00 minutes west 32.00 feet;
north 7 degrees 30 minutes east 71.00 feet;
north 72 degrees 00 minutes west 32.00 feet;
north 7 degrees 35 minutes east 39.00 feet;
north 79 degrees 50 minutes west 29.00 feet;
south 13 degrees 20 minutes west 37.00 feet;
south 42 degrees 50 minutes west 22.00 feet;
north 64 degrees 15 minutes west 13.00 feet;
south 57 degrees 20 minutes west 14.00 feet;
north 82 degrees 15 minutes west 60.00 feet;
north 80 degrees 00 minutes west 108.00 feet;
north 52 degrees 30 minutes west 40.00 feet;
north 80 degrees 50 minutes west 32.00 feet;

north 79 degrees 00 minutes west 32.00 feet;
north 9 degrees 30 minutes east 16.00 feet;
north 86 degrees 00 minutes west 17.00 feet;
south 15 degrees 15 minutes west 40.00 feet;
north 77 degrees 00 minutes west 54.00 feet;
south 11 degrees 10 minutes west 157.00 feet;
south 78 degrees 35 minutes east 5.00 feet; and
south 9 degrees 40 minutes west 87.92 feet to the outer edge of the existing bulkhead of the New Bern Redevelopment Commission;
thence with the outer edge of said bulkhead the following courses and distances:
South 85 degrees 59 minutes 41 seconds east 34.92 feet;
north 48 degrees 37 minutes 43 seconds east 135.44 feet;
south 86 degrees 14 minutes 57 seconds east 574.09 feet;
south 41 degrees 01 minutes 58 seconds east 134.16 feet;
south 86 degrees 11 minutes 18 seconds east 62.96 feet;
north 48 degrees 44 minutes 56 seconds east 124.48 feet and north 79 degrees 07 minutes 24 seconds west 2.99 feet to the place of beginning, containing 2.83 acres.

TRACT TWO

Beginning at a point in the eastern line of Middle Street at its intersection with the former high water mark of Trent River, said place of beginning being south 9 degrees 41 minutes west 702.783 feet along the eastern line of Middle Street from the southeast corner of Middle Street and Tryon Palace Drive, and running thence from this place of beginning along the former high water mark of Trent River north 82 degrees 46 minutes 30 seconds west 12.256 feet;
thence north 9 degrees 48 minutes east 101.36 feet;
thence north 78 degrees 41 minutes west 36.37 feet;
thence south 9 degrees 11 minutes west 110.69 feet to the outer edge of the existing bulkhead of the New Bern Redevelopment Commission;
thence with the outer edge of the existing bulkhead of the New Bern Redevelopment Commission south 85 degrees 59 minutes 41 seconds east 120.50 feet to a point where the existing bulkhead intersects the former high water mark of Trent River;
thence north 82 degrees 46 minutes 30 seconds west 72.544 feet along the former high water mark of Trent River, to the place of beginning; containing 0.09 acres.

TRACT THREE

Beginning at a point which is located south 80 degrees 00 minutes east 50 feet, south 9 degrees 50 minutes west 313.31 feet;
south 5 degrees 54 minutes 24 seconds west 155.79 feet;
south 2 degrees 08 minutes east 46.035 feet and south 6 degrees 20 minutes 48 seconds east 1.86 feet from the intersection of the southern line of Tryon Palace Drive and the center line of the Atlantic and North Carolina Railroad; and running thence from this place of beginning with the outer edge of the existing bulkhead of the New Bern Redevelopment Commission the following courses and distances:
south 86 degrees 41 minutes 04 seconds east 18.78 feet;
thence south 41 degrees 08 minutes 50 seconds east 337.44 feet and south 85 degrees 59 minutes 41 seconds east 40.01 feet;
and running thence with the former high water mark of Trent River the following courses and distances:
north 9 degrees 34 minutes east 165.69 feet;
north 79 degrees 25 minutes west 69.00 feet;
north 74 degrees 05 minutes west 73.00 feet;
north 8 degrees 58 minutes east 162.00 feet;
north 47 degrees 30 minutes west 65.00 feet;
south 11 degrees 20 minutes west 101.50 feet;
north 80 degrees 20 minutes west 21.00 feet;
north 9 degrees 50 minutes east 133.00 feet;
north 35 degrees 45 minutes west 33.00 feet;
north 28 degrees 20 minutes west 32.00 feet;
north 59 degrees 28 minutes 42 seconds west 9.76 feet;
south 2 degrees 00 minutes west 69.00 feet;
south 9 degrees 40 minutes west 91.00 feet;
south 89 degrees 10 minutes west 13.00 feet;
south 20 degrees 10 minutes west 39.00 feet;
south 47 degrees 10 minutes west 58.36 feet; and
south 6 degrees 20 minutes 48 seconds east 1.86 feet to the place of beginning; containing 1.20 acres.

Being that portion of the waters of Trent River which were bulkheaded and filled under permit bearing date January 16, 1970, addressed to the Redevelopment Commission of the City of New Bern, issued by the Wilmington District Corps of Engineers, by authority of the Secretary of the Army.

(b) The declaration in subsection a of this Act shall apply only to portions of the above described area which are either bulkheaded and filled, or occupied by permanent pile-supported structures, plans for such work having been approved by the Secretary of the Army acting through the Chief of Engineers.

SEC. 127. Nothing in any prior Act of Congress, committee report, or congressional document, shall be construed as requiring the State of Tennessee in connection with the mitigation of wildlife losses attributable to the West Tennessee tributaries feature, Mississippi River and tributaries project authorized by the Flood Control Acts of June 30, 1948, November 7, 1966, and March 7, 1974, to furnish assurances that it will hold and save the United States free from any claims for damages resulting from such mitigation.

SEC. 128. (a) The authorization for the Kaw Lake project, Arkansas River, Oklahoma contained in section 203 of the Flood Control Act of 1962 Public Law 87-874) is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to design, construct, and provide treatment facilities and a regional conveyance system of water from Kaw Lake for the ownership, use, operation, and maintenance of non-Federal public members of the Kaw Reservoir Authority at an estimated cost of $82,000,000.

(b) Non-Federal public members acting through the Kaw Reservoir Authority, who are benefitted by the facilities to be constructed at initial Federal costs under this Act, shall repay such costs and the Federal costs of any interim maintenance of the facilities in accordance with the principles of the Water Supply Act of 1958 (Public Law 85-500): *Provided*, That the allocation and initiation of these repayment requirements shall be scheduled by the Secretary of the Army, as he determines to be equitable, considering factors such as the date of initiation and extent of usage of the facilities.

SEC. 129. The project for flood control on Beargrass Creek in Jefferson County, Kentucky, is hereby authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the final report of the Chief of Engineers, at an estimated cost of $2,900,000. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to this project. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

SEC. 130. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to prosecute the plan for Trimble Wildlife Area replacement, in substantial accordance with the feasibility report, dated September 1976, with such changes as may be within the discretion of the Chief of Engineers, at an estimated cost of $3,970,000.

SEC. 131. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 83-209 (67 Stat. 449) approved August 7, 1953, at an estimated cost of $7,000,000.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall make a study of such plans as he may deem reasonable and appropriate for the rehabilitation or reconstruction of McMicken Dam in Trilby Wash area at an estimated cost of $250,000.

(c) All authority of the Secretary of the Air Force over such detention basin and channel is transferred to the Secretary of the Army.

SEC. 132. The project for the town of Niobrara, Nebraska, as authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to relocate existing Nebraska Highway Number 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Number 14, at an estimated cost of $1,600,000.

SEC. 133. The St. Francis River Basin Project, Arkansas and Missouri, as authorized by the Act of June 15, 1936 (49 Stat. 1508), is modified to require the Secretary of the Army, acting through the Chief of Engineers to study improvements for flood control purposes in St. Francis Lake and Floodways in Poinsett County, Arkansas, in accordance with the reconnaissance report thereon by the Corps of Engineers, dated April 15, 1977. Such study shall be transmitted to the Congress ten months after enactment of this Act.

SEC. 134. (a) Section 8 of the Act entitled "An Act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin reclamation project in Idaho, and for other purposes" (90 Stat. 1211), approved September 7, 1976, is amended to read as follows:

"SEC. 8. (a) Beginning on December 31, 1977, and each year thereafter until the completion of the claims program, the Secretary shall make an annual report to the Congress of all claims submitted to him under this Act, listing each amount claimed, a brief description of the claim, and the status or disposition of the claim including the amount of each administrative payment and award under the Act. Such report shall not be disclosed to the public in a form which would reveal the names of the claimants and shall be maintained in such a manner as will protect the privacy of such claimants.

"(b) Information acquired by the Secretary from or about claimants under this Act shall (1) be maintained in such a manner as will protect the privacy of such claimants and the confidentiality of information provided by such claimants, and (2) shall not be required to be disclosed under section 552 of title 5, United States Code, but

shall be deemed a record which is contained in a system of records for purposes of section 552a of such title.".

(b) The amendments made by this section shall be effective as if enacted on September 7, 1976.

SEC. 135. The project of Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbor Act of 1950 (Public Law 81–516), is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

SEC. 136. (a) That the water resources development project for Harlan County Lake on the Republican River, Nebraska, authorized by the Act of August 18, 1941 (Public Law 228, 77th Congress), as amended, is further amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to replace, renovate, and upgrade the existing Federal facilities of the project, and provide for maintenance and operation of those facilities.

(b) The work authorized by this section shall include purchase of a dredge, dredging of channels, construction of breakwaters, replacement and extension of outdated water access facilities, the performance of necessary bank stabilization and appropriate filling activities, and such other items as are identified in connection with these activities located at Gremlin Cove, Patterson Harbor, Hunter Cove, and Methodist Cove/Pheasant Point in the June 1977, report of the Army Corps of Engineers.

(c) All work and activities authorized by this section shall be carried out at Federal expense, at a first cost presently estimated to be $4,811,100.

SEC. 137. The Act entitled "An Act to authorize construction of the Mississippi River-Gulf Outlet", approved March 29, 1956 (Public Law 84–455, 70 Stat. 65), as amended by section 186 of Public Law 94–587 (90 Stat. 2941), is further amended by deleting all after the colon following the phrase "cost of $88,000,000" and substituting therefor the following: "*Provided*, That the same having been found economically justified by obsolescence of the existing industrial canal lock and increased traffic, the replacement and expansion of said lock or the construction of an additional lock in the area of the existing lock is hereby approved, said new lock to have minimum dimensions of one thousand two hundred feet long, one hundred fifty feet wide, and fifty feet over sills, with immediate connecting channels, thirty-six feet by five hundred feet except that width may be reduced to not less than three hundred feet between the Mississippi River and Florida Avenue if in the opinion of the Chief of Engineers such reduction is necessary to avoid unacceptably severe relocations, and that in recognition of the importance of this connection to the Nation's economy and defense, the Chief of Engineers will assure beneficial completion at the earliest possible date: *Provided further*, That the conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall likewise apply to the construction of said lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries and utilities beyond those of the Meraux site shall be borne by the United States: *And provided further*, That such conditions of local cooperation shall not apply to the relocation, replacement, modification, or construction of bridges or to the substitution of tunnels (at a cost not to exceed $94,500,000) required as a result of the construction of said lock and connecting channels if the Secretary of the Army, after consultation with the Secretary of Transportation, determines prior to the construction of such bridges or to the substitution of tunnels that the Federal Government will not assume the costs of such work in accordance with section 132(a) of the Federal-Aid Highway Act of 1976 (Public Law 94–280); and before construction of the bridges may be initiated the non-Federal public bodies involved shall agree pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91–611) to (a) hold and save the United States free from damages resulting from construction of the bridges or the substitution of tunnels and their approaches (b) subject to reimbursement as aforesaid, provide without cost to the United States all lands, easements, and right-of-way necessary for the construction of the bridges and their approaches, and (c) maintain and operate the bridges or tunnels and their approaches after construction is completed.".

SEC. 138. (a) The project for navigation improvements in Mobile Harbor, Theodore Ship Channel, Alabama, approved by resolutions of the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives dated December 15, 1970, and modified by section 112 of the Water Resources Development Act of 1976, is hereby further modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Alabama, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 139. Section 5 of the Flood Control Act approved August 18, 1941 (33 U.S.C. 701n) is amended by inserting at the end thereof the following: "The Chief of Engineers is also authorized to accomplish advance measures using amounts in the emergency fund, when in his discretion local and State efforts are unable to complete emergency work for control of lava flow, in order to provide the minimum necessary protection to prevent loss of life and serious damages to improved property when such volcanic activity is reasonably imminent.

SEC. 140. The Secretary of the Army is authorized to transfer funds to the relevant State agencies for the construction of fish hatcheries authorized under the Lower Snake River Fish and Wildlife Compensation Plan authorized under section 102 of Public Law 94–587 (90 Stat. 2971), the Water Resources Development Act of 1976 enacted on October 22, 1976.

SEC. 141. The Mississippi River-Gulf Outlet, as authorized by Public Law 84–455, is hereby redesignated as the "Allen J. Ellender Ship Channel" and any Federal law, regulation, map, or other document referring to such outlet shall be held to refer to the outlet as the Allen J. Ellender Ship Channel.".

TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	*Act of Congress*	*Amount*
Alabama-Coosa River Basin	Mar. 2, 1945	$6,000,000
Arkansas River Basin	June 28, 1938	3,000,000
Brazos River Basin	Sept. 3, 1954	31,000,000
Columbia River Basin	May 17, 1950	14,000,000
Mississippi River and Tributaries	May 15, 1928	130,000,000
Missouri River Basin	June 28, 1938	96,000,000
North Branch, Suquehanna River Basin	July 3, 1958	47,000,000
Ohio River Basin	June 22, 1936	28,000,000
Ouachita River Basin	May 17, 1950	1,000,000
San Joaquin River Basin	Dec. 22, 1944	78,000,000
South Platte River Basin	May 17, 1950	9,000,000

SEC. 202. The above authorization for the Columbia River Basin shall include an amount not to exceed $1,000,000, which shall be available for the local flood protection projects authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 180), thereby increasing the total authorization for said local flood protection projects to a sum not to exceed $16,000,000.

SEC. 203. The total amount authorized to be appropriated by this title shall not exceed $443,000,000.

SEC. 204. This title may be cited as the "River Basin Monetary Authorization Act of 1977".

TITLE III—INLAND NAVIGATION IMPROVEMENT

SEC. 301. This title may be cited as the "Inland Navigation Improvement Act of 1977"

SEC. 302. (a) The Congress finds that construction of an inland navigational system that imposes no costs on the direct beneficiaries of such system is unfair to the operators and users of competing modes of transportation and creates distortions in transportation usage that are wasteful of the Nation's resources. The Congress further finds that certain improvements, including the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, are necessary for the effective operation of the Nation's inland waterway system.

(b) The Congress declares that national economic development requires the maintenance of an adequate inland waterway system but, as a matter of equity and efficiency, that the commercial users of this inland waterways system should contribute a portion of the Federal navigation-related costs involved in building, operating, maintaining, and rehabilitating such waterways.

(c) It is, therefore, the purpose of this Act both to establish a system of user charges that will promote greater equity and efficiency among all modes and demonstrate the economic feasibility of projects on the inland waterways of the United States, providing a market test for their need, and to authorize the reconstruction of locks and dam 26, Mississippi River, Alton, Illinois, as a way to promote the more efficient operation of the existing waterway system.

SEC. 303. (a) Not later than ten months after the date of enactment of this Act, the Secretary of Transportation shall, after consultation with the Secretary of the Army, and after conducting public hearings and permitting not less than forty-five days for public comment, publish in the Federal Register preliminary regulations on a proposed system of user charges (including a method of collection) intended to recover that portion of the Federal navigation-related costs of the operation, maintenance, new construction, and rehabilitation of the inland waterways of the United States described in subsection (e) of this section. After receiving comments on the preliminary regulations required by this subsection, the Secretary shall, on January 1, 1979, promulgate final regulations that establish a schedule and method of collection of user charges to be paid by commercial users of the inland waterways of the United States and submit such regulations to the Congress. Notwithstanding any other provision of law, such charges shall become effective on October 1, 1979, unless disapproved or amended under the terms of subsection (b) of this section, and, after they become effective, shall not be modified to any significant degree unless such modification is submitted to Congress under the terms of subsection (b) of this section. In establishing user charges under this section, the Secretary of Transportation is directed to assure that user charges that apply to any particular existing segment of the inland waterways of the United States shall be set at a level so as not to cause serious economic disruption among the commercial users of such segment.

The Secretary of Transportation is also required to establish the scale of user charges under this section so that, even after full implementation of this section, no user charge affecting a particular type of shipment exceeds 1 per centum of the value of such shipment, including transportation costs, based on recent average prices.

(b)(1) The final regulations first submitted to the Congress under subsection (a) of this section shall take effect as provided in such subsection, unless, during the ninety-day period beginning on the date the Secretary of Transportation submits such regulations to the Congress, the Congress adopts a concurrent resolution disapproving such regulations. In the event the Congress adopts such a concurrent resolution amending such regulations, the regulations, as amended, shall take effect as provided in subsection (a).

(2) In the event the Congress disapproves such regulations, or any significant modification thereto subsequently submitted to it, the Secretary of Transportation shall, within ninety days after the date of adoption of the concurrent resolution disapproving such regulations or significant modifications, submit revised regulations or significant modifications, as the case may be. Such revised regulations or significant modifications shall take effect one hundred and eighty days after the date they are submitted to the Congress unless, during the first sixty days after the date of such submittal, the Congress adopts a concurrent resolution either amending or disapproving such revised regulations or significant modifications.

(3) In the event the Congress, during the sixty-day period beginning on the date regulations establishing user charges or significant modifications thereto are submitted, adopts a concurrent resolution amending any regulations (other than the first such regulations submitted to the Congress under subsection (a)), or any significant modifications thereto, such amended regulations or significant modifications shall take effect one hundred and eighty days after the date such regulations or significant modifications were submitted to Congress.

(c) The schedule of user charges promulgated under this section shall, to the extent reasonable and equitable, be assessed annually on the basis of (1) the costs of operating, maintaining, constructing, and rehabilitating the inland waterways of the United States, and various segments thereof, during the preceding fiscal year; (2) the volume of traffic; (3) seasonal and other repetitive peak demands for use of the inland waterways of the United States; and any other factors that the Secretary of Transportation finds reasonable and equitable.

(d) The Secretary of Transportation, in promulgating final regulations under this section, is authorized to utilize, but is not limited to, one or more of the following mechanisms as a way to recover a portion of the Federal navigation-related costs from the users of the system: (1) license fees; (2) congestion charges; (3) charges based on ton-miles over a given segment; (4) lockage fees; and (5) charges based on the capacity of cargo vessels, loaded and unloaded, over various segments of the inland waterways of the United States. No charge shall be collected from, or imputed to, the use of any inland waterway that is not operated and maintained by the United States.

(e)(1) Final user charges shall be adequate to recover (A) 100 per centum of the Federal navigation-related expenditures of the Secretary of the Army, acting through the Chief of Engineers, on the operation and maintenance of the inland waterways of the United States in accordance with paragraph (2) of this subsection, and (B) 50 per centum of the succeeding four years until 100 per penditures on new construction and rehabilitation of the inland waterways of the United States in accordance with paragraph (3) of this subsection.

(2) During the first year that user charges established under this section are effective, such charges shall be equal to 20 per centum of the total expenditures described in subparagraph (A) of paragraph (1) of this subsection, and shall be increased by 20 per centum of such total expenditures for each of the Federal navigation-related capital excentum of such total expenditures is reached.

(3) During the sixth year that user charges established under this section are effective, such charges shall, in addition to the charges in subparagraph (A) of paragraph (1) of this subsection, be equal to 10 per centum of the total expenditures described in subparagraph (B) of paragraph (1) of this subsection, and shall be increased by 10 per centum of such total expenditures for each of the next succeeding four years until the maximum of 50 per centum of such total expenditure is reached.

(f) Funds collected under this section shall be deposited in the general fund of the Treasury.

SEC. 304. Failure to pay any user charges established under this Act shall subject the violator to a forfeiture of not more than $5,000 per day, and prohibit the violator from the use of any lock on the inland waterways of the United States that is operated and maintained by the United States during the period of violation of this Act. Such forfeiture shall be collected by the Secretary of the Army, acting through the Chief of Engineers.

SEC. 305. No later than three years after the effective date of the regulations established under section 303 of this Act, the Secretary of Transportation, in cooperation with the Secretary of the Army, shall submit to the Congress a report on the implementation of section 303 of this Act. Such report shall describe—

(a) the economic impact or user charges on the commercial users of, and consumers of goods capable of being shipped on the inland waterways of the United States;

(b) the economic impact of user charges on a regional and national basis;

(c) the effectiveness of user charges in establishing a more balanced national transportation system;

(d) the effectiveness of user charges in promoting them are efficient use of public investments in the Nation's system of waterborne transportation and reliance on the private sector; and

(e) the effectiveness of user charges in providing for the balanced use of the Nation's water resources.

SEC. 306. In establishing and revising any regulations promulgated to provide for the recovery of operation, maintenance, construction, and rehabilitation costs under this Act, the Secretary shall allow, as an offset or deduction, the payment of any Federal tax enacted subsequent to enactment of this Act, including a tax on fuels, that may be imposed, by the United States, as a tax exclusively on vessels subject to the user charges authorized under section 303 of this Act.

SEC. 307. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to replace locks and dam 26, Mississippi River, Alton, Illinois and Missouri, by constructing a new dam and a single, one-hundred-and-ten-foot by one-thousand-two-hundred-foot lock at a location approximately two miles downstream from the existing dam, substantially in accordance with the recommendations of the Chief of Engineers in his report on such project dated July 31, 1976, at an estimated cost of $421,000,000.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to replace, at Federal expense a part of project costs authorized in subsection (a) terrestrial wildlife habitat inundated as a result of the construction of the project on an acre-for-acre basis in the respective States of Missouri and Illinois and to manage such lands as are thus acquired by the Secretary for wildlife mitigation purposes. The Secretary is further authorized to provide project-related recreation development on or in the vicinity of Ellis Island, Missouri, that requires no separable project lands and includes facilities such as roads, parking lots, walks, picnic areas, a boat launching ramp, and a beach, at an estimated cost of $4,000,000 to be cost shared with the State of Missouri and administered in accordance with the provisions of the Federal Water Project Recreation Act (Public Law 89-72) and undertaken independently of the navigation features of the project.

(c) The channel above Alton, Illinois, on the Mississippi River shall not exceed nine feet, and neither the Secretary of the Army nor any other Federal official shall study the feasibility of deepening the navigation channels in the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; the Mississippi River north of Cairo, Illinois; the Kaskaskia River, Illinois; and the Illinois River and Waterway, Illinois, unless specifically authorized by a future Act of Congress.

(d) There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the provisions of subsections (a) and (b) of this section for fiscal year 1978 and succeeding fiscal years. Any funds which have been allocated to a replacement project for locks and dam 26, prior to enactment of this Act, shall be available for the project authorized in this section and shall remain available until expended.

SEC. 308. (a) There is hereby created an Upper Mississippi River System Council (hereinafter referred to as "Council") consisting of the Secretary of Transportation, the Secretary of Agriculture, the Secretary of the Army, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, and the Governors of the States of Wiscon-

sin, Minnesota, Iowa, Missouri, and Illinois. The Secretary of the Interior shall serve as Chairman of the Council.

(b) The Congress hereby authorizes and directs the Council to prepare a comprehensive master plan for the management of the Upper Mississippi River System in cooperation with the appropriate Federal, State, and local officials. A preliminary plan shall be prepared by January 1, 1981. The plan shall be subject to public hearings in each affected State. The Council shall review all comments presented at such hearings and submitted in writing to the Council and shall make any appropriate revisions in the preliminary plan, and shall, by January 1, 1982, submit to the Congress for approval a final master plan. Public participation in the development, revision, and enforcement of said plan shall be provided for, encouraged, and assisted by the Council. The Council shall, within one hundred and fifty days of enactment of this Act, publish final regulations in the Federal Register specifying minimum guidelines for public participation in such processes. Approval of the final master plan shall be granted only by enactment of the Congress. Changes to the master plan proposed by the Council shall require enactment by the Congress to become effective. All related activities inconsistent with the master plan or guidelines shall be deemed unlawful.

(c) The master plan authorized under subsection (b) of this section shall identify the various economic, recreational, and environmental objectives of the Upper Mississippi River System, recommend guidelines to achieve such objectives, and propose methods to assure compliance with such guidelines and coordination of future management decisions affecting the Upper Mississippi River System, and include any legislative proposals which may be necessary to carry out such recommendations and objectives.

(d) For the purposes of developing the comprehensive master plan, the Council is authorized and directed to conduct such studies as it deems necessary to carry out its responsibilities under this section, with provision that it utilize, to the fullest extent possible, the resources and results of the Upper Mississippi River resources managements (GREAT) study conducted pursuant to section 117 of the Water Resources Development Act of 1976 (Public Law 94–587) and of other ongoing or past studies. The Council shall request appropriate Federal, State, or local agencies to prepare such studies, and any Federal agency so requested is authorized to conduct any such study for the purpose of this section. Studies conducted pursuant to this section shall include, but not be limited to the following:

(1) The Secretary of the Army shall provide for the Secretary of the Interior to undertake a study to determine: (a) the carrying capacity of the Upper Mississippi River System, (b) the long- and short-term systemic ecological impacts of: (1) present and any projected expansion of navigation capacity on the fish and wildlife, water quality, wilderness, and public recreational opportunities of said rivers, (2) present operation and maintenance programs, (3) the means and measures that should be adopted to prevent or minimize loss of or damage to fish and wildlife, and (4) a specific analysis of the immediate and systemic environmental effects of any second lock at Alton, Illinois, and provide for the mitigation and enhancement of such resources and shall submit his report containing his conclusions and recommendations to the Congress and the Secretary of the Army.

(2) The Secretary of the Army shall provide for the Secretary of Transportation to undertake studies to determine: (a) the relationship of any expansion of navigational capacity on the Upper Mississippi River System to national transportation policy, (b) the direct and indirect effects of any expansion of navigational capacity on the Nation's railroads and on shippers dependent upon rail service, and (3) the transportation costs and benefits to the Nation to be derived from any expansion of navigational capacity on said River System. The Council, acting through the Secretary of Transportation, is directed to immediately initiate a specific evaluation of the need for a second lock at Alton, Illinois, and the direct and indirect systemic effects and need for such a second lock at Alton, Illinois.

(3) Studies and demonstration programs, including a demonstration program to evaluate the benefits and costs of disposing of dredge spoil material in contained areas located out of the floodplain. Said program shall include, but shall not be limited to, the evaluation of possible uses in the marketplace for the dredge spoil studies and demonstration programs to minimize the environmental effects of channel operation and maintenance activities.

(4) Development for the Upper Mississippi River System of a computerized, analytical inventory and system analysis to facilitate evaluation of the comparative environmental effects of alternative management proposals.

(e) Guidelines developed pursuant to this section shall include, but not be limited to, guidelines for channel maintenance, minimization of dredging volumes, alternate uses of dredged material, barge fleeting, protection of water quality, fish and wildlife protection and enhancement, wilderness preservation, and management of the wildlife and fish refuges within and contiguous to the Upper Mississippi River System.

(f) To carry out the provisions of this section, there are authorized to be appropriated to the Council $20,000,000. The Council is authorized to transfer funds to such Federal, State, or local government agencies as it deems necessary to carry out the studies and analysis authorized in this section.

(g) The Upper Mississippi River System consists of those river reaches containing commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois.

(h) Except for the provisions of section 307 of this Act, and necessary operation and maintenance activities, no replacement, construction, or rehabilitation that expands the navigation capacity of locks, dams, and channels shall be undertaken by the Secretary of the Army to increase the navigation capacity of the Upper Mississippi River System, until the master plan prepared pursuant to this section has been approved by the Congress.

(i) The lock and dam authorized pursuant to section 307 of this Act shall be designed and constructed to provide for possible future expansion. All other construction activities initiated by the Secretary of the Army on the Upper Mississippi River north of Cairo, Illinois, and on the Illinois River north of Grafton, Illinois, shall be initiated only in accordance with the guidelines set forth in the master plan.

SEC. 309. The Secretary of the Army, acting through the Chief of Engineers and in consultation with the Secretary of Transportation, shall within 120 days of the date of the enactment of this Act, promulgate final regulations in the Federal Register implementing nonstructural improvements designed to minimize congestion, and thereby extend the useful economic life of all locking facilities on the Illinois River and Mississippi River. Such improvements shall include, but shall not be limited to, specifications covering tow size and configuration, lockage priorities, traffic scheduling, and lockage aids such as switchboats.

SEC. 310. As used in this Act, the term—

(a) "user charges" means a charge established by the Secretary of Transportation, under the authority of section 303 of this Act, to be paid by the owner or operator of shallow-draft cargo vessels that use the inland waterways of the United States for commercial purposes;

(b) "inland waterway of the United States" means any improved waterway operated and maintained by the United States, the improvements to which are primarily for the use of commercial vessels other than ocean-going vessels, and does not include the Great Lakes, their interconnecting channels, and the Saint Lawrence Seaway; and

(c) "commercial users" means common, contract, or other carriers for hire and owners or operators of private shallow-draft cargo vessels.

TITLE IV—MACROECONOMIC INLAND FREIGHT TRANSPORTATION STUDY

SEC. 401. This title may be cited as "The Comparative Macroeconomic Inland Freight Transportation Study Act of 1977."

SEC. 402. The Congress finds that there is a need to determine the competitive effect of Federal and State subsidies, direct and indirect, and taxes on the different modes of inland freight transportation.

SEC. 403. The Secretary of Transportation is directed to conduct a thorough and complete study regarding the economic impact and competitive effects of taxes, subsidies, user fees, and other similar charges on the different modes of inland freight transportation. Such study shall include an analysis of the amount and competitive effect of Federal and State subsidies, direct and indirect, and taxes on the different modes of inland freight transportation, and the types of user charge, if any, that would be equitable to all modes.

SEC. 404. The Secretary of Transportation shall submit to the President and the Congress a final report containing the results of the study conducted under subsection 403 within eighteen months after the date of enactment of this Act. Such report shall include such recommended legislation and administrative actions as the Secretary deems necessary and appropriate.

SEC. 405. There are authorized to be appropriated not more than $1,000,000 to the Secretary of Transportation to carry out the purposes of this section.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAVEL. Mr. President, I ask unanimous consent that 500 copies of the bill as passed be printed for the use of the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical and clerical corrections in the bill as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I would like to take this moment to thank the leader of the minority, Mr. DOMENICI, who really performed very well on this bill.

I also would like to thank the staff on the majority side, Ann Garrabrant and

Dick Harris, and on the minority side, Harold Brayman and others, who participated in a fine presentation. I thank particularly the chairman of the committee (Mr. RANDOLPH).

Mr. ROBERT C. BYRD. Mr. President, I thank the managers of the bill on both sides of the aisle (Mr. GRAVEL and Mr. DOMENICI) and also the chairman and ranking member of the committee and other members of the committee, for the superb job they have done in managing the bill; and prior to that, for their way of conducting the hearings and marking up the bill and making it possible for the Senate to act so quickly.

Mr. GRAVEL. I thank the majority leader. I am happy to have contributed to his keeping on schedule.

Mr. BAKER. Will the Senator yield so I may join the majority leader in paying my respects to the Senator from Alaska and the Senator from New Mexico for their outstanding performance on the floor today. They successfully shepherded a controversial piece of legislation through the Senate in a remarkably short time, given the complexity of the measure. I extend to them my congratulations, as I do to the staff who assisted them in that matter.

Mr. GRAVEL. I thank the Senator and I yield the floor.

INTELLIGENCE AUTHORIZATION ACT, 1978

The PRESIDING OFFICER. Under the previous order, the Senate will turn to consideration of S. 1539, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1539) to authorize appropriations or fiscal year 1978 for intelligence activities of the U.S. Government, the Intelligence Community staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. CASE. Will the Senator yield for a unanimous-consent request?

Mr. INOUYE. I am happy to yield.

Mr. CASE. I ask unanimous consent that during consideration of this bill, the members of the committee staff designated by me under Senate Resolution 60 be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that the following staff members of the Committee on Intelligence be granted the privilege of the floor during consideration of this measure and during any votes, if any, on the bill: William G. Miller, Earl D. Eisenhower, George Pickett, Daniel Childs, Michael Epstein, Mark Gitenstein, David Bushong, Elliot Maxwell, and Thomas Moore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, this authorization bill marks an important milestone, because this is the first time that the Senate will be able to vote specifically on moneys for intelligence activities of the United States.

During this past year, the Select Committee on Intelligence devoted a great deal of time and effort examining all aspects of the U.S. intelligence system. The Budget Authorization Subcommittee, chaired by Senator WILLIAM D. HATHAWAY, the distinguished Senator from Maine, spent many hours during the last few months reviewing in detail the intelligence community's fiscal year 1978 resource needs. This included, among other things, an item-by-item review of all covert action activities—their cost, risk, and relevance to U.S. policy.

As Members of the Senate are aware, on behalf of the committee, I sent a letter on May 17 to each Senator informing him that consistent with the provisions of Senate Resolution 400, the committee's classified report detailing the items contained in the authorization bill would be available for any Senator's review in the committee offices, G–308, Dirksen Senate Office Building. We have tried to make it possible for every Senator in the Senate to have the opportunity to review in detail the provisions contained in the authorization for intelligence activities.

(At this point, Mr. DECONCINI assumed the chair.)

Mr. INOUYE. Mr. President, the present bill before the Senate does not contain any budgetary information because the committee is prohibited from disclosing any budgetary information on U.S. intelligence activities at this time. Pursuant to Senate Resolution 400, the Senate will, at a later time determined by the leadership, take up the question of whether an aggregate figure for U.S. intelligence activities should be disclosed is in the public interest.

I want to thank the Senate Armed Services Committee and particularly Chairman JOHN STENNIS for the cooperation that he has shown in this first year of the committee's life. We have been pioneering in many respects in this first authorization. New problems arose every step of the way. Senator STENNIS and his fellow committee members were able to help us meet some of the jurisdictional problems and resolve them in a way which I think is in the best interest of the Senate.

Mr. President, it is my understanding that in the next few weeks the House will create a counterpart committee to the Senate Select Committee on Intelligence. In the event that the House does create a counterpart committee, next year the authorization bill will be referred to that committee for consideration and appropriate action. This year, however, in the absence of a House counterpart committee, the matters contained in the authorization bill were handled by the Armed Services Committee and Appropriations Committee of the House.

Senate Resolution 400 has proved to be a reasonable set of guidelines for the work of the Senate Select Committee on Intelligence. It has provided a way which makes it possible for the Senate through its designated committee to have access to necessary information to write an authorization bill for necessary secret activities. Further, Senate Resolution 400 enables every Senator to have access to this information. In my view, this process is a significant step in enabling necessarily secret activities to be conducted within a constitutional framework. This is a great advance from the practice of years past.

Finally, I want to commend Senator HATHAWAY and the members of the Subcommittee on Budget Authorization for the excellent work they have done this past year in making an authorization process for the intelligence activities for the United States a practical reality.

Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. INOUYE. I am very happy to yield.

Mr. HARRY F. BYRD, JR. Mr. President, this year for the first time the Senate is considering legislation to authorize a budget for the Intelligence community. Senate Resolution 400 passed during the last Congress established the groundwork for this legislation.

I would like to commend the distinguished Senator from Hawaii (Mr. INOUYE), for his leadership in this pioneering effort during this first year. I feel that the policies and procedures which he has established will enhance our intelligence capability which is so important to our national defense.

One provision of Senate Resolution 400 is especially important and I call the attention of my colleagues to subsection 3(b). This section provides that any committee chairman may request sequential referral of legislation reported by the Intelligence Committee when overlapping jurisdictions exist.

To quote specifically from Senate Resolution 400:

"(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee.

Many of the matters in the bill, S. 1359, reported by the Intelligence Committee this year are within the jurisdiction of the Senate Committee on Armed Services.

However, there are two committees that worked together during the consideration of this bill and in areas of concurrent jurisdiction we are in complete agreement.

I speak today as chairman of the Subcommittee on Intelligence of the Armed Services Committee and for the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), in saying we do not intend to ask for sequential referral of the intelligence bill to the Armed Services Committee this year.

I do want to emphasize that both the chairman of the Armed Services Committee and the chairman of the Intelligence Subcommittee, the Senator from Virginia, considers the provision in Sen-

ate Resolution 400 which permits sequential referral to be a very important provision which may be exercised in future years. It is being voluntarily waived this year.

In ending, I would like to reiterate my strong endorsement of the work done by the Senate Select Committee on Intelligence and I look forward to working even more closely next year.

Mr. BAYH. Will the Senator yield?

Mr. INOUYE. Mr. President, I would like to thank my able friend from Virginia for his kind words and, once again, commend his subcommittee and commend the Committee on Armed Services for the work they have done in the past and to thank them for the cooperation they have shown this year.

They have been extremely helpful to this new baby committee and I thank them very much.

I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I would just like, as a member of the committee, to express my deep appreciation for the way in which our chairman has handled his very difficult role as chairman of the committee at a time in which there was significant question as to whether this committee could work and do its job.

I think because of his leadership we have been able to do that. I think we all owe him a debt.

Also, I would like to reiterate what he said relative to the exceptional way in which the distinguished Senator from Maine handled his responsibility which brings us to this moment with the authorization of the budget.

Mr. President, the Intelligence Authorization Act, reported by the Select Committee on Intelligence, is a landmark in the development of congressional oversight of U.S. intelligence activities. The committee, and especially Senator HATHAWAY'S Budget Subcommittee, has done a thorough and responsible job in reviewing the intelligence programs for the next fiscal year. The committee's deliberations included the most sensitive activities. As a member of the committee, I strongly endorse passage of the Intelligence Authorization Act. I share the committee's view that the bill represents a reasonable balance between necessary intelligence requirements and prudent cost.

I would also like to call attention to one particular provision of the bill. Section 101(c) states:

> Nothing contained in this Act shall be deemed to constitute authority for the conduct of intelligence activities which are not otherwise authorized by the Constitution and laws of the United States.

The purpose of this provision is to make sure that the executive branch does not consider the Intelligence Authorization Act as a substitute for charter legislation. The act authorizes that funds be appropriated for the conduct of certain intelligence activities. It does not authorize the activities themselves.

At present, the intelligence activities for which funds are authorized by this act rely for their legal authorization upon a combination of statutes and executive orders. The Select Committee on Intelligence is engaged in a comprehensive study, pursuant to the mandate of Senate Resolution 400, of the need to replace these statutes and orders with a new framework of legislative authority.

If such a legislative charter is enacted, it will be possible to key annual authorizations to its terms. This will make it easier to understand the basic elements of the programs covered by the annual authorizations. In the interim, the select committee has used very general language to describe the activities for which funds are authorized. The details have been left to a classified report, available to each Senator.

I hope the Members of the Senate will understand why such a procedure has been necessary.

There is another item I think is important to discuss briefly at this time as a member of the Select Committee on Intelligence, I voted with the majority of the members of that committee to recommend that the Senate disclose the aggregate amount of funds appropriated for national foreign intelligence activities for fiscal year 1978. I urge the Senate to adopt that recommendation in the near future. Disclosure of this aggregate amount would fulfill our constitutional obligation to publish a "regular statement and account of the receipts and expenditures of all public money." It would do so without impairing the security of the United States or the effectiveness of our intelligence community.

First of all, let me stress what the Senate is not being asked to do. The select committee does not recommend disclosure of the budgets of each of the particular intelligence agencies which fall within the aggregate amount. This solves many of the problems raised by the opponents of disclosure. For example, former CIA Director Colby argued that publication of the CIA budget at the time of development of the U–2 aircraft might have given valuable information to our adversaries. But experience demonstrates that the aggregate amount for all national foreign intelligence activities would not identify such particular new programs, so long as the figure is not broken down agency-by-agency.

Ray Cline, who served as Deputy CIA Director for Intelligence from 1962 to 1966 and later as Director of the State Department's Bureau of Intelligence and Research, has put the matter this way:

> In my view, a very broad program budget giving only the total of national intelligence expenditures could be published annually without giving more than marginal advantage to foreign intelligence agencies. Our society is so open that any sophisticated espionage organization can easily determine the general dimensions of the U.S. national intelligence program.

Dr. Cline concludes—I believe correctly—that:

> The marginal value of this information over and above what Soviet and other spies can now get is so small that it is less important than the gain in Congressional and public confidence in the accountability of our intelligence system that probably would come from publication of total budget costs. In the public media these are usually grossly exaggerated.

The Senate has established two select committees to examine this matter. Both have reached the same conclusion. The committee chaired by Senator CHURCH concluded "that publication of the aggregate figure for national intelligence would begin to satisfy the Constitutional requirement and would not damage the national security." Our committee undertook to review the issues in detail and reached the same conclusion. Each committee found the arguments for continued blanket secrecy not to be persuasive, particularly when weighed against a specific constitutional principle.

If the Constitution were silent on the question of the disclosure of how the taxpayers money is spent, we might have greater leeway.

But the Constitution imposes a specific duty, and we must make every possible effort to perform it. Therefore, secret expenditures cannot be justified merely on the grounds of convenience or utility. To rest the case for secrecy on such grounds would violate one of the fundamental principles of free government—the people's right to know.

Many of my colleagues are reluctant to face this constitutional question. They take the position that it is for the Supreme Court to decide constitutional issues. But the Constitution of the United States is more than a body of law applied by the courts. It speaks directly to each branch of government. Where the courts fail to decide a question because it is not suitable for judicial determination, the other branches must make certain that their own actions conform to basic constitutional principles.

This is the case with the issue before us today. In 1974 the Supreme Court ruled that an individual taxpayer did not have standing to raise the question of intelligence budget disclosure in the judicial forum. Some have suggested that we pass legislation granting such standing to an individual taxpayer, so that the Supreme Court could resolve the issue. However, even if we did this, it would not relieve us of the primary obligation to abide by the Constitution pending a Supreme Court decision.

The Constitution imposes upon us a duty beyond our ordinary legislative responsibilities. We must consider not only our personal or political preferences, but also the basic principles which underlie our form of government and are expressed in its founding charter. Of course, as with almost every difficult Constitutional question, the answer cannot be framed in absolute terms.

The Constitution specifically recognizes the need for secret legislative action in some cases. It requires each House to publish from time to time a journal of its proceedings, "except such parts as may in their judgment require secrecy." However, where the expenditure of public money is at stake, no similar restriction upon publication is mentioned. This accords with the belief that the people have a right to know how their taxes are being spent.

But that right, too, is not absolute. Congress is empowered to determine the exact form a "regular statement of account" shall take. In the course of our history, the Congress has used this power to preserve the secrecy of particular detailed expenditures. Although history cannot validate an unconstitutional practice, it does suggest that there is sufficient flexibility in the Constitution to allow a degree of secrecy.

The Constitution is a living document which must be interpreted to meet changing circumstances, so long as its fundamental values are kept intact. But it is those values—and not the claims of short-run expediency—that should guide our decisions. After World War II, the great crises of international affairs led our predecessors to disregard the constitutional implications of secret expenditures for intelligence activities. The issue did not receive attention until recently. Now that we have studied the question, we have an obligation to draw the line between secrecy and disclosure with great care. I am convinced that we would be delinquent in our duty under the Constitution if we adopted a blanket policy of secrecy not based on grounds of compelling necessity.

The Intelligence Committee, on the basis of its study thus far, believes that there may be a compelling necessity for keeping secret the details of expenditures for national foreign intelligence activities. But it has concluded not only that there is no compelling necessity for keeping the aggregate amount secret, but also "that there is little or no risk to the national security posed by such disclosure."

Those who favor secrecy cite the testimony of the current Director of Central Intelligence, Admiral Turner, who admitted that "the natural inclination of every intelligence officer is to withhold as much information as is reasonable because there is a risk in every disclosure . . ." But as Director of Central Intelligence, Admiral Turner is not an ordinary intelligence officer. He and the President—and we in the Senate—have a much broader perspective.

As Admiral Turner told our committee,

"We are a free and open society. It is appropriate that our citizens be kept well informed of the activities of their government. They are in fact, the best oversight body in the prevention of any possible excesses of governmental action. The public's right to understand the workings of our intelligence process is a part of their being adequately informed of our governmental process. Some compromise then is necessary between the risks of giving the enemy an unnecessary advantage over us and of protecting the basic openness of our society. Accordingly, President Carter has directed that I not object to your releasing to the public, the single overall budget figure of the U.S. intelligence community."

In fact, as the committee's report points out, the President authorized Director of Central Intelligence Turner to disclose the aggregate figure in the committee's open hearing. This was not done at our request, so that we could carefully study the possible consequences before such disclosure took place.

The question, then, is whether the Senate will fully support the efforts of the President, Admiral Turner, and its own Select Committee on Intelligence to achieve a better balance between secrecy and disclosure than has existed in the past. The basic issue does not just involve budget disclosure. It will determine how the public views our whole approach to national intelligence problems. Are we going to draw the lines carefully, taking fully into account the requirements of the Constitution and the values of a free society? Will we take responsibility for making hard choices which do not have much political payoff? Or will we signal to the American people that national intelligence is so sacrosanct that, even when the President and the Director of Central Intelligence accept the need for change, the Senate will go back to business as usual?

Excessive secrecy was at the root of the abuses of power uncovered by the Church committee. That committee concluded in its report on "Intelligence Activities and the Rights of Americans," "secrecy should no longer be allowed to shield the existence of constitutional, legal and moral problems from the scrutiny of all three branches of Government or from the American people themselves."

Disclosure of the national intelligence budget is a step in that direction. It will help clarify the public debate by refuting exaggerated notions of intelligence expenditures. It will put into better perspective the overall function of our national intelligence programs, so that we can move on to the important task of developing a firm legislative foundation for those programs. It will build confidence in the ability of the Senate to address these major legislative responsibilities with full respect for constitutional principles.

The credibility of the executive branch is not at stake here. The President and Admiral Turner have taken themselves out of the line of criticism by agreeing to intelligence budget disclosure. Instead, the credibility of the Senate is at stake. We are in the midst of a long and difficult process of drafting and enacting charters for the U.S. intelligence agencies. That is the mandate of Senate Resolution 400, which established the Select Committee on Intelligence. We will be engaged in tough negotiations with the executive agencies over the terms of charter legislation. In these efforts we need to know that we have the support of the Senate in making hard decisions on the basis of classified or confidential information which cannot come out in public debate or when the charters reach the floor.

Mr. President, I urge my colleagues to consider these larger implications of our decision. Today we believe the oversight of intelligence activities being provided by our committee is adequate to the task. The Budget Subcommittee under Senator HATHAWAY has done an outstanding job of reviewing the programs of the agencies. Senator STEVENSON's Subcommittee on the Quality of Intelligence is conducting studies which, I believe, will contribute significantly to the improvement of the effectiveness of the intelligence community's performance. Senator HUDDLESTON's Charter Subcommittee and my Subcommittee on Intelligence and the Rights of Americans are deeply involved in the development of major new legislation. I do not want to see the momentum behind these efforts cut back. Nevertheless, this could be the effect of a decision by the Senate to disregard the select committee's recommendation on budget disclosure. The tasks we are engaged in are too important for the future of this Nation and for the long-term effectiveness of our intelligence programs for this to happen.

Mr. INOUYE. I thank the Senator very much.

Mr. President, I yield to the Senator from Colorado.

Mr. HART. I thank the committee chairman.

Mr. President, I want to add my word of congratulation to the full committee chairman and to the distinguished Senator from Maine (Mr. HATHAWAY) for his efforts as chairman of the Subcommittee on the Intelligence Budget.

He devoted himself unstintingly to establishing the first comprehensive congressional review of the intelligence budget.

Not only is this the first time that Congress has reviewed the intelligence budget as a whole, this is the first time that there has even been such a budget. Until now, spending on national intelligence has been fragmented among various agencies and departments, a practice which made duplications of effort hard to identify and comparisons of various intelligence programs virtually impossible.

Because this is a new effort, the committee has moved with care and deliberation in its review of the intelligence budget. It did not attempt to set some radically different direction in intelligence or impose a new set of priorities.

Nevertheless, this first review has convinced me that the budget authorization process will become one of the Select Committee on Intelligence's most effective and valuable tools in fulfilling its mandate to provide continuing oversight. The committee review of intelligence spending, however, is not without its challenges. Let me briefly outline some of the key issues: It proved unsatisfactory to approach the intelligence budget by concentrating solely on the major items. That is because many intelligence initiatives of large potential consequences can be undertaken at relatively low cost. In short, a very small budget item could create a very large controversy. Thus the committee found itself examining small budget items that would otherwise be unlikely to receive congressional scrutiny in these days of $400 billion annual budgets.

Intelligence also does not lend itself readily to either unit cost or similar measures of cost effectiveness. How much is an item of critical intelligence worth? A key piece of intelligence about a Soviet missile system, for example, could affect billions of dollars of our own defense spending. But that characteristic of intelligence cannot be allowed to lead to a willingness to fund collection at any cost.

The committee also found it was difficult to make budget comparisons between various means of collecting intelligence,

because both the techniques and results are so different. For example, it is difficult to measure the value of a million dollars allocated to the National Security Agency for electronic communications collection, and the same amount devoted to the more conventional human source collection which is the responsibility of the CIA. But this is the first year we have had a consolidated national intelligence budget and we can hope that the tools for making these comparisons will become more refined in the coming years.

Finally, the business of intelligence is an ongoing one so it is primarily a level-of-effort, rather than programmatic, budget.

It requires careful scrutiny to identify the key trends and then to try to reach some sort of conclusion about whether or not this is the direction in which we should be going.

Despite these problems, Mr. President, I believe that the budget review will prove its worth as one of the Senate's most effective tools for oversight and control over our intelligence operations. I close by urging the Senate support for this measure, our first authorization of the national foreign intelligence budget.

Once again, I thank the full committee chairman, the Senator from Hawaii, and the subcommittee chairman, the Senator from Maine.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield to the Senator.

Mr. CHURCH. First, I commend the distinguished chairman of the Senate Intelligence Committee for bringing this bill to the floor, and I commend other members of the committee who have been busily engaged in sorting out the work that the committee must do.

I know, from my conversations with the chairman, that the committee has addressed itself, first of all, to the question of the budget; that the committee has gone carefully through that matter, line by line, and, for the first time, has taken an overview of the money we authorize to finance the whole of the intelligence community. For this, I commend the chairman.

As the chairman knows, we have not yet had the overall figure, the aggregate figure, made public; nor does this bill contemplate doing that. Nevertheless, the issue must be faced. I know that the committee intends to place that issue before the Senate a few weeks from now. I hope that at that time the Senate recognizes that the practice of concealing this figure, in effect, both from Congress and the American people, constitutes a violation of the Constitution of the United States. It is a practice that should be stopped on that ground alone.

However, beyond the constitutional requirement for making public the expenditure of taxpayers' money, we have the testimony of every former Director of the CIA that the disclosure of the aggregate figure would constitute no serious security risk for this country. In the face of that testimony, I certainly hope that the Senate will put to an end the practice of concealment and make the aggregate figure available to all Members of the Senate and to the public at large.

Beyond this, I say to the chairman that I think that the first priority, after the question of the budget and its proper handling has been settled, is the reforms that were so clearly shown to be needed by the investigation of the select committee, all of which have been turned over now to the permanent committee for implementation.

Many months have passed. I understand that the permanent committee has been preoccupied by considerations of the budget and has had to put its own house in order. But I express the hope that we now can move forward, once these matters have been settled, to the serious problem of considering statutory protection for the constitutional rights of American people, which were shown to be so badly disregarded by practices of these agencies in the past; and, finally, that we shall have charters that properly define the jurisdictional limits of these agencies in which we have confided so much power and which we permit to operate in so much secrecy.

After all, our first consideration must be the preservation of a free society in this country.

As one who directed the investigation of abuses in the intelligence field, I just wanted to express to the able chairman the hope that these reform measures will be considered soon and that bills will be reported to the floor in an orderly and forthcoming way.

Mr. INOUYE. Mr. President, I thank my able friend for his generous remarks. I assure him that, at this moment, the special committee headed by Senator HUDDLESTON is actively working on charters and guidelines and has been at work for a year.

In fact, we were ready to report a measure a month ago, but the President of the United States requested that we lay this matter aside for the time being until he, in turn, had received a report from the intelligence agencies. The President has received this report, and we will soon be ready to enter into in-depth discussions with the Executive Office.

Mr. CHURCH. I am glad to hear that. I want the Senator to know that I speak today to praise him for the work he has done and to express the hope that that work continues to go forward and that we will begin soon to grapple with the very serious need for reform that our investigation exhibited.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield.

Mr. HUDDLESTON. Mr. President, I wish to reiterate what the distinguished chairman has stated: The Subcommittee on Charters has been active and diligent, working on individual charters for each of the entities of our intelligence community, as well as a proposal for restructuring the entire community. We have been in constant contact with the executive branch, and we are working toward what we believe will be very important pieces of legislation. These will be offered to this body before the year is over.

Mr. CHURCH. I am happy to know that and to hear it from a Senator who was a valued member of my committee. I appreciate the importance that he would attach to that task. I look forward to the finished product. I commend him for his work.

Mr. HUDDLESTON. I thank the Senator.

Mr. President, as a member of the Select Committee on Intelligence, I add my commendation of our distinguished committee chairman, the senior Senator from Hawaii, for the outstanding work he has done. I also commend the subcommittee chairman, the junior Senator from Maine, and his ranking member, the Senator from Wyoming (Mr. WALLOP) for their work on the measure we are now considering.

As has been pointed out by my colleagues, this is a historic occasion. Not only is this the first time that the Senate has been asked to authorize funds for our intelligence operations, but this is also the first time that every Member of this body has had an opportunity to review an extensive report detailing the various activities for which these funds are sought.

This is another step in the very important job we have to do to strengthen our intelligence operations, to give them the legitimacy they deserve and to bring them out of the shadows, to the extent possible consistent with the security requirements of this Nation.

We all recognize that in the world in which we live today, we have to have efficient and effective intelligence-gathering agencies. All policymakers need the information that these vital organizations supply.

We all recognize, too, there are certain activities that have occurred in the past that ought to be restrained, or restricted, or even totally eliminated. It is toward this objective that the committee continues to work.

But here today we have taken an important step assuring that these necessary and important activities are made accountable to the Senate and to the American people, and we are doing it without in any way jeopardizing the security interests of the United States.

I commend the subcommittee that has brought us to this point and I want to repeat my thanks to our distinguished chairman.

Mr. CHAFEE. Mr. President, will the Senator yield me a couple of minutes?

Mr. INOUYE. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to join in the tributes to the able work of our chairman of the Intelligence Committee on which I have the privilege of serving.

I also would like to pay tribute to the vice chairman of that committee, Senator GOLDWATER, because between these two gentlemen they run the affairs of that committee with a very even hand, and I think we can assure the Members of the Senate and the public-at-large that that committee is vigorously overseeing the intelligence community, seeing to it that both the rights of Americans, that the Senator from Idaho was concerned about, are protected, but also

seeing that we are receiving the best possible intelligence service that our Nation can provide.

So I would like to join in this tribute to the leaders of that committee and also to the chairman of the Budget Subcommittee on which I had the privilege of serving for a while, the junior Senator from Maine.

I thank the Chair.

Mr. INOUYE. I thank the Senator.

I wish to yield to the Senator from Maine, Senator HATHAWAY, my distinguished colleague, upon this historic day.

Mr. HATHAWAY. I thank the Senator.

Mr. President, first of all, I would like to thank all of those who have extended commendations. I pass on the lion's share of those commendations to the excellent staff members we had working with us in the subcommittee, both those assigned to the subcommittee and those to the full committee. I want to name the following staff members who worked with skill and dedication on this authorization process: William Miller, Earl Eisenhower, Thomas Moore, Michael Epstein, Elliot Maxwell, Jean Evans, Edward Levine, George Pickett and Dan Chilos. But I think at one time or another almost all of the members of the staff on both the subcommittee and the full committee were involved in this effort, and since it was a first-time effort on behalf of most of us, although some members of the full committee have served on the previous Church committee, it was a novel experience for us, and it took many, many hours for us to penetrate and to understand the entire intelligence community. I am not sure that all of us, including myself, know all we want to yet. Nevertheless, I think with the aid of the experts we had on our staff, we have been able to come up with an authorization that is realistic.

I would also like to extend to Chairman INOUYE, Senator GOLDWATER, Senator WALLOP and the other members of the committee my thanks for their cooperation and for their dedication for the long hours they put in through hearings and investigation as well as the markup on the bill we have before us.

(At this point Mr. BURDICK assumed the chair.)

Mr. HATHAWAY. This is the first time in the 200-year history of this body that a separate budget authorization bill has been introduced for intelligence.

This bill authorizes appropriations for those intelligence activities of the U.S. Government which serve the intelligence needs of our national policymakers, as well as certain military intelligence activities which, although integral to the military force structure, also make significant contributions to national intelligence.

This bill represents the culmination of months of detailed analysis of each of the major intelligence programs and their resource requirements. Between February and April of this year, the Budget Authorization Subcommittee undertook a series of comprehensive hearings on the fiscal year 1978 budget request. Testimony was given by all managers of intelligence organizations and activities in the Government. This included such individuals as the Director of Central Intelligence, the Attorney General, the Acting Assistant Secretary of Defense for Intelligence and the Directors of DIA, NSA, and a number of special intelligence activities.

More than 45 hours of hearings took place involving over 500 questions for the record and 1,300 pages of testimony. In addition some 2,000 pages of written program justification material was provided to the committee and its staff by the executive branch.

The committee found that understanding the scope of U.S. intelligence and making judgments on its resource needs are extremely complicated tasks, for a number of reasons that are perhaps unique to the world of intelligence:

First. The intelligence budget, although relatively small by comparison to other Government programs, is extremely complex; its activities cover a broad spectrum, ranging from normal administrative and housekeeping functions to activities requiring the application of highly sophisticated technology;

Second. Intelligence by its very nature requires a certain amount of built-in redundancy and duplication; and

Third. It is difficult to evaluate the relative value of the contribution of many activities to the national, departmental or military decisionmaking.

On the whole, the committee was persuaded that the intelligence community is well-managed and the American taxpayer is receiving a good return on his investment. The committee believes that, in general, the intelligence community is highly responsive to the needs of decisionmaking in the formulation of foreign and military policy.

The committee's budget recommendations for fiscal year 1978 provide sufficient resources to reverse the trend of the past several years, which has seen the impact of inflation erode the purchasing power of intelligence. It also provides for some growth to modernize existing capabilities and to begin certain new initiatives which will be required to keep pace with our intelligence needs in the 1980's. At the same time, the committee was not convinced that the total amount requested for fiscal year 1978 was fully warranted, and has, therefore, recommended the deferral of certain proposals and the elimination of others.

Because of the sensitivity of our intelligence operations and the potential for compromise through countermeasures by our adversaries, I cannot discuss in open sessions the details of the committee's recommendations. These have been set forth in a classified committee report which has been available for review by any Member under the provisions of Senate Resolution 400. Copies are currently available in the Vice President's Ceremonial Room just off the Senate gallery for those Members who might still want to look at them before we vote on final passage.

In summary, Mr. President, I would like to say that to a large extent we have all been exploring uncharted waters during the past year in our efforts to strengthen legislative oversight of intelligence. I am convinced that appropriate mechanisms have been established to ensure effective oversight and accountability. I am equally convinced that the budget authority recommended in this bill for intelligence activities for fiscal year 1978 represents a realistic balance between needed intelligence capabilities and the cost of obtaining them.

Mr. GOLDWATER. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I would be very happy to yield to my vice chairman, the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I cannot let this opportunity pass without commending the Senator from Hawaii. In my many years in the Senate I have served under many people in the capacity of chairman, and I never had the pleasure of serving with such a dedicated man as the Senator from Hawaii.

He understands the seriousness of intelligence; he has joined us together with a very fine staff in a way that the Senate can be proud of.

I was very happy to hear the distinguished Senator from Maine commend the intelligence community that we oversee. I do not agree entirely with a former member of the committee on which I served. We have had bad intelligence and we have been abused by intelligence, but intelligence is a necessary function during war. It is even more important during peace. We can keep peace with adequate intelligence, but we cannot keep peace nor can we expect the best out of people if we continually harass them in the press, television, and radio.

I would hope that that day has come to an end with the recognition that this committee is going to surveill everything that takes place in the intelligence community, and that we can begin to recognize the fine intelligence we have been able to provide our forces in peace and in war.

I look forward to serving a long time with my friend from Hawaii in spite of certain remarks he has made to me. I will say "Aloha" as you go home this evening.

Mr. MATHIAS. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. I yield.

Mr. MATHIAS. I want to associate myself with the Senator's remarks and commend the chairman of the committee for the kind of leadership he has given us.

I would particularly like to point to the kind of emphasis he has put on the quality of intelligence, because that is, after all. the ultimate function of our committee, to make sure that this country has the quality of intelligence which makes it possible for us to carry out the duties of Government as they are defined by the Constitution of the United States.

I think the chairman has that very clearly in mind, and we are gratefully in his debt for the kind of leadership he has given the committee.

Mr. INOUYE. Mr. President, it is my good fortune and privilege to serve with the Senators from Arizona and from Maryland.

Much has been said about the good work I am supposed to have done, but needless to say, any chairman who is

successful is successful because he has a good committee.

Oftentimes we Senators have been given labels as conservative or liberal, but I found in the year of working on the Intelligence Committee these labels have very little meaning whatsoever.

I think only one label applies when we serve on this committee: Our concern for America's defense; our concern for America's security; and our concern for the rights of our citizens.

Before yielding the floor, I once again commend the subcommittee chairman, Mr. HATHAWAY, for a great job he has done for this historic moment.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. INOUYE. I yield to the Senator from Wyoming.

Mr. WALLOP. Mr. President, I shall only add my own endorsement to my colleague's remarks. It has been a particular privilege for me as a freshman Senator to have been appointed to serve on the Select Committee on Intelligence and even more so, to serve with the distinguished Senator from Maine as vice chairman of the Budget Subcommittee.

I think we have learned a great deal in our examination of the intelligence budget. We have approached the task with a considerable amount of serious thought and I believe the results of our effort has been good.

Intelligence is a critical asset to the establishment, implementation and protection of U.S. policies to provide for our national security. As such, it deserves our rigorous attention to protect and enhance its capability. It also, however, requires our constant and careful attention because of the unique and potential contradictions which can develop between the inherent need for secrecy in intelligence on the one hand and the requirements of this democratic society for open and public exchange of information about its Government and what it is doing.

This committee and this bill represent a first attempt to blend these two requirements in the legislative arena. The protection accorded to sources and methods has been impressive both to me and to others. The attention to controlling intelligence and preserving the rights and liberties of U.S. citizens have been given equal if not greater treatment by the members of this committee.

I thoroughly endorse the statements of my colleagues and feel that this bill deserves the unanimous support of the Senate.

I only wish to add my endorsement to Senator GOLDWATER'S remarks, express my own respect to Senator INOUYE as chairman of the committee, and communicate my respects to my friends and thank them very much for the work we have been able to do together.

Mr. HATHAWAY. I thank the Senator.

I return the compliment because I have enjoyed working with the Senator from Wyoming.

Mr. CASE. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, how can a man sit in this Chamber and not join in this happy occasion?

I am not joking about it at all. It is a happy occasion. The experience we have had in getting better acquainted with each other on the committee and with the assistance of a wonderful staff, headed by Bill Miller and comprised of men and women, any one of whom we have the utmost confidence not only in their discretion but in their ability, and the relationships that we are building with the executive branch are occasions for very great satisfaction and the leadership that our chairman, his subcommittee chairman, and our ranking minority member, excluding, of course, the present speaker, have provided, has been an inspiration to people who are a little bit skeptical about this whole area.

They need not be, and I hope that our committee will increasingly demonstrate, and I am confident that it will, that it is possible, both to be effectively safeguarded and also not abused.

Mr. INOUYE. I thank the Senator very much.

Mr. President, I wish to yield back all of the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I wish to join others in complimenting the chairman and the ranking minority member of the committee and members of the committee and also the chairman and the ranking minority member of the subcommittee.

I think the country is fortunate and the Senate is fortunate in having at this historic point in time the particular members who make up this extremely vital and important committee.

Having had a rather active part in the creation of the committee through the enactment of Senate Resolution 400, I take exceptional pride in the work that is being done by this committee and exceptional pride in the membership of the committee.

I believe that work of this committee, its supreme dedication to duty and to patriotism have entitled it to the esteem and high regard and respect not only of the Senate but of the country.

I salute the committee and its chairman, and may I say in my judgment the Senate and the country are in the committee's debt.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1978".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1978 for the conduct of the following intelligence activities of the United States Government, as defined in S. Res. 400, Ninety-fourth Congress, second session:

(1) activities of the Central Intelligence Agency;

(2) activities of the Defense Intelligence Agency;

(3) intelligence activities of the Office of the Secretary of Defense;

(4) intelligence activities of the National Security Agency;

(5) intelligence and intelligence-related activities of the military service;

(6) intelligence activities of the Department of State;

(7) intelligence activities of the Department of the Treasury;

(8) intelligence activities of the Energy Research and Development Administration;

(9) intelligence activities of the Federal Bureau of Investigation; and

(10) intelligence activities of the Drug Enforcement Administration.

(b) A classified report shall be prepared by the Select Committee on Intelligence of the Senate to reflect the final action of the Congress with respect to the authorization of funds for fiscal year 1978 for intelligence activities of the United States Government, including specific amounts for activities specified in subsection (a). Copies of such report shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the appropriate entities of the Intelligence Community for which funds are authorized by this Act.

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activities which are not otherwise authorized by the Constitution and laws of the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1978 the sum of $8,950,000 to provide the support necessary to permit the Director of Central Intelligence to fulfill his responsibility for directing the substantive functions and managing the resources of the Intelligence Community.

(b) (1) For the fiscal year beginning October 1, 1977, the Intelligence Community Staff is authorized an end strength of 170 full-time employees. Employees of the Intelligence Community Staff may be permanent employees of such staff or employees detailed from other entities of the Intelligence Community, or may be a combination of permanent employees and employees so detailed.

(2) The Intelligence Community Staff shall comply with the guidelines and policies set forth in the Joint Statement of the Conferees filed in the Senate and the House of Representatives by the Managers on the part of the Senate and the Managers on the part of the House of Representatives with the bill (H.R. 4877 of the Ninety-fifth Congress) providing supplemental appropriations for the conduct of intelligence activities during the fiscal year 1977.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 402) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. (a) There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability System for the fiscal year beginning October 1, 1977, the sum of $35,100,000.

Mr. HATHAWAY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1977

The PRESIDING OFFICER. The clerk will state Calendar Order No. 156, S. 208.

The assistant legislative clerk read as follows:

A bill (S. 208) to amend the Urban Mass Transportation Act of 1964 to extend the authorization for assistance under such Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The time is under control on this bill.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time be charged against the bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

1977 WHEAT AND FEED GRAIN LOAN LEVELS

Mr. ROBERT C. BYRD. Mr. President, I understand that S. Res. 193 has been cleared on both sides for passage by unanimous consent. That is Calendar Order No. 248.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of that measure at this time.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislaitve clerk read as follows:

A resolution (S. Res. 193) relating to the need to increase the loan levels for the 1977 crops of wheat and feed grains.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MUSKIE. Mr. President, currently on the calendar is Senate Resolution 193, a resolution that states:

That it is the sense of the Senate that the Secretary of Agriculture exercise his authority under existing law to increase loan levels for the 1977 crops of wheat and feed grains.

This resolution has major policy implications, and for that reason, as chairman of the Budget Committee, I wish to comment upon it. While Senate Resolution 193 does not require the Secretary of Agriculture to do anything to raise loan levels for wheat and feed grains on the 1977 crops, it does tell him that he ought to raise those loan levels that have already been announced and substantially increase outlays for these 1977 crops. As I pointed out during the consideration of S. 275, the omnibus farm bill, only a few weeks ago, that bill as it passed the Senate will lead to a breach of the first budget resolution for fiscal 1978 by more than $0.5 billion. Now we come along with a sense of the Senate resolution urging more spending which was not contemplated in either the third budget resolution for fiscal 1977 or the first budget resolution for fiscal 1978. From the budget standpoint, I view this as particularly objectionable.

I would demand a rollcall vote to defeat this resolution if I thought that it would have any effect upon the actions required of the Secretary of Agriculture. However, I do not think that it will have any effect. The Secretary of Agriculture has assured me in writing that the administration does not favor this resolution. The Secretary assures me that he does not intend to go above the announced loan levels or those that may be mandated by law.

Let me just briefly point out what could occur in budget exposure if the Secretary of Agriculture chose to raise loan levels to the maximum under current law. This bill does not suggest how high he should go, but does put the Senate on record in urging he use his power to raise loan rates for the 1977 wheat and feed grains crops.

The current U.S. average market price for wheat is at the loan rate of $2.25 per bushel. Therefore, any increase in the loan rate will increase the budget outlays in the agriculture function and will reduce U.S. exports of wheat, because it will raise the U.S. market price. If this occurs, we will have to use export subsidies to make wheat competitive in the world market.

The current loan rate on wheat is above the minimum required by law by $0.88 per bushel. The maximum loan rate for wheat under current law, according to the report of the Senate Agriculture Committee filed with this bill, is 100 percent of parity or $5.09 per bushel. Since this resolution sets no limitation on the loan level, the maximum budget exposure if the Secretary chose to carry out the resolution to the fullest would be about $3 billion above current policy in fiscal year 1977 for loans and export subsidies on wheat alone, according to the Congressional Budget Office. This calculation assumes a loan level of $5.09 per bushel. Admittedly it is not likely to happen with President Carter in the White House, and Bob Bergland as Secretary of Agriculture, but I say this to show what could happen if the Secretary chose to implement the resolution to the fullest extent of his powers. In addition, I might add, the Congressional Budget Office says that there would be an additional $1 billion maximum budget exposure above current policy for fiscal 1978, under the same assumptions.

Increasing the loan level for the 1977 corn crop would also have major budget consequences. Although the projected average corn price for the 1977 crop is above the current loan rate of $1.75 per bushel, any increase in the loan rate will also risk an increase in budget outlays and perhaps also reduce the competitiveness of U.S. corn in the world market.

The current loan rate on corn is $0.65 per bushel above the statutory minimum. The maximum loan rate under current law is 90 percent of parity. According to the report of the Senate Agriculture Committee filed with this resolution, parity for corn is $3.49 per bushel. So if the Secretary increased the loan level for corn to 90 percent of parity, that would be $3.14 per bushel. Since most of the 1977 crop will not be harvested until October 1977, there would be a negligible impact on the fiscal 1977 budget, but the maximum budget exposure for fiscal 1978 could be an increase of as much of $2 billion above current policy for corn loan and export subsidies.

Because we are assured this resolution will not be implemented, and because I do not want to embarrass any colleagues concerning this resolution, I will not ask for a record vote on this resolution.

But this type of resolution is wholly inconsistent with the discipline of the budget process. I hope that we will not be faced with another such resolution which urges the administration to exceed the target levels of budget resolutions that have been agreed to by the Congress.

Mr. President, I ask unanimous consent that a letter dated June 17, 1977, from the Department of Agriculture be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 17, 1977.

Hon. EDMUND S. MUSKIE,
Chairman, Committee on the Budget,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you that this Department opposes S. Res. 193. S. Res. 193 expresses the sense of the Senate that the Secretary should exercise his authority to increase the loan levels for the 1977 crops of wheat and feed grains.

Loan levels for 1977 crop of feed grains have already been increased substantially over those announced by the previous Administration.

The feasibility of increasing 1977 crop loan rates for wheat has also been thoroughly reviewed by the Department and others of the Executive Branch. It was concluded that a further increase in the 1977 loan rate for wheat could not be justified.

The 1977 crop wheat harvest is already in progress. Because any significant increase in loan rates would likely affect market prices, an increase in wheat loan rates at this time would be highly inequitable for wheat farmers who have already sold all or part of their 1977 wheat crop.

In view of the foregoing, we would not expect the Secretary to exercise his administrative authority to increase the 1977 crop wheat and feed grain loan rates, even if S. Res. 193 were adopted.

Sincerely,

JOHN C. WHITE,
Acting Secretary.

Mr. MUSKIE. Mr. President, I ask unanimous consent that a memorandum

with reference to Senate Resolution 193 be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

COMMITTEE ON THE BUDGET,
Washington, D.C.

MEMORANDUM

To: Senator MUSKIE.
From: John Giles and Dan Twomey.
Date: June 17, 1977.
Subject: S. Res. 193, a Resolution Relating to the Need to Increase the Loan Levels for the 1977 Crops of Wheat and Feed Grains.

S. Res. 193 is on the Senate Calendar. The leadership would like to move this to the unanimous consent calendar, but there is currently a Budget Committee hold on the bill.

S. Res. 193 states that it is the sense of the Senate that the Secretary of Agriculture should administratively adjust the price support program in a way that would increase outlays in FY 1977 and FY 1978. There is no comparable House resolution, and the Administration position is that no such administrative change should or will be made. The Department of Agriculture has assured you in writing that the Administration does not intend to increase the announced loan levels.

Staff recommends that you make the attached floor statement indicating your concern about the resolution's implications for the budget process. Staff recommends that you make this statement at your earliest convenience and then permit the bill to be moved to the unanimous consent calendar.

DESCRIPTION OF THE RESOLUTION

S. Res. 193 states (1) "that it is the sense of the Senate that the Secretary of Agriculture should exercise his authority under existing law to increase the loan levels for the 1977 crops of wheat and feed grains," and (2) that "the Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Agriculture."

This resolution does not require Secretary Bergland to do anything and it recommends no specific increase in wheat and corn loan rates. It has policy implications as a Senate recommendation.

The resolution urges the Secretary to use discretionary authority vested in him to increase loan rates under current law (the Agriculture Act of 1949, amended by the Agriculture and Consumer Protection Act of 1973). Under that authority the Secretary could set loan rates for wheat as high as parity ($5.09 per bushel as of May 15) and for corn as high as 90 percent of parity ($3.14 per bushel as of May 15).

Loan rates are the support levels which eligible farmers can receive as Government loans on their crops. Farmers can either repay the loans and redeem their crops, or forfeit the crop in full satisfaction of the loan depending upon the market price and which is more advantageous. Outlays occur when the loan is made. Offsetting receipts occur when loans are repaid or when forfeited commodities are subsequently sold by the Government.

For wheat, the current, U.S. average market price is at the loan rate of $2.25 per bushel. Any increase in the loan rate, therefore, will increase budget outlays and will reduce U.S. exports, because it will raise the U.S. price above the world price. If this occurs, export subsidies will be needed to keep wheat competitive in export channels. CBO estimates that the maximum budget exposure (above current policy) would be about $3 billion for FY 1977 for loans and export subsidies with an additional $1 billion in budget exposure for FY 1978 in wheat.

For corn, the projected U.S. average price for the 1977 crop is above the current loan rate. However, any increase in the loan rate will also increase budget outlays and perhaps also reduce the competitiveness of U.S. corn in the world market. CBO estimates that there would be no FY 1977 impact from this resolution, because most of the 1977 crop will not be harvested until October 1977, but that the maximum budget exposure (above current policy) would be $2 billion in FY 1978. This includes both loan and export subsidies for feed grains.

The following table indicates the relevant information concerning the Secretary's authority to set loan rates for the 1977 wheat and corn crops, and possible budget impact:

1977 crop

	Per bushel	
	Wheat	Corn
Statutory minimum loan rate	$1.37	$1.10
Announced loan rate (current level)	$2.25	$1.75
Statutory maximum loan rate	[1] $5.09	[2] $3.14
Rate of increase loan outlays:		
Fiscal year 1977	[3]	[4]
Fiscal year 1978	[5]	[6]
Maximum budget exposure (CBO estimate):		
Fiscal year 1977	[7] $7	----
Fiscal year 1978	[7] $1	[7] $2

[1] Parity.
[2] 90 percent of parity.
[3] $30 million per 10 cents increase.
[4] No effect (1977 crop year begins October 1, 1977).
[5] $10 million per 10 cents increase.
[6] $50 million per 10 cents increase.
[7] Billions.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas a strong and vigorous agriculture is essential to the Nation's well-being; and

Whereas through the Federal price support program farmers may receive loans on the wheat and feed grains they produce, thereby affording them the opportunity to exercise greater independence in their marketing operations and benefit from price increases for such commodities that often come later in the season after harvest; and

Whereas under existing law the Secretary of Agriculture is authorized to establish loan rates for wheat and feed grains at levels that protect farm income; and

Whereas the announced loan levels for the 1977 crops of wheat and corn are $2.25 and $1.75 per bushel, respectively: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should exercise his authority under existing law to increase the loan levels for the 1977 crops of wheat and feed grains.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Agriculture.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was adopted.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 3849, a bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere and to authorize appropriations for the Committee for fiscal year 1978.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Page 1, line 4, of the Senate engrossed amendment, strike out "15" and insert: "18".

Page 2, strike out lines 1 through 14, inclusive, of the Senate engrossed amendment, and insert: "qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

"(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

"(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy."

Page 2, lines 17 and 18 of the Senate engrossed amendment, strike out "5" each place it appears and insert: "6".

Page 6, line 15, of the Senate engrossed amendment, strike out "$480" and insert: "$520,".

Mr. HOLLINGS. Mr. President, earlier this session the Senate and the House passed different versions of H.R. 3849 (S. 1347), a bill to extend and modify the National Advisory Committee on Oceans and Atmosphere—NACOA. I now am pleased to announce that the relevant Senate and House committees have worked out their differences. A new version of the bill, which includes the amendments agreed upon, passed the House on June 21. It is before us today, and I urge my Senate colleagues to accept it. This agreement eliminates the need for a formal conference on H.R. 3849, and is, I believe, an excellent example of cooperation between the two Houses.

The agreement is to accept the Senate version of the bill, with three important changes.

First, the Members from the Senate and House committees suggest that the number of NACOA members be 18. The Senate version of the bill called for 15 members, the original House version called for 25.

Second, the Members propose a 1-year NACOA authorization of $520,000. The Senate figure was $480,000, the House number $560,000.

Third, we propose new language on the qualifications for NACOA membership. This qualifications section is an especially important part of the NACOA bill. When NACOA first was created in 1971, it was clear that Congress wanted an advisory committee of experts and others

experienced in marine and atmospheric matters, a group that could provide independent and high caliber assistance to both Congress and the Executive. Yet in recent years we have seen the appointment of some people with little or no real knowledge of oceanic or atmospheric matters; in fact, some of these appointments have been made strictly on political grounds. This is clearly unacceptable in the case of an advisory committee whose job is to provide the best possible information and advice. Members from both Houses of Congress, and from both sides of the aisle, have been concerned about this problem and have worked to set new and stricter qualifications for NACOA membership.

The language we propose today is intended to make it crystal clear that we want each NACOA member to be expert or otherwise knowledgeable in either oceanic matters, atmospheric matters, or both. In particular, we want knowledgeable scientists, industry leaders, and State and local officials. We also want others, such as economists, lawyers, and men and women from public affairs—but only if they have some genuine experience or expertise in marine and atmospheric fields. Both Congress and the Executive face some very complex policy problems in these areas, and it is imperative that NACOA members be able to give us the best possible assistance.

Mr. President, I urge my colleagues to accept this new version of H.R. 3849, as passed by the House on June 21.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendments to the Senate amendment.

The motion was agreed to.

ORDER FOR RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 208 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow, the Senate resume consideration of the urban mass transit bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders under the standing order tomorrow, if there be any time remaining prior to the hour of 10:30 a.m., such time be utilized for the transaction of routine morning business, with statements therein limited to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. BAKER. Mr. President, will the majority leader withhold that?

Mr. ROBERT C. BYRD. Mr. President, I withdraw that statement.

Mr. BAKER. Mr. President, I will take only a moment to extend my congratulations to the distinguished chairman of the Intelligence Committee, Senator INOUYE, and the distinguished vice chairman, Senator GOLDWATER, and to all members of the committee who participated in the passage of the first authorization bill to be reported by that committee.

In a way, Mr. President, that is a historic accomplishment, because it represents the first step in the regularization of senatorial oversight and senatorial legislative responsibility, in a unified and coherent way, for the intelligence activities of the Government of the United States.

I think the measure before the Senate today was a good measure. It represented much diligent work on the part of the Intelligence Committee and its staff. It represented a substantial degree of discretion and judgment. It represented the reconciliation of many disputes and controversies with regard to the proper role of Congress relative to the intelligence activities of this country.

In a word, Mr. President, I think the committee performed well; they performed responsibly, and the Senate has just concluded a milestone event in passing this authorization bill. I commend all of those who were involved in this historic endeavor.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, in accordance with the provisions of rule V of the Standing Rules of the Senate, I ask unanimous consent that Mr. BENTSEN be permitted a leave of absence from the business of the Senate today and until such time as he is able to return to the Senate, his absence being necessitated because of the very critical illness of his mother.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY TO SENATOR CRANSTON

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that today is the birthday of the distinguished majority whip, Senator ALAN CRANSTON, and I know my colleagues join me in wishing him many happy returns and many, many more happy and pleasant birthdays.

Mr. BAKER. Mr. President, I do indeed join the distinguished majority leader, and only regret that I did not know until now that today is, as Senator Dirksen used to say, the natal anniversary of the distinguished majority whip, Mr. CRANSTON.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10:15 a.m. tomorrow. After the two leaders or their designees under the standing order have been recognized, there will be a period for the transaction of routine morning business until the hour of 10:30 a.m., at which time the Senate will resume the consideration of the mass transit bill, S. 208; and there is a time limitation agreement thereon.

ORDER FOR NO ROLLCALL VOTES PRIOR TO 12 O'CLOCK NOON TOMORROW

If the distinguished minority leader is agreeable, I will ask unanimous consent at this time that there be no rollcall votes tomorrow prior to the hour of 12 noon, so as to protect committees which may be meeting tomorrow.

Mr. BAKER. I think that is an excellent suggestion.

Mr. ROBERT C. BYRD. I ask unanimous consent accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and in further recognition of the birthday of the distinguished majority whip, Senator CRANSTON, that the Senate stand in recess until the hour of 10:15 a.m. tomorrow.

The motion was agreed to; and at 7:44 p.m. the Senate recessed until tomorrow, Thursday, June 23, 1977, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 22, 1977:

DEPARTMENT OF STATE

Philip Mayer Kaiser, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

THE JUDICIARY

Edward L. Filippine, of Missouri, to be U.S. district judge for the eastern district of Missouri vice John K. Regan, retired.

DEPARTMENT OF JUSTICE

Robert B. King, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years vice John A. Field III, resigned.

Billie Lykins, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years vice Sherman L. Hansford.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Blandina Cardenas, of Texas, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare, vice John Meier, resigned.

CONFIRMATION

Executive nomination confirmed by Senate, June 22, 1977:

DEPARTMENT OF STATE

Milton A. Wolf, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

DR. EDWARD TELLER BACKS TERMINATION OF CLINCH RIVER PROJECT

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. COUGHLIN. Mr. Speaker, very shortly the House of Representatives will be voting on the authorizing legislation for the Clinch River breeder reactor project—a project which has consumed the single largest share of energy research and development funds for several years.

Dr. Edward Teller, one of the foremost nuclear physicists in America, said in a speech before the Edison Electric Institute that—

President Carter was correct in calling for the abandonment of the Clinch River nuclear breeder reactor demonstration project.

Stating that "Clinch River is obsolete before it has been started," Teller also said the proposed project would be a duplication of work already being done in other countries and was likely to produce electricity that is far too expensive to compete with power from other sources.

The Edison Electric Institute is a major trade association of utility companies which have supported the Clinch River project.

An article from the June 16 edition of the Philadelphia Inquirer follows:

TELLER BACKS CARTER PROPOSAL TO DROP NUCLEAR PROJECT

(By Andrea Knox, Inquirer Business Writer)

President Carter was correct in calling for abandonment of the Clinch River, Tenn. nuclear breeder reactor demonstration project, Dr. Edward Teller said yesterday.

Teller, one of the country's foremost nuclear physicists, said the proposed Clinch River process, in which the fission of uranium would produce plutonium, would be a duplication of work already being done in other countries and was likely to produce electricity that is far too expensive to compete with power from other sources.

He said he saw much more potential for the thorium-fueled reactor being developed under the aegis of the Navy and the direct supervision of Adm. Hyman Rickover at Shippingport, Pa.

Teller advanced these arguments at the annual convention of the Edison Electric institute (EEI), a major trade association of utility companies, which ended here yesterday.

EEI has supported the Clinch River project, which would be the first commercial-scale breeder reactor in the United States.

Carter had opposed it on the grounds that the plutonium produced by breeder reactors could be used to build nuclear bombs, and that the existence of such a plant would increase the dangers of terrorism and of proliferation of nuclear weapons.

But the House Science and Technology Committee voted Monday to approve this year's $150 million appropriation for Clinch River and a hot fight over the issue is expected in the House, with no certainty that Carter will emerge on top.

Teller rejected Carter's proliferation argument, saying that any nation that really wants nuclear weapons capacity can have it now with existing materials and technology.

But, he said, "Clinch River is obsolete before it has been started" and therefore should be abandoned.

He said the thorium cycle looks more promising because "we have the technology in hand" and the fuel is plentiful.

The thorium process produces enough new fuel to keep itself going as compared with the plutonium process, which produces enough fuel both to keep itself going and to fuel additional processes.

PHILADELPHIA INQUIRER SEES CARTER SHOE IMPORT PACT AS ONLY "STOP-GAP" RELIEF

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. EILBERG. Mr. Speaker, I am one of those Members of the Congress who have repeatedly warned this administration about the dangers of foreign imports flooding U.S. markets, to the detriment of American industry, American workers, and the American economy.

On June 19, the Philadelphia Inquirer described the administration's shoe import agreement with Taiwan and South Korea as nothing more than "stop-gap relief" for the hard-pressed American shoe industry. This issue is of primary importance to me, Mr. Speaker, because Pennsylvania is the leading shoe-manufacturing State in this Nation—and anything which impacts badly on the shoe industry, impacts severely on my State of Pennsylvania.

Because of the gravity of the import situation, Mr. Speaker, I am placing in the CONGRESSIONAL RECORD, for the edification of my colleagues, the editorial from the Philadelphia Inquirer on this important subject:

SHOE PACT IS RELIEF, NOT CURE

The quota on shoe imports from Taiwan and South Korea—negotiated by the Carter Administration and euphemistically called an Orderly Marketing Agreement—will provide relief to American shoe manufacturers and workers, but is not a solution to the problem.

That relief, although temporary and limited, will have a beneficial impact on Pennsylvania, the nation's No. 1 shoe-manufacturing state, where shoe industry employment has declined more than a third in the past decade. But as one Pennsylvania shoe manufacturer said of the Carter agreements, they could be "the government's way of bringing flowers to the funeral."

The prospective death of the American shoe industry may be exaggerated, however. Taiwan and South Korea didn't agree to cut exports to the United States out of concern for the jobs of shoe workers in Pennsylvania or any other state. They agreed because Robert Strauss, the Carter Administration's negotiator, warned them that the alternative could be dramatically increased tariffs.

Taiwan, in a four-year agreement, will cut shoe exports to the United States by about 21 percent in the 12 months beginning June 28. In each of the three subsequent years the exports will rise slightly, but will remain far below present levels. The agreement with South Korea is similar.

Mr. Strauss concedes this is stop-gap relief, pending upcoming efforts by the Carter Administration to negotiate broad, multinational trade agreements that will give American products more equitable access to foreign markets.

In the overview, neither high tariff walls nor piecemeal agreements are answers to U.S. trade problems. International commerce needs to be a two-way street, with nations seeking access to the American market opening up their own markets to American products under reasonable terms. There's a lot more tough negotiating ahead.

HEBREW HOSPITAL FOR CHRONIC SICK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BINGHAM. Mr. Speaker, 2 weeks ago I had the opportunity to serve as guest speaker at the dedication of the Hebrew Hospital for Chronic Sick, a new 14-story, 480-bed facility at 2200 Givan Avenue in my district in the Co-Op City section of the Bronx.

I was impressed by the remarkable services and facilities that this fine institution will now be able to provide its patients.

The Hebrew Hospital for Chronic Sick recently moved into its new Co-Op City facility after serving New York City for 48 years at 1776 Clay Avenue, in the Bronx.

The hospital has a long tradition of providing medical and nursing care rehabilitation for patients afflicted with chronic diseases. Now the institution will also be able to offer a full range of health-related care services for those residents who do not require skilled nursing care.

Founded in 1928, Hebrew Hospital for Chronic Sick has kept pace with advances in medical science, and has continually introduced innovative programs and activities designed to meet the special needs of patients. Yet the fundamental objective has remained the same: the rehabilitation and restoration of the patient—emotionally and physically—to the fullest possible extent.

The facility points with special pride to the scope and diversity of its medical staff, which consists of a full-time medical director, a resident physician staff, and physicians from major fields of medical specialization. A team of physicians and dentists contribute their skills to the overall well-being of the patients.

Each patient is assigned to a resident physician who is responsible for medical care. These physicians provide medical service 24 hours a day, every day of the week. They are supervised in their work

by the medical director and the attending staff of specialists. Nursing care is also provided by a capable staff which brings the personal touch to the wide range of duties it performs. There are registered nurses on every shift at all times helping to provide service on a 24-hour basis.

Hebrew Hospital for Chronic Sick also offers physical and occupational therapy, recreational activities, dentistry, ophthalmology, optometry, and podiatry.

The facility is accredited as an extended care facility by the Joint Commission on Accreditation. It holds membership in the National Association of Jewish Homes for the Aged, the American and State Associations of Homes for the Aging, the Greater New York Hospital Association, the Central Bureau for the Jewish Aged and the Hospital Association of New York State.

The growing senior citizen population in this country mandates that we continue to pay close attention to the development and implementation of services and facilities in this area. While we develop new medical and health care techniques to prolong the average lifespan, it is essential that we also provide the means for sheltering and administering to the needs of the elderly.

The Hebrew Hospital for Chronic Sick is dedicated to the task of meeting these future needs and of serving as a model for similar undertakings elsewhere. It is an awesome challenge but one that this facility is ready to meet through its long years of proven achievements in the field.

JEWISH COMMUNITY APPREHENSIVE OVER U.S. MIDDLE-EAST POLICY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. EILBERG. Mr. Speaker, there is a growing sense of apprehension within the American Jewish community about the direction of the Carter administration with respect to the problems of the Middle East.

In order that my colleagues are aware of the sentiments of American Jews on this subject, I am placing in the RECORD the text of a statement issued by the Conference of Presidents of Major American Jewish Organizations on this subject:

STATEMENT

The Jewish community continues to be apprehensive about the Administration's policy toward the Middle East. Recent statements by Administration spokesmen have not served to allay these fears. They have been mere restatements of what gave rise to these apprehensions in the first place.

Our concern is clear: we perceive a step-by-step disengagement from the traditional American Middle Eastern policy which calls for negotiations without preconditions. The dim outline of an American blueprint for an imposed settlement can be seen. They may not be intended as such a blueprint, but they are perceived as such. This perturbs the American Jew and worst of all it raises the expectations of the Arab world which if frustrated to the slightest degree, will impede the process toward peace if not plunge all into disaster.

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS THREATEN AGRICULTURE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ASHBROOK. Mr. Speaker, the Environmental Protection Agency poses a serious threat to the productivity of American agriculture. In particular, the regulations on pesticides issued by that agency are making it increasingly difficult for farmers to combat insects, diseases, and weeds.

As a result of EPA actions, essential pesticides are being banned or withdrawn from the market. In many of these cases there is no proven alternative control available.

EPA restrictions on the use of DDT have allowed tussock moths to destroy vast areas of forests in the northwest. Restrictions on the pesticide Mirex have prevented the eradications of fire ants, a menace to crops and forests. Cancellation of aldrin and dieldrin has eliminated important tools for the protection of corn crops. Suspension of chlordane and heptachlor has taken away from farmers two of the most widely used pest controls.

And this seems to be just the beginning. Now the EPA is going after toxaphene. It recently announced an investigation into this important insecticide, an investigation that may well lead to a complete ban on its use.

Toxaphene is by volume the largest used of any insecticide. According to the Washington Star:

It is mainly used in some 800 brand-name products for insect control on cotton, soybeans, peanuts, cattle and pigs and to a lesser extent on corn, tobacco, wheat, alfalfa, tomatoes, beans, lettuce, hay, potatoes and numerous other commodities.

A ban on the use of toxaphene would make it even more difficult for the farmer to control pests.

The unduly complicated and costly registration procedures instituted by the EPA also are a serious problem. Some manufacturers have withdrawn important pesticides from the market rather than go through the registration process.

These and other EPA policies threaten our agricultural productivity. This point has been strongly emphasized by groups such as the American Farm Bureau Federation. The Farm Bureau describes the actions and procedures of the EPA as a "serious threat to our ability to produce food and fiber."

I strongly agree with these views. The EPA lacks commonsense in its pesticide regulations.

OPERATION DRIVER EXCELLENCE

HON. CLIFFORD ALLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ALLEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

OPERATION DRIVER EXCELLENCE

Mr. ALLEN. Mr. Speaker, on May 14, 15, and 16, the City of Nashville hosted the Eleventh Annual Driver Excellence National Finals sponsored by AMVETS, the American Veterans of World War II, Korea, and Vietnam, and the Dodge Division of Chrysler Corporation. The competition took place at the Grand Ole Opry and had the support of all city, county and state officials. A proclamation was issued by Governor Ray Blanton setting forth the week of May 9th as National Driver Excellence Week in the State of Tennessee. The program was supervised by the AMVETS National Traffic Safety Commission, chaired by Robert Medairos, Massachusetts. Other members of the National Traffic Safety Commission are: Donald H. Fournier, Illinois; Harry McKinley, Michigan; Leon Gubala, New York; Frank LaConte, Wisconsin; and Jimmy T. Smith, the host state representative from Oak Ridge, Tennessee. AMVETS National Commander Thomas J. McDonough, a veteran of 32 years' service as a policeman in the City of Chicago and one of the originators of the Driver Excellence Program, was one of the supervisors again this year.

Mr. Speaker, I was impressed when I first heard of the Driver Excellence Program, but when I learned of the calibre of the participants and their objectives, I felt it deserved the attention of Congress because here is concrete evidence of our citizens working on their own to overcome one of our most serious National problems, that of traffic safety.

AMVETS, the American Veterans of World War II, Korea, and Vietnam, and the Dodge Division of Chrysler Corporation are partners in this most worthwhile project, Driver Excellence. Many years ago they recognized a need to foster good driving and to promote traffic safety; thus, the annual teenage driver excellence competition was born, which has been most successful and is now in its eleventh year.

State "Driver Excellence" champions from across the Nation competed in the National Finals at Nashville for more than five thousand dollars in scholarships, a new Dodge Aspen and other prizes. In order to compete for the National prizes, the competitor must go through a series of competitions and become the No. 1 safe driver of his State. He or she must be anxious to be a good driver and must have taken driver education sponsored in their school. Their automobile handling abilities, traffic driving expertise, emergency vehicle control, and motoring law and driving theory are truly tested in the National Finals.

AMVETS and Dodge have created a program which emphasizes the need for skillful drivers and recognizes the most skillful. From high schools throughout the country, students in driver education are selected to participate in State finals. Each state winner, accompanied by a chaperone of his or her choice, is awarded a three (3) day trip to the National Finals. A three-phase program: written test, driving skills, and highway safety, is conducted under strict supervision. The winner who emerges from the stiff competition receives a new Dodge car, accompanied with a scholarship and a trophy. Four runners-up are selected and each are

awarded a scholarship and a trophy. No participant is neglected, they all receive a handsome D. E. jacket, wristwatch, plaque, and other gifts.

Dana L. LeVan, a 17 year-old high school senior from Pitman, New Jersey, captured the title of the Country's top teen-age driver by winning the National Finals. He also was the winner in the panic stop phase of the contest and received the National Scholastic Magazine award. He received a new Dodge Aspen and a $2,000 scholarship. He plans to attend Muskingum College, Ohio, to pursue a double major, psychology and drama. His driver education instructor, Martin Yaffe, will receive the free use of a Dodge automobile of his choice for a one-year period. Second place and a $1,500 scholarship went to Gregory J. Binversie, 18, Valders, Wisconsin; Marvin W. Burkhart, Jr., 16, Powell, Tennessee, finished third and won a $1,000 scholarship; fourth place and a $750.00 scholarship went to Paul J. Cerankowski, 17, Hamtramck, Michigan; and the fifth place scholarship of $500 was earned by William R. Lee, 17, Newport News, Virginia.

It please me to present to you and this body the list of competitors in alphabetical order by state: David Francisco, Tucson, Arizona; Glenn Frank Kelliher, Lakewood, California; David O'Leary, West Hartford, Connecticut; Robert E. Williams, Jr., District of Columbia; Anita Lynn Alexander, Orlando, Florida; Steven New, Savannah, Illinois; Albert Proctor, Gary, Indiana; Dave Briddle, Hudson, Iowa; Andrew Ellington, Olathe, Kansas; Kevin Dicken, Louisville, Kentucky; Laura L. Michaelis, New Orleans, Louisiana; Mark Bougis, Alfred, Maine; Stanley O. Schaetzle, Jr., Camp Springs, Maryland; Brian R. Therrien, Lynn, Massachusetts; Paul Jay Cerankowski, Detroit, Michigan; Terrance Thomton, Minneapolis, Minnesota; Robert DeWitt, Florissant, Missouri; Elizabeth Breum, Missoula, Montana; Dana L. LeVan, Pitman, New Jersey; Christopher N. Thomas, Bayport, Long Island, New York; James David Buck, Harrisburg, North Carolina; Jeannette M. Bloomfield, Massillon, Ohio; Kevin Landon, Klamath Falls, Oregon; Brian Lee Morgan, Harrisburg, Pennsylvania; Christopher J. DeWitt, Warwick, Rhode Island; Tim Wells, Effingham, South Carolina; Todd Hudson, Belle Fourche, South Dakota; Marvin Wendell Burkhart, Jr., Powell, Tennessee; Robert Childers, Bedford, Texas; William Ralphael Lee, Newport News, Virginia; A. Nick Andring, Aberdeen, Washington; and, Gregory Binversie, Valders, Wisconsin.

The Dodge Division was represented at the National Finals by Mr. Glenn Campbell, Mr. B. J. Mullin, Mr. John McCandless and Mr. John Hurley.

Jimmy Johnson, Paris, Tenn., Commander of AMVETS Department of Tenn.; Charles L. Paxton, Morristown, Tenn., State "D.E." Chairman; Walter Wilkins, Driver Excellence consultant for the Driver Excellence Program in Tennessee; Fentress L. Bryant, Clarksville, Tenn.; Henry Wantoch, Milwaukee, Wisconsin; Kenneth J. Martin, Harrisburg, Pennsylvania; William O'Connell, Randolph, Massachusetts; Al Pico, Belleville, New Jersey; and, Paul C. Welsh, Columbus, Ohio, assisted in preparation of the course and supervised the various phases of the competition. Others from the Department of Tennessee who assisted included: Sam Long, Carl Brewster, Richard Williams, Lacey Crosno, and Tony DiCarlo.

Judging was conducted by the Tennessee State Police under the supervision of Lt. Charlie Graham, with Sgt. Roger Farley and Tropers Dan Rapper, David Smith, Keven Horan, Joe Presley, and Jerry Ferrell participating.

The colors were posted by the AMVETS Department of Tennessee Honor Guard, attired in colonial costumes, at the site of the contest at Opryland and at the Victory Banquet. Members of the Honor Guard who participated under the direction of Charles Paxton included: Edward Lawson, Jack Gladson, Calvin Mason, Cecil Howard, and Bobbie Loftin.

At the Victory Banquet honoring the contestants and their chaperones Joel Plummer, Commissioner of Public Safety for the State of Tennessee, represented Governor Ray Blanton. Captain Fred W. Schotts, Jr., Director of Safety Education Division, State of Tennessee, was the toastmaster. Vincent L. Tofany, President of the National Safety Council, was the principal speaker.

Others who addressed the gathering included: Julius R. Pollatschek, New Jersey, AMVETS National Judge Advocate; Doris G. Shrake, Indiana, President, AMVETS National Auxiliary; E. Thomas Pappert, Sales Manager, Chrysler Corp.; and, E. H. Rydholm, Vice President, Civic Affairs, Chrysler Corp.

In recognition of the outstanding value of the AMVETS-Dodge "Operation D. E.", the National Association of Secondary School Principals has placed this program on the Advisory List of National Contests and Activities for 1977–78.

AMVETS and Dodge, "Partners in Traffic Safety," deserve our recognition for fostering such a constructive program. The Driver Excellence Program emphasizes the need for skillful and safe drivers; and, through the driver education courses sponsored in schools, young drivers receive valuable knowledge and learn safe driving habits. Everyone who came in contact with the four girls and twenty-nine young men in the competition were most favorably impressed. They represented their states in an admirable manner, and their respective states certainly can be proud of them.

All those in attendance greatly appreciated the hospitality shown them during their stay in Tennessee. I was pleased to learn that AMVETS and Dodge will return to Nashville for the 1978 Finals.

RACISM IN SOUTH AFRICA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. STARK. Mr. Speaker, I would like to submit for the RECORD a letter I recently received from the South African Embassy. Not only does it espouse views inimical to the idea of democratic government, but it is a blatant example of the ugly, and deeply entrenched racism that exists in the minds of the white regime that rules the troubled country. Hopefully, the letter will only serve to further our determination to bring about a rapid transition to majority rule in South Africa.

EMBASSY OF SOUTH AFRICA,
Washington, D.C., June 17, 1977.

Hon. FORTNEY H. STARK,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. STARK: As South Africa has been in the news lately, I thought you might be interested in receiving a political map of Africa, illustrating the myth of majority rule.

Majority rule is a viable form of government only where the people are temperamentally suited to it, and it is an equitable form of government only where the electorate is homogeneous and like-minded. Where it is not, majority rule merely entrenches the power of the numerically strong and suppresses the numerically weak communities.

Yours sincerely,

CARL NÖFFKE,
Information Counsellor.

FOUR INDUCTED INTO MICHIGAN EDUCATION HALL OF FAME

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. KILDEE. Mr. Speaker, I am pleased to call to the attention of my colleagues the names of the four outstanding individuals who have been inducted this year into the Michigan Education Hall of Fame. They are Helen S. Field of Highland Park, Carl M. Horn of Lansing, Ralph C. Wenrich of Ann Arbor, and the late Frank J. Manley from my hometown of Flint.

The Michigan Education Hall of Fame is located at the headquarters of the Michigan Association of School Boards in Lansing. The awards are sponsored by the 4,000-member Michigan Congress of School Administrator Associations, and the purpose of the hall of fame is to extol the distinguished services to education in Michigan and to mankind made by individuals through their contributions to education. The hall of fame also seeks to motivate and inspire current and future leaders in education through the perpetual recognition of the record of those who have made outstanding contributions.

Mrs. Field was chosen for her role as a teacher and as a member of local and intermediate district school boards over 60 years. She has served continuously on the Highland Park Board of Education since 1939, and has been a member of the Wayne Intermediate School District Board on a continuous basis since 1953, serving several terms as president of each. Her more than 20 years as chairman of the Michigan Association of School Boards Legislative Committee has provided the opportunity for meritorious accomplishments on behalf of public education in Michigan. She is the recipient of numerous educational awards, including the honor of the naming of the Helen S. Field Regional Center Educational Facility.

Dr. Horn was inducted for his outstanding contributions to Michigan education as a teacher, school administrator and university professor at Michigan State University. Now retired, Dr. Horn served the interests of Michigan education for 46 years. He promoted school-community agency cooperation throughout Michigan, Mexico, and Central America. While involved in conducting more than 20 "flying classrooms," he directed 64 leading Michigan educators on a study tour of 11 European countries. Dr. Horn directed a pilot study of defense information and orientation for 18 Michigan high schools. He is known as the founder of the BIE—Business, Industry and Education—Day, and since his retirement he has organized the

Michigan Association of Senior Educational Leaders.

Mr. Wenrich was elected for his leadership role in vocational education and the practical arts. That role included the development, organization and directing of the leadership development program in administration of vocational education and technical education at the University of Michigan. In addition to serving as consultant to many high schools and on numerous State advisory councils, he served as an expert on commercial and vocational education on the staff of General Keyes, commanding general of U.S. Armed Forces in Austria. He has written numerous professional articles and has served education at all levels for 48 years.

Mr. Manley is best known as the father of community education. He was chosen for the hall of fame as the innovative educator who conceived and served as the catalyst for the community education movement in Flint, which has now swept across the State and the Nation. Mr. Manley served children, youth and adults in Michigan and the Nation for more than 45 years. His professional career was spent in Flint where he served over the years as a physical education teacher, supervisor of physical education, director of adult education, assistant superintendent of schools, Mott program director and executive director of Mott Foundation projects. He served on the Council on Youth Fitness under President Eisenhower and President Kennedy. He held leadership positions in the Michigan Civil Rights Commission, Michigan Catholic Conference, Michigan Manpower Commission, State Human Resources Council, United Negro College Fund Committee, National Recreation Congress, Flint Citizens Service Corp., Michigan State Physical Education Association and other organizations. He represented the United States at the International Community Education Conference held in Paris, and received numerous honors and awards.

I am proud to have the honor of placing at this point in the RECORD the outline of accomplishments by each of these highly deserving leaders in Michigan education.

RESOLUTION BY TRINITY EVANGELICAL LUTHERAN CHURCH OF AVALON, PA.

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. WALGREN. Mr. Speaker, I want to call the attention of my colleagues to the need for high standards in the language used on public media and recommend to them the following resolution passed by the Trinity Evangelical Lutheran Church of Avalon, Pa.:

Let it be resolved that the heritage of a beautiful and meaningful language be preserved for the people of the United States of America. To encourage such a goal we the Church Council of the Trinity Lutheran Church of Avalon, Pittsburgh, Pennsylvania request that the major television and radio networks as well as independent broadcasters foster good usage of this precious language and avoid the use of vulgar and profane words over the airways.

Although a United States Court of Federal Appeals in Washington, D.C. by a two to one margin has voted for the use of obscene language against the mature judgment of the Federal Communications Commission it is now requested that the broadcasting industry by its own power cause the language of its programs and advertising to be in good taste.

A FAIR SHARE OF JOBS FOR WOMEN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BINGHAM. Mr. Speaker, I should like to call the attention of my colleagues and other readers of the RECORD, including members of the executive branch, to a powerful letter written to the New York Post by Mrs. Mary D. Janney, Co-director of Wider Oportunities for Women, a very effective Washington, D.C., organization:

A FAIR SHARE OF JOBS FOR WOMEN

The $4 billion public-works package of the economic stimulus program proposes to create job opportunities in the construction trades for about one million people. As a director of Wider Opportunities for Women, an organization concerned with promoting equal-employment opportunities for women, I have looked in vain for any effort on the part of the Carter administration to assure women a fair share of the jobs.

Figures are not available on the sex of workers who have filled publicworks jobs in the past, but a spokesman for the Commerce Department's Economic Development Administration (which administers the publicworks program) was quoted as saying, "Generally, you could say they have been primarily males." I'll say they have. According to the Bureau of Labor Statistics, fewer than 1 per cent of all construction workers are women, ranging from 0.3 per cent of electricians to 3 per cent of painters. In ehect, public works jobs mean employment almost exclusively for men.

Yet women now make up 43 per cent of the unemployed in this country. Twelve million families, or one in eight, are headed by women. And the unemployment rate of female heads of household is 50 per cent to 60 per cent higher than that of male household heads. These women need jobs with a decent income. Public-works jobs start at an average of $4.80 an hour. In metropolitan areas (where most of the jobs are), hourly rates start at $6.35. Compare that with hourly wage rates for women in traditionally female jobs (clerical, sales, service positions), which hover around $2.30 an hour. A full-time job at that wage level, 40 hours a week, 52 weeks a year, provides an annual income of only $4,784. A single head of household with one or more dependents to support can't make it on that kind of money.

At Wider Opportunities for Women, we have developed a number of successful programs with area employers that enable women to move from low-paying, dead-end jobs to well-paying positions such as appliance repair technicians, auto mechanics, laborers, painters, welders, carpenter's helpers, and operators of wastewater-treatment plants. As a result, the hourly earnings of women in one of our programs have increased twofold—from $1.35 an hour upon entry into the program to $4.17 an hour upon completion. We know from experience that women can compete successfully in any area of the marketplace if they are provided with proper backing and support.

We also know that the integration of women into the better-paying, traditionally male public-works jobs will require a strong commitment from administration leaders, demonstrated by specific programs and money. We see no signs of such a commitment. Can the administration afford to discount 43 per cent of the unemployed?

ROGERS SCHEDULES SACCHARIN HEARINGS FOR JUNE 27

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ROGERS. Mr. Speaker, I have today scheduled public hearings before the Subcommittee on Health and the Environment for June 27, 1977, beginning at 10 a.m. in room 2123 Rayburn Building, on legislation which would direct the Institute of Medicine of the National Academy of Sciences to conduct a 1-year review and evaluation of all available information respecting the toxicity and carcinogenicity of food additives—including saccharin—including information respecting the ability to predict the effect on humans of food additives found to cause cancer in animals and whether there should be a weighing of risks and benefits in making regulatory decisions respecting such additives. The legislation would also direct the Secretary of Health, Education, and Welfare to permit the continued use of saccharin as a food, food additive, drug, and cosmetic for 18 months.

I have determined that it is necessary to push up the date of these hearings, which were originally scheduled for July 15, because of the precipitous action of the House yesterday in amending the appropriation for the Food and Drug Administration to prohibit the enforcement of any regulation changing the status of saccharin as a food additive at existing levels. As I stated yesterday during the floor debate, the Federal Food, Drug, and Cosmetic Act is a very complicated law, and any amendments thereto must be careully considered in light of their prospective effects on the health of the American people.

It is my intention during the course of the hearing next Monday to examine the effects of the amendment, consider whether or not the Food and Drug Administration would still have the authority to protect the American people from poisonous or contaminated saccharin products or to require warning labels on saccharin. We will consider the advisability of placing advertising restrictions on products containing saccharin during the 18-month period. We will also consider the results of the two recent epidemiological studies on bladder cancer in humans, one of which shows a correlation between saccharin use and human bladder cancer, one of which does not.

I am sure the House, as well as the other body, will want to take action which is responsible in approaching the proposed ban on saccharin rather than acting hastily without proper regard for the possible deleterious effects on the health of the American people.

OFFICE OF TECHNOLOGY ASSESSMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. TEAGUE. Mr. Speaker, former Representative Emilio Q. Daddario of Connecticut will relinquish his post as the first Director of the Office of Technology Assessment on July 1. Mr. Daddario will be leaving after 4 years of nurturing the office through a difficult beginning, during which time he nonetheless managed to make OTA a highly productive enterprise.

OTA is the first new service agency created within the legislative branch since the Legislative Reference Service—now the Congressional Research Service—was formed within the Library of Congress in 1915—and the General Accounting Office was formed in 1921 by merging a number of executive agency auditing units. In December of last year, as outgoing Chairman of the Technology Assessment Board, I described in my report to the Board the reason for OTA's existence, as follows:

OTA evolved, purely and simply, because Congress felt a need for a new and independent source of evaluated information bearing upon technological problems and programs which it faced—or which it might be expected to face in the future. It represented a service not then available to the Legislative branch.

But OTA did not arrive on the scene overnight. The concept required over six years to mature and another two years to put through the legislative process. It was one of the more thoroughly studied, debated and molded concepts of our time—and while few contend that it is without flaws . . . both House and Senate adopted it with enthusiasm and, I believe, are convinced of its value.

The Office of Technology Assessment, in fact the concept of technology assessment itself, was conceived and inaugurated in the Subcommittee on Science, Research and Development which "Mim" Daddario chaired from 1963 through 1970. Mr. Daddario began work in this area as early as 1966; he built his record carefully, making liberal use of outside sources of advice and assistance over a 4-year period. In 1970, legislation which he perfected was reported from this committee late in the Congress but failed to reach the floor of the House. The same bill was finally passed in 1972, mainly on the momentum which Mr. Daddario had built up for it.

The final version of the Office did not come out as the SRD Subcommittee had designed it. The major differences were that a House amendment substituted a congressional Board for a mixed Board of public and private members, including Members of Congress from both House—and a new outside Advisory Council was created to formulate liaison with the public. Both these later concepts, while perhaps necessary under the circumstances, created marked additional problems for anyone charged with the administrative management of OTA, particularly in its formative years. Mim Daddario knew this when he agreed to take over as the first Director. His job has been exceedingly difficult, but he nonetheless managed to build a fundamentally solid organization and a first-rate system of utilizing outside talent in the roles of special advisory panels to help assure optimum quality of each assessment.

Mr. Speaker, there have been criticisms of OTA and there will be more. This is inevitable. What should be kept in focus is the fact that Mim Daddario fostered and put into use a new legislative tool that is critical to the Congress as it endeavors to grapple with the issues facing modern society.

Mr. Speaker, the following editorial which I am submitting for the RECORD was written by Dr. Philip H. Abelson and appeared in the June 24 issue of Science, one of the Nation's most prestigious professional magazines. Dr. Abelson is not only an eminent scientist in his own right, but is the editor of Science and also president of the Carnegie Institute of Washington. His perceptive comments will, I am sure, be remembered and heeded in years to come.

OFFICE OF TECHNOLOGY ASSESSMENT

The importance of science and especially its technological applications to human affairs continues to increase. But most individuals are poorly informed about science and technology and are therefore fearful that these will be used without adequate thought and safeguards. These attitudes are not new; they were visible in the 1960's and were recognized then as important long-term threats to the health of society.

Among those who sensed that a major problem was developing was Emilio Daddario (D-Conn.), who was then serving as chairman of the Subcommittee on Science of the House Committee on Science and Astronautics. Daddario consulted many colleagues, including the senior minority member on the subcommittee, Charles A. Mosher (R-Ohio). It became apparent that other congressmen were also uneasy about unexpected adverse effects of technology. Accordingly, in 1969 Daddario introduced legislation calling for an Office of Technology Assessment designed to attempt to foresee major problems and to serve and be responsive to Congress. In the initial bill, policies for the office were to be established by a board, half of whose members were to be congressmen and the remainder distinguished scientists and engineers.

Three years passed before final action was taken. In the meantime, Daddario left Congress and provisions of the bill were modified. The composition of the cognizant technical assessment board was altered so that today it is made up of senators and representatives. The guidelines for the office were also modified. Section 3(c) of the act stated, "The basic function of the office shall be to provide early indications of the probable beneficial and adverse effects of the applications of technology and to develop other coordinate information which may assist the Congress." Under section 3(c–8) the "coordinate information" was further amplified as "such additional associated activities as the appropriate authorities [for instance, the board] . . . may direct."

Thus, OTA was authorized and directed to do both long-term assessments and anything else that its governing board might require. It is human nature to be much more interested in an immediate crisis than one that may occur some years hence. This is particularly true of politicians, who love the media attention that goes with the tempest of the moment. In consequence, there have been many congressional demands on OTA for quick responses to such deevlopments as the saccharin problem.

When OTA was finally established in 1973, Daddario was its first director. The choice was a good one, for he enjoyed the confidence of members of Congress and the esteem of scientists and engineers. He had need of these assets in creating a new organization that could function usefully dealing both with highly technical long-term matters and with the heat of the political cauldron.

As might be expected in such a situation, Daddario has received mixed notices—critical and complimentary. However, in departing from OTA, he leaves a record of solid accomplishments. A small OTA staff has interacted well with congressional staff and members of the Executive Branch, while drawing on the talents of about a thousand of the country's leading scientists and engineers. Inputs from the public have been sought and considered. The OTA staff has managed to be highly useful and influential in short-term matters while carrying out many long-term studies that have led to substantive documents. The scope of the activities has been broad. In addition to 46 reports that have been issued, projects under way include energy (6), food (3), health (5), materials (7), oceans (4), transportation (3), and research and development (3).

Today, OTA is the most effective mechanism for inserting factual, technical material into the political process. There is an easy short path between advisers and Congress. Mr. Daddario can take pride in his central role in the creation of an important tool for society. —PHILLIP H. ABELSON.

TRIBUTE TO JOHN M. EMERICK AND THE AMERICAN DEFENDERS OF BATAAN AND CORREGIDOR

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. MURPHY of Pennsylvania. Mr. Speaker, I am extremely proud to rise in this chamber to pay tribute to Mr. John M. Emerick and his fellow American Defenders of Bataan and Corregidor to remind the American people that the exemplary courage of these men must not be forgotten. In a short time this great Nation will be celebrating its 201st birthday. With the echoes of a grand celebration of our bicentennial fading in the distance we must not forget the sacrifice of so many common working Americans that have brought us to the end of this first year of our second century.

Mr. Emerick and his comrades in arms endured inhuman captivity and years of torture, disease, and misery to return to the country that they loved so well that they offered their all. On May 30, 1977 John M. Emerick received a belated award of the Purple Heart created by

Gen. George Washington with the words:

And let it be known that he who wears the Order of the Purple Heart, has suffered in the defense of his homeland and shall forever be rewarded by his fellow countrymen.

To Mr. Emerick and the American Defenders of Bataan and Corregidor both alive and fallen, I must add, may the spirit and courage shown by this handful of men and as demonstrated by John M. Emerick, as an example of the great and strong spirit of the American Nation, not be forgotten by any generation of Americans.

H.R. 7010—THE VICTIMS OF CRIME ACT OF 1977

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. RODINO. Mr. Speaker, the House is scheduled tomorrow to take up H.R. 7010, the Victims of Crime Act of 1977. The purpose of this legislation is to help States assist innocent victims of crime.

H.R. 7010 provides that States which operate qualified programs to compensate innocent victims for unreimbursed hospital and medical expenses and for lost wages would be eligible for Federal financial assistance. The amount of the assistance would be equal to 50 percent of the cost of paying compensation to victims of State crimes, and in computing that cost, administrative expenses are not included. Administrative expenses typically amount to about 15 percent of total cost.

This legislation attempts to improve and humanize our criminal justice system. It has been widely endorsed and approved by various persons and organizations concerned with our criminal justice system—by the attorneys general of the States of Alaska, Arkansas, California, Illinois, and New Jersey; by the National District Attorney's Association; by police organizations like the International Association of Chiefs of Police, the International Conference of Police Associations, and the Fraternal Order of Police; and by such other groups as the National Conference of State Legislatures, the National League of Cities/U.S. Conference of Mayors, the National Council on Crime and Delinquency, the National Retired Teachers Association/American Association of Retired Persons, the United Automobile Workers International Union, Americans for Effective Law Enforcement, Americans for Democratic Action, and the National Moratorium on Prison Construction.

In addition, the American Bar Association has been an active and strong supporter of victim compensation. The chairman of its committee on crime victims, Judge Eric E. Younger of Los Angeles, testified in support of Federal legislation before the Subcommittee on Criminal Justice, and just recently the president of the American Bar Association wrote to underscore the association's support for H.R. 7010.

The need for this legislation has been recognized by those who are a part of the criminal justice system. The Committee on the Judiciary and the Subcommittee on Criminal Justice have received numerous letters in support of the bill from district attorneys and police officials. It is particularly significant that many of these letters come from district attorneys and police officials who know first-hand how victim compensation programs work. For this reason, I would like to share with my colleagues some of their letters, as well as the letter from Justin A. Stanley, the president of the American Bar Association.

DISTRICT ATTORNEY, RICHMOND COUNTY,
St. George, Staten Island, N.Y., June 17, 1977.

Hon. PETER RODINO,
House Judicial Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I am writing you to ask for your continued support of HR 7010 to provide federal grants to assist states who have Victim Compensation Programs. In recent years there has been great public concern and scrutiny of the criminal justice system and it is long overdue. One of the facts that become clear is that the system has been geared primarily for the benefit of the defendants and those who work in the system, i.e., judges, police, lawyers and even prosecutors. The forgotten people it seems, are the victims and witnesses who are so necessary for successful criminal prosecutions.

It seems to me that we have put the cart before the horse and that the system which should serve all of the people, primarily victims and witnesses, has been turned around. The time has long passed when we should make efforts to reverse this trend and make the system serve the people.

The Victims Compensation Program is a first step in that regard. I think the federal government should do all in its power to assist states which have such programs and to encourage others to create them.

I would also urge you, although not at the expense of delaying this most vital legislation, to include federal grants to aid or encourage programs for witness assistance. Much has been done in pilot programs funded by LEAA and under the aegis of the National District Attorneys Association.

Again, let me request your continued support for HR 7010 when it comes on the floor of the House.

Very truly yours,
THOMAS R. SULLIVAN,
District Attorney.

THE DISTRICT ATTORNEY,
BRONX COUNTY,
June 17, 1977.

Hon. PETER RODINO,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I have been advised that a bill, HR 7010, is going to be acted on by the full house membership in the near future. I have been informed that this bill will help the innocent victims of violent crimes.

In recent years, the law has developed to the point where individual defendant's rights have increased enormously, which I do not take exception to. Nevertheless, with this development, there is an imbalance in the scales of justice: the rights of the accused v. the rights of the accusor. Tremendous burdens have been placed on the victims of crimes—multiple appearances in courts, economic burdens, medical burdens, etc.

On behalf of the victims of crimes, I urge you to support the proposed legislation to give those victims some assistance as a result of their being victims of crimes. The victim of crime has become the victim of the law.

I strongly urge you to support the bill with a view towards balancing the scales of justice in assisting those victims who are sorely in need of assistance. By assisting them you will be helping the criminal justice system and, in turn, upgrading the quality of life.

Any consideration that you can extend will be greatly appreciated.

Very truly yours,
MARIO MEROLA,
District Attorney.

DISTRICT ATTORNEY
OF SARATOGA COUNTY, N.Y.,
June 16, 1977.

Re: H.R. 7010.
Hon. PETER RODINO,
House Judiciary Committee,
Washington, D.C.
Hon. JAMES MANN,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMEN: As a District Attorney who is presently about to conduct a trial in a case where the victims of the crime include nine persons who were wounded by gunshot and two persons dead, all of whom were innocent victims of a sniper attack in the City of Mechanicville in this County on October 30, 1976, I know first-hand the plight of the victims and their families. This is but one drastic example of the great need for a program of compensation for innocent victims of crimes. I urge passage of much-needed legislation to assist these victims who have no lobby other than our conscience.

Very truly yours,
DAVID A. WAIT.

COUNTY OF ALBANY,
OFFICE OF THE DISTRICT ATTORNEY,
Albany, N.Y., June 17, 1977.

Congressman PETER RODINO,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: As one who is deeply involved in the criminal justice system, I strongly urge the passage of Bill H.R. 7010, which provides, among other things, grants to those states which have crime victim compensation programs. As you know, New York State has one of the most progressive programs in the country and in order to implement its usefulness to the public and particularly the victims of crime, it is necessary that this legislation pass.

Thank you for your consideration to this request.

Respectfully yours,
SOL GREENBERG,
District Attorney.

CITY OF BEACON,
OFFICE OF POLICE DEPARTMENT,
Beacon, N.Y., June 16, 1977.

Hon. PETER RODINO,
House Judiciary Committee,
Washington, D.C.

DEAR SIR: As a police officer for over twenty four (24) years, and now in the position as Chief of Police, I can readily appreciate the great need for assistance to victims of crimes. All too often, the victim is bewildered and does not know which way to go for assistance or for comfort at a time like that, and the Crime Victims Assistance personnel have been a great help in aiding and comforting those in need.

Therefore, I respectfully ask that you give your support to bill H.R. 7010 when it comes before Congress.

Respectfully submitted:
RAYMOND F. STEWART,
Chief, Beacon Police Department.

POLICE DEPARTMENT,
VILLAGE OF CAYUGA HEIGHTS,
Ithaca, N.Y., June 17, 1977.

Hon. PETER RODINO,
House of Representatives,
Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I respectfully request your support for H.R. 7010 which would provide grants to those states which have victim compensation programs.

New York State, like many states, is facing fiscal problems which have a significant impact upon its ability to provide adequate crime victim compensation programs.

It is my feeling that this type of program is urgently needed in a society which seems more and more to favor the criminal and his rights while ignoring the innocent victim almost completely.

Your consideration in this most important legislation will be appreciated.

Respectfully,
HARLIN R. MCEWEN,
Chief of Police.

VILLAGE OF HUDSON FALLS, N.Y.,
POLICE DEPARTMENT,
June 16, 1977.

Congressman JAMES MANN,
House Judiciary Committee,
Washington, D.C.

DEAR SIR: I wish to urge your support in enacting legislation on the Crime Victims Bill, H.R. 7010, when it is acted on by the House of Representatives.

Innocent victims of violent crimes are increasingly burdened by financial problems through no fault of their own and have no way to turn for assistance. Passage of Bill H.R. 7010 would perhaps relieve, in a small way, one burden of these innocent victims during a period of extreme anxiety.

Again I request your support of H.R. 7010 and wish you success in this endeavor.

Respectfully,
RUDY STAUTNER,
Chief of Police.

THE CITY OF OSWEGO, N.Y.,
June 17, 1977.

Congressman JAMES MANN,
House Judiciary Committee,
Washington, D.C.

DEAR SIR: As you know, New York State has one of the most progressive victim compensation programs in the country. However, a program such as this cannot succeed without the support of the Federal Government.

In the very near future, Bill No. H.R. 7010 will come before you regarding Federal assistance to those states having a victims compensation program. As we all know, it is time that all of Law Enforcement become directly involved with those persons affected by violent crime.

I strongly urge your support of this very important legislation to keep New York's program and all other programs alive.

Thank you for your consideration.

Sincerely,
FLOYD KUNZWILER,
Chief of Police,
Oswego Police Department.

DEPARTMENT OF POLICE,
Penn Yan, N.Y., June 17, 1977.

Congressman PETER RODINO,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: Regarding Bill H.R. 7010, I would like to express my opinion in favor of the Crime Victims Compensation Board.

I feel that with the ever-increasing violent crimes, especially those being inflicted upon the elderly, that some compensation toward loss of work, wages, and hospital expenses should be made available to those individuals.

Therefore, I strongly urge enactment of Bill H.R. 7010.

Yours truly,
KENNETH N. MALOY,
Chief of Police.

AMERICAN BAR ASSOCIATION,
May 19, 1977.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to note that the Committee has reported H.R. 7010, the proposed "Victims of Crime Act of 1977."

As you know, the American Bar Association testified in the 94th Congress and again this Congress in support of this legislation introduced by you and others. We are pleased to learn that the measure will soon be brought before the House and want to reiterate our support for it.

Sincerely,
JUSTIN A. STANLEY.

CIVIL AFFAIRS ASSOCIATION CONFERENCE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. SPENCE. Mr. Speaker, I had the pleasure recently of attending the 30th Annual Civil Affairs Association Conference which was held in Charleston, S.C. The group was addressed by Gen. Fred C. Weyand, who served as Chief of Staff of the U.S. Army from October 1974 until his retirement in September 1976.

I was impressed with the relevance of General Weyand's message, and I believe that he has underscored the importance of the Civil Affairs effort in a particularly effective manner. His concluding statement sums up his arguments as follows:

There is no military force in the world as adept as the United States in integrating firepower and bringing it to bear on the enemy and yet until we learn how to integrate our economic, political and sociological resources and bring them to bear in support of our military objectives we can never be certain of victory, no matter how much material, blood and lives we expend.

To me, this is the essence of the Civil Affairs function in the military, and I, therefore, ask that the complete text of General Weyand's speech be inserted at this point in the CONGRESSIONAL RECORD:

SPEECH OF GEN. FRED C. WEYAND

Colonel Hyman, Colonel Nobleman, distinguished guests, ladies and gentlemen:

It's a privilege to share this evening with you, and Arline and I are thrilled by the honor you have accorded us. This is the first time that I have worn my uniform since I retired last fall. It is just like coming home and I can't think of a group of people to whom I'd rather come home to. I suppose that after 38 years of commissioned service the transition to civilian life should be expected to involve at least some culture shock.

Right after our retirement ceremony, Arline and I drove across country visiting friends. We spent two days at Fort Bliss and I had a chance to play golf with a couple of senior sergeants. Well, I knew I was retired for sure when I went to pick up a two foot putt of the type I'd always assumed was a prerogative of the Chief of Staff and one of the sergeants said quietly, "Take your time!"

I remember not long before I retired seeing a cartoon in a publication that showed a just-retired sergeant peering out of the post gate—looking at the "outside" world with a very uneasy expression on his face and saying, in dismay, "There's nobody in charge out there!" Well, I now understand the sentiments of that sergeant!

Not long ago, I went out and bought a new suit to wear in civilian life. I though it was pretty dashing until I got it home and asked Arline what she thought of it—and she said, "Well, all you've done is buy another uniform!" And it was only then that I realized that I had bought a green suit and pretty close to Army green at that! Which goes to prove that it is easy to take the soldier out of the Army but it is almost impossible to take the Army out of the soldier! I'm not sure whether old soldiers die or just fade away—but I do know that as long as they're on the scene they sure remain old soldiers.

I don't have any great message to bring to you tonight because by no stretch of the truth can I masquerade as a Civil Affairs professional. On the other hand, no one who has gone through three wars and 38 years of commissioned service can help but have formed some impressions of the role of Civil Affairs, of its utility or lack of it and especially of the extraordinary caliber of men and women who are the true professionals in that field.

In my case, my career has been studded with examples of the potential of Civil Affairs—sometimes developed—sometimes not—but always a necessity for victory.

My first combat in World War II was in Burma so I remember very clearly when early in the war General Stilwell and his little band of staff officers and soldiers escaped into India and announced to the world that "we have t ken a helluva beating." The fact is that the U.S. Forces in Burma were outnumbered throughout the war and it was only the integration of our strength with that of our allies—the British on the one hand and the Burmese and Chinese on the other—that gave us the margin for victory. We ended up depending very heavily upon the Civil Affairs support of our allies for our ultimate success.

If anyone needed an example to convince them of the critical requirement for Civil Affairs professionals, he would have only to review our experience in Vietnam. There our troops were engaged in a country that had at least the framework of a democratic government, from the hamlet level up to the national level. The fighting often occurred within the populated areas—not because we chose or wanted it that way, but because the enemy hoped to escape detection and the effects of conventional firepower by mingling with the population. Thus, there had to be the closest kind of cooperation and combined action between the U.S. fighting forces, the allied forces and civilian Vietnamese government.

Our units, as did those of our allies—the Koreans, the Thais, the Filipinos, the Australians and the New Zealanders—took pride in their efforts to maximize the capabilities of the civilian population to insure that they were as secure as possible from armed attack and terrorism and at the same time that the unique talents of these people to keep the political, economic and sociological systems functioning were fully exploited.

My Lai was a dreadful episode in the annals of American fighting forces, but it was just that—an episode—an abberation from the norm. I can't remember visiting a single American or allied unit in the five years that I was in Vietnam and that meant something over a thousand visits—wherein, the commander failed to comment with pride on the work that his unit was doing to assist and

win the respect of the people through civic action projects. They had learned—if they did not already know it before without bringing to bear the full weight and capabilities of the civilian population. That meant that as a minimum their combat efforts had to be integrated with and supported by the civil efforts of the people. And yet this effort—extensive and well intentioned as it was—was not enough. The power of the people—in the political, economic, sociological and psychological sense—was never fully generated.

In 1968, Field Marshall Montgomery published a book titled, "The History of Warfare" and I was struck by his opening words: "War is not the concern of soldiers only. Throughout history civilian life has always been affected by warfare, and in modern times the higher direction of war has become the responsibility of politicians, who are themselves civilians, and not professional soldiers, sailors or airmen. In total war, industry and civilian energies are absorbed into the war effort." Later he points out that "Modern war is total war and over the centuries has become very complicated, embracing the life and activities of a nation to an ever increasing extent."

Marshall Montgomery was simply stating the facts of life—that is, that war, if it is going to be won, involved the combined civilian and military strength of the nation and—very important for us—of its allies.

Recognition at the highest levels of the Civil Affairs role is not something new but even students of Civil Affairs are sometimes surprised to learn that in World War II the top U.S.-British military agency—the Combined Chiefs of Staff—had a combined Civil Affairs committee and our own Joint Chiefs of Staff had a permanent Civil Affairs division as a key element of its full staff. When the capitulation of Italy seemed to be a real possibility after the Sicilian Campaign in mid-1943, the British submitted their recommended armistice terms to the U.S. Joint Chiefs of Staff who in turn referred them to their Civil Affairs Division which rejected the British recommendation because it did not provide for an unconditional surrender. The Civil Affairs Division recommended instead that the Italian government cease to exist and that it be superseded by an Allied military government with authority throughout Italy except over the Vatican City. Eager as they were, they at least were wise enough to recognize that civil affairs does have some limitations, and taking over the leadership of Catholicism is one of them!

In the Army's official history of that period the comment is made that although the Combined Chiefs of Staff was a remarkably successful organization in formulating military strategy it could not in spite of its recognition of Civil Affairs draw up an Anglo-American political program. Later, foreseeing the possibility of a rapid Italian collapse, General Eisenhower asked the Combined Chiefs of Staff for 960 military government officers, a requirement that later on was to be doubled, then quadrupled and further multiplied as the need in Europe expanded and even then, with thousands of Civil Affairs officers and men working their tails off—there weren't enough.

In spite of the near miracles that were accomplished when the critical importance of the Civil Affairs function was widely accepted, there was more than a little stumbling and fumbling on our part.

General Abrams used to say that good judgment comes from experience and experience comes from bad judgment. Which is another way of saying that hopefully we learn from our mistakes and if we're smart we'll also learn from the mistakes of others. Yet, now as we review the bidding, it seems clearly evident that we have not taken the experience of the role and the importance of Civil Affairs to heart.

Every Army Chief of Staff is predictably strongly influenced by his personal experiences. Naturally, his philosophy reflects that experience. In my case, when I was Chief of Staff, I made three assumptions against which I measured the thrust and effectiveness of Army programs. They were simply: (1) expect the unexpected, (2) be ready, and (3) when we go we'll probably be outnumbered.

Measured against these assumptions, our Civil Affairs programs are inadequate.

People who profess to know exactly what the form of the next war will be are a dime a dozen in Washington. One frequently expressed view is that the war, if there is one, will be an attack by the Soviet Union in Western Europe and there are very strong pressures to structure our Army to deal with that contingency and nothing else. I don't agree with any of that because in my lifetime we have never accurately forecast the employment of American fighting forces, and we have never, and I repeat never, been prepared for the conflict that we actually became involved in—and that includes World War II, the Korean War, and the war in Vietnam. In our attempt during peacetime to precisely forecast the future and to tailor our forces accordingly, we end up unprepared for the situations that do in fact develop and our experience with Civil Affairs is a classic case in point.

In World War II, Civil Affairs was a major factor in the outcome but even then we fell short in mobilizing the full potential of the civilian population in Western Europe.

In Burma, we were outnumbered and as Vinegar Joe Stilwell said, "We got the hell kicked out of us." Later, in an effort that offset some of the disparity in numbers of combat troops we mobilized the capabilities of some of the Burmese natives under the direction of the Office of Strategic Services—but there was never a coordinated Civil Affairs program worthy of the name.

And looking back on General Eisenhower's request for 960 military government officers: that turned out to be only a small fraction of the numbers that would eventually be needed in Europe. The same shortcomings were repeated in spades in Korea in 1950 and again in South Vietnam in 1964. And tonight, as I stand here, I am still not sure that we are yet responding to the obvious as stated by Marshal Montgomery: that modern war totally involves the civilian as well as the military—that war is more than battalions and divisions slugging it out—that it requires the mobilization of the economic, political, technical, and sociological capabilities of the civilian population and the focusing of those relatively enormous capabilities in such a way that they support and reinforce the combat effort—that is, they do if we expect to win.

I remember in recent years sitting in high level conferences involving our commitment to Civil Affairs and the discussion always followed a predictable pattern. First, someone would postulate that America would never again become involved in the occupation of another country and then the obvious conclusion: Why maintain a corps of Civil Affairs personnel in the Army? As simple as that! Now, how does that square with the experience we have had which is supposed to be the basis for good judgment. Not very well!

First of all, it reflects the conviction that the nature and location of U.S. involvement can be forecast accurately—a conviction that has never been realized in my 38 years as an Army officer. Next, it ignores two facts: First, that in any future conflict we likely will be outnumbered militarily; and, second, our success will be measured by our ability to mobilize and integrate the capabilities of the military and civilian forces of our allies with those of our own. Finally, it ignores the fact that Civil Affairs is a profession that demands a breadth of knowledge and experience not usually found in normal pursuits in our society. Past experience should have taught us that Civil Affairs experts are made, not born.

We frequently hear the caution that we should not use Vietnam as an example for lessons learned and experiences—good and bad—that might be relevant to the development of new, more effective doctrine. And I agree that Vietnam was so unique in so many ways that we should use caution in generalizing about our experience there. Still the fact remains that we did make an enormous national effort there and we failed. Of course, we have failed to bring peace to Africa, and we have not been able to bring assured stability to the Mideast, and there have been other situations that we have not been able to influence as we'd have liked—but Vietnam was different because of the great amount of material and personnel that we poured into that country—and still we failed. So there have to be valuable lessons that we should—that we *must*—learn from Vietnam.

I believe that one of them is that the Communists making a telling point when they refer to their programs to extend Communist control as "people's liberation," or as the "people's revolution" or as the "popular front." One of the main reasons they were successful in Vietnam was because the Communist leadership and Communist system—not only in North Vietnam but elsewhere—in China, the Soviet Union, Cuba—have developed methods and techniques that enable them to integrate and focus their political, economic, sociological and military resources on specific objectives. In so doing, they also reap the incredibly powerful motivational strength that comes when a people feel that they are part of, and personally involved in, a "cause"—in a great national team effort designed, as they view it, to further the progress of mankind.

Relative to us and the free world the Communists are much more cognizant of the decisive role that the civilian populace can play in any armed conflict. The dreadful part about that fact is that they have used their unique capability to mobilize human resources to achieve evil objectives—objectives that are the antithesis of our philosophy of the primacy of human dignity and individual freedoms over the state.

As for us, we have at worst ignored the decisive potential of Civil Affairs in our defense of the democratic system, and at best we have used our Civil Affairs resources with far less than optimum effectiveness. We have never been adequately prepared in the field of Civil Affairs. We have never accepted the fact that people—not equipment—win wars. In World War II, the French lost their army, their navy, and the air force. France was occupied by German military forces and yet the people continued their resistance and in the final outcome they were a significant element in bringing about the defeat of Hitler's Nazis. I have always held that one of the unique characteristics of our Army is that it equips men whereas the other military services man equipment—and for that reason Civil Affairs personnel and units have a special meaning for me—they epitomize the point that the Army is "people." As a matter of fact, a trained Civil Affairs officer is the most potent "force multiplier" the Army has.

In Vietnam—a "people's war"—we deployed over half a million troops and yet included only three Civil Affairs Companies (the 2d, the 29th and the 41st). They were consistently about 20% understrength because we were woefully short of trained Civil Affairs personnel. So, when people tell you that you can quickly respond to Civil Affairs requirements in an emergency by drawing the people from common civilian pur-

suits, the answer based on bitter experience is: "Don't you believe it!"

In the final analysis, we have been overly defensive in our development of the Civil Affairs mission for the Army. We read phrases such as, "Our effort is to insure that the civilian community is not overly hostile" or "Our mission is to prevent civilian interference with tactical and logistical operations." The Civil Affairs mission must not be regarded as defensive. It is positive, offensively oriented action necessary to mobilize the civil population and to provide from the civil sector a force and a focus that will insure the success of our national objectives. Throughout most of the Vietnam war our government believed that we, in concert with our allies, could decisively defeat and eradicate the enemy's military forces. Then, having produced a sterile anti-communist environment in which democracy could flourish, we would turn the country over to Vietnamese political authority to establish a viable political and economic democracy. There may have been strategies that would have enabled us to win that war but that wasn't one of them!

I am heartened by the interest that the leadership of today's active Army is showing in the Civil affairs mission. Both Forces Command and the Training and Doctrine Command are moving to formalize and institutionalize the many interrelated functions that constitute Civil Affairs. For the most part, this heightened interest is in response to your prodding. There were undoubtedly others, but when I was Chief of Staff I saw and heard enough of and from Eli Nobleman and Harry Rohde to the point that I began to wonder if they were a part of my permanent staff. Every time there was a rumor of someone or some agency preparing to take a whack at Civil Affairs, the names of Colonel Nobleman and General Rohde would appear on my calendar.

In January, I visited Manila and at a reception I met Colonel George Marko, the Army Attache. He had been assigned there from the Department of the Army staff. I find that the approach of these young officers to a Chief of Staff differs considerably depending on whether the chief is on active duty or retired. In this instance Colonel Marko was no exception—he gave me both barrels! He said, "You know, I really used to get aggravated with you. I was an action officer involved with Civil Affairs and every time those fellows Nobleman and Rohde came to see you, I could count on a note coming down saying that the Chief of Staff wants an accounting of what's going on to strengthen 'Civil Affairs.'" And he said it was a helluva lot of work to keep coming up with something original that would get past all the people in between him and the Chief of Staff.

The fact is that too much of our effort has been devoted to coping with outside pressures trying to emasculate Civil Affairs. Why? Because too many people don't believe in it. Why don't they believe in it? Because they don't understand it. They don't understand its potential as a decisive force. They don't understand that it is an incredibly effective "force multiplier" and they don't understand that we can't win without it. And, sadly, no one has been able to make the case that would elevate Civil Affairs to the priority position in our overall military program that it merits.

So there you have it: There is no military force in the world as adept as the United States in integrating firepower and bringing it to bear on the enemy and yet until we learn how to integrate our economic, political and sociological resources and bring them to bear in support of our military objectives we can never be certain of victory, no matter how much material, blood and lives we expend.

As the leading proponent of Civil Affairs this association has a heavy responsibility to the Army and to the nation. I urge you to press on—to spread the word, and to maintain your stand against those who still insist on ignoring the lessons of history.

A CALL TO SAVE EUROPE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. DERWINSKI. Mr. Speaker, in my opinion, it has become apparent that the Carter administration does not have a practical or logical foreign policy. As a matter of fact, I honestly wonder if there is anything more to President Carter's foreign policy than calculated positions meant to influence his popularity polls in the United States.

What I consider a valid commentary on the image of our foreign policy appeared in the Chicago Tribune of June 20. The editorial which follows, comments on certain statements made by former Secretary Kissinger in analyzing President Carter's foreign policy:

A CALL TO SAVE EUROPE

The Carter administration has accused Henry Kissinger of having been soft on Communists in the Soviet Union when he was Secretary of State. And now Dr. Kissinger has balanced the books by warning the administration to beware of Communists in Western Europe. Both sides may be right.

It was in January that the new secretary, Cyrus Vance, took exception to the "quiet diplomacy" which his predecessor had preferred in dealing with human rights questions.

"We will speak frankly about injustice, both at home and abroad," he said at his first press conference after taking office. He was reminded that Dr. Kissinger had often said that behind-the-scenes efforts on such matters as Jewish emigration from the Soviet Union were more effective than public statements.

"I do not share that view," replied Mr. Vance. "My view is that at times we will feel it appropriate to speak out and there will be other times when we will not."

Now it is Dr. Kissinger who calls for "an attitude of resolve and conviction" among the people of France, Italy, and Spain to help them resist Red advances.

In a speech at a Washington conference on communism, the former secretary said, "We do our friends in Europe no favor if we encourage the notion that the advent of Communists and their allies into power will make little or no difference to our own attitudes and policies."

He seemed to be alluding to a recent statement by President Carter that "it's not up to us to tell other people how to vote or how to choose their leaders or who those leaders should be."

Dr. Kissinger disagrees—and so do we. He states his position well: "If the United States has a responsibility to encourage political freedom throughout the world, we surely have a duty to leave no doubt about our conviction on an issue that is so central to the future of the Western alliance and therefore to the future of democracy."

Absolutely.

We have applauded Mr. Carter's forthrightness in calling the world's attention to the abuse of people's rights behind the Iron Curtain. We cannot for the life of us understand why he does not see the need for similar forthrightness in warning of the dangers people face now on this side of the Curtain.

VON BRAUN MADE YESTERDAY'S DREAMS TODAY'S REALITIES

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. KETCHUM. Mr. Speaker, on March 23 of this year I had the extraordinary honor to praise the great accomplishments of Wernher von Braun on the occasion of his 65th birthday. Today I once again praise this outstanding man of vision as a grateful Nation mourns his passing.

As I declared just 3 months ago, it was Wernher von Braun whose contributions to the science of the space age made a reality of the man on the moon.

During the more than quarter century that Dr. von Braun lived in the United States, he presided over our Nation's entry into the space age. At the end of World War II, he became Project Director of U.S. Army Ordinance Corps, Research and Development Service at Ft. Bliss, Tex. Moving in 1950 to Huntsville, Ala., he served as Technical Director of the Guided Missile Development Group, Redstone Arsenal and later as Chief. He became the Director of the Development Operations Division of the Army's Ballistic Missile Agency in Huntsville in 1956.

In 1957, the Soviet Union stunned the world by the announcement of the orbits of Sputnik I and II. Due to Wernher von Braun's tremendous interest in space exploration which led to his own advance preparations for the day when the United States would enter the space age, Explorer I was launched only 84 days after the Redstone facility was given the nod for production of a satellite of our own.

Following the creation of the National Aeronautic and Space Administration in 1960, Dr. von Braun was chosen to serve as Director of the new agency's Marshall Space Flight Center, Huntsville. In this capacity, he supervised the development of the Saturn C–1 rocket, from which evolved the Saturn IB of the Apollo test program and the Saturn V moon rocket. Under von Braun's guidance, the United States embarked upon an unprecedented course of space exploration, culminating in the successful landing of men on the Moon.

Wernher von Braun came to Washington in 1970 as NASA's Deputy Associate Administrator and retired from that position in 1972. He only had recently retired as vice President of engineering and development of Fairchild Industries of Germantown, Md.

The name of Wernher von Braun has become synonymous with space exploration. Through his vision, his dedication, his genius, yesterday's dreams have become today's reality. His contribution to this Nation will remain the finest memorial that could ever be raised in his honor.

APPEALS COURT CITES ABUSE OF GRAND JURY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. EILBERG. Mr. Speaker, just recently the appellate division of the Supreme Court of New York reviewed a case in which it found that a special State prosecutor used what it called coercive methods to indicate a judge in Queens County.

This case, Mr. Speaker, is another example of why the Judiciary Subcommittee which I chair has been conducting hearings on H.R. 94, which would provide for the first comprehensive reform of the Federal grand jury system since the birth of our Nation.

In the case at hand, the five appellate judges ruled unanimously that the prosecutor was responsible for "procedural irregularities going to the very heart and integrity of the grand jury system."

In this case, the prosecutor went back to the grand jury again and again to secure an indictment. The judges noted that this was a serious breach of the historic role of the grand jury "to remain truly free and independent of outside influence."

I commend to the attention of my colleagues the following materials describing this case:

[From the New York Times, June 1, 1977]

JUSTICE, PROSECUTOR CRITICIZED BY COURT IN GROH INDICTMENT

(By Max H. Seigel)

The Appellate Division in Brooklyn yesterday accused Justice Leonard H. Sandler of State Supreme Court and the Special state anticorruption prosecutor, John F. Keenan, of having used "coercive" methods to get a Queens County grand jury to indict Judge Robert T. Groh of Civil Court last November on charges of bribery and grand larceny.

The appellate justices said that if they could, they would throw out the indictments, but that they could not do so because the lawyers for Judge Groh still had recourse to State Supreme Court.

It was the first time Mr. Keenan had been accused of using the kind of overzealous tactics that had led to the dismissal of charges against many persons indicated by Maurice H. Nadjari, Mr. Keenan's predecessor as special prosecutor for corruption in the criminal justice system.

"Had the motion been submitted to us from the start," the five appellate justices said in a unanimous opinion on the Groh case, "we would have granted the application and ordered that the indictment be dismissed, as the papers submitted by both sides reveal the presence of procedural irregularities going to the very heart and integrity of the grand jury system."

Mr. Keenan and an assistant, Stephen Sawyer, had brought before the Queens grand jury charges that Mr. Groh, while deputy borough president of Queens in 1972, had sought a political campaign contribution of more than $10,000 from a law firm representing the Sheraton Corporation to help it get a zoning variance to expand its inn at La Guardia Airport.

GRATUITOUS DISCUSSION

After hearing the evidence, the grand jury voted not to indict Mr. Groth. Afterward, according to the Appellate Division "the special prosecutor, having learned of the result, re-entered the grand jury room, where he gratuitously discussed with the grand jurors their failure to indict."

"And without any request from the grand jury," the ruling went on, "he then suggested to it that the justice presiding at the extraordinary special and trial term would be willing to come before it and provide it with a further charge on the law, if it so desired."

According to the court records, one grand juror questioned the usefulness of such a gesture on the ground that a vote already had been taken and the matter disposed of, but the special prosecutor insisted that additional instructions from the judge might enable the grand jury "to adequately reach a judgment on the matter, adequately and finally reach a judgment on the matter."

This was done, the Appellate Division said, notwithstanding the fact that the grand jury had done just that—"reached, voted on and recorded its determination."

[The special prosecutor then retired from the jury room and a vote was taken. "Only three of the grand jurors voted to receive further instructions," the appellate justices said, and "despite the fact that there was no request by the grand jury as a body to receive any further instructions, both the special prosecutor and the justice presiding at the extraordinary special and trial term appeared before the grand jury on a subsequent date and delivered a further charge."]

NARROW VOTE TO INDICT

The grand jury then took another vote and decided to indict Mr. Groh by the minimum margin—12 to 7.

The appellate justice said: "Aside from the fact that we view these 'further instructions' to have been incorrect on the law, as they seemed to indicate to the grand jurors that they have no alternative except to indict, we believe that the methods employed, although no doubt well-motivated, were coercive in fact and, if permitted to go unchecked, would tend to destroy both the value and purpose of our grand jury system."

The justices added that "under the facts of this case, it was improper for either the special prosecutor of the court to have interceded in the proceedings once the grand jury had voted to dismiss." And, they said, "to sanction such a procedure" would "permit prosecutors in the future to coerce or badger grand jurors to change their solemnly-arrived-at determinations."

The justices suggested that Mr. Groh apply again to Justice Howard A. Jones of State Supreme Court, who had twice previously refused to dismiss the charges.

"In the light of the views here expressed," the Appellate Division said, the learned justice at the extraordinary special and trial term may wish to reconsider his determination should an application be made therefor."

In denying motions for dismissal on March 4 and March 15, Justice Jones had made it clear he would welcome submittal of the controversy to the Appellate Division, "there apparently being no precedent" on which he "might rely in resolving these questions."

KEENAN'S REACTION

Commenting on the decision, Mr. Keenan said yesterday: "I certainly agree that the grand jury should not be badgered, and obviously, I don't think we did. What we did was well-intentioned and well-motivated and I'm not going to quarrel with the decision.

The special prosecutor added that he might try now to present the case again before another grand jury, he might apply to Justice Jones for permission to present the case again, or he might intervene when Judge Groh moves again for dismissal before Justice Jones.

Marvin B. Segal, Judge Groh's lawyer, said yesterday he would promptly submit another application for dismissal to Justice Jones.

"The Appellate Division decision," he said, "is a strong suggestion, of not a directive, to dismiss. To try the case now would be a useless procedure since the Appellate Justices have made it clear that any conviction after trial in a lower court would be reversed."

Mr. Segal said that he had not gone directly to the Appellate Division because he had not seen the grand jury's minutes and so had been unaware of the actions of the special prosecutor and Justice Sandler. "It was an extraordinary procedure by two very able men," he said. "It's impermissible for a judge to go into a grand jury room."

Justice Sandler said yesterday that he had gone to the grand jury purely for the convenience of the jurors. "It was easier for me to go to them in Queens," he said, "than to have all of them to come to my courtroom in Manhattan."

In welcoming the appellate decision, Judge Groh—who was elected a judge of the Civil Court shortly before his indictment—said yesterday he was "proud to be a member of the system that treats defendants equitably."

[From the New York Journal, June 2, 1977]

APPELLATE DIVISION

Second Department

(People vs. Groh)

After a full presentation of the evidence, a charge on the law by the Special Prosecutor and a spirited discussion among the grand jurors, they voted to dismiss the proposed charges. The Special Prosecutor reentered the room and suggested that the Justice presiding at the Extraordinary Special and Trial Term would be willing to provide a further charge on the law. The utility of such a gesture was questioned by a grand juror. The Special Prosecutor retired and a vote was taken. Only three jurors voted to receive further instructions. Nevertheless, the Special Prosecutor and the Justice appeared on a later day and delivered a further charge. The grand jurors voted the indictment by the narrowest permissible margin. Defendant's application to dismiss the indictment or, pursuant to article 78, to prohibit further proceedings, was denied at the Extraordinary Term. The Appellate Division, for lack of jurisdiction to overturn the prior decision, denied this motion for identical relief. It advised defendant to renew his application before the same justice at the Extraordinary Term. Both the Special Prosecutor and the court, ex parte, acted improperly by interceding in the grand jury proceedings.

THE PEOPLE, etc., plaintiff, v. ROBERT T. GROH, defendant.

IN THE MATTER OF ROBERT T. GROH, petitioner, v. HOWARD A. JONES, as Justice of the Extraordinary Special and Trial Term of the Supreme Court of the State of New York, County of Queens, et al., respondent.

Decided May 31, 1977

Before *Gulotta, P. J.; Martuscello, Cohalan, Damiani* and *Shapiro, JJ.*

Motion pursuant to Section 149 (subd. 2) of the Judiciary Law by Robert T. Groh for an order dismissing an indictment filed against him or, in the alternative, for judgment pursuant to CPLR article 78 prohibiting further proceedings with respect to the said indictment.

Segal & Hundley, New York, N.Y., for defendant-petitioner.

John F. Keenan, Deputy Attorney General, New York, N.Y. (George F. Bradlau of counsel), respondent *pro se* and for plaintiff.

Per Curiam—This is a motion pursuant to Section 149 (subd. 2) of the Judiciary Law by Robert T. Groh, a defendant in a pending

criminal action, for an order dismissing the indictment fired against him by the Extraordinary Special Grand Jury for the County of Queens, or, in the alternative, for judgment pursuant to CPLR article 78 prohibiting the Trial Justice assigned to the Extraordinary Special and Trial Term, and the Special Prosecutor, from proceeding with respect to the said indictment.

Motion denied and proceeding dismissed, without costs or disbursements.

Consideration by this court of the prayer for relief pursuant to Section 149 (subd. 2) of the Judiciary Law is barred by the fact that an identical motion had been made before the Extraordinary Special and Trial Term and was denied by it on March 4, 1977; that determination was adhered to upon reconsideration on March 15, 1977. The availability of relief by motion to this court pursuant to Section 149 (subd. 2) is an alternative to proceeding before the Extraordinary Special and Trial Term and, having elected to proceed before Acting Supreme Court Justice Jones in the first instance, defendant is now precluded from attempting to overturn his decision by a *de novo* application to this court (see *Matter of Dondi v. Jones*, 40 NY 2d 8, 15).

So far as the application for relief in the nature of prohibition is concerned, we must take cognizance of the holding of the Court of Appeals in *Matter of State of New York v. King* (36 NY 2d 59, 62):

"The extraordinary remedy either of prohibition or mandamus lies only where there is a clear legal right, and in the case of prohibition only when a court (if a court is involved) acts or threatens to act without jurisdiction in a matter over which it has no power over the subject matter or where it exceeds its authorized powers in a proceeding over which it has jurisdiction (see, e.g., *Proskin v. County Ct. of Albany County*, 30 NY 2d 15, 18; *Matter of Lee v. County Ct. of Erie County*, 27 NY 2d 432, 436–437; *Matter of Hogan v. Culkin*, 18 NY 2d 330, 335–336)." (Accord *Matter of Nigrone v. Murtagh*, 36 NY 2d 421, 423–424.)

While the question is not entirely free of doubt, we have concluded that the allegations proffered by the defendant Groh fail to raise a jurisdictional issue (see *Matter of Paciona v. Marshall*, 35 NY 2d 289; *Matter of Wroblewski v. Ricotta*, 35 NY 2d 745; cf. Matter of *Dondi* v. *Jones*, supra; *La Rocca* v. *Lane*, 37 NY 2d 575).

We should indicate, however, that had the motion under Section 149 (subd. 2) of the Judiciary Law been submitted to us *ab initio*, we would have granted the application and ordered that the indictment be dismissed, as the papers submitted by both sides reveal the presence of procedural irregularities going to the very heart and integrity of the grand jury system. Here, after a full presentation of the evidence, a charge on the law by the Special Prosecutor, and an apparently spirited discussion among the grand jurors themselves, they voted to dismiss the proposed charges in their entirety, and recorded that determination in their minute book. Thereafter, and this appears without contradiction on the record, the Special Prosecutor, having learned of the result, re-entered the Grand Jury room, where he gratuitously discussed with the grand jurors their failure to indict. Without any request from the Grand Jury, he then suggested to it that the justice presiding at the Extraordinary Special and Trial Term would be willing to come before it and provide it with a further charge on the law, if it so desired.

The utility of such a gesture was questioned by a grand juror, who told the Special Prosecutor that a vote had already been taken and the matter disposed of, but the latter insisted that a further charge might enable the Grand Jury to "adequately reach a judgment on the matter, adequately and finally reach a judgment on the matter", this notwithstanding the fact that the Grand Jury had done just that—reached, voted on and recorded its determination.

The Special Prosecutor then retired from the Grand Jury room and a vote was taken. Only three of the grand jurors voted to receive further instructions. Despite the fact that there was no request by the Grand Jury as a body to receive any further instructions, both the Special Prosecutor and the justice presiding at the Extraordinary Special and Trial Term appeared before the Grand Jury on a subsequent date and delivered a further charge. The grand jurors then retired to deliberate and voted the instant indictment by the narrowest permissible margin (see CPL 190.25 subd. 1).

Aside from the fact that we view these "further instructions" to have been incorrect on the law, as they seemed to indicate to the grand jurors that they had no alternative except to indict, we believe that the methods employed, although no doubt well motivated, were coercive in fact and, if permitted to go unchecked, would tend to destroy both the value and purpose of our grand jury system. That system, which has its origins in antiquity and enjoys no lesser protection than that afforded by the Federal and State Constitutions (U.S. Const., 5th Amdt.; N.Y. Const., art I, Section 6), performs a vital function in our jurisprudence—that of protecting the private citizen from unjust prosecution. As Justice Foster stated in *Matter of Gardiner* (31 Misc. 364, 366–367, 375, cited with approval in *People v. Minet*, 296 NY 315, 322):

"The grand jury had its origin at a time when there raged a fierce conflict between the rights of the subject and the power of the crown. It was established to secure to the subject a right of appeal to his peers, under the immunity of secrecy and irresponsibility, before the government could bring him to trial. It was a right wrung from the government to secure the subject against oppression.

* * * * *

"[As] was rightly said by Judge King, in the case of Lloyd and Carpenter, 5 Penn. L.J. 62: 'Grand Juries are high public functionaries, * * * They are the great security to the citizen against vindictive persecutions, either by government, or by political partisans, or by private enemies. In their independent action, the persecuted have found the most fearless protectors; and in the records of their doings are to be discovered the noblest stands against the oppression of power, the virulence of malice, and the intemperance of prejudice.'

* * * * *

"It is as important to a person that he be fairly and justly accused of crime as that he be fairly and impartially tried therefor" (emphasis supplied).

However, this historical function can only be carried out if the grand jury remains truly free and independent of outside influences. As was stated by Justice Callagahan in People v. Both (118 Misc. 414, 423):

"The life and liberty of the individual depend largely upon the citizens who are called from all walks of life to act as jurors. They are in every instance the sole judges of the facts, and, when called as grand jurors, they are the judges of the law as well as of the facts. The administration of the criminal law lies largely with grand and petit juries. It is through the jury system alone that the people have a part in the administration of the law. It is important, therefore, that no undue influence or coercion be exerted at any stage of a prosecution to influence unduly the judgment of a juror." (See, also, People v. Cunningham, NYLJ, April 28, 1977, p. 10, col. 4; People v. Benin, 186 Misc. 548; United States v. Rintelen, 235 F. 787.)

Clearly, this is not a case in which the Grand Jury has voted to reconsider the charges sua sponte (see People v. Stecker, 141 Misc. 417; 42 CJS, Indictments and Informations, Section 25), nor is it a case in which the court having charge of the grand jury, upon an appropriate showing, has directed that the charges be resubmitted following a failure to indict (CPL 190.75, subd. 3; see People ex rel. Flinn v. Barr 259 NY 104; People v. Potter, 50 AD 2d 410). Under the facts of this case it was improper for either the Special Prosecutor or the court, ex parte, to have interceded in the proceedings once the Grand July had voted to dismiss.

To sanction such a procedure, no matter how well intentioned it may have been in this case, would permit prosecutors in the future to coerce or badger grand jurors to change their solemnly arrived at determinations. Nevertheless, while firmly convinced of the grave impropriety underlying the present indictment, this court is without jurisdiction to deal with it at this juncture. However, in the light of the views here expressed, the learned Justice at the Extraordinary Special and Trial Term may wish to reconsider his determination should an application be made therefor.

Gulotta, P. J.; Martuscello, Cohalan and Shapiro, J. J., concur. Damiani, J., concurs in the result.

BRITISH DOUBLE STANDARD ON RHODESIA AND DICTATOR AMIN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ASHBROOK. Mr. Speaker, the front page of the London Sunday Times of June 12 gave a good insight into the double standard of the British in regard to Rhodesia and Uganda. While the British and liberal reporters refer to free and independent Rhodesia as a runaway state, breakaway colony, illegal state and to their differences as a "constitutional crisis." They not only look the other way when it comes to dictator Amin but actually work to shore up and support his regime.

Henry Kyemba, former Amin intimate, let the cat out of the bag. Many of us often wondered how Amin kept his army loyal and on its ruthless course. Kyemba stated that the British prop up the Amin regime in Uganda by letting Uganda airlines use Stansted Airport for ferrying essential supplies. He noted that the twice-weekly Stansted-Entebbe flights carry:

> Spirits, cigarettes and luxury goods for the Ugandan army and security services. Without this supply, Amin would find it difficult to maintain the loyalty of his troops.

Enough for the pontification of the British regarding Rhodesia and Uganda. I would also note that the Commonwealth Conference tiptoed all over the Uganda issue. Imagine, if you can, a white Idi Amin, one-tenth as tyrannical as the real black dictator. Would the African and Asian members of the Commonwealth have agreed to attend any

conference from which he was not formally and categorically excluded? It is enough to ask the question to know the answer.

CAPITAL FORMATION

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BRINKLEY. Mr. Speaker, American business and industry face today a problem which, in the long term, goes to the very heart of the free enterprise system. That problem is capital formation, and there is hard evidence that the United States is falling behind among industrialized nations in this regard.

Good businessmen recognize the problem and have good, solid questions on how to solve it. My good friend, William H. Huguley, IV, vice president of West Point Foundry and Machine Co., West Point, Ga., recently addressed this subject before the American Textile Machinery Association Congressional Breakfast in Washington.

Bill Huguley's words warrant our attention, Mr. Speaker, and therefore, I submit his address for the RECORD.

CAPITAL FORMATION

(By William H. Huguley, IV)

The establishment of an economic environment conducive to the formation of adequate capital is of critical importance to the long range health of the entire economy. Capital, in the sense we are considering today, refers to such tangible things as plant, equipment and inventories or intangible items, such as research and development. This is Physical Capital. It is this physical capital, in relationship with financial capital, which actually increases future production. The ability of American business to compete in the world market and to merely maintain its share of our own U.S. market depends on the utilization of new and more efficient capital equipment. A necessary step is to make it more attractive for the private sector of the economy to invest in plant, equipment and other forms of capital.

There is evidence—disturbing evidence—that the United States is falling behind other industrialized nations in encouraging the formation of capital. During the period of 1960–1973 the growth rate of capital input, which is directly related to economic growth, in the United States was 4.0%, compared to 5.4% for Italy, 7.0% for Germany, and 11.09% for Japan.

These are the nations that are claiming an increasing share of the world market and it is these nations that are flooding our own markets with their products. In both cases it costs American jobs and causes a negative trade balance.

American business is being forced to compete with increasingly outmoded equipment and inadequate facilities because of the high cost of investment. Not only are sales hurt and jobs lost, but the capability to produce new technology and competitive products is seriously threatened.

In our own textile machinery industry more than one third of the total production jobs have been lost over the past ten years. Most other capital goods industries face the same problems. In the future it could be, that in time of national emergency, this country will not be able to provide the machinery to satisfy our needs.

Without sufficient incentive for investment, the capacity constraint will take effect and the economy will be unable to provide adequate job growth. Also, the productivity of the employed worker will be lower. This implies that it will be difficult to maintain the current standard of living and control inflation.

It is easy to document that productivity is a problem. During the 1962–1966 period, productivity averaged well over 3% growth a year. In the 1968–1973 period, even before the recession, productivity growth was down to 1.7% per year. The long-term outlook, without further increase in capital spending and research and development, indicates that it will be hard to increase productivity faster than 2% per year.

Many measures are available to stimulate capital formation and investment demand. One proven method is an investment tax credit. Another is better and more equitable integration of personal and corporate income tax, since this effectively reduces the rate of return necessary to justify a capital expenditure. This method will also help remove some of the distortion and tendency toward debt vs equity financing. Depreciation, for tax purposes, should be allowed on a replacement basis rather than historical costs due to inflation.

The United States may well be in a situation where we will face capacity constraints on our growth if we do not make the necessary investment in plant and capital. Because of this it is especially important that no further disincentives to capital formation are developed in a misguided effort to "soak the fat cats" through a war on profits and capital gains. This effort is misguided because more and more corporate ownership is for the benefit of all classes of people, and because it would reduce the ability of the economy to provide for future gains in the standard of living of us all.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1978

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. FREY. Mr. Speaker, I wish to explain my vote against the agricultural and related agencies appropriations bill, H.R. 7558, which the House considered yesterday.

Simply put, I cannot approve legislation placing no restrictions on the food stamp program. After all the rhetoric is finished, after all the smoke has cleared, all the campaigns finished—we come down to legislation recommending 42 percent of the Department of Agriculture's budget be spent on food stamps. How, with a clear conscience, can any Member of this body vote to spend $5,673,804,000 on food stamps?

Let us, once again, look at the facts:

In 1965 we appropriated $36 million for food stamps. In 1976 we appropriated $5.6 billion. That's an increase of 14,200 percent.

In 1965 one person in 439 was eligible for food stamps. Today 1 in 9.

USDA estimates that 7 percent of those receiving food stamps are ineligible.

Another 18 percent are receiving more than their share of food stamps.

Mr. Speaker, there was a glimmer of hope for sound fiscal policy when an amendment was proposed to curb the funding for food stamps. When the House defeated that amendment, I decided to vote against final passage.

I do want to make my position clear. I voted against the bill because of food stamps.

WHAT DO THE ENEMIES OF NICARAGUA WANT?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. McDONALD. Mr. Speaker, the enemies of Nicaragua have been outspoken in their criticism of the Government and their demands that we repudiate it. But, they have been strangely silent about what they would like as a replacement. One opponent of the regime has made some interesting admissions, however.

Miguel D'Escoto, an outspoken enemy of Nicaragua, testified in April before the Subcommittee on Foreign Operations of the House Appropriations Committee against aid to Nicaragua. A clearer understanding was given of what this man wants in the introduction he wrote to the book "Guardians of the Dynasty," by Richard Millett.

D'Escoto said:

The overthrow of Somoza will not in itself bring about the revolutionary changes that the more socially concerned Nicaraguans would like to see....

He advocated what he called a "noncapitalistic system." It is obvious what this means in real life. The slave labor camps of Soviet Russia and Red China, and the political prisons of Castro's Cuba are the horrible symbols of a "noncapitalistic system." D'Escoto went on to say that if the "elite" in Nicaragua are reluctant to accept this—

Then their reluctance will only serve to prove that the Frente Sandinista de Liberacion Nacional had been right all along in choosing violence and guerrilla warfare as the only viable strategy to bring about change. Under such circumstances, change, though necessary and ultimately inevitable, will come about in a far more painful way than any decent person may care to imagine. Patriotic and courageous Nicaraguans will continue to be driven to violence as it becomes increasingly obvious to them that there is no other way to obtain justice in their country.

A criminal seldom shoots his victim if the man turns his possessions over voluntarily. The Communist terrorists of the Frente Sandinista de Liberacion Nacional would prefer that their victims surrender rather than fight back.

Those who defend and support the violence and brutality of the Communist terrorists are the last ones in the world that we should allow to advise us. Our country should support those governments carrying out the fight against terrorism. We should reject the advice of the apologists for terrorism.

U.S. SUPREME COURT RECENT DECISION ON ABORTION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. HYDE. Mr. Speaker. The U.S. Supreme Court recently ruled on the question of taxpayer funding of abortion under such programs as medicaid. In the Connecticut case of Maher versus Roe—decided June 20, 1977—the Court made it quite clear that the Government, either Federal or State, is not required under the equal protection clause to pay the expenses incident to nontherapeutic abortions for indigent women, simply because it has made a policy choice to pay expenses incident to childbirth. Such restrictions on abortion were not found to be discriminatory.

Many of the opponents to my amendment to the Labor/HEW Appropriations Act frequently raised the equal protection argument, which has now been dismissed by the highest court in the land.

Reprinted below for the information of my colleagues is the Syllabus of the Maher decision of June 20, 1977:

[Supreme Court of the United States, No. 75-1440. Argued January 11, 1977—Decided June 20, 1977]

MAHER, COMMISSIONER OF SOCIAL SERVICES OF CONNECTICUT, v. ROE, ET AL.

Appeal from the United States District Court for the District of Connecticut.

(NOTE.—Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

Appellees, two indigent women who were unable to obtain a physician's certificate of medical necessity, brought this action attacking the validity of a Connecticut Welfare Department regulation that limits state medicaid benefits for first trimester abortions to those that are "medically necessary." A three-judge District Court held that the Equal Protection Clause of the Fourteenth Amendment forbids the exclusion of nontherapeutic abortions from a state welfare program that generally subsidizes the medical expenses incident to pregnacy and childbirth. The court found implicit in *Roe* v. *Wade*, 410 U.S. 113, and *Doe* v. *Bolton*, 410 U.S. 179, the view that "abortion and childbirth . . . are simply two alternative medical methods of dealing with pregnancy. . . ." *Held:*

1. The Equal Protection Clause does not require a State participating in the medicaid program to pay the expenses incident to nontherapeutic abortions for indigent women simply because it has made a policy choice to pay expenses incident to childbirth. Pp. 5–16.

(a) Financial need alone does not identify a suspect class for purposes of equal protection analysis. See *San Antonio School District* v. *Rodriguez*, 411 U.S. 1, 29 *Dandridge* v. *Williams*, 397 U.S. 471. Pp. 6–7.

(b) The Connecticut regulation, does not impinge upon the fundamental right of privacy recognized in *Roe*, *supra*, that protects a woman from unduly burdensome interference with her freedom to decide whether or not to terminate her pregnancy. That right implies no limitation on a State's authority to make a value judgment favoring childbirth over abortion and to implement that judgment by the allocation of public funds. An indigent woman desiring an abortion is not disadvantaged by Connecticut's decision to fund childbirth; she continues as before to be dependent on private abortion services. Pp. 7–10.

(c) A State is not required to show a compelling interest for its policy choice to favor normal childbirth. Pp. 10–13.

(d) Connecticut's regulation is rationally related to and furthers its "strong and legitimate interest in encouraging normal childbirth," *Beal* v. *Doe*, *ante*. at —. The subsidizing of costs incident to childbirth is a rational means of encouraging childbirth. States, moreover, have a wide latitude in choosing among competing demands for limited public funds. Pp. 13–15.

2. Since it is not unreasonable for a State to insist upon a prior showing of medical necessity to insure that its money is being spent only for authorized purposes, the District Court erred in invalidating the requirements of prior written request by the pregnant woman and prior authorization by the Department of Social Services for abortions. Although similar requirements are not imposed for other medical procedures, such procedures do not involve the termination of a potential human life. Pp. 15–16.

408 F. Supp. 660, reversed and remanded.

POWELL, J., delivered the opinion of the Court, in which BURGER, C. J., and STEWART, WHITE, REHNQUIST, and STEVENS, JJ., joined. BURGER, C. J., filed a concurring statement. BRENNAN, J., filed a dissenting opinion, in which MARSHALL and BLACKMUN, JJ., joined. MARSHALL, J., filed a dissenting opinion. See No. 75–554. BLACKMUN, J., filed a dissenting opinion, in which BRENNAN and MARSHALL, JJ., joined. See No. 75–554.

TIME MAGAZINE'S TWISTED VIEW OF A COMMUNIST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ASHBROOK. Mr. Speaker, any thinking American would be nauseated after reading Time magazine's featured article on the Communist dictator Tito in its June 13 issue. The liberal-left line is there in full pink color. Of course, the American left has always sought to tell you how independent these Communist dictators are. Anybody studying the situation can only conclude that a Communist is a Communist is a Communist is a Communist.

Out on the college trail, I have often had questions on Tito. My retort is always this: Give me one basic area where Tito has really been independent of action of the Soviet Union. In the U.N.? The Third World and so-called nonaligned nations? Keep looking.

Whether its nuclear testing in the atmosphere or the Berlin Wall, Tito is always there on the Communist side like the stooge Charlie McCarthy.

Never mind his repressive dictatorship. Time magazine would have you believe that poor old Josip Broz Tito is the only thing that stands between the Yugoslavian people and the Soviet ambitions to regain a long lost satellite. Anybody who believes that bunk would not be offended by this choice statement in the Time magazine article:

His last gift to his people is his longevity, which has become a precious but dwindling national resource.

As Lawrence Welk says, turn off the bubble machine.

POSTAL SERVICE: A VIEW FROM RURAL AMERICA—PART IV

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ABDNOR. Mr. Speaker, in my continuing report on how my constituents in South Dakota view the U.S. Postal Service, I invite my colleagues to review the following editorial comments:

[From the Hoven (S. Dak.) Review, June 2, 1977]

THE OLD COUNTRY PRINTER

(By Bob Holsworth)

Usta be when a guy had nothin' else to gripe about, ya griped about the weather, but in recent years the weather has been so fouled up and uncooperative, most folks don't bother bellyachin' about it and have turned their ire and fire on their fellow man and Postal Service—mostly the Postal Service.

I ain't reached the point where I vent my spleen on fellowman—I guess I sorta follow the facetious remark of a preacher I knew who said "I love every human—but that don't mean I like everyone." So, I guess I gotta let off steam about the Postal Service.

I don't know just where the fault lies, because almost every postal employee in almost every town I ever lived in has been most likeable, most cooperative, and does a good job. But somewhere down the pike the mail must run into a massive confusion center of some type.

Like a few weeks ago, ferinstance. We got a letter from friends in Lombard, Ill., just outside Chicago, and you'd think in a giant mail handling center like that would be the place where it would go astray if it was gonna get messed up.

Not so. The Lombard postmark was "PM April 22"—which was a Sunday if you check your calendar. On the back was a postmark "Mitchell SD April 23." We received the letter in Hoven on the morning of the 27th. In other words, it got from Illinois to the mistaken service center at Mitchell in one day, but took four days to get from there to Hoven. It had the legible and correct address and zip code and everything.

The same week, the kids at The Review got one of them 25-cent postage due notices that come when a subscriber fails to notify the paper of a change of address, or for some reason the paper is undeliverable. The envelope was opened and the address label from the undelivered paper was exposed. Rose said the paper had been going to that address for months because she remembered making the change of address way back last fall. She did some checking with relatives here and found everything A–OK—the whole address was full and complete down to the last detail.

Then, by chance, we looked on the other side of the torn-off corner of the paper the label was attached to, and it happened to be a corner with a date line—the early weeks of November 1976. The Postal Service's own

mail had been kicking around on somebody's sorting desk or had not been sent out for over five months . . . but The Review postal fund was reduced by two-bits just to find out that the paper had been going to the correct address for five months.

This messed-up mail handling didn't just start now. When I was in the hospital in 1969, my brother was in Florida at the time and mailed me an air mail letter (that's way back when rates were different and air mail was supposed to be faster) and the address was typed, with correct zip, spelling and the whole shootin' match. It had been put on the wrong bird, wound up in Hawaii, also carried Seattle and New York postmarks—and took 11 days to get to Bowdle.

In my packet of cards and letter along with my brother's letter was a first-class letter from a friend near Duluth, Minn., who had addressed it to "Bottle, South Dakota" and it had no zip code number. The postmark of that little northern Minnesota village was less than 24 hours old.

Is a couple billions in subsidy and a doubled postage stamp rate gonna help? I doubt it. And it ain't gonna be doin' country newspapers and far-away subscribers no good if they drop Saturday service either.

Maybe it won't make no never mind . . . some subscribers, especially in California, don't get the paper mailed on Wednesday in Hoven until the following Wednesday or Thursday . . . if at all.

[From the Brookings Daily Register, June 7, 1977]

A WORSENING POSTAL CRISIS

It appears more and more certain that Saturday mail service will soon be a thing of the past. And, in our view, Postmaster General Benjamin Bailar has conveniently set it up so that ending Saturday service will be the lesser of two evils.

Unless Saturday service is eliminated, Bailar says that the first-class rate will have to be raised to 16 cents early next year, along with increases in other classes, to meet projected deficits. Without Saturday service, however, the first class rate could be pegged at 15 cents. For a while, anyway.

So the alternatives, as Bailar sees them, are: raise the postage rates, and, raise the postage rates some more.

But while the Postal Service cites surveys showing that most people would be willing to trade mail-less Saturdays for a small increase in the cost of a stamp, no combination of service cuts or postage increases can do more than postpone a crisis that some people say is fast approaching.

That crisis is in the form of instant electronic, computerized communication, a development which critics of the Postal Service say it has utterly failed to anticipate or become involved in.

Since some 70 per cent of the first-class mail is business and banking transactions, which are especially adaptable to electronic handling, the loss of this volume to private companies would be a tremendous blow to the Postal Service.

We don't know how accurate these predictions of electronic communications are, in terms of the effect on the Postal Department. What we do know is that this country may someday regret giving up Saturday mail delivery just because the Congress has decreed that the Postal Service has to pay its own way, unlike a number of other services that the government provides.

[From the Montrose Herald, May 27, 1977]

EDITORIALS

Much has been in the news lately about th post-offices around the nation, and how they are losing millions of dollars each year. The Postal Service has now been giving some thought to discontinuing Saturday mail delivery. Whether or not this will save them the millions they feel they are losing, remains to be seen.

The discontinuance of Saturday mail delivery will severely affect the daily newspapers in this nation. Although it will not affect this newspaper (as we have a Thursday publication date), it will affect those dailies in the state that depend on the post office to get their newspapers out to their rural subscribers. Should the Postal Service decide to discontinue delivery of mail on Saturdays, these dailies would certainly lose subscribers on rural routes.

Mail subscribers are entitled to better service, not less service. Because of increased second class postage rates, this newspaper, along with all the other newspapers in the nation, have been forced to adjust our subscription prices. For many years the post office increased second class postage rates only slightly each year and a modest increase in rates would cover the increased postage expenses.

Not so in past few years, and from all indications that we receive from our Press Association, the Post Office plans to continue raising second class postage rates very substantially each year. In turn, we newspapers must pass this expense on to our customers, which makes the subscription rates higher, and the vicious circle is started all over again.

There is something that you, as subscribers can do. Write your Senators and Congressmen. Tell them your feelings. Your letters do make a difference, but they will never know how you feel unles you write to them.

Addresses are as follows: Sen. George McGovern or Sen. James Abourezk, New Senate Building, Washington, D.C. 20510, or Rep. Larry Pressler or Rep. James Abdnor, 1230 Longworth House Office Building, Washington, D.C. 20510.

Your action is needed now, or before you know it, there will be no Saturday mail delivery ! ! !

WERNHER VON BRAUN

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. LLOYD of California. Mr. Speaker, Friday morning, June 17, one of our Nation's and the world's outstanding space leaders passed away. Dr. Wernher von Braun, who exemplified the American ideals of accomplishment, brilliance, and character, which were manifested in the Nation's space program, left this world with an imprint of his extraordinary capacity.

Dr. von Braun was widely acclaimed and highly honored by peoples of nations all over the world, not only for his remarkable achievements but also for his great leadership.

From the first successful satellite launched in 1958, to the multiple and complex space systems and subsystems of today, Dr. von Braun's perseverance, dedication, and courage have influenced the high degree of excellence so characteristic of our leadership in the world space program.

Although the world mourns the loss of this great pioneer and scientist, it will forever reap the benefits of Dr. von Braun's keen foresight and vision. Secondary applications of space technology are used today in our everyday living; and this country will long reap the rewards of our progress in space to achieve a healthful and peaceful future.

This country and the world is deprived of the genius of a gifted citizen, but we shall be able to continue in space because of his contributions and I sincerely hope that we will continue our role as a leader in space based on Dr. von Braun's leadership.

RESOLUTION ON B-1 BOMBER AND PANAMA CANAL ADOPTED BY SOUTH CENTRAL REGION AIR FORCE ASSOCIATION

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. EDWARDS of Alabama. Mr. Speaker, the South Central Region Air Force Association, which includes Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, met earlier this month in Mobile, Ala. During the convention, the association adopted two resolutions which I would like to bring to the attention of my colleagues, one pertaining to the B-1 Bomber and one pertaining to the Panama Canal. I think it would be helpful for all of us to remember the association's position as we take action on these two important issues, and the two resolutions are as follows:

RESOLUTION

Whereas: The South Central Region of Air Force Association in convention at Mobile, Alabama, June 11, 1977, by unanimous acclamation urges the President of the United States of America to provide a strong national defense for the security of our country.

Whereas: The B-1 Bomber is a vital weapon for the security of our country, and a necessary weapon to compete with the Russian Backfire Bomber, and a corner stone of the Triade Concept for the preservation of World Peace.

Therefore: Be it resolved the South Central Region of the Air Force Association urges the President of the United States of America to provide this necessary weapon, the B-1 Bomber to our Air Force.

RESOLUTION

Whereas: The United States of America and the Republic of Panama entered into a treaty whereby the United States of America bought and acquired rights to the Panama Canal Zone in perpetuity

Whereas: The United States of America, with resources, technology, manpower at a cost of thousands of lives, and billions of dollars, constructed this canal and has operated and maintained this canal as an international waterway, open to the ships of all nations

Therefore: Be it resolved that the South Central Region of the Air Force Association in convention at Mobile, Alabama, June 11, 1977, oppose the renegotiation of the 1903 treaty with the Republic of Panama.

Be it further resolved that the President and the Congress of the United States of America be notified of our opposition to the renegotiation of this treaty.

OUR FOUNDERS KNEW TERRORIST DANGER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. McCLORY. Mr. Speaker, it is entirely appropriate that we should cherish our first amendment and fourth amendment rights under the Constitution relating to freedom of expression and protection against unlawful searches and seizures. However, under a pretext of protecting these rights some recent actions have had a serious and chilling effect upon the entire law enforcement and intelligence communities.

There seems to be an overriding popular interest in reviewing conduct and practices which were recognized, supported and in many cases mandated during periods of internal unrest by radical, subversive, and antisocial groups and individuals.

Mr. Speaker, there seems to me to be a strong need for protecting and supporting those individuals affiliated with our law enforcement and intelligence agencies whose actions have been directed toward defending and preserving our free institutions and our constitutional way of life. Certainly the use of informers, infiltrators, and even other types of surveillance designed to protect our national security and our Nation's welfare should not be attacked today through criminal proceedings, or even through administrative disciplinary action.

Mr. Speaker, the outspoken and courageous journalist and columnist for the Chicago Tribune, Bob Wiedrich, expounded upon this subject in an illuminating and forceful column in Monday's Chicago Tribune. I am attaching Bob Wiedrich's column for the edification and—I hope—guidance of my colleagues in the House of Representatives:

OUR FOUNDERS KNEW TERRORIST DANGER

(By Bob Wiedrich)

If retired FBI agent William H. Lawrence has his way, every American worth his salt will know exactly why the United States needs an unshackled intelligence establishment to safeguard its freedoms.

To that end, Lawrence has personally written 235 letters to editors since April 20 in a determined effort to convince his countrymen that the indictment of a former colleague for having spied on domestic terrorists is against their best interests.

"My whole purpose is to tell the American people that a balance is needed in appraising the actions of former Agent John Kearney and other intelligence operatives," Lawrence told us.

"Even our forefathers recognized that there would be emergencies confronting the security of our country that would preclude the nuances of the law being followed to an extreme.

"They would have been among the first to realize that men like Kearney acted out of patriotic motivation and not out of venality and that their actions were designed to protect from destruction the precious freedoms of this country."

Lawrence served as a Federal Bureau of Investigation agent for 27 years until his retirement five years ago.

For 25 of those years, he was assigned to internal security squads, where he worked on such diversified threats to the domestic tranquility as the Communist Party U.S.A., Black Panthers, the Ku Klux Klan, and the violence-oriented Weatherman faction of the Students for a Democratic Society.

The latter group, of course, is what makes Lawrence somewhat of an expert on the kind of threat to American freedoms the indicted Kearney was attempting to counter when he supervised mail openings and wire tapping during a search for fugitive Weatherman leaders.

"The Justice Department has now decided that what Kearney did to protect his country from an admitted terrorist group is illegal," Lawrence said.

"It has elected to prosecute a conscientious patriot as a common criminal because he used investigative techniques in the interests of national security that had been accepted, approved, or condoned by his superiors, some as highly placed as the attorney general and the President of the United States.

"It is obvious there was no attempt to balance the need to protect national security against the totally inflexible insurance of the rights of every citizen or terrorist to absolute and inviolate privacy, even while the terrorist plans to destroy the institutions that have made these rights possible."

To bolster his position that the government has a duty to protect itself and its citizens, Lawrence leans heavily on the words of James Madison and Alexander Hamilton in the Federalist Papers.

"Security against foreign danger is one of the primitive objects of civil society," Madison wrote.

". . . The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules and by no other means.

"It is in vain to oppose constitutional barriers to the impulse of self preservation."

To Lawrence, that means James Madison would have applauded Kearney's efforts to hunt down the fugitive bosses of an organization openly dedicated to the violent overflow of the Republic.

The Weatherman group had clearly established ties to a foreign power, Lawrence said.

Some of its members had been trained in guerrilla warfare tactics in Communist Cuba under the umbrella control of Soviet Russia. Some of its manuals and instructions had been printed in Cuba. And it claimed credit for numerous bombings and the killings of at least one police officer.

Nevertheless, the Justice Department did not subscribe to Madison's thesis that the nation has a duty to defend itself against a foreign threat without handcuffing itself with "constitutional barriers."

Alexander Hamilton, however, appears to have shared Madison's belief. In the Federalist Papers, Hamilton wrote:

"The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed."

And, in a letter once written by Thomas Jefferson to J. B. Colvin, much the same sentiments were expressed:

"A strict observance of the written laws is doubtless one of the high duties of a good citizen, but it is not the highest.

"The laws of necessity, of self-preservation, of saving our country when in danger, are of a higher obligation.

"To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property, and all those who are enjoying them with us; thus absurdly sacrificing the end to the means."

The Justice Department in recent decades has vacillated on the legal propriety of mail openings and wire taps in domestic national security cases. Now, it totally disagrees with a trio of men who helped lay the foundations of this country.

And, in what appears to be a purely vindictive stance, the department has nominated Kearney for martyrdom after having itself condoned massive violations of constitutional freedoms in other cases that better suited the liberal temperament of its Civil Rights Division.

SALUTE TO WARREN R. JOHNSTON

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. STEERS, Mr. Speaker, many residents of Montgomery County doubtless know Warren Johnston from his two terms as the elected mayor of Garret Park, Md. It is my pleasure to take this opportunity to salute the many years of service to his country and the Congress on his retirement on March 25 of this year from the Congressional Research Service. At CRS Mr. Johnston served as Assistant Director for Special Programs from 1974 to 1977 and as Assistant Chief of the Foreign Affairs and National Defense Division from 1967 to 1974. At a reception in his honor, CRS Director Gilbert Gude noted Warren Johnston's many accomplishments in the fields of foreign affairs and national defense.

Mr. Johnston's distinguished career in government began in World War II. After attending the Navy Japanese Language School at the University of Colorado, Mr. Johnston served as a military government officer in a Japanese and Korean community in the Marianas. From 1946 to 1954 and from 1964 to 1967 Warren Johnston served in the foreign affairs and national defense areas in various executive branch research analyst, research supervisor, planning and management capacities in Washington.

A fine writer and careful editor, Mr. Johnston in 1954–55 wrote a thesis at the Army War College on the planning functions of the National Security Council. From 1959 to 1964 he served with the Joint U.S. Military Advisory Group in Athens, Greece, in planning and liaison duties involving coordination with all elements of the U.S. Embassy and military mission.

Perhaps the capstone of Warren Johnston's distinguished career was his work as associate director and editor of a 6-year research project in "Science, Technology, and American Diplomacy" undertaken by CRS for the House International Relations Committee. Mr. Johnston was coauthor of the concluding and summary study, "Science, Technology, and Diplomacy in the Age of Interdependence," June 1976—of this important project.

His years of accomplishment and service are not likely to end with his retirement—as his good friend and colleague Senior Specialist Franklin Huddle rec-

ognized in a brief poem read at the reception:

To A Born-again CRS-ian
Hip! Hip! Hooray! for Warren J.
And let no one negate it.
No old dog Tray,
No one horse shay—
His vim is unabated.
The heady stress of CRS
A merely passing phase is.
Nor is success
Achieved I guess
By pushing up the daisies.
So keep your fire as you retire
Pursue your own proclivity,
With goals still higher,
Rejecting dire
Notions of passivity.

Mr. Speaker, it is my privilege and pleasure to join my predecessor, Gilbert Gude, in honoring Mr. Johnston. Mr. Gude is currently the Director of the Congressional Research Service.

AMERICAN G.I. FORUM OPPOSES RESTRICTIONS ON VETERANS' BENEFITS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. EDWARDS of California. Mr. Speaker, the American G.I. Forum of San Jose, Calif., has a fine record of service to veterans in Santa Clara County. I thought that my colleagues would be interested in learning the forum's thoughts on the current debate over providing veterans' benefits to individuals who have their discharges upgraded under the President's Special Discharge Review program. The statement follows:

STATEMENT OF AMERICAN G.I. FORUM

During the past five years, the American GI Forum Veterans Outreach Program (VOP) of San Jose, has been providing services to veterans in Santa Clara County.

These services consist of benefit counseling, vocational counseling and training referrals, supportive services and some discharge upgrade.

Within the last year, the VOP has been deeply involved in providing assistance to veterans with less-than-honorable discharges. The VOP provides assistance to the veteran in applying for upgrade to the Military Discharge Review Boards.

By far, the majority of those we serve are poor and unemployed veterans disproportionately non-white, who received less-than-honorable discharges during the Vietnam Era through the administrative discharge system.

Military records show that a disproportionately high percentage of persons receiving less-than-honorable discharges were from minority backgrounds.

The Army indicates that twenty percent (20%) of all general discharges, seventeen percent (17%) of undesirable, twenty-one percent (21%) of bad conduct and thirty-three percent (33%) of the dishonorables were issued to non-white personnel who constitute less than twelve percent (12%) of the Armed Forces. They were generally young, not well educated and possessing few salable skills.

The less-than-honorable discharge has tended to compound the problem of assimilation back into civilian life. For the most part, the person is considerable worse off than upon entry to the military services.

Furthermore, general and undesirable discharges both carry stigmas and are given by administrative action at the discretion of the Commanding Officer. They frequently represent a commanding officer's personal dislike for a petty prejudice against the recipient.

The administrative discharges are presumably nonpunitive but carry the equivalent of a life sentence of social stigma and diminished benefits. The special upgrade criteria used in the new DOD Guidelines merely are applications of earlier considerations long used by the Discharge Review Boards. The aim is to clear out the back-log of upgrade requests. The Army alone has a backlog of seven thousand five hundred (7,500) such requests. Under the proposed House and Senate actions, a veteran who would have received an upgrade and automatic entitlement to veterans benefits under long-standing Department of Defense review procedures, will not necessarily receive benefits even after an upgrade to an honorable discharge. This would represent a further inequity and punishment to the veterans who have already been punished more than enough for this country's misguided and disasterous involvement in the affairs of Vietnam.

Oven a ten year period half a million Americans have received less-than-honorable discharges and the Discharge Review Board has only upgraded 70% of discharges appealed. The latter statistics clearly point out that the heart of the problem is the administrative discharge process and system. When the overwhelming majority of the recipients of less-than-honorable discharges are minorities, then the American G.I. Forum has cause to confront and act upon these inequities.

We understand that several congressmen have submitted bills to deny GI Bill benefits to those veterans who received discharge upgrades under the recent guidelines issued by the Department of Defense. We wish to publicize our opposition and concern about these bills and to call upon veterans and other concerned organizations and individuals to oppose these bills.

Hopefully, our action will also bring forth support from friends in the community who side with us in the above issues.

LEGAL SERVICES CORPORATION HARASSMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ASHBROOK. Mr. Speaker, two articles appearing in the publication, Northeast Agriculture, for December 1976 and January of this year provide an excellent example of how the free-wheeling Legal Services Corporation's distribution of justice can be harmful and unjust.

In the State of New Jersey last year lawsuits were filed against 88 farmers for various violations. As of October 6, 52 of the cases had come to trial and 51 were thrown out for lack of evidence. Of the 88 cases, 76 were filed in Puerto Rico—the cases involved Puerto Rican migrant farm workers—where the LSC maintains a staff of attorneys. Consequently, the New Jersey farmers had to hire a Puerto Rican law firm to defend them.

The result of LSC's intervention had serious repercussions for both the employer and the worker. Ten years ago close to 10,000 Puerto Rican workers were employed on Jersey farms; this past season the figure was down to about 3,300.

In addition, tomato acreage in New Jersey has dropped dramatically as has that of asparagus. Because of the harassment of LSC, the switch has been made by many of those involved to soybeans, wheat and corn, which require comparatively little manpower to produce.

The second article details the experiences of J. V. Sparacio who tangled with the Corporation and lost—along with the workers he previously employed.

The two articles follow:

[From Northeast Agriculture, December, 1976]

LEGAL SERVICES FOR WHOM?

(By C. M. Wilson)

A few years ago the legal services of the Office of Economic Opportunity drew so much fire from the public that Congress was obliged to do something about it.

What the Congress did was to suffocate the OEO with an avalanche of amendments and to give birth to the Legal Services Corporation for the stated purpose "of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance."

The corporation was funded by Congress last year to the tune of $92 million. President Ford recommended that the appropriations be reduced by $45 million for the current fiscal year, but the Congress increased it $35 million, bringing the total up to $125 million.

A report which was issued last April revealed that 776 attorneys are employed by the Legal Service Corporation in the 11 states covered by Northeast Agriculture, plus 90 in Puerto Rico. Here is the breakdown by states. Connecticut, 74; Maine 21; Massachusetts, 138; New Hampshire, 19; Rhode Island, 16; Vermont, 22; New Jersey, 137; New York, 267; Delaware, 14; Maryland, 45; West Virginia, 23; and Puerto Rico, 90.

One of the problems that is being referred to repeatedly in the various reports made by employees of the corporation is the "distribution of services". That seems to imply they're having trouble finding enough poverty level people with noncriminal legal needs to keep the 776 attorneys busy.

Perhaps. at least to some extent, this accounts for the fact that lawsuits have been filed against 88 farmers in New Jersey along with the Garden State Service Cooperative Association, the Glassboro Service Company, and Farmers and Gardners Cooperative, all of which are, or have recently been involved with the employment of seasonal farm workers from Puerto Rico.

The complaints, as registered by the Legal Services Corporation, have ranged from so-called violations of housing standards to minimum wage rates, to errors in record-keeping to general health facilities, and various other regulations established and policed by the Department of Labor and Industry of New Jersey or by regulatory agencies of the federal government, such as OSHA.

As of October 6, 52 of the cases had come to trial and 51 of them had been dismissed due to lack of evidence. In one case, it was found that a worker had $21 coming to him because of an error in the employer's calculation of wages due the worker.

Normal administrative procedures are not followed by the Legal Services Corporation, in notifying the employer that he was to be charged for a violation. The farmers were

simply "hauled into court" to defend themselves as best they could or to hire a lawyer to do it for them. In every case, the farmer through his organization paid for his defense, while the worker is represented without charge by attorneys paid by the government.

Of the 88 cases, 76 have been filed in Puerto Rico where the Legal Services Corporation maintains another battery of attorneys. So the New Jersey farmers have found it necessary to hire a Puerto Rican law firm to defend them and to take their chances.

This has been going on four years and the results are beginning to show up. Jobs for migrant farm workers are drying up. The Glassboro Service Company, ten years ago, was placing close to 10,000 Puerto Rican workers on farms in New Jersey. This past season the figure was down to about 3,300.

Tomato acreage in New Jersey has dropped dramatically, the asparagus growing business in the Garden State is no longer significant. Farmers in New Jersey are switching to soybeans, wheat, and corn. An important factor in the decline of vegetable acreage has been problems with labor and with agencies of government.

On the one hand, the U.S. Congress concerns itself with providing jobs for everybody. On the other hand, it has created a situation through which thousands of jobs are being eliminated. Thus far the 137 attorneys hired by the Legal Services Corporation in New Jersey and the 90 in Puerto Rico are the ones who seem to have gained most from the project.

[From Northeast Agriculture, January, 1977]

SOUTH JERSEY FARMER SAYS WEIGHT OF GOVERNMENT TOO HEAVY

(By C. M. Wilson)

Like a lot of other Southern New Jersey farmers, J. V. Sparacio liked vegetable farming; he had a knack for it and he was good at it. On his 400 acre farm near Bridgeton he grew tomatoes, asparagus, snap beans, and a half dozen other vegetable crops that are compatible with the soil and climate of the Garden State.

Sparacio and his wife were having a good time of it; they enjoyed what they were doing. It was their habit to employ about 65 seasonal workers from Puerto Rico each year. Sparacio learned to speak Spanish and he could communicate with the workers. Year after year the Puerto Rican workers would make application through the Glassboro Service Corporation for a job on the Sparacio farm.

In 1972, Sparacio built new housing facilities for the workers. Everything was new, up-to-date, in accordance with every housing standard established by the Department of Labor in New Jersey and well above the minimum standards established by OSHA.

Sparacio was proud of a letter he received from the New Jersey Department of Labor commending him for "such modern, up-to-date facilities for your workers."

Adjacent to the sleeping quarters, the Puerto Ricans were provided with a modern kitchen and dining room. They were free to cook meals of their own choosing. Facilities were provided for doing their own washing and a shower room with toilet facilities was available.

Sparacio made it a habit to pay his workers well and promptly; his wife kept the books which included the number of hours worked each week. Each Saturday, the men were paid in accordance with the contract they had signed before leaving Puerto Rico. It was a standard contract worked out in advance by the Department of Labor in Puerto Rico and the Garden State Service Corporation.

So life on the Sparacio farm was good for everybody . . . or so everybody thought until September 25, 1972. That day Sparacio got a letter from the Bridgeton office of the Camden Regional Legal Services Corporation, advising him that he was to appear in court to defend himself against charges that he had not provided clean living quarters, that the bedding was not clean, that there was no closet where the workers could hang their clothes, and that there were no opaque window shades. There were shades at each window, but they were not opaque.

Even though the workers were doing their own cooking, Sparacio was charged with not having furnished a suitable standard of nourishment. Further, it was charged that he owed the workers extra benefits because they had bought their own soap and toilet articles.

Sparacio was puzzled. On the one hand he was being commended by his State government for excellent housing facilities; his operation was being held up as an example for others to follow. On the other hand, the federal government was charging him with a number of violations.

Why hadn't someone from the Legal Services Corporation, or from OSHA or from some other bureau of the government contacted him . . . he had tried to do everything right and would have been glad to make any changes necessary to correct any mistakes he had made . . . why was he being summoned into court without warning? Sparacio wondered why.

His was one of the first cases to be brought before the court by the newly established Legal Service Corporation. His was one of the first to be thrown out of court due to lack of evidence. Although it had cost him time and money, he was satisfied that he was in the clear.

But not so. The following year, 1973, he was summoned to court again by the same Legal Services Corporation, in the same manner and was again charged for the same alleged violations.

This time, though, he was summoned to the court in Puerto Rico. That meant he had to defend himself there, instead of in New Jersey.

His case hit the papers and one day a picture appeared in the Philadelphia Inquirer.

The picture was one of a ramshackle, run down housing facility which the paper reported was located on Sparacio's farm and where, it was said, he housed his migrant workers.

Sparacio hit the ceiling . . . the building was not on his place . . . never had been. He appealed to the paper for a correction, but didn't get one. Again he answered the summons to court and again the case was dismissed for lack of evidence. Again the vegetable grower went back to his business.

Came 1974 and two more summonses were caused to be sworn out by the Legal Services Corporation. Again the summons called for the case to be tried in Puerto Rico. This time the charges were different, though. Now he was being charged for a violation of the wage rates. It was charged that he had not paid his workers for time worked over 48 hours per week.

Although he had not been found guilty of anything during any of the four trials Sparacio felt whipped. Other vegetable growers were being hauled to the courts in Puerto Rico and there appeared to be no end to it.

So Sparacio quit growing vegetables. The Legal Services Corporation had dried up 65 jobs. The South Jersey vegetable farmer could raise other crops. He turned his 400 acres into soybeans, wheat, and corn.

Today he employs no farm workers at all. With a little part time help from relatives at planting time in the spring and at harvest time in the fall, he can get along nicely . . . not as much fun, says Sparacio, but a lot easier. . . . Most important, though, the harassment ended . . . incidentally, his housing facilities are being converted into apartments for local residents who want to live on a farm.

FARMERS CALL IT HARASSMENT

J. V. Sparacio is but one of more than 90 fruit and vegetable growers in New Jersey who have been hounded by the Legal Services Corporation. Vegetable production in the Garden State has shown a dramatic decline and there has been a substantial increase in the acreage of wheat, corn and soybeans.

In the last 10 years employment of seasonal workers through the Glassboro Service Corporation has dropped from more than 10,000 workers to slightly more than 3,000 this past season.

Local growers are saying they can't take the risk of harassment by the Legal Services Corporation, an agency of the federal government.

THE WASHINGTON POST SUPPORTS THE PRESIDENT'S DEFERRAL OF THE CLINCH RIVER BREEDER REACTOR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BROWN of California. Mr. Speaker, today the Washington Post had an excellent editorial supporting the President's decision to defer the Clinch River Breeder Reactor. When the fiscal year 1978 ERDA authorization bill, H.R. 6796, comes to the floor, I hope that the Congress will support my amendment which will reduce funding for the Clinch River demonstration project down to the level requested by the President.

The article follows:

THE CLINCH RIVER VOTES

The Clinch River breeder reactor is turning into a peculiarly ominous symbol. If its construction is canceled, no scientific knowledge or technology will be lost. Its only purpose is to demonstrate on a commercial scale the breeder process now in operation at a smaller test facility at Hanford, Wash. But if the Clinch River project is built, the main damage will be the signal that it sends to the rest of the world. It would be announced that Congress was overriding President Carter and committing the United States to the commercial exploitation of plutonium fuel. That would just about knock the bottom out of the President's attempts to restrain the proliferation of plutonium—and the weapons made out of it—throughout the world.

At this moment, the Clinch River reactor is only an item in next year's federal budget. Mr. Carter said in his energy message two months ago that he had decided to drop it. But in Congress there is now a powerful campaign under way to hold the money in the budget and to force construction of the project. Some of its advocates evidently fear that cancellation would mean lost jobs. But beyond the actual construction contracts, there are not many jobs at stake. A curious psychology seems to be operating here. Throughout the nuclear industry—in both the federal installations and the private companies—there is a desperate anxiety to maintain what it seems as the momentum of the breeder idea. Cancellation of the Clinch River reactor might mean future federal research policy that no longer gave an absolute priority to the plutonium breeder. But a shift in focus there is long overdue.

Some of the Clinch River reactor's supporters have now offered the President a compromise: full funding but a year's delay in construction. Some compromise. The construction dates are irrelevant. What the world wants to see is whether Congress can

make the President build the thing after he tried to dump it. There are a lot of people in Europe who darkly suspect that the Carter position on non-proliferation may degenerate into a mere ploy to derail the development of a competitive European breeder technology. If the Clinch River appropriation goes through, Mr. Carter will retain very little influence on other countries' efforts to build and export this dangerous equipment.

The case for the breeder is the possibility that this country might run into uranium shortages in the next century and need to recycle its fuel. The Carter budget provides half a billion dollars to push breeder research forward. But the country doesn't need to build a commercial breeder this year—or next. The budget authorization for Clinch River comes to a vote in the Senate Energy Committee today. The House is to vote on it next week. President Carter is trying to discourage the commercial traffic in plutonium here and around the world. He deserves congressional support.

RESOLUTION TO REMOVE MOST FAVORED NATION STATUS FROM ROMANIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. McDONALD. Mr. Speaker, today I am introducing a resolution disapproving the President's recommendation to extend most-favored-nation status to Romania for another year, which was submitted to Congress on June 3, 1977. Under the provisions of the Trade Act of 1974, the President may recommend such an extension but either House of Congress may prevent it by adopting a resolution of disapproval within 60 days of the time the present extension expires on July 3, 1977.

In my views, the President is not justified in his action. Romania is still the most oppressive East European satellite in view of its oppression of its people. This is particularly true as regards Romania's minority populations. The President has noted little dips and rises in the immigration rate to Israel as some sort of justification to continue Romania's present status. He also alludes to Romania's slight foreign policy differences with the Soviet Union. None of these latter two factors is persuasive when weighed against elemental human freedoms. Only the elitist sophisticates in our State Department build such high hopes on such slender reeds.

Dissenters who recently signed and sent a petition that reached Radio Free Europe are now interrogated and beaten nightly by the Romanian secret police. For their dissent, they have been charged with treason and conspiracy. Furthermore, many families who wish to emigrate to the United States still have received no satisfaction as well as many families that wish to be reunited.

Last, the Communist Romanian Government is taking advantage of its MFN status to dump cheap goods into the American market at the cost of American jobs, and unfortunately, it appears with the aid of our International Trade Commission—see CONGRESSIONAL RECORD for Monday, June 13, 1977, pages 18576–18577. Therefore, I urge my colleagues to join me in this effort and remove MFN status from a nation that obviously does not deserve it.

TESTIMONY TO HELSINKI COMMISSION

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Ms. MIKULSKI. Mr. Speaker, I would like to bring to my colleagues' attention the following testimony which was delivered by Mr. John Szostak to the Helsinki Commission recently. Mr. Szostak testified on behalf of Amnesty International and the newly created Polish Human Rights Division called the Movement for the Defense of the Human and Civil Rights of Man. The following testimony illustrates the extent of censorship imposed upon the Polish citizens by their government:

Mr. Chairman, I thank you and the members of this Commission for the privilege of testifying before the Commission on Security and Cooperation in Europe (Helsinki Commission) with the hope of bringing about freer movement of people, ideas and information to the people of Poland. For the purpose of this testimony I will confine my remarks to the lack of free flow of information to the people of Poland. This testimony is being presented on behalf of the Movement for the Defense of the Human and Civil Rights of Man. This is a part of the London-based, Amnesty International. The Polish representative is Adam Wojciechowski. Among its members are three Roman Catholic priests, a retired general of the Pre-Communist Polish Army. Jerzy Andrzejewski the dissident member of the (KOR) Workers Defense Committee has not yet joined. The organizations hope is for gradual changes in the political system by which non-Communist political parties could once again come into existence and the implementation for freer flow of information from the West to the people of Poland.

The so-called guarantee of freedom of information exchange is extremely limited to the people of Poland. Heading the list of restricted publications are works by Polish writers living abroad. Polish dissident Adam Michnik has recently stated to the Helsinki Commission (May 9, 1977) and I quote that "Access to information is restricted. Citizens are able to purchase small quantities. Number of distribution points of foreign publications has slightly increased since Helsinki (tokenism) however copies which contain information about Poland, which does not meet with the authorities approval are censored. It affects especially such publications as Le Monde, Unita, Time, Der Spiegel, Newsweek, Nouvelle Observateur etc. etc."

Polish language publications published abroad are restricted regardless of subject matter and are confiscated if brought into the country. Books and publications that are accepted by Polish officials are very limited and access to these publications is very difficult. Polish language newspapers from the West are prohibited so are Catholic publications from the West. Only a few are allowed and subject to strict control. Poland's largest Catholic weekly Tygodnik Powszechny is only allowed a circulation of 40,000 copies on the pretext of paper shortage. This is in a nation where 90 percent of the population is Catholic. Books published by the only Catholic University in Poland, the University of Lublin in Kraköw are printed in quantity of 500 copies again the excuse is the shortage of paper. The only unrestricted flow of information from the West comes from Radio Free Europe (RFE) and the Voice of America (VOA). Even then there are attempts by the Soviet Union to jam certain broadcasts.

On the subject of information exchange in Poland, Party Secretary Mr. Lukaszewicz stated on April 2, 1976 that "For the purpose of peaceful coexistence means uncompromising ideological struggle; we clearly distinguished between the cultural values which we admit to our society and those which we decisively reject in the interests of socialism and of our people we cannot permit the access of information which represents ideological danger to our society."

It is noteworthy to mention that the "only" publications that are allowed free entry into Poland and other Soviet Bloc nations are scientific and technical publications for obvious reasons. All other so-called social-cultural publications are either restricted or subject to strict censorship control.

Poland's system of censorship is defined by Stanislow Boranczak a scholar at Poznan University to include two basic characteristics: One is that not only the censor is responsible for determining what must not be printed and what is to be printed but also the editor of the publication, the author himself and in some cases even the proofreader. Second there is the lack of clearly defined criteria of what is considered to be official censorship.

Poland's Chairman of the Central Customs office Mr. J. Nowicki stated on January 31, 1976 that "Publications from the West lead public opinion into error by giving information not in agreement with reality of information otherwise potentially damaging to the welfare of interests of the Polish Peoples Republic are forbidden". I myself know of personal cases where tourists going back to Poland after visiting Washington D.C. have had various publications confiscated such as White House and Capitol tour books on the pretext that this would serve their intelligence needs. The same is for such non-sensitive items being sent via the mail. Western publications that are available in Poland remain very limited since the choice of titles are politically restrictive. Most of the American authors whose works are permitted in Poland are as mentioned before of scientific and technical nature.

Mr. Chairman, this testimony is considered by the Polish Communist regime to be slander against their nation. I wish to re-phrase this by saying that the lack of free flow of information from the West is slander to the people of Poland by their officials as an insult to their intelligence and their ability of discerning of what is best for them. Above all it is slander to their dignity as human beings.

Mr. Chairman and members of the Commission, having presented my introduction and examples, I would like at this time to present to you a copy of a document that was smuggled out of Poland and to further verify my statement before the Commission. This document is called "Official Bulletin 'S' of the Central Customs Office Warsaw Poland marked Confidential." From reliable intelligence sources in the West this document is considered to be the most accurate and comprehensive listing foreign periodicals denied entry into Poland. This was provided to me by the North American Study Center for Polish Affairs. Its circulation up until now has been very limited especially during the era of "Détente". This important

document should serve as evidence of Poland's dismal record of permitting a free flow of information from the West to the people of Poland. Also it is tragic to learn not only the publications that are denied entry but also the extreme measures taken by the Polish authorities concerning their inspection and confiscation.

Mr. Chairman, in conclusion I have stated my case not only for the organization I represent but also for the people of Poland who are unable to speak out as a free people. This testimony and accompanying document is evidence enough beyond doubt that Poland has violated the principles of Basket III that she has pledged to uphold as one of the signatory nations. Communism in Poland and elsewhere can only survive with absolute censorship and control of information and ideas that are considered to be in conflict with their Marxist ideology. The only solution to this complex problem is increased broadcasts of the VOA and RFE and by implementing some kind of economic pressure in order to bring about a freer flow of information and exchange of ideas to the People of Poland.—JOHN M. SZOSTAK.

WHISTLE-BLOWERS HALL OF FAME: RALPH APPLEGATE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mrs. SCHROEDER. Mr. Speaker, today's example of what befalls the whistle-blower who is trying to save the Government money is Ralph Applegate.

The article, which follows, on Mr. Applegate was done by the Project on Official Illegality of the Institute for Policy Studies, 1901 Q Street NW., Washington, D.C.:

RALPH APPLEGATE

Ralph Applegate is an engineer who was employed at the Defense Construction Supply Center in Columbus, Ohio. His job at DCSC was to make pricing judgments regarding small items procurement. On a number of occasions, he questioned the judgment of his superiors in overruling his recommendations regarding the appropriateness of pricing for certain items. Mr. Applegate feels, and there is evidence to indicate, that his superiors were choosing to deal with companies whose prices for certain items were far in excess of what could be considered reasonable cost, judging by their prices at other locations.

Mr. Applegate was in communication with the Joint Committee on Defense Production regarding his allegations. At one point, he also made a general statement to a local television reporter to the effect that DCSC was paying too much for certain items.

Following these incidents, several administrative actions were taken against Mr. Applegate. First, in May of 1975, he was given a ten-day suspension for insubordination following his refusal to provide his superior with a price evaluation for which he stated no data base was available. This was reduced to one day on appeal in September, 1975.

Mr. Applegate received an unsatisfactory performance rating in December, 1975, the first such rating he had ever received. Charges mainly grew out of his failure to follow the procedure designated for price analysis by his superior, in which function his job description required him to exercise independent engineering judgment. Mr. Applegate contends that his supervisor was himself deviating from proper procedure in his orders to him.

Mr. Applegate appealed the unsatisfactory rating before a Performance Rating Review Board, comprised of two employees of his installation appointed by its Director, Maj. General Hugh R. Higgins, and one employee of the Defense Department. The hearing was held and testimony was taken from several individuals involved in the case. The hearings were taped, however, copies of the transcripts have not been made available to Mr. Applegate, his attorneys, nor to Congressman Udall's office. All requests for the tapes have met with evasion, circumlocution, and downright "stonewalling" from the General Counsel's office at DCSC, according to Congressman Udall.

The availability of these tapes is particularly important now, considering the fact that Mr. Applegate was subsequently dismissed on grounds of insubordination and off-duty misconduct—the charges were basically the same ones used against him in the unsatisfactory performance rating. Mr. Applegate has appealed both the dismissal and the unsatisfactory performance rating. DCSC continues to deny him access to the transcripts, giving good reason to question what DCSC fears from their release. One of the judges in the case has suggested to Rep. Udall's office that the reason might be that the other two judges have informed DCSC that the evidence proves that there is not a valid case against Mr. Applegate.

(Information abstracted from a summary of Mr. Applegate's case contained in a letter of appeal to Defense Secretary Harold Brown from Congressman Udall.)

THE IMPACT OF TELEVISION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for June 22, 1977, into the CONGRESSIONAL RECORD:

THE IMPACT OF TELEVISION

Television is shaping our lives.

Researchers have discovered some amazing facts about the impact of television. More people (64%) get their news from television than from any other source, and over 50% of them think television is the most believable news medium. The average person spends more time (over four hours per day) with television than on any other activity except sleeping and working. More than ⅓ of the waking hours of pre-school children are spent watching television, and at the age of 10 years the average child spends more time watching television than he spends in the classroom each week. There is little doubt that television is a potent influence on the beliefs, attitudes and values of those who watch it regularly.

Recognizing the strong influence of television, the Congress has shown growing interest in one aspect of television: the connection, if any, between the viewing of television violence and criminal or anti-social behavior by individuals, particularly children. Constituents often complain to me about the violent shows on television, and ask me to do something about it. Several carefully conducted surveys have concluded that a constant diet of violent behavior on television has an adverse effect on our attitudes. These surveys do not suggest that television is a principal cause of violence in society, but they do suggest that it is a contributing factor. They also show that children who view television heavily can become desensitized to violence in real life, and the more violence and aggression they see on television, the more aggressive they are likely to be in their own attitudes and behavior. One study of 100 juvenile offenders found that no fewer than 22 of them confessed to having copied criminal techniques from television.

Not all the experts agree with these conclusions. Some argue that we just don't know very much about why people commit violent acts, and that the jury is still out on the issue of whether video violence is guilty of producing aggressive behavior. They contend that television is just one of the innumerable influences on any individual's life.

This year the Congress has once again been looking at the issue of violence on television, and there is Congressional interest in exploring ways to cut back on the amount of violence shown on television. Most Congressmen acknowledge that statutory control of television programming would violate the First Amendment to the United States Constitution, but they, nevertheless, believe that Congressional interest in this subject is worthwhile. The role of the Congress in this area is probably not its traditional legislative role but rather a responsibility to join with public interest groups in pointing out that television stations have been granted federal licenses to use the airways—a highly lucrative privilege that carries with it a unique responsibility. The Congress can also help persuade advertisers that violence really does not sell. By holding oversight hearings and acting as a focal point for public pressure, the Congress can be influential in cutting down on television violence.

Officials of the television networks say that they are voluntarily reducing violence. This assertion, however, remains to be proven when the new programs are presented this fall. Previous indications of a similar nature have not been carried out. A report released just last year showed that the amount of violence portrayed on television has not decreased, but has remained constant, even with the family viewing hours established in prime time. Unfortunately, the least expensive and most surefire technique available to television producers for attracting viewers is to insert a reckless car chase or some fast gun play into a TV strip.

So television violence has become the subject of much concern. Perhaps parents have come to believe that a connection really does exist between violence on television and crime in the streets and they are beginning to express themselves to their elected representatives. If this continues, advertisers and television producers will get the message and they will respond. Already there is evidence that some sponsors have taken steps to restrain their support of violent television programs. A few corporate sponsors that must pay up to $140,000 per prime time minute are fed up with the nightly fare of murders, con men, dope pushers, and they are pulling their commercials from the most violent espisodes. Even the networks concede that violent programs do not achieve the ratings they once did. Moreover, ratings are now available on the most violent television series and can be used effectively by parents to allow selective viewing.

Although some critics of TV contend that the solution is just to turn off the television set, it is apparent now that we will not do that. Television is too much with us, and it has become a part of our environment. Our task is to be aware of its sometimes detrimental effect on ourselves and our children, and work to assure that we control it and use it selectively to shape our lives for the better.

A FRESH START FOR THE PEACE CORPS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BONKER. Mr. Speaker, in January, the Aspen Institute, under the direction of Harlan Cleveland, published a report on "The Future of the Peace Corps" which ably explores the need to revitalize and reshape the Peace Corps as an effective expression of American values.

Today, the Peace Corps is all but invisible. The number of volunteers is less than half what it was 10 years ago. Unit costs per volunteer have soared, as have rates of attrition. Perhaps most important, the "spark" is gone; the Peace Corps exists more and more like an orthodox Government bureau rather than a uniquely valid and vibrant expression of "the best that is in us."

Part of the problem is simply the passage of time. When the Sargent Shriver spirit inevitably began to fade, its energies were not rekindled. Antiwar protests, counterculture experiences, and the like attracted much of the idealism and fire of youth. Post-Vietnam and Watergate cynicism diminished incentives to work for the Government, even in the capacity of a Peace Corps volunteer. While there were sound cost-effectiveness arguments advanced at the time, the decision in 1971 to fold the Peace Corps into the ACTION umbrella only hastened the numbing process of bureaucratization.

Yet the need for a Peace Corps is stronger now than ever before. While the events of the last 15 years have forced new elements of realism into our conduct of foreign policy, Americans remain, as the President has said, "good and competent and compassionate." We retain a strong sense of wanting to shape a better world. Motivated by the widening gap between the world's rich and poor, U.S. aid programs have belatedly shifted to a "new direction" in funneling assistance to help the world's poor help themselves. But the Peace Corps, ahead of its time, has always been based on the new directions concept. And as the world becomes increasingly more interdependent, the Peace Corps presents unique opportunities to train Americans to think and act consonant with the realities of interdependence.

In short, the Peace Corps is worth saving. But it needs fresh new leadership, a new statement of purpose, and organizational independence. With this in mind, I have asked the chairman of the House Subcommittee on International Development to organize and conduct hearings on "The Future of the Peace Corps." The purpose of the hearings would be to evolve a strategy for breathing new life and direction into the Peace Corps. Certainly one key issue must be the advisability of splitting the Peace Corps off from ACTION. I plan to introduce legislation myself later this summer which would reconstitute the Peace Corps as a public corporation, along the lines suggested in the Aspen Institute's report. In any case, that report and its authors should play an important role in the hearings.

Whatever is done for the Peace Corps must be well thought out and planned, consonant with the spirit of our people, the development needs of the world's poor, and the realities of global interdependence. Congressional hearings, properly organized to include all points of view, could be a beautiful opportunity to set in motion again "the best that is in us."

THE LEGAL SERVICES CORPORATION AND JUSTICE FOR ALL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ASHBROOK. Mr. Speaker, with debate on H.R. 6666, the Legal Service Corporation Amendments bill, due to resume tomorrow, it would be helpful to consider the views of one of our former colleagues, Mrs. Edith Green, who was deeply involved in the LSC legislation when the corporation was established in 1974. She recently commented on two articles by Shirley Scheibla appearing in Barron's of January 24 and 31 of this year—articles appeared in the CONGRESSIONAL RECORD, May 4, page 13644, and May 10, page 14252. The Scheibla articles are, incidentally, the most extensive and provocative listing of the abuses of LSC that I have seen for quite a while. Mrs. Green's letter to Barron's follows:

To the Editor:

Shirley Scheibla's two articles on Legal Services which appeared in Barron's were most interesting and accurate. Not only did legal services become the cutting edge for all kinds of social reform, but it placed the moderate-income person at a real disadvantage. A person of average income thinks twice before taking something to court because of legal fees and court costs. Retaining a lawyer for defense also can become prohibitive in cost—so you settle out of court. But the "poor" runs no financial risk when his or her or their attorney or attorneys have all expenses paid by the federal government—other taxpayers. There simply is not the "restraint" which others have imposed upon them because of high costs.

It is a shame that research or "back-up" centers still operate and siphon the money away from the individuals who may honestly need and deserve the legal counsel.

EDITH GREEN,
Portland, Oreg.

Another resident of Oregon, Mr. Warde H. Erwin of the law firm of Erwin, Lamb & Erwin, has serious reservations about the Legal Services Corporation, so serious, in fact, that he is involved in two lawsuits against the corporation, has written to the chairman of the Senate Judiciary Committee, and would testify against LSC if afforded the opportunity. As in the case of Mrs. Green, Mr. Erwin cites the uniform justice theme.

His letter follows:

ERWIN LAMB & ERWIN,
Portland, Oreg., May 6, 1977.

Hon. JOHN ASHBROOK,
House of Representatives,
Washington, D.C.

SIR: I am writing to you concerning the pending legislation in regard to funding of Legal Services Corporation.

We are informed that Legal Services Corporation is requesting a very substantial funding of their present and apparently expanding program for at least the biennium.

We wish to express our very deep concern over this matter not as it involves the Human Resources aspect but because the legal system (which is in itself a most precious human resource) is being threatened by the continued operations of this very insidious operation.

It will not take long to point out the reason. Our administration of justice is totally based upon an adversary system. It will fail if that adversary system is not preserved.

There is no adversary system when one side is represented by uncontrolled paid representatives of a publicly-funded agency. The successes of the Legal Aid System are measured in results to the client, but those results are in the main as a consequence of threats of reprisal litigation against an adversary to which he has absolutely no defense.

In Oregon, the history of any litigation in which Legal Aid lawyers represent one side and private lawyers the other is that the file grows to be measured by inches in thickness (which any judge will vouch for) instead of a speedy trial on the merits. Legal Aid lawyers openly threaten extended litigation unless their demands are met.

In the case of the great American Taxpayer, workingman, houseowner, family-man, he is in no position whatever to pay private lawyers at $60., $75., $100. an hour to joust with publicly-paid lawyers representing indigent clients who can not be expected to reimburse for injuries caused by their publicly-paid lawyers in a field of vexations and dilatory pleadings, and motions because the private bill for legal services will soon eat up the meager savings or the house for which the private client may have saved for over the many years. Result? The private litigant concedes to whatever demands Legal Aid lawyers choose to make.

Justice is totally denied to the great group of hard-working litigants and taxpayers to protect their property and given to those or public assistance and welfare (some by choice and some not).

Now, the solution. While I have no official position with the Oregon State Bar, I could assure your committee that if a way could be found to channel the same amount of money to the Oregon State Bar for use in employing on a referral basis at a reduced charge members of the profession (many of whom have not been absorbed into the practice and would welcome the experience), then the individuals would be truly represented by their own lawyer and the risk of being used as a pawn to accomplish what Mr. Erlich believes to be socially desirable goals would be eliminated.

All of this to the benefit of society and preservation of the integrity of the legal system.

Legal Services only comment to this argument heard by this writer is that these referral lawyers would not be trained in "poverty law."

May we ask you to inquire as to what "poverty law" is? It is our understanding that the Constitution still requires equal protection of the law for all of its citizens—rich, poor, or in between.

We will follow this letter with specific instances of the abuses not only tolerated by Legal Services but because they appear

throughout the United States must be directed by that organization, and if not actually directed, certainly, it is obvious that the Act provides no protection.

May we urge a careful reading of the act which supposedly was passed to correct these same abuses, which gave rise to the new Act.

You will find governors' committees, local committees, bar committees.

May we suggest that you examine the powers of those committees?

Do you know what they are?

These committees have the function of receiving any complaints and referring them right back to the agency which directed the action complained against—no more—no less. (Legal Services Corporation). They never meet and accomplish zero.

This is like giving you the right of appeal to the police officer who just finished giving you a traffic citation.

We have felt that the only way to correct some of these abuses was by turning the light of day upon them.

We have filed two suits in the United States District Court for the District of Oregon, in which it is pointed out that Legal Services Corporation did not qualify as a private corporation in the District of Columbia and maintain an agent for service as required by the Act.

A second suit charges several instances of improper conduct forbidden by the Act and the professional ethics adopted as a standard by the Act. Since filing this latter suit, several other specific instances of improprieties have come to attention.

They are attempting to claim immunity under one Act as a public agency receiving public funds and are defending that we have no standing to sue since they are a private corporation on the other.

Whether or not we can succeed in getting one or more of those suits before the Supreme Court is still a question, but the American Public needs your help and they need it now!

We will forward copies of the proceedings under separate cover, and we enclose a copy of our letter to Senator James Eastland for your information.

We will be willing to testify before any committee as to the local situation should it be helpful to do so.

Very truly yours,

WARDE H. ERWIN.

RUTH HUNT—AGGIE MOM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. TEAGUE. Mr. Speaker, the April 17 edition of the Bryan Eagle, local newspaper for Bryan-College Station carried an article of a fine lady by the name of Ruth Hunt, who has become known as an "Aggie Mom" because of her work with, encouragement for, and assistance to the many freshmen of Texas A. & M. University.

Under leave to extend my remarks in the RECORD, I wish to include this article:

[From the Eagle, Bryan-College Station, Tex., April 17, 1977]

IN SMALL WAY, SHE'S EVERY AGGIE'S "MOM"

(By Mary Jo Hibbert)

Some people at Texas A&M University call her "the fish lady." Others know her only as Ruth. Many refer to her simply, and with great feeling, as "Mom," a title she's cherished since being named Aggie Mother of the Year five years ago.

The lady who goes by all those names is Ruth Hunt. A familiar sight on campus, Ruth thinks she knows almost every Texas Aggie—all 28,000 of them—and knows she knows every member of the Corps of Cadets. Few people would challenge that claim, and even fewer would make a similar one.

At Parents' Weekend festivities today on the campus of TAMU, many mothers and fathers will hear about Ruth—how she made a freshman ("fish") feel less homesick, or cooked a despairing junior his favorite meal, or sat and talked with a forlorn sophomore who'd just flunked a test, or comforted a senior who'd just lost a love, or took a few minutes to brighten the day of a harried and hassled staff member or professor.

In some way, Ruth would like to think she's touched the lives of most A&M students. The testimonials to that are numerous, and they come from students, faculty, staff and parents.

"I met Ruth when I was a fish. I was down and I really didn't think I could make it in the Corps," said one young man in the Memorial Student Center last week, now proudly wearing senior boots and in a leadership position in his unit. "But she made me see that anything worth doing is worth doing well. I just talked to her and she knew—how I was feeling discouraged and alone and needing a friend—and she somehow made everything better. I wouldn't be here without her," he said simply.

A set of parents, visiting their freshman son, said that Ruth was responsible for their son "sticking it out through those first couple of months and knowing that this was something he was willing to work for. She's someone the guys can go to, because they know she understands."

A Waggie (a member of Company W-1, the women's unit of the Corps of Cadets): "She understood what it's like to be something different—a woman in the Corps. She understands Corps traditions, and helped me find a place for me."

A staff member: "She smiles, and cares, about us, too."

Ruth began caring for the Aggies 10 years ago. She admits not adjusting well to widowhood after her husband died in 1967. "I felt lost and alone and alone and needed a purpose," she said. At her son's urging (who, by the way, is not an A&M graduate, making Ruth the first A&M Mother of the Year without a son at A&M), she moved to College Station, just to be close to A&M.

After some job hunting, she went to work as a waitress at the Ramada Inn, where she is still employed as a cashier. Members of the Corps of Cadets and "non-regs" ("That's what we call non-Corps students," she explained) came often to eat at the Ramada, there weren't as many restaurants as there are now. And I got to be friends with many of them, especially the boys in the Corps."

"They needed somebody to love them, and I needed somebody to love. And that's how friendships grow."

Her first "little bunch" of students, 10 young men of various racial, social and economic backgrounds, formed the Ruth Club. "And since then, I haven't missed a Corps trip and have been at just about every football game. One group introduces me to another, one cadet to another, and before long I'd met almost everybody."

That first year, the Ruth Club surprised her with a ticket to the Cotton Bowl, and one on the charter trip to Dallas. That started a precedent. She now travels either in the cars of individual students or with the band. And she meets more and more students every day.

"Before my acquaintance was so large, I used to make cakes for them on their birthdays. But soon there were just too many cakes, so I had to stop."

She now meets students on her frequent trips to campus, at least one daily to the Memorial Student Center. At the start of the school year, she locates herself in near the same spot everyday for several weeks. "That way, the fish can find me. Someone always points me out. And you can tell they're fish, just from the looks on their faces." She also said that being near the same place for a while allows her friends from earlier years to find her easily.

More than any other group, Ruth feels closest to the fish. "They're 'my' freshmen, but they've got a lesson to learn. The Corps has been here 100 years and it's going to be here for another 100. It's all right, and you've got to learn to adapt to it."

"I tell them that it's worth working for. Once you've put your fish year up, it's not going to assure you that your life will go like you want it to, but it will assure you that you can handle whatever comes. That's the lesson of the Corps."

Most new students can also pick out Ruth by her wardrobe—in maroon and white, of course. She boasts a Gig 'em Aggies vest in the school colors, weighted down with numerous unit pins, all gifts from the students she's befriended. She wears two musical lyres, gifts from the band on her collar, and a plastic name tag that reads "The fish Lady," identifying her to all onlookers.

But the most important of her pins is the one in the center of the collection. Shaped like the face of the Aggie senior ring, with the date 1973, it was part of her award as mother of the year.

A larger award is at the center of a wall of photographs beside her cash register at the Ramada Inn. The frames include unit photos, bonfire pictures, a shot of a Corps parade, the Band marching in block-T formation, and the photo of Bevo, the University of Texas longhorn mascot. The photo was taken, she explained, following the Aggie's heist of the animal, a coup which "my boys" pulled off.

She has many like presents, indications of the students' love for her. "I don't have anything to give these guys but love. And they give so much to me. There's not a day goes by without a card or a call from my friends."

But her greatest thrill, she said, "is talking with and encouraging a freshman and then seeing him later in his boots and knowing that you played some little part."

ST. MARYS RIVER WILDERNESS PROPOSAL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. WHITEHURST. Mr. Speaker, today I am introducing a bill which would designate certain areas within the National Forest system in Virginia as wilderness. I am sure that all of us are aware of the fact that as our population increases, our wild areas are diminishing, and I believe that it is important that a few such areas be preserved for generations to come.

At this point in the RECORD, I would like to insert descriptions of each of the five areas which would be included in my bill, as well as a copy of the resolution adopted on June 12, 1977 by the Virginia Division of the Izaak Walton League in support of extending the protection of the Wilderness Act to these areas:

FEBRUARY, 1977.

ST. MARYS RIVER WILDERNESS PROPOSAL

Size: 10,695 acres approximately.

Where: Southeast corner of August County, Virginia, on George Washington National Forest (Pedlar Ranger District).

Map: USGS 7.5 min. series, Big Levels and Vesuvius quadrangles.

St. Marys River Wilderness as proposed by Virginia citizens is generally the watershed of St. Marys River and its tributaries, and lies on the western slope of the Blue Ridge, about 20 miles southeast of Staunton. The prime feature is the swift-flowing St. Marys River with its sparkling cascades, plus the surrounding mountains such as Cellar Mt. (3,645 ft.), Minebank Mt. (3,488 ft.), Big Spy Mt. (3,230 ft.) and (just outside the boundary) the crest of the Blue Ridge itself. Mixed hardwoods characterize the forest, with stands of hemlock and of pines scattered about. In sharp contrast to the adjacent forest are the occasional long scree slopes of fallen stone from some rocky ledge above. Wildlife includes bear, deer, turkey, grouse, squirrel and racoon, plus a wide variety of songbirds. Green Pond, on top of Big Levels, is a biologically rare mountain bog.

There is no privately owned land nor any public road within the proposed wilderness. The road that used to go part way up the river is severely washed out and permanently closed by a locked gate. The jeep trail along the top of Big Levels forms the northern boundary and is *not* in the wilderness; hence it would remain open for private vehicle use the same as it now is. Past attempts at mining (mainly manganese) were long ago reclaimed by nature, with one insignificant exception. Because of steepness of slopes, poor soil quality, and inaccessibility most of the forest is classified as non-commercial, with no logging planned.

FEBRUARY 1977.

RAMSEYS DRAFT WILDERNESS PROPOSAL

Size: 20,175 acres approximately.

Where: Augusta and Highland Counties, Virginia, on George Washington National Forest (Deefield and Dry River Ranger Districts).

Map: USGS 7.5 min. series, West Augusta, Palo Alto and McDowell quads.

Ramseys Draft itself is a clear, trout stream twisting down thru a narrow valley lying within a horseshoe formed by connecting ridges. The wilderness proposed by Virginia citizens is composed of this horseshoe valley together with its exterior mountain ridges and secluded hollows, all of which makes an integrated topographical unit. Elevations range from 2,200 feet to 4,282 feet atop Hardscrabble Knob. Centered on this Knob is the watershed divide between the Potomac and the James Rivers, Virginia's two largest river systems. A luxuriant virgin hemlock forest borders Ramseys Draft and here towers the biggest hemlock reported in Virginia. On the mountain slopes grow large specimens of sugar maple, beech, oak, basswood and white pine. On a peak called Freezland Flat persists one of the few natural "balds" in this part of the Appalachians. Retaining the area in a wilderness condition is especially important to the high population of black bear roaming here, which require large sections of undisturbed forest to maintain a healthy breeding population. The interior of the horseshoe drained by Ramseys Draft is *temporarily* protected as Ramseys Draft Wilderness Study Area, by Act of January 3, 1975, Public Law 93–622.

There is no privately owned land nor public road within the proposed wilderness boundary. The timber is presently classified as noncommercial, except at the lowest elevations, because of steepness of slopes, poor soil conditions and inaccessibility. Excluded from the proposal are the Puffenbarger Pond section and a strip 100 feet wide along Forest Road 95 to avoid any interference with automobile camping.

APRIL 1977.

RICH HOLE WILDERNESS AREA

Location, Ownership, Extent—In Rockbridge and Alleghany Counties, Virginia along the Bath County line near Highway I-64 about halfway between Lexington and Clifton Forge. About 5,730 acres in James River District of George Washington National Forest. Adjoins Bailey estate; large tract of land in charitable trust requiring preservation in a natural state.

Geomorphologic Character—Rugged mountainous terrain without roads or other cultural works except a few foot trails and a single abandoned jeep trail. Includes upper watersheds of North Branch and Alum Creek and other smaller tributaries of Simpson Creek and Bratton's Run. Includes the entire mass of Brushy Mountain and the east slope of Mill Mountain, two elongated, northeast trending features reaching elevations in excess of 3500′ and showing local relief in excess of 2000′. Brushy Mountain is double crested in its central portion, the crests being separated by "holes" up to 500′ deep which drain along cascades through gorges down to the main creeks. Erosion resistant quartzites of Silurian age form the mountains and cascades; shales of Ordovician and Devonian age underlie the holes and creek bottoms.

Flora and Fauna—A mature hardwoods ecosystem containing up to 6′ in diameter is present in the holes; the older trees are over 200 years old. Giant Hemlocks are found in abundance along the cascades and creeks. Much of the rest of the area is in mature, or nearly mature, second growth hardwoods or stunted, but old pines and hardwoods on some of the ridgelines and quartzite slopes. All the major streams contain native brook trout. An abundant and diverse animal and bird population including deer, grouse, turkeys, and bears inhabits the area.

Why Wilderness?—The giant hardwoods of the holes and Hemlocks along some of the creeks represent one of the few large areas of primitive forest in the central Appalachians. The entire proposal area is defacto wilderness and is administered as such by the Forest Service. Wilderness designation will insure the permanence of this protection against any pressures for other use which might arise in the future.

FEBRUARY 1977.

MOUNTAIN LAKE WILDERNESS PROPOSAL

Size: 12,225 acres approximately.

Where: Giles and Craig Counties, Virginia and Monroe County, West Va., on Jefferson National Forest (Blacksburg Ranger District).

Map: USGS 7½ min. quads, Interior, Waiteville, Eggleston & Newport.

Mountain Lake Wilderness as proposed by Virginia citizens is part of a highland plateau, with its own system of ridges and valleys. Elevations range from 2,100 feet to 4,325 feet. It sits squarely on the eastern continental divide, with streams on its eastern flank flowing to the Atlantic Ocean, on its western to the Gulf of Mexico. A striking feature is the numerous cliffs with their many spectacular overlooks. The area is generally well wooded with mixed hardwoods mainly, having regenerated well since extensive logging sixty and more years ago. A superlative stand of virgin spruce and hemlock continues to flourish in the deep ravine of War Spur Branch. Another special feature is a rare mountain bog of unusual size, something like ten acres—amusingly called Big Soft Sleep or Big Good Bed because of the very soft, springy quality which the thick cover of sphagnum moss provides around it. Forty-five species of animals have been recorded, including black bear, deer, bobcat, beaver, grey fox and the re-introduced native snowshoe hare. More than seventy species of birds are year-around residents or migrants. Establishment of the proposed wilderness will assure that the Biological Research Station of the University of Virginia, located at the edge, can continue its extenisve, long-term studies of the processes of nature therein without risk of interference by works of man. The Appalachian Trail passes thru the area. Part of this proposed wilderness is *temporarily* protected as Mountain Lake Wildnerness Study Area, by Act of January 3, 1975, Public Law 93–622.

There are no public roads. It is believed that the five privately-owned, undeveloped inholdings can be accommodated acceptably within the proposed wilderness. Mountain Lake itself and adjacent land (privately owned) are completely outside; hence not involved.

FEBRUARY 1977.

PETERS MOUNTAIN WILDERNESS PROPOSAL

Size: 3,925 acres approximately.

Where: Northeast part of Giles County, Virginia, on Jefferson National Forest (Blacksburg Ranger District).

Map: USGS 7.5 min. series, Interior and Lindside quadrangles.

Peters Mountain Wilderness as proposed by Virginia citizens lies on the southeast facing slope of Peters Mountain. The crest of the mountain (about 4,000 ft. elevation) is its upper boundary; it extends downward to, but *not* including, Stony Creek (about 2,100 ft. elevation). The area is covered with a mixed hardwood forest, interspersed with stands of hemlock and pines as determined by soil and moisture conditions. A special feature is the high mountain bog at the head of Pine Swamp Branch—a swale distinguished by its dense patches of cinnamon fern, beds of sphagnum moss, and the round leafed sundew, one of those extraordinary plants which seizes and eats insects. The Appalachian Trail traverses this proposed wilderness.

This identical area is *temporarily* protected as Peters Mountain Wilderness Study Area, by Act of January 3, 1975, Public Law 93–622 (where its size is optimistically listed as "approximately 5,000 acres").

Because of the steepness and roughness of the terrain, the area is classified as non-commercial forest today, with no timber sales planned. Most of the original forest was logged many years ago, however. There is no privately owned land nor any public road within the proposed wilderness boundary.

RESOLUTION IN SUPPORT OF WILDERNESS DESIGNATION UNDER THE WILDERNESS ACT FOR CERTAIN AREAS ON VIRGINIA'S NATIONAL FORESTS

Whereas, the Virginia Division of the Izaak Walton League is aware of the opportunity to extend the protection of the Wilderness Act to certain areas named below on the George Washington and the Jefferson National Forests in Virginia;

Whereas, each of these areas has unusually pure mountain streams which offer exceptionally fine sport fishing, provided they are kept free of intrusion from the works of man and his machines;

Whereas, these five areas are of uncommonly high quality in terms of scenery, outdoor recreation, water conservation, wildlife habitat and opportunity for uninterrupted scientific study of nature's processes; and

Whereas, encroachment on any of these areas by construction of roads, buildings, dams, transmission lines and logging or any other works of man would severely damage the existing high quality natural values and so deprive the public of these increasingly scarce natural benefits;

Therefore be it resolved, That the Virginia Division of the Izaak Walton League endorses the placement in the National Wilderness Preservation System of the St. Mary's River, Ramsey's Draft, Rich Hole, Mountain Lake and Peter's Mountain areas as proposed by Virginia citizens and urges the active support of the Virginia Congressional delegation and other public officials of appropriate legislation in this Congress.

LAGGING ARMS TECHNOLOGY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. ICHORD. Mr. Speaker, the underlying theme of the House Armed Services Committee review of Defense research and development this past year has been the responsiveness and the productivity of the weapon system acquisition process. This represents a matter of great concern to the committee and a personal concern of long standing.

We are spending billions on defense research and development each year and placing great reliance on qualitatively superior weapons systems to compensate for the diminished size of our forces. However, despite our best efforts in R. & D. the Soviets have closed the technology gap and are outproducing us in most areas. The existing deficiencies of our operational forces remain unanswered.

Recently, I had the occasion to read a thought-provoking article on this subject titled, "Our Lagging Arms Technology: Villain National Policy?" by Col. John T. Burke, a retired Army officer. While the article focuses on the difficulties that the Army has had in fielding modern weapon systems, the situation is not unique to the Army. The Navy and the Air Force have similar problems. If we are to reverse this adverse trend and do something about our lagging arms technology, there must exist a continuing and meaningful dialogue among all parties to the weapons system acquisition process. The Congress, the DOD, OMB, and the defense industries must all participate. If the villain is in fact national policy it is time that those responsible for such policy restudy the situation and promulgate the necessary policy changes to insure that we do not slip to a position of military inferiority and that our defense dollars are spent in the most cost- and performance-effective manner.

In the months to come the Research and Development Subcommittee, which I chair, will hold hearings on this matter with a view toward determining effective policy in insuring the continued security of this country.

I insert the article by Colonel Burke to be printed in the RECORD at this point and would recommend it to all who have expressed an interest in the time it takes and the cost of fielding a military weapon system:

OUR LAGGING ARMS TECHNOLOGY: IS VILLAIN NATIONAL POLICY?

(By Col. John T. Burke)

The Soviet Army has an enormous numerical advantage, but the technical superiority of U.S. Army equipment, as well as the initiative and valor of the American soldier, will more than compensate. At least that's been the theory. Now it seems that we had best put our trust in the American soldier, for much of the Soviets' battle equipment is technically superior to ours and the negative gap is widening.

It is quite evident that the Soviets have more than closed the technology gap, at least where land combat systems are concerned. Take tanks for instance: the Soviets a now fielding their next generation of T72, while the United States did not get its MBT 70/XM 803 program off the ground and has yet to decide on the design of the XM1. In the 1973 Sinai war the Soviets' family of air-defense weapons proved remarkably effective. SAM–D, conceived as our advanced air-defense system for the 1970s, is now under "austere" development and might be fielded in the 1980s.

Meanwhile, the United States is spending millions to modify and repair antiquated Hercules and Hawk systems as the only interim alternative to SAM–D. The Soviets have fielded their BMP, a very advanced infantry fighting vehicle, while we have still not fixed the design of our counterpart MICV.

About 1965 the Soviets produced their renowned Sagger, the terminally guided antitank missile system that played havoc with Israeli armor in the 1973 Sinai conflict. After spending some $40 million on the aborted Dart antitank missile, back in the 1950s, the United States bought the French-designed SS11 to fill the gap until 1972 when we finally produced the TOW. We did make considerable progress in air mobility but even here sacrificed much of our advantage to procrastination and controversy. In artillery the bad news is that the Soviets, who traditionally have relied on towed weapons, are now replacing them with armor-shielded, self-propelled systems. So much for what was to be the U.S. advantage in that item.

How did it happen? The United States left the starting blocks with a seemingly overwhelming lead; not so much in existing equipment—the Soviet World War II T34 tank, for instance, was better than our Sherman—but certainly in terms of both net technical capability and sophisticated production techniques. Paradoxically, on the whole, the Soviets' production techniques are still far inferior to ours.

Moreover, during the past quarter century, U.S. achievements have greatly exceeded the Soviets' in many projects demanding superlative technology and management, the space effort being a notable example. Nor is the qualitative stagnation of our land forces shared by the Air Force and Navy. Clearly, the conundrum is not so much Soviet progress as it is the Army's failure to capitalize on the nation's technical wealth.

But while the Army gets the blame for failed weapons programs, the ultimate responsibility rests at higher levels in the government, where the technological needs of land combat—as opposed to strategic missions—have never been firmly incorporated among our national goals. Instead of enjoying nationally approved programs consistently pursued, the Army has often been left on its own to defend its projects against all comers—political critics, the other services, even its putative allies in the Defense Department. National support, often indifferent to begin with, frequently disappears altogether when programs drift into trouble in Congress.

Certain other obstacles to good program management have been largely unavoidable. The Korean and Vietnam wars were a terrible drain on Army resources, in the sense that research and development (R&D) was largely makeshift and piecemeal rather than an orderly effort. Army resources were also misdirected to very costly programs dictated more by national strategy than by realistic Army doctrine. Thus, huge sums were devoted to development and procurement of long-range nuclear delivery missiles to counter the Soviets' massive ground forces. In hindsight, the logic of this as a land-based mission is questionable, particularly considering the then primitive state of target acquisition and tracking techniques.

To many critics the explanation of the Army's technology lag is simple enough; namely, deficiencies in R&D programs as evidenced by a long string of development failures like the aforementioned Dart missile. Then there was the Lance missile system, effective but fielded only after some ten years of costly trial and error. A brilliant concept in the Shillelagh heat-seeking missile was not given its due when the Army went for a gun/missile—track-vehicle combination called the M551 Sheridan.

Once a mechanical nightmare, the Sheridan presumably has been fixed by now, but many troopers would gladly trade it in for the old M41 light tank. It took ten years to produce the M151 jeep and another six years to correct serious operational and safety deficiencies; and the M114 reconnaissance vehicle is going over the same route. Almost no one liked the M14 rifle, yet the Army was practically forced to adopt the much better M16 design.

Since the Army is unable to cope with simple items like jeeps and rifles, say the critics, it is no wonder the M60A1 tank is inferior to the German Leopard in mobility and the British Chieftain in gunnery. Another charge is that the Army's performance, as measured by the return on R&D investment, is poor in both absolute and relative terms; hence, development money, as such, is not the problem.

The Army's high-priority combat units of 1974, claim the critics, were not greatly different from those of 1964, despite an R&D expenditure of some $15 billion over the decade. In fact, development cost of new major equipment actually fielded during the period accounts for only ten percent of the Army R&D budget, a poor return on investment. What's more, goes the charge, the primary systems distributed to priority units were the M551 Sheridan, the Cobra helicopter and the TOW antitank missile system, which made only a marginal difference in net combat power.

To be sure, the Army had spent considerable effort on several primary systems that were still in development by 1974, notably the XM1 tank, the SAM–D air-defense system and the MICV infantry combat vehicle, as well as on programs eventually canceled to include the Cheyenne attack helicopter and the heavy-lift helicopter. But these and a few other major programs have consumed only about a quarter of the total R&D budget in recent years, leaving the question: why so little return?

Acknowledging that the Air Force and Navy have their costly failures, some critics insist that they nonetheless get a better return than does the Army on their R&D dollars. Success breeds success, so the other services also get proportionately more R&D and procurement money. Some tortured reasoning is involved, but, unfortunately, the statistics are hard to explain.

But harping on long-ago mistakes like the Dart missile and belaboring less-than-perfect jeeps and rifles does not help much; neither does judging R&D statistics. Admittedly, the Army's return on R&D investment is not too hot, but surely it would look much better if the big-ticket items like tanks and missiles got from the drawing board to the field in reasonable time. The R&D budget figure for these key systems is misleading because it in no way reflects the disproportionate program effort that makes overall progress impossible. The gut question is why is the Army a generation behind on the technology curve? The answer lies in the dynamics of the major equipment development process.

A detailed analysis by individual system would take volumes, so let System X serve as a composite of the Army's major technological objectives during the past decade or so. System X is an "Army initiative"—hence the cost of development and procurement must fit the Army budget unless the Army can make a convincing case for additional funding. The field manual purpose of System X is clear enough: tanks provide mobile, shielded firepower and shock action—but just how performance parameters fit into national strategic objectives and joint defense plans is never specified.

The program enjoys a high priority as one of the Army's "Big Five," and has no specified priority in the national defense budget. System X is to be the ultimate in its category, a high-performance, multipurpose, flexible system vastly superior to anything the Soviets have now or will have for decades to come. This sophistication will necessarily entail high cost and considerable technical risk, but the Army figures that it has learned from past mistakes and that the benefits in combat power will be worth it.

Several years go by, during which time the System X package bounces up and down the development channels like a yo-yo. Just when it seems that the program is on track someone decides to reconsider the requirement, to change the performance parameters or to require more testing. Perhaps there is a hitch in prototype production or technical failure in some key component. Costs rise steadily, partially because they are difficult to estimate but largely due to inflation. New technology keeps cropping up which, paradoxically, slows down the program for "another look" and, hence, hurts more than it helps.

The extended review process provides ample opportunity for challenge by innumerable technicans and budgeteers in the horizontal and vertical structure. Few of these analysts and intermediate chiefs have any personal responsibility for System X, but by virtue of their role in the development family they profoundly influence its destiny. The professional qualifications of the players and kibitzers range from considerable to none at all.

Among the civilian analysts are some who know nothing of battle realities, while many uniformed players are equally ignorant of electronics, mechanics and computer-simulation technique. Even the qualified military find it difficult to keep score because the Army's musical-chairs assignment policy means a parade of new faces at the conference table.

Analysts and budgeteers have grave misgivings that grow in direct proportion to the technical risks and projected costs. They transmit their doubts and caveats through informal channels to the DoD level and to congressional staff members. The timidity is contagious and soon senior Army officers have mixed emotions about the program.

System X is a grand concept and should make a tremendous contribution to land combat power. Still, there is the nagging thought that System X might be too ambitious (remember the Sheridan!) and to pay for it the Army might be forced to trade off against other requirements. Besides, they fear, the huge unit cost dictates a small procurement, so small that the net contribution to the land battle might be no more than marginal.

Finally, after some seven or so years of vacillation, sharpshooting and internal sabotage, DoD reluctantly includes the System X package in the defense-appropriation submission to Congress. Distressed by the price tag, unimpressed by the Army's waffled position and DoD's half-hearted support, and sensing the general absence of enthusiasm and confidence, Congress—more likely a congressional subcommittee—disapproves the funding, in effect sending System X back to the drawing board or into the "austere development" limbo.

One's reaction to the System X saga depends upon who he is. To the DoD and Congress this is a classic case of the Army's reaching for the moon. To them, the equipment is too sophisticated, too costly in terms of immediate procurement and later support requirements. The defense budget cannot possibly buy the quantity needed for a meaningful combat advantage.

Army proponents, their misgivings aside, naturally see the matter in an entirely different light; namely, that System X is a superb application of advanced technology, a genuine breakthrough in battle equipment of its type. It was designed for maximum mobility, flexibility and firepower in both range and precision. Naturally, the cost is high, but so are system capabilities.

Plainly, say the proponents, the United States must either field much larger land forces or we must depend upon advanced technology. Cancellation or postponement would be disastrous and will simply mean ever-inflating cost and the interim maintenance of antiquated equipment.

Whether or not System X is "cost-effective," the surface flaws are evident enough: decision-by-committee that turns a horse into a camel; a fatal combination of power without responsibility and an unstable organization when continuity is vital; timidity and procrastination on the part of the Army and evaporation of support at higher levels when the going got tough.

Serious as they are, these flaws are only indicators of a fundamental defect in national logic. System X was doomed at conception by a development philosophy that invites bureaucratic confusion, buck-passing and indecision—a process abetted by the Army but dictated at higher levels. Implicit in the process is the concept that identifying and defending priority system and force requirements is the responsibility of the individual services.

After all, the Army is best qualified to appraise its mission, determine how to fight the land battle, establish performance parameters for equipment like System X and justify the money and other resource requirements. This policy, while attractive in theory, is pushed to an extreme that makes it absurd in practice. National strategy and joint war plans are so generalized that the Army has trouble deducing broad mission priorities, let alone detailed force requirements.

If one is to "be prepared" to fight everywhere, with small forces and utterly inadequate funding, how can he possibly decide the proper design of System X or what to pay for it? Obviously, this is an early-on decision for top national leaders, not one to be resolved by the budget axe after wasting dollars in the hundreds of millions and years of precious lead time. To be sure, the ultimate design and final cost must be determined by prototype evolution and testing, but why should this inhibit performance and cost guidance from the top?

If one tracks the history of the XM803 "dream tank"—the one some ten years in development only to be aborted by congressional action in 1971—or SAM-D, the vital and thoroughly tested air-defense system decades in process and even now under "austere development", he cannot but conclude that these systems never were primarily national objectives.

Botching national programs on so vast a scale points clearly to an absence of meaningful guidance and support at top administration levels. Our development process calls for impetus from the bottom up rather than from the top down. Implicit in this process is an adversary relationship between the Army and DoD and between DoD and Congress, a relationship appropriate to the courtroom but ridiculous for attaining priority national objectives.

If the United States—note that I did not say the Army—really wants advanced air defense, tanks, infantry fighting vehicles, attack helicopters and terminally guided missile systems, then design and procurement of such equipment must be assigned a firm national priority.

Admittedly, I am oversimplifying a very complex development and budget process. Since the Administration and Congress must cope with competing requirements for expensive air, naval and ground systems, it follows that costs must be fully justified in terms of relative defense benefits. Yet, this is precisely why the system-development-budget defense process is self-defeating. The "priority" criterion is meaningless when the choice is about equipment absolutely essential to minimum performance of the service mission.

Thus, it is quite obvious that mechanized forces will be the keystone of land battle in Europe and in many other critical areas for years to come. Faced with the quantity-versus-quality conundrum the United States has no rational choice but to produce a vastly superior tank. A similar case can be made for air defense. Great advances in technology cannot be attained except at like increases in unit costs. In this light, why would anyone think that the XM803 tank could be bought, in 1972, for $500,000 or so? Why be surprised at the multibillion dollar cost of SAM-D?

If the anticipated cost is unacceptable—and surely a cost band could be determined early in the game with some allowance for inflation—then why not say so? Why permit the terrible drain on Army and national resources and lead time that can never be recovered, then reject the product on fabricated grounds?

If the Army takes this kind of beating, why not the Navy or Air Force? Doubtless they do, but with important differences: while the Army has some strategic missions, its materiel requirements are essentially tactical. This encourages the notion that those requirements can be deferred or "traded off" with acceptable risk.

It also creates a serious image problem, since trucks, rifles, even tanks, artillery and small missiles are comparatively unglamorous items. In the public mind there is not much you can do to make them wonder weapons, so why spend the money? Actually, a comparison of the services' performances is grossly misleading, considering that items like tanks, submarines and bombers are as comparable as apples and roses, and so are service force structures and missions.

The failure to establish firm development objectives and priorities at national level naturally promotes parochial infighting. What a tragedy that normal competition is exacerbated into destructive political gamesmanship by a foolish national policy.

The Army is taking several measures to improve development efficiency but can never escape the lead-time trap until we have a clear definition of national purpose—as the

Soviets certainly do. Development of a Soviet tank, for instance, is a matter of priority concern at top government level. Doubtless, such matters as system design and production priority involve competition, but the competition is controlled. Decisions are made early on, and once made are energetically pursued.

The Soviets are poor managers and on the whole their production techniques are still comparatively primitive. Quality control in particular gives them a lot of trouble. In essence, what they have going for them is an elite, despotic bureaucracy pursuing its objectives within the framework of a mobilized society. But that is not all.

Their strategic situation is such that while they devote huge resources to advanced air and naval equipment they have no illusions about the key role of the Red Army. They also have an ample supply of cheap manpower, as well as low operating costs, and consequently allocate proportionately more resources to battle equipment than does the United States.

Doubtless the Soviets watch such U.S. debacles as System X in bewildered amusement and with great satisfaction. They can actually increase their qualitative lead simply by adopting technology as it evolves, secure in the knowledge that superior U.S. capabilities will never close the gap.

Technology will never entirely compensate for Soviet mass, but it is still our best hope. For the Army, however, the outlook is not promising. It is unrealistic to think that the present development process and budget program will accommodate not only the "Big Five," which, after all, are already somewhat behind the technological curve, but truly advanced systems as well. Precision weaponry, for instance, potentially can alter the very nature of battle.

Yet, such systems as the TOW, the laser-guided cannon-launched guided projectile (CLGP) and the Hellfire missile only scratch the surface. What chance is there that we will perceive the ultimate potential of precision weaponry and designate the generic program as a priority national objective? Not much with our present attitude. More likely we will experience *déjà vu*—another System X—while the Soviet grasp the brass ring.

HARD FACTS ABOUT WOMEN IN COMBAT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. McDONALD. Mr. Speaker, as time goes on, a long-planned program for involving American women in combat comes closer to achieving this unusual and rather strange goal. Passage of the equal rights amendment has been the key which would lock us, legally, into a situation in which Congress would be powerless to respond to the outrage of the public, should American women find themselves the only infantrywomen in the world, sent out to battle strong, tough men of other armies.

For this reason, among others, I hope that this ill-advised amendment will fail to be ratified. The North Carolina Legislature recently refused to ratify, after listening to testimony such as that of Brig. Gen. Andrew Gatsis of Rocky Mount, N.C.

General Gatsis retired in 1975 after a most distinguished career as a professional American soldier. After serving as an enlisted man early in World War II, General Gatsis was selected for the accelerated U.S. Military Academy course, graduating from West Point with the class of 1945. He won the Distinguished Service Cross in Korea by leading a battered, exhausted rifle company in a counterattack which dislodged two enemy battalions from a recently captured hill. In Vietnam, General Gatsis served as an infantry battalion and brigade commander. He then became Chief of the Department of Tactics at the Infantry School at Fort Benning.

All of this is relevant, I believe, to General Gatsis' observations on the equal rights amendment and the employment of women as combat troops, measures which are being forced upon the Army, and the American people, from above. General Gatsis laid the matter coldly before the North Carolina Legislature.

REMARKS BY BRIG. GEN. ANDREW GATSIS

I would like to say that there are some women, certainly in the minority, who like the military, like to live and work with men, and have done a good job in noncombat positions such as clerks, telephone operators, computer technicians, and the like. World War II is ample proof of this. However, these roles are not commensurate with the objectives of the women's movement which is directed at the heart and core of our military, and contrived to destroy its fighting spirit under the guise of this amendment. ERA is just one more means, among many, used to undermine the basic structure of our armed forces. I speak as a combat infantry soldier of 36 years service who draws his expertise from three separate combat tours and makes judgments on the basis of that expertise and what is needed for the national security of our Nation.

The draft will some day be reinstated since our modern volunteer army cannot cope with large wars or small long term conflicts.

Women will be subject to the draft under ERA, and many of them, who are not qualified in a skill, will be placed into combat units against their own will. This only stands to reason since our infantry draftees, during war, normally come from those that are not particularly qualified for anything else. Even those who are assigned to support type units may be subject to combat if the war is the type which is characterized by no front lines, or the unit is located in the combat zone, as many are.

The combat environment is an ugly one; characterized by loneliness and desolation, weary marches, at times relentless heat, bitter cold, torrential rains, filth, pestilence, disease, the slime of dripping dugouts and the stench of human carnage, all coupled with feelings of depression which stem from fear, uncertainty and long separation from loved ones. It is an environment totally alien to womanhood.

I have watched weary men moving up in the attack, in staggering columns, bending under soggy packs, chilled in the drizzling rain, almost sapped of all of their strength, covered with sludge and mud, knowing all the while that many would not return. Does this tell you something? It should, for it stands out like a beacon in the night. That there is no place for women in combat!

To survive these conditions and function effectively at the same time against a determined enemy, it is mandatory that the individual soldier is in top physical condition, one which will include a long term inborn stamina that will not wane after long gruelling hours of trudging toward the objective. It is the kind of strength that keeps the soldier fit to fight after he reaches the enemy, regardless of the obstacles he must overcome before contacting him.

This condition of fitness is not attained through physical training alone as many believe, but rather by developing, through training, a natural inborn physical strength normally found in men but not in women.

Army tests from Fort Jackson, West Point, and Fort Bragg show conclusively women do not have the physical strength to sustain in combat. As an example reports show that women's bodies cannot take the punishment of combat training at the standards set for men. They suffer a high injury rate, lack upper body strength, they cannot sustain in the field due to personal hygiene problems, they do poorly on road marches, a great many of them usually straggle at the end of the column, and most of all they just don't like to beat people up when participating in hand to hand combat training.

Let me give you some facts on just a few things that are being done to the training standards to accommodate our women soldiers. At West Point female cadets are not required to participate in boxing or wrestling in order to avoid incidents of breast cancer. Since only one tenth of one percent of the women can do one pull-up, they are not required to accomplish the minimum of six, as the male cadet must do. Instead, they must undergo the flexible arm hang, which is simply hanging on to the bar a specified period of time. In pugil-stick training, women are only allowed to fight women. The runs which were previously geared to the average male with demanding standards will now, starting in July, be conducted in three groups, depending upon the ability of the runner.

At the Air Force Academy the obstacle course has been adjusted for shorter people since women are smaller in size. The ridiculousness of this situation is even carried to the point that bolt springs on women's rifles had to be changed from eight pounds of pressure to five because the girls couldn't get their bolts open. Push-ups and squat-thrusts have also been eliminated as a requirement for all to accommodate the female cadets.

Now let me reveal to you a recent observation of what goes on when integrating women with men for combat training. At Fort Bragg when an ROTC integrated group began to undergo various combat obstacle courses it created sheer pandemonium. Problems multiplied as the women attempted to meet the stringent requirements of the "wall", "the cargo net", "rope climb", and "hand-over-hand ladder swing". The overwhelming majority of women were unable to complete, or even start the event, which ended in fiasco. These difficult events did prove one thing. Chivalry is not dead. The men slowed down and pulled, pushed and actually carried the women through, around, and over events they could not handle. The slowing down of the entire platoon to help the women keep pace had another detrimental effect. It resulted in many of the male cadets slowing down and working at less than the maximum level which is needed if the training is to be demanding. As the platoon slowed so the women could keep up, or were assisted through events which they could not accomplish on their own, a number of young men in marginal physical condition also reduced their effort and did not put out. Army junior officers and NCOs became very frustrated and resentful over senior officials lowering the high standards so that everyone could pass.

I tell you these things about our modern volunteer army, for if this is what we can expect from high motivated female volunteers, what type of performance can we expect from our drafted and unmotivated women? After all we do have the security of our country to think about as well as our women's welfare.

And when we speak of security we are talking about instant combat readiness for deployment. Units are having their combat readiness eroded, women soldiers not pulling their share of the load. To give you only one example, the Army has been consistently pressing the Department of Defense, to no avail, to give them authority to discharge pregnant soldiers since an average of eleven percent of the women in the Army are pregnant and an additional six percent are non deployable because of sole parenthood and other reasons. Upon the call of an alert who do you think is going to fill that void of 17 percent on instant notice? I'll tell you who—the male soldier is going to take up the slack and do his job at the same time, which will result in doing neither well. This policy is also having a disruptive effect on the continuity of unit and individual training. Servicewomen in the mid to advanced stages of pregnancy are exempt from nuclear, biological, and chemical training and cannot accomplish weapons' qualification. They must often be excused from unit field training because of morning sickness, need for special diets, necessity to wear maternity clothes and the likelihood of increased accident exposure for both parent and unborn child. The new Secretary of the Army, Clifford L. Alexander, Jr., directed the Army to drop the request. To compound this readiness problem, defense manpower officials have now recommended to the Secretary of Defense that he direct the Army to hike the female strength of the Army from 48,000 to 100,000 by the end of 1982 regardless of reduced effectiveness.

This is not to say that women do not do well in all combat training. Some of them make good marksmen, participate in karate, and have a good attitude. In fact, they rate exceptionally high in personal camouflage.

The point to be made is when physical strength is important one simply does not send his second best, especially when other lives depend on that strength. A good attitude alone just won't hack it. Israel found this out, but quick, and transferred all of its women from combat units to support type organizations.

Some women will tell you that they want to go into combat. They just don't know what they are talking about, for I know of no man who has seen real combat who wants any part of it. If a woman wants to volunteer for combat that is one thing, but to drag American women into such a hellish environment through a draft is unbelievable. I only need to leave it to your imagination as to the kind of treatment our women captured as prisoners of war would receive.

You may ask how can women weaken our military? The answer is very simple. The male soldier tries to help her or does the job for her when she is physically incapable and neglects his own duties.

Our new Sceretary of Defense recently said that the restriction against women in the combat related jobs has resulted in under use of them and he was going to look into it. Senator Proxmire of Wisconsin only a short while ago said "Congress should change current law and allow women in combat. Women can do anything men can do, combat is not a matter of muscle." The Secretary of the Army only a month ago said, "There are few things that I know about that men can do that women can't do and vice versa."

A National Organization for Women lobbyist was asked if women were aggressive enough. The response was that women, not being allowed to be aggressive usually get their way by psychological manipulation. But how does one psychologically manipulate a flame thrower across a rice paddy at a dead run?

The question also arose of medics trying to carry a wounded man from a battlefield under machine gun fire. It was suggested that women would have a hard time carrying a heavy man on a stretcher. The reply, which greatly disturbs me, was that women could carry the wounded man's feet since they are lighter. What happens when there are only two women there? And who stops to think in all that confusion who is going to carry what end? For the wounded man on the stretcher, a slow stretcher bearer provides a superb opportunity to die.

What happens to the morale and discipline of a unit if the sergeant is in love with his machine gunner?

Ladies and gentlemen, women will be subject to combat if ERA is passed. Do you want your daughter out on recovery patrols to shovel up decomposed human flesh into rubber sacks for evidence identification? Do you wish to see our female soldiers left exposed to the wrath of the enemy because they could not dig in the hard ground in time for protection?

And what kind of man will be content to stay at home with the children while his wife is in this holocaust simply because her draft number came up before his?

Don't wait for our senior military officials to step in and take a stand in this fight. If you do you will wait 'til hell freezes over. They will execute the directives given them to the letter under the pretext that they are good soldiers and always obey orders. In fact many of them will go beyond obeying orders and will take new initiatives to hasten implementation in order to impress their civilian superiors with their "can do" attitude. So you had better dispense with the idea now that our military men will revolt against any kind of subtle encroachment such as the *era* to undermine our military effectiveness.

Let me read to you what a chinese author by the name of Sun Tzu wrote two thousand five hundred years ago in a book called "The Art of War."

He said, "The most consummate art is to subdue your enemies without having to fight them. The direct method of war is necessary only on the battlefield; but only the indirect method will attain true victory and consolidate it." And now he goes ahead to tell you how you undo your enemies without having to fight them. "Denigrate everything that is good in your opponent's country. Involve the leaders in criminal enterprises and deliver them up to the scorn of their fellow countrymen. Undermine them in every way you can. Use the most vile and execrable of individuals. Cause trouble by every means within their government. Break down their morals. Spread discord and quarrels in the opposing nation. Agitate the young against the old. Destroy all of their means, all of their weapons, and above all the discipline of their armed force. Cover with ridicule their traditions and values. Be generous in your offers of rewards to obtain information and accomplices. Put secret agents everywhere. The supreme excellence is not to win a hundred victories in a hundred battles; the supreme excellence is to subdue your enemies without having to fight them."

Ladies and gentlemen, the real issue before us is will we turn the flanks of this sinister movement to destroy our great republic as we enter the last years of this century. I hope we will. The American people must understand what is at stake. They are not always immediate in their judgments, but there are some indications that the American society which has given to a higher percentage of its people more of the good things of life will not stand supinely by and allow itself to be destroyed. Someone once said, "A society that will not defend itself shall not survive and furthermore does not deserve to survive."

ANNOUNCEMENT OF OIL SPILL HEARINGS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BROWN of California. Mr. Speaker, the past year has given us numerous examples of what can happen when oil tankers meet misfortune and spill part, or all, of their cargo. Last December it seemed that each day brought fresh reports of another disaster. The wreck of the *Argo Merchant* threatened the coast of New England on December 15, 1976, with nearly 7.7 million gallons of No. 6 fuel oil. After 6 days of battering by towering seas the tanker broke apart and virtually all of those 7.7 million gallons were released into the sea. Only the good fortune of an offshore wind saved us from fouled beaches which could have extended from New York to Newfoundland.

During that same period we experienced a series of serious spills in the Delaware River near Philadelphia. Congressman BOB EDGAR represents the Seventh District of Pennsylvania which borders on the Delaware and his district suffered some of the most serious impacts of those spills. His deep concern in this area caused him to become a leader in legislative efforts to increase our knowledge of potential shortcomings in oil spill recovery R. & D. We will be considering this bill, H.R. 3209, during the course of hearings on June 28 and 29. I have also introduced a bill, H.R. 7878, which would establish a program of environmental research, development, and monitoring related to ocean pollution, and which is similar to the Senate bill, S. 1617.

The Environment and the Atmosphere Subcommittee of the Committee on Science and Technology has scheduled hearings on June 28 and 29 in room 2325 of the Rayburn House Office Building starting at 9:30 a.m. Witnesses on the first day will include representatives from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard. They will present the administration's viewpoint on the current state of the art of oil spill recovery technology and those issues which should be addressed by additional research and development efforts.

We also expect to hear from two distinguished members of the academic community. On the 28th, Dr. John Farrington, a marine geochemist at the Woods Hole Oceanographic Institute will testify. On the 29th, Prof. Richard L. Perrine, the chairman of the environmental science and engineering program of the University of California at Los Angeles, will testify. They will address questions on the current technology, nongovernmental research efforts, and where gaps in our knowledge exist. They will also discuss their perception of future problems and what other priorities need attention.

On Wednesday, June 29, we expect to hear testimony from Representative EDGAR, and from other Members. Mr. David Usher, the president of the Oil Spill Control Association of America, will appear together with a representative from the American Petroleum Institute to discuss current industry efforts in recovery technology and to share their view of required advanced research and development.

Mr. Speaker, oil spills represent a major problem to our Nation. As long as we are dependent on foreign petroleum resources to meet our energy demands and transport petroleum by sea, we must expect to suffer periodic spills. I expect these hearings to be both interesting and highly informative. I will be delighted to receive comments from any Member in this subject.

MONTANA WILDERNESS AREAS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BAUCUS. Mr. Speaker, tomorrow the Interior Subcommittee on Indian Affairs and Public Lands will be marking up the American Endangered Wilderness bill, H.R. 3454. That legislation includes three proposed wilderness areas in Montana.

I expect to present tomorrow to the subcommittee my recommendations on the ultimate disposition for the three Montana wilderness areas in the Endangered bill. At that time, I also plan to present my recommendations for 11 other Montana areas that may be considered for endangered wilderness studies or instant wilderness designation during this Congress.

In forming my decisions on these complex and fundamental issues, I have called upon many people to provide relevant information. I received today some extremely helpful data from one of the companies that has private land holdings in a number of the proposed wilderness areas.

This information was developed from a survey of existing U.S. Forest Service planning studies. It seeks to show the progress that the Forest Service has made in carrying out its planning studies.

I am inserting below the above described data which I hope will help my colleagues as much as it has helped me in deciding what areas should be considered for inclusion in our national wilderness system:

MONTANA NATIONAL FORESTS ACREAGE ALLOCATION SUMMARY (MONTANA ACRES ONLY), AS OF JUNE 1, 1977

National forests	Wilderness primitive [1]	Wilderness study [2]	Roadless management [3]	Near-roadless management [4]	Restricted timber management [5]	Timber management [6]	Allocated national forests acreage [7]	Total national forests acreage [8]	Percent of national forests allocated
Beaverhead	72,526	305,171	67,470	684,055	520,257	512,482	2,161,989	2,161,989	100
Bitterroot	285,312	12,331	246,043	115,780	157,915	181,752	999,153	1,115,083	90
Flathead	783,233	399,560	150,744	15,285	51,131	208,015	1,607,968	2,363,392	68
Gallatin	171,332	444,477	109,659	55,447	35,784	50,875	867,554	1,726,707	50
Hootenai	94,272	20,020	115,359	188,653	240,662	730,241	1,389,207	1,779,936	78
Lobo	81,972	80,984	118,491	45,583	184,934	216,136	728,100	2,091,043	35
Custer	169,013	51,415	31,800		19,900	7,500	277,628	1,113,882	25
Deer Lodge	84,063	8,206	48,166	6,073	77,907	134,251	358,666	1,185,084	30
Helena	109,259	25,100	36,556	16,622	112,918	80,217	380,672	972,408	39
Lewis and Clark	324,407	137,100	4,972	4,078	889	360	471,806	1,835,264	26
Montana acreage only, total	2,175,389	1,484,364	929,268	1,131,576	1,402,297	2,121,829	9,244,723	16,344,798	
Percent	24	16	10	12	15	23			

[1] Existing wilderness and primitive areas. Includes presently designated wilderness and primitive areas.

[2] Wilderness study. Includes areas selected by the Forest Service for wilderness management and study during RARE inventory, and areas identified as appropriate additions for wilderness study through the unit planning process. Proposed study areas now being considered by Congress (S. 393, H.R. 1907 (S. 1286), H.R. 3454) are not included. Acreage identified for wilderness study by Congress in the Elkhorn (77,346 acres) and Great Bear (393,000 acres) study areas are not included; however, portions of the Great Bear were identified for wilderness management and study during the RARE inventory and do appear here.

[3] Roadless management. Identified and designated through the unit planning process in completed draft or final environmental impact statements to be managed in a roadless condition.

[4] Near roadless management. Management guidelines contained in draft or final environmental impact statements prepared under the unit planning process restrict management to a roadless or nearly roadless condition; no timber harvesting is expected to be technically or commercially feasible in the foreseeable future.

[5] Restricted timber management. Management guidelines contained in draft or final environmental impact statements prepared under the unit planning process optimize uses or values other than timber management; timber harvesting is allowed on a limited basis, subject and subservient to other dominant resource use(s) or value(s).

[6] Timber management. Management guidelines contained in draft or final environmental impact statements prepared under the unit planning process declare timber management to be the optimum use of the area.

[7] Allocated acreage. National forest acres identified and selected to date for an identifiable management objective through formal wilderness or primitive designation, selection for wilderness management through RARE process, or management guidelines contained in draft or final environmental impact statements prepared under the unit planning process.

[8] National forest acreage. Total acreage managed by U.S. Forest Service.

[9] Percent allocated. Allocated acreage divided by total national forest acreage.

Source: Compilation of USFS study. Data coordinated by Ann Forest Burns, manager, Environmental Affairs, Burlington Northern, Seattle, Wash.

MAJ. GEN. GEORGE J. KEEGAN, JR., ASSAYS THE SOVIET THREAT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. TEAGUE. Mr. Speaker, I have just received a copy of an editorial article from the "Strategic Review" in the form of a letter written by Maj. Gen. George J. Keegan, Jr., retired Chief of Intelligence for the U.S. Air Force, to a personal friend in which he has assayed the Soviet threat to this country.

The article was brought to my attention by a friend and I believe it is worthy to bring to the attention of all Members of this body:

AN EDITORIAL IN THE FORM OF A LETTER

(Early in January 1977, the U.S. press gave wide circulation to condensed and abridged versions of a lengthy interview with Major General George J. Keegan, Jr., the recently retired Intelligence Chief of the U.S. Air Force. General Keegan's expressions of concern about the growing Soviet threat have drawn wide and varied response—leading to much desired public and Congressional inquiry.)

(The following letter—written on the eve of his retirement by General Keegan to a friend—is reproduced as a public service. The letter clarifies in considerable measure the realities underlying General Keegan's deep concern about Free World security and his belief that the American people, whose lives and freedom are at stake, have a right to know.)—The Editorial Board

WASHINGTON, D.C.,
January 1, 1977.

DEAR BILL: I appreciate immensely your thoughtful letter regarding my views on the Soviet threat. Your suggestion that Soviet strategic objectives can best be understood within the context of U.S. strategic policy warrants further comment.

Despite the compelling logic that buttresses your view of how one achieves credibility in the matter of interpreting Soviet strategic policy, I find that we remain at odds. To me, the error of continuing to view Soviet strategy in the context of our own is rather substantial.

Increasingly, U.S. policy has become the product of analysts whose approach to war prevention or war waging is an exercise in abstract logic and econometrics. For many of us who have experienced combat and have worked at first hand with nuclear weapons and the tools of defense, the strategic policies of the past twenty years or so are found wanting—in almost every major respect. In my judgment, those policies, and the faulty intelligence upon which they were based, have brought us closer to global conflict, not away from it. In contrast, I find the Soviet mind-set on strategy to differ so fundamentally from our own that there seems no reasonable way in which the asymmetries can be rationalized and understood so long as we are confined to the base line of our own behavior as a standard against which to judge what the Soviets are doing. Recently, the so-called "B Team" critique of CIA's view of Soviet objectives reached the same judgment. Soviet policy goals ought to be examined on their own historical merits—free from the distortions of the "mirror image" and the imputation of our own strategic predilections.

I find the Soviet literature precise, specific, and rather clear—as clear as strategic concepts can ever afford to get. I am able to view that so-called imperfect expression of Soviet strategy to which you allude—as written by the Soviets—as entirely consistent with the available "hard" intelligence. Besides, have you ever seen a good book on strategic objectives—ours or theirs—which anticipates in detail the precise circumstances under which one plans to go to war?

Almost from the beginning, the Soviet view has been that any kind of conflict can be won. The American view—in large measure the creation of those not experienced in war—has been quite different. Where the nuclear weapon is involved, our policymakers have perceived no solution except the prevention of war. We have never seriously entertained the thought that there might be methods and techniques which, if appropriately applied, could successfully counter and neutralize the nuclear weapon and its associated forces. The difference is a profound one.

Our examination of nuclear warfare has been based on the one underlying assumption that it is not winnable—that nuclear war would spell the end of civilization and the works of man. And willy-nilly, our strategic conceptions, our research and development, and our budgeting have been tailored to that postulate. Meanwhile, successive U.S. administrations in the last two decades have taken it upon themselves to impose restraint upon our own military programs in the hope of inviting similar restraint on the Soviet side. The consequence has been that we have not studied war waging in classic terms of fighting to win. And failing to do so, we have structured our forces on the hope that we could avoid war by measures and means short of being able to wage war. While admittedly we were dealing with technologies vastly different from those in use in previous conflicts, nevertheless we have been led once again down the garden path of history. Those who are not prepared to wage war successfully are destined to succumb—on the battlefield or at the bargaining table. There is no weapon, no force, and no strategy that cannot be defeated by someone determined to do so.

I am impressed by the soundness of the Soviet literature on these matters. The Soviets have correctly attended to the knitting of war and strategy. They have determined that a nation can survive a nuclear holocaust; and they have proceeded to get on with the business of being capable of initiating, waging and prevailing in a nuclear conflict.

I am convinced that the Soviet approach is more realistic than our own. The one certain way to minimize the likelihood of nuclear war is to premise your approach upon its likelihood, as have the Soviets.

We, on our side, could have made a successful and radical departure from the principles of war prevention which now encumber us, had we really tried. Instead, we gave expression to the hope of war prevention, but denied ourselves the means to do so for fear that this would provoke the adversary. In the process, consciously or not, we have distorted our national intelligence projections, so as to rationalize and protect that hope. We have generated a body of revisionist history containing such themes as: Soviet behavior is in large measure the result of U.S. provocation, Soviet strategic goals are too imprecise to be meaningful. And, in failing to discern a blueprint that would spell out in full detail how the Soviets could win, we concluded that theirs was no formula at all save one of blind hope.

The consequences of distortions in the perceptions of the intelligence community have been serious indeed. Because we could find no logic to explain how the Soviets might achieve the strategic superiority we spoke about, many analysts rejected the matter out of hand. Accordingly, in 1969 the U.S. approach to arms negotiations was premised largely upon the view that the Soviets would not seek more than parity; thus, we trapped ourselves by faulty judgment and wishful thinking. The irony is that there existed abundant intelligence to challenge the 1969 premise.

In 1970, an interagency intelligence survey provided the base line for the conclusion of an ABM Treaty in 1972. That interagency report assumed erroneously that the Soviets were devoting little attention to civil defense. Had but one competent analyst devoted a few weeks to diligent research, he would have discovered—as it later remained for Air Force Intelligence to do—that an extensive Soviet civil defense and war survival program was under way well before 1970. In 1972, a treaty was concluded in which both sides tacitly agreed not to defend their civilian populations. The negotiators told us that the intent of both sides was to hold one another's civilian populations hostage to the nuclear threat, thereby providing stability of the strategic balance. How naive and myopic this assumption appears in retrospect!

Similarly, had SALT I been negotiated on the basis of a clear understanding that the Soviets were developing more major offensive ballistic missile systems than they had deployed in the twenty-year period since 1956—all to appear in test before 1982—how might the negotiations have gone? How would those negotiations have gone had there been a clear understanding that the Soviets for at least fifteen years have been striving mightily to develop directed-energy weapons—suggested by Dr. Currie in Congressional testimony—which might some day completely neutralize the threat of the ballistic missile? Interestingly enough there were signals, loud and clear, regarding most of the above; they were either ignored or "taken under advisement."

What I am trying to say is that had we taken the Soviets at their word regarding their desire for strategic superiority, and had we better understood the investment they were making toward that end, might not American foreign security policy have evolved differently? Was it necessary—in order to be credible—that someone produce a precise, detailed, minute blueprint down to the last megaton on how the Soviets could reasonably hope to achieve this magic and elusive thing known as superiority?

We saw only marginal advantages in counterforce and damage-limiting capability because we did not try harder, as have the Soviets. And, many in policy positions were obsessed with the desire to signal restraint, so that we might alleviate Soviet fears and ultimately induce like behavior within the Kremlin. And what has been the Soviet response? The development of high-energy weapons which threaten to neutralize the ballistic missile—land- and sea-based—as a viable instrument of war deterrence.

What, may I ask, have the Soviets ever feared of the United States—save that we might stand in the way of some "liberation" scheme?

To those who view the Soviet commitment to military superiority as abstruse or marginal—and clearly lacking any assurance such capabilities can be achieved at some end point—I can only say: look to the lessons of history! For better than twenty years, our war-fighting scenarios have tended to be bound parametrically by a new art form known as econometrics. We calculate battle and engagement outcomes in probabilities of kill and in terms of quantified damage expectancies.

The high-water mark of that artistic exercise came during the 1960s, and found its fullest expression in the form of a Draft Presidential Memorandum on General Purpose Forces relating to the defense of Europe. Having precisely measured the probability of kill for each bullet, artillery shell, rocket, aerially-delivered munition, etc., the paper concluded that a substantial reduction of NATO forces could be achieved in Europe. It judged that the air superiority battle could not be won: it was too costly and indecisive and therefore should be confined only to the protection of the forward edge of the land battle area. Interdiction was adjudged too costly and therefore to be confined only to the few kilometers ahead of the land battle. As that memo sat on the desk of the Secretary of Defense for his consideration and signature, the Six-Day War occurred in the Middle East.

With tongue in cheek, a few young colonels took all of the force application tables and computations from the Draft Presidential Memo and applied them retrospectively to the 1967 Middle East War. Using the standards applied in that memo, they concluded that the Israelis should have destroyed but a few dozen airplanes, tanks, and fieldpieces. That war was characterized by all of those imponderables that are not susceptible to econometric equations. That war was resolved by will, leadership, timing, initiative, and the high quality of the man-spirit-machine equation.

It seems to me, as I follow Soviet writings, that they have been far more judicious. Their systems analytical work is equal to our own. The difference is that they devote themselves far more extensively to the full spread of modern strategy, and they see it, with all of its imponderables, in a fuller and more realized context than do we.

On the basis of hard evidence of equipment, training and doctrinal trends, it is my judgment that a Soviet war planner in charge of the Warsaw Pact battle plan could anticipate being able to defeat NATO in twenty-four to thirty-six hours, with or without nuclear weapons.

I am unaware of a major analysis of NATO-Warsaw Pact capability in the past twenty years which has not highlighted significant deficiencies in the NATO logistics, mobilization potential or readiness capability. Invariably our solution has been to assume that ample warning time will be available in which to complete our defensive preparations. Yet every student of history knows the frailty and unreliability of "warning."

Over the years, I have devoted a goodly amount of time to personal examinations, search and analysis of our vast holdings of "raw data" that is the grist for intelligence estimates. In the process, I have gained what I believe is a meaningful picture of the relationship between professed Soviet statements and plans on the one hand and their programs and capabilities and actions on the other. I find the Soviets remarkably consistent in what they say in their military literature and in what they do.

Two purposes have motivated me: to persuade my colleagues in the intelligence community to attune their perceptions more nearly to the observable realities and, in so doing, to move American policy along more realistic channels. Throughout, I have been guided by the proposition that global conflict is preventable and avoidable. That view is premised on the conviction that World Wars I and II, the Korean War, the Greek-Malaysian-Philippine insurgencies, and the conflagration in Southeast Asia were all preventable, had we but perceived clearly the enemy's purpose and had we premised our policies on these clearer perceptions.

As I look back upon the last twenty-five years of U.S. intelligence estimates, I find that our perceptions of the USSR have been consistently faulty. Yet, for all of those twenty-five years, there exists an extensive public literature and a remarkable trail of

dissenting footnotes that correctly characterized and anticipated what was taking place in the Soviet Union.

I strongly believe that had U.S. policy been formulated on the basis of this minority view, the structure of the present world might be considerably different, and we would not be standing at the edge of an ever-deepening abyss. And, we probably would not have had to spend one cent more than we have to date, except, perhaps, in the area of basic research.

My experience suggests that attempting to predict Soviet strategic behavior on the basis of our own is not a reliable way to proceed. I tried that approach during the decade of the fifties and finally found myself trapped in a condition that precluded objective consideration not only of strategy but also of the evolving scene in Soviet purpose. I found myself increasingly believing that Stalin would not do such and such, and that Khrushchev would not do this or that, and that it would not be in the Soviet interest to proceed along certain paths. In every single instance I was wrong. Accordingly, during the past few years, I have been careful to heed the lessons of experience and to relate what the Soviets say to what can be observed in the so-called "hard" intelligence. The lesson is a useful one, but one that unfortunately has to be relearned over and over: the Soviet purpose can be understood only on its own terms.

You were most kind in sending me your views on Soviet strategic policy and goals. On the whole, I find them to be quite realistic. Yet, while I find your logic train impeccable, a solution for the problem which faces us remains elusive. If I had any quarrel, it is that your observations regarding Soviet progress could have been made and should have been made some ten to twenty years earlier. The 1948 debriefings of the Soviet defector Gregory Tokayev regarding his extensive experience with the Politburo's strategic war planning circa 1945 have been remarkably accurate in their depiction of Stalin's long-range strategic goals. The blueprint was not precise, the means were not fully appreciated, but the intent was clear. My regret is that I myself have vacillated with the times and have sometimes been responsive to the "compulsive" logic of the "Whiz Kids."

In the final analysis, it has not mattered whether we exercised restraint, avoided provocation and destabilization through our weapons development, or whether we proceeded to fulfill a "mutual assured destruction" strategy that would be all things to all men. The fact is that "assured destruction" was conceived by a number of groups for entirely different purposes. It was conceived by one group as a "gimmick" to at first conceal and then rationalize a policy of unilateral strategic weapons restraint—designed to induce a like psychology and reaction on the part of the Soviets. For others, it was something much headier and which might conceivably have been made to work, save that it contravened every lesson of war that history has ever taught us about what it takes to deter and what it takes to neutralize such a deterrent. The tragic consequence is that American military professionals have long been discouraged from thinking militarily in terms of realistic war prevention and war waging. Thus, we are confronted with the fact that the largest group of professional military men in the world who think professionally about the business of avoiding, waging and winning conflict at all levels, nuclear and conventional, are the military leaders of the Soviet Union.

The faulty premises which have undergirded our approach to arms control and SALT negotiations, it seems to me, have in fact accelerated the process of ultimate military confrontation. We have steadily weakened our resolve, we have concluded faulty agreements, and we have created a state of mind that makes it well-nigh impossible to face up to the clear-cut military implications of what lies ahead. Most inexcusable of all has been the distortion of the intelligence estimating process for the sake of rationalizing policy.

How, then, does one stimulate more realistic thought about the threat? We must do everything in our power to encourage a more open-minded examination of the situation which now confronts us. If shock is what it takes to move our leadership and the intelligence community, so be it. While this may sound extreme, I assure you that I have made no statements, drawn no judgments or conclusions, and made no recommendations which, to me, have not appeared realistic, objective, and consistent with the hard intelligence which I have examined.

The essence of it all leads me to the following conclusions:

a. We are indeed observing the most extensive war preparations in recorded history.

b. Our perceptions of the facts underlying these war preparations lag behind the reality by ten to fifteen years, by whatever qualitative or quantitative measure one might apply.

c. A global conflict is in gestation, irrespective of the question of Soviet intent.

d. In weighing Soviet intent and other factors in this context, I am moved by three sets of sub-considerations:

(1) What is evolving is principally a function of *what* the Soviets are doing and *what* we are not.

(2) How are we driving toward global conflict? In the context of the logic or frame of analytical reference used by our American colleagues, I see a scenario of *inadvertence* and *miscalculation*—the basic mode of entry into all of our previous wars. There are many scenarios for another Korea or something more serious: a vital interest transgressed, a perceived transgression of sovereign right, an emotional reaction. The Soviets, understanding the full range of our characteristic behavior pattern, see the necessity for hedging by the creation of far more military power than we would conceive to be enough.

(3) The Soviets appear to believe that war is more likely than not, and that under these circumstances it is necessary to be able to wage it and win it, whatever the level of intensity.

Jimmy Carter may be the last President to have the lead time remaining in which to make the necessary vital decisions and capital investment to insure that Western civilization will not have to suffer another global conflict. An additional two per cent of the Free World's gross national product must be devoted to basic research. Concomitantly, the U.S. must put an end to the giveaway of technology and basic research data to the Soviet Union. In addition, the Free World must commit an additional one per cent of its GNP to the modernization of its fighting forces. Included in that one per cent, we would have to exercise more wisdom than we have in the past. In addition, something must be done about the USSR's intensified penetration of the Third World. The USSR's evolving capability to interdict the freedom of the high seas and to deny access of the Free World to its principal sources of fuel energy and raw materials must be neutralized.

There is no way in which the above can be accomplished under present policy. The capabilities of each military service, and especially our airborne strategic and tactical forces, should, as well, be mobilized to assist our limited naval forces in maintaining control of the seas.

The Soviet General Staff seems to have little difficulty in committing major land-based bomber forces to the anti-naval task. Fifty B–1s, armed with the proper air-to-surface missiles, could with high probability sink or cripple every major surface ship possessed by the communist nations in twenty-four to thirty-six hours. How much wiser it would be for the U.S. to make this modest investment which includes the capability of freeing our naval forces to tackle the difficult and peculiarly naval problem of the submarine threat.

Also, we are putting more and more of our sea-based strategic missiles into fewer and larger submarines, against which the Soviets can concentrate an increasing amount of their antisubmarine resources. Should we not build more, smaller and faster submersibles to compound the Soviet ASW problem? Meanwhile, the vital problem of sea-control is not being solved in an imaginative and cost-effective manner—or indeed, at all!

There are many more sensible mixes of our forces and weapons which could be made to take advantage of an additional one per cent of the Free World's GNP preclude the likelihood of Soviet high-risk adventure—be it on the seas, in the Third World, or in the strategic arena.

I would also quarrel with your premise regarding the likelihood that we could ever entrap the Soviets into some colloquy in which stabilization of the arms competition comes to be seen as a truly desirable end. Stabilization of anything is anathema to the Soviets, except as it serves to minimize the potential of any interference with Soviet hegemonic ambitions. In my judgment, the Soviets fear only our ability to interfere with their external ambitions.

I think we need to face a truth that has been too painful for most of the people in our country to acknowledge openly. The assumptions under which we have pursued arms control with the Soviet Union are faulty, both in their basic premises and in their implementation. Arms control has served the Soviets to enhance their own strategic power. That is the fact, and I think we should stop deluding ourselves.

But then, one must ask whether it is reasonable to pursue a policy of matching force with force. The simple answer is that survival is the ultimate goal of man's quest, whatever the price. I happen to be among those who think that the price is relatively small and that we can afford it. Survival postulates adequate military strength in being and the will to use it, fully understood by our most likely adversary. There must be an end to our psychological paralysis occasioned by mind-sets which have no basis in reality. Historically, peace at any price has been an invitation to aggression. It must be clear that survival is what is at stake and what it is the first business of government to insure.

The record of history bears out my belief about the arms control process. Years ago, pioneering research undertaken while I was a member of Harold Stassen's staff, examined about 1,800 years of history. The general conclusions of the historians were that arms races, per se, have no intrinsic moral qualities or characteristics, one way or the other. It is the failure to race, once threatened by an adversary, that invites the catastrophe which could be prevented. Stability is achieved when one is involved in a race and decides to stay the course.

Our noble experiment with strategic restraint—described in a never-ending array of clichés from "technical superiority" through "sufficiency" and "rough equivalence"—with a lamentable pause for "mutual assured destruction" (MAD)—is leading us to the very abyss that the experiment was designed to avoid.

We are confronted today by a situation not unlike that described by Winston Churchill in the mid-1930s. We are threatened but do not so perceive. We seem incapable of being warned, because we refuse to believe ill of our enemy. And so we must ask whether the

lessons of history are to go unheeded, and thus, needlessly, to be re-enacted.

It is time that we give ourselves, rather than the Soviets, the benefit of the doubt. Either there will be a reawakening of our instincts for self-preservation or the lights will go out once again. The choice is ours.

Sincerely yours,

GEORGE J. KEEGAN, Jr.,
Major General, USAF (Retired).

MISS SUSIE IS RETIRING

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mrs. SPELLMAN. Mr. Speaker, "Miss Susie" Garner is retiring—and with her goes an era of southern Maryland gentility which has made Prince Georges County a unique community in a fast changing world. Susan Garner is part of that gentle life.

During most of the past 23 years, Susan Garner has issued animal licenses in my county. On many occasions, her keen memory, combined with diligent, precise recordkeeping, enabled her to reunite lost pups with distraught owners. True, it was a part of her job, but freely dispensing friendliness, interest, and dedication was uniquely her own doing. She took great personal pride in seeing that the public was given that extra measure of courteous service.

Several years ago, when the march of progress sent the major licensing functions to the county animal shelter, Miss Susie requested and received permission to continue a branch operation at the courthouse for the convenience of citizens accustomed to coming there. Many chose to come. Miss Susie was their friend.

I know that the county government abounds in public servants who do their jobs with both competence and thoroughness, though it is true we seldom read of them. Miss Susie is special among these because, for most of her working days, she performed her duties effectively and with a smile, despite the constant physical pain which she bore bravely every day of her working life. And yet, she approaches retirement with hundreds of hours of sick leave accumulated but never used. Loyalty and responsibility are values she holds deeply.

Mr. Speaker, there are few things in this world which are constant; fewer still those people who are sources of strength upon whom we learn to depend. But Susan Garner is just that kind of person. This stable, faithful, gallant lady will be sorely missed. In fact, the quiet streets of Upper Marlboro, and the busy halls of the county offices, just will not be the same without her.

As someone once said, "The only reward of virtue is virtue; the only way to have a friend is to be one." Susan Garner is my friend, I am proud to say, and she, inturn, is a friend to so many. Tomorrow night a multitude of her friends will gather to wish her well—and happiness in her well-deserved retirement. My colleagues in the House will, I know, join me in saying, "Thanks, Miss Susie."

"THE LEGAL SERVICES CORPORATION"

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. SYMMS. Mr. Speaker, we will soon be considering a bill in the House, H.R. 6666, to extend and amend the Legal Services Act. As you will recall, there was extensive debate and controversy over the program at the time the bill to establish it as an independent agency was considered in 1973. Through this program the Federal Government is funding one point of view and one side in disputes on a wide variety of issues from Indian land claims to busing to voting rights for prison inmates and the insane.

The bill soon to be considered by this body, Mr. Speaker, would further loosen the restrictions on lobbying and on organizing activities engaged in by these taxpayer-funded attorneys. It will repeal the so-called Green amendment which, in the original act, attempted to provide for some control on such activities. H.R. 6666 will, if enacted, increase the activity of these "poverty lawyers" who are using Federal funds to sue Federal agencies, encourage strikes, and wage all out assaults on the concept of private property. Consequently, I strongly encourage my colleagues in the House to reject H.R. 6666 or any similar program. Let us give the American people a break for a change. Earlier this year Barron's ran a story on the Legal Services Corp. by Shirley Scheibla which I commend to the Congress; it reads as follows:

BAR SINISTER—THE LEGAL SERVICES CORPORATION STRETCHES ITS MANDATE

(By Shirley Scheibla)

Originally funded by the Office of Economic Opportunity as part of the War on Poverty, the Legal Services Program started out with what seemed like a good idea—equal access to the courts for the poor.

But it fell into disrepute as poverty lawyers encouraged boycotts, rent strikes and picketing, sued U.S. agencies with federal money, and handled cases on behalf of those who could afford to retain their own counsel.

Poor people with ordinary legal problems often were ignored in the push for landmark cases and other issues to bring about social change.

Mounting controversy over such activities led Congress in 1974 to create an independent body, the Legal Services Corporation (LSC), to replace the program. With widespread support, the lawmakers also wrote into the law a number of restraints, notably a ban on encouragement of picketing, boycotts or strikes.

After slightly more than a year of operation, however, the new agency plainly is bound on pursuing many of the activities which discredited the old one.

For example, the LSC argues that despite the ban cited above, poverty lawyers are obligated "to advise a client about lawful alternatives to litigation." Such advice is illegal, according to LSC, only if it intentionally—and provably—leads to the proscribed activities.

By the same token, poverty lawyers are still bringing class action suits, even when all the members of the class aren't poor, and are testifying to regulatory agencies on behalf of "consumers." Moreover, LSC argues that its own liberal determination of eligibility for its services is immune to challenge in court.

Poverty lawyers are still suing federal agencies with federal money. And the Corporation's interpretation of the ban on lobbying makes the prohibition virtually meaningless.

It's no surprise to learn that the No. 2 post at LSC—that of executive vice president—is held by E. Clinton Bamberger Jr., who was the first head of the Legal Services Program at OEO under Sargent Shriver. (A large picture of Shriver is prominently displayed in Bamberger's office.)

When, during that period, Robert Kirk Walker, president of the Tennessee Bar Association, charged that encouraging rent strikes was tantamount to inciting social revolution, Bamberger replied: "There's going to be a change in this country. If the lawyers want to watch it and not participate in it, that's your decision."

While the old legal services program managed with an appropriation of $70 million, the new one operates on a much grander scale. It boasts 3,300 federally subsidized lawyers and over 1,000 para-legal aides. All together, they handle around one million cases a year under 300 programs with 700 offices.

LSC's budget this fiscal year is $125 million. Although the Ford Administration budget called for $90 million for the next fiscal year, LSC officials plan to request $216.8 million when they testify before Congressional Committees.

Within a few years, LSC is aiming at half a billion dollars. But according to its arithmetic, even that sum won't suffice to take care of all those who need its help. Thomas Ehrlich, LSC president, says that out of 29 million eligible, seven million need legal aid each year.

With two exceptions, Congress specifically banned LSC-funded legislative activities. One is when it is necessary to the provision of legal advice and representation with respect to an eligible client's rights. The other is in the event that "a governmental agency, a legislative body, a committee or a member thereof requests personnel of any recipient (of LSC money) to make representations thereto."

Nevertheless, the LSC-funded Massachusetts Law Reform Institute openly lobbies. According to John J. McGlynn, supervisor of public records for the Commonwealth of Massachusetts, seven people are "registered as legislative agents for the Voluntary Defenders Committee Inc. d/b/a (doing business as) Massachusetts Law Reform Institute during the calendar year 1976."

The Boston Herald American reported that the Institute spearheaded a lobbying campaign for the graduated income tax in Massachusetts, a measure which voters rejected in a referendum. The newspaper added that such activity on behalf of poor people was questionable, since most of them pay no state taxes. The Institute, according to the story, also prepared the legal work for a case that barred corporations from contributing funds to oppose the referendum.

Nor is the Institute alone in its activities. The November issue of the Clearinghouse Review, published by LSC, discloses that the LSC-funded Legal Aid Society of Albuquerque Inc., which is seeking an executive director, will give prime consideration to applicants with, among other things, a commitment to legislative advocacy.

Advocates for Basic Legal Equality, Inc., of Toledo, also subsidized by LSC, says in the Review that it wants a director of litigation whose duties will include "supervising the law reform litigation and legislative advocacy activities of seven staff attorneys. . . ."

Beyond the field of legislation, centers subsidized by LSC are particularly active in criticizing public utilities and promoting low rates for all low-volume users. Lawyers from the LSC-funded Legal Aid Bureau of Baltimore argued along these lines in Sep-

tember before the Commission of Electric Utility Rate Structures in Maryland.

Similarly, attorneys from several LSC-funded Centers represented "consumers" at a proceeding of the Public Service Commission of Indiana concerning new rules for gas utilities.

Yet there is nothing in the LSC Act authorizing such attorneys to represent "consumers." The mandate is to provide legal services for the poor.

Moreover, the LSC Act specifically prohibits use of LSC funds "directly or indirectly to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any federal, state, or local agency."

In a speech before the annual meeting of the National Legal Aid & Defender Association last October, LSC President Ehrlich said that the agency is working hard to insulate itself from control by the executive branch of government. The Corporation, he pointed out, successfully fought President Ford's recision of $45 million of its appropriation for the coming year. Instead, it won an extra $35 million.

While stating that its purpose is to serve only the poor, the LSC Act permits class actions at the discretion of local LSC boards.

For example, California Rural Legal Assistance brought a case in which it argued that the California Secretary of State is impeding the registration of 1,360,000 potential voters by failing to provide bilingual oral registration assistance.

LSC-funded attorneys even bring cases on behalf of entire Indian tribes. One notable multifaceted endeavor involves giving part of the country back to the Indians. Attorneys from Pine Tree Legal Assistance Inc. of Portland, Maine, and the Native American Rights Fund of Boulder, Colo., both subsidized by LSC, have argued that two-thirds of the state of Maine belongs to the Passamaquoddy and Penobscot Indian tribes.

Does turning the country back to the Indians constitute a proper activity for federally funded poverty lawyers? Says LSC President Ehrlich, "Litigating poor people's claims is (proper) . . . What we've got to be sure of is that there are human beings who are eligible for help and need help. If that's the case, as I've every reason to believe it is, then it's perfectly proper."

Although legal centers are funded by the federal government, they often bring suits against it, a practice which results in Uncle Sam subsidizing legal challenges to his own actions. Last April, for example, lawyers for the Western Center on Law and Poverty of Los Angeles and the San Fernando Valley Neighborhood Legal Services of Pacoima, Calif., sued the Secretary of Health, Education & Welfare to force payment of supplemental Social Security benefits to indigent patients at an alcoholic rehabilitation center. The Legal Services lawyers lost.

Congress has been lavish in appropriating money for the LSC but has failed to scrutinize its activities. Ultimately, the lawmakers will have to take a hard look.

TV IMPORTS, JOBS, AND FREE TRADE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. MURPHY of Illinois. Mr. Speaker, British Trade Secretary Edmund Dell recently told the Japanese Government that unless it changes its trading practices, the world's free trade system might collapse.

Dell bluntly stated: "If by competitive successes, the employment situation of trading partners is seriously worsened, that will increasingly endanger the whole system."

To some extent, at least, Dell's warning has been heeded. Eager to avoid sharp tariff increases, Japan agreed May 17 to reduce its color television exports by 41 percent over the next 3 years.

The agreement, worked out between Japan and the Carter administration, comes after 60,000 Americans have lost their jobs because of the increasing flow of Japanese television imports. Some 17,000 jobs have been lost in Illinois alone, most of them in the Chicago area.

The issue of free trade is a sensitive one, and the U.S. must not react to imports in a way that might provoke an international trade war. But while the U.S. should make every reasonable effort to maintain a free trade policy, it cannot permit thousands of Americans to lose their jobs when some 8 million persons are already without work.

Mr. Speaker, I would like to draw my colleagues' attention to an article I have written on this very important issue. The article appeared in the Southtown Economist on June 5, 1977.

WASHINGTON LETTER—TV IMPORTS, JOBS, AND FREE TRADE

(By Representative MORGAN F. MURPHY)

In an unusually blunt warning, British Trade Secretary Edmund Dell told the Japanese government April 18 that unless it changes its trading practices the world's free trade system might collapse.

"We see grave danger," Dell said, "that . . . the open trading system will be eroded, at first perhaps only at the magins, but then ever more rapidly and decisively."

Dell's warning surprised those who are accustomed to more diplomatic language when one nation criticizes another. But Dell rightly chose not to pull punches. As someone once said: "It is better to speak a disagreeable truth boldly than nibble in a low voice and never cease nibbling."

To some extent, at least, Dell's voice has been heard. Eager to avoid sharp tariff increases, Japan agreed May 17 to reduce its color television exports by 41 per cent over the next three years.

The agreement was worked out between Japan and the Carter administration, which views tariff increases as a threat to free trade. Carter negotiated the pact as an alternative to the recommendations of the International Trade Commission (ITC), which ruled March 9 that Japanese imports are seriously damaging the domestic television industry. The ITC proposed that the current 5 per cent tariff be raised to 25 per cent for the next two years, 20 per cent for another two years, and 15 per cent for the fifth and final year.

The trade commission supported its recommendation by noting that the number of persons employed in the color television industry fell from 35,500 in 1971 to 23,000 in 1975—a drop of 37 per cent. The ITC also pointed out that Japanese imports in 1976 were two and one-half times more than in 1975.

Although President Carter has come up with an alternative to the ITC's proposal, Congress can overrule the President and reinstate the ITC's original recommendation within the next three months.

Just what Congress will do is not clear. But already a number of television firms and unions have come out against the agreement, arguing that the import level is too high and doesn't take effect soon enough. The limit on imports begins July 1, which some believe gives Japan a chance to ship out most of its television stock before the deadline.

Meanwhile, there have been other developments since the trade commission first ruled in favor of American television makers:

The ITC is pursuing an investigation into charges that Japan has engaged in price-fixing and other unfair marketing practices.

The Justice Department will meet this month with Japanese industry representatives to discuss charges that Japan has violated antitrust laws in an effort to capture the U.S. television market.

The U.S. Customs court ruled April 12 that Japan has subsidized its television makers and required the Treasury department to impose "counter-vailing" duties equal to the amount of the alleged subsidy. (The Treasury department has appealed the ruling.)

The Commerce department recommended May 18 that American television firms be made eligible for "trade adjustment" financial assistance because they have been injured by imports.

This flurry of activity comes after 60,000 Americans have lost their jobs because of the increasing flow of Japanese television imports. What was once a trickle has become a flood. For example, in 1971 imports accounted for only 22 per cent of the U.S. television market. In 1975, they reached 33 per cent. And during the first nine months of 1976, imports sharply increased to 50 per cent. Even Japanese Prime Minister Takeo Fukuda has conceded to President Carter that TV imports in 1976 were nothing less than a "torrential rain."

Whether Congress accepts the President's trade pact with Japan, or decides in favor of ITC's tariff increases, it is high time that American jobs be protected from the current flood of imports. Some 17,000 jobs have been lost in Illinois alone, most of them in the Chicago area.

The issue of free trade is a sensitive one, and the U.S. must not react to imports in a way that might provoke an international trade war. The trade agreement with Japan reflects the President's desire to preserve free trade, which can benefit consumers in the form of lower prices.

But while the U.S. should make every reasonable effort to maintain a free trade policy, it cannot permit thousands of Americans to lose jobs when some 8 million persons already are without work. Nor should consumer benefits blind free-trade advocates to the "hidden" costs of unemployment: unemployment compensation, welfare benefits, "trade adjustment" assistance, etc.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BREAUX. Mr. Speaker, yesterday the Members of the House of Representatives passed, by unanimous consent, the Senate amendment to H.R. 3849, a bill to extend and modify the National Advisory Committee on Oceans and Atmosphere (NACOA), with additional amendments.

Earlier this session, the House and the Senate passed different versions of H.R. 3849 (S. 1347). The Merchant Marine and Fisheries Committee reported out H.R. 3849 by unanimous voice vote on May 5, 1977. It was passed by the House on May 16.

The Senate essentially amended the House bill and passed its version on May 23. After careful study it appeared that except for some minor differences, the Senate amendment satisfies the House position. I also believe that the bill with the House amendments will be acceptable to the other body. Through close cooperation between the two committees, the House Merchant Marine and Fisheries Committee and the Senate Committee on Commerce, Science, and Transportation, the need for a formal conference will not be necessary. I feel the time saved will prove valuable to the administration in making NACOA appointments since the bill, as amended, calls for the establishment of a new NACOA on July 1 of this year.

The bill which was passed yesterday differs from the original House bill in several ways. First, the existing statute would be repealed and a new NACOA established with a reduced membership—from 25 to 18. The original Senate bill would have established a new NACOA having 15 members. NACOA is given a broad mandate which as included in the bill reads, to:

(1) "Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) Advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration."

It is important that NACOA adequately represents both the wide geographical concerns, such as coastal zone management, and the broad areas of interests in the scientific and private sector. It was decided that 18 members instead of 15 was necessary in order to insure wider representation of these many interests. Corresponding to the change in the number of people who would serve on NACOA, 6 new members would be appointed by the President each year.

I might add that NACOA's mandated responsibilities pertaining to its purview and reporting both have been somewhat modified from the original House bill. The bill, as amended, directs NACOA to review and report on Federal ocean and atmospheric programs and other related matters, "on a selective basis". In the past, NACOA's effectiveness has been diluted by NACOA's effort to cover its entire mandated area of responsibility. This provision is intended to allow NACOA to focus on the top priority issues.

The following provision is of the utmost importance to the members of the Merchant Marine and Fisheries Committee. This concerns the qualifications of NACOA members. It reads:

"Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

First. One or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

Second. One or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy".

The original Senate language was carefully worded so as not to exclude those persons having knowledge and expertise in disciplines which could enhance the advisory capability of NACOA. Unfortunately, this language, at the same time, effectively allowed the appointment of just about anyone to NACOA—a situation which exists under the current statute and one which both the Committee on Merchant Marine and Fisheries and the Senate Committee on Commerce, Science, and Transportation would like to rectify.

The intent is now clear—NACOA membership is to be limited to those persons who are eminently qualified and respected in areas and disciplines which will enhance the advisory capability of NACOA. NACOA should never become a political dumping ground.

Because of the importance of this provision I think it merits further elaboration. I want to make certain that there is no ambiguity about the intent of the language specifying the qualifications for NACOA membership.

NACOA was created to provide a synthesis of the many non-Federal atmospheric and marine interests. It is a body which can provide valuable information and recommendations to the Congress and those departments and agencies of the executive branch which formulate and administer programs relating to atmospheric and marine matters. NACOA has, to a large degree, lived up to its expectations. In my opinion, NACOA is one of the more active advisory committees dealing with atmospheric and marine affairs.

Thus, while the members of the Merchant Marine and Fisheries Committee want to protect the credibility and effectiveness of NACOA by eliminating the possibility of politically motivated appointments, we want to keep the membership open to the degree that NACOA can realize its originally intended purpose and function. Recognizing this, the committee feels that people such as economists, physical scientists, environmentalists, political scientists and law and public affairs types should be able to serve on NACOA. We feel, however, that NACOA appointments should reflect the primary emphasis of NACOA's mandate; namely, marine or atmospheric science, industry, or related State and local government functions. Any other appointments should be made only after careful consideration that such an appointment can in fact make a valuable contribution to NACOA and that the person brings with him or her a genuine interest in marine or atmospheric matters.

Finally, the amended bill would increase the authorization level given in the original Senate bill from $480,000 to $520,000. The original House bill provided for $560,000.

ROBERT MEYER OF WALLINGFORD, HUMANITARIAN

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. DODD. Mr. Speaker, I rise today in recognition of one man from my home State of Connecticut, a man whose actions have made him a good friend of this Nation's handicapped. This man is Bob Meyer of Wallingford, the owner and operator of the Yankee Silversmith Inn.

Ten years ago, Mr. Meyer installed a wheelchair ramp on the front steps of the inn. He installed this ramp because he saw a way in which he could help his fellow man, a way not very well explored in 1967, a way that is only beginning to be adequately explored today.

Four years ago, Mr. Meyer installed special restroom facilities for the handicapped, including such things as grab rails and split stall doors. Yet he is not satisfied with this; he also hopes to expand the size of the Yankee Silversmith's restrooms to insure the maneuverability and comfort of each of his customers. To that end, the restroom's mirrors are being lowered so that all his handicapped customers can see themselves. Similarly, he has had one of the inn's public telephones lowered so that those in wheelchairs are able to use the telephone as easily as those who are not.

Yet perhaps Mr. Meyer's greatest accomplishment is his recognition of the special needs of his blind customers. The Yankee Silversmith Inn now makes a complete menu in braille available to his patrons, and when the restaurant changes menus, Mr. Meyer makes sure that the old menus are not discarded, but are sent to schools and hospitals across the country where they are used as teaching aids.

Mr. Speaker, Mr. Meyer's reason for these efforts is a simple one. He merely hopes to make life enjoyable for other people—including those who so often find life uncomfortable, the handicapped. It is his quiet dedication to helping others that prompts me to include into the RECORD this article from the Hartford Courant on this most remarkable man, Mr. Robert Meyer.

DIGNITY

WALLINGFORD.—Bob Meyer serves dignity with his steaks and seafood at his inn.

The 36-year-old innkeeper caters to the needs of the blind and crippled with five-page menus in braille, a ramp at the entrance and special restroom facilities for wheelchair patrons.

This has been a growing trend among chain hotels, restaurants and independent operators. Selma Andelman, coordinator of special projects for the Connecticut Easter Seal Society says there is a keener public awareness of the needs of the handicapped.

"The handicapped," she says, "have so many things to offer and have real needs. It is catching on all over the country but it doesn't move as fast as we'd like to see it move."

"On a holiday like Easter or Mothers Day," says Meyer, operator of the Yankee Silversmith Inn, "It's like a wheelchair convoy in here. There are a lot of rest homes and convalescent homes in this area."

The handicapped make up only a little more than 1 percent of his business in the 600-seat inn, he says.

"Our only interest," he says, "is to get people to do things, to help make things easier for the handicapped in every way. Undoubtedly it has helped business and has brought additional business our way because people know they can bring handicapped friends here."

"People who are blind have a lot of pride. My reward is seeing people more comfortable, able to go out and dine and maintain their pride and not require help in reading the menu. They can be served as a normal person and that's what they're striving for. I'm sure we'll inspire others to do the same. I've received telephone calls and letters from all over the country."

STATEMENT ON U.S. POPULATION POLICY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BEILENSON. Mr. Speaker, tomorrow Zero Population Growth is holding simultaneous press conferences in Washington, D.C., Boston, Chicago, Cincinnati, Denver, Los Angeles, New York and San Francisco to draw attention to the need for the adoption and support of a national population policy for the United States.

I have long advocated increased Government support and encouragement for family planning programs and would like to share some of my thoughts with my colleagues in the House:

STATEMENT OF REPRESENTATIVE ANTHONY C. BEILENSON ON U.S. POPULATION POLICY.

World population, now more than four billion, will probably double just after the turn of the century. Already maldistribution and shortages of resources are being experienced increasingly throughout the world. Three years ago, in recognition of these facts, the World Population Conference recommended that each nation consider adopting a population policy which sets goals for its population size and the programs needed to achieve it.

The United States was one of the 134 countries which approved that recommendation. Since then, our government has advocated population policies for developing nations while our own population has continued to grow and our consumption of world resources—now more than thirty percent of the total—has continued to increase. But we still do not have a policy of our own, a policy which considers the different contributors to national population growth—births in excess of deaths and immigration in excess of emigration—and plans for future population that are balanced with available resources and national standards of living.

Every day there are about 7,000 more people in the U.S. than there were the day before. Every year, U.S. population—now more than 216 million—grows by about 2.5 million people. The post-war baby-boom babies are now having their own babies, and more people are moving into the U.S. than are moving out. If the country begins to plan its population size now, it can limit its growth voluntarily. If it continues to ignore it, we may lose the opportunity. The United States needs a comprehensive population policy.

Family planning is an important part of a national population policy. Although women individually are having fewer children, there are a larger number of women in their childbearing years. And during the next five years, many who have postponed their childbearing will be making final decisions about whether to have more children. In 1975, seven million women—at least two-thirds of whom have low and marginal incomes—were denied the right to decide the number and timing of the children they would have, because family planning information and services were not available to them. Government funding for family planning programs has remained relatively stable, but the number of women of child bearing age will increase by eight percent between 1976 and 1980. This country needs to make a broad commitment through a national population policy to funding family planning services to all who need them.

More than four million sexually active teenage women between the ages of 15 and 19 need family planning services, but only half are able to obtain help. Each year a million teenage women become pregnant; they account for fully half of all out-of-wedlock births. Unplanned pregnancy involves serious health risks for teenagers, as well as severely limiting their educational and employment opportunities; yet, at least 21 states prohibit the sale of contraceptives to unmarried minors. The country must guarantee access to contraceptive information and services for teenagers who will be sexually active with or without protection against pregnancy.

Contraceptive research, as well as availability of service, is also an important part of a national population policy. Today's contraceptives are a gamble, not a guarantee for preventing pregnancy. At least one out of every hundred women using The Pill will become pregnant; other contraceptives are less reliable. Women who take the responsibility of consciously deciding their family size still run the risk of having an unplanned pregnancy. Yet, only $11.8 million in federal monies was appropriated in 1976 for reproductive and contraceptive research; the 1972 President's Commission on Population Growth and the American Future recommended a minimum annual funding of $150 million. The U.S. must encourage and adequately fund increased research and development of new, safer, and more effective contraception.

Just as family planning is basic to a national population policy—backed up by contraceptive advertising, equal rights for women, and population education—so is U.S. immigration policy. Legal, and estimated illegal, immigration account for about half of our national population growth annually. In 1975, approximately 400,000 immigrants in excess of emigrants entered the U.S. legally; an additional estimated 800,000 immigrants entered and remained illegally. If current fertility and immigration rates continue, U.S. population will never stop growing. A national population policy should account for immigration and plan for the numbers of immigrants the nation can accommodate with its natural increase, and that requires a comprehensive re-examination of U.S. immigration policies.

For all these reasons, the United States needs a population policy—for the benefit of the country as a whole and of its individual regions. For years, my home state of California has been experiencing rapid and unplanned population growth. Between 1900 and 1950, California grew by nine million from 1.5 million to 10.6 million people. In the next 20 years California added another nine million people to reach 19.9 million, and grew to 20.9 million by 1974. We have paid for that population increase in unprecedented congestion and air pollution in most of our urban areas. As a result, we find ourselves leading the country in auto emission control standards and coastal zone management.

Now it is time for the rest of the country to learn California's lesson about unplanned population growth. ZPG has developed specific recommendations for a population policy that will lead to an end to population growth early in the next century.

As far as I am concerned, there is no higher priority than limiting population growth so that everyone can take equal advantage of the earth's opportunities. I have cosponsored a resolution to establish a Select Committee on Population in the House of Representatives, and I will work for its passage this year. But this country also needs a population policy which sets national population goals. I am today cosponsoring a resolution introduced by New York Rep. James Scheuer that calls for stabilization of U.S. population growth. I urge the American public to support us in this endeavor.

AGENCY RESPONSIVENESS ACT OF 1977

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. BYRON. Mr. Speaker, I am today introducing the Agency Responsiveness Act of 1977, which is designed to improve the performance of Federal agencies in responding to and satisfying inquiries and complaints from American citizens.

There has been a great deal of discussion this year, as a result of the legislation to create an independent Agency for Consumer Protection, of the need to make Federal agencies more responsive to the interests of individual citizens. Under contract for the Department of Health, Education, and Welfare's Office of Consumer Affairs, Technical Assistance Research Programs, Inc. (TARP) recently completed a study of the citizen inquiry handling procedures of a number of Federal agencies. The findings of this report are highly disturbing, although they certainly are not surprising to Members of Congress who each day must confront unhappy constituents who are unable to receive adequate services or information from Federal agencies.

The TARP report found that few agencies have offices or personnel with the given responsibility of responding to citizen complaints. Instead, such complaints are treated as an additional duty and are given a low priority. Many agencies do not do an adequate job of responding to inquiries on a timely basis, logging correspondence or telephone calls, referring misdirected inquiries to the proper agencies, or reporting the numbers or substance of inquiries or complaints to policymakers for evaluation of agency policy and procedures.

Perhaps the most revealing finding of the TARP study is the observation that in most cases the image of Federal agencies among the public actually suffers as a result of contact between the public and the agency.

It is clear that Federal agencies have not given a proper priority to the handling of citizen inquiries and complaints and Congress shares this responsibility

by not emphasizing this function as part of our oversight of the performance of executive agencies. The legislation I am introducing today would address this problem by requiring the head of each Federal agency to submit to Congress a report describing the procedures used to handle citizen inquiries, the steps taken to improve those procedures, and the resources allocated to this task. Each agency would be further required to evaluate the adequacy of their performance in responding to the public and submit recommendations to Congress on any further legislation that would be necessary in order to improe the agency's performance in this regard. I hope that these requirements will encourage the appropriate congressional committees to devote more attention to oversight of the performance of agencies in this regard.

I think that each American taxpayer has the right to expect that the Federal Government will respond in a timely, accurate, and courteous way to inquiries about the actions of that agency. The contact I have with the people of the Sixth District of Maryland convinces me that the Federal Government is clearly deficient in this respect and the TARP report confirms this. The bill I am introducing today would take an important step toward solving this problem and I would like to include it in the RECORD at this point:

A bill to improve agency responsiveness to citizen complaints and inquiries, to require submission to Congress of information on administrative procedures used to handle citizen complaints and inquiries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Agency Responsiveness Act of 1977."

SECTION 1. The purpose of this Act is to improve the uniformity, speed, and adequacy of the responsiveness of Federal administrative agencies to citizens' complaints and inquiries.

SEC. 2. The head of each executive agency (as defined in section 105 of title 5, United States Code, and specifically including independent regulatory agencies or commissions of the United States) shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate for review by the committee or committees of each House of Congress having jurisdiction over the work of that agency, within ninety days after the date of enactment of this Act, a report containing a brief description—

(1) of administrative procedures used by each office or administration within such agency to screen, log, review, and analyze complaints and inquiries other than—

(A) lawsuits,

(B) inquiries pursuant to an agency proceeding (as defined in section 551 of title 5, United States Code), and

(C) requests pursuant to the Freedom of Information Act or to the Privacy Act of 1974,

such complaints and inquiries hereinafter in this Act being referred to as "administrative inquiries";

(2) of administrative steps taken by each such office or administration to modify the administrative procedures described in paragraph (1) to reflect administrative inquiries; and

(3) of the resources of each such office or administration that are employed in responding to administrative inquiries.

SEC. 3. The head of each executive agency shall take such steps, including the publication in the Federal Register of administrative procedures described in section 2 of each office and administration within such agency, during the period of ninety days after the date of enactment of this Act and thereafter, as he determines will improve the uniformity, speed, and comprehensiveness of each office's and administration's response to administrative inquiries.

SEC. 4. The head of each executive agency shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate for review by the committee or committees of each House of Congress having jurisdiction over the work of that agency, within two hundred and seventy days after the date of enactment of this Act, a report containing—

(1) a summary of the administrative inquiries received, whether in person, by mail, by telephone, or by any other means, by each office or administration within such agency, whether received by its central office or by any regional or district office, during a period of not less than ninety days after the period specified in section 3, the response made thereto, and the time taken in making such response; and

(2) any recommendations such agency has with respect to legislation which Congress should enact to improve such agency's handling of administrative inquiries.

SEC. 5. The Committees on the Budget of the House of Representatives and of the Senate in their allocation of funds in the annual congressional budget shall give due consideration to each agency's efforts to insure efficient and adequate responses to administrative inquiries.

INFLATION—A PARADOX FOR ZENO

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1977

Mr. SYMMS. Mr. Speaker, the May 25, 1977, issue of the Wall Street Journal ran an article by Vermont Royster in the Thinking Things Over column that graphically explains the nature of inflation. Mr. Royster states in his column that if the annual rate of inflation is constant at 6 percent, the half-life of the dollar is 11.9 years. That is, in 11.9 years the dollar loses half of its purchasing power.

If the inflation rate is 10 percent per year, the dollar loses half its value every 7.2 years. Mr. Royster's article follows:

THINKING THINGS OVER—A PARADOX FOR ZENO

(By Vermont Royster)

Zeno of Elea was a peripatetic Greek philosopher of the 5th Century B.C. who went around posing paradoxes that puzzled even Aristotle and Plato and ever afterward irritated schoolboys.

The one you'll remember best is that of Achilles and the tortoise. In a race the tortoise has a 100-yard start and when Achilles, who runs 10 times as fast, reaches the place where old slow-foot began, the tortoise has run 10 yards. Achilles runs these 10 yards and finds the tortoise still one yard ahead. Next Achilles runs this yard only to find the tortoise still ahead by a tenth of a yard. When Achilles has covered that tenth of a yard, the tortoise is still a hundredth of a yard in front.

And so on. Achilles is always getting nearer the tortoise but, said Zeno with doubtless a twinkle in his eye, he'll never quite catch up. The tortoise, it would seem, will always be a hundredth or a thousandth or a millionth of a yard ahead.

Some recent comments in this space (April 13) on the cumulative effects of a depreciating dollar stirred some schoolboy memories of this paradox of Zeno for R. L. Vause of Minneapolis. He writes:

"You tell us that the rate of depreciation of the dollar is less than the rate of inflation, which is the increase in prices, but you then go on to compute that if the dollar depreciates at 6 percent every year for 10 years at the end of the decade it will only be worth 53.86 cents.

"That's all very interesting but what I would like to know is how long before the dollar becomes worthless. When does the inflation (Achilles) outrun the purchasing value of the dollar (the tortoise) leaving nothing? I've read about the German inflation of the 1920s and I wonder how long before that happens to us."

Well, I have at least some good news—if that's the phrase—for Mr. Vause. While Achilles does in fact outrun the tortoise, inflation with its resulting depreciation of the dollar never completely outruns the purchasing power of the dollar. That is, the dollar never becomes worthless, paradoxical as that may seem, no matter how much or how rapid its depreciation.

The clearest explanation of this phenomenon I have seen comes from Robert W. Mayer, professor of finance at the University of Illinois at Urbana. Writing in the Harvard Review of Economics and Statistics (May 1962), he notes:

"The inverse relationship between changes in prices and changes in the purchasing power of the monetary unit is a matter of such common experience nowadays that it scarcely needs to be explained, even to the beginning student. Its very obviousness, however, entails a certain hazard in that the relationship is not quite so simple as he supposes. . . .

"Since there is no upper limit to the rise of prices, the purchasing power of the monetary unit is never completely extinguished. Its whole life, so to speak, is in this respect infinite."

He then compares it with the phenomenon in physics of the decay from radiation of an element, such as uranium. There the intensity of radiation is a function of mass but "since the intensity of radiation decreases as the mass decreases, the mass never actually reaches zero; that is to say, the whole life (of the mass) is infinite."

The analogy becomes plainer if you think of a monetary unit, such as the dollar, as radiating bits of value as it depreciates. In time, of course, it will decay to the point where there is indeed very little value (mass) left. But if, for example, the depreciation rate is 6 percent it can only decay each year by 6 percent of what is left, which means there will always be some remaining value.

This was illustrated by that German inflation of which Mr. Vause speaks, although the result won't give him much comfort.

In 1922 the value of the German mark fell from 162 to the dollar to more than 7,000. By July 1923 the mark had depreciated to 160,000 to the dollar. By November, barely four months later, it had fallen to 4,200,000,000—yes, trillion. This wrecked industry, brought workers near to starvation and wiped out middle-class savers and pensioners.

Still, the mark wasn't totally worthless. If you happened to have a trillion of them you could buy a loaf of bread, and with four trillion you could buy a beer to drink with it.

While this is the classic example of runaway inflation, we have in our own time seen others, as when with French francs the numbers got so big, and the purchasing value so small, that "reform" meant lopping off zeros and starting all over again. Today high inflation rates are endemic in the Western world.

To cope with this problem of the diminishing-but-never-quite-vanishing monetary unit, economists have borrowed a leaf from the physicists' book, the "half life." With money, as with uranium, this is a finite figure, the time required for an element, or a money unit, to give up half its mass or value.

Professor Mayer even worked out a table of "half lives" for various inflation rates as they would be reflected in dollar-depreciation. At a 4 percent annual increase in prices, the dollar would lose half its value in 17.7 years; at a 5 percent price increase, in 14.2 years. Since he was writing back in '62, he stopped the table at 5 percent, never dreaming that in the U.S. it could go any higher.

However, for amateur mathematicians who want to figure the half life for any inflation rate without benefit of computer, the formula is log 2 divided by log (1 plus i), where "i" is the inflation rate expressed as a percentage.

Thus, at a 6 percent annual inflation rate (causing a 5.6 percent depreciation of the dollar), the half life would be 11.9 years. That is, every dozen years the dollar would be cut in half and then half again until in a generation's time today's dollar would be worth less than 25 cents.

At 6.7 percent inflation, which is what the administration predicts this year, the dollar would be cut in half in 10.7 years. If—horrible to contemplate—inflation should get back to that 10 percent rate of a few years ago, it would lose half its value every 7.2 years.

But no matter how much the inflation, or how fast your dollar depreciates, it will never be absolutely worthless. So, cheers!

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 23, 1977, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To resume hearings in S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

9:30 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To consider twelve public building prospectuses.
4200 Dirksen Building

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue mark up on proposals to extend and amend the Federal Insecticide, Fungicide, and Rodenticide Act.
324 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 1185, to regulate interstate commerce with respect to parimutuel wagering on horseraces.
5110 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture procedures.
235 Russell Building

Finance
Social Security Subcommittee
To continue hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

Foreign Relations
To meet in closed session with Joint Chiefs of Staff Chairman General Brown and Under Secretary of State Habib to discuss U.S. policy towards Korea.
S-116, Capitol

Human Resources
To hold hearings on the nominations of Xavier M. Vela, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor; William W. Allison, of Georgia, to be Deputy Director of the Community Services Administration; and Julius B. Richmond, of Massachusetts, to be an Assistant Secretary of H.E.W.
4232 Dirksen Building

Joint Economic
Priorities and Economy in Government Subcommittee
To continue closed hearings to receive testimony on defense budget levels in the USSR and People's Republic of China.
6202 Dirksen Building

JUNE 27

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To hold hearings on S. 1699, the Diesel Fuel and Gasoline Conservation Act of 1977.
3110 Dirksen Building

Judiciary
To resume hearings on S. 1096, to strengthen the law concerning use of false identification when applying for Federal documents.
6202 Dirksen Building

Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To hold hearings on methods to improve shareholders' participation in corporate decisionmaking.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1381, to provide basic standards for State no-fault benefit plans for the rehabilitation and compensation of motor vehicle accident victims.
235 Russell Building

3:00 p.m.
Select Ethics
Open, followed by closed session.
1417 Dirksen Building

JUNE 28

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6202 Dirksen Building

9:30 a.m.
Human Resources
Labor Subcommittee
To hold hearings on the problems of occupational disease, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building

Judiciary
To continue hearings on S. 1096, to strengthen the law concerning use of false identification when applying for Federal documents.
1114 Dirksen Building

Judiciary
Citizen and Shareholder Rights and Remedies Subcommittee
To continue hearings on methods to improve shareholders participation in corporate decisionmaking.
1202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on energy conservation programs for existing residen-

tial buildings as contained in S. 1469, proposed National Energy Act.
5302 Dirksen Building
Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building
Parks and Recreation Subcommittee
To hold hearings in S. 491, 1045, 1104, Energy and Natural Resources
1326, 1505, and H.R. 2437, bills dealing with National Historic sites.
3110 Dirksen Building
Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Retirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building
Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on a report of the Commission on Postal Service.
3302 Dirksen Building
Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To hold hearings on the impact of fuel oil tax rebates on small businesses and on the consumer.
424 Russell Building

JUNE 29

9:00 a.m.
Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To review an SBA study of small business problems.
424 Russell Building
Veterans' Affairs
Health and Readjustment Subcommittee
To resume hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building
Human Resources
Labor Subcommittee
To continue hearings on problems of occupational disease, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building
Judiciary
To continue hearings on S. 1096, to strengthen the law concerning use of false identification when applying for Federal documents.
6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on energy conservation programs for existing residential buildings as contained in S. 1469, proposed National Energy Act.
5202 Dirksen Building
Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1077, to assure that essential maritime transportation is provided to Alaska, Hawaii, and certain U.S. territories.
1202 Dirksen Building
Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To receive testimony on a report of the Commission on Postal Service on recommendations with regard to electronic mail.
3302 Dirksen Building
Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To hold hearings jointly with the Economic Growth and Stabilization Subcommittee of Joint Economic Committee on small business investment policy.
424 Russell Building

JUNE 30

8:00 a.m.
Agriculture
Agricultural Research and General Legislation Subcommittee
To hold hearings on the Federal Government's role in food safety and quality.
322 Russell Building

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To continue hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6226 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building
Human Resources
Labor Subcommittee
To continue hearings on problems of occupational diseases, hazards, and health risks, and on providing compensation to the victims of occupational disease.
4232 Dirksen Building
Select Small Business
To resume hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up H.R. 5294, S. 918, and S. 1130, to amend the Consumer Protection Act so as to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Jundiciary
Constitution Subcommittee
To resume hearings on S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional rights of institutionalized persons.
2228 Dirksen Building
Select Small Business
Government Regulation and Small Business Advocacy Subcommittee
To continue hearings on the impact of fuel oil tax rebates on small businesses and on the consumer.
318 Russell Building

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the designated nomination of Richard A. Frank, of Nebraska, to be Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce.
235 Russell Building

JULY 1

9:30 a.m.
Veterans Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed legislation to amend the Veterans' Physician and Dentists' Pay Comparability Act.
Until noon 6202 Dirksen Building

JULY 6

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 7

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 8

10:00 a.m.
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To continue hearings on alleged irregularities in certain spending practices of the Small Business Administration.
3302 Dirksen Building

JULY 11

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

JULY 12

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings to evaluate information upon which the FDA based its decision to ban Laetril from interstate commerce.
Until noon 4232 Dirksen Building
Human Resources
Handicapped Subcommittee
To resume hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
6202 Dirksen Building
Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Foreign Relations
To hold hearings on the Vienna Convention on the Law of Treaties (Exec. L, 92d Cong.; 1st sess).
4221 Dirksen Building

JULY 13

9:30 a.m.
Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312 and S. 1501.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To hold hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the cost of drugs.
Until noon 4232 Dirksen Building

Human Resources
Handicapped Subcommittee
To continue hearings on proposed extension of the Vocational Rehabilitation Act of 1973, Education of Handicapped Children Act, and S. 1596, to establish a National Center for the Handicapped.
6202 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the international telecommunications system.
235 Russell Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

Judiciary
Penitentiaries and Corrections Subcommittee
To continue hearings on S. 1682, to implement the treaties with Mexico and Canada on the execution of penal sentences.
6226 Dirksen Building

JULY 15

9:30 a.m.
Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Finance
Social Security Subcommittee
To resume hearings on proposals for maintaining the financial soundness of the Social Security system.
2221 Dirksen Building

Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 18

10:00 a.m.
Finance
Private Pension Plans and Employee Fringe Benefits Subcommittee
To resume hearings jointly with Select Committee on Small Business on the Administration's report and investment policies under the Employee Retirement Income Security Act; S. 285, diversification of investment of private pension fund assets; and S. 901, to eliminate dual Treasury and Labor Department jurisdiction over the administration of ERISA.
2221 Dirksen Building

JULY 19

8:00 a.m.
Agriculture
Agricultural Research and General Legislation Subcommittee
To resume hearings on the Federal Government's role in food safety and quality.
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To review a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume hearings on biomedical research programs.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties: Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K. 94th Cong., 2nd ses.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 20

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To continue hearings on biomedical research programs.
Until 1 p.m. 4232 Dirksen Building

Veterans' Affairs
To consider pending calendar business.
412 Russell Building

10:00 a.m.
Communications Subcommittee
To hold hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the inter-relationship among communications common carriers providing international record services.
235 Russell Building

Foreign Relations
To hold hearings on the following five tax treaties: Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 21

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1162, to repeal section 222 of the Communications Act of 1934, which governs the interrelationship among communications common carriers providing international record services.
235 Russell Building

JULY 26

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume oversight hearings on the cost of drugs.
Until 12:30 p.m.
4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on protocol to the Convention on International Civil Aviation (Exec. A, 95th Cong., 1st sess.), and related protocols (Exec. B, 95th Congress, 1st sess.)
4221 Dirksen Building

JULY 27

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on a study by the National Academy of Science on health care for American veterans.
6226 Dirksen Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on the cost of drugs.
Until 12:30 p.m. 4232 Dirksen Building

AUGUST 2

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To resume oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

AUGUST 3

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

AUGUST 4

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 364, Veterans' Administration Administrative Procedure and Judicial Review Act.
Until 1 p.m. Room to be announced

SEPTEMBER 28

10:00 a.m.
Veterans' Affairs
To receive legislative recommendations from representatives of the American Legion.
412 Russell Building